



MACKENZIE VALLEY ENVIRONMENTAL
IMPACT REVIEW BOARD

AVALON RARE EARTH METALS, THOR LAKE PROJECT

ENVIRONMENTAL ASSESSMENT

EA1011-001

PUBLIC HEARING

Mackenzie Valley Review Board:

Chairperson	Richard Edjericon
Board Member	Rachel Crapeau
Board Member	James Wah-Shee
Board Member	Percy Hardisty
Board Member	Richard Mercredi
Board Member	Sunny Munroe
Board Member	John Curran

HELD AT:

Tree of Peace
Yellowknife, NWT
February 19, 2013

Day 2 of 4

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1 --- Upon commencing at 9:04 a.m.

2

3 THE CHAIRPERSON: Good morning.

4

5 (OPENING PRAYER)

6

7 THE CHAIRPERSON: Thank you. I want
8 to say thank you to Chief Sangris and the Dene
9 drummers for doing the opening prayer for us this
10 morning. Masi.

11 Before I go into the agenda I just
12 wanted to -- maybe just make one comment. I just want
13 to remind the audience and parties that are here
14 today, again, I mentioned in my opening comments was
15 that we're here to -- to listen to the -- we're having
16 a public hearing on the Avalon -- public hearing here
17 today and next -- tomorrow and Friday.

18 And we -- also during my opening
19 comments we also talked about some respect in -- in
20 this forum. And last night we had a public comment
21 period and we had a member that came up and made some
22 comments. And I just wanted to, again, remind
23 everybody that, you know, the Mackenzie Valley
24 Resource Managements Act was -- again, was record --
25 was created as result of land claims.

1 And when the Dene-Metis claim fell
2 apart, the Gwich'in went on their own and settled
3 their claim in '92. And after they settled their
4 claim they had a -- they needed a way to co-manage --
5 and co-management and in their -- terms of how they
6 going to manage land. So they created the Mackenzie
7 Valley Resource Management Act in 1998. And of that
8 Act, they have two (2) parts in that Act. Part 4,
9 which deals with the Mackenzie Valley Land and Water
10 Board that gave way in creation of that Board, that
11 deals with permits and licensing.

12 Part 5 deals with the Environmental
13 Impact Review Board, which deal -- deals with
14 environmental assessments and -- and environmental
15 impact reviews. And the Board members here are
16 members from up and down the Valley. We -- the only
17 ones we're missing right now is members from the
18 Gwich'in and the Sahtu region. They're in the process
19 of being nominated and appointed to this Board.

20 But everybody brings really good
21 experience to this Board, and we give balance. And
22 yesterday I was just a little concerned about the way
23 comments were coming out of the public comment period
24 yesterday. And -- and I had to deal with that and had
25 to stop it.

1 And I just want to continue to remind
2 members and party members here today that we're here
3 to listen to your issues and concerns regarding this
4 project. And I just want to point that out and so
5 that we continue to show respect of each other in this
6 room, and so that we're here to listen.

7 The Board's going to make a decision
8 based on the evidence and what people have to say.
9 And that's why we're here. We want to listen. And so
10 I just want to point that out, so I want to leave that
11 there.

12 We're going to continue on with the
13 agenda today now, day 2 of the Avalon public hearing.
14 Again, I want to thank the Dettah drummers and -- and
15 masi to Chief Eddie Sangris for allowing that, to have
16 drummers come in. And we're probably going -- we're
17 going to do a special -- another prayer song probably,
18 if not today maybe tomorrow morning. We'll -- at
19 least, we're looking at maybe bringing Lee Mandeville
20 (phonetic) to come in to do a prayer song. And so
21 we'll deal with that tomorrow.

22 Right now we're going to go into
23 AANDC's presentation this morning. And if you guys
24 could come up to the main table. And then we got a
25 question period, so questions for AANDC. And then

1 we'll break at 10:30. And after that, we'll -- then
2 YKDFN is having their presentation at eleven o'clock
3 this morning. And we're going to continue on
4 throughout the day in that.

5 Again, translation -- I believe English
6 is one (1), and -- one (1), and then two (2) is the
7 Tlicho, and six (6) is Chipewyan on your headsets.
8 And, again, people that want to speak tonight in the
9 public comment period as well, they need to come in
10 and sign up in the back, put your names down, and so
11 that we are able to call you up this evening as we go
12 into the -- later on this evening. Okay.

13 Anyway, so I want to turn it over to
14 AANDC. And if you could introduce your delegation.
15 Thank you.

16

17 PRESENTATION BY AANDC:

18 MR. ROBERT JENKINS: Good morning, Mr.
19 Chair, Board members. My name is Robert Jenkins. I'm
20 the manager of the Water Resources Division with
21 Aboriginal Affairs here in Yellowknife. With me today
22 in front of you on the panel I have, to my left, Mr.
23 Nathen Richea, and to my right, Mr. Paul Green.
24 They're both with the Water Resources Division.

25 Mr. Chair, we appreciate the

1 opportunity today to present to the Board our
2 technical report and recommendations for Avalon's Thor
3 Lake Project. Aboriginal Affairs's review and
4 technical report focuses solely on the water-related
5 aspects of the proposed project.

6 From our technical review of the
7 information provided by the Developer, the department
8 has three (3) main areas of concern. And these
9 include site-specific water quality objectives -- I'll
10 refer to them as SSWQOs throughout the presentation;
11 2) aquatics effects monitoring; and 3) closure and
12 reclamation.

13 Mr. Chair, as I'm sure you're aware,
14 Aboriginal Affairs has legislated responsibilities for
15 land and water management in the NWT. One (1) of
16 these responsibilities is to provide technical advice
17 to resource management boards to assist in their
18 decision-making processes. The department believes
19 that the recommendations provided today will be
20 helpful for the Board in their preparation of a report
21 of environmental assessment. We request that all our
22 recommendations be placed as measures within the
23 report and implemented moving forward into the
24 regulatory phase of the project.

25 The first area I'll talk about is in

1 regards to water quality. That's in respect to site-
2 specific water quality objectives. Aboriginal Affairs
3 believes that SSWQOs must align with the intended
4 level of protection for the downstream receiving water
5 bodies. It is these downstream environments that are
6 ultimately affected by the discharge of effluent from
7 a project.

8 In regards to SSWQOs, a number of
9 national and NWT-specific policy documents exist which
10 contain statements and concepts relevant to
11 establishing SSWQOs for a project such as -- such as
12 the proposed Thor Lake Project. These documents
13 include the NWT Water Stewardship Strategy, the
14 Mackenzie Valley Land and Water Board Water and
15 Effluent Quality Management Policy, and documents
16 produced by the Canadian Council of the Ministers of
17 the Environment, commonly referred to as the CCME.

18 There are two (2) statements which
19 stand out which I'd like to highlight for the Board
20 today. The first statement is from the NWT Water
21 Stewardship Strategy. And I quote:

22 "Residents of the NWT have expressed
23 the desire to lead in the area of
24 water stewardship. This means
25 setting high standards to hold

1 residents and others responsible and
2 accountable."

3 The second statement is the guiding
4 principle of the Mackenzie Valley Land and Water
5 Board's Water and Effluent Quality Management Policy.
6 Again, I quote:

7 "Pollution prevention: The use of
8 processes, practices, materials,
9 products, or energy that avoid or
10 minimize the creation of pollutants
11 and waste and reduce overall risks
12 to human health and the
13 environment."

14 Aboriginal Affairs feels that these
15 quotes really set the intent and the general direction
16 for the establishment of SSWQOs for the Thor Lake
17 Project.

18 Further, it is the department's
19 position that definition regarding SSWQOs be
20 established during the Environmental Assessment, as it
21 is these objectives that are used to assess the level
22 of protection and potential for impact from the
23 development. Many Northern water bodies are of
24 superior quality, and it must be ensured that SSWQOs
25 protect the intended use of the downstream environment

1 now and into the future.

2 To this end, the department recommends
3 that the report of EA should include narrative
4 statements that describe the level of protection to be
5 afforded to the aquatic receiving environment in Thor
6 Lake. These statements should include: Water quality
7 changes due to mining activities will not
8 significantly effect benthic macroinvertebrate and
9 plankton abundance, taxonomic richness, or diversity;
10 water quality changes due to mining activities will
11 not significantly alter fish abundance or diversity or
12 fish consumption at current levels; water quality
13 changes due to mining activities will not negatively
14 effect areas utilized as traditional drinking water
15 sources; and water quality changes due to mining
16 activities will not significantly effect mammals or
17 wildfowl using the area as a drinking water, food
18 source, or habitat, or the current ability for people
19 to harvest these animals.

20 Mr. Chair, now that we've identified
21 the general intent and direction we want to move in
22 for setting water quality objectives, where should
23 SSWQOs be applied and how are they related to the end-
24 of-pipe effluent quality criteria?

25 In the next slide it will illustrate

1 the schematic outlining the likely mixing progression
2 within the immediate receiving environment. And the
3 schematic also illustrates the difference between
4 SSWQOs and end-of-pipe limits or effluent quality
5 criteria.

6 However, before I get into that
7 schematic, I wanted to first outline some of the
8 physical characteristics of Drizzle Lake, the first
9 lake which will receive effluent from the tailings
10 management facility, or TMF.

11 Avalon has provided revised predictions
12 for the volume of effluent to be discharged to Drizzle
13 Lake after the first year and for the remainder of the
14 twenty (20) year mine life. It is expected that
15 approximately 325,000 cubic metres per year of
16 effluent will be discharged from the TMF following the
17 first year of operation.

18 Drizzle Lake is a shallow lake which
19 has an average depth of 2 metres. It has a total
20 volume of approximately 620,000 cubic metres, which is
21 just shy of twice the annual volume of effluent which
22 is to be discharged.

23 Aboriginal Affairs reviewed the model
24 that was prepared by Avalon and notes that the model
25 and mixing assessments were based on the discharge

1 strategy where the TMF water was released to a
2 polishing pond between the TMF and Drizzle Lake. And
3 the volume of effluent to be discharged was 148,300
4 cubic metres per year.

5 Over time, it is -- it is likely that
6 the dilution capacity of Drizzle Lake will be reduced.
7 Accordingly, the mixing or dilution factors currently
8 presumed by Avalon may not be maintained throughout
9 the life of the project.

10 Aboriginal Affairs understands that
11 optimization of the floatation process in TMF are
12 ongoing and that, at a minimum, Avalon commits to meet
13 objectives as presented in the information provided to
14 the Review Board. To this end, Avalon has committed
15 to implementing effluent treatment prior to discharge
16 from the TMF if SSWQOs are exceeded in the receiving
17 environment during the life of the project.

18 And the following slides will help
19 illustrate these concepts and the likely behaviour of
20 the mixing zone over the life of the project.

21 Mr. Chair, as identified here, this is
22 sort of a -- just a general representation of an
23 effluent discharge in an initial dilution zone, or --
24 or what I refer to as an IDZ. As illustrated near the
25 tailings management facility, effluent quality

1 criteria represent a regulatory limit that applies at
2 a company's last point of control, which is typically
3 at the end of the effluent treatment process prior to
4 discharge. On this slide it's about right here, the
5 effluent pipe.

6 As mentioned, site-specific water
7 quality objectives represent the desired standard for
8 water or a level of protection that is to be allotted
9 to the downstream aquatic ecosystem.

10 SSWQOs are typically set for a water
11 body with the expectation that they will be achieved
12 at an -- at an assessment boundary located at the edge
13 of the mixing zone, otherwise referred to as an
14 initial dilution zone.

15 As you can see on this slide, this is
16 the effluent discharge pipe. It get discharged, and
17 this darker blue area is the initial dilution zone.
18 Effluent discharge is allowed to mix with the
19 receiving environment within the initial dilution zone
20 in order to bring the concentrations of parameters
21 down to site-specific water quality objectives at the
22 edge of the mixing zone.

23 SSWQOs can take both quantitative and
24 qualitative forms. For example, it can be a numeric
25 concentration, a number, or a narrative statement

1 regarding a level of change. So on this slide, the
2 site-specific water quality objectives would apply at
3 the edge of the mixing zone.

4 Again, it is the department's position
5 that establishing the level of protection or the
6 standard for water downstream of a discharge should be
7 determined in the environmental assessment phase.
8 Aboriginal Affairs believes that this process -- it is
9 this process that facilitates the assessment of
10 potential adverse effects from the project from both a
11 social and ecological context.

12 However, because of the physical
13 characteristics of Drizzle Lake, its limited depth,
14 and size, over time it will exhibit a limited capacity
15 to dilute effluent and achieve the SSWQOs at a set
16 distance around the effluent discharge pipe or the
17 diffuser. The zone of influence in within the lake
18 will begin to increase over time following a few years
19 of effluent discharge.

20 So what's expected is that the initial
21 dilution zone, or the mixing zone, will extend
22 outwards. Again, this is a direct result of the
23 limited capacity of Drizzle Lake to accept the
24 loadings from the tailings management facility over
25 time. 'Loadings' refer to the concentration and

1 volume of discharge that is released from the tailings
2 management facility.

3 The quality of water within the TMF
4 degrades over time. Even if the volume of effluent
5 released each year remains the same, the
6 concentrations of contaminants in the effluent
7 released from the TMF will increase the annual
8 loadings to the downstream receiving environment.

9 Mr. Chair, this slide just simply
10 represents what we feel would be a likely mixing zone
11 into the lake after several years of operation beyond.
12 We feel that it will extend outwards, but we recommend
13 that the initial dilution zone should not extend
14 beyond Drizzle Lake and that the zone where SSWQO
15 should be maintained should be at the outlet of
16 Drizzle Lake, essentially on this slide, down here.
17 We note that Avalon has also recommended that the end
18 of the mixing should also be at the outlet of Drizzle
19 Lake.

20 So this brings us to our second
21 recommendations regarding site-specific water quality
22 objectives. Aboriginal Affairs recommends the outlet
23 of Drizzle Lake should be the assessment boundary or
24 the initial dilution zone boundary.

25 All SSWQOs should be met at this

1 location and this should include -- we note that this
2 should include SSWQOs for nutrients such as nitrate,
3 nitrite, ammonia, total phosphorus, and major ions,
4 such as chloride or sulphate. Avalon do not provide
5 its recommendations for SSWQOs for nutrients or major
6 ions at this hearing. And at this time we can not
7 comment on acceptable values until recommendations are
8 provided.

9 The department also recommends that
10 water quality in the tailings management facility,
11 Drizzle Lake, and Murky Lake, be monitored year round
12 to assess the average con -- conditions and trends
13 during open water and under ice. Comparisons should
14 be made to environmental assessment concentrations and
15 predictions to assess changes in water quality. If
16 trends indicate the proposed SSWQOs will not be
17 achieved, water treatment options should be
18 implemented.

19 We also recommend that dissolved oxygen
20 and metal concentrations under ice must be regularly
21 assessed to ensure they do not become harmful to
22 aquatic life in Drizzle, Murky, and/or Thor Lake.

23 We note that conditions within Drizzle
24 and Murky Lake are significantly different in winter,
25 or under ice, than in the summer. This is likely due

1 to the limited depth of these lakes and the small
2 amount of water that can move through the system
3 during the winter. It is possible that lake outlets
4 will become completely frozen during winter months.

5 The department recommends that if
6 conditions during operations become detrimental to
7 aquatic organisms, particularly during winter,
8 mitigation options must be implemented. Potential
9 mitigations should include but not be limited to
10 effluent treatment, additional water storage to
11 curtail winter discharge volumes and rates, and/or
12 aeration of downstream lakes.

13 Aboriginal Affairs also recommends that
14 site-specific water quality objectives for cadmium,
15 iron, zinc, and mercury should be set based on
16 background concentrations and, where appropriate,
17 include -- include seasonality. SSWQOs for rare earth
18 elements should be set at the limits proposed by the
19 Company unless further investigation and assessment of
20 toxicity is available. SSWQOs for other parameters
21 should be provisionally based on CCME guidelines.

22 We note that Avalon had previously
23 proposed background as a site-specific water quality
24 objective for copper. So it was not -- we didn't see
25 this mentioned during the Proponent's presentation.

1 The department's not opposed to using the background
2 condition for copper or any other parameter, provided
3 the SSWQO is fully reviewed and appropriate.

4 Aboriginal Affairs did add mercury to
5 the list, as there is little information available on
6 actual mercury concentrations due to the high
7 analytical detection limits during the baseline
8 collection period. It is important to note that the
9 CCME guidelines for mercury rely upon exposure
10 toxicity for mercury and does not account for
11 bioaccumulation and biomagnification potential in
12 aquatic organisms.

13 Our last recommendation here is that
14 loading limits be evaluated and, if necessary, imp --
15 established if impacts to the downstream environment
16 are driven by other concentration and loadings. We
17 note that discharge may have had to be restricted to
18 the open-water period and that total loadings to the
19 downstream environment must be managed to prevent
20 adverse effects to Murky and Thor Lake over time.

21 The next topic that I'll -- I'll
22 discuss is in regards to aquatic effects monitoring at
23 the project. Mr. Chair, regarding monitoring of
24 project-related impacts to the downstream environment
25 and aquatic ecosystem, Aboriginal Affairs released

1 guidelines for designing Aquatic Effects Monitoring
2 Programs in 2009. These guidelines outline the
3 stepwise framework for designing and implementing
4 project monitoring.

5 Avalon has initiated some discussion
6 and has collected baseline data that will be used to
7 support an Aquatic Effects Monitoring Program.
8 However, Avalon suggests that their project monitoring
9 will rely solely on requirements of the Metal Mining
10 Effluent Regulations. We note that during previous
11 discussions with the department, Avalon indicated they
12 will also follow the requirements as stipulated in
13 their water licence.

14 Aboriginal Affairs maintains that the
15 department's 2009 AEMP guidelines provide a solid
16 basis for first identifying potential effects and then
17 monitoring project-related effects to the downstream
18 receiving environment. This concept is critical to
19 the AEMP design, and it should be directly related to
20 effects assessment conducted in the environmental
21 assessment.

22 Of equal importance, as outlined in the
23 guidelines, the AEMP provides a mechanism for
24 incorporating traditional knowledge in an efficient
25 and effective manner and for harmonizing the

1 requirements for aquatic effects monitoring with other
2 requirements, such as that within an EEM program.

3 Mr. Chair, Aboriginal Affairs's AEMP
4 guidelines define an eight (8) step process for
5 designing and conducting monitoring. This step-by-
6 step process is also referred to as the AEMP
7 framework. Framework is purposely designed such as
8 the initial steps can begin during the environmental
9 assessment phase. The later steps consider and
10 include a mechanism to trigger adaptive management or
11 management response actions in advance of a non-
12 acceptable level of change or impact to the downstream
13 environment.

14 These are critical components that are
15 unique to Northern Aquatic Effects Monitoring
16 Programs. Aboriginal Affairs believes that its AEMP
17 framework should be followed during the development of
18 Avalon's final AEMP for the Thor Lake Project to
19 ensure that the AEMP incorporates traditional
20 knowledge and the concept of adaptive management in
21 its design.

22 So to this end we recommend that the
23 Developer be required to follow our 'Guidelines for
24 Designing and Implementing Aquatic Effects Monitoring
25 Programs for Development Projects in the Northwest

1 Territories', June 2009, and that -- that this be
2 followed in the development of its AEMP, associated
3 effects levels, action levels or triggers, and related
4 management response framework.

5 Mr. Chair, our last topic is -- is in
6 regards to closure and reclamation. The department
7 developed the mine site reclamation policy for the
8 Northwest Territories in response to a number of
9 instances where the Crown assumed environmental
10 liability of a site due to insolvency and subsequent
11 abandonment of a mining property.

12 The principles of the policy identify
13 that mine site reclamation should reflect the
14 collective desire and commitment to operate under the
15 principles of sustainable development, including the
16 polluter-pays principle, and that every new mining
17 operation should be able to support the cost of
18 reclamation.

19 The overall closure goal, as defined in
20 the policy, is that mine sites should be returned to a
21 viable and self-sustaining ecosystem consistent and
22 compatible with the local environment and with future
23 use of the area.

24 The department developed the mine site
25 reclamation guidelines as a companion document to the

1 reclamation policy. The guidelines provide specific
2 guidance for the operation and closure of a mine site.

3 Mr. Chair, to ultimately achieve the
4 overall closure objective of the policy, as I
5 previously mentioned, mine components must be designed
6 for closure. For areas of uncertainty, reclamation
7 research must be initiated early in the mine life to
8 allow the ability to adjust operational practices
9 and/or closure designs if required.

10 The intent of the policy and guidelines
11 is to minimize long-term care and maintenance and to
12 eliminate perpetual care requirements. Determining
13 walkaway scenarios with minimal maintenance post-
14 reclamation is particularly important in the NWT due
15 to the isolated location of mine sites and the costs
16 to conduct reclamation work.

17 Mr. Chair, Avalon has made a commitment
18 for closure and reclamation of the Thor Lake Project.
19 The Developer has committed to conduct reclamation in
20 accordance with the terms and conditions of the land
21 use permit and water licence, but also with the --
22 with the Aboriginal Affairs mine site reclamation
23 policy and guidelines. And that's Commitment 64 in
24 the commitment table.

25 The Developer has also clarified their

1 commitments related to post-closure monitoring for the
2 proposed project. The department's primary concerns
3 relate to the closure of the proposed Thor Lake --
4 related to the closure of the proposed Thor Lake
5 Project in regards to the post-closure water quality
6 tailings covers about the Nechalacho mine site and the
7 Pine Point hydrometallurgical site.

8 Uncertainty remains regarding the
9 potential interaction between surface-water pools,
10 marshes and wetlands, the tailings, and the tailings
11 covers as currently proposed by Avalon. To provide
12 assurance that proposed closure strategies will be
13 appropriate, operational monitoring and reclamation
14 research is required during the early years of the
15 operation. If the research identifies issues with the
16 proposed strategies and designs, adjustments to
17 operation and closure strategies would be required.

18 Post-closure monitoring will also be
19 required to ensure long-term physical and chemical
20 stability of tailings covers. Performance assessments
21 during the post-closure period would need to be
22 conducted, and that work would dictate the length of
23 pos -- post-closure monitoring and determine if
24 additional effort is required to achieve closure
25 objectives.

1 Aboriginal Affairs recommends that the
2 closure goal for the Nechalacho mine site and Pine
3 Point hydrometallurgical site be based on the 1994
4 Whitehorse mining initiative definition. And that is:

5 "Returning mine sites and affected
6 areas to viable and, wherever
7 practical, self-sustaining
8 ecosystems that are compatible with
9 a healthy environment and with human
10 activities."

11 We also recommend that the Company be
12 required to place tailings covers during the winter
13 and design them sufficiently to main term -- to
14 maintain long-term stability, including during summer
15 thaw periods for both the Nechalacho and L-37 tailings
16 facilities. We note that Avalon committed to this
17 recommendation during technical sessions held for the
18 proposed project.

19 We also recommend that the Company be
20 required to monitor tailings during operations within
21 the L-37 tailings facility, to confirm saturation
22 levels, and ensure trafficability for closure and
23 placement of a cover. We note that the saturation
24 level of tailings and trafficability following mine
25 operations may be an issue and has become a concern at

1 other mine sites in the NWT.

2 The department also recommends that the
3 Company be required to implement monitoring during
4 operations to verify the modelling predictions of the
5 effluent plume down-gradient of the L-37 tailings
6 facility, assess the modeling -- modelling parameters,
7 and initiate mitigation if required.

8 Groundwater monitoring will be critical
9 during the early years of the operation to assess the
10 effluent plume that migrates from the L-37 tailings
11 facility over time. This is also important during the
12 post-closure period, as it is estimated that the plume
13 may take forty (40) to eighty (80) years to reach
14 Great Slave Lake.

15 And, finally, Aboriginal Affairs
16 recommends that the Proponent be required to conduct
17 post-closure monitoring and maintenance until such
18 time as closure goals, objectives, and criteria are
19 achieved and maintained.

20 Mr. Chair, in closing, in our technical
21 report Aboriginal Affairs has provided recommendations
22 to the Review Board to assist in their decision-making
23 process. The department has provided recommendations
24 regarding site-specific water quality objectives to
25 help minimize the potential effects to water quality

1 and provide a higher level of confidence that the
2 downstream aquatic ecosystem will see minimal impacts.

3 The department has also provided
4 recommendations to ensure that the results of aquatics
5 effects monitoring is tied to a management response
6 framework.

7 And, finally, we provided
8 recommendations regarding closure and reclamation of
9 the mine, with an overall goal of returning the mine
10 and affected areas to viable and, wherever practical,
11 self-sustaining ecosystems that are compatible with a
12 healthy environment and with human activities.

13 The department thanks the Board for
14 providing an opportunity to participate in this
15 process and present our recommendations. That
16 concludes our presentation. And we're open to any
17 questions that the Board or other parties may have.
18 Thank you.

19 THE CHAIRPERSON: We can leave the
20 slides up, eh? Okay, thank you. The process for
21 questioning will be as -- the order I read out
22 yesterday, and I'll continue on with that same order
23 today.

24 To the presentation -- on the list is
25 from Akaitcho Treaty 8 Tribal Corporation. Do you

1 have any questions for the -- for Aboriginal Affairs
2 and Northern Development on their presentation this
3 morning?

4

5 (BRIEF PAUSE)

6

7 QUESTION PERIOD:

8 MS. STEPHANIE POOLE: Good morning.

9 Stephanie Poole, for Akaitcho IMA Office. I do have a
10 question for your presentation, a couple of questions.
11 The first one (1) is regarding SSWQOs and -- for rare
12 earth elements and metals.

13 In your presentation, I think you said
14 that the SSWQOs should be set by -- by the Proponent
15 unless there is other information available. And so I
16 just wanted to know -- I wanted to request more
17 information on NRCan's Canmet mining initiative, their
18 green mining initiative, and the rare earth minerals
19 and metals processing research and development.

20 I understand that NRcan is running an
21 extensive research and development project regarding
22 rare earth elements, multidisciplinary research on
23 characterization, physical separation,
24 hydrometallurgy, and environmental aspects of
25 processing various rare earth ores and that this is a

1 priority of NRcan.

2 So what I'm requesting is information
3 on where they are in their research and development
4 and if they would be able to contribute to the SSWQOs
5 for rare earth elements on this proposal.

6 THE CHAIRPERSON: Thank you -- thank
7 you for your question. I'm going to go to AANDC to --
8 to the question.

9

10 (BRIEF PAUSE)

11

12 MR. ROBERT JENKINS: Thank you, Mr.
13 Chair. It's Robert Jenkins, with Aboriginal Affairs.
14 Well, that's a great question for the first question
15 of the day.

16 What we put forward was that the values
17 -- so the site-specific water quality objectives that
18 the Company proposed be adopted. And we understand
19 that what they've -- what they've done is they've --
20 they've done a review of the toxicity literature and
21 the available information.

22 But we -- what we did say was that --
23 also what we said was that if new information comes
24 up, that those values should -- should reflect the new
25 information that -- that comes up in the future.

1 There's not a whole lot of information out there on
2 that right now.

3 So in essence, what we had put forward
4 was that the values be adopted, you know, subject to
5 new information coming available and to be updated, so
6 potentially -- essentially on an interim basis.

7 I can't speak to where NRCan is in its
8 initiatives, unfortunately. I'm not -- not privy to
9 that. That would have to be a question that would
10 have to go to NRCan.

11 MR. DAVID SWISHER: We can help answer
12 that question briefly.

13 THE CHAIRPERSON: You have a chance;
14 I'll come back to you a little bit later. Thank you.
15 I want to continue on with your questions.

16 MS. STEPHANIE POOLE: So I have a
17 couple more questions now. Stephanie Poole, Akaitcho
18 IMA Office. First one (1), you said that these things
19 will be reviewed on an interim basis.

20 What exactly does that mean?

21 THE CHAIRPERSON: Thank you. I'll go
22 back to AANDC to the question.

23 MR. ROBERT JENKINS: Thank you, Mr.
24 Chair. It's Robert Jenkins, with Aboriginal Affairs.
25 What I meant by that is -- is so when we move forward

1 into the water licensing phase, as I discussed in the
2 presentation, there will be -- in the water licence,
3 we'll have effluent quality criteria. And those are
4 the limits that the Company is allowed to discharge up
5 to.

6 The goal of that is to always -- the
7 limits will be set at values that you would always
8 meet your downstream objective. And through the
9 process of having a water licence, essentially,
10 effluent quality criteria are reviewed and -- and
11 changed if needed.

12 The other important aspect is the
13 aquatic effects monitoring and to ensure that we have
14 a sound program so that we can see if things are
15 happening. And -- and if we need to take action or --
16 or make changes to criteria or objectives, we can do
17 so before -- before we see something happening that we
18 don't want to see.

19 THE CHAIRPERSON: Thank you. I'll go
20 back to Akaticho Treaty 8 Tribal Corporation.

21 MS. STEPHANIE POOLE: Thank you.
22 Stephanie Poole, Akaticho IMA. So are you saying that
23 it will be constantly reviewed and could be amended at
24 any time?

25 THE CHAIRPERSON: Thank you. And I'll

1 go back to AANDC.

2 MR. ROBERT JENKINS: Thank you, Mr.
3 Chair. It's Robert Jenkins, with Aboriginal Affairs.
4 Licence limits and -- and criteria in water licences,
5 you know, are essentially determined through the Board
6 process. So the Board would make decisions in that
7 regard. But if new evidence is available, it's my
8 understanding that parties can put to the Board a
9 request to -- to modify a licence if needed.

10 THE CHAIRPERSON: Thank you. Akaticho
11 Treaty 8 Tribal Corp...?

12 MS. STEPHANIE POOLE: Thank you.
13 Stephanie Poole, Akaticho IMA. So I guess what it is
14 I'm asking for is I'm asking for updated information
15 from NRCan's green mining initiative and rare earth
16 minerals and metals processing research and
17 development. Like, I would like an update on where
18 they are at -- at with that and if they have any new
19 data or information to share with this environmental
20 assessment.

21 THE CHAIRPERSON: Thank you. Going
22 back to AANDC.

23 MR. ROBERT JENKINS: Thank you, Mr.
24 Chair. It's Robert Jenkins. I didn't -- didn't hear
25 a question there, but -- but I agree that that

1 information would be very useful in moving forward.

2 It's something that the Proponent mentioned they would
3 probably provide an update on. Unfortunately, I don't
4 have an update on where the progress is right now.

5 THE CHAIRPERSON: Okay. Thank you.
6 Akaticho Treaty 8 Tribal Corp...?

7 MS. STEPHANIE POOLE: Thank you.
8 Stephanie Poole, Akaticho IMA. Chair, is that an
9 undertaking for information to be provided to the
10 public?

11 THE CHAIRPERSON: Mr. Donihee...?

12 MR. JOHN DONIHEE: John Donihee. I
13 guess the question really ought to be to AANDC. Are
14 they willing to undertake to do this and to file it
15 with the Board?

16 THE CHAIRPERSON: Okay. Thank you.
17 I'll go back to AANDC.

18

19 (BRIEF PAUSE)

20

21 MR. ROBERT JENKINS: Thank you, Mr.
22 Chair. It's Robert Jenkins, with Aboriginal Affairs.
23 I guess I'll undertake to do that if the Proponent can
24 provide a valid update, you know, over the next couple
25 days. They sort of gave the impression they could

1 provide an update on that. So as much as I love
2 taking undertakings, if -- if they could settle that
3 before this hearing is over, then I'd rather go that
4 route.

5 THE CHAIRPERSON: Mr. Donihee...?

6 MR. JOHN DONIHEE: Mr. Chair, it's
7 John Donihee. It might be more helpful, rather than
8 tangling this up too much, if -- if you'd exercise
9 your discretion and ask Avalon to speak to this. They
10 seem to be ready to try to help, and maybe that will
11 avoid the difficulty of asking AANDC to produce
12 evidence about different federal departments'
13 activities.

14 So my suggestion, sir, is if you're
15 willing to hear from Avalon about that right now, then
16 maybe the question of whether an undertaking is -- is
17 needed can be resolved finally and once and for all
18 right away.

19 THE CHAIRPERSON: Okay. Thank you.
20 I'll go ahead and allow it. I'll go to Avalon to the
21 -- to the question.

22 MR. MARK WISEMAN: Mark Wiseman,
23 Avalon. About a year and a half ago or two (2) years
24 ago, I met with the director general of Canmet to
25 discuss potential initiatives in the rare earth area.

1 He was open to the suggestion and initiated meetings
2 with representatives of the industry and his
3 organization. He's in the process of gearing up to
4 bring expertise in rare earths into the Canmet
5 organization.

6 We have participated in -- in
7 subsequent meetings. Some of this research that's
8 going to be done will be related to refining of -- and
9 development of processing techniques. Some of that
10 will be proprietary between Canmet and the company
11 that assists with the funding.

12 Other research, I'm not aware of
13 anything that has been initiated in the environmental
14 line at this point in time. That type of information
15 is generally made publicly available. And certainly,
16 we can provide that information when it becomes
17 available to us. But at this point in time, I am not
18 aware of any results of any research through this
19 Canmet initiative.

20 THE CHAIRPERSON: Okay. Thank you for
21 your clarification. I'll go back to Stephanie Poole,
22 Akaitcho Treaty 8 Tribal Corp.

23 MS. STEPHANIE POOLE: Thank you.
24 Stephanie Poole, Akaitcho IMA. While I appreciate the
25 -- the -- I guess it's information provided by the

1 Proponent and -- it seems like there's like some kind
2 of confusion about who should be -- you know, which
3 Canadian federal department should be providing this
4 information to the public registry, you know.

5 NRCan is not here today. AANDC is
6 making their presentation on this. It's related to
7 the SSWQOs. And my question, you know, I'm -- I'm
8 trying to get this information. Perhaps Northern
9 Project Management Office, who coordinates the federal
10 agencies in this environmental assessment, would --
11 would be more able to provide me with that information
12 in an undertaking.

13 But, you know, no matter how it gets to
14 the public registry, I just -- you know, like, I want
15 this information for the public registry on -- on
16 where NRCan at -- is at with this research and
17 development initiative. You know, it says right on
18 their public website that it's a priority of theirs.
19 And so I would like to know where they are at with
20 that.

21 THE CHAIRPERSON: Going back to AANDC
22 to the question.

23 MR. ROBERT JENKINS: Thank you, Mr.
24 Chair. It's Robert Jenkins, with Aboriginal Affairs.
25 We can follow up with our -- with our counterparts at

1 NRCan to see if there's anything falling out of those
2 initiatives in relation to water. That's the
3 presentation, you know, that -- that we did today, so
4 we can do that.

5 I was hoping that there would be some,
6 you know, a final resolution of that through an answer
7 from the Proponent. But if you're still concerned, we
8 can endeavour to -- to ask. I -- I can't promise what
9 their response will be, but -- but we will do that.

10 THE CHAIRPERSON: Okay. I'll -- I --
11 I guess I got a question for Mr. Donihee. We should
12 take this as an undertaking then maybe have AANDC do a
13 -- a letter and then have them put it on the registry
14 and then give them a certain time and then have them
15 come back to us? Mr. Donihee...?

16 MR. JOHN DONIHEE: Thank you, Mr.
17 Chairman. My suggestion then is that we identify that
18 as Undertaking number 1 for the proceeding. AANDC
19 will contact NRCan and secure any water-information
20 emerging from the initiative described by Ms. Poole
21 and file a -- in writing the results of the
22 undertaking by March 12th on the -- that's the date
23 for undertakings for the hearing -- file it on the
24 record by March 12th.

25 If anything arises from that that any

1 of the other parties want to address, they can read it
2 and deal with it in their final arguments.

3 THE CHAIRPERSON: Okay. Thank you.
4 I'll take that as an Undertaking number 1 for AANDC.
5 And that if you agree to have it by March 12, then --
6 then we'll -- I'm going to go to AANDC, do you agree
7 to the undertaking as presented?

8 MR. ROBERT JENKINS: Thank you, Mr.
9 Chair. It's Robert Jenkins, Aboriginal Affairs. Yeah,
10 we'll contact them again specifically in regards to
11 anything in relation to water out of that -- out of
12 that initiative, and we'll strive to get an answer to
13 you by March 12th. And we'll impress that upon our
14 NRCan colleagues.

15
16 --- UNDERTAKING NO. 1: AANDC to contact NRCan and
17 secure any water-related
18 information emerging from
19 the Canmet mining
20 initiative and file in
21 writing the results of the
22 undertaking by March 12,
23 2013

24
25 THE CHAIRPERSON: Okay. Thank you.

1 I'll go back to Akaitcho Treaty 8 Tribal Corp.

2 MS. STEPHANIE POOLE: Thank you.

3 Stephanie Poole, Akaitcho IMA office. I look forward
4 to seeing the information from NRCan.

5 I understand that in regards to rare
6 earth mining and the environment, it is considered to
7 be data poor. There -- there are very huge data gaps.
8 You know, and -- and regarding rare earth mining in
9 the North, there's even less information. So there --
10 you know, of -- of the available information in the
11 literature, none examines the effect of rare earth
12 elements on Northern species. So I look forward to
13 that. And thank you.

14 My next question is in regards to
15 closure and reclamation. And I want to know about the
16 security deposit. Recently a developer has walked
17 away from a mine, and now the Government of Canada is
18 trying to access their security deposit. It turns out
19 that their security deposit was not paid in full.

20 So I want to know how, moving forward,
21 how will the public know that if there is a security
22 deposit associated with this development, if it does
23 go forward, how will they be made to pay it in full at
24 the beginning of the project or by a certain time?

25 When we get inspection reports from

1 these mines, it -- it usually doesn't say whether or
2 not the full security is being held by Canada or not.
3 And just, you know, moving forward into the future, I
4 would like some assurances on how these security
5 deposits are held, if they are deposited in full, and
6 if they are fully accessible by Canada for the
7 purposes of reclamation if a developer were to walk
8 away from a mine.

9 THE CHAIRPERSON: Thank you. Before I
10 go to AANDC, just to your question, Stephanie, that
11 question is more towards -- that should be geared
12 towards, probably, the Mackenzie Valley Land and Water
13 Board, who do the permits and licensing and that deals
14 with the -- the security deposits and that kind of
15 thing. But if AANDC want to respond, please proceed.

16 MR. ROBERT JENKINS: Thank you, Mr.
17 Chair. It's Robert Jenkins, with Aboriginal Affairs.
18 Yes, you're correct. The Mackenzie Valley Land and
19 Water Board is the body who would set the amount of
20 security to be held in the water licence or land use
21 permit for the operation.

22 The department is responsible to review
23 and accept the form of security. So there's --
24 there's many different forms of security. The form
25 that -- that I've been involved with in -- in the --

1 the licences that I've -- that -- that my office has
2 accepted securities have been letters -- letters of
3 credit.

4 And so the key to the form of security
5 is that it needs to be in a form that -- that would
6 make it such that it's readily accessible by the
7 department. And -- and obviously, the -- the -- that
8 form, we do feel, is readily accessible by the
9 department, and in -- in an instance where a company
10 may go insolvent.

11 You talked about ensuring that the
12 amount of security is -- is held for the mine. The --
13 the department looks at it from -- the -- the policy
14 talks about at any point in time, security needs to be
15 held to -- to cover the cost of reclamation.

16 So -- so the important point there is
17 that we provide security estimates to the land and
18 water boards. That might be a number -- we often have
19 that as a end-of-mine number. And so -- but in the
20 implementation of it through a licence, the -- the
21 security could be staggered through time.

22 So, for example, you know, there might
23 be a tailings facility. Well, the department doesn't
24 need to hold money for that until that starts to be
25 constructed. So there's time -- you know, and that

1 might not happen on day 1 of the mine. So security
2 may -- may increase through time as the liability on
3 site increases. But the -- the -- our goal is to, at
4 any point in time, to hold the amount of security that
5 we require to clean up the site.

6 THE CHAIRPERSON: Okay. Thank you.
7 We'll go back to Akaticho Treaty 8 Tribal Corporation.
8 Any further questions?

9 MS. STEPHANIE POOLE: Thank you,
10 Stephanie Poole, Akaticho IMA. No further questions
11 at this time. Thank you.

12 THE CHAIRPERSON: Thank you. We're
13 going to move on to -- next is Blachford Lake Lodge,
14 Mike Freeland, if you want to come up if you have any
15 questions for AANDC on their presentation made here
16 this morning.

17 MR. MICHAEL FREELAND: Just a -- a
18 couple of questions. Can you confirm that the waters
19 in close proximity to the north of the Avalon project
20 -- specifically those of Blachford Lake, Grace Lake,
21 Horseshoe Lake, and Long Lake -- will not be affected
22 by the project?

23 THE CHAIRPERSON: Mike, can I get you
24 to expand your questions, because you got to me more
25 specific, because, I mean, it's a question that's

1 broad. So if you can give me a little more
2 information on that, please. To the Developer.

3 MR. MICHAEL FREELAND: I guess I can't
4 be more specific on -- on the lakes, but our -- those
5 are lakes that we operate on that are in very close
6 proximity to the Avalon project.

7 And I'm just asking -- or wanting a
8 confirmation that the waters of those lakes will not
9 be affected in any way by the project.

10 THE CHAIRPERSON: Okay. Thank you.
11 I'll go to AANDC to the question.

12 MR. ROBERT JENKINS: Thank you, Mr.
13 Chair. It's Robert Jenkins, with Aboriginal Affairs.
14 What we're putting forward here for the Board to
15 consider is to have downstream water quality
16 objectives and to have those at levels that would
17 protect a number of things. And we talked about a
18 number of narrative statements.

19 So we feel that if those -- if -- you
20 know, the specific numbers for each parameter aren't
21 defined and likely won't be defined until you get to
22 the -- the water licensing phase of the project. But
23 we feel that if those -- those values protect the
24 interests that we've put forward and -- and work --
25 you know, additional work will need to be done, that

1 the downstream aquatic environment will be protected.

2 I'm not sure if the lakes that you
3 referenced are actually in the downstream environment
4 from the project, however.

5 THE CHAIRPERSON: I'll go back to
6 Blachford Lake Lodge.

7 MR. MICHAEL FREELAND: Second
8 question: How will you monitor dust pollution from
9 the project on Blachford, Grace, Horseshoe, and Long
10 Lake, and what actions do you propose if dust
11 pollution reaches levels of concern?

12 THE CHAIRPERSON: Thank you. I'll go
13 back to AANDC.

14

15 (BRIEF PAUSE)

16

17 MR. ROBERT JENKINS: Thank you, Mr.
18 Chair. It's Robert Jenkins, with Aboriginal Affairs.

19 So on site, obviously, as with other
20 mines in the NWT, there would need to be operational
21 measures put in place to reduce dust. So that's --
22 that's the first thing. We've seen some work done at
23 other mines sites of different dust suppression
24 techniques. So the key there is to -- to source
25 control, is what I would call it.

1 The other aspect in -- in regards to
2 dust is to -- is to look at the results of your
3 Aquatic Effects Monitoring Programs. If for some
4 reason there appears to be a clear pathway to the
5 lakes that you talked about, there could be some sort
6 of aquatic monitoring associated with that.

7 Again, the -- our guidelines talk about
8 having what's called threshold and a value so you
9 don't get to a point where you see something you
10 don't, you know, don't want to see. So you would take
11 early action if needed.

12 Again, we would view that -- that often
13 you don't want to go above the objectives that you've
14 set, because that's the -- that's the values or, in
15 other words, the standard for water that you feel is
16 protective.

17 THE CHAIRPERSON: Thank you. I'll go
18 back to Blachford Lake Lodge.

19 MR. MICHAEL FREELAND: Mike Freeland,
20 Blachford Lake Lodge. So you did mention monitoring.
21 So you will be initiating some -- some monitoring of
22 the waters on those -- on those lakes?

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

25 MR. ROBERT JENKINS: Thank you, Mr.

1 Chair. It's Robert Jenkins, with Aboriginal Affairs.

2 To be clear, the -- the Aquatic Effects
3 Monitoring Program is the responsibility of the
4 Proponent; the guidelines were developed by the
5 department. We would work with the Proponent and with
6 other parties to make sure that the guide -- that --
7 that the program is developed in a robust manner, that
8 it answers the questions that needs to be answered.

9 But I want to be clear that the responsibility rests
10 with the Proponent to actually do the monitoring.

11 And -- and as a last point, often this
12 is a requirement of their water licence, so it's a --
13 it's a legal requirement.

14 THE CHAIRPERSON: Okay, thank you.
15 I'm going to go back to Blachford Lake Lodge.

16 MR. MICHAEL FREELAND: It's not a
17 question, but just -- we wish to offer the support and
18 full cooperation of Blachford Lake Lodge to -- to
19 yourselves and to Avalon and YKDFN in any monitoring
20 that you feel is necessary for air and dust, noise,
21 light, water in the lakes that we mentioned. Thank
22 you.

23 THE CHAIRPERSON: Okay, thank you.
24 That concludes your questions?

25 MR. MICHAEL FREELAND: Yes, thank you.

1 THE CHAIRPERSON: Okay. I have one
2 (1) follow-up question for you, Mike, is that -- so I
3 -- I understand as Chair, the areas that you talked
4 about, can you maybe just expand -- explain to me the
5 -- the location of Blachford Lake -- Blachford Lake
6 Lodge and your lease area?

7 Is it -- the lakes that you talked
8 about, is that within your lease or is it outside the
9 lease area?

10 MR. MICHAEL FREELAND: Mike Freeland,
11 Blachford Lake Lodge. No, our federal land lease is
12 specifically for the area that our lodge and cabins
13 and tent frames and buildings are on. On our tourism
14 licence, it does stipulate that we have -- I guess,
15 included in that tourism licence specifically is
16 Blachford Lake Lodge, Grace Lake, Long Lake, and a
17 further lake, Magrim (phonetic), that we can operate
18 on.

19 And those -- I'm not sure, we probably
20 don't have a map handy. But I guess the shore of
21 Blachford Lake is within about 3 kilometres of the --
22 of the Avalon project, and Grace Lake is probably
23 within 2 1/2 or 3 kilometres. Horseshoe Lake is
24 probably within 2 1/2 kilometres. So they're --
25 they're the lakes that we would operate on that are, I

1 guess, the closest larger bodies of lake that are just
2 to the north of the Avalon project. Thank you.

3 THE CHAIRPERSON: Okay. Thank you
4 very much, Mike, for your -- for answering that for me
5 so I understand.

6 Moving on, on the list now Deninu Kue
7 First Nation, questions for AANDC on their
8 presentation made here this morning?

9
10 (BRIEF PAUSE)

11
12 MR. PATRICK SIMON: Good morning.
13 Patrick Simon, Deninu Kue First Nation. I just have a
14 few questions for AANDC. I made sure to bring my
15 treaty.

16 So I'll start by asking, I guess,
17 Aboriginal and Northern Development Canada that the --
18 the Deninu Kue First Nation would like to know what
19 types of specific legi -- legislation and reguglan --
20 regulation the Government of Canada is using when
21 dealing with rare earth element mining, milling,
22 processing, and transporting of this material.

23 THE CHAIRPERSON: I'll go to AANDC.

24 MR. ROBERT JENKINS: Thank you, Mr.
25 Chair. It's Robert Jenkins, with Aboriginal Affairs.

1 There's a lot of pieces of legislation out there, and
2 there's a lot of different departments responsible for
3 those legislation. Unfortunately, I can't speak to
4 all of them.

5 The ones I can speak to are the ones
6 that Aboriginal Affairs is responsible for, and that's
7 the NWT Waters Act and the Mackenzie Valley Resource
8 Management Act. And I do know that those two (2)
9 pieces work together. And as this project moves
10 forward, they will be applied in the licensing and
11 permitting of this project.

12 THE CHAIRPERSON: Okay. Thank you. I
13 want to go back to Deninu Kue First Nation.

14 MR. PATRICK SIMON: Thank you. I
15 guess I'm a little unclear, and Deninu Kue is unclear
16 also. Let me see if I could clarify this. So I have
17 a mine. And it doesn't matter what kind of mine; all
18 legislation will apply to that mine. I -- I'm just
19 trying to -- to -- our people are trying to, I guess,
20 get -- get familiar with and become aware of specific
21 types of legislation to deal with rare earth element
22 mining and the whole process of mining.

23 Do we have any type of legislation --
24 or do you have any type of legislation specific to --
25 to this right now? Or is there any plans of

1 developing, given that we don't have very much
2 experience with rare earth elements, and the ones that
3 are do -- the ones that do live in a closed society.
4 So any types of information coming out of that is sub
5 -- suspected. So I don't -- take it with a grain of
6 salt because -- because the country of -- of origin of
7 that information.

8 So we're just trying to figure out what
9 types of things that are safeguarding the Dene and the
10 treaty people of Deninu Kue when it comes to this
11 specific type of -- of mining, particularly when it
12 comes to thorium and uranium.

13 THE CHAIRPERSON: Okay. I'll go to
14 AANDC, please.

15 MR. ROBERT JENKINS: Thank you, Mr.
16 Chair. It's Robert Jenkins, with Aboriginal Affairs.
17 So I'll -- I'll describe in a bit more detail then the
18 two (2) pieces of legislation that Aboriginal Affairs
19 are responsible for. And as I mentioned, that's the
20 Northwest Territories Waters Act and the Mackenzie
21 Valley Resource Management Act.

22 And -- and as described by the Chair
23 earlier, they're -- the Mackenzie Valley Resource
24 Management Act essentially gives powers to the Review
25 Board to conduct its process, which we're in today.

1 So they will -- they will assess the project, and they
2 will put in any measures that they feel need to be
3 implemented, moving forward into the regulatory
4 permitting phase.

5 And so when that goes to the -- the
6 Mackenzie Valley Land and Water Board, it will issue
7 land use permits and water licences. It will do so in
8 accordance with the Mackenzie Valley Resource
9 Management Act and the Northwest Territories Waters
10 Act. And -- and essentially that -- those Acts do
11 apply to mining and milling in the NWT. There's no
12 specific pieces in there where it says, you know,
13 Here's a gold mine, here's a diamond mine, here's a
14 tungsten mine, or, you know, here's a rare earth
15 elements mine. It doesn't -- doesn't single them out
16 specifically.

17 That piece of legislation would apply
18 to the water licensing of this project. And -- and so
19 what would -- what would go into that licence would be
20 -- would be, as I mentioned in my presentation, limits
21 for discharge. The water licence essentially grants
22 somebody the ability to use water and to deposit
23 waste. And so it would have conditions in that permit
24 to talk about things like, you can use 'X' amount of
25 water for your operation as -- as makeup water and

1 things that they will need during their process. But
2 then it would also have limits on values for
3 discharge.

4 And, again, as we talked in our
5 presentation, the key is to -- to have those values
6 set at -- at numbers that we feel is protective of the
7 -- the intended use downstream now and into the
8 future. So I hope that clarifies some things for you.

9 THE CHAIRPERSON: Okay. Before I go
10 to Deninu Kue First Nation too, as well, maybe we'll
11 just -- maybe expand a little further on that. And I
12 didn't mention it this morning, but at the same time
13 the Mackenzie Valley Resource Management Act was
14 created, but the Board as well is responsible for all
15 residents in the Northwest Territories in the
16 Mackenzie Valley, to ensure that the health and safety
17 is a priority here.

18 And we take into consideration and
19 through our deliberation of all evidence for this
20 mining project and any other project we have, we also
21 bring in our own experts. And as you know, we did the
22 same thing with Giant Mine. You know, there -- they
23 had their own experts and so on. We do the same
24 thing.

25 Same here today. We have our water

1 expert here, and we bring him in to verify and
2 quantify what the proponent is saying and so on. So
3 we have duty as well to ensure that we -- we uphold
4 the Mackenzie Valley Resource Management Act to ensure
5 the safety and health of everybody in Mackenzie
6 Valley. So I just wanted to point that out to you as
7 well.

8 So I want to go back to Deninu Kue
9 First Nation.

10 MR. PATRICK SIMON: Thank you. I
11 guess the question was originally probably not
12 understood. It was a broad question just basic to
13 rare earth element mine and milling transport and the
14 whole 9 yards. It kind of took away from -- my second
15 question was more specific. You kind of answered my
16 second question.

17 But I just wanted to know the -- the
18 experience level your department has when it comes to
19 specifically dealing with -- with rare earth element
20 mining and the whole 9 yards, specifically in -- in
21 Northern Canada or anywhere else in Canada.

22 THE CHAIRPERSON: Yeah. Before I go
23 to AANDC, I just want to point out that, again, that's
24 a broad question. And this is the first time we're
25 doing a project like this here in the Northwest

1 Territories, so this is all new. This technology is
2 all new. But at the same time, you know, we're
3 concerned about the environment like everybody else.
4 And our job is to look at the evidence. And so I want
5 to -- just turn it back over to you to the questions.

6 MR. ROBERT JENKINS: Thank you, Mr.
7 Chair. It's Robert Jenkins, with Aboriginal Affairs.
8 I agree. This is a new -- a new type of project.
9 It's not a project that our department has a lot of
10 experience in. We do, however, though, have aquatic
11 quality specialists. And we do, I think, provide a
12 good and -- and have knowledge in reviewing
13 information that comes in, you know, provided by the
14 Proponent, either it be information, you know, that's
15 out there in the toxicity literature or other sources.
16 So I do think we -- even though we don't have a lot of
17 experience in this, we -- we do provide value.

18 THE CHAIRPERSON: Okay. Thank you.
19 Going back to Deninu Kue First Nation.

20 MR. PATRICK SIMON: It's just that the
21 people of Deninu Kue First Nation, the members are
22 having a hard time -- I guess, trying to get around
23 the fact that there has been a lot of talk about
24 standards and guidelines and all this types of stuff
25 that come into play when we deal with water and stuff

1 like that.

2 How -- how would we -- how would we go
3 about, first of all, beginning to even have an idea of
4 reasonable levels of -- of, I guess, guidelines --
5 just different processes that you guys use to -- to --
6 I guess, work with the Company when you -- when you
7 address things, such as the thing that you just
8 presented in terms of the water?

9 The people of Deninu Kue just want to
10 be a little more clear and determine -- do you just --
11 I'm not sure. Maybe you can explain that.

12 THE CHAIRPERSON: Okay. Maybe --
13 maybe I can help fill in some of the blanks as well,
14 maybe, so Patrick understands. When an application
15 comes in, it's usually referred over to the Mackenzie
16 Valley Environmental Impact Review Board. And when
17 the Review Board is looking at the application, they -
18 - they -- we have staff that go out into the impacted
19 communities and surrounding areas and from -- from --
20 they call that scoping.

21 And as they come back and compile all
22 that information and find out whether their key line
23 inquiries, then the developer will go out -- in this
24 case this is Avalon -- will go out to look at the --
25 what are the key line inquiries, and they'll come back

1 with a plan.

2 And when that plan is -- is done, it
3 comes back to the Review Board and then we take a look
4 at it. And if it's some areas where it's not clear we
5 go out and ask for information requests, maybe one
6 (1), two (2), or even sometimes three (3), just to
7 help clarify that so that...

8 That's the process. And then once all
9 that is done, it goes through a technical hearing.
10 The agenda is set out. And then -- and we come to
11 point where it's an EA process. So a lot of that work
12 is already done before it even gets here. So I just
13 want to maybe help explain that. And then at the
14 same time, when -- when we get to this type of forum,
15 it's a forum where everybody has an opportunity to
16 come out and present themselves and we have an
17 opportunity to question them.

18 So I think this is what we're doing, so
19 I'm trying to maybe help explain maybe to Patrick and
20 -- and that side. But -- and maybe, AANDC, if you're
21 -- if you're willing to maybe add to that as well?

22

23 (BRIEF PAUSE)

24

25 MR. ROBERT JENKINS: Thank you, Mr.

1 Chair. It's Robert Jenkins, with Aboriginal Affairs.

2 Yeah, I mean, what we've done through this -- this

3 process is essentially take the evidence that's been

4 provided, we reviewed it, critiqued it, looked at

5 whether or not we feel that it's, you know,

6 acceptable. Rare earth elements, there's not -- it's

7 -- it's -- you know, it's clear that there's not a lot

8 of information out there. We did look at, again, what

9 the Proponent put forward.

10 You know, overall, our -- our general

11 philosophy towards applying, you know, site-specific

12 water quality objectives is that, you know, we look at

13 background, we look at treatment, we look at, you

14 know, what can be achieved. Maybe you don't need to

15 go up to the value if it's a guideline value. So you

16 try to do the best that you can,. But the -- the

17 overarching goal is to -- to ensure that -- that, you

18 know, you're -- you have confidence that the values

19 that are being applied, you know, are protective.

20 The -- the other aspect is that you

21 always need to consider new information that's coming

22 in and you need to be able to adjust and revise as

23 needed. So that's another key point that came up

24 earlier in questioning, is something that, you know,

25 there may be new information coming in. There is

1 always new information coming in on different things,
2 and -- and that needs to be considered. And if we
3 need to adjust, that should be done.

4 THE CHAIRPERSON: Thank you. I'll go
5 back to the Deninu Kue First Nation. Any further
6 questions?

7 MR. PATRICK SIMON: Yes, Patrick
8 Simon, Deninu Kue First Nation. I think it -- it
9 helped a little. We're -- we're still unclear. We're
10 -- we're not too sure, in terms of -- especially when
11 we deal with uranium and thorium in this manner and --
12 and how we -- we look at standards and regulations and
13 what -- which ones we apply that we have currently
14 there in place.

15 Or is there any new ones in your
16 opinion that -- that we need?

17 THE CHAIRPERSON: Is that a question
18 or a comment, Patrick?

19 MR. PATRICK SIMON: I think I asked
20 him if currently, with uranium and thorium in this
21 manner -- I -- I know that -- that you deal with
22 uranium and thorium in other manners, but not as part
23 of a rare earth element mine and milling process.

24 So in -- in this circumstance, current
25 legislation standards and stuff like that will do, or

1 do we need to look at perhaps something a little more
2 because of the -- the, I guess, radi -- radiation?

3 THE CHAIRPERSON: Okay. Does AANDC
4 want to speak to that?

5 MR. NATHEN RICHEA: Thank you, Mr.
6 Chair. It's Nathen Richea, with the Water Resources
7 Division, Aboriginal Affairs and Northern Development
8 Canada. Thank you for your question. We hear your
9 concern loud and clear.

10 To answer some of your questions, we
11 did identify a couple of parameters where we think
12 that there should be objectives for. That included
13 the nutrients, I think, we mentioned in our
14 presentation, as well as major ions.

15 Regarding your questions specific to
16 uranium and -- and thorium, in the Proponent's
17 presentation they identified some assessments that
18 they did on the risks associated with those
19 parameters. As soon as you start to discuss
20 parameters that are -- such as uranium there is a
21 level of concern that goes with those and we
22 understand that for sure.

23 The Canadian Council of Ministers of
24 the Environment does have national guidelines for --
25 for uranium, specifically. The proponent has -- has

1 used the CCME guideline as their objective.

2 I do note that their projected treated
3 water quality for uranium is much lower than the CCME
4 guideline. And I -- I think I'll -- might read a
5 quote from the Mackenzie Valley Land and Water Board
6 Water and Effluent Quality Policy that might help give
7 you some confidence that this will be continued to be
8 evaluated during the regulatory process and the Board
9 will ultimately make a decision. That Board will
10 ultimat -- ultimately make a decision for the final
11 effluent quality criteria.

12 And I'll -- I'll just read a quick
13 quote from here. It's on page 11 of the Mackenzie
14 Valley Land and Water Board policy. The quote reads:

15 "Note that in accordance with the
16 Board's objective to minimize waste
17 discharged, proponents are expected
18 to minimize, and where feasible, to
19 prevent waste from entering the
20 North -- the waters of the Northwest
21 Territories. Therefore, and consis
22 -- and consistent with the CCME non-
23 degradation policy, the boards may
24 set effluent quality criteria that
25 are most -- more stringent than that

1 necessary to meet the water quality
2 standards in the receiving
3 environment."

4 So, like I mentioned previously, we
5 will continue to look at these objectives. We will
6 look at ways to source control and minimize the -- the
7 release of waste to the receiving environment, and
8 through that process we will ensure that the
9 downstream environment is protected. So I -- I hear
10 your concern and we will continue to work on these
11 initiatives.

12 THE CHAIRPERSON: Patrick, do you have
13 any more questions? We got a few more people that
14 want to speak, but -- okay, please proceed.

15 MR. PATRICK SIMON: Thank you, Mr.
16 Chair. Patrick Simon, Deninu Kue. I -- I did have
17 three (3), but he kind of answered the second one, and
18 he kind of answered both of them to the best of his
19 abilities. We're still unclear.

20 But the third one is even harder,
21 because I asked it when I first came up here and you
22 guys took a break and it caused a little delay. So
23 I'll try to rephrase it so it's pertinent to -- to
24 AANDC. And it's to do with the 40 tonne full scale
25 pilot plant trial that was conducted. And what I

1 think with -- with you guys how it relates is it's
2 with the agents that they put in and effluent that's
3 coming out, that's the scope of -- of, I guess, what
4 you can speak to when it comes to this pilot plant
5 trial that was conducted.

6 And -- and I just wanted your opinion
7 on that, in terms of the outcome of that. And -- and
8 that -- that's all I wanted with that question. Thank
9 you.

10 THE CHAIRPERSON: Okay. Maybe bec --
11 I don't know. Maybe, Patrick, if -- is that related
12 to their presentation made here this morning, your
13 question that was just put out there?

14 MR. PATRICK SIMON: Well, I think it's
15 related to -- we're talking about the stuff that
16 they're putting into this and -- and the stuff that's
17 coming out in terms of the effluent. So with the
18 effluent and their -- we want to get an idea of -- of
19 that -- that aspect and the relationship to the
20 natural environment, and whether, you know, what --
21 what status or what state it is in. I -- I believe
22 it's relevant here.

23 THE CHAIRPERSON: Okay, thank you.
24 That answers my question. I'll go back to AANDC.

25 MR. NATHEN RICHEA: Thank you, Mr.

1 Chair. It's Nathen Richea, with the Water and
2 Resources Division. Thank you for your question.

3 My interpretation of the results of the
4 batch scale testing indicated that it was likely that
5 some sort of treatment system would be required prior
6 to release to the receiving environment. After the
7 Proponent's presentation yesterday and following
8 questioning I got a better understanding of what the
9 Proponent is presenting for water treatment from their
10 processing plant. I think it is unclear on the record
11 right now how the proposed process is working for
12 processing, and effluent and effluent treatment. But
13 after my discussions, and following my questioning
14 yesterday, I think I have a better understanding.

15 So to get back, I guess, to your
16 question, the batch scale testing did indicate that
17 some sort of treatment would likely be required in
18 order to meet objectives at the edge of the mixing
19 zone. The Proponent has committed to doing treatment
20 of their processing water. And based on that
21 assessment, I think that they will be able to meet
22 their objectives.

23 And, obviously, there's more work that
24 needs to go into mixing and assessments and how the
25 effluent will be received in the receiving

1 environment, particularly if there's northern species.
2 Drizzle Lake is a very shallow, and a very small lake,
3 so we need to assess the mixing of the -- of that
4 effluent that's being released. And, obviously,
5 there'll be a monitoring program that's set up to
6 assess how that effluent behaves in the receiving
7 environment.

8 And that's why we're really trying to
9 stress that our Aquatics Effects Monitoring Program
10 guidelines should be used, because those guidelines
11 specifically build in a management response action.
12 So if we see things happening in the receiving
13 environment that we do not want to see, we can trigger
14 additional treatment, source control, or some other
15 option to prevent things from getting to a level in
16 the receiving environment that no one wants to see.
17 So I hope that sort of answers your question. And
18 thank you.

19 THE CHAIRPERSON: Thank you. And
20 thank you, Mr. Simon, for -- that's was your final
21 question?

22 MR. PATRICK SIMON: Yes, I'd -- I'd
23 just like to thank you, Mr. Chairperson for this
24 opportunity, and AANDC for -- for giving me this
25 opportunity. Masi cho.

1 THE CHAIRPERSON: Okay. Thank you.
2 Just before I go on to the next person to ask
3 questions, I just wanted to point out that there were
4 some really good questions put here this morning, and
5 I just want to say thank you for the presenters again.

6 And -- but I just wanted to touch one
7 (1) thing on the -- that got my attention is that --
8 is that when you talk about your thorium, if -- if the
9 limits were really high, and -- it'll be a concern.
10 And normally what happens is that if that's the case,
11 then the Review Board has the ability to -- to work
12 with our counterparts in -- that are specializing in
13 these areas, from probably southern Canada and so on,
14 and to address some of these issues.

15 So I maybe -- I just wanted to touch
16 base with John Donihee. Maybe you -- if I'm correct
17 on that. Because normally sometimes if it's -- the
18 limits are high in this case, but it's low in this
19 case. But if it's higher, then we will have to have a
20 -- just kind of a little bit different hearing where
21 we bring in different people that have the expertise,
22 that have legislation in this area.

23 MR. JOHN DONIHEE: John Donihee, Board
24 counsel. As I understand the evidence presented by
25 Avalon, the levels of radioactivity resulting from

1 thorium and -- and uranium and -- and the materials
2 they're handling are so low that they don't trigger
3 the regulatory role of the nuclear safety folks, and
4 consequently they're not -- they're not actually
5 involved in this process. So that -- that's the
6 evidence that -- that I understand to be in front of
7 the Board.

8 THE CHAIRPERSON: And if -- if it was
9 higher, then they'd be involved in this process,
10 correct?

11 MR. JOHN DONIHEE: John Donihee,
12 again. Well, if it were -- certainly if the levels
13 were higher, there'd be other regu -- another
14 regulatory framework that would apply here. And I
15 can't speak to how exactly that would affect the
16 parties in -- in this process, because I'm not that
17 familiar with that legislation. But there'd --
18 there'd be another level of regulation applicable to -
19 - to what the company is proposing to do.

20 THE CHAIRPERSON: Okay. Thank you.
21 Moving on, now I have -- is Environment Canada. You
22 got any questions for AANDC? Please say "yes".

23 MS. SARAH-LACEY MCMILLAN: Good
24 morning. It's Sarah-Lacey McMillan with Environment
25 Canada. We don't have any questions.

1 THE CHAIRPERSON: Okay, then.

2 Fisheries and Oceans Canada, please say you have
3 questions.

4 MR. RICK WALBOURNE: Thank you, Mr.
5 Chair. Rick Walbourne, Fisheries and Oceans. We have
6 no questions, but I'd like to thank the Board for the
7 invite here today. Thank you.

8 THE CHAIRPERSON: Okay, then. Next on
9 the list I have Fort Resolution Metis Council, but
10 they're not here.

11 Government of the Northwest
12 Territories, I know they got questions.

13 MR. ALBERT BOURQUE: Albert Bourque,
14 Government of Northwest Territories. I'm sorry to
15 disappoint you, Mr. Chairman, but we have no questions
16 for AANDC.

17 THE CHAIRPERSON: Okay, then.
18 K'atl'odeeche First Nation, there's nobody here.

19 Lutsel K'e Dene First Nation?

20 MR. MIKE TOLLIS: Hey, Mr. Chair.
21 Mike Tollis, Lutsel K'e. We don't have any questions
22 right now.

23 THE CHAIRPERSON: North Slave Metis
24 Alliance, any questions for AANDC on their
25 presentation here this morning?

1 MR. ERIC BINION: Thank you, Mr.
2 Chair. Eric Binion, North Slave Metis Alliance. I
3 just have two (2) very quick questions about the
4 presentation, on the slide for closure and
5 reclamation.

6 With regard to closure and reclamation,
7 AANDC has rec -- recommended that the goal be in
8 returning the mine sites and affected areas to viable
9 and wherever practical, self-sustaining ecosystems
10 that are compatible with a healthy environment. Does
11 AANDC believe that the historic L37 open pit can be
12 reclaimed to these pre-mining conditions?

13 THE CHAIRPERSON: Okay. Thank you.
14 I'll go to AANDC.

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: Maybe while they are
19 deliberating, I just want to do some recognition. I
20 know they're thinking there. I also just want to
21 maybe acknowledge some Elders in the -- in the
22 audience that are here.

23 From the Yellowknives Dene First Nation
24 we Judy Charlo, Alfred Baillargeon, Michel Paper,
25 Isidore Tsetta, Modesta Sangris, John Drygreese, Peter

1 Sangris. I don't know if I want to call her -- from
2 Lutsel K'e -- I would just say a young Elder, Emily
3 Saunders in the back. I got to be careful there. And
4 we have also another Elder here -- I'm not sure if he
5 is here but Lou Cavillio. I believe he was here
6 earlier. In the meantime, if I missed anybody, I'll
7 put their names down and I'll come back.

8 I'll continue with AANDC. I'm sure
9 you've got -- did you guys have an answer?

10 MR. ROBERT JENKINS: Thank you, Mr.
11 Chair. It's Robert Jenkins Aboriginal Affairs. Maybe
12 I should get Nathen Richea to answer this 'cause in
13 the last line of questioning he answered two (2)
14 questions for every one (1) that got asked, and you
15 said you had two (2) questions. But I'll take a stab
16 at this one.

17 You're right. There needs to be some
18 special considerations for that area. It's a -- it's
19 a pre-existing site. Our guidelines were developed in
20 2002 and -- and the -- sorry, the guidelines were
21 developed in 2006 and the policy developed in 2002.
22 So there will be -- there -- there does need to be
23 some considerations for that site because it was a
24 pre-existing site. I mean, overall, we would work
25 with the proponent and with parties to develop closure

1 goals that are acceptable.

2 THE CHAIRPERSON: Okay. Thank you.

3 To your second question.

4 MR. ERIC BINION: Thank you, Mr.

5 Chair. Eric Binion, North Slave Metis Alliance. For
6 concluding remarks on slide 16, AANDC noted that the
7 effects of the proposed project during operation and
8 post-closure should be limited such that they do not
9 significantly impact traditional use of the lake and
10 development areas.

11 Can AANDC please define
12 'significantly'?

13 THE CHAIRPERSON: Okay. Thank you.
14 Go to AANDC to the slide.

15 MR. ROBERT JENKINS: Thank you, Mr.
16 Chair. It's Robert Jenkins with Aboriginal Affairs.
17 I mean the ultimate of 'significance' will come from
18 the review Board in their report. What we put forward
19 is a number of narrative statements that we hope
20 capture -- or would define what -- if you were to go
21 beyond, would be considered significant, and I listed
22 those earlier.

23 Again, our review is in relation to the
24 water related aspects of the project. So we put
25 forward a number of things about traditional drinking

1 water sources, use of the area for -- for -- you know,
2 aspects about fish abundance. We put these types of
3 statements that we felt should -- should be protected
4 and that we would hope would ensure that traditional -
5 - non-traditional use of the area is -- is maintained
6 now and into the future.

7 THE CHAIRPERSON: Okay. Any further
8 questions from North Slave Metis?

9 MR. ERIC BINION: Thank you, Mr.
10 Chair. No, thank you. That's all.

11 THE CHAIRPERSON: Thank you. Moving
12 on. The Tlicho -- or sorry, NWT Metis Nation.
13 They're not here.

14 The Tlicho Government. They're not
15 here.

16 Transport Canada. You had five (5)
17 questions?

18 MR. CHRIS AQUIRRE: Chris Aquirre,
19 Transport Canada. We have no questions.

20 THE CHAIRPERSON: Thank you. Moving
21 on to the Yellowknives Dene First Nation.

22 MR. TODD SLACK: Good morning, Mr.
23 Chair. Todd Slack for the Yellowknives. I have a
24 single question.

25 In reviewing the -- the presentation

1 that the -- AANDC gave us this morning, it seems like
2 the evaluation of the environmental compliance is only
3 on a toxicity-based water chemistry approach. And I'm
4 just wondering that shouldn't there be some sort of
5 evaluation in terms of a compliance approach for
6 what's happening within the aquatic ecosystem, what we
7 see with the -- the plankton, the bugs, and the fish?
8 Isn't this a possible tool that moves beyond just
9 toxicity and looks at the whole picture? Thanks.

10 THE CHAIRPERSON: Okay. Thank you,
11 Todd Slack, for your only and final question. I'll go
12 to AANDC.

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON: Do you want to take
17 that as an undertaking?

18 MR. ROBERT JENKINS: Robert Jenkins.
19 No, I'd rather take a couple minutes, if -- if you'd
20 let us. Thank you.

21 THE CHAIRPERSON: Yeah, okay then.
22 We'll take a ten (10) minute break then, and you get
23 ten (10) minutes to figure this out.

24

25 --- Upon recessing at 10:45 a.m.

1 --- Upon resuming at 11:04 a.m.

2

3 THE CHAIRPERSON: Okay. If we could
4 get everybody back to the table we're going to
5 continue on. Just a point of order, after lunch I
6 want to talk about zero tolerance for Board members.
7 I just want to -- I'll come to speak to that after
8 lunch.

9 In the meantime I'm going to continue
10 on to the question that was put forward to AANDC. And
11 I'm hoping that maybe you have an answer to YKDFN's
12 question.

13 And if people in the back could be
14 quiet. And if you want to speak you may have to step
15 outside. And turn off your cell phone.

16 Okay. AANDC...?

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

19 What Mr. Slack referred to is talking
20 about things like -- including things like benthics or
21 plankton or thing like that in -- as endpoints -- you
22 know, as measurement endpoints instead of just talking
23 about toxicity based values. And the way that we look
24 at this is that your -- your objectives, again, will
25 protect a number of -- a number of things. And we put

1 forward a number of statements, things such as -- you
2 know, we talked about water quality changes not
3 affecting benthic macro invertebrates, you know, and
4 plankton abundance.

5 So those are types of things that --
6 that we feel that the -- the objectives will protect
7 now and into the future. How do you go about ensuring
8 that? Well, you would -- you would have a robust
9 Aquatic Effects Monitoring Program. You would have
10 triggers and thresholds, that if you started seeing
11 changes in these -- you know, in benthic macro
12 invertebrates, or things like that, you would
13 implement operational measures to -- so that you don't
14 go beyond -- or to a point that you don't want to see.

15 So essentially they are -- they are
16 included. They might not be a legal condition of the
17 licence. They are through the monitoring program, but
18 they might not be an actual explicit term in the body
19 of the licence, but essentially that's what you're
20 trying to protect. You need to monitor and ensure
21 that you are protecting those types of things, and,
22 again, that you set triggers and thresholds so that
23 you never get to a point that you don't want to go.

24 THE CHAIRPERSON: Okay. Thank you.
25 The -- moving onto questions now is the developer,

1 Avalon Rare Metals Inc. Questions to AANDC on their
2 presentations this morning?

3 MR. DAVIS SWISHER: Thank you, Mr.
4 Chair. David Swisher with Avalon. We have three (3)
5 questions. The first question being that AANDC may --
6 may not be aware, or may have inadvertently spoken
7 their presentation with regards to the SSWQOs around
8 nutrients.

9 And I just -- my question is: Does
10 AANDC know that Avalon did propose those SSWQOs for
11 nutrients during the August 14th technical hearings?

12 THE CHAIRPERSON: Okay. Thank you for
13 your first question of three (3). AANDC...?

14 MR. NATHEN RICHEA: Thank you, Mr.
15 Chair. It's Nathen Richea, with the Water Resources
16 Division. Yes, I -- I am aware that Avalon presented
17 site-specific water quality objectives for nutrients
18 and, I think, chloride and sulphate at the technical
19 sessions.

20 During the technical sessions we had
21 some discussions about those that were proposed. I
22 think Avalon may have revised those site-specific
23 water quality objectives. However, they weren't
24 presented in their presentation yesterday, so I'm not
25 -- I wasn't sure if they were actually still proposing

1 those revised objectives or not. So therefore, that's
2 where the comments were in regards to nutrients in --
3 in major ions.

4 THE CHAIRPERSON: I'm going to go back
5 to Avalon to the second question.

6 MR. DAVID SWISHER: Thank you, Mr.
7 Chair. To -- to clarify that, Avalon does not have
8 any further nutrient proposed SSWQOs than that that
9 was already proposed in the technical hearing,
10 subsequent to that.

11 Second question relates to AANDC's
12 Recommendation number 4. AANDC recommends that
13 dissolved oxygen and metal concentrations under ice
14 must be regularly assessed to ensure they do not
15 become harmful to aquatic life in Drizzle, Murky,
16 and/or Thor Lake.

17 For a point of clarification, Drizzle
18 and Murky Lake are shallow and freeze all the way
19 through and are, in and amongst themselves in the
20 natural environment, anoxic. So I'm just wondering
21 how AANDC expects Avalon to ensure that they don't
22 become harmful to aquatic life when already in the
23 natural environment they are by definition already
24 harmful to aquatic life?

25 THE CHAIRPERSON: Okay. Thank you.

1 I'll go to AANDC and if you don't mind putting that
2 presentation slide on the -- up so we can see it, and
3 then you can respond to that question.

4

5 (BRIEF PAUSE)

6

7 MR. NATHEN RICHA: Thank you, Mr.
8 Chair. It's Nathen Richea, with the Water Resources
9 Division. We included this as a recommendation
10 because of the fact that the natural condition in
11 Drizzle and Murky Lake currently exhibits levels that
12 are harmful during the wintertime. However, because
13 of the potential effect of the release of nutrients to
14 the receiving environment, such as nitrate,
15 phosphorus, and ammonia, that effect can be
16 exacerbated or increased.

17 So we've put this recommendation in to
18 prevent the condition from getting worse or worsening
19 over time. We do acknowledge that the condition does
20 happen currently, but we want to make sure that
21 whatever's released from the operation doesn't cause
22 that condition to worsen over time.

23 We also included Thor Lake in that
24 recommendations, because currently Thor Lake does not
25 have that condition happen. Because it is a larger

1 lake and has a deeper depth, it doesn't seem the same
2 -- doesn't see the same type of condition. So we
3 included Thor Lake, because we do want to prevent that
4 from happening and we wanted to prevent that down from
5 the effluent discharge through the chain of lakes that
6 go, you know, downstream from the operation.

7 THE CHAIRPERSON: Okay. Thank you.
8 I'll go back to Avalon to their third question.

9 MR. DAVID SWISHER: Mr. Chair, it's
10 actually a follow-up question to number 2. Would
11 AANDC consider modifying this broad statement, given
12 that there are inconsistencies within the existing
13 statement, to clarify with regards to the state of
14 Drizzle and Murky Lake, and -- and the statement
15 specifically assessing, or -- or where it says to
16 ensure for all three (3) of those lakes? Thank you.

17 THE CHAIRPERSON: Okay. Thank you.
18 I'm going to go to AANDC.

19 MR. ROBERT JENKINS: Thank you, Mr.
20 Chair. It's Robert Jenkins, with Aboriginal Affairs.
21 Yeah, we can clarify the statement when we provide our
22 closing statement to the Board.

23 THE CHAIRPERSON: Will you be able to
24 make the presentation made available to the Board as
25 well when you do that? A copy of it. Mr. Donihee...?

1 MR. JOHN DONIHEE: Mr. Chairman, I --
2 think the next step, really, is just to get argument
3 from -- what I call argument, a closing statement, I
4 guess, Mr. Jenkins is referring to. And I think if we
5 change any of the presentations now, it -- it has
6 other side effects that maybe -- maybe we don't want
7 to pursue.

8 THE CHAIRPERSON: Okay. Thank you.
9 We'll do that during the closing statements, then.
10 We'll go back to Avalon to their final question.

11 MR. DAVID SWISHER: Thank you, Mr.
12 Chair. David Swisher, with Avalon. Our final
13 question refers to the closure and reclamation
14 recommendation slides, Recommendation number 10,
15 whereby AANDC recommends that:

16 "The company be required to place
17 tailings cover during the winter,
18 and design them sufficiently to
19 maintain long term stability,
20 including during summer thaw periods
21 for both Nechalacho and L-37
22 tailings facility."

23 If Avalon is to commit to analyzing the
24 tailings during operations as in the next
25 recommendation that is made, and it's deemed safe and

1 prudent to place tailings cover during the summer
2 months or any of the other seasons other than winter,
3 would AANDC limit or modify their recommendation to
4 not limit this to just the winter period?

5 THE CHAIRPERSON: Okay. Thank you.
6 I'll go to AANDC.

7

8 (BRIEF PAUSE)

9

10 MR. ROBERT JENKINS: Thank you, Mr.
11 Chair. It's Robert Jenkins, with Aboriginal Affairs.
12 I think that if -- if more information became
13 available that showed that it -- it doesn't need to be
14 done during the winter, that we would be open to that
15 and open to that discussion. I think that there does
16 need to be work done in the future through reclamation
17 research. We have seen issues with trafficability of
18 -- on tailing surfaces, and that's why we put forward
19 that a lot of these things be done in the winter.

20 But I think that I -- I can agree with
21 you that if additional information is provided in the
22 future that -- that show that that's not needed and
23 that it needs to be placed during a different period
24 of the year, that, yes, we would be -- we would be
25 open to that.

1 MR. NATHEN RICHEA: Thank you, Mr.
2 Chair. It's Nathen Richea, with the Water Resources
3 Division. I just wanted to add one (1) thing to that.
4 There was much discussion about this issue at the
5 technical sessions, and there was a commitment made by
6 the Developer to do it in this fashion. And I think
7 one (1) of the commitments was actually written out in
8 this manner. So, therefore, that's why I included it
9 as a measure, or as a recommendation for a measure.

10 But as Mr. Jenkins mentioned, we also
11 did recommend that reclamation research be initiated
12 in the early years of operation. And we are open to,
13 you know, changing this over time. It's a long --
14 it's a long process. I'll explain it here, but during
15 environmental assessment you -- there is a requirement
16 to provide a conceptual or a preliminary closure plan.
17 During the water licensing -- initial phases of water
18 licensing, there's an interim closure and reclamation
19 plan that's provided. That interim plan is actually
20 updated through the course of the water licence term
21 to improve on designs and get to final objectives and
22 criteria.

23 So that is part of the process.
24 However, the recommendation as written is a commitment
25 from the company.

1 THE CHAIRPERSON: Thank you. I'm
2 going to go back to Avalon. Is there any follow-up
3 questions?

4 MR. DAVID SWISHER: David Swisher,
5 with Avalon. Just a follow-up statement. You know,
6 we agree. We appreciate AANDC's note on there. The
7 commitment was based on "if necessary through the
8 winter." We fully agree with doing the necessary work
9 to analyze and evaluate the appropriate times for the
10 safe covering of those tailings facilities. Thank
11 you.

12 THE CHAIRPERSON: Okay. Thank you.
13 Moving on to the Review Board legal counsel and staff.
14 Any questions to AANDC on their presentation made this
15 morning?

16 MR. CHUCK HUBERT: Chuck Hubert, with
17 the Review Board. Ralph Grismala, our technical
18 advisor, has a few questions for AANDC.

19 MR. RALPH GRISMALA: Thank you, Mr.
20 Chair. Ralph Grismala, ICF Marbek. One (1) of
21 AANDC's recommendations says that, quote:

22 "Water quality changes due to mining
23 activities will not negatively
24 affect areas utilized as traditional
25 drinking water sources."

1 Unquote. With an appropriate benchmark
2 for negatively affecting drinking water be the water
3 quality guidelines for drinking water, or are there
4 other factors?

5 THE CHAIRPERSON: Thank you for your
6 question. I'm going to go to AANDC, to the question.

7

8 (BRIEF PAUSE)

9

10 MR. ROBERT JENKINS: Thank you, Mr.
11 Chair. It's Robert Jenkins, with Aboriginal Affairs.
12 We understand that the aquatic life guideline is
13 actually, for many parameters, to a higher standard
14 than the drinking water guidelines. So if the aquatic
15 quality of life guidelines are met then -- then it
16 should, you know, protect drinking water sources.

17 It's very important to note that --
18 that we often talk about is the water safe to drink.
19 And -- and, you know, you can't guarantee that in all
20 instances that water is safe to drink unless you boil
21 it. And it is very important to put forward, and the
22 documents the department's put out is that reality --
23 overall the quality of the water is very good but, you
24 know, there are things out there -- bacteria, which
25 are naturally occurring -- which could -- could result

1 in people getting sick after they drink the water. So
2 one (1) of the things that's often put out by the
3 Department of Health is that water should be boiled.

4 So I just want to -- sort of mention
5 that point. I'm not the health department by no means
6 but it is a -- an important point to bring up.

7 THE CHAIRPERSON: Okay. I'll go back
8 to Review Board staff.

9 MR. RALPH GRISMALA: Ralph Grismala,
10 ICF Marbek. AANDC has recommended, quote:

11 "SSWQOs for rare earth elements
12 should be set at the limits proposed
13 by the company unless further
14 investigation and assessment of
15 toxicity is available."

16 Unquote. How important is this
17 recommendation in establishing that the project would
18 not have significant adverse water quality impacts in
19 the Drizzle, Murky, and Thor Lake system?

20 THE CHAIRPERSON: Thank you. I'm
21 going over to AANDC, to the question.

22 MR. NATHEN RICHEA: Thank you, Mr.
23 Chair. It's Nathen Richea at the Water Resource
24 Division. I would agree that as soon as information
25 becomes available, additional information, or

1 information that we do not have on-hand at this point
2 in time, that that information should be used to
3 derive site-specific water quality objectives.

4 In the course of our presentation, or
5 at least in part of the questioning, we did identify
6 that the objectives could be interim in nature, such
7 that revisions could be made when more information is
8 available. I think there was some reference this is a
9 new operation in the Northwest Territories. I think
10 it's a new operation in Canada. So there isn't a lot
11 of existing knowledge on how these things behave in
12 the North.

13 There was some reference to toxicity of
14 these parameters to northern species. The testing
15 that was done that the proponent is relying on used
16 *Hyalella azteca*. It's a -- it's an organism that you
17 do toxicity testing on and it actually does reside in
18 the Northwest Territories.

19 So to answer your question quickly:
20 Yes, we do want to look at any new information that
21 comes in when it comes available, and we do want to
22 adjust the objective appropriately. So, I hope that
23 answers your question.

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

1 MR. RALPH GRISMALA: Ralph Grismala,
2 ICF Marbek. Thank you for that response. Regarding
3 the phrase, quote:

4 "Unless further investigation and
5 assessment of toxicity is
6 available."

7 Unquote. In your recommendation, is it
8 your understanding that Avalon does not plan to
9 request any increase in the proposed SSWQOs?

10 THE CHAIRPERSON: Thank you. I'll go
11 over to AANDC.

12 MR. NATHEN RICHEA: Thank you, Mr.
13 Chair. It's Nathen Richea, with the Water Resources
14 Division. I believe it's -- it is my understanding
15 that the Company is not proposing to increase the
16 objectives.

17 THE CHAIRPERSON: Thank you. I'll go
18 to Review Board staff.

19 MR. RALPH GRISMALA: Ralph Grismala,
20 ICF Marbek. It is unlikely that the Mackenzie Valley
21 Land and Water Board or other parties would initiate
22 an increase in the values proposed by the Proponent.

23 So is it AANDC's understanding that
24 additional information or toxicity data would only
25 lead to a lowering of these values?

1 THE CHAIRPERSON: Thank you. We'll go
2 to AANDC to the question.

3 MR. ROBERT JENKINS: Thank you. It's
4 Robert Jenkins, with Aboriginal Affairs. Again, as we
5 mentioned earlier, I think if additional information
6 comes in, it's -- it's really important to consider
7 that. And again, we talked about adjusting values.
8 And -- and, you know, there's times where you might
9 get new information that you find that -- that it
10 could be an adjustment in either direction.

11 Ultimately, right now, I mean, the
12 Proponent has put forward that they can -- they can
13 meet these objectives. So, you know, in line with our
14 overall philosophy in -- in water protection, I mean,
15 we feel that -- that a higher standard is always
16 better. But if additional information comes out that
17 says you can adjust up and down, it's something that
18 does need to be considered and appropriate decisions
19 made.

20 THE CHAIRPERSON: Okay, thank you.
21 Review Board staff...?

22 MR. RALPH GRISMALA: Ralph Grismala,
23 ICF Marbek. Thank you. I have a -- some questions
24 related to the concentrations in Drizzle Lake.

25 Avalon's trace remodelling of the TMF

1 in Drizzle Lake is currently out of date due to
2 Avalon's improvements in design and Avalon's
3 commitment to treat both the mine water and the
4 tailings pore water before discharge to the TMF.

5 Is it important to AANDC that Avalon
6 update their concentration modelling to reflect the
7 current project description? And if so, why?

8 THE CHAIRPERSON: Thank you. I'll go
9 over to AANDC to the question.

10 MR. NATHEN RICHEA: Thank you, Mr.
11 Chair. It's Nathen Richea, with the Water Resources
12 Division. The answer is, yes, we always want to
13 understand what is reasonably and practically
14 achievable by the operation.

15 Source control is -- is -- was one (1)
16 aspect that we look at to -- to assess the impacts of
17 the effluent on the receiving environment. So if --
18 if conditions have changed or the operation of the
19 tailings management facility or treatment has changed,
20 we do want to understand what that means and how
21 things may improve in the receiving environment. So,
22 yeah. And I guess the short answer is -- is yes.

23 THE CHAIRPERSON: Thank you. Review
24 Board staff...?

25 MR. RALPH GRISMALA: Ralph Grismala,

1 ICF Marbek. Avalon's prior trace remodelling showed
2 increases in the concentrations of many parameters
3 during the twenty (20) year life of the mine. Avalon
4 has suggested that additional inferred reserves might
5 allow the extension of the life of the projects so
6 that it becomes a multi-generational mine.

7 Is AANDC concerned that continued
8 build-up of the concentrations in Drizzle Lake beyond
9 twenty (20) years are a potential concern?

10 THE CHAIRPERSON: Thank you. I'll go
11 to AANDC to the question.

12 MR. ROBERT JENKINS: Thank you, Mr.
13 Chair. It's Robert Jenkins, with Aboriginal Affairs.
14 I think that as we move through the life of the
15 operation -- and again, we'll -- we'll get new
16 information. And -- and one (1) of the things that
17 will be done is -- is an intensive Aquatic Effects
18 Monitoring Program. And we need to take the results
19 of that program to ensure that -- that what we're
20 trying to protect remains protected.

21 And so in that regard, through --
22 through the life of the mine there may be a need for
23 operational adjustments so that, you know, what we put
24 forward as the statements for things that we feel need
25 to be protected from this operation are maintained.

1 Whether or not the life of the mine
2 extends outward, that would be done, and then you
3 would make, again -- you know, if -- if there are
4 things that change that we need to -- to consider,
5 then we -- we would consider it through that point.

6 THE CHAIRPERSON: Okay, thank you.
7 Review Board staff...?

8 MR. RALPH GRISMALA: Ralph Grismala,
9 ICF Marbek. Switching now to the Pine Point site,
10 AANDC has had discussions with Avalon regarding their
11 plume modelling at Pine Point. All the levels of
12 magnesium and sulphates predicted by the model are
13 generally comparable to the background concentrations.
14 The modelled concentrations are additive to this -- to
15 this background.

16 Has AANDC considered the impacts of the
17 modelled concentrations added to the existing high
18 background concentrations?

19 THE CHAIRPERSON: Thank you. I'll go
20 over to AANDC to the question.

21

22 (BRIEF PAUSE)

23

24 MR. ROBERT JENKINS: Thank you, Mr.
25 Chair. It's Robert Jenkins, with Aboriginal Affairs.

1 No, we haven't considered that.

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

4 MR. RALPH GRISMALA: Ralph Grismala,
5 ICF Marbek. Is it AANDC's understanding that the
6 existing high background concentrations at the Pine
7 Point site are in part due to prior mining activity,
8 or are these representative of natural conditions?
9 And has Avalon clearly demonstrated that they are
10 comparing the modelling results to natural background
11 concentrations?

12 THE CHAIRPERSON: Thank you. I'll go
13 over to AANDC to the question.

14

15 (BRIEF PAUSE)

16

17 MR. ROBERT JENKINS: Thank you, Mr.
18 Chair. It's Robert Jenkins, with Aboriginal Affairs.
19 We relied on the information provided by the Company,
20 so that's really the -- the answer to that question we
21 have for you.

22 THE CHAIRPERSON: Thank you. I'll go
23 to the Review Board staff.

24 MR. RALPH GRISMALA: Ralph Grismala,
25 ICF Marbek. The plume model used at the hydromet

1 facility is a straight dilution model, so the dilution
2 ratios would be the same for any element, as
3 demonstrated by the proportionally identical results
4 for magnesium and sulfates reported.

5 Several of the REEs, most notably
6 cerium and lanthanum, would still be well above the
7 proposed SSWQOs for Drizzle Lake when they reach Great
8 Slave Lake, the downstream receiving water body from
9 Avalon's discharge pits, at the dilution levels
10 indicated by Avalon's flow model.

11 Is AANDC satisfied that Avalon has
12 adequately assessed the levels of REEs that would
13 reach Great Slave Lake and their potential impacts?
14 If not, is there any action that AANDC would recommend
15 to resolve any information gaps in the assessment?

16 THE CHAIRPERSON: Thank you. I'll go
17 over to AANDC to the question.

18

19 (BRIEF PAUSE)

20

21 MR. ROBERT JENKINS: Thank you, Mr.
22 Chair. It's Robert Jenkins, with Aboriginal Affairs.
23 Again, we didn't conduct that assessment. If your
24 statements are correct, then we are -- we do have some
25 concerns. We do recognize that -- we understand there

1 would be a forty (40) to eighty (80) year period
2 before the plume would hit Great Slave Lake. So
3 additional work could be conducted and, again,
4 operational measures could be implemented if
5 necessary.

6 MR. DAVID SWISHER: Mr. Chair, could I
7 help to answer that question?

8 THE CHAIRPERSON: If it's relevant,
9 yes.

10 MR. DAVID SWISHER: David Swisher,
11 with Avalon. The -- the rare earths at the hydromet
12 plant do not report to the tailings. They all go for
13 further processing downstream. The majority of all
14 rare earths are -- cannot be directly applied to any
15 of the SSWQOs for the Nechalacho site; two (2)
16 different processes.

17 The majority of all the rare earths at
18 the hydromet plant are being recovered. Therefore,
19 you're not going to see any rare earths, or -- or
20 traces of rare earths, if you will, in the tailings
21 facilities at the hydromet plant. Thank you.

22 THE CHAIRPERSON: Thank you for the
23 clarification. I'll go back to the Review Board
24 staff.

25 MR. RALPH GRISMALA: Ralph Grismala,

1 ICF Marbek. I'd like to thank AANDC for their
2 responses and Avalon for that clarification. I have
3 no further questions.

4 THE CHAIRPERSON: Thank you. I'm
5 going to go Board -- to the Review Board legal
6 counsel.

7 MR. JOHN DONIHEE: Thank you, Mr.
8 Chairman. It's John Donihee. The first question for
9 AANDC really relates to the -- perhaps the nature of
10 their recommendations and their expectations with
11 respect to the recommendations that they've made.

12 You know, as I -- as I read through
13 them, they -- they seem to come in -- in different
14 types. And let me just give you an example. You
15 know, recommendation number 8, for example, is simply
16 a recommendation that a set of guidelines, the AEMP
17 guidelines your department developed in 2009, the --
18 implemented by the -- the Developer. They actually
19 made a commitment to do that yesterday.

20 But I'll -- I'll just contrast that, I
21 guess, with recommendations 5 and 6. And so let --
22 just if you'll hold that thought in your mind, I'll --
23 I'll ask you the question then.

24 It -- it seems to me, and would you
25 confirm, I guess, that, you know, if in fact the site-

1 specific water quality objectives, the narrative
2 version of them that you've proposed in recommendation
3 5, were not accepted by the Review Board, that -- from
4 your perspective, there'd be a risk -- there would be
5 a significant environmental impact on the downstream
6 water environment?

7 THE CHAIRPERSON: Thank you. To AANDC
8 to the question.

9 MR. ROBERT JENKINS: Thank you, Mr.
10 Chair. It's Robert Jenkins with Aboriginal Affairs.
11 Yes, I mean, the recommendations that we put forward
12 we feel are necessary to -- you know, for the Board,
13 moving forward, to prevent adverse effects from the
14 project.

15 Some of those, like you said, our
16 application of our guidelines, we feel that that
17 approach needs to be followed to ensure that, you
18 know, action is taken in advance of, you know, a
19 significant adverse effect.

20 So -- so, yes, we do feel that
21 essentially that's the approach we take in -- in
22 writing our recommendations to the Board.

23 THE CHAIRPERSON: Thank you. I'll go
24 over to the Review Board legal counsel.

25 MR. JOHN DONIHEE: Thank you, Mr.

1 Chairman. John Donihee. And that's -- the similar --
2 I expect your answer would be the same if I asked the
3 same question about recommendation number 6, which
4 refers to the water quality objectives for rare earths
5 and some of the metals, these -- these being values
6 that were shown to the Board in a -- in the
7 presentation yesterday. There are two (2) tables with
8 a list of actual numerical values.

9 But if -- if they were not -- not
10 picked up in the process and if Avalon were not to
11 operate in accordance with those objectives, would
12 AANDC have similar concerns about significant impacts?

13 THE CHAIRPERSON: Thank you. I'll go
14 over to AANDC to the question.

15 MR. ROBERT JENKINS: Thank you, Mr.
16 Chair. It's Robert Jenkins with Aboriginal Affairs.
17 I think the -- what we put forward and what we talked
18 about to the Board in -- in past hearings and, as
19 well, at this hearing is that we feel that there needs
20 to be some narrative statements, some guidance in the
21 environmental assessment which really set the marching
22 orders for what's to be protected through, you know,
23 licensing, through permitting and what not.

24 We put forward narrative statements
25 which we feel are needed. We've put forward values

1 for objectives, moving forward. But again, we feel
2 that that's a -- in many cases, that could be a level
3 at which you never need to go to. And so we've --
4 we've always maintained that the highest standard
5 practically achieved -- practically and reasonably
6 achievable should be used. But, yes, again, I guess
7 in short, my answer is simply ditto to the first --
8 first response.

9 THE CHAIRPERSON: Okay. Thank you.
10 Review Board legal counsel...?

11 MR. JOHN DONIHEE: Thank you, Mr.
12 Chairman. Mr. Jenkins, what I'm -- I'm trying to do
13 in some ways -- I have some specific questions about
14 the language of the recommendations. I'll get to them
15 next.

16 But -- but the other thing I'm trying
17 to do is to sort of reconcile, you know, the first
18 recommendation 6, which really talks about narrative
19 objectives, and the -- I'm sorry, it was number 5 --
20 and number 6, which then makes reference to and -- and
21 seemingly adopts a number of specific numeric
22 objectives. And I realize you're -- you're talking
23 about applying those numerical ones provisionally.

24 But I guess the concern that I have is
25 just, you know, is it possible that if this Board

1 accepts the narrative objectives that -- and they're
2 passed on, as well as your recommendation number 6
3 with the numerical objectives, and they're passed on,
4 of course, through the process to the Land and Water
5 Board, that in fact there could be some discrepancies
6 if you're starting to apply those narrative
7 objectives, that you could find out that you're either
8 too high or too low with the actual numerical
9 objectives that -- that are referenced in
10 recommendation number 6.

11 THE CHAIRPERSON: Thank you. To AANDC
12 to the question.

13

14 (BRIEF PAUSE)

15

16 MR. NATHEN RICHEA: Thank you, Mr.
17 Chair. It's Nathen Richea, with the Water Resources
18 Division. I'm going to take a crack at this one.

19 The narrative statements that are
20 presented are used to -- to assess the impacts of the
21 effluent discharge at the receiving environment. We
22 did get a question earlier in the questioning about
23 what we feel 'significance' means when you look at
24 those -- those narrative statements. That's a valid
25 question.

1 The concentrations in the effluent that
2 are discharged can vary quite -- quite a bit and still
3 protect significant adverse effects. What the AEMP
4 guidelines do -- and that's why we have a
5 recommendation for following those -- is it sets up
6 action levels and triggers that are used to assess
7 what the significance is of those changes.

8 They're set at low, moderate, and high
9 level of effects. No other monitoring program
10 typically uses that sort of framework to set
11 objectives -- or set triggers for action. That's why
12 we always bring a recommendation to the boards -- no
13 matter what board it is, the Impact Review Board or
14 the Land and Water Board -- to follow our objectives.

15 An important consideration when we're
16 putting our Aquatic Effects Monitoring Program
17 guidelines together was the incorporation of
18 traditional knowledge or the concerns of people who
19 live in the area who hunt and trap and use the area,
20 because their level of significance is different from
21 a toxicity level of significance. So you need to
22 factor in both of those concerns when you set action
23 levels and triggers.

24 So to get to your further statement
25 about -- or question, I guess, regarding the

1 recommendations for concentration limits for site-
2 specific water quality objectives, because the
3 narrative statements allow low, moderate, and high-
4 level change to occur, the concentration objectives
5 set the upper bound.

6 We want to make sure that what the
7 Proponent is doing is reasonably and practically
8 achievable so they can achieve those upper-bound
9 objectives. But we also want to set low, moderate,
10 and high-level actions to inform adaptive management
11 in the -- in the event that we see things in the
12 receiving environment that are not what people want to
13 see.

14 Toxicity-based guidelines do not
15 account for bioaccumulation, biomagnification of -- of
16 parameters. They're only exposure toxicity. So there
17 are a number of things that can -- there's a number of
18 things that can happen in the receiving environment
19 that can't quite be modelled by toxicity exper --
20 experiments alone.

21 So that's why there's, you know,
22 basically a series of -- of recommendations that we're
23 providing. You know, a recommendation to follow our
24 guidelines seems, you know, on the outset to be --
25 follow our guidelines doesn't seem to be a very

1 significant recommendation.

2 But the way that we see the process
3 working and how these prevent significant adverse
4 effects, they're just as -- as important as the
5 concentrations for site-specific water quality
6 objectives.

7 THE CHAIRPERSON: Thank you. Review
8 Board legal counsel...?

9 MR. JOHN DONIHEE: Thank you, Mr.
10 Chairman. John Donihee. I'll come at this a little
11 bit differently. My -- my -- I mean, I think I -- I
12 started from the perspective that SSWQOs when --
13 ultimately are going to lead to EQCs. And EQCs may be
14 affected in -- in time with the results of an AEMP.
15 But in -- in effect, you know, the low, medium, high
16 that you're talking about is -- is something that is -
17 - those are thresholds for action that are identified
18 in the AEMP.

19 And I see recommendation number 6
20 essentially saying, Put the -- the two (2) tables, if
21 you will, of numbers that Avalon has presented to the
22 Board, one (1) for water quality objectives for rare
23 element -- rare earth elements, the other one (1) I'm
24 going to just call metals, because it seemed mostly
25 like -- like it was metals to me.

1 And if the -- the Rev -- Review Board
2 were to accept the recommendation of AANDC on -- on
3 number 6, then those two (2) tables would be reflected
4 in a report of EA and those numbers, through Section
5 62 of the Act, would be binding on the Land and Water
6 Board.

7 And so I know you're talking about, you
8 know, provisionally based on CCME guidelines and that
9 sort of thing and you're trying to build some
10 flexibility into that recommendation.

11 But the problem that I see is that when
12 you look at the way the -- the legislation works, if
13 this recommendation is accepted, the only way to fix
14 it at the water licensing stage is for Avalon to have
15 to come back and apply for an amendment to the
16 licence. And that -- that doesn't seem very flexible,
17 from my perspective.

18 So can you -- I mean, do you agree with
19 that?

20 THE CHAIRPERSON: Thank you. AANDC to
21 the question.

22 MR. ROBERT JENKINS: Thank you, Mr.
23 Chair. It's Robert Jenkins, with Aboriginal Affairs.
24 I agree with Mr. Donihee that the -- the legislation
25 is very rigid in that regard. And -- and so that it -

1 - you do raise a valid point.

2 Again, the point that we were putting
3 forward was the narrative statements are what -- you
4 know, what we feel needs to be protected. That needs
5 to be reflected in the objectives. Our
6 recommendations on the objectives were based on the
7 evidence available. It was seen by us as something
8 that could change, but it also was seen by us as -- as
9 an upper bound; something that, in many instances, the
10 Proponent didn't even necessarily need to go up to.

11 Again, we felt that those values would
12 protect the -- the narrative statements or ensure that
13 the narrative statements are met and the level of
14 protection is applied. But I do agree with you that
15 that could cause some -- you know, cause some
16 complications in the future if new information were to
17 arise. And the law, and I'll -- I'll defer to you on
18 the legal interpretation, that -- that, you know, an
19 amendment would be necessary in that regard.

20 MR. NATHEN RICHEA: It's Nathen
21 Richea, with the Water Resources Division. We've been
22 through a number of hearings, and I just have a quote
23 here that I did want to bring to the attention and --
24 and that I've heard made, the statements made by the
25 Land and Water Board in previous -- previous hearings:

1 "The Boar -- the Board may set
2 effluent quality criteria that are
3 more stringent than what's necessary
4 to meet water quality standards."

5 So the Board recognizes that the
6 concentrations for objectives may be set in stone, but
7 the Board may also make a decision -- the Land and
8 Water Board may make a decision to set EQCs that are
9 more stringent than those objectives. So it -- it
10 doesn't necessarily bind them to set EQCs only based
11 on those objectives.

12 THE CHAIRPERSON: Thank you. Review
13 Board legal counsel...?

14 MR. JOHN DONIHEE: Thank you, Mr.
15 Chairman. Well, let's -- let's just have a look at
16 your recommendation number 5, then. That's the -- the
17 narrative statements. And I -- I just -- I know my --
18 I believe someone asked you a moment ago about
19 'significantly', and I -- I actually have no
20 difficulty with the answer that you gave about how to
21 define 'significantly'.

22 But -- but when I look at the -- the
23 four (4) bullets that are on that slide there, I -- I
24 guess it just -- it's the lawyer in me. What can I
25 do? You know, I look at the language, and the first

1 one is, "significantly affect." The second one is,
2 "significantly alter." The third one is, "not
3 negatively affect," and then we get back to,
4 "significantly affect," again.

5 And so what I'm concerned about is just
6 that, you know, we seem to have at least three (3)
7 different sort of tests, you know, for how it is that
8 what's bad, or what we don't want to happen, is going
9 to be judged, irr -- irrespective of the meaning of
10 the word 'significantly'.

11 So I'm -- I'm just wondering, is this
12 just because it's a non-legal recommendation, or --
13 or, you know, are you really meaning something
14 different? You know, is there a difference in your
15 mind between 'significantly affect' and 'significantly
16 alter'?

17 THE CHAIRPERSON: Thank you. AANDC to
18 the question.

19 MR. ROBERT JENKINS: Thank you, Mr.
20 Chair. It's Robert Jenkins, with Aboriginal Affairs.
21 No, we don't really mean a difference there. It's
22 just the way that -- the way that I wrote it. I
23 didn't -- I can't really say that I undertook a -- or
24 requested a legal review of this recommendation before
25 it went in.

1 But -- but what we mean by this is,
2 "will not significantly affect." The second one we
3 say, "significantly alter," "significantly affect,"
4 "negatively affect," "significantly affect." And then
5 the last one, fortunately, is back to, "significantly
6 affect." So we took you on a bit of a ride, but we
7 got back to where we were -- where we started, it
8 seems. So we could provide some clarification on that
9 in our closing arguments to the Board.

10 THE CHAIRPERSON: Thank you. You
11 sound like a bush lawyer. Okay, I'm going to go back
12 to Review Board legal counsel.

13 MR. JOHN DONIHEE: Thank you, Mr.
14 Chairman. John Donihee. I appre -- I appreciate your
15 offer. I would encourage you to, you know, give --
16 give some thought to that.

17 I -- just an -- one (1) other
18 observation, I guess. And that is that, you know,
19 'not negatively affect' is potentially much more
20 stringent than 'significantly affect'. But I'll leave
21 that to you and -- and My Friend who's sitting behind
22 you as you prepare your -- your final argument.

23 I'd ask as well then, if you would, in
24 -- in argument to reflect a little on this other, sort
25 of, dilemma, I guess, that I was trying to explore

1 with you between, you know, the effects of actually
2 adopting numerical values right now in the report of -
3 - or, potentially in a report of EA and -- and as
4 compared simply to adopting narrative statements which
5 leave more flexibility available, I guess, to the --
6 the sister board of the Review Board.

7 So those are my questions, Mr.
8 Chairman. Thank you.

9 THE CHAIRPERSON: Thank you. And to
10 AANDC, I guess, coming back to your closing
11 statements, you'll pick up on that? Okay, thank you.

12 Okay. I'm going to go to the Review
13 Board. I'm going to go to my far right now. I'm
14 going to go to Board member John Curran.

15 Any questions for AANDC on their
16 presentation this morning?

17 MR. JOHN CURRAN: Thank you, Mr.
18 Chairman. Pardon me. No, I -- I think most of what I
19 was going to ask has already been covered. So I'd
20 just like to thank AANDC for their presentation and
21 their responses so far.

22 THE CHAIRPERSON: Thank you. Board
23 member Sunny Munroe...?

24 MS. SUNNY MUNROE: I agree with John.
25 I think most of my questions have been answered.

1 Thank you.

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

4 MR. RICHARD MERCREDI: No questions at
5 this time. Thank you.

6 THE CHAIRPERSON: Thank you. Board
7 member James Wah-shee...?

8 MR. JAMES WAH-SHEE: Thank you for
9 your presentation. I have no questions.

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

12 MR. PERCY HARDISTY: Masi, Mr. Chair.
13 No questions.

14 THE CHAIRPERSON: Thank you. Board
15 member Rachel Crapeau...?

16 MS. RACHEL CRAPEAU: Only one (1)
17 question. You mentioned that traditional users of the
18 land, the people who drink and use the water, might
19 have different criteria versus what a company or any
20 other person who might be in that area use the water.

21 I know that long time ago I've seen
22 Elders filter water when you take water out of the
23 lake. And I once asked an Elder about that, and they
24 said that the -- the bugs have to be filtered out.

25 And so are you suggesting that maybe

1 the Company should do toxicity testing in regards to
2 the Hyallela azteca ?

3 THE CHAIRPERSON: Thank you for the
4 question. We'll go to AANDC to the question.

5 MR. ROBERT JENKINS: Thank you, Mr.
6 Chair. It's Robert Jenkins, with Aboriginal Affairs.
7 We understand they did use the testing that was done
8 on Hyall -- Hyallela when they came up with their
9 values.

10 To talk about your -- your point about
11 filtering the water, yes, again -- again, getting back
12 to my previous point about, you know, and drinking
13 water on the land, that's another aspect; filtering
14 the water, boiling the water before you drink it. But
15 we understand that -- that they did use the
16 information that was available on that, so -- so it's
17 already covered.

18 THE CHAIRPERSON: Thank you. We'll go
19 back to Board member Rachel Crapeau.

20 MS. RACHEL CRAPEAU: Just a follow-up.

21 In this case then are you -- are you
22 recommending or will you be recommending that they do
23 another toxicity testing in this area just to give
24 comfort to those who use the land?

25 THE CHAIRPERSON: Thank you. We'll go

1 to AANDC to the question.

2 MR. ROBERT JENKINS: Thank you, Mr.
3 Chair. It's Robert Jenkins with Aboriginal Affairs.
4 I don't think right at the moment we are. I think
5 that there's -- there is additional work being done on
6 toxicity, and -- and especially on toxicity of
7 Northern species. So I think in the future when new
8 information comes, again, as we mentioned earlier we
9 would have to -- to evaluate that information and then
10 we'd have to adjust if we need to. But right at the
11 time, no, I don't think we're recommending a -- a
12 reassessment on that; just in the future as new things
13 come in.

14 THE CHAIRPERSON: Thank you. Board
15 member Rachel Crapeau, any further questions?

16 MS. RACHEL CRAPEAU: No, thank you,
17 Mr. Chair. I'm done.

18 THE CHAIRPERSON: Okay. Thank you. I
19 want to stop here. I want to thank AANDC for doing
20 the presentation this morning, and also all of the
21 presenters and -- and that -- and people that came up
22 and put questions forward. They were really good
23 questions. We had a good morning.

24 We're going to come back at 1:00. And
25 at 1:00, we're going to make a statement in regards to

1 a zero tolerance policy. I want to talk about that
2 briefly, and then I'll continue on with the
3 presentation by YKDFN. Thank you.

4

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

6 --- Upon resuming at 1:08 p.m.

7

8 THE CHAIRPERSON: Okay. I think we've
9 got everybody in the room. Before I go to -- to the
10 next part of the agenda on YKDFN presentation, I just
11 want to read out two (2) statements. The first
12 statement was from -- regarding a zero-tolerance issue
13 I raised this morning. And I had a chance to talk to
14 our legal counsel. And I'll read it out for the
15 record:

16 "One of the -- one of our Board
17 members was approached after
18 yesterday's proceedings adjourned to
19 discuss issues that -- caused during
20 the day. The Board members did not
21 engage in discussions of the events
22 in the hearing room. This incident
23 did not involve any of the parties
24 or Developer's representation. The
25 Board has received advice from

1 counsel and we intend to proceed
2 with this proceeding with no changes
3 amongst the Board members.

4 I want to remind all participants
5 that it is not appropriate to engage
6 Board members individually about the
7 matters we hear in the hearing room
8 or proceedings, discussions made
9 during the hearing. Any party
10 objecting to the Board ruling must
11 do so in the room and on record."

12 I want to just mention that because we
13 had a member approached yesterday after the
14 proceedings ended. And, to me, that wasn't
15 appropriate. And if anything needs to happen, it has
16 to happen in this room. And there are rules and
17 procedures in place, and we ask that everybody to
18 follow them.

19 The next issue that -- that just came
20 up is that -- regarding the presentation on the -- on
21 the public registry and that YKDFN filed a revised
22 PowerPoint presentation late yesterday. Avalon has
23 been provided a copy of -- other parties can get a
24 copy from the staff in the back. They have been
25 available since this morning.

1 The Board note that:

2 "On reviews of the YKDFN
3 presentation, that there were quite
4 a few changes. This is not
5 appropriate. And before proceedings
6 to hear the revised YKDFN, I'm going
7 to ask Avalon if they are
8 comfortable proceeding with the
9 review -- revised presentation. The
10 Board will give Avalon whatever
11 latitude that is necessary in
12 responding to the revised YKDFN
13 presentation."

14 Do any other parties object to the --
15 the proceedings of the -- the basis of the revised
16 YKDFN presentation? I will -- if anybody has any
17 objections as well, I'll need to know that. So I'm
18 going to turn it over to Avalon as a result of this
19 revised YKDFN presentation. And I want just go and
20 get -- hear some feedback from Avalon.

21 MR. DAVID SWISHER: David Swisher,
22 with Avalon. Thank you, Mr. Chair, for your
23 consideration. We respect the Yellowknives and are
24 fine with them proceeding with their revised
25 presentation and appreciate the opportunity to -- to

1 comment if necessary.

2 THE CHAIRPERSON: Okay, thank you. To
3 the list of parties in the room, by show of hands, is
4 there anybody ob -- objecting in regards to the
5 presentation of YKDFN revised pre -- presentation here
6 today? I don't see any, for the record. Okay, thank
7 you.

8 I will continue on with the agenda. We
9 are a little bit behind. So I'm just going to remind
10 the presenters if they could stick to the schedule
11 that we have and so that we can continue on, because
12 we're going to be continuing to meet late this
13 evening. So I just want to make sure that we have
14 everybody have an opportunity to present here today.

15 So I want to turn it over to the YKDFN
16 Chief -- head Chief Eddie Sangris.

17

18 PRESENTATION BY YKDFN:

19

20 (INTERPRETED FROM NATIVE LANGUAGE INTO ENGLISH)

21

22 CHIEF EDWARD SANGRIS: Thank you, Mr.
23 Chairman. We are here to do the presentation. We, as
24 Yellowknives Dene First Nation, we're -- it's very
25 important discussion. We are doing presentation today

1 that will discuss things among each other, things that
2 we don't agree to, things we agree to, that we discuss
3 things among each other.

4 We, as a traditional holder of this
5 land and what's happening in our land, that
6 development that's going to be happening on our land
7 and we put our concern forward. This is our
8 presentation. This time is given to us. And whose
9 land is this that we hear from those presenter that we
10 try to talk this out. And we've gone this far.

11 The things -- the things that we can
12 agree to -- I'm talking about the Avalon agreement
13 that was set forward. They had said a lot of things
14 and they had left after that. And after that, they
15 supposed to have negotiation. The process was
16 supposed to go ahead, but it sits still today.
17 Nothing is moving forward.

18 We, as the member of the Yellowknives
19 Dene First Nation, we had said that the development
20 that's going to go ahead, doesn't seem to -- doesn't
21 sit to well with us today. And what we had heard
22 yesterday from -- a lot of things that they never
23 touch on.

24 And so the Elders had a little bit
25 concern of that. We're discussing things that's

1 important to our members, and we have to really
2 discuss those things -- things that's important or
3 value to us. And that's what the Elder had said.

4 But for us, as a member, there's a lot
5 of things -- and they're going to monitor that they
6 didn't discuss for us. We feel like that. We as a
7 Dene people, we go on the land. We survive on the
8 land. It's like our store for us. That's a place of
9 -- that -- where development is happening today.

10 And it's wintertime. There used to be
11 a lot of caribou out there. And with the development,
12 they're thinking that since the last twenty (20) years
13 that's -- they think that's the decline of the
14 caribou. There's no caribou around that place. But
15 one (1) day, how about all the caribou comes back and
16 all the wildlife are going to be gone forever because
17 of development.

18 And they're concerned of the water
19 right -- right beside the Great Slave Lake, of the
20 shore of Great Slave Lake, and how they're going to be
21 monitoring the water. Even the Elders are concerned
22 about the water. And we really need for them to
23 discuss those.

24 For me, just like we're going in the
25 water, just like they're sitting in a boat. And who

1 agree to them that like it's getting on the boat and
2 you're going to get all that benefit just -- just like
3 they're getting people on board who agreed with --
4 with the development.

5 How about we're all aboard at -- on a
6 boat and once it's finished and how the -- the land is
7 going to be -- our whole environment is going to be.
8 The kids are following us for their future, how it's
9 going to be.

10 So this is a concern that we have.
11 That's very big concerns. And we're talking about a
12 lot of things that needs to be done, the negotiation.
13 So those are the kinds of things that we're -- we're
14 still in the process, but now -- our relative they
15 still go out and survive on the land. They go
16 hunting.

17 Why we're the last one to negotiate
18 with them is when the other -- other party they
19 already getting things done with them. So it's going
20 to -- it's going to affect us and it's going to affect
21 our young generation.

22 So those are the concerns that we have.

23

24 (INTERPRETATION CONCLUDED)

25

1 CHIEF EDWARD SANGRIS: Thank you, Mr.
2 Chair. As we made this presentation, I'm just looking
3 at our -- at our opening remarks that -- that prepared
4 and I see stuff in there that's -- have concerns. But
5 if you really think about it, we, as Dene, like to
6 express ourselves to all -- from our heart. We cannot
7 read from a prepared statement knowing that somebody
8 else, or what we said is -- is not reflective of what
9 is in our heart. So I'll do it from my heart.

10 In -- last week, a week before that,
11 Chief and council had a meeting and they passed a
12 motion not to support the project, the Yellowknife
13 Dene. Now, I've made some notes in my -- I had no
14 paper at the time, so I have notes on my cell phone.

15 Some of the things that they have
16 mentioned is that, you know, leadership finds the
17 effort on behalf of the Developer -- Developer to
18 engage with YKDFN is de -- probable. The -- the
19 residents of -- of Dettah and N'dilo must be
20 acknowledged as to the most impacted First Nations for
21 this project. It is our hunters and our trappers have
22 travelled in the area of Thor Lake and continue their
23 traditional and their cultural lifestyle.

24 In -- in some respect, you know, the
25 Company has disrespected our First Nations traditions

1 and people by not working with us to see how
2 development of mines is going to impact members of
3 Yellowknives Dene. As we think back with the other
4 three (3) mines, the Yellowknives Dene are not
5 strangers to development and destruction that it
6 carries. We lived with it for the last seventy-five
7 (75) years.

8 You know, through the negotiations with
9 other First Nations and through publication like this
10 Up Here magaz -- business magazine, the com -- company
11 continues to glorify their -- their relation with
12 Aboriginal stakeholders, while the reality is really
13 different. To me it seems like feeding something
14 false information to make it -- to look -- to make it
15 look like -- to appear that it's real.

16 You know, back in 2005, engagement with
17 Avalon began with high promise of economic prosperity,
18 job and training benefits for Aboriginal peoples and
19 its partnership. But this relationship has failed the
20 test of time. In our view, the company is spending
21 more energy attracting supporters from outside
22 partners, and investors, while forgetting about the
23 most important group, the traditional owners of the
24 land.

25 And we have not yet reached an

1 agreement on accommodation, the impacts of
2 development, with them. Until such time -- and I'd
3 like the Board to think about this, is that no permits
4 shall be issued for the project until such time as we
5 -- as these things come into frutation (sic).

6 What we are asking is for the Board to
7 ratify this meas -- this as a measure in their
8 deliberation following these hearings.

9 I've sat here for -- for the last two
10 (2) days listening. And we have many concerns
11 regarding this project, concerns which they have not
12 had opportunity to voice to the Developers.

13 Now, if you look at this metal -- this
14 project, it's not diamonds and it's not gold. It is a
15 new mine for NWT and Canada. That means it's -- it's
16 even more important to inform the people about what it
17 is happening on our land. Like I said before, we have
18 been impacted by the devastation of mining. We have
19 suffered decades of destruction, environmental
20 contamination, and hazards to human health.

21 You must tell us what we -- what you
22 are doing and what we are in for. Now, if the
23 Proponent has not given us a chance or the choice to
24 hear this information, and ask questions, that is
25 something that has to be changed. As you heard,

1 because of ongoing public concerns, lack of
2 recognition of Yellowknife Dene land rights as evident
3 in poor engagement. And, you know, deteriorate the
4 relationship that we have starting to develop.

5 We must -- I think the Chief and
6 council have delivered a clear message, that we can
7 not port -- support this project unless serious
8 improvement in these areas have to be demonstrated.
9 When we -- when we talk about this project, and being
10 three (3) already operating mine in our -- in our
11 territory, we know what makes a good project. Respect
12 is essential. Engagement is mandatory. And good
13 faith relationship go a long way in the economic
14 prosperity of all involved.

15 We're here today to share with the
16 Board our concerns -- our concerns for how we have
17 been seen and continue to see Avalon not living up to
18 these reasonable expectations.

19 In all -- if we really look at it,
20 there's too many unanswered questions in terms of
21 protection of our environment, protection of our
22 wildlife, and front and foremost, the protection of
23 water. Many our Elders have expressed that, but yet
24 what are we going to do? Like I said, we have to be
25 adamant of the protect of these things. Not only for

1 us but for our future generations.

2 I've heard many a stories about the
3 area. How they survive by the abundance of wildlife
4 in the area, of the fish in the area. We all know the
5 situation with the caribou.

6 And when we look at their plants,
7 there's a bottleneck in the water management. If
8 we're not careful, it's going to burst onto Great
9 Slave Lake. When I said that in my opening remarks, I
10 said, not only around the people around the lake would
11 be affected, people down the river.

12 So I just wanted to tell the Board to
13 listen to our presentation and gauge the consequences
14 and gauge how we can all move forward. 'Cause as it
15 stands now, after their presentation, I don't think we
16 are -- as Yellowknife Dene can -- can not support this
17 as it is. We need more information, engagements, to
18 ensure that we feel a comfort level that we know that
19 exists in our traditional territory for our people.

20 With that, I'd like to thank the Board
21 for listening and Todd will and our managers will do
22 the presentation. Masi cho.

23 MS. SHANNON GAULT: Thank you, Chief.
24 I'd like to thank the YKDFN Elders for showing their
25 support and for being here today, and also the

1 interpreters for allowing us to engage all together
2 this week.

3 The slide I have up, I hope encapsulates
4 -- encapsulates some of the messages that Chief spoke
5 in his remarks. I'd like to point out YKDFN's request
6 for a measure number 2 at the end of the slides, and
7 it has to do with engagement.

8 And if I can elaborate on anything the
9 Chief said, it's just that YKDFN council, in making
10 their motion, have identified a very serious need for
11 improved engagement with Avalon at the community
12 level. We need to see Avalon in the community,
13 engaging with more than just a handful of members as
14 they've done on site visits in the past.

15 These engagements also have to be about
16 the project, and not just about IBA talks. As -- as
17 Chief has expressed to you, that's certainly of utmost
18 concern for the YKDFN, that we're not being treated as
19 the most impacted First Nation. And YKDFN feels
20 disrespected that our negotiations have not concluded
21 as of yet. But we recognize that that is perhaps
22 outside the scope of -- of what the panel's looking at
23 today, but we do hope that you'll consider our request
24 for engagement about the actual project design and
25 components of the project.

1 So without taking too much time, I
2 would like to fast forward to Todd Slack.

3 MR. TODD SLACK: In light of the time,
4 we're having to skip a few things here. And I'm going
5 to talk in terms of technical approach to what we've
6 heard from the company on the wildlife concerns.

7 Chief ill -- illustrated some of the
8 environmental negatives that we're -- the Yellowknives
9 are seeing with this project, and nowhere is this more
10 characterized than with the WEMP. Sorry, the WEMP is
11 the Wildlife Effects Monitoring Program.

12 And simply put, the -- the absence of
13 this program is a significant concern. The health of
14 the land is the YKDFN's first principle concern, and
15 it must be protected. Even if we were to accept the
16 company's assertion made yesterday that the WEMP model
17 is ineffective, and we don't, the onus is on them to
18 demonstrate that their project can and will be carried
19 out in a way that conforms not just to their
20 predictions, but the expectations of the Yellowknives
21 Dene. They have proposed no replacement structures,
22 programs, or efforts to do so.

23 The Yellowknives do not accept the
24 company position that the other projects in the
25 territory aren't worth learning from. The Fortune

1 hearing that we were all at a -- a little while ago,
2 that's the same ecotype. Snap Lake, that is a clear
3 analogue in terms of size and scope. Both of those
4 companies recognized the obligation and sought to
5 address community concerns.

6 And let's just remember what the
7 perspective of those companies were. For -- during
8 the hearing, Fortune was asked would they commit to
9 employing best practices. These practices developed
10 at other industrial operations here in the territory.
11 To which they responded, rather conclusively:

12 "We will be using the best rigorous
13 methods for study, design, and
14 sampling methods."

15 This project, in relation to Gahcho
16 Kue, when we met here to discuss the -- or, well, when
17 the -- the panel met to discuss that, Gahcho Kue's
18 WEMP design had -- was relatively far advanced. I
19 would argue it's three-quarters (3/4) of the way done.
20 And it has been done in such a way that it has been
21 collaborative and an effort amongst all of the
22 parties, and that continues.

23 If this Board doesn't make a measure, I
24 think we've seen it clearly from the company, we
25 should know what that outcome's going to be. They've

1 had two (2) years to address this clear concern, and
2 we heard it from three (3) parties yesterday. The
3 answer will be more talk, and more talk isn't going to
4 help this go away.

5 And, Mr. Chair, my -- the next topic
6 I'm going to focus on is closure. And because we only
7 have a couple of minutes, I'll -- I'll try and cut a
8 lot of this out so we can move along.

9 And the reality is, is the same
10 arguments that applied with Fortune, with Gahcho Kue,
11 and Giant are all relevant in this case. Without
12 precision and language, and we heard this earlier
13 during AANDC's presentation, there can be significant
14 differences between the expectations of communities or
15 parties and what the company intends to do.

16 Now, to give an example here, the
17 current BHP closure plan is almost eight hundred (800)
18 -- eight hundred (800) pages. And while I'm not arg -
19 - or saying that's required at this stage, what I am
20 saying is it requires more than seven (7) pages for
21 the Nechalacho project. Clarity, in terms of the
22 promises, is essential and that's the very reason we
23 continue to seek this in front of the Board.

24 The failure to provide a closure plan
25 of sufficient rigour is a significant concern to the

1 Yellowknives. In the end, it can effectively mean
2 that the project fails to close the site in a way that
3 conforms to community expectations. And it's this
4 community that will be the primary land users
5 returning to this site. It should be their
6 expectations that set the bar.

7 And lastly, as the Chief said, the
8 Yellowknives Dene know a thing about mining sites that
9 haven't been closed correctly. This is clearly a
10 significant issue and it will remain so for all
11 developments.

12 And as we pointed out in the Fortune
13 case, this is a single property company. And while
14 they have other lands that they have rights to, this
15 is the one (1) project that will be moving towards
16 production. As we -- we heard in Fortune that that
17 was a single -- or sorry, that -- that -- it was a
18 reasonably well understood deposit with less risk.
19 This one is, as we've heard, all new. It has a very
20 complex mineralogy, which I don't pretend to
21 understand, but there's also a distinct lack of market
22 pricing and there's a lack of information that
23 supports the economic projections the Company is
24 making.

25 The Fortune project was coal -- cobalt,

1 bismuth, gold, and I think some nickle, obviously.
2 The -- the markets for those are very well understood.
3 The projections are reasonably well-founded. And with
4 this -- all this in mind we're -- we're just asking
5 the pro -- asking the Board to exercise additional
6 caution, because we want to be wary that another
7 project isn't created that ends up creating this
8 impact on the land without providing any positive
9 benefits, assuming that that can be arranged through
10 the issues that the Chief talked about.

11 And just as my last point, and I -- I
12 tried to get at this a bit yesterday and was pretty
13 ham-fisted about it, so I thought I'd come back to it,
14 and that's the nature of the commitments. The Company
15 has made a great deal of commitments, and while that
16 is worth -- worthwhile and it is transparent, the
17 reality is that they don't have -- a lot of these
18 don't have enforceability attached to them. And these
19 are often the critical issues for First Nations.

20 Consider what we heard yesterday:
21 Accommodation's agreement, in the future; air quality,
22 in the future; wildlife, in the future; traditional
23 knowledge, in the future. The issue is that there
24 isn't a mechanism for the First Nation to require
25 these things at a later date. That's why we're forced

1 to continuously bring them back to your Board.

2 Commitments without backing are simply
3 promises. We've all -- some promises get kept, some
4 promises are broken. The Yellowknives' experience is
5 such that they have developed in -- for example, in
6 the exploration phase, they have developed a -- a
7 binding agreement so that promises will be kept. For
8 those areas in which there is uncertainty or clear
9 gaps exist, your body is the only structure available
10 for the Yellowknives to see these matters addressed.

11 Absent real measures from the -- and as
12 a result of this environmental assessment, YKDFN are
13 deeply concerned that there won't be any real action
14 in the absence of those measures. And I'll pass it
15 on. Thank you.

16 MR. RANDY FREEMAN: Thank you, Todd.
17 My name is Randy Freeman. I'm the traditional
18 knowledge specialist with the Yellowknives Dene. The
19 -- Avalon working with EBA Engineering conducted what
20 they are calling a traditional knowledge study in --
21 in 2012 and that was five (5) days of interviews with
22 seventeen (17) Yellowknives Dene Elders.

23 Speaking from the context of -- or the
24 perspective of -- for myself, I've -- I've been doing
25 this sort of work for more than forty (40) years now.

1 There -- really there's been considerable change in
2 what traditional knowledge -- how people have been
3 seeing traditional knowledge and using traditional
4 knowledge.

5 And really the -- the sort of work that
6 has been done by Avalon is -- really could be
7 something that had been done ten (10), fifteen (15)
8 years ago and would have been acceptable. But
9 everything has changed very quickly in the last ten
10 (10) years and five (5) years and even -- even perhaps
11 over the last couple of years.

12 We now see a world that is -- looking
13 at traditional knowledge in a totally different light
14 and looking at it as having equal value to scientific
15 knowledge. So I've -- nothing -- there's nothing that
16 I can say that I would really lend any value to this
17 study, other than to say that it is a good beginning,
18 a very small beginning to what would be a traditional
19 -- what would constitute a properly conducted
20 traditional knowledge study.

21 So what's wrong with the study?
22 There's no spatial or temporal context to the study.
23 Well, maybe I should -- maybe I'm saying it too
24 strongly. No, I would say there's very, very, very
25 little spatial or temporal context. Background

1 historical and cultural research is virtually
2 nonexistent.

3 And that's what really set me off when
4 I read the DAR for -- that Avalon prepared and the
5 section they had on who the Yellowknives Dene are and
6 what the Yellowknives Dene history is for this region.
7 And it really did set the tone, as far as I'm
8 concerned, with how -- with that relationship, that --
9 that soured relationship, between Avalon and the
10 Yellowknives Dene.

11 The DAR stated that, you know, the
12 Yellowknives Dene are recent arrivals to this area, the
13 Yellowknives Dene occupy lands belonging to the Tlicho
14 people, and the Yellowknives Dene had no -- no
15 recognizable culture. You know, it's -- it was a -- I
16 just couldn't believe what I was reading. And I -- it
17 really did set the tone, I believe. And I think that
18 it set the tone for the traditional knowledge study.

19 There's no -- within the study, there's
20 no con -- context -- contextual perspective. And I'll
21 demonstrate some of these things in -- in a slide
22 later on here. We have questions in a questionnaire.
23 This is their entire study, as far as I'm aware of,
24 that had -- really, very little meaning for the
25 Yellowknives Dene. We had questions on earthquakes,

1 you know?

2 So these sorts of answers, we were
3 given the actual questionnaire as filled out during
4 the interviews and you can see that there was no
5 follow-through to some of the questions. And that's
6 something that you would expect in a -- in a properly
7 planned out traditional knowledge study.

8 So I'm going to actually give you an
9 example from -- from the questionnaire. They asked
10 the question: Are you aware of any animal dens in the
11 North Slave Region? Possible answers were "yes" or
12 "no." So there was no follow-through on, well, what
13 animals? Where are the dens? You know, sort of any
14 sort of seasonal questions. How do Yellowknives Dene
15 use those or, you know, or trap those animals? All
16 those sorts of questions that you would -- you would
17 have think would have been the logical follow-through
18 to this sort of thing.

19 Another really good example was
20 yesterday in the presentation by Avalon with the -- on
21 caribou. It would have -- it appeared as if they were
22 relying -- or will be relying on, when it comes to
23 caribou, on fifteen (15) years of radio collar data
24 which show that the caribou sort of come down in that
25 area, maybe a little bit.

1 I would suggest that if they had of
2 done a proper study with the Yellowknives Dene, they
3 would have found out that on a larger time frame,
4 we're looking at an area that is frequented by caribou
5 and sometimes in very, very large numbers.

6 And I think that the scientific side
7 that Avalon has looked at and the scientific --
8 supposedly, the collar data, you know, believing that
9 that's accurate scientifically would create a big
10 surprise at some point in the future if they were --
11 if this mine were to go ahead, and they were -- and
12 they would at some point find themselves surrounded by
13 a very large herd of caribou and perhaps, not knowing
14 -- not know what to do.

15 That's just one of several examples
16 from this traditional knowledge study that I think
17 that there could have been a much greater effort put
18 in and a much better use of this information. They
19 don't even -- you know, the -- the -- it's kind of a
20 basic -- they don't even have that really basic
21 understanding of -- of Yellowknives Dene traditional
22 use, both in the past and, you know, current use of
23 that area.

24 I -- I spent a little time yesterday
25 talking with Peter Sangris about -- about that

1 particular area. And he has very clear recollections
2 of -- of hunting and trapping in that area, of living
3 on Thor Lake, spending winters there, of the abundance
4 of caribou and -- and of moose and of -- you know, it
5 was a very good trapping area. None of that comes out
6 in their -- their traditional knowledge study.

7 In fact, I -- I'm just going to -- if -
8 - if you'll indulge me, I'm just going to put into --
9 put Peter's words in context here. He -- he is quoted
10 as saying that the Yellowknives Dene -- and -- and
11 he's talking in particular about Elders -- are -- are
12 backing up scared from this place. He's talking about
13 that place. And that is a -- that is a perception
14 that many Yellowknives Dene have.

15 And the Chief spoke about being --
16 having comfort or ha -- being comfortable about the
17 land. And -- and already we have a perception that
18 is, you know, very, very much uncomfortable about that
19 land. You know, it's -- it's a place that has -- for
20 many years people have been concerned about, about the
21 water and about the -- the animals. And Avalon really
22 has done little to change that perception if, in fact,
23 that perception is wrong.

24 Now, you know, Avalon, they -- they
25 keep talking about the -- this being a very small

1 footprint, a very small, tiny, little dot on the map
2 there. But to understand how that tiny, little dot is
3 going to have an impact on a larger area, there has to
4 be some effort made to understanding how the
5 Yellowknives in the past occupied a whole series of
6 villages along the north shore, how they used those
7 for -- as base of operation for hunting and trapping
8 and -- and on travel, and how today -- and I'm not
9 just talking the past -- how today those -- those are
10 still places where people have -- were families.

11 You know, Francois Bay, Francois family
12 live there. They -- they go there. It may be
13 seasonal now, but they still go there. They still use
14 that area. I must apologize for the -- for the bad --
15 the bad picture here, but on the left, the lower left,
16 is Francois Bay. And so a whole series of -- of
17 trails radiate out from there.

18 And -- is this a laser. I understand
19 there's a laser here. I'll try not to look into it.
20 This is where -- this is Thor Lake right here. So you
21 see it's right at the intersection of some fairly
22 major trails: one (1) that runs parallel to the shore,
23 connects up with McKinley Point and up to Narrow
24 Island; another one (1) that comes up right through
25 their docking facility. It crosses Thor Lake and

1 several other small lakes and goes off to -- to
2 Blachford Lake.

3 Some fairly major trails that -- that
4 travel throughout here. I mean, people use this area.
5 They still use this area. You know, we've heard
6 nothing about how Avalon will take into consideration
7 that, you know, they -- they will be obliterating
8 several different trails in this area. Trails are --
9 you know, trails are very important for people. So I
10 would certainly like to see a lot more work done on
11 that.

12 We do have information for this area.
13 We do have sort of baseline information for much of
14 the Chief Drygeese Territory. And here you can see
15 some of that. We have massive -- a massive map that -
16 - this is in the legislative assembly foyer. And, you
17 know, this is a -- constitutes sort of a great
18 baseline information that we would really like to see
19 Avalon become much more involved in, in understanding
20 and using in their planning for their mine and
21 operating their mine and finally in closing their
22 mine. Thank you.

23 MS. SHANNON GAULT: Thank you. And
24 YKDFN has provided text for requested measures that
25 we'd like the panel to consider. You have those in

1 your packages. And with our remaining five (5)
2 minutes, by my watch, on our presentation I'd like to
3 invite Modeste Sangris, one (1) of YKDFN's Elders, to
4 share his comments.

5

6 (BRIEF PAUSE)

7

8 (INTERPRETED FROM NATIVE LANGUAGE INTO ENGLISH)

9

10 ELDER MODESTE SANGRIS: I want to speak
11 about where we -- the Avalon wants to build a mine.
12 I've been travelling in that area since I was a child.

13 And Blachford Lodge, I've -- there's a
14 lodge at the Blachford -- I went to Blachford Lodge
15 with a group of people, and at that time I look around
16 the area. I was there for at least -- about a month
17 at Blachford Lodge, working for Blachford Lodge. And
18 there -- and right from there, there's a trail leading
19 to other areas. And -- and in April...

20 There is a -- there is a mine. That
21 mine would be right near the lake and there is... And
22 there's a lake. And not -- not too far from there
23 there's a -- there's a stream. And from there, it
24 goes down to the lake. Maybe it's snow water that
25 leads down to that and it goes down right to the lake.

1 And a lot of people know that area.

2 And there's -- there's our trail there.

3 Even in summertime we go by canoe, by boat. And we

4 have a trail there that we can just follow right into

5 those -- inland in wintertime. And we Ski-doo. And I

6 really have the concerns about the mine, that it's

7 going to be developed.

8 And -- and now once the snow melts and

9 gets -- and it's going to go stra -- it's going to go

10 down the streams. And the -- and there's a lot of

11 little streams, that it's going to go down to the

12 bigger lakes. And that's a concern that I got for --

13 for development that -- once it goes ahead.

14 And the lodge is there, the Blachford

15 Lodge. And I have been working in -- to -- with the

16 Dechinta with some students. And we teach them our

17 traditional knowledge and talk about the fur and all

18 kinds of fur that we can use in that area. And it's a

19 very good fishing place. And -- and a lot of people

20 work from that place too, from the Blachford Lodge.

21 And -- and then the people that -- not

22 only traditional people use that place, but there's a

23 lot of other business and people that go travel to

24 that places. Once -- how the people are going to live

25 once the water and the land has being polluted? And

1 so that's a concern that I have for the Blachford
2 Lodge, that it's a good place to go.

3 And I have been that place about five
4 (5) weeks too, at one (1) time, in win -- in fall
5 time. And I shot -- I shot a moose and they weren't
6 fat. Maybe it's because it's close by the mine. And
7 they eat all kinds of stuff down there, like grasses.
8 And maybe it's infecting from the mine.

9 And there's a big -- further down from
10 the lod -- from the lodge, there's a -- there's a big
11 lake there. And how the lake is going to be? And
12 there's -- I know, I had to travel in that place in
13 the wintertime in dog team, and a lot of hunters go
14 use that area. Maybe about '59 we used to go travel
15 that place, and we used to spend maybe one (1) season
16 there and with my grand -- with my dad.

17 Now that -- there's not much caribou --
18 how about the -- there's time that the caribou, they
19 come back. I want the mine -- we don't know how the -
20 - how long the mine is going to be in -- in operation
21 and how the -- the young generation, they're going to
22 survive. And that's my concern.

23 And all the -- there's only one (1) way
24 -- like, from Mackenzie Valley that we don't want
25 people be affected by the bad waters that is going to

1 go down to Mackenzie River. And that's all I want to
2 say, this is concern the -- for the people I have.

3

4 (INTERPRETATION CONCLUDED)

5

6 MS. SHANNON GAULT: Thank you.

7

8 (INTERPRETED FROM NATIVE LANGUAGE INTO ENGLISH)

9

10 ELDER ALBERT BAILLARGEON: Thank you.

11 It is -- we've been given the opportunity to speak to
12 the Board. We, the Yellowknife Indians, or Dene, and
13 also from Tli -- Lutsel K'e, Fort Resolution, we still
14 have not -- have done our land claims. And you have
15 to think about those too. We know that -- we know
16 that we haven't been -- done our land claims, so that
17 is one (1) of the reasons you're making the mines in -
18 - in those areas. Should try to negotiate first.

19 I also travel that area. But why...

20 In the -- they've been working on the land. There's
21 thirty-two (32) tents -- tanks. They've crushed the -
22 - and there's also a road on -- on to the Great --
23 Great Slave Lake. How come they've never actually
24 asked the people that's -- if they can work on the
25 land, and they've done all these work ahead of --

1 ahead?

2 I know that there is these rare earth
3 met -- metals that you're talking about. I know that
4 these contain uranium and thorium. And there's also
5 some available in Sah - Sahtu area, and it causes a
6 lot of -- of devastations. Even the satellite above
7 us is made of -- of that material. And those type of
8 rare metals that you want to -- it is -- it is a very
9 powerful, devastating type of rare earth metal that is
10 used that could affect us.

11 It's -- it's -- it could also affect
12 the -- the land. And it's -- it could affect -- it
13 could go into the Francois Bay, which has a lot of
14 streams going into different little lakes. There's
15 muskrats, there is beavers, all in those areas. And
16 once those are contaminated with that type of
17 material, it is going to devastate it and probably
18 will not survive.

19 So may -- but you think -- you think
20 that you can give us money -- put money on the table
21 and we will say yes. And -- but there is -- in
22 hundreds and hund -- for hundreds of years from now
23 there will be peop -- our -- our younger generation
24 that will be there following us.

25 There has been lots of mine development

1 in our North, and none -- none of them has ever done
2 any good. It's always contaminate and poll --
3 pollute. As you notice here in the Yellowknife area,
4 we have mines here. We live here; we live within the
5 contaminated area as it is. And there has been lots
6 of death in our communities because of those mines --
7 contaminated area -- stuff.

8 So we -- we have to tell you what we
9 think, so that you will understand us. There's Elders
10 here and the Elders before us, and they have all
11 expressed the same. They're -- they all spoke as one
12 (1), how they -- what they thought about the
13 development of mines and what it does to the land.

14 But we always been unable to help
15 ourselves, but not anymore. We are going to support -
16 - no, help ourselves. We -- and -- and that is why
17 I'm sitting here in front of the Board, talking on
18 behalf of the -- the youth. You, as the Board
19 members, you have -- you have to let us know what is
20 going on, and we will also ask you questions if we
21 don't know what is going on.

22 So we are concerned about that water --
23 the water that is going to be affected. Our beautiful
24 land is being always contaminated. When -- but when
25 you think about it, you almost want to cry about it.

1 If there's something good -- you want to do something
2 good -- you want to do something good, you're going to
3 have talk right -- talk about it right to the end.
4 That is the only way that we can work -- work together
5 to work well together to have a better understanding
6 of each other.

7 Tlicho K'e, Fort Resolution, we're all
8 Dene people. We're all related to each other. But
9 still -- we are still in the midst of land claims.
10 And so there are other regions have settled their land
11 claims already, but we are still in the midst of -- of
12 settling our land claim.

13 So when we're here -- when we're here
14 talking to -- in this hearing, we want you to listen
15 to us and take note about our concerns. But you can't
16 go behind our back and start development without our
17 permission.

18 We love our land. We work our land.
19 We work on our land. We -- we didn't make the land,
20 but all things that are made on this earth is for us
21 to use to live. But other people are always try --
22 making mines so that they can make money. But we have
23 to work together in order to live well together.

24 So -- so us Elders, we are concern --
25 we Elders are the ones that are survival -- survivors

1 -- survivalists. Like hunters and trappers, we
2 survive off the land like our -- our ancestors have.

3 So I'm very grateful for getting an
4 opportunity to speak at this hearing. And there is an
5 Elder right next -- next to me is also going to
6 express his concerns. Thank you.

7

8 (INTERPRETATION CONCLUDED)

9

10 (ENGLISH LANGUAGE FEED NOT RECORDED)

11

12 (BRIEF PAUSE)

13

14 THE CHAIRPERSON: Okay. We'll --
15 we'll continue on. Thank you.

16 MS. SHANNON GAULT: Thank you.

17 THE CHAIRPERSON: Is that part of your
18 presentation?

19 MS. SHANNON GAULT: Yes, thank you.

20 And I appreciate the panel giving time for YKDFN
21 Elders to speak. And that -- that concludes our
22 presentation, so. I will turn it over to the Chair.
23 Thank you.

24 THE CHAIRPERSON: Sorry, Chief.

25 CHIEF EDWARD SANGRIS: I would -- I

1 would appreciate it if the Board -- if the Chair could
2 give the other two (2) Elders a -- a chance to talk.
3 Or, you know, I -- we know the time sen -- you know,
4 sensitivity of the time, so they wanted to say
5 something. That's why they -- they sat up here, and
6 that's why we cut our presentation short.

7 THE CHAIRPERSON: Okay. If you could
8 keep it short. And I'll go to -- and just maybe when
9 the Elders speak, if they could just mention their
10 name and we'll give -- we'll keep the comments short
11 if you could.

12

13 (BRIEF PAUSE)

14

15 (INTERPRETED FROM NATIVE LANGUAGE INTO ENGLISH)

16

17 ELDER ISIDORE TSETTA: I'm going to
18 speak until 6. I had listened to the hearing for a
19 short time yesterday. But we don't say -- we -- we
20 don't agree -- like this is the land of the
21 Yellowknives Dene First Nation. We know that there's
22 a lot of damage been surrounding our area and there's
23 all kinds of metal -- raw metal, there's some gold,
24 and there's diamonds, there's all kinds of metal on
25 this -- surrounding our area.

1 But when we first had found that --
2 found that gold and they found diamonds in our area,
3 this is the kind of metal we're going to be working
4 with they never consult with the Chief at that time.
5 And here, they just went ahead with -- with
6 development in the -- in our area.

7 And development are happy, but we're
8 not happy with what's happened in our land. They
9 never consulted our member. But today, it goes into
10 the community and there's all kinds of workshop and
11 meetings and hearing that's -- that's going on so
12 we're happy with.

13 So, we as a people, that we've
14 expressed our concern at the hearing like this. We
15 know there's big damage that has been done on our
16 land, and we know how -- what's -- what kind of damage
17 it does to the -- to the land. What we like from now
18 on, we like to be informed and con -- not only for us
19 that we're talking about, for -- for the people -- or
20 for our the nex -- young generation, for the babies
21 that going to be growing up.

22 So that today we have people here from
23 the outlying community, like Indikue (phonetic) --
24 Fort Indikue and then Lutsel K'e, they're here. We
25 use the name of Susie Drygeese that we're not under

1 Akaitcho were under Susie Drygeese, that's a statement
2 that he put in -- intent of the treaty so we're the
3 land of the Dry -- Susie Drygeese. So we'll be --
4 we'll be strong and where -- there's a -- Susie
5 Drygeese put a word forward for us. So we don't want
6 to break the word of the Susie Drygeese and we don't
7 want to walk away from what he had said and put a
8 treaty in place for us.

9 And so I think there was about ten (10)
10 mine that we knew -- we know that has been abandoned
11 mine. And even in this Negas (phonetic) mine, there's
12 some other -- a lot of other mine that -- Discovery
13 Mine and Gordon Lake, there was a mine at one time.
14 So we know that -- so all together there was about ten
15 (10) mine. And one (1) beside Baker Creek, Giant
16 Mine, what did we get out of those mine? Nothing. We
17 never got no benefit. So I'd like to have a good
18 benefit.

19 So we'd like to agree on a lot of
20 things before the development goes ahead, that we try
21 to get everything what we need and what they want,
22 that they take care environment and we have good
23 communication with each other. Then we'll go -- if
24 we're going to agree to the mine to go ahead.

25 And the kind of metal they're talking

1 about that's going to be valuable and is it gold,
2 diamond, what kind of metal is that they are working
3 on? So I know this raw metal that they're talking
4 about, it's a good -- and we know that once the spring
5 comes, a lot of things melt and -- and then from the
6 creek to the -- it goes down to the big -- bigger
7 lakes. We have to take care of the land and water.
8 And everything will go to the big Great Slave Lake.

9 Whoever develops around our area, we
10 like to -- them to be watching and monitor the land
11 and water. A lot of thing has been done to the land
12 that we have experience. So there's a lot of work to
13 be done yet.

14 So if the mine company that comes to
15 our land, they need to consult with our members. We
16 can't just agree on everything. We have to know all
17 the information if it's a good -- good information
18 then maybe we agree to it.

19 It is not only us here, but there's
20 other outlying community that -- at -- at the hearing
21 here, Lutsel K'e and Fort Resolution. But I'm really
22 happy with the non-Aboriginal people here.

23 About 1934, around that time, there was
24 about six (6) prospector that were coming around this
25 area, and they want to do some drilling at that time.

1 Now the -- the population of Yellowknife may be close
2 to twenty (20) -- over twenty thousand (20,000) now.
3 We over -- impacted, even where in -- live in Dettah.

4 Now that I know non-Aboriginal people,
5 I go downtown almost every day, and I'm glad to meet
6 them. And there's all kinds of people in this city
7 here. So I'm happy to live next door to non-
8 Aboriginal people. They're really -- some of them,
9 they're really friendly. But Developers, some of them
10 around our area, they just went ahead without
11 consulting our members. That wasn't good, and they
12 just left the mine and they just left the --
13 everything, not fix up the land.

14 And so those -- so that -- what kind of
15 metal that they were using at that time, they never
16 told, and some things that the chemical that they were
17 using, they never told what kind of chemicals that
18 they were using. So a lot of things was -- they
19 didn't fix anything up and they just left. So some of
20 the things like arsenic that been stored under --
21 underground, maybe it will be good for maybe a hundred
22 years now. After that, how long this can be stored
23 underground? So if the Developer to go ahead and
24 operation to start production, we just really need to
25 know what we can get out of them, how can -- agreement

1 we can get out of them.

2 So we have been attending a lot of
3 meetings like this. We consulted each other and hear
4 each other. And the Water Board here listening to the
5 people's concern, so we have a lot of listeners.
6 That's the only way we can get things done by having
7 this kind of meeting.

8 So you guys give us opp -- opportunity
9 to express our concern, that people are listening. I
10 -- I really thankful. And so things like this show
11 that we're -- what we're saying at -- that we don't
12 want damage to our land. And so I'm -- so I just want
13 to say thank you.

14

15 (INTERPRETATION CONCLUDED)

16

17 THE CHAIRPERSON: Do you have another
18 Elder that was going to say something short? If you
19 could introduce yourself and if you'd keep it brief.

20

21 (INTERPRETED FROM NATIVE LANGUAGE TO ENGLISH)

22

23 ELDER JUDY CHARLO: A lot of times
24 that we discuss a lot of issue at the public meeting
25 like this, we're talking about development and all the

1 mine in our area. We have experience with how our
2 land has been -- how we've been treated. And a lot of
3 them, maybe some of the Elders had -- maybe is, but
4 only one (1) person is older than me. We all know how
5 we had work on our land.

6 And all the young people that's
7 listening here, that is a relative, we all know each
8 other. It was a hardship and in those days, even
9 before the academic came around, how people had left.
10 People had -- really had hardship on the land, even
11 before there was non-Aboriginal people.

12 The prospectors came, and they said
13 there -- there were -- there was -- in Bearwash,
14 (phonetic) there was a few houses and there was houses
15 in Dettah. And people used to live around Wilidai
16 (phonetic) River.

17 And after I went residential school. I
18 came back. Only then as we started seeing the white
19 people in this area. At that time, we used to travel
20 around the Great Slave Lake. We travel by -- by
21 families and then -- at that time, we never hardly see
22 white people in this area. And after that, I came
23 back from residential school and there were -- see
24 some teepees around the shore and I see some people at
25 that time that's not -- the prospector. Maybe --

1 maybe 1935, that's when we start seeing prospector
2 around this area.

3 Even before 1935, we survive by
4 wildlife. And we go hunting, trapping, that's how we
5 survive. And we had to Lockhart Lake, Racher Lake
6 (phonetic), that was quite a ways. And Kissner Lake
7 (phonetic). People used to have to travel and go
8 trapping that far. Some of them they have a family to
9 go by family -- and dog team, and they had to take
10 their families with them. And after they found gold
11 in this area.

12 Me, I survive on the land and I will go
13 hunting for caribou. There was a more source of meat
14 that we don't but -- at that time, there's no store,
15 so we don't buy -- we don't even hardly get any kind
16 of money from the government at that time too so we
17 have to hunt most of the time.

18 We, as a Dene people, we survive on the
19 land. We don't just waste meat. We just don't throw
20 them away. Anything that we get, we fix them good and
21 put them away. It always has to be clean and how we
22 can make dry meat, even from the bones, we crush them.
23 We make pon (phonetic) dry meat. And so that's how we
24 survive.

25 And we store meat away. We know that

1 we don't want the meat to get rotten so maybe,
2 sometimes, we put them under -- we store them under
3 the ground. So, a lot of things was hard work, but in
4 winter time we put them underground and that's -- they
5 still good for the whole -- whole summer. And when we
6 need meat, we take them out from underground.

7 And so today, I -- sometime we have no
8 meat. I think about what -- how we used to work.
9 Today everything has been polluted. Even fish, we
10 have to go -- we have to go way further out to catch
11 fish. But we said Dene people would be careful how
12 we fix things.

13 Even today, the fisherman, they don't
14 take care how they -- they fix fish. And they just
15 throw all the guts back and they throw them back in
16 the water. And that's how we don't fix fish either.
17 Even the guts, we -- we put them away -- clean them
18 and put them away nicely.

19 So we had witnessed a lot of bad things
20 in this area. Even today that people are polluting
21 the water. Development, they're the one that
22 polluting the water, we know that. We know that it's
23 all things that are coming down from the river and
24 stream. It's all from development that's been
25 happening in our area.

1 So we see a lot of things that's
2 happening today that even the -- the little streams,
3 we see them that even on top of the snow, we can just
4 kind of see it yellow and that's not a really good
5 sign. That's how we know some of the water is being
6 polluted.

7 Today things have changed. Today we
8 don't pay for our bills, like, we don't get -- we
9 don't pay for water in -- if (1) month we won't get
10 water. And now the development are doing those --
11 they should be paying for it, for some of those stuff
12 like that. Today -- that we can't even go around the
13 Giant Mine area and pick berries. That was a good
14 place for picking berries at one (1) time. Now they
15 just left the mess and they just -- they just left
16 everything like that.

17 Today the Dene land to Mackay Lake, we
18 know that in that area there's developments going on
19 in that area in Mackay Lake. We know that all the
20 water -- I don't think that some of that area, that we
21 can have fresh water and drink from it. All the
22 streams that comes down, it's going to somehow get
23 down to -- to Great Slave Lake then maybe go down to
24 Mackenzie Valley.

25 Now today, all development, they're

1 taking all the resources out of the land and what --
2 maybe they getting big buck -- big bucks out of it.
3 But what the Dene people are getting out of -- out of
4 it?

5 We know there used to be a lot of
6 trappers that travel way far that go by dog team. It
7 was hardship, but people had to go out there to
8 survive, to get furs, and to go hunting. Now today
9 all the development is happening. There's put -- been
10 agreement in place for the Dene people, but what the -
11 - there's no job, the - there's no training in place
12 for people to benefit. Even the people that are
13 employed, are they watching those kind of people?

14 I remember Antoine, Les, and my husband
15 had travelled with the RCMP to this area. And they
16 had plow it out for some people. And they said they
17 were -- they were -- days and night they were playing
18 -- they were watching some things, that -- how they're
19 making their money, they said. And after that, all
20 the money that's being made, all the gold, they said
21 it's coming out of your land.

22 And they had interpreter so that they
23 were discussing what was gold. And they wanted to
24 know what was gold and what was the value of the gold.
25 They said there was a million dollars that they're

1 making out of your land. And -- but -- but us, we, as
2 a member, we never did got anything out of it.

3 My hus -- my son, one (1) of my son
4 that is no longer with us, but he used to work
5 underground there. But they used to go travel
6 underground. It was way far from -- maybe way past to
7 Wool Bay. And they can sometime do blasting. And
8 this one (1) of the late Chief, the Elder Chief, they
9 were saying that one (1) of these days there going to
10 be a lot of people come onto your land and there going
11 to make a lot of devastation on your land.

12 Now today you go on the land you can
13 see some of the things people have left behind, like
14 big barrels and the mine company that left things
15 behind. We can just see them, and they get -- they
16 get rust.

17 Even we see caribou are suffering
18 today; they have collars on their neck. We can see
19 the collar and we can -- like, it was in summertime,
20 it was the -- that the caribou were just weak. And
21 you can just see it all the bugs on them, even the
22 mosquitos. And you can just see all the flies in
23 their nose and ears. And the -- the caribou are just
24 suffering. And maybe it's suffering because of the
25 collar was on his neck -- on his neck.

1 Now today that we've been abandoned
2 from hunting and -- and that -- the wildlife, that you
3 don't touch them and play around with them. We're
4 supposed to have respect for the animal. Not today;
5 they're just playing around with the wildlives.

6 And now they're telling us not to go
7 hunting. They even polluting our land and all the
8 resources that they're taking now, our land. So
9 that's a concern that I have that I would hope for the
10 better for our young generation, like my grandchild.
11 I have a lot of grandchild.

12 I know that all the resources that they
13 take off on our land and people, development, they're
14 getting that benefit, and the government is
15 benefiting. But we, as the keeper of the land, what
16 we getting that we're -- we're more suffering than any
17 other people?

18 I know that some people -- there's a
19 cabin out there that we know that it's out there, like
20 some people were saying Dettah, that there was -- it
21 wasn't exist and nobody had lived there.

22 We -- we know that there's always been
23 people in Dettah, and there's old timers that used to
24 stay at the -- some of them, they used to stay at the
25 Bear Wash and all around -- all around the shore of

1 Great Slave Lake on this side. Now the people that do
2 not respecting, how -- how people had lived and
3 they're just making things worse for us. That's all I
4 want to say. Thank you.

5

6 (INTERPRETATION CONCLUDED)

7

8 THE CHAIRPERSON: Thank you, Elder
9 Judy Charlo. I want to say thank you to the Elders,
10 and Chief, and your delegation for making the
11 presentation here this afternoon.

12 We're going to go to a list of orders
13 of presenters and parties that are here that may want
14 to question your presentation. So I want to go to
15 Aboriginal and Northern Affairs (sic) and Development
16 Canada. If they could come up, if they've got any
17 questions for YKDFN on their presentation.

18

19 QUESTION PERIOD:

20 MR. NATHEN RICHA: Thank you, Mr.
21 Chair. It's Nathen Richea, with the Water Resources
22 Division, Aboriginal Affairs and Northern Development
23 Canada. I'd like to thank the Yellowknives Dene First
24 Nations, the Chief, and the Elders for their
25 presentation. We have no questions.

1 THE CHAIRPERSON: Thank you. Akaitcho
2 Treaty 8 Tribal Corporation, any questions for YKDFN
3 on their presentation?

4 MR. STEVE ELLIS: Hi, Steve Ellis with
5 the Treaty 8 Tribal Corporation. I've got about three
6 (3) or four (4) questions. The first question has to
7 do with the traditional knowledge study. I'm just
8 looking at the -- it's the next page of the
9 presentation.

10 The last recommended measure, number 9,
11 talks about:

12 "The Yellowknives Dene First Nation
13 requests that the Board require
14 Avalon conduct a detailed, properly
15 designed traditional knowledge
16 study."

17 I'd just like a little more information
18 on what a properly designed traditional knowledge
19 study might look like from the Yellowknives'
20 perspective.

21 THE CHAIRPERSON: Okay, thank you. To
22 the Yellowknives Dene First Nation to the question.

23 MR. RANDY FREEMAN: Yes, Randy Freeman
24 with the Yellowknives Dene. The area out there is
25 well used, well known. We have very good baseline

1 study. And a -- a properly designed traditional
2 knowledge study would work on that baseline
3 information that we have and add to it and end up,
4 hopefully, in the end, after -- after completion, of
5 having a far better understanding of the interaction
6 of the Yellowknives Dene with that area, how they used
7 it, how they will continue to use it. And I can't
8 stress that strongly enough, that it is still used
9 today by Yellowknives Dene people. They still travel
10 through it; they still hunt and trap in that area.

11 So having a traditional knowledge study
12 that is designed and with the full -- the full
13 acknowledgment, the full cooperation of the
14 Yellowknives Dene is -- is, in my opinion, the only
15 way that a study can be properly designed.

16 THE CHAIRPERSON: Thank you. Go back
17 to Akaitcho Treaty 8 Tribal Corporation.

18 MR. STEVE ELLIS: Okay. Steve Ellis,
19 Akaitcho Treaty 8 Tribal Corporation. Just reading
20 through the measures again, it seems that a lot of
21 them have sort of a common theme. Number 2:

22 "The YKDFN would like Avalon to
23 consult better with regards to
24 current and future plans."

25 Number 4 wants more clarity on

1 participation and type of research with regards to a
2 Wildlife Effects Monitoring Program. Number 5,
3 participation in incineration management plan. Number
4 6, independent oversight, so on and so forth.
5 Improved closure plan.

6 While these seem to have to do with how
7 the First Nation might be better engaged in
8 environmental monitoring and management of the Thor
9 Lake Project, I guess my question is: Is it possible
10 for the Yellowknives to speak a little bit more about
11 how they see themselves participating for the life of
12 the project in the environmental monitoring and
13 management of this mine? And I think that
14 encapsulates things like cumulative effects,
15 incineration, closure, wildlife effects, and so on and
16 so forth. Thanks.

17 THE CHAIRPERSON: Thank you. To the
18 Yellowknives First Nation to the question.

19 MR. TODD SLACK: Todd Slack,
20 Yellowknives Dene First Nation. There's a couple of
21 different ways to skin that cat. But the easiest and,
22 I think, the most effective way that we have arrived
23 at, at this point, is similar to what we proposed in
24 Gahcho Kue.

25 In that case, we looked at a separate

1 group that provided expert assistance for the -- for
2 the parties to participate in these different things.
3 So that way we would have an expert in wildlife
4 management; for instance, a caribou expert would
5 review caribou matters, provide a technical response
6 to the community, and then the community would then
7 have some sort of backing to be able to go and do
8 additional work.

9 To -- if there was an enforceable
10 measure here, you would then use that measure as the
11 backing, and that's the mechanism that you're using to
12 participate in these regulatory gaps that are
13 especially mentioned here.

14 THE CHAIRPERSON: Thank you. Any
15 further questions from Akaitcho Treaty 8 Tribal
16 Corporation.

17 MR. STEVE ELLIS: Yeah, one more
18 question. Steve Ellis here, with the Treaty 8 Tribal
19 Corporation. Just with regards to recommended measure
20 number 8, which specifically talks about Avalon
21 providing resources to allow the regulators to conduct
22 an independent economic analysis of the project -- or
23 not necessarily the project, of the Proponent here.
24 This is what the wording of the measure is.

25 So my read of this -- and maybe my

1 question is just some clarity here. When I read this,
2 I'm -- I'm understanding that the Yellowknives would
3 like someone independent to conduct a study to see if
4 the Proponent is financially able to deliver on the
5 commandments its making through this EA. Is that
6 correct? Maybe I'll have a follow-up to that.

7 THE CHAIRPERSON: Okay. Thank you.
8 YKDFN...?

9 MR. TODD SLACK: Todd Slack with the
10 Yellowknives. Yeah, that's correct. And in this
11 case, the -- the question about the proponent versus
12 the project is fair. In the Fortune case -- or in the
13 Fortune environmental assessment, the Tlicho had
14 sufficient resources to retain Dr. Scott Dunbar
15 (phonetic) to undertake their financial risk analysis.

16 It was a single-property company. The
17 risk of default is much higher with a single property.
18 For instance, BHP or these other large companies have
19 other resources that they can rely on to ensure their
20 commitments are fulfilled. And as I -- and I had to
21 cut a lot of this out. But we talked about some of
22 the particular challenges with this one.

23 The -- and as we've heard, the
24 information about the rock and metal is not well
25 understood, in terms of both the impac -- or the

1 effects and the -- the processing methodology.
2 There's little economic information, in terms of
3 market pricing. And these sort of things increase the
4 level of risk. And the increased risk means that
5 there's potentially an impact on the land with no
6 benefit at the end of it.

7 THE CHAIRPERSON: Thank you. You had
8 a question? Relevance to what's been said? Okay.

9 MR. DAVID SWISHER: David Swisher,
10 with Avalon. Just to -- just to comment for
11 clarification to the question asked by Steven. In the
12 course of the negotiations over the last two (2) plus
13 years, Avalon did provide funding for an independent
14 financial analysis on behalf of the Yellowknives, as
15 well as an independent environmental review on behalf
16 of the Yellowknives that was funded fully by Avalon.
17 Thank you.

18 THE CHAIRPERSON: Okay. Thank you for
19 the clarification. Is there a follow-up question from
20 Akaitcho Treaty 8 Tribal Corporation?

21 MR. STEVE ELLIS: Yeah, maybe just a
22 clarification. Steve Ellis here, with the Tribal
23 Corporation. Just the last part of that measure talks
24 about if there were to be an independent economic
25 analysis completed, that would provide decision-makers

1 with a better understanding of the risks of the
2 project. I'm -- maybe if the Yellowknives could speak
3 a little bit about how they would see decision making
4 -- makers using that information.

5 And by 'decision-makers', if you could
6 id -- identify who those decision-makers might be,
7 that'd be great as well. Thanks.

8 THE CHAIRPERSON: Okay. Thank you for
9 your final question. YKDFN...?

10

11 (BRIEF PAUSE)

12

13 MR. TODD SLACK: Todd Slack, with the
14 Yellowknives Dene. We think that this is important in
15 a couple of different ways. In -- in terms of the
16 decision-makers, AANDC here, they talked about the
17 security and how it's incremental to these different
18 phases.

19 Well, in the For -- in the Fortune case
20 they -- they talked about not requiring all the
21 security -- 100 percent of the security. Well, for a
22 single property, we think that it's important that the
23 -- the Land and Water Board and AANDC work their --
24 whatever it is they do, they -- they make the -- no,
25 the Board makes the recommendation, they hold it, that

1 -- that -- it is the maximum security because of the
2 additional risk.

3 The second tier of that is the Land and
4 Water Board, as the decision-maker, has the
5 responsibility under the NWT Water Act to ensure the
6 financial viability of a company making a proposal to
7 avoid situations like Tahara (phonetic), where you end
8 up with a -- a large impact on the land and no
9 benefits coming out of it.

10 THE CHAIRPERSON: Okay. Moving
11 down the line. Blachford Lake Lodge, any questions
12 for YKDFN on their presentation?

13

14 (BRIEF PAUSE)

15

16 MR. MIKE FREELAND: Mike Freeland,
17 Blachford Lake Lodge. It seems the -- the monitoring
18 is certainly a very serious concern by Yellowknives
19 Dene. Blachford can certainly offer, through our
20 facilities and services, full support to YKDFN in the
21 ongoing monitoring. So we just -- we would offer that
22 for -- to try and help out. No questions to the group
23 at this time. And thank you, YKDFN.

24 THE CHAIRPERSON: Okay. Thank you for
25 your comments. Continuing on, Deninu Kue First Nation

1 in regards to YKDFN presentation made here this
2 afternoon?

3 MR. PATRICK SIMON: Good afternoon,
4 Patrick Simon, Deninu Kue First Nation. No questions,
5 sir.

6 THE CHAIRPERSON: Thank you. I'm
7 going to move on to Environment Canada. Any questions
8 for YKDFN on their presentation?

9 MS. SARAH-LACEY MCMILLIAN: Sarah-
10 Lacey McMillian, with Environment Canada. We have no
11 questions. Thank you.

12 THE CHAIRPERSON: Thank you.
13 Fisheries Oceans Canada, any questions for YKDFN on
14 their presentation today?

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: Okay. Moving on.
19 Fort Resolution Metis Council...?

20 Government of Northwest Territories...?

21 MS. KATE WITHERLY: Kate Witherly,
22 with the Government of the Northwest Territories. We
23 have no questions. Thank you.

24 THE CHAIRPERSON: K'atl'odeeche First
25 Nation...?

1 Lutsel K'e Dene First Nation...?

2 MR. MIKE TOLLIS: Thank you, Mr.
3 Chair. Mike Tollis, from the Lutsel K'e Dene First
4 Nation. I want to thank the Yellowknives staff,
5 Chief, and especially the Elders for your words.
6 Hopefully the Board takes them seriously into
7 consideration. Thank you very much. No questions.

8 THE CHAIRPERSON: Thank you. North
9 Slave Metis Alliance...?

10 MR. ERIC BINION: Thank you, Mr.
11 Chair. Eric Binion, North Slave Metis Alliance. I
12 just have one (1) quick clarification. This is with
13 regard to recommendation number 6, the request for a -
14 - a measure for developing an independent oversight.
15 And I know they kind of went into that with Steve's
16 question.

17 But I was wondering if the Yellowknives
18 Dene can just expand a bit on how such a mechanism
19 would be beneficial?

20 THE CHAIRPERSON: Okay. Thank you.
21 YKDFN...?

22 MR. TODD SLACK: Todd Slack, with the
23 Yellowknives Dene. Yeah, and I appreciate the
24 question, because this is one (1) of those things that
25 we had to cut for -- for time here. And there --

1 there's a functional reality that exists. We all --
2 the Board has resource challenges, the Yellowknives
3 Dene have resource challenges. And we have found that
4 the best way to get that kind of technical expertise
5 is to look to something that has economy of scale.

6 And this is what we proposed in Ni Hadi
7 Yati and the Gaucho Kue file. But a better example is
8 the BHP water licence renewals last week in which the
9 Yellowknives Dene, having being so busy in front of
10 you guys a lot of the time, had essentially no
11 resources to dedicate to that.

12 So the IEMA -- sorry, the Independent
13 Environmental Monitoring Agency, which is the -- the
14 watchdog for BHP, we were able to use their technical
15 review to identify issues of concern. That allows us
16 to -- to triage issues, to apply what little resources
17 we have, to apply our time focus in the most efficient
18 way possible.

19 That economies of scale is going to be
20 increasingly important as time goes on. We've
21 mentioned before that we're talking about ten (10),
22 eleven (11) mines in the next five (5) years. Well,
23 it's going to be very difficult for all of us.

24 THE CHAIRPERSON: Okay, thank you. Is
25 there a follow-up question for the North Slave Metis

1 Alliance?

2 MR. ERIC BINION: No, that's all.

3 Thank you very much.

4 THE CHAIRPERSON: Thank you. Moving
5 on. Northwest Territories Metis Nation, was there any
6 question for YKDFN on their presentation? Okay, thank
7 you.

8 Tlicho government...?

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: Transport Canada...?

13 MR. CHRIS AGUIRRE: Chris Aguirre,
14 with Transport Canada. We have no questions.

15 THE CHAIRPERSON: Okay, thank you.
16 Avalon Rare Metals Inc.?

17 MR. DAVID SWISHER: Thank you, Mr.
18 Chair. David Swisher, with Avalon. I want to thank
19 the -- the Yellowknives Elders, Chief Sangris, and his
20 staff for their presentation and comments.

21 On behalf of Avalon, I'd like to say
22 that we are a bit saddened to recently just find out
23 there was a recent motion passed with this regard, as
24 we have been diligently doing what we can to work with
25 the Yellowknives and we are, as mentioned, are fully

1 committed to doing so.

2 It -- I think some of the initial fears
3 that we had back in November of 2010, when we signed
4 our negotiation agreement, there was a clause with
5 regards to communications protocol that we had to
6 follow. And we were concerned about that protocol
7 because it did restrict our ability to open up and
8 have access to the communities. I think now that
9 that's probably being realized, those concerns, right
10 now.

11 I will say that we appreciate the
12 presentations on traditional knowledge. Even by
13 Randy's admission, things have changed. And we
14 recognize that, which is why we do have a component of
15 that traditional knowledge in the proposed agreement.
16 We also have a component of environmental
17 participation within that agreement.

18 And I really hope -- and I think, on
19 behalf of Avalon, we all hope -- that the Yellowknives
20 would reconsider their motion so that we can come back
21 to the table and come to a conclusion.

22 So I appreciate the opportunity to
23 comment. Thank you.

24 THE CHAIRPERSON: Thank you. I'm
25 going to the Review Board legal counsel and staff.

1 MR. JOHN DONIHEE: Thank you, Mr.

2 Chairman. John Donihee. I'm Board counsel. I -- I
3 just have a couple of questions.

4 The first one relates to wildlife. And
5 I guess the first question I have is -- is whether the
6 Yellowknives have attempted to engage and work with
7 the Government of the Northwest Territories in -- in
8 order to identify what ought to be done in the way of
9 cumulative effects monitoring in relation to barren-
10 ground caribou.

11 THE CHAIRPERSON: Thank you.

12 YKDFN...?

13 MR. TODD SLACK: Sorry, Mr. Chair.

14 Todd Slack, from the Yellowknives.

15 Particular to the -- that question, the
16 Yellowknives participated in -- on an initial dis --
17 initial workshop, in terms of what kind of cumulative
18 effects kind of thinking needs to happen before we can
19 move ahead. That's how I'll characterize it. You
20 know, what are the obstacles? What -- what are
21 recommended ways forward? And this took place in
22 early February. So it's just started.

23 The next sort of step with that I would
24 pass to my colleagues. But early March, the first
25 week of March, second week of March, there's a plan to

1 have a workshop that looks at carnivores, and then
2 separately it looks at caribou. And caribou are the
3 big issue.

4 Starting in 2009, the Yellowknives
5 worked with all of the industrial partners and the
6 government to aim to redesign the WEMPs to make them
7 work -- work smarter, not harder, is the phrase I've
8 been using. And from that process, we arrived -- I
9 would -- in our opinion, in reasonably good cumulative
10 effects data gathering at each of the mines for
11 carnivores. The issue of caribou remains a
12 significant, outstanding matter. And there is a lot
13 of -- a lot of travelling left to go on that one.

14 THE CHAIRPERSON: Thank you, YKDFN.
15 Legal counsel...?

16 MR. JOHN DONIHEE: Thank you, Mr.
17 Chairman. John Donihee.

18 The reason I asked, of course, on --
19 early in your presentation you didn't get a chance to
20 speak to it. But you've got some slides on cumulative
21 effects, and you -- you know, you -- the point is made
22 rather forcefully, you know, that the Yellowknives
23 don't care who fulfills the role, but somebody's got
24 to step up to the plate on this issue of cumulative
25 effects management in relation to wildlife.

1 And I guess, you know, as I look at the
2 GNWT technical report, you know, their recommendation
3 number 6 is simply suggesting that Avalon participate
4 in species-specific cumulative effects workshops.

5 And, I mean, workshops -- and I don't mean to
6 disparage the -- the suggestion, but workshops are a
7 good idea, but they aren't, by themselves, mitigation.

8 And when I look at the recommendations
9 that you've put forward to the Board to -- today,
10 number 3 and 4. You know, number 3 says you want to
11 require Avalon to participate in regional cumulative
12 effects monitoring and management programs. That goes
13 a step further, in my view.

14 And so I guess what I'm trying to find
15 out, and I'll ask you to help the Board, really is,
16 you know, just what do you expect Avalon to do? What
17 are you recommending here? Because it's really not
18 clear from -- from your presentation, and I don't find
19 it to be clear from what the GNWT has presented
20 either.

21 THE CHAIRPERSON: Thank you. I'm
22 going to go to YKDFN to the question.

23

24 (BRIEF PAUSE)

25

1 MR. TODD SLACK: Todd Slack with the
2 Yellowknives Dene.

3 And I think it's important to recognize
4 that we're talking about two (2) different levels
5 here. One is: What is the company going to do to
6 gather data, or to gather information? And 2) Who is
7 going to do anything with that data, or that
8 information? These are very separate and very
9 difficult questions.

10 Simply by achieving step 1, gathering
11 the data, that doesn't mean that it'll work its way
12 into any sort of decision making. And, ideally, you
13 want it to work into a preemptive decision making.
14 Whether it's land use planning, whether it's something
15 that can be put in front of boards ahead of time to
16 better educate them, that's the cumulative management
17 framework.

18 So that's a -- what we're -- number 3,
19 we're asking the Company to participate in -- in the
20 monitoring. Well, that monitoring feeds into the
21 framework, and that's where the decisions get made.

22 As you've said, I've been involved with
23 the same types of workshop; in 2000, in Inuvik, the
24 early 2000s; 2005-ish something in the Deh Cho; 2008,
25 here in Yellowknife with Bathurst caribou. All of

1 those processes developed information that then went
2 nowhere.

3 Without political will, as one (1)
4 option, in terms of the framework to utilize that
5 information, and a decision made ahead of time that
6 creates a framework for it to be incorporated, the
7 actual monitoring is empty, it's meaningless.

8 THE CHAIRPERSON: Thank you, YKDFN.
9 Legal counsel...?

10 MR. JOHN DONIHEE: Thank you, Mr.
11 Chairman. Your -- your presentation indicates that
12 Avalon is one (1) of ten (10) potential mines on the -
13 - the Bathurst caribou range.

14 I'm -- I'm going to suggest that, you
15 know, they -- one way or another they're -- they're
16 only going to be contributing some -- to some of those
17 effects. Obviously, there are other activities,
18 industrial activities as well as natural changes and
19 fires and other things that affect what happens to
20 caribou.

21 So is it -- I guess what I'm trying to
22 -- to get from you is some indication. Is it your
23 view that -- that Avalon has a role -- a commensurate
24 role to play but that the overall responsibility to
25 address these cumulative effects is -- is government's

1 role.

2 THE CHAIRPERSON: Thank you.

3 YKDFN...?

4 MR. TODD SLACK: Todd Slack, with the
5 Yellowknives. Yes, that's obviously the ideal. But
6 we've all seen over the years, up until very recently,
7 a reluctance in government to move forward on this.
8 In that absence, we did see industry come together and
9 develop those carnivore issues that I was talking
10 about. That was an industry led initiative. If there
11 is something that prevents development or prevents
12 industry, well, I think they'll move mountains
13 literally to resolve that so that they can do their
14 business.

15 THE CHAIRPERSON: Thank you, YKDFN.
16 Legal counsel...?

17 MR. JOHN DONIHEE: Thank you, Mr.
18 Chairman. I just have one (1) other area I'd like to
19 ask a question about, and it relates to the comments
20 about closure. And I think there's a recommendation
21 about that too. But -- but it, you know -- my
22 question is -- is this: The next steps in this
23 process, as you know, Mr. Slack, and -- and many of us
24 do, may very well a water licensing process. I'm not
25 presupposing what the Board will decide but, you know,

1 if it goes forward that's the sequence.

2 And in the context of water licensing,
3 the closure process is fully regulated. I think you
4 pointed out earlier or perhaps it was Mr. Ellis in his
5 question but, you know, that in fact the company
6 doesn't even get a water licence unless they prove
7 financial capacity. And normally, you know, the --
8 whatever the liability is it's predicted for the first
9 while, you know, it's -- it's -- at least by current
10 standards -- current government standards, it's cash
11 on the barrelhead, in terms of putting the security
12 deposits forward before the water licence, you know,
13 can become operational.

14 So it seems to me that, you know, if
15 the company can't afford, they simply won't go
16 forward. And so, you know, the recommendations about
17 additional information in relation to closure plans at
18 this stage -- I guess my -- I find -- I'm wondering
19 what advantage that's really going to provide at this
20 point. Because it seems to me that the Review Board
21 can take -- they can take notice of the fact that at
22 the next stage, this is going to be fully regulated
23 and that, you know, if in fact there is a requirement
24 about more information about closure, that the best
25 outcome might be simply a recommendation for there to

1 be an adequate interim closure plan presented in a
2 water licensing process.

3 Now, is that -- is that approach --
4 would that approach be satisfactory for the
5 Yellowknives?

6 THE CHAIRPERSON: Okay. Thank you.
7 YKDFN, to the question.

8 MR. TODD SLACK: Todd Slack, with the
9 Yellowknives. I think, yes, that would be a step
10 forward. And I'm very aware of the perspective here
11 that there is a second stage to this. But what has
12 happened in interim closure and reclamation processes
13 with that second stage, is you end up in a dispute
14 between what the community believes that they've heard
15 and what the company believes that they said. And
16 this is why I talk about the need for precision of
17 language. And so I think I cut it out.

18 But when you use soft words like 'if
19 necessary' or 'if required', well, in the absence of a
20 trigger that then defines when it is necessary,
21 especially a single property company at the end of its
22 life span, I think that we're really looking at a "no"
23 in most of those cases, unless you can demonstrate
24 that it is required, that it is necessary.

25 And then as a second example, we heard

1 yesterday that this project is not going to have any
2 landfills on site. But they are going to put inert
3 materials in the underground and use the whole site as
4 a landfill. That is something that has come up in the
5 past, just as examples in the ICRP within this
6 community -- sorry, with the other diamond mines ICRPs
7 where they plan to bury stuff underground as well, and
8 no one thought that was the case.

9 So the key is to establish what the
10 commitments are now, and that's the objectives, and
11 AANDC talked about the objectives, and have some
12 clarity around those.

13 THE CHAIRPERSON: Okay. Thank you.
14 Back to Review Board legal counsel.

15 MR. JOHN DONIHEE: Thank you, Mr.
16 Chairman, John Donihee. Just -- just one (1) follow-
17 up question. It -- it seems to me, Mr. Slack, that we
18 agree that at the next stage that more -- more
19 information about proper closure is -- is going to be
20 required.

21 Now, that's simply the regulatory
22 process that follows, and that -- you know, there are
23 two (2) -- there are two (2) separate parts to that.
24 One (1) is how do you plan for closure and what will
25 you do. The second part of that regulatory process

1 identifies what the liabilities are that may be out
2 there and how much it -- it would cost to secure
3 against the possibility that the company can't afford
4 to -- to meet those liabilities.

5 So setting aside the -- the money issue
6 for the moment, I guess what I was trying to explore
7 was what is it exactly that the Yellowknives think
8 ought to be in that interim closure plan. And you
9 don't have to answer it now. If -- if you have an
10 answer now, that's great. If you don't, I guess I'd
11 like to ask whether the Yellowknives would provide
12 their thoughts on that to the Review Board in their
13 closing at the end of this hearing.

14 THE CHAIRPERSON: Thank you. I'll go
15 to YKDFN.

16 MR. TODD SLACK: Todd Slack, with the
17 Yellowknives. And I'm happy to do both. The -- the
18 simple answer is that it's not a fight at the next
19 stage. That -- the community is clear. TK has been
20 in -- involved, it's been engaged. The expectations
21 here match the expectations from over there. That's
22 the goal.

23 How to get there? Well, that I'll put
24 in the closing comments.

25 THE CHAIRPERSON: Okay. Thank you,

1 YKDFN. Legal counsel...?

2 MR. JOHN DONIHEE: Thank you, Mr.

3 Chairman. Those are my questions.

4 THE CHAIRPERSON: Thank you. Review

5 Board staff...?

6 MR. CHUCK HUBERT: No questions, Mr.

7 Chair.

8 THE CHAIRPERSON: Thank you. I'm

9 going to go to my left to Board member Rachel Crapeau.

10

11 (INTERPRETED FROM NATIVE LANGUAGE INTO ENGLISH)

12

13 MS. RACHEL CRAPEAU: Please put on

14 your headsets. Today our chiefs and councils and

15 Elders and our office workers have presented their

16 presentation and we've heard your concerns today. And

17 in the future, we don't really know what is really

18 going to happen in the future, but if we are rec -- we

19 receive any recommendations, especially concerning the

20 water -- the issues about water and the type of

21 minerals they're going to take out and how the people

22 are going to be -- be using the -- the land in the

23 future, these are all the information we're collecting

24 as a board.

25 We are going to collect all this

1 information and as a board we will resume and meet on
2 all of the informations that we have heard in the
3 public hearing when we -- to deve -- to develop a mine
4 it takes a lot of work and there are people that want
5 to develop -- a board, which we heard them, they made
6 a presentation to the public and how they're going to
7 do it.

8 This -- and -- we as a board do not
9 tell them how to do -- how to -- to build a -- a mine
10 and what they're going to do. We don't do that as a
11 Board. But all the public people that are going in
12 the -- in the hearing are going to express their
13 concern and what they would like -- and how they --
14 how they would like to see the mine develop. Those
15 are all the information that we collect as a Board and
16 meet over it. And in the future when the bal -- when
17 the mines close and how the mine is going to be closed
18 is -- have to be presented also.

19 The -- the only way that we can make
20 any kind of decision is to work together. So I'm very
21 grateful that it is not like it was in the past. Just
22 like ISIDORE has said, it is not like it was in the
23 past which is very true. In the past when the mines
24 were being developed, we didn't know what was going on
25 at the time. Absolutely none. But not today. It's

1 not like that anymore today.

2 And all the community people, the --
3 the youth, the -- the chiefs and the councilors and
4 all our office workers and staffs and the community
5 members are involved in the development through the
6 hearing. All the information is collected, what their
7 concerns are about this mine that is being proposed.

8 So I'm very happy to have heard
9 everybody's concern in this hearing, but we still have
10 a lot of work to do as a Board. But today, we are
11 just listening to the public, their concerns.

12

13 (INTERPRETATION CONCLUDED)

14

15 THE CHAIRPERSON: Thank you, Rachel
16 Crapeau. Board Member -- Board Member, Percy
17 Hardisty?

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

19

20 (NATIVE LANGUAGE NOT INTERPRETED)

21

22 THE CHAIRPERSON: Maybe, Percy, can
23 you just do a summary in English please.

24 MR. PERCY HARDISTY: Okay, a summary.
25 I would like to thank the Elders for their

1 presentations, their words that they've give us, the
2 wisdom. That's what we're going to be debating on.
3 And I'd like to thank the Chief for, you know, their
4 presentations. So with that, I'd like to say, thank
5 you.

6 THE CHAIRPERSON: Thank you, Percy.
7 Board Member -- Board Member James Wah-Shee.

8 MR. JAMES WAH-SHEE: Thank you, Mr.
9 Chair. I hope you get the proper translation there.

10

11 (INTERPRETED FROM NATIVE LANGUAGE INTO ENGLISH)

12

13 MR. JAMES WAH-SHEE: The public
14 hearing that we have here, we're asking questions to -
15 - among each other, what things that we're not clear
16 on, that we want to know the information, that's the
17 hearing that we're having.

18 We is -- people of the North here, we
19 live in the North, and development that's happened in
20 our area that the stories that we know from way back
21 that think that we're working on, those times when the
22 first development, the prospector that coming in our
23 area. And things that they do without consultation
24 and wouldn't -- never that they notify what they're
25 doing on our land.

1 So today, those are the kind of things
2 we are hearing. And those are the things that people
3 have come to our land that they just go ahead. And
4 we, in the North here, let development go on our land,
5 and people that use the land and the do survive on the
6 hunting and living and survive of the animal, they go
7 get fish and people that live on the land stay on the
8 land.

9 And you've seen our -- they speak their
10 own language and traditional knowledge that the whole,
11 as a Dene people, that we grew up and survive on, were
12 the survival on this land here right. Wen, the north
13 people, there's two (2) laws that we're -- we're
14 talking on. And before our ancestors, Elder
15 traditional knowledge holder, and they want to hold on
16 to those until today. Now the young people today that
17 they don't know the language, that they should know
18 the language, and how the Elders had roamed this
19 place. They should know the stories. That the -- the
20 young people, they should know the language and
21 culture of the past, how people had lived on this
22 land, the history.

23 But today, there's like there's two (2)
24 -- two (2) things that we know in the modern world
25 today, and traditional -- how people can survive on

1 the land, and fishing, and hunting, and it's very
2 still important. And beside that, how to work in
3 development and industry area, and to know the
4 training that they get to work in the mining industry.
5 So the white men's way and the Dene way that the
6 people -- the young people that should know today that
7 were informing each other at the meetings.

8 But the land in the North here, how the
9 business is being done in the North, how the
10 development, they should handle the business and then
11 how -- have the input of the public in hearing like
12 this.

13 If things want to go ahead, we really
14 have to discuss things that we do fairly, that
15 everybody agree to. But today the Elders, they know
16 the history and the culture, but we know -- that we
17 don't know the history and the culture that were
18 learned from the Elders.

19 But in the North here, we know there's
20 a lot of development that's happening in our area, but
21 we have to work well together and listen to each
22 other, communicate with each other, and we agree to
23 the best things that -- from getting harm, things that
24 we discuss fairly, then there's a lot of opportunity
25 of business out there that help them for the money-

1 wise, but we -- but we have to try to do things slowly
2 in the right way.

3 Not -- but other concerns that how we
4 can fix things, we help and support each other. And
5 today we hear the public and the concerns from the
6 Elder that we will say thank you. And to the Chief,
7 that his -- that he put his statement forward and his
8 members that they are concerned. We have listened to
9 your concern, but today is a lot of technical stuff
10 that even non-Aboriginal people are hear, that they
11 speak the English. We have a lot English speaker
12 here. But there's time when we have meetings here
13 like this, we -- they need to have some people that
14 they speak their own language that's sitting up here
15 and expressing their concern in their -- in their
16 language. And that's very important to have -- hold
17 on to your language, too.

18 So we have non-Aboriginal people that
19 will come and -- will have good communication that we
20 hear each other out and then we understand each other.
21 And so the way we hear the public, we're talking all
22 the information that -- I want to say thank you to
23 everyone.

24

25 (INTERPRETATION CONCLUDED)

1 THE CHAIRPERSON: Thank you, James
2 Wah-Shee. Board member -- Board member Richard
3 Mercredi?

4 MR. RICHARD MERCREDI: Yeah, I would
5 just like to thank the YK Dene First Nation for their
6 presentations. And I have no questions at this time.

7 THE CHAIRPERSON: Thank you. Board
8 member Sunny Monroe?

9 MS. SUNNY MONROE: Thank you, Mr.
10 Chair. I'd like to thank the YKDFN for their
11 presentation. And I have no questions at this time.

12 THE CHAIRPERSON: Thank you. Board
13 member John Curran?

14 MR. JOHN CURRAN: Thank you, Mr.
15 Chairman. We'd like to say thank you very much to the
16 Elders, in particular, for speaking from the heart,
17 especially the latter two (2) who were very patient
18 and waited for their opportunity even though we were
19 under a bit of crunch there.

20 I did have one (1) question for Todd.
21 I guess after hearing a bit of a response from Avalon
22 about funding that was provided for, not one (1) but
23 two (2), independent assessments, you looked as though
24 you were about to say something there, Todd, in
25 response back and you didn't get an opportunity. And

1 so, I guess, I was curious what your -- what you were
2 going to respond to that, because right now I'm sort
3 of -- I've got a bit of a he said/he said thing and
4 they directly conflict. So if you could clarify that,
5 that would be great.

6 THE CHAIRPERSON: Thank you. YKDFN,
7 to the question.

8 CHIEF EDWIN SANGRIS: Yeah, Chief
9 Sangris. Based on -- on what transpired and -- you
10 wanted to know what finan -- what -- what Dave was
11 talking about. Now, we see, as First Nations --and
12 when Dave talk about a protocol, we have this, you
13 know, confidentiality agreement. So at this time, you
14 know, we cannot elab -- elaborate on -- on what those
15 arrangements are until we have, you know, consulted
16 with our lawyers. Masi.

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

19 MR. JOHN CURRAN: Okay. I guess I
20 have no further questions.

21 THE CHAIRPERSON: Thank you. I also
22 would like to take this time to thank YKDFN Chief
23 Eddie Sangris and -- and Willy Erasmus, Chief, and all
24 the band councillors that are here and the Elders.
25 Masi for your presentation, Todd.

1 We'll take a fifteen (15) minute break.

2 And prior to that I just wanted to recognize Dora

3 Enzo, the Chief from Lutsel K'e, and our good friend

4 Pierre Marlowe at the back. Good to see you, Pierre.

5 We'll take a fifteen (15) minute break.

6 Masi.

7

8 --- Upon recessing at 3:15 p.m.

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

10

11 THE CHAIRPERSON: Okay. We could

12 start. I think everybody is back at their tables

13 here.

14 We're going to make a -- just quick

15 change on the agenda here. We just switched around

16 Lutsel K'e Dene First Nation to do their presentation

17 now. Environment Canada, I believe they agreed that

18 it's okay, so we'll do that now.

19 And we're going to go right till 7:00

20 just to make up some of the time that we lost. But

21 there's public comments period from 6:00 to 7:00, so

22 if -- if you haven't spoken already then there's a

23 list up there you could go and sign. And -- and we'll

24 entertain public comments from 6:00 to 7:00, and --

25 but we'll just continue on.

1 So next on the list is the Lutsel K'e
2 Dene First Nation presentation. If you could
3 introduce your delegation.

4

5 PRESENTATION BY LUTSEL K'E DENE FIRST NATION:

6 MR. MIKE TOLLIS: Thank you, Mr.
7 Chair. It's Mike Tollis, from Lutsel K'e Dene First
8 Nation. With me today, on my left, is councillor Ron
9 Fatt. On my right is Chief Dora Enzo, councillor
10 Emily -- Emily Saunders, and Elder Pierre Marlowe.

11 We're going to start our presentation
12 with Pierre Marlowe saying a few words.

13

14 (INTERPRETED FROM NATIVE LANGUAGE INTO ENGLISH)

15

16 ELDER PIERRE MARLOWE: Thank you.
17 I've been thinking about the situation here. I want
18 to talk a bit about it now. In the old days, when the
19 first treaty was signed, the people talked about
20 everything back then. The mines that are being
21 developed, we were not told anything about the mines
22 that are happening today. None of the Elders know
23 about it. Nobody said anything about it. That is why
24 the people here -- the -- the people here are thinking
25 about it and we talk about the situations now.

1 The mines that are being developed now
2 and the money, how much money passes over our head and
3 goes on to the government? Six million dollars
4 (ENGLISH FEED NOT RECORDED). We get nothing out of it
5 here. We get absolutely nothing from the mines.

6 The Yellowknives here, it's the same
7 thing. The land was traded off for two (2) -- two (2)
8 lengths of stove pipe which is cheap. How many houses
9 do we have here now? Even sitting down in a
10 restaurant, a lot of people get thrown out. And they
11 own the land. They're landowners. By rights you're
12 supposed to help the people, not throw them out.

13 The land that is being impacted now by
14 developers, it -- we can't -- we can't remediate it,
15 and we can't do anything about it. Even a dog being
16 tied this land gets impacted from the dog being tied
17 there. Having a mine there, how many vehicles are
18 associated with a mine? How much trees you cut down?
19 And the water is not the same. It gets -- it gets
20 polluted.

21 Down by Narrow Isle, McKinley Point,
22 down by Narrow Island, I lived there many years. I
23 know the land very well around there. From there I --
24 I trap -- I trap to the east and I trap to the west of
25 that point where I lived.

1 I travel all the way down to Francis
2 Lake. I know the land, the area. In the summer, we
3 hunted. We kill a moose and everything on the land
4 during the summer months. Now, we're told to stay out
5 of there, because the rock is -- we don't know the
6 properties of the rocks, so nobody goes in that area
7 anymore. Now they're telling us to stay away from our
8 land because of development.

9 Down -- down by the Boulder River to
10 east, I know the whole property. I know the land, all
11 the way down to Thelon River. Way out towards the
12 diamond mines -- I live in Lutsel K'e. I know the
13 whole area down to Porter Lake, Nanacho (phonetic)
14 Lake. I've trapped all that area.

15 I'm eighty-one (81) years old now. I
16 didn't only live in Lutsel K'e. Back in the old days,
17 people -- people survive by living on the land. Now
18 we're pitiful and we're being made more poor by
19 developers. From here to the south, I see a lot of
20 people that are pitiful, living on reserves. They
21 can't hunt, they can't do nothing, they can't kill
22 animals. And that's the way they live. Now, Lutsel -
23 - Lutsel K'e, Yellowknife, this is where you're taking
24 us to. It seems that way to me.

25 Right till we're very pitiful, you seem

1 -- you seem to be taking us over there to further
2 poverty. Once you get your mine, you're rich. Us
3 poor people living here, we don't get any monies from
4 the mine, and it's our land. If you give us fifty
5 (50) cents, that's where you leave us. And it's our
6 land.

7 The caribou -- the caribou are not
8 around any more, and they're different, they're gone.
9 At the -- the hunting lodges that are -- where the
10 Americans are hunting, for one (1) open season, they
11 get seventy (70) tags. I saw a tag with two (2)
12 caribou for one (1) tag. What -- what do they do with
13 the hundred and forty (140) caribou that they got? We
14 don't see any of it. It's not given to us. It seems
15 like -- it seems like it's all wasted, thrown away. I
16 know, so that's what I'm talking about.

17 At two (2) lodges, there's a lot of
18 caribou that are missing, because of the two (2)
19 lodges. If you kill all the big male animals, the
20 bucks, how are the females going to have further if
21 you kill all the breeding male? If we kill -- if we
22 kill all the man -- man, human male, woman won't be
23 able to have any babies. And that's the same way with
24 the animals.

25 I've been thinking about these kinds of

1 things for a long time now. The mine too are like
2 that. They are taking -- they are taking every --
3 everything away from us. They are impacting
4 everything on us that we survive on. Now they're
5 talking about the land camps. It's like -- it's like
6 they're taking the land camps away from us because
7 it's not happening. Why are the white man bothering
8 us?

9 This is my land. I've been living on
10 this land and keeping it for eighty-one (81) years.
11 The people -- the people that are behind me will also
12 take care of the land. Our grandfathers ahead of us
13 were -- kept -- kept our land for us, and they're
14 still holding the land. Their graves are on the land;
15 they're still keeping it. It seems -- it seems like
16 they're still holding the land for us by their graves.

17 Well, the way the land is now, if you
18 want to ask -- if -- if you want to ask me questions
19 about the land, ask me. Ask away. Thank you.

20

21 (INTERPRETATION CONCLUDED)

22

23 MR. MIKE TOLLIS: Mike Tollis, LKDFN.
24 I'm going to let Emily Saunders speak now.

25

1 (INTERPRETED FROM NATIVE LANGUAGE TO ENGLISH)

2

3 MS. EMILY SAUNDERS: I want to say
4 thank you. I've been here for two (2) days sitting
5 here listening to you for two (2) days. Talking about
6 the land and the water, all the air that we're
7 breathing.

8 I've been thinking about it from
9 sitting back there. I grew up on the land also. I
10 grew up with the Elders here so I understand the land
11 and the needs of the land. I've been thinking our
12 lake is big and I think about it a lot.

13 In the future, with all the mines that
14 are happening and barging the ore across the lake,
15 what if one -- one (1) of the barges would sink or
16 something? It's going to cause a lot of problems.
17 How would our future generation survive with the water
18 if you can live on the land but they can't drink the
19 water. That's the way we've got to think for the
20 future.

21 The Elders that have talked before me
22 here, the way they've lived on the land, they've
23 survived on the land using the animals. That's the
24 way I grew up too. By killing animals, that's the way
25 we survive. We hunted with the Elders, that's the way

1 they taught us on the land.

2 The land here, we still haven't
3 resolved our treaty issues yet and yet they're
4 developing all the mines on our land which is not
5 right. I'm sitting back there listening to the
6 people, it's not -- the people from the mine are not
7 telling us the whole story. They come -- they come to
8 the communities and tell us what they want to do yet
9 they're holding back information it seems.

10 The work -- the work that's proposed
11 underground, they use a lot of water. Thinking about
12 it from back there, how the water is going to be
13 impacted, how it's going to get polluted in the
14 future. I -- I lived down south for a long time, I
15 could see the way the waters were impacted down south
16 by development and our land right now, we're still in
17 a pristine situation and wherever you go on the water,
18 you could make a fire any place and drink the water
19 and make tea from the water. But our water is good.

20 The animals here that we are surviving
21 with, one of the things I would like to ask Avalon,
22 the -- talking about the TK studies, I want -- I want
23 them to do a good job with us here. They say they're
24 going to go visit all the people, I don't think that
25 is true.

1 They should be going to the communities
2 and talking with the Elders and telling the Elders --
3 and taking the stories, how they lived on the land.
4 The way they lived on the land, how they worked on the
5 land and then they could probably figure out how the
6 people use the land.

7 Us traditional people and our language
8 and the use of our language makes us stronger. We are
9 the real people of the land, we love our land. My
10 grandmother and our grandfather that raised us, taught
11 us to respect our -- the land.

12

13 (INTERPRETATION CONCLUDED)

14

15 MS. EMILY SAUNDERS: Now, one of the
16 things that I just want to mention is that (ENGLISH
17 LANGUAGE FEED NOT RECORDED) somewhere down the road I
18 think that was taken away. But I really respect the
19 land, the environment as we call it today, the air,
20 and the water. Those are the things we kind of
21 treasure as a Dene. We treasure this, the
22 environment. And I think, as our Elders taught us, we
23 try to protect it.

24 And if we had to prioritize anything, I
25 think it'll be the water, because water is what --

1 what we live with. It keeps us alive. Without the
2 water, I don't know. And I don't want to see a hundred
3 years from now, down the road there, with my great-
4 great-grandchildren...

5 As a matter of fact I have fourteen
6 (14) grandchildren right now. There's a few, two (2)
7 or three (3) that are learning how to hunt on our --
8 on our land now. They go out on the land with their
9 grandfather. They go hunting. Their grandfather
10 shows them how to live off the land. See, even that
11 they're starting. What are they going to teach their
12 children?

13 So those are some of the things I just
14 wanted to -- to bring up. And again, about the TK
15 studies, I really want to see more of that happening
16 in the community, and the -- the information that's --
17 that's given to us by -- by Avalon, when you come into
18 our communities, we don't see all this information
19 that you provided in the last couple of days here.
20 From Environment Canada, all those information that I
21 seen up here regarding the chemical use and that, I
22 would like to see that in our small little
23 communities, because we need our Elders to understand
24 this as well.

25 So with that, I think I'll just pass it

1 on. Thank you very much for giving me this time to
2 speak my language, as well as just sharing my own
3 feelings and thoughts. Thank you.

4 MR. MICHAEL TOLLIS: Ron Fatt.

5 MR. RON FATT: Thank you, Mr. Chair,
6 to let us speak here today on behalf of Dene Tlicho.
7 I'd just like to iterate some of the comments that
8 Pierre and Emily made. This -- I'll probably say it
9 in my Chipewyan here.

10

11 (INTERPRETATION FROM NATIVE LANGUAGE TO ENGLISH)

12

13 MR. RON FATT: This land, our land,
14 the land that we love around the lake, Artillery Lake.
15 My father was raised there. Antoine Fatt, his father
16 was also raised there. Also, Alexi Fatt (phonetic).

17 There are a lot of people that had
18 survived on the land. The Dene people, the
19 traditional people, a lot of people in the past have
20 lived in that area. All the people that have lived on
21 the land are passed on, there's many of them.

22 If you go to Lutsel K'e now, not --
23 there are not too many people understand the
24 information that are available now. When they start
25 to develop a mine, they haven't collected enough

1 information when they -- the traditional knowledge
2 information. I don't think there was enough
3 information they have collected.

4 Even my father, if you ask -- if you
5 question even my father, he's got a lot of stories for
6 you. But nobody has come to question him. Even him,
7 he was born -- he raised Emily there. He -- Emily is
8 sitting here with us now. They used to go hunting,
9 Pierre used to go hunting together. Pierre is here.

10 There is people that are around, that
11 is the kind of people that you should get information
12 from. Not only just them, there are a lot of people
13 that just travel on the land in the past. There were
14 -- there was Basels (phonetic), Deaujolais (phonetic),
15 Nattaways (phonetic), all those people had travelled
16 the land. They used to travel a long distance towards
17 Francois Lake. And they used to go from Ford Lake.
18 They used to travel all over the place, long distance.
19 There used to be a main road that way. A lot of
20 people used to use that trail.

21 Just recently they say the rock -- they
22 say the rock was in the -- it's no good. They say
23 people are getting sick from those rocks. So people
24 don't go there to go trapping anymore.

25 When I look at it today, when there's a

1 development -- any mine that's developed, it ruins and
2 damages a lot of things on us. If you even look at it
3 now, look at the caribou. It's really declined now.
4 They's made a corridor now.

5 If you look at people from Yellowknife,
6 they said they only receive three (3) tags now. For
7 me that's not correct if we're going to be going that
8 way, in that direction. But in -- but somehow we have
9 to settle. We have to discuss, we all have to work
10 together towards this issue. If we don't work
11 together we would never solve problems.

12 You are the one that -- you're speaking
13 on only half, so you have to listen to what we have to
14 say to you. Even when the buffalo and caribou and
15 moose and fish, we all survive on it. When we travel
16 back and forth from Yellowknife to Lutsel K'e it's
17 like a big highway. A lot of people today are using
18 that trail. That way -- that way -- that right way.

19 My grandfather used to tell me story,
20 my grandfather, Bill. He used to say Drybone, Louie
21 Drybone (phonetic) he used to have a cabin on Watsi
22 (phonetic) Lake. If he leaves here -- leaves here
23 from Yellowknife, he's going to Drybone and go on the
24 main land. So he -- and then he go on -- he used to
25 travel and pass a lot of people. It used to take him

1 a month to get back 'cause that's why -- that's how my
2 grandfather used to tell me. A lot of people to
3 visit. So it took him about a month to get back to
4 where his destination was.

5 When -- the mine that you're talking
6 about in Thor Lake, it's true. They haven't talked to
7 us properly enough. You can't sit down a person like
8 that. That's why we're here, we're here to discuss
9 and question. I can't say, No or I can't say, Yes,
10 right now because we haven't questioned me enough,
11 given me enough information.

12 There was one (1) thing I'm always
13 concerned about, I'm concern -- I'm really concerned
14 about the caribou. The Bathurst herd, what if they
15 all disappeared? Another herd -- it will happen to
16 another herd too.

17 There are diamond mines all over the
18 place now. They have developed all these diamond
19 mines. They're talking about putting one up at Gahcho
20 Kue, they're not thinking too much about the caribou.

21 The caribou, they say they are getting
22 smaller but the problems that we see in the future is
23 going to be big. If you look at the caribou even now.
24 So for me, it's very difficult -- it's very difficult
25 for me now. I have to think about my children, too.

1 I have two (2) boys now. I'm not -- not really
2 thinking about myself -- myself.

3 All of the diamond mines that are
4 developed, we're not benefiting from it. It doesn't
5 seem like we're getting anything or any benefits from
6 them at all, from all those development.

7 So if we're going to have a new diamond
8 mine developed, I'm not too keen on the idea of having
9 those developed -- mines developed. So that's all I'm
10 going to say. Thank you for allowing me to talk.

11

12 (INTERPRETATION CONCLUDED)

13

14 MR. MICHAEL TOLLIS: Thanks, Ron.
15 Mike Tollis from the Lutsel K'e Dene First Nation.
16 I'd like to start the presentation now for you, Mr.
17 Chair.

18 The Lutsel K'e Dene First Nation is
19 located in the east arm of Great Slave Lake, but
20 traditionally has used the extent of the Akaitcho
21 traditional territory to survive for generations.

22 The mandate of the First Nation centres
23 on Dene beliefs and traditions and by practising this
24 way of life the culture is strengthened. But in
25 recent decades economic development has slowly been

1 closing in on the First Nation and has forced the
2 traditionally subsistent (phonetic) Dene people to
3 engage in regulatory processes to ensure the
4 protection of the land they require to survive.

5 So the approach that LKDFN takes in
6 these engagements is to ensure that the projects
7 permitted to proceed today are not going to have
8 lasting environmental impacts that the future
9 generations of Lutsel K'e will be forced to spend time
10 and resources to remedy.

11 As this proposed project is located
12 within the Akaitcho traditional territory, LKDFN has
13 environmental concerns that must be adequately
14 addressed in order for the First Nation to endorse
15 such a development.

16 Some of the main concerns have been and
17 will be discussed throughout the hearings, but some of
18 the main points are listed here. This project is
19 located on a heavily travelled area for the Lutsel K'e
20 Dene as it's the main corridor between Lutsel K'e and
21 Yellowknife in both summer and winter seasons.

22 The Bathurst caribou have documents low
23 numbers and the Dene depend on abundant caribou
24 numbers to survive. The proposed project is on the
25 herd range and has the potential to further decrease

1 the numbers.

2 The LKDFN also relies on healthy and
3 abundant fish from Great Slave Lake to harvest. And
4 with the potential emissions and effluent entering the
5 lake, there is concern in the community in regards to
6 the quality and health of the fish.

7 Environmental impacts for mining
8 developments are a given, but if the land is
9 negatively impacted, so too are the Dene people that
10 rely on the land. After fifteen (15) years of mining
11 in the traditional territory, the Elders are losing
12 faith in the competency of developers to respect the
13 land and return it to pre-development state.

14 The proposed project also raises
15 concerns in the community as to the reclamation plans
16 or lack thereof currently in place for the mine site.
17 The unprecedented increase in barge activity on the
18 lake in the summer months and the relatively unknown
19 nature of rare earth element mining in the north are
20 causes of uncertainty in the community.

21 Before I continue, Mr. Chair, I'd like
22 to make a note about the accommodation agreement so to
23 -- so that our position is better understood. Avalon
24 stated in their presentation yesterday that the Lutsel
25 K'e accommodation agreement was in the ratification

1 stages, implying that the agreement simply needed to
2 be signed by Chief and council when in actuality, the
3 agreement presented was not to the satisfaction of the
4 membership.

5 Further, they're not yet informed of
6 the environmental, social, and cultural losses they
7 would have to incur to reap the potential benefits of
8 the agreement. These types of agreements are required
9 because the Lutsel K'e Dene will suffer irreparable
10 damages to their land, water, and wildlife insofar as
11 compensation from the Developer is required in return.

12 However, without understanding fully
13 the nature of what the Lutsel K'e Dene are giving up,
14 they have no bearing as to whether the accommodation
15 agreement is adequate for the development.

16 This issue speaks to the lack of
17 consultation from Avalon in ensuring that the
18 Aboriginal communities are fully informed of the
19 proposed development. Without a full understanding of
20 the project, the potential impacts, and the method in
21 which the Proponent will mitigate or negate those
22 impacts, the LKDFN will not sign the agreement. And
23 without the agreement, the Lutsel K'e Dene will not
24 support the project through the permitting phase.

25 Topics of concern for the LKDFN are in

1 regards to caribou, traditional knowledge and land
2 use, barge concerns, and tailing and contaminant
3 concerns. First off, caribou.

4 At the risk of sounding like a broken
5 record, LKDFN has documented traditional knowledge
6 that the existing mines are negatively impacting the
7 caribou population. We are under the impression that
8 cumulative effects are governmental responsibility.
9 Yet with fifteen (15) years of caribou decline, the
10 response we have seen from government is a creation of
11 caribou quota -- quotas or bans for people whose
12 harvesting rights are constitutionally protected while
13 developments are hurried along through the regulatory
14 process, unphased, and seemingly disinterested in the
15 pending caribou crisis.

16 As direct caribou deaths from mining
17 developments have been few, it is reasonable to assume
18 that minimizing the harvesting activities taking place
19 would allow caribou to recover. However, indirect
20 effects to the caribou are the primary concern with
21 the Lutsel K'e caribou experts. Hunting -- hunters
22 are reporting more frequently the poor health of
23 caribou harvested and they're well aware of the mine's
24 ability to caribou and alter their behaviour. Even if
25 the caribou aren't directly killed by a truck or by a

1 barge, there is considerable concern that their diets
2 and quality of life because of developments are causes
3 of mortality.

4 If a caribou ingests dust or tailings
5 deposited around the mine site, wanders into the
6 barren lands, and falls over from poison or
7 insufficient nutrients the death isn't recorded as a
8 mine-related mortality. And consequently, if a
9 poisoned caribou is hunted by a traditional harvester
10 it still ranks as a hunter directly killing a caribou.
11 There needs to be more effort on behalf of industry
12 and governments to understand the indirect impacts and
13 develop effective mitigative measures for these.

14 Avalon is only planning to be here for
15 twenty (20) years. And with their walkaway closure
16 design it sounds to LKDFN that Avalon has no concern,
17 or does not want to be concerned, with what happens to
18 the land or the wildlife once they leave.

19 And with the developments coming down
20 the pipe, the limited capacity of the Aboriginal
21 parties are going to be focussed on the direct and
22 indirect impacts of these new developments and not on
23 the potential long-term impacts of Thor Lake post-
24 closure. LKDFN is going to need healthy, abundant
25 caribou for well beyond the next twenty (20) years.

1 Hopefully this highlights the necessity of the Board
2 to ensure that indirect impacts are investigated and
3 mitigated.

4 Also worth addressing is that Avalon
5 stated yesterday, rather boldly, that they do not con
6 -- they will not contribute to cumulative effects on
7 caribou. We must adamantly disagree with this con --
8 with this comment.

9 Caribou are known to be highly
10 sensitive to disturbances on the land, and these
11 barren-ground caribou have historically lived without
12 any human interaction and minimal, if any, noise
13 disturbance. An operation as small as an exploration
14 program could -- contributes to cumulative effects on
15 the caribou. So the notion that this potential
16 operating mine will not have impacts is simply untrue.

17 Avalon did raise a good point yesterday
18 that they are located in the barren -- they aren't
19 located in the barren lands; therefore, monitoring of
20 wildlife will be more difficult than at the existing
21 diamond mines. But Avalon also stated that wildlife
22 monitoring will be a further unnecessary disturbance
23 to wildlife and one that they did not intend on
24 pursuing. And to this we disagree.

25 Simply because it is difficult or

1 expensive is not a good reason to neglect wildlife
2 monitoring, especially since there are techniques
3 utilized at the existing mines that documented -- that
4 document information without further disturbances to
5 the caribou or wildlife; for example, the bear and
6 wolverine hair snagging stations or BHP's moson --
7 motion-sensor cameras along the road.

8 We are requesting a commitment from
9 Avalon that they conduct a study to determine the
10 impacts of airborne contaminants to the health of
11 caribou. This is a serious cause of concern in the
12 community, as caribou health is declining and it seems
13 that no one but the traditional harvesters know why.

14 Also, a measure requested from the
15 Board, which I think has been agreed to by Avalon
16 already, but is to have the Proponent participate in
17 regional cumulative effects development throughout the
18 life of the mine.

19 In the opinion of the Lutsel K'e Dene
20 First Nation, traditional knowledge has not been used
21 to a useful extent in this project. Admittedly, the
22 TK report mentioned by Avalon in their presentation
23 yesterday happened before my tenure with the First
24 Nation. But upon reading the report, and more
25 specifically the manner in which the report was -- was

1 produced, it's clear that this information cannot
2 contribute in a meaningful way to the design and
3 operation of the mine.

4 Information was broad and generally not
5 site specific. Interviews took place over a three (3)
6 day period in TK-holders' homes. The Dene, especially
7 the Elders, are visual people and strongly connected
8 to the environment surrounding them. To ask them
9 broad questions about land, water, and wildlife at the
10 proposed mine site in their homes over a couple of
11 days is not conducive to gaining effective information
12 about the environmental situation around the site and
13 the potential concerns.

14 The goal of a TK report is to gain
15 valuable insight to the land with the -- which the
16 Dene people know the best and, subsequently, to
17 provide recommendations as to how the Proponent should
18 proceed if they wish to effectively develop this site
19 in a sustainable fashion. Due to the general nature
20 of the document, at best, the report should conclude
21 that LKDFN members know a great deal about the land
22 and, because that this mine is on the land, their
23 knowledge may or may not potentially apply to it as
24 well.

25 There is nothing concrete recommending

1 how Avalon should go about mitigating their impacts,
2 about areas that Avalon should avoid, about best
3 placements of facilities, about water flows and
4 potential flooding areas, and the list goes on.

5 In fact, this report isn't even a
6 useful traditional land use study. It doesn't
7 document how the site was used in the past or who
8 actually lives there. But Randy Freeman from the
9 YKDFN spoke to this very well, so I'm going to move on
10 to the next slide. But the bottom line is that the
11 knowledge that the LK Dene hold is invaluable if used
12 correctly, and to date it has not been used correctly.

13 On the topic of using TK correctly, the
14 Fatt family, Ron's parents in particular, have a
15 documented history of land use in the area. They
16 lived and trapped there for many years, and most
17 certainly have information about the area that would
18 be useful to Avalon for Avalon to investigate. In the
19 short time that Avalon has been working at Thor Lake,
20 they cannot possibly have gained the knowledge that
21 the Fatt family and other community members who have
22 survived there have come to understand.

23 Further to traditional land use of the
24 area, as mentioned previously, it is a constantly
25 travelled route between Yellowknife and Lutsel K'e.

1 The north shore of Great Slave Lake, in particular
2 near McKinley Point, is a common fishing, picnicking,
3 and resting location for travellers before crossing
4 the open-water section of the east arm of Great Slave
5 Lake.

6 There's concern in the community about
7 the quality of water and fish in the area. And it is
8 likely that with a operating mine close by, regardless
9 of whether or not the water quality or fish quality is
10 changed, the perception will be that the surrounding
11 environment is tainted and will likely not be useful
12 to -- to the people once it's -- once the development
13 proceeds.

14 So for recommendations, we request that
15 Avalon meet in Lutsel K'e and consult the land users
16 of the area, address their concerns, and receive their
17 advice accordingly. Also that Avalon discuss land use
18 and -- and the access of commonly travelled corridors
19 and shorelines near the proposed development with the
20 First Nation. The membership needs to be informed of
21 their traditional travel routes and common resting
22 areas and picnicking areas will not suffer because of
23 the project.

24 With respect to the barge shipping of
25 fuel and concentrate, TK suggests changing water

1 levels in Great Slave Lake, meaning the potential for
2 exposure of reefs or ridges that could be hazardous
3 for safe navigation. And though the Company makes it
4 sound impossible for any incident to occur, the sheer
5 number of barges and barge trips required throughout
6 the summer months is a cause of significant
7 environmental concern.

8 Though we sincerely hope that they are
9 correct in their assumption, this amount of barge
10 trips across the lake is unprecedented, and accidents
11 happen. So we just want to make it perfectly clear to
12 the Board and the Developer that even one (1) barge
13 incident is completely unacceptable.

14 We recommend that Avalon monitor water
15 levels in Great Slave Lake, and we also recommend a
16 measure to the Board that LKDFN be involved and be
17 allowed to have input into the terms and conditions
18 for the Section 23 regulatory process for the Governor
19 in Council exemption. Regardless of whether or not
20 the government acknowledges Akaitcho's authority over
21 the land, water, and wildlife within its traditional
22 territory, the First Nations are working to protect
23 it. And this includes the use of Great Slave Lake.

24 Our concerns around the tailings and
25 related contaminants have somewhat been addressed

1 since the presentation was put together, but I'd like
2 to bring the Board's attention to the document
3 developed by Environment Canada in 2012, specifically
4 how, quote:

5 "Nearly all byproducts or waste
6 material from rare earth processing
7 are naturally radioactive due to
8 contained thorium."

9 End quote. How disposal of the element
10 could shut down or delay a plant in Malaysia, where it
11 has already shut down a plant and caused a \$100
12 million remediation for another rare earth element
13 site. Further, it is -- it has the Chinese calling
14 for increased environmental oversight for rare earth
15 element processing.

16 When questioned in the first IRs to the
17 Company, Avalon responded to LKDFN, stating quite
18 clearly that, "No thorium or uranium will be produced
19 throughout the process." Yesterday, we were told that
20 there will be a little thorium in the tailings and a
21 little thorium produced at Pine Point and a little
22 more in Louisiana.

23 From a document posted to the registry
24 on January 28th from the US Environmental Protection
25 Agency, apparently there is limited toxicological and

1 epidemiological data to assess the human health
2 effects of rare earth elements.

3 THE CHAIRPERSON: Excuse me.
4 Translators are a little concerned you're going too
5 fast. So if you could just slow it down just a tiny
6 bit. Thank you.

7 MR. MIKE TOLLIS: Yeah, sorry, Mr.
8 Chair, and apologies to the translators.

9 That particulate emissions are major
10 environmental and health concerns, and that there's a
11 dangerous potential for workers to be exposed to such
12 radiological and hazardous materials.

13 My point, Mr. Chair, is that
14 Environment Canada is concerned about rare earth
15 elements. The US Environmental Protection Agency is
16 cont -- is concerned with the production and
17 processing of rare earth elements. Even the Chinese
18 are concerned about the environment because of rare
19 earth element mining and production. And Avalon is
20 telling us everything is going to be okay. I'm sorry,
21 Mr. Chair, but I'm not convinced.

22 So the measures suggested to the Board
23 from LKDFN is in regards to oversight. If the glaring
24 evidence of the international concern for rare earth
25 element mining and processing isn't enough to warrant

1 proper environmental oversight, then at the very
2 least, we can learn from other mining developments
3 that independent watch dogs are a necessity for a
4 sustainable development.

5 As an example for the Snap Lake's
6 recent Aquatic Effects Monitoring Program, if SLEMA
7 hired a consultant to review the document and provide
8 comment to the Aboriginal parties, not only would
9 LKDFN not commented on the document, we would have
10 been hard-pressed to understand it.

11 The unknown nature of this type of
12 mining combined with heavy reliance on adaptive --
13 adaptive management from Avalon, there's no other
14 avenue but to have a higher standard of oversight. An
15 entity that has the power to enforce issues of non-
16 compliance in areas of significant public concern. An
17 entity that has the background in the environment --
18 in the environmental and human health effects of this
19 type of mining and an entity that will ultimately help
20 Avalon create a sustainable operation.

21 In summary, LKDFN is concerned with a
22 variety of issues for the proposed project. The lack
23 of community consultation is staggering. Wildlife and
24 fish monitoring plans are not effective for the First
25 Nation as they are food sources that must be

1 protected.

2 Avalon has not done a good job in
3 collecting knowledge of the First Nation and using it
4 to inform design of the operation. The frequency and
5 duration of barge trips across the lake is a cause of
6 concern regardless of Avalon repeatedly telling us
7 that there has never been a serious incident on the
8 lake.

9 The unknown nature of this type of mine
10 and the potential for radioactive contaminate exposure
11 to the environment and to workers are reason for
12 significant public and environmental concern. This
13 isn't a standard diamond mine. Public concerns are
14 much greater for this project than for a diamond mine,
15 yet there's been little discussion of oversight for
16 this project. Whereas the diamond mines each have
17 their own oversight body.

18 It is necessary for this mine, not only
19 to have an oversight body, but that it be more robust
20 with enforcement powers to ensure that the mine
21 doesn't have the same issues as other rare earth
22 element mines in the world.

23 LKDFN believes the measures and
24 commitments suggested will limit most of the community
25 concerns, though, Lutsel K'e will continue to be weary

1 about the potential impacts of the environment. We
2 can not stress enough the need for strong enforceable
3 environmental measures to be enacted in response to
4 global industry concerns of the real environmental
5 impacts that will result from the proposed
6 development.

7 The way we can achieve a sustainable
8 outcome is not to repeat past mistakes and make
9 measures now that will ensure accountability and
10 decisive action to address environmental concerns.

11 In closing, Mr. Chair, LKDFN is of the
12 opinion that the environment will be so severely
13 impacted by this project and that Avalon does not put
14 forth adequate plans or measures to address these
15 impacts. We feel that if there was ever a clear
16 project that deserves a failing grade in the
17 environmental assessment process, this is it.

18 Too many unknowns, too much uncertainty
19 and it makes this project -- sorry, it makes this a
20 project that raises significant public and
21 environmental concern from the Lutsel K'e Dene First
22 Nation. I'd like to turn it over to Chief Dora Enzo
23 for a few words.

24

25

(BRIEF PAUSE)

1 CHIEF DORA ENZO: Hello, I'll just
2 keep it brief. Chief Dora Enzo here. I'd like to
3 thank the panel to -- for listening to our concerns.
4 You've listened to Lutsel K'e Dene First Nation
5 presentation, what our concerns are. What are
6 recommendations are at. I just want to go back to the
7 one (1) slide.

8

9 (BRIEF PAUSE)

10

11 CHIEF DORA ENZO: I just want to state
12 that in regards to the ratification process that we're
13 -- that we have in place with Avalon, we're not at the
14 stage that was mentioned to the comments made
15 yesterday.

16 But before I proceed, I just want to
17 state a couple of things. In regards to Avalon, the
18 rare earth is the first of its kind in Canada.

19 The concerns to my people in regards to
20 environment is the water, the land, the wildlife and
21 especially in regards to the tailing ponds. We don't
22 fully understand the chemicals, how it's going to be
23 used. We are aware that other countries like China is
24 looking to rare earth; but for my people, it's a
25 really serious concern.

1 Look at what's happening with the
2 Bathurst. I know we're treaty people, never ever
3 once I thought I'd see in my life time where my people
4 have to get tags to hunt. What is this telling our
5 people?

6 We're losing our caribou. As the
7 Lutsel K'e Dene, we rely on the caribou. What's going
8 to happen if we impact the caribou more? What's going
9 to happen to our kids, their kids? Look at the
10 situation we're faced with now, people have to go out
11 further to hunt. Even in Lutsel K'e you have to go
12 past the tree line. Some people go out now and
13 they're lucky if they see caribou. Our way of life is
14 changing. How -- how much more of an impact are we
15 going to put on our people, and the environment, the
16 wildlife?

17 The other big concern is the water.
18 You know, water sustains life. If we pollute it,
19 what's going to happen to everyone? Humanity?
20 Wildlife? The land? You know we had requested for a
21 meeting to be held in Lutsel K'e but we were denied.
22 You know, it would be good if we had a meeting held in
23 Lutsel K'e, a hearing similar to this so that my
24 people understand, not all of them do.

25 You know, my people need to understand

1 the project. Without a full understanding of this
2 project in general, Lutsel K'e cannot support this
3 project. As Dene people we have a connection to the
4 land, the water, and the wildlife. It's our way of
5 life. We have to preserve it.

6 And you've heard the concerns, you've
7 listened to my Elders, you've listened to the leaders
8 here. You know, our people have history there. We
9 have had families that went hunting, trapped and used
10 that area. Our people go through that area to come
11 here by boat/skidoo. It's our main point.

12 This project here is a really big
13 project and the first of its kind in Canada. And I'm
14 going to say this again, and I want to keep my
15 comments brief and short 'cause you've all listened to
16 our concerns, our recommendations. Without full
17 understanding, the Lutsel K'e Dene First Nation will
18 not support the project, especially in regards to the
19 environment.

20 The impact that it may have on my
21 people may be too huge. You've listened to our
22 concerns and our recommendations and I ask that you
23 think about them closely because, you know, the impact
24 on all this project may have on our people may be
25 significant. Masi.

1 (BRIEF PAUSE)

2

3 QUESTION PERIOD:

4 THE CHAIRPERSON: Thank you. Thank
5 you, Chief Dora Enzo, for your comments and your
6 delegation and peer, Emily, Masi. And Ron, Masi.

7 I'm going to open up to questions now.
8 I've got a list of order again. I'll start from the
9 top.

10 To Aboriginal Affairs and Northern
11 Development Canada, do they have any questions in
12 regards to Lutsel K'e Dene First Nations'
13 presentation?

14 MR. NATHEN RICHA: Thank you. It's
15 Nathen Richea with the Water Resources Division,
16 Aboriginal Affairs and Northern Development Canada.
17 I'd like to thank Lutsel K'e Dene First Nation for
18 their presentation, and we have no questions.

19 THE CHAIRPERSON: Thank you. Akaitcho
20 Treaty 8 Tribal Corporation, any questions for Lutsel
21 K'e Dene First Nation on their presentation?

22 MS. STEPHANIE POOLE: Hello. Thank
23 you, Stephanie Poole, Akaitcho IMA office. I do have
24 two (2) questions.

25 The first question -- oh, sorry, I have

1 three (3) questions, two (2) plus one (1). I wonder
2 if Lutsel K'e Dene First Nation could tell me, and
3 this is in regards to what the Elders were talking
4 about, how many nights, or overnight trips has Avalon
5 spent in the community of Lutsel K'e?

6 THE CHAIRPERSON: Okay. I'm going to
7 go over to the Lutsel K'e Dene First Nation.

8 MR. MICHAEL TOLLIS: Mike Tollis,
9 Lutsel K'e Dene First Nation. None, to my knowledge,
10 Mr. Chair.

11 THE CHAIRPERSON: Thank you. I'm
12 going to go to Akaitcho Treaty 8 Tribal Corporation.

13 MS. STEPHANIE POOLE: Thank you. It's
14 Stephanie Poole, Akaitcho IMA. Next question: Who
15 was the author of the EBA study in Lutsel K'e referred
16 to by Avalon as a TK study?

17 THE CHAIRPERSON: Okay. Thank you, to
18 your question; allowing Lutsel K'e Dene First Nation
19 to the question.

20 MR. MICHAEL TOLLIS: Mike Tollis,
21 Lutsel K'e Dene First Nation. The author was EBA
22 Consulting, Sara Swisher.

23 THE CHAIRPERSON: Okay. Thank you. I
24 want to go to Akaitcho Treaty 8 Tribal Corporation and
25 your final question.

1 MS. STEPHANIE POOLE: Thank you.

2 Stephanie Poole, Akaitcho IMA office.

3 To your presentation, do you have any
4 examples of the type of independent oversight body
5 that was mentioned?

6 THE CHAIRPERSON: Thank you.

7 MS. STEPHANIE POOLE: Like an example
8 of an independent oversight body that already exists?

9 THE CHAIRPERSON: Thank you for your
10 final question. And I want to go to Lutsel K'e Dene
11 First Nation.

12 MR. MICHAEL TOLLIS: Mike Tollis,
13 Lutsel K'e Dene First Nation.

14 I don't have an example. I was -- I
15 was thinking a lot about this in -- in the past week,
16 and I was thinking that the -- that the oversight body
17 would have -- I don't even know if it's possible, but
18 have more of an inspector kind of a role, where they -
19 - where they do have the -- the -- maybe the ability
20 to enforce some of the commitments that were made, or
21 force action if there's a -- if there's a serious
22 environmental concern.

23 In terms of the existing monitoring
24 agencies, the BHP's independent environmental
25 monitoring agency made up of experts provides very --

1 a very useful technical capacity for the First
2 Nations. But as -- as an example that I described, I
3 -- I don't have one.

4 THE CHAIRPERSON: Okay. Thank you.
5 I'll continue on the list of order I have is Blachford
6 Lake Lodge. Any questions for Lutsel K'e Dene First
7 Nation on their presentation?

8 MR. MICHAEL FREELAND: Mike Freeland,
9 Blachford Lake Lodge. No, thank you for the
10 presentation, but no questions.

11 THE CHAIRPERSON: Thank you. Deninu
12 Kue First Nation...?

13

14 (BRIEF PAUSE)

15

16 MR. PATRICK SIMON: Thank you, Mr.
17 Chair. The Deninu Kue First Nation likes to thank the
18 Lutsel K'e Dene First Nation for their presentation
19 and sharing of their knowledge. And we have no
20 further questions, sir.

21 THE CHAIRPERSON: Thank you.
22 Environment Canada...?

23 MS. SARAH-LACEY MCMILLAN: Sarah-Lacey
24 McMillan with Environment Canada. We have no
25 questions.

1 THE CHAIRPERSON: Thank you. I'm
2 going to Fisheries and Oceans Canada.

3 MR. MIKE LEONARD: Good afternoon,
4 Mike Leonard, Canadian Coast Guard on behalf of
5 Department of Fisheries and Oceans. Thank you for
6 your presentation, we have no questions at this time.

7 THE CHAIRPERSON: Thank you. Fort
8 Resolution Metis Council...?

9 Government of Northwest Territories...?
10 Okay.

11 K'ato'deeche First Nation...?

12 I have North Slave Metis Alliance...?

13 MR. ERIC BINION: Thank you, Mr.
14 Chair. It's Eric Binion, North Slave Metis Alliance,
15 my question regarding independent oversight's already
16 been asked. So I have no questions. Thank you.

17 THE CHAIRPERSON: Thank you.
18 Northwest Territory Metis Nation...?

19 The Tlicho Government...?

20 Transport Canada...?

21 MR. CHRIS AGUIRRE: Hello, Chris
22 Aguirre, Transport Canada. We have no questions.

23 THE CHAIRPERSON: Okay. Thank you.
24 Yellowknives Dene First Nation...?

25 MS. SHANNON GAULT: Shannon Gault for

1 the YKDFN. I'd like to thank Lutsel K'e's leadership
2 and their Elders for being here in Yellowknife today,
3 as well as staff for their very enlightening
4 presentation.

5 I'd like to ask Lutsel K'e if their
6 members have been at site in lieu of any community
7 sessions that Avalon may or may not have held in the
8 community.

9 THE CHAIRPERSON: Thank you. To
10 Lutsel K'e Dene First Nation, to the question.

11 MR. MIKE TOLLIS: Mike Tollis, Lutsel
12 K'e Dene First Nation.

13 I believe there was one (1) site visit.
14 I think in the presentation Avalon had a -- had a
15 picture of -- of some folks who went to the site. I'm
16 not sure -- I'm not sure what was -- what was
17 discussed or what -- what was the point of the site.
18 It -- it happened before my time. I'm not sure what
19 happened there. But yeah, there was one (1) site
20 visit.

21 THE CHAIRPERSON: Okay, thank you.
22 YKDFN...? Okay, thank you. Moving on to the Avalon
23 Rare Metals Inc.

24 MR. DAVID SWISHER: Thank you, Mr.
25 Chair. David Swisher with Avalon. I'd also like to -

1 - to maybe clarify that, yes, the site tours were at
2 the request of Lutsel K'e which we accommodated and --
3 and were glad to have members of Lutsel K'e and their
4 Elders in their community to -- to come out to site.

5 I think I'd like to clarify that -- or
6 maybe not clarify but just mention that we appreciate
7 the presentation, the comments by the Elders, the
8 comments by Chief Enzo and her staff. We thank you
9 for the presentation and your feedback. Your voice is
10 important for us as it is -- or has been throughout
11 our relationship.

12 I think it's important also to note
13 that we've been working through the negotiation team
14 through our communications protocols to schedule that
15 meeting in the community which we are hoping occurs
16 very soon. And it's dependent on -- on availability
17 of course.

18 So, we are looking forward to that
19 meeting just as soon as schedules can be co-ordinated.
20 And I think it's also important to note that with the
21 question regarding nights in Lutsel K'e, it -- I
22 believe as part of those communications protocols, it
23 was important to have those in place as they are in
24 place right now since June of 2011. So that there was
25 no perception by community members that Avalon was

1 trying to manipulate the community into fast tracking
2 or signing an agreement without their own proper due
3 diligence by their negotiating team.

4 And so I respect those questions but I
5 think it's also a -- a broader understanding and at
6 least respect from -- from our part as to those --
7 those protocols that are in place. So again, thank
8 you to Lutsel K'e and we look forward to coming to the
9 community soon.

10 THE CHAIRPERSON: Thank you. We'll go
11 to Review Board legal counsel.

12 MR. JOHN DONIHEE: Thank you, Mr.
13 Chairman. It's John Donihee. I just have one (1)
14 question.

15 Slide Number 17 speaks to a radio
16 activity enforcement entity, and I'm just wondering
17 because the comments that you've made, is this the
18 independent monitoring or oversight or agency or
19 organization that you referred to at the end of your
20 presentation, or is this something separate again?

21 THE CHAIRPERSON: Thank you. I'm
22 going to go to Lutsel K'e Dene First Nation.

23 MR. MICHAEL TOLLIS: Mike Tollis,
24 Lutsel K'e Dene First Nation. Yeah, John, you're
25 right. It's not -- not really very clear there.

1 I -- I would see it as the -- as the --
2 the same organization having -- having similar
3 oversight to maybe, like, nuclear power facilities.
4 They have -- they have radioactivity watch dogs for --
5 for how -- how the work is done there. That would be
6 part of the experts that would hopefully be involved
7 in -- in an oversight board. So it would be the same
8 thing. Not very clear.

9 THE CHAIRPERSON: Thank you. I'll go
10 back to the Review Board legal counsel.

11 MR. JOHN DONIHEE: Thank you, Mr.
12 Chairman. That's all the questions that I have.

13 THE CHAIRPERSON: Thank you. Review
14 Board staff...?

15 MR. CHUCK HUBERT: Thank, Mr. Chair.
16 No questions from staff.

17 THE CHAIRPERSON: Okay, thank you.
18 I'll go to my far right, John Curran, Board member...?

19 MR. JOHN CURRAN: Thank you, Mr.
20 Chairman. I did want to start out by thanking Pierre
21 Marlowe and Emily Saunders for -- for their thoughts,
22 as well as Mr. Fatt and Chief Enzo.

23 I guess most of what I would have asked
24 about has likely already been covered, so I -- I think
25 I'm going to refrain from asking at this time. But I

1 do look forward to seeing your closing statements
2 later.

3 THE CHAIRPERSON: Thank you. Board
4 member Sunny Munroe...?

5 MS. SUNNY MUNROE: I'd like to thank
6 you for your presentation, and I have no questions
7 right now. Thank you.

8 THE CHAIRPERSON: Thank you. Board
9 member Richard Mercredi...?

10 MR. RICHARD MERCREDI: Yeah, I'd just
11 like to thank you for your presentation, and I have no
12 questions at this time.

13 THE CHAIRPERSON: Thank you. Board
14 member James Wah-Shee...?

15 MR. JAMES WAH-SHEE: Thank you, Mr.
16 Chair. I'd like to thank the Elder and the -- the
17 council and the Chief for the presentation. Merci.

18 THE CHAIRPERSON: Thank you. Board
19 member Percy Hardisty...?

20 MR. PERCY HARDISTY: Merci, Mr. Chair.
21 (NATIVE LANGUAGE SPOKEN).

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

24

25 (INTERPRETED FROM NATIVE LANGUAGE INTO ENGLISH)

1 MS. RACHEL CRAPEAU: I'd like to thank
2 all the Elders, the Chief -- Chief for giving us a
3 presentation.

4

5 (INTERPRETATION CONCLUDED)

6

7 MS. RACHEL CRAPEAU: ...Emily, I'm
8 hoping that we can continue having good food in the
9 future. But I'm looking forward to any more
10 information in your closing comments. Thank you.

11 THE CHAIRPERSON: Okay, thank you. I,
12 too, want to thank the Lutsel K'e Dene First Nation
13 for coming up and doing their presentation to Chief
14 Dora Enzo, Pierre, and Emily, and Ron, and I want to
15 say thank you to your staff for doing a good
16 presentation here today. Merci.

17 Next I have on a list for presentation,
18 I'll go to Environment Canada. Then after that, we
19 have North Slave Metis.

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON: Okay, we'll take a -
24 - maybe a five (5) minute break while all those guys
25 get set up here.

1

2 --- Upon recessing at 4:37 p.m.

3 --- Upon resuming at 4:47 p.m.

4

5 THE CHAIRPERSON: Okay. We'll
6 continue on with a presentation by Environment Canada,
7 and we'll continue on. Please be -- please introduce
8 yourself and your team.

9

10 PRESENTATION BY ENVIRONMENT CANADA:

11 MS. ANNE WILSON: Thank you, Mr.
12 Chairman, Board members, and staff. I'd like to
13 introduce my -- the Environment Canada team. I'm Anne
14 Wilson. I work as a water quality specialist. On my
15 left is James Hodson with the Canadian Wildlife
16 Service; on my right is Dave Fox who works with air
17 quality; and on his right is Sarah-Lacey McMillan who
18 is our environmental assessment coordinator for this
19 file.

20 We'll be making this technical
21 presentation to the Board on behalf of Environment
22 Canada, and it's based on our technical report which
23 we submitted on November 29th, 2012, and hope that our
24 comments and recommendations can assist the Board in
25 their review of the project.

1 Environment Canada has no role in
2 issuing permits or authorizations for this project.
3 However, we are responsible for some legislation and
4 regulations that are reflected in the content of the
5 recommendations we'll be presenting.

6 So next slide. Our areas of concern
7 fall into three (3) topics. I'll be presenting on the
8 freshwater environment, James will present on the
9 terrestrial environment, and then Dave will provide
10 some comments on the Proponent's commitments prior to
11 our closing remarks.

12 Next one. So to give a general
13 overview, we are of the opinion that the conclusions
14 drawn by Avalon are generally supported by their
15 analyses, with some concerns as outlined in the
16 following slides. The first issue is to deal with
17 site-specific water quality objectives. Objectives
18 for nutrients and the major ions such as chloride and
19 sulphate have not been updated since the technical
20 sessions back in August. We'd hoped that they would
21 be updated in the presentation provided by the
22 Proponent yesterday.

23 Several of the Drizzle Lake parameters
24 are predicted to exceed the proposed site-specific
25 water quality objectives. For example, aluminum is

1 supposed to be predicted to come in at 148 micrograms
2 per litre versus the objective of a hundred. Cerium
3 is ten (10) times the proposed site-specific water
4 quality objective, and lanthanum is substantially
5 above as well, as detailed in our technical report.

6 The objectives presented in the August
7 technical sessions -- and that was just for back
8 reference -- were on slide 53, and for ammonia,
9 nitrate, phosphorous, chloride, and sulphate, several
10 of these are higher than Environment Canada would like
11 to see or have some problems with their derivation.
12 For example, the nitrate guideline proposed was 29
13 milligrams per litre. The CCME guideline for nitrate
14 as 'N' would be 2.93. So that may just be a mistake,
15 but we hope to have those revisited.

16 Similarly, we would like to look at
17 objectives for total phosphorous as opposed to total
18 phosphate. We are concerned that the numbers
19 presented for sulphate and for chloride are much
20 higher than the predicted maximums, so the objectives
21 should be a little bit closer to what is projected as
22 end-of-pipe numbers and Drizzle Lake concentrations.

23 We need objectives to be set for
24 ammonia, nitrate, nitrite, phosphorous, and sulphate
25 which are consistent with the background conditions

1 and with the CCME - that's Canadian Council of
2 Ministers for the Environment - guidelines for the
3 protection of freshwater aquatic life.

4 And keep in mind that these numbers are
5 not to be used as pollute-up-to numbers, and so that's
6 where I was coming from with the chloride guideline is
7 quite a bit higher than the projected levels that are
8 predicted to come.

9 Next slide. To that end, Environment
10 Canada recommends that water treatment be retained as
11 a contingency to ensure that the proposed objectives
12 can be met.

13 And thinking about the questions that
14 the Board staff or counsel have been asking, we would
15 suggest that this could take the form of a measure,
16 that takes forward the proposed objectives to be met
17 as a condition of approval, subject to ongoing
18 validation and/or improvement of those objectives.

19 And where proposed objectives are based
20 on toxicological derivation and are higher than
21 baseline concentrations, we recommend that ongoing
22 monitoring and periodic toxicity testing be used to
23 identify any potential changes to the aquatic
24 ecosystem prior to them becoming impacts.

25 We acknowledge that every project will

1 bring change. I think we all know that. But
2 mitigation can be put in to make sure that those
3 changes don't become adverse impacts.

4 Several of the metals have site-
5 specific water quality objectives that are above the
6 background levels, as do twelve (12) of the nineteen
7 (19) rare earth elements. By monitoring appropriately
8 changes to the water, to the sediments, to the
9 plankton, to the benthic invertebrates and to the
10 fish, can track changes and ensure that the objectives
11 that are put forward are, indeed, protective. Next
12 slide.

13 So recommendation 3.1, that the site-
14 specific water quality objectives for iron be revised
15 to reflect seasonal concentrations and I would
16 recommend that this -- these mirror open-water
17 concentrations which is when the discharge is going to
18 happen and when levels are lower.

19 The site-specific water quality
20 objective for zinc should be revised to reflect
21 background conditions. An objective should be
22 identified for the various nutrients as discussed.
23 These should prevent toxicity and eutrophication or
24 too much biological production in the receiving
25 waters.

1 We have heard from Avalon that the
2 predicted concentrations should not be taken as
3 gospel. Environment Canada additionally recommends
4 that water quality modelling be updated with
5 operational data and the predictions revised. With
6 real world data, changes can be identified much more
7 accurately.

8 The modelling that was done has been
9 called into question somewhat. Zinc yesterday, for
10 one (1) example and if we had real world data and
11 continue to calibrate the model, then we can have a
12 better idea of what might be coming down for changes
13 and for concentrations later in the mine's operational
14 life.

15 As mentioned, monitoring is going to be
16 needed to underpin all our predictions and to verify
17 the objectives. Next slide. I do apologize, I'm on
18 the tail end of a cold and bronchitis that I picked up
19 at the Fort Simpson hearings recently. What is it
20 about the North? Anyways, so go on to issue 3.2 which
21 is the monitoring.

22 We need really good monitoring data in
23 order to have management response triggered
24 appropriately and we need to have some thresholds
25 which would trigger when that action should take

1 place.

2 To relib -- reliably detect change,
3 data must be comparable over time and by location.
4 Now, I'd like to acknowledge that we do have a pretty
5 good data set in both time and space for this project
6 and that the consultants have been talking with
7 Environment Canada and others as early as, I think
8 about 2008, from my meeting notes, to make sure that
9 they have good baseline data.

10 We do need further discussion on the
11 end points and conditions that will trigger mitigation
12 measures. So action levels can be set -- for example,
13 if you're approaching your water quality objectives,
14 if you hit predefined change levels in your biota such
15 as fish condition or some of your invertebrates are
16 changing and your community composition. So we'll
17 have to monitor all those things well. Next slide.

18 So our recommendation starts out that
19 we'd like to see a review of the baseline data and
20 sampling methods. In the context of the proposed
21 study design that they've put forward in a draft so
22 that comparability can be confirmed, any
23 inconsistencies or gaps in the data can be identified,
24 and if this is done earlier rather than later, they
25 could get another year of baseline data prior to any

1 changes on site.

2 The action levels should be tied to
3 thresholds for biological indicators, as well as to
4 water quality and quantity. Any -- I'm going to use
5 the word "significant" in the statistical sense --
6 changes in biota should trigger confirmatory
7 monitoring followed by investigation of the cause so
8 that mitigation can be identified and implemented.

9 I'm going to move now to the hydromet
10 site. Environment Canada had raised concerns with
11 impacts to surface waters associated with disposal of
12 their tailings effluent to the groundwater.

13 In response, the Proponent modelled
14 concentrations of magnesium and sulphate going into
15 the groundwater aquifer and flowing towards Great
16 Slave Lake. And our modelling folks had concurred
17 with the models used for this and the use of what we
18 would call "conservative parameters" that aren't going
19 to change or be altered and that you'd have this --
20 wouldn't have them attenuated in their journey towards
21 Great Slave Lake.

22 The result of that study or modelling
23 was that it would take forty (40) years for this to
24 reach Great Slave Lake. For magnesium, you'd see your
25 first incursion at about 8 milligrams per litre. This

1 would peak up to 80 milligrams per litre at year
2 seventy (70) but drop over the next ten (10) years
3 back to 8 milligrams per litre. And we note that the
4 levels that are naturally coming in from this
5 groundwater aquifer are so far measured at between 16
6 and 96 milligrams per litre.

7 With sulphate, it reaches Great Slave
8 Lake similarly at year forty (40) at 45 milligrams per
9 litre, peaking at 450 at seventy (70) years and then
10 dropping to 45 at year eighty (80). The background
11 level for sulphate is between ten (10) and twelve (12)
12 -- 1,270 milligrams per litre.

13 It will be important to continue to
14 monitor the background or baseline groundwater
15 quality, and Environment Canada supports the proposed
16 recommendations that Avalon had put forward in this
17 particular modelling exercise and suggest that they
18 should also include installation in monitoring wells
19 adjacent to but outside the predicted plume path. And
20 monitoring should include analysis of a full suite of
21 parameters.

22 Next one. So accordingly, EC
23 recommends that the proposed monitoring data
24 comparisons to predictions and model reviewed
25 calibration be conducted. This should be done once

1 there are several years of operational data available.

2 In addition, EC recommends that there
3 be monitoring wells installed which will confirm the
4 edge of the plume as being well defined and that
5 background -- groundwater quality be monitored.

6 I'm now going to turn things over to
7 James to talk about the terrestrial environment.

8 MR. JAMES HODSON: Thank you, Anne.

9 My name's James Hodson. I'm with the Canadian
10 Wildlife Service of Environment Canada. And I'm going
11 to give a brief overview of the four (4) key issues of
12 concern and our recommendations on those issues.

13 So these four (4) issues include
14 monitoring of waterfowl and water bird use of tailings
15 and management -- tailings management facilities;
16 avoiding incidental take of nests and eggs of
17 migratory birds; mitigation and monitoring for species
18 at risk; and disturbance to migratory birds; risk of
19 spills and spill response along the barge routes in
20 Great Slave Lake.

21 So the Proponent has outlined a number
22 of specific commitments, as well as general mitigation
23 and management practices in their wildlife effects
24 monitoring and management plan and waste management
25 plan that will help to mitigate many of the adverse

1 effects of the project on terrestrial wildlife
2 species, including migratory birds and species at
3 risk. And they are generally consistent with the
4 recommendations made by Environment Canada in our
5 written intervention.

6 So I'm going to focus on the issues
7 which we believe require a bit more emphasis or
8 discussion. So the first one is monitoring waterfowl
9 and waterbird use of the tailings management
10 facilities.

11 Environment Canada's concern that
12 waterfowl and other waterbirds may be exposed to
13 contaminants if they use the tailings management
14 facilities at Thor Lake. Monitoring at other northern
15 mines have shown that birds may make extensive use of
16 mine al -- altered water bodies.

17 The Proponent has predicted that
18 tailings will be benign and non-toxic and are not
19 anticipated to pose a health risk to birds or other
20 wildlife. They've committed to regular monitoring of
21 water quality in Thor Lake tailings management
22 facility, and will deploy deterrent devices if
23 monitoring demonstrates there may be at risk to birds.

24 The Proponent's effluent quality
25 predictions suggest that most contaminants of concern

1 will be at low concentrations, below CCME guidelines
2 for most contaminants, with the possible exception of
3 aluminum.

4 Although we appreciate that the
5 Proponent's water quality predictions suggest a
6 relatively low risk to birds, we note that these
7 predictions are subject to some uncertainty, and
8 therefore, as a precautionary measure, we're
9 recommending that migratory birds should be deterred
10 from using the Thor Lake tailings management facility
11 until such time as water quality monitoring confirms
12 that these areas are not posing a risk to birds.

13 We recommend that the results of water
14 quality and bird monitoring at the tailings facility
15 should be included in the annual monitoring reports.

16 Next issue is avoiding incidental take
17 of nests and eggs of migratory birds. The Proponent
18 is aware that under the migratory bird regulations, it
19 is prohibited to disturb or destroy the nests and eggs
20 of migratory birds, and they have committed to
21 avoiding habitat clearing between May 15th and August
22 15th, which is generally consistent with Environment
23 Canada's guidance to reducing the risk of incidental
24 take.

25 But we note that birds may be found

1 incubating eggs as early as May 7th in the boreal
2 region of Northwest Territories, and we're therefore
3 recommending that the window within which they're
4 avoiding clearing should be extended to at least May
5 7th.

6 In the event that active nests are
7 encountered during project undertakings, we're
8 recommending that they use appropriate buffer zones
9 for the species to protect nests from disturbance.
10 And Environment Canada has provided a list of
11 recommended setbacks in our written intervention which
12 we think should be incorporated -- incorporated into
13 the Proponent's wildlife effects mitigation and
14 management plan.

15 In cases where these setbacks can't be
16 implemented, we're recommending that they develop
17 site-specific -- or nest-specific guidelines, and
18 should monitor nests to determine the success of
19 mitigation measures and include those results in
20 monitoring reports.

21 The following slide provides a list of
22 the species at risk that may be encountered in the
23 project areas at the Thor Lake and Pine Point sites,
24 as well as those that were detected in baseline
25 surveys undertaken by the Proponent. Environment

1 Canada's responsible for the management of migratory
2 birds that are listed as species at risk, so our
3 comments are focussing on these species.

4 If the Proponent implements their
5 general and species-specific mitigation measures that
6 are identified in their list of commitments and in
7 their draft wildlife effects mitigation and monitoring
8 plan, as well as the nest setback distances that we've
9 recommended in our intervention and a monitoring
10 program for waterfowl and waterbird use of the
11 tailings management facilities, Environment Canada is
12 satisfied that potential adverse effects to species at
13 risk can be successfully mitigated.

14 With specific regards to Whooping
15 Crane, we're supportive of the Proponent's commitment
16 to install markers on power lines at the Pine Point
17 site to reduce collision risks to Whooping Crane and
18 to monitor the use of a shrubby fen habitat that is
19 located close to the hydromet facility.

20 We do note, however, that these
21 commitments are not currently included in their
22 wildlife management plan, and we would like the
23 Proponent to ensure that their wildlife management
24 plan is updated to include and be consistent with all
25 of the commitments that were made in their final list

1 of commitments provided before the hearings.

2 We do have one (1) outstanding concern
3 with regards to Yellow Rail. We note that no specific
4 surveys were conducted for this species in the local
5 study area for the hydromet facility, although surveys
6 for the species have been conducted for the nearby
7 Tamerlane mine project. The Proponent identified that
8 there is a gramminoid fen habitat along the haul road
9 between the hydromet facility and Great Slave Lake
10 that could provide potentially suitable habitat for
11 this species.

12 If Yellow Rails to occur in the area,
13 there's potential for habitat disturbance due to
14 upgrades to the haul road and sensory disturbance from
15 truck traffic along that road.

16 So Environment Canada is recommending
17 that further surveys for Yellow Rail should be
18 completed in this habitat along the haul road using
19 appropriate protocols and conducted at the appropriate
20 time of year to determine whether Yellow Rail are
21 present at the site prior to carrying out any upgrades
22 to the haul road.

23 Environment Canada would be pleased to
24 meet with the Proponent to discuss further the
25 methodology and timing for these surveys.

1 My last issue for wildlife deals with
2 risk of disturbance, spills and spill response along
3 the barge routes in Great Slave Lake. The Proponent
4 is planning four (4) barge trips per year of
5 consumables and fuel to the mine site and thirty (30)
6 trips per year of concentrate from the mine site to
7 Pine Point.

8 The estimated amount of fuel that will
9 be transported -- transported to the mine each year is
10 around 21.8 billion litres. The two (2) barge routes
11 that were proposed will pass by three (3) known
12 nesting colonies of California Gull on Great Slave
13 Lake.

14 And they will also pass through a key
15 habitat site which is called the North Arm Great Slave
16 Lake key habitat site which is used by a large number
17 of waterfowl during spring migration. Although we
18 recognize that the timing for barge shipments will be
19 outside of the period when birds are occurring at
20 greatest numbers in this year -- in this area during
21 the year. We do note that molting flocks of waterfowl
22 can still be encountered in this during the barging
23 season.

24 So we're recommending to the Proponent
25 that they advise whoever they hire as their barge

1 operators of the location of the California Gull
2 nesting colonies along the proposed barge routes in
3 order that they avoid disturbance to this -- to these
4 areas and that they pre -- prioritize these areas for
5 protection in the event there was a spill. And we've
6 provided the co-ordinates for these sites in our
7 written intervention so that they can be passed along
8 to the barge operator. And that is the end of the
9 wildlife section.

10 MR. DAVE FOX: Mr. Chairman, my name
11 is Dave Fox. I'm going to briefly discuss some of the
12 Proponent commitments.

13 Specifically, we're going to discuss
14 Avalon's commitment to developing and implementing air
15 quality and emissions monitoring and management plan
16 and the incineration management plan in consultation
17 with Environment Canada and the GNWT.

18 We would -- we would like the -- the
19 Board to formalize these commitments and Environment
20 Canada requests that the Board include these -- the
21 development and implementation of these management
22 plans as a measure.

23 So our recommendation 5.1, Environment
24 Canada recommends that the Board include all the
25 commitments made by Avalon, including the incineration

1 management plan and the air quality monitoring and
2 management plan as a Board measure.

3 MS. ANNE WILSON: I'll just -- it's
4 Anne Wilson, whine up with the closing remarks.

5 As mentioned, we are of the opinion
6 that the conclusions draw by Avalon are, in general,
7 supported by the analysis. We appreciate the effort
8 that's gone into monitoring so far and we feel that
9 ongoing, additional, comprehensive monitoring will
10 ensure that project-related impacts can be detected
11 and that actions can be taken based on accurate
12 monitoring comparisons to good baseline information.

13 We'd like to thank the Board for this
14 opportunity to present our views on this file and we
15 will be happy to try and answer any questions that may
16 arise. Thank you.

17 THE CHAIRPERSON: Thank you for your
18 presentation, Environment Canada. I'll continue down
19 the list of orders.

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON: I'll go to
24 Aboriginal Affairs, Northern Development Canada. Any
25 questions for Environment Canada on their

1 presentation?

2

3 QUESTION PERIOD:

4 MR. NATHEN RICHEA: Thank you, Mr.
5 Chair. It's Nathen Richea with the Water Resources
6 Division, Aboriginal Affairs. I'd like to thank
7 Environment Canada for their presentation. We have no
8 questions.

9 THE CHAIRPERSON: Thank you. Akaitcho
10 Treaty 8 Tribal Corporation...?

11

12 (BRIEF PAUSE)

13

14 MS. STEPHANIE POOLE: Thank you.
15 Stephanie Poole, Akaitcho AIMA office. I do have one
16 (1) question.

17 Can Environment Canada confirm from
18 Avalon's information provided to date if thorium and
19 uranium levels at Thor Lake and Pine Point will not
20 reach dangerous levels in the environment?

21 THE CHAIRPERSON: Thank you. I'll go
22 to Environment Canada to your only question.

23 MS. ANNE WILSON: Thank you. It's
24 Anne Wilson with Environment Canada.

25 Looking at the levels in the ore, they

1 are fairly low. The ore has 24 parts per million of
2 uranium, 130 parts per million of thorium. The tricky
3 part is getting from parts per million in any
4 radioactive substance to the release rates of it that
5 make it a radioactive concern.

6 The levels that are in the predicted or
7 modelled 5 day decant are very low, so even if they
8 are in milligrams per litre, the concern is going to
9 be quite low. For example, the thorium predicted
10 level was .6 micrograms per litre, the uranium was 8.8
11 micrograms per litre, radium was below detection
12 limits.

13 I think the key here is that these need
14 to be added to all the lists for monitoring, including
15 the surveillance network program and the aquatic
16 effects monitoring program and just to confirm, along
17 with ongoing routine-regulated toxicity testing, that
18 we're not seeing any effluent issues associated with
19 them.

20 THE CHAIRPERSON: Thank you.
21 Blachford Lake Lodge...?

22 Deninu K'ue First Nation...?

23 Fisheries and Oceans Canada...?

24 MR. MIKE LEONARD: Hello. Mike
25 Leonard, Canadian Coastguard, Department of Fisheries

1 and Oceans. Thank you, Environment Canada, for your
2 guys' presentation. I have no comment. Thank you.

3 THE CHAIRPERSON: Thank you. Fort
4 Resolution Metis council...?

5 Government of Northwest Territories...?

6 MS. DIANNA BECK: Dianna Beck,
7 Government of Northwest Territories. We have no com -
8 - questions. Thank you.

9 THE CHAIRPERSON: Thank you.
10 K'atl'odeeche First Nation...?

11 Lutsel K'e Dene First Nation...?

12 MR. MICHAEL TOLLIS: Thank you, Mr.
13 Chair. Mike Tollis, Lutsel K'e Dene First Nation.
14 Thank you, Environment Canada, for your presentation,
15 and thank you for letting us go in front of you. No
16 questions at this time. Thanks.

17 THE CHAIRPERSON: Thank you. North
18 Slave Metis Alliance...?

19 MR. ERIC BINION: Thank you, Mr.
20 Chair. Thank you, Environment Canada, for your
21 presentation. This is Eric Binion. We have no
22 questions.

23 THE CHAIRPERSON: Thank you.
24 Northwest Territory Metis Nation...?

25 Tlicho Government...?

1 Transport Canada...? Please have a
2 question.

3 MR. CHRIS AGUIRRE: No questions.
4 Chris Aguirre, Transport Canada. No questions.

5 THE CHAIRPERSON: Yellowknives Dene
6 First Nation.

7 MR. TODD SLACK: Thank you, Mr. Chair.
8 I wouldn't want to disappoint.

9 I just have one (1) question, and it's
10 -- it -- considering what we heard yesterday around
11 stack testing and the incinerator, is Environment
12 Canada aware of an NWT operation that has met the
13 Canada-wide guidelines for dioxins and furans absent a
14 stack testing requirement?

15 THE CHAIRPERSON: Thank you for your
16 final question or only question. Environment
17 Canada...?

18 MR. DAVE FOX: Thank you, Mr. Chair.
19 It's Dave Fox, Environment Canada.

20 If I understand your question, Todd,
21 you're asking if -- if it's possible to know if a --
22 if an incinerator is meeting the guideline without
23 testing it. And to my knowledge, it would be no. You
24 can provide evidence that it's being operated
25 properly, but if the equipment's not installed in

1 properly, it still won't -- won't meet the conditions.

2 If -- if I could just take the

3 opportunity to clarify something from -- from

4 yesterday as well on stack testing. Avalon suggested

5 that stack tests were very expensive at the order of -

6 - of a quarter of a million dollars. I -- I verified

7 with one (1) of the leading consultants that conducts

8 incineration stack tests in the North. Len Franco &

9 Associates, (phonetic) they told me the prices was

10 more around fifty thousand (50,000) which is still a

11 lot of money but it's not a quarter of a million

12 dollars.

13 THE CHAIRPERSON: Thank you. Want to

14 go to Avalon, questions to Environment Canada on their

15 presentation.

16 MR. DAVID SWISHER: Thank you, Chair.

17 David Swisher with Avalon. With -- I just have a

18 couple questions -- few questions here.

19 With regards to that stack testing and

20 those tests, would you agree that that varies

21 depending on the quality and the level and the

22 consultant that is inquired?

23 THE CHAIRPERSON: Thank you.

24 Environment Canada...?

25 MR. DAVE FOX: Mr. Chair, there's a --

1 Len Franco and Associates have done most of the stack
2 tests in the North that I'm aware of. There's one (1)
3 other consultant, Maxxam, that's done work up here. I
4 would say it's fairly standard price for -- for that -
5 - for the North.

6 If the -- if a consultant's charging a
7 quarter of a million, I'm sure what they'd -- extra
8 they'd be doing for that extra money. But the package
9 that was explained to me was a complete package.

10 THE CHAIRPERSON: Okay, thank you.
11 Avalon...?

12 MR. DAVID SWISHER: Thank you, Mr.
13 Chair. Just for clarity, there are other groups that
14 do stack testing. In fact the groups that worked with
15 us are WDI with regards to our air quality and they
16 did do some analysis which concluded our
17 understandings based on the -- the cost of those stack
18 tests.

19 Nevertheless, short of rehashing our
20 discussion from yesterday, I'll move on. In slide
21 number 4, page 4 of your slide, you mentioned that the
22 -- I'll wait till you get there.

23 The first bullet point, 'objectives for
24 nutrients and major ions have not been presented'.
25 Technically, in terms of not been presented is -- is

1 correct because we did not present those in our
2 presentation yesterday. However, they have been
3 presented to the Board and -- and also they were
4 updated with regards to recommended SSWQOs through the
5 homework that we had from a result of the technical
6 sessions. Those are within the public registry and I
7 was just wondering if Environment Canada is aware of
8 that?

9 THE CHAIRPERSON: Thank you.
10 Environment Canada...?

11 MR. ANNE WILSON: Thank you. It's
12 Anne Wilson. I did find the updated ones for metals
13 and the rare earth elements, I could not find the ones
14 for updates to the nutrients and major ions. If you
15 can help direct me, that would be great.

16 THE CHAIRPERSON: Thank you. I'll go
17 back to Avalon Rare Earth.

18 MR. DAVID SWISHER: David Swisher with
19 Avalon. Yes, that would be homework item number 2
20 where we updated the nitrite/nitrate for those
21 proposed SSWQOs. The date, you would ask the date.
22 It's August. It's going to be within the dates of the
23 technical sessions. I think that was August
24 14th/15th. It's August 15th.

25 And then my next question comes to

1 bullet point 2. You make mention that several drivels
2 -- Drizzle Lake parameters are predicted to exceed
3 proposed SSWQOs. I think, 2, there were many
4 iterations from the technical sessions, after the
5 technical sessions in the form of undertakings, as
6 well as additional Information Requests beyond that.

7 So what was presented yesterday in
8 Avalon's SSWQOs are those values. So when, for
9 example, you mentioned cerium and lanthanum are over
10 what the predicted SSWQOs are, that is not actually
11 correct.

12 Could Environment Canada please confirm
13 that they will or are using or will use the latest
14 information that we provided yesterday with regards to
15 our predicted and recommended SSWQOs?

16 THE CHAIRPERSON: Thank you.
17 Environment Canada...?

18 MS. ANNE WILSON: Thank you, it's Anne
19 Wilson. When we did the presentation, we were working
20 with the information that was available.

21 I did notice that the site-specific
22 water quality objective for zirconium had been bumped
23 up to a hundred (100). Lanthanum I thought was still
24 at one point eight (1.8) and cerium three point two
25 (3.2) so that's where our concerns arose based on the

1 modelled maximum twenty (20) year value for example
2 for cerium from coming out from Drizzle Lake is
3 thirty-one point eight (31.8). So it's ten (10) times
4 higher than the proposed Drizzle Lake site-specific
5 water quality objective.

6 So I'm going from the table from the
7 August sessions, but I did check where it had been
8 updated yesterday, so. I think we might have to go
9 back and if you want to check on your numbers and I
10 can check on my checking of my numbers. But I -- I
11 think our concern is still outstanding.

12 THE CHAIRPERSON: Okay. Thank you.
13 I'll go back to Avalon Rare Earth Metals (sic).

14 MR. DAVID SWISHER: Thank you, Chair.
15 David Swisher with Avalon.

16 Yes, I -- I would request that
17 Environment Canada utilize the latest information from
18 the undertakings and, of course, what we presented
19 yesterday which were the -- the finals numbers which
20 represents our proposed SSWQOs as well as the treated
21 effluent mine water concentrations for all parameters
22 of interest.

23 In conclusion, I'd like to thank
24 Environment Canada for their presentation. And thank
25 -- thank you, Chair.

1 THE CHAIRPERSON: Okay. Thank you.

2 I'll go to the Review Board legal counsel.

3 MR. CHUCK HUBERT: Thanks, Mr. Chair.

4 And actually, I'll start out with about three (3) or
5 four (4) questions from Board staff, please.

6 MR. RALPH GRISMALA: Ralph
7 Grismala, ICF Marbek. I have a few questions,
8 primarily related to water quality.

9 Avalon has committed to meeting their
10 proposed SSWQOs and has stated that they are confident
11 they -- that they can achieve them.

12 Does Environment Canada strongly
13 recommend that the Review Board adopt the measure of
14 recommending the proposed SSWQO concentrations as a
15 measure?

16 THE CHAIRPERSON: Thank you. I'll go
17 to Environment Canada.

18 MS. ANNE WILSON: Thank you. It's
19 Anne Wilson. I would qualify that statement a little
20 bit to state that the proposed site-specific water
21 quality objectives are a good start.

22 As we get more information, they may
23 need to be updated or refined to be more protective.
24 I won't say that they're the end all and be all,
25 especially for the rare earth elements which are --

1 you know, I did another look through the database of
2 toxicity literature last ni -- last night, and there
3 isn't a whole lot out there for our species up here.

4 THE CHAIRPERSON: Okay. Review Board
5 staff...?

6 MR. RALPH GRISMALA: Ralph Grismala,
7 ICF Marbek. Avalon's tracer modelling of the TMF in
8 Drizzle Lake is currently out of date due to Avalon's
9 improvements in design and Avalon's commitment to
10 treat both the mine water and the tailings pore water
11 before it's discharged to the TMF. And I believe this
12 goes directly to the comparison you were just making
13 with the proposed SSWQOs of -- and the cerium and
14 lanthanum levels.

15 Is it important to Environment Canada
16 that Avalon update their concentration modelling to
17 reflect a current project description?

18 THE CHAIRPERSON: Thank you.
19 Environment Canada...?

20 MS. ANNE WILSON: Thank you. It's
21 Anne Wilson. I would like to see the updates done
22 prior to the water licencing process if that is where
23 we go next.

24 And you're absolutely correct that I
25 was looking at the modelled maximum twenty (20) year

1 value and comparing that -- for Drizzle Lake and
2 comparing that to the SSWQOs, which were the updated
3 ones. They haven't changed. So that concern does
4 still stand.

5 And I think what I heard yesterday was
6 that they have doubled the amount of effluent that's
7 going to be discharged into Drizzle lake in -- in a
8 vol -- on a volumetric basis. But they have improved
9 the quality of that effluent considerably since they
10 had modelled it.

11 So I'm hoping that we are more or less
12 in the ballpark with the numbers we have now, because
13 if they can't meet these proposed objectives, then our
14 expectation and hope would be that a measure or a
15 condition of this approval would be that treatment be
16 implemented.

17 THE CHAIRPERSON: Thank you. Review
18 Board staff...?

19 MR. RALPH GRISMALA: Ralph Grismala,
20 ICF Marbek. Environment Canada has had discussions
21 with Avalon regarding their plume modelling at Pine
22 Point. Although the levels of magnesium and sulphate
23 predicted by the model are generally comparable to the
24 background concentrations, the model of concentrations
25 are additive.

1 Has Environment Canada considered the
2 impacts of the modelled concentrations added to the
3 existing high background concentrations?

4 THE CHAIRPERSON: Thank you.
5 Environment Canada...?

6 MS. ANNE WILSON: Thank you. It's
7 Anne Wilson. I had been under the impression that the
8 numbers modelled reaching Great Slave Lake were the
9 totals at the time of mixing with the existing
10 groundwater.

11 And I would like to get the Proponent
12 to clarify whether that was mistaken or not.

13 THE CHAIRPERSON: Thank you. I'll go
14 to Avalon since it's relevant.

15 MR. MARK WISEMAN: Mark Wiseman,
16 Avalon. I think the best interpretation would be to
17 take the average in the background and add it to that,
18 not to the peak.

19 THE CHAIRPERSON: Okay. Thank you.
20 Environment Canada...?

21 MS. ANNE WILSON: Thank you. It's
22 Anne Wilson. So in that light, the concern would be
23 there for the sulphate concentrations being additive,
24 less so for the magnesium ones.

25 THE CHAIRPERSON: Thank you. Review

1 Board staff...?

2 MR. RALPH GRISMALA: Ralph Grismala,
3 ICF Marbek. The plume model used at the hydromet
4 facility is a straight dilution model, so the dilution
5 ratios would be the same for any element as
6 demonstrated by the proportionally identical results
7 for magnesium and sulfates.

8 Avalon has presented the concentration
9 results for a sample called RAR-1 filtrate as
10 representative of the tailings liquids destined for
11 the HTF discharge.

12 Based on Avalon's dilution modelling,
13 some of the rare earth elements in their tailings
14 filtrate sample have concentrations that would not be
15 diluted to the levels of the Drizzle Lake SSWQOs by
16 the time they reach Great Slave Lake. However, it is
17 my understanding that Avalon has more recent
18 concentration analysis of the hydromet tailings
19 facility tailings liquid.

20 Has Environment Canada received and
21 reviewed the updated analytical data? And, if not, is
22 there any action that Environment Canada would
23 recommend to resolve any information gaps in the
24 assessment?

25 THE CHAIRPERSON: Thank you.

1 Environment Canada...?

2 MS. ANNE WILSON: Thank you. It's
3 Anne Wilson. No, we have not reviewed or received
4 those to date, and this comes back to the need to have
5 a strong monitoring program, given that there is a
6 fairly decent time lapse.

7 And if calibration of the modelling is
8 done, taking the current numbers and real-life data
9 into account, shortly into the operating life, that
10 will allow for time to do any further treatment or --
11 or mitigation measures.

12 THE CHAIRPERSON: Thank you. Review
13 Board staff...?

14 MR. RALPH GRISMALA: Ralph Grismala,
15 ICF Marbek. Thank you for your responses. I have no
16 further questions.

17 THE CHAIRPERSON: Thank you. I'm
18 going to go to John Donihee, legal counsel.

19 MR. JOHN DONIHEE: Thank you, Mr.
20 Chairman. It's John Donihee. I just have a couple of
21 questions that relate to the Review Board's
22 responsibilities under Section 79 of the SARA.

23 And the first one relates to the
24 observation made on page 23 of your technical report
25 that there were some species that were assessed by

1 COSEWIC after the DAR was produced. And I'm just
2 wondering if you can -- if you can tell us then
3 whether the barn swallow was one (1) of them. The
4 other two (2) I understand to be bats.

5 And so I guess the first question is:
6 Are bats -- they've got wings. Are they your
7 responsibility or the Government of the Northwest
8 Territories?

9 THE CHAIRPERSON: Thank you.
10 Environment Canada...?

11 MR. JAMES HODSON: Yes. Thanks.
12 James Hodson, Environment Canada. The bats would fall
13 under the GNWT's jurisdiction.

14 THE CHAIRPERSON: Okay. Mr. Doni --
15 Mr. Donihee...?

16 MR. JOHN DONIHEE: Thank you, Mr.
17 Chairman. Critical distinction there.

18 So -- and then I note on -- on page 24
19 of that report that, overall, Environment Canada
20 indicates that if the Developer implements all of the
21 mitigation measures that they have identified and
22 their commitments, that you're generally satisfied
23 with respect to avian species listed.

24 And I guess I just wanted to be clear
25 that that conclusion includes barn swallows as well?

1 THE CHAIRPERSON: Thank you.

2 Environment Canada...?

3 MR. JAMES HODSON: Yes. James Hodson,

4 Environment Canada.

5 Yes, I think the general mitigation
6 measures that they've outlined with respect to
7 migratory birds, and taking steps to comply with the
8 Migratory Birds Act, would also address our concerns
9 about that species.

10 THE CHAIRPERSON: Okay. Thank you.
11 Review Board legal counsel...?

12 MR. JOHN DONIHEE: Thank you, Mr.
13 Chairman. So just to be -- I suppose, to drive a nail
14 through this one, then, with respect to birds and
15 Section 79 of SARA, if the Review Board is -- it's
16 reasonable, then, for the Review Board to conclude
17 that there -- there are no issues to raise to the
18 competent minister's attention in respect of avian
19 species as long as these commitments and mitigation
20 measures identified by yourself and the -- the
21 Developers are adhered to?

22 THE CHAIRPERSON: Thank you.
23 Environment Canada...?

24 MR. JAMES HODSON: Yes, I think that's
25 Environment Canada's assessment is that we haven't

1 identified any outstanding concerns as long as these
2 mitigation measures and commitments are implemented by
3 the Developer for the avian species at risk.

4 THE CHAIRPERSON: Thank you. Review
5 Board legal counsel?

6 MR. JOHN DONIHEE: Thank you, Mr.
7 Chairman, John Donihee. I note then with respect to
8 two (2) species, Whooping Crane and Yellow Rail, that
9 your -- you have recommended that if -- well, in the
10 Yellow Rail case, that there be some additional
11 studies done and in Whooping Crane -- in the case of
12 the Whooping Crane if -- they're actually identified
13 that frequency of monitoring be increased.

14 And I'm just wondering whether
15 Environment Canada has had a specific discussion of
16 those recommendations with the Developer?

17 THE CHAIRPERSON: Thank you.
18 Environment Canada...?

19 MR. JAMES HODSON: Thank you. James
20 Hodson, Environment Canada. We have not met with the
21 Developer to discuss those recommendations
22 specifically.

23 THE CHAIRPERSON: Thank you. Review
24 Board, legal counsel?

25 MR. JOHN DONIHEE: Thank you, Mr.

1 Chairman. Those are my questions.

2 THE CHAIRPERSON: Okay. Thank you.

3 And we'll go to Board Member Rachel Crapeau.

4 MS. RACHEL CRAPEAU: Thank you,

5 Environment Canada for your information. I did have a

6 question but I talked with my advisor, I'm okay now.

7 Thank you.

8 THE CHAIRPERSON: Thank you. Board

9 Member Percy Hardisty?

10 MR. PERCY HARDISTY: No questions, Mr.

11 Chair.

12 THE CHAIRPERSON: Thank you. Board

13 Member James Wah-shee.

14 MR. JAMES WAH-SHEE: Thank you for

15 your presentation. I have no questions.

16 THE CHAIRPERSON: Thank you. Board

17 Member Richard Mercredi.

18 MR. RICHARD MERCREDI: Thank you for

19 your presentation. No questions.

20 THE CHAIRPERSON: Thank you. Board

21 Member Sunny Munroe.

22 MS. SUNNY MUNROE: I have no

23 questions. Thank you.

24 THE CHAIRPERSON: Thank you. Board

25 Member John Curran.

1 MR. JOHN CURRAN: Let's make it a
2 clean sweep. No questions. Thank you very much.

3 THE CHAIRPERSON: Okay. Thank you.
4 Then I want to thank Environment Canada for -- and for
5 yourself and staff for doing a presentation here
6 tonight. Thank you very much. Masi.

7 Next on the list and the final
8 presenter will be the North Slave Metis Alliance. If
9 they could just come up and set up here and then we'll
10 continue on with the agenda. We'll take another five
11 (5) minute break.

12

13 --- Upon recessing at 5:34 p.m.

14 --- Upon resuming at 5:41 p.m.

15

16 THE CHAIRPERSON: I just want to thank
17 my staff for -- as you know, the Review Board got
18 their budget cut and as you can see in the back we
19 lost a few pounds today and I had to send my staff to
20 the food bank. I want to thank them, got me some
21 juice.

22 Anyways, I want to continue on with the
23 presentation. I want to go to the North Slave Metis
24 Alliance and if you could introduce yourself and your
25 -- and your delegation then we'll continue on with the

1 presentation.

2

3 PRESENTATION BY NORTH SLAVE METIS ALLIANCE:

4 MS. SUSAN ENGE: Okay. Thank you, Mr.
5 Chair. My name is Susan Enge and none of this
6 presentation involves you getting up and exerting any
7 more energy for the lack of food.

8 I have with me this afternoon, our
9 regulatory analyst Eric Binion and we're both here to
10 present to the Board, to the Panel, the concerns and
11 our position of the North Slave Metis Alliance. And
12 I'd just like to reiterate that our president Bill
13 Enge sends his regrets for not being able to be here
14 this afternoon.

15 With that I wish to, on behalf of the
16 North Slave Metis Alliance, thank the Mackenzie Valley
17 Environmental Impact Review Board for -- for this
18 opportunity to present the North Slave Metis
19 Alliance's views with regard to the Avalon Thor Lake
20 Nechalacho project.

21 The NSMA, as you know, represents the
22 Aboriginal rights bearing Metis people of the Great
23 Slave Lake area where we primarily exercise our
24 Aboriginal rights north and east of the Great Slave
25 Lake.

1 Our mandate, the NSMA's mandate,
2 includes asserting, protecting and implementing our
3 Aboriginal rights of the North Slave Metis people. As
4 well as to exercise Metis responsibility to protect
5 the environment and to promote and enhance Metis
6 education, economic, social, and cultural development.

7 The NSMA is committed to principles of
8 economic sustainability, environmental stewardship and
9 self-determination in respect of its traditional lands
10 and resources. With that in mind, we wish to
11 establish a cooperative and respectful long-term
12 relationship with Avalon in keeping with these
13 principles.

14 It's our goal to ensure that the North
15 Slave Metis people obtain the maximum benefit possible
16 from Avalon's Thor Lake mine project while partnering
17 in the monitoring and mitigation of any negative
18 impacts to the biophysical or human environment.

19 MR. ERIC BINION: Hi. It's Eric
20 Binion with the North Slave Metis Alliance. So the
21 contents of our presentation is listed here.

22 Just to give you an idea, each issue
23 I'll provide a brief context as to what we are getting
24 into. Look at sort of the North Slave Metis Alliance,
25 our rationale, and bring in Metis traditional

1 knowledge, and then that all ties together into our
2 recommendations for each of these -- these issues.

3 So to get started, we'll get into
4 barging. Avalon indicated in the DAR that the bottom
5 of most areas of Great Slave Lake, particularly in the
6 vicinity of the Slave River delta are expected to be
7 relatively soft. As a result, it is anticipated that
8 containers, in the event of a barging capsize
9 incident, will land on the lake bottom sediment and
10 will -- will most likely remain intact. If a barge
11 capsizes and a container does not happen to break
12 open, Avalon assumes 10 percent or 171 tonnes of the
13 concentrate would be released.

14 Avalon has researched underwater
15 salvage firms and has stated that such firms are
16 experienced in successfully salvaging from water up to
17 300 metres in depth using conventional and available
18 underwater techniques. In addition, Avalon has stated
19 that the heavy metals and radio nuclides will be inert
20 and will sink to the bottom, only to be recovered
21 within one (1) year by a salvaging firm. Avalon
22 states that it will be assumed that a considerable
23 volume of the spilled concentrate will remain on the
24 lake bottom where it will be exposed to the receiving
25 environment until it is salvaged.

1 In the event of an incident, Avalon
2 stated that the aquatic biota anticipated to be
3 affected in the deeper water are expected to be
4 limited to a few species. Avalon further stated that
5 clams, worms, sculpins, and suckers are the most
6 likely species that would consume some of the residual
7 concentrate remaining on the lake bottom. A cursory
8 review of the literature demonstrates that thorium, an
9 element that will be in the concentrate, is and does
10 bioconcentrate in lower trophic animals.

11 Avalon will be barging concentrate
12 through some of the deepest areas of Great Slave Lake.
13 The Hearne Channel between Blanchet Island and the
14 mainland ranges from 200 to 320 metres in depth. The
15 barge route will cross 15 kilometres of water that is
16 315 metres deep.

17 In the East Arm, the pre -- the
18 Precambrian shores are more rugged with bolder beds
19 and fewer sandy areas, suggesting that the substrate
20 of the Hearne Channel would be a rather rocky la --
21 bottom opposed to the relatively soft bottom of the
22 Slave River delta and Pine Point area.

23 The East Arm, including the Hearne
24 Channel, has shown to have the highest concentration
25 of lake trout, more than twice as much as in the other

1 areas. Deep water trout are found at depths of 100 to
2 200 metres.

3 The diet of the trout consist of fish
4 and the same lower trophic animals that could be
5 consuming the concentrate. This 38 percent of the
6 lower trophic animals that the trout feed on is
7 composed of aquatic biota that Avalon anticipated
8 could be affected by a concentrate spill.

9 Avalon, after completing a sole test,
10 has stated that the concentrate would be inert.
11 Additionally, the NSMA is concerned about the ability
12 of Avalon and the salvaging firm to -- to salvage
13 below 300 metres in a timely manner considering the
14 short season of possible operation.

15 The North Slave Metis Alliance
16 traditional land-use occupancy and knowledge report
17 posted on the public registry on January 22nd, 2013,
18 identified a number of community concerns regarding
19 traditional fish harvesting, particularly in the
20 region surrounding the proposed Thor Lake mine.

21 The members noted the importance of
22 fishing to their diet, to their culture, and to their
23 heritage. They have stated that the area around the
24 Hearne Channel is world class for fishing, and have
25 mentioned numerous fishing locations surrounding the

1 proposed project. And here's a map that is in our
2 traditional land use and occupancy, showing areas that
3 are used by the Metis for fishing, with Thor Lake
4 circled in red.

5 As noted in the report, Metis have
6 mentioned that the area around the islands and Hearne
7 Channel are considered to be especially treacherous
8 during poor weather, and that the weather has become
9 more variable and less predictable in recent years,
10 and that there were worries about fluctuating lake
11 levels and recently exposed rocks. All of these
12 concerns are rather important when operating barges.

13 Metis members see Great Slave Lake as a
14 pristine and beautiful water body that has high
15 spiritual and cultural connection. The Metis members
16 have perceived concerns about radioactivity from the
17 mine and the possible effect it could have on the
18 water. Thus, the NSMA is concerned for the health of
19 its Metis members and the potential effect on the
20 environment due to a barge incident that could sink
21 1,700 tonnes of concentrate carrying heavy metals.

22 On behalf of the North Slave Metis
23 members, the NSMA requests that the Board recommend
24 that Avalon find an expert barge review panel for the
25 potential impact of spilled concentrate in the East

1 Arm. The task of the barge review panel would be to
2 investigate probability, recourse, and action in the
3 event of a barge incident. Particular concern would
4 be the future mitigation of spilled concentrate and
5 the impact on the local food web.

6 The expert review panel would be
7 established under the water licence in consultation
8 with Av -- Avalon and the Aboriginal parties. The
9 peer review panel will be established prior to the
10 start of the mine operations. It will consist of
11 independent, technically qualified individuals capable
12 of reviewing the impact of a concentrate barge spill
13 on the habitat of Great Slave Lake.

14 The panel would assess the potential
15 that spilled concentrate has in altering fish health,
16 abundance, diversity, and how it may impact the
17 ability of traditional users to harvest or consume
18 fish. It would develop and adopt a barge incident res
19 -- response plan, and it would facilitate a meeting
20 with the North Slave Metis Alliance members in order
21 to demonstrate and discuss the safety and mitigation
22 measures of barging concentrate, addressing any Metis
23 concerns of radionuclides, heavy metals,
24 biomagnification, and the possible impact on
25 traditional Metis fisheries.

1 Caribou: Cumulative effects. Thor
2 Lake is located at the edge of the Bathurst caribou
3 herds' known range. Barren-ground caribou avoidance
4 to development is relatively known. Caribou from the
5 Bathurst herd can be expected to occasionally
6 overwinter in the Thor Lake area and around the
7 islands of the East Arm from November to May.

8 Avalon has stated that the
9 overwintering barren-ground caribou that may occur in
10 the Thor Lake mine area in some winters may also be
11 displaced by disturbances from the infrastructure,
12 vehicle traffic, people, and aircraft.

13 Specific cumulative effects concerns
14 include in the increased stress placed on the Bathurst
15 caribou herd, the incremental loss of habitat through
16 increased pressures, reduced ambient air quality, and
17 the associated effects on wildlife and vegetation.

18 Avalon has stated that the main ways
19 that the Thor Lake mine and floatation plant may
20 affect barren-ground caribou -- caribou is through
21 direct change in overwintering habitat availability,
22 movement, and mortality. The Metis members are
23 concerned about the potential cumulative effects
24 stress on the Bathurst herd and how it may affect
25 Metis traditional harvesting of Bathurst caribou.

1 The cumulative effects of opening and
2 operating another mine in the Bathurst caribou region
3 are a serious concern to the Metis members. North
4 Slave Metis hunt the caribou on the islands and along
5 the shore of the East Arm in the winter. Beaulieu Bay
6 (phonetic) is used currently, and has been perceived
7 historically as a starting-off point for Metis members
8 and Metis to access the caribou, along with fishing,
9 gathering, and trapping grounds.

10 Metis members have expressed worry over
11 mineral exploration and development for the recent
12 caribou decline. The members discussed concerns over
13 the lack of science and how sensitive the caribou feet
14 are to injury or -- or how and what caribou smell that
15 may change migration patterns.

16 In addition, Metis worry about fire and
17 fire management in the region around the mine and how
18 future burns could affect caribou migration. And
19 again, here's another map showing the Metis hunting
20 grounds that were brought out in the traditional land
21 use and occupancy report that we have. The area
22 circled in red again is the Thor Lake project.

23 There'll be an estimated ten (10) mines
24 operating in the North in the next decade. The North
25 Slave Metis Alliance is justifiably concerned about

1 the future of the Bathurst barren-ground caribou herd
2 and the traditional harvesting rites of its Metis
3 members.

4 The Metis members have mentioned their
5 concerns with regard to mine development and the
6 health of the Bathurst caribou herd. The NSMA would
7 request that more information be made available for
8 the long-term cumulative effects of the project on the
9 traditionally harvested Ba -- Bathurst caribou herd.

10 So, on behalf of the North Slave Metis
11 members, the NSMA requests that the Board recommend
12 that Avalon will establish and co-chair, at their own
13 expense, an expert working group to develop a response
14 framework for managing cumulative effects with regard
15 to caribou.

16 This response framework will inform the
17 Bathurst caribou management plan, the Government of
18 the Northwest Territories barren-ground caribou
19 management strategy, and the Bathurst caribou
20 cumulative effects modelling project. It will provide
21 direction for Avalon Minerals to manage its project
22 related to cumulative effects on caribou.

23 Participants in this working group would include the
24 Mackenzie Valley Land and Water Board, Avalon
25 Minerals, and the Aboriginal parties.

1 The working group will attend and
2 provide input at the upcoming GNWT species-specific
3 cumulative effects workshops. It would recommend ways
4 to incorporate the response framework into the GNWT
5 Bathurst caribou management strategies or plans. It
6 would include Metis members holding traditional
7 knowledge. It would develop and implement an adaptive
8 management plan designed to predict, monitor, and
9 prepare for a possible shift in caribou migration
10 patterns that overlap the Thor Lake project. And it
11 would facilitate a meeting with the North Slave Metis
12 Alliance members in order to inform and discuss the
13 long-term cumulative effects of the project on the
14 Bathurst barren-ground caribou herd.

15 This section will to -- do with the
16 various plans that have been discussed already
17 throughout this procedure. The NSMA is pleased that
18 Avalon has developed a conceptual wildlife effects
19 monitoring plan for the project; however, continued
20 development and Aboriginal input from the North Slave
21 Metis is required to resolve concerns identified prior
22 to the implementation of such a plan by the Mackenzie
23 Valley Land and Water Board. The NSMA would like to
24 confirm that Avalon will -- will involve its Metis
25 members, particularly its Elders, in devi -- in

1 defining and developing any of these plans.

2 As noted, in our traditional knowledge
3 and land use paper, North Slave Metis members want to
4 ensure that monitoring of all species will occur at
5 the proposed project from start until the land is
6 returned to the way it was before the mine. The NSMA
7 and its members expect to be meaningfully involved in
8 the various plans, as the proposed project will be
9 directly affecting traditional Metis land and their
10 resources.

11 Our recommendation: On behalf of its
12 Metis members, the NSMA requests that the Board
13 recommend that Avalon continue their collaborative
14 development of a fully-feg -- functioning all three
15 (3) plans that will be developed prior to any
16 determination by the Mackenzie Valley Land and Water
17 Board.

18 The NSMA would like to ask the Board to
19 create a legally binding mechanism to ensure future
20 commitments are enforceable within the plans. The
21 plans should be legally binding, be developed and
22 reviewed in collaboration with the Metis, integrate
23 Metis traditional knowledge, commit to providing
24 plain-language communication summaries to the NSMA on
25 an annual basis, and commit to training and employing

1 a North Slave Metis member for full-time monitoring.

2 Four: We request that Avalon contract
3 a full-time, independent Metis traditional knowledge
4 expert. Avalon has an environmental expert on staff,
5 and has thus far been committed to being responsibly
6 involved with the Aboriginal groups.

7 An independent, full-time, traditional
8 knowledge staff member would be intended for the
9 following purposes: To assist Avalon in understanding
10 the environment, air, land, water, aquatic resources,
11 wildlife, archaeological, and cultural resources, and
12 the land-based practices that are essential to the way
13 of life and wellbeing of the Metis;

14 To facilitate effective communication
15 about the project with and effective participation of
16 the NSMA;

17 To promote traditional capacity
18 building for the North Slave Metis, respecting
19 project-related environmental matters;

20 To ensure Metis traditional knowledge
21 is utilized and protected within the development and
22 ongoing maintenance of the project;

23 And to keep on a regular basis with the
24 NSMA in order to keep them informed and appraised of
25 any in-compliances that may infringe -- infringe on

1 Metis traditional rights.

2 So on behalf of the North Slave Metis
3 members, the NSMA requests that the Board implement a
4 measure regarding the contracting of an independent
5 Aboriginal traditional knowledge expert that would be
6 developed through a legally binding environmental
7 agreement prior to the issuance of our production
8 water licence. The expert would operate at arm's
9 length from Avalon; however, the terms and conditions
10 of the traditional knowledge expert would be
11 negotiated and decided upon with the input from all
12 Aboriginal parties involved.

13 And this is our final issue:
14 Independent regulatory mechanism. The NSMA, as
15 discussed prior, operates with -- with a limited
16 capacity. The NSMA staff delves into numerous
17 projects at any given time. As expected, this process
18 can be daunting. In a perfect world, the creation of
19 an independent monitoring agency would be a bottom-up
20 approach. However, due to capacity and time
21 constraints, the NSMA is unable to coordinate such an
22 endeavour with the other Aboriginal parties involved.

23 The NSMA was attentive to the Board's
24 decision in the Fortune Minerals environmental
25 assessment with regard to not implementing a measure

1 for an independent regulatory mechanism. If the Board
2 sees fit that regulatory mechanisms are an un --
3 unnecessary accessory, perhaps there should be future
4 discussion with the Land and Water Boards, Avalon, and
5 the Aboriginal parties as how they will fill the role
6 of an independent regulatory mechanism.

7 Due to the nature of this mine,
8 particularly the Metis-perceived issues surrounding
9 radionuclides, the NSMA is concerned with lack of
10 regulatory oversight and economic inequity regarding
11 the Aboriginal party's capacity to meaningfully
12 comment on highly technical regulations and reports.
13 Without having the capacity to delve into the
14 technical research, the NSMA needs the assistance of
15 an independent body in order to understand the
16 potential issues of the project.

17 The project should require strict
18 independent auditing. It would be funded by Avalon.

19 It would be tasked with writing an
20 annual report with recommendations that require the
21 response of Avalon and/or government.

22 It would support the NSMA's efforts to
23 protect the traditional and environmental interests on
24 which they rely.

25 It would support Avalon, Canada, and

1 the GNWT and the respective efforts to protect the
2 environment.

3 It would review and monitor the
4 environmental performance of the project using
5 technical knowledge and Metis traditional knowledge.

6 It would make recommendations to
7 anybody having regulatory or management
8 responsibilities for matter for the achievement of the
9 purpose and guiding principles in this agreement.

10 It would facilitate programs to provide
11 information to and consult with the members of the
12 NSMA.

13 It would participate as an Intervenor
14 as appropriate for the achievement of its mandate in
15 regulatory process and other legal process.

16 And it would exist until the agreement
17 comes to an end. In other words, when the site is
18 fully closed and re-claimed.

19 So on behalf of the Metis members, the
20 NSMA requests that the Board recommend the creation of
21 an independent monitoring agency during the
22 negotiation and signing of the environmental agreement
23 prior to the issuance of a production water licence.

24 And that's a summary of our recommended
25 measures. Thank you very much.

1 THE CHAIRPERSON: Thank you. Thank
2 you for your presentation. We're going to go on to
3 the list of speakers -- or sorry, parties that could
4 ask questions to your presentation.

5 I'll start from the top. Aboriginal
6 Affairs and Northern Development Canada, questions to
7 the North Slave Metis on their presentation?

8

9 QUESTION PERIOD:

10 MR. NATHEN RICHEA: Thank you, Mr.
11 Chair. It's Nathen Richea with the Water Resources
12 Division, Aboriginal Affairs. Thank you for your
13 presentation. We have no questions.

14 THE CHAIRPERSON: Thank you. Akaitcho
15 Treaty 8 Tribal Corporation, any questions for the
16 North Slave Metis Alliance?

17 Okay, thank you. Blachford Lake Lodge,
18 any questions for the North Slave Metis on their
19 presentation? Not here.

20 Deninu K'ue First Nation...?

21 Environment Canada...?

22 MS. SARAH-LACEY MCMILLAN: Sarah-Lacey
23 McMillan with Environment Canada. Thank you for your
24 presentation. We have no questions.

25 THE CHAIRPERSON: Thank you.

1 Fisheries and Oceans Canada...?

2 Fort Resolution Metis Council...?

3 Government of Northwest Territories...?

4 MS. DIANNA BECK: Dianna Beck,

5 Government of Northwest Territories. We have no

6 questions. Thank you.

7 THE CHAIRPERSON: Thank you.

8 K'atl'odeeche First Nation...?

9 Lutsel K'e Dene First Nation...?

10 MR. MICHAEL TOLLIS: Mike Tollis from

11 Lutsel K'e Dene First Nation. Thank you to the NSMA

12 for their presentation. We have no questions.

13 THE CHAIRPERSON: Okay, thank you.

14 Northwest Territory Metis Nation...?

15 Tlicho Government...?

16 Transport Canada...?

17 MR. CHRIS AGUIRRE: Chris Aguirre,

18 Transport Canada. We have no questions.

19 THE CHAIRPERSON: Thank you.

20 Yellowknives Dene First Nation...?

21 MS. SHANNON GAULT: Shannon Gault for

22 the YKDFN. Thank you for your presentation. We have

23 no questions.

24 THE CHAIRPERSON: Thank you. I'll go

25 the Developer, Avalon Rare Earth (sic) Me -- Metals

1 Inc.

2 MR. DAVID SWISHER: David Swisher with
3 Avalon. Thank you for your presentation. We have no
4 further questions -- no questions.

5 THE CHAIRPERSON: Okay. Thank you.
6 I'm going to go to Review Board staff or legal
7 counsel.

8 MR. CHUCK HUBERT: Thank you, Mr.
9 Chair. No questions from staff or legal counsel.

10 THE CHAIRPERSON: Thank you. Board
11 member John Curran...?

12 MR. JOHN CURRAN: Thank you, Mr.
13 Chairman. No questions at this time.

14 THE CHAIRPERSON: Board member Sunny
15 Munroe...?

16 MS. SUNNY MUNROE: Thank you, Mr.
17 Chair. No questions, thank you.

18 THE CHAIRPERSON: Board member Richard
19 Mercredi...?

20 MR. RICHARD MERCREDI: Thank you, Mr.
21 Chair. No -- no questions.

22 THE CHAIRPERSON: Thank you. Board --
23 Board member James Wah-Shee...?

24 MR. JAMES WAH-SHEE: Thank you for
25 your presentation. I have no questions.

1 THE CHAIRPERSON: Thank you. Board
2 member Percy Hardisty...?

3 MR. PERCY HARDISTY: Masi, Mr. Chair.
4 No questions.

5 THE CHAIRPERSON: Board member Rachel
6 Crapeau...?

7 MS. RACHEL CRAPEAU: Masi cho, Mr.
8 Chair. Thank you for your presentation. No
9 questions.

10 THE CHAIRPERSON: Holy smokes. What's
11 going on around here? Okay. Well, I want to say
12 thank you to the North Slave Metis for coming up and
13 doing the presentation. Masi.

14 I also want to recognize Tim Heron with
15 the NWT Metis Nation in the back. I'd like to welcome
16 you. And I believe we're going to into the next part
17 of the agenda here, and it's the -- we have...

18 (BRIEF PAUSE)

19

20 PUBLIC COMMENTS:

21 THE CHAIRPERSON: I'm going to ask --
22 next public presentation. I'm going to ask the former
23 mayor of the city of Yellowknife, Gordon Vantighem;
24 Cory Vanthuyne, Deputy Mayor. And if they could come
25 up.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Please introduce
4 yourself.

5 MR. GORDON VANTIGHEM: Hi. Good
6 evening. I'm Gordon Vantighem, retired old guy.

7 MR. CORY VANTHUYNE: Hello. My name
8 is Cory Vanthuyne, and I'm a Yellowknife city
9 councillor.

10 THE CHAIRPERSON: Cory, I was going to
11 ask you, maybe we should invite up one (1) of your
12 councillors as well, Mr. Wong.

13 MR. CORY VANTHUYNE: Mr. Wong is here,
14 and if you'd like to come up to the table, feel free
15 to join us. Gord, take the honours.

16 MR. GORDON VANTIGHEM: Well, thank you
17 very much for the opportunity to address you this
18 evening. And, as you're aware, Yellowknife, as the
19 proud capital city of the Northwest Territory, has an
20 economy that historically and currently is based on
21 mining, but for the last three (3) months I've been
22 actively involved in travelling throughout the
23 Northwest Territories to look at what our economy
24 looks like in the future.

25 We're -- we're looking at a Northwest

1 Territories that hasn't experienced any population
2 growth for the last decade. Our gross domestic pro --
3 product is flat. We are looking at some existing
4 mines that are reaching an -- a level of maturity.
5 We're also looking to the future.

6 We now have an opportunity for a new
7 mine and primary processing in the North and South
8 Slave regions. In Fort Smith, Fort Resolution, Hay
9 River, and again today in Fort Simpson, I've heard of
10 the anticipation for the Avalon project, a long-term
11 project providing employment, training, and purchasing
12 within our regions. The possibility of putting
13 surplus electricity that we talked about a few months
14 ago from the Talston to work. The possibility and
15 opportunity to kick-start an industrial park at the
16 Pine Point brownfield site and additional
17 possibilities to establish research and development of
18 rare earth mineral product development in addition to
19 the mine.

20 Over the past several years, Avalon has
21 demonstrated a good corporate responsibility,
22 excellent communication with involved communities and
23 community groups, creativity in their IBAs, and have
24 created a new optimism in the two (2) regions.

25 So I just thought I would stop by

1 tonight to encourage you to follow your usual thorough
2 evaluation and come forward with an early, positive
3 ruling on this project request. Thank you.

4 THE CHAIRPERSON: Thank you, Gordon
5 Vantighem. Masi for your statement.

6 I'm going to go to the Deputy Mayor.

7 MR. CORY VANTHUYNE: Thank you, Mr.
8 Chairman, and of course thank you to respective Board
9 members for hosting your hearings for this important
10 project in the City of Yellowknife and -- and allowing
11 all the stakeholders opportunity to express their
12 opinions and their concerns.

13 As noted, my name is Cory Vanthuyne,
14 and I'm Yellowknife's city councillor. I appreciate
15 also that it's the -- the end of the second day of
16 long hearings, and so I'll try to make my comments
17 brief.

18 That said, I'll be speaking a little
19 bit to the broader context of the economic development
20 opportunities and benefits that mining and exploration
21 hold for the NWT, and in particular for the City of
22 Yellowknife. And the points I wish to speak around or
23 touch on today are around that of the following.

24 Mining, of course, is an important part
25 of our heritage. As Gord alluded to, the City of

1 Yellowknife was founded on the discovery of gold. The
2 mining industry is the North's economic strength
3 today, and we want mining to continue to be our
4 strength tomorrow. We must work collectively,
5 obviously, to overcome challenges and to create
6 continued great mining opportunities.

7 Yellowknife supports sound new mining
8 opportunities. Why? Well, because simply our
9 citizens will benefit, and ultimately business --
10 businesses will benefit as well. And of course, we
11 support new and responsible mining operations that
12 will help grow and sustain our economy.

13 As I alluded to, mining is certainly a
14 part of our heritage. Some of our past producing
15 mines, as you're -- many of you are aware of, are Con,
16 Giant, Pine Point, Discovery, Eldorado, Ptarmigan,
17 Salmita, and a number of others that carried a lot of
18 diversity as it related to the minerals and the
19 resources that it provided. Because of that diversity
20 over the last eighty (80) years, those mines have
21 provided over \$38 billion of a variety of minerals
22 since 1932.

23 Mining, of course, has significant
24 contributing factors to our infrastructure and
25 especially as it relates to the City of Yellowknife.

1 The main highway that has connected Yellowknife to the
2 South was ultimately developed to serve our mining
3 town. We have world-class ice roads that flow through
4 Yellowknife. All three (3) of the NWT hydroelectro --
5 electric facilities have -- were built to service
6 mines, two (2) of which are still serving Yellowknife.
7 And of course now there are the extensive microwave
8 communications that flow through Yellowknife.

9 Because mining is a large, capital
10 intensive industry, it has the ability to make great
11 contributions in the form of infrastructure, which I
12 just noted, which ultimately forms lasting benefits to
13 our Northern communities. Mining has contributed
14 valuable and long-lasting infrastructure that includes
15 the NWT's only railway, all of its hydro-power
16 facilities, and all-weather roads.

17 In addition, the industry has provided
18 many enhancements to life in Northern communities.
19 Examples include contributions to leisure and
20 recreation facilities; the establishment of
21 scholarships, apprenticeships, and training programs;
22 and sponsorships and donations to a variety of worthy
23 causes and non-profit societies.

24 Mining is the largest private-sector
25 contributor. Mining's direct contribution exceeds all

1 other private sectors. Mining also contributes to
2 other sectors - example: real estate, transportation,
3 and construction. Yellowknife, of course, is a
4 significant beneficiary to these many contributions.

5 In the NWT, the mining industry
6 directly contributes to about 30 percent of the gross
7 domestic product. With its indirect contributions
8 through transportation, construction, and real estate,
9 it is more likely that the contribution to the GDP
10 could be possibly closer to 50 percent.

11 The mining industry has also been
12 innovative in finding ways to very quickly generate
13 significant socioeconomic opportunities to local
14 communities throughout training, employment, and
15 business. The diamond mines in particular in the NWT
16 and our gold mines have become game changers -- sorry,
17 game changers in creating brand new opportunities, and
18 especially for our Northern Aboriginal people.

19 Modern mining is getting better and
20 better at creating benefits for our society.
21 Unfortunately, mines don't last forever. At some
22 point, they run out of rock that they can mine
23 profitably, and eventually they will have to close.

24 That said, some notable mines and their
25 lives -- mine lives are -- are -- Ekati Mine, for

1 example, is -- has a lifespan that's projected to
2 2019/2020-ish; Diavik's somewhere in the neighbourhood
3 of about 2023; Snap Lake, 2029; and, as we know,
4 Cantung is winding down.

5 Yellowkni -- that said, Yellowknife is
6 very aware of the six (6) advanced NWT exploration
7 projects and the potential they have for becoming new
8 mines. Those mines of course are the Nechalacho
9 project that we're here this evening talking about,
10 Nico, Prairie Creek, YK Gold, and Pine Point and
11 Gahcho Kue.

12 Benefits, of course, of the six (6)
13 advanced projects are extensive. Again, Yellowknife
14 would be well positioned to benefit from these mines
15 going forward and into production. These projects
16 translate into jobs, business development, taxes, and
17 hold the -- hold the potential to create very
18 significant benefits to the communities and
19 governments throughout the territory.

20 Potential value to the -- of the
21 Northwest Territory (sic) mines, assuming all six (6)
22 NWT projects become new mines: capital investments of
23 in and around \$2 billion; jobs peaking at somewhere in
24 the neighbourhood of one thousand six hundred and
25 fifty (1,650); total person-years employment, about

1 twenty-five thousand (25,000); total life of project
2 expenditures, around \$13 billion. But again, of
3 course, none of these projects are slam dunks, and
4 they need our support. This represents significant
5 investment in the NWT and, in particular, Yellowknife.

6 Now is the time for action. The NWT's
7 share of total Canadian mineral explor -- exploration
8 has been in decline for some time. We need to take
9 action to turn this around. Uncertainty has created
10 investment decline in the NWT. We all need to take
11 corrective, yet responsible, action to help turn this
12 around. The City of Yellowknife wants to help send
13 positive messaging to this effect, and we need to
14 support these important opportunities.

15 We know we face challenges in the NWT
16 around higher costs, lack of infrastructure, and, in
17 some instances, negative perceptions. Overcoming
18 those challenges begins with visible suf -- support
19 for what makes sense to us all as Northerners. We
20 support responsible mining projects that provide
21 socioeconomic benefits.

22 My concluding comments, Mr. Chairman:
23 Mining is the North's economic strength. Positive
24 community support is needed to turn it into an
25 economic advantage. Mines don't last forever, and we

1 need new projects to sustain and grow our economy.
2 Providing infrastructure to support mining will help
3 our communities.

4 Lastly, why does this all matter? Once
5 upon a time, Yellowknife was the gold capital of the
6 Northwest Territories. Today, Yellowknife is the
7 diamond capital of North America. Since mines don't
8 last forever, we must plan for our future. It matters
9 because we can make a difference in our communities.
10 We have made major inroads in jobs and business
11 opportunities, but we need more development to handle
12 Northern population growth, and to replace closing
13 mines.

14 Those are my comments, Mr. Chairman.
15 Thank you once again for your time.

16 THE CHAIRPERSON: Thank you, Deputy
17 Mayor, also former Mayor, Gordon. I appreciate you
18 guys being here tonight, and I want to say thank you
19 to Dan in the back, and participating in our process
20 here. And it's -- actually it's been a long day, but
21 we're coming to an end. And we take your comments and
22 it's on record, and we'll put that as part of our
23 evidence as we weigh our decision on this project. So
24 I want to say thank you very much. Masi for your
25 time.

1 Next on the list I have is the MLA for
2 Hay River, Robert Bouchard. I also have down Jane
3 Groenwegen. I don't know if she's going to be here,
4 but maybe Robert can just let me know.

5 MR. ROBERT BOUCHARD: She's on her
6 way.

7 THE CHAIRPERSON: She's on her way?
8 Okay. If you could just introduce yourself and -- for
9 the record.

10 MR. ROBERT BOUCHARD: I'm Robert
11 Bouchard, MLA for Hay River North. Good evening,
12 thanks for giving me the opportunity to speak here
13 today. As I indicated, my name is Robert Bouchard,
14 and I'm the MLA for Hay River North, a member of the
15 legislative assembly.

16 I've come to share some reasons why I
17 support, and my constituents support -- support, the
18 Avalon rare minerals mining project at Thor Lake. I
19 was born and raised in Hay River, and before going
20 into politics I worked closely with the -- with Hay
21 River small business community. Hay River has a lot
22 to offer for a town its size. It has a railhead,
23 harbour, highway, and dedicated entrepreneurs who are
24 ready take on the new opportunities that would come
25 with this mine.

1 I understand that during the mine
2 construction there may be a possibility of assembling
3 pre-fabricated parts in Hay River before transporting
4 them to the mine. That is something that I would
5 really like to see happen. I encourage all those
6 involved to work together to make pre-staging in Hay
7 River possible.

8 It is often said that mining is the
9 backbone of the Northwest Territories' economy, and
10 the South Slave has not seen any mining activities
11 since Pine Point closed down in -- in the 1980s. And
12 Hay River is looking forward to the energy and
13 community development that a new -- that the new
14 residents and increased economic activity would bring.

15 Hay River has a lot to offer, in terms
16 of schools, recreational facilities, and programs.
17 The Thor Lake -- the Thor Lake mine would make full
18 use of existing infrastructure, and with more people,
19 we would be able to offer more.

20 NTCL will be a barging contractor
21 responsible for shipping concentrate product at the
22 Thor Lake mine to the hydromet facility at Pine Point.
23 NTCL has -- has a long history of reliable
24 transportation throughout the North, and a strong
25 advocate for Hay Riv -- for the Hay River harbour and

1 marine transportation needs. It's good to see a
2 Northern company get this contract and to keep jobs
3 here.

4 Thor -- the Thor Lake mine will bring
5 much-needed job opportunities to the South Slave
6 communities. Unemployment rates in places like Fort
7 Res, Lutsel K'e, the Hay River Reserve, Kakisa, are
8 three (3) times as high as those in the regional
9 centres. Thor Lake mine and Pine Point hydromet
10 facility offer an opportunity for people in small
11 communities to have jobs that allow them to support
12 their families and still participate at home.

13 Along with other members of the
14 legislative assembly, I strongly support Avalon's goal
15 to maximize Northern and Aboriginal employment. We
16 continue to encourage all efforts to put people and
17 positions in small communities. I'm pleased that
18 Avalon plans -- sorry. I am pleased that -- I'm
19 pleased that Avalon plans to pick up workers in four
20 (4) of our communities, to open offices in Hay River
21 and in Yellowknife, and to encourage skilled workers
22 to move north.

23 Around this time last year, I asked
24 questions at the legislative assembly about energy
25 needs for Avalon and other mining projects. I

1 understand that discussions were underway between the
2 Northwest Territories Hydro Corporation and Avalon for
3 user -- for the use of surplus power at Taltson --
4 Taltson and Pine Point hydromet facility. It's one
5 (1) of the legacies that mining in the Northwest
6 Territories continues to benefit people today.

7 I strongly encourage these talks to
8 continue, and to reach an agreement that is good for
9 the mine, and for the people of South Slave.
10 Affordable power is something that will keep business
11 in the North.

12 In previous decades mining left some
13 negative environmental effects that raised awareness
14 about the improved -- the importance of environmental
15 stewardship, but also have made it difficult for new
16 projects to gain full support. I think Avalon has
17 shown commitment to the review process, looked at ways
18 to mitigate the impacts of development, and given
19 northerners reasons to believe that they will uphold
20 high environmental standards.

21 Early last spring, I had the chance to
22 briefly visit the Thor Lake site. Avalon cares about
23 quality of life for its workers and the quality of
24 environment where it operates. The company is
25 invested in the North, and as much as -- as the rest

1 of us, wants to protect the natural environment here.

2 Avalon has consistently represented its
3 Thor Lake project in mining industries' forums and
4 similar events. As a member of the Economic
5 Development Infrastructure Committee, I have had the
6 privilege of attending a few of these events, and it
7 is good to see the company doing its part to put
8 Northwest Territories on the map, and show it is -- it
9 is already a rol -- and shows it as already in a role
10 of the economic player here.

11 The Government of the Northwest
12 Territories is keenly aware of the need for workforce
13 development. Diamond mines have invested in education
14 opportunities to help northerners make the most of
15 mining activities in our territory, as well as build
16 its own workforce and meet its northern hiring goals.

17 Avalon has also demonstrated commitment
18 to training initiatives. I see an opportunity to
19 build on existing programs to grow and to prepare
20 northern workers. The -- the global demand for rare
21 metals is high and we can look forward to a long mine
22 life.

23 The Thor Lake mine promises to give
24 young northerners the chance to develop a career in
25 mining, and remain in the communities where they grew

1 up. This is just one (1) of the ways that mining
2 activities presents an opportunity for not only
3 economic, but also social and community development.

4 I encourage everyone here at these
5 hearings to listen to the -- to one another, and be
6 open to finding solutions to our challenges. I
7 believe the social and economic benefits of the Thor
8 Lake mine can help us overcome many of the obstacles.
9 Chances will also bring -- change will always bring
10 challenge, but this development is an important. It's
11 a positive opportunity for Hay River, the South Slave,
12 and the Northwest Territories. Thank you very much
13 for hearing me today.

14 THE CHAIRPERSON: Thank you, MLA
15 Robert Bouchard, from Hay River. Thank you for coming
16 in. Again, your statement is on record, and I don't
17 know if we can leave a copy because...

18 MR. ROBERT BOUCHARD: I can provide
19 it.

20 THE CHAIRPERSON: Okay. If you could
21 provide it, I'll just leave it to my staff. And we'll
22 take a -- maybe a ten (10) minute break. Billy, if
23 you wouldn't mind maybe phoning Jane if she is close
24 by, then we'll wrap up with the last one. We'll take
25 a ten (10) minute break.

1

2 --- Upon recessing at 6:26 p.m.

3 --- Upon resuming at 6:36 p.m.

4

5 THE CHAIRPERSON: I got two (2) more
6 speakers coming up. I got Angus Charlo, from Dettah.
7 If he could come up to the table here. And just
8 introduce yourself for the record, and then the Board
9 members will listen to you.

10

11 (BRIEF PAUSE)

12

13 MR. ANGUS CHARLO: Hello, everyone.
14 My name is Angus Charlo, Yellowknife Dene. And I just
15 wanted to speak on behalf of my family. I thought
16 that my brothers and sisters were going to be here to
17 listen.

18 In the past I heard a few times that
19 there's no trappers and hunting -- traditional hunting
20 around that area. Well, I want to let you know and
21 just tell you a quick story about my life. From the
22 time I can remember, when I was just a little boy, my
23 dad would -- we used to live around Wool Bay. And how
24 he used to bring us out to Francois Bay to go hunting
25 up in that area is he used to bring us out there with

1 a little freighter canoe, which is probably, I don't
2 know, maybe 16, 18 feet long. And he brings another -
3 - tows a little canoe in the back, canvas.

4 And that -- that's my mom, Joe -- my
5 dad, Joe Charlo, my mom Judy Charlo, and my older
6 sister Trace (phonetic), and myself, Angus, and my
7 litt -- little sister Sarah (phonetic). And my uncle
8 Fred Bettina (phonetic) would come along. He came
9 along that one (1) time, and I remember specifically
10 that time. And Dad told him, Just sit in the front
11 boat, leave -- let the dogs be okay. No, no, no, he
12 says. I want to make sure the dogs are okay back
13 there. So he sit back there and it's really cold.

14 I know sometimes I start talking and
15 tell stories and that, and I just carry on like my dad
16 does. So you just have to bear with me with this
17 story of mine.

18 And so we used to -- it used to take
19 all day. Take off early in the morning and you'll
20 have this calm -- nice, calm day, where the -- all the
21 bays are frozen and it's just ice fog. And it just
22 goes. And you've got these little -- back then they
23 called them little 8-horse Champions. They're little
24 gas tanks -- are sitting in the back. It looks like a
25 little pack sack the way I look at it, and he used to

1 crank it and away we'd go. And this is how we used to
2 travel. This is back in the early '60s. I was born
3 in 1957, so I'd figure around '62, it probably would
4 be right around that time that we travelled.

5 And we're just bundled up in our parkas
6 and everything inside the little boat, and travelling
7 all the way to Francois Bay. And that's just above
8 Francois Bay on top. And once we get there and in the
9 bay, there's an abundance of fish, trout, whitefish,
10 and we'd set nets. We'd get all set up, Dad would get
11 set up and then away he goes. He start making trail
12 all the way north, and we'd stay there.

13 And Dad would be gone two (2), three
14 (3) weeks at a time, and mom was taking care of us.
15 She's taking care of my older sister, myself, and my
16 younger sister Sarah. And I am so happy about my mom
17 and grateful about how she, as a woman, braved three
18 (3) kids with her while my dad and uncle go north; to
19 live out there two (2), three (3) weeks at a time, to
20 take care of us. And I was a handful from what I
21 heard. I used to take off, running off in the bush
22 and that, run after that -- where the dog team trail
23 goes, be gone for a while, come back. So I could
24 imagine what mom went through trying to take care of
25 us.

1 But what I'm saying is that we still
2 use that trapline. That was when I was just young.
3 I'm fifty-five (55) now, and just this past fall we
4 went moose hunting over there and we got ourselves
5 three (3) moose in that area. And I got two (2)
6 grandboys that were hunting with us, and my nephew BJ,
7 and my brother-in-law Mark. We all went over there,
8 and my brother Pat and his boys. We got three (3)
9 moose out of there.

10 So we still use that hunting area to
11 this day. And back in the '70s -- well, the '60s when
12 Dad sent me to school -- to residential school, after
13 that when we came back, I always wanted to go with
14 him; I kept telling him. But in the '70s that's when
15 he brought me out there again, and we used that place,
16 and even right into the '80s.

17 My brother Pat and I, to this day, we
18 still do. Dad is no longer with us. He passed on in
19 -- back in 1996. And my older brother Narsis
20 (phonetic) used to be with us. We would supply all of
21 the caribou meat, moose meat that we could get, to the
22 whole family.

23 And what Dad used to do is, we'd get
24 the meat, we'd bring it to the smokehouse, Dad's
25 smokehouse. He said, Don't ever stop that. Keep that

1 up to the tradition that you do, because in the future
2 your brothers and sisters, they're all going to have
3 their own family. Bring the meat to mom's smokehouse,
4 put it in there, and everybody takes it. You don't
5 have to go walk around it. You've done your work
6 already. You've got your meat, you bring it home,
7 they'll take it. They take how much they need and
8 what they need.

9 And it's a big household. Like my wife
10 and I one (1) year we tried to get Christmas presents
11 from her side of the family/my side of the family
12 spending five dollars (\$5) to children under ten (10)
13 and then any -- ten dollars (\$10) to the adults. Even
14 then the price of that -- those Christmas gifts back
15 then, just to give you an idea of the size of our
16 family, was twenty-two hundred dollars (\$2,200) that
17 we spent between the Mackenzie family and the Charlo
18 family, so we have a big, big family.

19 And so we still use that area. When we
20 go right from Francois Bay and go travel all the way
21 to the barren lands where dad used to go. And why --
22 the reason he used to go all the way to the barren
23 lands is to get white fox. And he'd go all the way
24 and then come back, so that was his trail.

25 And he used to go even -- we have a

1 cabin at Buckham Lake (phonetic), just north of
2 Blachford. Blachford Lake was part of his trap lines,
3 too. And these trap lines are not from dad; they're
4 originally from grandfather John Charlo and my grand -
5 - my grandfather William, who passed away years ago,
6 William Batina (phonetic) too, from my mom's maiden
7 side.

8 They've travelled through that in --
9 where they call it Colay Bay (phonetic), but nil --
10 out language, Sekolke (phonetic). That's where mom --
11 they had their cabin. That's where they lived. My
12 grandfather is buried right in Growcab (phonetic). My
13 Uncle George, my brot -- my mom's older brother, is
14 bur -- buried at Taltheilei Narrows. And that's the
15 one that they -- on that graveyard site they built an
16 airstrip right over top of that grave.

17 These are things that I hear, that I go
18 through, that I've never really talked so much about
19 before. I never ever talked. Basically, this is the
20 first time I'm talking in public about these things.

21 My brothers and them they usually say a
22 few words, my sisters. I've just kind of left alone,
23 but now this is close to home. This is my backyard
24 that I'm talking about.

25 And I've built winter roads. I know

1 the kind of things that you have to go through. I've
2 worked with Huewy Arden (phonetic), Jimmy Arden
3 (phonetic), Richard Robinsons (phonetic). I've built
4 winter roads through them -- for them. I've been
5 through the ice three (3) times. I've dropped a truck
6 two (2) times and a Cat through the ice going to Great
7 Bear. So I know the disasters and the -- the
8 hazardous of building winter roads on winter times and
9 I've seen the type of materials that we've hauled.

10 There's one (1) incident that we had at
11 Cameron River, heading up to Lupin mine, and these
12 were containers in a 45 gallon drums of containers in
13 a closed container of a trailer. They spun out on the
14 old Bailey Bridge (phonetic) and come down and the
15 trailer was hanging on its -- on the hitch, what you
16 call a horse cock, but that's where the -- the hitch
17 on the trailers, which a lot of people don't know.

18 And this is drums and drums of cyanide
19 that they use to process the gold, was hanging on the
20 edge ready to be dumped in the river. That would have
21 contaminated this whole river, Yellowknife River. A
22 lot of people don't know things like that that we go
23 through. And I've built winter roads.

24 There's a lot of things north of Marion
25 Lake. In thirty-six (36) hours we dropped six (6)

1 trucks through that north end of Marion Lake. Things
2 like that people don't really know. These are the
3 winter hazardous (sic) that we go through on winter
4 road/ice road building.

5 I know there's barges and things like
6 that, so I'm not against any mining or anything like
7 that. I'm all for mining and all that. What I'm
8 asking is take all the cautions -- precautions that
9 you can take. Go that extra mile just to be on the
10 safe side on the ice roads. Take the time, even if
11 you're going to barge things across the ice and things
12 like that.

13 And we use this trap line. We fish and
14 all that. I've -- Dad made me run, back in 1976, from
15 Tibbitt to show me the trails. He told me: Put these
16 snowshoes on, and start walking. You're going to
17 break the trail right from Tibbitt all the way to
18 Buckham.

19 And he made me run from Buckham all the
20 way down to Francois. And that was just before
21 Christmas, because you've got to come back and
22 celebrate Christmas with your family, and run all the
23 way back.

24 I wondered why he did that. I wondered
25 why he made me run. Why is Dad making me run, run?

1 Our brothers and our sis -- he just kind of laughed.
2 Dad is showing you. You know, when your dad tells you
3 something back then, you listen to your dad. You do
4 not question why he's sending you, doing this.

5 My older brother, he takes these little
6 pile of biscuits, one side he puts butter on, jam on
7 the other side, and slaps it together. He said, Take
8 two (2) of them, one (1) in each pocket. He says, You
9 run, you're going to -- you're going to get tired. He
10 says: You get tired, stop for a minute, grab a chunk
11 of that, grab snow, hold it like this, and suck the
12 water. Don't -- don't chew that -- don't put snow
13 right straight in your -- your mouth. You get
14 thirsty.

15 These are little things like that, that
16 he told me, that he showed me. He made me run all the
17 way back. And then that -- that winter I was really
18 grateful he did that. I won some snowshoe races and
19 Arctic winter games back in '76. These are the things
20 that we go through, life.

21 Dad taught me two (2) things. He says,
22 I -- I'm going to show you. And I told him: Why you
23 keep sending me back to residential school? I don't
24 want to go. I don't want to go. I want to go back --
25 I want to go back in the bush.

1 He says, Well I want to show you two
2 (2) things. He says: I want to give you the native
3 way of living and the white man's way of living. You
4 have two (2) worlds in your hands.

5 And to this day, I have my tra --
6 tradition. He taught me how to drum in my traditional
7 way. I'm a traditional drummer. Our band is called
8 the Dettah Drummers. I drum that, which he taught me.
9 He taught me how to set traps, live in the bush, and
10 survive in the bush.

11 And then on the other side, I became a
12 heavy equipment operator, built winter roads, and got
13 my airline commercial pilot's licence. I worked for
14 Air Trinity (phonetic), two (2) tw -- twin Otters,
15 turbo Otters and all that. So I know a lot about
16 industries and things like that, and with the way the
17 North is growing, and we're all for that.

18 But I'm thinking about my family. I
19 know about Blachford Lake Lodge area. The Cadu
20 (phonetic) family -- the old man Henry Cadu was living
21 there at the time. Dad just let him be. Dad always
22 had respect for people, but that was part of Dad's
23 trap lines too. Blachford Lake, Mystery Lake,
24 Buckham, Francois, and all the way up north.

25 And one (1) of the things that I would

1 like Avalon to think about is the Charlo family. My
2 mom is still alive. There's a lot of the families and
3 my nephews, my grandkids and all of them. To consider
4 compensating my family. This is our backyard, and we
5 still use it to this day for hunting and trapping and
6 teaching our grandkids and that. And that's what I
7 wanted to say. Thank you for the time. I appreciate
8 this. Masi cho.

9 THE CHAIRPERSON: Masi, Angus. Thank
10 you for your -- your comments and statements. It's on
11 record, and I want to say thank you very much for
12 coming in this evening and -- and sharing that with
13 the Board. Masi.

14 MR. ANGUS CHARLO: Masi cho.

15 THE CHAIRPERSON: Next, I have is the
16 MLA from Hay River, Jane Groenwegen, if you can come
17 up, introduce yourself for the record.

18

19 (BRIEF PAUSE)

20

21 MS. JANE GROENWEGEN: Okay. For the
22 record, my name is Jane Groenwegen, and I'm the MLA
23 for Hay River South. So I'll proceed with my
24 comments. Okay. Thank you. It's good to see
25 everyone here tonight. I know most of you on the

1 panel here tonight.

2 THE CHAIRPERSON: Yes.

3 MS. JANE GROENWEGEN: As I mentioned,
4 my name is Jane Groenwegen, MLA for Hay River South,
5 and long-time resident of the Northwest Territories,
6 coming up for forty (40) years here soon. And thank
7 you for making time for this valuable opportunity to
8 meet and discuss Avalon Rare Earth's mining project at
9 Thor Lake.

10 As one (1) of the longest serving
11 members of the legislative assembly of the Northwest
12 Territories and as someone who has been involved in
13 community affairs in the Town of Hay River for most of
14 my adult life, right from the outset I want to say
15 that I strongly support this project. It is exciting
16 to see a project with such huge potential to benefit
17 the people of South Slave and the Town of Hay River
18 come so far in the approval process.

19 For decades, mining has been the core
20 of the Northwest Territory's economy. Since the Pine
21 Point mine closed in the 1980s, there's been no mining
22 activity in our area. And I remember well when Pine
23 Point closed down and how we, in Hay River, were very
24 concerned about how we would continue to, you know, to
25 -- for people to sustain -- sustain their livelihoods

1 there. And thankfully, at that time the NWT Power
2 Corporation was looking for a place to put their
3 headquarters, so that came in and kind of filled in a
4 little bit. But Pine Point was a huge asset to Hay
5 River.

6 Hay River, unfortunately, only feels
7 some indirect effect of the boom that the diamond
8 mines has brought to Yellowknife. And this evening
9 I'd like to highlight some of the opportunities that
10 Avalon's mine at Thor Lake and the Pine Point
11 hydrometrologic -- metallurgical site will bring to
12 Hay River and the surrounding area.

13 During mine construction, we hear that
14 there is the possibility of pre-staging in Hay River.
15 Pre-fabricated parts could be assembled there prior to
16 travelling to the mine site.

17 NTCL, with its long history of reliable
18 transportation in the North, will be the mine's
19 barging contractor. During mine operations, close to
20 eighty (80) barge trips are anticipated between the
21 mine flotation plant and the landing site at Pine
22 Point during the one hundred and twenty (120) day
23 summer barge season. It's expected to take sixty (60)
24 days to complete all shipments, allowing a reasonably
25 flexible time frame for weather and other delays.

1 Hay River is the only community in the
2 Northwest Territories with a railhead, something that
3 actually played a part in me choosing to come to Hay
4 River. I picked it off the map in grade 12 geography
5 and I could see there was a rail and a road, and that
6 made me really happy. I picked it off the map with my
7 eyes open, not closed.

8 Products from Avalon's hydromet plant
9 will be transferred to the railhead facility at the
10 junction of Highway 2 and 5. CN owns this property.
11 It's just not so recently been developed, it's fairly
12 recent, and will be responsible for all shipments in
13 and out of the site.

14 Avalon is currently in discussions with
15 the Northwest Territories Hydro Corporation to use
16 surplus power from the Talston and its Pine Point
17 hydromet site -- at its Pine Point hydromet site. And
18 this surplus power that's been flowing over the
19 Talston for a long time we've -- since Pine Point shut
20 down, we've often thought it was a tremendous waste.
21 And it will be good to see it used. There's a
22 possibility that the power purchase agreement could
23 reduce rates for residential customers on the Talston
24 grid.

25 I strongly encourage both parties to

1 work our an arrangement that's feasible for the mine
2 and to benefit our communities. And I just ran into
3 Minister Mountainburger (phonetic) when I was leaving
4 to come over here tonight, and he raised the issue
5 again of the negotiations for a power purchase
6 agreement that hopefully would be beneficial to the
7 project. Affordable power will help keep peop --
8 people and jobs in Hay River.

9 Other members of the legislative
10 assembly and I, and you heard from colleague from Hay
11 River North tonight already, strongly support Avalon's
12 goal to maximize Northern and Aboriginal employment.
13 We appreciate the efforts Avalon is making to
14 encourage skilled staff to move to Hay River; include
15 worker pickup points in four (4) NWT communities;
16 schedule daily bus service between Hay River, Fort
17 Res, and the hy -- hydromet plant; and put offices in
18 Hay River and Yellowknife. This is very welcome news.

19 Hay River is a great place with a lot
20 to offer for a town its size. The school's
21 recreational programs and facilities are simply not
22 available as -- as is easily accessible in a community
23 of three thousand (3,000) elsewhere in Canada.

24 We look forward to welcoming people to
25 the Town of Hay River and the energy and investment

1 they are sure to bring with them. And Hay River does
2 have excess capacity at this time. We have room in
3 our schools. We have infrastructure that is not being
4 utilized at this time. And -- so that -- that's a
5 good thing. There's -- there is capacity -- unused
6 capacity there.

7 While unemployment rates in Hay River
8 and other regional centres may be relatively low, the
9 smaller communities do need the jobs. The mine and
10 hydromet site offer people and places like Fort
11 Resolution and the Hay River Reserve, a chance to have
12 a job, that it would allow them to support their
13 families and still come home every night and
14 participate in their communities.

15 I understand that eighty (80) personnel
16 will be needed during the construction of the mine and
17 flotation plant. And eighty-seven (87) personnel will
18 be required on-site at any given time during the
19 construction of the hydromet plant at Pine Point.
20 During the operation phase, over two hundred (200)
21 employees will be required at the Thor Lake mine site,
22 and close to seventy (70) employees at the hydromet
23 facility. These are jobs in the North, and we want to
24 see them filled by northerners.

25 Throughout the exploration phase at

1 Thor Lake, Avalon has demonstrated commitment to the
2 people and environment of the Northwest Territories.
3 It's a modern operator that shows an awareness of both
4 the impacts and the benefits of mining. The Company
5 has made an effort to develop positive relationships
6 with government and Aboriginal organizations.

7 It has actively participated in
8 training initiatives, such as the Geo-science Field
9 Assistant training program through the Aurora College.
10 Young people growing up in the South Slave communities
11 will have more opportunity to develop meaningful
12 careers in the places where they grew up. The long
13 life span predicted for the mine means that we can
14 look forward to the sustained benefits of positive
15 working relationships between the Company,
16 governments, and other partners for years to come.

17 I encourage everyone to approach these
18 discussions with openness, to finding solutions to our
19 challenges, and making the very most of this exciting
20 mining operation.

21 And I just also wanted to add that I
22 have confidence in the processes that are in place
23 today, the modern day processes, for considering the
24 environment. And I know that we have to weigh the
25 interest of the environment, and the protection of the

1 environment with development.

2 And I am a business person when I'm not
3 -- when I'm not being an MLA. I've been in business
4 for many years in Hay River. But we have to have
5 responsible de -- development. So although you may
6 look at me and think I'm a capitalist, and that's, you
7 know, why I'd be supporting this, I want you to know
8 that I am also concerned about the environment. I
9 have children and grandchildren that live in the
10 North.

11 And although I may be a relatively
12 newcomer compared to some people here, I chose Hay
13 River. I've made it my home, and have invested my
14 entire adult life's work in the community.

15 I also grew up in a small town in
16 southwestern Ontario, where the industry of the town
17 was not without its drawbacks as well. I grew up in
18 St. Mary's, Ontario. The St. Mary's Cement Company,
19 every day they would blast the limestone. There were
20 people -- there was -- it created a lot of dust. They
21 had mink farms around there. You know what? Those
22 mink farms really stunk. But, you know what? It
23 created jobs, it created economy for our community,
24 and sometimes we have to weigh the benefits.

25 And as a member of the Standing

1 Committee of Social Programs in our government, and
2 MLA for eighteen (18) years, I want to tell you that
3 we struggle every day as a government to look at ways
4 we can support our people in the North to find
5 meaningful, purposeful employment, so that they can
6 have the pride and satisfaction of supporting their
7 families, and enjoying all -- all the benefits of what
8 we see so much of around us today.

9 So anything that can -- can do that in
10 a way that's responsible, and can accomplish that, I
11 have to support. And I'm unapologetic in my support
12 for this project. I am absolutely, you know, thrilled
13 that it -- there's a potential for this.

14 There is -- there is some
15 discouragement in -- in the South Slave and around Hay
16 River with the economy. Some of us stay extremely
17 positive, and -- but I -- I will tell you that there
18 is long time businesses there that are saying that, We
19 need -- we need something in -- in the South Slave and
20 something that will help Hay River.

21 So, I -- I hope that your deliberations
22 go well, and -- and yeah, just want to say that we've
23 had a long-standing relationship with the folks from
24 Avalon. We've found them to be extremely
25 professional, and -- and very -- very interested in

1 understanding the north. And so with that, that's my
2 presentation here tonight, and thank you very much for
3 hearing it.

4 THE CHAIRPERSON: Thank you. Thank
5 you. I want to thank the two (2) MLAs from Hay River,
6 Robert Bouchard and Jane Groenwegen. Thank you very
7 much for coming in this evening and taking time from
8 your busy schedule to be with us here tonight.

9 Also, I want to thank all the
10 presenters today, and all the staff, and the Board
11 members, and to the Developer as well. And especially
12 to the translators, it's been a long day.

13 Tomorrow we're going to continue at
14 nine o'clock tomorrow morning. And the agenda is on
15 the -- on the board, and I think everybody's on --
16 we're back to track again and I think there's only one
17 (1) presenter that's not going to be presenting
18 tomorrow. The NWT Metis Nation is not going to be
19 doing their presentation tomorrow, so that will
20 shorten that by an hour, but we'll be doing that in
21 Fort Resolution when we go there on Friday.

22 So, again, it's been a long day. We
23 were going to go till 7:00, so I want to call it a
24 day, and this is it for us now. I want to ask for
25 Emily Saunders to come up to do a closing prayer for

1 us.

2

3 (CLOSING PRAYER)

4

5 THE CHAIRPERSON: Thank you very much,
6 Emily. And we'll see you guys tomorrow morning at
7 nine o'clock. Thank you.

8

9 --- Upon recessing at 7:02 p.m.

10

11

12

13 Certified Correct

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17

18 _____

19 Lorraine Douglas, Ms.

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