

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MACKENZIE VALLEY ENVIRONMENTAL
IMPACT AND REVIEW BOARD
PUBLIC HEARING
ENCORE RENAISSANCE
(Formerly Consolidated Goldwin Ventures)
Environmental Assessment 0506-005

Mackenzie Valley Review Board Staff:

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

HELD AT:

N'Dilo, NT
September 12, 2011
Day 1 of 2

1 APPEARANCES
2 Alan Ehrlich) MVEIRB staff
3 Vern Christensen)
4 Nicole Spencer)
5 Paul Mercredi)
6 Jessica Simpson)
7 John Donihee) Board counsel
8
9 (No Attendance)) For Encore
10) Renaissance
11
12 Stephenie Poole) For Akaitcho Treaty
13 Stephen Ellis) 8 Tribal Corporation
14
15 Todd Slack) Yellowknives Dene
16 Greg Empson)
17 Chief Edward Singris)
18 Chief Ted Tsetta)
19 Fred Sangris)
20 Elder Isadore Tsetta)
21 Elder Alfred Baillargeon)
22 Elder Peter Sangris)
23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

LIST OF APPEARANCES (cont'd)

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

	TABLE OF CONTENTS	
		Page No.
1		
2		
3		
4	Chairperson's Opening Comments	5
5		
6	Statement read on behalf of Encore Renaissance	15
7		
8	Presentation by Akaitcho Treaty 8 Tribal Corporation	19
9	Question Period	29
10		
11		
12	Presentation by Yellowknives Dene First Nation	36
13		
14		
15	Certificate of Transcript	103
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 --- Upon commencing at 1:15 p.m.

2

3 THE CHAIRPERSON: Okay. If I could get
4 everybody to the table, chairs, I'd lock -- I'd like to
5 call this public hearing to order. It's now 1:15. So
6 before we start it's always customary that we start off
7 with opening prayers. So I'm going to ask Michel Paper
8 to come up and do the opening prayer.

9

10 (OPENING PRAYER)

11

12 THE CHAIRPERSON: Thank you, Michel
13 Paper, for doing the opening prayer. Mahsi.

14 I'm not sure if everybody's got the head
15 pieces. Can everybody hear me pretty good? That's good.
16 Testing 1, 2. The headsets are -- if everybody can hear
17 me good on that? Okay.

18 I'm going to do the Chair's opening
19 remark. The Encore Renaissance Resources, formerly --
20 formerly Consolidated Goldwin. Again, Encore Renaissance
21 Resources formerly called Consolidated Goldwin Ventures
22 Mineral Exploration Program. Further consideration
23 September 12-13, 2011.

24 Good afternoon ladies and gentlemen,
25 elders, leaders. My name is Richard Edjericon. I'm the

1 Chair of the Mackenzie Valley Environmental Impact Review
2 Board.

3 The Mackenzie Valley Environmental Impact
4 Review Board was established under Part 5 of the
5 Mackenzie Valley Resource Management Act in December 15th
6 -- or sorry, December 1998, the Board's main instrument
7 for environmental impact assessment and environmental
8 impact review in the Mackenzie Valley.

9 Over the next two (2) days the Mackenzie
10 Valley Environmental Impact Review Board will conduct a
11 hearing into a proposed mineral exploration program --
12 program at Moose Bay. The development is proposed by
13 Encore Renaissance Resources Corporation formerly known
14 as Consolidated Goldwin Ventures.

15 This hearing is necessary because the
16 responsible Minister have asked the Review Board to
17 further consider some of the measures contained in its
18 report of the environment assessment of 2007 and because
19 the majority of the Board members who made the decision
20 in 2007 are no longer on the Board.

21 The Mackenzie Valley Environmental Impact
22 Review Board conducted an environmental assessment of the
23 proposed project which commenced on September 8th, 2005.
24 On April 3rd and 4th, 2007, the Review Board held a
25 public hearing on this and another related development

1 proposed by Sidon International Resources.

2 The Review Board submitted its report of
3 environmental assessment to the minister of Indian and
4 Northern Affairs Development on November 30th, 2007. In
5 its report the Review Board concluded that the proposed
6 development was likely to cause significant adverse
7 impact on the environment. Pursuant to (128) (1) (b) (2)
8 the Review Board recommended that the proposed
9 development will be approved subject to certain measures
10 designed to mitigate the likely significant impacts of
11 the environment.

12 In April 1st of 2010, the minister of
13 Indian and Northern Affairs and Northern Development
14 conveyed the decision of the responsible ministers to the
15 Review Board. The responsible ministers referred the
16 report of the environmental assessment back to the Review
17 Board for further consideration.

18 In particular, the responsible minister
19 asked the Review Board to further consider the use of
20 certain terms in measure 1, to further consider measures
21 4 and 5 which call for a plan of action for the area in
22 which the development is proposed. Moreover, the
23 responsible minister considered measure 3, to direct the
24 minister of Indian Northern Affairs to give policy
25 direction to the Mackenzie Valley Land and Water Board.

1 The responsible minister found this to be inappropriate.

2 Reconsider measure 5, which requires a
3 heritage resource assessment of the shoreline zone. The
4 minister asked for a project specific measure directed at
5 the developer. Reconsider measure 6, which was designed
6 to limit public access to the Drybones Bay area. In the
7 minister's view, the measure limits -- the measures
8 limits the regulatory review process. Unfortunately, by
9 the time the Review Board received this minister's
10 decision it longer had a quorum for the environment
11 assessment -- for a quorum for this environmental
12 assessment because of the terms of several Board members
13 had expired.

14 The Review Board then asked the minister
15 of Indian and Northern Affairs and Development to
16 temporarily re-appoint Board members to deal with the
17 file. The minister informed the Review Board that this
18 was not possible. After careful consideration and
19 following the minister's advice as well as input from the
20 parties, including the Yellowknife Dene First Nation, the
21 Review Board decided that a fair way to bring this
22 environmental assessment to a conclusion was for the
23 current Board members in front of us here today is to
24 review the record and to hold a public hearing.

25 That way, the Board members making the

1 decision have heard the evidence first-hand, particularly
2 evidence from the Elders, and can ensure that any new
3 information that was become available since November,
4 2007, is adequately considered.

5 Parties had the opportunity to review this
6 approach and no parties have objected to the current
7 Board members making a decision on this file. On
8 September 2nd, 2011, the Review Board staff and counsel
9 held a pre-hearing conference with all interested parties
10 to set the agenda for this hearing today -- for here
11 today.

12 The parties were instructed to file their
13 hearing submissions no later than noon September 6th,
14 2011. The Review Board received submissions from the
15 Yellowknives Dene First Nation, Treaty 8 Tribal
16 Corporation, by the deadline.

17 This hearing was advertised in accordance
18 with the Review Board rules and procedure. The Review
19 Board notified directly part -- dir -- directly parties,
20 as well as subscribers to the online public registry.
21 The Review Board also placed ads in the local newspapers
22 and made er -- made radio announcements. Today we will
23 sit from 1:00 p.m. to about 5:00 p.m. today if necessary.
24 We will begin tomorrow morning at 9:00 and sit until the
25 hearing is complete.

1 Of course, we will also have appropriate
2 breaks for coffee and lunches. The Board asks for your
3 cooperation in being prepared to make your presentation
4 in -- in the order set out in the agenda, and to be
5 organized and focussed on your quest -- on your
6 questioning of other parties.

7 Your -- a few house item -- housekeeping
8 items, as you know when you first came in in the back,
9 there are two (2) washrooms here. Exits, the door you
10 guys came in and the one (1) over here, and -- just to
11 let you know. Also, all cellphones, if you could, just
12 put it on vibrate or shut it off.

13 As mentioned, this -- this -- this hearing
14 has been scheduled for two (2) days. However, if proc --
15 proceedings are concluded today, we'll adjourn the
16 hearing and -- and not -- and not reconvene tomorrow.
17 The order of proceedings will be as follows, presentation
18 by the developer, Encore Re -- Renaissance first. Second
19 will be presentation by the Akaitcho Treaty 8 Tribal
20 Corporation second. Third will be the Yellowknives Dene
21 First Nation. And fourth, members of the public.

22 Following each presentation parties will
23 be questioned. They could question the presenters in the
24 following order, again, the developer, Encore
25 Renaissance, Akaitcho Treaty 8 Tribal Corporation,

1 Yellowknives Dene First Nation, Board staff and counsel,
2 Board members. We'll also allow members of the public to
3 ask questions of the presenters once the parties and the
4 Board are done. In the interest of time we will allow up
5 to three (3) questions following each presentation. If
6 you want to ask a question, please identify yourself to
7 the staff and members with the microphone.

8 So again, for the record, it would be nice
9 to state your name. We have a number of government
10 agencies today that are not pres -- representing, but
11 were actively participating in the environmental
12 assessment. If it is okay with these agencies we will
13 allow parties to also direct questions to these agencies
14 as well. We ask, however, the parties ask only questions
15 that are relevant in the context of the further
16 consideration asked for by the Minister.

17 I will ask the government agencies that
18 are present and willing to answer questions to identify
19 themselves when we get to the first round of the
20 questioning. The Board wants to -- wants this hearing to
21 be informal as possible. However, as a quasi-judicial
22 body we're bound by the rules of procedures.

23 Fairness, as the Chair, I'm responsible
24 for con -- the conduct of the hear -- this hearing and I
25 would ask that all comments and any requests be addressed

1 to the Chair. Once I -- once everyone had the
2 opportunity to speak, the parties then -- the applicants
3 will have the opportunity to present closing comments.

4 At this time I also just will go from my
5 far right all the way down the table. I'll get my Board
6 members to state their name.

7

8 (BRIEF PAUSE)

9

10 MR. DANNY BAYHA: Hello. My name is
11 Danny Bayha. I'm a Board member from the Sahtu.

12 MR. PETER BANNON: My name is Peter
13 Bannon. I'm a Board member. I live in Yellowknife.

14 MR. RICHARD MERCREDI: Hello. Richard
15 Mercredi, a Board member from Fort Smith.

16 MR. JAMES WAH-SHEE: James Wah-Shee,
17 Board member from Tlicho. Thank you.

18 MR. DARRYL BOHNET: Good afternoon. My
19 name is Darryl Bohnet. I'm a Board member federally
20 appointed from Yellowknife.

21 MR. PERCY HARDISTY: Yes, good afternoon.
22 My name is Percy Hardisty, I'm a board member from Dehcho
23 First Nations.

24 THE CHAIRPERSON: Thank you. And I'll
25 introduce my staff that I have here with me today. I

1 have the -- Vern Christensen, Executive Director in the
2 back. Alan Ehrlich, Senior Environment System Officer.
3 Also Darha Phillpot, Environment System Officer. Nicole
4 Spencer, Environment System Officer. Okay. Jessica
5 Simpson, Community Liaison Officer. She's in the back.
6 So she's the one who's going to have the roaming mic I
7 believe. So anybody wants a comment as I come to you
8 that's who you'll see. Also Paul Mercredi, I believe
9 he's here somewhere. And our -- the Review Board legal
10 counsel, Mr. John Donihee.

11 Also on your translation equipment number
12 10, it would be the Chipewyan language. And the
13 translators are Marc Casaway and Ann Biscaye. Number 28
14 channel, the Tlicho language is going to be Berna Martin
15 and Lina Drygeese in the back. I -- also for the record
16 we also have Wendy Warnock, who's our recorder, and
17 whoever speaks will have to say your name and who you
18 represent just for the record as well.

19 I would like to make the note that these
20 proceedings are being transcribed. Therefore, I ask that
21 when you speak please precede your presentation with your
22 name and who you represent. Our court reporter is Ms.
23 Wendy Warnock. If you have any questions about the
24 transcript please direct them to her at once at the
25 break. Transcripts will be available online or website

1 at a later time.

2 I also ask that you please be mindful that
3 we have interp -- interpreters here and that these
4 proceedings are being interpreted. So when speaking or
5 presenting please pace yourself accordingly. So if I
6 wave at you or the translators at the back they wave, you
7 may have to slow down a little bit there.

8 Before we begin with the presentation by
9 the developer, I would to say -- to ask that the counsel
10 or the spokesperson from -- or the developer themselves
11 for the record, and provide us with your opening
12 statements. So at this time I'm not sure if the proponent
13 is here or not but unless -- I believe we have staff.
14 Al, if you could go to the front table and get set up
15 just to make a statement I believe.

16 While that's happening I also want to
17 acknowledge -- I want to acknowledge Head Chief for the
18 Yellowknives Dene First Nation, Eddie Sangris. Also
19 former Chief, Jonas Sangris. Former Chief Fred Sangris.
20 Also former Chief Peter Liske. I just wanted to
21 acknowledge them as well. And -- oh sorry, and I also
22 have Chief for N'Dilo Ted Tsetta and former Chief Isadore
23 Tsetta. And Alfred Baillangeon Band councillor for
24 YKDFN.

25 So with that I want to go to staff to read

1 out a statement on behalf of the company. Alan,
2 introduce your name.

3

4 STATEMENT READ ON BEHALF OF ENCORE RENAISSANCE RESOURCES:

5 MR. ALAN EHRLICH: Thank you, Mr. Chair.
6 My name is Alan Ehrlich. I'm the senior environmental
7 assessment officer for the Review Board. I've been asked
8 to read a presentation that we received this morning on
9 behalf of the developer.

10 Just to make it very clear, I am not an
11 employee of the developer, it's that the developer does
12 not have anyone present who's able to read the statement.
13 So this will be their presentation. The letter goes as
14 follows:

15 "Dear Sirs: I'm responding on behalf
16 of the developers with respect to the
17 scheduled attendance of the developer
18 at the public hearing today. This is
19 our presentation.

20 The developer does not believe that
21 it's an effective utilization of
22 resources to re-open this matter that
23 was fully aired and discussed in 2006
24 and 2007 public meetings and the
25 subsequent decision was made. The

1 decision was forwarded to the federal
2 minister in Ottawa for his approval.
3 In October of 2010 the federal minister
4 responded to the MVEIRB's
5 recommendations, requesting some
6 changes of wording with respect to the
7 use of nonstandard terms, the excessive
8 monitoring for such a small exploration
9 program and inappropriate mitigation
10 measures, the skill of the program, and
11 heritage resource assessment, and,
12 finally, the cross-jurisdictional
13 matters.

14 The federal minister was attempting to
15 streamline the wordings of the -- by
16 referring it back to the MVEIRB, did
17 not disagree with the Board's
18 recommendations made at the time and
19 did not in any way in any visible
20 public format -- correction, and did
21 not in any visible public format
22 request a re-opening of the matter.
23 The MVEIRB actions and this public
24 hearing are both excessive,
25 inappropriate, expensive, without

1 merit, unnecessary, and I would venture
2 to say illegal. It is not an
3 appropriate use of time or funds.
4 There is no input that we can make that
5 will change the nature of the project.
6 There is no new information related to
7 the recommended land use -- recommended
8 LUP.
9 The rationale by the Yellowknives Dene
10 First Nation that other events have
11 transpired were all covered in the
12 public hearing in 2006, including the
13 Elders need to speak, the vital
14 interests, and the statutory framework.
15 On behalf of the developers, we object
16 to the re-opening of this matter and
17 this public hearing. We have
18 participated totally in the process.
19 It is time for the other parties to
20 abide by the decision made by the
21 MVEIRB in 2007. We expect the MVEIRB
22 to -- similarly to act on what the
23 minister requested.
24 We feel the taxpayers of Canada and the
25 NWT deserves a little more respect for

1 providing the funding for the MVEIRB.
2 Sincerely, Laurence Stephenson, P. Eng,
3 B.Sc. M.B.A."

4 That completes the letter we received for
5 the Review Board from the developer this morning. Thank
6 you.

7 THE CHAIRPERSON: Thank you. Thank you
8 for reading that out on behalf of Encore Renaissance
9 Resources, formerly Consolidated Goldwin. Before I go to
10 the next presenter I just want to also acknowledge former
11 Chief Neback, (phonetic) from Lutsel K'e, Florence
12 Catholic. I believe she's here. So mahsi for showing
13 up.

14 And I -- if I missed somebody else, just
15 let me know and I'll acknowledge you as I go. I also
16 want to acknowledge Arthur Beck also from Deninu K'ue.
17 Mahsi. So I'm going to go to the next presenter on the
18 list I have. I'm going to ask maybe the Akaitcho Treaty
19 8 Tribal Corporation, if you could come up and set
20 yourself up at the table here to do your presentation.
21 And after them it will be the Yellowknives Dene First
22 Nation.

23
24
25

(BRIEF PAUSE)

1 THE CHAIRPERSON: If you -- we could go
2 ahead and start. Just introduce yourself and who you
3 represent. And then if you need help as well we could
4 stop to help.

5

6 PRESENTATION BY AKAITCHO TREATY 8 TRIBAL CORPORATION:

7 MS. STEPHANIE POOLE: Good afternoon. My
8 name is Stephanie Poole. I work for the Akaitcho IMA
9 Implementation Office under the NWT Treaty 8 Tribal
10 Corporation. With me here today is Mr. Stephen Ellis,
11 who also works in the same office.

12 This is our presentation regarding
13 environmental assessment 0506-005, Encore Renaissance
14 Resources Corporation, in the Drybones Bay area. The
15 purpose of this presentation is to address the minister's
16 April 13th, 2010, letter to the Review Board asking for a
17 reconsideration of the measures outlined in the report of
18 environmental assessment for EA-0506-005 to provide
19 rationale supporting the bulk of the substantive elements
20 of the measures as they currently read.

21 Measure 1. The Minister is requesting
22 terminology clarifications for this measure, not any
23 substantive changes to intent. For this measure the
24 Treaty 8 Tribal Corporation does not have any objection
25 to the Minister's requested reconsideration, provided

1 that it remains clear that the Yellowknives Dene First
2 Nation participation is mandatory.

3 Measure 2. The Minister finds this
4 measure acceptable. The Treaty 8 Tribal Corporation
5 agrees.

6 Measures number 3 and number 4, we're
7 going to break down the minister's comments into some
8 bite-sized chunks, so to speak. The minister says plan
9 of action -- the term 'plan of action' is considered
10 excessive for a proposed small-scale exploration project.
11 However, the minister fails to consider the recent
12 history of the Drybones Bay area. It is an area under
13 considerable pressure from mineral exploration interests.
14 Four (4) environmental assessments have already been
15 concluded in the area, Snowfield, North American General
16 Resources, New Shoshoni Ventures, Consolidated Goldwin
17 Ventures.

18 One (1) of the EAs resulted in the
19 minister's rejection of the project. Three (3) other EAs
20 are underway or pending and those are Onacore -- or
21 Encore Renaissance Resources, Sidon International
22 Resources, and Alex Debogorski.

23 This is not about a small-scale project,
24 so to speak. It is about the cumulative impacts of a
25 host of projects across a limited landscape where mineral

1 exploration activities have already directly resulted in
2 real significant negative impacts, such as the graveyard
3 fire, the sunken tanker, and decreased traditional use.

4 The minister says the responsible
5 ministers intend to proceed with a planning exercise for
6 the Drybones Bay area. In the EAs from 2003, and in
7 recognition of the cumulative effects of the mineral
8 interests in the area, the Review Board contemplated the
9 need for a plan of action in the Drybones Bay area by
10 making the following suggestions, no new land use permits
11 should be issued for proposed developments within
12 Drybones Bay and Wool Bay proper until a plan has been
13 developed to identify the vision, objectives, and
14 management goals based on the resource and cultural
15 values for the area. This was a suggestion that appeared
16 in three (3) different environmental assessments.

17 To date, these suggestions have not
18 elicited any action from any government agency, let alone
19 a response of any kind from the minister.

20 Perhaps as a result of federal government
21 in action, the Review Board in the report of
22 environmental assessment for this EA took what was only a
23 suggestion in the previous Drybones Bay EAs and turned it
24 into measures. These are measures number 3 and number 4
25 that we are now discussing. The federal government has

1 long been aware of the pressures and sensitivities in
2 Drybones Bay, at least since 2003.

3 In the eight (8) years since, government
4 agency action to alleviate this pressure has amounted to
5 exactly zero. Unless compelled to do so, the federal
6 government will continue to do nothing about Drybones
7 Bay. The substansive -- substantive elements of measures
8 number 3 and number 4 must remain, and it must remain in
9 the form of measures. Without binding direction from the
10 minister to the relevant government agencies the Akaitcho
11 Dene First Nations have no faith that any action will be
12 taken, and history is our witness.

13 The minister says this planning initiative
14 will be conducted in a collaborative fashion with key
15 parties outside the specific context of the environmental
16 assessment for the Consolidated Goldwin Ventures Inc.
17 project. It is more appropriate for this work to be
18 carried out under Indian and Northern Affairs Canada's
19 coordination given the department's involvement in land
20 and self-government negotiations. Furthermore, Canada
21 has the recognized authority over this area until a land
22 claim is settled and the acceptance of measure 3 would
23 indicate otherwise.

24 The measure as currently written generally
25 does not conflict with these statements from the

1 minister. The current measure calls for the planning
2 process to be collaborative with key parties. Clearly
3 the planning process will not be part of this EA. The
4 current measure does not suggest that it should be.

5 Clearly AANDC should be responsible for
6 leading and coordinating planning efforts. This federal
7 department has the most capacity to deal with both land
8 issues and aboriginal consultation and accommodation.
9 While the Akaitcho Dene First Nations certainly do not
10 recognize Canada's authority over the area, we do
11 acknowledge that Canada has responsibilities with regards
12 to land stewardship and aboriginal interests.

13 The Akaitcho Dene First Nations also have
14 responsibilities with regards to land stewardship and
15 ensuring their own interests. We concur that the
16 territorial government has no authority over or
17 responsibility for lands, resources, and aboriginal
18 interests in the Drybones Bay area.

19 The current measure should be fine-tuned
20 to clearly indicate Aboriginal and Northern Development
21 Canada as the lead federal department responsible for
22 developing and implementing a plan of action, remove
23 references specific to the territorial government.

24 The minister says while the responsible
25 ministers appreciate the Review Board's desire for

1 certainty of a short timeline, we cannot at this time
2 commit to the timelines proposed by the Review Board.
3 Such a collaborative stakeholder-driven planning process
4 needs sufficient flexibility in order to be most
5 effective.

6 The Akaitcho Dene First Nations agree with
7 the minister's statements. However, unless there is
8 strong incentive for AANDC to complete and implement a
9 plan of action, it is unlikely that any plan will ever
10 come to fru -- fruition. Again, history is our witness.
11 Incentives should be provided to AANDC by -- by making
12 the consideration of new projects in Drybones Bay
13 contingent upon an implemented plan of action.

14 I just wanted to add here that when I was
15 reading the minister's letter regarding these measures,
16 he made some reference to a couple of plans that are
17 already in place and that should be considered. One (1)
18 was a part of the Sahtu Land Use Plan and the -- another
19 -- the other was the Inuvialuit Conservation Community
20 Plans. And -- and I -- for Akaitcho I don't believe that
21 these are -- are very good examples.

22 The SAHTU example is ongoing and has no
23 foreseeable end. And the Inuvialuit example is not a
24 legally binding document. So hopefully there will be a -
25 - a better way to come to a land use plan in this area, a

1 plan that can be implemented and won't continue forever.
2 It won't be a meaningless piece of paper.

3 The timelines in measure number 3 should
4 be removed. They should be replaced with directives to
5 AANDC, until such time as a plan of action is
6 implemented, to secure an order from the Governor and
7 Council to set apart the Drybones Bay area as per Section
8 4, or Section 23(d)(2) of the Territorial Lands Act to
9 offer relief from fulfilling representation work to
10 mineral claim holders in the Drybones Bay area as per the
11 NWT and Nunavut Mining Regulations, to offer relief from
12 paying rent to mineral lease holders in the Drybones Bay
13 area.

14 The minister says, finally, the
15 responsible ministers consider the statement included in
16 measure 3, directing the minister of Indian Affairs and
17 Northern Development to provide a policy directive to the
18 Mackenzie Valley Land and Water Board to be inappropriate
19 as a mitigation measure. The Minister provides no
20 rationale for this statement. A plan of action, once
21 completed, must be put into effect to be meaningful. In
22 the absence of a land and resource arrangement between
23 Akaitcho and Canada, there is no existing statutory
24 mechanism with which to implement a completed plan.

25 It is therefore likely that the plan must

1 be implemented through a regulatory mechanism. Without a
2 ministerial policy directive, it has not been the
3 practice of the Mackenzie Valley Land and Water Board to
4 act outside of its specific statutory and regulatory
5 requirements. The minister, as per section 83 of the
6 Mackenzie Valley Resource Management Act has provided
7 directives to the Mackenzie Valley Land and Water Board
8 to implement federal policies and arrangements such as
9 the implementation of the Akaitcho Interim Measures
10 Agreement.

11 Implementation of a plan of action would
12 require a policy directive if the Mackenzie Valley Land
13 and Water Board is going to be expected to consider it
14 during the pre-screening of applications in the Drybones
15 Bay area. The requirement for a policy directive to the
16 Mackenzie Valley Land and Water Board in measure number 3
17 must remain. Otherwise, any completed plan of action
18 will not be considered in the regulatory process.

19 Measure number 5. The minister says the
20 responsible ministers do not consider the proposed
21 development to be of a scale that warrants a thorough
22 heritage resource assessment of the shoreline zone. The
23 responsible ministers agree that project specific
24 measures directed to the developer with respect to
25 heritage resources are warranted in this case and ask the

1 Review Board to reconsider measure 5 in this context.
2 The Review Board is required to consider cumulative
3 effects. The combined industrial pressures in the
4 Drybones Bay area do warrant a thorough heritage resource
5 assessment. The substance of measure number 5 should
6 remain, perhaps as an element of the plan of action
7 contemplated in previous measures.

8 Measure number 6. The minister says the
9 responsible ministers recognize that measure 6 is
10 designed to limit to public access to the Drybones Bay
11 area resulting from project access and that it is also
12 intended to limit the extent of the development
13 footprint.

14 However, camps are not permitted on ice
15 and are kept a minimum of 30 metres from the waters edge
16 due to safety and waste disposal issues. Further, the
17 measure, as written, appears to put limits on the
18 regulatory review process that is the responsibility of
19 the Mackenzie Valley Land and Water Board. It is
20 requested that this measure be reconsidered.

21 The Mackenzie Valley Resource Management
22 Act outlines an integrated resource management system.
23 The Mackenzie Valley Land and Water Board and Review
24 Board are two (2) aspects of this system intended to work
25 together in the review of projects that might have

1 significant adverse environmental impacts or be a cause
2 of public concern.

3 For such projects it is the job of the
4 Review Board to delve into the causes of impacts and
5 public concern and to devise appropriate mitigation
6 measures. Mitigation measures relevant to potential
7 terms and conditions are then communicated to the
8 Mackenzie Valley Land and Water Board for consideration
9 and inclusion in permits and licences.

10 As contemplated in the Mackenzie Valley
11 Resource Management Act, the Review Board does the
12 thinking on projects referred to environmental
13 assessment, and then the Mackenzie Valley Land and Water
14 Board does the doing. The measure as written does not
15 fetter the Mackenzie Valley Land and Water Board in any
16 manner, rather it recognizes the integrated nature of the
17 Mackenzie Valley Resource Management Act and the roles
18 and responsibilities of its boards.

19 The measure as written is somewhat
20 confusing as it could be construed as meaning that camps
21 should be located on the ice. This does not seem to be
22 the intent of the measure as reflected in the discussion
23 in the body of the report of environmental assessment.
24 Rather, the measure seems to intend that camps should be
25 located on land as near as possible to drill rigs which

1 are themselves located on the ice.

2 The substance of measure number 6 should
3 remain. It should, however, be reworded to clarify that
4 camps must be located on land as near as possible to ice-
5 based drill rigs.

6 The Review Board -- and here we'll --
7 we'll finish with a quote from the report of
8 environmental assessment for this EA. It says:

9 "The Review Board is of the view that
10 cultural impacts are being caused by
11 incrementally increasing development in
12 this important area, including the
13 proposed development. The Review Board
14 is of the opinion that these cumulative
15 cultural impacts are at a critical
16 threshold. Unless certain management
17 actions are taken this threshold will
18 be surpassed. This critical threshold
19 will be surpassed."

20 Thank you.

21

22 QUESTION PERIOD:

23 THE CHAIRPERSON: Thank you. Okay.

24 Thank you. I'm going to -- the order I have in front of
25 me here is that what we do is we'll do questions. What

1 happened at the beginning is that we had the delvor --
2 developer -- we had our staff come in and read the
3 statement made forward -- put forward by the developer
4 and so we've moved on to the Akaitcho Treaty 8 Tribal
5 Corporation and their presentation.

6 So the way we have it set up here is that
7 I'll go back to the Yellowknives Dene First Nation, if
8 you guys have any questions in regards to the Treaty 8
9 Tribal Corporation presentation.

10 MR. GREG EMPSON: Mr. Chairman, Greg
11 Empson for the Yellowknives Dene First Nation. We have
12 no questions of the Tribal Corporation. Thank you.

13 THE CHAIRPERSON: Thank you. I want to
14 go to the Review Board staff in the back and legal
15 counsel if there's any questions to the Treaty 8 Tribal
16 Corporation.

17 MR. JOHN DONIHEE: John Donihee, Board
18 counsel. Mr. Chairman there is no questions from counsel
19 or staff.

20 THE CHAIRPERSON: Thank you. I want to
21 go to my far right. I want to ask Mr. Danny Bayha if
22 there's any questions through the Trea -- Akaitcho Treaty
23 8 Tribal Corporation on their presentation.

24 MR. DANNY BAYHA: Thank you, Mr. Chair.
25 I just have one (1) question. Thank you, Ms. Poole and

1 Stephen Ellis.

2 Earlier you mentioned in your presentation
3 that there's some plans that you'd like to see happen in
4 your area. And could you maybe give us a bit of idea of
5 what that plan would look like and how it -- it would
6 actually take place in terms of maybe timelines and who
7 would be responsible for actually doing this. Thank you.

8 THE CHAIRPERSON: Thank you, Mr. Bayha.
9 I'm going to go to Akaitcho Treaty 8 Tribal Corporation.

10 MS. STEPHANIE POOLE: I'll -- I'll start
11 with the answer to this question and then I'll let Mr.
12 Ellis speak as well.

13 The -- when I was talking about the
14 examples that the minister had provided in his letter,
15 the two (2) examples, one (1) to do with the Sahtu Land
16 Use Plan, a part of it, and the other with the
17 Inuvialuit Conservation Community Plans.

18 When I did my research into these two (2)
19 examples I found that they were unacceptable because one
20 (1) was never-ending and is still ongoing. And -- and
21 even when they do submit their final land use plan
22 there's no way to tell how long it will take before it is
23 finally approved by all of the governments involved.

24 And then the other example, the Inuvialuit
25 example, right in their Conservation Community Plans it

1 says that it's not a legally binding document. So I
2 think that any kind of land use plan that is developed
3 for Akaitcho Territory, any part of it, it has to be
4 meaningful, it has to be able to be implemented in, I
5 would say, a reasonable amount of time. And it has to be
6 legally binding as well. It has to -- it can't just be a
7 piece of paper that -- that doesn't have any power, or --
8 it's just something we worked on as stakeholders and --
9 and as a token, really.

10 It has to be much more meaningful than
11 that. And -- and that's why I spoke to those examples
12 that the minister had mentioned, because he had mentioned
13 it in his letter. And -- and I'll let Steve speak to
14 that as well.

15 MR. STEPHEN ELLIS: Yeah, thanks for the
16 question, Mr. Bayha. Just to echo what Ms. Poole was
17 talking about here, you know, those of you who live in
18 the Sahtu or the Dehcho, you guys are well aware of
19 endless land use planning processes and where those end
20 up.

21 Well, millions of dollars of taxpayer
22 money, a nice document, but no teeth. That's something
23 we really want to avoid here. We'd like to see a small
24 tight limited planning process for the Drybones barea --
25 area -- Bay area itself, led by AANDC. Is that how you

1 pronounce it, AN -- AANDC, who knows. We've all got
2 different ways to do it these days.

3 AANDC anyways, consulting primarily with
4 the Yellowknives Dene First Nation as the primary and
5 most effective land user in the area, but certainly
6 there's a role for other First Nations, there's a role
7 for the GNWT who's got knowledge of heritage resources
8 out there.

9 We see it taking more -- no more than a
10 year. And the results of that plan would be fairly
11 straightforward. Some areas that are no-go zones for
12 development, some areas where development is okay with
13 special terms and conditions, and other areas where the
14 current regulatory system is adequate.

15 I think the Yellowknives Dene probably
16 have a lot of that information already in their databases
17 and the heads of the Elders and so on. It's just a
18 matter of putting it together. The real problem that we
19 have without having some sort of directive to the federal
20 government to actually complete a plan and implement it,
21 we're worried that it may go the way of other planning
22 processes in the Northwest Territories where endless
23 process, nice maps, but in the end a good idea that's not
24 being implemented.

25 So in the absence of timelines, which we

1 agree are probably unreasonable to expect, there has to
2 be some incentive given to Canada to ensure that this
3 plan is completed in a timely manner, in a way that
4 respects the needs of the various players in the ground
5 there. Thank you.

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

8 MR. DANNY BAYHA: Thank you for your
9 response.

10 THE CHAIRPERSON: Before I go to Peter
11 Bannon, I just want to -- we didn't have on here comments
12 -- or sorry, public questioning. Anybody here in the
13 public that want to question the Akaitcho Treaty 8 Tribal
14 Corporation on their presentation?

15 If you want to make a comment you can just
16 put up your hand. If not, well, we'll just continue on.

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: I don't see any so I'll
21 continue onto our Board member Peter Bannon.

22 MR. PETER BANNON: Thank you for the
23 presentation. I have no questions.

24 THE CHAIRPERSON: Thank you. Board
25 member Richard Mercredi...?

1 MR. RICHARD MERCREDI: Yep, thank you for
2 the presentation. I don't have any questions at this
3 time.

4 THE CHAIRPERSON: Thank you. Board
5 member James Wah-Shee...?

6 MR. JAMES WAH-SHEE: Likewise, I have no
7 questions at this time. Thank you.

8 THE CHAIRPERSON: Thank you. Board
9 member Darryl Bohnet...?

10 MR. DARRYL BOHNET: Thank you, Mr. Chair.
11 I appreciate the way the presentation was focussed.
12 Thank you very much, and I have no questions.

13 THE CHAIRPERSON: Thank you. I'm going
14 to go to Board Member Percy Hardisty.

15 Mr. PERCY HARDISTY: Mahsi, Mr. Chair. I
16 currently don't have any questions. Mahsi.

17 THE CHAIRPERSON: Okay. Thank you. What
18 I'll do is that the next presenters are going to be the
19 Yellowknives Dene First Nation. So maybe what we'll do
20 is we'll take a ten (10) minute break and then we'll get
21 YKDFN to set up and we'll come back.

22

23 --- Upon recessing at 2:10 p.m.

24 --- Upon resuming at 2:25 p.m.

25

1 THE CHAIRPERSON: Okay. If I can get
2 everybody to come up and we'll start in two (2) minutes.

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON: Okay, we're going to
7 call the hearing back to order. The next presenters are
8 the Yellowknives Dene First Nation. And I'll turn it
9 over to them. And as you speak, again, if you could say
10 your name and who you represent. And -- so that includes
11 the Elders as well. So I'll turn it over to the
12 Yellowknives Dene First Nation. Mahsi.

13

14 PRESENTATION BY YELLOWKNIVES DENE FIRST NATION:

15 MR. GREG EMPSON: Thank you, Mr.
16 Chairman. Mr. Chairman, members of the Board, my name is
17 Greg Empson. I'll be, I guess, the point man for the
18 Yellowknives Dene First Nation, as I was at the initial
19 hearing of this matter back a number of years ago.

20 I apologize for the delay. It -- as you
21 can see from the table, it took us a few minutes to line
22 up our ducks, so to speak. By -- by way of order of
23 presentation and my opening comments I'll keep those to a
24 minimum as I know there are a number of people and a
25 number of representatives from the First Nation that wish

1 to speak on this very important matter.

2 In opening, I want to re-affirm the
3 Yellowknives' position that we understand that this is
4 not a re-hearing. This is to consider a minister's
5 letter that was sent to the Board some time ago. The
6 evidence that you're going to hear today is evidence that
7 was given initially when this matter was heard, but you
8 will hear some new evidence attributable to the newer
9 Board members that did not have the opportunity to hear
10 the evidence in the first instance.

11 But you will hear new evidence that shows
12 that there have been further occurrences that have
13 occurred in the Drybones Bay area that make your original
14 deliberations all the more important and, to coin a
15 phrase, were -- the proof was in the pudding. In fact,
16 what we predicted would happened continued to happen.

17 We are not going to urge that today you
18 take the same or identical position that you did in the
19 first instance and challenge the minister to make a
20 further decision. In the spirit of compromise we will be
21 proposing in some instances that some variations and some
22 changes to your original recommendations would be
23 acceptable to the Yellowknives Dene First Nation.

24 I do, however, want to clarify and re-
25 affirm that our initial position relating to the

1 protection of this area is what is paramount and that we
2 will not compromise when it comes to a finding that would
3 further lead to a degradation of that important area.

4 When the evidence is presented we will try
5 to do it in -- as a concise a manner as possible. We
6 have called and asked to come to this meeting a number of
7 Elders, one (1) of whom gave evidence at the original
8 hearing. We have also asked a number of Chiefs to come
9 forward. And I want to point out what is important, and
10 it just shows what the importance of this area is. Every
11 living chief of the Yellowknives Dene First Nation is
12 here today. There are four (4) former chiefs and there
13 are two (2) current chiefs. And that just goes to show
14 if there was any doubt as to whether or not they are
15 sincere and -- and how they respect the area and what
16 importance they attach to it, that, in itself, wi -- will
17 speak to it.

18 In my presentation, I will keep my remarks
19 to a minimum. Seated to my left is Mr. Todd Slack, who
20 is lands and environment coordinator with the
21 Yellowknives Dene First Nation and will deal with the
22 minister's comments much as they did in the speakers
23 before us.

24 Following Mr. Slack I will be asking some
25 of the Elders to address some comments to the Board. I

1 have at the table Elder Isadore Tsetta. I have Elder
2 Billangeon. I have Chief Fred Sangris to my right. I
3 have Chief Ted Tsetta to my right and -- I'm sorry. And
4 I have, yes, Elder Peter Sangris to my right as well. I
5 will also be asking Jonas Sangris to speak to the
6 meeting. I will also be asking Chief Ed Sangris to
7 discuss or to bring forward his comments as well.

8 And any other Elders that are present will
9 also wish to speak. They will be speaking on behalf of
10 the Yellowknives Dene First Nation and not necessarily as
11 members of the public. And I will have some concluding
12 mark -- remarks at the end of it.

13 I would ask, of course, that if the Board
14 members have any questions that those questions can be
15 directed at either the Chiefs, myself, or Mr. Slack, if -
16 - if we could, to respect, of course, the Elders.
17 Gentlemen, those are my opening comments. I thank you
18 for those. And I would turn the microphone over to Mr.
19 Slack.

20 MR. TODD SLACK: Thanks, Greg. So I'm
21 going to focus on the measures and the reconsideration
22 letter that the minister sent and this, consequently,
23 means that I just have to touch on consultation and
24 accommodation. The first thing that I'd just like to
25 review is the threshold that was set out by the Review

1 the Review Board to water down some of these measures
2 found in the environmental assessment report the minister
3 is ensuring that the threshold for cumulative significant
4 impacts will be exceeded.

5 In this Review Board process the onus is
6 on the developer to convince the Review Board that the
7 pro -- proposed development won't be likely to cause
8 significant adverse impacts. The developer and the Crown
9 have failed to show this, and they have failed to design
10 or implement any mitigations or accommodations which
11 responded to the broad -- broader policy aspects of the
12 2003 suggestions.

13 The failure of the Crown to respond to the
14 Board's guidance cannot just be ignored as though it
15 didn't have a resulting impact on the real world. These
16 policy suggestions were arrived at for good reason. The
17 failure has meant that the development and the impacts
18 associated with this have continued to grow since that
19 first series of environmental assessments. There is no
20 alternative to Drybones Bay for the Yellowknives Dene.

21 So with this in mind it seems that there's
22 two (2) paths that are in front of the Review Board.
23 There's one (1), which is to essentially keep the status
24 quo with minor changes in wording that provide clarity.
25 An example here is the removal of the timelines, or the -

1 - the camps on the ice, for instance.

2 The other path is to accept the minister's
3 request and significantly alter the measures. This would
4 likely result in the introduction of significant adverse
5 impacts and community concern, particularly on aspects of
6 the environment such as wildlife harvesting, heritage
7 resources, and the social and cultural environment
8 components.

9 So turning directly to the minister's
10 letter. When you look at this in the whole, the minister
11 suggests that only measures in 2 are effectively
12 acceptable, and by extension, are sufficient to address
13 both the level of impacts and provide accommodation to
14 the Yellowknife Dene's concerns.

15 On a cumulative basis the YKDFN feel as
16 this -- as though this is wholly inader -- inadequate.
17 To paraphrase just what the minister is saying, this is a
18 small-scale archaeological study that will impact all of
19 the impacts of not just the YKDFN, but the Board
20 themselves desern -- determine would be the likely
21 result.

22 So I'm going to now address each of the
23 measures in turn. And it's worth noting that there is
24 considerable confusion with just what the minis --
25 Stephanie mentioned this earlier, on just what the

1 minister was discussing with each of the measures, or
2 pardon me, reconsiderations of the measures.

3 So in this first measure, the -- the
4 minister's letter is unclear if he just disagrees with
5 particular terms, such as 'scout out' or 'non-intrusive',
6 or if he is suggesting that different methods of
7 archaeological research should be applied.

8 This would be similar to a more
9 conventional type of heritage resource assessment as
10 found in the guidelines that were submitted to the
11 registry a few weeks ago. In reviewing those guidelines
12 there's nothing within them that mandates community
13 involvement. If the intent of this reconsideration is to
14 radically change the -- the con -- or the intent of the
15 measure, we must remember the context of how and why it
16 was written. And two (2) passages from the Board
17 illustrate this context.

18 The developer stated at the hearing,
19 quote:

20 "We weren't aware of your concerns and
21 we didn't hear about them until the
22 pre-hearing conference."

23 This suggests that the developers gained little insight
24 into the issues voiced in the previous environmental
25 assessments, or of the issues on the public record.

1 Secondly, in the developer's closing
2 statement it stated that:

3 "The Company will adapt its approach as
4 it learns about potentially affected
5 communities."

6 The Review Board notes that this contrast which -- with
7 what has been demonstrated by the developer. First
8 Nations and the Review Board made their concerns with the
9 developer's approach to community engagement clear during
10 the previous CGV Environmental Assessment and YKDFN have
11 raised identical concerns throughout this Environmental
12 Assessment.

13 So obviously the inclusion of the
14 community during these heritage resource assessments
15 makes good sense. But given the past history of this
16 company and the failure to arrive at a mutually
17 acceptable process, there's a significant concern that
18 the Company may not follow these best practices.

19 The importance of transparent assured
20 involvement was recognized on page 32 of the Board's
21 decision. In the opinion of the Review Board, in order
22 for a heritage resource study to mitigate a portion of
23 the cultural concerns, it must be credible in the eyes of
24 the YKDFN.

25 The intent behind a study is critical in

1 terms of the potential results. For instance, there was
2 a 1992 study in Drybones Bay which located only three (3)
3 heritage sites. Now it's not clear what the scope and
4 the intent of this study was but it could create a
5 misleading impression of the heritage value of this area.

6 YKDFN contend that this Company cannot be
7 relied on to approach this measure in good faith if the
8 requirement for direct community involvement were
9 changed. So we ask the Board to keep the content of the
10 measure as is. In YKDFN's opinion the intent behind the
11 language of the measure is clear and there seemed to be
12 little previous concern on interpretation as similar
13 language was used in the 2003 EAs without conflict.

14 Measure 2. While this measure provides
15 clear guidance for the rest of the permitting phase and
16 rep -- represents a much stronger buffer for the
17 protection of heritage sites, subsequent events have defi
18 -- better defined best practices for ensuring the
19 sanctity of these sites.

20 During the TNR Environmental Assessment
21 the Review Board heard from the Prince of Wales
22 archaeologist who suggested a hundred and fifty (150)
23 metres might be the best practice.

24 So at this point we'd just like to review
25 once again that need -- the need for these measures and

1 that's unless certain management actions are taken the
2 critical impact will be -- critical impact threshold will
3 be surpassed. These first two (2) measures are
4 essentially operational in their nature but these next
5 three (3) measures are the management actions that the
6 Board originally deemed necessary to control and mitigate
7 the significant cu -- cumulative impacts that they
8 foresaw.

9 When you look at -- have a look at the
10 Board's determination of communal -- cumulative impacts,
11 it's readily apparent that these type of project
12 specific, or operational as I call them, types of
13 mitigations aren't going to inge -- or address the larger
14 picture.

15 When you look at -- or sorry, pardon me.
16 The minister has said that the remainder of these
17 measures are either bad ideas or outside the mandate.
18 This is incorrect. Not only are these good and essential
19 measures but when you look at the legislation and
20 statutory framework very quickly it becomes clear that
21 these are precisely the types of issues that your Board
22 was created to respond to.

23 So measure 3. This first management
24 measure is the cornerstone of the mitigations and would
25 represent the first time that there has been any required

1 meaningful response to the fundamental issues that were
2 first raised in 2003 but all remain completely
3 unaddressed almost ten (10) years later.

4 The minister has responded to this measure
5 by asserting that the requirement for the development of
6 a plan of action or land use plan is excessive for this
7 proposal. And were this just one (1) development in one
8 (1) part of -- of the Chief Drygeese territory which did
9 not represent critical wildlife habitat or a proven
10 widely-acknowledged core cultural landscape then perhaps
11 this would be true.

12 However, in reading the determinations
13 arrived at by the Board and the evidence provided by the
14 Yellowknives Dene, any reasonable person has to arrive at
15 the conclusion that continued development absent of some
16 sort of plan is to put it simply a very bad idea.

17 In -- in the 2007 hearing the Board heard
18 and recognized that the shoreline zone is dying the death
19 of a thousand (1,000) cuts. The Minister is de facto
20 accepting more of the same because the planning
21 initiative will be completed at some other undefined
22 point through some yet-to-be-commenced process. The
23 minister provides no commitment or resources to ensure
24 that this would happen, which is simply not an acceptable
25 response to the Yellowknives Dene.

1 If the Board was to ensure the well-being
2 of the Yellowknives Dene and the people of the NWT, then
3 this measure must remain. More of the same, no long-term
4 vision or plan with willy-nilly development as a -- in a
5 crucial part of the Yellowknives traditional territory is
6 not compatible with the guiding principles of the MVRMA.

7 During the 2007 process the Review Board
8 inquired on what actions have been taken with respect to
9 the planning issue. And I quote, In Information Request
10 1.8 directed at INAC the Review Board asked what specific
11 action INAC has taken to address the actions suggested
12 and what steps it's planning to take.

13 The response from INAC, received on
14 November 3rd, 2005, identified no specific steps related
15 to the suggestions, speaking only of ongoing negotiations
16 in general terms. During the hearing, David Livingstone
17 of INAC stated that the federal government had taken the
18 suggestion seriously. However, when asked for concrete
19 results in terms of policy or decision making that had
20 resulted from that suggestion none were identified. So
21 development is proceeding in the Chief Drygeese
22 territory, and especially in the Drybones Bay area,
23 completely unrestrained and unplanned.

24 At to this hundreds of recreational users
25 from Yellowknife with their impacts being magnified by

1 the widespread also uncontrolled construction of cabins
2 and tent frames throughout the area surrounding
3 Yellowknife.

4 The Yellowknives are being squeezed off
5 their land. And the government is aware of this, but
6 they've chosen to do nothing. To echo the 2007 hearing
7 again, in the interests of proceeding wisely and
8 sustainably it is imperative that the measures outlined
9 in the presentation are completed prior to any further
10 consideration of permits and licences in the shoreline
11 zone.

12 We do not need another rushed, unplanned
13 development regime that ignores the concerns of the First
14 Nations and other northerners. It is uncertain for
15 industry and results in little benefit for the present
16 and future generations.

17 So this measure is the critical measure
18 within the suite proposed by the Board to address the
19 management actions required to mitigate those impacts.
20 Any compromise or change must be carefully considered.
21 Thus, YKDFN suggests that the measure remain largely as
22 is.

23 A change to exchange the timeline
24 component for the insertion of a commitment that provides
25 for no new permits or determinations within the Drybones

1 area until such time as the land use plan is completed is
2 an adequate exchange.

3 Now, addressing a couple other things
4 within that minister's letter, and thi -- this has been
5 highlighted already as well. It's necessary that the
6 other components remain to a large degree. For instance,
7 the issue of the policy directive does not represent some
8 irregular or haphazard response from the minister. It is
9 a practice to address issues that fall outside of that
10 specific statutory regime that's already in place.

11 So these would be for orphan measures that
12 are not able to be addressed through the MV land use re -
13 - regulations, for instance. The MVRMA contains a
14 mechani -- contains mechanisms which allow for this under
15 section 83(1), which specifically gives the ministers the
16 tools to do so.

17 Thus, not only is this a required
18 mitigation measure, but the tools to implement it were
19 anticipated when the MVRMA was considered and brought
20 into force. The minister's text on the lead agency, the
21 collaborative and specific contexts of the plan's
22 initiation, development and completion all seem to be
23 somewhat moot as the text of the measure did not address
24 or make suggestions to these issues.

25 It did not make promou -- pronouncements

1 on any of these. And if clarity can be brought to these
2 measures YKDFN would be possibly be supportive.

3

4

(BRIEF PAUSE)

5

6 MR. TODD SLACK: The second management-
7 related measure, now this is measure 4, surrounds the
8 need to monitor the situation to ensure that the
9 predictions that were made were accurate and that the
10 mitigations that were put into place are successfully
11 limiting the impacts, such that they -- they do not
12 cumulatively exceed that significant threshold.

13 This is in -- especially important as
14 future, as yet unknown developments may occur, or impacts
15 from known developments may diverge from projections. To
16 quote the EA decision -- or pardon me, the minister again
17 notes that the measure is excessive for a small-scale
18 exploration project. But what the minister doesn't note
19 is that this was never the intention. To quote the EA
20 decision:

21 "It is precisely for these reasons that
22 the monitoring is not intended to
23 address project specific biophysical
24 impacts. Rather, it is required to
25 enhance the management of cumulative

1 effects for the purpose of reducing
2 significant likely adverse combined
3 impacts to the combination of all past,
4 present, and reasonably foreseeable
5 developments including the proposed
6 project and other human activities."

7 When YKDFN consider that high
8 concentration of development impacts, the high rate of
9 recreational use, the proximity of the largest city in
10 the NWT versus the density of the heritage sites, and the
11 critical importance of this area to the First Nation for
12 the exercise of their treaty rights, along with the irrep
13 -- irreplaceable cultural landscape, YKDFN believe the
14 rigor -- rigorous monitoring program is indeed an
15 appropriate response.

16 THE CHAIRPERSON: Maybe, Todd, sorry to
17 interject here, the interpreters are saying if you could
18 slow down just a bit. Okay. Thank you.

19 MR. TODD SLACK: For sure. My apologies.
20 Together, measures 3 and 4 represent two (2) of the six
21 (6) steps in the adaptive management cycle. The first
22 two (2) steps have already been completed by the Board,
23 this is assessment and mitigation design.

24 Measures 3 and 4 amount to the
25 implementation and monitoring phases. Together these

1 actions allow co-management bodies to evaluate and adjust
2 the measures to ensure impacts will not be significant.

3

4

(BRIEF PAUSE)

5

6

7

MR. TODD SLACK: I -- I will skip some
here.

8

9

(BRIEF PAUSE)

10

11

12

13

14

15

MR. TODD SLACK: Measure 5, the minister
suggests this is not of an appropriate scale for this
project, but again, this ignores both the significance
determination and that came out of -- and the focus on
cumulative effects here.

16

17

18

19

20

The Review Board found that the cultural
impacts are at that critical threshold. Now under the
MVRMA the Board must consider cumulative impacts and the
cultural well-being of the residents of the N --
Mackenzie Valley.

21

22

23

24

The lack of a comprehensive and thorough
heritage assessment means that the existing concern over
unknown heritage resources in this very important area
will continue into the future.

25

The final measure. The minister's

1 response seemed to have several components here. Now
2 first, YKDFN accept that camps cannot be located on the
3 ice. But the second part of the measure seems to take
4 issue with it potentially constraining the responsibility
5 -- the regulatory review process that is the
6 responsibility of the Mackenzie Valley Land and Water
7 Board.

8 Three (3) points in the MBR May suggest
9 that the relationship between these Boards is not wholly
10 discrete. The very first paragraph of the MBR May, prior
11 to the preamble, suggests that this is an integrated
12 system of land and water management. Stephanie hit on
13 this already.

14 The summary of this Act on the -- the
15 Mackenzie Valley Land and Water Board website states:

16 "That the Review Board is the main
17 instrument in the Mackenzie Valley for
18 the examination of environmental
19 impacts of proposed developments."

20 And lastly, paragraph 130:

21 "A First Nation local government or
22 regulatory authority or department or
23 agency of the federal or territorial
24 government affected by a decision made
25 under this section shall act in

1 conformity with the EA decision to the
2 extent of its authority."

3 So it's clear to the YKDFN that not only
4 is the Review Board able to compose measures such as
5 these but it's the appropriate venue for these concerns.

6 It is the Board's measures that are the
7 mechanisms to create the mitigations to ensure this, and
8 that they do not create a situation which would be
9 additive to the already critical level of impacts.

10 In terms of my final two (2) thoughts.
11 The first is on accommodation. We've just touched on the
12 Crown duty for a consultat -- an accommodation. Now I --
13 I think that the Yellowknives Dene as recognized by the
14 Board's EA report have sufficiently made the case that
15 there are significant impacts to the ability to practice
16 their Aboriginal and treaty rights in this area. This is
17 recognized within the MVRMA but also other case law that
18 has suggested the Board can consider this aspect of the
19 constitution.

20 So the Crown often talks about the
21 spectrum of consultation and that determines the need for
22 accommodations. So in this case we have the importance
23 of the area, which is the highest; the level of existing
24 and probable impacts, which is a critical threshold; and
25 the degree of accommodation to date, which is essentially

1 none.

2 Together this all means that the need for
3 those accommodations falls at that far end of the
4 spectrum and if these minis -- if these measures are
5 significantly changed, that limits the existing
6 accommodations that are being provided to the
7 Yellowknives.

8 So just in closing, where does this leave
9 us. So we're at that fork in the -- the Board is at that
10 fork in the road where they can keep the status quo with
11 the measures mostly intact with changes for clarity and
12 wording, or they can water down the measures and
13 potentially create a situation that introduces either
14 significant impacts or further continues the significant
15 community concern.

16 It seems to me that the status quo is both
17 the simplest and the most effective, procedurally and
18 effectively, -- or -- in terms of implementation. It
19 provides certainty that the measures will mitigate
20 significant impacts that the Board has said would be
21 likely. It provides accommodations towards the YKDFN's
22 Section 35 concerns. And it provides the most clarity in
23 terms of the long, big picture here.

24 The alternate road which introduces
25 changes to these measures introduces uncertainty, the

1 probability of impacts, and forces the federal government
2 to pursue additional accommodations, all of which suggest
3 that the guiding principles of the MVRMA may not be
4 adequately addressed.

5

6

(BRIEF PAUSE)

7

8

MR. GREG EMPSON: Thank you, Mr. Chair.

9

10 THE CHAIRPERSON: Thank you. In the
11 layout you were saying earlier that you also have Elders
12 and Chiefs that want to speak as well, so can we proceed
13 with that as well?

14

15

16

17

18

19

20

21

(BRIEF PAUSE)

22

23

24

25

THE CHAIRPERSON: Yes, I think it would
be good if we continue on. And then what we'll do is
we'll ask questions at the end.

26

MR. GREG EMPSON: Elder Isadore Tsetta is

1 back, and know he was anxious to speak. So if you'll
2 just pardon me, I'll set that up.

3

4 (FROM WELEDEH INTO ENGLISH THROUGH INTERPRETER)

5

6 ELDER ISADORE TSETTA: Thank you. I cant
7 talk very long because I have a sore throat but there are some
8 things I wanted to say. I wanted to say something, but I cant
9 really remember everything I wanted to say. When we had a
10 meeting in downtown Yellowknife, years ago, we had mentioned
11 that we didn't want any work being done in Drybones Bay. About
12 4 years ago when we had a meeting about Drybones Bay, this
13 white man had mentioned that they were going to do some work at
14 Drybones Bay, but at that time we had refused and that refusal
15 still stands there, so who gave you permission to do
16 exploration work there?

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: Freddie -- Chief.
21 Sorry, Freddie, we may have to turn this off.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Sorry, Isadore, we're

1 still having trouble. While they try and sort that out,
2 I just maybe also want to recognize a couple more people
3 here. I want to recognize Angie Lance (phonetic) from
4 Lutsel K'e. Also, Albert Boucher in the back, George
5 Lafferty from Hay River, Mary Paseena (phonetic) in the
6 back, and I also want to recognize your Elder, Michel
7 Paper and Eddie Seekie (phonetic).

8

9

(BRIEF PAUSE)

10

11

(FROM WELEDEH INTO ENGLISH THROUGH INTERPRETER)

12

13

14

15

16

17

18

19

20

21

22

23

24

25

ELDER ISADORE TSETTA: I mentioned
earlier about having a meeting in downtown Yellowknife.
At that time there was a lot of people at the meeting and
I mentioned that we did not want any work in Drybones Bay
being done. I had asked a few questions then about
exploration work being done at Drybones bay. We were
told at that time, that the company, or whoever was doing
the exploration work had gotten permission from somebody
down south, Minister of Indian Affairs.

THE CHAIRPERSON: Just be patient here.
We've just about got it all sorted out here. Okay.
While we'll -- what I'll do then is if -- it might be an
issue here. We'll take a five (5) minute break before --

1 we'll get it sorted out, and Isadore, we'll come right
2 back.

3 I just also want to recognize the Dene
4 National Chief and AFN Vice Chief, Bill Erasmus that just
5 came in. So I want to say welcome. We'll just -- give
6 us a few minutes to get this sorted out, five (5)
7 minutes.

8

9 --- Upon recessing at 3:08 p.m.

10 --- Upon resuming at 3:30 p.m.

11

12 THE CHAIRPERSON: Okay. I think we -- we
13 got it to work here, so I'll get everybody to come back
14 to the table. I think it's important that -- that we get
15 this thing resolved, because we need -- this here needs
16 to be recorded for our evidence. And when the Elders
17 speak, from what I'm told, we have to speak close to the
18 mic.

19 And when we do that if you could also turn
20 off your earpiece, because we get some feedback. So the
21 people that are here that are -- I'm not sure if they
22 could hear me in -- in their language, Chipewyan, Tlicho.

23 It's good? And -- okay, with that I
24 guess -- I think we're good to go, so I'm going to go
25 turn it back to Isadore. And if we could just turn off

1 your -- shut it off, your...

2

3 (FROM WELEDEH INTO ENGLISH THROUGH INTERPRETER)

4

5 ELDER ISADORE TSETTA: I want to talk,
6 but everything is going wrong, they should've never asked
7 me to talk, why should I talk, it's okay if I didn't
8 talk, the guy on the radio doesn't know how to fix them.
9 I hear Michele was sick yesterday, he seems to be all
10 right -- he seems to jump in and out of health.

11 THE CHAIRPERSON: Isadore, we're still
12 having trouble. Sorry. Sorry, Isa -- we've got some
13 feedback.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: Is there a mic turned
18 on somewhere, a hand mic? Is there a hand mic turned on
19 somewhere? There could be feedback. Plus... Six, and
20 channel 6 is supposed to be English here. We're -- we're
21 not hearing anything.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Okay, are we good to go

1 in the back? Okay. Channel 6 is for English. We'll try
2 that. And we -- we need to -- has everybody -- can hear
3 on channel 6, it's the English part, can you all hear,
4 Board members? No. Okay, we got a problem with the
5 front mics on channel 6 here, we can't hear. Is there
6 another receiver?

7

8 (FROM WELEDEH INTO ENGLISH THROUGH INTERPRETER)

9

10 ELDER ISADORE TSETTA: Why am I being
11 asked to talk when nothing is working right? Maybe the
12 equipment operator doesn't know what he's doing.

13

14 --- Upon recessing at 3:32 p.m.

15 --- Upon resuming at 3:37 p.m.

16

17 THE CHAIRPERSON: Okay, very good. Okay,
18 I think we could go ahead and start. Sorry about the
19 delay and sorry about the technical problems we're
20 having. And we'll continue on. Sorry, Isadore. Mahsi.

21 ELDER ISADORE TSETTA: (NATIVE LANGUAGE
22 SPOKEN)

23 THE CHAIRPERSON: Isadore. Sorry again.
24 We're having a problem here in the back with the English.

25 We had it and then something happened.

1 --- Upon recessing at 3:38 p.m.

2 --- Upon resuming at 3:40 p.m.

3

4 THE CHAIRPERSON: Okay. The -- some of
5 the receivers we have, the -- after it's translated, or
6 in certain -- different channels. So you -- you may have
7 to go through a couple to make sure they're right. Right
8 now we're -- the translator is Lina Drygeese in the back.
9 It says channel 28 is working.

10 Okay. So -- yeah, I could hear you, Lina.
11 Okay. So if -- I don't know if everybody's got the same
12 receiver, but some are different, but channel 28 works --

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON: Yeah. Okay. Well,
17 let's try this again. Isadore. Mahsi.

18

19 (FROM WELEDEH INTO ENGLISH THROUGH INTERPRETER)

20

21 ELDER ISADORE TSETTA: I wanted to talk
22 but my throat is getting sore, but I will try to speak.
23 Whoever the authorities are, they are not doing a good
24 job. This is our territory, Chief Suzie Drygeese
25 Territory. This is our land, this is not the

1 government's land. We have a lot of our people buried on
2 the land.

3 I must have a very powerful sense because
4 all the equipment stops working.

5 We are living on the land selected by
6 Chief Suzie Drygeese for us when the treaty agent came to
7 Fort Resolution. We are not being listened to, but we
8 will try to have the authorities go on our side. I
9 remember being at Drybones bay. When I was a very young
10 boy we used to live in the area. There used to be a lot
11 of people living in that area in tents. That area is
12 good for wildlife, beaver, muskrat, moose, in the winter
13 time there are a lot of caribou that migrate there.

14 If you really think about it, the land
15 before work is done on it is very clean and there is a
16 lot of wildlife on it, but then after work is done on it,
17 like exploration work, the land is ruined. Look at the
18 City of Yellowknife, where all the people are living
19 today, there is no wildlife in that area now. We know
20 that our land is being ruined because of what happened,
21 with the two mines in the Yellowknife area. We know what
22 it means when we see the land.

23 If work is being done in Drybones Bay, I'm
24 sure there will be no wildlife in that area and the land
25 will be ruined, just like Yellowknife. I am very hopeful

1 that we can listen to each other, if we do listen to each
2 other, we can work good together. In Chief Suzie Drygeese
3 Territory, the Drybones Bay area is the only place clean
4 and good for wildlife today. Today in our area, the
5 water is contaminated and our land is contaminated and
6 ruined. In the Drybones Bay area, there is a burial
7 site, and on that site there was a forest fire, and also
8 there is a truck in the water. It's been about five
9 years now and they still haven't taken the truck out of
10 the water. We can't have any work done if these things
11 happen.

12 At one time when I was young, I used to
13 live with an Elder in the Drybones Bay area and there is
14 lots of fish in the area and when I think about that
15 today, I always think about the truck in the water. The
16 elder mentioned that he didn't want anybody to do any
17 kind of work in the area because it's good for both fish
18 and wildlife. Even if we say that we don't want no work
19 done, they still go ahead. It's better to listen to each
20 other. We have to say no to any exploration work being done in
21 that area. When something gets ruined it's very hard to get
22 it back to the way it was. There is a lot of our members
23 that don't want any more work done in that area.

24 Everything I wanted to say, I can't really
25 remember now. I hope that they listen to what our people

1 have to say. Even if we say no, why do they still try?
2 Who is giving them permission? All over the world there
3 is always mines being opened and it doesn't happen only
4 here. After they open a mine, the water gets ruined
5 because it's hard to treat it and get it back to the way
6 it was and they use all these big equipment that ruin the
7 land. Today BHP and Diavik, always try to inform us of
8 what kind of work they are doing because we had to make
9 them tell us. It is supposed to be like that, they are
10 supposed to inform and consult the people.

11 It would be better if they do their
12 exploration work farther in land instead of so close to
13 the shore, because the water will get ruined. Around the
14 Drybones Bay area, there are three main trails that our
15 ancestors used. There is a lot of trapping trails. Now
16 today the heavy equipment is ruining those trails. And I
17 don' like what is happening. It's not right if you go
18 ahead and do exploration work on the land, or mining
19 without consulting the people who live in the area.

20 Even if we keep on saying no, are you
21 still going to go ahead and do work on the land? Today
22 BHP and Diavik asked for permission before they do
23 anything. We cannot say yes to the exploration work or
24 any kind of work being done in that area. We haven't
25 even finished our land claims, and yet the land is being

1 ruined right in front of us. We are not living on
2 Akaitcho land, we are living in Chief Drygeese Territory.
3 Chief Drygeese was the one who made the treaty for us and
4 accepted the treaty payment for us. Akaitcho did not
5 make agreement or anything for us. Do you know what kind
6 of person Akaitcho was? Our ancestors always told us
7 stories about him. We know what kind of person he was.
8 We do not want people doing work on our land without
9 consulting us.

10 We are thinking about the future, about
11 the future generations. We want our land to be pristine
12 for them to work on and to live on. There are not a lot
13 of elders left today, so we are very concerned. We are
14 going to keep on saying no to exploration work in
15 Drybones Bay. We want you to wait until we settle our
16 land claims and then we can talk to each other again.

17 Who knows what will happen in the future.
18 I cant talk very long now, and I cant really remember
19 everything that I wanted to say. But this white man who
20 had already written what I wanted to say at the meeting
21 four years ago, and he knows what I said. I am getting
22 very tired, and I am getting older. I am 76 years old
23 today. I don't want my words forgotten about what I had
24 said today and I am thankful for speaking to you today.

25

1 (TRANSLATION CONCLUDED)

2

3 MR. GREG EMPSON: Thank you, Mr.
4 Chairman. Alfred Baillargeon had some comments as well.

5 THE CHAIRPERSON: If you put the mic
6 really close to him, Greg.

7 MR. GREG EMPSON: I'll -- I'll have him
8 move over beside me, Mr. Chair.

9

10 (BRIEF PAUSE)

11

12 ELDER ALFRED BAILLARGEON: Hello.
13 Comment ca-va?

14

15 (FROM WELEDEH INTO ENGLISH THROUGH INTERPRETER)

16

17 ELDER ALFRED BAILLANGEON: It seems like
18 there are no people here from the company or the
19 government. The Water Board is here to gather
20 information. It's been how many years now since they've
21 been talking about wanting to start a mine at Drybones
22 Bay? How could it be good? It seems like we can't
23 breath, because we are always stuck.

24 We're talking about Drybones Bay that is
25 very important for us and ever since we were young kids,

1 we have been hunting and trapping in the area and living
2 there. In the past, some elders have said that land area
3 is very important, from Drybones Bay to Francois Bay,
4 that whole area is not to be touched because there is a
5 lot of wildlife, like moose, muskrats and all the other
6 animals, there for people to live on. Our ancestors
7 survived by hunting for wildlife all in that area there.
8 We want to hold on to that land area for future
9 generations. We used to go for muskrats by canoes, go
10 hunting for moose and we went further inland for trapping
11 too. That is how our ancestors survived. Today the
12 young people that are growing up here, we want them to do
13 the same thing that we did, to learn how to survive on
14 the land.

15 I looked at the map and I saw how big the
16 claim area was to do exploration work on - I am not very
17 happy with that. They did all of this without consulting
18 us. A long time ago, when I was very young, I had heard
19 there was something like diamonds that was found in that
20 area. All this work started about 10 years ago or so.
21 It all started when one white man, Bill, was looking for
22 rocks there. The white man had died since then, and the
23 son is now doing his exploration work. They did not even
24 come and see us even though we live in Dettah and N'dilo.
25 They are ruining the land with their equipment.

1 There was a truck that went through the
2 ice, and a fire at the burial site. They didn't come and
3 see us to tell us what they found on the land. They also
4 blasted some rocks, there are burial sites where they
5 worked and there was a forest fire in that area where
6 they worked. This is our land that they are doing this
7 on, in the Bay there are burial sites and we are not
8 supposed to disturb them, we are supposed to have respect
9 for people that have passed on. That family that had
10 lived there, his children are buried there also. My
11 uncle Joe's children are buried there also.

12 Along the shores of the Bay, there are
13 other graves that I know of. Around that area, there are
14 also other graves, that I know are there, but they had
15 claimed the area. They claimed the area without
16 consulting us. I looked at a map and I saw all the area
17 they had claimed. Who gave them that claim? They did not
18 even talk to our chief. They should have consulted us
19 before they go and claim an area.

20 For those of you who are on the Water
21 Board, some of you are Dene people, and some of you are
22 white people, but we should help each other here in the
23 North. If we know that our land is being ruined, we have
24 to talk about it and do something about it. We want to
25 keep this land for the future generations. We can't

1 always say yes for money only. How are the future
2 generations are going to live in the future if there are
3 no wildlife and fish? We know today we have to survive
4 by money too, but we have to leave fish and wildlife for
5 the future generations to survive on so that they can go
6 trapping and hunting. We are supposed to hold on to the
7 land for the next 50 or 60 years so that the next
8 generation can learn how to survive on the land.

9 Look at the Giant and Con mine area and
10 what had happened there. When I was born in 1935, gold
11 was found at Baker's creek, and then Giant Mine had begun
12 and the mine has been there since then. The 25 mile
13 radius around Giant Mine, all the land has been damaged,
14 a lot of land has been ruined by arsenic. Con Mine and
15 Burwash mines have started up have started up on our
16 land, but we never got one cent from them; that is why we
17 are poor on our own land.

18 If all the land is ruined around us, how
19 are the future generations going to live? We had said
20 that a long time ago that we don't want any work done in
21 the Drybones Bay area. Anywhere in the world, if you
22 want to do exploration work, you have to listen to the
23 people that live in that area. The way that everything
24 is ruined on our land, we know of some children that
25 passed away because of the contamination. Not only here,

1 but where all the mines have started up, the water is
2 contaminated. Even at a place called Ray Rock mines, the
3 people that worked there are passing away from cancer.
4 There are billions and billions being taken out of our
5 land and the money goes to the government. You people
6 that are on this Water Board, do you like what is
7 happening? There hasn't been any one company that says,
8 We agree to do this work on this land, how much
9 compensation do you want? We have never heard any
10 company say that and they leave after they do their work.
11 It seems like they are just ruining the land and killing
12 people in the process. I want you to think about it, it
13 is not good because it is like murdering people.

14 For those of you who are sitting on this
15 Water Board, we want your support. I'm sure some of you
16 want to go hunting in that area some day and drink the
17 water and also eat fish. We are all Dene people and we
18 have to all help each other. Our land is getting ruined
19 just because of money. Everything is going to get
20 contaminated. Everything in the water will die. There
21 are a lot of mines all over, even on an island that I
22 know of. There is a lot of arsenic in the water and
23 nobody talks about it today. There was a forest fire too
24 that destroyed the land.

25 We are not saying that you are not doing a

1 good job, but we need your support. In the past when
2 Chief Suzie Drygeese and the leaders talked about the way
3 they wanted their people to live on the land, they all
4 supported each other. Chief Monfwi also helped his
5 people in his territory. Chief Suzie Drygeese and Chief
6 Monfwi were friends and they used to keep each other
7 informed about what was happening on their land.

8 Since Treaty 8 was made over 111 years
9 ago, it was to help their people. All the good words
10 that were said in the past, it was to help their people
11 survive. I want you to remember the words that I'm
12 saying to you. I'm not really an old man yet, I'm still
13 kind of young. I did not go to school. I was raised on
14 the land, by an old man. I remember a lot of things that
15 I was taught, like trapping and hunting and how to
16 survive from the land. Today we are talking for the
17 younger generations and we want them to remember what we
18 have said. Some day they might say, yes, I remember
19 hearing my uncle saying these things. They are going to
20 be sitting here in our chairs someday.

21 We, the people here today, will continue
22 to talk to each other at future meetings. We are still
23 going to come back here tomorrow.

24 Thank you for listening.

25

1 (TRANSLATION CONCLUDED)

2

3 THE CHAIRPERSON: Mahsi. Mahsi, Alfred
4 Baillargeon. I'll go back to Greg Empson.

5 MR. GREG EMPSON: Mashi, Alfred.
6 Peter...?

7

8 (FROM WELEDEH INTO ENGLISH THROUGH INTERPRETER)

9

10 ELDER PETER D. SANGRIS: We are here to
11 talk about Drybones Bay. I will talk to you about the
12 area. From the town of Yellowknife, out towards Great
13 Slave Lake, we know that it is our land and we love our
14 land. We survived on our land ever since I was young, I
15 remember always being on the land. From Yellowknife to
16 Drybones Bay to Francois Bay, that is the areas for our
17 people, where we lived and survived on the land. We do
18 not want any mines in these areas because we want our
19 future generations to practice their traditions in those
20 areas and that's why we keep on saying no.

21 Along the shores up to Francois Bay, there
22 are no mines. But further inland, about 30 miles or so,
23 there are a lot of those abandoned mines in the area and
24 they are not being cleaned up. We know about those mines,
25 we know that they are contaminated with arsenic and other

1 chemicals. I am talking about the small mines that were
2 worked on years ago. And now they have been abandoned.
3 If a mine is started up along the shores of Great Slave
4 Lake, what are we to survive on? Drybones Bay area is
5 very pristine, it is good for wildlife, good for fish,
6 and we know that if we go trapping we will get a lot of
7 furs and if we go hunting we will always get something to
8 eat.

9 I remember when I was young, I used to
10 work with my grandpa on the land. By "working with my
11 Grandpa," I mean back in 1940, '41, '42, '43. Grandpa
12 taught me a lot about how to work on the land, like to go
13 trapping and hunting. He always talked me about
14 everything that I needed to know about how to survive on
15 the land. Today, I still remember his words. I'm sure
16 I'm not the only one that loves their land. We can't let
17 go of the land. My friends too probably feel the same
18 about the land.

19 After we Elders are gone our children and
20 their children, and their children will take care of the
21 land and survive on the land just like we did but in a
22 different way. We want them to keep the land pristine so
23 that they can use the land for survival. We can't let go
24 of the land for development. I remember being with
25 grandpa on the land, and I know how the land looks. I

1 remember learning how to do things on the land, and still
2 to this day, I love being on the land. We will be
3 meeting again tomorrow, so that's all I wanted to say for
4 now. Thank you.

5

6 (TRANSLATION CONCLUDED)

7

8 THE CHAIRPERSON: Mahsi, for your
9 comments. I'm going to go to Greg --

10 MR. GREG EMPSON: Mahsi. Former Chief
11 Fred Sangris has some comments as well.

12

13 (FROM WELEDEH INTO ENGLISH THROUGH INTERPRETER)

14

15 MR. FRED SANGRIS: Thank you. I speak my
16 language well. My name is Fred Sangris. My dad -- I
17 work on the land with my dad and lot of good stories from
18 my Grandpa. My Grandpa was -- he lived until to be 101
19 years old. He was a real good old timer. He knows all
20 that skill -- he's shown me all the skill. He taught me
21 quite well. Even with my language I speak, I got that
22 from my family and my Grandpa. My dad was ti chi
23 (phonetic) and me, Fred Sangris, and they call me Ta chi
24 wiza (phonetic) of the drifted snow.

25

There were another story of the Drybones

1 Bay and in English.

2

3

(INTERPRETATION CONCLUDED)

4

5 MR. FRED SANGRIS: Thank you, Board
6 members, for allowing me to speak and of the Elders who
7 are on this table as well. Many of us who are here
8 living in our communities, we began as hunters and
9 trappers and harvesters. We were out on land taught to
10 bring food in to live. And it's not only about fishing,
11 hunting, and trapping. It's about occupation, occupying
12 a tract of land.

13 And some of those tract of land are very
14 important to our livelihood today. It is a food store,
15 our grocery stores. For many generations, from our
16 ancestors to this day, that area, Drybone Bay, is still
17 important to us today. Drybone Bay, or Kotache
18 (phonetic), as it's known, Kotache, it's a known village,
19 a well-known village.

20 Kotache has many histories, many trails.
21 Many people have been born there, birthplace. Many
22 people are buried there. There are huge cemeteries
23 there. I, myself, am one (1) of those harvesters who
24 walk the shorelines in Drybone Bay and the land beyond it
25 as a young man with sled dogs and snowshoes.

1 And just last week I was there, again,
2 walking the grounds to look at the lands of my ancestors.
3 I have seen many, many tent rings on the shorelines and
4 the hills that I walked on. And I was told by many
5 Elders, including my grandfathers, if I found a rock I
6 should follow it because just beyond that there'll be
7 another one. And beyond that, there would be another
8 one.

9 These markers will lead me on the trails
10 to hunting areas, to ponds where I can collect my
11 medicine plants and to where I can find moose trails and
12 other trails, and also picking up along the ways the
13 berries which sustain our people for many, many
14 generations are still there. It is a food store. It is
15 a place where we call home. It is a place where many of
16 our ancestors have lived for gener -- many generations.

17 Many, many years ago, when I was a young
18 man with sled dogs, I've travelled on many of those
19 trails. And when I travelled on many of those trails I
20 asked a question to my father and grandfather, How old
21 are those trails. Even my grandfather said he does not
22 remember because those trails are very old.

23 You go back into time where people
24 occupied and have used the trails summer, winter, year
25 round. And it's like the map of Canada, with freeways

1 and highways. There are so many trails. One (1) trail
2 will take you to another trail. And that I found out in
3 my younger years when I've travelled there.

4 Kotache, or Drybone Bay, is one (1) of the
5 villages there. But another village which is nearby is
6 called Kotee (phonetic). Kotee is another village where
7 many people have lived. And the next bay not too far
8 from that is Chelacho (phonetic). It's another village
9 not too far from that. And people not too far from
10 there, there's another place called Nonediatchi
11 (phonetic) or Moose Lake, where people have lived and
12 occupied.

13 How I know? I've been to these places
14 when I was young. I still travel there today. I still
15 go visit the cemeteries of my ancestors and pay respect.
16 I still do ceremonies to there. And many, many stories
17 have gone through our villages of how people used to live
18 in the olden days. All lands are important as I was
19 told. All lands are sacred. But Drybone Bay, Kotache,
20 is the most sacred of all lands.

21 Not too far from there is the sacred
22 grounds. Many of our people have gone there for
23 centuries, for pilgrimage, for ceremony and to offer
24 relief from illness. To go to such a sacred place and
25 pray and get healed. It's still there today. We call

1 this special, sacred place Willow Lake or Got'he
2 (phonetic) as it's known.

3 Not too long ago, a couple of years ago, I
4 made a trip there with young people. I was told by the
5 Elders to protect the sacred site as much as we could.
6 And they asked me the best way to do it is put a house
7 next to it and that way our hunters will protect it. And
8 there's a house there now that we built a few years ago
9 near our sacred site.

10 Near the sacred site there are many
11 artifacts, people that make offerings over centuries.
12 The trails are still there.

13 So that whole area is all important. It
14 provides us with moose to this day. It provides us with
15 all the food that we need, from ducks to muskrat to
16 beavers, grouse, rabbit. And it's amazing, the Dene
17 people or the Aboriginal people are not the only one that
18 use that area, so that food is provided. There are other
19 animals there: fox, wolves. They also know this is an
20 important area. They also make their living there as
21 well. So it's a huge wildlife area. A very important
22 wildlife area.

23 That's why today for -- for us we're all
24 here speaking out as former Chiefs, as harvesters of the
25 land, to let the Board know that this place it's a very

1 important place.

2 The city of Yellowknife established itself
3 here when it discovered gold and it grew and grew.

4 Today, over twenty thousand (20,000) people live here.

5 The Yellowknives, of all of the Dene Nations in the
6 Northwest Territory, we are the most impact -- the most
7 impact in the Northwest Territory.

8 The city has robbed us of all our trails,
9 our land use over to the west of us. Our hunters cannot
10 get through the city without one (1) of our hunters
11 getting charged by the city bylaw going through there
12 with the skidoos, going on to do what we always done,
13 getting food from our trails on our lands.

14 And this is what gold discoveries and gold
15 mines and population has done to us. Devastated our
16 people. Contaminated all our berries in the background
17 we can no longer use it. We're afraid because our
18 medicines are poison.

19 To the west of us and to east and north of
20 us it's no big secret that the squatter population has
21 taken over that whole area: Prelude, Prosperous and
22 Noravit (phonetic). There are four hundred (400) cabins,
23 squatters, just north of us. Those people have chased
24 our people off the land, taken over our hunting areas,
25 our trap lines, and now they basically almost took out

1 the last fish in Prelude Lake. This destruction has gone
2 too far.

3 Where are our people gonna go? We may end
4 up fighting for our land at the end. We may, that's what
5 it's come down to. All land to the north of us is
6 covered by tourism, lodges, or outfitters. It's just
7 unbelievable. There is no regard or no respect for --
8 for the indigenous people who relied on their lands for
9 centuries, who have occupied.

10 And now they're being disrespected and
11 thrown off their own lands. That is not good. The
12 Canadian Constitution recognizes the indigenous people
13 who have rights to the land so that they can live on the
14 land with dignity and with respect.

15 And I think that's what we're calling for
16 today. We don't need to keep coming back to these type
17 of hearings on Drybone Bay. I think once and for all the
18 answer is very clear from everyone, including our
19 Nations, that we're saying no to what goes on at Drybone
20 Bay. It's very simple. There's no need to come back,
21 and we're saying no, no development, nothing's going to
22 happen.

23 This is the last piece of land that we're
24 holding onto. From that I want to go south into that
25 islands. It's the only place where we can harvest and

1 hunt. It's the last piece of land that we have that
2 holds many foods and we're trying to hang onto it dearly.
3 There's no place else like it. There's no place else
4 like it. This is the very most important lands that we
5 have.

6 It has fed many people for many
7 generations over thousands of years. Today this land,
8 and the bay, and the whole area is still feeding our
9 people today. We still use it. We still get our foods
10 there, we still get our berries, we get our plants there.
11 Now our hunters are there now getting their ducks for the
12 winter. Our hunters are there getting their fish for the
13 winter. They're getting their moose there. I think for
14 us as indigenous people need to be recognized so that we
15 can carry on with our way of life and continue hanging
16 onto what -- what little left -- is there.

17 The land, the way it is contained right
18 now if you look at it, it has more value to us than any
19 diamond mines, or any mines. At one (1) time they said a
20 giant mine was going to be value, it was going to take
21 care of everybody. It sure did, to those who went to
22 sunny Kelowna, they're well off.

23 But for us who continue to make our home
24 here in -- in our homeland, to continue to live here, it
25 has nothing but devastated us, rob us of our life, our

1 way of life. It has -- we have gained nothing from it.
2 It has given us nothing.

3 It has given us hardship, heartbreak, and
4 including death, many of our poi -- people were poisoned
5 by the arsenic laced from this mine. It may be Canada's
6 greatest secret, but they hide it in shame.

7 We don't want that to happen to Drybone
8 Bay. We want to be able to be free to go by there,
9 continue using the land. I know Akaitcho people have
10 accessed and used that area as well. They fish there,
11 they stop there, they camp, they hunt, then they travel
12 along the way. And many people, Aboriginal people, use
13 that as well, because it's important.

14 The fish in this bay has disappeared for
15 seventy (70) years. The trout has not returned in this
16 lake -- this Bay. They used to run on the river, has
17 never returned. The Coney has never run this river for
18 seventy (70) years.

19 Now that both mines have stopped
20 underground blasting, now the fish are coming back now,
21 the trout are coming back, and the Coneys are coming into
22 the -- the rivers, back into this bay. And we're happy
23 to see them. And many, many fish have disappeared and
24 now they're coming back.

25 Drybone Bay is an important spawning area

1 as well. Not only one (1), two (2), three (3), or
2 different fish. All types of fish are there, anywhere
3 from Pickerels to Lake Trout, Pike, you name it, all
4 there, all species of fish because that place is most
5 important.

6 During the springtime many of our hunters
7 go up there to hunt geese, ducks, and beavers, and
8 muskrat. It's all there. We couldn't -- we can't find
9 it anywhere else. We can't go to northern arm to find
10 beaver or muskrat because there's not enough there and
11 because the Tlicho people over there use quite a bit as
12 well.

13 We can't go too far to the east here
14 because it's rocky country and it's Canadian shield and
15 the beavers and muskrat don't go beyond further in that,
16 but that area is swamped, pond, and it's alive. It's the
17 most ecological life that is there today.

18 To place a mine there one (1) day has no
19 value for us at all, no value.

20

21 (BRIEF PAUSE)

22

23 MR. FRED SANGRIS: Yeah, so it might be
24 our ancestors in the room here helping us out, I think,
25 as Isadore said. But the land -- it's the last piece of

1 land that we're using. There is no place else for us to
2 go. If anything happens and development takes place in
3 that Drybone Bay we're virtually done. We don't want it
4 to happen. United Nations sends UN declaration
5 recognizing the indigenous people in the country. We're
6 one (1) of those indigenous people here. We have certain
7 rights.

8 We have a nation-to-nation agreement with
9 the Crown. It's called treaty, and it's still valid
10 today. Most people in the city of Yellowknife, when they
11 call a public meeting, we don't consider them talking
12 about us because we're not public. We're indigenous
13 people. We're a nation. We're not Crown subjects.

14 We have a Chief who made treaty on our
15 behalf and we're a nation. And today we're still a
16 nation and we have treaty and Aboriginal rights. And the
17 Crown -- federal governments held the land in trust.
18 They don't own it, like the Elders said. They only hold
19 it in trust on your behalf to protect it so that these
20 kind of things don't happen, activities, mining, and
21 destruction don't take place.

22 The Crown is there to protect us. But in
23 sometimes they're blinded by royalties and tax dollars
24 and money, but sometimes they think that's more value
25 than caring for people like ourselves. And sometime the

1 government gets blinded by that. Industry gets blinded
2 by that.

3 But we're going to continue living into
4 the future. We'll have many young generations. Our
5 nation is about close to fifteen hundred (1,500) people
6 now and we need room to live, to breathe, to carry out
7 our treaties, practice our culture, and living our way of
8 life as indigenous peoples in this world, and we have a
9 right to that.

10 And we want to continue that, protecting
11 the land the way it is. We wanted to maintain the way it
12 is, and nothing should change. When we say, No, it
13 means, no. Mahsi.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: There we go. Okay.
18 Yeah, we got it. Okay. Thank you Fred Sangris, former
19 Chief. And before that we had we had Peter Sangris, so
20 I'll thank you again for that. I want to go back to Greg
21 Empson.

22 MR. GREG EMPSON: I've got a light.
23 How's that? Mr. Chair, Jonas Sangris.

24 MR. JONAS SANGRIS: I'll talk long enough
25 just to go to washroom and come back.

1 Thank you, Mr. Chairman. Some of the
2 thing I wanted to say here that been bothering us for
3 years, us Akaitcho people. The federal government does
4 not respond to the things that we want to talk about.

5 It seems that they don't like the way we
6 do things in Akaitcho based on Treaty. There's always
7 process a claim, they keep telling us. But today, I'm
8 sitting in front of a Board talking to. I feel ashamed
9 to talk to you people, I should be talking with the
10 federal government.

11 Some of you are cleaning group. Some of
12 you don't have land base. How could you make decision in
13 -- in our territory? It's hard for me to understand
14 that. We cannot go over to your territory and make
15 decision on your -- you won't feel right. That's how I
16 feel. That's what our Elders been saying for years.

17 A lot of our young people, gaylo
18 (phonetic), used to trap like Fred said, Walsh Lake,
19 Bluefish. There's some patina (phonetic) young people --
20 patina guys, young guys, Able (phonetic), Laffertys
21 (phonetic), Sangris, it's taken over by the public.

22 When I was the Chief they come to me and
23 say look, somebody shot our trap. Somebody took our
24 snare. The last ten (10) to eight (8) years that --
25 nobody trapped that way, to Discovery. Sharp Point,

1 Duncan, up that way. It's all trails that the Dene
2 people made, their ancestor. They wanted to follow it
3 but it's not working. Across Prelude, we used to go that
4 way. Press Lake (phonetic). And at Prelude they used to
5 go to Heart Lake up to Discovery to Gordon Lake, my --
6 seems that all been taken away from us.

7 Only place we got left is from here N'Dilo
8 to, I would say, Francois Bay. I can hear our elders, oh
9 they have been talking say a lot of good (NATIVE TONGUE
10 SPOKEN) meaning all kind of various animal that we live -
11 - we lived on. So so important to them. We can't go
12 past Ming Ranch (phonetic). I think there's every
13 island, there's every cabin there is on that island right
14 to big island, almost to Benotah (phonetic).

15 So what they're saying is that we want no
16 development through Drybone, Go ke ka (phonetic), all the
17 way up to Francois Bay, Beaulieu River. Leave that for
18 us, that's what they're saying. The young people are
19 saying.

20 Just the other day one (1) of our member,
21 young guy, was putting a boat in the water and I said,
22 Where you going? He said, I'm tired of going to YK Food.
23 He said, I want to go get my own food. I said, Where you
24 going? He said, Watanabe Bay (phonetic). This is just
25 the other side of Drybone. A couple days later he came

1 back, he got a big moose there. Some of our member going
2 across Simpson Island, they're hunting. You see that
3 happen.

4 So it's very, very important for them.
5 But some of the things that I wanted to say, I think Fred
6 said it all. So if you guys got heart, think about it.
7 I don't know, it's your call. Every time I see somebody
8 I say, Well, that's the minister's decision.

9 Decision is made in Ottawa, not up here.
10 It's not right. We should be the one making decision in
11 our own territory. I think that's where the Elders are
12 coming from. I know it's hard sometime to say things
13 that we want to say, but something that always pulls us
14 back.

15 But one (1) of the Elders said, Don't back
16 out, and say what you wanted to say. We know what you're
17 going to say because always bring it to my attention to
18 my Elders and the young people. We have to look after
19 ourselves now. And some time -- and one phrase that I'll
20 leave with you, way back in the '50s when we have Treaty
21 Day, once a year Indian Affairs come to our territory and
22 make treaty with us and give us five (5) bucks.

23 I remember my dad, the Indian Affairs name
24 was Mr. Eric Watt (phonetic), I always remember that. He
25 was sitting across from me like this. They were talking

1 about land, (NATIVE TONGUE SPOKEN), he said, it's my
2 land. He said, Don't you forget it. He said, No, it's
3 Crown land. He asks, What's Crown? He said, The Queen.

4 He said, We made a deal already. I said,
5 Why you bothering us. Mr. Watt he said, If the thing is
6 your land. If you leave here take the land with you.
7 After the meeting they all got up, shook hand, they
8 walked away. My dad turned around to his people, he -- I
9 guess that's still our land. He never took it, he said.
10 I always remember that.

11 So just to make you think, stuff like that
12 has happened in the past. So I'd just like to thank you
13 for say a few words to you people. Mahsi.

14 THE CHAIRPERSON: Mahsi -- Mahsi Former
15 Chief Jonas Sangris. Greg Empson...?

16

17 (BRIEF PAUSE)

18

19 MR. GREG EMPSON: Oh, now I'm on. Thank
20 you, Mr. Chair. There will be two (2) further speakers,
21 Chief Ted Tsetta will speak, and -- and then I've asked
22 Chief Ed Sangris to speak as well.

23 CHIEF TED TSETTA: Thank you. Thank you
24 so much. Since I'm a Weledeh person I'll be speaking
25 Weledeh language for the first couple minutes. Mahsi

1 cho.

2

3 (FROM WELEDEH INTO ENGLISH THROUGH INTERPRETER)

4

5 CHIEF TED TSETTA: Thank you for coming
6 here to attend this meeting on our land in N'dilo. We are
7 the Weledeh people, we have been known as the Weledeh
8 people for a long time, and we are talking about our land
9 because we love our land. We always have to say an
10 opening prayer before we open any meetings, we pray to
11 pay our respects to our forefathers to tell them that we
12 listen to what they had to say in the past. We know that
13 we are all friends here, and we have to listen to each
14 other so we can work together.

15

16 (TRANSLATION CONCLUDED)

17

18 CHIEF TED TSETTA: Thank you so much for
19 coming into our community and the Chief here in N'Dillo.
20 I know six (6) of you out of the seven (7). Welcome to
21 my community and my membership, the history of Weledeh
22 people. Thank you so much for taking the time and the
23 opportunity to listen to my people. You heard the Elders
24 speak and now you will hear the leaders speak on this
25 project.

1 As this day proceeds, I think you know the
2 answer from our side that we will protect this area at
3 all costs. We have villages, we have camps, we have
4 sacred sites, we have healing areas, sacred grounds,
5 burial grounds, old villages. There's spawning area,
6 there's migratory routes there. There's history of
7 trails that go beyond thousands of years.

8 And those trails were destroyed by Cats,
9 trails, trailers, that's unacceptable. We don't go to
10 other areas and do the same. We would not feel good if
11 we ever went to somebody's territory, over to Tlichon and
12 started wrecking their lands. We would not feel good.

13 Once we leave here today let's have a good
14 understanding of respect, and honour, and dignity. The
15 wildlife that we harvest is in that area. Even you have
16 kids. You love your kids dearly, with your heart.
17 That's how wildlife are. Same thing with the moose, same
18 thing with the caribou. They love their kids.

19 We are saying, let's keep that area for
20 us, the wildlife, yourself, to protect certain areas, we
21 do not need to destroy all the areas. Let's give this
22 area, this land, a chance to heal. You see twelve (12)
23 abandoned mines here. You have diamond mines, four (4)
24 of them going at once. You have discovery now going, you
25 have Thor Lake. How many do you need.

1 This water cannot sustain it. This land
2 cannot sustain that much impact. We need to protect some
3 areas. We have done our land use plan in that area with
4 the elders. That's our sacred grounds. We don't need to
5 go there.

6 When we leave here today you'll be like
7 brothers and sisters. Your recommendation will go to the
8 minister. You'll be part of this decision. You're more
9 than welcome to be part of this. You do not want to see
10 a mine there. I'll tell you that right now. As a miner
11 myself, I've done a lot of dirty things that I'm not
12 proud of, but I had no choice. I was hired to do that
13 job. I could tell you, but it's not good.

14 You know, there's a difference. Some
15 areas are made for mining, some areas are not. You see
16 what happens when you're close -- too close to a mining,
17 look at Con, look at Giant. There's a good example.
18 You're not going to go to Giant and drink the water. I
19 dare you, right now.

20 And if you let this one (1) go, God,
21 there's going to be a problem down that road. All we're
22 doing here today is saying to each another, Let's work
23 together. For once, let's protect some areas for the
24 future generation. The Elders said it here, you listened
25 to them. They protect it for us. Now it's us. We have

1 to protect it for the future. There's not much left. I
2 can't go into political stuff because I'm here to protect
3 the land, the water that my ancestors have protect for
4 thousands of years. That can't change.

5 Our treaty rights, our Yellowknife game
6 preserve put those in place to protect our people's
7 rights to hunt, fish, and trap. As long as the sun rise,
8 the grass grows, and the river flows, those will not
9 break. We got to honour that treaty.

10 At Chief Drygeese's territory we will
11 stand together and work with you, but you have to work
12 with us. Let's not leave here on different page. Let's
13 leave here today to be as brothers and sisters and help
14 us to make this work because your decision is going to be
15 a part of our decision and our future. We cannot destroy
16 everything all at once.

17 You know, we, the people of the Weledeh
18 people are pretty stubborn people because we're powerful.
19 Even during the caribou ban we shot caribou because the
20 government does not make law for us. We have a treaty.
21 The treaty is our law.

22 So, you know, to make this speech short, I
23 would like to thank all the Elders, you, the Board of
24 dire -- Board members, the guests, visitors, the media,
25 and most of all, I want to thank God for giving us this

1 day -- beautiful day, this wonderful land, what we call
2 Chief Drygeese territory. Mahsi.

3 THE CHAIRPERSON: Mahsi, Chief Ted
4 Tsetta. I want to go back to Greg Empson.

5 MR. GREG EMPSON: Mr. Chair, the final
6 presenter will be Chief Edward Sangris.

7 CHIEF EDWARD SANGRIS: Mahsi, Mr.
8 Chairman.

9

10 (FROM WELEDEH INTO ENGLISH THROUGH INTERPRETER)

11

12 CHIEF EDWARD SANGRIS: Thank you, Mr.
13 Chairman. When we have meetings like this, we hear the
14 people talking. It is very important to -- for them to
15 talk about the land. Our people speak because they love
16 the land so much. How come we don't get any
17 results/satisfaction to our questions?

18 Even today it is very important to talk
19 about our land because we love our land just like our
20 ancestors did. When we say things regarding our land, we
21 have to remember what our ancestors said was to always
22 take care of the land; that is why we have been talking
23 about our land for so many years and we are still talking
24 about our land today.

25

1 (TRANSLATION CONCLUDED)

2

3 CHIEF EDWARD SANGRIS: I just want to
4 thank the Board for giving me the chance to speak the
5 issue. I think the issue's a stubborn one. It hasn't
6 been dealt with or gone away. Now all of the past Chief
7 has always talked about it.

8 Now I think back when our forefathers made
9 treaty in 1900, when they mentioned as long as the sun
10 rises, the river flows, and the grass grows, nothing will
11 prevent my people from pursuing the tradition, the
12 culture, and their lifestyle.

13 And we have kept that part of the treaty,
14 the treaty of spirit of intent, peace and friendship, and
15 cooperation. Now since then we at Dene have cooperated
16 to a point where we, ourself, are almost deprived of the
17 very things that we made a treaty on.

18 When they say that we love our land, that
19 we as Dene are connected to the land that they were born
20 on, our ancestors have always said, Where you were born,
21 that's your land.

22 Now there comes a time when we had to
23 reevaluate our differences. We have numerous times
24 indicated that we did not want any development in
25 Drybones Bay area. The former Chiefs have also have all

1 said that. And it's evident that we as Yellowknife Dene
2 are not against development of industry.

3 As you can see the north of us, the three
4 (3) producing mine. Now if we were against development
5 those would not exist. We're keeping the part of our
6 treaty. To the area west of us is our neighbours, they
7 have agreements.

8 To the east of us we have the lake. And
9 south of us we have the lake. And north of us we have
10 the producing mines. It seems to me if you look all
11 along and look at the big picture we have been pushed to
12 a corner, a little spot where our ancestors have said,
13 Teach your children, teach your younger future generation
14 the tradition and culture of our ways.

15 And to us Drybone Bay is the last resort
16 that we have to follow our ancestor's words. Now there's
17 been many arguments on why the mine should go ahead, why
18 it should be developed, why it should be explored, and we
19 gave them one (1) chance. And yet they leave. Our
20 ancestors, they are gone, burnt. They leave the
21 pollutants in the water. Those haven't been fixed. And
22 yet I don't think the Yellowknife Dene are going to go
23 along with another proposal when the first one (1) isn't
24 remedied. Nobody does that to other people and still
25 expect them to say, Go ahead, work another one (1).

1 It's evident by today from our Elders,
2 from our former Chiefs, that we care for our land. We're
3 the most impacted community. Where else are we going to
4 go? And thi -- if this is not done right we're going to
5 have deja vu with our wildlife, our caribou are
6 disappearing. If you listen to some of the Elders'
7 story, two (2) years ago they were catching an abundance
8 of trout in the area, but this summer they're only
9 catching Whitefish. Only a thousand people on the
10 weekend go out -- out to the bay and go fishing for
11 trout.

12 Now our Elders are saying there's no --
13 they don't catch too much trout this past summer. That's
14 another impact. We, as Yellowknife Dene, like I said,
15 have to follow our ancestors' words, that we have to
16 teach our young people. We have to teach our future
17 generation, our way of life and our tradition and our
18 culture.

19 If the area is deprived of its abundance,
20 then we cannot fulfill that word. We cannot teach our
21 young people our ways, traditional and cultural ways of
22 life. I know everybody is looking at Drybone Bay, see if
23 we allowed to be built, to be developed. But it's
24 evident by today we don't want it because that's the last
25 resort that we have.

1 No amount of money will bring back
2 abundance of wildlife or make the water clear if it's
3 been polluted. It seems like slowly we've been pushed
4 out, not only by the way of life, but we've been pushed
5 out to continue our culture and our tradition.

6 When we talk about development we have to
7 think a hundred years in the future because when our
8 ancestors made the treaty they were thinking about us
9 today.

10 So, as you can see, why we are so
11 adamantly opposing a development in Drybone Bay area,
12 it's culturally sensitive to us. It's sensitive for the
13 environment, for the wildlife, and for the aquatic life.
14 It's sensitive spiritually because of the numerous burial
15 grounds along the shoreline. It's sensitive to our
16 spiritual well being, that we have the healing water at
17 Willow Lake.

18 Now let me tell you something that the
19 Elders have always told us. They told us that if there's
20 something that's on our land that's going to heal you you
21 have to keep it secret. That's why we don't talk about
22 it. When people go there they get healed.

23 Now, lately, we had to build a cabin so
24 our people know where to stay. And if that secret ground
25 is disturbed, then the healing power is gone. That's why

1 we have to watch how we look after the area.

2 I cannot stress enough why we so adamantly
3 protecting this area. All the Chiefs before me, all the
4 Chiefs after me will tell the same thing if you were here
5 twenty (20), thirty (30) years from now.

6 They talk about remediating some problems.
7 They talk about changing policies, but no amount of
8 changing anything by remedy the problem or fix the
9 problem later on if it gets damaged. That's how
10 sensitive the area is.

11 So I hope that we can look in the future,
12 look in the past how our ancestors have lived, how our
13 future generation going to live, and we can keep this
14 area intact for the Yellowknives Dene, the tradition and
15 the culture that our ancestors have taught us to do.
16 Mahsi cho.

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: Okay. Thank you, Chief
21 Eddie Sangris.

22 I think I'm going to suggest that we -- we
23 -- we break for the day. I was going to ask Greg what we
24 could do tomorrow is that we could come back tomorrow
25 morning and we'll continue on. And there will still have

1 to be some questionings that we may have for you as well.
2 So I think that's the read I'm getting from the Board
3 here. So did you have a comment, Greg?

4 MR. GREG EMPSON: Well, Mr. Chair, my
5 preference would have been, given what I consider the
6 unprecedented interest shown in this meeting and the
7 turnout for this meeting, that we carry on after a short
8 break. As -- as I did not -- although I'm not aware of --
9 -- of what questions the Board might have and that would
10 certainly slow things down. Not that they're not valid
11 questions. But I'm here at the disposal of the Board.

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON: Thank you, Greg. I
16 think it's getting a little bit late. I think some
17 Elders are getting a little bit tired. I -- I encourage
18 that maybe we could resume tomorrow morning at nine
19 o'clock and have the same delegation here tomorrow
20 morning and we can continue on, Greg. And we also got --
21 there might be some questions from the audience as well,
22 so with that I'm going to break.

23 I'm going to ask Alfred Baillargeon to do
24 the closing prayer. Alfred...?

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(CLOSING PRAYER)

THE CHAIRPERSON: So we start tomorrow
morning at 9:00.

--- Upon recessing at 5:05 p.m.

Certified correct,

Ms. Wendy Warnock