



May 25, 2015

Mr. Simon Toogood
Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board
PO Box 938
YELLOWKNIFE NT X1A 2P1
VIA EMAIL

Dear Mr. Toogood;

Husky Chedabucto Mineral Exploration Project Environmental Assessment (EA 1415-01) – Response to Information Requests

The Government of the Northwest Territories (GNWT) has reviewed Information Requests (IRs) issued by the Yellowknives Dene First Nation (YKDFN) on April 10, 2015, and the Mackenzie Valley Environmental Impact Review Board's (MVEIRB's) final Scope of Environmental Assessment issued May 8, 2015. Based on these documents and on additional information provided by YKDFN in the May 12, 2015, bilateral meeting with the GNWT, the GNWT is providing the attached IR responses for MVEIRB's consideration.

For the information of all parties, minutes from the May 12, 2015, meeting between the YKDFN and GNWT are also attached for inclusion on the MVEIRB public registry. The YKDFN have reviewed and approved the meeting minutes.

The GNWT understands that once MVEIRB has reviewed the attached meeting notes, MVEIRB will respond to GNWT's April 24, 2015, letter to MVEIRB concerning the YKDFN's IRs.

With respect to YKDFN's IR #4, GNWT will provide a map under separate cover that describes archaeological survey results in the Husky Chedabucto project area. As the map contains sensitive archaeological information, the GNWT and YKDFN have agreed that the map should be submitted under confidential cover and not be distributed through the MVEIRB public registry. The map may be made available for controlled viewing within the confines of MVEIRB's library.

The GNWT is working on responses to the Tlicho Government's IRs issued on May 19, 2015, and expects to submit the responses to MVEIRB shortly.

Should MVEIRB or any of the EA participants have any questions, please contact Lorraine Seale, Manager, Project Assessment Branch (Lorraine_seale@gov.nt.ca or 867-765-6786) or Charlotte Henry, Project Assessment Analyst (charlotte_henry@gov.nt.ca or 867-765-6786).

The GNWT looks forward to participating in the June 18th and 23rd community hearings.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Hall', written in a cursive style.

Terry Hall
Director, Land Use and Sustainability

c. Rachel Crapeau, Yellowknives Dene First Nation

Attachments:

1. GNWT Responses to Round One Information Requests
2. Minutes from May 12, 2015, meeting between YKDFN and GNWT

Attachment 1: GNWT Responses to Round One Information Requests from Yellowknives Dene First Nation

<u>TOPIC</u>	<u>REVIEWER COMMENT/RECOMMENDATION</u>	<u>GNWT RESPONSE</u>
YKDFN IR#1 Archaeology Mitigations Husky Submission Package, Aurora Geoscience Archeology Policy	<p>Comment: To GNWT The project's developer has an archaeology policy. YKDFN wants to know how this policy has been implemented and how the Prince of Wales (or other Government divisions) have acted in response to the information generated by that policy.</p> <p>Recommendation: 1) Please provide all examples of instances when Aurora Geoscience has reported an archaeological site, with a generalized location and description. 2) Please indicate what the PWNHC did to verify or inspect these reports, including what guidance was</p>	<p>The Archaeological Impact Assessment (AIA) conducted for Husky's first set of proposed drill holes (n=100) resulted in the documentation of 18 archaeological sites; 7 previously recorded archaeological sites were also revisited during the AIA. Based on these results, Husky has deleted 9 drill holes to avoid impacts to archaeological sites. Project staff will not work in proximity to these archaeological sites. It is GNWT's understanding that Husky sent the AIA final report to YKDFN on May 14.</p> <p>Husky will be required to conduct an additional AIA for Phase 2 of the proposed project, should the project proceed.</p> <p>In the unlikely event that an archaeological site was missed by the AIA, the Archaeological Awareness Plan prepared by Aurora Geosciences Ltd. for Husky Oil Operations Ltd.'s exploration activities associated with the Chedabucto Project provides useful guidelines for what project staff should do if they encounter an archaeological site. Archaeologists at the PWNHC are available to provide a brief training session to Aurora Geosciences/Husky project staff on what archaeological sites in the area look like, if required.</p> <p>With respect to the YKDFN's specific questions in IR #1: 1) The PWNHC does not have any records of an archaeological site reported by Aurora Geosciences Ltd. under their Archaeological Awareness Plan for this or other projects in the last 10 years. 2) N/A.</p>
YKDFN IR#3 Failed Mitigation Consequences Drybones Bay EA and subsequent operations	<p>Comment: To GNWT Drybones Bay is a critical cultural area that, despite 7 Environmental Assessment hearings, has seen exploration activities have disastrous consequences. History has shown that exploration companies can operate with virtual impunity – that responsible</p>	<p>It is the GNWT's view that previous activities at Drybones Bay/Tibbitt to Contwoyto are outside the scope of the assessment of the Husky Chedabucto project. The GNWT acknowledges the validity of understanding how mitigation will be implemented, and expects MVEIRB to focus the Husky EA on the potential impacts of and mitigations for the Husky development. The GNWT is willing to address YKDFN's questions (questions 1-5) regarding past activities in these areas under GNWT authorities outside of the EA process. The GNWT will not speak to previous</p>

	<p>development is a mirage and GNWT has done little to ensure responsible development.</p> <p>Recommendation: 1) In the early 2000's, an exploration company had a truck sink through the ice. Please indicate what the consequences were to company? 2) In the latter half of the decade, an exploration company was found guilty of starting a forest fire that burned one of the cemeteries in Drybones Bay. What were the consequences of this action? 3) Please indicate what actions the GNWT undertook to recover the costs of that forest fire and what the consequences of any failure to pay were? 4) In the mid 2010's, an exploration company in Drybones Bay went bankrupt. Please indicate the consequences of this action? 5) In 2014 a mining company killed 4 Bathurst Caribou on the winter road. Meanwhile, YKDFN are prohibited from harvesting Bathurst Caribou, the species that they have had a special relationship with for thousands of years – being charged for doing what they have always done, putting meat on the table for their families. Please explain what actions the GNWT undertook to follow up and what the consequences to the company were? 6) Please explain what steps the GNWT has implemented to ensure that none of these incidents will occur again, or if they do what punishments will be imposed.</p>	<p>decisions made by AANDC.</p> <p>With respect to question 6, the matter of determining security to ensure full reclamation of all project sites is of the utmost importance to the GNWT. As the public land manager, GNWT has the primary responsibility to clean up sites if developers cannot complete remediation. Should the Husky project proceed to the regulatory phase, the GNWT will provide a security cost estimate to the Wek'eezhii Land and Water Board (WLWB), and the WLWB will determine the appropriate amount of security to be held. The GNWT's estimate will be based on the RECLAIM model. RECLAIM has been used for many years on a variety of non-renewable resource development projects and is a recognized methodology in the NWT.</p> <p>In the case of forest fires, any incidents will be investigated and actions taken in accordance with the <i>Forest Protection Act</i>. If a developer is found guilty then the courts can recover all expenses incurred in controlling or extinguishing a fire that originated or resulted by reason of the offence.</p> <p>In regards to potential wildlife incidents, the <i>Wildlife Act</i> provides measures regarding reporting requirements for motor vehicle incidents for other wildlife species that applies in the project area (<i>Wildlife Act</i>, Section 58). ENR has requested that the proponent prepare and submit for review a Wildlife and Wildlife Habitat Protection Plan (WWHPP). A WWHPP would incorporate mitigation, monitoring approaches and reporting protocols, including detailed Standard Operating Procedures (SOPs) to protect wildlife and wildlife habitat, including along the proposed winter access route.</p> <p>The WWHPP is an adaptive approach that will be reviewed routinely and where mitigations and protocols can be revised when necessary. The proponent will also have legislative requirements under the <i>Wildlife Act</i>. All reported violation(s) will be investigated and appropriate action(s) will be taken.</p> <p>Finally, with respect to spills, GNWT Department of Lands has allocated a portion of its budget to address potential spill events.</p>
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<p>YKDFN IR#4 Failed Mitigation Consequences Archeology Effort in the area</p>	<p>Comment: To GNWT Companies often check with the Prince of Wales to determine what known archaeological sites are in their area. IN the past this information has been presented as though it meant that there were no archaeological sites in the area – when the reality is that few areas had actually been the focus of work. YKDFN are aware of two quick shoreline surveys that we did in the early 2000’s, discovering a large number of sites relative to the effort.</p> <p>Recommendation: 1) Please provide a map that indicates where researchers have been on the ground and undertaken systematic surveys to evaluate the area for archaeological resources. 2) Please provide a discussion that helps non-archaeologists understand the past nature of the use in the area, based on the existing research. 3) Given the number of artefacts already found (relative to the effort) and the traditional knowledge informing us of the importance of this area, does the PWNHC believes that it constitutes an archeologic landscape.</p>	<p>1) A map will be provided to MVEIRB and the YKDFN. Because the map identifies the locations of sensitive archaeological sites, the GNWT will request that MVEIRB consider the map confidential and not post it to the public registry. The YKDFN and GNWT agree that individuals may view a hard copy of the map in MVEIRB's library. Two surveys have been done in the area contained by Husky’s claim blocks. A brief shoreline survey conducted in 2004 resulted in the documentation of 13 archaeological sites. Eighteen archaeological sites were recorded as a result of the archaeological impact assessment (AIA) of the first set of drill holes (n=100) proposed by Husky for the Chedabucto Project. The map shows the ground survey areas for both studies, archaeological sites, proposed drill holes, and the drill holes deleted from the project to avoid impacts to archaeological sites. The drill holes that fall outside the 2014 ground survey areas were determined to be in areas with low potential for archaeological sites during a helicopter over flight of the project area.</p> <p>2) The archaeological research indicates that this area contains pre-contact camps and harvesting sites marked by stone tool scatters, hearths, and tent rings. Historic camps suggest more recent use of the area. Possible burials were noted at two sites.</p> <p>3) The <i>Archaeological Site Regulations</i> do not provide a definition of archaeologic landscape, nor do they provide for protection of such an entity. Archaeological sites are discrete areas with defined boundaries. Potential impacts to archaeological sites are assessed on a site-by-site basis. Following GNWT's meeting with YKDFN to seek further clarification on this IR, it is GNWT's understanding that YKDFN is using the term ‘archaeologic landscape’ as a synonym for ‘cultural landscape’. A cultural landscape can be broadly defined as a geographic area that has been changed, influenced, or given cultural meaning by people. Based on this definition, the project area is in a cultural landscape. The PWNHC’s role in the EA process focuses on the protection and management of archaeological sites. The scope of this environmental assessment includes potential effects on traditional land use and resource use in and around the project area. It is likely that the cultural importance of the area will be further discussed by participants in the EA under this topic.</p>
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<p>YKDFN IR#6 Known Exercise of Aboriginal and Treaty Rights April 7th, 2015 Letter from Terry Hall</p>	<p>Comment: To GNWT Lands, the department now responsible for coordinating action involving Aboriginal Affairs has asked First Nations to provide information at the hearing related to the exercise of Treaty rights. However, it's not clear what level of understanding that GNWT has currently. We are being forced to use the EA process to discharge numerous requirements, without clarity on what needs to be done. The GNWT has been in existence for decades and must have some understanding and evidence on how the First Nation has used exercised their rights in this area in the past. YKDFN cannot believe that they have no information on how First Nations have used this area – if not, they should have to address this failure in front of the Board. Furthermore, YKDFN wish to see the entirety of the onus on demonstrating impacts moved from the First Nation with extremely limited resources, to a more collaborative relationship with GNWT (with much broader resources and a long history of responsibility) that recognizes the fiduciary duty that the latter owes to the YKDFN. We do not need more ineffective form letters before and after the Environmental Assessment that simply attempt to create the perception that GNWT is listening – even in the Snap Lake case where Lutsel K'e sought to have its concerns addressed, the GNWT stated that they were unable to act to ensure the measures were implemented. The</p>	<p>NOTE: YKDFN has confirmed that this IR is supposed to say GNWT, not Canada, and 'inactions' should be 'interactions'.</p> <p>1) When a project is referred to the MVEIRB for review, the GNWT relies on MVEIRB's consultative processes to assist in fulfilling the duty to consult. In doing so, the GNWT plays a role in the process by notifying AGOs about MVERIB's processes and encouraging Aboriginal Governments and Organizations (AGOs) to participate in this process. The GNWT monitors and tracks all input that AGOs provide during the EA. The GNWT reviews all the input provided throughout the process prior to a final decision and makes an assessment of what issues raised during the EA relate to section 35 consultations (e.g. the input raised relates to potential negative effects AGOs' members' asserted or established Aboriginal or Treaty rights) and whether these issues have been adequately addressed. Any issues which the GNWT deems to be outstanding would be subject to further consultation and accommodation, if appropriate.</p> <p>2) Through these processes, AGOs are best placed and encouraged to identify any potential adverse impact on their Aboriginal and / or Treaty rights, including by providing information about their traditional and contemporary use. The GNWT cannot speak for AGOs on how a proposed project can impact their rights or their past or present land uses. The GNWT understands that the YKDFN are working with Husky on the scope of a traditional use study. This study would provide the best source of knowledge on this question.</p> <p>As noted in the response to the first question, information about use is held by the Aboriginal government or organization. Any information that the GNWT may have received regarding use would have come from the Aboriginal government or organization. However, if the YKDFN would feel that it would be of value to receive copies of materials that the GNWT might have on use of the Whitebeach Point area, the GNWT can provide the YKDFN with copies of this material. The GNWT cannot comment on the completeness, currency, or validity of this information as it will not have originated from its sources. AGOs would be best placed to comment on the relevance of this material. Some of the materials may be in the public domain and parties may choose to file this information with MVEIRB if they believe it is relevant to the Husky EA.</p>
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	<p>government, despite its fiduciary duty, did nothing during the subsequent water licensing to ensure that the concerns of the First Nation was addressed. GNWT cannot pretend that it knows nothing about any First Nation matter, consequently placing all the responsibility on the shoulders of the First Nation. In doing so, it ignores its duty.</p> <p>Recommendation: 1) Please provide a discussion on how GNWT understands that the Yellowknives Dene use the Whitebeach Point, based on their inactions with the First Nation since the GNWT being established. 2) Please provide any documentation that advances our understanding of this. We suggest that GNWT review it's records particularly related to the development efforts of Gary Jaeb in the early 2000's, the Anglo American development proposal in 2008, and any other information that Lands, ECE, ITI or any other Territorial departments may hold. 3) Please provide examples of past developments where First Nations have asserted that their Treaty Rights and indicate: a. What actions Canada undertook to review the matter b. What accommodations Canada sought to ensure that the concerns of the First Nation were addressed</p>	<p>3) The question is worded generally so, unfortunately, the GNWT can only provide a very general answer.</p> <p>The GNWT has a duty to consult with respect to any GNWT decisions that might negatively affect asserted or established Aboriginal and/or Treaty rights. In the environmental assessment context, the GNWT relies on MVEIRB's consultative processes to assist in fulfilling the duty to consult, but still maintains responsibility for the substantive elements of discharging the duty to consult. As such, the GNWT monitors and tracks all input that Aboriginal Governments and Organizations (AGOs) provide during the EA. The GNWT reviews all the input provided throughout the process prior to a final decision and makes an assessment of what issues raised during the EA relate to section 35 consultations (e.g. the input raised relates to potential negative effects AGOs' members' asserted or established Aboriginal or Treaty rights) and whether these issues have been adequately addressed. Any issues which the GNWT deems to be outstanding would be subject to further consultation and accommodation, if appropriate.</p> <p>The GNWT works with Canada during this process as required. The GNWT encourages AGOs to participate in MVEIRB processes for the proposed project. In particular, the GNWT encourages AGOs to:</p> <ul style="list-style-type: none">- clearly indicate, in as much detail as possible, whether any potential negative effects on AGOs asserted or established Aboriginal and/or treaty rights are anticipated as a result of the Project; and, if so,- clearly indicate the specific right(s) that may be affected, the specific effects(s) on those right(s), how those effects can be mitigated, as well as any evidence that will help in understanding those impacts; and,- support the Review Board in understanding the evidence, including traditional knowledge, with respect to both potential impacts and mitigations. The GNWT also encourages AGOs to work closely with the Project developer to identify negative effects on rights that the developer may mitigate. The project developer is the best source of information on the proposed Project and best positioned to listen to and address concerns relating to the Project.
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YKDFN IR#7 Moose Density	<p>Comment: To GNWT YKDFN have previously expressed concern with the level of harvesting on Moose, particularly as residents of the NWT have been forced to seek alternative species. In recent years, our harvesters have noted a much higher number of people on the land, in areas that non-Dene are traditionally not observed.</p> <p>Recommendation: 1) Please explain what new actions GNWT has undertaken to monitor the harvesting pressure and the population abundance of Moose, particularly with reference to the area in and around Yellowknife.</p>	<p>ENR has conducted aerial surveys for moose in the Taiga Plains ecozone (Chedabucto Lake Area) in 2004, 2007, and 2012. Another aerial survey for moose is planned for 2016 which will be important in establishing new baseline since the extensive forest fires of summer 2014. While the 2014 forest fires would have displaced moose from burned areas temporarily, it is expected that these recently burned areas will become ideal moose habitat in a few years. The North Slave Region initiated a moose jaw collection program two years ago where both participation and awareness have been increasing. The collection program shows that more bulls are harvested than cows, and the ages of harvested moose vary but notably older moose are also harvested. Consequently, there is no evidence of moose harvest having a detrimental effect on the moose population at this time. However, few moose from the Taiga Plains ecozone within the North Slave Region have been submitted, which may be due to few moose being harvested from this area.</p>

<p>YKDFN IR#10 Improved Access MVEIRB Submission</p>	<p>Comment: To GNWT YKDFN are concerned that skidding with heavy loads will create better access and allow for increased squatters and recreational developments.</p> <p>Recommendation: 1) What controls currently exist to prevent the creation of authorized recreational users in this critical cultural area? 2) How often does GNWT inspect this area for unauthorized users? Please provide details on when the last inspections were done in this area since Devolution</p>	<p>NOTE: YKDFN have confirmed that 'authorized' should be 'unauthorized'.</p> <p>1) The GNWT Department of Lands is working to identify and address the root causes of unauthorized occupation in the NWT and will continue to implement existing policies and procedures for Commissioner's and Territorial lands with regards to unauthorized occupancy. This includes the identification and posting of any unauthorized occupation of lands.</p> <p>2) The GNWT does not undertake inspections for unauthorized occupancies and use unless reported. Any unauthorized occupancies should be reported to the Department of Lands by e-mailing nwtlands@gov.nt.ca or by calling (867)765-6701.</p> <p>The GNWT does, however, conduct regular inspections for authorized occupancies and use. An inspection of the one active seasonal recreational lease (on Whitebeach Point) was conducted on May 13th, 2010 under AANDC's authority (pre devolution). The next inspection (under GNWT authority, post devolution) is scheduled for summer of 2015. The other lease on Chedabucto Lake was recently issued and therefore the first scheduled inspection will be this summer as well.</p> <p>The Anglo American land use permit (W2008C0010) was inspected under AANDC authority on September 26th, 2008, May 13th, 2010 and final clearance granted by the WLWB on June 24th, 2010.</p> <p>With respect to the YKDFN's IR #12 part 2, reviews of records transferred to GNWT from AANDC indicate that there have been no evictions or postings in the project area over the last five years.</p> <p>GNWT is providing this information pursuant to its obligations under the Northwest Territories Lands and Resources Devolution Agreement. The GNWT was not responsible for, and will not comment on, the content of these records.</p>
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<p>YKDFN IR#13 Wildlife Monitoring and Management MVIERB IR Response, Wildlife Management Plan</p>	<p>Comment: To GNWT YKDFN have reviewed the Wildlife Management Plan submitted and are unsure on many details relating to the efficacy of the measures contained.</p> <p>Recommendation: The project notes that a wildlife monitor will be present and that reporting will be provided to GNWT. Other than the existing mines, please provide past a comprehensive list of when this has occurred in the past and how GNWT has used this information, with a focus on what GNWT has done to mitigate the impacts associated with the project.</p>	<p>Wildlife monitors may serve numerous roles depending on what the proponent has hired them to do. In current projects, wildlife monitors act as points of contact, fulfill reporting requirements and report wildlife incidents or occurrences. As an example, for an existing project, the wildlife monitor has played a role in monitoring the activities (traffic, wildlife, etc.) on the winter road. This partnership has worked very well over the last few winters; the company will send weekly reports to the ENR regional office that assists in planning operational activities, thus allowing GNWT to have an extra set of eyes and ears on the land.</p> <p>The Husky land use application states that a “Local environmental/wildlife monitors will be employed for the duration for the field programs”. GNWT agrees that the roles and responsibilities of the wildlife monitors for this project are unclear and that more comprehensive details on wildlife mitigation efforts by Husky are required. During the preliminary screening process, GNWT - ENR wrote to the proponent requesting Husky Oil Operations Ltd. gather current wildlife related commitments and mitigations made within their Wildlife, Archaeological & Environmental Awareness Plan and develop a Wildlife and Wildlife Habitat Protection Plan (WWHPP) that would be appropriate to the scale of their exploration operation and relevant to the Chedabucto area. A WWHPP should consist of Standard Operating Procedures (SOPs) that provide specific and detailed information on wildlife mitigations and wildlife habitat protection; this document should also include SOPs for the Wildlife Monitors.</p> <p>In a second round of information requests, GNWT reiterated that the wildlife aspects of the submitted Wildlife, Archeological, and Environmental Awareness Plans could be strengthened by incorporating detailed SOPs that protect wildlife and wildlife habitats, including role and responsibilities of the Wildlife Monitor, as well as information from the DRAFT GNWT Wildlife & Wildlife Habitat Protection Plan and Wildlife Effects Monitoring Program Guidelines. GNWT encourages all those who possess wildlife data/information for this region (industry, government, consultants, academia, community members, etc.), including Husky Oil Operations Ltd., to submit wildlife sightings data and information to GNWT so that it may be entered into ENR’s Wildlife Management Information System (WMIS) which provides a central repository for the storage and access of standardized raw wildlife data to support regional scale monitoring efforts and cumulative effects initiatives in the NWT.</p>
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Meeting - Yellowknives Dene First Nation and Government of the Northwest Territories Re: Information Requests for the Husky Chedabucto Project (EA1415-02)
Meeting Notes

These notes are intended as a summary of topics discussed and a record of where agreement was reached. They are not intended as a verbatim record.

Date: Tuesday, May 12th, 2015

Time: 3:00 – 5:00

Location: Gallery Building, Yellowknife

In attendance:

YKDFN

Rachel Crapeau - Land & Environment Department

Todd Slack – Land & Environment Department

GNWT

Clayton Balsillie - Department of Aboriginal Affairs and Intergovernmental Relations

Lorraine Seale – Department of Lands

Charlotte Henry – Department of Lands

Meeting commenced at 3:10 PM.

Meeting Overview:

GNWT – Intent of meeting is to (a) seek context and clarity on YKDFN IRs and (b) discuss views/approach to s. 35 Duty to Consult.

Final Scoping Document

GNWT and YKDFN discussed MVEIRB's final Scope of Environmental Assessment

YKDFN IR #1 (Archaeology Mitigations)

GNWT: Expressed the view that a comprehensive list of Aurora Geoscience's past reporting of archaeological sites is not necessary to understand potential impacts of proposed Husky project.

YKDFN: Intent of question is to demonstrate the effectiveness of the mitigation. If Aurora has never reported an archaeological site, how can YKDFN be assured that Archaeological Awareness Plan will provide adequate level of protection? Project area is of high cultural value to YKDFN, high instances of historic use. AG has been working in the North for many years, on many projects, where this policy has been in place. However, we are not aware of any instances of it resulting in the discovery or subsequent mitigations. If it has, what does GNWT do with this information - YKDFN are not aware of any examples of PWNHC inspecting or verifying a site reported by Aurora Geosciences.

YKDFN #4 (Archaeology Mitigations)

GNWT: Unclear what is meant by “archaeologic landscape”; the *Archaeological Site Regulations* do not provide a definition.

YKDFN: Synonym for “cultural landscape” – discussed in Drybones EAs. The project area should not be treated the same as areas of lesser cultural values. This is an area with a very high density of sites – YKDFN does not believe that they can be treated as discrete locations, rather that they need to be considered as a whole.

Note: both parties agreed that GNWT would submit the requested map to MVEIRB under confidential cover. Both parties agreed that the map would not be posted online, but that individuals will be able to view a hard copy of the map in the MVEIRB office.

YKDFN IR # 3 (Failed Mitigation Consequences Drybones Bay EA and Subsequent Operations)

GNWT: Expressed the view that previous activities at Drybones Bay/Tibbitt to Contwoyto are outside the scope of the assessment of Husky Chedabucto project. Understand the interest in discussing the effectiveness of mitigation. GNWT is willing to address YKDFN questions regarding past activities in these areas under GNWT authorities outside of EA process. GNWT can address question #6 as part of the IR process. Stated that GNWT employees are not able to speak to decisions taken by AANDC.

YKDFN: Questions 1-5 provide an analogy of what could happen in Husky project area. YKDFN is seeking information on lessons learned from Drybones/Tibbitt to Contwoyto and how those lessons will apply to Husky. YKDFN stated that it is not looking to re-argue Drybones.

Expressed the view that GNWT employees should answer questions about past events based on their personal recollections, even if they were not working for GNWT at the time. Their experience and wisdom are assets to sound environmental stewardship – they know what happened and are able to provide information, history and context to provide for better decision making.

YKDFN IR # 7 (Moose Density)

GNWT: Please clarify starting point for “new actions.”

YKDFN: Intent of IR is to understand GNWT moose monitoring efforts in context of increased hunting pressure due to restrictions on caribou harvesting. “New actions” starting point is likely several years ago, maybe 5-7 years, when GNWT first began to introduce harvest restrictions on Bathurst caribou. During that period YKDFN contacted GNWT North Slave biologists at the time to ask about whether new actions would be taken with respect to moose; would like to get the information on the record for this environmental assessment.

There is increased harvesting of moose and no new management actions, thus it seems likely that the ability of the YKDFN to harvest moose and exercise their rights could be reduced in addition to the harvesting limits already in place for other species

YKDFN IR #13 (Wildlife Monitoring and Wildlife Management Plan)

GNWT: Expressed the view that a comprehensive list of wildlife monitors and subsequent mitigations on past projects is not necessary to understand potential impacts of proposed Husky project.

YKDFN: Intent of question is to determine effectiveness of this mitigation. Are wildlife monitors being used and is the information generated from wildlife monitors useful to the GNWT? Interested in knowing when a report from a wildlife monitor has triggered some sort of management action either on in operational sense or if these reports have provided information that aides GNWT decision making (as the principle manager of wildlife in the NWT)

YKDFN agreed that the scope of the IR could be narrowed to the North Slave.

YKDFN IR #10 (Improved Access)

GNWT: Asked for context/background.

YKDFN: The intent of this IR is to establish baseline levels so that it is possible to determine if unauthorized use increases after the project starts. Expressed view that the developer will construct a well-packed trail which other people could then use to more easily transport building materials to the project area. Also seeking to understand what the current monitoring effort is and if it's resulted in actions (since devolution)

YKDFN IR # 6 (Known Exercise of Aboriginal and Treaty Rights)

GNWT: Stated interest in discussing GNWT and YKDFN views of the duty to consult and how it relates to the MVEIRB EA process. Such discussions could occur in the context of the broader relationship between YKDFN and GNWT.

Information about use or exercise of Aboriginal and / or Treaty rights is held by the First Nation. GNWT cannot provide an interpretation on how YKDFN uses the Husky Chedabucto project area or an interpretation on how the YKDFN thinks its Treaty or Aboriginal rights could be affected by the project. YKDFN is best positioned to provide this information. GNWT is following what the courts have laid out for how the consultative process should unfold.

YKDFN:

Confirmed that "inactions" should be "interactions" and that "Canada" should be "GNWT."


Does not agree that YKDFN should have to be the only source of information; GNWT should know some details of use and potential impacts by now as they have been in existence for 50 years – they should have an understanding of how people use the land. Suggested that GNWT provide its understanding, based on its records and past processes, as a starting point, and then First Nations could build on this information to make the case as to what the level of infringement is and what the impacts are.

Mentioned that YKDFN has been involved in at least 4 or 5 processes in the area, including a meeting attended by ENR and YKDFN regarding a proposal put forward by Gary Jaeb and the PAS process. Stated that YKDFN does not have documents to post to the public registry in this regard. There is a flaw in the current approach where the GNWT/Canada places all of the onus on the First Nation to gather and present it's case. This should be a more collaborative approach, in which the under resourced First Nation can build on the existing knowledge – so that it doesn't have to start at 'zero knowledge' each and every time.


Concerns with statement in GNWT's consultation letter that YKDFN direct their concerns through EA process. In YKDFN's view MVEIRB and the MVLWB do not want these concerns expressed during their processes. Referred to Snap Lake 2014 MVEIRB EA hearing and Lynx Pit MVLWB water licence hearing as examples, where boards have explicitly stated that they are not interested in hearing concerns on this matter.

Meeting ended at 5:15 PM.


Approved:



Yellowknives Dene First Nation
Todd Slack



Date



Government of the Northwest Territories
LORRAINE SEAL



Date