

**Meeting - Yellowknives Dene First Nation and Government of the Northwest Territories Re: Information Requests for the Husky Chedabucto Project (EA1415-02)**  
Meeting Notes

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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 12<sup>th</sup>, 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."

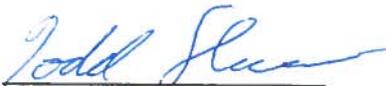
Does not agree that YKDFN should have to be the only source of information; GNWT should know some details of use and potential impacts by now as they have been in existence for 50 years – they should have an understanding of how people use the land. Suggested that GNWT provide its understanding, based 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.

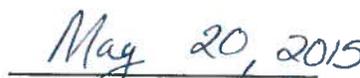
Meeting ended at 5:15 PM.

**Approved:**

  
Yellowknives Dene First Nation  
Todd Stack

  
Date

  
Government of the Northwest Territories  
LORRAINE SEALE

  
Date