



ENVIRONMENTAL IMPACT

REVIEW BOARD

FOR THE REVIEW OF THE PROPOSED  
INUVIK TO TUKTOYAKTUK HIGHWAY PROJECT  
PUBLIC HEARING

Liz Snider	Chairperson/Facilitator
Herbert Felix	Board Member
Roland Kikoak	Board Member
Catherine Cockney	Board Member
Bruce Chambers	Board Member

HELD AT:

Midnight Sun Recreation Complex

Inuvik, NT

September 18, 2012

Day 1 of 4

## 1 APPEARANCES

2

3 John Donihee ) Board Staff

4 Gordon Stewart )

5 Petr Komers )

6 Meghan Birnie )

7 Eli Nasogaluak )

8 Chris Burn )

9

10 Jim Stevens ) Developer

11 Rick Hoos )

12 Erica Bonhomme )

13 Robyn McGregor )

14 Oliver Piraux )

15 Don Hayley )

16 Doug Chiperzak )

17 Tara Schmidt )

18 Michael Fabijan )

19 Shawn McArthur )

20 Gurdev Jagpal )

21 Walter Orr )

22

23 Amanda Joynt ) Department of Fisheries

24 Sarah Olivier ) and Oceans

25 Bev Ross )

1	APPEARANCES (Con't)	
2		
3	Kate Witherly	)Northern Projects
4		)Management Office
5		
6	Derek Parks	)Fisheries Joint Management
7		)Committee
8		
9	James Hodson	)Environment Canada
10	Susanne Forbrich	)
11		
12	Phoebe Miles	)Infrastructure Canada
13		
14	Doug Soloway	)Transport Canada
15	Dale Kirkland	)
16		
17	Conrad Baetz	)Aboriginal Affairs and
18	Bob Gowan	)Northern Development
19	Jan Davies	)Canada
20		
21	Adriane Bacheschi	)Parks Canada
22	Jean-Francois Bisailon	)
23		
24	Larry Carpenter	)Wildlife Management
25	Bruce Hanbidge	)Advisory Council

1	APPEARANCES (Con't)	
2		
3	Derek Parks	) Fisheries Joint
4		) Management Committee
5		
6	Sunny Ashcroft	) Environment and
7	Marsha Branigan	) Natural Resources
8	Stephen Charlie	)
9		
10	Karin Taylor	) Department of Justice
11		
12	Denny Rodgers	) Mayor of Inuvik
13		
14	Russell Neudorf	) Deputy Minister,
15		) Department of
16		) Transportation
17		
18	Richard Gordon	) Member of the public
19		
20	Sheila Nasoloak	) Member of the public
21		
22		
23		
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25		

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

2

3 THE CHAIRPERSON/FACILITATOR: Thanks  
4 for your patience. I guess we're good to go now.  
5 Before we start, I would like to ask Lillian Elias to  
6 say the opening prayer, please. Do you want to get a  
7 mic?

8

9 (OPENING PRAYER)

10

11 OPENING STATEMENT BY THE CHAIRPERSON/FACILITATOR:

12 THE CHAIRPERSON/FACILITATOR: Thank  
13 you. Good morning, everyone. I know I'm a bit soft  
14 spoken, so if there's anybody that can't hear me, just  
15 stand up or yell or something, and I'll try to speak a  
16 little louder.

17 I'm Liz -- Liz Snider, and I'm the Chair  
18 of the Environmental Impact Review Board. This Review  
19 Board was established by the Inuvialuit Final  
20 Agreement. We have actually developed, as a -- as a  
21 Board, rules and guidelines to set out how we will  
22 conduct our work.

23 We are required to conduct an  
24 environmental impact review of developments that have  
25 been referred to us by the environmental impact

1 screening committee. Our job is to recommend whether  
2 or not the development should go ahead. And if it  
3 should, we can actually recommend terms and conditions  
4 that include mitigative and remedial measures.

5                   This proposed highway project is also  
6 subject to the Federal Canadian Environmental  
7 Assessment Act. The Review Board has signed a  
8 memorandum of understanding with the Minister of the  
9 Environment, agreeing that we, the Review Board, would  
10 complete the CEAA review on behalf of the Government of  
11 Canada.

12                   This means that the review -- the Review  
13 Board is bound by both the requirements of the  
14 Inuvialuit Final Agreement and the Canadian  
15 Environmental Assessment Act. Oh, sorry. I'll speak a  
16 little slower.

17                   There will be only one (1) environmental  
18 review of the proposed highway project as a result of  
19 the memorandum of understanding, the one (1) that is  
20 being conducted by this panel.

21                   The panel here with me today has been  
22 established in accordance with Subsection 11(9) of the  
23 Inuvialuit Final Agreement. They represent the  
24 Environmental Impact Review Board.

25                   Over the next two (2) days, the panel

1 will conduct a technical hearing here in Inuvik into  
2 the application to build an all-weather road between  
3 Tuktoyaktuk and Inuvik. As we all know, this highway  
4 has been talked about for a long time, many years.

5 We are here to listen and to provide the  
6 opportunity to community members to hear the views of  
7 the Developer and the registered Intervenor. More  
8 importantly, we are here to listen to your views about  
9 the highway and how it will affect your communities,  
10 the natural environment, and the areas of cultural  
11 significance around Husky Lakes.

12 Early next week we will be travelling to  
13 Tuktoyaktuk for the same purpose, to listen to  
14 community views about the proposed highway project.  
15 The panel has to make its decision based on the  
16 information and evidence provided to it by the  
17 Developer and other parties. All this information is  
18 available to the public on our registry site.

19 To gather this information, instructions  
20 were sent to the Developer as a guide to drafting an  
21 environmental impact statement, followed by requests to  
22 the Developer and other parties for additional  
23 information and clarification.

24 The panel has to determine whether the  
25 legal requirements of the IFA and the Canadian



1 Environmental Assessment Act have been met by the  
2 Developer in its environmental impact statement and  
3 subsequent filings.

4 The Board held technical sessions in  
5 Inuvik on August 22nd and 23rd to clarify some  
6 important and secure additional information where some  
7 gaps in the materials that have been filed existed.

8 At this point, the Board is satisfied  
9 that the information on record covers the areas of the  
10 terms of reference. The continuing review will assess  
11 the quality and completeness of that information.

12 The parties were instructed to file  
13 their technical submissions for the hearings by  
14 September 10th. The Developer had the opportunity to  
15 reply to the parties by September 12th, 2012. Board  
16 staff held a pre-hearing conference on September 7th.

17 The pre-hearing conference identified  
18 the procedures to be followed at this hearing and the  
19 one in Tuktoyaktuk. No legal issues were raised at the  
20 pre-hearing conference. All parties were required to  
21 submit their hearing presentations by September 14th.

22 The tearing -- hearings were advertised  
23 in accordance with the EIRB guidelines and a public  
24 notice was provided in News North and on the rolling  
25 channel. Today we are going to sit from 9:00 to 5:00.

1 We will have appropriate breaks for lunch and coffee,  
2 but lunch will not be provided. So the -- during the  
3 break you'll have to go elsewhere for lunch, I guess.

4 If the proceedings are concluded earlier  
5 than the anticipated time, we will adjourn for the day  
6 and reconvene tomorrow at 9:00 a.m.

7 Just a few housekeeping items. The  
8 washrooms are actually located at the back, in this  
9 room but down the hall, down there. And if you look  
10 around you there's some emergency exits, one (1) here  
11 and one (1) here and, of course, the one (1) out to the  
12 front. If you don't mind, please turn off any cell  
13 phones or mobile devices during the hearing process.

14 The panel asks for your cooperation in  
15 being prepared to make your presentations in the order  
16 set out in the agenda, and to be organized and focussed  
17 in your questioning of the parties. I will be firm in  
18 keeping you to your allotted time so that everyone has  
19 a fair opportunity to have their say. I thank you for  
20 your consideration in doing this.

21 The panel will first of all hear from  
22 the Developers regarding their application before the  
23 panel. Once they have completed their presentation,  
24 the proceedings will follow the order set out in the  
25 agenda, starting with questions to the Developer.

1 There are copies of the agenda at the back if anybody  
2 has not gotten one yet.

3 For the purposes of taking questions  
4 from the public there is a microphone that can be  
5 brought to you, a portable one, for questions, or you  
6 can actually come up to the table up front here and  
7 make your presentation.

8 If you wish to speak, please stand up  
9 and identify yourself and who you represent. And we  
10 invite Elders to make their statements at any time  
11 during the proceedings. Those members of the public  
12 who wish to make a statement or have registered here  
13 today will be given an opportunity to address the panel  
14 after the Developer and registered Intervenors have  
15 done so.

16 The panel would like to keep this  
17 hearing as informal as possible. But as a quasi-  
18 judicial body, we are bound by rules of procedural  
19 fairness, and I'm responsible to conduct this hearing.  
20 And if you don't mind, I would ask that all comments or  
21 questions be directed through the Chair.

22 I'd like to take a moment and introduce  
23 my panel members. I have Bruce Chambers, Cathy  
24 Cockney, Roland Kikoak, and Herbert Felix. Also  
25 somewhere -- oh, over there, Eli Nasogaluak. He's our

1 environmental assessment coordinator that assists the  
2 Board.

3                   We also have here with us today Gordon  
4 Stewart, who is sort of overseeing the environmental  
5 review; John Donihee, who is our Board legal counsel;  
6 Dr. Petr Komers, he's a Board technical advisor; Meg --  
7 Meghan Birnie, she's also a Board advisor; and Dr.  
8 Chris Burn, who is a Board technical advisor.

9                   Also we have with us this morning two  
10 (2) interpreters, Fred Wolki and Lilliane Elias.  
11 Robert Kuptana will be joining us a little later and  
12 will assist in that as well.

13                   I'd ask you -- and I was actually not  
14 good at this in the very beginning -- to be very  
15 mindful that these interpreters have to interpret after  
16 you've spoken. And so please pace your speaking  
17 accordingly, and -- and it'll assist them in doing  
18 their job.

19                   These proceedings are also being  
20 recorded. That was a bit of the reason for our delay,  
21 and they will be transcribed later. So when you speak,  
22 could you please begin with your name and -- and the  
23 organization you represent? Our court reporter here is  
24 Sean Coleman. Now if you have any questions about the  
25 transcripts, you could actually direct them to Sean or

1 to Eli during the breaks.

2 Transcripts will be available on our  
3 registry site at a later date and will form part of our  
4 record. Norbert Poitras is working for Pido. He's  
5 doing the recordings, and he will let us know if  
6 there's any problems.

7 Before we begin with the presentations,  
8 I'd like to start and give the Developer and the  
9 registered Intervenor the opportunity to make an  
10 opening statement. Please keep this opening statement  
11 to five (5) minutes each and that was we -- there'll be  
12 lots of opportunity during the day to ask other  
13 questions.

14 So thank you, and welcome to the  
15 hearing. I would like to start then to ask the  
16 Developer to actually make their opening statements.

17

18 OPENING STATEMENT BY THE DEVELOPER:

19 MR. JIM STEVENS: Thank you, Madam  
20 Chair. Good morning, panel members, parties, and  
21 public attending this hearing. My name is Jim Stevens.  
22 I am the Developer's project director.

23 Before I start to introduce the  
24 Developer's team for this public hearing, I should  
25 highlight the presence of the Mayor of Inuvik, Denny

1 Rodgers; Mayor of Tuktoyaktuk, Merven Gruben; and the  
2 Deputy Minister of Transportation for the Government of  
3 the Northwest Territories, Russell Neudorf. Mr.  
4 Neudorf and Mayor Rodgers will be speaking to the  
5 project as the -- as the Developer later this morning.

6                   Supporting us today are a number of  
7 experts who have helped us put together the  
8 environmental impact statement before you. Please  
9 allow me to introduce the members of our team of  
10 consultants and Department of Transportation staff.  
11 First, from Kiggiak-EGA Consulting Limited, Rick Hoos,  
12 principal consultant; Tara Schmidt, environmental  
13 planner; Robyn McGregor, senior transportation engineer  
14 and principal consultant; and Don Hayley, director,  
15 Arctic Resource Development.

16                   From Kavik-Stantec Inc., we have Erica  
17 Bonhomme, senior environmental planner; Walter Orr,  
18 senior civil engineer; Olivier Piraux, terrain  
19 scientist; Shawn McArthur, geotechnical engineer;  
20 Michael Fabijan, vice president; and Doug Chipertzak,  
21 senior fisheries biologist.

22                   And from the Department of  
23 Transportation and well known in the Beaufort Delta,  
24 Mr. Gurdev Jagpal, our Inuvik Regional Superintendent.

25                   Each member of our team will be

1 available to answer questions or provide more  
2 information from their respective areas of expertise  
3 during this hearing. In addition to these consultants  
4 and staff, the Developer team is also supported by a  
5 number of GNWT officials from the Departments of  
6 Justice; Environmental -- Environment and Natural  
7 Resources; Industry, Tourism and Investment; NWT  
8 Housing Corp.; Health and Social Services; Municipal  
9 and Community Affairs; and Education, Culture and  
10 Employment.

11                   These officials are available to explain  
12 current programs and activities and how they may relate  
13 to current and future capacity to manage and mitigate  
14 predicted impacts from this development.

15                   For time and efficiency considerations,  
16 the panel may want to leave any related questions to  
17 the Wednesday afternoon time slot designated for ENR  
18 and the Government of the Northwest Territories  
19 department. Thank you.

20                   THE CHAIRPERSON/FACILITATOR: Thank  
21 you. Could I ask the representative from Aboriginal  
22 Affairs and Northern Development Canada to make their  
23 opening statement?

24

25 OPENING STATEMENT BY AANDC:

1 MR. CONRAD BATES: Good morning. My  
2 name is Conrad Bates. I'm the district manager with  
3 Aboriginal Affairs and Northern Development Canada here  
4 in Inuvik. I am accompanied today by Mr. Bob Gowan,  
5 who brings with him expertise in granular resource  
6 management from Ottawa. And I'm also accompanied by  
7 Mr. Jan Davies, who brings with him expertise in water  
8 quality management and inspections services within the  
9 district.

10 My presentation this afternoon will  
11 cover off much of our mandate, as well as what some of  
12 our concerns may be. Thank you.

13 THE CHAIRPERSON/FACILITATOR: Thank  
14 you. Could the representative from the Department of  
15 Fisheries and Oceans make their introductory remarks?

16

17 OPENING STATEMENT BY DFO:

18 MS. BEV ROSS: Good morning, Madam  
19 Chair, panel members, and members of the public. My  
20 name is Bev Ross, and I'm the regional manager for  
21 environmental assessment for Fisheries and Oceans  
22 Canada. With me today are Sarah Olivier, who is an  
23 environmental assessment analyst from Yellowknife, and  
24 Amanda Joynt who is the acting district manager for  
25 Fisheries and Oceans here in Inuvik.



1 In our presentation later today, DFO  
2 will provide an overview of our review of the proposed  
3 project to date and recommendations for provision of  
4 further information to inform DFO's final submission  
5 and future regulatory decisions, should the  
6 environmental assessment be approved.

7 DFO is of the opinion that provided that  
8 the appropriate mitigation and monitoring plans that we  
9 outline in our presentation are developed and adhered  
10 to and applicable DFO guidance is followed, that  
11 impacts to fish and fish habitat from the Inuvik/Tukta  
12 -- Tuktoyaktuk Road can be effectively managed. Thank  
13 you.

14 THE CHAIRPERSON/FACILITATOR: Could the  
15 representative from Environment Canada please make  
16 their opening statement? I'll remind you about the  
17 interpreters too. Nice and slow.

18 MS. SUSANNE FORBRICH: Yes, yes. Thank  
19 you.

20

21 OPENING STATEMENT BY ENVIRONMENT CANADA:

22 MS. SUSANNE FORBRICH: Good morning,  
23 Madam Chair, panel members, Elders, ladies, and  
24 gentlemen. My name is Susanne Forbrich, and I'm  
25 representing Environment Canada here in Inuvik today.

1 I am the manager of environmental  
2 assessment and marine programs for Environment Canada  
3 in Prairie and Northern region from Edmonton. The  
4 region consists of the Northwest Territories, Nunavut,  
5 and the three (3) Prairie provinces.

6 Here with me today to answer any  
7 questions regarding wildlife, migratory birds, and  
8 species at risk is Dr. James Hodson, who's an  
9 environmental assessment coordinator and wildlife  
10 biologist with the Canadian Wildlife Service.

11 As requested by the Board, I'll briefly  
12 touch on the mandate of Environment Canada, which is  
13 determined by the statute of the Department of  
14 Environment Act and the legislation assigned to it by  
15 Parliament through the Minister.

16 This Act states that Environment Canada  
17 has a responsibility to advise other federal  
18 departments, boards, or agencies on matters pertaining  
19 to the preservation and enhancement of the quality of  
20 the natural environment. As such, the mandate is quite  
21 broad.

22 Environment Canada will be presenting  
23 today on the following issues: water quality; fuel  
24 storage and spill contingency reporting and planning;  
25 waste management; and wildlife, including migratory

1 birds and species at risk.

2                   For each issue, Environment Canada has  
3 provided its advice and conclusions based on the  
4 available information on the registry, using specialist  
5 and expert information and knowledge in the areas of  
6 the departmental mandate relevant to the current  
7 project. As such, we hope that this information will  
8 aid the panel in the review of the effects of this  
9 proposed project.

10                   We look forward to continuing to work  
11 with the Proponent and the panel throughout this  
12 hearing process. Thank you.

13                   THE CHAIRPERSON/FACILITATOR: Do we  
14 have a representative from the Fisheries Joint  
15 Management Committee?

16

17 OPENING STATEMENT BY FJMC:

18                   MR. DEREK PARKS: Good morning, Madam  
19 Chair, Board members, members of the public. My name  
20 is Derek Parks. I'm a technical consultant to the FJMC  
21 in the Tuk-Inuvik working group.

22                   I've been asked to come today and  
23 participate in the hearings and provide the views of  
24 the FJMC, ensuring that the concerns and ideas that  
25 have been identified similar to other Ministries are

1 followed up on, and look forward to working with  
2 everyone to get through this process. Thank you very  
3 much.

4 THE CHAIRPERSON/FACILITATOR: Thank  
5 you. So do we have someone here from Infrastructure  
6 Canada?

7

8 OPENING STATEMENT BY INFRASTRUCTURE CANADA:

9 MS. PHOEBE MILES: Good morning, Madam  
10 Chair and members of the panel, and everybody here. My  
11 name is Phoebe Miles. I am a senior environmental  
12 review and approvals officer with Infrastructure  
13 Canada. I'm here on my own, so I have nobody to  
14 introduce this morning.

15 The department provides funding to  
16 support and enhance the development of public  
17 infrastructure in Canada through capital investments in  
18 infrastructure projects. Budget 2011 allocated \$150  
19 million to support the construction of the Inuvik to  
20 Tuktoyaktuk highway in partnership with the government  
21 of Northwest Territories, the Inuvialuit Regional  
22 Corporation, and local communities.

23 Subject to the outcome of the  
24 environmental assessment process, Infrastructure Canada  
25 will administer the federal contribution to the

1 project. Infrastructure Canada is a responsible  
2 authority under the Canadian Environmental Assessment  
3 Act as well as a government authority under the  
4 Inuvialuit final agreement.

5 We will lead the coordination of the  
6 Government of Canada's single response to the panel's  
7 report and look forward to working with the Government  
8 of Northwest Territories and partners in the -- in the  
9 future of the project. Thanks.

10 THE CHAIRPERSON/FACILITATOR: The  
11 representative from Parks Canada...?

12

13 OPENING STATEMENT BY PARKS CANADA:

14 MS. ADRIANE BACHESCHI: Okay. Hi. My  
15 name is Adriane Bacheschi. And I'm the visitor  
16 experience manager for Parks Canada in the Western  
17 Arctic. And I'm here together with Jean-Francois  
18 Bisailon at the back. And he's the acting site  
19 manager for the Pingo Canadian landmark.

20 And as Parks Canada representative,  
21 we're basically here because our interests in the  
22 proposed highway have to do with the Pingo Canadian  
23 landmark, which is just outside -- it's just very --  
24 the boundary is very close to the proposed highway.  
25 And it's just related to our management

1 responsibilities of the Pingo Canadian landmark and  
2 potential impacts to the cultural and natural resources  
3 within the Pingo Canadian landmark. Thank you.

4 THE CHAIRPERSON/FACILITATOR: Do we  
5 have a representative from Transport Canada?

6

7 OPENING STATEMENT BY TRANSPORT CANADA:

8 MR. DALE KIRKLAND: Good morning, Madam  
9 Chair, panel members, Elders, ladies, and gentlemen.  
10 My name is Dale Kirkland. I'm the regional manager of  
11 environmental services for Transport Canada in the  
12 Prairie and Northern region.

13 With me here today is Mr. Doug Soloway,  
14 who is the superintendent of an environmental  
15 assessment program in the North. Transport Canada is  
16 responsible for transportation policies and programs  
17 that promote all parts of the transportation system to  
18 work effectively and in an integrated manner so as to  
19 provide Canadians with a sustainable transportation  
20 system that is safe, secure, efficient and  
21 environmentally responsible.

22 Within our mandate and as an Intervenor  
23 in these proceedings, the Navigable Waters Protection  
24 Act is a principal statute applicable to the highway  
25 project. Under the Navigable Waters Protection Act

1 Transport Canada approves proposed development for any  
2 works built in, on, over, under, through or across any  
3 navigable waterway to balance the public right to safe  
4 navigation and the need to build crossings, such as  
5 bridges and culverts.

6 Transport Canada has requested that the  
7 Developer submit applications to assess the required  
8 works in, near, or around navigable waters. The  
9 Developer has acknowledged and indicated that the  
10 applications will be forthcoming.

11 Also within our mandate Transport Canada  
12 has the authority to promote public safety during the  
13 transportation of dangerous goods in all modes of  
14 transport. The transportation of dangerous goods  
15 regulations has been do -- adopted by all territories,  
16 focus on preventing hazardous incidents when dangerous  
17 goods are imported, handled, or transported.

18 Transport Canada would like to thank you  
19 for the opportunity today for the opening statement.  
20 And we look forward to continued dialogue and  
21 cooperation as the review progresses. Thank you.

22 THE CHAIRPERSON/FACILITATOR: Thank  
23 you. The Wildlife Management Advisory Council for the  
24 Northwest Territories...?

25

1 OPENING STATEMENT BY WMAC:

2 MR. LARRY CARPENTER: Good morning,  
3 Madam -- Madam Chair, distinguished panel members. My  
4 name is Larry Carpenter. I am the chair of the  
5 Wildlife Management Advisory Council for the Northwest  
6 Territories. I am Inuvialuit and I come from the  
7 Inuvialuit community of Sachs Harbour.

8 I'm here before you today to present the  
9 position of a co-management board on the Developer's  
10 environmental impact statement for the proposed Inuvik-  
11 Tuk Highway. I am also here today as a concerned  
12 Inuvialuit who wants to see that -- see to it that the  
13 requirements of the Inuvialuit Final Agreement, as  
14 stated in its first and third principles, to preserve  
15 Inuvialuit cultural identity and values within a  
16 changing Northern society and to protect and preserve  
17 the Arctic wildlife environment and biological  
18 productivity, which my father and many other dedicated  
19 Inuvialuit, including the present CEO of the Inuvialuit  
20 Regional Corporation, negotiated faithfully for many  
21 years until agreed to by government and Inuvialuit, are  
22 ful -- fulfilled in this review.

23 The pos -- position of the WMAC-NWT is  
24 on the record of this environmental impact review as  
25 respecting the failure of this Developer to produce an



1 adequate environmental impact statement for their  
2 proposed road, as requested by the EIRB.

3 I want to emphasize to you that the  
4 WMAC-NWT noted and expressed their concerns over the  
5 shortcomings in the Developer's environmental impact  
6 statement and their need for further information and --  
7 and analysis over a year ago at the very beginning of  
8 this review. This was during the conformity review  
9 stage. We continued to make the same request during  
10 the technical review stage, during the information  
11 request stage, and finally during the recent technical  
12 hearings held a few weeks ago in August.

13 I am now very disappointed to be sitting  
14 in front of you at the final review stage and having to  
15 report to you at -- that at no time over the last year  
16 of this review has the Developer adequately addressed  
17 the shortcomings in that EIS for information and  
18 analysis, as requested by the WMAC and as required by  
19 the terms of reference for this review.

20 I also feel it is important to tell you  
21 that the WMAC's concerns over the lack of adequate  
22 information and analysis in the -- in this EIS was  
23 further confirmed at -- was further confirmed at the  
24 end of the technical hearing in August, when the  
25 federal agencies of the Department of Fisheries and

1 Oceans, Aboriginal Affairs and Northern Development  
2 Canada, and the Canadian Wildlife Service all stated  
3 that they did not have the necessary information from  
4 the Developer to carry out their regulatory  
5 responsibilities to manage this proposed road  
6 construction.

7                   The Inuvialuit support development. The  
8 environmental impact review process in the IFA was  
9 designed as a way in which we could have this  
10 development while at the same time ensuring that such  
11 development occurred in a controlled and sustainable  
12 manner. It -- it's the responsibility of the EIRB and,  
13 therefore, your responsibility to ensure that this  
14 environmental impact review process is properly and  
15 fully carried out.

16                   In light of your responsibility for this  
17 process, I must also bring to your attention the  
18 concerns of the WMAC over any precedents that could  
19 result from the decisions of the EIRB on this review,  
20 as they would affect future environmental impact  
21 reviews in this region and, ultimately, the protection  
22 of our environment and Inuvialuit culture.

23                   Development is coming to the West Niarg  
24 (phonetic) region, and as this is the first EIRB  
25 environmental review that I am aware of that must deal

1 with cumulative effects on harvested species in a  
2 worst-case scenario, the decisions of the EIRB for this  
3 proposal will be used as a precedent for all future  
4 developments in the region.

5 Furthermore, given that the Developer  
6 for this proposal is government, the quality of this --  
7 of their proposal will also be used by all future  
8 developers, from industry as prop -- as the baseline  
9 standard for their own proposals.

10 Given the poor quality of this proposal,  
11 as the chair of the WMAC-NWT I have great concerns over  
12 their precedents that may be set by this review and how  
13 those precedents will affect the ability of the WMAC-  
14 NWT to fulfill its obligations under the IFA to advise  
15 on the protection of the land and its wildlife. As an  
16 Inuvialuit the quality of this proposal leaves me even  
17 more concerned for the future of my children and my  
18 land.

19 In closing, I want to emphasize I do  
20 support development, and look forward to the economical  
21 benefits that come along with properly managed  
22 development. It's only through a good economic future  
23 that Inuvialuit can accomplish the second principle of  
24 the IFA, which is to enable Inuvialuit to be equal and  
25 meaningful participants in the northern and national

1 economy, and society.

2 But I do not want to see this economic  
3 future occur at the costs of our land and our culture.  
4 I therefore look forward to the decisions of the EIRB  
5 on this Developer's environmental impact statement.  
6 Thank you.

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON/FACILITATOR: That  
11 concludes the introductory remarks. We're a little bit  
12 in advance, but I would expect that, Jim, you'd like to  
13 do your presentation all together and not break it up.  
14 Is that...?

15 MR. JIM STEVENS: Madam Chair, it's at  
16 your pleasure. We can start with Russell Neudorf, if  
17 you wish, and then take a break, followed by Mayor  
18 Rodgers.

19 THE CHAIRPERSON/FACILITATOR: All  
20 right.

21

22 OPENING STATEMENT BY DEPUTY MINISTER RUSSELL NEUDORF:

23 DEPUTY MINISTER RUSSELL NEUDORF: Madam  
24 Chair, members of the panel, panel experts, and ladies  
25 and gentlemen, good morning. My name is Russell

1 Neudorf. I'm the Deputy Minister of Transportation for  
2 the Government of the Northwest Territories.

3 The Department of Transportation is part  
4 of the Developer team proposing to construct an all-  
5 weather highway connecting the communities of Inuvik  
6 and Tuktoyaktuk. It is a pleasure to be here in Inuvik  
7 to provide some opening remarks to the review panel.

8 I am accompanied this morning by another  
9 representative of the Developer team, the Mayor of  
10 Inuvik, Mr. Denny Rodgers, who will follow me with  
11 additional opening remarks.

12 I will begin by providing the panel with  
13 a snapshot of the history of the highway, and then  
14 focus on aspects of environmental protection and  
15 preparedness the Developer has considered in our  
16 proposal to construct this important piece of  
17 infrastructure.

18 An all-weather highway linking the two  
19 (2) communities is a goal first envisioned by the Town  
20 of Inuvik, the Hamlet of Tuk, and residents of the  
21 Inuvialuit settlement region as far back as the 1960s.  
22 The federal government of the day recognized how  
23 essential Northern transportation infrastructure is,  
24 vital even, for the country to access the resources of  
25 the North. Annual federal expenditures in new roads in

1 the NWT peaked at about \$70 million in 1990 dollars.

2                   Although a number of dom -- domestic  
3 issues turned federal attention away from the North,  
4 the ambition of Northerners to construct an all-weather  
5 highway to the Arctic coast did not diminish. After  
6 the Department of Transportation was created in 1989,  
7 the government reviewed earlier studies, collected  
8 information, consulted the communities, and reexamined  
9 the previously established highway alignment.

10                   Comprehensive reports, including a  
11 transportation strategy and environmental and  
12 socioeconomic baseline report, were favourable toward  
13 pursuing the Inuvik-Tuk Highway as a strategic goal for  
14 the NWT.

15                   The GNWT included the highway in a  
16 number of strategic funding proposals to Canada that  
17 lead to a renewed federal interest in developing  
18 infrastructure in the North through cost-shared funding  
19 such as the Build Canada Plan.

20                   This funding program lead to the  
21 construction of a 19 kilometre all-weather access road  
22 from Tuk south to Gravel Source 177. This road is on  
23 the all-weather highway's proposed alignment. We have  
24 heard that local residents called it the "happy road"  
25 because it brought jobs and economic development into

1 the region. Completed in 2010, the Hamlet and  
2 residents are using the road to access granular  
3 material and other recreational opportunities to access  
4 -- and access to the land, contributing to a better  
5 quality of life.

6 Now, in partnership with the Hamlet of  
7 Tuk, the Town of Inuvik, the Government of Canada, and  
8 residents of the Beaufort Delta, the Department of  
9 Transportation proposes to build a 137 kilometre all-  
10 weather road linking Inuvik to Tuktoyaktuk.

11 The highway will be the first all-  
12 weather road to the Arctic Ocean, producing substantial  
13 benefits at the national, regional, and local levels.  
14 It will be the foundation for strengthening co --  
15 connections between Inuvik and Tuk and enabling  
16 increased economic opportunities.

17 It will reinforce Canadian sovereignty  
18 objectives. It will help to reduce the cost of living  
19 while providing residents with employment, training,  
20 and business opportunities. Residents will receive the  
21 benefit of less expensive access to regional services,  
22 such as healthcare, education and recreational  
23 facilities.

24 It will promote the tourism and  
25 hospitality industries because Tuktoyaktuk will become

1 the first Canadian community on the Arctic coast  
2 accessible by an all-weather road.

3           For the Department of Transportation,  
4 constructing the highway is a channel to mitigate  
5 infrastructure vulnerabilities while adapting to the  
6 effects of changing climate. The variable weather  
7 means we can no longer predict the duration of the ice  
8 road season, further emphasizing the stability provided  
9 by an all-weather highway. Success for the Department  
10 means delivering the highest integrity and in our  
11 endeavours. Integrity is our commitment to do things  
12 right to the very best of our ability the first time  
13 and every time.

14           Toward achieving that commitment, the  
15 Department of Transportation will construct the Inuvik  
16 to Tuktoyaktuk highway in a manner that minimizes its  
17 impact on the environment.

18           To make good on our commitment the  
19 Department is working with communities, Aboriginal  
20 governments and organizations, stakeholders, and  
21 regulators to ensure the design will manage the  
22 project's environmental footprint in the most  
23 reasonable and responsible manner possible.

24           We have integrated social,  
25 environmental, and economic considerations into all



1 aspects of the highway proposal, and assembled a highly  
2 qualified team of professionals from the public and  
3 private sectors to deliver the project.

4                   The Department will draw upon its  
5 considerable expertise in managing large complex  
6 construction projects, such as the Dehcho bridge,  
7 scheduled to open this year, with a clean record for  
8 environmental management. We will rely upon our  
9 management experience and capacity to operate,  
10 maintain, repair and reconstruct our existing  
11 transportation network that consists of 2,200  
12 kilometres of existing all-weather highways, 1,425  
13 kilometres of win -- seasonal winter roads, ninety-  
14 three (93) bridges, two hundred and forty-four (244)  
15 large culverts, twenty-seven (27) airports, and five  
16 (5) ferries.

17                   The Department has a proven track record  
18 for managing infrastructure with environmental  
19 integrity. We fully intend to instill the same degree  
20 of commitment toward maintaining the additional 137  
21 kilometres of all-weather highway to the same high  
22 standard.

23                   To protect the permafrost rich terrain  
24 along the proposed alignment the department will follow  
25 the Transportation Association of Canada's 2010

1 publication titled, "Guidelines for Development and  
2 Management of Transportation Infrastructure in  
3 Permafrost Regions," which provides a process and  
4 practical examples relative to embankment design for  
5 road infrastructure on permafrost.

6                   The highway design includes key  
7 mitigation features to prevent permafrost thaw in areas  
8 where ice rich terrain cannot be avoided, including  
9 selecting the appropriate embankment height and side  
10 slope ratio for the specific type of terrain, efficient  
11 drainage to ensure the flow of water avoids or  
12 minimizes the formation of ponds, and appropriate use  
13 of drainage structures, including proper end treatments  
14 for culverts, such as erosion control and drainage  
15 aprons.

16                   The Department will not use the typical  
17 cut and fill technique for building highways for this  
18 project. Instead, fill material would be placed onto  
19 geotextile fabric between the existing ground and the  
20 base of the highway to prevent the migration of  
21 granular materials. This method will help ensure  
22 sensitive permafrost conditions below the road surface  
23 will not be disturbed.

24                   As to locating granular materials, our  
25 initial estimates indicate approximately 4.5 million

1 cubic metres of gravel will be required to build the  
2 highway. Geotechnical investigations conducted last  
3 winter and supplemental investigations this summer have  
4 identified sufficient volume and quality of borrow  
5 sources along the alignment to construct and operate  
6 the highway.

7                   With these results, we have identified  
8 enough gravel to construct the highway with enough  
9 material remaining to provide for the long-term needs  
10 of communities and industry.

11                   The Department has been working closely  
12 with regulators to ensure we have fulfilled all  
13 baseline data requirements. It's a long list that  
14 includes community consultations; aerial photography  
15 and surveys; terrain and geotechnical studies; fish  
16 habitat studies; vegetation baseline studies; wildlife  
17 surveys, including birds and grizzly bear habitat; an  
18 archeological impact assessment; a hydrological  
19 assessment; and preliminary bridge design for all  
20 stream crossings and design work for the initial  
21 construction stages.

22                   We have supplemented the studies by  
23 collecting traditional knowledge, another vital aspect  
24 of responsible project development, through workshops  
25 both in Inuvik and Tuktoyaktuk.

1                   The Department's submission to  
2 regulators evaluates potential risks of the project  
3 design and includes mitigation measures to ensure  
4 environmental protection. Our submission includes  
5 strategies to avoid affecting wildlife, habitat, and  
6 traditional harvesting through highway design, route  
7 options, construction timing, and management.

8                   The GNWT will continue collaborating  
9 with various co-management boards within the Inuvialuit  
10 settlement region to manage fisheries and wildlife  
11 issues that may result from the highway development.

12                  During the highway's construction and  
13 operation phases, the department will implement  
14 monitoring plans to track biophysical and socioeconomic  
15 effects, as well as regulatory compliance. Follow-up  
16 monitoring during the operation phase is -- is expected  
17 to be led by NWT natural resource agencies in  
18 cooperation with joint management committees and the  
19 hunters and trappers committees.

20                  Routine highway patrols will help manage  
21 and reduce the risk of highway incidents during the  
22 operation phase. Maintenance will include the use of  
23 water as a dust suppressant.

24                  Detailed technical descriptions of our  
25 planned activities are filed with regulators and

1 account for an enormous quantity of information on the  
2 public registry. We are grateful to the review panel,  
3 stakeholders, and the public for investing considerable  
4 time and effort in reviewing the volume of information  
5 provided by the Department.

6 Our team is looking forward to  
7 responding to some insightful questions we anticipate  
8 from parties, panel staff, panel members, and the  
9 public.

10 As to the socioeconomic impact of the  
11 project, the Department is confident the Government of  
12 the Northwest Territories has sufficient core programs  
13 and services to manage and mitigate socioeconomic  
14 impacts the project may have in the region.

15 As mentioned by Mr. Stevens in the  
16 Developer's introductions, the representatives of  
17 various government departments are present at these  
18 hearings and are prepared to discuss how the GNWT means  
19 to balance economic growth and social development using  
20 existing legislation, regulations, and programs to  
21 satisfy requirements.

22 Since the outset of the project, the  
23 Developer has included -- used an inclusive partnership  
24 approach whereby communities' and residents' input has  
25 been fully considered in project planning.

1                   This approach has led to valuable  
2   comments on the importance of Husky Lakes, alignment  
3   options, and management of access to the land. It will  
4   also serve to maintain long-lasting relationships built  
5   on mutual trust and respect, qualities that are  
6   imperative to managing large projects using a  
7   partnership approach.

8                   The proposed highway construction  
9   project is generating much excitement among residents  
10   of the Beaufort Delta with prospects of a higher  
11   standard of living, increased access and mobility, job  
12   creation, and economic development on the horizon.

13                  Our goal is to manage this public  
14   infrastructure project in a manner that upholds the  
15   Department's integrity. When complete, the additional  
16   137 kilometres will be managed with the same  
17   environmental integrity as the existing 2,200  
18   kilometres of all-weather highway.

19                  The Department of Transportation will  
20   continue to receive and consider communities' and  
21   residents' input as we move forward toward advancing  
22   the aspiration that Northerners have held for decades,  
23   to build Can -- build a highway connecting Canada to  
24   the Arctic coast.

25                  Thank you for your kind attention.

1 These are but a few comments, and we do look forward to  
2 receiving comments from panel members and other  
3 participants in this public review.

4 THE CHAIRPERSON/FACILITATOR: Thank  
5 you.

6 MR. JIM STEVENS: Madam Chair, is --  
7 does time permit Mayor Rodgers to proceed at this time?

8 THE CHAIRPERSON/FACILITATOR: I -- I  
9 believe there's time for him to go ahead. So, Mayor  
10 Rodgers, go ahead.

11

12 OPENING STATEMENT BY MAYOR DENNY RODGERS:

13 MAYOR DENNY RODGERS: Thank you. Good  
14 morning, my name is Denny Rodgers. I'm the Mayor for  
15 the Town of Inuvik. I certainly welcome Madam Chair,  
16 members of the panel, visiting guests, and people in  
17 our community. We -- we hope you get out and take  
18 advantage of some of the amenities we have here and the  
19 warm hospitality. Those who have been here before, I  
20 know you -- you know that, and those if it's your first  
21 time, please -- please get out in the community and --  
22 and talk to some people.

23 I'd also like to recognize Mayor Merven  
24 Gruben, who is here with us, and the Proponent as well.  
25 And I appreciate his passion for this project and hard

1 work before I became Mayor of Inuvik and got involved  
2 in this project. I'd like to thank Minister Ramsay as  
3 well, and Deputy Minister Neudorf, and Jim and the  
4 staff and the dedicated group that's been working on  
5 this project and putting countless hours in to -- to  
6 move it forward.

7                   The Deputy Minister had outlined the --  
8 the importance of -- of the environmental protection  
9 work that has to be done for a project of this size. I  
10 won't get into that detail, other than to -- to  
11 reiterate and say it's very important that when we are  
12 building a project of this size, that -- that,  
13 obviously, we do it right and we do it properly.

14                   When I became mayor three (3) years ago,  
15 they had begun, I guess, the project description report  
16 for this project that -- just about complete. We did  
17 get it, I think, in my first year -- first year in the  
18 term. And so I brought it to my town council and said,  
19 you know, This project is something that we could see  
20 as a reality in the next few years. Obviously, it's  
21 going to require a lot of funding.

22                   I got tremendous support from town  
23 council. I also spoke with the current CEO of  
24 Inuvialuit Regional Corp. and said, Look, we're going  
25 to -- to try and do some -- try and find some funding



1 for this project now. The PDR has been completed, now  
2 we have to -- now we have to find funding to build it.

3 To do that, we decided -- we got some  
4 funding from the Canadian Northern Economic Ass -- from  
5 CanNor to -- to actually produce a DVD. And it's -- if  
6 I can share a small anecdote or story with you on how  
7 we actually approached the federal government to put  
8 funding into this project.

9 We -- we received twenty-five thousand  
10 dollars (\$25,000) from CanNor. We actually brought a -  
11 - a gentleman who has a -- produces films in  
12 Yellowknife to Inuvik, flew him on a -- on a helicopter  
13 of the proposed route; got some testimonials from  
14 current leadership in our community, as well as the  
15 current CEO from IRC; myself; Mervyn Gruben; a member  
16 of our town council, and took this DVD, produced it,  
17 and basically took it to -- to Ottawa to the PMO, to  
18 Infrastructure Canada, to P3 Canada, to Senator  
19 Patterson's office, just to let people know exactly  
20 what we were talking about here.

21 We knew there was an interest, certainly  
22 nationally, in the North. There's an interest in  
23 sovereignty and in -- in climate change and those  
24 studies and -- and what's happening in the North. And  
25 we thought that if we actually give them an opportunity

1 to look at what the proposal was up here, we'd have a  
2 better chance of receiving some funding for this  
3 project.

4 Obviously, that -- not only because of  
5 that reason, but obviously that was successful. In the  
6 -- in the budget that followed Speech from the Throne,  
7 the Prime Minister dedicated \$150 million for this  
8 project, which is very significant, obviously, for a  
9 territory of our size. Given that the, I think,  
10 capital budget for the territorial government is 125  
11 million, 150 million coming in is very significant, you  
12 know, economically for this region.

13 I spoke with a lot of people in the  
14 community, as I do on a regular basis. I've -- many,  
15 many visitors come into the Mayor's office. And, you  
16 know, people were generally very excited about the  
17 prospect of this.

18 Obviously, it's very quiet in this  
19 region. It has been for the past two (2) or three (3)  
20 years. There has not been a lot of activity. And a  
21 project such as this will -- will put food on people's  
22 tables, will put people to work. And -- and that was  
23 obviously something that people were very excited  
24 about.

25 Many people in this room, and certainly

1 many residents of Inuvik and Tuktoyaktuk, have driven  
2 the Dempster Highway. If they haven't driven it,  
3 certainly they've relied upon it to -- to bring goods  
4 and services in here that we can afford.

5                   You know, that now, with an all-weather  
6 road to Tuktoyaktuk, will also give the community of  
7 Tuktoyaktuk an opportunity to take advantage of that,  
8 as well, year round, to have goods and services  
9 provided certainly in a more economical -- a better  
10 economical situation than they are now, when you have  
11 to fly that -- that food in there and whatnot.

12                   Obviously, this is a project about  
13 people. I mean, people will benefit from the work.  
14 People will benefit from the reduced costs. And  
15 Canadians will benefit. Tourists will benefit from  
16 being able now to drive from sea to sea to sea, to --  
17 to come up to Inuvik, to drive into Tuk, to -- to, you  
18 know, dip their toe in the Arctic Ocean, which many,  
19 many Canadians would like to do.

20                   We -- we have many visitors in Inuvik  
21 obviously drive here from all parts of North America,  
22 and -- and I've had several comments from -- from  
23 visitors. We do a tourist of the week here, where we  
24 go out and actually meet visitors that come to our  
25 community. And a lot would -- would like to be able to

1 continue on to the -- to the Arctic coast.

2 Unfortunately, they can't do that in their -- in their  
3 RVs at this time. And certainly that would be a  
4 benefit, I think, to -- to them, and to the hospitality  
5 industry, as well, in -- in Tuktoyaktuk.

6                   So I -- I actually have a copy of the --  
7 the DVD, and I'd like to thank Madam Chair for -- for  
8 allowing me to share this with -- with everyone here at  
9 the break. You'll note in the DVD it's -- again, it's  
10 some beautiful scenery. It shows the infrastructure  
11 that's in place to -- to build this road; as I said,  
12 testimonials from -- from myself, from IRC, from the --  
13 from the leadership of Tuktoyaktuk as well.

14                   And I encourage everyone if you do have  
15 -- it's just a six (6) minute DVD. If you do have some  
16 time in the break to -- to take a look at this, I think  
17 you'll -- you'll find it interesting. And I can  
18 certainly provide copies too for anyone who -- who has  
19 an interest in -- in seeing it.

20                   So in closing I just -- again, thank you  
21 very much for coming here. I'd like to thank --  
22 recognize the work that everyone has done on this  
23 project. I look forward to working with everyone and  
24 seeing this project come to fruition in the near  
25 future. Thank you.

1 THE CHAIRPERSON/FACILITATOR: Thank  
2 you, Mayor Rodgers. Yes, Jim?

3 MR. JIM STEVENS: Madam Chair, we just  
4 have one (1) short item, if you would entertain that,  
5 please.

6 We'll do it right after the break then.

7 THE CHAIRPERSON/FACILITATOR: No, no --

8 MR. JIM STEVENS: Oh, okay.

9 THE CHAIRPERSON/FACILITATOR: Now?

10

11 PRESENTATION BY THE DEVELOPER:

12 MR. JIM STEVENS: Please, and thank  
13 you. The Developer would like to advise the panel of  
14 an erratum related to material sources. The Developer  
15 previously provided to the EIRB the response to  
16 Information Request from the technical sessions  
17 regarding material sources, and it's EIRB registry file  
18 number 283-1, September 10th, 2012.

19 This erratum is filed to adjust the  
20 information presented in the response to IR number TS-  
21 2, Table TS-2-1, "Estimated Material Requirements for  
22 the Fifty (50) Year Period."

23 An omission was made in the presentation  
24 of the estimated total quantity of material required  
25 for operation of the highway for fifty (50) years.

1 This erratum does not change our position that we have  
2 sufficient materials to construct and operate the  
3 highway. Thank you.

4 THE CHAIRPERSON/FACILITATOR: Do you  
5 have a copy of that material with you? If you could  
6 provide it to the panel, we'll speak with our legal  
7 counsel and -- and look at it during the break.

8 MR. JIM STEVENS: Madam Chair, we do  
9 have copies.

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON/FACILITATOR: So I  
14 think this probably is a good time to take a fifteen  
15 (15) minute break. And during that break we'll  
16 actually give people the opportunity to see Mayor  
17 Rodgers' video, and -- and there's coffee and tea at  
18 the back.

19

20 --- Upon recessing at 10:03 a.m.

21 --- Upon resuming at 10:29 a.m.

22

23 THE CHAIRPERSON: If everyone could  
24 return to their seats. Mayor Rodgers for the break  
25 presentation and entertainment, and I think people

1 enjoyed the video. Thank you.

2                   We -- we've had two (2) documents, one  
3 (1) -- one (1) that the Developer presented and there  
4 was another document from the Town of Inuvik. And I  
5 think what we're going to do, is if we could ask the  
6 Developer to actually distribute their erratum document  
7 to all of the registered parties. And if you have  
8 extra copies, you can put them on the table at the back  
9 for other people.

10                   And we will ask if there's any  
11 objections to filing this as an exhibit, and we'll deal  
12 with that after lunch. Similarly, there will be copies  
13 available of the presentation from the Town of Inuvik,  
14 and they'll be distributed as well, and we'll -- we'll  
15 deal with it as an exhibit after lunch as well. Just  
16 ask a question. Okay.

17

18                   (BRIEF PAUSE)

19

20                   THE CHAIRPERSON/FACILITATOR: Yeah, I  
21 apologize. It was from the Inuvik Community  
22 Corporation, and that document will be circulated as  
23 well. So I think we're at a point, Jim, if you'd like  
24 to continue with your presentation, we will continue  
25 on.

1 MR. JIM STEVENS: Madam Chair, with the  
2 indication of the erratum sheet, that was the end of  
3 our presentation.

4 THE CHAIRPERSON/FACILITATOR: So we'll  
5 then continue. You're ready, then, to move on to  
6 questions from the parties and the public? Okay.

7 MR. JIM STEVENS: We're ready, Madam  
8 Chair.

9  
10 QUESTION PERIOD:

11 THE CHAIRPERSON/FACILITATOR: Okay. So  
12 if I can go through as it's laid out in the agenda,  
13 very similar to what we did in the opening remarks. I  
14 will start with Aboriginal Affairs and Northern  
15 Development Canada and see if there's any questions for  
16 the Developer on their presentation. No questions?  
17 Okay, thank you. And please identify yourself, Conrad,  
18 before you start.

19 MR. CONRAD BAETZ: Sorry. Conrad Baetz  
20 with Aboriginal Affairs. We have no questions at this  
21 time for the Developer.

22 THE CHAIRPERSON/FACILITATOR: Okay,  
23 thank you. DFO...?

24 MS. AMANDA JOYNT: Amanda Joynt with  
25 DFO. We have no questions at this time.



1 THE CHAIRPERSON/FACILITATOR: Sorry.  
2 Environment Canada...?

3 DR. JAMES HODSON: Thank you. This is  
4 James Hodson with Environment Canada. I have a couple  
5 of questions for the Developer about their cumulative  
6 effects supplement information that was provided.

7 My first question was about Table 1 of  
8 this document, which provided footprints from all of  
9 the projects that they included in the assessment. And  
10 it says that, "It is with no overlaps."

11 So I was looking for a clarification of  
12 whether that means overlap was accounted for in those  
13 numbers or if that is just the footprint for each  
14 project individually, and then the sum of all of those  
15 individual footprints with no overlap. So that's my  
16 first question. Thank you.

17 THE CHAIRPERSON/FACILITATOR: Thank  
18 you. Jim, should I direct the questions to you and...?

19 MR. JIM STEVENS: Madam Chair, Rick  
20 Hoos will respond to that.

21 THE CHAIRPERSON/FACILITATOR: Thank  
22 you.

23 MR. RICK HOOS: Madam Chair, Rick Hoos,  
24 Kiggiak-EBA, on behalf of the Developer. Forgive me  
25 while I just quickly look up the information that was

1 provided just to make sure that I answer the question  
2 as appropriately as possible.

3

4 (BRIEF PAUSE)

5

6 MR. RICK HOOS: I would like to check  
7 my answer that I will give momentarily with our GIS  
8 folks, but certainly my understanding of the table  
9 provided is -- this is Table 1. It identifies the  
10 proposed -- the project footprints of -- of the  
11 highway, the borrow sites that are associated with the  
12 highway, project footprints associated with the  
13 existing buried Ikhil pipeline, as well as project  
14 footprints of a number of other proposed developments  
15 that may occur in the area of interest, including all  
16 components of the Mackenzie gas project and the  
17 currently proposed South Parsons Lake gas field  
18 project.

19 The -- the footprints of each of these  
20 projects has been calculated, and they have been  
21 identified to come up with a cumulative total of area  
22 that would be covered by each of these projects.

23 I notice that the table says, "No  
24 overlaps," but I -- my understanding is that it -- it  
25 cumulates the total of all the footprints as well as

1 the footprints with the potential 1-kilometre zone of  
2 influence buffer around them.

3 So I believe it covers all of the  
4 projects and their -- and the buffer zones around them.  
5 It's a cumulative total, in other words. Thank you.

6 THE CHAIRPERSON/FACILITATOR: Does that  
7 satisfy your question?

8 DR. JAMES HODSON: Thank you. James  
9 Hodson, with Environment Canada. Maybe just a follow-  
10 up. So if I understand, if you were to amalgamate all  
11 of the footprints that you would see, for example, in  
12 Figure 1, and took a combined total, that total that's  
13 prese -- presented in Table 1, if you didn't account  
14 for the overlap between all those different footprints,  
15 that could actually be an overestimate of the total  
16 amount of area that would be affected by all of these  
17 projects?

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON/FACILITATOR: Mr.  
22 Hoos...?

23 MR. RICK HOOS: Sorry, Madam Chair.  
24 Rick Hoos, Kiggiak-EBA. I was just caucusing with my  
25 colleague behind. And we haven't overcalculated the

1 total area. We -- we did remove from this calculation  
2 the area where there was essentially a duplicate  
3 footprint to make sure that we covered the whole  
4 footprints for the projects.

5                   There are also two (2) other separate  
6 tables at the back of the set of tables. These would  
7 be Tables 9 and Tables 10, which specifically  
8 concentrate on the actual areas of potential overlap  
9 between the proposed highway project and other proposed  
10 and existing projects.

11                   And that's for both the -- in particular  
12 the Ikhil gas pipeline, which -- which does run  
13 alongside -- it's a buried pipeline, but it runs  
14 alongside the proposed highway corridor in the southern  
15 end for about 5 kilometres and the -- possibly  
16 foreseeable future Mackenzie gas project, which does  
17 cross the proposed highway at one (1) location just  
18 north of Inuvik and also can interact potentially with  
19 some of the development activities associated with the  
20 Parsons Lake gas field.

21                   THE CHAIRPERSON/FACILITATOR:   Any  
22 further questions?

23                   DR. JAMES HODSON:   Yes, thank you,  
24 Madam Chair. James Hodson with Environment Canada. I  
25 have a question about Table 2 in this document.

1                   The total footprint that you provide for  
2 the borrow sources for the highway project gives a  
3 total of 2,325 hectares. But if I look at Table 6 of  
4 the vegetation and wildlife habitat suitability  
5 calculations report that was provided on August 31st,  
6 only considering the borrow sources, the same borrow  
7 sources that were included in Table 2 of the cumulative  
8 effects supplement, it would actually give a total of  
9 1,290 hectares.

10                   So I was wondering if the Developer  
11 could explain the discrepancy between those two (2)  
12 numbers so I can better understand the calculations.

13                   MR. RICK HOOS: Madam Chair, Rick Hoos,  
14 Kiggiak-EBA, and James, of Environment Canada. Yes,  
15 you were right in -- in noticing a difference between  
16 what was submitted before September 4th, which was the  
17 deadline for submittal of documentation to the Board.

18                   Following that date, in consultations  
19 with Kavik-Stantec folks we recognize that the numbers  
20 we had provided for the borrow sources in the table  
21 that you're looking at were significantly inflated over  
22 the somewhat considerably smaller numbers that were the  
23 basis of the work that Kavik-Stantec had done.

24                   It was for that very reason that we then  
25 submitted an erratum to the Board.

1 (BRIEF PAUSE)

2

3 MR. RICK HOOS: Sorry, on -- on  
4 September 12th we sub -- submitted an erratum, which we  
5 understand may not have been put on the public  
6 registry. But it was an erratum to correct our  
7 overestimate of the potential size of borrow sites.

8 And hence, we revised the tables and the  
9 figures and the actual figure -- number that we then  
10 came up with for the area of the proposed borrow  
11 sources -- which I should point out is still larger,  
12 considerably larger than it likely will be in -- in  
13 reality when these sites are developed -- it did come  
14 down to 1,305 hectares, which I believe is within about  
15 4 or 5 hectares of the number that you were quoting  
16 from the Kavik-Stantec report.

17 And that difference had to do with  
18 taking out some of the water that might have been  
19 associated with some of those borrow sites.

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON/FACILITATOR: Quest --  
24 other questions or clarification?

25 DR. JAMES HODSON: Yes. I was

1 wondering -- sorry, James Hodson, with Environment  
2 Canada again. Now that you've removed borrow source  
3 PW-2 from the project application, how does it affect  
4 your plans for construction to proceed with  
5 construction of the highway from both the north and  
6 south ends concurrently, as you'd originally described  
7 in Section 2.7.1 EIS? Thank you.

8

9 (BRIEF PAUSE)

10

11 MR. JIM STEVENS: Madam Chair, Robyn  
12 McGregor will respond to that.

13 MS. ROBYN MCGREGOR: Thank you, Madam  
14 Chair, members of the panel. Robyn McGregor, Kiggiak-  
15 EBA. The question is -- is: With removal of Public  
16 Works to material source at the south end near Navy  
17 Road, how does that impact the Developer's discussion  
18 of our proposal to construct the highway from both the  
19 north and the south end?

20 It doesn't change that proposal. The  
21 Developer's intention is still to construct the highway  
22 from both the north and the south end. Construction  
23 from the south end will require winter road  
24 construction as planned, to the next available material  
25 source, and hauling material from that source to begin

1 construction.

2 THE CHAIRPERSON/FACILITATOR: Thank  
3 you. Further questions...?

4 DR. JAMES HODSON: Thank you. James  
5 Hodson, with Environment Canada. Are any other borrow  
6 sources being considered at this time to replace Public  
7 Works 2? And, if so, how might that affect the  
8 footprint of the project?

9 THE CHAIRPERSON: Ms. McGregor...?

10 MS. ROBYN MCGREGOR: Thank you, Madam  
11 Chair -- Chair. Robyn McGregor, Kiggiak-EBA. No other  
12 borrow sources are being considered at this time to  
13 replace Public Works 2.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON/FACILITATOR: Further  
18 questions...?

19 DR. JAMES HODSON: Thank you. James  
20 Hodson, with Environment Canada again. Just to go back  
21 to the cumulative effects assessment. You said in your  
22 -- your September 4th supplement submission that you  
23 would be pleased to discuss the implications of the new  
24 documentation provided at the public hearings today.

25 So I'd just like you to elaborate on the



1 results that you provided in the report and how they  
2 might affect your conclusions about cumulative effects  
3 on species at risk and other wildlife, if you could.

4 Thank you.

5 THE CHAIRPERSON/FACILITATOR: Thank  
6 you. Jim...?

7 MR. JIM STEVENS: Madam Chair, Rick  
8 Hoos will respond to that.

9

10 (BRIEF PAUSE)

11

12 MR. RICK HOOS: Madam Chair, Rick Hoos  
13 of Kiggiak-EBA.

14 THE CHAIRPERSON/FACILITATOR: Just -- I  
15 guess we're into areas where there's nothing on our  
16 records. So we need to sort of determine what the  
17 basis of this information is, because nobody's had the  
18 opportunity to actually review the information or -- or  
19 respond to it.

20 MR. RICK HOOS: Yes, Madam Chair, that  
21 is entirely correct. And it -- it was an issue that we  
22 thought about. We were -- we -- we fully appreciated  
23 that in submitting the -- the footprint numbers, the  
24 quantified footprint numbers, and the quantified  
25 potential zone of influence numbers in the form of

1 tables and figures to the Board, initially on September  
2 4th and subsequently as an erratum on September 12th.

3                   We recognized that we had not, at that  
4 point, provided the -- the supplemental or updated  
5 cumulative effects analysis that would normally be  
6 associated with submittal of those tables and figures.  
7 But we did feel it was important to get on the public  
8 record the data set that we were working with.

9                   It's fair to say that the updated or  
10 supplemental cumulative effects assessment is still  
11 currently in preparation. It was our hope that at some  
12 point in time, as dictated or deemed appropriate by the  
13 Board, that we could table the updated su -- or,  
14 supplemental cumulative effects assessment with the  
15 Board and the public for their consideration, but that  
16 would be a decision of the Board.

At this point, we would be pleased to just highlight, if the Board found it acceptable, some of the -- the basic quantified representations of what these footprints are of both the highway and other proposed possible projects. We could do that.

22 THE CHAIRPERSON/FACILITATOR: Sorry.

23 Yes, go ahead. Oh, sorry.

24

25 (BRIEF PAUSE)

1 MR. JOHN DONIHEE: Excuse me, Madam  
2 Chair, it's -- it's John Donihee, Board counsel. The -  
3 - the problem that we're running into, and Mr. Hoos  
4 knows -- knows it, is that a number of the Intervenors  
5 have prepared their submissions to the Board on the  
6 basis of the information that was available to them as  
7 of the 4th of September.

8 And, you know, we got the supplementary  
9 -- supplemental cumulative effects assessment  
10 documentation on the 4th of September. And -- and  
11 questions have emerged about that. But there's really  
12 no explanation of what that means on the record at this  
13 point. And let -- let me simply say that any  
14 explanation that -- that Mr. Hoos gives and -- would  
15 have an effect on the positions of all the other  
16 parties. And that creates a bit of a problem from a  
17 fairness standpoint, I think, for -- for the panel.

18 And so I'm not sure what to suggest  
19 other -- perhaps, Mr. Hoos, you could tell the panel  
20 whether or not you have any -- you have a document  
21 that's available to explain what you are about to  
22 launch into in -- in response to Dr. Hodson's question,  
23 because if you have that document, we could circulate  
24 it to the parties and, you know, they could respond  
25 later in -- in the proceeding.

1 But if all you're going to do is provide  
2 oral testimony by way of explanation, that makes it  
3 very difficult for the other parties to respond to.

4

5 (BRIEF PAUSE)

6

7 MR. JIM STEVENS: Madam Chair, one  
8 moment, please.

9

10 (BRIEF PAUSE)

11

12 MR. RICK HOOS: Okay, Madam Chair, Rick  
13 Hoos, Kiggiak-EBA. John, I am certainly reading from a  
14 current draft of the documentation that we've been  
15 trying to put together. The -- the port -- the part of  
16 -- of what I was going to read out simply relates to  
17 the relatively small footprint areas relative to the  
18 cumulative effects study area that the highway and  
19 these other proposed projects actually represent, and,  
20 in particular, in relation to the areas of potential  
21 overlap, they are even smaller.

22 And they are actually -- the numbers are  
23 drawn directly from the table. And so that's all I was  
24 going to actually read out at this point. We've --  
25 we've done a cumulative effects assessment. We stand

1 by the cumulative effects assessment that's in the EIS.

2                   We acknowledge that it was not as  
3 quantitative an assessment as some parties would like  
4 to have seen. We felt that what we had done was  
5 adequate for the purpose of a cumulative effects  
6 assessment on the basis that there are, at this point  
7 in time, virtually no projects that can interact in any  
8 way with the potential residual effects that we've  
9 predicted for the highway.

10                   And most of the proposed projects that  
11 may occur in the future seem to be moving further and  
12 further away as -- as opposed to coming closer and  
13 closer to being realized.

14                   So our basic position is, and remains,  
15 that the highway itself creates very few -- is pre --  
16 is predicted to create very minimal potential residual  
17 effects on any of the wildlife resources from the  
18 operation -- from -- sorry, from the construction and  
19 operation of the highway. And none of the existing,  
20 but limited, mostly buried other developments that are  
21 in the area are not creating any measurable residual  
22 effects.

23                   And therefore, we just don't see that  
24 there could be any potentially significant res --  
25 cumulative effects associated with the highway in

1 relation to these other projects that exist.

2 MR. JOHN DONIHEE: Thank you, Madam  
3 Chair. John Donihee again. I -- Mr. -- Mr. Hoos, I --  
4 I understand your position. I guess the issue though  
5 really is whether or not this new information is going  
6 to have some kind of effect on the submissions made by  
7 the other parties, which were made in good faith on the  
8 basis of the evidence as -- as it stood at -- on  
9 September the 4th.

10 And, you know, if it is -- if all we're  
11 really talking about here is in the margins, I -- I'm  
12 not sure whether, you know, it -- it makes much  
13 difference. It doesn't sound as though it's changed  
14 your position. But from the Board's standpoint the --  
15 the issue is not really, you know, what -- what the  
16 merits of the -- the Developer's position on cumulative  
17 effects may or may not be, but rather whether, by  
18 allowing new information at this point, they're being  
19 fair to the other parties.

20 And from the standpoint of a procedural  
21 ruling, Madam Chair, I -- I think certainly our -- if  
22 you want to canvass the parties and see if they're okay  
23 with the information coming in, that's one (1) way to  
24 approach it. It would be better, I think, if there  
25 were some way of documenting the -- the new information

1 so that they could review it in -- in advance.

2 But if that's not possible -- I mean,  
3 the -- the difficulty that I see is that the question  
4 asked by Environment Canada has effects beyond the  
5 Environment Canada submission as well, because other of  
6 the parties have -- several other of the parties have  
7 addressed cumulative effects in their submissions to  
8 the Board.

9 So I -- my suggestion is if you want to  
10 ask the parties if they have any objections, that  
11 perhaps the Board would be better informed to make a  
12 ruling after that point.

13 THE CHAIRPERSON/FACILITATOR: Thank  
14 you. We're talking about providing written information  
15 though in advance for the parties to look at. Is --  
16 are you saying that you do or you don't have written  
17 information? Yeah. Oh, sorry, Dr. -- Mr. Hoos...?

18 MR. RICK HOOS: Madam Chair, Rick Hoos,  
19 Kiggiak-EBA. What we're saying is we do have some  
20 draft documentation that -- that I was going to be  
21 reading from. It is by no means a complete cumulative  
22 -- updated cumulative effects assessment.

23 We were hoping that in the next week or  
24 so we would have that finished and available, if it was  
25 possible. To -- as -- perhaps as a result of an

1 undertaking or something of that nature, we could table  
2 that information and it could still be available to all  
3 parties, recognizing that we are actually of course in  
4 the hearing process at this time.

5                   The reason why we did all this -- and I  
6 -- and I must stress it was not a specific undertaking  
7 coming out of the technical sessions, but it was  
8 certainly our sense and understanding at the technical  
9 sessions that some parties would like to have seen a  
10 more qual -- quantitative cumulative effects assessment  
11 conducted, particularly for caribou, grizzly, and SARA-  
12 listed species.

13                   And we felt that we should attempt to  
14 meet that need, and it was for that reason that we  
15 prepared the -- the figure showing the various project  
16 footprints and provided the updated quantified data on  
17 the nature of those footprints, their areas of overlap,  
18 and the dimensions of those overlaps, et cetera. We  
19 realize we are in an awkward position of filing some --  
20 only the -- the basic data from which the analysis  
21 would be undertaken.

22                   And frankly, the numbers that I was  
23 going to present would -- if -- if that was okay, and  
24 it doesn't -- it doesn't need to be so, because the  
25 tables are already with the Board, although the erratum



1 itself is not on the registry.

2                   The numbers I was going to refer to were  
3 simply the footprint numbers in terms of percentages  
4 compared to the total footprint areas of the -- let's  
5 say the cumulative effects study area, indicating that  
6 most of these footprint areas are less than half a  
7 percent of the cumulative effects study area.

8                   But, you know, I don't know what else to  
9 say at this point, Madam Chair.

10                   THE CHAIRPERSON/FACILITATOR:     Just give  
11 us a second here.

12

13                                   (BRIEF PAUSE)

14

15                   THE CHAIRPERSON/FACILITATOR:     We're  
16 just going to take a five (5) minute break to discuss  
17 what you've proposed. And we'll -- I'd like to consult  
18 with my other panel members. And we'll -- so just --  
19 we'll just take five (5) minutes here.

20

21 --- Upon recessing at 11:01 a.m.

22 --- Upon resuming at 11:02 a.m.

23

24                   THE CHAIRPERSON/FACILITATOR:     Okay,  
25 thank you for your patience. I think we're...

1                   What the panel has -- I proposing is  
2   that I'm going to ask the registered parties if they  
3   have any objection to you providing the information  
4   verbally now.

5                   You've made an undertaking to provide it  
6   in written form in sort of a more fuller document, and  
7   it would have to be received by the parties prior to  
8   them having to do their final submissions.

9                   So if I could ask if there's any  
10   objections from the registered parties to them -- the  
11   Developer going ahead and giving the information  
12   verbally now, with the written documents to follow,  
13   before you have to do your final submissions.

14                  MS. KARIN TAYLOR:   Hi. My name is  
15   Karin Taylor. I'm with the Department of Justice  
16   Canada. And just to comment on this issue, I think  
17   we're okay with this information being put forward  
18   verbally here today but with the understanding that not  
19   everybody's prepared to ask questions or comment on the  
20   information here at this hearing and that we want to  
21   have the ability to comment on the information in those  
22   final submissions that we've been asked to put forward  
23   as follow-up to the hearing with the new information  
24   that's come forward after September fir -- or September  
25   4th.

1                   And I think all of the Government of  
2 Canada departments would be okay with going forward in  
3 that manner.

4                   THE CHAIRPERSON/FACILITATOR:    Thank  
5 you.   Just a question of clarification.  Are you saying  
6 that if the documents are provided in writing, in sort  
7 of their full state and not just what we're receiving  
8 here today, that you could actually then make your  
9 comments that you need to make within your final  
10 submissions?  Or would you like to have a round of  
11 questions before that?

12                  MS. KARIN TAYLOR:    I think the parties  
13 would be more comfortable with allowing questions in  
14 writing between the Developer and the parties prior to  
15 final submissions.

16                  THE CHAIRPERSON/FACILITATOR:    Okay.  
17 Thank you.

18

19   (BRIEF PAUSE)

20

21                  THE CHAIRPERSON/FACILITATOR:    Sorry.  
22 Any other comments?  And you need a microphone?

23                  MR. BRUCE HANBIDGE:    Good -- good  
24 morning.  It's -- my name is Bruce Hanbidge, and I am  
25 just -- I am the technical consultant for the WMAC.

1 Just speaking to the Chair, it's not acceptable. We  
2 don't -- we're being asked to comment on unknown  
3 information for an erratum that is not on record. So  
4 we're not even sure what we're going to be commenting  
5 on. And we -- it's not acceptable. Thank you.

6 THE CHAIRPERSON/FACILITATOR: Not  
7 acceptable to have it presented today?

8 MR. BRUCE HANBIDGE: That's correct.

9 THE CHAIRPERSON/FACILITATOR: Just  
10 totally out? Okay. Thank you.

11

12 (BRIEF PAUSE)

13

14 THE CHAIRPERSON/FACILITATOR: Okay, I  
15 just -- I just want to make sure that I've heard from  
16 all of the -- the parties. I understand you represent  
17 the Government of Canada parties.

18 So, FJMC, do you have any comments or  
19 questions on this proposal?

20 MR. DEREK PARKS: Derek Parks, FJMC.  
21 Not at this time, because it's more dealing with  
22 terrestrial aspects, and we'll leave it to the  
23 respective parties. Thank you very much.

24 THE CHAIRPERSON/FACILITATOR: All  
25 right. I think then what we'll do is -- we -- we need

1 to actually consider what we've heard from the other  
2 parties. So if you have anything more on this, other  
3 than the new information, then you can present that.  
4 And we'll get back -- we -- we need to talk about this  
5 and then get back on the proposal that's on the table.

6 I -- I guess the other thing, maybe,  
7 before we proceed with this, this is the second erratum  
8 that has come up in the proceedings since this morning.  
9 And I was wondering if there will be any more as the  
10 two (2) days progress. We might as well get them all  
11 on the table now.

12 MR. JIM STEVENS: Madam Chair, the --  
13 the erratum was prepared to provide the most accurate  
14 and up-to-date information for the panel's  
15 consideration. And at this time, we have no further  
16 erratum that will be filed.

17 THE CHAIRPERSON/FACILITATOR: Okay,  
18 thank you. Okay.

19 So I don't know, Mr. Hoos, if you have  
20 some other things in addition to what you've already  
21 said, or I could go back to Dr. Hodson and see if he  
22 has some additional questions or clarifications that  
23 he'd like to ask.

24 DR. JAMES HODSON: Thank you James  
25 Hodson with Environment Canada. We don't have any more

1 questions at this time. Thanks.

2 THE CHAIRPERSON/FACILITATOR: Thank  
3 you.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON/FACILITATOR: We'll  
8 just continue on with the questioning, and we'll come  
9 back to the issue at hand after lunch.

10 So, FJMC, any questions? None? Sorry,  
11 we need you on the record with your name and your ...

12 MR. DEREK PARKS: Derek Parks, FJMC.  
13 No, we do not have any questions at this time.

14 THE CHAIRPERSON/FACILITATOR: Parks  
15 Canada...?

16 MR. JEAN-FRANCOIS BISAILLON: Jean-  
17 Francois Bisailon, Parks Canada. We don't have any  
18 comments. Thank you.

19 THE CHAIRPERSON/FACILITATOR: Transport  
20 Canada...?

21

22 (BRIEF PAUSE)

23

24 MR. DOUG SOLOWAY: Doug Soloway, Madam  
25 Chair. No -- no more questions at this time.

1 THE CHAIRPERSON/FACILITATOR: Thank  
2 you. Wildlife Management Advisory Council...?

3 MR. LARRY CARPENTER: Larry Carpenter,  
4 WMAC-NWT. No questions at this time.

5 THE CHAIRPERSON/FACILITATOR: Okay. Is  
6 there someone here from NRCan?

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON/FACILITATOR:  
11 Infrastructure Canada...?

12

13 (BRIEF PAUSE)

14

15 MS. PHOEBE MILES: Phoebe Miles,  
16 Infrastructure Canada. No questions at this time.

17 THE CHAIRPERSON/FACILITATOR: Thank  
18 you.

19

20 (BRIEF PAUSE)

21

22 THE CHAIRPERSON/FACILITATOR: Sorry.  
23 We have a couple of parties that wanted to be connected  
24 by telephone, and I just tried to see if we've got that  
25 hooked up.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON/FACILITATOR: I think -  
4 - I think before we go to ask our technical experts and  
5 counsel to ask questions, I would invite anybody here  
6 from the public that has any questions to come forward  
7 and ask your questions now.

8

9 (BRIEF PAUSE)

10

11 THE CHAIRPERSON/FACILITATOR: No -- no  
12 takers?

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON/FACILITATOR: Okay.  
17 Thank you. Then I will actually turn it over to --  
18 Gordon, actually, do you want to just organize the...

19

20 (BRIEF PAUSE)

21

22 DR. PETR KOMERS: This is -- this is  
23 Petr Komers, on behalf of the EIRB. I just have a  
24 couple of questions for the Developer. In August you,  
25 the Developer, submitted a number of report pertaining



1 to vegetation and wildlife field data.

2 And I wonder, did you use these data to  
3 update the impact assessment?

4 THE CHAIRPERSON/FACILITATOR: Jim...?

5

6 (BRIEF PAUSE)

7

8 MR. JIM STEVENS: One moment, Madam  
9 Chair.

10 THE CHAIRPERSON/FACILITATOR: Sure.

11

12 (BRIEF PAUSE)

13

14 MR. JIM STEVENS: Madam Chair, Rick  
15 Hoos will respond to that.

16 THE CHAIRPERSON/FACILITATOR: Thank  
17 you.

18 MR. RICK HOOS: Madam Chair, Rick Hoos,  
19 Kiggiak-EBA.

20 Dr. Petr, in the EIS we had indicated  
21 that there -- we made commitments, or the Developer  
22 made commitments, to undertake a whole series of -- of  
23 continuing more site-specific baseline environmental,  
24 geotechnical, and other studies.

25 We identified that the primary purpose

1 of -- of that work was to allow optimization of -- of  
2 routing, and optimization of mitigation measures  
3 intended to protect the environmental VECs of -- of  
4 interest of all of them. And what we have observed  
5 from the data provided by the various Kavik-Stantec  
6 reports is that they have, in fact, confirmed the kinds  
7 of predictions that were made in the EIS.

8                   And I know that I have my colleague  
9 here, and if there are any specific questions that you  
10 would like to ask of us related to that issue, we can  
11 certainly address them. Thank you.

12                   THE CHAIRPERSON/FACILITATOR: Go ahead.

13                   DR. PETR KOMERS: Petr Komers. Thank  
14 you for this. You were saying that the -- the data  
15 confirmed your initial assessment, so that means you  
16 have used them to update the assessment?

17                   Can you just be more specific as to yes  
18 or no?

19                   MR. RICK HOOS: Madam Chair, Rick Hoos,  
20 Kiggiak-EBA. We haven't actually formally updated the  
21 assessment primarily because there's no need, in our  
22 view, to do that.

23                   The -- the data that have been provided  
24 are of a more site-specific nature. In most cases,  
25 they basically confirm the kinds of assumptions and --

1 and data that we had previously provided, which was  
2 based on more regional data sets, and -- and other  
3 information that's been gathered over many years by  
4 other parties.

5                   And certainly for -- for instance, for  
6 SARA-listed species, which we know Kavik-Stantec  
7 focussed on, they were able to identify more -- more  
8 precisely the nature of the habitats out there for  
9 those various species, their apparent use of those  
10 areas, and so on and so forth. And they're very  
11 consistent with our initial predictions of what might  
12 be expected to occur out there in the way of wildlife,  
13 wildlife habitat, and possible impacts, and also the  
14 kinds of mitigation measures that would be used to  
15 minimize such effects. Thank you.

16                   DR. PETR KOMERS:           Petr Komers. So I  
17 take it that -- that you used that data, or will use  
18 that data, to update mitigation measures? I think you  
19 just mentioned mitigation measures.

20                   I'm just trying to get a handle of how  
21 this data will be used that you have collected now, and  
22 what utility it will have now and in the future.

23                   MR. RICK HOOS:    Madam Chair --

24                   THE CHAIRPERSON/FACILITATOR:   Rick --

25                   MR. RICK HOOS:    -- Rick Hoos, Kiggiak-

1 EBA. I would like to ask my colleague, Erica Bonhomme,  
2 to elaborate on that since Kavik-Stantec did a lot of  
3 this follow-up -- important follow-up work. Thank you.

4 THE CHAIRPERSON/FACILITATOR: Go ahead.

5 MS. ERICA BONHOMME: Erica Bonhomme,  
6 Kavik-Stantec. The -- there are two (2) relevant  
7 studies and repor -- associated reports that would help  
8 inform mitigation planning and site-specific mitigation  
9 and monitoring that would re -- be required for  
10 potentially vegetation and wildlife species.

11 So the -- the vegetation and wildlife  
12 studies that were undertaken this summer were -- and,  
13 specifically, the vegeta -- the wildlife study, was  
14 undertaken in cons -- was designed in consultation with  
15 Environment Canada, Canadian Wildlife Service, and  
16 Environment and Natural Resources to focus on species  
17 at risk, bird species at risk and water birds within  
18 the project study area.

19 And the purp -- the -- the reason it was  
20 specific to those species was to be able to  
21 characterize and identify the types of habitat that  
22 would be preferred for those species so that, if  
23 necessary, the appropriate mitigation and monitoring  
24 plans could be developed for those species.

25 The vegetation mapping was designed to

1 be able to characterize and map vegetation types in a  
2 very detailed way within the 1 kilometre study area so  
3 that the corresponding habitat mapping for wildlife  
4 species could be undertaken.

5                   So again, the vegetation and the terrain  
6 studies that were completed this summer and that are  
7 presented in the August reports that Dr. Komers refers  
8 to are designed specifically for -- to -- to -- for  
9 mitigation and monitoring planning because, as Mr. Hoos  
10 says, there is no predicted change to the impacts  
11 specifically for vegetation and wildlife as presented  
12 in the EIS.

13                   THE CHAIRPERSON/FACILITATOR: Petr...?

14                   DR. PETR KOMERS: Petr Komers. Thank  
15 you for that explanation. I'll just talk a little bit  
16 about cumulative effects. I'm looking at the Figure 1  
17 in the supplementary cumulative effects assessment that  
18 you have provided recently, and there are a number of  
19 polygons on that figure that seem to be disconnected  
20 from anything else.

21                   I'm assuming that those polygons that  
22 surround borrow pits and presumably other developments  
23 would be connected to the rest of the polygons by  
24 access roads or some form of linear developments.

25                   Have these access roads been assessed in

1 your cumulative effects assessment and have they been  
2 assessed in the project-specific assessment?

3 THE CHAIRPERSON/FACILITATOR: Jim...?

4 MR. JIM STEVENS: Madam Chair, Rick  
5 Hoos will respond to that.

6 THE CHAIRPERSON/FACILITATOR: Thank  
7 you.

8 MR. RICK HOOS: Madam Chair, Rick Hoos,  
9 Kiggiak-EBA. The Developer has indicated that all  
10 access roads to any of the new borrow sites that will  
11 be used for highway construction will be winter road  
12 only. Therefore, they will only exist for a few months  
13 in the winter period. And we have not included them,  
14 at this point in time, in the assessment, per se.

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON/FACILITATOR: Petr...?

19 DR. PETR KOMERS: Petr Komers. So I  
20 take it from the last part of your answer is that they  
21 have not been included in the assessment. Or else are  
22 you saying that winter roads simply do not have any  
23 effect? Can you clarify that?

24 MR. RICK HOOS: Madam Chair, we're --  
25 we're saying they were -- were not included in the

1 assessment because they're not going to leave any kind  
2 of a footprint, negative footprint for -- related to  
3 environmental values once the winter roads disappear.

4 It is acknowledged that activity on  
5 winter roads in the wintertime can -- the -- by -- can  
6 themselves also have some sort of a residual  
7 environmental effect on wildlife that may be  
8 frequenting the area during the winter period. But  
9 that has not been included in the current assessment.

10 It certainly could be included in the  
11 updated cumulative effects assessment, because in --  
12 particularly -- not so much for the SARA listed species  
13 that are typically not there in the winter, with the  
14 exception of wolverine and boreal caribou.

15 But the -- the primary species that is  
16 going to be present in the winter that everyone is most  
17 concerned and interested in would be the caribou,  
18 basically barren-ground caribou. And we could, in our  
19 updated cumulative effects assessment, we could  
20 certainly build that into that piece of work that we're  
21 hoping to submit as part of this review process soon.

22 THE CHAIRPERSON/FACILITATOR: Thank  
23 you. Petr...?

24 DR. PETR KOMERS: Petr Komers. Is it  
25 fair to say that winter access roads will require water

1 to be built?

2 MR. RICK HOOS: Madam Chair, Rick Hoos,  
3 Kiggiak-EBA. Yes, absolutely. The winter -- any  
4 winter access road that will be used for construction  
5 of the highway will require some water to solidify the  
6 -- the winter roads.

7 And we've indicated, as we've indicated  
8 before in the EIS and in subsequent Information  
9 Requests, we've indicated the approximate -- the  
10 estimated quantities of water that might be used for  
11 winter road construction. It has been very difficult  
12 for us to identify the specific water bodies from which  
13 that water would be withdrawn, because these kind of  
14 details have not yet been developed for the project.

15 At the same time, we've also indicated  
16 that any winter water withdrawals would be in  
17 conformance with the winter water withdrawal guidelines  
18 of the Department of Fisheries and Oceans. Thank you.

19 THE CHAIRPERSON/FACILITATOR: Thank  
20 you. Petr...?

21 DR. PETR KOMERS: Petr Komers. Is it  
22 fair to say that other activities will need to be done  
23 in relation to access roads, such as some clearing and  
24 some preparation of the ground?

25 THE CHAIRPERSON/FACILITATOR: Mr.



1 Hoos...?

2 MR. RICK HOOS: Madam Chair, Rick Hoos,  
3 Kiggiak-EBA. No, the basic process for constructing a  
4 winter road is to first of all make sure that the  
5 ground is completely frozen. And I know that that is  
6 actually detailed in the EIS, and perhaps Robyn could  
7 comment on how winter roads are constructed.

8 But the -- the main objective is to make  
9 sure that the road does not get built until the ground  
10 is completely frozen, and the terrain is left  
11 undisturbed, and snow and ice and water are applied to  
12 create the winter road and the running surface for the  
13 equipment.

14 THE CHAIRPERSON/FACILITATOR: Thank  
15 you.

16 MR. JIM STEVENS: Madam Chair, could we  
17 supplement that with a comment or two (2) from Don  
18 Hayley?

19 THE CHAIRPERSON/FACILITATOR: Go ahead.

20

21 (BRIEF PAUSE)

22

23 MR. DON HAYLEY: Madam Chair, my name  
24 is Don Hayley, and I'm also with Kiggiak-EBA. One of  
25 my major projects over the past two (2) decades has

1 been the engineer of record for the winter road that --  
2 it provides access to the diamond mines north of  
3 Yellowknife. And over that period of time I've worked  
4 on winter roads all across Northern Canada, and in  
5 fact, wrote the TAC guidelines for winter roads.

6 Winter road development is -- in -- in  
7 Northern Canada is -- is very well understood. And the  
8 -- the process is -- is pretty straightforward. And a  
9 good contractor with appropriate supervision can  
10 construct a winter road such that there -- there is  
11 absolutely no evidence at the end of the year when the  
12 road melts to indicate that the road has ever been  
13 there.

14 Of course, these roads we are talking  
15 about are short-term. There are only maybe a couple of  
16 years at most that they would be in place.

17 The snow is initially compacted to -- to  
18 create a -- an initial base, and then water is applied  
19 to -- to solidify the surface over the portages.  
20 Wherever we can, we align the winter roads to cross  
21 floating ice surfaces. It's much smoother and -- and  
22 basically minimizes the environmental -- any possible  
23 environmental effects from -- from the winter road.

24 I -- I think that that's basically the -  
25 - the process that we would lay out for -- for the

1 winter road, for -- for the construction in -- in this  
2 particular area. I would say probably about -- from  
3 what I've seen, about half the winter roads would be  
4 over ice and about half the length of winter roads  
5 would likely be over the tundra.

6 THE CHAIRPERSON/FACILITATOR: Thank  
7 you.

8 DR. PETR KOMERS: Petr Komers. Thank  
9 you very much for that. Just returning to DFO, you  
10 mentioned before that you will need permits from DFO.  
11 Have you assessed the impacts of water withdrawals  
12 associated with those winter roads?

13 Is there an assessment that DFO can use  
14 for their permit requirements, permit approval?

15

16 (BRIEF PAUSE)

17

18 MR. RICK HOOS: Madam Chair, Rick Hoos,  
19 Kiggiak-EBA. Dr. Komers, in the EIS we certainly did  
20 assess the possible environmental consequences  
21 associated with winter water withdrawals for winter  
22 road construction.

23 I must emphasize that in the EIS we --  
24 we concentrated on dealing with the winter access road  
25 that would be for much of the route, or some of the

1 route, be constructed along side the right of way for  
2 the proposed -- for the highway construction itself.

3 We did not actually extend that  
4 assessment to some of the access roads to borrow sites  
5 because, frankly, at the time the EIS was prepared we  
6 did not know which borrow sites might be used for that  
7 purpose. So it was evaluated on a very general basis  
8 in the EIS.

9 In more recent times we -- the Developer  
10 has commissioned -- and bathymetric surveys have been  
11 conducted along a number of the water bodies that could  
12 be used for winter road water withdrawals to -- again,  
13 to ensure that if those water bodies were selected we  
14 could demonstrate in documentation provided to the  
15 Department of Fisheries and Oceans that we would be  
16 conforming with their winter withdrawal guidelines.

17 THE CHAIRPERSON/FACILITATOR: Thank  
18 you. Petr...?

19 DR. PETR KOMERS: Petr Komers. Are any  
20 of these bathymetric surveys required for -- in the --  
21 or in association with the access roads on the record?

22

23 (BRIEF PAUSE)

24

25 MR. JIM STEVENS: Madam Chair, the

1 technical map -- memo from the consultants doing that  
2 bathymetric survey will be filed on or before September  
3 30th.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON/FACILITATOR: Petr, are  
8 you okay?

9

DR. PETR KOMERS: Petr Komers. A  
10 slight change of topics. I would like some  
11 clarification about some of your assumptions in  
12 relation to the cumulative effects assessment buffer.

13 Again in Figure 1 and in your  
14 supplementary cumulative effects assessment you use a  
15 buffer of 1 kilometres, yet in some IRs I remember,  
16 particularly IR 74 and 75 regarding grizzly bear and  
17 caribou, you provided evidence that animals can res --  
18 respond or avoid human disturbances for several  
19 kilometres.

20 In one (1) case caribou was 2  
21 kilometres. There was a zone of influence of 2  
22 kilometres you talked about, and then another one of 4  
23 kilometres for grizzly bears. There was some instances  
24 of several kilometres, up to seven (7), I believe.

25 How does that buffer of 1 kilometre

1 reflect these potential disturbances? And I'm  
2 highlighting that in particular because of your  
3 response to both WMAC and Environment Canada that the  
4 buffer that you choose of 1 kilometre is a conservative  
5 estimate for the cumulative effects assessment.

6

7 Can you please clarify that discrepancy?

8 MR. RICK HOOS: Madam Chair, Rick Hoos,  
9 Kiggiak-EBA.

10 THE CHAIRPERSON/FACILITATOR: Rick...?

11 MR. RICK HOOS: In conducting the --  
12 the environmental effects assessment, we certainly did  
13 examine much of the other literature that exists about  
14 disturbances, for instance, of wildlife to roads or  
15 other kinds of activities.

16 One of the challenges we had was trying  
17 to interpret some of those data relative to this  
18 particular project which is, as we all know, a two (2)  
19 lane road made of local material with about eight (8)  
20 or ten (10) one (1) lane major bridges across streams.

21 Compared with the kinds of studies that  
22 were done around very large mining projects with all  
23 kinds of other associated infrastructure like mine haul  
24 truck roads, or blasting activities in -- in pits and  
25 things of that nature, compared with data obtained from

1 the Prudhoe Bay area, which is one of the world's  
2 largest oil field developments in an arctic environment  
3 in the middle of the central arctic herd calving  
4 grounds, compared with other literature drawn from  
5 places in Europe where there are projects that include  
6 highways, power lines, other kinds of developments, and  
7 then relate all that information to this particular  
8 road project between Inuvik and Tuk.

9           And so although we did recognize that  
10 some of this other literature exists out there, when we  
11 did our assessment we, for instance, evaluated that in  
12 general the predicted residual effects on all VECs  
13 related to the relatively short-term construction phase  
14 and longer term operations phase of the highway were  
15 predicted to be low in magnitude and localized to the  
16 immediate project area or the local study area, which  
17 is about 500 metres on other side of the road.

18           For wildlife species in particular,  
19 including caribou, grizzly bear, and SARA-listed  
20 species, the majority of the predicted residual effects  
21 of this very low volume traffic road were also  
22 predicted to be of a generally short term and rapidly  
23 reversible nature.

24           So we used professional judgment to try  
25 and select a potential zone of influence, which in our

1 view was somewhat generous but certainly did not  
2 necessarily reach -- extend out as far as -- as some  
3 reported effects for other developments that are much  
4 more massive and complex than this particular highway  
5 project.

6                   Hence, we selected a 1-kilometre buffer  
7 zone as a reasonable and, as we actually indicated,  
8 conservative zone within which we would not -- wi --  
9 which -- within which some possible disturbance to --  
10 residual disturbance to our wildlife species could  
11 conceivably occur.

12                   But we -- we do feel that we -- we would  
13 not expect most wildlife, perhaps all wildlife, to  
14 react to the road beyond about a kilometre from either  
15 side of the highway. And that's the basis for the 1-  
16 kilometre buffer zone that we have selected.

17                   I might even go so far as to add at this  
18 point in our technical submission to the Board, we did  
19 notice that -- we did note that WMAC had suggested that  
20 a buffer zone of perhaps 15 kilometres might be more  
21 appropriate. They base that on their examination and  
22 evaluation of literature.

23                   We reviewed all of that available  
24 literature. And we -- we're also familiar with enough  
25 of that literature to understand that the only place



1 that might have ever made reference directly based on  
2 actual field experience to a zone of influence that  
3 could extend out as far as 15 kilometres actually came  
4 from some work done by Boulanger et al., for the Ekati  
5 diamond mine and the Diavik diamond mine and all of the  
6 associated infrastructure.

7                   And within the paper by Boulanger et  
8 al., they specifically mentioned that the work that  
9 they had done was related to some very large industrial  
10 complexes. And they went further in their paper and  
11 specifically said that their study addressed the  
12 effects of large open pit mines which would var --  
13 which would represent a very different configuration of  
14 stimuli to caribou than, for example, a road or a  
15 tourist lodge.

16                   So there is no doubt that one can spend  
17 a lot of time arguing about potential zones of  
18 influence. We selected what seemed to be the most  
19 reasonable and appropriate potential zone of influence  
20 for this particular project, which is not expected to  
21 have any significant predicted residual environmental  
22 effects related to construction or operation of this  
23 highway.

24                   Sorry I took so long, but I hope that  
25 helps answer your question.

1 THE CHAIRPERSON/FACILITATOR: Thank  
2 you. Petr, do you have more?

3 DR. PETR KOMERS: Petr -- Petr Komers.  
4 Yes, thank you for that explanation. So I gather from  
5 your explanations that the cumulative effects  
6 assessment is largely based on professional judgment.

7 I wonder if you ever consulted with or  
8 received advice from ENR, being one of the cooperating  
9 departments, to quantitatively measure zones of  
10 influence.

11 THE CHAIRPERSON/FACILITATOR: Thank  
12 you. Mr. Hoos...?

13 MR. RICK HOOS: Madam Chair, Rick Hoos,  
14 Kiggiak-EBA. We have had regular dialogue with the  
15 senior representative of ENR. We have worked closely  
16 with ENR to provide information to the Board. We have  
17 previously submitted information to the Board on a  
18 variety of potential zones of influence, extending from  
19 1 to 5 to, I believe, even 15 kilometres.

20 That information was provided to the  
21 Board to inform them of other possible zones of  
22 influence that various parties have -- have asked for  
23 or have considered. But we are still comfortable with  
24 the selection of the 1-kilometre zone of influence that  
25 is the basis for the supplemental cumulative effects

1 assessment that's currently in preparation and for  
2 which tabular and graphic documentation is being  
3 provided to the Board.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON/FACILITATOR: Thank  
8 you.

9 DR. PETR KOMERS: Petr Komers. So just  
10 for me to be clear on this, I think you are saying that  
11 ENR did not advise you or re -- require you to measure  
12 zones of influence, either for your assessment or in  
13 monitoring and follow up?

14 Is that correct?

15 MR. RICK HOOS: Madam Chair, Rick Hoos.  
16 I'm not exactly sure what you're asking there, Dr.  
17 Komers.

18 DR. PETR KOMERS: Petr Komers. I just  
19 wonder, given that ENR is -- is probably the department  
20 with the most expertise in wildlife and -- and has  
21 participated in many regional wildlife surveys, in  
22 quantifying responses by wildlife to disturbances, they  
23 have required other developers to measure zones of  
24 influence and to verify their predictions on zones of  
25 influence.

1 Did ENR advise you to do something like  
2 that, like measuring, quantitatively, your predictions?

3 THE CHAIRPERSON/FACILITATOR: Rick...?  
4

5 (BRIEF PAUSE)  
6

7 MR. RICK HOOS: Madam Chair, Rick Hoos,  
8 Kiggiak-EBA. As I mentioned before, we have had  
9 regular dialogue and -- and contributions from ENR in -  
10 - in many of the responses that have been provided to  
11 the Board. We have never been specifically asked by  
12 ENR to consider the kinds of monitoring that might be  
13 done to determine a possible zone of influence in  
14 relation to this project, either during the  
15 construction or operations phase.

16 However, we are -- or, sorry, the  
17 Developer group is working with ENR on the development  
18 of a wildlife monitoring program. And certainly if we  
19 can -- you know, if -- if it is det -- determined by  
20 ENR that we should be doing some monitoring in relation  
21 to that, I'm sure that will be part of the discussions  
22 that will arise related to the development of the  
23 wildlife monitoring plan.

24 THE CHAIRPERSON/FACILITATOR: Thank  
25 you.

1 DR. PETR KOMERS: Petr -- Petr Komers,  
2 here. Just a quick follow-up question. When will  
3 these -- this information resulting from these  
4 consultations be available?

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON/FACILITATOR: Jim...?

9

MR. JIM STEVENS: Madam Chair, a  
10 wildlife effects management plan is in a draft stage,  
11 and we are just starting out on the development of the  
12 wildlife protection plan. I would suggest those plans  
13 would be finalized and completed within the next, oh,  
14 by the end of October.

15 THE CHAIRPERSON/FACILITATOR: Thank  
16 you. Petr, do you have any other questions?

17 DR. PETR KOMERS: Petr Komers. Madam  
18 Chair, that concludes my questions.

19 THE CHAIRPERSON/FACILITATOR: Thank  
20 you. Meghan...?

21 MS. MEGHAN BIRNIE: Meghan Birnie,  
22 technical advisor to EIRB. To follow on some of Petr's  
23 questions about wildlife, I'd like to ask some  
24 questions on harvesting. And, as discussed at the  
25 technical sessions, harvesting wasn't identified in the

1 SEIA as a separate and distinct valued socioeconomic  
2 component. So the assessment of impacts on harvesting  
3 appeared to be based primarily on the results of the  
4 biophysical assessment and information from the  
5 traditional knowledge study. Additional biophysical  
6 information has been recently submitted though, as --  
7 as discussed with Petr.

8 What are the predicted impacts to  
9 harvesting in light of this new information?

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON/FACILITATOR: Jim...?

14 MR. JIM STEVENS: Madam Chair, Erica  
15 Bonhomme will start off with some initial comments, and  
16 it may be supplemented by one (1) of our other members  
17 of the team.

18 THE CHAIRPERSON/FACILITATOR: Thank  
19 you.

20 MS. ERICA BONHOMME: Erica Bonhomme,  
21 Kavik-Stantec. Specific wildlife information that  
22 would inform harvesting in the area would be  
23 information that has been presented in the wildlife  
24 report on the occurrence of -- the potential occurrence  
25 of grizzly bear dens within the project area.

1                   The report concludes that the study area  
2 does not have any preferred habitat for grizzly bear  
3 dens. As such, the -- one would conclude that there is  
4 -- should be no concern there around harvesting for  
5 bears anyway, in -- in any specific area along the  
6 project route.

7                   The traditional knowledge study also  
8 provides some map-based information about areas with --  
9 surrounding the project that -- where harvesting does  
10 occur. And those are shown -- those are depicted  
11 within the traditi -- the report of traditional  
12 knowledge workshops, as conducted in Tuktoyaktuk and  
13 Inuvik.

14                  I will ask Rick Hoos to supplement that  
15 with information about the assessment of -- of  
16 harvesting.

17                  MR. JIM STEVENS:   Madam Chair, could we  
18 take about three (3) to four (4) minutes to discuss  
19 this, please, as a group?

20                  THE CHAIRPERSON/FACILITATOR:   I was  
21 actually just asking the question about how much longer  
22 we would need for questioning. And this may be an  
23 appropriate time to break for lunch and come back to  
24 the remainder of the questioning, if that's suitable to  
25 you.

1 MR. JIM STEVENS: We'd be very  
2 receptive to that action, Madam Chair.

3 THE CHAIRPERSON/FACILITATOR: Fine. So  
4 we'll have a -- a lunch break. We'll return at --  
5 we're a little late leaving, so 1:30, and we'll  
6 continue at that time.

7  
8 --- Upon recessing at 11:53 a.m.

9 --- Upon resuming at 1:27 p.m.

10

11 THE CHAIRPERSON/FACILITATOR: Welcome  
12 back. I think we'll start our hearing and continue on  
13 from where we left off this morning. There were two  
14 (2) -- I guess I should start by saying this is Liz  
15 Snider, the Chair of the Board.

16 There were two (2) things that we were  
17 going to get back to you on. One (1) is the letter  
18 from the -- or, the presentation from the Inuvik  
19 Community Corporation. There's copies of it at the  
20 back on the table just as you walk in. If you could  
21 take a look at that, we would like to enter it as  
22 Exhibit 1. And we'd like to know if there's any  
23 objections from any of the parties about entering it as  
24 Exhibit 1. So we'll ask the question again at the end  
25 of the day and see where we're at with it.



1                   With respect to the other information  
2 that's outstanding, there's a couple of documents that  
3 have been referred as erratums. And there's a couple  
4 of other documents that have re -- been referred to;  
5 for instance, the wildlife management plan. And given  
6 the comments by the parties, we would like to reserve  
7 our judgment on that until after we've finished our  
8 hearings in Tuk.

9                   So for the purposes of these hearings,  
10 we won't enter any of that new information or make it  
11 part of the record in the presentations or answers.  
12 But we will look at, it in terms of how we will deal  
13 with those documents in terms of the overall review.  
14 And that will be after the Tuk hearings.

15                   So I think with that, we were at the  
16 point where there was questions to the Developer. And  
17 I think, Meghan, you were the one that was -- so if you  
18 would like to continue with your questions.

19                   MS. MEGHAN BIRNIE: We left off with  
20 the question of: What are the predicted impacts to  
21 harvesting in light of the new biophysical information?

22                   THE CHAIRPERSON/FACILITATOR: Thank  
23 you.

24                   MR. RICK HOOS: Good afternoon, Madam  
25 Chair, panel, and everybody else here. Rick Hoos,

1 Kiggiak-EBA. And I will try to answer that question.  
2 We had some healthy dialogue over lunch to come up with  
3 this answer, and we hope it'll help.

4                   The basic question relates to how might  
5 the results of this summer's environmental --  
6 biophysical environmental studies contribute to our  
7 understanding of how harvesting might be affected by  
8 this project, based on this new information.

9                   In answering that question, I guess the  
10 first thing we do want to say is that, to the extent we  
11 could, we discussed the effects of harvesting in the  
12 EIS and subsequent filings. In particular, we also, of  
13 course, pointed out that the act of harvesting, which  
14 is a human-induced activity, is something that DOT  
15 would have a very difficult time controlling, for  
16 various reasons, including the fact that it's not  
17 really within its mandate to do so.

18                   But throughout the EIS, we have noted  
19 that we have recognized that future harvesting  
20 activities pertaining to the highway are certainly a  
21 very important issue that needs to be properly managed.  
22 And we've indicated that there are a number of existing  
23 resource management agencies -- the Inuvialuit Game  
24 Council, the HTC's, and the co-management Boards -- all  
25 of whom we believe, or the Developer believes, have a

1 role to play in helping to manage the behaviour of  
2 humans using their highway.

3                   We are also aware that even today there  
4 are already certain restrictions on harvesting in the  
5 area between Inuvik and Tuk. In -- in particular,  
6 since 2006 all resident, non-resident, and commercial  
7 hunting of caribou, for instance, has -- has -- there's  
8 been a ban on hunting of caribou since -- in this -- in  
9 this area between Inuvik and Tuk since 2006. And in  
10 2007 -- well, never mind that.

11                   It's -- it's -- there's been a ban on,  
12 and it's still in place today. It's a ban in the  
13 wildlife management areas 1/BC07 and G/BC02. It's --  
14 we understand the reasons why the ban were placed on  
15 caribou harvesting. It had to do with diminishing  
16 numbers of caribou of all three (3) herds that occupy,  
17 at times, the area of interest.

18                   We also assume that when these herds do  
19 rebound and increase in numbers, there may be  
20 opportunity to revise the ban. But for the time being,  
21 the ban stays in place. And if the ban was ever  
22 lifted, we are confident that the authorities that have  
23 responsibility for managing those resources will ensure  
24 that there are appropriate conditions that are placed  
25 on harvesting that may take place at that time.

1                   A similar thing applies to grizzly bear  
2 hunting, where there is currently a quota system for  
3 the harvesting of grizzly bear, which we assume will  
4 continue to be in place and will be modified as  
5 necessary by the agencies responsible for that.

6                   Now, turning to the specific question of  
7 how the work this summer might have informed us on --  
8 on this matter further, I -- I have -- this will sound  
9 a little disappointing.

10                  The biophysical work that was completed  
11 this summer was primarily related to vegetation,  
12 wildlife, and wildlife habitat. The studies that were  
13 undertaken focussed to a great extent on SARA-listed  
14 bird species and grizzly bear, because those were  
15 species that -- that were particularly identified by  
16 folks like Environment Canada as being very important  
17 to them.

18                  The work that was done this summer did  
19 not specifically focus on, let's say, harvested  
20 species. Essentially, none of the SARA-listed birds  
21 are harvested, and grizzly bear already has a  
22 management system for it, and that's it.

23                  The studies did also indicate, however,  
24 that there is waterbird habitat throughout the project  
25 study area in the form of the hundreds and hundreds of

1 little lakes and ponds scattered along the entire route  
2 pretty well, and particularly the northern half of the  
3 route. And we identified in the studies that there  
4 were no preferred areas for a bear den habitat along  
5 the road corridor.

6                   We also did complete fish and fish  
7 habitat studies, and the results of those studies and  
8 our plans for crossing the different kinds of streams  
9 that were encountered are -- are currently being  
10 developed into documentation that's going to be  
11 provided to the Board by, I believe, September 30th.  
12 Yes.

13                   And we have also previously -- the  
14 Developer has previously committed to take this  
15 information, present it to the Inuvialuit Game Council,  
16 which is currently scheduled for September 28th in  
17 Whitehorse, and also to present this information to the  
18 HTC's in the communities of Tuk and Inuvik relatively  
19 soon after the hearing process is completed in order to  
20 receive their input on any concerns they have -- they  
21 might have about fish utilization of various streams,  
22 and the importance of any of those fisheries resources  
23 to the community from a harvesting perspective.

24                   That information is also being -- has  
25 been requested by departments such as the Department of

1 Fisheries and Oceans and Transport Canada, and we will  
2 be happy to provide the results of any consultations  
3 that are held on those matters at that time, during the  
4 regulatory -- subsequent regulatory procedures.

5 Furthermore, traditional knowledge  
6 workshops that were conducted by Kavik-Stantec, which  
7 had identified areas important for harvesting and  
8 concerns related to impacts of the highway on  
9 harvesting. The Developer responded to the comments  
10 and recommendations on August 31st and also discussed  
11 these findings in a response to Directive 6 filed on  
12 July 13th and September 4th.

13 The conclusion of the biophysical  
14 assessment that was conducted is that there are no  
15 potentially significant residual effects to wildlife or  
16 wildlife habitat based on, initially, the work that was  
17 done for the EIS and, subsequently, as a result of the  
18 im -- of the improved information base, which has  
19 basically been confirming the kinds of predictions that  
20 were made in the EIS.

21 However, we do acknowledge, and have  
22 acknowledged consistently since the beginning, that  
23 potential concerns about increased harvesting remains a  
24 valid concern that needs to be effectively managed.

25 The Developer's commitments has been,

1 throughout this process and it is in our commitments  
2 table, is that the Developer is committed to working  
3 with these various parties and -- and participating in  
4 whatever additional further consultations will be  
5 pursued in order to ensure that, eventually,  
6 appropriate policies, plans, rules of behaviour, if you  
7 will, are developed. Appropriate signage is developed  
8 and placed at various key points along the route to  
9 remind the general public of their responsibility to  
10 behave responsibly -- to -- to behave responsibly --  
11 I'm sorry -- and to not take overt advantage of the  
12 wildlife resources and values associated with the  
13 corridor itself and the road through the corridor.

14               That last part didn't make a lot of  
15 sense to me, but what I'm trying to say is that the  
16 public and the resource management agencies really have  
17 to work together to ensure that the environment is  
18 there for future generations to enjoy as well.

19               We are confident that the resource  
20 management agencies and some of these co-management  
21 boards that have actually, in their own documents to  
22 the Board, indicated their commitments to help make  
23 sure that that happens, does happen. So we're  
24 confident that -- that the environment can be protected  
25 with everybody's help. Thank you.

1 THE CHAIRPERSON/FACILITATOR: Thank  
2 you.

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON/FACILITATOR: There's  
7 headsets up here for the translation, so if anybody  
8 wants to hear the -- the information translated into  
9 Inuvialuit, the -- the headsets are down here. And the  
10 registered parties, we've added another table, if you  
11 want -- wanted to come and sit at the front. So just  
12 move up if you'd like to. And I apologize for not  
13 mentioning that at the beginning of our session.

14 Meghan...? Sorry.

15 MS. MEGHAN BIRNIE: Meghan Birnie.  
16 Thank you, Rick. It's not only concerns about  
17 increased har -- or, concerns that the road will result  
18 in increased harvesting that need to be addressed.  
19 There were concerns raised in the TK study, as well as  
20 in -- in your consultation records, about the road  
21 impacting harvested species, which would in turn  
22 decrease the amount of harvested resources.

23 And knowing that you've based your --  
24 your assessment of harvesting primarily on the  
25 biophysical assessment, I'm -- I'm still curious as to



1 whether all of the additional information that you've  
2 gathered for the biophysical assessment has been used  
3 to reevaluate your impact predictions on harvesting,  
4 particularly as it would pertain to a decrease in  
5 harvesting and harvested resources.

6

7 (BRIEF PAUSE)

8

9 MR. RICK HOOS: One moment, please,  
10 Madam Chair.

11

12 (BRIEF PAUSE)

13

14 MR. RICK HOOS: Okay. Madam Chair, I  
15 request that Erica Bonhomme help us to answer this  
16 question. Thank you.

17 THE CHAIRPERSON/FACILITATOR: Go ahead.

18 MS. ERICA BONHOMME: Erica Bonhomme,  
19 Kavik-Stantec. The report of the traditional knowledge  
20 workshops held in Tuktoyaktuk and Inuvik summarizes  
21 some of the concerns and recommendations made by  
22 traditional-knowledge holders during those workshops.

23 The report does not indicate that there  
24 were concerns raised about decreases to harvest quotas  
25 as a result of increased harvest pressures. There were

1 quite a few references made, as Mr. Hoos summarized, to  
2 the potential for better access to harvest species  
3 which, as he said, is a -- is a valid concern.

4 But in reference to quotas, there would  
5 be no reason to believe that there would be any impact  
6 from the project to a change in har -- harvested  
7 species allowable under various pieces of legislation,  
8 based on the information we have collected to date.

9 THE CHAIRPERSON/FACILITATOR: Thank  
10 you. Meghan...?

11 MS. MEGHAN BIRNIE: Some of the  
12 comments in the traditional knowledge study were taken  
13 to mean by myself that the behaviour of animals could  
14 change as a result of the presence of the road, right.  
15 And then that in turn could impact their availability  
16 for harvesting.

17 So given that, and given what you've  
18 also gathered in the biophysical assessment, did you  
19 reevaluate harvesting in light of the comments from the  
20 traditional knowledge study that the behaviour of  
21 animals could change?

22 MS. ERICA BONHOMME: Eri -- excuse me,  
23 Madam Chair.

24

25 (BRIEF PAUSE)

1 MS. ERICA BONHOMME: It looks like  
2 we've lost our Chair.

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON/FACILITATOR: I  
7 apologize. Go ahead.

8 MS. ERICA BONHOMME: Erica Bonhomme,  
9 Kavik-Stantec. A short answer is: No, there has not  
10 been a reassessment. An additional remark to that is  
11 that the traditional knowledge workshop report did  
12 indicate that there would be some short-term disruption  
13 to, potentially, the movement of animals, harvested  
14 species, as a result of some localized sensory  
15 disturbance due to con -- during construction  
16 activities, but that that was going to be a short-term  
17 effect and would not impact, in the long term, the  
18 availability to access harvested species.

19 THE CHAIRPERSON/FACILITATOR: Thank  
20 you.

21 MS. MEGHAN BIRNIE: Did you present  
22 your impact predictions to the communities of Tuk and  
23 Inuvik or any of your agencies or organizations there,  
24 and did they have any input to the determination of  
25 significance?

1 (BRIEF PAUSE)

2

3 MR. RICK HOOS: Madam Chair, Rick Hoos,  
4 Kiggiak-EBA. I think some of this discussion goes  
5 right back to the days of the project description  
6 report that was prepared initially for the construction  
7 of the Tuk to Source 177 access road and, subsequently,  
8 during consultations that were convened in the  
9 communities with the HTC's and other parties in  
10 preparation for the -- for the EIS, and even the  
11 scoping of the EIS.

12 We did present our initial thoughts on  
13 the kinds of effects that could arise from construction  
14 and operation of the highway. We did pres -- discuss  
15 the kinds of mitigation measures that we proposed could  
16 be employed or implemented to ensure that any such  
17 effects are -- are minimized, if not completely  
18 avoided.

19 I don't think the record will show that  
20 we received much input back on what other thoughts  
21 should perhaps be incorporated into the design or  
22 implementation of the project. But certainly we have  
23 always tried to consider and accommodate whatever  
24 inputs have arisen from those kinds of consultation  
25 efforts.

1                   In that regard, you know, as -- as  
2 everyone here is aware, as further work was conducted  
3 in relation to the road -- whether it be geotechnical,  
4 environmental or otherwise -- one of the things that  
5 was conducted were traditional knowledge workshops with  
6 both the community of Inuvik and the community of  
7 Tuktoyaktuk.

8                   The results of those workshops have been  
9 presented to the Board, have been presented to the  
10 Developer -- or, the Developer was part of the TK  
11 workshops. We were subsequently requested by, I  
12 believe, the Board -- or maybe it was the Tuk-Inuvik  
13 Working Group or Tuk Community Corp. I can't recall  
14 which organization asked us to indicate how we may have  
15 incorporated any recommendations that were forthcoming  
16 from these workshops and, for that matter, any concerns  
17 that were raised within those workshops, how we have  
18 reflected those concerns and recommendations in the  
19 design of the highway project.

20                   That information has also been filed  
21 with the Board in the form of, I believe, one (1) or  
22 two (2) tables. Perhaps I can just check with Tara  
23 here to see what those particular filings were.

24

25                   (BRIEF PAUSE)

1 MR. RICK HOOS: On -- Madam Chair, on  
2 August the 31st we submitted those documents to the  
3 Board. And they did itemize specifically how we dealt  
4 with each of the concerns that we had recorded as  
5 having been raised at these TK workshops, as well as  
6 any recommendations that were made during those  
7 workshops. Thank you.

8 THE CHAIRPERSON/FACILITATOR: Thank  
9 you.

10 MS. MEGHAN BIRNIE: Meghan Birnie.  
11 Thank you, Rick. Is the answer "yes" or "no" to that  
12 question or directly or somewhere, I would understand,  
13 in between, as you've described?

14 MR. RICK HOOS: Madam Chair, I have to  
15 admit I can hardly remember what the question might  
16 have been. But -- but the point is we have tried to  
17 listen to any and all concerns that have been raised at  
18 any in time over the last three (3) to four (4) years  
19 by the communities, the HTCs, or other parties.

20 And to the extent that we have been able  
21 to accept advice received, inputs received, we have  
22 tried to do so in the -- in the pro -- in the design of  
23 the project. I will say now that we haven't -- we did  
24 not al -- we were not always able to completely  
25 accommodate the wishes of every party. But to the

1 extent that we possibly could, we did. Thank you very  
2 much.

3 THE CHAIRPERSON/FACILITATOR: Thank  
4 you.

5 MS. MEGHAN BIRNIE: Meghan Birnie.  
6 With regard to monitoring of harvested species and  
7 harvesting, in the Developer's response to 2B and 2C,  
8 you identify WMAC, FJMC, IGC, the HTC's, and ILA as  
9 responsible for the management of harvested resources.

10 And in Round Two IRs, when these parties  
11 were questioned about their role, WMAC responded that  
12 they acted in an advisory capacity; IGC responded that  
13 they will work with ENR, DFO, and the HTC's; and MJ --  
14 FJMC responded that together with DFO and the HTC's,  
15 they do have the responsibility for monitoring and  
16 mitigating project-related effects on harvesting with  
17 the other parties.

18 Now, in your recent refiled response to  
19 some of the Developer's -- or, some of the parties'  
20 submissions you, reiterated that these parties need to  
21 work together for the management and monitoring of  
22 these resources.

23 Can you provide any other information on  
24 -- or explanation on who is going to be leading  
25 monitoring of harvesting, not just fish, and who is --

1 who would be involved, and what their roles are?

2 MR. RICK HOOS: Madam Chair, Rick Hoos,  
3 Kiggiak-EBA. I -- I believe our answer is that ENR  
4 will play a lead role related to most of the wildlife  
5 species. We would believe that DFO would have a  
6 significant role to play in the management of the  
7 fisheries resources, and perhaps including issues  
8 related to harvesting of the resources.

9 But with respect, I think it would be  
10 appropriate for the Board to ask those questions  
11 directly of each of these other organizations, many of  
12 whom will be -- will appear before you either here in  
13 Inuvik or in Tuk next week. Thank you.

14 THE CHAIRPERSON/FACILITATOR: Thank  
15 you.

16

17 (BRIEF PAUSE)

18

19 MS. MEGHAN BIRNIE: Meghan Birnie.  
20 Questions -- concerns, sorry, have been raised by  
21 community residents during consultations on the terms  
22 of reference in the TK study, and also in submissions  
23 to the technical sessions regarding increased public  
24 access to and recreational use of harvesting areas and  
25 areas of special and cultural importance.



1                   Following the technical sessions, ILA  
2   responded that the public may enter on Inuvialuit lands  
3   for recreation and that industry can as well if they  
4   meet the acceptable environmental standards using the  
5   Husky Lake special cultural area criteria.

6                   As the Proponent and the party  
7   responsible for conducting the assessment, how do you  
8   propose the public and recreational land access and  
9   use, and the adverse impacts asso -- associated with  
10   these, be managed and monitored, and by whom?

11

12                                   (BRIEF PAUSE)

13

14                   MR. JIM STEVENS:   Jim Stevens,  
15   Developer.   The Inuvik-Tuk Highway is a public  
16   infrastructure project with significant public,  
17   government, legislative, and governance oversight.

18                   For instance, on the highway we have the  
19   Public Highways Act, Motor Vehicle Act, and other  
20   respective site-specific regulations that can control  
21   traffic speeds, parking, those type of issues.   In  
22   addition, we do regular traffic counts on the highway  
23   system to determine peak hour of volumes, traffic  
24   characteristics that are provided to enforcement  
25   authorities relative to traffic volumes, those type of

1 characteristics.

2                   So there's a range of things that are  
3 within our current programs and everyday kind of  
4 activities that provide oversight of activities on the  
5 highway.

6                   MS. MEGHAN BIRNIE:   Meghan Birnie.  
7 Thank you, Jim. I'm interested more in answers  
8 following up on some of the questions that were raised  
9 by the Inuvik HTC at the technical sessions and some of  
10 the concerns again about increased access, not -- not  
11 along the road, but because of the road, so increased  
12 access to areas where access currently isn't, and --  
13 and access by the public, and -- for example, tourists.

14                  THE CHAIRPERSON:    Okay.

15                  MR. RICK HOOS:     Madam Chair, Rick Hoos,  
16 Kiggiak-EBA. I'm usually fairly good at multi-tasking,  
17 but I had -- was -- I have to admit I was looking at  
18 some other stuff while Meghan was asking that question.  
19 However, I -- I would like to respond by -- certainly  
20 within the -- the lands under the control of the ILA,  
21 Inuvialuit Lands Administration, in their response  
22 number 79 to the Board, they say this:

23                         "The -- the ILA has reviewed the  
24                                 highway route and identified  
25                                 locations on Inuvialuit lands where

1                   it is likely that there will be land  
2                   use demands for activities such as  
3                   boat launching and the establishment  
4                   of cabins. These sites will be  
5                   monitored by the ILA and the  
6                   necessary steps taken to ensure an  
7                   appropriate level of protection of  
8                   Inuvial land -- Inuvialuit lands at  
9                   these locations, up to and including  
10                  refusal to permit certain activities.  
11                  Ongoing monitoring will also identify  
12                  other areas that may require similar  
13                  attention."

14                  That's just the -- the position of the  
15                  ILA. They feel they have some -- some significant  
16                  responsibility for controlling access within their  
17                  mandate.

18                  MS. MEGHAN BIRNIE:   Meghan Birnie.  
19                  Thank you, Rick. I read that to -- to mean that they  
20                  have some -- some role in monitoring. But as yet, in  
21                  terms of controlling public and recreational access --  
22                  and I think some of the examples raised at -- in the TK  
23                  study and in the technical sessions were things  
24                  resulting from tourism. And -- and as yet, no one has  
25                  -- there -- there is not a party that's -- can you

1 confirm if there's a party that is going to be managing  
2 or actually controlling some of that?

3

4 (BRIEF PAUSE)

5

6 MR. JIM STEVENS: Madam Chair, if we  
7 could have a moment on this, please?

8 THE CHAIRPERSON/FACILITATOR: Go ahead.

9

10 (BRIEF PAUSE)

11

12 MR. RICK HOOS: Madam Chair, Rick Hoos,  
13 Kiggiak-EBA.

14

15 (BRIEF PAUSE)

16

17 MR. RICK HOOS: I guess the short  
18 answer is, it's, you know, someone has to take charge.  
19 And I think Meghan is hoping that the Developer or the  
20 DOT will take charge of that. The Developer has  
21 indicated it's not within its mandate to do that.

22 The ILA has indicated -- I'm speaking  
23 too quickly for the translators. I'm sorry, I'll slow  
24 down. The ILA has indicated that they have some  
25 substantial mandate to control access to lands within

1 the Inuvialuit final agreement. It's fair to say that  
2 on Crown lands, that ability to control access by other  
3 parties, including tourists, et cetera, does not exist  
4 to the same extent.

5                   And the Developer has indicated that it  
6 is willing and wanting to work with the various parties  
7 who have some responsibility for helping to control  
8 human behaviour, including that of tourists, in  
9 relation to this road. It must be stressed that  
10 tourists will typically probably only come on this road  
11 in the summer months, when the caribou, as one (1)  
12 example, will not actually be in the area, and  
13 notwithstanding the fact that there's a ban on -- a  
14 complete ban on caribou harvesting as well.

15                   The primary resources that might be  
16 pursued, conceivably by tourists -- although I doubt  
17 very much that they would come to the Inuvik-Tuk  
18 Highway to go chasing the fish resources in -- in most  
19 of that area.

20                   We will -- the Developer will be  
21 developing, wi -- with the cooperation of other  
22 parties, various forms of signage that will be placed  
23 alongside the highway to remind the general public of  
24 their responsibilities.

25                   And in terms of fishing, for instance,

1 if -- if a tourist was to do that, they would, in  
2 theory, have to apply for and obtain a fishing licence  
3 to do that kind of fishing along the route. But we do  
4 not expect that the primary reason, or even a secondary  
5 reason, for tourists coming up the road would be to go  
6 harvesting along the road.

7                   They would be probably coming up to, as  
8 the Mayor of Inuvik said this morning, dip their toes  
9 in the Arctic Ocean and experience firsthand the  
10 opportunity to drive to the Arctic Ocean and to take  
11 photographs of whatever wildlife they do see and enjoy.  
12 Rick. Thank you.

13                   THE CHAIRPERSON/FACILITATOR: Thank  
14 you.

15                   MS. MEGHAN BIRNIE: Meghan Birnie.  
16 Thank you, Rick. I was seeking clarification more on  
17 who would be managing the effects rather than -- than  
18 hoping that the Department of Transportation would.  
19 But this is a lead-in to another question of mine.

20                   The Department of Transportation -- or,  
21 sorry, the EIS, from -- from the beginning, has said  
22 that there are a number of agencies and organizations  
23 that have the mandate to address socioeconomic effects.  
24 In the September 7th reply from ENR, they clarified  
25 that it is the Department of Transportation and not the

1 GNWT that is the Developer and, further, that the  
2 Department of Transportation, with its other  
3 development partners, is responsible for the assessment  
4 of effects.

5           The socioeconomic impact assessment for  
6 the Mackenzie gas project made the distinction between  
7 the responsibility to assess and the responsibility to  
8 manage effects and drew upon a shared responsibility  
9 model for the management of effects. And in this  
10 model, the proponent isn't responsible for implementing  
11 all of the -- the mitigation measures, but they are  
12 responsible for identifying them and for -- for  
13 actually working with the other parties from the  
14 beginning to make sure the other parties are  
15 comfortable with those -- those management measures.

16           And the reason for this is that you  
17 cannot -- their reason for this was to arrive at re --  
18 their impact predictions for residual impacts by  
19 applying mitigation beforehand.

20           So did the Department of Transportation,  
21 as the Developer, conduct an assessment of effects for  
22 any of the -- the valued socioeconomic components  
23 without identifying or applying specific mitigation  
24 measures, even if it is isn't your responsibility to  
25 implement them?

1 MR. RICK HOOS: Madam Chair, can we  
2 have a moment again, please?

3 THE CHAIRPERSON/FACILITATOR: Yes. Go  
4 right ahead.

5

6 (BRIEF PAUSE)

7

8 MR. JIM STEVENS: Madam Chair --

9 THE CHAIRPERSON/FACILITATOR: Yes.

10 MR. JIM STEVENS: -- in response to  
11 that question, when we initially looked at this there  
12 were no significant socioeconomic impacts identified.  
13 And I guess we can take measure in that when we now  
14 manage 2,200 kilometres of highway, there are varying  
15 impacts that we see from time to time. Some are in  
16 different times of the season. Some occur  
17 incidentally. Some occur on a regular basis.

18 And I would suggest, for instance, bison  
19 management along Highway 3 north of Fort Providence to  
20 Yellowknife, it's an identified issue. And we have  
21 worked with the various parties there to come up with  
22 bison awareness programs, other mitigation actions.

23 There are other areas where we've had  
24 some site-specific issues develop because of  
25 transportation. And again we don't have a consistent



1 program, but once we know of an incident, we have the  
2 necessary tools and capacity to address that. And I'll  
3 stop there.

4 THE CHAIRPERSON/FACILITATOR: Thank  
5 you.

6 MS. MEGHAN BIRNIE: Meghan Birnie.  
7 Thank you, Jim. Okay. Comments were raised by  
8 community residents during consultations on the terms  
9 of reference and in the TK study, and then again during  
10 the technical sessions, regarding some of the adverse  
11 effects of tourism. And these range from garbage in  
12 the communities and along the road to large influxes of  
13 traffic and people in the communities and on the land.

14 In the Developer's response to 2B and  
15 2C, you identify some of the agencies that have  
16 existing responsibilities to -- to monitor some aspects  
17 of tourism. And in the Second Round of IRs, these  
18 parties were asked to describe their roles. So ITI,  
19 CanNor, IRC, and IDC all responded that they are not  
20 directly involved in mitigating any adverse effects of  
21 project-related tourism.

22 So as yet there are few specific  
23 measures to manage and plans to monitor possible  
24 project-specific adverse effects of tourism in the  
25 communities and between the -- and between the

1 communities on the land.

2                   So have the communities of Tuk and  
3 Inuvik been involved in identifying potential  
4 mitigation measures to address some of the concerns  
5 that they raised about adverse effects of tourism?  
6 And, if yes, what are some of the suggestions and  
7 recommendations?

8

9                   (BRIEF PAUSE)

10

11                   THE CHAIRPERSON/FACILITATOR: Go ahead.

12                   MR. RICK HOOS: Madam Chair, Rick Hoos,  
13 Kiggiak-EBA. I just consulted with my colleague who  
14 was very involved with the TK work -- workshops that  
15 were conducted.

16                   A few people did raise concerns about  
17 tourists and some issues associated with tourists  
18 coming to the communities. They were both positive and  
19 negative. But there were no specific discussions on  
20 what to do about any potential negatives associated  
21 with tourism -- tourists -- increased tourism to the  
22 area. Most people, I think, probably focussed on the  
23 positives associated with that activity.

24                   Again turning to things like garbage  
25 along the road, there would absolutely be signage

1 related to that included along the road. And at the  
2 same time, I'm sure -- you know, we would -- it would  
3 be our position that the RCMP, as an example, would --  
4 would be an organization that would be patrolling the  
5 road and would be looking out for things of that  
6 nature.

7                   And I -- I can't -- I can't say whether  
8 they could do anything about that sort of thing, but  
9 perhaps DOT has some understanding of that ever being  
10 an issue that is managed.

11                   We do believe that in today's world,  
12 when people come to appreciate the -- the opportunity  
13 they have to -- to travel to a new part of the world, I  
14 feel reasonably confident that most people would  
15 respect whatever rules of the road or signage is  
16 presented to them as they come to this part of the road.

17                   That's just my -- my basis. But no one  
18 has specifically been -- set out to help manage any  
19 negative impacts that may be associated with tourism at  
20 this point in time. I think it's something that the  
21 Board may wish to comment on in their decision report,  
22 provide some guidance on that.

23                   THE CHAIRPERSON/FACILITATOR: Thank  
24 you.

25                   MS. MEGHAN BIRNIE: Sorry.

1 MR. JIM STEVENS: Madam Chair, could I  
2 add a supplemental comment or two (2) on that?

3 THE CHAIRPERSON/FACILITATOR: Go ahead.

4 MR. JIM STEVENS: Maybe for context, I  
5 -- I should bring forward to the panel's attention is  
6 that we do experience problems now with litter and  
7 waste management at some of our pull-off sites. We  
8 work with ENR, for instance, to provide additional  
9 disposal bins, signage. We also step up patrol and  
10 monitoring activities relative to issues at those pull-  
11 out sites.

12 For context, we should be reminded that  
13 the current ice road now has about a hundred and  
14 thirty-nine (139) vehicles a day, average. We expect,  
15 with tourism and the increased shipping of goods, that  
16 traffic volumes will increase up to a hundred and fifty  
17 (150) to two hundred (200) a day. Again, that's stated  
18 on page 97 of the EIS.

19 So it's acknowledged that there will be  
20 additional traffic volumes on the highway. It could  
21 bring about the increased issues of litter. But again,  
22 it's well within our existing programs and capacity to  
23 address any of those issues.

24 THE CHAIRPERSON/FACILITATOR: Thank  
25 you.

1 MS. MEGHAN BIRNIE: Meghan Birnie.

2 Thank you, Jim. Speaking to some of the positive  
3 effects of tourism that were identified in the EIS and  
4 this morning as well by the Mayor, I'm just wondering  
5 if you have gone -- if you have reevaluated your  
6 prediction or if you can speak any more to your  
7 prediction of -- of increased tourism?

8 In the EIS, I believe it predicted a 10  
9 percent increase in tourism from five thousand (5,000)  
10 tourists a year to fifty-five hundred (5,500). A  
11 recent CBC news item -- news item indicated a 12  
12 percent drop in tourism.

13 And that, combined with increased price  
14 of fuel, I'm wondering if your -- your -- you've  
15 revisited your previous predictions of the increase in  
16 tourism as a result of the highway?

17 MR. JIM STEVENS: Madam Chair, the  
18 short answer is no. There are various factors that go  
19 into determining tourism-related traffic. One of our  
20 principle tools is looking at existing traffic volumes  
21 on the rest of the highway system. We have traffic  
22 counters. And typically they show that during the  
23 summer seasons we do see an increase. And that's  
24 largely related to tourism-related travel.

25 Other issues, such as the cost of air

1 fare, the cost of gasoline, aren't entertained in our  
2 modelling. We basically use a direct, empirical kind  
3 of reflection on whether there's going to be an  
4 increase or decrease. Our monitoring is based on an  
5 annual kind of appraisal of traffic volumes. So if  
6 traffic volumes experience a dramatic shift over a  
7 short time period, we would not be able to confirm that  
8 shift until the year after.

9 THE CHAIRPERSON/FACILITATOR: Thank  
10 you.

11 MS. MEGHAN BIRNIE: Meghan Birnie.  
12 Thank you, Jim. With regard to education and training  
13 and skills, the Developer is committed to education-  
14 and training-related measures - for example, working  
15 with local academic institutions in the design of  
16 short-duration, skill based courses to improve job  
17 readiness, expand the labour pool, and enhance local  
18 capacity.

19 At the technical sessions, the Developer  
20 was asked to provide details regarding the necessary  
21 timing of implementation of these measures in order to  
22 ensure their usefulness. And you replied that you'd be  
23 meeting with Aurora College the following day.

24 Do you have an update on the necessary  
25 timing of implementation of those measures to ensure

1 their greatest benefit?

2 MR. JIM STEVENS: Madam Chair, local  
3 employment, training, and business opportunities will  
4 be maximized as we go through this project. The  
5 discussions that were referred to with Aurora College  
6 did not occur due to a timing issue with the other  
7 person. But just this morning, again, there was a  
8 commitment to re-engage in those discussions.

9 I should note that, whatever our  
10 procurement process selected, that'll be front and  
11 centre of any obligation that will be put on the  
12 contractor or Proponent that develops the road.

13 THE CHAIRPERSON/FACILITATOR: Thank  
14 you.

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON/FACILITATOR: Are we --  
19 that's the end of your questions?

20 MS. MEGHAN BIRNIE: Yes, no more  
21 questions.

22 THE CHAIRPERSON/FACILITATOR: Thank  
23 you. Dr. Burn...?

24

25 (BRIEF PAUSE)

1 DR. CHRIS BURN: Thank you, Madam  
2 Chair. I have three (3) sets of questions that I hope  
3 the Board will be interested in directing to the pro --  
4 Developer.

5 The first of the sets of questions  
6 concerns water use by the proposed project. The second  
7 concerns the estimate of the aggregate requirements.  
8 And the third concerns the implications of climate  
9 change for aggregate requirements for the project.

10 If you would permit me to proceed with  
11 the first of those, which concerns water use, then I'd  
12 be pleased to do so.

13 THE CHAIRPERSON/FACILITATOR: Proceed.

14 DR. CHRIS BURN: Madam Chair, this  
15 morning you heard that the Source PW-2, which was the  
16 southernmost aggregate source was no longer to be  
17 considered by this project. And at the same time, the  
18 Proponent, or the Developer, mentioned that a winter  
19 road would be required to another source in order to  
20 transfer to that source the equipment that would be  
21 required to develop that source.

22 Now, I wonder if the Developer would be  
23 able to confirm for us that the destination of that  
24 winter road is the Source 314-325.

25



1 (BRIEF PAUSE)

2

3 MR. JIM STEVENS: Madam Chair --

4 THE CHAIRPERSON/FACILITATOR: Go ahead.

5 MR. JIM STEVENS: -- the Developer can  
6 confirm "yes" to that question.

7 THE CHAIRPERSON/FACILITATOR: Thank  
8 you. Dr. Burn...?

9 DR. CHRIS BURN: Thank you, Madam  
10 Chair. I wonder if the Developer would confirm that  
11 that winter road will start at approximately kilometre  
12 zero of the present project and proceed to  
13 approximately kilometre 40 of the present project.

14 MR. JIM STEVENS: A moment, please,  
15 Madam Chair.

16 THE CHAIRPERSON/FACILITATOR: Yes, go  
17 ahead.

18

19 (BRIEF PAUSE)

20

21 MR. JIM STEVENS: Madam Chair, I'll ask  
22 Walter Orr to respond to that question.

23 THE CHAIRPERSON/FACILITATOR: Go ahead.

24 MR. WALTER ORR: Madam Chair, Walter  
25 Orr, Kavik-Stantec. The -- what I would like to do to

1 answer that question is I would -- would be to point  
2 out the construction methodology for the project has  
3 always envisioned a parallel winter road to the  
4 alignment under construction to allow, basically,  
5 vehicles to move down the -- the constructed embankment  
6 to place their material and -- and move back up the  
7 parallel winter road.

8                   So there would be a winter road  
9 constructed to that site. Now the specifics of how to  
10 get to the site initially, it may or may not be that  
11 parallel winter road. But in any case, a parallel  
12 winter road is already a part of the construction  
13 methodology.

14                   So we would anticipate that that would  
15 be the use, that that would be used. So it would be no  
16 change effectively to the -- as-presented construction  
17 methodology. This is very -- this is exactly the --  
18 what we've used with, for instance, the 177 source to -  
19 - road to Source 177 existing construction, and that is  
20 proposed for the follow on for this project.

21                   THE CHAIRPERSON/FACILITATOR:   Thank  
22 you.

23                   DR. CHRIS BURN:   Chris Burn. I  
24 appreciate the clarification that there will be a  
25 parallel winter access road. That was -- that was laid

1 out in the EIS. You did point out just now that you  
2 may or may not use that winter access road to reach the  
3 deposit.

4 And I wonder, if you are not going to  
5 use the winter road, whether you will build another  
6 access road using a different route?

7 MR. WALTER ORR: Madam Chair, Walter  
8 Orr, Kavik-Stantec. The -- the reason that I qualified  
9 my answer in any way was that the con -- the actual  
10 construction methodology, of course, will be the  
11 decision of whomever the contractor at the time would  
12 be.

13 As the -- as a Developer team, we would  
14 anticipate that the -- the route chosen would be the --  
15 this parallel route that we're talking about. However,  
16 to prejudge to say that that's the only possibility, I  
17 could not say that.

18 THE CHAIRPERSON/FACILITATOR: Thank  
19 you.

20 DR. CHRIS BURN: Madam Chair, may I  
21 take it that regardless of what the alternative  
22 construction methodologies are, there will be a winter  
23 access road and there may be another access road?

24 MR. WALTER ORR: Walter Orr, Kavik-  
25 Stantec. There will be a winter access route to the

1 preliminary source for this construction.

2 DR. CHRIS BURN: Madam Chair, may I ask  
3 the Developer to confirm that that winter access road  
4 will be approximately 40 kilometres long?

5 MR. WALTER ORR: Madam Chair, Walter  
6 Orr. Yes.

7 THE CHAIRPERSON/FACILITATOR: Thank  
8 you.

9 DR. CHRIS BURN: Madam Chair, may I ask  
10 the Proponent whether that winter access road will  
11 follow the alignment that has been demarcated in  
12 documents presented to the Board or whether a different  
13 alignment will be chosen?

14 MR. WALTER ORR: Madam Chair, Walter  
15 Orr.

16 THE CHAIRPERSON/FACILITATOR: Okay.

17 MR. WALTER ORR: The intention of the  
18 Developer team would be that that winter road would  
19 follow the access that has been demarcated currently  
20 that would be along the existing -- the road alignment  
21 itself.

22 DR. CHRIS BURN: Madam Chair, I wonder  
23 if the Developer can indicate to the Board at what  
24 point in the project a different alignment may be used  
25 or may be -- may be known if it is to be used.

1 MR. WALTER ORR: Madam Chair --

2 THE CHAIRPERSON/FACILITATOR: Go ahead.

3 MR. WALTER ORR: -- can we take a short  
4 caucus on this?

5 THE CHAIRPERSON/FACILITATOR: Yes, go  
6 right ahead.

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON/FACILITATOR: Go ahead.

11 MR. WALTER ORR: Madam Chair, Walter  
12 Orr, Kavik-Stantec. I will note, for the record, Mr.  
13 Don Hayley's comments earlier on winter construction.  
14 I think they're still relevant as to the appropriate  
15 methodology for winter road construction.

16 I will also state for the record that  
17 the intent of the Developer is to develop and maintain  
18 a winter road along the alignment of the pera --  
19 permanently constructed road throughout the process of  
20 construction. Does that address your question?

21 DR. CHRIS BURN: Chris Burn. Madam  
22 Chair, that is a helpful response, because this morning  
23 I heard Mr. Hayley point out that he anticipated that  
24 the winter road, or the -- the -- a possible route for  
25 the winter road would cross land, and it would also

1 cross lakes, and that approximately a half of the  
2 length of the winter road would be on lakes.

3 I just wonder if the Developer would  
4 like to clarify that what I heard Mr. Hayley say, and  
5 how I interpreted it -- it were both about the winter  
6 road, the same winter road, or whether he was referring  
7 to a separate project?

8 MR. WALTER ORR: Madam Chair, Walter  
9 Orr here. I would like to call Mr. Hayley to address  
10 his -- clarify his comment specifically, if you would.

11 THE CHAIRPERSON/FACILITATOR: Go ahead.

12

13 (BRIEF PAUSE)

14

15 MR. DON HAYLEY: Madam Chair, Don  
16 Hayley, Kiggiak-EBA. My comments this morning were  
17 intended to be more in general nature, not specifically  
18 aimed at the project. I was talking about winter roads  
19 in general.

20 But in reference to Dr. Burn's comments,  
21 what I was thinking when I made my comments was only  
22 the access roads off -- off right-of-way into the  
23 remote borrow pits that we'd selected. I wasn't  
24 thinking at the time I made it -- those comments that -  
25 - that this -- we were talking just about the road

1 along -- the construction road basically along the --  
2 along the alignment itself.

3 THE CHAIRPERSON/FACILITATOR: Thank  
4 you.

5 DR. CHRIS BURN: Chris Burn, Madam  
6 Chair. Thank you very much, Mr. Hayley, for that  
7 clarification. I would like to ask the Developer if  
8 this access road to the first of the pits, which is 315  
9 -- 314325, is intended to be developed in only the  
10 first year of construction or whether there is  
11 anticipation that this road, or this section of the  
12 road, may need to be developed during several of the  
13 construction seasons?

14 MR. WALTER ORR: Madam Chair, Walter  
15 Orr, Kavik-Stantec. There would be several seasons of  
16 -- of required access to this winter road of which  
17 we're discussing.

18 THE CHAIRPERSON/FACILITATOR: Thank you

19 DR. CHRIS BURN: Thank you, Madam  
20 Chair. I wonder if the Developer could indicate to the  
21 Board the width and height of an ice pad that is  
22 normally required for such a road?

23 MR. DON HAYLEY: Madam Chair, we  
24 haven't actually gone to the trouble of actually coming  
25 up with a design yet, but I will -- I -- I would

1 respond to Dr. Burn by saying a typical ice pad would -  
2 - would consist of perhaps 6 inches of compacted snow  
3 and covered with an -- an ice -- an ice cap that would  
4 be maybe about 4 inches thick. That would be the --  
5 that would be the structure of the -- of the road, and  
6 the -- the width would be -- would be a single-lane  
7 road typically, so it would be only perhaps seven (7),  
8 maybe even 6 metres wide.

9 THE CHAIRPERSON/FACILITATOR: Thank  
10 you. Go ahead.

11 DR. CHRIS BURN: Madam Chair, given the  
12 necessity to take very heavy equipment into the gravel  
13 pit and to haul full loads up and down this road to the  
14 construction terminus.

15 Is it the case that an ice layer of  
16 approximately 10 centimetres is sufficient, and does  
17 this ice pad require maintenance over the course of the  
18 season?

19 THE CHAIRPERSON/FACILITATOR: Go ahead.

20 MR. DON HAYLEY: Madam Chairman, I -- I  
21 think we can -- we -- we can provide a positive answer  
22 to both those questions. Yes, it does require  
23 maintenance. When you -- when you have a winter road  
24 that's -- that's a heavy traffic area, you do need a  
25 maintenance crew that's constantly patching surface



1 potholes, just like any other project.

2                   The -- this type of road will support a  
3 substantial load. To -- to take the heavy loads into  
4 the Ekati diamond mine we -- we run up to 63 metric  
5 tonnes on Super B-trains across portages that are built  
6 about like this. And late in the year, when -- when  
7 the lake ice is very thick, we handle loads up to 100  
8 metric tonnes on -- on one (1) particular truck with  
9 ten (10) axles. So we have lots of experience carrying  
10 heavy loads.

11                   I think that in this case the contractor  
12 would -- would con -- configure his fleet of trucks to  
13 -- to -- that -- that would move up and down this road  
14 in a manner that they would be the right size and the  
15 right shape and the right axle spacing to optimize his  
16 load on -- on a winter road and that -- winter road  
17 contractors are pretty -- pretty much used to -- to  
18 doing that.

19                   THE CHAIRPERSON/FACILITATOR:   Thank  
20 you.

21                   MR. RICK HOOS:   Madam Chair, Rick Hoos  
22 here, Kiggiak-EBA.

23                   THE CHAIRPERSON/FACILITATOR:   Yes, go  
24 ahead.

25                   MR. RICK HOOS:   If -- if I -- I may

1 also add something to this, the comments of Don Hayley,  
2 and that relates to the way in which the Tuk to Source  
3 177 Road was constructed.

4                   It too had an ice road parallel to and  
5 immediate adjacent to the length of the road from Tuk  
6 to Source 177. It was built for each of the two (2)  
7 winters of construction of that road.

8                   There was regular flooding of the road  
9 to keep it in good condition. And I think the evidence  
10 speaks for itself. I -- I understand the Board will be  
11 flying the route of the proposed highway, and hopefully  
12 the Tuk access road as well, and they will be hard  
13 pressed to see any evidence of a winter road having  
14 been built for two (2) consecutive winters alongside  
15 that particular road.

16                   So we're confident that that kind of  
17 technology and experience that has been developed, not  
18 only for this project, but for many other projects in  
19 the Mackenzie Delta during the oil and gas activities,  
20 will hold us in good stead for the development of the  
21 winter -- the types of winter access roads that will be  
22 needed for this highway.

23                   And they -- they consist of basically  
24 the two (2) that have been discussed: one (1) parallel  
25 to the road that is under construction, or the highway

1 that is under construction; and secondarily, one (1) or  
2 two (2) winter access roads to whichever are the active  
3 borrow sites at any given point in time.

4 And as Don Hayley has indicated, for  
5 those roads, or those temporary winter access roads, if  
6 there are water bodies, frozen water bodies between the  
7 main highway and the borrow source it would be  
8 advantageous to use those level ice surfaces as part of  
9 the winter road construction to those sources. Thank  
10 you.

11 THE CHAIRPERSON/FACILITATOR: Thank  
12 you. Go ahead.

13 DR. CHRIS BURN: Madam Chair, Mr. Hoos  
14 just mentioned reg -- regular or repeated flooding of  
15 the road. And I wonder if the Developer could indicate  
16 to us, over the course of a season, what is the total  
17 thickness of water that is added to the road during the  
18 course of regular flooding?

19

20 (BRIEF PAUSE)

21

22 MR. RICK HOOS: Madam Chair --

23 THE CHAIRPERSON/FACILITATOR: Go ahead,  
24 Mr. Hoos.

25 MR. RICK HOOS: -- Rick Hoos, Kiggiak-

1 EBA. I'm not sure that we can answer that specific  
2 question. The point is that the road thickness will be  
3 as thick as is needed to ensure this integrity and  
4 safety and protection of the -- of the vegetative cover  
5 beneath the road, the frozen road surface.

6 The more important point that you're  
7 perhaps leading to is how much water is this going to  
8 take or what kind of water use is predicted for the --  
9 the road. It is true that most of -- much of the ro --  
10 of the water use related to construction of the road  
11 will rela -- will relate to the development of these  
12 winter roads.

13 And we've indicated in the EIS that the  
14 daily quantity of water that might be used for that  
15 purpose or might be needed for that purpose would be in  
16 the order of 300 cubic metres a day to as much as,  
17 perhaps, a thousand cubic metres a day. That would  
18 have to actually be divided up between the two (2)  
19 primary construction spreads north and south, because  
20 both sides of the highway will need some ice road  
21 support for the construction activities on both the  
22 north and south ends of the highway.

23 Those quantities of water, frankly, for  
24 those of us that have been involved with major  
25 industrial developments that consume many thousands of

1 cubic metres a day of water from a single lake or water  
2 body, these are not really, frankly, very large  
3 numbers, and particularly when you consider that the  
4 sources of water will -- will be various: some water  
5 sources in the south, some water sources in the north  
6 end at any -- for any given winter.

7                   And considering that the Developer is  
8 committed to conforming with the DFO protocol for  
9 winter water withdrawal whereby no more than 10 percent  
10 of any water body would ever be withdrawn, I can assure  
11 you, with experience -- also as Don has indicated, on  
12 the winter road, we are the environmental managers for  
13 the 680-kilometre-long winter road.

14                   We have never yet had a situation where  
15 we -- we've come anywhere close to exceeding a winter  
16 water withdrawal requirement. And we don't anticipate  
17 that happening here either.

18                   THE CHAIRPERSON/FACILITATOR:    Okay,  
19 thank you.

20                   DR. CHRIS BURN:    Thank you, Madam  
21 Chair. This is Chris Burn. I wonder if the Developer  
22 could indicate to the Board how many days are required  
23 to construct the winter road from the -- its beginning  
24 near to source -- near to kilometre zero to the Source  
25 314325?

1

2

(BRIEF PAUSE)

3

4

THE CHAIRPERSON/FACILITATOR: Go ahead.

5

MR. DON HAYLEY: Madam Chairman, Don Hayley, Kiggiak-EBA. We -- we haven't actually put together a detailed plan, in terms of how long it's going to take to -- to construct it.

9

My -- if I was to -- to give you a rough, off the top of my head estimate, which is, I think, the best we have, I would say that it would take about a month, about thirty (30) days.

13

THE CHAIRPERSON/FACILITATOR: Thank you.

15

DR. CHRIS BURN: Thank you, Madam Chair. Could the Developer please confirm that at the same time as this south-end road is being constructed, a north-end road will be constructed as well?

19

MR. WALTER ORR: Madam Chair --

20

THE CHAIRPERSON/FACILITATOR: Yeah.

21

MR. WALTER ORR: -- Walter Orr, Kavik-Stantec. Yes, the intent of the construction process, there would be two (2) simultaneous construction sites operating. So there would be one (1) at the south and one (1) at the North.

1 THE CHAIRPERSON/FACILITATOR: Thank  
2 you.

3 DR. CHRIS BURN: Madam Chair, this is  
4 Chris Burn. I wonder if the Developer could confirm  
5 that the rate of road building at the north end and the  
6 south end will be approximately the same?

7 THE CHAIRPERSON/FACILITATOR: Go ahead.

8 MR. WALTER ORR: Madam Chair, Walter  
9 Orr, Kavik-Stantec. That would be the anticipation,  
10 yes, correct.

11 THE CHAIRPERSON/FACILITATOR: Thank  
12 you. Go ahead.

13 DR. CHRIS BURN: Chris Burn. Madam  
14 Chair, I understand that a 40-kilometre road, about 6  
15 metres in width and initially about 10 centimetres of  
16 ice, is to be constructed in a month. My arithmetic  
17 suggests that that requires about 800 cubic metres of  
18 water a day.

19 If the same rate of water withdrawal is  
20 being effected at the north end of the road, then we  
21 will need 1,600 cubic metres of water a day, which is  
22 considerably greater than the 1,000 cubic metres that  
23 we have just heard is required.

24 And I wonder if the Developer could  
25 comment on my arithmetic, please?

1 (BRIEF PAUSE)

2

3 MR. JIM STEVENS: One moment, Madam  
4 Chair?

5 THE CHAIRPERSON/FACILITATOR:

6 Certainly.

7

8 (BRIEF PAUSE)

9

10 MR. WALTER ORR: Madam Chair, can we  
11 caucus a moment, please?

12 THE CHAIRPERSON/FACILITATOR: I'm  
13 sorry?

14 MR. WALTER ORR: Can we have a moment,  
15 please?

16 THE CHAIRPERSON/FACILITATOR: Okay.  
17 Why don't we just have a fifteen (15) minute break and  
18 let you have some time and let people stretch a bit?  
19 We'll take a fifteen (15) minute break.

20

21 --- Upon recessing at 2:42 p.m.

22 --- Upon resuming at 2:59 p.m.

23

24 THE CHAIRPERSON/FACILITATOR: So if  
25 everybody's ready, we can get back to our -- the



1 questioning. Are you fine there?

2

3 (BRIEF PAUSE)

4

5 MR. WALTER ORR: Madam Chair, Walter  
6 Orr, Kavik-Stantec. I apologize. I was eating a  
7 mouthful of cookie at the time.

8 THE CHAIRPERSON/FACILITATOR: They're  
9 worth it.

10 MR. WALTER ORR: Okay, to Dr. Burn. To  
11 summarize your -- your question, I believe it's -- it  
12 is that when you calculate -- when you do the  
13 arithmetic on -- on the -- the distances that we've  
14 noted and the days and the -- and the distant -- and  
15 the thickness and the width, it comes up to more than  
16 we've noted in the EIS.

17 Does that summarize the question  
18 accurately?

19 DR. CHRIS BURN: (NONVERBAL RESPONSE).

20 MR. WALTER ORR: Okay, I will respond  
21 to that -- that question. I will -- there's three (3)  
22 things I would like to clarify on this. And that while  
23 it is true that the -- the southern portion of the  
24 road, the initial pit that we would be working from, is  
25 40 kilometres from kilometre zero, roughly. It -- in

1 fact, we would not be constructing a full-depth winter  
2 road over that entire length of 40 metres (sic).

3                   Initially, what would be happening, we  
4 would mobilize equipment into there, typically with a  
5 Cat train (phonetic), a light-duty winter access road.  
6 And the -- then we would be constructing south from  
7 that -- that with a full-strength parallel access road,  
8 as -- as we've described.

9                   And that parallel access road would --  
10 would move along with construction and -- and slightly  
11 precede it. So there would not be a -- a full 40  
12 kilometres of -- of full-strength winter road  
13 maintained on the southern part, number one.

14                   Number two, the -- the northern portion,  
15 there would never be more than about 20 kilometres  
16 maximum of -- of this type of parallel winter road  
17 being maintained, because that's the -- about the  
18 longest distance between pits in the North. So we  
19 would have a shorter length -- shorter amount of winter  
20 road in the North than we would have in the south. The  
21 south would not necessarily be the full 40 kilometres  
22 as a full-strength winter road.

23                   And -- and then in addition, I'd like to  
24 -- to point out that in the EIS -- and I'll refer to  
25 1.5.1.3 in the EIS -- we note that the -- we are

1 prepared to -- the type A water licence:

2 "The construction of the proposed  
3 highway is anticipated to use a  
4 thousand cubic metres or more per day  
5 during peak periods of construction,  
6 particularly when establishing  
7 temporary winter roads."

8 So we have not limited the amount of  
9 water to a thousand cubic metre per day maximum. We  
10 said a thousand cubic metres or more. So we would, in  
11 fact, anticipate the necessary water licenses for the  
12 actual requirements would be obtained by the con --  
13 constructor at the time appropriate.

14 THE CHAIRPERSON/FACILITATOR: Thank  
15 you.

16 DR. CHRIS BURN: Chris Burn. Madam  
17 Chair, I wonder if the Board would be interested in  
18 knowing what is the upper limit of daily water  
19 withdrawals that the Developer is proposing given that  
20 they -- the -- as I understand it, the Board -- the  
21 Board's report is a document which is considered by the  
22 regulator.

23 MR. WALTER ORR: I'm sorry, I didn't  
24 hear a question to the Proponent.

25 THE CHAIRPERSON/FACILITATOR: I could

1 get -- why don't you repeat it. I'm sure I could,  
2 but...

3 DR. CHRIS BURN: Chris Burn. Madam  
4 Chair, the question is: What is the upper limit --  
5 upper daily limit of water withdrawal that is  
6 anticipated by the Developer given that the report of  
7 the EIRB is a document that is considered by the  
8 Mackenzie Valley Land and Water Board?

9 THE CHAIRPERSON/FACILITATOR: Yeah.  
10 We'll skip the last part of that question.

11 MR. RICK HOOS: Madam Chair, whoa,  
12 whoa, what happened. Rick Hoos, Kiggiak-EBA. While my  
13 colleagues are looking up part that answer, the part  
14 that we wanted to clarify -- that I wanted to clarify  
15 is that the trigger for a water license is anything  
16 over 300 cubic metres a day in terms of water use. And  
17 the prevailing Water Board in -- within the Inuvialuit  
18 Settlement region is the NWT Water Board, not the  
19 Mackenzie Valley Land and Water Board.

20 That's just a clarifi -- clarification  
21 of --

22 THE CHAIRPERSON/FACILITATOR: Yeah, we  
23 --

24 MR. RICK HOOS: -- Dr. Burn's comments.

25 THE CHAIRPERSON/FACILITATOR: -- I had

1 actually already said that we were going to remove the  
2 last part of that question because it isn't relevant.  
3 Thank you.

4 MR. RICK HOOS: Thank you.

5 MR. WALTER ORR: Madam Chair, Walter  
6 Orr, Kavik-Stantec. With respect to Dr. Burn, you  
7 know, I'm -- I'm hesitant to speculate in -- in a forum  
8 like this. The -- certainly the numbers, as you have  
9 done the arithmetic, and I can do the arithmetic, they  
10 are not grossly different from the thousand or more  
11 that we've stated. They're certainly not in order of  
12 magnitude greater.

13 And so I would say that the EIS, when it  
14 states a thousand cubic metres per day or more at the  
15 peak, is probably accurately stating what the  
16 requirements are or sufficiently accurately for the  
17 Board.

18 They will certainly vary as construction  
19 happens and will be -- will have to be appropriately  
20 permitted, as Mr. Hoos has said. But, you know, to  
21 give you -- to put a number on the record right now,  
22 you know, to me the -- without fully going through the  
23 implications of -- of what that may or may not mean,  
24 I'd be -- I'm hesitant to do it.

25 I'm confident that they are not grossly

1 different from what we have stated in the EIS, having  
2 just done the arithmetics myself.

3 THE CHAIRPERSON/FACILITATOR: Thank  
4 you.

5 DR. CHRIS BURN: Madam Chair, I wonder  
6 if the Board would be interested in knowing when it  
7 will be known which lakes are to be used for water  
8 withdrawal?

9  
10 (BRIEF PAUSE)

11  
12 MR. RICK HOOS: Madam Chair, Rick Hoos

13 --

14 THE CHAIRPERSON/FACILITATOR: Go ahead.

15 MR. RICK HOOS: -- Kiggiak-EBA. I think  
16 the Board is aware now that Golder and Associates were  
17 retained by the Developer to sample a number of water  
18 bodies that could be used conceivably for water  
19 withdrawal for the construction of this project.

20 Unfortunately, none of us here have seen  
21 -- we didn't -- okay, none of us here seem to know  
22 which lakes those were but they were obviously defined  
23 for them in the scope of work that they were provided  
24 with.

25 However, at the end of the day the more

1 -- the more important thing is that the Developer is  
2 committed to informing the NWT Water Board of which  
3 water bodies might be considered for water withdrawal  
4 and the kinds of volumes that might be considered for  
5 withdrawal. Again, though, on the complete  
6 understanding that whatever the amounts are, they will  
7 nev -- they will always conform to the water withdrawal  
8 requirements of the Department of Fisheries and Oceans.

9               So basically the bottom line is that the  
10 specific water bodies that would be used would be  
11 provided in applications to the NWT Water Board for a  
12 Class A water licence. And that -- that would happen  
13 at some time after -- we -- we hope, that this project  
14 has completed the review process and a positive outcome  
15 has resulted from it. Thank you.

16               THE CHAIRPERSON/FACILITATOR: Thank  
17 you. Go ahead.

18               DR. CHRIS BURN: Thank you, Madam  
19 Chair. Chris Burn. I wonder in the timetable that has  
20 been outlined for the Board now, who is expected to  
21 conduct the impact assessment for ecological and  
22 cultural values, and ecological and cultural  
23 significance of the specific lakes identified and  
24 selected for use?

25               For example, Zed Lake is used by many

1 people from the region, and I wondered if the Developer  
2 could indicate the activities that will be attempted,  
3 or the activities that will be conducted in order to  
4 complete the impact assessment?

5 THE CHAIRPERSON/FACILITATOR: Go ahead.

6 MR. RICK HOOS: Rick Hoos, Kiggiak-EBA.  
7 I think we can say today with certainty that there will  
8 be no significant environmental impacts associated with  
9 the withdrawal of limited amounts of water from certain  
10 specific lakes in conformity with the DFO water  
11 withdraw guidelines.

12 But I do very much appreciate Dr. Burn's  
13 point related to obtaining advice and input from the  
14 HTC's and the con -- and the community members regarding  
15 the culture values that may be associated with certain  
16 water bodies. I myself have had personal experience  
17 with that many years ago during the oil and gas  
18 operations in the Mackenzie Delta and the offshore  
19 Beaufort Sea. Our particular company facilitated the  
20 construction of the water reservoir in Tuk, and our  
21 particular company that I worked for proposed the use  
22 of water from a particular water body. We were very  
23 confident that that was a good water supply. However,  
24 when we consulted with the community of Tuk we found  
25 out it was a lake that had significant spiritual and



1 cultural values to the community and members of the  
2 community, and we understood that maybe that was not a  
3 very good lake to take water from, and we headed the  
4 advice of the community as to what might be a better  
5 source, or supply for such water.

6                   So in the context of water use -- you  
7 know, lakes that might be used for water withdrawal for  
8 this project, we would certainly feel it is important  
9 to again consult with the HTC's and the communities to  
10 make sure that we would not be selecting any -- any  
11 lakes for water withdrawal that would have significant  
12 cultural or spiritual values associated with them, and,  
13 in fact, that they were lakes that were acceptable to  
14 the communities involved. Thank you.

15                   THE CHAIRPERSON/FACILITATOR: Thank  
16 you.

17                   DR. CHRIS BURN: Thank you --

18                   THE CHAIRPERSON/FACILITATOR: Go ahead.

19                   DR. CHRIS BURN: -- Madam Chair. That  
20 concludes the questions on water quantity. And if you  
21 would permit me I'd like to move to a discussion, or a  
22 series of questions regarding the estimate of aggregate  
23 quantities that have been provided to the Board.

24                   THE CHAIRPERSON/FACILITATOR: Proceed.

25                   DR. CHRIS BURN: The first -- the first

1 question is -- is sadly a repetition of a question that  
2 I posed at the technical conference. Unfortunately,  
3 the person who is -- who -- who might have been able to  
4 answer the question wasn't present at the technical  
5 conference. And the question refers to the estimates  
6 of the quantity of aggregate, or construction  
7 materials, or embankment materials, that are available  
8 in the sources which have been investigated.

9                   Now, last winter a -- there was an  
10 investigation at several sources, and four (4) of those  
11 sources are included in the estimates of the material  
12 that is being presented to the Board. Those sources  
13 are 314-325, which is one (1) source, 170, 173-305, and  
14 307.

15                   Now, all of those locations are places  
16 where this winter a granular investigation took place.  
17 And as a result of that investigation there are  
18 estimates of the amount of material that is present in  
19 those pits that can be available for construction.

20                   Now, I'd be grateful if the Developer  
21 would indicate to the Board the precision of the  
22 estimates that have been presented. And they were  
23 presented again this morning in the -- in the erratum  
24 that was given to us early on this morning. But they -  
25 - they refer to 325-314, 170, 173-305, and 307.

1 (BRIEF PAUSE)

2

3 MR. JIM STEVENS: Madam Chair, Shawn  
4 McArthur will come to the table to answer that.

5 THE CHAIRPERSON/FACILITATOR: Thank  
6 you.

7

8 (BRIEF PAUSE)

9

10 MR. SHAWN MCARTHUR: Madam Chair, my  
11 name is Shawn McArthur, from Kavik-Stantec. Basically,  
12 we presented the proven volumes after we drilled so  
13 we're confident in the values we found.

14 THE CHAIRPERSON/FACILITATOR: I have a  
15 -- a panel member that would like you to repeat that if  
16 you don't mind, please.

17 MR. SHAWN MCARTHUR: We completed a  
18 proven level investigation and we're confident in the  
19 values we found from that investigation.

20 THE CHAIRPERSON/FACILITATOR: Thank  
21 you.

22 DR. CHRIS BURN: Madam Chair, am I to  
23 interpret that to mean that there is at least as much  
24 as you have stated, or that this is your best estimate  
25 of what is in the source?

1 MR. SHAWN MCARTHUR: This is our best  
2 estimate as to what's in the polygon that we  
3 investigated, which is a subsection of the overall  
4 borrow source.

5 THE CHAIRPERSON/FACILITATOR: Thank  
6 you.

7 DR. CHRIS BURN: Madam Chair, I wonder  
8 if the Developer could indicate whether they anticipate  
9 that then the total borrow source contains double the  
10 amount that is there, or triple, or one (1) and a half,  
11 or what quantity.

12 And again, if they could -- could  
13 clarify to the Board that regardless of what  
14 environmental conditions may exist in the environments  
15 that were not drilled, the quantities are present in  
16 the deposit; the quantities that are published in the  
17 tables are present in the deposit?

18 MR. SHAWN MCARTHUR: Shawn McArthur,  
19 Kavik-Stantec. First of all, to extrapolate outside of  
20 where we drilled, it would be a prospective volume.  
21 What we are presenting here is proven, based on what we  
22 drilled for those polygons.

23 THE CHAIRPERSON/FACILITATOR: Go ahead.

24 DR. CHRIS BURN: Thank you very much.  
25 Chris -- this is Chris Burn, Madam Chair. That is a

1 helpful response for us, because it means that in a  
2 sense the estimates from the 2012 work are estimates  
3 that could be deemed to be extremely reliable.

4                   The next question that I have concerns  
5 the three (3) deposits where activity -- geotechnical  
6 testing of the nature that Mr. McArthur has described  
7 did not take place. And these are Source 309, and 174,  
8 and 177. At these locations it appears that the  
9 Developer is relying on estimates from the 1970s.

10                   Could the Developer simply confirm that?

11                   MS. ROBYN MCGREGOR:   Robyn McGregor,  
12 Kiggiak-EBA.   Yes.

13                   THE CHAIRPERSON:    Thank you, Robyn.

14                   DR. CHRIS BURN:    Madam Chair, at the  
15 technical conference, we asked the Developer if they  
16 could estimate the -- the precision of the estimates  
17 that came from the 1970s, and it was not possible for  
18 me to interpret that answer in quantitative terms. As  
19 a result of that, I wonder if the Developer has  
20 compared the estimates from Sources 314-325, 170, 173-  
21 305, and 307, for which we have both the 1970s  
22 estimates and the estimates of proven material from  
23 2012?

24                   MR. SHAWN MCARTHUR:   Shawn McArthur,  
25 Kavik-Stantec.   Our --

1 THE CHAIRPERSON/FACILITATOR: Go ahead.

2 MR. SHAWN MCARTHUR: Oh, our recent  
3 investigation was based on a much smaller polygon area.  
4 As described in our reports, we started with the  
5 overall area that EBA identified, did some train  
6 analysis (phonetic) to identify likely units that would  
7 contain suitable material. And from there we also  
8 further drilled down, pardon the pun, to find some --  
9 one (1) or two (2) of the key polygons in each area to  
10 investigate.

11 And that's why, I think, reflective in  
12 these numbers in the table, it's much smaller than what  
13 was the original estimates.

14 THE CHAIRPERSON/FACILITATOR: Thank  
15 you. Go ahead.

16 DR. CHRIS BURN: Mr. -- Madam Chair,  
17 this is Chris Burn. I -- the question was: Has the  
18 Developer compared the estimates from the 1970s with  
19 estimates from the same sources obtained in 2012?

20 MR. JIM STEVENS: Madam Chair, we'll  
21 need a moment.

22 THE CHAIRPERSON/FACILITATOR: Okay, go  
23 ahead.

24

25 (BRIEF PAUSE)

1 MR. SHAWN MCARTHUR: Madam Chair, Shawn  
2 McAr --

3 THE CHAIRPERSON/FACILITATOR: Yes, go  
4 ahead.

5 MR. SHAWN MCARTHUR: Oh, Shawn  
6 McArthur, Kavik-Stantec. We have, I guess, indirectly  
7 done the analysis, or done the comparisons. We -- like  
8 I said, we started off with a large volume -- or a  
9 large area and reduced it down, and that's how we end  
10 up with a smaller number then comparable to the last  
11 reports from the '70s.

12 THE CHAIRPERSON/FACILITATOR: Go ahead.

13 DR. CHRIS BURN: Thank you, Madam  
14 Chair. This is Chris Burn. Madam Chair, in the 1970s  
15 at Source 170, the reports identified about 6 million  
16 cubic yards of material, or just over 4 1/2 million  
17 cubic metres. The investigation that is reported to  
18 the Board in the reports filed in August prove about  
19 nought point six seven (0.67), or about 2/3s of a  
20 million cubic metres in the deposit. The 1970s data  
21 suggest there's four point six (4.6). We find nought  
22 point six (0.6).

23 In Source 172, the 1970s data suggested  
24 there was .92 cubic metres, and the recent  
25 investigation proved about .14 cubic metres. If we

1 look at the data for all of the six (6) sources that we  
2 have information from the '70s and from 2012, we find  
3 that the 1970s estimate was over 14 million cubic  
4 metres, and we find just less than 5 million cubic  
5 metres. There is approximately only 35 percent proved  
6 from the 1970s estimate.

7 Now, I have shared this information with  
8 the Developer, and I wonder if the Developer would like  
9 to comment on that calculation.

10 MR. SHAWN MCARTHUR: Madam Chair, it's  
11 Shawn McArthur, Kevin -- Kavic-Stantec. I've got your  
12 table in front of us, Dr. Burns (sic). We have proven  
13 out very small areas within the larger polygons. As  
14 described in our reports and previously, we have  
15 drilled several small polygons within the area, not the  
16 entire borrow source. Thus, I think our numbers are  
17 representative of proven volumes in those small areas  
18 within the borrow source.

19 THE CHAIRPERSON/FACILITATOR: Go ahead.

20 DR. CHRIS BURN: Chris Burn. Madam  
21 Chair, I wonder how the Developer could suggest that  
22 the Board might estimate how much aggregate is there  
23 that is not proven but is there?

24

25 (BRIEF PAUSE)



1 MR. JIM STEVENS: Madam Chair, can we  
2 defer the answer to that question for later in the  
3 proceedings?

4 THE CHAIRPERSON/FACILITATOR: Yes, you  
5 can.

6 DR. CHRIS BURN: Madam Chair, if the  
7 answer is deferred it's difficult for me to continue  
8 the line of questioning. And, therefore, it may be  
9 appropriate to break my questions at this point, and to  
10 reinitiate the questioning when the Developer is in a  
11 position to tell me the answer.

12 MR. JOHN DONIHEE: Madam Chair, it's  
13 John Donihee, the Board counsel. If Dr. Burn defers,  
14 which we're happy to do if it will assist the -- the  
15 Developer to consider that question, then perhaps I  
16 should -- I have a few matters that I'd like to  
17 investigate as well through some questions, and I can  
18 get that done. And my suggestion then would be that we  
19 come back to Dr. Burn's questions first thing tomorrow  
20 morning, if -- if that's acceptable.

21 THE CHAIRPERSON/FACILITATOR: Is that  
22 acceptable to the Developer? Okay.

23 MR. JIM STEVENS: It is, Madam Chair.

24 THE CHAIRPERSON/FACILITATOR: Thank  
25 you. Then go ahead with your questions.

1 (BRIEF PAUSE)

2

3 MR. JOHN DONIHÉE: Thank you, Madam

4 Chair. I have two (2) areas that I want to ask some

5 questions about. The first one is in relation to some

6 of the evidence that's been filed in relation to the

7 worse case-scenario, and the second one relates to --

8 specifically to the way that the Developer's reply to

9 the technical submissions from the various parties

10 relates to the impact assessment process.

11 So I'll start with the worse-case

12 scenario. And if you'll bear with me the -- the first

13 few questions are just to confirm and perhaps refresh

14 in your minds what's already on the record. The matter

15 of worse-case scenario, of course, is -- must -- must

16 be investigated in order to satisfy the Board's -- or

17 the panel's obligations under the Inuvialuit Final

18 Agreement.

19 And the Developer was instructed to

20 address this issue in the EIS terms of reference, and

21 you did so in Section 4.4.5 of the EIS. The scenario

22 that you set out was, essentially, a fuel truck

23 crashing on the highway during spring freshette in an

24 area where there was an open water course draining into

25 Husky Lakes, and where somewhere in the range of about

1 10,000 litres of fuel was spilled.

2                   You provided an estimate of the costs of  
3 compensation to Inuvialuit harvesters, and also for  
4 replacement of harvesting equipment in Table 4.4.5.2,  
5 and that that total amount was in the order of eight  
6 (8) -- pardon me, four hundred and eighty-six thousand  
7 dollars (\$486,000).

8                   In IR Number 69 issued on January the  
9 16th, the panel -- Board, at that time actually, asked  
10 about cleanup costs and habitat remediation costs,  
11 wildlife compensation agreements, and other matters.  
12 So the initial information provided in the EIS only  
13 addressed compensation for lost fish and, essentially,  
14 compensation for lost fish nets or replacement of fish  
15 nets that might be fouled by -- by oil.

16                   And so IR 69 expanded the -- the scope  
17 of -- of the worse-case scenario being considered, and  
18 I -- I just want to start to ask my questions from --  
19 from there. So the -- one (1) of the first questions  
20 that was asked in that Information Request related to  
21 whether or not the Developer had had any discussions  
22 with HTCs or the Inuvialuit Game Council about the  
23 possibility of a wildlife compensation agreement.  
24 These agreements are commonly entered into among  
25 Developers undertaking projects in the Inuvialuit

1 settlement region.

2 At the time when you answered, you  
3 indicated that you had not talked to any of these  
4 agencies about wildlife compensation but that you  
5 could. And so my question is simply:

6 Have you undertaken any of those kinds  
7 of discussions with game council or the HTC's since your  
8 response in February?

9 MR. JIM STEVENS: Madam Chair, those --  
10 those discussions have not occurred at this time.

11 THE CHAIRPERSON/FACILITATOR: Okay.

12 MR. JOHN DONIHEE: Thank you, Madam  
13 Chair. John Donihee. Is it the Developer's intention  
14 to undertake such discussions and, if so when and, if  
15 not why not?

16 MR. JIM STEVENS: Madam Chair, the  
17 intent of the -- is to have those discussions. At this  
18 time I don't have a date for those meetings.

19 THE CHAIRPERSON/FACILITATOR: Thank  
20 you.

21 MR. JOHN DONIHEE: Thank you, Madam  
22 Chair. The rest of your response to IR 69 resulted in  
23 some estimates of the additional costs that might be  
24 incurred in order to actually do the cleanup of a spill  
25 such as the one which you identified as the worst-case

1 scenario.

2 And there were two (2) ta -- there was a  
3 table, IR 69-1, and depending on the length of time  
4 required for the cleanup, you estimated a cost of -- of  
5 two hundred and sixty thousand dollars (\$260,000), plus  
6 or minus, for a five (5) day cleanup exercise. And  
7 double that, five hundred and sixty-one thousand  
8 dollars (\$561,000), for a ten (10) day cleanup.

9 And so I just want to confirm now that  
10 tho -- those costs are in addition to the four hundred  
11 and eighty-six thousand dollars (\$486,000) that you had  
12 previously estimated for compensation of Inuvialuit.

13 MR. JIM STEVENS: One (1) moment, Madam  
14 Chair.

15 THE CHAIRPERSON/FACILITATOR: Go ahead.

16

17 (BRIEF PAUSE)

18

19 MR. RICK HOOS: Madam Chair, Rick Hoos,  
20 Kiggiak-EBA.

21 THE CHAIRPERSON/FACILITATOR: Go ahead.

22 MR. RICK HOOS: The direct response to  
23 John's question is that, yes, indeed, these costs  
24 presented in IR 69 are in addition to the previous  
25 numbers provided in the EIS estimate of costs related

1 to the replacement of equipment and things of that  
2 nature for fishermen.

3 THE CHAIRPERSON/FACILITATOR: Thank  
4 you.

5 MR. JIM STEVENS: Just a supplemental  
6 on that cost issue. It should be noted that the party  
7 responsible for the spill remains basically responsible  
8 for those costs. And I should note that ENR is the  
9 lead agencies (sic) that handle spills on NWT highways.

10 MR. JOHN DONIHEE: Thank you for that,  
11 Madam Chair. John Donihee, again. I think -- that's  
12 useful, but it's not necessarily what the land claim  
13 says. So I don't propose to explore that any further  
14 with you. I want to go on.

15 IR Number 89 also dealt with a worst-  
16 case scenario. And it was actually sent to AANDC and  
17 to several of the federal departments. I just want to  
18 speak, for the moment, to the response received from --  
19 when I say AANDC, Aboriginal Affairs and Northern  
20 Development Canada, for those of you who don't live  
21 with acronyms.

22 And I'm summarizing and -- and  
23 certainly, if you disagree with my assessment or  
24 evaluation of AANDC's answers, please feel free to say  
25 so. But, generally, I -- I think that what I

1 understood from their answer was that they felt that  
2 the worst-case scenario that you had identified was  
3 potentially reasonable.

4                   And what they indicated in their answer  
5 was that they felt that the estimate of cleanup costs  
6 might be a little bit optimistic because of some  
7 assumptions made about temperatures, ice conditions,  
8 and -- and some of the other kinds of things, I guess,  
9 in the physical environment which can actually make  
10 cleaning these kinds of -- of spills up more difficult.

11                   So, you know, what AANDC suggested was  
12 that they -- they felt that the cleanup of a -- of a  
13 full B-train of fuel would be difficult in five (5) to  
14 ten (10) days. And they gave the example of a 15,000  
15 litre spill on the winter road between Norman Wells and  
16 Fort Good Hope, which took fourteen (14) days to clean  
17 up and cost over seven hundred and fifty thousand  
18 dollars (\$750,000).

19                   So I'm wondering if -- if you would like  
20 to make any comment, at this point, in -- in light of  
21 AANDC's views of how conservative your estimates of  
22 costs might be and -- and perhaps the assumptions you  
23 made about conditions that might have to be dealt with  
24 in light of such a spill.

25                   THE CHAIRPERSON/FACILITATOR: Go ahead.

1 MR. JIM STEVENS: Madam Chair, let me  
2 first say hopefully there won't be any incidents to  
3 explore the cost issue. But with respect to comparing  
4 the incident at Hanna Creek (phonetic) versus our  
5 proposed worst-case scenario, it should be remembered  
6 that the Hanna Creek issue was serviced by a winter  
7 road with some limitations.

8 In our worst-case scenario it would be  
9 serviced by an all-weather road. We would probably  
10 have quicker and more direct access to the incident  
11 site. And on that basis, I would say that our costs  
12 probably would be reliable and in some cases, you know,  
13 if there are extra additional things that can't be  
14 predicted, obviously maybe the DIAND cost is -- is  
15 closer to the mark.

16 MR. JOHN DONIHEE: This is John Donihee  
17 again. My -- my understanding of the spill that AANDC  
18 referred to was that it occurred in the wintertime,  
19 they accessed it right off the road where the spill  
20 happened. I -- I guess I'm just not clear why you say  
21 that there'd be differences in the lev -- in the level  
22 of accessibility in the two (2) cases.

23 MR. JIM STEVENS: Madam Chair, one (1)  
24 of the basic differences would be the response time to  
25 the actual incident site. Typically the winter road



1 travel speeds are 15 to 25 kilometres an hour, possibly  
2 lower for heavy equipment.

3 With the proposed Inuvik-Tuk Highway we  
4 would expect heavy equipment to go on that road a lot  
5 quicker and, therefore, the shorter response time.

6 THE CHAIRPERSON/FACILITATOR: Thank  
7 you.

8 MR. JOHN DONIHEE: John Donihee. Thank  
9 you, Madam Chair. I think I'll just leave that there  
10 at the moment.

11 There -- there are other -- there's evid  
12 -- other evidence in front of the Board in relation to  
13 worst-case scenario and, in -- in particular, I'm  
14 referring to the evidence provided by the Wildlife  
15 Management Advisory Council NWT, WMAC. And they --  
16 they posit an alternative worst-case scenario which  
17 involves a -- a total, or a near total loss of caribou  
18 harvesting in the project area for a long period.

19 And I want to take you to -- to their  
20 submission. If you have it you might turn it up. And  
21 so I'm referring to the WMAC's review of the  
22 environmental impact statement for construction that  
23 was filed on September the 7th, I believe.

24 And if you'll turn to page 22. The  
25 portion of the submission that deals with worst-case

1 scenario begins on page 21 and the conditions or  
2 assumptions, I suppose we could call them, around which  
3 WMAC's worst-case scenario are constructed are found on  
4 pages 22 and 23.

5 Now, on September the 11th, I believe,  
6 you filed a response or a -- a reply to the technical  
7 submissions provided by the -- September 13th, I  
8 apologize, to the technical submissions filed by the  
9 parties.

10 And on page 41 of your response you  
11 indicated that, and I'm quoting in -- in reference to  
12 the WMAC scenario:

13 "This is a valid potential  
14 alternative worst-case scenario."

15 So I just want to explore your views on  
16 the elements from which WMAC constructed their worst-  
17 case scenario. So let's go back to page 22, point  
18 number 1. They say:

19 "Past experience elsewhere has shown  
20 that caribou populations are not  
21 resilient to long-term human  
22 development and disturbance."

23 Now, is that -- is that comment correct,  
24 in your view?

25

1 (BRIEF PAUSE)

2

3 MR. RICK HOOS: Sorry. Madam Chair,  
4 Rich Hoos, Kiggiak-EBA.

5

6 (BRIEF PAUSE)

7

8 MR. RICK HOOS: I guess the general  
9 opening comment I would make is that most people who  
10 have worked with caribou understand that caribou  
11 populations do fluctuate from time to time in response  
12 to any number of types of activities -- or sorry,  
13 natural fluctuations, as -- and perhaps, at times,  
14 those natural fluctuations have been further  
15 exacerbated or affected by some other kind of human  
16 activity.

17 I'm aware of -- of areas in northern  
18 Alberta, for instance, where there has been  
19 considerable pressure as a result of an ac --  
20 industrial activities imposed on caribou populations.  
21 And there may be some linkage between the -- the health  
22 and well-being of those populations and activities  
23 surrounding them.

24 In the case of the caribou in the  
25 Inuvik-Tuk area on the Tuk Peninsula, those caribou

1 have not been affected, as far as we know, by any other  
2 let's say industrial activity at this time.

3 We also know that from some of the  
4 papers in Europe where, again, there have been a  
5 multitude of development activities also associated  
6 with presence of caribou herds that there may have been  
7 some impacts exhibited from those kinds of activities.

8 We also know that at Prudhoe Bay, as an  
9 example, which again I will refer to as one (1) of the  
10 largest oilfields in North America, the central arctic  
11 herd has cohabited with the oilfield activities since  
12 the 1960s. The population throughout that time has, in  
13 general, actually increased even with very large levels  
14 of industrial activity.

15 We also know that the Dempster caribou,  
16 the Porcupine Herd, has varied over time in the  
17 presence of the road. We do know -- we do not know of  
18 any information that would suggest that the presence of  
19 the road has had a significant effect on the population  
20 of the Porcupine Caribou Herd.

21 So I guess I'm just sort of rambling on.  
22 But I think the bottom line is, we do not see the  
23 construction or operation of the highway having a  
24 significant residual effect on the health and well-  
25 being of the caribou herds, but we do remain and share

1 the concern that there have to continue to be  
2 management controls imposed for the protection and  
3 well- being of those herds that spend part of their  
4 life cycle, particular the wintering period, in the  
5 vicinity of -- of the proposed highway.

6

7 (BRIEF PAUSE)

8

9 THE CHAIRPERSON/FACILITATOR: Go ahead.

10 MR. JOHN DONIHEE: Thank you, Madam  
11 Chair. John Donihee. Yeah, Mr. Hoo -- Hoos, I -- I do  
12 understand your position. And, of course, you  
13 understand, as do I, that WMAC doesn't share it. And  
14 so what I'm trying to do is to actually explore the  
15 bases for your two (2) positions in order to help the  
16 panel try to chose between those two (2) positions.

17 And so I thank you for that answer, but  
18 the question that I asked, really, was whether or not  
19 you agree with the first premise set out by the WMAC in  
20 their technical submission to the Board, and -- and,  
21 that is, that past experience has shown that caribou  
22 populations aren't resilient to long-term human  
23 development and disturbance.

24 I listened to your answer, and you gave  
25 me some indication of areas where you don't believe

1 that's happened, but you also gave me some information  
2 that indicates that in some places maybe that has  
3 happened.

4                   So I'm wondering if you want to add  
5 anything more to that answer, or not. I'm -- I'll  
6 stick with that if you don't want to say anything more,  
7 and I'll move on to the next point.

8                   MR. RICK HOOS: Rick Hoos. John, I  
9 understand what you're trying to pursue, and for some  
10 of the questions I think the answer will be that we  
11 agree with the assumptions of WMAC, but with regard to  
12 the first one, it's not appropriate to give a clear cut  
13 "yes" or "no" answer.

14                   It's -- the answer is variable depending  
15 on the circumstances of the kinds of industrial, or in  
16 this case it's not even -- in -- in my view, this road  
17 is not even an industrial undertaking per se. It is a  
18 highway infrastructure activity for the benefit of the  
19 communities of the area, and it's a different kind of  
20 project. Thank you.

21                   MR. JOHN DONIHEE: But you'd agree --  
22 it's John Donihee. You'd agree, sir, that many  
23 industrial undertakings come with roads attached. You  
24 -- you know, like Red Dog Mine is a good example. You  
25 know, Meadowbank Mine is another example. So there --

1 there's certainly some similarities between industrial  
2 -- some of the elements of industrial activities in the  
3 arctic and -- and a -- and this road.

4 Is that fair?

5 MR. RICK HOOS: Rick Hoos, Kiggiak-EBA.  
6 Absolutely. Actually my colleague, Erica Bonhomie,  
7 would like to add something to the response provided so  
8 far.

9 THE CHAIRPERSON/FACILITATOR: Go ahead.

10 MS. ERICA BONHOMIE: Thank you, Madam  
11 Chair. Erica Bonhomie, Kavik-Stantec.

12 We did pose this question during the  
13 traditional knowledge workshops that were conducted  
14 this summer, and some of the information that came back  
15 from traditional knowledge holders specifically about  
16 the use of Source Road 177 by caribou was actually  
17 positive.

18 The quote was, and this is on page 39 of  
19 the traditional knowledge workshop summary report:

20 "That caribou appeared to like the  
21 current 177 Access Road in the spring  
22 because the road provides good  
23 footing."

24 And further down that:

25 "The participants felt based on their

1 experience and knowledge of caribou  
 2 that the road may have --  
 3 getting some feedback here, sorry.]  
 4 The -- the road may have an initial  
 5 effect on the caribou, but over time,  
 6 the caribou will eventually habituate  
 7 it -- habituate to it."

8 Although it was qualified that with  
 9 large herds moving across there would likely be some  
 10 effects.

11 So -- and then --  
 12 "But caribou have adapted to the  
 13 Dempster Highway, and are using their  
 14 usual routes."

15 So I would use that as an example of a  
 16 direct experience that people have observed in terms of  
 17 caribou behaviour in response to something like human  
 18 development that may be referenced in the WMAC  
 19 submission, point 1.

20 THE CHAIRPERSON/FACILITATOR: Thank  
 21 you.

22 MR. JOHN DONIHEE: John Donihee. Thank  
 23 you, Madam Chair. I appreciate that information. I  
 24 think -- you know, the experience from roads at --  
 25 associated with mines in the North is that caribou very



1 often like the roads. One reason, of course, is that,  
2 as you said, the footing is good. Another one is when  
3 the embankment is fairly high and the bugs are bad,  
4 it's nice to get up in the wind and get the bugs blown  
5 off. So, you know, I -- I understand what you're  
6 saying.

7 I'd like -- like to go on to the next  
8 point, then, really. So I'm back to page 22. And, you  
9 know, WMAC is saying the Cape Bathurst and Bluenose  
10 West caribou herds are already under pressure.  
11 Populations are at all-time recorded lows.

12 Are we -- you're in agreement with that  
13 one?

14 MR. RICK HOOS: Rick Hoos, Kiggiak-EBA.  
15 We absolutely are in agreement, and that is what we  
16 have indicated in the EIS as well. And it's precisely  
17 for those reasons that a ban was imposed on harvesting  
18 of those caribou in 2006 and is still ongoing today.

19 MR. JOHN DONIHEE: Thank you, John  
20 Donihee. That's -- taking that as agreement with point  
21 number 3, as well then, which is simply that the  
22 caribou harvest is under pressure because harvesting is  
23 restricted?

24 MR. RICK HOOS: Ab -- absolutely.

25 MR. JOHN DONIHEE: Point number 4, I'll

1 -- I'll just read:

2 "The combined direct impact of past  
3 projects on the highway --  
4 me] of past projects, the highway,  
5 other imminent development projects,  
6 and their associated road networks  
7 could affect hundreds of thousands of  
8 hectares of caribou habitat."

9 Do you agree with that statement?

10 MR. RICK HOOS: Rick Hoos, Kav --  
11 Kiggiak-EBA. Oh, this is getting bad. No, we would  
12 not agree with that statement. We do not think that  
13 hundreds of thousands of hectares of caribou habitat  
14 are going to be impacted by the construction and  
15 operation of the Inuvik-Tuk Highway. Nor are we  
16 convinced that many of these other proposed  
17 developments, in particular the Mackenzie gas project  
18 and associated facilities, is going to happen for the  
19 foreseeable future.

20 And even if they -- they were to  
21 develop, it's going to be a long time before that  
22 combination of potentially foreseeable projects could  
23 ever expand to the point where hundreds of thousands of  
24 hectares of caribou would be impacted by the presence  
25 of those projects, bearing in mind that the bulk of the

1 project -- well, a significant portion of the project  
2 is a buried pipeline. And the anchor fields are,  
3 obviously, in the northern delta. But certainly  
4 they're a long way off right now. Thank you.

5 MR. JOHN DONIHEE: John Donihee. Thank  
6 you for that. I was looking at your supplemental  
7 cumulative effects assessment documentation. This is  
8 the document that you filed on September 4th. And  
9 there's -- there's several figures in here. And I'll  
10 just refer them to you; you're probably familiar with  
11 them. I'm not going to ask you specifically about  
12 them, but they gave me some information that I thought  
13 was relevant to this line of questioning.

14 And so Figures 3 identifies caribou --  
15 the -- the title is, "Caribou Observations and Herd  
16 Ranges, December 1st to March 31st." Figure 4 is  
17 entitled, "Spring" -- "Spring Migration and Pre-Calving  
18 Caribou Observation and Herd Ranges, April 1 to May  
19 31st." And then Figure 9, the title is, "Fall Rut  
20 Caribou Observations and Herd Ranges, October 8th to  
21 31st."

22 And these -- these figures caught my  
23 attention because they're -- they're based on satellite  
24 telemetry. I mean, you've got, you know, everybody  
25 likes to see the little dots on the map where the

1 caribou are. And what they do show is that, at least  
2 at the north end, the -- that a good -- a very good  
3 part of the -- of the road is in car -- caribou range  
4 all year round and that in the months that I've  
5 mentioned, from October through until about the end of  
6 May, that based on the telemetry there's lots of  
7 caribou around the north end of the -- of their -- of  
8 your right-of-way on an ongoing basis.

9                   So that -- that's the basis for my -- my  
10 next question, I guess. I just want to make sure that  
11 I haven't taken you somewhere with that that -- where  
12 you don't want to be.

13                   Is -- is -- do you have any comments  
14 about that -- that observation, about those figures?

15

16                   (BRIEF PAUSE)

17

18                   THE CHAIRPERSON/FACILITATOR: Rick...?

19                   MR. RICK HOOS: Madam Chair, Rick Hoos,  
20 Kiggiak-EBA. John, the reason -- we presented these  
21 figures for several reasons. First of all, they were  
22 in the EIS. But in the EIS, we had not actually shown  
23 combined potential footprints of a -- of a variety of  
24 projects, including both the highway, anything that's  
25 existing now, and some of these fores -- foreseeable

1 projects in the future.

2 Certainly Figure 3, which covers the  
3 period December 1 to March 31, confirms what we have  
4 stated in the EIS. And that is that the area -- much  
5 of the area around the proposed highway between Inuvik  
6 and Tuk is within the range of the -- the Cape Bathurst  
7 herd, in particular, and the Bluenose West herd,  
8 absolutely, as well as the small Tuk herd at the  
9 northern end.

10 And during the wintertime is when the  
11 most caribou of any of those herds can be expected to  
12 be present within the -- the vicinity of the Inuvik-Tuk  
13 Highway or, as we have indicated in these figures,  
14 within the cumulative effects study area that we put  
15 forward for the highway which extends from the  
16 Mackenzie River on the west, essentially to the Husky  
17 Lakes on the east, and north from Inuvik to Tuk.

18 What this Figure 3 also shows is that  
19 although you can expect to find more caribou present to  
20 the -- in the area -- in the vicinity of the road  
21 during the period December 1st to March 31st, this area  
22 represents only a portion of the total winter range of  
23 these two (2) caribou herds, with the rest of it being  
24 located -- more than half of it being located to the  
25 east of the cumulative effects study boundary that we

1 selected for this corridor, which again is the Husky  
2 Lakes area, the water separating the Tuk peninsula from  
3 the mainland to the -- to the east.

4                   What these figures also show, because  
5 they -- they do -- they do follow from winter through  
6 to spring migration, what it shows clearly is that the  
7 data that we have presented in these figures indicates  
8 that come the period April 1 to May 31, most of the  
9 caribou that have spent the winter in the vicinity of  
10 the highway, or slightly towards the west of the  
11 highway, up against the river, start to migrate towards  
12 their calving grounds, which are well removed from the  
13 highway corridor.

14                   And what Figure 5 then indicates is that  
15 by about June there are effectively no caribou  
16 remaining in the area between Inuvik and Tuktoyaktuk.  
17 That's not to say there may not be one (1) or two (2).  
18 I personally have seen one (1) or two (2) caribou from  
19 time to time between Inuvik and Tuk in the summer  
20 months, but only very occasional -- occasionally.

21                   Ninety-nine point nine percent of the  
22 caribou have probably moved off towards the Nicholson  
23 or -- or Cape Bathurst peninsulas, where they do their  
24 calving, which is recognized as being the most critical  
25 and sensitive time for these caribou herds and any

1 caribou herd.

2                   They then stay away from the Inuvik-Tuk  
3 Highway corridor throughout July, August, even into  
4 early October. And it's only at that time, towards the  
5 beginning/middle of October, that some caribou from  
6 these herds begin to migrate back into the area where  
7 the pro -- proposed Inuvik-Tuk Highway is located. And  
8 that is their fall rut period, not a good time to be  
9 near caribou.

10                   And the fall rut continues through to --  
11 or, po -- post-rut period, it extends back into the  
12 winter period for the next cycle of life for the  
13 caribou herds. That's the documentation we provided in  
14 those figures, and that was a bit of the analysis that  
15 will be provided, when the opportunity arises, in the  
16 supplemental cumulative effects assessment.

17                   THE CHAIRPERSON/FACILITATOR: Thank  
18 you. John...?

19                   MR. JOHN DONIHEE: Thank you, Madam  
20 Chair. John Donihee. Well, Mr. Hoos, you'll -- you'll  
21 forgive me. I -- I really wasn't referring to these  
22 figures, you know, to enter into a discussion about  
23 cumulative effects. I'm still -- I'm still focussing  
24 on worst-case scenario.

25                   And I did simply refer to those figures

1 because, first of all, they're good evidence, and --  
2 and they showed that the -- for at least the period  
3 from December until the end of May, based on satellite  
4 telemetry, there's -- there's caribou in the immediate  
5 vicinity of the -- of the highway.

6                   And that, to me, is relevant to the  
7 points that WMAC is trying to make in their worst-case  
8 scenario. And -- and it's relevant, I -- I think, to,  
9 you know, the -- the other points, if I -- if I can  
10 take you to them, you know. Six (6), seven (7), and  
11 eight (8), you know, they're talking about demographic  
12 factors related to caribou being exacerbated by  
13 indirect effects, you know, such as wildfires,  
14 predation by wolves, disturbance by humans, which would  
15 include hunting, et cetera, et cetera, through their  
16 utilization of linear corridors. That's number 6 in  
17 the WMAC list.

18                   And they then go on to say the  
19 demographic factors could be affected by other planned  
20 developments in the ISR and -- and so on, that climate  
21 change could -- could have some effect as well.

22                   So I guess, could you just tell me  
23 whether you feel that points 6, 7, and 8 contained in  
24 the WMAC worst-case scenario are -- are -- do you  
25 dispute them?



1 MR. RICK HOOS: Madam Chair, Rick Hoos

2 --

3 THE CHAIRPERSON/FACILITATOR: Go ahead.

4 MR. RICK HOOS: -- Kiggiak-EBA. I  
5 don't really feel terribly comfortable in being cast in  
6 the position of sounding like I constantly disagree  
7 with WMAC. But in the context of item 6, I did want to  
8 point out that there are virtually -- there are very  
9 few wildfires that occur on the tundra. Most wildfires  
10 -- most recorded wildfires that we are aware of have  
11 occurred south of the tree line.

12 So in that context, well, we don't see  
13 much of a linkage between wildfires within the -- the  
14 majority of the cumulative effects study area and  
15 health and well-being of the caribou herds.

16 Predation of wolves, it's well-known  
17 that when the caribou herds grow, the number of wolves  
18 grow and wolf predation increases. As caribou  
19 decrease, wolves tend to decrease. That is a reality  
20 of life for caribou. They are preyed upon by wolves.

21 Increased predation by wolves, I'm not  
22 quite sure how that's going to arise. I believe WMAC  
23 has suggested that the wolves can take advantage of the  
24 road to allow them to access caribou more quickly. I'm  
25 not sure that that's a reasonable assumption.

1 I think if -- if the caribou -- if the  
2 wolves can take advantage of smooth road surface to get  
3 closer to caribou, I think the caribou on -- using the  
4 same road, can probably still outrace them.

5 Increased disturbance by humans through  
6 their utilization of the linear corridor, as long as  
7 they are driving on the road, maybe taking photos of  
8 the caribou, the caribou will be fine. If humans  
9 decide to move off the road for the purpose of  
10 harvesting, particularly at a time when a ban on  
11 caribou harvesting, particularly at a time when a ban  
12 on caribou harvesting is in effect, that would be a  
13 problem, or should be a problem for the -- for the  
14 hunters; not for the caribou, hopefully.

15 You know, it's a very general statement.  
16 I don't know what else to say about it. Actually,  
17 again, Erica has some comments to make as well.

18 MS. ERICA BONHOMME: Erica Bonhomme,  
19 Kavik-Stantec. Thank you for the opportunity to  
20 provide some comments on -- on the WMAC submission in  
21 particular.

22 Echoing some of Rick's comments here, I  
23 -- I think in particular some of the literature that is  
24 referenced in pot -- in relation -- to substantiate the  
25 point made in point 6 in -- in relation to predation by

1 wolves.

2 I think it's appropriate in forested  
3 areas where, you know, you have increase access created  
4 by linear corridors in forested areas, it is a counter-  
5 argument to suggest on one hand that caribou will avoid  
6 a highway at the same time increase predation by wolves  
7 that will use a highway.

8 But that aside I would like to point out  
9 that it remains, under the IFA, the responsibility of  
10 government agencies and co-management Boards to apply  
11 conservation management measures and measures to pro --  
12 to protect habitat, and in the -- particularly in the  
13 case of WMAC, to develop things like quotas and  
14 conservation management plans for the protection of  
15 species in the ISR.

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON/FACILITATOR: Thank  
20 you.

21 MR. JOHN DONIHEE: Thank you, Madam  
22 Chair. It's John Donihee again. I -- I'm just trying  
23 to ask you some questions. I seem to be getting quite  
24 -- quite a variety of -- of response.

25 So on the one hand you said traditional

1 knowledge told you that caribou liked the road; and so  
2 if caribou like the road, I expect wolves like the  
3 road. And, you know, we're -- I'm not trying to have a  
4 quantitative argument about the biology here. I'm --  
5 I'm just trying to see whether these points that were  
6 made by the WMAC are within the range of -- of  
7 reasonableness or -- or not.

8                   Now, it -- it's clear to me from your  
9 answers that you disagree -- well, you were equivocal  
10 about number 1 -- point number 1; and point number 4,  
11 you weren't equiv -- you weren't equivocal about. You  
12 said that you disagreed with that point, which was  
13 about -- you know, the -- the large areas of habitat  
14 that might be essentially put out of commission, or --  
15 or -- I'm sorry, that's not very -- that would no  
16 longer be functional, to use the language of the WMAC.  
17 So you disagree about that.

18                   And I -- I guess the other questions I  
19 asked were more to try to see whether in fact the  
20 source of your disagreement was purely based on this  
21 habitat issue. You know, whether the road would in  
22 some way reduce the value or the utility of the habitat  
23 to caribou, or whether in fact you disagreed that these  
24 sorts of projects have impacts, linear projects have  
25 impacts on -- on caribou populations.

1                   So maybe I'll -- I'll try and just  
2 rephrase it that way. I think we have your answer on  
3 the question of habitat. You know, what -- what about  
4 the -- the other part about indirect effects related to  
5 the use of the road?

6                   It certainly seems, based on experience  
7 I'm aware of that, you know, hunters -- I mean, you  
8 know, in -- in Mackenzie Valley, when they had to  
9 restrict access to the Bathurst caribou herd recently,  
10 you know, one of the first things that was proposed was  
11 to establish a no-shooting zone along the -- the winter  
12 roads.

13                  So I'd be surprised -- well, maybe I  
14 won't be surprised. Are -- I -- I assume that you  
15 agree, then, that the access that can be provided by  
16 these facilities can be one of those indirect effects  
17 that may -- may impact the caribou populations.

18                  Are -- are we in agreement on that  
19 point?

20                  MR. RICK HOOS: Madam Chair, Rick Hoos,  
21 Kiggiak-EBA. Yes, we -- we have indicated that. We  
22 have provided examples of the kind of management  
23 systems that have been in -- put in place for the  
24 Dempster Highway in relation to harvesting practices  
25 and har -- harvesting activities.

1                   And there is significant documentation  
2   that's been provided to the Board to indicate the kind  
3   of measures that were implemented in relation to the  
4   Dempster Highway to ensure that harvesting activities  
5   are controlled, where harvesting is permitted to occur.

6                   And those kinds of measures, we  
7   suggested, those types of measures could and should be  
8   considered at some point in the future, when the ban on  
9   harvesting of caribou is potentially lifted which, of  
10   course, would not presumably occur unless it was  
11   demonstrated by sound science and resource management  
12   sampling that the herds had recovered to the point  
13   where managed harvesting should be permitted to occur.

14                  MR. JOHN DONIHEE:    Thank you, Madam  
15   Chair.   John Donihee.   Do you agree that, you know,  
16   when caribou populations are at all-time lows and, you  
17   know, climate may or may not be changing, you know,  
18   that any effects resulting from construction and  
19   operation of a road project would be cumulative to the  
20   stresses that those populations are already under?

21

22                                   (BRIEF PAUSE)

23

24                  THE CHAIRPERSON/FACILITATOR:   Go ahead.

25                  MR. RICK HOOS:    Madam Chair, Rick Hoos,

1 Kiggiak-EBA. John, you missed number 7. I was hoping  
2 to be ready to respond to the article that was  
3 referenced in number 7. And if you -- if -- if I may,  
4 I would like to respond to that one.

5 MR. JOHN DONIHEE: Actually, if you  
6 don't mind, would you answer the question I asked you  
7 and --

8 MR. RICK HOOS: Okay, sorry.

9 MR. JOHN DONIHEE: -- then maybe I'll  
10 come to number 7.

11 MR. RICK HOOS: Fair enough. My  
12 apologies. I -- I think as a scientist who's been  
13 working in the Arctic for more than thirty-five (35)  
14 years, I -- I think I would certainly agree that  
15 climate change does affect, or can affect, all VECs in  
16 this area. Whether a climate change effect might be  
17 positive or negative towards a particular VEC, I think  
18 would be the subject of considerable evaluation before  
19 any conclusion could be drawn.

20 I would not be able to suggest to you  
21 today whether continued warming of the climate, for  
22 instance, if that is projected to occur, is going to be  
23 beneficial or harmful for the caribou herds in this  
24 area. And I'm not sure that WMAC could make any  
25 assertions on that re -- in that regard either.

1 THE CHAIRPERSON/FACILITATOR: Thank  
2 you. John...?

3 MR. JOHN DONIHEE: It's John Donihee.  
4 You still didn't answer my question, Mr. Hoos.

5 MR. RICK HOOS: Could you repeat the  
6 question then, please?

7 MR. JOHN DONIHEE: Yes, sir. It's John  
8 Donihee, again. The question was that when pop --  
9 caribou populations are at an all-time low and  
10 harvesting has already been restricted, whether in fact  
11 impacts, direct or indirect, that result from a linear  
12 development such as this road -- and I'm not asking you  
13 to -- to comment on the magnitude or extent.

14 Simply, would you agree that the -- the  
15 -- any additional impacts are cumulative to those which  
16 -- to those stresses which are already being felt by  
17 those caribou populations?

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON/FACILITATOR: Go ahead.

22 MR. RICK HOOS: Rick Hoos, Kiggiak-EBA.  
23 My professional judgment is that the small numbers of  
24 caribou that still move into the wintering areas each  
25 winter will not be affected in any significant way by



1 the construction or operation of this road. There will  
2 be no significant residual effects associated with the  
3 construction or operation of the road.

4 THE CHAIRPERSON/FACILITATOR: Thank  
5 you. Do you have another -- other questions?

6 MR. JOHN DONIHEE: Thank you, Madam  
7 Chair. I'll move on. There's one other point in the  
8 WMAC worst-case scenario materials that I'd -- I'd just  
9 like to put to you and -- and ask you to -- to -- or,  
10 give you the opportunity to comment on.

11 It's found on page 23, and it -- that's  
12 the spot, the second paragraph there, if you've got the  
13 matter in front of you, where they say:

14 "Seventy percent of households with  
15 children in the ISR have an active  
16 hunter, and fresh or dried caribou  
17 meat is the most commonly consumed  
18 country food."

19 You know, does that conform with the  
20 information that you've gathered from your -- your TK  
21 studies?

22

23 (BRIEF PAUSE)

24

25 MS. ERICA BONHOMME: Erica Bonhomme,

1 Kavik-Stantec.

2 THE CHAIRPERSON/FACILITATOR: Go ahead.

3 MS. ERICA BONHOMME: Oh, I'm sorry,  
4 Madam Chair. The TK report does say that that used to  
5 be the case. Now, however, with caribou hunting  
6 restricted, fish is the dominant country food in  
7 households.

8 THE CHAIRPERSON/FACILITATOR: Thank  
9 you.

10 MR. JOHN DONIHEE: Thank you, Madam  
11 Chair, John Donihee. Just one (1) follow-up then.

12 Would it be your understanding that  
13 caribou would be the food of choice if -- if the  
14 populations weren't so low and restrictions weren't in  
15 place?

16 THE CHAIRPERSON/FACILITATOR: Go ahead.

17 MS. ERICA BONHOMME: Erica Bonhomme,  
18 Kavik-Stantec. That is not information directly  
19 reported on in the report, but through our experience  
20 conducting consultations and other information-  
21 gathering sessions, yes, we would believe that caribou  
22 would be a food of choice.

23 THE CHAIRPERSON/FACILITATOR: Okay.

24 MR. JOHN DONIHEE: Thank you, Madam  
25 Chair. Those are my questions on that -- that issue

1 related to the worst-case scenario. I -- I want to  
2 move on. I have a few questions about -- as I  
3 indicated, about the reply made by the Developer to the  
4 submissions from the parties.

5 A reply was filed on the 13th of  
6 September. And for the sake of Mr. Stevens and his  
7 team, I'm -- I'm just going to kind of work my way  
8 through that document from front to back.

9 If you'll -- you can turn to page 3 of  
10 the document, if you will. And in that section, your  
11 Section 2, you're responding to concerns raised by  
12 Environment Canada. And Environment Canada had -- had  
13 made some -- had so -- had some information in their  
14 intervention that addresses the effects of blasting and  
15 some of the residues of blasting on water quality.

16 And the re -- the reply made by the  
17 Developer was simply that -- and I'm just going to read  
18 the last sentence in your response:

19 "The contractor's explosives  
20 management plan will outline the  
21 procedure for employing these  
22 explosives and provisions to ensure  
23 that blast residue will not enter any  
24 water bodies."

25 And can you confirm that this explosives

1 management plan is -- is not yet filed with the panel,  
2 please?

3 MR. JIM STEVENS: Madam Chair, that is  
4 correct.

5 MR. JOHN DONIHEE: Thank you, sir.  
6 John Donihee again. If you go to page 8, that involves  
7 your response to Environment Canada in respect of some  
8 of the issues they raised about wildlife, wildlife  
9 concerns. And your response is in relation to a  
10 wildlife management plan.

11 I'm pretty sure I heard you say this  
12 morning that the wildlife management plan is not yet  
13 prepared and has not been filed with the Board.

14 Would you confirm that, please?

15 MR. JIM STEVENS: Madam Chair, that is  
16 correct.

17 MR. JOHN DONIHEE: You can move to page  
18 10. It's got to do with your responses to Fisheries  
19 and Oceans Canada. And there's a reference there. I'm  
20 sorry, I've -- I've misdirected you, but I know it's in  
21 here. There -- there's a reference -- excuse me for a  
22 second.

23

24 (BRIEF PAUSE)

25

1 MR. JOHN DONIHEE: The -- the reference  
2 is to -- I apologize, it's escaping me. But if you  
3 want, I'll -- you'll recognize it. You've mentioned it  
4 this morning, anyways. And that's simply to the  
5 updated cumulative effects assessment that's being  
6 prepared by the Developer.

7 I understand that we have a portion of -  
8 - of that filed on September the 4th -- I referred to  
9 some of that a little earlier -- but that the  
10 explanation and the update to the cumulative effects  
11 plan is yet to be filed with the Board as well.

12 Can you confirm that?

13 MR. RICK HOOS: Madam Chair, yes, that  
14 is correct. We are looking for an opportunity to file  
15 the analysis that goes with the figures and tables.

16 MR. JOHN DONIHEE: Thank you, sir.  
17 John Donihee. You could turn to page 14. And it's in  
18 relation to comments in the DFO materials in relation  
19 to water crossings. And I'm referring now to the last  
20 paragraph there that simply says:

21 "The Developer confirms that during  
22 the regulatory phase, a detailed  
23 design and associated site-specific  
24 mitigation will be submitted to DFO  
25 and other regulators for review and

1 approval."

2 So these detailed mitigations are -- are  
3 yet to be provided. Is that correct?

4 MR. WALTER ORR: Madam Chair, Walter  
5 Orr, Kavik-Stantec.

6 THE CHAIRPERSON/FACILITATOR: Yes, go  
7 ahead.

8 MR. WALTER ORR: If I can address that,  
9 please. Yes, that is the case. What -- I'll -- I'll  
10 clarify very briefly what the detail means in this  
11 case, that the detail would mean a specific for each  
12 crossing, drawings that would include affected area and  
13 things like that. Those -- those cannot be completed  
14 prior to the completion of the -- the final alignment  
15 and grade line for the highway itself.

16 So what we are submitted as -- as of  
17 September 30th as a -- as a final report will include -  
18 - will include, for each crossing in the -- in the --  
19 on the highway, it'll include a type of crossing,  
20 whether it's, for example, a culvert or a bridge or a  
21 short-span bridge. It'll include the -- the size of  
22 those hydraulically. It will include an estimate of  
23 the affected areas.

24 But it will not include the final  
25 detailed submission, which will be required at the

1 regulatory phase.

2 MR. JOHN DONIHEE: Thank you, Madam  
3 Chair. John Donihee. Thank you, Mr. Orr, for that  
4 clarification. If you move to page 15, comments and  
5 concerns raised by DFO about sedimentation. And again,  
6 the -- the reference here is to -- you know, that  
7 there's going to be an erosion and sedimentation  
8 control plan prepared and submitted to regulators and  
9 interested parties.

10 So that -- that also is not available  
11 for the Board at this point in time. Is that correct?

12 MR. WALTER ORR: That is correct for  
13 the same reasons that we have discussed on the previous  
14 note.

15 MR. JOHN DONIHEE: John Donihee again.  
16 Thank -- thank you, Mr. Orr. Page 16, talking about  
17 water withdrawal, I think in response to questions from  
18 my colleague, Dr. Burn.

19 You've already indicated that you're not  
20 in a position to identify the lakes and water bodies  
21 from which water would be withdrawn for the  
22 construction of winter access roads at this point in  
23 time.

24 So could you just -- would -- I'll just  
25 move on with that one, unless -- actually do -- do you

1 want to confirm that, just for the record?

2 MR. JIM STEVENS: Madam Chair, that is  
3 correct. We only have a partial listing at this time.

4 THE CHAIRPERSON/FACILITATOR: Thank  
5 you.

6 MR. JOHN DONIHEE: And if you would  
7 turn to page 17, it deals with fisheries management and  
8 harvesting. The -- in effect, as I read that reply, it  
9 says that there's no way to predict increased fishing  
10 pressure but, essentially, that even in the absence of  
11 that prediction, that you have confidence that the  
12 regulatory bodies will -- will take care of any  
13 increased fishing pressure that may result from the  
14 road.

15 Is that a fair indication of what you  
16 said?

17 MR. JIM STEVENS: Madam Chair, that is  
18 a fair appraisal.

19 MR. JOHN DONIHEE: And you can turn to  
20 page 19. Your response on monitoring simply says that  
21 you will develop a monitoring plan for the construction  
22 and operation of the highway.

23 And I take it that that's future tense,  
24 that that plan is not available at this point in time?

25 MR. JIM STEVENS: Madam Chair, that is



1 correct.

2 THE CHAIRPERSON/FACILITATOR: Thank  
3 you.

4 MR. JOHN DONIHEE: And I would like to  
5 ask as well about pit management plans. Are -- are  
6 these plans that would be developed in the future once  
7 you have the specifics about your extraction plans?

8 MS. ERICA BONHOMME: Erica Bonhomme.  
9 That is correct, as a requirement of quarry permit  
10 applications to the ILA and AANDC.

11 MR. JOHN DONIHEE: Thank -- thank you  
12 very much. I guess the -- the final question on this  
13 series really is as follows, and -- and I -- I want to  
14 preface it by saying that I'm -- I'm -- by asking it,  
15 I'm not suggesting for a second that we -- or, that I  
16 have any doubt, you know, about the intentions of the  
17 Developer, nor -- nor do I doubt that these plans will  
18 be developed with -- with every care and attention to  
19 the highest professional standards.

20 But the difficulty that I have at this  
21 point in time is that in the absence of all of this  
22 information -- and -- and all of these plans are  
23 intended essentially to act as either mitigation or  
24 monitoring for the impacts that have either been  
25 predicted or that have been identified by -- by the

1 other parties, because of course this document that we  
2 just worked our way through is a reply.

3 And so in the absence of these  
4 management tools, I wonder if you could tell the Board  
5 how you hope that they will complete an impact  
6 assessment of this project?

7

8 (BRIEF PAUSE)

9

10 MR. JIM STEVENS: Madam Chair, a  
11 moment, please?

12 THE CHAIRPERSON/FACILITATOR: Go ahead.

13

14 (BRIEF PAUSE)

15

16 MR. RICK HOOS: Madam Chair, Rick Hoos,  
17 Kiggiak-EBA.

18 THE CHAIRPERSON/FACILITATOR: Yes.

19 MR. RICK HOOS: On July 13th, at the  
20 request of Directive 3 of the Board, we were asked to  
21 provide outlines, if you will, of what most of the  
22 plans that John has asked about would contain, the  
23 kinds of subjects that would be covered and that sort  
24 of thing.

25 Beyond that, the various commitments

1 that have been made by the Developer, the various  
2 mitigation measures that have been identified to  
3 effectively manage environmental issues for essentially  
4 every VEC discussed in the EIS, they are standard  
5 mitigation measures that are employed to mitigate the  
6 particular issues being addressed by them.

7                   For instance, the standard mitigation  
8 measures for fisheries and fish habitat related issues,  
9 they are quite standard. They are only going to change  
10 from standard to achieve a site-specific condition that  
11 needs to be adjusted for, for the site-specific  
12 condition.

13                   Many of the mitigation measures are in  
14 conformance with specific regulatory requirements,  
15 operational statements, or other specifications that  
16 the consultants are aware of that exist within the  
17 regulatory bodies that control these different kinds of  
18 -- of issues and how to mitigate them. Examples  
19 include the water withdrawal guidelines, the dust  
20 suppression guidelines, the various operational  
21 procedures of the Department of Fisheries and Oceans,  
22 et cetera, et cetera.

23                   They are generally well known and well  
24 understood mitigation measures that can be applied to  
25 resolving a particular, or addressing a particular,

1 environmental issue or concern, whether it be for the  
2 Inuvik-Tuk Highway project, some other highway project,  
3 or indeed, some other kind of industrial activity.

4                   They are very standard. And the only  
5 reason why you have to deviate from standard is if you  
6 have a site-specific condition that may not be  
7 effectively addressed by the standard approach to  
8 dealing with that issue at that particular location.  
9 Thank you.

10                   THE CHAIRPERSON/FACILITATOR: Thank  
11 you.

12                   MR. JOHN DONIHEE: Thank you, Madam  
13 Chair. Thank you, Mr. Hoos. That was a very helpful  
14 answer. Board staff, advisers, and counsel have no  
15 further questions for the Developer.

16                   THE CHAIRPERSON/FACILITATOR: Thank  
17 you.

18                   MR. JOHN DONIHEE: Pardon me. Dr. Burn  
19 reminds me, that's until tomorrow morning.

20                   THE CHAIRPERSON/FACILITATOR: I was  
21 just going to -- I think apart from what we will return  
22 to tomorrow morning then, that concludes the questions  
23 to the Developer. I think the next presentation on our  
24 agenda is from Aboriginal Affairs and Northern  
25 Development Canada.

1                   But I think I would like to give the  
2 opportunity of anybody from the community that's in the  
3 hearing room, if you would like to make any statements  
4 now, prior to asking Aboriginal Affairs to come  
5 forward, I invite you to come forward.

6

7                   (BRIEF PAUSE)

8

9                   THE CHAIRPERSON/FACILITATOR:   Okay, so  
10 are you going -- there's mics or you can come up to the  
11 front here if you'd like. Just say your name and if  
12 you represent any organization. Otherwise, just go  
13 ahead. You have to press -- press the button, yeah.

14

15 PUBLIC PRESENTATIONS:

16 PRESENTATION BY MR. RICHARD GORDON:

17                   MR. RICHARD GORDON:   Okay. Richard  
18 Gordon, from Inuvik. I sat on the Inuvik HTC, and we  
19 kind of looked at this information the other day on how  
20 the process of the highway is going. And we just  
21 appointed a couple of people from the community to sit  
22 on the Tuk-Inuvik board.

23                   But there's issues in there that we --  
24 we flagged during the -- the review process from the --  
25 from the Board level from the Inuvik, because we

1 represent the hunter and trappers members in the Inuvik  
2 region.

3                   And our statement, I think, is we're not  
4 against the highway itself. It's the way it's going to  
5 be managed in the future. We have other highways  
6 coming into Inuvik. We seen issues raised from those -  
7 - those highways before and how the issues are looked  
8 to and how they're managed.

9                   And we have concerns, because the -- the  
10 road itself is going through very good land that are  
11 for the animals to survive. And to have the animals  
12 out there to survive means we keep the Inuvialuit  
13 culture alive also.

14                   And under the Final Agreement, the  
15 Inuvialuit Final Agreement, we have a -- a job under  
16 there put forward by our Elders and our great-  
17 grandfathers. And our job is to maintain the land to  
18 best as possible and to keep our culture alive, no  
19 matter what.

20                   And we're so tied, you know, with that -  
21 - with that task under the Final Agreement. I mean,  
22 I've been to hearings before and we've been to  
23 communities, and the word that we always hear from --  
24 from the communities and from the members out there is  
25 respect. Respect the Elders. And to me, following the

1 -- the words put forward by our grandfathers and our  
2 great-grandfathers are written in the Inuvialuit Final  
3 Agreement.

4                   And there is -- development is going to  
5 happen in the -- in the lands, but we have to have  
6 respect for those words that were written for us. And  
7 we have to manage those lands out of respect for our  
8 great -- our great-grandfathers and our grandfathers.

9                   And those lands are out there not only  
10 for us, but also for the future generations to come.  
11 And we would like to see during this process to be  
12 taken very seriously is to put a management plan in  
13 place, a management plan where we can review it from  
14 the Inuvialuit perspective, from the harvesters'  
15 perspective, and from a cultural perspective, and from  
16 a wildlife perspective to ensure that we would con --  
17 continue to manage this -- this, I guess, an indent  
18 that's going to be on the land forever.

19                   And we have to have a management plan in  
20 place for that purpose. And if it's going to be a  
21 process that may slow the process down, so be it. But  
22 that's what we have to do as -- as Inuvialuit, to put  
23 something in place for us to continue to manage that  
24 development of a line that's going to go onto the land  
25 that may effect denning for bears or other -- other

1 fur-bearing animals, feeding grounds for the caribou,  
2 nesting grounds for the birds, and berry-picking for  
3 our people.

4                   So it's just not a management plan just  
5 to manage a highway. It's a management plan to pro --  
6 help protect the resources and the land and the -- the  
7 culture out there.

8                   So I just ask everybody here just to --  
9 again, just to reflect on -- on the -- the Inuvialuit  
10 Final Agreement. It's a very important document for  
11 us, and it's the only document that we have throughout  
12 the history of the Inuvialuit that is written for us by  
13 our people. And we have to respect those words put in  
14 there. It's there for a reason. And let's respect  
15 that reason, because it was there -- put there by our  
16 Elders and our great-grandfathers. Thank you.

17                   THE CHAIRPERSON/FACILITATOR: Thank you  
18 very much, Mr. Gordon.

19

20 PRESENTATION BY MS. SHEILA NESOLOAK:

21                   MS. SHEILA NESOLOAK: Sheila Nesoloak,  
22 just an interested party to the hearings. No  
23 connections to any groups; taxpayer. As the Town of  
24 Inuvik is a Proponent in this project, is there  
25 assurance that taxpayers, such as myself, will not have



1 to bear the burden if there are increased costs for the  
2 Tuk-Inuvik Highway project?

3 The second question in concert with the  
4 comment put forth by the person before me, Richard  
5 Gordon. Thank you, Richard. Cumulative effects of  
6 persons on the proposed highway, how will these effects  
7 be measured financially, economically, and socially?

8 Third question in regards to tourism. I  
9 -- and I may have misunderstood the comment wrong  
10 earlier. But is the cum -- cumulative effects of  
11 tourism, how will that be measured? Will it just be  
12 measured in numbers; in usage of sites; in usage of  
13 sites, both on Crown and on private land; or as -- as a  
14 whole, the way the government measures, you know, by  
15 numbers, by dollars?

16 And those are my questions. Thank you.

17 THE CHAIRPERSON/FACILITATOR: Thank  
18 you.

19

20 (BRIEF PAUSE)

21

22 THE CHAIRPERSON/FACILITATOR: Okay, I  
23 think we probably -- we talked about concluding at  
24 5:30, so, Conrad, would you like to make your  
25 presentation tonight, or are you up for that? You're

1 not.

2

3 (BRIEF PAUSE)

4

5 MR. CONRAD BAETZ: Conrad Baetz, with  
6 Aboriginal Affairs. It really doesn't make much of a  
7 difference, tonight or tomorrow morning. I know it's  
8 been a longish day for some, but...

9 THE CHAIRPERSON/FACILITATOR: Should we  
10 do it now and --

11 MR. CONRAD BAETZ: Sure.

12 THE CHAIRPERSON/FACILITATOR: All  
13 right. Go ahead.

14

15 (BRIEF PAUSE)

16

17 PRESENTATION BY AANDC:

18 MR. CONRAD BAETZ: Good afternoon,  
19 Madam Chair, panel members, panel experts, and  
20 Developers. I think I might also -- for a start,  
21 there's a few minor errors in the presentation that  
22 were submitted on the 10th.

23 THE CHAIRPERSON/FACILITATOR: Oh,  
24 sorry. Before you start, could you just identify  
25 yourself again for the record, and maybe the gentlemen

1 sitting with you.

2 MR. CONRAD BAETZ: Conrad Baetz, with  
3 Aboriginal Affairs and Northern Development Canada,  
4 accompanied by Bob Gowan, also with Aboriginal Affairs,  
5 and Jan Davies, also with the same department here in  
6 Inuvik.

7 As -- as mentioned a moment ago that  
8 there's an error, and maybe a couple of caveats that I  
9 might put in my presentation that wasn't in what was  
10 submitted to the Board on the -- on the 14th, last  
11 Friday. So I'll try and note where the inconsistencies  
12 are, if I could.

13 THE CHAIRPERSON/FACILITATOR: I'm  
14 assuming it doesn't change the substantial nature of  
15 your presentation?

16 MR. CONRAD BAETZ: Definitely not.

17 THE CHAIRPERSON/FACILITATOR: Okay. Go  
18 ahead.

19

20 (BRIEF PAUSE)

21

22 MR. CONRAD BAETZ: Eli, if you maybe  
23 want to move the slides forward just...

24

25 (BRIEF PAUSE)

1 MR. CONRAD BAETZ: There we go.  
2 Aboriginal Affairs has a few mandates that fit into  
3 this process. I'm going to start by explaining a  
4 little bit about what our regulatory mandate is, and  
5 then a little bit of the environmental assessment, and  
6 then move into what some of our issues or concerns may  
7 be.

8 From a regula -- regulatory perspective,  
9 Aboriginal Affairs' mandate includes responsibilities  
10 under the territorial land use regulations in respect  
11 to land use and land use permitting, the NWT Waters Act  
12 in respect of water use and compliance with water  
13 licences -- okay.

14 THE CHAIRPERSON/FACILITATOR: Just a  
15 little slower, sorry.

16 MR. CONRAD BAETZ: The Territorial  
17 Lands Act in respect of dealing with land tenure  
18 issues, and granular resource management under the  
19 territorial quarry regulations. I should also say that  
20 the land use and the territorial land use regulations  
21 apply only to Crown land within the Inuvialuit  
22 settlement region.

23 Thanks. From a land use perspective, we  
24 review and accept Applications that are submitted to  
25 our organization for all Crown land projects in the

1 Inuvialuit settlement region. Upon satisfaction of  
2 mitigations, Aboriginal Affairs issues the  
3 authorization with terms and conditions attached. And  
4 this is not outside the realm of hearing from the  
5 Inuvialuit environmental screening committee at the  
6 same -- at the same time as part of the process.

7                   We ensure follow-up with regular  
8 dialogue and communication with the Developer, as well  
9 as -- as appropriate, the Inuvialuit land  
10 administration environmental monitors as appropriate.

11                   We provide insp -- an inspections  
12 function of all land management aspects of the project  
13 that the permit covers or that Aboriginal Affairs has a  
14 mandate to administer.

15                   From a water use perspective, Aboriginal  
16 Affairs participates in the application review process  
17 that the NWT Water Board conducts. We ensure -- once a  
18 licence is issued, we ensure follow-up again and  
19 dialogue with proponents, and we communicate with them  
20 on a fairly regular basis, as well as with ILA  
21 environmental monitors, as appropriate. And we are  
22 responsible for inspections of all water-related  
23 aspects of the project that the water licence covers or  
24 that AANDC has a man -- has a mandate to administer  
25 under the NWT Waters Act.

1 Land tenure. AANDC leases and disposes  
2 Crown land in the ISR under the Territorial Lands Act.  
3 In the context of this particular project, upon  
4 approval to construct once the road is completed -- or  
5 if approval was granted to construct, once the road is  
6 completed and a designation of a highway under the  
7 NWT's -- under the NWT Act occurred, the right-of-way  
8 would be transferred to the GNWT and become territorial  
9 land.

10 Granular resource management is another  
11 aspect of what we deal with. Aboriginal Affairs  
12 accepts and reviews quarry permit applications. We  
13 review associated development plans, and for which a  
14 template is provided by Aboriginal Affairs through the  
15 draft granular management plan we've developed with the  
16 Inuvialuit land administration.

17 Once approved, quarry permits are  
18 issued. Follow up again with the developers occurs,  
19 and inspection of quarry operations as they relate to  
20 the associated land use permits occurs as well.

21

22 (BRIEF PAUSE)

23

24 MR. CONRAD BAETZ: Inspections, our  
25 primary tool beyond education to ensure compliance.

1 This is within the context of the applicable acts and  
2 regulations, terms and conditions related to permits  
3 and licenses issued by AANDC and the NWT Water Board  
4 and applicable commitments detailed in the application  
5 or the project description by the Developer.

6                   Inspections are intended to assess the  
7 proponent's adherence to the terms and conditions of  
8 the permits and licenses that are issued. Most of the  
9 time, issues of noncompliance identified in an  
10 inspection are dealt with in the field or very soon  
11 afterwards.

12                   Inspections are carried out by resource  
13 management -- resource management officers or water  
14 resource officers. Inspection reports are completed  
15 and supplied to the designated contact for the  
16 proponent. And as necessary, subsequent inspections  
17 occur to ensure noncompliance issues have been dealt  
18 with as directed.

19                   Another aspect to what we do, and this  
20 is one of the slides where there's been some changes,  
21 given the changes of the CEAA Act, particularly CEAA  
22 2012, as applicable, Aboriginal Affairs conducts  
23 environmental effects determinations of the proposed  
24 projects. And this is in the -- in respect of the new  
25 CEAA.

1                   We participate in coordinated processes  
2 for federal -- where multiple federal authorities are  
3 involved. We participate in environmental assessments  
4 in the region along with other federal departments.  
5 And we provide to boards and committees throughout the  
6 review processes advice.

7                   Some of the issues we've tracked and  
8 have flagged are local access to certain areas during  
9 construction, temporary winter road access, two (2)  
10 quarry sites during construction, temporary winter road  
11 access, two quarry sites during operation and staging  
12 the stockpile areas adjacent to the right-of-way.

13                  In respect of local access during  
14 construction, this is in reference to access to the  
15 Husky Lakes area by hunters and trappers as well as  
16 recreational users, and it's in the context of during  
17 construction. In our examination of the information in  
18 front of us, it appears that at least one (1) of the  
19 quarry sites identified directly intersects with the  
20 well-used snowmobile trail from Inuvik to Husky -- to -  
21 - to Inuvik to the Husky Lakes area.

22                  Assurances, we believe, are needed to  
23 ensure access during construction either through the  
24 area or around the area remain unimpeded to local users  
25 as -- as possible. Dialogue with users, signage, new



1 trail routings, et cetera, are all things that should  
2 be considered and we don't believe have been covered  
3 off as yet.

4 Temporary winter road accesses, this was  
5 touched on earlier, to the quarry site, specifically.  
6 And the concern that we have is, for those accesses  
7 that are going to built through successive years, if  
8 winter access is needed for a succession of winter  
9 seasons until construction is complete, the examination  
10 of the collective impacts needs to occur.

11 This is currently not apparent in the  
12 information submitted in the -- and available at the  
13 moment to us. It's a concern that repeated use of the  
14 same footprint can have more serious impacts on the  
15 Tundra that are -- that is not accounted for.

16 Through the operations and maintenance  
17 in the context of winter road access again,  
18 specifically to the quarry sites, it's been stated that  
19 there will be no permanent roads built to the quarry  
20 sites. Therefore, there'll be a need to, through  
21 successive years, maybe not every year, but every few  
22 years, to construct a winter access for the regular O &  
23 M for the reentering of the borrow sources either  
24 biannually, annually or every three (3) years.

25 This is a concern, as stated in the

1 previous slide.

2

3 (BRIEF PAUSE)

4

5 MR. CONRAD BAETZ: Staging the  
6 stockpile areas, particularly in the context of the  
7 operation and maintenance, not so much the construction  
8 because the stockpile areas likely will be at the  
9 borrow sources. But additional land requirements, I  
10 don't believe are covered in the environmental impact  
11 statement either.

12 It's not clear how much additional land  
13 will be utilized to achieve stockpile -- stockpiling  
14 material near to the right- of-way for subsequent years  
15 of maintenance, and possibly even some of the  
16 construction years, as well. There's an additional  
17 permanent footprint that, as well, is not considered at  
18 the moment.

19 AANDC recognizes that con -- continued  
20 assessment of the identified granular sources is  
21 occurring and it looks forward to examining the results  
22 of this work. These are important components needed to  
23 complete our work here, as well as to the regulatory  
24 component, should it proceed to that process.

25 As with others, concerns with timing of

1 submission of the additional information is of concern.  
2 This can be a challenge to assist -- to assess a  
3 project like this without the entire package available  
4 to us.

5 In concluding, I put four (4) bullets up  
6 on the -- on the screen there that relate to different  
7 natural resource management. It's clear to AANDC that  
8 collectively, those of us who are responsible for  
9 resource management in the area are prepared to manage  
10 these elements that we've been tasked to by our rex --  
11 respective legislatures.

12 Management plans for caribou and  
13 controls on their harvest on or near the highway are  
14 needed. Restrictions on fishing limits may be  
15 required. Appropriate assessment and management of our  
16 granular resources likely is needed. And assurances  
17 and mechanisms need to be put in place to protect our  
18 water quality. These are all in the context of a  
19 specific piece of new public infrastructure, should it  
20 be approved to proceed, that are needed.

21 The Developers need to act responsibly  
22 during construction, as well as during the operations  
23 of the highway. And they have, in our opinion,  
24 demonstrated their willingness to do so. The question  
25 that needs to be answered is whether or not the rest of

1 us around the table or in this room are able to accept  
2 the additional work involved in addressing the four (4)  
3 bullets, and perhaps more, that are shown above.

4 In concluding, again, AANDC is satisfied  
5 that the Developer has adequately responded to our  
6 requests to date, which includes our additional  
7 Information Requests throughout the past several  
8 months. Additional detail will be required through the  
9 regulatory phase. And with the addition of this  
10 information due to come in -- in the coming weeks,  
11 AANDC is confident that possible adverse impacts can be  
12 properly mitigated or managed. Thank you.

13

14 QUESTION PERIOD:

15 THE CHAIRPERSON/FACILITATOR: Thank  
16 you. I think what we'll do is start questioning and  
17 we'll be mindful of the time. So I'd like to start  
18 with the Developers.

19 Do you have any questions for Aboriginal  
20 Affairs and Northern Development?

21 MR. JIM STEVENS: Madam Chair, yes, we  
22 have one (1) comment or question of clarification, and  
23 also an appreciation to Mr. Baetz for his overview and  
24 presentation. I'd ask Erica to pose that question.

25 MS. ERICA BONHOMME: Erica Bonhomme,

1 Kavik-Stantec. Just a question of clarification, if I  
2 may, on page 9. That's page 9 of the PDF document. I  
3 would just like clarification on the issue summarized  
4 in the first bullet, "local access during  
5 construction."

6 Can you just elaborate, please, for me  
7 on the iss -- issue specifically that you're referring  
8 to in that bullet?

9 MR. CONRAD BAETZ: Conrad Baetz with  
10 Aboriginal Affairs. The local access during  
11 construction is in relation to access by hunters and  
12 trappers and local recreational users of the Husky  
13 Lakes area. And probably more specifically, one (1) of  
14 the granular resour -- granular sites like three  
15 fourteen (314), three twenty-five (325), that directly  
16 overlies the trail that people use to access that area.

17 And interested in knowing what the  
18 Proponents are able to do or what they are willing to  
19 do in terms of ensuring that continued access during  
20 construction is achieved by locals -- local people.

21 THE CHAIRPERSON/FACILITATOR: Go ahead,  
22 Kavik-Stantec.

23 MS. ERICA BONHOMME: Thank you, Madam  
24 Chair. So just to confirm, the issue is with not  
25 impeding access along -- to those borrow sources by

1 creating -- or access into that area, Husky Lakes, by  
2 development of that winter road?

3 I do have another question of  
4 clarification. It's on the last slide, and the last  
5 bullet that -- which eludes to information that is  
6 coming in the regulatory phase.

7 And I would just like to ask AANDC, if I  
8 may, whether the information that we have committed to  
9 filing in -- as part of the Developer commitments and  
10 the various submission, including the response -- the  
11 Developer's response to technical submissions, whether  
12 that information is sufficient to conclude INAC's  
13 review -- or sorry, AANDC's review in the regulatory  
14 phase as part of the -- the authorizations that it  
15 reviews and issues?

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON/FACILITATOR: Go ahead.

20 MR. CONRAD BAETZ: Conrad Baetz with  
21 Aboriginal Affairs. If I heard the question correctly,  
22 is if the information that has been committed to be  
23 provided by the Proponents, will -- will that be  
24 sufficient for us to make a determination at the end of  
25 this pro -- process?

1 Is that how I understand it correctly?

2 THE CHAIRPERSON/FACILITATOR: Go ahead.

3 MS. ERICA BONHOMME: Erica Bonhomme.

4 I'll rephrase my question maybe. The Developer has  
5 committed to providing a number of plans to mitigate  
6 project effects to, you know, provide additional  
7 information about things like water sources, mitigation  
8 strategies, monitoring plans, in the regulatory phase.

9 Is that something that AANDC would  
10 expect to be submitted now, or as part of their review  
11 of regulatory applications in their issuance or review  
12 of permits?

13 MR. CONRAD BAETZ: Conrad Baetz with  
14 Aboriginal Affairs. Definitely it will be a part of  
15 our review through the regulatory process, whatever is  
16 submitted. And I would also suggest that it would be  
17 of great help to have it if it's available in advance  
18 as a part of this process.

19 THE CHAIRPERSON/FACILITATOR: Thank  
20 you. Does that conclude your questions?

21 MR. JIM STEVENS: Madam Chair, that --  
22 that concludes her questions.

23 THE CHAIRPERSON/FACILITATOR: Thank  
24 you. DFO, do you have any questions for Aboriginal  
25 Affairs?

1 (BRIEF PAUSE)

2

3 MS. BEV ROSS: Bev Ross, Fisheries and  
4 Oceans Canada. No questions for AANDC, Madam Chair.

5 THE CHAIRPERSON/FACILITATOR: Thank  
6 you. Environment Canada...?

7 MS. SUSANNE FORBRICH: Madam Chair,  
8 Susanne Forbrich, Environment Canada. No questions.

9 THE CHAIRPERSON/FACILITATOR: Thank  
10 you. FJMC...?

11 MR. DEREK PARKS: Derek Parks with the  
12 FJMC. No questions at this time. Thanks.

13 THE CHAIRPERSON/FACILITATOR: Thank  
14 you. Infrastructure Canada, any questions?

15 MS. PHOEBE MILES: Phoebe Miles,  
16 Infrastructure Canada. No questions at this time.

17 THE CHAIRPERSON/FACILITATOR: Thank  
18 you. Sorry, Parks Canada...?

19 MR. ADRIANE BACHESCHI: Adriane  
20 Bacheschi with Parks Canada. No questions at this  
21 time. Thank you.

22 THE CHAIRPERSON/FACILITATOR: Thank  
23 you. Transport Canada...?

24

25 (BRIEF PAUSE)



1 MR. DOUG SOLOWAY: Madam Chair, Doug  
2 Soloway, Transport Canada. No questions.

3 THE CHAIRPERSON/FACILITATOR: Thank  
4 you.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON/FACILITATOR: Oh,  
9 sorry, Wildlife Management Advisory Committee.  
10 Apologize.

11

12 (BRIEF PAUSE)

13

14 MR. BRUCE HANBIDGE: Madam Chairman,  
15 Bruce Hanbidge for the Wildlife Management Advisory  
16 Council. I've just got one (1) question of  
17 clarification. When AANDC said that they could carry  
18 out their regulatory function with these plans, so long  
19 as they get them within that process, could you just  
20 clarify what the process is.

21 When do you need the monitoring plans  
22 and other plans to carry out your regulatory  
23 responsibilities?

24 MR. CONRAD BAETZ: Conrad Baetz with  
25 Aboriginal Affairs. In advance of issuing the permit.

1 I mean, it's -- it's one (1) of -- it's part of the  
2 permanent application package that would come. It  
3 would be the pit -- the pit development plans and those  
4 kinds of plans.

5 MR. BRUCE HANBIDGE: So the process  
6 you're referring to is not this review, it's your own  
7 process after the review that you're saying you don't -  
8 - you don't need those plans until after this review?

9

10 (BRIEF PAUSE)

11

12 MR. CONRAD BAETZ: Conrad Baetz with  
13 Aboriginal -- with Aboriginal Affairs. That's correct.  
14 I was referring more specifically to our own regulatory  
15 review, but I'd also qualify that they would be helpful  
16 through some of this process as well.

17 MR. BRUCE HANBIDGE: Thank you. This  
18 process meaning the review right now?

19 MR. CONRAD BAETZ: Yes.

20 MR. BRUCE HANBIDGE: Thank you.

21 THE CHAIRPERSON/FACILITATOR: Is that  
22 all of your questions? Okay. Thank you very much.  
23 Just give me a moment here.

24

25 (BRIEF PAUSE)

1 THE CHAIRPERSON/FACILITATOR: I'm --  
2 I'm being sure that we can still manage on time. So  
3 I'll move over to our panel staff and maybe start with  
4 Dr. Komers.

5 Do you have any questions for the...?

6 DR. PETR KOMERS: Petr Komers. Yes,  
7 Madam Chair, I have a couple of short questions if I  
8 may.

9 You mentioned a number of information  
10 requirements that you have. In particular, in your  
11 submission you mentioned a pit development plan.

12 And I wanted to know if you have that  
13 information at hand right now to review that plan and  
14 if not, when do you expect to receive the information  
15 you require to issue your permits?

16

17 (BRIEF PAUSE)

18

19 MR. CONRAD BAETZ: Conrad Baetz with  
20 Aboriginal Affairs. No, we do not have the pit  
21 development plans in our hands yet. It would be  
22 expected that they would come as a part of the  
23 applications for the regulatory phase should we proceed  
24 beyond this.

25 THE CHAIRPERSON/FACILITATOR: Thank

1 you.

2 DR. PETR KOMERS: Petr Komers. Now  
3 you're a regulatory agency, if I understand that  
4 correctly, and you issue permits. And if I understand  
5 also correctly that the EC was saying -- Environment  
6 Canada was saying that they're not a permit issuing  
7 agency.

8 But Environment Canada listed a whole  
9 bunch of other plans. I'm just going to read them out,  
10 plans that they were not satisfied with, including  
11 spill contingency plan, hazardous waste management  
12 plan, erosion and sediment control plan, explosive  
13 management plan, waste management plan, and wildlife  
14 management plan.

15 Are any or all of these plans in some  
16 way under your jurisdiction? Would they feed into your  
17 permits or, in other words, would your permits need to  
18 include conditions while completing such plans?

19

20 (BRIEF PAUSE)

21

22 THE CHAIRPERSON/FACILITATOR: Go ahead.

23 MR. CONRAD BAETZ: Con -- sorry.

24 Conrad Baetz, with Aboriginal Affairs. Yeah, there are  
25 some of the plans that Environment Canada mentions that

1 would be a part of one (1) of our -- or one (1) of our  
2 authorizations. The land use permit perhaps would have  
3 -- or would have conditions in there for a spill  
4 contingency plan or emergency response plan or  
5 environmental protection plan, those kinds of things.

6                   Although I don't want to speak for the  
7 NWT Water Board, water licenses generally have waste  
8 management plans as well. There are provisions in the  
9 land use permit more specific to terms and conditions  
10 as opposed to specific -- as general plans that relate  
11 to erosion and ero -- and any erosion control sort of  
12 issues and structures and -- and works. Thank you.

13                   THE CHAIRPERSON/FACILITATOR: Thank  
14 you.

15                   DR. PETR KOMERS: Petr Komers. Thank  
16 you for that. I believe you mentioned that you're also  
17 required to do compliance monitoring. Well, you also  
18 mentioned that in the technical sessions.

19                   Presumably associated with all those  
20 plans you will need to monitor whether or not the  
21 Developer complies with the conditions you associated  
22 with those plans.

23                   In addition to compliance monitoring,  
24 does AANDC also do effects monitoring?

25

1 (BRIEF PAUSE)

2

3 MR. CONRAD BAETZ: Conrad Baetz, with  
4 Aboriginal Affairs. In terms of effects monitoring or  
5 effects monitoring through long-term kind of monitoring  
6 plans generally not at the district level here. It's -  
7 - it's more of a compliance with terms and conditions.

8 The effects monitoring that we would be  
9 responsible for would be those that are associated  
10 specifically with the land use permit or water licence.

11 THE CHAIRPERSON/FACILITATOR: Thank  
12 you.

13 DR. PETR KOMERS: Petr Komers. Just --  
14 thank you. Just one (1) last followup. I -- I do  
15 believe that you mentioned in your presentation that  
16 you -- correct me if I don't have the right verbiage  
17 that's regulatory in nature, but you sign over the  
18 responsibility to -- to GNWT.

19 Would the GNWT then do the effects  
20 monitoring in the long run?

21 MR. CONRAD BAETZ: I can't answer that  
22 question. It's not something that I'm familiar with in  
23 terms of what their responsibilities are.

24 THE CHAIRPERSON/FACILITATOR: Thank  
25 you. That's fine.

1 DR. PETR KOMERS: Petr Komers. Thank  
2 you. That's all my questions.

3 THE CHAIRPERSON/FACILITATOR: Sure.

4 DR. CHRIS BURN: Madam Chair, if I may  
5 be permitted to ask two (2) sets of questions to AANDC  
6 on this occasion. The first concern is water  
7 quantities and the rates of water withdrawal.

8 And the question is prefaced by an  
9 inquiry. And the inquiry is: Is it the case that  
10 AANDC is an agency that delivers considerable support  
11 to the NWT Water Board?

12 MR. CONRAD BAETZ: The answer to that  
13 will be yes.

14 DR. CHRIS BURN: Madam Chair, I'd like  
15 also to know if the -- if the representatives of AANDC  
16 in front of us are able to assist us in understanding  
17 how the NWT Water Board views an environmental  
18 assessment of a project that is before it.

19 MR. CONRAD BAETZ: Con --

20 THE CHAIRPERSON/FACILITATOR: Go ahead.

21 MR. CONRAD BAETZ: Conrad Baetz, with  
22 Aboriginal Affairs. I don't believe I'm in a position  
23 to answer that question.

24 THE CHAIRPERSON/FACILITATOR: Okay, go  
25 ahead.

1 DR. CHRIS BURN: Thank you, Madam  
2 Chair. This is Chris Burn again. I wonder if you  
3 could -- could tell -- could respond to a more specific  
4 question and, that is, whether it is in the interest of  
5 the NWT Water Board when they receive an application to  
6 know the total quantity of water that is to be removed,  
7 or used by the project, and also whether they're  
8 interested in knowing the maximum daily withdrawal  
9 rate?

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON/FACILITATOR: Go ahead.

14 MR. CONRAD BAETZ: Conrad Baetz with  
15 Aboriginal Affairs. I'd suggest that in our support to  
16 the Water Board in order for us to provide them the  
17 appropriate advice that we would need that information  
18 ourselves.

19 THE CHAIRPERSON/FACILITATOR: Thank  
20 you.

21 DR. CHRIS BURN: Thank you, Madam  
22 Chair. I -- I wonder if you could indicate then for  
23 yourselves how AANDC views an environmental assessment  
24 when the total quantity of water required is not known,  
25 and the daily maximum withdrawal rate is also



1 unspecified?

2

3 (BRIEF PAUSE)

4

5

6 MR. CONRAD BAETZ: If --

7 THE CHAIRPERSON/FACILITATOR: Yes --

8 MR. CONRAD BAETZ: -- I'll let Jan

9 Davies answer.

10 THE CHAIRPERSON/FACILITATOR: Go ahead.

11 MR. JAN DAVIES: Madam Chair, Jan

12 Davies with Aboriginal Affairs. This is a difficult  
13 question. From the projects and operations that I've  
14 seen thus far, usually they give the best estimates  
15 that they have.

16 And from my experience, especially with  
17 some of the older oil and gas operations, they try to  
18 give a good conservative estimate about how much water  
19 they want to use, and that the Board approves them with  
20 a good margin of room for the volumes.

21 Usually for the projects, they go and  
22 they identify the water sources that they need usually  
23 in excess of what they actually might need so that way  
24 there's lots of room as the project proceeds, and that  
25 they're not limited by having to identify an additional

1 water source to do additional bathymetry, and so those  
2 -- usually those margins are conservative enough, and  
3 adequate enough to allow the best-case scenarios,  
4 especially in situations where there might not be  
5 enough snow and they'll need more water to make ice.

6 THE CHAIRPERSON/FACILITATOR: Thank  
7 you.

8 DR. CHRIS BURN: Thank you very much  
9 for that. Could you just comment on whether in the  
10 present submission you were able to observe similar  
11 information?

12

13 (BRIEF PAUSE)

14

15 MR. JAN DAVIES: Madam Chair, Jan  
16 Davies with Aboriginal Affairs. They certainly have  
17 given a ballpark of what they need as far as 1,000  
18 cubes or more.

19 I understand from the conversations that  
20 have especially taken on today that they haven't  
21 identified specifically all the locations for water  
22 withdrawals, and so that particular information would  
23 be valuable at this time.  
24 But, more importantly, during a regulatory phase that  
25 information will be expected at a greater detail.

1 THE CHAIRPERSON/FACILITATOR: Thank  
2 you.

3 DR. CHRIS BURN: Thank you very much,  
4 Madam Chair. Chris Burn again. Now, I have a couple  
5 of questions regarding the aggregate estimates.

6 Madam Chair, today we -- we had an  
7 interesting exchange with the Developer because the  
8 language surrounding the estimates, or the -- the  
9 quantities of aggregate that have been provided  
10 changed.

11 Up until now, every time I have read the  
12 description of what a figure in the aggregate  
13 quantities meant, it was described as an estimate.  
14 Today we were told it was a proven resource.

15 Now, I wonder if AANDC could tell me how  
16 they distinguish between what are proven resources and  
17 what an estimate of a resource?

18 MR. CONRAD BAETZ: I'll defer this to  
19 Bob.

20 THE CHAIRPERSON/FACILITATOR: Go ahead.

21 MR. BOB GOWAN: Madam Chair, Bob Gowan,  
22 Aboriginal Affairs and Northern Development Canada.

23 Historically, we've used sort of three  
24 (3) classifications for the, you know, the confidence  
25 in -- in the volumes given, we use proven. And that's

1 typically with a, you know, where you've got  
2 information to -- to estimate based on about a 50 metre  
3 distance around the hole.

4                   We used probable where we have, like  
5 less information, but usually confirmed with some  
6 ground truthing, some bore holes, possibly geophysics,  
7 and we use prospective where it's largely based on air  
8 photo interpretation and -- and often just some shallow  
9 hand dug test pits for -- for the area -- the area  
10 that's -- that they have defined as, you know, as the  
11 prospective source.

12                   And then -- so certainly, you know,  
13 there's -- there's different -- the numbers in their  
14 own -- on their own don't -- don't mean much without  
15 having some indication of what the level of confidence  
16 is on them.

17                   THE CHAIRPERSON/FACILITATOR:    Thank  
18 you.

19                   DR. CHRIS BURN:    Thank you, Madam  
20 Chair, and thank you, Mr. Gowan. I wonder if I could  
21 ask Mr. Gowan a supplementary question, given that the  
22 spacing of the bore holes was 100 metres, not fifty  
23 (50), would you regard the estimate here as proven or  
24 probable?

25                   THE CHAIRPERSON/FACILITATOR:    Go ahead.

1 MR. BOB GOWAN: Well, I believe if --  
2 or, sorry, it's Bob Gowan of AANDC, again, Madam Chair.

3  
4 As I understand it, the -- the way that  
5 they've calculated the -- the quantities of proven is  
6 based on the bore holes that they've used, and they've  
7 used that -- that 50 metre radius around each hole.

8 So, you know, in the context of saying  
9 that that's, you know, those amounts are proven, I -- I  
10 would accept their -- their statement, you know, of  
11 those volumes.

12 Now whether it, you know, whether it  
13 covers for the whole area -- whether you can apply that  
14 to the whole area in which they've drilled, I -- I  
15 haven't assessed that yet, but...

16 THE CHAIRPERSON/FACILITATOR: Thank  
17 you.

18 DR. CHRIS BURN: Chris -- Madam Chair,  
19 thank you. Chris Burn again. I just want to clarify  
20 one (1) item.

21 In your initial comment, and your  
22 initial remarks, you stated that for proven the  
23 separation between the bore holes is 50 metres. You've  
24 now changed that to a radius of 50 metres, and the  
25 aerial adjustment is a factor of four (4).

1                   And I wonder if you could indicate,  
2 then, whether you -- it's really a question of  
3 clarification. Your initial 50 metre separation of the  
4 bore holes is different from a hundred metre  
5 separation, and which one (1) do you wish us to really  
6 utilize?

7                   MR. BOG GOWAN:     Bob Gowan, AANDC.  
8 Certainly, in -- in any resource evaluation I think  
9 there comes into play some professional judgment on it.  
10 And -- and I would accept -- if you -- if you have a  
11 uniform stratigraphy that you -- that you perhaps need  
12 less holes than -- than if you have a complex stra --  
13 stratigraphy.

14                  So, you know, I think you would -- you  
15 would leave it to a professional judgment of whether  
16 you have proven that -- that quantity or not. I don't  
17 -- I don't like, you know, any particular number,  
18 because it's -- it's, you know, it's incredibly  
19 expensive to -- to drill on a 50 metre spacing and --  
20 and I think you can have a great deal of confidence in  
21 the quantity that's there on a -- on a broader spacing,  
22 if you understand the -- the overall stratigraphy.

23                  And -- and, you know, and in an -- in a  
24 context of the -- the particular volumes that the  
25 Developer has indicated are proven, I believe their

1 calculations, where using that 50 metres as -- as a  
2 column within -- within a broader area. And -- and so,  
3 you know, that number might be greater for that area,  
4 you know, if they were to extend beyond the -- that 50  
5 metres. But I -- but I think they're just using in the  
6 proven volume that 50 metre column.

7 THE CHAIRPERSON/FACILITATOR: Thank  
8 you.

9 DR. CHRIS BURN: Thank you, Madam  
10 Chair. Chris Burn again.

11 Could you -- Mr. Gowan, I -- I wondered  
12 if you would be able to indicate in terms of the -- the  
13 term "proven" or "probable," in your view, what is the  
14 precision of the figure which is given in a percentage  
15 term, not in terms of specific cubic metres, because  
16 that will vary according to the size of the deposit  
17 but, in terms of the percentage, what do you believe is  
18 a reasonable confidence interval for the three (3)  
19 categories that you have described to us?

20 MR. BOB GOWAN: Madam Chair, Bob Gowan.  
21 I'm not sure that I understand your question. Could  
22 you -- could you rephrase it?

23 DR. CHRIS BURN: Madam Chair, this is  
24 Chris Burn, with pleasure. Mr. Gowan, if we understand  
25 that a deposit is proven and it is of a particular

1 magnitude, then is that proven magnitude good to within  
2 2 percent or 10 percent, or 20 percent?

3 If the deposit is probable, is that good  
4 to within 2 percent, 10 percent, and so forth for your  
5 three (3) categories?

6 THE CHAIRPERSON/FACILITATOR: Go ahead.

7 MR. BOB GOWAN: Bob Gowan, AANDC. I  
8 don't think I've ever, you know, attempted to put a --  
9 to put that sort of a qualification on it. I -- I  
10 think I would prefer to see some, you know, some leeway  
11 in any of the estimates, like, you know, that you're --  
12 that you're indicating that you've proven out more than  
13 what you actually need in any -- you know, in any  
14 application.

15 And I al -- but I also want to -- in --  
16 in the way you've expressed it, it's -- it's not  
17 necessarily the area that we're talking about as being  
18 proven -- I mean, there's a difference between proving  
19 the area and -- and proving the quantity of material  
20 and I think that's what -- what the Developer has --  
21 has attempted to do to date is -- is prove out the  
22 amount of material that they need.

23 Now whether -- I mean, certainly I would  
24 like to see some more -- some more leeway in that in  
25 that a higher -- a higher percentage proven than what



1 they actually -- actually need at the time that they  
2 submit their applications.

3 THE CHAIRPERSON/FACILITATOR: Thank  
4 you.

5 DR. CHRIS BURN: Madam Chair, I have  
6 one (1) final set of questions for Mr. Gowan and this  
7 is Chris Burn again.

8 The estimates that were produced in 2012  
9 are the result of a significant amount of drilling and  
10 field data collection.

11 The estimates that were produced or have  
12 been derived from the 1970s data are, in some  
13 instances, the result of three (3) or four (4) test  
14 pits to 4 metres depth in the -- in the deposit.

15 Could you indicate the confidence -- the  
16 relative confidence you would have on those 1970s'  
17 estimates in comparison with the 19 -- in 2012. I  
18 assume, and I don't want to put words in your wi -- but  
19 I assume -- in your -- in your mouth, I'm sorry, but I  
20 assume that you are more confident with the 2012 than  
21 you are with 1970 or '70s.

22 THE CHAIRPERSON/FACILITATOR: Go ahead.

23 MR. BOB GOWAN: Madam Chair, it's Bob  
24 Gowan, AANDC. Certainly that's -- that's true that I  
25 would have more confidence in -- in data that is -- or

1 in an estimate that's based on actual drilling and --  
 2 than -- than those that are taken largely on the basis  
 3 of air photo interpretation with a -- with scattered  
 4 shallow test pits.

5 I think it's -- I guess that's -- that's  
 6 -- I think that's all I have to say on that right now.

7 THE CHAIRPERSON/FACILITATOR: Okay.  
 8 Thank you.

9 DR. CHRIS BURN: Madam Chair, it's  
 10 Chris Burn again, just one (1) final question then.

11 When you take the 1970s' estimates, how  
 12 do they fit into your three (3) categories?

13 MR. BOB GOWAN: In -- I'd have to go  
 14 back to some -- some tables that I don't have with me  
 15 right now in terms of the numbers that have been  
 16 presented in the Developer's -- in all of their  
 17 submissions.

18 But in a lot of the tables that -- that  
 19 we prepared summarizing the -- you know, the available  
 20 materials in the Mackenzie Delta region, in some cases,  
 21 we made an estimate of proven, of probable and of  
 22 prospective. I'm not positive as to which of those  
 23 numbers the Developer has -- has used in what the  
 24 prevent -- presented.

25 And -- and I think it's -- in some

1 cases, they -- those ones, the '70s ones are co --  
2 covering a very broad area that they've, you know,  
3 picked as a target, basically, as a prospective target,  
4 that -- you know, that might be a prospective deposit.

5 DR. CHRIS BURN: Madam Chair, there are  
6 three (3) numbers at -- in -- in this -- in -- of  
7 interest here, the 1970s' data for Source 309, for  
8 Source 174, and for Source 177. Those are the three  
9 (3) numbers. And perhaps by tomorrow AANDC could  
10 evaluate the reports, which I can given them here, the  
11 1970s' reports, and just summarize for us whether they  
12 would be proven probable or prospective.

13 MR. BOB GOWAN: Madam Chair, Bob Gowan,  
14 AANDC. Yes, I can check those numbers tonight.

15 THE CHAIRPERSON/FACILITATOR: Thank you  
16 very much.

17 MR. JOHN DONIHEE: Thank you, Madam  
18 Chair. It's John Donihee. I -- I su -- suggest, since  
19 you'll get the answer tomorrow, that we can just deal  
20 with it as sort of a housekeeping matter, and not -- I  
21 don't propose to take a formal understanding. I assume  
22 we'll get it taken care of in the morning.

23 THE CHAIRPERSON/FACILITATOR: Okay.

24 MR. JOHN DONIHEE: And there are no  
25 further questions from Board staff, advisors, or

1 counsel.

2 THE CHAIRPERSON/FACILITATOR: Okay.

3 Just so you could rest easily tonight, I'll just ask  
4 the panel members if they have any questions. Do you -  
5 - after that you're free and clear.

6 Herbert, would -- do you have any  
7 questions for them?

8 MR. HERBERT FELIX: Herbert Felix. No  
9 questions.

10 THE CHAIRPERSON/FACILITATOR: Roland,  
11 do you have any questions for them?

12 MR. ROLAND KIKOAK: Roland Kikoak. No  
13 questions.

14 THE CHAIRPERSON/FACILITATOR: Cathy,  
15 any questions?

16 MS. CATHERINE COCKNEY: Cathy Cockney.  
17 I don't have any questions at this time.

18 THE CHAIRPERSON/FACILITATOR: And Liz  
19 Snider; I have no questions.

20 Bruce...?

21 MR. BRUCE CHAMBERS: Bruce Chambers.  
22 No questions.

23 THE CHAIRPERSON/FACILITATOR: Thank you  
24 very much for your presentation and your response to  
25 the questions. Thank you.

1                   So we will reconvene here tomorrow at  
2 9:00 a.m. and carry on. I think we'll -- if it's  
3 suitable to you, Jim, we'll start with the questions  
4 from Chris. Is that all right with you, or would you  
5 need more time?

6                   MR. JIM STEVENS: I will be ready in  
7 the morning, Madam Chair.

8                   THE CHAIRPERSON/FACILITATOR: Thank  
9 you.

10

11 --- Upon adjourning at 5:35 p.m.

12

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14 Certified correct,

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20 Mr. Sean Coleman

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25

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