



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 19, 2012

Day 2 of 4

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2

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5 Petr Komers)

6 Meghan Birnie)

7 Eli Nasogaluak)

8 Chris Burn)

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1 APPEARANCES (Con't)

2

3 Richard Gordon (np))Member of the public

4 Sheila Nasogaluak)Member of the public

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1	TABLE OF CONTENTS	
2		Page No.
3	List of Exhibits	8
4	List of Undertakings	9
5		
6	Continued Presentation by AANDC	13
7		
8	Continued Question Period of the Developer	17
9		
10	Presentation by the FJMC	62
11	Question Period	65
12		
13	Presentation by the Transport Canada	82
14	Question Period	86
15		
16	Presentation by the Parks Canada	96
17	Question Period	104
18		
19	Continued Question Period of the Developer	114
20		
21	Continued Presentation by FJMC	123
22	Continued Question Period of FJMC	128
23		
24	Presentation by the DFO	135
25	Question Period	147

1	TABLE OF CONTENTS (Con't)	
2		Page No.
3	Presentation by the Environment Canada	203
4	Question Period	216
5		
6	Presentation by the WMAC	240
7	Question Period	257
8		
9	Question Period for ENR, Industry Tourism and	
10	Investment, Northwest Territories Housing	
11	Corporation, Health Canada, and the Department	
12	of Justice	292
13		
14	Closing Comments by the Public	333
15		
16	Closing Comments by Mayor Denny Rodgers	337
17		
18	Certificate of Transcript	341
19		
20		
21		
22		
23		
24		
25		

1	LIST OF EXHIBITS		
2	NO.	DESCRIPTION	PAGE NO.
3	1	Letter from Inuvik Community	
4		Corporation	12
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

1	LIST OF UNDERTAKINGS		
2	NO.	DESCRIPTION	PAGE NO.
3	1	DFO to review the reply that was	
4		provided by the Developer and to	
5		determine whether what's in the	
6		reply changes any of the positions	
7		advanced by DFO in its technical	
8		submission, to be filed by	
9		September 26	188
10	2	For WMAC to produce the study on	
11		the Bathurst caribou where there's	
12		a proposed road that was done	282
13	3	ENR to review the evidence put	
14		forward by the Developer about the	
15		zones of influence for caribou and	
16		grizzly bear for the road and to	
17		indicate whether or not, and why,	
18		ENR agrees or disagrees with those	
19		zones of influence, with the	
20		response to be provided by	
21		September 26	304
22			
23			
24			
25			

1 --- Upon commencing at 8:57 a.m.

2

3 THE CHAIRPERSON/FACILITATOR: Good
4 morning, everyone. We'll begin the second day of
5 hearings here into the all -- all-weather road between
6 Tuktoyaktuk and Inuvik that's been proposed and is
7 under review by the Environmental Impact Review Board.

8 I'd like to start, first of all, if I
9 could ask Lillian to do a prayer, an opening prayer,
10 that would be appreciated.

11

12 (OPENING PRAYER)

13

14 THE CHAIRPERSON/FACILITATOR: Thank
15 you. Before we start today, there's a couple of
16 housekeeping matters. One is I'll just -- in case we
17 have new people in here today, I'll just remind you
18 that the emergency exits are where you see the "Exit"
19 signs. There's two (2) on this side and one (1) going
20 out into the main lobby there. And the washrooms are
21 at the back down the hall.

22 Also that there are headsets at the
23 front here for interpretation for anybody who would
24 like to follow along in their own language. I would
25 remind you again to speak slowly for the interpreters,

1 to help them with the job that they're doing.

2 There were a couple of things left over
3 from yesterday. One was that we have received
4 submissions from NRCan and Health Canada, and they did
5 not come to the hearing in person but are willing to
6 respond to any questions by telephone. So I would like
7 to ask if there is anybody who has questions for them
8 so that we can arrange for that call or -- or, if there
9 are no questions, that we can advise them of -- of
10 that. So could anybody that has questions please
11 identify yourself?

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON/FACILITATOR: I -- I
16 take that as a release, so we'll advise them of that.
17 Thank you. The other thing that we had left with you
18 yesterday was the letter from the Inuvik Community
19 Corporation, which we wanted to enter as Exhibit 1.

20 We had provided copies, and I would like
21 to know if there's any objections or concerns or
22 questions about entering it as an exhibit? Yes...?

23 MR. JIM STEVENS: Madam Chair, the
24 Developer has no objection to filing that material.

25 THE CHAIRPERSON/FACILITATOR: Thank

1 you.

2

3 (BRIEF PAUSE)

4

5

6 THE CHAIRPERSON/FACILITATOR: So again

7 I will take that as consent that it can be filed as

8 Exhibit 1. Thank you.

9

10 --- EXHIBIT NO. 1: Letter from Inuvik

11 Community Corporation

12

13 THE CHAIRPERSON/FACILITATOR: The last

14 thing is that we've had a couple of requests to move

15 people up on the agenda because of a timing issue in

16 terms of their travel. The first one (1) was the

17 Fisheries Joint Management Committee, which is actually

18 before lunch on the agenda right now, so that's not an

19 issue.

20 But Transport Canada has also asked if

21 they could be moved up in advance of Parks Canada. And

22 I wondered if there was any objections to us making

23 that change to the agenda.

24

25 (BRIEF PAUSE)

1 THE CHAIRPERSON/FACILITATOR: I'll take
2 that as consent. Thank you. And lastly, we had agreed
3 yesterday that we would start the morning by concluding
4 the questioning bet -- with Dr. Burns and the
5 Developer. I -- we also had left it open that Mr.
6 Gowan would actually provide some information on
7 estimates.

8 And I wondered if we could maybe start
9 with Mr. Gowan's presentation, and then move into the
10 concluding of the questioning. Thank you.

11

12 CONTINUED PRESENTATION BY AANDC:

13 MR. BOB GOWAN: Madam Chair, it's Bob
14 Gowan, Aboriginal Affairs and Northern Development
15 Canada. Sorry, I'd like to thank Dr. Burn for
16 providing me with the background information that is
17 cited in the Developer's reports for the sites 309,
18 174, and 177 that weren't investigated in the -- in the
19 recent geotechnical program.

20 The -- the question I was asked to -- to
21 evaluate whether those sites, that the estimated
22 volumes provided were -- would be considered, you know,
23 proven, probable, or prospective volumes. And I think
24 it was fairly that they weren't -- weren't proven,
25 because the Developer has indicated that they -- they

1 do plan to go back into each of those sites before
2 submitting their permit applications.

3 Starting at the more southerly one,
4 number 309, the 1972 report delineated two (2) areas
5 that were separated by a very narrow -- narrow
6 separation between the two (2). You could conceivably
7 have drawn them as one (1) arrow -- as one (1) area, I
8 -- I would suspect.

9 The report also includes logs and test
10 datas for -- for eight (8) bore holes and four (4) test
11 bits. And it estimates that there's more than 2
12 million cubic yards of recoverable material. And it:

13 "This estimate [and I quote] was
14 based on the development of only the
15 larger and steeper-sided kames."

16 Unquote. So this is -- is based on just
17 some smaller sub-features within the -- with the -- the
18 main areas that were delineated.

19 And so -- so given the description of
20 the landforms and the extent of the subsurface
21 investigation that's provided, I would certainly
22 classify the estimated volume that -- that they give as
23 probable in this case.

24 Moving on to Source 174. It was
25 described in a 1977 report. And it delineates one (1)

1 relatively larger area, three (3) that I'll call
2 medium-sized areas, and then five (5) relatively
3 smaller areas.

4 The subsurface information provided
5 includes three (3) test bits and a natural exposure.
6 So these are -- are scattered among the -- you know,
7 the -- that larger number of features. The report also
8 describes these as -- as glacial fluvial -- hummocky
9 glacial fluvial outwash or kames that were affected by
10 thermokarst. So again, they're -- they're talking
11 about a number of -- of different knolls sort of
12 between lower ground.

13 The -- the estimated volume of 4.3
14 million cubic yards assumes, and I quote again:

15 "An -- an extraction depth of 15 feet
16 over 25 percent of the outlined
17 area."

18 Unquote. So 15 feet is 4.6 metres, and
19 they're -- they're again just considering subareas
20 within that in -- in determining that calculation. But
21 I would still -- I would classify this estimate as
22 prospective, based on the very limited subsurface
23 information that they have.

24 Moving on to Borrow Site 177, just south
25 of Tuk, it's also documented in the 1977 report. And -

1 - and that report outlined five (5) separate areas, and
2 it included one (1) test pit in each of four (4)
3 subareas, and a -- and the untested -- the fifth area
4 is -- appears to be an outlier from the -- the longer
5 main ridge that's shown at the north -- the northern
6 end of that -- that feature.

7 I guess, based on this -- this
8 information alone and, again, limited subsurface
9 information that's given, you would tend to say that
10 this is a, you know, prospec -- prospective estimate.
11 However, having visited that site myself with the ILA
12 land administrator several years ago, it was certainly
13 my impression that that main ridge at the -- at the
14 north end included a significant quantity, perhaps --
15 perhaps as much or more as the total estimate that was
16 -- that was provided in that report.

17 So you know, I -- I think I would -- if
18 -- if the Developer was to suggest that that is more
19 likely a probable volume, I think I would -- I would
20 not argue with that.

21 So, Madam Chair, I apologize for sort of
22 a long-winded answer to what might have been a one (1)
23 or two (2) word answer, but I wanted to give the -- the
24 panel a bit of understanding of how -- how we might go
25 about, you know, considering what -- how confident we

1 can be in those -- in those estimates provided.

2 THE CHAIRPERSON/FACILITATOR: That's
3 very helpful. Thank you, Mr. Gowan. Do you have some
4 questions Dr. Burn?

5 DR. CHRIS BURN: Madam Chair, this is
6 Chris Burn. I'd just like to thank Mr. Gowan for
7 working on this overnight, and I appreciate the clarity
8 of his response.

9 THE CHAIRPERSON/FACILITATOR: Thank
10 you, Mr. Gowan. So I think we'll resume, Dr. Burn,
11 with your questioning on -- on the aggregate and
12 climate change.

13

14 CONTINUED QUESTION PERIOD OF THE DEVELOPER:

15 DR. CHRIS BURN: Thank you. Madam
16 Chair, this is Chris Burn. You may recall, Madam
17 Chair, that yesterday we took an adjournment in the
18 questioning of -- in this line of questioning because
19 the Developer wanted to respond to a particular
20 question overnight.

21 And I hope that the Developer will be in
22 a position this morning to answer that question.

23 THE CHAIRPERSON/FACILITATOR: Mr.
24 Stevens...?

25 MR. JIM STEVENS: Madam Chair, the

1 Developer's team spent considerable time after the end
2 of hearing yesterday discussing the question from Dr.
3 Burn and formulating a response.

4 I will now ask Robyn McGregor, Eric
5 Bonhomme, and Shawn McArthur to provide our response.

6 THE CHAIRPERSON/FACILITATOR: Thank
7 you. Proceed.

8 MS. ROBYN MCGREGOR: Thank you. Robyn
9 McGregor, Kiggiak-EBA. I think it would be worthwhile
10 if we could ask Dr. Burn, Madam Chair, to reiterate his
11 question for us.

12 THE CHAIRPERSON/FACILITATOR:
13 Certainly. Dr. Burn...?

14 DR. CHRIS BURN: Thank you. Madam
15 Chair, this is Chris Burn. The question was
16 essentially -- the background to the question is
17 essentially this.

18 In the evidence that I had read that was
19 submitted to the Board, the quantities of aggregate
20 that were reported from the drilling program and
21 assessment of a number of gravel sources from an
22 assessment that took place in winter 2012 were
23 described in the reports as estimated volumes. You may
24 recall, Madam Chair, that when I requested from Mr. --
25 from the Developer a value for the precision of those

1 estimates, we were told that they were not estimates,
2 they were proven quantities.

3 And so we were also led to believe that
4 the values that were presented were in fact less than
5 the total that is present in the deposit. The
6 difference between the amount that is regarded at
7 present by the Developer as proven and this other
8 amount is presumably unproven.

9 And the purpose of the question was to
10 determine how we know how much material is present,
11 even though it is currently unproven.

12 THE CHAIRPERSON/FACILITATOR: Thank
13 you, Dr. Burn.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON/FACILITATOR: Go ahead.

18 MS. ERICA BONHOMME: Erica Bonhomme,
19 Kavik-Stantec. I guess I drew the short straw on this
20 one.

21 Madam Chair, it's not appropriate to
22 make any kind of generalizations with respect to
23 comparing the volumes reported in -- as a result of a
24 drilling program -- therefore, proven volumes -- to
25 those reported in literature which are not proven.

1 And I'll -- if -- if you'll allow me to
2 explain a little bit, as Mr. McArthur pointed out
3 yesterday, the specific subareas of those larger
4 polygons, which are identified in literature, that were
5 drilled during the 2012 investigation program are
6 smaller, and in some cases quite a bit smaller, than
7 those reported in literature.

8 Those smaller polygons were selected to
9 be investigated during the 2012 drilling program based
10 on a number of factors. There -- they were selected to
11 represent the best areas within those sub -- within
12 those larger polygons based on the literature review,
13 based on the proximity to the proposed alignment, based
14 on terrain mapping -- detailed terrain mapping which
15 was undertaken from detailed imagery that was available
16 to us, field reconnaissance, review of -- of other
17 information such as shot hole data, and professional
18 judgment and experience, which is -- which is really
19 important here.

20 So going into these areas of proven --
21 sorry, as a result, those proven volumes cannot be
22 extrapolated and cannot be compared to those larger
23 areas published in literature. And you -- by the same
24 token, you can't make assumptions that a smaller
25 subsection of a larger poly -- of a larger polygon

1 contains any specific proportion of material of that
2 larger source.

3 One is simply proven using geotechnical
4 methods, and the other is an estimate based on
5 literature. And so therefore, as a result, it -- it's
6 inappropriate for us to make any sort of
7 generalizations about the precision of the published
8 estimates as they compare to the quantities of borrow
9 material proven through geotechnical investigations.
10 These are simply two (2) disparate data sets.

11 THE CHAIRPERSON/FACILITATOR: Thank
12 you, Ms. Bonhomme.

13 DR. CHRIS BURN: Thank you, Madam
14 Chair, and thank you to Ms. Bonhomme for that
15 clarification. I have a question now which relates to
16 the evidence that was submitted by the Developer for
17 consideration by the Board.

18 I'd like, please, for the Developer to
19 confirm that the borrow source summary reports, which
20 were filed on -- in the middle of August this year, are
21 in fact evidence that should be considered by the
22 Board.

23 MS. ERICA BONHOMME: Erica Bonhomme.
24 Yes, the final reports are to be considered as evidence
25 by the Board.

1 DR. CHRIS BURN: Madam Chair, in the
2 final reports there is a section of the report which
3 has a subtitle, "Aggregate Quantity Estimates."

4 I'd like the Developer, please, to
5 confirm that the final report contains that section.

6

7 (BRIEF PAUSE)

8

9 MS. ERICA BONHOMME: Erica Bonhomme.

10 THE CHAIRPERSON/FACILITATOR: Go ahead.

11 MS. ERICA BONHOMME: That's correct.

12 DR. CHRIS BURN: Madam Chair, I wonder
13 if the Developer or Ms. Bonhomme or Mr. McGregor might
14 read out for the record the last sentence of the first
15 paragraph of that subsection?

16

17 (BRIEF PAUSE)

18

19 MS. ERICA BONHOMME: Erica Bonhomme,
20 Kavik-Stantec:

21 "Using this methodology in
22 conjunction with the bore hole
23 logs..."

24 And -- and the methodology being
25 referred to here is that described in the report.

1 "...the following..."

2 And the reference is to Table 2:

3 "...provides a summary of the
4 estimated quantities of materials
5 encountered in borrow source
6 the appropriate number]."

7 THE CHAIRPERSON/FACILITATOR: Thank
8 you. Doctor...?

9 DR. CHRIS BURN: Thank you, Madam
10 Chair. May I be permitted to re-present my original
11 question that began this line of questioning?

12 Would the Developer please be able to -
13 - will the Developer please state the precision of the
14 estimate, given that the evidence indicates that the
15 material -- that the values presented are estimated
16 quantities of materials encountered in borrow source
17 "appropriate number"?

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON/FACILITATOR: Ms.
22 Bonhomme...?

23 MS. ERICA BONHOMME: Erica Bonhomme,
24 Kavik-Stantec. I -- I'm going to provide. I'm -- I'm
25 going to reference some other information that was

1 filed before the Board that might help explain the
2 information that's summarized in the geotechnical
3 reports.

4 So, first, if -- if you will, if we
5 could refer to -- I'm going to use Borrow Source 170 as
6 an example, if that's all right. In the Hardy 1977
7 report, there is a figure describing Borrow Source 170
8 on page 161.

9 Do you have access -- does everyone have
10 access to that, Madam Chair? It was filed with the
11 Board.

12 THE CHAIRPERSON/FACILITATOR: We -- we
13 don't actually have access to it here, but continue.

14 MS. ERICA BONHOMME: Thank you. Erica
15 Bonhomme, Kavik-Stantec. That figure described a --
16 provides a description of -- a visual description of
17 the extent of Borrow Source 170 by -- by Hardy &
18 Associates.

19 The geotechnical -- the report of
20 geotechnical investigations for Borrow Source 170 --
21 and I'm going to refer you to Figure 2 of that report
22 for Borrow Source 170, which is Exhibit 232-1B -- shows
23 the extent of the polygon or the subarea of the Borrow
24 Source 170, as described in the Hardy report, that was
25 investigated in the winter.

1 So you can see, by comparing these two
2 (2) figures, that the size of Borrow Source 170, as
3 reported by Hardy, is much larger than the Borrow
4 Source 170 as investigated by Kavik-Stantec during the
5 2012 geotechnical investigation program.

6 I think there may be some confusion when
7 we use the terminology "Borrow Source 170". And I just
8 want to be clear that when the Developer team refers to
9 Borrow Source 170, it is referring to the proven area
10 and the proven volume associated with the polygon that
11 was investigated during the 2012 geotechnical
12 investigation program.

13 THE CHAIRPERSON/FACILITATOR: Thank
14 you. Dr. Burn...?

15 DR. CHRIS BURN: Thank you. Madam
16 Chair, this is Chris Burn. That is, again, a helpful
17 clarification. Perhaps I should state for the record
18 that I don't doubt for one minute that the -- has this
19 disappeared? Can you hear -- you can hear me? Yeah.

20 I -- I don't doubt for one minute that
21 the quantity of borrow material that was located in
22 Source 170 is as the item here, that this is -- this is
23 an estimate. What -- my -- my problem is this. Mr.
24 Gowan, yesterday, told us that there are three (3)
25 levels of estimate. He said there's proven, there is

1 probable, and there's prescriptive, or prospective.

2 I -- I don't doubt that in Source 170
3 you have located something on the order of .67 cub --
4 million cubic metres of aggregate construction material
5 which is available as an estimate, because as I read
6 your report, there were a number of bore holes. There
7 were some assumptions about the stratigraphy on either
8 side of the bore holes. There were some assumptions
9 about the area that those bore holes represented.

10 So I -- I don't doubt the integrity of
11 the method through which this estimate was derived.
12 The question is: What is the precision of the
13 estimate? In your view, is the precision of the
14 estimate 2 percent, 10 percent, 20 percent? Mr. Gowan,
15 yesterday, didn't respond in a quantitative manner to
16 that question.

17 But in terms of the quantity of material
18 that is required for this project and the quantity of
19 material that have been located to date, it would be
20 helpful to the Board to be reassured that the total
21 quantity of materials that have been located to date
22 are sufficient to complete the project.

23 Now, if you can indicate what the
24 precision of your estimate is, it would be very helpful
25 to the Board, I believe, Madam Chair.

1 THE CHAIRPERSON/FACILITATOR: Ms.

2 Bonhomme...?

3 MS. ERICA BONHOMME: Erica Bonhomme,
4 Kavik-Stantec. It is inappropriate, as -- as we've, I
5 think, said yesterday as well, to assign a precision to
6 what is accepted to be a proven volume.

7 The methods that were used to prove the
8 volume of material within these sources follows
9 guidance provided by AANDC on the spacing of bore holes
10 -- which, in this case, was a hundred metres -- and the
11 methodology which is used to then calculate the volume
12 of material based on a 50-metre radius around those
13 bore holes.

14 That is methodology that is commonly
15 used and is accepted by AANDC in order to prove volumes
16 within those borrow sources and to provide those
17 regulators with numbers that are utilized in the
18 development of applications for quarry permits issued
19 by those regulators - in this case, AANDC and ILA.

20 We have the benefit of drawing on
21 experience from local contractors in the development of
22 borrow sources, such as 177, to supplement what is a
23 quantitative investigation based on geotechnical
24 methods with practical experience which extends back
25 forty (40) years to the development of borrow sources

1 in the Tuk and Inuvik areas.

2 THE CHAIRPERSON/FACILITATOR: Thank
3 you. Dr. Burn...?

4 DR. CHRIS BURN: Thank you, Madam
5 Chair. I would note that in the materials filed by the
6 Developer in September the 4th and in the erratum for
7 September the 10th and the erratum for September the
8 17th, in the table for estimated material requirements
9 for the fifty (50) year period -- this is Table TS-2-1
10 -- the right-hand column is headed, "Estimated Amount
11 Available in Source."

12 I wonder if the Developer could confirm
13 that the quantity in Source 325/314, the estimated
14 amount available in the source, which is just over 2
15 million cubic metres, is a proven amount?

16 THE CHAIRPERSON/FACILITATOR: Go ahead.

17 MS. ERICA BONHOMME: Erica Bonhomme.
18 Yes.

19 DR. CHRIS BURN: The second co --
20 second line of that table has -- it refers to Source
21 309.

22 I wonder if the Developer could confirm
23 to the Board that the estimated amount in Source 309 of
24 1.5 million cubic metres is a proven amount or not?

25 THE CHAIRPERSON/FACILITATOR: Ms.

1 McGregor...?

2 MS. ROBYN MCGREGOR: Madam -- Madam
3 Chair, Robyn McGregor, Kiggiak-EBA. For Source 309,
4 the 1.5 million cubic metres shown in that table is, as
5 Mr. Gowan described, probable.

6 THE CHAIRPERSON/FACILITATOR: Thank
7 you.

8 DR. CHRIS BURN: Thank you, Madam
9 Chair. This is Chris Burn. I as -- assume that the --
10 the estimated total requirement that is pri -- printed
11 in the table is a misprint by an order of magnitude.

12 I wonder if the Developer could conform
13 that -- confirm that.

14 THE CHAIRPERSON/FACILITATOR: Ms.
15 McGregor...?

16 MS. ROBYN MCGREGOR: Madam Chair, it's
17 Robyn McGregor, Kiggiak-EBA. Dr. Burn is correct. It
18 is a misprint for the estimated total requirement. It
19 should read, "1.5 million cubic metres." Thank you,
20 Dr. Burn.

21 THE CHAIRPERSON/FACILITATOR: Thank
22 you.

23 DR. CHRIS BURN: Than -- thank you,
24 Madam Chair, and thank you, Ms. McGregor. From this
25 probable source, the total requirement for the project

1 is 100 percent of the probable amount that is present.

2 Is that correct?

3 THE CHAIRPERSON/FACILITATOR: Ms.

4 McGregor...?

5 MS. ROBYN MCGREGOR: Madam Chair, that
6 is correct.

7 THE CHAIRPERSON/FACILITATOR: Dr.

8 Burn...?

9 DR. CHRIS BURN: Madam Chair, it's
10 Chris Burn again. If -- the next source, which is 174,
11 is of the same status, that is that it is a -- an
12 amount which is not proven.

13 Could -- could the Developer please
14 confirm that?

15 THE CHAIRPERSON/FACILITATOR: Ms.

16 McGregor...?

17 MS. ROBYN MCGREGOR: Robyn McGregor,
18 Kiggiak-EBA. Yes, from the available literature we
19 understand and -- that the source -- the amount is not
20 proven and, as Mr. Gowan reported this morning, it is
21 prospective.

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

24 DR. CHRIS BURN: And just to confirm,
25 again from this table, all of that prospective quantity

1 is required by the project. Is that correct?

2 THE CHAIRPERSON/FACILITATOR: Ms.

3 McGregor...?

4 MS. ROBYN MCGREGOR: Robyn McGregor,
5 Kiggiak-EBA. Yes, that is correct.

6 DR. CHRIS BURN: And then finally we
7 can deal, I hope, as a bunch with 170, 173, 305, and
8 307, which are proven quantities. Is that correct?

9 THE CHAIRPERSON/FACILITATOR: Ms.
10 McGregor...?

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

13 DR. CHRIS BURN: And then finally --

14 THE CHAIRPERSON/FACILITATOR: Dr.
15 Burn...?

16 DR. CHRIS BURN: -- 17 -- this is --
17 thank you, Madam Chair. This is Chris Burn.

18 This is 177, is again a -- a prospective
19 quantity based on a probable amount?

20 THE CHAIRPERSON/FACILITATOR: Ms.
21 McGregor...?

22 MS. ROBYN MCGREGOR: It's Robyn
23 McGregor, Kiggiak-EBA. It is an -- the number shown is
24 an estimated quantity of total requirement based on the
25 R.M. Hardy 1977 report of the probable amount estimated

1 in the source, having removed the quantity that was
2 used for the Tuk to Source 177 access road.

3 THE CHAIRPERSON/FACILITATOR: Thank
4 you. Dr. Burn...?

5 DR. CHRIS BURN: Thank you, Madam
6 Chair. This is Chris Burn. If I add up the proven
7 quantities that are available to the project, I believe
8 I reach a quantity of 4.49 -- or, 4.5 million cubic
9 metres.

10 Is that correct?

11

12 (BRIEF PAUSE)

13

14 THE CHAIRPERSON/FACILITATOR: Ms.
15 McGregor...?

16 MS. ROBYN MCGREGOR: Robyn McGregor,
17 Kiggiak-EBA. We have quickly done that addition, and
18 it is correct.

19 THE CHAIRPERSON/FACILITATOR: Thank
20 you. Dr. Burn...?

21 DR. CHRIS BURN: Thank you, Madam
22 Chair. So the -- the question I have for the Developer
23 is -- is fundamentally this: The project requires 9.2
24 million cubic metres. The Developer has proven 4.5
25 million cubic metres.

1 There is probable one point five (1.5)
2 plus one -- sorry, there are -- there are two (2)
3 probable sources of about 1.5 million cubic metres.
4 There's a prospective source of 3.3 million cubic
5 metres.

6 How should the Board evaluate whether
7 the probable and prove -- and prospective sources will
8 provide sufficient aggregate for the project?

9 THE CHAIRPERSON/FACILITATOR: Ms.
10 McGregor...?

11 MS. ROBYN MCGREGOR: Madam Chair, Robyn
12 McGregor, Kiggiak-EBA. We would encourage the Board to
13 evaluate the amount available and considered for use in
14 the probable and prospective sources in the same way
15 that we have done that.

16 The information that is available in the
17 studies for those two (2) sources is good work and is
18 good information. The information that Mr. Gowan has
19 added from his own perspective in looking at those
20 reports and his own observations on the site --
21 particularly for 177, where he indicated earlier this
22 morning that that material quantity was available and
23 perhaps even more -- is information that he has based
24 on his professional judgment with -- through many years
25 of experience.

1 Other members of our team also have many
2 years of experience with these material sources, with
3 the observations on the land, and with understanding
4 the detail that is in the reports that we have used to
5 understand what level of material is available. We
6 also have, as Ms. Bonhomme mentioned earlier today,
7 many years of local, on the ground contractor
8 experience in the area with these material sources that
9 we are considering.

10 We have also made the commitment to go
11 forward to prove out the remaining sources that we have
12 on the list. So I would encourage the panel to base
13 their review of our consideration that we have
14 sufficient material to build and operate the project
15 for fifty (50) years on the same information that we
16 have used.

17 We have proven information within a
18 number of the sources. And we have very good
19 information and experience and professional judgment to
20 give us confidence in the remaining sources until such
21 time as we do, and will do our homework to investigate
22 those sources more thoroughly.

23 THE CHAIRPERSON/FACILITATOR: Thank
24 you. Doctor...?

25 DR. CHRIS BURN: Thank you, Madam

1 Chair. And thank you very much for that very clear
2 explanation. I just have one (1) final question on --
3 on this topic.

4 And that is: Does the Developer
5 consider that there is any risk that Sources 309 and
6 174 will not have the required volume of aggregate
7 present -- or, construction material present within
8 them, given that the requirement is for a hundred
9 percent of the probable in the case of 17 -- in the
10 case 1 -- 309 and prospective in the case of 174?

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

13 THE CHAIRPERSON/FACILITATOR:
14 Certainly.

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON/FACILITATOR: I
19 apologize. Sorry. Yeah. Go ahead, Ms. McGregor.

20 MS. ROBYN MCGREGOR: Thank you, Madam
21 Chair. Robyn McGregor, Kiggiak-EBA. When we review
22 the source -- the information available on those
23 sources that are yet to be proven, as Mr. Gowan pointed
24 out this morning, the estimates that have been given in
25 the literature are based on selected locations within

1 those sources and not the full available polygon or
2 area of the source that's being considered.

3 We actually believe that there is a
4 higher likelihood that there is more material in those
5 sources than estimated. That doesn't mean that there
6 isn't a risk. In fact, we believe that the risk is
7 more likely in the type of material that will be
8 encountered in the sources, which will be confirmed
9 when the sources are proven.

10 It doesn't meant that material is
11 unuseable. It means that we may have to haul that
12 material a greater distance to different parts of the
13 project for its more specific use, or we may have to
14 process that material in a different or more onerous
15 manner to create surfacing material suitable for the
16 upper layer and driving surface of the highway. Those
17 risks are associated with cost, not a risk associated
18 with not enough material.

19 THE CHAIRPERSON/FACILITATOR: Thank
20 you.

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON/FACILITATOR: Dr.

25 Burn...? Okay.

1 (BRIEF PAUSE)

2

3 DR. CHRIS BURN: Madam Chair...?

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

6 DR. CHRIS BURN: I apologize for that.
7 This is Chris Burn again. So I'd just like to
8 summarize my -- my understanding of what you've said.
9 And if you could confirm that I've actually
10 encapsulated what you've said correctly, I would
11 appreciate that.

12 As I understand the situation, there are
13 a number of sources where there is what you describe as
14 a proven amount. And that amount, we should interpret
15 as a minimum estimate of the amount of aggregate or
16 construction material available in that deposit.

17 Then there are a number of -- three (3)
18 other sources in which there is likely to be the
19 required quantity of construction material. Is -- is
20 that in summary, Madam Chair, what I should understand?

21 I do recognize that the -- there may be
22 -- the materials may need to be shifted around a fair
23 amount. The main material in Source 177 may actually
24 be placed near kilometre, maybe, 30 or 20, or something
25 like this. They may be moved around the highway

1 considerably. There may be different parts of each
2 aggregate source that need to be developed.

3 But fundamentally the quantity of
4 aggregate, or -- or construction material that is
5 either proven or likely to be present, in -- in the
6 Developer's view, in the named sources is sufficient
7 for this project?

8 THE CHAIRPERSON/FACILITATOR: Ms.
9 McGregor...?

10 MS. ROBYN MCGREGOR: Thank you, Madam
11 Chair. The Developer is confident that in the material
12 sources named, that there is sufficient material to
13 construct and operate the highway in the fifty (50)
14 year period. The amount of material estimated in the
15 three (3) sources that had investigation in 2012, that
16 amount of material is a proven amount in the areas
17 investigated.

18 In the three (3) sources, or the
19 remaining sources, where the Developer is committed to
20 doing further investigation, we believe, based on the
21 information that is available to us, our observations
22 on the ground, and the experience and professional
23 judgment, that there is more material in those sources
24 than reported in the available information.

25 And so again, to conclude, the Developer

1 is confident that there is sufficient material
2 available in the sources named to construct and operate
3 the highway. Thank you.

4 THE CHAIRPERSON/FACILITATOR: Thank
5 you, Ms. McGregor. Dr. Burn...?

6 DR. CHRIS BURN: Thank you, Ms.
7 McGregor and thank you, Madam Chair. I have just one
8 (1) final comment or question on this.

9 And that is that the -- is it the view
10 of the Developer that the environmental impact
11 assessment of this project should be limited only to
12 the sources which are named in the corrected -- the
13 erratum of September the 17th and listed in Table TS 1-
14 2? That is Sources 325/314 through to source 307 in
15 that list.

16 Or are there other sources that the
17 environmental assessment should be considered to have
18 assessed?

19 THE CHAIRPERSON/FACILITATOR: Thank
20 you. Ms. McGregor...?

21 MS. ROBYN MCGREGOR: Thank you, Madam
22 Chair. Robyn McGregor, Kiggiak-EBA. The answer to
23 that is yes.

24 THE CHAIRPERSON/FACILITATOR: Thank
25 you. Dr. Burn?

1 DR. CHRIS BURN: Thank you, Madam
2 Chair. That concludes my questions regarding the
3 aggregate estimates. And I now have just a -- a few
4 little questions regarding climate change. And the
5 first of these questions concerns the -- the comment by
6 -- the comment that we -- we heard yesterday from Mr.
7 Neudorf in his opening remarks.

8 And he stated that the Transportation
9 Association of Canada "Guideline for Development and
10 Management of Transportation Infrastructure in
11 Permafrost Regions" will be used to design -- to guide
12 the design and construction of the project.

13 Now, I have a copy of the guide in front
14 of me. And I will hold it up, because earlier in the
15 technical hearing, Ms. McGregor pointed out to us that
16 she was intimately familiar with this document. And
17 I'd just like to confirm that this is the right
18 document.

19 MS. ROBYN MCGREGOR: Robyn McGregor,
20 Kiggiak-EBA. Madam Chair, that is the correct
21 document.

22 THE CHAIRPERSON/FACILITATOR: Thank
23 you.

24 DR. CHRIS BURN: Madam Chair, thank you
25 very much. Chris Burn. Thank you, Ms. McGregor. In

1 that document, on page 23, there is a Section 2.7.1.
2 And it's titled, "Assessing Vulnerability to Climate
3 Change." And I would like to read the first sentence
4 of that paragraph -- the first paragraph. The sentence
5 reads:

6 "Throughout the planning and
7 development stages, and particularly
8 at the functional planning stage,
9 assessing the vulnerability to
10 climate change is an important step
11 in making decisions towards design
12 and construction."

13 My question is: Is this project in the
14 planning and development stages or at the design and
15 construction stage?

16 THE CHAIRPERSON/FACILITATOR: Mr.
17 McGregor...?

18 MR. ROBYN MCGREGOR: Robyn McGregor,
19 Kiggiak-EBA. Madam Chair, this project is in the
20 planning and development stage.

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

23 DR. CHRIS BURN: Thank you, Madam
24 Chair. Could the Developer confirm that the assessment
25 of vulnerability to climate change has been filed with

1 the Board?

2 THE CHAIRPERSON/FACILITATOR: Ms.

3 McGregor...?

4 MR. ROBYN MCGREGOR: Madam Chair, Robyn
5 McGregor, Kiggiak-EBA. A complete assessment of the
6 vulnerability to climate change has not yet been filed
7 with the Board.

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

10 DR. CHRIS BURN: Madam Chair, I wonder
11 if the Developer could indicate whether there is an
12 intention to file a assessment of the vulnerability of
13 the project to climate change with the Board.

14 THE CHAIRPERSON/FACILITATOR: Ms.
15 McGregor?

16 MR. ROBYN MCGREGOR: Thank you, Madam
17 Chair. Robyn McGregor, Kiggiak-EBA. The information
18 relative to our use and knowledge of climate change has
19 already been filed with the Board. There is no further
20 information, unless there is a specific undertaking out
21 of these hearings to file with the Board on that topic.

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

24 DR. CHRIS BURN: Madam Chair, the --
25 the statement that I read suggests that -- or, doesn't

1 suggest; it states that the assessment -- or, assessing
2 the vulnerability to climate change is an important
3 step in making decisions towards design and
4 construction, and this occurs at the planning stage.

5 I wonder then if the Developer could
6 simply summarize for the Board at the present time how
7 the vulnerability of the project to climate change has
8 affected decisions related to design and construction.

9 THE CHAIRPERSON/FACILITATOR: Ms.
10 McGregor...?

11 MR. ROBYN MCGREGOR: Thank you, Madam
12 Chair. The vulnerability of climate change has been
13 incorporated in our decisions at this level of the
14 planning stage, which I must clarify that there is
15 additional planning and development moving into design
16 and construction that will be done.

17 We have considered the impacts of
18 climate change to date in our conceptual design, which
19 is presented in the documents, relative to embankment
20 height and consideration of lessons learned on the
21 highways we have worked with, including the Dempster
22 Highway and the recent Tuk to Source 7 -- Tuk to Source
23 177 access road.

24 We have also outlined, for
25 consideration, other engineering solutions that we will

1 utilize in our later stages of development and design
2 of the project. We have identified conservativeness in
3 our future material requirements for operation of the
4 highway in the fifty (50) year stage.

5 What we have also indicated is, in the
6 later stages of development of the project, including
7 preliminary design and detailed design stages, we will
8 undertake specific and more detailed modelling of
9 climate change effects and incorporate that information
10 as we look at thermal analysis to then complete the
11 optimum design of the cross section for construction of
12 the project.

13 THE CHAIRPERSON/FACILITATOR: Thank
14 you. Dr. Burn...?

15 DR. CHRIS BURN: Thank you, Madam
16 Chair. Could -- I wonder if the Developer could
17 confirm for the record then whether an assessment of
18 the potential impacts of climate change was considered
19 explicitly during the estimate of the construction
20 material requirements for the maintenance and
21 rehabilitation estimates for the project?

22 THE CHAIRPERSON/FACILITATOR: Ms.
23 McGregor...?

24 MS. ROBYN MCGREGOR: Thank you, Madam
25 Chair. If I could, Madam Chair, ask Dr. Burn to

1 specifically outline what he means by "considered
2 explicitly"?

3 THE CHAIRPERSON/FACILITATOR: Dr.
4 Burn...?

5 DR. CHRIS BURN: Yes, thank you, Madam
6 Chair. I'd be very happy to do that. The proposal in
7 front of us contains estimates for the construction --
8 est -- aggregate requirement -- est -- estimates of
9 aggregate requirements, or construction material
10 requirements, for the construction of the road and then
11 for continuing operation of the road.

12 This includes rehabilitation work after
13 about twenty (20) years, and then a second
14 rehabilitation work after another twenty (20) years.
15 In the case of the first reconstruction, or the first
16 rehabilitation, there is an estimate which is
17 considerably greater than the estimate that is proposed
18 for the second reconstruction of the road.

19 The impacts of climate change, as we
20 currently understand them, or at least as Environment
21 Canada presents to us on its website, are that climate
22 change effects will accelerate over the next fifty (50)
23 years.

24 Evidence that the Developer has filed
25 with the Board suggests that over the fifty (50) year

1 life of the project, there may be a change in the mean
2 annual temperature in the Tuktoyaktuk region from
3 present to -- of up to 3.7 degrees, or nearly 4
4 degrees, on an annual basis, and the autumn or the fall
5 mean air temperature is projected to increase near
6 Tuktoyaktuk from a current value of minus 8.4 degrees
7 Celsius to up to minus 1.8 degrees Celsius.

8 My interpretation of the data that is
9 presented on the Environment Canada website is that
10 this will lead to a longer thaw season. And if the
11 mean temperature between the 1st of September and the
12 30th of November is to be approximately minus 2
13 degrees, then the fall freeze-up may occur a month or
14 maybe six (6) weeks later than at present.

15 The embankment construction, as I have
16 understood it both through materials that have been
17 filed with the Board and in the "Guidelines for
18 Development and Management of Transportation
19 Infrastructure in Permafrost Regions," indicate that
20 the intention is that the embankment should contain
21 what we describe as the active layer. That is, the
22 embankment should prevent thawing of the permafrost
23 beneath the road.

24 If Environment Canada suggests that over
25 the fifty (50) year life of the project, and

1 particularly in the second year -- the second phase --
2 that is, from year -- maybe year 30 onwards -- there
3 will be substantial increase in the thawing season,
4 then it would seem at first glance that this may have
5 some impact on the requirements for construction
6 materials for maintenance of the road and continued
7 operation of the road.

8 I apologize to the Developer for being
9 so long winded, but that encapsulates the concern
10 regarding the estimates of construction materials
11 required in the second phase of the operation of the
12 road.

13 And the question is: When the Developer
14 obtained or created or developed the estimates for that
15 second phase, did the Developer consider the impacts of
16 potential climate change as supported by the evidence
17 that the Developer filed with the Board in its
18 calculation of the potential amount of aggregate that
19 may be required at that stage?

20 THE CHAIRPERSON/FACILITATOR: Ms.
21 McGregor? Is that ...?

22 MS. ROBYN MCGREGOR: One moment,
23 please, Madam Chair.

24 THE CHAIRPERSON/FACILITATOR: Okay.

25

1 (BRIEF PAUSE)

2

3 MS. ROBYN MCGREGOR: Madam Chair.

4 Robyn McGregor, Kiggiak-EBA.

5 THE CHAIRPERSON/FACILITATOR: Go ahead.

6 MS. ROBYN MCGREGOR: There is no doubt
7 that in Canada's North, climate change is upon us. We
8 see it in the data. We understand it from the
9 forecasting of prediction models. And more
10 importantly, we hear it from the members of the
11 communities, and particularly the observations by the
12 Elders.

13 In the estimates presented for the fifty
14 (50) year operation of the highway, Dr. Burn is
15 correct. There is a larger volume estimated for
16 requirement in the first twenty (20) years of operation
17 of the highway than in the second twenty (20) years and
18 the remaining ten (10) years of that fifty (50) year
19 period.

20 We have considered the impacts of
21 climate change on the future requirements and operation
22 of the highway. I think what Dr. Burn is more
23 specifically asking is: Have we modelled it and done a
24 thermal analysis relative to the future use? That has
25 not been done and will be done in the next stages of

1 the project.

2 What I can tell you is the estimates of
3 that material use are based on historical operation and
4 experience on the Dempster Highway, and an
5 understanding of what potentially the impacts would be
6 due to climate change over the fifty (50) year period.

7 Today, we expect that consolidation or
8 changes in the natural ground underneath the roadway
9 will take place at a greater extent in the first twenty
10 (20) years than it -- and perhaps at a lesser extent in
11 the second twenty (20) years.

12 The material volumes that we have
13 estimated are very conservative, or they're much
14 greater than we expect we would need. We can say that
15 because we are also incorporating, in the design and
16 construction, better practices and lessons learned to
17 prevent or minimize future maintenance requirements.

18 When we -- and we will, the Developer
19 will, do the more detailed homework for consideration
20 of the impacts of climate change and the building of
21 the roadway on the permafrost in the fifty (50) years,
22 we don't expect that we will require more material for
23 operation of the highway than we've estimated.

24 What we may find, and we expect, is that
25 we may need to estimate less material in the first

1 twenty (20) years and a greater material volume in the
2 second twenty (20) years and the ongoing years. That
3 will be confirmed in the next stages of development of
4 the highway.

5 THE CHAIRPERSON/FACILITATOR: Thank
6 you. Dr. Burn...?

7 DR. CHRIS BURN: Thank you, Madam
8 Chair. And thank you, Ms. McGregor. That was very
9 helpful. I just have two (2) -- two (2) questions
10 related to your -- your comments. But I would -- I
11 would like to indicate that I -- I do appreciate very
12 much the experience gained on the Dempster Highway and
13 how that assists the management of this project.

14 And I -- therefore, I -- I appreciate
15 the value of the historical material that has been
16 used. You did indicate that an understanding of what
17 might happen was also used in the construction of these
18 estimates. And I wonder if you could just briefly
19 outline what that understanding is or if you could
20 simply point me to somewhere in the evidence that's
21 been filed so that I can -- because I -- to date, I
22 have missed it if it has actually been filed.

23 But it's -- really if you could just
24 point it out, I would appreciate that.

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON/FACILITATOR: Ms.

4 McGregor...?

5 MR. ROBYN MCGREGOR: Madam Chair, Robyn

6 McGregor, Kiggiak-EBA. There is quite a number of

7 locations in the evidence submitted where we have

8 outlined, pointed to, briefly discussed, or discussed

9 in detail what we understand the impacts of climate

10 change will be on the project.

11 I believe there are too many to point

12 out specifically in this response. What I can provide

13 is a short description. We expect the changes in the

14 climate, warming, increased precipitation, snowfall,

15 even rainstorms, and perhaps extreme events that

16 haven't been seen to date, we expect that the impacts

17 on the highway will be in with respect to warming of

18 the temperature in -- in the future that will impact

19 the thaw of permafrost and create a greater requirement

20 for monitoring diligence and repairs on the roadway

21 that we can hope to mitigate in advance through lessons

22 learned and better design and construction approaches.

23 We expect that there might be different

24 periods or greater or less snowfall, and on the day-to-

25 day maintenance operations in the winter will likely

1 require a better diligence or greater diligence in
2 weather forecasting and some changes to the approach to
3 snow removal and maintenance of the roadway to keep it
4 open during the winter.

5 Those are the -- the impacts that
6 climate may have on the roadway, the highway, that we
7 have considered in the development of this project.

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

10 DR. CHRIS BURN: Thank you, Madam
11 Chair. And thank you, Ms. McGregor. Maybe I should
12 just rephrase the question slightly more clearly. The
13 issue that is of interest is the aggregate
14 requirements.

15 And the question is whether the
16 potential impacts of climate change on this project
17 were -- I initially stated explicitly and what I --
18 maybe I should use the word "actively considered" in
19 the estimate for the maintenance requirements for
20 aggregate volumes.

21 Now, I've heard that an understanding of
22 what might happen was incorporated in those estimates.
23 I have not heard that some quantitative analysis of the
24 potential impacts of climate change was included in the
25 development of the estimates of the aggregate

1 requirements for ongoing maintenance and rehabilitation
2 operations.

3 I -- I'm not, at this stage, requesting
4 any information of the thermal modelling nature that
5 I'm completely aware is a design issue. It is not an
6 environmental impact assessment issue. I know that the
7 designer team is amongst the best in Canada for thermal
8 modelling of structures in permafrost regions. So the
9 confidence associated with that is not at issue.

10 What is at issue is whether at this
11 stage, at the planning and development stage, the
12 vulnerability to climate change -- the assessment of
13 the vulnerability to climate change, which is indicated
14 to be part of the process of developing a highway, as
15 indicated in the transportation of Canada --
16 Transportation Association of Canada guideline, was
17 incorporated in the calculation of the aggregate
18 estimates for maintenance and rehabilitation.

19 MS. ROBYN MCGREGOR: One moment,
20 please, Madam Chair.

21 THE CHAIRPERSON/FACILITATOR:
22 Certainly.

23

24 (BRIEF PAUSE)

25

1 THE CHAIRPERSON/FACILITATOR: Yes, go
2 ahead, Ms. McGregor.

3 MS. ROBYN MCGREGOR: Madam Chair, I
4 would like to -- it's Robyn McGregor, Kiggiak-EBA. I
5 would like to ask for clarification again on the
6 question.

7 Is Dr. Burn's question: Have we
8 actively considered the impacts of climate change in
9 our estimates of the material requirements for
10 operation of the highway? Or is his question: Have we
11 con -- have we completed a quantitative analysis of the
12 impacts of climate change in the estimates of material
13 requirements for operation of the highway?

14 THE CHAIRPERSON/FACILITATOR: Dr. Burn,
15 could you...

16 DR. CHRIS BURN: Madam Chair, given
17 that the estimates given were quantitative estimates, I
18 guess the answer to your question is both, because if
19 you have done the second, then you will have done the
20 first.

21 THE CHAIRPERSON/FACILITATOR: Ms.
22 McGregor...?

23 MS. ROBYN MCGREGOR: Madam Chair, Robyn
24 McGregor, Kiggiak-EBA. Myself and Mr. Gurdev Jagpal,
25 the Regional Superintendent for the Department of

1 Transportation in Inuvik, can say we have actively
2 considered the impacts of climate change in the
3 development of our estimates for material requirements
4 for the fifty (50) year operation of the highway.

5 We can also say that at this time we
6 have not done modelling or quantitative analysis
7 relevant to the material requirements and the impacts
8 of climate change. And as I have stated -- I'm sure,
9 more than once this morning -- we will do that work in
10 the process of the next stages of design of the
11 project.

12 THE CHAIRPERSON/FACILITATOR: Thank
13 you.

14 DR. CHRIS BURN: Thank you very much,
15 Madam Chair.

16 THE CHAIRPERSON/FACILITATOR: Dr.
17 Burn...?

18 DR. CHRIS BURN: I have no further
19 questions.

20 THE CHAIRPERSON/FACILITATOR: Thank
21 you. I would like to, just before we take a break, to
22 ask the panel if they have any questions of the
23 Developer and that will conclude this...

24 Herbert...?

25 MR. HERBERT FELIX: Herbert Felix, no

1 questions.

2 THE CHAIRPERSON/FACILITATOR:

3 Roland...?

4 MR. ROLAND KIKOAK: Roland Kikoak, no
5 questions.

6 MS. CATHERINE COCKNEY: Cathy Cockney.
7 I don't have any questions.

8 THE CHAIRPERSON/FACILITATOR: Liz
9 Snider. I have no questions.

10 MR. BRUCE CHAMBERS: Bruce Chambers. I
11 have a couple of questions. In your EIS you suggest
12 that the traffic is about two hundred (200) vehicles
13 per day, you know, between a hundred and fifty (150)
14 and two hundred (200) per day.

15 But in your population projections you
16 indicate that the population of Inuvik is decreasing,
17 or declining. And -- and there's a statement in there
18 that says that, you know, without major development in
19 the region, this may in -- the -- the amount of traffic
20 may increase slightly over time.

21 It seems to me anyhow, and perhaps you
22 can clarify it for me, that -- counterintuitive that if
23 a population is declining in -- in Tuk, what is going
24 to be the driving force of increased traffic?

25 MR. JIM STEVENS: Madam Chair, our

1 estimate is based on a number of factors. One, the
2 propensity to travel. It would be a lot cheaper to
3 travel by a surface transportation versus the current
4 air transportation for most of the year. Some of the
5 resupply would shift from air to land transportation,
6 again. Those factors would contribute to, I guess,
7 countering projected decrease in population.

8 THE CHAIRPERSON/FACILITATOR: Thank
9 you, Mr. Stevens.

10 MR. BRUCE CHAMBERS: Thank you. Bruce
11 Chambers. The other question I have is that you're
12 going to have two (2) construction shows: one (1) at
13 the south end, one (1) at the north end.

14 What would the size of the camps be, and
15 what would the -- the sort of water requirements be for
16 those two (2) cam -- two (2) operations?

17 THE CHAIRPERSON/FACILITATOR: Mr.
18 Stevens...?

19 MR. JIM STEVENS: Madam Chair, one
20 moment, please.

21

22 (BRIEF PAUSE)

23

24 MR. JIM STEVENS: Madam Chair, our --
25 our research is taking a few moments here. I guess

1 possible two (2) options you may -- you may want to
2 consider: one (1), moving on to a next question, or
3 responding to the question immediately after the break.

4 THE CHAIRPERSON/FACILITATOR: Is it all
5 -- I think we'll move on to -- Mr. Chambers just has
6 one (1) more question, so we'll have him ask that
7 question. And then if you still need additional time,
8 we'll break and give you that time.

9 MR. BRUCE CHAMBERS: My last question
10 is that we were requested by the Developer to
11 accelerate the time table to have the -- hold the
12 public hearings earlier because of concern of the
13 possible loss of federal funding for the -- the federal
14 portion of the funding for the road.

15 And I'm wondering how assured the
16 Developer is that coming from the GNWT, which we know
17 is under considerable financial pressure right now,
18 that there will be that con -- sort of portion
19 available for use?

20 THE CHAIRPERSON/FACILITATOR: Mr.
21 Stevens...?

22 MR. JIM STEVENS: Madam Chair, the --
23 the issue of funding this project, I guess, is still
24 under active consideration and discussion. As you
25 recall, in the June 2011 budget there was the \$150

1 million commitment from the federal government.

2 Discussions are still underway to
3 establish an upset limit on federal funding, how it
4 could flow, the timing of milestones, those type of
5 issues. And subject to conclusion of those
6 discussions, I would suggest the legislative assembly
7 the 17th would be making decisions on how to proceed
8 with this project.

9 MR. BRUCE CHAMBERS: Thank you.

10 THE CHAIRPERSON/FACILITATOR: So that
11 concludes the questions. Do you need a bit more time
12 or are you...

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON/FACILITATOR: Yes?

17 MR. JIM STEVENS: Madam Chair, at this
18 time it's estimated that we would have four (4) forty
19 (40) to fifty (50) person camps; so two (2) camps per
20 spread, north spread/south spread. And at this time we
21 are just suggesting that either a Type B or Type A
22 water licence would be required to facilitate water
23 usage at those camps.

24 MR. BRUCE CHAMBERS: Bruce Chambers.
25 Could you just say the -- the size of the camps again?

1 I just missed that.

2 MR. JIM STEVENS: There would be four
3 (4) forty (40) to fifty (50) man camps.

4 MR. BRUCE CHAMBERS: Bruce Chambers.
5 Thank you very much.

6 THE CHAIRPERSON/FACILITATOR: Okay. So
7 I would suggest that we take a fifteen (15) minute
8 break, and then we will return and start with the
9 Fisheries Joint Management Committee right after our
10 break.

11

12 --- Upon recessing at 10:22 a.m.

13 --- Upon resuming at 10:45 a.m.

14

15 THE CHAIRPERSON/FACILITATOR: Okay. If
16 everybody could find a place, we'll resume.

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON/FACILITATOR: Just --
21 there's just a -- a couple things before we start. One
22 is the transcripts from yesterday's hearing are
23 actually up on the registry site. So anybody who wants
24 some good reading for this afternoon, if they have
25 nothing else to do. I hear it's a barn burner, so.

1 The second thing is the presentation
2 from the Fisheries Joint Management Committee was a
3 little late in coming. And I understand that there's
4 no objections to their presentation. There's also a
5 PowerPoint that was provided this morning, and I want
6 to ask if there's any concerns about them showing the
7 PowerPoint presentation.

8 MR. JIM STEVENS: Madam Chair,
9 recognizing that we have just received this
10 information, the Developer would request an opportunity
11 to review this material during the next break. And
12 after our review, we'll be able to tender an opinion on
13 providing their presentation.

14 THE CHAIRPERSON/FACILITATOR: The --
15 the next break would be lunch, so is that...

16 MR. DEREK PARKS: I'm Derek Parks,
17 FJMC. I have a flight to catch -- at it -- I was
18 wondering if we could present it and they can object to
19 it, or we can put it on record like they did with the
20 cumulative effect assessment that WMAC objected to
21 yesterday but was read into the record.

22 THE CHAIRPERSON/FACILITATOR: Actually,
23 it did not go into the record. So the -- I guess the
24 question is if they showed the presentation and you had
25 an opportunity to respond, would that be suitable? Or

1 would you like to cons -- continue to have a chance to
2 review it first?

3 MR. JIM STEVENS: Madam Chair, from the
4 Developer's perspective, it's important that we review
5 the material in advance of any presentation.

6 THE CHAIRPERSON/FACILITATOR: Okay.
7 That's noted. Thank you. So on that basis, you can
8 give your presentation, but the PowerPoint, you'll have
9 to withhold and provide for their review. Maybe it
10 could be shown later if they don't have a -- a problem
11 with it, if James is still here. So proceed.

12

13 PRESENTATION BY FJMC:

14 MR. DEREK PARKS: Derek Parks, FJMC.
15 Madam Chair, Board members, I'm accompanied with James
16 Malone, the fisheries specialist with the FJMC. I'd
17 like to also greatly acknowledge and appreciate the
18 change in the agenda to accommodate my
19 -- my travel plans.

20 Actually, Eli, can I have that so I can
21 run through it, like just read it, because that's what I
22 was going to present? There won't be any slides to go
23 with it. Thank you. Thanks anyway. This one?

24 The -- the purpose -- the purpose of the
25 FJMC is to maintain a commitment in the IFA agreement

1 signed in 1984. Three (3) basic principles of the IFA
2 are to preserve the Inuvialuit culture, identity, and
3 values within a changed Northern society; to enable
4 Inuv -- Inuvialuit to be equal and meaningful
5 participants in the Northern and national economy and
6 society; and, where the FJMC falls in, to protect and
7 preserve the arctic wildlife environment and biological
8 productivity.

9 In the opinion of the FJMC, information
10 received to date has been insufficient to determine
11 environmental effects of the Proponent's design.
12 Information such as fish community presence, detailed
13 habitat mapping, identification of key linkages in the
14 areas for water usage for winter construction have not
15 been provided to date to the Board.

16 As our mandate is to assess impacts, we
17 are unable to determine these impacts at this time
18 because there's been insufficient data provided by the
19 Proponent. We would also like to acknowledge that the
20 Proponent, based on discussions yesterday between the
21 technical Board and the proponent, has agreed that
22 there will be future submissions of hydraulic reports,
23 detailed designs of water crossings, mitigation and
24 compensation measures to be utilized to reduce aquatic
25 impacts.

1 This data, in our opinion, was needed
2 prior to these hearings to allow us to do our job
3 properly and effectively. Concerns by the FJMC is that
4 the Proponent's approach in delaying this information
5 until the permitting state when the needy -- when the
6 needed information is needed now for determining
7 impacts. The environmental assessment requires that
8 information be known prior to approval.

9 The, in quotes, "trust us" approach does
10 not provide any confidence in the ability of ensuring
11 the protection of the fishery resources. Based on the
12 experience of the 177 road and aquatic culverts that
13 were placed, and perch culverts that were observed and
14 other aquatic impacts, the FJMC feels that all required
15 permits and approvals need to be ascertained prior to
16 construction can be permitted.

17 Another concern to the FJMC is the
18 Proponent's notion or belief that the responsibility of
19 impacts of their proposal are mandated by other
20 agencies. You've heard that they have not confirmed
21 with these agencies their willingness to take on that
22 role or responsibility.

23 There's been no discussion on financial
24 compensation for taking on such tasks. Funding within
25 organizations are set for existing obligations. Who

1 pays for carrying out the Proponent's responsibilities?
2 The Proponent must pay for all obligations outlined in
3 the EA.

4 In summary, the FJMC is currently unable
5 to complete a review of this project at this time. We
6 are unable to communicate to the community the
7 potential impacts. We will acknowledge that the
8 Proponent has committed to ensuring minimal impacts,
9 but until details are provided we are unable to assess
10 these impacts based on the past performance and
11 construction of the 177 road project. And the funding
12 commitments outlined in the EA need to be provided by
13 the Proponent. Thank you very much.

14 THE CHAIRPERSON/FACILITATOR: Thank
15 you. So we will proceed with some questions. And
16 first ask Mr. Stevens if they have any questions for
17 the FJMC?

18

19 QUESTION PERIOD:

20 MR. JIM STEVENS: Madam Chair, we do
21 have questions, and maybe I'll start off with a comment
22 or two (2). My comments are relative to -- first,
23 thank you to the FJMC for their submission this
24 morning.

25 Two, I want to reiterate that the GNWT

1 is committed to working with co-management Boards
2 within the Inuvialuit settlement region to manage
3 fisheries and wildlife issues resulting from the
4 highway development.

5 I -- I will now ask two (2) short
6 questions. In your letter of September 13th, 2012, you
7 state that the Proponent's statement that there will be
8 no impact from this project is unacceptable.

9 My question is: Please provide
10 reference to where this -- that statement is made.

11

12 (BRIEF PAUSE)

13

14 THE CHAIRPERSON/FACILITATOR: Go ahead.

15 MR. DEREK PARKS: Derek Parks, FJMC.

16 As I am a technical consultant and I'm here with this
17 letter, I am unaware of the author's intent on where
18 they pulled that information. My apology to the
19 Proponent. I cannot answer that question at this time.

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON/FACILITATOR: Mr.

24 Stevens, do you have an additional question? Would you
25 like a follow-up on that question?

1 MR. JIM STEVENS: Yeah, basically, we
2 believe we did not make that statement. And, for the
3 record, I believe the apology suffices at this point.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON/FACILITATOR: Mr.
8 Parks...?

9 MR. DEREK PARKS: My apologies. I
10 believe that an apology to the Proponent for "no
11 impacts to this project" -- I guess I feel that I am
12 unable to retract that statement, because the gentleman
13 and the people who wrote that letter, who unfortunately
14 are not here, I do not know the context, and I would
15 feel uncomfortable pulling this from the public record.

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON/FACILITATOR: Thank
20 you. Mr. Stevens, do you have other questions?

21 MR. JIM STEVENS: I guess, for the
22 record, we want to, I guess, agree to disagree. And I
23 guess as long as the statement shows our opposition to
24 the statement in their submission of September the
25 13th, we are ready to proceed on the next question.

1 THE CHAIRPERSON/FACILITATOR: And that
2 objection will actually be on the record. So carry on.

3 MR. JIM STEVENS: Our second question
4 is: In your September 13th submission, you provide
5 reference in the statement:

6 "Responsibility for impact mitigation
7 is limited to the immediate footprint
8 of the construction."

9 And, again, I'm just questioning where
10 that statement has been made by the Proponent.

11 THE CHAIRPERSON/FACILITATOR: Mr.
12 Parks...?

13 MR. DEREK PARKS: Derek Parks, FJMC. I
14 believe the interpretation from the ol -- the technical
15 meetings in August is that, in part of a DFO
16 authorization impacts are quantitative and limited in
17 scope to the road crossing. I believe that is the
18 intent of that comment.

19 THE CHAIRPERSON/FACILITATOR: Mr.
20 Stevens...?

21 MR. JIM STEVENS: Madam Chair, I guess
22 my question was relative to where that has been
23 expressed, either verbally, orally, or in written
24 context, by the Developer?

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON/FACILITATOR: Mr.

4 Parks...?

5 MR. DEREK PARKS: Yes, Derek Parks,

6 FJMC. I -- I am unaware where that has been in

7 writing. I guess I'm going from being at those

8 technical hearings at the intent. And discussion with

9 the Proponent was that impacts and assessment of

10 impacts, the water course crossings were limited to the

11 physical impact of the crossing.

12 THE CHAIRPERSON/FACILITATOR: Mr.

13 Stevens...?

14 MR. JIM STEVENS: Madam Chair, we're

15 fine with that response. And in recognition that there

16 could be a presentation possibly later this afternoon,

17 we're going to ask for the opportunity to reserve

18 further questions on the presentation if it is allowed.

19 THE CHAIRPERSON/FACILITATOR: That's

20 fine. Okay. So I would ask if Aboriginal Affairs and

21 Northern Development have any questions of the FJMC.

22 MR. CONRAD BAETZ: It's Conrad Baetz,

23 from Aboriginal Affairs. We have no questions.

24 THE CHAIRPERSON/FACILITATOR: Thank

25 you. Department of Fisheries and Oceans...?

1 (BRIEF PAUSE)

2

3 MS. AMANDA JOYNT: Amanda Joynt, with
4 the Department of Fisheries and Oceans. No questions
5 at this time.

6 THE CHAIRPERSON/FACILITATOR:
7 Environment Canada...? She's already there.

8 MS. SUSANNE FORBRICH: Susanne
9 Forbrich, Environment Canada. No questions.

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

12 MR. PHOEBE MILES: Phoebe Miles,
13 Infrastructure Canada. No questions.

14 THE CHAIRPERSON/FACILITATOR: Thank
15 you. Transport Canada...?

16 MR. DOUG SOLOWAY: Doug Soloway,
17 Transport Canada. We have no questions. Thank you.

18 THE CHAIRPERSON/FACILITATOR: Thank
19 you. The Wildlife Management Advisory Committee...?

20 MR. BRUCE HANBIDGE: Bruce Hanbidge,
21 for the Wildlife Management Advisory Council. We have
22 no questions at this time.

23 THE CHAIRPERSON/FACILITATOR: Do we
24 have any questions from our panel? Ms. Birnie...?

25 MS. MEGHAN BIRNIE: Meghan Birnie.

1 Thank you. One (1) question. Can you confirm whether
2 you have sufficient information in the Developer's
3 submissions regarding the potential impacts to
4 harvesting?

5 And as background to the question, in
6 the Developer's response to the -- the Board's request
7 and the Developer's response to 2B and 2C, they
8 identified FJMC as one of the parties responsible for
9 managing harvested resources. And you did reply that
10 you have a role, together with DFO and HTC's, for the --
11 for monitoring and mitigating project-related effects
12 on harvesting.

13 So do you have enough information to
14 allow you to determine what the impacts on harvesting
15 might be?

16 THE CHAIRPERSON/FACILITATOR: Mr.
17 Parks...?

18 MR. DEREK PARKS: Derek Parks, FJMC.
19 The Proponent has not provided any additional
20 information that would permit us to do such an
21 assessment at this time.

22 THE CHAIRPERSON/FACILITATOR: Thank
23 you. Any further questions? Any further questions?

24 MS. MEGHAN BIRNIE: One (1) more, yeah.
25 Do you have any information -- more information on who

1 would be leading -- or, is there an existing mechanism
2 for monitoring impacts on harvesting in your work
3 together with the HTC's and DFO?

4 THE CHAIRPERSON/FACILITATOR: Mr.
5 Parks...?

6 MR. DEREK PARKS: Derek Parks, FJMC.
7 Yes, there is. There's been a variety of studies done
8 in the past. I don't believe anything's been done to
9 date. I think the last major harvest report for
10 aquatic species was in 2000. So there has not been a
11 recent report since then.

12 THE CHAIRPERSON/FACILITATOR: Thank
13 you.

14 MS. MEGHAN BIRNIE: One (1) last
15 question. Do you have capacity and resources to manage
16 impacts on potential project-related impacts on
17 harvested resources for this project?

18 THE CHAIRPERSON/FACILITATOR: Mr.
19 Parks...?

20 MR. DEREK PARKS: Derek Parks, FJMC.
21 We do not.

22 MS. MEGHAN BIRNIE: No more questions.
23 Thank you.

24 MR. JOHN DONIHEE: Thank you, Madam
25 Chair. John Donihee, Board counsel. I'm just -- you

1 know, Mr. Stevens asked you a question -- a specific
2 question about a -- a sentence in your letter, which
3 indicated that there was -- the Proponent stated there
4 to be no impact from the project and that that's
5 unacceptable. And, you know, your -- your response to
6 his question is on the record.

7 I'm just wondering, though, if -- if you
8 could tell us in your words, since you didn't write the
9 letter, what your understanding of the overall
10 conclusions drawn by the Proponent about the impacts of
11 its project are on the resources for which FJMC has a
12 management role?

13 THE CHAIRPERSON/FACILITATOR: Mr.
14 Parks...?

15 MR. DEREK PARKS: Derek Parks, FJMC.
16 In my professional opinion, data required to make that
17 has not been provided. I cannot say we support or
18 don't support the road based on the information prov --
19 provided, because we haven't gotten anything.

20 Based on the discussions with the Board
21 and the Proponent yesterday, there are addendum reports
22 that will be due on the 30th that may allow us to
23 provide that opportunity to review and provide our
24 mandate and constructive comments.

25 But at this time, we don't feel we have

1 what we need to move forward and, really, giving a fair
2 shake to the Proponent and what is being proposed at
3 this time and those potential impacts on fisheries and
4 fisheries resources.

5 THE CHAIRPERSON/FACILITATOR: Thank
6 you. Mr. Donihee...?

7 MR. JOHN DONIHEE: Thank you, Madam
8 Chair. John Donihee. So let -- let me just try to
9 summarize, then. I -- I -- the Proponent has indicated
10 that they -- in their view, there would be no
11 significant impacts on -- on fisheries resources and on
12 harvesting as a result of their development.

13 And I -- I und -- I hear you saying
14 that, simply, you're -- you're not in agreement with --
15 with that conclusion, because you haven't seen the
16 information that you would need to enable you to form a
17 -- an opinion on that.

18 Is that -- is that a fair way to
19 characterize what you've just told the Board?

20 THE CHAIRPERSON/FACILITATOR: Mr.
21 Parks...?

22 MR. DEREK PARKS: Derek Parks, FJMC.
23 That is a fair summary of my statement. What -- I
24 would like to add one (1) note to that information.
25 The reality of the situation is that we are opening up

1 access to pristine country. And the reality of the
2 situation is people -- we are increasing access via
3 this road to these areas. And there will be an
4 increase in fishing pressure, and there will be
5 changes. The harvesting may increase, how it is done,
6 it will -- may change. We don't know at this time.

7 We acknowledge that there will be
8 changes to fisheries, because access will be provided.
9 And we're unsure of, right now, if the Proponent,
10 throughout their EI -- throughout the environmental
11 assessment process they said it's the responsibility of
12 other groups and committees. And in our opinion, we
13 don't feel that's a fair statement, because it's their
14 project. They are responsible for all associated
15 impacts with it.

16 So if they expect us to bear the burden
17 of taking on that responsibility, the agreement should
18 be formalized and funding from the Proponent should be
19 provided to allow us to do that job effectively and
20 efficiently for the FJMC.

21 THE CHAIRPERSON/FACILITATOR: Thank
22 you. Mr. Donihee...?

23 MR. JOHN DONIHEE: Thank you, Madam
24 Chair. May I take it, then, from your last answer,
25 that there has been no contact between the Developer

1 and the FJMC seeking to develop these kinds of
2 collaborative arrangements so that you could
3 participate in monitoring and managing what's happening
4 to fisheries resources in the project area?

5 THE CHAIRPERSON/FACILITATOR: Mr.
6 Parks...?

7 MR. DEREK PARKS: Derek Parks, FJMC.
8 There has been no formal meetings to date.

9 THE CHAIRPERSON/FACILITATOR: Thank
10 you. Mr. Donihee?

11 MR. JOHN DONIHEE: Thank you, Madam
12 Chair. How -- how about informal meetings? I -- I
13 mean, that -- it's just the language you're using.

14 Have -- have you worked with them at all
15 in, you know, about trying to develop some kind of
16 collaborative relationship on these issues?

17 THE CHAIRPERSON/FACILITATOR: Mr.
18 Parks...?

19 MR. DEREK PARKS: Derek Parks, FJMC.
20 There has been no informal discussions as well. My
21 understanding is there's been no discussions, in
22 fairness and communication, John.

23 THE CHAIRPERSON/FACILITATOR: Thank
24 you.

25 MR. JOHN DONIHEE: Thank you, Madam --

1 Madam Chair. John Donihee. I -- I'm wondering if FJMC
2 has a history of working collaboratively with other
3 developers in the region, you know, to -- to do this
4 kind of thing once approvals are -- are secured?

5 THE CHAIRPERSON/FACILITATOR: Mr.
6 Parks...?

7 MR. DEREK PARKS: Derek Parks, FJMC.
8 We do not. It's not within our mandate. We have not
9 assisted any other proponents or taken on
10 responsibilities for proponents in any environmental
11 assessment to date.

12 THE CHAIRPERSON/FACILITATOR: Thank
13 you.

14 MR. JOHN DONIHEE: Thank you, Madam
15 Chair. John Donihee. I -- I just want to be sure
16 then. Is this something that's suggested, hasn't been
17 discussed, and turns out to be just completely out --
18 outside the scope of your mandate?

19 Or is it something that is suggested,
20 could be discussed, and that FJMC might consider if, in
21 fact, the right arrangements could be -- could be
22 negotiated?

23 THE CHAIRPERSON/FACILITATOR: Mr.
24 Parks...?

25 MR. DEREK PARKS: Derek Parks, FJMC.

1 The impact to fish and fishery resources is our
2 mandate. We would -- I think it would be fair to say
3 we would entertain roles and responsibilities to the
4 satisfaction of the parties and our mandate. But until
5 such time, we'd be willing to look at what the options
6 are, moving forward.

7 THE CHAIRPERSON/FACILITATOR: Thank
8 you. Mr. Donihee...?

9 MR. JOHN DONIHEE: John Donihee. Thank
10 you, Madam Chair. Tho -- those are all my questions.

11 THE CHAIRPERSON/FACILITATOR: Thank
12 you. I'll just ask our panel members here if they have
13 any questions for the FJMC. We'll start with Herbert.

14 MR. HERBERT FELIX: Herbert Felix. No
15 question at the moment.

16 MR. ROLAND KIKOAK: Roland Kikoak. No
17 questions at this time.

18 MS. CATHERINE COCKNEY: I do have a
19 question for FJMC. This is Cathy Cockney.

20 Considering that the FJMC has, you know,
21 a managing -- take -- would take on a managing role in
22 this project, and especially in relation to harvesting
23 by Inuvialuit, is there any commitment by the FJMC to -
24 - to maybe answer some of the questions or the
25 statements that you've -- you've made in -- in the

1 letter of the September 13th?

2 THE CHAIRPERSON/FACILITATOR: Mr.

3 Parks...?

4 MR. DEREK PARKS: I guess I'm -- my
5 apologies, I'm clear on the question. FJMC is very
6 interested in maintaining. Our mandate is to protect
7 fisheries and fisheries resources within the structured
8 IFA agreement. It does not include, my understanding,
9 that when other developments or other potential
10 impacts, that that onus of monitoring comes back onto
11 the FJMC.

12 So I think for doing monitoring and
13 mandating, we would be more than willing to sit down
14 and discuss what that role and responsibility is,
15 moving forward.

16 THE CHAIRPERSON/FACILITATOR: Does that
17 answer your question? Thank you.

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON/FACILITATOR: Liz
22 Snider. No questions for the FJMC.

23 MR. BRUCE CHAMBERS: Bruce Chambers.
24 No questions.

25 THE CHAIRPERSON/FACILITATOR: So we've

1 got the outstanding point with the presentation, and
2 we'll actually have a little talk after lunch to see
3 how -- whether you've had a chance to look at it and
4 what your opinions are at that time. And other than
5 that, thank you very much.

6 And, Mr. Malone, you'll be here this
7 afternoon if we want to go ahead with the presentation?

8

9 MR. MALONE: Yes.

10 THE CHAIRPERSON/FACILITATOR: Okay,
11 thank you.

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON/FACILITATOR: Mr.
16 Hanbidge...?

17 MR. BRUCE HANBIDGE: Yeah, Bruce
18 Hanbidge, WMAC. Madam Chairman, I'd just like to ask,
19 in the interest of time efficiency, when it comes up to
20 the WMAC presentation, we have two (2) slides that we
21 would like to add. They don't change our presentation
22 that's already been filed, the PowerPoint, but they're
23 for illustrative purposes.

24 And if you're going to have a discussion
25 here concerning the admission of FJMC's, perhaps I

1 could submit those two (2) slides to the panel and they
2 could cover that discussion as well so I won't have to
3 bring it up later.

4 THE CHAIRPERSON/FACILITATOR: Sorry,
5 I'm just trying to be clear. Are you wanting to add
6 them to your presentation?

7 MR. BRUCE HANBIDGE: Yes, but before --
8 I'd like to, but since they haven't been submitted, I'd
9 like to submit them to the panel for consideration by
10 the Developer.

11 THE CHAIRPERSON/FACILITATOR: Yes, we'd
12 have -- you'd have to circulate them to the other
13 parties --

14 MR. BRUCE HANBIDGE: Yes.

15 THE CHAIRPERSON/FACILITATOR: -- as
16 well.

17 MR. BRUCE HANBIDGE: I'll give them to
18 your staff.

19 THE CHAIRPERSON/FACILITATOR: Okay.

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON/FACILITATOR: So I
24 would like to ask Transport Canada to come up and make
25 their presentation, please.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON/FACILITATOR: Okay. If
4 you could introduce yourselves and proceed, please.

5

6 PRESENTATION BY TRANSPORT CANADA:

7 MR. DALE KIRKLAND: Good morning, Madam
8 Chair, panel members, ladies and gentlemen, Elders. As
9 I noted yesterday, my name is Dale Kirkland. I'm the
10 Regional Manager of Environmental Services for
11 Transport Canada in the Prairie and Northern Region.

12 To my left is Mr. Doug Soloway, who is
13 the Superintendent of Environmental Assessment in the
14 North for Prairie and Northern Region as well. I'd
15 like to thank you for this opportunity today to present
16 and also thank you and the other parties for
17 accommodating us in the schedule this morning; much
18 appreciated.

19 Our -- our presentation is brief and
20 will cover four (4) -- four (4) key areas, one being
21 setting some context on marine transportation safety
22 and transportation of dangerous goods. From that we'll
23 briefly mention some key issues and comments associated
24 with our review of the project. And then finally we'll
25 just summarize our recommendations.

1 For context and background, the
2 Navigable Waters Protection Act is a principle statute
3 applicable to the highway project. And under this Act,
4 Transport Canada reviews proposed development for any
5 works built in, on, over, under, through, or across any
6 navigable waterway to balance the public right to
7 navigate and the need to build works, such as bridges.

8 The project components that may be
9 subject to an approval under the Act include clear-span
10 bridges, culvert installations, fish and fish habitat
11 compensation plans to be built in navigable waterways.
12 And also, not included on this slide, it should be
13 noted that water withdrawals, types, and their
14 locations in navigable waterways may also be subject to
15 an approval under the Navigable Waters Protection Act.

16 With respect to transportation of
17 dangerous goods, Transport Canada has the authority to
18 promote public safety during the transportation of
19 dangerous goods in all modes of transport. And it's
20 the Transportation of Dangerous Goods Regulations that
21 is adopted by all territories. It focuses on
22 preventing hazardous incidences when dangerous goods
23 are imported, handled, or transported.

24 And further, it should be noted under
25 Section 7 of the Transportation of Dangerous Good Act,

1 1992, there's a requirement that before a person offers
2 for transport or imports certain dangerous goods, the
3 person must have an approved environmental response
4 assistance plan, also known as an ERAP. And this has
5 been referred to in the documentation in th EIS under
6 Section 4.4.

7 Now briefly moving on to our summary of
8 recommendations. And I should note these summary of
9 recommendations arise from our participation in the
10 review process and are noted within our technical
11 summary that we've also filed.

12 With respect to consultation, Transport
13 Canada requests that the Developer consult with members
14 of the public and Aboriginal people who may have
15 concerns related to impacts and navigation of proposed
16 works, requiring approval under the Navigable Waters
17 Protection Act.

18 And in addition, we have also requested
19 that details of consultation related to navigation be
20 included with applications for approval under the
21 Navigable Waters Protection Act.

22 For works in and around na -- navigable
23 waters, Transport Canada requests that the Developer
24 submit applications for approval of works in, on, over,
25 under, through, or across any navigable waterway under

1 the Navigable Waters Protection Act once design plans
2 have been finalized. And it should be noted that it is
3 unlawful to commence construction of such works prying
4 -- prior to receiving an approval.

5 Further, the Proponent should assess
6 works with final waterway crossing design plans against
7 our minor works and waters order before sending in
8 applications. Works that meet the criteria in the
9 order are deemed to be approved and are excluded from
10 the application for approval process under the
11 Navigable Waters Protection Act.

12 And lastly, with respect to
13 transportation of dangerous goods, Transport Canada
14 expects that the Proponent's activities would comply
15 with the Transport of Dangerous Goods Act, 1992,
16 regulations and standards for the transport of
17 dangerous goods by all modes.

18 In closing, based upon the information
19 provided to date by the Developer, there are sixty-two
20 (62) water crossings, with ten (10) of these being
21 bridges ranging from 10 metres to 25 metres in length
22 that will require an assessment by Transport Canada's
23 Navigable Waters Protection Program.

24 Transport Canada, we look forward to
25 continued dialogue and cooperation with the Developer

1 and is committed to work with the Board here, other
2 federal and territorial government agencies, and
3 stakeholders in the ongoing environmental assessment
4 review of this project.

5 Thank you. Mr. Soloway and I would be
6 happy to address questions to the best of our ability.
7 Thanks.

8 THE CHAIRPERSON/FACILITATOR: Thank
9 you, Mr. Kirkland. I'll just ask if there's any
10 questions. And I'll start with the Developer. Mr.
11 Stevens...?

12

13 QUESTION PERIOD:

14 MR. JIM STEVENS: Madam Chair, we
15 concur with Transport Canada's recommendations and have
16 no questions.

17

18 (BRIEF PAUSE)

19

20 MR. CONRAD BAETZ: It's Conrad Baetz,
21 with Aboriginal Affairs. We have no questions.

22 THE CHAIRPERSON/FACILITATOR: Thank
23 you. Fisheries and Oceans...?

24 MS. AMANDA JOYNT: Amanda Joynt, with
25 Fisheries and Oceans. No comments or questions at this

1 time.

2 THE CHAIRPERSON/FACILITATOR:

3 Environment Canada...?

4 MS. SUSANNE FORBRICH: Susanne

5 Forbrich, Environment Canada. No questions. Thank

6 you.

7 THE CHAIRPERSON/FACILITATOR: FJMC...?

8 MR. DEREK PARKS: Derek Parks, FJMC.

9 No questions.

10 THE CHAIRPERSON/FACILITATOR: Thank

11 you. Infrastructure Canada...?

12 MS. PHOEBE MILES: Phoebe Miles,

13 Infrastructure Canada. No -- no questions. Thank you.

14 THE CHAIRPERSON/FACILITATOR: Transport

15 Ca -- oh, you're here. Do you have any questions for

16 yourself? Wildlife Management Advisory

17 Committee...?

18

19 (BRIEF PAUSE)

20

21 MR. BRUCE HANBIDGE: Excuse me. Bruce

22 Hanbidge, Wildlife Management Advisory Council. No

23 questions at this time.

24 THE CHAIRPERSON/FACILITATOR: Thank

25 you. And Parks Canada...?

1 MR. JEAN-FRANCOIS BISAILLON: Jean-
2 Francois Bisailon, Parks Canada. We don't have any
3 questions.

4 THE CHAIRPERSON/FACILITATOR: Thank
5 you. Mr. Kirkland, I guess you're free to catch your
6 plane. Than -- oh, sorry, I forgot about my fellows
7 here. Okay. Dr. Pet --

8 MR. JOHN DONIHEE: It's John Donihee,
9 Board counsel. I do have one (1) question. I'm
10 looking at your technical submission, page 3, under the
11 recommendations. And the first paragraph, you just say
12 to fully access impacts to navigation, and navigational
13 safety, and to prescribe appropriate mitigation
14 measures, you request that they submit applications for
15 approval.

16 Now, is that -- is that recommendation
17 entirely focussed on your regulatory mandate, or does
18 it in fact include concerns with respect to the kinds
19 of information that are available about the streams and
20 water bodies that may be affected from an environmental
21 standpoint?

22 THE CHAIRPERSON/FACILITATOR: Mr.
23 Kirkland...?

24 MR. DALE KIRKLAND: Thank -- thank you,
25 Madam Chair. The answer is: Yes, the recommendation

1 is related to our mandate. However, receiving this
2 information sooner rather than later would certainly
3 inform our understanding about the potential impacts of
4 navigation.

5 THE CHAIRPERSON/FACILITATOR: Thank
6 you. Mr. Donihee...?

7 MR. JOHN DONIHEE: Yes, thank you,
8 Madam Chair. John Donihee. I guess the other question
9 I have is whether in fact you really have anything to
10 say to the Board about this environmental assessment?

11 THE CHAIRPERSON/FACILITATOR: Mr.
12 Kirkland...?

13 MR. DALE KIRKLAND: Ma -- Madam Chair,
14 I'm going to respectfully ask Mr. Donihee if he could
15 expand or clarify the question.

16 THE CHAIRPERSON/FACILITATOR: Mr.
17 Donihee...

18 MR. JOHN DONIHEE: Thank you, Madam
19 Chair. Well, as I read your technical submission,
20 that's the only recommendation in it. And you just
21 indicated that it relates squarely to your regulatory
22 mandate. And, you know, it's important to have all of
23 the federal family here to assist the Board.

24 And I guess I'm just wondering whether
25 in fact this means that Transport Canada really has no

1 recommendations to the Board about the potential
2 environmental impacts of this proposed project.

3 THE CHAIRPERSON/FACILITATOR: Mr.
4 Soloway...?

5 MR. DOUG SOLOWAY: Doug Soloway,
6 Transport Canada. Thank you for your question, Mr.
7 Donihee.

8 Under our legislation, we require an
9 approved EA to issue our approvals. The impact
10 assessments for navigability are deemed to be
11 socioeconomic, which are in relation to the assessment.
12 Those we consider -- we consider within those uses of
13 socioeconomic to be traditional use, recreational use
14 of -- of the water bodies. And those are the valued
15 components for us under the NWPA. Thank you.

16 THE CHAIRPERSON/FACILITATOR: Thank
17 you. Mr. Donihee...?

18 MR. JOHN DONIHEE: Thank you, sir.
19 John Donihee again. I -- I guess I would simply ask
20 then whether, in your review of the materials submitted
21 by the Developer, you have been able to form any views
22 about the impact of this project on those socioeconomic
23 aspects of transportation, which are within your
24 department's mandate.

25 THE CHAIRPERSON/FACILITATOR: Mr.

1 Soloway...?

2 MR. DOUG SOLOWAY: Doug Soloway,
3 Transport Canada. We -- we have some preliminary
4 information on where -- the locations of the crossings.
5 The -- the implication that we have is -- is that under
6 the NWPA, we need final design drawings and -- and
7 plans. We also have implications with regards to fish
8 HADD that have -- may have implications on fish HADD.

9 So in essence, those -- those need to be
10 finalized prior to us making a formal technical review
11 and assessing the implications so that we can put forth
12 technical requirements to the Proponent to incorporate
13 into those final designs.

14 THE CHAIRPERSON/FACILITATOR: Thank
15 you. Mr. Donihee...?

16

17 (BRIEF PAUSE)

18

19 MR. JOHN DONIHEE: Thank you, Madam
20 Chair. John Donihee. Just to confirm your answer
21 then, sir, you -- you need this other information in
22 order for you -- your department and your colleagues to
23 -- to do their work in relation to the permits that you
24 have to issue?

25 Is -- is that a fair assessment?

1 THE CHAIRPERSON/FACILITATOR: Mr.
2 Soloway...?

3 MR. DOUG SOLOWAY: Doug Soloway,
4 Transport Canada. In relation to what our mandate
5 under Transport Canada for the NWPA? Yes, sir, that is
6 correct.

7 THE CHAIRPERSON/FACILITATOR: Mr.
8 Donihee...?

9 MR. JOHN DONIHEE: Thank you, Madam
10 Chair. Those are my questions.

11 THE CHAIRPERSON/FACILITATOR: Thank
12 you. Sorry. I would like to ask the panel members if
13 they have any questions. Maybe we'll start at the
14 other end of the table this time for variety. Mr.
15 Chambers...?

16 MR. BRUCE CHAMBERS: Bruce Chambers.
17 What I would like to know is: How long is your
18 approval -- how long does your approval process take,
19 and where does it fit in amidst all the other approval
20 -- other approvals that are required in the NWT?

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

23 MR. DOUG SOLOWAY: Doug Soloway,
24 Transport Canada. Again, I cannot respond on behalf of
25 our NWPA department. I can respond that they are

1 current in their assessments. We do appreciate it when
2 -- when we get information early up, so that our
3 technical officers can have their input to those types
4 of designs and information, as well as have the --
5 again, the final design drawings and plans. Obviously,
6 we are at this design, a preliminary stage where
7 designs are not finalized and they may -- and as well,
8 the routing may not even be finalized.

9 So -- so those conditions need to be
10 satisfied so we can fully play and -- and commit our
11 technical reviews based on -- on final design drawings,
12 with the input from groups like DFO, as well as other
13 organizations that maybe require changes or -- or water
14 withdrawal information from the water bo -- water
15 bodies. And this would also not -- does not only
16 include bridges, but it would probably include culverts
17 as well for the medium-type crossings.

18 Having said that, I -- I can't give you
19 a definite time. It just depends on when we receive
20 the information and the application, sir.

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

23 MR. BRUCE CHAMBERS: Bruce Chambers. I
24 guess my other part of that question is: Where in the
25 process do you fit in to, say, a water licence?

1 MR. DOUG SOLOWAY: Obviously, it would
2 be after that, because then the Proponent has an
3 approval to go ahead. Where we would also fit in from
4 -- from our perspective, is we need -- under the NWPA
5 legislation, we need -- require an approved
6 environmental assessment in place. And we can -- under
7 the legislation, we cannot issue a permit or approval
8 without an approved environment impact assessment in
9 place. So, in essence, it would come into play after
10 the EA, at the regulatory permitting stage.

11 MR. BRUCE CHAMBERS: Bruce Chambers. I
12 have no other questions.

13 THE CHAIRPERSON/FACILITATOR: It's Liz
14 Snider. I have no questions.

15 MS. CATHERINE COCKNEY: Catherine
16 Cockney. I don't have any questions.

17 MR. ROLAND KIKOAK: Roland Kikoak. I
18 have a question. In regards to your recommendations to
19 the Proponent, the activities would comply with
20 Transport Canada's Dangerous Goods Act of 1992.

21 Now, are you asking them to create a
22 paper trail?

23 MR. DOUG SOLOWAY: No, sir, just the
24 date that the legislation was -- was mandated through
25 government. Basically, asking them to comply with that

1 legislation and -- and incorporate its requirements
2 into their transportations of -- of hazardous products
3 and materials.

4 MR. ROLAND KIKOAK: Thank you very
5 much.

6 MR. HERBERT FELIX: I just have one (1)
7 question. On your consultations, do you -- do you mean
8 they only meet with the public and the Aboriginal
9 people, is that what you -- and that all organizations
10 would be affected by the project?

11 MR. DOUG SOLOWAY: Doug -- Doug
12 Soloway, Trans -- Doug Soloway, Transport Canada. We
13 also -- we -- we like them to -- to meet with First
14 Nations groups, recreational users, traditional users;
15 in fact, anybody -- users of the water body to deter --
16 determine the type of vessels that would be on the
17 water body so that when we need to do designs, our
18 technical officers can come up with appropriate designs
19 so -- that would minimize impact to navigation. That
20 is our sole source, which is basically to provide the
21 user with safe navigation under the NWPA.

22 So having said that, that would be the
23 preliminary part. There's also our obligations prior -
24 - or, pardon me, after -- at the permitting stage to do
25 our Section 35 First Nation consultations, should there

1 be warranted impacts on the First Nations rights.

2 THE CHAIRPERSON/FACILITATOR: Thank
3 you.

4 MR. HERBERT FELIX: Thanks.

5 THE CHAIRPERSON/FACILITATOR: So it was
6 a little premature before, but I believe that we've
7 concluded with the questions. And thank you very much.

8 MR. DOUG SOLOWAY: Thank you, Madam
9 Chair, and panel.

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON/FACILITATOR: So I have
14 Parks Canada next on the agenda. Are you ready to give
15 your presentation?

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON/FACILITATOR: Okay. If
20 you can introduce yourself and start when you're ready.

21

22 PRESENTATION BY PARKS CANADA:

23 MS. ADRIANE BACHESCHI: Okay. So,
24 hello, Board and Chair. My name is Adriane Bacheschi.
25 I'm the Visitor Experience Manager for Parks Canada in

1 the Western Arctic, and I am accompanied today by Jean-
2 Francois Bisailon. He's the acting site manager for
3 the Pingo Canadian Landmark.

4 So we are very pleased to have the
5 opportunity to comment on the proposed highway today.
6 I'd like to start by mentioning that Parks Canada is
7 not a regulator, but it is our policy to participate in
8 environmental assessments for proposed developments
9 when -- when they are outside sites that are managed by
10 Parks Canada. And the idea is that we are looking at
11 potential impact to the commemorative or intact or
12 ecological integrity of those sites.

13 So as mentioned before, yesterday, when
14 I introduced myself, I said that our interests in the
15 proposed highway relate to the management
16 responsibilities of the Pingo Canadian Landmark. And
17 the current guiding document for the management of the
18 Pingo Canadian Landmark is a memorandum of agreement
19 that was approved by Parks Canada and the Pingo working
20 group, which includes a variety of people from
21 cooperative management bodies and the community of Tuk.

22 And there are four (4) objectives and
23 this is just quickly -- I'm going to read them just so
24 you understand where -- what was taken into
25 consideration when preparing our submission.

1 So the purpose of the Pingo Canadian
2 Landmark are to protect the special nature -- natural
3 characteristics of the landmark, including the pingos
4 and their natural ecosystems of which they are part; to
5 protect the cultural heritage associated with the
6 landmark; and to ensure the continued use of the area
7 by the Inuvialuk; to encourage visitor and local
8 appreciation, understanding, and enjoyment of the
9 natural and cultural environment of the landmark; and
10 to encourage compatible visitor activity in the
11 landmark and the surrounding area, and to manage those
12 activities in the long-term interests of the landmark
13 resources.

14 So as some background, the Pingo
15 Canadian Landmark was established in 1984 under the
16 IFA. It is protected and managed as a national
17 historic site under the National Historic Site Act and
18 has full surface protection.

19 The area cover -- covers about 16 square
20 kilometres. It includes about eight (8) of the
21 fourteen hundred (1,400) -- oh, sorry, eight (8) of the
22 --

23 THE CHAIRPERSON/FACILITATOR: Slow a
24 little bit. That's --

25 MS. ADRIANE BACHESCHI: Yes. Sorry.

1 It includes about eight (8) of the fourteen hundred
2 (1,400) pingos that are found in the Tuktoyaktuk
3 Peninsula, including Ibyuk and Split Pingos, Ibyuk
4 being the largest pingo in Canada, the one that you see
5 in the front of the picture there.

6 Parks Canada runs a variety of programs
7 in the communities and schools associated with the
8 pingos. And we have also environmental monitoring in
9 place, mostly to monitor physical changes in the pingos
10 over time and record changes in the active layer
11 depths, like of the permafrost, over time as well.

12 We also have recently developed a
13 boardwalk in the Pingo Canadian Landmark. The idea is
14 that the boat launch and boardwalk were created to
15 improve visitor access, to direct visitor traffic, to
16 mitigate potential visitor footprint on the landmark,
17 and to provide a business opportunity for local tour
18 operators that can offer pingo tours from Tuktoyaktuk.

19 The next slide you can see -- this is on
20 page 4 if you can't look at slides -- there is a map
21 that shows the Pingo Canadian Landmark area. If you
22 look at it you can see where the boardwalk, the board -
23 - boat dock and boardwalk is. It's interesting to
24 point out that to get to the boardwalk, you have to
25 come from the boat dock. And that was done in a way to

1 try to promote economic benefits for the community
2 because you need to hire someone to take you on a boat
3 ride to the boardwalk. So to access the boardwalk, you
4 need cross water.

5 So in the next slide there is a closer
6 view or a better view of the landmark in relation to
7 the community of Tuk and the proposed road. So the
8 pink area is the community of Tuktoyaktuk. And then
9 currently there is an access road. This is the Tuk to
10 Source 177 access road that was mentioned before. So
11 this is what's going to be -- like to be proposed to be
12 upgraded, becoming the northernmost section of the
13 proposed road.

14 And if you look at the next slide, it
15 gives you like a very clear -- on page number 7, for
16 the board -- very clear picture of how close the
17 proposed road -- like the -- the current access road
18 and the future proposed road is to the border of the
19 Pingo Canadian Landmark. So at the closest point
20 there, we are talking about a distance of approximately
21 260 metres. This was measured by Parks Canada staff in
22 2010.

23 So in terms of concerns, like Parks
24 Canada is not raising issues. We're just pretty much
25 raising concerns related to the development of the

1 road. We have looked at potential impacts from noise
2 and dust that could affect the resources with the Pingo
3 Canadian Landmark.

4 Some of those potential im -- impacts
5 could be the noise from construction and post-
6 construction of the highway that could disrupt bird
7 species, like known to feed nest in the Pingo Canadian
8 Landmark.

9 There could be also dust associated with
10 highway construction activities and post-construction
11 usage that could have a negative impact and their
12 quality, aquatic resources, vegetation, and aesthetics
13 in the areas close to the right-of-way, including
14 inside the Pingo Canadian Landmark; as well, the
15 possible use of dust suppressants.

16 Another impact that has -- another
17 concern that has been identified by us is the potential
18 impact because the highway will attract more tourists
19 to Tuktoyaktuk, poten -- particularly in the summer.
20 So we anticipate a corresponding increase in interest
21 and visitation to the Pingo Canadian Landmark.

22 If you're driving along like a tundra
23 highway, you can see the pingos from quite a ways.
24 They are a pretty iconic feature. And we anticipate
25 that people will stop to try to look at them. And we

1 see like potential impacts associated with that,
2 because it increased the access point. So maybe there
3 might be people who would like get off the highway and
4 try to walk to the pingos. So potential Tra -- tundra
5 issues.

6 In terms of mitigations, Parks Canada
7 has looked at the Developer and their -- their re --
8 like we are quite confident that if the Developer
9 follow the reg -- regulatory requirements, the
10 guidelines, and their commitments as filed in the
11 registry, we don't -- we wouldn't need any additional
12 conditions, or we wouldn't propose any additional
13 mitigations regarding dust and noise. We confident
14 that would be covered in relation to the Pingo Canadian
15 Landmark.

16 In terms of the additional points of
17 access to the landmark, we have initiated discussions
18 with GNWT Department of Transportation about a
19 potential pull-out, and the idea being there that we --
20 if we created a pull-out, it would allow for safe
21 viewing of the pingos, especially the two (2) most
22 prominent pingos, the Ibyuk and Split.

23 It would provide a location for
24 interpretative signage that would, amongst other
25 things, encourage visitors not to hike from the pingos

1 from the highway to -- to reduce the impact on the
2 tundra. It would also encourage the use of local tour
3 operators that could provide a closer visit to the
4 Pingo Canadian Landmark.

5 So we're thinking if we have a pull-out
6 done in accordance with the highway pull-out, that
7 would -- it would be, for us, an opportunity to both
8 like educate the public about the landmark and what's
9 important about them and how not to create any more
10 impacts by increased visitation, but also would be an
11 opportunity for potential more economic benefit for the
12 community because we would be having interpretive
13 signage pointing out, If you are interested in visiting
14 the pingo you can -- there is a boardwalk ahead, you
15 could contact local tour operators, call this number
16 and talk to them about a potential tour to the
17 boardwalk.

18 We envision the pull-out to be within
19 six hundred (600) -- the six hundred (600) -- sorry,
20 the 60 metre right-of-way for the highway, and that
21 being similar in design to other standard pull-outs
22 that may be located along the highway. So there would
23 be no additional impact from that.

24 And the -- so far the discussions with -
25 - with Department of Transportation have been very

1 positive. So from Parks Canada perspective, we
2 conclude that if the mitigations mentioned before are
3 actioned, Parks Canada have no other comments and --
4 and feel happy with -- with the proposed mitigations.
5 Thank you.

6 THE CHAIRPERSON/FACILITATOR: Thank
7 you. Now we'll just go through the questioning. Okay.
8 So Mr. -- Mr. Stevens, would you like to start?

9

10 QUESTION PERIOD:

11 MR. JIM STEVENS: Madam Chair, we
12 appreciate the presentation by Parks Canada and have no
13 questions.

14 THE CHAIRPERSON/FACILITATOR: Thank
15 you. Aboriginal Affairs...?

16 MR. CONRAD BAETZ: It's Conrad Baetz,
17 from Aboriginal Affairs. We have no questions.

18 THE CHAIRPERSON/FACILITATOR: Thank
19 you. Fisheries and Oceans...?

20 MS. AMANDA JOYNT: Amanda Joynt, with
21 Fisheries and Oceans. No questions.

22 THE CHAIRPERSON/FACILITATOR: Thank
23 you. Environment Canada...?

24 MS. SUSANNE FORBRICH: Susanne
25 Forbrich, Environment Canada. No questions.

1 THE CHAIRPERSON/FACILITATOR: Thank
2 you. Fisheries Joint Management Committee...?

3 MR. DEREK PARKS: Derek Parks, FJMC.
4 No questions.

5 THE CHAIRPERSON/FACILITATOR: Thank
6 you. Infrastructure Canada...?

7 MS. PHOEBE MILES: Phoebe Miles,
8 Infrastructure Canada. No questions.

9 THE CHAIRPERSON/FACILITATOR: Thank
10 you. Transport Canada...?

11

12 (BRIEF PAUSE)

13

14 MR. DOUG SOLOWAY: Doug Soloway,
15 Transport Canada. Madam Chair, we have no questions.

16 THE CHAIRPERSON/FACILITATOR: Thank
17 you. And the Fisheries Joint Management Committee...?
18 Oh, sorry, Wildlife Management Advisory Committee...?

19 MR. BRUCE HANBIDGE: Bruce Hanbidge,
20 Wildlife Management Advisory Committee. No questions,
21 thank you.

22 THE CHAIRPERSON: Thank you. And, do I
23 have any questions from our technical experts? Dr.
24 Burn...?

25 DR. CHRIS BURN: Thank you, Madam

1 Chair. I have a -- a couple of questions regarding the
2 Pingo Canadian Landmark and this project.

3 Is it your understanding that the road,
4 when constructed, will lead to more people wanting to
5 access the Pingo Canadian Landmark?

6 MS. ADRIANE BACHESCHI: Yes, that would
7 be our understanding.

8 DR. CHRIS BURN: Thank you, Madam
9 Chair. Chris Burn again. Is it the position of Parks
10 Canada that Parks Canada will manage and mitigate any
11 impacts to the Pingo Canadian Landmark that are induced
12 by the increased access to the landmark?

13 THE CHAIRPERSON/FACILITATOR: Go ahead.

14 MS. ADRIANE BACHESCHI: Yes, that would
15 be the position of Parks Canada.

16 DR. CHRIS BURN: Thank you, Madam
17 Chair.

18 THE CHAIRPERSON/FACILITATOR: Mr.
19 Donihee...? Ms. Birnie...?

20 MR. JOHN DONIHEE: Those are all the
21 questions from Board staff, advisors, and counsel.

22 THE CHAIRPERSON/FACILITATOR: Thank
23 you.

24 MR. HERBERT FELIX: Herbert Felix. No
25 questions.

1 MR. ROLAND KIKOAK: Roland Kikoak. No
2 questions.

3 MS. CATHERINE COCKNEY: I have a
4 question. It's Catherine Cockney. So if there's
5 increased visitors because of the construction of the
6 road, and I would imagine that a lot of -- there would
7 be a lot of visitors, especially in the wintertime when
8 they have better access to the -- the landmark where in
9 the summertime when you have to go in by boat.

10 And you can see from the pictures that
11 the -- yeah, you do have to go in by boat except for
12 maybe -- and even if they try to go through the tundra,
13 it's -- it's muskegs there, too. So considering
14 increased wintertime visitation and most likely they
15 will go there by all-terrain, mainly Ski-Doos, what --
16 do you have any plans on -- on the impacts that the
17 all-terrain vehicles will have on -- on the pingo
18 because, yes, the visitors come up -- even when we go
19 down to Tuk, we -- you know, if we have access to the
20 pingo, I'm sure all of us would climb up there just to
21 have a look.

22 THE CHAIRPERSON/FACILITATOR: Go ahead.

23 MS. ADRIANE BACHESCHI: Sorry. So,
24 yeah, we have been discussing the idea that there would
25 be an increased number of visitors coming. In terms of

1 if it's going to be winter or summer, there -- there ha
2 -- there is a road, right, currently in winter? And
3 people have access to it. Like, the access road is
4 there already to the exact same point, by coming
5 through the winter highway and then on the access road,
6 like Tuk to -- to Gravel Source 177. That road is in
7 place already.

8 We -- we -- as Parks Canada, the
9 approach to -- to achieving all our objects as set in
10 the memorandum of agreement, they are, like, to protect
11 the places and to have increased visitation and all of
12 that. But they all have to be managed in a holistic
13 way.

14 So Parks Canada understands that if
15 there is an increased number of visitors, there will be
16 a need for increased monitoring, increased education,
17 increased interpretation, and all sorts of things like
18 that put in place. So it was the same as responding to
19 -- to Mr. Burn's question.

20 We, as Parks Canada, we -- this is our
21 responsibility, the Pingo Canadian Landmark is under
22 our jurisdiction as part of Parks Canada. The
23 monitoring of that and putting into place any sort of
24 mitigations to any impacts would be something that
25 would be followed up, depending on any sort of

1 increased effects that we saw.

2 We have monitoring in place currently,
3 and we would be closely monitoring it into the future.
4 So if we do see any issues in the future we would
5 action -- act -- like, we would create actions that
6 would keep mitiga -- mitigating those effects.

7 Does that help?

8 MS. CATHERINE COCKNEY: Yes, that
9 answered my question.

10 THE CHAIRPERSON/FACILITATOR: Liz
11 Snider, panel. No questions.

12 MR. BRUCE CHAMBERS: Bruce Chambers. I
13 have one (1) question. In light of the recent hits on
14 the federal budget, and particularly the hit that Parks
15 Canada took, do you feel reasonably secure that your
16 budget would remain unscathed, which would allow you to
17 budget for increased monitoring and education?

18 MS. ADRIANE BACHESCHI: As Par -- as --
19 as Parks Canada, in general, we are committed to our
20 mandate. And our mandate basically is -- is to protect
21 those areas, to promote like learning and to promote
22 visitation, but all those things have to happen
23 together.

24 So we are certainly, regardless of any -
25 - any budget implementation, we're certainly confident

1 that we will maintain the objectives in our mandate,
2 which is to protect -- like present -- and present and
3 educate people about those areas.

4 MR. BRUCE CHAMBERS: Bruce Chambers.
5 But it may well reduce the number of visitations or --
6 or the in -- the amount of involvement that you can
7 have if you have a budget drop here?

8 MS. ADRIANE BACHESCHI: That -- that
9 would be a possibility, but not -- it hasn't been a big
10 is -- issue in the Western Arctic. And the way we have
11 pretty much managed the Pingo Canadian Landmark over
12 the many years that we manage it has been by working
13 together with -- like in the future -- with all sorts
14 of budget, like, allocated to all sorts of sites as --
15 as a whole.

16 So it -- I -- I think the short answer
17 to the question is that it -- it's not likely to -- to
18 affect us here, I think. And keeping on, like we --
19 because we have responsibilities, legislative
20 responsibilities, like to -- to -- like set by the
21 government and responsibilities under our obligations
22 to our cop -- cooperative management partners, I -- I
23 don't see the possibility that we would stop delivering
24 on our mandate obligations.

25 MR. BRUCE CHAMBERS: Bruce Chambers.

1 Okay. Thank you very much.

2 THE CHAIRPERSON/FACILITATOR: I think
3 that's the end of the questioning. Thank you very much
4 for your presentation and your responses.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON/FACILITATOR: Before we
9 break for lunch I'd like to give the opportunity for
10 anybody here from the community that would like to make
11 some comments to the Board to take this time to do
12 that.

13 I'll also be providing an opportunity
14 this afternoon. So if you would like to do it then
15 that's available as well. So if there's anybody from
16 the public that would like to make a statement please
17 come forward.

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON/FACILITATOR: Okay,
22 thank you. I would also like to ask people just to
23 give us a couple of minutes. We have do -- to do a
24 quick caucus before we break for lunch, so it'll be
25 very quick.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON/FACILITATOR: Thank you
4 very much for your patience. We'll break for lunch and
5 come back at 1:30.

6

7 --- Upon recessing at 11:58 a.m.

8 --- Upon resuming at 1:33 p.m.

9

10 THE CHAIRPERSON/FACILITATOR: Welcome
11 back, everyone. We'll resume the hearings. There was
12 a couple of questions that we left for consideration
13 over lunch, and I'd like to address them, first of all.
14 One was the opportunity for the FJMC to make their
15 presentation.

16 And, Mr. Stevens, you asked for some
17 time to make a consideration of that. So if you'd like
18 to...

19 MR. JIM STEVENS: Madam Chair, we've
20 had the opportunity to review the FJMC presentation
21 and, with some reservation, are willing to agree to its
22 showing. I should note our reservation is relative to
23 a number of inaccuracies we believe are wi -- within
24 the presentation and the fact one (1) of the
25 representatives of the FJMC team, Mr. Parks, had to

1 leave because of travel requirements.

2 At this time, I would ask if Mr. Malone
3 is prepared to answer a few questions. And if he is,
4 we will commence questioning after the presentation, if
5 shown. Thank you.

6 THE CHAIRPERSON/FACILITATOR: Thank
7 you. I don't know that we'll do it right now, but are
8 you available to answer questions if there is questions
9 that come up with the presentation, Mr. Malone?

10 MR. JAMES MALONE: Madam Chair, the --
11 yes, for this afternoon.

12 THE CHAIRPERSON/FACILITATOR: Thank
13 you. Okay, the second issue was the inclusion of two
14 (2) slides in the Wildlife Management Advisory
15 Committee's PowerPoint presentation. And we were going
16 to get, I guess, some feedback from the Developer, but
17 also other parties, to see if there was any objection
18 to that.

19 So, Mr. Stevens, I'll start with you.

20 MR. JIM STEVENS: Madam Chair, we have
21 no objection to the inclusion of the two (2) additional
22 slides.

23 THE CHAIRPERSON/FACILITATOR: Is there
24 any other party that has any concerns about those
25 slides being included in the presentation for the

1 Wildlife Management Advisory Committee? Hearing no
2 objections, you can go ahead and add them in.

3 The last thing we'd like to do before we
4 actually start with our afternoon presentations is we
5 would like to ask a couple more questions about camps.
6 Mr. Chambers had raised the question about where the
7 camps would be located along the roadside. And we just
8 wanted to ask a few more questions to clarify the
9 response to that question. So I've asked Dr. Burn
10 actually to ask a couple of questions.

11

12 CONTINUED QUESTION PERIOD OF THE DEVELOPER:

13 DR. CHRIS BURN: Thank you. Madam
14 Chair, this is Chris Burn. The -- the questions are
15 simply routine matters of clarification.

16 In the IR, and I believe it's IR 14,
17 which was a request for identification of the location
18 of the camps, construction camps, they were given --
19 there were two (2) construction camps each year at the
20 north end of the project and two (2) construction camps
21 each year at the south end of the project. And the
22 Developer confirmed that there would still be two (2)
23 and two (2) this morning.

24 The location of the camps in the -- in
25 the response to the IR is given in terms of aggregate

1 sources. And in the case of year 1 at the north end of
2 the road, the locations of the camps were to be at
3 Aggregate Sources 177 and 170. And we noted that both
4 of those sites are intended to be developed for
5 activities for aggregate extraction or embankment
6 material extraction.

7 And I just wondered if the -- the
8 Developer could confirm that those are also still the
9 intended locations of the north-end camps in the first
10 year of this project?

11 THE CHAIRPERSON/FACILITATOR: Mr.
12 Stevens...?

13 MR. JIM STEVENS: Madam Chair, we can
14 confirm that.

15 THE CHAIRPERSON/FACILITATOR: Thank
16 you.

17 DR. CHRIS BURN: Thank you very much,
18 Madam Chair. This is Chris Burn again. In the second
19 year at the north end of the project, the two (2)
20 locations were given as Source 170 and Source 305.
21 Now, this morning we heard that Source 305 is no longer
22 being considered as a potential aggregate source for
23 this project, if I'm correct. I may be wrong.

24 And I wondered if it would be possible
25 to confirm whether that -- those two (2) locations are

1 indeed the locations that are under consideration for
2 the north end second year?

3 THE CHAIRPERSON/FACILITATOR: Mr.
4 Stevens...?

5 MR. JIM STEVENS: Madam Chair, we'll
6 need a moment, please.

7 THE CHAIRPERSON/FACILITATOR: Yes,
8 okay, go ahead.

9
10 (BRIEF PAUSE)

11
12 MR. JIM STEVENS: Madam Chair, we can
13 confirm that source -- there would be a camp at Source
14 170, and the second camp is still under review at this
15 time.

16 THE CHAIRPERSON/FACILITATOR: Thank
17 you.

18 DR. CHRIS BURN: Madam Chair, I wonder
19 if the Developer could indicate to the Board at what
20 point that location of that second camp might be
21 available for the review?

22 MR. JIM STEVENS: At this time, we are
23 looking at Source 173 and 305.

24 DR. CHRIS BURN: Thank you, Madam
25 Chair. Could you confirm to the Board that you are --

1 well, I -- I -- may -- may I rephrase my question,
2 Madam Chair?

3 You've stated that you're looking at
4 Source 173 and -- and 170. For the purpose of
5 environmental impact assessment, the Board may actually
6 need to know which site is to be utilized.

7 And the question is not which -- which
8 site is going to be, but when it will be known when
9 that site is chosen?

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON/FACILITATOR: Mr.
14 Stevens...?

15 MR. JIM STEVENS: Madam Chair, that
16 determination is subject to a number of factors. One
17 would be a procurement process, and also further
18 geotechnical investigations on that source or other
19 sources.

20 THE CHAIRPERSON/FACILITATOR: Thank
21 you. Dr. Burn...?

22 DR. CHRIS BURN: Thank you, Madam
23 Chair. The -- the north end the sec -- the third year,
24 the proposed sites were 309 and 305; 309 is still in
25 the list of potential sites for development. But, as I

1 pointed out, for year 2, 305 is not.

2 And I wondered if your remarks regarding
3 305 in year 2 apply to 305 in year 3?

4

5 (BRIEF PAUSE)

6

7 MR. JIM STEVENS: Madam Chair, as
8 listed in the EIS for year 3, those camps are still at
9 those locations.

10 THE CHAIRPERSON/FACILITATOR: Thank
11 you.

12 DR. CHRIS BURN: Thank you. Madam --
13 Madam Chair, for year 1 at the south site, the
14 locations are Inuvik and near to Aggregate Source 2.46.

15

16 And could you confirm those two (2)
17 locations for year 1 of the project at the south end?

18 MR. JIM STEVENS: Madam Chair, the --
19 the camp at Inuvik is still the same. And instead of
20 Source 246, we are going to propose a camp at 314/325.

21 THE CHAIRPERSON/FACILITATOR: Thank
22 you.

23 DR. CHRIS BURN: Madam Chair, I wonder
24 if the Developer could indicate if the proposal is now
25 part of the record or whether it's still under

1 consideration?

2

3 (BRIEF PAUSE)

4

5 MR. JIM STEVENS: Madam Chair, I can
6 confirm that will be, for the record.

7 THE CHAIRPERSON/FACILITATOR: Thank
8 you.

9 DR. CHRIS BURN: Thank you, Madam
10 Chair. In year 2 at the south end, the two (2) camps
11 proposed were at 246 and 325.

12 Because 325 and 314 are really one (1)
13 aggregate source, the question is whether there will be
14 one (1) camp or whether there'll be two (2); and if
15 there will be two (2), what is the second location?

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON/FACILITATOR: Mr.
20 Stevens...?

21 MR. JIM STEVENS: Madam Chair, there's
22 the likelihood of the Inuvik camp still being retained
23 in year 2. And the second camp would likely be -- will
24 be at Source 314/325.

25 THE CHAIRPERSON/FACILITATOR: Thank

1 you.

2 DR. CHRIS BURN: Thank you, Madam
3 Chair. The final sect -- the final clarification is
4 for year 3 at the south end, the -- the list was
5 314/325 as one (1) location and 312 as another
6 location. But 312 is no longer to be considered for
7 development as a aggregate source.

8 And I wonder if you could clarify if --
9 wha -- what the arrangements would be at the south end
10 in the second year -- on the third year, I'm sorry, of
11 the project.

12

13 (BRIEF PAUSE)

14

15 MR. JIM STEVENS: I can confirm for the
16 south spread that there will be a camp in year 3 at
17 Source 325 and, if production is good, a camp possibly
18 at Source 309.

19 THE CHAIRPERSON/FACILITATOR: Thank
20 you.

21 DR. CHRIS BURN: Thank you, Madam
22 Chair. So in year 3 the potential is for three (3)
23 camps, not for four (4)?

24

25 (BRIEF PAUSE)

1 MR. JIM STEVENS: Madam Chair, a
2 moment, please.

3 THE CHAIRPERSON/FACILITATOR: Go ahead.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON/FACILITATOR: Go ahead,
8 Mr. Stevens.

9 MR. JIM STEVENS: Madam Chair, at this
10 time, procurement is basically the -- the driving, I
11 guess, factor in determining whether there will be two
12 (2) or three (3) camps. There is a possibility of
13 three (3) camps. But again, that is subject to the
14 procurement process chosen for this project.

15 THE CHAIRPERSON/FACILITATOR: Thank
16 you. Dr. Burn, is that...?

17 DR. CHRIS BURN: Madam Chair, there is
18 just one (1) question of clarification. I -- and then
19 there's a -- a substantive issue. The question of
20 clarification is for year 3, the locations of the camp
21 at the north end and the locations of the camps at the
22 south end included both 309. And that's why I
23 suggested three (3), not four (4) camps.

24 And I just wondered if -- if the
25 Developer might indicate the -- the maximum number of

1 camps that would be considered, so the Board had some
2 idea of what the total request might be?

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON/FACILITATOR: Yes, go
7 ahead.

8 MR. JIM STEVENS: Madam Chair, again,
9 for clarification there could be three (3) or four (4)
10 camps. For the north spread, camps at Source 305 and
11 309. And for the south spread, two (2) camps at 309
12 and 325. So there potentially could be two (2) camps
13 at Source 309.

14 THE CHAIRPERSON/FACILITATOR: Thank
15 you.

16 DR. CHRIS BURN: Thank you, Madam
17 Chair. Just one (1) final question, and that is that
18 the -- the access between Inuvik and the rest of the
19 project was described yesterday as being along an
20 access road that would be a one (1) lane road highway,
21 or one (1) lane access road -- winter road.

22 Given that there will be a camp located
23 at Inuvik in the first year, and a camp at the gravel
24 source as well, 314/325, I wondered if the Developer
25 could confirm that, in their opinion, that one (1) lane

1 winter access road will be sufficient for the traffic
2 that will be proceeding between the camps and the
3 construction activities.

4 MR. JIM STEVENS: The -- the Developer
5 is of the opinion that that roadway would be sufficient
6 for purposes.

7 DR. CHRIS BURN: Thank you very much,
8 Madam Chair.

9 THE CHAIRPERSON/FACILITATOR: Thank
10 you. So I think what we'll do then is show the FJMC
11 presentation. Mr. Malone, if you could come to the
12 front?

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON/FACILITATOR: Okay, if
17 you could identify yourself and then proceed.

18

19 CONTINUED PRESENTATION BY FJMC:

20 MR. JAMES MALONE: Thank you, Madam
21 Chair. James Malone, I am staff with the Fisheries
22 Joint Management Committee here in Inuvik. This
23 presentation was put together by the committee mos --
24 by Mr. Derek Parks. We just wanted to outline a couple
25 of things for the Inuvialuit final agreement. It was -

1 - it -- it was signed back in 1984, and it sets out the
2 terms of a settlement between the committee for
3 Aboriginals peoples' entitlement and the Government of
4 Canada.

5 And I would like to clearly outline the
6 three (3) basic principles of the IFA. To preserve the
7 Inuvialuit cultural identity and values within a
8 changing northern society. To enable the Inuvialuit to
9 be equal and meaningful participants in a northern and
10 national economy and society. And, this is where the
11 FJMC fits in, to protect and preserve the Arctic
12 wildlife, environment, and biological productivity.

13 So just a review of the information that
14 the committee has received to date. As of this point,
15 there has been insufficient information to -- for --
16 for the FJMC to -- to determine environmental effects
17 on fish community presence.

18 THE CHAIRPERSON/FACILITATOR: Excuse --
19 excuse me, Mr. Malone.

20 MR. JAMES MALONE: Yes.

21 THE CHAIRPERSON/FACILITATOR: Maybe
22 just because we've gone through the presentation this
23 morning --

24 MR. JAMES MALONE: Yep.

25 THE CHAIRPERSON/FACILITATOR: -- if you

1 want to just flip through the slides and just highlight
2 some things --

3 MR. JAMES MALONE: Sure.

4 THE CHAIRPERSON/FACILITATOR: -- and
5 allow for questions on the slides. Then --

6 MR. JAMES MALONE: Okay. Sure.

7 THE CHAIRPERSON/FACILITATOR: -- that -
8 - that would just allow us to move a litter faster.

9 MR. JAMES MALONE: Okay.

10 THE CHAIRPERSON/FACILITATOR: Thank you
11 very much.

12 MR. JAMES MALONE: Madam Chair, should
13 we begin at this slide right here?

14 THE CHAIRPERSON/FACILITATOR: Just be -
15 - I'm asking you to be brief, please.

16

17 (BRIEF PAUSE)

18

19 MR. JAMES MALONE: Okay. So in
20 summary, the -- the FJMC at this time, we have received
21 little information from the Proponent det -- to
22 determine environmental effects on the proposed
23 project.

24 Continuing on. And based on pre --
25 previous discussions, the following still remains

1 outstanding. And we -- we acknowledge that the
2 following will be -- will be future -- will be
3 submitted in -- in the near future: a hy -- a hydraulic
4 report, the designs of the water cro -- course
5 crossings, and the mitigation and compensation measures
6 that will outline the -- the reduction of the aquatic
7 impacts.

8 And the Committee was hoping to obtain
9 these data prior to this hearing this week so that we
10 can provide our -- our comments and feedback and meet
11 our mandate at -- as outlined under the IFA.

12 The main concerns from the FJMC are as
13 follows: The committee is -- is uncomfortable with the
14 Proponent's approach on delaying the -- the submission
15 of this informa -- of the information until the
16 permitting stage, when the information to determine the
17 impacts was needed to -- as soon as possible.

18 And EA requires that this information be
19 known prior to approval. And the approach us -- the
20 "trust us" approach does not provide any confidence in
21 the ability of ensuring the protection -- the future
22 protection of fisheries resources.

23 One question that the -- that the
24 Committee does have is: Was the required regulatory
25 approvals obtained for the culverts for the 177 gravel

1 source road.

2 Moving on now to the funding aspects,
3 the Proponents believe that the responsibility for
4 their impacts are -- are other agencies' mandate.

5 The Proponent -- there has been no
6 confirmation as of yet that these agencies are willing
7 to undertake that responsibility. And there have been
8 no discussions on what financial compensation will be
9 provided for undertaking such tasks.

10 I would like to point out that the
11 funding within organizations are set for existing
12 obligations. Who pays for carrying out the Proponent's
13 responsibilities -- who -- who pays for carrying out
14 the proponent's responsibility? And lastly, the
15 Proponent must pay for all obligations outlined within
16 their environmental assessment.

17 In summary, the FJMC is currently unable
18 to complete our review of the project at this time. We
19 cannot communicate to the community and let them know
20 what the potential impacts may be of this proposed
21 project.

22 We do acknowledge that the Proponent is
23 committed to ensuring minimal impacts. But until
24 details are provided, we are unable to -- to access --
25 or, yes, we are un -- unable to access potential

1 impacts based on past perfor -- on the past performance
2 on the Gravel 177 road project.

3 And the last point here, the funding for
4 the commitments, as outlined in the environmental
5 assessment, needs to be provided by the Proponent.
6 Thank you.

7 THE CHAIRPERSON/FACILITATOR: Thank
8 you, Mr. Malone. Mr. Stevens, you indicated you might
9 have a few questions. If you'd like to go ahead.

10

11 CONTINUED QUESTION PERIOD OF FJMC:

12 MR. JIM STEVENS: Madam Chair, I do
13 have a few questions. I'd first like to thank James
14 for the presentation.

15 Question 1: James, on slide 4, what is
16 FJMC's understanding of information contained in the
17 hydraulic report and the detailed wa -- water crossing
18 designs?

19 MR. JAMES MALONE: Mr. Stevens, you're
20 referring to this --

21 MR. JIM STEVENS: Yes.

22 MR. JAMES MALONE: -- slide here?

23

24 (BRIEF PAUSE)

25

1 MR. JAMES MALONE: At this point, since
2 the FJMC has not had a -- had an opportunity to review
3 the report, the response to -- to that question would
4 have to be -- that's deferred.

5 MR. JIM STEVENS: Possibly, Madam
6 Chair, maybe just a rewording of the request to Mr.
7 Malone. And the question would be: What would you
8 expect in the hydraulic -- or, hydraul -- hydrological
9 assessment?

10

11 (BRIEF PAUSE)

12

13 MR. JAMES MALONE: From the FJMC's
14 perspective, this is a point that would have to be
15 addressed by the committee. But from my perspective, a
16 hydra -- the hydraulic re -- report would outline a
17 couple of items, such as information for each stream
18 where the proposed route is going to cross, as well as
19 any classifications for the streams as well.

20 And that's just a couple of items that -
21 - that I have in mind right now. But again, this is
22 something that the Committee would have to address
23 before providing the official response to that
24 question.

25 THE CHAIRPERSON/FACILITATOR: Thank

1 you. Mr. Stevens...?

2 MR. JIM STEVENS: Madam Chair, I have
3 another question. Is there anywhere where the
4 Developer has filed information about mitigations to
5 fish and fish habitat that FJMC is aware of?

6 THE CHAIRPERSON/FACILITATOR: Mr.
7 Malone...?

8 MR. JAMES MALONE: Madam Chair, no,
9 this -- we are not aware at this time.

10 MR. JIM STEVENS: Madam Chair, another
11 question. On slide 5, James, does FJMC have a role in
12 reviewing applications for fisheries authorizations?

13 MR. JAMES MALONE: Madam Chair --

14 THE CHAIRPERSON/FACILITATOR: Mr.
15 Malone, go ahead.

16 MR. JAMES MALONE: Sor -- sorry about
17 that. I would believe, yes, but that would have to be
18 confirmed.

19 THE CHAIRPERSON/FACILITATOR: Thank
20 you. Mr. Stevens...?

21 MR. JIM STEVENS: Madam Chair, one --
22 another question. Has FJMC undertaken or participated
23 in any fisheries harvest studies in the past?

24 THE CHAIRPERSON/FACILITATOR: Mr.
25 Malone...?

1 MR. JAMES MALONE: Thank you, Madam
2 Chair. Madam Chair, we have. We have supported some -
3 - a few research projects that have been undertaken for
4 this year and may very well be undertaken for next
5 year, as well. And the research from -- from those
6 research activities will -- will be very beneficial,
7 for sure.

8 THE CHAIRPERSON/FACILITATOR: Thank
9 you.

10 MR. JIM STEVENS: Thanks, James, for
11 that response. Two (2) more questions.

12 Are there any examples where developers
13 have paid for project-specific harvest studies?

14 THE CHAIRPERSON/FACILITATOR: Mr.
15 Malone...?

16 MR. JAMES MALONE: I'm sorry, can --
17 can Mr. Stevens please repeat the question?

18 THE CHAIRPERSON/FACILITATOR:
19 Certainly. Mr. Stevens...?

20 MR. JIM STEVENS: James, are you aware
21 of any examples where developers have paid for project-
22 specific harvest studies?

23 THE CHAIRPERSON/FACILITATOR: Mr.
24 Malone...?

25 MR. JAMES MALONE: Madam Chair, from my

1 perspective I am not aware of -- if that has taken
2 place in the past. But members of -- a few members of
3 the FJMC may have more knowledge and awareness of that.

4 THE CHAIRPERSON/FACILITATOR: Thank
5 you. Mr. Stevens...?

6 MR. JIM STEVENS: Madam Chair, one (1)
7 last question, and it pertains to the picture of the
8 upright culvert. I don't know if you want to...

9 I guess my question is: James, can you
10 indicate where this photo was taken?

11 THE CHAIRPERSON/FACILITATOR: Mr.
12 Malone...?

13 MR. JAMES MALONE: Thank you, Madam
14 Chair. On the Gravel Source 177 road.

15 THE CHAIRPERSON/FACILITATOR: Mr.
16 Stevens...?

17 MR. JIM STEVENS: Madam Chair, a
18 supplemental question to the first one. Can you
19 describe the conditions of the photo on the left?

20 THE CHAIRPERSON/FACILITATOR: Mr.
21 Malone...?

22 MR. JAMES MALONE: Madam Chair, I'm not
23 entirely clear on the question, so I'm -- I'm wondering
24 if -- if a more specific question can be provided
25 there.

1 THE CHAIRPERSON/FACILITATOR: Can that
2 be done, Mr. Stevens?

3 MR. JIM STEVENS: Madam Chair, I guess
4 maybe the question should be: Was any water observed
5 flowing through the culvert at such time the picture
6 was taken?

7 THE CHAIRPERSON/FACILITATOR: Mr.
8 Malone...?

9 MR. JAMES MALONE: Thank you, Madam
10 Chair. I'll point -- I will point out right now that I
11 wasn't present when -- when the photo on the left was
12 taken. I -- I cannot confirm if water was actually
13 flowing through the culvert. But if -- if you ask me,
14 the -- the answer would -- would be no.

15 THE CHAIRPERSON/FACILITATOR: Thank
16 you. Any follow up, Mr. Stevens?

17 MR. JIM STEVENS: Madam Chair, one (1)
18 follow-up, and I guess it is: James, are you aware
19 that it took less than a day for DOT contracting staff
20 to resolve this issue?

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

23 MR. JAMES MALONE: Madam Chair, no.

24 THE CHAIRPERSON/FACILITATOR: Thank
25 you.

1 MR. JIM STEVENS: Madam Chair, that
2 concludes our questions.

3 THE CHAIRPERSON/FACILITATOR: Thank
4 you.

5

6 (BRIEF PAUSE)

7

8

9 THE CHAIRPERSON/FACILITATOR: We gave
10 other parties opportunities to ask questions this
11 morning, and it was just a matter of giving you a
12 chance to show your presentation. So thank you very
13 much.

14 MR. JAMES MALONE: Thank you.

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON/FACILITATOR: So since
19 we're on the subject of fish, maybe we'll ask DFO to
20 come forward and do their presentation.

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON/FACILITATOR: So if you
25 would like to introduce yourself, and when you're

1 ready, go ahead and start.

2

3 (BRIEF PAUSE)

4

5 MS. AMANDA JOYNT: One moment, please

6 Ms. --

7 THE CHAIRPERSON/FACILITATOR: That's

8 fine. Take your time.

9

10 PRESENTATION BY DFO:

11 MS. BEV ROSS: Good afternoon, Madam

12 Chair and panel members, Elders, and members of the

13 public. My name is Bev Ross and I'm the Regional

14 Manager for Environmental Assessment at Fisheries and

15 Oceans. With me on my left is Sarah Olivier. She's an

16 environmental assessment analyst in the Yellowknife

17 office. And to my right is Amanda Joynt, acting

18 District Manager here in Inuvik and the one who is

19 knowledgeable on all the details of this file.

20 Fisheries and Oceans Canada has been

21 participating in the review of the Inuvik to

22 Tuktoyaktuk Highway pursuant to our mandate in respect

23 of fisheries protection.

24 Throughout this review, DFO has provided

25 comment and requested further information, responded to

1 Information Requests, asked for clarification from the
2 Developer on a number of matters both within the
3 written information process and at technical sessions
4 hosted by the Board. In our presentation today, DFO
5 will summarize our review to date and highlight any
6 information that remains outstanding.

7 DFO is responsible for developing and
8 implementing policies and programs in support of
9 Canada's scientific, ecological, social and economic
10 interests in oceans and fresh waters. DFO's guiding
11 legislation are the Oceans Act and the Fisheries Act.

12 The Fisheries Act gives responsibility
13 to our Minister for the management, protection, and
14 conservation of Canada's fisheries resources in all
15 fishing zones, territorial seas, and inland waters.
16 The Proponent is required to be in compliance with any
17 and all fisheries protection provisions under the
18 Fisheries Act at all times and for all aspects of their
19 project.

20 THE CHAIRPERSON/FACILITATOR: I
21 apologize for interrupting, but could you just slow
22 down a little bit for the interpreters? Thank you.

23 MS. BEV ROSS: Yes, my apologies. The
24 following are sections of the Fisheries Act that are
25 relevant to this project proposal. Section -- okay, up

1 on the slide here, and we'll provide you with a
2 correction -- sorry, this is now Section 20 under the
3 revised provisions that came into force under Bill C-
4 38. It -- Section 22 has now been included in Section
5 20, which provides for sufficient water flow for the
6 passage of fish. Section 30 also is now included in
7 Section 20, providing for fish guards and screens.

8 Section 32 prohibits the destruction of
9 fish by means other than fishing. Section 35 prohibits
10 the harmful alteration, disruption or destruction of
11 fish habitat and -- unless approved by the Minister.
12 And it's this approval that constitutes our Fisheries
13 Act authorization that we'll make frequent reference to
14 further on in our presentation. So this is what's
15 commonly referred to as a HADD.

16 Finally, Section 36 prohibits the
17 deposit of deleterious substances into fisheries
18 waters. Environment Canada is responsible for
19 administering this section of the Act.

20 DFO has identified four (4) general
21 concerns with respect to the impacts of stream
22 crossings to the aquatic environment. The first is the
23 inclusion of the potential for summer installations in
24 the Developer's plans subsequent to the submission of
25 the environmental impact statement.

1 The potential impacts of installing
2 crossings in the summer have not been fully assessed to
3 date and specific mitigations for this type of
4 installation were not provided for this review.

5 The Proponent has stated that they will
6 use a DFO document on land development guidelines. We
7 do note, however, that this is a generic document that
8 outlines many different types of mitigations, some of
9 which may not be appropriate for the area. The
10 Proponent has also stated that they will use the
11 operational statement for timing windows in the
12 Northwest Territories.

13 As construction in the open-water season
14 may require focussed site-specific mitigation, such as
15 site isolation, stream diversion, and other techniques,
16 DFO will require details for all summer installation,
17 including type of crossing, mitigations, and perhaps
18 the offsetting of residual impacts for losses to fish
19 and fish habitat.

20 Winter crossings. On the issue of
21 access roads with particular emphasis on aggregate
22 sources, DFO notes that the Developer has stated that
23 access roads to aggregate sources will only be
24 constructed during the winter and that they will -- the
25 Proponent will stockpile aggregate for use in the

1 summer as to not require access to aggregate resources
2 at that time. The Developer has also committed to
3 using DFO's operational statement for ice bridges and
4 snow fills.

5 The third concern raised by DFO in this
6 review is regarding crossing type selection. In the
7 commitments table provided by the Developer there are
8 some varying statements outlining how the type of
9 crossing for each cross -- how the type of crossing for
10 each stream crossing will be selected, and that is
11 culverts, clear span bridges, et cetera.

12 The fish habitat assessments for the
13 crossings have not yet been completed. And DFO notes
14 that the crossing locations may change, which may
15 influence the type of crossing and the assessment of
16 existing fish habitat.

17 The Developer has committed to meeting
18 with the communities regarding their planned crossings.
19 DFO also recommends that biological information and
20 community input, specifically with regard to
21 subsistence harvesting, be taken into account when
22 selecting the type of crossing.

23 DFO has also recommended during this
24 review that scenarios for each crossing type, for
25 example, smaller carve -- culverts, large culverts,

1 clear span bridges, be developed, outlining the plans,
2 mitigations measures, and residual impacts for each
3 crossing type. This would assist DFO in determining,
4 when it is developed, if the Developer's plans to
5 offset residual impacts to fish habitat are sufficient.

6 In summary, DFO expects the Developer to
7 include community input and biological data into
8 crossing selection criteria. DFO will require final
9 designs of all crossings in the regulatory phase. DFO
10 has requested that general mitigation measures be
11 described for each type of crossing for the road.

12 The fourth concern raised by DFO in this
13 review builds on the last one. There have been no
14 surveys in the winter with regards to overwintering
15 habitat that DFO is aware of at present. The Developer
16 has assumed that all crossings, except for major
17 crossings, like Zed and Hans Creek, will freeze to
18 bottom. However, the crossing locations have not yet
19 been clearly defined and overwintering habitat may
20 still be impacted.

21 DFO recommends that crossing types that
22 preserve overwinter habitat be used. In situations
23 where a culvert is proposed, where a potential for
24 overwintering habitat exists, a survey should be
25 completed.

1 DFO recommends that the Proponent
2 develop a lessons-learned document based on their
3 experience constructing the Tuktoyaktuk to Source road --
4 177 road.

5 The issues that have arisen include
6 culvert and bedding challenges, ensuring fish passage,
7 fish presence in small streams, dealing with beaver
8 dams, with ice in culverts during freeze -- freshet,
9 riprap management, sediment and erosion control,
10 overflow culverts, planning including consultation and
11 incorporating subsistence harvesting considerations,
12 and communication between Proponent, regulators, and
13 contractors.

14 DFO has recommended that once the
15 crossing table -- so the -- the Proponent has submitted
16 a crossing table in their EIS, but there is some
17 incomplete information in that. DFO has recommended
18 that once the crossing table has been finalized that
19 the impacts to fish, fish habitat, and fisheries be
20 fully assessed and quantified.

21 Lastly, DFO will require that the
22 Proponent provide stream crossing design -- design
23 criteria, final crossing designs, and site-specific
24 mitigation measures to DFO and other appropriate
25 regulators for review and approval upon completing of

1 the detailed engineering phase.

2 We have a few additional comments. With
3 respect to sediment and erosion control, sediment and
4 erosion control is important in both the construction
5 and operational phases of the road. The Developer has
6 committed to developing an erosion and sediment control
7 plan, as well as a fish and fish habitat protection
8 plan as part of the environmental management plan.

9 In addition, DFO and the Department of
10 Transportation have been working on a general sediment
11 and erosion control manual for the Northwest
12 Territories. This should aid in the development of the
13 project specific plan. This plan can also be included
14 in the scenario information previously referred to for
15 different types of crossings.

16 With regard to water withdrawal, DFO
17 recommends the develop -- the Developer develop water
18 withdrawal plans prior to construction. DFO also
19 encourages consultation with communities in order to
20 ensure that impacts to fisheries are prevented.

21 The Developer has committed to using the
22 DFO protocol for winter water withdrawal from ice-
23 covered water bodies in the Northwest Territories. To
24 adhere to this, information prior to withdrawal must be
25 provided prior to construction.

1 DFO recommends that the Developer
2 provide DFO with a water withdrawal plan for the
3 project, which includes site-specific information such
4 as bathymetry, locations, and quantities of water.

5 It is noted that DFO's water withdrawal
6 protocol does not apply to streams, and additional
7 information where withdrawal from streams is proposed
8 should be provided for DFO's review. And at this point
9 I'd also like to acknowledge that the Proponent has
10 committed to 5 percent instantaneous flow for flowing
11 water.

12 It is the responsibility of DFO and its
13 co-management partners, the Fisheries Joint Management
14 Committee and hunters & trappers committees, to manage
15 fisheries resources along the highway corridor. The
16 Developer has committed to working in cooperation with
17 users to assist in the mitigation of potential impacts
18 to fisheries, particularly in terms of signage and
19 ensuring the highway is designed to prevent or
20 discourage overfishing.

21 The Developer has indicated that borrow
22 sites will not be developed within 50 metres of any
23 water courses, and 1 kilometre of the Husky Lakes. DFO
24 requested clarification that this 50-metre setback
25 includes water bodies, and notes that the Proponent has

1 provided this commitment. In addition, the Developer's
2 commitment to developing a sediment and erosion control
3 plan for the project includes borrow sites.

4 With respect to monitoring, monitoring
5 for impacts to fish habitat as a result of
6 sedimentation should prioritize early detection and
7 rapid response because minor erosion may quickly become
8 major bank failure in many of the soil conditions found
9 along the proposed highway. Monitoring should consist
10 of systems for detection, response, and follow-up, and
11 should be adaptive and responsive to field conditions
12 in case first remedial actions are not successful.

13 The Proponent has committed to
14 monitoring culverts in fish-bearing streams annually
15 for three (3) years to verify that fish passage is
16 maintained, particularly during key migration periods.
17 Long-term monitoring may also be required, however,
18 depending on the crossing type and fish use. DFO will
19 also require monitoring as part of any Fisheries Act
20 authorizations DFO may issue should the project
21 proceed.

22 With respect to blasting, DFO is
23 confident that the use of standard mitigation and
24 monitoring measures as described in our guidelines, as
25 well as a lower threshold value for blasting can be --

1 effectively mitigate any blasting impacts on fish. DFO
2 will require complete information in this regard in
3 order to access our regulatory requirements under the
4 Fisheries Act.

5 No net loss plan. So within the no-net-
6 loss plan -- what this is is it's a plan that the
7 Proponent would put forward to offset losses to fish
8 and fish habitat, so residual losses after considering
9 mitigation. DFO will need information in respect of
10 crossing design details, fish habitat classification,
11 the mitigation measures, and offsetting losses,
12 residual losses of fish habitat, and monitoring to
13 ensure that those activities undertaken to offset
14 losses to fish habitat are effective.

15 DFO would not be able to issue a
16 Fisheries Act authorization until such a time as all
17 information and requirements are satisfactorily met.
18 As stated in the technical sessions, the cumulative
19 effects assessment provided in the environmental impact
20 statement did not provide a quantitative analysis of
21 the cumulative impacts to fish, fisheries, and fish
22 habitat. It described the potential future projects
23 without quantifying their potential impact to fish and
24 fish habitat.

25 DFO has recommended completion of a

1 cumulative effects assessment, including quantitative
2 analysis of the impacts to fisheries, fish, and fish
3 habitat. DFO has requested it be shown how the
4 cumulative effects assessment was completed, what
5 methods were used, and what valued ecosystem components
6 were assessed, and how conclusions were arrived at.

7 DFO understands that additional
8 information has been submitted by the Developer and
9 will provide comment on that information in our final
10 submission. In conclusion, provided that the
11 appropriate mitigation and monitoring plans are
12 developed and adhered to, and applicable DFO guidance
13 is followed, DFO is of the opinion that impacts to fish
14 and fish habitat from the Inuvik to Tuktoyaktuk Highway
15 can be effectively managed.

16 DFO would like to thank the Board for
17 the opportunity to provide DFO's views on the proposed
18 development and looks forward to working cooperatively
19 with all parties in the protection of fish, fisheries,
20 and fish habitat. Thank you.

21 THE CHAIRPERSON/FACILITATOR: Thank
22 you, Ms. Ross. We'll ask the parties to -- if they
23 have any questions. And we might as well start with
24 you, Jim.

25

1 QUESTION PERIOD:

2 MR. JIM STEVENS: Thank you, Madam
3 Chair. One (1) initial question pertaining to the
4 Source 177 access road and the issue of the upright
5 culvert as shown in the previous FJMC presentation.

6 My question is: Can you confirm whether
7 water did continue to flow at this location?

8 THE CHAIRPERSON/FACILITATOR: Ms.
9 Joynt...?

10 MS. AMANDA JOYNT: Madam Chair, Amanda
11 Joynt, with DFO. Can you clarify for when you are
12 asking and -- and I'm not exactly sure what the
13 question is pertaining to. Could you maybe give a
14 little more information?

15 THE CHAIRPERSON/FACILITATOR: Mr.
16 Stevens...?

17 MR. JIM STEVENS: Madam Chair,
18 basically the question pertains to when the upright
19 culvert was discovered and your arrival at the scene.
20 Was an observation made that water was continuing to
21 flow?

22 THE CHAIRPERSON/FACILITATOR: Ms.
23 Joynt...?

24 MS. AMANDA JOYNT: Yeah, Madam Chair.
25 Amanda Joynt, with DFO. Just to clarify, that

1 photograph -- I -- I'm not sure how the FJMC came by
2 it, I'm sure it was forwarded to them as well -- was
3 forwarded to me by the DOT employee. So I was not
4 actually at the scene.

5 And the report given to me stated that
6 because that culvert had lifted, it was an extension,
7 so that flow was still going through underneath the
8 road. However, the culvert, in my understanding, was
9 underwater, and therefore the flow was probably so high
10 it was impeding fish passage at that time.

11 THE CHAIRPERSON/FACILITATOR: Mr.
12 Stevens...?

13 MR. JIM STEVENS: One (1) related
14 question, Madam Chair. Can you confirm that water flow
15 was maintained while remediation was being undertaken?

16 THE CHAIRPERSON/FACILITATOR: Ms.
17 Joynt...?

18 MS. AMANDA JOYNT: Yeah, it's Amanda
19 Joynt with DFO. Can you define which remediation, as
20 this culvert has gone through a couple of different
21 remediations?

22 MR. JIM STEVENS: Madam Chair, one
23 moment please.

24 THE CHAIRPERSON/FACILITATOR: Mr.
25 Stevens...?

1

2

(BRIEF PAUSE)

3

4

THE CHAIRPERSON/FACILITATOR: Sorry.

5

Go ahead, Mr. Stevens.

6

MR. JIM STEVENS: Madam Chair, the

7

remediation we're talking about is the time period at

8

which the culvert end was repaired.

9

THE CHAIRPERSON/FACILITATOR: Ms.

10 Joynt...?

11

MS. AMANDA JOYNT: Amanda Joynt, with

12

DFO. I'm sorry, I still don't understand exactly which

13

timing. I can explain it from my perspective with -- I

14

know of two (2) separate times when there was work done

15

on that culvert. Would you like me to explain that?

16

MR. JIM STEVENS: Madam Chair, we would

17

love to hear the explanation.

18

THE CHAIRPERSON/FACILITATOR: Go ahead.

19

MS. AMANDA JOYNT: Madam Chair, Amanda

20

Joynt with DFO. I'm aware of two (2) separate times

21

where work was done on that culvert to remediate the

22

culvert. The first was prior -- or after that first

23

culvert had lifted off, that extension of the culvert.

24

That extension of the culvert was removed and no work

25

was done immediately after that until the fall.

1 It was noticed by community members
2 that, in the fall, that culvert was perched and
3 therefore not providing fish passage, and that there
4 were fish essentially waiting at the mouth of that
5 culvert to migrate up the culvert.

6 So, therefore, DOT was made aware of the
7 issue. And as you can see on that right -- right
8 photograph on that -- I don't -- the picture. But on
9 the FJMC's presentation, there was another photograph
10 of what looked like a small lip on the bottom of that
11 culvert. And so that was installed to provide fish
12 passage.

13 And that was meant as a temporary
14 measure until the culvert could be fixed permanently --
15 the remainder -- the -- the next year. And that was
16 done -- so, this winter, it's my understanding.

17 THE CHAIRPERSON/FACILITATOR: Thank
18 you. Mr. Stevens...?

19 MR. JIM STEVENS: Madam Chair, one (1)
20 last question. Can DFO confirm that remediation was to
21 their satisfaction?

22 THE CHAIRPERSON/FACILITATOR: Ms.
23 Joynt...?

24 MS. AMANDA JOYNT: Amanda Joynt with
25 DFO. I have photographs and a small report from the

1 Department of Transportation, and when I visit
2 Tuktoyaktuk next week I will be monitoring that site.

3 THE CHAIRPERSON/FACILITATOR: Thank
4 you. Mr. Stevens...?

5 MR. JIM STEVENS: Madam Chair, no
6 further questions.

7 THE CHAIRPERSON/FACILITATOR: Thank
8 you. Oh, sorry. Aboriginal Affairs and Northern
9 Development...?

10 MR. CONRAD BAETZ: It's Conrad Baetz
11 from Aboriginal Affairs. We have no questions at this
12 time.

13 THE CHAIRPERSON/FACILITATOR: Thank
14 you.

15 MS. SUSANNE FORBRICH: Susanne
16 Forbrich, Environment Canada. No questions. Thank
17 you.

18 THE CHAIRPERSON/FACILITATOR: FJMC...?

19 MR. JAMES MALONE: Madam Chair, James
20 Malone, FJMC. We have no question at this -- at this
21 time. Thanks.

22 THE CHAIRPERSON/FACILITATOR: Thank
23 you.

24

25 (BRIEF PAUSE)

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

3 MS. PHOEBE MILES: Phoebe Miles,
4 Infrastructure Canada. No questions.

5 THE CHAIRPERSON/FACILITATOR: Thank
6 you. Parks Canada...?

7 MR. JEAN-FRANCOIS BISAILLON: Jean-
8 Francois Bisailon, Parks Canada. We don't have any
9 questions.

10 THE CHAIRPERSON/FACILITATOR: Thank
11 you. Transport Canada...?

12 MR. DOUG SOLOWAY: Doug Soloway,
13 Transport Canada. We have no questions. Thank you.

14 THE CHAIRPERSON/FACILITATOR: Thank
15 you.

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON/FACILITATOR: Wildlife
20 Management Advisory Council...?

21 MR. BRUCE HANBIDGE: Bruce Hanbidge,
22 Wildlife Management Advisory Council. I have one (1)
23 question just for myself I'd like clarified because I'm
24 not a fisheries expert. There's several questions back
25 and forth about was there water flowing through the

1 pipe, and I wasn't a hundred percent clear on the
2 answer.

3 You said the pipe was completely
4 submerged. And am I correct in assuming that if it's
5 completely submerged, it's a very high flow rate? And
6 is there any fish that could go against the flow rate
7 of a -- I think it was a 2-metre pipe when it's
8 completely submerged?

9 Do we have any fish that can swim that
10 fast? Thank you.

11 THE CHAIRPERSON/FACILITATOR: Ms.
12 Joynt...?

13 MS. AMANDA JOYNT: Amanda Joynt, with
14 DFO. We don't exactly know what the exact velocity of
15 the water going through that pipe was at that time, so
16 we can't comment on whether or not there are fish that
17 exist that could swim against that current.

18 MR. BRUCE HANBIDGE: Bruce Hanbidge.
19 Thank you.

20 THE CHAIRPERSON/FACILITATOR: Thank
21 you. I'd like to turn to our technical experts. And,
22 Dr. Komers, do you have a question?

23 DR. PETR KOMERS: Thank you, Madam
24 Chair. Petr Komers. DFO requires that effects on fish
25 and fish habitat be assessed. The Developer says that

1 impacts to fish will be minimal, but the Developer did
2 not assess the impact of several component of the
3 project.

4 Now, given the Developer's extensive
5 experience and given the Developer's commitment to
6 following DFO protocol, do you still need the
7 assessment of impacts to fish and fish habitat?

8 MS. BEV ROSS: DFO agrees that -- oh,
9 sorry, Bev Ross, Fisheries and Oceans, Madam Chair.

10 THE CHAIRPERSON/FACILITATOR: Okay. Go
11 ahead.

12 MS. BEV ROSS: DFO agrees with the
13 Developer that, in general, the impacts of the
14 construction and operation of stream crossings are
15 fairly well understood and that the mitigation measures
16 to address those impacts are also well understood and -
17 - and readily applied.

18 What we would require is site-specific
19 information. So there's a variety of mitigation
20 measures that could be employed. And we would want to
21 know more about the fish habitat at the site.

22 We have a hierarchy, and it goes to the
23 tune of relocation, redesign, mitigation, and then
24 offsetting the impacts of unavoid -- those -- that are
25 residual impacts that are unavoidable. So things like

1 an in-fill, for example. We might ask for replacement
2 remediation of habitat that's lost in that regard.

3 What specific mitigation measures are
4 employed will depend on what the potential impacts are
5 of that crossing structure at that location. So that's
6 the kind of detail that we would want to have. The
7 more detail we have up front, the better we can advise
8 the Board on our confidence, in terms of the mitigation
9 measures that could be employed.

10 And the more detail we have up front,
11 the less potential delay there may be in implementing
12 regulatory tools. So the sooner we get information,
13 the sooner we can start working towards the issuance of
14 an authorization and be able to provide them in a
15 timely manner.

16 THE CHAIRPERSON/FACILITATOR: Thank
17 you. Dr. Komers...?

18 DR. PETR KOMERS: Petr Komers. Thanks
19 for that clarification. I think you partly addressed
20 my next question.

21 And that is: Will the Developer be able
22 to proceed with construction activities in the absence
23 of these assessments?

24 THE CHAIRPERSON/FACILITATOR: Ms.
25 Ross...?

1 MS. BEV ROSS: Bev Ross, Fisheries and
2 Oceans Canada, Madam Chair. DFO respects the
3 discussion of the Board to determine the sufficiency of
4 information, and the environmental assessment would
5 need to be completed prior to DFO contemplating the
6 issuance of any authorizations.

7 Should the Board determine that the
8 project could proceed to the regulatory phase, DFO
9 would require specific information. And we've outlined
10 in general the nature of that kind of information that
11 we would be considering prior to the issuance of
12 approvals.

13 DR. PETR KOMERS: Petr Komers. Thanks
14 for that. Just the next couple of questions regarding
15 the no-net-loss plan you also mentioned in your
16 presentation.

17 Is it fair to say that the Developer's
18 work surrounding fish habitat compensation has not yet
19 begun?

20 THE CHAIRPERSON/FACILITATOR: Ms.
21 Ross...?

22 MS. BEV ROSS: Bev Ross, Fisheries and
23 Oceans Canada, Madam Chair. My understanding -- and I
24 might defer to Amanda on this point -- but that we have
25 not seen a preliminary plan to offset impacts to fish

1 habitat to date, and we would be requiring a detailed
2 plan in the regulatory phase.

3 THE CHAIRPERSON/FACILITATOR: Ms.
4 Joynt...?

5 MS. AMANDA JOYNT: Amanda Joynt with
6 Fisheries and Oceans Canada. We have received from the
7 Proponent estimates of impacted areas for each
8 crossing, and some of those crossings still have not
9 yet been fully assessed for fish habitat though.

10 THE CHAIRPERSON/FACILITATOR: Okay,
11 thank you.

12 DR. PETR KOMERS: Okay. Petr Komers.
13 So I -- I get the connection. You need the assessment
14 so that you can proceed with the no-net-loss plan. Is
15 that correct?

16 MS. BEV ROSS: Yes, that's correct. So
17 how it would work is --

18 THE CHAIRPERSON/FACILITATOR: Sorry,
19 could you identify yourself?

20 MS. BEV ROSS: Sorry, Bev Ross,
21 Fisheries and Oceans Canada, Madam Chair. My
22 apologies.

23 The Proponent would want to -- once they
24 have the details of the type of crossing that they're
25 going to be putting in, then they would assess the

1 losses to fish habitat after mitigation. So apply as
2 much mitigation as you can.

3 We talked about relocation, redesign,
4 mitigate, and then assess what those residual losses to
5 fish habitat that are unavoidable are. And it's those
6 losses that we would want to be offset through some
7 kind of a plan to remediate. Most often it's
8 remediation of some fish habitat that might have been
9 damaged through some other measure, sometimes creation
10 of fish habitat or enhancement of fish habitat.

11 We would expect the Proponent to be
12 consulting with the communities and with the -- our co-
13 management partners in the nature of -- of the best
14 approach to that.

15 THE CHAIRPERSON/FACILITATOR: Thank
16 you. Dr. Komers...?

17 DR. PETR KOMERS: Petr Komers. That's
18 very useful, thank you. Still with no-net-loss plans,
19 was any no-net-loss plan or fish habitat compensation
20 planning done for the Tuk's Source 177 road done?

21 THE CHAIRPERSON/FACILITATOR: Ms.
22 Joynt...?

23 MS. AMANDA JOYNT: Amanda Joynt with
24 Fisheries and Oceans Canada, Madam Chair. So far that
25 plan has not been provided, but it was agreed with the

1 Proponent that it would be included with the no-net-
2 loss plan for the Inuvialuit Tuktoyaktuk highway.

3 THE CHAIRPERSON/FACILITATOR: Thank
4 you.

5 DR. PETR KOMERS: Madam Chair, that
6 concludes my questions. Thank you very much.

7 THE CHAIRPERSON/FACILITATOR: Go ahead.

8 MS. MEGHAN BIRNIE: Meghan Bir --
9 Meghan Birnie. Does DFO have a role in monitoring and
10 managing project-related effects on the harvesting of
11 fish?

12 THE CHAIRPERSON/FACILITATOR: Ms.
13 Joynt...?

14 MS. AMANDA JOYNT: Sorry, Madam Chair.
15 Would you mind just repeating the question?

16 THE CHAIRPERSON/FACILITATOR: Ms.
17 Birnie...?

18 MS. MEGHAN BIRNIE: Yeah. Meghan
19 Birnie. Sure, Amanda. Does DFO have a role in
20 monitoring and managing project-related effects on the
21 harvesting of fish?

22 THE CHAIRPERSON/FACILITATOR: Ms.
23 Joynt?

24 MS. AMANDA JOYNT: Amanda Joynt, with
25 Fisheries and Oceans Canada. Madam Chair, it is the

1 responsibility of DFO and its co-management partners --
2 so the FJMC and the Hunters and Trappers Committees, to
3 manage fisheries resources along the highway corridor.
4 The Proponent has committed to working in cooperation
5 with users to assist in the management of fisheries,
6 particularly in terms of things like signage and
7 ensuring the highway is designed to prevent or
8 discourage overfishing.

9 DFO engages mainly in regional
10 monitoring. And DFO believes that it is the
11 Proponent's responsibility to collect the project-
12 specific information to support their project EA.
13 Moving forward, DFO proposes that the Proponent engage
14 with the Tuk/Inuvik working group -- which is a working
15 group made up of the HTC members, supported by the
16 Fisheries Joint Management Committee, and observed by
17 DFO -- to continue with monitoring impacts to
18 fisheries.

19 THE CHAIRPERSON/FACILITATOR: Thank
20 you.

21 MS. MEGHAN BIRNIE: Thank you. No more
22 questions.

23 THE CHAIRPERSON/FACILITATOR: Dr. Burn?

24 DR. CHRIS BURN: Thank you, Madam
25 Chair. This is Chris Burn. I wonder if the Department

1 of Fisheries and Oceans could tell us whether, in their
2 view, the total quantity of water that is used by a
3 project is relevant to the environmental assessment?

4 MS. BEV ROSS: The total --

5 THE CHAIRPERSON/FACILITATOR: Ms. Ross?
6 Please identify yourself.

7 MS. BEV ROSS: Thank you, Madam Chair.
8 Bev Ross, Fisheries and Oceans Canada. DFO is
9 interested in the source of the water withdrawal. So
10 how much water gets utilized will depend on the -- and
11 whether that has an impact to fish and fish habitat,
12 will depend on where the water is taken from. So if
13 it's a very large body of water with a very large
14 capacity, there may be miniba -- minimal impacts to
15 fish and fish habitat. If it's a smaller water body,
16 then there would be more substantial impacts.

17 The Proponent has not provided the
18 details to date on which water bodies they intend to
19 use. But they have committed to DFO's water withdrawal
20 -- to meeting DFO's water withdrawal guidelines, which
21 do consider the size of the water body and the capacity
22 of the water body to accommodate the water withdrawals
23 proposed.

24 THE CHAIRPERSON/FACILITATOR: Thank
25 you. Dr. Burn?

1 DR. CHRIS BURN: Madam Chair, I wonder
2 if DFO could clarify whether DFO believes that the --
3 the fact that the sour -- the particular sources have
4 not been identified is an impediment to the Board's
5 ability to review this project.

6 THE CHAIRPERSON/FACILITATOR: Ms. Ross?

7 MS. BEV ROSS: Bev Ross, Fisheries and
8 Oceans Canada. Thank you, Madam Chair. I think that I
9 would defer to the discretion of the Board to determine
10 the sufficiency, again, of the information that's
11 provided.

12 DFO is satisfied that the impacts will
13 be sufficiently mitigated if our guidelines are met and
14 if the Proponent can stay within their commitment to
15 stay below a 5 percent instantaneous withdrawal rate.

16 THE CHAIRPERSON/FACILITATOR: Dr.
17 Burn...?

18 DR. CHRIS BURN: Thank you, Madam
19 Chair. I have one (1) other question for you. You
20 mentioned in your presentation and you mentioned in the
21 report that you submitted that you requested
22 clarification on the 50-metre setback from lakes --
23 from water bodies and also from water courses.

24 Could you briefly outline for the Board
25 why 50 metres is the critical value and it is not 40

1 metres or 60 metres or some other number.

2 MS. AMANDA JOYNT: Madam Chair, one
3 moment, please.

4 THE CHAIRPERSON/FACILITATOR: Go ahead.

5

6 (BRIEF PAUSE)

7

8 MS. AMANDA JOYNT: Madam Chair, Amanda
9 Joynt with Fisheries and Oceans Canada.

10 THE CHAIRPERSON/FACILITATOR: Go ahead.

11 MS. AMANDA JOYNT: Fifty (50) metres is
12 designed to be a protective guideline for ensuring that
13 pressure levels don't go beyond 50 kilopascals within
14 the water by --

15 MS. BEV ROSS: Oh, I think he's talking
16 about the buffer.

17 MS. AMANDA JOYNT: Oh, sorry. I
18 apologize. I'm getting confused between which 50
19 metres we're talking about. Can you clarify the
20 question? Are you talking 50 metres from water bodies
21 for the...

22 My apologies, one moment.

23

24 (BRIEF PAUSE)

25

1 THE CHAIRPERSON/FACILITATOR: Go ahead.

2 MS. BEV ROSS: Bev Ross, Fisheries and
3 Oceans Canada. The 50-metre setback is designed to be
4 protective. So it's -- it's a general protective
5 guideline. So whether exactly fifty (50) or forty-nine
6 (49) is the perfect number, we can't say with
7 certainty. But the 50 metres is designed to protect
8 riparian areas in the vicinity of streams and lakes and
9 water -- other ponds/water bodies.

10 DR. CHRIS BURN: Thank you, Madam
11 Chair. This is Chris Burn. Could you confirm that
12 that 50-metre design was a design development that was
13 developed for ice-rich terrain?

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON/FACILITATOR: Ms.
18 Ross...?

19 MS. BEV ROSS: Bev Ross, Fisheries and
20 Oceans Canada, Madam Chair. The 50 metres was proposed
21 by the Proponent. So exactly where they got the number
22 from and how it was derived, I -- I can't comment on
23 directly. But DFO does agree that it is adequately
24 protective in respect of protecting littoral areas and
25 protecting riparian zones.

1 THE CHAIRPERSON/FACILITATOR: Thank
2 you. Dr. Burn...?

3 DR. CHRIS BURN: Madam Chair, I wonder
4 if DFO is aware that there are over a thousand thaw
5 slumps adjacent to lakes in the Western Arctic and that
6 many of them are greater than 50 metres in dimension?

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON/FACILITATOR: Ms.
11 Joynt...?

12 MS. AMANDA JOYNT: Amanda Joynt with
13 Fisheries and Oceans. Thaw slumps are something that
14 DFO in this region is -- is aware of. Is there a
15 question attached to this statement?

16 THE CHAIRPERSON/FACILITATOR: Dr.
17 Burn...?

18 DR. CHRIS BURN: Thank you, Madam
19 Chair. The question was whether DFO was aware of the
20 thousand thaw -- over a thousand thaw slumps that are
21 greater than 50 metres in dimension. And I understand
22 that that is the case.

23 The question -- the subsequent question
24 is whether, given that these thaw slumps are greater
25 than 50 metres in dimension and therefore would be

1 greater than any 50-metre setback, whether the 50-metre
2 setback that you propose and which you appear to have
3 accepted is in fact satisfactory for the -- as -- as a
4 protective measure with respect to setback from water
5 bodies?

6

7 (BRIEF PAUSE)

8

9 MS. BEV ROSS: Sorry, just a moment,
10 Madam Chair. We want to --

11 THE CHAIRPERSON/FACILITATOR: That's
12 fine.

13 MS. BEV ROSS: -- take a little bit to
14 consider the question.

15 THE CHAIRPERSON/FACILITATOR: Go ahead.

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON/FACILITATOR: Go ahead,
20 Ms. Ross.

21 MS. BEV ROSS: Bev Ross, Fisheries and
22 Oceans Canada. Thank you, Madam Chair. I think our
23 response is, in general, we support the 50-metre
24 setback. We feel that it's protective. If there is a
25 thaw slump that is the result of the Proponent's

1 activities, then we would expect the Proponent to
2 address it.

3 THE CHAIRPERSON/FACILITATOR: Dr.
4 Burn...?

5 DR. CHRIS BURN: Thank you, Madam
6 Chair. My concern is not actually with the Proponent's
7 activities. My concern is whether your regulations
8 will minimize or prevent sedimentation in lakes as a
9 result of sedimentation from a gravel pit given that
10 the setback of the gravel pit from the water body is to
11 be 50 metres.

12 It is possible that you appreciate that
13 some of these thaw slumps have stabilized and that some
14 of them are newly initiated and some of them are
15 reinitiated and that initiation of thaw slumps is a
16 constant feature of the dynamics of ice-rich permafrost
17 terrain, such as within the project area.

18 The question that I have for you with
19 regard to 50 metres is whether it is your position that
20 a 50-metre setback is sufficient so that in the event
21 that a thaw slump initiates from a lake adjacent to
22 which there is a gravel pit, then the 50 metres will be
23 sufficient to protect sedimentation in the lake from
24 the aggregate development area?

25 THE CHAIRPERSON/FACILITATOR: Ms.

1 Ross...?

2 MS. BEV ROSS: DFO -- fish -- Bev Ross,
3 Fisheries and Oceans Canada. DFO does not have
4 specific information to directly comment on the exact
5 distance that would be sufficiently protective in the
6 event of a thaw slump.

7 However, as I've indicated, it is the
8 proponent's responsibility to prevent impacts to fish
9 and fish habitat. And if those impacts occur as a
10 result of their activities, then they will need to take
11 the measures to remediate and address those impacts.

12 THE CHAIRPERSON/FACILITATOR: Thank
13 you.

14 DR. CHRIS BURN: Madam Chair, if -- if
15 it was known what the average dimension of a thaw slump
16 was or if the -- the 95th percentile dimension was,
17 would that affect your assessment of whether fi -- a
18 50-metre setback is sufficient for your -- what appear
19 to be your regulatory requirements?

20 THE CHAIRPERSON/FACILITATOR: Mr.
21 Ross...?

22 MS. BEV ROSS: We do not have specific
23 -- oh, Fisheries and Oceans, Bev Ross. DFO does not
24 have specific regulations pertaining to thaw slumps.
25 What we do have is a regulation -- or, sorry, a section

1 of the Fisheries Act that prohibits harmful alteration,
2 disruption, and destruction of fish habitat.

3 We don't -- we're not in possession of
4 study information that provides us with precise
5 information on thaw slumps. The proponent -- we're not
6 aware of the proponent having provided that in their
7 assessment. So we have some difficulty in commenting
8 further other than to revert back to, as I said,
9 Section 35 of the Fisheries Act prohibits the halter --
10 harmful alteration, disruption, or destruction of fish
11 habitat. Thank you, Madam Chair.

12 THE CHAIRPERSON/FACILITATOR: Thank
13 you.

14 DR. CHRIS BURN: Thank you, Madam
15 Chair. I have no further questions.

16 THE CHAIRPERSON/FACILITATOR: Thank
17 you. Mr. Doni -- Donihee...?

18

19 (BRIEF PAUSE)

20

21 MR. JOHN DONIHEE: Thank you, Madam
22 Chair. John Donihee, Board counsel. I -- I just want
23 to first clarify the role of -- of DFO in -- in respect
24 of this proceeding. I understand, and you've been
25 clear, that you have regulatory authorities. Your

1 slides gave us a list of the sections under the
2 Fisheries Act that -- that you administer.

3 Your technical submission also
4 indicates, of course, that you're here as a responsible
5 -- your -- that your Minister will be a responsible
6 Minister under the Canadian Environmental Assessment
7 Act. And you indicate that DFO is designated as a
8 government authority competent to authorize the
9 development as set out in the -- in the IFA.

10 Now, I take it that those sorts of roles
11 are not regulatory but rather you're here, as well, to
12 provide scientific advice and analysis to the Board in
13 order to assist it to complete its impact assessment.

14 Is that a fair description of that
15 aspect of DFO's role in this proceeding?

16 THE CHAIRPERSON/FACILITATOR: Ms.
17 Ross...?

18 MS. BEV ROSS: Bev Ross, Fisheries and
19 Oceans Canada. Thank you, Madam Chair. Absolutely.
20 And I would contend that DFO has been doing that
21 throughout this assessment. It's the Proponent's
22 responsibility to generate the information for the
23 environmental impact assessment that -- for their
24 environmental impact statement that they provide to the
25 Board.

1 DFO has been participating both in our
2 regulatory capacity and as an expert, and has provided
3 information for this assessment in Information
4 Requests, in responses to Information Requests that
5 were directed at DFO, in technical sessions, and now
6 here before the Board.

7 THE CHAIRPERSON/FACILITATOR: Thank
8 you. Mr. Donihee...?

9 MR. JOHN DONIHEE: Thank you, Madam
10 Chair. I can only speak for myself and my colleagues
11 at this table, but we very much appreciate the
12 assistance that you and your colleagues have provided.
13 And I certainly didn't mean to imply by the question
14 that we felt that DFO had been less than of -- of
15 assistance to the Board.

16 However, I -- I think it's -- it's
17 obvious, I -- I expect to you as well, I see you in
18 hearings all the time, that, you know, this Board's
19 responsibility is impact assessment and not regulation.
20 When the time comes, depending on the Board's report,
21 and of course your Minister's role in making an
22 ultimate decision, you may then become purely
23 regulators as this process goes forward.

24 I -- I just want to work my way through
25 the technical report that you provided to the Board

1 rather quickly, or I hope it will be rather quickly.
2 But there are a number -- and I actually did count them
3 -- of situations in -- comments made -- I shouldn't
4 call them "situations" -- comments or conclusions made
5 in the technical report which indicate that DFO has had
6 some difficulties with the materials provided by the
7 Developer in exercising DFO's responsibilities as an
8 assessor.

9 And so if you have that report there,
10 and -- and stop me if you think that I'm ignoring
11 something important that you've said, but I -- I do
12 want to try and go through this.

13 On page 5, you're talking about water
14 crossings, and you simply point out that the impact of
15 summer installation of crossings was not assessed in
16 the EIS, and mitigations not outlined. So that's
17 number 1. Number 2 on page 6, you say it -- and this
18 is under selection of crossing types. You say:

19 "To assess the impacts to fish and
20 fish habitat, DFO requires more
21 detail as to the types of mitigation
22 that will be applied at each type of
23 crossing during the construction and
24 operations phase."

25 So that's, in my mind, another spot

1 where you are simply pointing out that you could have
2 helped the Board better if you had more information
3 from the Developer.

4 Likewise, right below that, under
5 "Winter fish habitat," you simply say that:

6 "Fish habitat surveys completed to
7 date did not determine winter fish
8 habitat."

9 So that's number 3. The next page, on
10 page 7, under general DFO comments on water crossings,
11 you recommend that once the crossing tables have been
12 finalized that impacts to fish, fish habitat, and to
13 fisheries be assessed and quantified. So I take that
14 to mean that, again, you don't think that that has been
15 done yet, and that it would help you to help the Board
16 if it were.

17 Down below that, under "Sedimentation,"
18 at the bottom of page 7, I identify the fifth instance
19 that I'm referring to. It says:

20 "The Proponent has proposed the use
21 of mitigation measures to reduce
22 physical disturbance and
23 sedimentation impacts on channel
24 morphology and fish habitat. DFO is
25 concerned that the effectiveness of

1 these measures cannot be evaluated
2 because of a lack of detail."

3 So another spot where, based on your
4 assessment to date, you just aren't really able to go
5 as far as you might like in -- in evaluating the
6 assessment. If you turn to page 9, "Fisheries
7 management and harvesting," you simply start off there
8 -- and that's instance number 6, and -- by saying:

9 "The impact of har -- of increased
10 fishing activities along the road
11 route has not been adequately
12 assessed within the EIS."

13 Instance number 7, the -- under borrow
14 pits -- sorry, "borrow sites":

15 "The detailed pit or quarry
16 development plans which will include
17 site-specific environmental
18 information and reclamation plans for
19 each borrow pit have not been
20 provided."

21 And that was confirmed yesterday as
22 well. Number 8 on page 10:

23 "The EIS requires more details on
24 short construction related and long-
25 term monitoring. A well designed

1 monitoring program is critical to
2 verific -- verification of impact
3 predictions and assessment of the
4 effic -- wow, efficacies --
5 been a long day already] -- efficacy
6 of mitigation measures."

7 And -- and we understand from the
8 Developer's evidence yesterday that this monitoring
9 plan is under preparation, but not yet filed. And
10 number 9, under cumulative effects assessment on page
11 11, you start off simply by saying:

12 "The cumulative effects assessment
13 provided in the environment impact
14 statement does not fully assess the
15 cumulative effects on fish and fish
16 habitat."

17 So those are the instances that I
18 identified in your technical submission where, in my
19 view, you have simply and -- and properly if that, of
20 course, is your -- those are your conclusions, you've
21 properly advised the Board of -- of aspects of the
22 project where the Developer's activities will intersect
23 with DFO's mandate and where, from your point of view,
24 you simply don't have the information that you need in
25 order to draw a conclusion about the adequacy of the

1 impact assessment.

2 Now, I realize that was probably the
3 longest question I will ever ask. But I -- I did want
4 to try and summarize it. Is that -- is that a fair
5 assessment of where you got to when you wrote your
6 technical report?

7 THE CHAIRPERSON/FACILITATOR: Ms.
8 Ross...?

9 MS. BEV ROSS: Bev Ross, Fisheries and
10 Oceans Canada. Thank you, Madam Chair. Madam Chair,
11 we -- we did anticipate this question. Mr. Donihee has
12 asked it of a -- a number of parties. And certainly we
13 would prefer to have come before the Board with more
14 information to be able to give more certain advice.

15 We are somewhat comforted by the fact
16 that we do have regulatory instruments that we have
17 identified that -- through which we can ensure that the
18 information that is outstanding in order for us to
19 exercise those instruments will be provided prior to
20 approval.

21 I think in the case of this particular
22 project as well, we have some -- we can take some
23 comfort in the fact that while there is unique
24 challenges working in the north, that measures to
25 mitigate the potential environmental impacts of stream

1 crossings are fairly well developed and employed for
2 road construction projects.

3 So the question of can the effects be
4 mitigated, we think they can. Do we have the
5 regulatory tools and instruments to ensure that those
6 mitigation measures get employed, we think we do.

7 But we would have preferred to come
8 before the Board today with a better idea of exactly
9 how the Proponent plans to mitigate those impacts on a
10 site-specific basis. We also acknowledge that the
11 Proponent has committed to providing additional
12 information prior to our final technical sub --
13 submission.

14 One (1) of the key pieces of information
15 that we had been asking the Proponent for was the -- a
16 scenario-specific type of -- so if we're going to build
17 this kind of crossing we're going to employ these
18 kinds of mitigation measures, and we think that will be
19 helpful to inform our final technical submission.

20 So we come before the Board now, this is
21 where we're at, the Proponent has committed to
22 providing some additional information. And once we
23 have that we'll be able to provide our opinion on that
24 information in our final submission.

25 THE CHAIRPERSON/FACILITATOR: Thank

1 you. Mr. Donihee...?

2 MR. JOHN DONIHEE: Thank you, Madam
3 Chair. I -- I'm sure you understand that the comfort
4 that's available to you as a regulator is simply not
5 available to the Board because their job is to do the
6 environmental assessment, and that once that is done
7 their job is finished.

8 So would you agree with that statement?

9 THE CHAIRPERSON/FACILITATOR: Ms.
10 Ross...?

11 MS. BEV ROSS: Bev Ross, Fisheries and
12 Oceans Canada. Thank you, Madam Chair. I think that
13 it is -- again, I -- I respect the -- the Board's
14 authority to determine at which point their job is
15 finished, and it's not my job to opine on when that
16 would be.

17 So we prevent -- or we provide the best
18 assessment we can of the information that's been
19 provided to us to date. And I think what we're trying
20 to do here is help the Board in -- where we see there
21 could be a path forward.

22 So that's some considerations for the
23 Board in terms of again, regulatory tools, additional
24 information that the Board may receive prior to final
25 submissions. And then it is -- we -- we respect the

1 Board's discretion to determine the adequacy of that
2 information for their environmental assessment.

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON/FACILITATOR: Thank
7 you. Mr. Donihee...?

8 MR. JOHN DONIHEE: Thank you, Madam

9 Chair. I -- I might characterize it a little
10 differently for you just to see how you respond to it.
11 It -- it strikes me that the Department of Fish --
12 first of all, there -- there's a -- a distinction in --
13 in the way that, of course, that the evidence comes
14 forward to the Board depending on whether or not a
15 department is a regulator or not.

16 Those that are just providing scientific
17 advice or those that don't have regulatory roles focus
18 a little more on the impact assessment process because
19 that's the only shot they get.

20 The regulators, on the other hand, have
21 a tendency to treat the impact assessment process like
22 a speed bump on the way to the regulatory process.
23 And, you know, I guess it -- it just -- I suppose I
24 should make this a question.

25 Do you really think that -- well, let --

1 let me ask it to you this way. You said that key
2 information will be provided by the Developer before
3 final technical submissions are supposed to take place.
4 That's -- certainly our understanding is that their
5 work continues and that they are doing important work
6 which may assist DFO in its final technical submission.

7 But, you see, the problem is that that
8 information is not evidence in this process. And so
9 let me ask you: Do you think -- if that in -- if that
10 information is really important for you to make your
11 final technical submission, would it be DFO's position
12 that the Board should re-open the process so that --
13 after the hearing is over so that more evidence can be
14 filed in order that you can finalize your technical
15 submission?

16 MS. BEV ROSS: I'm not going to give
17 you -- I think -- oh, Bev Ross, Fisheries and Oceans
18 Canada. I'm not sure how helpful my response would be.
19 I respect -- again, DFO respects the -- the discretion
20 of the Board to determine the adequacy of the
21 information that's been provided to them.

22 So what I would also just comment on a
23 little bit is that, as a regulator, DFO wouldn't see it
24 so much as a speed bump as part of the process for us
25 to get to our regulatory decisions. We get preliminary

1 information. We get an opportunity to assess that
2 information. We can revise plans as we go towards that
3 regulatory decision and hopefully clear a lot of
4 matters out of the way.

5 So we -- we have a process for
6 undertaking a Fisheries Act assessment. To get as many
7 of the potential impacts to aquatic redor -- resources
8 addressed upfront and early is a good process from the
9 perspective of a regulator. So it's not so much a
10 speed bump as a means of assisting the regulators in
11 getting to a place.

12 There's also some key consultation
13 information that we can often take advantage of that
14 comes to us through the environmental assessment
15 process. So I would -- I guess I -- I would
16 characterize the process as -- as complimentary and
17 helpful to the regulatory process rather than a speed
18 bump. Thanks, Madam Chair.

19 THE CHAIRPERSON/FACILITATOR: Thank
20 you. Mr. Donihee...?

21 MR. JOHN DONIHEE: Thank you, Madam
22 Chair. John Donihee again. Well, we can have that
23 discussion some other time and not take up the Board's
24 time with it. I'm just wondering though, in light of
25 all of this, why did DFO -- why do you call the

1 submission that you made on the 10th of September a
2 "draft technical submission"?

3 You know, is it an -- are you
4 anticipating that this process is going to go on?

5 THE CHAIRPERSON/FACILITATOR: Ms.
6 Ross...?

7 MS. BEV ROSS: Bev Ross, Fisheries and
8 Oceans Canada. I believe that was a typo. And, no.
9 Sorry, one moment for consultation, please, Madam
10 Chair.

11 THE CHAIRPERSON/FACILITATOR: Go ahead.

12

13 (BRIEF PAUSE)

14

15 MS. BEV ROSS: Bev Ross, Fisheries and
16 Oceans, Madam Chair. We were following the direction
17 of the Board on that in the issues tracking -- in their
18 August 10th direction to the parties, there is a bullet
19 there for a draft technical submission for public
20 hearings.

21 MR. JOHN DONIHEE: All right, I have
22 one (1) -- one (1) more question for you, I guess.
23 Have you had an opportunity to review the reply which
24 was filed by the Developer on the 13th of September?

25 MS. BEV ROSS: Bev Ross, Fisheries and

1 Oceans Canada, Madam Chair. We had a brief look at it.
2 We haven't given it a thorough review. We haven't had
3 sufficient time to do that in preparation for these
4 proceedings.

5 THE CHAIRPERSON/FACILITATOR: Thank
6 you.

7 MR. JOHN DONIHEE: Well, I'm going to
8 ask you the question anyway. After all, we're here,
9 and we won't all be together again. The Developer
10 replies in -- in -- specifically to a number of the
11 items that are set out in your technical submission.

12 And I'm -- so my question is simply:
13 Does anything that they say by way of reply to your
14 submission move you to change your position in respect
15 of any of the items that they addressed?

16 MS. BEV ROSS: Bev Ross, Fisheries and
17 Oceans Canada. Madam Chair, we haven't had sufficient
18 time to go through the Proponent's submission. It was
19 filed after the due date, and we can commit to getting
20 back to the Board in our final submission on our views
21 on the responses that the Proponent provided.

22 THE CHAIRPERSON/FACILITATOR: Thank
23 you.

24 MR. JOHN DONIHEE: Madam Chair, I --
25 with the greatest of respect, I think I'd like the

1 answer sooner than that. I wonder if the DFO
2 delegation would undertake to providing a review of
3 that material, and a response to the Board in writing
4 in a -- in a week? Be -- I -- I'd like to see the
5 answer before we get the final submissions.

6 And I should think that a week must be
7 enough time for three (3) people to read five (5) or
8 six (6) pages and respond. Can you give us that
9 undertaking, please?

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON/FACILITATOR: Ms.
14 Ross...?

15 MS. BEV ROSS: Bev Ross, Fisheries and
16 Oceans Canada, Madam Chair. In our brief glance at the
17 responses from the Proponent they do make a number of
18 commitments in respect of additional information that
19 they have committed to file by September 30th, so it
20 may be fairly difficult for us to provide additional
21 comment on their comments to provide something in -- in
22 the future.

23 Just one moment, Madam Chair.

24 THE CHAIRPERSON/FACILITATOR: Go ahead.

25

1 (BRIEF PAUSE)

2

3 MS. BEV ROSS: Bev Ross, Fisheries and
4 Oceans Canada. Madam Chair, our presentation did in
5 fact point to a few places where we had seen the
6 commitment. So in my presentation comments where we
7 understood the Proponent to have committed to providing
8 certain pieces of information, or to have provided a
9 commitment that we had asked for, we did acknowledge
10 that in our verbal presentation today. We think that
11 we can provide further advice to the Board of that
12 nature within a week.

13 THE CHAIRPERSON/FACILITATOR: We'll --
14 we'll see that as a commitment to do that.

15 MR. JOHN DONIHEE: John Donihee, Madam
16 Chair. So I understand what you're offering then is to
17 review the reply made by the Developer to your
18 technical submission, and to reflect on that in writing
19 to the Board within a week, and to indicate to the
20 Board whether or not the reply results in any changes
21 to the positions that you included in your September
22 4th draft technical submission.

23 Is that -- is that -- that's the way I
24 would characterize it. Is that what you're ready to
25 do?

1 (BRIEF PAUSE)

2

3 MS. BEV ROSS: Bev Ross, Fisheries and
4 Oceans Canada. I guess -- we had a question of process
5 here because the Proponent had also provided responses
6 to other Intervenor. And my understanding is that
7 there would be final submissions that all the
8 Intervenor were expected to provide to the Board. So
9 I guess what we would like is some clarification on why
10 it would be more helpful to have DFO's responses sooner
11 than the other parties, I guess, is our question.

12 MR. JOHN DONIHEE: Thank you, Madam
13 Chair. I suppose part -- since, you're asking me
14 questions now, but I will answer. We haven't finished
15 with the other parties yet. And so, you know, that's
16 part of the answer. But really, you know, all we want
17 to know is whether the reply makes a lot of difference
18 to the technical submission.

19 You know, at the end of all of this
20 there will be final submissions. But I consider the
21 first question to be a much narrower one. And -- and
22 so that's why I asked it here. And I think it's --
23 well, so -- so that's why it's being asked. And I --
24 and I think that, you know, it's a reasonable --
25 anyway, that -- that's the background if you want some

1 explanation for why the question is -- was asked.

2 MS. BEV ROSS: Okay. Bev Ross,
3 Fisheries and Oceans Canada. I think DFO will provide
4 within a week the best response that we can in terms of
5 whe -- which of those responses adequately address the
6 concern that has been raised. Whether it changes our
7 overall final conclusions, I think we will reserve that
8 opinion for our final submission, if that's okay with
9 the Chair.

10 But we will provide some preliminary
11 comment and maybe -- you know, I -- I talked about
12 clearing away some issues. If -- if some of those
13 issues are adequately addressed within the Proponent's
14 response, we can comment on that, if that is
15 satisfactory to the Chair.

16 THE CHAIRPERSON/FACILITATOR: Thank
17 you. I'm just going to --

18 MR. JOHN DONIHEE: Madam Chair, no
19 that's -- you've fuzzied it all up now. And, you know,
20 you could send us anything and that wouldn't really
21 help. And it won't help you to know what to send us.

22 So let's be really clear. What I asked
23 for was yo -- you to review the reply that was provided
24 by the Developer, and to tell us whether what's in the
25 reply, not what they promised September 30th or for

1 Christmas, will -- so tell us whether what's in the
2 reply changes, in your -- in your professional
3 judgment, changes any of the positions advanced by DFO
4 in its technical submission.

5 That's all I'm asking for. And if we're
6 clear then, and you agree if you would file it a week -
7 - in a week's time, that would be perfect.

8 MS. BEV ROSS: Okay, we -- Bev Ross,
9 Fisheries and Oceans Canada. To the best of our
10 understanding of what Mr. Donihee is asking for, we
11 will review the reply and we will endeavour to provide
12 comment on whether that changes the position that DFO
13 has taken in our final submission.

14

15 --- UNDERTAKING NO. 1: DFO to review the reply
16 that was provided by the
17 Developer and to determine
18 whether what's in the reply
19 changes any of the
20 positions advanced by DFO
21 in its technical
22 submission, to be filed by
23 September 26

24

25 THE CHAIRPERSON/FACILITATOR: Thank

1 you.

2 MS. BEV ROSS: Thank you, Madam Chair.

3 Sorry, in -- in our submission to the Board to date.

4 MR. JOHN DONIHEE: Yes, thank you,

5 Madam Chair. Just -- just one (1) comment to --

6 perhaps to help. And -- and this is an independent,

7 okay, it's not related to what you may say in your

8 final written submissions. So I -- I just want to make

9 sure that's clear. And thank you, Madam Chair, those

10 are my questions.

11 THE CHAIRPERSON/FACILITATOR: I'll just

12 ask my Bo -- my panel members if they have any

13 questions. Herbert...?

14 MR. HERBERT FELIX: Herbert Felix. No

15 questions at this point.

16 MR. ROLAND KIKOAK: I have a question.

17 In your introduction, 2.2 the stage -- the scope of the

18 technical submission, 13.1. Can you clarify the

19 environmental monitoring? Is it environmental monitor

20 -- monitoring in regards to the employment of an

21 environmental monitor through the ILA?

22 THE CHAIRPERSON/FACILITATOR: Ms.

23 Joynt...?

24 MS. AMANDA JOYNT: Madam Chair, Amanda

25 Joynt with Fisheries and Oceans. Sorry, can you

1 clarify where you're looking? I didn't hear it.

2 MR. ROLAND KIKOAK: Sorry. It's in
3 your introduction, 2.2 13.1, Environmental Monitoring.
4 Can you clarify that for us, please, is it the
5 employment of environmental monitors through the
6 Inuvialuit Land Administration?

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON/FACILITATOR: Go ahead.

11 MS. BEV ROSS: Bev Ross, Fisheries and
12 Oceans Canada. If I'm understanding your question
13 correctly, you're interested in how and who carries out
14 the environmental monitoring. Would that be correct?

15 MR. ROLAND KIKOAK: I'd like to know --
16 can you explain to us in your technical submission,
17 environmental monitoring.

18 Is that an environmental monitor that is
19 employed by the Inuvialuit Land Administration?

20 MS. AMANDA JOYNT: Madam Chair, Amanda
21 Joynt with Fisheries and Oceans. I think I can clarify
22 something. So when Section 2.2, the Review Board asked
23 all of the parties to identify what sections of the
24 terms of reference that DFO would be focussing on in
25 our technical submission. And so when we refer to

1 13.1, that's the section of the terms of reference that
2 we would be speaking to within our technical
3 submission. So when -- if you look at Section 4.6 of
4 our technical submission, that's where we refer to
5 environmental monitoring.

6 THE CHAIRPERSON/FACILITATOR: Maybe --
7 I -- I think what Mr. Kikoak's asking is if you use
8 environmental monitors that are employed by the
9 Inuvialuit Land Administration or whether you employ
10 monitors in another way.

11 MS. AMANDA JOYNT: Madam Chair, Amanda
12 Joynt, with Fisheries and Oceans. It is up to the
13 Proponent to supply environmental monitors. And it's
14 also up to the ILA if the pro -- if the construction is
15 occurring on ILA land to provide environmental
16 monitors.

17 Does that answer your question?

18 MR. ROLAND KIKOAK: Thank you very
19 much. In regards to water withdrawal, I understand
20 that you'll be using a 2.5 millimetre screen to
21 withdraw water. Now there's potential for a new truck
22 driver, or a truck driver to come along and go into the
23 lake and drop their hose or their screen. And the
24 environmental monitor comes along and the driver pulls
25 out a hose that does not have a fish screen on there.

1 I'm wondering what kind of action you'll
2 be bringing to the Proponent in regards to compliance.

3

4 (BRIEF PAUSE)

5

6 MS. BEV ROSS: Bev Ross, Fisheries and
7 Oceans Canada, Madam Chair. It would be the
8 responsibility of the Proponent to identify mechanisms
9 to ensure compliance. So the -- the fish screen, for
10 example, fish screen guidance is provided by DFO that
11 is intended to prevent impingement or entrain --
12 entrainment, so prevent fish from getting sucked up
13 into the hose and prevent fish from getting squished
14 against it.

15 But the Proponent would be responsible
16 for providing specific environmental monitoring plans
17 that would provide us with information on how they
18 intend to ensure compliance.

19 THE CHAIRPERSON/FACILITATOR: Do you
20 have other questions?

21 MR. ROLAND KIKOAK: Yeah, my question
22 would be: What action would you be giving to the
23 Proponent should a truck driver that sticks a hose into
24 the hole to withdraw water, and he pulls it out, and
25 the environmental monitor is there and notices that?

1 What action would you bring to the Proponent in regards
2 to compliance? What action would you be taking? I
3 mean, the monitor -- environmental monitor will
4 probably note that in his daily log. And then it will
5 be submitted to the ILA and on to AANDC.

6 And I'm just wondering: What action are
7 you going to be giving to the Proponent in regards to
8 compliance monitoring?

9 MS. AMANDA JOYNT: Madam Chair, Amanda
10 Joynt, with Fisheries and Oceans Canada. Enforcement
11 at DFO takes a lot of different forms. It's very
12 dependent on the Proponent and their willingness to
13 conform and -- and comply with the measures taken. So
14 the first thing would be to ensure that the Proponent
15 is aware of the issue. And then proceed from there
16 with -- with our strategy, our enforcement strategy,
17 depending on what the real issue is.

18 MR. ROLAND KIKOAK: Okay, thank you,
19 Amanda.

20 MS. CATHERINE COCKNEY: Cathy Cockney.
21 So if you say the information was insufficient to do an
22 assessment and if a fish habitat protection plan is not
23 even developed or not available now and the Proponent
24 hopes to start work like right away, soon, will DFO
25 have somebody present or at least aware of when they're

1 going to be crossing streams or -- or in -- installing
2 culverts -- sorry, installing culverts at rivers and
3 streams and making sure that they're adequate for the -
4 - the flow of the river or the stream in order to
5 prevent fish habitat damage?

6 THE CHAIRPERSON/FACILITATOR: Ms.
7 Ross...?

8 MS. BEV ROSS: Bev Ross, Fisheries and
9 Oceans Canada. Thank you for that question. The works
10 would not be authorized without those plans in place
11 having received DFO's review. So the expectation
12 around the process is that the appropriate plans for
13 when -- what kind of a crossing would be installed,
14 what mitigation measures would be in place to manage
15 environmental impacts, what kind of monitoring, what --
16 how the culvert was sized to ensure fish passage during
17 the migratory periods, all that information we would
18 expect to have in front of DFO prior to us issuing an
19 authorization.

20 And we would certainly advise the
21 Proponent to obtain an authorization before they
22 commenced work. It would then be up to the Proponent
23 to carry out the monitoring and provide that to DFO.

24 THE CHAIRPERSON/FACILITATOR: Liz
25 Snider, with the panel. I have no questions for DFO.

1 MR. BRUCE CHAMBERS: Bruce Chambers. I
2 got one (1) -- one (1) question. We've heard through
3 Mr. Kikoak that the environmental monitoring would be
4 the responsibility of the Proponent. And -- and the --
5 the report tracking going through ILA and AANDC, et
6 cetera. But we also heard from the Proponent that
7 there would be two (2) construction shows at either
8 end.

9 And Fisheries sounds like they have a
10 bit more authority in terms of being able to step into
11 bri -- to correct a situation. Will Fisheries have
12 sufficient personnel -- enforcement personnel to be
13 able to cover off two (2) shows in -- again in light of
14 cutbacks. I don't know if you faced cutbacks here or
15 not. I think you have.

16 And how would you come about that? So --

17 MS. BEV ROSS: Bev Ross, Fisheries and
18 Oceans Canada. Well, again it -- it would be the
19 responsibility of the Proponent to have environmental
20 monitors in place, and we would expect them to report
21 any incidences that could impact fish and fish habitat.

22 If we hear of a report then, depending
23 on the nature of that report, we may determine that
24 inspection by enforcement officers is necessary. And
25 we would determine on a priority basis where those

1 officers were deployed. And that would depend on the
2 severity and the risk to fish and fish habitat.

3 As an initial step we generally look to
4 voluntary compliance, so we might have some kind of a
5 conversation with the Proponent. A habitat biologist
6 might have some additional conversation. And we would
7 only bring in Fisheries officers as a last measure as
8 opposed to a first measure in terms of -- of obtaining
9 compliance from any Proponent.

10 DFO expects to have adequate resources
11 in place to fulfill their mandated responsibilities.
12 Thank you, Madam Chair.

13 MR. BRUCE CHAMBERS: Bruce Chambers.
14 Well, I gather that Fisheries has no Fisheries officer
15 here now. And it sounds almost as if you have -- as --
16 as long a route to get information for any sort of
17 breaches as the -- the environmental officer, or at
18 least the environmental monitor would.

19 And if you have to draw on somebody from
20 somebody -- from somewhere else, how is that going to
21 help Fisheries respond effectively, in terms of speed?

22

23 (BRIEF PAUSE)

24

25 MS. AMANDA JOYNT: Madam Chair, Amanda

1 Joynt, Fisheries and Oceans. To answer, I believe, the
2 first question, we do have a Fisheries officer in the
3 office currently. He is moving to Yellowknife at the
4 end of the month, but he will still be covering this
5 area. It will be his responsibility.

6 I believe the second question referred
7 to the flow of information from monitors to DFO. If
8 the Tuk 177 road is any indication, the flow of
9 information comes quite quickly to DFO, and usually
10 through the Proponent, or the community.

11 MR. BRUCE CHAMBERS: Bruce Chambers.
12 Okay, thank you. I have no other questions.

13 THE CHAIRPERSON/FACILITATOR: Just go
14 ahead.

15 MR. ROLAND KIKOAK: Roland Kikoak. My
16 question is in regards to culverts and bridges. We
17 understand that in Source 177 they -- they were
18 originally supposed to put the bridge rather than a
19 culvert.

20 Now, my question is -- well, not so much
21 a question, but I'm hoping that there'll be no
22 alterations in regards to culverts and bridges. The
23 bridges go where the bridges got to go, and the
24 culverts go where they have to go.

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON/FACILITATOR: Go ahead.

4 MS. BEV ROSS: Bev Ross, Fisheries and
5 Oceans Canada. And I can only say we agree with the
6 Board member that the ultimate decisions on -- on where
7 -- what kind of a structure gets put in place have a
8 lot of considerations that the Developer will be better
9 able to speak to.

10 But what DFO likes to see is crossings
11 that minimize impacts to fish and fish habitat.

12 MR. ROLAND KIKOAK: Thank you.

13 THE CHAIRPERSON/FACILITATOR: Sorry. I
14 think that concludes our questions, so thank you very
15 much for your presentation and your response to the
16 questions.

17 MS. BEV ROSS: Thank you, Madam Chair.

18 THE CHAIRPERSON/FACILITATOR: And your
19 undertaking. Thank you. I would suggest that we take
20 a fifteen (15) minute break right now and come back.
21 And Environment Canada should be ready to come up.

22

23 --- Upon recessing at 3:42 p.m.

24 --- Upon resuming at 4:14 p.m.

25

1 THE CHAIRPERSON/FACILITATOR: Okay. If
2 we can start with the proceedings. Just before we
3 start, I understand that there was a -- a question that
4 was going to be asked by the Government of Canada,
5 Department of Justice.

6 MS. KARIN TAYLOR: Karin Taylor,
7 Department of Justice Canada. Just a follow-up on some
8 of the questions and responses that were put to DFO
9 just now on the previous presentation.

10 For us it raised some questions around
11 the procedure/process that's going to follow after this
12 hearing is complete. And we're just seeking some
13 clarification on what exactly the parties may or will
14 be able to consider in their final submissions, which
15 are to follow after these hearings are over.

16 So to date the parties have commented on
17 -- commented on information that was available as of
18 September 4th, and that was as per the Board's
19 direction. And it was our understanding that more
20 information would be coming forward at the hearings,
21 and potentially after the hearing has completed the
22 record would stay open and further submissions would be
23 provided by the Developer for the parties
24 consideration, and then a final submission would be put
25 to the Board incorporating all of that information and

1 then drawing conclusions and making recommendations to
2 the Board.

3 So the questions that were raised by Mr.
4 Donihee sort of made that a little unclear about what
5 it actually could be considered and what those final
6 submissions are going to look like. So I'd just like
7 some clarification from the Board about how that
8 process will unfold.

9 THE CHAIRPERSON/FACILITATOR: All
10 right. Thank you. I think we indicated earlier in
11 this hearing that there was a number of documents that
12 have been referred to either in technical submissions
13 or in comments made by the Developer or other parties
14 that were commitments. And these are documents that
15 are going to be available very shortly.

16 And I think from a Board point of view
17 we think that information would be very useful for the
18 purposes of this environmental impact assessment. I
19 think what we would like to do and what we did say is
20 that we would meet as a panel after the hearings in Tuk
21 and look at where we were at in terms of information
22 and -- and the -- what developed from the hearings, and
23 make a decision on sort of some of that process and
24 some of those documents.

25 What we would actually like to do is get

1 a list of what documents would be available from the
2 Developer that could actually be filed. And I -- I
3 know that you've mentioned a lot of them would be
4 available in September and some of them in early
5 October. So if we could get a list of which documents
6 would be available and filed before, say, October 15th
7 or thereabouts, we would circulate that list to the
8 parties to get an idea of whether that information
9 would be helpful in your final submissions.

10 In our directive on August 10th we
11 actually talked about final technical submissions. And
12 if this information can actually be made available for
13 the record, and parties think that it would be useful,
14 we would allow time for them to consider that and
15 incorporate that information into their final
16 submissions. And I think from a Board point of view,
17 we think that would be very helpful.

18 So we'll proceed with sort of
19 circulating the list and getting some feedback from the
20 parties, and then the panel will get together and we
21 will sort of look at what we've received, and what the
22 information is, and the reaction of the parties to that
23 information, and sort of set out a go-forward process
24 and -- and maybe some slight adjustments to time frames
25 as a result of that information. And we'll do that

1 very shortly in a directive after the hearings are
2 over.

3 Does that help?

4 MS. KARIN TAYLOR: Thank you, Madam
5 Chair. That's very helpful.

6 THE CHAIRPERSON/FACILITATOR: Mr.
7 Stevens, do you have a question?

8 MR. JIM STEVENS: Madam Chair, yes, I
9 do have a question. The first thing I would say is
10 that we agree with your assessment that the additional
11 information would be helpful. The question I have is
12 relative to the final report date.

13 Would you be able to confirm that it is
14 the intention of the panel to still stick to the date
15 that is now current in the schedule?

16 THE CHAIRPERSON/FACILITATOR: I think
17 what we would have to do -- I -- I can't speak for the
18 panel -- we would have to look at what we receive.
19 What we've committed to is actually sitting down as a
20 panel right after the hearings in Tuktoyaktuk and
21 looking at what we have in front of us. And we'll look
22 at that date at that time.

23 Certainly we're committed to getting
24 this process done as quickly as we can, so we'll keep
25 that in mind.

1 MR. JIM STEVENS: Thank you, Madam
2 Chairman, for that response -- Chairwoman -- Chair
3 Madam. It's -- it's been a long day.

4 THE CHAIRPERSON/FACILITATOR: Yes, it
5 has, and I think unless we get on, we'll be a little
6 longer. Thank you.

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON/FACILITATOR: Sorry.
11 Unless there's further questions from anybody, we'll
12 proceed with Environment Canada. If you'd like to
13 introduce yourself and go forward with your
14 presentation, that would be great.

15

16 PRESENTATION BY ENVIRONMENT CANADA:

17 MS. SUSANNE FORBRICH: Thank you, Madam
18 Chair. Good afternoon, Madam Chair, panel members,
19 Elders, ladies and gentlemen. As I mentioned
20 yesterday, my name is Susanne Forbrich, and I'm the
21 Manager of Environment Assessment and Marine Programs
22 for Environment Canada from Edmonton. Here with me
23 today is Dr. James Hodson, environmental assessment
24 coordinator with the Canadian Wildlife Service from
25 Yellowknife.

1 I will start with a brief overview of
2 this presentation. First, I will provide you with a
3 brief synopsis of Environment Canada's mandate, the
4 scope of the draft technical submission, and our role
5 in this review.

6 I will highlight key components of our
7 draft technical submission that discusses the issues we
8 are tracking, including any updates that we have since
9 our submission was filed.

10 As mentioned yesterday, the issues to be
11 discussed include water quality, fuel storage, spill
12 contingency reporting and planning, waste management,
13 and wildlife, including migratory birds and species at
14 risk.

15 Environment Canada's mandate relevant to
16 this submission is based on the following pieces of
17 legislation, including the Department of Environment
18 Act; the Canadian Environmental Protection Act 1999 and
19 its regulations; the pollution prevention provisions of
20 the Fisheries Act; the Migratory Birds Convention Act
21 and its regulations; the Species at Risk Act, including
22 species listed on Schedule 1, as well as those species
23 under consideration for listing; and cumulative impacts
24 consistent with Section 16.1(a) of the Canadian
25 Environmental Assessment Act 1992.

1 The scope of the technical submission
2 was limited to Environment Canada's review of the
3 available information on the registry pertaining to the
4 project and the subsequent provision of relevant
5 specialist and expert information and knowledge in the
6 areas of the departmental mandate.

7 This submission is provided in
8 Environment Canada's capacity as an expert adviser to
9 the Environmental Impact Review Board. Environment
10 Canada will not be required to provide a licence,
11 permit, or any other authorization with respect to the
12 project as currently described. We have limited our
13 intervention to the provision of advice in areas of the
14 departmental mandate relevant to the current project
15 and in accordance with the Inuvialuit Final Agreement.

16 Environment Canada recognizes and
17 respects that this review is being conducted under a
18 substituted process, and the Department strives to meet
19 obligations related to cumulative effects as set out in
20 the Canadian Environmental Assessment Act, and has done
21 so with regard to this submission.

22 Our draft technical submission, dated
23 September 10th, 2012, provided an overview of the
24 issues that the Department has been tracking over the
25 course of this project review and provides an update on

1 the status of each issue based on information provided
2 by the Proponent up to September 4th, 2012. And I will
3 flag additional commitments made by the Proponent in
4 their response from September 13th.

5 With regards to water quality, the
6 Proponent may require blasting for winter borrow source
7 development. To ensure that blast water does not enter
8 any water bodies,
9 Environment Canada recommended that an explosive
10 management plan be developed, should blasting be
11 required.

12 This issue has been partially addressed,
13 as the Proponent has committed to including an
14 explosive management plan in their environmental
15 management plan. However, they have not yet provided
16 it for review.

17 We recommend that this plan describe the
18 provisions needed to ensure that blast residue does not
19 enter any water bodies. Treatment or alternative
20 disposal of water containing blast residue -- residue
21 should also be included in this plan.

22 We would like to note that the Proponent
23 has indicated in their September response that only
24 emulsion-type or stick-type explosives would be used,
25 which is -- addresses one of our concerns.

1 The Proponent indicated they will
2 develop and implement an erosion and sedimentation
3 control plan as part of the environmental management
4 plan. The proposed plan would comply with appropriate
5 erosion and sediment control guidelines, Government of
6 the Northwest Territories best management practices,
7 and measures outlined in Fisheries and Oceans Canada
8 land development guidelines for the protection of
9 aquatic habitat. However, the Proponent has not yet
10 provided it for review.

11 This plan should describe the provisions
12 to ensure that soil and silt or sediment-laden water
13 does not enter surface waters, as that could adversely
14 impact aquatic es -- ecosystems. And it should be
15 noted here that section 36.3 of the Fisheries Act
16 prohibits the deposit of a deleterious substance.

17 The plan should also include the
18 criteria used to assess the areas within the project
19 site that are sensitive to erosion or sedimentation,
20 and outline how issues identified will be proactively
21 addressed in a timely manner.

22 The Proponent shall ensure that quarry
23 activities do not result in the contamination of
24 groundwater; that the Proponent has indicated in their
25 September 13th response that they will adhere to the

1 Northern land use guidelines access for pits and
2 quarries, published by Aboriginal Affairs and Northern
3 Development Canada. And this addresses our concern
4 related to that specific item on groundwater.

5 Regarding fuel storage, the Proponent
6 intends to store fuel for borrow source and highway
7 construction activities. Environment Canada expects
8 that the Proponent will comply with the Canadian
9 Environmental Protection Act, 1999, storage tank system
10 for petroleum products and allied petroleum product
11 regulations.

12 The Proponent has committed to storing
13 fuel in double-walled fuel storage tanks in accordance
14 with these regulations. However, the Proponent has not
15 committed to complying with the other aspects of the
16 regulations. We would be happy to discuss the
17 regulations with the Proponent to ensure that their
18 tank systems comply with the regulations' design
19 requirements as applicable.

20 The Proponent indicated that con -- that
21 their contractors will report all spills greater than 5
22 litres to the Government of Northwest Territories spill
23 line and other appropriate agencies. However, all
24 spill of oil, fuel, or other deleterious material,
25 regardless of size, are to be reported. The Proponent

1 has committed to this recommendation, and this concern
2 has been addressed.

3 The Proponent has indicated that their
4 contractors will prepare spill contingency plans
5 outlining spill reporting, containment, and cleanup in
6 accordance with Aboriginal Affairs and Northern
7 Development Canada's guidelines for spill contingency
8 planning.

9 The Proponent may also have a reporting
10 requirement pursuant to Canadian Environmental
11 Protection Act, 1999, to determine if hazardous
12 substances fall within the environmental emergencies
13 regulations.

14 Detailed information on the exact
15 locations of all storage facilities during construction
16 and operational phases are required. The Proponent has
17 not identified whether or not they have such a
18 reporting requirement.

19 Under Part 8, environmental emergencies
20 regulations of the Canadian Environmental Protection
21 Act, an emergency plan is required for any of the
22 regulated substances at or above a specified threshold
23 amount.

24 A list of regulated substances can be
25 found in Schedule 1 of the environmental emergencies

1 regulation. The Proponent has not yet pro -- provided
2 a full spill contingency plan or an environmental
3 emergency response plan, should the project trigger the
4 environmental emergencies regulations.

5 Environment Canada recommends that a
6 full site-specific spill contingency plan be submitted
7 for review and that the Proponent identify whether or
8 not an environmental emergencies regulation reporting
9 requirement exists.

10 The Proponent has indicated they will
11 develop a waste management plan for all wastes
12 associated with preconstruction and construction
13 activities. However, the Proponent has not provided a
14 full waste management plan for review to ensure that
15 all waste materials are disposed of properly.

16 The Proponent has indicated in their
17 September 13th response, and confirmed, that there --
18 will -- is no plan to employ incineration as a method
19 of waste management. So that concern has been
20 addressed.

21 Now focussing on wildlife issues that we
22 considered outstanding at the time of our draft
23 technical submission related to wildlife management
24 plan and the cumulative effects assessment for species
25 at risk. Environment Canada is satisfied that the

1 updated commitments provided by the Proponent will
2 satisfy our concerns about wildlife monitoring reports
3 and mitigation measures for birds.

4 Specifically, the Proponent has
5 committed to conduct pre-disturbance nest surveys from
6 May to September and to provide annual construction
7 monitoring reports that will contain information that
8 Environment Canada recommended for inclusion.

9 The Proponent has also provided
10 sufficient information in their responses to our
11 Information Requests on the topics of noise impact
12 assessment, bird mortality from vehicle collisions, and
13 habitat disturbance within the boreal caribou range, to
14 allow us to complete our final technical submission.

15 In this review, Environment Canada
16 recommended that the wildlife management plan should be
17 developed prior to construction. The intent of this
18 recommendation was so that Environment Canada and other
19 interested parties would have the opportunity to review
20 the plan and provide input prior to the construction of
21 the project should it proceed.

22 The Proponent has not yet submitted a
23 wildlife management plan for the project, although they
24 did submit a sample wildlife management plan that was
25 used for the access road to Borrow Source 170 -- 177.

1 This plan should provide a good starting point to
2 develop a wildlife management plan for this highway
3 project.

4 In order to ensure the parties have
5 sufficient time to review and comment on a draft
6 wildlife management plan for the project, Environment
7 Canada recommends that the Environmental Impact Review
8 Board direct the Proponent to provide a wildlife
9 management plan for review by Environment Canada, other
10 regulators, and interested parties, at least sixty (60)
11 days prior to construction if the project proceeds.

12 Environment Canada also made several
13 specific recommendations pertaining to measures that
14 should be included in the Proponent's wildlife
15 management plan when we reviewed the original
16 commitments table. The updated commitments table
17 provided at the end of August, addressed five (5) of
18 the eight (8) specific recommendations that we made.

19 This included recommendations that the
20 wildlife management contain a tracking system to ensure
21 that contractors are providing education and training
22 to wildlife monitors employed during the construction
23 phase, critical time periods for different wildlife
24 species, specifics of infrastructure design to limit
25 wildlife attraction, as well as detection and deterrent

1 strategies to be used for problem wildlife, and adding
2 Environment Canada to the list of agencies to be
3 consulted in the development of the wildlife management
4 plan.

5 Environment Canada will be providing
6 recommended setbacks, distances for migratory bird
7 nests, for inclusion in the wildlife management plan in
8 our final written submission. We recommend that all of
9 the commitments outlined in the wildlife and wildlife
10 habitat section of the Proponent's updated commitments
11 table should also be included in their draft wildlife
12 management plan.

13 Although the Proponent has committed to
14 using clean equipment, particularly near water, to
15 reporting on the effectiveness of dust control and to
16 conforming with the waste management plan, Environment
17 Canada recommends that the wildlife management plan
18 should also include details on how implementation of
19 these practices would be monitored.

20 In the letter to the Board in mid-June,
21 Environment Canada recommended the Proponent provide an
22 updated cumulative effects assessment for the proposed
23 highway and other existing and reasonably foreseeable
24 developments based on the results of the summer 2012
25 field surveys and revised habitat suitability models

1 for species at risk. Environment Canada also recommend
2 the Proponent provide a combined footprint for the
3 highway and existing and foreseeable developments.

4 Our draft technical submission stated
5 that the Proponent's cumulative effects assessment for
6 species at risk was still inadequate. This statement
7 was a reflection of the information that was available
8 to us as of September 4th. Environment Canada
9 acknowledges that a cumulative effects supplement
10 drafted by the Proponent became available on the public
11 registry on September 6th, which may partially address
12 our outstanding concerns on this topic.

13 The Proponent has provided the following
14 information in support of their cumulative effects
15 assessment for species at risk. The results of their
16 2012 field surveys to detect the presence of species at
17 risk in the project study area and refinements to
18 habitat suitability models for these species, as well
19 as an estimate for habitat loss for each species based
20 on the footprint of the highway and associated borrow
21 sources, which were broken down by habitat suitability
22 category and vegetation sites.

23 At the recent technical sessions, it was
24 identified that the preferred borrow sources for the
25 project had changed from those identified in the

1 Proponent's wildlife report. The Proponent has now
2 provided supplemental information for the cumulative
3 effects assessment that includes a revised footprint
4 for the project based on the final selected borrow
5 sources, and a breakdown by habitat type of existing
6 and proposed development footprints, including a 1-
7 kilometre zone of influence.

8 However, the Proponent did not provide a
9 written interpretation of the supplemental information
10 provided, nor a discussion of the implications of this
11 information for cumulative effects to species at risk
12 and other wildlife.

13 Because this new tec -- information did
14 not become available until after our draft technical
15 submission was filed, Environment Canada cannot provide
16 conclusions or recommendations on the topic of
17 cumulative effects at this time. We will, how --
18 however, use the supplemental cumulative effects
19 information to inform our final written technical
20 submission.

21 In summary, the Proponent has not yet
22 provided the following plans for review: explosives
23 management plan, sediment and erosion control plan,
24 spill contingency plans, waste management plan, and
25 wildlife management plan. As these plans would outline

1 risks and specific mitigation measures, the intent for
2 the request is for Environment Canada, regulators, and
3 other interested parties to provide input and advice
4 prior to construction, should the project proceed.

5 In addition, the Proponent should
6 indicate whether they have a reporting requirement
7 under the environmental emergencies regulations and, if
8 so, provide an environmental emergency response plan
9 for review.

10 In conclusion, we would like to thank
11 the Environmental Impact Review Board for the
12 opportunity to speak at today's proceedings. We will
13 be happy to address any questions that you may have.
14 Thank you.

15 THE CHAIRPERSON/FACILITATOR: Thank you
16 very much. If you're ready, we'll just see if there's
17 some questions for you. And I'll ask Mr. Stevens to
18 start off the questioning.

19

20 QUESTION PERIOD:

21 MR. JIM STEVENS: Madam Chair, the
22 Developer has no questions of Environment Canada.

23 THE CHAIRPERSON/FACILITATOR: Thank
24 you. I guess I don't even have -- I don't even have to
25 call you anymore, do I?

1 MR. CONRAD BAETZ: It's Conrad Baetz
2 with Aboriginal Affairs. We have no questions at this
3 time.

4

5 (BRIEF PAUSE)

6

7 MS. AMANDA JOYNT: Madam Chair, Amanda
8 Joynt with Fisheries and Oceans. No questions at this
9 time.

10

11 (BRIEF PAUSE)

12

13 MR. JAMES MALONE: Madam Chair, James
14 Malone, FJMC. There are no questions, thanks.

15 THE CHAIRPERSON/FACILITATOR: Thank
16 you. Infrastructure Canada...?

17 MS. PHOEBE MILES: Phoebe Miles,
18 Infrastructure Canada, no questions.

19 THE CHAIRPERSON/FACILITATOR: Thank
20 you. Parks Canada...?

21 MR. JEAN-FRANCOIS BISAILLON: Jean-
22 Francois Bisailon, Parks Canada. No comments.

23 THE CHAIRPERSON/FACILITATOR: Thank
24 you. Transport Canada...?

25 MR. DOUG SOLOWAY: Doug Soloway,

1 Transport Canada. No questions.

2 THE CHAIRPERSON/FACILITATOR: The
3 Wildlife Management Advisory Committee...?

4 MR. BRUCE HANBIDGE: Bruce Hanbidge for
5 WMAC. No questions. Thank you.

6 THE CHAIRPERSON/FACILITATOR: So I'll
7 ask our technical advisors if they have any questions.
8 Dr. Komers...?

9 DR. PETR KOMERS: Petr Komers. Thank
10 you, Madam Chair. Yes, I have a few questions. You
11 pretty well concluded with a list of plans that you
12 would like to see eventually.

13 And I wonder, will those plans need to
14 be developed and approved by Environment Canada prior
15 to construction? If so, how much prior to?

16 THE CHAIRPERSON/FACILITATOR: Go ahead.
17 Just --

18 MS. SUSANNE FORBRICH: Madam Chair.

19 THE CHAIRPERSON/FACILITATOR: --
20 identify yourself before you start speaking, please.

21 MS. SUSANNE FORBRICH: Madam Chair,
22 it's Susanne Forbrich, Environment Canada. As I
23 mentioned in my presentation, our role here is an
24 expert advisor to the panel, and we have no regulatory
25 role. As a result, the request to submit is -- for our

1 review is really for us to provide additional advice to
2 assist in formulating or improving mitigation measures.

3 THE CHAIRPERSON/FACILITATOR: Thank
4 you.

5 DR. PETR KOMERS: Petr Komers. Thank
6 you for that clarification. I understand you don't
7 have any regulatory permits to issue, but you still
8 want to review it. Is this -- do we need to understand
9 this? Is it nice to have so that you can provide
10 advice?

11 And if you provide advice, who do you
12 provide that advice to?

13 THE CHAIRPERSON/FACILITATOR: Go ahead.

14 MS. SUSANNE FORBRICH: Susanne
15 Forbrich, Environment Canada. It really depends when
16 the plans are being developed. If they're being
17 developed and submitted in time for this particular
18 review, we would be providing that advice to the Board
19 to assist them in making the decision. If it happens
20 to be after the fact, then we have some scientific --
21 an expert capability to assist and improve in making
22 the project better.

23 With respect to nice to have, I mean, we
24 can refer back to the Department of Environment Act,
25 which basically states that our mandate is quite broad.

1 We have a responsibility to advise other federal
2 departments. For instance, Fisheries and Oceans could
3 ask, Transport Canada, boards, or agencies on matters
4 pertaining to preservation and enhancement of the
5 quality of the natural environment. I hope that
6 answers your question.

7 THE CHAIRPERSON/FACILITATOR: Thank
8 you.

9 DR. PETR KOMERS: Petr Komers. It goes
10 towards answering my question, and I think with the
11 next one we can maybe clarify it.

12 The bottom line is: Will the Developer
13 be able to proceed with the project if you do not
14 either review or recommend the plans to any other
15 authorities?

16 THE CHAIRPERSON/FACILITATOR: Go ahead.

17 MS. SUSANNE FORBRICH: It's hard to
18 answer that question, because --

19 THE CHAIRPERSON/FACILITATOR: Could you
20 please --

21 MS. SUSANNE FORBRICH: Oh, sorry.
22 Susanne Forbrich, Environment Canada. It's hard to
23 answer that question because the ability for the
24 project to proceed depends on a variety of factors,
25 including the decision by this particular Board.

1 And our role there is -- again, is an
2 advisory nature. It's up to the Board to take our
3 advice and use it as -- as they wish. The same thing
4 goes for the regulators, if they ask up particular
5 questions that are relevant to our mandate.

6 Again, it informs a decision, and I
7 think that's as far as I can take it.

8 THE CHAIRPERSON/FACILITATOR: Thank
9 you.

10 DR. PETR KOMERS: Petr Komers. So this
11 is just for my clarification. So -- so basically
12 you're providing advice to other regulatory agencies
13 that may need to issue permits. But whether or not
14 they will use your input, that is really up to them.

15 Is that correct?

16 MS. SUSANNE FORBRICH: That is my
17 understanding, yes.

18 DR. PETR KOMERS: Petr Komers. Just
19 quickly about the cumulative effects assessment. Is it
20 Environment Canada's mandate to ensure that the
21 cumulative effects assessment is completed
22 quantitatively, as Environment Canada requested in the
23 past?

24 THE CHAIRPERSON/FACILITATOR: Dr.
25 Hodson...?

1 DR. JAMES HODSON: Yes, thank you.

2 This is James Hodson with Environment Canada. I don't
3 think the legislation specifies whether or not the
4 cumulative effects assessment has to be quantitative,
5 but it's certainly helpful, from our point of view, to
6 have a quantitative assessment rather than something
7 based purely on professional judgment. Thank you.

8 DR. PETR KOMERS: So in other words,
9 again, it's -- it's something that would help you to
10 form an opinion, or help you to perform your function
11 as advisors, if you have that information.

12 Do you believe that whatever has been
13 provided so far may be sufficient to conduct your
14 advisory function? And again, that's -- that's related
15 to the cumulative effects assessment being done
16 quantitatively.

17 THE CHAIRPERSON/FACILITATOR: Mr.
18 Hodson...?

19 DR. JAMES HODSON: It's James Hodson
20 with Environment Canada. Yes, I think the quantitative
21 information that's been provided is certainly helpful,
22 but it is also helpful to have the Developer's
23 interpretation of the data that they provide as to how
24 that supports their conclusion or whether the new
25 information provided changes their conclusions at all.

1 We need to consider that as well to be
2 able to respond to the Board of whether or not we agree
3 with their assessment.

4 DR. PETR KOMERS: Petr Komers. Thank
5 you for that. That's all my questions, Madam Chair.

6 THE CHAIRPERSON/FACILITATOR: Thank
7 you. Ms. Birnie, do you have any questions? Dr.
8 Burn...?

9

10 (BRIEF PAUSE)

11

12 DR. CHRIS BURN: Thank you, Madam
13 Chair. This is Chris Burn. Madam Chair, I -- I just
14 want to confirm once more, for my benefit, that
15 Environment Canada is not a regulator for this project.

16 THE CHAIRPERSON/FACILITATOR: Go ahead,
17 Ms. Forbrich.

18 MS. SUSANNE FORBRICH: Susanne
19 Forbrich, Environment Canada. That is correct.

20 DR. CHRIS BURN: Thank you, Madam
21 Chair. This is Chris Burn. Madam Chair, is it the
22 case that your report must be signed by the Minister of
23 Environment before other elements of the project can
24 proceed?

25 MS. SUSANNE FORBRICH: Susanne

1 Forbrich, Environment Canada. That is correct.

2 DR. CHRIS BURN: Madam Chair, I wonder
3 if Environment Canada could confirm that part of an
4 environmental impact assessment is an identification of
5 environmental effects.

6 MS. SUSANNE FORBRICH: Susanne
7 Forbrich, Environment Canada. That is correct.

8 THE CHAIRPERSON/FACILITATOR: Dr. Burn?

9 DR. CHRIS BURN: Madam Chair, thank
10 you. This is Chris Burn again.

11 I wonder if Environment Canada can
12 confirm that in an environment impact assessment
13 environmental effects must either be determined to be
14 of insignificance or, in the event that they are
15 determined to be significant, that appropriate
16 mitigation measures are in place.

17 MS. SUSANNE FORBRICH: Susanne
18 Forbrich, Environment Canada. I can confirm that.

19 DR. CHRIS BURN: Thank you, Madam
20 Chair. This is Chris Burn.

21 I wonder if Environment Canada can
22 confirm to the panel that the erosion and sediment --
23 sorry, the erosion and sedimentation control plans, the
24 spill contingency plan, and the waste management plan
25 are examples of mitigation that may be apply --

1 applied to environmental effects.

2 MS. SUSANNE FORBRICH: Susanne
3 Forbrich, Environment Canada. The way I understand
4 these plans that they are consisting of, they will
5 contain elements of a mitigation to address potential
6 environmental effects.

7 DR. CHRIS BURN: Thank you, Madam
8 Chair. I wonder if Environment Canada could indicate
9 to the Board how, in the absence of these plans, it can
10 recommend to the Minister of Environment, who must sign
11 the report of the Board, that an environment impact
12 assessment has been completed?

13 THE CHAIRPERSON/FACILITATOR: Ms.
14 Forbrich?

15 MS. SUSANNE FORBRICH: Susanne
16 Forbrich, Environment Canada. The Minister of
17 Environment signs the report in his role as the lead
18 for the Canadian Environmental Assessment Agency.
19 Environment Canada is part of that particular
20 portfolio.

21 With respect to providing advice to the
22 Minister, clearly we will have a role from that
23 perspective. Those spill -- those plans do not form
24 the complete information regarding this particular
25 project. And ultimately, I think it's the Board's role

1 to recommend to the Minister whether or not there are
2 significant environmental effects or not.

3 THE CHAIRPERSON/FACILITATOR: Thank
4 you. Dr. Burn?

5 DR. CHRIS BURN: Thank you, Madam
6 Chair. I wonder if Environment Canada could indicate
7 to us the conditions under which they would expect the
8 mitigation measures that might be included in plans,
9 such as the plans I mentioned, the conditions under
10 which those mitigation measures might be presented to
11 the Board, but not in a contingency plan?

12 THE CHAIRPERSON/FACILITATOR: Go ahead.

13 MS. SUSANNE FORBRICH: Susanne
14 Forbrich, Environment Canada. Can you please rephrase
15 the question? Thank you.

16 DR. CHRIS BURN: Madam Chair, I will
17 attempt to do so. The question is: Environment Canada
18 has referred to a number of plans. These are
19 environmental mitigation plans.

20 In the event that these plans are not
21 provided to the Board, the question is: Would En --
22 does Environment Canada envisage that there are other
23 avenues and other pieces of evidence that may present
24 the information that would normally be contained in the
25 plans?

1 (BRIEF PAUSE)

2

3 MS. SUSANNE FORBRICH: Susanne
4 Forbrich, Environment Canada. As part of the
5 information that the Proponent has provided, there have
6 been a number of commitments made which would
7 eventually form part of these plans once they're
8 drafted. So some elements that would be in those plans
9 are already before the Board. However, since we have
10 not seen the complete plans, it's very difficult for me
11 and the Board to say what is still outstanding.

12 THE CHAIRPERSON/FACILITATOR: Thank
13 you.

14 DR. CHRIS BURN: Thank you. Madam
15 Chair, this is Chris Burn. Is it possible for
16 Environment Canada, at this point, to recommend to the
17 Board that the mitigation measures that you have
18 described as being present within these other documents
19 are sufficient to mitigate the environmental effects of
20 this project?

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON/FACILITATOR: Go ahead.

25 MS. SUSANNE FORBRICH: Susanne

1 Forbrich, Environment Canada. It is my understanding
2 that the information, as presented before the Board,
3 and the mitigations that have been described to date I
4 think are probably adequate.

5 Again, coming from a very scientific
6 department, more detail would probably be useful to
7 make -- have more confidence in that particular
8 determination.

9 THE CHAIRPERSON/FACILITATOR: Thank
10 you.

11 DR. CHRIS BURN: Madam Chair, I wonder
12 if Environment Canada could explain to the Board why,
13 if the information presented is adequate, they require
14 presentation of these other plans?

15

16

17 (BRIEF PAUSE)

18

19 DR. JAMES HODSON: This is James Hodson
20 with Environment Canada. If I could use the wildlife
21 management plan as an example, the Developer has made a
22 number of commitments to do -- undertake certain
23 actions, which we would feel would be sufficient to
24 likely address or mitigate potential impacts. But we
25 would still like to see more detail on how those

1 actions are to be carried out on the ground, and that
2 would be in the form of a management plan.

3 So I think the basic elements and
4 outline of the elements that are required for those
5 plans have been presented, but we need a bit more
6 detail on their exact implementation to -- to really be
7 satisfied at this point. Thanks.

8 THE CHAIRPERSON/FACILITATOR: Thank
9 you.

10 DR. CHRIS BURN: Madam Chair, I wonder
11 if the Environment Canada could comment that that
12 sentiment and that position applies to the erosion and
13 sedimentation control plan?

14 MS. SUSANNE FORBRICH: Susanne
15 Forbrich, Environment Canada. Yes, it applies to
16 sediment control plan, and others as well.

17 THE CHAIRPERSON/FACILITATOR: Thank
18 you.

19 DR. CHRIS BURN: Thank you, Madam
20 Chair. That terminates that line of questioning. The
21 second line of questioning I have concerns the
22 footprint of the project.

23 And I'd like Environment Canada to
24 comment, or I'd ask them: Is it the case that the
25 footprint of the project is an element of the impact

1 assessment for effects on wildlife habitat?

2 DR. JAMES HODSON: James Hodson with
3 Environment Canada. Yes, that is an element.

4 DR. CHRIS BURN: Thank you. Madam
5 Chair, this is Chris Burn. I wonder if Environment
6 Canada would be able to indicate to the Board whether
7 they have assessed changes -- the -- the impact of
8 changes to the footprint of the project, such as the
9 changes that have been announced in the last two (2)
10 days, on their examination of the environmental impact
11 assessment?

12 DR. JAMES HODSON: This is James Hodson
13 with Environment Canada. We haven't had an opportunity
14 to assess the changes that were made to the footprint
15 that were outlined in that erratum that was referenced
16 that was supposed to have been submitted on September
17 12th. That's not information that we've seen yet.

18 THE CHAIRPERSON/FACILITATOR: Dr.
19 Burn...?

20 DR. CHRIS BURN: Madam Chair, thank
21 you. This is Chris Burn. I wonder if you could
22 indicate the components of the project that you
23 considered to comprise the footprint of the project.

24 DR. JAMES HODSON: It's James Hodson
25 with Environment Canada. We have looked at the -- the

1 footprint from the road alignment the -- with the
2 right-of-way as well as the borrow sources. We haven't
3 considered access to those borrow sources, but that is
4 maybe a topic of concern as well.

5 We don't really -- haven't looked at
6 that question in detail though.

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

9 DR. CHRIS BURN: Thank you, Madam
10 Chair. In the Developer's borrow source summary
11 reports, which were filed in the middle of August this
12 year, there is a table which indicates the numbers of
13 the borrow sources and then the total mine area in the
14 borrow source.

15 You may not remember that table.
16 Certainly if I was sitting where you are, I wouldn't re
17 -- remember it. But, for example, this borrow sour --
18 this table, which was filed as evidence before the
19 Board, indicates, for example, that Borrow Source 170
20 has a total mine area of 266,900 square metres.

21 Now, when the Developer provided its
22 comments from the environment -- from the technical
23 hearings, the -- the response to Information Requests,
24 the Developer provided a series of aerial photographs
25 in which the borrow sources were outlined. And in this

1 particular case, for Borrow Source 170 the area at the
2 borrow source is listed as 43.30 hectares.

3 I wonder if you could tell me in your
4 impact assessment whether you used the values that are
5 stated as being the total mine area or whether you used
6 the other values that are given here as the area of the
7 borrow source.

8 DR. JAMES HODSON: Insofar in my --
9 sorry, James Hodson. Yeah, James Hodson with
10 Environment Canada. So far in my review of the
11 information filed, I've been using the numbers that the
12 Developer has provided in their wildlife habitat
13 metrics appendices to their wildlife report from the
14 surveys they did this summer.

15 So I've been using the areas for those
16 borrow sources provided in that report as my basis, as
17 well as the areas that were provided in the cumulative
18 effects supplement.

19 THE CHAIRPERSON/FACILITATOR: Dr.
20 Burn...?

21 DR. CHRIS BURN: Thank you. Madam
22 Chair, I wonder if you could give some advice to the
23 Board.

24 When there are different areas presented
25 in different parts of the evidence that is filed before

1 the Board, is it characteristically your practice to
2 take the largest area, the smallest area, or just the
3 area that you happen to be looking at at that time?

4 DR. JAMES HODSON: I think it would be
5 our prac -- James Hodson with Environment Canada again.
6 Sorry. It would be our practice to take the largest
7 area as the most precautionary assessment of potential
8 impacts.

9 If there are discrepancies between the
10 numbers that you're referring to and the numbers that
11 I've been considering so far, I'm definitely going to
12 go back and look at those again to see where those
13 discrepancies are.

14 DR. CHRIS BURN: Thank you, Environment
15 Canada. That's the end of my questions. Thank you,
16 Madam Chair.

17 THE CHAIRPERSON/FACILITATOR: Thank
18 you, Dr. Burn. Mr. Donihee, do you have some
19 questions?

20 MR. JOHN DONIHEE: John Donihee. I
21 have no questions, Madam Chair.

22 THE CHAIRPERSON/FACILITATOR: Thank
23 you, Mr. Donihee. I'd like to ask the panel members if
24 they have any questions.

25 DR. PETR KOMERS: Madam Chair, this is

1 Petr Komers. May I?

2 THE CHAIRPERSON/FACILITATOR: I
3 apologize. Dr. Komers indicated he had one (1) other
4 question.

5 DR. PETR KOMERS: Madam Chair, if I
6 could ask one (1) more clarifying question. Thank you.

7 THE CHAIRPERSON/FACILITATOR: Yes, go
8 right ahead.

9 DR. PETR KOMERS: Petr Komers. Just in
10 follow-up on some of Dr. Burn's questions, I would like
11 to address a discrepancy that seems to have arisen in
12 your presentation.

13 Now, you mentioned -- actually, in your
14 slide you listed, on the resolved issues, mitigation
15 measures and wildlife monitoring reports and some other
16 issues. Yet you're -- you're saying that you need the
17 management plans to get more information on mitigation
18 measures. And I'm thinking the issues are either
19 resolved or they're not.

20 So are the issues resolved, or do you
21 still need more information on the mitigation measures?

22 DR. JAMES HODSON: Thanks. James
23 Hodson, with Environment Canada. Yeah, I guess I
24 should clarify that we had mentioned in our submission
25 that there were sort of five (5) out of eight (8)

1 issues that we had felt had been addressed by updated
2 commitments. And there were three (3) outstanding
3 issues that we had identified that we thought required
4 more a detail and a plan as to how certain commitments
5 would be implemented, because just the commitment in
6 and of itself wasn't really sufficient assurance for
7 us.

8 So, yes, there is a clarification to
9 make there, that there are some addition measures we
10 would like to see. And ideally, it would be nice to
11 see them packaged in a draft wildlife management plan
12 for review.

13 DR. PETR KOMERS: Petr Komers. So I --
14 I take from this that the issues are not really
15 resolved?

16 DR. JAMES HODSON: James Hodson, with
17 Environment Canada. Yes, that's correct.

18 THE CHAIRPERSON/FACILITATOR: Okay.
19 Herbert...?

20 MR. HERBERT FELIX: Herbert Felix. Are
21 you advisors to the -- is Environment Canada advisors
22 to the Minister of Environment?

23 MS. SUSANNE FORBRICH: Susanne
24 Forbrich, Environment Canada. The Minister of vir --
25 Environment has two (2) departments under his purview.

1 One of them is the Canadian Environmental Assessment
2 Agency, and the other one is the Department of
3 Environment. So, ultimately, both report to one (1)
4 Minister. And I -- some -- it depends on the
5 situation, but frequently Environment Canada will also
6 provide advice to the Minister on environmental
7 assessment projects.

8 MR. HERBERT FELIX: Herbert Felix.

9 Well, then if you're -- if you're the -- if you're one
10 of the advisors to the Minister, what would you advise
11 on him today as of this project?

12

13 (BRIEF PAUSE)

14

15 MS. SUSANNE FORBRICH: Susanne
16 Forbrich, Environment Canada. I'm just trying to
17 clarify process, government process. The way I
18 understand it is once the Board issues their report
19 under the Canadian environmental assessment part of
20 your responsibilities, it goes to the Minister for
21 review. I'm assuming that CEAA, the Canadian
22 Environmental Assessment Agency -- Agency, would be
23 leading -- doing that part of the process.

24 Given that Environment Canada is not a
25 permittiting -- permitting or regulating authority, our

1 -- our role in advising the Minister may be relatively
2 limited. But I am not a hundred percent sure how this
3 would unfold, because this is a new -- new for you, new
4 for, I think, us as, as well, on how that will unfold.
5 And perhaps we may be providing some advice on this
6 particular project, as well.

7

8 (BRIEF PAUSE)

9

10 MR. ROLAND KIKOAK: Sorry. Roland
11 Kikoak here. In your wildlife management plan there is
12 going to be lakes that has to be crossed and utilized,
13 the snow, to build their overland access roads. Now,
14 in the lakes there is going -- there is potential for
15 muskrat lodges. Now, if the lakes are covered with
16 snow and you don't see it while trying to get the snow
17 with your loader, you're going to damage the muskrat
18 lodge.

19 So would Environment Canada like the
20 Board to direct the Proponent to survey the lakes that
21 are going to be utilized, for muskrat lodges?

22

23 (BRIEF PAUSE)

24

25 DR. JAMES HODSON: This is James Hodson

1 with Environment Canada. I guess in our review of the
2 project, we tended to focus on migratory birds and
3 species at risk. We don't usually focus our view on
4 the wildlife species that are generally managed by the
5 territorial government. But if that was a -- a concern
6 that the Board has and a recommendation that you'd like
7 to make, I think it sounds like a reasonable suggestion
8 to me and a good idea for mitigation.

9 MR. ROLAND KIKOAK: Thank you. Roland
10 Kikoak here. There's -- if the Proponent does not
11 survey a lake that's going to be utilized prior to
12 construction and your lake is full of snow and you
13 don't know the muskrat lodges are there, there's going
14 to be damage to the muskrat lodges. And I think, as a
15 Board member here, that I would like to see that in a
16 wildlife management plan.

17

18 (BRIEF PAUSE)

19

20 MR. ROLAND KIKOAK: Sorry, Roland
21 Kikoak here. Would that be satisfactory to the
22 Environment Canada?

23

24 (BRIEF PAUSE)

25

1 DR. JAMES HODSON: James Hodson, with
2 Environment Canada. We -- we would have no problem
3 with that.

4 MR. ROLAND KIKOAK: I didn't think so.
5 Thank you very much.

6 THE CHAIRPERSON/FACILITATOR: Go ahead.

7 MS. CATHERINE COCKNEY: Cathy Cockney.
8 I don't have any questions.

9 THE CHAIRPERSON/FACILITATOR: Liz
10 Snider, panel member. I have no questions.

11 MR. BRUCE CHAMBERS: Bruce Chambers. I
12 have no questions.

13 THE CHAIRPERSON/FACILITATOR: I think
14 that concludes the questioning. And thank you very
15 much for your presentation and for your time you've
16 taken to answer the questions. Thank you.

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON/FACILITATOR: I'd like
21 to ask the Wildlife Management Advisory Council to come
22 forward and make their presentation, please.

23

24 (BRIEF PAUSE)

25

1 THE CHAIRPERSON/FACILITATOR: This is a
2 long afternoon, but this is the last of our lengthy
3 presentations. And we just have two (2) -- two (2)
4 other presenters, and it will be mostly questions, and
5 then we'll be concluding.

6

7 (BRIEF PAUSE)

8

9 THE CHAIRPERSON/FACILITATOR: If you
10 could just identify yourself and carry on.

11

12 PRESENTATION BY WMAC:

13 MR. BRUCE HANBIDGE: Good afternoon,
14 Madam Chair and panel and everyone else here that, I
15 think, wishes me to be brief. I do have -- not a
16 lengthy presentation, but I will endeavour to be brief.

17 My name is Bruce Hanbidge, and I'm the
18 technical representative for the Wildlife Management
19 Advisory Council. And just before we begin the
20 presentation I'll do a brief introduction.

21 This presentation is a summary of the
22 main points from the WMAC's written technical position
23 submitted to the EIRB for this public hearing. The
24 presentation was prepared for the public hearing
25 primarily for the -- the public that are attending.

1 It's -- the presentation is intended to assist the
2 public in -- should they so chose to read our technical
3 presentation that was submitted. That's -- that's sort
4 of the context, so it will differ slightly from some of
5 the other presentations you've heard.

6 The WMAC has provided advice and
7 technical comments to the -- the Review Board on -- on
8 this proposed highway throughout the review process.
9 They've done that in accordance with the WMAC's
10 responsibility under the IFA to advise Inuvialuit and
11 government on all matters relating to wildlife habitat,
12 harvesting -- sorry, wildlife, habitat, and harvesting
13 for the Western Arctic region.

14 Leading up to this actual public review,
15 the WMAC has participated in four (4) previous stages
16 of the review process, where they provided technical
17 comments and information to the Review Board with the
18 intent of assisting the Developer to improve their EIS
19 for its final assessment by this panel.

20 The stages we participated in were a
21 conformity review stage, some Information Request
22 stages, a technical review stage, and finally a
23 technical hearing stage.

24 I do need to inform you that the
25 technical comments and advice provided to the Review

1 Board at each of these stages were largely the same
2 comments that the WMAC provided at the first stage, the
3 -- the conformity review. The WMAC's comments did not
4 differ much at each stage of this review due to the
5 fact that the deficiencies in the Developer's EIS were
6 not addressed, in the opinion of the WMAC, at the
7 subsequent stages.

8 The WMAC's concern is that these
9 deficiencies in the EIS are significant enough that
10 they lead to inaccurate conclusions and
11 recommendations, to the extent that the impact
12 statement does not provide this panel with the
13 necessary information to com -- to complete its review
14 in accordance with the requirements of the IFA and the
15 Canadian Environmental Assessment Act.

16 The intent of the presentation is to
17 show the public the WMAC's main concerns with the EIS
18 and then to provide some -- some examples of why these
19 deficiencies limit the ability of this panel to
20 fulfill its responsibilities. Thank you.

21 Okay. So we're on slide 1. Okay, the -
22 - referring to this first slide, the WMAC has focussed
23 their technical review at a systems level, which means
24 that they've looked at a coarser landscape level rather
25 than a site-specific level. And our main reasons for

1 this are that many of the site-specific issues in any
2 development can be adequately addressed within our
3 current state of knowledge through project mitigation
4 and remediation. And the example, of course, is stream
5 crossings.

6 However, it's wrong to assume that the
7 whole ecosystem is sufficiently conserved by only
8 addressing its smaller parts. And that's why there's a
9 cumulative effects assessment, or a CEA, in the
10 environmental impact process to address this larger-
11 scale issue.

12 And many of the individual site
13 assessment judged to be non-significant in past
14 environmental impact statements have, at larger scales,
15 collectively led to significant degradation of
16 environmentally sensitive landscapes. And I -- I'm
17 making this broad statement as a known scientific fact,
18 and I can provide references if it's required.

19 So with these reasons in mind, there's
20 five (5) key elements required by the -- this panel
21 that were assessed. And they're on the slide there:
22 the cumulative effects, referring to appropriate
23 spatial and temporal boundaries; the cumulative effects
24 on valued ecosystem components, and we'll concentrate
25 on caribou primarily, but grizzly bears and Husky Lakes

1 as well; the worst-case scenario and compensation;
2 mitigation/remediation; and then follow-up and
3 monitoring.

4 Okay, so -- and, sorry, the way we've
5 done it, we've done a comparison of the Developer's EIS
6 and then the WMAC's comments on it, just to try and
7 keep it a little bit briefer. So the Developer's EIS,
8 some of the concerns already stated -- sorry, with the
9 Developer's EIS, WMAC concerns: The boundaries are
10 arbitrarily selected. They consider only the area
11 that's directly affected by the road surface itself.

12 And just to expand on that a -- a bit,
13 the Developer says they selected boundaries based on
14 the anticipated effects of the highway. And while the
15 Developer said that the spatial boundaries extend from
16 Tuk to Inuvik, and from the east channel of the
17 Mackenzie River all the way to the Husky Lakes, the
18 actual information used in the cumulative effects
19 assessment is primarily limited to a 1-kilometre strip
20 on the highway.

21 The Developer doesn't consider the
22 effects of new borrow pits and the roads in the cumu --
23 cumulative effects assessment of the CEA. Now, when
24 this was written that was correct. I've got to add
25 something here.

1 Now, what -- the Developer has recently
2 provided some additional information on habitats
3 impacted by borrow pits and their connecting roads.
4 However, from the technical hearings they're on record
5 as stating that this new information will not be
6 incorporated into a new CEA. Although that has, just
7 from this hearing, that's shifted somewhat, where --
8 well, we'll go further on that.

9 The other comment, the Developer's --
10 yeah, the Developer's CEA does not include the effects
11 of other past and proposed future developments in the
12 region, such as the Mackenzie Gas Project. Now, that
13 appears to have perhaps changed as well now, or at
14 least commitments that that will change.

15 The WMAC's position is you need a CEA
16 grounded in a scientific-based approach. And within
17 that, the -- there needs to encompass key life history
18 characteristics of VECs. And what I mean by that is,
19 talking specifically about spatial boundaries, there's
20 two (2) factors that must be considered. And that's
21 the effect of a development, or the effects a
22 development might cause, and the processes that relate
23 from those effects.

24 Excuse me. Just to give a bit of an
25 example, increased access is an effect of the proposed

1 road construction, but the process resulting from that
2 increased effect -- sorry, the process resulting from
3 that effect is the increase in human disturbance to
4 caribou, grizzly bears, and other VECs.

5 I'm going to skip over the next example.
6 There's also a need to include indirect effects of the
7 road, such as caribou avoidance, increased wolf
8 predation, and increased human harvest.

9

10 (BRIEF PAUSE)

11

12 MR. BRUCE HANBIDGE: Now, just -- the
13 other comment I'd like to make about spatial boundaries
14 is they have to be of an adequate scope to take
15 into account the additive effects of other impacts,
16 including future developments that are within the
17 vicinity of the road. Now, I know we received a
18 commitment that that may occur, but at the moment, it
19 hasn't.

20 And, I guess, the other -- the last key
21 point I'd make here is that the spatial extent of
22 disturbances have not really been considered by the
23 Developer to the -- the extent they should be in the
24 selection of spatial boundaries and the follow-on
25 effects resulting -- or follow-on effects resulting

1 from this impact, such as monitoring, mitigation,
2 worst-case scenario.

3 I don't know how well everybody can see
4 this. Just for your information, this is one of the
5 slides that I asked to add. And it doesn't show up too
6 well, so I'll just describe it.

7 This is an area -- I was out in the area
8 last night after the comments of the Developer
9 yesterday about fires are not really much of a concern.
10 Correct me if I'm wrong there. But they're a minor or
11 --

12 MR. GORDON STEWART: Laser pointer
13 right there.

14 MR. BRUCE HANBIDGE: That's great.
15 Okay, I'll just describe this first.

16 MR. GORDON STEWART: The button in the
17 middle.

18 MR. BRUCE HANBIDGE: There. Okay, this
19 is to the north of Inuvik. This area right here is
20 tundra. There's a few trees, but it's primarily
21 tundra. It's quite a few square miles in extent. It's
22 -- I was going to say a forest fire. It's a tundra
23 fire. It occurred last June. And it actually has
24 spread into the -- the spatial boundaries of the road.

25 And while I illustrate this, it's the --

1 yes, we do have fires, and they've occurred here.

2 They've also occurred up at Tuk. And they -- they are
3 an actual example of why your spatial boundaries have
4 to be much larger than what they are right now.

5 Okay, just speaking on temporal
6 boundaries. In this case, it also appears the
7 Developer's boundaries have been arbitrarily selected.
8 The Developer considers temporal boundaries only for
9 the effects of the road basically four (4) years --
10 sorry, four (4) years construction, six (6) years after
11 construction, ten (10) years in total.

12 They also don't include the effects of
13 other past and proposed future -- future developments,
14 such as Mackenzie Gas Project. The WMAC's position is
15 that, once again, the CEA needs to be grounded in the
16 scientific-based approach. It needs to encompass key
17 life history characteristics of valued ecosystem
18 components.

19 And, yeah, there needs to be a temporal
20 boundary somewhere similar to the fifty (50) years
21 requested for gravel resources. Okay, to try and give
22 you a bit of an example here or an explanation, when
23 you're setting temporal boundaries, you consider how
24 far back, how far -- far forward you go. And this is
25 sort of the beginning of your baseline, to set temporal

1 boundaries.

2 But when you're looking forward, what
3 you should be guided by is when the impacts of the
4 project will end or when the impacts from the project
5 are expected to be mitigated. And ten (10) years for a
6 road, for temporal boundaries, it just -- it's not
7 realistic.

8 And to expand on that, looking at
9 caribou, if you're looking at a temporal boundary for
10 cumulative impacts on caribou, speaking specifically of
11 this area, we have scientific information and
12 traditional ecological knowledge to suggest that the
13 caribou fluctuate on a seventy (70) year cycle.

14 So if you're looking to what a cumu --
15 cumulative effects assessment is to identify the
16 impacts and also to, most importantly, separate out the
17 impacts of the road development from nat -- naturally
18 occurring impacts, you need to look at a cumulative
19 effects assessment that considers enough of a time
20 within something like this, a seventy (70) year cycle,
21 to be able to separate those effects. And -- and I put
22 the -- to the panel that the WMAC's position is ten
23 (10) years is not enough to do that. Okay.

24 And the reason for doing this is a key
25 thing that falls out of cumulative effects assessment,

1 is the -- what -- the information you need to design a
2 proper monitoring plan. Yeah, and as far as I can see
3 here, the -- the temporal boundaries are not linked to
4 the characteristics of the valued ecosystem components
5 that the Developer says they're assessing. And my
6 example is just the cycle of the caribou.

7 Okay. Okay, speaking a little bit more
8 to the cumulative effects, the actual valued ecosystem
9 components. Okay. Based on inadequate spatial and
10 temporal boundaries, the cumulative effects on caribou
11 and grizzly bear and Husky Lakes have been assumed to
12 be non-significant. And the WMAC's position is that,
13 once again, you need the science-based cumulative
14 effects assessment. Their position is that without
15 that, the effects are very likely underestimated.

16 And the last point -- no, I just wanted
17 to emphasize here that in coming to these conclusions
18 the -- the other point the WMAC raised that primarily
19 the methodologies used by the Developer in their
20 cumulative effects assessment weren't qualitative in --
21 in their manner.

22 We actually asked this question a number
23 of times in the technical hearing and asked the
24 Developer to identify any quantitative analysis they
25 used, and they weren't able to do that.

1 Okay. This slide's not showing up too
2 well either. What we have there is a fairly definite
3 trail that's been cut into the tundra. This is the
4 road to the 177 gravel site, and there's a trail cut
5 right through there. It's about 3 kilometres to Husky
6 Lakes. It's a definite trail for hauling boats, ATVs.
7 And it's just to illustrate why you have to consider a
8 larger area for cumulative effects. And that trail was
9 created just in the last two (2) summers.

10 And if you're talking about a 137-
11 kilometre road between Tuk and Inuvik, two hundred
12 (200) cars a day -- is that correct -- more -- more or
13 less, you're going to see a lot more of these trails.
14 You're going to see an increase in human disturbance
15 moving off of the road. And it's -- it's going to be
16 moving further than a kilometre or so. And you need to
17 quantitatively assess the level of human disturbance
18 coming off the road.

19 Okay. The next item I'd like to comment
20 on is worst-case scenarios. All right. The
21 Developer's impact statement -- yeah, they say, based
22 on -- at least in the WMAC's position, based on
23 inadequate spatial and temporal boundaries, the
24 Developer has considered cumulative effects on caribou
25 and other VECs to be non-significant.

1 The WMAC's position is for a worst-case
2 scenario, you could see severe disruption or loss of
3 caribou harvesting within the region over a much longer
4 period. The estimated cost of compensation for lost
5 caribou, if -- if you're in a situation where caribou
6 harvesting stopped, you're looking at roughly about
7 three-quarters (3/4s) of a million dollars per year
8 annually for an unknown period of years.

9 I'd like to emphasize here that the
10 Developer has already accepted this proposed worst-case
11 scenario as a viable alternative to their own proposed
12 worst-case scenario. And I'll just clarify the figure.
13 The figure of three-quarters (3/4s) of a million
14 dollars is simply the cost of meat replacement, cost
15 per pound compared to the store and then assumed weight
16 of the caribou. Dressed out caribou is about 80 pounds
17 of meat, and the price of ground beef in Tuk and Inuvik
18 was taken to be five dollars (\$5).

19 The actual number of caribou harvested
20 to reach this figure was taken out of the Inuvialuit
21 harvest management -- sorry, Inuvialuit harvest study.
22 And we took the study, the amount of caribou harvested
23 in Tuk, and we divided the number of caribou harvested
24 by Inuvik in half because they also harvest from the
25 Porcupine caribou herd. So it's a very conservative

1 figure of just the primary impact.

2 Now, the next concern of the WMAC was
3 without an appropriate cumulative effects assessment
4 and follow-up monitoring plan that's designed to
5 identify cumulative impacts, the identification and
6 separation of causative factors can't occur, and hence
7 the -- a sign of a responsibility for any level of
8 compensation would not be possible.

9 And the -- the background of this is --
10 our understanding is that a key role of the -- the
11 Review Board and this panel is to identify a worst-case
12 scenario and also to identify who is responsible for
13 the cause, and then they have to decide certain methods
14 concerning compensation. That's our understanding.

15 So this review -- to do that, this
16 review is very difficult, because the WMAC believes
17 that the actual worst-case scenario is not necessarily
18 a single identifiable event, such as a fuel spill or,
19 in past reviews, an oil blowout from a drilling rig.

20 The worst-case scenario in this review
21 is the pos -- the opinion of the WMAC, is a cumulative
22 impact over a long period of time. And because of this
23 long time period and multiple factors being involved in
24 who -- what is the actual cause of the loss of caribou
25 harvesting, you need a proper CEA and you have to have

1 monitoring that comes out of that CEA. And if it isn't
2 done and then followed up, it's going to be impossible
3 to separate out responsibilities for worst-case
4 scenario.

5 To the best of my knowledge, the Review
6 Board's never had to deal with a worst-case scenario
7 based on cumulative impacts to this extent. And it is
8 a challenge to do so, but within the science we have
9 it's still very possible to do this sort of cumulative
10 effects assessment.

11 And I believe our Chairman also -- also
12 stated in his (sic) opening -- opening address that
13 because it's a worst-case scenario based on cumulative
14 impacts, the decision of the Review Board will be
15 precedent setting and will be used as a baseline for
16 future developments in this region.

17 Okay. Okay. Mitigation remediation.
18 I'll move a little quicker here, because I'm starting
19 to repeat my previous examples. As a consequence of
20 the inadequate CEA, both mitigation and remediation
21 measures presented by the Developer are only local,
22 short term, or non-existent.

23 As already mentioned, spatial/temporal
24 boundary limitations and adequate baseline data and
25 valued ecosystem components, lack of -- lack of

1 analysis, it makes it impossible to see how the
2 Developer is able to consider anything other than
3 short-term and non-cumulative impacts.

4 And -- sorry. The WMAC's position, like
5 I say, without an appropriate CEA, mitigation and
6 remediation, are impossible. And once again, it -- it
7 makes it -- it makes it impossible for this panel to
8 enable -- to identify responsible parties for
9 mitigation and compensation.

10 Last slide. Sorry, follow-up and
11 monitoring. I missed a page. Okay. We've already
12 heard some concerns presented on this by other
13 Intervenors. Follow-up and monitoring, we don't have a
14 monitoring plan yet in its -- in its entirety, and what
15 we do have assumes that cumulative -- oh, sorry, we've
16 got assumptions from the Developer that cumulative
17 effects monitoring will be conducted by the Northwest
18 Territories Cumulative Impacts Monitoring Program, or
19 CIMP.

20 Of course, we don't -- we don't have the
21 environmental monitoring plan yet that provides the
22 details. And the WMAC's position is that CIMP is not --
23 it's not a -- it's not a viable solution. It -- it's
24 not up and running. It's not due to begin collecting
25 data for several years and -- by which time this

1 project could be complete. You're not going to get
2 your necessary baseline data using that route.

3 And an additional concern that was
4 raised -- or, stated by the Developer in the technical
5 hearing by their GNWT representative is that there will
6 be no additional monitoring of any sort for this
7 proposed highway outside of normal departmental
8 programming. And I believe I read the transcript
9 correctly on that, but if I made a mistake, I'm sure
10 I'll be corrected.

11 Okay, just final conclusions, and I'll
12 read through them. Yeah, the Developer's EIS is
13 scientifically weak. It doesn't fully address
14 potential effects of the road on wildlife, especially
15 over the long term. WMAC's particularly concerned with
16 the lack of a science-based cumulative effects
17 assessment that includes appropriate spatial and
18 temporal boundaries.

19 WMAC has particular concern on the
20 Developer's conclusion that the effects of the road on
21 valued ecosystem components, such as caribou and
22 grizzly bear, are not significant. The Developer's
23 worst-case scenario is considered to be unrealistic in
24 the va -- in the absence of a valid CEA.

25 Given the critical importance of

1 caribou, the WMAC has proposed a worst-case scenario
2 that includes a loss of caribou harvesting over an
3 unknown period of years, with an initial value of
4 three-quarters (3/4s) of a million dollars per year.

5 And once again, in the absence of a
6 valid CEA, the Developer's mitigation and remediation
7 measures are inqu -- inadequate for the panel. And we
8 -- we're still looking for the long-term monitoring
9 plan. Thank you.

10 THE CHAIRPERSON/FACILITATOR: Thank
11 you, Mr. Hanbidge. I'll just ask for questions now.
12 Are you ready to do that? And I'll start with Mr.
13 Stevens. Do you have any questions, Mr. Stevens?

14

15 QUESTION PERIOD:

16 MR. JIM STEVENS: Thank you, Madam
17 Chair. We have one (1) question and one (1) comment.
18 I guess I'll go the question first. On the slide
19 titled, "Worst-case Scenario and Compensation," you
20 reference caribou population changes.

21 What kind of factors, in WMAC's opinion
22 as a wildlife management advisor, contribute to caribou
23 population changes currently?

24 MR. BRUCE HANBIDGE: Sorry, Bruce
25 Hanbidge. Could you say that last part of that again?

1 MR. JIM STEVENS: Madam Chair, I'll
2 repeat the last part of the sentence.

3 What kind of factors, in WMAC's opinion
4 as a wildlife management advisor, contribute to caribou
5 population changes currently?

6 MR. BRUCE HANBIDGE: Bruce Hanbidge,
7 Wildlife Management Advisory Council. The examples
8 that I was trying to use is cumulative disturbance from
9 multiple sources, human induced and others. But in
10 this case, our major concern is the lack of a
11 cumulative effects assessment that considers human
12 disturbance in a cumulative sense, be it from traffic,
13 from other construction activities, or, in this case,
14 the increased access of the road for multiple uses
15 going off the road to some much larger spatial area
16 than a few hundred yards off the road.

17 THE CHAIRPERSON/FACILITATOR: Thank
18 you. Mr. Stevens, you said you had a comment as well.

19 MR. JIM STEVENS: Madam Chair, I'd like
20 to re-ask the question. I believe it wasn't answered
21 yet.

22 THE CHAIRPERSON/FACILITATOR: Go ahead.

23 MR. JIM STEVENS: Again, Bruce, as a
24 wildlife management advisor, can you tell us what
25 population changes to caribou happen now, and what

1 would those factors be?

2 So I'm asking you what kind of factors
3 could lead to a decrease in caribou population or a
4 change in caribou population currently.

5 MR. BRUCE HANBIDGE: Bruce Hanbidge,
6 Wildlife Management Advisory Council. If I understand
7 the question to be: What are the factors that could
8 lead to a change in caribou populations? Yes? Okay.

9 Changes in food availability and changes
10 in the physiological requirements of the caribou,
11 basically energy in and energy out, changes to the phyl
12 -- physiological requirements of the caribou. Does it
13 have to walk further? Does it have to do avoidance?

14 And our concern, one of the major things
15 that contributes to that increase in the amount of
16 energy the caribou has to put out physiologically is
17 human disturbance. And that is a key factor that we
18 don't think is being addressed in the cumulative
19 effects assessment, human disturbance from a multitude
20 of sources.

21 I can add one (1) more thing for clarity
22 there, if you wish. The boreal caribou management plan
23 that was recently put out by Environment Canada, it is
24 probably one of the first plans that have -- that I've
25 seen that effectively deals with human disturbance, or

1 human induced disturbance from multiple sources.

2 I'm not sure if you're familiar with it.

3 We can certainly give you the reference for it. But

4 it's an excellent plan, because it quantifies human

5 disturbance as a common denominator from multiple

6 different sources and uses it to, essentially, do a

7 cumulative effects assessment over large areas. And

8 that sort of cumulative effects analysis

9 is what we're not seeing for caribou within the area

10 around the road, however big that area is.

11 THE CHAIRPERSON/FACILITATOR: Thank

12 you. Mr. Stevens...?

13 MR. JIM STEVENS: Madam Chair, thank

14 you for that response. I'd like to just offer one (1)

15 comment.

16 On the issue of the cumulative effects

17 assessment, the Developer acknowledges that a

18 considerable difference of opinion exists on our

19 assessment inputs and methodology, and that we

20 respectfully disagree with the views of WMAC on this

21 issue.

22 THE CHAIRPERSON/FACILITATOR: Thank

23 you.

24

25 (BRIEF PAUSE)

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THE CHAIRPERSON/FACILITATOR: That's

the end of your questions and comments? Okay. Aborig

-- or, yeah, Aboriginal Affairs?

MR. CONRAD BAETZ: Conrad Baetz,

Aboriginal Affairs. I have no questions.

THE CHAIRPERSON/FACILITATOR: Thank

you.

(BRIEF PAUSE)

MS. SARAH OLIVIER: Sarah Olivier with

Fisheries and Oceans. No questions.

THE CHAIRPERSON/FACILITATOR: Thank

you. Environment Canada...?

MS. SUSANNE FORBRICH: Susanne

Forbrich, Environment Canada. No questions.

THE CHAIRPERSON/FACILITATOR: Thank

you. FJMC?

MR. JAMES MALONE: Madam Chair, James

Malone, FJMC. There are no questions. Thank you.

THE CHAIRPERSON/FACILITATOR: Thank

you.

MS. PHOEBE MILES: Phoebe Miles,

Infrastructure Canada. No questions.

1 THE CHAIRPERSON/FACILITATOR: Thank
2 you. Parks Canada...?

3 MS. ADRIANE BACHESCHI: Adriane
4 Bacheschi, Parks Canada. No questions.

5 THE CHAIRPERSON/FACILITATOR: Standing
6 right there, Transport Canada...?

7 MR. DOUG SOLOWAY: Doug Soloway,
8 Transport Canada. No questions. Thank you.

9 THE CHAIRPERSON/FACILITATOR: If I
10 could just turn to our technical advisers. Dr. Komers,
11 do you have a question?

12 DR. PETR KOMERS: Petr Komers. Yes,
13 Madam Chair, I have a few questions.

14 Bruce, WMAC requests that an integrated
15 cumulative effects monitoring plan be developed. Now
16 the question is: Do you know of one, can you give us
17 an example, that would satisfy WMAC or are we just
18 chasing after a mirage of some plan that has never been
19 developed?

20 MR. BRUCE HANBIDGE: Bruce Hanbidge,
21 Wildlife Management Advisory Council.

22 Yes, probably the most outstanding
23 example I can give you of a cu -- an integrated
24 cumulative effects assessment and monitoring plan is
25 the Great Sand Hills Regional Environmental Study out

1 of Saskatchewan. It was commissioned and led by the
2 Saskatchewan provincial government and -- yes. I -- I
3 can go into it in great detail but it -- it meets, and
4 could probably be an excellent template for the
5 specific things we're looking to pull out of the
6 cumulative effects for this project, and how it can
7 direct monitoring, mitigation, remediation, et cetera.

8 It's -- it's -- I'm not suggesting the
9 Developer go to the -- the size of that one but it --
10 it's an outstanding example.

11 DR. PETR KOMERS: Petr Komers. Thanks,
12 that's very helpful. On page 26 of your submissions,
13 you're referring to regional effects that would
14 eventually be measured by the cumulative impact
15 monitoring program, and WMAC states that, I quote:

16 "Without the ability to measure these
17 effects, it will not be possible to
18 inform the direction that future
19 adaptive resource management should
20 take."

21 Unquote. Does WMAC have the necessary
22 information now? And I'm -- I'm emphasizing that now
23 because a lot of your argumentation in your submissions
24 seem to have referred to the EIS. Since then, the
25 Developer has provided some new information,

1 particularly from field data and so on, in the course
2 of these proceedings, as well.

3 Do you have the information now to
4 evaluate a utility of any regional monitoring program
5 for future adaptive resource management?

6 MR. BRUCE HANBIDGE: Bruce Hanbidge.
7 No. The information from the EIS cumulative effects
8 assessment since we've had it for just about a year
9 now, there have been some additional submissions of
10 further information, most recently around the technical
11 hearing, but the Developer specifically stated that
12 they are not going to incorporate that into cumulative
13 effects.

14 I'm sorry, statements in the public
15 hearing here seem to contradict that from the
16 Developer. I've heard just in the last two (2) days
17 that they are going to do additional cumulative effects
18 assessment, and they will consider this information. I
19 don't know to what extent and when that will be. But
20 right now, no, we don't have it.

21 DR. PETR KOMERS: Petr Komers. Thank
22 you. In your submission, also you suggest that
23 before/after control impact or a bar-key (phonetic)
24 approach would be used. Now, the "before" is critical
25 here.

1 MR. BRUCE HANBIDGE: M-hm.

2 DR. PETR KOMERS: Do you believe that a
3 bar-key approach can be developed and implemented prior
4 to construction? Do we have, or will we have, enough
5 information prior to construction so that we can do a
6 proper before/after comparison?

7 MR. BRUCE HANBIDGE: No, is the short
8 answer. If you're going to have the information for
9 before and after comparison prior to construction, once
10 again this -- this is the basis of the WMAC's concern.

11 The deficiencies are -- they -- they
12 become magnified. If you don't have the proper
13 boundaries, if you don't have baseline information, you
14 can't do the cumulative effects assessment to direct
15 further monitoring and collection of information. And
16 to do -- to have those -- first of all, to have the
17 proper information and the proper parameters, we don't
18 have that.

19 But secondly something I haven't
20 mentioned yet that's perhaps even more important, you
21 mentioned the word "adaptive management." And adaptive
22 management is a key issue in a cumulative effects
23 assessment. A cumulative effects assessment is -- it's
24 a predictive model. You're not trying to say, this is
25 exactly what's going to happen in all these directions

1 in future.

2 It's used as a predictive model for
3 worse-case, medium-case, best-case scenario, and that -
4 - when I use the word "quantitative," which is
5 important here although qualitative is also a
6 component, when you get that information from a
7 cumulative effects assessment that shapes your
8 monitoring, and further investigations.

9 The adaptive management part of it is,
10 once you've got that information you go back, review
11 it, and reassess it again. I believe there's been some
12 questions going back about six (6) months where the
13 Developer was specifically asked about their support
14 for adaptive management, and I believe that they --
15 they initially said they supported it but when it came
16 down to actually doing it, they said they would not.
17 Now, once again, I'm -- there's been almost three (300)
18 documents here, so I can pull that out, but not
19 immediately.

20 So, yes, the adaptive management part's
21 important. But if you don't collect the information to
22 start with, you can't go back later. It's almost
23 impossible to go back, collect baseline data after
24 development has progressed. Thank you.

25 DR. PETR KOMERS: Petr Komers. Thank

1 you for that. Let's just move on to the worst-case
2 scenario. And we dealt with that at some length also
3 with Mr. Donihee's questioning before to the Developer
4 regarding the different points.

5 Without getting into the detail of your
6 scenario that you developed, do you have examples of,
7 let's say, cumulative regional worst-case scenarios
8 that might -- might have happened elsewhere or, again,
9 is this perhaps just some theoretical argument that is
10 really not applicable here?

11 MR. BRUCE HANBIDGE: Bruce Hanbidge.
12 The short answer, yes. Perhaps some of the best
13 documented examples of cumulative worst-case scenarios
14 in a regional sense are the boreal caribou populations
15 in Alberta. And you can look at them in the -- the
16 boreal caribou management plan.

17 They're all -- right now they're called
18 -- they're all at an unsustainable level because of
19 cumulative levels of disturbance. And I'm sure
20 Environment Canada people can give you a lot more
21 detail on it, but that's the first example that comes
22 to mind of a very well researched example.

23 DR. PETR KOMERS: Petr Komers. Thank
24 you for that. That makes sense. Just to follow up a
25 little bit on that, how likely do you think that is --

1 that can be happening here? You know, I mean, you're
2 talking of Alberta, and, I mean, we're -- we're not in
3 the oil sands here.

4 Is this -- is this really a likelihood
5 that we need to consider?

6 MR. BRUCE HANBIDGE: Bruce Hanbidge.
7 Yes. Caribou fluctuate for a number of reasons. We're
8 in a situation right now where we have restrictions on
9 aboriginal harvesting. The Caribou Forever Conference
10 and the great deal of work that was done by ENR going
11 back into 2005/2006 is very extensive documenting a
12 multitude of potential effects that caused the -- the
13 decline in caribou, natural cycling, other
14 disturbances, in some cases, harvesting.

15 But -- sorry, I lost the -- the last
16 part of your question there.

17 DR. PETR KOMERS: No, I -- Petr Komers.
18 That's actually -- you -- you answered my question.
19 Thank you. That's --

20 MR. BRUCE HANBIDGE: Okay, there is --
21 there is one (1) more thing I could add to it, is when
22 -- sorry, Bruce Hanbidge.

23 When you're looking at something that's
24 complex and there are a multitude of factors affecting
25 caribou cycling, from the point of view of a Developer,

1 that if there's a project that you could be held
2 financially liable for impacts on wildlife and
3 compensation, the WMAC has been trying to assist here
4 because you really do want to split out how much of
5 that responsibility may be yours from how much might be
6 other natural effects. Thank you.

7 DR. PETR KOMERS: Petr Komers. Thank
8 you for that. Just my last question relates to
9 mitigation. And again, a specific quote from your
10 submission on page 24, paragraph 5:

11 "WMAC acknowledges that local site-
12 specific mitigation is proposed."

13 Is WMAC satisfied with these
14 mitigations?

15 MR. BRUCE HANBIDGE: Bruce Hanbidge.
16 I'm just running through my mind.

17 We have, to the best -- best of my
18 recollection right now, we haven't had any concerns or
19 worries that I can recall right now with short-term
20 site-specific mitigation for the valued ecosystem
21 components.

22 When we did our assessment with the
23 information provided that seemed to be adequate, and
24 then we focussed, as I said, on the larger long-term
25 regional. Thank you.

1 DR. PETR KOMERS: Petr Komers. Thank
2 you. That concludes my questions.

3 THE CHAIRPERSON/FACILITATOR: Oh,
4 sorry. Go ahead, Ms. Birnie.

5 MS. MEGHAN BIRNIE: Thanks. Meghan
6 Birnie.

7 Bruce, the worst-case scenario that
8 you've put forward would not necessarily be caused by a
9 single event, is that correct?

10 MR. BRUCE HANBIDGE: Bruce Hanbidge.
11 That's correct.

12 MS. MEGHAN BIRNIE: Okay, so you looked
13 at the direct economic impact with the severe
14 disruption or loss of caribou harvesting.

15 Recognizing that it's not within your
16 mandate, can you comment at all on whether it should
17 include or -- or whether it could include what the
18 social and econo -- or, sorry, social and cultural
19 impacts to the Inuvialuit of a loss of caribou
20 harvesting might be?

21 MR. BRUCE HANBIDGE: Okay, actually the
22 WMAC's mandate does include a consideration of socio-
23 cultural requirements of the Inuvialuit, as it
24 specifically deals with their -- their need for
25 harvested species. So, yes, I -- I alluded to it a

1 little earlier, that the figures we put up were just
2 meat replacement losses.

3 There are, certainly, other -- other
4 impacts, socio-cultural, and the ability of the
5 Inuvialuit to train subsequent generations, their
6 children, how to live off the land. These are
7 intangible costs, to some extent, but when the IFA was
8 being negotiated, there was a great deal of effort, and
9 I think they did an excellent job, to try and -- how do
10 you accommodate these other socio-cultural costs?

11 And what you have in the IFA that deals
12 with it in a tangible way is, when the Review Board
13 determines compensation, they don't just look at how
14 many pounds of meat does the community need. They have
15 to look at in-kind compensation, which addresses the
16 ability of the Inuvialuit to maintain their culture.

17 And this sort of compensation was put
18 down in hard -- hard tent (phonetic) words in various
19 compensation agreements that have been settled with oil
20 companies and past decisions of the Review Board. So
21 there's a very large body of decisions and information
22 there that you can rely -- that you can look at that
23 says, these are what you have to see for socio-cultural
24 compensation. Thanks.

25 MS. MEGHAN BIRNIE: Thank you. No more

1 questions.

2 THE CHAIRPERSON/FACILITATOR: Thank
3 you. Dr. Burn, do you have a question?

4 DR. CHRIS BURN: Yes, thank you, Madam
5 Chair. This is Chris Burn. I wonder if WMAC could
6 confirm to the Board that the Mackenzie Valley Resource
7 Management Act does not apply in the Inuvialuit
8 settlement region?

9 MR. BRUCE HANBIDGE: Bruce Hanbidge. I
10 believe it does not. We have the Environmental Impact
11 Review Board and the screening and review process under
12 the Inuvialuit final agreement.

13 DR. CHRIS BURN: Thank you, Madam
14 Chair. I wonder if the Wildlife Management Advisory
15 Council for the NWT is aware that the NWT CIMP is a
16 product of the Mackenzie Valley Resource Management
17 Act?

18 MR. BRUCE HANBIDGE: Yes, I --

19 THE CHAIRPERSON/FACILITATOR: Please
20 identify -- I'm sorry --

21 MR. BRUCE HANBIDGE: I've actually sat
22 in on some meetings myself.

23 THE CHAIRPERSON/FACILITATOR: Please
24 identify yourself.

25 MR. BRUCE HANBIDGE: Sorry, Bruce

1 Hanbidge, WMAC. To the best of my knowledge, yes, it
2 is a product of that.

3 DR. CHRIS BURN: Thank you, Madam
4 Chair. This is Chris Burn.

5 I wonder if you could advise the Board
6 whether CIMP activities are permitted in the ISR, given
7 that they are a product of the Mackenzie Valley
8 Resource Management Act?

9 MR. BRUCE HANBIDGE: Bruce Hanbidge for
10 the WMAC. I'm not a hundred percent sure. I have
11 participated in some meetings where the Inuvialuit are
12 looking at forms of community-based monitoring, but I
13 can't say for certain if CIMP is allowed or not.
14 That's getting, sort of, to the edge of my knowledge
15 there.

16 DR. CHRIS BURN: Thank you, Madam
17 Chair. This is Chris Burn.

18 I wonder if WMAC has been made aware,
19 through the process of this review, of any contact
20 between the Developer and Aboriginal Affairs and
21 Northern Development Canada, which is the sponsoring
22 agency for CIMP, regarding CIMP activities proposed in
23 association with this project?

24 MR. BRUCE HANBIDGE: Bruce Hanbidge for
25 the WMAC. I'm aware of none, no -- no contact, no

1 discussion on that.

2 DR. CHRIS BURN: Thank you, Madam --
3 thank you, Madam Chair, that's my questions.

4 THE CHAIRPERSON/FACILITATOR: Thank
5 you, Dr. Burn. Mr. Donihee...?

6 MR. JOHN DONIHEE: Thank you, Madam
7 Chair. John Donihee. I have a couple of questions.

8 Mr. Hanbidge, what WMAC is suggesting to
9 the Board is needed here is a -- what you've called a
10 quantitative science based cumulative effects
11 assessment and not -- not being a professional
12 biologist and -- and with deference to the panel, I
13 know none of them are either, could you just explain
14 for -- what exactly that means?

15 MR. BRUCE HANBIDGE: Bruce Hanbidge,
16 Wildlife Management Advisory Council.

17 What it means is when you're looking at
18 what causes impacts, you have to have some methodology
19 that -- in -- in reproducible quantitative manner. You
20 can look at your initial work on impacts, valued
21 ecosystem component impacts, draw some conclusions for
22 what might be long-term impacts and some of that's
23 based on professional judgment. Often there isn't
24 enough data so you do rely on professional judgment,
25 but that professional judgment is not whether or not

1 you might do something on it, it guides what you're
2 going to do.

3 So, example, a quantitative scientific
4 based cumulative effects assessment, if you're looking
5 at human disturbance on caribou, you're going to want
6 to look at all of the sources of human disturbance:
7 cars, vehicles, the amount of time tourists spend on
8 the land, the effects -- in a quantitative sense, how
9 many -- how many Ski-Doos are out there, what hunting
10 occurs and ,like I say, the -- the point about, well,
11 there's -- hunting's restricted there so we don't have
12 to worry about the impact of harvesters, well, anybody
13 moving through the area creates a disturbance.

14 So you're looking at a whole series of
15 different potential disturbances. If you look at how
16 they did it with the Boreal caribou, you, essentially,
17 determined standards for a certain amount of time, a
18 certain amount of vehicles, how much disturbance that
19 causes, then you quantify it and then you start to
20 model it and you look at thresholds for -- in a perfect
21 sense if you have enough information, you'd look at
22 threshold for how much disturbance can a caribou take
23 before it moves away.

24 And from that you get an idea of how
25 much disturbance caribou will take before it starts to

1 have a negative impact. And then out of that -- the
2 key thing that falls out of that is how do we manage --
3 monitor and manage that amount of disturbance on the
4 caribous. Is that sort of where you're going
5 specifically?

6 MR. JOHN DONIHEE: Madam Chair, it's
7 John Donihee again. Well, actually you're taking me
8 there. I'm not going, but let -- let me ask you
9 another -- another question then. I'm just looking at
10 your -- page 16 of your report and you're quoting from
11 page 645 of the EIS.

12 And I'll just read the first of the --
13 this is that sort of three (3) tiered classification
14 system for effects that the Developer used as part of
15 their cumulative effects assessment.

16 And so for class 1 it says:

17 "Class 1 effect: The predicted trend
18 in the measurable parameter under
19 projected levels of development could
20 threaten the sustainability of the
21 VEC in the study area and should be
22 considered of management concern.
23 Research monitoring and/or recovery
24 initiatives should be considered
25 under an integrated resource

1 management framework. Any negative
2 change in VEC value of greater than
3 25 percent from benchmark is
4 considered to be a class 1 effect,
5 regardless of whether the -- of the
6 trend."

7 So I, you know, I'm -- I guess I'm
8 having a hard time distinguishing -- I realize that,
9 you know, in a sense once these categories of classes
10 were set out by the Developer, they then -- as I
11 understand what they did was they then looked at their
12 predictions and what they thought would happen and
13 applied professional judgment and came up, you know,
14 with a determination of whether for caribou, you know,
15 these certain -- certain kinds of activities related to
16 the project would be class 1, 2 or 3.

17 But I guess what I'm trying to say to
18 you is that it -- it -- they're -- in terms of the
19 description of what the -- the Developer has done, it -
20 - it sounds to my untutored ears fairly similar to what
21 you're talking about.

22 So can you sort me out on that?

23 THE CHAIRPERSON/FACILITATOR: Go ahead.

24 MR. BRUCE HANBIDGE: Okay, Bruce
25 Hanbidge, WMAC. Yeah, those are the classes. They

1 sound quite definitive in how you differentiate between
2 classes. And it is the purpose of the -- the impact
3 assessment short-term, as well as cumulative effects,
4 to determine: Does the effect on the VEC fall into one
5 of those or one of the other ones.

6 The only information in the Developer's
7 EIS that deals with that to -- to put them into those
8 classes is opinions. There is no quantitative analysis
9 to put a VEC into that class. And I -- I stand to be
10 corrected here because I've asked this many times, but
11 it's -- it's an expert judgment.

12 And for the most part, in the -- in the
13 EIS the expert judgment that classifies VECs into those
14 categories, and I'll speak to caribou, is unreferenced
15 and unciteable. So we have a word that we can't go
16 back and check and verify.

17 And I could add one (1) more thing, if I
18 could. The fact that the Developer has said that they
19 accept the WMAC's worst-case scenario as a viable
20 alternative, and then they say they disagree with our
21 position on their cumulative effects assessment, the
22 baseline data, the spacial temporal boundaries and the
23 impact on caribou is irreconcilable.

24 If they agree with the fact that the
25 worst-case scenario is viable, then, by definition, you

1 have to accept some of these other concerns, otherwise,
2 it's not a viable worst-case scenario. Thank you.

3 THE CHAIRPERSON/FACILITATOR: Thank
4 you. Mr. Donihee...?

5 MR. JOHN DONIHEE: Thank you, Madam
6 Chair. John Donihee. So I'm -- I'm going to ignore
7 for the moment your comments about worst-case scenario
8 because that's a little bit different, but...

9 So I -- what I'm taking from what you've
10 told me then is that once you set these sorts of
11 categories or classes up, that the difference between
12 what you're proposing -- I realize this is simplistic,
13 but, the difference between what you're proposing and
14 what the Developer has done is that you would want to
15 have measurable parameters related to wildlife or other
16 natural things that affect wildlife, you'd want to have
17 them measured. And you'd want to use that measurable
18 quantifiable framework as a basis for determining what
19 the impacts are rather than using professional
20 judgment. Is that the -- sort of the gist of the
21 difference between what you're proposing and what --
22 what you say the Developer did?

23 MR. BRUCE HANBIDGE: Bruce Hanbidge,
24 for WMAC. Only in part. In a perfect world, if we had
25 quantifiable values for everything, that would be

1 excellent. We don't. But given the information that
2 is available on caribou, we can certainly have a lot
3 more towards that quantifiable direction without --
4 without getting to the scale of the Saskatchewan study
5 that I referenced.

6 But in the absence of quantifiable data
7 for decision makings in an adaptive management setting,
8 when you are using expert judgment it has to be
9 referenced. You have to understand where it's coming
10 from to be able to put some sort of a weight on it or
11 determination.

12 A reasonable expectation -- I'm
13 paraphrasing. A reasonable expectation that there will
14 be no impact is an example of an unreferenced expert
15 judgment. We don't know where it came from. We don't
16 know the basis for it, and we can't evaluate it. So,
17 yes, quantifiable data would be excellent, but -- as
18 much as possible, but referenced expert judgment would
19 fill a lot of the gaps. Thank you.

20 THE CHAIRPERSON/FACILITATOR: Thank
21 you. Mr. Donihee...?

22 MR. JOHN DONIHEE: Thank you, Madam
23 Chair. I just have a couple more questions.

24 It probably would help -- I know you've
25 referenced this study or framework that's set up in

1 Saskatchewan.

2 Are you aware of any cumulative effects
3 assessments, quantitative science-based examples of
4 linear facilities or of other -- other examples where
5 this kind of work has been done, say, in the North that
6 you could lay hands on and file with the Board just so
7 that you could show us some examples of what it is that
8 you're talking about?

9 THE CHAIRPERSON/FACILITATOR: Go ahead.

10 MR. BRUCE HANBIDGE: Yes, I can.
11 There's a excellent study in the Cape Bathurst -- not
12 Cape Bathurst, the Bathurst caribou, where there's a
13 proposed road. That was done by Anne Gunn and several
14 others. We have the references here but, yes, we can
15 produce that for you fairly quickly.

16 THE CHAIRPERSON/FACILITATOR: Thank
17 you.

18 MR. JOHN DONIHEE: John Donihee again.
19 Then you'll undertake to file that document with the
20 Board, please?

21 MR. BRUCE HANBIDGE: Bruce Hanbidge.
22 Yes.

23 MR. JOHN DONIHEE: And within a week?
24 Is that enough time to get it?

25 MR. BRUCE HANBIDGE: More than enough.

1 MR. JOHN DONIHEE: That'll be
2 Undertaking number 2 for the record, Madam Chair.

3
4 --- UNDERTAKING NO. 2: For WMAC to produce the
5 study on the Bathurst
6 caribou where there's a
7 proposed road that was done
8

9 MR. JOHN DONIHEE: Mr. Hanbidge, it's
10 John Donihee again. I guess the last question I have
11 is, I think I have a understanding in a general sense
12 of -- of the substance of your technical submission.

13 What is a little less clear to me is
14 exactly what it is that the WMAC thinks that the Board
15 should do as -- as if -- assuming that it accepts the
16 evidence that you've produced and is persuaded by it.

17 What would you recommend or what does
18 the WMAC recommend that the Board do in response to
19 that evidence?

20 THE CHAIRPERSON/FACILITATOR: Go ahead.

21 MR. BRUCE HANBIDGE: Bruce Hanbidge,
22 Wildlife Management Advisory Council. I'm very
23 hesitant to tell the Board what, in my opinion, what
24 they should do. So I'm going to phrase it in what the
25 WMAC, I believe, would expect to see.

1 You have very divergent views here
2 between the WMAC and the Developer. So I know we have
3 submitted the technical report. We have undertakings
4 to submit more.

5 With the information we have, unless
6 there's more requests, then I guess for the WMAC to
7 fulfill its ability to adequately advise, they have to
8 know clearly what the decisions are with their advice,
9 where they can improve it.

10 So, what would they like to see from the
11 Review Board? If you're going to make the decision,
12 we'd like to have clear reasons why, because WMAC's
13 intent here is to provide their expert advice to the
14 Review Board and to the Developer to produce the best
15 possible environmental impact statement. And we'd like
16 to see you have a clear response back as to, did we do
17 that? Thank you.

18 THE CHAIRPERSON: Thank you. Mr.
19 Donihee...?

20 MR. JOHN DONIHEE: Thank you, Madam
21 Chair. Final question, maybe I'll -- I'll just try to
22 resolve this.

23 I assume that the Board can expect the
24 WMAC to review any additional materials that are -- are
25 produced before the close of the record, and to provide

1 recommendations -- clear recommendations to the Board
2 about what it should do, in its final technical
3 submission.

4 Is that -- is that fair?

5 MR. BRUCE HANBIDGE: Bruce Hanbidge,
6 Wildlife Management Advisory Council.

7 Whether the WMAC will do that or not,
8 I'm going to have to leave that up to the Chairman. He
9 has already registered, through me, his objections to
10 more information being submitted, and that's already on
11 the record here. So I will have to defer that to the
12 Chair.

13 And I -- I've already discussed with him
14 that we have to have that clarified, since we have
15 objected to the submission of more information. We
16 need some procedural clarification for how we can
17 proceed.

18 MR. JOHN DONIHEE: John Donihee, Madam
19 Chair.

20 Mr. Hanbidge, I understood your
21 objection earlier yesterday to be to the introduction
22 in this hearing of references to additional materials
23 that were filed after the -- after the cutoff point on
24 September the 4th.

25 So I'll -- I'll just point out, I guess,

1 that there's -- the directive issued on August the 10th
2 does indicate that there would be final technical
3 submissions made and I guess when the time comes, the
4 Board can hear from the WMAC about -- about this
5 process.

6 MR. BRUCE HANBIDGE: Bruce Hanbidge for
7 the WMAC. Yep, the WMAC's job is to provide advice and
8 I believe that we'll do that to the best of our
9 abilities. Thank you.

10 THE CHAIRPERSON/FACILITATOR: Thank
11 you. Just before we finish, I'll ask the panel if they
12 have any questions for Mr. Hanbidge.

13 MR. HERBERT FELIX: Herbert Felix, no
14 questions.

15 MR. ROLAND KIKOAK: Roland Kikoak, no
16 questions.

17 MS. CATHERINE COCKNEY: I have one (1)
18 question in con -- considering WMAC's concern about
19 compensation. I know that the FJMC have conducted a
20 number of harvest studies over the years. I think they
21 go back into the '80s. I don't know if they are still
22 con -- conducting the -- the studies today, but that --
23 that's -- I think that would be good historical
24 information that would be useful to the panel.

25 So are those studies available? Are

1 they in written form and available to the panel?

2 MR. BRUCE HANBIDGE: Bruce Hanbidge for
3 the WMAC. Yes, and yes, the -- the Inuvialuit harvest
4 study reports are all available in the Joint Secretary
5 library. They are written form and, like I say, they -
6 - they are available there.

7 And just in addition to that, because
8 the -- the harvest studies stopped some years ago,
9 there have been -- I can recall there's a study done on
10 the accuracy of extrapolating the harvest study
11 forward. That was done and it's in the -- it's in the
12 library.

13 And also, I believe, there have been
14 some partial harvest studies, or at least harve --
15 harvest recording done by ENR. And ENR also does an
16 annual report on the harvest numbers of all quoted
17 species which, in this case, would be caribou included
18 in that.

19 So those are the pieces of information
20 that -- and they're all available in the Joint
21 Secretariat library.

22 THE CHAIRPERSON/FACILITATOR: Thank
23 you. Liz Snider with the panel, no questions.

24 MR. BRUCE CHAMBERS: Bruce Chambers, no
25 questions.

1 THE CHAIRPERSON/FACILITATOR: So I
2 think that that concludes our questions for WMAC.
3 Thank you very much for your presentation and for your
4 time in answering questions.

5 MR. BRUCE HANBIDGE: Bruce Hanbidge.
6 Thank you very much.

7 THE CHAIRPERSON/FACILITATOR: Just --
8 we have two (2) more -- there isn't presentations, but
9 two (2) more people that will be questions.

10 What I would suggest is I see people
11 sort of wiggling around. If we could take a fast ten
12 (10) minute break and come back, I don't think that the
13 remaining work that we have to do will take that long
14 and this will just give you chance to stretch before we
15 get into the final -- the final run. Thank you.

16

17 --- Upon recessing at 6:26 p.m.

18 --- Upon resuming at 6:35 p.m.

19

20 THE CHAIRPERSON/FACILITATOR: If we
21 could resume, if people don't mind finding a place to
22 sit or stand.

23

24 (BRIEF PAUSE)

25

1 THE CHAIRPERSON/FACILITATOR: I'd like
2 to start with Infrastructure Canada. All right. They
3 provided a letter that they're -- they're not going to
4 make a presentation but they're willing to respond to
5 any questions.

6 And so maybe what I'll do is just open
7 it to -- to the floor and ask if anybody has a question
8 for Infrastructure Canada.

9
10 (BRIEF PAUSE)

11
12 THE CHAIRPERSON/FACILITATOR: Just
13 stand up and identify yourself and we'll -- do you want
14 to come up here and then they...

15
16 (BRIEF PAUSE)

17
18 THE CHAIRPERSON/FACILITATOR: Thank
19 you. I -- I'm not going to go through my list, so if
20 anybody has a question just raise it now.

21
22 (BRIEF PAUSE)

23
24 THE CHAIRPERSON/FACILITATOR: Don't
25 feel bad if you don't get asked anything. Any

1 questions? Any questions from you fel -- Dr. Burn...?

2 DR. CHRIS BURN: Thank you, Madam
3 Chair. I refer to the letter that you submitted --
4 that Infrastructure Canada submitted to this
5 proceeding. And in the third last paragraph of the --
6 of the letter it reads:

7 "INFC recommends that the Developer
8 be required to address the gaps
9 identified by the federal expert
10 departments in order to ensure that
11 both CEAA and IFA requirements are
12 met."

13 I wonder if you could comment on the
14 gaps that have been identified by other Intervenors in
15 this hearing and whether you believe that their --
16 their gaps should also be addressed by the Developer?

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON/FACILITATOR: Could you
21 just start by identifying yourself for the record.
22 Thank you.

23 MS. PHOEBE MILES: Phoebe Miles,
24 Infrastructure Canada. Madam Chair, thank you.

25 I -- I think the most I could say is

1 perhaps that I would defer to the -- the Board and the
2 -- the panel's decision as to what would be required of
3 the Developer in -- in addressing any gaps that have
4 been identified.

5 DR. CHRIS BURN: Thank you. Do I take
6 it then that all and any instructions that this panel
7 provides in its report will be supported by
8 Infrastructure Canada?

9 MS. PHOEBE MILES: Phoebe Miles,
10 Infrastructure Canada. It's Infrastructure Canada's
11 role to coordinate the single response from the
12 Government of Canada to the panel's report. And so in
13 the panel report a series of recommendations presumably
14 will be made, and it will be Infrastructure Canada's
15 role to coordinate the single response to each of those
16 recommendations.

17 THE CHAIRPERSON/FACILITATOR: Dr.
18 Burn...?

19 DR. CHRIS BURN: Thank you very much,
20 Madam Chair. That's all my questions.

21 THE CHAIRPERSON/FACILITATOR: Sorry,
22 any other questions?

23 I think we can excuse you and -- oh,
24 sorry.

25 MR. BRUCE CHAMBERS: Bruce Chambers. I

1 was just wondering, in -- in your third paragraph of
2 your letter you -- you said -- talked about the budget
3 and a hundred and fifty dol -- a million dollars to
4 support the construction.

5 Is -- just, is there any time limit on
6 that budget amount?

7 THE CHAIRPERSON/FACILITATOR: Go ahead.

8 MS. PHOEBE MILES: Phoebe Miles,
9 Infrastructure Canada. Just to make sure I understand,
10 do you mean is there -- is there an expiration date on
11 that money?

12 MR. BRUCE CHAMBERS: Yes, I do.

13 MS. PHOEBE MILES: Not to my knowledge
14 would be my answer.

15 MR. BRUCE CHAMBERS: Thank you very
16 much. Bruce Chambers.

17 THE CHAIRPERSON/FACILITATOR: Thank you
18 very much, Ms. Miles.

19 MR. PHOEBE MILES: Thank you, Madam
20 Chair.

21 THE CHAIRPERSON/FACILITATOR: The last
22 -- and again, it's not a presentation, but ENR, from
23 the government of the Northwest Territories, has
24 offered to answer questions from any of the parties,
25 and also the public. So I would ask them to come

1 forward. And I thank them for coming to do this.

2

3 (BRIEF PAUSE)

4

5 QUESTION PERIOD OF THE GOVERNMENT DEPARTMENTS OF THE
6 NWT:

7 THE CHAIRPERSON/FACILITATOR: I think
8 I'll use the same process. I'll just ask if anybody
9 has questions. But maybe to start, I could just let
10 you identify yourselves for the record, and if you have
11 any statements you'd like to make before we start,
12 that's -- go -- go ahead.

13 MS. MARSHA BRANIGAN: I'm Marsha
14 Branigan with Environment and Natural Resources, Inuvik
15 region. I just --

16 MS. SUNNY ASHCROFT: Sunny Ashcroft,
17 Environment and Natural Resources, Wildlife
18 Headquarters in Yellowknife.

19 MS. MARSHA BRANIGAN: One (1) other
20 comment I wanted to bring forward is, I was of the
21 understanding that it's not just ENR, but it's the
22 Government of the Northwest Territories that's before
23 the panel? So if there's -- there's other people in
24 the audience from the other departments that can speak
25 to issues that are related to other departments as

1 well.

2 THE CHAIRPERSON/FACILITATOR: Yes, it's
3 -- that's correct. And if they'd like to come forward,
4 too, that would be fine. I mean, we could -- maybe you
5 could sit here and -- so this would be questions that
6 you'd have for the Government of the Northwest
7 Territories? So maybe we could start -- could you just
8 identify yourself and ...?

9 MR. GLEN RUTLAND: Yes, Glen Rutland.
10 Northwest Territories Department of Justice, Director
11 of Policy and Planning.

12 MS. ARLENE JORGENSEN: Arlene
13 Jorgensen. I'm with the Beaufort-Delta Health and
14 Social Service Authority, and I'm here on behalf of the
15 Health Authority of the Department of Health.

16 MS. ALANA MERO: Alana Mero, Northwest
17 Territories Housing Corporation.

18 MR. DON CRAIK: Don Craik, Industry
19 Tourism and Investment, Inuvik Region.

20 THE CHAIRPERSON/FACILITATOR: I think
21 it might be better, given the number of you here, if I
22 just go through my list and that way we can maybe do it
23 a little bit more efficiently. Sorry. Any questions
24 from Aboriginal Affairs?

25 MR. CONRAD BAETZ: It's Conrad Baetz

1 from Aboriginal Affairs. We have no questions.

2 THE CHAIRPERSON/FACILITATOR: I'll go
3 back one. Mr. Stevens, do you have any questions?

4 MR. JIM STEVENS: Madam Chair, we have
5 no questions.

6 THE CHAIRPERSON/FACILITATOR: DFO...?

7 MS. SARAH OLIVIER: Sarah Olivier with
8 Fisheries and Oceans. No questions.

9 THE CHAIRPERSON/FACILITATOR: Thank
10 you. Environment Canada...?

11 MS. SUSANNE FORBRICH: Susanne
12 Forbrich, Environment Canada. No questions.

13 THE CHAIRPERSON/FACILITATOR: FJMC...?

14 MR. JAMES MALONE: Madam Chair, James
15 Malone, FJMC. There are no questions. Thanks.

16 THE CHAIRPERSON/FACILITATOR: Thank
17 you. Infrastructure Canada...?

18 MS. PHOEBE MILES: Phoebe Miles,
19 Infrastructure Canada. No questions.

20 THE CHAIRPERSON/FACILITATOR: Parks
21 Canada...?

22 MS. ADRIANE BACHESCHI: Adriane
23 Bacheschi, Parks Canada. We have no questions.

24 THE CHAIRPERSON/FACILITATOR: Transport
25 Canada...?

1 MR. DOUG SOLOWAY: Doug Soloway,
2 Transport Canada. No -- no questions, Madam Chair.

3 THE CHAIRPERSON/FACILITATOR: Okay,
4 thank you. WMAC's -- Wildlife Management Advisory
5 Committee?

6 MR. BRUCE HANBIDGE: Bruce Hanbidge for
7 the WMAC. No, we have no questions.

8 THE CHAIRPERSON/FACILITATOR: Thank you
9 very much. I'll move over to our technical experts. I
10 understand there's some questions here. So, Dr.
11 Komers...?

12 DR. PETR KOMERS: Thank you, Madam
13 Chair. This is Petr Komers. I -- my first line of
14 questioning relates mostly to the role of ENR in this
15 assessment. In a recent letter dated September 7th,
16 2012, ENR attempted to clarify its role in this
17 project. ENR stated, I quote:

18 "The assessment of the project
19 effects is fully the responsibility
20 of DOT and its development partners."

21 Unquote. ENR also said that, I quote:

22 "The GNWT departments did not review
23 the assessment of the project and
24 cumulative effects."

25 Unquote. And finally, ENR stated that,

1 I quote:

2 "It is responsible for the
3 coordination of all GNWT departments
4 during interventions in an
5 environmental assessment."

6 Unquote. Does ENR consider itself to be
7 an Intervenor in this environmental assessment?

8 MS. MARSHA BRANIGAN: ENR -- it's
9 Marsha Branigan with ENR Inuvik. ENR considers -- we
10 are part of the GNWT, but we don't consider ourselves
11 part of the Developer for this project.

12 THE CHAIRPERSON/FACILITATOR: Thank
13 you.

14 DR. PETR KOMERS: Petr Komers. So I
15 take from that that, yes, you are intervening in this
16 project. Is that correct?

17 MS. MARSHA BRANIGAN: Well -- Marsha
18 Branigan, ENR. I thought we were, but I -- the
19 direction that we seemed to get from the panel was that
20 we weren't, so we were not -- we did not put in an
21 Intervenor's report, technical report after the
22 technical hearings, or -- so I'm not sure.

23 We have provided advice to the -- to the
24 Developer on the project, and advice any other people
25 have asked for advice from -- this is -- wildlife

1 department, but we did not put in a statement as an
2 Intervenor.

3 DR. PETR KOMERS: Petr Komers. You
4 said you thought you were an Intervenor, so I'm -- I'm
5 going to take it from there.

6 If -- if, as an Intervenor, ENR did not
7 review the assessment, how can you provide advice?

8

9 (BRIEF PAUSE)

10

11 MS. MARSHA BRANIGAN: Madam Chair, one
12 moment, please.

13

14 (BRIEF PAUSE)

15

16 MS. MARSHA BRANIGAN: Madam Chair, can
17 we just get clarification as to the le -- the -- we're
18 just trying to pull up that letter, but the actual
19 wording of that line in the letter, please?

20 DR. PETR KOMERS: Petr Komers. The --
21 the sentence was:

22 "GNWT departments did not review the
23 assessment of project and -- and
24 cumulative effects."

25

1 (BRIEF PAUSE)

2

3 MS. MARSHA BRANIGAN: Okay. Madam
4 Chair, Marsha Branigan. I think it's important to read
5 the line that's prior to that sentence. It says that:

6 "The Developer was responsible for
7 decisions on what was included into
8 the EIS."

9 And that we did -- I think the statement
10 is referring to the fact that we did not -- we were not
11 responsible for reviewing it prior to submission, so
12 that was the Developer's responsibility.

13 THE CHAIRPERSON/FACILITATOR: Thank
14 you.

15 DR. PETR KOMERS: Petr Komers. Thank
16 you for that. Let's move on to management plans. In
17 its interventions in other development proposals, ENR
18 normally agrees -- ENR normally engages the developers
19 in an effort to set up monitoring and management plans.

20 For example, in a recent discussion with
21 De Beers Canada, ENR stated that, I quote:

22 "There was agreement on the value of
23 initiating discussions on wildlife
24 monitoring early in the EIR and
25 regulatory processes."

1 Unquote. Did ENR engage this Developer
2 to discuss monitoring objectives yet?

3 MS. MARSHA BRANIGAN: Marsha Branigan,
4 ENR. Yes, we have engaged the Developer. We have also
5 engaged some of our co-management partners in the
6 region. A year ago, when -- when we were discussing
7 the project in-house, ENR wildlife management developed
8 some -- what we thought would be suitable mitigation
9 and monitoring and wildlife effects monitoring.

10 And we brought those -- what we were
11 considering to provide as advice to the Developer, to
12 the WMAC, the game council, the Inuvik HTC and the Tuk
13 HTC to let them know where we -- what we were thinking
14 about and -- and what our advice would likely be and
15 whether they had any concerns with that -- that
16 potential advice.

17 And then we have had discussions with
18 DOT on effects monitoring and protection plan content.

19 THE CHAIRPERSON/FACILITATOR: Thank
20 you.

21 DR. PETR KOMERS: Petr Komers. So you
22 did have discussions. And in those discussions, did
23 you ask the Developer to establish a rationale for
24 specific monitoring, such as the verifications of zones
25 of influence?

1

2

(BRIEF PAUSE)

3

4

MS. MARSHA BRANIGAN: Madam Chair,

5

Marsha Branigan, ENR. If I'm understanding your

6

question correctly, you're asking whether ENR asked for

7

any verification as to how the Developer determined

8

their zones of influence. I don't believe that we did.

9

What we were focussing on more was, for

10

the effects monitoring plan, was to try to develop a

11

monitoring plan that would allow us to look at, if the

12

-- if the pro -- project does go through, whether those

13

predictions were correct or not and whether those zones

14

of influence were correct.

15

And actually, in preparation for that,

16

ENR has already engaged in the collection of some

17

baseline data with response to caribou on top of what

18

was already collected by the Western Biophysical

19

Program.

20

So we normally deploy collars in the

21

Inuvik and Tuk region for other programs, and we have

22

ado -- adjusted the programming on those collars to try

23

to provide -- I don't if it's going out -- but to try

24

to provide additional baseline information in case the

25

project is approved. And we will be able to monitor

1 those effects of the road.

2 DR. PETR KOMERS: Petr Komers. So I --
3 just for clarification, you did not ask them to verify
4 now in the -- in the impact assessment, but you will
5 req -- request from them to verify zone of influ --
6 zones of influence in monitoring programs.

7 Is that correct?

8 MS. MARSHA BRANIGAN: That's what we're
9 suggesting as advice, yes.

10 DR. PETR KOMERS: Petr Komers. So does
11 ENR agree with the zones of influence that have been,
12 so far, calculated in the -- or assumed to exist in the
13 cumulative effects assessment?

14 MS. MARSHA BRANIGAN: ENR, Marsha
15 Branigan. We -- we didn't answer that question
16 directly, but we did provide additional information
17 about the zones of influence with respect to caribou
18 and grizzly bears in our Information Requests that were
19 put -- I think it was seventy-three (73), seventy-four
20 (74) and seventy-five (75) I think is the grizzly bear
21 one.

22 This Information Requests that were put
23 to ENR, the responses were developed by ENR and were
24 not -- the Developer had -- I mean, these are ENR's
25 responses to those questions that were put to us.

1 DR. PETR KOMERS: Petr Komers. So the
2 responses you provided -- and I actually quoted them
3 when I asked that information from the Developer -- in
4 IR-74 and 75 regarding grizzly bear and the caribou
5 zones of influence, they differ quite markedly from the
6 zones of influence that the Developer accepted in their
7 cumulative effects assessment.

8 Would you agree then that the Developer
9 did not take your advice into account?

10

11 (BRIEF PAUSE)

12

13 MS. MARSHA BRANIGAN: These responses
14 that were provided -- sorry, Marsha Branigan, ENR. The
15 responses that were provided in -- in these Information
16 Requests were done through our department.

17 My recollection on these IRs is that we
18 did not state clearly a zone of influence that we would
19 expect to be applied. We've looked through the
20 literature at the different information that's
21 available and sort of suggested where we think that
22 would be.

23 But if you want ENR's perspective as to
24 whether we agree or disagree with the zones of
25 influence that are in the EIS, stated clearly in that

1 fashion, we'd ask for an undertaking.

2 DR. PETR KOMERS: One minute, Madam
3 Chair, please.

4

5 (BRIEF PAUSE)

6

7 DR. PETR KOMERS: Petr Komers. If at
8 all possible, you could answer that question, even if
9 it takes you -- well, an undertaking.

10 When would you be able to provide a --
11 is one (1) week a reasonable time?

12

13 (BRIEF PAUSE)

14

15 MS. MARSHA BRANIGAN: Madam Chair,
16 sorry, we're just discussing schedules and who's around
17 right now, but that seems reasonable to try and do it
18 in a week.

19 THE CHAIRPERSON/FACILITATOR: Thank
20 you.

21 MR. JOHN DONIHEE: Madam Chair, it's
22 John Donihee, Board counsel. Then just -- just to be
23 clear for everyone, what you've agreed to do is to
24 review the evidence put forward by the Developer about
25 the zones of influence for caribou for the road and to

1 indicate whether or not, and why, ENR agrees or
2 disagrees with those zones of influence. And you've
3 agreed then that the answer to that -- or, the -- the
4 results of that analysis can be provided in a week.

5 MS. MARSHA BRANIGAN: Marsha Branigan,
6 ENR. Yes.

7 MR. JOHN DONIHEE: Thank you, Madam
8 Chair. John Donihee. That'll be Undertaking number 3.

9
10 --- UNDERTAKING NO. 3: ENR to review the evidence
11 put forward by the
12 Developer about the zones
13 of influence for caribou
14 and grizzly bear for the
15 road and to indicate
16 whether or not, and why,
17 ENR agrees or disagrees
18 with those zones of
19 influence, with the
20 response to be provided by
21 September 26

22
23 DR. PETR KOMERS: Petr Komers. If I
24 can just add, we're talking about caribou and grizzly
25 bear.

1 MS. MARSHA BRANIGAN: Marsha Branigan,
2 ENR. I -- yes.

3

4 (BRIEF PAUSE)

5

6 DR. PETR KOMERS: Petr Komers. So
7 regarding the previous quote about the necessity to
8 develop monitoring objectives early in the assessment
9 process, is it fair to say that ENR played a different
10 role in this assessment process than in other processes
11 where it intervened?

12 I'm asking that because we are obviously
13 not early in the process and yet we don't have that in
14 -- that information that you normally request.

15 Is -- is there a different role that
16 we're playing?

17

18 (BRIEF PAUSE)

19

20 MS. MARSHA BRANIGAN: Sorry, Marsha
21 Branigan, ENR. Can you -- there was a section in the
22 middle that I didn't quite catch. Did you say
23 something about, because there's nothing available yet,
24 or did I miss that? Can you repeat your -- the
25 question, please?

1 DR. PETR KOMERS: Petr Komers. The --
2 the question relates to the fact that we don't have any
3 monitoring plans now, any management plans, any details
4 that the Board would have the benefit of reviewing at
5 this stage. Normally in your interventions you ask for
6 exactly that information to be available before
7 hearings occur.

8 MS. MARSHA BRANIGAN: Sorry, Madam
9 Chair. Thanks. Marsha Branigan, ENR. I thought I got
10 that. Yeah, it is ENR's -- it's correct, ENR does
11 normally ask for wildlife monitoring and effects
12 monitoring plans, and to be engaged in the development
13 of those plans earlier on.

14 It is, actually, quite common that those
15 plans are not always available. I think an example
16 would be the Mackenzie Gas project. But it is our
17 desire and it was ENR's desire to have those plans --
18 or wish that those plans had been developed and been
19 submitted as part of the environmental impact
20 statement. That was our advice. We are -- continue to
21 work on those plans.

22 I think the second part of your question
23 was that, is our role different. Yes and no. Up to
24 this point, we have been providing advice to the
25 Developer. And because the Developer is the GNWT, we

1 may have spent more time providing that advice than we
2 do always, but we have -- we always provide advice to
3 developers who ask us and engage us in the process
4 before the development of their product description or
5 environmental impact statement.

6 I think we see, in this case, if the
7 project is approved, ENR would play a slightly
8 different role, because it is our mandate in the -- in
9 the GNWT to ensure the protection of the wildlife, with
10 our co-management partners. And because this is a
11 public infrastructure project, it may fall on ENR to
12 assist the Department of Transport -- "may" is probably
13 not the correct word. It will likely fall on ENR to
14 assist the Department of Transport to meet their
15 commitments under the -- as a Developer with the
16 project.

17 THE CHAIRPERSON/FACILITATOR: Thank
18 you.

19 DR. PETR KOMERS: Petr Komers. Let's
20 move on to preconstruction surveys that have been done
21 so far and maybe will still be occurring.

22 Is ENR, so far, satisfied with the
23 preconstruction surveys and the information that has
24 been provided regarding rare plants and raptors?

25

1 (BRIEF PAUSE)

2

3 MS. MARSHA BRANIGAN: Marsha Branigan,
4 ENR. The surveys that have -- the preconstruction
5 surveys that have happened from my perspective are
6 typical of baseline data that's collected prior to this
7 kind of work. Gener -- generally, these are ha --
8 these tend to happen maybe a little bit sooner. But
9 there -- there have been surveys done on the linear
10 development, both for raptors and rare plants, similar
11 to what was done with the Mackenzie Gas project. And
12 it does provide some baseline information.

13 There is also baseline information
14 available in the Environment and Natural Resources
15 wildlife management information system, where we have
16 data available that has been collected historically.
17 That database, unfortunately, is not totally complete,
18 because it's fairly new in the development and some of
19 our older surveys are still being brought into that
20 database. But we do have quite a bit of baseline data
21 that was made available to the Developer and their
22 contractors.

23 DR. PETR KOMERS: Petr Komers. Thank
24 you for that. Also building on the preconstruction
25 survey as a form of gathering baseline information, I

1 gather that ENR, from what you just stated, will be
2 responsible, presumably, for monitoring.

3 The monitoring -- first, can you clarify
4 for us whether or not you think that ENR in this
5 particular case will be also responsible for both site-
6 specific and regional monitoring?

7

8 (BRIEF PAUSE)

9

10 MS. MARSHA BRANIGAN: Madam Chair, ENR,
11 Marsha Branigan. I think that it's still the
12 Developer's responsibility to ensure that commitments
13 they make to this project are -- are carried out. I as
14 -- I would likely assume that some of this work is
15 going to be -- ENR is going to be asked to -- to help
16 conduct it.

17 Some of -- especially the regional work,
18 site-specific work, may end up being contractors hired
19 to deal with some of the monitoring that we're
20 proposing. And for the wildlife effects monitoring
21 program, as envisioned by ENR's advice, it would
22 require additional financial support from the
23 government of the Northwest Territories to be able to
24 conduct what's in the -- what we're suggesting as a
25 project outline right now. And it will require a

1 submission to the GNWT for additional funds through
2 both -- I would assume, through the NW -- DOT and
3 Environment and Natural Resources.

4 THE CHAIRPERSON/FACILITATOR: Thank
5 you.

6 DR. PETR KOMERS: Petr Komers. I
7 believe you -- you mentioned wildlife effects
8 monitoring program. And I was going to ask you about
9 the effects monitoring, in particular, as opposed to
10 compliance monitoring. And I'm making that -- that
11 distin -- distinction just for clarity sake, is that
12 the compliance monitoring is to ensure that mitigation
13 is in place and implement it.

14 Effects monitoring, however, is to
15 ensure that the mitigation is effective, that the
16 mitigation works. Most proponents need to do effects
17 monitoring to ensure that their mitigation works.

18 In this case, I believe you are saying
19 that ENR might be res -- engaged in -- in doing effects
20 monitoring, but to do so, it would need additional
21 funding that is not currently in place.

22 Is that correct?

23 MS. MARSHA BRANIGAN: Madam Chair,
24 Marsha Branigan, ENR. Yes, that is correct. And I was
25 referring to effects monitoring, not compliance

1 monitoring.

2 THE CHAIRPERSON/FACILITATOR: Thank
3 you.

4 DR. PETR KOMERS: Thank you very much.
5 That concludes my questions.

6 THE CHAIRPERSON/FACILITATOR: Thank
7 you, Dr. Komers. Ms. Birnie...?

8 MS. MEGHAN BIRNIE: Thank you. Meghan
9 Birnie. My first questions pertain to the role of ENR
10 and the other departments and the review of this
11 assessment. And if possible, I'd actually like for the
12 other departments to simply answer the question as well
13 after ENR does. It could be time consuming, but...

14 Given that ENR and the other departments
15 did not review the assessment of project effects for
16 this project, are you supportive of the Developer's use
17 and representation of the advice and information that
18 your departments provided?

19

20 (BRIEF PAUSE)

21

22 MS. MARSHA BRANIGAN: Madam Chair,
23 Marsha Branigan, ENR. Maybe the other departments want
24 to go first.

25 MR. DON CRAIK: Madam Chair, Don Craik,

1 Industry, Tourism, and Investment. To answer your
2 question briefly, yes, we support the information that
3 our department has provided to the Developer in
4 preparation of their project description.

5 MS. ALANA MERO: Madam Chair, Alana
6 Mero, Northwest Territories Housing Corporation. We
7 too support the information provided to the Developer.

8 MS. ARLENE JORGENSEN: Arlene
9 Jorgensen, Beaufort-Delta Health and Social Service
10 Authority. Yes, we support the information that our
11 department, Beaufort Delta, as well as the Department
12 of Health, has provided to the Developer.

13 MR. GLEN RUTLAND: Glen Rutland,
14 Department of Justice. We would support the
15 information that we provided to the Developer.

16 MS. MARSHA BRANIGAN: Madam Chair,
17 Marsha Branigan, ENR. I think -- again, for clarity,
18 it's -- it sounds like you're saying that you don't
19 think that ENR has reviewed the EIS. We did -- we did
20 -- we have reviewed it, and we have provided advice to
21 the Developer and continue to provide advice to the
22 Developer on wildlife management issues and -- and
23 anything else that falls under our mandate. And we
24 reviewed through the conformity check and providing
25 information in the IR responses.

1 Are we satisfied that our advice has
2 been accepted? I mean, that's -- when you provide
3 advice it's not necessarily all accepted word for word,
4 and the majority of the recommendations that ENR has
5 made are -- have been listened to. And we continue to
6 work with Department of Transportation to ensure that
7 the wildlife protection plans that will be developed
8 and the wildlife effects monitoring plan will assure
9 ENR can meet their mandate.

10 THE CHAIRPERSON/FACILITATOR: Thank
11 you.

12 MS. MEGHAN BIRNIE: Thank you. So to -
13 - to confirm then, the departments didn't review the
14 assessment prior to it being submitted, but did review
15 it afterwards?

16 Meghan Birnie.

17

18 (BRIEF PAUSE)

19

20 MR. DON CRAIK: Madam Chair, Don Craik.
21 Industry, Tourism, and Investment. That would be a
22 correct assumption.

23 MS. ALANA MERO: Madam Chair, Alana
24 Mero. Northwest Territories Housing Corporation. That
25 is also my understanding.

1 MS. ARLENE JORGENSEN: Arlene
2 Jorgensen, Beaufort-Delta Health and Social Service --
3 Services Authority. My understanding is our department
4 provided information to the Developer on what our
5 programs and services are and how we could work
6 together with them in terms of providing services
7 throughout the process.

8 And so it was about providing
9 information on services as opposed to evaluating and
10 reviewing the impact.

11 MR. GLEN RUTLAND: My understanding is
12 we provided information on our role within the
13 Department of Justice as it related to the
14 socioeconomic aspects of the material and provided
15 information on the services that's provided. My
16 understanding is we also would have reviewed the
17 relevant socioeconomic sections.

18 MS. MARSHA BRANIGAN: Madam Chair,
19 Marsha Branigan, ENR. Again, that's my understanding
20 as well, and we would have only reviewed the sections
21 that were relevant to our mandate.

22 THE CHAIRPERSON/FACILITATOR: Go ahead.

23 MS. MEGHAN BIRNIE: Okay, thank you.
24 Meghan Birnie. In the September 7th letter from ENR,
25 ENR states the following:

1 "GNWT departments have indicated that
2 additional commitments are not
3 necessary for individual projects,
4 including the Developer's project, as
5 the departments are already required
6 to monitor and respond to changing
7 socioeconomic conditions under
8 legislation, contractual obligations,
9 and policy."

10 However, in May this -- of this same
11 year the Department of Industry, Tourism, and
12 Investment made a presentation at the technical
13 sessions for the De Beers diamond project. One (1)
14 slide in particular describes the regulatory approval
15 process in which the Developer is to predict project
16 impacts, and then state how it will -- how it will
17 ensure positive impacts and decrease negative impacts.
18 The diagram on this slide then depicts that these form
19 the basis upon which to develop a socioeconomic
20 agreement.

21 It's worth noting that the Department of
22 Education, Culture, and Employment made a similar
23 presentation at the same technical sessions and
24 requested clarification of potential project effects
25 and Developer commitments to address these.

1 I would like to better understand if and
2 how the roles of the other GNW -- GNWT departments, as
3 well as ENR, are different for this project from other
4 projects for which the GNWT department is not the
5 proponent.

6 So in general, do ENR and the other
7 departments require this information on predicted
8 impacts and mitigation to understand how you might need
9 to adapt your delivery of services or social
10 programming in response to project-related effects?

11

12 (BRIEF PAUSE)

13

14 MR. DON CRAIK: Don Craik. Industry,
15 Tourism, and Investment. There is a bit of a
16 difference here in the fact that the negotiations were
17 going on for an access and benefits agreement.

18 In this case that is -- is not so. I
19 think most of our -- our concerns are addressed through
20 our responses to the Developer and in advising the
21 Developer on programs and services that would be
22 provided.

23 With any public infrastructure there's
24 definitely going to be additional draws on -- on
25 government departments that are affected by -- by the

1 development. We -- most of the things concerned here
2 are part of individual department's mandates.

3 Will there be additional funding
4 required? Possibly. It -- with the case of our
5 department there's definitely going to be a need for --
6 for additional tourism infrastructure and as was
7 mentioned earlier today, with Parks Canada and with
8 DOT, we like to work together with them for roadside or
9 wayside turnouts to -- both for safety reasons and for
10 control of litter and such along the highways.

11 So I don't know if that answers your
12 question.

13 MS. MEGHAN BIRNIE: I think so. It
14 answers some of my subsequent questions as well. Thank
15 you.

16 THE CHAIRPERSON/FACILITATOR: Go ahead.

17 MS. ALANA MERO: Alana Mero, Northwest
18 Territories Housing Corporation. Our response is
19 basically that we provide housing across the territory
20 to those that meet a certain standard of need, which is
21 those that are standing up to one-third of their income
22 on housing.

23 We don't see a big anticipated increase
24 in the need for housing in this project, as most of the
25 workers would be coming from Inuvik or Tuk, and it's a

1 shorter term project.

2 If a need should arise, that is
3 something we'd be looking at in our yearly planning,
4 which we look at across all the communities in the
5 territory and then planning for that.

6 THE CHAIRPERSON/FACILITATOR: Okay.
7 Thank you.

8 MS. ARLENE JORGENSEN: Arlene
9 Jorgensen. Beaufort-Delta Health and Social Service
10 Authority. The Department of Heal -- of Health has met
11 with the Department of Transportation to determine
12 responsibility specific to the construction process,
13 and the Department of Transportation's responsibilities
14 in terms of providing for the employee that they're
15 hiring, perhaps when they're in camps, or -- or
16 transporting them then to a health centre or health
17 services.

18 So that's been sorted out. And that's
19 about the programs that are being delivered and who's
20 responsible for those pieces. Beyond that, the
21 potential impacts, we will evaluate whether or not
22 there will be an increased need, or potentially a
23 decreased need.

24 We're not necessarily seeing negative
25 impacts as a result of the road. And so we need to

1 just simply continue to monitor the services that we're
2 providing and the demand upon them, and then would
3 respond accordingly, because we're not anticipating a
4 significant influx of new people but that we'll
5 continue to provide services to the people that are
6 already existing within the region.

7 MR. GLEN RUTLAND: Glen Rutland,
8 Department of Justice. We are mandated to provide
9 certain services the Minist -- that the Minister has
10 charge and is responsible for, including ensuring that
11 there's adequate policing services available for
12 people.

13 And certainly that's the aspect that
14 we've looked at this, and certainly we feel that
15 routine patrols will continue and will be part of this,
16 and that we can manage that within the existing
17 resources that we have.

18 And, because we are mandated to ensure
19 there are adequate police services, if those aren't
20 proving to be adequate then, under our contract with
21 the RCMP, those can be -- resources can be reprofiled
22 or additional resources can be requested through the
23 existing contract.

24 MS. MARSHA BRANIGAN: Marsha Branigan,
25 ENR. ENR has core programs, as well, that would de --

1 deal with certain aspects of the highway, including
2 patrols for compliance with wildlife regulations, which
3 normally happen already. So we feel that the majority
4 of stuff would be dealt with with our core programs.
5 The wildlife effects monitoring is a different thing
6 that would require additional funding.

7 THE CHAIRPERSON/FACILITATOR: Thank
8 you.

9 MS. MEGHAN BIRNIE: Okay, just to -- to
10 compare some of the responses that you provided, can I
11 just ask each of you to -- to briefly comment on the
12 extent to which the information in the -- in the
13 assessment, specifically the socioeconomic assessment,
14 is sufficient to allow you to adapt your service
15 delivery or programming if this would be required.

16 And secondly, if there's any potential
17 that you might require additional resources to adapt
18 your service delivery or programming?

19

20 (BRIEF PAUSE)

21

22 MR. DON CRAIK: Madam Chair, Don Craik.
23 Industry, Tourism, and Investment. I think I
24 understand this question. Well, there -- as I
25 mentioned before, with any public infrastructure, there

1 is definitely going to be a requirement for additional
2 services on our department's side, especially when it
3 concerns tourism.

4 As far as much of the other aspects go,
5 we don't see a big requirement to adjust any of our
6 current programming. We do feel the project will
7 certainly be beneficial in an economic sense. Having
8 said that, with any development it's going to be
9 environmentally responsible and, of course, we would
10 support that.

11 As far as -- as I also previously
12 mentioned, there will, of course, be a need for tourism
13 infrastructure. And, again, partnering with both the
14 Department of Transportation and Parks Canada, and
15 hopefully the public, we can -- we can see that come to
16 fruition with -- with not too much strain on current
17 budgets. I hope that answers the question.

18 THE CHAIRPERSON/FACILITATOR: Go ahead.

19 MS. ALANA MERO: Alana Mero, Northwest
20 Territories Housing Corporation. The socioeconomic
21 information provided is sufficient for us to basically
22 look at where we're going with it. We really don't
23 anticipate a need to revise or add to our service
24 delivery or programming. Should that need come up,
25 basically with our yearly plan, that's where we would

1 identify it and then planning for it.

2 Potentially, maybe an increase would be
3 -- would be made for funding, but it may also be that
4 we see more people with an increased income going into
5 private housing rather than using our resources.

6 THE CHAIRPERSON/FACILITATOR: Thank
7 you.

8 MS. ARLENE JORGENSEN: Arlene
9 Jorgensen, Beaufort-Delta Health and Social Service
10 Authority. We believe the socioeconomic information is
11 sufficient. We're not anticipating an increased demand
12 in service, or -- or funding needs, as we believe there
13 will be more positive outcome in terms of health and
14 economic activity and a reduction of stressors. So the
15 basic determinants of health will be improved as a
16 result of better access and economic opportunity.

17 However, we will continue to monitor, as
18 we do. We -- we collect information always in terms of
19 the number of -- the demands upon our services and the
20 requests for services. And if there is an increase, we
21 will respond accordingly. But we're not anticipating
22 that at this point in time.

23 MR. GLEN RUTLAND: For the Department
24 of Justice, with the information that's provided, we
25 believe that patrols by the RCMP can be handled with

1 current resources. And as I mentioned in my previous
2 response, we do have the opportunity within the
3 territorial police service agreement to adjust
4 resources as necessary.

5 MS. MARSHA BRANIGAN: Madam Chair,
6 Marsha Branigan, ENR. Again, we believe that our core
7 programs will address any changes based on the road. I
8 mean, it's not the only road that we have to deal with.

9 I'm being advised not to admit this, but
10 I -- our review of the EIS was focussed more on
11 wildlife and wildlife aspects, not socioeconomic
12 aspects, so I'm not sure how much of that is directed
13 towards our department. But we do do patrols and we do
14 -- if -- if there are aspects of the program that
15 affect wildlife harvesting, ENR would work with DOT and
16 the partners to try to come up with mitigations or
17 changes adapt -- adapted into the mitigations if
18 they're not working to -- if there's impacts on
19 wildlife harvesting. Thank you.

20 MS. MEGHAN BIRNIE: Meghan Birnie.
21 Thank you. I have one (1) last question. For other
22 projects, such as the diamond mine, the De Beers
23 diamond mines I referred to earlier, do you require
24 specific follow-up programs?

25 And, if so, to what extent do you

1 participate in these follow-up programs?

2

3 (BRIEF PAUSE)

4

5 MS. MARSHA BRANIGAN: Madam Chair,
6 Marsha Branigan. Follow-up programs with regards to
7 wildlife is -- there are programs put in. They're --
8 they're monitoring programs that are run by the per --
9 the Developer. ENR provides advice to those programs
10 and occasionally assistance if -- technical assistance.
11 But it is up to the Developer to -- to design and run
12 those programs.

13 MS. MEGHAN BIRNIE: Can the other
14 depart --

15 MR. DON CRAIK: Sorry. Don Craik.
16 Industry, Tourism, and Investment. As far as our role,
17 I do not see -- foresee any follow-up programs other
18 than what's currently within our mandate. And again, I
19 refer to tourism and parks officers, that -- that type
20 of patrol.

21 MS. ALANA MERO: Alana Mero, Northwest
22 Territories Housing Corporation. Because it's not a
23 benefit and impact agreement, it's a little bit
24 different, we'd be looking at whether or not there was
25 a change in -- in the community size or request for

1 housing. And we would basically be monitoring that
2 through using our -- our current means, which are the
3 statistics created by the NWT Statistics Bureau, the
4 Federal Census, and our input from our local housing
5 organizations. So we wouldn't need anything back from
6 the Developer.

7 MS. ARLENE JORGENSEN: Arlene
8 Jorgensen, both for Delta Health and Social Service
9 Authority. My understanding is, for those projects
10 that -- that are continuing on in terms of continuing
11 having camps and employment, that there are more
12 follow-up programs that are negotiated with the
13 Developer in terms of access to employee family
14 assistance programs and how they're going to provide
15 for family support or access to counselling services.

16 In this particular program, because
17 really the construction phase is a limited phase, we've
18 already got that agreement in place for the
19 construction phase. And in terms of the follow-up
20 piece, it's really about us, as a program, continuing
21 to provide services to the people that live in the
22 region, which is what we do anyway. So we're not
23 anticipating any follow-up beyond that.

24 MS. MEGHAN BIRNIE: Sorry, you have an
25 agreement in place for the construction phase? Meghan

1 Birnie.

2 MS. ARLENE JORGENSEN: We have -- what
3 I have is -- is copies of the minutes from the meeting
4 that was held between the Department of Transportation
5 and the Department of Health where they have
6 discussions about what the in -- you know, when
7 employees, for example, are coming in from other
8 regions that -- ensuring that they have adequate health
9 insurance from their home province and that they will
10 be providing -- that they'll collaborate with us in
11 terms of providing access to information on employee
12 family assistance and whatnot. So I do have that
13 information from that meeting.

14 MS. MEGHAN BIRNIE: Thank you. Meghan
15 Birnie. Is it possible for the -- the Board to get
16 copies of those minutes?

17 MS. ARLENE JORGENSEN: Certainly.
18 They're not signed off, so I'm not sure if I'm able to
19 share them at this point, but they were certainly --
20 they were provided to me.

21 MS. MEGHAN BIRNIE: Is there a time
22 frame that you can commit to responding as to whether
23 or not they can be provided and by when?

24 MS. ARLENE JORGENSEN: Certainly. I'll
25 contact our department tomorrow and find out.

1 THE CHAIRPERSON/FACILITATOR: Thank
2 you.

3 MR. GLEN RUTLAND: Glen Rutland,
4 Department of Justice. I'm not aware of any specific
5 justice follow-up programs.

6 THE CHAIRPERSON/FACILITATOR: That's
7 the end?

8 MS. MEGHAN BIRNIE: Yeah, that
9 concludes my questions.

10 THE CHAIRPERSON/FACILITATOR: Thank
11 you. Dr. Burn?

12 DR. CHRIS BURN: Thank you, Madam
13 Chair. This is Chris Burn. I understand from the
14 responses that ENR has provided to the Board that they
15 have indeed reviewed this environmental impact
16 statement, and I would like to ask them just to confirm
17 that that is the case.

18 MS. MARSHA BRANIGAN: Madam Chair,
19 Marsha Branigan, ENR. As a department, yes, we did
20 review it.

21 DR. CHRIS BURN: Madam Chair, thank
22 you. This is Chris Burn. I wonder if you could
23 indicate to the Board when that review was completed?

24

25 (BRIEF PAUSE)

1 MS. MARSHA BRANIGAN: Sorry. It's a
2 bit of a blur, time-wise. Marsha Branigan, ENR. The
3 impact statement was submitted and there was a review
4 done for the conformity check. And then we also
5 reviewed sections of the thing when we did our
6 Information Responses as a -- as ENR department.

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

9 DR. CHRIS BURN: Thank you, Madam
10 Chair. Can I take it then that your review was
11 completed by the end of May of this year?

12

13 (BRIEF PAUSE)

14

15 MS. MARSHA BRANIGAN: Madam Chair,
16 Marsha Branigan, Environment and Natural Resources.
17 Yes, it appears that way. Our Information Requests
18 were dated in May.

19 THE CHAIRPERSON/FACILITATOR: Dr.
20 Burn...?

21 DR. CHRIS BURN: Thank you, Madam
22 Chair. I wonder if at the time of the completion of
23 the review ENR had a precise assessment of the physical
24 footprint of this project?

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON/FACILITATOR: Go ahead.

4 MS. MARSHA BRANIGAN: Madam Chair,

5 Marsha Branigan, ENR. My answer to that, I guess,

6 would have to be no, because we're still trying to

7 figure out where the gravel sources are, or the

8 material sources. But we did have the different

9 alternate routes as GIS files that we could use in our

10 GIS system to overlay on to different caribou

11 information and bear information that we have. As you

12 can see, we did some mapping for our Information

13 Requests.

14 THE CHAIRPERSON/FACILITATOR: Thank

15 you. Dr. Burn...?

16 DR. CHRIS BURN: Thank you, Madam

17 Chair. If it was not the case at the completion of

18 your review that you had a price -- a precise

19 assessment of the physical footprint of this project,

20 is it the case that today you have a precise knowledge

21 of the physical footprint of this project?

22 MS. MARSHA BRANIGAN: Madam Chair,

23 Marsha Branigan, ENR. I guess my answer to that would

24 have to be: as precise as the Board has. We do have

25 the footprints of all the different gravel sources and

1 we -- but we do not have an outline of where the access
2 road would go to those gravel sour -- or material
3 sources. And -- I mean, and we have the outline of
4 where the road -- the different alternative routes for
5 the road are, so.

6 DR. CHRIS BURN: Thank you, Madam
7 Chair. Do you -- does ENR believe that it would assist
8 the Board if there was a precise statement in graphical
9 form perhaps on a map of the physical footprint of this
10 project?

11

12 (BRIEF PAUSE)

13

14 MS. MARSHA BRANIGAN: Madam Chair,
15 Marsha Branigan, Environment and Natural Resources. I
16 think it's ENR's contention that the more information
17 that we have to do the environmental assessment, the
18 better that assessment would be.

19 The base -- a lot of the baseline
20 information has been collected prior to the knowledge
21 of the footprint, so that information is there no
22 matter where the footprint is.

23 The -- some of the baseline data that's
24 recently been collected, my understanding is that's
25 been collected strictly on the access for the road and

1 the gravel sources, and I'm unsure whether the access
2 roads to that gravel sources were con -- where the
3 baseline was -- was collected for that because it's
4 unclear where those are going to be. So additional
5 information, once we know where the footprint is, it
6 may require some additional baseline collection
7 afterwards but I think we have a fairly good idea of
8 where the gravel materials are going to be -- all the
9 sources that were being potentially looked at, we've
10 now identified which ones they're going to use.

11 So we just -- from our perspective the
12 access to those roads would be useful.

13 DR. CHRIS BURN: Madam Chair, given
14 that Environment and Natural Resources is, in a sense,
15 a sibling of the Developer, I wonder if they could
16 assist the Board in obtaining that information?

17 MS. MARSHA BRANIGAN: Marsha Branigan,
18 ENR, Madam Chair. I don't believe that ENR has any
19 more ability to obtain -- to get that information than
20 the Board does. That's up to the Developer to decide
21 where the access roads are going to be in to provide
22 that footprint information.

23 Your analogy to siblings is an
24 interesting one.

25 THE CHAIRPERSON/FACILITATOR: Dr.

1 Burn...?

2 DR. CHRIS BURN: Thank you, Madam

3 Chair. I have no further questions.

4 THE CHAIRPERSON/FACILITATOR: So I'd
5 just ask the panel if they have any questions for any
6 of the GNWT representatives?

7 MR. HERBERT FELIX: Herbert Felix, no -
8 - no questions.

9 MR. ROLAND KIKOAK: Roland Kikoak. No
10 questions.

11 MS. CATHERINE COCKNEY: Cathy Cockney.
12 I don't have any questions.

13 THE CHAIRPERSON/FACILITATOR: Liz
14 Snider. I don't have any questions.

15 MR. BRUCE CHAMBERS: Bruce Chambers.
16 No questions.

17 THE CHAIRPERSON/FACILITATOR: Okay. So
18 thank you very much for coming and responding to our
19 questions. Appreciate your taking the time.

20 MS. MARSHA BRANIGAN: Thank you to the
21 panel. It's good to be last in the day, I guess.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON/FACILITATOR: Okay.

1 Just before we move into our concluding remarks, I'd
2 like to ask if there's anybody here from the community
3 or the public that would like to make any statements?

4 Please -- please come forward, or if you
5 want to just stand up and identify yourself, you can
6 get a travelling mic. Either way.

7

8 CLOSING COMMENTS BY THE PUBLIC:

9 MS. SHEILA NASOGALUAK: Good evening.

10 She --

11 THE CHAIRPERSON/FACILITATOR: Yeah, so
12 if you could just identify yourself, please..

13 MS. SHEILA NASOGALUAK: Yeah. Sheila
14 Nasogaluak, good evening. Just a couple closing
15 comments in regards to the process that I've been
16 privileged to listen to over the last two (2) days.

17 As noted yesterday, I'm not affiliated
18 with the Developer, the Proponent, I don't sit on the
19 Boards or am privy to any information. I'm just coming
20 here as a member of the public and as a beneficiary of
21 the Inuvialuit Final Agreement.

22 It's funny that you would make reference
23 to siblings, Dr. Burn. Over the course of the two (2)
24 days I've heard numerous reference to baseline data and
25 the concrete evidence, how is that used, where did you

1 get that information.

2 So -- and picking up on the term
3 "siblings", I'll give you some concrete information and
4 -- where I can be cross-referenced on that in regards
5 to siblings. I come from a family of fifteen (15),
6 three (3) adopted. I'm child number 12. That can be
7 cross-referenced too.

8 Being in a big family has given me the
9 insight, I believe, within the workings of a family to
10 listen to dialogue between members of the family,
11 siblings, and how the older ones decided how chores
12 were going to be meted out through -- throughout the
13 day.

14 And when you're child number 12, you
15 learn to listen very carefully. And I make this
16 analogy in regards to the Developer and the Proponent
17 and what the information the Board has to reference
18 here, and I am sure and I am positive that you're
19 listening to all the information that is given. In
20 reference to the analogy and the information given and
21 how I would tune in, I would figure out first before I
22 sided with any one of my siblings, because they were
23 the ones deciding the chores, what would be my
24 advantage.

25 Throughout the course of these two (2)

1 days I've heard pros and cons for and against the road.
2 There are information gaps that, without any expert
3 knowledge, I've heard that are missing. And -- and
4 these give cause to a sense, you know, that that should
5 be there. That information gap should be addressed.
6 So in saying that listening these past few days I know
7 that the Board has heard those comments also and the
8 questions coming from counsel and Dr. Burn to the
9 Proponent, you know, pinpointing where is the concrete
10 information, where is the con -- concrete evidence and
11 -- and to pinpoint the tables, et cetera.

12 In reference to WMAC's presentation done
13 by Bruce Hanbidge, I reference the term and the phrase
14 that he used "expert knowledge", how can that be
15 pinpointed and it's unreferenceable in my expert
16 knowledge, terms such as that.

17 So it gives credence to a whole bunch of
18 formulations, you know, in the mind where it can be
19 anything that you want it to be depending on where your
20 project or your mind-set wants to go. So on that, I --
21 I agree with him in regards to expert knowledge.

22

23 (BRIEF PAUSE)

24

25 MS. SHEILA NASOGALUAK: Over the course

1 -- Sheila Nasogaluak. Over the course of two (2) days
2 as a member of the public and with no affiliation,
3 again I say, I'm getting the impression that this
4 initiative for the Tuk-Inuvik Highway is industry
5 driven, possibly enforced by political agendas. I
6 don't know. I'm saying I'm listening, and this is the
7 feeling that I'm getting. I kept hearing the term
8 earlier on in the introductions, you know, where all
9 the niceties are said, from to see, to see, to see.
10 Well, I'd like to see, to see, to see also the
11 following:

12 Clearly defined scripted management
13 plans for wildlife and for fishing, which includes
14 overlap areas in legislation.

15 And I'd like to see that each household
16 be visited both in Tuk and in Inuvik much like how was
17 done during the COPE (phonetic) days prior to the
18 Inuvialuit final claim where information was given out
19 to the common person, such as myself, and a decision
20 made and a referendum held.

21 Saying that may forever exclude me from
22 future employment -- employment both with industry and
23 with my aboriginal group, but it worked for COPE. It
24 got the intended information out, and it got a firm
25 addition -- firm decision and, hence, a beneficiary

1 today I am proudly.

2 It's exciting, in conclusion, I must
3 say, to see these proceedings. I make no decision
4 either way. These are comments that I'm making from
5 observing as an observer. And I wonder, I, as an
6 observer who sat here through the two (2) days, how
7 many more of me are out there that are neither with
8 industry, neither with Inuvialuit, and are not
9 affiliated with any boards who have had the privilege
10 of hearing the information that I have today. Thank
11 you, Madam Chair.

12 THE CHAIRPERSON/FACILITATOR: Thank
13 you, Ms. Nasogaluak, for your comments. I guess I
14 don't see anybody else that wants to come forward. I'd
15 like before I make my concluding remarks to ask the
16 Mayor of Inuvik to come. We've had the privilege of
17 hosting these hearings in your town, and he'd like to
18 make some concluding remarks. He's just the Mayor.

19

20 CLOSING COMMENTS BY MAYOR DENNY RODGERS:

21 MAYOR DENNY RODGERS: Thank you, Madam
22 Chair. First and foremost, thank you, thank the Board
23 members, thank the -- the experts you brought with you
24 and everyone for -- for setting this out for two (2)
25 days. For me certainly it's been a wonderful learning

1 experience to sit and to listen and to listen to the
2 expertise.

3 And I've -- I've been through some oil
4 and gas roundtables but never at a formal hearing, and
5 it's -- it's very educational. And if I -- if I may
6 put my -- my Oriole (phonetic) hat on here for a little
7 bit. I spoke earlier a little of the people in the
8 community, and -- and about three (3) years ago, when I
9 was elected Mayor of Inuvik, and the file -- obviously
10 this was one of the files on the desk when I -- when I
11 took over from the -- from the previous mayor. And --
12 and I did take it to the streets, if you will, or I
13 went around. I spoke to several Elders in the
14 community. Obviously I spoke to the other leadership
15 in the community and talked about this project and --
16 and what it meant and -- and whether it was supported,
17 and, at the time, was obviously overwhelming support.

18 When -- when Prime Minister Harper made
19 the announcement that he was going to put the one fifty
20 (150) after we had done our -- our due diligence and --
21 and lobbied as hard as we could to get funding for this
22 project, you could feel the energy in my town. You
23 could feel the energy here. People were excited again.
24 We didn't have great news on -- on the Mackenzie Valley
25 pipeline, as everyone knows, and -- and it was great.

1 People were ready. It was -- it's a great gap project,
2 and -- and people could get to work.

3 What I've seen here myself, certainly if
4 I -- if I look at now, I have more understanding on the
5 regulation. I think, given what I've observed and my
6 own personal opinion, that obviously we have lots of
7 regulatory bodies, management bodies, co-management
8 bodies, and -- and we've talked a lot about culverts
9 and caribou and grizzly bears and -- and things like
10 that.

11 My concern is the people. And -- and
12 obviously I think that we're -- we're well looked after
13 in that regard and have -- and having this project move
14 forward and to be properly regulated and properly
15 managed. It's essentially a -- a government, I guess -
16 - a government-driven project. It's not a -- it's not
17 industry building a road to a diamond mine or -- or oil
18 and gas looking to put a pipeline full of oil. It's --
19 it's a road.

20 It's infrastructure that most provinces
21 and territories would flip over backwards to get that
22 kind of a -- a commitment from the -- from the federal
23 government to -- of that kind of funding in their area.
24 It's -- it's amazing for us and we should -- we're
25 quite fortunate.

1 So -- so, again, I just want to make
2 those comments. And I want to say thank you very much.
3 I certainly appreciate what you've -- what you do and
4 what you're going to continue to do and I wish you luck
5 as you continue on to Tuktoyaktuk this week. Thank
6 you.

7 THE CHAIRPERSON/FACILITATOR: Thank
8 you, Mayor Rodgers.

9 In closing, I'd like to start by
10 thanking our interpreters, Fred Wolki, Robert Kuptani,
11 and Lilliane Elias, for their work in interpreting
12 these proceedings over the last couple of days. Oh,
13 sorry, Fred Wolki, yeah. I know it's very tiring and
14 difficult to do this work and it's such an important
15 part of our proceedings. So thank you very much.

16 I'd also like to thank our court
17 reporter, Sean Coleman, and our hearing fellow, Norbert
18 Potrais. Thank you very much for your work on our
19 behalf over the last couple of days. You -- we
20 actually are moving on and going into Tuktoyaktuk on
21 Monday and Tuesday of next week. So we'll continue to
22 keep these people busy.

23 I'd also like to thank everybody who has
24 attended these meetings, either as parties,
25 Intervenors, or the public. It's a critical part of

1 our decision-making and we do have our mandate from the
2 Inuvialuit Final Agreement and the added
3 responsibilities of carrying out the government
4 responsibilities under CEAA. And all of the
5 information that we can get that will assist us in
6 making our decision is -- is very critical. And thank
7 you very much.

8 And I'd like to thank our staff over on
9 this side for getting us through this and asking
10 important questions on behalf of the Board, and my
11 panel members for participating. So I'm sure
12 everybody's ready to head out. Thank you very much.

13

14 --- Upon adjourning at 7:55 p.m.

15

16 Certified Correct,

17

18

19

20 _____

21 Sean Coleman, Mr.

22

23

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<u>\$</u>	268:21	135 6:24	31:18 32:2	33:2,17
\$150 58:25	276:16,17	137 251:10	33:21	39:14
\$5 252:18	277:4,16	13th 66:6	37:23	46:12 50:9
<u>1</u>	278:17	67:25 68:4	43:23	57:12,16
1 8:3 9:3	285:17	79:1	64:12	58:1 59:19
10:19	292:19	182:24	65:11	65:22 66:5
11:19	303:11	206:4	100:10	80:20 81:1
12:8,10,16	315:13	207:25	108:6	102:21
14:7,25	323:21	210:17	115:3	113:14,21
16:2,22	1,400 98:21	14 114:16	126:25	114:19,20,
35:2,10	99:2	147 6:25	128:2	22,23
39:8,13	1.5 28:24	15 15:15,18	132:14	115:19,25
57:12,13	29:4,19	60:7	141:4	118:1,3,16
58:2,6	33:1,3	198:20	147:4	119:10,14,
71:1,24	1.8 46:7	334:5	158:20	15,23
72:14	1:30 112:5	150 56:13	197:8,17	121:12
74:24 88:9	1:33 112:8	338:20	211:25	122:11,12
95:6	10 26:14	15th 201:6	251:4	131:11
109:13	48:18	16 98:19	17th 28:8	149:14,20
112:24	85:20,21	276:10	39:13 59:7	172:17
115:1	174:22	16.1(a)	188 9:9	195:7,13
118:13,17	248:11	204:24	19 1:21	230:9
119:12,14	249:5,23	161 24:8	1972 14:4	235:25
120:5	287:12	17 6:8 31:16	1977 14:25	240:3
121:18	10:22 60:12	35:9	15:25 24:6	245:20
122:17,20,	10:45 60:13	170	31:25	251:9
21,25	100 30:1	24:5,7,17,	1984 63:1	264:16
128:15	104 6:17	20,22,24	98:15	277:16
132:6	10th 28:7	25:2,4,7,9	124:1	282:2,4
133:17	182:1,18	,22 26:2	1992 84:1	287:8,9
143:23	201:10	31:7	85:15	333:16,23
147:3	205:23	115:3,20	94:20	334:25
148:13	285:1	116:14	204:25	336:1
150:19	11 175:11	117:4	1999 204:18	337:6,24
152:22	11:58 112:7	211:25	208:9	2.2 189:17
162:19	114 6:19	231:19	209:11	190:3,22
172:17	12 8:4	232:1	1-kilometre	2.46 118:14
177:14	334:6,14	173 31:7	244:19	2.5 191:20
182:22	123 6:21	116:23	1st 46:11	2.7.1 41:1
188:15	128 6:22	117:4	<u>2</u>	20 26:14
189:5	12th 230:17	174 13:18	2 1:22 9:10	37:24
195:2	13 6:6	14:24	10:19	45:13,14
204:22	13.1 189:18	30:10	14:4,6,11	48:16,17
209:25	190:3	35:6,10	16:23	49:10,11
215:6	191:1	177 13:18	21:10 23:2	50:1,2
234:3,6		15:24	24:21 25:2	137:2,5,7
236:3		27:22	26:14	200 56:12,14
242:21			28:14	251:12
257:17				2000 72:10
259:21				2005/2006
260:14				

268:11	37:17	184:19	4.6 15:18	166:1,23
2010 100:22	38:15,18	187:25	191:3	167:20
2011 58:25	63:1 88:10	312 120:5,6	4:14 198:24	168:18
2012 1:21	118:3,8	314 119:12	40 27:25	<hr/>
18:22	120:4,16,2	314/325	59:19 60:3	6
20:5,9	2	118:20	162:25	6 46:14
25:5,11	121:12,13,	119:24	43.30 232:2	172:17
38:15 66:6	20,23	120:5	49 164:6	174:8
205:23	122:9	122:24	4th 28:6	184:8
206:2	124:6	32 137:8	185:22	248:10
213:24	144:15	325	199:18	266:12
214:16	173:9	119:11,12	206:2	6:26 287:17
295:16	184:7	120:17	214:8	6:35 287:18
203 7:3	235:2	122:12	284:24	60 103:20
216 7:4	251:5	325/314	<hr/>	163:1
22 137:4	276:13	28:13	5	212:10
23 41:1	277:16	39:14	5 15:2 16:1	600 103:19
232-1B 24:22	304:8,10	333 7:14	130:11	62 6:10
24 269:10	334:6	337 7:16	143:10	85:20
240 7:6	338:8	341 7:18	162:15	645 276:11
246 118:20	3.3 33:4	35 95:25	172:13	65 6:11
119:11	3.7 46:3	137:9	184:7	67 26:3
25 15:16	3/4s	169:9	208:21	6th 214:11
85:21	252:7,13	36 137:16	212:17	<hr/>
277:3	257:4	36.3 207:15	234:25	7
257 7:7	3:42 198:23	38 137:4	243:20	7 43:22
26 9:9,21	30 37:24	<hr/>	269:10	83:25
188:23	47:2 137:6	4	50 28:9	100:15
263:12	300 266:17	4 1:22 14:10	34:15	173:10,18
304:21	304 9:21	16:2 46:3	38:13 44:4	174:13
260 100:21	305 31:7	59:18 60:3	45:22,25	7:55 341:14
266,900	115:20,21	82:20	46:25	70 249:13,20
231:20	116:23	97:22	48:14,18	73 301:19
282 9:12	117:24	99:20	49:6,21	74 301:20
292 7:12	118:1,3	120:23	55:4 59:19	75 301:20
2B 71:7	122:10	121:23	60:3	302:4
2C 71:7	307 31:8	122:9	143:22	7th 295:15
2-metre	39:14	128:15	162:25	314:24
153:7	309 13:17	137:20	163:11,13,	<hr/>
<hr/>	14:4	241:15	18,20	8
3	28:21,23	248:9,10	164:5,7,20	8 6:3 14:10
3 9:13	29:3	4.3 15:13	165:6,21,2	98:20,21
15:1,5	35:5,10	4.4 84:6	5	99:1
25:24	117:24	4.49 32:8	167:11,19,	174:22
	120:18	4.5 32:8,24	22 248:20	209:19
	121:22		50-metre	
	122:11,13		27:12	
	30th 46:12		143:24	
	73:22		162:22	
			164:3,12	

212:18	199:14	302:6	accordingly	272:7,17
234:25	202:13	313:2,3	319:3	273:8
8.4 46:6	220:13	accepts	322:21	acting 97:2
8:57 10:1	223:2	282:15	account	135:17
80 252:16	230:6	access	139:21	action 109:5
80s 285:21	249:21	24:9,10,13	246:15	192:1,22
82 6:13	250:25	32:2 43:23	302:9	193:1,2,6
86 6:14	255:2	75:1,2,8	accuracy	actioned
	280:10	88:12	286:10	104:3
	300:25	99:15	achieving	actions
	303:10	100:3,9,10	108:9	109:5
	309:23	,17	acknowledge	144:12
	326:18	102:2,17	62:17	228:23
9 6:4 174:6	Aborig 261:3	106:5,12	63:19 65:7	229:1
175:10	aboriginal	107:8,19	75:7 126:1	active 46:21
9.2 32:23	3:17 13:14	108:3,5	127:22	58:24
95th 168:16	69:20,23	122:18,20,	143:9	99:10
96 6:16	84:14	21 123:1	177:10	actively
	86:21 95:8	127:24,25	185:9	52:18 54:8
	104:15,17	138:21,23	acknowledges	55:1
	151:8,11	139:1	214:9	activities
A	208:2	145:3	260:17	85:14
a.m 10:1	209:6	147:4	269:11	94:19
60:12,13	217:2	208:1	across 83:5	98:12
112:7	261:4,6	211:25	84:25	101:10
AANDC 6:6	268:9	231:3	317:19	115:5
13:12	273:20	237:13	318:4	123:3
27:9,15,19	293:24	245:25	act	131:6
193:5	294:1	258:14	83:2,3,9,1	145:13
195:5	336:23	316:17	5,25	155:22
abilities	Aboriginals	322:16	84:17,21	167:1,7
285:9	124:3	325:13,15	85:1,11,15	168:10
ability	absence	326:11	94:20	174:10
64:10 86:6	155:22	330:1,25	98:17	175:22
126:21	225:9	331:1,12,2	109:5	207:23
162:5	256:24	1	136:11,12,	208:7
220:23	257:5	accommodate	18,24	210:13
242:19	280:6	62:18	137:13,19	258:13
263:16	Absolutely	161:22	144:19	273:6,22
271:4,16	170:19	271:10	145:4,16	277:15
283:7	accelerate	accommodatin	169:1,9	activity
331:19	45:22	g 82:17	170:2,7	98:10
able 23:12	58:11	accompanied	181:6	322:14
61:12	accept	62:15 97:1	204:18,20,	actual
90:21	278:19	accordance	21,25	241:14
145:15	279:1	103:6	205:20	244:18
155:14,21	accepted	205:15	207:15	248:3
174:4	27:6,15	208:13	208:9	250:8
176:14	166:3	209:6	209:11,21	252:19
177:23	252:10	241:9	219:24	253:17,24
195:10,13		242:14	242:15	
198:9				

297:18	278:17	246:15	196:10	83:21
actually	304:24	address 86:6	228:4,13	334:6
12:17 13:6	321:23	112:13	246:14	Adriane 3:21
24:13 36:3	added 33:19	129:22	254:24	96:23,24
37:9,23	341:2	154:16	269:23	98:25
50:22	addendum	167:2	319:11,19,	106:6,14
60:23	73:21	168:11	20 326:8	107:23
61:22	adding 213:1	187:5	adequately	109:18
62:20 68:2	addition	214:11	164:23	110:8
80:2	32:17	216:13	174:11	262:3
114:4,10	84:18	225:5	187:5,13	294:22
117:5	142:9	228:24	243:2	advance
133:12	144:1	234:11	283:7	12:21
148:4	216:5	243:10	adhere	51:21 62:5
167:6	235:9	254:12	142:24	advanced 9:7
172:2	286:7	256:13	207:25	188:3,20
200:5,25	336:25	289:8	adhered	advantage
201:2,11,1	additional	315:25	146:12	181:13
2 202:19	43:15 58:7	323:7	adjacent	334:24
234:13	66:24	addressed	165:5	adversely
247:23	71:19	129:15	167:21	207:13
250:22	102:11,12,	155:19	adjourning	advice
266:16	16 103:23	181:8	341:14	170:12
268:18	113:21	183:15	adjournment	176:14
270:21	142:2	187:13	17:17	179:17
272:21	143:6	206:12	adjust 321:5	185:11
276:7	146:7	207:21	323:3	205:13
300:15	177:11,22	209:2	adjusted	216:3
302:2	178:23	210:20	300:22	219:1,10,1
306:14	184:18,20	212:17	adjustments	1,12,18
311:11	196:6	235:1	201:24	221:3,12
340:20	202:10	242:6	administer	225:21
adapt 316:9	206:3	243:2	170:2	232:22
320:14,17	219:1	259:18	administerin	236:6
323:17	245:2	289:16	g 137:19	237:5
adapted	256:3,6	316:19	Administrati	241:6,25
323:17	264:9,17	335:5	on	283:8,13
adaptive	283:24	addresses	190:6,19	285:7
144:11	284:22	206:25	191:9	296:23,24,
263:19	300:24	208:3	administrato	25 297:7
264:5	301:16	271:15	r 16:12	299:11,14,
265:21	309:22	addressing	admission	16 301:9
266:9,14,2	310:1,20	243:8	80:25	302:9
0 280:7	315:2	290:3	admit 323:9	306:20,24
add 32:6	316:24	ade 246:14	ado 300:22	307:1,2
74:24	317:3,6	adequacy	adopted	309:21
80:21 81:5	319:22	175:25	advise	311:17
114:2	320:6,17	179:1		312:20,21
244:24	321:1	180:20		313:1,3
247:5	331:4,6	adequate		324:9
259:21	additive	194:3		
268:21				

11:9,16	231:24	335:1	74:14	258:22
155:7	aesthetics	agencies	75:17 79:8	270:4
194:20	101:12	64:20,21	97:18	277:23
220:1	Affairs 3:17	86:2	108:10	281:9
236:10	13:14	127:4,6	123:25	282:20
241:10	69:20,23	208:23	205:15	291:7
273:5	86:21	213:2	272:12	292:12
283:7	104:15,17	220:3	298:22	314:22
advised	151:8,11	221:12	315:20	317:16
175:21	208:2	agency	316:17	321:18
323:9	209:6	225:18	323:3	329:3
adviser	217:2	236:2,22	324:23	aid 142:12
205:8	261:4,6	273:22	325:18,25	air 46:5
advisers	273:20	agenda	333:21	57:4,5
262:10	293:24	12:15,18,2	341:2	Alana 4:19
advising	294:1	3 62:18	agreements	293:16
237:1	affect 101:2	96:14	271:19	312:5
316:20	110:18	agendas	ahead 19:17	313:23
advisor	168:17	336:5	22:10	317:17
218:24	279:16	Agency 236:22	28:16	321:19
257:22	323:15	aggregate	35:19 37:5	324:21
258:4,24	affected	17:11	48:5 54:2	Alberta
advisors	15:9 43:8	18:19 22:3	66:14 80:7	267:15
106:21	88:20	26:4 33:8	94:3	268:2
218:7	95:10	35:6 37:15	103:14	alignment
222:11	244:11	38:2,4	106:13	20:13
235:21	316:25	40:3	107:22	231:1
236:10	affecting	45:8,9	114:2	allied
advisory	268:24	47:18	116:8	208:10
3:25	affiliated	52:13,20,2	121:3,7	allocated
70:19,21	333:17	5 53:17	122:7	110:14
87:16,22	337:9	114:25	128:9	allow 20:1
105:18,20	affiliation	115:3,5,22	130:15	64:2 71:14
113:14	336:2	118:14	135:1	73:22
114:1	afternoon	119:13	149:5,18	75:19
152:20,22	60:24	120:7	154:11	102:20
218:3	69:16 80:7	138:21,23,	159:7	109:16
221:2	111:14	25 139:1	163:4,10	125:5,8
222:14	113:11	167:24	164:1	201:14
239:21	114:4	ago 16:12	166:15,19	211:14
240:19	135:11	286:8	182:11	300:11
258:7	203:18	299:6	184:24	320:14
259:6	240:2,13	338:8	190:10	allowed
262:21	afterwards	agreed 13:2	197:14	69:18
272:14	313:15	63:21	198:3	273:13
274:16	331:7	158:25	218:16	all-terrain
282:22	against 85:6	303:23	219:13	107:15,17
284:6	153:6,17	304:3	220:16	alluded
295:4	192:14	agreement	223:16	270:25
aerial		62:25	226:12	
			227:24	
			234:8	
			239:6	

all-weather	153:13	260:8	109:9	anyway 62:23
10:5	156:24	278:8	258:20	183:8
alone 16:8	157:5	304:4	268:18	186:25
already	158:23	analyst	answering	325:22
42:19 70:7	159:14,19,	135:16	220:10	anywhere
80:22	24	and/or	287:4	130:3
108:4,7	163:2,8,11	276:23	answers	apologies
175:5	,17 165:12	Anne 281:13	220:6	67:9 79:5
227:9	189:24	announced	317:11,14	136:23
244:8	190:20	230:9	321:17	157:22
252:10	191:11	announcement	anticipate	163:22
254:23	193:9,19	338:19	101:20,24	apologize
255:11	196:25	annual	176:11	16:21
284:9,10,1	217:7	46:2,4	321:23	35:19 37:6
3	amazing	211:6	anticipated	47:8
300:16,18	339:24	286:16	244:14	136:21
315:5	amidst 92:19	annually	317:23	163:18
319:6	among 15:6	144:14	anticipating	234:3
320:3	amongst 53:7	252:8	182:4	apology
325:18	102:24	answer	319:3	66:18
alteration	amount	16:22,23	322:11,21	67:3,10
137:10	19:6,8	17:22	325:23	appear 166:2
169:1,10	28:10,14,1	39:22	anybod 95:15	168:18
alterations	5,23,24	54:18	anybody	APPEARANCES
197:22	30:1,12,19	66:19	10:23	2:1 3:1
alternate	31:19,25	75:24	11:7,10	4:1 5:1
329:9	33:13	78:24	60:23	appears 16:4
alternative	37:14,15,2	79:17	111:10,15	245:13
206:19	3 38:14,16	88:25	203:11	248:6
252:11	47:18	91:20	275:12	328:17
278:20	56:19	110:16	288:7,20	appendices
330:4	209:23	113:3,8	292:8	232:13
am 66:16,17	252:22	133:14	333:2	appplay
67:11 69:6	259:15	153:2	337:14	224:25
97:1	275:7,17,1	184:1,5	anyhow 56:21	applicable
123:21	8 276:3	186:14,16	anymore	83:3
132:1	291:6	191:17	216:25	146:12
153:4	analogy	197:1	anything	208:19
237:2	331:23	220:18,23	73:19 89:9	267:10
333:19	334:16,20	239:16	183:13	application
334:18	analysis	265:8	187:20	85:10
337:1	44:10	267:12	255:2	93:20
Amanda 2:23	48:24	291:14,24	288:25	applications
70:3 86:24	52:23	301:15	312:23	14:2 27:18
104:20	54:11 55:6	303:8	325:5	84:20,24
135:5,17	145:20	304:3	335:19	85:8 88:14
147:10,24,	146:2	311:12	anything's	130:12
25 148:18	170:12	312:1	72:8	applied
149:11,19	250:24	329:5,23		
150:24	255:1	answered		

154:17	243:22	241:13	arise 84:9	175:14
172:22	253:3		318:2	181:1
225:1	255:5	area 14:7		207:18
277:13	256:17	15:1,17	arisen 141:5	230:14
302:19		16:3 25:9	234:11	251:17
applies	approval	26:9 34:8	Arlene 4:22	assessed
229:12,15	64:8	36:2 76:4	293:12	39:18
apply 118:3	83:9,15	98:6,11,19	312:8	138:2
143:6	84:16,20,2	99:21	314:1	141:20
158:1	4 85:4,10	100:8	318:8	146:6
272:7	88:15	138:9	322:8	153:25
appreciate	92:18,19	167:17,24	325:7	157:9
17:7 37:11	94:3,7	197:5	326:2,17,2	172:15
50:11,14,2	126:19	214:17	4	173:13
4 62:17	137:12	231:13,20	arrange 11:8	174:12
93:1	141:25	232:1,5,6	arrangements	230:7
104:12	176:20	233:2,3,7	76:2 77:21	243:21
167:12	315:14	244:10	120:9	assessing
171:11	approvals	247:7,19	arrival	41:2,9
332:19	64:15 77:4	249:11	147:19	43:1 91:11
340:3	90:9 92:20	251:8	arrived	250:5
appreciated	126:25	258:15	146:6	assessment
10:10	156:12	260:9,10	arrow 14:7	18:21,22
82:18	approved	275:13	ascertained	39:11,17
appreciation	84:3 85:9	276:21	64:15	41:24
98:8	90:9	339:23	Ashcroft 4:3	42:5,12
approach	94:5,8	areas	292:16	43:1 44:17
52:2	97:19	14:4,18	aspect	53:6,12
64:4,9	137:11	15:2,3	170:15	61:20 64:7
108:9	218:14	16:1	319:13	69:9 71:21
126:14,19,	300:25	20:11,20,2	aspects	75:11
20 158:14	307:7	3 28:1	90:23	77:11
245:16	approximatel	38:16	127:2	82:13
248:16	y 46:12	63:14 75:3	136:18	85:22 86:3
264:24	100:20	82:20	175:21	89:10
265:3	aquatic	101:13	208:15	90:11
approaches	63:24	109:21	314:14	91:25
51:22	64:12,14	110:3	320:1	94:6,8
appropriate	72:10	157:7	321:4	117:5
19:21	101:12	164:8,24	323:11,12,	127:16
23:6,17	126:6	205:6,13	14	128:5
88:13	137:22	207:18	assembly	129:9
95:18	181:7	232:15,17,	59:6	135:14,16
138:9	207:9,14	24 260:7	assess 63:16	139:15
141:24	arbitrarily	336:14	65:9 85:5	145:19
146:11	244:10	aren't 174:4	154:2	146:1,4
194:12	248:7	319:19	157:25	154:7
207:4	arctic 63:7	argue 16:20	158:4	156:4
208:23	97:1	argument	172:19	157:13
224:15	110:10	267:9		161:3
	124:11	argumentatio		168:17
	165:5	n 263:23		169:7

170:6,13,2 1,23 171:3,19 174:4,6 175:3,10,1 2 176:1,5 178:6,18 179:2,18,2 1 181:6,14 193:22 200:18 202:10 203:21,23 204:25 205:20 210:24 211:12 213:22 214:5,15 215:3 221:19,21 222:4,6,15 223:3 224:4,12 225:12,18 230:1,11 232:4 233:7 236:1,7,19 ,22 241:19 242:15 243:9,13 244:19,23 249:15,19, 25 250:14,20 253:3 254:10 256:17 258:11 259:19 260:7,17,1 9 262:24 264:8,18 265:14,23 266:7 269:22 274:11 275:4 276:15 278:3,21 295:15,18, 23 296:5,7 297:7,23	301:4,13 302:7 305:8,10 311:11,15 313:14 320:13 328:23 329:19 330:17,18 assessments 90:10 93:1 97:8 139:12 155:23 281:3 assessor 172:8 assign 27:5 assist 89:23 140:3 143:17 160:5 170:13 180:6 219:2,19,2 1 241:1 269:3 307:12,14 330:7 331:16 341:5 assistance 84:4 171:12,15 324:10 325:14 326:12 assisted 77:9 assisting 181:10 241:18 assists 50:13 associated 25:10 36:17 53:9 75:14 82:23 98:5 99:7 101:9	102:1 210:12 214:20 Associates 24:18 association 40:9 53:16 273:23 assume 29:9 243:6 283:23 309:14 310:2 assumed 140:16 250:11 252:15 301:12 assumes 15:14 255:15 assuming 153:4 236:21 282:15 assumption 313:22 assumptions 20:24 26:7,8 255:16 assurance 235:6 assure 313:8 assured 58:15 attached 165:15 attempt 226:17 attempted 295:16 attended 340:24 attending 240:25	attract 101:18 attraction 212:25 ATVs 251:6 audience 292:24 August 21:20 68:15 182:18 201:10 212:17 231:11 285:1 authorities 169:25 220:15 authority 83:17 170:8 178:14 195:10 236:25 293:14,15 312:10 314:3 318:10 322:10 325:9 authorizatio n 68:16 137:13 145:16 155:14 194:19,21 205:11 authorizatio ns 130:12 144:20 156:6 authorize 170:8 authorized 194:10 author's 66:17 autumn 46:4 availability	259:9 available 20:15 26:5 28:11,14 30:18 32:7 33:13,16,2 2 34:5 35:22 36:1 37:16 38:21,24 39:2 58:19 88:19 111:15 113:8 116:21 178:4,5 193:23 199:17 200:15 201:1,4,6, 12 205:3 214:7,10 215:14 280:2 285:25 286:1,4,6, 20 302:21 305:23 306:6,15 308:14,16, 21 319:11 avenues 226:23 average 168:15 avoidance 246:7 259:13 aware 53:5 130:5,9 131:20 132:1 133:18 140:15 149:20 150:6 165:4,14,1 9 169:6 193:15,25 272:15 273:18,25 281:2
---	--	---	--	---

327:4	27:12,23	221:11	becoming	310:7,18
awareness	31:19,24	248:9	100:12	322:10,12,
132:3	33:23	259:11	bedding	25 323:6
away 187:12	35:25	317:19	141:6	330:7
193:24	38:20 49:3	321:21,25	beef 252:17	331:18
275:23	57:1 63:20	325:1	Beers 298:21	334:9
	64:11	basis 46:4	315:13	believes
	65:10	62:7	323:22	160:10
	73:18,20	177:10	before/after	162:2
B	85:18	195:25	264:23	253:16
Bacheschi	93:11	232:16	265:6	benchmark
3:21	125:24	265:10	begin 10:4	277:3
96:23,24	128:1	279:18	125:13	beneath
98:25	141:2	280:16	240:19	46:23
106:6,14	174:3	315:19	255:24	beneficial
107:23	204:16	Bathurst	beginning	131:6
109:18	206:1	9:11	248:25	321:7
110:8	213:24	281:11,12	begun 156:19	beneficiary
262:3,4	214:19	282:5	behalf 92:24	333:20
294:22,23	215:4	bathymetry	293:14	336:25
background	222:7	143:4	340:19	benefit
13:16	244:13	bear 9:16	341:10	27:20
18:16 71:5	250:9	75:16	belief 64:18	103:11
83:1 98:14	251:21,22	250:11	believe 19:3	223:14
186:25	254:7,13	256:22	26:25 32:7	306:4
253:9	274:10,23	301:20	36:3,6	324:23
backwards	275:4	302:4	38:20	benefits
339:21	323:7	304:14,25	51:11	100:1
bad 288:25	baseline	329:11	67:2,3,10	316:17
Baetz 3:17	248:25	bears 243:25	68:14,17	best 20:11
69:22	254:15,24	246:4	72:8 96:6	53:7 86:6
86:20	256:2	301:18	112:23	158:13
104:16	265:13	339:9	114:16	178:17
151:10	266:23	Beaufort	127:3	187:4
217:1	278:22	312:11	130:17	188:9
261:5	300:17,24	Beaufort-Delta	182:8	207:6
293:25	308:6,12,1	293:13	197:1,6	254:5
balance 83:6	3,20,25	312:9	222:12	267:12
bank 144:8	330:19,23	314:2	254:11	269:17
bar-key	331:3,6	318:9	256:8	273:1
264:23	333:24	322:9	258:20	283:14
265:3	basic 63:1	beaver 141:7	265:2	285:8
barn 60:25	124:6	became	266:11,14	best-case
base 34:12	229:3	214:10	272:10	266:3
330:19	322:15	become 144:7	282:25	bet 13:4
based	basically	171:22	285:8	better 49:16
14:14,16	67:1 94:25	215:14	286:13	51:22 52:1
15:22 16:7	95:20	265:12	289:15	100:6
20:9,12,13	109:20		300:8	107:8
21:4	121:10			
	147:18			
	219:25			

155:7	274:12	267:25	136:4	281:6,20
173:2	Biophysical	279:8	146:16	282:14,18,
177:8	300:18	293:23	155:8	23
198:8	Bir 159:8	308:8,20	156:3,7	283:11,14,
219:22	bird 101:6	316:15	162:9,24	23 284:1
293:21	211:12	324:23	169:22	285:4
316:1	213:6	328:2	170:12,25	290:1
322:16	birds	338:7	171:6,15,2	303:22
330:18	204:13,20	bits 14:11	5 173:2,15	306:4
Bev 2:25	211:3	15:5	175:21	326:15
135:11,13	238:2	blast	176:13	327:14,23
136:23	Birnie 2:6	206:7,18,2	177:8,20	329:24
154:8,9,12	70:24,25	0	178:5,20,2	330:8
156:1,22	71:24	blasting	3,24	331:16,20
157:16,20	72:14,22	144:22,25	179:14	334:17
161:4,7,8	106:19	145:1	180:12,20	335:7
162:7	159:8,9,17	206:6,10	182:17	337:22
163:15	,18,19	blowout	183:20	341:10
164:2,19	160:21	253:19	184:3	boards 66:1
166:9,13,2	223:7	blur 328:2	185:11,19,	220:3
1	270:4,5,6,	bo 93:14	20 186:8	333:19
168:2,22,2	12 271:25	189:12	189:3	337:9
3 170:18	311:7,8,9	board	190:22	Board's 71:6
176:9	313:12,16	1:2,11,12,	198:6	162:4
178:11	314:23,24	13,14 2:3	199:25	171:18,20
180:16,17	317:13	10:7 18:19	200:2,7,16	178:13
182:7,15,2	320:9	21:17,22,2	201:16	179:1
5 183:16	323:20	5 24:1,11	205:9	181:23
184:15	324:13	26:20,25	212:8	199:18
185:3	325:24	28:23	213:20	225:25
186:3	326:1,14,1	33:6,12	216:11	254:6
187:2	5,21 327:8	42:1,7,13,	219:18	boardwalk
188:8	Bisaillon	19,21 43:6	220:25	99:13,14,2
189:2	3:22	45:25	221:2	2,23,24
190:11	88:1,2	46:17	223:2	100:3
192:6	97:2	47:17	225:9,11	103:14,17
194:8	152:7,8	62:15	226:11,21	boat
195:17	217:21,22	63:15,21	227:9,11,1	99:14,23,2
198:4,17	bit 16:24	72:25	7 228:2,12	5 100:2
beyond	20:2,6	73:20	230:6	107:9,11
163:13	59:11	74:19 86:1	231:19	boats 251:6
318:20	98:24	88:9	232:23	Bob 3:18
325:23	136:22	89:10,23	233:1	13:13
Bill 137:3	166:13	90:1 96:24	236:18	bodies 88:20
biological	180:23	99:22	237:20	90:14
63:7	195:10	100:16	238:6,15	93:15
124:12	229:5	106:21	241:7,17	97:21
139:19	244:7,12	111:11	242:1	142:23
140:7	245:24	116:19,25	253:11	143:25
biologist	248:22	117:5	254:14	161:18
196:5	250:7	122:1	271:12,20	162:23
			272:6,11	
			273:5	
			274:9	

163:20	19,25	327:18,19	86:18	288:10,16,
164:9	232:1,2,7,	328:1,2,15	87:19	22 289:18
166:5	16 244:22	,16	91:17	292:3
206:8,19	245:3	329:4,5,22	96:11,17	297:9,14
339:7,8	bottom	,23	105:12	298:1
body	140:18	330:14,15	111:6,19	300:2
95:15,17	150:10	331:17	112:1	302:11
161:13,15,	173:18	332:20	116:10	303:5,13
21,22	220:12	breaches	117:11	305:4,18
167:10	boundaries	196:17	118:5	308:1
271:21	243:23	break 55:21	119:3,17	309:8
Bonhomme	244:9,13,1	58:3,8	120:13,25	311:20
2:12 18:5	5 245:19	60:8,10	121:5	313:18
19:18	246:13,24	61:11,15	122:4	316:12
21:12,14,2	247:24	111:9,24	123:14	320:20
3	248:3,6,7,	112:4	125:15,17	324:3
22:9,11,13	8,23	198:20	128:24	327:25
,19	249:1,6	287:12	129:11	328:13
23:22,23	250:3,10	breakdown	134:6,16,2	329:1
24:14,15	251:23	215:5	2 135:3	330:12
27:2,3	256:18	bri 195:11	149:2	332:23
28:17 34:6	265:13	bridge	151:25	335:23
border	278:22	197:18	152:17	brief
100:18	boundary	bridges	163:6,24	briefly
bore 14:10	248:20	83:7,10	164:15	244:7
22:22	249:9	85:21	165:8	briefly
26:6,8,9	254:24	93:16	166:7,17	50:18 51:8
27:9,13	Branigan 4:4	139:3,11	169:19	82:23 84:7
boreal	292:13,14,	140:1	179:4	162:24
211:13	19	197:16,22,	182:13	312:2
259:22	296:8,9,17	23	183:1	320:11
267:14,16	,18	brief 11:13	184:11,16	bring 81:3
275:16	297:11,16	12:3,25	185:1	193:1
borrow 15:24	298:3,4	19:15	186:1	196:7
21:8,19	299:3	22:7,17	190:8	292:20
23:5,16	300:4,5	23:19	192:4	bringing
24:5,7,17,	301:8,14,1	32:12	196:23	192:2
20,22,23	5	35:16	198:1	broad 219:25
25:2,3,7,9	302:13,14	36:22 37:1	203:8	243:17
,21	303:15	48:1 51:1	204:1,3	broken
27:16,22,2	304:5	53:24	217:5,11	214:21
5 143:21	305:1,20,2	57:22	223:10	brought
144:3	1 306:8,9	59:14	227:1,22	299:10
174:13,14,	308:3	60:18	228:17	308:19
19 206:6	309:10,11	66:12,21	236:13	337:23
208:6	310:23,24	67:5,17	237:8,23	Bruce 1:14
211:25	311:22,23	69:1 70:1	238:18,24	3:25 56:10
214:20,24	312:16,17	79:19	239:18,24	57:10 58:9
215:4	314:18,19	80:13	240:7,15,1	59:9,24
231:2,3,10	319:24	81:21	246:10	60:4 70:20
,13,14,17,	323:5,6	82:1,19	260:25	79:23
	324:5,6		261:10	
			287:24	

80:17	321:17	41:22,23	290:5,18,1	115:2,9
81:7,14,17	buffer	42:9,10,23	9	118:8
87:21	163:16	,24	327:11,12,	119:10
92:16	build 34:14	44:14,15,2	13,21,22	120:23
93:23	83:7	5 45:4,5	328:8,9,20	121:12,13,
94:11	177:16	48:14,22	,21	21,23
105:19	237:13	50:6,7	329:15,16	122:1,10,1
109:12	building	52:9,10	330:6	1,12 123:2
110:4,25	49:20	54:14,16	331:13	318:15
152:21	308:24	55:14,17,1	332:1,2	325:11
153:18	339:17	8	333:23	Canada
195:1	builds	105:24,25	335:8	3:9,12,14,
196:13	140:13	106:8,9,16	burner 60:25	19,21 4:22
197:11	built	114:9,13,1	Burns 13:4	6:13,16
218:4	83:5,11	4	Burn's 54:7	7:3,11
239:11	bullet	115:17,18	108:19	11:4
240:13,17	182:18	116:18,24	234:10	12:20,21
246:12	bump 179:22	117:21,22	business	13:15 40:9
247:14,18	180:24	118:12,23	99:17	45:21
257:24	181:10,18	119:9	busy 340:22	46:9,24
258:6,23	bunch 31:7	120:2,21	button	53:7,15,16
259:5	335:17	121:16,17	247:16	70:7,9,11,
262:14,20	burden 75:16	122:16	<hr/>	13,15,17
264:6	Bureau 325:3	123:7	C	81:24
265:1,7	Burn 2:8	160:23,24,	Ca 87:15	82:6,11
267:11	13:15	25 161:25	calculate	83:4,17
268:6,20,2	17:4,5,6,1	162:1,17,1	27:11	84:13,23
2 269:15	0,15,16	8	calculated	85:13,24
270:7,10,2	18:3,10,13	164:10,11	301:12	87:3,5,11,
1	,14,15	165:2,3,17	calculation	13,25 88:2
272:9,18,2	19:13	,18	15:20	89:25 90:6
1,25	21:13	167:4,5	47:18	91:3
273:9,24	22:1,12	168:14	53:17	92:4,5,24
274:15	23:9	169:14	cam 57:16	95:12
277:24	25:14,15,1	223:8,12,1	camp	96:14,22,2
279:23	6	3,20,21	116:13,14,	5
281:10,21,	28:3,4,19	224:2,8,9,	20	97:6,10,19
25 282:21	29:8,9,17,	10,19,20	118:19,20	99:4,6
284:5	20,23	225:7	119:14,22,	100:21,24
285:6	30:8,9,10,	226:4,5,16	23	102:6
286:2,24	23,24	227:14,15	120:16,17	104:1,3,12
287:5	31:6,13,15	228:11	121:20	,23,25
290:25	,16,17	229:10,19	122:22,23	105:6,8,10
291:12,15,	32:4,5,6,2	230:4,5,19	camps 57:14	,15
16 295:6	0,21 34:25	,20,21	59:19,23,2	106:10,15
332:15	36:25	231:8,9	5 60:3	108:8,14,2
335:13	37:3,6,7	232:20,21	114:5,7,18	0,22
budget 58:25	39:5,6,25	233:14,18	,19,20,24	109:15,19
109:14,16,	40:1,24,25	272:3,4,5,		124:4
17,25		13		135:20
110:7,14		273:3,4,16		137:18
291:2,6		,17		151:16
budgets		274:2,5		152:2,4,6,
		289:1,2		

8,11,13	225:3,8,16	106:2,5,11	286:17	329:17,20
156:2,23	,19	108:21	300:17	cases 20:6
157:6,21	226:6,14,1	110:11	301:17	268:14
158:24	7,22	170:6	302:4	catch 61:17
159:25	227:4,16	203:24	303:25	88:5
161:8	228:1,12,2	204:18,24	304:13,24	305:22
162:8	0	205:20	329:10	categories
163:9	229:11,15,	208:8	339:9	277:9
164:3,20	23	209:10,20	caribous	278:14
166:22	230:3,6,13	225:18	276:4	279:11
168:3	,25 232:10	236:1,19,2	Carpenter	category
170:19	233:5,15	1 242:15	3:24	214:22
176:10	234:23	capability	carried	Catherine
178:12	235:17,21,	219:21	229:1	1:13 56:6
180:18	24	capacity	309:13	78:18
182:8	236:5,16,2	72:15	carries	94:15
183:1,17	4 237:19	161:14,21	190:13	107:3,4
184:16	238:1,22	171:2	carry 68:2	109:8
185:4	239:2	205:8	194:23	193:20
186:4	259:23	Cape	240:10	239:7
187:3	261:15,17,	281:11,12	carrying	285:17
188:9	25	carefully	65:1	332:11
190:12	262:2,4,6,	334:15	127:12,13	Cathy 56:6
192:7	8 267:20	caribou	341:3	78:19
193:10	273:21	9:11,15	cars 251:12	193:20
194:9	288:2,8	211:13	275:7	239:7
195:18	289:4,24	243:25	carve 139:25	332:11
198:5,21	290:8,10,1	246:4,7	case 10:16	caucus
199:4,7	2 291:9	249:9,10,1	14:23	111:24
203:12,16,	294:10,12,	3 250:6,10	27:10,19	causative
22	3,25 295:2	251:24	35:9,10	253:6
205:10,16	298:21	252:3,5,16	45:15	cause 245:22
206:9	317:7	,19,22,23,	115:1	253:13,24
207:7	321:14	25 253:24	144:12	335:4
208:3,7	Canada's	256:21	165:22	caused
210:5,25	48:7 85:22	257:1,2,20	176:21	268:12
211:8,15,1	86:15	,22	223:22	270:8
8	94:20	258:4,25	229:24	causes
212:7,9,12	136:9,14	259:3,4,8,	232:1	274:18
213:2,5,17	204:3,15	10,12,16,2	248:6	275:19
,21	205:2,8	2 260:9	258:10,13	CEA 243:9
214:1,8	209:7	267:14,16	286:17	244:23
215:15	221:20	268:7,9,13	300:24	245:6,10,1
216:2,22	290:10,14	,25	307:6	5 248:15
217:16,18,	Canadian	270:14,19	309:5	253:25
20,22,24	97:3,16,18	275:5,16,2	310:18	254:1,20
218:1,14,2	98:1,15	2,25	316:18	255:5
2 219:15	99:13,21	277:14	317:4	256:24
220:3,22	100:19	278:14,23	327:17	
221:22	101:3,7,14	280:2		
222:2,20	,21 102:14	281:12		
223:15,19	103:4	282:6		
224:1,3,7,				
11,18,21				

257:6	341:16	88:25	168:14	282:2
CEAA 236:21	cetera	89:8,13,19	169:11,15,	283:21
289:11	139:11	91:20	22 170:19	284:12,19
341:4	195:6	92:10	171:10	289:3,24
Celsius 46:7	263:7	96:9,24	176:10	290:20
Census 325:4	335:11	104:11	178:3,12	291:20
centre	Chair 11:23	105:15	179:9	294:4,14
318:16	13:13	106:1,9,17	181:18,22	295:2,13
certain 84:2	16:21	112:19	182:10,16	297:11,16
176:14	17:5,16,17	113:10,20	183:1,17,2	298:4
185:8	,25	114:14	4	300:4
228:22	18:10,15,2	115:13,18	184:16,23	303:3,15,2
235:4	4 19:21	116:5,12,1	185:4,16	1 304:8
253:13	21:14	8,25	186:13	306:9
273:13	22:1,12	117:2,15,2	187:9,15,1	309:10
275:17,18	23:10	3	8	310:23
277:15	24:10	118:7,13,1	189:2,5,9,	311:22,25
317:20	25:16	8,23	24 190:20	312:5,16
319:9	26:25 28:5	119:5,10,2	191:11	313:20,23
320:1	29:3,9,16,	1 120:3,22	192:7	314:18
certainly	24 30:5,9	121:1,9,17	193:9	320:22
14:21	31:17	122:8,17	196:12,25	323:5
16:12	32:6,22	123:8,21	198:17	324:5
18:13	33:11	125:12	202:5,8	327:13,18,
35:14	35:1,11,21	128:12	203:2,18	21
53:22 89:2	37:3,20	129:6	216:21	328:10,15,
109:24,25	38:11	130:2,8,10	217:7,13	22
131:19	39:7,22	,13,21	218:10,18,	329:4,17,2
171:13	40:2,20,24	131:2,25	21	2 330:7,14
176:12	41:19,24	132:6,14,1	223:5,13,2	331:13,18
180:4	42:4,10,17	7,22	1	332:3
194:20	,24 43:12	133:3,10,1	224:2,9,20	337:11,22
202:23	44:16,25	7,23 134:1	225:8	Chairman
222:5,21	45:6 47:23	135:12	226:6,16	80:18
231:16	48:3 50:8	147:3,10,1	227:15	203:2
260:3	51:5 52:11	7,24	228:11	254:11
271:3	53:20	148:14,22	229:10,20	284:8
280:2	54:3,16,23	149:6,16,1	230:5,20	CHAIRPERSON
319:13,14	55:15	9 150:19	231:10	105:22
321:7	56:25	151:5,19	232:22	283:18
326:17,19,	57:19,24	153:24	233:16,21,	Chairperson/
24 337:25	58:22	154:9	25 234:5	Facilitato
339:3	59:17 61:8	156:2,23	240:14	r 1:10
340:3	62:3,15	157:21	257:17	10:3,14
certainty	65:20	158:24	258:1,19	11:15,25
164:7	68:21	5 160:25	260:13	12:6,13
Certificate	69:14	161:7	261:20	13:1
7:18	72:25 74:8	162:1,8,19	262:13	17:2,9,23
Certified	75:24	163:2,8	272:5,14	18:6,12
	76:12	164:11,20	273:4,17	19:12,17
	77:1,15	165:3,19	274:3,7	21:11
	78:10 82:8	166:10,22	276:6	22:10
	86:14	167:6	279:6	
			280:23	

23:7,21	,19,23	24	23	307:17
24:12	82:3	149:4,9,18	218:2,6,16	310:4
25:13 27:1	86:8,22	150:17,22	,19	311:2,6
28:2,16,25	87:2,7,10,	151:3,7,13	219:3,13	313:10
29:6,14,21	14,24	,18,22	220:7,16,1	314:22
30:3,7,15,	88:4,22	152:1,5,10	9 221:8,24	317:16
22	89:5,11,16	,14,19	222:17	318:6
31:2,9,14,	90:3,16,25	153:11,20	223:6,16	320:7
20	91:14	154:10	224:8	321:18
32:3,14,19	92:1,7,11,	155:16,24	225:13	322:6
33:9 34:23	21 93:21	156:20	226:3,12	327:1,6,10
35:13,18	94:13	157:3,10,1	227:12,24	328:7,19
36:19,24	96:2,5,13,	8	228:9	329:3,14
37:4 38:8	19 98:23	158:15,21	229:8,17	331:25
39:4,19,24	104:6,14,1	159:3,7,12	230:18	332:4,13,1
40:22	8,22	,16,22	231:7	7,25
41:16,21	105:1,5,9,	160:19,23	232:19	333:11
42:2,8,14,	16	161:5,24	233:17,22	337:12
22 43:9	106:13,18,	162:6,16	234:2,7	340:7
44:13,22	22 107:22	163:4,10	235:18	Chairwoman
45:3	109:10	164:1,17	239:6,9,13	203:2
47:20,24	111:2,8,21	165:1,10,1	,20	challenge
48:5 50:5	112:3,10	6	240:1,9	254:8
51:3 52:8	113:6,12,2	166:11,15,	257:10	challenges
53:21	3	19	258:17,22	141:6
54:1,14,21	115:11,15	167:3,25	260:11,22	176:24
55:12,16,2	116:3,7,16	168:12,20	261:2,7,14	Chambers
0 56:2,8	117:13,20	169:12,16	,18,22	1:14 56:10
57:8,17	118:10,21	170:16	262:1,5,9	57:10,11
58:4,20	119:7,19,2	171:7	270:3	58:5,9
59:10,16	5 120:19	176:7	272:2,19,2	59:9,24
60:6,15,20	121:3,7,15	177:25	3 274:4	60:4 79:23
61:14,22	122:6,14	178:9	277:23	92:15,16
62:6 65:14	123:9,16	179:6	279:3	93:22,23
66:14,23	124:18,21,	181:19	280:20	94:11
67:7,19	25	182:5,11	281:9,16	109:12
68:1,11,19	125:4,7,10	183:5,22	282:20	110:4,25
69:3,12,19	,14 128:7	184:13,24	285:10	114:6
,24	129:25	185:13	286:22	195:1
70:6,10,14	130:6,14,1	187:16	287:1,7,20	196:13
,18,23	9,24	188:25	288:1,12,1	197:11
71:16,22	131:8,14,1	189:11,22	8,24	239:11
72:4,12,18	8,23	190:10	289:20	286:24
73:13	132:4,11,1	191:6	290:17,21	290:25
74:5,20	5,20	192:19	291:7,17,2	291:12,15,
75:21	133:1,7,15	194:6,24	1 292:7	16 332:15
76:5,9,17,	,21,24	197:13	293:2,20	chance 62:1
23	134:3,9,18	198:3,13,1	294:2,6,9,	80:3
77:5,12,23	,24 135:7	8 199:1	13,16,20,2	134:12
78:7,11	136:20	200:9	4 295:3,8	287:14
79:2,16,21	146:21	202:6,16	296:12	change 12:23
,25	147:8,15,2	203:4,10	298:13	
80:10,15	2	216:15,23	299:19	
81:4,11,15	148:11,16,	217:15,19,	303:19	

17:12 40:4	ics 98:3	42:10,24	272:15	309:3
41:3,10,25	245:18	44:15 45:5	273:6,13,2	clarifying
42:6,13,18	248:17	50:7 52:10	2	234:6
43:2,7,12,	250:4	54:16	circulate	clarity 17:7
18 44:9,18	characterize	55:14,18	81:12	259:21
45:19,22	74:19	105:25	201:7	310:11
46:1 47:16	179:9	106:8,9,16	circulating	312:17
48:7,21	181:16	114:13,14	201:19	class
49:6,20	185:24	115:17,18	cited 13:17	276:16,17
51:10	charge	116:18,24	claim 336:18	277:4,16
52:16,24	319:10	117:22	clarificatio	278:9
53:12,13	Charlie 4:5	118:12,23	n 21:15	classes
54:8,12	chasing	119:9	25:17 54:5	277:9,25
55:2,8	262:18	120:2,21	114:15	278:2,8
62:18 75:6	cheaper 57:2	121:17	120:3	279:11
80:21	check 278:16	122:16	121:18,20	classificati
139:14	312:24	123:7	122:9	on 145:10
183:14	328:4	160:24,25	136:1	276:13
245:14	child	162:1,18	143:24	classificati
259:4,8	334:6,14	165:3,18	155:19	ons 129:19
277:2	children	167:5	162:22	classifies
324:25	271:6	168:14	186:9	278:13
changed 63:3	Chipertzak	169:14	199:13	classify
214:25	2:16	223:12,13,	200:7	14:22
245:13	chores	20,21	219:6	15:21
changes 9:6	334:11,23	224:2,9,10	221:11	clean 213:14
49:8 51:13	chose 241:2	,19,20	235:8	cleanup
52:2	chosen 117:9	225:7	284:16	209:5
75:5,8	121:14	226:5,16	297:17	clear 25:8
93:13	Chris 2:8	227:14,15	301:3	35:1 79:5
99:9,10	17:5,6,15,	228:11	315:24	81:5
185:20	16	229:10,19	clarified	100:15,16
187:6	18:14,15	230:4,5,20	152:23	132:23
188:2,3,12	21:13	,21 231:9	284:14	139:11
,19 222:25	22:1,12	232:21	clarify	140:1
230:7,8,9,	23:9	233:14	43:14	153:1
14	25:15,16	272:4,5,13	56:22	169:25
257:20,23	28:4,19	273:3,4,16	89:15	181:3
258:5,25	29:8,9,23	,17 274:2	114:8	187:22
259:9,11	30:9,10,24	289:2	120:8	188:6
323:7,17	31:6,13,16	290:5,19	147:11,25	189:9
changing	,17	327:12,13,	162:2	282:13
124:8	32:5,6,21	21,22	163:19	283:12,16
315:6	34:25	328:9,21	169:23	284:1
channel	37:3,6,7	329:16	189:18	303:23
173:23	39:6	330:6	190:1,4,21	clearing
244:16	40:1,24,25	331:13	220:11	187:12
characterist	41:23	332:2	234:24	clearly
ically		Christmas	236:17	
233:1		188:1	252:12	
characterist		CIMP	295:16	
		255:19,22		

52:12	109:8	339:7	168:4	commit 93:10
124:5	193:20		180:22	183:19
140:19	239:7	combined	184:21	326:22
225:22	285:17	214:2	187:11,14	commitment
283:8	332:11	comes 79:10	188:12	34:10 59:1
302:18,25	Coleman	80:19	189:5	62:25
336:12	340:17	171:20	212:5	78:23
clear-span	341:21	179:13	229:11,24	144:1,2
83:9	collaborate	181:14	245:9	154:5
climate	326:10	191:24	246:13	162:14
17:12 40:4	collaborativ	197:9	251:19	185:6,9,14
41:2,10,25	e 76:2,16	254:1	257:17	235:5
42:6,13,18	collaborativ	267:21	258:18	246:18
43:2,7,12,	ely 77:2	285:3	260:15	339:22
18 44:9,18	collars	comfort	270:16	commitments
45:19,21	300:20,22	176:23	289:13	65:12
47:16	colleagues	178:3	292:20	102:10
48:7,21	91:22	comforted	320:11	128:4
49:6,20	171:10,12	176:15	commented	139:7
51:9,14	collect	coming 58:16	199:16,17	184:18
52:6,16,24	160:11	61:3	commenting	200:14
53:12,13	266:21,23	107:25	169:7	206:3
54:8,12	322:18	108:4	comments	211:1
55:2,8	collected	199:20	7:14,16	212:16
climb 107:20	300:18	228:5	50:10	213:9,10
close 100:16	308:6,16	250:17	65:22	227:6
101:13	330:20,24,	251:18	73:24	228:22
283:25	25 331:3	280:9	82:23	235:2,4
closely	collecting	292:1	86:25	245:14
109:3	255:24	317:25	104:3	307:15
closer 100:5	collection	326:7	111:11	309:12
103:3	265:15	332:18	126:10	315:2,25
closest	300:16	333:19	142:2	committed
100:19	331:6	335:8	172:3,4	38:19 65:8
closing	collectively	commemorativ	173:10	66:1 86:1
7:14,16	243:15	e 97:11	184:21	109:19
85:18	collisions	commence	185:6	127:23
333:8,14	211:12	85:3 113:4	200:13	139:2,17
337:20	column 28:10	commenced	217:22	142:6,21
340:9	com 242:13	194:22	231:22	143:10,16
co 28:19	co-	commencing	241:7,17,2	144:13
158:12	management	10:1	5 242:2,3	160:4
coarser	66:1	comment 39:8	244:6	161:19
242:24	143:13	40:5,6	247:8	177:11,21
Cockney 1:13	160:1	65:21	261:3	184:19
56:6	299:5	68:18 97:5	279:7	185:7
78:18,19	307:10	135:25	333:8,15	202:19,23
94:15,16		146:9	335:7	206:13
107:3,4		153:16	337:4,13,2	208:12,15
		164:22	0 340:2	209:1
			commissioned	211:5
			263:1	213:13

committee	139:20	145:2	154:2	339:11
3:7 12:17	140:7	170:13	266:6	concerned
60:9 61:2	150:1	199:12	274:21	173:25
70:19	197:10	211:14	components	256:15
87:17	271:14	225:24	83:8 90:15	317:1
105:2,17,1	324:25	227:10	146:5	concerning
8,20 114:1	333:2	242:13	204:6	80:25
123:22,23	338:8,14,1	256:1	230:22	253:14
124:2,14	5	308:17	243:24	concerns
126:8,13,2	community-	completed	248:18	11:21 40:5
4	based	54:11	250:4,9	61:6 64:3
129:15,22	273:12	139:13	254:25	84:15
143:14	companies	140:25	256:21	88:18
160:16	271:20	146:4	269:21	100:23,25
218:3	compare 21:8	156:5	comprise	113:24
295:5	320:10	173:6	230:23	126:12
committees	compared	199:21	con 54:11	137:21
75:12	20:22	221:21	58:18	206:25
143:14	252:15	225:12	208:20	211:2
160:2	comparing	327:23	285:18,22	214:12
Committee's	19:23 25:1	328:11	331:2	229:21
113:15	comparison	completely	335:10	242:17
common 260:5	244:5	53:5 77:17	conceivably	244:8,9
306:14	265:6,9	153:3,5,8	14:6	255:12
336:19	compatible	completing	concentrate	269:18
commonly	98:10	141:25	243:24	279:1
27:14	compensation	completion	conceptual	299:15
137:15	63:24	145:25	43:18	316:19
communicate	64:24	328:22	concern 47:9	321:3
65:6	83:11	329:17	58:12	conclude
127:19	126:5	complex 1:19	64:17	38:25
communicatio	127:8	268:24	101:17	55:23
n 76:22	156:18	compliance	139:5	104:2
141:12	158:19	136:16	140:12	concluded
communities	244:1	192:2,9,18	167:6,7	96:7
48:11 99:7	252:4	193:2,8	187:6	218:11
139:18	253:8,14	196:4,9	208:3	concludes
142:19	255:9	310:10,12,	209:1	40:2 59:11
158:12	257:19	25 320:2	210:19	134:2
318:4	269:3	complimentar	231:4	159:6
community	271:13,15,	y 181:16	238:5	198:14
8:3 11:18	17,19,24	comply 85:14	242:8	239:14
12:11	285:19	94:19,25	247:9	270:2
63:12 65:6	competent	193:13	253:2	287:2
97:21	170:8	207:4	256:3,19	311:5
100:1,7,8	complete	208:8,18	258:10	327:9
103:12	26:22 42:5	complying	259:14	concluding
111:10	44:10 65:5	208:15	265:10	13:3,10
124:17	127:18	component	276:22	240:5
127:19			285:18	333:1

337:15,18	126:20	241:21	248:23	considering
conclusion	155:8	242:3	251:7	15:19
59:5 74:15	228:7	312:24	255:2	16:25 34:9
146:10	confident	328:4	264:18	78:20
175:25	16:25	confused	268:5	107:13
216:10	38:11 39:1	163:18	296:6,10	145:8
222:24	102:8,13	confusion	considerable	156:11
256:20	109:25	25:6	18:1 58:17	233:11
337:2	144:23	conjunction	260:18	285:18
conclusions	confirm	22:22	considerably	299:11
73:10	21:19 22:5	connecting	38:1 45:17	considers
146:6	28:12,22	245:3	consideratio	248:8
172:4	29:13	connection	n 21:17	249:19
175:20	30:14,24	157:13	34:13	258:11
187:7	37:9 40:17	Conrad 3:17	43:20,25	296:9
200:1	41:24	69:22	49:19	consist
215:16	44:17 71:1	86:20	58:24 81:9	144:9
222:25	91:20	104:16	97:25	consistent
242:10	115:8,14,2	151:10	112:12,17	204:24
250:17	5	217:1	116:1	consisting
256:11	116:13,25	261:5	119:1	225:4
274:21	118:16	293:25	199:24	consolidatio
concrete	119:6	cons 62:1	204:23	n 49:7
333:25	120:15	335:1	270:22	constant
334:3	122:25	consent 12:7	consideratio	167:16
335:9,10	133:12	13:2	ns 141:11	constitutes
concur 86:15	147:6	consequence	178:22	137:12
conditions	148:14	254:19	198:8	construct
93:9	150:20	conservation	considered	38:13 39:2
102:12	164:11	136:14	13:22	constructed
132:19	202:13	conservative	21:21,24	106:4
144:8,11	223:14	49:13	33:13 36:2	138:24
226:7,9	224:3,12,1	252:25	39:17	constructing
315:7	8,22 272:6	conservative	43:17	141:3
conduct	313:13	ness 44:2	44:18 45:1	construction
211:5	327:16	conserved	48:20	26:4 35:7
222:13	confirmation	243:7	52:7,18	37:16,19
309:16,24	127:6	consider	54:8 55:2	38:4 40:12
conducted	confirmed	35:5 47:15	115:22	41:12,15
205:17	36:8 50:3	58:2 77:20	120:6	43:4,8,16
255:17	64:20	90:12	122:1	44:11,19
285:19	114:22	161:21	200:5	45:7,9,10
conducting	130:18	166:14	210:22	46:15
285:22	174:21	186:20	230:23	47:5,10
Conference	210:17	199:14	231:3	49:16
268:9	conform	201:14	245:20	50:17
confidence	29:12	223:1	246:22	51:22
34:20 53:9	193:13	244:10,21	251:24	57:12
64:10	conforming		256:23	63:14
	213:16		276:22,24	
	conformity		277:4	

64:16	158:12	215:24	258:4	312:6
65:11 68:8	consuming	224:24	contributes	313:24
85:3	311:13	226:11	259:15	317:18
101:5,6,10	Con't 3:1	continue	control	321:20
107:5	4:1 5:1	24:13 62:1	141:9	324:22
114:18,19,	7:1	147:7	142:3,4,6,	correct
20 123:3	contact	160:17	11 144:2	22:11
138:13	75:25	306:20	207:3,5	29:17
142:4,18,2	103:15	312:21	213:15	30:2,6
5 154:14	273:19,25	313:5	215:23	31:1,5,8,1
155:22	326:25	319:1,5,15	224:23	2 32:10,18
172:23	contain	322:17	229:13,16	40:20
174:24	46:20	340:4,5,21	264:23	48:15 92:6
177:2	211:7	continued	317:10	115:23
191:14	212:20	6:6,8,19,2	Convention	153:4
195:7	225:5	1,22 13:12	204:20	157:15,16
208:7	contained	17:14 47:6	conversation	190:14
209:15	128:16	85:25 98:6	196:5,6	195:11
210:12	226:24	114:12	cooperation	221:15
211:6,17,2	containing	123:19	85:25	223:19
0	206:20	128:11	143:16	224:1,7
212:11,22	containment	continues	160:4	235:17
216:4	209:5	180:5	cooperative	244:24
218:15	contains	continuing	97:21	247:10
238:12	21:1 22:5	45:11	110:22	251:12
246:1	45:7	125:24	cooperativel	270:9,11
248:10,11	contaminatio	147:20	y 146:18	293:3
258:13	n 207:23	325:10,20	coordinate	296:16
265:4,5,9	contemplatin	contract	290:11,15	300:13,14
291:4	g 156:5	319:20,23	coordination	301:7
318:12	contend	contracting	296:3	306:10
325:17,19,	170:20	133:19	coordinator	307:13
25	content	contractor	203:24	310:22,24
constructive	299:18	34:7	cop 110:22	313:22
73:24	contention	contractors	COPE	341:16
consult	330:16	27:21	336:17,23	corrected
84:13	CONTENTS 6:1	141:13	copies 11:20	39:12
consultant	7:1	208:21	326:3,16	256:10
66:16	context	209:4	copy 40:13	278:10
consultation	67:14	212:21	core 319:25	correction
84:12,19	68:24	308:22	320:4	137:2
141:10	82:21 83:1	309:18	323:6	correctly
142:19	241:4	contractual	Corporation	37:10
181:12	contingency	315:8	4:20 7:11	190:13
182:9	204:12	contradict	8:4 11:19	256:9
consultation	209:4,7	264:15	12:11	300:6
s 95:7,25	210:2,6	contribute	293:17	correspondin
consulted		57:6		g 101:20
213:3		257:22		corridor
consulting				143:15
				160:3

cost 36:17 252:4,14	126:4 170:4 171:21	creation 158:9	137:22 138:2,20 139:13,18	194:2 197:16,22, 24 339:8
costs 271:7,10	175:20 179:13	credence 335:17	140:9,16,1 7 142:15	cumu 244:22 249:14
council 3:25 70:21 87:22 152:20,22 239:21 240:19 258:7 259:6 262:21 272:15 274:16 282:22 284:6 299:12	205:25 243:4 255:20 264:1 321:9,12 333:23 334:25 335:25 336:1	Creek 140:17	154:14 157:8 172:14,15 173:10 177:1 198:10 243:5	cumulative 61:20 145:18,21 146:1,4 175:10,12, 15 204:23 205:19 210:24 213:22 214:5,9,14 215:2,11,1 7,18 221:19,21 222:4,15 232:17 243:9,22,2 3 244:18,23 249:10,15, 18,25 250:8,10,1 3,20 251:8,24 253:3,5,21 254:7,9,13 255:15,16, 18 256:16 258:8,11,1 2 259:18 260:7,8,16 262:15,24 263:6,14 264:7,12,1 7 265:14,22, 23 266:7 267:7,13,1 9 274:10 275:4 276:15 278:3,21 281:2 295:24 297:24 301:13 302:7 current 46:6
counsel 72:25 88:9 106:21 169:22 303:22 335:8	courses 143:23 162:23	criteria 85:8 140:8 141:23 207:18	cross- referenced 334:4,7	
counselling 325:15	court 340:16	critical 162:25 175:1 212:23 256:25 264:24 340:25 341:6	cu 262:23	
count 172:2	cover 81:2 82:20 98:19 195:13	cro 126:4	cub 26:3	
countering 57:7	covered 102:14 142:23 237:15	cross 44:11 100:4 129:18 139:9	cubic 14:12 15:14 26:4 28:15,24 29:4,19 32:8,24,25 33:3,4	
counterintui tive 56:22	covering 197:4	crossed 237:12	cultural 98:5,9 124:7 270:18,23	
country 75:1	covers 98:19	crossing 68:17 69:11 85:6 128:17 138:17 139:6,9,10 ,14,15,22, 24 140:3,8,11 ,18,21 141:15,16, 18,22,23 144:18 145:10 155:5 157:8,24 172:18,23 173:11 177:17 194:1,13	culture 63:2 271:16 315:22	
couple 10:15 11:2 12:14 56:11 60:21 106:1 111:23 112:12 114:5,10 123:24 129:17,20 148:20 156:14 274:7 280:23 333:14 340:12,19	Craik 4:16 293:18 311:25 313:20 316:14 320:22 324:15	creates 275:13	culvert 83:10 132:8 133:5,13 140:23 141:6 147:5,19 148:6,8,20 149:8,15,2 1,22,23,24 150:2,5,11 ,14 194:16 197:19	
course 69:10	create 36:15 51:19 94:21 103:9 109:5	crossings 63:23 69:10 85:20 91:4 93:17 126:5	culverts 64:12,13 93:16 126:25 139:11,25 141:8,10 144:14	

57:3 93:1	82:22	dated 205:22	decision	242:5,9,19
97:17	83:17,19,2	295:15	171:22	265:11
100:17	0,22,25	328:18	181:3	define
153:17	84:2	Davies 3:19	200:23	148:19
202:15	85:13,15,1	day 1:22	219:19	defined
205:14	7 94:20	10:4 51:25	220:25	140:19
243:3	data 20:17	56:13,14	221:6	336:12
321:6,16	21:10 46:8	133:19	254:14	definite
323:1	48:8 63:18	175:5	280:7	93:19
325:2	64:1 73:16	203:3	283:11	251:2,6
currently	126:9	251:12	290:2	definitely
19:11	140:7	332:21	336:19,25	233:11
45:20 65:4	222:23	334:13	337:3	316:24
100:9	254:24	days 212:11	341:6	317:5
108:2	255:25	230:10	decision-	321:1
109:2	256:2	264:16	making	definition
127:17	264:1	333:16,24	341:1	278:25
197:3	266:23	335:1,6	decisions	definitive
205:12	274:24	336:1,17	41:11	278:1
257:23	278:22	337:6,25	43:3,8,13	degradation
258:5	280:6,17	340:12,19	59:7	243:15
259:4	300:17	day-to 51:24	180:25	degrees
310:21	308:6,16,2	de 298:21	198:6	46:3,4,6,7
324:18	0 330:23	315:13	271:20,21	,13
cut 251:3,4	333:24	319:25	283:8	delay 155:11
cutbacks	database	323:22	298:7	delaying
195:14	308:17,20	deal 31:7	decline	64:4
cutoff	datas 14:10	254:6	268:13	126:14
284:23	date	268:10	declining	delegation
cycle	26:19,21	271:8	56:17,23	184:2
249:13,20	43:18	309:19	decrease	deleterious
250:6	50:21	320:1	57:7 259:3	137:17
cycling	51:16	323:8	315:17	207:16
268:13,25	63:10,15	dealing	decreased	208:24
	72:9 76:8	141:7	318:23	delineated
	77:11	deals 259:25	decreasing	14:4,18
	85:19	270:24	56:16	delineates
	94:24	271:11	deemed 85:9	14:25
daily 193:4	124:14	278:7	90:10	delivered
Dale 3:15	136:5	dealt 267:2	defer 156:24	318:19
82:7,9	138:3	320:4	162:9	delivering
88:24	157:1	decide	284:11	110:23
89:13	161:18	253:13	290:1	delivery
damage 194:5	173:7	331:20	deference	316:9
237:17	174:4	decided	274:12	320:15,18
238:14	178:19	334:11	deferred	321:24
damaged	183:19	deciding	deficiencies	
158:9	189:3	334:23		
dams 141:8	199:16			
dangerous	202:12,14,			
	22 228:3			
	291:10			

Delta 312:11 325:8	327:4,19 328:6	deposit 19:5 37:16	description 8:2 9:2	306:17
demand 319:2 322:11	departmental 205:6,14	137:17 207:16	14:19 24:16	desk 338:10
demands 322:19	256:7	depth 15:15	51:13 170:14	destruction 137:8,10 169:2,10
Dempster 43:21 49:4 50:12	departments 220:2	depths 99:11	277:19	det 125:21
Denny 4:10 7:16 337:20,21	235:25 289:10 292:24,25	Deputy 4:12	307:4 312:4	detail 34:4 51:9
denominator 260:5	295:22 296:3 297:22	Derek 3:6 61:16	design 40:11,12	155:6,7,10 172:21
depart 324:14	311:10,12, 14,18,23	66:15 67:9 68:13 69:5 71:18	41:11,14 43:3,8,15, 18	174:2 228:6,25 229:6
department 2:23 4:7,13 7:11 54:25 69:25 70:4 91:22 92:25 102:18 103:25 142:9 151:1 160:25 179:11,15 199:5,7 204:17 205:18,24 219:24 228:6 236:2 293:10,15 297:1 302:16 307:12,14 312:3,11,1 4 313:6 314:3,13 315:11,21 316:4 317:5 318:10,11, 13 319:8 321:14 322:23 323:13 326:4,5,25	313:13 315:1,5 316:2,7,25 department's 90:24 317:2 321:2 DEPARTMENTS 292:5 depend 155:4 161:10,12 196:1 dependent 193:12 depending 108:25 144:18 171:20 179:14 193:17 195:22 335:19 depends 93:19 219:15 220:24 236:4 depicts 315:18 deploy 300:20 deployed 196:1	72:6,20 73:15 74:22 76:7,19 77:7,25 79:4 87:8 105:3 123:24 derived 26:11 164:22 describe 37:13 46:21 132:19 206:17 207:11 247:6,15 described 14:25 18:23 22:25 24:15,24 29:5 122:19 140:11 144:24 145:22 205:12 227:18 228:3 describes 15:8 315:14 describing 24:7	44:1,7,11 49:15 51:22 53:5 55:10 63:11 85:1,6 91:6 93:5,6,11 103:21 141:22 145:10 164:12 208:18 212:24 250:1 324:11 designated 170:7 designed 143:19 160:7 163:12 164:3,7 174:25 253:4 designer 53:7 designs 63:23 91:13 93:4,7 95:17,18 126:4 128:18 140:9 141:23 desire	231:6 235:4 263:3 267:5,21 detailed 20:14,15 44:7,8 49:19 63:12,23 128:17 142:1 157:1 174:15 209:14 details 65:9 84:19 127:24 135:19 138:16 145:10 157:24 161:18 174:23 213:18 255:22 306:3 detect 214:16 detection 144:6,10 212:25 deter 95:15 determinants 322:15 determinatio n 117:16

228:8	146:12	102:7,8	267:3	256:12,20,
277:14	164:13	113:16	268:25	22 257:6
280:11	177:1	114:12,22	273:20	278:6
determine	193:23	115:8	276:14	298:12
9:5 19:10	200:22	116:19	277:10,19	309:12
63:10,17	206:10	118:24	278:18	311:16
71:14	211:17	121:25	279:14,22	315:4
95:16	218:14	122:24	283:2,14	developing
124:16	219:16,17	123:4	289:7,16	53:14
125:22	262:15,19	130:4	290:3	136:7
126:16	265:3	136:2	296:11,24	142:6
156:3,7	267:6	138:22	298:6	144:2
162:9	299:7	139:2,7,17	299:1,4,11	development
173:7	301:23	140:6,15	,23 300:7	3:18 13:14
178:14	306:18	142:5,17,2	301:24	14:14
179:1	313:7	1	302:3,6,8	27:18,21,2
180:20	Developer	143:1,16,2	303:24	5 40:9
188:17	2:10	1 146:8	304:12	41:7,14,20
195:23,25	6:8,19	153:25	306:25	43:15
209:11	9:4,14	154:1,13	307:15	44:1,6
278:4	11:24	155:21	308:21	46:18 50:3
318:11	13:5,25	172:7	312:3,7,12	52:7,25
determined	16:18	173:3	,15,21,22	53:11 55:3
224:13,15	17:14,19,2	180:2	314:4	56:18 66:4
275:17	1 18:25	182:24	315:15,25	69:21
300:7	19:7	183:9	316:20,21	74:12 83:4
determines	21:16,18	185:17	324:9,11	100:25
271:13	22:4,13	187:24	325:6,13	117:25
determining	23:12,13	188:17	331:15,20	120:7
15:20 64:6	25:8	198:8	333:18	138:6
121:11	28:6,12,22	199:23	334:16	142:12
140:3	29:12	200:13	developers	146:18
279:18	30:13	201:2	77:3	151:9
deterrent	32:22,24	216:22	131:12,21	164:12
212:25	35:4	220:12	298:18	167:24
develop	38:11,19,2	228:21	307:3	170:9
76:1,15	5 39:10	231:21,24	Developer's	174:16
141:2	41:24	232:12	13:17 18:1	206:7
142:17	42:11 43:5	241:18	38:6 62:4	207:8
207:2	44:16	244:13,15,	71:2,6,7	208:3
210:11	45:24	21 245:1	137:24	209:7
212:2	47:8,13,15	246:23	140:4	213:3
300:10	,17 49:18	247:8	144:1	215:6
305:8	55:23	248:8	154:4,5	243:2
315:19	58:10,16	250:5,19,2	156:17	245:21,22
developed	61:10	4 251:24	175:8,22	249:17
38:2 47:14	68:24	252:10	222:22	266:24
99:12	75:25	254:21	231:10	273:21
115:4	81:10	255:2,16	242:5	276:19
140:1,4	84:13,23	256:4	244:5,7,9	295:20
143:22	85:19,25	260:17	245:9,10	298:17
	86:10	263:9,25	248:7	306:12
	90:21	264:11,16	251:21	307:4
		266:13		

308:10,18	168:2,3,23	15:11	323:12	discussed
317:1	169:23	36:12,14	direction	51:8
321:8	170:7,20	38:1 51:23	182:16,18	77:17,20
developments	171:1,5,14	138:8	199:19	204:11
79:9 97:8	172:5,20	142:15	263:18	284:13
213:24	173:10,24	148:20	280:3	discusses
214:3	180:6,19,2	193:11	296:19	204:7
245:11	3 181:25	212:23	directions	discussing
246:16	184:1	232:24,25	265:25	18:2
248:13	187:3	260:6	directive	107:24
254:16	188:3,12,1	267:4	201:10	299:6
DFO 6:24	5,20	275:15	202:1	303:16
9:3,7	190:24	279:8	285:1	discussion
68:15	192:10	302:20	directly	58:24
71:10 72:3	193:11,24	305:9,15	164:23	64:23 69:8
93:12	194:18,23,	306:23	168:4	80:24 81:2
134:19	25 196:10	307:8	244:11	156:3
135:10,24	197:7,9	316:3	301:16	181:23
136:4,7	198:10	320:5	Director	215:10
137:20	199:8	324:24	293:10	274:1
138:6,16,2	294:6	329:8,10,2	disagree	298:20
2	DFO's 136:10	5 330:4	67:22	discussions
139:5,13,1	139:3	differentiat	260:20	59:2,6
9,23	143:5,8	e 278:1	278:20	63:20
140:3,6,8,	146:17	differently	302:24	73:20
9,12,15,21	161:19,20	179:10	disagrees	76:20,21
141:1,14,1	170:15	difficult	9:18	102:17
7,21,24	172:7	184:20	304:2,17	103:24
142:9,16,1	175:23	227:10	disappeared	125:25
8,22	180:11	253:16	25:19	127:8
143:1,2,12	186:10	340:14	discourage	298:23
,23	194:11	difficulties	143:20	299:17,22
144:18,20,	diagram	172:6	160:8	326:6
22	315:18	difficulty	discovered	dising
145:1,9,15	dialogue	169:7	147:19	141:22
,25	85:25	diligence	discrepancie	disparate
146:3,7,12	334:10	51:20 52:1	s 233:9,13	21:10
,13,16	diamond	338:20	discrepancy	disposal
147:11,25	315:13	dimension	234:11	206:20
148:19	323:22,23	165:6,21,2	discretion	disposed
149:12,20	339:17	5	162:9	210:15
150:20,25	differ 241:4	168:15,16	179:1	disrupt
153:14,24	242:4	direct 99:15	180:19	101:6
154:6,8,12	302:5	212:8	discuss	disruption
156:2,5,8	difference	237:20	79:14	137:10
159:9,19	19:6	263:7	208:16	169:2,10
160:1,9,10	186:17	265:14	299:2	252:2
,13,17	260:18	270:13	distance	270:14
161:8	279:11,13,	directed		
162:2,12	21 316:16	171:5		
164:23	different			
165:4,14,1				
9				

36:12	n 84:5	286:9,11,1	267:3	41:22,23
100:20	documented	5 302:16	DOT 133:19	42:9,10,23
168:5	15:25	307:20	148:3	,24
distances	267:13	308:9,11	150:6	44:14,15,2
213:6	documenting	328:4	295:20	5 45:3,5
distin	268:11	335:12	299:18	48:14,22
310:11	documents	336:17	310:2	50:6,7
distinction	43:19	338:20	317:8	52:9,10
179:12	200:11,14,	Doni 169:17	323:15	54:7,14,16
310:11	24 201:1,5	Donihee 2:3	double-	55:14,16,1
distinguishi	227:18	72:24,25	walled	8 88:7
ng 277:8	266:18	74:6,7,8	208:13	105:23,25
District	dol 291:3	75:22,23	doubt	106:8,16
135:18	dollars	76:10,11,2	25:18,20	114:9,13
disturbance	252:7,14,1	5	26:2,10	115:17
173:22	8 257:4	77:1,14,15	48:6	116:18,24
211:13	291:3	78:8,9	Doug 2:16	117:21,22
246:3	Don 2:15	88:8	3:14 70:16	118:12,23
251:14,17	4:16	89:6,7,8,1	82:12 90:5	119:9
258:8,12	293:18	4,17,18	91:2	120:2,21
259:17,19,	311:25	90:7,17,18	92:3,23	121:16,17
25 260:1,5	313:20	,19	94:1,23	122:16
267:19	316:14	91:15,19,2	95:11,12	123:7
275:5,6,13	320:22	0 92:8,9	96:8	153:22,23
,18,22,25	324:15	106:19,20	105:14	155:17,18
276:3	done 9:12	169:17,21,	152:12	156:13
disturbances	32:17	22 171:8,9	217:25	157:12
246:22	33:15	176:11	262:7	158:16,17
268:14	43:16	178:1,2	295:1	159:5
275:15	48:23,25	179:7,8	Dr 13:4,15	160:23,24
divergent	54:19 55:6	181:20,21,	17:4,5,10,	161:25
283:1	72:7,8	22 182:21	15	162:1,16,1
diversion	75:5 99:25	183:7,24	18:2,10,13	8 164:10
138:15	103:6	185:15	,14 19:13	165:2,3,16
divided	133:2	186:12	21:13	,18
252:23	149:14,21,	187:18	22:1,12	167:3,5
dock	25 150:16	188:10	23:9	168:14
99:23,25	158:20	189:4	25:14,15	169:14
Doctor 23:8	173:15	200:4	28:3,4,19	203:23
34:24	178:6	233:18,20,	29:8,17,20	218:8,9
document	202:24	23	,23	219:5
40:16,18,2	205:20	274:5,6,7	30:7,9,23,	220:9
1 41:1	222:15	276:6,7	24	221:10,18,
97:17	241:9	279:4,5,6	31:6,13,14	24
138:6,7	244:5	280:21,22	,16	222:1,8,19
141:2	254:2	281:18,23	32:4,5,20,	223:4,7,12
281:19	268:10	282:1,9,10	21 34:25	,20
documentatio	277:19	283:19,20	36:24	224:2,8,9,
	279:14	284:18	37:3,6	19 225:7
	281:5,13	303:21,22	39:5,6,25	226:4,5,16
	282:7	304:7,8	40:1,24	227:14
		Donihee's		228:11,19
				229:10,19
				230:2,4,12

,18,20,24	185:22	255:24	ecological	effectively
231:8,9	204:4,7	338:20	97:12	64:3 75:19
232:8,19,2	205:22	during	136:9	145:1
1	210:22	20:5,9	249:12	146:15
233:4,14,1	212:5	25:4,11	econo 270:18	196:21
8,25	213:11	44:19 52:4	economic	259:25
234:3,5,9,	214:4	61:11	100:1	effectiveness
10,22	215:14	83:18	103:11	s 173:25
235:13,16	235:11	138:24	136:9	213:15
237:25	drafted	139:23	270:13	effects 44:9
239:1	214:10	141:8	321:7	45:22
262:10,12	227:8	144:16	322:14,16	63:11
263:11	draw 175:25	172:23	economy 63:5	71:11
264:21	196:19	194:16	124:10	109:1,6
265:2	274:21	209:15	ecosystem	124:16
266:25	drawing	212:22	146:5	125:22
267:23	27:20	296:4	243:7,24	145:19
268:17	200:1	336:17	248:17	146:1,4
269:7	drawings	dust	250:4,8	153:24
270:1	91:6	101:2,9,15	254:25	159:10,20
272:3,4,13	93:5,11	102:13	256:21	175:10,12,
273:3,16	drawn 14:7	213:15	269:20	15 177:3
274:2,5	73:10	dynamics	274:21	205:19
289:1,2	draws 316:24	167:16	ecosystems	210:24
290:5,17,1	Dressed	<hr/>	98:4	213:22
290:5,17,1	252:16	E	207:14	214:5,9,14
295:10,12	drew 19:19	EA 65:3,12	edge 273:14	215:3,11,1
296:14	drilled 20:5	90:9 94:10	Edmonton	7,18
297:3,20	drilling	126:18	203:22	221:19,21
298:15	18:20	160:12	educate	222:4,15
299:21	19:24 20:9	earlier	103:8	224:5,13
301:2,10	253:19	33:21 34:6	110:3	225:1,6
302:1	driven 336:5	40:14	education	226:2
303:2,7	driver	58:12	108:16	227:19
304:23	191:22,24	200:10	109:17	230:1
305:6	192:23	271:1	212:21	232:18
306:1	driving	306:13	315:22	243:9,22,2
307:19	36:16	317:7	educational	3
308:23	56:24	323:23	338:5	244:14,18,
310:6	101:22	336:8	effect 61:20	22,23
311:4,7	121:10	338:7	245:21,25	245:10,21,
327:11,12,	drop 110:7	early 93:2	246:2,3	23
21	191:23	144:6	276:17	246:6,15,2
328:7,9,19	due 49:6	181:8	277:4	5 248:9,12
,21	73:22	201:4	278:4	249:15,19,
329:15,16	183:19	298:24	effective	21,25
330:6	242:4	305:8,13	145:14	250:8,10,1
331:13,25		ears 277:20	310:15	4,15,20
332:2		east 244:16		251:8,24
333:23				253:3
335:8				254:10
draft				255:17
182:2,19				256:14,16,

20 258:11	EIR 298:24	Elias 340:11	189:20	299:4,5
259:19	EIRB 240:23	else 60:25	190:5	300:16
260:7,8,16	EIS 56:11	196:20	315:22	306:12
262:15,24	84:5 118:8	240:14	325:11	310:19
263:6,13,1	141:16	312:23	336:22	engages
7	172:16	337:14	emulsion-	160:9
264:7,13,1	174:12,23	elsewhere	type	298:18
7	241:18	267:8	206:24	engineering
265:14,22,	242:5,9,17	embankment	En 226:21	43:25
23 266:7	244:5,7,9	43:19	enable 63:3	142:1
268:12	256:12	46:15,20,2	74:16	enhancement
269:6	263:24	2 115:5	124:8	158:10
274:10	264:7	emergencies	255:8	220:4
275:4,8	276:11	209:12,19,	encapsulated	enjoyment
276:14,15	278:7,13	25 210:4,8	37:10	98:8
278:3,21	298:8	216:7	encapsulates	ENR 7:9
281:2	302:25	emergency	47:9	9:13,18
295:19,24	312:19	10:18	encompass	268:10
297:24	323:10	209:21	245:17	286:15
299:9,18	either 26:7	210:3	248:16	291:22
300:10	38:5 59:21	216:8	encountered	292:21
301:1,13	68:23	emphasis	23:5,16	295:14,16,
302:7	195:7	138:21	36:8	17,21,25
306:11	200:12	emphasize	encourage	296:6,8,9,
309:20	220:14	250:17	33:12	18 297:6
310:7,9,14	224:13	252:9	34:12	298:17,18,
,16,19,25	234:18	emphasizing	98:7,10	21
311:15	251:2	263:22	102:25	299:1,4,7
313:8	274:13	emploment	103:2	300:5,6,16
315:24	333:6	336:22	encourages	301:11,14,
316:10	337:4	employ 191:9	142:19	23 302:14
320:5	340:24	210:18	endeavour	304:1,6,10
effic 175:4	Elders 48:12	154:20	188:11	,17
efficacies	82:8	177:1,6	240:16	305:2,9,21
175:4	135:12	190:19	energy	306:9,10
efficacy	203:19	191:8	259:11,16	307:7,11,1
175:5	338:13	212:22	338:22,23	3,22 308:4
efficiency	elected	employee	enforced	309:1,4,10
80:19	338:9	148:3	336:5	,15
efficiently	element	177:17	enforcement	310:19,24
75:20	229:25	318:14	193:10,16	311:9,13,1
293:23	230:3	325:13	195:12,24	4,23
effort 271:8	elements	326:11	engage	312:17,19
298:19	223:23	employees	160:13	313:4,9
EI 75:10	225:5	326:7	299:1	314:19,24,
eight 14:10	227:8	employment	307:3	25 316:3,6
98:20,21	229:3,4		engaged	319:25
99:1	243:20			323:6,15
212:18	Eli 2:7			324:9
234:25	62:20			327:14,19

330:7	entitlement	228:1,12,2	189:19,21	213:14
331:18	124:3	0	190:3,5,14	ERAP 84:4
ENR's 301:24	entrain	229:11,15,	,17,18	Eric 18:4
302:23	192:11	23	191:5,8,13	Erica 2:12
306:10,17	entrainment	230:3,5,13	,15,24	19:18
309:21	192:12	,25 231:22	192:16,25	21:23
330:16	environment	232:10	193:3	22:9,11,19
ensure 98:6	3:9 4:3	233:5,14	194:15	23:23
142:20	7:3 45:20	234:23	195:3,19	24:14 27:3
145:13	46:9,24	235:17,21,	196:17,18	28:17
176:17	63:7	22,24,25	200:18	erosion
177:5	70:7,9	236:3,5,16	203:23	141:9
192:9,18	87:3,5	,24 237:19	204:18,25	142:3,4,6,
193:14	94:8 98:9	238:1,22	205:9,20	11 144:2,7
194:16	104:23,25	239:2	206:14	207:2,5,19
206:7,18	124:12	259:23	207:3	215:23
207:12,22	137:18,22	261:15,17	208:9	224:22,23
208:17	151:16	267:20	209:10,12,	229:12
210:14	175:13	292:14,17	19,20,25	erratum
212:4,20	198:21	294:10,12	210:2,4,8	28:6,7
221:20	203:12,16,	308:14	212:7	39:13
289:10	21,22	310:3	216:7,8,11	230:15
307:9	204:3,15,1	328:16	224:4,5,13	es 207:14
309:12	7	330:15	225:1,6,18	especially
310:12,15,	205:2,8,9,	331:14	226:2,19	78:22
17 313:6	16 206:9	environmenta	227:19	102:21
315:17	208:7	l 1:1 10:7	230:10	107:7
319:18	210:5,25	39:10,17	236:1,6,19	256:14
ensuring	211:8,15,1	53:6 63:11	,22 242:15	309:17
64:10 65:8	8	64:7 75:10	243:10,14	321:2
126:21	212:6,9,12	77:10	255:21	essence 91:9
127:23	213:2,5,16	82:10,13	262:25	94:9
141:6	,21	84:3 86:3	272:10	essentially
143:19	214:1,8	88:20	283:15	18:16,17
160:7	215:15	89:10 90:2	296:5,7	150:4
163:12	216:2,22	94:6 97:8	306:19	260:6
319:10	218:14,22	99:8 117:5	307:5	275:16
326:8	219:15,24	124:16	327:15	339:15
enter 11:19	220:5,22	125:22	330:17	est 45:8
206:7,19	221:20,22	127:16	environmenta	establish
207:13	222:2,20	128:4	lly 243:16	59:3
entering	223:15,19,	135:14,16	321:9	299:23
11:22	23	137:25	envisage	established
entertain	224:1,3,7,	142:8	226:22	98:15
78:3	11,12,18,2	145:19	envision	estimate
entirely	1	156:4	103:18	14:13
88:17	225:3,8,10	161:3	envisioned	15:21
132:23	,11,16,17,	170:6,23,2	309:21	16:10,15
entirety	19	4 174:17	equal 63:4	
255:14	226:6,14,1	176:25	124:9	
	7,22	178:6	equipment	
	227:4,16	179:2		
		181:14		

21:4 23:14	evaluating	exact 108:4	except	,24
25:23,25	174:5	153:14	107:11	51:13,16,2
26:5,11,13	314:9	168:4	140:16	3 75:16
,14,24	evening	209:14	excited	129:8
37:15	333:9,14	229:6	338:23	158:11
44:19	event 167:20	exactly	exciting	167:1
45:16,17	168:6	147:12	337:2	171:17
49:25	224:14	149:12	exclude	194:18
52:19 57:1	226:20	153:14	336:21	195:20
214:19	253:18	164:5,21	excluded	226:7
estimated	270:9	177:8	85:9	282:25
13:21	events 51:15	199:13	excuse 87:21	283:23
14:22	eventually	265:25	124:18,19	302:19
15:13	218:12	274:14	245:24	expectation
18:23	227:7	282:14	290:23	194:11
23:4,15	263:14	306:6	exercise	280:12,13
28:8,10,13	everybody	examination	176:19	expected
,23	60:16	230:10	exercising	186:8
29:10,18	247:3	example 24:6	172:7	249:5
31:24,25	340:23	139:25	exhibit	expects
36:5 38:14	everybody's	155:1	11:19,22	85:14
48:15	341:12	192:10	12:8,10	140:6
49:13,23	everyone	228:21	24:22	196:10
59:18	10:4 24:9	231:17,19	Exhibits 6:3	208:7
252:4	112:11	243:4	8:1	experience
estimates	240:14	245:25	exist 153:17	20:18
13:7 14:11	303:23	246:5	301:12	27:21,24
17:1 19:1	337:24	248:3,22	existing	33:25
21:8 22:3	338:25	250:6	64:25 72:1	34:2,8,19
35:24 40:3	everything	262:17,23	127:11	38:22 49:4
44:21	279:25	263:10	139:16	50:12
45:7,8	evidence	267:21,22	213:23	64:12
47:10,14	9:13 18:18	275:3	214:3	96:25
48:13 49:2	21:16,21,2	280:14	215:5	141:3
50:18	4 23:14	298:20	319:6,16,2	154:5
52:22,25	45:24	306:15	3	338:1
53:18	47:16	326:7	exists	expert
54:9,12,17	50:20 51:7	examples	140:24	152:24
55:3 157:7	175:8	131:12,21	210:9	171:2
et 139:11	179:13	224:25	260:18	205:5,8
195:5	180:8,13	242:18	Exit 10:18	218:24
263:7	226:23	254:19	exits 10:18	219:21
335:11	231:18	258:7	expand 89:15	278:11,13
evaluate	232:25	267:6,13	244:12	280:8,14,1
13:21	282:16,19	281:3,4,7	249:8	8 283:13
33:6,13	303:24	excellent	expect	289:9
264:4	304:10	260:4	49:7,14,22	335:2,14,1
280:16	333:25	263:4		5,21
318:21	335:10	271:9		expertise
evaluated		280:1,17		338:2
174:1		281:11		experts

105:23	320:12	258:3	feature 16:6	340:17
153:21	323:25	259:1,2,7	101:24	fellows 88:6
295:9	extraction	268:24	167:16	felt 171:14
337:23	15:15	failure	features	235:1
expiration	115:5,6	144:8	15:7	fi 168:17
291:10	extrapolated	fair 37:22	federal	field 20:16
explain 20:2	20:22	74:1,18,23	58:13	144:11
24:1	extrapolatin	75:13 78:2	59:1,3	213:25
149:13,15	g 286:10	91:25	86:2 89:23	214:16
190:16	extreme	156:17	109:14	264:1
228:12	51:15	170:14	220:1	fifteen 60:7
274:13		176:4	289:9	198:20
explanation		284:4	325:4	334:5
35:2	<hr/> F <hr/>	305:9	339:22	fifth 16:3
149:17	Fabijan 2:18	fairly 13:24	feed 101:7	173:18
187:1	faced 195:14	154:15	feedback	fifty 28:9
248:22	facilitate	177:1	113:16	34:15
explicitly	59:22	184:20	126:10	38:13 44:4
44:19 45:2	facilities	251:2	201:19	45:22,25
52:17	209:15	277:20	feel	46:25
explosive	281:4	281:15	67:11,15	48:13,18
206:9,14	fact 19:4	308:18	73:25	49:6,21
explosives	21:21 36:6	fairness	75:13	55:4 56:13
206:24	77:21	76:22	104:4	59:19 60:3
215:22	88:18	fall 46:4,13	109:15	163:11
exposure	89:9,25	149:25	166:24	164:5
15:5	95:15	150:2	228:23	248:20
expressed	112:24	209:12	288:25	291:3
68:23	162:3	278:4	319:14	338:19
extend	166:3	307:11,13	320:3	figure
244:15	176:15,23	falls 63:6	321:6	24:7,15,21
extends	185:5	249:25	338:22,23	252:12,13,
27:24	219:20	276:2	feeling	20 253:1
extension	242:5	312:23	336:7	329:7
148:6	243:17	familiar	feels 64:14	334:21
149:23,24	278:18,24	40:16	feet	figures 25:2
extensive	298:10	260:2	15:15,18	271:1
154:4	306:2	family 89:23	fel 289:1	file
268:11	316:16	325:13,15	Felix 1:11	42:12,21
extent 14:20	factor	326:12	55:25	135:19
24:17,23	121:11	334:5,8,9,	78:14 95:6	184:19
49:9,10	259:17	10	96:4	188:6
242:11	factors	fashion	106:24	281:6,19
246:21,23	20:10	303:1	189:14	338:9
247:21	57:1,6	fast 153:10	235:20	filed 9:8
254:7	117:16	287:11	236:8	12:7 21:20
264:19	220:24	faster 125:8	285:13	24:1,10
271:7	245:20		332:7	28:5 41:25
	253:6,23		fellow	42:6,19
	257:21			

45:24	215:4,19	336:24,25	141:6,7,19	23
46:17	241:19	first 10:8	142:7	136:11,12,
47:17	256:11	12:16	144:5,15,1	14,17,18,2
50:21,22	272:12	22:14 24:4	8	4
80:22	283:21	40:5	145:1,7,8,	137:12,17
84:11	284:2	41:3,4	10,12,14,2	141:19
102:10	285:2	45:15 47:4	1,23,24	142:20
130:4	287:15	48:16	146:2,13,1	143:13,15,
175:9	333:21	49:9,25	4,19,20	18 144:19
180:14	336:18	54:20 62:2	148:10	145:4,16,2
182:24	341:2	65:16,22	150:3,4,11	1 146:2,19
183:19	finalize	88:11	153:6,9,16	152:24
188:22	180:14	95:13,25	,24,25	154:9
201:2,6	finalized	96:1	154:1,7,21	156:1,22
204:9	85:2 91:10	112:13	156:18,25	157:6,21
215:15	93:7,8	115:9	157:9	158:24
231:11,18	141:18	122:23	158:1,5,8,	159:25
232:11,25	173:12	128:13	10,19	160:3,5,16
284:23	finally	132:18	159:11,21	,18
files 329:9	31:6,13	137:22	161:11,15	161:1,8
338:10	82:24	144:12	168:2,8,9	162:7
filing 11:24	137:16	149:22	169:2,10	163:9
fill 280:19	241:22	169:23	172:19,20	164:2,19
fills 139:4	295:25	179:12	173:5,6,7,	165:13
final 21:24	financial	186:21	12,24	166:21
22:2,5	58:17	193:14	175:15	168:3,23
35:2 39:8	64:23	196:8	179:11	169:1,9
85:6	127:8	197:2	191:25	170:2,18
91:6,13	309:22	202:9	192:9,10,1	173:13
93:5,11	financially	204:2	2,13	174:6
120:3	269:2	242:2,22	193:22	176:9
122:17	finding	247:15	194:5,16	178:11
123:25	287:21	257:18	195:21	180:17
140:8	fine	259:24	196:2	181:6
141:23	69:15,20	265:16	198:11	182:7,15,2
146:9	135:8	267:21	fish-bearing	5 183:16
177:12,19,	166:12	276:12	144:14	184:15
24 178:24	293:4	295:13	fisheries	185:3
180:3,6,11	finish	309:3	2:23 3:6	186:3
183:20	285:11	311:9,24	12:17 60:9	187:3
184:5	finished	334:21	61:2 62:16	188:9
186:7,20	178:7,15	337:22	66:3 69:25	189:25
187:7,8	186:14	fish 63:12	70:4	190:11,21
188:13	fire	78:1 83:10	74:3,4,11	191:12
189:8	247:22,23	91:7,8	75:8 76:4	192:6
199:14,24	fires 247:9	124:17	79:7	193:10
200:5	248:1	130:5	86:23,25	194:8
201:9,11,1	firm	134:19	104:19,21	195:9,11,1
5 202:12		137:6,7,9,	105:2,17	7
205:15		11	123:21	196:7,14,2
211:14		138:18,19	126:22	1 197:1,2
213:8		139:12,16	130:12,23	198:4
		140:5	135:14,20,	204:20
				207:7,15

217:8	126:12	269:24	17,18	335:18
220:2	127:17	323:10	225:2,3,14	forth 91:11
261:13	128:11	focussing	,15,16	152:25
294:8	129:2	190:24	226:13,14	fortunate
fishery	130:5,11,2	210:21	227:3,4,25	339:25
64:11 78:1	2 132:3	300:9	228:1	forty 27:25
fishing 75:4	147:5	follow-on	229:14,15	59:18 60:3
136:15	148:1	246:24,25	235:23,24	forty-nine
137:9	151:18,20	follow-up	236:15,16	164:5
174:10	160:2	66:25	261:16,17	forward 9:14
336:13	217:14	133:18	294:11,12	34:11 74:1
fit 92:19	261:19,21	144:10	force 56:24	78:6 79:15
93:25 94:3	285:19	199:7	137:3	85:24
fits 124:11	294:13,15	234:10	forecasting	111:17
five 15:2	FJMC's 80:25	244:2	48:9 52:2	134:20
16:1 33:1	128:16	253:4	foremost	145:7
184:7	129:13	255:10,13	337:22	146:18
212:17	150:9	323:24	foresee	160:13
234:25	flag 206:3	324:1,6,17	324:17	171:23
243:20	flight 61:17	325:12,19,	foreseeable	178:21
252:18	flip 125:1	23 327:5	213:23	179:14
fixed 150:14	339:21	food 259:9	214:3	199:20
FJMC	floor 288:7	footprint	forest	203:13
6:10,21,22	flow 59:4	68:7 99:16	247:22	239:22
61:17	137:5	214:2,20	forever	248:24
62:13,14,1	143:10	215:3	268:9	249:2
6,25	147:7,21	229:22,25	336:21	270:8
63:6,9	148:7,9,14	230:8,14,2	forgot 88:6	286:11
64:3,14,17	153:5,6	3 231:1	form 74:16	292:1,20
65:4,17,23	194:4	328:24	90:21	293:3
66:15	197:7,8	329:19,21	222:10	303:24
68:13	flowing	330:9,21,2	225:23	304:11
69:6,21	133:5,13	2 331:5,22	227:7	333:4
71:8,18	143:10	footprints	229:2	337:14
72:6,20	152:25	215:6	286:1,5	339:14
73:11,15	fluctuate	329:25	308:25	forwarded
74:22	249:13	Forbrich	315:18	148:2,3
75:20	268:7	3:10	330:9	fourteen
76:1,7,19	fluvial	70:8,9	formal 76:8	98:21 99:1
77:1,7,20,	15:8,9	87:4,5	91:10	fourth
25	focus 179:17	104:24,25	338:4	140:12
78:13,19,2	238:2,3	151:15,16	formalized	frame 326:22
0,23	focuses	203:17,20	75:18	frames
79:5,11,22	83:21	218:18,21,	forms 193:11	201:24
87:7,8	focussed	22	273:12	framework
105:3	88:17	219:14,15	formulating	277:1
112:14,20,	138:14	220:17,21,	18:3 219:2	279:18
25	242:22	22 221:16	formulations	280:25
123:10,19		223:17,18,		
124:11,16		19,25		
125:20		224:1,6,7,		

Francois 88:2 97:2 152:8 217:22 fre 141:8 Fred 340:10,13 free 88:5 freeze 140:17 freeze-up 46:13 frequent 137:13 frequently 236:5 fresh 136:10 freshet 141:8 front 10:23 40:13 45:7 99:5 123:12 155:7,10 194:18 202:21 fruition 321:16 fuel 204:11 208:5,6,13 24 253:18 fulfill 196:11 242:20 283:7 full 36:1 98:18 210:2,6,14 238:12 339:18 fully 88:12 93:10 138:2 141:20 157:9 175:14 256:13	295:19 function 222:10,14 functional 41:8 fundamentall y 32:23 38:3 funding 58:13,14,2 3 59:3 64:24 65:11 75:18 127:2,11 128:3 310:21 317:3 320:6 322:3,12 338:21 339:23 funds 310:1 funny 333:22 future 44:3 48:21,24 49:17 51:18 63:22 100:18 109:3,4 110:13 126:2,3,21 145:22 184:22 245:11 246:16 248:13 254:16 263:18 264:5 266:1 336:22 fuzzied 187:19 <hr/> G <hr/> gained 50:12 game 299:12	gap 335:5 339:1 gaps 280:19 289:8,14,1 6 290:3 335:2 gas 245:12 248:14 306:16 308:11 338:4 339:18 gather 196:14 309:1 gathering 308:25 Gener 308:7 general 109:19 137:20 140:10 142:10 154:13 156:10 164:4 166:23 173:10 282:11 316:6 generalizati ons 19:22 21:7 generally 196:3 238:4 308:7 generate 170:22 generations 271:5 generic 138:7 gentleman 67:12 gentlemen 82:8 203:19	geotechnical 13:19 21:3,9 24:2,19,20 25:5,11 27:23 117:18 gets 161:10 198:7 getting 163:18 181:11 183:19 192:12,13 201:19 202:23 267:5 273:14 280:4 336:3,7 341:9 GIS 329:9,10 gist 279:20 given 14:19 16:9 23:14 35:8,24 54:16,17 114:18,25 115:20 122:22 148:5 154:4,5 165:24 167:9 183:2 232:6 236:24 256:25 273:6 280:1 293:21 311:14 331:13 334:8,19,2 0 336:18 339:5 gives 100:15 136:12 335:17 giving 74:1 134:11	192:22 193:7 glacial 15:8,9 glance 47:4 184:16 Glen 4:8 293:9 312:13 314:11 319:7 322:23 327:3 GNW 316:2 GNWT 58:16 65:25 102:18 256:5 295:22 296:3,10 297:22 306:25 307:9 310:1 315:1 316:2,4 332:6 go-forward 201:23 gone 124:22 148:20 goods 82:22 83:17,19,2 0,22 84:2 85:13,15,1 7 94:20 Gordon 2:4 5:3 247:12,16 gotten 73:19 government 59:1 86:2 94:25 110:21 124:3 170:8 199:4 207:5 208:22
---	---	---	--	---

236:17	51:19,24	113:16	54:24	half 252:24
238:5	52:1	121:11		hall 10:21
241:11	165:6,21,2	132:9	<hr/>	halter 169:9
263:2	4 166:1	133:3,18	<hr/> H <hr/>	Hanbridge
290:12	208:21	179:23	ha 108:1	3:25 70:20
291:23	277:2	181:15	308:7	80:16,17,1
292:5,22	greatest	182:22	habitat	8
293:6	183:25	186:4,9,11	63:13	81:7,14,17
309:23	greatly	216:24	83:10	87:21,22
316:25	62:17	234:23	130:5	105:19
339:15,23	grizzly 9:16	238:1	137:11	152:21
341:3	243:25	246:20	138:19	153:18
government-	246:4	257:18	139:12,16	218:4
driven	250:11	277:7,17	140:5,15,1	240:13,17
339:16	256:22	282:10	9,22,24	246:12
Gowan 3:18	301:18,20	283:6	141:19	247:14,18
13:6,13,14	302:4	284:25	142:7	257:11,24,
17:3,6,10	304:14,24	285:3	144:5	25 258:6
25:24	339:9	329:5,23	145:8,10,1	259:5
26:14 29:5	ground 15:12	332:21	2,14,22,24	262:20
30:20	34:7 38:22	337:13	146:3,14,2	264:6
33:18	49:8 229:1	339:15	0 153:25	265:1,7
35:23	252:17	guidance	154:7,21	267:11
Gowan's 13:9	grounded	27:9	155:2	268:6,20,2
graphical	245:16	146:12	156:18	2 269:15
330:8	248:15	192:10	157:1,9	270:10,21
gravel 18:21	groundwater	guide	158:1,5,8,	272:9,18,2
108:6	207:24	40:11,13	10,19	1,25
122:23	208:4	guided 249:3	161:11,15	273:1,9,24
126:25	group 97:20	guideline	168:9	274:8,15
128:2	160:14,15	40:9 53:16	169:2,11	277:24,25
132:14	336:23	163:12	172:20	279:23
167:9,10,2	groups 75:12	164:5	173:5,6,8,	281:10,21,
2 248:21	93:12	guidelines	12,24	25
251:4	95:14	46:17	175:16	282:9,21
329:7,25	guards 137:7	102:10	193:22	284:5,20
330:2	guess 16:7	138:6	194:5	285:6,12
331:1,2,8	19:19	144:24	196:2,5	286:2
great 203:14	54:18	161:20	198:11	287:5
247:14	57:6,25	162:13	207:9	295:6
262:25	58:23	207:5,8	211:13	335:13
263:3	61:23	208:1	213:10,25	hand 179:20
268:10	67:11,21,2	209:7	214:18,19,	handled
271:8	2,23 68:21	guides 275:1	21 215:5	83:23
338:24,25	69:7 79:4	guiding	230:1	322:25
339:1	88:5	97:17	232:12	hands 281:6
greater	89:8,24	136:10	241:11,12	Hans 140:17
36:12	90:19	Gunn 281:13	habitats	happen 50:17
45:17	93:24	Gurdev 2:20	245:2	52:22
49:9,14			HADD 91:8	109:22
50:1			137:15	

233:3	139:21	293:13,15	171:18	106:24
258:25	141:11	312:9,12	182:20	189:13,14
265:25	159:10,21	314:2	199:15,20	235:19,20
277:12	174:7	318:9,10,1	200:20,22	236:8
308:8	241:12	6	202:1,20	285:13
320:3	252:3,6	322:9,13,1	231:23	332:7
happened	253:25	5 325:8	245:4	herd 252:25
267:8	257:2	326:5,8	296:22	heritage
308:5	268:9,14	hear 25:19	306:7	98:5
happens	270:14,20	48:10	337:17	he's 97:2
219:19	323:15,19	60:25	hectares	163:15
happy 45:6	hat 338:6	74:13	232:2	337:18
86:6 104:4	haul 36:11	149:17	he'd 337:17	hesitant
208:16	hauling	190:1	height 43:20	282:23
216:13	251:6	195:22	held 1:17	hierarchy
har 174:9	haven't	285:4	269:1	154:22
hard	51:16	heard 40:6	326:4	high 148:9
220:17,22	73:19	52:21,23	336:20	153:5
271:18	74:15 81:8	64:20	hello 96:24	higher 36:4
277:8	183:2,17	115:21	help 11:1	highlight
338:21	186:14	195:2,6	24:1 109:7	125:1
Hardy	230:13	241:5	173:15	136:5
24:6,17,24	231:2,5	255:12	178:20	204:6
25:3 31:25	265:19	264:16	187:21	highway 1:5
harmful	269:18	335:1,3,7	189:6	36:16
137:10	having 16:11	hearing 1:6	196:21	37:25
169:1,10	32:1 93:18	11:5 18:2	202:3	38:13 39:3
Harper	95:22	40:15	222:9,10	43:22 44:4
338:18	103:12	60:22	280:24	48:14,17,2
harve 286:14	169:6	114:1	309:15	2 49:4,23
harvest 72:9	194:11	126:9	helped 173:2	50:4,12
130:23	277:8	180:13	helpful 17:3	51:17 52:6
131:13,22	321:7	199:12,21	25:16	53:14
246:8	325:11	200:11	26:20,24	54:10,13
252:21,24	339:13	240:23,24	50:9	55:4 66:4
285:20	Hayley 2:15	241:23	177:19	83:3
286:3,8,10	hazardous	245:7	180:18	97:5,15
,14,15,16	83:22 95:2	250:23	181:17	101:6,10,1
harvested	209:11	264:11,15	186:10	8,23 102:3
71:9 72:17	head 341:12	284:22	201:9,17	103:1,6,20
252:19,22,	headed 28:10	289:15	202:5,11	,22 108:5
23 270:25	Headquarters	336:7	222:5,21,2	122:20
harvesters	292:18	337:10	2 263:12	135:22
275:12	headsets	338:4	hence 253:6	143:15,19
harvesting	10:22	340:17	336:25	144:9
71:4,12,14	heal 318:10	hearings	Herbert 1:11	146:14
72:2 74:12	health 4:22	10:5 42:21	55:24,25	159:2
75:5 78:22	7:11 11:4	58:12 64:2	78:13,14	160:3,7
		69:8	95:6 96:4	208:6
		112:11		212:2

213:23	27:9,13	251:14,17	142:22	identifiable
214:3,20	holistic	258:9,11	ice-rich	253:18
241:8	108:12	259:17,19,	164:13	identificati
244:14,20	home 326:9	25 260:1,4	167:16	on 63:13
256:7	homework	275:5,6	iconic	114:17
320:1	34:21	hummocky	101:24	224:4
336:4	49:19	15:8	I'd 10:8	253:5
highways	Hoos 2:11	hundred	13:15 17:6	identified
43:21	hope 17:21	27:10 35:8	21:18 22:4	20:4 44:2
317:10	31:7 51:21	56:12,13,1	37:7 40:17	71:8
hike 102:25	172:1	4 98:21	45:6 62:16	101:17
Hills 262:25	220:5	99:1	80:18 81:8	137:20
hire 100:2	321:17	103:19	82:14 97:6	162:4
hired 309:18	hopefully	153:1	111:9	175:18
hiring	181:3	237:2	112:13	176:17
318:15	321:15	251:11	128:13	207:20
historic	hopes 193:24	258:16	143:9	209:17
98:17	hoping 126:8	273:10	152:23	214:24,25
historical	197:21	291:3	153:21	235:3
49:3 50:15	hose	hunters	183:25	289:9,14
285:23	191:23,25	143:14	184:4	290:4
historically	192:13,23	160:2	190:15	331:10
308:16	hosted 136:4	hunting	200:6	identify
history 77:2	hosting	275:9	229:23,24	11:11
245:17	337:17	hunting's	233:23	123:17
248:17	household	275:11	239:20	157:19
hit 109:14	336:15	Husky 143:23	246:13,21	161:6
hits 109:13	housekeeping	243:25	251:19	173:18
Hodson 3:9	10:16	244:17	252:9	190:23
203:23	housing 4:20	250:11	258:19	192:8
221:25	7:10	251:5	260:14	210:7
222:1,2,18	293:17	hy 126:3	288:1	218:20
,19 228:19	312:6	hydra 129:16	311:11	240:10
230:2,12,2	313:24	hydraul	332:4	249:15
4 232:8,9	317:18,19,	129:8	333:1	250:24
233:4,5	22,24	hydraulic	336:10,15	253:5,11,1
234:22,23	321:20	63:22	337:14	2 255:8
235:16	322:5	126:3	340:9,16,2	272:20,24
237:25	324:22	128:17	3 341:8	288:13
239:1	325:1,4	129:8,16	idea 97:10	292:10
hold 40:14	HTC 160:15	hydrological	99:13	293:8
58:11	299:12,13	129:8	102:19	322:1
hole 20:17	HTCs 71:10	<hr/>	107:24	333:5,12
22:22	72:3	I	122:2	identifying
192:24	human	Ibyuk 99:3	177:8	289:21
holes 14:10	246:3,8	102:22	201:8	identity
26:6,8,9		ice 139:3	238:8	63:2 124:7
		141:8	275:24	IFA 62:25
			331:7	63:1 79:8
			ideally	98:16
			235:10	124:6

126:11	im 101:4	264:14	137:25	48:20
170:9		266:17	145:19,23	49:5,20
241:10	I'm 23:24	267:19	154:2	51:9,16
242:14	24:5,21	269:16	161:11	52:5,16,24
271:7,11	53:3,5	272:20	170:13,23,	54:8,12
289:11	55:8 58:15	273:10,25	24 171:19	55:2,7
	61:16	276:8,9	172:14	63:16,17,2
ignore 279:6	62:15	277:7,17	174:9	5
	66:16 68:9	279:6,9	175:2,13	64:7,14,19
ignoring	69:7 72:25	280:12	176:1	65:7,8,10
172:10	73:7 77:1	282:22,24	179:18,21	67:11
ILA 16:11	79:4,5	284:8	195:21	68:16
27:19	81:5 82:9	288:19	200:18	69:9,10
189:21	88:9	292:13	205:9	71:3,14
191:14,15	89:14,24	293:13,14	207:14	72:2,16
193:5	96:25	296:22	211:11	73:10
195:5	97:23	297:4	212:7	74:3,11
I'll	107:20	300:5	216:11	75:15
10:16,17	115:23	305:12	224:4,12	79:10
13:1 15:1	120:10	310:10	225:11	84:15
20:1 65:21	125:15	323:9,12	229:25	88:12 89:3
78:12	131:16	326:18	230:7,10	90:2 96:1
81:17	132:22,23	327:4	232:4	101:1,4
86:9,10	135:13	331:1	242:11	102:1
111:13	147:12	333:17,19	243:10,14	103:10
113:19	148:1,2	334:6	247:1	106:11
133:10	149:12,20	336:3,6,7	251:21	107:16
189:11	152:23	337:4	253:1,22	108:24
216:17	163:18	341:11	263:14	126:7,17
218:6	172:10		264:23	127:4,20,2
240:20	173:19	imagery	270:13	3 128:1
247:6,15	178:3	20:15	272:10	137:21
252:12	180:16,18		275:12	138:1,18
254:18	181:24	imagine	276:1	140:2,5
256:10,11	183:7,12	107:6	278:2,23	141:19
257:11,12,	187:17		280:14	142:20
18 258:1	188:5	immediate	283:15	143:17
276:12	190:12	68:7	301:4	144:5
278:14	192:1		306:19	145:1,21
283:21	193:6	immediately	307:5	146:2,13
284:25	197:21	58:3	314:10	154:1,7,13
285:11	203:20	149:25	324:23	,16,24,25
288:6	233:11	266:19	327:15	155:4
292:8	234:18	impact 1:1	328:3	156:25
294:2	236:16,21	10:7 39:10		160:17
295:9	240:17	47:5 51:18	impacted	161:14,16
326:24	243:16	53:6 66:8	140:20	162:12
334:3	246:5	68:6 69:11	157:7	168:8,9,11
	247:10	73:4 78:1	245:3	172:19
illustrate	254:18	90:9,22		173:12,23
247:25	256:9	94:8 95:19	impacts	176:25
251:7	259:2	97:11	43:17	177:9
illustrative	260:2	101:11,16,	44:18	181:7
80:23	263:8,22	18	45:19	194:15
		103:1,23	47:15	
		117:5		

198:11	20:19	83:22	204:8,13,1	5
204:23	41:10 43:2	195:21	7,21	108:11,15,
228:24	62:4 89:22	incineration	206:13	16,17
233:8	103:9	210:18	215:6	109:1,17
246:15	142:4	include 79:8	220:25	174:9
249:3,4,10	172:11	83:9 88:18	246:16	245:25
,16,17,18	180:5,10	93:16	315:4	246:2,7,8
253:5	265:20	140:7	319:10	258:14
254:7,14	266:5,21	141:5	320:1	318:22
255:3,18	298:4	174:16	inclusion	322:4,11
269:2	340:14	204:11	113:13,21	increasing
270:19	341:10	207:17	137:23	75:2
271:4	importantly	213:18	211:8	indeed 116:1
274:18,20,	48:10	245:10	213:7	327:15
21,22	249:16	246:6	income	independent
279:19	imported	248:12	317:21	189:6
315:16,17	83:23	270:17,22	322:4	indicate
316:8	imports 84:2	included	incomplete	9:17 26:23
318:21,25	impossible	16:2,14	141:17	42:11
323:18	254:2	52:24	incorporate	46:19
impediment	255:1,6,7	83:12	44:9 91:12	50:11,16
162:4	266:23	84:20	95:1	56:16
impeding	impression	113:25	201:15	116:19
148:10	16:13	121:22	264:12	118:24
impingement	336:3	137:4,6	incorporated	121:25
192:11	improve	142:13	43:13	132:10
implement	99:15	159:1	52:22	170:7
207:2	219:21	185:21	53:17	172:5
310:13	241:18	206:21	245:6	185:19
implementati	283:9	212:14,19	incorporatin	216:6
on 109:25	improved	213:11	g 49:15	225:8
213:18	322:15	226:8	141:11	226:6
229:6	improving	286:17	199:25	230:6,22
implemented	219:2	298:7	increase	285:2
235:5	inaccuracies	includes	46:5 47:3	304:1,15
265:3	112:23	14:9 15:5	56:20	327:23
implementing	inaccurate	45:12	75:4,5	indicated
136:8	242:10	97:20	101:20	13:25
155:11	inadequate	98:20 99:1	246:3	33:21 44:5
implication	214:6	143:3,25	251:14	53:13,15
91:5	250:9	144:3	259:15	73:3 74:9
implications	251:23	215:3	317:23	89:21
91:7,8,11	254:20	256:17	322:2,20	128:8
215:10	257:7	257:2	increased	143:21
imply 171:13	inappropriat	336:13	51:14	168:7
importance	e 21:6	including	56:24	200:10
256:25	27:4	43:21 44:6	102:2	206:23
important	incidences	98:3 99:3	103:10	207:1,24
		101:13	106:12	208:20
		138:17	107:5,14,2	209:3
		141:10		210:10,16
		146:1		234:3

315:1	215:19	168:4	265:5,8,13	152:2,4
indicates	241:24	169:4,5	,15,17	212:24
23:14	263:18	170:22	266:6,10,2	217:16,18
170:4	informa	171:3,4	1 269:23	261:25
231:12,19	126:15	173:2	271:21	288:2,8
indication	informal	174:18	275:21	289:4,24
197:8	76:12,20	175:24	278:6	290:8,10,1
indirect	information	176:14,18	280:1	4 291:9
246:6	13:6,16	177:12,14,	283:5	294:17,19
individual	15:4,23	22,24	284:10,15	307:11
243:12	16:8,9	178:18,24	285:24	316:23
315:3	20:17	179:2	286:19	317:6
317:2	23:25 24:2	180:2,8,10	300:24	320:25
induced	33:16,18,2	,21	301:16,18,	321:13
106:11	3	181:1,2,13	22	339:20
258:9	34:15,17,1	184:18	302:3,15,2	in-house
260:1	9 35:22	185:8	0 305:14	299:7
industry	38:21,24	192:17	306:6	initial
4:16 7:9	42:17,20	193:21	307:23	147:3
293:18	44:9 53:4	194:17	308:12,13,	196:3
312:1	61:10	196:16	15,25	257:3
313:21	63:9,12	197:7,9	311:17	274:20
315:11	64:4,6,8	199:17,20,	312:2,7,10	initially
316:14	66:18	25	,15,25	52:17
320:23	71:2,13,20	200:17,21	314:4,9,12	266:15
324:16	,25 73:18	201:8,12,1	,15 316:7	initiated
336:4,22	74:16,24	5,22,23,25	320:12	102:17
337:8	85:18	202:11	321:21	167:14
339:17	88:19 89:2	205:3,5	322:10,18,	initiates
INFC 289:7	91:4,21	206:1	24	167:21
in-fill	93:2,4,14,	209:14	326:11,13	initiating
155:1	20	211:7,10,1	328:6,17	298:23
influ 301:5	124:13,15	1 214:7,14	329:11,12	initiation
influence	125:21	215:2,9,11	330:16,20,	167:15
9:15,19	126:15,16,	,13,19	21	initiative
139:15	18 128:16	222:11,21,	331:5,16,1	336:4
215:7	129:17	25 225:24	9,22	initiatives
299:25	130:4	226:24	333:19	276:24
300:8,14	135:25	227:5	334:1,3,17	in-kind
301:6,11,1	136:1,3,6	228:2,13	,19,20	271:15
7	139:19	230:17	335:2,5,10	inland
302:5,6,18	141:17	231:23	336:18,24	136:15
,25 303:25	142:14,24	232:11	337:10	input
304:2,13,1	143:3,7	234:17,21	341:5	93:3,12
9	144:3,7	241:17,21	informs	139:20
influx 319:4	145:2,9,17	242:13	221:6	140:7
inform 89:3	146:8,9	244:18	infrastructu	211:20
177:19	147:14	245:2,5	re 3:12	216:3
	154:19	247:4	40:10	
	155:12	249:11	46:19	
	156:4,9,10	250:1	70:11,13	
	160:12	263:22,25	87:11,13	
	162:10	264:3,7,10	105:6,8	
		,18		

221:14	63:10,18	99:23	306:5	146:14
325:4	124:15	331:24	intimately	244:16
inputs	193:21	interests	40:16	247:19
260:19	insurance	97:14	introduce	251:11
inqu 257:7	326:9	98:12	82:4 96:20	252:17,24
insert 23:5	intact 97:11	136:10	134:25	292:14
inside	intangible	interpret	203:13	293:19
101:14	271:7	37:14	introduced	296:9
insight	integrated	interpretati	97:14	299:12
334:9	262:14,23	on 10:23	introduction	300:21
insignifican	276:25	46:8 68:14	189:17	317:25
ce 224:14	integrity	108:17	190:3	336:16
Insofar	26:10	215:9	240:20	337:16
232:8	97:12	222:23	284:21	338:9
inspection	intend	interpretati	introduction	investigate
195:24	161:18	ve 102:24	s 336:8	34:21
installation	192:18	interpreters	Inuv 63:4	investigated
138:4,16	intended	10:25	Inuvialuit	13:18 20:9
172:15	115:4,9	136:22	63:2,4	24:25
installation	192:11	340:10	66:2 78:23	25:4,11
s 83:10	241:1	interpreting	123:25	38:17
137:23	336:24	340:11	124:7,8	investigatio
installed	intends	interpretive	159:2	n 14:21
150:11	208:6	103:12	190:6,19	20:5
194:13	intent 66:17	interrupting	191:9	25:5,12
installing	68:18 69:8	136:21	205:15	27:23
138:1	211:17	intersect	241:10	38:15,20
194:1,2	216:1	175:22	252:20,21	investigatio
instance	241:18	intervened	270:19,23	ns 21:9
173:18	242:16	305:11	271:5,16	24:20
174:8,13	283:13	intervening	272:7,12	117:18
220:2	intention	296:15	273:11	266:8
instances	42:12	Intervenor	286:3	Investment
175:17	46:20	296:7	333:21	4:17 7:10
instantaneou	202:14	297:2,4,6	336:18	293:19
s 143:10	interest	Intervenors	337:8	312:1
162:15	52:13	186:6,8	341:2	313:21
instead	80:19	255:13	Inuvialuk	315:12
118:19	101:20	289:14	98:7	316:15
instructions	interested	340:25	Inuvik	320:23
290:6	79:6	Intervenor's	1:5,20	324:16
instruments	103:13	296:21	4:10 8:3	involved
176:16,19	161:9	intervention	10:6 11:18	253:23
177:5	190:13	205:13	12:10 28:1	involvement
insufficient	211:19	intervention	55:1 56:16	110:6
interesting	212:10	s 296:4	118:14,19	IR 114:16,25
	216:3	298:17	119:22	312:25
			122:18,23	IR-74 302:4
			123:22	irreconcilab
			135:18,21	

le 278:23	234:14,16, 18,20	181:9	328:1	203:23
IRs 302:17	235:1,3,14	186:22,23, 24 189:7	330:16	217:13
isn't 36:6	236:18	190:2	331:3	222:1,2,19
254:1	243:1	191:13	332:21	228:19
274:23	292:25	193:11	333:22	230:2,12,2
287:8	312:22	203:3	335:15	4 232:8,9
isolation	issuing	217:1	337:2,25	233:4,5
138:15	194:18	218:22	338:5	234:22
ISR 273:6	item 25:22	220:17,22	339:1,15,1	235:16
issuance	208:4	221:2	6,18,19,20	237:25
155:13	251:19	222:5,9,19	,24	239:1
156:6,11	items	225:25	340:13,14, 25	261:20
issue	129:17,20	227:10	I've 37:9	294:14
12:15,19	183:11,15	230:24	52:21	Jan 3:19
52:13	it'll 111:24	241:1	114:9	Jean 88:1
53:5,6,9,1	it's 13:13	243:6,18	168:7	97:1 152:7
0 58:23	15:25	247:20,21, 22,25	232:11,15	217:21
90:9 91:24	19:21 21:5	249:6	233:11	Jean-
94:7	29:16 30:9	251:5,6,7, 15 252:25	244:24	Francois
110:10	31:22 41:2	254:2,9,13	259:24	3:22 88:1
113:13	50:23 54:4	255:23,24	264:16	152:7
121:19	59:18	260:4	272:21	217:21
133:20	60:25 62:4	263:8,10	278:10	Jim 2:10
138:20	69:22	265:23	284:13	11:23
144:20	75:11,13	266:2,22	333:15,24	17:25
145:15	76:13 77:8	270:15	335:1,3	35:11
147:4	83:19	276:6	338:3	56:25
150:7	86:20 88:8	278:11	339:3,5	57:19,24
193:15,17	89:22	279:2	<hr/>	58:22
206:1,12	94:13	280:9	J	59:17 60:2
219:7	99:23	282:9	Jagpal 2:20	61:8 62:3
221:13	104:16	286:11	54:24	65:20
243:11	107:4,13	290:10	James 3:7,9	67:1,21
260:16,21	108:1	291:22	62:11,15	68:3,21
265:22	110:17	292:21	113:10	69:14
issued 27:18	114:16	293:2,25	123:20,21	86:14
285:1	118:25	296:8	124:20,24	104:11
issues 59:5	137:12	298:4	125:3,6,9, 12,19	112:19
66:3 76:16	145:6	300:23	128:13,15, 19,22	113:20
82:23	148:18	303:21	129:1,13	115:13
100:24	150:16	306:10	130:8,11,1	116:5,12,2
102:5	151:10	308:18	3,16	2 117:15
109:4	153:4,5,7	309:11	131:1,10,1	118:7,18
141:5	158:5,7	312:18	6,20,25	119:5,21
182:17	161:13,15	313:3	132:9,13,2	120:15
187:12,13	164:4	315:21	2	121:1,9
204:7,10	166:24	317:25	133:9,18,2	122:8
205:24	170:21	321:8	3 134:14	123:4
207:20	171:16	323:8	151:19	128:12,21
210:21	175:4	324:22,23		129:5
	178:15	325:20		130:2,10,2
				1

131:10,20	283:20	20:18	248:16	177:18
132:6,17	284:18	33:24	249:24	277:15
133:3,17	303:21,22	34:19	253:10	Kirkland
134:1	304:7,8	38:23	259:17	3:15
146:24	Joint 3:6	188:3	265:22	82:7,9
147:2,17	12:17 60:9	222:7	276:2	86:9
148:13,22	61:2	274:23,24,	Kiggiak-EBA	88:5,23,24
149:6,16	105:2,17	25 277:13	18:9	89:12,13
150:19	123:22	278:11,13	29:3,17	knolls 15:11
151:5	143:13	279:20	30:18	knowledge
202:8	160:16	280:8,15,1	31:5,12,23	42:18
203:1	286:4,20	8	32:17	132:3
216:21	Jorgensen	June 58:25	33:12	205:5
257:16	4:22	247:23	35:21	243:3
258:1,19,2	293:12,13	jurisdiction	39:22	249:12
3 260:13	312:8,9	108:22	40:20	254:5
294:4	314:1,2	justice 4:7	41:19	273:1,14
job 11:1	318:8,9	7:12	42:5,17	291:13
64:2 75:19	322:8,9	199:5,7	48:4 51:6	329:20
178:5,7,14	325:7,8	293:10	54:4,24	330:20
,15 271:9	326:2,17,2	312:14	Kikoak 1:12	335:3,14,1
285:7	4	314:13	56:4 78:16	6,21
John 2:3	Joynt 2:23	319:8	94:17 95:4	knowledgeabl
72:24,25	70:3 86:24	322:24	107:1	e 135:19
74:7,8	104:20	327:4,5	189:16	known 64:8
75:23	135:5,17		190:2,15	84:4 101:7
76:11,22,2	147:9,10,1	<hr/>	191:18	117:8
5	1,23,24,25	<hr/>	192:21	126:19
77:1,14,15	148:17,18,	kames 14:15	193:18	168:15
78:9 88:8	19	15:9	195:3	243:17
89:7,8,18	149:10,11,	Karin 4:7	197:15	Komers 2:5
90:18,19	19,20	199:6	198:12	153:22,23,
91:19,20	150:23,24	202:4	237:10,11	24
92:9	153:12,13	Kate 3:3	238:9,10,2	155:17,18
106:20	157:4,5	Kavik-	0,21 239:4	156:13
169:21,22	158:22,23	Stantec	285:15	157:12
171:9	159:13,14,	19:19	332:9	158:16,17
178:2	23,24	22:20	Kikoak's	159:5
179:8	163:2,8,9,	23:24	191:7	218:8,9
181:21,22	11,17	24:15 25:4	kilometre	219:5
182:21	165:11,12	27:4	37:24	220:9
183:7,24	189:23,24,	key 63:13	143:23	221:10,18
185:15	25	82:20,23	215:7	222:8
186:12	190:20,21	144:16	251:11,16	223:4
187:18	191:11,12	177:14	kilometres	233:25
189:4	193:9,10	180:1	98:20	234:1,3,5,
233:20	196:25	181:12	251:5	9 235:13
274:6,7	197:1	204:6	kilopascals	262:10,12
276:6,7	217:7,8	243:20	163:13	263:11
279:5,6	judged	245:17	kinds 76:1	264:21
280:22	243:13	246:20	88:18	265:2
281:18,23	judgment			
282:1,9,10				

266:25	208:1	Laser 247:12	242:10	171:14
267:23	271:6	last 12:13	259:3,8	251:13
268:17	275:8	22:14 58:9	leadership	282:13
269:7	landforms	72:9,14	338:14	lesser 49:10
270:1	14:20	75:24	leading 72:1	lessons
295:11,12,	landmark	114:3	236:23	43:20
13 296:14	97:3,16,18	128:3	241:14	49:16
297:3,20	98:2,3,6,9	132:7	learn 334:15	51:21
298:15	,11,12,15	140:13	learned	lessons-
299:21	99:13,16,2	150:20	43:20	learned
301:2,10	1 100:6,19	196:7	49:16	141:2
302:1	101:3,8,14	230:9	51:22	let's 187:22
303:2,7	,21	240:2	learning	267:1,7
304:23	102:15,17	246:20	109:21	298:16
305:6	103:4,8	247:8,23	337:25	307:19
306:1	106:2,5,11	250:16	least 45:20	letter 8:3
307:19	,12 107:8	251:9	193:25	11:18
308:23	108:21	255:10	196:18	12:10
310:6	110:11	257:25	212:10	66:6,17
311:4,7	landscape	258:2	245:14	67:13
Kuptani	242:24	264:16	251:22	73:2,9
340:10	landscapes	268:15	286:14	79:1
	243:16	269:8	leave 113:1	213:20
<hr/>	lane	282:10	284:8	288:3
L	122:20,21,	289:5	led 19:3	289:3,6
lack 174:2	25	291:21	243:15	291:2
254:25	language	323:21	263:1	295:15
256:16	10:24	332:21	legislation	297:18,19
258:10	76:13	333:16	90:8	314:24
ladies 82:8	large 139:25	340:12,19	94:5,7,24	level 34:5
203:19	161:13	lastly 13:2	95:1	43:13
lake	260:7	85:12	136:11	242:23,24,
167:21,23	271:21	127:14	204:17	25 251:17
191:23	largely	141:21	222:3	253:7
238:11,12	242:1	late 61:3	315:8	267:18
lakes 143:23	larger 14:15	later 44:1,6	336:14	levels 25:25
162:22	15:1,7	46:14	legislative	163:13
164:8	20:3,12,22	62:10	59:6	267:19
165:5	,25 21:2	69:16 81:3	110:19	276:19
167:8	25:3 48:15	89:2	length 85:21	liable 269:2
237:12,14,	243:10,14	266:22	267:2	library
15,20	248:4	launch 99:14	lengthy	286:5,12,2
243:25	251:8	lay 281:6	240:2,16	1
244:17	258:15	layer 36:16	less 19:4	licence
250:11	269:24	46:21	49:25	59:22
251:6	largest 99:4	99:10	51:24	93:25
land 16:12	233:2,6	le 297:17	133:19	205:10
34:3 57:5	Larry 3:24	lead 46:10	155:11	life 46:1,25
138:6		106:4		245:17
190:6,19		225:17		
191:9,15				
207:8				

248:17	297:19	317:10	26:3,19,21	176:3
lifted 148:6	298:5	little 20:2	103:22	long-term
149:23	linear 281:4	40:4 61:3	114:7	98:12
light 109:13	308:9	80:2 96:6	122:22	144:17
181:24	linkages	98:24	location	257:8
195:13	63:13	125:21	102:23	269:24
likelihood	linked 250:3	136:22	114:17,24	274:22
36:4	lip 150:10	147:14	116:20	long-winded
119:22	list 6:3,4	166:13	119:15	16:22
268:4	8:1 9:1	179:9,18	120:5,6	loss 58:13
likely 16:19	34:12	180:23	147:7	145:5,6
36:7 37:18	39:15	200:4	155:5	159:2
38:5 51:25	117:25	203:5	locations	214:19
107:14	120:4	244:7	35:25 51:7	252:2
110:17	170:1	250:7	83:14 91:4	253:24
119:23	201:1,5,7,	254:18	115:2,9,20	257:2
228:24	19 209:24	267:25	,25 116:1	270:14,19
250:15	213:2	271:1	118:9,14,1	losses
267:25	218:11	279:8	7	138:18
299:14	288:19	282:13	121:20,21	145:7,8,11
307:13	293:22	293:23	139:14	,12,14
309:14	listed 39:13	308:8	140:18	158:1,4,6
Likewise	118:8	324:23	143:4	271:2
173:4	204:22	338:6,7	209:15	lost 155:2
Lillian 10:9	232:2	littoral	lodge 237:18	252:4
Lilliane	234:14	164:24	lodges	268:15
340:11	listen	live 271:6	237:15,21	lot 57:2
limit 59:3	333:16	325:21	238:13,14	107:6,7
212:24	334:10,15	Liz 1:10	log 193:4	181:3
242:19	338:1	56:8 79:21	logs 14:9	186:17
291:5	listened	94:13	22:23	193:11
limitations	313:5	109:10	long 47:9	198:8
254:24	listening	194:24	67:23	201:3
limited	334:19	239:9	92:17,18	251:13
15:22 16:8	335:6	286:23	174:24	263:23
39:11	336:6	332:13	175:5	267:20
68:7,16	listing	loader	196:16	280:2,19
69:10	204:23	237:17	203:3	330:19
205:2,12	literature	lobbied	240:2	339:8
237:2	19:25	338:21	253:22,23	lots 339:6
244:19	20:4,7,12,	lobby 10:20	256:15	love 149:17
325:17	23 21:5	local 27:21	287:13	lower 15:12
line 17:18	30:18	34:7 98:7	longer 16:4	144:25
23:11	35:25	99:17	46:10	luck 340:4
28:20	302:20	103:2,15	115:21	lunch 12:18
208:23	litres	254:21	120:6	61:15 80:2
220:12	208:22	269:11	203:6	111:9,24
229:20,21	litter 125:8	325:4	252:3	112:4,13
295:13		located	longest	
		25:21		

	69:14	161:7	272:4,13	maintain
<u>M</u>	72:24 74:7	162:1,8,18	273:3,16	62:25
Ma 89:13	75:23	163:2,8	274:2,3,6	110:1
Mackenzie	76:11,25	164:10,20	276:6	271:16
244:17	77:1,14	165:3,18	279:5	maintained
245:12	78:10	166:10,22	280:22	144:16
248:14	80:18 82:7	167:5	282:2	148:15
272:6,16	86:14	168:14	283:20	maintaining
273:7	88:25	169:11,14,	284:18	79:6
306:16	89:8,13,18	21 170:19	289:2,24	maintenance
308:11	91:19 92:9	171:9	290:20	44:20 47:6
338:24	96:8	176:10	291:19	49:17
Madam 11:23	104:11	178:2,12	294:4,14	51:25
13:13	105:15,25	179:8	295:2,12	52:3,19
16:21	106:8,16	181:18,21	297:11,16	53:1,18
17:5,15,16	112:19	182:9,16	298:3	major 56:18
,25	113:10,20	183:1,17,2	300:4	72:9
18:10,14,2	114:13	4	303:2,15,2	140:16
4 19:21	115:13,18	184:16,23	1 304:7	144:8
21:13	116:5,12,1	185:4,15	306:8	258:10
22:1,12	8,24	186:12	309:10	259:14
23:9 24:10	117:2,15,2	187:18	310:23	majority
25:15	2	189:2,5,9,	311:22,25	313:4
26:25 28:4	118:7,12,1	24 190:20	312:5,16	320:3
29:2,8,16,	3,18,23	191:11	313:20,23	makings
24 30:5,9	119:5,9,21	192:7	314:18	280:7
31:17	120:2,21	193:9	320:22	Malone 3:7
32:5,21	121:1,9,17	196:12,25	323:5	62:16
33:11	122:8,16	198:17	324:5	80:6,9
34:25	123:8,20	202:4,8	327:12,18,	113:2,9,10
35:11,20	125:12	203:1,3,17	21	123:11,20,
37:3,20	128:12	,18 216:21	328:9,15,2	21
38:10	129:5	217:7,13	1	124:19,20,
39:7,21	130:2,8,10	218:10,18,	329:4,16,2	24
40:1,20,24	,13,21	21	2 330:6,14	125:3,6,9,
41:19,23	131:1,2,25	223:5,12,1	331:13,18	12,19
42:4,10,16	132:6,13,1	3,20,21	332:2	128:8,19,2
,24 43:11	7,22	224:2,9,19	337:11,21	2
44:15,24,2	133:3,9,17	225:7	magnified	129:1,7,13
5 45:5	,23 134:1	226:5,16	265:12	130:7,8,13
47:23 48:3	135:11	227:14	magnitude	,15,16,25
50:7 51:5	147:2,10,1	228:11	29:11	131:1,15,1
52:10	7,24	229:10,19	main 10:20	6,24,25
53:20	148:14,22	230:4,20	14:18	132:12,13,
54:3,16,23	149:6,16,1	231:9	16:5,13	21,22
55:15	9 150:19	232:21	37:23	133:8,9,22
56:25	151:5,19	233:16,21,	126:12	,23 134:14
57:19,24	153:23	25 234:5	240:22	151:19,20
58:22	154:9	240:14	242:17,25	217:13,14
59:17 61:8	156:2,23	257:16	mainly	261:20,21
62:3,15	157:21	258:1,19	107:15	
65:20	158:24	260:13	160:9	
68:21	159:5,14,2	261:20		
	5 160:24	262:13		

294:14,15	212:2,6,9, 15,20	73:24	302:5	49:3,12,22 ,25
man 60:3	213:3,7,12	77:8,18	Marsha 4:4	50:1,15
manage 66:2	,16,17	78:2,4	292:13,19	54:9,12
72:15	215:23,24,	79:6 88:17	296:8,9,17	55:3,7
98:11	25 218:3	89:1,22	297:11,16	61:11 62:5
106:10	224:24	90:24 92:4	298:3,4	115:6
110:12	228:21	109:20	299:3	184:3
143:14	229:2	110:1,24	300:4,5	208:24
160:3	234:17	126:11	301:8,14	314:14
194:14	235:11	127:4	302:13,14	329:8
276:2,3	237:11	135:22	303:15	330:2
319:16	238:16	175:23	304:5	
	239:21	204:3,15	305:1,20	materials
managed 97:9	240:18	205:6,14	306:8,9	23:4,16
98:16	252:21	219:25	308:3	26:21 28:5
108:12	257:22	221:5,20	309:10,11	37:22
110:11	258:4,7,24	270:16,22	310:23,24	46:16
146:15	259:6,22	307:8	311:22,23	47:6,10
238:4	262:21	312:23	312:16,17	90:20 95:3
339:15	263:19	313:9	314:18,19	172:6
management	264:5	314:21	319:24	210:15
3:4,6,24	265:21,22	324:18	323:5,6	283:24
12:17	266:9,14,2	341:1	324:5,6	284:22
40:10	0 267:16	mandated	327:18,19	331:8
46:18	272:7,14,1	64:19	328:1,2,15	
50:13 60:9	6 273:8	94:24	,16	matter
61:2	274:16	196:11	329:4,5,22	134:11
70:19,21	276:22	319:8,18	,23	330:22
73:12	277:1	mandates	330:14,15	matters
87:16,22	280:7	317:2	331:17	10:16
97:15,17,2	282:22	mandating	332:20	114:15
1	284:6	79:13	material	136:2
105:2,17,1	295:4	manner 26:15	11:24	181:4
8,20	298:16,19	36:15	14:12	220:3
110:22	299:7	155:15	19:10	241:11
113:14	306:3	207:21	21:1,9	
114:1	308:15	250:21	23:15	maximum
123:22	312:22	274:19	25:21	121:25
136:13	336:12	manual	26:4,17,19	may 17:16
141:9	339:7	142:11	27:8,12	18:23
142:8	manager	map 99:20	28:8 33:22	23:10 25:6
143:13	82:10	330:9	34:2,5,8,1	36:11,13
152:20,22	96:25 97:2	mapping	4 35:7	37:21,22,2
158:13	135:14,18	20:14	36:4,7,10,	3,25 38:1
160:5,16	203:21	63:13	12,14,15,1	46:1,13
174:7	managing	329:12	8	47:4,19
204:12	71:9 76:3	marine 82:21	37:16,19,2	49:24,25
206:10,14,	78:21	203:21	3	52:6
15 207:3,6	159:10,20	markedly	38:4,11,12	56:19,20
210:11,14,			,14,16,23	58:1 73:22
19,23			39:1	75:5,6,24
211:16,23,	mandate		44:3,20	83:8,14
24	63:16		45:9	84:14
				88:20 91:8

93:7,8	124:21	50:8	140:2,10	326:3,13
103:22	129:6	51:4,5,6	141:24	meetings
110:5	133:4	52:11	144:24	68:15
115:23	134:19	53:19	145:11	76:8,12
117:1,5	147:13	54:2,3,4,2	154:15,20	272:22
127:20	187:11	2,23,24	155:3,9	273:11
131:4	191:6	mean 36:5	168:11	340:24
132:3	201:24	46:1,5,11	173:21	meets 263:3
138:9,14	220:11	76:13 95:7	174:1	Meghan 2:6
139:14	231:4	171:13	175:6	70:25
140:19	283:21	173:14	176:24	71:24
144:7,17,2	288:6	193:3	177:6,18	72:14,22
0 155:11	292:9	219:23	193:13	159:8,9,18
161:14	293:4,7,22	245:18	194:14	160:21
171:22	307:21	268:1,2	207:7	270:5,12
178:24	308:8	291:10	211:3	271:25
180:6	311:23	293:4	212:13	311:8
184:20	322:2	301:24	216:1	313:12,16
189:7	mayor 4:10	313:2	219:2	314:23,24
195:23	7:16	323:8	224:16	317:13
199:13	337:16,18,	330:3	226:8,10	320:9
206:6	20,21	meaningful	227:17	323:20
209:9	338:9,11	63:4 124:9	234:15,18,	324:13
211:6	340:8	means 36:11	21 235:9	325:24,25
214:11	McArthur	45:1 89:25	254:21	326:14,21
216:13	2:19 18:5	137:9	257:7	327:8
221:13	20:2	181:10	meat	member
222:13	McGregor	242:23	252:14,17	1:11,12,13
224:25	2:13	274:14,17	271:2,14	,14 5:3,4
226:23	18:4,8,9	325:2	mechanism	198:6
231:15	22:13	meant 36:10	72:1	238:15
234:1	29:1,2,3,1	150:13	mechanisms	239:10
237:1,5	5,16,17,24	338:16	192:8	333:20
246:18	30:4,5,16,	measurable	medium-case	336:2
269:5	17	276:18	266:3	members 34:1
307:1,11,1	31:3,4,10,	279:15,17	medium-sized	48:10
2 309:18	11,21,22,2	measure	15:2	62:15
315:10	3 32:15,16	150:14	medium-type	78:12 82:8
322:3	33:10,11,1	158:9	93:17	84:13
328:11,18	2	166:4	meet 85:8	92:12
331:6	35:19,20,2	196:7,8	95:8,13	132:2
336:21	1 38:9,10	263:16	126:10	135:12
338:5	39:5,7,20,	measured	200:20	150:1
maybe 13:8	21,22	100:21	205:18	160:15
37:24	40:15,19,2	263:14	307:14	189:12
46:14 47:2	5 41:17,18	279:17	313:9	203:18
52:11,18	42:3,4,5,1	measures	317:20	233:23
62:9 65:21	5,16,17	63:24	meeting	334:10
78:24	43:10,11	88:14	139:17	337:23
92:13	44:23,24	126:5	161:20	341:11
93:13	47:21,22			memorandum
102:2	48:3,4,6			
107:12				

97:18	253:13	261:24	minimum	99:16
108:10	metre 103:20	289:23	37:15	106:10
mention	metres 15:18	290:9	Minist 319:9	145:1
82:23	26:4 27:10	291:8,13,1	Minister	158:4
mentioned	28:15,24	8,19	4:12	176:25
34:6 97:13	29:4,19	294:18	136:13	177:9
100:10	32:9,24,25	milestones	137:11	227:19
104:2	33:3,5	59:4	170:5,6	228:24
156:15	85:21	millimetre	223:22	mitigated
162:20	100:21	191:20	225:10,16,	162:13
201:3	143:22	million	22 226:1	177:4
203:19	162:25	14:12	235:22,24	249:5
204:10	163:1,11,1	15:14 26:4	236:4,6,10	mitigating
218:23	9,20	28:15,24	,20 237:1	71:11
226:9	164:7,20	29:4,19	319:9	109:6
234:13,24	165:6,21,2	32:8,24,25	338:18	mitigation
254:23	5	33:3,4	Minister's	63:23 68:6
265:20,21	167:11,19,	59:1	171:21	88:13
310:7	22 231:20	252:7,13	minor 85:7	126:5
317:7	metrics	257:4	144:7	138:14
320:25	232:13	291:3	247:10	140:10
321:12	M-hm 265:1	mind 129:21	minus	141:24
323:1	mic 333:6	159:15	46:6,7,12	143:17
mentioning	Michael 2:18	172:25	minute	144:23
97:6	middle 21:20	202:25	25:18,20	145:9,11
Mero 4:19	231:11	243:19	60:7	146:11
293:16	247:17	267:22	198:20	154:15,19,
312:5,6	305:22	269:16	287:12	23 155:3,8
313:23,24	mid-June	287:21	303:2	158:1,2
317:17	213:20	335:18	minutes	172:21
321:19	Midnight	mind-set	111:23	173:21
324:21	1:19	335:20	326:3,16	175:6
met 145:17	migrate	mine	mirage	177:6,18
162:13	150:5	231:13,20	262:18	194:14
289:12	migration	232:5	misprint	211:3
318:10	144:16	323:22	29:11,18	216:1
meted 334:12	migratory	339:17	miss 305:24	219:2
method 26:11	194:17	mines 323:23	missed 50:22	224:16,25
210:18	204:13,20	miniba	60:1	225:5
methodologie	213:6	161:14	255:11	226:8,10,1
s 250:19	238:2	minimal 65:8	missing	9 227:17
methodology	miles 3:12	127:23	335:3	234:14,17,
22:21,24	70:12	154:1	mistake	21 238:8
27:11,14	87:12	161:14	256:9	243:3
260:19	105:7	minimize	mitiga 109:6	247:1
274:18	152:3	49:17	mitigate	254:17,20
methods 21:4	217:17	95:19	51:21	255:5,9
27:7,24	247:21	167:8		257:6
146:5		198:11		263:7

16,17 316:8 mitigation/ remediatio n 244:2 mitigations 102:6,13 104:2,4 108:24 130:4 138:3,8,17 140:2 172:16 228:3 269:14 323:16,17 model 265:24 266:2 275:20 modelled 48:23 modelling 44:8 53:4,8 55:6 models 48:9 213:25 214:18 modes 83:19 85:17 moment 35:12 47:22 53:19 57:20 78:15 116:6 121:2 135:5 148:23 163:3,22 166:9 182:9 184:23 246:18 279:7 297:12 moments 57:25 Monday	340:21 money 291:11 monitor 99:9 189:19,21 190:18 191:24 192:25 193:3 196:18 276:3 300:25 315:6 319:1 322:17 monitored 213:19 monitoring 51:20 71:11 72:2 76:3 79:10,12 99:8 108:16,23 109:2,3,17 144:4,9,14 ,17,19,24 145:12 146:11 151:2 159:9,20 160:10,17 174:25 175:1,8 189:19,20 190:3,14,1 7 191:5 192:16 193:8 194:15,23 195:3 211:2,7 234:15 244:3 247:1 250:2 253:4 254:1 255:11,13, 14,17,18,2 1 256:6 257:8 262:15,24	263:7,15 264:4 265:15 266:8 273:12 276:23 298:19,24 299:2,9,18 ,24 300:10,11 301:6 305:8 306:3,11,1 2 309:2,3,6, 19,20 310:8,9,10 ,12,14,17, 20,25 311:1 313:8 320:5 324:8 325:1 monitors 190:5 191:8,10,1 3,16 195:20 197:7 212:22 month 46:13 197:4 months 266:12 morning 10:4 13:3 17:22 30:20 33:22 35:24 55:9 61:5 65:24 82:7,17 114:23 115:21 124:23 134:11 morphology 173:24 mortality 211:12	mos 123:23 mostly 99:9 240:4 295:14 mouth 150:4 move 12:14 13:9 58:5 74:1 125:8 183:14 254:18 267:1 295:9 298:16 307:20 333:1 339:13 moved 12:21 37:25 moves 275:23 moving 14:24 15:24 43:15 58:2 78:6 79:15 84:7 127:2 160:13 197:3 251:15,16 275:13 340:20 multiple 253:23 258:9,14 260:1,5 multitude 259:19 268:12,24 muskegs 107:13 muskrat 237:15,17, 21 238:13,14 myself 16:11 54:24 97:14 152:23 171:10 272:22 336:19	339:3 <hr/> N <hr/> na 84:22 narrow 14:5 narrower 186:21 Nasogaluak 2:7 5:4 333:9,13,1 4 335:25 336:1 337:13 nat 249:17 Nation 95:25 national 63:5 98:16,17 124:10 Nations 95:14 96:1 natural 4:4 15:5 49:8 98:2,4,9 220:5 268:13 269:6 279:16 292:14,17 308:14 310:3 328:16 330:15 331:14 naturally 249:17 nature 53:4 98:2 156:10 158:13 185:12 195:23 221:2 navigability 90:10 navigable 83:2,6,11, 14,15
--	--	---	--	---

84:16,21,2 2,25 85:1,11,23 navigate 83:7 navigation 84:15,19 88:12 89:4 95:19,21 navigational 88:12 nearly 46:3 necessarily 253:17 270:8 313:3 318:24 necessary 195:24 242:13 256:2 263:21 315:3 323:4 necessity 305:7 needy 64:5 negative 101:11 276:1 277:1 315:17 318:24 negotiated 77:22 271:8 325:12 negotiations 316:16 neither 337:7,8 nest 101:7 211:5 nests 213:7 net 145:5 Neudorf 4:12	40:7 newly 167:14 news 338:24 nice 219:9,23 235:10 niceties 336:9 night 247:8 noise 101:1,5 102:13 211:11 non- cumulative 255:3 none 273:25 274:13 no-net 145:5 159:1 no-net-loss 156:15 157:14 158:18,19 non-existent 254:22 non- significan t 243:13 250:12 251:25 nor 215:10 Norbert 340:17 normal 256:7 normally 226:24 298:18 300:20 305:14 306:5,11 320:3 north 16:5,14 48:7 57:13 59:20	82:14 114:20 115:1,19 116:2 117:23 121:21 122:10 176:24 247:19 281:5 north-end 115:9 northern 3:3,18 13:14 16:5 63:3,5 69:21 82:11,14 124:8,9 151:8 208:1,2 209:6 273:21 northernmost 100:12 Northwest 4:19 7:10 138:12 142:11,23 207:6 208:22 255:17 291:23 292:22 293:6,10,1 6 309:23 312:6 313:24 317:17 321:19 324:21 note 28:5 74:24 84:8 112:22 138:7 193:4 206:22 noted 62:7 82:9 83:13,24 84:10 85:2	115:3 143:5 207:15 333:17 notes 138:22 139:13 143:25 nothing 60:25 305:23 noticed 150:1 notices 192:25 noting 315:21 notion 64:18 November 46:12 np 5:3 NRCan 11:4 NT 1:20 numerous 333:24 NW 310:2 NWPA 90:15 91:6 92:5,25 94:4 95:21 NWT 92:20 272:15 292:6 325:3 <hr/> O object 61:18 objected 61:20 284:15 objection 11:24 68:2 113:17,21 284:21 objections 11:21 12:22 61:4	114:2 284:9 objectives 97:22 110:1 299:2 305:8 objects 108:9 obligations 64:25 65:2 95:23 110:21,24 127:12,15 205:19 315:8 observation 147:20 observations 33:20 34:3 38:21 48:11 observer 337:5,6 obtain 126:8 194:21 331:19 obtained 47:14 126:25 obtaining 196:8 331:16 obvious 171:17 obviously 93:5 94:1 305:12 338:9,14,1 7 339:6,12 occasionally 324:10 occur 46:13 168:9 246:18 253:6 306:7 occurred
--	---	--	---	---

247:23	201:5,6	okay 36:25	294:7	opine 178:15
248:1,2	offer 99:18	47:24	onerous	opinion
occurring	260:14	60:6,15	36:14	61:12 63:9
191:15	offered	62:6 69:20	ones 278:5	64:1 73:16
249:18	291:24	80:10	331:10	74:17
307:21	offering	81:19 82:3	334:11,23	75:12
occurs 43:4	185:16	88:7	one-third	122:25
275:10	offers 84:1	96:19,23	317:21	123:5
oceans 2:24	office 3:4	104:7	ongoing 50:2	146:13
69:25 70:4	135:17	111:1,21	53:1 86:3	177:23
86:23,25	197:3	113:13	onto 79:10	187:8
104:19,21	officer	116:8	onus 79:10	222:10
135:15,20	196:14,17	123:16	onwards 47:2	242:6
136:10,11	197:2	125:6,9,19	open 13:5	253:21
154:9	officers	136:25	52:4	257:21
156:2,23	93:3 95:18	154:10	199:22	258:3
157:6,21	195:24	157:10,12	288:6	260:18
158:24	196:1,7	187:2,8	opening	282:23
159:25	324:19	188:8	10:9,12	339:6
161:1,8	official	189:7	40:7 74:25	opinions
162:8	129:23	193:18	254:12	80:4 278:8
163:9	offset 140:5	197:12	open-water	opportunitie
164:3,20	145:7,13	199:1	138:13	s 134:10
165:13	156:25	235:18	operate	opportunity
166:22	158:6	242:21	34:14	61:10,25
168:3,23	offsetting	244:4	38:13 39:2	69:17
170:19	138:18	247:15,18	operation	73:23
176:10	145:11	248:5,21	44:3 45:11	82:15 97:5
178:12	154:24	249:23	47:7,11	99:17
180:17	oh 87:15	250:7,9	48:14,16,2	103:7,11
182:8,16	88:6 98:21	251:1,19	1 49:3,23	111:9,13
183:1,17	105:18	254:17	54:10,13	112:14,20
184:16	151:8	255:11	55:4	129:2
185:4	154:8	256:11	154:14	146:17
186:4	163:15,17	259:8	operational	181:1
187:3	168:23	261:3	138:11	182:23
188:9	180:17	268:20	139:3	211:19
189:25	220:21	270:12,21	142:5	216:12
190:12,21	255:15	277:24	209:16	230:13
191:12	270:3	295:3	operations	322:16
192:7	290:23	298:3	51:25 53:2	323:2
193:10	340:12	314:23	57:16	opposed
194:9	oil 208:24	318:6	172:24	196:8
195:18	253:19	320:9	operators	310:9
197:1	268:3	332:17,25	99:18	314:9
198:5	271:19	ol 68:14	103:3,15	opposition
207:7	338:3	older 308:19	optimum	67:23
217:8	339:17,18	334:11	44:11	options 58:1
220:2		Oliver 2:14		
261:13		Olivier 2:24		
294:8		135:15		
October		261:12		

78:5	229:4	329:10	189:12	68:12,13
orally 68:23	309:25	overnight	194:25	69:4,5
order 26:3	330:1,3	17:7,20	200:20	71:17,18
27:15	outlined	overview	201:20	72:5,6,19,20
29:11	15:16 16:1	204:1	202:14,18,	73:14,15
85:7,9	43:24 51:8	205:23	20 203:18	74:21,22
91:22	65:2,12	overwhelming	218:24	76:6,7,18,19
142:19	126:11	338:17	224:22	77:6,7,24,25
145:3	127:15	overwinter	233:23	79:3,4
170:13	128:4	140:22	239:10	87:8,25
175:25	156:9	overwinterin	240:14	88:2
176:18	172:16	g	241:19	96:14,22,25
180:14	207:7	140:14,19,24	242:12,19	97:6,10,19
194:4	213:9		243:20	99:6
212:4	230:15		249:22	100:21,23
289:10	231:25		253:11	102:6
organization	outlines		255:7	104:1,3,12
s 64:25	138:8		257:7	105:3
93:13 95:9	outlining	P	274:12	106:9,10,15
127:11	139:8	p.m 112:8	285:11,24	108:8,14,20,22
325:5	140:1	198:23,24	286:1,23	109:14,19
original	209:5	287:17,18	290:6,13	112:25
23:10	outside	341:14	292:23	123:24
212:15	77:18 97:9	packaged	296:19	152:6,8
originally	256:7	235:11	332:5,21	217:20,22
197:18	outstanding	page 6:2 7:2	341:11	262:2,4
Oriole 338:6	80:1 126:1	8:2 9:2	panel's	294:20,23
Orr 2:21	136:6	24:8 41:1	290:2,12	317:7
others	176:18	88:10	paper 94:22	321:14
229:16	210:22	99:20	Par 109:18	324:19
258:9	214:12	100:15	paragraph	partial
281:14	227:11	172:13,17	22:15 41:4	286:14
otherwise	235:2	173:9,10,1	88:11	partially
279:1	262:22	8 174:6,22	269:10	206:12
ourselves	263:10	175:10	289:5	214:11
296:10	outwash 15:9	255:11	291:1	participants
outcome	overall 73:9	263:12	parameter	63:5 124:9
322:13	187:7	269:10	276:18	participate
outlier 16:4	overfishing	276:10,11	parameters	76:3 97:7
outline 45:1	143:20	pages 184:8	265:17	324:1
50:19	160:8	paid	279:15	participated
123:24	overflow	131:13,21	paraphrasing	130:22
124:5	141:10	panel 16:24	280:13	241:15,20
126:6	overland	34:12	pardon 95:24	273:11
129:16	237:13	55:22	parks 3:6,21	participatin
162:24	overlap	70:24	6:16 12:21	g 135:21
207:20	336:14	78:12	61:16	
215:25	overlay	81:1,9	62:14	
		82:8 92:12	66:15	
		96:9	67:8,9	
		109:11		
		135:12		

171:1	partly	32:12	227:1,22	287:9,10,2
341:11	155:19	35:16	228:17	1 292:23
participatio	partnering	36:22 37:1	236:13	296:24
n 84:9	321:13	48:1 51:1	237:8,23	319:4,5,12
particular	partners	53:24	238:18,24	322:4
17:19	110:22	57:22	239:18,24	325:21
138:21	143:13	59:14	240:7	338:7,23
162:3	158:13	60:18	246:10	339:1,2,11
176:21	160:1	66:12,21	260:25	340:22
219:17	295:20	67:5,17	261:10	peoples
220:25	299:5	69:1 70:1	287:24	124:3
221:4	307:10	79:19	288:10,16,	per 56:13,14
225:19,24	323:16	80:13	22 289:18	59:19
228:7	part's	81:21 82:1	292:3	199:18
232:1	266:20	86:18	297:9,14	252:7,15
237:6	party 113:24	87:19	298:1	257:4
256:19	passage	91:17	300:2	324:8
309:5	137:6	96:11,17	302:11	percent
310:9	141:6	105:12	303:5,13	15:16
315:14	144:15	111:6,19	305:4,18	26:14 30:1
325:16	148:10	112:1	308:1	35:9
particularly	150:3,12	116:10	309:8	143:10
33:21 41:7	194:16	117:11	311:20	153:1
47:1 48:11	past 65:10	118:5	313:18	162:15
101:19	72:8 128:1	119:3,17	316:12	237:2
109:14	130:23	120:13,25	320:20	273:10
143:18	132:2	121:5	324:3	277:3
144:16	221:23	122:4	327:25	percentile
160:6	243:13	123:14	328:13	168:16
213:14	245:11	125:17	329:1	perch 64:13
256:15	248:13	128:24	330:12	perched
264:1	253:19	129:11	332:23	150:2
parties 71:8	271:20	134:6,16,2	335:23	perfect
78:4 81:13	335:6	2 135:3	pay 65:2	164:6
82:16	path 178:21	149:2	127:15	188:7
113:17	patience	151:25	pays 65:1	275:20
134:10	112:4	152:17	127:12,13	279:24
146:19,22	patrol	163:6,24	Peninsula	perfor 128:1
176:12	324:20	164:15	99:3	perform
182:18	patrols	165:8	people 10:17	222:10
186:11,15	319:15	166:7,17	12:15	performance
190:23	320:2	169:19	67:13 75:2	65:10
199:13,16,	322:25	179:4	84:14 95:9	128:1
23 200:13	323:13	182:13	97:20	perhaps
201:8,13,2	PAUSE 11:13	184:11	101:25	16:14,15
0,22	12:3,25	185:1	102:3	25:17
211:19	19:15	186:1	106:4	33:23
212:4,10	22:7,17	190:8	108:3	49:10
216:3	23:19	192:4	110:3	51:15
255:8		196:23	111:22	
291:24		198:1	184:7	
340:24		203:8	267:20	
		217:5,11		
		223:10		

56:21	219:7	155:18	Phoebe 3:12	107:10
80:25	221:13	156:13	70:12	piece 325:20
138:17	permitted	157:12	87:12	pieces
189:6	23:10	158:17	105:7	177:14
237:5	64:16	159:5	152:3	185:8
245:13	273:6	218:9	217:17	204:16
265:20	permitting	219:5	261:24	226:23
267:9,12	64:5 94:10	220:9	289:23	286:19
290:1	95:24	221:10,18	290:9	318:20
318:15	126:16	222:8	291:8,13,1	
330:9	236:25	223:4	9 294:18	pingo
period	permittiting	233:25	phonetic	97:3,16,18
6:8,11,14,	236:25	234:1,5,9	264:23	,19
17,19,22,2	person 11:5	235:13	271:18	98:1,14
5 7:4,7,9	59:19	262:12	336:17	99:4,13,18
17:14 28:9	84:1,3	263:11	338:6	,21 100:19
38:14	336:19	264:21	photo	101:2,7,14
48:19 49:6	personal	265:2	132:10,19	,21 102:14
65:19	339:6	266:25	133:11	103:4,14
86:13	personnel	267:23	photograph	106:2,5,11
104:10	195:12	268:17	148:1	107:17,20
114:12	perspective	269:7	150:8,9	108:21
128:11	33:19 62:4	270:1	photographs	110:11
147:1	94:4 104:1	295:12,13	150:25	pingos 98:3
149:7	129:14,15	296:14	231:24	99:2,3,8,9
216:20	132:1	297:3,20	phrase	101:23
252:4,8	149:13	298:15	282:24	102:4,21,2
253:22,23	181:9	299:21	335:13	2,25
257:3,15	225:23	301:2,10	phyl 259:11	pink 100:8
292:5	302:23	302:1	physical	pinpoint
periods	308:5	303:2,7	69:11 99:9	335:11
51:24	331:11	304:23	173:22	pinpointed
144:16	persuaded	305:6	328:23	335:15
194:17	282:16	306:1	329:19,21	pinpointing
212:23	pertain	307:19	330:9	335:9
permafrost	311:9	308:23	physiologica	pipe
40:11	pertaining	310:6	1	153:1,3,7,
46:19,22	147:3,13	311:4	259:10,12	15
49:21	168:24	petroleum	physiologica	pipeline
51:19 53:8	205:3	208:10	lly 259:16	338:25
99:11	212:13	phase	picking	339:18
167:16	220:4	47:1,11,15	334:2	Piraux 2:14
permanently	pertains	140:9	picture 99:5	pit 16:2
150:14	132:7	142:1	100:16	167:9,10,2
permit 14:2	147:18	156:8	132:7	2
71:20 94:7	Pet 88:7	157:2	133:5	174:15,19
205:11	Petr 2:5	172:24	150:8	pits 174:14
permits	153:23,24	212:23	pictures	208:1
27:18		325:17,19,		244:22
64:15		25		
91:23		phases 142:5		
		209:16		

245:3	plane 88:6	308:10	133:10	poly 20:25
placed 37:24	planned	play 93:10	143:8	polygon
64:13	139:18	94:9 307:7	156:24	20:25
places	planning	played 305:9	172:14	24:23
108:11	41:6,8,14,	playing	175:23	25:10 36:1
185:5	20	305:16	178:14	polygons
plan 14:1	43:4,14,15	please 11:10	185:5	20:4,8,12
84:4	53:11	21:18 22:4	189:15	ponds/water
142:7,8,13	141:10	23:12,13	200:16	164:9
143:2	158:20	30:13	201:16	population
144:3	204:12	35:12	212:1	56:15,16,2
145:5,6	209:8	47:23	222:5	3 57:7
156:15,25	293:11	53:20	227:16	257:20,23
157:2,14	318:3,5	57:20 66:9	229:7	258:5,25
158:7,19,2	322:1	81:25 82:4	246:21	259:3,4
5 159:2	plans 62:19	111:16	250:16,18	populations
175:9	83:11	116:6	268:25	259:8
193:22	85:1,6	121:2	275:10	267:14
206:10,14,	91:7 93:5	125:15	284:23,25	Porcupine
15,17,21	107:16	131:17	306:24	252:25
207:3,4,11	137:24	135:5	322:22	portfolio
,17 209:21	140:1,4	148:23	326:19	225:20
210:2,3,6,	142:18	161:6	pointed 20:2	portion
11,14,18,2	146:11	163:3	35:23	58:14,18
4	158:18	182:9	40:15 51:8	pos 253:21
211:16,20,	174:16,18	184:9	118:1	position
23,24	177:9	190:4	pointer	17:22
212:1,2,6,	181:2	218:20	247:12	106:9,15
9,15	192:16	220:20	pointing	167:19
213:4,7,12	194:10,12	226:14	103:13	180:11
,16,17	209:4	239:22	173:1	183:14
215:23,24,	215:22,24,	272:19,23	points	188:12
25 216:8	25	281:20	102:16	229:12
224:24	218:11,13	297:12,19	240:22	240:22
226:11	219:16	303:3	267:4	245:15
228:21	220:14	305:25	police	248:14
229:2,13,1	224:23	333:4,12	319:19	249:22
6 235:4,11	225:4,9,23	pleased 97:4	323:3	250:12,14
237:11	226:8,9,18	plus 33:2	policies	251:22
238:16	,19,20,25	point 33:1	136:8	252:1
250:2	227:7,8,10	50:20,24	policing	255:4,22
253:4	228:14	51:11 67:3	319:11	278:21
255:14,21	229:5	80:1 99:24	policy 97:7	positions
257:9	234:17	100:19	293:11	9:6 185:21
259:22	259:24	102:2	315:9	188:3,20
260:4	298:16,19	108:4	political	positive
262:15,18,	306:3,12,1	116:20	336:5	104:1
24 267:16	3,15,17,18	124:14	pollution	315:17
299:18	,21 313:7	127:10	204:19	
300:10,11	336:13	128:3		
313:8	plants	129:1,14		
321:25	307:24			

322:13	138:1	pre 125:24	44:7 91:3	62:5,8,13
334:18	140:23	precautionar	93:6 95:23	69:16,18
possession	143:17	y 233:7	156:25	80:1,7,20,
169:3	145:22,23	precedent	180:25	21 81:6,25
possibility	155:4,11	254:15	187:10	82:6,19
110:9,23	176:25	precipitatio	premature	96:15,22
121:12	181:7	n 51:14	96:6	104:12
possible	191:21	precise	preparation	111:4
58:1,13	225:5	228:24	175:9	112:15,20,
101:15	233:7	237:14	183:3	24
115:24	256:14	328:23	300:15	113:4,9,15
126:17	268:12	329:18,20,	312:4	,25
167:12	275:15	24 330:8	prepare	123:11,19,
227:15	299:16	precision	209:4	23 124:22
253:8	315:24	18:25 21:7	prepared	128:14
254:9	318:21	23:13	113:3	134:12,20
263:17	320:16	26:12,13,2	240:24	135:10
280:18	potentially	4 27:5	preparing	136:4
283:15	49:5	preconstruct	97:25	137:14
303:8	122:12	ion 210:12	prescribe	147:5
311:11	199:21	307:20,23	88:13	150:9
326:15	318:22	308:4,24	prescriptive	156:16
possibly	322:2	predation	26:1	162:20
69:16	331:9	246:8	presence	185:4,6,10
120:17	Potrais	predict	63:12	198:15
129:5	340:18	315:15	124:17	199:9
317:4	pound 252:15	predicted	141:7	203:14,16
336:5	pounds	276:17	214:16	204:2
post 101:5	252:16	316:7	present	218:23
post-	271:14	prediction	19:5,7,10	228:14
constructi	PowerPoint	48:9	30:1 35:7	234:12
on 101:10	61:5,7	predictions	38:5 43:6	239:15,22
poten 101:19	62:8 80:22	175:3	46:3,14	240:12,16,
potential	113:15	277:12	61:18	20,21,24
44:18	prac 233:5	300:13	62:22	241:1,3
47:16,18	practical	predictive	82:15	242:16
52:16,24	27:24	265:24	110:2	287:3
65:7 71:3	practice	266:2	133:11	288:4
72:16 74:3	233:1,6	pre-	140:15	291:22
79:9 89:3	practices	disturbanc	193:25	315:12,23
90:1 97:11	49:16	e 211:5	226:23	335:12
99:16	207:6	prefer	227:18	presentation
101:1,4,17	213:19	176:13	presentation	s 114:4
102:1,4,19	Prairie	preferred	6:6,10,13,	240:3
103:11,16	82:11,14	177:7	16,21,24	241:5
115:22	prayer	214:24	7:3,6	287:8
117:25	10:9,12	preliminary	13:9,12	presented
120:22			61:1,4,7,1	19:4 23:15
127:20,25			3,24	43:19 46:9
137:23				48:13
				226:10
				228:2,13
				229:5

232:24	323:1	priority	59:7 62:11	200:8,23
254:21	338:11	195:25	65:15	201:23
255:12	previously	pristine	67:25 82:4	202:24
presenters	142:14	75:1	123:17	205:18
240:4	321:11	private	144:21	236:17,23
presents	pri 29:10	322:5	155:22	241:8,16
45:21	price 252:17	privilege	156:8	243:10
preservation	329:18	337:9,16	157:14	246:1,2
220:4	primarily	privileged	193:15	272:11
preserve	240:25	333:16	201:18	273:19
63:2,7	243:25	privy 333:19	203:12	285:5
124:6,11	244:19	pro 191:14	211:21	292:8
140:22	247:20	210:1	216:4	305:9,10,1
pressure	250:18	300:12	220:13,24	3 307:3
58:17 75:4	primary	proactively	223:24	314:7
163:13	253:1	207:20	284:17	315:15
presumably	Prime 338:18	probable	proceeding	318:12
19:8	principle	13:23	123:2	333:15
290:13	83:2	14:23	169:24	processes
309:2	principles	16:19 26:1	170:15	245:22
pretty	63:1 124:6	29:5,25	289:5	298:25
100:24	printed	30:1	proceedings	305:10
101:24	29:10	31:19,25	183:4	procurement
110:11	prior	33:1,3,7,1	199:2	117:17
218:11	64:2,8,15	4 35:9	216:12	121:10,14
prevent	85:4 91:10	probably	264:2	produce 9:10
46:22	95:23	93:16	337:3	281:15
49:17	126:9,19	148:9	340:12,15	282:4
143:19	142:18,24,	176:2	proceeds	283:14
160:7	25 149:22	193:4	212:11	produced
167:8	156:5,11	228:4,6	process	282:16
168:8	176:19	259:24	36:14	283:25
178:17	177:12	262:22	53:14	product
192:11,12,	178:24	263:4	55:10	208:10
13 194:5	194:18	280:24	75:11	272:16
prevented	211:17,20	307:12	84:10	273:2,7
142:20	212:11	problem	85:10	307:4
preventing	216:4	25:23	92:18	production
83:22	218:14,15	62:10	93:25	120:17
prevention	238:11	180:7	117:17	productivity
204:19	265:3,5,9	213:1	121:14	63:8
previous	298:5,11	239:2	136:3	124:12
125:25	308:6	procedural	171:23	products
147:5	313:14	284:16	179:18,21,	95:2
199:9	330:20	procedure/	22	208:10
241:15	336:17	process	180:8,12,2	professional
254:19	prioritize	199:11	4	20:17
305:7	144:6	proceed 18:7	181:5,8,15	33:24
			,16,17	34:19
			182:4	38:22
			186:4	
			194:12	

73:16	26:18,22	211:21,23	56:15	85:5 91:12
188:2	29:25 31:1	212:3,6,11	project-	94:2,19
222:7	32:7,23	214:17,25	related	125:21
274:11,23,	33:8 34:14	215:4	71:11	127:5,15,2
24,25	36:13 38:7	216:4	72:16	2 128:5
277:13	39:11	219:22	159:10,20	136:16
279:19	40:12	220:13,24	316:10	138:5,10,2
program	41:13,19	223:15,23	projects 3:3	5
13:19	42:13 43:7	225:25	131:3	141:1,12,1
18:20	44:2,6,12,	227:20	145:22	5,22
19:24	21 46:1,25	229:22,25	177:2	143:9,25
20:5,9	49:1 50:13	230:8,22,2	236:7	144:13
25:5,12	51:10	3 236:11	315:3	145:7
85:23	52:7,16	237:6	316:4	157:7,23
175:1	55:11	238:2	323:22	158:11
255:18	58:23 59:8	243:3	325:9	159:1
263:15	65:5,11	245:12	project-	160:4,13
264:4	66:8 67:11	248:14	specific	161:17
300:19	72:17	249:4	131:13	162:14
309:21	73:4,11	256:1	prominent	164:21
310:8	75:14 76:4	263:6	102:22	167:1
323:14	78:22	269:1	promised	169:5,6
325:16,20	82:24	273:23	187:25	173:20
programming	83:3,8	277:16	promote	177:9,11,1
256:8	86:4	295:17,18,	83:18	5,21
300:22	90:2,22	23	100:1	183:21
316:10	95:10	296:11,16,	109:21	184:17
320:15,18	106:2	24 297:23	propensity	185:7
321:6,24	114:20,21	299:7	57:2	186:5
programs	115:10,19,	300:12,25	proper 250:2	191:13
99:6 136:8	23 118:17	306:16	253:25	192:2,8,15
203:21	120:11	307:7,11,1	265:6,12,1	,23
300:21	121:14	6 308:11	7	193:1,7,12
301:6	122:19	309:13,25	properly	,14,23
314:5	125:23	311:15,16	64:3	194:21,22
316:21	127:18,21	312:4	175:19,21	195:4,6,19
318:19	128:2	315:4,13,1	210:15	196:5,9
319:25	131:21	5,24 316:3	339:14	197:10
320:4	136:19,25	317:24	proponent	206:2,3,6,
323:7,24	142:13	318:1	63:19,20,2	13,22
324:1,6,7,	143:3	321:6	1	207:1,9,22
8,9,12,17	144:3,20	328:24	65:2,8,13	,24
325:12,14	154:3	329:19,21	66:19	208:5,8,12
327:5	156:8	330:10	67:10	,14,17,20,
progressed	160:11,12	335:20	68:10 69:9	25
266:24	161:3	338:15,22	71:19	209:3,9,16
prohibits	162:5	339:1,13,1	73:3,10,21	210:1,7,10
137:8,9,16	167:17	projected	74:2,9	,13,16
169:1,9	175:22	46:5 57:7	75:9,18	211:1,4,9,
207:16	176:22	276:19		22 212:8
project 1:5	205:4,12,1	projections		213:13,21
	4,25			214:2,10,1
	207:18			3
	210:3			215:1,8,21

216:5	90:2	110:2	28:15,24	299:11
227:5	97:5,8,15	124:11	30:12,20	300:23,24
237:20	100:7,11,1	164:7	31:8	301:16
238:10	3,17,18	167:23	32:6,24	303:10
316:5	104:4	208:9	34:17	307:2
333:18	117:24	protected	35:23 36:9	308:12
334:16	119:11	98:16	37:14	312:21
335:9	125:22	protecting	38:5,16	313:2
proponents	127:20	164:24,25	provide 13:6	317:19
77:9,10	129:18	protection	18:5 23:24	319:5,8
310:16	140:23	64:11	27:16 33:8	325:14,21
proponent's	143:7	83:2,15	51:12 62:9	331:21
127:14	144:9	84:17,21	64:10 66:9	provided
168:8	146:17	85:1,11,23	68:4 73:23	9:4,20
Proponents	161:23	98:18	95:20	11:20
127:3	164:20	102:23	99:17	13:22
Proponent's	173:20	103:3	102:23	14:21 15:4
63:11	207:4	103:3	103:3	16:16 17:1
64:4,18	213:22	126:10,20	126:10,20	27:9 61:5
65:1 66:7	215:6	137:1	137:1	63:15,18
85:14	241:8	141:22	141:22	65:9,12
126:14	245:11,25	143:2	143:2	71:19
127:12	248:13	145:20	145:20	73:17,19
160:11	252:10,11	146:9,17	146:9,17	75:8,19
166:25	256:7	150:11	150:11	85:19
167:6	257:1	155:14	155:14	127:9,24
170:21	269:12	170:12,24	170:12,24	128:5
183:18	273:22	177:23	177:23	132:24
187:13	281:13	178:17	178:17	135:24
212:14	282:7	protective	184:20,21	138:4
213:10	proposes	163:12	185:11	139:7
214:5	160:13	164:4,24	186:8	142:25
215:1	proposing	166:4,24	187:3,10	143:8
proportion	279:12,13,	168:5	188:11	144:1
21:1	21 309:20	protocol	191:15	145:19
proposal	pros 335:1	142:22	192:17	146:10
45:6 64:19	prospec	143:6	194:23	158:25
118:24	16:10	154:6	204:2	161:17
136:25	prospective	proudly	205:10	162:11
proposals	13:23	337:1	211:6,20	169:6
298:17	15:22	prov 73:18	212:1,8	171:2,12,2
propose	16:10 26:1	prove	213:21	5 172:6
102:12	30:21,25	27:7,15	214:2	174:20
118:20	31:18	33:7 34:11	215:8,15	175:13
166:2	33:4,7,14	proven	216:3,8	176:19
proposed 1:4	35:10	13:23,24	219:1,9,11	178:19
9:12 10:6	protect 63:6	19:2,7,24,	,12 222:23	180:2,21
20:13	79:6	25	236:6	183:21
45:17 74:2	98:2,5	20:20,21	242:12,18	185:8
83:4 84:15	108:10	21:3,9	243:18	186:5
	109:20	25:9,10,25	283:13,25	187:23
		27:6	285:7	188:16
			297:7	192:10

199:23	179:16	242:17	qualitative	1 28:13
205:7,23	184:2	264:14	250:20	30:25
206:1,15	185:7	291:25	266:5	31:19,24
207:10	192:16	307:11	quality	32:1,8
210:1,13	212:21	316:23	101:12	33:22
211:1,9	213:5	320:25	204:11	37:19 38:3
212:17	219:18	321:15	206:5	161:2
214:13	221:12	333:3,8,20	220:5	quarries
215:2,10,2	225:21	336:2	quantifiable	208:2
2	237:5	340:25	279:18,25	quarry 27:18
222:13,21,	306:24	published	280:3,6,17	174:15
25 226:21	307:1	20:23 21:7	quantified	207:22
227:5	312:24	208:2	141:20	question
231:21,24	314:6,8	pull 263:5	173:13	6:8,11,14,
232:12,16,	318:14	266:18	quantifies	17,19,22,2
17	319:2	297:18	260:4	5 7:4,7,9
241:6,16,2	326:10,11	pulled 66:18	quantify	13:20
5 242:2	province	pulling	275:19	17:14,20,2
245:2	326:9	67:15	quantifying	2
263:25	provinces	pull-out	145:23	18:2,11,15
269:23	339:20	102:19,20	quantitative	,16 19:9
288:3	provincial	103:5,6,18	26:15	21:15
296:23	263:2	pull-outs	27:23	23:11
302:2,14,1	proving	103:21	52:23	26:12,16
5 304:4,20	319:20	pulls 191:24	54:11,17	32:22 35:2
307:24	provision	192:24	55:6 68:16	39:8 41:13
311:18	205:4,13	purely	145:20	47:13
312:3,7,12	provisions	171:22	146:1	52:12,15
,15,20	136:17	222:7	222:4,6,20	54:6,7,10,
314:4,12,1	137:3	purpose 19:9	250:24	18 57:11
4,15	204:19	62:24 98:1	266:4	58:2,3,6,7
316:22	206:18	117:4	274:10,19	,9 61:24
320:10	207:11	278:2	275:3,8	65:19
321:21	proximity	purposes	278:8	66:9,19,24
322:24	20:13	80:23	281:3	,25 67:25
326:20,23	prying 85:3	123:6	quantitative	68:3,22
327:14	public 1:6	200:18	ly 221:22	71:1,5
provides	5:3,4 7:14	pursuant	222:16	72:15
23:3 24:16	58:12	135:22	251:17	73:1,2,6
137:5	67:15	209:10	quantities	78:15,19
169:4	83:6,18	purview	18:19 19:2	79:5,17
205:25	84:14 95:8	235:25	21:8	86:13 88:9
255:21	103:8	putting	23:4,16	89:8,15
290:7	111:16	108:23	31:8 32:7	90:6 93:24
324:9	135:13	157:25	143:4	94:18 95:7
providing	182:19		quantity	104:10
13:16	214:10		16:14 22:3	107:4
61:13	240:23,24,		25:21	108:19
111:13	25		26:17,18,2	109:9,13
129:23	241:2,14			110:17
137:7				114:6,9,12
150:3				117:1,7
177:11,22				

119:13	268:16,18	,21,25	270:2	quote 14:13
121:18,19	269:8	87:5,9,13,	272:1	15:14
122:17	272:3	15,23 88:3	274:3,7	263:15
126:23	276:9	92:10,13	280:23	269:9
128:11,15	282:10	94:12,14,1	285:12,14,	295:17,21
129:3,7,24	283:21	6 96:7	16	296:1
130:3,11,2	285:18	104:13,17,	286:23,25	298:21
2 131:17	288:7,20	21,25	287:2,4,9	305:7
132:7,9,18	292:5	105:4,8,15	288:5	quoted
,23,24	300:6	,20,23	289:1	286:16
133:4	301:15	106:1,21,2	290:20,22	302:2
147:1,3,6,	303:8	5 107:2	291:24	quotes 64:9
13,18	305:25	109:11	292:9	quoting
148:14	306:2,22	112:12	293:5,23	276:10
150:20	311:12	113:3,8	294:1,3,5,	
151:20	312:2	114:5,8,10	8,12,15,19	<hr/>
152:23	317:12	,14 125:5	,23	R
153:22	320:24	128:9,13	295:2,7,10	R.M 31:25
155:20	321:17	131:11	301:25	radius 27:12
159:15	323:21	134:2,10	311:5,9	rainstorms
162:19	questioning	146:23	317:14	51:15
163:20	13:4,10	151:6,11,1	327:9	raise 288:20
165:15,19,	17:11,18	6	332:3,5,8,	raised 114:6
23 166:14	23:11 68:9	152:4,9,13	10,12,14,1	139:5
167:18	104:7	,24 156:14	6,19 335:8	140:12
171:13	111:3	159:6	341:10	187:6
176:3,11	113:4	160:22	quick	199:10
177:3	216:18	169:15	111:24,25	200:3
179:24	229:20,21	186:14	quicker	250:18
182:22	239:14	189:10,13,	254:18	256:4
183:8,12	267:3	15 192:20	quickly	raising
186:4,11,2	295:14	194:25	32:17	100:24,25
1 187:1	questions	197:12	97:23	range 211:13
189:16	11:6,7,9,1	198:14,16	144:7	ranging
190:12	0,22 17:4	199:8,10	172:1	85:21
191:17	40:2,4,5	200:3	197:9	rapid 144:7
192:21	50:9	203:11	202:24	raptors
194:9	55:19,22	216:13,17,	221:19	307:24
195:2	56:1,5,7,9	22	281:15	308:10
197:2,6,16	,11 59:11	217:2,8,14	quite 20:6	rare 307:24
,20,21	65:15,16,2	,18	51:6	308:10
199:3	1 66:6	218:1,5,7,	101:23	rate 153:5,6
202:7,9,11	67:20	10 221:5	102:8	162:15
216:20	69:18,21,2	223:5,7	197:9	rather 89:2
220:6,10,1	3	233:15,19,	219:25	170:11
8,23	70:4,9,13,	21,24	247:21	172:1
226:15,17,	17,22,24	234:10	278:1	181:17
21 231:6	71:23	239:8,10,1	302:5	197:18
234:4,6	72:22	2,16 240:4	305:22	
250:22	78:10,13,1	257:11,13	306:14	
257:15,17,	7,24	261:3,6,13	308:20	
18 258:20	79:22,24	,17,21,25	339:25	
259:7	86:6,10,16	262:4,8,13		
262:11,16		266:12		

222:6	219:1,15	194:11	on	199:22
242:24	221:14	201:21	88:16,25	201:13
279:19	229:6	246:17	89:20	245:4
322:5	231:5	receiving	209:1	282:2
rationale	235:6,14	85:4 89:1	211:18	283:25
299:23	246:22	recent 13:19	238:6	284:11
RCMP 319:21	247:9	43:22	recommendati	289:21
322:25	267:10	72:11	ons 82:25	292:10
re 102:7	268:4	109:13	84:8,9	recording
129:16	269:4	214:23	86:15	286:15
231:16	321:22	295:15	88:11 90:1	recoverable
reach 32:8	325:17,20	298:20	94:18	14:12
252:20	re-ask	recently	200:1	recovery
reaction	258:20	99:12	212:13,18,	276:23
201:22	reason	245:1	19 215:16	Recreation
readily	249:24	259:23	242:11	1:19
154:17	reasonable	264:10	284:1	recreational
reading	186:24	330:24	290:13,16	90:13
60:24	238:7	recessing	313:4	95:14
reads 41:5	280:12,13	60:12	recommended	redesign
289:6	303:11,17	112:7	139:23	154:23
ready 67:25	reasonably	198:23	141:14,17	158:3
96:14,20	109:15	287:17	145:25	redi 206:20
135:1	213:23	reclamation	206:9	redor 181:7
185:24	reasons	174:18	211:8,16	reduce 63:24
198:21	242:25	recognition	213:6,21	103:1
216:16	243:19	69:15	recommends	110:5
257:12	268:7	recognize	139:19	173:21
339:1	283:12	37:21	140:21	reduction
341:12	317:9	recognizes	141:1	126:6
real 193:17	reassess	205:16	142:17	322:14
realistic	266:11	recognizing	143:1	refer
249:7	reassured	61:9	210:5	24:5,21
reality	26:20	270:15	212:7	190:25
74:25 75:1	recall 17:16	recollection	213:17	191:4
realize	18:24	269:18	289:7	219:24
176:2	58:25	302:17	reconnaissan	289:3
277:8	269:19	recommend	ce 20:16	324:19
279:12	286:9	173:11	reconstructi	reference
really 20:18	receive	206:17	on	23:2,25
50:23 74:1	93:19	213:8	45:15,18	66:10 68:5
89:9,25	178:24	214:1	record 22:14	137:13
119:12	202:18	220:14	25:17	190:24
174:4	received	225:10	44:17	191:1
179:25	11:3 61:9	226:1	61:19,21,2	257:20
180:10	63:10	227:16	3	260:3
186:16	124:14	282:17,18	67:3,15,22	333:22,24
187:20,22	125:20	recommendati	68:2 73:6	334:17,20
	157:6		99:10	
			118:25	
			119:6	

335:12,13	19:6	135:13	171:23	189:7
referenced	regarding	160:9	179:20	205:19
230:15	40:2,4	262:25	181:10	208:4
280:5,9,18	47:10 71:3	263:13	212:10	210:23
,25	102:13	264:4	216:2	222:14
references	106:1	267:7,14	221:4	277:15
243:18	118:2	269:25	regulatory	279:15
281:14	139:6,18	309:6,17	88:17	292:25
284:22	156:14	regions	89:21	314:13
referendum	208:5	40:11	94:10	relates
336:20	225:24	46:19 53:8	102:9	21:15
referred	267:4	326:8	126:24	89:21
22:25 84:5	273:22	registered	140:9	269:8
137:15	302:4	284:9	145:3	295:14
142:14	305:7	registry	155:12	306:2
197:6	307:24	60:23	156:8	relating
200:12	regardless	102:11	157:2	241:11
226:18	109:24	205:3	168:19	relation
263:24	208:25	214:11	169:25	78:22
323:23	277:5	regulated	170:11	90:11
referring	regards 91:7	171:2	171:2	91:23 92:4
25:9	94:18	209:22,24	176:16	100:6
128:20	140:14	339:14	177:5	102:14
173:19	189:20	regulating	178:23	relationship
233:10	191:19	236:25	179:17,22	76:16
242:22	192:2	regulation	180:25	relative
243:22	193:1,7	168:25	181:3,17	42:18
263:13	197:16,22	171:19	218:24	43:19
298:10	206:5	210:1,8	219:7	48:24
310:25	324:6	339:5	221:12	65:22
refers 25:8	333:15	regulations	298:25	68:22
28:20	334:4,16	83:20	315:14	112:22
refinements	335:21	85:16	339:7	202:12
214:17	region 46:2	167:7	rehabilitati	relatively
reflect	56:19 66:2	168:24	on 44:21	15:1,2
185:18	77:3	204:19,21	45:12,14,1	237:1
reflection	82:11,14	208:11,14,	6 53:1,18	release
214:7	165:14	16,17,18	reinitiated	11:16
reg 102:9	241:13	209:13,20	167:15	relevant
regard	245:12	210:4	reiterate	55:7
139:20	252:3	216:7	18:10	136:25
142:16	254:16	320:2	65:25	161:3
145:2	272:8	regulator	relate 97:15	204:15
155:2	292:15	97:7 178:4	245:22	205:4,14
167:19	293:19	179:15	related 43:8	221:5
205:21	299:6	180:23	50:10	314:17,21
339:13	300:21	181:9	84:15,19	relocation
regarded	319:6	223:15	89:1	154:23
	325:22	regulators	100:25	158:3
	regional	27:17,19	148:13	
	54:25	141:12,25	174:24	
	82:10			

rely 271:22 274:24	149:8	208:21 215:1	332:6	49:22 52:1 85:22 90:8
remain 109:16	repairs 51:20	223:22 225:11,17	represented 26:9	93:13 94:5 138:14,16
remainder 150:15	repeat 131:17	232:13,16 236:3,18	reproducible 274:19	139:1 140:8
remaining 34:11,20 38:19 48:18 287:13	254:19 258:2 305:24	276:10 283:3 286:16 290:7,12,1 3 296:21	reprofiled 319:21	141:21 144:19 145:2
remains 125:25 136:6	repeating 159:15	reported 18:20 19:23,25 20:7 25:3 30:20 38:24 208:25	req 301:5	154:18 156:9 206:6 228:13 309:22,25 316:7 320:6,17 323:23 331:6
remarks 40:7 118:2 333:1 337:15,18	rephrase 52:12 117:1 226:14	reporter 340:17	request 61:10 71:6 88:14 114:17 122:2 129:6 216:2 218:25 241:21 301:5 305:14 324:25	required 26:18 31:1 35:6 37:19 47:11,19 59:22 64:14 73:16 92:20 126:24 136:16 144:17 205:10 206:11 209:16,21 229:4 235:3 243:18,20 289:8 290:2 315:5 317:4 320:15
remedial 144:12	replacement 155:1 252:14 271:2	reporting 204:12 209:5,9,18 210:8 213:15 216:6	requested 18:24 58:10 84:18 135:25 140:10 143:24 146:3 162:21 221:22 248:21 315:24 319:22	209:16,21 229:4 235:3 243:18,20 289:8 290:2 315:5 317:4 320:15
remediate 149:21 158:7 168:11	replies 183:10	reports 13:17 18:23 21:19,24 22:2 24:3 33:20 34:4 63:22 73:21 211:2,7 231:11 234:15 286:4	requesting 53:3	requirement 29:10,18,2 5 31:24 35:8 45:8 48:16 51:19 84:1 209:10,18 210:9 216:6 321:1,5
remediation 148:15,19 149:7 150:20 155:2 158:8 243:4 254:17,20 255:6 257:6 263:7	reply 9:3,6 71:9 182:23 183:13 185:17,20 186:17 187:23,25 188:2,11,1 5,18	represent 20:11	requests 12:14 84:13,23 136:1 171:4 211:11 231:23 262:14 283:6 301:18,22 302:16 322:20 328:17 329:13	requirements 28:8
remediations 148:21	report 14:4,9,25 15:7,25 16:1,16 22:2,5,25 24:7,19,21 ,24 26:6 31:25 72:9,11 126:4 128:17 129:3,16 148:5 150:25 162:21 171:20,25 172:5,9 176:6 195:5,20,2 2,23 202:12	re-present 23:10	require	
remember 231:15,17		representati on 311:17		
remind 10:17,25		representati ve 240:18 256:5		
removal 52:3		representati ves 112:25		
removed 32:1 149:24				
re-open 180:12				
repaired				

44:3,20	133:20	169:23	198:15	127:3,7,14
45:9,10	283:22	178:13,25	203:2	136:12
47:5 48:21	resolved	180:19	206:4,23	143:12
49:17	234:14,19,	183:14,25	207:25	160:1,11
52:14,19	20 235:15	184:18	210:3,17	168:8
53:1		205:11	216:8	170:22
54:9,13	resource	219:23	231:23	171:19
55:3,7	263:19	225:21	260:14	192:8
57:15	264:5	301:17	282:18	195:4,19
91:12 95:1	272:6,16	respectfully	283:16	197:5
102:9	273:8	89:14	290:11,15	220:1
113:1	276:25	260:20	300:17	241:10
145:3,17	resources	respects	304:20	253:7
168:19	4:4 64:11	156:2	316:10	269:5
208:19	71:9	180:19	317:18	295:19
242:14	72:15,17	205:17	323:2	298:12
259:10,12	73:11	respond 11:6	responses	309:12
270:23	74:4,11	17:19	111:4	318:12
289:11	76:4 78:1	26:15	171:4	responsible
requires	79:7 98:13	61:25	183:21	71:8 75:14
32:23 64:7	101:2,12	92:24,25	184:17	136:7
126:18	126:22	179:10	186:5,10	137:18
153:24	136:14	184:8	187:5	170:4,5
172:20	139:1	196:21	199:8	192:15
174:23	143:15	223:2	211:10	253:12
requiring	160:3	288:4	301:23,25	255:8
84:16	181:7	315:6	302:2,13,1	296:2
157:1	196:10	319:3	5 312:25	298:6,11
res 310:19	248:21	322:21	316:20	309:2,5
research	292:14,17	responded	320:10	318:20
57:25	308:14	135:25	327:14	319:10
131:3,5,6	310:3	responding	328:6	321:9
276:23	319:17,21,	58:3	responsibili	responsive
researched	22 320:17	108:18	ties 65:1	144:11
267:22	322:5	326:22	77:10 78:3	rest 122:18
reservation	323:1,4	332:18	97:16	restricted
112:21,22	328:16	response	110:19,20,	275:11
reserve	330:15	9:20 17:8	21 127:13	restrictions
69:17	331:14	18:3,5	172:7	268:8
187:7	respect	51:12	196:11	result 19:23
residual	19:22	69:15	236:20	20:21 21:5
138:18	51:17	71:6,7	242:20	74:12
140:2,5	83:16	73:5 84:3	254:3	144:5
145:8,12	84:12	114:9,25	318:13	166:25
154:25	85:12	129:3,23	341:3,4	167:9
158:4	88:18	131:11	responsibili	168:10
residue	135:22	144:7,10	ty	201:25
206:18,20	137:21	166:23	64:18,22	207:23
resolve	142:3	180:18	68:6	218:25
	144:4,22	184:3	75:11,17	318:25
	145:9	187:4,14	79:14	322:16
	164:24		108:21	
	166:4			

resulting	162:5	328:5	rivers 194:2	330:2,4,5,
66:3	182:23			25 335:1
246:1,2,25	183:2	reviewing	ro 141:3	339:17,19
results	184:2	130:12	road 9:12,16	roads
185:20	185:17	298:11	10:5 32:2	138:21,23
213:24	187:23	306:4	43:23	237:13
214:15	188:11,15	314:10	45:10,11,1	244:22
304:4	190:22	reviews 83:4	8 46:23	245:3
resume 17:10	194:11	93:11	47:6,7,12	331:2,12,2
60:16	204:5	253:19	58:14	1
112:11	205:2,9,17	revise 181:2	64:12	roadside
287:21	,25 206:16	321:23	65:11	114:7
resuming	207:10	revised	68:17	317:8
60:13	210:7,14	137:3	73:18 75:3	roadway
112:8	211:15,19	213:25	100:7,9,10	49:8,21
198:24	212:5,7,9	215:3	,13,17,18	51:20
287:18	215:22	rewording	101:1	52:3,6
resupply	216:9,11	129:6	106:3	123:5
57:5	219:1,8,18	Richard 5:3	107:6	Robert
retained	220:14	Rick 2:11	108:2,3,5,	340:10
119:22	232:10	ride 100:3	6 115:2	Robyn 2:13
retract	235:12	ridge	122:20,21	18:4,8
67:12	236:21	16:5,13	123:1	29:2,3,16,
return 60:8	238:1	rig 253:19	127:1	17 30:5,17
revert 169:8	241:7,8,14	right-hand	128:2	31:4,11,22
review 1:2,4	,16,17,21,	28:10	132:14	32:16
9:3,13	22,25	right-of-way	140:11	33:11
10:7	242:3,4,13	101:13	141:4	35:20,21
20:12,16	,23	103:20	142:5	38:10
34:13	253:11,15,	231:2	147:4	39:21,22
35:21	16,20	rights 96:1	148:8	40:19
61:11,12	254:5,14	riparian	158:20	41:18
62:2,4,9	266:10	164:8,25	174:10	42:4,16,17
65:5 73:23	271:12,20	riprap 141:9	177:2	43:11
82:24	272:11	risk 35:5	197:8	44:24
84:10 86:4	273:19	36:6,17	211:25	47:22
90:20	283:11,14,	196:2	231:1	48:3,4,6
91:10	24 295:22	204:14,21	244:11	51:5 53:19
112:20	297:7,22	210:25	246:1,7,17	54:3,4,23
116:14,21	303:24	214:1,6,15	247:24	Rodgers 4:10
124:13	304:10	,17 215:11	248:9	7:16
127:18	311:10,15	238:3	249:6,17	337:20,21
129:2	313:13,14	risks 36:17	251:4,11,1	340:8
135:21,24	323:10	216:1	5,18	Roland 1:12
136:5	327:20,23	river 194:4	256:14,20	56:3,4
138:4	328:3,10,2	244:17	258:14,15,	78:16
139:6,24	3 329:18		16 260:10	94:17 95:4
140:13	reviewed		281:13	107:1
141:25	212:15		282:7	189:16
143:8	312:19,20,		301:1	190:2,15
	24		303:25	191:18
	314:16,20		304:15	
	327:15		318:25	
			323:7,8	

192:21	0,21		scales	170:12
193:18	168:1,2,21	<u>S</u>	243:14	179:16
197:15	,22,23	safe 95:21	scattered	219:20
198:12	170:17,18	102:20	15:6	228:5
237:10	176:8,9	safety 82:21	scenario	243:17
238:9,20	178:10,11	83:18	142:14	249:11
239:4	180:16,17	88:13	244:1	275:3
285:15	182:6,7,15	317:9	247:2	scientific
332:9	,25 183:16	sake 310:11	252:2,11,1	ly 256:13
role 64:22	184:14,15	sample	2	scientific-
71:10	185:3	211:24	253:12,17,	based
73:12	186:3	Sand 262:25	20	245:16
78:21	187:2	sands 268:3	254:4,6,13	248:16
79:14	188:8	Sarah 2:24	256:23	scope 68:17
130:11	189:2	135:15	257:1,19	77:18
159:9,19	190:11	261:12	266:3	189:17
169:23	192:6	294:7	267:2,6	204:4
170:15	194:7,8	Saskatchewan	270:7	205:1
171:21	195:17	263:1,2	278:19,25	246:14
204:4	198:4,17	280:4	279:2,7	screen
218:23,25	roughly	281:1	scenarios	191:20,23,
221:1	252:6	sat 272:21	139:24	25
225:17,22,	roundtables	337:6	251:20	192:9,10
25 237:1	338:4	satisfaction	267:7,13	screening
253:10	route 129:18	78:4	scenario-	272:11
290:11,15	174:11	150:21	specific	screens
295:14,16	196:16	satisfactori	177:16	137:7
305:10,15	256:2	ly 145:17	scene 147:19	scripted
306:23	routes 329:9	satisfactory	148:4	336:12
307:8	330:4	166:3	schedule	Sean 340:17
311:9	routine	187:15	82:17	341:21
314:12	114:15	238:21	202:15	seas 136:15
324:16	319:15	satisfied	204:22	season 46:10
roles 78:3	routing 93:8	93:10	209:25	47:3
170:10	run 62:21	162:12	schedules	138:13
179:17	287:15	210:25	303:16	sec 117:23
316:2	324:8,11	229:7	Schmidt 2:17	second 10:4
Ross 2:25	running	269:13	schools 99:7	28:19,20
135:11,13	255:24	307:22	science	45:13,18
136:23	269:16	313:1	254:8	47:1,11,15
146:22	runs 99:6	satisfy	274:10	48:17
154:8,9,12	Russell 4:12	211:2	science-	49:11 50:2
155:25	Rutland 4:8	262:17	based	54:19 61:1
156:1,21,2	293:9	saw 109:1	250:13	68:3
2	312:13	scale 243:11	256:16	113:13
157:16,20	314:11	280:4	281:3	115:18
161:4,5,7,	319:7		scientific	116:2,14,2
8 162:6,7	322:23		136:9	0
163:15	327:3			
164:2,18,1				
9				
166:9,13,2				

119:15,23	167:8,9,23	275:8,21	314:24	337:24
120:10	173:17,23	277:9	series	settled
197:6	207:2,19	282:11	231:24	271:19
229:21	224:23	321:7	275:14	settlement
306:22	229:13	331:14	290:13	66:2 124:2
secondly	sediment-	335:4	service	272:8
265:19	laden	sensitive	203:24	seventy
320:16	207:12	207:19	293:14	249:13,20
Secretariat	seeing 260:9	243:16	312:9	seventy-five
286:21	318:24	sentence	314:2	301:20
Secretary	seeking 76:1	22:14	318:9	seventy-four
286:4	199:12	41:3,4	320:14,18	301:19
sect 120:3	seem 47:4	73:2 258:2	321:23	seventy-three
section	263:24	297:21	322:9,12	301:19
22:2,5	264:15	298:5	323:3	several
41:1 44:11	seemed	sentiment	325:8	16:12
83:25 84:6	269:23	229:12	services	152:24
95:25	296:19	separate	82:10	154:2
100:12	seems 56:21	16:1	314:3,5,6,	212:12
136:25	234:11	149:14,20	9,15	255:25
137:2,4,6,	303:17	249:16,21	316:9,21	281:13
7,8,9,16,1	seen 51:16	254:3	318:17	338:13
9 168:25	74:15	separated	319:1,5,9,	severe 252:2
169:9	156:25	14:5	11,19	270:13
190:22	185:5	separation	321:2	severity
191:1,3	227:10	14:6 253:6	322:19,20	196:2
204:24	230:17	September	325:15,21	shake 74:2
207:15	259:25	1:21	sessions	shapes 266:7
213:10	339:3	9:9,21	136:3	share 326:19
305:21	selected	28:6,7	145:18	Shawn 2:19
sections	20:8,10	39:13	171:5	18:5
136:24	35:25	46:11 66:6	214:23	Sheila 5:4
170:1	139:10	67:24 68:4	315:13,23	333:9,13
190:23	215:4	79:1	setback	335:25
314:17,20	244:10,13	182:1,24	143:24	336:1
328:5	248:7	184:19	162:22	She's 70:7
secure	selecting	185:21	164:3	135:15
109:15	139:22	187:25	166:1,2,4,	shift 57:5
secured 77:4	selection	188:23	24	shifted
sediment	139:6	199:18	167:10,20	37:22
141:9	140:8	201:4	168:18	245:7
142:3,6,10	172:18	205:23	setbacks	short 19:19
144:2	246:24	206:2,4,23	213:6	51:13 66:5
207:5	send	207:25	sets 21:10	110:16
215:23	187:20,21	210:17	124:1	174:24
224:22	sending 85:7	211:6	setting	
229:16	sense 258:12	214:8,11	82:21	
sedimentatio	267:14,24	230:16	248:23	
n 144:6		284:24	254:15	
		295:15	280:7	
		304:21		

254:22	223:22	338:1	140:22	56:20
265:7	326:18		172:3,4	241:4
267:12		site 15:24		307:7
shorter	significant	16:11	six 46:14	slow 98:23
318:1	16:14	33:20	103:19	136:21
shortly	74:11	60:23 97:2	184:8	slowly 10:25
200:15	224:15	98:17	248:10	slump 166:25
202:1	226:2	117:6,8,9	266:12	167:21
short-term	242:9	118:13	sixty 212:10	168:6,15
255:3	243:15	138:15	sixty-two	slumps
269:19	256:22	151:2	85:19	165:5,13,2
278:3	319:4	154:21	size 25:2	0,24
shot 20:17	signs 10:19	207:19	57:14	167:13,15
179:19	225:17	243:12	59:25	168:24
showed 61:24	silt 207:12	251:4	161:21	169:5
showing 61:6	similar	309:5	208:25	small 141:7
112:22	103:21	sites	263:9	150:10,25
251:1	248:20	13:17,21	324:25	smaller
shown 16:5	277:20	14:1	sized 194:16	14:17 15:3
29:4 31:23	308:10	97:9,12	Ski-Doos	20:6,8,24
62:10	315:22	110:14	107:15	139:25
113:5	simplistic	115:4	275:9	161:15
146:3	279:12	117:24,25	skip 246:5	243:8
147:5	simply	143:22	slide 83:12	smallest
shows 24:22	21:3,10	144:3	99:19	233:2
57:12	43:6 50:20	174:14	100:5,14	Snider 1:10
67:23	74:14	214:22	125:13	56:9 79:22
99:21	90:19	site-	128:15,22	94:14
195:7,13	114:15	specific	130:11	109:11
sibling	172:14	138:14	137:1	194:25
331:15	173:1,5	141:23	234:14	239:10
siblings	174:7	143:3	242:21,22	286:23
331:23	175:11,19,	154:18	243:21	332:14
333:23	24 178:4	174:17	255:10	snow 52:3
334:3,5,11	183:12	177:10	257:18	139:4
,22	252:14	210:6	315:14,18	237:13,16
sic 254:12	311:12	242:25	slides 62:22	238:12
sided 334:22	319:1	243:1	80:20 81:1	snowfall
sign 225:10	single	269:20	99:20	51:14,24
253:7	253:18	309:18	113:14,22,	social 136:9
signage	270:9	sitting	25 125:1,5	270:18
102:24	290:11,15	202:19	170:1	293:14
103:13	sir 90:18	231:16	247:5	312:9
143:18	91:21 92:5	situation	slide's	314:2
160:6	93:20	37:12	251:1	316:9
signed 63:1	94:23	74:25 75:2	slight	318:9
124:1	sit 79:13	195:11	201:24	322:9
	287:22	236:5	slightly	325:8
	293:5	252:5	52:12	
	333:18	268:8		
		situations		

society	50:20	270:4,18	23:5,16	,16
63:3,6	196:20	272:20,25	24:5,7,17,	115:1,3
124:8,10	248:20	290:21,24	20,22,24	117:19
socio 270:22	sooner 89:2	293:23	25:2,4,7,9	138:22,23
socio-	155:12,13	302:14	,22 26:2	162:3
cultural	184:1	303:16	28:11,13,1	214:21,24
271:4,10,2	186:10	305:20	4,20,23	215:5
3	308:8	306:8	29:3,25	231:2,3,13
socioeconomi	Sor 130:16	324:15	30:10,19	,25 232:16
c	sorry 13:15	325:24	32:1,2	258:9
90:11,13,2	20:21 33:2	328:1	33:4 35:22	259:20
2	35:19 81:4	340:13	36:2 37:23	260:1,6
314:14,17	88:6 92:12	sort 15:11	38:2 39:14	275:6
315:7,19	98:21,25	16:21 21:6	43:22	329:7,8,25
320:13	103:19	57:15	95:20	330:3
321:20	105:18	58:18	100:10	331:1,2,9
322:10	107:23	108:23,25	108:6	south 15:24
323:11	120:10	196:16	115:20,21,	57:13
soil 144:8	130:16	200:4,23	22	114:21
207:12	131:16	201:18,21,	116:13,23	118:13,17
sole 95:20	137:2	23 234:25	117:4,18	119:10
Soloway 3:14	149:4,12	241:3	118:14,20	120:4,9,16
70:16	151:8	248:25	119:13,24	121:22
82:12 86:5	152:1	254:9	120:7,17,1	122:11
90:4,5	154:9	256:6	8	southerly
91:1,2	157:18,20	260:8	122:10,13,	14:3
92:2,3,22,	159:14	271:17	24 127:1	spacial
23 94:1,23	163:17	273:14	132:14	278:22
95:11,12	166:9	276:4,13	141:3	spacing 27:9
96:8	168:25	277:22	147:4	span 139:11
105:14	174:14	279:20	158:20	140:1
152:12	182:9	280:10	161:9	spatial
217:25	189:3,25	287:11	197:17	243:23
262:7	190:2	302:21	206:6	244:15
295:1	194:2	sorted	208:6	245:19
solution	198:13	sorts 108:17	211:25	246:13,21,
255:23	203:10	110:13,14	231:10,14,	24 247:24
solutions	220:21	170:10	19	248:3
43:25	224:23	279:10	232:1,2,7	250:9
somebody	232:9	sound 278:1	sources	251:23
193:25	233:6	sounds 195:9	18:21	256:17
196:19,20	237:10	196:15	27:8,16,22	258:15
someone	238:20	238:7	,25	spatial/
100:2	241:12	277:20	33:3,7,14,	temporal
somewhat	244:4,8	312:18	17	254:23
176:15	246:2	sour 162:3	34:2,8,11,	speak 10:25
245:7	248:10	231:17	18,20,22	171:10
somewhere	252:21	330:2	35:5,23	198:9
	255:4,10,1	source 14:24	36:1,5,8,9	202:17
	5 257:24	21:2,19	37:13,18	216:12
	264:14		38:6,12,15	
	268:15,22		,18,19,23	
			39:2,12,14	

278:14	139:20	59:20	standing	214:4
292:24	183:10		262:5	232:5
speaking	211:4	square 98:19	317:21	244:8
191:2	245:19	231:20	standpoint	254:12
218:20	249:10	247:21	88:21	256:4
248:5	264:11	squarely	start	264:11
249:10	266:13	89:21	10:8,15	295:17,25
250:7	270:24	squished	13:3,8	298:21
special 98:2	276:5	192:13	60:8,21	302:25
specialist	320:13	stabilized	65:21	309:1
62:16	specifics	167:13	78:13	statement
205:5	212:24	staff 2:3	86:10	42:25
species	specified	81:18	92:13	56:17
72:10	209:22	100:21	96:20 97:6	66:7,10
101:7	specifies	106:21	104:8	67:2,12,23
204:13,21,	222:3	123:21	113:19	,24
22 210:24	speed 179:22	133:19	114:4	68:5,10
212:24	180:24	341:8	135:1	74:23
214:1,6,15	181:10,17	stage	146:23	75:13
,16,18,19	196:21	41:8,15,20	155:13	111:16
215:11	spend 275:7	43:4,14	174:7	137:25
238:3,4	spent 18:1	44:4 47:19	175:11	138:11
270:25	307:1	53:3,11	193:24	139:3
286:17	spill 204:11	93:6 94:10	199:2,3	145:20
specific	208:22,24	95:24	204:1	165:15
20:3 21:1	209:4,5,7	126:16	216:18	170:24
36:13	210:2,6	189:17	218:20	175:14
42:20 44:8	215:24	241:21,22,	257:12	178:8
73:1	224:24	23 242:2,4	266:22	214:6
131:22	225:23	306:5	275:19	242:12
132:24	253:18	stages	288:2	243:17
138:3	spills	41:7,14	289:21	251:21
142:13	208:21	44:1,6,7	292:9,11	283:15
155:3	split 99:3	48:25 50:3	293:7	297:1
156:9	102:22	55:10	340:9	298:9
160:12	269:4	241:15,20,	starting	306:20
168:4,22,2	spoke	22 242:1,7	14:3 212:1	307:5
4 192:16	338:7,13,1	stakeholders	254:18	327:16
208:4	4	86:3	starts	328:3
212:13,18	sponsoring	stand 278:9	275:25	330:8
216:1	273:21	287:22	state 23:13	statements
263:5	spot 172:25	288:13	25:17 64:5	78:25
269:9,12	174:3	333:5	66:7 243:3	139:8
299:24	spread 59:20	standard	302:18	243:14
309:6	120:16	103:21	315:16	264:14
318:12	122:10,11	144:23	stated 40:8	292:11
323:24	247:24	317:20	52:17 55:8	333:3
327:4	spread/south	standards	73:3 117:3	states 43:1
specifically		85:16	138:5,10,2	219:25
45:1 48:23		275:17	2 145:18	263:15
51:12			148:5	314:25
				stating

245:5	,20,21	213:1	131:13,22	,22 210:23
statistics	131:10,17,	strategy	285:20,22,	211:14
325:3	19,20	193:16	25	213:8
status 30:11	132:5,6,16	stratigraphy	286:8,14	214:4
206:1	,17	26:7	stuff 320:4	215:15,20
statute 83:2	133:2,3,16	straw 19:19	sub 20:11	234:24
stay	,17 134:1	stream	177:12	264:22
162:14,15	147:2,16,1	129:17	subarea	269:10
199:22	7	137:21	24:23	282:12
steeper-	148:12,13,	138:15	subareas	284:3,15
sided	22,25	139:10	15:19 16:3	298:11
14:15	149:5,6,16	141:22	20:3	310:1
step 41:10	150:18,19	154:14	sub-features	submissions
43:3	151:4,5	176:25	14:17	11:4 63:22
195:10	202:7,8	194:4	subject 59:5	71:3
196:3	203:1	243:4	83:9,14	178:25
Stephen 4:5	216:17,21	streams	117:16	180:3
Stevens 2:10	257:13,16	88:19	121:13	184:5
11:23	258:1,18,1	129:19	134:19	186:7,20
17:24,25	9,23	141:7	submerged	189:8
35:11	260:12,13	143:6,7	153:4,5,8	199:14,22
56:25	294:3,4	144:14	submission	200:6,12
57:9,18,19	Stewart 2:4	164:8	9:8 65:23	201:9,11,1
,24	247:12,16	194:1,3	67:24 68:4	6
58:21,22	stick 202:14	streets	88:10	263:12,23
59:17 60:2	sticks	338:12	89:19	264:9
61:8 62:3	192:23	stressors	97:25	285:3
65:16,20	stick-type	322:14	126:14	submit
66:24	206:24	stretch	137:24	81:1,9
67:1,20,21	stockpile	287:14	146:10	84:24
68:3,20,21	138:25	strictly	170:3	88:14
69:13,14	stop 101:25	330:25	175:18	211:24
73:1	110:23	strikes	177:13,19,	218:25
86:11,14	172:10	179:11	24	283:4
104:8,11	stopped	strip 244:19	180:6,11,1	submitted
112:16,19	252:6	strives	5	18:19
113:19,20	286:8	205:18	182:1,2,19	21:16 51:7
115:12,13	storage	structure	183:11,14,	81:8 90:20
116:4,5,12	204:11	155:5	18,20	126:3
,22	208:5,9,13	198:7	185:18,22	141:15
117:14,15	209:15	structured	186:18	146:8
118:7,18	store 208:6	79:7	187:8	162:21
119:5,20,2	252:15	structures	188:4,13,2	193:5
1 120:15	storing	53:8	2 189:3,18	210:6
121:1,8,9	208:12	studies	190:16,25	211:22
122:8	strain	33:17 72:7	191:3,4	219:17
123:4	321:16	130:23	199:24	230:16
128:8,12,1	strategies		204:4,7,9,	240:23
9,21 129:5			16	241:3
130:1,2,10			205:1,7,21	283:3

306:19	sufficient	214:18,21	215:2,9,18	260:2
313:14	26:22 33:8	suitable	supply	267:19
328:3	34:14	36:15	191:13	273:10
submitting	38:6,12	61:25	support	291:9
14:2	39:1 71:2	299:8	73:17,18	296:22
subsection	123:1,5	summarize	136:8	323:12
20:25	137:5	37:8 43:6	160:12	326:18
22:15	140:5	74:9 82:25	166:23	334:18
subsequent	167:20,23	136:5	214:14	341:11
137:24	168:18	176:4	266:13	surface
165:23	183:3,17	summarized	291:4	36:16 57:3
205:4	195:12	24:2	309:22	98:18
242:7	211:10	summary	312:2,7,10	207:13
271:5	212:5	21:19 23:3	,14 321:10	244:11
317:14	222:13	37:20 65:4	325:15	surfacing
subsistence	227:19	74:23	338:17	36:15
139:21	228:23	84:7,8,11	supported	surrounding
141:11	235:6	125:20	47:16	98:11
substance	320:14	127:17	131:2	156:18
207:16	321:21	140:6	160:15	survey
282:12	322:11	215:21	266:15	140:24
substances	sufficiently	231:10	290:7	237:20
137:17	162:13	240:21	338:16	238:11
209:12,22,24	168:5	summer	supportive	308:25
substantial	243:7	101:19	311:16	surveys
47:3	suggest	108:1	supports	140:14
161:16	16:18 43:1	137:23	222:24	173:6
substantive	56:11 59:6	138:2,16	suppose	211:5
121:19	60:7	139:1	179:23	213:25
substituted	198:19	172:15	186:13	214:16
205:18	249:12	213:24	supposed	232:14
subsurface	264:22	232:14	180:3	307:20,23
14:20	287:10	summers	197:18	308:4,5,9,19
15:4,22	suggested	251:9	230:16	Susanne 3:10
16:8	77:16,19	summertime	suppressants	70:8 87:4
subtitle	121:23	107:9	101:15	104:24
22:3	302:21	Sun 1:19	sure 55:8	151:15
successful	suggesting	Sunny 4:3	77:15	203:17,20
144:12	59:21	292:16	107:20	218:18,21,
sucked	263:8	Superintende	125:3,6	22 219:14
192:12	274:8	nt 54:25	131:7	220:17,21,
suffices	301:9	82:13	147:12	22 221:16
67:3	309:24	supplement	148:1,2	223:18,25
sufficiency	suggestion	27:22	159:19	224:6,17
156:3	238:7	214:9	178:3	225:2,15
162:10	suggests	232:18	180:18	226:13
suitability	42:25	supplemental	189:9	227:3,25
	45:25	132:18	194:3	229:14
	46:24		237:2	235:23
	suitability		256:9	236:15
	213:25			

261:16	201:11	172:5	248:5,8,19	277:18
294:11	291:2	175:18	,23,25	314:6
suspect 14:8	338:15	176:6	249:6,9	318:14
sustainabili	339:8	177:12,19	250:3,10	322:13,18
ty 276:20	talking	180:3,6,11	251:23	325:10,13,
swim	15:10	,14	256:18	19 326:11
153:9,17	100:20	182:2,19	278:22	335:16
synopsis	149:7	183:11	temporary	terrain
204:3	163:15,19,	185:18,22	150:13	20:14
system 208:9	20 172:13	186:18	ten 48:18	164:13
212:20	245:19	188:4,21	85:20	167:17
276:14	251:10	189:18	248:11	territorial
308:15	268:2	190:16,25	249:5,22	86:2
329:10	277:21	191:2,4	287:11	136:15
systems	281:8	200:12	tend 16:9	238:5
144:10	304:24	201:11	308:8	323:3
208:18	tangible	204:4,7	tended 238:2	territories
242:23	271:12	205:1,22	tendency	4:19 7:10
	tank	210:23	179:21	83:21
	208:9,18	211:14	tender 61:12	138:12
	tanks 208:13	214:4,23	tent 271:18	142:12,23
		215:14,19	term 174:25	207:6
	Tara 2:17	218:7	254:22	208:22
	tasks 64:24	231:22	256:15	255:18
	127:9	240:18,22	318:1	291:23
	Taylor 4:7	241:2,7,16	334:2	292:22
	199:6	,22,23,25	335:13	293:7,10,1
	202:4	242:23	336:7	7 309:23
	team 18:1	245:4	terminates	312:6
	25:8 34:1	250:23	229:20	313:24
	53:7	256:4	terminology	317:18
	112:25	262:10	25:7	321:20
	tec 215:13	264:10	terms 12:16	324:22
	technical	282:12	26:17	339:21
	9:7 40:15	283:3	100:23	territory
	63:21	284:2	102:6,16	317:19
	66:16	285:2	107:25	318:5
	68:14 69:8	295:9	114:25	test 14:9,10
	84:10	296:21,22	124:2	15:5 16:2
	88:10	315:12,23	143:18	th 84:5
	89:19	324:10	155:8	thank 10:14
	91:10,12	techniques	160:6	11:17,25
	93:3,11	138:15	178:23	12:8
	95:18	telephone	187:4	13:2,10,15
	105:23	11:6	190:24	17:3,6,9,1
	136:3	temperature	191:1	5
	145:18	46:2,5,11	195:10	18:6,8,14
	153:21	51:18	196:8,21	19:12
	170:3	template	200:21	21:11,13,1
	171:5,25	263:4		4 23:7,9
		temporal		24:14
		243:23		

25:13,15	104:5,6,14	14,16,21	262:1,8	340:2,5,7,
28:2,4	,18,22	170:19	264:21	15,16,18,2
29:6,8,19,	105:1,5,9,	171:7,9	266:24,25	3
21,23,24	16,21,22,2	176:10	267:23	341:6,8,12
30:22	5	177:25	268:19	thanking
31:17	106:8,16,2	178:2,12	269:6,7,25	340:10
32:3,5,19,	2	179:6,8	270:1	thanks 62:23
21	111:1,3,22	181:19,21	271:25	86:7 96:4
34:23,25	112:3	183:5,22	272:2,4,13	131:10
35:1,20	113:5,6,12	186:12	273:3,16	151:21
36:19	114:13	187:16	274:2,3,4,	155:18
38:10	115:15,17	188:25	6	156:13
39:3,4,6,7	116:16,24	189:2,4,9	279:2,3,5	181:18
,19,21,24	117:20,22	191:18	280:19,20,	217:14
40:1,22,24	118:10,12,	193:18	22 281:16	229:7
,25	21	194:9	283:17,18,	234:22
41:21,23	119:7,9,25	196:12	20	263:11
42:8,16,22	120:2,19,2	197:12	285:9,10	270:5
43:11	1 121:15	198:12,14,	286:22	271:24
44:13,15,2	122:14,16	17,19	287:3,6,15	294:15
4 45:5	123:7,9,20	200:10	288:18	306:9
50:5,7,8	125:10	202:4	289:2,22,2	That'll
52:8,10,11	128:6,7,13	203:1,6,17	4 290:5,19	282:1
55:12,14,2	129:25	216:10,14,	291:15,17,	304:8
0 57:8,10	130:19	15,23	19 292:1	that's 10:6
59:9 60:5	131:1,8	217:15,19,	294:9,16	12:18
62:7,23	132:4,13	23 218:5,9	295:4,8,12	14:21
65:13,14,2	133:9,15,2	219:3,5	296:12	16:5,9
3 67:19	4	220:7	298:13,15	17:2 22:11
69:24	134:3,12,1	221:8	299:19	24:2,6
70:10,14,1	4 136:22	222:1,7	303:19	36:2 50:20
7,18	146:16,20,	223:4,6,12	304:7	62:7,21
71:1,22	21 147:2	,20	307:17	69:19 73:4
72:12,23,2	150:17	224:9,19	308:23	75:13
4 74:5,7	151:3,7,13	225:7	310:4	77:16
75:21,23	,16,22	226:3,5,15	311:2,4,6,	80:22
76:9,11,23	152:5,10,1	227:12,14	8	89:20
,25	3,14	228:9	313:10,12	98:24
77:12,14	153:10,19,	229:8,17,1	314:23	111:3,15
78:7,9,11	20,23	9 230:4,20	317:14	121:22
79:17	155:16	231:7,9	318:7	129:4,20
80:5,11	157:11	232:21	320:7	135:7
82:15,16	158:15,18	233:14,15,	322:6	155:2,5
86:5,8,22	159:3,6	17,22	323:19,21	157:16
87:5,10,13	160:19,21,	234:6	326:14	158:17
,24	24	238:9	327:1,10,1	162:10
88:4,24	161:7,24	239:5,14,1	2,21	166:11
89:5,7,18	162:8,18	6 242:20	328:9,21	172:16,25
90:6,15,16	164:10	257:9,10,1	329:14,16	173:9
,18	165:1,18	6 258:17	330:6	174:8
91:14,19	166:22	260:11,13,	332:2,18,2	178:4,18,2
92:9,11	167:5	22	0	2 179:19
95:4	168:12	261:7,14,1	337:10,12,	
96:2,7,8	169:11,12,	8,21,22	21,22,23	

180:4,21	51:19	251:4	331:10	257:19
185:23	165:4,13,2	266:11,17	they've	today
186:15,22,	0,24	269:1	241:9	10:15,17
23,25	166:25	271:21	242:24	34:6 49:7
187:8,19	167:13,15,	275:11	248:1,2	82:15
188:5	21	281:11,12	third 117:23	97:1,5
189:9	168:6,15,2	282:6	120:10	136:4
191:1,4	4 169:5	283:6	139:5	177:8
199:11	thawing	285:1	289:5	185:10
202:5	46:22 47:3	286:9	291:1	203:23
221:7	theoretical	292:23	Tho 78:10	236:11
222:14,21	267:9	295:10	thorough	285:22
223:5	thereabouts	305:23	183:2	317:7
230:17	201:7	316:23	thoroughly	329:20
233:15	therefore	317:5	34:22	337:1,10
235:17	19:24 21:5	319:11	thousand	today's
238:11	50:14	320:16	165:4,20	216:12
241:3	148:9	323:18	threaten	token 20:24
243:8	150:3,6	333:2	276:20	tomorrow
244:11	165:25	thermal	three-	326:25
245:7,20	there'll	44:10	quarters	tools 155:12
247:14	119:14	48:24	252:7,13	177:5
251:3	197:21	53:4,7	257:4	178:23
253:4,14	there's 9:11	thermokarst	threshold	top 300:17
261:2	10:15,19	15:10	144:25	topic 35:3
263:12	11:21	they'd 293:3	209:22	42:21
265:20	14:11	they'll	275:22	214:12
267:21	25:25 26:1	326:10	thresholds	215:16
268:18,19,	33:4 56:17	they're 11:1	275:20	231:4
23 270:11	60:21	15:10,19	throughout	topics
273:14	61:3,4,6	49:13	41:6 75:10	211:11
274:3,22	63:18	80:22	135:24	total 16:15
279:8	64:23 72:7	157:24	170:21	19:5 26:20
280:25	76:21 84:1	193:25	241:8	29:10,18,2
284:10	86:9 95:23	194:3	314:7	5 31:24
285:23	107:4	219:16	334:12,25	122:2
290:20	111:15	227:7	tiered	161:2,4
292:12,22	119:21	234:19	276:13	231:13,20
293:3	121:19	243:21	timely	232:5
298:5	152:24	245:4	155:15	248:11
301:8	154:19	247:10	207:21	totally
302:20	179:12	250:5	time-wise	308:17
308:6	181:12	267:17,18	328:2	tour 99:17
313:2	191:21	277:18	tiring	103:2,15,1
314:15,19	203:11	286:20	340:13	6
318:18	216:16	288:3,4	titled 41:2	tourism 4:16
319:13	238:10,13	318:14,15		7:9 293:19
321:25	243:8,19	323:18		312:1
322:24	245:19	324:7,8		
327:6	246:6	325:14		
330:23,24	247:20	326:18		
331:20				
thaw 46:10				

313:21	transcripts	318:13	269:3	22 251:3
315:11	60:22	transported	277:17	tune 154:23
316:15	transport	83:23	297:18	334:21
317:6	3:14 6:13	transporting	329:6	turn 153:21
320:23	12:20	318:16	TS 39:13	174:6
321:3,12	70:15,17	trappers	TS-2-1 28:9	262:10
324:16,19	81:24	143:14	Tuesday	turnouts
tourists	82:6,11	160:2	340:21	317:9
101:18	83:4,17,19	travel 12:16	Tuk 15:25	turns 77:17
275:7	84:2,12,23	57:2,3	28:1 32:2	twenty
tours 99:18	85:13,15,1	62:19	43:22	45:13,14
towards	6,22,24	113:1	56:23	48:16,17
41:11 43:3	86:15	travelling	97:21	49:9,11
155:13	87:14	333:6	100:7,9	50:1,2
181:2	89:25 90:6	treat 179:21	107:19	type 36:7
220:10	91:3	Treatment	108:6	59:4,21
280:3	92:4,5,24	206:19	197:8	95:16
323:13	94:20	trees 247:20	200:20	138:3,17
town 337:17	95:12	trend 276:17	244:16	139:6,8,9,
338:22	105:10,15	277:6	248:2	15,22,24
Tra 102:4	152:11,13	trigger	251:11	140:3,11
tracking	217:24	210:3	252:17,23	144:18
182:17	218:1	truck	299:12	157:24
195:5	220:3	191:21,22	300:21	172:22
204:8	262:6,8	192:23	317:25	177:16
205:24	294:24	trust 64:9	336:16	215:5
212:20	295:2	126:20	Tuk/Inuvik	324:19
traditional	307:12,14	try 74:8	160:14	types 83:13
90:13	transportati	100:1	Tuk-Inuvik	93:3 138:8
95:14	on 4:14	101:25	336:4	140:21
249:12	40:8,10	102:4	Tuk's 158:20	142:15
traffic	46:18	107:12	Tuktoyaktuk	172:18,21
56:12,19,2	53:15,16	172:12	1:5 10:6	typical
4 99:15	55:1	176:4	46:2,6	308:6
123:1	57:3,4,5	244:6	99:2,18	typo 182:8
258:12	82:21,22	248:21	100:8	
trail 94:22	83:16,18,2	271:9	101:19	
251:3,4,6,	0,25 85:13	283:21	135:22	
8	90:23	300:10,22,	141:3	
trails	102:18	23 303:17	146:14	
251:13	103:25	323:16	151:2	
train 271:5	142:10	trying 76:15	159:2	
training	151:1	81:5	202:20	
212:21	313:6	178:19	340:5,20	
Trans 95:12	318:11	236:16	tundra	
transcript	321:14	237:16	101:22	
7:18 256:8	326:4	258:8	102:4	
	transportati	265:24	103:2	
	ons 95:2		107:12	
	Transportati		247:20,21,	
	on's			

25	327:13	127:9	unscathed	200:17
unacceptable	understandin	181:6	109:16	201:13
66:8 73:5	g 16:24	184:9	unsure 75:9	228:6
unavoid	34:3 37:8	188:15	331:1	285:24
154:24	49:5	198:19	unsustainabl	331:12
unavoidable	50:16,19	282:2,4	e 267:18	user 95:21
154:25	52:21 73:9	303:1,9	untested	users
158:5	76:21 79:8	304:8,10	16:3	95:14,15
unaware	89:3 98:8	undertakings	untutored	143:17
66:17 69:6	106:3,7	6:4 9:1	277:20	160:5
unciteable	128:16	283:3	unuseable	usually
278:15	148:8	underwater	36:11	197:9
unclear	150:16	148:9	update	238:3
200:4	156:23	underway	205:25	utility
331:4	180:4	59:2	updated	264:4
uncomfortabl	186:6	unfold 200:8	211:1	utilize 44:1
e 67:15	188:10	237:3,4	212:16	utilized
126:13	190:12	unfortunatel	213:10,22	27:17
und 74:13	199:19	y 67:13	235:1	63:24
underestimat	221:17	308:17	updates	117:6
ed 250:15	228:1	unique	204:8	161:10
underneath	253:10,14	176:23	upfront	237:12,21
49:8 148:7	282:11	unknown	181:8	238:11
understand	292:21	252:8	upgraded	<hr/> V <hr/>
30:19 34:5	300:5	257:3	100:12	va 256:24
37:12,20	313:25	unlawful	upon 10:1	valid 256:24
45:20 48:8	314:3,11,1	85:3	48:7	257:6
51:9 61:3	6,19 325:9	unless 42:20	60:12,13	Valley
97:24	330:24	137:11	85:18	272:6,16
149:12	339:4	203:5,11	112:7,8	273:7
165:21	understands	283:5	141:25	338:24
169:24	108:14	unproven	198:23,24	value 18:25
175:7	146:7	19:8,11	287:17,18	46:6 50:15
178:3	understood	Unquote	315:19	144:25
185:16	46:16	14:16	319:2	162:25
191:19	154:15,16	15:18	322:19	257:3
197:17	185:7	263:21	341:14	277:2
199:3	284:20	295:21,25	upper 36:16	298:22
219:6,8	undertake	296:6	upright	valued 90:14
225:3	44:8 127:7	299:1	132:8	146:5
236:18	184:2	unrealistic	147:4,18	243:24
259:6	228:22	256:23	upset 59:3	248:17
277:11	281:19	unreferencea	usage 59:23	250:4,8
280:9	undertaken	ble 335:15	63:14	254:25
291:9	20:15	unreferenced	101:11	256:21
295:10	130:22	278:14	useful	269:20
316:1,8	131:3,4	280:14	158:18	274:20
320:24	145:13			
	148:15			
	undertaking			
	42:20			

values 19:4 23:15 63:3 124:7 232:4,6 279:25	versus 57:3 vessels 95:16 via 75:2 viable 252:11 255:23 278:19,25 279:2	98:7,10 99:15,16 visitors 102:25 107:5,7,18 ,25 108:15 visual 24:16 volume 14:22 15:13 16:19 25:10 27:6,8,11 35:6 48:15 50:1	235:6 258:20 waste 204:12 210:11,14, 15,19 213:16 215:24 224:24 wastes 210:11 water 57:15 59:22 63:14,23 69:10 83:13 85:20 88:20 90:14 93:13,14,2 5 95:15,17 100:4 126:4 128:17 133:4,12 137:5 142:16,17, 22,23 143:2,4,5, 11,23,25 147:7,20 148:14 152:25 153:15 161:2,9,10 ,12,13,15, 18,19,20,2 1,22 162:23 163:14,20 164:9 166:4 167:10 172:13 173:10 191:19,21 192:24 204:11 206:5,7,8, 19,20 207:12 213:14 waters	83:2,15 84:16,21,2 3 85:1,7,11, 23 136:10,15 137:18 207:13 waterway 83:6 84:25 85:6 waterways 83:11,14 ways 101:23 wayside 317:9 weak 256:13 weather 52:2 website 45:21 46:9 we'd 78:5 81:11 114:3 283:12,15 303:1 318:3 324:24 week 126:9 151:2 184:4,6 185:12,19 187:4 188:6 281:23 303:11,18 304:4 340:5,21 weeks 46:14 week's 188:7 weight 252:15 280:10 Welcome 112:10 we'll 10:4 11:16 17:10 58:5,6,8
variety 72:7 92:14 97:20 99:6 154:19 220:24 various 271:18 varying 139:8 VEC 276:21 277:2 278:4,9 VECs 245:18 246:4 251:25 278:13 vegetation 101:12 214:22 vehicle 211:12 vehicles 56:12 107:17 275:7,18 velocity 153:14 verbal 185:10 verbally 68:23 verific 175:2 verification 175:2 300:7 verification s 299:24 verify 144:15 278:16 301:3,5	vicinity 164:8 246:17 view 26:13 38:6 39:9 74:10 100:6 161:2 175:19,23 200:16 201:16 222:5 238:3 268:25 viewing 102:21 views 90:21 146:17 183:20 260:20 283:1 vir 235:24 visit 103:3 151:1 visitation 101:21 103:10 107:14 108:11 109:22 visitations 110:5 visited 16:11 336:16 visiting 103:13 visitor 96:25	visual 24:16 volume 14:22 15:13 16:19 25:10 27:6,8,11 35:6 48:15 50:1 volumes 13:22,23 18:23 19:23,24 20:21 27:15 49:12 52:20 voluntary 196:4 vulnerabilit y 41:2,9,25 42:6,12 43:2,7,12 53:12,13 <hr/> W <hr/> wa 128:17 waiting 150:4 walk 102:4 259:13 Walter 2:21 warming 51:14,17 warranted 96:1 washrooms 10:20 wasn't 133:11 153:1	235:6 258:20 waste 204:12 210:11,14, 15,19 213:16 215:24 224:24 wastes 210:11 water 57:15 59:22 63:14,23 69:10 83:13 85:20 88:20 90:14 93:13,14,2 5 95:15,17 100:4 126:4 128:17 133:4,12 137:5 142:16,17, 22,23 143:2,4,5, 11,23,25 147:7,20 148:14 152:25 153:15 161:2,9,10 ,12,13,15, 18,19,20,2 1,22 162:23 163:14,20 164:9 166:4 167:10 172:13 173:10 191:19,21 192:24 204:11 206:5,7,8, 19,20 207:12 213:14 waters	83:2,15 84:16,21,2 3 85:1,7,11, 23 136:10,15 137:18 207:13 waterway 83:6 84:25 85:6 waterways 83:11,14 ways 101:23 wayside 317:9 weak 256:13 weather 52:2 website 45:21 46:9 we'd 78:5 81:11 114:3 283:12,15 303:1 318:3 324:24 week 126:9 151:2 184:4,6 185:12,19 187:4 188:6 281:23 303:11,18 304:4 340:5,21 weeks 46:14 week's 188:7 weight 252:15 280:10 Welcome 112:10 we'll 10:4 11:16 17:10 58:5,6,8

60:16	318:24	121:11	3:24 63:7	320:2,5
61:12	319:1,3	147:6	66:3	323:11,15,
78:13 80:2	321:22	153:16	70:19,21	19 324:7
82:22,24	322:11,21	161:1,11	87:16,22	336:13
92:13	325:22	162:2	105:18,20	willing 11:5
104:7	329:6	164:5	113:14	78:5 79:13
112:4,11	339:12,24	165:19,24	114:1	112:21
113:7	Western 97:1	166:1	124:12	127:6
116:5	110:10	167:7,19	152:19,22	288:4
123:10	165:5	168:17	203:24	willingness
134:19	241:13	179:14	204:13	64:21
137:1,13	300:18	185:20	210:21,23	193:12
146:22	we've 12:14	186:17	211:2,16,2	winded 47:9
177:23	27:4 49:23	187:6,24	3,24	windows
185:13,14	79:25	188:1,12,1	212:2,6,8,	138:11
201:18,25	84:11 96:6	8 191:9	14,20,22,2	winter 18:22
202:21,24	112:19	201:8	3,25	24:25
203:5,11	124:22	209:17	213:1,3,7,	51:25 52:4
216:16	156:9	210:7	9,11,17	63:14
240:5	195:2	216:6	215:1,12,2	108:1,2,5
243:24	201:21	221:13	5 218:3	122:21
245:8	202:19	222:3,24	228:20	123:1
285:8	230:17	223:2	230:1	138:20,24
288:13	244:4,5	226:1	232:12,13	140:14
319:4	255:11,15	230:6	234:15	142:22
340:21	264:8	232:4,5	235:11	150:16
we're	302:19	270:16,17	237:11	173:5,7
69:14,17	319:14	273:6	238:4,16	206:6
75:9	325:17	274:25	239:21	wintertime
100:24	331:9	277:5,14	240:18	107:7,14
103:5	337:16	284:7	241:11,12	wish 221:3
109:25	339:8	289:15	256:14	259:22
134:19	wha 120:9	299:15	257:22	306:18
149:7	whatever	300:6,12,1	258:4,7,24	340:4
163:19	222:12	3 302:24	259:6	wishes
169:3,5	whatnot	304:1,16	262:21	240:15
177:16,17,	326:12	309:4	269:2	withdraw
21 178:19	wha 187:5	318:21	272:14	191:21
183:8	whether	324:24	274:16	192:24
188:5	9:5,17	326:22	279:15,16	withdrawal
199:12	13:21 33:6	331:1	282:22	93:14
202:23	42:11	338:16	284:6	142:16,18,
242:21	44:17	whole 110:15	288:22	22,24
257:8	52:15	243:7	289:7,9	143:2,5,7
260:9	53:10 71:1	275:14	306:11	161:9,19,2
263:5	80:3	335:17	307:9	0 162:15
268:2,7	89:9,24	who's 303:16	308:15	191:19
297:17	90:20	318:19	309:20	withdrawals
301:8	115:25	wi 112:23	310:7	83:13
303:16	118:25	wiggling	312:22	
304:24	119:13,14	287:11	313:7,8	
305:16		wildlife		
309:19,24				

161:22	283:12	291:1	310:16,17	15:14
Witherly 3:3	285:7,18	wording	world 279:24	258:16
withhold	295:4	297:19	worries	yearly 318:3
62:9	335:12	work 33:17	269:19	321:25
WMAC 7:6	wolf 246:7	45:12,14	worry 275:12	Yellowknife
9:10 61:20	Wolki	55:9 72:2	worse-case	135:16
80:18,20	340:10,13	86:1 91:23	266:3	197:3
218:5	wonder 22:12	149:14,21,	worst-case	203:25
240:12	28:12,22	24 156:18	244:1	292:18
241:6,15	29:12	157:17	247:2	Yep 124:24
242:2,6,22	42:10 43:5	171:24	251:20	285:7
244:9	44:16	180:5	252:1,10,1	yesterday
250:18	50:18	193:24	2	11:3,18
253:2,16,2	116:18	194:22	253:11,17,	13:3 17:17
1 256:19	118:23	268:10	20	18:2 20:3
257:1	120:8	274:20	254:3,6,13	25:24
260:20	160:25	281:5	256:23	26:15 27:5
262:14,17	162:1	287:13	257:1,19	40:6 61:21
263:15,21	165:3	306:21	267:1,7,13	63:20
269:3,11,1	184:1	308:7	270:7	73:21 82:9
3 272:5	218:13	309:14,17,	278:19,25	97:13
273:1,10,1	224:2,11,2	18 313:6	279:2,7	122:19
8,25 274:8	1 225:8	314:5	worth 315:21	174:21
277:25	226:6	317:8	worthwhile	175:8
279:24	228:11	323:15	18:9	203:20
282:4,14,1	229:10	339:2	wow 175:4	204:10
8,25	230:5,21	340:11,14,	write 73:8	247:9
283:2,6,24	232:3,22	18	writing 69:7	284:21
284:7	272:5,14	worked 43:21	184:3	333:17
285:4,7	273:5,18	76:14	written	yesterday's
286:3	289:13	336:23	68:23	60:22
287:2	327:22	workers	136:3	yet 35:23
295:7	328:22	317:25	189:8	42:6 127:6
299:12	331:15	working 17:7	213:8	139:13
WMAC's	337:5	66:1 77:2	215:9,19	140:18
240:22	wondered	97:19	240:22	156:18
241:9	12:22 13:8	110:12	244:24	157:9
242:3,8,17	115:7,24	142:10	286:1,5	173:15
244:6	118:2	143:16	wrong 115:23	175:9
245:15	121:24	146:18	243:6	186:15
248:14	122:24	155:13	247:10	206:15
249:22	wonderful	160:4,14	wrote 67:13	207:9
250:12	337:25	176:24	176:5	210:1
251:22	wondering	323:18	yards 14:12	211:22
252:1	58:15	workings		215:21
255:4,22	61:18 73:7	334:9		230:17
256:15	77:1 89:24	works 83:5,7		234:16
257:21	132:23	84:16,22,2		255:14,21
258:3	181:24	4		258:21
265:10	192:1	85:3,6,7,8		265:20
270:22	193:6	194:9		299:2
278:19				

305:13,23	Zed 140:17			
yo 187:23	zone 215:7			
you'll 20:1	301:5			
62:8 80:6	302:18			
191:20	zones			
192:1	9:15,19			
281:19	136:15			
yours 269:5	164:25			
yourself	299:24			
11:11	300:8,13			
87:16	301:6,11,1			
96:20	7			
123:17	302:5,6,24			
134:25	303:25			
157:19	304:2,12,1			
161:6	8			
203:13				
218:20				
240:10				
272:24				
288:13				
289:21				
293:8				
333:5,12				
yourselves				
82:4				
292:10				
you've				
37:8,10				
64:20				
74:19				
78:25 80:3				
117:3				
169:24				
172:11				
175:20				
187:19				
201:3				
239:15				
241:5				
266:10				
270:8				
274:9				
279:9				
280:24				
282:16				
303:23				
304:2				
340:3				
<hr/> Z				