



“When You Talk - We Listen!”



NORTHWEST TERRITORIES

WATER BOARD

INUVIK TO TUKTOYAKTUK HIGHWAY

PUBLIC HEARING

Panel Members:

Chairperson	Roger Connelly
Member	Emery Paquin
Member	Mark Cleveland
Member	Lou Covello

HELD AT:

Inuvik, NWT

October 7, 2013

Day 1 of 2

	APPEARANCES	
1		
2	Board Counsel	)Board Counsel
3		
4	Ron Wallace	)NWTWB Acting
5		)Executive Director
6	Jamie VanGulck	)Technical
7		)Consultant
8		
9	Jim Stevens	)Department of
10	Gurdev Jagpal	)Transportation
11	Russell Neudorf)
12	Jayleen Robertson)
13	Rhonda Batchelor)
14	Larry Purcka)
15	Doug Saunders	)EGT NW/DOT
16	Erica Bonhomme	)Kavik-Stantec
17	Doug Chiperzak)
18	Walter Orr)
19	Michael Fabijan)
20	Tara Schmidt)
21	Robyn McGregor	)Kiggiak EBA
22		
23	Tara Shoemaker	)GNWT Justice
24		
25		

1 APPEARANCES (Con't)

2 Kirstin Hynes) Fisheries Joint

3) Management

4) Committee

5

6 James Malone) Wildlife Advisory

7) Management Council

8

9 Billy Storr) Inuvialuit Game

10) Council

11

12 Dougie Joe) Inuvik Hunters'

13 and) Trappers'

14 Committee

15

16 Conrad Baetz) AANDC

17 Paul Green (via phone))

18 Nathen Richea (via phone))

19 Jan Davies (via phone))

20

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1		TABLE OF CONTENTS	
2		Page No.	
3	List of Undertakings		5
4	List of Exhibits		6
5			
6	Opening Comments		7
7			
8	Presentation by Department of Transportation		21
9	Question Period		43
10			
11	Presentation by Inuvialuit Game Council		117
12	Question Period		126
13			
14	Presentation by Fisheries Joint		
15	Management Committee		131
16	Question Period		136
17			
18	Presentation by Inuvik Hunters and		
19	Trappers' Association		142
20	Question Period		144
21			
22	Presentation by AANDC		147
23	Question Period		148
24			
25	Certificate of Transcript		184

LIST OF EXHIBITS		
No.	Description	Page No.
1		
2		
3	1	
4	Agenda for the hearing and all	
5	documents contained on the	
6	public record	19
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

LIST OF UNDERTAKINGS		
No.	Description	Page No.
1		
2		
3	1	
4	Department of Transportation to	
5	address water usage in pits under	
6	its ILA (Inuvialuit Land	
7	Administration) permit	65
8	2	
9	Department of Transportation to	
10	submit a pit development plan for	
11	177 which will address all	
12	concerns by October 15, 2013	180
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1 --- Upon commencing at 8:48 a.m.

2

3 THE CHAIRPERSON: Good morning and
4 welcome. Before I call the hearing to order I would
5 like to call upon Mary Teya, one (1) of our
6 interpreters today, to say an opening prayer. Thank
7 you, Mary.

8

9 (OPENING PRAYER)

10

11 THE CHAIRPERSON: Masi, Mary. My
12 name is Roger Connelly and I'm the Vice Chair of the
13 NWT Water Board, and I bring this hearing to order.
14 And we'll commence by outlining who we are, why we
15 are here, and the agenda we will follow.

16 Firstly, who are we? This public
17 hearing is being held at the direction of the
18 Northwest Territories Water Board. The NWT Water
19 Board was established under the Federal NWT Water's
20 Act and hold the authority under that Act to receive,
21 consider, and approve, or reject applications for the
22 use of water and the disposal of waste as it relates
23 to water on all lands within the Inuvialuit
24 settlement region, within the Northwest Territories.

25 Personal domestic uses of water, in-

1 stream uses that do not diminish the quality or the
2 flow of water, and water used for fire or emergency
3 purposes are exempt from the requirement to obtain
4 authorization from the Board. Water use connected
5 with shipping activities is governed through the
6 Canada Shipping Act, and administered by the Federal
7 Department of Transportation.

8 The Board currently consists of six
9 (6) members. All appointments are made by the
10 Federal Minister of Aboriginal Affairs and Northern
11 Development. And nominations are made by the
12 Government of the Northwest Territories, and those
13 federal government departments directly concerned
14 with the management of water in the Northwest
15 Territories. This hearing is being undertaken by the
16 four (4) Board members you see present today.

17 Secondly, why are we here? On June
18 the 17th this summer, the Board received an
19 Application from the Government of the Northwest
20 Territories for any and all water and water waste to
21 be used, impacted, or disposed of during the
22 construction of the Inuvik/Tuktoyaktuk highway
23 project.

24 Following a review of the Application
25 to determine if it included all the required

1 documentation, the Board declared the Application
2 complete on July the 3rd, 2013. Since that time a
3 sequence of activities, including those required
4 under the Act, the regulations under the Act, and the
5 Board's rules and procedures, have been undertaken by
6 the Board.

7 Some of the more pertinent of these
8 activities are as follows: public posting of the
9 Application and the general hearing and the public
10 hearing, the provision of the Application and
11 subsequent documentation to interested parties; a
12 detailed review of the Application by the Board, a
13 detailed review of the fifty-one (51) recommendations
14 of the Environmental Impact Review Board, and the two
15 hundred and thirty-four (234) commitments made by the
16 Applicant.

17 We've undertaken a detailed review of
18 the federal government's response to the EIRB report.
19 We have taken extensive consultation with federal and
20 territorial government departments holding an
21 interest in water resources in the NWT.

22 We have made a additional Information
23 Requests from the Board to the Applicant. A pre-
24 hearing conference was held in Inuvik to review
25 technical issues regarding the Application and

1 prepare for this public hearing. We also received
2 and granted Intervenor requests.

3 A copy of the Application and all
4 related correspondence and documentation received
5 throughout this process has been posted on the Board
6 website, and hard copies have been made available to
7 interested parties upon request. In addition, a
8 complete copy is available for viewing today at the
9 rear of the room.

10 These and other associated activities
11 has brought us to our -- to this point, a public
12 hearing, where the Applicant will outline their
13 project as it relates to water use; where registered
14 Intervenors can present their opinions, their
15 comments, and their positions as they relate to water
16 use by the project; where we will gain a fuller
17 understanding of the traditional Inuvialuit uses of
18 water along the highway route, and how the project
19 may impact those uses; and also hear any comments and
20 opinions from the general public on the use of water
21 or the disposal of water waste during the
22 construction of the highway.

23 I should mention that although the
24 Board has only received an Application for the
25 construction of the highway within a five (5) year

1 period, it is fully aware of the need to consider the
2 implications of construction on the ongoing operation
3 and maintenance of the highway, particularly as it
4 relates to mitigation and monitoring procedures.

5 The agenda today -- I would now like
6 to briefly walk through this agenda for today's
7 hearing. For those would like to follow along,
8 copies are available at the back of the room. And I
9 believe most people have them now.

10 We will begin by introducing the other
11 Board members, Board staff members, legal counsel and
12 supporting technical experts; followed by those
13 persons representing the Applicant; followed by those
14 representing the Intervenors; followed by the other
15 presenters that we have today; followed by other
16 individuals critical to our hearing.

17 Next I will be joined by our legal
18 counsel to outline a few preliminary and procedural
19 matters. Our legal counsel will then provide an
20 acknowledgement of written submissions to the Board.

21 We will then move to the presentation
22 by the Applicant, followed by presentations from our
23 two (2) Intervenors: the Inuvialuit Game Council and
24 the Fisheries Joint Management Committee.

25 Next we will have a presentation on

1 traditional knowledge from a representative of the
2 Inuvik Hunters' and Trappers' Committee.

3 Following that, the Water Resources
4 Division of the Federal Department of Aboriginal
5 Affairs and Northern Development will provide the
6 Board with additional information on their ongoing
7 responsibilities and procedures.

8 Following each of these presentations,
9 the other parties, Board legal counsel, staff, and
10 Board members and the general public may question any
11 of these presenters on any matter outlined in their
12 presentation.

13 Following the questions to the Water
14 Resources Division, the Board would be very pleased
15 to hear from any member of the general public who
16 would like to provide us with their thoughts, their
17 comments, or their concerns as they relate to water
18 use and disposal throughout the construction period.
19 Information provided to the Board by the general
20 public is an important element of our proceedings and
21 the Board encourages your participation.

22 We will then move towards the end of
23 today's proceedings by giving the two (2) Intervenors
24 the opportunity to provide us with their closing
25 statements and arguments. Normally these would be

1 provided at the end of this public hearing, which
2 will be Tuktoyaktuk later tomorrow. However, they
3 have requested to make those closing remarks today,
4 and the Board has granted their request.

5 The Applicant will not be making their
6 closing statements today, having chosen to make them
7 at the end of the hearing in Tuktoyaktuk tomorrow.

8 Following a closing prayer from
9 Lillian Elias, I will then thank all participants and
10 adjourn the hearing.

11 So we move on. Introductions: Before
12 commencing I would like to recognize some people I've
13 recognized in the public area: Mayor Mervin Gruben
14 from Tuktoyaktuk; and I see at least two (2) Members
15 from the Gwich'in Land and Water Board; members from
16 ILA, and I think from the Inuvik Hunters' and
17 Trappers' as well. Welcome.

18 And now I'd like to move to introduce
19 the Board members with me today. From my left, Emery
20 Paquin; Mark Cleveland; and Lou Covello. Two (2)
21 members of the Board are not joining us today. They
22 are the Chairman, Eddie Dillon, and the member from
23 Aklavik, Mina McLeod.

24 I'd then like to move to the staff.
25 First of all, Ron Wallace. Ron's the acting

1 executive director for the Board. Beside him, we
2 have Gerald "Gerry" Phillips, the legal counsel to
3 the Board. We have also Jamie VanGluck. He's a
4 technical advisor to the Board from ARKTIS.

5 Other Members we have in the room; we
6 have Freda Wilson. Freda's the office administrator
7 here in town. Liz Castenada works out of our
8 Yellowknife office as the administrative coordinator.
9 And we're also very fortunate in that the National
10 Energy Board has helped us out in our proceedings and
11 our organization and has given us the very -- very
12 skilful services of Marie-Anick Alie over here.

13 Thank you, NEB.

14 Interpreters in the booths, we have,
15 on the Inuvialuktun side, we have Agnes White and
16 Lillian Elias. On the Gwich'in side, we have Mary
17 Teya and Bertha Francis. Welcome, ladies, and thank
18 you.

19 On our audio side, we have Corey
20 Francis, and our court reporter, who had a few
21 difficulties, a few glitches, but he struggled
22 through, is Bob Keelaghan.

23 With that, that's our team and the
24 team organizing the events today. I'd now like to
25 ask Jim Stevens from the Applicant to perhaps advise

1 us who he's brought with him today. Thank you, Jim.

2 MR. JIM STEVENS: Jim Stevens,
3 Department of Transportation. Thank you, Mr. Chair.
4 Our presentation this morning will be started off
5 with some opening remarks from the Deputy Minister of
6 Transportation, Russell Neudorf. His opening
7 remarks, which will also include introduction of the
8 -- of the developer team, will be followed by a
9 detailed technical presentation.

10 Russell, please.

11 DEPUTY MINISTER RUSSELL NEUDORF: Mr.
12 Chair, I -- we'll just introduce the developer team
13 at this point in time. You heard from Jim Stevens,
14 director of Inuvik-Tuk Highway project; also from the
15 GNWT Department of Transportation is Larry Purcka,
16 senior program manager, Highways Division; Gurdev
17 Jagpal, our Inuvik regional superintendent; Jayleen
18 Robertson, director of Planning, Policy, and
19 Environment; and Rhonda Batchelor, senior
20 environmental analyst. With -- also with the GNWT
21 Department of Justice, we have Jana Schumacher, legal
22 counsel.

23 Consultants for the Developer include,
24 from Kavik-Stantec, Erica Bonhomme, Tara Schmidt,
25 Walter Orr, Michael Fabijan, and Doug Chipertzak. And

1 we have Robyn McGregor from Kiggiak-EBA, and we have
2 Doug Saunders from EGT Northwind. Thank you.

3 THE CHAIRPERSON: We're off. Next,
4 I'd like -- we have two (2) Intervenors, and I
5 believe today they -- representing the Game Council
6 will be Mr. Billy Storr. Welcome, Mr. Storr. And
7 the Intervenor representing Fisheries Joint
8 Management Committee will be Kristin Hanes -- Hynes?
9 Hanes? Beg your pardon. Aply supported, both of
10 these individuals, by Mr. James Malone from the Joint
11 Secretariat. Welcome, James.

12 Next we have, I believe, the Inuvik
13 Hunters' and Trappers' representatives, Mr. Dougie
14 Joe at the back. Welcome, Dougie.

15 We also have Mr. Conrad Baetz from the
16 AANDC office here in town, and Conrad has a little
17 backup on the phone. And when his turn comes at the
18 podium, he has backup in the form of three (3) or
19 four (4) individuals from their Yellowknife office
20 who will be linking in at that time. Welcome,
21 Conrad.

22 Also tying in by phone, although not
23 being allowed to speak but only listen, are some
24 federal departments from Environment Canada: CanNor,
25 DFO, and I also believe a couple of representatives

1 from the territorial government DOT. As I say, those
2 individuals will be listening in but not speaking.
3 The only ones speaking on the phone will be -- if
4 called by Conrad Baetz to help him answer some
5 questions, they will be permitted to speak at -- at
6 that time.

7 So I think that's the intros. I hope
8 I haven't missed any. My apologies if I have.

9 Okay. We'll now move to the next
10 agenda item: preliminary and procedural matters. So
11 first of all, normal one, please turn off the cell
12 phones; put them on vibrate only.

13 We have simultaneous interpreting at
14 these proceedings. Everything said will be placed on
15 the record, so please speak slowly and into the
16 microphone. And my apologies to the ladies if I'm
17 speaking too fast already.

18 We will have a short break for coffee
19 in mid-morning, a one (1) hour break for lunch around
20 noon, and one (1) more coffee break in the middle of
21 the afternoon.

22 Washrooms are at the back of the room
23 on your right. Exits, emergency exits here and here,
24 and then the door you came in. We will have a
25 cordless roving microphone for those members of the

1 public who would prefer to sit in the seats rather
2 than come up on to the table when they would like to
3 say a few words.

4 These proceedings are being recorded,
5 and a written transcript will be posted on the
6 Board's website within the next few days. To all
7 presenters and speaker to -- today, as we're being
8 recorded, please identify yourself when you speak --
9 before you speak. Indicate who you represent. And
10 again, speak into the microphone, please.

11 As this is a formal proceeding, all
12 questions and comments should be directed through the
13 Chair. Thank you.

14 Finally, the Board would appreciate
15 your cooperation in being courteous and focussed when
16 you question other parties.

17 That's my list. We'd like to move on
18 now. And I'd ask -- like to ask our Board legal
19 counsel, Gerry Phillips, to now comment on procedural
20 matters we'll consider throughout this hearing.

21 Than you, Gerry.

22 MR. GERRY PHILLIPS: Thank you, Mr.
23 Chairman. Yes, the -- the first preliminary matter
24 I'd like to attend to is just to have the public
25 register stamped as an exhibit in this proceeding.

1 presentation from the IGC, as well as from the -- the
2 Fisheries Joint Management Committee. That was
3 handed in just shortly before the proceeding started
4 this morning, and the Proponent has consented to that
5 PowerPoint presentation going in even though it was
6 submitted somewhat late.

7 And we have, of course, the
8 Proponent's PowerPoint presentation that has been
9 received, the IGC PowerPoint presentation. And one
10 (1) other organization, the Inuvik Hunters' and
11 Trappers' Committee, has provided a written
12 submission to the Board, which has been circulated.
13 And that is being treated as a submission made under
14 Rule 85(a) of the Rules of Procedure.

15 So unless there are any questions or
16 preliminary issues, that's all I have by way of
17 preliminary matters, Mr. Chairman.

18 THE CHAIRPERSON: Thank you, Gerry.
19 Any response from the Proponents?

20 MR. JIM STEVENS: Jim Stevens. No,
21 Mr. Chair.

22 THE CHAIRPERSON: Thank you, Jim.
23 Okay. With that, just before we ask the Applicant to
24 come forward to make their presentation, I just -- I
25 see there's a few additional members of the Gwich'in

1 Land and Water Board have come in to join us.

2 Welcome.

3 And with that, Jim, perhaps I could
4 ask you for your team to come forward and make your
5 presentation to the Board.

6

7 PRESENTATION BY DEPARTMENT OF TRANSPORTATION:

8 MR. JIM STEVENS: Jim Stevens. Thank
9 you, Mr. Chair. I will now defer to Deputy Minister
10 Russell Neudorf to provide some opening remarks.

11 DEPUTY MINISTER RUSSELL NEUDORF:

12 Thank you, Jim, and good morning, Mr. Chair, Board
13 members and staff, stakeholders, interested parties,
14 Elders, and community residents. It is indeed a
15 pleasure to be in Inuvik to deliver opening remarks
16 to the NWT Water Board public hearing on the
17 Department's Application for a five (5) year licence
18 to construct the Inuvik-Tuktoyaktuk Highway.

19 In a few minutes, the developer team
20 will outline the technical planning undertaken by the
21 Department of Transportation to ensure our highway
22 construction project conforms to the goals of the
23 Northwest Territories's Water Board.

24 Mr. Chair, the Inuvik-to-Tuktoyaktuk
25 Highway Project is a significant construction

1 partnership aimed at improving the quality of life
2 for community residents. The project is at the
3 centre of the 17th Legislative Assembly's vision of a
4 Northwest Territories that has a strong economy,
5 providing jobs and opportunities for Northerners.

6 This is a project that holds potential
7 to improve the quality of life for community
8 residents by providing both enhanced economic and
9 social opportunities, enabling economic development,
10 and strengthening our country's claim to Arctic
11 sovereignty.

12 Mr. Chair, the idea of linking the two
13 (2) communities by an all-weather road was first
14 envisioned by back in the 1960s by Inuvialuit
15 residents living in Tuktoyaktuk and Inuvik. More
16 than sixty (60) years later, the idea took on greater
17 form when the Government of Canada, the Government of
18 the Northwest Territories, the Town of Inuvik, and
19 the Hamlet of Tuktoyaktuk joined forces in 2009 to
20 both build an all-weather road to Gravel Source 177
21 south of the community and to pursue the development
22 of a project description report for the Inuvik-to-
23 Tuktoyaktuk Highway.

24 The partnerships and business
25 relationships formed between governments and

1 Beaufort-Delta residents during those successful
2 projects are integral to our current proposal. Our
3 plan to construct an all-weather highway linking
4 Inuvik and Tuktoyaktuk continues to receive strong
5 support from community residents, local businesses,
6 regional leadership, and the Government of Canada, as
7 demonstrated by its \$200 million funding commitment
8 made during time of fiscal restraint.

9 This is a project that will facilitate
10 a reduction in the cost of living; enhanced
11 employment, training, and business opportunities; and
12 provide residents with the benefit of less-expensive
13 access to regional services such as health care,
14 education, and recreational facilities.

15 It will also promote the tourism and
16 hospitality industries, since Tuktoyaktuk will become
17 the only Canadian community on the Arctic coast
18 accessible by an all-weather road.

19 Mr. Chair, the Department of
20 Transportation has a proven record of successfully
21 managing large, complex infrastructure projects with
22 an environ -- with environmental integrity, such as
23 the Deh Cho Bridge, which opened last November with a
24 clean record on environmental and water management.

25 Success for the Department means

1 delivering the highest integrity in all our
2 transportation infrastructure endeavours. Integrity
3 is our commitment to do things right to the very --
4 very best of our ability the first time, and every
5 time.

6 This is confirmed in our Department's
7 environment strategy called 'Green Light', structured
8 around our environmental policy that asserts a vision
9 to develop and operate a transportation system that
10 best meets the social, economic, and environmental
11 needs of the people of the Northwest Territories.
12 Achieving this vision means environmental priorities
13 will be integral to our decision-making processes and
14 our operations.

15 The Department is committed to
16 constructing the Inuvik-Tuktoyaktuk Highway using
17 methods and mitigation plans that will protect the
18 integrity of water quality and quantity in the
19 Inuvialuit Settlement Region.

20 To make good on our commitment, the
21 Department has been working with communities,
22 Aboriginal governments, stakeholders, and regulators
23 ensuring the project's environmental footprint will
24 be managed in the most reasonable and responsible
25 manner possible.

1 We have integrated social, economic,
2 and environmental considerations into all aspects of
3 the highway proposal, a continuation of our
4 government's respect for collaboration and consensus.

5 Earlier this year, the
6 Inuvik/Tuktoyaktuk Highway Project received approval
7 from the Environmental Impact Review Board and the
8 Government of Canada, two (2) essential endorsements
9 that validate the public support for the project and
10 the manner in which it is being pursued by the
11 project developer team.

12 The water licence Application our team
13 submitted to the Board is supported by volumes of
14 technical information, including surveys and studies
15 into aerial photography, terrain and geotechnical,
16 fish habitat, vegetation, wildlife, archeology,
17 hydrology, bathymetry, and bridge design, among
18 others.

19 These studies are the basis of the
20 Management Plan submitted to the Board. The
21 Department will review management plans annually to
22 ensure their intentions address current realities.

23 Our Application also includes the
24 Department's response to two (2) rounds of
25 Information Requests from the Water Board,

1 supplemental information packages, and pre-hearing
2 technical sessions. In addition to the submitted
3 documents the Department will continue working with
4 various regulatory agencies and co-management boards
5 in the Inuvialuit Settlement Region to manage
6 wildlife, fisheries, and water issues that might
7 result from the highway's construction and to tract -
8 - track the project's regulatory compliance.

9 The Department of Transportation
10 continues to adopt construction and operational
11 procedures that maximize the best environmental
12 practices to ensure wildlife, land, fishery, and
13 water resources are protected. We fully intend to
14 instill the same high degree of commitment to this
15 project, like we do for all our infrastructure, and
16 to manage it in a manner that upholds the
17 Department's proven integrity.

18 We are confident the plans and
19 information provided in our water licence application
20 package address the expectations and concerns of
21 residents, and the requirements of the Northwest
22 Territories Water Board.

23 Mr. Chair, we look forward to
24 receiving comments and questions from you, Board
25 members, and other participants in this public review

1 of our application package following a presentation
2 to be delivered by Jim Stevens, detail -- Jim
3 Stevens, detailing technical aspects of the project.

4 Thank you very much.

5 THE CHAIRPERSON: Thank you, Mr.
6 Neudorf. Jim, please.

7 MR. JIM STEVENS: Jim Stevens. Thank
8 you, Mr. Chair. As mentioned by Deputy Minister
9 Neudorf, it is a pleasure to be here in Inuvik today
10 to provide the NWT Water Board with a detailed
11 presentation on our water licence application.

12 Our presentation this morning will
13 provide the Board and members of the public in
14 attendance with details on the Department of
15 Transportation's responsibilities as a developer and
16 public government; a summary of construction
17 activities; a description of various plans that are
18 included in the project Environmental Management
19 Plan; the scope of the Application before the Board;
20 a description of the project's water use, watercourse
21 crossings, and procedures for waste management; a
22 summary of the project's effects to water quantity
23 and quality; and a description of the monitoring and
24 adaptive management to be undertaken.

25 It also includes a summary of

1 consultation undertaken leading up to the development
2 of the water licence application and related plans.
3 And the presentation concludes with the Department of
4 Transportation's views on how it has met the
5 requirements for licensing under the Northwest
6 Territories Waters Act.

7 The Department of Transportation is
8 responsible for planning, building, and maintaining
9 public transportation infrastructure in the Northwest
10 Territories. The proposed construction of the
11 Inuvik-to-Tuktoyaktuk Highway falls within this
12 mandate.

13 The Department of Transportation has
14 the budget and operational experience to maintain
15 2,200 kilometres of all-weather highway and other
16 public transportation infrastructure. The opening of
17 the Inuvik-to-Tuktoyaktuk Highway will not impact
18 operations on other Northwest Territory highways or
19 public transportation infrastructure.

20 Our water licence application is based
21 on the Inuvik-to-Tuktoyaktuk Highway Project, which
22 we'll see an approximately 140 kilometre all-weather
23 highway constructed between the communities of
24 Tuktoyaktuk and Inuvik over the time period 2013
25 through 2017.

1 The scope of the development being
2 applied for comprises construction activities from
3 that time period 2013 to 2017 and includes: winter
4 development and operation of borrow sources; summer
5 maintenance and stockpiling at borrow sources; winter
6 construction of new embankment; construction of
7 permanent watercourse crossings and drainage
8 structures; summer embankment compaction, surfacing,
9 and grading; construction and operation of winter
10 roads and access trails; and winter and summer
11 operation of temporary camps, maintenance, and
12 storage areas.

13 This is a slide that shows the type --
14 types of activities that occurred last winter at
15 Source 177, and we -- would be typical of the
16 activity you -- you would expect at other new borrow
17 sources.

18 The scope of the development being
19 applied for also includes transportation of fuel,
20 waste, equipment, and personnel, and the storage of
21 fuel. A contractor for this project is expected to
22 be announced in November of this year.

23 The construction of the Inuvik-
24 Tuktoyaktuk Highway Project underwent a substituted
25 panel review to meet the requirements of the Canadian

1 Environmental Assessment Act and Inuvialuit Final
2 Agreement.

3 In January of this year, the
4 Environmental Impact Review Board released its report
5 of the review and concluded that although the project
6 will have significant effects on the environment,
7 these effects can be mitigated through the
8 implementation of fifty-one (51) recommendations and
9 the Department of Transportation's two hundred and
10 thirty-four (234) commitments.

11 In April of -- of this year, the
12 Government of Canada accepted, or accepted the intent
13 of, most of the recommendations with a decision that
14 the development should proceed. The Department of
15 Transportation has adopted all of Canada's
16 recommendations related to water and waste in its
17 construction methods, monitoring, and management
18 plans.

19 The Environmental Management Plan for
20 the Inuvik-Tuktoyaktuk Highway includes all
21 environmental-related monitoring and mitigation sub-
22 plans intended to mitigate, monitor, and manage
23 impacts to the environment from construction
24 activities. All of these plans will be updated
25 annually or as required as part of an adaptive

1 management process.

2 I should also note that the Inuvik-to-
3 Tuktoyaktuk highway corridor working group has been
4 established to facilitate multi-agency and
5 stakeholder -- stakeholder input into the review of
6 the various plans. At this time, we are working
7 towards scheduling the first meeting of the Corridor
8 Working Group for late October or early November.

9 The project's Environmental Management
10 Plan includes a sedimentation and erosion control
11 plan, a waste management plan, an explosives
12 management plan, a spill response procedure, a spill
13 contingency management plan, a safe work practice
14 fuelling equipment document, a safe work practice
15 handling petroleum document, an emergency response
16 plan, a fish and fish habitat protection plan, and a
17 wildlife and wildlife habitat protection plan, and
18 finally an aquatic effects monitoring plan.

19 I should note, several plans have also
20 been updated during the Board's process, based on
21 ongoing review by regulators and other parties.

22 The Inuvik-to-Tuktoyaktuk Highway
23 construction activities will begin in late 2013 and
24 continue to fall 2017. The Department of
25 Transportation is requesting a five (5) year licence

1 to cover construction activities; specifically, to
2 obtain water, to cross watercourses, to modify the
3 bed or banks of watercourses, and to deposit waste.

4 The project's construction variables,
5 location, and timing is summarized in the
6 construction plan atlas. The most recent version was
7 provided to the Board September 20th, 2013. The
8 atlas shows winter and summer camp locations, borrow
9 source and water access trails, and the area of
10 alignment construction for specific years, and north
11 and south construction spreads.

12 The majority of construction will be
13 completed in winter, along two (2) separate span --
14 spreads or sections: 20 kilometres in the north, 20
15 kilometres in the south. Construction activities in
16 summer will consist of embankment grading and
17 surfacing.

18 There are sixty-six (66) watercourse
19 crossings requiring bridges or culverts to be
20 constructed. All structures are designed to meet
21 Department of Fisheries and Oceans requirements.
22 Designs have been supported by hydro-technical
23 studies and fisheries assessments.

24 All crossings have had drawings issued
25 for 100 percent design review. These have been

1 submitted to the Board. We are able to provide the
2 Board with stamped and signed drawings by October
3 15th.

4 Site-specific requirements at each
5 crossing are included in the crossing designs.
6 Generally though, crossings will be constructed in
7 winter. Construction will include the placement of
8 geotextile fabric and bedding gravel below the
9 culvert, and back-filling with thin lifts or thin
10 layers of compacted gravel.

11 This slide shows a culvert being
12 installed on top of the geotextile fabric and bedding
13 gravel.

14 This is an example of a large-diameter
15 culvert on a stream crossing on the Source 177 access
16 road.

17 All culvert construction will have
18 sedimentation and erosion control parameters. The
19 Sedimentation and Erosion Control Plan for the
20 Inuvik-to-Tuktoyaktuk Highway describes methods that
21 will be used to prevent sedimentation and erosion
22 during watercourse crossing construction.

23 Embankment construction will also be
24 conducted in winter using frozen material from borrow
25 sources. The frozen material will be placed on a

1 geotextile fabric which has been laid over a right-
2 of-way, cleared of snow.

3 Compaction and other highway-finishing
4 activities will be conducted in the summer.

5 This slide shows clearing of snow and
6 placing of geotextile on the Source 177 access road.
7 This technique will be used for the new alignment
8 construction.

9 In the summer, embankment grading and
10 shaping will occur. Surfacing gravel will be placed
11 when compaction and settlement have been achieved.

12 There will be up to eleven (11) borrow
13 sources developed during the three (3) to four (4)
14 year construction period. Three (3) sources will be
15 open this winter, pending approval of quarrying
16 permit and quarry licence applications, including pit
17 development plans by the Inuvialuit Land
18 Administration and Aboriginal Affairs and Northern
19 Development Canada.

20 Applications for pits to be opened in
21 years 2 and 3 will be submitted to regulators for
22 approval prior to winter construction. All borrow
23 sources used for construction will be operated in the
24 same manner as the borrow sources applied for this
25 year.

1 The construction plan atlas shows
2 potential locations for winter roads, access trails,
3 and camps associated with these borrow sources. Each
4 borrow source will be used up to two (2) years during
5 construction.

6 Comprehensive pit development plans
7 have been submitted to the Inuvialuit Lands
8 Administration and Aboriginal Affairs and Northern
9 Development Canada for three (3) borrow sources being
10 applied for in 2013. These are I-401A, PW-10 and 11,
11 and Source 170. These pit development plans follow
12 guidance provided in the Inuvialuit Settlement Region
13 Granular Resource Management Plan, and include
14 objectives and opera -- and options for closure and
15 reclamation.

16 All construction camps required for
17 the project will be located on borrow sources and on
18 the embankment. No summer over-land access to borrow
19 sources will be required. The project will require
20 early-season access trails, winter haul roads.
21 Routing over lakes will be maximized. Winter roads
22 and access trails are constructed using best
23 management practices.

24 The project's use of water will be
25 primarily for the construction and maintenance of

1 winter roads, and dust control and compaction in the
2 summer. It will also be used for camp operations.

3 This table shows the projected water
4 use for the north and south spreads or sections each
5 year. As you can see, the water requirements are
6 highest during the early winter for the project's
7 winter roads. Water use is considerably lower from
8 January to the end of the winter and minimal during
9 summer.

10 The Department of Transportation has
11 identified, through bathymetric surveys, thirty-seven
12 (37) lakes potentially suitable for water withdrawal
13 and ought -- has also identified the Mackenzie River
14 as an optional resource.

15 The bathymetric surveys map water
16 depth throughout each lake. In most lakes, the
17 proposed water withdrawal will be typically 2 to 3
18 percent of the unfrozen volume, which is considerably
19 less than the 10 percent allowable under the DFO
20 protocol in winter.

21 Lakes to be used for winter road
22 construction will only be used one (1) to two (2)
23 years. However, certain lakes will be used during
24 all four (4) years to support camps and summer
25 construction.

1 Three (3) project plans have been
2 submitted that address procedures to prevent the
3 positive waste. The plans include the Waste
4 Management Plan, Spill Contingency Management Plan,
5 and the Explosives Management Plan.

6 All sewage and grey water will be
7 transported to Inuvik or Tuktoyaktuk facilities for
8 disposal. Non-hazardous solid waste will be
9 incinerated, or will be transported to Inuvik or
10 Tuktoyaktuk facilities for disposal. The project
11 does not have any planned discharges of waste to the
12 environment. All hazardous waste will be disposed of
13 at approved licensed facilities.

14 The project's Environmental Management
15 Plan describes methods to prevent entry of waste into
16 water bodies or watercourses. Any entry of waste
17 into water would be accidental, and will be responded
18 to in accordance with the Environmental Management
19 Plan. The Department of Transportation's objective
20 is to maintain existing water quality.

21 The Department of Transportation
22 recognizes that there is potential for accidental
23 discharge of waste. The greatest potential is
24 sedimentation during watercourse crossing
25 construction. Other accidental discharge of waste

1 could occur during borrow source development,
2 blasting, camp operations, and embankment
3 construction.

4 There are four (4) key plans in place
5 to prevent waste from entering water during project
6 construction. The plans include a sedimentation and
7 erosion control plan, a fish and fish habitat
8 protection plan, a spill contingency management plan,
9 and pit development plans. All of these plans have
10 been provided to regulators for review.

11 An aquatic effects monitoring plan was
12 submitted to the Water Board on September 20th, 2013.
13 The Aquatic Effects Monitoring Plan contributes to
14 the Department of Transportation's commitment to
15 ensuring the project is constructed in a way that
16 maintains the availability of clean and plentiful
17 water today and into the future. The plan, as
18 submitted to the Board, is consistent with the
19 Aboriginal Affairs and Northern Development Canada
20 guidelines for developing an aquatic effects
21 monitoring plan.

22 The Aquatic Effects Monitoring Plan
23 describes methods to monitor inadvertent changes to
24 the amount or quality of water that may occur due to
25 project construction and operation. The Department

1 of Transportation, through the Aquatic Effects
2 Monitoring Plan, will monitor and report on the
3 effectiveness of mitigations that are designed to
4 prevent discharge of waste to the environment. The
5 plan will also measure and report on the effects of
6 water withdrawal on lake water quantity. And the
7 plan will also identify improvements in mitigation
8 techniques that will make them more effective.

9 Monitoring results of various
10 indicators will be provided to regulators during
11 construction. A full report can be provided annually
12 during the term of the five (5) year licence. The
13 Department of Transportation will continue to meet
14 with regulators and co-management organizations to
15 develop the Aquatic Effects Monitoring Plan, which we
16 expect will meet the Board's requirements for a
17 monitoring program. The Department of Transportation
18 expects the details of the Aquatic Effects Monitoring
19 Plan to continue to be developed after license
20 issuance.

21 In developing its construction plan,
22 and various environmental management plans, to
23 mitigate effects to the environment including water,
24 wildlife and fisheries, the Department of
25 Transportation has held over twenty (20) meetings

1 with regulators, co-management groups, and other
2 Inuvialuit organizations.

3 A consultation log and meeting records
4 were provided to the Northwest Territories Water
5 Board September 20th. This slide is a summary of the
6 organizations that provided input on various project
7 components and activities.

8 The Northwest Territories Water Act
9 requires consideration of the project's effects to
10 licensed and unlicensed users. The Department of
11 Transportation has determined that there are no
12 existing licensees who will be adversely affected in
13 a significant way by the project's use of water or
14 deposit of waste. The Department has also determined
15 that there are no unlicensed users who would be
16 adversely affected by the use of waters or deposit of
17 waste proposed by the Department of Transportation in
18 its application. As a result, the Department of
19 Transportation has not entered into any compensation
20 agreements pursuant to sections of the Northwest
21 Territories Waters Act.

22 The Department of Transportation has
23 letters of agreement with the Hamlet of Tuktoyaktuk
24 and Town of Inuvik to accept non-hazardous solid
25 waste, and sewage, and grey water generated by the

1 project in their licensed solid waste and wastewater
2 facilities. The mitigation measures in place as
3 described in the project's Environmental Management
4 Plan are intended to prevent other deposits of waste
5 to water. And although there are other existing
6 licence holders with approval to withdraw water from
7 the Mackenzie River, the Department of
8 Transportation's use of water is not expected to
9 impact their licensed use. The project does not have
10 any planned deposits of waste other than at licensed
11 facilities. Mitigations in the project's
12 Environmental Management Plan are intended to
13 minimize waste and to prevent this waste from
14 entering water. Despite the Department of
15 Transportation's best efforts, it is possible that an
16 accidental discharge of waste to the environment may
17 occur during project construction. The project
18 Environmental Management Plan provides response
19 actions to address accidental discharges.

20 Some concerns have been raised about
21 the project's potential impacts to muskrats from
22 water withdrawal. However, there's no substantial
23 evidence to support this concern. Not all lakes
24 proposed for water withdrawal will contain muskrat
25 push-ups. And the expected lake level drop in most

1 cases will be typically -- will typically be only a
2 few centimetres.

3 To mitigate potential effects from
4 project construction activities, the Department of
5 Transportation will conduct pre-construction muskrat
6 push-up surveys after freeze-up with Hunters' and
7 Trappers' Committee representation to identify areas
8 of muskrat push-ups, and will review these against
9 planned winter road routes and lake water withdrawal
10 locations.

11 With the application of the Department
12 of Transportation's management plans, including
13 ongoing monitoring and review, the Department is
14 confident that impacts to the environment and other
15 users will be minimal. Regulators and the Inuvik-to-
16 Tuktoyaktuk Corridor Working Group will have a key
17 role in the review of the various plans and lessons
18 learned as part of the Department of Transportation's
19 commitment to adaptive management.

20 In summary, the Department of
21 Transportation is confident that the construction of
22 the Inuvik-to-Tuk -- Tuktoyaktuk Highway will
23 maintain water quality and water quantity in the
24 Inuvialuit Settlement Region. The Department is
25 seeking a five (5) year licence term and has met the

1 conditions of the Northwest Territories Waters Act.

2 Quyanainni. Thank you.

3 THE CHAIRPERSON: Thank you, Mr.

4 Stevens and Mr. Neudorf.

5

6 QUESTION PERIOD:

7 THE CHAIRPERSON: Okay. At this

8 stage in the proceedings, we'll now open the floor to

9 questions, and there'll be an order that other

10 parties may question the Applicant. I'd like to ask

11 first of all the two (2) Intervenors, starting with

12 the Inuvialuit Game Council.

13 Do you have any questions on the

14 presentation?

15

16 (BRIEF PAUSE)

17

18 THE CHAIRPERSON: I'll take that as a

19 nay. Thank you. The second Intervenor, the FJMC,

20 any questions on the presentation?

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: Thank you. That's

25 a nay.

1 The Board has several questions.
2 They'll made -- made first of all by Jamie, and
3 secondly by Board member Emery Paquin. So I'd like
4 to ask Jamie to take the microphone and start off
5 with your questions, please.

6 MR. JAMIE VANGULCK: Thank you, Mr.
7 Chair. Jamie VanGulck.

8 I'd like to start off with a question
9 about the Pit Development Plans to the Proponent.
10 The EIRB Recommendation Number 38 requires the
11 Proponent to file a draft pit development plan to the
12 Water Board. Submission of the pit development plans
13 to the Water Board is also recognized in EIRB
14 Recommendation 44.

15 The EIRB Recommendations require the
16 pit development plans to include closure and
17 reclamation. During the pre-hearing conference, the
18 Water Board inquired when the pit development plans
19 for Source 177 would be submitted to the Water Board.
20 The Proponent responded by stating:

21 "The development of Source 177 is
22 already authorized."

23 However, 177 is not associated with an
24 existing water licence.

25 Further, the Proponent stated that

1 closure and reclamation of Source 177 would be
2 similar to other pits. To date, no pit development
3 plan has been submitted for Source 177, and no
4 written documentation exists on how Source 177 will
5 undergo closure and reclamation.

6 Abandonment and reclamation
7 information is required to address Northwest
8 Territories water regulations, Subsection 6(h).

9 The question to the Proponent is:
10 Specific to Source 177, how does the Proponent plan
11 to address EIRB Recommendation 38 and 44?

12 THE CHAIRPERSON: Thank -- thank you,
13 Jamie. Jim, can you respond, please?

14 MR. JIM STEVENS: Jim Stevens. Thank
15 you, Mr. Chair. I'm going to ask Erica Bonhomme to
16 respond to that, please.

17 THE CHAIRPERSON: Thank you. Erica,
18 please. Thank you.

19 MS. ERICA BONHOMME: Erica Bonhomme.
20 I will answer part of that question. We may need --
21 it had several parts, so I may miss a piece of it, if
22 -- if that's okay, Mr. Chair.

23 Source 177 has not been included in
24 this licence application. As we mentioned, it is
25 already authorized under an existing land use permit.

1 That land use permit, which is an I -- issued by the
2 Inuvialuit Land Administration, has requirements for
3 closure and reclamation, and the DOT expects that
4 closure and reclamation requirements will be met as a
5 condition of that permit.

6 THE CHAIRPERSON: Jamie...?

7

8 (BRIEF PAUSE)

9

10 MR. JAMIE VANGULCK: Thank you, Mr.
11 Chair. Just a follow-up. I'd like to address how --
12 I'd like to ask the Proponent: How does the
13 Inuvialuit Land Administration address water issues
14 with the pit?

15 THE CHAIRPERSON: Erica, please.

16 Thank you.

17 MS. ERICA BONHOMME: Erica Bonhomme.
18 I believe that question was asked of the ILA, not of
19 DOT. Can I get some clarification as to the question
20 being asked to DOT, please?

21 MR. JAMIE VANGULCK: Thank you, Mr.

22 Chair. Allow me to rephrase.

23 Pit 177 will have water that is
24 released into the environment, depending on its
25 management. Water released to the environment is the

1 responsibility of the Water Board.

2 How does water released to the
3 environment from the pit and any waste deposited from
4 that release of water -- how has that been addressed
5 to-date in the Application?

6 MS. ERICA BONHOMME: Erica Bonhomme.
7 Pit -- pit 177 is not within the scope of the
8 existing Application.

9 MR. JAMIE VANGULCK: Further follow-
10 up, Mr. Chair.

11 In the main Application, Source 177 is
12 recognized as a pit that will be used as a gravel
13 source. So there's some clarity that needs to be
14 known as to why that pit is not part of this
15 Application.

16

17 (BRIEF PAUSE)

18

19 MR. JIM STEVENS: Jim Stevens. Mr.
20 Chair, can we take a moment to discuss this, please?

21 THE CHAIRPERSON: Yes, please. What
22 time do you require, Jim?

23 MR. JOHN MCCORMICK: Mr. Chair, I'm
24 going to say maximum of five (5) minutes.

25 THE CHAIRPERSON: It starts right

1 now. Thank you, Jim.

2 Folks, we're going to take a five (5)
3 minute break while the DOT considers this issue.
4 Coffee is available at the back of the room. Thank
5 you very much.

6

7 --- Upon recessing at 9:53 a.m.

8 --- Upon resuming at 10:04 a.m.

9

10 THE CHAIRPERSON: Okay, ladies and
11 gentlemen, I'd like to call the hearing back to
12 order. Thank you.

13 And with that, ask Erica or Jim if you
14 have a response to our question, please? Thank you.

15 MR. JIM STEVENS: Jim Stevens. I
16 will pass it back to Erica, Mr. Chair.

17 MS. ERICA BONHOMME: Thank you, Mr.
18 Chair. Erica Bonhomme.

19 Source 177 has been authorized under -
20 - with a land use permit since 2001. At that time,
21 there was not granular resource management plan in
22 place, and in fact pit development plans were not
23 required to be submitted as part of land use or
24 quarry licence authorizations at that time.

25 But notwithstanding that, the

1 operation of pit 177 does not have any direct or
2 indirect deposit of waste to waters pursuant to
3 Section 51C(I) of the regs, and it also meets the
4 requirements for not being subject to a licence under
5 Sections 51A and 'B' of the regs.

6 Furthermore, there are no -- there is
7 no requirement for water withdrawal to operate that
8 pit, Source 177. And, as a result, there has been no
9 licence applied for for that pit, and we are not
10 applying for a licence for pit 177 at this time.

11 THE CHAIRPERSON: Thank you, Erica.
12 Jamie...?

13

14 (BRIEF PAUSE)

15

16 MR. JAMIE VANGULCK: Thank you, Mr.
17 Chair. Will there be water in pit -- or from Pit
18 177? And, if so, how will that water be managed?

19 MS. ERICA BONHOMME: Erica Bonhomme.
20 There is water in Pit 177. It is managed in
21 accordance with the licence, terms, and conditions
22 under the land -- the permit terms and conditions,
23 excuse me, under the existing land-use permit. As I
24 have said, there is no direct or indirect deposit of
25 waste of -- of -- to adjacent water bodies from the

1 operation of that pit.

2 THE CHAIRPERSON: Thank you, Erica.

3 Jamie...?

4 Satisfactory. Thank you. And, Jamie,
5 I believe was have more questions.

6 MR. JAMIE VANGULCK: Thank you, Mr.
7 Chair. I'll move onto another question about pit
8 development plans.

9 EIRB Recommendation 39 specifies that
10 the pit development plans shall address effects of
11 quarrying operations on permafrost. Further, EIRB
12 Recommendation 42 requires evidence of permafrost
13 stabilization as part of the conditions for
14 reclamation and closure of the borrow pits.

15 The submitted pit development plans
16 include discussion on permafrost stabilization at the
17 time of reclamation. The question to the proponent
18 is: What permafrost monitoring is proposed for all
19 aggregate source pits to address EIRB Recommendation
20 39 and 43?

21 MS. ERICA BONHOMME: Erica Bonhomme.
22 The monitoring proposed to ensure that the pit is
23 stabilized and reclaimed in a manner that will
24 prevent permafrost degradation to the -- the degree
25 that it would impact any water bodies will be

1 conducted visually. So the methods that are first
2 proposed to deal with permafrost are described in the
3 Pit Development Plan and they consist of covering any
4 ice-rich material so that, in the first place, there
5 is no degradation of permafrost; second of all, those
6 pits will be monitored throughout the summer and
7 during operations, to ensure that there is no erosion
8 resulting from degradation of permafrost, and that
9 will be done visually.

10 THE CHAIRPERSON: Thank you, Erica.
11 Jamie...?

12 MR. JAMIE VANGULCK: Thank you, Mr.
13 Chair. A followup question, specific to the EIRB
14 Recommendation 43. It states that the Proponent is
15 to complete quantitative assessments of the potential
16 impacts with regards to the pits and permafrost.

17 Could you clarify, or how -- how are
18 you going to address those quantitative assessments
19 and their monitoring?

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON: Erica, please.

24 MS. ERICA BONHOMME: Mr. Chair, if
25 you wouldn't mind, just a moment, please.

1 THE CHAIRPERSON: Please, yes.

2

3 (BRIEF PAUSE)

4

5 MS. ERICA BONHOMME: Erica Bonhomme.

6 Mr. Chair, Mr. VanGulck referenced Recommendation 43.

7 Can you please clarify the question you have in

8 regards to that specifically Recommendation 43?

9 THE CHAIRPERSON: Thank you Erica.

10 Jamie, please. Thank you.

11 MR. JAMIE VANGULCK: Thank you, Mr.

12 Chair. EIRB Recommendation 43 reads as follows:

13 "As part of the applications for
14 pit and quarry licenses, the
15 developer shall provide Aboriginal
16 Affairs and the ILA a rigorous and
17 transparent quantitative assessment
18 of the potential impacts of climate
19 change on the aggregate needs for
20 the project, including el --
21 estimates of aggregate needs for
22 twenty-five (25) and fifty (50)
23 years after construction."

24 MS. ERICA BONHOMME: Erica Bonhomme.

25 What is your question please, Mr. Chair?

1 THE CHAIRPERSON: The chest -- thank
2 you Erica. I'm just looking at my notes here. I
3 just want to confirm with Jamie, on our preamble
4 we're referencing 39 and 42, yet in your question
5 you're referencing 39 and 43. And I think that's
6 what prompted the question.

7 So perhaps you can clarify that,
8 Jamie. Thank you.

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: Just to confirm,
13 Jamie, is your question referencing 42 and 43?

14 MR. JAMIE VANGULCK: Thank you, Mr.
15 Chair. Correct, I -- the preamble did reference the
16 EIRB Recommendation 42. It also addresses permafrost
17 issues and EIRB Recommendation 43 as well. The
18 question that I have to the Proponent deals with what
19 quantitative assessments will be done in the pits
20 with regards to permafrost.

21 MS. ERICA BONHOMME: Erica Bonhomme.
22 There will not be any quantitative assessment of
23 permafrost in the pits.

24 THE CHAIRPERSON: Thank you. Other
25 questions, Jamie, on that subject?

1 MR. JAMIE VANGULCK: Thank you, Mr.
2 Chair. I'll move on to another question about the
3 pits.

4 THE CHAIRPERSON: Please, yes. Thank
5 you.

6 MR. JAMIE VANGULCK: The poten -- the
7 potential for acid rock drainage and metal leeching
8 from the aggregate material has not been quantified.
9 The acid rock drainage and metal leeching of the
10 aggregate has potential to result in runoff and
11 seepage waters from the quarries and road embankment
12 that can interact with water in the receiving
13 environment.

14 The Proponent stated during the pre-
15 hearing conference that geochemistry testing
16 completed to date has been limited to mineralogical
17 information about the constituents of certain
18 borehole samples. Should acid rock drainage and
19 metal leeching occur, the contact water from the pits
20 or road embankment is considered a deposit of waste,
21 as per Northwest Territories's Water Regulation,
22 subsection 6F .

23 The question to the Proponent is: Has
24 there been any testing of acid rock drainage and
25 metal leeching potential, such as static testing, to

1 measure the drainage chemistry of the aggregate
2 material proposed for use in embankment construction?

3

4 (BRIEF PAUSE)

5

6 MS. ERICA BONHOMME: Erica Bonhomme.

7 As we have said at the pre-hearing conference, no, we
8 have not done any such testing.

9 THE CHAIRPERSON: Thank you, Erica.

10 Jamie...?

11 MR. JAMIE VANGULCK: Thank you, Mr.

12 Chair. Follow-up: What evidence does the Proponent
13 have to demonstrate that the aggregate from the pits
14 is not acid rock drainage or metal leeching?

15 MS. ERICA BONHOMME: Erica Bonhomme.

16 As was stated at the pre-hearing conference, we have
17 done some petrographic analysis of the samples -- of
18 some samples within certain borrow sources. I-401-A
19 is one where the results are included in the
20 geotechnical report that's been filed with the pit
21 development plans.

22 The testing that was done there is
23 physical, not chemical, and consists of petrographic
24 examination of certain fractions of the sample to
25 determine its suitability for road construction.

1 The visual examination of those
2 samples does make note of any materials that could be
3 deleterious in road construction, including materials
4 that would degrade or cause a chemical alteration of
5 the sample. And the methods we use for that are
6 described in the ASTM C295 standard. That is the
7 testing that we have undertaken.

8 THE CHAIRPERSON: Thank you, Erica.
9 Jamie, follow-up questions on this matter?

10 MR. JAMIE VANGULCK: Thank you, Mr.
11 Chair. Follow-up question: Does the Proponent
12 intend on implementing measures of source control to
13 restrict the use of acid rock drainage or metal
14 leeching aggregate for use in embankment
15 construction?

16 THE CHAIRPERSON: Erica...?

17 MS. ERICA BONHOMME: Erica Bonhomme.
18 The DOT believes there is no potential for acid rock
19 drainage or metal leeching resulting from the
20 development of the borrow sources or use of that
21 material in embankment construction.

22 THE CHAIRPERSON: Thank you, Erica.
23 Jamie, any further questions on that matter? One (1)
24 more. Ron, please. Thank you.

25 MR. RON WALLACE: Ron Wallace. A

1 follow-up question for the Proponent, pleas. If I
2 may just return briefly for the clarification of the
3 team, if you would look back at review panel final
4 report R43, it is my understanding in your answer
5 that you said that no quantitative assessment will be
6 done.

7 Was that your answer, and is that
8 correct?

9 MS. ERICA BONHOMME: Erica Bonhomme.
10 The answer I provided was in the context of
11 Recommendation 42 and 39, which is:

12 "There will be no quantitative
13 assessment of the effects of -- on
14 permafrost of borrow source
15 development."

16 It was not in the context of
17 recommendation 43.

18 MR. RON WALLACE: So just to confirm
19 so that we know that we're both talking about the
20 same recommendation -- and thank you for that
21 clarification, but if I can return to 43:

22 "As part of the Application for pit
23 and quarry licences, the Developer
24 shall provide..."

25 I believe that that's a direction:

1 "To AEND and ILA, a rigorous and
2 transparent quantitative assessment
3 of the potential impacts..."

4 And I won't bother reading to the end
5 because I think you have it there. Could you clarify
6 how your answer squares with that direction? Thank
7 you.

8 MR. JIM STEVENS: Mr. Chair, just a
9 moment, please. It's Jim Stevens.

10 THE CHAIRPERSON: Thank you, Jim.

11

12 (BRIEF PAUSE)

13

14 MR. JIM STEVENS: Jim Stevens, Mr.
15 Chair. I'm going to ask Robyn McGregor to expand
16 upon that question -- or answer.

17 THE CHAIRPERSON: Thank you, Jim.

18 MS. ROBYN MCGREGOR: Thank you. Rob -
19 -

20 THE CHAIRPERSON: Please, Robyn...?

21 MS. ROBYN MCGREGOR: -- Robyn
22 McGregor -- thank you, Mr. Chair -- from Kiggiak-EBA
23 for the Developer. Recommendation 43 refers to
24 assessment of potential impacts of climate change on
25 the aggregate needs for the project. In the

1 technical sessions and the public hearings for the
2 EIRB's review, this question was discussed.

3 And it is our understanding that this
4 recommendation refers to the volume of material that
5 would be required in the twenty-five (25) to fifty
6 (50) years of operation of the highway to manage the
7 maintenance and operational requirements in the face
8 of climatic change.

9

10 (BRIEF PAUSE)

11

12 MS. ROBYN MCGREGOR: In the
13 Government of Canada's review of the recommendations,
14 the Government of Canada indicated that the rigorous
15 and quantitative assessment is not required for the
16 application of a quarry permit. The pit development
17 plans reflect and describe the volume of material
18 that is required for construction of the highway, not
19 the volume of material that is required for the
20 future operation of the highway. Thank you.

21 THE CHAIRPERSON: Thank you. Jamie,
22 do you have follow-up on that question? Please, move
23 on to the next question, please, Jamie. Thank you.

24 MR. JAMIE VANGULCK: Thank you, Mr.
25 Chair.

1 (BRIEF PAUSE)

2

3 MR. JAMIE VANGULCK: Thank you, Mr.
4 Chair. I'll move onto a question regarding the
5 Aquatic Effects Monitoring Plan.

6 The Government of Canada response to
7 EIRB Recommendation numbers 8, 9, 10, and 12 requires
8 the Proponent to develop and submit to relevant
9 parties, for review and approval, a project-specific
10 monitoring, mitigation, and adaptive management
11 program that is consistent with all the relevant
12 commitments made by the Developer.

13 Further, EIRB Recomm -- or EIRB
14 Commitment number 97 and 98 commits the Proponent to
15 incorporating adaptive management into the adaptive -
16 - into the Environmental Management Plans.

17 The question to the Proponent is:
18 With respect to water use and disposal of waste, can
19 the Proponent outline how adaptive management is
20 integrated into the submitted Environmental
21 Management Plans?

22

23 (BRIEF PAUSE)

24

25 MR. JIM STEVENS: Mr. Chair, adaptive

1 management is front and centre of our management
2 plans. That process will be initiated through, A)
3 annual reviews of the plans and resulting outcomes
4 with regulators and other groups. We also propose to
5 have these plans brought forward to the Inuvik-Tuk
6 Highway Corridor Working Group for assessment and
7 comment and corrective actions if required. Thank
8 you, Mr. Chair.

9 THE CHAIRPERSON: Thank you, Jim.
10 Jamie...?

11 MR. JAMIE VANGULCK: Thank you, Mr.
12 Chair. I'll move on to another question. Page 13-8
13 of the Proponent's initial water licence application
14 included a commitment to provide an aquatic effects
15 monitoring plan. On September 20th the proponent
16 submitted a framework AEMP, which is the preliminary
17 document which consolidates water quality- and
18 quantity-related monitoring into one (1) plan.

19 The submitted framework for AEMP does
20 not reference Aboriginal Affairs's 2009 guidelines
21 for designing and implementing AEMP for development
22 projects in the Northwest Territories. The scope of
23 the Aboriginal Affairs guideline is to provide
24 project proponents with clear guidance on the
25 development and implementation of AEMPs in the

1 Northwest Territories.

2 In summary, the guideline provides a
3 framework to encompass current best practices related
4 to monitoring and assessment of aquatic effects,
5 establishes guiding principles for aquatic effects
6 monitoring, and establishes a framework for designing
7 and implementing effective aquatic effects monitoring
8 programs.

9 The question to the Proponent is:
10 Does the pro -- the Proponent's AEMP framework does
11 not reference the Aboriginal Affairs guidelines. I
12 did note in your presentation today that you spoke to
13 it.

14 Does the Proponent intend to utilize
15 the Aboriginal Affairs guidelines in the development
16 of the AEMP for this undertaking?

17 THE CHAIRPERSON: Thank you. Jim --
18 Jamie. Jim, please.

19 MR. JIM STEVENS: Thank you, Mr.
20 Chair. Jim Stevens. The Aquatic Effects Monitoring
21 Plan as submitted to the Board is consistent with the
22 Aboriginal Affairs and Northern Development
23 guidelines for developing an AEMP. The Developer
24 continues to meet with Aboriginal Affairs and
25 Northern Development Canada and other regulators to

1 formulate a final aquatic effects monitoring plan.

2 Thank you, Mr. Chair.

3 THE CHAIRPERSON: Thank you, Jim.

4 Jamie...?

5

6 (BRIEF PAUSE)

7

8 MR. JAMIE VANGULCK: Thank you, Mr.

9 Chair. One (1) follow-up question to that. Will the
10 Proponent -- Proponent provide to the Northwest

11 Territories Water Board today additional descriptions
12 regarding whether or not -- whether the AEMP will be
13 written to support effective adaptive management?

14 THE CHAIRPERSON: Thank you, Jamie.

15 Jim, please.

16 MR. JIM STEVENS: Jim Stevens. Thank
17 you, Mr. Chair. Yes, the plan will reflect that.

18 THE CHAIRPERSON: Thank you very
19 much, Jim. Just -- may we just pause for a moment,
20 please. I believe a Board member has another
21 question on this particular topic. Emery, please.

22 Thank you.

23 MR. EMERY PAQUIN: Yes. Emery
24 Paquin, and thank you, Mr. Chair. Actually, I -- I
25 apologize. I should have indicated that I have a

1 couple of questions with respect to the Pit
2 Management Plan. So if -- with the Board's -- with
3 the Chair's indulgence, I'd like to ask those
4 questions as well.

5 THE CHAIRPERSON: Please, Emery. Go
6 ahead.

7 MR. EMERY PAQUIN: Thank you. It's
8 Emery Paquin. In the Proponent's response to -- to
9 under -- one (1) of Mr. VanGulck's questions, you
10 indicated -- and please correct me if I'm wrong here
11 -- that water does accumulate in the pit at the
12 Source 177. And you also indicated that that water
13 is managed in accordance with the conditions in your
14 current land use permit.

15 Could I ask the Proponent please to
16 describe what terms and conditions in your current
17 land use permit you were referring to with respect to
18 the management of the accumulated water?

19 THE CHAIRPERSON: Thank you, Jim --
20 Emery. Please, Jim.

21 MR. JIM STEVENS: Jim Stevens. Thank
22 you, Mr. Chair. Those details will have to be
23 brought forward as an undertaking. Thank you.

24 THE CHAIRPERSON: Thank you, Jim.
25 Emery, please.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: That's the first
4 undertaking we've received today. Perhaps we could
5 mark it down as the first one. And the date you
6 would require to complete that undertaking?

7 MR. JIM STEVENS: Jim Stevens. Thank
8 you, Mr. Chair. We're confident we can provide that
9 information sometime later tomorrow. Thank you.

10 THE CHAIRPERSON: Great. Thank you
11 very much. Noted.

12

13 --- UNDERTAKING NO. 1: Department of
14 Transportation to address
15 water usage in pits under
16 its ILA (Inuvialuit Land
17 Administration) permit

18

19 MR. EMERY PAQUIN: Thank you for that
20 -- for that response. The -- my second question with
21 respect to the Pit Development Plan is that in your
22 response with respect to the questions on permafrost,
23 you indicated that the -- that the Proponent does not
24 consider -- no, I'm sorry. Let me... You
25 indicated that there will no -- there will not be any

1 monitoring undertaken for permafrost -- permafrost
2 stability.

3 Is -- is that correct? Is that what
4 you stated?

5 THE CHAIRPERSON: Thank you, Emery.
6 Jim, please.

7 MR. JIM STEVENS: Jim Stevens. Thank
8 you, Mr. Chair. Before we get Erica to respond to
9 that, we've had some of our panel members request
10 that Mr. Paquin speak into the mic. We're having
11 trouble hearing you. Thank you, Mr. Chair.

12 And now I'll ask Erica to respond to
13 that.

14 THE CHAIRPERSON: Emery, please.

15 MR. EMERY PAQUIN: Do you wish -- do
16 you wish me to repeat the question?

17 MS. ERICA BONHOMME: No. Mr. Chair,
18 I'm a little younger than my colleagues here. My
19 hearing's still okay. This may be the last time I'm
20 allowed to speak, but I'll answer the question.
21 Erica Bonhomme.

22 No, for clarification, Mr. Chair, I --
23 I said there would not be any quantitative monitoring
24 of permafrost. There will be quite extensive visual
25 monitoring of the performance of the mitigation and

1 the reclamation of those borrow sources to protect
2 permafrost. Thank you.

3 MR. EMERY PAQUIN: Thank you. It's -
4 - it's Emery Paquin. So -- so my question is: Does
5 the Proponent consider ice in permafrost to be
6 included within the definition of 'water' under the
7 Northwest Territories Waters Act?

8

9 (BRIEF PAUSE)

10

11 MR. EMERY PAQUIN: If you -- for the
12 benefit of those people who don't have the Act in
13 front of them, the Northwest Territories Waters Act
14 defines 'water' to mean:

15 "Any inland water whether in an --
16 whether in a liquid or frozen
17 state, on or below the surface of
18 the land in the Northwest
19 Territories."

20 That's the definition of 'waters' in
21 the Act. And my question is: Does the Proponent
22 consider ice in permafrost to be captured by that
23 definition?

24 THE CHAIRPERSON: Jim, please.

25 MR. JIM STEVENS: Jim Stevens. Thank

1 you, Mr. Chair. Yes, we would agree.

2 MR. EMERY PAQUIN: Thank you.

3 THE CHAIRPERSON: Emery, any more
4 questions on this section?

5 MR. EMERY PAQUIN: No more questions
6 on that section, but I have a question with respect
7 to the aquatic effect -- aquatic effects monitoring.

8 THE CHAIRPERSON: Please, Emery, go
9 ahead. Thank you.

10 MR. EMERY PAQUIN: Thank you. It --
11 it's Emery Paquin. The EIRB Commitment number 97
12 commits the application -- or the Applicant to
13 developing environmental management plans that
14 include adaptive management components which will
15 reference appropriate best management practices,
16 guidelines, and techniques relative -- relevant to
17 construction in Northern latitudes, and also indicate
18 how they will be applied under specific
19 circumstances.

20 Recommendation 98 goes onto commit the
21 applica -- the Applicant to preparing a list of
22 outstanding new environmental issues that require
23 further action or monitoring, and these will be
24 compiled at the end of each winter construction
25 season, and the Environmental Management Plans

1 updated as needed.

2 Now, my question is this: Based upon
3 the -- these commitments that have been made by the
4 Proponent, can this Board assume that a -- that
5 adaptive management will be a fundamental principle
6 of each of the environmental management plans you
7 have listed in your presentation to this public
8 hearing?

9 THE CHAIRPERSON: Thank you, Emery.
10 Jim, please.

11 MR. JIM STEVENS: Jim Stevens. Thank
12 you, Mr. Chair. Yes, adaptive management will be in
13 the forefront of all our management plans, and we'll
14 continue, as we go through to construction, ensuring
15 that those plans are brought forward to other
16 regulators and to the parties to ensure that they are
17 the latest and up to date in terms of practices and
18 applied practice -- applied, I guess, procedures.
19 Thank you.

20 MR. EMERY PAQUIN: Thank you -- thank
21 you. I have no further questions at this time.

22 THE CHAIRPERSON: Thank you, Emery.
23 I'd like to move back to Jamie, and the -- the
24 subject matter of water use and water use
25 compensation. Please, Jamie, go ahead. Oh, sorry.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Okay. Thank you.

4 Jamie, please, on that topic. Thank you.

5 MR. JAMIE VANGULCK: Thank you, Mr.

6 Chair. To address Section 14.4(b) of the Northwest
7 Territories Waters Act regarding water use and
8 compensation to non-water-licence-holders, the
9 Northwest Territories Water Board sought additional
10 information from the Proponent within IR number 11,
11 and also further during the pre-hearing conference
12 Question number 6.

13 On September 20th, the Proponent
14 provided consultation logs, and the Proponent
15 concluded that no compensation should be required
16 pursuant to 14.4(b) of the North -- Northwest
17 Territories Waters Act.

18 In general, the consultation logs
19 discussed the project and the various water use and
20 waste disposal aspects. According to the
21 consultation logs, a meeting was held with various
22 parties on March 26 to 27, 2013. The purpose of the
23 consultation was in regards to the Fisheries
24 Management Plan.

25 Apparently, minutes from this meeting

1 were not provided to the Northwest Territories Water
2 Board, and the Proponent stated these minutes are not
3 approved for distribution.

4 The question is: Can the Proponent
5 provide clarity regarding why these minutes are not
6 available for distribution? And was the topic of
7 water compensation discussed during these meetings?

8 THE CHAIRPERSON: Thank you, Jamie.
9 Jim, please. Thank you.

10 MR. JIM STEVENS: Jim Stevens. Thank
11 you, Mr. Chair. I'm going to ask Mr. Doug Chipertzak,
12 who was present at those meetings, to clarify.

13 THE CHAIRPERSON: Thank you, Jim.
14 Doug, please.

15 MR. DOUG CHIPERZAK: Doug Chipertzak,
16 Kavik-Stantec. The -- we would not provide the
17 meetings (sic) because they have not been approved by
18 the Tuk-Inuvik Working Group at this point. And --
19 and so once they are approved by the working group,
20 then we can provide those minutes to you.

21 The -- the topic of -- the -- the Tuk-
22 Inuvik Working Group is really related to fisheries
23 management, and there was no discussion of
24 compensation at that meeting.

25 THE CHAIRPERSON: Thank you, Doug. A

1 follow-up question, Jamie?

2 MR. JAMIE VANGULCK: Not a follow-up.

3 Another question, though, Mr. Chair.

4 THE CHAIRPERSON: Please.

5 MR. JAMIE VANGULCK: Jamie VanGulck.

6 EIRB Commitment 163 commits the Proponent to conduct
7 consultations after the EIRB public hearings with the
8 Inuvik and Tuktoyaktuk Hunters' and Trappers'
9 Committees, the Inuvialuit Game Council, Department
10 of Fisheries and Oceans, and Transport Canada. One
11 (1) topic to be discussed with each of these parties
12 included the use of water bodies. The EIRB public
13 hearings were held in September of 2012.

14 Can the Proponent outline the
15 consultation events -- the event dates that discuss
16 use of water bodies for each of the organizations
17 referenced in the EIRB number 163? Those are
18 specifically the Inuvik and Tuktoyaktuk Hunters' and
19 Trappers' Committees, the Inuvialuit Game Council,
20 Department of Fisheries and Oceans, and Transport
21 Canada?

22 The question specifically to the
23 Proponent is: Can -- can the Proponent outline the
24 consultation events that specifically discussed water
25 compensation?

1 THE CHAIRPERSON: Thank you, Jamie.
2 Jim, please.

3 MR. JIM STEVENS: Jim Stevens. Thank
4 you, Mr. Chair. I'm going to ask Erica Bonhomme to
5 respond to that, please.

6 THE CHAIRPERSON: Please, Erica, go
7 ahead.

8 MS. ERICA BONHOMME: Thank you, Mr.
9 Chair. Erica Bonhomme. The meetings that have been
10 held have not discussed specifically compensations.
11 The meetings have been discussed (sic) to ascertain
12 potential effects from the project activities.

13 On June 6 and June 13, the Developer
14 met with the Inuvik and Tuktoyaktuk HTCs to discuss
15 construction planning, including the use of the water
16 sources, the construction of winter and summer camps,
17 construction of winter roads, and mitigations to
18 wildlife and wildlife habitat for the development of
19 the Wildlife and Wildlife Habitat Protection Plan.

20 The Developer has had telephone
21 conversations with Transport Canada and has submitted
22 a preliminary information package, including all of
23 the proposed watercourse crossing and the results of
24 its meetings with the Hunters' and Trappers'
25 Committees on the potential navigability of those

1 waterways that are being crossed by the project. The
2 Developer understands that Transport Canada is still
3 reviewing that package at this time.

4 Finally, in August and September of
5 this year the Developer met again to present the
6 proposed methods for contru -- for conducting pre-
7 construction muskrat surveys, including where those
8 muskrat surveys would be undertaken in relation to
9 the proposed water sources, and again discussed the
10 Wildlife and Wildlife Habitat Protection Plan.

11 Finally, in la -- last week the
12 Developer met to present the Wildlife and Wildlife
13 Habitat Protection Plan with the Wildlife Management
14 Advisory Council at their scheduled meeting. Thank
15 you.

16 THE CHAIRPERSON: Thank you, Erica.
17 Jamie...?

18 MR. JAMIE VANGULCK: Thank you, Mr.
19 Chair. A follow-up question: What is the position
20 of the proponent in regards to its position on
21 possible compensation required pursuant to 14(4)(b)
22 of the Northwest Territories Water Act, and
23 specifically, has this issue of possible compensation
24 been raised with the Hunters' and Trappers'
25 Committees?

1 THE CHAIRPERSON: Thank you. Jim...?

2

3 (BRIEF PAUSE)

4

5 MR. JIM STEVENS: Jim Stevens. Thank
6 you, Mr. Chair. The specific discussion on
7 compensation hasn't been held. It's been inferred at
8 times, but there's been no specific discussion on
9 compensation.

10 THE CHAIRPERSON: Jamie, further
11 questions on this topic?

12

13 (BRIEF PAUSE)

14

15 MR. JAMIE VANGULCK: Thank you, Mr.
16 Chair. I'll move onto another question. EIRB
17 Recommendation 39 requires the Applicant to consult
18 with the Hunters' and Trappers' Committees of Inuvik
19 and Tuktoyaktuk about pit development plans. The
20 EIRB panel report was finalized in January of 2013,
21 and the Government of Canada's response to the EIRB
22 recommendations was completed in April 2013.

23 Regarding pit development plans, can
24 the Applicant outline the consultation events with
25 the Hunters' and Trappers' Asso -- Committees of

1 Inuvik and Tuktoyaktuk that occur since issuance of
2 the EIRB panel report?

3 THE CHAIRPERSON: Thank you, Jamie.
4 Jim, please.

5 MR. JIM STEVENS: Jim Stevens. Thank
6 you, Mr. Chair. There have been a number of
7 consultations with both Tuktoyaktuk and Inuvik HTC's,
8 and I'm going to ask Erica Bonhomme to detail the
9 exact dates of those meetings. Thank you.

10 THE CHAIRPERSON: Thank you, Jim.
11 Erica, please. Thank you.

12 MS. ERICA BONHOMME: Erica Bonhomme.
13 The Developers had a number of consultations with the
14 Inuvik and Tuktoyaktuk Hunters' and Trappers'
15 Committees in regards to pit development. It
16 actually began well before the EIRB report was issue,
17 while the Department was conducting geotechnical
18 investigations on those pits.

19 The specific discussions at that time
20 were around conducting geotechnical investigations
21 for the purpose of using -- potentially using those
22 pits for further development.

23 So the Developer has met in 2012, has
24 met in -- prior to the 2013 program in November and
25 December of 2012, and has also met most recently in

1 August of 2013 to specifically discuss pit
2 development at the three (3) pits that have been put
3 forward with applications at this time: I-401A, 170,
4 and PW 10-11.

5 THE CHAIRPERSON: Thank you, Erica.
6 Jamie, anything follow-up?

7

8 (BRIEF PAUSE)

9

10 MR. JAMIE VANGULCK: Thank, Mr.
11 Chair. A follow-up question. So since issuance of
12 the EIRB panel report in January of 2013, I
13 understood from your ques -- or from your response
14 that there was one meeting in August of 2013.

15 Has the issue of possible compensation
16 been raised with the Hunters' and Trappers'
17 Association, during those -- that meeting?

18 THE CHAIRPERSON: Thank you, Jamie.
19 Erica or Jim, please. Thank you.

20 MS. ERICA BONHOMME: Erica Bonhomme.
21 The Hunters' and Trappers' Committees have not raised
22 the issue of compensation with the DOT. And, to my
23 knowledge, have not raised the issue with the NWT
24 Water Board either.

25 THE CHAIRPERSON: Thank you, Erica.

1 Jamie, any further questions on that topic? Thank
2 you.

3 MR. JAMIE VANGULCK. Thank you. I'll
4 move on to another question, Mr. Chair. Jamie
5 VanGulck, here.

6 The Proponent's September 20th
7 submission provided updated water source use
8 information. The updated information references
9 water sources to be used in year 4, which is a change
10 from the water licence application that specifies
11 water use up to year 3. Therefore, an additional
12 year of water use during construction is implied.

13 The question to the Proponent is: Can
14 the Proponent clarify if they intend to construct the
15 act -- the Tuk Highway over four (4) years instead of
16 the planned three (3) year construction period that
17 was presented in the water licence application?

18 THE CHAIRPERSON: Thank you, Jamie.
19 Jim, please.

20 MR. JIM STEVENS: Jim Stevens. Thank
21 you Mr. Chair.

22 Construction of the Inuvik-Tuk Highway
23 will take place between 2013 and 2017. The
24 additional time in 2017 will be spent doing final
25 grading, compaction, and surface topping of the

1 roadway. Thank you, Mr. Chair.

2 THE CHAIRPERSON: Thank you for that
3 clarity, Jim. Jamie, any more on that topic, please?

4 MR. JAMIE VANGULCK: Thank you, Mr.
5 Chair. I'll move on to another question.

6 It is noted in Section 4 of the Fish
7 and Fish Habitat Protection Plan, that states water -
8 - sorry, which states:

9 "Withdrawal of any watercourse will
10 not exceed 5 percent of the
11 instantaneous flow."

12 Pre-hearing conference Question Number
13 7, requests clarity from the -- on the locations of
14 water removed from watercourses. The Proponent
15 responded by stating that they cannot identify
16 watercourse crossings at this time.

17 Further, the Proponent stated that the
18 volumes taken from watercourses would be less than 5
19 percent. During the pre-hearing conference
20 Aboriginal Affairs inquired, and the Proponent
21 agreed, to provide an update on the amount of water
22 withdrawal from the water licence -- for the water
23 licence.

24 Tables 2A and 2C of the Proponent's
25 twenty (20) -- September 20th submission provides an

1 update to the proposed water sources. The water
2 sources identified appear to be lakes, not
3 watercourse crossings.

4 The question is: With respect to
5 water withdrawn from -- with the exception of water
6 withdrawn from the Mackenzie River, can the Proponent
7 clarify if water withdrawal from -- will only occur
8 from lakes and not from watercourses, as stated in
9 the Fish and Fish Habitat Protection Plan.

10 THE CHAIRPERSON: Thank you, Jamie.
11 Jim, please.

12 MR. JIM STEVENS: Jim Stevens. Thank
13 you, Mr. Chair. I'm going to ask Mr. Doug Chiperzak,
14 to respond to that.

15 THE CHAIRPERSON: Thank you, Jim.
16 Doug, please.

17 MR. DOUG CHIPERZAK: Yeah. Doug
18 Chiperzak.

19 There -- there is the potential for
20 water to be withdrawn from watercourses, but only
21 during the open water season, not during the
22 wintertime. There'll be no water withdrawal during
23 the winter period. Any water withdrawal during the
24 summertime would be -- potential for camp use, or --
25 or for -- during operations with it's -- dust-free

1 suppression.

2 THE CHAIRPERSON: Thank you, Doug.

3 Jamie...?

4 MR. JAMIE VANGULCK: Thank you, Mr.

5 Chair. A follow-up question.

6 During the pre-hearing conference you

7 agreed to provide an update on the water withdrawal

8 and the -- and the locations. When will that be

9 provided for these watercourses?

10 THE CHAIRPERSON: Thank you, Jam --

11 Jamie. Jim or Doug...? Thank you.

12 MR. JIM STEVENS: Jim Stevens. Thank

13 you, Mr. Chair. I'll ask Erica to comment on that,

14 please.

15 THE CHAIRPERSON: Thank you, Jim.

16 Erica, please.

17 MS. ERICA BONHOMME: Erica Bonhomme.

18 The -- the final list of water withdrawal locations

19 has been provided in two (2) parts. It was provided

20 once on September 5th, the second part of that was

21 provided on September 20th.

22 THE CHAIRPERSON: Thank you, Erica.

23 Jamie, any further questions on that topic?

24 MR. JAMIE VANGULCK: A follow-up

25 question to that, Mr. Chair.

1 THE CHAIRPERSON: Please.

2 MR. JAMIE VANGULCK: Did the
3 submissions provided by the proponent deal
4 specifically with water withdrawal from watercourse
5 crossings?

6 THE CHAIRPERSON: Thank you, Jamie.
7 Erica...?

8 MS. ERICA BONHOMME: Erica Bonhomme.
9 No, it did not.

10 THE CHAIRPERSON: Thank you, Erica.
11 Any further questions on that topic, Jamie?

12 MR. JAMIE VANGULCK: Thank you, Mr.
13 Chair. So I understand that water will be withdrawn
14 from watercourse crossings. An update has been
15 provided to the Board that does not include water
16 withdrawn from watercourse crossings. At the pre-
17 hearing conference, it was stated the proponent would
18 agree -- agree then to provide an update on water
19 withdrawal from watercourses, and water -- any water
20 sources actually.

21 Why has that information not been
22 provided?

23 THE CHAIRPERSON: Thank you, Jamie.
24 Is the question clear, please?

25 MS. ERICA BONHOMME: Erica Bonhomme.

1 At this time we've not identified the watercourses
2 from which water will be withdrawn. When that
3 information becomes available, and the supporting
4 information, including flow data, that supports the 5
5 percent limit on withdrawal from those watercourses,
6 when that is available to us we would ask to include
7 those water sources as potential sources for
8 withdrawal.

9 THE CHAIRPERSON: Thank you, Erica.
10 Ron, I believe, has a question. Thank you, Ron.

11

12 (BRIEF PAUSE)

13

14 MR. RON WALLACE: Ron Wallace. Given
15 the lack of that information, I'd appreciate some
16 guidance from the proponent as to how they would
17 advise the Water Board to proceed to issuing a
18 licence when that information has not been provided?

19 THE CHAIRPERSON: Thank you, Ron.
20 Jim or Erica...?

21 MS. ERICA BONHOMME: Erica Bonhomme.
22 The Application, including the data from the lakes
23 proposed to be used for water withdrawal, provides
24 sufficient water for the proponent to conduct its
25 construction activities.

1 THE CHAIRPERSON: Thank you, Erica.

2 Ron...?

3 MR. RON WALLACE: So just for
4 clarification of the Board, we therefore assume that
5 there will be no withdrawals from those watercourses,
6 other than lakes.

7 Is that correct?

8 MS. ERICA BONHOMME: Erica Bonhomme.
9 For clarification, there is enough water in the
10 proposed waterbodies for the project's needs. The
11 project would like the ability to withdraw water from
12 watercourses. It does not at this time have those
13 locations identified to support how much water and
14 where that water may be withdrawn.

15 THE CHAIRPERSON: Ron...? Thank you.

16 MR. RON WALLACE: So, again, you're
17 anticipating a water licence, because of this lack of
18 information, that will not in any way include
19 watercourse withdrawals.

20 Is that correct?

21 THE CHAIRPERSON: Thank you, Ron.
22 Erica, please.

23 MS. ERICA BONHOMME: Erica Bonhomme.
24 We would, of course, like to have a licence which
25 would include the ability to withdraw water from

1 watercourses. It is anticipated that the DOT, as it
2 progresses with construction activities, will be able
3 to identify locations where water withdrawal from
4 watercourses may be required, and that the
5 information to support withdrawal from those water
6 courses could be provided prior to those activities
7 being constructed -- conducted to the Water Board for
8 their approval.

9 THE CHAIRPERSON: Thank you, Erica.
10 Ron, any further questions on that --

11 MR. RON WALLACE: No further
12 question.

13 THE CHAIRPERSON: Thank you, Ron. If
14 there's no follow-up questions, Jamie, on that
15 particular topic, I'd like to ask the other Board
16 members should they have any additional questions on
17 that particular topic.

18 Mark, I believe, has one (1). Please,
19 Mark...? Thank you.

20 MR. MARK CLEVELAND: Thank you, Mr.
21 Chairman.

22 Mr. Stevens, in indicating that the
23 project has -- is -- the licence application is of
24 five (5) years' length, I'm wondering if the volume
25 withdrawals noted in the original application have

1 been changed because of the length change to the
2 desired licence.

3 In other words, are you going to be
4 using more water because the licence is for a longer
5 period of time? Thank you.

6 THE CHAIRPERSON: Thank you, Mark.
7 Jim, please.

8 MR. JIM STEVENS: Jim Stevens. Thank
9 you, Mr. Chair. The answer is "no" to that question.

10 THE CHAIRPERSON: Thank you, Jim.
11 Mark, any follow-up?

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON: Excellent. Thank
16 you. With that, we'll move to the next section of
17 questioning on permafrost monitoring plans.

18 And over to you, Jamie. Thank you.

19 MR. JAMIE VANGULCK: Thank you, Mr.
20 Chair. Jamie VanGulck.

21 EIRB Recommendation 37 requires the
22 completion of terrain monitoring. That includes
23 active layer and near-surface permafrost impacts from
24 winter road construction to aggregate sources. The
25 Government of Canada accepted the intent of this

1 recommendation. The Proponent appeared to provide
2 selective information regarding permafrost monitoring
3 in their September 20th submission. The Proponent
4 also discussed permafrost monitoring in their
5 response to the pre-hearing conference, Question
6 number 9.

7 The scope of the discussion was
8 focussed on the all-weather road and watercourse
9 crossings, not the winter road construction to
10 aggregate sources, as identified in EIRB Commitment
11 37. The Proponent committed to providing a
12 permafrost monitoring plan, if needed, as well during
13 the pre-hearing conference.

14 The question to the Proponent is:
15 What monitoring is intended to be completed by the
16 Proponent to address EIRB Recommendation 37?

17 THE CHAIRPERSON: Thank you, Jamie.
18 Jim, please.

19

20 (BRIEF PAUSE)

21

22 MR. JIM STEVENS: Jim Stevens. Mr.
23 Chair, we'll just need a moment, please.

24 THE CHAIRPERSON: Please, yes.

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: How are you doing,
4 Jim?

5 MR. JIM STEVENS: Jim Stevens. Thank
6 you, Mr. Chair. I'm going to ask Robyn McGregor to
7 respond to that, please.

8 THE CHAIRPERSON: Thank you, Jim.

9 MS. ROBYN MCGREGOR: Forgive me, Mr.
10 Chair, could you please repeat the question?

11 THE CHAIRPERSON: Jamie, please.

12 MR. JAMIE VANGULCK: Jamie VanGulck.
13 The question was: What monitoring is intended to be
14 completed by the Proponent to address EIRB
15 Recommendation number 37?

16 THE CHAIRPERSON: Thank you, Jamie.
17 Robyn, please.

18 MS. ROBYN MCGREGOR: Robyn McGregor,
19 Kiggiak-EBA, for the Developer. Relative to
20 activities in the borrow sources, or the winter
21 access to the borrow sources, as described earlier,
22 monitoring will be visual observations.

23 Relative to permafrost conditions
24 along the alignment and at the bridge crossings, as
25 described in the pre-hearing conference, the

1 monitoring will include temperature measurements from
2 the ground temperature cables that have been
3 installed at the locations along the highway and at
4 the crossings, as well as visual observations during
5 the maintenance activities that happen after
6 construction. Thank you.

7 THE CHAIRPERSON: Thank you, Robyn.
8 Jamie...?

9 MR. JAMIE VANGULCK: Thank you, Mr.
10 Chair. I'll move on to another question.

11 In response to pre-hearing conference
12 Question Number 1, the Proponent stated that
13 contractors and subcontractors will be named in early
14 November 2013. Will the Proponent, today, provide
15 the Northwest Territories Water Board with guidance
16 in regards to a specific date when all contractors
17 and subconters -- tractors will be named?
18 Specifically, when will it be identified in November
19 of 2013?

20 THE CHAIRPERSON: Thank you, Jamie.
21 Jim, please. I thought there was some partial answer
22 to that earlier. If you could expand on that,
23 please.

24 MR. JIM STEVENS: Jim Stevens. Thank
25 you, Mr. Chair.

1 What I can advise on that question is
2 that negotiations are still underway with a regional
3 contracting entity, and those discussions, if they
4 are successful and can be concluded, we anticipated
5 that sometime in mid-November we would be able to
6 announce the contractor.

7 THE CHAIRPERSON: Thank you, Jim.
8 Jamie, any further questions on that?

9 MR. JAMIE VANGULCK: I'll move on to
10 another question, Mr. Chair.

11 THE CHAIRPERSON: Please.

12 MR. JAMIE VANGULCK: Jamie VanGulck.
13 In response to pre-hearing conference Question 4, the
14 Proponent mentioned that final designs for embankment
15 and watercourse crossings will be submitted in
16 October of 2013. We heard today during the
17 presentation that the Proponent is committed to
18 providing drawings for -- that are signed and stamped
19 to the Board by October 15.

20 Can the Proponent commit to a specific
21 submittal date of the finalized designs? Is this to
22 coincide with the drawings, or is it a different
23 submission?

24 THE CHAIRPERSON: Thank you, Jamie.
25 Jim, please.

1 MR. JIM STEVENS: Jim Stevens. Thank
2 you, Mr. Chair. Everything will be submitted on that
3 October 15th date.

4 THE CHAIRPERSON: Thank you, Jim.
5 Jamie...?

6 MR. JAMIE VANGULCK: Thank you, Mr.
7 Chair. I'll move on to another question. In
8 response to pre-hearing Question Number 5, the
9 Proponent provided a revised letter from the Hamlet
10 of Tuktoyaktuk listing Department of Transportation
11 in the agreement in the September 20th submission. A
12 similar letter from the Town of Inuvik was not
13 included, but the Proponent has in -- indicated in
14 their cover letter that that information is
15 forthcoming.

16 When does the Proponent expect a
17 letter from the Town of Inuvik to be submitted to the
18 Water Board with regards to waste transfer
19 agreements?

20 THE CHAIRPERSON: Thank you, Jamie.
21 Jim, please.

22 MR. JIM STEVENS: Thank you, Mr.
23 Chair. We are working with the town to get that
24 letter generated. We understand there were some IT
25 issues that precluded access to files and other

1 equipment. I'm confident that that will be provided
2 in the very near future. I just don't have an exact
3 date for the furnishing of that.

4 Based on casual discussions with the
5 SAO, Grant Hood, we don't anticipate there being any
6 problem with the future provision of that letter.

7 Thank you.

8 THE CHAIRPERSON: Thank you, Jim.
9 Jamie...?

10 MR. JAMIE VANGULCK: Jamie VanGulck.
11 I'll move on to another question.

12 In response to pre-hearing conference
13 Question 10 regarding EIRB Commitment 231 and the
14 Sedimentation and the Erosion Control Plan, a new
15 version of the Sedimentation and -- and Erosion
16 Control Plan was not submitted on September 20th.
17 There remains a disparity between the EIRB commitment
18 and the current Sedimentation and Erosion Control
19 Plan where there is uncertain wording regarding the
20 culverts to be monitored. Uncertainty remains
21 regarding implementation of the EIRB commitment
22 within the Sedimentation and Control Plan.

23 The question is: EIRB Commitment 231
24 states that water quality monitoring will be
25 conducted upstream and downstream of each crossing.

1 However, the Sedimentation and Erosion Control Plan
2 states select culvert crossings will be monitored.
3 Can the Proponent explain this apparent disparity?

4 THE CHAIRPERSON: Thank you, Jamie.
5 Jim, please.

6 MR. JIM STEVENS: Jim Stevens. Thank
7 you, Mr. Chair. I -- I'm going to ask Doug
8 Chipertzak, who's been involved in the development of
9 the Sedimentation and Erosion Control Plan, to
10 comment on that, please.

11 MR. DOUG CHIPERZAK: Doug -- Doug
12 Chipertzak, Kavik-Stantec, in support of the
13 Developer.

14 The -- the monitoring that is proposed
15 and -- there -- will be partly developed within the
16 Aquatic Effects Monitoring Program. And so some of
17 the locations maybe identified through the working
18 group that's going to be formed to finalize that
19 plan.

20 Also, not all watercourses are fish
21 habitat or contain water flow for most of the year,
22 and -- and those ones would not include -- or not all
23 of them anyway -- the -- the final decision will be -
24 - will be made on those when the Aquatic Effects
25 Monitoring Program is finalized. Thank you.

1 THE CHAIRPERSON: Thank you, Doug.
2 Jamie, any supplementaries on that?

3

4 (BRIEF PAUSE)

5

6 MR. JAMIE VANGULCK: A follow-up
7 question, Mr. Chair.

8 If I understood from your answer that
9 further information is forthcoming. It'll be
10 determined partly with the Aquatic Effects Monitoring
11 Program development.

12 Is there a date that's anticipated for
13 when this information will occur?

14 THE CHAIRPERSON: Thank you, Jamie.
15 If you could maybe speak up a little bit there, Jamie
16 -- the ears.

17 Thank you. Doug...?

18 MR. DOUG CHIPERZAK: Thank you, Mr.
19 Chair. Doug Chipertzak.

20 The -- we don't have a specific date
21 for the Aquatic Effects Monitoring Program. It's
22 being developed in collaboration, or will be
23 finalized in collaboration with the regulators. It
24 will be completed prior to construction -- the start
25 of construction.

1 THE CHAIRPERSON: Thank you, Doug.

2 Jamie, any additional questions on this topic?

3 MR. JAMIE VANGULCK: Thank you, Mr.

4 Chair. Just a follow-up question on that.

5 What will be the date when it's
6 submitted to the Board? I understand it's prior to
7 construction but is there a date that you can
8 provide?

9 THE CHAIRPERSON: Thank you, Jamie.
10 Doug...?

11

12 (BRIEF PAUSE)

13

14 MR. DOUG CHIPERZAK: Doug Chiperzak,
15 Kavik-Stantec, support for the Developer.

16 I can't give you a specific date. I
17 can say early December.

18 THE CHAIRPERSON: Thank you, Doug.
19 Jamie, any supplementary questions on that topic?

20 MR. JAMIE VANGULCK: I'll move onto
21 another question, Mr. Chair. It's Jamie VanGulck.

22 On September 27th, the proponent
23 submitted a fish and fish habitat baseline assessment
24 report to the Water Board. The report contains
25 details of sixteen (16) watercourse crossings that

1 had moved outside of the previous assessment areas
2 during final engineering design.

3 Can the Proponent provide a
4 perspective of why this information has now been
5 submitted to the Water Board?

6 THE CHAIRPERSON: Thank you, Jamie.
7 Jim, please.

8 MR. JIM STEVENS: Jim Stevens. Thank
9 you, Mr. Chair. Again, I'll defer to Mr. Doug
10 Chipertzak to respond to that.

11 THE CHAIRPERSON: Thank you, Jim.
12 Doug, please.

13 MR. DOUG CHIPERZAK: Doug Chipertzak.
14 Yes, we submitted this to the -- the Water Board. As
15 you mentioned, the areas that -- that we conducted
16 the cross -- or that -- sorry. I'll start again
17 here.

18 The -- the crossing alignment had been
19 moved signi -- significantly out -- enough to be
20 outside the previous water crossings locations. And
21 so to ensure the appropriate design, et cetera, for
22 the crossings, we did -- redid those assessments in
23 the new alignment area. And that's why we -- we
24 submitted that for you.

25 THE CHAIRPERSON: Thank you, Doug.

1 Jamie...?

2 (BRIEF PAUSE)

3

4 THE CHAIRPERSON: Excellent. We have
5 -- thank you, Jamie and Ron. One (1) additional
6 question on the topic of waste management plans.
7 Board member Mark Cleveland would like to pose a
8 question. Thank you, Mark.

9 MR. MARK CLEVELAND: Thank you, Mr.
10 Chairman. Just a quick question related to the
11 presentation this morning.

12 I think it was slide 34 of the
13 presentation that stated that non-hazardous solid
14 waste will be incinerated or brought to landfills in
15 Inuvik and Tuktoyaktuk once agreements with the local
16 community governments are in place. Slide 46 talked
17 about non-hazardous solid waste, sewage, and grey
18 water being deposited in licensed facilities. And
19 then slide 47, again, talked about no planned
20 deposits of waste other than in licensed municipal
21 facilities.

22 I'm just wondering if there's a little
23 clarification around where the deposition of the
24 waste will be. Thank you.

25 THE CHAIRPERSON: Thank you, Mark.

1 Jim, please.

2 MR. JIM STEVENS: Jim Stevens. Thank
3 you, Mr. Chair. I'm going to ask for a deferral to
4 Erica Bonhomme.

5 THE CHAIRPERSON: Thank you, Jim.
6 Erica, thank you.

7 MS. ERICA BONHOMME: Thank you, Mr.
8 Chair. Erica Bonhomme. I'll hope to provide some
9 clarification.

10 Combustible solid waste will be
11 incinerated at campsites. What is not combustible
12 will be taken either to the municipal landfill, or
13 may be taken away to a licensed facility outside of
14 the Northwest Territories.

15 Hazardous waste will all be taken
16 outside of the Northwest Territories to licensed
17 facilities. And, as I mentioned, there will be waste
18 that cannot be incinerated that will be brought to
19 one (1) or the other municipal landfills. Of course,
20 all sewage, grey water, will be taken to sewage
21 lagoons at either one of the -- the communities.

22 MR. MARK CLEVELAND: Thank you very
23 much.

24 THE CHAIRPERSON: Thank you, Erica,
25 Mark. Good.

1 I believe Mr. Paquin has a
2 supplementary question on that topic. Thank you,
3 Emery.

4 MR. EMERY PAQUIN: Yes, thank you.
5 It's Emery Paquin.

6 Could you clarify whether an
7 incineration management plan for your non-hazardous
8 solid waste that you -- that you indicate you will be
9 incinerating, will there be an incineration
10 management plan embedded within your overall Waste
11 Management Plan?

12 THE CHAIRPERSON: Thank you, Emery.
13 Jim, please.

14 MR. JIM STEVENS: Jim Stevens. Thank
15 you, Mr. Chair, we'll just need a moment, please.

16 THE CHAIRPERSON: Take it, please.
17 Thank you.

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON: Jim, please.

22 MR. JIM STEVENS: Jim Stevens. Thank
23 you, Mr. Chair. Erica Bon -- Bonhomme will respond
24 to that, please.

25 THE CHAIRPERSON: Thank you, Jim.

1 Erica...?

2 MS. ERICA BONHOMME: Thank you, Mr.
3 Chair. Erica Bonhomme.

4 There is no plan, per se. What the
5 Waste Management Plan has is a procedure for the
6 appropriate segregation, storage, and handling of
7 waste that's to be incinerated, including the
8 procedures for incineration and otherwise further
9 disposal of waste that is not combustible.

10 THE CHAIRPERSON: Thank you, Erica.
11 Emery, do you have follow-up on that topic?

12

13 (BRIEF PAUSE)

14

15 MR. EMERY PAQUIN: Yes, it's -- it's
16 Emery Paquin. So will the Waste Management Plan, for
17 example, identify the type of incinerator that you
18 are planning on installing? Will it contain
19 procedures, for example, for the management of the
20 incinerator ash?

21 It is those types of -- of -- that
22 type of information that -- that I think would be
23 useful to be contained within the Waste Management
24 Plan specifically with respect to incineration.

25 So I'm not simply looking for the

1 procedures. I'm not -- I'm not simply asking whether
2 the incineration procedures will be in the plan, but
3 the actual management procedures with respect to the
4 activity.

5 THE CHAIRPERSON: Thank you, Emery.
6 Jim...?

7 MS. ERICA BONHOMME: Erica Bonhomme.
8 That information is currently in the Waste Management
9 Plan.

10 THE CHAIRPERSON: Thank you, Erica.
11 Emery, any follow-up on that topic? Thank you,
12 Emery. I believe the -- the Board has some extra
13 questions, and Emery is going to proceed. Thank you,
14 Emery.

15 MR. EMERY PAQUIN: Emery Paquin. I
16 have two (2) -- two (2) questions for the -- for the
17 Proponent. The first question is with -- is with
18 respect to the Environmental Management Plan.

19 Slide 10 in your presentation stated -
20 - states that:

21 "The Applicant has implemented all
22 of the EIRB recommendations that
23 were accepted by the Government of
24 Canada, or which the government
25 accepted the intent with

1 modifications."

2 Now, I noted during Mr. Neudorf's
3 presentation that he substituted the term 'adopted'
4 instead of 'implemented'.

5 In keeping with this statement, slide
6 12 of your presentation then lists the series of
7 plans and procedures that will make up the overall
8 Environmental Management Plan.

9 Now, my question is: Could the
10 Applicant advise the Board as to when each of the
11 listed plans and procedures of the Environmental
12 Management Plan will be finalized? You did make a
13 reference to the submission of the Aquatic Effects
14 Monitoring Plan, and I thank you for that.

15 But can you provide the Board with an
16 indication of when each of the other plans will be
17 submitted?

18 THE CHAIRPERSON: Thank you, Emery.
19 Jim, please.

20 MR. JIM STEVENS: Jim Stevens. Thank
21 you, Mr. Chair. All of the management plans
22 comprising the Environmental Management Plan for the
23 construction stage will be provided to the Board in
24 advance of construction. Thank you.

25 THE CHAIRPERSON: Thank you, Jim.

1 Emery...?

2 MR. EMERY PAQUIN: Thank you very
3 much. My second question is with respect to the
4 generation of dust from the gravel -- gravel
5 roadbeds.

6 The generation of dust from gravel
7 roadbeds elsewhere -- located elsewhere in the
8 Northwest Territories has likely resulted in the
9 deposition of waste, that being the -- that being
10 dust, to adjacent water bodies and streams.

11 Does the Applicant anticipate the use
12 of suppressants on the highway right-of-way during
13 the construction period to minimize fugitive dust
14 emissions?

15 THE CHAIRPERSON: Thank you, Emery.
16 Jim, please..?

17 MR. JIM STEVENS: Jim Stevens. Thank
18 you, Mr. Chair. Mr. Chair, for clarification, we
19 aren't taking the definition of suppressants to be
20 water so the answer is no, but water will be used
21 during construction activities for that purpose.

22 THE CHAIRPERSON: Thank you, Jim.
23 Emery, please.

24 MR. EMERY PAQUIN: All right, so,
25 just from a clarification, you will be using water as

1 a dust suppressant but you will not be using any
2 other form of suppressant.

3 THE CHAIRPERSON: Please, Jim...?
4 Thank you.

5 MR. JIM STEVENS: Jim Stevens, thank
6 you, Mr. Chair. Yes, that is correct.

7 THE CHAIRPERSON: Thank you, Jim.
8 Emery, any extra questions?

9 MR. EMERY PAQUIN: Emery Paquin. No,
10 I have no further questions, and I thank the
11 Proponent for that.

12 THE CHAIRPERSON: Thank you, Emery.
13 And I believe another Board member, Mark Cleveland,
14 has one (1) additional question to ask. Thank you.
15 Mark...?

16 MR. MARK CLEVELAND: Thank you, Mr.
17 Chairman. If the Applicant could simply clarify for
18 me -- a number of times this morning we've talked
19 about the beginning of construction.

20 I'm wondering how the Applicant
21 defines the bid -- beginning of construction. Thank
22 you.

23 THE CHAIRPERSON: Thank you, Mark.
24 Jim, please.

25 MR. JIM STEVENS: Jim Stevens. Thank

1 you, Mr. Chair. The definition would be basically
2 related to the mobilization of equipment and initial
3 development of borrow sources, which is anticipated
4 to be sometime in December at this point.

5 MR. MARK CLEVELAND: Thank you very
6 much.

7 THE CHAIRPERSON: Any additional
8 questions from the Board? Lou, please. Thank you.

9 MR. LOU COVELLO: Two (2) quick ques
10 -- questions. Lou Covello, here. One concerns ice
11 build-up in small cover -- culverts.

12 How do you propose to address that?

13 THE CHAIRPERSON: Thank you, Lou.
14 Jim, please.

15 MR. JIM STEVENS: Jim Stevens, thank
16 you, Mr. Chair. I'm going to ask Walt -- Mr. Walter
17 Orr to respond to that, please.

18 THE CHAIRPERSON: Thank you, Jim.
19 Walter, please.

20 MR. WALTER ORR: Mr. Chair, Walter
21 Orr, Kavik-Stantec for the Developer. In answer of
22 the question how do we propose to address ice build-
23 up in small culverts, we have in the design stage, in
24 evaluating the capacity of culverts, we have included
25 a measure of ice build-up in each of these culverts

1 prior to evaluating flow and size requirements. I
2 believe the -- the number -- in fact we have included
3 600 millimetres or 2 feet of ice buildup in each of
4 the culverts when evaluating them -- the -- flow
5 conditions at peak flows. That is one (1) of the
6 ways. And then beyond that obviously there is a
7 maintenance component in terms of evaluation of ice
8 buildup in all -- in any culvert.

9 THE CHAIRPERSON: Thank you, Walter.
10 Lou...?

11 MR. LOU COVELLO: Lou Covello. Last
12 question concerns drifting snow that builds up along
13 the side of the highway and insulates the shoulders
14 and the lower slopes of the slope up to the highway,
15 from intense frost action or intense freezing during
16 the winter. How -- and the result of that is that
17 you get an area of -- of much lighter permafrost
18 development along the sh -- along the sides of the
19 road. Do you have plans for mitigating that?

20 THE CHAIRPERSON: Thank you, Lou.
21 Jim, please.

22 MR. JIM STEVENS: Jim Stevens. Thank
23 you, Mr. Chair. I'm going to ask Robyn McGregor to
24 respond to that please.

25 THE CHAIRPERSON: Thank you, Jim.

1 Robyn, please.

2 MS. ROBYN MCGREGOR: Robyn McGregor,
3 Kiggiak-EBA, for the Developer.

4 Mitigation of that is first in
5 mitigation by design. The cross-section and, in
6 particular, the embankment height and the side slope
7 ratio or the steepness of the side slope has been
8 modelled through our ground thermal analysis process
9 to understand the impact of building the highway on
10 permafrost in thaw cycles throughout the years of
11 operation. That modelling included the accumulation
12 and insulative effects of drifting snow on the side
13 slope. We've taken that into account in the design
14 and managed the embankment height and the design of
15 the side slope to mitigate the thaw into the roadway,
16 the travelled roadway and the shoulder.

17 The second mitigation would be during
18 operations, and the clearing of snow along the
19 shoulder and over the edge onto the side slope to
20 push it further away down the side slope. We
21 anticipate, though, that there will still be thawing
22 out of the permafrost under the extreme toes of the
23 embankment, but we believe that we have designed it
24 such that that thawing will not impact the long-term
25 stability and performance of the roadway as a whole.

1 MR. LOU COVELLO: Thank you. And
2 maybe just one (1) follow-up question.

3 Do you have an overall philosophy for
4 the construction of the road, sort of like a
5 guidelines type of philosophy that you follow as a
6 general rule during construction?

7 THE CHAIRPERSON: Robyn, please.
8 Jim...?

9 MS. ROBYN MCGREGOR: For
10 clarification, Mr. Chair, is that a philosophy
11 relative to permafrost protection during
12 construction?

13 THE CHAIRPERSON: Lou, perhaps you
14 could clarify that?

15 MR. LOU COVELLO: Yes.

16 THE CHAIRPERSON: Thank you very
17 much.

18 MR. LOU COVELLO: That's a -- a
19 general philosophy with respect to all aspects of
20 construction and design of the road, one of course
21 you can modify depending on conditions. And, for
22 instance, might you say that, generally, we would
23 like to work in areas that are more stable as far as
24 the thermal regime is concerned. Or would you stick
25 to certain design parameters to mitigate effects of,

1 say, increasing the thickness of the active layer or
2 that sort of thing?

3 MS. ROBYN MCGREGOR: Thank you, Mr.
4 Chair. There are -- the overall philosophy for
5 design and construction of the Inuvik-Tuktoyaktuk
6 Highway has the objective of maintaining frozen
7 conditions. The strength and stability of the
8 highway, the embankment and the structures, is
9 dependent on maintaining frozen permafrost
10 conditions.

11 The philosophy then in design and the
12 specific application of the design criteria, the
13 thermal modelling, the terrain analysis to stay away
14 from unstable slopes and pro -- very, very thaw
15 sensitive, ice-rich terrain has been applied in that
16 effort.

17 In the design, we have also taken into
18 consideration climate change, and the projected and
19 forecasted impacts particular to air temperature
20 warming in the years to come and the changes in the
21 thermal regime of the permafrost itself.

22 We also understand that the Department
23 has committed to an adaptive management approach in
24 their programs into the future with respect to
25 climate change. And that, in particular, means that

1 the operations will include observations through
2 their weekly inspections of any changes to the
3 permafrost that may be evident as the highway goes
4 into operation. Thank you.

5 THE CHAIRPERSON: Lou, thank you.

6 MR. LOU COVELLO: Thank you very
7 much.

8 THE CHAIRPERSON: Ladies -- ladies
9 and gentlemen, that concludes the questions to the
10 Applicant by the Board. I would now like to invite
11 any member of the general public who has joined us
12 here to please come forward and ask any questions or
13 make any comments on the presentation made by the
14 Applicant. There's a microphone here, and I think we
15 can arrange for that microphone to be brought to your
16 chair if you'd rather take it there. So with that,
17 please, I'd like to invite any member of the general
18 public to come forward, now is that opportunity.

19

20 (BRIEF PAUSE)

21

22 THE CHAIRPERSON: Okay. Don't rush
23 to the microphone.

24

25 (BRIEF PAUSE)

1 THE CHAIRPERSON: Okay, that's fine.
2 If there's no member of the general public at this
3 time, that's fine. Say there will be another -- on
4 the agenda you'll see there's a full opportunity,
5 quite a large time block this afternoon, for any
6 member of the general public to make any comments
7 they wish to choose on any element of this project.
8 If you'd like to wait until that time, that's
9 perfectly fair.

10 I'm just looking at my clock here and
11 I see it's twenty-five (25) to 12:00. And I think at
12 this stage we will take a break, an early lunch
13 break. We'll go for -- let's reconvene at 12:45.
14 That'll give everybody an hour and ten (10) minutes,
15 and I believe that should be more than adequate for -
16 - for lunch.

17 Thank you, all. Reconvene 12:45.

18

19 --- Upon recessing at 11:32 a.m.

20 --- Upon resuming at 12:47 p.m.

21

22 THE CHAIRPERSON: Thank you, ladies
23 and gentlemen. We'll now reconvene. The first order
24 of business: The Board has two (2) additional
25 questions to ask the Applicant, and I'd like to get

1 those out of the way before we move to the first
2 Intervenor. The first of those questions will be
3 asked by Mark Cleveland.

4 Thank you, Mark.

5 MR. MARK CLEVELAND: Thank you, Mr.
6 Chairman. I'd just like to ask the Applicant: In
7 the production of the
8 Environmental Management Plan, the whole of the
9 Environmental Management Plan and all the sub-plans
10 and -- and procedures, there's quite a list of
11 requirements and commitments that are being made by
12 the Applicant.

13 My questions is whether the general
14 contractor and the subcontractors will all be bound
15 by the elements of those management plans and the
16 conditions? Thank you.

17 MR. JIM STEVENS: Jim Stevens. Thank
18 you, Mr. Chair. I guess the simple answer is yes.
19 And as -- once a contractor is announced, we will be
20 working with that contractor to develop a compliance
21 plan. So we're quite confidence that everything will
22 be adhered to.

23 THE CHAIRPERSON: Thank you, Jim.
24 Mark, good?

25 MR. MARK CLEVELAND: Thank you, Mr.

1 Chairman.

2 THE CHAIRPERSON: Next question,
3 please. Emery..? Thank you very much.

4 MR. EMERY PAQUIN: Thank you. Emery
5 Paquin. And my questions is regarding Source 177.

6 Could you confirm whether any of the
7 Source 177 granular material will be used in the
8 construction of the pertinent undertaking?

9 THE CHAIRPERSON: Thank you. Jim,
10 please.

11 MR. JIM STEVENS: Jim Stevens. Thank
12 you, Mr. Chair. Yes, I confer -- can confirm that
13 some of the construction at the north end this --
14 this coming winter will utilize Source -- excuse me --
15 - Source 177 material. Thank you, Mr. Chair.

16 THE CHAIRPERSON: Thank you -- thank
17 you, Jim. Emery, please.

18 MR. EMERY PAQUIN: Thank you for that
19 clarification.

20 In that case, could the Applicant
21 undertake to provide a copy of the -- of their quarry
22 permit, their land use permit, and the Pit
23 Development Plan for Source 177? Could you commit to
24 providing that -- copies of those three (3) documents
25 to the Board?

1 THE CHAIRPERSON: Thank you, Emery.

2 Jim...?

3 MR. JIM STEVENS: Jim Stevens. Thank
4 you, Mr. Chair. Yes, we'll be able to provide all
5 pertinent information and the update, Mr. Chair, is
6 that quite possibly later this afternoon. It's
7 inbound, as we speak.

8 THE CHAIRPERSON: Thank you, Jim.
9 Emery...?

10 MR. EMERY PAQUIN: So those -- that
11 would include copies of -- of each of those three (3)
12 documents?

13 THE CHAIRPERSON: Jim...?

14 MR. JIM STEVENS: Jim Stevens. Thank
15 you, Mr. Chair. I'm -- I'm going to ask Erica
16 Bonhomme to just clarify where we are with that.

17 THE CHAIRPERSON: Thank you, Jim.
18 Erica, please.

19 MS. ERICA BONHOMME: Erica Bonhomme.
20 As I mentioned before, there is no pit development
21 plan for Source 177. That will not be provided.

22 We will provide you with the current
23 and two (2) previous land use authorizations for
24 operation of the Source 177 pit.

25 THE CHAIRPERSON: Thank you.

1 Emery...? So a final question, Emery?

2 MR. EMERY PAQUIN: Emery Paquin. So
3 a final point of clarification. Did you say then --
4 then, Erica, that there is no current Pit Development
5 Plan for Source 177?

6 MS. ERICA BONHOMME: Erica Bonhomme.
7 That's correct.

8 MR. EMERY PAQUIN: Thank you very
9 much.

10 THE CHAIRPERSON: Thank you, Jim.
11 That concludes the supplementary questions from the
12 Board. I'd say -- we've -- now I'd like to ask -- I
13 see already at the Intervenors' table --

14 MR. GERRY PHILLIPS: Excuse me, Mr.
15 Chairman. I've got to get this undertaking here.

16 THE CHAIRPERSON: Okay, stand by one
17 (1) please.

18 MR. GERRY PHILLIPS: Gerry Phillips,
19 counsel for the Board. Did that include the land use
20 permit?

21 THE CHAIRPERSON: The -- the words
22 used that I caught were 'land use authorizations'.

23 MR. GERRY PHILLIPS: It does?

24 THE CHAIRPERSON: And that I believe
25 would include a quarry permit and a land use licence.

1 MS. ERICA BONHOMME: Erica Bonhomme.
2 It includes a land use authorization issued by the
3 Inuvialuit Land Administration. It is not a quarry
4 licence.

5 THE CHAIRPERSON: Thank you, Erica.

6 MR. GERRY PHILLIPS: For the
7 undertaking, it's the land use authorization, and the
8 current and two (2) previous land use authorizations
9 for 177. That's -- that's the entirety of it?

10 MS. ERICA BONHOMME: Erica Bonhomme.
11 There are three (3) authorizations we will provide
12 you: one (1) issued in 2008, one (1) issued in 2010,
13 and one (1) -- the current one issued in 2012.

14 MR. GERRY PHILLIPS: Thank you.
15 That's fine.

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON: Thank you very
20 much, Erica. I was going to say that -- Gerry, you
21 are good?

22 MR. GERRY PHILLIPS: Yes that's fine.

23 THE CHAIRPERSON: Thank you. So that
24 concludes. Now I'd like to ask -- welcome the
25 intervenors to the table, and the first one to make a

1 presentation today will be the Inuvialuit Game
2 Council. And I believe Mr. Billy Storr will be
3 giving that today. Thank you, Billy.

4

5 PRESENTATION BY THE INUVIALUIT GAME COUNCIL:

6 MR. BILLY STORR: Good afternoon
7 everyone. My name is Billy Storr and I'm the
8 Inuvialuit Game Council Member from the Aklavik HTC.
9 On behalf of the Inuvialuit Game Council, we would
10 like to thank the NTW Water Board for the opportunity
11 to present its views on the Department of
12 Transportation's Type A water licence application for
13 the Inuvik-to-Tuktoyaktuk Highway project.

14 We have provided a list of our
15 recommendations to the Water Board in Appendix 1 of
16 our submission. The Inuvialuit Game Council, or IGC,
17 was established under the IFA. It plays a central
18 role in the protection and management of wildlife,
19 fish, and environment in the ISR. The Inuvialuit
20 Game Council acts on behalf of the Inuvialuit
21 beneficiaries in matters related to fish, wildlife,
22 and land management, in order to contribute
23 conservation of Arctic wildlife and biological
24 productivity. Today I will be providing comments on
25 regulatory context, Game Council concerns respecting

1 the deposit of waste; borrow areas operations and
2 closure; effects of the project on fish, wildlife,
3 and Inuvialuit harvesting; scope and term of licence;
4 water use conditions; and aquatic effects monitoring
5 the adaptive management.

6 As an agent of the Government of
7 Canada, the Water Board is required by the CEAA to
8 implement recommendations made by the Environmental
9 Impact Review Board and accepted by the Governor in
10 council. The Game Council believes the Board must
11 consider and incorporate into the licence the
12 recommendations of the panel where -- where intent
13 was accepted by the Minister.

14 The EIRB recommendations that were
15 accepted by the Minister include the 10 percent water
16 withdrawal limit contained in the DFO protocol for a
17 winter water withdrawal from ice-covered water bodies
18 in the NWT and Nunavut to be applied to every lake
19 and water body used as a water source over the
20 lifetime of the project.

21 Pit development plans should be
22 developed and approved prior to construction to
23 address the effects of quarrying on the environment.
24 HTC's should be consulted on the content.

25 The pit development plans must include

1 conceptual closure and reclamation plans. The
2 Developer estimates a future quarry size based on
3 project need for aggregate, and AANDC's independent
4 quantity estimates must be presented to the Water
5 Board for its water licensing process.

6 Recommendations for the EIRB intent
7 has been accepted include: the Developer will work
8 with parties to ensure that monitoring, mitigation,
9 and management commitments to wildlife, fish, and
10 harvesting are met.

11 The Developer will develop a fish and
12 fish habitat protection plan, determine mitiga --
13 mitigation measures before using a dust suppressant
14 on the highway, and develop a long-term maintenance
15 plan for Hans Creek and Zed Creek crossings.

16 The Developer will consult with
17 communities, HTC's and co-management boards on the
18 development and content of environmental management
19 plans relating to the Husky Lake area.

20 A follow-up program compatible with
21 cumulative effects monitoring, mitigation, and
22 adaptive management programs of the ISR must be
23 developed by responsible authorities. A body should
24 be established to coordinate the monitoring,
25 mitigation, and adaptive management of the Inuvik-Tuk

1 Highway project impacts.

2 A project-specific monitoring,
3 mitigation, and adaptive management plan shall be
4 developed for the project. The adaptive management
5 program shall be in place before major construction
6 is initiated for the project.

7 The Developer shall complete pre-
8 construction surveys for muskrat push-ups on lakes
9 where winter snow removal and/or winter water
10 withdrawal will take place.

11 AANDC and the NWT Water Board shall
12 ensure that the same road alignments are not used to
13 access aggregate at source -- aggregate sources every
14 year to -- every year to avoid the vegetation and
15 terrain damage caused by repeated use.

16 The Inuvialuit Game Council has a
17 number of concerns with this project with respect to
18 deposit of waste, effects on wildlife, fish, and
19 environment, and how those effects will be monitored
20 and managed.

21 The Developer has committed in its
22 application and subsequent filings to the development
23 of these plans as the regulator for the use of water
24 and deposit of waste in the ISR. The Water Board
25 should include provisions in the water licence which

1 indicate how compliance will be ensured and impacts
2 to water minimized.

3 The Husky Lake area is a spiritual,
4 cultural, and environmentally significant area to the
5 Inuvialuit. The area provides habitat for a wide
6 variety of wildlife which has been traditionally
7 harbi -- harvested for food and furs.

8 The Inuvialuit Game Council recommends
9 that the monitoring program should outline the
10 options for response in the event of deposit of waste
11 in any place that could affect Husky Lakes. Any such
12 plan will go well beyond a spill contingency plan.

13 The monitoring program should be
14 implemented before construction begins and should
15 remain in place long enough to satisfy the
16 Inuvialuit, the Water Board, and other regulators
17 that no impacts are occurring on -- to Husky Lakes.

18 The Inuvialuit Game Council recognizes
19 that the Dempster -- or the Developer, pardon me, has
20 indicated in a general sense what the Pit Development
21 Plan should contain. However, pit development plans
22 are strictly conceptual and only cover three (3)
23 years of construction. There is no indication how
24 borrow sources will be used for maintenance during
25 operations or how they will be managed.

1 The NWT Water Board must implement the
2 Environmental Impact Review Panel recommendations
3 accepted by the Minister related to borrow sources.
4 The content of the PDPs outlined by the Proponent
5 must also take into account requirements accepted by
6 the minister in the -- in the Environmental Impact
7 Review Board Regulation 39.

8 The Inuvialuit Game Council suggests
9 that the Water Board must be explicit in how it will
10 regulate the development and reclamation of borrow
11 sources used in construction and operation. The
12 licence should set clear requirements for the filing
13 of PDPs for approval. PDPs should be final versions,
14 not conceptual, prior to the development of borrow
15 sources. Before development is completed at any
16 borrow source the licence should require that an
17 approved closure and reclamation plan is in place.

18 This proposed highway will cross over
19 and/or pass in an area of a number of lakes, creeks,
20 and water board -- bodies, many of which contain fish
21 and key fish habitat. The Inuvialuit Game Council
22 concerns relate not only to the direct impact of the
23 construction and operation of the highway, but also
24 to long-term and cumulative effects of highway use
25 will have on fish, fish habitat, wildlife, and

1 vegetation.

2 The project act -- activities must be
3 carefully managed to protect and maintain Inuvialuit
4 harvesting. The Game Council suggests that the water
5 licence must be explicit in how it will regulate the
6 project to protect waters and aquatic environments.
7 Aquatic monitoring is required and must be linked to
8 any follow-up programs. The monitoring necessary to
9 address concerns about project changes to fish,
10 wildlife, and harvesting activities can be integrated
11 into an Aquatic Effects Monitoring Program.

12 The Game Council is concerned with sc
13 -- with scope creep and suggests that the NWT Water
14 Board ensure that only activities that have satisfied
15 federal and IFA environmental impact assessment
16 requirements, and have been addressed in this
17 proceedings are authorized under the licence. This
18 will place a legal li -- a legal limit on the scope
19 of the licence which we submit to the Board, and must
20 address in drafting the licence.

21 The Game Council recommends that the
22 scope of the licence should be specific and clear
23 about activities which are included as part of the
24 undertaking. As much detail as possible should be
25 provided to meet legal requirements.

1 The term of the licence should be long
2 enough to allow for the construction and some
3 operation of the highway, but short enough to allow
4 for the critical assessment of DOT performance,
5 should difficulties occur.

6 A licence term of several years would
7 ensure that monitoring programs -- monitoring
8 programs established to identify project's effects
9 can operate, stabilize, and generate several years of
10 data for consideration before a licence renewal.

11 The Game Council recommends a licence
12 term of eight (8) years. Inuvialuit have expressed
13 concerns about water withdrawal from lakes and
14 streams which support harvesting of fish.

15 DFO protocol on winter water
16 withdrawal caps removal at 10 percent, this may be
17 fine for large lakes but may impact smaller bodies of
18 water in a more significant way. We are concerned
19 about the impact water withdrawal may have on muskrat
20 harvesting, fish, and fish habitat. We recommend
21 that the licence must incorporate DFO protocol --
22 protocol's 10 percent withdrawal limit in accordance
23 with the Minister's decision.

24 A muskrat push-up survey must be
25 completed before water withdrawal and/or snow removal

1 takes place. DOT should coordinate muskrat surveys
2 with the Inuvik and Tuktoyaktuk HTC's and conduct them
3 with environmental monitors drawn from the HTC's.

4 The Game Council strongly believes in
5 the need for aquatic effects monitoring and adaptive
6 management in the Inuvik-Tuk Highway project. This
7 need was accepted by both the Environmental Impact
8 Review Board and the Minister of Transport. An
9 aquatic effects monitoring plan should be developed
10 and implemented before construction.

11 The AEMP should be developed in a way
12 that builds on the principles of adaptive management.
13 A draft plan current exists, but the contents are
14 generic and not integrated with other plans important
15 to the protection of water.

16 The licence should make the
17 development of the AEMP a mandatory component of the
18 licence framework. The AEMP should be developed in a
19 way that is consistent with the AANDC and Wek'eezhii
20 Land and Water Board Guidelines. Licence terms and
21 conditions should require an annual AEMP report for
22 the construction period and the first years in
23 operation. A full review of AEMP results and
24 reporting to the Board should be required at the end
25 of construction.

1 And in conclusion, the Inuvialuit are
2 looking for the Water Board to provide clear
3 performance requirements to the licence terms and
4 conditions. The requirements must be sufficient to
5 protect the water resources and environment which may
6 be impacted by the project.

7 Again, we'd like to thank you for the
8 opportunity to make this presentation to the Water
9 Board. We provide our input on behalf of the
10 Inuvialuit beneficiaries with input from the HTC's of
11 the affected communities. The Game Council hopes
12 that the Water Board will address these
13 recommendations in the terms of the conditions of the
14 water licensing -- water licence terms and
15 conditions. Thank you.

16 THE CHAIRPERSON: Thank you, Billy.
17 I'll say, as mentioned before in our correspondence,
18 the Board greatly respects the -- the important role
19 of the Game Council in the management of wildlife
20 throughout the settlement region, wildlife including
21 fish under this circumstance.

22

23 QUESTION PERIOD:

24 THE CHAIRPERSON: With that, I would
25 like to ask then whether or not, in order, the

1 Applicant, the other Intervenor, support staff for
2 the Board, have any questions of the presentation
3 made by the Inuvialuit Game Council?

4 We'll start off with the Applicant.

5 Jim, do you have any questions on the presentation by
6 the Game Council? Thank you.

7 MR. JIM STEVENS: Jim Stevens. Thank
8 you, Mr. Chair. Could we take two (2) to three (3)
9 minutes to just consider that?

10 THE CHAIRPERSON: Please. Thank you.

11

12 --- Upon recessing at 1:11 p.m.

13 --- Upon resuming at 1:15 p.m.

14

15 THE CHAIRPERSON: Okay. Jim, yes.

16 So questions of the first Intervenor by the
17 Applicant. Jim, thank you.

18 MR. JIM STEVENS: Jim Stevens. Thank
19 you, Mr. Chair. The Department of Transportation has
20 no questions of the Inuvialuit Game Council, and we'd
21 just like to thank Mr. Storr and the Game Council for
22 their presentation. Thank you, Mr. Chair.

23 THE CHAIRPERSON: Thank you, Jim.

24 I'll then move to the other Intervenor which has the
25 opportunity to ask questions on the first Intervenor.

1 No? Thank you very much.

2 I'll then move to the staff, the Board
3 staff. Any questions?

4 MR. RON WALLACE: No questions, Mr.
5 Chairman.

6 THE CHAIRPERSON: Thank you. And the
7 Board members now. And I believe we have a couple of
8 questions for the Board members of the first
9 Intervenor. Emery, please.

10 MR. EMERY PAQUIN: Emery Paquin. My
11 question for the IGC is with respect to your
12 recommendation for an eight (8) year licence. Now,
13 my understanding of why you're asking -- or you're
14 recommending an eight (8) -- eight (8) year licence
15 is so that the water licence will cover the period of
16 construction, which in this case will be five (5)
17 years, and then there will be an additional three (3)
18 years for monitoring.

19 Is -- is my interpretation correct?

20 MR. BILLY STORR: Billy Storr. Yes,
21 your interpretation is correct.

22 MR. EMERY PAQUIN: Then -- then my
23 subsequent question is this: Does the IGC have a
24 recommendation for this Board with respect to how
25 long lic -- yeah, how long monitoring should continue

1 for? Are you suggesting that it should continue for
2 three (3) years with no subsequent monitoring, or
3 would you sug -- are you -- do you have a position
4 with respect to whether monitoring should continue
5 for a longer period of time?

6 MR. BILLY STORR: Yeah, at least for
7 three (3) years. And after that, it -- it could be,
8 you know, on a -- a longer term. But it -- it will
9 continue longer than eight (8) years, the initial
10 monitoring, you know. But the first three (3) years
11 after construction, we're looking at, you know, it'd
12 be monitored annually and then, after that, if
13 anything turns up. The monitoring will -- will
14 definitely take longer than eight (8) years, you
15 know, the total, but for three (3) years after
16 construction for sure on an annual basis.

17 MR. EMERY PAQUIN: Emery Paquin.
18 Thank you very much for that clarification.

19 THE CHAIRPERSON: Thank you,
20 Emery, and thank you -- thank you, Billy. I believe
21 we have one (1) further question from Mark Cleveland,
22 the Board member. Thank you, Mark.

23 MR. MARK CLEVELAND: Thank you, Mr.
24 Chairman. I'd just like to ask the -- the Game
25 Council, in your presentation, you talked about the -

1 - on page 6, you said:

2 "The Developer will develop a fish
3 and -- and fish habitat protection
4 plan, determine mitigation members
5 (sic) before using dust suppressant
6 on the highway."

7 I'm wondering if you're referring to
8 suppressants other than water or if you're including
9 water in that as -- as one (1) of your
10 considerations. Thank you.

11 MR. BILLY STORR: Just a little
12 clarification. There is water that does get used for
13 dust -- suppressing dust, and also the other
14 commercial grades of -- of dust suppressant such as
15 calcium chloride and --

16 MR. MARK CLEVELAND: Mr. Chairman, as
17 -- as a supplementary question, are you concerned
18 about the use of water, or just the concern about use
19 of -- of other chemicals on the highway? Thank you.

20 MR. BILLY STORR: I think we're more
21 concerned with the chemicals that will be used.

22 MR. MARK CLEVELAND: Thank you very
23 much.

24 THE CHAIRPERSON: Thank you, Mark.
25 Thank you. Just a point of clarification for myself.

1 Perhaps I could pose this back to the Applicant.

2 Did I hear you correctly saying you
3 were only going to use water for dust suppressance
4 (sic), or would there be chemical additives? Thank
5 you, Jim.

6 MR. JIM STEVENS: Jim Stevens. Thank
7 you, Mr. Chair. During construction it is our intent
8 just to use water for dust suppressant.

9 THE CHAIRPERSON: Thank you, Jim.
10 Any further questions from the Board members? Lou?
11 Good. Okay. And now we move -- if the general
12 public has any questions of the first Intervenor, the
13 Game Council, please, you are most welcome to come
14 forward to the microphone.

15 Again, thank you, Billy; very clear.
16 And say we very much recognize the important role
17 played by the Game Council and we welcome and will
18 give full consi -- consideration to what you have
19 brought to us here today. Thank you again.

20 I'd now like to introduce the second
21 Intervenor, the Fisheries Joint Management Committee.
22 And I believe Kristin will be making the
23 presentation. Thank you.

24

25 PRESENTATION BY FISHERIES JOINT MANAGEMENT COMMITTEE:

1 MS. KRISTIN HYNES: Good afternoon,
2 everyone. My name is Kristin Hynes and I work for
3 the Fisheries Joint Management Committee here in
4 Inuvik. On behalf of the FJMC, I would like to thank
5 the NWT Water Board for providing us with the
6 opportunity to present our views on the Department of
7 Transportation's app -- application for a water
8 licence for the Inuvik-to-Tuktoyaktuk Highway
9 project.

10 I'll be giving a brief overview of the
11 co-management structure here in the ISR and how the
12 FJMC fits into this before outlining our activities
13 around the highway, our concerns toward this
14 development, and our recommendations to the NWT Water
15 Board.

16 Three (3) of the goals of the
17 Inuvialuit Final Ingreement -- Agreement are to
18 preserve Inuvialuit cultural identity and values; to
19 enable Inuvialuit to be equal and meaningful
20 participants in the economy and society; and to
21 protect and preserve Arctic wildlife, environment,
22 and productivity.

23 And to ensure that these goals are
24 met, there is a comprehensive co-management structure
25 in place here in the ISR. The Inuvialuit are

1 represented by the Inuvialuit Game Council, as well
2 as Hunters' and Trappers' Committees within each ISR
3 community. To ensure that government and the
4 Inuvialuit work cooperatively towards management of
5 wildlife, there are also five (5) co-management
6 boards with different roles in this process.

7 The FJMC is the co-management board
8 responsible for fish and marine mammal management in
9 the ISR. We work closely with the HTC's, the
10 Inuvialuit Game Council, and Fisheries and Oceans
11 Canada for this work. Our role includes the shared
12 authority for fisheries resources, providing advice
13 and recommendations to the Minister of Fisheries and
14 Oceans Canada as well as the Inuvialuit on fisheries
15 issues in the ISR. This also includes
16 recommendations on research priorities, habitat
17 management, and environmental protection. We also
18 work on coordinating interaction between government
19 agencies and Inuvialuit communities.

20 Our activities around the Inuvik-to-
21 Tuktoyaktuk Highway have predominantly been the
22 creation of the Tuktoyaktuk-Inuvik Working Group.
23 This is a working group formed by members of the
24 Tuktoyaktuk and Inuvik Hunters' and Trappers'
25 Committees.

1 Support is also provided to the
2 working group by Ellen Lea, DFO's fisheries
3 management biologist; Doug Chipertzak, Stantec senior
4 -- senior fisheries biologist on behalf of the
5 Developer; Brian Zytaruk, FJMC Canada member; and
6 myself.

7 The main objective of this working
8 group is to develop a Fisheries Management Plan for
9 stocks located along the Inuvik-to-Tuktoyaktuk
10 Highway corridor. The working group also provides
11 advice to the FJMC on the Inuvik-to-Tuktoyaktuk
12 Highway project.

13 The FJMC has had some concerns toward
14 the highway project and these include: insufficient
15 communication between the Developer and the FJMC;
16 that'd the be conditions that were outlined in the
17 EIRB -- EIRB's final report have not been met by the
18 Developer in a timely manner; and that the potential
19 -- that there are potential impacts to fish and their
20 habitat, including changes to water qua -- quantity
21 and quality; and increased access to an area that is
22 culturally important to the Inuvialuit.

23 We would like to note that we are
24 pleased with the recent progress that has been made
25 by the Developer filling in management planning gaps

1 through the Information Requests that have been made
2 by the NWT Water Board and other regulators.

3 However, we do have a few
4 recommendations for the water licence terms and
5 conditions because development will be occurring in
6 an area that has important fisheries resources.

7 Our recommendations to the NWT Water
8 Board for the licence terms and conditions include
9 monitoring. Community environmental monitors must be
10 present for work on the Inuvik-to-Tuktoyaktuk Highway
11 project.

12 We also recommend for reporting that
13 the Developer reports on a weekly basis of their
14 activities, including monitoring results, for
15 regulators to determine the contractors' diligence
16 and success. Contractors should provide weekly
17 monitoring reports, including water extraction
18 locations, volumes, and quantity -- or quality.

19 We'd further recommend the
20 identification of all water bodies used for water
21 extraction, including the timing and the volumes to
22 be extracted. We understand that the lakes have been
23 listed, but we would expect that watercourses where
24 water would be extracted would also be identified.

25 For the term of the initial licence,

1 we would recommend one (1) year. This is to assess
2 the DOT's performance on monitoring and reporting
3 protocols to ensure that they are working
4 effectively.

5 Also recommend proper consultation
6 with the Tuktoyaktuk and Inuvik Hunters' and
7 Trappers' Committees on construction progress and
8 monitoring efforts. Thank you.

9

10 QUESTION PERIOD:

11 THE CHAIRPERSON: Thank you, Kristin.
12 Very clear, and very -- very welcomed. Moving on, I
13 would like to now open the floor to the Applicant, if
14 they have any questions of the second Intervenor.
15 Jim, please.

16 MR. JIM STEVENS: Jim Stevens. Thank
17 you, Mr. Chair. The Department of Transportation has
18 no questions for Fisheries Joint Management
19 Committee, and we'd just like to thank Kristin and
20 the committee for their presentation.

21 THE CHAIRPERSON: Thank you, Jim.
22 I'll give the other Intervenor, the Game Council, the
23 opportunity. Any further questions, Billy, of FJMC?

24 MR. BILLY STORR: Billy Storr, no
25 questions.

1 THE CHAIRPERSON: Thank you, Billy.

2 The Board support staff, any questions?

3 MR. RON WALLACE: The Board --

4 THE CHAIRPERSON: Sorry, Ron, I'm --

5 MR. RON WALLACE: -- staff -- the
6 Board staff have no questions -- I have -- we have no
7 questions, sir.

8 THE CHAIRPERSON: Excellent. Thank
9 you, Ron. And now moving down to the Board members
10 themselves, any questions on the presentation?
11 Emery, please.

12 MR. EMERY PAQUIN: Thank you. It's -
13 - it's Emery Paquin. On -- on one of your slides --
14 and I'd like to read the bullet -- it states:

15 "Conditions outlined in the EIRB's
16 final report January 2013 are not
17 being met by the Developer in a
18 timely -- timely manner."

19 Could I ask the FJMC if you have
20 specific recommendations from the Review Board that
21 you're referring to in this bullet?

22 MS. KRISTIN HYNES: Kristin Hynes.
23 No, we don't have any specific recommendations on the
24 timing but there have been FJMC concerns about the
25 amount of time for review of the Management Plan

1 documents before development occurs.

2 THE CHAIRPERSON: Thank you, Kristin.

3 Emery...?

4 MR. EMERY PAQUIN: Yes. It's Emery

5 Paquin. I'm not quite -- I -- I don't think my

6 question was -- was answered, so maybe -- maybe I

7 could ask it in a different way.

8 My interpretation of -- of this bullet

9 that you've outlined in your -- in your submission is

10 that -- that there are specific rec -- EIRB

11 recommendations that you are -- that you are

12 suggesting that the Developer is not meeting.

13 Am I -- am I interpreting it correctly

14 or -- or incorrectly?

15 MS. KRISTIN HYNES: Kristin Hynes.

16 The Developer has met the recommendations, from my

17 understanding. However, the FJMC would have liked to

18 have seen some of the management plans presented

19 earlier in this process, as development will be

20 starting this winter -- as construction will be

21 starting this winter. So they would have appreciated

22 more time to review the management plans in their

23 final state.

24 MR. EMERY PAQUIN: Okay. Thank --

25 thank you very much for that clarification. I have

1 no further questions.

2 THE CHAIRPERSON: Mark, please?

3 Thank you.

4 MR. MARK CLEVELAND: Mark Cleveland.

5 Thank you very much. I've got a couple of questions.

6 The recommendations with respect to reporting, I'm

7 just interested in a little clarification with

8 respect to that. It talks about weekly reporting by

9 the Developer of their activities, including

10 monitoring results for regulators to determine a

11 contractor's diligence and success.

12 Who are you seeing the Developer

13 report to?

14 MS. KRISTIN HYNES: Kristin Hynes.

15 We would see the Developer reporting to the

16 regulators so that --

17 MR. MARK CLEVELAND: Thank you. If I

18 could continue, Mr. Chairman. My next question

19 relates to the proposed length of the initial

20 licence. I believe your presentation suggests one

21 (1) year, and it also has a note there saying:

22 "Based on previous performance on

23 Section 177."

24 I'm just wondering if you could

25 clarify that a little bit for us. Thank you.

1 MS. KRISTIN HYNES: Kristin Hynes.
2 We have heard some concerns on how the Source 177
3 road has been handled in terms of monitoring and
4 reporting to communities. So we have suggested the
5 one (1) year initial term for the licence, just to
6 make sure that the environmental monitoring and
7 reporting is working well by the Developer.

8 MR. MARK CLEVELAND: Just a final
9 question following up on that. Fair enough. So, as
10 I understand the comment, you're looking for
11 essentially an -- a short-term licence that then gets
12 reviewed and then possibly is extended for a longer
13 period of time.

14 Is that correct?

15 MS. KRISTIN HYNES: Kristin Hynes.
16 Yes, that's correct.

17 MR. MARK CLEVELAND: Thank you very
18 much.

19 THE CHAIRPERSON: Thank you, Kristin.
20 Thank you, Mark. Lou...?

21 MR. LOU COVELLO: No.

22 THE CHAIRPERSON: Good. Okay, well,
23 that moves it down to the general public. If any
24 member of the general public has any questions of the
25 second Intervenor, please, the opportunity is now and

1 the mic is here. Thank you very much.

2 Okay, Kristin. It doesn't appear any
3 further questions. I'd like to thank you, all three
4 (3) of you, for bringing your information to the
5 table today and for your very clear presentation
6 today. The Board recognizes your very important role
7 in managing wildlife and fisheries resources within
8 this ISR, and thank you again for your time.

9 Okay. Before we move on to the next
10 agenda item, I'd just take a second to recognize the
11 Deputy Commissioner of the Northwest Territories,
12 Gerry Kisoun. Welcome.

13 Now we'll move on to the next agenda
14 item on traditional knowledge. The Board recognizes
15 very clearly the importance of traditional knowledge
16 gained by those people who for generations have
17 utilized the waters and the lands along the pipeline
18 route.

19 And we have invited a member from the
20 Inuvik Hunters' and Trappers' Committee to join us
21 today and give us some of his thoughts and
22 observations as they relate to the traditional
23 knowledge that came through -- through those eons.
24 It's extremely welcome and important information to -
25 - to the -- the Board.

1 So, Dougie welcome, and thank you very
2 much, and we listen intently to whatever you have to
3 say.

4

5 PRESENTATION BY THE INUVIK HUNTERS' AND TRAPPERS'
6 ASSOCIATION:

7 MR. DOUGIE JOE: Thank very much, Mr.
8 Chair and Board. First of all, I'd just like to talk
9 a little bit about the lakes along the road -- route.
10 A lot of the lakes, they're -- they're used for --
11 traditionally for harvesting fish, both trapping and
12 caribou. And we used to be able to hunt caribou back
13 here. We used those lakes for -- for navigating the
14 land as well as, like I said, fishing and trapping,
15 as well as drinking water.

16 One of the mos -- our main concerns
17 around the lakes is the water withdrawal and its
18 effect on the fish as well as the aquatic species
19 like muskrats and beaver.

20 Billy already touched a little bit
21 about the monitoring side of it, but the HTC feels
22 that we want to see effects of ice subsidence on the
23 muskrats because even a few centimetres can have a
24 pretty adverse effect on muskrats getting in and out
25 of their bank holes, as they don't stay in push-ups.

1 Push-ups are just for feeding. They don't actually
2 live in them.

3 And also for the fish side of it. The
4 removal of the top layers, the oxygen -- oxygen-rich
5 upper layer of the water. And one of the things that
6 we want to see is the monitoring of that as well and
7 its effect on the fish, because when we -- when we're
8 fishing out on the -- on those lakes, we don't fish
9 in 30 feet of water. We fish maybe 2 feet under the
10 ice. That's where all the fish are. And if you're
11 going to be removing that water from the near surface
12 under the ice, you could be having a big effect on
13 the oxygen for the fish.

14 Traditionally we've been -- like ever
15 since Inuvik was here, we've been using that area.
16 Like fishing is pretty important. We only get to
17 those areas mainly after freeze up. So that's when
18 you guys will be working up there the most is in the
19 -- in the winter months. So a lot of our harvesting
20 will be impacted by the construction.

21 The HTC feels that the construction is
22 being pushed way ahead before any miti -- mitiga --
23 mitigative measures are -- measures are put in place.
24 Like compensation, for one. We touched a little bit
25 on that before. We haven't even had the opportunity

1 to sit down with the DOT to -- to negotiate a
2 compensation plan, either for fish or wildlife. And
3 we'd like to see that put in place before any
4 construction. We're right down to the wire now, so
5 we understand that everything is going to be rushed.
6 And we'd just like to make sure that we're included.
7 That's pretty much all I had to bring
8 forward. I'd like to say thanks to the Water Board
9 for allowing us this chance to come forward. And
10 we're in support of the road. We just want
11 everything done right. And that way everybody's
12 happy all across the board. Thank you.

13

14 QUESTION PERIOD:

15 THE CHAIRPERSON: Thank you, Dougie.
16 Now I'd like to ask the Applicant if they've any
17 questions of Mr. Joe.

18

19 (BRIEF PAUSE)

20

21 MR. JIM STEVENS: Thank you, Mr.
22 Chair. Jim Stevens. The Developer has no questions,
23 and we just want to thank Dougie for his
24 presentation.

25 THE CHAIRPERSON: Thank you, Jim.

1 Let's go to the other -- the two (2) Intervenors, the
2 Game Council, FJMC, if they have any further
3 questions of Mr. Joe. The answer's "no". Thank you.
4 The Board supports that. Further questions?

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON: Any questions from
9 the Board for Mis -- Mr. Joe? No? Thank you very
10 much. Thank you, Dougie, for taking -- taking the
11 time. And the -- the information you give us is a --
12 this type of information you don't get in a
13 scientific study at all. And we're very appreciative
14 and recognize the import coming from a group such as
15 the hunters and trappers. Thank you again, Dougie.

16 Ladies and gentlemen, moving on. We
17 now have Conrad Baetz from AANDC, Department of
18 Aboriginal Affairs. The Board has had many
19 discussions with the Water Resources Division of
20 AANDC. And there are a few areas where we'd like to
21 take this opportunity to ask some further questions
22 of them on their Water Management Program.

23 Conrad joins us today, and we also
24 have on the phone system some additional members of
25 AANDC Water Resources out of -- out of Yellowknife.

1 And should Conrad feel he needs to call upon them to
2 answer the question further, they will be tied in by
3 the -- by the microphone system that we have here.

4 So with that I'd like to welcome
5 Conrad to the table -- sorry, and ask if you could
6 make sure that they're on, the AANDC people, and turn
7 the -- the mute off. So if -- if Conrad needs
8 further information from them, they can speak over
9 the system. We've had them -- everybody on the line
10 on mute up to this point, and now we're turning off
11 the mute to the AANDC people and the Water Resources
12 Group.

13 Okay. So I think what we're doing is
14 we're connecting the AANDC group in Yellowknife now
15 via phone. And once I get the nod that they're on,
16 Conrad, please -- yes? Good. Okay. Conrad, take it
17 away. Thank you. No. Yes, sorry, I should say this
18 is a question one. There's no presentation from
19 Conrad.

20 We have looked through some of the
21 responsibilities of AANDC in that field, and there's
22 some information we would like to take this
23 opportunity to gain from them. So we have put
24 together a series of questions and, Jamie, I believe
25 you were going to put the questions forward. So I'll

1 turn the floor over to Jamie and thank you, Conrad.

2 Please.

3

4 PRESENTATION BY AANDC:

5 MR. CONRAD BAETZ: Mr. Chair, if I
6 could just take a moment to recognize my colleagues
7 that are on the phone, and so we know who they are
8 and -- and what their responsibilities are with the
9 department.

10 THE CHAIRPERSON: Please.

11 MR. CONRAD BAETZ: We have on the
12 phone Jan Davies, who is a water resource officer out
13 of the district office here in Inuvik.
14 Unfortunately, he was not able to make it here in
15 person today, so he is dialled in. We also have on
16 the phone -- and, Jan, maybe if you could just say
17 hello if -- if you're there on the phone?

18 MR. JAN DAVIES (VIA PHONE): Yes.
19 Jan Davies here, available. Sorry, I apologize, Mr.
20 Chair, for not being there and present due to being
21 sick here at home.

22 MR. CONRAD BAETZ: And also with us
23 in Yellowknife with our Water Resources Division is
24 Paul Green. And I think Jan Arsenault as well.

25 Is that correct, Paul?

1 MR. NATHEN RICHEA (VIA PHONE): It's
2 actually Nathen Richea who is here as well on the
3 phone.

4 MR. CONRAD BAETZ: Okay. And Nathen
5 Richea. All of our Water Resources Division. So
6 with that we can proceed.

7

8 QUESTION PERIOD:

9 THE CHAIRPERSON: Thank you, Conrad.
10 And, gentlemen, welcome. Now I turn it over to Jamie
11 for the questions. Thank you.

12 MR. JAMIE VANGULCK: Thank you, Mr.
13 Chair. Jamie VanGulck. We are pleased here to -- to
14 see you here today and provide some clarity to our
15 questions regarding water management enforcement.
16 EIRB Recommendation 36 and the Government of Canada
17 response to that recommendation are aimed at reducing
18 damage to vegetation and terrain caused by use of the
19 same road alignment to access quarries every year.
20 The Proponent's mitigation measures summarized in
21 Section 13 of the main application does not
22 specifically address this issue.

23 And the question is: As the
24 Government of Canada noted in the response to EIRB,
25 Aboriginal Affairs is the regulator of land use

1 activities and has the ability to manage winter road
2 activity on a case-by-case basis, the Northwest
3 Territories Water Board seeks recommendations from
4 Aboriginal Affairs on the suggested need for water
5 licence terms and conditions pertaining to the
6 management of the winter -- winter road alignment.

7 THE CHAIRPERSON: Conrad, please.

8 MR. CONRAD BAETZ: Yeah, I could
9 answer this. In respect of the -- the water licence
10 terms and conditions related to the road alignment
11 and how they -- the -- the road is constructed is
12 generally something that's covered off under the land
13 use permit.

14 And we have several or more terms and
15 conditions that govern or that -- that are used to
16 mitigate environmental damage resulting from road
17 construction and -- and -- winter road construction
18 using water and ice.

19 MR. JAMIE VANGULCK: Thank you, Mr.
20 Chair. Jamie VanGulck. I'll move on to another
21 question for you.

22 AANDC's September 27th letter to the
23 Water Board discussed the requirement for a water
24 licence to include a Surveillance Network Program.
25 This letter stated that the details of this program

1 could be developed as part of the licence drafting
2 process.

3 Can AANDC provide the Water Board with
4 initial guidance on the activities from the proposed
5 undertaking that should be considered in the
6 development of a Surveillance Network Program?

7 Additionally, could AANDC provide
8 guidance on the locations of sampling, parameters to
9 analyze, frequency of sampling, and water quality
10 criteria?

11 THE CHAIRPERSON: Conrad...?

12 MR. CONRAD BAETZ: Thank you. I
13 think I'll -- I'll defer that to Nathen or Paul in
14 Yellowknife.

15 THE CHAIRPERSON: Nathan, if you're
16 there, appreciate a response on that. Thank you.

17 MR. NATHEN RICHEA (VIA PHONE): Thank
18 you, Mr. Chair, and -- and thank you, Jamie, for the
19 question. It's Nathen Richea, with the Water
20 Resources Division in Yellowknife.

21 Can everyone hear me okay?

22 THE CHAIRPERSON: Loud and clear,
23 Nathen.

24 MR. NATHEN RICHEA (VIA PHONE): All
25 right, thank you. I might ask to repeat the question

1 because -- there was a list of questions there, and I
2 just want to make sure I have them all down.

3 THE CHAIRPERSON: Please, Jamie...?

4 MR. JAMIE VANGULCK: Thank you.

5 Jamie VanGulck. The -- it's a two (2) part question.
6 The first is: Can AANDC provide the Northwest
7 Territories Water Board with initial guidance on the
8 activities from the proposed undertaking that should
9 be considered in the development of a Surveillance
10 Network Program?

11 And the second part of the question
12 is: Could AANDC provide guidance on the locations of
13 sampling, parameters to analyze, frequency of
14 sampling, and water quality criteria?

15 THE CHAIRPERSON: Nathen, are you
16 okay with that, Nathen? It's clear?

17 MR. NATHEN RICHEA (VIA PHONE): Yeah,
18 it's Nathen Richea here again in Yellowknife. Yeah,
19 I got the questions there. So I guess I'll take the
20 activities question first.

21 From my experience, a Surveillance
22 Network Program would be situated such that
23 monitoring would occur at stream crossings. Sample
24 locations would likely be downstream of the activity
25 in the in-stream portion of the river or the creek.

1 That being said, it might be important
2 to also take samples upstream of the activity in the
3 watercourse such that if there are natural conditions
4 that are occurring that are unrelated to the
5 development, that could be taken into account when
6 looking at the water quality downstream.

7 Other activities that may be important
8 would be water that is released from borrow pits. It
9 would be important to sort of get a general
10 assessment of the quality of water that's being
11 released.

12 It's my understanding that the water
13 that will be released from the borrow pits will not
14 be discharged to a water body but to the land
15 surface. So the type of sort of criteria that you'd
16 be looking for there would be different than the
17 criteria that you'd be looking for in an in-stream
18 scenario.

19 The type of sampling that would be
20 required would definitely be total suspended solids,
21 turbidity, pH. In the borrow pit area it would be
22 important to assess ammonia, nitrate. I hope that
23 helps provide some context to the Surveillance
24 Network Program.

25 If you need some more information from

1 me, please ask away.

2 THE CHAIRPERSON: Thank you, Nathen.
3 Jamie...?

4 MR. JAMIE VANGULCK: Thank you, Mr.
5 Chair. I'll move on to another question. EIRB
6 recommendation 45 requires AANDC to present to the
7 Water Board their independent opinion on the
8 estimates of future quarry size. And that includes
9 aerial extent and volumes as the size.

10 Can AANDC provide their opinion to the
11 Northwest Territories Water Board regarding quarry
12 size during construction phase of the undertaking to
13 satisfy EIRB -- EIRB Recommendation 45?

14 THE CHAIRPERSON: Thank you, Jamie.
15 Conrad...?

16 MR. CONRAD BATES: Conrad Bates with
17 Aboriginal Affairs. I read the -- the Recommendation
18 45 as AANDC's independent opinion on the estimates
19 that have been provided by the Developer. And in
20 that context, we have confidence in the estimates
21 that they have provided in their geotechnical --
22 through their geotechnical investigations and reports
23 that have been submitted.

24 THE CHAIRPERSON: Thank you, Conrad.
25 Jamie...?

1 MR. JAMIE VANGULCK: Thank you, Mr.
2 Chair. I'll move on to another question.

3 The potential for acid rock drainage
4 and metal leeching from aggregate material has not
5 been quantified. The acid rock drainage and metal
6 leeching of aggregate has potential to result in
7 runoff and seepage waters from the quarries and road
8 embankment that can interact with water in the
9 receiving environment.

10 The Proponent stated during the pre-
11 hearing conference that geochemistry testing
12 completed has been limited to mineralogical
13 information about constituents of concerns for select
14 borehole samples. Should acid rock drainage and
15 metal leeching occur, the contact water from the pits
16 or road embankment is considered a deposit of waste
17 as per the Northwest Territories Water Regulation
18 Subsection 6(f).

19 Can AANDC provide recommendations
20 today to the Northwest Territories Water Board on how
21 to limit the use of acid rock drainage, metal
22 leeching, aggregate, for road embankment
23 construction?

24 THE CHAIRPERSON: Thank you, Jamie.
25 Conrad...?

1 MR. CONRAD BAETZ: I can defer that
2 to Nathen or Paul.

3 THE CHAIRPERSON: Nathen, are you
4 comfortable with that, or -- or Paul, please?

5 MR. NATHEN RICHEA (VIA PHONE): Thank
6 you, Mr. Chair. It's Nathen Richea with the Water
7 Resources Division in Yellowknife. Yeah, that's a
8 complex question, but I can answer it to the best of
9 my ability.

10 The best way to avoid the potential
11 for acid rock drainage from the borrow site areas or
12 from the road itself would be to use materials that
13 aren't acid-generating. That would be the first
14 mitigation. However, if you were actively conducting
15 borrow site activities, there is material that's
16 available to you to conduct analysis from a -- for
17 geo -- for geochemical purposes.

18 Further, you have the ability to take
19 samples of the water that pools in the borrow site in
20 the springtime to assess the metal concentration to -
21 - as an early warning indicator of -- if ARD is
22 occurring or can occur from that material. One (1)
23 thing that could be done easily in the field would be
24 to monitor pH, because if there are ARD potential or
25 if ARD is occurring, the pH of that water will

1 change.

2 THE CHAIRPERSON: Thank you, Nathen.

3 Jamie...?

4 MR. JAMIE VANGULCK: Thank you, Mr.

5 Chair. No follow-up questions.

6 THE CHAIRPERSON: Thank you again.

7 I'll just -- before I move to the Board, if we've got

8 any additional questions I'd like to put -- leave the

9 floor open to the Applicant if they have any

10 questions of AANDC in this -- in the water management

11 regard.

12

13 (BRIEF PAUSE)

14

15 MR. JIM STEVENS: Jim Stevens. Thank

16 you, Mr. Chair. We have no questions.

17 THE CHAIRPERSON: Thank you, Jim.

18 Then I'll move to the two (2) Intervenors, whether

19 they have any questions. First of all, the

20 Inuvialuit Game Council? No? Thank you, Billy.

21 Secondly, FJMC, Kristin. No? Thank

22 you. Moving down to the Board support

23 staff.

24 MR. RON WALLACE: No further

25 questions, Mr. Chair.

1 THE CHAIRPERSON: No questions.
2 Thank you. And the Board members, Emery, I believe,
3 with another question. Thank you.

4 MR. EMERY PAQUIN: Yes. Thank you.
5 It's Emery Paquin. And, first of all, I -- I'd
6 really like to express my appreciation to Northern
7 Affairs for -- for being willing to -- to come to
8 this public hearing and -- and answer any questions
9 that are put towards it.

10 I know you did not submit a formal
11 intervention, and this is somewhat an unusual
12 circumstance, so I'd just like to let the record show
13 that I certainly appreciate the fact that you have
14 volunteered to -- to answer our questions.

15 My first series of questions are in
16 regards to the Surveillance Network Program. As you
17 know, the Surveillance Network Program is an
18 extremely important part of -- of any water licence
19 because it really -- it specifies the type of -- of
20 monitoring that is associated with the water licence,
21 and it's also a very important component of the
22 enforcement aspects of -- of the water licence.

23 Now, you made some -- some general
24 comments or recommendations with respect to what
25 types of parameters the Board should consider placing

1 in a Surveillance Network Program, should the --
2 should the Board agree that a licence should be
3 issued, and you also made some general comments with
4 respect to the location of the -- of the sampling
5 points.

6 I'd like to explore that a little bit
7 further, specifically in regards to the frequency of
8 sampling. Do you have any comments or
9 recommendations to the board -- to the Board at this
10 point, specifically in regards to the frequency of
11 sampling that we should consider in -- for inclusion
12 within the SNP on all aspects of -- of this
13 undertaking, whether it be monitoring of the borrow
14 sources or monitoring of stream crossings or adjacent
15 lakes?

16 MR. CONRAD BAETZ: I'll defer that to
17 either Jan or Nathan in Yellowknife.

18 THE CHAIRPERSON: Nathan, Jan, are
19 you okay with that question, please?

20 MR. NATHEN RICHEA (VIA PHONE): It's
21 Nathen Richea here. I could take this one, Jan, if
22 that's okay.

23 MR. JAN DAVIES (VIA PHONE): Yeah.
24 Go ahead.

25 THE CHAIRPERSON: Go ahead, Nathen.

1 MR. NATHEN RICHEA (VIA PHONE): Thank
2 you for the question. In my experience in other
3 regulatory licences in the Northwest Territories for
4 road construction or other construction activities
5 that may occur in water, the frequency of monitoring
6 under the Surveillance Network Program is either
7 weekly or monthly during in-stream works. Sometimes
8 the frequency of the monitoring could be daily.

9 Daily monitoring would be restricted
10 to field parameters. One (1) of the challenges that
11 an applicant will face when conducting a monitoring
12 program is, if you're required to submit samples of
13 the water to a laboratory, there are specific hold
14 times that are required in order to make sure the
15 accuracy of the analysis.

16 So when you send samples to a lab,
17 there's -- there's some time restrictions on getting
18 that sample and getting the analysis completed.

19 However, there is something called 'field
20 measurements' that can be done on a daily basis for
21 total suspended solids, turbidity, pH, conductivity,
22 things of that nature.

23 So the frequency depends on sort of
24 the type of monitoring that is being contemplated and
25 the -- the rigorous nature, I guess, of -- of that

1 sampling. So, that being said, in other licences,
2 I've seen monthly frequencies, but I've also seen
3 daily frequencies for field parameters.

4 Our intent, because we didn't provide
5 a -- a formal intervention to the Board for their
6 consideration, is to review the draft licence that is
7 prepared by the Board and provide any final or formal
8 recommendations on the Surveillance Network Program
9 at that time.

10 But to help ask -- or, sorry, answer
11 your question about frequency, you can do daily for
12 certain types of monitoring and you can do weekly or
13 monthly for other types. And that's just for work in
14 the in-stream portion of the project.

15 When you move away towards -- or if
16 you -- if you actually think about the borrow sites,
17 per se, much of the activity is contemplated for the
18 winter month. So there won't be any open water or
19 anything of that nature to do an analysis of. The
20 frequency and the type of sampling that will occur
21 there would have to happen during the summer when --
22 when the water is available for sampling.

23 So that frequency would be different
24 than the in-stream frequency for -- for works that
25 happen if there's water in channels or if there's in-

1 stream works.

2 THE CHAIRPERSON: Thank you, Nathen.

3 Emery...?

4 MR. EMERY PAQUIN: Thank you for that

5 -- for the -- for that response. My next question

6 with respect to the Surveillance Network Program is -

7 - is in regards to action criteria.

8 No -- it's -- normally in a water

9 licence the -- the Board will establish either

10 maximum grab samples or maximum average

11 concentrations for a specific criteria that the --

12 the Proponent may be asked to monitor for.

13 Does Northern Affairs have any

14 recommendations to the Board with respect to action

15 criteria or effluent standards for the -- for the

16 parameters that -- that the Board should include

17 within the Surveillance Network Program?

18 THE CHAIRPERSON: Thank you, Emery.

19 Do you want to tack -- tackle that, or Nathen?

20 Nathen again, please.

21 MR. CONRAD BAETZ: Nathen, yeah.

22 MR. NATHEN RICHEA (VIA PHONE): Thank

23 you, Mr. Chair. It's Nathen Richea here in

24 Yellowknife again. That's a very good question. I

25 think the best way to -- to tackle the answer is the

1 thresholds that will be -- well, that should be
2 established will not be part of the Surveillance
3 Network Program itself. The thresholds would have to
4 be established in a management plan.

5 So the threshold that I'm referring to
6 would be a trigger for assessing whether the
7 mitigation options that are being used are sufficient
8 to minimize the effect in the downstream. I know
9 there was some discussion earlier today on adaptive
10 management. That's where the triggers come into
11 play.

12 So if you have a Surveillance Network
13 Program that's monitoring in-stream work a hundred
14 metres downstream and you're looking at total
15 suspended solids, the SNP in the water licence will
16 dictate what the acceptable level would be, so the
17 effluent quality criteria.

18 But the threshold or the trigger for
19 adaptive management would have to be in a separate
20 plan, whether it be the Aquatic Effects Monitoring
21 Program or the Erosion and Sediment Control Plan, or
22 an adaptive management plan that would be an
23 independent plan that can be prepared.

24 But the threshold or the -- the
25 trigger, I guess, for adaptive management would not

1 be in the water licence per se. It would be in one
2 (1) of the management plans that the water licence is
3 requesting for approval by the Board.

4 THE CHAIRPERSON: Thank you, Nathen.
5 Emery...?

6 MR. EMERY PAQUIN: Yes, it's -- it's
7 Emery Paquin. Supplementary to that, maybe we're
8 just confusing -- or maybe I'm using the -- the wrong
9 -- the wrong terminology here.

10 Nathen, you indicated that -- that the
11 effluent quality criteria would be part of the water
12 licence. Is that correct?

13 MR. NATHEN RICHEA (VIA PHONE): Thank
14 you. It's Nathen Richea with the Water Resources
15 Division. Yes, there's effluent quality criteria for
16 point source discharges. If there is a point source
17 discharge, typically there is an effluent quality
18 criteria established for that.

19 In other licences where construction
20 activities are occurring near or in water, I've seen
21 effluent quality criteria developed specifically for
22 construction activities only, and I've seen a TSS
23 limit established for that parameter.

24 THE CHAIRPERSON: Thank you, Nathen.
25 Emery...?

1 MR. EMERY PAQUIN: Thank you. It's
2 Emery Paquin. Would Northern Affairs have any
3 recommendations for the Board with respect to the
4 effluent quality criteria that would be placed into
5 the water licence for point sources or during the con
6 -- or for specific SNP locations during the
7 construction period?

8 THE CHAIRPERSON: Nathen, please.

9 MR. NATHEN RICHEA (VIA PHONE): Thank
10 you. It's Nathan Richea with AANDC in Yellowknife.
11 I don't have any specific recommendations for this
12 project per se right now. But I do have other
13 examples of TSS limits used in other authorizations
14 strictly related to construction during -- or in or
15 near water bodies or water crossings. And that limit
16 was 100 milligrams per litre of total suspended
17 solids.

18 THE CHAIRPERSON: Thank you, Nathen.
19 Emery...?

20 MR. EMERY PAQUIN: It's Emery Paquin.
21 Would -- would Northern Affairs be willing to commit
22 to an undertaking at thi -- at this time? And the
23 undertaking would be to provide the Water Board with
24 specific recommendations with respect to sampling
25 locations, sampling frequency, sampling parameters,

1 and effluent quality criteria that the Board would
2 then take into consideration during the development
3 of the surveillance network program should a licence
4 -- should the Board decide to issue a licence for
5 this undertaking. Would Northern Affairs be prepared
6 to commit to -- to that undertaking at this time?

7 THE CHAIRPERSON: Thank you, Emery.
8 Nathen...?

9 MR. NATHEN RICHEA (VIA PHONE): Thank
10 you, Mr. Chair. It's Nathan Richea of the Water
11 Resources Division. The only -- I think we're in a
12 bit of a difficult situation. We haven't formally
13 provided an intervention in the proceeding so I don't
14 know if we could provide an undertaking because we're
15 not a formal participant in the hearing. Like we're
16 hear to answer questions and -- and such.

17 I guess some of the hesitancy I have
18 in -- in providing a recommendation to the Board is
19 without understanding what the natural conditions are
20 in those water bodies where the crossings are
21 proposed, we can't specifically say what the effluent
22 quality criteria that should be used in those
23 crossings because the natural conditions may be
24 higher than 100 milligrams per litre during the
25 freshet period.

1 It's not until we actually have
2 baseline or background information for those
3 watercourses that we can be assured that we have
4 appropriately set a limit or an effluent quality
5 criteria. So unfortunately I really would be just
6 guessing at what an appropriate effluent quality
7 criteria would be without any further information
8 available for review.

9 However, one (1) of the things that
10 can be contemplated by the Board would be an increase
11 of the natural total suspended solids concentration.
12 So if you had an upstream concentration measured,
13 say, 50 metres upstream of the crossing and a
14 downstream concentration, say, measured 100 metres
15 downstream of the concentration. The difference
16 between the upstream and the downstream
17 concentrations shall not exceed 100 milligrams per
18 litre of total suspended solids.

19 That would be a potential option that
20 the Board could consider. Unfortunately I couldn't
21 provide any further input at this time. Or I really
22 don't want to commit to an undertaking because I
23 really don't know what the conditions are naturally
24 in that area because there is a lack of baseline
25 information.

1 THE CHAIRPERSON: Thank you, Nathen.

2 I think our legal counsel has a comment on the --

3 with regard to the use of the word 'undertaking'.

4 Gerry, please.

5 MR. GERRY PHILLIPS: Yeah. It's

6 Gerry Phillips. I don't -- I don't think the Board

7 is in a position to compel anything from AANDC, as --

8 as they're -- they're not officially a party to the -

9 - to the hearing. They're here more or less to just

10 help the Board out to provide some assistance.

11 Certainly that doesn't prevent AANDC from voluntarily

12 deciding to provide whatever information it might be

13 able to along these -- these lines but there's no way

14 we can -- the Board can compel them to do anything,

15 and -- and they don't have to give an undertaking.

16 Besides, I think the -- the witness

17 has just indicated that he's not really in a position

18 to -- to give that -- all of that information that

19 we're seeking. So I don't think it would be fair for

20 the Board to -- to try to compel them in any way but,

21 as I say, AANDC can always just voluntarily provide

22 information if they -- if they feel they are able to

23 -- to do so. But they're not appear -- they're not a

24 party to this proceeding.

25 THE CHAIRPERSON: Thank you, Gerry.

1 Emery...?

2 MR. EMERY PAQUIN: Yes, it's Emery
3 Paquin. I believe I used the words, "would Northern
4 Affairs be willing to provide an undertaking." And -
5 - and I also recognize that -- that there may be some
6 background information that -- that Northern Affairs
7 doesn't have access to at this point.

8 But I'd also like to -- to point out
9 that in my opinion, Water Resources Division are the
10 -- are the water management experts as far as -- as
11 government sources in -- in the Northwest
12 Territories. And so in that case I'd -- I suppose
13 I'll -- I will rephrase my question. Would Northern
14 Affairs be willing to provide the Water Board with
15 specific written advice with respect to the location
16 of sampling points, the frequency of sampling, the
17 parameters to be sampled, and where possible,
18 effluent quality criteria for the Board to consider
19 in the preparation of a water licence should the
20 Board decide to proceed along that lines?

21 THE CHAIRPERSON: Thank you, Emery.
22 Nathen...?

23 MR. NATHEN RICHEA (VIA PHONE): Thank
24 you, Mr. Chair. It's Nathen Richea, with the Water
25 Resources Division. No, thank you for the question.

1 I -- I understand the question. And thank you to --
2 to the Board's legal counsel for providing some
3 clarity on the process.

4 We've stated on the record that we
5 will be providing specific written advice to the
6 Board once the draft water licence is prepared
7 regarding the Surveillance Network Program. In our
8 correspondence with the Board we've given examples of
9 previous licenses issued by other water boards in the
10 Northwest Territories for road construction
11 activities that outline the surveillance network
12 programs established for those undertakings.

13 So I believe there is information
14 available to the Board on the record at this time
15 about potential options for their surveillance
16 network program for this proposed undertaking. In my
17 answer to the question a little while ago, I -- I
18 spoke to some difficulties in us providing formal
19 recommendations to the Board at this time.

20 However, just running through some
21 options in my head, I -- I think I do have an option
22 that's available to the Board, and that is requiring
23 a upstream sample location and the downstream sample
24 location as part of the Surveillance Network Program,
25 and the difference between the total suspended solid

1 concentration between the downstream concentration
2 and the upstream concentration would be limited, and
3 that would be the effluent quality criteria. And the
4 potential option for that criteria would be 100
5 milligrams per litre of total suspended solids.

6 So to provide an example, if -- if
7 that doesn't make much sense to people, if the
8 upstream concentration was 25 milligrams per litre
9 and the downstream concentration was 125 milligrams
10 per litre, that would be sort of acceptable.

11 If the upstream concentration was 25
12 milligrams per litre and the downstream concentration
13 was 126 milligrams per litre, that would be an issue
14 where we would have to look at the mitigations that
15 are being used for the crossing, put in silt fences
16 or erosion control measures to address that
17 situation.

18 THE CHAIRPERSON: Thank you, Nathen.
19 Emery, any further questions on that topic? Thank
20 you.

21 MR. EMERY PAQUIN: It's Emery Paquin.
22 I -- I've got -- thank -- thank you for that
23 response. I've got no further questions with respect
24 to the Surveillance Network Program.

25 However, I do have some questions on a

1 -- on a different topic and that is Northern Affairs
2 guidelines for designing and implementing aquatic
3 effects monitoring programs. Now, my -- my question
4 starts with this.

5 I'm -- I'm looking at the June 2009
6 version of -- of the guidelines. Is -- is that the
7 latest version that's available?

8 THE CHAIRPERSON: Nathen, please.

9 MR. NATHEN RICHEA (VIA PHONE): Thank
10 you, Mr. Chair. Yes, that -- that is correct. That
11 is the late -- latest version of the aquatic effects
12 monitoring program guidelines.

13 THE CHAIRPERSON: Thank you, Nathen.
14 Emery...?

15 MR. EMERY PAQUIN: Yes. Emery --
16 Emery Paquin. The -- the Proponent in this case has
17 committed to providing an aquatic effects monitoring
18 program prior to the commencement of construction
19 activities.

20 In Northern Affairs's opinion, is that
21 appropriate -- is that appropriate timing for the
22 submission of an -- of an aquatic effects monitoring
23 program?

24 THE CHAIRPERSON: Thank you, Emery.
25 Nathen...?

1 MR. NATHEN RICHEA (VIA PHONE): Thank
2 you, Mr. Chair. It's Nathen Richea, Water Resources
3 Division. Yes. My short answer is yes, and I can
4 provide a bit of context I guess to that answer
5 'cause it might sound alarming.

6 But the requirement for an aquatic
7 effects monitoring program comes from a water licence
8 that's granted to the Applicant. The final aquatic
9 effects monitoring program must be provided to the
10 Board for a review and approval in many instances.
11 That is, the term and condition of the water licence
12 requires that it be provided prior to construction.

13 In other water licences I've seen it
14 required prior to in-stream activity. So there are
15 options available to the Board for the timing and the
16 frequency of the aquatic effects monitoring program.

17 But I guess -- I guess to get back to
18 the question, there is no requirement for the
19 Proponent to provide a final aquatic effects
20 monitoring program prior to the water licence being
21 issued.

22 THE CHAIRPERSON: Thank you, Nathen.
23 Emery...?

24 MR. EMERY PAQUIN: It's -- it's Emery
25 Paquin. Yeah, I -- I recognize that the requirement

1 -- requirements for an aquatic effects monitoring
2 program would -- would come under the -- the water
3 licence.

4 So what I've -- what I think I heard
5 from you, Nathen, is that it would be appropriate
6 timing for an AEMP, aquatic effects monitoring
7 program, to be submitted for approval prior to
8 construction, but it would also be appropriate for
9 the Board to consider timing to be -- that the plan
10 has to be submitted for approval, or has to be
11 approved, prior to in-stream use rather than the
12 beginning of construction since the beginning --
13 beginning of construction, as I understand it, is
14 going to be in the wintertime.

15 THE CHAIRPERSON: Thank you, Emery.
16 Nathen...?

17 MR. NATHEN RICHEA (VIA PHONE): Yeah,
18 thank you, Mr. Chair. Yeah, that is correct. I
19 think the rule of thumb in the aquatic effects
20 monitoring program guidelines that we prepared is
21 that we would like to see a draft plan prior to water
22 licence issuance, and work with the company and other
23 interested parties to develop an aquatic effects
24 monitoring program that sort of suits the -- or --
25 yeah, suits the needs of all -- of all interested

1 parties.

2 We did receive a draft plan. We've
3 had an informal meeting on the plan already. And we
4 look forward to continuing to work with the Applicant
5 to revise the plan and -- and improve upon the plan.

6 But, yeah, you're an -- to -- to
7 answer your specific question, Yeah, if -- if the
8 activities that are being proposed are in the
9 wintertime, really the -- the final aquatic effects
10 monitoring program is not required, or at least does
11 not require approval, until there is activities where
12 open water may be affected and sampling can be done
13 to assess whether there are impacts to the water that
14 were not foreseen or if the sampling indicates that
15 additional mitigation measures -- measures are
16 required to minimize the effect of the undertaking on
17 the water bodies.

18 MR. EMERY PAQUIN: Thank -- thank
19 you, Nathen. It's -- it's Emery Paquin again. My
20 fin -- my final comment with -- with respect to the
21 Aquatic Effects Monitoring Program is just that:
22 it's -- it's a comment. It's -- and it's not a
23 question.

24 I'm very pleased to -- to hear that
25 the Proponent and Northern Affairs are -- are already

1 working together on an aquatic effects monitoring --
2 monitoring program. My comment is I would encourage
3 the two (2) parties to continue to work cooperatively
4 on this because I believe this is a key component of
5 your Environmental Monitoring Plan.

6 So that -- that's my comment:
7 Continue to work -- work together cooperatively --
8 cooperatively and -- and I'd say voluntarily.

9 So with that, Mr. Chair, I have no fur
10 -- further comments or -- or questions for Northern
11 Affairs.

12 THE CHAIRPERSON: Thank you, Emery.
13 Other Board members, any questions? No. With that,
14 Conrad, I'd like to thank you and your team for
15 coming today. I'd like to echo the comments that
16 Emery made earlier. Just hold that motion for a bit,
17 that thought.

18 I see a hand up from the Applicant.
19 Please, Jim.

20 MR. JIM STEVENS: Jim Stevens. Thank
21 you, Mr. Chair. Is it possible for the Developer to
22 ask one (1) question -- it's a -- I consider it a
23 friendly question -- of Nathen?

24 THE CHAIRPERSON: We're always open
25 to friendly questions, Jim. Please.

1 MR. JIM STEVENS: Jim Stevens. Thank
2 you, Mr. Chair. And it's more for the record. So
3 the question is: Would Aboriginal Affairs and
4 Northern Canada (sic) be amenable to participating in
5 a technical working group with the Developer and
6 other parties to continue to develop the technical
7 requirements for aquatic effects monitoring? Thank
8 you.

9 THE CHAIRPERSON: Thank you, Jim.
10 Conrad...?

11 MR. CONRAD BAETZ: Nathen?

12 THE CHAIRPERSON: Nathen, over to
13 you.

14 MR. NATHEN RICHEA (VIA PHONE): Thank
15 you, Mr. Chair. It's Nathen Richea, the Water
16 Resources Division. Yes. We would look forward to
17 working with the Company and any interested
18 stakeholder or party to revise and -- and create an
19 aquatic effects monitoring program that suits
20 everyone's needs and ensures that the downstream
21 environment and the water is -- is being protected.

22 THE CHAIRPERSON: Thank you, Nathen.
23 A very gracious answer to a very friendly question.
24 We're all smiling. Thank you.

25 So with that, Conrad, I'd like to

1 thank you and your team and echo the words expressed
2 earlier by Emery. We greatly appreciate the
3 assistance and support. AANDC, the Water Resources
4 Division, have worked with us through this process
5 for the past three (3) months, and we look forward to
6 continuing to work with you on this and other similar
7 projects in the future. Thank you once again.

8 MR. CONRAD BAETZ: Thank you very
9 much.

10 THE CHAIRPERSON: Ladies and
11 gentlemen, just briefly, I'd like to recognize one
12 (1) more of the leaderships of our community, Chief
13 Herbert Blake in the back row. Welcome, Chief Blake.

14 Ladies and gentlemen, we're doing
15 rather well on time here, so I would suggest a ten
16 (10) minute break, please, so that we can all stretch
17 our legs. We convene in ten (10) minutes. Thank you
18 very much.

19

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

21 --- Upon resuming at 2:39 p.m.

22

23 THE CHAIRPERSON: Ladies and
24 gentlemen, we'll pull the meeting back to order,
25 please. The next agenda item we have made

1 substantial space for the members of the general
2 public to come forward and provide the Board with
3 their thoughts, their comments, their observations on
4 any element of water use on the highway -- on the
5 highway route.

6 We've heard from the hunters and
7 trappers, some very valuable 'T' -- TK. We've heard
8 from the technical specialists. We've heard from
9 some Inter -- Intervenors. And I would also like to
10 hear from the people who live in the community, whose
11 families live here, and what the impacts of this
12 road, and in particular, the use of water on the
13 road, may have on their lives into the future.

14 So the floor is open, please, for the
15 general public to come forward. And there's a
16 microphone here. There's a desk up here. And,
17 please, don't feel shy. Come forward and give us
18 your thoughts. Don't all rush at one (1) time now.

19 Okay. Well, it doesn't appear at this
20 time we have members of the general public who would
21 like to give us any additional thoughts on the
22 project as currently outlined. Say, we will be
23 adjourning the meeting this evening and going to
24 Tuktoyaktuk tomorrow. And there'll also be an
25 opportunity there tomorrow for any members of the

1 public to speak and give us their thoughts on the
2 project. So it's not over after today. There's
3 another opportunity tomorrow if anybody would like to
4 take that up.

5 With that, I would like to move
6 towards the end of the hearing for today. We have
7 the opportunity from -- sorry? Please, Jim...?

8 MR. JIM STEVENS: Jim Stevens. Thank
9 you, Mr. Chair, and sorry for my finger not being
10 louder. We've had some discussions here relative to
11 the proposed undertaking and we believe we have the
12 ability to extinguish that, I guess, request right
13 now. And if I'm allowed to propose the corrective
14 action, it will be that the Department of
15 Transportation is committing today to create a Pit
16 Development Plan for Source 177 that should address
17 all related water concerns.

18 THE CHAIRPERSON: Emery, as he led
19 the question, perhaps I'll turn that over to Emery.

20

21 (BRIEF PAUSE)

22

23 MR. EMERY PAQUIN: It's -- it's Emery
24 Paquin. I look at -- I look towards my other Board -
25 - fellow Board members. I would like to thank you

1 very much for -- for this -- for the commitment and I
2 would like to accept on behalf of the Board your --
3 your commitment, which in -- in this case would then
4 nullify the requirement for -- for the undertaking
5 that was given previously today.

6 THE CHAIRPERSON: Yeah, just one (1)
7 further question. Like, when, Jim, please?

8 MR. JIM STEVENS: Jim Stevens. Thank
9 you, Mr. Chair. We would anticipate that being
10 available by October 15th this year.

11 THE CHAIRPERSON: Thank you, Jim.
12 Anything further? That -- that's our date.

13 MR. GERRY PHILLIPS: Mr. Chair --

14 THE CHAIRPERSON: So the 15th is --

15 MR. GERRY PHILLIPS: -- I just want
16 to be sure. So that's a new undertaking then, to
17 give the Pit Development Plan by October 15th? Is
18 that what -- is that what we're hearing?

19 MR. JIM STEVENS: Jim Stevens. Thank
20 you, Mr. Chair. Yes, that commitment replaces the
21 previous undertaking.

22 THE CHAIRPERSON: Okay. So the Pit
23 Development Plan for 177 will be received by the
24 Board from yourselves by October the 15th. Thank
25 you, Jim.

1 --- UNDERTAKING NO. 2: Department of
2 Transportation to submit
3 a pit development plan
4 for 177 which will
5 address all concerns by
6 October 15, 2013
7

8 THE CHAIRPERSON: Okay, great. Thank
9 you very much for that, Jim. Now, we can move on as
10 new members of the general public come forward at
11 this time.

12 We'll now give the two (2) Intervenors
13 the opportunity, if they would like, to come forward
14 and make any closing statements or arguments in
15 addition to what they were able to present earlier,
16 or perhaps to summarize some of those comments for
17 all of us here.

18 So say -- neither of the Intervenors
19 will be joining us in Tuktoyaktuk tomorrow, so they
20 asked for the opportunity to make that -- closing
21 statements here. And the Board said, Yes. So I just
22 like to -- to ask the Game Council now as the first
23 Intervenor: Were there any closing comments you
24 would like to make before the Board? Thank you, Mr.
25 Storr.

1 MR. BILLY STORR: No, I'd just like
2 to thank -- Billy Storr. I'd just like to thank the
3 Land and Water Board -- or the Water Board for this
4 opportunity that they gave us to present our -- our
5 views and our concerns, and we appreciate it. And
6 just thanks for the opportunity.

7 THE CHAIRPERSON: Thank you, Billy.
8 The pleasure was ours. With that, I'd like to call
9 upon the second Intervenor, the Fisheries Joint
10 Management Committee, and do you have any closing
11 statements, please?

12 MS. KRISTIN HYNES: Kristin Hynes.
13 No, we don't have any further statements but we would
14 also like to thank the NWT Water Board for letting us
15 present our concerns and recommendations today.

16 THE CHAIRPERSON: And again, thank
17 you. The pleasure was ours, and we'll take your
18 reports into full consideration in the time ahead.
19 Thank you both.

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON: Ladies and
24 gentlemen, this brings us towards the end of the
25 hearings for this afternoon. We will reconvene this

1 hearing in Tuktoyaktuk tomorrow in Kitty Hall,
2 commencing at ten o'clock with the doors opening at
3 nine o'clock.

4 As we will be in Tuktoyaktuk, we will
5 not be having Gwich'in interpretation at that
6 meeting, Inuvialuktun only. So at this time I would
7 like to thank Bertha and Mary, sincere thanks on
8 behalf of the Board for your very gracious services
9 today.

10 So ladies and gentlemen, before I
11 officially adjourn this meeting for tomorrow morning
12 I would ask Lillian Elias to give us the closing
13 prayer. Please, Lillian. Thank you.

14

15 (CLOSING PRAYER)

16

17 THE CHAIRPERSON: Thank you, Lillian.
18 Ladies and gentlemen, thank you one and all for
19 attending our hearing today. And I will now adjourn
20 this hearing until tomorrow morning in Tuktoyaktuk in
21 Kitty Hall at 10:00 a.m. Thank you.

22

23 --- Upon adjourning at 2:48 p.m.

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8 Bob Keelaghan, Mr.

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<hr/> <p style="text-align: center;">4</p> <p>4 8:16 16:19 34:13 36:24 38:4 78:9,15 79:6 90:13</p> <p>42 50:12 53:4,13,16 57:11</p> <p>43 4:9 50:20 51:14 52:6,8,12 53:5,13,17 57:17,21 58:23</p> <p>44 44:14 45:11</p> <p>45 153:6,13,18</p> <p>46 97:16</p> <p>47 97:19</p> <hr/> <p style="text-align: center;">5</p> <p>5 4:3 10:25 21:17 31:25 39:12 42:25 47:24 48:2 79:10,18 83:4 85:24 91:8 128:16 133:5</p> <p>50 52:22 59:6 166:13</p> <p>51 9:13 30:8</p> <p>51A 49:5</p> <p>51C(I) 49:3</p> <p>5th 81:20</p> <hr/> <p style="text-align: center;">6</p> <p>6 4:4 8:9 70:12 73:13</p>	<p>130:1</p> <p>6(f) 154:18</p> <p>6(h) 45:8</p> <p>60 22:16</p> <p>600 106:3</p> <p>65 6:6</p> <p>66 32:18</p> <p>6F 54:22</p> <hr/> <p style="text-align: center;">7</p> <p>7 1:21 4:6 79:13</p> <hr/> <p style="text-align: center;">8</p> <p>8 60:7 124:12 128:12,14 129:9,14</p> <p>8:48 7:1</p> <p>85(a) 20:14</p> <hr/> <p style="text-align: center;">9</p> <p>9 60:7 87:6</p> <p>9:53 48:7</p> <p>97 60:14 68:11</p> <p>98 60:14 68:20</p> <hr/> <p style="text-align: center;">A</p> <p>a.m 7:1 48:7,8 111:19 183:21</p> <p>AANDC 3:16 4:22 16:16 120:11 125:19 145:17,20,25 146:6,11,14,21 147:4 150:3,7 151:6,12 153:6,10 154:19</p>	<p>156:10 164:10 167:7,11,21 177:3</p> <p>AANDC's 119:3 149:22 153:18</p> <p>Abandonment 45:6</p> <p>ability 24:4 84:11,25 149:1 155:9,18 179:12</p> <p>able 33:1 85:2 90:5 114:4 142:12 147:14 167:13,22 181:15</p> <p>Ably 16:9</p> <p>Aboriginal 8:10 12:4 24:22 34:18 35:8 38:19 52:15 61:20,23 62:11,15,22,24 79:20 145:18 148:25 149:4 153:17 176:3</p> <p>accept 40:24 180:2</p> <p>acceptable 162:16 170:10</p> <p>accepted 30:12 86:25 101:23,25 118:9,13,15 5 119:7 122:3,5</p>	<p>125:7</p> <p>access 23:13 29:10 32:9 33:15 34:6 35:2,18,20,22 88:21 91:25 120:13 134:21 148:19 168:7</p> <p>accessible 23:18</p> <p>accidental 37:17,22,25 5 41:16,19</p> <p>accordance 37:18 49:21 64:13 124:22</p> <p>According 70:20</p> <p>account 107:13 122:5 152:5</p> <p>accumulate 64:11</p> <p>accumulated 64:18</p> <p>accumulation 107:11</p> <p>accuracy 159:15</p> <p>achieved 34:11</p> <p>Achieving 24:12</p> <p>acid 54:7,9,18,24 55:14 56:13,18 154:3,5,14,21 155:11</p> <p>acid-generating</p>	<p>155:13</p> <p>acknowledge 19:24</p> <p>acknowledgement 11:20</p> <p>across 144:12</p> <p>act 7:20 8:6 9:4 19:1 28:6 30:1 40:8,21 43:1 67:7,12,13,21 70:7,17 74:22 78:15 123:2</p> <p>acting 2:4 13:25</p> <p>action 68:23 106:15 161:7,14 179:14</p> <p>actions 41:19 61:7</p> <p>active 86:23 109:1</p> <p>actively 155:14</p> <p>activities 8:5 9:3,8 10:10 27:17 29:2,14 30:24 31:23 32:1,15 34:4 40:7 42:4 73:12 83:25 85:2,6 88:20 89:5 103:21 123:2,10,14,23 132:12 133:20 135:14</p>
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139:9	63:11 70:9	13:10	AEMPs 61:25	141:10,13
149:1	78:11,24	183:11,19	AEND 58:1	177:25
150:4	85:16 95:2	adjourning	aerial 25:15	agent 118:6
151:8,20	97:5	178:23	153:9	aggregate
152:7	104:14	183:23	Affairs 8:10	50:19
155:15	105:7	administered	12:5 34:18	52:19,21
159:4	111:24	8:6	35:8 38:19	54:8,10
163:20,22	128:17	Administrati	52:16	55:1,13
169:11	145:24	on 6:6	61:23	56:14
171:19	156:8	34:18 35:8	62:11,15,2	58:25
174:8,11	174:15	46:2,13	2,24 79:20	86:24
activity	178:21	65:17	145:18	87:10
29:16	Additionally	116:3	148:25	119:3
101:4	150:7	administrati	149:4	120:13
149:2	additives	ve 14:8	153:17	154:4,6,22
151:24	131:4	administrato	157:7	Agnes 14:15
152:2	address	r 14:6	161:13	ago 169:17
160:17	6:4,9	adopt 26:10	164:2,21	agreed 79:21
172:14	25:22	30:15	165:5	81:7
acts 117:20	26:20 37:2	102:3	168:4,6,14	agreement
actual 19:17	41:19	adopted	171:1	30:2 40:23
101:3	45:7,11	30:15	174:25	91:11
actually	46:11,13	advance	175:11	132:17
63:24	50:10,19	102:24	176:3	agreements
76:16	51:18	adverse	Affairs's	40:20
82:20	65:14 70:6	142:24	61:20	91:19
143:1	87:16	adversely	171:20	97:15
148:2	88:14	40:12,16	affect	ahead 64:6
160:16	105:12,22	advice	121:11	68:9 69:25
166:1	118:23	133:12	affected	73:7
adaptive	123:9,20	134:11	40:12,16	143:22
27:24	126:12	168:15	126:11	158:24,25
30:25	148:22	169:5	174:12	182:18
42:19	170:16	advise 14:25	afternoon	aimed 22:1
60:10,15,1	179:16	83:17 90:1	17:21	148:17
9,25 63:13	181:5	102:10	111:5	air 109:19
68:14	addressed	advisor 14:4	114:6	Aklavik
69:5,12	47:4	Advisory 3:6	117:6	13:23
109:23	123:16	74:14	132:1	117:8
118:5	addresses	AEMP	182:25	alarming
119:22,25	53:16	61:16,19,2	against 42:8	172:5
120:3,4	adequate	1	agencies	Alie 14:12
125:5,12	111:15	62:10,16,2	26:4	alignment
162:9,19,2	adhered	3 63:12	133:19	32:10 34:7
2,25	112:22	125:11,17,	agenda 5:3	88:24
addition	adjacent	18,21,23	7:15	96:18,23
10:7 26:2	49:25	173:6	11:5,6	148:19
181:15	103:10	adjourn	17:10 19:6	
additional	158:14		111:4	
9:22 12:6				
20:25				

149:6,10	151:13	105:3	110:10,14	49:10
alignments	and/or 120:9	anticipating	111:25	appointments
120:12	122:19	84:17	112:6,12	8:9
allow 46:22	124:25	anybody	113:20	appreciate
124:2,3	announce	179:3	127:1,4,17	18:14
allowable	90:6	anything	131:1	83:15
36:19	announced	77:6	136:13	150:16
allowed	29:22	129:13	144:16	157:13
16:23	112:19	160:19	156:9	177:2
66:20	annual 61:3	167:7,14	159:11	182:5
179:13	125:21	180:12	172:8	appreciated
allowing	129:16	anyway 93:23	174:4	138:21
144:9	annually	apologies	175:18	appreciation
all-weather	25:21	17:8,16	application	157:6
22:13,20	30:25	apologize	8:19,24	appreciative
23:3,18	39:11	63:25	9:1,9,10,1	145:13
28:15,22	129:12	147:19	2,25	approach
87:8	answer 17:4	app 132:7	10:3,24	109:23
already	45:20	apparent	21:17	appropriate
17:17	57:4,7,10	93:3	25:12,23	68:15
44:22	58:6,16	Apparently	26:19	96:21
45:25	66:20 86:9	70:25	27:1,11,19	100:6
115:13	89:21 94:8	appear 80:2	28:2,20	166:6
142:20	103:20	141:2	40:18	171:21
174:3,25	105:21	167:23	42:11	173:5,8
alteration	112:18	178:19	45:24	appropriatel
56:4	146:2	APPEARANCES	47:5,8,11,	y 166:4
am 138:13	149:9	2:1 3:1	15 57:22	approval
amenable	155:8	appeared	59:16	25:6
176:4	157:8,14	87:1	61:13	34:15,22
ammonia	160:10	Appendix	68:12	41:6 60:9
152:22	161:25	117:15	78:10,17	85:8
among 25:17	165:16	applica	83:22	122:13
amount 38:24	169:17	68:21	85:23,25	163:3
79:21	172:3,4	applicant	109:12	172:10
137:25	174:7	9:16,23	117:12	173:7,10
analysis	176:23	10:12	120:22	174:11
55:17	answered	11:13,22	132:7	approve 7:21
107:8	138:6	13:5 14:25	148:21	approved
109:13	answer's	20:23	applications	37:13
155:16	145:3	43:10	7:21	71:3,17,19
159:15,18	anticipate	68:12,21	34:16,20	118:22
160:19	92:5	75:17,24	52:13 77:3	122:17
analyst	103:11	101:21	applied	173:11
15:20	107:21	102:10	29:2,19	approximatel
analyze	180:9	103:11	34:24	y 28:22
150:9	anticipated	104:17,20	35:10 49:9	April 30:11
	85:1 90:4		68:18	75:22
	94:12		69:18	
			109:15	
			118:18	
			applying	

aquatic 31:18 38:11,13,2 0,22 39:1,15,18 60:5 61:14 62:4,5,7,2 0 63:1 68:7 93:16,24 94:10,21 102:13 118:4 123:6,7,11 125:5,9 142:18 162:20 171:2,11,1 7,22 172:6,8,16 ,19 173:1,6,19 ,23 174:9,21 175:1 176:7,19	143:17 145:20 155:11 aren't 103:19 155:13 arguments 12:25 181:14 ARKTIS 14:4 arrange 110:15 Arsenault 147:24 ascertain 73:11 ash 100:20 aspects 25:2 27:3 70:20 108:19 157:22 158:12 Assembly's 22:3 asserts 24:8 assess 136:1 152:22 155:20 174:13 assessing 162:6 assessment 30:1 52:17 53:22 57:5,13 58:2,24 59:15 61:6 62:4 95:23 96:1 123:15 124:4 152:10 assessments 32:23 51:15,18 53:19 96:22	assistance 167:10 177:3 Asso 75:25 associated 10:10 35:3 44:23 157:20 Association 4:19 77:17 142:6 assume 69:4 84:4 assured 166:3 ASTM 56:6 atlas 32:6,8 35:1 attend 18:24 attendance 27:14 attending 183:19 audio 14:19 August 74:4 77:1,14 authorities 119:23 authority 7:20 133:12 authorizatio n 8:4 116:2,7 authorizatio ns 48:24 114:23 115:22 116:8,11 164:13 authorized 44:22 45:25 48:19 123:17 availability	38:16 available 10:6,8 11:8 48:4 71:6 83:3,6 147:19 155:16 160:22 166:8 169:14,22 171:7 172:15 180:10 average 161:10 avoid 120:14 155:10 aware 11:1 away 98:13 107:20 109:13 146:17 153:1 160:15 <hr/> B <hr/> back-filling 33:9 background 166:2 168:6 backup 16:17,18 Baetz 3:16 16:15 17:4 145:17 147:5,11,2 2 148:4 149:8 150:12 155:1 158:16 161:21 176:11 177:8 bank 142:25 banks 32:3	based 28:20 31:20 69:2 92:4 119:2 139:22 baseline 95:23 166:2,24 basically 105:1 basis 25:19 129:16 135:13 149:2 159:20 Batchelor 2:13 15:19 Bates 153:16 bathymetric 36:11,15 bathymetry 25:17 Beaufort- Delta 23:1 beaver 142:19 become 23:16 becomes 83:3 bed 32:3 bedding 33:8,12 Beg 16:9 begin 11:10 31:23 beginning 104:19,21 173:12,13 begins 121:14 behalf 117:9,20 126:9 132:4 134:4 180:2 183:8
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

believe 11:9 16:5,12,25 46:18 50:5 57:25 63:20 83:10 85:18 99:1 101:12 104:13 106:2 107:23 111:15 115:24 117:2 128:7 129:20 131:22 139:20 146:24 157:2 168:3 169:13 175:4 179:11	Billy 3:9 16:6 117:2,3,6, 7 126:16 128:20 129:6,20 130:11,20 131:15 136:23,24 137:1 142:20 156:20 182:1,2,7	26:22,24 27:10,13,1 9 30:4 32:7 33:1,2 38:12,18 40:5 44:1,3,12, 13,18,19 47:1 62:21 63:11,20 69:4 70:9 71:2 77:24 82:15 83:17 84:4 85:7,15 89:15 90:19 91:18 95:6,24 96:5,14 97:7 101:12 102:10,15, 23 104:13 105:8 110:10 111:24 113:25 115:12,19 117:10,15 118:7,9,10 119:5 120:11,24 121:16 122:1,7,9, 20 123:14,19 125:8,20,2 4 126:2,9,12 ,18 127:2 128:2,7,8, 24 129:22 131:10 132:5,15 133:7 135:2,8 137:2,3,6, 9,20 141:6,14,2 5 142:8 144:8,12 145:4,9,18	149:3,23 150:3 151:7 153:7,11 154:20 156:7,22 157:2,25 158:2,9 160:5,7 161:9,14,1 6 163:3 164:3,23 165:1,4,18 166:10,20 167:6,10,1 4,20 168:14,18, 20 169:6,8,14 ,19,22 172:10,15 173:9 175:13 178:2 179:24,25 180:2,24 181:21,24 182:3,14 183:8	119:23 152:14 Bon 99:23 Bonhomme 2:16 15:24 45:15,19 46:17 47:6 48:17,18 49:19 50:21 51:24 52:5,24 53:21 55:6,15 56:17 57:9 66:17,21 73:4,8,9 76:8,12 77:20 81:17 82:8,25 83:21 84:8,23 98:4,7,8 99:23 100:2,3 101:7 114:16,19 115:6 116:1,10
believes 56:18 118:10 125:4	biological 117:23			
	biologist 134:3,4			
	bit 94:15 139:25 142:9,20 143:24 158:6 165:12 172:4 175:16			
	Blake 177:13			
	blasting 38:2			
beneficiarie s 117:21 126:10	block 111:5		boards 26:4 119:17 133:6 169:9	
benefit 23:12 67:12	boar 158:9		Board's 9:5 18:6 31:20 39:16 64:2 169:2	booths 14:14
Bertha 14:17 183:7	board 1:2 2:2 7:13,18,19 8:4,8,16,1 8 9:1,6,12,1 4,23 10:5,24 11:11,20 12:6,9,10, 14,19,21 13:4,15,19 ,21 14:1,3,4,1 0 18:14,18 20:12 21:1,5,12, 16,23 25:7,13,20 ,25		Board's 9:5 18:6 31:20 39:16 64:2 169:2	borehole 54:18 154:14
Beside 14:1			Bob 14:22 184:8	borrow 29:4,5,16 32:8 33:24 34:12,22,2 4 35:3,4,9,1 7,18 38:1 50:14 55:18 56:20 57:14 67:1 88:20,21 105:3 118:1 121:24 122:3,10,1 4,16 152:8,13,2
Besides 167:16			bodies 37:16 49:25 50:25 72:12,16 103:10 118:17 122:20 124:17 135:20 164:15 165:20 174:17	
best 24:4,10 26:11 35:22 41:15 62:3 68:15 155:8,10 161:25			body 118:19	
beyond 106:6 121:12				
bid 104:21				

1 155:11,15, 19 158:13 160:16 bother 58:4 bound 112:14 break 17:18,19,2 0 48:3 111:12,13 177:16 Brian 134:5 bridge 23:23 25:17 88:24 bridges 32:19 brief 19:21 43:16,22 46:8 47:17 49:14 51:21 52:3 53:10 55:4 58:12 59:10 60:1,23 63:6 65:1 67:9 70:1 75:3,13 77:8 83:12 86:13 87:20 88:1 94:4 95:12 97:2 99:19 100:13 110:20,25 116:17 132:10 144:19 145:6 156:13 179:21 182:21 briefly 11:6 57:2 177:11 bring 7:13 144:7 bringing	141:4 brings 182:24 brought 10:11 15:1 61:5 64:23 69:15 97:14 98:18 110:15 131:19 budget 28:14 build 22:20 105:22 building 28:8 107:9 builds 106:12 125:12 buildup 106:3,8 build-up 105:11,25 bullet 137:14,21 138:8 business 22:24 23:11 111:24 businesses 23:5 <hr/> C <hr/> C295 56:6 cables 89:2 calcium 130:15 camp 32:8 36:2 38:2 80:24 camps 29:11 35:3,16 36:24 73:16 campsites	98:11 Canada 8:6 16:24 22:17 23:6 25:8 30:12 34:19 35:9 38:19 59:14 60:6 62:25 72:10,21 73:21 74:2 86:25 101:24 118:7 133:11,14 134:5 148:16,24 176:4 Canada's 30:15 59:13 75:21 Canadian 23:17 29:25 CanNor 16:24 capacity 105:24 caps 124:16 captured 67:22 care 23:13 carefully 123:3 caribou 142:12 case 113:20 128:16 168:12 171:16 180:3 case-by-case 149:2 cases 42:1 Castenada 14:7 casual 92:4	caught 115:22 cause 56:4 172:5 caused 120:15 148:18 CEAA 118:7 cell 17:11 centimetres 42:2 142:23 central 117:17 centre 22:3 61:1 certain 36:23 54:17 55:18,24 108:25 160:12 certainly 157:13 167:11 Certificate 4:25 Certified 184:3 cetera 96:21 chair 7:12 15:3,12 18:13 20:21 21:9,12,24 22:12 23:19 26:23 27:8 44:7 45:15,22 46:11,22 47:10,20,2 3 48:16,18 49:17 50:7 51:13,24 52:6,12,25 53:15 54:2 55:12	56:11 58:8,15,22 59:25 60:4,25 61:8,12 62:20 63:2,9,17, 24 64:22 65:8 66:8,11,17 ,22 68:1 69:12 70:6 71:11 72:3 73:4,9 74:19 75:6,16 76:6 77:11 78:4,21 79:1,5 80:13 81:5,13,25 82:13 86:9,20 87:23 88:6,10 89:10,25 90:10 91:2,7,23 93:7 94:7,19 95:4,21 96:9 98:3,8 99:15,23 100:3 102:21 103:18 104:6 105:1,16,2 0 106:23 108:10 109:4 110:16 112:18 113:12,15 114:4,5,15 127:8,19,2 2 131:7 136:17 142:8 144:22 147:5,20 148:13 149:20
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

150:18	65:3,10	21,24	58:24 59:8	clarificatio
153:5	66:5,14	116:5,19,2	78:9 86:1	n 46:19
154:2	67:24	3	109:18,25	57:2,21
155:6	68:3,8	126:16,24	156:1	66:22
156:5,16,2	69:9,22	127:10,15,	changed 86:1	84:4,9
5 161:23	70:3	23 128:6	changes	97:23 98:9
165:10	71:8,13,25	129:19	38:23	103:18,25
168:24	72:4	130:24	109:20	108:10
171:10	73:1,6	131:9	110:2	113:19
172:2	74:16	136:11,21	123:9	115:3
173:18	75:1,10	137:1,4,8	134:20	129:18
175:9,21	76:3,10	138:2	channels	130:12,25
176:2,15	77:5,18,25	139:2	160:25	138:25
179:9	78:18 79:2	140:19,22	chemical	139:7
180:9,13,2	80:10,15	144:15,25	55:23 56:4	clarify
0	81:2,10,15	145:8	131:4	51:17 52:7
Chairman	,22	147:10	chemicals	53:7 58:5
13:22	82:1,6,10,	148:9	130:19,21	71:12
18:23	23 83:9,19	149:7	chemistry	78:14 80:7
20:17	84:1,15,21	150:11,15,	55:1	99:6
85:21	85:9,13	22	chest 53:1	104:17
97:10	86:6,10,15	151:3,15	Chief	108:14
104:17	87:17,24	153:2,14,2	177:12,13	114:16
112:6	88:3,8,11,	4 154:24	Chiperzak	139:25
113:1	16 89:7,20	155:3	2:17 15:25	clarity
115:15	90:7,11,24	156:2,6,17	71:11,15	47:13 71:5
128:5	91:4,20	157:1	80:13,17,1	79:3,13
129:24	92:8 93:4	158:18,25	8	148:14
130:16	94:1,14	161:2,18	93:8,11,12	169:3
139:18	95:1,9,18	163:4,24	94:18,19	clean 23:24
	96:6,11,25	164:8,18	95:14	38:16
	97:4,25	165:7	96:10,13	clear 61:24
	98:5,24	167:1,25	134:3	82:24
	99:12,16,2	168:21	chloride	122:12
	1,25	170:18	130:15	123:22
	100:10	171:8,13,2	Cho 23:23	126:2
	101:5,10	4 172:22	choose 111:7	131:15
	102:18,25	173:15	chosen 13:6	136:12
	103:15,22	175:12,24	circulated	141:5
	104:3,7,12	176:9,12,2	20:12	150:22
	,23	2	circumstance	151:16
	105:7,13,1	177:10,23	126:21	cleared 34:2
	8	179:18	157:12	clearing
	106:9,20,2	180:6,11,1	circumstance	34:5
	5	4,22 181:8	s 68:19	107:18
	108:7,13,1	182:7,16,2	claim 22:10	clearly
	6	3 183:17		141:15
	110:5,8,22	Chair's 64:3		clerk 19:1
	111:1,22	challenges		Cleveland
	112:23	159:10		1:13 13:20
	113:2,9,16	chance 144:9		
	114:1,8,13	change 52:19		
	,17,25			
	115:10,16,			

85:20	26:4 39:14	commit 68:20	76:15	143:24
97:7,9	40:1	90:20	77:21	144:2
98:22	119:17	113:23	133:2,25	compensation
104:13,16	132:11,24	164:21	136:7	s 73:10
105:5	133:5,7	165:6	committing	compiled
112:3,5,25	combustible	166:22	179:15	68:24
129:21,23	98:10,11	commitment	communication	complete 9:2
130:16,22	100:9	23:7	n 134:15	10:8 51:15
139:4,17	comes 16:17	24:3,20	communities	65:6 120:7
140:8,17	172:7	26:14	22:13	completed
climate	comfortable	38:14	24:21	32:13
52:18	155:4	42:19	28:23	54:16
58:24	coming	60:14	98:21	75:22
109:18,25	113:14	61:14	119:17	87:15
climatic	145:14	68:11 72:6	126:11	88:14
59:8	175:15	87:10	133:19	94:24
clock 111:10	commence	92:13,17,2	140:4	122:15
closely	7:14	1,23	community	124:25
133:9	commencement	180:1,3,20	21:14	154:12
closing	171:18	commitments	22:2,7,21	159:18
12:24	commencing	9:15 30:10	23:5,17	completion
13:3,6,8	7:1 13:12	60:12 69:3	97:16	86:22
181:14,20,	183:2	112:11	133:3	complex
23 182:10	comment	119:9	135:9	23:21
183:12,15	18:19 61:7	commits	177:12	155:8
closure	81:13	60:14	178:10	compliance
35:14	93:10	68:12 72:6	compacted	26:8
44:16	140:10	committed	33:10	112:20
45:1,5	167:2	24:15	compaction	121:1
46:3,4	174:20,22	87:11	29:8	component
50:14	175:2,6	90:17	34:3,11	106:7
118:2	comments 4:6	109:23	36:1 78:25	125:17
119:1	10:15,19	120:21	company	157:21
122:17	12:17	171:17	173:22	175:4
coast 23:17	18:12	committee	176:17	components
coffee	26:24	3:4,14	compatible	40:7 68:14
17:18,20	110:13	4:15 11:24	119:20	comprehensiv
48:4	111:6	12:2 16:8	compel	e 35:6
coincide	117:24	19:15	167:7,14,2	132:24
90:22	157:24	20:2,11	0	comprises
collaboratio	158:3,8	42:7	compensation	29:2
n 25:4	175:10,15	131:21,25	40:19	comprising
94:22,23	178:3	132:3	69:25	102:22
colleagues	181:16,23	136:19,20	70:8,15	con 164:5
66:18	commercial	141:20	71:7,24	concentratio
147:6	130:14	182:10	72:25	n 155:20
co-	Commissioner	Committees	74:21,23	166:11,12,
management	141:11	72:9,19	75:7,9	
		73:25	77:15,22	
		74:25		
		75:18,25		

14,15 170:1,2,8, 9,11,12 concentratio ns 161:11 166:17 conceptual 119:1 121:22 122:14 concern 41:23 130:18 concerned 8:13 108:24 123:12 124:18 130:17,21 concerns 6:10 12:17 26:20 41:20 105:10 106:12 117:25 120:17 122:22 123:9 124:13 132:13 134:13 137:24 140:2 142:16 154:13 179:17 181:5 182:5,15 concluded 30:5 70:15 90:4 concludes 28:3 110:9 115:11 116:24 conclusion 126:1 condition 46:5	172:11 conditions 43:1 49:21,22 50:13 64:13,16 88:23 106:5 108:21 109:7,10 112:16 118:4 125:21 126:4,13,1 5 134:16 135:5,8 137:15 149:5,10,1 5 152:3 165:19,23 166:23 conduct 42:5 72:6 83:24 125:2 155:16 conducted 33:24 34:4 51:1 85:7 92:25 96:15 conducting 74:6 76:17,20 155:14 159:11 conductivity 159:21 confer 113:12 conference 9:24 44:17 54:15 55:7,16 70:11 79:12,19 81:6 82:17 87:5,13 88:25 89:11 90:13 92:12	154:11 confidence 112:21 153:20 confident 26:18 42:14,21 65:8 92:1 confirm 53:3,12 57:18 113:6,12 confirmed 24:6 conforms 21:22 confusing 163:8 connected 8:4 connecting 146:14 Connelly 1:11 7:12 Conrad 3:16 16:15,16,2 1 17:4 145:17,23 146:1,5,7, 16,19 147:1,5,11 ,22 148:4,9 149:7,8 150:11,12 153:15,16, 24 154:25 155:1 158:16 161:21 175:14 176:10,11, 25 177:8 consensus 25:4 consented 20:4 conservation	117:23 consi 131:18 consider 7:21 11:1 18:20 65:24 67:5,22 118:11 127:9 157:25 158:11 166:20 168:18 173:9 175:22 considerably 36:7,18 consideratio n 40:9 109:18 124:10 131:18 160:6 165:2 182:18 consideratio ns 25:2 130:10 considered 54:20 150:5 151:9 154:16 considers 48:3 consist 32:16 51:3 consistent 38:18 60:11 62:21 125:19 consists 8:8 55:23 consolidates 61:17 constituents 54:17	154:13 construct 21:18 23:3 78:14 constructed 28:23 32:20 33:6 35:22 38:15 85:7 149:11 constructing 24:16 construction 8:22 10:22,25 11:2 12:18 21:22,25 26:7,10 27:16 28:10 29:2,6,9,2 3 30:17,23 31:23 32:1,4,6,1 0,11,12,15 33:7,17,22 ,23 34:8,14,22 ,23 35:1,5,16, 25 36:22,25 37:25 38:3,6,25 39:11,21 41:17 42:4,21 52:23 55:2,25 56:3,15,21 59:18 68:17,24 69:14 73:15,16,1 7 74:7 78:12,16,2 2 83:25 85:2 86:24 87:9 89:6 94:24,25 95:7 102:23,24
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

103:13,21	contact	62:24	coordinator	121:8,18
104:19,21	54:19	continuing	14:8	122:8,21
108:4,6,12	154:15	174:4	copies 10:6	123:4,12,2
,20 109:5	contain	177:6	11:8	1 124:11
113:8,13	41:24	contracting	113:24	125:4
118:22	93:21	90:3	114:11	126:11,19
120:5,8	100:18	contractor	copy 10:3,8	127:3,6,20
121:14,23	121:21	29:21 90:6	113:21	,21 129:25
122:11,23	122:20	112:14,19,	cordless	131:13,17
124:2	contained	20	17:25	133:1,10
125:10,22,	5:4 19:8	contractors	Corey 14:19	136:22
25 128:16	100:23	89:13,16	correct	145:2
129:11,16	118:16	135:15	53:15 57:8	156:20
131:7	contains	contractor's	64:10 66:3	181:22
136:7	95:24	139:11	84:7,20	counsel 2:2
138:20	contemplated	Contractors	104:6	11:11,18,1
143:20,21	159:24	135:16	115:7	9 12:9
144:4	160:17	contribute	128:19,21	14:2 15:22
149:17	166:10	117:22	140:14,16	18:19
153:12	content	contributes	147:25	115:19
154:23	118:24	38:13	163:12	167:2
159:4	119:18	control	171:10	169:2
163:19,22	122:4	31:10	173:18	country's
164:7,14	contents 4:1	33:18,19	184:3	22:10
169:10	125:13	36:1 38:7	corrective	couple 16:25
171:18	context	56:12	61:7	64:1 128:7
172:12	57:10,16	92:14,16,1	179:13	139:5
173:8,12,1	117:25	8,22	correctly	course 20:7
3	152:23	93:1,9	131:2	84:24
consult	153:20	162:21	138:13	98:19
75:17	172:4	170:16	corresponden	108:20
119:16	contingency	contru 74:6	ce 10:4	courses 85:6
Consultant	31:13 37:4	convene	126:17	court 14:20
2:7	38:8	177:17	169:8	courteous
Consultants	121:12	conversation	corridor	18:15
15:23	continuation	s 73:21	31:3,7	Covello 1:14
consultation	25:3	cooperation	42:16 61:6	13:20
9:19 28:1	continue	18:15	134:10	105:9,10
40:3	26:3 31:24	cooperativel	cost 23:10	106:11
70:14,18,2	39:13,19	y 133:4	council	108:1,15,1
1,23	69:14	175:3,7,8	3:7,10	8 110:6
72:15,24	128:25	coordinate	4:11 11:23	140:21
75:24	129:1,4,9	119:24	16:5 43:12	cover 32:1
136:5	139:18	125:1	72:9,19	91:14
consultation	175:3,7	coordinating	74:14	105:11
s 72:7	176:6	133:18	117:2,5,8,	121:22
76:7,13	continues		9,16,20,25	128:15
consulted	23:4 26:10		118:10	covered
118:24			120:16	149:12
Con't 3:1				

covering 51:3	93:2 95:25 96:20,22 119:15	149:16 data 83:4,22 124:10	67:14 104:21	39:13,17,2 4
create 176:18 179:15	151:23 158:14 164:15	date 45:2 54:16 65:5 69:17	definitely 129:14 152:20	40:10,14,1 7,18,22 41:7,14 42:4,11,13
creation 133:22	165:20,23	89:16 90:21 91:3 92:3	definition 67:6,20,23 103:19 105:1	,18,20,24 65:13 72:9,20 76:17
creek 119:15 151:25	cross-section 107:5	94:12,20 95:5,7,16 180:12	degradation 50:24 51:5,8	91:10 109:22 117:11 127:19
creeks 122:19	cultural 121:4 132:18	dates 72:15 76:9	degrade 56:4	132:6 136:17 145:17 147:9
creep 123:13	culturally 134:22	Davies 3:19 147:12,18, 19 158:23	degree 26:14 50:24	179:14 181:1
criteria 109:12 150:10 151:14 152:15,17 161:7,11,1 5 162:17 163:11,15, 18,21 164:4 165:1,22 166:5,7 168:18 170:3,4	culvert 33:9,11,15 ,17 93:2 106:8	Day 1:22 days 18:6	Deh 23:23 deleterious 56:3	departments 8:13 9:20 16:24
critical 11:16 124:4	culverts 32:19 92:20 105:11,23, 24,25 106:4	deal 51:2 82:3	deliver 21:15	Department's 21:17 24:6 25:24 26:17
cross 32:2 96:16 122:18	cumulative 119:21 122:24	deals 53:18 December 76:25 95:17 105:4	delivered 27:2	dependent 109:9
crossed 74:1	current 23:2 25:22 62:3 64:14,16 92:18 114:22 115:4 116:8,13 125:13	decide 165:4 168:20	delivering 24:1	depending 46:24 108:21
crossing 33:5,15,22 37:24 73:23 92:25 96:18 166:13 170:15	currently 8:8 101:8 178:22	deciding 167:12	demonstrate 55:13	depends 159:23
crossings 27:21 29:7 32:19,24 33:6 79:16 80:3 82:5,14,16 87:9 88:24 89:4 90:15	cycles 107:10	decision 30:13 93:23 124:23	demonstrated 23:7	deposit 32:3 40:14,16 49:2,24 54:20 118:1 120:18,24 121:10 154:16
	<hr/> D <hr/>	decision-making 24:13	department 2:9 4:8 6:3,7 8:7 12:4 15:3,15,21 21:7,21 23:19,25 24:15,21 25:21 26:3,9 27:14 28:3,7,13 30:9,14 31:24 32:21 36:10 37:19,21 38:14,25	deposited 47:3 97:18
	daily 159:8,9,20 160:3,11	declared 9:1 defer 21:9 96:9 150:13 155:1 158:16		deposition 97:23 103:9
	damage 120:15 148:18	deferral 98:3 defines		deposits 41:4,10

97:20	detail 27:2	60:12	62:15,22,2	14:21
depth 36:16	76:8	62:23	5 65:21	124:5
Deputy	123:24	73:13,20	73:18	169:18
15:5,11	detailed	74:2,5,12	75:19,23	diligence
21:9,11	9:12,13,17	76:23	76:15,22	135:15
27:8	15:9 27:10	88:19	77:2 93:8	139:11
141:11	detailing	93:13	94:11	Dillon 13:22
describe	27:3	95:15	105:3	diminish 8:1
59:17	details	105:21	106:18	direct
64:16	27:14	107:3	113:23	49:1,24
described	39:18	119:2,7,11	114:20	122:22
41:3 51:2	64:22	,16	115:4	directed
56:6	95:25	120:7,21	118:21,25	18:12
88:21,25	149:25	121:19	119:18	direction
describes	determine	130:2	120:22	7:17 57:25
33:20	8:25 55:25	134:5,15,1	121:20,21	58:6
37:15	119:12	8,25	122:10,14,	directly
38:23	130:4	135:13	15 125:17	8:13
description	135:15	137:17	132:14	director 2:5
5:2 6:2	139:10	138:12,16	135:5	14:1
22:22	determined	139:9,12,1	138:1,19	15:14,18
27:17,20,2	40:11,14	5 140:7	150:6	discharge
3	94:10	144:22	151:9	37:23,25
descriptions	develop 24:9	153:19	152:5	39:4 41:16
63:11	39:15 60:8	175:21	165:2	163:17
design 25:17	112:20	176:5	179:16	discharged
32:25	119:11,14	Developers	180:17,23	152:14
96:2,21	130:2	76:13	181:3	discharges
105:23	134:8	developing	DFO 16:25	37:11
107:5,13,1	173:23	38:20	36:19	41:19
4	176:6	39:21	118:16	163:16
108:20,25	developed	62:23	124:15,21	discuss
109:5,11,1	34:13	68:13	DFO's 134:2	47:20
2,17	39:19	development	dialled	72:15
designed	93:15	6:8 8:11	147:15	73:14 77:1
32:20 39:3	94:22	12:5	dictate	discussed
107:23	118:22	22:9,21	162:16	59:2 70:19
designing	119:23	28:1	difference	71:7
61:21 62:6	120:4	29:1,4,18	166:15	72:11,24
171:2	125:9,11,1	30:14	169:25	73:10,11
designs	8 150:1	34:17,19	different	74:9 87:4
32:22 33:5	163:21	35:6,9,11	90:22	149:23
90:14,21	developer	38:1,9,19	133:6	discussion
desired 86:2	15:8,12,23	44:9,11,12	138:7	50:16
desk 178:16	21:19	,16,18,21	152:16	71:23
Despite	25:11	45:2 48:22	160:23	75:6,8
41:14	27:15	50:8,10,15	171:1	87:7 162:9
	52:15	51:3 55:21	difficult	
	57:23	56:20	165:12	
	58:23	57:15	difficulties	
		59:16		
		61:21,25		

discussions 76:19 90:3 92:4 145:19 179:10	53:19 55:8,17,22 57:6 144:11 155:23 159:20 174:12	drafting 123:20 150:1	153:12 154:10 159:7 160:21 164:5,6,14 165:2,24	142:18,24 143:7,12 162:8 174:16
disparity 92:17 93:3	door 17:24	drainage 29:7 54:7,9,18, 24 55:1,14 56:13,19 154:3,5,14 ,21 155:11	dust 36:1 103:4,6,10 ,13 104:1 119:13 130:5,13,1 4 131:3,8	effective 39:8 62:7 63:13
disposal 7:22 10:21 12:18 37:8,10 60:18 70:20 100:9	doors 183:2	drawings 32:24 33:2 90:18,22	dust-free 80:25	effectively 136:4
disposed 8:21 37:12	DOT 17:1 46:3,19,20 48:3 56:18 77:22 85:1 124:4 125:1 144:1	drawn 125:3	dust-free 80:25	effectiveness s 39:3
distribution 71:3,6	DOT's 136:2	drifting 106:12 107:12	<hr/> E <hr/>	effects 27:22 30:6,7 31:18 38:11,13,2 0,22 39:1,5,15, 18,23 40:9 42:3 50:10 57:13 60:5 61:14 62:4,5,7,2 0 63:1 68:7 73:12 93:16,24 94:10,21 102:13 107:12 108:25 118:2,4,23 119:21 120:18,19 122:24 123:11 124:8 125:5,9 142:22 162:20 171:3,11,1 7,22 172:7,9,16 ,19 173:1,6,19 ,23 174:9,21 175:1 176:7,19
district 147:13	Doug 2:15,17 15:25 16:2 71:11,14,1 5,25 80:13,16,1 7 81:2,11 93:7,11 94:1,17,18 ,19 95:1,10,14 ,18 96:9,12,13 ,25 134:3	drinking 142:15	earlier 25:5 88:21 89:22 138:19 162:9 175:16 177:2 181:15	
Division 12:4,14 15:16 145:19 147:23 148:5 150:20 155:7 163:15 165:11 168:9,25 172:3 176:16 177:4	Dougie 3:12 16:13,14 142:1,7 144:15,23 145:10,15	drop 41:25	early 31:8 36:6 89:13 95:17 111:12 155:21	
document 31:14,15 61:17	downstream 92:25 151:24 152:6 162:8,14 166:14,15, 16 169:23 170:1,9,12 176:20	due 38:24 147:20	early-season 35:20	
documentation n 9:1,11 10:4 45:4	draft 44:11 125:13 160:6 169:6 173:21 174:2	during 8:21 10:21 23:1,8 31:20 33:22 34:13 35:4 36:6,8,23 37:24 38:1,5 39:10,12 41:17 44:17 51:7 54:14 70:11 71:7 77:17 78:12 79:19 80:21,22,2 3,25 81:6 87:12 89:4 90:16 96:2 102:2 103:12,21 106:15 107:17 108:6,11 121:24 131:7	ears 94:16	
documents 5:4 19:7 26:3 113:24 114:12 138:1			easily 155:23	
domestic 7:25			EBA 2:21	
done 51:9			echo 175:15 177:1	
			economic 22:8,9 24:10 25:1	
			economy 22:4 132:20	
			Eddie 13:22	
			edge 107:19	
			education 23:14	
			effect 68:7	

163:11,15, 17,21 164:4 165:1,21 166:4,6 168:18 170:3 effort 109:16 efforts 41:15 136:8 EGT 2:15 16:2 eight 124:12 128:12,14 129:9,14 EIRB 9:18 44:10,13,1 5 45:11 50:9,11,19 51:13 52:12 53:16,17 60:7,13 68:11 72:6,7,12, 17 75:16,20,2 1 76:2,16 77:12 86:21 87:10,16 88:14 92:13,17,2 1,23 101:22 118:14 119:6 134:17 138:10 148:16,24 153:5,13 EIRB's 59:2 134:17 137:15 either 77:24 98:12,21 144:2 158:17 159:6	161:9 el 52:20 Elders 21:14 element 12:20 111:7 178:4 elements 112:15 eleven 34:12 Elias 13:9 14:16 183:12 Ellen 134:2 elsewhere 103:7 embankment 29:6,8 32:16 33:23 34:9 35:18 38:2 54:11,20 55:2 56:14,21 90:14 107:6,14,2 3 109:8 154:8,16,2 2 embedded 99:10 emergency 8:2 17:23 31:15 Emery 1:12 13:19 44:3 63:21,23 64:5,7,8,2 0,25 65:19 66:5,14,15 67:3,4,11 68:2,3,5,8 ,10,11 69:9,20,22 99:3,4,5,1 2 100:11,15, 16	101:5,11,1 2,13,14,15 102:18 103:1,2,15 ,23,24 104:8,9,12 113:3,4,17 ,18 114:1,9,10 115:1,2,8 128:9,10,2 2 129:17,20 137:11,12, 13 138:3,4,24 157:2,4,5 161:3,4,18 163:5,6,7, 25 164:1,2,19 ,20 165:7 168:1,2,21 170:19,21 171:14,15, 16,24 172:23,24 173:15 174:18,19 175:12,16 177:2 179:18,19, 23 emissions 103:14 employment 23:11 enable 132:19 enabling 22:9 encompass 62:3 encourage 175:2 encourages 12:21 endeavours 24:2 endorsements	25:8 Energy 14:10 enforcement 148:15 157:22 engineering 96:2 enhanced 22:8 23:10 ensure 21:21 25:22 26:12 50:22 51:7 69:16 96:21 119:8 120:12 123:14 124:7 132:23 133:3 136:3 ensured 121:1 ensures 176:20 ensuring 24:23 38:15 69:14 entered 40:19 entering 38:5 41:14 entirety 116:9 entity 90:3 entry 37:15,16 environ 23:22 environment 15:19 16:24 24:7 30:6,23 37:12 39:4,23	41:16 42:14 46:24,25 47:3 54:13 117:19 118:23 120:19 126:5 132:21 154:9 176:21 environmenta l 9:14 15:20 23:22,24 24:8,10,12 ,23 25:2,7 26:11 27:18 30:1,4,19 31:9 37:14,18 39:22 41:3,12,18 60:16,20 68:13,22,2 5 69:6 101:18 102:8,11,2 2 112:8,9 118:8 119:18 122:2,6 123:15 125:3,7 133:17 135:9 140:6 149:16 175:5 environmenta lly 121:4 environmenta l-related 30:21 environments 123:6 envisioned 22:14 eons 141:23
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

equal 132:19	170:16	everything	125:13	135:22,24
equipment	essential	17:14 91:2	exits 17:23	extraction
29:20	25:8	112:21	expand 58:15	135:17,21
31:14 92:1	essentially	144:5,11	89:22	extreme
105:2	140:11	evidence	expect 29:16	107:22
Erica 2:16	establish	41:23	39:16	extremely
15:24	161:9	50:12	91:16	141:24
45:15,17,1	established	55:12	135:23	157:18
9 46:15,17	7:19 31:4	evident	expectations	
47:6	117:17	110:3	26:20	F
48:13,16,1	119:24	exact 76:9	expected	Fabijan 2:19
7,18	124:8	92:2	29:21	15:25
49:11,19	162:2,4	examination	41:8,25	fabric
50:2,21	163:18,23	55:24 56:1	expects	33:8,12
51:10,23,2	169:12	example	39:18 46:3	34:1
4	establishes	33:14	experience	face 59:7
52:5,9,24	62:5,6	100:17,19	28:14	159:11
53:2,21	estimates	170:6	151:21	facilitate
55:6,9,15	52:21	examples	159:2	23:9 31:4
56:8,16,17	119:2,4	164:13	experts	facilities
,22 57:9	153:8,18,2	169:8	11:12	23:14
66:8,12,17	0	exceed 79:10	168:10	37:7,10,13
,21	et 96:21	166:17	explain 93:3	41:2,11
73:4,6,8,9	evaluating	Excellent	explicit	97:18,21
74:16	105:24	86:15 97:4	122:9	98:17
76:8,11,12	106:1,4	137:8	123:5	facility
77:5,19,20	evaluation	exception	explore	98:13
,25	106:7	80:5	158:6	fact 19:24
81:13,16,1	evening	excuse 49:23	explosives	48:22
7,22	178:23	113:14	31:11 37:5	106:2
82:7,8,10,	event 72:15	115:14	express	157:13
25	121:10	executive	157:6	fair 111:9
83:9,20,21	events 14:24	2:5 14:1	expressed	140:9
84:1,8,22,	72:15,24	exempt 8:3	124:12	167:19
23 85:9	75:24	exhibit	177:1	fall 31:24
98:4,6,7,8	everybody	18:25	extended	falls 28:11
,24 99:23	111:14	19:4,6	140:12	families
100:1,2,3,	146:9	Exhibits 4:4	extensive	178:11
10	everybody's	5:1	9:19 66:24	fast 17:17
101:7,10	144:11	existing	extent 153:9	federal 7:19
114:15,18,	everyone	37:20	extinguish	8:6,10,13
19 115:4,6	117:7	40:12 41:5	179:12	9:18,19
116:1,5,10	132:2	44:24	extra 101:12	12:4 16:24
,20	150:21	45:25 47:8	104:8	123:15
erosion	everyone's	49:23	extracted	feeding
31:10	176:20	exists 45:4		143:1
33:18,19,2				
1 38:7				
51:7				
92:14,15,1				
8 93:1,9				
162:21				

feel 146:1 167:22 178:17 feels 142:21 143:21 feet 106:3 143:9 fellow 179:25 fences 170:15 field 146:21 155:23 159:10,19 160:3 fifty 52:22 59:5 fifty-one 9:13 30:8 file 44:11 filed 55:20 files 91:25 filing 122:12 filings 120:22 filling 134:25 fin 174:20 final 30:1 57:3 63:1 78:24 81:18 90:14 93:23 96:2 115:1,3 122:13 132:17 134:17 137:16 138:23 140:8 160:7 172:8,19 174:9,20 finalize	93:18 finalized 75:20 90:21 93:25 94:23 102:12 finally 18:14 31:18 74:4,11 fine 111:1,3 116:15,22 124:17 finger 179:9 fire 8:2 first 13:25 17:11 18:23 22:13 24:4 31:7 43:11 44:2 51:1,4 65:3,5 101:17 107:4 111:23 112:1,2 116:25 125:22 127:16,25 128:8 129:10 131:12 142:8 151:6,20 155:13 156:19 157:5,15 181:22 Firstly 7:16 fiscal 23:8 fish 25:16 31:16 38:7 79:6,7 80:9 93:20 95:23 117:19,21 118:2 119:9,11,1	2 120:18 122:20,21, 25 123:9 124:14,20 126:21 130:2,3 133:8 134:19 142:11,18 143:3,7,8, 9,10,13 144:2 fisheries 3:2 4:14 11:24 16:7 19:15 20:2 26:6 32:21,23 39:24 70:23 71:22 72:10,20 131:21,25 132:3 133:10,12, 13,14 134:2,4,8 135:6 136:18 141:7 182:9 fishery 26:12 fishing 142:14 143:8,16 fits 132:12 five 10:25 21:17 31:25 39:12 42:25 47:24 48:2 85:24 128:16 133:5 FJMC 43:19 132:4,12 133:7 134:5,11,1 3,15	136:23 137:19,24 138:17 145:2 156:21 floor 43:8 136:13 147:1 156:9 178:14 flow 8:2 79:11 83:4 93:21 106:1,4 flows 106:5 focussed 18:15 87:8 Folks 48:2 followup 51:13 follow-up 46:11 55:12 56:9,11 57:1 59:22 63:9 72:1,2 74:19 77:6,11 81:5,24 85:14 86:11 94:6 95:4 100:11 101:11 108:2 119:20 123:8 156:5 food 121:7 footprint 24:23 forces 22:19 forecasted 109:19 forefront 69:13 foreseen	174:14 Forgive 88:9 form 16:18 22:17 104:2 formal 18:11 157:10 160:5,7 165:15 169:18 formally 165:12 formed 22:25 93:18 133:23 formulate 63:1 forthcoming 91:15 94:9 fortunate 14:9 forward 20:24 21:4 26:23 61:5 64:23 69:15 77:3 110:12,18 131:14 144:8,9 146:25 174:4 176:16 177:5 178:2,15,1 7 181:10,13 fractions 55:24 framework 61:16,19 62:3,6,10 125:18 Francis 14:17,20 Freda 14:6 19:1,2 Freda's 14:6
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

freeze 143:17	funding 23:7	110:11,17	34:1,6	governments 22:25
freeze-up 42:6	fur 175:9	111:2,6	Gerald 14:2	24:22
freezing 106:15	furnishing 92:3	112:13	Gerry 14:2	97:16
frequencies 160:2,3	furs 121:7	121:20	18:19,21,2	government's 9:18 25:4
frequency 150:9	Furthermore 49:6	131:11	2 19:11,23	Governor 118:9
151:13	future 38:17	140:23,24	20:18	grab 161:10
158:7,10	59:20	152:9	115:14,18,	gracious 176:23
159:5,8,23	92:2,6	157:23	23	183:8
160:11,20,	109:24	158:3	116:6,14,2	grades 130:14
23,24	119:2	178:1,15,2	0,22	grading 29:9
164:25	153:8	0 181:10	141:12	32:16 34:9
168:16	177:7	generally	167:4,5,6,	78:25
172:16	178:13	33:6	25	Grant 92:5
freshet 165:25	<hr/> G <hr/>	108:22	180:13,15	granted 10:2
friendly 175:23,25	gain 10:16	149:12	gets 140:11	13:4 172:8
176:23	146:23	generate 124:9	getting 142:24	granular 35:13
front 61:1	gained 141:16	generated 40:25	159:17,18	48:21
67:13	Game 3:9	91:24	given 14:11	113:7
frost 106:15	4:11 11:23	generation 103:4,6	83:14	gravel 22:20
frozen 33:24,25	16:5 43:12	generations 141:16	169:8	33:8,10,13
67:16	72:9,19	generic 125:14	180:5	34:10
109:6,9	117:1,5,8,	gentlemen 48:11	giving 12:23	47:12
fuel 29:19,21	9,16,20,25	110:9	117:3	103:4,6
fuelling 31:14	118:10	111:23	132:10	great 65:10
fugitive 103:13	120:16	145:16	glitches 14:21	181:8
full 39:11	121:8,18	148:10	GNWT 2:23	greater 22:16
111:4	122:8,21	177:11,14,	15:15,20	greatest 37:23
125:23	123:4,12,2	24 182:24	goals 21:22	greatly 126:18
131:18	1 124:11	183:10,18	132:16,23	177:2
182:18	125:4	geo 155:17	govern 149:15	Green 3:17
fuller 10:16	126:11,19	geochemical 155:17	governed 8:5	24:7
fully 11:1	127:3,6,20	geochemistry 54:15	government 8:12,13,19	147:24
26:13	,21 129:24	154:11	9:20 17:1	grey 37:6
fundamental 69:5	131:13,17	geotechnical 25:15	22:17 23:6	40:25
	133:1,10	55:20	25:8 27:16	97:17
	136:22	76:17,20	30:12	98:20
	145:2	153:21,22	59:13,14	ground 89:2
	156:20	geotextile 33:8,12	60:6 75:21	
	181:22		86:25	
	gaps 134:25		101:23,24	
	general 9:9		118:6	
	10:20		133:3,18	
	12:10,15,1		148:16,24	
	9 70:18		168:11	
	108:6,19			

107:8	20:25	haul 35:20	182:25	89:3
group 31:3,8	183:5	haven't 17:8	hearing's	103:12
42:16 61:6		143:25	66:19	106:13,14
71:18,19,2	<hr/> H <hr/>	165:12	height	107:9
2 93:18	habitat	having 13:6	107:6,14	109:6,8
133:22,23	25:16	66:10	held 1:19	110:3
134:2,8,10	31:16,17	143:12	7:17 9:24	117:13
145:14	38:7	183:5	39:25	119:14
146:12,14	73:18,19	hazardous	70:21	120:1
176:5	74:10,13	37:12	72:13	122:18,23,
groups 40:1	79:7 80:9	98:15	73:10 75:7	24 124:3
61:4	93:21	head 169:21	hello 147:17	125:6
Gruben 13:13	95:23	health 23:13	help 17:4	130:6,19
guess 69:18	119:12	hear 10:19	160:10	132:8,13
112:18	121:5	12:15	167:10	133:21
151:19	122:21,25	131:2	helped 14:10	134:10,12,
159:25	124:20	150:21	helps 152:23	14 135:10
162:25	130:3	165:16	Herbert	178:4,5
165:17	133:16	174:24	177:13	highway-
172:4,17	134:20	178:10	he's 14:3	finishing
179:12	Hall	heard 15:13	15:1	34:3
guessing	183:1,21	90:16	167:17	highways
166:6	Hamlet 22:19	140:2	hesitancy	28:18
guidance	40:23 91:9	173:4	165:17	highway's
35:12	hand 175:18	178:6,7,8	high 26:14	26:7
61:24	handed 20:3	hearing 1:5	higher	Highways
83:16	handled	5:3	165:17	15:16
89:15	140:3	7:4,13,17	highest 24:1	hold 7:20
150:4,8	handling	8:15	36:6	159:13
151:7,12	31:15	9:9,10,24	highway 1:4	175:16
guideline	100:6	10:1,12	8:22	holders 41:6
61:23 62:2	Hanes 16:8,9	11:7,16	10:18,22,2	holding 9:20
guidelines	Hans 119:15	13:1,7,10	5 11:3	holds 22:6
38:20	happen 89:5	18:20 19:6	15:14	holes 142:25
61:20	160:21,25	21:16	21:18,21,2	home 147:21
62:11,15,2	happy 144:12	48:11	5 22:23	Hood 92:5
3 68:16	harbi 121:7	54:15	23:3 24:16	hope 17:7
108:5	hard 10:6	66:11 69:8	25:3,6	98:8
125:20	harvested	82:17	28:11,15,1	152:22
171:2,6,12	121:7	154:11	7,21,23	hopes 126:11
173:20	harvesting	157:8	29:24	hospitality
guiding 62:5	118:3	165:15	30:20	23:16
Gurdev 2:10	119:10	167:9	31:3,22	hour 17:19
15:16	123:4,10	179:6	33:20	111:14
guys 143:18	124:14,20	180:18	42:22	HTC 117:8
Gwich'in	142:11	183:1,19,2	59:6,18,20	142:21
13:15	143:19	0	61:6	
14:16		hearings	78:15,22	
		59:1		
		72:7,13		

143:21	I-401-A	87:10	45:15	134:19
HTCs 73:14	55:18	89:18	47:23 53:2	174:13
76:7	ice 67:5,22	93:17	58:15	178:11
118:24	105:10,22,	135:24	64:10	implement
119:17	25 106:3,7	identify	65:24	118:8
125:2,3	142:22	18:8 39:7	66:18,19	122:1
126:10	143:10,12	42:7 79:15	71:11 73:4	implementati
133:9	149:18	85:3	76:8 80:13	on 30:8
hundred 9:15	ice-covered	100:17	85:24 88:6	61:25
30:9	118:17	124:8	92:1 93:7	92:21
162:13	ice-rich	identity	97:22 98:3	implemented
hunt 142:12	51:4	132:18	100:25	101:21
hunters 3:12	109:15	IFA 117:17	101:1	102:4
4:18 12:2	I'd 13:18,24	123:15	104:20	121:14
13:16	14:24 16:4	IGC 19:14	105:16	125:10
16:13	18:18,24	20:1,9	106:23	implementing
20:10 42:6	43:10	117:16	111:10	56:12
72:8,18	44:3,8	128:11,23	114:15	61:21 62:7
73:24	46:11,12	ILA 6:5	117:7	171:2
74:24	48:11 64:3	13:16	130:7	implications
75:18,25	69:23	46:18	137:4	11:2
76:14	83:15	52:16 58:1	138:5	implied
77:16,21	85:15	65:16	139:6,24	78:12
133:2,24	110:17	I'll 43:18	162:5	import
136:6	111:25	50:7 54:2	163:8	145:14
141:20	112:6	60:4 61:12	171:5	importance
142:5	115:12	66:12,20	174:24	141:15
145:15	116:24	75:16 78:3	179:13	important
178:6	129:24	79:5 81:13	impact 9:14	12:20
Husky 119:19	131:20	89:10 90:9	10:19 25:7	125:14
121:3,11,1	137:14	91:7 92:11	28:17 30:4	126:18
7	141:3,10	95:20	41:9 50:25	131:16
hydrology	142:8	96:9,16	107:9,24	134:22
25:17	144:8,16	98:8	118:9	135:6
hydro-	146:4	126:17	122:2,6,22	141:6,24
technical	156:8	127:24	123:15	143:16
32:22	157:5,12	128:2	124:17,19	152:1,7,9,
Hynes 3:2	158:6	132:10	125:7	22
16:8	168:8,12	136:22	impacted	157:18,21
132:1,2	175:8,14,1	146:25	8:21 126:6	improve 22:7
137:22	5 176:25	149:20	143:20	174:5
138:15	177:11	150:13	impacts	improvements
139:14	182:1,2,8	151:19	30:23	39:7
140:1,15	idea	153:5	41:21	improving
182:12	22:12,16	154:2	42:14	22:1
<hr/>	identificati	156:7,18	51:16	inadvertent
I	on 135:20	158:16	52:18	38:23
I-401A 35:10	identified	168:13	58:3,24	inbound
77:3	36:11,13	179:19	86:23	
	80:2 83:1	I'm 7:12	109:19	
	84:13	17:16	120:1	
			121:1,17	

114:7	86:22	121:20	145:11,12	102:4
incinerated	116:2	163:10	146:8,22	instill
37:9 97:14	133:11,15	167:17	152:25	26:14
98:11,18	153:8	indicates	154:13	in-stream
100:7	including	174:14	166:2,7,25	151:25
incinerating	9:3 25:14	indicating	167:12,18,	152:17
99:9	34:16	85:22	22 168:6	159:7
incineration	39:23	indication	169:13	160:14,24
99:7,9	42:12	102:16	infrastructu	162:13
100:8,24	52:20 56:3	121:23	re 23:21	172:14
101:2	73:15,22	indicator	24:2 26:15	173:11
incinerator	74:7	155:21	28:9,16,19	insufficient
100:17,20	83:4,22	indicators	Ingreement	134:14
include	100:7	39:10	132:17	insulates
15:7,23	126:20	indirect	initial	106:13
33:7 35:13	130:8	49:2,24	61:13	insulative
37:3 38:6	134:20	individuals	105:2	107:12
44:16	135:14,17,	11:16	129:9	integral
50:16	21 139:9	16:10,19	135:25	23:2 24:13
68:14	inclusion	17:2	139:19	integrated
82:15 83:6	158:11	indulgence	140:5	25:1 60:20
84:18,25	incorporate	64:3	150:4	123:10
89:1 93:22	118:11	industries	151:7	125:14
110:1	124:21	23:16	initiated	integrity
114:11	incorporatin	inferred	61:2 120:6	23:22
115:19,25	g 60:15	75:7	inland 67:15	24:1,2,18
118:15,25	incorrectly	informal	input 31:5	26:17
119:7	138:14	174:3	40:6	intend 26:13
120:25	increase	information	126:9,10	56:12
134:14	166:10	9:22	166:21	62:14
135:8	increased	12:6,19	inquired	78:14
149:24	134:21	25:14,25	44:18	intended
161:16	increasing	26:1,19	79:20	30:22
included	109:1	45:7 54:17	inspections	41:4,12
8:25 27:18	indeed 21:14	65:9 70:10	110:2	87:15
33:5 45:23	independent	73:22 78:8	installed	88:13
55:19	119:3	82:21	33:12 89:3	intense
61:14 67:6	153:7,18	83:3,4,15,	installing	106:15
72:12	162:23	18 84:18	100:18	intent 30:12
91:13	indicate	85:5 87:2	instance	86:25
105:24	18:9 68:17	91:14	108:22	101:25
106:2	99:8 121:1	94:9,13	instances	118:12
107:11	indicated	96:4	172:10	119:6
123:23	59:14	100:22	instantaneou	131:7
144:6	63:25	101:8	s 79:11	160:4
includes	64:10,12	114:5	instead	intentions
25:23	65:23,25	135:1	78:15	25:22
27:25	91:13	141:4,24		intently
29:3,19				
30:20				
31:10				

142:2 Inter 178:9 interact 54:12 154:8 interaction 133:18 interest 9:21 interested 9:11 10:7 21:13 139:7 173:23,25 176:17 interpretati on 128:19,21 138:8 183:5 interpreters 7:6 14:14 interpreting 17:13 138:13 Intervenor 10:2 16:7 43:19 112:2 127:1,16,2 4,25 128:9 131:12,21 136:14,22 140:25 181:23 182:9 Intervenors 10:14 11:14,23 12:23 16:4 43:11 115:13 116:25 145:1 156:18 178:9 181:12,18 intervention 157:11	160:5 165:13 introduce 13:18 15:12 131:20 introducing 11:10 introduction 15:7 Introduction s 13:11 intros 17:7 Inuvialuit 3:9 4:11 6:5 7:23 10:17 11:23 22:14 24:19 26:5 30:1 34:17 35:7,12 40:2 42:24 43:12 46:2,13 65:16 72:9,19 116:3 117:1,5,8, 9,16,19,20 118:3 120:16 121:5,8,16 ,18 122:8,21 123:3 124:12 126:1,10 127:3,20 132:17,18, 19,25 133:1,4,10 ,14,19 134:22 156:20 Inuvialuktun 14:15 183:6 Inuvik 1:4,20	3:12 4:18 9:24 12:2 13:16 15:17 16:12 20:10 21:15 22:15,18 23:4 27:9 28:24 29:23 37:7,9 40:24 71:22 72:8,18 73:14 75:18 76:1,7,14 91:12,17 97:15 125:2 132:4 133:24 136:6 141:20 142:5 143:15 147:13 Inuvik/ Tuktoyaktu k 8:22 25:6 Inuvik-to 22:22 31:2 42:15 133:20 Inuvik-to- Tuk 42:22 Inuvik-to- Tuktoyaktu k 21:24 28:11,17,2 1 31:22 33:20 117:13 132:8 134:9,11 135:10 Inuvik-Tuk 15:14 61:5 78:22	119:25 125:6 Inuvik- Tuktoyaktu k 21:18 24:16 30:20 109:5 investigatio ns 76:18,20 153:22 invite 110:10,17 invited 141:19 involved 93:8 IR 70:10 ISR 117:19 119:22 120:24 132:11,25 133:2,9,15 141:8 issuance 39:20 76:1 77:11 173:22 issue 48:3 74:23 76:16 77:15,22,2 3 148:22 165:4 170:13 issued 32:24 46:1 116:2,12,1 3 158:3 169:9 172:21 issues 9:25 19:12,16,1 8 20:16 26:6 46:13 53:17 68:22 91:25	133:15 issuing 83:17 it'd 129:11 item 17:10 19:11 141:10,14 177:25 It'll 94:9 it's 58:9 64:7 67:3,4 68:11 75:7 80:25 94:21 95:5,6,21 99:5 100:15 111:11 114:6 116:7 137:12,13 138:4 141:24 148:1 150:19 151:5,16,1 8 152:12 155:6 157:5,21 158:20 161:8,23 163:6,14 164:1,10,2 0 165:10 166:1 167:5 168:2,24 170:21 172:2,24 174:19,22 175:22 176:2,15 179:2,23 I've 13:12 115:15 139:5 160:2 163:20,22 170:22,23 172:13
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

173:4	91:5,6,20	69:10,11	181:9	Kiggiak 2:21
<hr/>	92:9,10	71:9,10,13	jobs 22:5	Kiggiak-EBA
<u>J</u>	93:4	73:2,3	Joe 3:12	16:1 58:22
Jagpal 2:10	94:2,6,14,	75:1,5	16:14	88:19
15:17	15	76:4,5,10	142:7	107:3
Jam 81:10	95:2,3,9,1	77:19	144:17	kilometre
James 3:6	9,20,21	78:19,20	145:3,9	28:22
16:10,11	96:6	79:3	JOHN 47:23	kilometres
Jamie 2:6	97:1,5	80:11,12,1	join 21:1	28:15
14:3	146:24	5	141:20	32:14,15
44:2,4,6,7	147:1	81:11,12,1	joined 11:17	Kirstin 3:2
45:13	148:10,12,	5 83:20	22:19	Kisoun
46:6,10,21	13	86:7,8,10	110:11	141:12
47:9	149:19,20	87:18,22	joining	Kitty
49:12,16	150:18	88:4,5,8	13:21	183:1,21
50:3,4,6	151:3,4,5	89:21,24	181:19	knowledge
51:11,12	153:3,4,14	90:7,25	joins 145:23	12:1 77:23
52:10,11	,25	91:1,4,21,	Joint 3:2	141:14,15,
53:3,8,13,	154:1,24	22 92:8	4:14 11:24	23
14,25	156:3,4	93:5,6	16:7,10	known 47:14
54:1,6	Jan 3:19	96:7,8,11	19:15 20:2	Kristin 16:8
55:10,11	147:12,16,	98:1,2,5	131:21,25	131:22
56:9,10,23	18,19,24	99:13,14,2	132:3	132:1,2
59:21,23,2	158:17,18,	1,22,25	136:18	136:11,19
4 60:3	21,23	101:6	182:9	137:22
61:10,11	Jana 15:21	102:19,20,	July 9:2	138:2,15
62:18	January 30:3	25	June 8:17	139:14
63:4,8,14	36:8 75:20	103:16,17,	73:13	140:1,15,1
69:23,25	77:12	22	171:5	9 141:2
70:4,5	137:16	104:3,5,7,	Justice 2:23	156:21
71:8	Jayleen 2:12	24,25	15:21	182:12
72:1,2,5	15:17	105:14,15,	<hr/>	<hr/>
73:1	Jim 2:9	18	<u>K</u>	<u>L</u>
74:17,18	14:25	106:21,22,	Kavik-	la 74:11
75:10,15	15:1,2,13	25 108:8	Stantec	lab 159:16
76:3	20:20,22	112:17,23	2:16 15:24	laboratory
77:6,10,18	21:3,8,12	113:9,11,1	71:16	159:13
78:1,3,4,1	27:2,6,7	7	93:12	lack 83:15
8 79:3,4	45:13,14	114:2,3,8,	95:15	84:17
80:10	47:19,22	13,14,17	105:21	166:24
81:3,4,11,	48:1,13,15	115:10	Keelaghan	ladies 14:17
23,24	58:8,9,10,	127:5,7,15	14:22	17:16
82:2,6,11,	14,17	,17,18,23	184:8	48:10
12,23	60:25 61:9	131:5,6,9	key 38:4	110:8
85:14	62:17,18,1	136:15,16,	42:16	111:22
86:18,19,2	9,20	21	122:21	145:16
0 87:17	63:3,15,16	144:21,22,	175:4	177:10,14,
88:11,12,1	,19	25		
6	64:19,20,2	156:15,17		
89:8,9,20	1,24 65:7	175:19,20,		
90:8,9,12,	66:6,7	25 176:1,9		
24	67:24,25	179:7,8		
		180:7,8,11		
		,19,25		

23 182:23 183:10,18 lagoons 98:21 laid 34:1 lake 36:16 39:6 41:25 42:9 118:18 119:19 121:3 lakes 35:21 36:12,16,2 1,23 41:23 80:2,8 83:22 84:6 120:8 121:11,17 122:19 124:13,17 135:22 142:9,10,1 3,17 143:8 158:15 land 6:5 13:15 21:1 26:12 34:17 45:25 46:1,2,13 48:20,23 49:22 64:14,17 65:16 67:18 113:22 114:23 115:19,22, 25 116:2,3,7, 8 117:22 125:20 142:14 148:25 149:12 152:14 182:3 landfill 98:12 landfills 97:14	98:19 lands 7:23 35:7 141:17 land-use 49:23 large 23:21 111:5 124:17 large- diameter 33:14 Larry 2:14 15:15 last 23:23 29:14 66:19 74:11 106:11 lastly 19:24 late 20:6 31:8,23 171:11 later 13:2 22:16 65:9 114:6 latest 69:17 171:7,11 latitudes 68:17 layer 86:23 109:1 143:5 layers 33:10 143:4 Lea 134:2 leadership 23:6 leaderships 177:12 leading 28:1 learned 42:18 least 13:14 129:6	174:10 leave 156:8 led 179:18 leeching 54:7,9,19, 25 55:14 56:14,19 154:4,6,15 ,22 legal 11:11,17,1 9 12:9 14:2 15:21 18:18 123:18,25 167:2 169:2 Legislative 22:3 legs 177:17 length 85:24 86:1 139:19 less 36:19 79:18 167:9 less- expensive 23:12 lessons 42:17 let's 111:13 145:1 letter 91:9,12,14 ,17,24 92:6 149:22,25 letters 40:23 letting 182:14 level 41:25 162:16 li 123:18 lic 128:25	licence 21:17 25:12 26:19 27:11 28:2,20 31:25 34:16 39:12 41:6 42:25 44:24 45:24 48:24 49:4,9,10, 21 61:13 78:10,17 79:22,23 83:18 84:17,24 85:23 86:2,4 115:25 116:4 117:12 118:3,11 120:25 122:12,16 123:5,17,1 9,20,22 124:1,6,10 ,11,21 125:16,18, 20 126:3,14 128:12,14, 15 132:8 135:4,8,25 139:20 140:5,11 149:5,9,24 150:1 157:18,20, 22 158:2 160:6 161:9 162:15 163:1,2,12 164:5 165:3,4 168:19 169:6 172:7,11,2 0 173:3,22	licences 57:23 159:3 160:1 163:19 172:13 license 39:19 licensed 37:13 40:10 41:1,9,10 97:18,20 98:13,16 licensees 40:12 licenses 52:14 169:9 licensing 28:5 119:5 126:14 life 22:1,7 lifetime 118:20 lifts 33:9 Light 24:7 lighter 106:17 likely 103:8 151:24 Lillian 13:9 14:16 183:12,13, 17 limit 83:5 118:16 123:18 124:22 154:21 163:23 164:15 166:4 limited 54:16 154:12 170:2
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

limits 164:13	23:10	110:5,6	149:1	132:3
line 146:9	Liz 14:7	131:10	managed	133:4,8,17
lines 167:13	local 23:5	140:20,21	24:24	134:3,8,25
168:20	97:15	Loud 150:22	49:18,20	136:18
linked 123:7	located	louder	64:13	137:25
linking	35:17	179:10	107:14	138:18,22
16:20	103:7	lower 36:7	120:20	145:22
22:12 23:3	134:9	106:14	121:25	148:15
liquid 67:16	location	lunch 17:19	123:3	149:6
list 4:3,4	32:5 158:4	111:12,16	management	156:10
5:1 6:1	168:15	_____	3:3,7 4:15	162:4,10,1
18:17	169:23,24	M	8:14 11:24	9,22,25
68:21	locations	Mackenzie	16:8 19:15	163:2
81:18	32:8 35:2	36:13 41:7	20:2 23:24	168:10
112:10	42:10	80:6	25:20,21	182:10
117:14	79:13	main 47:11	27:18,21,2	manager
151:1	81:8,18	134:7	4 30:17,19	15:16
listed 69:7	84:13 85:3	142:16	31:1,9,11,	managing
102:11	89:3 93:17	148:21	12,13	23:21
135:23	96:20	mainly	35:13,23	141:7
listen 16:23	135:18	143:17	37:4,5,14,	mandate
142:2	150:8	maintain	18 38:8	28:12
listening	151:12,24	28:14	39:22	mandatory
17:2	164:6,25	37:20	41:3,12,18	125:17
listing	log 40:3	42:23	42:12,19	mandate
91:10	logs	123:3	46:25	manner 24:25
lists 102:6	70:14,18,2	maintaining	48:21	25:10
litre 164:16	1	28:8	60:10,15,1	26:16
165:24	long 121:15	109:6,9	6,19,21	34:24
166:18	124:1	maintains	61:1 63:13	50:23
170:5,8,10	128:25	38:16	64:2,18	134:18
,12,13	longer 86:4	maintenance	68:13,14,1	137:18
little 16:16	129:5,8,9,	11:3	5,25	map 36:15
66:18	14 140:12	29:5,11	69:5,6,12,	March 70:22
94:15	long-term	35:25 59:7	13 70:24	Marie-Anick
97:22	107:24	89:5 106:7	71:23	14:12
130:11	119:14	119:14	74:13 97:6	marine 133:8
139:7,25	122:24	121:24	99:7,10,11	mark 1:13
142:9,20	lot 142:10	major 120:5	100:5,16,1	13:20 65:5
143:24	143:19	majority	9,23	85:18,19,2
158:6	Lou 1:14	32:12	101:3,8,18	0 86:6,11
169:17	13:20	Malone 3:6	102:8,12,2	97:7,8,9,2
live 143:2	105:8,9,10	16:10	1,22	5 98:22,25
178:10,11	,13	mammal 133:8	109:23	104:13,15,
lives 178:13	106:10,11,	manage	112:8,9,15	16,23
living 22:15	20	26:5,16	117:18,22	105:5
	108:1,13,1	30:22 59:6	118:5	112:3,4,5,
	5,18		119:9,18,2	24,25
			2,25	129:21,22,
			120:3,4	23
			125:6,12	
			126:19	
			131:21,25	

130:16,22, 24 139:2,4,17 140:8,17,2 0 Mary 7:5,7,11 14:16 183:7 Masi 7:11 material 33:24,25 51:4 54:8 55:2 56:21 59:4,17,19 113:7,15 154:4 155:15,22 materials 56:2,3 155:12 matter 12:11 18:23 56:9,23 69:24 matters 11:19 17:10 18:20 20:17 117:21 maximize 26:11 maximized 35:21 maximum 47:24 161:10 may 10:19 12:10 38:24 41:16 43:10 45:20,21 57:2 63:19 66:19 84:14 85:4 98:13 110:3	124:16,17, 19 126:5 152:7 159:5 161:12 165:23 168:5 174:12 178:13 maybe 93:17 94:15 108:2 138:6 143:9 147:16 163:7,8 Mayor 13:13 MCCORMICK 47:23 McGregor 2:21 16:1 58:15,18,2 1,22 59:12 88:6,9,18 106:23 107:2 108:9 109:3 McLeod 13:23 mean 19:14 67:14 meaningful 132:19 means 23:25 24:12 109:25 measure 39:5 55:1 105:25 measured 166:12,14 measurements 89:1 159:20 measures 41:2 56:12 119:13 143:23	148:20 170:16 174:15 meet 29:25 32:20 39:13,16 62:24 123:25 meeting 31:7 40:3 70:21,25 71:24 74:14 77:14,17 138:12 174:3 177:24 178:23 183:6,11 meetings 39:25 71:7,12,17 73:9,11,24 76:9 meets 24:10 49:3 member 1:12,13,14 12:15 13:22 44:3 63:20 97:7 104:13 110:11,17 111:2,6 117:8 129:22 134:5 140:24 141:19 members 1:10 8:9,16 11:11 12:10 13:14,15,1 9,21 14:5 17:25 20:25 21:13 26:25 27:13 66:9 85:16	128:7,8 130:4 131:10 133:23 137:9 145:24 157:2 175:13 178:1,20,2 5 179:25 181:10 mention 10:23 mentioned 27:8 45:24 90:14 96:15 98:17 114:20 126:17 Mervin 13:13 met 28:4 42:25 46:4 73:14 74:5,12 76:23,24,2 5 119:10 132:24 134:17 137:17 138:16 metal 54:7,9,19, 25 55:14 56:13,19 154:4,5,15 ,21 155:20 methods 24:17 30:17 33:20 37:15 38:23 51:1 56:5 74:6 metres 162:14 166:13,14 mic 66:10 141:1 Michael 2:19	15:25 microphone 17:16,25 18:10 44:4 110:14,15, 23 131:14 146:3 178:16 middle 17:20 mid-morning 17:19 mid-November 90:5 milligrams 164:16 165:24 166:17 170:5,8,9, 12,13 millimetres 106:3 million 23:7 Mina 13:23 mind 51:25 mineralogical 1 54:16 154:12 minimal 36:8 42:15 minimize 41:13 103:13 162:8 174:16 minimized 121:2 minister 8:10 15:5,11 21:9,11 27:8 118:13,15 122:3,6 125:8 133:13 Minister's 124:23
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

159:22,25 160:19 navigability 73:25 navigating 142:13 nay 43:19,25 near-surface 86:23 NEB 14:13 necessary 123:8 negotiate 144:1 negotiations 90:2 neither 181:18 network 149:24 150:6 151:10,22 152:24 157:16,17 158:1 159:6 160:8 161:6,17 162:3,12 165:3 169:7,11,1 6,24 170:24 Neudorf 2:11 15:6,11 21:10,11 27:6,9 43:4 Neudorf's 102:2 nine 183:3 nitrate 152:22 nod 146:15 nominations 8:11	non-hazardous 37:8 40:24 97:13,17 99:7 non-water-licence-holders 70:8 noon 17:20 normal 17:11 normally 12:25 161:8 north 32:10,14 36:4 70:16 113:13 Northern 8:10 12:5 34:18 35:8 38:19 62:22,25 68:17 157:6 161:13 164:2,21 165:5 168:3,6,13 171:1,20 174:25 175:10 176:4 Northerners 22:5 Northwest 1:1 7:18,24 8:12,14,19 21:23 22:4,18 24:11 26:21 28:5,9,18 40:4,8,20 43:1 45:7 54:21 61:22 62:1 63:10 67:7,13,18	70:6,9,16 71:1 74:22 89:15 98:14,16 103:8 141:11 149:2 151:6 153:11 154:17,20 159:3 168:11 169:10 Northwind 16:2 note 31:2,19 56:2 62:12 134:23 139:21 noted 65:11 79:6 85:25 102:2 148:24 notes 53:2 notwithstanding 48:25 November 23:23 29:22 31:8 76:24 89:14,18 NTW 117:10 nullify 180:4 Nunavut 118:18 NW/DOT 2:15 NWT 1:20 7:13,18,19 9:21 21:16 27:10 77:23 118:18 120:11 122:1 123:13 132:5,14 135:2,7	182:14 NWTWB 2:4 <hr/> objective 37:19 109:6 134:7 objectives 35:14 observations 88:22 89:4 110:1 141:22 178:3 obtain 8:3 32:2 obviously 106:6 occur 34:10 38:1,24 41:17 54:19 76:1 80:7 94:13 124:5 151:23 154:15 155:22 159:5 160:20 occurred 29:14 occurring 121:17 135:5 152:4 155:22,25 163:20 occurs 138:1 Oceans 32:21 72:10,20 133:10,14 o'clock 183:2,3 October 1:21 6:10 31:8 33:2 90:16,19	91:3 180:10,17, 24 181:6 office 14:6,8 16:16,19 147:13 officer 147:12 officially 167:8 183:11 of-way 34:2 Oh 69:25 okay 17:9 19:23 20:23 43:7 45:22 48:10 66:19 70:3 110:22 111:1 115:16 127:15 131:11 138:24 140:22 141:2,9 146:13,16 148:4 150:21 151:16 158:19,22 178:19 180:22 181:8 ones 17:3 93:22 ongoing 11:2 12:6 31:21 42:13 onto 50:7 60:4 68:20 75:16 95:20 107:19 open 34:15 43:8 80:21 136:13
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

156:9	s 22:5,9	Orr 2:18	oxygen-rich	174:18,19
160:18	23:11	15:25	143:4	179:23,24
174:12	opportunity	105:17,20, 21	<hr/>	parameter
175:24	12:24	others 25:18	<hr/> P <hr/>	163:23
178:14	110:18	otherwise	p.m 111:20	parameters
opened 23:23	111:4	100:8	127:12,13	33:18
34:20	117:10	ought 36:13	177:20,21	108:25
opening 4:6	126:8	ours	183:23	150:8
7:6,9	127:25	182:8,17	package	151:13
15:5,6	132:6	outcomes	26:20 27:1	157:25
21:10,15	136:23	61:3	73:22 74:3	159:10
28:16	140:25	outline	packages	160:3
183:2	143:25	10:12	26:1	161:16
opera 35:14	145:21	11:18	page 4:2 5:2	164:25
operate 24:9	146:23	21:20	6:2 61:12	168:17
49:7 124:9	178:25	60:19	130:1	pardon 16:9
operated	179:3,7	72:14,23	panel 1:10	121:19
34:23	181:13,20	75:24	29:25 57:3	partial
operation	182:4,6	121:9	66:9 75:20	89:21
11:2	option	169:11	76:2 77:12	participant
29:4,9,11	166:19	outlined	118:12	165:15
38:25 49:1	169:21	12:11	122:2	participants
50:1	170:4	122:4	Paquin 1:12	13:9 26:25
59:6,20	optional	134:16	13:20 44:3	132:20
107:11	36:14	137:15	63:23,24	participatin
110:4	options	138:9	64:7,8	g 176:4
114:24	35:14	178:22	65:19	participatio
122:11,23	121:10	outlining	66:10,15	n 12:21
124:3	162:7	7:14	67:3,4,11	particular
125:23	169:15,21	132:12	68:2,5,10, 11 69:20	63:21
operational	172:15	outside	99:1,4,5	85:15,17
26:10	order 7:4,13	96:1,20	100:15,16	107:6
28:14 59:7	43:9 48:12	98:13,16	101:15	109:19,25
operations	111:23	outstanding	103:2,24	178:12
24:14	117:22	68:22	104:9	particularly
28:18 36:2	126:25	overall	113:4,5,18	11:3
38:2 50:11	159:14	99:10	114:10	parties 9:11
51:7 80:25	177:24	102:7	115:2,8	10:7 12:9
107:18	organization	108:3	128:10,22	18:16
110:1	14:11	109:4	129:17	19:13,14,1
118:1	20:10	over-land	137:12,13	9 21:13
121:25	organization	35:18	138:4,5,24	31:21
opinion	s 39:14	overview	157:4,5	43:10 60:9
153:7,10,1	40:2,6	132:10	161:4	69:16
8 168:9	72:16	oxygen	163:6,7	70:22
171:20	organizing	143:4,13	164:1,2,20	72:11
opinions	14:24		168:2,3	119:8
10:14,20	original		170:21	173:23
opportunitie	85:25		171:15,16	174:1
			172:24,25	

175:3 176:6 partly 93:15 94:10 partnership 22:1 partnerships 22:24 party 167:8,24 176:18 pass 48:16 122:19 past 177:5 Paul 3:17 147:24,25 150:13 155:2,4 pause 19:21 43:16,22 46:8 47:17 49:14 51:21 52:3 53:10 55:4 58:12 59:10 60:1,23 63:6,19 65:1 67:9 70:1 75:3,13 77:8 83:12 86:13 87:20 88:1 94:4 95:12 97:2 99:19 100:13 110:20,25 116:17 144:19 145:6 156:13 179:21 182:21 PDPs 122:4,13 peak 106:5 pending 34:15	people 11:9 13:12 24:11 67:12 141:16 146:6,11 170:7 178:10 per 54:21 100:4 154:17 160:17 163:1 164:12,16 165:24 166:17 170:5,8,10 ,12,13 percent 32:25 36:18,19 79:10,19 83:5 118:15 124:16,22 perfectly 111:9 performance 66:25 107:25 124:4 126:3 136:2 139:22 perhaps 14:25 21:3 53:7 65:4 108:13 131:1 179:19 181:16 period 4:9,12,16, 20,23 11:1 12:18 28:24 29:3 34:14 43:6 78:16 80:23 86:5 103:13 125:22	126:23 128:15 129:5 136:10 140:13 144:14 148:8 164:7 165:25 permafrost 50:11,12,1 6,18,24 51:2,5,8,1 6 53:16,20,2 3 57:14 65:22 66:1,24 67:2,5,22 86:17,23 87:2,4,12 88:23 106:17 107:10,22 108:11 109:9,21 110:3 permanent 29:7 permit 6:6 34:16 45:25 46:1,5 48:20 49:22,23 59:16 64:14,17 65:17 113:22 115:20,25 149:13 permitted 17:5 person 147:15 Personal 7:25 personnel 29:20 persons	11:13 perspective 96:4 pertaining 149:5 pertinent 9:7 113:8 114:5 petrographic 55:17,23 petroleum 31:15 pH 152:21 155:24,25 159:21 phase 153:12 Phillips 14:2 18:19,22 19:11,23 115:14,18, 23 116:6,14,2 2 167:5,6 180:13,15 philosophy 108:3,5,10 ,19 109:4,11 phone 3:17,18,19 16:17,22 17:3 145:24 146:15 147:7,12,1 6,17,18 148:1,3 150:17,24 151:17 155:5 158:20,23 159:1 161:22 163:13 164:9 165:9 168:23 171:9	172:1 173:17 176:14 phones 17:12 photography 25:15 physical 55:23 piece 45:21 pipeline 141:17 pit 6:8 34:16 35:6,11 38:9 44:9,11,12 ,16,18 45:2 46:14,23 47:3,7,12, 14 48:22 49:1,8,9,1 0,17,20 50:1,7,10, 15,22 51:3 52:14 55:20 57:22 59:16 64:1,11 65:21 75:19,23 76:15 77:1 113:22 114:20,24 115:4 118:21,25 121:20,21 152:21 179:15 180:17,22 181:3 pits 6:4 34:20 45:2 50:14,19 51:6,16 53:19,23 54:3,19 55:13 65:15 76:18,22
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

77:2	114:21	86:17 97:6	4	pleasure
152:8,13	115:5	102:7,11,1	88:7,10,11	21:15 27:9
154:15	119:12,15	6,21	,17	182:8,17
placed 17:14	120:3	106:19	89:21,23	plentiful
33:25	121:12,21	112:15	90:11,25	38:16
34:10	122:17	118:21,25	91:21	podium 16:18
164:4	125:9,13	119:1,19	93:5,10	point 10:11
placement	130:4	120:23	96:7,12	15:13
33:7	134:8	121:21	98:1	71:18
placing 34:6	137:25	125:14	99:13,15,1	105:4
157:25	144:2	138:18,22	6,21,24	115:3
plan 6:8	162:4,20,2	163:2	102:19	130:25
23:3 25:20	1,22,23	play 162:11	103:16,23	146:10
27:19	173:9,21	played	104:3,24	158:10
30:19	174:2,3,5	131:17	105:8,14,1	163:16
31:10,11,1	175:5	plays 117:17	7,19	164:5
2,13,16,17	179:16	pleas 57:1	106:21,24	168:7,8
,18 32:6	180:17,23	please 15:10	107:1	points 158:5
33:19	181:3	17:11,15	108:7	168:16
35:1,13	planned	18:8,10	110:12,17	policy 15:18
37:4,5,15,	37:11	27:6 44:5	113:3,10,1	24:8
19	41:10 42:9	45:13,16,1	7 114:18	pools 155:19
38:7,8,11,	78:16	8 46:15,20	115:17	portion
13,17,21,2	97:19	47:20,21	127:10	151:25
2	planning	48:14	128:9	160:14
39:2,5,7,1	15:18	49:20,21	131:13	pose 97:7
5,19,21	21:20 28:8	48:14	136:15	131:1
41:4,12,18	73:15	51:23,25	137:11	position
44:11	100:18	52:1,7,10,	139:2	74:19,20
45:3,10	134:25	25 54:4	140:25	129:3
48:21 51:3	plans 24:17	56:24	146:16	167:7,17
60:5	25:21	58:9,20	147:2,10	positions
61:15,18	26:18	59:22,23	149:7	10:15
62:21	27:17 28:2	62:18	151:3	positive
63:1,17	30:18,22,2	63:15,20,2	153:1	37:3
64:2 65:21	4 31:6,19	1	155:4	possible
70:24	34:17	64:5,10,15	158:19	24:25
73:19	35:6,11	,20,25	161:20	41:15
74:10,13	37:1,3	66:6,14	164:8	74:21,23
79:7 80:9	38:4,6,9	67:24 68:8	167:4	77:15
87:12	39:22	69:10,25	171:8	123:24
92:14,16,1	42:12,17	70:4	175:19,25	168:17
9,22	44:9,12,16	71:9,14	177:16,25	175:21
93:1,9,19	,18 48:22	72:4	178:14,17	possibly
99:7,10,11	50:8,10,15	73:2,5,6	179:7	114:6
100:4,5,16	55:21	76:4,11	180:7	140:12
,24	59:17	77:19	182:11	posted 10:5
101:2,9,18	60:16,21	78:19 79:3	183:13	
102:8,12,1	61:2,3,5	80:11,16	pleased	
4,22	68:13,25	81:14,16	12:14	
112:8,9,21	69:6,13,15	82:1,24	134:24	
113:23	75:19,23	84:22	148:13	
		85:18 86:7	174:24	
		87:18,23,2		

18:5	constructi	11:21,25	96:1,20	proceed
posting 9:8	on 42:5	12:12	114:23	30:14
poten 54:6	predominantl	15:4,9	116:8	83:17
potential	y 133:21	20:1,5,8,9	139:22	101:13
22:6 35:2	prefer 18:1	,24 21:5,7	169:9	148:6
37:22,23	pre-hearing	27:1,11,12	180:21	168:20
41:21 42:3	26:1 44:17	28:3	previously	proceeding
51:15	55:7,16	43:14,20	180:5	18:11,25
52:18	70:11	62:12 69:7	primarily	20:3
54:7,10,25	79:12,19	90:17	35:25	165:13
56:18	81:6	97:11,13	principle	167:24
58:3,24	87:5,13	101:19	69:5	proceedings
73:12,25	88:25	102:3,6	principles	12:20,23
80:19,24	89:11	110:13	62:5	14:10
83:7	90:13 91:8	117:1,5	125:12	17:14 18:4
134:18,19	92:12	126:8	prior 34:22	19:2 43:8
154:3,6	preliminary	127:2,5,22	76:24 85:6	123:17
155:10,24	11:18	129:25	94:24 95:6	process 10:5
166:19	17:10	131:23,25	106:1	31:1,20
169:15	18:23	136:20	118:22	61:2 107:8
170:4	19:12,16	137:10	122:14	119:5
potentially	20:16,17	139:20	171:18	133:6
36:12	61:16	141:5	172:12,14,	138:19
76:21	73:22	142:5	20	150:2
PowerPoint	preparation	144:24	173:7,11,2	169:3
19:25	168:19	146:18	1	177:4
20:5,8,9	prepare 10:1	147:4	priorities	processes
practice	prepared	presentation	24:12	24:13
31:13,14	160:7	s 11:22	133:16	production
69:18	162:23	12:8 19:17	pro 62:10	112:7
practices	165:5	presented	109:14	productivity
26:12	169:6	78:17	problem 92:6	117:24
35:23 62:3	173:20	119:4	procedural	132:22
68:15	preparing	138:18	11:18	program
69:17	68:21	presenters	17:10	15:16
prayer 7:6,9	present 8:16	11:15	18:19	39:17
13:8	10:14	12:11 18:7	procedure	60:11
183:13,15	71:12	preserve	20:14	76:24
pre 9:23	74:5,12	132:18,21	31:12	93:16,25
54:14 74:6	117:11	pretty	100:5	94:11,21
82:16	132:6	142:24	procedures	119:20
120:7	135:10	143:16	9:5 11:4	120:5
154:10	147:20	144:7	12:7 26:11	121:9,13
preamble	153:6	prevent	27:21 37:2	123:11
53:3,15	181:15	33:21	69:18	145:22
precluded	182:4,15	37:2,15	100:8,19	149:24,25
91:25	presentation	38:5 39:4	101:1,2,3	150:6
pre-	4:8,11,14,	41:4,13	102:7,11	151:10,22
	18,22	50:24	112:10	152:24
		167:11	previous	157:16,17
				158:1

159:6,12	85:23	53:18	28:10	12:5,16,24
160:8	111:7	54:14,23	36:17	21:10
161:6,17	117:13	55:12	40:17	23:12
162:3,13,2	118:2,20	56:11 57:1	41:24	27:10,13
1 165:3	119:3	60:8,14,17	50:18,22	33:1 52:15
169:7,16,2	120:1,4,6,	,19 61:15	51:2 55:2	57:24
4 170:24	17	62:9,14	73:23	61:14,23
171:12,18,	123:2,6,9	63:10	74:6,9	63:10 65:8
23	125:6	64:15	80:1 83:23	71:5,16,20
172:7,9,16	126:6	65:23	84:10	79:21 81:7
,20	132:9	67:5,21	93:14	82:18 87:1
173:2,7,20	134:12,14	69:4	122:18	89:14 95:8
,24	135:11	70:10,13,1	139:19	96:3 98:8
174:10,21	160:14	4 71:2,4	150:4	102:15
175:2	164:12	72:6,14,23	151:8	113:21
176:19	178:22	74:20	165:21	114:4,22
programs	179:2	78:13,14	169:16	116:11
62:8	projected	79:14,17,2	174:8	126:2,9
109:24	36:3	0 80:6	179:11	135:16
119:22	109:18	82:3,17	protect	148:14
123:8	projects	83:16,24	24:17 67:1	150:3,7
124:7,8	23:2,21	87:1,3,11,	123:3,6	151:6,12
169:12	61:22	14,16	126:5	152:23
171:3	177:7	88:14	132:21	153:10
progress	project's	89:12,14	protected	154:19
134:24	24:23 26:8	90:14,17,2	26:13	160:4,7
136:7	27:20,22	0	176:21	164:23
progresses	31:9 32:4	91:9,13,16	protection	165:14
85:2	35:24 36:6	93:3 95:22	31:16,17	166:21
project 8:23	37:14	96:3	38:8 73:19	167:10,12,
10:13,16,1	40:9,13	101:17	74:10,13	21
8 15:14	41:3,11,21	104:11	79:7 80:9	168:4,14
21:22,25	84:10	122:4	108:11	170:6
22:2,6,22	124:8	154:10	117:18	172:4,19
23:9	project-	161:12	119:12	178:2
25:6,9,11	specific	171:16	125:15	provided
26:15	60:9 120:2	172:19	130:3	12:19 13:1
27:3,18	promote	174:25	133:17	20:11
28:21	23:15	proponents	protocol	26:19 32:7
29:21,24	prompted	20:19	36:20	35:12
30:5	53:6	61:24	118:16	38:10
35:17,19	proper 136:5	Proponent's	124:15,21	39:10,11
37:1,10	proponent	20:8 61:13	protocols	40:4,6
38:5,15,25	19:14 20:4	62:10 64:8	136:3	57:10
40:6	44:9,11,20	78:6 79:24	protocol's	70:14 71:1
41:1,9,17	,25	148:20	124:22	78:7
42:4 52:20	45:9,10	proposal	proven 23:20	81:9,19,21
58:25	46:12	23:2 25:3	26:17	82:3,15,22
61:24	50:17	propose 61:4	provide	83:18 85:6
70:19	51:14	105:12,22	11:19	91:9 92:1
73:12 74:1		179:13		102:23
84:11		proposed		114:21
				117:14

123:25	15:15	166:4,6	46:18,19	139:18
134:1	purpose	168:18	48:14	140:9
153:19,21	70:22	170:3	50:7,17	144:14
165:13	76:21	quantified	51:13	146:2,18
172:9,12	103:21	54:8 154:5	52:7,25	148:8,23
provides	purposes 8:3	quantitative	53:4,6,13,	149:21
41:18 62:2	155:17	51:15,18	18 54:2,23	150:19,25
79:25	pursuant	52:17	56:11 57:1	151:5,11,2
83:23	40:20 49:2	53:19,22	58:16	0 153:5
121:5	70:16	57:5,12	59:2,22,23	154:2
134:10	74:21	58:2 59:15	60:4,17	155:8
providing	pursue 22:21	66:23	61:12 62:9	157:3
22:5,8	pursued	quantity	63:9,21	158:19
87:11	25:10	24:18	65:20	159:2
90:18	push 107:20	27:22 39:6	66:16,20	160:11
113:24	pushed	42:23	67:4,21	161:5,24
117:24	143:22	119:4	68:6 69:2	168:13,25
132:5	push-up 42:6	134:20	70:12 71:4	169:1,17
133:12	124:24	135:18	72:1,3,22	171:3
165:18	push-ups	quantity-	74:19	172:18
169:2,5,18	41:25 42:8	related	75:16	174:7,23
171:17	120:8	61:18	77:11	175:22,23
provision	142:25	quarries	78:4,13	176:3,23
9:10 92:6	143:1	54:11	79:5,12	179:19
provisions	PW 77:4	148:19	80:4	180:7
120:25	PW-10 35:10	154:7	81:5,25	questioning
public 1:5	<hr/>	quarry 34:16	82:24	86:17
5:5 7:16	Q	48:24	83:10	questions
9:8,9	qua 134:20	52:14	85:12 86:9	12:13 17:5
10:1,11,20	quality 8:1	57:23	87:5,14	18:12
12:10,15,2	22:1,7	59:16	88:10,13	19:17
0 13:1,13	24:18	113:21	89:10,12	20:15
18:1,24	27:23	115:25	90:1,10,13	26:24
19:3,8	37:20	116:3	91:7,8	43:9,13,20
21:16 25:9	38:24	119:2	92:11,13,2	44:1,5
26:25	42:23	153:8,11	3 94:7	50:5 53:25
27:13,16	61:17	quarrying	95:4,21	56:9,23
28:9,16,19	92:24	34:15	97:6,8,10	64:1,4,9
59:1 69:7	134:21	50:11	99:2	65:22
72:7,12	135:18	118:23	101:17	68:4,5
110:11,18	150:9	ques 77:13	102:9	69:21
111:2,6	151:14	105:9	103:3	75:11 78:1
131:12	152:6,10	question	104:14	81:23
140:23,24	162:17	4:9,12,16,	105:22	82:11
157:8	163:11,15,	20,23	106:12	85:10,14,1
178:2,15,2	17,21	12:10	108:2	6 90:8
0 179:1	164:4	18:16	113:2	95:2,19
181:10	165:1,22	43:6,10	115:1	101:13,16
pull 177:24		44:8	126:23	104:8,10
Purcka 2:14		45:9,20	128:11,23	105:8,10
			129:21	110:9,12
			130:17	111:25
			136:10	112:2,13
			138:6	

113:5	reading 58:4	141:10	132:14	references
115:11	reads 52:12	145:14	133:13,16	78:8
127:2,5,16	realities	147:6	135:4,7	referencing
,20,25	25:22	168:5	137:20,23	53:4,5,13
128:3,4,8	really 71:22	172:25	138:11,16	referring
131:10,12	157:6,19	177:11	139:6	64:17
136:14,18,	166:5,21,2	recognized	149:3	130:7
23,25	3 167:17	13:13	154:19	137:21
137:2,6,7,	174:9	44:13	157:24	162:5
10 139:1,5	rear 10:9	47:12	158:9	refers 58:23
140:24	reasonable	recognizes	160:8	59:4
141:3	24:24	37:22	161:14	reflect
144:17,22	rec 138:10	121:18	164:3,11,2	59:17
145:3,4,8,	receive 7:20	141:6,14	4 169:19	63:17
21	23:4 174:2	Recomm 60:13	182:15	regard
146:24,25	received	recommend	recommending	156:11
148:11,15	8:18	124:20	128:14	167:3
151:1,19	10:1,4,24	135:12,19	recommends	regarding
156:5,8,10	19:25 20:9	136:1,5	121:8	9:25 60:4
,16,19,25	25:6 65:4	recommendati	123:21	63:12 70:7
157:1,8,14	180:23	on	124:11	71:5 75:23
,15 165:16	receiving	44:10,14	reconvene	87:2
170:19,23,	26:24	45:11	111:13,17,	92:13,19,2
25	54:12	50:9,12,19	23 182:25	1 113:5
175:10,13,	154:9	51:14	record 5:5	148:15
25	recent 32:6	52:6,8,12	17:15 19:9	153:11
quick 97:10	134:24	53:16,17	23:20,24	169:7
105:9	recently	57:11,17,2	157:12	regards
quite 66:24	76:25	0 58:23	169:4,14	51:16 52:8
111:5	recessing	59:4 60:7	176:2	53:20
112:10,21	48:7	68:20	recorded	70:23
114:6	111:19	75:17	18:4,8	74:20
138:5	127:12	86:21	records 40:3	76:15
Quyanainni	177:20	87:1,16	recreational	89:16
43:2	reclaimed	88:15	23:14	91:18
<hr/>	50:23	128:12,24	redid 96:22	157:16
<hr/> R <hr/>	reclamation	148:16,17	reducing	158:7,10
R43 57:4	35:15	153:6,13,1	148:17	161:7
raise 19:18	44:17	7 165:18	reduction	regime
raised	45:1,5,6	recommendati	23:10	108:24
19:13,16	46:3,4	ons 9:13	reference	109:21
41:20	50:14,17	30:8,13,16	53:15	region 7:24
74:24	67:1 119:1	44:15	61:20	24:19 26:5
77:16,21,2	122:10,17	59:13	62:11	35:12
3	recognize	75:22	68:15	42:24
rather 18:1	13:12	101:22	102:13	126:20
110:16	131:16	117:15	referenced	regional
173:11		118:8,12,1	52:6 72:17	15:17
177:15		4 119:6		23:6,13
ratio 107:7		122:2		
		126:13		

90:2	164:14	repeated	179:12	126:3,4
register	179:17	120:15	requested	173:1
18:25 19:3	relates 7:22	rephrase	13:3	176:7
registered	10:13 11:4	46:22	requesting	requires
10:13	139:19	168:13	31:25	40:9 44:10
regs 49:3,5	relating	replaces	163:3	50:12 60:7
regulate	119:19	180:20	requests	75:17
122:10	relation	report 9:18	9:23 10:2	86:21
123:5	74:8	22:22 30:4	25:25	153:6
Regulation	relationship	39:2,5,11	79:13	172:12
54:21	s 22:25	55:20 57:4	135:1	requiring
122:7	relative	75:20	require	32:19
154:17	68:16	76:2,16	35:19	169:22
regulations	88:19,23	77:12	44:15	research
9:4 45:8	108:11	95:24	47:22 65:6	133:16
regulator	179:10	125:21	68:22	residents
120:23	release 47:4	134:17	122:16	21:14
148:25	released	137:16	125:21	22:2,8,15
regulators	30:4	139:13	174:11	23:1,5,12
24:22	46:24,25	reporter	required	26:21
31:21	47:2	14:20	8:25 9:3	resource
34:21	152:8,11,1	reporting	30:25	35:13
38:10	3	125:24	35:16,19	36:14
39:10,14	relevant	135:12	45:7 48:23	48:21
40:1 42:15	60:8,11	136:2	59:5,15,18	147:12
61:4 62:25	68:16	139:6,8,15	,19 61:7	resources
69:16	remain	140:4,7	70:15	9:21
94:23	121:15	reports	74:21 85:4	12:3,14
121:16	remains	135:13,17	118:7	26:13
135:2,15	92:17,20	153:22	123:7	126:5
139:10,16	remarks 13:3	182:18	125:24	133:12
regulatory	15:5,7	represent	152:20	135:6
26:4,8	21:10,15	18:9	159:12,14	141:7
117:25	removal	representati	172:14	145:19,25
159:3	120:9	on 42:7	174:10,16	146:11
reject 7:21	124:16,25	representati	requirement	147:23
relate 10:15	143:4	ve 12:1	8:3 49:7	148:5
12:17	removed	representati	149:23	150:20
122:22	79:14	ves	172:6,18,2	155:7
141:22	removing	16:13,25	5 180:4	163:14
related 10:4	143:11	represented	requirements	165:11
28:2 30:16	renewal	133:1	26:21 28:5	168:9,25
62:3 71:22	124:10	representing	29:25	172:2
97:10	repeat 66:16	11:13,14	32:21 33:4	176:16
105:2	88:10	16:5,7	36:5 39:16	177:3
117:21	150:25	request 10:7	46:2,4	respect 25:4
122:3		13:4 66:9	49:4 59:7	60:18
149:10			106:1	64:1,17
			112:11	65:21,22
			122:5,12	68:6 80:4
			123:16,25	100:24

101:3,18	ties 12:7	30:4,5	river 36:13	24 55:14
103:3	27:15	31:5,21	41:7 80:6	56:13,18
108:19	146:21	32:25	151:25	154:3,5,14
109:24	147:8	38:10	road	,21 155:11
120:17	responsibili	42:8,13,17	22:13,20	Roger 1:11
128:11,24	ty 47:1	57:3	23:18	7:12
129:4	responsible	59:2,13	33:16 34:6	role 42:17
139:6,8	24:24 28:8	60:9 118:9	36:21 42:9	117:18
149:9	119:23	122:2,7	54:11,20	126:18
157:24	133:8	125:8,23	55:25 56:3	131:16
158:4	restrain	137:20,25	86:24	133:11
161:6,14	23:8	138:22	87:8,9	141:6
164:3,24	restrict	160:6	106:19	roles 133:6
168:15	56:13	166:8	108:4,20	Ron 2:4
170:23	restricted	172:10	120:12	13:25
174:20	159:9	reviewed	140:3	56:24,25
respecting	restrictions	140:12	142:9	57:18
117:25	159:17	reviewing	144:10	83:10,14,1
respects	result 26:7	74:3	148:19	9
126:18	40:18 49:8	reviews 61:3	149:1,6,10	84:2,3,15,
respond	54:10	revise 174:5	,11,16,17	16,21
45:13,16	106:16	176:18	154:7,16,2	85:10,11,1
66:8,12	154:6	revised 91:9	2 155:12	3 97:5
73:5 80:14	resulted	Rhonda 2:13	159:4	128:4
88:7 96:10	103:8	15:19	169:10	137:3,4,5,
99:23	resulting	Richea 3:18	178:12,13	9 156:24
105:17	51:8 56:19	148:1,2,5	roadbeds	Ron's 13:25
106:24	61:3	150:17,19,	103:5,7	room 10:9
responded	149:16	24	roads 29:10	11:8 14:5
37:17	results 39:9	151:17,18	35:2,20,21	17:22 48:4
44:20	55:19	155:5,6	36:1,7	rounds 25:24
79:15	73:23	158:20,21	73:17	route 10:18
response	125:23	159:1	roadway 79:1	141:18
9:18 20:19	135:14	161:22,23	107:15,16,	142:9
25:24	139:10	163:13,14	25	178:5
31:12,15	resuming	164:9,10	Rob 58:18	routes 42:9
41:18	48:8	165:9,10	Robertson	Routing
48:14 60:6	111:20	168:23,24	2:12 15:18	35:21
64:8	127:13	171:9	Robyn 2:21	roving 17:25
65:20,22	177:21	172:1,2	16:1	row 177:13
75:21	return	173:17	58:15,18,2	rule 20:14
77:13 87:5	57:2,21	176:14,15	0,21 59:12	108:6
89:11	review 8:24	right-of-way	88:6,9,17,	173:19
90:13 91:8	9:12,13,14	103:12	18 89:7	rules 9:5
92:12	,17,24	rigorous	106:23	20:14
121:10	25:7,21	52:16 58:1	107:1,2	running
148:17,24	26:25	59:14	108:7,9	169:20
150:16	29:25	159:25	109:3	
161:5	responsibili	rinter 149:6	rock	
170:23			54:7,9,18,	

runoff 54:10 154:7	sc 123:12	148:21	40:5 61:15	short-term 140:11
rush 110:22 178:18	scenario 152:18	sections 32:14 36:4 40:20 49:5	70:13 72:13 74:4 78:6 79:25 81:20,21	shoulder 107:16,19
rushed 144:5	scheduled 74:14	Sediment 162:21	87:3 91:11 92:16 95:22 149:22	shoulders 106:13
Russell 2:11 15:6,10,11 21:10,11	scheduling 31:7	sedimentatio n 31:10 33:18,19,2 1 37:24	sequence 9:3	shows 29:13 32:8 33:11 34:5 35:1 36:3
<hr/> S <hr/>	Schmidt 2:20 15:24	38:6 92:14,15,1 8,22 93:1,9	series 102:6 146:24 157:15	shy 178:17
safe 31:13,14	Schumacher 15:21	seeing 139:12	services 14:12 23:13 183:8	sic 71:17 73:11 130:5 131:4 176:4
sample 55:24 56:5 151:23 159:18 169:23	scientific 145:13	seeking 42:25 167:19	sessions 26:2 59:1	sick 147:21
sampled 168:17	scope 27:19 29:1,18 47:7 61:22 87:7 118:3 123:13,18, 22	seeks 149:3	settlement 7:24 24:19 26:5 34:11 35:12 42:24 126:20	sides 106:18
samples 54:18 55:17,18 56:2 152:2 154:14 155:19 159:12,16 161:10	se 100:4 160:17 163:1 164:12	seen 138:18 160:2 163:20,22 172:13	several 31:19 44:1 45:21 124:6,9 149:14	signed 33:2 90:18 signi 96:19
sampling 150:8,9 151:13,14 152:19 158:4,8,11 160:1,20,2 2 164:24,25 168:16 174:12,14	season 68:25 80:21	seepage 54:11 154:7	sewage 37:6 40:25 97:17 98:20	significant 21:25 30:6 40:13 121:4 124:18
SAO 92:5	seats 18:1	segregation 100:6	sh 106:18	significantl y 96:19
Satisfactory 50:4	second 43:19 51:5 65:20 81:20 103:3 107:17 131:20 136:14 140:25 141:10 151:11 182:9	select 93:2 154:13	shaping 34:10	silt 170:15
satisfied 123:14	secondly 8:17 44:3 156:21	selective 87:2	shared 133:11	similar 45:2 91:12 177:6
satisfy 121:15 153:13	Secretariat 16:11	send 159:16	shipping 8:5,6	simple 112:18
Saunders 2:15 16:2	section 49:3 68:4,6 70:6 79:6 86:16 139:23	senior 15:16,19 134:3,4	short 17:18 124:3 172:3	simultaneous 17:13
		sense 121:20 170:7	shortly 20:3	sincere 183:7
		sensitive 109:15		sir 137:7
		separate 32:13 162:19		sit 18:1 144:1
		September 32:7 38:12		

stand 115:16	142:25	storage	32:23	102:17
standard 56:6	steepness 107:7	29:12,20 100:6	sub 30:21	153:23 173:7,10
standards 161:15	Stevens 2:9 14:25 15:2,13	Storr 3:9 16:6 117:2,6,7	subcontractors 89:17	sub-plans 112:9
Stantec 134:3	20:20 21:8 27:2,3,7	127:21 128:20 129:6	subcontractors 89:13 112:14	subsection 45:8 54:22 154:18
start 44:4,8 94:24 96:16 127:4	43:4 45:14 47:19 48:15 58:8,9,14 60:25	130:11,20 136:24 181:25 182:1,2	subject 49:4 53:25 69:24	subsequent 9:11 120:22 128:23 129:2
started 15:4 20:3	62:19,20 63:16	strategy 24:7	submission 20:12,13 44:12 78:7 79:25 87:3	subsidence 142:22
starting 43:11 138:20,21	64:21 65:7 66:7 67:25 69:11	stream 8:1 33:15	90:23 91:11 102:13 117:16 138:9 171:22	substantial 41:22 178:1
starts 47:25 171:4	71:10 73:3 75:5 76:5 78:20	151:23 158:14 161:1	submissions 11:20 19:25 82:3	substituted 29:24 102:3
state 67:17 138:23	80:12 81:12	streams 103:10 124:14	submit 6:8 60:8 123:19 157:10 159:12 181:2	success 23:25 135:16 139:11
stated 44:25 54:14 55:16 66:4 71:2 79:17 80:8 82:17 89:12 97:13 101:19 149:25 154:10 169:4	85:22 86:8 87:22 88:5 89:24 91:1,22 93:6 96:8 98:2 99:14,22 102:20 103:17 104:5,25 105:15 106:22 112:17 113:11 114:3,14 127:7,18 131:6 136:16 144:21,22 156:15 175:20 176:1 179:8 180:8,19	strength 109:7	submit 6:8 60:8 123:19 157:10 159:12 181:2	successful 23:1 90:4
statement 102:5	102:20 103:17 104:5,25 105:15 106:22 112:17 113:11 114:3,14 127:7,18 131:6 136:16 144:21,22 156:15 175:20 176:1 179:8 180:8,19	strengthening 22:10	submittal 90:21	successfully 23:20
statements 12:25 13:6 181:14,21 182:11,13	102:20 103:17 104:5,25 105:15 106:22 112:17 113:11 114:3,14 127:7,18 131:6 136:16 144:21,22 156:15 175:20 176:1 179:8 180:8,19	stretch 177:16	submitted 20:6 25:13,20 26:2 33:1 34:21 35:7 37:2 38:12,18 44:19 45:3 48:23 50:15 60:20 61:16,19 62:21 73:21 90:15 91:2,17 92:16 95:6,23 96:5,14,24	sufficient 83:24 126:4 162:7
states 51:14 79:7,8 92:24 93:2 101:20 137:14	102:20 103:17 104:5,25 105:15 106:22 112:17 113:11 114:3,14 127:7,18 131:6 136:16 144:21,22 156:15 175:20 176:1 179:8 180:8,19	strictly 121:22 164:14	submit 6:8 60:8 123:19 157:10 159:12 181:2	sug 129:3
static 54:25	102:20 103:17 104:5,25 105:15 106:22 112:17 113:11 114:3,14 127:7,18 131:6 136:16 144:21,22 156:15 175:20 176:1 179:8 180:8,19	strong 22:4 23:4	submit 6:8 60:8 123:19 157:10 159:12 181:2	suggest 177:15
stating 44:20 79:15	102:20 103:17 104:5,25 105:15 106:22 112:17 113:11 114:3,14 127:7,18 131:6 136:16 144:21,22 156:15 175:20 176:1 179:8 180:8,19	strongly 125:4	submit 6:8 60:8 123:19 157:10 159:12 181:2	suggested 140:4 149:4
stay 109:13	102:20 103:17 104:5,25 105:15 106:22 112:17 113:11 114:3,14 127:7,18 131:6 136:16 144:21,22 156:15 175:20 176:1 179:8 180:8,19	structure 132:11,24	submit 6:8 60:8 123:19 157:10 159:12 181:2	suggesting 129:1 138:12
	102:20 103:17 104:5,25 105:15 106:22 112:17 113:11 114:3,14 127:7,18 131:6 136:16 144:21,22 156:15 175:20 176:1 179:8 180:8,19	structured 24:7	submit 6:8 60:8 123:19 157:10 159:12 181:2	suggests 122:8 123:4,13 139:20
	102:20 103:17 104:5,25 105:15 106:22 112:17 113:11 114:3,14 127:7,18 131:6 136:16 144:21,22 156:15 175:20 176:1 179:8 180:8,19	structures 29:8 32:20 109:8	submit 6:8 60:8 123:19 157:10 159:12 181:2	suitability
	102:20 103:17 104:5,25 105:15 106:22 112:17 113:11 114:3,14 127:7,18 131:6 136:16 144:21,22 156:15 175:20 176:1 179:8 180:8,19	struggled 14:21	submit 6:8 60:8 123:19 157:10 159:12 181:2	
	102:20 103:17 104:5,25 105:15 106:22 112:17 113:11 114:3,14 127:7,18 131:6 136:16 144:21,22 156:15 175:20 176:1 179:8 180:8,19	studies 25:14,19	submit 6:8 60:8 123:19 157:10 159:12 181:2	

55:25	144:10	159:6	talking	64:16
suitable	156:22	160:8	57:19	69:17
36:12	177:3	161:6,17	talks 139:8	106:7
suits	supported	162:2,12	Tara 2:20,23	125:20
173:24,25	16:9 25:13	165:3	15:24	126:3,13,1
176:19	32:22	169:7,11,1	team	4 135:4,8
summarize	supporting	5,24	14:23,24	140:3
181:16	11:12 83:3	170:24	15:8,12	149:5,10,1
summarized	supports	survey	21:4,19	4
32:5	83:4 145:4	124:24	25:11,12	terrain
148:20	suppose	surveys	57:3	25:15
summary	168:12	25:14	175:14	86:22
27:16,22,2	suppressance	36:11,15	177:1	109:13,15
5 40:5	131:3	42:6	technical	120:15
42:20 62:2	suppressant	74:7,8	2:6 9:25	148:18
summer 8:18	104:1,2	120:8	11:12 14:4	territorial
29:4,8,10	119:13	125:1	15:9 21:20	9:20 17:1
32:8,16	130:5,14	suspended	25:14 26:2	Territories
34:4,9	131:8	152:20	27:3 59:1	1:1
35:18	suppressants	159:21	176:5,6	7:18,24
36:2,9,24	103:12,19	162:15	178:8	8:12,15,20
51:6 73:16	130:8	164:16	technique	22:4,18
160:21	suppressing	166:11,18	34:7	24:11
summertime	130:13	169:25	techniques	26:22
80:24	suppression	170:5	39:8 68:16	28:6,10
superintende	81:1	system 24:9	telephone	40:4,8,21
nt 15:17	sure 129:16	145:24	73:20	43:1 45:8
supplemental	140:6	146:3,9	temperature	61:22 62:1
26:1	144:6	<hr/>	89:1,2	63:11
supplementar	146:6	table 4:1	109:19	67:7,13,19
ies 94:2	151:2	18:2 36:3	temporary	70:7,9,17
supplementar	159:14	115:13	29:11	71:1 74:22
y 95:19	180:16	116:25	ten 111:14	89:15
99:2	surface	141:5	177:15,17	98:14,16
115:11	67:17	146:5	183:2	103:8
130:17	78:25	Tables 79:24	term 39:12	141:11
163:7	143:11	tack 161:19	42:25	149:3
support 23:5	152:15	tackle	102:3	151:7
25:9 36:24	surfacing	161:19,25	118:3	153:11
41:23	29:8 32:17	taking	124:1,6,12	154:17,20
63:13	34:10	103:19	129:8	159:3
84:13 85:5	surveillance	145:10	135:25	168:12
93:12	149:24	talk 142:8	140:5	169:10
95:15	150:6	talked	172:11	Territories'
124:14	151:9,21	97:16,19	terminology	s 21:23
127:1	152:23	104:18	163:9	54:21
134:1	157:16,17	129:25	terms	Territory
137:2	158:1		49:21,22	28:18
				testing
				54:15,24,2
				5 55:8,22

56:7	8	,15,18	154:1,24	94:12
154:11	75:1,5,15	106:9,20,2	155:5	96:23
Teya 7:5	76:3,5,9,1	2,25	156:2,4,6,	100:7
14:17	0,11	108:1,16	15,17,20,2	108:18
thank 7:6	77:5,10,18	109:3	1	111:1,3,8
13:9	,19,25	110:4,5,6	157:2,3,4	115:7
14:13,17	78:1,3,18,	111:17,22	159:1	116:9,15,2
15:1,3	20	112:4,5,16	161:2,4,18	2 140:16
16:2	79:1,2,4	,17,23,25	,22	143:10,17
18:13,22	80:10,12,1	113:3,4,9,	163:4,13,2	144:7
20:18,22	5	11,15,16,1	4	149:12
21:8,12	81:2,4,10,	8	164:1,9,18	152:10
27:4,5,7	11,12,15,2	114:1,3,8,	165:7,9	155:7,15
43:2,3,19,	2	14,17,25	167:1,25	158:22
24 44:6	82:6,10,12	115:8,10	168:21,23,	160:13
45:12,14,1	,23	116:5,14,1	25 169:1	161:24
7,18	83:9,10,19	9,23	170:18,19,	162:10,13
46:10,16,2	84:1,15,21	117:3,10	22	169:22
1	85:9,13,19	126:7,15,1	171:9,13,2	171:7
48:1,4,12,	,20	6	4 172:1,22	172:8
14,17	86:5,6,8,1	127:6,7,10	173:15,18	175:6
49:11,16	0,15,18,19	,17,18,21,	174:18	180:12,16
50:2,4,6	87:17	22,23	175:12,14,	thaw
51:10,12	88:5,8,16	128:1,6	20	107:10,15
52:9,10,11	89:6,7,9,2	129:18,19,	176:1,7,9,	109:14
53:1,8,14,	0,24	20,22,23	14,22,24	thawing
24 54:1,4	90:7,24	130:10,19,	177:1,7,8,	107:21,24
55:9,11	91:1,4,6,2	22,24,25	17	themselves
56:8,10,22	0,22	131:4,6,9,	179:8,25	137:10
,24 57:20	92:7,8	15,19,23	180:8,11,1	therefore
58:6,10,17	93:4,6,25	132:4	9,24	78:11 84:4
,18,22	94:1,14,17	136:8,11,1	181:8,24	there'll
59:20,21,2	,18	6,19,21	182:2,7,14	43:9 80:22
3,24 60:3	95:1,3,9,1	137:1,8,12	,16,19	178:24
61:7,9,11	8	138:2,24,2	183:7,13,1	there's
62:17,19	96:6,8,11,	5	7,18,21	20:25
63:2,3,8,1	25	139:3,5,17	thanks 144:8	41:22
4,16,18,22	97:5,8,9,2	,25	182:6	47:13 75:8
,24	4,25	140:17,19,	183:7	85:14
64:7,19,21	98:2,5,6,7	20	that'd	97:22
,23,24	,22,24	141:1,3,8	134:16	110:14
65:7,9,10,	99:2,4,12,	142:1,7	That'll	111:2,4
19	14,17,22,2	144:12,15,	111:14	112:10
66:5,7,11	5 100:2,10	21,23,25	that's 14:23	146:18,21
67:2,3,25	101:5,10,1	145:3,9,10	17:7 18:17	159:17
68:2,9,10	1,13	,15 146:17	20:16	160:25
69:9,11,19	102:14,18,	147:1	43:24	163:15
,20,22	20,24,25	148:9,11,1	45:22 53:5	167:13
70:3,4,5	103:2,15,1	2 149:19	55:20	178:15,16
71:8,9,10,	7,22	150:12,16,	57:25 65:3	179:2
13,25	104:4,5,7,	17,18,25	67:20	thermal
73:1,3,8	10,12,14,1	151:4	93:18	
74:14,16,1	6,21,23,25	153:2,4,14		
	105:5,8,13	,24		

107:8	15:1 16:5	159:21	91:18	73:24
108:24	18:7 27:9	162:14	transparent	74:24
109:13,21	38:17	164:16	52:17 58:2	75:18,25
They'll 44:2	62:12	166:11,18	Transport	76:14
they're	63:11 65:4	169:25	72:10,20	77:16,21
142:10	89:14	170:5	73:21 74:2	133:2,24
146:6,15	90:16	touched	125:8	136:7
167:8,9,23	117:1,3,24	142:20	transportati	141:20
they've	131:19	143:24	on 2:10	142:5
144:16	141:5,6,21	tourism	4:8 6:3,7	145:15
thi 164:22	145:23	23:15	8:7	178:7
thickness	147:15	toward	15:3,6,15	trapping
109:1	148:14	132:13	21:7,21	142:11,14
thin 33:9	154:20	134:13	23:20	travelled
thirty-four	162:9	towards	24:2,9	107:16
9:15 30:10	175:15	12:22 31:7	26:9	treated
thirty-seven	179:2,6,15	133:4	28:7,9,13,	20:13
36:11	180:5	157:9	16,19	trigger
thoughts	182:15	160:15	29:19	162:6,18,2
12:16	183:9,19	179:6,24	30:15	5
141:21	today's 11:6	182:24	31:25	triggers
178:3,18,2	12:23	town 14:7	36:10	162:10
1 179:1	toes 107:22	16:16	37:21	trouble
threshold	tomorrow	22:18	39:1,13,17	66:11
162:5,18,2	13:2,7	40:24	,25	try 167:20
4	65:9	91:12,17,2	40:11,17,1	TSS 163:22
thresholds	178:24,25	3	9,22	164:13
162:1,3	179:3	track 26:8	42:5,21	Tuk 71:21
throughout	181:19	tract 26:7	65:14	78:15
10:5 12:18	183:1,11,2	tractors	91:10	Tuk-Inuvik
18:20	0	89:17	127:19	71:18
36:16 51:6	top 33:12	traditional	136:17	Tuktoyaktuk
107:10	143:4	10:17 12:1	179:15	1:4
126:20	topic 63:21	141:14,15,	181:2	13:2,7,14
thumb 173:19	70:4	22	Transportati	22:15,19,2
tied 146:2	71:6,21	traditionall	on's 27:15	3 23:4,16
timely	72:11	y 121:6	28:4 30:9	28:24
134:18	75:11 78:1	142:11	37:19	29:24 31:3
137:18	79:3 81:23	143:14	38:14	37:7,10
TK 178:7	82:11	trails 29:10	41:8,15	40:23
to-date 47:5	85:15,17	32:9	42:12,18	42:16,22
today 7:6	95:2,19	35:2,20,22	117:12	72:8,18
8:16 10:8	97:6 99:2	training	132:7	73:14
11:5,15	100:11	23:11	transported	75:19
13:3,6,19,	101:11	transcript	37:7,9	76:1,7,14
21 14:24	170:19	4:25 18:5	trappers	91:10
	171:1	transfer	3:13 4:19	97:15
	topping		12:2 13:17	125:2
	78:25		16:13	133:21,24
	total 129:15		20:11 42:7	
	152:20		72:8,19	

136:6	Uncertainty	169:16	upper 143:5	82:2,12
178:24	92:20	174:16	upstream	86:19,20
181:19	undergo 45:5	179:11	92:25	88:12 89:9
183:1,4,20	understand	180:4,16,2	152:2	90:9,12
Tuktoyaktuk-	82:13	1 181:1	166:12,13,	91:6 92:10
Inuvik	91:24 95:6	undertakings	16 169:23	94:6
133:22	107:9	4:3 6:1	170:2,8,11	95:3,20,21
turbidity	109:22	169:12	usage 6:4	148:12,13
152:21	135:22	underway	65:15	149:19,20
159:21	140:10	90:2	useful	151:4,5
turn 16:17	144:5	underwent	100:23	153:4
17:11	169:1	29:24	users	154:1
146:6	173:13	unfortunatel	40:10,15	156:4
147:1	understandin	y 147:14	42:15	VanGulck's
148:10	g 10:17	166:5,20	utilize	64:9
179:19	57:4 59:3	unfrozen	62:14	variables
turning	128:13	36:18	113:14	32:4
146:10	138:17	unless 20:15	utilized	variety
turns 129:13	152:12	unlicensed	141:17	121:6
twenty 39:25	165:19	40:10,15	<hr/>	various 26:4
79:25	understands	74:2	v	27:17 31:6
twenty-five	understood	unrelated	<hr/>	39:9,22
52:22 59:5	77:13 94:8	152:4	validate	40:6 42:17
111:11	undertake	unstable	25:9	70:19,21
tying 16:22	113:21	109:14	valuable	vegetation
type 29:13	undertaken	unusual	178:7	25:16
100:17,22	8:15	157:11	values	120:14
108:5	9:5,17	update 79:21	132:18	123:1
117:12	21:20	80:1 81:7	VanGluck	148:18
145:12	27:24 28:1	82:14,18	14:3	version 32:6
152:15,19	56:7 66:1	114:5	VanGulck 2:6	92:15
157:19	74:8	updated	44:6,7	171:6,7,11
159:24	undertaking	30:24	46:10,21	versions
160:20	62:16	31:20 69:1	47:9 49:16	122:13
types 29:14	64:23	78:7,8	50:6 51:12	via
100:21	65:4,6,13	upholds	52:6,11	3:17,18,19
157:25	113:8	26:16	53:14	146:15
160:12,13	115:15	upon 7:1,5	54:1,6	147:18
typical	116:7	10:7	55:11	148:1
29:15	123:24	48:7,8	56:10	150:17,24
typically	150:5	58:16 69:2	59:24 60:3	151:17
36:17 42:1	151:8	111:19,20	61:11 63:8	155:5
163:17	153:12	127:12,13	70:5	158:20,23
<hr/>	158:13	146:1	72:2,5	159:1
U	164:22,23	174:5	74:18	161:22
uncertain	165:5,6,14	177:20,21	75:15	163:13
92:19	166:22	182:9	77:10	164:9
	167:3,15	183:23	78:3,5	165:9
	168:4		79:4	168:23
			81:4,24	171:9

172:1	15:25	13:15	82:4,13,15	154:8,15,1
173:17	105:16,19,	21:1,16,23	,18,19	7,20
176:14	20 106:9	23:24	83:2,7,17,	155:6,19,2
vibrate	warming	24:18	23,24	5 156:10
17:12	109:20	25:12,25	84:9,11,13	157:18,20,
Vice 7:12	warning	26:6,13,19	,14,17,25	22
viewing 10:8	155:21	,22	85:3,5,7	159:5,13
views 28:4	Washrooms	27:10,11,2	86:4 89:15	160:18,22,
117:11	17:22	0,22	91:18	25 161:8
132:6	waste 7:22	28:2,20	92:24	162:15
182:5	8:20 10:21	30:16	93:21	163:1,2,11
vision 22:3	27:21	32:2,9	95:24	,14,20
24:8,12	29:20	35:24	96:5,14,20	164:5,15,2
visual 56:1	30:16	36:3,5,7,1	97:18	3
66:24	31:11 32:3	2,15,17	98:20	165:10,20
88:22 89:4	37:3,8,11,	37:6,16,17	103:10,20,	168:9,10,1
visually	12,15,16,2	,20	25	4,19,24
51:1,9	3,25 38:5	38:5,12,17	117:10,12,	169:6,9
volume 36:18	39:4	,24	15	172:2,7,11
59:4,17,19	40:14,17,2	39:6,23	118:4,7,15	,13,20
85:24	5	40:4,8,13,	,17,19	173:2,21
volumes	41:1,4,10,	25	119:4,5	174:12,13,
25:13	13,16 47:3	41:5,6,8,1	120:9,11,2	17
79:18	49:2,25	4,22,24	3,24,25	176:15,21
135:18,21	54:20	42:9,23	121:2,16	177:3
153:9	60:18	44:12,13,1	122:1,9,20	178:4,12
voluntarily	70:20	8,19,24	123:4,13	179:17
167:11,21	91:18	45:8	124:13,15,	182:3,14
175:8	97:6,14,17	46:13,23,2	18,19,25	waterbodies
volunteered	,20,24	5 47:1,2,4	125:15,20	84:10
157:14	98:10,15,1	49:7,17,18	126:2,5,8,	watercourse
	7 99:8,10	,20,25	12,14	27:20 29:7
	100:5,7,9,	50:25	128:15	32:18
	16,23	54:12,19,2	130:8,9,12	33:22
	101:8	1 60:18	,18	37:24
	103:9	61:13,17	131:3,8	73:23
	118:1	63:11	132:5,7,14	79:9,16
wait 111:8	120:18,24	64:11,12,1	134:20	80:3
walk 11:6	121:10	8 65:15	135:2,4,7,	82:4,14,16
Wallace 2:4	154:16	67:6,14,15	17,20,24	84:19 87:8
13:25	wastewater	69:24	142:15,17	90:15
56:25	41:1	70:7,9,19	143:5,9,11	95:25
57:18	water 1:2	71:1,7	144:8	152:3
83:14	6:4	72:12,16,2	145:19,22,	watercourses
84:3,16	7:13,18,22	4 73:15	25 146:11	32:2,3
85:11	,23,25	74:9,22	147:12,23	37:16
128:4	8:2,4,14,2	77:24	148:5,15	79:14,18
137:3,5	0 9:21	78:7,9,10,	149:3,4,9,	80:8,20
156:24	10:13,15,1	11,12,17	18,23	81:9 82:19
Walt 105:16	8,20,21	79:7,14,21	150:3,9,19	83:1,5
Walter 2:18	12:3,13,17	,22	151:7,14	84:5,12
		80:1,5,7,2	152:6,8,10	85:1,4
		0,21,22,23	,12,14	
		81:7,18	153:7,11	

93:20	15:12 17:9	99:6 101:1	42:9 68:24	wondering
135:23	18:20	112:13	73:16,17	85:24
166:3	28:22 43:8	113:6	80:23	97:22
waters 28:6	69:13	126:25	86:24 87:9	104:20
40:16,21	86:16	129:4	88:20	130:7
43:1 49:2	87:23	156:18	106:16	139:24
54:11	99:15	158:13	113:14	wording
67:7,13,20	111:13,23	162:6,20	118:17	92:19
70:7,17	114:4	174:13	120:9	work
123:6	127:4	White 14:15	124:15	31:13,14
141:17	141:13	whole 107:25	138:20,21	108:23
154:7	177:24	112:8	143:19	119:7
Water's 7:19	181:12	who's 93:8	149:1,6,17	132:2
waterways	182:17	whose 178:10	160:18	133:4,9,11
74:1	we're 14:9	wildlife 3:6	wintertime	,18 135:10
ways 106:6	16:3 18:7	25:16	80:22	160:13
website 10:6	48:2 53:4	26:6,12	173:14	162:13
18:6	57:19 65:8	31:17	174:9	173:22
we'd 18:17	66:10	39:24	wire 144:4	174:4
126:7	112:21	73:18,19	wish	175:3,7
127:20	129:11	74:10,12,1	66:15,16	177:6
135:19	130:20	3	111:7	worked 177:4
136:19	143:7	117:18,21,	withdraw	working
144:3,6	144:4,6,10	23 118:2	41:6	24:21 26:3
145:20	145:13	119:9	84:11,25	31:3,6,8
week 74:11	146:10,13,	120:18	withdrawal	42:16 61:6
weekly 110:2	14 163:7	121:6	36:12,17	71:18,19,2
135:13,16	165:11,14,	122:25	39:6	2 91:23
139:8	15 167:19	123:10	41:22,24	93:17
159:7	175:24	126:19,20	42:9 49:7	112:20
160:12	176:24	132:21	79:9,22	133:22,23
Wek'eezhii	177:14	133:5	80:7,22,23	134:2,7,10
125:19	180:18	141:7	81:7,18	136:3
welcome 7:4	we've 9:17	144:2	82:4,19	140:7
13:17	65:4 66:9	willing	83:5,8,23	143:18
14:17	83:1	157:7	85:3,5	175:1
16:6,11,14	104:18	164:21	118:16,17	176:5,17
,20 21:2	107:13	168:4,14	120:10	works 14:7
116:24	115:12	Wilson 14:6	124:13,16,	159:7
131:13,17	143:14,15	19:1	19,22,25	160:24
141:12,24	146:9	winter	142:17	161:1
142:1	156:7	29:3,5,9,1	withdrawals	wow 105:22
146:4	169:4,8	0,14	84:5,19	written
148:10	174:2	32:8,13	85:25	11:20 18:5
177:13	178:6,7,8	33:7,24	withdrawn	19:25
welcomed	179:10	34:15,22	80:5,6,20	20:11 45:4
136:12	whatever	35:2,20,21	82:13,16	63:13
we'll 7:14	142:2	36:1,6,7,8	83:2 84:14	168:15
	167:12	,20,21	witness	169:5
	whether		167:16	wrong 64:10
	63:12			
	67:15,16			

<p>163:8,9</p> <hr/> <p>Y</p> <hr/> <p>Yellowknife</p> <p>14:8 16:19</p> <p>145:25</p> <p>146:14</p> <p>147:23</p> <p>150:14,20</p> <p>151:18</p> <p>155:7</p> <p>158:17</p> <p>161:24</p> <p>164:10</p> <p>yet 53:4</p> <p>you'll 111:4</p> <p>younger</p> <p>66:18</p> <p>yourself</p> <p>18:8</p> <p>yourselves</p> <p>180:24</p> <p>you've 138:9</p> <hr/> <p>Z</p> <hr/> <p>Zed 119:15</p> <p>Zytaruk</p> <p>134:5</p>				
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