

Deline Engagement Meeting Minutes - GBL Remediation and Port Radium Monitoring

Date: 24 June 2015, Deline, NT (Community Hall)

Community Prepared Feast: 6:00-7:00 pm

Meeting Start time: 7:00 pm

Attendance:

Chief Leonard Kenny	DFN-DLC
Tommy Betsden	DLC Director
David Modeste	DLC Director
Mary Rose Yukon	DFN
Edward Reeves	DRRC Manager
Freda Taneton	DLC Board of Director
Gina Dolphus	President of DLC
Dan Bayha	Vice President of DLC
Danny Gaudet	Community Member
Orlena Modeste	Community Member
Christine Firth	DLC Executive Director (meeting coordinator)
Leon Modeste	Elder
A.J. Kenny	Elder
Joe Tetso	DFN-DLC
Raymond Tutcho	DFN
Pauline Roche	DFN
Emmanuel Akinlabi	DLC Business Manager
Andrew S. Koxny	Community Member
Chris Yukon	Community Member
Melissa Tokarek	AANDC-CARD
Candace DeCoste	AANDC-CARD
Stanley Yee	AANDC-CARD
Kaitlyn Vician	AANDC-CARD

Meeting Agenda

1. Introduction
2. Objectives
3. GBL Update

4. Port Radium Update
5. Open Discussion

Key Messages

1. Who would the Deline Self-Government need to approach to begin dialogue about negotiating an alternative way to carry out the Great Bear Lake remediation work?
ACTION: AANDC-CARD to enquire and provide response to Deline Leadership.
FOLLOW-UP: The appropriate contact for a discussion on this matter would be with Jeff Mackey, Governance Advisor, Northern Contaminated Sites Program. Contact for Mr. Mackey is email, Jeffrey.Mackey@aandc-aadnc.gc.ca, and telephone number, (613) 222-1840.
2. A Response from AANDC Governance and Partnership is required to address the Community Action Plan submitted by Deline in 2014/15.
ACTION: AANDC-CARD to relay message to AANDC Governance and Partnership for their consideration.
FOLLOW-UP: James Lawrance, Director Governance and Partnership has been informed of the request made by Deline. Contact information for Mr. Lawrance is email, James.Lawrance@aandc-aadnc.gc.ca, and telephone number, (867) 669-2583.

Opening prayer (Chief Leonard Kenny)

1. INTRODUCTIONS/OPENING

Melissa Tokarek (MT): Thank you everyone for coming and thank you for having us here in your beautiful community. I would also like to extend congratulation on your signing of the Deline Self-Government Agreement.

Dan Bayha (DB): Is this meeting considered consultation or engagement?

MT: This is consultation; however it would likely be considered “small c” consultation (i.e., not Crown Consultation) due to the fact that this is merely an update for the Community. It is to inform Leadership on where the project is at and what the plan moving forward is for this field season.

Chief: I would just like to start off by saying that this file is very dear to us and we are pleased it has stayed within the Crown and was not passed over to GNWT during the Devolution Agreement.

Gina Dolphus (GD): You are here to update Deline Leadership on Port Radium. However, we have heard that not a lot has happened at the site? So what are you planning on updating us on?

MT: Port Radium has had ongoing/long-term monitoring since the remediation program was completed. We will talk about the ongoing monitoring requirements under our licence with the Canadian Nuclear Safety Commission (CNSC) later in the presentation.

Presentation Starts:

2. OBJECTIVES

The following were presented as the meeting Objectives:

- Provide a project update on the Great Bear Lake Remediation Project, including [1] the processes influencing the project status; [2] the Water Licence Renewal and Land Use Permit Extension; and [3] the Risk Management Summer Field Program.
- Provide a project update on the Port Radium Monitoring Program, including [1] the monitoring results from 2014/15; [2] the Canadian Nuclear Safety Commission (CNSC) Permit; and [3] the Development of Long Term Monitoring Objectives.
- Community Involvement to date.
- Open Discussion to share comments and concerns.

AANDC wanted to ensure that Deline Leadership was clear on what the meeting outcome expectations were (from AANDC's perspective), which were presented as:

- Share information on project status;
- Discuss Leadership's concerns expressed in water licence review letter; and
- Establish a dialogue on how to most effectively engage on project information and maintain a positive working relationship with the Community.

3. GBL UPDATE

GD: When you start consulting with a region, do you go talk to other project teams in different regions and see what they are doing and what is working for their projects?

MT: Yes, we do. We find it to be very useful and a valuable resource to see what other projects are doing in terms of community engagement.

GD: Does the community get to know about the contracts for the programs, for example who gets the contract and what the compensation is?

MT: All of the remediation project contracts are public knowledge and can be accessed on the PWGSC public registry.

GD: Is this information being presented to Cindy Gilday (SSI representative)?

MT: Yes, it is.

Candace DeCoste (CD): AANDC gave SSI (including Cindy) a project update similar to this one when they came to Yellowknife to participate in the Waste Sites Management Committee, as per the Devolution Agreement.

Chief: So you need to get a Water Licence (WL) and Land Use Permit (LUP) in order to carry out the barrel project, this summer?

MT: Yes, in order to proceed with the program we need to renew our WL and extend our LUP.

DB: According to DEMCo, AANDC has to get permission from them (DEMCo) in order to go in and perform any remediation at GBL. Is this correct?

CD: No, AANDC does not have to get permission from DEMCo before initiating remediation. AANDC is liable and responsible for all contaminated sites and therefore it is our responsibility and mandate to clean-up these sites.

DB: Except, do you need to be consulting with DEMCo as well? We are not sure who we should be communicating with.

CD: DEMCo has mineral rights on the site. Therefore they do have access rights under their lease. So, there will be two different parties using the site at the same time.

Pauline Roche (PR): So, do they (DEMCo) need/should consult with us (Deline Self Government)?

CD: Within their application with the SLWB, DEMCo should be consulting with the community however; we specifically cannot speak to that. DEMCo does hold mineral rights on the site and can therefore access the area for exploratory activities.

DB: Are you submitting your proposal (WL renewal and LUP Extension) through the SLWB?

MT: Yes, we are

DB: Is that the same as the Denison Winter Road application?

MT: No, the Denison Winter Road application is through the MVLWB (Transboundary application as the road runs through Tlicho and Sahtu Lands).

GD: I don't know if you know this, but you must have files from previous years. The Elders did not want the Denison Winter Road to be used. Do you have any record of that? The Elders do not want AANDC to access the GBL sites by using the Denison Winter Road.

MT: When a project goes out to tender, it is up to the contractor to decide how to most effectively access the site. In most cases, it is determined based on the most financially viable option. Just because the option to use the Denison Winter Road is there does not mean the Contractor will use that route, however the permit would allow them that option. Through lessons learned in other projects, AANDC and PWGSC have determined that all permits must be in place before any project can go out to tender. That is why AANDC has submitted the application.

Raymond Tutcho (RT): Elders did the research and then the Government (AANDC) jumped the gun before even listening to what the Elders had to say. The Government (AANDC) says they did consultation, but they didn't listen to the Elders and went ahead anyway. Public Works and Government Services Canada (PWGSC) and AANDC do not work together. PWGSC does not contract to us. We don't qualify when we submit a proposal. If the Denison is a good idea, how is it going to benefit Deline? The Government is always changing.

Chief: Why doesn't the Government (AANDC) give work back to the people within the Land Claim? We have all these qualified people living in Deline, except none of them have work. PWGSC doesn't let them have the contracts because we don't have the services. It shouldn't matter. If we needed more services for a project, more equipment, and people, we would get it and we would work it out. It's just a matter of getting the contracts. It's our right within the Land Claim to have first bid on the contract. We are a self-governing body now and our status has gone up. Therefore, we should be able to discuss Government-to-Government on how to resolve this issue.

MT: And that is something Deline should consider, discussing with AANDC on a Government-to-Government level. Mohan Denetto is the RDG and I encourage Deline Self Government to contact Senior Management to see what can be changed and implemented. Maybe drafting a letter and sending it to the higher level of Government directly.

Back to PowerPoint presentation: talking about the WL renewal and LUP extension application. No funding right now.

PR: Why are we having this meeting, if there is no funding in place? We haven't seen AANDC in 5 years and now all of sudden you are back. AANDC should have put in a long-term funding agreement. You are engaging right now with the community. Shouldn't that help with the application?

MT: We have actually already submitted our application to the SLWB for review. And within the application we provided the engagement record of what engagement has already been completed for the project.

PR: If you have no funding why are you applying for a permit extension/renewal?

MT: We can request annually for smaller pots of funding (not related to the larger remediation contract). We are proposing to complete a smaller Health and Safety and Compliance program this year. The cost is much lower, and allows us to access different funding options. We need to have the permit and licence in place to complete any work on site.

DG: We have been at this since 2000 and it is frustrating that we haven't seen a long-term monitoring plan. We haven't seen a plan and we are not incorporated in the long-term plan. We work hard on providing the 26 recommendation for the Port Radium monitoring plan. For example, we have worked on developing capacity building, establishing an environmental monitoring company in order to deal with the site. We (AANDC and Deline) said that we were going to work together and create a viable economy in Deline, except we still haven't seen anything yet. We still don't have a TK Centre, or an environmental company. Why should we meet with you if we still haven't seen any outcomes from the last ten years? The community still wants to clean up the sites and have an active role in the process but unfortunately there are no incentives for us to do. It's frustrating that we can't get anything done and the communication is not there. I think we need a follow-up letter that shows that our thoughts have been presented and have been heard.

DB: In the early years we didn't have self-government but now we do and we need to take advantage of that. We need to use the new authority and actively get things done. Now as a self-governing body we have the responsibility in our own hands to get things done. As self-government, we need to agree on an action plan and implement it.

Chief: All these 7 year and 5 year permits. We don't want to damage the land. We need to do more. We should be going up and discussing with a higher level. We should talk to the people that can help us and can have an impact. We know the land and we know how to treat it therefore, we should be dealing with the higher up people because we know what needs to be done.

Break

DG: Going back to Devolution, when the federal government transferred sites to the GNWT maybe that is something we could do as well because now we are a self-governing body. Maybe we can do something similar to what the Feds did with the GNWT except it would instead be transferred to the Deline self-government.

MT: And that would be something Deline as a Self-Government would have to approach at a higher level to discuss.

Mary-Rose Yukon (MRY): Can you share the funding applications?

CD: No, we are not authorized to provide the funding agreements or make them public. Once the contractor has been selected that is when you can access the agreement on the public registry.

MRY: You say you want to help us but won't provide us with the project plans?

MT: All of our project plans, once out for tender, are available on the PWGSC public registry and all projects with permits have the project plans available on the land and water board registries.

MRY: We just want to see that within the plan there is something to do with the Deline community participating in the monitoring program.

DG: If a Government-to-Government Agreement was developed then it could also involve transferring money as well (similar to the negotiations that occurred during the Devolution Agreement). Because Deline is a self-government, maybe now we can have funding transferred. Maybe now there is an easier way of ensuring we get the Contract (clean-up work) and maybe we won't need to go through PWGSC?

Back to Presentation

PR: An Access Agreement with Tlichó says that you can use the winter road if a permit is obtained?

MT: Yes

PR: Doesn't AANDC need an Access Agreement with Deline?

MT: Through our interpretation of the Comprehensive Land Claim Agreement, AANDC does not require an Access Agreement due to the type of land being accessed (see Section XX, Parcel 92 in Comprehensive Land Claim Agreement).

PR: Regardless of how AANDC interprets the Land Claim, they should have provided Deline with notification that they would be accessing our land.

GD: Is the LUP for the winter road because it's over water?

MT: The Denison Winter Road is a combination of ice roads over lakes and portages over land; the LUP is for the use of the portages on the Denison Winter Road alignment.

Orlena Modeste (OM): Can we request to get another TK Study on the Denison Winter Road? Deline does not feel that when they were engaged to talk about the road that the information (i.e., important components) was site specific enough to be used for the permit application. I think more site specific information (i.e., caribou impacts, etc.) is needed from Deline, which another TK Study would provide.

ACTION: AANDC-CARD to review possibility of completing another TK Study with Deline to be more specific to the Denison Winter Road.

FOLLOW-UP: Sahtu Region Project Management Team will review as part of project planning for 2016/17 and/or if progress is made on the Denison Winter Road application through the MVLWB.

DG: It is not common courtesy to contact the people who thought they were participating in a general TK Study and then tell them that you are using some of their information for going ahead with the project (i.e., Winter Road application)?

MT: Yes, absolutely it should be clear how the TK information is being used. I am not sure what was communicated to the participants during the TK Study, but it should have been communicated to everyone the purpose of the information gathering.

RT: Do you know what the length of the Denison Winter Road is?

MT/CD: No, unfortunate we do not have those numbers.

GD: You have your maps, but all those maps are different with different boundaries (as outlined in the Comprehensive Land Claim Agreement).

DG: The illustration map from the Comprehensive Land Claim Agreement and the interpretation map (which the Feds use) are different. We have been asking for a legit and comprehensive map in order to straighten this all out in terms of boundaries. The federal government should be using the illustration map which comes from the comprehensive land claim agreement. The boundary lines are all different. Because the Tlicho is required to give up 100% of their hunting, trapping and fishing rights with the Sahtu boundaries. Except no one is clear on what the boundary lines are because there are too many variations. We have been trying to get the government to sit down with us so that we can figure it all out.

MT: Thank you for that clarification; we did not realize the discrepancies between the maps. That would definitely be something we would all want to sort out so we are all on the same page and there is consistency between the different groups.

Chief: Why don't you just build an ice road across Great Bear Lake? If you did that, then we could truck the barrels out of the site in the winter time. It would be way more cost effective and easier. The contract could also go to Deline, we have built the ice road before on Great Bear Lake and it does not take too long. It's a viable option.

MT: GBL Summary – Phase II and III of remediation program are on hold until funding can be secured; AANDC to implement Risk Management Program to address Compliance Order (i.e., leaking barrels); AANDC to renew permits to be positioned to complete remediation program when funding becomes available; AANDC to review monitoring program to reflect long term objectives; and AANDC to finalize cumulative effects monitoring program through contribution agreement with DRRC.

4. PORT RADIUM UPDATE

The presentation was condensed to summarize key highlights, as the meeting was running behind schedule due to the open discussion.

DB: DLC has a lands manager now and we have a key person who can provide good input for the projects and the trips. We would like AANDC to take a staff member with you during the project and accompany the contractor. They can then return to the community and provide feedback and update.

MT: AANDC did contact the Chief (via letter) for guidance on which Deline organization would be appropriate for completing work on site this year, specifically for the cumulative effects monitoring program, led by Colin MacDonald.

Chief: DRRC was recommended to go on the trip as they have completed the work previously.

GD: We need to so stick with our number one idea that was brought up from this meeting and that is, we want to see you working with us, co-working together.

RT: We need a DLC members out there participating with your project and making sure that the contractor knows what they are doing. We know the land and we know how to make it work. I hope we are not making too many promises but if you aren't going to do anything or take anything from this meeting, it was a waste of my time. First of all we want to sole source contracts, so we can train our people. Or better yet, we have the people but they don't have the work because we can't get the contracts. I don't like communicating through emails; I like what we are doing right now, which is talking face to face. I think we need to keep doing meetings like this. It is much more effective.

MT: And we would like to commit to coming back to the Community and sitting down with you all again.

ACTION: AANDC to coordinate with Deline Leadership for determining the most appropriate time to provide another project update.

FOLLOW-UP: Sahtu Region Project Management Team to contact Leadership to set a date.

DB: A monitoring committee might also be something we should really consider doing. As you know we always have new people on the panel. Therefore I think it would be great if we established a committee that knew the “ins and outs” of the project and could meet regularly. If we did that then we wouldn’t have to deal with re-explaining the project every time we had a meeting. The committee should be composed of DLC, DRRC, and AANDC-CARD.

MT: I agree, I think that will be something we should consider when moving forward with the project.

ACTION: AANDC to consider possibility of establishing a Monitoring Committee to assist in the development of Long Term Monitoring Objectives.

FOLLOW-UP: Sahtu Region Project Management Team supportive of this initiative; however objectives would need to be developed (agenda item for next meeting).

MT: Port Radium Summary – AANDC to develop an action plan for managing hydrocarbon impacts at Silver Point; AANDC to monitor adit backfill slumping and develop care and maintenance plan; AANDC to renew licence with CNSC with modifications to the current scope to reflect outcomes of the monitoring program.

NOTE: presentation slides were provided to participants to take away, Port Radium discussion as condensed due to time constraints.

Chief: Thank you for coming we really appreciate it and we are pleased to have the opportunity to communicate our thoughts and concerns to you.

End Prayer: Meeting ends at 8:40 pm



Contaminants and Remediation Division
PO Box 1500
Yellowknife, NT X1A 2R3

20 July 2015

Chief Leonard Kenny
Deline First Nation
PO Box 158
Deline, NT X0E 0G0
Email: Leonard_Kenny@gov.deline.ca

RE: Follow-up to 24 June 2015 Leadership Meeting in Deline, NT

Dear Chief Kenny:

Aboriginal Affairs and Northern Development Canada (AANDC), Contaminants and Remediation Division (CARD), would like to thank the Deline Leadership for meeting with us on 24 June 2015 in Deline, NT, to provide project updates on the Great Bear Lake (GBL) and Port Radium Programs. We felt the discussions were very productive, and we look forward to our next opportunity to meet.

As a follow-up to the meeting, AANDC-CARD has prepared meeting minutes to summarize the discussions. The key action items and follow-up from the meeting are outlined below. Additional action items and follow-up are described within the meeting minutes.

[1] ACTION: Determine who within AANDC would be the contact for Deline to begin discussions about developing an agreement for the transfer of environmental liabilities of GBL from AANDC to Deline Self Government.

FOLLOW-UP: The appropriate contact for a discussion on this matter would be with Jeff Mackey, Governance Advisor, Northern Contaminated Sites Program. Contact information for Mr. Mackey is email, Jeffrey.Mackey@aandc-aadnc.gc.ca, and telephone number, (613) 222-1840.

[2] ACTION: Inform AANDC Governance and Partnership that a response is required to address the Community Action Plan prepared by Deline in 2014/15.

FOLLOW-UP: James Lawrance, Director Governance and Partnership has been informed of the requested made by Deline. Contact information for Mr. Lawrance is email, James.Lawrance@aandc-aadnc.gc.ca, and telephone number, (867) 669-2583.

As part of the GBL Water Licence Renewal and Land Use Permit Extension, the Sahtu Land and Water Board (SLWB) has requested AANDC to update our Engagement Log to include the 24 June meeting and to submit the minutes so they may be reviewed at their next Board Meeting. The revised Engagement Log and meeting minutes will be provided to the board and made available on the registry.



AANDC-CARD would like to further clarify that the revised Engagement Log and meeting minutes will form part of our Crown Consultation record for our regulatory requirements.

If you have any questions or concerns, please do not hesitate to contact me at Melissa.Tokarek@aandc-aadnc.gc.ca, or (867) 445-5226.

Sincerely,

Melissa Tokarek
Project Officer, Sahtu Region

Enclosure: Deline Engagement Meeting Minutes - GBL Remediation and Port Radium Monitoring

c.c: Gina Dolphus, President, Deline Land Corporation
Christin Firth, Executive Director, Deline Land Corporation
Ed Reeves, Manager, Deline Renewable Resource Council
Orlena Modeste, Sahtu Secretariat Inc.
Danny Gaudet, Deline
James Lawrance, Director of Governance and Partnership, AANDC
Carey Ogilvie, CARD Senior Manager, AANDC
Jeff Mackey, Governance Advisor, AANDC
Julie Ward, Sahtu Region Project Manager, AANDC