



“When You Talk - We Listen!”



MACKENZIE VALLEY LAND
AND WATER BOARD

TALTSON COMPENSATION
RE-HEARING

THE BOARD:

Mavis Cli-Machaud) Chairperson
Philippe di Pizzo) Board Member
Elizabeth Wright) Board Member

HELD AT:

Yellowknife, NT

May 17, 2017

Day 2 of 2

APPEARANCES

1
2
3 Rebecca Chouinard)MVLWB Staff
4 Shelagh Montgomery)
5 Shannon Allerston)
6 Amanda Gauthier)
7 Sheldon Toner)Counsel
8 Caroline Wawzonek)Counsel
9
10 Jay Pickett)NTPC
11 Matthew Miller)
12 Jason Cote)Stantec
13 Raj Manek)Odyssey CA&A
14 Sean Parker)Counsel
15 Doug Evanchuk)Counsel
16
17 Dean Carter)Carter Family
18 Jean Carter)
19 Myles Carter)
20 Kande Froese)
21 Albert Boucher)
22 Richard Bodaly)Consultant
23 Randy Popik (np))Consultant
24 Eleanor Olszewski)Counsel
25 Jessica Buhler)Counsel

TABLE OF CONTENTS

	Page No.
1	
2	
3	
4 Presentation by the Carter Family Continued	6
5 Question Period Continued	56
6	
7 Closing Comments by the Carter Family	146
8 Closing Comments by NTPC	166
9 Closing Comments by the Chairperson	198
10	
11 Certificate of Transcript	200
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	

1 --- Upon commencing at 9:01 a.m.

2

3 THE CHAIRPERSON: Good morning. We'd
4 like to start the hearing. Good morning, everyone.
5 I'd like to begin by welcoming all partici --
6 participants to the continuation of this proceeding.
7 My name is Mavis Cli-Michaud. I'm the Chair of the
8 Mackenzie Valley and Water Board (sic).

9 There are a few housekeeping items I
10 would like to address. First, the washrooms are
11 located out the door and across the hall. In case of
12 an emergency, there are exists located through the
13 lobby, and if everyone could please turn off or mute
14 their cell phones and/or computer volumes to limit
15 distractions, it'd be appreciated.

16 Any media wanting to take photos are
17 asked to do so at breaks or by not -- and by not
18 stepping in front of participants. This is
19 distracting for the Board and for the presenters.

20 Today we're scheduled to sit until
21 approximately 5:00 p.m. We will have appropriate
22 breaks for lunch and coffee, depending on how we
23 progress today, and -- and we may adjourn before 5:00
24 p.m.

25 While there may be differences in

1 opinion about the issues we are discussing, we expect
2 all participants to proceed in a respectful manner.
3 The Board asks for your cooperation in being prepared
4 to make your presentation in order set out in the
5 agenda and to be organized and focussed in your
6 questionings of the other party.

7 I'd like to provide a brief recap of
8 yesterday's proceeding. The Board decided to -- to
9 allow the late submission of the Carter family report
10 on fish sampling. This resulted in an Undertaking
11 number 1. Opening statements were then heard from the
12 NWT Power Corp. and the Carters family.

13 Following the lunch break, the Board
14 returned its decision regarding the Carter family
15 request to reply to two (2) reports, including --
16 included with NWT Power Corp.'s April 18th written
17 submission. This resulted in Undertaking number 2.

18 We then moved on to the presentation
19 from the NWT Power Corp., followed by questions from
20 the Carters, Board staff, Board legal counsel, and
21 Board members. The Carter fam -- the Carter family's
22 presentation then got underway with -- with Mr. Randy
23 Popik providing the economic analysis. This was
24 followed by questions from the NWT Power Corp. -- the
25 -- the Power Corp., Board staff, Board legal counsel,

1 and the Board.

2 This morning, we'll continue with the -
3 - the Carter family presentation. I would like to
4 remind all the parties to please state your name prior
5 to speaking, and that questions should be asked to the
6 Chair.

7 I would like to note that a portion of
8 the Carter presentation will be presented in Chipewyan
9 with simultaneous interpretation. I ask that you
10 speak slowly for the interpreter and transcriber.

11 I now turn the floor over to the Carter
12 family for their -- their presentation.

13

14 PRESENTATION BY THE CARTER FAMILY CONTINUED:

15 MS. ELEANOR OLSZEWSKI: Good morning,
16 Madam Chair. Eleanor Olszewski, counsel for the
17 Carter family. Good morning to everyone else in the
18 room. We would like to begin this morning's
19 presentation by asking Dr. Bodaly, our fisheries
20 biology expert, to review for the benefit of the Board
21 his qualifications, and also to outline for you the
22 key points of the conclusions that he reached in his
23 reports.

24 And again, to assist the Board, I can
25 advise that the reports of Dr. Bodaly are now two (2)

1 in number. The first is dated February 2017, and it
2 is a response to the Cambria Gordon report as directed
3 by Justice Shaner. The second report is the report
4 dated May 2017 that deals with -- it's a report on
5 samples of lake trout, whitefish, and northern pike.

6 So without anything further, I'd like
7 to ask Dr. Bodaly to begin with his qualifications,
8 and take us through his conclusions. Thank you.

9 DR. RICHARD BODALY: Good morning,
10 Madam Chair, and everyone. I would first like to
11 outline my education, experience, and qualifications.

12 I'm a fish biologist. I have over
13 forty (40) years of experience in the field.
14 Education, I have a bachelor of science degree, first
15 class honours in biology from Simon Fraser University,
16 and a Ph.D. in zoology in the area of fish biology
17 from the University of Manitoba.

18 For twenty-nine (29) years I was a
19 research scientist at the Freshwater Institute in
20 Winnipeg, and included in that time for two (2) years,
21 I was the head scientist for the experimental lakes
22 area. Following that, I was the project leader for
23 about eight (8) years for the Penobscot mercury study
24 in Maine.

25 I've been appointed as an adjunct

1 professor at the University of Manitoba and the
2 University of Maine. In my career, I've produced
3 eighty-one (81) peer reviewed publications in
4 scientific journals, over forty (40) other reports,
5 and more than a hundred presentations at national and
6 international scientific meetings. My expertise is in
7 mercury in fish and food chains, and the impacts of
8 northern hydroelectric developments on fish
9 populations.

10 I would like to go over three (3) main
11 areas. The first is mercury. I'll see if this device
12 works.

13

14 (BRIEF PAUSE)

15

16 DR. RICHARD BODALY: I'm just trying
17 to advance the slide, and I'm not sure which button to
18 push.

19

20 (BRIEF PAUSE)

21

22 DR. RICHARD BODALY: Okay. This is
23 Drew Bodaly again.

24 And as I said, I'm going to go through
25 three (3) subject areas. The first is mercury. My

1 conclusion regarding mercury is that the flooding
2 caused by the original dam development on the Taltson
3 has resulted in ongoing adverse impacts with regard to
4 mercury. And you can see, if you look on that right-
5 hand side graph, the first bar on the left is 1975.
6 These are mercury concentrations in the muscle of lake
7 trout from Nonacho Lake.

8 You can see that in 1975, levels were
9 very high. This was a few years after the lake was
10 flooded. These high levels are to be expected
11 following a flooding event, and this is well-
12 established in the scientific literature.

13 After a flooding episode has happened
14 on Nonacho Lake, mercury levels tend to decrease and
15 stabilize approximately twenty-five (25) to thirty
16 (30) years after flooding. And you can see in that
17 right-hand graph that since about the late -- early
18 2000s, that mercury in lake trout does appear to have
19 stabilized, it goes up and down a little bit from year
20 to year as is often the case in these kinds of
21 datasets.

22 Now, that we have the benefit of recent
23 data from 2013 and recent data from 2014, I -- I think
24 it's apparent that the levels are not continuing to go
25 down, are not going up, they're -- they're probably

1 staying about the same, and, as I said, this is
2 expected. This plot is a plot of the median values
3 which I think is the appropriate value to use. The
4 left-hand plot is the mean or arithmetic average
5 values.

6 As Mr. Cote said yesterday, the median
7 values are probably the better ones to use because
8 they take some of the influence away from the
9 occasional very high concentration in fish, so -- but
10 both -- both graphs tell the same -- basically the
11 same story over time. It looks like levels are
12 approximately staying the same.

13 But I would say that, regardless of
14 whether levels are going up or down, staying the same,
15 there are persistent effects of the publicity
16 surrounding mercury concentrations in Nonacho Lake.
17 Mercury -- the issue of mercury in fish and shellfish
18 is well known to the public. The public hears about
19 it through the media regarding mercury in tuna and
20 other fish species, news items regarding mercury at
21 contaminated sites. In the North, they hear about
22 mercury in reservoirs.

23 Nonacho Lake has a large sign posted on
24 the shore of the lake advising residents and visitors
25 to take caution in eating lake trout from Nonacho Lake

1 because of mercury, especially larger fish. The
2 concentration of mercury tends to go up as the size of
3 the fish goes up, and an additional advisory was
4 issued in 2011.

5 So this knowledge by patrons of Nonacho
6 Lodge has led to a great amount of caution regarding
7 eating fish with mercury. And when I was there in
8 2015 I observed a group of paying customers who would
9 not eat lake trout bigger than 5 pounds. They were
10 very aware of the issue and exercised caution in the
11 amount of large lake trout that they were eating.

12 So I conclude that mercury is a
13 persistent effect of the original flooding. It
14 affects the behaviour of the patrons of Nonacho Lake
15 Lodge in the way that they approach the consumption of
16 fish.

17 The second area I would like to talk
18 about this morning is shoreline erosion. Increases in
19 shoreline erosion are well documented in northern
20 reservoirs in Canada. Here's a picture of a couple of
21 eroding esker type shorelines on Nonacho Lake taken in
22 2016, so fairly recently.

23 But I think there's a lot of
24 uncertainty regarding the stabilization of shores on
25 Nonacho Lake. In my report I reviewed the Cambria

1 Gordon report. I disagreed with their conclusion. At
2 the time of the writing of that report there was no
3 data for shore erosion on Nonacho Lake before or after
4 flooding. That is there was no evidence for an
5 impact, but equally no evidence of a lack of impact.

6 And I felt that the Cambria Gordon
7 report should have said that, whereas there's no data
8 supporting continuing elevated rates of shore erosion,
9 there was also no data supporting the lack of elevated
10 rates of erosion.

11 Since then, we've had the production of
12 the Northwest Hydraulics report, but it's my view that
13 this uncertainty is still present. That is I think
14 there's still no good evidence for or against
15 increases in the rates of shore erosion on the lake.
16 And the reason I say that is for the following
17 reasons.

18 Shore erosion at esker sites on Nonacho
19 Lake was determined quantitatively at only two (2)
20 sites out of the many hundreds of kilometres of
21 shorelines of the lake and, in my view, that is not
22 sufficient for a lake of this size.

23 Also, the Northwest Hydraulics report
24 concluded that rates of erosion at the present time
25 are generally within the range of pre-project rates.

1 However, we cannot know if rates of erosion are within
2 pre-project rates, because there was no quantification
3 of pre-project shoreline erosion rates. There's
4 nothing to compare to.

5 Also, changes in wetland areas were not
6 quantified, but the report made an interesting
7 observation, and that is that the wetland areas
8 adjacent to Nonacho Lake are still adjusting almost
9 fifty (50) years later from the original flooding,
10 still adjusting to those newer, higher water levels.

11 So the Northwest Hydraulic's Report
12 said, this is an area where wetlands are still
13 evolving and still changing. The Northwest
14 Hydraulic's study did not estimate the pro --
15 quantitatively estimate the proportion of shores that
16 were unstable eskers or wetlands. They were very
17 broadly guessed at to be from 1 to 10 percent, which
18 is a ten (10) times range of -- of estimate.

19 So -- so that is -- wasn't quantified
20 and is very poorly known as well. Why does this
21 matter? Well, shorelines, especially wetlands, but
22 any kind of near shore area in a lake are important
23 fish habitat. They are productive for fish food.
24 Unstable shores are less productive.

25 Getting material eroded from shores

1 onto those shallow productive area makes them less
2 productive, and makes them less important as fish
3 habitat. That's why I think it is an important issue
4 for a lake, especially one that supports a sport
5 fishery.

6 The third area that I'd like to talk
7 about is water levels on Nonacho Lake. And I noted
8 that the Board particularly wanted to make sure that
9 there was a discussion of this subject. As was shown
10 in the Cambria Gordon report, there really have been
11 three (3) different periods of water level regimes on
12 Nonacho Lake.

13 Before 1968, of course, water levels
14 and changes in water levels, flows, were natural.
15 Between 1968 and 1986 was the period of flooding. The
16 placement of the dam at the outlet of the lake and the
17 regulation of the lake for power production for the
18 Pine Point Mine. So the lake was actively regulated
19 for power production and the -- the system was
20 producing a fair amount of power in relation to its
21 capacity.

22 Since 1986, as was pointed out
23 yesterday by NTPC's presentations, the lake has been
24 much less regulated. The need for power production is
25 less. The first difference that you see among these

1 three (3) time periods, or -- or eras is that the
2 post-Pine Point era has much smaller elevation
3 differences between high and low water.

4 And by high and low water I mean levels
5 in the summer when levels in the lake are at their
6 peak because of runoff of -- of snow and ice, and
7 rain, versus the next spring when water levels
8 gradually go down over the winter, or are drawn down,
9 of course, for power production.

10 The post-Pine Point period had smaller
11 differences between the peak and the -- the lower
12 levels, about .6 metres. And that's evident in the
13 figures presented in the Cambria Gordon report. The
14 Pine Point period was intermediate and the post --
15 sorry, I'm getting this muddled up.

16 The natural period -- during the
17 natural period before 1968 the difference between high
18 and low water levels was larger, it was about a metre.
19 The post-Pine Point period was smaller, about .6
20 metres and the Pine Point period intermediate.

21 So those three (3) different periods of
22 time when the lake was subject to different natural or
23 regulated regimes are different with regard to how
24 much change in water level there was over the years.
25 The other area that's different is the date of peak

1 water levels.

2 During the post-Pine Point, in other
3 words, the recent period, the average date that levels
4 peaked was earlier than under natural conditions by a
5 significant amount, by a month. And that evident as
6 well in the figures presented in the Cambria Gordon
7 report.

8 Also, water levels stayed higher in the
9 autumn during the -- the recent or post-Pine Point
10 period than under natural conditions.

11 Now, I recognize that the present era
12 is less regulated than it was under the Pine Point
13 period, but it's not natural. There's a dam there,
14 there's a spillway, there are gates, so the water now
15 leaves the natural lake through a series of man-made
16 obstructions and constructions.

17 Also -- and that's shown in that middle
18 picture there, that's the picture of the Nonacho Lake
19 control dam -- the other thing that happens now on the
20 lake is some of the water leaves by the Tronka Chua
21 Gap. This water exit is only been there of course
22 since the lake was flooded. It's an area where water
23 flows out of Nonacho Lake by a separate outlet.

24 So even though it's not as well
25 regulated as it was before, it is different than it --

1 the -- the water regulation is different, the water
2 regime is different than it was naturally, and is
3 different than it was under the Pine Point period.

4 So this lake has undergone three (3)
5 different area -- eras of water regimes in the last
6 few decades. It seems to get reset every twenty (20)
7 years or so with a new environment of water levels and
8 water flows.

9 It's well known that water level
10 changes and the movement of water can affect fish
11 movements, can affect the success of fish in feeding
12 and overwintering and reproducing. And I think here
13 the bottom line is that this is not a natural system
14 and it never will be again.

15 Thank you very much for your attention.

16

17 (BRIEF PAUSE)

18

19 MS. JESSICA BUHLER: Good morning,
20 Madam Chair. Jessica Buhler, counsel for the Carter
21 family. Next we'll be having Elder Albert Boucher
22 speak a bit about his experience at Nonacho Lake.
23 Elder Boucher is a member of the Lutsel K'e First --
24 Dene First Nation, and he's been coming to Nonacho
25 Lake for many years.

1 And I just want to take a moment to
2 thank Elder Boucher for being here today and for
3 sharing his knowledge with the Board.

4 Elder Boucher, could I ask you to
5 please explain to the Board how long you've been
6 coming to Nonacho Lake?

7 THE CHAIRPERSON: Excuse me. I would
8 like to just pause for a few minutes while people are
9 getting on their headsets for the translation.

10

11 (BRIEF PAUSE)

12

13 ELDER ALBERT BOUCHER: Good morning.
14 (NOT SWITCHED TO ENGLISH CHANNEL) I heard from
15 yesterday morning.

16

17 (INTERPRETED FROM CHIPEWYAN INTO ENGLISH)

18

19 ELDER ALBERT BOUCHER: I would like to
20 say a few words in my language. I would like to say
21 good morning to everyone here, and I would -- it's
22 good to hear information. And I would like to tell
23 you a little bit -- a little history about Nonacho
24 Lake.

25

 So when we're on that land, when I look

1 at it I know there's been a lot of changes due to the
2 flooding of the -- of Nonacho Lake.

3 Well, I am seventy-seven (77) years
4 old, and I've -- I've -- I am an Elder now, and when -
5 - in the past I have travelled on that land all my
6 life, hunting and trapping. So what I would like to
7 say, I am going to tell you two (2) different story of
8 one (1) lake.

9 Nonacho Lake, there was a lot of people
10 that lived there during the winter, and in the summer
11 a few stayed. People used to hunt and trap in that
12 area, and in winter and summer alike. People lived a
13 good life on that land. They lived -- they had a lot
14 of fish, and a lot of moose. The water was very good.

15

16 And there was places where you can go
17 for moose, beaver, muskrats, and in winter we'll get
18 caribou also. So a lot of people lived on that land
19 because they knew it was a good -- very good place to
20 be. And there is all houses, and there is graveyards
21 in that -- in that area. And then I stayed a week
22 later after the flooding to look at what happened
23 there.

24 And now that I use dog team to travel
25 on that land, and winter in 1960 I was still trapping

1 at that time in that area. The land was plentiful of
2 fur-bearing animals, which we -- we trapped for our
3 livelihood. People, in those days there was really
4 scarce for work so we had to trap to survive, and
5 hunt. And then now the -- there is people that are
6 using skidoos in replacement of dogs now. But the
7 land is very good. The -- all -- you can just go
8 anyplace without being scared on the shoreline. There
9 is sand beaches. And it was a very beautiful land.
10 And this is the way I knew it right from when I was
11 young till I was Elder. But in winter time we used to
12 go fishing there, and we used to trap also.

13 We just now -- the scientist showed us
14 the fish -- that's the way the fish used to be, just
15 fat and good eating fish. They had no mercury in
16 there. So in the past, that's the way we lived on
17 that land. And you can set nets anyplace in that
18 lake. There was a lot of plentiful fish. And we had
19 lived a good life on that area around area -- area
20 Nonacho Lake. So in winter I -- I used to set nets,
21 too, for my dogs.

22 I'm just telling you the story the way
23 I used to live on that lake, on Nonacho, Lake in that
24 area but afterwards in 1966 I went there by airplane
25 again in fall time to -- to trap. And we got there on

1 a plane, and we went to the camp now which is Carters'
2 camp. There was a fish camp but we landed near that
3 area. And then we stayed there hunting and trapping
4 that -- that year.

5 Since then, 19 -- 1966 and '67 -- and
6 then I went back again. And then there was the -- the
7 dam was filled in that area. And then '68, I -- I
8 went down to the mouth of the river, and I set traps
9 again. And then there was a flooding of the -- all
10 where there was land, there's just water, and you see
11 trees that are standing right in the water. And you
12 couldn't tell where there was points that were really
13 sandy point, a nice area. Those were all flooded
14 over.

15 So we -- I knew a place where we could
16 land, so we went there. And then there was just
17 islands where there was no islands because the land
18 was all flooded, and it looked like the high grounds
19 looked like a little island out in the lake.

20 So this is what -- and, at the same
21 time, they had commercial fishing which was going on
22 there. And now -- and we set nets. And the water --
23 the fish were still edible at the time, but they were
24 changing. We seen the changes in the fishes when we
25 set the -- our nets.

1 In 1988, I went back to Nonacho Lake.
2 And my -- my younger brother had a house there, so we
3 set nets again -- set nets again. And then we seen
4 the deformity of the fishing because of the lake trout
5 were black, and the head was big, and they had a
6 small, skinny tail. And, also, the whitefish were
7 changed in colour. They were all black.

8 And -- and we -- I will -- I -- the
9 Elders had told us that when there's flooding, the
10 fish eat from the land instead of from the water where
11 their habitat changes. And then this is why the fish
12 had changed. And there must have been a lot of poison
13 in those fish, so the Elders used to say not to take
14 the fish anymore.

15 And nine (9) -- when nine (9) -- '90 or
16 '91, we -- we went there. And there was a few
17 trappers that went out there. And we had lost two (2)
18 of the trappers out on the lake -- on the lake,
19 because they went through the ice and they perished
20 there.

21 There was too much water. There used
22 to be channels where you could go and all that. Now
23 it wasn't like that. It was just water all over. And
24 sometimes just the -- the ground was hot, I guess, so
25 it didn't freeze right through the ice, so the ice was

1 very soft. And you see it looks like it's all -- it
2 looks all even, because there's snow on top and
3 underneath is just little, thin ice. That's the way
4 people went through the ice at that time.

5 And along the shore, there used to be
6 an island there. Now -- now we seen that island was
7 in the water. And the people that went through the
8 ice were right on top of the island when we retrieved
9 their bodies from the water. So this is what happened
10 to our trapper and hunters in Lutsel K'e.

11 So that is why Nona -- Nonacho Lake,
12 the water is very -- the landscape, everything is
13 spoiled out there. And also, there's a flood that
14 shouldn't have happened. And this is what eroded all
15 that lake. And if there wasn't a -- a dam that was
16 built, the land would have been really good land. And
17 these people that we had lost all due to the -- the --
18 on the water rising, the fluctuation of the lake, they
19 would have probably still be with us.

20 A licence -- so this is what I want to
21 tell you about. And now that I'm hearing the fish has
22 a lot of mercury due to translating (sic), and it's
23 not edible. So the land that's -- it's damaged. It's
24 a big area of our hunting grounds. NTPC had made a
25 dam there, never consulting any people that use that

1 land. But if they had told us what they were going to
2 do, we might have known a better way of doing things,
3 so I don't know. But this is what happened.

4 So -- and the -- my friends here have a
5 -- a lodge there, and they had a good place for
6 business-wise, and now everything is lost. And our
7 people, too, that go hunting and trapping in that
8 area. We are scared to go there. We're actually
9 scared to eat the fish there, and also to go hunting
10 there, because the ice is not safe.

11 The land cannot be the same again.
12 Once it's damaged, it's damaged. Maybe -- maybe if
13 they take down the whole dam and let the water go
14 through, it might be -- it might change, but it might
15 be a little bit better, but I -- I guarantee it
16 wouldn't be the same ever again. So this is why I've
17 been listening here.

18 And I'm from Lutsel K'e, so this is why
19 I'm here just to tell you what I know of that area of
20 Nonacho Lake. So I'm very disappointed in what
21 happened to our hunting and trapping area, and our
22 livelihood has changed a lot due to the flooding of
23 that lake. So this is why I'm telling you this.

24 I thank you very much for listening to
25 me. Masi. So maybe in the future, you'll hear a

1 story like this someplace. Thank you.

2

3 (INTERPRETATION CONCLUDED)

4

5 MS. JESSICA BUHLER: Thank you. Madam
6 Chair, if I could just ask Elder Boucher one (1) more
7 question?

8 Elder Boucher, would you also be able
9 to explain to the Board about the species of fish, the
10 -- the kinds of fish that you would catch in Nonacho
11 Lake?

12

13 (INTERPRETED FROM CHIPEWYAN INTO ENGLISH)

14

15 ELDER ALBERT BOUCHER: When I set nets
16 in the water, when we used to catch trout, whitefish,
17 grayling sometimes, could it -- and when we set nets
18 in the bay, we used to catch pike, and people had to
19 set nets in a certain place to catch coneys -- coneys
20 and also -- and there was a lot of -- in the south
21 side and the east, there -- there used to be a certain
22 way of catching all of the different -- various
23 different fishes in that area. And we catch moriah
24 there, too, and coney -- kuda (phonetic). That's a --
25 that's a fish that he used to catch out there.

1 (INTERPRETATION CONCLUDED)

2

3 MS. JESSICA BUHLER: Thank you, Elder
4 Boucher, for -- for sharing that with us today.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON: Please continue with
9 the presentation. Are you ready to continue with the
10 presentation?

11 MS. ELEANOR OLSZEWSKI: So, yes.
12 We're continuing with our presentation. Eleanor
13 Olszewski, counsel for the Carter family. At this
14 point in time, I would like the Board to hear from
15 Dean Carter.

16

17 (BRIEF PAUSE)

18

19 MR. DEAN CARTER: Hello, Madam Chair.
20 My name is -- and Board members. My name is Dean
21 Carter. It's a -- a pleasure to be able to present
22 this to you. Thank you so much for -- for meeting
23 with us.

24 Nonacho Lake has been our family
25 legacy. My father, the legendary bush pilot Merlyn

1 Carter, went to Nonacho Lake to commercial fish in the
2 winter of 1957/1958. That was nearly sixty (60) years
3 ago, and it was a full ten (10) years before the
4 Nonacho Lake Dam was installed.

5 And then, in 1962, he and my mother,
6 Jean, who is the stately-looking woman beside me,
7 began a sports fishing industry at Nonacho Lake. Our
8 Nonacho Lake tourism has -- operation has continued
9 until today, some fifty-five (55) years later.

10 Our family's life and bu -- excuse me,
11 and business has revolved around Nonacho Lake. It has
12 been a family run business and we have never had any -
13 - any issues getting a land lease in all those years
14 that we've ever applied. It's where we grew up. It's
15 where I grew up in the summer months, and my brother
16 and sister, as well. It has become our family
17 heritage.

18 We've spent a lifetime promoting
19 tourism for the Northwest Territories, telling people
20 that these are the purest waters on earth, that
21 Nonacho Lake is the purest water, the most beautiful
22 place on earth to come. Water comes off the barren
23 lands. No people live there. You can't miss. And
24 American tourists would believe my dad. He loved
25 talking to them about the beauty of this land and why

1 the Taltson River was such a special river.

2 So here we have a photo of my parents
3 when they were about late twenties, early thirties.
4 And this photo was taken in Kansas City, Missouri
5 about 1966. And Nonacho Lake is -- was one (1) of the
6 lakes that they were promoting here. But it wasn't
7 just Nonacho Lake at that time, they were promoting
8 the entire Northwest Territories. In fact, you'll
9 notice what's featured there is Great Slave Lake,
10 Great Bear Lake, two hundred and fifty dollars (\$250)
11 a week per person.

12 And for the Americans, that, for them,
13 was the last frontier. It was what they wanted to
14 experience, something that was untouched, unpolluted,
15 couldn't get there by road where the fish were
16 abundant, and so they started coming. And there were
17 very few fishing operations of a sports nature in
18 those years and, of course, they were very memorable
19 for our family.

20 It is no longer, however, possible to
21 promote Nonacho Lake as an unpolluted, untouched,
22 unique fishing experience because the dam on Nonacho
23 Lake has damaged Nonacho Lake's environment; it
24 continues to do so. And these effects have impacted
25 our family in many ways. But today I'd like to deal

1 mainly and talk about three (3) specific ways.

2 Number 1. There are high -- high
3 mercury levels in the fish created by the dam.

4 Number 2. The variety of fish species
5 is declining because of the damn.

6 Number 3. The water levels have
7 increased by nearly 10 feet from pre-dam days causing
8 shoreline erosion, totally changing water currents and
9 the topography of the lake, creating an extra outflow,
10 two (2) rivers now flowing out of the la -- lake.

11 And because the lake has a sand esker
12 that's 30 miles long that runs right through the
13 middle of it, millions of pounds of sand have dumped
14 into the lake.

15 I'd like first to talk for just a
16 couple of moments about mercury -- mercury levels and
17 why that is important to us, so I'd like to just click
18 this slide.

19

20 (BRIEF PAUSE)

21

22 MR. DEAN CARTER: So just -- this is
23 on the flight to Kansas City. I'd like to talk for a
24 few moments about mercury. Mercury is of concern to
25 us because increased levels has the potential to

1 impact human health. And, of course, it increasingly
2 impacts fishing -- our fishing business because it has
3 now become public that there are elevated levels of
4 mercury on Nonacho Lake.

5 We subscribe that this has been caused
6 by the -- the dam that is located there. And in 19 --
7 in 2011 a Northwest Territories health advisory was
8 issued advising anyone fishing on the waters of
9 Nonacho Lake to beware of increases in mercury. The
10 levels in 2011 had been elevated from previous levels
11 back in nin -- in 1986 to 2011 to .56 parts per
12 million.

13 According to a well documented study
14 that was done for the DFO by scientist Bruce Stewart
15 and was presented before the Board in 2012, is tab 7.
16 Mr. Stewart reported on the mercury in Nonacho Lake
17 and from his documents said, These elevated mercury
18 levels are likely due to impoundment and the resultant
19 mobilization of mercury from the sediments.

20 As you can imagine, this has become a
21 challenge for us to continue to operate a fishing
22 lodge where lake trout are not safe to consume,
23 because of high mercury levels. And think of it this
24 way, we are a fishing business and there's a sign on
25 the lake that says, Mercury in the fish. Dod -- don't

1 eat the fish unless they're small.

2 Our patrons say, We won't be going to
3 Nonacho Lake anymore because of mercury issues, or
4 because we can't eat the fish. For example, at trade
5 shows that we conduct annually, one (1) of the
6 questions asked on a regular basis is, What is the
7 limit of lake trout possession? How much can we take
8 out per day? Can we eat the fish?

9 So if your limit is five (5), can we at
10 least eat the fish while we're there? And now we have
11 to say, Well, no you can't. Well, why not? Well,
12 because of this reason. And it has become a
13 challenge, because the adverse impacts continue and
14 now it has become public and we're trying to promote a
15 fishing lodge.

16 I'd like to encourage the Board to
17 review letters from patrons attached to our
18 submissions from 2012. Please read what our guests
19 have to say about Nonacho Lake, why they stopped
20 coming. And you'll find it wasn't only because of
21 lake trout. Some said, We used to catch arctic
22 grayling there. Others said, you -- you know, The
23 pike are not as abundant as they were.

24 And those comments have been
25 interesting to us, because it's not something that we

1 normally talk about. You normally think, Well, pike
2 are a hearty fish, they can survive anywhere.
3 Although, in recent years as those letters show, we
4 have become concerned about -- about the pike and why
5 we're not catching them as abundantly -- sorry, why
6 we're not catching them as -- as abundantly as we once
7 did.

8 And I appreciated Dr. Bodaly's comments
9 when he said that, Shallow wetlands are important for
10 fish habitat, especially one that supports a sport
11 fishery. Where do pike thrive on a lake? They --
12 they survive near wetlands and they proliferate and
13 are abundant there. So it has been a concern for us
14 in recent -- in recent years.

15 We also have occasions at time --
16 occasionally been asked specifically by people, you
17 know, as they're going by trade shows, say, Wasn't
18 there an -- an advisory on your lake? What can we
19 say? We can't say, No, you're thinking of another
20 lake. So that never used to be the situation. We
21 were never aware of a high mercury.

22 So as you can appreciate, on a lake for
23 fifty (50) years and now in 2011 there's -- there's an
24 advisory. It's challenging for us to market a fishing
25 lodge when you have to tell people that the fish in

1 the lake aren't safe to consume because of mercury
2 levels. And we have to be -- but at the same time we
3 have to be truthful.

4 The reports indicate mercury levels are
5 increasing because of the dam, so it's an ongoing
6 adverse impact that we see continuing into the
7 foreseeable future. So that was a first concern. And
8 the -- the slide that I have up here was a part of the
9 Stewart document, and it lists in this particular
10 slide a variety of species of fish but in that same
11 write-up he also refers and speaks about mercury, so I
12 just used it as a snippet or a clip.

13 That's a little bit more of it, telling
14 the types of fish that DFO sampled. It included more
15 than these fish, as well as -- another paragraph
16 further down mentions, so I would ask the Board to
17 take a look at that scientific document.

18 The second point I'd like to talk about
19 is declining fish species. I don't have a slide for
20 that but I'd like to illustrate it this way. And I
21 have with me maps where the field -- where the field
22 data was from 1959. One (1) to fifty-thousand
23 (50,000) scale. It shows you the river system of
24 Nonacho Lake, a little bit of Tronka Chua Lake where
25 we have the Tronka Chua gap and where the -- the dam

1 is located today although the maps are from pre-dam.

2 If anybody is interested in looking at
3 those, I'd be happy to show them copies of those maps
4 that we have from 1959 field data.

5 So just regarding declining fish
6 species, if you can just picture this. Two (2) lakes
7 and a river. You've got Nonacho Lake 50 miles long,
8 you've got Grey Lake 30 miles long, and the Taltson
9 River flowing between them. In the river there is
10 grayling, and there's an abundance of other types of
11 fish.

12 And then in 1966 -- 1968 a dam was
13 placed across Nonacho Lake. It raises Nonacho Lake to
14 the same level as Grey Lake. There's no more river.
15 The river is gone. Arctic grayling habitat is
16 destroyed. Now, Albert Boucher, a long time resident
17 -- lifelong resident of the North, said they used to
18 catch grayling in Nonacho Lake. Well, I did, too. I
19 took sports fishermen there. And others have caught
20 grayling in that riv -- in what used to be a river
21 system.

22 River is destroyed. Habitat is
23 destroyed. No more grayling. That is one (1) of the
24 most loved of all sports fish. Other fish that have
25 declined in Nonacho Lake that have been documented in

1 the Stewart document to have been caught by commercial
2 fisherman was pickerel or walleye, 2,000 pounds one
3 (1) year. Coney, Elder Boucher mentioned catching
4 coney. There was burbot, or what we often refer to as
5 mariah, having been caught. There was -- there was
6 also of course lake trout and whitefish.

7 But -- a numerous amount of fish, but
8 several of those fish we have not caught in nets or by
9 angling in a long time. Arctic grayling we no longer
10 catch. Walleye has not been caught by anyone setting
11 a net for a long time. That is another sports fish
12 that we say we don't catch on that lake.

13 Another fish is -- is coney. Those
14 were documented scientifically as having been caught.
15 So you've got these fish species -- now, in the case
16 of suckers, they were caught there as well, documented
17 in the Stewart document. Suckers and walleye spawn in
18 rivers, as do coney. River destroyed. Fish habitat
19 destroyed. Because of a dam. Impacts continue. You
20 can't recreate fish if the species is gone in the
21 river system.

22 Now, the arctic grayling and the
23 walleye would be helpful to our fishery, and the
24 arctic grayling was helpful to our fishery at one (1)
25 time but it's not anymore because of a dam. Not long

1 ago, here just this spring in Edmonton at a trade show
2 a man went by and asked us, You catch walleye there;
3 no. Another come -- guy comes by: Do you catch
4 grayling on your lake? I want to fish for grayling,
5 as well; ah, no.

6 We don't say, Well, we used to but
7 these things are happening because of a dam that has
8 affected the environment. And it's affected us. It's
9 affected our way of life. It's affected our
10 lifestyle. It's affected us promoting this. And the
11 adverse impact of the dam, once it goes in, it's --
12 continues. It's not going to stop, as Elder Boucher
13 mentioned.

14 A third area I wanted to talk about is
15 water levels have changed, and how this has impacted
16 Nonacho Lake. In 1968, when the dam was installed,
17 the water levels went to the level that was at a level
18 we would assume for thousands of years in naturally
19 occurring level lakes. You can think of Great Slave
20 Lake, Great Bear Lake.

21 You have a water level that is a
22 baseline. It fluctuates, goes up a little bit in the
23 spring runoff and then goes down. As Dr. Bodaly
24 mentioned, those natural regimes have changed and will
25 likely forever remain changed from what the natural

1 occurring levels were.

2 But imagine having a level of a lake
3 for thousands of years at a certain level, and then
4 one day there's a dam put in, water level goes up
5 between 9 and 10 feet and then stays there in a very
6 short period of time.

7 Now, it's one (1) thing if the lake has
8 a granite shoreline all the way around. But remember,
9 this lake has a 30 mile long sand esker going through
10 it with hills that have developed over eons of time
11 and have adjusted to the landscape.

12 Now you've got -- when a storm comes
13 and hits a shoreline, that sand, you get 5 foot waves
14 pounding it, you know what happens when sand gets hit
15 where it's never been touched before. It's going to
16 fall into the lake. And we've got pictures that will
17 show you. That's -- that is exactly what happened.

18 So the erosion occurred on Nonacho
19 Lake, dumping millions of sand -- pounds of sand and
20 totally changing the topography of the landscape.

21 Just envision, if you were on the
22 shores of Great Slave Lake, say you were in my
23 hometown, Hay River, at the beach in the old town, and
24 you just sit -- stand there and picture a wall of
25 water coming at you, maybe 9 to 10 feet high, and then

1 look across Vale Island in the old town of Hay River,
2 the whole town would be under.

3 Or go to Fort Resolution. Stand on the
4 pier and say, You know, if Great Slave Lake was raised
5 9 or 10 feet higher in a very short time, what would
6 happen to this community? Go to Lutsel K'e and see
7 how much of that community would be underwater. Go to
8 the old town of Yellowknife and stand there.

9 That's what happened to Nonacho Lake in
10 a very short time. Now, you've got a sand shoreline,
11 and think of this: Water's hitting it and in it
12 comes. Eventually what happens, because there's so
13 much of an esker there, it -- it creates new islands.

14 And that's exactly what happened to our
15 camp. Our camp was on the peninsula, and there was a
16 nice area of land that joined that peninsula to the
17 other part of the esker. The water level came up to
18 about a foot or 2 above the trees, so the trees look
19 nice. They're just -- they're just in water.

20 But after a year or two (2), the trees
21 die. And then the root structures give -- eventually
22 weaken, storms come, and eventually the trees fall
23 over such as occurred in this photo here. This is
24 about 2 miles from where our camp is.

25 But before we get to the photo, what we

1 found had happened was where the -- where the -- there
2 was the connect to make the peninsula, the trees --
3 some of the trees didn't fall over. They were just
4 there dead.

5 And then the fishermen tried to go
6 through this area that was, you know, a foot, 2 feet
7 deep with boats, because it was a bit of a shortcut.
8 Next thing you know, they're hitting stumps.

9 And -- and so we tried to cut the
10 trees, and we tried to pull out the -- the stumps, and
11 eventually, not overnight, but over a couple of
12 decades, there's a current there that started.
13 There's a current, just -- a current, and then
14 eventually it cut its own unique channel.

15 So there was a channel now. So what
16 was once a peninsula is not only just a bit of -- of
17 flooded land with trees in it. You have a channel
18 that never freezes in the wintertime. It's a current
19 that is strong. You go there on a skidoo, it can be
20 fifty (50) below for a month. Don't go there, because
21 you'll go through.

22 So that's what happened at our camp,
23 but not just at our camp. A similar situation
24 happened about just a mile or two (2) away where Elder
25 Boucher referred to as friends from Lutsel K'e

1 actually went through the ice and drowned because of a
2 similar occurring circumstance.

3 So the people of Lutsel K'e are afraid
4 to go to the lake now in the wintertime, even though
5 they grew up on ice, they grew up on dog teams. It's
6 -- it's a risky venture for them and they're not
7 wanting, and neither or we, wanting to complain, but
8 it's -- it's totally changed the landscape of the
9 lake.

10 This photo here, take a look at that
11 for a moment. This is our dream lake. That's where
12 we built our dream home, right there. This is the
13 Northwest Territories. This is the lake that we told
14 people to come to before there was a dam. Come here.
15 It's the most beautiful place on earth. Water comes
16 off the barrens. It's where we built our home.

17 Now, look at the erosion that's
18 occurred here, 9 feet higher than pre-dam days. Look
19 at the one (1) tree that my wife is standing beside.
20 Look at the roots. Do you see erosion there in the
21 bottom right of that? Of course you do.

22 The other tree fell from the -- it was
23 in the water. It fell onto the shore, somewhere on
24 the shore. This is -- is where we fish. People have
25 to fish there. You can imagine what -- what it would

1 be like trying to fish. Now, if this is what's above
2 the water, can you -- can you imagine what's below the
3 water? I've seen what's below the water. It's strewn
4 with dead trees.

5 And you look at that, and I think when
6 -- when land lease inspectors come to Nonacho Lake and
7 inspect our camp, we've always had a good rapport with
8 them. You know, sometimes they'll find -- you know,
9 you've got a bit of, you know, things over here, you
10 got to clean this up, that's good, this is good, but,
11 you know, here clean this -- this area up. Well,
12 who's going to clean that up? We didn't make that.
13 You know, the fish didn't create it. The beavers and
14 muskrats didn't create it, but they've got to swim
15 there, if there are any left.

16 So now we go to trade shows, and we're
17 saying this is -- we don't show pictures like this at
18 trade shows, but this is the reality of what has been
19 created by a dam on a lake that had the purest of
20 waters coming off the -- the barren lands of the
21 Northwest Territories, but it was blocked by a dam.

22 You fish in this area. Fisherman love
23 to go for a shore lunch. How do you take a shore
24 lunch here when you can't even eat the fish anymore?

25

1 (BRIEF PAUSE)

2

3 MR. DEAN CARTER: Everyone likes to
4 say we're concerned about the environment, that we are
5 environmentally friendly and we try to do our best.
6 You look at this photo and I think, That's not
7 environmentally friendly, that's environmental
8 vandalism.

9 We could produce lots of photos like
10 this, because there's a lot of esker on this lake.
11 Let's take a look at a few more. I'm going to scroll
12 through a little bit fast. You can -- some of these
13 are obvious, me swimming with dead trees and so forth.
14 Erosion here. I showed up one (1) day at the camp the
15 first flight of the year in the spring. Water had
16 come up. The dock is underwater, barrels in the
17 water, so of course he moves those, but erosion.

18 Here's -- here's a -- a sand esker that
19 our camp was a part of just across the bay, trees in
20 the water. You can see new -- new areas. But what
21 happens when water hits an area that it has never hit
22 before? I mean, where there's steeper areas of sand
23 hills, surely it's easily observable that some of the
24 sandbanks are going to cave into the lake.

25 A few more shots of dead trees being

1 killed by rising levels caused by the dam. A picture
2 of the family dog on a hill that's caved in, trees in
3 the water. Just some shots. We know what dams
4 create. This is dead trees created by a dam.

5

6 (BRIEF PAUSE)

7

8 MS. JESSICA BUHLER: It's not working
9 anymore.

10 MR. DEAN CARTER: Can't get it to go
11 to the next...

12

13 (BRIEF PAUSE)

14

15 MR. DEAN CARTER: Yeah, and just back
16 it up to where we were. Thank you.

17 I -- that's -- okay, I'll see if this
18 works. Dead trees in water. This is a video I took
19 in August 2016. And do I just push -- is there sound?
20 Can we back it up?

21 THE SOUND TECHNICIAN: Is there sound
22 on the video, sir?

23 MR. DEAN CARTER: There is sound, yes.

24 THE SOUND TECHNICIAN: Okay. Well --

25 MR. DEAN CARTER: Okay.

1 THE SOUND TECHNICIAN: So...

2 MR. DEAN CARTER: I can explain it.
3 Just play it if the sound doesn't come on.

4 THE SOUND TECHNICIAN: We tried this
5 video two (2) days ago and there's no sound.

6 MR. DEAN CARTER: Okay. Fine. I'll
7 explain it.

8 MS. JESSICA BUHLER: We just might
9 need -- need you to hit the play. For some reason,
10 it's not...

11

12 (VIDEO PLAYED)

13

14 MR. DEAN CARTER: So this is just a --
15 a photo of -- or a video, a -- a thirty (30) second
16 video of dead -- dead trees right across from the bay
17 where we had our first cabin put up in 1966. And --
18 and you can see dead trees on the bottom of the water,
19 but you can imagine -- these trees haven't fallen over
20 yet. They're in the water just a little, but the
21 bottom of the lake was strewn with lots -- millions of
22 dead trees.

23 And as you're coming around here,
24 you'll see a -- a -- I've got a stump right there. We
25 call it deadhead. And those are just -- though

1 sometimes just below the surface of the water. Not
2 all trees fall over and die. Some of them are just
3 below the surface. You never know where -- there's a
4 few more right there. And it can be a -- a hazard to
5 fishermen, to anglers, especially if there's waves,
6 and you can't quite see them, it becomes a danger to
7 boaters.

8 That was created by the dam, because
9 the waters are where they never were before. We
10 didn't cause that. And it continues to impact us
11 adversely. Here's a Bombardier that my father and
12 others brought in in 1958. That Bombardier sits in
13 the water today, the back axle.

14

15 (VIDEO CONCLUDED)

16

17 MR. DEAN CARTER: I took this photo
18 from an aircraft I was flying in 1997. We were at
19 11,000 feet. And I didn't take it to show anybody, it
20 was just for my own enjoyment at the time, but this
21 photo shows how the entire landscape could change in a
22 lake that's a sand esker.

23 Most of what you're seeing here is
24 sand, is -- is a part of a sand esker. And there is a
25 narrows -- there's a little narrows that are -- is

1 just on the left side and -- where you can see it used
2 to be a peninsula, but now it's a -- a -- it's an
3 island and it has cut its own channel through there.

4 And so it shows how where there's sand,
5 you've got current. It -- it changes the entire --
6 tire dynam -- dynamics of a lake. Now, you've got
7 currents. Dr. Bodaly talked about currents --
8 adjusting currents in a lake, affecting fish movement.
9 Well, we see that there. We see that on several
10 different places on the sand esker, and there are many
11 islands that have been created as a result.

12 So that is just about the end. This is
13 the Tronka Chua Gap we've talked about. Second
14 outflow created because of the dam raising waters, and
15 this -- can I go one (1) more from here? I don't want
16 to show this video. Okay. It's just the Tronka Chua
17 Gap. We've seen that before.

18 This is a -- just a photo of our camp,
19 and some -- just to give you an idea of what it looks
20 like. It's a sand beach. It's a part of a sand
21 esker.

22 I took this photo in 1973 of the dam.
23 Those are the gate structures. I was a teenager in
24 school at the time. Came out, and went down below the
25 dam. That is -- some of the other photos were -- were

1 helpful because they showed the spillway off to the
2 side. The dam, as was mentioned, is about 100 metres
3 long.

4 I'd like to just raise comments that
5 have been made here about the Taltson River being a
6 run of the river operation. Is it really a run of the
7 river? You've got a reservoir with a dam and a
8 spillway, and three (3) gates. And now because of the
9 raising waters, yet another outflow. So it's a
10 reservoir.

11 So think of it -- you -- you think of
12 it this way is how I've done. You create a reservoir.
13 Water is always coming in. Water is coming in but
14 then you block the water. It's like think about a
15 bathtub even. You know, you turn the tap on. Water
16 is always coming in, or a shower water is coming in,
17 and you've got a drain. Water goes out. It works,
18 but then you block the drain. What's going to happen?
19 Water comes up, water comes up, and finally when it
20 gets to the top of the reservoir or the tub it starts
21 spilling over.

22 Well, in this case it spilled over --
23 not here. It started spilling over here, too, because
24 we've got two (2) outflows. That's not a natural
25 occurring run of the river. You can call it what you

1 like. It's similar to a run of the river. It's
2 essentially a run of the river.

3 At times those gates req -- require
4 maintenance. Sometimes -- if you look in the past
5 twenty-five (25) years, at times the gates have been
6 opened and closed. So that be -- would be like taking
7 your hand that you've plugged the tub with and every
8 so often doing this. You're regulating the flow.
9 It's not a true run of the river.

10 So it's a reservoir that has been
11 adjusted. And since 1914 -- or rather since 2014 the
12 gate structures have not been touched, yet there is
13 leakage. There is a dam. There is a spillway. And
14 there's still yet another outflow. So I submit it's
15 not a true run of the river operation.

16 Where is this? This is the last one
17 (1). This is just a video -- I guess -- well...

18 MS. JESSICA BUHLER: Shannon, could we
19 get the video? Thank you.

20

21 (BRIEF PAUSE)

22

23 MR. DEAN CARTER: This is our camp
24 you're looking at, just from the -- what we call
25 Brandon's Mountain. It was a mountain that -- of sand

1 that fell into the lake.

2

3

(VIDEO PLAYED)

4

5 MR. DEAN CARTER: So similar to videos
6 that you've already -- or photos you've already seen.

7 Regarding the fluctuating of water levels was

8 addressed. The water levels, was noted that they're

9 slightly less than they were historically.

10

But remember, you're not having levels
11 that are like this here that have been going like that
12 for thousands of years. All of a sudden now you go up
13 9 to 10 feet, now you have fluctuations that are
14 slightly less hitting the area of sand that you've
15 never hit before.

16

It's obvious what's going to happen.
17 You're going to have eskers -- some of them where
18 they're steeper landscapes falling into the lake and
19 creating -- eroding into the lake. It's sand. It's
20 not -- it's not granite.

21

22

(VIDEO CONCLUDED)

23

24 MR. DEAN CARTER: So those are the
25 slide presentations from our family. And just in

1 conclusion.

2 People have travelled around the world
3 to come to Nonacho Lake. They've travelled from
4 Europe, from North America, from across this great
5 continent, Hawaii, places around the world. They have
6 come here because it's the last frontier.

7 They've got fish in Europe with
8 beautiful lakes. Why come all the way to the
9 Northwest Territories? People want to see the last
10 frontier, a place that's beautiful, that's untouched.

11 But it's not the last frontier any
12 more. That's the challenge. It's the same as any
13 other place now. There's a dam on the lake that has
14 created adverse impacts. What are the adverse impacts
15 for us that -- that make it so difficult to market?
16 Increased mercury levels, sign posted warning anglers.

17 We've got fish species that no longer
18 exist because of a dam that has -- was created by a
19 dam, and that continues. It's not changing. And we
20 see total changes of the topography of the lake
21 because of the substantial amount of the lake that
22 includes a sand esker, creating another outflow,
23 creating changing water currents.

24 So it's -- it's the same as anywhere
25 else. So from a beautiful lake where Albert Boucher

1 was as a boy in the 1940s to a beautiful lake where my
2 father was in the 1950s before a dam was there and to
3 a beautiful lake where I was as a boy in the 1960s
4 before there was a dam to a lake now that has been
5 damaged because fish habitat was destroyed because of
6 a dam, spawning grounds destroyed because of a dam,
7 fish species no longer there because of a dam,
8 elevated mercury levels bringing on signs posted on
9 the lake because of a dam, two (2) rivers flowing out
10 of one (1) lake because of a dam, dead trees in the
11 water making it difficult for anglers, and so forth.

12 A once-beautiful lake now exposed to
13 the damage created by a dam. So we didn't make the
14 lake this way. Neither did the fish, neither did the
15 beavers or the muskrats, neither did most others. But
16 it was done this way because of a dam.

17 So we didn't deserve this. Fish didn't
18 deserve it. Mammals living on the lakeshore didn't
19 deserve it. Visitors don't deserve it. No one
20 deserves it.

21 It's our duty, friends, to protect our
22 environment. The Northwest Territories is a beautiful
23 place. We hope that we can learn from this and make
24 it our endeavour to try to protect our beautiful lands
25 of this great northland. Thank you very much.

1 THE CHAIRPERSON: And is that the end
2 of your presentation, or is it --

3 MS. ELEANOR OLSZEWSKI: Madam Chair,
4 we have one (1) additional person who will speak to
5 the Board very briefly, and that is Jean Carter.

6 THE CHAIRPERSON: It -- I'm -- it is
7 now 10:23, and I think that we'd like to take a
8 fifteen (15) minute break and come back at 10:38.

9 MS. ELEANOR OLSZEWSKI: Thank you.

10

11 --- Upon recessing at 10:24 a.m.

12 --- Upon resuming at 10:40 a.m.

13

14 THE CHAIRPERSON: Yes, we're ready
15 now.

16 MS. ELEANOR OLSZEWSKI: Thank you,
17 Madam Chair and members of the Board. I'd like to now
18 call upon Jean Carter to say a few words. Thank you.

19 MS. JEAN CARTER: Are we ready? Madam
20 Chairman, Board members, this is Jean Carter speaking
21 on behalf of the Carter family. I don't really have
22 much to say. All of us who are here today and
23 yesterday have heard substantial evidence to the
24 damage the dam has caused and will continue to do as
25 long as it is in operation.

1 But what I want to talk about a
2 different type of damage and that is a personal damage
3 that this has caused the Carter family. It's been
4 mentally stressful. It has been emotional stressful,
5 and extremely stressful by the -- our change in
6 lifestyle and our livelihood.

7 The damage that has been done, there's
8 no denying that it will continue as long as the dam is
9 in operation. It's a fact of life. You don't have to
10 be a Philadelphia lawyer to figure this out. We have
11 been eye witnesses for the past forty-five (45) years
12 or longer to the significant changes and adverse
13 effects that the Taltson Project has had and it will
14 continue to have on Nonacho Lake and the Carter
15 family.

16 Ever year, even before we go out to the
17 start of the season before we go, we start to wonder
18 and worry, I wonder how the water levels will be at
19 Nonacho Lake. This has been an ongoing stressful
20 situation for us. We observe more shoreline erosion,
21 water levels either up or down, causing our docks to
22 be flooded or out of the water.

23 You can't fabricate dead trees,
24 erosion, that was not there before the dam was, but we
25 have it now. These -- there are some things that are

1 just obvious and don't need to be scientifically
2 proved. If you only happened -- if it only happened
3 at one (1) time, maybe you could question it, but we
4 see this year after year after year. And it will
5 continue to be like that as long as the dam is in
6 operation.

7 NTPC and their experts can deny all
8 they want that the Taltson dam has not done any damage
9 to Nonacho Lake and the Carter family and it will
10 continue to do so as long as the dam is in operation,
11 but that's not going to change anything.

12 The damage will continue to do so and
13 you just simply can't deny it. In conclusion, the
14 Carter family wants to clarify one (1) very important
15 matter. NTPC and their counsel have made statements
16 about the Carter family that was unwarranted and
17 totally not true. They vilified the Carter family and
18 our expert representatives.

19 The Carter family, via Facebook have
20 been -- I'm sorry, when I say the Carter family,
21 include -- including my grandchildren and my great
22 grandchildren through the -- via the Facebook have
23 been deeply crushed by these statements. We have
24 always been well respected and honoured in our field
25 of aviation and tour -- tourism.

1 We had no other choice, and rightly so,
2 but to seek compensation. We said this to NTPC
3 before. Our compensation would be to restore Nonacho
4 Lake to its natural spectacular beauty to the way it
5 was before the dam was installed. We know -- we know
6 that this is not going to happen, so we -- we did what
7 anyone else would do, and that is to seek
8 compensation. However, we are and always have been
9 seeking for justice to be done and for the Board to
10 respect justice Sha -- Shaner's ruling and comply with
11 her request to be reasonable, justifiable, and
12 intelligible in their decision.

13 I just want to say one (1) more thing
14 of what the power di -- power corporation did.
15 Nonacho Lake was once referred to by a fish biologist
16 the jewel of the North. We'll say this jewel was an
17 emerald. The power corporation just -- I'm sorry,
18 this jewel was sitting in a beautiful white gold
19 setting. The power corp. came in, plucked that jewel
20 out of its setting and replaced it with a cubic
21 zirconia and a tarnished setting.

22 So I want to thank everyone here to
23 make that -- the first time we really -- I have to
24 honestly say the Carter family had a chance to really
25 speak out of the damage at Nonacho Lake and how it has

1 ada -- affected us. So I want to thank all those who
2 have made this possible. And I want to thank
3 especially our legal counsel and his -- her
4 assistants, Randy Popik, for his expert direction,
5 last but not least, Dr. Drew Bodaly for his
6 knowledgeable input on our fish and -- on fish
7 biology, fish habitat, and the damage the dam's cause
8 to the environment.

9 Thank you. Masi cho.

10 MS. ELEANOR OLSZEWSKI: Good morning.

11 I'm sorry, Madam Chair, Eleanor Olszewski, counsel for
12 the Carter family. Those are all of our -- that
13 concludes our presentation this morning on behalf of
14 the Carter family. Thank you.

15

16 QUESTION PERIOD CONTINUED:

17 THE CHAIRPERSON: Thank you. We will
18 now proceed with the regular question period. I ask
19 that you please state your name prior to speaking and
20 ask your questions to the Chair. The Northwest
21 Territories Power Corp. will go first.

22 MR. DOUGLAS EVANCHUK: Good morning,
23 Madam Chair, panel members, and parties in the room.
24 It's Doug Evanchuk, on behalf of Northwest Territories
25 Power Corporation.

1 We have questions, Madam Chair, for
2 both Dr. Bodaly and for Mr. Carter. I think to make
3 this a little more organized I will address questions
4 to Mr. Carter first. And then I will have questions
5 for Dr. Bodaly. And Mr. Cote will also have a few
6 questions for Dr. Bodaly, and he will follow me.

7 So I'll begin, Mr. Carter, with you.
8 Thank you for your presentation. I just have -- I --
9 I got one (1) question about your slide. Your -- when
10 you indicated or provided us a slide with a view from
11 11,000 feet of a sand island in 1998 was -- was that a
12 picture of Nonacho Lake, sir?

13 MR. DEAN CARTER: Yeah, that was a
14 picture of Nonacho Lake. It was a picture of our
15 camp, the -- the island that our camp is located on,
16 and then the -- the esker. I -- I would have
17 preferred to have gone right up to it, but I didn't
18 have a laser pointer to show where things were, but,
19 yes, it is.

20 MR. DOUGLAS EVANCHUK: Tha -- thank
21 you, sir. And, sir, just in terms of the -- the
22 operation of the lodge on the lake, is there -- are
23 there any other parties who have leases or operations
24 on Nonacho Lake other than Nonacho Lake Lodge or -- or
25 NTPC?

1 MR. DEAN CARTER: Not to my knowledge.

2 MR. DOUGLAS EVANCHUK: Thank you.

3 And, sir, with respect to the lease that is held by
4 the business on Nonacho Lake, I just wanted to
5 understand a little bit. To your knowledge, has the
6 lodge always required a lease from -- from Canada to
7 operate on the lake?

8 MR. DEAN CARTER: To my knowledge,
9 yes.

10 MR. DOUGLAS EVANCHUK: Okay. And we
11 had -- we were provided in the 2012 submissions with a
12 copy of the lease, and that was provided in Tab 11.
13 And I referred to the -- that tab indirectly with --
14 with Ms. Allerston yesterday.

15 That appears to be the lease that's in
16 effect until 2022. Is that your understanding, sir?

17 MR. DEAN CARTER: Yes.

18 MR. DOUGLAS EVANCHUK: Okay. Now, the
19 information provided in the submission references the
20 areas to be included in the lease, and that included a
21 lease sketch that's at the back of the lease.

22 So those are -- just so we're clear,
23 those are the lands to which -- those are the lands
24 upon which you operate the business?

25 MS. ELEANOR OLSZEWSKI: I'm sorry to

1 interrupt, Madam Chair, but I wonder if we could have
2 a copy of the lease for the witness so that he can
3 take a look at it while he's giving his evidence?

4 THE CHAIRPERSON: Can that be
5 provided?

6

7 (BRIEF PAUSE)

8

9 THE CHAIRPERSON: We'll just pause for
10 two (2) minutes.

11

12 (BRIEF PAUSE)

13

14 THE CHAIRPERSON: Are we ready to
15 continue? Do you have the --

16 MR. DOUGLAS EVANCHUK: Do you have
17 that, sir?

18 MR. DEAN CARTER: Yes, I do, sir.

19 MR. DOUGLAS EVANCHUK: Now, you can
20 take it from me subject to check that this is a --
21 what I understand to be the inclusion of the site plan
22 and the location plan that's attached to your lease.

23 Does this look familiar to you, sir?

24

25 (BRIEF PAUSE)

1 MR. DEAN CARTER: I -- I believe it's
2 the correct one, sir.

3 MR. DOUGLAS EVANCHUK: Okay. So
4 again, just to -- just to confirm my earlier question,
5 then, these are the lands upon which the lodge
6 operations are conducted, or carried out?

7 MR. DEAN CARTER: Yes.

8 MR. DOUGLAS EVANCHUK: And you talked
9 about lease inspectors that come to the site from time
10 to time.

11 Is it with respect to these particular
12 areas or land -- leased lands that they come and --
13 and talk to you about cleaning up, and carrying out
14 remediation obligations?

15 MR. DEAN CARTER: Correct.

16 MR. DOUGLAS EVANCHUK: And do you know
17 for the lease -- for the remediation quote that was
18 obtained by the family and was included in Mr. Popik's
19 materials, do you know or can you confirm that the
20 remediation estimate related to the lands that are
21 located here on this site plan on the lease, or was it
22 for something else in addition to that?

23 MR. DEAN CARTER: My understanding, it
24 would be the lands that are on this lease and possibly
25 the -- the outpost camp as well, which is also located

1 on Nonacho Lake.

2 MR. DOUGLAS EVANCHUK: Okay. And,
3 sir, just -- you -- you'd provided a number of slides
4 showing trees on the shores.

5 Can you confirm that the trees on the
6 shores that you're referring to were located on the
7 lands depicted here as being your leased lands here,
8 or were those trees on the shore located on lands that
9 -- and shoreline outside of your leased lands shown
10 here on the lease?

11 MR. DEAN CARTER: Some of the photos
12 were lands on the lease. Some of the photos were
13 lands off of the lease.

14 MR. DOUGLAS EVANCHUK: Thank you, sir.
15 Now, just more generally appreciated the -- the
16 pictures of past business -- business activities of
17 your parents. That was -- I always like seeing
18 pictures like that. It brings back memories of my own
19 parents, who I -- who are no longer with me.

20 But I'm just curious, that -- there was
21 a picture in reference to a 1965 visit to Kansas City.
22 Did I -- is that right? Was that what you were
23 talking about was a marketing -- was that a marketing
24 trip?

25 MR. DEAN CARTER: It was a marketing

1 trip for -- yes, for -- for the fishing camp and --
2 and for the Northwest Territories.

3 MR. DOUGLAS EVANCHUK: For -- oh.
4 Okay. Sure. Thank you. And you men -- you
5 referenced also more recently attending a trade show
6 in Edmonton. And I just wanted to confirm, with
7 respect to the carrying out of the marketing and
8 promotion of the lodge today, who -- which members of
9 the family carry out those activities?

10 MR. DEAN CARTER: Primarily right now,
11 it's my brother Myles.

12 MR. DOUGLAS EVANCHUK: Okay. And is
13 the Edmonton trade show the only event that is
14 attended, or are there other activities that -- that
15 take place?

16 MR. DEAN CARTER: I would like to
17 refer you to my brother Myles for that --

18 MR. DOUGLAS EVANCHUK: Okay.

19 MR. DEAN CARTER: -- answer.

20 MR. DOUGLAS EVANCHUK: I appreciate
21 that. Thanks.

22

23 (BRIEF PAUSE)

24

25 MR. MYLES CARTER: Myles Carter,

1 Carter family. Madam Chairman, thank you. We also do
2 other trade shows, just not the Edmonton one.

3 MR. DOUGLAS EVANCHUK: Doug Evanchuk,
4 NTPC. And -- and just -- thank you, Myles Carter.
5 Can you just confirm, do you attend the same trade
6 shows that the other NWT or northern Canada sport fish
7 operators attend? Do you attend the same trade shows,
8 or do you pick -- pick and choose?

9 MR. MYLES CARTER: Myles Carter,
10 Carter family. Some I do the same, and there's others
11 I pick and choose.

12 MR. DOUGLAS EVANCHUK: Thank you, sir.
13 And in the past -- and perhaps for a frame of
14 reference, in -- prior to the year 2000, and perhaps
15 focussing through the mid-'90s, was the -- was the
16 nature of -- of marketing and promotion of the sport
17 fishing industry, was it different than what it is
18 today?

19

20 (BRIEF PAUSE)

21

22 MS. JEAN CARTER: Okay. Would you
23 please repeat your question?

24 MR. DOUGLAS EVANCHUK: Thank you,
25 ma'am. In the -- the previous marketing and efforts

1 to promote the business, I gather that that activity
2 was done by Mr. and Mrs. Carter in the period through
3 the mid-'90s?

4 MS. JEAN CARTER: That's correct.

5 MR. DOUGLAS EVANCHUK: Thank you.

6 And, ma'am, can you describe briefly how it was the
7 way that you and your husband would have marketed and
8 promoted Nonacho Lake Lodge?

9 MS. JEAN CARTER: Well, we probably
10 did it a very special way. We always had a trout, a
11 large trout. We would take it to the sports show and
12 we would display it on ice. Plus, we always had
13 brochures just like other -- anybody doing a sports
14 show, you had a brochure. You had your calendar to
15 see what date they wanted to go. So it wasn't
16 anything more than that.

17 MR. DOUGLAS EVANCHUK: Thank you,
18 ma'am. I appreciate that. Perhaps one (1) of Dean or
19 Myles could identify who -- who is now responsible for
20 the website for the business?

21 MR. MYLES CARTER: Myles Carter --

22 MR. DOUGLAS EVANCHUK: Okay.

23 MR. MYLES CARTER: -- Cart --

24 MR. DOUGLAS EVANCHUK: Thank you.

25 MR. MYLES CARTER: -- oh, Carter

1 family.

2 MR. DOUGLAS EVANCHUK: Thank you, sir.
3 I appreciate that. Now, sir, with respect to how the
4 Carter family and the business markets the lodge on
5 the website, we heard from -- we heard earlier that
6 there is the need to provide disclosure when asked
7 with respect to the mercury notices.

8 With respect to how the business is
9 marketed on the website, is there any consideration
10 for that -- that type of notice on the website?

11 MR. MYLES CARTER: Myles Carter, Car -
12 - Carter family. No.

13 MR. DOUGLAS EVANCHUK: And with
14 respect to how -- how the fishing experience is
15 associated with the -- the lodge, are they represented
16 as the most secluded, pristine, and abundant lake
17 anywhere on earth?

18 Is that -- is that how they're
19 represented on the website?

20 MR. MYLES CARTER: Myles Carter,
21 Carter family. Yes, at this time, yes.

22 MR. DOUGLAS EVANCHUK: Okay. Thanks.
23 Mr. Dean Carter, this -- this might be for you,
24 although you and your brother can -- can certainly
25 confirm it. And, Mrs. Carter, you -- you can

1 certainly answer as well, depending on the -- the
2 situation of the question.

3 Does the Carter family understand that
4 the Nonacho Lake structure was built and operated by
5 Northern Canada Power Commission?

6 MR. DEAN CARTER: We do.

7 MR. DOUGLAS EVANCHUK: Until
8 approximately 1988?

9 MR. DEAN CARTER: We do.

10 MR. DOUGLAS EVANCHUK: And --

11 MR. DEAN CARTER: Excuse me, sir.
12 Until approximately 1988 or 1988?

13 MR. DOUGLAS EVANCHUK: It -- I'm not
14 sure it makes any difference, but if you have a -- an
15 indication that it's different than 1988, that's fine.
16 If you have -- if you believe there was a different
17 date, that's fine.

18 What's your understanding of what the
19 date was?

20 MR. DEAN CARTER: My understanding was
21 early 1988.

22 MR. DOUGLAS EVANCHUK: Thank you.

23 MR. DEAN CARTER: But I'm not sure,
24 that's why I asked.

25 MR. DOUGLAS EVANCHUK: Fair -- fair

1 enough, sir. And when -- when would the Carter family
2 have been aware that there was a change in the
3 ownership and operation of the Nonacho Lake
4 facilities?

5 MR. DEAN CARTER: I don't recall, but
6 I don't know about the other family members.
7 Personally, I recall knowing it later than that,
8 several years after that.

9 MS. JEAN CARTER: Excuse me, please,
10 if I may speak. Jean Carter here. I didn't get your
11 question.

12 MR. DOUGLAS EVANCHUK: Mrs. Carter, do
13 you remember the first time -- can you recall the
14 first time you became aware that the Nonacho Lake and
15 the Taltson facilities were no longer owned and
16 operated by Northern Canada Power, but instead were
17 owned and operated by NWT Power?

18 MS. JEAN CARTER: Well, it's hard for
19 me to answer that, because we have never, ever had any
20 consultation of that -- that dam was even going to
21 happen. And so it was hard for me then. Like, we
22 knew the dam was there, because we could see the
23 damage it had done. We knew it was the dam that had
24 to do it, because what else did it?

25 Because it wasn't there before, so that

1 dam was put in in '68. We did not then realize, like
2 with mercury and stuff like that. But we definitely
3 saw the damage and the erosion. Does that answer your
4 question?

5 MR. DOUGLAS EVANCHUK: That's very
6 helpful, ma'am. Did the Carter family -- some members
7 of the Carter family, including the owners of the
8 lodge at the time in the mid-'90s, they would have
9 been resident in Hay River.

10 Is that correct?

11 MR. DEAN CARTER: That is correct.

12 MR. DOUGLAS EVANCHUK: Okay. Thank
13 you. And is the Carter family aware that in 1994 and
14 in 1996, Northwest Territories Power Corporation
15 applied for renewals of water licenses along the lines
16 of which they're doing now?

17 MS. JEAN CARTER: Jean Carter here.
18 No, because we had never been informed.

19 MR. DOUGLAS EVANCHUK: And I take it,
20 then, that the Carter family did not participate in
21 any proceedings related to the renewal of the water
22 licenses at that time?

23 MS. JEAN CARTER: Back in '95?

24 MR. DOUGLAS EVANCHUK: Yes, ma'am.

25 MS. JEAN CARTER: '94? No, we didn't.

1 MR. DOUGLAS EVANCHUK: Okay. And just
2 -- I have one (1) last set of questions with respect
3 to the -- the notice that was included in the slide.
4 Is it -- that notice was not placed on the lake by
5 Northwest Territories Power Corporation, correct?

6 MR. DEAN CARTER: We don't know who
7 placed it there.

8 MR. DOUGLAS EVANCHUK: You were not
9 advised that it was being placed there?

10 MR. DEAN CARTER: No, we were not.

11 MR. DOUGLAS EVANCHUK: Okay. Do you
12 understand that the -- that the notice was placed by
13 the Government of the Northwest Territories in
14 consultation with -- with the Government of Canada?

15 MR. DEAN CARTER: This is the first
16 time I have ever heard that.

17 MR. DOUGLAS EVANCHUK: You -- when the
18 notice was placed on the lake did you make any
19 inquiries of any parties with respect to the notice?

20 MR. DEAN CARTER: We didn't know the
21 notice was placed on the lake.

22 MR. DOUGLAS EVANCHUK: Where is the
23 notice placed, sir?

24 MR. DEAN CARTER: It's placed at an
25 outpost camp of ours that has not been used for many

1 years but that we visit occasionally during the year.

2 MR. DOUGLAS EVANCHUK: So there's no
3 notice placed at or near the main camp operations that
4 we talked about earlier?

5 MR. DEAN CARTER: That's correct, sir.

6 MR. DOUGLAS EVANCHUK: Okay. Thank
7 you. Those are my questions, Madam Chair, for the
8 Carter family. I do have some questions for -- for
9 Dr. Bodaly. And then after I'm finished, Mr. Cote may
10 have some, as well.

11 Good morning, Dr. Bodaly.

12 DR. RICHARD BODALY: Good morning.

13

14 (BRIEF PAUSE)

15

16 MR. DOUGLAS EVANCHUK: Just if I could
17 have you turn to your materials which were filed on
18 February 17th.

19 (BRIEF PAUSE)

20

21 MR. DOUGLAS EVANCHUK: Let me know
22 when you have them in front of you.

23 DR. RICHARD BODALY: I could prob --
24 it's Drew Bodaly. I could probably find an electronic
25 version of it, but it -- maybe it would be advisable

1 to use the official hard copy. Okay, I'm being handed
2 it now.

3 MR. DOUGLAS EVANCHUK: Very good, sir.
4 Let me know when you're ready to -- to speak to it.

5 DR. RICHARD BODALY: I have two (2)
6 reports, one (1) dated February 2017 and one (1) dated
7 May 2017.

8 MR. DOUGLAS EVANCHUK: Right. I'm --
9 I'm going to talk to you -- because of the way that
10 the Board has decided -- decided to deal with your May
11 materials, I'm going to talk to you about materials
12 more generally from February, and your presentation,
13 so just to give you some grounding.

14 So with respect to your February
15 report, I just wanted to understand a little bit. And
16 you can look at page 1 which provides a description of
17 your qualifications and experience.

18 And, sir, you indicate that you worked
19 for Envirocon Ltd. in the summer of 1973 and doing
20 some -- some work on Nonacho Lake?

21 DR. RICHARD BODALY: Yes, that's
22 correct. I was hired as a summer assistant for
23 Envirocon out of their Vancouver office. I was hired
24 to provide field assistance for the study that
25 Envirocon Limited was doing on Nonacho Lake and the

1 Taltson River. And I spent, I think it was six (6) or
2 eight (8) weeks on Nonacho Lake and on the Taltson
3 River assisting with sampling of fish, sediments,
4 water, invertebrates, and then returned to Vancouver.

5 We spent part of the time in that
6 summer at the Nonacho Lodge field camp and part just
7 at campsites, being flown from place to place in the
8 system.

9 MR. DOUGLAS EVANCHUK: Great. And you
10 visited Nonacho Lodge again in 2015?

11 DR. RICHARD BODALY: Yes, that's
12 correct.

13 MR. DOUGLAS EVANCHUK: Are -- the
14 facilities and the cabins and the overall
15 infrastructure at Nonacho Lake Lodge in 2015, how
16 would you compare them to 1973? Are they the same?

17 DR. RICHARD BODALY: There's a lot of
18 time passed between those two (2) years. I recall
19 some aspects. For example, there are now hot running
20 showers at the -- at the camp. I recall that the
21 cabins are more elaborate, nicer. I re -- when were
22 there in '73 we had our own boat, so we didn't use the
23 lodge boats. We did use the lodge boats in 2015.

24 So I would say in general it -- it's --
25 was a nicer, more developed situation to go and stay

1 in in 2015 than it was in 1973. I don't recall
2 exactly how many cabins were there in '73 or in 2015.
3 It seemed like it was bigger in 2015 but I'm --

4 MR. DOUGLAS EVANCHUK: And, sir --

5 DR. RICHARD BODALY: -- I'm not sure.

6 MR. DOUGLAS EVANCHUK: Okay. Thank
7 you. And you -- I just want to get you to page -- top
8 of page 2, first full paragraph on -- of your report
9 from February. And I want to draw your attention to
10 the last sentence in your -- in the first full
11 paragraph. It talks about your rebuttal and what you
12 relied upon, and you indicate that that you -- your
13 rebuttal stems from reading reports, et cetera, and on
14 two (2) visits to Nonacho Lake and surrounding areas,
15 first in '73, the second in 2015.

16 Now, sir, I -- I gather from your --
17 your experience you have published eight-one (81)
18 scientific publications, forty-five (45) other
19 reports, been an author or co-author of a hundred and
20 nineteen (119) presentations. And, sir, just -- can
21 you help me understand how and on what basis you
22 relied upon observations of yours in 1973 to inform
23 your rebuttal evidence?

24

25

(BRIEF PAUSE)

1 DR. RICHARD BODALY: Well, I -- excuse
2 me. I recall being on Nonacho Lake. I certainly
3 recall shorelines with flooded woody debris. Dead
4 trees, both standing and having fallen over. I recall
5 esker shorelines that were eroding at that time.

6 MR. DOUGLAS EVANCHUK: So -- thank
7 you, sir --

8 DR. RICHARD BODALY: Those were my
9 main impressions.

10 MR. DOUGLAS EVANCHUK: Right. And
11 just -- just so I'm clear, those were your impressions
12 from 1973?

13 DR. RICHARD BODALY: Yes.

14 MR. DOUGLAS EVANCHUK: Okay. Bear
15 with me a moment, sir.

16

17 (BRIEF PAUSE)

18

19 MR. DOUGLAS EVANCHUK: I just wanted
20 to get a couple of clarifications from your
21 presentation, your -- your PowerPoint from today, sir,
22 if you could have that handy at least in printed form
23 or otherwise.

24

25 (BRIEF PAUSE)

1 MR. DOUGLAS EVANCHUK: And I'm
2 interested again just more generally on the first full
3 slide, which had the bar charts on it. Do you recall
4 that slide, sir?

5 DR. RICHARD BODALY: Yes, I do.

6 MR. DOUGLAS EVANCHUK: Okay. Well,
7 maybe we'll let Ms. Allerston bring it up, if she can.

8 DR. RICHARD BODALY: It'll probably be
9 most useful if we could put it up on the screen, and
10 we could all see it.

11 MR. DOUGLAS EVANCHUK: I understand.
12 Thank you.

13

14 (BRIEF PAUSE)

15

16 DR. RICHARD BODALY: That's the slide
17 you're referring to?

18 MR. DOUGLAS EVANCHUK: Yes, sir.

19 Thank you.

20 DR. RICHARD BODALY: Okay.

21 MR. DOUGLAS EVANCHUK: Now, sir, I
22 just wanted to clarify a couple of references you make
23 here. So the chart on the left indicates, I'm -- it
24 says, "Data from Cambria Gordon, AEMP, and Carter
25 family."

1 So can you tell me which data points
2 that are depicted on this chart and indeed on the
3 chart on the right came from the Carter family?

4 DR. RICHARD BODALY: The only data
5 points included in both of those charts that came
6 from the Carter family are the means and medians for
7 2014. In other words, the far right-hand bar in both
8 graphs.

9 MR. DOUGLAS EVANCHUK: And the AEMP
10 results, I gather, were for 2013 in each case?

11 DR. RICHARD BODALY: That's correct.

12 MR. DOUGLAS EVANCHUK: And the
13 remainder were from the Cambria Gordon report?

14 DR. RICHARD BODALY: That's correct.

15 MR. DOUGLAS EVANCHUK: Okay.

16 DR. RICHARD BODALY: Let me clarify
17 that. The left graph are arithmetic means and they
18 came from the Cambria Gordon report. The right graph,
19 the plot median values -- or the middle number of a
20 data set -- and the median values came from the eco-
21 fish report reporting on the Aquatic Environment
22 Monitoring Report. They were published in a figure --
23 I think it was Figure 4 -- and I took those values
24 approximately from Figure 4.

25 MR. DOUGLAS EVANCHUK: All right.

1 Right, with the exception of 2014, as you indicated
2 earlier. Thank you, sir.

3 DR. RICHARD BODALY: That's correct,
4 yes.

5 MR. DOUGLAS EVANCHUK: That's very
6 helpful. Now, sir, you were in attendance yesterday
7 when Northwest Territories Power Corporation provided
8 its operational overview? You were here?

9 DR. RICHARD BODALY: Yes, I was.

10 MR. DOUGLAS EVANCHUK: Okay. And you
11 were here when they described how the operations of
12 the facility at Nonacho Lake now are not for power
13 generation purposes. You -- you recall hearing that?

14 DR. RICHARD BODALY: I think they --
15 the phrase used was that the Nonacho Lake system is
16 now operated substantially as a run-of-the-river
17 system.

18 MR. DOUGLAS EVANCHUK: You don't
19 recall a slide indicating that there's no need to run
20 that facility for generation any more since Pine Point
21 shut down?

22 DR. RICHARD BODALY: Well, of course,
23 the system still produces power.

24 MR. DOUGLAS EVANCHUK: What do you
25 mean by "system"? The Taltson system?

1 DR. RICHARD BODALY: The Twin Gorges
2 generating station --

3 MR. DOUGLAS EVANCHUK: Right.

4 DR. RICHARD BODALY: -- produces
5 power.

6 MR. DOUGLAS EVANCHUK: You understand
7 that that's 160 kilometres downstream from where the
8 reservoir is at Nonacho? You understand that?

9 DR. RICHARD BODALY: Yes, I certainly
10 do.

11 MR. DOUGLAS EVANCHUK: And are you a
12 power engineer, sir? Do you --

13 DR. RICHARD BODALY: No, I'm not --

14 MR. DOUGLAS EVANCHUK: -- are you --
15 okay. Thanks. Now, sir, you referred to the term
16 "drawdown" in your reports in a number of places. I
17 won't necessarily draw it to your attention
18 specifically where. When you use that term
19 "drawdown", to what are you referring to?

20 DR. RICHARD BODALY: By drawdown, I
21 meant the difference in the water elevation between
22 the peak elevation, usually reached in the summer, and
23 then the lowest elevation, usually reached the next
24 spring, so the difference between those two (2) water
25 level elevations.

1 MR. DOUGLAS EVANCHUK: You didn't
2 understand drawdown to mean a -- an act taken by an
3 operator of a facility? That's not the context in
4 which you're using it?

5 DR. RICHARD BODALY: Yes, and I -- and
6 I understand that. And perhaps I shouldn't have used
7 it. In fact, I was following along from the Cambria
8 Gordon report which used the term "drawdown."

9 I meant it as a shorthand for the
10 difference in elevation. It's something that is
11 always of concern to fish biologists, especially when
12 dealing with fall-spawning fish, because they spawn in
13 the fall in shallow areas and then the eggs incubate
14 all winter on the bottom.

15 So I -- I used the term "drawdown" to
16 not necessarily refer to an active management of the
17 water levels, but to the difference in water levels
18 between the summer and the next spring. And -- and as
19 I said, I was following the use of that term in the
20 Cambria Gordon report.

21 MR. DOUGLAS EVANCHUK: Within Nonacho
22 Lake itself, the -- your use of that term "drawdown",
23 is any of that drawdown now caused by the operations
24 of NTPC?

25 DR. RICHARD BODALY: I just saw

1 yesterday the complete management actions of NTPC on
2 the Nonacho -- using the Nonacho -- or making changes
3 in the configuration of the Nonacho Lake dam and the
4 spillway and the gates.

5 I haven't sat down and looked at that
6 in detail. I know there's been much less manipulation
7 of water levels on Nonacho Lake in the post-Pine Point
8 period than there was when the system was managed for
9 more full power production when the Pine Point mine
10 was operating.

11 But I -- I haven't -- the -- the
12 Nonacho Lake system has had changes to it over the
13 years. But, as I said, I haven't really sat down and
14 -- and looked at that in detail.

15 MR. DOUGLAS EVANCHUK: Can we -- Ms.
16 Allerston, I apologize for making you -- you of all
17 people -- can we get to the next slide, please? Thank
18 you.

19 Did you see this sign, sir, when you
20 went up to Nonacho in 2015?

21 DR. RICHARD BODALY: Yes, I did. In
22 fact, I think this is a picture I took of it.

23 MR. DOUGLAS EVANCHUK: And I know it's
24 going to be hard for people to see, but in the lower
25 left-hand corner of that slide, do you -- do you see a

1 logo there?

2 DR. RICHARD BODALY: I -- I can only
3 barely see it, but I recall that it was listed as
4 having been produced by the Government of the
5 Northwest Territories.

6 MR. DOUGLAS EVANCHUK: Right. You
7 didn't understand that notices of this nature or type
8 were placed on the lands by the Northwest Territories
9 Power Corporation, right?

10 DR. RICHARD BODALY: I'm not sure of
11 your question. I -- I understood it was not put there
12 by NTPC, that's correct.

13 MR. DOUGLAS EVANCHUK: Okay. Can we
14 go to the last slide, please. And since it's the last
15 one it'll be the last one. Thanks. Sir, I'm curious
16 about the picture on the top that you've indicated
17 here. Where -- where did you obtain that picture?

18 DR. RICHARD BODALY: I figured I'd get
19 a question about this. I was looking for a picture of
20 the Nonacho Lake dam. I -- I think I got it off a
21 website somewhere. I think I just googled Nonacho
22 Lake dam. I wasn't intending to emphasize the
23 features of -- that are shown on the aerial
24 photograph, which are related to a possible expansion
25 of the system.

1 I was simply trying to find an
2 illustration of the -- the dam system itself. So that
3 was my intention there.

4 MR. DOUGLAS EVANCHUK: You didn't see
5 fit to perhaps consider the public registry of all the
6 filed materials in this proceeding to perhaps get a
7 picture of a similar nature?

8 DR. RICHARD BODALY: I -- I didn't
9 think of that.

10 MR. DOUGLAS EVANCHUK: Okay. Bear
11 with me, Madam Chair, I'm just making sure I've caught
12 up on everything here.

13

14 (BRIEF PAUSE)

15

16 MR. DOUGLAS EVANCHUK: Sir, did you
17 have any other experiences at all in your professional
18 life with respect to the Taltson system between 1973
19 and 2015?

20 DR. RICHARD BODALY: I was a
21 representative of DFO on a committee of some sort.
22 And I think it related to the Taltson. I attended
23 some meetings, one (1) in Lutsel K'e, one (1) in
24 Yellowknife, I guess. I'm -- I'm pretty vague on what
25 that committee was doing and what I was doing there.

1 MR. DOUGLAS EVANCHUK: Okay.

2 DR. RICHARD BODALY: I -- I -- when
3 you work for DFO you end up in a lot of committees.

4 MR. DOUGLAS EVANCHUK: What do you
5 understand, sir, DFO's policy and statutory mandates
6 to be at this time?

7 DR. RICHARD BODALY: Well, it's --
8 it's partly a research organization looking at marine
9 and freshwater fish and their habitats. It's partly a
10 -- a fisheries management organization. It, of
11 course, administers the Fisheries Act, which is
12 concerned with fish and fish habitat.

13 MR. DOUGLAS EVANCHUK: Thank you, sir.
14 Madam Chair, those are my questions for Dr. Bodaly. I
15 appreciate his cooperation. And I think at this point
16 Mr. Cote will address Dr. Bodaly with a few questions.

17 THE CHAIRPERSON: Okay.

18

19 (BRIEF PAUSE)

20

21 MR. JASON COTE: Thank you, Madam
22 Chair. I'm going to ask Mr. Bon -- oh, Jason Cote,
23 Independent Environmental Consultant for the Northwest
24 Territories Power Corporation. Before I start, you
25 know where I'm going already, don't you. The graphs,

1 if you would. Thank you very much. I appreciate it.

2 So, Mr. (sic) Bodaly, just --

3 OBJ MS. ELEANOR OLSZEWSKI: Madam Chair,
4 I'm -- I'm sorry to interrupt. I am not certain why
5 Mr. Cote is being permitted to ask questions of Dr.
6 Bodaly. It's my understanding, based on our
7 discussions, telephone conversations, the work plan,
8 the agenda, it was my understanding based on all of
9 that, that questions would be put by counsel for the
10 NTPC and not that our witnesses would be subject to
11 examination by a variety of other people, so I object
12 to that.

13 We did not do that yesterday. We
14 didn't have the Carters question Mr. Cote. I don't
15 believe it's appropriate under the circumstances.

16 THE CHAIRPERSON: I am going to take a
17 pause for a few minutes while I consult with legal
18 counsel.

19 MR. SHELDON TONER: Madam Chair, it's
20 Sheldon Toner, Board counsel. Might I suggest that
21 you ask NTPC counsel for their response to this
22 request before we have that break?

23 THE CHAIRPERSON: Okay.

24 MR. DOUGLAS EVANCHUK: Thank you,
25 Madam Chair. Doug Evanchuk here. Madam Chair, in my

1 experience in -- in these proceedings, and also in
2 accordance with the Board's rules, there's no
3 prohibition on parties asking questions of -- of a
4 nature of this. This is a -- to quote My Friend's
5 words, this is to -- to find the truth.

6 And while I could certainly ask the
7 questions, and I will ask the questions if I have to,
8 but I -- my -- if My Friend thinks that the questions
9 won't -- will not be asked, she is mistaken highly,
10 because the questions will get asked.

11 It's, in my view, more efficient and
12 more helpful to you to have people who speak the same
13 language talk to each other. But if My Friend and you
14 decide that it's required for me to ask the questions,
15 we'll ask for a short break and -- and we'll do that.
16 Thank you.

17 THE CHAIRPERSON: Thank you. We're
18 going to have just a short break while I deal with
19 legal counsel.

20

21 --- Upon recessing at 11:28 a.m.

22 --- Upon resuming at 11:33 a.m.

23

24 THE CHAIRPERSON: I'd like to call
25 everybody back to the -- the room.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: I would like to
4 address the objection by the Carter family. The Board
5 has decided that the ques -- the -- the rules of
6 order, the questions of the applicant by the
7 participants -- and when you look at the agenda, we
8 had allowed everyone from the panel to be able to ask
9 questions. We want this to be a very fair hearing.
10 And we've decided that we will hear from everyone on
11 each side of the -- the Carter family and from the --
12 the Power Corp.

13 So I would now ask that the Power Corp.
14 continue with their questioning.

15 MR. JASON COTE: Thank you, Madam
16 Chair. Should I wait a couple of seconds to allow
17 everybody to sit down, or should I just continue with
18 my questioning right now?

19 THE CHAIRPERSON: Are...

20 MR. JASON COTE: I notice the
21 interpreter is -- is not available at this moment.

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Okay, you can

1 proceed with your questioning.

2 MR. JASON COTE: Thank you, Madam
3 Chair. It's Jason Cote, with -- independent
4 environmental consultant with the Northwest
5 Territories Power Corporation.

6 I'd just like to ask Dr. Bodaly a few
7 questions regarding interpretation of the data that we
8 see on the PowerPoint in front of us, specifically to
9 start with the data from 1975 to 2014.

10 Mr. Bodaly, as your experience alludes
11 to, you are definitely a professional as it relates to
12 mercury uptake in fish tissue. Can you please explain
13 to me and to the Board -- you alluded to it in your
14 presentation, the process of which mercury
15 bioaccumulates in a food chain after flooding of an
16 area?

17 DR. RICHARD BODALY: I -- I'm sorry, I
18 didn't catch last part of your question. The process
19 by which mercury bioaccumulates in the food chain
20 after...

21 MR. JASON COTE: After flooding, sir.

22 DR. RICHARD BODALY: Okay. In a
23 natural lake, there is mercury naturally present.
24 Some of it is of human origin and comes from the
25 atmosphere via the rain. Some comes from weathering

1 of the Earth's crust. That mercury is in an oxidized
2 form. It can be converted to an organic form of
3 mercury called methylmercury. It's converted by a
4 type of bacteria that lives in the water and the
5 sediment of lakes. Pro -- in most lakes, probably
6 mainly in the sediment.

7 That methylmercury can be absorbed by
8 invertebrates that live in the sediments. It can go
9 into the water, and be absorbed by invertebrates that
10 live in the water. When bigger invertebrates or small
11 fish eat those tiny organisms, they take in the
12 methylmercury that is present in their bodies. And
13 they tend to absorb it and hang onto it, and the
14 concentrations of methylmercury tend to increase as
15 you go up the food chain.

16 When you flood a lake, or flood a river
17 valley, you tend to enhance the process of the
18 production of methylmercury by bacteria in the flooded
19 areas. The -- the terrestrial areas on the shore of
20 the lake, or on the shore of the river contain often
21 large amounts of organic carbon in the form of peat in
22 wetlands, in the form of vegetation, and in the form
23 of organic matter in soils.

24 This organic matter is broken down by
25 bacteria. It decomposes. And those bacteria, as well

1 as breaking down the organic matter, also convert the
2 mercury to methylmercury. So the rate of supply of
3 methylmercury to the system tends to be increased in a
4 flooded reservoir. And this eventually translates and
5 goes up the food chain to increase -- to -- to show up
6 as increased concentrations in the fish.

7 This period of increased production of
8 methylmercury is probably relatively short-lived,
9 depending on the situation, and how much carbon --
10 organic carbon is there, but the -- it takes a while
11 for it to work through the food chain, especially in
12 northern reservoirs where the food -- the fish are
13 relatively large and relatively old.

14 And in typical Northern hydroelectric
15 reservoirs in, for example, northern Manitoba,
16 northern Quebec, Labrador, we tend to see
17 concentrations that come back down within the range of
18 what they were before flooding within twenty (20),
19 twenty-five (25), thirty (30), thirty-five (35) years,
20 somewhere in there.

21 So it's a -- in geologic time, it's a
22 pretty quick thing. In the lifespan of a person, it's
23 -- it's a -- it's a fairly long process, you know, at
24 least a couple of decades. Does that answer your
25 question?

1 MR. JASON COTE: Yes, thank you, Mr.
2 Bodaly. In your presentation, you presented and
3 discussed results associated with various mercury
4 tests conducted from 1975 to 2014. And looking at the
5 data on the board, essentially, we're looking at
6 various means and medians on a graph.

7 What I'd like to do is contextualize
8 these results in relation to NTPC operations. And
9 you've identified some excellent pathways associated
10 with how mercury can be introduced, and I'd like to
11 identify some of those as we go through this data.

12 Would you agree that the general trend
13 in mercury follows -- as you can see in the results on
14 the board, follows the process of which you have
15 discussed. That is, you see initial increase at the
16 onset as in 1975, and then we see a decrease
17 throughout the remaining -- up until -- let's just go
18 to 2004 at this point.

19 Would you agree that that follows a
20 general trend?

21 DR. RICHARD BODALY: Yes, I agree.

22 MR. JASON COTE: And would you agree
23 that the pathway of effect or mechanism of which the
24 result of that was -- was associated with construction
25 of the Nonacho dam essentially in 1968, and the

1 associated flooding and impoundment of water during
2 the Pine Point Mine operation?

3 DR. RICHARD BODALY: Yes, I agree.

4 MR. JASON COTE: So my understanding
5 of the presentation of results from 2010 to 2014, if
6 I'm not mistaken, you indicated were persistent
7 effects of the original flooding.

8 Is that correct?

9 DR. RICHARD BODALY: I concluded that
10 there were persistent effects, but that those
11 persistent effects were based on publicity surrounding
12 mercury and fish relating to the original flooding and
13 also to later health advisories. I would not say that
14 the levels of mercury in fish in Nonacho Lake in the
15 2000s are related to the original flooding of the
16 lake.

17 MR. JASON COTE: Okay. So can we
18 identify pathways, which essentially I think you've
19 done, that the pathway of effect looking forward is
20 the perception from the public that -- that there's
21 mercury in fish, and my assumption is is that they are
22 no longer fishing and removing larger fish and that
23 mercury from the system.

24 Is that correct?

25 DR. RICHARD BODALY: Well, I'm not

1 sure what the fishermen are doing on the lake. I -- I
2 -- so I'm not sure I could answer that.

3 MR. JASON COTE: Sorry, maybe I'll ask
4 a little bit clearer. Can you please identify for me
5 what the proposed water use by the facility would --
6 if -- if the proposed water use of the facility is
7 going to result in an increase in mercury in fish, or
8 if it's going to prevent the reduction of mercury in
9 fish?

10 DR. RICHARD BODALY: I would say that
11 the present water use in the Nonacho Lake system, or
12 in Nonacho Lake itself is not having an artificial
13 effect on mercury levels in fish in the lake.

14 MR. JASON COTE: So I'm going to ask
15 you to delay your flight one (1) more day and we're
16 going to go on a hypothetical tour of Taltson. We're
17 going to go to the Twin Gorges station and we're going
18 to turn the switch off and stop generating power.

19 And what we'd probably observe is that
20 the four (4) bay would start to fill up and water
21 would start to spill over the south valley spillway in
22 Trudel Creek. Associated with that, if we were
23 standing at the dam at Nonacho, we would probably see
24 no change. In fact, we would not see a change.

25 Under those circumstances, is it fair

1 to say that operation and use of the water at the Twin
2 Gorges facility is not impacting mercury levels in
3 fish at Nonacho, at least for the term of the water
4 licence?

5 DR. RICHARD BODALY: First of all,
6 you're not going to stop me getting on my plane this
7 evening. Second of all, I agree with you.

8 MR. JASON COTE: Okay. Thank you very
9 much, Mr. Bodaly. Under that pretense, under that sam
10 -- or same pathway and same example, can we also
11 attribute that to sediment erosion concerns, fish
12 habitat conditions in that the use of the water is not
13 alt -- or altering the use or water levels in Nonacho
14 Lake.

15 So if we shut the facility off it would
16 have no impact on future erosion rates and fish
17 habitat conditions in the lake during the conditions
18 of the water licence?

19 DR. RICHARD BODALY: Well, I think
20 that's a little different. In -- in whatever way --
21 degree to which the production of methylmercury has
22 come down to some new baseline, and of course we don't
23 know what the baseline was for mercury and fish before
24 the lake was flooded. We only know what it's come
25 back down to at the present time.

1 Anyway, to -- to whatever degree the --
2 the production of methylmercury has come down to some
3 relatively constant baseline or new level, it might be
4 the same as the old level, then I don't think that
5 necessarily applies to fish habitat changes.

6 The erosion of shorelines can be still
7 proceeding at the present day. I -- and as I said
8 earlier this morning, I don't think we know what the
9 rates of erosion are now. We don't have data from
10 before the lake was raised 3 metres. We -- we don't
11 have, I don't think, good quantitative estimates of
12 what shoreline erosion rates are.

13 Furthermore, we -- we are not sure to
14 what degree the wetlands are still evolving and
15 changing in response to that original flooding. So I
16 would say that for mercury the original flooding has
17 run its course and -- and the system has come down to
18 some new baseline.

19 I would say that for fish for shore
20 erosion and fish habitat, it's certainly possible that
21 the system is still changing and there are still
22 persistent effects of the original flooding.

23 MR. JASON COTE: Thank you. I think
24 the key the for me, and maybe I'll just follow it up
25 with one (1) last question, hopefully one (1) last

1 question. This -- this is related to persistent
2 effects.

3 For example, again, if we turned off
4 the facility at Twin Gorges, and we were not resulting
5 in any changes in water surface associated with the
6 Northwest Territories Power Corporation use of the
7 water, essentially the Power Corporation would not be
8 resulting in any changes to the water surface
9 elevation due to power generation.

10 Is it safe to assume that, during power
11 use, that again, that there would -- there would
12 essentially be no change to -- to the sediment erosion
13 that's occurring on the banks or fish habitat?

14 For example -- sorry, just to clarify
15 my question -- irregardless if the Power Corporation
16 is using the water at Taltson Twin Gorges to generate
17 power through the lifespan of this water licence, it's
18 not going to affect water levels in Nonacho Lake.
19 Therefore, at least as it relates to Power Corporation
20 use of water, it's not affecting erosion or fish
21 habitat.

22 DR. RICHARD BODALY: I would agree
23 that, whether NTPC generates power at Twin Gorges or
24 not, the lake levels on Nonacho Lake will be little
25 affected.

1 I do not agree that the impact of the
2 original flooding is not a persistent impact on
3 habitat in the lake. In my view, it's probably still
4 evolving in as far as shorelines, wetlands. As I
5 said, I don't think we have good data on that right
6 now, but I think that it's certainly still possible at
7 this time that the lake, and its shores, and its fish
8 habitat are still changing in response to that
9 original flooding. In other words, it is a persistent
10 effect.

11 And -- and as I pointed out with regard
12 to water levels, this is a lake that -- that's had
13 three (3) different water level regimes in the last
14 few decades: first natural, then it got flooded and -
15 - and got highly regulated under Pine Point, and then
16 it changed again when Pine Point closed.

17 It's a lake that keeps getting
18 subjected to changes related to the water level regime
19 to -- to levels, to the seasonality of levels. And
20 whether NTPC is taking power out of Twin Gorges at the
21 present time or not, it -- it's still a lake that's
22 undergone these changes, and it is no longer a natural
23 lake.

24 It is 3 metres higher, and the water to
25 get out of the lake has to go through spillways,

1 control dams. It can leave the lake by a -- a new
2 outlet, the Tronka Chua Gap. So it is -- it is no
3 longer a natural lake.

4 MR. JASON COTE: Thank you, Dr.
5 Bodaly.

6 Madam Chair, I have no further
7 questions.

8 THE CHAIRPERSON: Thank you to the NWT
9 Power Corp. for your -- now I'm going to ask the Board
10 staff if they have any questions they would like to
11 ask the Carter family.

12 MS. SHANNON ALLERSTON: Thank you,
13 Madam Chair. This is Shannon Allerston, Board staff.
14 I have just one (1) question, and Shelagh Montgomery
15 beside me has some follow-up questions.

16 So my first question to the Carter
17 family is: You did mention inspectors, and your
18 relationship with the inspectors, and having to do
19 cleanup here and there. So your leases have obviously
20 been inspected in the past.

21 If -- if you have any of those leases
22 or the copies of the inspections, do any of those
23 reports say anything with respect to the location of
24 your infrastructure?

25 MS. JEAN CARTER: No. Jean Carter.

1 No. We've always had good reports from the
2 inspectors, and we've always had to have a permit to
3 build. They inspected that, and so our leases, to my
4 understanding, are well-followed, according to what
5 the directions are.

6 MS. SHELAGH MONTGOMERY: Thank you,
7 Madam Chair. Shelagh Montgomery, with the Mackenzie
8 Valley Land and Water Board. I have a few questions.
9 The -- one (1) first relates thankfully to this graph
10 that's already up, so Shannon doesn't need to run
11 around.

12 The -- a quick question of clarity.
13 The -- the graph on the right, the -- just so
14 everybody is certain, the -- the 'Y' axis says, "mean
15 mercury," and the title refers to, "median," so are
16 the values median or mean?

17 DR. RICHARD BODALY: Can I walk up to
18 the screen and actually read that? I can't read it
19 from here. Or you could read it to me.

20 MS. SHANNON ALLERSTON: It says mean
21 median values here.

22 DR. RICHARD BODALY: Those are
23 definitely medians. It's an error on the label for
24 the 'Y' axis to label it as mean. Those are -- those
25 are medians.

1 MS. SHELAGH MONTGOMERY: Thank you.
2 Madam Chair, a follow-up. Shelagh Montgomery, with
3 the Land and Water Board.

4 Just for -- for clarity for the -- the
5 Board's sake, could you please provide to us an
6 indication of where on these two (2) graphs the Health
7 Canada consumption guideline for fish would fall,
8 please?

9 DR. RICHARD BODALY: Health Canada has
10 two (2) levels. One (1) is for subsistence
11 consumption, in other words, fairly continuous or
12 heavy consumption of fish, and that is point two (.2).
13 And it -- the second level is one for a commercial
14 sale of fish in Canada, and that level is point five
15 (.5).

16 There is kind of an unofficial third
17 level which is for fish that could be exported to the
18 United States, because the level -- the official level
19 in the United States is one (1). So if you are
20 producing fish from a lake that -- that are higher
21 than point five (.5) but lower than one (1), they're
22 usually shipped across the border to the States.

23 MS. SHELAGH MONTGOMERY: Thank you,
24 Madam Chair. Shelagh Montgomery, with the Mackenzie
25 Valley Land and Water Board. On the -- in the

1 presentations or submissions of the -- the Carter
2 family, there's a mention of -- of cysts on -- on fish
3 in Nonacho Lake and suggestions that that relates to
4 the Taltson facility.

5 So we're just wondering if you could
6 please clarify how the facility contributes to the
7 presence of cysts, and if there are other factors that
8 could contribute to the presence of cysts in fish?

9

10 (BRIEF PAUSE)

11

12 DR. RICHARD BODALY: I'm unclear
13 whether you're directing that question to me or to the
14 Carter family. It's Drew Bodaly.

15 MS. SHELAGH MONTGOMERY: Yeah.
16 Shelagh Montgomery, with the Land and Water Board.
17 That -- that question is delivered to the -- or
18 directed at the -- the Carter family, whoever can
19 speak to it. It's mentioned in the -- in the written
20 submissions that we received, and presentations.

21 MR. DEAN CARTER: Dean Carter, Carter
22 family. I did not mention cysts in my presentation
23 today, although it was documented that pre-dam, we did
24 not see cysts in the tissue of fish. That was
25 confirmed by Elder Albert Boucher.

1 The amount of cysts were not seen in
2 years that -- years following dam installation. In a
3 study that was done, I believe, in 1990, there were
4 few cysts, if any, in the tissue of lake trout.
5 However, in a study done in about -- about 2010, there
6 were trout consistently cyst infested.

7 So I don't know if that answers your
8 question. We did not mention it, though, in this --
9 in this presentation.

10 MS. SHELAGH MONTGOMERY: Thank you.
11 Shelagh Montgomery, with the Land and Water Board.
12 Thank you for that. It's mentioned in the written
13 submissions, so that's where that question derives
14 from.

15 Moving on, if I may, Madam Chair. In
16 the presentation this morning of Mr. Albert Boucher,
17 there was mention as well of black fish and
18 discolouration of fish. The -- the Board would like
19 to know what the thoughts are on the -- the source of
20 that discolouration in relation to the -- the Taltson
21 hydro facility, or if there are other possible reasons
22 for such observations.

23 MR. DEAN CARTER: We have not
24 consulted on this, but -- Dean Carter speaking.

25 There is discolouration of the fish now

1 in some of the fish tissue that I have seen. I cannot
2 confirm whether it is a result of the hydroelectric --
3 or the dam, rather, on Nonacho Lake.

4 MS. SHELAGH MONTGOMERY: Thank you for
5 that. Madam Chair, if I may, Shelagh Montgomery, with
6 the Land and Water Board.

7 I believe a -- a final question for the
8 -- for the Carter family. The presentations have also
9 -- and written submissions have mentioned the
10 declining fish populations, and also have mentioned a
11 former commercial fishery on the lake.

12 And we would just like to know what are
13 the factors that could have influenced fish
14 populations in Nonacho Lake over the years? Thank
15 you.

16 MR. DEAN CARTER: Our understanding --
17 I'd have to check records, but there was a commercial
18 fishery there in the 1950s, late 1950s. Catches were
19 documented in DFO records. There was also a
20 commercial fishery in small parts of the 1960s and
21 early 1970s, just as our fishing operation, or in the
22 earlier parts of the fishing operation.

23 To my knowledge, there has not been a
24 commercial fishery since approximately 1971.

25

1 (BRIEF PAUSE)

2

3 MS. SHELAGH MONTGOMERY: Thank you for
4 that. Thank you, Madam Chair. One (1) final question
5 from Shelagh Montgomery, of the Mackenzie Valley Land
6 and Water Board.

7 And it relates to some of the -- the
8 previous questions that were asked and responded to --
9 asked by NTPC and responded to through the Carter
10 family, and it relates to persistent effects.

11 And we would just like to have an
12 understanding from the -- the Carter family of what
13 the -- the time frame is of what -- or what are
14 persistent effects -- definition of 'persistent'.
15 Thank you.

16

17 (BRIEF PAUSE)

18

19 MR. DEAN CARTER: Dean Carter.

20 Did I use the term 'persistent effects'
21 or was it in a written submission?

22 MS. SHELAGH MONTGOMERY: Shelagh
23 Montgomery, with the Land and Water Board.

24 To clarify, it was just in that
25 previous line of questioning between Mr. Cote and Dr.

1 Bodaly.

2 MR. DEAN CARTER: Dean Carter, Carter
3 family.

4 Persistent effects, in my opinion,
5 would be continuing erosion on the shorelines. In
6 1988, a historic high was reached on Nonacho Lake that
7 was greater than when Pine Point was in operation, and
8 manifestations of that was more land was flooded. And
9 in the early 1990s, there were more dead trees with
10 erosion on the shoreline. Those effects continue, as
11 my one (1) photo showed.

12 Other persistent effects would include
13 fish species that continue to be extinct, that cannot
14 be caught. That's an ongoing persistent effect. For
15 example, we don't catch arctic grayling there. And
16 then other fish that we mentioned in our report have
17 not been caught in nets or on fish hooks by anglers.

18 And also persistent effects of -- of
19 mercury as was described by Dr. Bodaly. And now we
20 have the public notification that these elevated
21 mercuries are indeed in Nonacho Lake, so public
22 awareness continuing effects.

23 MS. SHELAGH MONTGOMERY: Thank you,
24 Madam Chair. That concludes my questioning. Shelagh
25 Montgomery, Land and Water Board. I believe that

1 Rebecca Chouinard has a question.

2 MS. REBECCA CHOUINARD: Thank you,
3 Madam Chair. It's Rebecca Chouinard, with Board
4 staff. And I just have one (1) question for Mrs. Jean
5 Carter, and I just wanted to get further clarification
6 on -- you described, you know, the lodge is the jewel
7 of the north and an emerald that has been plucked from
8 a pristine environment.

9 And I'm just trying to understand the
10 temporal nature of that. I'm wondering if you could
11 just expand on what you said and speak to how that
12 emerald turned into that cubic zirconium over time.
13 Was there a point in time in which that happened, or
14 is this a gradual thing, or just expand on -- on that
15 description, please.

16 MS. JEAN CARTER: Jean Carter. Okay.
17 When we first started operating on Nonacho Lake, we
18 didn't have any dead trees on the shore, extensive
19 eroding -- erosion. And that -- what that did was
20 eroded the beauty of Nonacho Lake.

21 This emerald that I'm talking about was
22 -- which is Nonacho Lake is absolutely beautiful. But
23 now the dam comes in. We get all of this flooding and
24 dead trees, erosion on the shoreline. And I'm
25 including this one (1) place where I pick cranberries.

1 I love picking cranberries because they're good for
2 you, and now that's -- that's eroding away right
3 within our -- our eyesight.

4 And so what -- so what they have done
5 is turned this emerald into a cubic zirconia with a
6 tarnished setting. And then what did they do? Handed
7 it back to the Carters and says, This is all you're
8 getting.

9 That is my version of a gem compared to
10 a cubic zirconia. Thank you.

11 MS. REBECCA CHOUINARD: Thank you,
12 Madam Chair and -- and Mrs. Carter. So just to
13 clarify, the question of being when. And so would you
14 say that cubic zirconium -- you know, the emerald
15 turned into that cubic zirconium 1968 or -- I'm just
16 trying to get a sense of -- of when was it no longer
17 that precious thing that you describe?

18 MS. JEAN CARTER: After the dam was
19 installed. It took over time. It didn't happen --
20 well, the flooding happened immediately because it
21 flooded -- it flooded thousands of miles and turned --
22 all those dead trees which should be like a gold
23 setting is now all tarnished.

24 So it's -- it's ever since the dime --
25 the dam was installed. It took over time, and

1 gradually it got even worse. It has not gotten
2 better, and it's not ever going to get better as long
3 as the Taltson (sic) dam is in operation.

4 Does that answer your question?

5 MS. REBECCA CHOUINARD: Thank you,
6 Madam Chair. It's Rebecca Chouinard. Yes. If I
7 understand correctly, since the dam was put in place,
8 there has been a degradation over time.

9 MS. JEAN CARTER: Exactly.

10 MS. REBECCA CHOUINARD: Okay.

11

12 (BRIEF PAUSE)

13

14 MS. SHELAGH MONTGOMERY: If I may,
15 Madam Chair, Shelagh Montgomery, with the Mackenzie
16 Valley Land and Water Board. I forgot one (1)
17 question in my pulling on and off my reading glasses.

18 It's a question again that relates to
19 the presentation that Dr. Bodaly gave related to -- to
20 mercury concentrations and the -- so the -- the
21 presentation spoke to mercury concentrations in fish
22 in Nonacho Lake. We are just wondering if you have
23 results for vicinity lakes, and if so, how those
24 compare?

25 DR. RICHARD BODALY: I didn't really

1 look in detail at -- at other lakes in the area. I --
2 I think the levels in Nonacho now are similar to the
3 median for -- in lake trout for other NWT lakes, or
4 other Northern Canadian Lakes. But, of course, the
5 data set is characterized by a huge range, about 25
6 times. You can get pretty low levels, and some
7 alarmingly high levels in lakes that don't seem to
8 have any particular source of mercury or flooding.

9 But as I recall, the -- the levels that
10 have -- in lake trout that -- that have come down to
11 that new baseline are similar to some sort of median
12 for Northern lakes.

13 MS. SHELAGH MONTGOMERY: Shelagh
14 Montgomery, with the Mackenzie Valley Land and Wat --
15 Water Board. Thank you, Madam Chair. I think that
16 concludes the questioning of staff, Board staff.

17 MR. DEAN CARTER: I just -- Dean
18 Carter here. I'd just like to make an additional
19 comment to Dr. Bodaly. This is a reservoir lake, so
20 making comparisons to lakes that don't have reservoirs
21 obviously, in our view -- my view as a non-scientist
22 does have limitations -- or does have limitations,
23 because you have a -- a unique set of circumstances.

24 THE CHAIRPERSON: Thank you. Does the
25 Board legal couns -- counsel have questions they would

1 like to ask the Carter family?

2 MS. CAROLINE WAWZONEK: Caroline
3 Wawzonek, Board counsel. Madam Chair, I do have a
4 number of questions and I expect to be at least
5 fifteen (15) minutes and subject to the answers,
6 upwards of half an hour. So I'm cognizant of the
7 time, Madam Chair. I'm in the Board's hands. I'm
8 prepared to proceed now or after the lunch break.

9 THE CHAIRPERSON: I would ask the NWT
10 Power Corp. and the Carter family, do you want to
11 proceed, or do you want to go have -- go for a lunch
12 break?

13 MS. ELEANOR OLSZEWSKI Madam Chair,
14 members of the Board, Eleanor Olszewski, on for the
15 Carter family. It's been a long morning and I think
16 it's appropriate to take a break at this time.
17 Subject to your direction.

18 MR. DOUGLAS EVANCHUK: Thank you,
19 Madam Chair. I'm fine with taking a break now if --
20 if that pleases the Board. Thank you.

21 MS. CAROLINE WAWZONEK: And, Madam
22 Chair, if I may, the NWT Power Corporation also has
23 the option to exercise a two-hour adjournment, so
24 we're -- we're in the Board's hands in that respect as
25 well.

1 THE CHAIRPERSON: Okay. I will
2 address that. Before moving on and -- and going for
3 our lunch break, as per the Board's dir -- May 11th
4 direction, does the NWT Power Corp. wish to take up to
5 a two (2) hour adjournment to consider the evidence
6 provided by Mr. Boucher (sic)?

7 MR. DOUGLAS EVANCHUK: Thank you,
8 Madam Chair. Doug Evanchuk, for NTPC. Thank you for
9 -- to the Board for the opportunity to exercise the --
10 the referenced adjournment, but after consulting with
11 the clients, in -- in consideration of the record as
12 it now stands, NTPC will not require that adjournment.
13 We will take lunch with everybody else and we're
14 prepared to proceed with the remainder of the
15 proceeding agenda and the hearing agenda as set out.

16 So we're fine with no extra
17 adjournment, or no adjournment, please. Thanks.

18 THE CHAIRPERSON: Okay. I'm going
19 throw it back to NTP Power Corp. and to the Carter
20 family. We took an hour and a half yesterday because
21 we needed it and I'm wanting to know if you want to
22 take another hour and a half, if you -- you know, and
23 we can come back at 1:30, or we can come back in an
24 hour at -- at 1:15?

25 MS. ELEANOR OLSZEWSKI Madam Chair,

1 Eleanor Olszewski, for the Carter family. It would be
2 my preference, subject to your direction of course,
3 that we take a longer lunch. That will enable us some
4 opportunity to put our closing remarks together and
5 then we can finish probably more expeditiously this
6 afternoon.

7 Alternatively, if you would prefer to
8 have a shorter lunch break, but permit both sides time
9 to put their closing argument together, we can do that
10 too. But it seems to me it's easier if we do it over
11 lunchtime.

12 MR. DOUGLAS EVANCHUK: Thank you,
13 Madam Chair. It's Doug Evanchuk here. I'm -- I'm
14 fine with an hour and a half. That'll be satisfactory
15 to have lunch and prepare any remaining remarks we
16 might have.

17 THE CHAIRPERSON: Perfect. We will
18 reconvene at 1:30.

19

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

21 --- Upon resuming at 1:32 p.m.

22

23 THE CHAIRPERSON: Hopefully you had a
24 -- a good lunch. We're -- we're going to proceed with
25 the regular question period. Please state your name

1 prior to speaking and to ask questions through the
2 Chair. Board legal counsel, have you questions that
3 you would like to ask of the Car...

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: Thank you. My
8 question is, Board -- Board legal counsel, do you have
9 any questions that you would like to ask of the Carter
10 family?

11 MS. CAROLINE WAWZONEK: Caroline
12 Wawzonek, Board legal counsel. Madam Chair, yes, I do
13 have a few questions.

14 To the Carter family team, or
15 representatives, if I could ask you first, with
16 respect to the legislation that we're operating under,
17 could you please give me your comments whether or not
18 we are appropriately under the Northwest Territories
19 Act, which is the Federal Act that has since been put
20 into remission by institution of the now Water's Act,
21 which is the GNWT Act, post-evolution?

22 MS. ELEANOR OLSZEWSKI Eleanor --
23 Eleanor Olszewski, counsel for the Carter family. The
24 legislation in my view that ought to apply is the
25 legislation that was in place at the time of the

1 original hearing and the legislation that was
2 considered by Justice Shaner in his decision.

3 That said, I accept Mr. Evanchuk's
4 submissions that regardless, the wording of the new
5 legislation is substantially the same with respect to
6 the section we're considering. So for all practical
7 purposes, I don't think it matters. Thank you.

8 MS. CAROLINE WAWZONEK: Thank you.
9 Caroline Wawzonek, Board legal counsel. Could you
10 also comment on behalf of the Carter team, to what
11 period of time does the term 'incremental effects'
12 apply, and in particular, what would be the baseline,
13 if there is one, for a comparison, whether that is
14 pre-licence renewal in 2011, or whether it should be
15 pre-operations in the 1960s?

16 MS. ELEANOR OLSZEWSKI Elen -- Eleanor
17 Olszewski, legal counsel for the Carters. With
18 respect, I'm of the view that the totality of the
19 wording in Section 14 needs to be considered by the
20 Board. And so in that respect, it's not necessary,
21 the meaning of the words 'incremental effects' that is
22 determinative of this case.

23 I believe that what's important is to
24 review the entirety of the wording of that provision
25 and the provision itself does indicate that the Board

1 is free to look at a number of factors. And so I
2 believe it's the challenge of the Board to review on a
3 word-by-word basis what the legislation indicates with
4 respect to who is entitled to be compensated and then
5 the factors that the Board is to take into account in
6 determining compensation.

7 And I don't have the legislation in
8 front of me, but my recollection is that the legis --
9 legislation speaks of provable losses, it speaks of
10 potential losses. And, so again, I'm not certain that
11 the word 'incremental' is of that much benefit. I
12 don't agree that we need to establish a baseline, as
13 Mr. Evanchuk indicated in his opening submissions.

14 I think that's an artificial construct
15 and that the legislation doesn't require us to chose a
16 baseline year. What the legislation says is that the
17 Carters are entitled to claim for future losses.
18 Those losses have -- are -- are, of course, those by
19 definition that will occur in the future.

20 And then the -- the duty of the Board
21 is to look at -- is to look at the various impacts,
22 adverse impacts, determine whether or not there has
23 been or will be adverse impacts, and then determine on
24 that basis the amount of compensation that the Carters
25 are entitled to.

1 I hope that answers the question.

2 MS. CAROLINE WAWZONEK: Caroline
3 Wawzonek, speaking. And thank you. That certainly
4 assists. I think we'll have a few other questions
5 that will hopefully help clarify further. For
6 instance, we -- there's been a lot of talk of ongoing
7 effects in your presentation.

8 If you could clarify -- and again, your
9 previous response might in some ways begin to go down
10 that road. The ongoing effects, are they from the
11 Taltson (sic) power generation hydro facility, or are
12 they from the presence of the Nonacho Lake water
13 control structure, or both?

14 MS. ELEANOR OLSZEWSKI: In my view,
15 the ongoing effects are from both.

16 MS. CAROLINE WAWZONEK: Thank you.
17 Caroline Wawzonek, Board legal counsel.

18 Before I move too far from legal tests,
19 could you also comment for me please, are there any
20 legal tests or legal frameworks that are used in
21 circumstances where a claimant is alleging adverse
22 effects from environmental -- in an environmental
23 context that you think would be applicable or
24 analogous to this case?

25 MS. ELEANOR OLSZEWSKI: Thank you.

1 Eleanor Olszewski, counsel for the Carter family.

2 I haven't done an in-depth analysis of
3 other environmental legislation because I was of the
4 view that it would not be appropriate to do so, that
5 in the matter before us, we should be examining the
6 legislation that is in place, and the wording of
7 Section 14 that governs, again, the factors that the
8 Board is to take into account in determining
9 compensation.

10 So I'm not aware of any useful other
11 legal tests that would assist. And even if I was,
12 again, I'm not certain that we could pluck a legal
13 test from another legislative framework and insert it
14 in this legislation. I think we need to interpret the
15 words of Section 14 as they are.

16 MS. CAROLINE WAWZONEK: Thank you.
17 And it's Caroline Wawzonek again, Board legal counsel.

18 Can you answer for me, is there a
19 proportion or portion of the nuisance claim that
20 reflects nuisance that occurred prior to the 2011
21 application for a water licence renewal, or -- or is
22 it to reflect after the 2011 water renewal period?

23 MS. ELEANOR OLSZEWSKI: I believe that
24 what the Board intended to do at that time when it
25 made its award for nuisance was to consider only

1 ongoing and future effects, because I believe that the
2 Board at that time made a determination that past
3 losses were not compensable.

4 So I have to think that that is what
5 the Board was directing its mind to is those losses
6 that would be suffered as far as nuisance and
7 inconvenience into the future.

8 MS. CAROLINE WAWZONEK: Caroline
9 Wawzonek, Board legal counsel. And I'm sorry, I don't
10 think I was clear. I'm -- I'm speaking about the
11 claim made by the Carter family. My recollection and
12 reading is that the numbers actually didn't change as
13 between the 2011 claim and the 2017 claim.

14 So given that the Board has said that
15 it will only compensate prospective adverse effects
16 and not past adverse effects, if you could clarify for
17 me please, is the claim being made by the Carter
18 family entirely prospective, or is it meant to include
19 both -- both sides?

20 MS. ELEANOR OLSZEWSKI: It is entirely
21 prospective. Thank you.

22 MS. CAROLINE WAWZONEK: Caroline
23 Wawzonek, Board legal counsel. I had the same
24 question with respect to the lifestyle claim, the two
25 hundred and fifty thousand dollar (\$250,000) lifestyle

1 claim, same -- same question. Does it reflect past
2 impacts on the lifestyle prior to the 2011 period of
3 water licence renewal, or does it -- is it meant to
4 encompass a bigger term?

5 MS. ELEANOR OLSZEWSKI: It is meant to
6 encompass prospectively what would -- what -- what
7 will happen to the Carters. But having said that, I
8 don't think there is -- there can be any doubt that
9 that is informed by the history.

10 If -- I'm -- I'm not sure I'm answering
11 your question satisfactorily for you, but, you know, I
12 think it's difficult to separate, particularly for
13 that head of loss. You know, you're talking about a
14 family that had a legacy on that lake. and so, as I
15 say, virtually necessarily, the impacts that the
16 Carters have described to you insofar as that impact
17 on the family certainly does -- although it's informed
18 by the past, does carry on into the future.

19 MS. CAROLINE WAWZONEK: Thank you.
20 Board legal counsel, Caroline Wawzonek. Earlier in
21 the presentation, it was stated that the adverse
22 impacts will continue as long as the dam is in
23 operation. If you could give me -- just clarify for
24 me, please, had the water licence not been renewed in
25 2011, would this have changed or reduced the adverse

1 impacts that you're claiming?

2

3

(BRIEF PAUSE)

4

5 MR. DEAN CARTER: It's Dean Carter.

6 Could you just repeat that question, please?

7

MS. CAROLINE WAWZONEK: Certainly.

8 I'll -- I'll give you the whole thing again. So I --

9 I had noted down a quote from the presentation earlier

10 that it was: "Adverse impacts will continue as

11 long as the dam is in operation."

12 And so I just wanted to -- I want to

13 clarify, because sometimes the word 'dam' is used, and

14 it's not always clear about what structures we're

15 talking about, or the timelines we may be talking

16 about.

17 So what I'm asking is: In your opinion

18 or in your views, had the water licence in 2011 not

19 been renewed, would that have changed, or reduced, or

20 impacted the adverse effects that you are now

21 claiming?

22 MR. DEAN CARTER: I believe it would

23 have continued only -- well, I can explain why. Dr.

24 Bodaly explained there were -- there were three (3)

25 regime changes on this river, pre-dam, dam under the

1 Pine Point era, and then the dam since 1988.

2 NTPC has stated that, essentially, they
3 have not altered the reservoir dam at Nonacho, or --
4 or at least minimally since then. So if that was to
5 continue in that sense, it would be as they are saying
6 it is -- it is ongoing now, so we would say it would
7 be similar to.

8 MS. CAROLINE WAWZONEK: Thank you. I
9 have less broad questions, but a few more points of
10 clarity, if I -- if I may. In the KRP report, your
11 financial statements were provided. And I'm just
12 wondering if you could clarify for me, please, how you
13 arrive at some of the values that are presented there
14 in terms of your assets, and so the specific assets.

15 They're in one (1) of the footnotes in
16 the KRP report as to the value of cabins, for
17 instance, the value of the boats. I think the boats
18 are valued at fifteen thousand dollars (\$15,000). And
19 I'm just wondering if you could help explain to me
20 where those values come from, how they were derived?

21 MR. DEAN CARTER: With regard the
22 boats, I may need some help from other family members,
23 but the cost of a boat like that is -- a Lund boat
24 that we operate, 16 feet, approximately seven thousand
25 dollars (\$7,000) to purchase. Then we have to charter

1 aircraft to fly those, so -- those boats in.

2 The cost of transportation is -- is
3 costly to get those there. And now it's -- it's
4 become -- it has become extremely difficult, because
5 to find -- to find an airplane that'll even take a
6 boat on it externally is -- so it's -- it was valued
7 at the cost, then plus transportation to get the boat
8 to the facility by air only.

9 As far as the -- as far as the
10 buildings, maybe -- and boats, maybe some other family
11 members can contribute, but it's an extremely remote
12 area of the world, so to fly, as you know, a
13 helicopter aircraft is -- is expensive.

14 MR. MYLES CARTER: Myles Carter,
15 Carter family. I just wanted to add to the boats that
16 are in at the lake. When you fly them in, in the
17 past, you can only haul one (1) boat at a time, so
18 it's not like you load up a Hercules. In one (1)
19 trip, you have everything in there. It doesn't work
20 like that.

21 So when you add that cost, the fact --
22 that factor in of chartering an aircraft, doing one
23 (1) trip at a time, one (1) boat at a time, I have
24 thirty (30) boats out there, that's -- that's how we
25 came up with that, the charter flight plus the boat.

1 MS. CAROLINE WAWZONEK: So -- oh,
2 sorry, go ahead.

3 MS. JEAN CARTER: Jean Carter. For
4 what's out there at the lake, the cabins, everything,
5 nails, equipment to build and the cost of lumber,
6 everything -- you have to understand. Everything
7 that's at that lake has all been flown in, which is a
8 very expensive operation to do so. So all of this was
9 taken into consideration on -- we filled out the form
10 on what's -- what is the value of those things out at
11 the lake.

12 MR. DEAN CARTER: Dean Carter, Carter
13 family.

14 We operated Carter Services from Nanton
15 -- from Hay River, 215 miles each way to Nonacho Lake,
16 430 miles return. Aircraft we operated, if you were
17 to get a quote today of equivalent, and like I say the
18 aircraft of the size we used will not haul boats in at
19 all, so now you -- you're looking at getting aircraft
20 that aren't on floats. You've got to see if they will
21 even land on the ice.

22 I don't know that you would get any of
23 the local aircraft that are large enough to carry
24 boats in there today to -- to land out there, so it's
25 -- it's -- there -- there are a lot of factors. It's

1 not easy. It's expensive. And so that's basically in
2 the short I can say to how -- how to -- we came up
3 those answers.

4 MS. CAROLINE WAWZONEK: Thank you. So
5 Caroline Wawzonek, Board counsel.

6 So to make sure I understand you, the -
7 - the values that are in that footnote were part of a
8 form that was filled out by yourselves, I assume, in
9 order to prepare the KRP report?

10 MR. DEAN CARTER: Without discussing
11 with everyone, that is my understanding.

12 MS. CAROLINE WAWZONEK: No, and I'm --

13 MR. DEAN CARTER: Dean Carter, sorry.

14 MS. CAROLINE WAWZONEK: Sorry, and I -
15 - I certainly didn't mean to ask you to go into any
16 more detail. And then when you filled out that form,
17 it was yourselves reflective of the value of the
18 actual item or asset, as well as the transportation
19 cost to get that asset out there.

20 Is -- is that -- am I understanding
21 correctly?

22

23 (BRIEF PAUSE)

24

25 MR. MYLES CARTER: Just -- Myles

1 Carter, Carter family.

2 Just with respects to some of the
3 items, one (1) for example we -- we got a quote from a
4 electrician to wire the -- the camp. There's --
5 there's a lot of wiring. All the cabins are wired out
6 there. I believe -- I don't have it in front of me, I
7 believe for the generator and the wiring was around a
8 hundred thousand (100,000).

9 The cabins, we got -- I believe we got
10 quotes for those. I can't recall -- I mean, it was a
11 few years ago but I could find out.

12

13 (BRIEF PAUSE)

14

15 MS. CAROLINE WAWZONEK: On the same
16 vein, there's a -- there is a specific quote included
17 for the removal of the trees, I believe. And if you
18 could just clarify for me, Was that intended as part
19 of the remediation that you expect to someday do, or
20 is that part of a different item of damage that you
21 are claiming now as a result of the alleged impacts of
22 the Nonacho Lake facility?

23

24 (BRIEF PAUSE)

25

1 MR. DEAN CARTER: We would have to
2 check a little bit more to confirm but as we recall we
3 received a quote from a contractor in Hay River who is
4 involved in -- in summary mediation, and what he would
5 estimate for him to -- to do that.

6 MS. CAROLINE WAWZONEK: Thank you.
7 It's Caroline Wawzonek, Board legal counsel.

8 I -- I only wanted to confirm. I
9 wasn't clear if it was a quote for the removal of the
10 trees in the area that was something that you wanted
11 done immediately because there's flooded trees and --
12 and deadheads in your area, or if you -- if that's
13 part of what you would expect to have happen at the
14 end of your lease?

15 So whether it's -- is it -- is it
16 remediation cost, or is it a different cost that you
17 were seeking to get those trees out of the water?

18 MR. DEAN CARTER: My understanding is
19 it is a remediation cost.

20 MS. CAROLINE WAWZONEK: Can you also
21 explain to me, please, are -- are family members
22 compensated when you are out there performing work and
23 labour? Is there -- is -- I realize it may not be a
24 salary but is there an item reflected somewhere in
25 your financial statements that speaks to the value

1 that you're putting in as -- not staff but in the
2 place of staff?

3 MS. JEAN CARTER: No. To my
4 knowledge, no, it isn't.

5

6 (BRIEF PAUSE)

7

8 MS. CAROLINE WAWZONEK: And with
9 respect again to the financial statements, could you
10 explain or comment? If you look at the line item that
11 speaks to your operational earnings as compared to the
12 gross revenue of the operation, the operational
13 earnings don't -- don't seem to line up entirely to
14 the -- the gross revenue. The gross revenue seems to
15 be much greater, whereas at times your actual
16 operational earnings seem to be at a loss.

17 So it may -- if you could just comment
18 for me on -- on what was going on when those were
19 being prepared, please.

20 MS. JEAN CARTER: Jean Carter, the
21 Carter family. Could you reple -- please repeat that?

22 MS. CAROLINE WAWZONEK: I think I need
23 to repeat it for myself actually. It's Caroline
24 Wawzonek speaking, Board legal counsel. So if I look
25 at the KRP report, there is -- or the financial

1 statements of the lodge are included in the KRP
2 report. They are your financial statements.

3 I don't know if you have a copy there,
4 but it might be helpful if -- if you actually look at
5 them. And midway down the financial statement page is
6 the earnings, operational earnings line, which for
7 many years showed particularly what seems to be a loss
8 in terms of the actual earnings from the operation
9 specifically as compared to the gross revenues line at
10 the top which has a lot more sort of positive numbers,
11 if you will.

12 And I'll -- I'll keep skipping ahead.
13 Where -- where I'm going with this is that from 20 --
14 2007, if I recall correctly, through to 2010, your
15 operational earnings are now actually in the positive.

16 So I -- I just want to have a sense of
17 where -- why is there this difference between the
18 gross revenues and the operational earnings? Was
19 there a loss of -- on this operation for many years,
20 or was it actually an op -- an earning-generating
21 business? And then, in 2007, did that turn around?

22 And -- and I'm happy to take some time.
23 I realize I'm asking you a very long and very big
24 question involving a lot of documents.

25 MS. JESSICA BUHLER: Jessica Buhler,

1 counsel for the Carters. Could I ask what -- which
2 schedule or appendix you're referring to in
3 particular? That would help. Thank you.

4 MS. CAROLINE WAWZONEK: Caroline
5 Wawzonek, Board legal counsel. So Schedule 2, and it
6 has dates going back -- as I see here, I have from --
7 three (3) pages, three (3) of three (3) pages. The
8 earliest date I show is 1984 at which time there is a
9 gross revenue showing as four hundred and seventy-one
10 thousand six hundred and seven (471,607), whereas the
11 earnings from operations are showing an actual loss of
12 thirty-nine thousand five hundred and eighty-two
13 (39,582).

14 And a similar trend, although not in
15 every year, does happen in a number of years. And so
16 what I -- I just want to understand is if there was --
17 if it was actually an -- an income-earning operation
18 or if it was not an income-earning operation through
19 those years.

20 MS. JESSICA BUHLER: Jessica Buhler,
21 counsel for the Carters. Could you just confirm which
22 years again?

23 MS. CAROLINE WAWZONEK: Sure. And I
24 apologize. It's Caroline Wawzonek, Board legal
25 counsel. I wasn't necessarily saying one year or

1 another. There's -- there's an overall trend that --
2 that I'm seeing, and the -- your accountant yesterday
3 didn't seem to know anything about the specifics of
4 the operation and didn't want to comment on it.

5 So there's a trend that occurs if you
6 look at 1984, beginning of 1984, where there's a large
7 revenue showing of four hundred and seventy-one
8 thousand six hundred and seven (471,607), but a loss
9 of thirty-nine thousand five hundred and eighty-two
10 (39,582).

11 There are predominantly losses along
12 that entire page. Go back to page 2 of 3, losses
13 under the earnings from the operation. On page 2 of
14 3, again similarly, with the exception of 1994, every
15 year shows a loss from operations. But it appears to
16 be -- gross revenues still appear to be in the
17 positive.

18 And if you go to page 1 of 3, the
19 change begins to occur in 2006. There's a very small
20 loss from the operations, still modest revenue under
21 the gross revenues. But from 2007 through to 2010,
22 the earnings from the operations are in fact in the
23 positive now.

24 So again, it could just be the way that
25 the numbers are being calculated or the information

1 that you've included in there. I don't -- I don't
2 really know what the reason for it would be, but I'm -
3 - if you could comment or explain or -- or offer your
4 thoughts?

5 MS. JEAN CARTER: I do all the
6 recording. And I give those figures to the
7 accountant. And he's a very efficient accountant,
8 been in Hay River for many years and I've always dealt
9 with him.

10 Now, for me to explain that, I would
11 have to take my books, which I'm willing to do, and he
12 be willing to tell me exactly -- explain that. And I
13 can supply that information to you if you want.

14

15 (BRIEF PAUSE)

16

17 MS. CAROLINE WAWZONEK: Madam Chair,
18 given that I, Board legal counsel, operate at the
19 discretion of the Board, perhaps I'd ask to come back
20 so that I can seek instructions from my Board as to
21 what information they might require. So I'd ask that
22 I come back to that question after a brief break, but
23 I can finish the rest of my questioning at this time.

24 THE CHAIRPERSON: Go ahead.

25 MS. CAROLINE WAWZONEK: Thank you.

1 Where were we? Can you tell me what end-factors
2 (phonetic) might influence your decision whether or
3 not to renew your lease in 2022, please?

4 MS. JEAN CARTER: Jean Carter. I'm
5 sorry, I have had those leases for many, many years.
6 And I also have talked to the guy who renews those
7 licence -- licence, and he's no longer there now, but
8 he -- he was an officer of the probably the federal
9 government because it is now in the government of the
10 Northwest Territories.

11 But he told me that I should never get
12 rid of those leases because you right now can
13 absolutely no way acquire a lease. So as long as we
14 have been operating Nonacho Lake we had to have a
15 lease. And so I chose to -- or we did, I should say,
16 to continue with those leases.

17 Now, you asked me if I intend to renew
18 those leases. I would have to right now, yes.

19 MS. CAROLINE WAWZONEK: Oh, I'm sorry.

20

21

22 (BRIEF PAUSE)

23

24 MS. CAROLINE WAWZONEK: Included in
25 your financial statements -- sorry, Caroline Wawzonek,

1 Board legal counsel. Included in your financial
2 statement are there any other leases not from Nonacho
3 Lake included on those statements?

4 MS. JEAN CARTER: All of the leases
5 are on that statement because -- oh, no, I lost my
6 line of thought. Yeah. Well, anyhow, they are all on
7 there. We --

8 MS. CAROLINE WAWZONEK: Okay.

9 MS. JEAN CARTER: We record those
10 every -- because there's a lot of expense to those
11 leases. I pay school taxes, land taxes. They charge
12 us a rent. They charge us a fee for the -- for the
13 lease itself, and so that's a lot of expense, so, yes,
14 we record everything.

15 MS. CAROLINE WAWZONEK: And -- and
16 everything -- and Caroline Wawzonek, Board legal
17 counsel. Everything you're recording, it's from
18 Nonacho Lake specifically?

19 MS. JEAN CARTER: Well, that's where
20 the leases are from. That's what they are, so we re -
21 - we record that.

22

23 (BRIEF PAUSE)

24

25 MS. CAROLINE WAWZONEK: Caroline

1 Wawzonek, Board legal counsel. Can you tell me,
2 please, if you've had to move or rebuild any
3 structures at the lake since 2012, please?

4 MR. DEAN CARTER: Dean Carter, Carter
5 family. You're asking whether we've had to move any
6 since 2012 only?

7 MS. CAROLINE WAWZONEK: That's
8 correct.

9 MR. DEAN CARTER: No.

10 MS. CAROLINE WAWZONEK: Thank you.

11 Caroline Wawzonek, Board legal counsel. I have some
12 questions I expect likely to be directed to Mr. Bodaly
13 -- or Dr. Bodaly, excuse me, subject to your teams
14 discretion, of course.

15 As I understand, rates of mercury --
16 rather the flooding is what resulted in the high rates
17 of mercury in your view and you concluded by saying
18 that this is no longer a natural environment.

19 Could you comment or offer your opinion
20 whether the continued presence of the water control
21 structure on Nonacho Lake would have an impact on
22 mercury levels?

23 DR. RICHARD BODALY: I would say that
24 the -- the way that the control structure is managed
25 by NTPC at the present time, if it continued into the

1 future it would no long -- it would not have an impact
2 on mercury in fish in Nonacho Lake.

3 MS. CAROLINE WAWZONEK: Caroline
4 Wawzonek, Legal -- Board legal counsel. Can you tell
5 me, in your opinion, whether the removal of the
6 control structure would have an impact on mercury
7 levels in the lake?

8 DR. RICHARD BODALY: Drew Bodaly. Oh,
9 that's a tough question. I don't think it -- that
10 question has a straightforward answer. It would
11 involve consideration of a -- when you say removal of
12 structure I'm assuming you mean bringing the lake down
13 to its natural level.

14 It would involve consideration of water
15 draining from wetlands, which had methylmercury in it.
16 It would involve consideration of shoreline erosion of
17 shores which had accumulated fine grain sediments and
18 organic material, which then could erode into the
19 lake.

20 I -- I -- that -- that's not an easy
21 question.

22 MS. CAROLINE WAWZONEK: Caroline
23 Wawzonek, for legal counsel. There was information
24 presented today that there may have been a commercial
25 fishery of some nature removed in the early 1970s.

1 Can you offer your opinion as to
2 whether the high readings in 1975 may have been
3 impacted by the removal of the commercial fishery?

4 DR. RICHARD BODALY: Drew Bodaly.
5 It's possible it had a slight effect. Whenever you
6 take -- increase or decrease fishing pressure on a --
7 on a fish population you can influence its growth
8 rates. The more you fish a population the higher the
9 growth rates tend to go, because there's fewer fish
10 around and more food per fish.

11 So there could have been a slight
12 effect. I would say though that the data is very
13 consistent with the effect of the flooding on mercury
14 cycling and mercury in fish, and that consistent with
15 kinds of concentrations that we have observed in other
16 northern reservoirs.

17 And therefore, I think it's most likely
18 that the impact was -- was mainly flooding, and any
19 impact related to the cessation of the commercial
20 fishery would be relatively minor.

21 MS. CAROLINE WAWZONEK: Thank you.
22 Caroline Wawzonek, Board legal counsel. Now, in some
23 of the -- any of the other comparables that you're
24 speaking of, other -- other -- some of the other lakes
25 you've referenced in the northern parts of the

1 country, are there other factors that you would
2 comment on or offer that can result in mercury levels
3 that do not follow the otherwise downward trend that
4 you've described, that it should happen after a
5 flooding event?

6 DR. RICHARD BODALY: We -- we always
7 see an eventual downward trend. In some areas it
8 seems to -- to happen a little quicker. In some
9 reservoirs, for example, Le Grande area reservoirs in
10 Quebec seems to take a little longer.

11 We think it has a lot to do with the
12 amount of wetlands in the watershed that is flooded.
13 The wetlands, of course, have stored organic matter,
14 peat, stored over the period of time since the
15 glaciers left the area. And they seem to have a kind
16 of staying power to continue to produce methylmercury,
17 so that might be part of the answer to that.

18 Does -- does that answer your question?

19 MS. CAROLINE WAWZONEK: Yes, thank
20 you. Madam Chair, Caroline Wawzonek, Board legal
21 counsel.

22 I don't have any other questions
23 subject to the question that was put to the side for
24 the moment, the -- the -- regarding financial
25 statements.

1 THE CHAIRPERSON: I'm just going to
2 take a five (5) minute pause while we consult with
3 legal counsel.

4

5 --- Upon recessing at 2:07 p.m.

6 --- Upon resuming at 2:16 p.m.

7

8 THE CHAIRPERSON: Yes, we'd like --
9 I'd like to resume the hearing. I am going to turn
10 the floor back to legal counsel.

11 MS. CAROLINE WAWZONEK: Thank you,
12 Madam Chair. Caroline Wawzonek, Board legal counsel.

13 Other minds have assisted me in
14 clarifying what I'm trying to ask earlier to the
15 Carter team members. Specifically, it's this: Was
16 the lodge business making money before 2006, and was
17 it continuing to make money after 2006?

18

19 (BRIEF PAUSE)

20

21 MS. JEAN CARTER: Jean Carter.

22 Would you, Carol, please, repeat that
23 question?

24 MS. CAROLINE WAWZONEK: Certainly.
25 Caroline Wawzonek, legal -- Board legal counsel.

1 So was the lodge -- the Nonacho Lake
2 lodge as a business, was it making money, earning
3 money before the year 2006? Did it continue to make
4 money after 2006? Was there any change at that point
5 in your finances?

6 MS. JEAN CARTER: Well, for me to
7 answer that honestly, I would have to take a look at
8 my books, because I do all the entries. And -- and
9 it's that simple. I do the entries. I take them down
10 to the account -- accountant, and he -- he then -- and
11 then he then deals with it.

12 But if we were make -- so you want to
13 know what -- were we making money before 2006? Well,
14 I would say -- I guess I hate to say when I don't know
15 for sure, but I would say we were. The -- the --
16 enough for my husband and I to be comfortable at the
17 lake, but on -- that being said, and of course, five
18 (5) -- 2005 was the year we had -- that my husband
19 passed away, so no, we didn't make any money that
20 year.

21 But I think we were holding I -- our
22 own after that, like, from '06 or to whatever, it has
23 actually been better.

24 MS. CAROLINE WAWZONEK: Thank you.
25 Madam Chair, I don't have any further questions.

1 THE CHAIRPERSON: Thank you. I would
2 like to ask the Board members, or the Board panel,
3 Philippe, if you have any questions you would like to
4 ask the Carter family?

5 MR. PHILIPPE DI PIZZO: Thank you,
6 Madam Chair. I have no questions. This is Philippe
7 di Pizzo.

8 THE CHAIRPERSON: Thank you. I would
9 now ask the other Board panel, Elizabeth Wright. Do
10 you have any questions that you would like to ask the
11 Carter family?

12 MS. ELIZABETH WRIGHT: Thank you,
13 Madam Chair. Elizabeth Wright, Board member. I don't
14 have any questions.

15 THE CHAIRPERSON: Thank you, Carter
16 family, for your presentation. I -- that concludes
17 that part of our agenda. I would like to -- to ask
18 Board staff and counsel if they would like to take
19 this opportunity just to seek clarification before
20 moving forward? And does the Board have any
21 additional questions before moving forward?

22 MS. CAROLINE WAWZONEK: Thank you,
23 Madam Chair. It's Caroline Wawzonek, Board legal
24 counsel. We had a few questions that we wanted to
25 offer to the Northwest Territories Power Corporation

1 in line with some of the questions that we just asked
2 to the Carter family, and specifically with respect to
3 mercury levels in the lake and in fish.

4 Can you assist me, in your opinion,
5 whether the high reading in 1975 might have been
6 impacted by the removal of a commercial fishery in the
7 early 1970s?

8 MR. JASON COTE: Jason Cote,
9 independent environmental consultant for the Northwest
10 Territories Power Corporation. I would have to agree
11 with the information Dr. Bodaly provided you, and --
12 and would suggest that it would be a minor -- minor
13 change if detectable.

14 MS. CAROLINE WAWZONEK: Thank you.
15 Caroline Wawzonek, Board legal counsel. Could you
16 also provide your opinion or comment on whether the
17 continued presence of the water control structure on
18 Nonacho Lake has any impact on mercury levels in the
19 lake?

20 MR. JASON COTE: Jason Cote,
21 independent environmental consultant for the Northwest
22 Territories Power Corporation. Again, with the
23 assumption that operations and management of the
24 Nonacho dam structure would follow what has occurred
25 throughout the 2012 to present time frame and

1 throughout the water licence, I would suggest that,
2 no, the continued operations and use of water at Twin
3 Gorges would not have any effects on mercury levels in
4 fish moving forward.

5 MS. CAROLINE WAWZONEK: Thank you.
6 Caroline Wawzonek, Board legal counsel. Would you
7 expect -- or give -- if you could offer your opinion
8 on whether the actual removal of that control
9 structure would have any impact on mercury levels in
10 the lake, please.

11 MR. JASON COTE: Jason Cote,
12 independent environmental consultant for the Northwest
13 Territories Power Corporation. It's -- it's an
14 excellent question, and as soon as you had asked it to
15 Dr. Bodaly, I looked at my -- my partner here and I
16 said, That's not an easy question to answer. And then
17 Dr. Bodaly said the exact same thing in -- in his
18 response.

19 I think the information he has
20 presented is very accurate, and it would be very hard
21 to predict at this time. The removal of the dam would
22 -- would certainly cause and change erosion patterns
23 within the system.

24 It would change the function of the
25 wetland structures, and it would ultimately have a --

1 I won't say a hardship or devastating impact on
2 existing fish conditions, but it would certainly --
3 the system would have to readjust for a fourth time
4 that has been stable since essentially closure of the
5 Pine Point mine in 1986. And the issues would extend
6 far beyond mercury and into other realms as well.

7 MS. CAROLINE WAWZONEK: Thank you,
8 Madam Chair. We don't -- I don't have any other
9 further questions.

10 THE CHAIRPERSON: Thank you. Now I
11 would like to -- to ask the NWT Power Corp. if they
12 have any questions of clarification relating solely to
13 the Board staff and leg -- and Board legal counsel's
14 line of questioning.

15 MR. DOUGLAS EVANCHUK: Thank you,
16 Madam Chair. It's Doug Evanchuk, counsel to NTPC. We
17 have no questions of that nature. Thank you.

18 THE CHAIRPERSON: And I will ask the
19 Carter family if you have any questions of
20 clarification relating solely to the Board staff and
21 the Board legal counsel in their line of questioning.

22 MS. ELEANOR OLSZEWSKI: Eleanor
23 Olszewski, counsel for the Carter family. We do not.
24 Thank you.

25 THE CHAIRPERSON: Thank you. Before

1 moving into the parties' closing remarks, we would
2 like to acknowledge the time and effort put into the
3 preparation presentations by all the parties to
4 provide evidence and to carry out this re-hearing.

5 For the record, I'll ask the Board's
6 legal counsel to read through the list of undertakings
7 that require follow-up in the coming weeks, and would
8 like to deal with further submissions -- and how the
9 Board would like to deal with further submissions
10 arising from the undertakings made in this hearing.

11 And I now turn the floor to the Board
12 legal counsel.

13 MR. SHELDON TONER: Thank you, Madam
14 Chair. Sheldon Toner, Board legal counsel. There
15 were two (2) undertakings that came out in the course
16 of the hearing. The first undertaking is that NTPC
17 will have the opportunity to review the Report on
18 Samples of Lake Trout, Lake Whitefish, and Northern
19 Pike Taken from Nonacho Lake, NWT, Summer 2014, and
20 Analyzed for Mercury by Dr. R. A. Bodaly, and submit
21 written questions on the report to Board staff and the
22 other party by May 26, 2017.

23 The Carter family will have until June
24 9, 2017, to respond to NTPC's questions through --
25 through responses from its expert.

1 The second undertaking is that the
2 Carter family will have the opportunity to submit
3 written questions it could not ask or it did not ask
4 on, firstly, the Aquatic Environment Monitoring
5 Program report and, secondly, the 2014 sport fishing
6 analysis both attached to NTPC's written submission
7 filed on April 18 and will submit those written
8 questions, if any, to Board staff and the other party
9 by May 26, 2017.

10 NTPC will have until June 9, 2017, to
11 respond to the Carter family's questions through
12 responses from its experts. And those -- those were
13 the two (2) undertakings. With respect to how the
14 Board will deal with further submissions, the parties
15 will have the opportunity to make further limited
16 written submissions on the reports that are subject to
17 those undertakings.

18 And, specifically, the Carter family
19 will have until June 16, 2017, to make further written
20 submissions limited to those reports in the
21 undertaking and the responses received to the
22 questions you receive from them. Likewise, NTPC will
23 have until June 23rd, the following week, 2017, to
24 make further submissions and, again, limited to those
25 reports and the responses received to questions,

1 written questions, on those reports.

2 The Board would now -- will now move to
3 hear closing remarks from both parties on everything
4 else you wish to address that's emerged through the
5 evidence and the documents that have been submitted
6 onto the record. Thank you, Madam Chair.

7 THE CHAIRPERSON: I would like to ask
8 the NWT Power Corp. if they have any questions for
9 legal counsel, for the Board legal counsel, sorry.

10 MR. DOUGLAS EVANCHUK: Thank you,
11 Madam Chair. Doug Evanchuk, NTPC. No questions,
12 Ma'am.

13 THE CHAIRPERSON: I will now ask the
14 Carter family if they have any questions to ask the
15 Board legal counsel.

16 MS. ELEANOR OLSZEWSKI: Eleanor
17 Olszewski, Carter family. No questions. Thank you.

18 THE CHAIRPERSON: Thank you very much.
19 The transcripts of this re-hearing, undertakings, and
20 final closing remarks will be submitted to the Board
21 and filed on the public registry. I now invite the
22 Carter family to provide its final remarks.

23 MS. ELEANOR OLSZEWSKI: Madam Chair, I
24 have a request at this time. Eleanor Olszewski, on
25 behalf of the Carter family. I'm asking that the

1 Board provide us with fifteen (15) extra minutes. I
2 would like to consider some of the questions asked by
3 legal counsel for the Board and incorporate some of
4 that discussion in my closing remarks. And if we
5 could have fifteen (15) minutes to do that, that's the
6 last request that we'll make. That's the last that
7 you'll hear from us in that regard, but it would be
8 very appreciated if we could do that.

9 I'd like to ask my clients a couple of
10 questions.

11 THE CHAIRPERSON: It's now 2:29. We
12 can reconvene at 2:45.

13 MS. ELEANOR OLSZEWSKI: Thank you.

14

15 --- Upon recessing at 2:29 p.m.

16 --- Upon resuming at 2:45 p.m.

17

18 CLOSING COMMENTS BY THE CARTER FAMILY:

19 MS. ELEANOR OLSZEWSKI: Thank you,
20 Madam Chair. Thank you, members of the Board.
21 Eleanor Olszewski, counsel for the Carter family.

22 As I indicated to you in our opening
23 submission, we are here before you because Justice
24 Shaner found that the Board's decision with respect to
25 the amount of compensation to be paid to the Carters

1 was not reasonable, and that it had been undertaken
2 without a careful analysis of the substantial amount
3 of evidence that had been provided by the Carters.

4 It is the Carter's position today, as
5 it was at the time of the original hearing, that they
6 will indeed suffer ongoing adverse impacts as a result
7 of NTPC's operations under the licence, and that they
8 will suffer these impacts into the future, and that as
9 a result of those impacts, they will suffer economic
10 loss and damage as a result.

11 And the NTPC is required, as the
12 legislation says, to compensate them for their losses,
13 if that is, in fact, what the Board finds. And you've
14 heard over the last day and a half many witnesses on
15 behalf of the Carter family talk about the adverse
16 effects that the Carter family has suffered, not only
17 as a family, but in particular, as the owners of a
18 sport fishing lodge at Nonacho Lake.

19 And Dr. Bodaly, who has spoken on
20 behalf of the Carters, has told you about those
21 effects from his perspective as a scientist, as a
22 fisheries biologist, with more than forty (40) years
23 of experience with respect to the effect of northern
24 hydroelectric facilities.

25 And you've heard our expert Randy Popik

1 speak to you with respect to the economic loss
2 suffered by the Carters and how, in his view, based on
3 his experience, that should be quantified. So I think
4 it really is a simple thing that the Board is being
5 called upon to determine, because I think really, the
6 Carter's position is quite simple.

7 They own a fishing lodge that caters to
8 sport fishermen on Nonacho lake. And as the Carters
9 have indicated to you, as such, there are many ways in
10 which the ongoing operation of the NTPC's facilities
11 affects them. And it might be different if the
12 Carters just lived at Nonacho Lake and they didn't
13 operate a fishing lodge. Maybe we'd be talking about
14 a different kind of impact, a different kind of
15 ongoing adverse impact.

16 But the fact of the matter is, as I've
17 said a few times already, the fact of the matter is
18 that the Carters own a fishing lodge, and they're
19 dependent on a healthy aquatic habitat and healthy
20 fish.

21 There can be no doubt -- I'm going to
22 start first to briefly talk about mercury. There
23 cannot be any doubt that the original flooding of the
24 lands caused mercury to be released from sediment and
25 into the lake. The Carters don't have to prove this.

1 They don't need to prove this, because
2 as Dr. Bodaly indicated, this phenomenon is well-
3 established in the scientific literature, and this
4 phenomenon, that is, the release of mercury from
5 sediment, is also identified in the Cambria Gordon
6 Report.

7 So everyone agrees that the flooding of
8 lands causes release of mercury from sediment. I
9 don't think there's any issue in that regard. It
10 doesn't matter whether other lakes might have mercury,
11 or whether other lakes have higher or lower
12 concentrations. In this hearing, we're dealing with
13 Nonacho Lake, which is a reservoir lake, and which is
14 subject to the effects of the original flooding.

15 And as Dr. Bodaly indicated in his
16 evidence, the mercury levels in fish, he says that his
17 indication is that they have stabilized over time.
18 But you'll recollect from looking at the graphs that
19 he put up for you this morning, the mercury levels
20 actually increased in 2010 and 2014. And in one (1)
21 of those years, they're higher than the 1986 level.

22 And so the overall conclusion that he's
23 indicated is, yes, we can say that in accordance with
24 what happens to mercury released from sediment when
25 lands are flooded, there is a stabilization over time.

1 We don't take any issue with that conclusion. But
2 what he also went onto say is whether the levels are
3 stabilizing, or increasing, or decreasing, doesn't
4 really matter from the perspective of the Carter
5 family.

6 Why doesn't it matter? Because in
7 2011, there was a public health advisory warning
8 people, fishermen, people about the dangers of mercury
9 consumption. And there's a sign at the lake, as well,
10 and it doesn't matter whether NTPC posted the sign or
11 not. It matters not. What the Board is being called
12 upon to determine is whether or not there's an ongoing
13 adverse effect that's affecting the Carter family at
14 Nonacho Lake.

15 And the fact that there is a health
16 advisory warning people not to consume fish above a
17 certain size, that there is a health advisory warning
18 about problems and difficulties to human health on
19 account of mercury, and as Dr. Bodaly has indicated,
20 the public's completely in tune with the issue of
21 mercury, and so it is an ongoing adverse effect.

22 And you've heard both Dean and Myles
23 Carter explain to you how difficult it is to market
24 fishing at Nonacho Lake in light of that difficulty
25 with respect to the mercury. There is mercury in the

1 fish at Nonacho Lake. The Carters market to
2 fishermen. It is an absolutely an ongoing adverse
3 impact that's a result of the NTPC's operation of the
4 facility.

5 And as I've said, the Carter family
6 explained this to you, but I believe it was Dean
7 Carter who also said, You know, don't just take it
8 from us. In our 2012 submissions, there are a number
9 of letters from patrons who used to come to Nonacho
10 Lake. Let's see what the patrons say about why they
11 don't come to Nonacho Lake anymore.

12 So it's one (1) thing for NTPC to say,
13 Well, there are a bunch of other factors that might
14 have caused some loss to the Carters. It's not only
15 the dam. But the fact of the matter is, if you look
16 at what the fishermen say about why they don't come to
17 Nonacho Lake anymore, the factors are associated with
18 the results, the adverse effects from the dam.

19 So I mentioned mercury, but in addition
20 to that, there's the issue of declining fish stock at
21 the lake. And I think it's really clear from the
22 evidence of respected Elder Boucher, as well as from
23 Dean Carter as well. These are people who know the
24 land, know the waters, and they can absolutely and
25 have told this Board what they remember about the

1 kinds of fish and the fish species that you used to be
2 able to catch at Nonacho Lake. And these include
3 fish that are prized fish for people who want to sport
4 fish at lakes like Nonacho. So they include species
5 like arctic grayling and walleye. And I don't know
6 about you, members of the Board, but I was very moved
7 by Dean Carter's explanation of, you know, the fish
8 habitat for arctic grayling and walleye and the impact
9 that the dam would have had on those particular
10 species.

11 I want to move onto talk about
12 shoreline erosion, because of course, it's the
13 position of the Carter family that shoreline erosion
14 is also an ongoing effect from the NTPC's operations.
15 And this is apparent from not only the visual
16 observations that the Carters have made, and I might
17 add to that that these observations span many years.

18 It's not a situation where the Carters
19 moved to the lake two (2) years ago. The Carter
20 family's been at that location for in excess of fifty
21 (50) years. And the family's very familiar with what
22 has happened to the land and to the waters at the
23 lake.

24 So we have the direct observation of
25 members of the Carter family. And we have, as well,

1 with respect to shoreline erosion, the evidence of our
2 expert, Dr. Bodaly. And he has said that shoreline
3 erosion can lead to an alteration of fish movement and
4 migration patterns.

5 And I know you'll recall how he spoke
6 to you this morning about the importance of wetlands,
7 and the importance of shorelines, and the impact that
8 that can have on fish habitats. And I -- I know
9 you'll recall that he said to you that materials from
10 erosion make these habitats less productive. And by
11 that, he means that they have an effect on fish
12 movement, on fish reproduction, an impact and an
13 effect on fish and fish eggs. And, actually, if you
14 think about it, that completely fits with the notion
15 that there are some species that are no longer fished
16 at Nonacho Lake.

17 So, you know, I think when you put all
18 of the evidence together, the evidence of the Carter
19 family and the evidence of Dr. Bodaly, you know, the
20 picture that we have painted is one of consistency.
21 All of the information that's been provided fits
22 together. The -- the pieces fit together and they
23 show us how what's happened at Nonacho Lake is indeed
24 a series of ongoing adverse impacts. And, as I say,
25 the Carters operate a fishing lodge, so they are

1 affected in that fashion.

2 Mr. Carter told you that shoreline
3 erosion is -- creates a problem with respect to woody
4 debris as well, that this resulted a nuisance and
5 inconvenience to the Carters and their guests in
6 navigating on the lake and that this nuisance and
7 inconvenience is expected to continue.

8 The Power Corp. says that this erosion
9 is in keeping with pre-development rates of erosion,
10 but they cannot know this, because there is no data.
11 There's no information that deals with what the rates
12 of erosion were before the building of the dam.

13 And, as I indicated when I crossed Mr.
14 Cote, and as Dr. Bodaly said as well, the monitoring
15 that takes place with respect to shoreline erosion
16 doesn't really answer the question either. Why?
17 Because that monitoring started to take place only
18 recently when DFO identified shoreline erosion at
19 Nonacho Lake as a concern to them.

20 In addition, only two (2) sites at
21 Nonacho Lake are being monitored. And you'll recall
22 that Dr. Bodaly said, That is not sufficient for a
23 lake with hundreds of kilometres of shoreline to
24 monitor at two (2) points out of hundreds of
25 kilometres.

1 And I think it's clear from what --
2 what the Carter family said, and what Dr. Bodaly said
3 as well, that this shoreline is not granite. The
4 shoreline for parts of Nonacho Lake consist of esker
5 shoreline, which is sand. And you heard Dean Carter
6 tell you about the effects of that erosion on the
7 esker shoreline.

8 Lastly, I'd like to deal with changing
9 water levels. And the Carters maintain that changing
10 water levels at the lake are also an ongoing impact.
11 And if you just reflect back to Dean Carter's
12 explanation, and I thought it was a really vivid and
13 understandable explanation about how he understands
14 the effects of the dam to work, and he talked about
15 the bathtub. I thought it was a great analogy,
16 comparing the reservoir to a bathtub.

17 And he talked about the effects of
18 spillage, and the effects of having two (2) outflows
19 on Nonacho Lake. And his evidence was very consistent
20 with what Dr. Bodaly said as well.

21 And you'll remember that Dr. Bodaly
22 gave clear evidence about the three (3) eras that
23 Nonacho Lake has been subject to: that pre-
24 development era, and then the era where power
25 generation supplied the Power Point (sic) dam, and

1 then the era after that.

2 And so it's not the whole picture to
3 say, as the NTPC does, Well, there are minor
4 fluctuations, minor variations in the water level now.
5 I think a more sensible analysis is to look at what
6 the Carter family has said, that the lake has been
7 subject to a series of changes.

8 And it's this series of changes that
9 has had an impact on fish movements, the ability of
10 fish to feed, to reproduce, the potential effect on
11 incubating trout eggs. And again, I would invite you
12 to look at Dr. Bodaly's report in that regard. And
13 again, all of these things fit together.

14 So what do the Carters need to show
15 you, the Board, about these effects? They have to
16 show, and you need to accept, that there have been
17 ongoing adverse effects as a result of the NTP's use
18 of water under the licence.

19 We don't have to prove those effects to
20 a scientific certainty. That's not the inquiry today.
21 This is not a scientific conference where we have to
22 prove things to a scientific certainty. In law, we
23 need to show that things are more likely than not,
24 that it's more likely than not that the Carters have
25 suffered adverse effects as a result of NTPC's use of

1 water under the licence.

2 I think that the analysis is really a
3 fairly straightforward one, but that the NTPC has
4 tried to complicate that by introducing some sort of a
5 three (3) step framework. But the framework that Mr.
6 Evanchuk mentioned in his opening submissions isn't
7 what the legislation says.

8 And it's my submission that the Board
9 should be guided by the words of the legislation and
10 not an artificial analysis, not an artificial three
11 (3) step framework that we don't really see in Section
12 14.

13 So we should apply the legislation so
14 that we breathe life into the claims of people who
15 were affected by the NTPC's operation on the lake.
16 And with respect to the legislation, we should be
17 guided by the wording of the legislation itself. And
18 if you just give me a minute...

19

20 (BRIEF PAUSE)

21

22 MS. ELEANOR OLSZEWSKI: The
23 legislation says:

24 "The Board shall not issue a licence
25 unless the applicant satisfies the

1 Board that compensation that the
2 Board considers appropriate has been
3 or will be paid -- "

4 And then I'm going to skip all the list
5 of categories of people:

6 "-- who would be adversely affected
7 by the use of waters."

8 So that's the -- that's what we need to
9 consider, people who would be adversely affected. And
10 then, in 14(5), the legislation says:

11 "In determining the amount of
12 compensation that is appropriate,
13 the Board shall [mandatory, shall]
14 consider all relevant factors
15 including -- "

16 And then it says:

17 "-- without limiting the generality
18 of the foregoing --"

19 Lots of legal talk.

20 "-- provable loss or damage,
21 potential loss or damage, the extent
22 and duration of the adverse effect
23 including the incremental adverse
24 effect, the extent of use of the
25 waters by people who would be

1 adversely affected, and nuisance,
2 inconvenience, and noise."

3 And so again, I'm just repeating that
4 because that sets the framework for what the Board I
5 believe should address its mind to when it's making
6 its determination with respect to compensation for the
7 Carters. The legislation doesn't speak about
8 baselines, and it wouldn't make sense to do this.

9 I think it's really important to make
10 clear that the Carters are not asking for compensation
11 for past losses or for past effects, but we need to
12 look at what happened in the past, because it informs.
13 It's the only way we can learn what might happen, or
14 put what happens in the future into perspective.

15 The legislation doesn't say that the
16 Board should be limited to whatever the current
17 operation of the dam looks like. And so, I know Mr.
18 Evanchuk in his opening submissions said, Well -- and
19 I believe NTPC said in its presentation as well, We're
20 complying with the regulations. We're doing ongoing
21 monitoring.

22 I would submit to you, the Board, that
23 this is not the same thing as saying there are no
24 adverse effects. You can monitor all you want.
25 Monitoring isn't going to reduce the mercury in the

1 fish on Nonacho Lake. It's already, and has been for
2 every one of the years in that chart, higher than what
3 the health advisory advises.

4 So really, who cares about that
5 monitoring. That's not an answer to whether or not
6 the Carters has suffered an -- an adverse impact. It
7 may be true that NTPC is complying with all its
8 regulations, but that's not an answer to whether or
9 not the Carters have been adversely affected by its
10 operations.

11 That I think it's really important to
12 keep those factors in mind. I want to speak for a
13 moment about compensation. It is our submission, that
14 the sum of money that's contained in the 2017 report
15 that was provided by KRP represents an appropriate
16 amount of compensation to be awarded by the Board in
17 light of the factors that are set out in Section 14 of
18 the legislation.

19 And the breakdown of that evaluation is
20 contained on page 15 of the 2017 written submissions.
21 And it includes sixty thousand and seventy dollars
22 (\$60,070) for cleanup costs on account of fluctuating
23 water levels. Five hundred and ninety-one thousand
24 seven hundred and thirteen (591,713) for loss of
25 assets that the Carters will suffer when they can't

1 operate their business because of the adverse effects,
2 all explained in Mr. Popik's report.

3 Two million and sixty-nine dollars
4 (\$2,000,069) for -- 2,069,461 for the loss of income
5 that the Carters will suffer during the term of the
6 licence, so on account of decrease in patrons; two
7 hundred and fifty thousand (250,000) for nuisance and
8 inconvenience; two hundred and fifty thousand
9 (250,000) for loss of lifestyle that the Carters won't
10 be able to pass on to future generations.

11 And as I've said, it's our submission
12 that this amount of compensation appropriately
13 reflects the factors that the Board is required to
14 consider, including the extent and duration of the
15 ongoing adverse effects. The fact that Nonacho Lake
16 is not once in while used by the Carters, it's
17 extensively used by the Carters and it's where they
18 have their business. And the lis -- legislation talks
19 about that. And the high level of nuisance and
20 inconvenience that the operation has caused the
21 Carters, which the Carters have told you about and
22 it's contained in quite a lot of detail in our
23 submissions as well.

24 Mr. Popik explained the impacts as far
25 -- as far as he's concerned as an accountant, the

1 impacts on NTPC's operations on the Carter's business.
2 And he did this only from a financial perspective.
3 He's not a fish expert. He doesn't presume to be
4 that, and you heard him tell you that.

5 He told you he uses an indemnification
6 approach, because it's appropriate based on the
7 wording of the legislation, which seeks to compensate
8 the Carters for adverse effects, to compensate for the
9 use of the waters. It's not an expropriation
10 proceeding. So it's not appropriate to use the value
11 of the lodge, as the Odyssey Report does, as the
12 measure of damages in this case.

13 And again, I emphasize, as Mr. Popik
14 did, we are not asking for past losses. Nowhere in
15 Mr. Popik's revised report is there a claim for past
16 losses. What Mr. Popik does is use data from past
17 operations to inform the future. That's how future
18 losses are calculated.

19 I've been in this business for thirty
20 (30) some years. I've done a lot of trial work that
21 has to deal with calculating future loss. You don't
22 base it on one (1) year. We base it on what happened
23 in the past, because it's only by looking at that that
24 we can address our mind to what might happen in the
25 future.

1 Looking at one (1) year, as Mr. Popik
2 indicated, is not a sound methodology. It's not an --
3 a -- a methodology that accountants use when they're
4 valuated losses in situations such as this.

5 And you'll recall that I asked Raj
6 Manek about his calculations, and he agreed with me
7 that, in fact, he used in his table virtually an
8 identical number for lost patrons, and virtually an
9 identical number for lost revenue per patron as Mr.
10 Popik did. And Mr. Popik explained that as well. And
11 he said in his report at page 23, when he's talking
12 about the pro forma calculation that he did:

13 "We therefore feel that the pro
14 forma revenues are likely the best
15 reasonable expectation of the lodge
16 based on our review of the
17 information presented."

18 And you'll recall that he then took
19 those figures from Table 9 and he used them as part of
20 his calculation for the value of the lodge. And Mr.
21 Popik said, You know, when I saw that Raj did that as
22 well, agreed with that, it gave me comfort that the
23 numbers that the numbers that I was using were sound.

24 But in all fairness, what Mr. Popik
25 already said, and rightly so, is that it's up to the

1 Board to determine whether or not any other factors
2 have had an impact on the Carters from a financial
3 perspective. And you'll recollect that that's why he
4 took you a number of times to the sets of worksheets
5 that are in the materials.

6 And he asked and suggested to the Board
7 that you, if there's anything in the numbers that you
8 want to change or adapt based on the evidence that
9 you've heard from the Carters, and I -- I remember
10 these words really clearly. He said, I empower you.
11 You know, this is up to the Board to make a
12 determination. He said, What I've done sets the
13 ceiling, it's no higher than that, but I'm giving you
14 the worksheets so that you can listen to all of the
15 evidence and you can decide what's fair and
16 appropriate if you don't agree with the high ceiling
17 number.

18 So in conclusion, then, the Board has
19 heard extensive submissions from Randy Popik, from Dr.
20 Bodaly, very, very highly regarded experts in their
21 fields, from Dean Carter, from Jean Carter, a little
22 bit from Myles Carter, people who have lived at
23 Nonacho Lake for in excess of fifty (50) years --
24 well, not all of them, some of them. From Elder
25 Boucher, who has also been a long time -- has a long-

1 time first-hand knowledge of the conditions at the
2 lake, and he told you quite a bit about that.

3 And so in closing, I would like to ask
4 the members of the Board, because I know you have a
5 lot of material and some really important decisions to
6 make. All I would ask is that you carefully review
7 all of the evidence. The material that's in the
8 written submissions. The letters from the patrons of
9 the Carter family lodge. The material that's in the
10 expert reports. What you heard before you.

11 And that you take all of this
12 information into account, and I submit that when you
13 have done that, I'm asking you to find that, in fact,
14 we have shown on a balance of probabilities that the
15 Carter family has been adversely affected by the
16 operations of the NTPC.

17 I would like to thank this Board very
18 much on behalf of all of the members of the Carter
19 family for allowing us to appear before you for
20 yesterday, and today, as well, and for giving them the
21 time and -- and your ear so that they could explain to
22 you in the best way that they know how the extent and
23 the significance of the impacts of the NTPC's
24 operation on the family and on the family bui --
25 business.

1 And be -- on behalf of Jessica Buhler
2 and myself, we, too, would like to extend our thanks
3 to the Board, to the Board administration, to Board
4 counsel, and, of course, to all of the individuals
5 that make up the NTPC team. We appreciate it. Thank
6 you very much.

7 THE CHAIRPERSON: Thank you very much,
8 Carter family, for your final remarks. I now invite
9 the NWT Power Corp. to provide their final remarks.

10

11 CLOSING COMMENTS BY NTPC:

12 MR. DOUGLAS EVANCHUK: Thank you,
13 Madam Chair. Good afternoon again, panel members,
14 Board staff, Board Counsel, and parties. I'm going to
15 make some specific remarks with respect to the closing
16 submissions of NTPC. But I -- I think, having heard
17 My Friend's remarks, I'm going to first walk you
18 through Justice Shaner's decision again here, just to
19 give you a high-level overview here, because I think -
20 - I think what really your challenge here at the end
21 of the day is, is to find that these claims are
22 related to past adverse effects. I think
23 fundamentally, that's what this case comes down to, so
24 I'm going to start with that.

25 And I'm just going to read from (sic)

1 you the -- briefly Justice Shaner's decision, and this
2 is paragraph 128. And she writes:

3 "I conclude that the framework
4 created by the MVRMA and the
5 Northwest Territories Waters Act
6 does not include the authority,
7 either express or by necessary
8 implication, for the Board to award
9 compensation for loss and damage
10 incurred under previous licences.
11 The overall tenor of the legislation
12 is forward-looking."

13 And here's the key words.

14 "The Board's powers are there so
15 that it may balance conservation and
16 development by, amongst other
17 things, addressing adverse effects
18 expected to occur in the future as a
19 result of the licenced use."

20 Expected to occur in the future. Now,
21 the Board -- pardon me, the court, through paragraphs
22 109 through 128, went through the reasoning for coming
23 to that conclusion. They went through the arguments
24 of the parties, including My Friends who appeared on
25 behalf of the Carter family. I would suggest to you

1 that My Friend, with respect to the issue of past
2 adverse effects, is essentially trying to reargue her
3 position in front of Justice Shaner, which I would
4 suggest to you, when you read those provisions,
5 Justice Shaner soundly rejected.

6 So I'm going to open with that comment,
7 because again, to me, this is a case about whether or
8 not the claims essentially are past -- for past
9 adverse effects. And I want to get back to start,
10 then.

11 My Friend suggested that my three (3)
12 issues for you were an artificial construct, or an
13 artificial analysis. I would disagree. You have to
14 look at -- and we talked about it. You have to look
15 at and consider -- under your legislation you have to
16 consider whether or not the proposed use of waters by
17 NTPC will cause adverse effects upon the Carters.

18 My Friend, perhaps by mistake, perhaps
19 by design, went right to the heads of damages section
20 in -- in what is 14(5)(b) under the twenty (20) -- the
21 old legislation. But what she forgot or did not remi
22 -- remind herself to tell you is that, in -- the words
23 say:

24 "In determining the compensation
25 that is appropriate for the purpose

1 of paragraph 4(b)."

2 And I may be becoming a Philadelphia
3 lawyer here, but this key. This is absolutely key.
4 Paragraph 14(4)(b) talks about, in the first instance
5 who -- parties who would be adversely affected by the
6 proposed use of the parties. That's what I said
7 yesterday, that's what I'm saying today, and, more
8 importantly, that's not an artificial analysis.
9 That's what the words say.

10 If there's any artificiality to
11 anything here, with great respect, it's forgetting to
12 or not referencing the fact that the entitlement and
13 "the Board shall" is conditional on a finding of
14 adverse effects in the first place. That's
15 unfortunately technical law, but it is what it is.

16 Now, we talked secondly that after this
17 first key step, you have to go to the next step. But
18 before you can do that -- again, I just want to make
19 sure that the Board understands that in order to make
20 a finding of adverse effect from the proposed use of
21 waters, you have to have the evidence before you to
22 deal with that.

23 And you've got lots of evidence about
24 past effects, no question. Mercury in fish, past
25 effect. Dead trees in the water, past effect.

1 Shoreline erosion, past effect or not caused by
2 anything NTPC's doing.

3 You have to have evidence before you to
4 make a finding of adverse effect from what the
5 applicant is doing in the fifteen (15) years between
6 2012 and 2027. All they're doing, as they've told
7 you, and which Dr. Bodaly appears to understand, is
8 they are not running that facility for generation.

9 They're not doing that. They don't
10 need to. After Pine Point closed, they did not need
11 to. They have not and do not need to run that mine --
12 that plant for that -- and that storage structure for
13 that purpose. They simply now operate that facility
14 to deal with the conditions of the licence issued by
15 the Board.

16 If there was no requirement to deal
17 with the licence conditions, they wouldn't operate it
18 in any fashion at all. It would just be there, and
19 the -- more importantly, the water created by nature
20 is what the water flows there would be, and that's
21 what the water flows there are.

22 And I just want to repeat again that,
23 while the Board in 2011 in its decision made a finding
24 of adverse effects, in the decision, in the written
25 reasons, there was no finding of adverse effect as to

1 a specific adverse effect and how that adverse effect
2 linked to any economic losses or other losses of the
3 Carter family.

4 You will recall that the Board itself
5 told NTPC and the Carters to go figure that out. We
6 know that wasn't right, and that's why we're here --
7 or one (1) of the reasons why we're here.

8 I would suggest to you that, with
9 respect to this issue of finding in adverse effects,
10 it's really an issue of which the lawyers would
11 understand and your counsel can describe to you as an
12 issue of causation.

13 And I would suggest to you that the
14 claims and the approach that are being considered by
15 the -- the claimants here, it's being run like a civil
16 personal injury claim. That certainly appears to be
17 the -- the greatest extents of Mr. Popik's experience
18 in any event.

19 And you have to be careful about that,
20 in my submission, about letting things be viewed that
21 way. And there are many reasons, and I'll get to
22 them. But the key thing for the evidentiary side of
23 this is that what you're hearing is that things speak
24 for themselves.

25 There's mercury in the fish. It speaks

1 for itself. There must be an adverse effect on the
2 Carter family. There is dead trees in the waters.
3 The thing speaks for itself. There must be an adverse
4 effect. And they're trying to have you believe that
5 this speaks for itself from 2012 through '27 -- 2027
6 under this licence.

7 Your lawyers and your counsel will tell
8 you this: That is an -- that is an effort to shift
9 the burden to NTPC by saying, Well, it's there. It
10 speaks for itself. NTPC now has to disprove that
11 these adverse effects were caused by NTPC.

12 That is not the way the Board has
13 conducted itself in past water licence proceedings.
14 As you well know, and it's been reflected in your past
15 decisions for this very facility, it is the onus of
16 the claimants to show that the adverse effects in the
17 future from the proposed use of waters have been
18 caused by the operations of the Proponent.

19 And really, I probably could stop now,
20 but -- with the next comment, but I'm going to keep
21 going. And really, what we heard this afternoon was
22 when counsel to the Board asked, If there was no
23 renewal of the licence, which means if NTPC did
24 nothing at that lake from 2012 through '27, would
25 there be any reduction in the claimed effects and

1 would that reduce any of the impacts?

2 And the answer was, No. They'd
3 continue. They would continue to be effects. Well,
4 think about that from a common sense perspective. If
5 NTPC does nothing and the effects are still there,
6 then there's nothing under this licence that would
7 have been created either, that they've demonstrated.
8 Instead, it's all past effects.

9 I could stop there, but I'm going to
10 keep going, because the first step you have to get
11 through under the law, under the legislation, is you
12 have to find that the operations of NTPC create the
13 adverse effects. And if you don't get there, you can
14 stop right there. You have to weigh the evidence,
15 understood.

16 My friend is quite right. You have to
17 do that. You have to consider the positions of the
18 parties and weigh the evidence. But if you find that
19 there's no causation, you can stop right there. All
20 the evidence that's here points to past effects not --
21 or effects not caused by NTPC under its proposed use
22 of water. And we've talked about some of them, but
23 I'm going to go through it again.

24 Mercury in fish. Both the experts just
25 agreed this afternoon that the proposed operations

1 will not affect the mercury levels in fish. Shoreline
2 erosion. There's no definitive conclusion as to
3 what's going on. There's no baseline. I think people
4 understand that. But if there's no baseline then,
5 again, we have a case of there's an onus shifting here
6 saying, Well, it's happening, so it must be them.
7 That's not appropriate.

8 Fish habitat and stocks, dead trees,
9 water flows, many of these things were addressed by
10 Elder Boucher and his perspective -- historical
11 perspective is highly appreciated, but at the end of
12 the day I would respectfully submit that he was
13 talking about the past effects on the lake. I think
14 that's very clear.

15 These effects are not caused by NTPC.
16 An important one that has come up is the notion of the
17 fish warning signs and the aware -- increased
18 awareness of fishers and people who want to come to
19 the lake to fish, about mercury in fish.

20 NTPC did not cause, and NTPC's
21 operations will not cause that awareness to exist, to
22 increase, or otherwise. That is not something NTPC's
23 responsible for that around the world or around the
24 Northwest Territories people are concerned -- are now
25 concerned with mercury in fish. Just imagine if there

1 was a new -- just imagine the effect of that if you
2 found that that was a basis to consider that that's an
3 adverse effect NTPC caused, or a proponent caused.

4 This dam was built in 1965. NTPC has
5 been running it since 1988. For there to now be --
6 and the mercury was there, essentially, and has been
7 declining since that point, the data shows that,
8 nobody disagrees about that. But imagine if you're
9 the proponent and you sometime later, after you've
10 built your project, if public perceptions change about
11 what you're doing and the effects of what you did
12 then, who could ever imagine what the future is going
13 to be to that ex...

14 If we had to develop or operate a
15 project thinking about what the public is going to
16 think in fifteen (15), twenty (20), forty (40) years,
17 nobody would likely undertake any projects. And
18 that's not what the legislation is designed for. It's
19 designed to show how the proposed use of waters by
20 NTPC at Nonacho and Twin Gorges affects parties, not
21 how it affects the public, how it affects the parties
22 themselves.

23 So we would say that that's not a valid
24 pathway to find that there's an adverse effect. And
25 you need to think very carefully again about the

1 message you'd be sending to proponents and other
2 parties if they need now to be considered to be
3 responsible to what people they have no duty to or no
4 relationship with under the Act, which is the sport
5 fishermen, in this case, but it could be any number of
6 people under other proponent projects. You need to
7 think about what message you'd be sending if you found
8 this way.

9 Now, we heard lots of different ways of
10 saying the same thing. Persistent effects. Ongoing
11 effects. Continuing effects. But again, if it is one
12 (1) of those things, it was caused in the past, and it
13 is not compensable in the future under this licence
14 unless those very same things are happening now.

15 NTPC is not flooding anymore. It
16 stopped doing that a long time ago. The water levels
17 that go over the spillway and go through the dam,
18 those are natural flows. There's no interruption of
19 the natural flows to that extent.

20 The mercury is already in the fish.
21 The -- the trees are there. They're in the water.
22 Those are ongoing situations, but they're not ongoing
23 effects that anything that NTPC does now affects, and
24 there's no evidence there to tell you that.

25 Counsel to the Board asked, I think, a

1 very good question, which My Friend and I answered
2 differently. Counsel to the Board asked, essentially,
3 How does the term 'incremental effects', as that term
4 is set out in the Waters Act, how does that fit here?
5 What do you think that means?

6 What I said was it takes into -- it
7 recognizes and it takes into account what is going to
8 happen during this period as it relates to a change
9 against the last period. My Friend said, if I have it
10 right, Well, it's really all about the cumulative
11 effect. So I suppose there's a fourth way of
12 describing this. But the cumulative effect is just
13 another way of saying what's happened in the past, and
14 that is not allowed.

15 The conditions of the licence were the
16 second element that I discussed with you yesterday,
17 and I'm not surprised my friend is trying to downplay
18 them. But they're very, very important, because under
19 the legislation, the Board has to deal with conditions
20 that -- make an effort to make the conditions address
21 the adverse effects. And it's not just the adverse
22 effects for somebody over here, or over here. It's
23 any adverse effects.

24 And what you know is that the adverse
25 effects that were raised by all parties, including the

1 claimants, were addressed by the Board. And those --
2 those terms and conditions, again, are very important.
3 And I've told you some of them before, but I'm going
4 to repeat them again for you.

5 The water -- maximum water level now on
6 that lake is -- was dropped at the request of the
7 Carter family. It was dropped by roughly a foot, .3
8 metres. That will, in and of itself, prevent flooding
9 as long as those conditions apply, and they're
10 followed. That will, in of itself. reduce, all other
11 things being equal, the level of the water
12 fluctuation. It will, because you're dropping the
13 ceiling. You're dropping the high point.

14 There -- My Friend suggested, or seemed
15 to imply that monitoring programs really don't cut it.
16 I don't agree. I don't agree at all. Monitoring
17 programs, as the Board well knows, is a fundamental
18 way in which we bring forward -- the parties bring
19 forward issues, and ways and means to deal with issues
20 as they come forward. And we learn more about
21 science. We learn more about better ways to deal with
22 things. Very, very important to do that.

23 And to suggest that those terms and
24 conditions don't matter here, with respect, I think is
25 -- is inappropriate, and I think is simply trying to

1 divert your attention away from what's really going on
2 here back to the past effects.

3 So again, if you find that these terms
4 and conditions that have been established either fully
5 or partially address any adverse effects that might be
6 left over from the first step, which I don't think
7 there are any, but if you did, you have to then say,
8 well, can some of these things be dealt with, or are
9 some of these things being dealt with through the
10 conditions? And we say, They are.

11 We talked about the issue of damages,
12 and My Friend has quite rightly pointed out what the
13 Act says about damages. There was a lot of
14 interesting discussion yesterday about damages. I
15 would suggest to you again, though, that the -- the
16 construct of economic damages that's put before you is
17 from a personal injury framework.

18 And My Friend talked about the
19 indemnification principle. And Mr. Popik, an
20 accountant who speaks a lot like a lawyer if you ask
21 me, said, Well, it's all about the but-for test. But
22 for NTPC's operations at Nonacho, the Carter family
23 would have had two hundred and eighteen (218) patrons
24 per year, year after year after year after year after
25 year.

1 They would have had the same level of
2 patrons not that they had between 1996 and 2011, which
3 would make more sense, they're going to have the same
4 level of patrons they had from 1979 through 1996, at a
5 time when the industry for sport fishing was well --
6 is and was well-known to be thriving at a time when,
7 admittedly, the perception of mercury wasn't there,
8 but NTPC didn't cause that perception and awareness.

9 The but-for test, though, went a little
10 further. You recall me asking Mr. Popik -- and he --
11 he knew exactly where I was going. I tried to ask
12 him: Well, you've basically taken the Carter family
13 projections. You didn't look at anything yourself.
14 Yes, he said.

15 You've assumed causation. Every time I
16 asked him, You've assumed causation and you've gone to
17 the highest number, he said, Yes, but I've got my
18 forms there for the Board. And he wasn't talking to
19 me. He was talking to you. That's what a skilled,
20 trained witness does. He's not looking at me. He's
21 looking at you.

22 Just take -- take the form. Fill in
23 the numbers. I've -- I've got it all there for you.
24 That's a very well-known and understood way in
25 personal injury law that things are done, but here's

1 the problem. The difference between what -- what he
2 put in as the high number, the ceiling, as My Friend
3 has put to you, and the difference between what the
4 business is doing now is a hundred and sixty-five
5 (165) patrons per year.

6 How are you going to fill that form
7 out? What evidence def -- before you do you have to
8 say, well, I'm just going to cut it down the middle?
9 You have no basis to fill that form out. You either
10 have to decide, in my view, zero, or one sixty-five
11 (165). And, in my respectful submission, if you will
12 award for one sixty-five (165), you'll have no basis
13 to do that, because it's not being shown that NTPC
14 caused that loss.

15 And if it's not being shown that NTPC
16 caused that loss, then you have to put zero in each
17 and every one of those columns. So don't be fooled by
18 that, in my respectful submission. Don't let this
19 but-for an assumed causation allow you to simply then
20 get right to that table and get your pencil out and
21 start running some numbers.

22 You -- I submit to you -- and you must
23 ask yourself, How am I going to pick any number
24 between zero and one sixty-five (165), and how can I
25 pick one sixty-five (165) when that number was based

1 on a time, two (2) licence periods ago, when most
2 importantly, NTPC has not been running the facility
3 any different now than it did since 1988 -- or pardon
4 me, '86, when Pine Point closed. Our client has only
5 had it since '88.

6 You have to think about it that way.
7 You must think about it that way. If you don't think
8 about it that way, you're going to be awarding for
9 past effects, and the judge said, You cannot do that.

10 Now, there was a suggestion that Mr.
11 Manek and the report of Odyssey is focused in on one
12 (1) year of earnings, or one (1) year of revenues.
13 That's not true. And Mr. Popik said, Well, I don't
14 think that that's appropriate either. Well, Mr. Manek
15 didn't look at things that way, and I'll get into it.

16 But what you need to remember again is
17 that, yes, Mr. Popik indeed did look at a past period.
18 But again, he looked at a period two (2) licences ago
19 which was 1979 through 1996.

20 Mr. Popik made an interesting comment,
21 and it's been something that's been in the data from
22 the beginning, and it was there back in 2012 when the
23 original claim came.

24 Something happened, he said, between
25 1994 and 1996. Something happened in the sense that

1 the patronage at the lodge dropped dramatically. And
2 except for minor variations and the unfortunate
3 passing of Mr. Carter, the level of patronage at that
4 lodge has been virtually the same within some minor
5 variation ever since.

6 So essentially, for twenty-one (21)
7 years now, give or take, the patronage at the lodge
8 has been the same. NTPC has done nothing different in
9 those last twenty-one (21) years, just as it did for
10 the prior seven (7) or eight (8) years before, after
11 Pine Point shut down.

12 And even when Pine Point was running
13 and the control structure at Nonacho Lake was actually
14 being used for power generation or potentially drawn
15 down, as My Friend -- or as Dr. Bodaly might -- might
16 agree with, that was when the business of Nonacho Lake
17 was the most profitable and the most thriving, which
18 is great.

19 But again, just apply a dose of common
20 sense to that. Now we've had the same patronage at
21 the business for twenty-one (21) years, and you're
22 being asked to say, Well, let's just change that and
23 make it back to where it was for twelve (12) years to
24 calculate damages. That is an unreasonable finding,
25 and that will be an unreasonable finding if you do

1 that.

2 So what is it that happened between
3 1994 and 1996? What is it? He didn't say, and, with
4 respect, we just don't know. What you've been told,
5 though, is it must be NTPC. It speaks for itself.
6 There's mercury in fish, there's dead trees in the
7 water.

8 But that's not the answer. They've got
9 to show how their use of waters for the years 2012 to
10 '27 will cause a hundred and sixty-five (165) people
11 to not be there who otherwise would have been.
12 There's simply no connection.

13 We talked a little bit about out-of-
14 pocket costs. And counsel, myself and counsel for the
15 Board, talked a little bit about it. There's two (2)
16 main areas I want to address. First are the
17 reclamation costs.

18 This is a cost of doing business. It's
19 a cost the Carter family incurred under the lease or
20 it's a cost they will incur due to their obligations
21 under the lease. That's not an obligation that NTPC
22 caused them to be bound by. We didn't cause the
23 Carters to be required to enter into the lease.

24 You un -- you heard today that -- and
25 I'm not surprised to hear it -- that there's a

1 requirement to be under a lease to occupy the lands on
2 the lake. That makes common sense to me.

3 But the requirement to remediate the
4 lands on that lease is not because NTPC operates on
5 that lake. It's because the Carter family has entered
6 into the lease for their business. So an oper -- a
7 remediation cost is a cost of business.

8 That is not a compensable claim under
9 the Act because it's not a provable loss or damage.
10 There's nothing to suggest to you -- for you to find
11 that, because NTPC runs its operations the way it does
12 and will do, that that's going to create a cost of 'X'
13 hundreds, thousands of dollars.

14 And we aren't sure from today whether
15 or not some of those costs might be to deal with
16 clean-up of things that aren't even on their leased
17 lands.

18 Now, yesterday, counsel to the
19 claimants tried to have Mr. Manek confirm that, if you
20 were to deduct reclamation costs from a business
21 valuation estimate of the business, that you should
22 discount the value of those costs. That was an
23 effort, of course, no magic here, that is an effort to
24 try to have you believe that the value of the business
25 is higher than what Mr. Manek suggests it would be.

1 Fair enough. That's the way they're
2 going to try to do this. But the problem with that is
3 that those costs would be exactly the same because
4 they're stated in today's dollars. And so you would
5 have to run the numbers the same way. There's no need
6 to discount -- to otherwise increase the value of the
7 business.

8 Now, the future value of the business,
9 that is to say the claimed costs in 2027 of a million
10 dollars, which reduced down to five hundred and
11 ninety-one thousand (591,000), I think you were aware
12 from my examination yesterday that there is a
13 fundamental problem with how assets that are carried
14 on the books of the business at forty-six thousand
15 dollars (\$46,000) in 2010 can become somehow assets
16 for the same purposes, used in the same business worth
17 a million dollars in 2027?

18 There is no reasonable basis for that
19 claim to hold, because there's no evidence before you
20 that the assets would be worth that net of salvage
21 value. Moreover, that type of approach is a form --
22 notwithstanding what Mr. Popik said, that is a form of
23 double dipping, because you cannot firstly expect to
24 be paid for the income that you derive from the
25 business over the period and then at the end of the

1 period get the value of the assets that you used over
2 that period to derive that very income. You cannot do
3 that. That is double counting.

4 In any event, that -- this cannot be a
5 compensable loss, because it's not demonstrated that
6 the assets will be worth that much. It's clearly just
7 speculation as to what will be there in the future.

8 Now, there was an attempt to deal with
9 the Odyssey Report in examination. And I want to make
10 sure you understand that the purpose of the report
11 provided to the Board by Odyssey, on behalf of NTPC,
12 was to provide commentary on the KRP report, Mr.
13 Popik's Report.

14 And where necessary, and where he
15 thought it was appropriate, to provide some
16 calculations. But this doesn't mean itself that what
17 Odyssey did was a, "macro approach" as suggested by
18 Mr. Popik. Indeed, Odyssey reviewed and looked at the
19 very financial matters that were there and provided to
20 them at -- with respect to the level of the lodge.

21 They went into the micro level details
22 just as KRP did. So it's not, in my respectful
23 submission, appropriate or accurate to suggest that
24 Odyssey only took a superficial macro high level
25 approach. The only difference really is that Mr.

1 Manek and Odyssey did not have direct access to the
2 claimants, their accountant, or the underlying
3 financial statements.

4 But there were some misunderstandings
5 and I think, with respect, there's been some mis -- or
6 there has been some misuse of the information in that
7 report. And I think it's very, very important to talk
8 specifically about, and my friend recited to it again
9 to you today, about Table 9.

10 And the comment, one (1) sentence in
11 paragraph 543. You cannot look at that table and you
12 cannot look at that one (1) statement in isolation of
13 everything else that's said in the section in which
14 Mr. Manek was dealing with, and the topic Mr. Manek
15 was dealing with.

16 That's -- otherwise, that's cherry
17 picking. And if you rely on a cherry picked statement
18 you will not be considering the totality of the
19 evidence. So what is the totality of that evidence?
20 Mr. Manek's section for which counsel was extracting
21 these statements, and which Mr. Popik was extracting
22 these statements is entitled 'Reasonableness of KRP
23 Calculations.'

24 And it included three (3) or four (4)
25 paragraphs that go on for a couple of pages to talk

1 about reasonableness of the KRP calculations.

2 And what he was doing in those
3 paragraphs is he was saying, I'm going to take -- I'm
4 going to take the best year that I can find, or the
5 best years that I can find, and I'm going to try to
6 estimate what the revenues would have looked like and
7 the profits might have looked like for that year, and
8 then what I'm going to do is I'm going to compare that
9 to what is actually being claimed for business losses.

10 That's what he was doing. He wasn't
11 saying, This one (1) year therefore is the most
12 appropriate year and -- and in effect, he's agreeing
13 with the lost patronage number. That's not what he
14 did. What he did was say: I'm going to take their
15 best number. Run it through their claims, and see
16 what it looks like.

17 And what he found was if you use
18 industry earnings as a comparative basis, it showed --
19 and this is his report in 2010, it showed that the
20 claim of economic losses would reflect roughly two and
21 a half (2 1/2) to four and a half (4 1/2) times the
22 type of earnings that would have been expected. That
23 was a reasonableness check. That's what he's doing.

24 He's saying, Hold on a second, here.
25 I'm going to look at what -- I'm going to take a

1 conservative assumption of their -- under their best
2 years. I'm going to apply the usual earnings that
3 average industry people do, and I'm going to say, does
4 this make sense? Is it reasonable? That's what he
5 was doing there. And I encourage you to read that
6 section very carefully, and understand that that's
7 what that was being used for.

8 It's not in any way, in my view, to be
9 used as a agreement by Mr. Manek or Odyssey with Mr.
10 Popik's reliance. And remember Mr. Popik, I tried to
11 get him to tell me, Did you check yourself whether
12 that loss patron number was reasonable? No. Client
13 gave it to me.

14 So think about that in itself. He
15 didn't check. Neither did Mr. Manek. He wasn't using
16 this information for that purpose. It's being cherry
17 picked, and it's being misconstrued, and it's being
18 misinterpreted, and it's being misapplied, and you
19 should not accept any of that interpretation of that
20 evidence.

21 There's a valuation component to the
22 economic reports of both experts, and I talked earlier
23 about the fact that what was going on in the cross-
24 examination of Mr. Manek was an attempt to re-engineer
25 his numbers in Table 12 to suggest that, Well, if you

1 add back the salaries and guides that you took out
2 because the Carter family performs those services,
3 that would make the numbers higher, and therefore the
4 value of the business is higher.

5 But Mr. Manek, in responding, he said,
6 That assumes that a buyer of the business would also -
7 - and this is key -- would also be able to perform all
8 the functions of the guides and the operations
9 themselves. Well, that's a pretty big assumption that
10 -- to expect that there would be no additional costs
11 for staff, or salaries for guides, or whatever, to
12 operate the business in going forward.

13 So I would suggest to you that the line
14 of inquiry with Mr. Manek yesterday is really not
15 helpful for you to suggest that the value of the
16 business is significantly higher than what Mr. Manek
17 proposed.

18

19 (BRIEF PAUSE)

20

21 MR. DOUGLAS EVANCHUK: The other point
22 about valuation that you heard a little bit yesterday
23 was that there is a comment from Mr. -- Mr. Popik that
24 despite the fact that the earnings might be low and
25 the cash that's generated by the business might be

1 low, you would consider for evaluation purpose the
2 good will of the business.

3 That is true to an extent, but there is
4 a saying that still applies. Cash is king. And if a
5 business does not have enough earnings through the
6 measures that are applied commonly, if it does not
7 have enough earnings, it does not have enough cash.
8 And the earnings which Mr. Popik referred to, the
9 measure of earnings was appropriate, but that's a
10 reflection of the ability of the business to generate
11 cash.

12 And unless, unless the value of the
13 business was really such that it could be -- that
14 assets being acquired were so special that they could
15 be used for a separate purpose apart from the
16 business, like a piece of land, for example, that
17 could be bought and was used for one (1) business but
18 is better for something else, a business -- a piece of
19 land that had a Kentucky Fried Chicken on it, for
20 example, or a fast food outlet that the owner could wa
21 -- make -- the new owner could wa -- make way more
22 money building condos, that's an example of where the
23 goodwill associated with a fast food franchise
24 wouldn't matter.

25 What's really going on here is that the

1 value of the business is in the assets and what they
2 can produce cash with. We don't have that here. So
3 the valuation approach that Odyssey has taken is
4 reasonable and appropriate under the circumstances.

5 I'm not going to cover the ground of
6 nuisance as claimed previously. What I would though
7 commend to you is that you consider again the various
8 aspects of nuisance that were being raised by the
9 claimants through their submissions in evidence and
10 ask yourself whether that results from a past effect.

11 Lifestyle legacy. The Board found in
12 its initial decision 2011 that the Carter family were
13 occupiers of property for the purposes of the Waters
14 Act, and that's important for the scheme under the
15 provisions my friend has cited to you and I have cited
16 to you.

17 That, practically speaking, means, is
18 that the business operates and the ability of parties
19 to be on that lake is essentially at the Crown's
20 privilege, so it's a contract. The ten (10) year
21 lease that's in place runs out in 2022. This is a key
22 thing. The right to occupy the land under a contract
23 is very, very significant here. And it's important
24 for you to recognize that this is not a right that is
25 enshrined under the constitution, for example, for

1 First Nations, as was the case for the situation
2 relied upon by the claimants to suggest that there is
3 a legal basis for lifestyle and legacy claims.

4 Fundamentally key there is that there
5 are treaty rights, there are constitutional rights
6 that are protected under law that go along with
7 lifestyle legacy compensation in that case. That's
8 not the case here. There is -- there -- there may
9 well be a lifestyle -- a family lifestyle legacy.
10 Nobody's disputing that. But for the purposes of
11 awarding damages for that, the -- there's a
12 fundamental thing that's missing.

13 The -- the ability to be on that lake
14 is still subject to the Crown allowing it. And should
15 there be a discretion of the Crown to disallow it,
16 then that will happen. That's different than having a
17 treaty protected or a constitutionally protected right
18 to occupy lands and benefit from lands.

19 NTPC does not dispute that there is a
20 legacy that the Carters might feel that they have for
21 themselves. That's not being disputed here. And we
22 want to make it very clear about that. NTPC respects
23 and admires the business, and it admires the Carter
24 family.

25 Personally, I think their legacy is

1 shown by the fine children they have and grandchildren
2 they have. I think that's great. But sadly and
3 unfortunately, and it's not easy for me to do this, I
4 don't like doing this, there is no basis to award a
5 legacy lifestyle compensation; it's simply not there.

6 And I want to close by asking you to go
7 back to the words that I began reading you about what
8 your Act is all -- and Acts are all about. Justice
9 Shaner talked about balancing conservation and
10 development, and that's a fundamental framework under
11 the Northwest Territories Waters Act.

12 You have here before you a claim based
13 upon a personal injury framework. You have before
14 you, I would suggest, a inappropriate reverse onus
15 being placed on NTPC. You have before you the
16 indemnification approach. You have before you a
17 calculation of economic damages, which I respectfully
18 submit you cannot deal with one way or the other. You
19 must find that those damages cannot be awarded.

20 You do have to go through the three (3)
21 elements I've described. And My Friend might say it
22 differently, but I think we're saying the same thing
23 differently. You have to go through them.

24 You must firstly, though -- you have to
25 do it in order. You cannot be persuaded by the

1 numbers in the economics. You can't get there until
2 you first determine whether NTPC's operations have
3 caused -- during this licence term and it's proposed
4 operations will cause the claimed effects. We say,
5 No. They're past effects.

6 And if you allow for past or continuing
7 effects in the manner fashioned by My Friend, I submit
8 to you, you will be opening a floodgate of claims on
9 this basis going forward.

10 NTPC did not build that dam. It only
11 operates that structure. It did not build that dam.
12 But you -- if you accept the proposal, and the
13 approach, and the arguments of the claimants, you will
14 be making NTPC responsible for the past for something
15 it didn't even do.

16 And you will punish NTPC, and you in
17 the future, if you continue to do this, you will
18 punish those development -- those developments for
19 things it had no part of or perhaps had no control
20 over. And in the case of NTPC, this is absolutely the
21 case. This is not a case in that respect, and cannot
22 relate to the proposed use of waters.

23 You will be altering, in my respectful
24 submission, the regulatory landscape going forward if
25 you do this. It will have an effect on development.

1 It will cause new operators to pause
2 very carefully to say to themselves, Will there be --
3 fifty (50) years after I build my project, will there
4 be a sign up saying, There's a danger to the public?
5 How am I going to deal with that? How am I going to
6 work that into my project proposal? How am I going to
7 work that into my design of my plant? How am I going
8 to work that into how I'm going to consult with
9 people?

10 I think Justice Shaner got it right
11 when she went through what your Act says, what it's
12 meant for, and how it should be applied. And I think
13 you should be reading that again very carefully.

14 And I again agree with My Friends that
15 you should weigh all of the evidence carefully, write
16 full written reasons for your decision.

17 I think I can speak for everybody in
18 the room: We don't want to be doing this again in two
19 (2) or three (3) years. We respect your efforts for
20 this. We want to thank Board staff, Board counsel.
21 This hasn't been easy for anybody. We appreciate that
22 and we understand that.

23 And with those remarks, subject to any
24 questions, those are my submissions, Madam Chair, and
25 thank you for indulging me.

1 THE CHAIRPERSON: Thank you for your
2 closing remarks to the NWT Power Corp. and to the
3 Carter family.

4 On behalf of the Board, I'd like to
5 thank all of you for participating in this
6 compensation re-cle -- hearing process. Prior to my -
7 - the Chair's final closing remark, I'd like to take a
8 five (5) minute break just to -- to stretch, and back
9 at 4:10.

10

11 --- Upon recessing at 4:04 p.m.

12 --- Upon resuming at 4:13 p.m.

13

14 THE CHAIRPERSON: We'll reconvene.

15

16 CLOSING COMMENTS BY THE CHAIRPERSON:

17 THE CHAIRPERSON: Sorry. My final
18 closing remarks, the boy -- the Board will review the
19 record and will make a decision on the compensation
20 claim that all parties will be provided with a copy of
21 the Board's decision.

22 In closing, I'd like to thank all the
23 presenters: the Carter family, the NWT Power Corp.,
24 and the participants. I would also like to -- to
25 acknowledge our court transcriber Robert Keelaghan and

1 -- and the Pido tech -- technician Indio and I might
2 not say this, Saravanja.

3 Sarah Basil, the Chipewyan translator,
4 and of course many thanks to our Board staff and our
5 Board legal counsel. And all of you, thank you for
6 your courtesy and your respect for -- for all and for
7 each other.

8 And in particular I'd like to thank the
9 Board members, Elizabeth Wright and Phil de Pizzo, for
10 their dedication and hard work that makes everyone's
11 job, in particular mine, a lot easier. And with that
12 I'm going to ask Liz Wright to say our closing prayer
13 and then we'll adjourn the meeting right after her
14 prayer.

15

16 (CLOSING PRAYER)

17

18 THE CHAIRPERSON: And with that, the
19 meeting is now -- with that the meeting is now
20 adjourned.

21

22 --- Upon adjourning at 4:15 p.m.

23

24

25

1 Certified correct,

2

3

4

5 _____

6 Robert Keelaghan, Mr.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

<u>§</u>	171:7	146 3:7	90:25	5:15,17
\$15,000	176:12	15 52:8	106:15	6:25 7:20
120:18	182:12	109:5	1970s 102:21	12:19 19:7
\$2,000,069	188:10,12	146:1,5	134:25	22:17
161:4	189:11	160:20	140:7	29:4,10
\$250 28:10	192:17	170:5	1971 102:24	34:6
\$250,000	1/2 189:21	175:16	1973 46:22	38:18,20,2
117:25	1:15 110:24	16 120:24	71:19	4 39:6,24
\$46,000	1:30 110:23	144:19	72:16	44:5 47:24
186:15	111:18	160 78:7	73:1,22	51:9 59:10
\$60,070	1:32 111:21	165	74:12	71:5 72:18
160:22	10 13:17,18	181:5,11,1	82:18	73:8,14
\$7,000	27:3 29:7	2,24,25	1975 9:5,8	78:24
120:25	37:5,25	184:10	87:9	99:6,10,12
	38:5 49:13	166 3:8	90:4,16	110:5
	193:20	17 1:22	135:2	128:5
<u>0</u>	10:23 52:7	17th 70:18	140:5	129:12,13
06 138:22	10:24 52:11	18 144:7	1979 180:4	143:15
	10:38 52:8	18th 5:16	182:19	144:13
<u>1</u>	10:40 52:12	19 21:5 30:6	198 3:9	145:19
1 5:11 13:17	100 47:2	1914 48:11	1984 128:8	152:19
19:8 25:6	100,000	1940s 51:1	129:6	154:20,24
28:5 29:2	124:8	1950s 51:2	1986	155:18
31:5 33:22	109 167:22	102:18	14:15,22	182:1,18
34:23	11 58:12	1957/1958	30:11	184:15
35:3,24	11,000 45:19	27:2	142:5	189:21
37:7 40:19	57:11	1958 45:12	149:21	197:19
42:14	11:28 85:21	1959 33:22	1988 22:1	2,000 35:2
46:15	11:33 85:22	34:4	66:8,12,15	2,069,461
48:17	119 73:20	1960 19:25	,21 104:6	161:4
51:10 52:4	11th 110:3	1960s 51:3	120:1	2:07 137:5
54:3,14	12 183:23	102:20	175:5	2:16 137:6
55:13 57:9	190:25	113:15	182:3	2:29
64:18 69:2	12:11 111:20	1962 27:5	1990 101:3	146:11,15
71:6,16	128 167:2,22	1965 61:21	182:25	2:45
82:23	14 113:19	175:4	184:3	146:12,16
92:15	116:7,15	1966 20:24	1990 104:9	20 17:6
94:25	157:12	21:5 28:5	1994 68:13	89:18
97:14 98:9	160:17	34:12	129:14	127:13
99:10,19,2	14(4)(b)	44:17	182:25	168:20
1 103:4	169:4	1968	184:3	175:16
104:11	14(5) 158:10	14:13,15	1996 68:14	200 3:11
105:4,25	168:20	15:17	180:2,4	2000 63:14
107:16		34:12	182:19,25	2000s 9:18
120:15		36:16	184:3	91:15
121:17,18,			1997 45:18	2004 90:18
23 124:3			1998 57:11	2005 138:18
129:18				2006 129:19
149:20			<u>2</u>	137:16,17
151:12			2 1:23	138:3,4,13
162:22				
163:1				

2007 127:14,21 129:21	71:6,7 117:13 143:22,24 144:9,10,1 9,23 160:14,20	37:9 44:15 89:19 121:24 162:20	56 3:5 30:11 591,000 186:11 591,713 160:24	85:21,22 ability 156:9 192:10 193:18 194:13
2010 91:5 101:5 127:14 129:21 149:20 186:15 189:19	2022 58:16 131:3 193:21	35 89:19 39,582 128:13 129:10	<hr/> 6 3:4 15:12,19 72:1	able 25:8 26:21 86:8 152:2 161:10 191:7
2011 11:4 30:7,10,11 32:23 113:14 116:20,22 117:13 118:2,25 119:18 150:7 170:23 180:2 193:12	2027 170:6 172:5 186:9,17	<hr/> 4 76:23,24 92:20 188:24 189:21	60 27:2 67 21:5 68 21:7 68:1	absolutely 105:22 131:13 151:2,24 169:3 196:20
2012 30:15 31:18 58:11 133:3,6 140:25 151:8 170:6 172:5,24 182:22 184:9	21 183:6,9,21	4 (b) 169:1	<hr/> 7 30:15 183:10	absorb 88:13
2013 9:23 76:10	215 122:15 218 179:23 23 163:11 23rd 144:23 25 9:15 48:5 89:19 108:5	4:04 198:11 4:10 198:9 4:13 198:12 4:15 199:22 40 7:13 8:4 147:22 175:16	73 72:22 73:2,15 77 19:3	absorbed 88:7,9
2014 9:23 48:11 76:7 77:1 87:9 90:4 91:5 143:19 144:5 149:20	250,000 161:7,9	430 122:16	<hr/> 8 7:23 72:2 183:10	abundance 34:10
2015 11:8 72:10,15,2 3 73:1,2,3,1 5 80:20 82:19	26 143:22 144:9 27 172:5,24 184:10 29 7:18	45 53:11 73:18 471,607 128:10 129:8	81 8:3 73:17 86 182:4 88 182:5	abundant 28:16 31:23 32:13 65:16
2016 11:22 43:19	<hr/> 3 8:10,25 14:11 15:1,21 17:4 29:1,6 47:8 94:10 96:13,24 119:24 128:7 129:12,14, 18 155:22 157:5,11 168:11 178:7 188:24 195:20 197:19	<hr/> 5 11:9 31:9 37:13 99:15,21 137:2 138:18 198:8 5:00 4:21,23 50 13:9 32:23 34:7 39:20 152:21 164:23 197:3 50,000 33:23 543 188:11	81 8:3 73:17 86 182:4 88 182:5	abundantly 32:5,6
2017 1:22 7:1,4	<hr/> 3 9:16 29:12 34:8	<hr/> 55 27:9	<hr/> 9 22:15 37:5,25 38:5 40:18 49:13 143:24 144:10 163:19 188:9 9:01 4:1 90 22:15 91 22:16 94 68:25 95 68:23	accept 113:3 156:16 190:19 196:12
			<hr/> a.m 4:1 52:11,12	access 188:1 accordance 85:2 149:23 according 30:13 98:4 account 114:5 116:8 138:10 150:19 160:22 161:6 165:12 177:7 accountant

129:2	126:15	199:20	172:1,3,11	148:11
130:7	127:8	adjourning	,16 173:13	175:20,21
138:10	128:11	199:22	175:3,24	176:23
161:25	141:8	adjournment	177:21,23,	afraid 40:3
179:20	actually	109:23	24 179:5	afternoon
188:2	24:8 40:1	110:5,10,1	adversely	111:6
accountants	98:18	2,17	45:11	166:13
163:3	117:12	adjunct 7:25	158:6,9	172:21
accumulated	126:23	adjusted	159:1	173:25
134:17	127:4,15,2	37:11	160:9	afterwards
accurate	0 128:17	48:11	165:15	20:24
141:20	138:23	adjusting	169:5	against
187:23	149:20	13:8,10	advisable	12:14
acknowledge	153:13	46:8	70:25	177:9
143:2	183:13	administers	advise 6:25	agenda 5:5
198:25	189:9	83:11	advised 69:9	84:8 86:7
acquire	ada 56:1	administrati	advises	110:15
131:13	adapt 164:8	on 166:3	160:3	139:17
acquired	add	admires	advising	ago 27:3
192:14	121:15,21	194:23	10:24 30:8	36:1 44:5
across 4:11	152:17	admittedly	advisories	124:11
34:13 38:1	191:1	180:7	91:13	152:19
42:19	addition	advance 8:17	advisory	176:16
44:16 50:4	60:22	adverse 9:3	11:3 30:7	182:1,18
99:22	151:19	31:13 33:6	32:18,24	agreed
act 79:2	154:20	36:11	150:7,16,1	163:6,22
83:11	additional	50:14	7 160:3	173:25
112:19,20,	11:3 52:4	53:12	AEMP 75:24	agreeing
21 167:5	108:18	114:22,23	76:9	189:12
176:4	139:21	115:21	aerial 81:23	agreement
177:4	191:10	117:15,16	affect	190:9
179:13	address 4:10	118:21,25	17:10,11	ah 36:5
185:9	57:3 83:16	119:10,20	95:18	ahead 122:2
193:14	86:4 110:2	147:6,15	174:1	127:12
195:8,11	145:4	148:15	affected	130:24
197:11	159:5	150:13,21	36:8,9,10	air 121:8
actions 80:1	162:24	151:2,18	56:1 95:25	aircraft
active 79:16	177:20	153:24	154:1	45:18
actively	179:5	156:17,25	157:15	121:1,13,2
14:18	184:16	158:22,23	158:6,9	2
activities	addressed	159:24	159:1	122:16,18,
61:16	49:8 174:9	160:6	160:9	19,23
62:9,14	178:1	161:1,15	165:15	airplane
activity	addressing	162:8	169:5	20:24
64:1	167:17	166:22	affecting	121:5
Acts 195:8	adjacent	167:17	46:8 95:20	alarmingly
actual	13:8	168:2,9,17	150:13	108:7
123:18	adjourn 4:23	169:14,20	affects	Albert 2:21
	199:13	170:4,24,2	11:14	
	adjourned	5 171:1,9		

17:21	84:4,16	animals 20:2	Anyway 94:1	7:25
18:13,19	123:20	annually	anywhere	appreciate
25:15	137:9	31:5	32:2 50:24	32:22
34:16	181:23	answer 62:19	65:17	62:20
50:25	197:5,6,7	66:1 67:19	apart 192:15	64:18 65:3
100:25	Amanda 2:6	68:3 89:24	apologize	83:15 84:1
101:16	America 50:4	92:2 107:4	80:16	166:5
alike 19:12	American	116:18	128:24	197:21
alleged	27:24	134:10	apparent	appreciated
124:21	Americans	136:17,18	9:24	4:15 32:8
alleging	28:12	138:7	152:15	61:15
115:21	among 14:25	141:16	appear 9:18	146:8
Allerston	amongst	154:16	129:16	174:11
2:5 58:14	167:16	160:5,8	165:19	approach
75:7 80:16	amount	173:2	APPEARANCES	11:15
97:12,13	11:6,11	184:8	2:1	162:6
98:20	14:20 16:5	answered	appeared	171:14
allow 5:9	35:7 50:21	177:1	167:24	186:21
86:16	101:1	answering	appears	187:17,25
181:19	114:24	118:10	58:15	193:3
196:6	136:12	answers	129:15	195:16
allowed 86:8	146:25	101:7	170:7	196:13
177:14	147:2	109:5	171:16	appropriate
allowing	158:11	115:1	appendix	4:21 10:3
165:19	160:16	123:3	128:2	84:15
194:14	161:12	anybody 34:2	applicable	109:16
alluded	amounts	45:19	115:23	116:4
87:13	88:21	64:13	applicant	158:2,12
alludes	analogous	197:21	86:6	160:15
87:10	115:24	anyhow 132:6	157:25	162:6,10
already 49:6	analogy	anymore	170:5	164:16
83:25	155:15	22:14 31:3	application	168:25
98:10	analysis	35:25	116:21	174:7
148:17	5:23 116:2	41:24 43:9	applied	182:14
160:1	144:6	151:11,17	27:14	187:15,23
163:25	147:2	176:15	68:15	189:12
176:20	156:5	anyone 30:8	192:6	192:9
alt 93:13	157:2,10	35:10 55:7	197:12	193:4
alteration	168:13	anyplace	applies 94:5	appropriatel
153:3	169:8	20:8,17	192:4	y 112:18
altered	Analyzed	anything 7:6	apply 112:24	161:12
120:3	143:20	54:11	113:12	approximatel
altering	and/or 4:14	64:16	157:13	y 4:21
93:13	anglers 45:5	97:23	178:9	9:15 10:12
196:23	50:16	129:3	183:19	66:8,12
Alternativel	51:11	164:7	190:2	76:24
y 111:7	104:17	169:11	appointed	102:24
am 19:3,4,7	angling 35:9	170:2		120:24
		176:23		April 5:16
		180:13		144:7
				aquatic

76:21	arithmetic	123:8	aviation	42:16
144:4	10:4 76:17	assumed	54:25	barren 27:22
148:19	arrive	180:15,16	award 116:25	41:20
arctic 31:21	120:13	181:19	167:8	barrens
34:15	artificial	assumes	181:12	40:16
35:9,22,24	92:12	191:6	195:4	base 162:22
104:15	114:14	assuming	awarded	based 84:6,8
152:5,8	157:10	134:12	160:16	91:11
area 7:16,22	168:12,13	assumption	195:19	148:2
11:17	169:8	91:21	awarding	162:6
13:12,22	artificialit	140:23	182:8	163:16
14:1,6	y 169:10	190:1	194:11	164:8
15:25	aspects	191:9	aware 11:10	181:25
16:22 17:5	72:19	atmosphere	32:21	195:12
19:12,21	193:8	87:25	67:2,14	baseline
20:1,19,24	asset	attached	68:13	36:22
21:3,7,13	123:18,19	31:17	116:10	93:22,23
23:24	assets	59:22	174:17	94:3,18
24:8,19,21	120:14	144:6	186:11	108:11
25:23	160:25	attempt	awareness	113:12
36:14	186:13,15,	187:8	104:22	114:12,16
38:16 39:6	20 187:1,6	190:24	174:18,21	174:3,4
41:11,22	192:14	attend	180:8	baselines
42:21	193:1	63:5,7	away 10:8	159:8
49:14	assist 6:24	attendance	39:24	basically
87:16	116:11	77:6	106:2	10:10
108:1	140:4	attended	138:19	123:1
121:12	assistance	62:14	179:1	180:12
125:10,12	71:24	82:22	axis	Basil 199:3
136:9,15	assistant	attending	98:14,24	basis 31:6
areas	71:22	62:5	axle 45:13	73:21
8:11,25	assistants	attention	<hr/>	114:3,24
13:5,7	56:4	17:15 73:9	B	175:2
42:20,22	assisted	78:17	bachelor	181:9,12
58:20	137:13	179:1	7:14	186:18
60:12	assisting	attribute	bacteria	189:18
73:14	72:3	93:11	88:4,18,25	194:3
79:13	assists	August 43:19	balance	195:4
88:19	115:4	author 73:19	165:14	196:9
136:7	associated	authority	167:15	bathtub
184:16	65:15	167:6	balancing	47:15
aren't 33:1	90:3,9,24	autumn 16:9	195:9	155:15,16
122:20	91:1 92:22	available	banks 95:13	bay 25:18
185:14,16	95:5	86:21	bar 9:5 75:3	42:19
argument	151:17	average 10:4	76:7	44:16
111:9	192:23	16:3 190:3	barely 81:3	92:20
arguments	assume 36:18	barrels	beach 37:23	beach 37:23
167:23	95:10		46:20	beaches 20:9
196:13				
arising				
143:10				

Bear 28:10	66:16	56:7	112:2,8,12	177:2,19
36:20	84:15	bit 9:19	113:9,20,2	178:1,17
74:14	101:3	17:22	5	180:18
82:10	102:7	18:23	114:2,5,20	184:15
beautiful	104:25	24:15	115:17	187:11
20:9 27:21	113:23	33:13,24	116:8,17,2	193:11
40:15	114:2	36:22	4	197:20
50:8,10,25	116:23	39:7,16	117:2,5,9,	198:4,18
51:1,3,22,	117:1	41:9 42:12	14,23	199:4,5,9
24 55:18	119:22	58:5 71:15	118:20	Board's 85:2
105:22	124:6,7,9,	92:4 125:2	123:5	99:5
beauty 27:25	17 151:6	164:22	125:7	109:7,24
55:4	159:5,19	165:2	126:24	110:3
105:20	172:4	184:13,15	128:5,24	143:5
beaver 19:17	185:24	191:22	130:18,19,	146:24
beavers	benefit 6:20	black 22:5,7	20	167:14
41:13	9:22	101:17	132:1,16	198:21
51:15	114:11	block	133:1,11	boat 72:22
became 67:14	194:18	47:14,18	134:4	120:23
become 27:16	beside 27:6	blocked	135:22	121:6,7,17
30:3,20	40:19	41:21	136:20	,23,25
31:12,14	97:15	board	137:12,25	boaters 45:7
32:4 121:4	best 42:5	1:2,10,12,	139:2,9,13	boats 39:7
186:15	163:14	13 4:8,19	,18,20,23	72:23
becomes 45:6	165:22	5:3,8,13,2	140:15	120:17,22
becoming	189:4,5,15	0,21,25	141:6	121:1,10,1
169:2	190:1	6:1,20,24	142:13,20,	5,24
begin 4:5	better	14:8	21	5,24
6:18 7:7	24:2,15	18:3,5	143:9,11,1	122:18,24
57:7 115:9	107:2	25:9	4,21	Bodaly 2:22
beginning	138:23	26:14,20	144:8,14	6:19,25
129:6	178:21	30:15	145:2,9,15	7:7,9
182:22	192:18	31:16	,20	8:16,22,23
begins	bettors 10:7	33:16	146:1,3,20	36:23 46:7
129:19	beware 30:9	52:5,17,20	147:13	56:5
behalf 52:21	beyond 142:6	55:9 71:10	148:4	57:2,5,6
56:13,24	bigger 11:9	84:20 86:4	150:11	70:9,11,12
113:10	73:3 88:10	87:13	151:25	,23,24
145:25	118:4	90:5,14	152:6	71:5,21
147:15,20	bioaccumulat	97:9,13	155:15	72:11,17
165:18	es	98:8	156:15	73:5
166:1	87:15,19	99:3,25	157:8,24	74:1,8,13
167:25	biologist	100:16	158:1,2,13	75:5,8,16,
187:11	7:12 55:15	101:11,18	159:4,16,2	20
198:4	147:22	102:6	2 160:16	76:4,11,14
behaviour	biologists	103:6,23	161:13	,16
11:14	79:11	104:25	164:1,6,11	,16
believe	biology 6:20	105:3	,18	77:3,9,14,
27:24 60:1	7:15,16	107:16	165:4,17	22
		108:15,16,	166:3,14	78:1,4,9,1
		25	167:8,21	3,20
		109:3,14,2	169:13,19	79:5,25
		0 110:9	170:15,23	80:21
			171:4	81:2,10,18
			172:12,22	82:8,20
			176:25	

83:2,7,14, 16 84:2,6 87:6,10,17 ,22 90:2,21 91:3,9,25 92:10 93:5,9,19 95:22 97:5 98:17,22 99:9 100:12,14 104:1,19 107:19,25 108:19 119:24 133:12,13, 23 134:8 135:4 136:6 140:11 141:15,17 143:20 147:19 149:2,15 150:19 153:2,19 154:14,22 155:2,20,2 1 164:20 170:7 183:15 Bodaly's 32:8 156:12 bodies 23:9 88:12 Bombardier 45:11,12 Bon 83:22 books 130:11 138:8 186:14 border 99:22 bottom 17:13 40:21 44:18,21 79:14 Boucher 2:21 17:21,23 18:2,4,13,	19 25:6,8,15 26:4 34:16 35:3 36:12 39:25 50:25 100:25 101:16 110:6 151:22 164:25 174:10 bought 192:17 bound 184:22 boy 51:1,3 198:18 Brandon's 48:25 break 5:13 52:8 84:22 85:15,18 109:8,12,1 6,19 110:3 111:8 130:22 198:8 breakdown 160:19 breaking 89:1 breaks 4:17,22 breathe 157:14 brief 5:7 8:14,20 17:17 18:11 26:6,17 29:20 42:1 43:6,13 48:21 59:7,12,25 62:23 63:20 70:14,19 73:25 74:17,25 75:14 82:14	83:19 86:1,23 100:10 103:1,17 107:12 112:5 119:3 123:23 124:13,24 126:6 130:15,22 131:22 132:23 137:19 157:20 191:19 briefly 52:5 64:6 148:22 167:1 bring 75:7 178:18 bringing 51:8 134:12 brings 61:18 broad 120:9 broadly 13:17 brochure 64:14 brochures 64:13 broken 88:24 brother 22:2 27:15 62:11,17 65:24 brought 45:12 Bruce 30:14 bu 27:10 Buhler 2:25 17:19,20 25:5 26:3 43:8 44:8 48:18 127:25 128:20	166:1 bui 165:24 build 98:3 122:5 196:10,11 197:3 building 154:12 192:22 buildings 121:10 built 23:16 40:12,16 66:4 175:4,10 bunch 151:13 burbot 35:4 burden 172:9 bush 26:25 business 27:11,12 30:2,24 58:4,24 61:16 64:1,20 65:4,8 127:21 137:16 138:2 161:1,18 162:1,19 165:25 181:4 183:16,21 184:18 185:6,7,20 ,21,24 186:7,8,14 ,16,25 189:9 191:4,6,12 ,16,25 192:2,5,10 ,13,16,17, 18 193:1,18 194:23 business- wise 24:6 but-for	179:21 180:9 181:19 button 8:17 buyer 191:6 <hr/> C <hr/> CA&A 2:13 cabin 44:17 cabins 72:14,21 73:2 120:16 122:4 124:5,9 calculate 183:24 calculated 129:25 162:18 calculating 162:21 calculation 163:12,20 195:17 calculations 163:6 187:16 188:23 189:1 calendar 64:14 Cambria 7:2 11:25 12:6 14:10 15:13 16:6 75:24 76:13,18 79:7,20 149:5 camp 21:1,2 38:15,24 39:22,23 41:7 42:14,19 46:18 48:23 57:15 60:25 62:1
---	---	---	---	---

69:25 70:3 72:6,20 124:4 campsites 72:7 Canada 11:20 58:6 63:6 66:5 67:16 69:14 99:7,9,14 Canadian 108:4 capacity 14:21 Car 65:11 112:3 carbon 88:21 89:9,10 career 8:2 careful 147:2 171:19 carefully 165:6 175:25 190:6 197:2,13,1 5 cares 160:4 caribou 19:18 Carol 137:22 Caroline 2:8 109:2,21 112:11 113:8,9 115:2,16,1 7 116:16,17 117:8,22 118:19,20 119:7 120:8 122:1 123:4,5,12 ,14 124:15 125:6,7,20 126:8,22,2 3	128:4,23,2 4 130:17,25 131:19,24, 25 132:8,15,1 6,25 133:7,10,1 1 134:3,22 135:21,22 136:19,20 137:11,12, 24,25 138:24 139:22,23 140:14,15 141:5,6 142:7 carried 60:6 186:13 carry 62:9 118:18 122:23 143:4 carrying 60:13 62:7 Cart 64:23 Carter 2:17,18,19 3:4,7 5:9,14,21 6:3,8,11,1 4,17 17:20 26:13,15,1 9,21 27:1 29:22 42:3 43:10,15,2 3,25 44:2,6,14 45:17 48:23 49:5,24 52:5,18,19 ,20,21 53:3,14 54:9,14,16 ,17,19,20 55:24 56:12,14 57:2,4,7,1 3 58:1,8,17 59:18	60:1,7,15, 23 61:11,25 62:10,16,1 9,25 63:1,4,9,1 0,22 64:2,4,9,2 1,23,25 65:4,11,12 ,20,21,23, 25 66:3,6,9,1 1,20,23 67:1,5,9,1 0,12,18 68:6,7,11, 13,17,20,2 3,25 69:6,10,15 ,20,24 70:5,8 75:24 76:3,6 86:4,11 97:11,16,2 5 100:1,14,1 8,21 101:23,24 102:8,16 103:9,12,1 9 104:2 105:5,16 106:12,18 107:9 108:17,18 109:1,10,1 5 110:19 111:1 112:9,14,2 3 113:10 116:1 117:11,17 119:5,22 120:21 121:14,15 122:3,12,1 4 123:10,13, 25 124:1 125:1,18 126:3,20,2 1 130:5 131:4	132:4,9,19 133:4,9 137:15,21 138:6 139:4,11,1 5 140:2 142:19,23 143:23 144:2,11,1 8 145:14,17, 22,25 146:18,21 147:15,16 150:4,13,2 3 151:5,7,23 152:13,19, 25 153:18 154:2 155:2,5 156:6 164:21,22 165:9,15,1 8 166:8 167:25 171:3 172:2 178:7 179:22 180:12 183:3 184:19 185:5 191:2 193:12 194:23 198:3,23 Carters 5:12,20 21:1 84:14 106:7 113:17 114:17,24 118:7,16 128:1,21 146:25 147:3,20 148:2,8,12 ,18,25 151:1,14 152:16,18 153:25 154:5	155:9 156:14,24 159:7,10 160:6,9,25 161:5,9,16 ,17,21 162:8 164:2,9 168:17 171:5 184:23 194:20 Carter's 147:4 148:6 152:7 155:11 162:1 case 4:11 9:20 35:15 47:22 76:10 113:22 115:24 162:12 166:23 168:7 174:5 176:5 194:1,7,8 196:20,21 cash 191:25 192:4,7,11 193:2 catch 25:10,16,1 8,19,23,25 31:21 34:18 35:10,12 36:2,3 87:18 104:15 152:2 Catches 102:18 catching 25:22 32:5,6 35:3 categories
---	--	--	---	---

158:5	cell 4:14	102:5	198:7	96:8
caters 148:7	certain	103:4	challenge	155:8,9
caught 34:19	25:19,21	104:24	30:21	channel
35:1,5,8,1	37:3 84:4	105:3	31:13	18:14
0,14,16	98:14	106:12	50:12	39:14,15,1
82:11	114:10	107:6,15	114:2	7 46:3
104:14,17	116:12	108:15	166:20	channels
causation	150:17	109:3,7,13	challenging	22:22
171:12	certainly	,19,22	32:24	characterize
173:19	65:24 66:1	110:8,25	chance 55:24	d 108:5
180:15,16	74:2 78:9	111:13	change 15:24	charge
181:19	85:6 94:20	112:2,12	24:14	132:11,12
cause 45:10	96:6 115:3	130:17	45:21 53:5	chart 75:23
56:7	118:17	136:20	54:11 67:2	76:2,3
141:22	119:7	137:12	92:24	160:2
168:17	123:15	138:25	95:12	charter
174:20,21	137:24	139:6,13,2	117:12	120:25
180:8	141:22	3 142:8,16	129:19	121:25
184:10,22	142:2	143:14	138:4	chartering
196:4	171:16	145:6,11,2	140:13	121:22
197:1	certainty	3 146:20	141:22,24	charts 75:3
caused 9:2	156:20,22	166:13	164:8	76:5
30:5 43:1	Certificate	197:24	175:10	check 59:20
52:24 53:3	3:11	Chairman	177:8	102:17
79:23	Certified	52:20 63:1	183:22	125:2
148:24	200:1	Chairperson	changed	189:23
151:14	cessation	1:11 3:9	22:7,12	190:11,15
161:20	135:19	4:3 18:7	24:22	cherry
170:1	cetera 73:13	26:8	36:15,24,2	188:16,17
172:11,18	chain	52:1,6,14	5 40:8	190:16
173:21	87:15,19	56:17	96:16	Chicken
174:15	88:15	59:4,9,14	118:25	192:19
175:3	89:5,11	83:17	119:19	children
176:12	chains 8:7	84:16,23	changes 13:5	195:1
181:14,16	Chair 4:7	85:17,24	14:14	Chipewyan
184:22	6:6,16	86:3,19,25	17:10 19:1	6:8 18:17
196:3	7:10 17:20	97:8	21:24	25:13
causes 149:8	25:6 26:19	108:24	22:11 46:5	199:3
causing 29:7	52:3,17	109:9	50:20	cho 56:9
53:21	56:11,20,2	110:1,18	53:12	choice 55:1
caution	3 57:1	111:17,23	80:2,12	choose
10:25	59:1 70:7	112:7	94:5	63:8,11
11:6,10	82:11	130:24	95:5,8	chose 114:15
cave 42:24	83:14,22	137:1,8	96:18,22	131:15
caved 43:2	84:3,19,25	139:1,8,15	119:25	Chouinard
ceiling	86:16 87:3	142:10,18,25	156:7,8	2:3
164:13,16	97:6,13	145:7,13,1	changing	105:1,2,3
178:13	98:7	8 146:11	13:13	
181:2	99:2,24	166:7	21:24 29:8	
	101:15	198:1,14,1	37:20	
		6,17	50:19,23	
		199:18	94:15,21	
		Chair's		

106:11	119:1,21	125:9	comes 27:22	21:21 27:1
107:5,6,10	124:21	151:21	36:3 37:12	35:1 99:13
Chua 16:20	claims	155:1,22	38:12	102:11,17,
33:24,25	157:14	159:10	40:15	20,24
46:13,16	166:21	174:14	47:19	134:24
97:2	168:8	194:22	87:24,25	135:3,19
circumstance	171:14	clearer 92:4	105:23	140:6
40:2	189:15	clearly	166:23	Commission
circumstance	194:3	164:10	comfort	66:5
s 84:15	196:8	187:6	163:22	committee
92:25	clarificatio	click 29:17	comfortable	82:21,25
108:23	n 105:5	client 182:4	138:16	committees
115:21	139:19	190:12	coming 17:24	83:3
193:4	142:12,20	clients	18:6 28:16	common 173:4
cited 193:15	clarificatio	110:11	31:20	183:19
City 28:4	ns 74:20	146:9	37:25	185:2
29:23	clarify	Cli-Machaud	41:20	commonly
61:21	54:14	1:11	44:23	192:6
civil 171:15	75:22	Cli-Michaud	47:13,16	community
claim 114:17	76:16	4:7	143:7	38:6,7
116:19	95:14	clip 33:12	167:22	commencing
117:11,13,	100:6	close 195:6	commencing	4:1
17,24	103:24	closed 48:6	commend	193:7
118:1	106:13	96:16	comment	108:19
162:15	115:5,8	170:10	113:10	115:19
171:16	117:16	182:4	126:10,17	129:4
182:23	118:23	closing	129:4	130:3
185:8	119:13	3:7,8,9	133:19	136:2
186:19	120:12	111:4,9	140:16	140:16
189:20	124:18	143:1	168:6	172:20
195:12	clarifying	145:3,20	182:20	188:10
198:20	137:14	146:4,18	191:23	191:23
claimant	clarity	165:3	commentary	187:12
115:21	98:12 99:4	166:11,15	comments	3:7,8,9
claimants	120:10	198:2,7,16	31:24 32:8	47:4
171:15	class 7:15	,18,22	112:17	146:18
172:16	clean	199:12,16	166:11	166:11
178:1	41:10,11,1	closure	198:16	198:16
185:19	2	142:4	commercial	compensated
188:2	cleaning	co-author		
193:9	60:13	73:19		
194:2	cleanup	coffee 4:22		
196:13	97:19	cognizant		
claimed	160:22	109:6		
172:25	clean-up	colour 22:7		
186:9	185:16	columns		
189:9	clear 58:22	181:17		
193:6	74:11			
196:4	117:10			
claiming	119:14			

114:4 125:22 compensation 1:4 55:2, 3, 8 114:6, 24 116:9 146:25 158:1, 12 159:6, 10 160:13, 16 161:12 167:9 168:24 194:7 195:5 198:6, 19 complain 40:7 complete 80:1 completely 150:20 153:14 complicate 157:4 comply 55:10 complying 159:20 160:7 component 190:21 computer 4:14 concentratio n 10:9 11:2 concentratio ns 9:6 10:16 88:14 89:6, 17 107:20, 21 135:15 149:12 concern 29:24 32:13 33:7 79:11	154:19 concerned 32:4 42:4 83:12 161:25 174:24, 25 concerns 93:11 conclude 11:12 167:3 concluded 12:24 25:3 26:1 45:15 49:22 91:9 133:17 concludes 56:13 104:24 108:16 139:16 conclusion 9:1 12:1 50:1 54:13 149:22 150:1 164:18 167:23 174:2 conclusions 6:22 7:8 conditional 169:13 conditions 16:4, 10 93:12, 17 142:2 165:1 170:14, 17 177:15, 19, 20 178:2, 9, 24 179:4, 10 condos 192:22 conduct 31:5 conducted 60:6 90:4 172:13	coney 25:24 35:3, 4, 13, 18 coney 25:19 conference 156:21 configuratio n 80:3 confirm 60:4, 19 61:5 62:6 63:5 65:25 102:2 125:2, 8 128:21 185:19 confirmed 100:25 connect 39:2 connection 184:12 conservation 167:15 195:9 conservative 190:1 consider 82:5 110:5 116:25 146:2 158:9, 14 161:14 168:15, 16 173:17 175:2 192:1 193:7 consideratio n 65:9 110:11 122:9 134:11, 14, 16 considered 113:2, 19 171:14 176:2 considering 113:6	188:18 considers 158:2 consist 155:4 consistency 153:20 consistent 135:13, 14 155:19 consistently 101:6 constant 94:3 constitution 193:25 constitution al 194:5 constitution ally 194:17 construct 114:14 168:12 179:16 construction 90:24 construction s 16:16 consult 84:17 137:2 197:8 consultant 2:22, 23 83:23 87:4 140:9, 21 141:12 consultation 67:20 69:14 consulted 101:24 consulting 23:25 110:10 consume	30:22 33:1 150:16 consumption 11:15 99:7, 11, 12 150:9 contain 88:20 contained 160:14, 20 161:22 contaminated 10:21 CONTENTS 3:1 context 79:3 115:23 contextualiz e 90:7 continent 50:5 continuation 4:6 continue 6:2 26:8, 9 30:21 31:13 35:19 52:24 53:8, 14 54:5, 10, 12 59:15 86:14, 17 104:10, 13 118:22 119:10 120:5 131:16 136:16 138:3 154:7 173:3 196:17 continued 3:4, 5 6:14 27:8 56:16 119:23 133:20, 25 140:17 141:2 continues
---	--	---	--	---

28:24	56:21	191:10	143:6,12,1	199:6
36:12	86:12,13	Cote 2:12	4 145:9,15	cover 193:5
45:10	97:9	10:6 57:5	146:3,21	cranberries
50:19	109:10	70:9	166:4,14	105:25
continuing	110:4,19	83:16,21,2	171:11	106:1
9:24 12:8	142:11	2 84:5,14	172:7,22	create
26:12 33:6	145:8	86:15,20	176:25	41:13,14
104:5,22	154:8	87:2,3,21	177:2	43:4 47:12
137:17	166:9	90:1,22	184:14	173:12
176:11	198:2,23	91:4,17	185:18	185:12
196:6	Corp.'s 5:16	92:3,14	188:20	created 29:3
continuous	corporation	93:8 94:23	197:20	41:19 43:4
99:11	55:14,17	97:4	199:5	45:8
contract	56:25	103:25	counsel's	46:11,14
193:20,22	68:14 69:5	140:8,20	142:13	50:14,18
contractor	77:7 81:9	141:11	counting	51:13
125:3	83:24 87:5	154:14	187:3	167:4
contribute	95:6,7,15,	couns 108:25	country	170:19
100:8	19 109:22	counsel	136:1	173:7
121:11	139:25	2:7,8,14,1	couple 11:20	creates
contributes	140:10,22	5,24,25	29:16	38:13
100:6	141:13	5:20,25	39:11	154:3
control	correct	6:16 17:20	74:20	creating
16:19 97:1	60:2,15	26:13	75:22	29:9 49:19
115:13	64:4	54:15	86:16	50:22,23
133:20,24	68:10,11	56:3,11	89:24	Creek 92:22
134:6	69:5 70:5	84:9,18,20	146:9	cross 190:23
140:17	71:22	,21 85:19	188:25	crossed
141:8	72:12	108:25	course 14:13	154:13
183:13	76:11,14	109:3	15:9 16:21	Crown
196:19	77:3 81:12	112:2,8,12	28:18 30:1	194:14,15
conversation	91:8,24	,23	35:6 40:21	Crown's
s 84:7	133:8	113:9,17	42:17	193:19
convert 89:1	200:1	115:17	77:22	crushed
converted	correctly	116:1,17	83:11	54:23
88:2,3	107:7	117:9,23	93:22	crust 88:1
cooperation	123:21	118:20	94:17	cubic 55:20
5:3 83:15	127:14	123:5	108:4	105:12
copies 34:3	cost 120:23	125:7	111:2	106:5,10,1
97:22	121:2,7,21	126:24	114:18	4,15
copy 58:12	122:5	128:1,5,21	133:14	cumulative
59:2 71:1	123:19	,25 130:18	136:13	177:10,12
127:3	125:16,19	132:1,17	138:17	curious
198:20	184:18,19,	133:1,11	143:15	61:20
corner 80:25	20	134:4,23	152:12	81:15
corp	185:7,12	135:22	166:4	current
5:12,19,24	costly 121:3	136:21	185:23	39:12,13,1
,25 55:19	costs 160:22	137:3,10,1	199:4	
	184:14,17	2,25	court 167:21	
	185:15,20,	139:18,24	198:25	
	22 186:3,9	140:15	courtesy	
		141:6		
		142:16,21,		
		23		

8 46:5	80:3	dangers	deadhead	70:5
159:16	81:20,22	150:8	44:25	100:21
currents	82:2 90:25	data 9:23	deadheads	101:23,24
29:8	92:23	12:3,7,9	125:12	102:16
46:7,8	101:2	33:22 34:4	deal 28:25	103:19
50:23	102:3	75:24	71:10	104:2
customers	105:23	76:1,4,20	85:18	108:17
11:8	106:18,25	87:7,9	143:8,9	119:5,22
cut 39:9,14	107:3,7	90:5,11	144:14	120:21
46:3	118:22	94:9 96:5	155:8	122:12
178:15	119:11,13,	108:5	162:21	123:10,13
181:8	25 120:1,3	135:12	169:22	125:1,18
cycling	140:24	154:10	170:14,16	133:4,9
135:14	141:21	162:16	177:19	150:22
cyst 101:6	151:15,18	175:7	178:19,21	151:6,23
cysts	152:9	182:21	185:15	152:7
100:2,7,8,	154:12	datasets	187:8	155:5,11
22,24	155:14,25	9:21	195:18	164:21
101:1,4	159:17	date 15:25	197:5	debris 74:3
	175:4	16:3 64:15	dealing	154:4
	176:17	66:17,19	79:12	decades 17:6
	196:10,11	128:8	149:12	39:12
	damage 51:13	dated 7:1,4	188:14,15	89:24
	52:24	71:6	deals 7:4	96:14
	53:2,7	dates 128:6	138:11	decide 85:14
	54:8,12	day 1:23	154:11	164:15
	55:25 56:7	31:8 37:4	dealt 130:8	181:10
	67:23 68:3	42:14	179:8,9	decided 5:8
	124:20	92:15 94:7	Dean 2:17	71:10
	147:10	147:14	26:15,19,2	86:5,10
	158:20,21	166:21	0 29:22	decision
	167:9	174:12	42:3	5:14 55:12
	185:9	days 20:3	43:10,15,2	113:2
	damaged	29:7 40:18	3,25	131:2
	23:23	44:5	44:2,6,14	146:24
	24:12	de 199:9	45:17	166:18
	28:23 51:5	dead 39:4	48:23	167:1
	damages	41:4	49:5,24	170:23,24
	162:12	42:13,25	57:13	193:12
	168:19	43:4,18	58:1,8,17	197:16
	179:11,13,	44:16,18,2	59:18	198:19,21
	14,16	2 51:10	60:1,7,15,	decisions
	183:24	53:23 74:3	23	165:5
	194:11	104:9	61:11,25	172:15
	195:17,19	105:18,24	62:10,16,1	declined
	damn 29:5	106:22	9 64:18	34:25
	dams 43:3	169:25	65:23	declining
	97:1	172:2	66:6,9,11,	29:5 33:19
	dam's 56:7	174:8	20,23 67:5	34:5
	danger 45:6	184:6	68:11	102:10
	197:4		69:6,10,15	151:20
			,20,24	

175:7	depicted	detectable	14:25	directed 7:2
decomposes	61:7 76:2	140:13	15:17	100:18
88:25	derive	determinatio	66:14	133:12
decrease	186:24	n 117:2	78:21,24	directing
9:14 90:16	187:2	159:6	79:10,17	100:13
135:6	derived	164:12	127:17	117:5
161:6	120:20	determinativ	181:1,3	direction
decreasing	derives	e 113:22	187:25	56:4
150:3	101:13	determine	differences	109:17
dedication	describe	114:22,23	4:25	110:4
199:10	64:6	148:5	15:3,11	111:2
deduct	106:17	150:12	different	directions
185:20	171:11	164:1	14:11	98:5
deep 39:7	described	196:2	15:21,22,2	disagree
deeply 54:23	77:11	determined	3,25 16:25	168:13
def 181:7	104:19	12:19	17:1,2,3,5	disagreed
definitely	105:6	determining	19:7	12:1
68:2 87:11	118:16	114:6	25:22,23	disagrees
98:23	136:4	116:8	46:10 53:2	175:8
definition	195:21	158:11	63:17	disallow
103:14	describing	168:24	66:15,16	194:15
114:19	177:12	devastating	93:20	disappointed
definitive	description	142:1	96:13	24:20
174:2	71:16	develop	124:20	disclosure
deformity	105:15	175:14	125:16	65:6
22:4	deserve	developed	148:11,14	discolourati
degradation	51:17,18,1	37:10	176:9	on
107:8	9	72:25	182:3	101:18,20,
degree 7:14	deserves	development	183:8	25
93:21	51:20	9:2 155:24	194:16	discount
94:1,14	design	167:16	differently	185:22
delay 92:15	168:19	195:10	177:2	186:6
delivered	197:7	196:18,25	195:22,23	discretion
100:17	designed	developments	difficult	130:19
demonstrated	175:18,19	8:8 196:18	50:15	133:14
173:7	despite	device 8:11	51:11	194:15
187:5	191:24	DFO 30:14	118:12	discussed
Dene 17:24	destroyed	33:14	121:4	90:3,15
deny 54:7,13	34:16,22,2	82:21 83:3	150:23	177:16
denying 53:8	3 35:18,19	102:19	difficulties	discussing
dependent	51:5,6	154:18	150:18	5:1 123:10
148:19	detail	DFO's 83:5	difficulty	discussion
depending	80:6,14	di 1:12	150:24	14:9 146:4
4:22 66:1	108:1	55:14	dime 106:24	179:14
89:9	123:16	139:5,7	dipping	discussions
	161:22	die 38:21	186:23	84:7
	details	45:2	dir 110:3	display
	187:21	difference	direct	
			152:24	
			188:1	

64:12	54:8 55:9	75:1,6,11,	90:21	135:4
disprove	64:2 67:23	18,21	91:3,9,25	dropped
172:10	91:19	76:9,12,15	92:10	178:6,7
dispute	101:3,5	,25	93:5,19	183:1
194:19	106:4	77:5,10,18	95:22 97:4	dropping
disputed	116:2	,24	98:17,22	178:12,13
194:21	125:11	78:3,6,11,	99:9	drowned 40:1
disputing	162:20	14 79:1,21	100:12	due 19:1
194:10	164:12	80:15,23	103:25	23:17,22
distracting	165:13	81:6,13	104:19	24:22
4:19	180:25	82:4,10,16	107:19,25	30:18 95:9
distractions	183:8	83:1,4,13	108:19	184:20
4:15	door 4:11	84:24	119:23	dumped 29:13
divert 179:1	dose 183:19	109:18	133:13,23	dumping
dock 42:16	double	110:7	134:8	37:19
docks 53:21	186:23	111:12	135:4	duration
document	187:3	142:15	136:6	158:22
33:9,17	doubt 118:8	145:10	140:11	161:14
35:1,17	148:21,23	166:12	141:15,17	during 15:16
documented	Doug 2:15	191:21	143:20	16:2,9
11:19	56:24 63:3	downplay	147:19	19:10 70:1
30:13	84:25	177:17	149:2,15	91:1 93:17
34:25	110:8	downstream	150:19	95:10
35:14,16	111:13	78:7	153:2,19	161:5
100:23	142:16	downward	154:14,22	177:8
102:19	145:11	136:3,7	155:2,20,2	196:3
documents	DOUGLAS	Dr 6:19,25	1 156:12	duty 51:21
30:17	56:22	7:7,9	164:19	114:20
127:24	57:20	8:16,22	170:7	176:3
145:5	58:2,10,18	32:8 36:23	183:15	dynam 46:6
Dod 30:25	59:16,19	46:7 56:5	drain	dynamics
dog 19:24	60:3,8,16	57:2,5,6	47:17,18	46:6
40:5 43:2	61:2,14	70:9,11,12	draining	
dogs 20:6,21	62:3,12,18	,23	134:15	ear 165:21
dollar	,20	71:5,21	dramatically	
117:25	63:3,12,24	72:11,17	183:1	earlier 16:4
dollars	64:5,17,22	73:5	draw 73:9	60:4 65:5
28:10	,24	74:1,8,13	78:17	70:4 77:2
120:18,25	65:2,13,22	75:5,8,16,	drawdown	94:8
160:21	66:7,10,13	20	78:16,19,2	102:22
161:3	,22,25	76:4,11,14	0	118:20
185:13	67:12	,16	79:2,8,15,	119:9
186:4,10,1	68:5,12,19	77:3,9,14,	22,23	137:14
5,17	,24	22	drawn 15:8	190:22
done 30:14	69:1,8,11,	78:1,4,9,1	183:14	earliest
47:12	17,22	3,20	dream	128:8
51:16 53:7	70:2,6,16,	79:5,25	40:11,12	early 9:17
	21 71:3,8	80:21	134:8	28:3 66:21
	72:9,13	81:2,10,18		
	73:4,6	82:8,20		
	74:6,10,14	83:2,7,14,		
	,19	16 84:5		
		87:6,17,22		

102:21	179:16	141:3	8:3	70:24
104:9	189:20	147:16,21	eighty-two	element
134:25	190:22	149:14	128:12	177:16
140:7	195:17	151:18	129:9	elements
earning	economics	155:6,14,1	either 53:21	195:21
138:2	196:1	7,18	154:16	Elen 113:16
earning-	edible 21:23	156:15,17,	167:7	elevated
generating	23:23	19,25	173:7	12:8,9
127:20	Edmonton	159:11,24	179:4	30:3,10,17
earnings	36:1	161:1,15	181:9	51:8
126:11,13,	62:6,13	162:8	182:14	104:20
16	63:2	166:22	elaborate	elevation
127:6,8,15	education	167:17	72:21	15:2
,18 128:11	7:11,14	168:2,9,17	Elder	78:21,22,2
129:13,22	effect 11:13	169:14,24	17:21,23	3 79:10
182:12	58:16	170:24	18:2,4,13,	95:9
189:18,22	90:23	171:9	19 19:4	elevations
190:2	91:19	172:11,16,	20:11	78:25
191:24	92:13	25	25:6,8,15	Elizabeth
192:5,7,8,	96:10	173:3,5,8,	26:3 35:3	1:13
9	104:14	13,20,21	36:12	139:9,12,1
earth	135:5,12,1	174:13,15	39:24	3 199:9
27:20,22	3 147:23	175:11	100:25	else 6:17
40:15	150:13,21	176:10,11,	151:22	50:25 55:7
65:17	152:14	23	164:24	60:22
Earth's 88:1	153:11,13	177:3,21,2	174:10	67:24
easier	156:10	2,23,25	Elders	110:13
111:10	158:22,24	179:2,5	22:9,13	145:4
199:11	169:20,25	182:9	Eleanor 2:24	188:13
easily 42:23	170:1,4,25	196:4,5,7	6:15,16	192:18
east 25:21	171:1	efficient	26:11,12	emerald
easy 123:1	172:1,4	85:11	52:3,9,16	55:17
134:20	175:1,3,24	130:7	56:10,11	105:7,12,2
141:16	177:11,12	effort 143:2	58:25 84:3	1 106:5,14
195:3	189:12	172:8	109:13,14	emerged
197:21	193:10	177:20	110:25	145:4
eat 11:9	196:25	efforts	111:1	emergency
22:10 24:9	effects	63:25	112:22,23	4:12
31:1,4,8,1	10:15	197:19	113:16	emotional
0 41:24	28:24	eggs 79:13	115:14,25	53:4
88:11	53:13	153:13	116:1,23	emphasize
eating 10:25	91:7,10,11	156:11	117:20	81:22
11:7,11	94:22 95:2	eight 7:23	118:5	162:13
20:15	103:10,14,	72:2	142:22	empower
eco 76:20	20	183:10	145:16,23,	164:10
economic	104:4,10,1	eighteen	24	enable 111:3
5:23 147:9	2,18,22	179:23	146:13,19,	encompass
148:1	113:11,21	eight-one	21 157:22	118:4,6
171:2	115:7,10,1	73:17	electrician	
	5,22	eighty-one	124:4	
	117:1,15,1		electronic	
	6 119:20			

encourage 31:16 190:5	environmenta l 42:7 83:23 87:4 115:22 116:3 140:9,21 141:12	95:12,20 104:5,10 105:19,24 134:16 141:22 152:12,13 153:1,3,10 154:3,8,9, 12,15,18 155:6 170:1 174:2	125:5 185:21 189:6	111:12,13 114:13 142:15,16 145:10,11 157:6 159:18 166:12 191:21
endeavour 51:24	environmenta lly 42:5,7	error 98:23	estimates 94:11	Evanchuk's 113:3
end-factors 131:1	envision 37:21	esker 11:21 12:18 29:11 37:9 38:13,17 42:10,18 45:22,24 46:10,21 50:22 57:16 74:5 155:4,7	et 73:13	evening 93:7
engineer 78:12	eons 37:10	eskers 13:16 49:17	Europe 50:4,7	event 9:11 62:13 136:5 171:18 187:4
ENGLISH 18:14,17 25:13	episode 9:13	especially 11:1 13:21 14:4 32:10 45:5 56:3 79:11 89:11	evaluation 160:19 192:1	eventual 136:7
enhance 88:17	equal 178:11	essentially 48:2 90:5,25 91:18 95:7,12 120:2 142:4 168:2,8 175:6 177:2 183:6 193:19	Evanchuk 2:15 56:22,24 57:20 58:2,10,18 59:16,19 60:3,8,16 61:2,14 62:3,12,18 ,20 63:3,12,24 64:5,17,22 ,24 65:2,13,22 66:7,10,13 ,22,25 67:12 68:5,12,19 ,24 69:1,8,11, 17,22 70:2,6,16, 21 71:3,8 72:9,13 73:4,6 74:6,10,14 ,19 75:1,6,11, 18,21 76:9,12,15 ,25 77:5,10,18 ,24 78:3,6,11, 14 79:1,21 80:15,23 81:6,13 82:4,10,16 83:1,4,13 84:24,25 109:18 110:7,8	eventually 38:12,21,2 2 39:11,14 89:4
enjoyment 45:20	equally 12:5	establish 114:12		eventual 136:7
enshrined 193:25	equipment 122:5	established 9:12 149:3 179:4		eventually 38:12,21,2 2 39:11,14 89:4
enter 184:23	equivalent 122:17	estimate 13:14,15,1 8 60:20		eventually 38:12,21,2 2 39:11,14 89:4
entered 185:5	era 15:2 16:11 120:1 155:24 156:1			everybody 85:25 86:17 98:14 110:13 197:17
entire 28:8 45:21 46:5 129:12	eras 15:1 17:5 155:22			everyone 4:4,13 6:17 7:10 18:21 42:3 55:22 86:8,10 123:11 149:7
entirely 117:18,20 126:13	erode 134:18			everyone's 199:10
entirety 113:24	eroded 13:25 23:14 105:20			everything 23:12 24:6 82:12 121:19 122:4,6 132:14,16, 17 145:3 188:13
entitled 114:4,17,2 5 188:22	eroding 11:21 49:19 74:5 105:19 106:2			evidence 12:4,5,14 52:23 59:3 73:23 110:5
entitlement 169:12	erosion 11:18,19 12:3,8,10, 15,18,24 13:1,3 29:8 37:18 40:17,20 42:14,17 53:20,24 68:3 93:11,16 94:6,9,12, 20			
entries 138:8,9				
Envirocon 71:19,23,2 5				
environment 17:7 28:23 36:8 42:4 51:22 56:8 76:21 105:8 133:18 144:4				

143:4	192:16,20,	expeditiousl	151:6	53:23
145:5	22 193:25	y 111:5	161:2,24	Facebook
147:3	excellent	expense	163:10	54:19,22
149:16	90:9	132:10,13	explanation	facilities
151:22	141:14	expensive	152:7	67:4,15
153:1,18,1	except 183:2	121:13	155:12,13	72:14
9	exception	122:8	exported	147:24
155:19,22	77:1	123:1	99:17	148:10
164:8,15	129:14	experience	exposed	facility
165:7	excess	7:11,13	51:12	77:12,20
169:21,23	152:20	17:22	express	79:3
170:3	164:23	28:14,22	167:7	92:5,6
173:14,18,	excuse 18:7	65:14	expropriatio	93:2,15
20 176:24	27:10	71:17	n 162:9	95:4
181:7	66:11 67:9	73:17 85:1	extend 142:5	100:4,6
186:19	74:1	87:10	166:2	101:21
188:19	133:13	147:23	extensive	115:11
190:20	exercise	148:3	105:18	121:8
193:9	109:23	171:17	164:19	124:22
197:15	110:9	experiences	extensively	151:4
evident	exercised	82:17	161:17	170:8,13
15:12 16:5	11:10	experimental	extent	172:15
evidentiary	exist 50:18	7:21	158:21,24	182:2
171:22	174:21	expert 6:20	161:14	fact 28:8
evolving	existing	54:18 56:4	165:22	53:9 79:7
13:13	142:2	143:25	176:19	80:22
94:14 96:4	exists 4:12	147:25	192:3	92:24
ex 175:13	exit 16:21	153:2	extents	121:21
exact 141:17	expand	162:3	171:17	129:22
exactly	105:11,14	165:10	externally	147:13
37:17	expansion	expertise	121:6	148:16,17
38:14 73:2	81:24	8:6	extinct	150:15
107:9	expect 5:1	experts 54:7	104:13	151:15
130:12	109:4	144:12	extra 29:9	161:15
180:11	124:19	164:20	110:16	163:7
186:3	125:13	173:24	146:1	165:13
examination	133:12	190:22	extracting	169:12
84:11	141:7	explain 18:5	188:20,21	190:23
186:12	186:23	25:9	factor	191:24
187:9	191:10	44:2,7	121:22	factors
190:24	expectation	87:12	extremely	100:7
examining	163:15	119:23	53:5	102:13
116:5	expected	120:19	121:4,11	114:1,5
example 31:4	9:10 10:2	125:21	eye 53:11	116:7
72:19	154:7	126:10	eyesight	122:25
89:15	167:18,20	130:3,10,1	106:3	136:1
93:10	189:22	2 150:23	_____	151:13,17
95:3,14		165:21	F	158:14
104:15		explained	fabricate	160:12,17
124:3		119:24		161:13
136:9				

164:1	75:25	144:11	164:21	120:11
fair 14:20	76:3,6	152:20,21	fifteen 52:8	125:25
66:25 86:9	86:4,11	fashion	109:5	126:9,25
92:25	97:11,17	154:1	120:18	127:2,5
164:15	100:2,14,1	170:18	146:1,5	131:25
186:1	8,22 102:8	fashioned	170:5	132:1
	103:10,12	196:7	175:16	136:24
fairly 11:22	104:3	fast 42:12	fifty 13:9	162:2
89:23	109:1,10,1	192:20,23	28:10	164:2
99:11	5 110:20	fat 20:15	32:23	187:19
157:3	111:1	father 26:25	39:20	188:3
fairness	112:10,14,	45:11 51:2	117:25	finding
163:24	23 116:1	featured	152:20	169:13,20
fall 20:25	117:11,18	28:9	161:7,8	170:4,23,2
37:16	118:14,17	features	164:23	5 171:9
38:22 39:3	120:22	81:23	197:3	finds 147:13
45:2 79:13	121:10,15	February 7:1	fifty-five	fine 44:6
99:7	122:13	70:18	27:9	66:15,17
fallen 44:19	124:1	71:6,12,14	fifty-	109:19
74:4	125:21	73:9	thousand	110:16
falling	126:21	federal	33:22	111:14
49:18	133:5	112:19	figure 53:10	134:17
fall-	139:4,11,1	131:8	76:22,23,2	195:1
spawning	6 140:2	fee 132:12	4 171:5	finish 111:5
79:12	142:19,23	feed 156:10	figured	130:23
fam 5:21	143:23	17:11	81:18	finished
familiar	144:2,18	feeding	figures	70:9
59:23	145:14,17,	17:11	15:13 16:6	first 4:10
152:21	22,25	feel 163:13	130:6	7:1,10,14
family 2:17	146:18,21	194:20	163:19	8:11,25
3:4,7	147:15,16,	feet 29:7	filed 70:17	9:5 14:25
5:9,12,14	17	37:5,25	82:6 144:7	17:23,24
6:3,12,14,	150:5,13	38:5 39:6	145:21	29:15 33:7
17 17:21	151:5	40:18	fill 92:20	42:15
26:13,24	152:13,25	45:19	180:22	44:17
27:12,16	153:19	49:13	181:6,9	55:23
28:19,25	155:2	57:11	filled 21:7	56:21 57:4
43:2 49:25	156:6	120:24	122:9	67:13,14
52:21	165:9,15,1	fell	123:8,16	69:15
53:3,15	9,24 166:8	40:22,23	final 102:7	73:8,10,15
54:9,14,16	167:25	49:1	103:4	75:2 93:5
,17,19,20	171:3	felt 12:6	145:20,22	96:14
55:24	172:2	fewer 135:9	166:8,9	97:16 98:9
56:12,14	178:7	field 7:13	198:7,17	105:17
60:18 62:9	179:22	33:21 34:4	finally	112:15
63:1,10	180:12	54:24	47:19	143:16
65:1,4,12,	184:19	71:24 72:6	finances	148:22
21 66:3	185:5	fields	138:5	166:17
67:1,6	191:2		financial	169:4,14,1
68:6,7,13,	193:12			7 173:10
20 70:8	194:9,24			179:6
	198:3,23			
	family's			
	5:21 27:10			

184:16	,23	174:18	flood 23:13	16:23 17:8
194:1	94:5,19,20	fishery 14:5	88:16	170:20,21
196:2	95:13,20	32:11	flooded 9:10	174:9
first-hand	96:7	35:23,24	16:22	176:18,19
165:1	99:7,12,14	102:11,18,	21:13,18	fluctuates
firstly	,17,20	20,24	39:17	36:22
144:4	100:2,8,24	134:25	53:22 74:3	fluctuating
186:23	101:17,18,	135:3,20	88:18 89:4	49:7
195:24	25	140:6	93:24	160:22
fish 5:10	102:1,10,1	fishes 21:24	96:14	fluctuation
7:12,16	3	25:23	104:8	23:18
8:7,8	104:13,16,	fishing	106:21	178:12
10:9,17,20	17 107:21	20:12	125:11	fluctuations
11:1,3,7,1	134:2	21:21 22:4	136:12	49:13
6 13:23	135:7,8,9,	27:7	149:25	156:4
14:2	10,14	28:17,22	floodgate	fly
17:10,11	140:3	30:2,8,21,	196:8	121:1,12,1
19:14	141:4	24 31:15	flooding	6
20:14,15,1	142:2	32:24 62:1	9:1,11,13,	flying 45:18
8 21:2,23	148:20	63:17	16 11:13	focused
22:10,11,1	149:16	65:14	12:4 13:9	182:11
3,14 23:21	150:16	91:22	14:15	focussed 5:5
24:9	151:1,20	102:21,22	19:2,22	focussing
25:9,10,25	152:1,3,4,	135:6	21:9 22:9	63:15
27:1 28:15	7	144:5	24:22	follow-up
29:3,4	153:3,8,11	147:18	87:15,21	97:15 99:2
30:25	,12,13	148:7,13,1	89:18	143:7
31:1,4,8,1	156:9,10	8 150:24	91:1,7,12,	food 8:7
0	160:1	153:25	15	13:23
32:2,10,25	162:3	180:5	94:15,16,2	87:15,19
33:10,14,1	169:24	fit 82:5	2 96:2,9	88:15
5,19	171:25	153:22	105:23	89:5,11,12
34:5,11,24	173:24	156:13	106:20	135:10
35:7,8,11,	174:1,8,17	177:4	108:8	192:20,23
13,15,18,2	,19,25	fits	133:16	fooled
0 36:4	176:20	153:14,21	135:13,18	181:17
40:24,25	184:6	five 31:9	136:5	foot 37:13
41:1,13,22	fished	99:14,21	148:23	38:18 39:6
,24 46:8	153:15	128:12	149:7,14	178:7
50:7,17	fisheries	129:9	176:15	footnote
51:5,7,14,	6:19	137:2	178:8	123:7
17 55:15	83:10,11	138:17	floor 6:11	footnotes
56:6,7	147:22	160:23	137:10	120:15
63:6 72:3	fisherman	186:10	143:11	foregoing
76:21	35:2 41:22	198:8	flow 48:8	158:18
79:11,12	fishermen	flight 29:23	flowing	foreseeable
83:9,12	34:19 39:5	42:15	29:10 34:9	33:7
87:12	45:5 92:1	92:15	51:9	
88:11	148:8	121:25	flown 72:7	
89:6,12	150:8	floats	122:7	
91:12,14,2	151:2,16	122:20	flows 14:14	
1,22	176:5			
92:7,9,13	fishers			
93:3,11,16				

forever 36:25	157:5,11 159:4	50:6,10,11	47:8 48:3,5 80:4	given 117:14 130:18
forgetting 169:11	167:3 179:17 195:10,13	full 27:3 73:8,10 75:2 80:9 197:16	gather 64:1 73:16 76:10	giving 59:3 164:13 165:20
forgot 107:16 168:21	frameworks 115:20	fully 179:4	Gauthier 2:6	glaciers 136:15
form 74:22 88:2,21,22 122:9 123:8,16 164:9 180:22 181:6,9 186:21,22	franchise 192:23	function 141:24	gem 106:9	glasses 107:17
forma 163:12,14	Fraser 7:15	functions 191:8	general 72:24 90:12,20	GNWT 112:21
former 102:11	free 114:1	fundamental 178:17 186:13 194:12 195:10	generality 158:17	gold 55:18 106:22
forms 180:18	freeze 22:25	fundamentall y 166:23 194:4	generally 12:25 61:15 71:12 75:2	gone 34:15 35:20 57:17 180:16
Fort 38:3	freezes 39:18	fur-bearing 20:2	generate 95:16 192:10	goodwill 192:23
forth 42:13 51:11	freshwater 7:19 83:9	Furthermore 94:13	generated 191:25	Gordon 7:2 12:1,6 14:10 15:13 16:6 75:24 76:13,18 79:8,20 149:5
forty 7:13 8:4 147:22 175:16	Fried 192:19	future 24:25 33:7 93:16 114:17,19 117:1,7 118:18 134:1 147:8 159:14 161:10 162:17,21, 25 167:18,20 172:17 175:12 176:13 186:8 187:7 196:17	generates 95:23	googled 81:21
forty-five 53:11 73:18	friend 85:8,13 168:1,11,1 8 173:16 177:1,9,17 178:14 179:12,18 181:2 183:15 188:8 193:15 195:21 196:7	Furthermore 94:13	generating 78:2 92:18	Gorges 78:1 92:17 93:2 95:4,16,23 96:20 141:3 175:20
forty-six 186:14	friendly 42:5,7	gap 16:21 33:25 46:13,17 97:2	generation 77:13,20 95:9 115:11 155:25 170:8 183:14	gotten 107:1
forward 91:19 139:20,21 141:4 178:18,19, 20 191:12 196:9,24	friends 24:4 39:25 51:21 167:24 197:14	gate 46:23 48:12	generations 161:10	government 69:13,14 81:4 131:9
forward- looking 167:12	Friend's 85:4 166:17	gates 16:14	generator 124:7	governs 116:7
fourth 142:3 177:11	Froese 2:20	gap 16:21 33:25 46:13,17 97:2	geologic 89:21	gradual 105:14
frame 63:13 103:13 140:25	front 4:18 70:22 87:8 114:8 124:6 168:3	gate 46:23 48:12	gets 37:14 47:20	gradually 15:8 107:1
framework 116:13	frontier 28:13	gates 16:14	getting 13:25 15:15 18:9 27:13 93:6 96:17 106:8 122:19	grandchildre n 54:21,22

195:1	193:5	111:14	127:22	24:25
Grande 136:9	grounding	147:14	hard	26:14
granite 37:8	71:13	189:21	67:18,21	86:10
49:20	grounds	hall 4:11	71:1 80:24	145:3
155:3	21:18	hand 9:5	141:20	146:7
graph 9:5,17	23:24 51:6	48:7	199:10	184:25
76:17,18	group 11:8	handed 71:1	hardship	heard 5:11
90:6	growth	106:6	142:1	18:14
98:9,13	135:7,9	hands	hate 138:14	52:23 65:5
graphs 10:10	guarantee	109:7,24	haul 121:17	69:16
76:8 83:25	24:15	handy 74:22	122:18	147:14,25
99:6	guess 22:24	hang 88:13	haven't	150:22
149:18	48:17	happen 38:6	44:19	155:5
graveyards	82:24	47:18	80:5,11,13	162:4
19:20	138:14	49:16 55:6	116:2	164:9,19
grayling	guessed	67:21	having 17:21	165:10
25:17	13:17	106:19	35:5,14	166:16
31:22	guests 31:18	118:7	37:2 49:10	172:21
34:10,15,1	154:5	125:13	74:4 81:4	176:9
8,20,23	guided	128:15	92:12	184:24
35:9,22,24	157:9,17	136:4,8	97:18	191:22
36:4	guideline	159:13	118:7	hearing 4:4
104:15	99:7	162:24	155:18	23:21
152:5,8	guides	177:8	166:16	77:13 86:9
great 11:6	191:1,8,11	194:16	194:16	110:15
28:9,10	habitat	happened	Hawaii 50:5	113:1
36:19,20	13:23 14:3	9:13 19:22	Hay 37:23	137:9
37:22 38:4	22:11	23:9,14	38:1 68:9	143:10,16
50:4 51:25	32:10	24:3,21	122:15	147:5
54:21 72:9	34:15,22	37:17	125:3	149:12
155:15	35:18 51:5	38:9,14	130:8	171:23
169:11	56:7 83:12	39:1,22,24	hazard 45:4	198:6
183:18	93:12,17	54:2	head 7:21	hears 10:18
195:2	94:5,20	105:13	22:5	hearty 32:2
greater	95:13,21	106:20	118:13	heavy 99:12
104:7	96:3,8	152:22	heads 168:19	held 1:18
126:15	148:19	153:23	headsets	58:3
greatest	152:8	159:12	18:9	helicopter
171:17	174:8	162:22	health	121:13
grew	habitats	177:13	30:1,7	Hello 26:19
27:14,15	83:9	182:24,25	91:13	help 73:21
40:5	153:8,10	184:2	99:6,9	115:5
Grey 34:8,14	half 109:6	happens	150:7,15,1	120:19,22
gross	110:20,22	16:19	7,18 160:3	128:3
126:12,14		37:14	healthy	helpful
127:9,18		38:12	148:19	35:23,24
128:9		42:21	hear 10:21	47:1 68:6
129:16,21		149:24	18:22	77:6 85:12
ground 22:24		159:14		127:4
		happy 34:3		191:15

Hercules 121:18	high-level 166:19	94:25 111:23 115:5	hydro 101:21 115:11	119:8 127:12 143:5 171:21 182:15
here's 11:20 42:18 45:11 167:13 180:25	highly 85:9 96:15 164:20 174:11	hot 22:24 72:19	hydroelectri c 8:8 89:14 102:2 147:24	illustrate 33:20
heritage 27:17	hills 37:10 42:23	hour 109:6 110:5,20,2 2,24 111:14	hypothetical 92:16	illustration 82:2
herself 168:22	hired 71:22,23	house 22:2	<hr/> I <hr/>	I'm 4:7 7:12 8:16,17,24 15:15 20:22 23:21 24:18,19,2 0,23 42:11 52:6 54:20 55:17 56:11 58:25 61:20 66:13,23 70:9 71:1,8,9,1 1 73:3,5 74:11 75:1,23 78:13 81:10,15 82:11,24 83:22,25 84:4 87:17 91:6,25 92:2,14 97:9 100:12 105:9,10,2 1,24 106:15 109:6,7,19 110:18,21 111:13 113:18 114:10 116:10,12 117:9,10 118:10 119:17 120:11,19 123:12 127:13,22, 23 129:2 130:2,11 131:4,19
he's 17:24 59:3 130:7 131:7 149:22 161:25 162:3 163:11 180:20 189:12,23, 24	historic 104:6	housekeeping 4:9	ice 15:6 22:19,25 23:3,4,8 24:10 40:1,5 64:12 122:21	
high 9:9,10 10:9 15:3,4,17 21:18 29:2 30:23 32:21 37:25 104:6 108:7 133:16 135:2 140:5 161:19 164:16 178:13 181:2 187:24	historical 174:10	houses 19:20	I'd 4:5 5:7 7:6 14:6 28:25 29:15,17,2 3 31:16 33:18,20 34:3 47:4 52:17 81:18 85:24 87:6 90:7,10 102:17 108:18 130:19,21 137:9 146:9 155:8 198:4,7,22 199:8	
higher 13:10 16:8 38:5 40:18 96:24 99:20 135:8 149:11,21 160:2 164:13 185:25 191:3,4,16	historically 49:9	huge 108:5		
highest 180:17	history 18:23 118:9	human 30:1 87:24 150:18		
	hit 37:14 42:21 44:9 49:15	hundred 8:5 28:10 73:19 117:25 124:8 128:9,10,1 2 129:7,8,9 160:23,24 161:7,8 179:23 181:4 184:10 186:10		
	hits 37:13 42:21	hundreds 12:20 154:23,24 185:13	idea 46:19	
	hitting 38:11 39:8 49:14	hunt 19:11 20:5	identical 163:8,9	
	hold 186:19 189:24	hunters 23:10	identified 90:9 149:5 154:18	
	holding 138:21	hunting 19:6 21:3 23:24 24:7,9,21	identify 64:19 90:11 91:18 92:4	
	home 40:12,16	husband 64:7 138:16,18	I'll 8:11 43:17 44:6 57:7 92:3 94:24	
	hometown 37:23	Hydraulics 12:12,23		
	honestly 55:24 138:7	Hydraulic's 13:11,14		
	honoured 54:24			
	honours 7:15			
	hooks 104:17			
	hope 51:23 115:1			
	hopefully			

134:12	164:2	74:9,11	90:15 92:7	113:25
137:1,14	impacted	inappropriat	135:6	indicated
145:25	28:24	e 178:25	174:22	57:10 77:1
148:21	36:15	195:14	186:6	81:16 91:6
158:4	119:20	include	increased	114:13
159:3	135:3	54:21	29:7,25	146:22
164:13	140:6	104:12	50:16	148:9
165:13	impacting	117:18	89:3,6,7	149:2,15,2
166:14,17, 24,25	93:2	152:2,4	149:20	3 150:19
168:6	impacts 8:7	167:6	174:17	154:13
169:7	9:3 30:2	included	increases	163:2
172:20	31:13	5:16 7:20	11:18	indicates
173:9,23	35:19	33:14	12:15 30:9	75:23
177:17	50:14	58:20	increasing	114:3
178:3	114:21,22, 23	60:18 69:3	33:5 150:3	indicating
181:8	118:2,15,2	76:5	increasingly	77:19
184:25	2 119:1,10	124:16	30:1	indication
189:3,5,8, 14,25	124:21	127:1	incremental	66:15 99:6
190:2,3	147:6,8,9	130:1	113:11,21	149:17
193:5	153:24	131:24	114:11	Indio 199:1
197:8	161:24	132:1,3	158:23	indirectly
199:12	162:1	188:24	177:3	58:13
imagine	165:23	includes	incubate	individuals
30:20 37:2	173:1	50:22	79:13	166:4
40:25 41:2	implication	160:21	incubating	indulging
44:19	167:8	including	156:11	197:25
174:25	imply 178:15	5:15 54:21	incur 184:20	industry
175:1,8,12	importance	68:7	incurred	27:7 63:17
immediately	153:6,7	105:25	167:10	180:5
106:20	important	158:15,23	184:19	189:18
125:11	13:22	161:14	indeed 76:2	190:3
impact 12:5	14:2,3	167:24	104:21	infested
30:1 33:6	29:17 32:9	177:25	147:6	101:6
36:11	54:14	inclusion	153:23	influence
45:10	113:23	59:21	182:17	10:8 131:2
93:16	159:9	income 161:4	187:18	135:7
96:1,2	160:11	186:24	indemnificat	influenced
118:16	165:5	187:2	ion 162:5	102:13
133:21	174:16	income-	179:19	inform 73:22
134:1,6	177:18	earning	195:16	162:17
135:18,19	178:2,22	128:17,18	independent	information
140:18	188:7	inconvenienc	83:23 87:3	18:22
141:9	193:14,23	e 117:7	140:9,21	58:19
142:1	importantly	154:5,7	141:12	129:25
148:14,15	169:8	159:2	in-depth	130:13,21
151:3	170:19	161:8,20	116:2	134:23
152:8	182:2	incorporate	indicate	140:11
153:7,12	impoundment	146:3	33:4 71:18	141:19
155:10	30:18 91:1	increase	73:12	153:21
156:9	impressions	88:14 89:5		
160:6				

154:11	115:6	59:1 84:4	issues 5:1	80:23
163:17	120:17	interruption	27:13 31:3	81:14
165:12	169:4	176:18	142:5	83:7,8,9
188:6	instead	introduced	168:12	84:6,15,19
190:16	22:10	90:10	178:19	85:11,14
informed	67:16	introducing	it'd 4:15	87:3 88:3
68:18	173:8	157:4	item 123:18	89:21,22,2
118:9,17	Institute	invertibrate	124:20	3 92:8
informs	7:19	s 72:4	125:24	93:24
159:12	institution	88:8,9,10	126:10	94:20
infrastructu	112:20	invite	items 4:9	95:17,20
re 72:15	instructions	145:21	10:20	96:3,6,17,
97:24	130:20	156:11	124:3	21 98:23
initial	intelligible	166:8	it'll 75:8	100:14,19
90:15	55:12	involve	81:15	101:12
193:12	intend	134:11,14,	it's 7:4	105:3
injury	131:17	16	9:24 12:12	106:24
171:16	intended	involved	16:13,22,2	107:2,6,18
179:17	116:24	125:4	4 17:9	109:15,16
180:25	124:18	involving	18:21	111:10,13
195:13	intending	127:24	23:1,22,23	113:20
input 56:6	81:22	irregardless	24:12	114:2
inquiries	intention	95:15	26:21	116:17
69:19	82:3	island 21:19	27:14	118:12,17
inquiry	interested	23:6,8	31:25	119:5,14
156:20	34:2 75:2	38:1 46:3	32:24 33:5	121:3,6,11
191:14	interesting	57:11,15	35:25	, 18
insert	13:6 31:25	islands	36:8,9,10,	122:24,25
116:13	179:14	21:17	11,12	123:1
insofar	182:20	38:13	37:7,15	125:7,15
118:16	intermediate	46:11	39:18	126:23
inspect 41:7	15:14,20	isn't 126:4	40:5,6,8,1	128:24
inspected	internationa	157:6	5,16 41:3	132:17
97:20 98:3	l 8:6	159:25	42:23 43:8	135:5,17
inspections	interpret	isolation	44:10	137:15
97:22	116:14	188:12	46:2,16,20	138:9
inspectors	interpretati	issue 10:17	47:9,14	139:23
41:6 60:9	on 6:9	11:10 14:3	48:1,9,10,	141:13
97:17,18	25:3 26:1	149:9	14	142:16
98:2	87:7	150:1,20	49:16,19,2	146:11
installation	190:19	151:20	0	151:12,14,
101:2	INTERPRETED	157:24	50:6,11,12	21
installed	18:17	168:1	,19,24	152:12,18
27:4 36:16	25:13	171:9,10,1	51:21	155:1
55:5	interpreter	2 179:11	53:3,9	156:2,8,24
106:19,25	6:10 86:21	issued 11:4	56:24 60:1	157:8
instance	interrupt	30:8	62:11	159:5,9,13
		170:14	66:15	160:1,11
			67:18	161:11,16,
			69:24	17,22
			70:24	162:6,9,10
			72:24	,23
			79:10	163:2,25
				164:13
				169:11

171:10,15	67:9,10,18	23:10	189:1	35:6,12
172:9,14	68:17,23,2	24:18 38:6	kuda 25:24	36:4,16,20
173:8	5 97:25	39:25 40:3		37:2,7,9,1
174:6	105:4,16	82:23	<hr/>	6,19,22
175:18	106:18	Keelaghan	<hr/> L <hr/>	38:4,9
177:10,21,	107:9	198:25	la 29:10	40:4,9,11,
22 179:21	122:3	200:6	label	13 41:6,19
181:13,15	126:3,20	Kentucky	98:23,24	42:10,24
182:21	130:5	192:19	labour	44:21
184:18,20	131:4	key 6:22	125:23	45:22
185:5,9	132:4,9,19	94:24	Labrador	46:6,8
187:5,6,22	137:21	167:13	89:16	49:1,18,19
188:7	138:6	169:3,17	lack 12:5,9	50:3,13,20
190:8,16,1	164:21	171:22	lake 7:5	,21,25
7,18	Jessica 2:25	191:7	9:6,7,9,14	51:1,3,4,9
193:20,23	17:19,20	193:21	,18	,10,12,14
195:3,5	25:5 26:3	194:4	10:16,23,2	53:14,19
196:3	43:8 44:8	killed 43:1	4,25	54:9
197:11	48:18	kilometres	11:9,11,14	55:4,15,25
I've 7:25	127:25	12:20 78:7	,21,25	57:12,14,2
8:2 19:4	128:20	154:23,25	12:3,15,19	2,24
24:16 41:3	166:1	kinds 9:20	,21,22	58:4,7
44:24	jewel	25:10	13:8,22	61:1 64:8
47:12	55:16,18,1	135:15	14:4,7,12,	65:16 66:4
82:11	9 105:6	152:1	16,17,18,2	67:3,14
130:8	job 199:11	king 192:4	3 15:5,22	69:4,18,21
148:16	joined 38:16	knew 19:19	16:15,18,2	71:20,25
151:5	journals 8:4	20:10	0,22,23	72:2,15
161:11	judge 182:9	21:15	17:4,22,25	73:14 74:2
162:19,20	June 143:23	67:22,23	18:6,24	77:12,15
164:12	144:10,19,	180:11	19:2,8,9	79:22
178:3	23	knowledge	20:18,20,2	80:3,7,12
180:17,23	justice 7:3	11:5 18:3	3 21:19	81:20,22
195:21	55:9,10	58:1,5,8	22:1,4,18	87:23
<hr/> J <hr/>	113:2	102:23	23:11,15,1	88:16,20
Jason 2:12	146:23	126:4	8 24:20,23	91:14,16
83:21,22	166:18	165:1	25:11	92:1,11,12
86:15,20	167:1	knowledgeabl	26:24	,13
87:2,3,21	168:3,5	e 56:6	27:1,4,7,8	93:14,17,2
90:1,22	195:8	known 10:18	,11,21	4 94:10
91:4,17	197:10	13:20 17:9	28:5,7,9,1	95:18,24
92:3,14	justifiable	24:2	0,21,23	96:3,7,12,
93:8 94:23	55:11	KRP	29:9,10,11	17,21,23,2
97:4	<hr/> K <hr/>	120:10,16	,14	5 97:1,3
140:8,20	Kandee 2:20	123:9	30:4,9,16,	99:20
141:11	Kansas 28:4	126:25	22,25	100:3
Jay 2:10	29:23	127:1	31:3,7,19,	101:4
Jean 2:18	61:21	160:15	21	102:3,11,1
27:6	K'e 17:23	187:12,22	32:11,18,2	4 104:6,21
52:5,18,19		188:22	0,22	105:17,20,
,20 63:22			33:1,24	22 107:22
64:4,9			34:7,8,13,	108:3,10,1
			14,18,25	9 115:12
				118:14
				121:16

122:4,7,11 ,15 124:22 131:14 132:3,18 133:3,21 134:2,7,12 ,19 138:1,17 140:3,18,1 9 141:10 143:18,19 147:18 148:8,12,2 5 149:13 150:9,14,2 4 151:1,10,1 1,17,21 152:2,19,2 3 153:16,23 154:6,19,2 1,23 155:4,10,1 9,23 156:6 157:15 160:1 161:15 164:23 165:2 172:24 174:13,19 178:6 183:13,16 185:2,5 193:19 194:13 lakes 7:21 28:6 34:6 36:19 50:8 88:5 107:23 108:1,3,4, 7,12,20 135:24 149:10,11 152:4 Lake's 28:23 lakeshore 51:18 land 1:1 18:25 19:5,13,18	,25 20:1,7,9,1 7 21:10,16,1 7 22:10 23:16,23 24:1,11 27:13,25 38:16 39:17 41:6 60:12 98:8 99:3,25 100:16 101:11 102:6 103:5,23 104:8,25 107:16 108:14 122:21,24 132:11 151:24 152:22 192:16,19 193:22 landed 21:2 lands 27:23 41:20 51:24 58:23 60:5,12,20 ,24 61:7,8,9,1 2,13 81:8 148:24 149:8,25 185:1,4,17 194:18 landscape 23:12 37:11,20 40:8 45:21 196:24 landscapes 49:18 language 18:20 85:13 large 10:23 11:11 64:11 88:21	89:13 122:23 129:6 larger 11:1 15:18 91:22 laser 57:18 last 17:5 28:13 48:16 50:6,9,11 56:5 69:2 73:10 81:14,15 87:18 94:25 96:13 146:6 147:14 177:9 183:9 Lastly 155:8 late 5:9 9:17 28:3 102:18 later 13:9 19:22 27:9 67:7 91:13 175:9 law 156:22 169:15 173:11 180:25 194:6 lawyer 53:10 169:3 179:20 lawyers 171:10 172:7 Le 136:9 lead 153:3 leader 7:22 leakage 48:13 learn 51:23 159:13 178:20,21	lease 27:13 41:6 58:3,6,12, 15,20,21 59:2,22 60:9,17,21 ,24 61:10,12,1 3 125:14 131:3,13,1 5 132:13 184:19,21, 23 185:1,4,6 193:21 leased 60:12 61:7,9 185:16 leases 57:23 97:19,21 98:3 131:5,12,1 6,18 132:2,4,11 ,20 least 31:10 56:5 74:22 89:24 93:3 95:19 109:4 120:4 leave 97:1 leaves 16:15,20 led 11:6 left-hand 10:4 80:25 leg 142:13 legacy 26:25 118:14 193:11 194:3,7,9, 20,25 195:5 legal 5:20,25 56:3 84:17 85:19 108:25 112:2,8,12	113:9,17 115:17,18, 20 116:11,12, 17 117:9,23 118:20 125:7 126:24 128:5,24 130:18 132:1,16 133:1,11 134:4,23 135:22 136:20 137:3,10,1 2,25 139:23 140:15 141:6 142:13,21 143:6,12,1 4 145:9,15 146:3 158:19 194:3 199:5 legendary 26:25 legis 114:8 legislation 112:16,24, 25 113:1,5 114:3,7,9, 15,16 116:3,6,14 147:12 157:7,9,13 ,16,17,23 158:10 159:7,15 160:18 161:18 162:7 167:11 168:15,21 173:11 175:18 177:19 legislative 116:13 less 13:24
---	---	---	--	--

14:1,2,24, 25 16:12 49:9,14 80:6 120:9 153:10 let's 42:11 90:17 151:10 183:22 letters 31:17 32:3 151:9 165:8 letting 171:20 level 14:11 15:24 17:9 34:14 36:17,19,2 1 37:2,3,4 38:17 78:25 94:3,4 96:13,18 99:13,14,1 7,18 134:13 149:21 156:4 161:19 178:5,11 180:1,4 183:3 187:20,21, 24 levels 9:8,10,14, 24 10:11,14 13:10 14:7,13,14 15:4,5,7,1 2,18 16:1,3,8 17:7 29:3,6,16, 25 30:3,10,18 ,23 33:2,4 36:15,17 37:1 43:1 49:7,8,10 50:16 51:8	53:18,21 79:17 80:7 91:14 92:13 93:2,13 95:18,24 96:12,19 99:10 108:2,6,7, 9 133:22 134:7 136:2 140:3,18 141:3,9 149:16,19 150:2 155:9,10 160:23 174:1 176:16 licence 23:20 93:4,18 95:17 116:21 118:3,24 119:18 131:7 141:1 147:7 156:18 157:1,24 161:6 170:14,17 172:6,13,2 3 173:6 176:13 177:15 182:1 196:3 licenced 167:19 licences 167:10 182:18 licenses 68:15,22 life 19:6,13 20:19 27:10 36:9 53:9 82:18 157:14	lifelong 34:17 lifespan 89:22 95:17 lifestyle 36:10 53:6 117:24,25 118:2 161:9 193:11 194:3,7,9 195:5 lifetime 27:18 light 150:24 160:17 likely 30:18 36:25 133:12 135:17 156:23,24 163:14 175:17 Likewise 144:22 limit 4:14 31:7,9 limitations 108:22 limited 71:25 144:15,20, 24 159:16 limiting 158:17 line 17:13 103:25 126:10,13 127:6,9 132:6 140:1 142:14,21 191:13 lines 68:15 linked 171:2 lis 161:18 list 143:6	158:4 listed 81:3 listen 164:14 listening 24:17,24 lists 33:9 literature 9:12 149:3 little 9:19 18:23 21:19 23:3 24:15 33:13,24 36:22 42:12 44:20 45:25 57:3 58:5 71:15 92:4 93:20 95:24 125:2 136:8,10 164:21 180:9 184:13,15 191:22 live 20:23 27:23 88:8,10 lived 19:10,12,1 3,18 20:16,19 148:12 164:22 livelihood 20:3 24:22 53:6 lives 88:4 living 51:18 Liz 199:12 load 121:18 lobby 4:13 local 122:23 located 4:11,12 30:6 34:1	57:15 60:21,25 61:6,8 location 59:22 97:23 152:20 lodge 11:6,15 24:5 30:22 31:15 32:25 57:22,24 58:6 60:5 62:8 64:8 65:4,15 68:8 72:6,10,15 ,23 105:6 127:1 137:16 138:1,2 147:18 148:7,13,1 8 153:25 162:11 163:15,20 165:9 183:1,4,7 187:20 logo 81:1 long 18:5 29:12 34:7,8,16 35:9,11,25 37:9 47:3 52:25 53:8 54:5,10 89:23 107:2 109:15 118:22 119:11 127:23 131:13 134:1 164:25 176:16 178:9 longer 28:20 35:9 50:17 51:7 53:12 61:19
--	--	--	--	--

67:15	122:25	64:6,18	184:16	mariah 35:5
91:22	124:5	68:6,24	Maine 7:24	marine 83:8
96:22 97:3	127:10,24	145:12	8:2	market 32:24
106:16	132:10,13	Mackenzie	mainly 29:1	50:15
111:3	136:11	1:1 4:8	88:6	150:23
131:7	161:22	98:7 99:24	135:18	151:1
133:18	162:20	103:5	maintain	marketed
136:10	165:5	107:15	155:9	64:7 65:9
153:15	179:13,20	108:14	maintenance	marketing
loss 118:13	199:11	macro	48:4	61:23,25
126:16	lots 42:9	187:17,24	Mammals	62:7
127:7,19	44:21	Madam 6:16	51:18	63:16,25
128:11	158:19	7:10 17:20	man 36:2	markets 65:4
129:8,15,2	169:23	25:5 26:19	managed 80:8	Masi 24:25
0 147:10	176:9	52:3,17,19	133:24	56:9
148:1	love 41:22	56:11,23	management	material
151:14	106:1	57:1 59:1	79:16 80:1	13:25
158:20,21	loved 27:24	63:1 70:7	83:10	134:18
160:24	34:24	82:11	140:23	165:5,7,9
161:4,9	low	83:14,21	mandates	materials
162:21	15:3,4,18	84:3,19,25	83:5	60:19
167:9	108:6	86:15 87:2	mandatory	70:17
181:14,16	191:24	97:6,13	158:13	71:11 82:6
185:9	192:1	98:7	Manek 2:13	153:9
187:5	lower 15:11	99:2,24	163:6	164:5
190:12	80:24	101:15	182:11,14	matter 13:21
losses	99:21	102:5	185:19,25	54:15
114:9,10,1	149:11	103:4	188:1,14	88:23,24
7,18	lowest 78:23	104:24	190:9,15,2	89:1 116:5
117:3,5	Ltd 71:19	105:3	4	136:13
129:11,12	lumber 122:5	106:12	191:5,14,1	148:16,17
147:12	lunch 4:22	107:6,15	6	149:10
159:11	5:13	108:15	Manek's	150:4,6,10
162:14,16,	41:23,24	109:3,7,13	188:20	151:15
18 163:4	109:8,11	,19,21	manifestatio	178:24
171:2	110:3,13	110:8,25	ns 104:8	192:24
189:9,20	111:3,8,15	111:13	manipulation	matters
lost 22:17	,24	112:12	80:6	113:7
23:17 24:6	lunchtime	130:17	Manitoba	150:11
132:5	111:11	136:20	7:17 8:1	187:19
163:8,9	Lund 120:23	137:12	89:15	Matthew 2:11
189:13	Lutsel 17:23	138:25	man-made	Mavis 1:11
lot 11:23	23:10	139:6,13,2	16:15	4:7
19:1,9,13,	24:18 38:6	3 142:8,16	manner 5:2	maximum
14,18	39:25 40:3	4 146:20	196:7	178:5
20:18	82:23	166:13	maps 33:21	may 1:22
22:12	_____	197:24	34:1,3	4:23,25
23:22	M	magic 185:23	main 8:10	7:4 67:10
24:22	ma'am 63:25	main 8:10	70:3 74:9	70:9
25:20				
42:10				
72:17 83:3				
115:6				

71:7,10	measures	97:17	141:3,9	39:24
101:15	192:6	100:2,22	142:6	miles 29:12
102:5	mechanism	101:8,17	143:20	34:7,8
107:14	90:23	mentioned	148:22,24	38:24
109:22	media 4:16	35:3	149:4,8,10	106:21
110:3	10:19	36:13,24	,16,19,24	122:15,16
119:15	median	47:2	150:8,19,2	Miller 2:11
120:10,22	10:2,6	100:19	1,25	million
125:23	76:19,20	101:12	151:19	30:12
126:17	98:15,16,2	102:9,10	159:25	161:3
134:24	1 108:3,11	104:16	169:24	186:9,17
135:2	medians 76:6	151:19	171:25	millions
143:22	90:6	157:6	173:24	29:13
144:9	98:23,25	mentions	174:1,19,2	37:19
160:7	mediation	33:16	5 175:6	44:21
167:15	125:4	mercuries	176:20	mind 117:5
169:2	meeting	104:21	180:7	159:5
194:8	26:22	mercury 7:23	184:6	160:12
maybe	199:13,19	8:7,11,25	Merlyn 26:25	162:24
24:12,25	meetings 8:6	9:1,4,6,14	message	minds 137:13
37:25 54:3	82:23	,18	176:1,7	mine 14:18
70:25 75:7	member	10:16,17,1	methodology	80:9 91:2
92:3 94:24	1:12,13	9,20,22	163:2,3	142:5
121:10	17:23	11:1,2,7,1	methylmercur	170:11
148:13	139:13	2 20:15	y	199:11
mean 10:4	members 5:21	23:22	88:3,7,12,	minimally
15:4 42:22	26:20	29:3,16,24	14,18	120:4
77:25 79:2	52:17,20	30:4,9,16,	89:2,3,8	minor 135:20
98:14,16,2	56:23 62:8	17,19,23,2	93:21 94:2	140:12
0,24	67:6 68:6	5 31:3	134:15	156:3,4
123:15	109:14	32:21	136:16	183:2,4
124:10	120:22	33:1,4,11	metre 15:18	minute 52:8
134:12	121:11	50:16 51:8	metres	137:2
187:16	125:21	65:7 68:2	15:12,20	157:18
meaning	137:15	87:12,14,1	47:2 94:10	198:8
113:21	139:2	9,23	96:24	minutes 18:8
means	146:20	88:1,3	178:8	59:10
76:6,17	152:6,25	89:2	micro 187:21	84:17
90:6	165:4,18	90:3,10,13	mid-'90s	109:5
153:11	166:13	91:12,14,2	63:15 64:3	146:1,5
172:23	199:9	1,23	68:8	mis 188:5
177:5	memorable	92:7,8,13	middle 16:17	misapplied
178:19	28:18	93:2,23	29:13	190:18
193:17	memories	94:16	76:19	misconstrued
meant 78:21	61:18	98:15	181:8	190:17
79:9	men 62:4	104:19	midway 127:5	misinterpret
117:18	mentally	107:20,21	migration	ed 190:18
118:3,5	53:4	108:8	153:4	
197:12	mention	133:15,17,	mile 37:9	
measure		22 134:2,6		
162:12		135:13,14		
192:9		136:2		
		140:3,18		

miss 27:23	100:15,16	moves 42:17	36:24,25	nin 30:11
missing	101:10,11	moving	47:24 55:4	nine 22:15
194:12	102:4,5	101:15	87:23	nineteen
Missouri	103:3,5,22	110:2	96:14,22	73:20
28:4	,23	139:20,21	97:3	ninety-one
mistake	104:23,25	141:4	133:18	160:23
168:18	107:14,15	143:1	134:13	186:11
mistaken	108:13,14	muddled	176:18,19	nobody
85:9 91:6	month 16:5	15:15	naturally	175:8,17
misunderstan	39:20	muscle 9:6	17:2 36:18	Nobody's
dings	months 27:15	muskrats	87:23	194:10
188:4	moose	19:17	nature 28:17	noise 159:2
misuse 188:6	19:14,17	41:14	63:16 81:7	Nona 23:11
mobilization	Moreover	51:15	82:7 85:4	Nonacho
30:19	186:21	mute 4:13	105:10	9:7,14
modest	moriah 25:23	MVLWB 2:3	134:25	10:16,23,2
129:20	morning	MVRMA 167:4	142:17	5
moment 18:1	4:3,4	Myles 2:19	170:19	11:5,14,21
40:11	6:2,15,17	62:11,17,2	navigating	,25
74:15	7:9 11:18	5 63:4,9	154:6	12:3,18
86:21	17:19	64:19,21,2	nearly 27:2	13:8
136:24	18:13,15,2	3,25	29:7	14:7,12
160:13	1	65:11,20	necessarily	16:18,23
moments	56:10,13,2	121:14	78:17	17:22,24
29:16,24	2 70:11,12	123:25	79:16 94:5	18:6,23
money	94:8	150:22	118:15	19:2,9
137:16,17	101:16	164:22	128:25	20:20,23
138:2,3,4,	109:15	myself	necessary	22:1 23:11
13,19	149:19	126:23	113:20	24:20
160:14	153:6	166:2	167:7	25:10
192:22	morning's	184:14	187:14	26:24
monitor	6:18	<hr/>	neither 40:7	27:1,4,7,8
154:24	mother 27:5	<hr/>	51:14,15	,11,21
159:24	mountain	N	190:15	28:5,7,21,
monitored	48:25	nails 122:5	net 35:11	22,23
154:21	mouth 21:8	Nanton	186:20	30:4,9,16
monitoring	115:18	122:14	nets	31:3,19
76:22	133:2,5	narrows	20:17,20	33:24
144:4	145:2	45:25	21:22,25	34:7,13,18
154:14,17	152:11	Nation 17:24	22:3	,25 36:16
159:21,25	moved 5:18	25:15,17,1	Nations	37:18 38:9
160:5	152:6,19	9 35:8	194:1	41:6 50:3
178:15,16	movement	104:17	natural	53:14,19
Montgomery	17:10 46:8	Nations	14:14	54:9
2:4 97:14	153:3,12	194:1	15:16,17,2	55:3,15,25
98:6,7	movements	natural	2	57:12,14,2
99:1,2,23,	17:11	16:4,10,13	16:4,10,13	4 58:4
24	156:9	,15 17:13	176:18,19	61:1 64:8
			177:1	66:4
			178:1	67:3,14
			179:1	71:20,25

72:2,6,10, 15 73:14 74:2 77:12,15 78:8 79:21 80:2,3,7,1 2,20 81:20,21 90:25 91:14 92:11,12,2 3 93:3,13 95:18,24 100:3 102:3,14 104:6,21 105:17,20, 22 107:22 108:2 115:12 120:3 122:15 124:22 131:14 132:2,18 133:21 134:2 138:1 140:18,24 143:19 147:18 148:8,12 149:13 150:14,24 151:1,9,11 ,17 152:2,4 153:16,23 154:19,21 155:4,19,2 3 160:1 161:15 164:23 175:20 179:22 183:13,16 non- scientist 108:21 normally 32:1 north 10:21 34:17 50:4 55:16	105:7 northern 7:5 8:8 11:19 63:6 66:5 67:16 89:12,14,1 5,16 108:4,12 135:16,25 143:18 147:23 northland 51:25 Northwest 12:12,23 13:11,13 27:19 28:8 30:7 40:13 41:21 50:9 51:22 56:20,24 62:2 68:14 69:5,13 77:7 81:5,8 83:23 87:4 95:6 112:18 131:10 139:25 140:9,21 141:12 167:5 174:24 195:11 note 6:7 noted 14:7 49:8 119:9 nothing 13:4 172:24 173:5,6 183:8 185:10 notice 28:9 65:10 69:3,4,12, 18,19,21,2 3 70:3 86:20 notices 65:7 81:7	notification 104:20 notion 153:14 174:16 notwithstand ing 186:22 Nowhere 162:14 np 2:23 NT 1:21 NTP 110:19 NTPC 2:10 3:8 23:24 54:7,15 55:2 57:25 63:4 79:24 80:1 81:12 84:10,21 90:8 95:23 96:20 103:9 110:8,12 120:2 133:25 142:16 143:16 144:10,22 145:11 147:11 150:10 151:12 156:3 157:3 159:19 160:7 165:16 166:5,11,1 6 168:17 171:5 172:9,10,1 1,23 173:5,12,2 1 174:15,20 175:3,4,20 176:15,23 180:8 181:13,15 182:2 183:8 184:5,21	185:4,11 187:11 194:19,22 195:15 196:10,14, 16,20 NTPC's 14:23 143:24 144:6 147:7 148:10 151:3 152:14 156:25 157:15 162:1 165:23 170:2 174:20,22 179:22 196:2 NTP's 156:17 nuisance 116:19,20, 25 117:6 154:4,6 159:1 161:7,19 193:6,8 numerous 35:7 NWT 5:12,16,19 ,24 63:6 67:17 97:8 108:3 109:9,22 110:4 142:11 143:19 145:8 166:9 198:2,23 _____ O _____ OBJ 84:3 object 84:11 objection 86:4 obligation	184:21 obligations 60:14 184:20 observable 42:23 observation 13:7 152:24 observations 73:22 101:22 152:16,17 obstructions 16:16 obtain 81:17 obtained 60:18 obvious 42:13 49:16 54:1 obviously 97:19 108:21 occasional 10:9 occasionally 32:16 70:1 occasions 32:15 occupiers 193:13 occupy 185:1 193:22 194:18 occur 114:19 129:19 167:18,20 occurred 37:18 38:23 40:18 116:20 140:24 occurring 36:19 37:1 40:2 47:25
--	--	--	--	---

95:13	87:22	176:10,22	52:25 53:9	119:17
occurs 129:5	91:17 93:8	onset 90:16	54:6,10	133:19
Odyssey 2:13	105:16	onto 14:1	57:22 67:3	134:5
162:11	107:10	40:23	91:2 93:1	135:1
182:11	110:1,18	88:13	102:21,22	140:4,16
187:9,11,1	132:8	145:6	104:7	141:7
7,18,24	old 19:4	150:2	107:3	opportunity
188:1	37:23	152:11	118:23	110:9
190:9	38:1,8	onus 172:15	119:11	111:4
193:3	89:13 94:4	174:5	122:8	139:19
offer 130:3	168:21	195:14	126:12	143:17
133:19	Olszewski	op 127:20	127:8,19	144:2,15
135:1	2:24	open 168:6	128:17,18	option
136:2	6:15,16	opened 48:6	129:4,13	109:23
139:25	26:11,13	opening 5:11	148:10	order 5:4
141:7	52:3,9,16	114:13	151:3	86:6 123:9
office 71:23	56:10,11	146:22	157:15	169:19
officer	58:25 84:3	157:6	159:17	195:25
131:8	109:13,14	159:18	161:20	organic
official	110:25	196:8	165:24	88:2,21,23
71:1 99:18	111:1	oper 185:6	operational	,24
oh 62:3	112:22,23	operate	77:8	89:1,10
64:25	113:16,17	30:21	126:11,12,	134:18
83:22	115:14,25	58:7,24	16	136:13
122:1	116:1,23	120:24	127:6,15,1	organisms
131:19	117:20	130:18	8	88:11
132:5	118:5	148:13	operations	organization
134:8	142:22,23	153:25	28:17	83:8,10
okay 8:22	145:16,17,	161:1	57:23 60:6	organized
43:17,24,2	23,24	170:13,17	70:3 77:11	5:5 57:3
5 44:6	146:13,19,	175:14	79:23 90:8	origin 87:24
46:16	21 157:22	191:12	128:11	original 9:2
58:10,18	once-	operated	129:15,20,	11:13 13:9
60:3 61:2	beautiful	66:4	22 140:23	91:7,12,15
62:4,12,18	51:12	67:16,17	141:2	94:15,16,2
63:22	ones 10:7	77:16	147:7	2 96:2,9
64:22	ongoing 9:3	122:14,16	152:14	113:1
65:22	33:5 53:19	operates	160:10	147:5
68:12	104:14	185:4	162:1,17	148:23
69:1,11	115:6,10,1	193:18	165:16	149:14
70:6 71:1	5 117:1	196:11	172:18	182:23
73:6 74:14	120:6	operating	173:12,25	others 31:22
75:6,20	147:6	80:10	174:21	34:19
76:15	148:10,15	105:17	179:22	45:12
77:10	150:12,21	112:16	185:11	51:15
78:15	151:2	131:14	191:8	63:10
81:13	152:14	operation	196:2,4	otherwise
82:10	153:24	27:8 47:6	operator	74:23
83:1,17	155:10	48:15	79:3	136:3
84:23	156:17	operating	operators	174:22
86:25	159:20	80:10	63:7 197:1	
	161:15	105:17	opinion 5:1	
		112:16	104:4	
		131:14		
		148:15		

184:11		participate	97:20	48:21
186:6	<hr/> P <hr/>	68:20	117:2,16	59:7,9,12,
188:16	p.m 4:21,24	participatin	118:1,18	25 62:23
ought 112:24	111:20,21	g 198:5	121:17	63:20
ours 69:25	137:5,6	particular	159:11,12	70:14,19
outflow 29:9	146:15,16	33:9 60:11	162:14,15,	73:25
46:14 47:9	198:11,12	108:8	16,23	74:17,25
48:14	199:22	113:12	166:22	75:14
50:22	page 3:2	128:3	168:1,8	82:14
outflows	71:16	147:17	169:24,25	83:19
47:24	73:7,8	152:9	170:1	84:17
155:18	127:5	199:8,11	172:13,14	86:1,23
outlet 14:16	129:12,13,	particularly	173:8,20	100:10
16:23 97:2	18 160:20	14:8	174:13	103:1,17
192:20	163:11	118:12	176:12	107:12
outline 6:21	pages 128:7	127:7	177:13	112:5
7:11	188:25	parties 6:4	179:2	119:3
out-of	paid 146:25	56:23	182:9,17	123:23
184:13	158:3	57:23	193:10	124:13,24
outpost	186:24	69:19 85:3	196:5,6,14	126:6
60:25	painted	143:1,3	pathway	130:15
69:25	153:20	144:14	90:23	131:22
outside 61:9	panel 56:23	145:3	91:19	132:23
overall	86:8	166:14	93:10	137:2,19
72:14	139:2,9	167:24	175:24	157:20
129:1	166:13	169:5,6	pathways	191:19
149:22	paragraph	173:18	90:9 91:18	197:1
167:11	33:15	175:20,21	patron 163:9	pay 132:11
overnight	73:8,11	176:2	190:12	paying 11:8
39:11	167:2	177:25	patronage	peak
overview	169:1,4	178:18	183:1,3,7,	15:6,11,25
77:8	188:11	193:18	20 189:13	78:22
166:19	paragraphs	198:20	patrons	peaked 16:4
overwinterin	167:21	partly	11:5,14	peat 88:21
g 17:12	188:25	83:8,9	31:2,17	136:14
owned	189:3	partner	151:9,10	peer 8:3
67:15,17	pardon	141:15	161:6	pencil
owner	167:21	party 5:6	163:8	181:20
192:20,21	182:3	143:22	165:8	peninsula
owners 68:7	parents 28:2	144:8	179:23	38:15,16
147:17	61:17,19	pass 161:10	180:2,4	39:2,16
ownership	Parker 2:14	passed 72:18	181:5	46:2
67:3	partially	138:19	patterns	Penobscot
oxidized	179:5	passing	141:22	7:23
88:1	partici 4:5	183:3	153:4	people 18:8
	participants	past 19:5	pause	8:14,20
	4:6,18 5:2	20:16 48:4	8:14,20	17:17
	86:7	53:11	18:8,11	17:17
	198:24	61:16	26:6,17	18:8,11
		63:13	29:20 42:1	26:6,17
			43:6,13	29:20 42:1
				43:6,13
				27:19,23

32:16,25	17:3 37:6	173:4	37:24 43:1	78:16
40:3,14,24	56:16,18	174:10,11	57:12,14	plan
50:2,9	64:2 80:8	persuaded	61:21	59:21,22
80:17,24	89:7	195:25	80:22	60:21 84:7
84:11	111:25	Ph.D 7:16	81:16,17,1	plane 21:1
85:12	113:11	phenomenon	9 82:7	93:6
150:8,16	116:22	149:2,4	153:20	plant 170:12
151:23	118:2	Phil 199:9	156:2	197:7
152:3	136:14	Philadelphia	pictures	play 44:3,9
157:14	177:8,9	53:10	37:16	PLAYED 44:12
158:5,9,25	182:17,18	169:2	41:17	49:3
164:22	186:25	Philippe	61:16,18	please 4:13
174:3,18,2	187:1,2	1:12	Pido 199:1	6:4 18:5
4 176:3,6	periods	139:3,5,6	piece	26:8 31:18
184:10	14:11	phones 4:14	192:16,18	56:19
190:3	15:1,21	phonetic	pieces	63:23 67:9
197:9	182:1	25:24	153:22	80:17
per 28:11	perished	131:2	pier 38:4	81:14
30:11 31:8	22:19	photo 28:2,4	pike 7:5	87:12 92:4
110:3	permit 98:2	38:23,25	25:18	99:5,8
135:10	111:8	40:10 42:6	31:23	100:6
163:9	permitted	44:15	32:1,4,11	105:15
179:24	84:5	45:17,21	143:19	110:17
181:5	persistent	46:18,22	pilot 26:25	111:25
percent	10:15	104:11	Pine 14:18	112:17
13:17	11:13	photograph	15:14,20	115:19
perception	91:6,10,11	81:24	16:12 17:3	117:17
91:20	94:22 95:1	photos 4:16	77:20 80:9	118:24
180:7,8	96:2,9	42:9 46:25	91:2	119:6
perceptions	103:10,14,	49:6	96:15,16	120:12
175:10	20	61:11,12	104:7	125:21
Perfect	104:4,12,1	phrase 77:15	120:1	126:19,21
111:17	4,18	pick 63:8,11	142:5	131:3
perform	176:10	105:25	170:10	133:2,3
191:7	person 28:11	181:23,25	182:4	137:22
performing	52:4 89:22	picked	183:11,12	141:10
125:22	personal	188:17	Pizzo 1:12	pleases
performs	53:2	190:17	139:5,7	109:20
191:2	171:16	pickerel	199:9	pleasure
perhaps	179:17	35:2	placed 34:13	26:21
63:13,14	180:25	Pickett 2:10	69:4,7,9,1	plentiful
64:18 79:6	195:13	picking	2,18,21,23	20:1,18
82:5,6	Personally	106:1	,24 70:3	plot 10:2,4
130:19	67:7	188:17	81:8	76:19
168:18	194:25	picture	195:15	pluck 116:12
196:19	perspective	11:20	placement	plucked
period 3:5	147:21	16:18 34:6	14:16	55:19
14:15	150:4		places 19:16	105:7
15:10,14,1	159:14		46:10 50:5	plugged 48:7
6,17,19,20	162:2			
16:3,10,13	164:3			

plus 64:12 121:7,25	164:19 179:19 180:10 182:13,17, 20 186:22 187:18 188:21 190:10 191:23 192:8	evolution 112:21	PowerPoint 74:21 87:8	13:2,3
pocket 184:14	Popik's 60:18 161:2 162:15 171:17 187:13 190:10	post-Pine 15:2,10,19 16:2,9 80:7	powers 167:14	presence 100:7,8 115:12 133:20 140:17
point 14:18 15:2,10,14 ,19,20 16:2,9,12 17:3 21:13 26:14 33:18 77:20 80:7,9 83:15 90:18 91:2 96:15,16 99:12,14,2 1 104:7 105:13 120:1 138:4 142:5 155:25 170:10 175:7 178:13 182:4 183:11,12 191:21	population 135:7,8	potential 29:25 114:10 156:10 158:21	practical 113:6	present 12:13,24 16:11 26:21 87:23 88:12 92:11 93:25 94:7 96:21 133:25 140:25
120:1 138:4 142:5 155:25 170:10 175:7 178:13 182:4 183:11,12 191:21	populations 8:9 102:10,14	pounding 37:14	prayer 199:12,14, 16	presentation 3:4 5:4,18,22 6:3,8,12,1 4,19 26:9,10,12 52:2 56:13 57:8 71:12 74:21 87:14 90:2 91:5 100:22 101:9,16 107:19,21 115:7 118:21 119:9 139:16 159:19
pointed 14:22 96:11 179:12	portion 6:7 116:19	pounds 11:9 29:13 35:2 37:19	pre 155:23	pre-dam 29:7 34:1 40:18 100:23 119:25
pointer 57:18	position 147:4 148:6 152:13 168:3	power 5:12,16,19 ,24,25 14:17,19,2 0,24 15:9 55:14,17,1 9 56:21,25 66:5 67:16,17 68:14 69:5 77:7,12,23 78:5,12 80:9 81:9 83:24 86:12,13 87:5 92:18 95:6,7,9,1 0,15,17,19 ,23 96:20 97:9 109:10,22 110:4,19 115:11 136:16 139:25 140:10,22 141:13 142:11 145:8 154:8 155:24,25 166:9 183:14 198:2,23	pre- developmen t 154:9	pre- developmen t 154:9
points 6:22 21:12 76:1,5 120:9 154:24 173:20	positions 173:17	power 5:12,16,19 ,24,25 14:17,19,2 0,24 15:9 55:14,17,1 9 56:21,25 66:5 67:16,17 68:14 69:5 77:7,12,23 78:5,12 80:9 81:9 83:24 86:12,13 87:5 92:18 95:6,7,9,1 0,15,17,19 ,23 96:20 97:9 109:10,22 110:4,19 115:11 136:16 139:25 140:10,22 141:13 142:11 145:8 154:8 155:24,25 166:9 183:14 198:2,23	predict 141:21	pre- developmen t 154:9
poison 22:12	positive 127:10,15 129:17,23	power 5:12,16,19 ,24,25 14:17,19,2 0,24 15:9 55:14,17,1 9 56:21,25 66:5 67:16,17 68:14 69:5 77:7,12,23 78:5,12 80:9 81:9 83:24 86:12,13 87:5 92:18 95:6,7,9,1 0,15,17,19 ,23 96:20 97:9 109:10,22 110:4,19 115:11 136:16 139:25 140:10,22 141:13 142:11 145:8 154:8 155:24,25 166:9 183:14 198:2,23	predominantl y 129:11	pre- developmen t 154:9
policy 83:5	possession 31:7	power 5:12,16,19 ,24,25 14:17,19,2 0,24 15:9 55:14,17,1 9 56:21,25 66:5 67:16,17 68:14 69:5 77:7,12,23 78:5,12 80:9 81:9 83:24 86:12,13 87:5 92:18 95:6,7,9,1 0,15,17,19 ,23 96:20 97:9 109:10,22 110:4,19 115:11 136:16 139:25 140:10,22 141:13 142:11 145:8 154:8 155:24,25 166:9 183:14 198:2,23	prefer 111:7	pre- developmen t 154:9
poorly 13:20	possible 28:20 56:2 81:24 94:20 96:6 101:21 135:5	power 5:12,16,19 ,24,25 14:17,19,2 0,24 15:9 55:14,17,1 9 56:21,25 66:5 67:16,17 68:14 69:5 77:7,12,23 78:5,12 80:9 81:9 83:24 86:12,13 87:5 92:18 95:6,7,9,1 0,15,17,19 ,23 96:20 97:9 109:10,22 110:4,19 115:11 136:16 139:25 140:10,22 141:13 142:11 145:8 154:8 155:24,25 166:9 183:14 198:2,23	preference 111:2	pre- developmen t 154:9
Popik 2:23 5:23 56:4 147:25 161:24 162:13,16 163:1,10,2 1,24	possibly 60:24	power 5:12,16,19 ,24,25 14:17,19,2 0,24 15:9 55:14,17,1 9 56:21,25 66:5 67:16,17 68:14 69:5 77:7,12,23 78:5,12 80:9 81:9 83:24 86:12,13 87:5 92:18 95:6,7,9,1 0,15,17,19 ,23 96:20 97:9 109:10,22 110:4,19 115:11 136:16 139:25 140:10,22 141:13 142:11 145:8 154:8 155:24,25 166:9 183:14 198:2,23	preferred 57:17	pre- developmen t 154:9
	post 15:14	power 5:12,16,19 ,24,25 14:17,19,2 0,24 15:9 55:14,17,1 9 56:21,25 66:5 67:16,17 68:14 69:5 77:7,12,23 78:5,12 80:9 81:9 83:24 86:12,13 87:5 92:18 95:6,7,9,1 0,15,17,19 ,23 96:20 97:9 109:10,22 110:4,19 115:11 136:16 139:25 140:10,22 141:13 142:11 145:8 154:8 155:24,25 166:9 183:14 198:2,23	pre-licence 113:14	pre- developmen t 154:9
	posted 10:23 50:16 51:8 150:10	power 5:12,16,19 ,24,25 14:17,19,2 0,24 15:9 55:14,17,1 9 56:21,25 66:5 67:16,17 68:14 69:5 77:7,12,23 78:5,12 80:9 81:9 83:24 86:12,13 87:5 92:18 95:6,7,9,1 0,15,17,19 ,23 96:20 97:9 109:10,22 110:4,19 115:11 136:16 139:25 140:10,22 141:13 142:11 145:8 154:8 155:24,25 166:9 183:14 198:2,23	preparation 143:3	pre- developmen t 154:9
	post-	power 5:12,16,19 ,24,25 14:17,19,2 0,24 15:9 55:14,17,1 9 56:21,25 66:5 67:16,17 68:14 69:5 77:7,12,23 78:5,12 80:9 81:9 83:24 86:12,13 87:5 92:18 95:6,7,9,1 0,15,17,19 ,23 96:20 97:9 109:10,22 110:4,19 115:11 136:16 139:25 140:10,22 141:13 142:11 145:8 154:8 155:24,25 166:9 183:14 198:2,23	prepare 111:15 123:9	pre- developmen t 154:9
		power 5:12,16,19 ,24,25 14:17,19,2 0,24 15:9 55:14,17,1 9 56:21,25 66:5 67:16,17 68:14 69:5 77:7,12,23 78:5,12 80:9 81:9 83:24 86:12,13 87:5 92:18 95:6,7,9,1 0,15,17,19 ,23 96:20 97:9 109:10,22 110:4,19 115:11 136:16 139:25 140:10,22 141:13 142:11 145:8 154:8 155:24,25 166:9 183:14 198:2,23	prepared 5:3 109:8 110:14 126:19	pre- developmen t 154:9
		power 5:12,16,19 ,24,25 14:17,19,2 0,24 15:9 55:14,17,1 9 56:21,25 66:5 67:16,17 68:14 69:5 77:7,12,23 78:5,12 80:9 81:9 83:24 86:12,13 87:5 92:18 95:6,7,9,1 0,15,17,19 ,23 96:20 97:9 109:10,22 110:4,19 115:11 136:16 139:25 140:10,22 141:13 142:11 145:8 154:8 155:24,25 166:9 183:14 198:2,23	pre-project 12:25	pre- developmen t 154:9

presenters 4:19 198:23	probabilitie s 165:14	80:9 88:18 89:7 93:21 94:2	193:13	57:10 58:11,12,1 9 59:5 61:3 77:7 110:6 120:11 140:11 147:3 153:21 160:15 187:11,19 198:20
pressure 135:6	probably 9:25 10:7 23:19 64:9 70:24 75:8 88:5 89:8 92:19,23 96:3 111:5 131:8 172:19	productive 13:23,24 14:1,2 153:10	proponent 172:18 175:3,9 176:6	
presume 162:3			proponents 176:1	
pretense 93:9		professional 82:17 87:11	proportion 13:15 116:19	
pretty 82:24 89:22 108:6 191:9	problem 154:3 181:1 186:2,13	professor 8:1	proposal 196:12 197:6	provides 71:16
prevent 92:8 178:8	problems 150:18	profitable 183:17	proposed 92:5,6 168:16 169:6,20 172:17 173:21,25 175:19 191:17 196:3,22	providing 5:23
previous 30:10 63:25 103:8,25 115:9 167:10	proceed 5:2 56:18 87:1 109:8,11 110:14 111:24	profits 189:7	Program 144:5	provision 113:24,25
previously 193:6	proceeding 4:6 5:8 82:6 94:7 110:15 162:10	Program 144:5	programs 178:15,17	provisions 168:4 193:15
Primarily 62:10		progress 4:23	prohibition 85:3	public 10:18 30:3 31:14 82:5 91:20 104:20,21 145:21 150:7 175:10,15, 21 197:4
principle 179:19	proceedings 68:21 85:1 172:13	project 7:22 53:13 175:10,15 197:3,6	prospective 117:15,18, 21	
printed 74:22		projections 180:13	prospectivel y 118:6	
prior 6:4 56:19 63:14 112:1 116:20 118:2 183:10 198:6	process 87:14,18 88:17 89:23 90:14 198:6	projects 175:17 176:6	protect 51:21,24	protected 194:6,17
pristine 65:16 105:8	produce 42:9 136:16 193:2	proliferate 32:12	protected 194:6,17	publicity 10:15 91:11
privilege 193:20	produced 8:2 81:4	promote 28:21 31:14 64:1	provable 114:9 158:20 185:9	public's 150:20
prized 152:3	produces 77:23 78:4	promoted 64:8	prove 148:25 149:1 156:19,22	published 73:17 76:22
pro 13:14 88:5 163:12,13	producing 14:20 99:20	promoting 27:18 28:6,7 36:10	proved 54:2	pull 39:10
prob 70:23	production 12:11 14:17,19,2 4 15:9	promotion 62:8 63:16	provide 5:7 65:6 71:24 99:5 140:16 143:4 145:22 146:1 166:9 187:12,15	pulling 107:17
		property	provided	punish 196:16,18 purchase 120:25 purest 27:20,21

41:19	98:12	133:12	164:19	107:25
purpose	100:13,17	136:22	range 12:25	130:2
168:25	101:8,13	138:25	13:18	148:4,5
170:13	102:7	139:3,6,10	89:17	150:4
187:10	103:4	,14,21,24	108:5	151:21
190:16	105:1,4	140:1	rapport 41:7	154:16
192:1,15	106:13	142:9,12,1	rate 89:2	155:12
purposes	107:4,17,1	7,19	rates	157:2,11
77:13	8 111:25	143:21,24	12:8,10,15	159:9
113:7	112:8	144:3,8,11	,24,25	160:4,11
186:16	115:1	,22,25	13:1,2,3	164:10
193:13	117:24	145:1,8,11	93:16	165:5
194:10	118:1,11	,14,17	94:9,12	166:20
push 8:18	119:6	146:2,10	133:15,16	171:10
43:19	127:24	197:24	135:8,9	172:19,21
putting	130:22	quick 89:22	154:9,11	177:10
126:1	134:9,10,2	98:12	rather 48:11	178:15
<hr/>	1	quicker	102:3	179:1
<u>Q</u>	136:18,23	136:8	133:16	187:25
qualificatio	137:23	quite 45:6	re 72:21	191:14
ns 6:21	141:14,16	148:6	132:20	192:13,25
7:7,11	154:16	161:22	reached 6:22	realms 142:6
71:17	169:24	165:2	78:22,23	reargue
quantificati	177:1	173:16	104:6	168:2
on 13:2	questioning	179:12	reading	reason 12:16
quantified	86:14,18	quote 60:17	73:13	31:12 44:9
13:6,19	87:1	85:4 119:9	107:17	130:2
148:3	103:25	122:17	117:12	reasonable
quantitative	104:24	124:3,16	140:5	55:11
94:11	108:16	125:3,9	195:7	147:1
quantitative	130:23	quotes	197:13	163:15
ly 12:19	142:14,21	124:10	readings	186:18
13:15	questionings	<hr/>	135:2	190:4,12
Quebec 89:16	5:6	<u>R</u>	readjust	193:4
136:10	questions	rain 15:7	142:3	reasonablene
ques 86:5	5:19,24	87:25	ready 26:9	ss 188:22
question 3:5	6:5 31:6	raise 47:4	52:14,19	189:1,23
25:7 54:3	56:20	raised 38:4	59:14 71:4	reasoning
56:16,18	57:1,3,4,6	94:10	reality	167:22
57:9 60:4	69:2	177:25	41:18	reasons
63:23 66:2	70:7,8	193:8	realize 68:1	12:17
67:11 68:4	83:14,16	raises 34:13	125:23	101:21
81:11,19	84:5,9	raising	127:23	170:25
84:14	85:3,7,8,1	46:14 47:9	really 14:10	171:7,21
87:18	0,14	Raj 2:13	20:3 21:12	197:16
89:25	86:6,9	163:5,21	23:16 47:6	Rebecca 2:3
94:25	87:7	Randy 2:23	52:21	105:1,2,3
95:1,15	97:7,10,15	5:22 56:4	55:23,24	106:11
97:14,16	98:8 103:8	147:25	80:13	107:5,6,10
	108:25			rebuild
	109:4			133:2
	112:1,2,9,			
	13 115:4			
	120:9			

rebuttal	177:7	58:19	113:4	100:3
73:11,13,2 3	recollect	75:22	regime 17:2	103:7,10
recall	149:18	referencing	96:18	107:18
67:5,7,13	164:3	169:12	119:25	177:8
72:18,20	recollection	referred	regimes	relating
73:1	114:8	39:25	14:11	91:12
74:2,3,4	117:11	55:15	15:23 17:5	142:12,20
75:3	reconvene	58:13	36:24	relation
77:13,19	111:18	78:15	96:13	14:20 90:8
81:3 108:9	146:12	192:8	registry	101:20
124:10	198:14	referring	82:5	relationship
125:2	record	61:6 75:17	145:21	97:18
127:14	110:11	78:19	regular 31:6	176:4
153:5,9	132:9,14,2	128:2	56:18	relatively
154:21	1 143:5	refers 33:11	111:25	89:8,13
163:5,18	145:6	98:15	regulated	94:3
171:4	198:19	reflect	14:18,24	135:20
180:10	recording	116:22	15:23	release
recap 5:7	130:6	118:1	16:12,25	149:4,8
receive	132:17	155:11	96:15	released
144:22	records	189:20	regulating	148:24
received	102:17,19	reflected	48:8	149:24
100:20	recreate	125:24	regulation	relevant
125:3	35:20	172:14	14:17 17:1	158:14
144:21,25	reduce	reflection	regulations	reliance
recent	159:25	192:10	159:20	190:10
9:22,23	173:1	reflective	160:8	relied
16:3,9	178:10	123:17	regulatory	73:12,22
32:3,14	reduced	reflects	196:24	194:2
recently	118:25	116:20	re-hearing	rely 188:17
11:22 62:5	119:19	161:13	1:5 143:4	remain 36:25
154:18	186:10	regard 9:3	145:19	remainder
recessing	reduction	15:23	rejected	76:13
52:11	92:8	96:11	168:5	110:14
85:21	172:25	120:21	relate	remaining
111:20	re-engineer	146:7	196:22	90:17
137:5	190:24	149:9	related	111:15
146:15	refer 35:4	156:12	60:20	remark 198:7
198:11	62:17	regarded	68:21	remarks
recited	79:16	164:20	81:24	111:4,15
188:8	reference	regarding	82:22	143:1
reclamation	61:21	5:14 9:1	91:15 95:1	145:3,20,2
184:17	63:14	10:19,20	96:18	2 146:4
185:20	referenced	11:6,24	107:19	166:8,9,15
re-cle 198:6	62:5	34:5 49:7	135:19	,17 197:23
recognize	110:10	87:7	166:22	198:2,18
16:11	135:25	136:24	relates	remediate
193:24	references	regardless	87:11	185:3
recognizes		10:13	95:19 98:9	

remediation	126:21,23	97:23 98:1	155:16	54:24
60:14,17,2	137:22	144:16,20,	reservoirs	151:22
0 124:19	170:22	25 145:1	10:22	respectful
125:16,19	178:4	165:10	11:20	5:2
185:7	repeating	190:22	89:12,15	181:11,18
remember	159:3	representati	108:20	187:22
37:8 49:10	replaced	ve 82:21	135:16	196:23
67:13	55:20	representati	136:9	respectfully
151:25	replacement	ves 54:18	reset 17:6	174:12
155:21	20:6	112:15	resident	195:17
164:9	reple 126:21	represented	34:16,17	respects
182:16	reply 5:15	65:15,19	68:9	124:2
190:10	report 5:9	represents	residents	194:22
remi 168:21	7:2,3,4	160:15	10:24	respond
remind 6:4	11:25	reproduce	Resolution	143:24
168:22	12:1,2,7,1	156:10	38:3	144:11
remission	2,23	reproducing	respect	responded
112:20	13:6,11	17:12	55:10 58:3	103:8,9
removal	14:10	reproduction	60:11 62:7	responding
124:17	15:13 16:7	153:12	65:3,7,8,1	191:5
125:9	71:15 73:8	req 48:3	4 69:2,19	response 7:2
134:5,11	76:13,18,2	request 5:15	71:14	84:21
135:3	1,22	55:11	82:18	94:15 96:8
140:6	79:8,20	84:22	97:23	115:9
141:8,21	104:16	145:24	109:24	141:18
remove	120:10,16	146:6	112:16	responses
121:11	123:9	178:6	113:5,18,2	143:25
removed	126:25	require 48:3	0 114:4	144:12,21,
134:25	127:2	110:12	117:24	25
removing	143:17,21	114:15	126:9	responsible
91:22	144:5	130:21	140:2	64:19
renew	149:6	143:7	144:13	174:23
131:3,17	156:12	required	146:24	176:3
renewal	160:14	58:6 85:14	147:23	196:14
68:21	161:2	147:11	148:1	rest 130:23
113:14	162:11,15	161:13	150:25	restore 55:3
116:21,22	163:11	184:23	153:1	result 46:11
118:3	182:11	requirement	154:3,15	90:24 92:7
172:23	187:9,10,1	170:16	157:16	102:2
renewals	2,13 188:7	185:1,3	159:6	124:21
68:15	189:19	research	166:15	136:2
renewed	reported	7:19 83:8	168:1	147:6,9,10
118:24	30:16	reservoir	169:11	151:3
119:19	reporting	47:7,10,12	171:9	156:17,25
renews 131:6	76:21	,20 48:10	178:24	167:19
rent 132:12	reports 5:15	78:8 89:4	184:4	resultant
repeat 63:23	6:23,25	108:19	187:20	30:18
119:6	8:4 33:4	120:3	188:5	resulted
	71:6	149:13	196:21	5:10,17
	73:13,19		197:19	
	78:16		199:6	
			respected	

9:3 133:16 154:4	revised 162:15	river 21:8 28:1 33:23 34:7,9,14, 15,20,22 35:18,21 37:23 38:1 47:5,6,7,2 5 48:1,2,9,1 5 68:9 72:1,3 88:16,20 119:25 122:15 125:3 130:8	182:2 183:12	sandy 21:13
resulting 95:4,8	revolved 27:11	rivers 29:10 35:18 51:9	runoff 15:6 36:23	Sarah 199:3
results 76:10 90:3,8,13 91:5 107:23 151:18 193:10	Richard 2:22 7:9 8:16,22 70:12,23 71:5,21 72:11,17 73:5 74:1,8,13 75:5,8,16, 20 76:4,11,14 ,16 77:3,9,14, 22 78:1,4,9,1 3,20 79:5,25 80:21 81:2,10,18 82:8,20 83:2,7 87:17,22 90:21 91:3,9,25 92:10 93:5,19 95:22 98:17,22 99:9 100:12 107:25 133:23 134:8 135:4 136:6	road 28:15 115:10	run-of-the- river 77:16	Saravanja 199:2
resume 137:9		road 28:15 115:10	runs 29:12 185:11 193:21	sat 80:5,13
resuming 52:12 85:22 111:21 137:6 146:16 198:12		Robert 198:25 200:6	sadly 195:2	satisfactori ly 118:11
retrieved 23:8		room 6:18 56:23 85:25 197:18	safe 24:10 30:22 33:1 95:10	satisfactory 111:14
return 122:16		roots 40:20	sake 99:5	satisfies 157:25
returned 5:14 72:4		roughly 178:7 189:20	salaries 191:1,11	saw 68:3 79:25 163:21
revenue 126:12,14 128:9 129:7,20 163:9		rules 85:2 86:5	salary 125:24	scale 33:23
revenues 127:9,18 129:16,21 163:14 182:12 189:6		ruling 55:10	sale 99:14	scarce 20:4
reverse 195:14	rid 131:12	run 27:12 47:6,25 48:1,2,9,1 5 77:19 94:17 98:10 170:11 171:15 186:5 189:15	salvage 186:20	scared 20:8 24:8,9
review 6:20 31:17 113:24 114:2 143:17 163:16 165:6 198:18	right-hand 9:17 76:7	running 72:19 170:8 175:5 181:21	sampled 33:14	schedule 128:2,5
reviewed 8:3 11:25 187:18	rightly 55:1 163:25 179:12		samples 7:5 143:18	scheduled 4:20
	rights 194:5		sampling 5:10 72:3	scheme 193:14
	rising 23:18 43:1		san 37:19	school 46:24 132:11
	risky 40:6		sand 20:9 29:11,13 37:9,13,14 ,19 38:10 42:18,22 45:22,24 46:4,10,20 48:25 49:14,19 50:22 57:11 155:5	science 7:14 178:21
	riv 34:20		sandbanks 42:24	scientific 8:4,6 9:12 33:17 73:18 149:3 156:20,21, 22
				scientific ly 35:14 54:1
				scientist 7:19,21 20:13 30:14 147:21
				screen 75:9 98:18
				scroll 42:11

Sean 2:14	126:13,16	128:10	shift 172:8	39:7
season 53:17	129:3	129:8	shifting	shorter
seasonality	136:15	160:24	174:5	111:8
96:19	seemed 73:3	183:10	shipped	shorthand
secluded	178:14	seventy	99:22	79:9
65:16	seems 17:6	160:21	shore 10:24	short-lived
second 7:3	111:10	seventy-one	12:3,8,15,	89:8
11:17	126:14	128:9	18 13:22	shots 42:25
33:18	127:7	129:7	23:5	43:3
44:15	136:8,10	seventy-	40:23,24	showed 20:13
46:13	seen 21:24	seven 19:3	41:23 61:8	42:14 47:1
73:15 93:7	22:3 23:6	several 35:8	88:19,20	104:11
99:13	41:3 46:17	46:9 67:8	94:19	127:7
144:1	49:6 101:1	Sha 55:10	105:18	189:18,19
177:16	102:1	shallow 14:1	shoreline	shower 47:16
189:24	sending	32:9 79:13	11:18,19	showers
secondly	176:1,7	Shaner 7:3	13:3 20:8	72:20
144:5	sense 106:16	113:2	29:8	showing 61:4
169:16	120:5	146:24	37:8,13	128:9,11
seconds	127:16	168:3,5	38:10	129:7
86:16	159:8	195:9	53:20 61:9	shown 14:9
section	173:4	197:10	94:12	16:17 61:9
113:6,19	180:3	Shaner's	104:10	81:23
116:7,15	182:25	55:10	105:24	165:14
157:11	183:20	166:18	134:16	181:13,15
160:17	185:2	167:1	152:12,13	195:1
168:19	190:4	Shannon 2:5	153:1,2	shows 31:5
188:13,20	sensible	48:18	154:2,15,1	32:17
190:6	156:5	97:12,13	8,23	33:23
sediment	sentence	98:10,20	155:3,4,5,	41:16,18
88:5,6	73:10	sharing 18:3	7 170:1	45:21 46:4
93:11	188:10	26:4	174:1	63:2,6,7
95:12	separate	Shelagh 2:4	shorelines	129:15
148:24	16:23	97:14	11:21	175:7
149:5,8,24	118:12	98:6,7	12:21	shut 77:21
sediments	192:15	99:1,2,23,	13:21	93:15
30:19 72:3	series 16:15	24	74:3,5	183:11
88:8	153:24	100:15,16	94:6 96:4	sic 4:8
134:17	156:7,8	101:10,11	104:5	23:22 84:2
seeing 45:23	services	102:4,5	153:7	107:3
61:17	122:14	103:3,5,22	shores 11:24	110:6
129:2	191:2	104:23,24	13:15,24,2	115:11
seek 55:2,7	sets 159:4	107:14,15	5 37:22	155:25
130:20	164:4,12	108:13	61:4,6	166:25
139:19	setting	Sheldon 2:7	96:7	sides 111:8
seeking 55:9	35:10	84:19,20	134:17	117:19
125:17	55:19,20,2	143:13,14	short 37:6	sign 10:23
seeks 162:7	1 106:6,23	shellfish	38:5,10	30:24
seem 108:7	seven 120:24	10:17	85:15,18	50:16
			123:2	
			shortcut	

80:19	81:15	skip 158:4	somewhere	197:17
150:9,10	82:16	skipping	40:23	speaking 6:5
197:4	83:5,13	127:12	81:21	52:20
significance	87:21	Slave 28:9	89:20	56:19
165:23	sister 27:16	36:19	125:24	101:24
significant	sit 4:20	37:22 38:4	sorry 15:15	112:1
16:5 53:12	37:24	slide 8:17	32:5 54:20	115:3
193:23	86:17	29:18	55:17	117:10
significanttl	site 59:21	33:8,10,19	56:11	126:24
y 191:16	60:9,21	49:25	58:25 84:4	135:24
signs 51:8	sites 10:21	57:9,10	87:17 92:3	193:17
174:17	12:18,20	69:3	95:14	speaks 33:11
similar	154:20	75:3,4,16	117:9	114:9
39:23 40:2	sits 45:12	77:19	122:2	125:25
48:1 49:5	sitting	80:17,25	123:13,14	126:11
82:7	55:18	81:14	131:5,19,2	171:25
108:2,11	situation	slides 61:3	5 145:9	172:3,5,10
120:7	32:20	slight	198:17	179:20
128:14	39:23	135:5,11	sort 82:21	184:5
similarly	53:20 66:2	slightly	108:11	special 28:1
129:14	72:25 89:9	49:9,14	127:10	64:10
Simon 7:15	152:18	slowly 6:10	157:4	192:14
simple 138:9	194:1	small 22:6	sound	species
148:4,6	situations	31:1 88:10	43:19,21,2	10:20 25:9
simply 54:13	163:4	102:20	3,24	29:4
82:1	176:22	129:19	44:1,3,4,5	33:10,19
170:13	six 72:1	smaller	163:2,23	34:6
178:25	128:10	15:2,10,19	soundly	35:15,20
181:19	129:8	snippet	168:5	50:17 51:7
184:12	sixty 27:2	33:12	source	104:13
195:5	160:21	snow 15:6	101:19	152:1,4,10
simultaneous	sixty-five	23:2	108:8	153:15
6:9	181:4,10,1	soft 23:1	south 25:20	specific
sir 43:22	2,24,25	soils 88:23	92:21	29:1
57:12,21	184:10	solely	span 152:17	120:14
58:3,16	sixty-nine	142:12,20	spawn 35:17	124:16
59:17,18,2	161:3	somebody	79:12	166:15
3 60:2	size 11:2	177:22	spanning	171:1
61:3,14	12:22	someday	51:6	specifically
63:12	122:18	124:19	speak 6:10	32:16
65:2,3	150:17	somehow	17:22 52:4	78:18 87:8
66:11 67:1	sketch 58:21	186:15	55:25	127:9
69:23 70:5	skidoo 39:19	someplace	67:10 71:4	132:18
71:3,18	skidoos 20:6	25:1	85:12	137:15
73:4,16,20	skilled	sometime	100:19	140:2
74:7,15,21	180:19	175:9	105:11	144:18
75:4,18,21	skinny 22:6		148:1	188:8
77:2,6			159:7	specifics
78:12,15			160:12	129:3
80:19			171:23	spectacular
				55:4

speculation 187:7	9:15	118:21	Stewart 30:14,16	133:3
spent 27:18 72:1,5	stabilized 9:19 149:17	120:2 186:4	33:9 35:1,17	141:25 stuff 68:2
spill 92:21	stabilizing 150:3	stately- looking 27:6	stock 151:20	stump 44:24
spillage 155:18	stable 142:4	statement 127:5 132:2,5 188:12,17	stocks 174:8	stumps 39:8,10
spilled 47:22	staff 2:3 5:20,25 97:10,13 105:4 108:16	statements 5:11 54:15,23 120:11 125:25 126:9 127:1,2 131:25 132:3 136:25 188:3,21,2 2	stop 36:12 92:18 93:6 172:19 173:9,14,1 9	subject 8:25 14:9 15:22 59:20 84:10 109:5,17 111:2
spilling 47:21,23	spillway 16:14 47:1,8 48:13 80:4 92:21 176:17	States 99:18,19,2 2	stopped 31:19 176:16	133:13 136:23 144:16 149:14 155:23 156:7 194:14 197:23
spillways 96:25	spoiled 23:13	station 78:2 92:17	storage 170:12	155:23 156:7 194:14 197:23
spoke 107:21 153:5	stand 37:24 38:3,8	statutory 83:5	stored 136:13,14	subjected 96:18
spoken 147:19	standing 21:11 40:19 74:4 92:23	stay 72:25	storm 37:12	submitted 5:9,17 58:19 103:21 144:6 146:23 157:8 160:13 161:11 171:20 181:11,18 187:23 196:24
sport 14:4 32:10 63:6,16 144:5 147:18 148:8 152:3 176:4 180:5	stands 110:12	staying 10:1,12,14 136:16	storms 38:22	submissions 31:18 58:11 100:1,20 101:13 102:9 113:4 114:13 143:8,9 144:14,16, 20,24 151:8 157:6 159:18 160:20 161:23 164:19
sports 27:7 28:17 34:19,24 35:11 64:11,13	Stantec 2:12	stays 37:5	story 10:11 19:7 20:22 25:1	submission 5:9,17 58:19 103:21 144:6 146:23 157:8 160:13 161:11 171:20 181:11,18 187:23 196:24
spring 15:7 36:1,23 42:15 78:24 79:18	start 4:4 53:17 83:24 87:9 92:20,21 148:22 166:24 168:9 181:21	stayed 16:8 19:11,21 21:3	straightfor ard 134:10 157:3	stretch 198:8
stabilizatio n 11:24 149:25	started 28:16 39:12 47:23 105:17 154:17	station 78:2 92:17	stressful 53:4,5,19	strewn 41:3 44:21
stabilize	state 6:4 56:19 111:25	statutory 83:5	strong 39:19	structure 66:4 115:13 133:21,24 134:6,12 140:17,24 141:9 170:12 183:13 196:11
	stated	steep 42:22 49:18	structures 38:21 46:23 48:12 119:14	

165:8	168:4	94:13	190:25	92:16
166:16	171:8,13	118:10	tail 22:6	95:16
193:9	178:23	123:6	taking 48:6	100:4
197:24	179:15	128:23	96:20	101:20
submit 48:14	185:10	138:15	109:19	107:3
143:20	187:23	169:19	talk 11:17	115:11
144:2,7	190:25	185:14	14:6	tap 47:15
159:22	191:13,15	187:10	29:1,15,23	tarnished
165:12	194:2	surely 42:23	32:1 33:18	55:21
174:12	195:14	surface	36:14 53:1	106:6,23
181:22	suggested	45:1,3	60:13	taxes 132:11
195:18	164:6	95:5,8	71:9,11	team 19:24
196:7	168:11	surprised	85:13	112:14
submitted	178:14	177:17	115:6	113:10
145:5,20	187:17	184:25	147:15	137:15
subscribe	suggestion	surrounding	148:22	166:5
30:5	182:10	10:16	152:11	teams 40:5
subsistence	suggestions	73:14	158:19	133:13
99:10	100:3	91:11	188:7,25	tech 199:1
substantial	suggests	survive 20:4	talked	technical
50:21	185:25	32:2,12	46:7,13	169:15
52:23	sum 160:14	swim 41:14	60:8 70:4	technician
147:2	summary	swimming	131:6	43:21,24
substantiall	125:4	42:13	155:14,17	44:1,4
y 77:16	summer 15:5	switch 92:18	168:14	199:1
113:5	19:10,12	SWITCHED	169:16	teenager
success	27:15	18:14	173:22	46:23
17:11	71:19,22	system 14:19	179:11,18	telephone
suckers	72:6 78:22	17:13	184:13,15	84:7
35:16,17	79:18	33:23	190:22	temporal
sudden 49:12	143:19	34:21	195:9	105:10
suffer	superficial	35:21 72:8	talking	ten 13:18
147:6,8,9	187:24	77:15,17,2	27:25	27:3
160:25	supplied	3,25	61:23	193:20
161:5	155:25	80:8,12	105:21	tend 9:14
suffered	supply 89:2	81:25	118:13	88:13,14,1
117:6	130:13	82:2,18	119:15	7 89:16
147:16	supporting	89:3 91:23	148:13	135:9
148:2	12:8,9	92:11	163:11	tends 11:2
156:25	supports	94:17,21	174:13	89:3
160:6	14:4 32:10	141:23	180:18,19	tenor 167:11
sufficient	suppose	142:3	talks 73:11	term
12:22	177:11	<hr/>	161:18	78:15,18
154:22	sure 8:17	<hr/>	169:4	79:8,15,19
suggest	14:8 62:4	tab 30:15	Taltson 1:4	,22 93:3
84:20	66:14,23	58:12,13	9:2 28:1	103:20
140:12	73:5 81:10	table 3:1	34:8 47:5	113:11
141:1	82:11	163:7,19	53:13 54:8	118:4
167:25	92:1,2	181:20	67:15	
		188:9,11	72:1,2	
			77:25	
			82:18,22	

161:5	63:1,4,12,	166:5,7,12	114:14	189:11
177:3	24	197:20,25	121:24	191:3
196:3	64:5,17,24	198:1,5,22	122:7	there's
terms 57:21	65:2 66:22	199:5,8	123:1	11:23
120:14	68:12 70:6	thankfully	125:12	12:7,14
127:8	73:6 74:6	98:9	132:13,19,	13:3
178:2,23	75:12,19	thanks 62:21	20 133:7	16:13,14
179:3	77:2 80:17	65:22	134:9,20	19:1 21:10
terrestrial	83:13,21	78:15	141:16	22:9
88:19	84:1,24	81:15	145:4	23:2,13
Territories	85:16,17	110:17	146:5,6	30:24
27:19 28:8	86:15 87:2	166:2	150:13	32:23
30:7 40:13	90:1 93:8	199:4	151:3	34:10,14
41:21 50:9	94:23	that'll	153:21	37:4 38:12
51:22	97:4,8,12	111:14	156:20	39:12,13
56:21,24	98:6	121:5	158:8	42:10,22
62:2 68:14	99:1,23	that's 14:3	160:5,8,14	44:5
69:5,13	101:10,12	15:12,25	162:17	45:3,5,25
77:7	102:4,14	16:17,18	164:3	46:4 48:14
81:5,8	103:3,4,15	20:14,16	165:7,9	50:13 53:7
83:24 87:5	104:23	23:3,23	166:23	63:10 70:2
95:6	105:2	25:24,25	169:6,7,8,	72:17
112:18	106:10,11	29:12	9,14	77:19 80:6
131:10	107:5	33:13	170:20	85:2 91:20
139:25	108:15,24	37:17	171:6	100:2
140:10,22	109:18,20	38:9,14	173:20	115:6
141:13	110:7,8	39:22	174:7,14	124:4,5,16
167:5	111:12	40:11,17	175:2,18,2	125:11
174:24	112:7	41:10	3 179:16	129:1,5,6,
195:11	113:7,8	42:6,7	180:19,24	19 132:10
test 116:13	115:3,16,2	43:2,17	182:13,14,	135:9
179:21	5 116:16	45:22	21	149:9
180:9	117:21	47:24	184:8,21	150:9,12
tests 90:4	118:19	50:10,12	185:12	151:20
115:18,20	120:8	54:11	186:1	154:11
116:11	123:4	58:15,21	188:13,16	164:7
Tha 57:20	125:6	59:22 64:4	189:10,13,	169:10
thank 7:8	128:3	66:15,17,2	23 190:4,6	171:25
17:15 18:2	130:25	4 68:5	191:9,25	173:6,19
24:24	133:10	70:5 71:21	192:9,22	174:2,3,4,
25:1,5	135:21	72:11	193:14,21	5 175:24
26:3,22	136:19	75:16	194:7,12,1	176:18,24
43:16	137:11	76:11,14	6,21	177:11
48:19	138:24	77:3,5	195:2,10	184:6,12,1
51:25	139:1,5,8,	78:7 79:3	themselves	5,25
52:9,16,18	12,15,22	81:12	171:24	185:10
55:22	140:14	93:20	175:22	186:5,19
56:1,2,9,1	141:5	95:13	191:9	188:5
4,17	142:7,10,1	96:12,21	194:21	190:21
57:8,20	5,17,24,25	98:10	197:2	194:11
58:2 61:14	143:13	101:13	therefore	197:4
62:4	145:6,10,1	104:14	95:19	They'd 173:2
	7,18	106:2	135:17	they'll 41:8
	146:13,19,		163:13	
	20 165:17			

they're 9:25 31:1 32:17 38:19 39:8 40:6 44:20 49:8,18 65:18 68:16 99:21 106:1 120:15 148:18 149:21 163:3 170:6,9 172:4 176:21,22 177:18 178:9 180:3 186:1,4 196:5	120:18,24 124:8 128:10,12 129:8,9 160:21,23 161:7,8 186:11,14 thousands 36:18 37:3 49:12 106:21 185:13 thrive 32:11 thriving 180:6 183:17 throughout 90:17 140:25 141:1 throw 110:19 till 20:11 timelines 119:15 tiny 88:11 tire 46:6 tissue 87:12 100:24 101:4 102:1 title 98:15 today 4:20,23 18:2 26:4 27:9 28:25 34:1 45:13 52:22 62:8 63:18 74:21 100:23 122:17,24 134:24 147:4 156:20 165:20 169:7 184:24 185:14 188:9	today's 186:4 Toner 2:7 84:19,20 143:13,14 top 23:2,8 47:20 73:7 81:16 127:10 topic 188:14 topography 29:9 37:20 50:20 total 50:20 totality 113:18 188:18,19 totally 29:8 37:20 40:8 54:17 touched 37:15 48:12 tough 134:9 tour 54:25 92:16 tourism 27:8,19 54:25 tourists 27:24 town 37:23 38:1,2,8 trade 31:4 32:17 36:1 41:16,18 62:5,13 63:2,5,7 trained 180:20 transcriber 6:10 198:25 Transcript 3:11 transcripts 145:19	translates 89:4 translating 23:22 translation 18:9 translator 199:3 transportati on 121:2,7 123:18 trap 19:11 20:4,12,25 trapped 20:2 trapper 23:10 trappers 22:17,18 trapping 19:6,25 21:3 24:7,21 traps 21:8 travel 19:24 travelled 19:5 50:2,3 treaty 194:5,17 tree 40:19,22 trees 21:11 38:18,20,2 2 39:2,3,10, 17 41:4 42:13,19,2 5 43:2,4,18 44:16,18,1 9,22 45:2 51:10 53:23 61:4,5,8 74:4 104:9 105:18,24 106:22 124:17	125:10,11, 17 169:25 172:2 174:8 176:21 184:6 trend 90:12,20 128:14 129:1,5 136:3,7 trial 162:20 tried 39:5,9,10 44:4 157:4 180:11 185:19 190:10 trip 61:24 62:1 121:19,23 Tronka 16:20 33:24,25 46:13,16 97:2 trout 7:5 9:7,18 10:25 11:9,11 22:4 25:16 30:22 31:7,21 35:6 64:10,11 101:4,6 108:3,10 143:18 156:11 Trudel 92:22 true 48:9,15 54:17 160:7 182:13 192:3 truth 85:5 truthful 33:3 try 42:5 51:24 185:24
--	--	---	---	---

186:2	109:23	understandin	176:14	99:25
189:5	type 11:21	g 58:16	192:12	103:5
trying 8:16	53:2 65:10	60:23	unofficial	107:16
31:14 41:1	81:7 88:4	66:18,20	99:16	108:14
82:1 105:9	186:21	84:6,8	unpolluted	valuated
106:16	189:22	91:4 98:4	28:14,21	163:4
137:14	types 33:14	102:16	unreasonable	valuation
168:2	34:10	103:12	183:24,25	185:21
172:4	typical	123:11,20	unstable	190:21
177:17	89:14	125:18	13:16,24	191:22
178:25		understands	155:13	193:3
tub 47:20	<hr/>	169:19	untouched	value 10:3
48:7	U	understood	28:14,21	120:16,17
tuna 10:19	ultimately	81:11	50:10	122:10
tune 150:20	141:25	173:15	unwarranted	123:17
turn 4:13	un 184:24	180:24	54:16	125:25
6:11 47:15	uncertainty	undertake	upon 4:1	162:10
70:17	11:24	175:17	52:11,12,1	163:20
92:18	12:13	undertaken	8 58:24	185:22,24
127:21	unclear	147:1	60:5	186:6,8,21
137:9	100:12	undertaking	73:12,22	187:1
143:11	undergone	5:10,17	85:21,22	191:4,15
turned 95:3	17:4 96:22	143:16	111:20,21	192:12
105:12	underlying	144:1,21	137:5,6	193:1
106:5,15,2	188:2	undertakings	146:15,16	valued
1	underneath	143:6,10,1	148:5	120:18
twelve	23:3	5	150:12	121:6
183:23	understand	144:13,17	168:17	values
twenties	58:5 59:21	145:19	194:2	10:2,5,7
28:3	66:3 69:12	underwater	195:13	76:19,20,2
twenty 17:6	71:15	38:7 42:16	198:11,12	3 98:16,21
89:18	73:21	underway	199:22	120:13,20
168:20	75:11	5:22	uptake 87:12	123:7
175:16	78:6,8	unfortunate	upwards	Vancouver
twenty-five	79:2,6	183:2	109:6	71:23 72:4
9:15 48:5	81:7 83:5	unfortunatel	useful 75:9	vandalism
89:19	105:9	y 169:15	116:10	42:8
twenty-nine	107:7	195:3	usual 190:2	variation
7:18	122:6	unique 28:22	usually	183:5
twenty-one	123:6	39:14	78:22,23	variations
183:6,9,21	128:16	108:23	99:22	156:4
Twin 78:1	133:15	United	<hr/>	183:2
92:17 93:1	170:7	99:18,19	V	variety 29:4
95:4,16,23	171:11	University	vague 82:24	33:10
96:20	174:4	7:15,17	Vale 38:1	84:11
141:2	187:10	8:1,2	valid 175:23	various
175:20	190:6	unless 31:1	1:1	25:22
two-hour	197:22	157:25	4:8 88:17	90:3,6
	understandab		92:21 98:8	114:21
	le 155:13			193:7

vegetation 88:22	51:19	21:10,11,2 2	141:1,2 155:9,10	125:6,7,20 126:8,22,2
vein 124:16	visits 73:14	22:10,21,2	156:4,18	4
venture 40:6	visual 152:15	3	157:1	128:4,5,23
version 70:25 106:9	vivid 155:12	23:7,9,12, 18 24:13	160:23	,24
versus 15:7	volumes 4:14	25:16	169:25	130:17,25
via 54:19,22 87:25	<hr/> W <hr/>	27:21,22	170:19,20,	131:19,24,
vicinity 107:23	wa 192:20,21	29:6,8	21 172:13	25
video 43:18,22 44:5,12,15 ,16 45:15 46:16 48:17,19 49:3,22	wait 86:16	36:15,17,2	173:22	132:8,15,1
videos 49:5	walk 98:17 166:17	1 37:4,25	174:9	6,25
view 12:12,21 57:10 85:11 96:3 108:21 112:24 113:18 115:14 116:4 133:17 148:2 181:10 190:8	wall 37:24	38:17,19	176:16,21	133:1,7,10
viewed 171:20	walleye 35:2,10,17 ,23 36:2 152:5,8	40:15,23	178:5,11	,11
views 119:18	warning 50:16 150:7,16,1 7 174:17	41:2,3	184:7	134:3,4,22
vilified 54:17	washrooms 4:10	42:15,17,2 0,21	waters 27:20 30:8 41:20 45:9 46:14 47:9	,23
virtually 118:15 163:7,8 183:4	wasn't 13:19 22:23 23:15 28:6 31:20 32:17 64:15 67:25 81:22 125:9 128:25 171:6 180:7,18 189:10 190:15	43:3,18	45:9 46:14	135:21,22
visit 61:21 70:1	Wat 108:14	44:18,20	151:24	136:19,20
visited 72:10	water 1:2 4:8 13:10 14:7,11,13 ,14 15:3,4,7,1 8,24 16:1,8,14, 20,21,22 17:1,5,7,8 ,9,10 19:14	45:1,13	152:22	137:11,12,
visitors 10:24		47:13,14,1 5,16,17,19 49:7,8 50:23 51:11 53:18,21,2 2 68:15,21 72:4 78:21,24 79:17 80:7 88:4,9,10 91:1 92:5,6,11, 20 93:1,3,12, 13,18 95:5,7,8,1 6,17,18,20 96:12,13,1 8,24 98:8 99:3,25 100:16 101:11 102:6 103:6,23 104:25 107:16 108:15 115:12 116:21,22 118:3,24 119:18 125:17 133:20 134:14 140:17	158:7,25 162:9 167:5 168:16 169:21 172:2,17 175:19 177:4 184:9 193:13 195:11 196:22	138:24 139:22,23 140:14,15 141:5,6 142:7
			Water's 38:11 112:20	142:7
			watershed 136:12	ways 28:25 29:1 115:9 148:9 176:9 178:19,21
			waves 37:13 45:5	weaken 38:22
			Wawzonek 2:8 109:2,3,21 112:11,12 113:8,9 115:2,3,16 ,17 116:16,17 117:8,9,22 ,23 118:19,20 119:7 120:8 122:1 123:4,5,12 ,14 124:15	weathering 87:25
				website 64:20 65:5,9,10, 19 81:21
				we'd 4:3 52:7 92:19 137:8 148:13
				week 19:21 28:11 144:23
				weeks 72:2 143:7
				weigh 173:14,18 197:15
				welcoming 4:5
				we'll 6:2 17:21

19:17	133:5	willing	197:6,7,8	80:1 84:13
55:16 59:9	173:22	130:11,12	199:10	110:20
75:7 85:15	183:20	Winnipeg	worked 71:18	129:2
115:4	whatever	7:20	working 43:8	165:20
146:6	93:20 94:1	winter 15:8	works 8:12	169:7
198:14	138:22	19:10,12,1	43:18	177:16
199:13	159:16	7,25	47:17	179:14
well-	191:11	20:11,20	worksheets	185:18
followed	Whenever	27:2 79:14	164:4,14	186:12
98:4	135:5	wintertime	world 50:2,5	191:14,22
well-known	whereas 12:7	39:18 40:4	121:12	yesterday's
180:6,24	126:15	wire 124:4	174:23	5:8
we're 4:20	128:10	wired 124:5	worry 53:18	yet 44:20
18:25 24:8	whether	wiring	worse 107:1	47:9
26:12	10:14	124:5,7	worth	48:12,14
31:10,14	95:23	wish 110:4	186:16,20	you'll 24:25
32:5,6	96:20	145:4	187:6	28:8 31:20
41:16 42:4	100:13	witness 59:2	Wright 1:13	39:21
52:14	102:2	180:20	139:9,12,1	44:24
58:22	112:17	witnesses	3 199:9,12	146:7
85:17 90:5	113:13,14	53:11	write 197:15	149:18
92:15,16,1	114:22	84:10	writes 167:2	153:5,9
7 100:5	125:15	147:14	write-up	154:21
109:24	131:2	woman 27:6	33:11	155:21
110:13,16	133:5,20	wonder	writing 12:2	163:5,18
111:24	134:5	53:17,18	written 5:16	164:3
112:16	135:2	59:1	100:19	181:12
113:6	140:5,16	wondering	101:12	young 20:11
119:14	141:8	100:5	102:9	younger 22:2
149:12	149:10,11	105:10	103:21	yours 73:22
159:19,20	150:2,10,1	107:22	143:21	yourself
171:6,7	150:2,10,1	120:12,19	144:3,6,7,	180:13
195:22	2 160:5,8	woody 74:3	16,19	181:23
wetland	164:1	154:3	145:1	190:11
13:5,7	168:7,16	word-by-word	160:20	193:10
141:25	185:14	114:3	165:8	yourselves
wetlands	190:11	wording	170:24	123:8,17
13:12,16,2	193:10	113:4,19,2	197:16	you've 18:5
1 32:9,12	196:2	4 116:6	<hr/>	34:7,8
88:22	white 55:18	157:17	Y	35:15
94:14 96:4	whitefish	162:7	Yellowknife	37:12
134:15	7:5 22:6	work 20:4	1:21 38:8	38:10 41:9
136:12,13	25:16 35:6	71:20 83:3	82:24	46:5,6
153:6	143:18	84:7 89:11	yesterday	47:7,17
we've 12:11	whoever	121:19	10:6 14:23	48:7
27:14,18	100:18	125:22	18:15	49:6,14
37:16 41:7	whole 24:13	155:14	52:23	81:16 90:9
46:13,17	38:2 119:8	162:20	58:14 77:6	91:18
47:24	156:2	who's 41:12		122:20
50:17	wife 40:19			130:1
86:10				133:2
98:1,2				

135:25 136:4 147:13,25 150:22 164:9 169:23 175:9 180:12,15, 16 184:4 <hr/> <p style="text-align: center;">Z</p> <hr/> zero 181:10,16, 24 zirconia 55:21 106:5,10 zirconium 105:12 106:14,15 zoology 7:16				
--	--	--	--	--