



“When You Talk - We Listen!”



WEK'EEZHII LAND AND WATER BOARD

KWETJJAA RAYROCK REMEDIATION PROJECT

TYPE A WATER LICENCE APPLICATION

W2020L8-0003

PUBLIC HEARING

Board Members:

Chairperson	Joseph Mackenzie
Board Member	Mason Mantla
Board Member	Mike Nitsiza
Board Member	Rachel Crapeau
Board Member	Alex Nitsiza

HELD AT:

Yellowknife, NT

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Day 3 of 3

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

2

3 QUESTION PERIOD:

4 THE CHAIRPERSON: Good morning,
5 everyone. We'll start our hearing right now, and we
6 will start with -- from yesterday, the CIRNAC
7 presentation. We have one (1) Elder from Whati that
8 would like to ask a question, and then after that we
9 will continue on with questioning for TG, or Tlicho
10 Government. Okay. Thank you.

11 If you want to go ahead, Joseph.

12 ELDER JOSEPH MOOSENOES: Good morning.
13 My name is Joseph Moosenoes. (TLICHO LANGUAGE SPOKEN)
14 before we carry on.

15

16 (INTERPRETATION FROM TLICHO LANGUAGE INTO ENGLISH)

17

18 ELDER JOSEPH MOOSENOES: The -- the
19 questions I'd like to ask CIRNAC are regarding Sun --
20 Sun Rose, Rayrock areas, maybe eight (8) or nine (9).
21 They've been doing exploration work in the past Sun
22 Rose, and it's in an area called Kwidse (phonetic)
23 REX.

24 And this -- this information is told by
25 a couple of guys that were out there -- out there

1 where REX had done exploration work. And so when they
2 came to that camp area, they had noticed that -- a few
3 diamond sticks still around on the ground, plus
4 there'd been blasting work been done.

5 It's just -- it looks like they've done
6 maybe eight (8) or nine (9) exploration work, and so
7 near Whati, the young guys have noticed that there's
8 been exploration work done. They've left a little
9 small building there on the site, and I think that
10 it's a little place where they keep dynamite and --
11 and material. So I think that that place should be
12 investigated and checked out. Thank you.

13

14 (INTERPRETATION CONCLUDED)

15

16 MR. RON BREADMORE: Masi, Mr. Chair.
17 (TLICHO LANGUAGE SPOKEN) Thank you, Joseph, for that
18 question.

19 And you're correct, the REX site is one
20 of the exploration sites that we have packaged up as
21 part of this project, and there is work to do at that
22 site. And I would ask Joel from AECOM to expand on
23 that, please.

24 MR. JOEL NOLIN (by Zoom): Thank you,
25 Mr. Chairman, Ron. The REX site right now we know has

1 several exploration workings. One of the workings has
2 been shown to have high radiation. This location will
3 be covered with concrete as part of the project.

4 Other work to be done at REX includes
5 the pick up of waste. Waste that we are aware of
6 includes: wood, metal, some drill core, and to this
7 time I'm not aware of any dynamite, if -- if I heard
8 the comments correctly, or explosives on site that
9 need to be cleaned up. It is mostly non-hazardous
10 garbage at the site that needs to be cleaned up, and
11 that will be cleaned up as part of the scope.

12 If there's further questions, I'm happy
13 to answer them.

14 THE CHAIRPERSON: Any further
15 questions, Joseph?

16

17 (INTERPRETATION FROM TLI CHO LANGUAGE INTO ENGLISH)

18

19 ELDER JOSEPH MOOSENOES: Joseph.
20 Joseph Moosenoes. Yes, we have heard that. I'm sure
21 it's good that they're aware of it at AECOM. I'm sure
22 that -- I just wanted that area cleaned up and not
23 left aside. Thank you.

24

25 (INTERPRETATION CONCLUDED)

1 THE CHAIRPERSON: Joseph is aware that
2 -- yeah, that Rayrock clean-up -- that REX is part of
3 that. Thank you, Joseph.

4 Now we'll continue on to questions for
5 the Tlicho Government's presentation.

6

7 (INTERPRETATION FROM TLICHO LANGUAGE INTO ENGLISH)

8

9 THE CHAIRPERSON: So when people have
10 concerns about anything and all your concerns were
11 brought up yesterday, and -- and it was told as to how
12 the remediation are -- and then you have suggestions
13 also to -- to people. You will also be asked if they
14 have good ideas anyway, how you can be cleaned up.
15 You'll be asked -- CIRNAC will...

16

17 (INTERPRETATION CONCLUDED)

18

19 THE CHAIRPERSON: Yes, CIRNAC, please
20 go ahead.

21 MR. RON BREADMORE: Mr. Chair, Ron
22 Breadmore, CA. We have no comments on the Tlicho
23 presentation. Masi.

24 THE CHAIRPERSON: Thank you. Okay.
25 The next would be GNWT.

1 MS. VIOLET CAMSELL-BLONDIN: Mr.
2 Chairman, Violet Camsell-Blondin.

3

4 (INTERPRETATION FROM TLI CHO LANGUAGE INTO ENGLISH)

5

6 MS. VIOLET CAMSELL-BLONDIN: Having
7 regard to our -- having regard to our traditional
8 knowledge, we have protocol as -- as in the morning
9 and beginning of a meeting we always have to watch our
10 traditional protocols where we have been reminded by
11 Elders that it's been -- we've been reminded.

12 We really should try to start our
13 meetings with prayer. Our prayer is to protect us as
14 well. And today when we finish our meeting, we're
15 asking that we have safe travel. And so as we have
16 traditional protocol, prayers.

17

18 (INTERPRETATION CONCLUDED)

19

20 THE CHAIRPERSON: I apologize for not
21 opening the meeting with an opening prayer; that is
22 especially important for the Elders. So if you get an
23 Elder that will say an opening prayer, masi.

24

25 (INTERPRETATION FROM TLI CHO LANGUAGE INTO ENGLISH)

1 MS. VIOLET CAMSELL-BLONDIN: Alphonse
2 Apple, from Gameti.

3

4 (TRANSLATION CONCLUDED)

5

6 (OPENING PRAYER)

7

8 THE CHAIRPERSON: Okay, we'll go right
9 into questioning. Continue on to the questioning for
10 TG, Tlicho Government. GNWT, have any questions?

11 MR. RICK WALBOURNE: Thank you, Mr.
12 Chair. It's Rick Walbourne, from GNWT. We have a
13 couple of questions of clarification for the Tlicho
14 Government.

15 Regarding monitoring, there's been
16 quite a lot of discussion about different monitoring
17 programs that will be conducted at Rayrock. There's
18 some water quality monitoring and a surveillance
19 network program, post-closure monitoring, Aquatic
20 Effects Monitoring Program that CIRNAC has outlined.

21 There's also been quite some discussion
22 from the Tlicho Government to CIRNAC regarding
23 potential funding regarding monitoring programs, so I
24 guess it would be helpful for us to understand.

25 Obviously, we have some monitoring

1 recommendations in our intervention. So, I -- I guess
2 to start:

3 Would the Tlicho Government be able to
4 provide some additional clarification on the
5 monitoring that they are speaking to when they are
6 looking for partnerships with the -- with CIRNAC and
7 those that encompass the Aquatic Effects Monitoring
8 Program that CIRNAC is speaking of potentially under
9 the water licence or would you envision that to be
10 some supplementary monitoring outside the water
11 licence? Thank you.

12 MR. BRETT WHEELER: Masi for the
13 question. It's Brett Wheeler, Tlicho Government.

14 I think we see kind of three (3) types
15 of -- or three (3) areas of monitoring for water.
16 There's the SNP that's part of the licence, and it's
17 kind of inside the area where the remediation work
18 will be happening.

19 And then there's the -- the AEMP,
20 Aquatic Effects Monitoring Program, that's kind of in
21 the receiving environment immediately around the --
22 the project site.

23 And -- and both of those -- the Tlicho
24 Government feels strongly that we need to be fully
25 involved in -- in both of those and, from a design

1 perspective, especially in the Aquatic Effects
2 Monitoring Program, but from a monitoring perspective,
3 in -- in both of them.

4 And our -- our understanding of the
5 Aquatic Effects Monitoring Program is that it's
6 intended to look for effects that -- that might happen
7 because of the remediation work, for example, because
8 of digging out the sediments in -- in the bottom of
9 Mill Lake.

10 The third type of monitoring is -- is
11 in the surrounding area. And -- and the one (1)
12 example we have of that type of monitoring is -- was a
13 trip that happened last year in the Marian River and -
14 - and in the -- the creeks and waterbodies that are
15 downstream from the Rayrock Mine.

16 So -- so, that type of monitoring is --
17 is what we're asking for support from CIRNAC from --
18 to do. And we saw in CIRNAC's response to
19 interventions and a -- and in what they said
20 yesterday, that CIRNAC is committed to supporting the
21 Tlicho Government in doing that monitoring in the
22 surrounding area so that we can understand how healthy
23 the environment is and if there are any -- any effects
24 from -- from the old mine that are still happening in
25 that area. Masi.

1 THE CHAIRPERSON: GNWT...?

2 MR. RICK WALBOURNE: Thank you, Mr.
3 Chair. Rick Walbourne, GNWT. Thank you, Brett. That
4 was very helpful.

5 Just trying to get an understanding
6 where they monitor -- different monitoring programs
7 fall under the licence or -- or external to that that
8 the Tlicho Government might be involved with CIRNAC,
9 so that's very helpful.

10 I just have one (1) more question. One
11 (1) of GNWT's recommendations was regarding maximum
12 average concentrations and maximum grab concentrations
13 under the water licence.

14 So, typically, in a water licence, for
15 effluent quality criteria, there tends to be a maximum
16 average and a maximum grab. So, a maximum average is
17 more of a long term limit to protect the environment.
18 The maximum grab is more for a short term in case
19 there might be spikes in the effluent quality which
20 are still protective of the environment but more on a
21 short term.

22 So, typically, effluent quality
23 criteria have both, the average for the long term,
24 consistent quality of the effluent and the grabs to
25 monitor spikes, again, both protective, one (1) long

1 term, one (1) short term.

2 In response to interventions, CIRNAC
3 noted that they would just be using maximum grabs and
4 that that was the position that they had discussed
5 with the Tlicho Government and that the Tlicho
6 Government was supportive of.

7 So, based on our understanding of the
8 response from CIRNAC, it's that what CIRNAC is
9 proposing is that the lower limit of their actually
10 effluent quality criteria that they intend to meet
11 over the long term, they would also -- so, they're
12 suggesting that that would be their highest limit as a
13 maximum grab.

14 So, in essence, I believe that's
15 probably more conservative if -- if that's what CIRNAC
16 is suggesting in conjunction with the Tlicho
17 Government.

18 So -- and just so we can better
19 understand where we go with our recommendation as
20 compared to what CIRNAC's proposing, would the Tlicho
21 Government just speak to their understanding of what
22 CIRNAC's proposing for effluent quality criteria, and
23 just give us some insight to any discussions that the
24 Tlicho Government and CIRNAC had on that topic? Thank
25 you.

1 THE CHAIRPERSON: Tlicho

2 Government...?

3 MR. BRETT WHEELER: Masi for the

4 question. It's Brett Wheeler, Tlicho Government.

5 Tlicho Government's position is that
6 all water that's being discharged from the project at
7 all times should -- should meet our guidelines. And -
8 - and, in particular, guidelines for the protection of
9 aquatic life.

10 So in -- in that sense, we -- we do not
11 want even short term, temporary exceedances of -- of
12 those guidelines. And -- and we understand and
13 appreciate that CIRNAC has committed to -- to always -
14 - you know, having all of the discharge meet those
15 guidelines.

16 In terms of how that's organized in the
17 licence, there might be different ways for the -- for
18 the Board to look at that. But, for example, if there
19 was to be set a maximum average concentration, we
20 would expect that -- that that would not be something
21 higher or -- we would expect that, even still, the
22 maximum grab concentration and the maximum average
23 would both need to be below or, at the most, at -- set
24 at the -- the guidelines for protection of aquatic
25 life. Masi.

1 THE CHAIRPERSON: GNWT...?

2 MS. LAURA MALONE: Laura Malone, GNWT.

3 Thanks, Brett, for -- for that clarification.

4 I just had one (1) more question about
5 the SNP sampling. So, as you know, GNWT has
6 recommended bi-weekly sampling during open water for
7 the Surveillance Network Program.

8 I was just wondering if you could
9 comment on what your thoughts are on the -- on that as
10 a proposed frequency for that program of monitoring?

11 THE CHAIRPERSON: Tlicho
12 Government...?

13 MR. BRETT WHEELER: Masi for the
14 question. It's Brett Wheeler, Tlicho Government.

15 I think we might have a similar
16 question for GNWT after your presentation, you know,
17 to -- to see if you had any new thought after -- after
18 hearing CIRNAC's response.

19 In general, our -- our goal and our
20 position is that the monitoring needs to be good
21 enough and often enough to show whether affects are
22 happening. And to inform water management on the
23 site.

24 So we -- we haven't made a specific
25 recommendation or position on a particular number of

1 samples per -- per week or per month. And we do
2 appreciate the support of GNWT-ENR and of CIRNAC and
3 CIRNAC's team and of the Board and Board staff in, you
4 know, figuring out what -- what frequency is needed to
5 be able to detect effects and inform water management
6 that will protect the environment around the site.
7 Masi.

8 THE CHAIRPERSON: GNWT...?

9 MR. RICK WALBOURNE: Rick Walbourne,
10 GNWT. Brett, we look forward to your questions.

11 Yeah, we have no further questions, Mr.
12 Chair. We would like to thank the Tlicho Government
13 for their presentation, as well as all the Elders and
14 youth that made a trip here to Yellowknife to -- to
15 provide some -- their perspectives to us. So that was
16 very appreciated, so thank you very much.

17 We have no further for the Tlicho
18 Government at this time. Thank you.

19 THE CHAIRPERSON: Okay. Thank you.
20 And now we go to the general public for questioning.
21 Ryan...?

22 MR. RYAN FEQUET: Ryan Fequet, with
23 the Wek'eezhii Land and Water Board.

24 So just to clarify, all of the other
25 parties that are joining us via Zoom or anyone here in

1 the room not with the Tlicho Government's contingent,
2 this is the time where, if you have questions for the
3 Tlicho Government on its presentation to please
4 proceed.

5

6 (BRIEF PAUSE)

7

8 MR. RYAN FEQUET: Just double-
9 checking. Last call -- last call in the bingo hall.
10 Anyone out there in Zoom land, if you did unmute
11 yourself, we didn't catch you. So just double-
12 checking before we move on.

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON: It looks like we
17 have dalde (phonetic) questions. That means no
18 questions.

19 Any from Board staff...?

20 MS. RHIANA BAMS: Masi, Mr. Chair.
21 This is Rhiana Bams, Board staff.

22 Updated closure objectives and closure
23 criteria were submitted by CIRNAC after the technical
24 session in January 2021.

25 Does the TG believe the updated closure

1 objectives can be approved by the Board, and why?

2 THE CHAIRPERSON: TG...?

3 MR. BRETT WHEELER: Masi for the
4 question.

5 One -- one (1) thing that the Tlicho
6 Government has been working on and trying to
7 understand and -- and reconcile is the -- the, kind
8 of, closure planning process and -- and language that
9 we are familiar with from closure planning that's
10 happening at the diamond mines that we're very
11 involved in. And that follows the Board's guidelines
12 for -- for closure planning for mine sites.

13 And the sometimes slightly different
14 steps and slightly different terminology that's --
15 that's used in -- in CIRNAC's contaminated sites and
16 remediation planning.

17 So I think that -- that's something
18 that we -- we haven't totally reconciled. We would be
19 willing to -- to try to do that in a -- in a more
20 fulsome way as an undertaking, if the -- if the Board
21 is -- is interested in that. Masi.

22 MS. RHIANA BAMS: Yes.

23

24 (BRIEF PAUSE)

25

1 MS. RHIANA BAMS: Board staff, Rhiana
2 Bams. Just before we record that as an undertaking,
3 there's an additional question that may be relevant.

4 Does the TG have any comments as to
5 whether or not the closure criteria proposed by CIRNAC
6 should be approved? And can the TG indicate if they
7 believe reclamation work can begin before closure
8 criteria are approved?

9 THE CHAIRPERSON: Tlicho
10 Government...?

11

12 (BRIEF PAUSE)

13

14 MR. BRETT WHELER: Masi for the
15 question. It's Brett Wheler, Tlicho Government.

16 I think we would put that to a -- in a
17 -- to a certain extent in the same category. However,
18 one -- one principle that the Tlicho -- the Tlicho
19 Elders and the Tlicho Government team believe strongly
20 in is that, you know, we -- we want there -- the
21 clean-up work to happen.

22 And -- and we -- we would only want to
23 delay that clean-up work for -- for very -- very good
24 reason, very strong reason. I think in that respect,
25 we are okay with -- with some of the reclamation work

1 happening, or at least beginning. Even if the closure
2 criteria are -- might not be finalized in time for
3 that work to begin.

4 In terms of approving those criteria
5 now, I think we need to do more work and more
6 verification with the Kwetjjaa Elders Committee and
7 with the Tlicho government team before we would
8 recommend that very specific closure criteria be
9 approved. Masi.

10 THE CHAIRPERSON: Board staff...?

11 MR. RYAN FEQUET: Ryan Fequet, Board
12 staff. Okay, we'll record that as Undertaking Number
13 5 for the Tlicho Government, the objectives and the
14 criteria related questions. Thank you, Brett.

15

16 --- UNDERTAKING NO. 4: All parties to provide
17 recommendations on the locations, types
18 of monitoring, and parameters, and any
19 other details, it believes should be
20 included in a Post Closure Monitoring
21 Plan.

22

23 THE CHAIRPERSON: Tlicho
24 Government...?

25 MR. BRETT WHEELER: Masi. It's Brett

1 Wheler, Tlicho government.

2 Yes, Tlicho government will accept that
3 undertaking. Just to be clear, the two (2) parts to
4 that -- that answer were that, number 1, we are
5 generally okay with remediation work happening and at
6 least beginning while closure criteria are still being
7 finalized.

8 And number 2, we -- we do need to do
9 more work and -- and have more input into the closure
10 criteria. We will do our best to respond as much as
11 we can by the undertaking deadline, but that may not
12 be a -- a, sort of, full and -- and final response to
13 -- to all of those criteria at that time. Masi.

14

15 --- UNDERTAKING NO. 5: 1. Does the TG believe the

16 updated closure objectives can be
17 approved by the Board and why?

18 2. Does the TG have any comments as to
19 whether or not the closure criteria
20 proposed by CIRNAC should be approved?

21

22 THE CHAIRPERSON: Board staff...?

23 MS. RHIANA BAMS: Board staff, Rhiana

24 Bams. In its intervention, TG recommended that the
25 inlet and outlet to Mill Creek be monitored and

1 sampled prior to, during and following remediation.

2 What frequency does the TG think should
3 be monitored for in these locations? And what
4 parameters does the TG believe should be monitored
5 for?

6 THE CHAIRPERSON: Tlicho
7 Government...?

8 MR. BRETT WHEELER: Masi for the
9 question. It's Brett Wheeler, Tlicho government.

10 We -- we understand that the flow in
11 Mill Creek is -- is variable. And it may -- may
12 change even more as the remediation work happens in
13 Mill Lake.

14 We think at minimum, there needs to be
15 the visual monitoring of the creek during the spring
16 and fall site visits by the Elders. And beyond that,
17 we -- we do still recommend that an effort to collect
18 water samples at both ends of Mill Creek, but we
19 recognize it will -- it will have to depend on the
20 flow and what's happening there and -- and when.

21 In terms of the frequency, I think I
22 would respond the same way as for the other SNP
23 locations. Our goal is to have monitoring be
24 sufficient to show whether effects are happening, and
25 to show that the environment is being protected, and

1 that the frequency should, you know, of the -- of the
2 licence requirements for sampling should be set on
3 that basis. Masi.

4 THE CHAIRPERSON: Board staff...?

5 MS. RHIANA BAMS: Masi. Rhiana Bams,
6 Board staff.

7 Board staff note that CIRNAC has
8 proposed that sampling at the inlet/outlet of Mill
9 Creek be performed by the TG as part of the oversight
10 monitoring program.

11 Does TG believe this monitoring should
12 be included in the licence?

13 THE CHAIRPERSON: Tlicho
14 Government...?

15 MR. BRETT WHEELER: Masi for the
16 question. It's Brett Wheeler, Tlicho Government.

17 This monitoring I think we would put in
18 -- in one of the first two (2) categories that -- and
19 say, yes, it should be included in the licence because
20 this -- Mill Creek is -- is immediately adjacent and
21 downstream from a work area where -- where work will
22 be happening in Mill Lake and where the conditions of
23 Mill Lake will be changing because of the remediation
24 work.

25 So, that -- that may evolve over time.

1 You know, over time, you know, maybe it would not be
2 required anymore in -- in the licence and -- and --
3 and would become more of a, you know, part of the
4 regional monitoring that -- that Tlicho Government
5 would be doing with support from CIRNAC.

6 But during the remediation work and for
7 the, at least the short-term monitoring for several
8 years after the remediation work, we would recommend
9 that monitoring in Mill Creek be included in the water
10 licence. Masi.

11 THE CHAIRPERSON: Board staff...?

12 MS. RHIANA BAMS: Masi. Rhiana Bams,
13 Board staff. From a map of the Mill Lake outflow,
14 there appear to be two (2) branches from Mill Creek
15 that go from Mill Lake to Sherman Lake.

16 Is the TG proposing monitoring for both
17 of these outlets to Sherman Lake? Masi.

18 THE CHAIRPERSON: Tlicho
19 Government...?

20 MR. BRETT WHEELER: Masi for the
21 question. Its Brett Wheeler, Tlicho government.

22 I don't have an answer for -- for that
23 right now. I'm just remembering also that you asked
24 about which parameters to monitor. We would recommend
25 that all the mine-related contaminants be included.

1 There's probably a few different lists
2 of those that are on the record. One (1) of them is,
3 you know, the parameters that were identified in the
4 risk assessment as chemicals of concern. And we would
5 suggest adding selenium to that list.

6 In terms of the -- the two (2) branches
7 of the creek, perhaps we could advise of that in an
8 undertaking or in our closing arguments. Masi

9 THE CHAIRPERSON: Board staff...?

10

11 (BRIEF PAUSE)

12

13

14 MR. RYAN FEQUET: Ryan Fequet, Board
15 staff. So, just noting undertaking 6 for the record,
16 for the Tlicho Government getting back to us if
17 monitoring should take place at both branches of Mill
18 Creek into Sherman Lake.

19

20 --- UNDERTAKING NO. 6: Provide clarification
21 regarding monitoring
22 recommendation for outlet
23 of Mill Creek into Sherman
24 Lake, with respect the two
25 outlet branches. Is the

1 TG monitoring for both of
2 these outlets to Sherman
3 Lake?

4

5 THE CHAIRPERSON: Tlicho
6 Government...?

7 MR. BRETT WHEELER: Masi. Brett
8 Wheler, Tlicho Government.

9 Yeah, we -- we can do our best on that
10 undertaking to look -- look carefully and -- at those
11 two (2) branches of Mill Creek. Masi.

12 THE CHAIRPERSON: Board staff...?

13 MS. RHIANA BAMS: Masi. Rhiana Bams,
14 Board staff. Going from that recent comment, in TG's
15 intervention it recommends that selenium be added as a
16 contaminant of concern.

17 Can the TG clarify why it believes
18 selenium should be added as a contaminant of concern?
19 And what is -- is it recommending be included in the
20 licence? Masi.

21 THE CHAIRPERSON: Tlicho
22 Government...?

23 MR. BRETT WHEELER: Masi for the
24 question. It's Brett Wheler, Tlicho Government.

25 I think our -- our recommendation to

1 monitor selenium comes from the presence of selenium
2 in the sediments in Mill Lake. And so, we -- we would
3 -- we would like to see selenium monitored as part of
4 the SNP and -- and considered based on the Board's
5 effluent quality guidelines considered as a potential
6 effluent quality criteria in the licence. Masi.

7 THE CHAIRPERSON: Board staff...?

8 MS. RHIANA BAMS: Board staff, Rhiana
9 Bams. Would TG consider an undertaking to provide a
10 recommended selenium EQC for the licence as one has
11 not yet been proposed?

12 THE CHAIRPERSON: Tlicho
13 Government...?

14 MR. BRETT WHEELER: Masi for the
15 questions. It's Brett Wheeler, Tlicho Government.

16 I think normally our Tlicho
17 Government's preference is to focus on the receiving
18 environment and the -- and the water qualify
19 objectives, and -- and the uses, and -- and protecting
20 aquatic life, and people, and wildlife in the
21 receiving environment.

22 And on that basis, to leave the -- the
23 calculations of effluent quality criteria to the
24 Board. Masi.

25 THE CHAIRPERSON: Board staff...?

1 MS. RHIANA BAMS: Masi. Board staff,
2 Rhiana Bams. In its intervention the TG recommended
3 that design performance be set over long-term horizon.

4 Given the current understanding that
5 climate models are generally limited to a hundred
6 (100) years, does the TG have any specific
7 recommendations for how uncertainties related closure
8 designs could be addressed?

9 THE CHAIRPERSON: Tlicho
10 Government...?

11 MR. BRETT WHEELER: Masi for the
12 questions. It's Brett Wheeler, Tlicho Government.

13 We understand the limitations on
14 climate modeling into the future, however, we don't
15 see -- see that as -- as a -- a real limitation on
16 being able to design a structure to consider the
17 durability of -- of materials that are used in the
18 structure.

19 And designing a structure that's robust
20 enough to continue functioning effectively in the
21 types of extreme weather and -- and geological and --
22 and other events that could happen over a long period
23 time like -- like a thousand (1,000) years.

24 The type of -- the type of failure
25 modes assessment that CIRNAC and its engineers have

1 looked at, I think, is one -- one useful way to -- to
2 look at that question. But we don't think the -- the
3 difficulty in climate modeling, beyond a hundred (100)
4 years, should prevent us from being able to -- to have
5 a structure that's -- that's designed to last. Masi.

6 THE CHAIRPERSON: Board staff...?

7 MS. RHIANA BAMS: Masi, Rhiana Bams,
8 Board staff.

9 Can the TG provide an undertaking that
10 outlines the locations, types of monitoring, and
11 parameters, and any other details it would anticipate
12 to be included in a Post Closure Monitoring Plan?

13 Masi.

14 THE CHAIRPERSON: Tlichu
15 Government...?

16 MR. BRETT WHEELER: Masi. It's Brett
17 Wheeler, Tlichu Government.

18 Yes, we can do that and -- and we would
19 appreciate some -- some support and some -- some
20 information sharing with -- with CIRNAC if we can
21 manage to arrange that during the undertaking period
22 to -- to help us put as fine a point as we can on
23 specific recommendations for the Post Remediation
24 Monitoring Program.

25 There are some design details and other

1 things that are -- are still being worked on and --
2 and -- and -- and being finalized. So -- so, there
3 may be some limitations to -- to what we can provide
4 in terms of the details of -- of a Monitoring Plan to
5 happen after remediation. But based on the
6 information that's available now, we can -- we can
7 provide a -- some details in an undertaking to the
8 Board. Masi.

9 THE CHAIRPERSON: Board staff...?

10 MR. RYAN FEQUET: Ryan Fequet, Board
11 staff. Masi, Brett.

12 We'll record that as undertaking 7 for
13 the proceeding to the Tlicho Government regarding
14 outlining the types of monitoring parameters,
15 locations, and any other details they would anticipate
16 to include in a post-closure monitoring plan. And to
17 confirm, this is the same undertaking that was also
18 accepted by CIRNAC.

19 MR. RYAN FEQUET: And Board staff and
20 legal counsel both have no further questions, Chair.

21 THE CHAIRPERSON: Okay. The Board has
22 no questions.

23

24

(BRIEF PAUSE)

25

1 THE CHAIRPERSON: Okay. We'll go --
2 following the agenda, we'll go right into a
3 presentation from the GNWT. And after the GNWT
4 presentation, we'll take a break.

5

6 (BRIEF PAUSE)

7

8 PRESENTATION BY GOVERNMENT OF THE NORTHWEST
9 TERRITORIES:

10 MR. RICK WALBOURNE: Thank you, Mr.
11 Chair. My name is Rick Walbourne. I'm the manager,
12 Water Regulatory, in the Water Management and
13 Monitoring Division with Department of Environment and
14 Natural Resources, Government of the Northwest
15 Territories.

16 We thank you for the opportunity to
17 present GNWT's recommendations related to the Rayrock
18 Remediation Project. Today I'm joined by Ms. Laura
19 Malone, regulatory and science advisor with GNWT-ENR,
20 as well as our legal counsel, Mr. Rohan Brown, who's
21 joining us via Zoom.

22 I would just like to note that we have
23 updated some recommendations based on CIRNAC's
24 responses since the presentation was provided to the
25 Board, so there may be some differences between our

1 speaking points and the slides that were provided
2 previously.

3 In our presentation, we will briefly
4 outline the GNWT's concerns and recommendations. As
5 identified on this slide, the topics we will be
6 covering include the Confined Disposal Facility
7 location, effluent quality criteria for both the Mill
8 Lake water treatment and treated sewage discharges,
9 water quality monitoring, geochemical characterization
10 of bedrock, sediment and erosion control, in-water
11 construction, and finally closure criteria.

12 Mr. Chair, our first topic will be the
13 location of the Confined Disposal Facility, or CDF.
14 The GNWT had concerns regarding the lack of
15 information provided on the proposed location for the
16 CDF which is a major element of the proposed
17 remediation of the Rayrock site. The GNWT considered
18 this a major uncertainty in the application.

19 In response to IR-21, CIRNAC stated:

20 "The reason the precise location has
21 not been provided is that, despite
22 several years of attempts at
23 defining conditions under the
24 sediment of Mill Lake, there are
25 conditions that cannot be reasonably

1 assessed. And some flexibility was
2 required in the design to allow
3 modification based on actual site
4 conditions."

5 Mr. Chair, as you're aware, CIRNAC has
6 presented their refined location for the CDF during
7 this hearing. As this location was only confirmed
8 during the hearing, GNWT has not had sufficient time
9 to complete a full assessment of this location.

10 We do, however, commit to assessing
11 this information and providing final recommendations
12 in our closing arguments. And as noted previously for
13 this slide as well, GNWT commits to making final
14 recommendations on the CDF during our closing
15 arguments.

16 Mr. Chair, our next set of
17 recommendations are related to the proposed effluent
18 quality criteria, or EQC, for the two (2) discharge
19 streams at the Rayrock site. These are the Mill Lake
20 water treatment discharge and the treated sewage
21 discharge.

22 Following discussions at the Technical
23 Session regarding discrepancies between the initial
24 proposed set of EQC and CIRNAC's responses to reviewer
25 comments, IR Number 12 was issued to CIRNAC to present

1 all proposed EQC and the SNP stations where they would
2 apply.

3 As a result, the intervention was the
4 first opportunity that reviewers had to provide
5 comments on these most recent EQC.

6 GNWT would like to begin with a
7 discussion on the proposed EQC for Mill Lake treatment
8 water discharge. GNWT notes that the list of EQC
9 provided by CIRNAC in response to IR Number 12 did not
10 include criteria for total suspended solids, or TSS,
11 or total petroleum hydrocarbons, or TPH.

12 Regarding TSS, CIRNAC stated:

13 "TSS concentrations will have to be
14 low to achieve compliance for the
15 metals and cannot be provided as a
16 strict value. Therefore, TSS EQCs
17 are not required."

18 GNWT notes that if TSS concentrations
19 will have to be low to achieve compliance for metals,
20 it is not clear why an EQC for TSS would not be
21 appropriate and achievable.

22 As well, given that there will be heavy
23 equipment operating on site conducting remediation
24 activities and there will be potential for hydrocarbon
25 spills, an EQC for total petroleum hydrocarbons should

1 also be included for discharge to Sherman Lake.

2 GNWT recommends that effluent quality
3 criteria for TSS and TPH be added to the list of
4 effluent quality criteria.

5 GNWT recommends a maximum average
6 concentration of 15 milligrams per litre and a maximum
7 grab of 25 milligrams per litre for total suspended
8 solids, and a maximum grab of 5 milligrams per litre
9 for total petroleum hydrocarbons.

10 GNWT would like to note that the
11 intervention recommended a maximum average
12 concentration of 5 milligrams per litre for TPH, but
13 it was intended to recommend maximum grab.

14 In their response to interventions,
15 CIRNAC indicated that they were agreeable to the TSS
16 limits being proposed.

17 Regarding total petroleum hydrocarbons,
18 CIRNAC noted that a spill contingency plan would be in
19 place, negating the need for an EQC for total
20 petroleum hydrocarbons.

21 THE CHAIRPERSON: Do you want to slow
22 down?

23 MR. RICK WALBOURNE: Yeah. While GNWT
24 supports the implementation of a spill contingency
25 plan, sampling of total petroleum hydrocarbons is

1 still a requirement at operational and remediation
2 industrial sites to ensure mitigations are functioning
3 as appropriate.

4 Mr. Chair, the next subsection we would
5 like to discuss is related to the maximum grab
6 concentrations proposed.

7 GNWT was initially concerned with the
8 absence of proposed maximum average concentrations as
9 maximum grab concentrations are developed such that
10 they are allowable for a short period of time and are
11 not designed to regulate constant discharge to the
12 receiving environment.

13

14 (BRIEF PAUSE)

15

16 MR. RICK WALBOURNE: In their response
17 to interventions, CIRNAC provided additional
18 information regarding their position on the proposed
19 EQC being a maximum grab.

20 It is the GNWT's understanding that
21 these values were discussed with the Tlicho Government
22 and that, in essence, maximum average concentrations
23 will be applied as maximum grabs, which will be more
24 conservative from an environmental protection
25 perspective.

1 As such, ENR supports the proposal from
2 CIRNAC and will provide an updated recommendation in
3 our closing argument.

4

5 (BRIEF PAUSE)

6

7 MR. RICK WALBOURNE: Mr. Chair, the
8 next subjection we will discuss is an effluent quality
9 criteria for zinc.

10 CIRNAC's response to IR Number 14
11 included a table of water quality data for zinc in
12 Sherman Lake with a footnote that stated:

13 "The majority of results are below
14 detection limit."

15 GNWT notes that, based on this
16 statement, the median value would be a better
17 statistical representation of the water quality of
18 Sherman Lake than an average based on the majority of
19 results below detection.

20 Further, given the majority of zinc
21 concentrations in Sherman Lake are below detection, it
22 was GNWT's position that a more conservative effluent
23 quality criteria for zinc would be the minimum
24 calculated guideline for Sherman Lake of 15 micrograms
25 per litre.

1 Mr. Chair, in response to
2 interventions, CIRNAC provided additional rationale on
3 their request for 23 micrograms per litre based on a
4 value developed using pH hardness and dissolved
5 organic carbon in Sherman Lake.

6 Based on this additional review, ENR is
7 supportive of the zinc limit proposed by CIRNAC.

8

9 (BRIEF PAUSE)

10

11 MR. RICK WALBOURNE: Mr. Chair, we
12 will now move on to a discussion about the treated
13 sewage discharge effluent quality criteria.

14 In our intervention, GNWT noted that
15 the criteria proposed for total suspended solids was
16 notably higher than typically approved in water
17 licences.

18 In their response, CIRNAC gave
19 additional rationale for this value, citing other
20 remediation sites with total suspended solids criteria
21 for sewage discharge of 100 milligrams per litre.
22 Based on this rationale, ENR supports this proposed
23 limit and updates our recommendation accordingly.

24 The GNWT also notes that recent water
25 licences have assigned effluent quality criteria for

1 total petroleum hydrocarbons rather than mineral oil
2 and grease.

3 In their response, CIRNAC requested
4 that oil and grease be retained for sewage and camp
5 waste as it is more reflective of camp waste than
6 total petroleum hydrocarbons for items such as animal
7 fats.

8 ENR understands CIRNAC's rationale and
9 is supportive of oil -- oil and grease specifically
10 for the treated sewage discharge. ENR commits to
11 updating our recommendation in our closing argument
12 accordingly.

13 GNWT also notes that CIRNAC provided
14 additional rationale for their -- for their criteria
15 for faecal coliforms, and we support their
16 recommendation in this regard, as well.

17 So, regarding the recommendations, Mr.
18 Chair, as noted previously, ENR commits to updating
19 our recommendations related to TSS and oil and grease
20 and faecal coliforms in our closing arguments related
21 to treated sewage discharge.

22

23 (BRIEF PAUSE)

24

25 MR. RICK WALBOURNE: Mr. Chair, we'd

1 now like to move on to water quality monitoring
2 topics.

3 Regarding the Surveillance Network
4 Program, or SNP, GNWT maintains their previous
5 recommendations, that monitoring at stations 1663-1 to
6 1663-6, 1663-8 and 1663-10 be completed every two (2)
7 weeks during open water in order to better monitor any
8 potential changes to the receiving environment during
9 remediation activities.

10 GNWT recommends that the sampling
11 frequency for SNP stations 1663-1 through to 1663-6,
12 1663-8 and -10 occur once every two (2) weeks during
13 open water.

14 Mr. Chair, as you're aware, the GNWT
15 had an opportunity to discuss recommendations on water
16 quality monitoring during the first day of this public
17 hearing. As a result of these discussions, we have
18 updated our recommendations.

19 Regarding surface water runoff control
20 and monitoring, GNWT is concerned that precipitation
21 and runoff events during remediation activities may
22 lead to contaminated water entering the receiving
23 environment.

24 Any direct or indirect discharges to
25 the receiving environment must meet the appropriate

1 effluent quality criteria.

2 GNWT understands that all surface
3 runoff to the Mill Lake drainage basin will be
4 captured and treated prior to discharge up until
5 remediation activities have been completed.

6 After remediation activities are
7 completed, surface runoff will be directed to Mill
8 Creek, and CIRNAC has identified that sedimentation
9 may be an issue.

10 During discussions on day 1 of this
11 Hearing, CIRNAC indicated that to address this concern
12 sediment control measures will remain in place until
13 vegetation is in place in Mill Creek to properly
14 filter out the suspended sediments.

15 GNWT maintains their position that the
16 SNP program should include monitoring at the Mill
17 Creek outflow to ensure that the natural peat soils
18 are attenuating metals and sediments as expected. And
19 that runoff water entering Sherman Lake meets effluent
20 quality criteria.

21 As well, management actions for seepage
22 or runoff in the event of detected changes in the
23 environment should be submitted for review post-
24 issuance of the water licence.

25 Mr. Chair, our updated recommendations

1 on this topic are as follows:

2 GNWT recommends that the SNP program
3 include a monitoring location at the Mill Creek
4 outflow to monitor runoff entering Sherman Lake and
5 ensure that it meets effluent quality criteria.

6 GNWT also recommends that CIRNAC
7 outline sediment and erosion control measures to
8 capture suspended sediment that will remain in place
9 following remediation activities in the Post-Closure
10 Monitoring and Maintenance Plan.

11 Mr. Chair, GNWT notes that an Aquatic
12 Effects Monitoring Program, or AEMP, was not provided
13 with the original water licence application for
14 review. A draft AEMP was later submitted to the Board
15 and provided to reviewers for information.

16 CIRNAC responded to several GNWT review
17 comments by referencing draft content of the AEMP.
18 However, it was GNWT's understanding that this
19 document is not officially part of CIRNAC's
20 application and, as such, it has not been reviewed in
21 detail.

22 At the technical session, GNWT offered
23 to meet with CIRNAC to discuss the AEMP and provide
24 input on the draft document in advance of baseline
25 sampling that was to be conducted this coming open

1 water season.

2 A meeting between GNWT and CIRNAC on
3 this topic has not occurred to date.

4 In their response to Interventions,
5 CIRNAC noted that if an AEMP is not -- not deemed
6 necessary, it should not require formal review.

7 Mr. Chair, GNWT recommends that if the
8 Board determines that an AEMP is required as a
9 condition of the water licence, it should be submitted
10 to the Board post-issuance of the water licence for
11 review and approval.

12 Mr. Chair, we're now going to move on
13 to discuss our recommendations related to geochemical
14 characterization of bedrock.

15 In response to GNWT review comments on
16 CIRNAC's response to IR-21, CIRNAC stated that
17 environmental analysis completed on Bedrock samples
18 collected to date has not identified potentially acid-
19 generating, or PAG, rock.

20 Additional bedrock sampling and
21 analysis will occur in 2021 to confirm past findings.

22 GNWT notes that the planned additional
23 bedrock sampling should be described in the Quarry
24 Management Plan.

25 Additionally, CIRNAC stated, if

1 identified, PAG rock would be used within the CDF
2 footprint and kept with a synthetic liner and non-PAG
3 rock. Details on the management and disposal of any
4 PAG material should also be described in the Quarry
5 Management Plan.

6 GNWT recommends that geochemical
7 criteria for defining PAG material, as well as a
8 Bedrock Geochemistry Monitoring Plan, should be
9 outlined in the Quarry Management Plan, to be
10 submitted post-issuance of the water licence for
11 review and approval of the Board.

12 It is GNWT's understanding, based on
13 CIRNAC's responses, that this information will be
14 included.

15 Mr. Chair, we will now move on to
16 sediment and erosion control.

17 Regarding a Total Suspended Solids
18 Response Framework, GNWT commented on action level
19 exceedances in the Sediment and Erosion Control Plan
20 and comments submitted on the initial application.

21 CIRNAC responded that responses will
22 depend on the sedimentation event.

23 At the technical session, GNWT noted
24 that a General Response Framework should be developed
25 in advance of an action level exceedance so that

1 timely mitigation responses are possible, rather than
2 a reactionary response once a sedimentation event has
3 occurred, potentially leading to delays in response.

4 CIRNAC was agreeable to this
5 suggestion. Excuse me.

6 CIRNAC noted, at the technical session,
7 that the intent was to measure total suspended solids
8 with a field metre that can measure them in real time.
9 GNWT supports the use of new technologies and
10 equipment, but is not aware of this TSS field metre
11 and its functionality, calibration, or maintenance
12 requirements.

13 Because of this, the GNWT supports
14 CIRNAC developing a TSS turbidity curve that can be
15 used to convert field measured turbidity readings to
16 TSS values as an alternative and backup.

17 At the technical session, GNWT followed
18 up on CIRNAC's response to review comment GNWT-32 and
19 asked if CIRNAC would be willing to sample for total
20 metals in the event that a turbidity or TSS action
21 level were exceeded, signifying a sedimentation event.

22 GNWT also suggested that this sampling
23 could be described in the Response Framework developed
24 for the Sediment and Erosion Control Plan.

25 CIRNAC noted that they would consider

1 this when developing a Response Farmwork for that
2 Plan.

3 However, in response to Interventions,
4 CIRNAC noted that sampling total metals should not be
5 required in the event of a sedimentation event.

6 Mr. Chair, GNWT recommendations
7 relating to sediment and erosion control are as
8 follows:

9 GNWT recommends that CIRNAC develop a
10 general response frame work for action level
11 exceedances as part of the Sediment and Erosion
12 Control Plan.

13 GNWT supports the use of technologies
14 that are available, such as a field meter for TSS
15 measurements, but also recommends that a site-specific
16 TSS turbidity curve be developed as a backup method of
17 determining TSS in the event that the field meter
18 malfunctions or becomes unreliable.

19 GNWT also recommends that the Board
20 include water quality sampling for total metals. This
21 would be valuable in the event of a turbidity and/or
22 TSS action level exceedance.

23 And, Mr. Chair, for clarity, the
24 reference to "in EQC" in this recommendation, suggests
25 that the metals to be sampled would be similar to

1 those for which EQC exist, which are reflective of
2 contaminants of concern for the Rayrock site.

3 Mr. Chair, we'll now move on to in-
4 water construction.

5 During this process, CIRNAC received
6 both IRs Number 4 and 19 from the Board in order to
7 clarify if they were requesting consideration of in-
8 water construction as part of the scope of this
9 application.

10 Although dock expansion in Sherman Lake
11 involved anchoring the dock to the bottom of the lake
12 with pilings, CIRNAC did not consider dock
13 construction in water construction.

14 GNWT notes that the Mackenzie Valley
15 Land and Water Board standard water licence conditions
16 includes the definition of construction as:

17 "Any activities undertaken during
18 any phase of the project to
19 construct or build any structures,
20 facilities or components of, or
21 associated with the development of
22 the project."

23 In response to Wek'eezhii Land and
24 Water Board comment number 2, and CIRNAC's response to
25 IR 19, CIRNAC stated that the Board's definition is

1 sufficiently broad, that it is recognized that this
2 work could meet the definition.

3 Regardless of whether it is or it is
4 not considered part of proceedings, the expansion of
5 the dock would have no impact on the aquatic
6 environment and mitigative measures are not proposed
7 for the installation or removal.

8 GNWT notes that CIRNAC has clearly
9 stated that anchoring of the dock to the bottom of the
10 lake with the piling will be occurring.

11 GNWT is of the opinion that in-water
12 construction for the expansion of the dock be
13 considered as part of this proceeding and that CIRNAC
14 describe potential impacts and mitigations.

15 Mr. Chair, GNWT recommends that in-
16 water construction for dock expansion be included in
17 the scope of this project and considered as part of
18 the proceedings.

19 GNWT recommends that prior to dock
20 expansion, CIRNAC include a description of potential
21 impacts of the dock expansion, and associated at
22 mitigations for review and approval a Sediment and
23 Erosion Control Plan.

24 GNWT would like to stress that while we
25 believe dock expansion should be included in the plan,

1 the level of detail and mitigation should be scaled
2 appropriately to be reflective of the level of
3 disturbance.

4 Mr. Chair, the final topic we will be
5 discussing today is closure criteria.

6 In response to IR Number 8, CIRNAC has
7 made progress in developing measurable closure
8 criteria. However, GNWT believes further refinement
9 is needed for several criteria to be sure they are
10 clear and measurable.

11 IR Number 8 was for CIRNAC to propose
12 and update to Appendix C, Table C1, of the Closure and
13 Reclamation Plan or Remedial Action Plan for the
14 Rayrock project.

15 Closure objectives and criteria that
16 proposes measurable criteria that will be used to
17 evaluate success of remediation activities in
18 accordance with the Board's closure guidelines.

19 Several proposed closure criteria
20 outlined in the intervention are to reduce exposure of
21 humans and aquatic and terrestrial receptors to
22 contaminants. The extent to which a reduction in
23 exposure is acceptable is not clear and, therefore,
24 not measurable.

25 GNWT outlines the following criterion

1 as an example to support the need for further
2 refinement.

3 Criterion 2-3 outlines that water
4 treatment process waste are disposed of in a
5 controlled manner so they are not and will not become
6 a source of environmental contamination.

7 It is unclear how CIRNAC will measure
8 that the waste is not and will not become a source of
9 environmental contamination.

10 In addition, several proposed criteria
11 lack a temporal component to identify when a closure
12 criterion has met the closure objective as recommended
13 in the closure guidelines. For example, criterion 3-1
14 outlines that:

15 "Residual risks are managed onsite
16 via long-term monitoring and
17 operation maintenance and
18 surveillance activities until
19 suitable endpoints are achieved."

20 It is unclear what constitutes a
21 suitable endpoint and the required duration that a
22 suitable endpoint should be stable or decreasing to
23 have successfully met the closure objective.

24 The GNWT highlights that due to the
25 importance of closure criteria, as outlined in the

1 guidelines, the closure criteria as proposed should
2 not be approved.

3 Closure criteria measure whether the
4 closure objectives have been met, and therefore, if
5 the goal of closure has been achieved.

6 Mr. Chair, this leads to our final
7 recommendations.

8 The GNWT recommends that the Board not
9 approve the closure criteria proposed in Table C1.

10 GNWT also recommends that the Board
11 require closure criteria in Table C1 to be resubmitted
12 for public review and Board approval post-issuance of
13 the water licence.

14 And, Mr. Chair, that concludes our
15 presentation at this time. We'd be happy to take any
16 questions. Thank you very much.

17 THE CHAIRPERSON: Thank you for your
18 presentation. We'll take a 10 minute break before
19 questions. Thank you.

20

21 --- Upon recessing at 10:31 a.m.

22 --- Upon resuming at 10:48 a.m.

23

24 QUESTION PERIOD:

25 THE CHAIRPERSON: Okay, we're ready to

1 get back to hearing. Questioning the first will be
2 CIRNAC. Questions for GNWT, go ahead.

3 MR. RON BREADMORE: Mr. Chair, Masi.
4 Ron Breadmore, CIRNAC. We do have some questions.
5 We're just making some notes right now.

6 I'm going to turn the -- the questions
7 over to Andrew Richardson. So, whenever Andrew is
8 ready.

9

10 (BRIEF PAUSE)

11

12 MR. ANDREW RICHARDSON: Mr. Chairman,
13 I'm ready. It took me a couple seconds to get the
14 questions together in my mind, but we're ready to put
15 forward our questions. Can I just do them one (1) at
16 a time and let the GNWT respond after each particular
17 question?

18 MR. CHAIRPERSON: Yes.

19 MR. ANDREW RICHARDSON: Thank you, Mr.
20 Chairman. Andrew Richardson, CIRNAC.

21 The first question is with respect to
22 the frequency of the monitoring for the SNP program.
23 This question has gone back and forth for some time
24 through a number of Information Requests and it -- it
25 appears that the explanations that have been provided

1 to date have not satisfied the GNWT's interest in
2 having more frequent sampling.

3 So, the question that CIRNAC would like
4 to present to the GNWT is that -- first, we would like
5 to point out the Surveillance Network Program is
6 intended to show consistent water quality.

7 One (1) of the aspects of this project
8 that we have discussed with the Tlicho Government and
9 with the Tlicho Elders, and that is very important to
10 us, is that we intend to show that as we do this work
11 the water around the Rayrock site is not -- is not
12 being impacted.

13 We have agreed to environmental quality
14 criteria that are -- that is very -- very low. We
15 have a very strict Sediment and Erosion Control Plan
16 that will react to any possible sedimentation events,
17 and with this site we have water quality data that
18 extends back to the 1970s showing current water
19 quality.

20 We -- as we have stated, feel that the
21 water quality is well established and that with the
22 effluent quality criteria that we have proposed, and
23 with the protections that we have proposed with
24 respect to sedimentation, there should not be an
25 effect and that the water quality is very well

1 protected with the program that we have proposed.

2 Could the GNWT please justify the need
3 for more frequent water sampling and explain to us how
4 this data set would -- how the water quality data set
5 would be improved by taking more frequent sampling?

6 THE CHAIRPERSON: GNWT...?

7 MR. RICK WALBOURNE: Thank you, Mr.
8 Chair. Thank you, CIRNAC, for your question.

9 Couple layers to my response but, to
10 start, so one (1) thing I would just like to be clear
11 -- and I do appreciate CIRNAC's comment regarding the
12 -- the length of the sampling period or database, I
13 should say, at site given that there's been a presence
14 at Rayrock for many -- many years and -- so, we do
15 note that there is quite an extensive record on site
16 which, you know, that's not really comparable to some
17 of the newer industrial sites that we deal with. We
18 don't often have that kind of sampling record.

19 So, I appreciate the point pointed out
20 by CIRNAC. However, specifically to the duration or
21 the frequency of monitoring, it's more to monitor
22 effects of the remediation works as opposed to
23 recovery of the project of the site as a result of the
24 remediation project.

25 So, I think that's one point where

1 we're kind of confusing the two (2) and -- and that
2 speaks to some of my questions to the Tlicho
3 Government. Sorry, I'll try to slow down. Some of my
4 comments to the Tlicho Government earlier about
5 monitoring of the site at large to observe remedial
6 success versus short-term impacts related to things
7 like sedimentation events.

8 One (1) thing I would like to add,
9 though, is we -- we did get quite a bit of
10 clarification from CIRNAC yesterday which we're still
11 trying to fully understand regarding the Sediment and
12 Erosion Control Plan, Surveillance Net -- Surveillance
13 Network Program, the AEMP, the Long-Term Monitoring
14 Plan, the Post Closure Monitoring. There are several
15 overlapping monitoring programs that we're -- we're
16 trying to understand how they all work together.

17 So, one (1) thing, Mr. Chair, and to
18 CIRNAC, I think we can commit to is -- for instance,
19 there's been a undertaking given to the Tlicho
20 Government asking them to provide what they would like
21 to see for a Surveillance Network Program and based on
22 their response, it sounds like they'll be working with
23 CIRNAC to try to develop some sort of SNP that they're
24 both comfortable with.

25 So, I would say, respectfully, we can

1 wait, hopefully, on that to our closing arguments.
2 'Cause I would like to see what the Tlicho Government
3 put forward as the traditional users in that area and
4 land owners. And that would help us make a final
5 decision on, what we think, is frequency -- or
6 frequency of sampling based on what the Tlicho
7 Government put forward as what they'd like to see in
8 the area. Thank you.

9 THE CHAIRPERSON: CIRNAC...?

10 MR. ANDREW RICHARDSON: Thank you, Mr.
11 Chair. Andrew Richardson, CIRNAC.

12 Within the intervention response
13 regarding the note that sediment and erosion controls
14 are required for dock expansion, and in previous
15 Information Requests, a great deal of information has
16 been passed on to the Board regarding the style and
17 type of dock that is currently installed at the
18 Rayrock site and the requirements for the installation
19 when -- if a dock expansion occurs in the lake.

20 In essence, these floating docks
21 require poles that are about 2 inches in diameter
22 maximum to be inserted into the sediment in order to
23 hold them in place. This is the only disturbance of
24 the sediment that occurs for -- during the dock
25 expansion. And in our response, we noted that

1 sediment and erosion controls for that type of action
2 are not warranted.

3 Could the GNWT please explain what
4 sediment and erosion controls would -- they would
5 envision to be required for this type of an
6 installation and expand upon their concern with
7 respect to the -- the disturbance that would occur?

8 THE CHAIRPERSON: GNWT...?

9 MR. RICK WALBOURNE: Thank you. Rick
10 Walbourne, GNWT. So again, I'll have a couple of
11 layers to my response.

12 So, initially one (1) of the concerns
13 from GNWT was just ensuring that we understood the
14 activities associated with the dock expansion, and to
15 make sure that it was accurately captured within the
16 scope of the application and within the proceeding.
17 So, I -- I think that point was driven home and it's
18 on the record.

19 More specifically to Andrew's question
20 regarding sediment and erosion control specific to
21 that dock expansion and I -- I had attempt -- or I had
22 hoped to get ahead this by including some very
23 carefully articulated warning in our presentation in
24 this regard.

25 So I'll just -- I'll read it back and

1 I'll explain it a little better, but regarding our
2 recommendation, I did note that the GNWT would like to
3 stress that:

4 "While we believe dock expansion
5 should be included in the plan, the
6 level of detail and mitigation
7 should be scaled appropriately to be
8 reflective of the level of
9 disturbance."

10 So just to clarify that a little more,
11 what I meant there is that, while it's included in the
12 -- while we think it should be included in the plan,
13 the level of mitigation should be reflective of the
14 activity.

15 So, you know, we're not talking maybe
16 about a silt curtain or -- or a fish isolation or
17 anything like that. There are -- there are different
18 levels of mitigation. So, for a lower disturbance, it
19 might be, you know, the -- the speed at which you're
20 putting things into the water is reduced to limit
21 sedimentation plume when you're doing the work.

22 It -- it could be having a visual
23 inspection by the crew at the time to make sure that
24 there isn't an issue when you're installing the dock.

25 So I just want to be clear that there

1 are -- you know, just because we talk about
2 mitigations, there are -- there's quite a broad range
3 of what mitigations could be put into place, and it
4 should be reflective of the activity.

5 So again, for the -- there was two (2)
6 -- two (2) layers to that. One was regarding, you
7 know, why we pushed a bit on the scope just to make
8 sure that the in-water works were included, which I
9 think it now is based on some of the responses from
10 the Board and CIRNAC.

11 But also I'd just like to clarify for
12 CIRNAC that what -- if it's included in the Sediment
13 and Erosion Control Plan, the scope of that could be
14 very specific and -- and minimized to the activity.

15 So I just want to -- I hope that
16 clarifies for CIRNAC what we would envision in order
17 for that to be carried out. Thank you.

18

19 (BRIEF PAUSE)

20

21 MR. ANDREW RICHARDSON: Mr. Chairman,
22 Andrew Richardson, CIRNAC.

23 My third question is regarding the GNWT
24 suggestion for metal -- measuring total metal
25 concentrations in the water in association with a

1 sedimentation event.

2 For a little context for this question,
3 all of the locations that are being monitored for
4 water quality are being monitored over time to prove
5 that water quality is remaining consistent throughout
6 the project.

7 The intention of our water quality
8 monitoring is to show that the work that is being done
9 at Rayrock will not change the water chemistry of any
10 of the lakes beside the locations where work is being
11 performed and the lakes that, ultimately, receive the
12 effluent from the treatment systems for which effluent
13 quality criteria have -- has been established and
14 measured.

15 As such, within the Sediment and
16 Erosion Control Plan, triggers are established using
17 concentrations of sediment to ensure that, if water is
18 getting into the lake that is changing sedimentation
19 levels, actions are taken.

20 Could the GNWT please explain how
21 measurements of total petrol -- or, excuse me, total
22 metal concentrations would fit into the data set given
23 that there would be -- these would be one-off samples,
24 they would be in areas that are not consistently taken
25 -- we would not want to fit them into trends over

1 time, and how would the data be used to change any
2 decision on sediment and erosion control that would
3 not already be within responses in the Sediment and
4 Erosion Control Plan? Thank you, Mr. Chair.

5 THE CHAIRPERSON: GNWT...?

6 MS. LAURA MALONE: Thank you, Mr.
7 Chair. Laura Malone, with GNWT. So thank you for the
8 question, Andrew.

9 Part of the concern in requesting total
10 metals analysis during a sedimentation event is to be
11 able to measure the short-term impacts that may
12 potentially occur in a waterbody should sediment -- a
13 sedimentation event occur.

14 The intention is that, by collecting
15 this data from a sedimentation event, it would help in
16 the later interpretation of water quality data that
17 would be collected from the other monitoring programs,
18 for example, the SNP and AEMP.

19 GNWT feels that this information is
20 important in being able to add to the interpretation
21 of water quality trends in those programs.

22 The other concern is that some of the
23 sediments that will be moved around site and
24 transported include tailings, and so part of the
25 concern is the contamination -- the potential

1 contamination of waterbodies as a result of those
2 tailings entering those waterbodies.

3 THE CHAIRPERSON: CIRNAC, any more
4 questions?

5

6 (BRIEF PAUSE)

7

8 MR. RON BREADMORE: Mr. Chair, Mr.
9 Breadmore, CIRNAC. Masi.

10 We just wanted to wrap our questions by
11 thanking the GNWT for those responses and their
12 acknowledgment of the Tlicho as traditional land users
13 in the area, and in fact landowners on Tlicho lands.
14 Masi.

15 THE CHAIRPERSON: Okay. That wraps up
16 CIRNAC's questions, does it? Ron...?

17 MR. RON BREADMORE: Yes, Mr. Chair.
18 Masi.

19 THE CHAIRPERSON: Okay. Questioning
20 now from Tlicho Government.

21 MR. BRETT WHEELER: Masi. It's Brett
22 Wheeler, Tlicho Government. Masi for the presentation.

23 There were a lot of numbers and things
24 like effluent quality criteria in the GNWT
25 presentation. The Elders know the area was messed up,

1 and now we are working together to clean it up.

2 Can you please explain to the Elders
3 why those numbers are important, and how they will
4 help make sure the area is clean and safe? Masi.

5 THE CHAIRPERSON: GNWT...?

6 MR. RICK WALBOURNE: Thank you, Mr.
7 Chair. Thank you, Brett, for your question. Rick
8 Walbourne, GNWT.

9 So, to begin, maybe apologies to the
10 Elders. We sometimes get bogged down into the
11 technical discussions with the Proponent and the Land
12 and Water Board, so it may have been helpful if we had
13 included a bit of an introduction on -- on some of
14 those items, but I'll certainly speak to them now.

15 So, when we are in water licencing
16 processes such as this one, one (1) of the key
17 requirements for the Board and for parties is -- is to
18 determine a number or a limit of what the quality of
19 the water should be that is being discharged.

20 So, through the Board process, that
21 term has become known as an effluent quality criteria,
22 or EQC. So, in most cases, what happens is parties,
23 such as ourselves, so, in our case, we're here as a --
24 you know, in more of an advisory role to the Land and
25 Water Board to -- to assist with determining what

1 these limits should be.

2 So, how that tends to work is we would
3 look at the receiving environment, in this case,
4 Sherman Lake, and determine what the water quality is
5 in there and what needs to be protected.

6 And then, in -- in most cases, we -- we
7 determine what the effluent quality should be to
8 determine -- or to ensure that the receiving
9 environment is still protected.

10 Now -- and so, the water quality
11 objectives are what we call the receiving environment,
12 and that's the level of the water -- or the quality of
13 the water that needs to be protected.

14 And those are usually based on --
15 there's, you know, guidelines, Canadian-wide
16 guidelines for the protection of aquatic life based on
17 lots of testing that's been done throughout the
18 country and sometimes specific to the North on
19 different organisms, usually the most sensitive
20 organisms in the environment and -- and what level of
21 water would protect them.

22 Now, in this case, CIRNAC has actually
23 provided limits which are more protective than we
24 would see in some cases. In -- in most sites, we tend
25 to have a bit of a mixing zone in the receiving

1 environment.

2 So, the water quality might be a little
3 bit poorer going in, and then it would mix to make
4 sure that the quality in -- in the receiving
5 environment overall was safe.

6 Now, in this case, CIRNAC has proposed
7 that the discharge limit itself will already be
8 meeting, in -- in most cases, I think, these Canadian-
9 wide guidelines.

10 So, the -- the level of protection we'd
11 like to see in the environment they're already meeting
12 in their discharge, which is one (1) of the reasons,
13 you know, staff at the Tlicho Government and others
14 have -- were in agreement with CIRNAC that that level
15 of -- of protection was suitable.

16 So, yeah, I hope that helps, just a
17 little bit of a -- of a walkthrough on how the process
18 tends to work and how it relates to this one. So,
19 Brett, if you'd like anything further on that, please
20 let me know. Thank you.

21 THE CHAIRPERSON: Tlicho
22 Government...?

23 MR. BRETT WHEELER: Masi, Rick. Thank
24 you. Thank you. I think that -- that helps. It's --
25 it's good enough on -- on that area.

1 We know that GNWT Water Resources
2 Division has a lot of expertise with Aquatic Effects
3 Monitoring Programs and water monitoring.

4 So, if requested by the Tlicho
5 Government, is GNWT willing to support us, for
6 example, by attending meetings such as an AEMP working
7 group, reviewing documents, or providing advice on
8 water monitoring related to Rayrock? Masi.

9 THE CHAIRPERSON: GNWT...?

10 MR. RICK WALBOURNE: Thank you, Mr.
11 Chair. Thank you, Tlicho Government, Brett, for your
12 question.

13 Yeah, the short answer is, yes. As I -
14 - as I mentioned in my last response, our -- our role
15 here, even in this proceeding, this is -- you know, in
16 most proceedings, we're dealing with, you know, more
17 territorial lands, and -- and often the minister of
18 ENR is the one approving the water licence.

19 In this case, it's a -- currently, a
20 federal area with the minister of CIRNAC and -- and
21 the Tlicho Government as -- as landowners in the area.

22 So, our -- our role here is, as I
23 mentioned, as advisors to the Board as we have --
24 under the Mackenzie Valley Resource Management Act we
25 -- we have an advisory role to the Board and to these

1 processes.

2 Regarding your specific question, I
3 believe that the -- you know, the GNWT considers
4 themselves a partner with the Tlicho Government.
5 Overall, we -- we have worked together on many
6 industrial projects, as well, and -- and have quite a
7 good relationship.

8 So, yes, we would be happy to assist
9 the Tlicho Government with any monitoring or aquatic
10 effects monitoring designs or working groups or plans
11 or results or anything of that nature. Yes, we are
12 definitely here to assist with the Tlicho Government,
13 and -- and that's not specific to Rayrock, as you
14 know.

15 THE CHAIRPERSON: Tlicho
16 Government...?

17 MR. BRETT WHEELER: Masi. It's Brett
18 Wheler, Tlicho Government. We -- we appreciate that
19 support.

20 MR. RICK WALBOURNE: Sorry, Rick
21 Walbourne, GNWT. I just -- what I meant is this is
22 not -- not limited to Rayrock. I said specific, but
23 not limited to Rayrock, just so we're clear. Thank
24 you.

25 THE CHAIRPERSON: Tlicho

1 Government...?

2 MR. BRETT WHEELER: Masi. It's Brett
3 Wheler, Tlicho Government.

4 For closure criteria for this
5 remediation project, Tlicho Government has said we
6 need to be fully involved in -- in closure criteria.
7 And -- and we expect to be having those -- those
8 detailed discussions with CIRNAC in the next little
9 while.

10 For GNWT, we're interested to know what
11 your thoughts are on how CIRNAC can get measurable and
12 clear closure criteria. Masi.

13 THE CHAIRPERSON: GNWT...?

14 MR. RICK WALBOURNE: Thank you, Mr.
15 Chair. Rick Walbourne, GNWT. Yeah, thanks for that
16 question, Brett. There has been quite a lot of
17 discussion on closure criteria.

18 As -- as you know, we had some very
19 specific recommendations in our intervention
20 regarding, while we do appreciate the work that CIRNAC
21 has been doing, we do think that a little more work
22 has to be done.

23 I'd just like to give a little bit of
24 background. And to touch on -- I think Brett actually
25 -- you mentioned some of this this morning in a

1 response to the Land and Water Board.

2 But I -- I think one (1) of the
3 challenges we often find dealing with some of the
4 federal contaminated sites are -- you know, under the
5 federal contaminated site action plan outside of the
6 water licence process, the team over at CIRNAC does
7 this work regardless of whether or not a water licence
8 is required.

9 If you have -- they have a lot of
10 different size sites all over the North. So, I think
11 the challenge becomes -- and as I -- Brett, you spoke
12 to earlier and we spoke yesterday as well, trying to
13 bring together the language in the closure guidelines
14 for objectives and criteria to some of the language or
15 nomenclature that the -- that CIRNAC uses under their
16 action plan, and -- again, they, you know -- closing
17 sites is kind of what they do. So we -- we tend to
18 deal with closure of operational sites at the end. In
19 this case, we are closing a site at the beginning.

20 So it's -- it's a bit challenging for
21 us to look at their projects through our lens of
22 closure guidelines.

23 Regarding your specific question, the
24 only thing I -- I would suggest is that, you know,
25 there -- there is some experience with the Land and

1 Water Board and with other parties. We've been
2 working, over the last few years, certainly, on -- on
3 some of the larger sites are starting to move into
4 closure. So closure criteria as -- as I'm sure you're
5 aware on sites like Diavik and Ekati and -- and we've
6 been dealing with sites like Snap Lake and others as
7 well where closure criteria are just becoming
8 finalized. And we're working through that with a lot
9 of companies.

10 So I'm sure -- well, I don't want to
11 speak for the Board, but I'm sure all of the other
12 parties around the table could work with CIRNAC.
13 Getting to more clear language, I think, is all that's
14 needed on those criteria, so that they are more
15 measurable as we've stated in our presentation.

16 And I think that's all that's lacking
17 is -- is finessing the language -- some of the
18 language that CIRNAC already uses so that it's more
19 comparable to the language that we're more comfortable
20 with under the closure guidelines.

21 So I hope that answers your question,
22 Brett.

23 THE CHAIRPERSON: Tlichon
24 Government...?

25 MR. BRETT WHEELER: Masi. It's Brett

1 Wheler, Tlicho Government.

2 We have two (2) more questions. The
3 first one is about the Confined Disposal Facility,
4 where the sediments from Mill Lake will be stored.

5 After seeing the -- the more detailed
6 presentation from CIRNAC and some of the information
7 shared by the engineers from AECOM, in GNWT's view,
8 what kind of further review or clarity is needed on
9 that disposal facility? Masi.

10 THE CHAIRPERSON: GNWT...?

11 MS. LAURA MALONE: Laura Malone, ENR.
12 Thanks, Brett, for that question.

13 So in our Intervention, our
14 recommendations were focussed around the fact that
15 there did seem to still be a lack of clarity for the
16 location of the CDF within the Mill Lake drainage
17 basin.

18 After seeing CIRNAC's presentation,
19 where they provided their refined location, GNWT will
20 be reviewing in more detail that location and
21 providing updated recommendations in our closing
22 arguments.

23 CIRNAC will also be submitting a design
24 plan for the Confined Disposal Facility, which we will
25 also review when that is provided.

1 But at this time, our -- our main
2 recommendation in the Intervention was to see what --
3 where that location was and CIRNAC has provided that
4 during this Hearing.

5 THE CHAIRPERSON: Tlicho
6 Government...?

7 MR. BRETT WHEELER: Masi. It's Brett
8 Wheler, Tlicho Government.

9 What about maintenance and -- and
10 monitoring plans? Will GNWT be reviewing those as
11 well? Masi.

12 THE CHAIRPERSON: GNWT...?

13 MR. RICK WALBOURNE: Thank you, Mr.
14 Chair. Rick Walbourne, GNWT. Yes, we'll -- we'll be
15 involved in any followup reviews.

16 And I'm assuming you're not speaking
17 specifically to the CDF, but all plans related to a
18 site. So, yeah, we will -- we will review as normal
19 through the Board's on-line review system process,
20 and, as mentioned earlier, if there was anything
21 outside of that process that the Tlicho Government
22 would like to speak to us or work with us or ask us
23 about, that's also an option as well. Thank you.

24 THE CHAIRPERSON: Tlicho
25 Government...?

1 MR. BRETT WHEELER: Masi. It's Brett
2 Wheler, Tlicho Government.

3 Thinking about in-water works and some
4 of the conversation about that earlier, does the GNWT
5 consider installation of -- of shoreline protection
6 measures in the tailings areas to be an activity that
7 would require specific authorization through a water
8 licence? Masi.

9 THE CHAIRPERSON: GNWT...?

10

11 (BRIEF PAUSE)

12

13 MR. RICK WALBOURNE: Rick Walbourne,
14 GNWT. Brett, I wonder if you could provide some
15 clarification.

16 Are you referring to anything specific
17 to the CDF here? Or are you talking in generalities
18 regarding potentially other -- other areas? Thanks.

19 THE CHAIRPERSON: Tlicho
20 Government...?

21 MR. BRETT WHEELER: Masi, Rick. It's
22 Brett Wheler, Tlicho Government.

23 Yesterday and the day before, I think
24 CIRNAC talked a little bit about some of the planned
25 maintenance type work. And -- and I think Joel from

1 AECOM provided a little bit more detail as well, about
2 the plans for -- for maintenance and improvement of
3 the tailings areas.

4 One (1) of the types of work that --
5 that came up in that discussion was around protecting
6 the -- the edge of the tailings areas found close to
7 the -- the shore of Gamma Lake or Beta Lake, perhaps
8 Alpha Bay as well. I don't remember all of the areas.

9 But there was at least a general idea
10 included in CIRNAC's application about protecting the
11 shoreline around those tailings capped areas. That's
12 what I'm referring to. Masi.

13 THE CHAIRPERSON: GNWT...?

14 MR. RICK WALBOURNE: Thank you, Mr.
15 Chair. Rick Walbourne, GNWT. Thank you, Brett, for
16 that clarification. That's helpful.

17 So the short answer is yes. So within
18 the -- within the water regulations there are specific
19 activities that trigger whether or not a water licence
20 is required for -- for example. And so, in-filling of
21 an area, I think, one hundred (100) cubic metres of
22 material is a water licence -- Type B Water Licence
23 requirement, if I'm not mistaken.

24 So just in -- in generalities to your
25 question, if there was work being done in a waterbody

1 that required that work, there would be a water
2 licence requirement.

3 Now, that's strictly -- I'm talking
4 about from a legislation standpoint on what would
5 trigger an -- a water licence under -- under the water
6 regulations, which are under the Territorial Waters
7 Act.

8 So I'm not sure if that's the question
9 you were looking for -- or the answer you were looking
10 for, or the information?

11 THE CHAIRPERSON: Tlicho
12 Government...?

13 MR. BRETT WHEELER: Masi. It's Brett
14 Wheler, Tlicho Government. Thanks for that, Rick. I
15 think that -- that helps -- that helps for now.

16 And, Mr. Chair, we have no further
17 questions at this time. Masi.

18 THE CHAIRPERSON: Thank you. Right
19 now, any members from the general public have any
20 questions. They are Zoom?

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: Got any questions
25 for now. I don't hear any questions from the general

1 public. So, we'll go to the community hubs, the
2 outline communities of Behchoko or -- Behchoko, Whati,
3 Gameti, Wekweeti, if there's any questions from those
4 communities it's open now for questions.

5 MR. RYAN FEQUET: On Zoom.

6 THE CHAIRPERSON: On Zoom. Dalde
7 (phonetic). We'll continue on to Board staff.

8 MS. RHIANA BAMS: Masi, Mr. Chair.
9 Rhiana Bams, Board staff.

10 Revised closure objectives and closure
11 criteria were submitted by CIRNAC after the technical
12 session in January 2021.

13 Does GNWT believe the revised closure
14 objectives can be approved by the Board and why?

15 THE CHAIRPERSON: GNWT...?

16

17 (BRIEF PAUSE)

18

19 MR. RICK WALBOURNE: Thank you, Mr.
20 Chair. Rick Walbourne, ENR.

21 So, regarding the closure -- yeah,
22 well, sorry, I was going to talk about criteria.

23 Regarding closure objectives, I guess we're not
24 entirely sure as to the intent of the question.

25 So, in our understanding of closure

1 process related to a water licence, it's -- I -- I
2 don't know if it's happened where closure objectives
3 or criteria are approved within a water licence as
4 part of conditions of a water licence.

5 The closure process tends to be a -- a
6 separate process where objectives, criteria, closure
7 plan are approved. So, in that context, we hadn't
8 really -- aside of our comment on the closure
9 criteria, we hadn't considered, you know, having -- or
10 whether or not closure objectives should be approved
11 as it was our understanding that the closure
12 objectives were not to be approved as part of the
13 water licence.

14 So, if there's more information
15 requested we might have to take that back, but we
16 hadn't anticipated that closure objectives would be
17 included in the water licence. Thank you.

18 THE CHAIRPERSON: Board staff...?

19 MR. RYAN FEQUET: Ryan Fequet, Board
20 staff. Because this is a remediation project, Rick,
21 you're right, it's a little different.

22 So, CIRNAC has asked the Board to
23 approve the Remedial Action Plan which contains
24 closure objectives with issuance. So, we would just
25 like GNWT's opinion now or through an undertaking on

1 whether that can be approved or not and why.

2 THE CHAIRPERSON: GNWT...?

3 MR. RICK WALBOURNE: Rick Walbourne,
4 GNWT. Thanks, Ryan.

5 That's -- always look for an
6 opportunity to ask the Board staff questions because
7 we don't usually get a chance.

8 Yeah, so, we would -- yeah, we'll take
9 an undertaking on that again. We -- we hadn't
10 considered that in detail, so to give the Board a -- a
11 complete response we'll -- we'll need to take that
12 back and look at those, specifically the objectives in
13 a more closely, and we'll provide a response by the
14 undertaking date. Thank you.

15 THE CHAIRPERSON: Undertaking, what
16 number?

17 MR. RYAN FEQUET: Ryan Fequet, Board
18 staff. I think that will be Undertaking Number 7, and
19 that will be: Does the GNWT believe the updated
20 closure objectives can be approved by the Board and
21 why. Masi.

22

23 --- UNDERTAKING NO. 7: Does the GNWT believe the
24 updated closure objectives can be
25 approved by the Board and why

1 THE CHAIRPERSON: Board staff...?

2 MS. RHIANA BAMS: Rhiana Bams, Board
3 staff. Can GNWT indicate if they believe reclamation
4 work can begin before closure criteria are approved?

5 THE CHAIRPERSON: GNWT...?

6 MR. RICK WALBOURNE: Thank you, Mr.
7 Chair. Rick Walbourne, GNWT. Thanks, Rhiana, for
8 that question.

9 Yes, I -- I think we would echo I
10 believe comments made by the Tlicho Government that I
11 think it's in everyone's best interest that
12 remediation proceed as soon as possible.

13 I think, you know, the plan, the
14 remedial -- the high-level Remedial Plan for a site as
15 outlined by CIRNAC is -- is the plan that's going
16 forward.

17 Some of the language that we're
18 discussing regarding objectives and criteria, that's
19 more about at what point will we be satisfied that the
20 closure is complete and, yeah, and no further work is
21 required.

22 So, I -- I don't think there would be
23 any reason in this case, again, as -- as we've talked
24 about and -- and Ryan just mentioned again that this
25 is a remediation project. It's a bit different than

1 an industrial project where, you know, the site's
2 still operational and we may still be negotiating with
3 -- with a mining company, for instance, what the
4 closure is going to look like for certain components.

5 So, I -- I think in this case we're,
6 we're already there. So, yeah, I believe that -- I
7 don't think there's any reason that remediation should
8 be held up while we're discussion some of the nuances
9 of objectives and criteria. Thanks.

10 THE CHAIRPERSON: Board staff...?

11 MS. RHIANA BAMS: Masi. Board staff,
12 Rhiana Bams. Can GNWT clarify if Intervention
13 Recommendation 13 regarding a Surveillance Network
14 Program station at the Mill Lake outflow is intended
15 for monitoring before and/or after remediation?

16 THE CHAIRPERSON: GNWT...?

17

18 (BRIEF PAUSE)

19

20 MR. RICK WALBOURNE: Thank you, Mr.
21 Chair. Rick Walbourne, GNWT.

22 So, the intent was to -- I think there
23 are two (2) parts to this again. So, there's two (2)
24 different -- there's the remediation activities
25 ongoing where you'd want to monitor for, you know,

1 things like TSS and -- and just to monitor the actual
2 activities to make sure they aren't impacting the
3 creek and Sherman Lake. But also assume there would
4 be some component of monitoring post-remediation that
5 would also monitor that creek.

6 Where that is housed is debatable
7 which we've been coming back to with the different
8 monitoring programs. Given that there will also be a
9 post-closure monitoring program, which might also be
10 covering Mill Creek and Sherman Lake, to us it's, you
11 know, it's not as important where the monitoring is
12 housed as long as the monitoring occurs.

13 So, you know, that might be up through
14 some discussion as -- as talked about the Tlicho
15 Government earlier about the locations and the
16 frequency and how long that occurs. So, I think there
17 is some value in sampling those areas during and after
18 remediation. Where that's housed could be up for
19 discussion. Thanks.

20 THE CHAIRPERSON: Board staff...?

21 MS. RHIANA BAMS: Masi. Rhiana Bams,
22 Board staff. Similar question that was posed to the
23 TG.

24 From a map of the Mill Lake outflow,
25 there appear to be two (2) branches for Mill Creek

1 that go down from Mill Lake to Sherman Lake.

2 Is GNWT proposing monitoring for both
3 of these outlets to Sherman?

4 THE CHAIRPERSON: GNWT...?

5 MR. RICK WALBOURNE: Thank you, Mr.
6 Chair. Rick Walbourne, GNWT.

7 So I think it would be difficult to say
8 without more specific site now. And we've -- we've
9 heard from CIRNAC that, you know, flow can be
10 intermittent through that area, which would -- which
11 could make that problematic.

12 What I might suggest is, you know, in -
13 - in other areas such as with some municipal water
14 licences for, you know, seepage around landfills and
15 overland flow and things, it's -- there are different
16 stations depending on where flow could be available.

17 So I might suggest some flexibility to
18 allow the -- the inspector or -- or the Proponent to
19 be able to take samples wherever -- wherever there's
20 adequate flow. And if they're both flowing, maybe
21 that could be an option as well.

22 But again I'm -- I'm not personally
23 familiar with that area and what sampling might be
24 like there, so that might be something that -- that
25 the Proponent might be able to speak to a little more.

1 But given the intermittent nature of
2 that creek, you might want to consider having some
3 flexibility in the SNP to make sure sampling is done
4 where -- at least where you can get a sample. Thanks.

5 THE CHAIRPERSON: Board staff...?

6 MS. RHIANA BAMS: Masi. Rhiana Bams,
7 Board staff.

8 Recognizing CIRNAC's response to GNWT's
9 intervention recommendation for submission of a
10 surface water management plan, does GNWT believe a
11 separate Surface Water Management Plan is required,
12 and why?

13 THE CHAIRPERSON: GNWT...?

14 MR. RICK WALBOURNE: Thank you, Mr.
15 Chair. Rick Walbourne, GNWT.

16 So first off, I'll just say that we
17 will clarify -- as I mentioned in our presentation,
18 we'll clarify some of our -- some of our
19 recommendations in our closing arguments as there's
20 been a lot of information since that time.

21 I think overall, based on some of the -
22 - some of the newer information we've heard from
23 CIRNAC regarding again the -- the Surveillance Network
24 Program, the Sediment and Erosion Control Plan, the
25 post-closure monitoring AEMP, that a specific surface

1 water management plan may not be required.

2 But this also relies on, you know, some
3 of our other recommendations about what we'd like to
4 see for monitoring, that if all that monitoring occurs
5 and a lot -- a lot that -- that CIRNAC spoke to, that
6 we think that should be comprehensive and protective
7 enough to monitor what's going on on site, and a
8 specific surface water management plan shouldn't be
9 required.

10 But, we will definitely clarify that in
11 our closing arguments, as we'll do with several of our
12 recommendations that will be updated based on the
13 responses to interventions from CIRNAC, as well as a
14 lot of the discussion that's occurred over the past
15 few days. Thank you.

16 THE CHAIRPERSON: Board staff...?

17 MS. RHIANA BAMS: Masi. Rhiana Bams,
18 Board staff.

19 GNWT's intervention recommended metal
20 sampling in the event of a total suspended solids or
21 turbidity event. GNWT's intervention recommendation
22 also makes note of effluent quality criteria.

23 Can GNWT clarify if they mean to
24 recommend that the metals to be sampled are the same
25 as those metals included in the list of parameters

1 with EQC, or that the concentrations of metals sample
2 be compared to EQC? Masi.

3 THE CHAIRPERSON: GNWT...?

4

5 (BRIEF PAUSE)

6

7 MS. LAURA MALONE: Laura Malone, ENR.

8 So what was intended by saying EQC -- I

9 think we also clarified this in our presentation --

10 was that it was in relation to the parameters having

11 EQC being sampled in those events and not an intention

12 where it would be a compliance location where those

13 concentrations would have to be below those EQC.

14 THE CHAIRPERSON: Board staff...?

15 MS. RHIANA BAMS: Masi. Rhiana Bams,

16 Board staff.

17 In GNWT's intervention, it recommends

18 that the sampling frequency for specific Surveillance

19 Network Program stations occur every two (2) weeks

20 during open water season.

21 Would increased SNP sampling at

22 stations that are nearby remediation activities

23 address the GNWT's concern? For example, when the

24 north tailings containment area is being actively

25 worked on, could that be a trigger for bi-weekly

1 sampling at the 1663-3 and -4 stations? Masi.

2 THE CHAIRPERSON: GNWT...?

3 MS. LAURA MALONE: Laura Malone, GNWT.

4 I think the short answer is yes. I
5 think that that does address the concern that we have
6 as far as potential changes to water quality occurring
7 during those activities.

8 And as we've said, recognizing there
9 are several monitoring programs at play, we've made a
10 few recommendations. And -- and I think, in -- in the
11 absence of -- of -- yeah, I guess I'll just leave it
12 at that actually. I think -- I think that would be a
13 good -- a good trigger for bi-weekly sampling.

14 THE CHAIRPERSON: Board staff...?

15 MS. RHIANA BAMS: Masi. Rhiana Bams,
16 Board staff.

17 Can GNWT provide an undertaking that
18 outlines the locations, types of monitoring, and
19 parameters and any other details it would anticipate
20 to be included in a post-close monitoring plan? Masi.

21 THE CHAIRPERSON: GNWT...?

22 MR. RICK WALBOURNE: Thank you, Mr.
23 Chair. Rick Walbourne, GNWT.

24 I would say in our experience or our
25 understanding, it's -- regarding any type of

1 monitoring plans, including a post-closure monitoring
2 plan, it's usually on the onus of the Proponent to
3 prepare the monitoring that they anticipate would be
4 sufficient.

5 And that includes, you know,
6 surveillance network or the post-closure or AEMP which
7 is then provided to other parties such as GNWT, the
8 Board, and the Tlicho Government to provide impact on
9 -- or to provide advice on.

10 So I'm just a little cautious that, you
11 know, it's similar -- there's been undertakings to the
12 Tlicho Government and now to ourselves of everyone
13 working on these -- some plans in isolation where I
14 think it would be most productive if an initial plan
15 was prepared by the Proponent, as is outlined in the
16 closure guidelines, that would then be reviewed by
17 parties and advice provided on at that time.

18 THE CHAIRPERSON: Board staff...?

19

20 (BRIEF PAUSE)

21

22 MR. RYAN FEQUET: Ryan Fequet, Board
23 staff. So just to confirm, the reason Board staff are
24 asking for this undertaking is because we recognize
25 that the -- the nature of the monitoring for this site

1 after remediation will -- will carry on for a long
2 time, and there are lots of different places and ways
3 that the Tlicho Government and other parties would
4 like to see things monitored.

5 And the Board will need to consider a
6 water licence and what it looks like and what
7 conditions are in that licence.

8 So, the purpose of this undertaking,
9 understanding where we are in the process, is to help
10 outline any potential schedule requirements for such a
11 plan if -- if that ends up being the case.

12 So, can GNWT provide its assistance
13 through this undertaking with helping to identify or
14 outline the locations, types of monitoring and
15 parameters or other details it believes could be
16 included in a post-closure monitoring plan?

17 And this is the same undertaking that
18 was requested of the Tlicho Government and of CIRNAC
19 as the three (3) parties to this proceeding.

20 THE CHAIRPERSON: GNWT...?

21 MR. RICK WALBOURNE: Thank you, Mr.
22 Chair. Rick Walbourne, GNWT.

23 Yeah, again, I -- I find it a little
24 unusual that that undertaking -- I found it a bit
25 unusual when that undertaking was given to the Tlicho

1 Government.

2 I'm finding it a little unusual it's
3 being given to us, as well, especially noted that it
4 was already given to CIRNAC, as the Proponent, and
5 they will be providing that information.

6 In my experience, as I've mentioned, it
7 will be helpful for the Proponent to provide that
8 undertaking as an initial step after which other
9 parties, such as GNWT and the Tlicho Government, would
10 have an opportunity through the draft water licence if
11 it's -- if what you're looking for is a schedule to
12 the draft water licence, that the parties, GNWT and
13 I'll -- I'll include the Tlicho Government in this, as
14 well, they probably have a lot -- would be able to
15 probably provide a much more narrow focus on that
16 review given that CIRNAC is writing the same
17 undertaking through a review of the draft water
18 licence and the specific schedule based on what's
19 provided by CIRNAC. Thanks.

20 THE CHAIRPERSON: Board staff...?

21 MS. RHIANA BAMS: Masi. Rhiana Bams,
22 Board staff. That's all the questions. Masi.

23 THE CHAIRPERSON: Thank you. Any
24 questions from legal counsel?

25 MR. JOHN DONIHEE (by Zoom): Thank

1 you, Mr. Chairman. It's John Donihee. I have no
2 questions for the GNWT.

3 THE CHAIRPERSON: Okay. Thank you,
4 John. And we have -- the Board doesn't have any
5 questions?

6

7 (BRIEF PAUSE)

8

9 THE CHAIRPERSON: I think next would
10 be closing arguments from -- I mean, closing remarks
11 from Kwetjjaa Elders and community members. So, we
12 can do that now or go for a quick break.

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON: Okay. There's a
17 request from the Elders to take a nine (9) minute
18 break.

19

20 --- Upon recessing at 11:54 a.m.

21 --- Upon resuming as 12:12 p.m.

22

23 THE CHAIRPERSON: Okay. So we're back
24 for the end of the hearing. So we're going to have
25 some closing marks from Kwetjjaa Elders and community

1 members. And once they will do closing remarks will
2 be first Joseph Judas of Wekweeti, Joe Rabesca,
3 Behchoko, and George Mackenzie. Thank you. Whenever
4 you're ready to start.

5

6 (INTERPRETATION FROM TLICHO LANGUAGE INTO ENGLISH)

7

8 CLOSING REMARKS BY WEKWEETI:

9

ELDER JOSEPH JUDAS: Thank you, Mr.
10 Chairman. For the past two (2) days -- it's almost
11 like for the past two (2) days, we were able to sit
12 and -- and speak to each other and try and explain
13 what's going to take place here.

14 And we also have a Water Board and then
15 we have that CIRNAC and we have the government, Tlicho
16 Government members here. We have many people and
17 Elders and the young people.

18 We as Elders, the Rayrock Elder
19 members, there's about six (6) of us. I don't know --
20 the members, Whati, I think they have six (6) people.
21 Whati, we have people coming from different outlying
22 communities.

23 The information we had shared is so
24 valuable to us. This is the only way we can, you
25 know, begin our work. We need to help each other. We

1 need to support one another. That's the reason --
2 that's the purpose that we have come to here as a
3 group.

4 You had listened to the young people,
5 the young people who were here. You had listened to
6 the Elders that are sitting among us. You have -- we
7 have taken the time, even all the leaders here, the
8 different organizations.

9 The Tlicho Government and the North
10 Slave (sic) government and the different group had
11 listened to the Elders and young people. We're hoping
12 that all kind of work will be properly done, that
13 something good could be done for us.

14 This -- my thought on this -- my
15 feeling on this, because I'm living too far from this
16 area, that I'm not affected by this. But it is -- I
17 am affected by this.

18 I remember even a long time ago, we
19 were living -- my family were living in Behchoko. I
20 remember how we used to go out swimming on Behchoko,
21 that area where we made use of as a swimming pool
22 there, they call it, that's where we -- we used to go
23 swimming in those areas. That's where we had lived,
24 and that's -- this is what happened. This is how we
25 travelled to different areas to live.

1 I am very pleased with all the people
2 that are here, the words that you have shared with us,
3 some of the young people. Of all the -- our late
4 relatives, fam -- parents and family members that have
5 worked there, we're hoping we're doing -- don't do
6 that particular type -- type of situation again.

7 In the future, should we come to -- to
8 a mine like this? We -- we should get a proper
9 garment, a safety garment.

10 Many people have spoken to us. We're
11 not saying that -- how, you know, finding -- trying to
12 find a way that it could be healthy for -- for us.

13 Each summer, in summertime, as you know
14 everything is dry. All summer, everything's dry, then
15 there's dust and the water flows. Everything moves,
16 even the dirt and the sand.

17 Sometimes we have, even with the mist,
18 the water vapourize and it goes up in the air and it -
19 - and it floats about. We don't want to be affected
20 by this with any particle that is floating in the air.
21 We want to have safety in that particular area. We
22 want to have safety for the people who will go to that
23 area, Kwetjjaa.

24 For the young people, we depend on
25 young people. We are talking for the young people,

1 even the young lady, young mens. We need to be
2 together and support one another. This is my thought
3 on this.

4 As you know, the Mill Lake, what -- the
5 work that has to be done on the Mill Lake, how could
6 we go about it? How could we make it better, you
7 know, a healthy lake again?

8 The Elders had constantly talked about
9 this. Even out of the meeting here when they were in
10 the hallway, they had been talking about it. And they
11 con -- constantly tell -- we hear many -- many voices,
12 many talk about this that it's -- that lake is
13 contaminated.

14 How could we do a proper job? That's
15 the only way. We're hoping that our people who worked
16 on there, our -- our people, if they have to work on
17 it, we want them to be safe and healthy.

18 The people that will be working there,
19 they should constantly monitor this area. We're
20 hoping this -- you know, this doesn't con --
21 contaminate people in different area from this -- from
22 this site. We're hoping people who are going to do
23 the actual work to con -- continue to do monitoring.

24 We want the work to be done not only in
25 the summer, but also the winter. We're hoping that a

1 proper job could be done, a proper tool could be used.
2 We're hoping this area will be safe and a good place
3 to be when they -- if the work has to be taken -- yes.

4 We have young people who are not
5 working the mine. They do know the kind of work that
6 need to be done and what -- how to -- to work at the
7 mine, the safety and everything.

8 Yes, it is -- we should get the first -
9 - first chance of -- of approving what needs to be
10 done in the area. We should be the first ones to be
11 approached to do the work there. We want our young
12 people, our -- our children, young people to do the
13 actual work there when they're doing the remediation
14 work there.

15 Some of our -- as you know, some of the
16 mine will be closed very soon. Some of these staff
17 that are at the mine are people that are at the mine
18 there, Tlicho members working at the mine. They --
19 the work that the mine would close and they'll -- they
20 won't have a job.

21 I've been thinking about this for the
22 past few days we have been sitting together and -- and
23 talking to each other. We have Elders accompany us.
24 They listen carefully to what's been said here, and
25 young people here with us. This -- some of them, it's

1 the first time they come to a meeting like this. They
2 must have realized that this is the things that they
3 talk about when they come to a meeting.

4 Yes, as you know, that we have a
5 chairman. He's the one that controls the meeting.
6 The people who are able to speak are allowed to speak.
7 We have that CIRNAC group, we have the Tlicho
8 Government members, we have Board members and the
9 government -- I mean, the TG staff.

10 They're all searching for a way that we
11 can do a proper job. And so I'm sure that other
12 people will be given a chance as for the work that
13 needs to be done. We, as Tlicho members, we should
14 get the first chance in working in that area and have
15 more input on -- in the area.

16 That's all I want to share at this
17 time. Thank you.

18 THE CHAIRPERSON: Masi, Joseph. Joe
19 Rabesca.

20

21 CLOSING COMMENTS BY BEHCHOKO:

22 ELDER JOE RABESCA: Yes, Mr. Chairman.
23 Thank you. You have given us an opportunity to speak
24 to the -- the group here. I'm happy.

25 I was looking at a picture here at the

1 Rayrock as to how everything had been -- how it is.
2 As I recall, I was a young -- young man, young --
3 young lad, and I was in that area. I look at all the
4 area where people had lived.

5 What is wrong with that area, during
6 the course of the operation of the mine? Where did we
7 sleep in that area?

8 I listen to what's been said here with
9 the Territorial Government sharing information with
10 us, and also that -- the government members and the
11 staff, the TG staff, all the staff that are here, the
12 Board staff.

13 I -- we had shared so many good -- good
14 words with each other, so many good, valuable news,
15 valuable information that we need. When you talk
16 about the land like this, thirty (30) to forty (40)
17 years we have been -- no, really -- talking about this
18 area.

19 We, as the chief -- the chiefs and --
20 there must have been -- we had two (2) chiefs from
21 Behchoko, so there was five (5) leaders there, five
22 (5) chiefs. And we had four (4) Elders that have
23 worked closely with each other.

24 When we were wor -- making -- dealing
25 with the land claim, it took these leaders to do the

1 work. We talked about everything that needs to be
2 talked about. We left nothing out. We even talked
3 about the economics, the money that we can make, the
4 money we can gain.

5 And all the staff that have worked with
6 us want to work again. How are we going to operate?
7 Where can we gain money from? How could we keep the
8 government running?

9 If you got a government, you need money
10 to operate. We talk about these things. Eventually,
11 on the 10th day -- ten (10) days -- for ten (10) days
12 we sat together all by our self, the Tlicho members.
13 We talk about what's going to happen from here. They
14 start talking about this.

15 Also, I listen to them very carefully.
16 I can understand English. I understand my own
17 language, too. So, we keep trying to talk about it,
18 the economic, the finance.

19 When we had gained 39,000 square
20 kilometres and they said that we would be able to have
21 power to -- to make decision for the service of the
22 land. Anything that happens on our land, we will be
23 approached first, as a Tlicho Government will be
24 approached first.

25 This is a job. It's in the midst of --

1 the job is in the midst of our land. If there's going
2 to be a contract given out, we want Tlicho to control
3 that. We want the -- if the Tlicho member wants to
4 take up a contract, I want that to happen. I want my
5 people to work there.

6 I'm sure all the Tlicho have the same
7 feeling, that they want to have control over the area,
8 have people working there. Gameti, Wekweeti, Whati
9 and surrounding. And, also, we have many people live
10 -- our members living in Yellowknife. I don't think
11 none of them would -- would be -- would refrain to
12 what I'm saying. They would not be against what I'm
13 saying.

14 This is why we had gained this land
15 claim. I'm the one who took big -- big part in
16 getting the land claim. I had done the work until it
17 was -- the whole thing was finalized, for the land
18 claim.

19 I listened to everyone that spoke to
20 me, the Elders, what they're feeling about, the
21 Elders. We have many staffs, some living way in the
22 great distance elsewhere now. I spoke -- we had
23 spoken to all these people.

24 We have a Chairman here. He has
25 control of this meeting. Yes, with the job. I am the

1 one who actually took part in claiming for the land
2 claim. I want the -- the first choice to be given to
3 the Tlicho Government, Tlicho members, to take up the
4 work -- the remediation work to be done.

5 If it's not possible, eventually, yes,
6 we can have other people take up the contract who work
7 there, but the first choice should always go to the
8 Tlicho members.

9 This, again, I keep repeating to myself
10 on this. I will continue to say this again in the
11 future, too. That's the reason why we have done so
12 much work in trying to gain the land claim. That's
13 how we had made a claim.

14 There's one particular area -- I'm not
15 talking about -- of any job that exists on our land,
16 we want to control that. We want to have input in
17 that. But I am pleased with what you're doing. Of
18 all the people that's surrounding here at this -- at
19 this table, we keep asking each other different --
20 different government, ask with GNWT even with them,
21 they asked questions.

22 I'm very pleased what the questions
23 that they have given and that they had related. I'm
24 hoping that you would help us -- as a Tlicho member,
25 you will help us. Let's all support one another.

1 Let's make this project a success.

2 We, as Aboriginal people, we will drink
3 from that lakes. We will drink water from lakes.
4 That's the reason why I keep asking you. There's tree
5 -- there's so many rivers that goes -- leads to that
6 Marian Lake, the river that goes to Marian Lake.

7 We're not saying that there's going to
8 be any part of this. We're not going -- if this
9 mine's going to be opening, we're not going to refuse
10 them. We're not going to do that. But want -- don't
11 want to, you know, go to -- to a mess like what
12 happened in -- in the Rayrock mine.

13 We don't want to go through the process
14 of the hazard -- hazard things that we have gone
15 through. It took many years to -- to be given a
16 chance to talk about. It's many days, many years.

17 Many of our -- our people had worked
18 there. Many people have left -- and worked here but
19 their family members today. Look at my uncles here
20 that are sitting among us. They are -- they had
21 actually worked in that area. They did work in that
22 area.

23 But many of the Elders -- many of our
24 Elders that have lived there, they're -- they're no --
25 they're not -- no longer live with us.

1 You have to tell us how much of -- how
2 much of the land and the lake are -- would be
3 contaminated and how strong is the contamination. If
4 we are to -- to fix all this, we need to get our
5 people -- our people to get the contract to do the
6 work, lots of work.

7 It's not only that, but the size of the
8 land that we have claimed, I want -- what I'm saying
9 here I'm going to continue repeating in the future.
10 We -- we, as a Tlicho member, given the first chance
11 at any work that has to be done. That's the purpose
12 of getting a land claim. That's the reason why I
13 signed the land claim. And the Prime Minister also
14 signed that document with me.

15 We are not going to leave there, you
16 know, sit idling. That's right. We also have that in
17 the Constitution. We have the government here for
18 that area, for the land.

19 I'm not upset, but I want my words to
20 be heard. Of all the work that has been done, Whati,
21 Gameti, Wekweeti, Behchoko, the four (4) communities,
22 they wanted things to happen for them. They want to
23 have control over the land, all the activity that
24 takes place within.

25 If that is the -- if that is the case,

1 that we will be able to have control of the land, we
2 will sign the document. That's really 95 percent had
3 said yes. And they had voted on this, and this --
4 this was finalized to have a land claim and self-
5 government.

6 Yes, we do know that the people will be
7 able to make use of all the land and live on the land.
8 And, also, for any work that's established in our --
9 in our land, we want to gain jobs from these areas.
10 It's not just for me. They had signed this agreement
11 in terms that they will gain, you know, control over
12 the land and jobs that might be exist.

13 Mr. Chairman, thank you. I'm -- I'm
14 very happy that I was here. I heard so many good
15 news. Many -- there were many good questions asked.
16 I am happy being here. We're not going to say this --
17 this involves me, even for the Giant Mine.

18 If they're going to be talking about
19 the Giant Mine, we want to be a part of that, too. We
20 have many family members that live in the Yellowknife.
21 We do know there's a bit of contamination. I know
22 that I'm getting out of hand, but it's all the same.

23 Here, in our land -- this happened in
24 our land, too. What are they going to do? We want --
25 we always want to continue on the -- want to be --

1 accompany their meetings. I do know that I might
2 extend my -- my message, but I'm sure that that's not
3 my -- my only feeling that I share with, but other
4 people have the similar feeling.

5 And when we were in the midst of trying
6 to claim for our land claim and self-government, it
7 took a lot of struggle. We have Elders. They have --
8 they had shared their -- their thoughts. And they
9 were all pleased with the results of the land claim,
10 so they signed that document.

11 Mr. Chairman, from the bottom of my
12 heart...

13

14 (TRANSLATION CONCLUDED)

15

16 ELDER JOE RABESCA: ...and a situation
17 like this in the past. And every time we go to a
18 meeting, I'm always telling the young people come,
19 listen, have a lot of patience, learn because one day
20 it's going to be their turn. That's what I keep
21 saying to them.

22 Every time we step outside, I see one
23 (1), I encourage them to stay in even though sometimes
24 their interest for them is kind of not there. I was
25 saying that before with some young people. But I

1 always encourage them to stay inside, learn.

2 I say, you listen to one (1) speaker,
3 you're going to learn something. You go to one (1)
4 meeting, you learn something. You go to the next
5 meeting, you learn something. One day, no doubt in my
6 mind, you'll be in the position where we are.

7 If you listen to the Elders, you're
8 going to learn lots. If you listen to the Grand Chief
9 and the staff, people around, you're going to learn a
10 lot.

11 Based on that, when it's time for you
12 to make a decision, in your case, down the road,
13 you'll be in a better position to make a good
14 decision.

15 Thank you, Mr. Chairman. With that --
16 that's the only things I want to say.

17 And like -- like I said, I'm very
18 thankful that we share listening to the people. Thank
19 you very much.

20 THE CHAIRPERSON: Thank you, Mr.
21 Rabesca. We are also glad you're here.

22 So next speaker will be George
23 Mackenzie, Grand Chief. Thank you.

24

25 (INTERPRETED FROM TLICHO LANGUAGE INTO ENGLISH)

1 CLOSING REMARKS BY TLICHO GOVERNMENT:

2 GRAND CHIEF GEORGE MACKENZIE: Thank
3 you. I do want to extend what I have to say here.
4 It's always good to say thank you. I'm pleased that's
5 what -- I'd like to share with you that I'm happy.

6 Of all the things that we have talked
7 about, that has been written already, and everybody is
8 writing. They're taking notes. I do know that I
9 receive a call, people are saying that they can listen
10 -- it's online -- what's been said here. Even
11 Ontario, they can pick up what's been said here using
12 the computers and radios.

13 While we do speak in our own language,
14 they say that they can hear only the -- the
15 translators who are speaking. They can hear what the
16 translator are saying in -- through the computers and
17 also radio.

18 I'd like to say a special thank you to
19 the -- special thank you to the translator.

20 And I'd also like to say thank you to
21 the people who are listening to us on -- on the radios
22 and keep up with the computer.

23

24 (INTERPRETATION CONCLUDED)

25

1 GRAND CHIEF GEORGE MACKENZIE: I'd
2 like to thank all the participants that took part in
3 this Hearing.

4 This Hearing is a significant occasion
5 for the Tlicho people. This Hearing is one of the
6 most sensitive important Hearing of the world because
7 it deals with radiation in the backyard of our land.

8 I would like to thank the federal
9 officials for their explanations, their willingness to
10 help with this project.

11 We've come along ways. We remember
12 Colomac. That was a good start. This is a
13 continuation of the Colomac project, but this is a
14 very serious Hearing because of the radiation and what
15 it can do.

16 I have to say that we were in Nunavut
17 meeting Fort Good Hope. Chief made a comment about
18 the water, drinking water. The same thing was done by
19 Chief Charlie Football about the drinking water.

20 We have a concern in Tlicho. Not once,
21 twice, but more than that, we brought up the drinking
22 water in Behchoko for the future.

23 I have to mention a name because I was
24 told by my late dad, Drinking water -- the Elders said
25 many, many years ago, even before the mine came to our

1 land, three (3) or four (4) main river systems flows
2 by -- right in front of the community of Behchoko.

3 So my late dad said, You've got to go
4 to the fifth river system. Stag River flows on the
5 barren land. For the future of young people drinking
6 water. This is an important comment made by Chief
7 Football. I just want to illiterate (sic) that. It's
8 important to us.

9 We are here to listen to each other.
10 We, as Tlicho, have a Lands Department. The staff of
11 Lands Department, they work overtime and are getting
12 burned out. We know that. Not enough staff.

13 What I'm going to try to get to -- you
14 have to listen to that -- our staff -- some day, the
15 young ones are going to school -- are going to go to
16 university, college -- get their degrees in biology,
17 chemistry -- they will look after our Lands Department
18 the way Brett and Violet are doing today.

19 We only have two (2) -- thank God, at
20 least we have two (2) for now of professional level
21 that working with you guys. Now, in the future, we're
22 going to need more capacity. Talking around the
23 capacity is important how we're going to arrive at
24 capacity for our people.

25 Before I finish off with capacity, the

1 Elders, at their age, those are the remaining Elders
2 we have. We are lucky today we have them around.

3 A crucial moment in time in our
4 generations, the Elders we have. Traditional
5 knowledge is important to us. With this dialogue we
6 have -- with the federal government, Tlicho
7 Government, everybody that's involved with the mining
8 cleanup like this, you need the Elders' traditional
9 knowledge. And you said you're going to honour it and
10 respect traditional knowledge; that's a big, big plus
11 for us to hear that. We need to get our Elders -- say
12 what they have to say while they're still with us.

13 Now, back to capacity building. How
14 are we going to arrive at the capacity building?
15 Opportunities needs to happen to make the capacity
16 building work.

17 We need to get our young generations
18 involved at the professional level sooner than we
19 think. To arrive at that, we, the Tlicho Government,
20 we have a business arm. That business arm needs the
21 contracts. We get those contracts. It supports our
22 capacity building into the future.

23 I can picture it today. I said it
24 before, I hope someday soon our young generations,
25 there are assigned to do some professional work

1 hearing, business, whatever. And they go down south
2 for big hearing conference, bring the message back on
3 our behalf. I can picture it.

4 They come back after one (1) week and
5 one (1) of their family member got married. There's a
6 big drum dance, big hand game. And those young guys
7 don't have time to change, they leap, got off the
8 plane and they jump right into the drum dance still
9 dressed in their professional clothes with the hairdo
10 up coming from a meeting. Look very professional at
11 the moment. And the young guys, they kneel down with
12 their professional clothes because their team is
13 playing, before they change. And that's what you call
14 capacity building.

15 We need to get there, and the way to
16 get there, like former Grand Chief said, through the
17 contracts. There is not much other ways to get the
18 capacity building for our people.

19 So, when I look around this table, I
20 see the knowledge, very big -- lots of knowledge from
21 my Elders, traditional knowledge. And I see across
22 the table and the head table, a lot of regulatory
23 knowledge, scientific knowledge. Those two (2) mesh
24 together and that's what you call capacity building
25 for the future. It's so important that this hearing,

1 the Rayrock mine clean up is done professionally, that
2 I know it will, with in mind of a capacity building
3 for our young generations.

4 If it doesn't happen, like I said at
5 the beginning of my comment, this hearing of the
6 uranium mine, probably one (1) of the biggest in the
7 world because of what uranium is about. And Tlicho at
8 the hearing supports the federal, all the professional
9 people to do the mine clean-up, but the end of a day
10 our young people don't get the opportunity as they
11 should, then it's not a successful story.

12 What's a successful story for this
13 hearing is for our young people for capacity building
14 to its fullest to be involved with this kind of
15 hearing into the future. And that's the future of our
16 young people. There's nothing more that I want to
17 see.

18 That we're here, we will work together,
19 collaborate, respect, listen to each other's view,
20 agree or not and compromise with the right approach to
21 the project. And that's what will make everybody in
22 this room strong individuals for this project.

23 I'm so grateful and thankful that the
24 young generations were brought here today.
25 Impressive, to me it's very impressive.

1 I like to thank Violet and Brent,
2 whoever else made this possible. That's a good start
3 for capacity building. And I just want to say one
4 last note. Our term is up, four (4) years, and on
5 behalf of the Chiefs, I want to thank the Wek'eezhii
6 Land and Water Board. The phone is telling me to stay
7 quiet.

8 I want to thank the Wek'eezhii Land and
9 Water Board. I have to say I got a call from Ontario.
10 They said, very impressed with the Wek'eezhii Land and
11 Water Board, the way they conduct this hearing. Well
12 organized, and I -- and I want to say that. Masi. I
13 just want to thank everybody that's showed interest in
14 this. Masi cho. Thank you.

15 THE CHAIRPERSON: Masi cho, Grand
16 Chief. Next we have closing statements from
17 Interveners: Tliche Government and the GNWT.

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON: Can we get the GNWT
22 first to make your closing statements.

23

24 CLOSING REMARKS BY GNWT:

25 MR. RICK WALBOURNE: Thank you, Mr.

1 Chair. Rick Walbourne, GNWT.

2 We just like to thank the Board for all
3 your organization and the -- and the translators and
4 all those involved. Appreciate the work we've done
5 with CIRNAC. You know, these processes are long,
6 several months of meetings and technical sessions and
7 a lot of information back and forth, so.

8

9 (TRANSLATION INTERRUPTION)

10

11 MR. RICK WALBOURNE: ...the
12 information that was provided by CIRNAC through the
13 process, so we appreciate that very much. Yeah, I've
14 -- you know, it's always -- as I've said, it's -- it's
15 a bit of a challenge when we try to put our industrial
16 lens to CIRNAC who are doing some remediation
17 projects. It's -- it's a bit of a different objective
18 than we're -- than we're used to dealing with when
19 we've got the Government cleaning up older sites.

20 So, I know I appreciate the challenges
21 that -- that they -- they face when dealing with the
22 regulatory when trying to get their work done, so
23 thank you very much.

24 And I just like to thank again, I know
25 I mentioned yesterday, but I do appreciate all the

1 words from -- from the Tlicho, from the Elders and
2 youth. We heard a lot of interesting stories and --
3 and to Ron's comment yesterday, some very good
4 speakers from the -- from the youth, which I think the
5 future in the Tlicho is pretty bright. So, it's --
6 it's very nice to hear that, and appreciate some words
7 from the Elders regarding our -- our systems too.

8 So, it's -- I thank you for -- for
9 those words. We -- we try to provide support to these
10 processes where we can. So, and we'll continue to do
11 so as I -- to Brett's comments, we will -- we will
12 assist the Tlicho Government as much as we can on
13 monitoring programs and reviewing any reports and
14 things like that. So, I'll leave it there for now
15 but, yeah, thank you very much.

16 THE CHAIRPERSON: Tlicho Government,
17 they want to add something else besides what the --
18 the leaders said, go ahead.

19

20 CONTINUED CLOSING REMARKS BY TLICHO GOVERNMENT:

21 MR. BRETT WHEELER: Masi. It's Brett
22 Wheeler, Tlicho Government.

23 The Elders and the Grand Chief have
24 given their closing remarks for the Tlicho Government.
25 I would just say, again, masi to all the Elders and

1 all the Tlicho people who are here for this hearing
2 for the last three (3) days. And also say thank you
3 to the Board, the interpreters, CIRNAC, the GNWT, and
4 everyone who helped with this hearing. Masi.

5 THE CHAIRPERSON: Thank you very much,
6 Brett. A couple weeks ago Brett and I went up north
7 on a skidoo trip with Gruly (phonetic).

8 Okay, just to continue we have closing
9 statements from CIRNAC.

10

11 CLOSING REMARKS BY CIRNAC:

12 MR. RON BREADMORE: Masi, Mr. Chair.
13 Ron Breadmore, CIRNAC.

14 CIRNAC would like to start by thanking
15 everyone for their hard work this week and, indeed,
16 throughout the entire water licencing process.

17 As already said, we would like to
18 extend our thanks especially to the Tlicho Elders who
19 made their trip into Yellowknife this week and who
20 have sat through long and very technical discussions.
21 The strength and dedication of the Elders always
22 inspires our team to do more and to do better.

23 CIRNAC is committed to continuing our
24 work with the Tlicho Governments, its Elders and
25 youth. And, together, we know we can do a good job on

1 Kwetjjaa.

2 CIRNAC -- CIRNAC looks forward to the
3 continued participation of Tlicho youth on this
4 project and we share the Tlicho Government's desire to
5 see the youth enter the field environmental science
6 and engineering.

7 We'll continue to support site visits
8 with the Elders, their guided sampling and monitoring
9 work, and bring the Tlicho youth together to work with
10 their Elders on the land.

11 Over the past few days we've heard the
12 concerns raised by the Elders and the youth, and we'll
13 continue to work with the Tlicho to make Rayrock safe
14 again, to restore the Elders' trust in the land, and
15 to encourage a return to traditional land use in these
16 areas.

17 Towards this, we prepared a Remedial
18 Action Plan that we're proud of and that's been shaped
19 by the Tlicho Government and it's Kwetjjaa Elders
20 Committee.

21 For the past three (3) days we've heard
22 that there's general agreement between the Tlicho,
23 Interveners and CIRNAC on our overall remediation
24 objectives for Kwetjjaa, however, we've heard that we
25 have more to do.

1 We need to follow through on our
2 commitments for ongoing discussions on areas like
3 Beta, Gamma, revegetation strategy, and overall
4 monitoring of the site and the surrounding areas.

5 Mr. Chair, CIRNAC also heard the strong
6 message from Grand Chief George Mackenzie in his
7 closing statements. We'll continue to work very
8 closely with the Tlicho Government through our
9 established procurement working group that's been
10 meeting weekly and will -- we'll continue to do so to
11 come up -- upon a -- agreed upon approach for the
12 procurement for this project.

13 The approach will maximize social
14 economics benefits to the Tlicho, under Chapter 26 of
15 your final agreement, and we'll adhere to Government
16 of Canada's procurement policy and legal frameworks.

17 In closing, we'd like to extend our
18 appreciation to the Board, Mr. Chair, your members and
19 staff for your interest, time, and consideration of
20 our application. We'd also like to thank the
21 Interveners for their dedication and time before,
22 during, and what will be more effort after this
23 process.

24 We'd like to, on behalf of our team,
25 thank the translators, Pido Productions, and Cabin

1 Radio for excellent work in making these -- these
2 hearings work this week through a very difficult
3 situation. As well as all the facility staff for
4 making us so comfortable and -- and running the
5 operations here so smoothly.

6 We'd like to thank the members of the
7 public who joined us, again, and as well as the Elders
8 and youth for their participation, and their strong
9 comments and interest in this project.

10 And finally, I'd like to thank our --
11 our project team and all our subject matter experts
12 for their dedication and hard work, and long hours as
13 well in helping us bring this together.

14 And, Mr. Chair, a final request if we
15 could on behalf of our team, before we close we would
16 like to make our way around the room with our masks on
17 and shake hands with everyone here today before people
18 get up and leave. Masi.

19 THE CHAIRPERSON: Masi, Ron. Right
20 now we're just going to have -- if any Board member
21 want to say a few words, go ahead. Alex...?

22 BOARD MEMBER ALEX NITSIZA: My name is
23 Alex Nitsiza, from Whati.

24 I've been on this Board going on close
25 to three (3) years. My term will be up in December --

1 December of this year. The meeting that we -- hearing
2 that we have here, this is my second one. Very
3 interesting I must say.

4 I wanted to thank the people that took
5 part in this, Tlicho leaders, Tlicho staff, committee
6 members, Elders and youth. Especially youth, the way
7 they spoke at this meeting, they're sending a strong
8 message to the leaders.

9 I'd like to see more of that from the
10 youth, to be part of a meeting like this at the --
11 their own community level to -- different organization
12 to have -- to have their own local government and all
13 that. I don't see why not they could be part of that.
14 Is one of those things that I will be pushing for that
15 when I get back home.

16 I want to thank our Board staff. Also,
17 the representative from Government of Canada and
18 Northwest Territories Government. Our input -- to
19 this hearing, it's good educational for me. Also that
20 it's seems like we're building -- we're building
21 something solid I hope; working relationship with
22 different group, Aboriginal group, Tlicho Nation,
23 that's good.

24 My message to Territorial Government,
25 Federal Government, carry on. Don't stop. Why not?

1 We've got a long ways to go. Leave our difference
2 behind, just go forward. That's my approach. Thank
3 you.

4 THE CHAIRPERSON: Thank you. Thank
5 you very much, Alex. Anyone else?

6 BOARD MEMBER MASON MANTLA: Hello.
7 Mason Mantla, Board member. I would like to thank
8 CIRNAC and the other Interveners for -- for coming and
9 giving us great evidence and their input and their
10 consideration.

11 And I would like to thank the community
12 members and Elders for coming out. I've been with the
13 Board for maybe ten (10) years, and this is -- this is
14 a special moment where we -- where -- where we're able
15 to hear directly from the people that we serve, and
16 we're able to hear their thoughts or inputs and their
17 stories.

18 And, you know, it's -- it's hard to not
19 get emotional about this project, you know, because I
20 have grown up hearing stories from my grandmother
21 about how she used to live at Rayrock and while her
22 father was working there. And -- but as a -- as a
23 Board member, it's important to be impartial and to
24 hear all the evidence before you.

25 And like I would like to say masi cho

1 to the staff for putting on another great hearing.

2 And, yeah, I would like to -- I would like to see more
3 Elders and more youth in future public hearings, and
4 masi cho.

5 THE CHAIRPERSON: Thank you, Mason.

6 Mike...?

7

8 (INTERPRETATION FROM TLICHO LANGUAGE INTO ENGLISH)

9

10 BOARD MEMBER MIKE NITSIZA: My name is

11 Mike Nitsiza. I've been on the Board -- on the Board

12 for Wek'eezhii Land and Water Board for some time now.

13 When we first started talking about

14 Kwetjjaa, I couldn't make any decision on it. I never

15 lived on it. I've never been on that area of land.

16 But today and youth and all the

17 evidence that's available, by reading all this

18 information, I feel confident that I can make a

19 decision based on everything that we've seen so far.

20 All the information from Canada,

21 Territorial Government, Tlicho Government, all the

22 leadership, as well the past leadership that have

23 expressed their concern on -- on this area, I want to

24 thank them from the -- from the bottom of my heart.

25

1 (INTERPRETATION CONCLUDED)

2

3 BOARD MEMBER MIKE NITSIZA: I want to
4 get away from being a Board, and I want to talk to you
5 about who I really am and where I'm coming from.

6 I want to tell you that I'm firm and
7 very strong because I carry a great numbers of Elders
8 and grandparents and great-grandparents. In the past,
9 they worked. I still carry that with me, so I'm very
10 firm and strong.

11 And I understand. It just seems like
12 everybody tell me like yesterday what they had said,
13 and I want to really tell you that, that strong like
14 two (2) people.

15 You really clearly understand that
16 'strong like people' means that educations and living
17 off the land and be able to survive.

18 We are the survivor. We got here. How
19 do you think we got here? It's because of our Elders.
20 They teach us their way, their language. So we are
21 really strong. And I am very proud to say I'm proud
22 to be who I am.

23 And with your help, I remember the
24 Elders always say, Look after our land. Take care of
25 it for us. Make sure there's no damage with our

1 water, the air, everything that live in pieces on it.
2 And based on that, we got appointed by the leaders to
3 be here, to be on the Board.

4 And I wanted to touch about
5 communications. A lot of member here talk about
6 communications. I -- I hear some of them saying that
7 we go back to our community and share what we
8 experience here at the hearing. Please do. And those
9 who listen in today, share what you hear and share
10 your experience here.

11 I learned a lot here today from the
12 knowledge of the Elders, and still maintain that. I
13 never lost touch of what our leaders said. He said,
14 As long as the sun shine, the river flow, the grass
15 grow, we will exercise our rights. You know, based on
16 that, I keep reminding myself that those have to be
17 maintained and modelled here.

18 Yes, to be an efficient Board here, we
19 have big responsibilities. And I want to tell you
20 that -- that the -- the communication -- one (1) of
21 the biggest job we have is to translate to the Elders.
22 And I wanted to thank specifically the translation
23 because one (1) word, it leads out to so many ways of
24 saying it, it just makes sure that the Elders get the
25 clear message.

1 And -- and I also wanted to say that,
2 based on the -- the young -- the youth who spoke out
3 saying it looks -- around here he sees a lot of
4 courage, lots of honour.

5 And -- and I wanted to continue saying
6 that 'strong like two (2) people' and be proud of who
7 you are. Masi cho. Thank you.

8 THE CHAIRPERSON: Thank you, Mike. I
9 just wanted to say -- I just want a quick thank you to
10 everyone, the Kwetjjaa people -- it's Kwetjjaa -- and
11 maybe to the young people. It's a good rap song:
12 EQC, PSS. Okay.

13 Everyone knows that there -- there's
14 wisdom -- wisdom from the Elders that -- that we know.
15 And just quickly, I came out of high school about
16 1970. I didn't know too much about the land, just
17 except when you come back for the summer and you go
18 check your nets and stuff like that.

19 And so I worked extensively with my
20 father on a trap line for a little over twelve (12)
21 years. And anyway, so that's where 'strong like two
22 (2) people' really -- really' means a lot to me. I
23 can go on lots about 'strong like two (2) people', but
24 there's been -- studies been done in -- in education
25 where Aboriginal kids that know their language do a

1 lot better in school than the ones that didn't.

2 I think in order to fully participate
3 in proceedings like this, meetings like this, it makes
4 me remember the late Chief Jimmy Bruneau and the late
5 Elizabeth Mackenzie, how they saw changes were coming,
6 and so they collaborated with one another, and then
7 what resulted from that with schools, schools in our
8 region, instead of us going, like, away to Fort Smith
9 and places like that for a full year, so -- and then,
10 after that, the Dene -- Dene curriculum.

11 You know, the Grand Chief is the former
12 teacher, so he knows a lot about that. That's about
13 all I -- I wanted to say that. So, the students that
14 are here, or the young people, you know, we have young
15 scientists here, you probably heard them with all
16 their difficult questions. That was -- that was
17 pretty damn good.

18 So, I guess the message is to be strong
19 like two (2), be active out on the land and -- and
20 educate in the white man's education system. Masi to
21 all the participants. Thank you.

22 And before we go to closing prayer,
23 Ryan, you want to say a couple things?

24

25 (BRIEF PAUSE)

1 (INTERPRETATION FROM TLICHO LANGUAGE INTO ENGLISH)

2

3 BOARD MEMBER RACHEL CRAPEAU: You
4 almost forgot me, Joe. They call me Little Sister
5 because they are older than me. We -- we say, Let's
6 work well together. I hear that. I'm grateful for
7 that.

8 The government -- the government,
9 Canada, and territorial governments, they can't work
10 in isolation, but they must work with youth people.
11 They must be involving the youth into monitoring
12 programs.

13 And there's opportunity for youth to
14 this kind of employment and opportunities. In the
15 future, we're going to be taking care of our water.
16 And so, if we do that kind of monitoring programs,
17 there's opportunity for youth to be employed and
18 understand what they're monitoring and keep it -- keep
19 our land well.

20 And so, if our young people are
21 educated, they can work together. The young people
22 are not going to work alone. They're going to go into
23 the future working with our Elders.

24 And -- and so, monitoring our
25 environment and land is the kind of work that they're

1 going to be doing in the future. A long time ago, my
2 parents, they sent us to school in DC3. At the time,
3 I was so angry to go to school away from home.

4 For many nights, I really thought I was
5 going to return home. But because -- but because we
6 were in school, we were only able to practice what we
7 were teaching. And so, this is the kind of
8 opportunities to go to school that we had.

9 And so, now I've been given the
10 opportunity to sit in on meetings like this because
11 we're able to concentrate on the work. When you're
12 town council, you're able to have the patience and
13 work for our Elders and our people, as well as our
14 youth in our communities.

15 We work with the harvesters from the
16 land. People who are trappers on the land, through
17 their knowledge, we're able to sit here and -- and
18 create a good working relationship. And this is the
19 kind of training that we acquire when we sit like this
20 at jobs like this. We listen to Elders and we take
21 their good messages.

22 My father long ago, when they were --
23 have meetings in Behchoko, he, too, was a counsellor.
24 And they talked to Chief Jim Bruneau. At the time,
25 our -- when he returned from Behchoko, he'd tell us

1 all about the different things that they talked about
2 with...

3 And, at that time, he used to travel
4 far to attend meetings and to work in this kind of
5 manner and to work with all Indigenous groups. A lot
6 of people who live in the community -- there's many
7 community members who are well -- well placed in their
8 life.

9 If they're able to support our cause,
10 they -- there's -- if we have more people that support
11 one another, it's -- it gets strong. I didn't
12 understand what he meant back then, but today I know
13 and understand what he means.

14 Today, as Board members who are older,
15 but they are good to work with, and they understand
16 how to communicate as -- with all governments and
17 working with Tlicho Government and to have good
18 collaboration with Tlicho Government.

19 I'm very grateful all the people who
20 have been brought to this meeting. We -- we don't
21 work in isolation. We work for people. We listen to
22 our people's concerns.

23 And so, we take a good advice as well
24 as we observe all regulations. And we -- we observe
25 the constitution because within the constitution, we

1 abide by the constitution.

2 And so, I would like to say that much.

3 Thank you so much. Masi.

4

5 (TRANSLATION CONCLUDED)

6

7 (INTERPRETED FROM TLICHO LANGUAGE INTO ENGLISH)

8

9 THE CHAIRPERSON: All the technician,
10 the Pido technician, I want to thank all the Pido
11 technician and all the staff that's been providing us
12 with food and coffee, all the interpreters, as well as
13 all the people who -- Elders, people who are attending
14 the meetings. I want to thank everyone here.

15 Ryan...?

16

17 (TRANSLATION CONCLUDED)

18

19 MR. RYAN FEQUET: Ryan Fequet, Board
20 staff. Just three (3) -- three (3) little details
21 regarding next steps before we move to the closing
22 prayer.

23 So, I just wanted to confirm that
24 CIRNAC did get back to the Board and has agreed to
25 take an undertaking regarding the six (6) questions

1 Board staff had asked about closure criteria. So,
2 that will be Undertaking 3.

3 MR. RYAN FEQUET: Because there are
4 only two (2) Interveners and the Applicant here in the
5 room, we will confer with each of you about the draft
6 undertakings. And our hope is to send them out later
7 today.

8 A reminder that the responses to
9 undertakings are due on May 14th, 2021. And following
10 that, a draft water licence will be distributed on May
11 27th.

12 And after the closing prayer, the
13 Board's practice is to go around the room and shake
14 hands. Because of COVID, we would ask that folks in
15 the room please put on your masks and don't shake
16 hands, but elbow bump or head nod, and the -- the
17 Board will lead the way.

18 THE CHAIRPERSON: Opening prayer -- I
19 mean, closing prayer.

20

21 (CLOSING PRAYER)

22

23 --- Upon adjourning at 1:23 p.m.

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Certified Correct,

Wendy Woodworth, Ms.

<p><u>1</u> 1 8:8 9:7 16:11 17:10,11, 25 18:1 20:4 23:5 26:4,15 30:2 46:10 57:15 58:7 59:10 60:8,17 62:12 68:16 70:12 74:2 79:4 109:23 110:2,3 115:4,5 116:6 128:20,23 1,000 33:23 1:23 135:23 10 45:12 56:18 103:11 125:13 10:31 56:21 10:48 56:22 100 33:6 34:3 43:21 79:21 101 7:11 10th 103:11 11:54 95:20 111 7:12 117 7:13 119 7:14</p>	<p>12 38:25 39:9 129:20 12:12 95:21 120 7:15 13 85:13 136 7:19 14 42:10 14th 135:9 15 40:6 42:24 1663-1 45:5,11 1663-10 45:6 1663-3 91:1 1663-6 45:6,11 1663-8 45:6,12 19 52:6,25 1970 129:16 1970s 58:18 <hr/> 2 8:11 26:3,8,18 28:18 29:14 30:6 31:11 38:18 45:6,12 52:24 60:1 61:21 64:5,6 76:2 85:23 86:25 90:19</p>	<p>96:10,11 102:20 113:19,20 115:23 127:14 129:6,22, 23 130:19 135:4 2021 1:23 22:24 48:21 81:12 135:9 23 43:3 2-3 55:3 25 8:7 40:7 26 8:14 122:14 27th 135:11 <hr/> 3 1:24 15:14,15 93:19 113:1 120:2 121:21 123:25 134:20 135:2 30 1:23 8:20 102:16 3-1 55:13 36 7:7 39,000 103:19 <hr/> 4 8:3 25:16 52:6 91:1 102:22 107:21 113:1</p>	<p>117:4 40 102:16 <hr/> 5 8:8 25:13 26:15 40:8,12 102:21,22 56 7:8 <hr/> 6 8:15 30:15,20 96:19,20 134:25 <hr/> 7 8:21 35:12 83:18,23 <hr/> 8 7:3 9:20 10:6 54:6,11 83 8:23 <hr/> 9 7:5 9:20 10:6 95:17 9:01 9:1 95 108:2 96 7:10 <hr/> a.m 9:1 56:21,22 95:20 abide 134:1 able 15:3 21:5 33:16 34:4</p>	<p>66:11,20 87:19,25 94:14 96:11 101:6 103:20 108:1,7 125:14,16 127:17 132:6,11, 12,17 133:9 Aboriginal 106:2 124:22 129:25 absence 41:8 91:11 accept 26:2 acceptable 54:23 accepted 35:18 accompany 100:23 109:1 accordance 54:18 accordingl y 43:23 44:12 accurately 62:15 achievable 39:21 achieve 39:14,19 achieved 55:19 56:5 acid 48:18 acknowledg ment</p>
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