

NUNAVUT IMPACT REVIEW BOARD

AGNICO EAGLE MINES LIMITED
MELIADINE EXTENSION PROJECT PROPOSAL
NIRB FILE NUMBER 11MN034

PUBLIC HEARING

VOLUME 5

Rankin Inlet, Nunavut

September 16, 2023

1	TABLE OF CONTENTS		
2			
3	Description		Page
4			
5	September 16, 2023	Morning Session	663
6	Opening Remarks		663
7	Nunavut Tunngavik Incorporated Questions		669
8	Government of Canada Departments		
9	Kivalliq Inuit Association Questions Government		681
10	of Canada Departments		
11	Kangiqliniq Hunters and Trappers Organization		685
12	Questions Government of Canada Departments		
13	Northlands Denesuline First Nation Questions		696
14	Government of Canada Departments		
15	Sayisi Dene First Nation Questions Government		698
16	of Canada Departments		
17	Athabasca Denesuline Ne Ne Land Corporation		704
18	Questions Government of Canada Departments		
19	Agnico Eagle Questions Government of Canada		711
20	Departments		
21	Nunavut Impact Review Board Staff Questions		715
22	Government of Canada Departments		
23	Nunavut Impact Review Board Panel Questions		722
24	Government of Canada Departments		
25			
26	September 16, 2023	Afternoon Session	729

1	Nunavut Impact Review Board Panel Questions	732
2	Government of Canada Departments	
3	Procedural Matters by Nunavut Impact Review	735
4	Board Legal Counsel	
5	ROBERT CONNELLY, DIANNE LAPIERRE, Affirmed	736
6	Presentation by Government of Nunavut (NIRB	737
7	Public Hearing for Agnico Eagle Mines "Meliadine	
8	Extension" Project Proposal)	
9	Procedural Matters by Nunavut Impact Review	754
10	Board Legal Counsel	
11	Nunavut Tunngavik Incorporated Questions	757
12	Government of Nunavut	
13	Kangiqliniq Hunters and Trappers Organization	766
14	Questions Government of Nunavut	
15	Sayisi Dene and Northlands Denesuline First	768
16	Nation Questions Government of Nunavut	
17	Agnico Eagle Mines Limited Questions Government	772
18	of Nunavut	
19	Procedural Matters by Nunavut Impact Review	778
20	Board Legal Counsel	
21	Procedural Matters by Nunavut Impact Review	780
22	Board Legal Counsel	
23	Nunavut Impact Review Board Staff Questions	792
24	Government of Nunavut	
25	Nunavut Impact Review Board Chair Questions	794
26	Government of Nunavut	

1	Procedural Matters by Nunavut Impact Review	796
2	Board Legal Counsel	
3	NOEL KALUDJAK, ROGER PILAKAPSI, Affirmed	796
4	Presentation by Kangiqliniq Hunters and Trappers	796
5	Organization	
6	Nunavut Impact Review Board Staff Questions	803
7	Kangiqliniq Hunters and Trappers Organization	
8	Nunavut Impact Review Board Panel Questions	805
9	Kangiqliniq Hunters and Trappers Organization	
10	Nunavut Impact Review Board Chair Questions	807
11	Kangiqliniq Hunters and Trappers Organization	
12	Procedural Matters by Nunavut Impact Review	810
13	Board Legal Counsel	
14	DAN CHRANOWSKI, BENJAMIN DENECHZHE, and CARL	811
15	GEOFFREY BUSSIDOR, Affirmed	
16	Presentation by Sayisi Dene First Nation and	812
17	Northlands Denesuline First Nation (Sayisi Dene	
18	First Nation and Northlands Denesuline First	
19	Nation)	
20	Certificate of Transcript	836
21		
22		
23	EXHIBITS	
24	Description	Page
25		
26	EXHIBIT 34 - Hard Copy PowerPoint Presentation	736

1	"NIRB Public Hearing for Agnico Eagle Mines'	
2	"Meliadine Extension" Project Proposal" (English)	
3	EXHIBIT 35 - PowerPoint Presentation	736
4	"NIRB Public Hearing for Agnico Eagle Mines'	
5	"Meliadine Extension" Project Proposal"	
6	(French)	
7	EXHIBIT 36 - Hard Copy PowerPoint Presentation	737
8	"NIRB Public Hearing for Agnico Eagle Mines'	
9	"Meliadine Extension" Project Proposal"	
10	(Inuktitut)	
11	EXHIBIT 37 - Hard Copy PowerPoint Presentation	737
12	"NIRB Public Hearing for Agnico Eagle Mines'	
13	"Meliadine Extension" Project Proposal" (Dene)	
14	EXHIBIT 40 - Hard Copy PowerPoint Presentation,	810
15	"Sayisi Dene First Nation and Northlands	
16	Denesuline First Nation" (Dene/English)	
17	EXHIBIT 41 - Hard Copy PowerPoint Presentation,	811
18	"Sayisi Dene First Nation and Northlands	
19	Denesuline First Nation" (Inuktitut/English)	
20		
21		
22		
23		
24		
25		
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1 Proceedings taken at Singiitug Complex Recreation Hall,
 2 Rankin Inlet, Nunavut

3

4 NUNAVUT IMPACT REVIEW BOARD

5 K. Kaluraq Chair of Hearing
 6 P. Kadlun-Omingmakyok Panel Member
 7 G. Alikut Panel Member
 8 P. Kusugak Panel Member
 9 A. Ehaloak Panel Member
 10 C. Emrick Secretary-Treasurer

11

12 NUNAVUT IMPACT REVIEW BOARD STAFF

13 T. Meadows Legal Counsel
 14 R. Barry Executive Director
 15 T. Arko Director, Technical Services
 16 K. Gillard Manager, Project Monitoring
 17 L. Klassen Technical Advisor II
 18 E. Koide Technical Advisor III
 19 L. Atatahak Administration Support

20

21 PROPONENT

22

23 AGNICO EAGLE MINES LIMITED (REGISTERED SPEAKERS)

24 B. Armstrong Legal Counsel
 25 C. Kowbel Legal Counsel
 26 M. Turmel Superintendent, Permitting and

1		Regulatory Affairs
2	C. Prather	Permitting Technical Advisor,
3		Water Management
4	J. Range	Regulatory Specialist
5	E. Malindzak	Permitting Specialist,
6		Aquatics
7	S. Lacourse	Permitting Specialist, Social
8		& Land
9	D. Kritterdlik	IQ & Wildlife Advisor
10	P. Kusugak	Director, Nunavut Affairs
11	A. Buchan	Director, Nunavut Affairs;
12		Stakeholder Engagement
13	L. Syvret	Director, Shared Services
14		Nunavut
15	L. Chouinard	Project Manager, Meliadine
16		Extension
17	M. Gillman	Environment Superintendent
18	S. Savoie	Environment General Supervisor
19	J-C. Blais	General Manager, Meliadine
20		Operations
21	C. Fernandes	General Superintendent, Mining
22		Operations
23	D. Rodrigue	General Superintendent
24	J. Aggark	Community Liaison Officer,
25		Chesterfield Inlet
26	N. Allen	Project Manager, Nunavut

1		Decarbonization
2	D. Coulton	Consultant, Senior Wildlife
3		Biologist
4	G. Sharam	Consultant, Senior Wildlife
5		Biologist
6	V. Young	Consultant, Acoustic Scientist
7	J. Quesnel	Director, Permitting and
8		Regulatory Affairs
9	C. Paradis St-Onge	Nunavut Communication
10		Coordinator
11	K. Chenel-Fournier	Communication Counselor
12		
13	INTERVENORS	
14		
15	NUNAVUT WATER BOARD (REGISTERED SPEAKERS)	
16	A. Shaikh	Technical Advisor
17		
18	NUNAVUT TUNNGAVIK INCORPORATED (REGISTERED SPEAKERS)	
19	N. Gonzalez	Legal Counsel
20	D. Nouvet	Legal Counsel
21	P. Irngaut	Vice President
22	G. Nirlungayuk	Director, Wildlife and
23		Environment
24	B. Dean	Assistant Director, Wildlife
25		and Environment
26	R. Mercer	Resource Management

1		Coordinator
2	E. Greene	Senior Research and Technical
3		Advisor
4	H. Uniuqsaraq	Acting Chief Operations
5		Officer
6	D. Lee	Biologist
7		
8	KIVALLIQ INUIT ASSOCIATION (REGISTERED SPEAKERS)	
9	J. Katz	Legal Counsel
10	L. Manzo	Director of Land
11	D. Kuksuk	Vice President
12	G. Karlik	Chief Executive Officer
13	A. Sexton	Geologist
14	M. McDougall	Aquatic Biologist
15	A. Gunn	Aurora Research
16		
17	GOVERNMENT OF NUNAVUT (REGISTERED SPEAKERS)	
18	E. Carroll	Legal Counsel, Justice
19	N. Pudluk	Assistant Deputy Minister of
20		Environment
21	D. Haney	Manager, Land Use and
22		Environmental Assessment,
23		Department of Environment
24	S. Atkinson	Wildlife Biologist, Department
25		of Environment
26	A. Cyr-Parent	Director, Mineral and

1		Petroleum Res., ED&T
2	D. Lapierre	Manager, Environmental
3		Assessment and Regulation,
4		ED&T
5		
6	CROWN-INDIGENOUS RELATIONS NORTHERN AFFAIRS CANADA	
7	(REGISTERED SPEAKERS)	
8	S. Dewar	Director, Resource Management
9	F. Ngwa	Manager, Impact Assessment
10	A. Roy	Senior Environmental
11		Assessment Specialist
12	J. Walsh	Senior Environmental
13		Assessment Analyst
14	M. Staniewski	Environment Policy Analyst
15	T. Brown	Technical Expert - Arcadis Canada
16		
17	ENVIRONMENT AND CLIMATE CHANGE CANADA (REGISTERED	
18	SPEAKERS)	
19	S. Forte	Technical Specialist, Water
20		Quality
21	V. Shore	Senior Environmental Assessment
22		Officer
23	S. Mallon	A/Senior Environmental
24		Assessment Officer
25	E. Walker	A/Head Environmental
26		Assessment

1 DEPARTMENT OF FISHERIES AND OCEANS (REGISTERED
2 SPEAKERS)

3 J. Audet-Lecouffe Senior Biologist Fish and Fish
4 Habitat

5 P. Harper Biologist, Fish and Fish
6 Habitat

7 A. Beattie Unit Head, Fish and Fish
8 Habitat

9

10 HEALTH CANADA (REGISTERED SPEAKERS)

11 J. Anderson Impact Assessment Specialist

12 J. Kaushansky Impact Assessment Specialist

13 W. Wilson Senior Environmental Health
14 Advisor

15 N. Lyrette Senior Environmental Health
16 Advisor

17

18 TRANSPORT CANADA (REGISTERED SPEAKERS)

19 J. McHattie Legal Counsel

20 S. Tielesh Legal Counsel

21 A. Downing Regional Senior Environmental
22 Supervisor, Technical and
23 Environmental Services

24 R. King Indigenous Relations Unit

25 N. D'Souza Project Officer, Environmental
26 Assessment

1 K. Magee A/Senior Project Manager,
2 Environmental Assessment
3
4 NATURAL RESOURCES CANADA (REGISTERED SPEAKERS)
5 P. Unger A/Director, Impact Assessment
6 Division
7 P-O. Edmond Manager, Impact Assessment and
8 Consultation
9 R. Goulet Manager, Lands and Minerals
10 J. Cole Senior Researcher, Lands and
11 Minerals
12
13 KANGIQLINIQ HUNTERS AND TRAPPERS ORGANIZATION
14 (REGISTERED SPEAKERS)
15 N. Kaludjak HTO
16 R. Pilakapsi HTO
17
18 ATHABASCA DENESULINE NE NE LAND CORPORATION (REGISTERED
19 SPEAKERS)
20 K. Rasmussen Ecological Consultant
21 R. Robillard President and Chief Negotiator
22 K. MacDonald Admin
23 K. Mercredi Chief
24
25
26

1 SAYISI DENE AND NORTHLANDS DENESULINE FIRST NATION
 2 (REGISTERED SPEAKERS)

3	K. Olson	Legal Counsel
4	G. Bussidor	Sayisi Dene First Nation
5		Chief Negotiator
6	B. Denechezhe	Northlands Denesuline
7		First Nation
8		Chief Negotiator
9	D. Chranowski	Wildlife Biologist Advisor

10

11 HAMLET OF RANKIN INLET (REGISTERED SPEAKERS)

12	M. Hickes	Community Representative
13	A. Kabvitok	Community Representative
14	L. Curley	Community Representative

15

16 HAMLET OF BAKER LAKE (REGISTERED SPEAKERS)

17	D. Owingayak	Community Representative
18	E. Elytook	Community Representative
19	L. Nukik	Community Representative

20

21 HAMLET OF WHALE COVE (REGISTERED SPEAKERS)

22	P. Kabloona	Community Representative
----	-------------	--------------------------

23

24 HAMLET OF CHESTERFIELD INLET (REGISTERED SPEAKERS)

25	S. Sammurtok	Community Representative
26	H. Aggark	Community Representative

1	L. Mimialik	Community Representative
2		
3	TADOULE LAKE (REGISTERED SPEAKERS)	
4	E. Bussidor	Community Representative
5	K. Clipping	Community Representative
6		
7	LAC BROCHET (REGISTERED SPEAKERS)	
8	M. Antsanen	Community Representative
9	N. Denechezhe	Community Representative
10	T. Shaoullie	Community Representative
11		
12	BLACK LAKE (REGISTERED SPEAKERS)	
13	C. Sayazie	Community Representative
14	J. Laban	Community Representative
15	D. Bigeye	Community Representative
16		
17	FOND DU LAC (REGISTERED SPEAKERS)	
18	L. Mercredi	Community Representative
19	M.N. Pacquette	Community Representative
20	D. McDonald	Community Representative
21		
22	HATCHETT LAKE (REGISTERED SPEAKERS)	
23	B. Tsannie	Community Representative
24	E.M. Denechezhe	Community Representative
25	P. Gazandlare	Community Representative
26		

1 INTERPRETERS/TRANSLATORS (INUKTITUT)

2 J. Tucktoo Language Translator

3 M.R. Angoshadluk Language Translator

4 B. Dean Language Translator

5

6 INTERPRETERS/TRANSLATORS (DENE)

7 D. Alphonse Language Translator

8 N. Pacquette-Mercredi Language Translator

9

10 COURT REPORTERS

11 D. Lopez, CSR(A), RPR Official Court Reporter

12 S. Burns, CSR(A), RPR, Official Court Reporter

13 CRR

14

15

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1 (PROCEEDINGS COMMENCED AT 9:06 AM)

2 Opening Remarks

3 THE CHAIR: My name is Kaviq Kaluraq. I'm
4 the chairperson of the Nunavut Impact Review Board, or
5 NIRB. On behalf of the Board, I would like to welcome
6 you back to Day 5 of the NIRB's public hearing
7 associated with the NIRB's assessment of Agnico Eagle
8 Mines Limited's Meliadine extension proposal, which is
9 a modification of the existing Meliadine Gold Mine
10 project.

11 Thank you to the community of Rankin Inlet for
12 hosting us during this public hearing. A quick
13 reminder, please turn off your cell phones or put them
14 on "silent" before we begin. And just for the
15 awareness of the participants, we've had some people
16 attending the meeting lose family members, so during
17 the morning prayers, if you can please keep them in
18 your thoughts.

19 We're starting this morning with opening prayers
20 given by both Leonie Mimialik and Napoleon Denechezhe.
21 Opening Prayer

22 THE CHAIR: Thank you, Leonie and
23 Napoleon, for giving the morning prayer.

24 This morning we would also like to take a moment
25 to acknowledge Rosh Hashanah. Jonathan Katz has
26 offered to share his experience with us and lead us

1 through a prayer.

2 MR. KATZ: Thank you to the Nunavut
3 Impact Review Board for giving me the honour of doing
4 this opening prayer this morning. Today is Rosh
5 Hashanah, the start of the Jewish new year. In the
6 Jewish calendar, today is the first day of the year
7 5784. On this day, millions of Jewish people around
8 the world go to synagogue and pray. It is a time for
9 introspection and reflection and a time to look forward
10 to what the next year holds.

11 For me, this will be the first day in pretty much my
12 life where I have not been in synagogue on this day,
13 and although I am not with my family today, it brings
14 me so much pleasure to be able to share this moment
15 with everyone.

16 I have brought with me today -- it's called a
17 "shofar". It's made out of a ram's horn, and on Rosh
18 Hashanah this is blown by the rabbi at the synagogue at
19 the beginning of the service. The blowing of the
20 shofar symbolizes a wake-up call to the Jewish people
21 and people all around to begin repenting for the sins
22 of the past year. As between Rosh Hashanah and Yom
23 Kippur, it's a time when you throw away the sins.

24 So when I was younger and in school, we would
25 actually walk down to the river. We would take pieces
26 of bread, and we would rip them up, and we would throw

1 them in the water, and that's what we would do to
2 symbolize throwing away our sins, and that's actually
3 called tashlich in Hebrew. And so with that, I'll just
4 do a brief opening prayer.

5 Opening Prayer

6 THE CHAIR: Thank you, Jonathan, for
7 sharing and also giving a prayer.

8 The Nunavut Impact Review Board is holding this
9 public hearing to hear evidence, ask questions, and
10 listen to comments and concerns of registered
11 intervenors, community representatives, and members of
12 the public in order to assess the potential ecosystemic
13 and socioeconomic effects of the changes to the
14 existing Meliadine Gold Mine project proposed by Agnico
15 Eagle under the extension proposal.

16 This morning we will be picking up where we left
17 off yesterday from Agenda Item 10 with questioning from
18 the intervenors to the Government of Canada departments
19 on their intervention followed by presentations and
20 questions from the remaining intervenors.

21 The Board greatly appreciates everyone's efforts
22 yesterday to help us catch up, and we appreciate
23 everyone's efforts today to be direct and concise with
24 their questions and answers. As I said last night, we
25 hope to conclude the presentations -- presentation
26 portion of the technical sessions and start the

1 community roundtable this afternoon.

2 For those of you in the hall, we ask that you sign
3 in at the table as you enter the hall for each of the
4 sessions today, morning, afternoon, and evening. This
5 will help the Board keep an accurate record of
6 attendance.

7 Although the Board has designed this public
8 hearing to take place in person, the Board also
9 provided an audio-video link for this hearing so that
10 parties providing support to the representatives in the
11 room can view the proceedings remotely.

12 We will do everything we can to ensure the remote
13 link remains stable; however, if the online link is
14 disrupted, the Board will continue with the in-person
15 proceedings.

16 Simultaneous interpretation of the proceedings is
17 being provided throughout the meetings from
18 interpreters here in Rankin Inlet. In the Zoom feed,
19 you can choose the language feed you want to hear, but
20 when you go to speak, you may have to turn off the
21 interpretation feed to avoid feedback.

22 For the people here in Rankin Inlet, receivers are
23 available at the sign-in table, and receivers are set
24 to: Channel 1 is the floor sound; Channel 2 is
25 English; Channel 3 Inuktitut; and Channel 4 is Dene.
26 Please have patience as we shift between speakers, and,

1 for the sake of our interpreters and sound tech, please
2 wait until I call your name before you speak.

3 If you're participating by Zoom, when your name is
4 called, please click on the "raise your hand" button at
5 the bottom of the screen, and this will help the techs
6 identify you more quickly so that they can unmute your
7 line and turn on your camera.

8 If you're having trouble hearing the proceedings,
9 please see our technical support, Ryan Dempster, from
10 Pido at the side of the room. If you're having issues
11 with the online feed, please email Emily Koide at
12 ekoide@nirb.ca.

13 The Board reminds everyone participating in this
14 room that no one is allowed to record or rebroadcast
15 the images, video, or audio of these proceedings in any
16 form without the express written -- express consent of
17 the Nunavut Impact Review Board. Failing to follow
18 these directions may result in sanctions by the Board,
19 including suspending access to the live feed or being
20 asked to leave the hall.

21 The NIRB is generating a transcript from these
22 proceedings, which will be available following the
23 hearing on the NIRB's public registry.

24 If your organization has had new representatives
25 join the hearing today, please advise the Board's legal
26 counsel, Teresa Meadows, so we can make sure to update

1 our list.

2 As you may have noticed, these proceedings are
3 open to the media and are being attended by media
4 representatives. To members of the media attending the
5 meetings in person, we ask that you check in at the
6 front table and wear a press badge or similar
7 identification throughout these proceedings so that it
8 is clear to parties which media outlet you are
9 representing.

10 Media participating online should provide notice
11 to Ryan Barry, the Board's interim executive director,
12 at rbarry@nirb.ca, and inquiries for information from
13 media representatives should also be sent to Ryan.

14 The Board welcomes the media providing information
15 about these meetings to those who cannot attend;
16 however, the Board members and our staff cannot take
17 questions or provide interviews to the media or make
18 public comments regarding these meetings while we're
19 underway.

20 Before we turn to our agenda, I have a few quick
21 housekeeping matters. The washrooms are located
22 outside this room in the lobby area. Exits are located
23 through the main doors to the lobby and on the side of
24 the room at the front and back corners.

25 As you'll see from the agenda, today's session is
26 scheduled for 9 AM to 5 PM central time. There will be

1 a mid-morning break, a lunch break around noon central
2 time, and a mid-afternoon break.

3 When you're leaving the hall for breaks or at the
4 end of the day, please turn the interpretation
5 receivers off and return them to the tables as you exit
6 the hall.

7 The Board appreciates everyone continuing to
8 comply with the Board's directions for the public
9 hearing. I'm not going to restate them but remind
10 everyone to be aware of our interpreters and court
11 reporters when you're speaking so that we can ensure
12 everyone is heard and understood.

13 Now we return to the technical session of the
14 public hearing. Questions from intervenors to the
15 Government of Canada departments regarding the
16 presentations given yesterday evening. Just so
17 everyone is aware, questions can be directed to any of
18 the Government of Canada departments.

19 First, Nunavut Tunngavik Incorporated, Gabriel
20 Nirlungayuk.

21 Nunavut Tunngavik Incorporated Questions Government of
22 Canada Departments

23 MR. NIRLUNGAYUK: Good morning. (NO ENGLISH
24 FEED) last night, so Bert Dean has a couple of
25 questions.

26 THE CHAIR: Bert Dean.

1 MR. DEAN: Thank you, Madam Chair. Bert
2 Dean with Nunavut Tunngavik.

3 Thank you, everyone, for your presentations last
4 night. It's informative, and it's good to have you
5 here in person. I know especially right now it seems
6 it's a bit difficult for federal government employees
7 to get permission to travel or to attend meetings, but
8 also the flexibility of NIRB to allow others to be
9 online. It's a bit of a balancing act.

10 The presentations are informative, and I'm hoping
11 mostly more community members here will be able to
12 participate in the community roundtable because in the
13 CIRNAC presentation -- and the first question is around
14 consultation, and all of the departments mentioned
15 either inspectors or staff visiting the community to do
16 monitoring or workshops or different activities, and we
17 also heard concerns from the community -- because this
18 mine -- this project is located so close to
19 Rankin Inlet, we hear daily if there's an issue or a
20 concern. It's right in people's backyard. People have
21 cabins or travel in the area.

22 So in the CIRNAC presentation, there was mention
23 about the water discharge. The Transport Canada we
24 heard about aeronautical assessment forms being
25 required for a wind farm if it's going to be close to
26 an airport, and we heard about Environment Canada

1 inspectors visiting the community. If you could just
2 elaborate when you do come into a community, who you --
3 who you meet with and how that consultation occurs.

4 Thank you.

5 THE CHAIR: Just to clarify, is that for
6 each Government of Canada department or just for one of
7 them? Bert Dean.

8 MR. DEAN: Thank you, Madam Chair.

9 Sorry. Yeah. For CIRNAC, for Environment Canada,
10 and for Transport Canada were the three that came to
11 mind. Thank you.

12 THE CHAIR: Crown-Indigenous Relations and
13 Northern Affairs Canada, Spencer Dewar.

14 MR. DEWAR: Ujannamiik, Madam Chair.
15 Spencer Dewar, Crown-Indigenous Relations and Northern
16 Affairs Canada. Thank you, Bert.

17 You mentioned that there may be some restrictions
18 and it was harder to travel, but there's always money
19 to travel to the communities.

20 Crown-Indigenous Relations and Northern Affairs
21 Canada's mandate in the north is quite vast. The
22 Nunavut Agreement is very holistic, and it covers many
23 things of ordinary life. So the relationship isn't
24 just one thing. So there's -- there's almost -- many
25 reasons to be in a community at any given time, whether
26 that's specific program funding on behalf of Indigenous

1 Services Canada or whether it be what we're doing here
2 today, which is attending a Nunavut Impact Review Board
3 process.

4 So if you look at it -- I guess I'll focus in on
5 sort of the resource management side. So we're
6 either -- we're part of a Nunavut planning commission
7 hearing, whether we're part of a NIRB hearing, a
8 Nunavut Water Board hearing, we'll be here to present
9 as an intervenor.

10 Once each of the boards would make a determination
11 and recommendation to the minister -- and just say in
12 the case of an approval, you know, we'd have other
13 obligations to come to do inspections in accordance
14 with the Nunavut Planning and Project Assessment Act,
15 the Nunavut Water and Surface Rights Tribunal Act, so
16 we'd have a presence there.

17 We'd also conduct administrative monitoring for
18 projects in accordance with their annual reporting, so
19 sometimes that would bring us into a community as well.

20 When we do attend communities, we do try to meet
21 as many people as we can, so we would, at times, talk
22 with the regional Inuit association, obviously the
23 Kivalliq Inuit Association, meet with members of the
24 city -- the hamlet, and possibly the HTOs.

25 These venues do bring a broad group together, so
26 we are meeting with individuals as we're here. The

1 12-hour days might stop us from going to people's
2 offices, but it's certainly our intention to meet as
3 many people as possible. I hope that answers your
4 question. Qujannamiik.

5 THE CHAIR: Environment and Climate Change
6 Canada, Victoria Shore.

7 MR. SHORE: Victoria Shore, Environment
8 and Climate Change Canada.

9 So, as I mentioned in our presentation, the
10 Meliadine project is captured under several pieces of
11 Environment and Climate Change Canada's legislation,
12 and so Environment and Climate Change Canada's
13 enforcement branch conducts on-site inspections to
14 verify compliance. The results of these inspections
15 and any noncompliances are noted in Environment and
16 Climate Change Canada's comments on the Meliadine
17 annual monitoring report for the Nunavut Impact Review
18 Board.

19 Environment and Climate Change Canada uses an
20 enforcement continuum. So, of particular note,
21 inspections, investigations, and compliance promotion
22 is ongoing. Inspections are performed on persons or
23 facilities that are reasonably believed to fall under
24 administration of the various Acts to ensure those
25 persons are complying with the provisions of those
26 Acts.

1 In terms of who exactly inspectors meet with when
2 they're here, I'm not entirely sure, as I'm not
3 personally involved in those activities. I do know
4 that often our inspectors will team up with
5 Crown-Indigenous Relations and Northern Affairs Canada,
6 and so I would expect it would be many of the same
7 people.

8 The department also does compliance promotion,
9 which includes compliance promotion outreach as well as
10 technical promotion and audit promotion. I hope that
11 answers your question. Thank you.

12 THE CHAIR: Transport Canada, is Adam
13 Downing online?

14 MS. KING: Roslyn King for Transport
15 Canada. Yeah. Adam Downing is on Zoom. If you want
16 to open up the line for him.

17 THE CHAIR: Okay.

18 MS. KING: Thanks.

19 MR. DOWNING: Hello. Can you hear me?

20 THE CHAIR: Yes. Go ahead.

21 MR. DOWNING: Thank you, Madam Chair. Adam
22 Downing with (INDISCERNIBLE).

23 So similar to (INDISCERNIBLE), we rely on
24 engagements and forums such as this to meet with
25 individuals within the communities and the impacted
26 groups. For this project and the aeronautical

1 assessment form -- that's simply a form on which we
2 rely on the information from the proponent to provide
3 the lighting requirements and ensure the safety of
4 aircraft. So there wouldn't necessarily be meetings
5 required for that. (INDISCERNIBLE) for any sort of
6 (INDISCERNIBLE) approval, we would likely reach out to
7 the hunters and trappers organizations and local Inuit
8 associations and advise them of any approval that
9 (INDISCERNIBLE) issuing. Thank you.

10 THE CHAIR: Can you just repeat the last
11 sentence you said. You're cutting out.

12 MR. DOWNING: My apologies.

13 So for any CN -- or Canadian Navigable Waters Act
14 approval, we would reach out to the community to notify
15 them, the local Inuit association and the hunters and
16 trapper organizations. Thank you.

17 THE CHAIR: Nunavut Tunngavik
18 Incorporated, Bert Dean.

19 MR. DEAN: Thank you, Madam Chair --
20 or -- sorry. Bert Dean with Nunavut Tunngavik. Thank
21 you, Madam Chair, and thank you for your responses.

22 The next question sort of relates both to
23 Department of Fisheries and Oceans and Natural
24 Resources Canada. You made reference -- DFO, or
25 Department of Fisheries and Oceans, made reference to
26 fish habitat in Watershed A, B, J, I, CH, W, and X, and

1 maybe this is more for the community roundtable, but if
2 we could maybe expand on that a bit, the significance
3 of those areas, and if there's a map that could show
4 that so maybe our community members -- there may be
5 names in Inuktitut or for that area that they could
6 reference, because it's a bit hard to figure out where
7 those areas are and why you'd be mentioning them in
8 your presentation.

9 So if DFO and Transport Canada could just give a
10 response to that, but we could follow up with you at a
11 break or prior to the community roundtable to help the
12 community. Thank you.

13 THE CHAIR: Just to clarify, I heard
14 Fisheries and Oceans Canada and Natural Resources
15 Canada.

16 Fisheries and Oceans Canada, Jose Audet-Lecouffe.

17 MR. AUDET-LECOUFFE: Thank you, Madam Chair, Jose
18 Audet-Lecouffe, Fisheries and Oceans Canada.

19 Thank you for your question, Bert. All the
20 watersheds that you mentioned were impacted or had the
21 potential to be impacted. From all those watersheds,
22 Watershed A and B were assessed to be the most
23 impacted, and I apologize for the very dry presentation
24 yesterday. I should have included a map, and I will
25 find one. Thank you.

26 THE CHAIR: Natural Resources Canada,

1 Peter Unger.

2 MR. UNGER: Matna, Iksivauta. Peter
3 Unger, Natural Resources Canada.

4 Thank you very much for that question. Our review
5 is very much focused on modelling, so it was more on
6 potentials and most of them pretty far in the future,
7 but I also apologize for an incredibly dry and boring
8 presentation yesterday. I'll do better next time, and
9 I'm happy to work with DFO to come up with a map that
10 indicates that a little bit more clearly. Thank you.

11 THE CHAIR: Nunavut Tunngavik
12 Incorporated, Bert Dean.

13 MR. DEAN: Thank you, Madam Chair. Bert
14 Dean with Nunavut Tunngavik Incorporated.

15 Thank you for the responses, and I can follow up
16 at the break and connect with some of the community
17 members.

18 My last question is to Natural Resources Canada as
19 well, and it was a good presentation. Seriously.
20 There's a lot of information there. It was late, but
21 this has come up at previous hearings.

22 In regards to the tailings pond, people have
23 cabins on the lake, the drinking water, community
24 members go by vehicle or ATV to Ijiralik Lake to get
25 fresh water, so how the mine operates and how safe the
26 water is now and in the future is important to the

1 community, and the concerns around permafrost and what
2 we know or don't know and what may happen in the
3 future.

4 Are liners considered at all with tailings ponds,
5 or are there things that could be done to provide that
6 extra level of assurance to community members? I
7 realize we have standards and regulations, and a lot of
8 mine sites are further away from communities, but quite
9 often they're right next to a community or they're in
10 an important area for people. So instead of thinking
11 of what we have to do, is there things that are being
12 considered or looked at in terms of how we can better
13 manage tailings or these areas where they're looking at
14 being stored? Thank you.

15 THE CHAIR: Natural Resources Canada,
16 Peter Unger.

17 MR. UNGER: Thank you, Madam Chair. Peter
18 Unger, Natural Resources Canada.

19 Thank you very much for the question. So, first
20 caveat, I am not one of the experts, so my knowledge is
21 a fairly lay level of knowledge. The first thing I'll
22 start with is that -- I'll slow down. Sorry.

23 As I mentioned, NRCan is generally supportive of
24 in-pit disposal. We have done some studies on that,
25 and we think that overall that is a sound approach.

26 I think the main gist of my presentation was that

1 we're at a relatively early stage, and for where we
2 are, we think there's enough information, but we
3 definitely think there needs to be more gathered before
4 design decisions can be made or final plans can be
5 finalized.

6 For in-pit deposition, I did say that in some
7 cases some kind of impervious barrier or surround or
8 liner may be required, and that's dependent on a
9 case-by-case basis, and it's not in every case. There
10 are situations where NRCan agrees that in-pit
11 deposition would be safe and fine over the long-term
12 without a liner; however, there are others where we
13 would not agree with that, and I think our main comment
14 was to ensure when selecting pits that this is
15 evaluated.

16 So the short answer is, yes, a liner could make
17 sense sometimes, but we wouldn't prescribe this right
18 now for all the pits at this moment in time. It
19 doesn't -- it isn't necessary every single one of the
20 times.

21 Please let me know if that answered your question,
22 and if I need more technical details, I can go get
23 those from my expert. Thank you.

24 THE CHAIR: Nunavut Tunngavik
25 Incorporated, Bert Dean.

26 MR. DEAN: Thank you, Madam Chair. And I

1 know I said "last question", but it -- just to add --
2 sorry. Bert Dean with Nunavut Tunngavik.

3 Is risk ever associated with these models or when
4 you're making these decisions, and, again, we can
5 follow up later. The reason I ask is I know the
6 chemistry of the waste rock piles, or you mentioned
7 water flow and different things. They may be different
8 in different areas, and how close they are to important
9 areas may come into play, so are they all sort of
10 treated equally, or does risk or other factors come
11 into that modelling or into that analysis?

12 Thank you, Madam. Thanks.

13 THE CHAIR: Natural Resources Canada,
14 Peter Unger.

15 MR. UNGER: Thank you, Madam Chair.

16 There's always risk, and, you know, a model is
17 only as good as its inputs. We think that models are
18 fairly accurate now -- they've become fairly
19 sophisticated -- and we've had a lot of discussions
20 with Agnico about what factors should be in the models.
21 So you'll have heard me earlier asking about
22 intermediate lakes to make sure that all the lakes were
23 included and all the different flow paths were
24 accounted for.

25 At this point I -- we agree that I think this is
26 the best that can be done at this stage. We just also

1 would like to ensure that this modelling is continually
2 informed by new data that they get from new boreholes,
3 that they get from other field studies as they progress
4 in their design. The model should account for risks.
5 I mean, the model is meant to predict where the water
6 goes and how, and that would open up the risks.

7 Agnico has been pretty good at managing the risk
8 at least at this stage in the sense that if you
9 remember my grouting comment, we pointed out that we
10 would like them to check how grouting affects things,
11 and they did. They basically pretended that grouting
12 was not effective at all, and three times as much water
13 was coming in, and they still found that it was okay.

14 So they are using relatively conservative
15 conditions, but, yeah, there will always be risk with a
16 model, and a model, sadly, does not tell the future
17 perfectly. Thank you.

18 THE CHAIR: Nunavut Tunngavik
19 Incorporated, Bert Dean.

20 MR. DEAN: Thank you, Madam Chair, Bert
21 Dean with Nunavut Tunngavik Incorporated.

22 Thanks, again, for your presentations and your
23 answers.

24 THE CHAIR: Kivalliq Inuit Association,
25 Luis Manzo.

26 Kivalliq Inuit Association Questions Government of

1 Canada Departments

2 MR. MANZO: Good morning, everyone. Thank
3 you, Madam Chairman. Luis Manzo, Kivalliq Inuit
4 Association.

5 Unfortunately, he took all my questions. Did you
6 copy from my book? So it left -- left me one question
7 to Environment Canada and I believe Health Canada in
8 terms of the dust deposition and arsenics, especially
9 in water. How often Environment Canada and Health
10 Canada go out to the field at the mine sites to verify
11 data that is being provided to you by the proponent?

12 And the other question leading to that is: Do you
13 have a record of the times that you actually visit the
14 sites, and what kind of information you gather when you
15 actually inspect the sites under your responsibility to
16 each department? Thanks.

17 THE CHAIR: Environment and Climate Change
18 Canada, Victoria Shore.

19 MR. SHORE: Victoria Shore, Environment
20 and Climate Change Canada.

21 Thank you for your question. So, as I mentioned
22 earlier, we have inspectors that regularly visit the
23 Meliadine site, and we provide comments on enforcement
24 to the Nunavut Impact Review Board through our comments
25 on the annual report, so it outlines all the visits
26 that we did throughout that year.

1 In terms of how frequently we visit a site, it
2 varies year to year, and we use a risk-based approach
3 to determine how often we are going out. I believe
4 last year we did two -- or -- sorry. Not -- in 2022,
5 there were two on-site inspections completed, which
6 included chemistry and toxicity sampling. I think that
7 covered all the aspects of your question. If I missed
8 something, please correct me. Thank you.

9 THE CHAIR: Health Canada, Julie Anderson.

10 MS. ANDERSON: Thank you, Madam Chair. Julie
11 Anderson, Health Canada.

12 Thank you for your question. As I mentioned in
13 our presentation yesterday, Health Canada is not a
14 regulator on this project, and we don't issue any
15 licences or do inspections. So we do have a little bit
16 of a different role than some of the other departments.
17 We do review the annual monitoring report data, but we
18 would be relying on our colleagues from Environment and
19 Climate Change Canada for their inspections, and should
20 they see anything in their review, we work quite
21 closely together to discuss any shared concerns. Thank
22 you.

23 THE CHAIR: Kivalliq Inuit Association,
24 Luis Manzo.

25 MR. MANZO: Thank you, Madam Chair. Luis
26 Manzo, Kivalliq Inuit Association. There is another

1 question from Anne Gunn.

2 THE CHAIR: Anne Gunn.

3 MS. GUNN: Good morning, Madam Chair.

4 Thank you. Anne Gunn, consultant for the Kivalliq
5 Inuit Association.

6 I do have a question for Environment Canada and
7 Climate Change. Yesterday there was a question about
8 the national status report for the barren-ground
9 caribou, and the next step after a national status
10 report is an assessment of status is -- the next step
11 is consultation for listing under the Species at Risk
12 Act, and so I ask if Environment Canada and Climate
13 Change can provide an update on the consultation for
14 any proposed listing. Thank you.

15 THE CHAIR: Environment and Climate Change
16 Canada, Victoria Shore.

17 MR. SHORE: Victoria Shore, Environment
18 and Climate Change Canada.

19 Thank you for your question. Yes. So
20 barren-ground caribou were assessed as threatened by
21 the committee on the status of endangered wildlife in
22 Canada in November of 2016. The minister of the
23 environment and climate change has provided a
24 recommendation to the governor in council in support of
25 the listing of barren-ground caribou under the federal
26 Species at Risk Act as threatened.

1 If the governor in council decides to list
2 barren-ground caribou under the Species at Risk Act,
3 Environment and Climate Change Canada would be required
4 to develop a recovery strategy.

5 The development of a recovery strategy would be
6 done collaboratively with all relevant territorial,
7 provincial, and indigenous and Inuit partners. This
8 process is still ongoing. It's being worked on, but I
9 don't have specific details as to where we're at in the
10 consultation process, unfortunately.

11 THE CHAIR: Kivalliq Inuit Association,
12 Anne Gunn.

13 MS. GUNN: Thank you, Madam Chair. Anne
14 Gunn, consultant for Kivalliq Inuit Association.

15 Environment Canada and Climate Change, thank you
16 for a clear and concise response, and that's the end of
17 my questions. So thank you.

18 THE CHAIR: Government of Nunavut, Stephen
19 Atkinson.

20 MR. ATKINSON: Thank you, Madam Chair.
21 Stephen Atkinson on behalf of the Government of
22 Nunavut. No questions.

23 THE CHAIR: Kangiqliniq Hunters and
24 Trappers Organization, Noel Kaludjak.
25 Kangiqliniq Hunters and Trappers Organization Questions
26 Government of Canada Departments

1 MR. KALUDJAK: Thank you, Madam Speaker.

2 Noel Kaludjak, Kangiqliniq Hunters and Trappers
3 Organization.

4 Good morning, everyone. We look forward to this
5 day. I have a couple of questions again, like a broken
6 record. Fisheries and Oceans Canada, how do you do
7 your water samples and how often on the Meliadine Lake
8 and the surrounding areas, if you do it? Thank you.

9 THE CHAIR: Fisheries and Oceans Canada,
10 Jose Audet-Lecouffe.

11 MR. AUDET-LECOUFFE: Thank you, Madam Chair. Jose
12 Audet-Lecouffe, Fisheries and Oceans Canada.

13 Can I get clarification on sampling? Are we
14 talking about the water quality sampling or fish?

15 THE CHAIR: Kangiqliniq Hunters and
16 Trappers organization, Noel Kaludjak.

17 MR. KALUDJAK: Thank you, Madam Speaker.
18 Noel Kaludjak, Kangiqliniq Hunters and Trappers
19 Organization.

20 We were concerned about the fish that are in the
21 area, and they are abundant. Do we have any samples of
22 the fish around in that area and the surrounding
23 waters, especially the char and trout? Thank you.

24 THE CHAIR: Fisheries and Oceans Canada,
25 Jose Audet-Lecouffe.

26 MR. AUDET-LECOUFFE: Thank you, Madam Chair. Jose

1 Audet-Lecouffe, Fisheries and Oceans Canada.

2 Thank you, Noel, for the clarification. In a
3 process like this, we ask the proponent here, Agnico,
4 to sample and to determine the abundance of important
5 populations. We have focused on char, of course, for
6 this particular project. We have asked for more
7 details, and we will have more details. Agnico has
8 been on-site and sampled this year again to fill the
9 gaps and the concerns that we had on fish populations.

10 We do not do samples ourselves. As you know,
11 sampling fish can be harmful, so we try to not
12 duplicate that effort, but we try to keep an eye on
13 sampling efforts and be there when we can. I hope this
14 answers your question.

15 THE CHAIR: Kangiqliniq Hunters and
16 Trappers Organization, Noel Kaludjak.

17 MR. KALUDJAK: Thank you, Madam Speaker.
18 Noel Kaludjak, Kangiqliniq Hunters and Trappers
19 Organization.

20 Thank you for your reply. Now I will direct my
21 question to Transport Canada. My question is: Do you
22 monitor the chopper operations and activities around
23 the Kivalliq area? Do you monitor their travel line,
24 their height, and the amount of time they're flying
25 around the Kivalliq? Thank you.

26 THE CHAIR: Transport Canada, Adam

1 Downing.

2 MR. DOWNING: Thank you, Madam Chair. Adam
3 Downing with Transport Canada.

4 So for Transport Canada (INDISCERNIBLE), but all
5 aircraft adhere to Canadian aviation regulations.
6 (INDISCERNIBLE) don't monitor specific flights or the
7 specific (INDISCERNIBLE) specific aircraft each time.
8 Each aircraft and each pilot (INDISCERNIBLE) which
9 Transport Canada obtains (INDISCERNIBLE); however, we
10 don't monitor every flight. Thank you.

11 THE CHAIR: Adam Downing, we only got
12 parts of your response. I don't know if it would be
13 better by phone. Can you repeat -- please repeat your
14 response.

15 MR. DOWNING: Sure. I'll -- so Transport
16 Canada does not monitor specific (INDISCERNIBLE) and
17 specific flight plan. We ensure all aircraft adhere to
18 the (INDISCERNIBLE) aviation regulations. Annually we
19 do review logbooks for aircraft, and we do review those
20 annually; however, specific flights and flight plans we
21 do not approve (INDISCERNIBLE) daily.

22 THE CHAIR: Spencer Dewar.

23 MR. DEWAR: Qujannamiik, Madam Chair.
24 Spencer Dewar, Crown-Indigenous Relations and Northern
25 Affairs Canada.

26 We just wanted to add -- there was a question

1 regarding water sampling, and I don't know if DFO had
2 the full whole picture. There is additional water
3 sampling that occurs. I guess the primary is done by
4 Agnico Eagle, which then they have to produce a result
5 which is shared on an annual basis, which we do review
6 at Crown-Indigenous Relations and Northern Affairs
7 Canada.

8 Also, I'd like to add our inspectors, which go to
9 the site quarterly, do sample the discharge before it
10 would be put into Lake Meliadine. So we do water
11 samples there to ensure that they're, you know, treated
12 to the -- for the sample.

13 And, additionally, we work with the Kivalliq Inuit
14 Association through an MOU that is quite long standing,
15 and we come in the fall -- or -- sorry -- in the spring
16 and the fall, and we do sample directly from Lake
17 Meliadine. So there is some water sampling that -- I
18 just wanted to let you know. Qujannamiik.

19 THE CHAIR: In terms of chopper flights
20 and disturbance to wildlife, maybe Government of
21 Nunavut could add that to their intervention
22 presentation.

23 Kangiqliniq Hunters and Trappers Organization,
24 Noel Kaludjak.

25 MR. KALUDJAK: Thank you, Madam Chair. Noel
26 Kaludjak, Hunters and Trappers Organization. I'm going

1 to turn over the questions to Roger Pilakapsi.

2 THE CHAIR: Roger Pilakapsi.

3 MR. PILAKAPSI: Thank you, Chair. Roger
4 Pilakapsi for HTO Rankin.

5 And my question is about the caribou. It says
6 here from '85 to probably about roughly '87 they
7 decline, but it shows only numbers here. The caribou
8 they were surveying, I don't see any pattern what --
9 what they were using because sometimes all animals are
10 trying to avoid human or any kind of, like, mining
11 activities going around the Kivalliq, and sometimes
12 there would be quite a bit of wolves that will separate
13 them and go a different way, and sometimes, like, back
14 in them days I did the caribou survey too, but they
15 were good numbers, and a plane could only fly so many
16 hours, and I'm pretty sure where the plane can go there
17 was some caribou.

18 On this here you go from probably about 2000 --
19 '87 to 95. It goes way up within, it looks like, seven
20 years. That's the numbers. Like, do they have the
21 pattern -- surveying pattern what they did?

22 And the other question is: When they leave for
23 south during winter, where would they go? I'm pretty
24 sure they have wildlife -- to do that, just to survey.
25 Can you compare the numbers between the numbers you
26 have here and the numbers you have down south, like,

1 probably Saskatchewan or wherever they go? That's my
2 question. Thank you.

3 THE CHAIR: Can you clarify? Are you
4 talking about caribou?

5 MR. PILAKAPSI: Yes, I'm talking about the
6 caribou that comes up north.

7 THE CHAIR: And can you clarify which
8 presentation you're talking about?

9 MR. PILAKAPSI: Just -- just I have this here,
10 the Qamanirjuaq -- Qamanirjuaq herd.

11 THE CHAIR: The Kivalliq Inuit
12 Association's presentation?

13 MR. PILAKAPSI: Yes. Like, even on the -- on
14 here, back in the '60s and '80s, there was only
15 about -- they're saying 60,000. I'm pretty sure, like,
16 the animals are -- was avoiding stuff like that, the
17 mines -- mine and the communities and stuff back then.
18 This -- that's my question there.

19 THE CHAIR: I'm going to -- we're going to
20 continue -- like, the document that you're referring to
21 hasn't been entered as an exhibit yet. My
22 understanding is that it was circulated but has not
23 been reviewed by parties, and it's not entered as an
24 exhibit yet. So once we get to that part, if it's okay
25 if we can get back to your question. Is that okay?

26 MR. PILAKAPSI: Okay. Sorry. Sorry about

1 that. Okay.

2 THE CHAIR: Yeah.

3 MR. PILAKAPSI: We're doing the -- we're doing
4 the water survey. Like, I did some samples too with
5 the water survey with KIA. It wasn't so bad, but
6 some -- some areas I wouldn't drink water, but they're
7 in what seemed to be not too bad. They were showing on
8 the book there. That's my question.

9 THE CHAIR: Can you repeat the last part.
10 I can't hear good.

11 MR. PILAKAPSI: Oh, sorry. Yeah. I did the
12 water survey too before, and it wasn't so bad, and --
13 we didn't do any fish sample, but there was some areas,
14 like, I wouldn't drink water anymore because it was
15 pretty murky and stuff like that, but -- so that's
16 probably natural how everything goes, like, after so
17 many years.

18 And this water survey, like, it's -- it's a very
19 big thing. Like, people say, like, the community --
20 probably more than half of that community go get water
21 from the Meliadine, and during springtime when they're
22 having the fishing derby, they will drink from the
23 water too in Taqsaruq. That's one of the things that
24 people notice, that fish -- fish change too. But I
25 know there's lots and lots and lots of fish, but when
26 you're a good fisherman, I guess you can catch lots,

1 but when you're an average fisherman, you catch
2 nothing.

3 So that was my question, like, on the fish
4 population. I'm pretty sure they're pretty good.

5 And the water samples, like, it's not so bad, but
6 the stuff -- the stuff that are going around the camp,
7 it -- I'm pretty sure they said they get the water from
8 underground. I'm pretty sure they use a lot of salt,
9 salt and different chemicals. I'm not sure what
10 they're using, and it's come to the lake, and it's
11 going to change it after so many years. You could
12 probably see it in the long run after so many years
13 from the day they start drinking the water to today.

14 Is there -- is there any difference between that
15 water survey? That's my question.

16 THE CHAIR: First, we'll go to
17 Crown-Indigenous Relations and Northern Affairs Canada
18 and then Fisheries and Oceans Canada.

19 Crown-Indigenous Relations and Northern Affairs
20 Canada, Spencer Dewar.

21 MR. DEWAR: Qujannamiik, Madam Chair.
22 Spencer Dewar, Crown-Indigenous Relations and Northern
23 Affairs Canada.

24 I believe the question is is our water -- are the
25 samples noticing changes over time. I don't have the
26 exact samples we're talking about, but I would assume

1 that they would. We can certainly provide the
2 samples -- or the information that we have to date.
3 That wouldn't be a problem. There was some
4 interpretation of the data that we could also share, so
5 we can do that. Qujannamiik.

6 THE CHAIR: Fisheries and Oceans Canada,
7 Jose Audet-Lecouffe.

8 MR. AUDET-LECOUFFE: Thank you, Madam Chair. Jose
9 Audet-Lecouffe, Fisheries and Oceans Canada.

10 I believe the question is very much focused on the
11 water quality. That is not under our mandate, but I
12 would like to say -- and I forgot to say that in the
13 earlier response -- that Fisheries and Oceans with
14 fisheries management, we do -- we conduct fish -- fish
15 stock assessments. It is not specific to the Meliadine
16 system, but we do that all around the arctic for char.
17 We keep an eye on char populations.

18 Now, for the water quality part, I believe that my
19 colleagues in CIRNAC and Environment Canada would be
20 able to answer. Thank you.

21 THE CHAIR: Kivalliq Inuit Association,
22 Luis Manzo.

23 MR. MANZO: Madam Chair, Kivalliq Inuit
24 Association, Luis Manzo. Dr. McDougall will give an
25 answer to the HTO in respect to the water sampling
26 conducted by our department in the Meliadine.

1 THE CHAIR: Matt McDougall.

2 MR. MCDOUGALL: Thank you, Madam Chair. Matt
3 McDougall for the Kivalliq Inuit Association.
4 Thanks, Roger, for your question. So in addition to
5 the Crown-Indigenous Relations and Northern Affairs
6 Canada sampling as well as Agnico Eagle's sampling, the
7 Kivalliq Inuit Association also conducts sampling on
8 Meliadine Lake and in the vicinity of Baker Lake,
9 Chesterfield Inlet, and Whale Cove, as you joined us
10 doing the sampling in 2021.

11 So the water sampling component includes
12 monitoring the chemistry of the water as well as taking
13 Elders out onto the lake and doing interviews on
14 traditional use and changes that they've noticed over
15 their lifetimes.

16 So as to your question on changes to Meliadine
17 Lake, we have had a number of Elders state that they no
18 longer -- or have changed their use of Meliadine Lake
19 and the Meliadine River due to mining impacts, and our
20 measurements also confirm with Agnico Eagle's
21 measurements that there are changes to the chemistry of
22 Meliadine Lake due to mining activities. I hope that
23 answers your question. Thank you.

24 THE CHAIR: Kangiqliniq Hunters and
25 Trappers Organization, Roger Pilakapsi.

26 MR. PILAKAPSI: Thank you, Madam chair. Roger

1 Pilakapsi, Rankin HTO. Thank you for the feedback.

2 THE CHAIR: Northlands Denesuline First
3 Nation, Benjamin Denechezhe.

4 Northlands Denesuline First Nation Questions Government
5 of Canada Departments

6 MR. DENECHZHE: Thank you, Madam Chair. Good
7 morning, everybody, this morning. Good morning. I'll
8 say I've been here for almost a week now. Right now
9 we're discussing today. In the future, it's people to
10 rely on around here as Inuit territory how you utilize
11 and rely and love the land. And I'm a home town too
12 from where I'm from as a Dene. Land, we love the land.
13 We love the water because we rely on -- our life on it,
14 our livelihood.

15 Right now today we're here. All these government
16 here on what they're working on, all on their paper
17 documents, and they all say it's all good. Everyone
18 after another, they say everything is good.

19 Us, as a Dene people, the land, our creator had
20 created it, and we really respect that, and we seen
21 it -- I seen it, how the ground and everything took
22 place and how the water is misplaced, how the wind
23 direction blows -- when the surface of a land and
24 animals and all the kind of -- moved around and utilize
25 the land, if you look at it all. I don't think we can
26 look at all at one time.

1 As for the future, ask what you are looking --
2 we've taken all the resources out of the land. Our
3 land -- what I want to say is our land, not to be
4 destroyed. Even we heard now today. Our water already
5 making differences right now, our quality of the water,
6 and also the rivers is different.

7 Not too long ago, this land at underground harvest
8 in -- is already -- now there is already climate
9 changes. In the future -- now you live in this area.
10 What do you think -- what it's going to be like in the
11 future, I think right now. Your generation who are
12 following us right now, what it would be like for them
13 in the future?

14 I seen it. The land -- us -- in our -- our land,
15 what had happened in their land, and that they're a
16 bricken [phonetic] land. They're -- they're struggling
17 right now. You cannot harvest the way they harvest
18 before. The rivers are all damaged. For that, I am
19 really thinking hard.

20 The caribou migration, we -- our livelihood depend
21 on it. They migrated up to this territory. What would
22 happen in the future? What would it be like? I won't
23 be here maybe at that time, but still, our generation,
24 we have to really, really look after the caribou. When
25 something is damaged and destroyed, it doesn't repair
26 right away.

1 With that, I think it really concerns me. I've
2 been in many places and discussed this issue with
3 government before, and my concerns would be listened
4 to, and that's why I -- I raise my concern. It's not
5 only for me I speak. For -- like, I got a lot of
6 generation, my -- my grandkids, and I speak for them.
7 And the one person that spoke with us today, I speak my
8 Dad's word, he said, and that's why I speak, and that's
9 how I speak. That's what I speak, and that's what I
10 feel, if you hear me. The land, water, and animals,
11 fish, that's our livelihood, us. We have to respect
12 that and look after that not to be damaged. With that,
13 that's as far. Thank you.

14 THE CHAIR: Sayisi Dene First Nation,
15 Geoff Bussidor.
16 Sayisi Dene First Nation Questions Government of Canada
17 Departments

18 MR. BUSSIDOR: Thank you. Good morning,
19 Madam Chair. Thank you. Geoff Bussidor, Sayisi Dene
20 First Nation. Thank you, Benji, for that.

21 I just had one question here for Health Canada in
22 the presentation they provided. On the translated copy
23 here it's page 18, but it's about the comparison that
24 was made between the different country foods, the
25 contaminants. They compared the current exposure to
26 contaminants in country foods, water, soil, and air

1 before the project extension. So that -- if there's
2 information on that, was that provided to the
3 communities? Whether that's available or if you have
4 it here, it would be good to know what was on that
5 document that was provided for that comment to be made.

6 THE CHAIR: Health Canada, Julie Anderson.

7 MS. ANDERSON: Thank you, Madam Chair. Julie
8 Anderson, Health Canada.

9 Thank you for that question. Perhaps I should clarify.
10 The way that we do our assessments is to start with an
11 existing case and look at the change. Saying "the
12 levels of contamination" simply is shorthand for
13 looking at what is existing in the environment now. It
14 doesn't necessarily mean that anything is contaminated,
15 so not that there's an existing risk that is
16 significant or anything that we feel requires
17 additional action in the existing case, and we also
18 concluded in our review that Health Canada does not see
19 the predicted impacts of the project as proposed having
20 a significant risk for health.

21 I hope that helps clarify, but if you have a
22 follow-up question, please feel free to ask. Thank
23 you.

24 THE CHAIR: Before we continue with
25 questions to the Government of Canada departments,
26 we're going to take a 15-minute break.

1 (ADJOURNMENT)

2 THE CHAIR: Health Canada, Julie Anderson.

3 MS. ANDERSON: Thank you, Madam Chair.

4 Julie Anderson, Health Canada.

5 I wish just to provide a more complete response to
6 Sayisi Dene First Nation's question. So you did ask in
7 your question whether information was available
8 anywhere that communities could look at. So I wanted
9 to point out that the information reviewed by
10 Health Canada was Agnico Eagle's monitoring data and
11 the information provided as part of this process. So
12 that information would be available through the
13 registry. Thank you.

14 THE CHAIR: Sayisi Dene First Nation,
15 Geoff Bussidor.

16 MR. BUSSIDOR: Thank you, Madam Chair.

17 Thank you Health Canada for that. I do have one
18 other question. I guess this one would go to
19 Environment and Climate Change or anybody that
20 regulates or has to do with the Migratory Birds
21 Convention Act.

22 The question is whether wind turbines in existence
23 right now -- I know this is closer towards the coast,
24 so there'll be a lot of birds flying in the area, and
25 so whether lighting on the wind turbines would be
26 something that could be considered or -- I don't know

1 if they would help or not, but I know those birds, when
2 they fly, they fly at nighttime too, and so just one of
3 those concerns that I -- I sort of raised it with
4 Agnico Eagle, and they said that for the aeronautical
5 purposes, they do put the red lights on, but it's not
6 all lit up. So I -- it's just one of those thoughts
7 and concerns. Masì.

8 THE CHAIR: Is it Transport Canada that
9 has the regulations on standards for what has to be on
10 the turbine?

11 And in terms of birds, Environment and Climate
12 Change Canada, Victoria Shore.

13 MS. SHORE: Victoria Shore, Environment
14 and Climate Change Canada.

15 Thank you for that question regarding migratory
16 birds. We had asked Agnico Eagle in Technical Review
17 Comment 11 to include additional bird baseline surveys
18 to be conducted encompassing the full footprint of the
19 wind farm to better understand migratory bird movement
20 in the area and assess potential impacts. And Agnico
21 Eagle did agree to conduct this additional baseline
22 survey to better understand the -- the impacts. I am
23 not sure if the lights that are required by Transport
24 Canada would benefit the birds. I would have to touch
25 base with my internal specialists. But I can look into
26 that and get back to you. Thank you.

1 THE CHAIR: Transport Canada,
2 Adam Downing.

3 MR. DOWNING: Thank you, Madam Chair.
4 Adam Downing with Transport Canada.

5 So the lights that are required for the wind
6 turbine are strictly for the safety of aircraft. And
7 transport (INDISCERNIBLE) look at how they would impact
8 wildlife or birds (INDISCERNIBLE) simply to restrict
9 aircraft from the area and maintain the safety of the
10 aircraft. Thank you.

11 THE CHAIR: Sayisi Dene First Nation,
12 Geoff Bussidor.

13 MR. BUSSIDOR: Thank you, Madam Chair.

14 Thank you for your responses. I have -- legal
15 counsel, Kelly Olson, has one question as well. Thank
16 you.

17 MR. OLSON: Thank you, Madam Chair.
18 Kelly Olson, legal counsel for Sayisi Dene First Nation
19 and Northlands Denesuline First Nation.

20 We have heard discussion this week about the
21 Commitment 38 study which is intended to address
22 Revised Term and Condition 44 of the project
23 certificate. As Revised Term and Condition 44 resulted
24 from Crown consultations between Sayisi Dene
25 First Nation, Northlands Denesuline First Nation, and
26 Canada, has Crown-Indigenous Relations and Northern

1 Affairs Canada continued to monitor the status of
2 Agnico Eagle's requirements under Revised Term and
3 Condition 44, particularly the revision of the 2021
4 technical memorandum entitled "Collared Caribou
5 All-Weather Access Road Interactions"? Thank you.

6 THE CHAIR: Crown-Indigenous Relations and
7 Northern Affairs Canada, Spencer Dewar.

8 MR. DEWAR: Qujannamiik, Madam Chair.
9 Spencer Dewar, Crown-Indigenous Relations and Northern
10 Affairs Canada.

11 It is our department that does monitor the Nunavut
12 Impact Review Board project certificates for
13 compliance, and therefore, yes, we -- we would monitor
14 that term and condition. So -- yeah. So we -- we --
15 we do two types of monitoring of the project
16 certificate. First and foremost is our on-the-ground
17 field operations. So that will be inspecting the mine
18 site physically, and then we also do a more
19 administrative check, which is to ensure that the
20 project certificate is working. So we will do, through
21 annual reporting, a review of all the modelling and
22 monitoring data to see that -- if it's -- if it's
23 working as planned, and that would include Term and
24 Condition 44.

25 I would say that if, you know, any member or
26 anyone has concerns that they don't think compliance is

1 being achieved, they can always reach out to our
2 department, and we -- we can investigate further.

3 THE CHAIR: Sayisi Dene First Nation,
4 Kelly Olson.

5 MR. OLSON: Kelly Olson, legal counsel for
6 Sayisi Dene First Nation and Northlands Denesuline
7 First Nation.

8 Crown-Indigenous Relations and Northern Affairs,
9 can you please confirm when that requirement in order
10 to revise the collared caribou memo was satisfied?
11 Thank you.

12 MR. DEWAR: Qujannamiik, Madam Chair.
13 Spencer Dewar, Crown-Indigenous Relations and Northern
14 Affairs Canada.

15 I will have to take that under advisement and
16 consult with our field operations unit to see what the
17 status is.

18 THE CHAIR: Just remember to wait for me
19 to call your name 'cause the interpreters are still
20 usually interpreting when someone's done talking.

21 Sayisi Dene First Nation, Kelly Olson.

22 MR. OLSON: Thank you, Madam Chair.
23 Kelly Olson, legal counsel for Sayisi Dene First Nation
24 and Northlands Denesuline First Nation. No further
25 questions. Thank you.

26 Athabasca Denesuline Ne Ne Land Corporation Questions

1 Government of Canada Departments

2 THE CHAIR: Athabasca Denesuline Ne Ne
3 Land Corporation, Diane McDonald.

4 MS. MCDONALD: Good morning, everyone, and
5 for the Elders for the prayer this morning.

6 Diane McDonald with the Athabasca Denesuline Ne Ne Land
7 Corporation.

8 I just want to kind of allude back to the comments
9 that were made in terms of the impacts to the Meliadine
10 Lake that have already been observing increases in
11 chlorophyll and phosphorous and -- and the metals such
12 as arsenic and others in the water and fish tissue, so
13 including the increase in the average water
14 temperature.

15 And certainly in the past week we've been
16 hearing -- we've heard many local Inuit in the Kivalliq
17 Inuit Association that they have already moved away
18 from drinking water in the Meliadine Lake area. Can
19 Fisheries and Oceans Canada and Health Canada and the
20 Crown-Indigenous Relations explain what measures are
21 going to be taken to prevent further contamination if
22 the extension is approved?

23 And in addition to that, the process that's been
24 done, do you use only published guidelines that are
25 acceptable in the general public, or do you consider
26 cultural thresholds which seem -- have -- to have

1 already been passed? So those are my two questions.

2 Thank you, Madam Chair.

3 THE CHAIR: First we'll go to
4 Crown-Indigenous Relations and Northern Affairs Canada,
5 Spencer Dewar.

6 MR. DEWAR: Qujannamiik, Madam Chair.
7 Spencer Dewar, Crown-Indigenous Relations and Northern
8 Affairs Canada.

9 All of our technical intervention is -- is meant
10 to sort of mitigate or manage potential impacts. It's
11 a proponent-based system, so Agnico Eagle sort of
12 outlines what they intend to do through the
13 application, and then our role would be to look at it
14 through our mandate to try to see, you know, what can
15 be done better, what would need to be done to protect
16 and minimize impacts.

17 So from that perspective, I guess, you know, we
18 trust that Agnico Eagle provides models that'll ensure
19 that the limits that get set are safe. We evaluate to
20 see if they are conservative enough and make a
21 recommendation to the Nunavut Impact Review Board. The
22 Board makes a recommendation, and if the minister
23 accepts -- the responsible ministers accept that, a
24 project certificate is in place. And we would enforce
25 compliance against that project certificate.

26 So to say that, you know, it would be strictly

1 just guidelines or regulations, there is opportunity to
2 set a higher bar that might incorporate cultural
3 values, as you mentioned. So that could certainly be
4 something that is considered and, through these public
5 open transparent processes, formulate part of the
6 project certificate and then be enforced. I hope that
7 answers your question.

8 THE CHAIR: Fisheries and Oceans Canada,
9 Jose Audet-Lecouffe.

10 MR. AUDET-LECOUFFE: Thank you, Madam Chair.
11 Jose Audet-Lecouffe, Fisheries and Oceans Canada.

12 Thank you, Diane, for your question. We are
13 always asked questions about water quality, and most of
14 the time those questions don't fall under our mandate.
15 The water quality portion of the Fisheries Act was
16 delegated to Environment Canada.

17 I will say this: Our mandate is to protect fish
18 and fish habitat against future impacts and to restore
19 fish habitat when needed, so we keep a really close
20 look at those issues to make sure they don't impact the
21 local population. Thank you.

22 THE CHAIR: Health Canada, Julie Anderson.

23 MS. ANDERSON: Thank you, Madam Chair.
24 Julie Anderson, Health Canada.

25 Thank you for the question, Diane. Health Canada
26 does recognize that community members and individuals

1 make use of local water bodies including Meliadine Lake
2 and the importance of being able to do so. With
3 regards to your question about guidelines, we do base
4 our review on guidelines developed for human health and
5 safety of use by humans when we do our evaluations.

6 As outlined yesterday in our Recommendation
7 Number 3, we have recommended to the Nunavut Impact
8 Review Board that the proponent should continue to
9 monitor different multi -- different environmental
10 media, including surface water, to understand potential
11 changes. And as part of this recommended monitoring,
12 we would suggest that thresholds be determined in
13 consultation with indigenous communities and local
14 community members when considering thresholds and the
15 need for additional measures. Thank you.

16 THE CHAIR: Athabasca Denesuline Ne Ne
17 Land Corporation, Diane McDonald.

18 MS. MCDONALD: Athabasca Denesuline Ne Ne
19 Land Corporation, Diane McDonald.

20 I guess the -- the answer for the levels in the
21 fish wasn't really answered. I know you talked about,
22 you know, fish habitat, but maybe -- maybe this is a
23 question for Environment Canada to -- to provide an
24 answer to that.

25 THE CHAIR: Environment and Climate Change
26 Canada, Victoria Shore.

1 MS. SHORE: Victoria Shore, Environment
2 and Climate Change Canada.

3 Yes. I can -- I can speak to the water quality
4 aspect. The metal and diamond mining effluent
5 regulations authorized the deposit of effluent from
6 metal and diamond mines into waters frequented by fish.
7 The regulations help to protect Canada's lakes and
8 rivers by setting strict limits on the quality of
9 effluent that can be discharged and also by requiring
10 effluent testing, monitoring, and reporting. Water
11 chemistry results are compared against thresholds so
12 that management actions can be taken before thresholds
13 are reached. Those thresholds are based on published
14 guidelines and research and not generally cultural
15 thresholds.

16 Agnico Eagle is required to conduct monitoring
17 under the metal and diamond mining effluent regulations
18 which is called "environmental effects monitoring".
19 This involves assessing whether effluents are having an
20 effect on fish, fish habitat, and use of fish by
21 humans, and it may also involve investigating the cause
22 and effect and identifying solutions to eliminate it.
23 I hope that helps. Thank you.

24 THE CHAIR: Athabasca Denesuline Ne Ne
25 Land Corporation, Diane McDonald.

26 MS. MCDONALD: Thank you for your -- your

1 responses. When you look at the environment by itself
2 as a whole whether it's landscapes, whether it's
3 waters, rivers, animals, so the biosphere of the whole,
4 you can't separate, you know, the quality of water, the
5 contamination of water to water aquatic species. I
6 understand the mandate, you know, where -- a habitat
7 mandate.

8 But, you know, still -- just listening to the
9 concerns and -- and what Northlands college --
10 Northlands Dene Nation spoke of this morning, just
11 alluding to the experiences in our past and -- and
12 certainly, you know, looking at the future of -- the
13 future of the environment, how safe it's going to be,
14 and -- and all the habitat within the vicinity of the
15 mine site, and maybe a consideration of a higher
16 standard or threshold will be considered by maybe
17 CIRNAC, part of the -- some of the departments that are
18 affiliated with some of these recommendations that are
19 being made, thresholds that can consider the knowledge
20 of the Inuit that are impacted directly from the mine,
21 and certainly they speak of that in the past few days.

22 And -- and maybe that could be -- whether if it's
23 an enforcement or a recommendation that could be
24 considered as a public policy or -- and -- and that
25 would put confidence in assuring that, you know, the
26 Inuit understand that the food that they rely on

1 directly impact from the mine and the water that they
2 drink and the fish that come from there, that they have
3 assurances as well as they are directly impacted. So
4 with that, thank you.

5 THE CHAIR: Crown-Indigenous Relations and
6 Northern Affairs Canada, Spencer Dewar.

7 MR. DEWAR: Qujannamiik, Madam Chair.
8 Spencer Dewar, Crown-Indigenous Relations and Northern
9 Affairs Canada.

10 Thank you, Diane, for those comments. You know, I
11 agree. We should set the highest possible standards
12 for the protection of water and lake water environment,
13 and -- you know, so -- thank you.

14 THE CHAIR: Athabasca Denesuline Ne Ne
15 Land Corporation, Diane McDonald.

16 MS. MCDONALD: Diane McDonald, Athabasca
17 Denesuline Ne Ne Land Corporation.

18 Madam Chair, I have no further questions. Thank
19 you.

20 Agnico Eagle Questions Government of Canada Departments

21 THE CHAIR: Agnico Eagle, Manon Turmel.

22 MS. TURMEL: Manon Turmel, Agnico Eagle.

23 Hearing some of the questions, I just want to
24 reassure everyone that the water is not contaminated.
25 We test the water. All the tests are available to the
26 public. And we also work with the community. All this

1 information is in our presentation. I have three
2 questions, one for Crown-Indigenous Relations and
3 Northern Affairs Canada and two for Environment and
4 Climate Change Canada.

5 My first one: Crown-Indigenous Relations and
6 Northern Affairs Canada, what is your position on the
7 use of renewable energy, including wind turbines, as
8 they mean to reduce greenhouse gas emissions at
9 industrial projects such as the Meliadine Mine?

10 THE CHAIR: Crown-Indigenous Relations and
11 Northern Affairs Canada, Spencer Dewar.

12 MR. DEWAR: Qujannamiik, Madam Chair.
13 Spencer Dewar, Crown-Indigenous Relations and Northern
14 Affairs Canada.

15 The Government of Canada is committed to
16 supporting the north and reducing its reliance on
17 diesel and transitioning to clean energy. Wind power
18 has been proven as an effective technology in the north
19 and has the ability to provide clean, renewable power
20 all throughout the year; however, like all
21 infrastructure projects, wind turbines have the
22 potential to impact the environment. So it's critical
23 that all proponents follow established regulatory
24 processes under Nunavut's integrated regulatory system
25 to ensure that the environmental and socioeconomic
26 impacts are minimized and mitigated.

1 THE CHAIR: Agnico Eagle, Manon Turmel.

2 MS. TURMEL: Manon Turmel, Agnico Eagle.

3 Thank you for your response.

4 For Environment and Climate Change Canada, is wind
5 power an option that Environment and Climate Change
6 Canada recognizes can help reduce greenhouse gas
7 emissions at industrial projects?

8 THE CHAIR: Environment and Climate Change
9 Canada, Victoria Shore.

10 MS. SHORE: Victoria Shore, Environment
11 and Climate Change Canada.

12 Yes. Environment and Climate Change Canada
13 recognizes that wind power is one option to help reduce
14 greenhouse gas emissions.

15 THE CHAIR: Agnico Eagle, Manon Turmel.

16 MS. TURMEL: Manon Turmel, Agnico Eagle.

17 Thank you for your response. Last question: Is
18 Environment and Climate Change Canada of the view that
19 industrial operations should pursue measures to reduce
20 greenhouse gas emissions from their operations?

21 THE CHAIR: Environment and Climate Change
22 Canada, Victoria Shore.

23 MS. SHORE: Victoria Shore, Environment
24 and Climate Change Canada.

25 Climate change disproportionately affects the
26 Canadian arctic. Canada is warming faster than the

1 world as a whole at more than twice the global rate,
2 and the Canadian arctic is warming at about three times
3 the global rate. It's therefore imperative that Canada
4 plan to mitigate further impacts from greenhouse gas
5 emissions where possible and build resiliency against
6 the effects of a changing climate that are already upon
7 us.

8 Canada is pursuing several avenues to tackle the
9 broad challenge that climate change presents, including
10 carbon pricing, targeted regulations on emissions, and
11 certain sectors. It also includes targets to reduce
12 emissions across the country. Canada's 2030 emissions
13 reduction plan includes steps to support heavy
14 industry, including mining, in reducing greenhouse gas
15 emissions.

16 To contribute to achieving these plans, industrial
17 operations should pursue measures to reduce greenhouse
18 gas emissions. There is, however, no one-size-fits-all
19 solution, and any negative residual environmental
20 impacts from renewable energy projects must be balanced
21 against the need to also reduce greenhouse gas
22 emissions. Thank you.

23 THE CHAIR: Agnico Eagle, Manon Turmel.

24 MS. TURMEL: Manon Turmel, Agnico Eagle.

25 Thank you for your response. Those are all our
26 questions. Thank you.

1 Nunavut Impact Review Board Staff Questions Government
2 of Canada Departments

3 THE CHAIR: NIRB staff, Tara Arko.

4 MS. ARKO: Thank you, Madam Chair.
5 Tara Arko, Nunavut Impact Review Board staff.

6 The first question is directed to Crown-Indigenous
7 Relations and Northern Affairs Canada and is following
8 up on the question previously asked by Nunavut
9 Tunngavik on meeting with the impacted communities.

10 Can Crown-Indigenous Relations and Northern
11 Affairs Canada comment on whether any of the federal
12 departments have any other methods of informing
13 community members to help them understand the results
14 of inspections such as availability of these reports
15 online and especially outside of the NIRB's public
16 registry?

17 THE CHAIR: Crown-Indigenous Relations and
18 Northern Affairs Canada, Spencer Dewar.

19 MR. DEWAR: Qujannamiik, Madam Chair.
20 Spencer Dewar, Crown-Indigenous Relations and Northern
21 Affairs Canada.

22 In regard to -- to inspections, the formal
23 inspections under the Nunavut Waters and Surface Rights
24 Tribunal Act are posted to the water board's public
25 registry.

26 When it comes to the Nunavut Impact Review Board,

1 through the annual reporting process, we do provide a
2 summary of the inspections that occurred over the year,
3 and that gets submitted to the Nunavut Impact Review
4 Board, which I understand they post to the public
5 registry. So those -- that would be the formal way
6 that we share the results of our inspection; however,
7 inspectors do attend -- do, I guess -- over a course of
8 two years, inspectors would attend -- would be in each
9 community at least once, and it is their practice to
10 meet with hamlets and other organizations of interest.
11 That's it.

12 THE CHAIR: NIRB staff, Tara Arko.

13 MS. ARKO: Thank you, Madam Chair.

14 Tara Arko Nunavut Impact Review Board staff.

15 Thank you very much for that answer. In a similar
16 vein, a follow-up question is, the project is related
17 in different cycles with some federal regulators
18 overseeing legislation that generally applies to the
19 project activities. Others issue approvals at the
20 beginning of certain activities at site, and some
21 manage permits and licences continually required for
22 site operations.

23 As the lead decision -maker for the project with
24 obligations for consultation, has Crown-Indigenous
25 Relations and Northern Affairs Canada considered
26 coordinating information to the communities if the

1 project life is extended?

2 THE CHAIR: Crown-Indigenous Relations and
3 Northern Affairs Canada, Spencer Dewar.

4 MR. DEWAR: Qujannamiik, Madam Chair.
5 Spencer Dewar, Crown-Indigenous Relations and Northern
6 Affairs Canada.

7 I -- I can speak to the process of how we consult,
8 and -- and I don't know if it'll get to the level of
9 detail that you're requesting 'cause I think you have
10 pointed out that there is different departments,
11 different regulations, different authorizations that
12 are required.

13 But the -- the Government of Canada as a whole,
14 when it's coming to discuss consultation, we rely
15 heavily on the Nunavut Impact Review Board to
16 discharge -- to discharge the procedural aspects of our
17 consultation. Therefore we rely on public
18 participation in this forum, and we rely heavily on the
19 Nunavut Impact Review Board's report and recommendation
20 to the minister to capture accurately what concerns are
21 related to the project.

22 So I guess my question would be are you looking
23 for sort of a whole-of-government summary of the
24 actions or activities regarding the project? Is that
25 what I'm understanding? Okay.

26 I would certainly have to -- to think more deeply

1 exactly what the expectations would be. I know there's
2 a lot of participants and intervenors that participate
3 with a lot of different mandates and levers that allow
4 them to participate, and we do heavily rely on the
5 Nunavut Impact Review Board to collate that, bring that
6 together and make decisions, and from there the
7 responsible ministers review the report, and if the
8 recommendation is in acceptance, that report becomes a
9 project certificate. And then from there, the
10 Government of Canada monitors the project certificate
11 to see that it's working, reports its findings back to
12 the Nunavut Impact Review Board on an annual basis.

13 I understand the Nunavut Impact Review Board
14 reviews the monitoring comments and then makes a
15 determination of whether the project's monitored and
16 then attends the community to -- to share that
17 monitoring on an annual basis as well. But the -- I
18 think that's the -- the process we have as far as the
19 Nunavut Impact Review Board. There is other regulatory
20 authorizations such as the Nunavut water licence which
21 does a similar exercise in monitoring. But that's the
22 process as we understand it. But we'd always be open
23 for other avenues to communicate and to share sort of
24 our mandate and our findings.

25 THE CHAIR: NIRB staff, Tara Arko -- legal
26 counsel.

1 MS. MEADOWS: Thank you, Madam Chair.

2 Teresa Meadows, legal counsel for the Nunavut Impact
3 Review Board.

4 So maybe I'll just give you a brief summary of
5 kind of what the expectations are and the basis for the
6 Board's question. Essentially we're looking for, from
7 the Government of Canada, a high-level summary of
8 community engagement about the project and the
9 extension proposal that may have been conducted or is
10 planned by the Government of Canada outside the NIRB
11 process.

12 We're well familiar with the -- the steps that we
13 see as the Board, but we're really looking for what
14 activities you are -- you are undertaking with respect
15 to community engagement that the Board may not see
16 outside of the NIRB process. And I recognize that that
17 will have to be a deferred question, but that's the
18 expectation.

19 THE CHAIR: Crown-Indigenous Relations and
20 Northern Affairs Canada, Spencer Dewar.

21 MR. DEWAR: Qujannamiik, Madam Chair.
22 Spencer Dewar, Crown-Indigenous Relations and Northern
23 Affairs Canada.

24 I guess you caught on that I started to feel quite
25 nervous explaining the NIRB's process back to the NIRB.
26 So, anyway, I appreciate the clarity on what you're

1 asking for. And sorry, Tara, that I didn't pick up in
2 the beginning. We will have to defer it. I'll consult
3 with our colleagues and departments, and we'll provide
4 something soon.

5 THE CHAIR: NIRB staff, Tara Arko.

6 MS. ARKO: Thank you, Madam Chair.

7 Tara Arko, Nunavut Impact Review Board staff.

8 This question is directed towards Fisheries and
9 Oceans Canada. Understanding that the Nunavut Impact
10 Review Board is not assessing components of the
11 currently approved project, can Fisheries and Oceans
12 Canada please clarify the need for additional reporting
13 on fish and fish habitat monitoring of aquatic invasive
14 species and monitoring of ship noise in the context of
15 activities related to the Meliadine extension proposal?

16 THE CHAIR: Fisheries and Oceans Canada,
17 Jose Audet-Lecouffe.

18 MR. AUDET-LECOUFFE: Thank you, Madam Chair.
19 Jose Audet-Lecouffe, Fisheries and Oceans Canada.

20 Thank you for your question, Tara. I will start
21 with reporting on fish and fish habitat. We believe
22 that this information is already collected but in
23 different documents in the submission of the annual
24 report. To better review those reports and make sure
25 that we have all the information presented in a clear
26 manner, an appendix on fish and fish habitat alone, I

1 believe, is needed. But that information is already
2 there.

3 Now, for aquatic invasive species and underwater
4 noise monitoring, these impacts were not identified
5 during the 2014 FEIS. And no monitoring or terms and
6 conditions identify clearly that those impacts exist.
7 So they are not new, but they have never been
8 identified.

9 We also consider that adding 11 years to the
10 mining operations means additional impacts which need
11 to be reviewed as part of this process. I hope this
12 answers your question. Thank you.

13 THE CHAIR: NIRB staff, Tara Arko.

14 MS. ARKO: Thank you, Madam Chair.

15 Tara Arko, Nunavut Impact Review Board staff.

16 The final question is directed to Environment and
17 Climate Change Canada. With the request for additional
18 surveys of birds for the proposed turbines, would
19 Environment and Climate Change Canada have any
20 collaboration with the terrestrial advisory group for
21 following up monitoring and mitigation measures?

22 THE CHAIR: Environment and Climate Change
23 Canada, Victoria Shore.

24 MS. SHORE: Victoria Shore, Environment
25 and Climate Change Canada.

26 Thank you for that question. Initially

1 Environment and Climate Change Canada declined
2 membership in the terrestrial advisory group because,
3 in our experience, those groups mostly discuss issues
4 related to caribou, and as Government of Nunavut has
5 primary management responsibility for caribou and its
6 comanagement partners hold the best knowledge related
7 to monitoring and mitigating impacts to caribou, we did
8 not feel like we would substantially contribute to the
9 group; however, for topics relating to migratory birds,
10 we would be happy to collaborate with the terrestrial
11 advisory group. Thank you.

12 THE CHAIR: Nunavut Impact Review Board
13 staff, Tara Arko.

14 MS. ARKO: Thank you, Madam Chair.
15 Tara Arko, Nunavut Impact Review Board staff.

16 That's all our questions at this time, Madam
17 Chair.

18 Nunavut Impact Review Board Panel Questions Government
19 of Canada Departments

20 THE CHAIR: Are there any questions from
21 the Board?

22 Catherine Emrick -- Guy Alikut.

23 MR. ALIKUT: Thank you. Thank you, Madam
24 Chair. Guy Alikut, board member.

25 I'm going to ask a question to Environment Canada.
26 As an Inuk, we all have -- some of us own computers,

1 and we know -- do you have a website available to the
2 public when we're hearing more and more about the
3 Meliadine project and that there are places we need
4 to -- we -- we need to ensure that the public knows
5 about the Meliadine project, and it's becoming more and
6 more evident that it's -- some people don't know about
7 the impacts that the Meliadine project is having on --
8 on the quality of water.

9 So do you have a website where the public can go
10 and read more and more about the project that's --
11 that's -- that's happening at Meliadine? As -- as an
12 individual, I would want to go and read more
13 information about the impacts that this project is
14 having. Thank you.

15 THE CHAIR: First we'll go to Environment
16 and Climate Change Canada and Crown-Indigenous
17 Relations and Northern Affairs Canada.

18 Victoria Shore.

19 MS. SHORE: Victoria Shore, Environment
20 and Climate Change Canada.

21 I am not aware of a public-facing departmental
22 website where people would be able to go and read more
23 about the department's involvement with the Meliadine
24 project. We do, as I mentioned earlier, review the
25 various annual reports produced by Agnico Eagle and
26 provide comments and recommendations based on those

1 reports to the Nunavut Impact Review Board as well as
2 the Nunavut -- the Nunavut Water Board which are
3 publicly available through the respective
4 organizations' registries. Thank you.

5 THE CHAIR: Crown-Indigenous Relations and
6 Northern Affairs Canada, Spencer Dewar.

7 MR. DEWAR: Qujannamiik, Madam Chair.
8 Spencer Dewar, Crown-Indigenous Relations and Northern
9 Affairs Canada.

10 Yeah. Crown-Indigenous Relations and Northern
11 Affairs Canada does not publish information about these
12 projects such as Meliadine expansion. I think the --
13 the primary place for someone to learn more about the
14 project might be at Agnico Eagle's website directly to
15 learn about the project, and then I'd defer to the
16 Nunavut Impact Review Board registry to better
17 understand the status and -- and -- and the review
18 that's ongoing. And, similarly, the Nunavut Water
19 Board's public registry where all the information would
20 be kept.

21 THE CHAIR: NIRB board, Guy Alikut.

22 MR. ALIKUT: Guy Alikut.

23 Now, the other one is the (NO ENGLISH FEED) we
24 keep hearing -- we're trying to look for better energy
25 for the world, and I believe in that, like, in Canada
26 we have -- just Nunavut. We try to look for better

1 ways too.

2 And maybe can somebody tell me how many percent in
3 this world are using energy -- the -- how many in this
4 world are using the -- I would like to find out -- can
5 you give me an estimate of -- what's the estimate --
6 how much is -- because we're trying to be greener. I'd
7 like to know how much is being used in Canada, the ...

8 THE CHAIR: (NO ENGLISH FEED) globally has
9 transitioned to renewable energy sources and related to
10 any international agreements and commitments.

11 Victoria Shore.

12 MS. SHORE: Victoria Shore, Environment
13 and Climate Change Canada.

14 I don't have the numbers on hand in terms of how
15 much transition has been done to renewable energy at
16 this point in time, but I can look into getting an
17 answer.

18 THE CHAIR: NIRB board, Guy Alikut.

19 MR. ALIKUT: That's the only question I
20 have. Thank you for your response. Thank you.

21 THE CHAIR: NIRB board, Catherine Emrick.

22 MS. EMRICK: Thank you, Madam Chair.

23 Catherine Emrick, Nunavut Impact Review Board board
24 member.

25 My first question is to CIRNAC -- or -- sorry --
26 Crown-Indigenous Relations and Northern Affairs Canada.

1 It's regarding Slide 12 in your presentation, and
2 it's -- the slide is titled "Concerns Resolved With
3 Commitment By Agnico Eagle", and this is related to the
4 Technical Review Comment Number 4, minimizing
5 discharges to Meliadine Lake.

6 And when I -- when I read what you were looking
7 for from Agnico Eagle, I have trouble looking at the
8 response from Agnico Eagle and actually clarifying or
9 understanding what the specific commitment was that --
10 that's resolving the technical review comment, so I'm
11 just wondering if you can give us some clarity on the
12 actual commitment you see resolving this issue. Thank
13 you.

14 THE CHAIR: Crown-Indigenous Relations and
15 Northern Affairs Canada and Northern Affairs Canada,
16 Spencer Dewar.

17 MR. DEWAR: Qujannamiik, Madam Chair.
18 Spencer Dewar, Crown-Indigenous Relations and Northern
19 Affairs Canada.

20 I'm going to have Felexce Ngwa respond on our
21 behalf.

22 THE CHAIR: Felexce Ngwa.

23 MR. NGWA: Thank you, Madam Chair.
24 Felexce Ngwa with Crown-Indigenous Relations and
25 Northern Affairs Canada.

26 So that -- we -- CIRNAC had a concern about the

1 amount of water that was going to be discharged into
2 Lake Meliadine because the amount was higher than what
3 was originally predicted, and so we had some questions
4 to Agnico Eagle. And they indicated to us that the
5 amount of water that they are currently predicting for
6 discharge is what was already assessed in the
7 2014 final environmental impact statement, and they
8 also indicated that they would be working to minimize
9 discharge into the lake.

10 And since we verified that the amount of water
11 they are proposing to discharge was already assessed in
12 2014, we asked them to work with the Kivalliq Inuit
13 Association to ensure that discharges into Lake
14 Meliadine are minimized based on the concerns that the
15 Kivalliq Inuit Association had expressed. Thank you,
16 Madam Chair.

17 THE CHAIR: NIRB board, Catherine Emrick.

18 MS. EMRICK: Thank you, Madam Chair.
19 Catherine Emrick, Nunavut Impact Review Board board
20 member.

21 Thank you for that response. I -- I guess my
22 question would be, are you satisfied that that
23 commitment has been made? Thank you, Madam Chair.

24 THE CHAIR: Crown-Indigenous Relations and
25 Northern Affairs Canada, Spencer Dewar or Felexce Ngwa.

26 MR. NGWA: Thank you, Madam Chair.

1 Felexce Ngwa with Crown-Indigenous Relations and
2 Northern Affairs Canada.

3 So strictly from an impact assessment perspective,
4 we understand that the amount of water that has been
5 proposed to be discharged had been assessed in 2014,
6 but we also understand that Term and Condition
7 Number 25 requires AEM to minimize or eliminate
8 discharge into Lake Meliadine, and that term and
9 condition -- and that term and condition was put into
10 place due to the concerns expressed by the Kivalliq
11 Inuit Association. And it's for that reason that we
12 think it's appropriate for AEM to work with the
13 Kivalliq Inuit Association to address the concerns
14 which they still have. Thank you, Madam Chair.

15 THE CHAIR: Nunavut Impact Review Board
16 board, Catherine Emrick.

17 MS. EMRICK: Thank you, Madam Chair.
18 Catherine Emrick, board member.

19 Thank you for that response. I just have one
20 further question to Environment and Climate -- sorry --
21 Environment and Climate Change Canada and
22 Crown-Indigenous Relations and Northern Affairs Canada.

23 I'm just wondering if when your inspectors are out
24 carrying out their inspection duties, do they seek out
25 Inuit Qaujimajatuqangit to inform their inspections?

26 Thank you.

1 THE CHAIR: Before we get to responses,
2 we're going to take a lunch break until 1:15. For the
3 awareness of everyone, all of the intervenors who are
4 at the table will be moved to the back, and community
5 representatives will be moved to the table 'cause we're
6 going to start transitioning into the community
7 roundtable. So community representatives will sit
8 around the table, and intervenors will be at the back.
9 Please talk to staff if you need to know where to go to
10 answer a question.

11 (PROCEEDINGS ADJOURNED UNTIL 1:15 PM)

12 (PROCEEDINGS RECOMMENCED AT 1:22 PM)

13 THE CHAIR: Welcome back, everyone. Just
14 so everybody understands, we're still getting through
15 the technical presentations from the registered
16 intervenors. There's four more presentations for the
17 technical portion, and once we're done the four
18 technical presentations, we'll move on to the community
19 roundtable portion.

20 THE CHAIR: Before the lunch break, we
21 left off with questions to the Government of Canada
22 from the Board. The questions to Crown-Indigenous
23 Relations and Northern Affairs Canada and Climate
24 Change Canada.

25 Crown-Indigenous Relations and Northern Affairs
26 Canada, Spencer Dewar. There's a floor microphone

1 somewhere.

2 MR. DEWAR: Qujannamiik, Madam Chair.
3 Spencer Dewar, Crown-Indigenous Relations and Northern
4 Affairs Canada.

5 My understanding was we were wondering if our
6 inspectors incorporated Inuit Qaujimajatuqangit and
7 traditional knowledge into their inspections. So,
8 first and foremost, our inspectors are in place to
9 enforce the NIRB project certificate and the Nunavut
10 water licences. Each of those are developed in
11 accordance with the Nunavut Agreement, so it's the
12 expectation through that process that there would be a
13 mix of traditional knowledge and western science that
14 gets presented to the Board with a determination that
15 would incorporate Inuit Qaujimajatuqangit.

16 Our inspectors, in this case we have regional
17 inspectors, so we do have inspectors that live in the
18 community of Rankin Inlet. These inspectors work
19 closely with the Kivalliq Inuit Association and HTOs,
20 and when in the field, they'll inspect to the licence
21 that they see before them and apply the rules -- apply
22 the project certificate as they understand it. I
23 understand if there's uncertainty or clarity, they have
24 a relationship with the Nunavut Impact Review Board to
25 ask questions for clarification -- that's my
26 understanding -- and we'd hope that in their inspection

1 that they would apply the spirit and intent of the
2 Nunavut Agreement. I hope that answers your question.

3 THE CHAIR: Environment and Climate Change
4 Canada, Victoria Shore.

5 MR. SHORE: Victoria Shore, Environment
6 and Climate Change Canada.

7 Inspections, investigations, and enforcement
8 actions are taken as per our compliance and enforcement
9 policy. They're dependent on a number of factors, and
10 additional details on these policies are available on
11 our website, but inspections are done in relation to
12 the legislation under our department's responsibility.

13 Inspectors do respond to community concerns and
14 may initiate investigations when there's a credible
15 allegation of an offence or there's -- if there's
16 reasonable grounds to believe that an offence occurred.

17 I'll also, unrelated to this question, take this
18 time to clarify one of my earlier responses. I had
19 stated that I was unaware of a publicly available
20 website where information on Meliadine Mine is
21 available. I mistakenly thought that the website where
22 reports submitted under the metal and diamond mining
23 affluent regulation was an internal website, but
24 reports submitted under this regulation are publicly
25 available on the department 's website. Thank you.

26 THE CHAIR: Questions from the Board,

1 Phillip Kadlun.

2 Nunavut Impact Review Board Panel Questions Government
3 of Canada Departments

4 MR. KADLUN: Thank you, Madam Chair,
5 Phillip Kadlun-Omingmakyok.

6 My question to the Environment and Climate Change
7 Canada, for my clarity -- for my clarity, I would like
8 to ask -- there was some mention of the caribou being
9 endangered. In Nunavut, we do have various groups of
10 herds, be it Qamanirjuaq, Ahiak, or Bathurst herd, and
11 I'm wondering if I could get a clarification from when
12 the federal department climate change and Canada
13 mentioned that the herd was endangered, and I'm
14 wondering which herd it meant. Thank you, Madam Chair.

15 THE CHAIR: Environment and Climate Change
16 Canada, Victoria Shore.

17 MR. SHORE: Victoria Shore, Environment
18 and Climate Change Canada.

19 Thank you for that question. I'll clarify my
20 statement. So I had mentioned that barren-ground
21 caribou have been assessed as threatened by the
22 committee on the status of endangered wildlife in
23 Canada. That is not referring to a specific herd but
24 the species as a whole. Thank you.

25 THE CHAIR: NIRB board, Phillip Kadlun.

26 MR. KADLUN: Thank you for the

1 clarification. That's all I have. Thank you.

2 THE CHAIR: Before we move on to the
3 Government of Nunavut's intervention, Leo Mimialik from
4 Chesterfield expressed that he had a question.

5 MR. MIMIALIK: When the Kangiqliniq Hunters
6 and Trappers Organization was seated here, we're really
7 close to the vicinity of Rankin Inlet, and we're very
8 close to the environment where there are wolves and
9 whales. There's an abundance of all these types of
10 things that we can hunt. I -- it's always -- it's
11 always like this way where it's always -- we take turns
12 sitting here at the table. The Rankin HTO is always
13 present here, and it's -- but not Chesterfield HTO.
14 It's always just the Kangiqliniq Hunters and Trappers
15 Organization that's seated here when we have other HTOs
16 in our region. Thank you.

17 THE CHAIR: Kangiqliniq Hunters and
18 Trappers Organization, Noel Kaludjak. You can use the
19 mic over here, if you want.

20 MR. KALUDJAK: Thank you, Madam Chair. Noel
21 Kaludjak, Rankin Inlet, Kangiqliniq Hunters and
22 Trappers Organization.

23 Was the question directed to me, to our
24 organization, or to someone else? Thank you.

25 THE CHAIR: Leo Mimialik, who are you
26 asking this question to? Which particular --

1 MR. MIMIALIK: I'm asking -- I'm Leo
2 Mimialik. I'm asking the Rankin Inlet -- to whoever is
3 organizing this hearing, it shouldn't always be that
4 way, that -- the marine along the coast. We are very
5 close to this community, and he's saying that the HTO
6 from Chesterfield is not always sitting at the table as
7 an intervenor. Thank you.

8 THE CHAIR: I don't know if the
9 Kangiqliniq Hunters and Trappers Organization has a
10 response. I want -- I'm going to clarify that.
11 The intervenors always make a proposal to attend,
12 and they make a proposal to the Government of Canada.
13 When we're going to do a hearing, these intervenors
14 usually send in a proposal to CIRNAC for funding to
15 attend public hearings. So organizations like the
16 hamlet as well, they are allowed to ask for funding to
17 attend.

18 So they had -- the Kangiqliniq Hunters and
19 Trappers Organization had already sent in a proposal,
20 and they were given some funding to attend.

21 But the community of Chesterfield Inlet Hunters
22 and Trappers Organization had not submitted a proposal
23 to get funding to attend this hearing. So when we look
24 for community representatives, that's when we ask the
25 communities to submit a list of names to the
26 communities who want to have representatives from their

1 communities. I hope that clarifies your question.

2 Leo Miminalik.

3 MR. MIMIALIK: Thank you. Thank you for that
4 clarification. That's all I have. Thank you.

5 THE CHAIR: Continuing with the intervenor
6 presentations. Now to the presentation by the
7 Government of Nunavut.

8 I will ask that our legal counsel swear or affirm
9 the next group of presenters and mark the exhibits so
10 that we can begin with presentations. NIRB legal
11 counsel.

12 Procedural Matters by Nunavut Impact Review Board Legal
13 Counsel

14 MS. MEADOWS: Thank you, Madam Chair.
15 Teresa Meadows, legal counsel for the Nunavut Impact
16 Review Board.

17 So, Madam Chair, it's my understanding that there
18 is one additional witness to be affirmed, so if I -- or
19 two.

20 So if I can get the witnesses to state and spell
21 their name for the record, please.

22 MR. CONNELLY: Robert Connelly,
23 R-O-B-E-R-T C-O-N-N-E-L-L-Y, and I'm the director of
24 Kivalliq Community Operations for the Nunavut
25 Department of Economic Development and Transportation.

26 MS. MEADOWS: Thank you.

1 Madam Chair, it's my understanding that there is a
2 representative that is also on the Zoom call, so if I
3 can get Diane to identify herself, and we'll make her
4 microphone go live.

5 MS. LAPIERRE: Thank you. Can you hear me?

6 MS. MEADOWS: Thank you, Madam Chair.

7 Teresa Meadows, legal counsel for the Nunavut Impact
8 Review Board.

9 Thank you, Dianne. We can hear you.

10 ROBERT CONNELLY, DIANNE LAPIERRE, Affirmed

11 MS. MEADOWS: Thank you, Madam Chair.

12 Teresa Meadows, legal counsel for the Nunavut Impact
13 Review Board.

14 So, Madam Chair, I have the hard copy presentation
15 materials of the Government of Nunavut's presentation,
16 and I will be marking those as the exhibits -- the next
17 exhibits in the public hearing. And for now those are
18 my procedural matters, Madam Chair.

19 EXHIBIT 34 - Hard Copy PowerPoint
20 Presentation "NIRB Public Hearing for Agnico
21 Eagle Mines' "Meliadine Extension" Project
22 Proposal" (English)

23 EXHIBIT 35 - PowerPoint Presentation
24 "NIRB Public Hearing for Agnico Eagle Mines'
25 "Meliadine Extension" Project Proposal"
26 (French)

1 EXHIBIT 36 - Hard Copy PowerPoint
2 Presentation "NIRB Public Hearing for Agnico
3 Eagle Mines' "Meliadine Extension" Project
4 Proposal" (Inuktitut)

5 EXHIBIT 37 - Hard Copy PowerPoint
6 Presentation "NIRB Public Hearing for Agnico
7 Eagle Mines' "Meliadine Extension" Project
8 Proposal" (Dene)

9 THE CHAIR: Government of Nunavut, who
10 will be leading your presentation? Daniel Haney?
11 Presentation by Government of Nunavut (NIRB Public
12 Hearing for Agnico Eagle Mines "Meliadine Extension"
13 Project Proposal)

14 MR. HANEY: Qujannamiik, Iksivauta.
15 Daniel Haney, Government of Nunavut.

16 Good afternoon. My name is Daniel Haney, manager
17 of land use and environment assessment with the
18 Department of Environment, and it is a privilege to be
19 able to present on behalf of the Government of Nunavut
20 today.

21 The Government of Nunavut's in-person team today
22 includes Eamonn Carroll, legal counsel with the
23 Department of Justice; Stephen Atkinson, wildlife
24 biologist, Atkinson Consulting; and Robert Connelly,
25 director of Kivalliq Community Operations with the
26 Department of Economic Development and Transportation.

1 Listening and supporting remotely we have Naomie
2 Pudluk, assistant deputy minister of environment -- and
3 she sends her regrets for being unable to attend in
4 person -- Michele LeBlanc-Havard, director of
5 environmental protection with the Department of
6 Environment; Dianne Lapierre, manager of environmental
7 assessment and regulation with the Department of
8 Economic Development and Transportation; and, finally,
9 Annie Cyr-Parent, director of mineral and petroleum
10 resources with the Department of Economic Development
11 and Transportation.

12 The Government of Nunavut developed its governing
13 mandate, Katujjiluta, in 2022. Priorities in
14 Katujjiluta include reinvesting in education and
15 diversifying local economies. The Government of
16 Nunavut commits to many programs and training
17 opportunities that prepare Nunavummiut for education
18 opportunities and to participate in the local economy.

19 The mining industry contributes to local education
20 and training opportunities by conducting training for
21 its projects and funding training programs related to
22 resource development.

23 Mines also contribute to a diverse local economy
24 by contracting services that directly support mine
25 activity and by creating opportunities for spin-off
26 businesses and services.

1 Finally, the Government of Nunavut is committed to
2 minimizing impacts from resource development and to
3 protecting wildlife and wildlife habitat.

4 We would like to thank the Nunavut Impact Review
5 Board for providing the opportunity for this public
6 hearing. The Government of Nunavut attends public
7 engagement sessions and reads all written comments
8 submitted. We also work with the proponent and others
9 on discussing issues and finding solutions.

10 The Government of Nunavut is here today to listen
11 and present our assessment of the Meliadine extension
12 proposal to the Board, other intervenors, and to those
13 most likely to be affected by this project. We look
14 forward to input during the community roundtable. This
15 is your opportunity to make your voices heard. We look
16 forward to your input and questions.

17 The Government of Nunavut takes a
18 whole-of-government approach to informing and
19 supporting the Nunavut Impact Review Board based on
20 consensus and reflecting a unified voice.

21 The Government of Nunavut is responsible for
22 wildlife and wildlife habitat, Commissioner's lands,
23 municipalities, education, health, social services,
24 public safety, culture, community development, property
25 rights, and the administration of the laws of Nunavut.

26 Moving into the Government of Nunavut's review of

1 Agnico Eagle's Meliadine extension proposal, we will
2 now provide a brief overview of the significance of the
3 proposed project and a summary of our outstanding
4 comments.

5 The Meliadine extension proposal is seeking
6 approval to increase the total life of mine by
7 11 years, expand underground mining, improve
8 underground access at the Tiriganiaq-Wolf site,
9 increase quarrying, and to construct and operate a wind
10 farm to reduce greenhouse gas emissions and to power
11 operations.

12 This proposal would allow Nunavut and Nunavummiut
13 to continue to benefit from the employment and training
14 opportunities, local economic development and business
15 opportunities, regional and territorial revenue, and
16 community programs associated with the Meliadine
17 project for an additional 11 years.

18 If approved, the wind farm would be the first of
19 its kind in Nunavut and has the potential to diversify
20 the energy sector in the territory and decrease
21 Nunavut's greenhouse gas emissions.

22 However, the proposal does have some drawbacks.
23 The Meliadine extension has the potential to prolong
24 any existing impacts and to create new impacts on
25 wildlife. Nunavut wildlife will be exposed to
26 disturbance from a wind farm not yet experienced in the

1 territory. The lasting impacts of this are unknown.

2 The Government of Nunavut's focus when assessing
3 this proposal was on the potential impacts to wildlife
4 and wildlife habitat and the socioeconomic effects of
5 the project to Kivallirmiut and Nunavummiut.

6 The Meliadine project offers significant
7 socioeconomic benefits and opportunities for
8 employment, training, and business development for the
9 Kivalliq region.

10 The Government of Nunavut identified that the
11 opportunity for employment was one of the most
12 significant benefits of the project leading to other
13 potential positive effects such as financial security,
14 community economic development, and individual and
15 community well-being. Extending the life of mine for
16 an additional 11 years also extends these opportunities
17 and benefits.

18 The Government of Nunavut made three technical
19 comments related to the socioeconomic environment. All
20 three of these were resolved.

21 In an effort to address the gap between Inuit
22 employment targets and employment realities, the
23 Government of Nunavut recommended the proponent update
24 the Inuit workforce barriers and strategies study to
25 include focus on gender-specific employment initiatives
26 and identify barriers to female employment.

1 On August 31, 2023, Agnico Eagle submitted an
2 interim report that looked at potential barriers to
3 Inuit women pursuing employment in the mining industry.
4 The Government of Nunavut is satisfied with this
5 interim report as a first step in considering
6 gender-based employment barriers. We look forward to
7 an updated Inuit workforce barriers and strategies
8 study that will incorporate gender-specific employment
9 barriers and strategies, and we welcome collaboration
10 on any employment initiatives or training
11 opportunities.

12 The Government of Nunavut originally submitted
13 seven technical review comments related to wildlife for
14 Agnico Eagle to address during the Nunavut Impact
15 Review Board assessment process. Four of these
16 technical review comments -- Numbers 7, 8, 9, and 10,
17 in the Government of Nunavut's submission on the
18 Board's registry -- remain unresolved. These
19 unresolved comments relate to the following issues:
20 Caribou group size and distance thresholds relating to
21 operational shutdowns and to the wind farm management
22 plan.

23 The Government of Nunavut remains concerned that
24 these proposed -- that the proposed project could have
25 an adverse effect on caribou access to calving,
26 post-calving, and summer foraging habitat as well as

1 Inuit access to caribou.

2 The following slides will outline these concerns
3 and the Government of Nunavut's recommended changes.

4 The Government of Nunavut is concerned about the
5 protection of caribou associated with the proposed
6 project. Caribou protection measures for the project
7 were developed when the mine area had little to no
8 impact on caribou. Since this time, the protection
9 measures that are in place have not been updated.

10 Before I continue, I would like to make two
11 corrections to the example that is presented on this
12 slide. The first, the terms "regional study area" and
13 "post-calving caribou range" are reversed in error on
14 this slide. Additionally, the figure of "37 percent"
15 is now an error because the Government of Nunavut's
16 assessment was based on an outdated memo entitled
17 "Meliadine Mine Caribou Movement Mapping, Brownian
18 Bridge Movement Models". The correct figure here is
19 5.6 percent, as we heard from Agnico Eagle during their
20 terrestrial wildlife presentation.

21 I will now continue having made these two
22 corrections.

23 In 2014, when the project was first assessed, less
24 than 1 percent of the post-calving caribou range
25 overlapped with the mine's regional study area. Today,
26 this has increased to 5.6 percent, and we are expecting

1 these interactions to continue to grow during the
2 proposed 11-year extension. Also worth noting here is
3 that the 5.6 percent overlap contains core post-calving
4 range.

5 Shutdown triggers include caribou distance and
6 group-size thresholds. These require operations for
7 the proposed project to be shut down based on the
8 location and number of caribou that are present.

9 The proposed shutdown triggers in the current
10 proposal are not evidence based and should be derived
11 from relevant data and observations.

12 The potential effects of the proposed project must
13 be considered in the context of ongoing trends in
14 caribou distribution. Specifically, the proposed
15 project may result in changes to Qamanirjuaq caribou
16 range use.

17 Changes in Qamanirjuaq range use is a concern for
18 access to caribou and for food security. This would be
19 the first time that Qamanirjuaq caribou would encounter
20 wind turbines, and to date there is limited research on
21 the potential impacts from wind turbines on wild
22 caribou populations in open tundra areas. The effect
23 on caribou from the proposed wind farm is thus unknown.

24 The Government of Nunavut recommends the following
25 terms and conditions to support the protection of
26 caribou: One, that interim caribou group size and

1 distance thresholds for triggering operational
2 shutdowns be developed using current data, and distance
3 thresholds be increased to align with evidence-based
4 studies; two, that Agnico Eagle conduct additional
5 caribou behavioural and movement studies; and, three,
6 that the project's terrestrial advisory group conduct a
7 review of the interim thresholds using these study
8 results.

9 I would like to make a comment here on the topic
10 of group-size thresholds.

11 In their response to the Government of Nunavut's
12 question the other day on that topic, Agnico Eagle
13 stated that the numerical trigger for wind farm
14 shutdown of 50 caribou would apply to any distribution
15 of caribou within the proposed 5-kilometre buffer, not
16 necessarily a distinct group or herd of 50 caribou.
17 This seems to be inconsistent with the language used in
18 the terrestrial environment monitoring and management
19 plan. For example, in Section 3 of that plan, which is
20 entitled "Wildlife Effects Mitigation", there are three
21 examples of language that clarify the context of that
22 numerical trigger in slightly different ways.

23 In Section 3.1.2, sensory disturbance, the
24 following mitigation measures are outlined: Blasting
25 activity will not occur when caribou herds, i.e., less
26 than 50 animals, are known to be within 5 kilometres of

1 the mine.

2 In Section 3.1.2.1, air traffic management: When
3 flying over large concentrations of caribou, 50 or more
4 individuals in close proximity to one another, a
5 1,000-metre vertical and 1,500-metre horizontal
6 distance from the herd is observed wherever possible.

7 And, three, 4.2.1, action thresholds for caribou,
8 road utilization: For when a group of caribou less
9 than or equal to 50 within 100 metres from a road,
10 vehicle traffic is suspended.

11 This implies that there is a qualitative aspect of
12 the trigger; in other words, how the caribou are
13 distributed on the landscape or, to paraphrase the
14 terrestrial environment monitoring and management plan,
15 how close they are to each other.

16 The Government of Nunavut suggests that a clear
17 definition of what exactly, i.e., how many caribou and
18 in what distribution, will trigger mitigation action is
19 warranted in order to alleviate any concerns with the
20 implementation of these mitigation measures.

21 The Government of Nunavut is concerned with the
22 proposed wind farm management plan. More evidence is
23 required to determine adequate group size and distance
24 thresholds for triggering wind farm shutdown.
25 Monitoring and mitigation measures should take a
26 precautionary approach to prevent impacts and rapidly

1 respond to impacts should they occur.

2 Caribou group-size threshold for wind farm
3 shutdown should be reviewed immediately using existing
4 data and updated on an annual basis as new data is
5 collected.

6 In the interim, caribou distance thresholds should
7 be increased to 10 kilometres from the currently
8 proposed 5 kilometres as a precautionary measure.

9 The Government of Nunavut recommends the following
10 terms and conditions with respect to the wind farm
11 management plan: One, wind turbines should be shut
12 down when caribou are within 10 kilometres -- this
13 distance should be updated based on recommendations
14 from the project terrestrial advisory group -- two,
15 evidence-based seasonal group-size thresholds for wind
16 farm shutdowns should be established; three, the wind
17 farm management plan should be adjusted with wind farm
18 shutdown thresholds based on monitoring results; and,
19 finally, Agnico Eagle should commit to collecting data
20 to ensure that impacts on caribou are adequately
21 assessed.

22 The Government of Nunavut acknowledges the
23 socioeconomic benefits that will be provided to
24 Nunavummiut by extending life of mine and recognizes
25 the efforts by the proponent to implement renewable
26 energy sources.

1 The Government of Nunavut continues to be
2 concerned with the proposed protection measures for
3 caribou during sensitive seasons especially in the
4 context of the mine extension.

5 The Government of Nunavut believes that these
6 issues should be resolved with the Nunavut Impact
7 Review Board through project certificate terms and
8 conditions. The Government of Nunavut will continue to
9 support the Nunavut Impact Review Board's impact
10 assessment process and work collaboratively with all
11 stakeholders.

12 I will now respond to some additional questions
13 that were posed to the Government of Nunavut during
14 other intervenor's presentations.

15 Thank you, Madam Chair, for your question
16 regarding inuksuit and the Department of Culture and
17 Heritage monitoring of them. While the Government of
18 Nunavut does not monitor all inuksuit, any historical
19 or archeological inuksuit would be considered
20 archeological and protected under the legislation. We
21 do not monitor undesignated historical sites, and the
22 Government of Canada is responsible for monitoring
23 those designated under the federal Historic Sites and
24 Monuments Act.

25 The Nunavut minister of culture and heritage may
26 order the persons undertaking any activity to stop and

1 provide for adequate investigation, recording, and
2 salvage of archeological objects threatened with the
3 destruction.

4 Please report the location of ancient inuksuit or
5 other archeological sites or objects, particularly
6 those you feel might be threatened, to the Government
7 of Nunavut archaeology office in Igloolik at
8 867-934-2040 or the Inuit heritage trust hotline,
9 867-979-0731.

10 If you witness what you believe to be the willful
11 or wanton destruction of ancient inuksuit or other
12 archeological sites or objects, please report it to the
13 Royal Canadian Mounted Police as vandalism.

14 In response to another question from Madam Chair
15 regarding the density of Qamanirjuaq caribou around the
16 area of the Meliadine Mine between the period of 2015
17 and 2023, the Government of Nunavut has taken
18 available -- data available from the proponent's report
19 entitled "Meliadine Mine Caribou Movement Mapping,
20 Brownian Bridge Movement Models Errata, August 2023"
21 from three different periods: pre-construction from
22 1993 to 2011; advanced exploration, 2012 to 2017; and
23 construction and operation, 2018 to 2022; and for three
24 seasons: calving, post-calving, and summer. We can
25 display these figures for the Board and will provide an
26 electronic copy for posting to the public registry.

1 We are also preparing a similar series of figures
2 using Government of Nunavut data between 2015 and 2023
3 to display caribou density using a different analytical
4 method similar to that used to delineate caribou
5 rangers.

6 This is the first one related to -- sorry. This
7 is the calving distribution on the left. There's the
8 1993 to 2011 pre-construction; in the middle, 2012 to
9 2017, advanced exploration; and, on the right, the
10 construction and operations phase, and you can see how
11 the range has changed slightly over that time.

12 Anyway, we have the summary distribution in the
13 same order, and the post-calving should be in there as
14 well. As I mentioned, it will be posted to the
15 registry.

16 Could you go back to the regular presentation,
17 please.

18 Yes. The series that I mentioned before using the
19 Government of Nunavut data is not yet complete, but we
20 will provide it to the Board prior to the close of
21 record on September 20, 2023.

22 In response to a question posed by the Kangiqliniq
23 Hunters and Trappers Organization regarding
24 contaminants in Qamanirjuaq caribou, the Government of
25 Nunavut participates in monitoring programs funded
26 through the federal northern contaminants program. The

1 Department of Environment through our Kivalliq regional
2 biologist, Mitch Campbell, partners with one of the
3 lead researchers and coordinates the gathering of
4 tissue samples from local hunters.

5 Hunters are compensated for providing samples
6 voluntarily to this program. The meat, marrow, and
7 brain from Qamanirjuaq caribou have very low levels of
8 contaminants based on 2019 samples.

9 And, finally, in response to a question from
10 Agnico Eagle to the Kivalliq Inuit Association, I will
11 pass the mic to Stephen Atkinson.

12 THE CHAIR: Stephen Atkinson.

13 MR. ATKINSON: Thank you, Madam Chair.
14 Stephen Atkinson, on behalf of the Government of
15 Nunavut.

16 There was a question from Agnico Eagle to the
17 Kivalliq Inuit Association in response to their
18 presentation. The question was regarding a graph that
19 was presented by Kivalliq Inuit Association showing a
20 decline in the size of the Qamanirjuaq caribou herd
21 from 1994 to 2022. The question from Agnico Eagle was
22 why Kivalliq Inuit Association had not included earlier
23 estimates of this caribou herd from prior to 1994.

24 At the Kivalliq Inuit Association, Dr. Gunn
25 answered that she had taken the graph -- or the
26 information from a Government of Nunavut report. So,

1 in answering this question, I would like to clarify the
2 reasons the Government of Nunavut does not always
3 include pre-1994 Qamanirjuaq caribou estimates in its
4 reports by reading you an excerpt from a Government of
5 Nunavut Technical Report 2010 paper, Number 1-10, which
6 is entitled "A Calving Ground Photo Survey of the
7 Qamanirjuaq Migratory Barren-Ground Caribou Population,
8 June 2008". And this expert from that report says:
9 (as read)

10 There was concern at the time of these
11 surveys that the estimates generated between
12 1982 and 1994 were imprecise and thus
13 inadequate for management. Since this time,
14 several annual meetings had been held by the
15 Beverly/Qamanirjuaq caribou management board,
16 and a focused barren-ground caribou calving
17 ground photography workshop held in
18 Yellowknife November 2000 to address this
19 imprecision. All participants in these
20 strategic meetings concluded that the
21 deployment of more collars on caribou prior
22 to a survey were necessary in order to
23 increase the precision of these surveys; two,
24 more widespread reconnaissance surveys were
25 required to capture and quantify numbers of
26 breeding females not making it into the

1 calving grounds; and, three, photographic
2 coverage of high- and medium-density stratus
3 should be increased. All these
4 recommendations are now followed when
5 conducting calving ground photo surveys in
6 the Northwest Territories and Nunavut.

7 So this excerpt is essentially saying that earlier
8 estimates were considered to be not as reliable as
9 estimates from 1994 onwards; therefore, those early
10 estimates are frequently not included in reports.

11 I'll be entering a copy of this report into
12 evidence as well. Thank you.

13 THE CHAIR: Daniel Haney.

14 MR. HANEY: Thank you, Madam Chair.
15 Daniel Haney, Government of Nunavut.

16 One more response to a question that was deferred,
17 again, from the Kangiqliniq Hunters and Trappers
18 Organization regarding monitoring of helicopter
19 activity in the Kivalliq region.

20 The Government of Nunavut does not monitor all
21 helicopter traffic directly, but we do participate in
22 the review of annual reports submitted to the Nunavut
23 Impact Review Board for projects that are required to
24 provide such reports to the Board.

25 Many projects are required to report helicopter
26 activity associated with their projects, and the

1 Government of Nunavut does review that in comparison to
2 the project certificate or applicable terms and
3 conditions to ensure that impacts to wildlife are
4 appropriately mitigated.

5 Qujannamiik, mahsi cho, merci.

6 If you would like to discuss the Government of
7 Nunavut's assessment of this proposal or any matters
8 related to our participation in Nunavut Impact Review
9 Board's assessments, please contact the Government of
10 Nunavut Avatilirniq coordinator, Justin Buller, whose
11 contact information is presented on the slide.

12 I would like to make a note that in the Dene
13 translations, my name still appears as the contact, and
14 I can assure you that if you contact me, I will pass on
15 the message to the Avatilirniq coordinator. Thank you
16 very much.

17 THE CHAIR: Thank you for your
18 presentation.

19 Before we get to questions from registered
20 intervenors to the Government of Nunavut, NIRB legal
21 counsel.

22 Procedural Matters by Nunavut Impact Review Board Legal
23 Counsel

24 MS. MEADOWS: Thank you, Madam Chair, Teresa
25 Meadows, legal counsel for the Nunavut Impact Review
26 Board.

1 So, Madam Chair, with respect to the calving
2 ground photograph survey of the migratory barren-ground
3 caribou technical report Series 2010 that was just
4 referred to by Mr. Atkinson, that report has been
5 offered to be filed as an exhibit in the public
6 hearing. The same as the exhibit that has been offered
7 for filing by Agnico Eagle, I will mark that exhibit
8 but not yet enter it, and parties will be given an
9 opportunity on Tuesday evening or Wednesday morning to
10 discuss whether or not they have any objections to that
11 material being filed on the record for this public
12 hearing, and any party that has questions with respect
13 to that matter can please come and see me in advance of
14 the discussions on Tuesday evening or Wednesday
15 morning. Thank you, Madam Chair.

16 THE CHAIR: Agnico Eagle, Ms. Kowbel.

17 MS. KOWBEL: Thank you, Madam Chair.

18 Christine Kowbel for Agnico Eagle legal counsel.

19 Ms. Meadows, I just wanted to clarify one more
20 thing. I think the two additional slides that
21 Mr. Haney spoke to are also new. I'm not sure I've
22 seen those before, so should those also be added to the
23 marked but not entered?

24 MR. CARROLL: Eamonn Carroll, legal counsel.

25 Oh, sorry.

26 THE CHAIR: GN legal counsel.

1 MR. CARROLL: Eamonn Carroll, legal counsel
2 for the Government of Nunavut.

3 We will be entering those as a completed exhibit
4 with the forthcoming data that Mr. Haney also
5 mentioned. It simply is just not completed over the
6 weekend, so we'll have that on Monday, and we'll be
7 entering it all as a single exhibit.

8 THE CHAIR: NIRB legal counsel.

9 MS. MEADOWS: Thank you, Madam Chair.
10 Teresa Meadows, legal counsel for the Nunavut Impact
11 Review Board.

12 Madam Chair, it's also my understanding that the
13 two slides that were presented, although you couldn't
14 see them very clearly, is data that's derived from the
15 proponent's report that's already filed with the public
16 hearing -- already filed on the public hearing registry
17 entitled "Meliadine Mine Caribou Movement Mapping,
18 Brownian Bridge Movement Models Errata, August 2023",
19 and it's already on the registry. So if there is new
20 material that is going to be included in that, my
21 expectation is that will be circulated amongst the
22 parties, discussed, and, again, the procedure would be
23 that we would mark those exhibits but not enter them
24 until we've had a discussion on Tuesday night or
25 Wednesday morning.

26 THE CHAIR: Agnico Eagle, legal counsel,

1 Christine Kowbel.

2 MS. KOWBEL: Thank you, Madam Chair.

3 Christine Kowbel, legal counsel.

4 Yes, the pictures looked familiar. We just wanted
5 to make sure we had a chance to review the slide and
6 the context because they were up there for a very short
7 time.

8 Thank you, Madam Chair.

9 THE CHAIR: NIRB legal counsel.

10 MS. MEADOWS: Thank you, Madam Chair. Those
11 are my procedural matters.

12 THE CHAIR: Now to questions to the
13 Government of Nunavut from registered intervenors, the
14 representatives that were at the table earlier this
15 week. Any of the registered intervenors have any
16 questions? Nunavut Tunngavik? Kivalliq Inuit
17 Association?

18 Nunavut Tunngavik Incorporated, Gabriel
19 Nirlungayuk.

20 Nunavut Tunngavik Incorporated Questions Government of
21 Nunavut

22 MS. MEADOWS: Madam Chair.

23 THE CHAIR: NIRB legal counsel.

24 MS. MEADOWS: Thank you, Madam Chair.

25 So just for the convenience of the parties who are
26 in the back, there is a microphone at the back. You

1 can see we have a microphone at the back, a roving mic
2 so that you don't have to come up to the table. We'll
3 get the microphone to you. Just raise your hand if you
4 have a question.

5 THE CHAIR: Gabriel Nirlungayuk.

6 MR. NIRLUNGAYUK: Qujannamiik, Iksivauta.

7 Gabriel Nirlungayuk, Nunavut Tunngavik. I have a
8 question, and my colleague will have another question
9 as well.

10 To the Government of Nunavut, the 10-kilometre
11 threshold that Government of Nunavut has provided in
12 terms of the windmill, the Kangiqliniq Hunters and
13 Trappers has indicated it will be more than
14 10 kilometres that the caribou would have seen the
15 windmill, which means it's much longer. How did the
16 Government of Nunavut derive on that? And the second
17 question to that is: What sort of risk analysis have
18 the Government of Nunavut did on impacts of the wind
19 farm at that location and how it might impact the herd?
20 Two questions. Qujannamiik.

21 THE CHAIR: Government of Nunavut, Stephen
22 Atkinson.

23 MR. ATKINSON: Stephen Atkinson on behalf of
24 the Government of Nunavut.

25 Thank you for your question, Gabe. So the first
26 part of the question was how did the Government of

1 Nunavut arrive at the recommendation for a 10-kilometre
2 shutdown threshold for the wind farm.

3 So this is a question that relies on two things:
4 It relies on the evidence that we have as well as the
5 evidence that we don't have. So in terms of the
6 evidence that we have, we know that zones of influence
7 around mines, even those without wind turbines, can
8 range up to 15 or more kilometres, and a zone of
9 influence is a zone in which caribou can be disturbed.

10 We also know that caribou that are calving or in
11 the post-calving stage tend to be more sensitive and in
12 smaller groups than at other times of the year to
13 disturbance, and we know that the project is
14 increasingly coming into contact with calving and
15 post-calving caribou.

16 We also know that semi-domesticated reindeer that
17 have a visual sight of at least one wind turbine can
18 show avoidance behaviour of those turbines at distances
19 in the range of 5 to 10 kilometres. We've also seen
20 some evidence that the -- under the existing caribou
21 protection measures of a 5-kilometre shutdown that
22 there has been potentially some mine-related change in
23 the use of at least one historical water crossing.

24 So those are the things that we do know. The
25 evidence that we have, I should say.

26 The evidence that we don't have is we do not have

1 studies of the reaction of barren-ground caribou to
2 wind turbines because they are a new thing on the
3 landscape. We also, at this point in time, still do
4 not have a complete picture of what impacts the
5 existing project and, therefore, the extension of this
6 project might have on caribou.

7 So in arriving at a 10-kilometre shutdown
8 distance, the Government of Nunavut considered that it
9 was simply a matter of having something more than
10 5 kilometres. We looked at zones of influence around
11 existing mines and considered 10 kilometres to be a
12 more cautious approach than that that's being proposed
13 by the proponent. The idea being that it is better to
14 start what is essentially an experiment with less risk
15 and take greater caution and then adapt from there.

16 However, recognizing the comments that have been
17 received about caribou potentially seeing and reacting
18 to these turbines at greater distances, yes, certainly
19 it is possible. We do not know how far they will
20 react. Thank you.

21 The second part of the question -- sorry. I
22 should also add that we did do an analysis, not of
23 risk, but in order to estimate the number of days a
24 wind farm might be shut down. If it utilized a
25 shutdown distance of 10 kilometres, we estimated that
26 under the current conditions, that it would necessitate

1 about three weeks of shutdown per year. So we were
2 trying to assess the impacts on the project at that
3 point.

4 As far as a risk analysis of the impacts on
5 caribou, the answer is, no, the Government of Nunavut
6 did not do a risk analysis. Such analysis are
7 typically part of an impact assessment, which is
8 provided by the proponent. Thank you.

9 THE CHAIR: Nunavut Tunngavik
10 Incorporated.

11 MR. GREENE: Qujannamiik, Iksivauta. Ezra
12 Greene, Nunavut Tunngavik Incorporated, and thank you,
13 Stephen, for your answer.

14 So the Government of Nunavut's recommendations are
15 to extend the threshold distance, and there's -- to
16 10 kilometres and there's discussion that more research
17 would be necessary to determine whether that's
18 appropriate, whether it should be bigger or whether it
19 should be different, smaller. The Rankin Hunters and
20 Trappers Organization and members from the Dene
21 communities have also expressed caribou can see from a
22 longer distance than the 5 kilometres that's currently
23 the threshold.

24 THE CHAIR: Can you --

25 MR. GREENE: Too fast.

26 THE CHAIR: Can you slow down and pause

1 between sentences.

2 MR. GREENE: Yeah.

3 THE CHAIR: They have a light, but
4 sometimes you guys can't see.

5 MR. GREENE: Yes.

6 If the distance threshold to trigger mitigations
7 is bigger, the area that you need to monitor becomes
8 bigger, and it's further away from the mine, so the
9 height-of-land surveys you may not be able to see the
10 caribou from further away.

11 So my question is: What monitoring methods does
12 the GN suggest could be used to know whether certain
13 numbers of caribou are within that distance threshold
14 and whether those thresholds are being triggered and
15 mitigation should begin -- or be initiated? And
16 related to that, what impacts could different
17 monitoring methods have on caribou?

18 THE CHAIR: Government of Nunavut, Stephen
19 Atkinson.

20 MR. ATKINSON: Thank you, Madam Chair.
21 Stephen Atkinson on behalf of the Government of
22 Nunavut.

23 Thank you for your question. You are correct.
24 The larger the distance threshold, the larger the area
25 obviously, and this is one of the limitations of using
26 distance thresholds as opposed to, say, a season-long

1 shutdown.

2 With distance thresholds, obviously height-of-land
3 surveys, as we found in other mine projects, are
4 typically effective to about 4, maybe 5 kilometres
5 using the -- with the aid of binoculars and such. And
6 if you increase a distance threshold beyond that, you
7 start to have to rely on other possible methods of
8 detection such as observations by other people who are
9 on the land, hunters, aircraft that may be flying
10 either privately or commercial aircraft. Another one
11 is the use of collars. We -- we estimate that when
12 there is a single collar within that 10-kilometre zone,
13 it's very likely there are more than 50 caribou.

14 So there are a variety -- now, there are others
15 which may be less -- which may be considered less
16 desirable, for example, conducting regular aerial
17 surveys using helicopters. Obviously that comes with
18 potential for more disturbance, though, and then there
19 are things such as the use of drones, which could be
20 extremely useful and very low impact for getting that
21 long-range detection.

22 But you are correct, the longer we set these
23 thresholds -- and that's a practical consideration in
24 recommending a distance threshold, is how far can you
25 effectively detect caribou. Thank you.

26 THE CHAIR: Nunavut Tunngavik

1 Incorporated, Ezra Greene.

2 MR. GREENE: Qujannamiik, Iksivauta. Ezra
3 Greens, Nunavut Tunngavik Incorporated. Thank you for
4 your response. No further questions from the Nunavut
5 Tunngavik Incorporated.

6 THE CHAIR: Are there questions from other
7 registered intervenors? Kivalliq Inuit Association.

8 MS. GUNN: Good afternoon, Madam
9 Chairman. Anne Gunn, consultant to the Kivalliq Inuit
10 Association.

11 Government of Nunavut, thank you for your
12 presentation. In terms of caribou protection, the
13 current mitigation could be considered reactive. It
14 depends on the presence of caribou to trigger the
15 mitigation. In your experience within Nunavut, are
16 there projects with special caribou protection measures
17 for calving and early post-calving that are, in a
18 sense, less reactive, less dependent on threshold --
19 distance thresholds or numbers of caribou? Thank you.

20 THE CHAIR: Just remember to pause between
21 your sentences for the interpreter.

22 Government of Nunavut, Stephen Atkinson.

23 MR. ATKINSON: Thank you, Madam Chair.
24 Stephen Atkinson on behalf of the Government of
25 Nunavut.

26 With respect to there being other projects that

1 have less reactive or special caribou protection
2 measures, there is. One example would be the Back
3 River mine. The approved project has a wildlife
4 mitigation and monitoring plan.

5 In that plan in Section 7.1.5.3, there is a
6 special provision for calving and post-calving caribou,
7 which indicates that when there are two breeding cows
8 per square kilometre within 4 kilometres of the project
9 during calving or post-calving, that the project will
10 enter into a -- what's called a "rapid operational
11 shutdown" whereby all the above-ground activities,
12 including open-pit mining, blasting, aircraft, and
13 heavy equipment operation, will automatically stop.

14 The same plan also has a special provision in the
15 event that calving and post-calving caribou range
16 undergoes a long-term shift to bring it into contact
17 with the mine, and that is called a "planned
18 operational shutdown", and that operational shutdown
19 begins at the beginning of the calving season and ends
20 at the end of the post-calving season regardless of
21 distance or group size. It is not dependent on -- as
22 you asked me, it's not dependent on any thresholds. It
23 is a seasonal shutdown.

24 And, interestingly, the Back River project is
25 currently in the process of proposing wind turbines,
26 and they have proposed that their wind turbines would

1 be part of those automatic shutdowns, either the rapid
2 shutdown when -- if calving and post-calving caribou
3 turn up or -- and the seasonal long shutdown called the
4 "planned operational shutdown". So they've included
5 those provisions specifically for those types of
6 caribou. Thank you.

7 THE CHAIR: Kivalliq Inuit Association,
8 Anne Gunn.

9 MS. GUNN: Thank you, Madam Chair.

10 Thank you, Dr. Atkinson, for that very clear
11 account, and I have no further questions. Thank you.

12 THE CHAIR: Any questions from the
13 Government of Canada departments? Crown-Indigenous
14 Relations and Northern Affairs Canada, Spencer Dewar.

15 MR. DEWAR: Madam Chair, Spencer Dewar,
16 Crown-Indigenous Relations and Northern Affairs Canada.
17 The Government of Canada has no questions.

18 THE CHAIR: Kangiqliniq Hunters and
19 Trappers Organization. Noel Kaludjak.
20 Kangiqliniq Hunters and Trappers Organization Questions
21 Government of Nunavut

22 MR. KALUDJAK: Thank you. Noel Kaludjak,
23 Kangiqliniq Hunters and Trappers Organization.

24 A question to Government of Nunavut: We are -- we
25 have been bringing up the very good eyesight of the
26 caribou during -- this week, and I'm wondering how you

1 did the study, why are you doing the study, and who do
2 you do the study with with the eyesight of the caribou?
3 Thank you.

4 THE CHAIR: Government of Nunavut, Stephen
5 Atkinson.

6 MR. ATKINSON: Stephen Atkinson on behalf of
7 the Government of Nunavut.

8 There have not been any studies directly of the
9 eyesight abilities of caribou; however, there have been
10 studies in semi-domesticated reindeer using -- which
11 looks at the distribution relative to wind turbines.
12 And what was -- what has been found is that when
13 they -- they tend to avoid areas of habitat where they
14 have direct line of sight of wind turbines, which
15 suggests that they are able to see them or hear them or
16 both. Thank you.

17 THE CHAIR: Kangiqliniq Hunters and
18 Trappers Organization, Noel Kaludjak.

19 MR. KALUDJAK: Thank you, Madam Chair. Noel
20 Kaludjak, Kangiqliniq Hunters and Trappers
21 Organization.

22 Thank you for your answer, and we look forward to
23 working with you in that area. I have no further
24 questions. Thank you.

25 THE CHAIR: Sayisi Dene and Northlands
26 Denesuline First Nation, Dan Chranowski.

1 Sayisi Dene and Northlands Denesuline First Nation
2 Questions Government of Nunavut

3 MR. CHRANOWSKI: Thank you, Madam Chair. Good
4 afternoon, everyone.

5 In your presentation for the Government of
6 Nunavut, you talk about your concerns about the
7 protection measures, and I believe now. My question
8 was very similar to Anne Gunn's about any other
9 examples of mines with special protection measures for
10 caribou during calving and post-calving periods.

11 But also your presentation talked about continued
12 studies of caribou movement and analysis, so I would
13 like to ask if the -- as I didn't see it referenced in
14 your presentation, if the Government of Nunavut is --
15 feels that the Commitment 38 analysis has been -- has
16 been met by Agnico Eagle. Thank you.

17 THE CHAIR: Government of Nunavut, Daniel
18 Haney.

19 MR. HANEY: Thank you, Madam Chair.
20 Daniel Haney, Government of Nunavut.

21 As you probably have heard over the week,
22 Commitment 38 requires the proponent to consult and
23 collaborate with the project's terrestrial advisory
24 group on the design of a study evaluating the effects
25 of the project's all-weather road on caribou movements.
26 Also relevant here are Commitment 56 that came out of

1 the technical review of the Meliadine extension
2 proposal, and Term and Condition 44 of Project
3 Certificate Number 006, Amendment 2, both of which
4 outline similar requirements for an analysis of caribou
5 movement around the project.

6 These commitments and term and condition resulted
7 in a report entitled "Commitment 38 Analyses, Caribou
8 Movements Relative to the Meliadine Mine and Other
9 Factors", what we are calling the "Commitment 38
10 report".

11 The Government of Nunavut began its preliminary
12 review of the Commitment 38 report after it was
13 submitted to the Nunavut Impact Review Board by Agnico
14 Eagle Mines on July 17, 2023.

15 Due to this date being past the Government of
16 Nunavut's internal review deadline, the Government of
17 Nunavut did not comment on this report in its final
18 written submission, and, as you know, the Commitment 38
19 report was entered into evidence as part of the
20 Meliadine extension proposal review.

21 The Government of Nunavut completed a preliminary
22 review of the Commitment 38 report and has identified a
23 few technical deficiencies in the analyses presented.
24 The Government of Nunavut is also concerned with the
25 level of consensus among the members of the project's
26 terrestrial advisory group and the results of the

1 report and the level of collaboration and the study
2 design between the terrestrial advisory group and
3 Agnico Eagle.

4 The Government of Nunavut is preparing a formal
5 response to be submitted to the Board on this matter
6 but at this time does not believe that Commitment 38
7 has been fulfilled by the proponent.

8 In conclusion --

9 THE CHAIR: If you hear that noise,
10 they're asking you to slow down.

11 MR. HANEY: Apologies. I'll go back a
12 bit.

13 The Government of Nunavut is preparing a formal
14 response to be submitted to the Board on this matter
15 but at this time does not believe that Commitment 38
16 has been fulfilled.

17 In conclusion, the Government of Nunavut
18 recommends that the study be revised following the
19 expected consultative and collaborative approach as
20 outlined in Commitment 38 associated with the saline
21 effluent discharge proposal, Commitment 56 associated
22 with the Meliadine extension proposal, and Term and
23 Condition 44, Project Certificate Number 006, an
24 amendment to -- in consultation with the project's
25 terrestrial advisory group. Thank you.

26 THE CHAIR: Sayisi Dene and Northlands

1 Dene First Nation, Dan Chranowski.

2 MR. CHRANOWSKI: Thank you, Madam Chair.

3 Thank you, Government of Nunavut, for that
4 response. I personally don't have any further
5 questions. I'm just -- and it doesn't appear -- okay.
6 So we're finished as far as our questions. Thank you
7 very much.

8 THE CHAIR: Geoff Bussidor.

9 MR. BUSSIDOR: Thank you, Madam Chair.

10 During the presentation, there was mention of a BQ
11 meeting where there was going to be an increase in the
12 number of collared caribou, radio collars, I guess, and
13 earlier -- yesterday, I think, when you were talking
14 about the collared caribou, there was supposed to be
15 only 50 allowed at a given time, and so the question is
16 whether there is -- there has been an increase.

17 THE CHAIR: Government of Nunavut, Daniel
18 Haney.

19 MR. HANEY: Thank you, Madam Chair.

20 Daniel Haney, Government of Nunavut.

21 I just want to clarify that that meeting that we
22 mentioned took place in 2000, and, yes, since then, the
23 number of collars have increased, and it's up to
24 that -- the 50 that we mentioned. Thank you.

25 THE CHAIR: Sayisi Dene First Nation,
26 Geoff Bussidor.

1 MR. BUSSIDOR: Thank you for your response.

2 No further questions from the Sayisi.

3 THE CHAIR: Athabasca Denesuline Ne Ne

4 Land Corporation, Diane McDonald.

5 MS. MCDONALD: Diane McDonald, Athabasca

6 Denesuline Ne Ne Land Corporation. The questions I had

7 had already been answered, so I have no questions.

8 Thank you.

9 THE CHAIR: Agnico Eagle, Manon Turmel.

10 Brad Armstrong.

11 Agnico Eagle Mines Limited Questions Government of

12 Nunavut

13 MR. ARMSTRONG: Thank you, Madam Chair. Brad

14 Armstrong, legal counsel for Agnico Eagle.

15 We do have a few questions of the Government of
16 Nunavut. The first is with respect to correcting some
17 errors in your submission.

18 Mr. Haney, you did correct the error about the
19 37 percent overlap, but I just want to go back to
20 your -- your final written submission of August 2 and
21 on page 6. If you -- do you have that? If you could
22 have that. And on page 6 I think you agree that the
23 numbers there in the second paragraph under the
24 "Rationale", those also have to be corrected, I think.
25 Sorry. Page Number 6 of your written submission.

26 THE CHAIR: Government of Nunavut, Daniel

1 Haney.

2 MR. HANEY: Thank you, Madam Chair.

3 Daniel Haney, Government of Nunavut.

4 That is correct. The 36.8 percent that is in that
5 paragraph is incorrect. That's correct.

6 THE CHAIR: Agnico Eagle, Brad Armstrong.

7 MR. ARMSTRONG: Thank you, Madam Chair. Brad
8 Armstrong.

9 But also, Mr. Haney, the next sentence down you're
10 talking about the herd's calving grounds overlapping
11 with the regional study area, and that says
12 14.5 percent, and looking at the -- looking at the
13 errata report, that should actually be 2.6 percent
14 overlap with the regional study area, and the calving
15 has 0 percent overlap with the local study area that is
16 around the mine. Are we in agreement on that,
17 Mr. Haney?

18 THE CHAIR: Government of Nunavut, Daniel
19 Haney.

20 MR. HANEY: Thank you, Madam Chair.

21 Daniel Haney, Government of Nunavut.

22 We will be filing a correction to this final
23 written submission with those numbers amended. Thank
24 you.

25 THE CHAIR: Agnico Eagle, Brad Armstrong.

26 MR. ARMSTRONG: Thank you, Madam Chair. And I

1 can confirm, Madam Chair, that since we're looking at
2 it, I'm -- the figures I'm looking at are from the
3 document which your legal counsel, Ms. Meadows,
4 referred to, which is the "Meliadine Mine Caribou
5 Movement Mapping, Brownian Bridge Movement", and those
6 are where the correct figures are filed with the Board,
7 and also it's in this document that the heat maps that
8 Mr. Haney referred to, that they also come out of this
9 document as well. It's an Agnico Eagle document.

10 I just wanted to confirm. Mr. Atkinson has given
11 evidence about monitoring and mitigation measures and
12 made recommendations about changes in thresholds.
13 Mr. Atkinson, I just wanted to confirm with you just --
14 I think you'll agree with me that the -- that you and
15 the Government of Nunavut are not actually engaged on a
16 regular basis or at all, really, with the on-site
17 monitoring and mitigation measures and the decisions
18 about when the thresholds have been met and when the --
19 when the shutdown should occur of the road or the mine.
20 You're not directly involved in that process, are you?

21 THE CHAIR: Government of Nunavut, Daniel
22 Haney.

23 MR. HANEY: Thank you, Madam Chair.
24 Daniel Haney, Government of Nunavut.

25 No. We are not directly involved in those
26 decisions. Thank you.

1 THE CHAIR: Agnico Eagle, Brad Armstrong.

2 MR. ARMSTRONG: Yes. Thank you, Madam Chair.

3 And I just wanted to confirm Dr. Atkinson's
4 personal experience. I think you were on the site
5 visit earlier this week, Dr. Atkinson. When was the
6 last time, other than that, that you were actually on
7 the ground at the mine to review caribou movement or
8 mitigation measures, et cetera?

9 THE CHAIR: Government of Nunavut, Stephen
10 Atkinson.

11 MR. ATKINSON: Thank you, Madam Chair.
12 Stephen Atkinson on behalf of the Government of
13 Nunavut.

14 My last visit to Meliadine Mine was in -- I don't
15 recall exactly. It would have been probably 2015 or
16 so, around the time the mine was going through a
17 review. Thank you.

18 THE CHAIR: Agnico Eagle, Brad Armstrong.

19 MR. ARMSTRONG: Thank you, Madam Chair.

20 And, Mr. Haney, if I could look at your
21 presentation. On Slide -- on Slide 11, you -- you
22 referred to recommendations for changes respecting the
23 current caribou protection measures, and that's --

24 Yes. That slide is up on the Board, Madam Chair.

25 Your slide says: (as read)

26 To set interim group size and distance

1 thresholds as recommended.

2 And then it says: (as read)

3 Develop evidence-based group-sized thresholds

4 and increase the distance thresholds.

5 In your submission, as I understood it, the
6 recommendation is -- so right now, the threshold
7 distance is 5 kilometres from the mine and 100 metres
8 from the road, and if I'm reading your submission
9 correctly, the government is recommending that those
10 distances, both of them, both the mine and the road,
11 should increase right now to 10 kilometres. Am I
12 reading that right, or have you dropped that -- have
13 you dropped that recommendation?

14 THE CHAIR: Government of Nunavut, Daniel
15 Haney.

16 MR. HANEY: Thank you, Madam Chair.
17 Daniel Haney, Government of Nunavut.

18 No, we have not dropped that recommendation;
19 however, we are -- all of these topics we are
20 discussing with Agnico Eagle, and we hope to provide an
21 update on the status to the Board by the end of this
22 hearing. Yeah. We're trying to come to an agreement.
23 Thank you.

24 THE CHAIR: Agnico Eagle, Brad Armstrong.

25 MR. ARMSTRONG: Thank you, Madam Chair. Brad
26 Armstrong.

1 When you say in your submission -- when we talk
2 about evidence -- evidence-based thresholds, your
3 submission -- and I'm looking right now at your
4 submission on page 21, and when it talks about
5 evidence-based thresholds -- have you got page --
6 page 21? So this is a table just summarizing your
7 recommendations, but it talks about using available
8 data including aerial survey data and ground-based
9 observations, and I presume the collar data as well.
10 But when you say -- when you talk about evidence-based
11 thresholds, do you mean based on -- I think it's true
12 that you mean based on detailed scientific analysis of
13 the data and review and conclusions, kind of like what
14 was -- is included in Commitment 38. Are we -- I think
15 you'll agree with me that's a very comprehensive
16 scientific analysis, and is it that kind of evidence
17 that -- is it that kind of evidence you're speaking of
18 which should be done to -- to set these thresholds,
19 group size or distance?

20 THE CHAIR: Government of Nunavut, Daniel
21 Haney.

22 MR. HANEY: Thank you, Madam Chair.
23 Daniel Haney, Government of Nunavut.

24 We'll just take a moment to confer and get back to
25 you. Thank you.

26 THE CHAIR: Stephen Atkinson.

1 MR. ATKINSON: Thank you, Madam Chair.

2 Stephen Atkinson on behalf of the Government of
3 Nunavut.

4 In answer to your question, I think it best if I
5 can give you an example of "evidence based" that would
6 illustrate some of these things.

7 We would like to introduce an exhibit, if we may.
8 It is a couple of graphs, which I can explain once
9 they've been -- if they're accepted.

10 THE CHAIR: NIRB legal counsel.
11 Procedural Matters by Nunavut Impact Review Board Legal
12 Counsel

13 MS. MEADOWS: Thank you, Madam Chair.
14 Teresa Meadows, legal counsel for the Nunavut Impact
15 Review Board.

16 Mr. Atkinson, before these are introduced, are
17 they information that is currently before the Board?
18 Have they been filed previously?

19 MR. ATKINSON: No. This has not been
20 previously submitted.

21 MS. MEADOWS: I would ask that we park that
22 for now because if it's new information that's not
23 previously been filed on the record, we may need to
24 have a caucus about that.

25 THE CHAIR: Government of Nunavut, Stephen
26 Atkinson. Daniel Haney.

1 MR. HANEY: Thank you, Madam Chair.

2 Daniel Haney, Government of Nunavut.

3 In that case, we would like to defer this
4 question. Thank you.

5 THE CHAIR: I'm not trying to leave
6 suspense. I'm listening to the interpreter, and it
7 takes them longer to talk in Inuktitut than in English,
8 so please be patient. If you can't hear them, I can
9 hear them. That's why I have an earpiece.

10 Agnico Eagle, Brad Armstrong.

11 MR. ARMSTRONG: Thank you, Madam Chair. Brad
12 Armstrong.

13 Madam Chair, I'll just put context to my question.
14 Agnico has provided the Board with evidence about the
15 efficacy of the current caribou protection measures on
16 the ground and how they work and has provided you with
17 a number of documents, including the caribou movement
18 document, which I just referred to, and also the very
19 detailed analysis of caribou movement which was done in
20 collaboration with the terrestrial advisory group, and
21 that is the Commitment 38 report in which the -- the
22 conclusion was of that report, after analyzing all of
23 the collared caribou data, that the caribou were
24 actually moving -- their movements were explained by
25 their desire to move towards their preferred habitat
26 and that they were not significantly deterred by the --

1 by the mine or the road, and we saw on Mr. Atkinson's
2 animations how the caribou were crossing the road and
3 the mine site, et cetera.

4 So you have been provided with quite detailed
5 evidence from Agnico Eagle, and when I ask the
6 Government of Nunavut what type of evidence they mean
7 when they say the thresholds should be "evidence-based",
8 they apparently can't answer that question today.

9 And my point is, Madam Chair, that when the
10 Government of Nunavut presents recommendations here --

11 THE CHAIR: NIRB legal counsel.

12 Procedural Matters by Nunavut Impact Review Board Legal
13 Counsel

14 MS. MEADOWS: Thank you, Madam Chair.

15 Teresa Meadows, legal counsel for the Nunavut Impact
16 Review Board.

17 I think that's a bit of an unfair characterization
18 of what just transpired. Government of Nunavut had
19 indicated they wanted to provide an additional graphic
20 to illustrate the sample, to provide an example, and
21 what I would ask is if you can just verbally describe
22 what you want to without -- without introducing an
23 additional graphic or a piece of evidence that was not
24 previously before the Board, please do so, but they did
25 not say that they could not answer the question.

26 So, Government of Nunavut, if you can just reply

1 without the -- if you feel that you need the visual,
2 then we will park it, and we will have a discussion
3 about that, but if you can describe what you mean by --
4 clarify what is meant by "evidence-based thresholds"
5 verbally, please do so.

6 THE CHAIR: Before we continue with
7 questions to Government of Nunavut, we're going to take
8 a 15-minute break.

9 (ADJOURNMENT)

10 THE CHAIR: Continuing with questions to
11 the Government of Nunavut.

12 Government of Nunavut, Daniel Haney.

13 MR. HANEY: Thank you, Madam Chair.
14 Daniel Haney, Government of Nunavut.

15 Before I respond to the question, I would like to
16 make a correction to some text that I read off of
17 Slide 11. I was reading out of the terrestrial
18 environment monitoring and management plan, and I
19 mistakenly -- I will -- I will repeat the sentences,
20 but I will just give some context. I mistakenly said
21 "less than 50" when it was supposed to be "greater
22 than". So just for the record, I will reread those
23 sentences: (as read)

24 In Section 3.1.2, sensory disturbance, the
25 following mitigation measures are outlined:
26 Blasting activities will not occur when

1 caribou herds, i.e., greater than 50 animals,
2 are known to be within 5 kilometres of the
3 mine.

4 3.1.2.1, air traffic management: when flying
5 over large concentrations of caribou -- [in
6 brackets] 50 or more individuals in close
7 proximity to one another [closed brackets] --
8 a 1,000 metre vertical and 1,500 metre
9 horizontal distance from the herd is observed
10 whenever possible.

11 [And finally] 4.2.1, action thresholds for
12 caribou road utilization: For when a group
13 of caribou greater than or equal to 50 is
14 within 100 metres from a road, vehicle
15 traffic is suspended.

16 Thank you. That's the end of my corrections.

17 And, additionally, I'm -- in response to another
18 question from Agnico Eagle regarding the GN's
19 involvement in mitigation, our wildlife officers in
20 Rankin Inlet are actually involved in that monitoring
21 and -- especially during the migration period.

22 And finally getting to the -- the last question,
23 the Government of Nunavut and the other members of the
24 terrestrial advisory group dispute the claim that
25 Commitment 38 has been resolved. Additionally, we have
26 attempted to answer the question that was asked

1 using -- presenting the type of evidence that was
2 requested --

3 THE CHAIR: Daniel Haney.

4 MR. HANEY: Apologies.

5 THE CHAIR: You're going too fast. If you
6 can please pause between sentences.

7 MR. HANEY: Apologies to the interpreters.

8 GN and the terrestrial advisory group dispute the
9 claim that Commitment 38 has been resolved. We have
10 attempted to answer the question presenting the type of
11 evidence requested, and, additionally, we have deferred
12 this question.

13 And finally I will pass it to Stephen Atkinson to
14 give some context.

15 THE CHAIR: Stephen Atkinson.

16 MR. ATKINSON: Thank you, Madam Chair.
17 Stephen Atkinson on behalf of the Government of
18 Nunavut.

19 Mr. Armstrong, I'm quite prepared to answer your
20 question. I was merely wishing to introduce an example
21 because, in my opinion, it was the best way to answer
22 that question. Certainly not being evasive. I hope I
23 do have another chance to answer that question. Thank
24 you.

25 THE CHAIR: Agnico Eagle, Brad Armstrong.

26 MR. ARMSTRONG: Thank you, Madam Chair.

1 And, yes, Dr. Atkinson certainly has an
2 opportunity now, if you're able, to answer the
3 question, and that is, in terms of the evidence that
4 should be brought forward for thresholds, can you
5 explain what -- explain what you mean by
6 "evidence-based" and the kind of evidence that should
7 be brought forward to support the thresholds?

8 THE CHAIR: Government of Nunavut,
9 Stephen Atkinson.

10 MR. ATKINSON: Thank you, Madam Chair.
11 Stephen Atkinson on behalf of the Government of
12 Nunavut.

13 As I mentioned previously, I -- I hope to be able
14 to introduce evidence to -- to give a complete answer
15 to that question. Certainly, you mentioned
16 Commitment 38 as being a form of evidence, and my
17 colleague, Mr. Haney here, mentioned -- or indicated
18 that the Government of Nunavut currently doesn't
19 consider that commitment complete, and therefore that
20 evidence itself is not considered reliable for
21 technical reasons.

22 In terms of other forms of evidence, I am
23 referring to various sources of data, for example,
24 aerial surveys, road surveys, where caribou are
25 observed and recorded such as those who are conducted
26 by Agnico, height of land surveys, behavioural studies,

1 and also a combination of surveys that may be conducted
2 at different distances from mines and road
3 infrastructure because we know, for example, that group
4 sizes of caribou, for example, may change with distance
5 from infrastructure as caribou approach, for example,
6 roads. There is evidence that the -- the group sizes
7 may actually increase as they begin to slow down and --
8 and cluster.

9 So there are many reasons to analyze those forms
10 of data and many ways of analyzing those data, and we
11 have done similar things at the Agnico Eagle Mine Whale
12 Tail Meadowbank Complex where we have adopted
13 database -- data-driven group size thresholds that are
14 updated annually based on new observational data that
15 are collected by Agnico Eagle and are reviewed every
16 year by that project's terrestrial advisory group. So
17 those are the types of things I'm referring to. I have
18 a good example of why that is important in the case of
19 the Meliadine Mine, which, again, is part of our
20 deferred answer. Thank you.

21 THE CHAIR: Agnico Eagle, Brad Armstrong.

22 MR. ARMSTRONG: Thank you, Madam Chair.

23 Brad Armstrong.

24 And my next question is just to confirm this,
25 that -- that -- Dr. Atkinson, that range of analyses
26 that you're speaking of -- and we would include in that

1 caribou movement studies, including the kinds of
2 studies done in the Commitment 38 report -- are all
3 part of an evidentiary base. But I think you'll agree
4 with me that in -- in recommending that the distance
5 thresholds for the current project should be moved from
6 5 kilometres and a hundred metres for -- for the mine
7 and the road respectively out to 10 kilometres. Now,
8 the Government of Nunavut has not provided the Board
9 with that evidentiary base to support this 10-kilometre
10 proposal.

11 And my suggestion to you is -- so, first, we don't
12 see that you've provided the evidentiary base for that
13 through all of those -- all of those sources, and,
14 secondly, to ask you to agree that when it comes to the
15 evidentiary base, wherever it is, that that is best to
16 be reviewed by the experts around the table at the
17 terrestrial advisory group and that, in fact, the --
18 the terrestrial environment management and mitigation
19 plan is up for review before the advisory group this
20 fall, and it's at that level that the evidence should
21 be reviewed and these thresholds should be reviewed
22 rather than at the Board. Thank you, Madam Chair.

23 THE CHAIR: Government of Nunavut,
24 Stephen Atkinson.

25 MR. ATKINSON: Thank you, Madam Chair.
26 Stephen Atkinson on behalf of the Government of

1 Nunavut.

2 You mentioned that we have not provided evidence
3 for -- for recommending a 10-kilometre threshold. In
4 fact, we do in our written submission. We do provide a
5 number of written references, one of which is the study
6 of the caribou movements around the Meadowbank Whale
7 Tail complex, particularly the all-weather access road,
8 which indicates that caribou display changes in their
9 behaviour at distances of up to 17 kilometres from that
10 road as they're moving across and migrating.

11 Other studies of northern-landscape-based mines
12 show zones of influence around roads and other mining
13 infrastructure in a similar order of magnitude. So we
14 have provided evidence, and the Government of Nunavut
15 has recommended an interim increase to 10 kilometres
16 while the studies are done or "completed", I should
17 say, or -- or even conducted that are necessary to
18 evaluate what a project-specific threshold should be
19 because there will be differences between projects at
20 different parts of the country, and that is -- that is
21 evident in the literature.

22 So while we recognize that the TAG has a role in
23 reviewing and updating the -- the terrestrial ecosystem
24 management plan, the Government of Nunavut has proposed
25 interim increases in the thresholds while that is being
26 done. Thank you.

1 THE CHAIR: Agnico Eagle, Brad Armstrong.

2 MR. ARMSTRONG: Thank you, Madam Chair.

3 Brad Armstrong.

4 Just going back to your animation, Dr. Atkinson.
5 You went through the various years to show the caribou
6 movements, and I think you referred a number of times
7 to 50 collars. But it's our understanding that, in
8 fact, the number of collars -- and you recall in your
9 animation, you -- you said that since 2019 the collared
10 caribou had not passed through the Meliadine narrows,
11 and you'll remember that the on-the-ground surveys had
12 indicated that they had passed through the Meliadine
13 narrows.

14 But I want to refer you to the number of collars
15 because -- and I'm looking at -- so you can have a
16 reference, it is a -- a document submitted by Agnico
17 Eagle on May 23rd of this year, and it is called
18 "Additional Technical Questions From the Kivalliq Inuit
19 Association". And in this document, one of the
20 questions was about the number of collared caribou.
21 And so on Table 3 -- and you may need some time to go
22 and confirm this. But on Table 3, in 2019 there were
23 82 collars. And then in each of the subsequent years
24 after that, quite a few less collars, quite a few --
25 fewer collars, I think, is the way to put it. The
26 numbers I have are 2020, 60 collars; 2021, 36; 2022,

1 45. And then we understand -- it's not on the table,
2 but we understand that in 2023 there are only 34. I
3 know that you didn't have 2023 in your -- in your
4 animation.

5 But could you confirm that, in fact, the number of
6 collars has -- has been lower than -- certainly lower
7 than the 2019 year and then down as low as -- in
8 your -- in '21 and '22, 36 and 45? Thank you.

9 THE CHAIR: Government of Nunavut,
10 Stephen Atkinson.

11 MR. ATKINSON: Thank you, Madam Chair.
12 Stephen Atkinson on behalf of the Government of
13 Nunavut.

14 Two -- two responses. First of all, we would like
15 time to confirm those numbers, and it will take us some
16 time to do that with our biologist who is responsible
17 for the collaring program.

18 But I can confirm that the number of collars does
19 go up and down the -- the -- we don't have the same
20 number of active collars at any point in time, and this
21 is because some collars will electronically fail;
22 others will be -- will fall off the caribou that they
23 are on, and, in some cases, even the caribou that are
24 carrying them are -- may -- may, for some reason, be
25 caught by a wolf or something. So those collars become
26 not part of our -- our movement studies.

1 Also, collars are -- new collars are put on
2 whenever funding is available, and as we all know,
3 funding is not always available. So the -- the target
4 of 50 is a -- is a -- is an objective, and we don't
5 always hit that objective, so the number of collars
6 will vary from year to year.

7 THE CHAIR: Daniel Haney.

8 MR. HANEY: Thank you, Madam Chair.

9 Daniel Haney, Government of Nunavut.

10 I also want to mention that we have been in the
11 process of changing our -- the type of collars that we
12 use, and we also recently added a geofencing feature
13 and increased the number of pings per day. So this
14 reduces battery life significantly. So -- yeah. Steve
15 mentioned the numbers fluctuate. Thank you.

16 THE CHAIR: Agnico Eagle, Brad Armstrong.

17 MR. ARMSTRONG: Thank you, Madam Chair.

18 Brad Armstrong.

19 And this is my final question, Madam Chair. We
20 have heard -- and I think I -- I think that the
21 Government of Nunavut -- I think you'd agree that the
22 terrestrial advisory committee is -- is
23 well-represented in the sense that there are many
24 experts around the table: You, Dr. Atkinson; Dr. Gunn,
25 the expert biologist for Agnico Eagle, and also
26 representatives of -- representatives for the hunters

1 and trappers organization and the Kivalliq Inuit
2 Association that can bring local knowledge and Inuit
3 Quajimajatuqangit to the -- to the process. I think
4 that the Government of Nunavut probably will agree with
5 me that it's a well-represented organization and is
6 functioning well.

7 Your proposal for -- and one of the purposes of
8 the advisory group is a continuous review of -- of
9 monitoring and mitigation measures, including the
10 caribou protection measures and the thresholds, and
11 then reporting back to the -- to the Board. I just
12 want to confirm with you -- and I think you'll agree --
13 that your proposal to move the current protection
14 measures out to 10 kilometres has not been brought
15 forward to the terrestrial advisory group for their
16 review and consideration. It has not ever been an
17 agenda item. It's never been brought forward as a
18 specific matter for the advisory group to consider.
19 And -- will you agree with me on that point?

20 THE CHAIR: Government of Nunavut,
21 Stephen Atkinson.

22 MR. ATKINSON: Stephen Atkinson on behalf of
23 the Government of Nunavut.

24 You are correct.

25 THE CHAIR: Agnico Eagle, Brad Armstrong.

26 MR. ARMSTRONG: Thank you, Madam Chair. Those

1 are all of our questions.

2 Nunavut Impact Review Board Staff Questions Government
3 of Nunavut

4 THE CHAIR: Nunavut Impact Review Board
5 staff, Tara Arko.

6 MS. ARKO: Thank you, Madam Chair.

7 Tara Arko, Nunavut Impact Review Board staff.

8 Two quick questions, and we believe they can be
9 answered very -- with very concise answers. The first
10 one is within their final written submission Number 2:
11 (as read)

12 The Government of Nunavut requested a term
13 and condition that included a reference --
14 the proponent commits such resources
15 necessary to ensure that sufficient collar
16 data are collected to assess the wind farm's
17 effects on caribou within three years of its
18 operation as it is a proposed plan.

19 So the question is, is the Government of Nunavut
20 requesting additional resources on top of what Agnico
21 Eagle uses for the current project? Thank you, Madam
22 Chair.

23 THE CHAIR: Government of Nunavut.
24 Stephen Atkinson.

25 MR. ATKINSON: Thank you, Madam Chair.

26 Stephen Atkinson on behalf of the Government of

1 Nunavut.

2 So the -- the short answer is the Government of
3 Nunavut was -- in this particular recommendation, was
4 recommending -- requiring some assurance that the
5 resources necessary for this study would be available.
6 As you know, the Government has a collaring program for
7 its own purposes which is regional management of herds,
8 but, in any given years, we heard the number of collars
9 goes up and down. So there's no guarantee that in a
10 three-year window, which is identified for the study of
11 the wind farm, that in that three-year window the
12 government would necessarily have sufficient collars on
13 to undertake a study of the wind farm. So what we are
14 seeking here is some backstop that would be in the form
15 of a commitment from the proponent to ensure that --
16 that regardless of the resources the Government has
17 that there will be resources to complete that
18 particular study. Thank you.

19 THE CHAIR: NIRB staff, Tara Arko.

20 MS. ARKO: Thank you, Madam Chair.

21 Tara Arko, Nunavut Impact Review Board staff.

22 And to follow up on our previous question, does
23 the Government of Nunavut -- can they comment on
24 whether the terrestrial advisory group is able to
25 achieve the goals for which it was recommended as a
26 forum to discuss updates to mitigation and management

1 measures for the terrestrial environment? Thank you,
2 Madam Chair.

3 THE CHAIR: Government of Nunavut,
4 Daniel Haney.

5 MR. HANEY: Thank you, Madam Chair.
6 Daniel Haney, Government of Nunavut.

7 Thank you for the question, Tara. The terrestrial
8 advisory group is, as its name implies, an advisory
9 group. They're -- it is not a decision-making group.
10 And -- yeah. We abide by our terms of reference, and
11 it is -- and it is an effective group. It is a group
12 of experts; however, it is -- we do not believe it is
13 the proper avenue to resolve some of these important
14 issues. We believe they should be resolved through
15 terms and conditions. Thank you.

16 THE CHAIR: NIRB staff, Tara Arko.

17 MS. ARKO: Thank you, Madam Chair.

18 That's all the questions that we have at this
19 time.

20 Nunavut Impact Review Board Chair Questions Government
21 of Nunavut

22 THE CHAIR: Questions from the Board.

23 I have a question. In your -- if the Government
24 of Nunavut can clarify. When you talk about
25 evidence-based and behavioural monitoring or studies,
26 can you clarify if what you mean is that the current

1 practices for caribou monitoring -- from what I
2 understood, the way Agnico Eagle does it is by head
3 count and not necessarily the group composition.

4 Are you suggesting that the monitoring of caribou
5 needs to be expanded to include things like visible
6 avoidance behaviour or exhibition of stress, group
7 composition? Can you explain what you mean when you
8 talk about behavioural monitoring?

9 Government of Nunavut, Stephen Atkinson.

10 MR. ATKINSON: Thank you, Madam Chair.
11 Stephen Atkinson on behalf of the Government of
12 Nunavut.

13 With reference to Slide 11 where it indicates
14 conducting behavioural movement studies, Agnico Eagle
15 currently does behavioural studies and has proposed to
16 continue to do those as part of the wind farm
17 management plan, and that does involve collecting
18 information on group composition, age, and -- estimated
19 age, and sex. And also on -- on the behaviour of these
20 animals, how they respond to -- to the wind farm. So
21 that is certainly what we're recommending, yes.

22 THE CHAIR: Any more questions from the
23 Board?

24 Thank you for your presentation.

25 Continuing with intervenor presentations, now
26 we'll have the Kangiqliniq Hunters and Trappers

1 Organization provide their intervention.

2 Noel Kaludjak.

3 I'll ask that our legal counsel swear or affirm
4 the next group of presenters and mark the exhibits so
5 that we can begin with presentations.

6 NIRB legal counsel.

7 Procedural Matters by Nunavut Impact Review Board Legal
8 Counsel

9 MS. MEADOWS: Thank you, Madam Chair.

10 Teresa Meadows, legal counsel for the Nunavut Impact
11 Review Board.

12 If I can have the witnesses state and spell your
13 name for the record, please.

14 MR. KALUDJAK: Noel Kaludjak. Do I have to
15 spell my name too? N-O-E-L, Kaludjak, K-A-L-U-D-J-A-K.

16 MR. PILAKAPSI: Roger Pilakapsi, R-O-G-E-R
17 P-I-L-A-K-A-P-S-I.

18 NOEL KALUDJAK, ROGER PILAKAPSI, Affirmed

19 MS. MEADOWS: Teresa Meadows, legal counsel
20 for the Nunavut Impact Review Board.

21 Those are my procedural matters, Madam Chair.
22 Presentation by Kangiqliniq Hunters and Trappers
23 Organization

24 THE CHAIR: Kangiqliniq Hunters and
25 Trappers Organization, Noel Kaludjak.

26 MR. KALUDJAK: Thank you, Madam Chair.

1 Noel Kaludjak, Kangiqliniq Hunters and Trappers
2 Organization.

3 Thank you so much for taking time to listen to our
4 concerns and comments. It has been a good week. I
5 have learned lots, and I still will learn more about
6 the proceedings of the Nunavut Impact Review Board and
7 also on the other organizations that come here and talk
8 about their concerns and issues regarding expansion of
9 the Agnico Eagle Mine Meliadine Mine.

10 Just for my background, I have worked with
11 Keewatin Wildlife Management Board as a chair in the
12 past, and I also worked with Nunavut wildlife advisory
13 board when Nunavut was being created. I have extensive
14 experience in these kind of meetings, and my father was
15 also involved with a lot of these meetings in his time.
16 I'm not saying I know a lot, but I have the experience.

17 And when I speak for my people, for my -- for my
18 community, for my region, for -- for the territory, I
19 speak with truth, and I expect everyone else to do the
20 same when they speak to us. I also speak with my
21 father's spirit the way he wanted things to be done for
22 the land and the animals and the people.

23 I met with the HTO board to make sure we still
24 have the same concerns and issues that were brought
25 forward before and now. The first concern we have is
26 ongoing, and it comes from the people and the Board.

1 We have seen more and more helicopters operating in the
2 area, and we feel and see that they have disturbed
3 wildlife; more directly, the caribou. The hunters have
4 been having to go further and further in the summertime
5 to try and catch the -- the caribou to provide for
6 their families.

7 We feel the choppers flying too low and too often
8 are one of the causes for the caribou to be staying
9 further away from the communities. We would like the
10 right departments to look into this. I mentioned it
11 earlier to Transport Canada, and I'm sure it will be
12 put in record to investigate, to make sure that
13 choppers are flying in properly regulated areas and
14 height.

15 We also brought the concern of water
16 contamination. We feel that the Meliadine Lake is
17 being affected and the surrounding areas: the
18 Meliadine River, small Meliadine Lake, Peter Lake,
19 Diane Lake, and Diane River.

20 The local people in Rankin Inlet use those areas
21 for fishing and water supply. Like I said earlier,
22 Inuit, we used to get water from Meliadine River. That
23 is easier access to Elders to pick up water in jugs and
24 make our tea and cook with it. But lately more and
25 more Elders mostly and the people cease to use that
26 water source for fresh water. We even choose to get

1 water from Northern or Co-op, from filtered water. Now
2 we are getting water from Diane River. It is not as
3 fresh due to many fish in that river. But it is okay.
4 We even stopped using the ice water from surrounding
5 areas in the wintertime as the Elders absolutely love
6 ice tea, ice water, the ice from the lakes. We have to
7 go to Thompson Island area to get clean ice.

8 The next concern is -- is the road, which can be
9 corrected, I am sure; the all-weather road that leads
10 from Rankin Inlet, the community, to the mine. The
11 caribou do not have metal hooves embedded in their
12 hooves like horses. It is bare and natural. And there
13 are many sharp rocks from the quarries that is laid
14 along the road. And on the edge -- some edges of the
15 road, there are very sharp rocks that -- that the
16 caribou must walk over to cross the road that injure
17 the caribou hooves or feet or legs during their attempt
18 to cross the road. And in some areas, some of the road
19 is built too steep, especially for the younger calves,
20 to cross the road. In turn, it separates the mother
21 and the calf.

22 The pipeline that is being installed from the mine
23 to the community of Rankin Inlet is in process, and
24 I -- we understand it will be operating in one to two
25 years, and we have been promised that the water going
26 through the pipes will be tested before it is dumped

1 right at Itivia and during the dumping. That needs to
2 be official. The Kangiqliniq Hunters and Trappers
3 Association highly recommends that be done properly.

4 There are another concern. There are a lot of
5 boats, boat owners in Rankin Inlet that use the Itivia
6 area to launch their hunting boats. That is taken over
7 during the shipping season by ships unloading. It is
8 very extremely inconvenient during those times and
9 dangerous because we have families, hunters, children
10 that go over to Itivia to launch their boats.

11 Yes, we have one at the Johnson Cove that is
12 provided by the hamlet. It is okay but not feasible.
13 That is, it's not built right. The one in Itivia that
14 we traditionally use is -- is very inconvenient and
15 harmful and dangerous. If Agnico Eagle can attempt to
16 help us build a proper launch for the boats, it would
17 be very, very helpful for the community.

18 The location of the windmill agreement. All week
19 we have been talking about the windmills, wind turbines
20 that are being planned and the mining company which is
21 to build -- install them. We -- we support their need
22 to create environment -- environmental friendly power
23 source. We feel that if they are installed on the
24 north end at the mining site, mining camp, they will
25 have a diverse effect on the migrating caribou herd,
26 the migrating birds, and nesting birds in that area.

1 They will be -- they will -- they are planning to
2 build 300-metres-high wind turbine. Right now it seems
3 like a great idea, but when reality hits and they are
4 actually installed, it will be a different story
5 because they will diversely affect the migrating
6 caribou herds and disrupt their natural habitat, in
7 turn which affects our main food source and livelihood.

8 The HTO is still pushing, recommending, hoping
9 they will -- that -- that wind turbines will be
10 installed in the Subblu area. First of all, that area
11 is least used by humans, by animals, and other things
12 that might be in that area. Also, if they are
13 installed in the Subblu area, positive effects. You
14 can hire local people to help and learn to install
15 them. You can hire apprentices, and they can learn to
16 install them on their own in the future and operate
17 them. You can also install them in Subblu area to
18 provide some power source, good energy source to the
19 community in the future. We are thinking in the
20 long-term plan, not a short-term plan like you are
21 hoping to build at the camp area. Rankin Inlet could
22 be one of the first in Nunavut to have windmill for
23 their community. It would be such a great thing for
24 the community and the territory and Canada and the
25 world. The Kangiqliniq hunters and trappers
26 association -- organization -- sorry -- will continue

1 to push for that Subblu area location.

2 Those are our highlights, points, and
3 presentation. I'm sorry I do not have a PowerPoint
4 because it's distracting. Thank you.

5 THE CHAIR: Thank you to the Kangiqliniq
6 Hunters and Trappers Organization for your
7 presentation.

8 Now to questions from the intervenors. Any
9 questions from the registered intervenors?

10 Nunavut Tunngavik -- Kivalliq Inuit -- Nunavut
11 Tunngavik Incorporated, Gabriel Nirlungayuk.

12 MR. NIRLUNGAYUK: Thank you. The hunters and
13 trappers organization, we'd like to thank them for
14 their presentation. And thank you for allowing us to
15 understand how you think and what you think. So I
16 liked that -- that presentation very much. I hope it
17 becomes part of the NIRB's decisions and to the
18 Government of Canada's department of environment as
19 well.

20 THE CHAIR: Kivalliq Inuit Association,
21 Luis Manzo.

22 MR. MANZO: Kivalliq Inuit Association,
23 Luis Manzo.

24 Thank you to the HTO in the Kivalliq for the
25 presentation. Kivalliq Inuit Association will be
26 working to get better with the -- with the HTO and --

1 and the goals of the hunters. Thank you.

2 THE CHAIR: Government of Nunavut,

3 Daniel -- no -- no questions?

4 Crown-Indigenous Relations or federal government
5 departments?

6 MR. DEWAR: Qujannamiik, Madam Chair.

7 Spencer Dewar, Crown-Indigenous Relations and Northern
8 Affairs Canada.

9 The Government of Canada has no questions. Thank
10 you for the presentation.

11 THE CHAIR: Sayisi or Northlands Dene
12 First Nation? No questions?

13 Athabasca Dene? No questions?

14 Agnico Eagle, Manon Turmel.

15 MS. TURMEL: Manon Turmel, Agnico Eagle.

16 We have no questions. Thank you.

17 Nunavut Impact Review Board Staff Questions Kangiqliniq
18 Hunters and Trappers Organization

19 THE CHAIR: Nunavut Impact Review Board
20 staff, Tara Arko.

21 MS. ARKO: Thank you, Madam Chair.

22 Tara Arko, Nunavut Impact Review Board staff.

23 One quick question to follow up, and the same as
24 we've been with the other parties on the terrestrial
25 advisory group to seek comments on whether the
26 terrestrial advisory group is able to achieve the goals

1 which it was intended as being a forum to discuss
2 updates to mitigation and management measures for the
3 terrestrial environment. Thank you, Madam Chair.

4 THE CHAIR: Kangiqliniq Hunters and
5 Trappers Organization, Noel Kaludjak.

6 MR. KALUDJAK: Thank you, Madam Chair.
7 Noel Kaludjak, Kangiqliniq Hunters and Trappers
8 Organization.

9 Please ask your question again. Roger didn't
10 completely understand what you said. Thank you.

11 THE CHAIR: NIRB staff, Tara Arko.

12 MS. ARKO: Thank you, Madam Chair.
13 Tara Arko, Nunavut Impact Review Board staff.

14 Have you found the terrestrial advisory group
15 effective and a forum for discussion of mitigation
16 monitoring measures? Thank you, Madam Chair.

17 THE CHAIR: Kangiqliniq Hunters and
18 Trappers Organization, Noel Kaludjak.

19 MR. KALUDJAK: Thank you, Madam Chair.
20 Noel Kaludjak, Kangiqliniq Hunters and Trappers
21 Organization.

22 Thank you for your question. We totally agree
23 with and how it works. Thank you.

24 THE CHAIR: NIRB staff, Tara Arko.

25 MS. ARKO: Tara Arko, Nunavut Impact
26 Review Board staff. Thank you, Madam Chair.

1 That's all of the staff questions at this time.

2 Nunavut Impact Review Board Panel Questions Kangiqliniq
3 Hunters and Trappers Organization

4 THE CHAIR: Questions from the Board.

5 Guy Alikut.

6 MR. ALIKUT: Thank you, Madam Chair.

7 Guy Alikut, NIRB board member.

8 I just have one question in regards to the
9 waterline. Is it -- do you think the -- the waterline
10 is too -- too far, or it won't be as effective because
11 it's too far away?

12 There are no wind farms yet, but -- there -- there
13 are no wind farms yet nor any effective power
14 generators.

15 THE INTERPRETER: We didn't really catch what he
16 was saying.

17 THE CHAIR: Kangiqliniq Hunters and
18 Trappers Organization, Roger Pilakapsi.

19 MR. PILAKAPSI: Thank you, Chair. Rankin
20 Inlet hunters and trappers, Roger Pilakapsi.

21 I didn't quite get the last sentence. But my
22 mic -- my ear piece -- sorry -- my ear piece was quite
23 staticky.

24 But I would like to thank all the guys who -- who
25 did the caribou survey, keeps us -- the whole Kivalliq
26 informed, and the studies, what pattern they go

1 through, and how -- how it affects the -- the --
2 the winter route they take is always going to be
3 different. So that's one thing. Like, we wouldn't
4 know how many they are, like, in one herd. There could
5 be thousands and thousands of them. But -- but when
6 you guys are doing the surveys, it makes a lot easier
7 to put the numbers on the table, on the paper.

8 Same thing with the water survey. It's -- like,
9 we wouldn't -- like, if I was just a regular person
10 here in Rankin Inlet, I would have no idea what's going
11 on at the mining camp or what they're discharging or
12 what -- what they're doing. But I would like to thank
13 Agnico informing the community, the whole -- the people
14 on the roundtable that they're explaining everything
15 the way they are. I would thank you, Agnico.

16 MR. KALUDJAK: Thank you, Madam Chair.

17 To respond to the board member -- I'm
18 Noel Kaludjak, Kangiqliniq Hunters and Trappers
19 Organization.

20 In response to Guy Alikut board member's question,
21 I do not have the details. Your question is a good
22 question. But I'm sure they have the resources to
23 install transmissions along the way. That's another
24 question beside it. Maybe they have enough wire that
25 is large enough to supply enough voltage to go from
26 this area, Subblu, to the mine site. I'm sure some --

1 some expert here has the answer to that question.

2 Thank you.

3 THE CHAIR: NIRB board member, Guy Alikut.

4 MR. ALIKUT: Thank you. NIRB board member.

5 Yes. Yes. There's probably -- there's probably
6 experts -- if I ever hear that there's any experts in
7 here, I'll go to them and find out myself. Thank you.
8 That's all the questions that I have.

9 THE CHAIR: Any more questions from the
10 Board?

11 Nunavut Impact Review Board Chair Questions Kangiqliniq
12 Hunters and Trappers Organization

13 THE CHAIR: I just have a couple of
14 questions. The Government of Nunavut showed an
15 animation of the Qamanirjuaq caribou moving close to
16 the mine site, and based on what they showed with the
17 collar data, the caribou didn't go through the "sadlik"
18 area, I think, is what you guys called it.

19 Can the Kangiqliniq Hunters and Trappers
20 Organization comment on whether the harvesting
21 practices around Meliadine Lake have changed?

22 Noel Kaludjak.

23 MR. KALUDJAK: Thank you, Madam Chair.

24 Noel Kaludjak, Kangiqliniq Hunters and Trappers
25 Organization.

26 When Stephen Atkinson from the Government of

1 Nunavut made the presentation and did those slides, I
2 had said what we have said all along is shown in
3 digital form. Yes, we have seen a lot of changes,
4 obviously. If there's something built in the way of
5 the migration route, the caribou will change their
6 migration route and their -- and their movement around
7 Rankin Inlet. We have noticed that the caribou has
8 moved much closer to Rankin Inlet during their
9 migration, and they -- they moved quite a bit to the
10 Chesterfield Inlet area this -- this summer.

11 We saw a lot of changes. This -- this summer was
12 the biggest change we saw in the migration and
13 harvesting of caribou this year and also in Diane River
14 area and information being shared among hunters and
15 families about the changes in the caribou in this area.
16 Thank you.

17 THE CHAIR: Also, can you explain or
18 clarify if the Kangiqliniq Hunters and Trappers
19 Organization has support, financial or otherwise, to do
20 their own monitoring or studies to help address their
21 concerns?

22 Noel Kaludjak.

23 MR. KALUDJAK: In this -- sorry. Thank you,
24 Madam Chair. Noel Kaludjak, Kangiqliniq Hunters and
25 Trappers Organization.

26 We have two monitors along the all-weather road

1 that reports to hunters and trappers organization.
2 They are only on the eight -- eight -- all-weather road
3 and to report any animal activities around -- around
4 that road. Other than that, there is no other funding
5 to provide Kangiqliniq Hunters and Trappers
6 Organization to monitor the caribou. Thank you.

7 THE CHAIR: And I just have one more
8 question. During -- throughout the hearing, we've
9 heard different interventions about the location of the
10 wind farm and proposed mitigation measures from Agnico
11 Eagle, other intervenors, and one of them from the
12 Government of Nunavut about making the distance
13 further, the 10-kilometre boundary of the different
14 mitigation measures that have been presented so far
15 around the area of the proposed wind farm closer to the
16 mine site. Do you -- do you think any of those
17 proposed measures would address the Kangiqliniq Hunters
18 and Trappers Organization's concern about the proposed
19 location of the wind farm? Has your position changed,
20 or is it still the same?

21 Noel Kaludjak.

22 MR. KALUDJAK: Thank you, madam speaker.
23 Noel Kaludjak, Kangiqliniq Hunters and Trappers
24 Organization.

25 Thank you for your question. We -- we would have
26 to bring it to the Board first, and it has to be

1 official. We cannot answer it right off the top of our
2 heads right now. We would have to bring it to the
3 Board before we can reply. Thank you.

4 THE CHAIR: Thank you to the Kangiqliniq
5 Hunters and Trappers Organization for your
6 presentation.

7 We're going to continue with intervenor
8 presentations. There's a couple more. Now to the
9 combined presentation from the Sayisi Dene First Nation
10 and Northlands Denesuline First Nation.

11 I'll ask that our legal counsel swear or affirm
12 the next group of presenters and mark the exhibits so
13 that we can begin with presentations.

14 NIRB legal counsel.
15 Procedural Matters by Nunavut Impact Review Board Legal
16 Counsel

17 MS. MEADOWS: Thank you, Madam Chair.
18 Teresa Meadows, legal counsel for the Nunavut Impact
19 Review Board.

20 So, Madam Chair, while the witnesses get settled,
21 let the record show that I am marking the hard copy
22 presentations that are about to be presented as the
23 next two exhibits in this public hearing.

24 EXHIBIT 40 - Hard Copy PowerPoint
25 Presentation, "Sayisi Dene First Nation and
26 Northlands Denesuline First Nation"

1 (Dene/English)

2 EXHIBIT 41 - Hard Copy PowerPoint

3 Presentation, "Sayisi Dene First Nation and

4 Northlands Denesuline First Nation"

5 (Inuktitut/English)

6 MS. MEADOWS: And if I can have the
7 witnesses state and spell your name for the record,
8 please.

9 MR. CHRANOWSKI: Thank you. Dan Chranowski
10 with Matrix Solutions on behalf of Sayisi and
11 Northlands Denesuline First Nations.

12 D-A-N, first name; last name, Chranowski,
13 C-H-R-A-N-O-W-S-K-I.

14 MS. MEADOWS: If you can state and spell
15 your name for the record, please.

16 MR. DENECHZHE: Thank you.

17 My name is Benjamin Denechezhe, B-E-N-J-A-M-I-N,
18 Denechezhe, D-E-N-E-C-H-E-Z-H-E.

19 MR. BUSSIDOR: Carl with a C-A-R-L, middle
20 name's Geoffrey, G-E-O-F-F-R-E-Y; last name is
21 Bussidor, B-U-S-S-I-D-O-R. Thank you.

22 DAN CHRANOWSKI, BENJAMIN DENECHZHE, and CARL GEOFFREY
23 BUSSIDOR, Affirmed

24 MS. MEADOWS: Teresa Meadows, legal counsel
25 for the Nunavut Impact Review Board.

26 Madam Chair, those are all my procedural matters.

1 Presentation by Sayisi Dene First Nation and Northlands
2 Denesuline First Nation (Sayisi Dene First Nation and
3 Northlands Denesuline First Nation)

4 THE CHAIR: Sayisi Dene and Northlands
5 Dene First Nation. Who's going to start the
6 presentation?

7 Dan -- Dan Chranowski. Geoff Bussidor.

8 MR. BUSSIDOR: Yes. Good afternoon. I'm
9 Geoff Bussidor from Tadoule Lake, Manitoba, a Sayisi
10 Dene First Nation member, part of the Ghotelnene
11 K'odtineh Dene.

12 I'm providing a joint presentation today for the
13 Sayisi Dene and the Northlands Denesuline First Nation,
14 but Benji is going to be providing a presentation
15 too, so ... And then Dan Chranowski, our wildlife
16 biologist, will also provide some comments and
17 questions -- or he will have a presentation, technical
18 aspects of our presentation.

19 I live in Tadoule Lake, which you can see on the
20 picture here -- it's a caribou going by -- taken out
21 from a place called Rock Island doing some ice fishing.
22 Community's on the caribou winter range of the
23 Qamanirjuaq caribou herd.

24 My colleague here, Benjamin Denechezhe, is a
25 member of the Northlands Denesuline First Nation from
26 Lac Brochet, which is west of our community about a

1 half-hour flight by plane. Other members of our review
2 team. There's Kelly Olson, legal counsel, Myers LLP
3 from Winnipeg, and Dan Chranowski from Matrix Solutions
4 from the Brandon area west of Winnipeg. And I also
5 have a brother here, Ernie Bussidor. He's sitting in
6 the -- in the Elders' forum there. And one young
7 member, I'm not sure where he is, but Kyle Clipping.
8 Oh, yeah. We also have the Northlands Elders here,
9 Napoleon Denechezhe, Modest -- Councillor
10 Modest Antsanen, and Tom Shaoullie.

11 The caribou -- the Qamanirjuaq caribou herd, which
12 we've shared with the Inuit and other indigenous
13 peoples for many generations, still do come down, and
14 we hear that they're down into Manitoba already.

15 One of the things that I noticed that wasn't
16 mentioned during all the presentations was this year
17 was really bad for fires. And imagine being an animal
18 and having to -- to breathe in all that smoke and --
19 and, you know, existing like that. It's -- it's -- it
20 would be hard on the animals. There's caribou, moose,
21 bears and other wildlife, birds. And I'm pretty sure
22 there's going to be some sort of effect from those
23 fires. I just wanted to mention that.

24 Before talking to the -- before starting to talk
25 about the project we're discussing today, I would like
26 to thank Nunavut Impact Review Board for the

1 opportunity to present to you today and the
2 interpreters for their essential work helping us to
3 communicate with each other. Next slide, please.

4 In this presentation, we will provide information
5 on the following items on behalf of both First Nations:
6 background on why we are participating in the review of
7 this project, characteristics of the project proposal
8 that are concerning to us, Agnico Eagle's responses to
9 our concerns, issues that are resolved with commitments
10 made by Agnico Eagle, remaining concerns that have not
11 yet been addressed adequately from our perspective,
12 actions required to address our remaining concerns, our
13 recommendations to the Nunavut Impact Review Board.

14 In our presentation today, we have tried to
15 incorporate new information provided by Agnico Eagle in
16 their response to our written -- final written
17 submission to the NIRB. Next slide, please.

18 For thousands of years, our First Nations have
19 harvested Qamanirjuaq caribou throughout our
20 traditional territory in what is now Nunavut, Manitoba,
21 Saskatchewan, and the Northwest Territories. The
22 existence, culture, and rights of our people are deeply
23 connected to the caribou and its habitat. Any harm to
24 the caribou is harm to the Dene. For the people that
25 represent the Sayisi Dene, back before we were
26 relocated, we lived and continued to live by moving on

1 a seasonal pattern following the movements of the
2 Qamanirjuaq herd until the 1950s.

3 My mother was born in Edehon Lake. We call it
4 "Edola Tue". And now today's September the 16th. She
5 was born on September 29th out there. That's 13 days
6 away from today. And I was just imagining my
7 grandmother walking all the way out there. There
8 wouldn't have been any snow machines, airplanes back in
9 1931. That's the way people were, travelling on the
10 land even though they were pregnant, going through the
11 water and all the tundra. That was a while ago.

12 The Sayisi Dene way of life was interrupted when
13 we were forcibly relocated by government to Churchill
14 in 1956. This decision was based on government
15 misinformation about the health of the herd. Although
16 the Sayisi Dene continue to live with the trauma of
17 relocation, our people returned to the land in 1973
18 once again to live and use the -- and harvest caribou
19 throughout our traditional territory.

20 We are participating in this review to make sure
21 that any potential negative impacts to caribou are
22 fully understood and prevented. We know that even
23 small impacts or changes in one spot can build up over
24 time and cause serious problems for the herd. These
25 impacts or changes affect not only my rights but also
26 the rights of my children and grandchildren and beyond.

1 It is important to note that in the letter from the
2 Nunavut Impact Review Board in January of 2022, the
3 minister of northern affairs confirmed that Canada
4 acknowledges the Section 35 rights of Sayisi Dene
5 First Nation and Northlands Dene First Nation in
6 Nunavut. The minister highlighted the Board's
7 responsibility to consider the potential impacts of
8 projects on these rights and interests.

9 The First Nations are also provided a right to be
10 heard at the Nunavut Impact Review Board under the
11 Nunavut agreement. We also have a right to be
12 consulted on any decision by the Crown that could
13 possibly have an adverse effect on our aboriginal
14 treaty rights. Next slide, please.

15 To summarize, the main reasons we are presenting
16 our concerns here today are caribou have been central
17 to the existence of our First Nations for thousands of
18 years and continue to be crucial to our ability to
19 maintain our culture and way of life and to provide
20 food security for our people. Caribou are central to
21 the exercise of our aboriginal and treaty rights.

22 Any negative impacts of development on Qamanirjuaq
23 caribou or the herd's habitat are a concern to us for
24 reasons that include the size of the herd has been
25 decreasing for more than two decades, additional
26 activities that create negative impacts to the

1 Qamanirjuaq caribou or the herd's habitat that may
2 reduce the ability of the herd to stay strong and
3 healthy. Further declines in the caribou herd could
4 affect our culture, our way of life, our food security,
5 and our aboriginal and treaty rights to harvest
6 caribou. Some aspects of the proposed project are of
7 concern to us because of their potential negative
8 effects on caribou. And we will outline these concerns
9 and reasons for our concern.

10 I will pass this over to my colleague here,
11 Benjamin Denechezhe, to continue -- or is it Dan?
12 Okay.

13 THE CHAIR: Dan Chranowski.

14 MR. CHRANOWSKI: Thank you, Madam Chair. I am
15 Dan Chranowski, the wildlife biologist advisor on
16 behalf of Sayisi Dene and Northlands Denesuline
17 First Nations.

18 My notes say I should say "good day", and I guess
19 we still have daylight, but it's a little bit later in
20 the day than I -- I might have just said maybe good
21 early evening.

22 I'd like to -- before I proceed, to reference a
23 question that I asked in clarification to Agnico Eagle
24 on Friday, September 15th, regarding Agnico Eagle's
25 collared caribou presentation. I mentioned -- I
26 referenced to Slide 9. I should have said "Slide 11"

1 as that's the slide that referred to the caribou
2 distribution on May 31st of 2023. Thank you.

3 Based on our review of the project documents and
4 through the technical process, we have identified areas
5 of concern with the Meliadine extension proposal as it
6 relates to caribou.

7 First, there has been a recent significant change
8 to caribou distribution since 2015. The current
9 increased caribou presence and caribou distribution
10 changes were not anticipated by Agnico Eagle.

11 Second, the proposed wind farm has created a high
12 level degree of uncertainty about potential long-term
13 sensory impacts to caribou especially during
14 post-calving and migration.

15 Third, the Discovery road waterline structure
16 could change normal movement patterns of caribou during
17 their post-calving migration, especially as it relates
18 to the southeast Meliadine Lake caribou water crossing,
19 and interrupt possibly access to key feeding areas and
20 habitat.

21 Fourth, the group size and distance thresholds and
22 Agnico Eagle's current caribou protection measures may
23 not ensure that most of the caribou interacting with
24 the Meliadine Mine infrastructure are exposed to these
25 protection measures.

26 Finally, fifth, the Commitment 38 analysis of

1 caribou movements did not seem to address or explain
2 the speed and the direction of caribou movements
3 approaching or upstream of the road of the -- of the
4 all-weather access road and caribou movements leaving
5 or downstream of the all-weather access road. The
6 analysis conclusions did not seem to support
7 observations from the Government of Nunavut caribou
8 animation maps or even Inuit Elder feedback that
9 indicates caribou approach and leave the road in
10 different -- the road affects their approaching and
11 leaving of the road. Next slide, please.

12 For our Concern Number 1, reassessing their impact
13 predictions and significance determinations because of
14 the increased caribou presence near the mine, Agnico
15 Eagle indicated they had provided some assessments --
16 additional assessments related to caribou habitat
17 selection and maps of caribou distribution during
18 calving, post-calving, and summer near the mine between
19 2012 and 2022, yet Agnico Eagle maintains that their
20 predictions made nine years ago in 2014 and the current
21 other -- other analysis still supports the conclusion
22 that sensory disturbance to caribou migration is low
23 and nonsignificant. We do not agree with those aspects
24 of the 2022 environmental impact statement addendum or
25 the additional assessments. They're not supported by
26 the analysis so far.

1 Based on impact assessment methods, some
2 fundamental issues were, well, relied on in certain
3 ways that made it difficult for Agnico Eagle to change
4 their predictions. There's a heavy reliance upon the
5 2014 final environmental impact assessment, and there's
6 a few changes in the impact predictions and
7 significance in the 2022 final impact assessment --
8 statement -- excuse me.

9 As well, the 2022 final environmental impact
10 statement relies quite strongly on habitat changes to
11 predict impacts and significant determination.
12 Existing conditions are also -- well, they have changed
13 in caribou distribution and presence. And specifically
14 caribou water crossings don't have -- they don't exist
15 as a primary pathway. In fact, there was no change in
16 any of the primary pathways for caribou in the
17 2022 impact statement. Agnico Eagle should have placed
18 more emphasis on -- on the baseline conditions that
19 have changed since their studies back in 20 -- 2008 and
20 2009, and valued ecosystem components could possibly
21 have been added in this assessment.

22 In addition, Agnico Eagle relied heavily on their
23 belief that current mitigation activities are effective
24 and -- and are mitigating everything that they believe
25 are -- is -- are impacts. Those -- those implicate --
26 they implicate and cascade down into making decisions

1 about impacts. In impact assessment methodology, you
2 have measurement endpoints and then assessment
3 endpoints. If things don't change in the pathway
4 process, that can affect the endpoint assessment.
5 Agnico Eagle only uses caribou in general as a valued
6 ecosystem component, but it's possible to use other
7 ecosystem components such as the calving range or
8 post-calving range, and so these were not identified,
9 especially, for example, caribou water crossings.

10 Because of some of these limitations that Agnico
11 Eagle have imposed on the assessment, the results of
12 the -- the impact predictions and significance -- well,
13 they didn't change. Very minor things were -- were
14 identified. For example, on page 189, the incremental
15 impact and indirect effects -- excuse me. Maybe I'll
16 start that again.

17 We disagree with the statement on page 189.
18 Incremental direct and indirect effects are both
19 approximately less than 1 percent at the scale of a
20 Qamanirjuaq herd post-calving range. Government of
21 Nunavut collared caribou animation maps presented to
22 the Board so increased in longer-term caribou presence
23 during the post-calving and summer periods.

24 And Agnico Eagle's May 23rd, 2023, response to
25 Government of Nunavut's additional technical questions
26 indicate that cumulative incremental and direct effects

1 to caribou may now be 9.6 to 10 percent of a change
2 over the life of the mine. We believe that is an
3 important change from the 2022 addendum. Also, on
4 page -- Table 6.6.8 in which the incremental magnitude
5 for the effects pathway disruption or alteration of
6 migration routes from the presence of the mine or from
7 mine-related activities is indicated as low.

8 Government of Nunavut caribou movement animation
9 maps indicate collared caribou do not cross at the
10 narrows crossing next to the mine footprint since 2018.
11 This is a potential negative impact from the mine
12 footprint, and this reality was not used by Agnico to
13 assess significance for the proposed extended life of
14 the mine.

15 While there has been some analysis of coloured
16 caribou habitat selection from 2012 to 2022, the
17 limitation of making an assessment is that the caribou
18 effect's study area is so large it dilutes the impacts.
19 They always are less. It is our opinion that if
20 baseline conditions were established with current
21 caribou presence and distribution and if existing
22 conditions were assessed as far as the effectiveness of
23 mitigation measures currently used, the impact
24 predictions and significant determinations for caribou,
25 their results would be very different in a major way
26 from the 2022 final environmental impact statement.

1 For Concern Number 2 regarding the proposed wind
2 farm, Agnico Eagle produced visual wind farm
3 pictures -- you see them on the wall in the far corner
4 there -- a wind farm management plan, a proposed
5 caribou monitoring study, pre-construction pictures of
6 the habitat where the turbines will be placed, an
7 alternate wind farm location analysis, low frequency
8 noise assessment for the wind farm -- wind turbines,
9 and provided a wind farm tour to Quebec, and Agnico
10 Eagle committed to shut down the turbines when caribou
11 are within 5 kilometres of the mine. And we thank
12 Agnico Eagle for this additional information.

13 But we note this was -- all of this information I
14 just listed was significantly absent from the 2022
15 final environmental impact assessment statement. This
16 substantial lack of detail caused us to have high
17 levels of concern about the proposed wind farm.
18 Additional information has only increased our concerns.
19 For example, based on the Agnico Eagle -- did I do
20 that? Okay.

21 Based on the Agnico Eagle wind turbine visual
22 presentation as you see on the pictures in the back, it
23 appears that caribou will see rotating wind turbines at
24 distances greater than 5 kilometres. The wind farm, if
25 placed in its current location, would be observed from
26 the north end of Meliadine Lake by post-calving caribou

1 cows and calves, which is over 17 kilometres away,
2 because the current protection measures only kick in at
3 5 -- recommended ones will only kick in at
4 5 kilometres. If caribou may decide to avoid the wind
5 turbines at distances greater than 5 kilometres, then
6 mitigation is too late. High-quality habitat on the
7 elevated areas preferred by caribou to escape insects
8 and to travel will be permanently altered by the wind
9 turbine constructions. We have requested alternate
10 locations to be looked at, yet the actual existing
11 footprint was not a -- not a consideration.

12 The Raglan wind turbine tour only reinforced, to
13 me, that turbines do -- turbines do emit a noise that
14 will be unfamiliar to caribou and will be seen from
15 distances greater than 5 kilometres. The tour did not
16 alleviate my concerns about wind turbines and their
17 effects to caribou.

18 As mentioned by Environment Canada earlier today,
19 they support industry looking at reducing greenhouse
20 gas emissions and replacing with renewable energy, yet
21 the statement was that it must be balanced with
22 potential negative impacts. We believe that Agnico
23 Eagle has not placed enough emphasis on that balance.
24 Our thought -- thoughts towards that in a meaningful
25 way is our opinion that the emphasis on this wind farm
26 is too strong and not balancing. The reduction of

1 greenhouse gas emissions from this wind farm will not
2 stop all greenhouse gas emissions from this
3 development.

4 From a Canadian perspective, it is minor emissions
5 compared to large industries down south. The use of
6 this greenhouse gas emission reduction by using wind
7 farms is really not the right type of technology and
8 not in the right location. With the current scientific
9 uncertainty, Agnico Eagle has not satisfied the burden
10 of proof that wind farm mitigation measures will
11 prevent adverse impacts to caribou. They have not
12 applied the precautionary principle, and therefore this
13 high level of uncertainty of impacts, in our opinion,
14 requires a high level of avoidance. Placing the wind
15 farm in the post-calving range of caribou when cows and
16 calves are at the most vulnerable time is a risk that
17 should be avoided.

18 For Concern Number 3 regarding the Discovery road
19 waterline structure, Agnico Eagle provided a Discovery
20 road waterline schematic profile and have a visual
21 picture of the proposed waterline near the road;
22 however, there is -- there is no specific plans by
23 Agnico Eagle to mitigate the important caribou water
24 crossing at the southeast of Meliadine Lake. Agnico
25 Eagle maintains that the existing caribou protection
26 measures will be sufficient.

1 And, as well, we have asked about the waterline
2 markers to allow us to assess the potential for caribou
3 deflection. Those -- some of those details are still
4 missing. So we are not convinced that the conclusion
5 of existing mitigation for the -- the Discovery road
6 waterline and the southeast Meliadine Lake water
7 caribou crossing will be sufficient. The southeast
8 Meliadine waterline crossing has been identified to
9 Agnico Eagle by Inuit Elders, our own Denesuline and
10 Dene people, and other interested parties with
11 the result of still no specific mitigation measures in
12 place for this important caribou crossing.

13 Collared caribou also appeared to have ceased
14 using the narrows crossing. Because of this important
15 caribou crossing, we believe a proactive study by
16 Agnico Eagle of this crossing would help to better
17 understand the potential impacts that may be affecting
18 caribou response before development occurs.

19 For Concern Number 4, that -- yeah. Excuse me.
20 I'll start again. For Concern Number 4 regarding the
21 group size and distance thresholds for caribou
22 mitigation protection, we indicated they're not
23 adequate. Agnico Eagle maintains that there is no
24 evidence to change caribou protection measures. They
25 say that distance thresholds are effective as no
26 caribou have been identified or died; however, we are

1 not convinced by Agnico Eagle's conclusions. Current
2 caribou protection measures are not minimizing sensory
3 disturbance impacts to a large proportion of the
4 caribou herd near Meliadine. Group size thresholds do
5 not minimize sensory disturbance to small caribou group
6 sizes. Agnico Eagle's own caribou behaviour studies in
7 the 2022 annual report indicate that small caribou
8 sizes do show more disturbance response than larger
9 groups.

10 The 2022 final environmental impact statement on
11 page 169 indicates that annual caribou exposure to the
12 mine averages -- averages one day per year. Agnico
13 Eagle says the effects to caribou would be low or
14 negligible, but the length of caribou exposure to mine
15 infrastructure has increased from that average of one
16 day to 30 days annually. If this trend continues over
17 the life of the mine instead of -- instead of one day
18 annually, it becomes a total of 570 days of exposure
19 over the next 19 years if the extension proposal is
20 approved. This is a significant change from the
21 original assessment. As well, caribou injuries or
22 deaths are not the only method to measure if caribou
23 protection measures are adequate.

24 For Concern Number 5 regarding the Commitment 38
25 analysis of caribou movements, since the terrestrial
26 advisory group members participated in the caribou

1 movement study design, Agnico Eagle says their
2 commitment to caribou movement analysis is complete and
3 have not committed to additional analysis; however,
4 Sayisi Northlands First Nation are not convinced that
5 all types of analysis have been exhausted. Agnico
6 Eagle's Commitment 38 is not fully resolved in our
7 mind.

8 While I was involved in this study design on
9 behalf of Sayisi and Northlands -- and at the time
10 there was no concern regarding the study design -- when
11 seeing the final report, further review, in my mind,
12 indicates that certain aspects have confounded the
13 interpretation of the results.

14 One of the main issues is that they have indicated
15 that there's a wide variation in individual caribou
16 response, and small sample sizes have limited the
17 certainty of the study conclusions. In our opinion,
18 the analysis of caribou movements approaching the
19 all-weather road are upstream in the all-weather road,
20 and those caribou movements leaving the all-weather
21 access road downstream. If this analysis was done
22 better, it would increase the clarity to us about the
23 existing conditions so that we can then compare that to
24 conditions after the waterlines are installed. And
25 this analysis might also explain conflicting
26 information raised by the caribou animation maps and

1 the Inuit feedback given to Agnico Eagle to this point
2 about caribou movements near the road. And we
3 understand there is discussions occurring currently
4 with interested parties on a path moving forward,
5 although I don't know the results yet.

6 We acknowledge that Agnico Eagle has made efforts
7 and commitments to address our concerns, including
8 improved spill response and additional noise
9 monitoring; however, we still have concerns for several
10 reasons. We have five remaining concerns. Some of
11 Agnico Eagle's conclusions are not supported by the
12 collared caribou animations which indicate that
13 collared caribou do not cross at the narrows crossing
14 since 2018.

15 Secondary is a high level of uncertainty about
16 potential negative impacts to caribou from the proposed
17 wind farm. This is -- this is key. The unpredicted
18 and unknown impacts creates a lot of concern; therefore
19 a precautionary principle seems to make sense to apply.

20 Third, despite the evidence that the information
21 regarding the narrows crossing -- well, despite the
22 information that the narrows crossing is not currently
23 being used as a water crossing by caribou since the
24 mine has become active and while current protection
25 measures apparently were being applied, caribou --
26 Agnico Eagle does not agree that the southeast

1 Meliadine Lake caribou crossing, however, should
2 receive any specific mitigation measures.

3 Fourth, caribou protection measures currently do
4 not protect small caribou sizes -- group sizes. When
5 the all-weather access road becomes widened and the
6 Discovery road and waterline becomes built, small
7 caribou groups migrating through these areas may
8 experience additional sensory disturbances more often
9 than -- than currently and with unforeseen negative
10 impacts.

11 And, fifth, Agnico Eagle's resistance to
12 additional caribou analysis before development occurs
13 is -- is concerning. Sayisi and Northlands
14 First Nations only want a full, clear understanding of
15 impacts to caribou from this development before it's
16 too late. Next slide, please.

17 We submit that additional actions are needed to
18 minimize and avoid project effects that could change
19 movement and migration patterns of caribou that could
20 negatively impact caribou during the calving,
21 post-calving, and summer period and could negatively
22 impact caribou herd productivity and health.

23 Sayisi Dene First Nation and Northlands Denesuline
24 First Nation recommend the following actions should be
25 taken to address our remaining concerns related to
26 caribou: One, Agnico Eagle should revise impact

1 predictions and significance determinations related to
2 caribou based on impacts to known caribou crossings
3 especially and the proposed extended mine life, and we
4 recommend this be done prior to the Nunavut Impact
5 Review Board recommendation about the Meliadine
6 extension proposal.

7 Due to the high level of uncertainty to potential
8 negative impacts to caribou within their post-calving
9 range, Sayisi Dene First Nation and Northlands
10 Denesuline First Nation do not support the building of
11 the wind farm as currently proposed.

12 Three, the study of caribou movement and behaviour
13 at the southeast Meliadine Lake caribou crossing should
14 be conducted and prior to the installation of the
15 Discovery road waterline.

16 Four, caribou group size threshold -- thresholds
17 for migration protocols should be reduced, and the
18 distance threshold for the mine operations and
19 all-weather access road should increase or,
20 alternatively, employ seasonal date shutdowns for the
21 mine and the road.

22 And, five, the key analysis of caribou movements
23 approaching and leaving the all-weather access road
24 should be completed prior to the Nunavut Impact Review
25 Board recommendation about the Meliadine extension
26 proposal.

1 We submitted two recommended additions to the
2 project certificate and our final written comments
3 should the proposal be approved. Our first
4 recommendation is to revise Term and Condition 43,
5 called "Terrestrial Wildlife and Wildlife Habitat
6 General", and that would be to change the caribou
7 protection group size and distance thresholds based on
8 science and the recent changes to caribou distribution
9 around the mine and infrastructure or, alternatively,
10 impact -- implement seasonal date shutdowns. In its
11 response, Agnico Eagle did not support this
12 recommendation.

13 Our second recommendation is to Term and Condition
14 54, movement of wildlife. We recommended that,
15 specifically to caribou movement crossings, they
16 implement a study -- excuse me -- specifically to the
17 southeast Meliadine Lake major caribou crossing, that
18 Agnico Eagle implement a study of the caribou behaviour
19 movements prior to the Discovery road --

20 THE CHAIR: Slow down.

21 MR. CHRANOWSKI: Sorry. I'll start again.

22 Our second recommendation is to Term and Condition
23 54, movement of wildlife. Revise that condition
24 specifically for the major caribou crossing at the
25 southeast end of Meliadine Lake so that a study is
26 implemented prior to Discovery road waterline

1 installation. In its response, Agnico Eagle did not
2 support this recommendation, and we will indicate also
3 that information that was presented in the 2022 annual
4 report has not changed any concerns or recommendations
5 made in this presentation. Last slide, please.

6 I will now pass the microphone over to my
7 colleague from Northlands Denesuline First Nation,
8 Benjamin Denechezhe. Thank you. Mahsi Cho.

9 THE CHAIR: Benjamin Denechezhe.

10 MR. DENECHZHE: Thank you, Madam Chair.

11 I want to thank Nunavut Impact Review Board for
12 allowing us and also the representatives that are here
13 around the table. I also thank the Elder for their
14 prayer this morning giving us a blessed day.

15 My name is Benjamin Denechezhe. I'm the chief
16 negotiator for Northlands Denesuline First Nation. I
17 will respond to the Nunavut Impact Review Board to
18 request -- to provide our views on the terrestrial
19 advisory group.

20 Northlands Denesuline First Nation and Sayisi
21 First Nation were strongly supportive of establishment
22 of a terrestrial advisory group during the waterline's
23 reconsideration process from Agnico Eagle Mine's
24 initial commitments to establish a technical advisory
25 group in early 2021. It was a long, unnecessary,
26 difficult path to reach the terms of reference which we

1 agreed to in January 2023.

2 In our view, the terrestrial advisory group still
3 has the potential to provide a meaningful source of
4 knowledge and technical advice to Agnico Eagle. We
5 have been encouraged by Agnico Eagle's offer of support
6 through this process, and we feel like this process has
7 given us a chance to get to know the Inuit Elders and
8 representatives as well as improving engagement with
9 Agnico Eagle in some regards, but there needs to be
10 improvements in communication, cooperation, and
11 collaboration in order for trust to be built up between
12 the parties over time.

13 As an example, we are not certain who the formal
14 parties to the terrestrial advisory group are because
15 the approval of the terrestrial advisory group terms of
16 reference has not been filed with the Inuit -- Nunavut
17 Impact Review Board. This is a requirement of the
18 Project Certificate Term and Conditions 132
19 and Section 4.1 of the terms of reference.

20 But we remain hopeful that the parties can build a
21 stronger relationship and work together in a positive
22 way. Also, I should mention that Northlands Denesuline
23 First Nation and the Sayisi First Nation are supportive
24 of the Athabasca Denesuline joining the terrestrial
25 advisory group.

26 We are hopeful that they will be providing the

1 terms -- the options of joining the terrestrial
2 advisory group as part of the consideration process. I
3 thank you all for the opportunity to present to you
4 today. Mahsi Cho.

5 THE CHAIR: Thank you to the Sayisi Dene
6 First Nation and Northlands Denesuline First Nation for
7 your presentation.

8 I'm sure people are well aware it's almost 6:00,
9 and I don't know what the local hours are for
10 restaurants and places to get meals for supper. So
11 rather than going on to intervenor questions, we're
12 going to end it here, and we'll reconvene on Monday
13 morning at 9.

14 I would really like to thank the community
15 representatives for your patience, waiting for your
16 opportunity to ask questions and make comments. We --
17 we are going to start the community roundtable. We
18 just have a couple more intervenor presentations that
19 we need to get through. And if there's any changes to
20 the agenda for next week, we'll -- we'll let you know
21 on Monday. Don't forget to leave your receiver. And
22 we have some draws.

23 _____
24 PROCEEDINGS ADJOURNED UNTIL 9:00 AM, SEPTEMBER 18, 2023

25 _____

26

1 CERTIFICATE OF TRANSCRIPT:

2

3 We, Sandra Burns and Derek Lopez, certify that the
4 foregoing pages are a complete and accurate transcript
5 of the proceedings taken down by us in shorthand and
6 transcribed from our shorthand notes to the best of our
7 skill and ability.

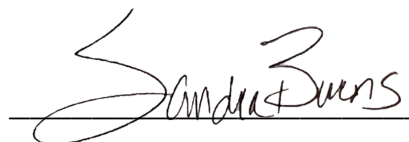
8 Dated at the City of Edmonton, Province of
9 Alberta, this 9th day of October 2023.

10

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14 Sandra Burns, CSR(A), RPR, CRR

15 Official Court Reporter

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21 Derek Lopez, CSR(A), RPR

22 Official Court Reporter

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<hr/>	15-minute 699:26 781:8	819:20 820:5	781:24	<hr/>
-maker 716:23	15th 817:24	2015 749:16	3.1.2.1 746:2	5 663:6 668:26
<hr/>	16 649:5,26	750:2 775:15	782:4	745:26 747:8
0	169 827:11	818:8	30 827:16	759:19 760:10
<hr/>	16th 815:4	2016 684:22	300-metres-high	761:22 763:4
0 773:15	17 769:14 787:9	2017 749:22	801:2	776:7 782:2
006 769:3 770:23	824:1	750:9	31 742:1	786:6 823:11,24
<hr/>	18 698:23 835:24	2018 749:23	31st 818:2	824:3,4,5,15
1	189 821:14,17	822:10 829:14	34 651:26 736:19	827:24
<hr/>	19 827:19	2019 751:8 788:9, 22 789:7	789:2	5-kilometre
1 666:24 743:24	1931 815:9	2020 788:26	35 652:3 736:23	745:15 759:21
819:12 821:19	1950s 815:2	2021 695:10	816:4	5.6 743:19,26
1,000 782:8	1956 815:14	703:3 788:26	36 652:7 737:1	744:3
1,000-metre	1973 815:17	833:25	788:26 789:8	50 745:14,16,26
746:5	1982 752:12	2022 683:4	36.8 773:4	746:3,9 763:13
1,500 782:8	1993 749:22	738:13 749:23	37 652:11 737:5	771:15,24 781:21
1,500-metre	750:8	751:21 788:26	743:14 772:19	782:1,6,13 788:7
746:5	1994 751:21,23	816:2 819:19,24	38 702:21 768:15, 22 769:7,9,12,18, 22 770:6,15,20	790:4
1-10 752:5	752:12 753:9	820:7,9,17 822:3, 16,26 823:14	777:14 779:21	54 832:14,23
10 665:17 742:16	1:15 729:2,11	827:7,10 833:3	782:25 783:9	56 768:26 770:21
747:7,12 758:14	1:22 729:12	2023 649:5,26	784:16 786:2	570 827:18
759:19 760:11,25	<hr/>	742:1 749:17,20	818:26 827:24	5784 664:7
761:16 776:11	2	750:2,21 756:18	828:6	<hr/>
786:7 787:15	<hr/>	769:14 789:2,3	4	6
791:14 822:1	2 666:24 769:3	818:2 821:24	<hr/>	<hr/>
10-kilometre	772:20 792:10	834:1 835:24	4	6 772:21,22,25
758:10 759:1	823:1	836:9	<hr/>	6.6.8 822:4
760:7 763:12	2.6 773:13	2030 714:12	4 666:25 726:4	60 788:26
786:9 787:3	20 750:21 820:19	21 777:4,6 789:8	763:4 765:8	60,000 691:15
809:13	2000 690:18	22 789:8	826:19,20	60s 691:14
100 746:9 776:7	752:18 771:22	23rd 788:17	4.1 834:19	663 649:5,6
782:14	2008 752:8	821:24	4.2.1 746:7	669 649:7
11 701:17 721:9	820:19	25 728:7	782:11	681 649:9
740:7,17 741:16	2009 820:20	29th 815:5	40 652:14 810:24	685 649:11
775:21 781:17	2010 752:5 755:3	<hr/>	41 652:17 811:2	696 649:13
795:13 817:26	2011 749:22	3	43 832:4	698 649:15
11-year 744:2	750:8	<hr/>	44 702:22,23	6:00 835:8
12 726:1	2012 749:22	3 666:25 708:7	703:3,24 769:2	<hr/>
12-hour 673:1	750:8 819:19	745:19 788:21,22	770:23	7
13 815:5			45 789:1,8	<hr/>
132 834:18				7 742:16

7.1.5.3 765:5	87 690:6,19	798:23 818:19	activity 738:25	adequate 746:23
704 649:17		819:4,5 828:21	745:25 748:26	749:1 826:23
711 649:19	9	830:5 831:19,23	753:19,26	827:23
715 649:21		accordance	Acts 673:24,26	adequately
722 649:23	9 668:26 742:16	672:13,18 730:11	actual 726:12	747:20 814:11
729 649:26	817:26 835:13	account 681:4	824:10	adhere 688:5,17
732 650:1	9.6 822:1	766:11	Adam 674:12,15,	ADJOURNED
735 650:3	95 690:19	accounted	21 687:26 688:2,	729:11 835:24
736 650:5 651:26	9:00 835:24	680:24	11 702:2,4	ADJOURNME
652:3	9:06 663:1	accurate 666:5	adapt 760:15	NT 700:1 781:9
737 650:6 652:7,	9th 836:9	680:18 836:4	add 680:1 688:26	adjusted 747:17
11		accurately	689:8,21 760:22	Admin 659:22
754 650:9	A	717:20	added 755:22	administration
757 650:11	A/director 659:5	achieve 793:25	790:12 820:21	653:19 673:24
766 650:13	A/head 657:25	803:26	addendum	739:25
768 650:15	A/senior 657:23	achieved 704:1	819:24 822:3	administrative
772 650:17	659:1	achieving 714:16	adding 721:9	672:17 703:19
778 650:19	abide 794:10	acknowledge	addition 695:4	adopted 785:12
780 650:21	abilities 767:9	663:25 829:6	705:23 820:22	advance 755:13
792 650:23	ability 712:19	acknowledges	additional 689:2	advanced 749:22
794 650:25	816:18 817:2	747:22 816:4	699:17 701:17,21	750:9
796 651:1,3,4	836:7	Acoustic 655:6	708:15 720:12	adverse 742:25
	aboriginal	act 670:9 672:14,	721:10,17 731:10	816:13 825:11
	816:13,21 817:5	15 675:13	735:18 740:17	advice 834:4
8	above-ground	684:12,26 685:2	741:16 745:4	advise 667:25
	765:11	700:21 707:15	748:12 755:20	675:8
8 742:16	absent 823:14	715:24 748:24	780:19,23 788:18	advisement
803 651:6	absolutely 799:5	Acting 656:4	792:20 816:25	704:15
805 651:8	abundance	action 699:17	819:16,25 821:25	advisor 653:17,
807 651:10	687:4 733:9	746:7,18 782:11	823:12,18 828:3	18 654:2,9
80s 691:14	abundant 686:21	actions 709:12	829:8 830:8,12,	655:16 656:3
810 651:12	accept 706:23	717:24 731:8	17	658:14,16 660:9
652:14	acceptable	814:12 830:17,24	additionally	817:15
811 651:14	705:25	active 789:20	689:13 743:14	advisory 721:20
652:17	acceptance	829:24	782:17,25 783:11	722:2,11 745:6
812 651:16	718:8	activities 670:16	additions 832:1	747:14 768:23
82 788:23	accepted 778:9	674:3 687:22	address 702:21	769:26 770:2,25
836 651:20	accepts 706:23	690:11 695:22	728:13 741:21	779:20 782:24
85 690:6	access 667:19	716:19,20 717:24	742:14 752:18	783:8 785:16
867-934-2040	703:5 740:8	719:14 720:15	808:20 809:17	786:17,19 790:22
749:8	742:25 743:1	765:11 781:26	814:12 819:1	791:8,15,18
867-979-0731	744:18 787:7	809:3 816:26	829:7 830:25	793:24 794:8
749:9		820:23 822:7	addressed	797:12 803:25,26
			814:11	804:14 827:26

833:19,22,24 834:2,14,15,25 835:2 AEM 728:7,12 aerial 763:16 777:8 784:24 aeronautical 670:24 674:26 701:4 affairs 654:1,10, 11 655:8 657:6 671:13,16,20 674:5 688:25 689:6 693:17,19, 23 695:5 703:1,7, 10 704:8,14 706:4,8 711:6,9 712:3,6,11,14 715:7,11,18,21 716:25 717:3,6 719:20,23 723:17 724:6,9,11 725:26 726:15, 19,25 727:25 728:2,22 729:23, 25 730:4 766:14, 16 803:8 816:3 affect 801:5 815:25 817:4 821:4 affected 739:13 798:17 affecting 826:17 affects 681:10 713:25 801:7 806:1 819:10 affiliated 710:18 affirm 735:8 796:3 810:11 affirmed 650:5 651:3,15 735:18 736:10 796:18 811:23 affluent 731:23	afternoon 649:26 666:1,4 737:16 764:8 768:4 812:8 age 795:18,19 agenda 665:17 668:20,25 791:17 835:20 Aggark 654:24 660:26 Agnico 649:19 650:7,17 652:1,4, 8,12 653:23 663:7 665:14 680:20 681:7 687:3,7 689:4 695:6,20 700:10 701:4,16,20 703:2 706:11,18 709:16 711:20, 21,22 713:1,2,15, 16 714:23,24 723:25 724:14 726:3,7,8 727:4 736:20,24 737:2, 6,12 740:1 742:1, 14 743:19 745:4, 12 747:19 751:10,16,21 755:7,16,18 756:26 768:16 769:13 770:3 772:9,11,14 773:6,25 774:9 775:1,18 776:20, 24 779:10,14 780:5 782:18 783:25 784:26 785:11,15,21 788:1,16 790:16, 25 791:25 792:20 795:2,14 797:9 800:15 803:14,15 806:13,15 809:10 814:8,10,15 817:23,24 818:10,22	819:14,19 820:3, 17,22 821:5,10, 24 822:12 823:2, 9,12,19,21 824:22 825:9,19, 23,24 826:9,16, 23 827:1,6,12 828:1,5 829:1,6, 11,26 830:11,26 832:11,18 833:1, 23 834:4,5,9 agree 679:13 680:25 701:21 711:11 772:22 774:14 777:15 786:3,14 790:21 791:4,12,19 804:22 819:23 829:26 agreed 834:1 agreement 671:22 730:11 731:2 773:16 776:22 800:18 816:11 agreements 725:10 agrees 679:10 ahead 674:20 Ahiak 732:10 aid 763:5 air 698:26 746:2 782:4 aircraft 675:4 688:5,7,8,17,19 702:6,9,10 763:9, 10 765:12 airplanes 815:8 airport 670:26 Alberta 836:9 align 745:3 Alikut 653:7 722:22,23,24 724:21,22 725:18,19 805:5,	6,7 806:20 807:3, 4 all-weather 703:5 768:25 787:7 799:9 808:26 809:2 819:4,5 828:19, 20 830:5 831:19, 23 allegation 731:15 Allen 654:26 alleviate 746:19 824:16 allowed 667:14 734:16 771:15 allowing 802:14 833:12 allude 705:8 alluding 710:11 Alphonse 662:7 alteration 822:5 altered 824:8 alternate 823:7 824:9 alternatively 831:20 832:9 amended 773:23 amendment 769:3 770:24 amount 687:24 727:1,2,5,10 728:4 analyses 769:7, 23 785:25 analysis 680:11 758:17 760:22 761:4,6 768:12, 15 769:4 777:12, 16 779:19 818:26 819:6,21,26 822:15 823:7 827:25 828:2,3,5, 18,21,25 830:12 831:22	Analyst 657:13, 14 analytical 750:3 analyze 785:9 analyzing 779:22 785:10 ancient 749:4,11 Anderson 658:11 683:9,10,11 699:6,7,8 700:2, 3,4 707:22,23,24 Angoshadluk 662:3 animal 809:3 813:17 animals 690:9 691:16 696:24 698:10 710:3 745:26 782:1 795:20 797:22 801:11 813:20 animation 788:4, 9 789:4 807:15 819:8 821:21 822:8 828:26 animations 780:2 829:12 Anne 684:1,2,4 685:12,13 764:9 766:8 768:8 Annie 738:9 annual 672:18 673:17 682:25 683:17 689:5 703:21 716:1 718:12,17 720:23 723:25 747:4 752:14 753:22 827:7,11 833:3 annually 688:18, 20 785:14 827:16,18 answering 752:1 answers 665:24 673:3 674:11
---	---	--	--	--

681:23 687:14 695:23 707:7 721:12 731:2 792:9 anticipated 818:10 Antsanen 661:8 813:10 anymore 692:14 apologies 675:12 770:11 783:4,7 apologize 676:23 677:7 apparently 780:8 829:25 appeared 826:13 appears 754:13 823:23 appendix 720:26 applicable 754:2 application 706:13 applied 825:12 829:25 applies 716:18 apply 730:21 731:1 745:14 829:19 appreciates 665:21 669:7 apprentices 801:15 approach 678:25 683:2 739:18 746:26 760:12 770:19 785:5 819:9 approaching 819:3,10 828:18 831:23 appropriately 754:4 approval 672:12 675:6,8,14 740:6	834:15 approvals 716:19 approve 688:21 approved 705:22 720:11 740:18 765:3 827:20 832:3 approximately 821:19 aquatic 656:14 710:5 720:13 721:3 Aquatics 654:6 Arcadis 657:15 archaeology 749:7 archeological 748:19,20 749:2, 5,12 arctic 694:16 713:26 714:2 area 668:22 670:21 676:5 678:10 686:21,22 687:23 697:9 700:24 701:20 702:9 705:18 743:7,12,25 749:16 762:7,24 767:23 773:11, 14,15 798:2 799:7 800:6,26 801:10,12,13,17, 21 802:1 806:26 807:18 808:10, 14,15 809:15 813:4 822:18 areas 676:3,7 678:13 680:8,9 686:8 692:6,13 744:22 767:13 798:13,17,20 799:5,18 818:4, 19 824:7 830:7	Arko 653:15 715:3,4,5 716:12, 13,14 718:25 720:5,6,7 721:13, 14,15 722:13,14, 15 792:5,6,7 793:19,20,21 794:16,17 803:20,21,22 804:11,12,13,24, 25 Armstrong 653:24 772:10, 13,14 773:6,7,8, 25,26 775:1,2,18, 19 776:24,25,26 779:10,11,12 783:19,25,26 785:21,22,23 788:1,2,3 790:16, 17,18 791:25,26 arrive 759:1 arriving 760:7 arsenic 705:12 arsenics 682:8 aspect 709:4 746:11 aspects 683:7 717:16 812:18 817:6 819:23 828:12 assess 665:12 701:20 761:2 792:16 822:13 826:2 assessed 676:22 684:20 727:6,11 728:5 732:21 743:23 747:21 822:22 assessing 709:19 720:10 741:2 assessment 656:22 657:3,9, 11,13,21,24,26 658:11,12,26	659:2,5,7 663:7 670:24 672:14 675:1 684:10 728:3 737:17 738:7 739:11 742:15 743:16 748:10 754:7 761:7 820:1,5,7, 21 821:1,2,4,11 822:17 823:8,15 827:21 assessments 694:15 699:10 754:9 819:15,16, 25 assistant 655:24 656:19 738:2 association 649:9 656:8 672:22,23 675:15 681:24,26 682:4 683:23,26 684:5 685:11,14 689:14 694:21,24 695:3, 7 705:17 727:13, 15 728:11,13 730:19 751:10, 17,19,22,24 757:17 764:7,10 766:7 788:19 791:2 800:3 801:26 802:20, 22,25 Association's 691:12 associations 675:8 assume 693:26 assurance 678:6 793:4 assurances 711:3 assure 754:14 assuring 710:25 Atatahak 653:19 Athabasca	649:17 659:18 704:26 705:2,6 708:16,18 709:24 711:14,16 772:3, 5 803:13 834:24 Atkinson 656:24 685:19,20,21 737:23,24 751:11,12,13,14 755:4 758:22,23 762:19,20,21 764:22,23,24 766:10 767:5,6 774:10,13 775:5, 10,11,12 777:26 778:1,2,16,19,26 783:13,15,16,17 784:1,9,10,11 785:25 786:24, 25,26 788:4 789:10,11,12 790:24 791:21,22 792:24,25,26 795:9,10,11 807:26 Atkinson's 775:3 780:1 attempt 799:17 800:15 attempted 782:26 783:10 attend 668:15 670:7 672:20 716:7,8 734:11, 15,17,20,23 738:3 attendance 666:6 attended 668:3 attending 663:16 668:4 672:2 attends 718:16 739:6 ATV 677:24 Audet-lecouffe 658:3 676:16,17,
---	---	--	--	--

18 686:10,11,12, 25,26 687:1 694:7,8,9 707:9, 10,11 720:17,18, 19 audio 667:15 audio-video 666:9 audit 674:10 August 742:1 749:20 756:18 772:20 Aurora 656:15 authorizations 717:11 718:20 authorized 709:5 automatic 766:1 automatically 765:13 availability 715:14 Avatilirniq 754:10,15 avenue 794:13 avenues 714:8 718:23 average 693:1 705:13 827:15 averages 827:12 aviation 688:5,18 avoid 666:21 690:10 767:13 824:4 830:18 avoidance 759:18 795:6 825:14 avoided 825:17 avoiding 691:16 aware 669:10,17 723:21 835:8 awareness 663:15 729:3	<hr/> B <hr/> B-E-N-J-A-M-I-N 811:17 B-U-S-S-I-D-O-R 811:21 back 663:6 668:24 690:13 691:14,17,25 701:26 705:8 718:11 719:25 729:4,8,13 750:16 757:26 758:1 765:2,24 770:11 772:19 777:24 788:4 791:11 814:25 815:8 820:19 823:22 background 797:10 814:6 backstop 793:14 backyard 670:20 bad 692:5,7,12 693:5 813:17 badge 668:6 Baker 660:16 695:8 balance 824:23 balanced 714:20 824:21 balancing 670:9 824:26 bar 707:2 bare 799:12 barren-ground 684:8,20,25 685:2 732:20 752:7,16 755:2 760:1 barrier 679:7 barriers 741:24, 26 742:2,6,7,9	Barry 653:14 668:11 base 701:25 708:3 786:3,9,12, 15 based 709:13 723:26 727:14 739:19 743:16 744:7,10 747:13, 18 751:8 777:11, 12 778:5 785:14 807:16 815:14 818:3 820:1 823:19,21 831:2 832:7 baseline 701:17, 21 820:18 822:20 basically 681:11 basis 679:9 689:5 718:12,17 719:5 747:4 774:16 Bathurst 732:10 battery 790:14 bears 813:21 Beattie 658:7 began 769:11 begin 663:14 664:21 735:10 762:15 785:7 796:5 810:13 beginning 664:19 716:20 720:2 765:19 begins 765:19 behalf 663:5 671:26 685:21 726:21 737:19 751:14 758:23 762:21 764:24 767:6 775:12 778:2 783:17 784:11 786:26 789:12 791:22 792:26 795:11 811:10 814:5	817:16 828:9 behaviour 759:18 787:9 795:6,19 827:6 831:12 832:18 behavioural 745:5 784:26 794:25 795:8,14, 15 belief 820:23 believed 673:23 believes 748:5 benefit 701:24 740:13 benefits 741:7, 12,17 747:23 Benjamin 651:14 696:3 811:17,22 812:24 817:11 833:8,9,15 Benji 698:20 812:14 Bert 669:24,26 670:1 671:7,16 675:18,20 676:19 677:12,13 679:25 680:2 681:19,20 Beverly/ qamanirjuaq 752:15 big 692:19 Bigeye 661:15 bigger 761:18 762:7,8 biggest 808:12 binoculars 763:5 biologist 655:3,5 656:6,14,24 658:3,5 660:9 737:24 751:2 789:16 790:25 812:16 817:15 biosphere 710:3	bird 701:17,19 birds 700:20,24 701:1,11,16,24 702:8 721:18 722:9 800:26 813:21 bit 670:6,9 676:2, 6 677:10 683:15 690:12 770:12 780:17 808:9 817:19 BLACK 661:12 Blais 654:19 blasting 745:24 765:12 781:26 blessed 833:14 blowing 664:19 blown 664:18 blows 696:23 board 649:21,23 650:1,4,10,20,22, 23,25 651:2,6,8, 10,13 653:4,12 655:15 663:4,5 664:3 665:8,21 666:5,7,8,14 667:13,17,18 668:14,16 669:7 672:2,8 673:18 682:24 703:12 706:21,22 708:8 715:1,5,26 716:4, 14 717:15 718:5, 12,13,19 719:3, 13,15 720:7,10 721:15 722:12, 15,18,21,24 724:1,2,16,21 725:18,21,23 727:17,19 728:15,16,18 729:22 730:14,24 731:26 732:2,25 735:12,16 736:8, 13 739:5,12,19 742:15 748:7
---	---	---	---	---

749:25 750:20 752:15 753:23,24 754:22,26 756:11 769:13 770:5,14 774:6 775:24 776:21 778:11, 15,17 779:14 780:12,16,24 786:8,22 791:11 792:2,4,7 793:21 794:20,22 795:23 796:7,11,20 797:6,11,13,23, 26 803:17,19,22 804:13,26 805:2, 4,7 806:17,20 807:3,4,10,11 809:26 810:3,15, 19 811:25 813:26 814:13 816:2,10 821:22 831:5,25 833:11,17 834:17	785:21,23 788:1, 3 790:16,18 791:25 brain 751:7 branch 673:13 Brandon 813:4 bread 664:26 break 669:1,2 676:11 677:16 699:26 729:2,20 781:8 breaks 669:3 breathe 813:18 breeding 752:26 765:7 bricken 697:16 Bridge 743:18 749:20 756:18 774:5 bring 672:19,25 718:5 765:16 791:2 809:26 810:2 bringing 766:25 brings 664:13 broad 672:25 714:9 Brochet 661:7 812:26 broken 686:5 brother 813:5 brought 664:16 784:4,7 791:14, 17 797:24 798:15 Brown 657:15 Brownian 743:17 749:20 756:18 774:5 Buchan 654:11 buffer 745:15 build 714:5 800:16,21 801:2, 21 815:23 834:20	building 831:10 built 799:19 800:13 808:4 830:6 834:11 Buller 754:10 burden 825:9 Burns 662:12 836:3,14 business 740:14 741:8 businesses 738:26 Bussidor 651:15 660:4 661:4 698:15,18,19 700:15,16 702:12,13 771:8, 9,26 772:1 811:19,21,23 812:7,8,9 813:5 button 667:4	calves 799:19 824:1 825:16 calving 742:25 749:24 750:7 752:6,16 753:1,5 755:1 759:10,14 764:17 765:6,9, 15,19 766:2 768:10 773:10,14 819:18 821:7 830:20 camera 667:7 camp 693:6 800:24 801:21 806:11 Campbell 751:2 Canada 649:8, 10,12,14,16,18, 19,22,24 650:2 657:6,15,17 658:10,18 659:4 665:18 669:15, 18,22 670:23,26 671:6,9,10,13,16 672:1 673:6,8,19 674:5,12,15 675:24 676:9,14, 15,16,18,26 677:3,18 678:15, 18 680:13 682:1, 7,9,10,18,20 683:9,11,13,19 684:6,12,16,18, 22 685:3,15,26 686:6,9,12,24 687:1,21,26 688:3,4,9,16,25 689:7 693:17,18, 20,23 694:6,9,19 695:6 696:5 698:16,21 699:6, 8,18,25 700:2,4, 10,17 701:8,12, 14,24 702:1,4,26 703:1,7,10 704:14 705:1,19 706:4,8 707:8,11,	16,22,24,25 708:23,26 709:2 711:6,9,20 712:3, 4,6,11,14,15 713:4,6,9,11,12, 18,22,24,26 714:3,8 715:2,7, 11,18,21 716:25 717:3,6,13 718:10 719:7,10, 20,23 720:9,12, 16,19 721:17,19, 23,25 722:1,19, 25 723:16,17,20 724:6,9,11,25 725:7,13,26 726:15,19,25 727:25 728:2,21, 22 729:21,23,24, 26 730:4 731:4,6 732:3,7,12,16,18, 23 734:12 748:22 766:13,14,16,17 798:11 801:24 803:8,9 816:3 824:18 Canada's 671:21 673:11,12,16 709:7 714:12 802:18 Canadian 675:13 688:5 713:26 714:2 749:13 825:4 capture 717:20 752:25 captured 673:10 carbon 714:10 caribou 684:9, 20,25 685:2 690:5,7,14,17 691:4,6 697:20, 24 703:4 704:10 722:4,5,7 732:8, 21 742:20,25 743:1,5,6,8,13,
--	--	---	--	--

17,24 744:5,8,14, 15,18,19,22,23,26 745:5,14,15,16, 25 746:3,7,8,12, 17 747:2,6,12,20 748:3 749:15,19 750:3,4,24 751:7, 20,23 752:3,7,15, 16,21 755:3 756:17 758:14 759:9,10,15,20 760:1,6,17 761:5, 21 762:10,13,17 763:13,25 764:12,14,16,19 765:1,6,15 766:2, 6,26 767:2,9 768:10,12,25 769:4,7 771:12, 14 774:4 775:7, 23 779:15,17,19, 23 780:2 782:1,5, 12,13 784:24 785:4,5 786:1 787:6,8 788:5,10, 20 789:22,23 791:10 792:17 795:1,4 798:3,5,8 799:11,16,17 800:25 801:6 805:25 807:15,17 808:5,7,13,15 809:6 812:20,22, 23 813:11,20 814:19,23,24 815:18,21 816:16,20,23 817:1,3,6,8,25 818:1,6,8,9,13, 16,18,22,23 819:1,2,4,7,9,14, 16,17,22 820:13, 14,16 821:5,9,21, 22 822:1,8,9,16, 17,21,24 823:5, 10,23,26 824:4,7, 14,17 825:11,15, 23,25 826:2,7,12,	13,15,18,21,24,26 827:2,4,5,6,7,11, 13,14,21,22,25,26 828:2,15,18,20, 26 829:2,12,13, 16,23,25 830:1,3, 4,7,12,15,19,20, 22,26 831:2,8,12, 13,16,22 832:6,8, 15,17,18,24 Carl 651:14 811:19,22 Carroll 656:18 737:22 755:24 756:1 carrying 728:24 789:24 cascade 820:26 case 672:12 679:9 699:11,17 730:16 779:3 785:18 case-by-case 679:9 cases 679:7 789:23 catch 665:22 692:26 693:1 798:5 805:15 Catherine 722:22 725:21,23 727:17,19 728:16,18 caucus 778:24 caught 719:24 789:25 caused 823:16 caution 760:15 cautious 760:12 caveat 678:20 cease 798:25 ceased 826:13 cell 663:13 central 668:26 669:1 816:16,20	certainty 828:17 certificate 651:20 702:23 703:16,20 706:24,25 707:6 718:9,10 730:9, 22 748:7 754:2 769:3 770:23 832:2 834:18 836:1 certificates 703:12 certify 836:3 cetera 775:8 780:3 CH 675:26 chair 650:25 651:10 653:5 663:3,22 665:6 669:26 670:1 671:5,8,12,14 673:5 674:12,17, 20,21 675:10,17, 19,21 676:13,17, 26 677:11,13 678:15,17 679:24,26 680:13,15 681:18,20,24 682:17 683:9,10, 23,25 684:2,3,15 685:11,13,18,20, 23 686:9,11,15, 24,26 687:15,26 688:2,11,22,23 689:19,25 690:2, 3 691:3,7,11,19 692:2,9 693:16, 21 694:6,8,21,23 695:1,2,24,26 696:2,6 698:14, 19 699:6,7,24 700:2,3,14,16 701:8 702:1,3,11, 13,17 703:6,8 704:3,12,18,22	705:2 706:2,3,6 707:8,10,22,23 708:16,25 709:24 711:5,7,14,18,21 712:10,12 713:1, 8,15,21 714:23 715:3,4,17,19 716:12,13 717:2, 4 718:25 719:1, 19,21 720:5,6,16, 18 721:13,14,22 722:12,14,17,20, 24 723:15 724:5, 7,21 725:8,18,21, 22 726:14,17,22, 23 727:16,17,18, 23,24,26 728:14, 15,17 729:1,13, 20 730:2 731:3, 26 732:4,14,15, 25 733:2,17,20, 25 734:8 735:5, 14,17 736:1,6,11, 14,18 737:9 748:15 749:14 751:12,13 753:13,14 754:17,24 755:1, 15,16,17,26 756:8,9,12,26 757:2,8,9,10,12, 22,23,24 758:5, 21 761:9,24,26 762:3,18,20 763:26 764:6,20, 23 766:7,9,12,15, 18 767:4,17,19, 25 768:3,17,19 770:9,26 771:2,8, 9,17,19,25 772:3, 9,13,26 773:2,6, 7,18,20,25,26 774:1,21,23 775:1,2,9,11,18, 19,24 776:14,16, 24,25 777:20,22, 26 778:1,10,13, 25 779:1,5,11,13	780:9,11,14 781:6,10,13 783:3,5,15,16,25, 26 784:8,10 785:21,22 786:22,23,25 788:1,2 789:9,11 790:7,8,16,17,19 791:20,25,26 792:4,6,22,23,25 793:19,20 794:2, 3,5,16,17,20,22 795:10,22 796:9, 21,24,26 797:11 802:5,20 803:2,6, 11,19,21 804:3,4, 6,11,12,16,17,19, 24,26 805:4,6,17, 19 806:16 807:3, 9,11,13,23 808:17,24 809:7 810:4,17,20 811:26 812:4 817:13,14 832:20 833:9,10 835:5 Chairman 682:3 764:9 chairperson 663:4 challenge 714:9 chance 757:5 783:23 834:7 change 657:17 673:5,8,11,12,16, 19 682:17,20 683:19 684:7,13, 15,18,23 685:3, 15 692:24 693:11 699:11 700:19 701:12,14 708:25 709:2 712:4 713:4,5,8,11,12, 18,21,24,25 714:9 721:17,19, 22,25 722:1 723:16,20 725:13 728:21 729:24
---	---	--	---	--

731:3,6 732:6,12, 15,18 759:22 785:4 808:5,12 818:7,16 820:3, 15 821:3,13 822:1,3 826:24 827:20 830:18 832:6 changed 695:18 750:11 807:21 809:19 820:12,19 833:4 changing 714:6 790:11 Channel 666:24, 25 char 686:23 687:5 694:16,17 characteristics 814:7 characterization 780:17 check 668:5 681:10 703:19 chemicals 693:9 chemistry 680:6 683:6 695:12,21 709:11 Chenel-fournier 655:11 Chesterfield 654:25 660:24 695:9 733:4,13 734:6,21 808:10 chief 656:4,12 659:21,23 660:5, 8 833:15 children 800:9 815:26 chlorophyll 705:11 cho 754:5 833:8 835:4 choose 666:19 798:26	chopper 687:22 689:19 choppers 798:7, 13 Chouinard 654:15 Chranowski 651:14 660:9 767:26 768:3 771:1,2 811:9,12, 22 812:7,15 813:3 817:13,14, 15 832:21 Christine 755:18 757:1,3 Churchill 815:13 circulated 691:22 756:21 CIRNAC 670:13,22 671:9 694:19 710:17 725:25 726:26 734:14 city 672:24 836:8 claim 782:24 783:9 clarification 686:13 687:2 730:25 732:11 733:1 735:4 817:23 clarifies 735:1 clarify 671:5 676:13 691:3,7 699:9,21 720:12 731:18 732:19 734:10 745:21 752:1 755:19 771:21 781:4 794:24,26 808:18 clarifying 726:8 clarity 719:26 726:11 730:23 732:7 828:22	clean 712:17,19 799:7 clear 668:8 685:16 720:25 746:16 766:10 830:14 click 667:4 climate 657:17 673:5,8,11,12,16, 19 682:17,20 683:19 684:7,12, 15,18,23 685:3, 15 697:8 700:19 701:11,14 708:25 709:2 712:4 713:4,5,8,11,12, 18,21,24,25 714:6,9 721:17, 19,22,25 722:1 723:16,20 725:13 728:20,21 729:23 731:3,6 732:6,12, 15,18 Clipping 661:5 813:7 close 670:18,25 680:8 707:19 733:7,8 734:5 746:4,15 750:20 782:6 807:15 closed 782:7 closely 683:21 730:19 closer 700:23 808:8 809:15 cluster 785:8 CN 675:13 Co-op 799:1 coast 700:23 734:4 Cole 659:10 collaborate 722:10 768:23 collaboration 721:20 742:9	770:1 779:20 834:11 collaborative 770:19 collaboratively 685:6 748:10 collar 763:12 777:9 792:15 807:17 collared 703:4 704:10 771:12,14 779:23 788:9,20 817:25 821:21 822:9 826:13 829:12,13 collaring 789:17 793:6 collars 752:21 763:11 771:12,23 788:7,8,14,23,24, 25,26 789:6,18, 20,21,25 790:1,5, 11 793:8,12 collate 718:5 colleague 758:8 784:17 812:24 817:10 833:7 colleagues 683:18 694:19 720:3 collected 720:22 747:5 785:15 792:16 collecting 747:19 795:17 college 710:9 coloured 822:15 comanagement 722:6 combination 785:1 combined 810:9 COMMENCED 663:1	comment 679:13 681:9 699:5 701:17 715:11 726:4,10 745:9 769:17 793:23 807:20 comments 665:10 668:18 673:16 682:23,24 705:8 711:10 718:14 723:26 739:7 740:4 741:19 742:13, 16,19 760:16 797:4 803:25 812:16 832:2 835:16 commercial 763:10 commission 672:6 Commissioner's 739:22 commit 747:19 commitment 702:21 726:3,9, 12 727:23 768:15,22,26 769:7,9,12,18,22 770:6,15,20,21 777:14 779:21 782:25 783:9 784:16,19 786:2 793:15 818:26 827:24 828:2,6 commitments 725:10 769:6 814:9 829:7 833:24 commits 738:16 792:14 committed 712:15 739:1 823:10 828:3 committee 684:21 732:22
--	--	---	---	---

790:22 communicate 718:23 814:3 communication 655:9,11 834:10 communities 671:19 672:20 674:25 678:8 691:17 699:3 700:8 708:13 715:9 716:26 734:25,26 735:1 761:21 798:9 community 654:24 660:12, 13,14,17,18,19, 22,25,26 661:1,4, 5,8,9,10,13,14,15, 18,19,20,23,24,25 663:11 665:11 666:1 670:11,12, 15,17 671:1,2,25 672:19 675:14 676:1,4,11,12 677:16,23 678:1, 6,9 692:19,20 707:26 708:14 711:26 715:13 716:9 718:16 719:8,15 729:4,6, 7,18 730:18 731:13 734:5,21, 24 735:24 737:25 739:14,24 740:16 741:14,15 797:18 799:10,23 800:17 801:19,23,24 806:13 812:26 835:14,17 Community's 812:22 company 800:20 compare 690:25 828:23 compared 698:25 709:11	825:5 comparison 698:23 754:1 compensated 751:5 complete 700:5 750:19 760:4 784:14,19 793:17 828:2 836:4 completed 683:5 756:3,5 769:21 787:16 831:24 completely 804:10 complex 653:1 785:12 787:7 compliance 673:14,21 674:8, 9 703:13,26 706:25 731:8 comply 669:8 complying 673:25 component 695:11 821:6 components 720:10 820:20 821:7 composition 795:3,7,18 comprehensive 777:15 computers 722:26 concentrations 746:3 782:5 concern 670:20 698:4 726:26 744:17 752:10 797:25 798:15 799:8 800:4 809:18 816:23 817:7,9 818:5 819:12 823:1,17 825:18 826:19,20	827:24 828:10 829:18 concerned 686:20 742:23 743:4 746:21 748:2 769:24 concerns 665:10 670:17 678:1 683:21 687:9 698:1,3 701:3,7 703:26 710:9 717:20 726:2 727:14 728:10,13 731:13 743:2 746:19 768:6 797:4,8,24 808:21 814:9,10, 12 816:16 817:8 823:18 824:16 829:7,9,10 830:25 833:4 concise 665:23 685:16 792:9 conclude 665:25 concluded 699:18 752:20 conclusion 770:8,17 779:22 819:21 826:4 conclusions 777:13 819:6 827:1 828:17 829:11 condition 702:22,23 703:3, 14,24 728:6,9 769:2,6 770:23 792:13 832:4,13, 22,23 conditions 681:15 721:6 744:25 747:10 748:8 754:3 760:26 794:15 820:12,18 822:20,22	828:23,24 834:18 conduct 672:17 694:14 701:21 709:16 745:4,6 conducted 694:26 701:18 719:9 784:25 785:1 787:17 831:14 conducting 738:20 753:5 763:16 795:14 conducts 673:13 695:7 confer 777:24 confidence 710:25 confirm 695:20 704:9 774:1,10, 13 775:3 785:24 788:22 789:5,15, 18 791:12 confirmed 816:3 conflicting 828:25 confounded 828:12 connect 677:16 connected 814:23 Connelly 650:5 735:22 736:10 737:24 consensus 739:20 769:25 consent 667:16 conservative 681:14 706:20 consideration 710:15 763:23 791:16 824:11 835:2 considered 678:4,12 700:26	707:4 710:16,24 716:25 744:13 748:19 753:8 760:8,11 763:15 764:13 784:20 construct 740:9 construction 749:23 750:10 constructions 824:9 consult 704:16 717:7 720:2 768:22 consultant 655:2,4,6 659:20 684:4 685:14 764:9 consultation 659:8 670:14 671:3 684:11,13 685:10 708:13 716:24 717:14,17 770:24 consultations 702:24 consultative 770:19 consulted 816:12 Consulting 737:24 contact 754:9,11, 13,14 759:14 765:16 contaminants 698:25,26 750:24,26 751:8 contaminated 699:14 711:24 contamination 699:12 705:21 710:5 798:16 CONTENTS 649:1 context 720:14 744:13 745:21
--	--	---	--	---

748:4 757:6 779:13 781:20 783:14 continually 681:1 716:21 continue 666:14 691:20 699:24 708:8 740:13 743:10,21 744:1 748:8 781:6 795:16 801:26 810:7 815:16 816:18 817:11 continued 703:1 768:11 814:26 continues 748:1 827:16 continuing 669:7 735:5 781:10 795:25 continuous 791:8 continuum 673:20 contracting 738:24 contribute 714:16 722:8 738:23 contributes 738:19 convenience 757:25 Convention 700:21 convinced 826:4 827:1 828:4 cook 798:24 cooperation 834:10 coordinates 751:3 coordinating 716:26	coordinator 655:10 656:1 754:10,15 copy 651:26 652:7,11,14,17 682:6 698:22 736:14,19 737:1, 5 749:26 753:11 810:21,24 811:2 core 744:3 corner 823:3 corners 668:24 Corporation 649:17 659:18 704:26 705:3,7 708:17,19 709:25 711:15,17 772:4, 6 correct 683:8 743:18 762:23 763:22 772:18 773:4,5 774:6 791:24 corrected 772:24 799:9 correcting 772:16 correction 773:22 781:16 corrections 743:11,22 782:16 correctly 776:9 Coulton 655:2 council 684:24 685:1 Councillor 813:9 counsel 650:4,10, 20,22 651:2,13 653:13,24,25 655:19,20 656:9, 18 658:19,20 660:3 667:26 702:15,18 704:5, 23 718:26 719:2 735:8,11,13,15	736:7,12 737:22 754:21,23,25 755:18,24,26 756:1,8,10,26 757:3,9,23 772:14 774:3 778:10,12,14 780:11,13,15 796:3,6,8,10,19 810:11,14,16,18 811:24 813:2 Counselor 655:11 count 795:3 country 698:24, 26 714:12 787:20 couple 669:24 686:5 778:8 807:13 810:8 835:18 court 662:10,11, 12 669:10 836:15,22 Cove 660:21 695:9 800:11 coverage 753:2 covered 683:7 covers 671:22 cows 765:7 824:1 825:15 create 740:24 800:22 816:26 created 696:20 797:13 818:11 creates 829:18 creating 738:25 creator 696:19 credible 731:14 critical 712:22 cross 799:16,18, 20 822:9 829:13 crossing 759:23 780:2 818:18 822:10 825:24	826:7,8,12,14,15, 16 829:13,21,22, 23 830:1 831:13 832:17,24 crossings 820:14 821:9 831:2 832:15 Crown 702:24 816:12 Crown- indigenous 657:6 671:12,15,20 674:5 688:24 689:6 693:17,19, 22 695:5 702:26 703:6,9 704:8,13 705:20 706:4,7 711:5,8 712:2,5, 10,13 715:6,10, 17,20 716:24 717:2,5 719:19, 22 723:16 724:5, 8,10 725:26 726:14,18,24 727:24 728:1,22 729:22,25 730:3 766:13,16 803:4, 7 CRR 662:13 836:14 crucial 816:18 CSR(A) 662:11, 12 836:14,21 cultural 705:26 707:2 709:14 culture 739:24 748:16,25 814:22 816:19 817:4 cumulative 821:26 Curley 660:14 current 698:25 744:9 745:2 760:26 764:13 775:23 779:15	786:5 791:13 792:21 794:26 818:8,22 819:20 820:23 822:20 823:25 824:2 825:8 827:1 829:24 cutting 675:11 cycles 716:17 Cyr-parent 656:26 738:9 <hr/> D <hr/> D'SOUZA 658:25 D-A-N 811:12 D-E-N-E-C-H- E-Z-H-E 811:18 Dad's 698:8 daily 670:19 688:21 damaged 697:18, 25 698:12 Dan 651:14 767:26 771:1 811:9,22 812:7, 15 813:3 817:11, 13,15 dangerous 800:9,15 Daniel 737:10,15, 16 753:13,15 768:17,20 771:17,20 772:26 773:3,18,21 774:21,24 776:14,17 777:20,23 778:26 779:2 781:12,14 783:3 790:7,9 794:4,6 803:3 data 681:2 682:11 683:17 694:4 700:10
--	--	--	--	--

703:22 744:11 745:2 747:4,19 749:18 750:2,19 756:4,14 777:8,9, 13 779:23 784:23 785:10,14 792:16 807:17 data-driven 785:13 database 785:13 date 694:2 744:20 769:15 831:20 832:10 Dated 836:8 day 663:6 664:6, 7,11,12 669:4 686:5 693:13 745:12 790:13 817:18,20 827:12,16,17 833:14 836:9 daylight 817:19 days 673:1 690:14 710:21 760:23 815:5 827:16,18 deadline 769:16 Dean 655:24 662:4 669:24,26 670:1,2 671:7,8 675:18,19,20 677:12,13,14 679:25,26 680:2 681:19,20,21 deaths 827:22 decades 816:25 Decarbonization 655:1 decide 824:4 decides 685:1 decision 716:23 815:14 816:12 decision-making 794:9	decisions 679:4 680:4 718:6 774:17,26 802:17 820:26 decline 690:7 751:20 declined 722:1 declines 817:3 decrease 740:20 decreasing 816:25 deeply 717:26 814:22 defer 720:2 724:15 779:3 deferred 719:17 753:16 783:11 785:20 deficiencies 769:23 definition 746:17 deflection 826:3 degree 818:12 delegated 707:16 delineate 750:4 Dempster 667:9 Dene 649:15 650:15 651:16,17 652:13,15,18 660:1,4 662:6 666:25 696:12,19 698:14,16,19 700:6,14 702:11, 18,24 704:3,6,21, 23 710:10 737:8 754:12 761:20 767:25 768:1 770:26 771:1,25 803:11,13 810:9, 25 811:3 812:1,2, 4,5,10,11,13 814:24,25 815:12,16 816:4, 5 817:16 826:10 830:23 831:9	835:5 Dene/english 652:16 811:1 Denechezhe 651:14 660:6 661:9,24 663:20 696:3,6 811:16, 17,18,22 812:24 813:9 817:11 833:8,9,10,15 Denesuline 649:13,17 650:15 651:17,18 652:16,19 659:18 660:1,6 696:2,4 702:19,25 704:6, 24,26 705:2,6 708:16,18 709:24 711:14,17 767:26 768:1 772:3,6 810:10,26 811:4, 11 812:2,3,13,25 817:16 826:9 830:23 831:10 833:7,16,20 834:22,24 835:6 density 749:15 750:3 department 656:23,24 658:1 671:6 674:8 675:23,25 682:16 694:26 703:11 704:2 731:25 732:12 735:25 737:18,23,26 738:5,7,10 748:16 751:1 802:18 department's 723:23 731:12 departmental 723:21 departments 649:8,10,12,14, 16,18,20,22,24	650:2 665:18 669:15,18,22 670:14 682:1 683:16 685:26 696:5 698:17 699:25 705:1 710:17 711:20 715:2,12 717:10 720:3 722:19 732:3 766:13 798:10 803:5 depend 697:20 dependent 679:8 731:9 764:18 765:21,22 depends 764:14 deployment 752:21 deposit 709:5 deposition 679:6, 11 682:8 deputy 656:19 738:2 derby 692:22 Derek 836:3,21 derive 758:16 derived 744:10 756:14 describe 780:21 781:3 Description 649:3 651:24 design 679:4 681:4 768:24 770:2 828:1,8,10 designated 748:23 designed 666:7 desirable 763:16 desire 779:25 destroyed 697:4, 25 destruction 749:3,11	detail 717:9 823:16 detailed 777:12 779:19 780:4 details 679:22 685:9 687:7 731:10 806:21 826:3 detect 763:25 detection 763:8, 21 determination 672:10 718:15 730:14 820:11 determinations 819:13 822:24 831:1 determine 683:3 687:4 746:23 761:17 determined 708:12 deterred 779:26 develop 685:4 776:3 developed 708:4 730:10 738:12 743:7 745:2 development 685:5 735:25 737:26 738:8,10, 22 739:2,24 740:14 741:8,14 816:22 825:3 826:18 830:12,15 Dewar 657:8 671:13,14,15 688:22,23,24 693:20,21,22 703:7,8,9 704:12, 13 706:5,6,7 711:6,7,8 712:11, 12,13 715:18,19, 20 717:3,4,5 719:20,21,22
---	---	--	--	---

724:6,7,8 726:16, 17,18 727:25 729:26 730:2,3 766:14,15 803:6, 7 DFO 675:24 676:9 677:9 689:1 diamond 709:4, 6,17 731:22 Diane 705:3,6 707:12,25 708:17,19 709:25 711:10,15,16 736:3 772:4,5 798:19 799:2 808:13 Dianne 650:5 736:9,10 738:6 died 826:26 diesel 712:17 difference 693:14 differences 697:5 787:19 difficult 670:6 820:3 833:26 digital 808:3 dilutes 822:18 direct 665:23 687:20 767:14 821:18,26 directed 669:17 715:6 720:8 721:16 733:23 direction 696:23 819:2 directions 667:18 669:8 directly 689:16 710:20 711:1,3 724:14 738:24 753:21 767:8 774:20,25 798:3	director 653:14, 15 654:10,11,13 655:7,22,24 656:10,26 657:8 668:11 735:23 737:25 738:4,9 disagree 821:17 discharge 670:23 689:9 717:16 727:6,9,11 728:8 770:21 discharged 709:9 727:1 728:5 discharges 726:5 727:13 discharging 806:11 Discovery 818:15 825:18,19 826:5 830:6 831:15 832:19,26 discuss 683:21 717:14 722:3 754:6 755:10 793:26 804:1 discussed 698:2 756:22 discussing 696:9 739:9 776:20 813:25 discussion 702:20 756:24 761:16 781:2 804:15 discussions 680:19 755:14 829:3 display 749:25 750:3 787:8 disposal 678:24 disproportionate ly 713:25 dispute 782:24 783:8	disrupt 801:6 disrupted 666:14 disruption 822:5 distance 742:20 744:5 745:1,2 746:6,23 747:6, 13 760:8,25 761:15,22 762:6, 13,24,26 763:2,6, 24 764:19 765:21 775:26 776:4,7 777:19 782:9 785:4 786:4 809:12 818:21 826:21,25 831:18 832:7 distances 759:18 760:18 776:10 785:2 787:9 823:24 824:5,15 distinct 745:16 distracting 802:4 distributed 746:13 distribution 744:14 745:14 746:18 750:7,12 767:11 818:2,8,9 819:17 820:13 822:21 832:8 disturbance 689:20 740:26 745:23 759:13 763:18 781:24 819:22 827:3,5,8 disturbances 830:8 disturbed 759:9 798:2 diverse 738:23 800:25 diversely 801:5 diversify 740:19 diversifying 738:15	Division 659:6 document 691:20 699:5 774:3,7,9 779:18 788:16,19 documents 696:17 720:23 779:17 818:3 doors 668:23 Downing 658:21 674:13,15,19,21, 22 675:12 688:1, 2,3,11,15 702:2, 3,4 downstream 819:5 828:21 drawbacks 740:22 draws 835:22 drink 692:6,14, 22 711:2 drinking 677:23 693:13 705:18 drones 763:19 dropped 776:12, 13,18 dry 676:23 677:7 DU 661:17 due 695:19,22 728:10 769:15 799:3 831:7 dumped 799:26 dumping 800:1 duplicate 687:12 dust 682:8 duties 728:24 <hr/> E <hr/> E.M. 661:24 Eagle 649:19 650:7,17 652:1,4, 8,12 653:23 663:7 665:15	689:4 701:4,16, 21 706:11,18 709:16 711:20, 21,22 713:1,2,15, 16 714:23,24 723:25 726:3,7,8 727:4 736:21,24 737:3,7,12 742:1, 14 743:19 745:4, 12 747:19 751:10,16,21 755:7,16,18 756:26 768:16 769:14 770:3 772:9,11,14 773:6,25 774:9 775:1,18 776:20, 24 779:10 780:5 782:18 783:25 785:11,15,21 788:1,17 790:16, 25 791:25 792:21 795:2,14 797:9 800:15 803:14,15 809:11 814:10,15 817:23 818:10 819:15,19 820:3, 17,22 821:5,11 823:2,10,12,19, 21 824:23 825:9, 19,23,25 826:9, 16,23 827:13 828:1 829:1,6,26 830:26 832:11,18 833:1,23 834:4,9 Eagle's 695:6,20 700:10 703:2 724:14 740:1 814:8 817:24 818:22 821:24 827:1,6 828:6 829:11 830:11 834:5 Eamonn 737:22 755:24 756:1 ear 805:22
---	--	--	--	---

earlier 680:21 682:22 694:13 723:24 731:18 751:22 753:7 757:14 771:13 775:5 798:11,21 824:18 early 679:1 753:9 764:17 817:21 833:25 earpiece 779:9 easier 798:23 806:6 Ecological 659:20 economic 735:25 737:26 738:8,10 740:14 741:14 economies 738:15 economy 738:18, 23 ecosystem 787:23 820:20 821:6,7 ecosystemic 665:12 ED&T 657:1,4 Edehon 815:3 edge 799:14 edges 799:14 Edmond 659:7 Edmonton 836:8 Edola 815:4 education 738:14,17,19 739:23 effect 709:20,22 742:25 744:22 800:25 813:22 816:13 effect's 822:18 effective 681:12 712:18 763:4	794:11 804:15 805:10,13 820:23 826:25 effectively 763:25 effectiveness 822:22 effects 665:13 709:18 714:6 741:4,13 744:12 745:20 768:24 792:17 801:13 817:8 821:15,18, 26 822:5 824:17 827:13 830:18 efficacy 779:15 effluent 709:4,5, 9,10,17 770:21 effluents 709:19 effort 687:12 741:21 efforts 665:21,23 687:13 747:25 829:6 Ehloak 653:9 ekoide@nirb.ca. 667:12 elaborate 671:2 Elder 819:8 833:13 Elders 695:13,17 705:5 798:23,25 799:5 813:8 826:9 834:7 Elders' 813:6 electronic 749:26 electronically 789:21 elevated 824:7 eliminate 709:22 728:7 Elytook 660:18 email 667:11	embedded 799:11 Emily 667:11 emission 825:6 emissions 712:8 713:7,14,20 714:5,10,12,15, 18,22 740:10,21 824:20 825:1,2,4 emit 824:13 emphasis 820:18 824:23,25 employ 831:20 employees 670:6 employment 740:13 741:8,11, 22,25,26 742:3,6, 8,10 Emrick 653:10 722:22 725:21, 22,23 727:17,18, 19 728:16,17,18 encompassing 701:18 encounter 744:19 encouraged 834:5 end 669:4 685:16 765:20 776:21 782:16 800:24 823:26 832:25 835:12 endangered 684:21 732:9,13, 22 endpoint 821:4 endpoints 821:2, 3 ends 765:19 energy 712:7,17 714:20 724:24 725:3,9,15 740:20 747:26	801:18 824:20 enforce 706:24 730:9 enforced 707:6 enforcement 673:13,20 682:23 710:23 731:7,8 engaged 774:15 engagement 654:12 719:8,15 739:7 834:8 engagements 674:24 English 652:2 666:25 669:23 724:23 725:8 736:22 779:7 ensure 666:12 669:11 673:24 675:3 679:14 681:1 688:17 689:11 703:19 706:18 712:25 723:4 727:13 747:20 754:3 792:15 793:15 818:23 enter 666:3 755:8 756:23 765:10 entered 691:21, 23 755:23 769:19 entering 753:11 756:3,7 entitled 703:4 743:16 745:20 749:19 752:6 756:17 769:7 environment 654:17,18 655:23,25 656:20,23,25 657:14,17 670:26 671:9 673:5,7,11, 12,15,19 682:7,9, 17,19 683:18	684:6,12,15,17, 23 685:3,15 694:19 699:13 700:19 701:11,13 707:16 708:23,25 709:1 710:1,13 711:12 712:3,22 713:4,5,8,10,12, 18,21,23 721:16, 19,22,24 722:1, 25 723:15,19 725:12 728:20,21 731:3,5 732:6,15, 17 733:8 737:17, 18 738:2,6 741:19 745:18 746:14 751:1 781:18 786:18 794:1 800:22 802:18 804:3 824:18 environmental 656:22 657:2,10, 12,21,23,25 658:13,15,21,23, 25 659:2 708:9 709:18 712:25 714:19 727:7 738:5,6 800:22 819:24 820:5,9 822:26 823:15 827:10 equal 746:9 782:13 equally 680:10 equipment 765:13 Ernie 813:5 errata 749:20 756:18 773:13 error 743:13,15 772:18 errors 772:17 escape 824:7 essential 814:2
--	---	---	---	--

essentially 719:6 753:7 760:14 establish 833:24 established 712:23 747:16 822:20 establishment 833:21 estimate 725:5 760:23 763:11 estimated 760:25 795:18 estimates 751:23 752:3,11 753:8,9, 10 evaluate 706:19 787:18 evaluated 679:15 evaluating 768:24 evaluations 708:5 evasive 783:22 evening 666:4 669:16 755:9,14 817:21 event 765:15 everyone's 665:21,23 evidence 665:9 744:10 746:22 753:12 759:4,5,6, 20,25,26 769:19 774:11 777:2,16, 17 778:5 779:14 780:5,6,23 783:1, 11 784:3,6,14,16, 20,22 785:6 786:20 787:2,14 826:24 829:20 evidence-based 745:3 747:15 776:3 777:2,5,10 780:7 781:4 784:6 794:25	evident 723:6 787:21 evidentiary 786:3,9,12,15 exact 693:26 examples 745:21 768:9 excerpt 752:4 753:7 excuse 820:8 821:15 826:19 832:16 executive 653:14 656:12 668:11 exercise 718:21 816:21 exhausted 828:5 exhibit 651:26 652:3,7,11,14,17 691:21,24 736:19,23 737:1, 5 755:5,6,7 756:3,7 778:7 810:24 811:2 exhibition 795:6 exhibits 651:23 735:9 736:16,17 756:23 796:4 810:12,23 exist 721:6 820:14 existence 700:22 814:22 816:17 existing 663:9 665:14 699:11, 13,15,17 740:24 747:3 759:20 760:5,11 813:19 820:12 822:21 824:10 825:25 826:5 828:23 exit 669:5 Exits 668:22 expand 676:2	740:7 expanded 795:5 expansion 724:12 797:8 expect 674:6 797:19 expectation 719:18 730:12 756:21 expectations 718:1 719:5 expected 770:19 expecting 743:26 experience 663:26 722:3 764:15 775:4 797:14,16 830:8 experienced 740:26 experiences 710:11 experiment 760:14 expert 657:15 679:23 752:8 790:25 807:1 experts 678:20 786:16 790:24 794:12 807:6 explain 705:20 778:8 784:5 795:7 808:17 819:1 828:25 explained 779:24 explaining 719:25 806:14 exploration 749:22 750:9 exposed 740:25 818:24 exposure 698:25 827:11,14,18 express 667:16	expressed 727:15 728:10 733:4 761:21 extend 761:15 extended 717:1 822:13 831:3 extending 741:15 747:24 extends 741:16 extension 650:8 652:2,5,9,13 654:16 663:8 665:15 699:1 705:22 719:9 720:15 736:21,25 737:3,7,12 739:11 740:1,5, 23 744:2 748:4 760:5 769:1,20 770:22 818:5 827:19 831:6,25 extensive 797:13 extra 678:6 extremely 763:20 800:8 eye 687:12 694:17 eyesight 766:25 767:2,9 Ezra 761:11 764:1,2	fall 673:23 689:15,16 707:14 786:20 789:22 familiar 719:12 757:4 families 798:6 800:9 808:15 family 663:16 664:13 farm 670:25 701:19 740:10, 18,26 742:21 744:23 745:13 746:22,24 747:2, 10,16,17 758:19 759:2 760:24 793:11,13 795:16,20 809:10,15,19 818:11 823:2,4,7, 8,9,17,24 824:25 825:1,10,15 829:17 831:11 farm's 792:16 farms 805:12,13 825:7 fast 761:25 783:5 faster 713:26 father 797:14 father's 797:21 feasible 800:12 feature 790:12 federal 670:6 684:25 715:11 716:17 732:12 748:23 750:26 803:4 feed 666:18,19,21 667:11,19 669:24 724:23 725:8 feedback 666:21 696:1 819:8 829:1 feeding 818:19
---	---	---	---	---

feel 698:10 699:16,22 719:24 722:8 749:6 781:1 798:2,7,16 800:23 834:6 feels 768:15 feet 799:17 FEIS 721:5 Felexce 726:20, 22,24 727:25 728:1 female 741:26 females 752:26 Fernandes 654:21 fewer 788:25 field 681:3 682:10 703:17 704:16 730:20 figure 676:6 743:14,18 figures 749:25 750:1 774:2,6 filed 755:5,11 756:15,16 774:6 778:18,23 834:16 filing 755:7 773:22 fill 687:8 filtered 799:1 final 679:4 721:16 727:7 769:17 772:20 773:22 790:19 792:10 814:16 820:5,7,9 822:26 823:15 827:10 828:11 832:2 finalized 679:5 finally 738:8 739:1 747:19 751:9 782:11,22 783:13 818:26	financial 741:13 808:19 find 676:25 725:4 807:7 finding 739:9 findings 718:11, 24 fine 679:11 finished 771:6 fires 813:17,23 fish 658:3,5,7 675:26 686:14, 20,22 687:9,11 692:13,24,25 693:3 694:14 698:11 705:12 707:17,18,19 708:21,22 709:6, 20 711:2 720:13, 21,26 799:3 fisheries 658:1 675:23,25 676:14,16,18 686:6,9,12,24 687:1 693:18 694:6,9,13,14 705:19 707:8,11, 15 720:8,11,16, 19 fisherman 692:26 693:1 fishing 692:22 798:21 812:21 flexibility 670:8 flight 688:10,17, 20 813:1 flights 688:6,20 689:19 floor 666:24 729:26 flow 680:7,23 fluctuate 790:15 fly 690:15 701:2	flying 687:24 700:24 746:3 763:9 782:4 798:7,13 focus 672:4 741:2,25 focused 677:5 687:5 694:10 752:16 follow 667:17 676:10 677:15 680:5 712:23 793:22 803:23 follow-up 699:22 716:16 FOND 661:17 food 710:26 744:18 801:7 816:20 817:4 foods 698:24,26 footprint 701:18 822:10,12 824:11 foraging 742:26 forcibly 815:13 foregoing 836:4 foremost 703:16 730:8 forget 835:21 forgot 694:12 form 667:16 675:1 784:16 793:14 808:3 formal 715:22 716:5 770:4,13 834:13 forms 670:24 784:22 785:9 formulate 707:5 Forte 657:19 forthcoming 756:4 forum 717:18 793:26 804:1,15 813:6	forums 674:24 forward 664:9 686:4 739:14,16 742:6 767:22 784:4,7 791:15, 17 797:25 829:4 found 681:13 763:3 767:12 804:14 Fourth 818:21 830:3 free 699:22 French 652:6 736:26 frequency 823:7 frequented 709:6 frequently 683:1 753:10 fresh 677:25 798:26 799:3 Friday 817:24 friendly 800:22 front 668:6,24 fulfilled 770:7,16 full 689:2 701:18 830:14 fully 815:22 828:6 functioning 791:6 fundamental 820:2 funded 750:25 funding 671:26 734:14,16,20,23 738:21 790:2,3 809:4 future 677:6,26 678:3 681:16 696:9 697:1,9,11, 13,22 707:18 710:12,13 801:16,19	<hr/> G <hr/> G-E-O-F-F-R-E-Y 811:20 Gabe 758:25 Gabriel 669:19 757:18 758:5,7 802:11 gap 741:21 gaps 687:9 gas 712:8 713:6, 14,20 714:4,14, 18,21 740:10,21 824:20 825:1,2,6 gather 682:14 gathered 679:3 gathering 751:3 Gazandlare 661:25 gender-based 742:6 gender-specific 741:25 742:8 general 654:18, 19,21,23 705:25 821:5 832:6 generally 678:23 709:14 716:18 generated 752:11 generating 667:21 generation 697:11,23 698:6 generations 813:13 generators 805:14 geofencing 790:12 Geoff 698:15,19 700:15 702:12 771:8,26 812:7,9
---	---	--	--	---

Geoffrey 651:15 811:20,22 Geologist 656:13 Ghotelnene 812:10 Gillard 653:16 Gillman 654:17 gist 678:26 give 676:9 694:24 719:4 725:5 726:11 778:5 781:20 783:14 784:14 giving 663:23 664:3 665:7 833:14 global 714:1,3 globally 725:8 GN 755:26 762:12 783:8 GN's 782:18 goals 793:25 803:1,26 Gold 663:9 665:14 Gonzalez 655:19 good 669:23 670:4 677:19 680:17 681:7 682:2 684:3 686:4 690:15 692:10,26 693:4 696:6,7,17,18 698:18 699:4 705:4 737:16 764:8 766:25 768:3 785:18 797:4 801:18 806:21 812:8 817:18,20 Goulet 659:9 governing 738:12	government 649:8,9,12,14,15, 18,19,22,24 650:2,6,12,14,16, 17,24,26 656:17 665:18 669:15, 18,21 670:6 671:6 681:26 685:18,21,26 689:20 696:4,15 698:3,16 699:25 705:1 711:20 712:15 715:1 717:13 718:10 719:7,10 722:4, 18 729:21 732:2 733:3 734:12 735:7 736:15 737:9,11,15,19, 21 738:12,15 739:1,6,10,17,21, 26 741:2,10,18, 23 742:4,12,17, 23 743:3,4,15 744:24 745:11 746:16,21 747:9, 22 748:1,5,8,13, 17,22 749:6,17 750:2,19,24 751:14,26 752:2, 4 753:15,20 754:1,6,9,20 756:2 757:13,20 758:10,11,16,18, 21,24,26 760:8 761:5,14 762:18, 21 764:11,22,24 766:13,17,21,24 767:4,7 768:2,5, 14,17,20 769:11, 15,16,21,24 770:4,13,17 771:3,17,20 772:11,15,26 773:3,18,21 774:15,21,24 775:9,12 776:9, 14,17 777:20,23	778:2,25 779:2 780:6,10,18,26 781:7,11,12,14 782:23 783:17 784:8,11,18 786:8,23,26 787:14,24 789:9, 12 790:9,21 791:4,20,23 792:2,12,19,23, 26 793:2,6,12,16, 23 794:3,6,20,23 795:9,11 802:18 803:2,4,9 807:14, 26 809:12 815:13,14 819:7 821:20,25 822:8 governor 684:24 685:1 grandchildren 815:26 grandkids 698:6 grandmother 815:7 graph 751:18,25 graphic 780:19, 23 graphs 778:8 great 801:3,23 greater 760:15, 18 781:21 782:1, 13 823:24 824:5, 15 greatly 665:21 Greene 656:2 761:11,12,25 762:2,5 764:1,2 greener 725:6 greenhouse 712:8 713:6,14, 20 714:4,14,17, 21 740:10,21 824:19 825:1,2,6 Greens 764:3	ground 696:21 752:6,17 753:5 755:2 775:7 779:16 ground-based 777:8 grounds 731:16 753:1 773:10 group 672:25 721:20 722:2,9, 11 735:9 742:20 744:26 745:6,16 746:8,23 747:14 765:21 768:24 769:26 770:2,25 775:26 777:19 779:20 782:12,24 783:8 785:3,6,13, 16 786:17,19 791:8,15,18 793:24 794:8,9, 11 795:3,6,18 796:4 803:25,26 804:14 810:12 818:21 826:21 827:4,5,26 830:4 831:16 832:7 833:19,22,25 834:2,14,15,25 835:2 group-size 744:6 745:10 747:2,15 group-sized 776:3 groups 674:26 722:3 732:9 759:12 827:9 830:7 grouting 681:9, 10,11 grow 744:1 guarantee 793:9 guess 672:4 689:3 692:26 700:18 706:17 708:20 716:7 717:22	719:24 727:21 771:12 817:18 guidelines 705:24 707:1 708:3,4 709:14 Gunn 656:15 684:1,2,3,4 685:12,13,14 751:24 764:8,9 766:8,9 790:24 Gunn's 768:8 Guy 722:22,24 724:21,22 725:18 805:5,7 806:20 807:3 guys 762:4 805:24 806:6 807:18
H				
habitat 658:4,6,8 675:26 707:18,19 708:22 709:20 710:6,14 720:13, 21,26 739:3,22 741:4 742:26 767:13 779:25 801:6 814:23 816:23 817:1 818:20 819:16 820:10 822:16 823:6 824:6 832:5 half 692:20 half-hour 813:1 hall 653:1 666:2,3 667:20 669:3,6 hamlet 660:11, 16,21,24 672:24 734:16 800:12 hamlets 716:10 hand 667:4 725:14 758:3				

Haney 656:21 737:10,14,15,16 753:13,14,15 755:21 756:4 768:18,19,20 770:11 771:18, 19,20 772:18 773:1,2,3,9,17, 19,20,21 774:8, 22,23,24 775:20 776:15,16,17 777:21,22,23 778:26 779:1,2 781:12,13,14 783:3,4,7 784:17 790:7,8,9 794:4, 5,6 happen 678:2 697:22 happened 697:15 happening 723:11 happy 677:9 722:10 hard 651:26 652:7,11,14,17 676:6 697:19 736:14,19 737:1, 5 810:21,24 811:2 813:20 harder 671:18 harm 814:23,24 harmful 687:11 800:15 Harper 658:5 harvest 697:7,17 815:18 817:5 harvested 814:19 harvesting 807:20 808:13 Hashanah 663:25 664:5,18, 22 HATCHETT 661:22	head 658:7 795:2 heads 810:2 health 658:10,13, 15 682:7,9 683:9, 11,13 698:21 699:6,8,18,20 700:2,4,10,17 705:19 707:22, 24,25 708:4 739:23 815:15 830:22 healthy 817:3 hear 665:9 666:19 670:19 674:19 692:10 698:10 736:5,9 767:15 770:9 779:8,9 807:6 813:14 heard 669:12 670:17,24,26 676:13 680:21 697:4 702:20 705:16 739:15 743:19 768:21 790:20 793:8 809:9 816:10 hearing 650:7 652:1,4,8,12 653:5 663:6,12 665:9 666:8,9 667:8,23,25 669:9,14 672:7,8 705:16 711:23 723:2 724:24 734:3,13,23 736:17,20,24 737:2,6,12 739:6 755:6,12 756:16 776:22 809:8 810:23 hearings 677:21 734:15 heat 774:7 heavily 717:15, 18 718:4 820:22	heavy 714:13 765:13 820:4 Hebrew 665:3 height 687:24 784:26 798:14 height-of-land 762:9 763:2 held 752:14,17 helicopter 753:18,21,25 helicopters 763:17 798:1 helpful 800:17 helping 814:2 helps 699:21 709:23 herd 691:10 732:10,13,14,23 745:16 746:6 751:20,23 758:19 782:9 800:25 806:4 812:23 813:11 815:2,15, 24 816:24 817:2, 3 821:20 827:4 830:22 herd's 773:10 816:23 817:1 herds 732:10 745:25 782:1 793:7 801:6 heritage 748:17, 25 749:8 Hickes 660:12 high 818:11 823:16 825:13,14 829:15 831:7 high- 753:2 high-level 719:7 High-quality 824:6 higher 707:2 710:15 727:2	highest 711:11 highlighted 816:6 highlights 802:2 highly 800:3 hire 801:14,15 Historic 748:23 historical 748:18,21 759:23 hit 790:5 hits 801:3 hold 722:6 holding 665:8 holds 664:10 holistic 671:22 home 696:11 honour 664:3 hooves 799:11, 12,17 hope 665:25 673:3 674:10 687:13 695:22 699:21 707:6 709:23 721:11 730:26 731:2 735:1 776:20 783:22 784:13 802:16 hopeful 834:20, 26 hoping 670:10 801:8,21 horizontal 746:5 782:9 horn 664:17 horses 799:12 hosting 663:12 hotline 749:8 hours 690:16 835:9 housekeeping 668:21	HTO 659:15,16 690:4 694:25 696:1 733:12,13 734:5 797:23 801:8 802:24,26 HTOS 672:24 730:19 733:15 human 690:10 708:4 humans 708:5 709:21 801:11 hundred 786:6 hunt 733:10 hunters 649:11 650:13 651:4,7,9, 11 659:13 675:7, 15 685:23,25 686:2,15,18 687:15,18 689:23,26 695:24 733:5,14,17,21 734:9,18,21 750:23 751:4,5 753:17 758:12 761:19 763:9 766:18,20,23 767:17,20 790:26 795:26 796:22,24 797:1 798:3 800:2,9 801:25 802:6,12 803:1, 18 804:4,7,17,20 805:3,17,20 806:18 807:12, 19,24 808:14,18, 24 809:1,5,17,23 810:5 hunting 800:6
I				
i.e. 745:25 746:17 782:1 ice 799:4,6,7 812:21				

idea 760:13 801:3 806:10	722:12,15,18 724:1,16 725:23 727:7,19 728:3, 15 730:24 732:2 735:12,15 736:7, 12 739:4,19 742:14 743:8 748:6,9 753:23 754:8,22,25 756:10 758:19 761:7 763:20 769:13 778:11,14 780:12,15 792:2, 4,7 793:21 794:20 796:7,10, 20 797:6 803:17, 19,22 804:13,25 805:2 807:11 810:15,18 811:25 813:26 814:13 816:2,10 819:12, 24 820:1,5,6,7,9, 17 821:1,12,15 822:11,23,26 823:15 827:10 830:20,22,26 831:4,24 832:10 833:11,17 834:17	822:18 824:22 825:11,13 826:17 827:3 829:16,18 830:10,15 831:2, 8 imperative 714:3 impervious 679:7 implement 747:25 832:10, 16,18 implementation 746:20 implemented 832:26 implicate 820:25, 26 implies 746:11 794:8 importance 708:2 important 677:26 678:10 680:8 687:4 785:18 794:13 816:1 822:3 825:23 826:12,14 imposed 821:11 imprecise 752:12 imprecision 752:19 improve 740:7 improved 829:8 improvements 834:10 improving 834:8 in-person 666:14 737:21 in-pit 678:24 679:6,10 inadequate 752:13 include 701:17 703:23 738:14	741:25 744:5 752:3 785:26 795:5 816:24 included 676:24 680:23 683:6 751:22 753:10 756:20 766:4 777:14 792:13 includes 674:9 695:11 714:11,13 737:22 including 667:19 705:13 708:1,10 712:7 714:9,14 765:12 777:8 779:17 786:1 791:9 829:7 inconsistent 745:17 inconvenient 800:8,14 incorporate 707:2 730:15 742:8 814:15 incorporated 649:7 650:11 655:18 669:19,21 675:18 677:12,14 679:25 681:19,21 730:6 757:18,20 761:10,12 764:1, 3,5 802:11 incorrect 773:5 increase 705:13 740:6,9 752:23 763:6 771:11,16 776:4,11 785:7 787:15 828:22 831:19 increased 743:26 745:3 747:7 753:3 771:23 790:13 818:9 819:14 821:22 823:18 827:15	increases 705:10 787:25 increasingly 759:14 incredibly 677:7 incremental 821:14,18,26 822:4 indigenous 658:24 671:26 685:7 708:13 813:12 indirect 821:15, 18 INDISCERNIB LE 674:22,23 675:5,6,9 688:4, 6,7,8,9,16,18,21 702:7,8 individual 723:12 741:14 828:15 individuals 672:26 674:25 707:26 746:4 782:6 industrial 712:9 713:7,19 714:16 industries 825:5 industry 714:14 738:19 742:3 824:19 influence 759:6,9 760:10 787:12 inform 728:25 information 668:12,14 675:2 677:20 679:2 682:14 694:2 699:2 700:7,9,11, 12 712:1 716:26 720:22,25 721:1 723:13 724:11,19 731:20 751:26 754:11 778:17,22
------------------------------------	---	--	--	--

<p>795:18 808:14 814:4,15 823:12, 13,18 828:26 829:20,22 833:3</p> <p>informative 670:4,10</p> <p>informed 681:2 805:26</p> <p>informing 715:12 739:18 806:13</p> <p>infrastructure 712:21 785:3,5 787:13 818:24 827:15 832:9</p> <p>initial 833:24</p> <p>Initially 721:26</p> <p>initiate 731:14</p> <p>initiated 762:15</p> <p>initiatives 741:25 742:10</p> <p>injure 799:16</p> <p>injuries 827:21</p> <p>Inlet 653:2 654:25 660:11,24 663:11 666:18,22 670:19 695:9 730:18 733:7,21 734:2,21 782:20 798:20 799:10,23 800:5 801:21 805:20 806:10 808:7,8,10</p> <p>input 739:14,16</p> <p>inputs 680:17</p> <p>inquiries 668:12</p> <p>insects 824:7</p> <p>inspect 682:15 730:20</p> <p>inspecting 703:17</p> <p>inspection 716:6 728:24 730:26</p>	<p>inspections 672:13 673:13, 14,21,22 683:5, 15,19 715:14,22, 23 716:2 728:25 730:7 731:7,11</p> <p>inspectors 670:15 671:1 674:1,4 682:22 689:8 716:7,8 728:23 730:6,8, 16,17,18 731:13</p> <p>install 800:21 801:14,16,17 806:23</p> <p>installation 831:14 833:1</p> <p>installed 799:22 800:23 801:4,10, 13 828:24</p> <p>integrated 712:24</p> <p>intend 706:12</p> <p>intended 702:21 804:1</p> <p>intent 731:1</p> <p>intention 673:2</p> <p>interacting 818:23</p> <p>interactions 703:5 744:1</p> <p>interest 716:10</p> <p>interested 826:10 829:4</p> <p>interestingly 765:24</p> <p>interests 816:8</p> <p>interim 668:11 742:2,5 744:26 745:7 747:6 775:26 787:15,25</p> <p>intermediate 680:22</p>	<p>internal 701:25 731:23 769:16</p> <p>international 725:10</p> <p>interpretation 666:16,21 669:4 694:4 828:13</p> <p>interpreter 764:21 779:6 805:15</p> <p>interpreters 666:18 667:1 669:10 704:19 783:7 814:2</p> <p>INTERPRETE RS/ TRANSLATOR S 662:1,6</p> <p>interpreting 704:20</p> <p>interrupt 818:19</p> <p>interrupted 815:12</p> <p>intervenor 672:9 734:7 735:5 795:25 810:7 835:11,18</p> <p>intervenor's 748:14</p> <p>intervenor's 655:13 665:11, 18,20 669:14 718:2 729:3,8,16 734:11,13 739:12 754:20 757:13,15 764:7 802:8,9 809:11</p> <p>intervention 665:19 689:21 706:9 733:3 796:1</p> <p>interventions 809:9</p> <p>interviews 668:17 695:13</p>	<p>introduce 778:7 783:20 784:14</p> <p>introduced 778:16</p> <p>introducing 780:22</p> <p>introspection 664:9</p> <p>Inuit 649:9 656:8 672:22,23 675:7, 15 681:24,26 682:3 683:23,26 684:5 685:7,11, 14 689:13 691:11 694:21,23 695:3, 7 696:10 705:16, 17 710:20,26 727:12,15 728:11,13,25 730:6,15,19 741:21,24 742:3, 7 743:1 749:8 751:10,17,19,22, 24 757:16 764:7, 9 766:7 788:18 791:1,2 798:22 802:10,20,22,25 813:12 819:8 826:9 829:1 834:7,16</p> <p>Inuk 722:26</p> <p>inuksuit 748:16, 18,19 749:4,11</p> <p>Inuktitut 652:10 662:1 666:25 676:5 737:4 779:7</p> <p>Inuktitut/english 652:19 811:5</p> <p>invasive 720:13 721:3</p> <p>investigate 704:2 798:12</p> <p>investigating 709:21</p>	<p>investigation 749:1</p> <p>investigations 673:21 731:7,14</p> <p>involve 709:21 795:17</p> <p>involved 674:3 774:20,25 782:20 797:15 828:8</p> <p>involvement 723:23 782:19</p> <p>involves 709:19</p> <p>IQ 654:9</p> <p>Irngaut 655:21</p> <p>Island 799:7 812:21</p> <p>issue 670:19 683:14 698:2 716:19 726:12</p> <p>issues 667:10 707:20 722:3 739:9 742:19 748:6 794:14 797:8,24 814:9 820:2 828:14</p> <p>issuing 675:9</p> <p>item 665:17 791:17</p> <p>items 814:5</p> <p>Itivia 800:1,5,10, 13</p>
J				
<p>J-C 654:19</p> <p>January 816:2 834:1</p> <p>Jewish 664:5,6,7, 20</p> <p>Johnson 800:11</p> <p>join 667:25</p> <p>joined 695:9</p> <p>joining 834:24 835:1</p>				

joint 812:12
Jonathan 663:25
 665:6
Jose 676:16,17
 686:10,11,25,26
 694:7,8 707:9,11
 720:17,19
jugs 798:23
Julie 683:9,10
 699:6,7 700:2,4
 707:22,24
July 769:14
June 752:8
Justice 656:18
 737:23
Justin 754:10

K

K'ODTINEH
 812:11
K-A-L-U-D-J-A-
K 796:15
Kabloona 660:22
Kabvitok 660:13
Kadlun 732:1,4,
 25,26
Kadlun-
omingmakyok
 653:6 732:5
Kaludjak 651:3
 659:15 685:24
 686:1,2,16,17,18
 687:16,17,18
 689:24,25,26
 733:18,20,21
 766:19,22
 767:18,19,20
 796:2,14,15,18,
 25,26 797:1
 804:5,6,7,18,19,
 20 806:16,18
 807:22,23,24
 808:22,23,24
 809:21,22,23

Kaluraq 653:5
 663:3
Kangiqliniq
 649:11 650:13
 651:4,7,9,11
 659:13 685:23,25
 686:2,15,18
 687:15,18 689:23
 695:24 733:5,14,
 17,21 734:9,18
 750:22 753:17
 758:12 766:18,
 20,23 767:17,20
 795:26 796:22,24
 797:1 800:2
 801:25 802:5
 803:17 804:4,7,
 17,20 805:2,17
 806:18 807:11,
 19,24 808:18,24
 809:5,17,23
 810:4
Karlik 656:12
Katujjiluta
 738:13,14
Katz 656:9
 663:25 664:2
Kaushansky
 658:12
Kaviq 663:3
Keewatin 797:11
Kelly 702:15,18
 704:4,5,21,23
 813:2
key 818:19
 829:17 831:22
KIA 692:5
kick 824:2,3
kilometre 765:8
kilometres
 745:26 747:7,8,
 12 758:14 759:8,
 19 760:10,11,25
 761:16,22 763:4
 765:8 776:7,11

782:2 786:6,7
 787:9,15 791:14
 823:11,24 824:1,
 4,5,15
kind 679:7
 682:14 690:10
 696:24 705:8
 719:5 740:19
 777:13,16,17
 784:6 797:14
kinds 786:1
King 658:24
 674:14,18
Kippur 664:23
Kivalliq 649:9
 656:8 672:23
 681:24,26 682:3
 683:23,26 684:4
 685:11,14
 687:23,25 689:13
 690:11 691:11
 694:21,23 695:3,
 7 705:16 727:12,
 15 728:10,13
 730:19 735:24
 737:25 741:9
 751:1,10,17,19,
 22,24 753:19
 757:16 764:7,9
 766:7 788:18
 791:1 802:10,20,
 22,24,25 805:25
Kivallirmiut
 741:5
Klassen 653:17
knowledge
 678:20,21 710:19
 722:6 730:7,13
 791:2 834:4
Koide 653:18
 667:11
Kowbel 653:25
 755:16,17,18
 757:1,2,3
Kritterdlik
 654:9

Kuksuk 656:11
Kusugak 653:8
 654:10
Kyle 813:7

L

Laban 661:14
Lac 661:7,17
 812:26
lack 823:16
Lacourse 654:7
laid 799:13
lake 660:16
 661:3,12,22
 677:23,24 686:7
 689:10,16 693:10
 695:8,13,17,18,
 22 705:10,18
 708:1 711:12
 726:5 727:2,9,13
 728:8 798:16,18,
 19 807:21 812:9,
 19 815:3 818:18
 823:26 825:24
 826:6 830:1
 831:13 832:17,25
lakes 680:22
 709:7 799:6
land 649:17
 654:8 656:10,21
 659:18 696:11,
 12,19,23,25
 697:2,3,7,14,15,
 16 698:10 704:26
 705:3,6 708:17,
 19 709:25
 711:15,17 737:17
 763:9 772:4,6
 784:26 797:22
 815:10,17
lands 659:9,10
 739:22
landscape
 746:13 760:3

landscapes 710:2
language 662:2,
 3,4,7,8 666:19
 745:17,21
Lapierre 650:5
 657:2 736:5,10
 738:6
large 746:3 782:5
 806:25 822:18
 825:5 827:3
larger 762:24
 827:8
lasting 741:1
late 677:20 824:6
 830:16
launch 800:6,10,
 16
laws 739:25
lay 678:21
lead 663:26
 716:23 751:3
leading 682:12
 737:10 741:12
leads 799:9
learn 724:13,15
 797:5 801:14,15
learned 797:5
leave 667:20
 690:22 779:5
 819:9 835:21
leaving 669:3
 819:4,11 828:20
 831:23
Leblanc-havard
 738:4
Lee 656:6
left 665:16 682:6
 729:21 750:7
legal 650:4,10,20,
 22 651:2,13
 653:13,24,25
 655:19,20 656:9,
 18 658:19,20
 660:3 667:25

702:14,18 704:5, 23 718:25 719:2 735:8,10,12,15 736:7,12 737:22 754:20,22,25 755:18,24,26 756:1,8,10,26 757:3,9,23 772:14 774:3 778:10,11,14 780:11,12,15 796:3,6,7,10,19 810:11,14,15,18 811:24 813:2	lifetimes 695:15 light 762:3 lighting 675:3 700:25 lights 701:5,23 702:5 limitation 822:17 limitations 762:25 821:10 limited 650:17 653:23 744:20 772:11 828:16 Limited's 663:8 limits 706:19 709:8 liner 679:8,12,16 liners 678:4 link 666:9,13 list 668:1 685:1 734:25 listed 823:14 listen 665:10 739:10 797:3 listened 698:3 listening 710:8 738:1 779:6 listing 684:11,14, 25 lit 701:6 literature 787:21 live 667:19 697:9 730:17 736:4 812:19 814:26 815:16,18 lived 814:26 livelihood 696:14 697:20 698:11 801:7 LLP 813:2 lobby 668:22,23 local 675:7,15 705:16 707:21 708:1,13 738:15,	18,19,23 740:14 751:4 773:15 791:2 798:20 801:14 835:9 located 668:21, 22 670:18 location 744:8 749:4 758:19 800:18 802:1 809:9,19 823:7, 25 825:8 locations 824:10 logbooks 688:19 long 689:14 693:12 697:7 766:3 833:25 long-range 763:21 long-term 679:11 765:16 801:20 818:12 longer 695:18 758:15 761:22 763:22 779:7 longer-term 821:22 looked 678:12 742:2 757:4 760:10 824:10 Lopez 662:11 836:3,21 lose 663:16 lot 677:20 678:7 680:19 693:8 698:5 700:24 718:2,3 797:15, 16 800:4 806:6 808:3,11 829:18 lots 692:25,26 797:5 love 696:11,12,13 799:5 low 751:7 763:20 789:7 798:7 819:22 822:7	823:7 827:13 lower 789:6 Luis 681:25 682:3 683:24,25 694:22,24 802:21,23 lunch 669:1 729:2,20 Lyrette 658:15	748:15 749:14 751:13 753:14 754:24 755:1,15, 17 756:9,12 757:2,8,10,22,24 762:20 764:8,23 766:9,15 767:19 768:3,19 771:2,9, 19 772:13 773:2, 7,20,26 774:1,23 775:2,11,19,24 776:16,25 777:22 778:1,13 779:1, 11,13 780:9,14 781:13 783:16,26 784:10 785:22 786:22,25 788:2 789:11 790:8,17, 19 791:26 792:6, 21,25 793:20 794:2,5,17 795:10 796:9,21, 26 803:6,21 804:3,6,12,16,19, 26 805:6 806:16 807:23 808:24 809:22 810:17,20 811:26 817:14 833:10 made 664:17 675:24,25 679:4 698:24 699:5 705:9 710:19 727:23 741:18 743:21 774:12 808:1 814:10 819:20 820:3 829:6 833:5 Magee 659:1 magnitude 787:13 822:4 mahsi 754:5 833:8 835:4 main 668:23 678:26 679:13 801:7 816:15 828:14
---	--	--	--	--

maintain 702:9 816:19 maintains 819:19 825:25 826:23 major 822:25 832:17,24 make 667:26 668:17 672:10 679:16 680:22 706:20 707:20 708:1 718:6 720:24 734:11,12 736:3 739:15 743:10 745:9 754:12 757:5 781:16 797:23 798:12,24 815:20 829:19 835:16 makes 706:22 718:14 806:6 making 680:4 697:5 752:26 809:12 820:26 822:17 Malindzak 654:5 Mallon 657:23 manage 678:13 706:10 716:21 management 654:3 655:26 657:8 672:5 694:14 709:12 722:5 742:21 745:18 746:2,14, 22 747:11,17 752:13,15 781:18 782:4 786:18 787:24 793:7,26 795:17 797:11 804:2 823:4 manager 653:16 654:15,19,26 656:21 657:2,9 659:1,7,9 737:16 738:6	managing 681:7 mandate 671:21 694:11 706:14 707:14,17 710:6, 7 718:24 738:13 mandates 718:3 Manitoba 812:9 813:14 814:20 manner 720:26 Manon 711:21, 22 713:1,2,15,16 714:23,24 772:9 803:14,15 Manzo 656:10 681:25 682:2,3 683:24,25,26 694:22,23,24 802:21,22,23 map 676:3,24 677:9 Mapping 743:17 749:19 756:17 774:5 maps 774:7 819:8,17 821:21 822:9 828:26 marine 734:4 mark 735:9 755:7 756:23 796:4 810:12 marked 755:23 markers 826:2 marking 736:16 810:21 marrow 751:6 Masi 701:7 material 755:11 756:20 materials 736:15 Matna 677:2 Matrix 811:10 813:3 Matt 695:1,2	matter 755:13 760:9 770:5,14 791:18 matters 650:3,9, 19,21 651:1,12 668:21 735:12 736:18 754:7,22 757:11 778:11 780:12 796:7,21 810:15 811:26 Mcdonald 661:20 705:3,4,6 708:17,18,19 709:25,26 711:15,16 772:4, 5 Mcdougall 656:14 694:24 695:1,2,3 Mchattie 658:19 Meadowbank 785:12 787:6 Meadows 653:13 667:26 719:1,2 735:14,15,26 736:6,7,11,12 754:24,25 755:19 756:9,10 757:10, 22,24 774:3 778:13,14,21 780:14,15 796:9, 10,19 810:17,18 811:6,14,24 meals 835:10 meaningful 824:24 834:3 means 721:10 758:15 meant 681:5 706:9 732:14 781:4 measure 747:8 827:22 measurement 821:2	measurements 695:20,21 measures 705:20 708:15 713:19 714:17 721:21 743:6,9 745:24 746:20,25 748:2 759:21 764:16 765:2 768:7,9 774:11,17 775:8, 23 779:15 781:25 791:9,10,14 794:1 804:2,16 809:10,14,17 818:22,25 822:23 824:2 825:10,26 826:11,24 827:2, 23 829:25 830:2, 3 meat 751:6 media 668:3,4,8, 10,13,14,17 708:10 medium-density 753:2 meet 671:3 672:20,23 673:2 674:1,24 716:10 meeting 663:16 672:26 715:9 771:11,21 meetings 666:17 668:5,15,18 670:7 675:4 752:14,20 797:14,15 Meliadine 650:7 652:2,5,9,13 654:15,19 663:8, 9 665:14 673:10, 16 682:23 686:7 689:10,17 692:21 694:15,26 695:8, 16,18,19,22 705:9,18 708:1 712:9 720:15	723:3,5,7,11,23 724:12 726:5 727:2,14 728:8 731:20 736:21,25 737:3,7,12 739:11 740:1,5, 16,23 741:6 743:17 749:16,19 756:17 769:1,8, 20 770:22 774:4 775:14 785:19 788:10,12 797:9 798:16,18,22 807:21 818:5,18, 24 823:26 825:24 826:6,8 827:4 830:1 831:5,13, 25 832:17,25 member 653:6,7, 8,9 703:25 722:24 725:24 727:20 728:18 805:7 806:17 807:3,4 812:10, 25 813:7 member's 806:20 members 663:16 665:11 668:4,16 670:11 672:23 676:4 677:17,24 678:6 707:26 708:14 715:13 761:20 769:25 782:23 813:1 827:26 membership 722:2 memo 704:10 743:16 memorandum 703:4 mention 670:22 732:8 771:10 790:10 813:23 834:22
--	---	--	--	---

mentioned 670:14 671:17 673:9 676:20 678:23 680:6 682:21 683:12 707:3 723:24 732:13,20 750:14,18 756:5 771:22,24 784:13,15,17 787:2 790:15 798:10 813:16 817:25 824:18 mentioning 676:7 Mercer 655:26 merci 754:5 Mercredi 659:23 661:18 message 754:15 met 768:16 774:18 797:23 metal 709:4,6,17 731:22 799:11 metals 705:11 method 750:4 827:22 methodology 821:1 methods 715:12 762:11,17 763:7 820:1 metre 782:8 metres 746:9 776:7 782:14 786:6 mic 733:19 751:11 758:1 805:22 Michele 738:4 microphone 729:26 736:4 757:26 758:1,3 833:6	mid-afternoon 669:2 mid-morning 669:1 middle 750:8 811:19 migrated 697:21 migrating 787:10 800:25,26 801:5 830:7 migration 697:20 782:21 808:5,6,9,12 818:14,17 819:22 822:6 830:19 831:17 migratory 700:20 701:15,19 722:9 752:7 755:2 millions 664:7 Mimialik 661:1 663:20 733:3,5, 25 734:1,2 735:2, 3 mind 671:11 828:7,11 mine 663:9 665:14 670:18 677:25 678:8 682:10 691:17 703:17 710:15,20 711:1 712:9 731:20 738:24 740:6 741:15 743:7,17 746:1 747:24 748:4 749:16,19 756:17 762:8 763:3 765:3,17 769:8 773:16 774:4,19 775:7,14,16 776:7,10 780:1,3 782:3 785:11,19 786:6 797:9 799:10,22 806:26	807:16 809:16 818:24 819:14,18 822:2,6,10,11,14 823:11 827:12, 14,17 829:24 831:3,18,21 832:9 mine's 743:25 833:23 mine-related 759:22 822:7 mineral 656:26 738:9 Minerals 659:9, 11 mines 650:7,17 653:23 663:8 691:17 709:6 737:12 738:23 759:7 760:11 768:9 769:14 772:11 785:2 787:11 Mines' 652:1,4,8, 12 736:21,24 737:3,7 minimize 706:16 727:8 728:7 827:5 830:18 minimized 712:26 727:14 minimizing 726:4 739:2 827:2 mining 654:21 690:10 695:19,22 709:4,17 714:14 721:10 731:22 738:19 740:7 742:3 765:12 787:12 800:20,24 806:11 minister 656:19 672:11 684:22 706:22 717:20 738:2 748:25	816:3,6 ministers 706:23 718:7 minor 821:13 825:4 misinformation 815:15 misplaced 696:22 missed 683:7 missing 826:4 mistakenly 731:21 781:19,20 Mitch 751:2 mitigate 706:10 714:4 825:23 mitigated 712:26 754:4 mitigating 722:7 820:24 mitigation 721:21 745:20,24 746:18,20,25 762:15 764:13,15 765:4 774:11,17 775:8 781:25 782:19 786:18 791:9 793:26 804:2,15 809:10, 14 820:23 822:23 824:6 825:10 826:5,11,22 830:2 mitigations 762:6 mix 730:13 model 680:16 681:4,5,16 modelling 677:5 680:11 681:1 703:21 models 680:3,17, 20 706:18 743:18 749:20 756:18	Modest 813:9,10 modification 663:9 moment 663:24 664:14 679:18 777:24 Monday 756:6 835:12,21 money 671:18 monitor 687:22, 23 688:6,10,16 703:1,11,13 708:9 748:18,21 753:20 762:7 809:6 monitored 718:15 monitoring 653:16 670:16 672:17 673:17 683:17 695:12 700:10 703:15,22 708:11 709:10, 16,18 718:14,17, 21 720:13,14 721:4,5,21 722:7 745:18 746:14,25 747:18 748:17,22 750:25 753:18 762:11,17 765:4 774:11,17 781:18 782:20 791:9 794:25 795:1,4,8 804:16 808:20 823:5 829:9 monitors 718:10 808:26 Monuments 748:24 moose 813:20 morning 649:5 663:17,19,23,24 664:4 665:16 666:4 669:23 682:2 684:3 686:4 696:7
--	--	--	---	---

698:18 705:4,5 710:10 755:9,15 756:25 833:14 835:13 mother 799:20 815:3 MOU 689:14 Mounted 749:13 move 729:18 733:2 779:25 791:13 moved 696:24 705:17 729:4,5 786:5 808:8,9 movement 701:19 743:17,18 745:5 749:19,20 756:17,18 768:12 769:5 774:5 775:7 779:17,19 786:1 789:26 795:14 808:6 818:16 822:8 828:1,2 830:19 831:12 832:14, 15,23 movements 768:25 769:8 779:24 787:6 788:6 815:1 819:1,2,4 827:25 828:18,20 829:2 831:22 832:19 moving 739:26 779:24 787:10 807:15 814:26 829:4 multi 708:9 municipalities 739:23 murky 692:15 Myers 813:2	<hr/> N <hr/> N-O-E-L 796:15 name's 811:20 names 676:5 734:25 Naomie 738:1 Napoleon 663:20,23 813:9 narrows 788:10, 13 822:10 826:14 829:13,21,22 Nation 649:13,15 650:16 651:16, 17,18,19 652:15, 16,18,19 660:1,4, 7 696:3,4 698:14, 16,20 700:14 702:11,18,19,25 704:3,6,7,21,23, 24 710:10 767:26 768:1 771:1,25 803:12 810:9,10, 25,26 811:3,4 812:1,2,3,5,10, 13,25 816:5 828:4 830:23,24 831:9,10 833:7, 16,20,21 834:23 835:6 Nation's 700:6 national 684:8,9 Nations 811:11 814:5,18 816:9, 17 817:17 830:14 natural 659:4 675:23 676:14,26 677:3,18 678:15, 18 680:13 692:16 799:12 801:6 Navigable 675:13 Ne 649:17 659:18 704:26 705:2,6	708:16,18 709:24 711:14,17 772:3, 6 necessarily 675:4 699:14 745:16 793:12 795:3 necessitate 760:26 needed 707:19 721:1 830:17 negative 714:19 815:21 816:22,26 817:7 822:11 824:22 829:16 830:9 831:8 negatively 830:20,21 negligible 827:14 negotiator 659:21 660:5,8 833:16 nervous 719:25 nesting 800:26 Ngwa 657:9 726:20,22,23,24 727:25,26 728:1 night 665:24 669:24 670:4 756:24 nighttime 701:2 NIRB 650:6 652:1,4,8,12 663:5 667:21 670:8 672:7 715:3 716:12 718:25 719:10, 16,25 720:5 721:13 724:21 725:18,21 727:17 730:9 732:25 735:10 736:20,24 737:2,6,11 754:20 756:8 757:9,23 778:10	780:11 793:19 794:16 796:6 804:11,24 805:7 807:3,4 810:14 814:17 NIRB's 663:6,7 667:23 715:15 719:25 802:17 Nirlungayuk 655:22 669:20,23 757:19 758:5,6,7 802:11,12 Noel 651:3 685:24 686:2,16, 18 687:2,16,18 689:24,25 733:18,20 766:19,22 767:18,19 796:2, 14,18,25 797:1 804:5,7,18,20 806:18 807:22,24 808:22,24 809:21,23 noise 720:14 721:4 770:9 823:8 824:13 829:8 noncompliances 673:15 nonsignificant 819:23 noon 669:1 normal 818:16 north 671:21 691:6 712:16,18 800:24 823:26 northern 657:6 671:13,15,20 674:5 688:24 689:6 693:17,19, 22 695:5 702:26 703:7,9 704:8,13 706:4,7 711:6,8 712:3,6,11,13 715:7,10,18,20	716:25 717:3,5 719:20,22 723:17 724:6,8,10 725:26 726:15, 18,25 727:25 728:2,22 729:23, 25 730:3 750:26 766:14,16 799:1 803:7 816:3 northern- landscape-based 787:11 Northlands 649:13 650:15 651:17,18 652:15,18 660:1, 6 696:2,4 702:19, 25 704:6,24 710:9,10 767:25 768:1 770:26 803:11 810:10,26 811:4,11 812:1,3, 4,13,25 813:8 816:5 817:16 828:4,9 830:13, 23 831:9 833:7, 16,20 834:22 835:6 Northwest 753:6 814:21 note 673:20 754:12 816:1 823:13 noted 673:15 notes 817:18 836:6 notice 668:10 692:24 noticed 668:2 695:14 808:7 813:15 noticing 693:25 notify 675:14 noting 744:2
--	---	---	--	--

Nouvet 655:20**November**

684:22 752:18

NRCAN 678:23

679:10

Nukik 660:19**number** 695:17

708:7 726:4

728:7 731:9

744:8 752:5

760:23 769:3

770:23 771:12,23

772:25 779:17

787:5 788:6,8,14,

20 789:5,18,20

790:5,13 792:10

793:8 819:12

823:1 825:18

826:19,20 827:24

numbers 690:7,

15,20,25,26

725:14 742:16

752:25 762:13

764:19 772:23

773:23 788:26

789:15 790:15

806:7

numerical

745:13,22

Nunavummiut

738:17 740:12

741:5 747:24

Nunavut 649:7,

21,23 650:1,3,6,

9,11,12,14,16,18,

19,21,23,24,25,26

651:1,6,8,10,12

653:2,4,12

654:10,11,14,26

655:9,15,18

656:17 663:4

664:2 665:8

667:17 669:19,21

670:2 671:22

672:2,6,8,14,15

673:17 675:17,20

677:11,14 679:24

680:2 681:18,21

682:24 685:18,22

689:21 703:11

706:21 708:7

715:1,5,8,23,26

716:3,14 717:15,

19 718:5,12,13,

19,20 719:2

720:7,9 721:15

722:4,12,15,18

724:1,2,16,18,26

725:23 727:19

728:15 730:9,11,

24 731:2 732:2,9

735:7,12,15,24

736:7,12 737:9,

11,15,19 738:12,

16 739:1,4,6,10,

17,19,21,25

740:12,19,25

741:10,18,23

742:4,12,14,23

743:4 744:24

746:16,21 747:9,

22 748:1,5,6,8,9,

13,18,25 749:7,

17 750:2,19,25

751:15,26 752:2,

5 753:6,15,20,22

754:1,8,10,20,22,

25 756:2,10

757:13,16,18,20,

21 758:7,10,11,

16,18,21,24

759:1 760:8

761:5,9,12

762:18,22 763:26

764:3,4,11,15,22,

25 766:21,24

767:4,7 768:2,6,

14,17,20 769:11,

13,17,21,24

770:4,13,17

771:3,17,20

772:12,16,26

773:3,18,21

774:15,21,24

775:9,13 776:14,

17 777:20,23

778:3,11,14,25

779:2 780:6,10,

12,15,18,26

781:7,11,12,14

782:23 783:18

784:8,12,18

786:8,23 787:1,

14,24 789:9,13

790:9,21 791:4,

20,23 792:2,3,4,

7,12,19,23 793:1,

3,21,23 794:3,6,

20,21,24 795:9,

12 796:7,10,20

797:6,12,13

801:22 802:10

803:2,17,19,22

804:13,25 805:2

807:11,14 808:1

809:12 810:15,18

811:25 813:26

814:13,20 816:2,

6,10,11 819:7

821:21 822:8

831:4,24 833:11,

17 834:16

Nunavut's

712:24 733:3

736:15 737:21

739:26 740:21

741:2 742:17

743:3,15 745:11

754:7 761:14

769:16 821:25

O

objections

755:10

objective 790:4,5**objects** 749:2,5,

12

obligations

672:13 716:24

observational

785:14

observations

744:11 763:8

777:9 819:7

observed 746:6

782:9 784:25

823:25

observing 705:10**obtains** 688:9**occur** 745:25

747:1 774:19

781:26

occurred 716:2

731:16

occurring 829:3**occurs** 671:3

689:3 826:18

830:12

Oceans 658:1

675:23,25

676:14,16,18

686:6,9,12,24

687:1 693:18

694:6,9,13

705:19 707:8,11

720:9,11,16,19

October 836:9**offence** 731:15,

16

offer 834:5**offered** 663:26

755:5,6

offers 741:6**office** 749:7**Officer** 654:24

656:5,12 657:22,

24 658:25

officers 782:19**offices** 673:2**official** 662:11,12

800:2 810:1

836:15,22

Olson 660:3

702:15,17,18

704:4,5,21,22,23

813:2

on-site 673:13

683:5 687:8

774:16

on-the-ground

703:16 788:11

one-size-fits-all

714:18

ongoing 673:22

685:8 724:18

744:13 797:26

online 666:13

667:11 668:10

670:9 674:13

715:15

onwards 753:9**open** 668:3

674:16 681:6

707:5 718:22

744:22

open-pit 765:12**opening** 649:6

663:2,19,21

664:4 665:4,5

operate 740:9

801:16

operates 677:25**operating** 798:1

799:24

operation 749:23

765:13 792:18

operational

742:21 745:1

765:10,18 766:4

operations

654:20,22 656:4

687:22 703:17

704:16 713:19,20

714:17 716:22

721:10 735:24

737:25 740:11

744:6 750:10

831:18 opinion 783:21 822:19 824:25 825:13 828:17 opportunities 738:17,18,20,25 740:14,15 741:7, 16 742:11 opportunity 707:1 739:5,15 741:11 755:9 784:2 814:1 835:3,16 opposed 762:26 option 713:5,13 options 835:1 order 665:12 704:9 746:19 748:26 750:13 752:22 760:23 787:13 834:11 ordinary 671:23 organization 649:11 650:13 651:5,7,9,11 659:13 667:24 685:24,25 686:3, 16,19 687:16,19 689:23,26 695:25 733:6,15,18,22, 24 734:9,19,22 750:23 753:18 761:20 766:19, 20,23 767:18,21 791:1,5 796:1,23, 25 797:2 801:26 802:6,13 803:18 804:5,8,18,21 805:3,18 806:19 807:12,20,25 808:19,25 809:1, 6,24 810:5 Organization's 809:18 organizations 675:7,16 716:10	734:15 797:7 organizations' 724:4 organizing 734:3 original 827:21 originally 727:3 742:12 outdated 743:16 outlet 668:8 outline 743:2 769:4 817:8 outlined 708:6 745:24 770:20 781:25 outlines 682:25 706:12 outreach 674:9 outstanding 740:3 overlap 744:3 772:19 773:14,15 overlapped 743:25 overlapping 773:10 overseeing 716:18 overview 740:2 Owingayak 660:17 owners 800:5	Panel 649:23 650:1 651:8 653:6,7,8,9 722:18 732:2 805:2 paper 696:16 752:5 806:7 Paradis 655:9 paragraph 772:23 773:5 paraphrase 746:13 park 778:21 781:2 part 672:6,7 691:24 692:9 694:18 700:11 707:5 708:11 710:17 721:11 758:26 760:21 761:7 766:1 769:19 785:19 786:3 789:26 795:16 802:17 812:10 835:2 participants 663:15 718:2 752:19 participate 670:12 718:2,4 738:18 753:21 participated 827:26 participates 750:25 participating 667:3,13 668:10 814:6 815:20 participation 717:18 754:8 parties 666:10 668:8 691:23 755:8 756:22 757:25 803:24 826:10 829:4	834:12,14,20 partners 685:7 722:6 751:2 parts 688:12 787:20 party 755:12 pass 751:11 754:14 783:13 817:10 833:6 passed 706:1 788:10,12 past 664:22 705:15 710:11,21 769:15 797:12 path 829:4 833:26 paths 680:23 pathway 820:15 821:3 822:5 pathways 820:16 patience 666:26 835:15 patient 779:8 pattern 690:8,21 805:26 815:1 patterns 818:16 830:19 pause 761:26 764:20 783:6 people 663:15 664:7,20,21 666:22 670:20 672:21 673:3 674:7 677:22 678:10 692:19,24 696:9,19 723:6, 22 763:8 797:17, 22,26 798:20,25 801:14 806:13 814:22,24 815:9, 17 816:20 826:10 835:8 people's 670:20 673:1	peoples 813:13 percent 725:2 743:14,19,24,26 744:3 772:19 773:4,12,13,15 821:19 822:1 perfectly 681:17 performed 673:22 period 749:16 782:21 830:21 periods 749:21 768:10 821:23 permafrost 678:1 permanently 824:8 permission 670:7 permits 716:21 Permitting 653:26 654:2,5,7 655:7 person 666:8 668:5 670:5 698:7 738:4 806:9 personal 775:4 personally 674:3 771:4 persons 673:22, 25 748:26 perspective 706:17 728:3 814:11 825:4 Peter 677:1,2 678:16,17 680:14 798:18 petroleum 657:1 738:9 phase 750:10 Phillip 732:1,5, 25
---	--	--	---	---

phone 688:13 phones 663:13 phonetic 697:16 phosphorous 705:11 photo 752:6 753:5 photograph 755:2 photographic 753:1 photography 752:17 physically 703:18 pick 720:1 798:23 picking 665:16 picture 689:2 760:4 812:20 825:21 pictures 757:4 823:3,5,22 Pido 667:10 piece 780:23 805:22 pieces 664:25 673:10 Pilakapsi 651:3 659:16 690:1,2,3, 4 691:5,9,13,26 692:3,11 695:25, 26 696:1 796:16, 18 805:18,19,20 piles 680:6 pilot 688:8 pings 790:13 pipeline 799:22 pipes 799:26 pits 679:14,18 place 666:8 696:22 706:24 724:13 728:10 730:8 743:9	771:22 812:21 826:12 places 698:2 723:3 835:10 Placing 825:14 plan 688:17 714:4,13 742:22 745:19 746:14,22 747:11,17 765:4, 5,14 781:18 786:19 787:24 792:18 795:17 801:20 823:4 plane 690:15,16 813:1 planned 703:23 719:10 765:17 766:4 800:20 planning 672:6, 14 801:1 plans 679:4 688:20 714:16 825:22 play 680:9 pleasure 664:14 PM 668:26 729:11,12 point 680:25 700:9 725:16 760:3 761:3 780:9 789:20 791:19 829:1 pointed 681:9 717:10 points 802:2 Police 749:13 policies 731:10 policy 657:14 710:24 731:9 pond 677:22 ponds 678:4 population 693:4 707:21 752:7	populations 687:5,9 694:17 744:22 portion 665:26 707:15 729:17,19 posed 748:13 750:22 position 712:6 809:19 positive 741:13 801:13 834:21 possibly 672:24 816:13 818:19 820:20 post 716:4 post-calving 742:26 743:13,24 744:3 749:24 750:13 759:11,15 764:17 765:6,9, 15,20 766:2 768:10 818:14,17 819:18 821:8,20, 23 823:26 825:15 830:21 831:8 posted 715:24 750:14 posting 749:26 potential 665:12 676:21 701:20 706:10 708:10 712:22 740:19,23 741:3,13 742:2 744:12,21 763:18 815:21 816:7 817:7 818:12 822:11 824:22 826:2,17 829:16 831:7 834:3 potentially 759:22 760:17 potentials 677:6 power 712:17,19 713:5,13 740:10 800:22 801:18	805:13 Powerpoint 651:26 652:3,7, 11,14,17 736:19, 23 737:1,5 802:3 810:24 811:2 practical 763:23 practice 716:9 practices 795:1 807:21 Prather 654:2 pray 664:8 prayer 663:21,23 664:1,4 665:4,5,7 705:5 833:14 prayers 663:17, 19 pre-1994 752:3 pre-construction 749:21 750:8 823:5 precautionary 746:26 747:8 825:12 829:19 precision 752:23 predict 681:5 820:11 predicted 699:19 727:3 predicting 727:5 predictions 819:13,20 820:4, 6 821:12 822:24 831:1 preferred 779:25 824:7 pregnant 815:10 preliminary 769:11,21 prepare 738:17 prepared 783:19 preparing 750:1 770:4,13	prescribe 679:17 presence 672:16 764:14 818:9 819:14 820:13 821:22 822:6,21 present 672:8 733:13 737:19 739:11 744:8 814:1 835:3 presentation 650:6 651:4,16, 26 652:3,7,11,14, 17 665:25 670:13,22 673:9 676:8,23 677:8, 19 678:26 683:13 689:22 691:8,12 698:22 712:1 726:1 735:6 736:14,15,20,23 737:2,6,10,11 743:20 750:16 751:18 754:18 764:12 768:5,11, 14 771:10 775:21 795:24 796:22 802:3,7,14,16,25 803:10 808:1 810:6,9,25 811:3 812:1,6,12,14,17, 18 814:4,14 817:25 823:22 833:5 835:7 presentations 665:19,25 669:16 670:3,10 681:22 729:15,16,18 735:6,10 748:14 795:25 796:5 810:8,13,22 813:16 835:18 presented 720:25 730:14 743:11 751:19 754:11 756:13 769:23 809:14 810:22 821:21 833:3
---	---	--	---	---

presenters 735:9 796:4 810:12	651:1,12 717:16 735:12 736:18 754:22 757:11 778:11 780:12 796:7,21 810:15 811:26	project 650:8 652:2,5,9,13 653:16 654:15,26 658:25 659:1 663:10 665:14 670:18 672:14 673:10 674:26 683:14 687:6 699:1,19 702:22 703:12,15,20 706:24,25 707:6 716:16,19,23 717:1,21,24 718:9,10 719:8 720:11 723:3,5,7, 10,13,24 724:14, 15 730:9,22 736:21,25 737:3, 7,13 739:13 740:3,17 741:5,6, 12 742:24 743:6, 23 744:7,12,15 747:14 748:7 754:2 759:13 760:5,6 761:2 765:3,8,9,24 769:2,5 770:23 786:5 792:21 813:25 814:7 817:6 818:3 830:18 832:2 834:18	promised 799:25 promotion 673:21 674:8,9, 10 proof 825:10 proper 794:13 800:16 properly 798:13 800:3 property 739:24 proponent 653:21 675:2 682:11 687:3 708:8 739:8 741:23 747:25 760:13 761:8 768:22 770:7 792:14 793:15 proponent's 749:18 756:15 proponent- based 706:11 proponents 712:23 proportion 827:3 proposal 650:8 652:2,5,9,13 663:8 665:15 719:9 720:15 734:11,12,14,19, 22 736:22,25 737:4,8,13 739:12 740:1,5, 12,22 741:3 744:10 754:7 769:2,20 770:21, 22 786:10 791:7, 13 814:7 818:5 827:19 831:6,26 832:3 proposed 665:14 684:14 699:19 721:18 728:5 740:3 742:24	743:5 744:2,7,9, 12,14,23 745:15 746:22 747:8 748:2 760:12 765:26 787:24 792:18 795:15 809:10,15,17,18 817:6 818:11 822:13 823:1,4, 17 825:21 829:16 831:3,11 proposing 727:11 765:25 protect 706:15 707:17 709:7 830:4 protected 748:20 protecting 739:3 protection 711:12 738:5 743:5,6,8 744:25 748:2 759:21 764:12,16 765:1 768:7,9 775:23 779:15 791:10,13 818:22,25 824:2 825:25 826:22,24 827:2,23 829:24 830:3 832:7 protocols 831:17 proven 712:18 provide 668:10, 17 675:2 678:5 682:23 684:13 694:1 700:5 708:23 712:19 716:1 720:3 723:26 740:2 749:1,25 750:20 753:24 776:20 780:19,20 787:4 796:1 798:5 801:18 809:5 812:16 814:4 816:19 833:18 834:3
presenters 735:9 796:4 810:12	procedure 756:22 proceed 817:22 proceedings 653:1 663:1 666:11,15,16 667:8,15,22 668:2,7 729:11, 12 797:6 835:24 836:5 process 672:3 685:8,10 687:3 700:11 705:23 716:1 717:7 718:18,22 719:11,16,25 721:11 730:12 742:15 748:10 765:25 774:20 790:11 791:3 799:23 818:4 821:4 833:23 834:6 835:2 processes 707:5 712:24 produce 689:4 produced 723:25 823:2 productivity 830:22 profile 825:20 program 671:26 750:26 751:6 789:17 793:6 programs 738:16,21 740:16 750:25 progress 681:3	project's 718:15 745:6 768:23,25 769:25 770:24 785:16 project-specific 787:18 projects 672:18 712:9,21 713:7 714:20 724:12 738:21 753:23, 25,26 763:3 764:16,26 787:19 816:8 prolong 740:23		
presenters 735:9 796:4 810:12				
presenting 783:1,10 816:15				
presents 714:9 780:10				
President 655:21 656:11 659:21				
press 668:6				
presume 777:9				
pretended 681:11				
pretty 664:11 677:6 681:7 690:16,23 691:15 692:15 693:4,7,8 813:21				
prevent 705:21 746:26 825:11				
prevented 815:22				
previous 677:21 793:22				
previously 715:8 778:18,20,23 780:24 784:13				
pricing 714:10				
primary 689:3 722:5 724:13 820:15,16				
principle 825:12 829:19				
prior 676:11 750:20 751:23 752:21 831:4,14, 24 832:19,26				
Priorities 738:13				
privately 763:10				
privilege 737:18				
proactive 826:15				
problem 694:3				
problems 815:24				
procedural 650:3,9,19,21				

<p>provided 666:9, 17 682:11 684:23 698:22 699:2,5 700:11 747:23 758:11 761:8 779:14,16 780:4 786:8,12 787:2, 14 800:12 814:15 816:9 819:15 823:9 825:19</p> <p>providing 666:10 668:14 739:5 751:5 812:12,14 834:26</p> <p>Province 836:8</p> <p>provincial 685:7</p> <p>provision 765:6, 14</p> <p>provisions 673:25 766:5</p> <p>proximity 746:4 782:7</p> <p>public 650:7 652:1,4,8,12 663:6,12 665:9, 12 666:7 667:23 668:18 669:8,14 705:25 707:4 710:24 711:26 715:15,24 716:4 717:17 723:2,4,9 724:19 734:15 736:17,20,24 737:2,6,11 739:5, 6,24 749:26 755:5,11 756:15, 16 810:23</p> <p>public-facing 723:21</p> <p>publicly 724:3 731:19,24</p> <p>publish 724:11</p> <p>published 705:24 709:13</p> <p>Pudluk 656:19</p>	<p>738:2</p> <p>purposes 701:5 791:7 793:7</p> <p>pursue 713:19 714:17</p> <p>pursuing 714:8 742:3</p> <p>push 802:1</p> <p>pushing 801:8</p> <p>put 663:13 689:10 701:5 710:25 728:9 779:13 788:25 790:1 798:12 806:7</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>Qamanirjuaq 691:10 732:10 744:15,17,19 749:15 750:24 751:7,20 752:3,7 807:15 812:23 813:11 814:19 815:2 816:22 817:1 821:20</p> <p>Qaujimajatuqan git 728:25 730:6, 15</p> <p>Quajimajatuqan git 791:3</p> <p>qualitative 746:11</p> <p>quality 657:20 686:14 694:11,18 697:5 707:13,15 709:3,8 710:4 723:8</p> <p>quantify 752:25</p> <p>quarries 799:13</p> <p>quarrying 740:9</p> <p>quarterly 689:9</p> <p>Quebec 823:9</p>	<p>Quesnel 655:7</p> <p>question 670:13 673:4 674:11 675:22 676:19 677:4,18 678:19 679:21 680:1 682:6,12,21 683:7,12 684:1,6, 7,19 687:14,21 688:26 690:5,22 691:2,18,25 692:8 693:3,15, 24 694:10 695:4, 16,23 698:21 699:9,22 700:6,7, 18,22 701:15 702:15 707:7,12, 25 708:3,23 713:17 715:6,8 716:16 717:22 719:6,17 720:8, 20 721:12,16,26 722:25 725:19,25 727:22 728:20 729:10 731:2,17 732:6,19 733:4, 23,26 735:1 745:12 748:15 749:14 750:22 751:9,16,18,21 752:1 753:16 758:4,8,17,25,26 759:3 760:21 762:11,23 766:24 768:7 771:15 778:4 779:4,13 780:8,25 781:15 782:18,22,26 783:10,12,20,22, 23 784:3,15 785:24 790:19 792:19 793:22 794:7,23 803:23 804:9,22 805:8 806:20,21,22,24 807:1 809:8,25 817:23</p>	<p>questioning 665:17</p> <p>questions 649:7, 9,12,13,15,18,19, 21,23 650:1,11, 14,16,17,23,25 651:6,8,10 665:9, 20,24 668:17 669:14,17,21,25 681:26 682:5 685:17,22,25 686:5 690:1 696:4 698:16 699:25 704:25,26 706:1 707:13,14 711:18,20,23 712:2 714:26 715:1 722:16,18, 20 727:3 729:21, 22 730:25 731:26 732:2 739:16 748:12 754:19 755:12 757:12, 16,20 758:20 764:4,6 766:11, 12,17,20 767:24 768:2 771:5,6 772:2,6,7,11,15 781:7,10 788:18, 20 792:1,2,8 794:18,20,22 795:22 802:8,9 803:3,9,12,13,16, 17 805:1,2,4 807:8,9,11,14 812:17 821:25 835:11,16</p> <p>quick 663:12 668:20 792:8 803:23</p> <p>quickly 667:6</p> <p>Qujannamiik 671:14 673:4 688:23 689:18 693:21 694:5 703:8 704:12 706:6 711:7</p>	<p>712:12 715:19 717:4 719:21 724:7 726:17 730:2 737:14 754:5 758:6,20 761:11 764:2 803:6</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>R-O-B-E-R-T 735:23</p> <p>R-O-G-E-R 796:16</p> <p>rabbi 664:18</p> <p>radio 771:12</p> <p>Raglan 824:12</p> <p>raise 667:4 698:4 758:3</p> <p>raised 701:3 828:26</p> <p>ram's 664:17</p> <p>range 654:4 743:13,24 744:4, 16,17 750:11 759:8,19 765:15 785:25 812:22 821:7,8,20 825:15 831:9</p> <p>rangers 750:5</p> <p>Rankin 653:2 660:11 663:11 666:18,22 670:19 690:4 696:1 730:18 733:7,12, 21 734:2 761:19 782:20 798:20 799:10,23 800:5 801:21 805:19 806:10 808:7,8</p> <p>rapid 765:10 766:1</p> <p>rapidly 746:26</p> <p>Rasmussen 659:20</p>
---	---	--	--	---

rate 714:1,3 Rationale 772:24 rbarry@nirb.ca 668:12 reach 675:6,14 704:1 833:26 reached 709:13 react 760:20 reacting 760:17 reaction 760:1 reactive 764:13, 18 765:1 read 723:10,12, 22 726:6 752:9 775:25 776:2 781:16,23 792:11 reading 752:4 776:8,12 781:17 reads 739:7 reality 801:3 822:12 realize 678:7 realities 741:22 reason 680:5 728:11 789:24 reasonable 731:16 reasons 671:25 752:2 784:21 785:9 816:15,24 817:9 829:10 reassessing 819:12 reassure 711:24 rebroadcast 667:14 recall 775:15 788:8 receive 830:2 received 760:17 receiver 835:21 receivers 666:22, 23 669:5	recent 818:7 832:8 recently 790:12 recognize 707:26 719:16 787:22 recognizes 713:6,13 747:24 recognizing 760:16 RECOMMENC ED 729:12 recommend 830:24 831:4 recommendatio n 672:11 684:24 706:21,22 708:6 710:23 717:19 718:8 759:1 776:6,13,18 793:3 831:5,25 832:4,12,13,22 833:2 recommendatio ns 710:18 723:26 747:13 753:4 761:14 774:12 775:22 777:7 780:10 814:13 833:4 recommended 708:7,11 741:23 743:3 776:1 787:15 793:25 824:3 832:1,14 recommending 763:24 776:9 786:4 787:3 793:4 795:21 801:8 recommends 744:24 747:9 770:18 800:3 reconnaissance 752:24	reconsideration 833:23 reconvene 835:12 record 666:5 667:14 682:13 686:6 735:21 750:21 755:11 778:23 781:22 796:13 798:12 810:21 811:7,15 recorded 784:25 recording 749:1 recovery 685:4,5 Recreation 653:1 red 701:5 reduce 712:8 713:6,13,19 714:11,17,21 740:10 817:2 reduced 831:17 reduces 790:14 reducing 712:16 714:14 824:19 reduction 714:13 824:26 825:6 refer 788:14 reference 675:24,25 676:6 788:16 792:13 794:10 795:13 817:22 833:26 834:16,19 referenced 768:13 817:26 references 787:5 referred 755:4 774:4,8 775:22 779:18 788:6 818:1 referring 691:20 732:23 784:23 785:17	reflecting 739:20 reflection 664:9 regard 715:22 region 733:16 741:9 753:19 797:18 regional 658:21 672:22 730:16 740:15 743:12,25 751:1 773:11,14 793:7 registered 653:23 655:15,18 656:8,17 657:7, 17 658:1,10,18 659:4,14,18 660:2,11,16,21, 24 661:3,7,12,17, 22 665:10 729:15 754:19 757:13,15 764:7 802:9 registries 724:4 registry 667:23 700:13 715:16,25 716:5 724:16,19 742:18 749:26 750:15 756:16,19 regrets 738:3 regular 750:16 763:16 774:16 806:9 regularly 682:22 regulated 798:13 regulates 700:20 regulation 657:3 731:23,24 738:7 regulations 678:7 688:5,18 701:9 707:1 709:5,7,17 714:10 717:11 regulator 683:14 regulators 716:17	regulatory 654:1,4 655:8 712:23,24 718:19 reindeer 759:16 767:10 reinforced 824:12 reinvesting 738:14 relate 742:19 related 716:16 717:21 720:15 722:4,6 725:9 726:3 738:21 741:19 742:13 750:6 754:8 762:16 819:16 830:25 831:1 relates 675:22 818:6,17 relating 722:9 742:20 relation 731:11 Relations 657:6 658:24 671:12, 15,20 674:5 688:24 689:6 693:17,19,22 695:5 702:26 703:6,9 704:8,13 705:20 706:4,7 711:5,8 712:2,5, 10,13 715:7,10, 17,20 716:25 717:2,5 719:19, 22 723:17 724:5, 8,10 725:26 726:14,18,24 727:24 728:1,22 729:23,25 730:3 766:14,16 803:4, 7 relationship 671:23 730:24 834:21
--	---	--	---	--

relative 767:11 769:8	repeat 675:10 688:13 692:9 781:19	729:5,7 734:24, 26 757:14 790:26 833:12 834:8 835:15	resolve 794:13	832:11 833:1
relevant 685:6 744:11 768:26	repenting 664:21	representing 668:9	resolved 726:2 741:20 748:6 782:25 783:9 794:14 814:9 828:6	responses 675:21 677:15 702:14 710:1 729:1 731:18 789:14 814:8
reliable 753:8 784:20	replacing 824:20	request 721:17 833:18	resolving 726:10, 12	responsibility 682:15 722:5 731:12 816:7
reliance 712:16 820:4	reply 687:20 780:26 810:3	requested 783:2, 11 792:12 824:9	resource 655:26 657:8 672:5 738:22 739:2	responsible 706:23 718:7 739:21 748:22 789:16
relied 820:2,22	report 673:17 682:25 683:17 684:8,10 717:19 718:7,8 720:24 742:2,5 749:4,12, 18 751:26 752:5, 8 753:11,25 755:3,4 756:15 769:7,10,12,17, 19,22 770:1 773:13 779:21,22 786:2 809:3 827:7 828:11 833:4	requesting 717:9 792:20	resources 659:4 675:24 676:14,26 677:3,18 678:15, 18 680:13 697:2 738:10 792:14,20 793:5,16,17 806:22	restrict 702:8
relies 759:3,4 820:10	Reporter 662:11, 12 836:15,22	require 744:6	respect 694:25 696:20 698:11 719:14 747:10 755:1,12 764:26 772:16	restrictions 671:17
relocated 814:26 815:13	reporters 662:10 669:11	required 670:25 675:5 679:8 685:3 701:23 702:5 709:16 716:21 717:12 746:23 752:25 753:23,25 814:12	respecting 775:22	result 667:18 689:4 744:15 826:11
relocation 815:17	reporting 672:18 703:21 709:10 716:1 720:12,21 791:11	requirement 704:9 834:17	respective 724:3	resulted 702:23 769:6
rely 674:23 675:2 696:10,11,13 710:26 717:14, 17,18 718:4 763:7	reports 715:14 718:11 720:24 723:25 724:1 731:22,24 752:4 753:10,22,24 809:1	requirements 675:3 703:2 769:4	respond 726:20 731:13 747:1 748:12 781:15 795:20 806:17 833:17	results 673:14 709:11 715:13 716:6 745:8 747:18 769:26 821:11 822:25 828:13 829:5
relying 683:18	represent 814:25	requires 699:16 728:7 768:22 825:14	response 676:10 685:16 688:12,14 694:13 700:5 713:3,17 714:25 725:20 726:8 727:21 728:19 734:10 745:11 749:14 750:22 751:9,17 753:16 764:4 770:5,14 771:4 772:1 782:17 806:20 814:16 821:24 826:18 827:8 828:16 829:8	return 669:5,13
remain 742:18 834:20	representative 660:12,13,14,17, 18,19,22,25,26 661:1,4,5,8,9,10, 13,14,15,18,19, 20,23,24,25 736:2	reread 781:22		returned 815:17
remaining 665:20 814:10,12 829:10 830:25	representatives 665:11 666:10 667:24 668:4,13	Res 657:1		revenue 740:15
remains 666:13 742:23		research 656:2, 15 709:14 744:20 761:16		reversed 743:13
Remarks 649:6 663:2		Researcher 659:10		review 649:21,23 650:1,3,9,19,21, 23,25 651:1,6,8, 10,12 653:4,12 663:4 664:3 665:8 667:17 672:2 673:17 677:4 682:24 683:17,20 688:19 689:5 699:18
remember 681:9 704:18 764:20 788:11		researchers 751:3		
remind 669:9		residual 714:19		
reminder 663:13		resiliency 714:5		
reminds 667:13		resistance 830:11		
remote 666:12				
remotely 666:11 738:1				
renewable 712:7, 19 714:20 725:9, 15 747:25 824:20				
repair 697:25				

701:16 703:12,21 706:21 708:4,8 715:1,5,26 716:3, 14 717:15,19 718:5,7,12,13,19 719:3 720:7,10, 24 721:15 722:12,15,18 723:24 724:1,16, 17 725:23 726:4, 10 727:19 728:15 730:24 732:2 735:12,16 736:8, 13 739:4,19,26 742:13,15,16 745:7 748:7,9 753:22,23 754:1, 8,22,25 756:11 757:5 769:1,12, 13,16,20,22 775:7,17 777:13 778:11,15 780:12,16 786:19 791:8,16 792:2,4, 7 793:21 794:20 796:7,11,20 797:6 803:17,19, 22 804:13,26 805:2 807:11 810:15,19 811:25 813:1,26 814:6, 13 815:20 816:2, 10 818:3 828:11 831:5,24 833:11, 17 834:17 reviewed 691:23 700:9 721:11 747:3 785:15 786:16,21 reviewing 787:23 reviews 718:14 revise 704:10 830:26 832:4,23 revised 702:22, 23 703:2 770:18 revision 703:3	rights 672:15 715:23 739:25 814:22 815:25,26 816:4,8,14,21 817:5 rip 664:26 risk 680:3,10,16 681:7,15 684:11, 26 685:2 699:15, 20 758:17 760:14,23 761:4, 6 825:16 risk-based 683:2 risks 681:4,6 river 664:25 695:19 765:3,24 798:18,19,22 799:2,3 808:13 rivers 697:6,18 709:8 710:3 road 703:5 746:8, 9 768:25 774:19 776:8,10 780:1,2 782:12,14 784:24 785:2 786:7 787:7,10 799:8,9, 14,15,16,18,20 808:26 809:2,4 818:15 819:3,4,5, 9,10,11 825:18, 20,21 826:5 828:19,21 829:2 830:5,6 831:15, 19,21,23 832:19, 26 roads 785:6 787:12 Robert 650:5 735:22 736:10 737:24 Robillard 659:21 rock 680:6 812:21 rocks 799:13,15	Rodrigue 654:23 Roger 651:3 690:1,2,3 695:4, 25,26 796:16,18 804:9 805:18,20 role 683:16 706:13 787:22 room 666:11 667:10,14 668:22,24 Rosh 663:25 664:4,17,22 Roslyn 674:14 rotating 823:23 roughly 690:6 roundtable 666:1 670:12 676:1,11 729:7, 19 739:14 806:14 835:17 route 806:2 808:5,6 routes 822:6 roving 758:1 Roy 657:10 Royal 749:13 RPR 662:11,12 836:14,21 rules 730:21 run 693:12 Ryan 667:9 668:11,13 <hr/> S <hr/> sadlik 807:17 sadly 681:16 safe 677:25 679:11 706:19 710:13 safety 675:3 702:6,9 708:5 739:24	sake 667:1 saline 770:20 salt 693:8,9 salvage 749:2 Sammurtok 660:25 sample 687:4 689:9,12,16 692:13 780:20 828:16 sampled 687:8 samples 686:7,21 687:10 689:11 692:4 693:5,25, 26 694:2 751:4,5, 8 sampling 683:6 686:13,14 687:11,13 689:1, 3,17 694:25 695:6,7,10,11 sanctions 667:18 Sandra 836:3,14 Saskatchewan 691:1 814:21 satisfied 704:10 727:22 742:4 825:9 Savoie 654:18 Sayazie 661:13 sayisi 649:15 650:15 651:16,17 652:15,18 660:1, 4 698:14,16,19 700:6,14 702:11, 18,24 704:3,6,21, 23 767:25 768:1 770:26 771:25 772:2 803:11 810:9,25 811:3, 10 812:1,2,4,9,13 814:25 815:12,16 816:4 817:16 828:4,9 830:13, 23 831:9 833:20	834:23 835:5 scale 821:19 scheduled 668:26 schematic 825:20 school 664:24 science 730:13 832:8 scientific 777:12, 16 825:8 Scientist 655:6 screen 667:5 season 765:19,20 800:7 season-long 762:26 seasonal 747:15 765:23 766:3 815:1 831:20 832:10 seasons 748:3 749:24 seated 733:6,15 Secondary 829:15 Secretary- treasurer 653:10 Section 745:19, 23 746:2 765:5 781:24 816:4 834:19 sector 740:20 sectors 714:11 security 741:13 744:18 816:20 817:4 seek 728:24 803:25 seeking 740:5 793:14 selecting 679:14 selection 819:17
--	--	---	--	--

822:16 semi-domesticated 759:16 767:10 send 734:14 sends 738:3 Senior 655:2,4 656:2 657:10,12, 21 658:3,13,15, 21 659:10 sense 679:17 681:8 764:18 790:23 829:19 sensitive 748:3 759:11 sensory 745:23 781:24 818:13 819:22 827:2,5 830:8 sentence 675:11 773:9 805:21 sentences 762:1 764:21 781:19,23 783:6 separate 690:12 710:4 separates 799:20 September 649:5,26 750:21 815:4,5 817:24 835:24 series 750:1,18 755:3 service 664:19 services 653:15 654:13 658:23 672:1 738:24,26 739:23 session 649:5,26 668:25 669:13 sessions 665:26 666:4 739:7 set 666:23 706:19 707:2 711:11	763:22 775:26 777:18 setting 709:8 settled 810:20 sex 795:19 Sexton 656:13 Shaikh 655:16 Shaoullie 661:10 813:10 Sharam 655:4 share 663:26 664:14 694:4 716:6 718:16,23 shared 654:13 683:21 689:5 808:14 813:12 sharing 665:7 sharp 799:13,15 shift 666:26 765:16 ship 720:14 shipping 800:7 ships 800:7 shofar 664:17,20 Shore 657:21 673:6,7 682:18, 19 684:16,17 701:12,13 708:26 709:1 713:9,10, 22,23 721:23,24 723:18,19 725:11,12 731:4, 5 732:16,17 short 679:16 757:6 793:2 short-term 801:20 shorthand 699:12 836:5,6 show 676:3 759:18 787:12 788:5 810:21 827:8	showed 807:14, 16 showing 692:7 751:19 shown 808:2 shows 690:7 shut 744:7 747:11 760:24 823:10 shutdown 744:5, 9 745:14 746:24 747:3,18 759:2, 21 760:7,25 761:1 763:1 765:11,18,23 766:2,3,4 774:19 shutdowns 742:21 745:2 747:16 766:1 831:20 832:10 side 667:10 668:23 672:5 sight 759:17 767:14 sign 666:2 sign-in 666:23 significance 676:2 740:2 819:13 820:7 821:12 822:13 831:1 significant 699:16,20 741:6, 12 818:7 820:11 822:24 827:20 significantly 779:26 790:14 823:14 silent 663:14 similar 668:6 674:23 716:15 718:21 750:1,4 768:8 769:4 785:11 787:13 similarly 724:18	simply 675:1 699:12 702:8 756:5 760:9 Simultaneous 666:16 Singiituuq 653:1 single 679:19 756:7 763:12 sins 664:21,23 665:2 sit 729:7 site 682:23 683:1 689:9 703:18 710:15 716:20,22 740:8 775:4 780:3 800:24 806:26 807:16 809:16 sites 678:8 682:10,14,15 748:21,23 749:5, 12 sitting 733:12 734:6 813:5 situations 679:10 size 742:20 744:26 746:23 751:20 765:21 775:26 777:19 785:13 816:24 818:21 826:21 827:4 831:16 832:7 sizes 785:4,6 827:6,8 828:16 830:4 skill 836:7 slide 726:1,2 743:12,14 754:11 757:5 775:21,24, 25 781:17 795:13 814:3,17 816:14 817:26 818:1 819:11 830:16 833:5	slides 743:2 755:20 756:13 808:1 slightly 745:22 750:11 slow 678:22 761:26 770:10 785:7 832:20 small 798:18 815:23 827:5,7 828:16 830:4,6 smaller 759:12 761:19 smoke 813:18 snow 815:8 social 654:7 739:23 socioeconomic 665:13 712:25 741:4,7,19 747:23 soil 698:26 solution 714:19 solutions 709:22 739:9 811:10 813:3 someone's 704:20 sophisticated 680:19 sort 672:5 675:5, 22 680:9 701:3 706:10,11 717:23 718:23 758:17 813:22 sound 666:24 667:1 678:25 source 798:26 800:23 801:7,18 834:3 sources 725:9 747:26 784:23 786:13
--	--	--	---	--

south 690:23,26 825:5	spell 735:20 796:12,15 811:7, 14	stakeholders 748:11	762:18,21 764:22,24 767:4, 6 775:9,12 777:26 778:2,25 783:13,15,17 784:9,11 786:24, 26 789:10,12 791:21,22 792:24,26 795:9, 11 807:26	808:20 820:19 827:6
southeast 818:18 825:24 826:6,7 829:26 831:13 832:17,25	Spencer 671:13, 15 688:22,24 693:20,22 703:7, 9 704:13 706:5,7 711:6,8 712:11, 13 715:18,20 717:3,5 719:20, 22 724:6,8 726:16,18 727:25 729:26 730:3 766:14,15 803:7	standard 710:16 standards 678:7 701:9 711:11 standing 689:14 Staniewski 657:14 start 664:5 665:26 678:22 693:13 699:10 720:20 729:6 760:14 763:7 812:5 821:16 826:20 832:21 835:17	steps 714:13 719:12 Steve 790:14 stock 694:15 stop 673:1 748:26 765:13 825:2 stopped 799:4 stored 678:14 story 801:4 strategic 752:20 strategies 741:24 742:7,9 strategy 685:4,5 stratums 753:2 stress 795:6 strict 709:8 strictly 702:6 706:26 728:3 strong 817:2 824:26 stronger 834:21 strongly 820:10 833:21 structure 818:15 825:19 struggling 697:16 studies 678:24 681:3 745:4,5 760:1 767:8,10 768:12 784:26 786:1,2 787:11, 16 789:26 794:25 795:14,15 805:26	study 702:21 741:24 742:8 743:12,25 745:7 767:1,2 768:24 770:1,18 773:11, 14,15 787:5 793:5,10,13,18 822:18 823:5 826:15 828:1,8, 10,17 831:12 832:16,18,25 stuff 691:16,17 692:15 693:6 Subblu 801:10, 13,17 802:1 806:26 submission 720:23 742:17 769:18 772:17, 20,25 773:23 776:5,8 777:1,3,4 787:4 792:10 814:17 submit 734:25 830:17 submitted 716:3 731:22,24 734:22 739:8 742:1,12 753:22 769:13 770:5,14 778:20 788:16 832:1 subsequent 788:23 substantial 823:16 substantially 722:8 sufficient 792:15 793:12 825:26 826:7 suggest 708:12 762:12 suggesting 795:4
speaker 686:1,17 687:17 809:22	spill 829:8 spin-off 738:25 spirit 731:1 797:21 spoke 698:7 710:10 755:21 spot 815:23 spring 689:15 springtime 692:21 square 765:8 St-onge 655:9 stable 666:13 staff 649:21 650:23 651:6 653:12 668:16 670:15 715:1,3,5 716:12,14 718:25 720:5,7 721:13, 15 722:13,15 729:9 792:2,5,7 793:19,21 794:16 803:17,20,22 804:11,13,24,26 805:1 stage 679:1 680:26 681:8 759:11 Stakeholder 654:12	started 719:24 starting 663:19 813:24 state 695:17 735:20 796:12 811:7,14 stated 731:19 745:13 statement 727:7 732:20 819:24 820:8,10,17 821:17 822:26 823:15 824:21 827:10 staticky 805:23 status 684:8,9,10, 21 703:1 704:17 724:17 732:22 776:21 stay 817:2 staying 798:8 steep 799:19 step 684:9,10 742:5 Stephen 685:18, 21 737:23 751:11,12,14 758:21,23 761:13	steps 714:13 719:12 Steve 790:14 stock 694:15 stop 673:1 748:26 765:13 825:2 stopped 799:4 stored 678:14 story 801:4 strategic 752:20 strategies 741:24 742:7,9 strategy 685:4,5 stratums 753:2 stress 795:6 strict 709:8 strictly 702:6 706:26 728:3 strong 817:2 824:26 stronger 834:21 strongly 820:10 833:21 structure 818:15 825:19 struggling 697:16 studies 678:24 681:3 745:4,5 760:1 767:8,10 768:12 784:26 786:1,2 787:11, 16 789:26 794:25 795:14,15 805:26	study 702:21 741:24 742:8 743:12,25 745:7 767:1,2 768:24 770:1,18 773:11, 14,15 787:5 793:5,10,13,18 822:18 823:5 826:15 828:1,8, 10,17 831:12 832:16,18,25 stuff 691:16,17 692:15 693:6 Subblu 801:10, 13,17 802:1 806:26 submission 720:23 742:17 769:18 772:17, 20,25 773:23 776:5,8 777:1,3,4 787:4 792:10 814:17 submit 734:25 830:17 submitted 716:3 731:22,24 734:22 739:8 742:1,12 753:22 769:13 770:5,14 778:20 788:16 832:1 subsequent 788:23 substantial 823:16 substantially 722:8 sufficient 792:15 793:12 825:26 826:7 suggest 708:12 762:12 suggesting 795:4
speakers 653:23 655:15,18 656:8, 17 657:7,18 658:2,10,18 659:4,14,19 660:2,11,16,21, 24 661:3,7,12,17, 22 666:26 speaking 669:11 777:17 785:26 special 764:16 765:1,6,14 768:9 Specialist 654:4, 5,7 657:11,19 658:11,12 specialists 701:25 species 684:11,26 685:2 710:5 720:14 721:3 732:24 specific 671:26 685:9 688:6,7,16, 17,20 694:15 726:9 732:23 791:18 825:22 826:11 830:2 specifically 744:14 766:5 820:13 832:15, 16,24 speed 819:2	spell 735:20 796:12,15 811:7, 14 Spencer 671:13, 15 688:22,24 693:20,22 703:7, 9 704:13 706:5,7 711:6,8 712:11, 13 715:18,20 717:3,5 719:20, 22 724:6,8 726:16,18 727:25 729:26 730:3 766:14,15 803:7 spill 829:8 spin-off 738:25 spirit 731:1 797:21 spoke 698:7 710:10 755:21 spot 815:23 spring 689:15 springtime 692:21 square 765:8 St-onge 655:9 stable 666:13 staff 649:21 650:23 651:6 653:12 668:16 670:15 715:1,3,5 716:12,14 718:25 720:5,7 721:13, 15 722:13,15 729:9 792:2,5,7 793:19,21 794:16 803:17,20,22 804:11,13,24,26 805:1 stage 679:1 680:26 681:8 759:11 Stakeholder 654:12	stakeholders 748:11 standard 710:16 standards 678:7 701:9 711:11 standing 689:14 Staniewski 657:14 start 664:5 665:26 678:22 693:13 699:10 720:20 729:6 760:14 763:7 812:5 821:16 826:20 832:21 835:17 started 719:24 starting 663:19 813:24 state 695:17 735:20 796:12 811:7,14 stated 731:19 745:13 statement 727:7 732:20 819:24 820:8,10,17 821:17 822:26 823:15 824:21 827:10 staticky 805:23 status 684:8,9,10, 21 703:1 704:17 724:17 732:22 776:21 stay 817:2 staying 798:8 steep 799:19 step 684:9,10 742:5 Stephen 685:18, 21 737:23 751:11,12,14 758:21,23 761:13	762:18,21 764:22,24 767:4, 6 775:9,12 777:26 778:2,25 783:13,15,17 784:9,11 786:24, 26 789:10,12 791:21,22 792:24,26 795:9, 11 807:26 steps 714:13 719:12 Steve 790:14 stock 694:15 stop 673:1 748:26 765:13 825:2 stopped 799:4 stored 678:14 story 801:4 strategic 752:20 strategies 741:24 742:7,9 strategy 685:4,5 stratums 753:2 stress 795:6 strict 709:8 strictly 702:6 706:26 728:3 strong 817:2 824:26 stronger 834:21 strongly 820:10 833:21 structure 818:15 825:19 struggling 697:16 studies 678:24 681:3 745:4,5 760:1 767:8,10 768:12 784:26 786:1,2 787:11, 16 789:26 794:25 795:14,15 805:26	808:20 820:19 827:6 study 702:21 741:24 742:8 743:12,25 745:7 767:1,2 768:24 770:1,18 773:11, 14,15 787:5 793:5,10,13,18 822:18 823:5 826:15 828:1,8, 10,17 831:12 832:16,18,25 stuff 691:16,17 692:15 693:6 Subblu 801:10, 13,17 802:1 806:26 submission 720:23 742:17 769:18 772:17, 20,25 773:23 776:5,8 777:1,3,4 787:4 792:10 814:17 submit 734:25 830:17 submitted 716:3 731:22,24 734:22 739:8 742:1,12 753:22 769:13 770:5,14 778:20 788:16 832:1 subsequent 788:23 substantial 823:16 substantially 722:8 sufficient 792:15 793:12 825:26 826:7 suggest 708:12 762:12 suggesting 795:4

suggestion 786:11	supposed 771:14 781:21	758:2 777:6 786:16 788:21,22 789:1 790:24 806:7 822:4 833:13	tashlich 665:3	747:10 748:7 754:2 758:12 759:5 764:12 784:3,22 794:10, 15 833:26 834:15,19 835:1
suggests 746:16 767:15	surface 672:15 696:23 708:10 715:23	tables 669:5	tea 798:24 799:6	
summarize 816:15	surround 679:7	tackle 714:8	team 674:4 737:21 813:2	
summarizing 777:6	surrounding 686:8,22 798:17 799:4	Tadoule 661:3 812:9,19	tech 667:1	
summary 716:2 717:23 719:4,7 740:3 750:12	survey 690:14,24 692:4,5,12,18 693:15 701:22 752:6,22 755:2 777:8 805:25 806:8	TAG 787:22	technical 653:15, 17,18 654:2 655:16 656:2 657:15,19 658:22 665:26 667:9 669:13 674:10 679:22 701:16 703:4 706:9 726:4,10 729:15, 17,18 741:18 742:13,16 752:5 755:3 769:1,23 784:21 788:18 812:17 818:4 821:25 833:24 834:4	terrestrial 721:20 722:2,10 743:20 745:6,18 746:14 747:14 768:23 769:26 770:2,25 779:20 781:17 782:24 783:8 785:16 786:17,18 787:23 790:22 791:15 793:24 794:1,7 803:24,26 804:3, 14 827:25 832:5 833:18,22 834:2, 14,15,24 835:1
summer 742:26 749:24 808:10,11 819:18 821:23 830:21	surveying 690:8, 21	Tail 785:12 787:7		
summertime 798:4	surveys 701:17 721:18 752:11, 23,24 753:5 762:9 763:3,17 784:24,26 785:1 788:11 806:6	tailings 677:22 678:4,13	technology 712:18 825:7	territorial 685:6 740:15
Superintendent 653:26 654:17, 21,23	suspended 746:10 782:15	takes 739:17 779:7	techs 667:5	Territories 753:6 814:21
Supervisor 654:18 658:22	suspending 667:19	taking 695:12 797:3	temperature 705:14	territory 696:10 697:21 740:20 741:1 797:18 801:24 814:20 815:19
supper 835:10	swear 735:8 796:3 810:11	talk 672:21 729:9 768:6 777:1,10 779:7 794:24 795:8 797:7 813:24	tend 759:11 767:13	test 711:25
supply 798:21 806:25	symbolize 665:2	talked 708:21 768:11	Teresa 667:26 719:2 735:15 736:7,12 754:24 756:10 778:14 780:15 796:10,19 810:18 811:24	tested 799:26
support 653:19 666:10 667:9 684:24 714:13 738:24 744:25 748:9 784:7 786:9 800:21 808:19 819:6 824:19 831:10 832:11 833:2 834:5	symbolizes 664:20	talking 686:14 691:4,5,8 693:26 704:20 771:13 773:10 800:19 813:24	term 702:22,23 703:2,14,23 728:6,8,9 769:2,6 770:22 792:12 832:4,13,22 834:18	testing 709:10
supported 819:25 829:11	synagogue 664:8,12,18	talks 777:4,7	terms 674:1 678:12 682:8 683:1 689:19 701:11 705:9 721:5 725:14 743:12 744:25	tests 711:25
supporting 712:16 738:1 739:19	system 694:16 706:11 712:24	Taqсарuq 692:23		text 781:16
supportive 678:23 833:21 834:23	Syvret 654:13	Tara 715:3,5 716:12,14 718:25 720:1,5,7,20 721:13,15 722:13,15 792:5, 7 793:19,21 794:7,16 803:20, 22 804:11,13,24, 25		that'll 706:18
supports 819:21	T	target 790:3		there'll 700:24
	table 649:1 666:3,23 668:6 729:4,5,8 733:12 734:6 757:14	targeted 714:10		thing 671:24 678:21 692:19 755:20 760:2 801:23 806:3,8
		targets 714:11 741:22		things 671:23 678:5,11 680:7 681:10 692:23 733:10 759:3,24

763:19 778:6 785:11,17 795:5 797:21 801:11 813:15 821:3,13 thinking 678:10 697:19 801:19 Thompson 799:7 thought 731:21 824:24 thoughts 663:18 701:6 824:24 thousands 806:5 814:18 816:17 threatened 684:20,26 732:21 749:2,6 three-year 793:10,11 threshold 710:16 747:2 758:11 759:2 761:15,23 762:6,13,24 763:6,24 764:18 776:6 787:3,18 831:16,18 thresholds 705:26 708:12,14 709:11,12,13,15 710:19 742:20 744:6 745:1,3,7, 10 746:7,24 747:6,15,18 762:14,26 763:2, 23 764:19 765:22 774:12,18 776:1, 3,4 777:2,5,11,18 780:7 781:4 782:11 784:4,7 785:13 786:5,21 787:25 791:10 818:21 826:21,25 827:4 831:16 832:7 throw 664:23,26 throwing 665:2	Tielesh 658:20 time 664:8,9,23 668:26 669:2 671:25 677:8 679:18 687:24 688:7 693:25 696:26 697:23 707:14 722:16 725:16 731:18 743:8 744:19 750:11 752:10,13 757:7 760:3 770:6,15 771:15 775:6,16 788:21 789:15,16,20 794:19 797:3,15 805:1 815:24 825:16 828:9 834:12 times 672:21 679:20 681:12 682:13 714:2 759:12 788:6 800:8 Tiriganiaq-wolf 740:8 tissue 705:12 751:4 titled 726:2 today 664:4,6,13, 16 665:23 666:4 667:25 672:2 693:13 696:9,15 697:4 698:7 737:20,21 739:10 743:25 780:8 812:12 813:25 814:1,14 815:6 816:16 824:18 835:4 today's 668:25 815:4 Tom 813:10 top 792:20 810:1 topic 745:9,12	topics 722:9 776:19 total 740:6 827:18 totally 804:22 touch 701:24 tour 823:9 824:12,15 town 696:11 toxicity 683:6 traditional 695:14 730:7,13 814:20 815:19 traditionally 800:14 traffic 746:2,10 753:21 782:4,15 training 738:16, 20,21 740:13 741:8 742:10 transcribed 836:6 transcript 651:20 667:21 836:1,4 transition 725:15 transitioned 725:9 transitioning 712:17 729:6 translated 698:22 translations 754:13 Translator 662:2,3,4,7,8 transmissions 806:23 transparent 707:5 transpired 780:18 transport 658:18 670:23 671:10	674:12,14 676:9 687:21,26 688:3, 4,9,15 701:8,23 702:1,4,7 798:11 Transportation 735:25 737:26 738:8,11 trapper 675:16 trappers 649:11 650:13 651:4,7,9, 11 659:13 675:7 685:24,25 686:2, 16,18 687:16,18 689:23,26 695:25 733:6,14,18,22 734:9,19,22 750:23 753:17 758:13 761:20 766:19,20,23 767:18,20 791:1 795:26 796:22,25 797:1 800:2 801:25 802:6,13 803:18 804:5,7, 18,20 805:3,18, 20 806:18 807:12,19,24 808:18,25 809:1, 5,18,23 810:5 trauma 815:16 travel 670:7,21 671:18,19 687:23 824:8 travelling 815:9 treated 680:10 689:11 treaty 816:14,21 817:5 trend 827:16 trends 744:13 Tribunal 672:15 715:24 trigger 745:13,22 746:12,18 762:6 764:14	triggered 762:14 triggering 745:1 746:24 triggers 744:5,9 trouble 667:8 726:7 trout 686:23 true 777:11 trust 706:18 749:8 834:11 truth 797:19 Tsannie 661:23 Tucktoo 662:2 Tue 815:4 Tuesday 755:9, 14 756:24 tundra 744:22 815:11 Tunngavik 649:7 650:11 655:18 669:19,21 670:2 675:17,20 677:11,14 679:24 680:2 681:18,21 715:9 757:16,18, 20 758:7 761:9, 12 763:26 764:3, 5 802:10,11 turbine 701:10 702:6 759:17 801:2 823:21 824:9,12 turbines 700:22, 25 712:7,21 721:18 744:20,21 747:11 759:7,18 760:2,18 765:25, 26 767:11,14 800:19 801:9 823:6,8,10,23 824:5,13,16 Turmel 653:26 711:21,22 713:1, 2,15,16 714:23, 24 772:9 803:14,
---	--	---	---	---

15 turn 663:13 666:20 667:7 668:20 669:4 690:1 766:3 799:20 801:7 turns 733:11 type 780:6 783:1, 10 790:11 825:7 types 703:15 733:9 766:5 785:17 828:5 typically 761:7 763:4	understood 669:12 776:5 795:2 815:22 undertake 793:13 undertaking 719:14 748:26 underwater 721:3 underway 668:19 undesignated 748:21 unfair 780:17 unfamiliar 824:14 unforeseen 830:9 Unger 659:5 677:1,2,3 678:16, 17,18 680:14,15 unified 739:20 unit 658:7,24 704:16 Uniuqsaraq 656:4 unknown 741:1 744:23 829:18 unloading 800:7 unmute 667:6 unnecessary 833:25 unpredicted 829:17 unrelated 731:17 unresolved 742:18,19 update 667:26 684:13 741:23 776:21 updated 742:7 743:9 747:4,13 785:14	updates 793:26 804:2 updating 787:23 upstream 819:3 828:19 utilization 746:8 782:12 utilize 696:10,24 utilized 760:24	723:18,19 725:11,12 731:4, 5 732:16,17 video 667:15 view 666:11 713:18 834:2 views 833:18 visible 795:5 visit 682:13,22 683:1 775:5,14 visiting 670:15 671:1 visits 682:25 visual 759:17 781:1 823:2,21 825:20 voice 739:20 voices 739:15 voltage 806:25 voluntarily 751:6 vulnerable 825:16	warming 713:26 714:2 warranted 746:19 washrooms 668:21 waste 680:6 water 654:3 655:15 657:19 665:1 670:23 672:8,15 677:23, 25,26 680:7 681:5,12 682:9 686:7,14 689:1,2, 10,17 692:4,5,6, 12,14,18,20,23 693:5,7,13,15,24 694:11,18,25 695:11,12 696:13,22 697:4, 5 698:10,26 705:12,13,18 707:13,15 708:1, 10 709:3,10 710:4,5 711:1,12, 24,25 715:24 718:20 723:8 724:2,18 727:1,5, 10 728:4 730:10 759:23 798:15, 21,22,23,26 799:1,2,4,6,25 806:8 815:11 818:18 820:14 821:9 825:23 826:6 829:23 waterline 805:9 818:15 825:19, 20,21 826:1,6,8 830:6 831:15 832:26 waterline's 833:22 waterlines 828:24
<hr/> U <hr/>		<hr/> V <hr/>		<hr/> W <hr/>
unable 738:3 unaware 731:19 uncertainty 730:23 818:12 825:9,13 829:15 831:7 undergoes 765:16 underground 693:8 697:7 740:7,8 understand 701:19,22 708:10 710:6,26 715:13 716:4 718:13,22 724:17 728:4,6 730:22,23 789:1, 2 799:24 802:15 804:10 826:17 829:3 understanding 691:22 717:25 720:9 726:9 730:5,26 735:17 736:1 756:12 788:7 830:14 understands 729:14		valued 820:20 821:5 values 707:3 vandalism 749:13 variation 828:15 varies 683:2 variety 763:14 vary 790:6 vast 671:21 vehicle 677:24 746:10 782:14 vein 716:16 venues 672:25 verbally 780:21 781:5 verified 727:10 verify 673:14 682:10 vertical 746:5 782:8 Vice 655:21 656:11 vicinity 695:8 710:14 733:7 Victoria 673:6,7 682:18,19 684:16,17 701:12,13 708:26 709:1 713:9,10, 22,23 721:23,24	wait 667:2 704:18 waiting 835:15 wake-up 664:20 walk 664:25 799:16 Walker 657:25 walking 815:7 wall 823:3 Walsh 657:12 wanted 688:26 689:18 700:8 755:19 757:4 774:10,13 775:3 780:19 797:21 813:23 wanton 749:11	

waters 675:13 686:23 709:6 710:3 715:23 Watershed 675:26 676:22 watersheds 676:20,21 ways 725:1 745:22 785:10 820:3 wear 668:6 website 723:1,9, 22 724:14 731:11,20,21,23, 25 Wednesday 755:9,14 756:25 week 696:8 702:20 705:15 757:15 766:26 768:21 775:5 797:4 800:18 835:20 weekend 756:6 weeks 761:1 welcomes 668:14 well-being 741:15 well-represented 790:23 791:5 west 812:26 813:4 western 730:13 Whale 660:21 695:9 785:11 787:6 whales 733:9 whole-of- government 717:23 739:18 wide 828:15 widened 830:5 widespread 752:24	wild 744:21 wildlife 654:9 655:2,4,22,24 656:24 660:9 684:21 689:20 690:24 702:8 732:22 737:23 739:3,22 740:25 741:3,4 742:13 743:20 745:20 754:3 765:3 782:19 797:11,12 798:3 812:15 813:21 817:15 832:5,14,23 willful 749:10 Wilson 658:13 wind 670:25 696:22 700:22,25 701:19 702:5 712:7,17,21 713:4,13 740:9, 18,26 742:21 744:20,21,23 745:13 746:22,24 747:2,10,11,15, 16,17 758:18 759:2,7,17 760:2, 24 765:25,26 767:11,14 792:16 793:11,13 795:16,20 800:19 801:2,9 805:12, 13 809:10,15,19 818:11 823:1,2,4, 7,8,9,17,21,23,24 824:4,8,12,16,25 825:1,6,10,14 829:17 831:11 windmill 758:12, 15 800:18 801:22 windmills 800:19 window 793:10, 11 Winnipeg 813:3, 4	winter 690:23 806:2 812:22 wintertime 799:5 wire 806:24 wishing 783:20 witnesses 735:20 796:12 810:20 811:7 wolf 789:25 wolves 690:12 733:8 women 742:3 wondering 726:11 728:23 730:5 732:11,14 766:26 word 698:8 words 746:12 work 677:9 683:20 689:13 711:26 727:12 728:12 730:18 739:8 748:10 779:16 814:2 834:21 worked 685:8 797:10,12 workforce 741:24 742:7 working 696:16 703:20,23 718:11 727:8 767:23 802:26 works 804:23 workshop 752:17 workshops 670:16 world 664:8 714:1 724:25 725:3,4 801:25 worth 744:2	written 667:16 739:7 769:18 772:20,25 773:23 787:4,5 792:10 814:16 832:2 <hr/> Y <hr/> year 664:5,6,10, 22 682:26 683:2, 4 687:8 712:20 716:2 759:12 761:1 785:16 788:17 789:7 790:6 808:13 813:16 827:12 years 690:20 692:17 693:11,12 716:8 721:9 740:7,17 741:16 788:5,23 792:17 793:8 799:25 814:18 816:18 819:20 827:19 Yellowknife 752:18 yesterday 665:17,22 669:16 676:24 677:8 683:13 684:7 708:6 771:13 Yom 664:22 young 655:6 813:6 younger 664:24 799:19 <hr/> Z <hr/> zone 759:8,9 763:12 zones 759:6 760:10 787:12 Zoom 666:18 667:3 674:15	736:2
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