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PROSPERITY GOLD-COPPER MINE PROJECT
CANADIAN ENVIRONMENTAL ASSESSMENT REGISTRY \#09-05-44811
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FEDERAL REVIEW PANEL PUBLIC HEARING PURSUANT TO:

SECTION 34 OF THE CANADIAN ENVIRONMENTAL ASSESSMENT ACT

## PROCEEDINGS AT HEARING

TOPIC-SPECIFIC SESSION
April 29, 2010
Volume 32
Pages 6368 to 6729

Held at:

Pioneer Complex
Room 119
351 Hodgson Road
Williams Lake, British Columbia

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## INDEX OF PROCEEDINGS

## DESCRIPTION

PAGE NO.

```
OPENING COMMENTS AND ADMINISTRATIVEColleen Bryden.
PRESENTATION BY MS. COLLEEN BRYDEN: ..... 6397
PRESENTATION BY MR. SCOTT TRUSLER ..... 6403
(CONTINUING):
PRESENTATION BY MS. COLLEEN BRYDEN 6412
(CONTINUED):
PRESENTATION BY MR. SCOTT TRUSLER6416
(CONTINUING):
QUESTIONS OF TASEKO MINES LIMITED BY 6424
ENVIRONMENT CANADA, BY MR. ANDREW
ROBINSON:
QUESTIONS OF TASEKO MINES LIMITED BY
TNG, BY FORMER CHIEF WILLIAM:
QUESTIONS OF TASEKO MINES PANEL BY TNG, 6454
BY MS. PATT LARCOMBE:
QUESTIONS OF TASEKO MINES LIMITED BY 6458
TNG, BY MS. AMY CROOK:
QUESTIONS OF TASEKO MINES LIMITED BY 6461
TNG, BY MR. WAYNE MCCRORY:
QUESTIONS OF TASEKO MINES LIMITED BY 6466
THE FEDERAL PANEL:
(NOON BREAK)6489
(PROCEEDINGS ADJOURNED AT 12:03 P.M.) (PROCEEDINGS RECONVENED AT 1:00 P.M.)
```

QUESTIONS OF TASEKO MINES LIMITED BY6490 ESKETEMC FIRST NATION, BY MS. BETH BEDARD:
QUESTIONS OF TASEKO MINES PANEL BY 6505 ESKETEMC FIRST NATION, BY MS. ELIZABETH HUNT:
QUESTIONS OF TASEKO MINES LIMITED BY ESKETEMC FIRST NATION, BY MS. SHIRLEY ROBBINS:
FURTHER QUESTIONS OF TASEKO MINES 6513
LIMITED BY ESKETEMC FIRST NATION, BY MS. BETH BEDARD:
QUESTIONS OF TASEKO MINES LIMITED BY ESKETEMC FIRST NATION, BY COUNCILLOR IRVINE JOHNSON:
FURTHER QUESTIONS OF TASEKO MINES 6521 LIMITED BY ESKETEMC FIRST NATION, BY MS. BETH BEDARD:
QUESTIONS OF TASEKO MINES LIMITED BY 6525 FRIENDS OF THE NEMAIAH VALLEY, BY MR. DAVID WILLIAMS AND MS. MAGGIE PAQUET:
QUESTIONS OF TASEKO MINES LIMITED BY 6531 MININGWATCH CANADA, BY MR. RAMSEY HART:
PRESENTATION BY ENVIRONMENT CANADA 6534
EXPERT PANEL:
MR. ANDREW ROBINSON
MS. CORAL DE SHIELD
PRESENTATION BY ENVIRONMENT CANADA, BY 6534 MR. ANDREW ROBINSON:
QUESTIONS OF ENVIRONMENT CANADA BY 6551
TASEKO MINES LIMITED:
QUESTIONS OF ENVIRONMENT CANADA BY TNG, 6554 BY MR. WAYNE MCCRORY:
QUESTIONS OF ENVIRONMENT CANADA BY TNG, 6555 BY MR. WAYNE MCCRORY:

```
```

QUESTION OF ENVIRONMENT CANADA BY THE 6556
FEDERAL PANEL:
COMMENT BY MR. CHARLES DUMARESQ, 6566
ENVIRONMENT CANADA:
FURTHER QUESTIONS OF ENVIRONMENT CANADA 6567
BY THE FEDERAL PANEL:
QUESTIONS OF ENVIRONMENT CANADA BY
6 5 7 8
ESKETEMC FIRST NATION, BY MS. BETH
BEDARD:
QUESTIONS OF ENVIRONMENT CANADA BY 6579
FRIENDS OF NEMAIAH VALLEY, BY MR. DAVID
WILLIAMS:
QUESTIONS OF ENVIRONMENT CANADA BY 6581
MININGWATCH CANADA, BY MR. HART:
PRESENTATION BY THE TSILHQOT'IN 6584
NATIONAL GOVERNMENT, BY MR. WAYNE
MCCRORY:
QUESTIONS BY TASEKO MINES LIMITED: 6617
QUESTIONS BY THE FEDERAL PANEL: 6627
QUESTIONS BY TRANSPORT CANADA, BY 6633
MS. LINDA SULLIVAN:
PRESENTATION BY MR. FEDERICO OSORIO:6637

```
QUESTIONS BY TASEKO MINES LIMITED, BY ..... 6649
```

MR. BELL-IRVING:
ADMINISTRATIVE MATTERS SPOKEN TO BY THE 6650
CHAIRMAN:
TOPIC 5: SOCIO ECONOMICS6656
PRESENTATION BY TASEKO MINES LIMITED: 6656
EXPERT PANEL:
KEVIN TWOHIG, TERRA ARCHAEOLOGY
DAN WEINBERGER - TERRA ARCHAEOLOGY
STEVE NICOL - LION'S GATE
CONSULTING LIMITED

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```

PRESENTATION BY TASEKO MINES LIMITED,
6 6 5 7
BY MR. TWOHIG:
QUESTIONS OF TASEKO MINES LIMITED BY 6675
XENI GWET'IN FIRST NATION, BY FORMER
CHIEF ROGER WILLIAM:
QUESTIONS OF TASEKO MINES LIMITED BY
XENI GWET'IN FIRST NATION, BY MS. PATT
LARCOMBE:
FURTHER QUESTIONS OF TASEKO MINES 6686
LIMITED BY THE XENI GWET'IN FIRST
NATION, BY FORMER CHIEF ROGER WILLIAM:
QUESTIONS OF TASEKO MINES LIMITED BY 6689
THE XENI GWET'IN FIRST NATION, BY
MS. LINDA SMITH:
QUESTIONS OF TASEKO MINES LIMITED BY 6700
TRANSPORT CANADA, BY MS. LINDA
SULLIVAN:
QUESTIONS OF TASEKO MINES LIMITED BY 6702
THE TSILHQOT'IN GOVERNMENT, ANAHAM
RESERVE, BY CHIEF JOE ALPHONSE:
QUESTIONS OF TASEKO MINES LIMITED BY 6707
XENI GWET'IN FIRST NATION, BY CHIEF
MARILYN BAPTISTE:
QUESTIONS OF TASEKO MINES LIMITED BY 6711
TRANSPORT CANADA, BY MR. JOHN MACKIE:
QUESTION OF TASEKO MINES LIMITED BY THE 6714
FEDERAL PANEL:
QUESTIONS OF TASEKO MINES LIMITED BY
THE ESKETEMC FIRST NATION BY MS. BETH
BEDARD:
(PROCEEDINGS ADJOURNED AT 8:00 P.M.) 6728
(PROCEEDINGS TO RECONVENE ON FRIDAY,
APRIL 30, 2010 AT 8:30 A.M.)

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\section*{OPENING COMMENTS AND ADMINISTRATIVE MATTERS SPOKEN TO:}

THE CHAIRMAN:
Good morning, everybody.
I'd like to begin the hearing this morning, so I'll ask you to come inside and take your seats, please.

Good morning, again, Citizens of Williams
Lake and the Cariboo-Chilcotin Region, Ladies and Gentlemen, Chief Baptiste, Former Chief Roger William, Elders who may be present, Members of the Tsilhqot'in and Secwepemc First Nation within whose traditional territory we're holding these hearings today, Members of the Secretariat, Taseko Mines Limited, we welcome you to the fourth day of our topic-specific hearings beginning with the subject of terrestrial issues today.

I would like to thank again the First Nations for their drumming ceremony welcoming us to their traditional territory reminding us that we are in that territory here this morning as we hold our hearings here today.

I will just introduce myself and the Panel and in a few moments turn to Taseko to introduce themselves. I think most people looking around the room are familiar to me, so I don't need to spend time on our Procedures this morning, but if any of you need
to understand them, please contact the Secretariat in that regard.

My name is Bob Connelly, I'm Chair of the Panel, on my right is Nalaine Morin and on my left is Bill Klassen.

We also have on the telephone again, so if we have the odd interruption like we had yesterday, you can at least be ready for it, hopefully that problem has been resolved, but we have somebody from Environment Canada who will be participating, I understand, or at least available for the presentation by Environment Canada.

Before I begin, a few administrative matters. There are some exhibits from the last two days that I have not referred to and should identify for purposes of the record. I will just go through those.

Exhibit 120 from Environment Canada was the PowerPoint Presentation on the water quality and quantity topic-specific session.

Exhibit 121 was the Presentation by Dr. Kevin Morin on the geochemical issues related to metals production.

Exhibit 122 from Dr. Ann Maest. This was the presentation on metal leaching and acid rock drainage. I'm sorry, I think those are mixed up, actually, in
terms of topics. Just review that.
Kevin Morin had the presentation on metal leaching and acid rock drainage, I believe, so that's number 121.

And Dr. Ann Maest on the geochemical issues related to metals production.

Exhibit 123 from Taseko Mines, was the PowerPoint Presentation on fish and fish habitat.

And Exhibit 124 was the Presentation by Fisheries and Oceans on inlet and outlet spawning fish selected section -- I'm sorry, it wasn't a presentation, it was a reference by Fisheries and Oceans with respect to inlet and outlet spawning fish. It was a selected section of Schedule 2 of the Metal Mining Effluent Regulations that they tabled.

Exhibit 125 from Dr. Jeff Morris, that was his Presentation on the fish and fish habitat topic-specific session dealing with cadmium and copper.

Exhibit 126, Richard Holmes, his PowerPoint Presentation regarding sockeye salmon and sockeye return data.

And then finally, Exhibit 127 by MiningWatch Canada, presentation at the end of the day on the subject of fish and fish habitat.

There were two undertakings that I will refer to.

Undertaking 32 by Taseko to provide a definition of an Aboriginal food and recreational fishery.

And Undertaking 33, to provide a further analysis on the nutrient contribution of Fish Creek to the Taseko system during the April to June flow period.

And that has been responded to, I might add, as well, during the course of the presentations yesterday. [See further clarification in transcript].

That completes all of the administrative matters from my perspective.

I'll turn now to Taseko, first of all, to introduce themselves and their new Panel of people.

But in addition to that, I understand that you have some responses to some previous undertakings that were made in previous days. So I'll turn to Mr. Bell-Irving.

RESPONSES TO UNDERTAKINGS BY TASEKO MINES LIMITED:
MR. BELL-IRVING:
Thank you, Mr. Chair, and good morning, Panel. My name is Rod Bell-Irving. As Manager of Environmental Project Development with Taseko Mines.

On my left are two representatives from Stantec Consulting, Colleen Bryden on my immediate left, and Scott Trusler next to Colleen. They'll both be making the presentation on the terrestrial component.

Mr. Chairman, throughout these last three days there's been a number of undertakings accumulated on Taseko's ledger and I would like to take this opportunity to briefly respond to three of the four undertakings that we still have outstanding.

The fourth undertaking relating to the one you just read, Undertaking 33, a contribution of nutrients, we expect to have that submission this afternoon.

And I apologize, I don't know the number of this undertaking, but the first one I'm going to speak to relates to the question about: Do baseline levels of cadmium exceed guidelines part of the year or all of the year?

Baseline levels are similar in both the Taseko and Fish Creek, but the water quality guideline is different due to differing hardness in the two systems.

Fish line baseline -- Fish Creek baseline mean cadmium ranges from 0.0003 to 0.0005 milligrams
per litre below the guideline of 0.0006 milligrams per litre.

Taseko River baseline, mean cadmium ranges from less than 0.00017 to 0.0005 milligrams per litre above the guideline of 0.0002 milligrams per litre all year except May.

Post-closure cadmium levels would meet water quality guidelines in Fish Creek with a maximum of 0.0005 milligrams per litre and similarly but above guidelines in Taseko River, maximum of 0.0005 milligrams per litre.

The second undertaking was a question from Panel member Morin and it relates to the regional assessment area for the Environmental Assessment was larger for the Cumulative Effects Assessment area for water quality. And the question was why.

As stated in Volume 5, Section 2.1.5.2, the Aquatic Regional Study Area was chosen as a broad area, including both the Taseko and the Big Creek watersheds and the Chilko River as shown in the Application on Figure 2.2.

This was a large area so as to include possible fish compensation sites and regional water quality reference sites.

When it comes to the Regional Study Area for
assessment of cumulative effects, this was smaller and limited just to the Taseko River downstream of the Fish Creek confluence because this represented the extent of the area where residual Project effects on water quality, i.e., detectable levels of sulphate, would be predicted to be found. No residual effects to fish and fish habitat exceed beyond the Fish Creek drainage and the Compensation Plan also is restricted to the Fish Creek drainage.

And that's the explanation for the two differences.

Undertaking 32, Taseko was asked for a definition of food fishery and recreational fishery.

We understand the word "food fishery" is intended to mean, "What are the Aboriginal Rights to fish?"

Taseko would adopt the view stated by the Supreme Court of British Columbia in the recent decision of Ahousaht Indian Band and Nation v. Canada, Attorney General 2009, B.C.S.C, 1494, which dealt with the nature of Aboriginal fishing rights on the West Coast of Vancouver Island.

In the Ahousaht case, and I'll spell that for the reporter, \(A-H-O-U-S-A-H-T\), the Court considered the test of Aboriginal Rights in the decision of the

Supreme Court of Canada in Van der Peet, spelled V-A-N D-E-R P-E-E-T. In the Van der Peet decision, the Court set out a multitiered analysis for considering the existence of an Aboriginal Right which involved, (a), characterizing the claimed Aboriginal Right, (b), establishing the existence of the ancestral practice, custom, or tradition advanced as supporting that claimed right, (c), determining whether the ancestral practices, customs, or decisions were integral to the distinctive culture of the claimant's pre-contact society. And (d), determining whether reasonable continuity exists between the pre-contact practice and the contemporary claim.

The Court then considered each of these factors and noted that the decision of the Supreme Court of Canada in Sappier, I'll spell it, S-A-P-P-I-E-R, may have moved slightly from the Van der Peet analysis, and that the better analysis is that practices undertaken for survival purposes may be considered integral to the distinctive culture of an Aboriginal People. And the practice and its associated uses must be allowed to evolve, otherwise, Rights would be frozen in their pre-contact form. This is the test that Taseko would expect would apply to determine food fishery if that was
intended to mean the nature of the Aboriginal Rights of the Tsilhqot'in People to fish at Fish Lake.

With respect to the term "recreational fishery", Taseko could not find a definition used by DFO but would understand it to mean fishing that was engaged in for pleasure, as contrasted with fishing for commercial purposes or fishing engaged in as part of an Aboriginal Right.

And finally, Mr. Chairman, I would just like to read on to the record that some time ago with respect to Undertaking two four, 24 , Taseko provided this Panel with a map showing the trap lines across the transmission line that intersected the transmission line. Since providing you with that map, the Provincial Government has updated their information on the owners, the ownership names, and I have been able to submit to you today an updated version of that map which shows the same principle, transmission line and the trap lines, but now changes the names of the owners to reflect today's understanding as opposed to the understanding we had about three weeks ago. So it's an updated map which I will leave you with this morning.

And, as I indicated, Mr. Chairman, the only other undertaking I believe still outstanding is this
one with respect to the nutrients, number 33 , and we hope to respond to that this afternoon.

Thank you.
THE CHAIRMAN: Thank you, Mr. Bell-Irving. I think I inadvertently indicated you'd responded to that and \(I\) better correct the record on that just in case. It was a similar response, I think, on quantity rather than nutrients yesterday, which you responded to. So thank you for that clarification, and we look forward to getting that later in the day.

I think that completes, then, the administrative matters this morning.

And we'll turn now to the first presentation of the day, and that would be Taseko Mines' overview on the terrestrial environment.

I might add that we have two other scheduled presentations and one additional one if time permits, and that's Environment Canada would follow Taseko Mines and then a presentation by Wayne McCrory with the Tsilhqot'in National Government.

So we'll proceed to Taseko Mines' overview of their presentation on the terrestrial environment.

MR. BELL-IRVING: Thank you, Mr. Chairman. I've asked Scott Trusler to make the presentation or at least half of the presentation and then it will switch over to Colleen.

TOPIC 4: TERRESTRIAL ENVIRONMENT:
PRESENTATION BY TASEKO MINES LIMITED:

\section*{EXPERT PANEL: Scott Trusler}

Colleen Bryden
MR. TRUSLER:
As Rod mentioned, Colleen and
I will work through this presentation together. We're going to discuss the terrestrial environment. We'll begin with the scoping for the terrestrial sections and then we'll follow up with some slides looking at the wildlife and vegetation assessments in particular, as well as some discussion of reclamation. And then we'll follow up with addressing some of the issues raised during the B.C. Environmental Assessment Office Review and Panel hearings.

So we have four terrestrial VECs:
- terrain.
- soils.
- vegetation.
- and wildlife.

And for each of those valued ecosystem components there are one or more key indicators that have been selected.

So for terrain, it's terrain stability.
For soils, it's reclamation suitability and
agricultural suitability or capability.
For vegetation, include old forest, wetland ecosystems, riparian ecosystems, grassland ecosystems, rare plants, ecological communities of conservation concern and forest capability.

And then there are 21 wildlife key indicators that have been selected and these key indicators have been confirmed with in consultation with both regulators and First Nations.

The spatial boundaries for the assessment include Local and Regional Study Areas for the mine site, the access road, and the transmission line.

And these areas, the Local Study Areas are designed to focus the baseline data collection on areas most likely to be affected by the Project and to provide context for assessment of effects.

The Regional Study Areas are developed to provide regional contexts for the effects assessment.

In terms of temporal boundaries, we identified four scenarios or snapshots in time that are used to define the temporal scope for the terrestrial assessments.

They include:
- construction and commissioning
- operations
- closure, which is decommissioning
- and reclamation
- and then a post-closure scenario.

Twenty-five years after closure is used for soils, the other -- each discipline has a specific identified time for the post-closure scenario depending on the particular characteristics of the KIs that they are assessing.

Potential environmental effects for the terrestrial environment by VEC.

So for terrain, the focus was on decrease in terrain integrity.

For soils, we're looking at reduction of agricultural capability, reduction of reclamation suitability.

For vegetation, we're looking at loss of vegetation, changes in abiotic conditions, changes in the structure and composition of vegetation communities.

And for wildlife, it's focused on direct and indirect habitat loss or alteration, disruption of movement patterns, increase in direct mortality risk and reduction in animal health.

So these are the areas that we're looking at in terms of interactions between the environment and
the Project.
So I'll go into some more detail on the vegetation assessment.

The baseline biophysical mapping including under vegetation, but it supports all of the terrestrial disciplines. There are eight map products that are identified there. They have all been completed and prepared according to risk standards and collectively cover an area of approximately 740 square kilometres.

So there was terrestrial ecosystem mapping completed for the mine site and access road areas.

A modified form of terrestrial ecosystem mapping called sensitive ecosystem inventory mapping completed for the transmission line.

And a number of terrain and soils mapping products as well.

So the baseline mapping was used as the basis for development of models to assess soils vegetation and wildlife and form the basis for the development of the Reclamation Plan.

Vegetation baseline information included a number of surveys completed between 1997 and 2008. They are listed there. They include:
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- rare plant surveys.

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- wetland surveys.
- forest capability surveys.
- invasive plant surveys.
- collection of vegetation tissue samples for trace element uptake.
- literature review.
- and terrestrial ecosystem mapping.

Some of the key points related to the baseline information:
- The project spans five biogeoclimatic zones.
- There are four rare plant species identified in the project area, three of them in the mine site area and one on the access road.
- One blue-listed ecological community map near the mine site.

And I should add there's also one red-listed ecological community mapped in the mine site area.
- Old forest in the Project area is approximately

80 percent pine-leading stands.
- The region includes large areas of fen-dominated wetland complexes.
- And grassland ecosystems are concentrated in areas adjacent to the Fraser River.

Project effect mechanisms for vegetation are listed there for the mine site transmission line and access road.

These are the pathways through which the Project and the environment interact.

For vegetation, the primary effect occurs as a result of the initial disturbance of vegetation and soil identified as site clearing and grubbing.

Issues such as dust deposition and wind-throw are indirect effects.

So for the mine site, site clearing, grubbing -- for the mine site, transmission line and access road, site clearing and grubbing was the key effect mechanism. And indirect effect mechanisms include dust deposition and wind-throw.

Vegetation - Commitments: And these are
taken from the Table of Commitments that's attached to the EA Certificate, includes obligations under several headings including:
- Environmental management
system. This includes
environmental management plans to
implement mitigation measures and
Best Management Practices that are
identified in the EIS. Also
includes qualified environmental
monitors onsite during all phases
of mine development.
- Habitat compensation.
Includes development and
implementation of a wetland
Compensation Plan.
- Vegetation, wetland and
riparian habitats. Includes
construction, Best Management
Practices, mitigation measures
designed to minimize the effects
of the mine on wetlands,
mitigation measures for wetland
ecosystems on the transmission
line. It also includes monitoring
measures for construction of the
access road and transmission line.
Replanting native species in
disturbed grassland areas of the transmission line. Invasive plant management plan. And sediment and erosion control measures.
- Reclamation and closure includes reclamation, temporary closure and decommissioning plans.

Also includes items related to progressive reclamation.
- Mitigation of residual effects on mining to wildlife habitat and at-risk plant communities. Removal of transmission line and reclaiming of the transmission line corridor when no longer required.
- Protection of ecological values includes best management practices to ensure that sensitive habitat features and wildlife values are identified. Identification and quantification of project effects on wildlife and vegetation at a local level.
- Mitigation specific to the
transmission line construction includes review of transmission line design and construction scheduling with MoE prior to construction. Working with MoE to implement transmission line mitigation strategies including surveys of the final alignment to identify and mitigate impacts to wildlife features, rare plants and other features. - And, finally, monitoring, which includes implementation of environmental effects monitoring and follow up for all Project phases to verify the accuracy of the EIS and effectiveness of mitigation measures, and vegetation trace element monitoring to assess suitability of reclaimed sites for wildlife use.

So Vegetation - Effects Assessment Methods. Effects characterization criteria include fairly standard set of criteria:
                    - direction.
                    - magnitude.
                    - geographic extent.
                    - duration.
                    - reversibility.
                    - ecological context.
                    - and prediction confidence.
                    And key indicator-specific definitions of
magnitude and duration were developed.
Determination of significance:
- Provincial or regional
standards or thresholds are not
available for most vegetation key
indicators and this evaluation was
in general qualitative.
- Considerations include
conservation status, range of
species or community level
disturbance, relevant thresholds
if available, and area-specific
policies for land use and species
management.
- Significant thresholds were
informed by existing policy
guidance wherever possible and
were designed to evaluate effects
in the context of the sustainability of the key indicator.

A general overview of the findings of the vegetation assessment:
- Most environmental effects on vegetation KIs will occur in the mine footprint.
- Most of the environmental effects in the transmission corridor and access road can be avoided through environmentally sensitive Project design.
- Effects to vegetation resources occur primarily during the construction phase and are most commonly associated with clearing and/or grubbing.
- Indirect effects during operations can be effectively mitigated by best management practices or prescribed mitigations.
- The pine beetle epidemic provides important context for assessment of Project effects.
- The residual Project effects are moderate or low magnitude. And in many incidences are reversible upon implementation of the Reclamation Plan.
- And the contribution to regional
cumulative effects on vegetation is in general small.
Okay, so that concludes the section on vegetation.

I'll turn it over to Colleen to discuss wildlife.

PRESENTATION BY MS. COLLEEN BRYDEN:
MS. BRYDEN:
The first step in the
wildlife assessment was the compilation and collection of information to characterize baseline conditions in the study areas. Information sources were fieldwork, which began in 1993 and covered a range of wildlife groups including birds, bats and amphibians.

In addition, we conducted an extensive literature review and developed habitat mapping to characterize baseline conditions.

A very brief summary of baseline conditions is presented here. That is the study areas span a range of habitat types and support a large number of wildlife species, including species of conservation concern. Natural- and human-caused disturbances are present in all study areas.

The potential Project effect mechanisms are pathways for interactions with wildlife are the following:

For the mine site:
- site clearing.
- lake drainage.
- inundation, that is waterbody creation.
- sensory disturbance.
- human wildlife interactions.
- and contamination of soils, water and vegetation.

The effect mechanisms related to the
transmission line are:
- site clearing.
- line strikes as it pertains to birds.
- human access.
- and sensory disturbance over the short-term.

Lastly, for the access road, the potential pathways to interactions with wildlife are:
- vehicle collisions.
- and sensory disturbance.

These potential Project effects can be minimized or eliminated through effective implementation of mitigation measures. These mitigation measures are identified in the EA Certificate Table of Commitments and listed here are
the commitments directly related to wildlife.
First:
- Implement wildlife mitigation
measures for all aspects of the
Project as described in the EIS;
- Implement additional wildlife
protection measures to apply to
Project personnel. For example,
restrictions on firearms and no
feeding or harassment of wildlife,
to name a few;
- Commit to strict
implementation measures in concert
with the B.C. Ministry of
Environment and other agencies to
eliminate or severely minimize
direct mortality risk to grizzly
bears. Taseko Mines will work
with B.C. Ministry of Transport to
control mine-related traffic speed
along the section of the Taseko
Lake Road within grizzly bear
range;
- Record all Project-related
wildlife-vehicle collisions or
near misses. This data to be
reviewed regularly and if a problem area is identified, appropriate actions will be taken;
- Implement vegetation and
wildlife management plan, the
materials handling and waste management plan, and the
transportation and access
management Plan;
- And lastly, design and
construct transmission line, the transmission line consistent with standard practices to mitigate bird mortality risk through electrocution and line strikes. Now, our effects assessment methods as described at the start of the presentation focused on the 21 key indicator species. Those were the species we addressed for detailed assessment. We also looked at other species more generally, that is the spotted bat, gopher snake, feral horses, small mammals and terrestrial invertebrates.

A range of Local and Regional Study Areas were delineated. The boundaries varied depending on
the key indicators, but the most commonly used study area boundaries were indicated in the figure that Scott showed at the start of this presentation.

After mitigation measures are applied, the following potential residual effects were identified as the focus of the detailed assessment for the key indicators:

First being:
- Loss or alteration of habitat in the mine site or along the transmission line. For this, our assessment of approach was a quantitative spatial analysis that was based on the habitat mapping.
- The second effect we assessed was increased mortality risk associated with transmission line with the transmission line and along the access road. And our assessment approach here was a semi-quantitative to qualitative analysis relying on the existing literature and government data.

Project-related changes were determined for baseline to maximum disturbance scenarios and for the baseline to post-closure scenarios at both the local and regional scales.

And as for vegetation, we used standard effects characterization criteria, direction, magnitude, geographic extent, duration, reversibility,
ecological context and prediction confidence.
And again, depending on the key indicator we were looking at, the definitions of magnitude and duration were varied.

With respect to the determination of significance, Provincial or regulatory standards or thresholds are not available for most terrestrial wildife species. Thus, determination of significance of an effect was qualitative and based on logical reasoning. Besides magnitude and duration, considerations included status, size and range of the population unit, thresholds developed for other jurisdictions or closely related species, and area-specific policies for land use and species management.

The context for determination of significance is the sustainability of the key indicator population or herd or management unit or subpopulation as applicable to the species of interest.

The findings of the effects assessment are summarized briefly here. There's obviously a lot of linkages to what Scott's findings were for vegetation.

So very briefly the findings of the assessment are:
- Many key indicator species are
widespread but some are at the limits of their range, a part of small populations or belong to population units subspecies or species of conservation concern.
- The largest loss of habitat in the area of permanent habitat loss occurs in the mine site.
- The Project effect on grasslands is relatively minor.
- Increased mortality risk is relatively minor for most key indicators.
- Consequences of increased mortality risk are high for grizzly bears.
- The Project effect on mortality risk will be largely reversed at post-closure.
- The effectiveness of some mitigation measures, for example reclamation, may not be discernible until well into the future.
- And finally, no significant residual environmental effects on any key indicator were identified.

And no significant Project-related incremental contributions to residual cumulative effects on any key indicator were identified.

PRESENTATION BY MR. SCOTT TRUSLER (CONTINUING):
MR. TRUSLER:
Okay, I'm going to provide a summary of some of the environmental management plans
that applied to terrestrial disciplines and focus a
fair amount of discussion on Reclamation Plans in
particular.
    So this Table provides a summary of several
environmental management plans and indicates their
applicability or the connection to terrestrial
disciplines.

So these are contained in Volume 3 of the EIS. So they include:
- the Environmental Management

Plan for Construction and Mine
Materials.
- Handling Plan. That has
particular applicability to soils.
- the Transportation and Access

Management Plan with a particular
applicability to wildlife
mortality and soils, with
compaction of soils.
- Geotechnical Stability

Monitoring Plan relating primarily
to terrain.
- Materials Handling and Waste

Management and Emergency Response
Plan which relates to soils and
contamination and I think also has
some relation to wildlife.
- Air Quality and Noise

Management Plan relating to soils (dusting), vegetation and wildlife
and with respect to wildlife
sensory disturbance.
- Water Management Plan, in
connection to wildlife.
- Erosion Control and Sediment

Retention Plan relates to soils.
- And Vegetation and Wildlife

Management Plan relating to
vegetation and wildife.
- Reclamation and

Decommissioning Plan for the mine
site provides some, just an
overview here.
The highlights of the plan include:
- reclamation costing which
clearly defines the reclamation
obligations;
- interim reclamation for
seeding soil stockpiles and soil
windrows in the transmission
corridor, disturbance, diversion
ditches and mine features;
- conceptual reclamation design
to restore wildlife habitat.
- And strategies to return to
functional ecosystems supported by
soil replacement strategies.

The objectives of the plan are to provide for stable lands forms, prevent erosion and sedimentation to protect aquatic resources and to reestablish productive land uses that are of value for wildlife and recreation and mitigate the residual effects of mining on wildlife, habitat at risk, plant communities and the habitat of species at risk.

The Reclamation and Decommissioning Plan in relation to the transmission line:
- the right-of-way return to
predevelopment conditions through
natural succession in areas of
soil disturbance.
- reclamation of access roads
as required and pole sites.
- strategies include site
preparation, soil replacement,
seeding and planting.
- planting of deciduous and coniferous species can be conducted should natural reforestation not be occurring at a satisfactory rate.
- in the grassland zones, only
native grass species will be used.
Reclamation and Decommissioning Plan, conceptual reclamation at the mine site again. The projected post-mine mining land capability can be forecast for forestry, wildlife and recreation.

Forestry values include:
- moderate forest capability on
zonal and wetter sites; and.
- low forest capability on
drier or nutrient-poor sites.
Wildlife values:
- high capability for mule deer and Barrows Goldeneye nesting.
- moderate capability for moose, black bear, grizzly bear, short-eared owl, and fisher.
- And low capability for mallard and great blue heron.

And recreation values include:
- high fisheries capability in

Prosperity Lake and moderate capability in the TSF lake. - safer access to the reclaimed mine site by upgraded access road. - and hunting opportunities on the former mine site due to recreational wildlife habitats. This is an overview of the reclamation decommissioning plan, the conceptual Reclamation Plan map. So all the areas highlighted in green will have soils replaced and most of the reclaimed landscape will be replanted with trees with a narrow band of beach remaining open.

Reclamation monitoring.
So the long-term monitoring and maintenance includes:
- post-closure reclamation
monitoring in place until the
self-sustaining vegetation cover meets end land use objectives.
- And monitoring will include ground and surface water quality seepage volumes, aquatic biology, land forms stability, vegetation
production, wildlife habitat use and wildlife suitability.

And the monitoring objectives include:
- determining actual
environmental effects produced by mine related activities, and
- determining the effectiveness
of rehabilitation.
Just to take a quick overview of some industry experience with metal mine reclamation in British Columbia as context.

So historically, a few mines in British Columbia have salvage soil for reclamation.

Soil salvage has been shown to improve revegetation efforts on more recent mine reclamation.

The Prosperity Reclamation Plan identifies nearly six million cubic metres of soil salvage for restoring land capability.

Reclamation success on a mine site is measured by meeting mine permit application requirements including restoration of land capability for forestry, recreation and wildlife habitat.

Reclamation studies on mine sites have resulted in scientific innovations including the widespread application of biosolids such as wood waste
to overburden and tailings to improve productivity.
And research has now started into wood waste addition from pine beetle impacted forests and how it can be effectively incorporated into reclamation practices.

A quick overview of reclamation at the Gibraltar Mine.

Since Gibraltar has been operating since the mid-1970s, and a third of the 1600 hectare mine site has been reclaimed. And Taseko has completed 130 hectares of terrestrial reclamation and has established fish in the 410 hectare TSF Lake.

There's an onsite native plant nursery and Gibraltar runs reclamation research trials on site.

So now I'll move on to an overview of some of the key information requests and review comments that have been raised both during the B.C. Environmental Assessment Office Process and the Panel Review process.

So Taseko's received feedback on terrestrial issues from Provincial and Federal agencies as well as First Nations, including:
- B.C. Ministry of Environment:

Comments on local population
effects, predictions, habitat
compensation, context for
determination of significance,
habitat mapping validity,
reclamation and trace element
uptake, and implementation of
mitigation measures.
- The Ministry of Energy Mines

Petroleum Resources: Comments on
Reclamation Planning.
- The TNG wildlife: Comments
on wildlife and plant species of
importance to the TNG.
- From Esketemc: The comments
on the effects of the transmission
line on wildlife habitat. And
also I should add issues related
to Community Forest.
- Environment Canada: Canadian

Wildlife Service issues related to
wetlands conservation.
- And Natural Resources Canada:

Issues related to terrain
assessment.
So with respect to trace element concerns that have been raised, the issue, generally speaking, is
that concerns have been expressed about the possibility that the mine site will pollute vegetation and animals that depend upon vegetation or water around the mine site.

In general, the response is that baseline data for trace element levels in soils and vegetation has been collected for the mine site. There are some natural exceedances of CCME Guidelines for some elements in mine site soil samples. No metal exceedances in vegetation and no noted vegetation growth limitations. And there'll be trace element monitoring in vegetation will be conducted to assess the suitability of reclaimed mine sites for use by wildlife.

And I'll turn it over to Colleen for the slide on Canadian Wildlife Service.

PRESENTATION BY MS. COLLEEN BRYDEN (CONTINUED):
MS. BRYDEN:
Yes, comments have been received from the Canadian Wildlife Service related to habitat compensation. Which will come up again today.

This is what came up during the review period. The EAO review period.

From the EIS, a permanent loss of 403.5 hectares of wetlands was identified. This residual loss of wetlands was considered to be not significant
in a regional context.
I just want to note that in the April 16th submission from CWS, there's an incorrect interpretation of the amount of wetland and riparian loss at maximum disturbance versus post-closure. And I'll come back to that, more specifics on that after I make it through the slide.

The next point, the EAO Certificate in the Table of Commitments does identify habitat compensation considerations.

During the EAO Review Process, CWS provided a report describing the follow:

A methodology for estimating indicated breeding pairs or IPBs.

They provided an IBP estimate for the RSA.
And they provided a regional context for the RSA with respect to waterfowl habitat and populations.

Taseko Mines provided feedback on the methodology and met with Canadian Wildlife Service for further discussion.

Following that discussion, the methodology was then applied to the mine development.

And with the following numbers estimated:
123 indicated breeding pairs are potentially displaced by the mine development at post-closure;

Prosperity Lake represents habitat for 60 indicated breeding pairs with a residual displacement effect of 63 indicated breeding pairs.

Canadian Wildlife Service provided a response to this initial estimate. They agreed that that estimate follows the principles and methodology outlined in their report, but they disagree that the Prosperity Lake is an appropriate strategy for addressing adverse effects on wetlands and migratory birds.

Now just briefly to get back to the point, the interpretation error.

In the submission, 659.3 hectares of wetlands are identified as being lost at maximum disturbance. This is a worst case projection as the boundary for the prediction of maximum disturbance includes some area that will not be physically disturbed. Again, it's a worst-case scenario. The maximum disturbance area is larger than the actual proposed mine footprint.

Now, the 403.5 hectares of wetlands that are permanently lost at post-closure, this is a more realistic case as it reflects the reclaimed and inundated area footprint only.

So the difference between these two numbers,
between the 659.3 hectares lost at maximum disturbance and the 403.5 hectares permanently lost as post-closure is the difference between a worst case and a more realistic scenario. It doesn't represent any compensatory efforts on the part of Taseko between maximum disturbance and post-closure, so it's merely a difference in the two scenarios.

Similarly for riparian habitat, the submission indicates that there's a loss of approximately 3100 hectares of riparian habitat. That's actually an incorrect number as that actually represents the amount of riparian habitat in the Regional Study Area at baseline. So it's a baseline number.

The actual loss of riparian habitat predicted at maximum disturbance is approximately 1,000 hectares. Again, this is a worst case prediction for the same reasons I outlined for the wetlands.

The more realistic case is what the numbers presented for post-closure, and those numbers are 352.7 hectare permanent loss of riparian area post-closure.

Lastly, Scott will just speak to the predicted loss of wetlands along the transmission line corridor.

\section*{PRESENTATION BY MR. SCOTT TRUSLER (CONTINUING):}

MR. TRUSLER:
There was an indication that an area of \(I\) believe 46.6 hectares of wetlands would be lost underneath the transmission corridor, and just a point of correction, the 46.6 hectares actually represents the area of overlap between the 80-metre-wide transmission line right-of-way and wetlands habitats. What will happen within that right-of-way will be very minimal disturbance associated with pole placement and any other activities that may impinge upon wetlands. But as per the mitigation measures that the approach will be to avoid wetlands wherever possible. So it's expected that only a very small portion of that 46.6 hectares would actually represent disturbance to wetland areas. Okay, so carrying on to talk in a little bit more detail about the Esketemc Community Forest. The issue, some issues were raised in a recent session by the Esketemc. The issues are:
- First of all, that the

Esketemc have exclusive rights to
harvest all timber within the
community forest.
- Secondly, that clearing for
the transmission line will
    represent the only and largest
    clearcut area within the forest.
    - The area is mule deer winter
        range.
        - And that the transmission
        line will in all likelihood
        introduce invasive plants.
        So in terms of a response:
        - The Ministry and Taseko Mines
        will work with Esketemc to address
        issues related to harvesting of
        commercial timber in a section of
        the right-of-way that overlaps
        with the Community Forest.
        - The area of the Community
        Forest that would be cleared as a
        result of the transmission line
        right-of-way is estimated at 34
        hectares assuming an average
        right-of-way width of 50 metres,
        so the right-of-way can be from 30
        to 80 metres wide so 50 metres was
        selected as an average.
        - The EIS includes mitigation
        measures to minimize the effects
to mule deer winter range within
the right-of-way, including
clearing within ungular winter range will be minimized through Project design. To guide clearing, right-of-way boundaries will be clearly marked. And right-of-way clearing within mule deer winter range or within ungular winter range will be avoided during winter to the extent practical.

And then the last point: - Taseko Mines has an Invasive Plant Management Strategy and will follow industry Best Management Practices.

That's just a quick overview slide, a Google Earth slide of the Community Forest outlined in orange here, and the blue or boundaries of forest harvesting units that are on file with the Ministry of Forests. And down on the bottom here, the red indicates the transmission line.

The yellow area expanded here in this slide indicates the 50 metre clearing right-of-way within
the southern end of the Community Forest area.
And at the top in the top slide here just indicates an example of one of the harvest areas that are identified in the Ministry of Forest files and reflected on the Community Forest overall.

Just for clarity, I'll outline the boundary more clearly here.

So this orange line comes here around here to the top (indicating) north and then here and down to the bottom there. And this is the Fraser in here. Just east of the Fraser.

THE
CHAIRMAN:
Could you just repeat again, what is the Community Forest area and the harvesting area in total, just re-explain that again, please, that's important information.

MR. TRUSLER: So the Community Forest area's outlined in orange here. And the area that would be harvested by, sorry, it's outlined in orange here, I'll just go over it one more time. Is that okay?

THE CHAIRMAN:
Yes.
MR. TRUSLER: And the area in red here
is the transmission line with the yellow indicating the area that would be potentially cleared, the right-of-way area, based on that 50 -metre right-of-way
width within the community forest. And that would represent approximately 34 hectares.

And the blue units are forest harvesting unit boundaries that are on file with the Ministry of Forests, so these are either approved or pending forest harvesting units.

There has been a lot of harvesting activity within this Community Forest. It looks like a lot of it has been single tree selection or some sort of a partial cut type prescription.

However, there are some areas that have been larger areas that have been clearcut and are managed as clearcut. And this is an example of one right here.

The area of potential disturbance related to the transmission corridor is we've estimated at 34 hectares.

The area of, and I'll just get the exact number here, the area of this harvest unit includes a clearing of approximately 73.5 hectares. So there are some larger cut block areas within the Community Forest area.

Okay, I'll give it back over to Colleen just to talk about supplemental work.

MS. BRYDEN: So in response to comments
received from the B.C. Ministry of Environment and the TNG during the EAO Review Process, a supplemental report was developed.

This supplemental report represents an additional assessment of Project effects on wildlife and vegetation at the mine site. This work was undertaken to characterize predicted Project effects on a more local and meaningful regional scale.

In addition to the key indicators, wildlife and plant species known to be important to the TNG were also included.

So there was actually five parts to the assessment. Three are listed here, the other two I'll just verbally describe.

First, linkages between 52 plant species important to the TNG and vegetation key indicators identified so that the effect of mine development on these species could be inferred.

So we in a sense we established linkages between the 52 plant species and/or vegetation key indicators and based on the results of the assessment for the key indicators, effects on the plant species were inferable.

Using this approach, no significant residual effects were predicted.

In a similar manner, we developed linkages between the 24 wildlife species important to the TNG. These are the 24 species identified in the William case. So we identified linkages between those species and our wildlife key indicator species that were assessed in detail in the EIS.

And, again, by establishing these linkages, there allows inferences to be made about the effects on the 24 William case species.

Again, no significant residual effects were predicted.

We also did a PEM-based, PEM being a type of habitat mapping very similar to the type of habitat mapping we used in the Local and Regional Study Areas. It was this PEM-based map, mapping was available for a much larger study area, so we used that for these different regional study areas.

We developed wildlife habitat capability models for four species identified in the William case.

And these species were also assessed in the EIS, they were moose, mule deer, fisher and black bear. And using similar methods to the EIS, Project-related changes in habitat capability were predicted for three new study areas:
- The eastern trap line area was one study area.
- The Rights and Title area was another study area.
- And then we also had a
general Regional Study Area which
was based on the combined
watersheds of the Taseko and Big
Creek watersheds. Again, no
significant residual effects were
predicted.
Now, the two other parts to this supplemental work that aren't reflected on this slide are the following:

There was an assessment of the Project effect on grizzly bear habitat availability using habitat capability and habitat suitability mapping that was developed for the Central Interior ecoprovince. This mapping was developed by the Provincial Government in cooperation with the Nature Conservancy.

This approach was at the recommendation of B.C. Ministry of Environment. The Project effect on habitat capability was very small. The Project effect on habitat suitability varied from very small within the Regional Study Area, the combined Taseko and Big

Creek watersheds, to moderately large within the eastern trap line study area.

However, no significant residual effects were predicted.

Lastly, there was also an assessment of the Project effect on vegetation key indicators, that is specifically old forest, wetlands and grasslands. And this again, this assessment used the PEM-based mapping available for the large area.

And no significant residual effects were predicted.

And that's the conclusion of our presentation.

THE CHAIRMAN: Thank you for the presentation. We'll begin our questioning period, then, and as consistent with procedures we've used in the past, we'll start with those who are listed to speak today and to make presentations. And the first would be Environment Canada. I'll ask if Environment Canada has any questions of Taseko at this point? Yes? Please go ahead, then. Wherever you wish, you can sit down if that's more appropriate. If you have a number of questions, that might be easier.

QUESTIONS OF TASEKO MINES LIMITED BY ENVIRONMENT CANADA, BY MR. ANDREW ROBINSON:

MR. ROBINSON:
Andrew Robinson with the
Canadian Wildlife Service of Environment Canada. And we have seven questions.

The first question is, and as we have provided in our submission to date or submissions to date, around wetland habitat compensation.

And, again, from Taseko, we note in the presentation that they have indicated that they will compensate for impacts to wetlands. The question is, because we haven't seen it in writing to date, what are the criteria principles, means and measures by which Taseko intends to compensate for impacts to wetlands?

MR. BELL-IRVING:
Rod Bell-Irving with Taseko.
The reference to the level of description and the definition of our Habitat Compensation Plan is outlined as item number 11 in our Table of Commitments, which is attached to the Provincial Certificate. And I could read that or simply refer the Panel to that at your pleasure.

THE CHAIRMAN: We are aware of that commitment, but am I assuming correctly by the question from Environment Canada that you're looking for more specifics to the information listed in the table?

MR. ROBINSON:
MR. BELL-IRVING:

That is correct.
We have no further specifics
at this point because at the moment our commitment exists as outlined there, and it indicates that we would jointly develop the criteria and the framework around which the Compensation Plan would both be defined and implemented. And we haven't done that yet.

MR. ROBINSON: Thank you, I just wanted to hear that for completeness, noting our input to date to the Environmental Assessment.

Along those lines, however, and, again, noted in the presentation to date, that Taseko commits to monitoring such that they can evaluate mitigation effectiveness in regards to environmental effects. And the question I have is, first of all, we've heard in the last few days this notion of adaptive management. And I wish to clarify that adaptive management means a very specific thing and that what really is being discussed in terms of adaptive management isn't that at all, but is actually monitoring and mitigation. And I think that's a key point to consider when we talk about evaluating and assessing mitigation effectiveness.

Nevertheless, all of that to say, what is

Taseko intending in regards to monitoring, mitigation, sorry, what is Taseko intending to do in terms of monitoring around wetland compensation and, by extension, migratory birds that depend on wetlands?

MR. BELL-IRVING: Again, the specifics of what form that monitoring and mitigation takes at this stage in the Project development and the Environmental Assessment, we have not gone to the next step of defining that, but we believe that, again, with reference to the Table of Commitments and the various mitigation measures that are outlined in our EIS, there's a suite of commitments and intended development of Best Management Practices, the development of an environmental management system, all of which will contain the level of detail that, you know, Wildlife Services is looking for.

And I think, throughout, again, our
commitment and discussions to date, we anticipate ongoing input and involvement from regulatory agencies as we do that.

MR. ROBINSON: And so if I may, in response, it is Environment Canada's opinion, and based on its experience in environmental assessment, that there's always a balance between what we need, and Environmental Assessment is a planning tool, and
post-EA and what's required in the technical level, permitting level requirements, and commitments coming out of EA. But, nevertheless, there is, I submit, a middle ground where we need enough information such that we can appreciate and understand what's intended now so that we can reach concurrence and have confidence that what's being intended will in fact be achieved.

My third question relates to, again, today's presentation around Barrow's Goldeneye, which is a diving duck, and this notion of high capability values as reflected by the Reclamation Plan.

And I'm seeking some clarity as to what's intended there, what's behind that?

MS. BRYDEN: So that was related to the end land use objectives for the Reclamation Plan?

MR. ROBINSON: I'm sorry?
MS. BRYDEN: So there was identified high capability areas in the Reclamation Plan as an end land use objective. And it's related to mature forest for nesting. Now, of course "capability" doesn't necessarily imply "use". But I don't know if that answers your question.

MR. ROBINSON: So the, if I understand you correctly, that that designation is a reflection of
forest management practices intended in the long-term such that we end up with high capability values for Barrow's Goldeneye?

MS. BRYDEN: Yes. So the rating arrive -was developed based on our 10 based models which have values assigned to specific ecosystem units for Barrow's Goldeneye capability. So in the Reclamation Plan, they identify they are going re-establish unit X, which has a particular rating based on our models for Barrow's Goldeneye. So that that's where that capability, high capability came for some of the units within the Reclamation Plan.

MR. BELL-IRVING: Again, if \(I\) may jump in and offer the comment that the Reclamation Plan that's included in our submission at this point is a conceptual one as is required and reasonable. And I believe that the Reclamation Plan will evolve on a regular cycle throughout the life of the mine, and that's an aspect of mine development that is highly variable and will develop and I fully anticipate, again, as the reclamation, as the mine develops and Reclamation Plan continues, inputs from agencies, public and others, as to the end land use capabilities is expected and is considered as these plans are finalized.

So if there's a particular point or a particular concern that you might have, I would invite or suggest that that can certainly be dealt with in an appropriate way as the plan evolves.

MR. ROBINSON: And, really what is underlying my questioning, and I'll be up front about it now, is that, and as you know, Barrow's Goldeneye depend on both wetlands and the uplands as far as their breeding goes. And so while it's appropriate to manage the upland environments to meet that, to meet their needs in that regard, obviously consideration must be given to the wetland side, or the wetland component. And obviously and as we provided in our input to date, we're challenged by what's proposed in terms of wetland compensation and Barrow's Goldeneye fits into that.

In other words, if you don't have the wetlands side, the upland side doesn't mean a great deal.

In your presentation you referenced Gibraltar Mine site and I think it was the, not the tailings impoundment, but one of the treatment ponds. And I think the point being made there was that it looked fairly well vegetated and that the notion is that it's been reclaimed presumably following objectives that
were identified during the EA, presumably.
My question is, is how has that facility performed in terms of values to waterfowl? Is there any information, baseline, operations,
post-operations, to show that it has functioned for waterfowl, and noting the bird values in the beginning, in other words, based on the baseline values?

MR. BELL-IRVING: To be quite frank, I don't know the answer to that. The purpose of that picture in the slide was not to suggest that there's a lot of data or anything, but simply to show what the Gibraltar pond site as it currently sits looked like. If that's relevant to this discussion and if it's of interest to the Panel, certainly I will undertake to answer that question by getting further information, but it's not the subject of this review, so I question the relevance.

MR. ROBINSON: My interpretation in you bringing that one-liner up on the slide was to show that Taseko has had success in reclamating habitats?

MR. BELL-IRVING: I would just suggest respectfully that that's your interpretation. That wasn't our intention.

MR. ROBINSON: So what was your intention?

MR. BELL-IRVING: To show a tailings site with vegetation on it and a pond as part of a discussion under reclamation.

MR. ROBINSON: You can appreciate, Rod, why I might find that a bit misleading.

MR. BELL-IRVING: Fair enough.
MR. ROBINSON: You've mentioned today that CWS is in error in its reporting out on wetland and riparian impacts. And \(I\) am seeking clarity on that. If there's information that I've missed in review of the EIS, specifically Volume 5, and forgive me, I do not recall the specific table, but there is a table in that volume that speaks to maximum impact and then post-closure impacts.

So I'm going to have a stab at it and let me know if I've got it wrong, so I'm seeking clarity on your clarity.

You've said 659.3 hectares is the worst-case scenario and that 403 hectares is the predicted more realistic permanent impact scenario.

Does the 403.5 hectare scenario reflect
Prosperity Lake as compensation?
MR. TRUSLER:
The 403.5 hectares is based on the post-closure, the reclaimed landscape, and it identifies the wetlands that would be lost based on
that, the footprint of the mine, including the areas that would be inundated. And it does account for a small area of wetland habitat that's identified as being re-established in the Reclamation Plan.

MR. ROBINSON: Okay. So that, therefore, includes the tailings impoundment, Prosperity Lake, and any other areas that you've referenced including waste storage sites that upon removal would provide habitat as they would create depressions and infill with water. And these are things that are described in Volume 5 of the EIS.

So, to be clear, then, the 403.5 hectares includes the predicted wetland values associated with those features?

MR. TRUSLER: The 403.5 hectares is wetlands that are -- it's the net loss of wetlands. The -- based on the reclaimed -- on the reclaimed landscape at the post-closure. So I'm not quite clear on what your question is, but are you asking whether or not we're taking into account some of the lake habitats as including as the wetland? The answer to that is, no, we're including wetland, the definition of wetlands there are used in the EIS. And the areas that are inundated under, you know, deep water areas are not included in that definition.

MR. ROBINSON:
Yeah, I wouldn't include the deep water areas. What I'm referring to are the fringing wetland plants that would be associated with Prosperity Lake, the tailings impoundment, and any other aquatic features associated with the mine site.

MR. TRUSLER: There are some small amounts of area that are identified as wetland habitats in the post-closure, but Taseko has made some discussions about recreating fringing wetland habitats more recently. Those, for the most part, weren't included in the Reclamation Plan that was used for the EIS, so we've only accounted for, you know, what was there in the post-closure Reclamation Plan. And it was fairly minor amounts. I would have to go back and check the specific numbers, but fairly minor areas of wetland compensation that were included -- or not compensation, but reclamation that were included in that accounting.

MR. ROBINSON: I have to say, I haven't found the clarity \(I\) was seeking.

THE CHAIRMAN: Well, I was just going to add, I'm getting confused here, too, on what the actual estimated loss of wetlands is.

MR. TRUSLER: Sorry, it's 403.5 hectares.
THE CHAIRMAN: And if I understand, you have
some difficulty understanding that number?
MR. ROBINSON: My understanding is that, and, again, in review of Volume 5 of the EIS, that the worst-case scenario, as provided in the report, is 659.3 hectares. And post-closure, which would include Prosperity Lake, the tailings impoundment and any other waterbodies as a consequence of the mine site, would result in a permanent loss of 403.5 hectares. That's my understanding.

MR. TRUSLER: That's correct. And the 659.3, the worst case scenario is based on a buffer mine footprint. It's meant to represent the worst case scenario to allow for the potential for changes or alterations in Mine Plan, just that so we've really covered that worst case scenario.

The post-closure scenario is based on the reclaimed landscape which is based on the reclamation.

MR. ROBINSON:
Fair enough. And similarly, then, with the riparian habitats, the worst-case scenario is in the order of 3,100 , something in that order, and that the permanent loss post-closure is roughly 352 hectares.

To say that our -- I don't think we're in error here, and that we've --

MR. TRUSLER:
Sorry.

MR. ROBINSON:
And to say that, again, by
the same line of logic, those numbers we've provided in our submissions to date, and again speak to our concerns around the magnitude of permanent wetland loss in the mine site area.

MR. TRUSLER: Just for clarification, the 3,135 hectares of riparian habitat represents all of the riparian habitat in the Regional Study Area at baseline.

The residual effect on riparian habitat is a loss of 995.6 hectares.

MR. ROBINSON:
Okay.
MR. TRUSLER:
At maximum disturbance.
And the post-closure loss of riparian habitats I believe is at 327, or 357 hectares.

So just to recap. The 3,135 hectares is all
of the riparians habitats that are there at baseline prior to the mine development. At maximum disturbance, there's 995.6 hectares of riparian habitat that are lost due to the Project. And the residual effect on riparian ecosystems is 357 hectares.

MR. ROBINSON: And noting that, those are significant differences in worst-case scenario, worst-case scenarios for riparian habitat. And I'm
more than willing to recheck our evaluation along those lines and confirm whether we have the clarity that we're seeking here.

MR. TRUSLER:
Sure. Okay.
MR. ROBINSON: And I have one more question and then my colleague Charles has one question.

And this will come up in our presentation as well as a premise, or as a lead-up to the question, as the Panel is undoubtedly aware, there's a division of labour, so to speak, in wildife management between the Canadian Wildlife Service and the Provincial Ministry of Environment.

And for many of the species in the Project area, these species fall under Provincial management.

And furthermore, while we have a Federal
Species at Risk Act that obligates Canada to do the right thing insofar as managing a species at risk, there's also a bilateral agreement between Canada and B.C. that reflects the division of labour and the duties of each level of government.

To that end, there is a specific section under the bilateral agreement that speaks to Environmental Assessment. And it defines the roles and responsibility, again, of each department -- or level of government, pardon me.

Respecting that, Environment Canada will at times speak to species that are under Provincial management where we have the expertise and where we find it appropriate to do so. And the context is to work with our colleagues within the Province and to provide our opinions to Environmental Assessment again respecting the obligations and duties of each level of government.

That's a rather long-winded lead up to my question, which is actually quite short. And that is, the question is that Western toad, which is a species of special concern under the Federal SARA, has been identified in the Project area. And this species will be found in wetland systems.

And so the question is, is how does the Proponent intend to address potential impacts to this species noting that there will be impacts to wetlands, that there will be introductions or there would be proposed introductions of fish populations into systems that may very well include this species, and noting that toads and fish don't get along, what is the Proponent's intention here to address this kind of issue?

MR. BELL-IRVING:
I'll try not to belabour too much, but I'm still a little bit, Andrew, trying to
understand this reference to the bilateral agreement and the context in which the concern is expressed.

And I'll come back to that.
But a quick short answer is we have in our commitments and in our EIS an amphibian monitoring program identified. And I suspect that that would include the Western toad, but I honestly don't know. I think that would be considered an amphibian.

But are you suggesting that that toad is a SARA listed, did I understand you?

MR. ROBINSON: That's correct.
MR. BELL-IRVING:
And is there a protocol for SARA-listed species, whether it's under Provincial or Federal jurisdiction to have, amongst other things, a recovery plan in place?

MR. ROBINSON: For the Western toad, it would be a management plan. And so there are time lines associated with the development and posting of a management plan.

MR. BELL-IRVING: And is there some guidance in the management plan that we might consider when it comes to our monitoring that would be helpful to take that into account as we proceed?

MR. ROBINSON: Yeah, there's ample advice out there in literature as well as to how to protect
the species and reduce conflicts between it and other species when it comes to such things as wetland compensation.

MR. BELL-IRVING: Okay. I guess so in summary, then, having heard that, I would say that our current commitment and obligation is to monitor, as indicated. And as we develop the detailed plans, we would look to that particular species and ensure that if there's guidance that's applicable and appropriate, that we would include that and incorporate that into the monitoring program. That's all \(I\) can anticipate at this point.

MR. DUMARESQ:
Charles Dumaresq, Environment Canada.

I'll preface my comments by, or my question, rather, by indicating that my area of expertise is not in wildlife or in wildlife management, but I do have a knowledge of the lay of the land of a large number of mine sites across Canada and as lead author of Environment Canada's Environmental Code of Practice for Metal Mining, I did have an opportunity to acquire knowledge of practices in a number of areas of environmental management which are outside my main areas of expertise in water and waste management and things like that.

The question that I have for the Proponent is have they considered or do they intend to consider in the future some of the wildife management plans and practices which are in place at the Ekati Diamond Mine in the North West Territories?

And the reason that \(I\) ask specifically about that particular facility is twofold.

First, it's my understanding that the plans and practices that they have in place now are very good. For example, plans and practices for preventing attraction of various carnivores ranging from bears to wolverines to Arctic fox.

But \(I\) think it's also interesting to have a little bit of a context of the development of how Ekati got to the point where they have quite good plans.

Early on there were problems identified with that facility in terms of attracting wildife and with some other aspects of their wildlife management. And those plans were, those concerns were flagged by an organization known as the Independent Environmental Monitoring Agency. For those not familiar with the agency, \(I\) think it probably can be sort of best and most simply characterized as an Aboriginally administered agency funded by the company which
provides independent third party overview of the environmental operations of both the mining company in their operations at Ekati as well as the relevant regulatory agencies.

And the problems were identified quite early on by the independent environmental monitoring agency, brought to the attention of the company, and the company responded and developed the plans that they have in place now and continues to do their monitoring. And the performance also continues to be monitored by the independent environmental monitoring agency which provides an interesting relationship between the company and the agency.

So it's for those two reasons that I bring the question: One, the plans themselves are good, and I think they would provide, my understanding is that while some of the issues obviously in the barren lands of the Northwest Territories are somewhat different, some of the issues would be quite similar and they may be very instructive reference documents but I think also, as I indicated, that how the company got to that point \(I\) think is rather instructive as well.

MR. BELL-IRVING: Thank you, Mr. Dumaresq. I appreciate the advice and reference. Certainly not having looked at it or read that material, I couldn't
and wouldn't commit the company to implementing it, but we'll certainly commit to obtaining that information, reviewing it, and considering it as we develop these plans. Thank you.

THE CHAIRMAN: I believe that concludes your questions, Mr. Robinson, Mr. Dumaresq. Thank you for the questions and Taseko for your answers.

Again in the order of priority of questioners, \(I\) would note that one of the speakers is Mr. Wayne McCrory. I don't think he's here yet. But I would ask if the TNG or representatives of TNG have any questions of Taseko at this point.

Please proceed, Former Chief William, please.
QUESTIONS OF TASEKO MINES LIMITED BY TNG, BY FORMER CHIEF WILLIAM:

FORMER CHIEF WILLIAM: I just wanted to start off by talking to the Panel and also to Taseko. I just wanted to put on the record that \(I\), again, I'm in Williams Lake when I testified or did a presentation to the Panel, \(I\) felt that this advantage, you know, especially when we're talking about this, the wildlife, the plants, this is something that, you know, a Title case decision came down, and again, you know, the Title case didn't look at everything. It certainly got information from a lot of our People in
many areas of our Rights, our uses. There has been many studies done in or there are some studies done in the area, you know, like, for example, that Taseko Mines has done with Cindy English. And there's a Traditional Use Study done by the Tsilhqot'in National Government. Just to let you know, on the TUS, if we're lucky, we got 50 percent completed as an example.

So my questions here are in terms of the decision on the Title, on the Title case, as we all know, it's in appeals, and we've put out there since the decision came down, that there's 100 percent proven declaration of rights to hunt, to trap, to trade, to catch and use wild horses. And I've also presented this. And I feel that we talked about referrals and, I'm leading up to a question here, we talked about referrals here, and these referrals that comes to us and how it's dealt with, again, here we have a Declaration of Rights. And when we have to respond to referrals, I feel, and I've talked about this, this is throughout since our decision, and it is that the government, the company has to prove to us that our rights are protected. And I mentioned about the Constitution of Canada, Aboriginal People across Canada have rights enshrined in the Constitution as
one example.
And to me, to prove rights, just let's look at the decision of the Court case, and I feel right across the board, but focus on the Court decision is the right to hunt, to trap. What species do we hunt and trap? That's the question. And that needs to be determined. And those species, what are their habitats? How is that being protected? As an example.

The numbers of those species.
Pre-European contact, when we use these, when we hunt and trap, our People talked about going back to the same areas certain times.

Right now in this area, there's not only Xeni Gwet'in, not only Tsilhqot'in, but there's other First Nations, there's non-First Nations, there's tourists that use the area that impact it.

So, for me, as a First Nation Xeni Gwet'in Tsilhqot'in, \(I\) feel that my Rights hasn't -- there's no proven -- it's not proven that my Rights have been protected.

So just this one example to do that is we've opened the door that you need to involve us. We have some information. I do know that B.C. and Canada use different band numbers on species they based their
decision-making on, especially for the sustainable yield.

So we are in a process in the Tsilhqot'in Framework Agreement in terms of how to do that.

But here, just on the decision on the proven Declaration of Rights, my question would be what steps did Taseko take to receive this information? I've been listening, I've heard the different numbers. So my question is what steps did Taseko take in getting all this information?

MR. BELL-IRVING:
Former Chief William, just before I answer that, I thought you asked a number of questions.

FORMER CHIEF WILLIAM: Yes.
MR. BELL-IRVING: And just to check, the first question, what species do we hunt and trap?

FORMER CHIEF WILLIAM: Yes.
MR. BELL-IRVING: Was that correct?
FORMER CHIEF WILLIAM: Well, I gave those as an
example. I've asked those questions in my presentation to the Panel throughout the weeks. But keeping that in mind, yes, that, that would be a question. But my question to you right now is what are the steps did you take?

MR. BELL-IRVING:
Okay, I'll answer the last
question first. The steps we took in order to assess the effects of our Project on both wildlife that you would hunt and trap and the habitats that support that wildlife were, as described in our presentation, an ecosystem-based mapping technique that is common and standard throughout the province in addressing these kinds of questions that allowed us to map the habitats on which these animals and wildlife species depend. And we characterized our effects expressed in terms of the degree of impact in terms of areas of habitat that relative to the total available habitat in these study areas. And so we expressed the impacts in terms of percentages or changes in the habitat areas assuming that by addressing habitat we were indirectly addressing one aspect of the effects on our Project on the animals that rely on that habitat.

That was a general approach. But in specific reference to the Tsilhqot'in National Government, we went one step further and we relied upon and reviewed the transcripts and the evidence from the William case and all the testimony that was relevant as a matter of public record to extract a list of a number of species, specific species, and a number of specific vegetations or traditional plants. And the numbers of those two were
put on the slide. I think it's some 52 plant species and some 20-odd wildlife species.

We assumed that after \(300-\mathrm{plus}\) days of testimony and evidence in that trial record that that represented a reasonably comprehensive list. And certainly one that was very helpful for us.

So we took that list, both wildife and vegetation, and did a more detailed analysis. And that supplemental report that was referred to at the end of the presentation in fact takes each of the wildlife species of concern, combines that with the information we were able to obtain from the Provincial Government with respect to the populations of those species or animals, and we predicted an actual number of animals that our Project would potentially affect and the actual numbers of animals that our Project would affect is described in that report. Most of the effects are described as being disturbance, displacement, not killing but, rather, displacing the use of animals of a particular area, namely the Nabas, Fish Lake area, and displacing them to other areas with similar habitat. And we characterized the availability of the habitat for those wildife that we would disturb in the Project area in relation to those three study areas that we describe. The Rights and

Title area, we put it in the context of that. We put it in the context of a broader Regional Study Area, and thirdly, in the context of the eastern trap line.

And I recall from memory that the percentage of impact in terms of displaced or lost in this case habitat was in the range of 1 to 3 percent of the available habitat.

So from that, we conclude there is an effect, it's measurable, but not significant.

Those were the steps that we took to review the information, and those were our conclusions.

FORMER CHIEF WILLIAM: Okay, I just wanted to say also a question. As I mentioned earlier, there have been different studies. Like I said, the Cindy English report, there's a Nancy Turner, also information from the Title case, as you mentioned.

And I'm just wondering, when you look at these reports as a company, do you feel that you're able to get all the information from the Xeni Gwet'in, the Tsilhqot'in First Nations People that is needed for that area?

MR. BELL-IRVING: If I understand your question, Former Chief William, do we have all of the information? I would say we certainly don't have any information that hasn't -- you haven't been able to or
willing to share with us, but we've certainly reviewed the Cindy English report. I'm not familiar with the Turner one. So I'm not familiar with this particular reference.

But we're certainly, as I was going to respond to one of your other questions, we have again, looking beyond where we are today, as we go forward, if this Project is approved and if it's built, there are plenty of, and a number of opportunities and commitments on our part to continue to work with the Nations, the Tsilhqot'in Nation, particularly in the context of monitoring.

We've mentioned and discussed a Country Foods Study.

These kinds of things that all, I think, relate to a forward-looking relationship where we can continue to exchange information and better understand your use and your rights.

FORMER CHIEF WILLIAM: I just wanted to say to the Panel, you've heard the different presentations from the Tsilhqot'in and from the leaderships, the Elders and the youth. The issue here, and this is, you know, I'm thinking of the Title Case Appeal right now, and also the issue of the information that is reported here, my concern is that our involvement with
the capacity that we have, this, this Project is not a Project that we wanted. This is something that we kind of, we are forced to be involved. If we chose not to be involved, then we'd be more of a disadvantage.

So I just wanted to put on the record, and you've probably heard it time and time again, that we have a lot of Elders and members that are in the Xeni Gwet'in and the Yunesit'in area, the Tsilhqot'in, that have a lot of information and that we never were able to get to all of them. So there's information in Teztan Biny that's still, you know, I feel that still needs to be, you know, put on the record in terms of, you know, the mining footprint's going to be a certain size and we're looking at, you know, my understanding is about 45 years of no use to the area, and then when there's reclamation, there's a lot questions around reclaiming the area and how much of it we're going to be able to use again.

So this is really huge. And I just wanted to put on the record the disadvantage that we are. And the process that -- I think it's a process that's a lot better than other situations that I felt happening in our area, but, again, you know, it's not something that we -- how it would move forward and how it would
be done. We'd be comfortable with.
But anyways, my question, again, is, as I spoke earlier, all these water, all the species that we hunt and trap in terms of the Declaration of Rights and the habitats that are, you know, how they have been -- I guess I'm kind of comparing this area to the Xeni Gwet'in, the Yunesit'in, and the Tsilhqot'in use of the Tsilhqot'in territory. You heard around the Tsilhqot'in the different industries, the different activities, the process in which decisions were made by B.C. and Canada that affect the Tsilhqot'in. And, you know, I feel that studies, we have meetings with governments and they are saying there is enough moose, there is a lot of moose, there is a lot of deer, but our People go out there and they don't see that, so.

And I think, you know, my question would be around the species we hunt and trap as one question, and what we harvest in terms of the, what we harvest in terms of medicines, plants, does Taseko have all the information on what the Xeni Gwet'in, Yunesit'in, the Tsilhqot'in People use?

MR. BELL-IRVING: Former Chief William, again, I wouldn't admit to saying we have all the information because \(I\) understand and appreciate that the situation you've expressed, namely that you have more Elders and
community members who have perhaps ability and willingness to share more information. All I've been able to gather so far was, first of all, in our assessment, the information largely taken from the William decision. But we've added to that, significantly now, in light of the 17 days that we spent in your communities, or not all of them in your community, but in the communities. And certainly we attended all of those sessions and we heard and received all of that information.

So we're still gathering and still appreciating but \(I\) would have to say I'm sure we don't have it all.

FORMER CHIEF WILLIAM: Okay, thank you.
THE CHAIRMAN: Thank you, Former Chief William. There may be other questions from TNG, but I think this might be an appropriate point to take a break and then we'll come back afterwards. A 10-minute break or so.
(BRIEF BREAK)
THE CHAIRMAN: We would like to start the hearing again, please. I'd ask you to take your seats.

Could we begin again, please. I'd ask you to come in and take your seats so we can continue on with
the hearing.
Before the recess, I had asked if there were other questioners representing the Tsilhqot'in National Government and I see Patt Larcombe, so I presume you're next in terms of questioning, and that's fine.

I would like to make one announcement for people. I understand there was a key lost yesterday in the parking lot. It looks like it might be a house key, if \(I\) was to guess. But I'll just raise that if anybody is missing a key or you know anybody missing a key, it is here. Apparently it was turned in in the office and nobody picked it up. And they were wondering if somebody here might have lost it, and I draw that to your attention in case anybody's lost a key.

Okay, Ms. Larcombe, you have questions, please proceed, then.

QUESTIONS OF TASEKO MINES PANEL BY TNG, BY MS. PATT LARCOMBE:

MS. LARCOMBE: Thank you. I just wanted to follow up on the discussion that Former Chief Roger Williams and Rod were having. And before I ask the question, I would like to preface it with the guidelines specified that guiding principle of the Environmental Assessment

Process is, of course, to include traditional knowledge to help better inform the Environmental Assessment Process.

During the community hearings, Taseko had an opportunity to listen first hand to some traditional knowledge that was shared by various Tsilhqot'in members.

So my question is, having heard that traditional knowledge during the EA process to date, would you reconsider some of your conclusions regarding the significance of impacts on wildlife and plants?

And the three species that come to mind that I recall traditional knowledge being shared about was quite a number of people talked about the mule deer migration pattern right through the mine footprint. I recall an individual talking about there being a substantive amount of Labrador tea in the Teztan Biny area, which is different from what was presented in the EA application.

And the third one that comes to mind was some people had mentioned that that area had critical moose habitat.

MR. BELL-IRVING: To answer your question, Patt, first of all, the community hearings, as you
well appreciate, provided Taseko with an overwhelming amount of information and \(I\) would be doing a disservice to that amount of information and effort to suggest that in the time that we've had since completion of that round and the commencement of this round of hearings that we've done justice to even reviewing the transcripts and distilling down the information. So I wouldn't for a minute suggest that we've been able to fully consider that.

But, you mentioned three particular species, mule deer, Labrador tea, and moose.

Those three species were on the list of species from the William decision. Those species of both vegetation and animals were specifically assessed in great detail. And the effects, the impacts of our Project irrespective of the information that we heard at the communities are quantified to the greatest level of detail that we could in that assessment. And I'm speculating a little here, but I don't think the information we heard on those three species or those three aspects would change that conclusion at all. We talk about effects on animals such as moose and mule deer, for example. We expressed the impacts of our Project on the displacement of a number of those animals, moose and mule deer, I don't
remember the numbers, but I think they were relatively low expressed in terms of perhaps 1 or 2 animals could potentially be displaced as a result of our Project in the Project area and to the extent that that -- I mean, that information we don't believe would change as a result of what we heard on the community hearings. But I'm speculating a little on that.

MS. LARCOMBE: Well, I appreciate there's been a lot of information in a short period of time, but these hearings are going to be coming to a conclusion very shortly. And I'm particularly wanting to talk about the mule deer migration because that was not -I don't think that when you, when Taseko prepared their Environmental Assessment there was an awareness of the mine footprint being a mule deer migration route. And I think it would be important for the Panel to hear if your conclusions are going to be different than the ones that they have been presented with before the conclusion of the hearings. Otherwise the Panel's not in a position to have all of the information before them.

MR. BELL-IRVING: Again, with respect to the mule deer migration, there was certainly some information provided from a number of witnesses \(I\) recall about various migration routes. But for
clarification, we did consider migration routes and did determine our assessment based on that information already. And, again, I'm repeat -- I won't repeat, but my previous comment still stands about having to digest this and having to consider it over time. It's not something we can do now.

MS. LARCOMBE: Thank you.
THE CHAIRMAN: Thank you. Are there other questions from the Tsilhqot'in National Government?

QUESTIONS OF TASEKO MINES LIMITED BY TNG, BY MS. AMY CROOK :

MS. CROOK:
There are, Mr. Chair. Just so you know, I have a few short questions and then Mr. Wayne McCrory has a few questions for Taseko, too.

Rod, I was hoping we could go back to maybe the slides and your discussion about your reference to the success at Gibraltar, of reclamation success at Gibraltar Mine.

MR. BELL-IRVING: I'd have to rely on the technical wizards to put the slides up.

MS. CROOK: Well, maybe we don't need the graphics. I could just ask you my questions.

MR. BELL-IRVING: Sorry.
MS. CROOK: That's okay. I just want to make sure that I understood you. When I, I guess I
share the confusion that the Environment Canada folks had.

When you had your slides up there and you were talking about your work at Gibraltar and the reclamation you'd done, my impression was that you were saying that you had had success in revegetation and thus making it a reusable habitat area for wildlife and wildfowl; is that correct?

MR. BELL-IRVING: I was just clarifying with our consultants here the history, and, again, maybe if I created confusion, I can clarify it.

The presentation that was made today was prepared by our consultants and based on direction from me, it represents their work, not our work. But it also, in my instructions to them, was to, when talking about reclamation and planning, to give some examples of reclamation efforts. And these pictures were put in there by them for that purpose, to simply illustrate examples of reclamation.

We also, Taseko also submitted as an exhibit in these hearings a film on reclamation.

So it's just another illustration of reclamation. And I think that's the full extent of the purpose.

MS. CROOK:
Okay. Assuming that your
consultants speak for the company, I guess what I would like to know is what's the type of message I should take from that? Is it that you feel that your reclamation to this point at Gibraltar is providing adequate habitat? Is sustainable habitat for wildlife? And leading to that, I know you're not done, but \(I\) guess what I'm getting at is where, where are you in this, in your reclamation? I mean, are you at a point where this is something that you would hold up as a success and we've accomplished this and we should take as an example that you're providing that this is an analogy? Like we spent a lot of time talking, when Dr. Maest and Dr. Morin were here, of, you know, is an adequate analogy for Gibraltar Mine and for the Prosperity Mine, and should we count this as equivalent and is this good evidence, basically, is that what I'm taking home from this? This is good evidence that?

THE CHAIRMAN: Maybe I'll just interject here for a second. Of course we're not here to examine the Gibraltar Mine, but if I understand it correctly, Taseko has indicated that this is an example of reclamation. And I'm not sure it should be intended to go any further than that, but I'll turn to Mr. Bell-Irving.

MR. BELL-IRVING: exactly my response. I mean, we're not here to speak to Gibraltar's reclamation and nor was there any intention to imply anything. Perhaps in retrospect we erred or the consultants erred in even labelling where the photo was. It was intended to be an illustration of reclamation, irrespective of where. But please don't read into it, we're not here to talk about Gibraltar in any way, shape or form.

MS. CROOK: Okay, I understand that. I wanted to make sure that \(I\) was taking away the message that -- and it was not meant to say that this is successful and something that we should take as an analogy to what would be happening at Prosperity, then?

MR. BELL-IRVING: Absolutely it was intended to illustrate reclamation, period.

MS. CROOK: Okay. Thank you.
THE CHAIRMAN: Now, if I understand
correctly, Mr. McCrory has some questions, is that correct?

MS. CROOK: Yes.
QUESTIONS OF TASEKO MINES LIMITED BY TNG, BY MR. WAYNE MCCRORY :

MR. MCCRORY:
Good morning, Abenanes.

THE CHAIRMAN: Before you begin,
Mr. McCrory, I appreciate you weren't here for the presentation. So proceed with your questions. It's possible that some of them may have been answered. I don't know.

MR. MCCRORY: Yes, they relate more to my technical review of the Prosperity Mine EIS. And one of my questions is, one of the figures you used for the current use of the Taseko Whitewater Road is 50 return trip vehicles per day which translates to 100 vehicles per day.

Where did you get that information? It seems rather high to me. It's the equivalent of summer traffic on the Monashee Highway and the southern transprovinical highway and I didn't see any evidence, source evidence for that.

MR. BELL-IRVING: Mr. McCrory, that wasn't something we presented this morning. But may I suggest respectfully that when we move to the socio-economic section, either this afternoon or tomorrow, our Panel will be able to answer that. I can't answer that right now because I don't know off memory where that data came from, but we could certainly provide an answer.

THE CHAIRMAN: If I could interject, if I
recall, just to clarify, that is your projected traffic number for vehicles that would come to and from the proposed mine; is that correct?

MR. BELL-IRVING: That's correct. And we presented that in previous sessions to illustrate the actual transport vehicle. But there was a column in that table that also showed current use. And I took Mr. McCrory's question to really relate to the current use figure, but that was an assumption on my part.

MR. MCCRORY: It seems rather high to me and it relates to my assessment on impacts on grizzly bears.

The other information that we couldn't find and we looked for and maybe it's there is to what levels do you plan on upgrading the current road, to what standards?

MR. BELL-IRVING: If you're referring to the Whitewater Road, specifically, we have indicated, at the Hanceville turnoff, as it crosses the Chilko, Chilcotin River, that there will be some upgrades to some of the switchbacks that we will be working with the Ministry of Transportation to both design and implement. And any other upgrades to that road we have not specified primarily because that road and the maintenance of that road is the responsibility of the

Ministry and not Taseko Mines.
We have heard at the community hearings, particularly in Xeni, from both the First Nations and the community members, that there are some concerns, issues associated with that road, and we undertook in those sessions to specifically take those concerns into consideration in discussing with the Ministry and seeing what we can do to encourage the Ministry to, you know, look at this whole question. But it's their responsibility so Taseko is not undertaking any specific.

Obviously the rest of the road, the access corridor, which includes the 4500 Road, we have indicated in our Application that we will be creating turnouts I believe at a frequency of once every two kilometres, or once every one, I don't recall exactly.

And, of course, we're building a new road, a total length of roughly 2.8 kilometres, off the 4500 Road to the mine site, so we'll be responsible for building and maintaining that road.

MR. MCCRORY: My next question has to do with the mule deer migrations across the road. Did you project or document the increase in mortality to mule deer that will result along the road from upgrading to industrial standards and increasing the
traffic volumes by I believe 200 vehicles per day? Did you look at any other studies or data or current mule deer mortalities on the highways to make some predictions as to how you will be impacting deer populations in that area?

MR. BELL-IRVING: I would ask the wildlife biologist to answer that.

MS. BRYDEN: We did assess the effect of increased mortality risk on mule deer related to the road as part of the assessment.

MR. MCCRORY: Okay, thank you. And then I have a question on behalf of Roger William, who had to leave, and they are concerned about the impacts of the power line on the moose, especially because community members in Esketemc and Alkali have indicated that since the power line, they haven't seen any moose. So did you look into how the power line itself would impact animals in the area like moose?

MS. BRYDEN: We did assess the effect of the transmission line corridor on the availability of habitat for moose and for the 21 key indicator species. Moose was one of them.

MR. MCCRORY: Did you attempt to assess mortality rates from unauthorized access to the power line, ATVs, et cetera, that sort of thing, increased
mortality?
MS. BRYDEN: As part of our assessment of Project effects on the, or mortality risk, we did consider the transmission line with respect to human access.

MR. MCCRORY: Okay. All right. Thank you, I think that's all the questions I have to ask. Thank you, Panel.

THE CHAIRMAN: Thank you, Mr. McCrory. Does that conclude the questions, it does, from Tsilhqot'in National Government. Yes.

Okay, we'll move next to the Panel, then, and our questions.

\section*{QUESTIONS OF TASEKO MINES LIMITED BY THE FEDERAL PANEL:}

MR. KLASSEN:
Mr. Chairman, I have a few questions.

This has already been touched on in the exchange with Environment Canada regarding the Habitat Compensation Plan. But I think it would be helpful to the Panel to have a better understanding of what steps will be undertaken to achieve that Habitat

Compensation Plan. I had the impression from the exchange that those steps have not yet been nailed down. But can you perhaps elaborate on the steps that you envision and then \(I\) expect later I'll be asking
the same question of Environment Canada.
MR. BELL-IRVING: Well, Mr. Klassen, if I may perhaps put the Taseko perspective on the discussion of habitat compensation.

First of all, to clarify that I think you'll find between Environment Canada and Taseko, we're talking about two Habitat Compensation Plans, not one.

The Compensation Plan that we have, Taseko has committed to and embraced is the one that's included in the Certificate from the Provincial Government. And it's Section 11 I think of that table.

And to answer your question in the context of that, it speaks to an undertaking to work with the Ministry of Environment, principally, but to work with other regulatory agencies, and specifically Canadian Wildlife Service are included in that, to develop a framework. And that framework has some principles or context around which that would be developed. And those are also described in that commitment item number 11.

The framework starts by talking about the commitment to compensate is very broad, very large in terms of the scope. It talks about compensation for wetlands, wildlife habitat values, ecosystem values,
and other attributes largely derived out of correspondence from the Ministry of Environment Deputy Minister back in 2006. At which point the Ministry was on record as saying that if the Project were to go ahead, there would be a requirement to meet the Provincial Policy for Compensation of Habitat.

That in our view is a precedent. There is no example that we're aware of that there is a Habitat Compensation Plan to this level.

However, the commitment goes on to say that one of the principles is that we agree to work with the Ministry in the development of this framework and that once that's developed, the aspects relate to the fact that, first of all, we have to agree on how an adverse effect may be defined and how it may be measured. And we would, of course, then commit to that definition and that measurement.

We also, another principle, have said that we are of the view, and the framework allows, that in our Project we have identified a number of mitigation measures and that we would not be assessing those adverse effects until those mitigation measures have been proven to be either successful or not, so we're implementing this Compensation Plan in sequence sort of after the mitigations for the Project have been
implemented and proven to be either successful or not.
And then we have, obviously, as a final principle, a commitment to develop and implement whatever the appropriate compensation is in the form of wetlands or any other variable.

I might add that only three days ago we received a request from the Ministry of Environment to begin those discussions and to start developing those terms and conditions of that framework. And we've responded saying, of course, we will. So we anticipate doing that in the near future.

MR. KLASSEN:
Thank you. You anticipated a number of other questions that \(I\) had, particularly with respect to determining the adverse effect and then compensating for that.

What I would like to know further, though, is do you feel that you've got the baseline data in hand that would allow you to assess through the monitoring whether there is in fact an adverse effect?

MR. BELL-IRVING: I don't believe I could give a "yes" or "no" to that. I think what we have in hand speaks for itself. We have a considerable amount of data in hand, and that would obviously be one of the first questions that will have to be addressed and discussed in the development of this framework. And I
can't speculate as to what that might turn to.
MR. KLASSEN: Thank you. I've got a question similar to Mr. McCrory's, I think, about the moose and deer along the transmission corridor, although slightly different.

East of the Fraser you didn't conduct any site surveys or any field surveys, if I'm correct, if not, you can correct me on that, but I believe you relied on habitat models to evaluate what the impacts would be on moose and deer along the transmission line. So I wonder if you could elaborate on the rationale for using that method rather than, if I'm correct, not using surveys. Thank you.

MR. BELL-IRVING:
We apparently, I'm informed that we did not do surveys on the west -- on the east side of the transmission line. Was that the answer to the first part?

MR. KLASSEN: No, I understood that you hadn't.

MR. BELL-IRVING:
Okay.
MR. KLASSEN: And then, as I understood it, to determine effect, you looked or you developed a habitat model that then gave you some indication of numbers. So I'm looking for an elaboration on the rationale for using that model, that method instead of
using surveys, conducting surveys.
MR. BELL-IRVING: Go ahead.
MS. BRYDEN:
Okay. Well, we applied the same model for assessing effects of the Project or the transmission line on habitat availability across the entire length on the transmission line. So the same methods and model were applied to the east side as to the west side.

MR. BELL-IRVING: The question was what was the rationale for that?

MS. BRYDEN: Well, the modelling approach is what we used in the mine site as well. It's a standard practice for assessing spatial changes in habitat, predicting losses of hectares.

We didn't entirely not do surveys on the east side of the transmission line, we did do bird surveys and amphibian surveys, for example. We didn't specifically do ungulate surveys. In recent years, in support of this Project, there was some work done in previous years before our involvement.

So the habitat modelling approach is a standard approach, especially for large study areas, for predicting Project effects.

MR. KLASSEN: I have some familiarity with
that. But isn't there usually also an element of
ground-truthing to ensure that what your determination is about that use of habitat is in fact accurate?

MS. BRYDEN: So ground-truthing for example whether we rated habitats correctly as inputs to the model? That's the kind of thing you're asking about?

MR. KLASSEN: And you did do that?
MS. BRYDEN: We did do that for
portions of the transmission line that would correspond to similar ecosystem units on the east or west side of the Fraser.

MR. KLASSEN:
Okay. Thank you.
THE CHAIRMAN: Nalaine?
MS. MORIN: I have a question with regards to your presentation. On slide 17.

MR. BELL-IRVING: commitment slide?

MS. MORIN: You indicated that you will work with Ministry of Transportation to enforce speed control. Do you know if this can be implemented effectively?

MR. BELL-IRVING: I think what was intended by that was the issue of signage. And that, again, related to the fact that the Ministry is responsible for the maintenance of that road and that aspect of it
that we anticipate that, as through that discussion, there may be some signages posted either in terms of dangerous or known wildiife crossing areas or in terms of speed limits, that sort of thing.

And the answer to the question, do we know if it's been successful? No, not at this point.

MS. MORIN: Also from your presentation on slide 11, on slide 11 you only refer to wetlands for habitat compensation. Are you considering other habitat compensation as part of your commitments to the Province?

MR. BELL-IRVING: Yes. The full extent of that habitat compensation is, again, referred to in that commitment number 11 in the Provincial Table.

MS. MORIN: In the EIS, Volume 5, Section
5.3.2.4, you state that you will:
"Work co-operatively with conservation groups and not-for-profit organizations to retain wetland ecosystems in the larger macro region and will target conservation of wetlands that are ecologically similar to those affected by the Project."

So that's on page 5-99.
In the Commitment Table, however, it is not clear whether you are still considering these measures.

So my question is, are you still considering these mitigation measures and what actions have you taken or are considering taking to pursue this goal?

MR. BELL-IRVING: I think the broad answer is that the Certificate and the statement in our Provincial Certificate links us and obligates us to follow through with all the commitments in the EIS. And that's one of them.

As to your question of what have we done and are we considering it? Yes, in fact as part of our discussions with Canadian Wildlife Service on this issue of wetlands, both the Canadian Wildlife Service and ourselves have been in touch with organizations like Ducks Unlimited to explore with them opportunities and their inventory as you were, as it were, of potential Compensation Plans. And the reason that I have personally spoken to Canadian wildlife, or at least to Ducks Unlimited on this matter relates to the fact that, as we start to implement our Compensation Plan, we need to inform ourselves as to where there might be opportunities for a compensation. And so we're continuing those kinds of discussions.

MS. MORIN: My final series of questions is in relation to CEAA document 1270, which is the Supplemental Report on the Local and Regional

Environmental Effects on Wildlife and Vegetation Resources of Importance to the Tsilhqot'in National Government at the Proposed Mine Site.

So in the supplemental report you indicate that you've used a relatively simple calculation to determine the number of individual animals potentially affected by the Project area. And more specifically, that formula can be found on page -- sorry, maybe I'll just read out the formula. The formula is area of habitat loss times species density.

So my questions are:
What is the basis of using such a formula? And, have you seen this type of calculation used in other scientific study?

MS. BRYDEN: Yes, it's commonly used in other work to predict a number of animals in a given area based on density. And we arrived at the formula -- or consensus on the formula in discussion with Ministry of Environment.

MS. MORIN: Can you provide a reference to support that?

MS. BRYDEN:
Not off the top of my head, but I can, yes.

MS. MORIN:
Given that species densities used are estimates from Provincial Government data or
from literature reviews, how reliable is this approach in characterizing the local effect of the Project on animals of the project area?

MS. BRYDEN: The reliability, of course, is better when there's data provided by the Ministry of Environment for the area or similar ecosystem units or biogeoclimatic units to the area. That reliability decreases with having to access information from other study areas.

MS. MORIN: Can you explain how this formula takes into account species richness, how it takes into account temporal, spatial and scale components of the populations being affected?

MS. BRYDEN:
So the first part was how it takes into account species richness? It doesn't. It's not intended to.

And could you repeat the second?
MS. MORIN: Temporal, spatial and scale components of the populations being affected.

MS. BRYDEN: Well, it's intended to reflect a local effect. So the spatial component is directly tied to the area of loss we use to predict, so that's based on the Local Study Area or the mine footprint itself.

And the temporal component, it does not
provide a temporal component, other than, in some cases, for example, for migratory birds that the estimate applies to, of course, the time of year they are on the site or potentially on the site.

MS. MORIN: And finally, what is the meaning of the values provided in Table 3 of the report? For example, the values represent the number of animals displaced at any given time, what does this mean for the entire life of the mine and post-closure?

MS. BRYDEN: Could you repeat the final question, part of the question?

MS. MORIN:
MS. BRYDEN: for?

MS. MORIN: entire life of the mine and post-closure?

MS. BRYDEN: This relates to maximum disturbance, so it means throughout the life of the mine, the four moose, for example, that are displaced, that effect exists for the life of the mine.

Now, displacement with reclamation over time will ease as some animals may move back in to use vegetation communities that are developing on the mine site.

So it doesn't apply to post-closure. But it
applies to maximum disturbance -- of the operational life of the mine.

MS. MORIN:
Thank you.
THE CHAIRMAN:
A few questions as well. I think the first one is perhaps directed to Mr. Rider (sic).

Regarding the environmental management system, you mentioned, if \(I\) recall, in the presentation, that there would be environmental monitors involved I believe during construction. Is that a fair, a fair understanding? We need the microphone.

MR. TRUSLER:
THE CHAIRMAN: That's correct.

Okay. My question is could you describe, I guess, what you mean by "environmental monitors" and related to that is a question that is similar to one raised by Environment Canada as to whether consideration has been or would be given to including First Nations in that type of practice?

MR. BELL-IRVING: I think I would answer that, Mr. Chair, by saying that at this point in time we're in the process of developing the details of these management plans and the process by which we will fulfil all of those obligations and including a definition of an environmental monitor, what the
qualifications are, and how that function will report and who might fulfil that function. We're not at the point where we've defined it yet.

THE
C in principle, have identified the need for environmental monitors but that's about as far as it has gone at this stage?

MR. BELL-IRVING: That's correct.
THE CHAIRMAN: Thank you. A few questions on vegetation. In, again, \(I\) believe it was Mr. Rider (sic) that mentioned, I don't have the slide number, but there was a reference in one of the slides to the, and I quote: "The pine beetle epidemic provides an important context for Project effects." And I wondered if you could elaborate on that a little bit more. Is this in the context of cumulative effects or is this in the context of Project design, and I'm thinking particularly of the transmission line location.

MR. TRUSLER: I think it would apply in both cases. Certainly with respect to Project effects. A good example of, you know, how the pine beetle issue provides context is when we're looking at the effects of the Project on forest, particularly mature and old forest, because we're aware that much
of the mature pine in the Project area will likely be affected by pine beetle.

We tended to focus more on elevating the value of non-pine-leading stands when we looked at those effects. Assuming that the mature and old pine would be succumbing, many of those trees would succumb to the pine beetle regardless of the Project.

And with respect to the Project design, certainly, and carrying on from the effects assessment, you would look at potential losses of forest in areas that are going to be cleared for the transmission corridor. You know, areas of pine that's been killed by pine beetle, you may look at that as being less of an impact than if you were to clear areas of spruce or fir or non-pine-leading stands.

So certainly, in general, looking at areas that are pine-leading as being perhaps less sensitive to Project effects because the mature and old pine would be lost to pine beetle.

THE CHAIRMAN: Okay, well, thank you.
Related to that, we, I think the estimate of loss of old growth forest, and I may be wrong on that, but there is some loss of old growth in the area both in the proposed mine site and in the proposed
transmission line corridor. And I wonder if, if
there's any possibility of modifying the site clearing practices in such a way as to reduce the clearing further of old growth forest?

MR. TRUSLER: I think that's one of the mitigation measures that's indicated for old forest, is to minimize the extent of clearing. So certainly, I think as, and Taseko is aware of that issue and would be, you know, able to take that into consideration when they are making decisions about setting transmission line and other activities.

THE CHAIRMAN: Thank you. Another question related to decommissioning. I just noted that, again, in the slide about I guess practices in British Columbia, that you indicated that, historically, few mines in British Columbia have salvaged soil for reclamation. I was just curious as to why that might be the case and what is particularly new about the practice being proposed for this proposed mine.

MR. TRUSLER: This is my understanding and it's, it relates to regulatory requirements for mines that in the past and in many instances mines haven't been required to salvage soils.

I guess the point that was being made with respect to Taseko, the Prosperity Project, is that they are looking at quite a substantial soil salvage
program for capping their mine site.
THE CHAIRMAN: So the answer is it's a new regulatory requirement, essentially, by the Province in this case?

MR. TRUSLER:
I think that the practice is developing and certainly regulators are increasingly requiring soil salvage for mine projects.

What's that?
(Inaudible question)
No, I'm not aware of the specific change in regulatory requirements, but the information that \(I\) have is that in the past, it hasn't been as common to have soil salvage for mine projects.

THE CHAIRMAN: Thank you. My final question has to do with the reference to the Esketemc community forest and the right-of-way clearing within the mule deer winter range area. And, again, in your slide, you've indicated, which I can understand, that: "Clearing would be avoided during winter, but to the extent practical." And I wonder what you mean by that? It doesn't sound like a very firm commitment to me.

MR. BELL-IRVING: If you don't mind, Mr. Chair, could you just repeat the question.

THE CHAIRMAN: The question was in the slide
that was presented regarding the Esketemc Community Forest and the proposed clearing of the right-of-way, the transmission line through that area, and the slide indicated in the presentation that: "Clearing within the mule deer winter range would be avoided during winter to the extent practical." And I just indicated that that doesn't sound like a very firm commitment and I would just like a further elaboration on that. What is meant by "to the extent practical"?

MR. BELL-IRVING: I would assert the meaning of that to suggest that the intent is to avoid.

The "where practical" is a couched or a phrase to indicate that at this point we have not designed the centre line or its final alignment. And until we have, we can't make a firm commitment to avoid. But obviously once we have a line and finalized it, we would make -- we would first of all try and develop the alignment so as to avoid if at all possible. But in the end, if it's unavoidable, for whatever reason, then that's what the "where practicable" I think applies to.

THE CHAIRMAN: I think it is the plan, but maybe you could confirm this, but clearing would be done in the wintertime; is that correct?

MR. BELL-IRVING: Yes, I believe that's
correct.

THE CHAIRMAN:
Would there be, would it be an appropriate mitigation measure to do clearing during other times of the year to avoid winter mule deer habitat? I recognize that could impact other values of importance as well, but.

MR. BELL-IRVING: I see. Now I'm better understanding the discussion. The commitment and the reference is to do the clearing outside the winter period where practicable. In other words, to undertake the clearing in seasons other than winter when that habitat would be utilized most preferably by the mule deer.

THE CHAIRMAN: I see. Okay, so that wasn't clear to me. So your intent is not to clear during the winter for the purposes of avoiding the mule deer winter habitat?

MR. BELL-IRVING: That is correct.

THE CHAIRMAN: Thank you for that clarification.

Bill, I think you had a few more questions?
MR. KLASSEN :
Yes, still on the Esketemc
Community Forest. One of the concerns that was raised by Mr. Chipman, the Esketemc Community Forester, had to do with the straight line clearing and the
potential effect on predator/prey relationship. I think the concern was increasing, I guess, the success of the predators in killing prey such as mule deer; he referenced cougar, bears and wolves.

Has there been any thought given to reducing the, he referred to line of sight, but I think it's also the ease of travel along those corridors by the predators. Has that been taken into account at all in looking at the transmission line location?

MR. BELL-IRVING: Not at this point, no.
MR. KLASSEN: Given the concern expressed, is that something you will be taking into account?

MR. BELL-IRVING: Yes.
MR. KLASSEN: Now, there's also reference in the slide to which Mr. Connelly was just referring about an Invasive Plant Management Strategy. And I think you've indicated to us previously that one of the ways of dealing with invasive plants would be the use of chemicals and we've heard in the communities as well their concern about the use of chemicals, pesticides. To what extent does that Invasive Plant Management Strategy rely on the use of pesticides?

MR. TRUSLER: The Invasive Plant
Management Strategy includes a number of potential measures that could be taken to control invasive
plants; mechanical means, biological means, and chemical means. So there are a variety of options available. And it would depend on the species, the particular species that is at issue in terms of what, you know, the best option would be, and then also taking into consideration other concerns as well.

MR. KLASSEN: Thank you. And one last question has to do with grizzly bears. In your supplemental report on wildlife and vegetation, I think your conclusion was that the residual Project effect on grizzly bear habitat is predicted to be not significant with respect to the sustainability of the grizzly bear population in the region and the rights and title study area. But we heard from Mr. McCrory, and in his April 16th submission, and I'm sure he'll get into this later, but \(I\) think the statement is that: "The proposed Project will push the west Chilcotin grizzly population over the extinction threshold."

It may be premature to ask this question now, since we don't have Mr. McCrory's presentation as yet, but I'm wondering whether, given that we've had Mr. McCrory's April 16th paper, whether that's given you time to consider the conclusion that you arrived at previously?

MS. BRYDEN: We wouldn't reconsider
the finding. Our finding of not significant, though, is dependent on, and we make it quite clear in the EIS, on the effect of and full implementation of the mitigation measures.

MR. KLASSEN: Okay, I expect that there'll be some more discussion on that after Mr. McCrory's presentation. Thank you.

THE CHAIRMAN: Nalaine, another question?
MS. MORIN: I just have one follow-up question with regards to CEAR document 1270 and the responses that you've provided.

My follow-up question given that the formula
that you've used to assess effects does not include species richness, does not account for temporal, spatial and scale components, whether or not you believe this is still a fair assessment of the effects?

MS. BRYDEN: Yes, I just want to correct part of my response about the temporal boundary. It is in fact, that's true for the transmission line that it's for the life of the operations and with reclamation the displacement would reverse itself.

But in fact for the mine site, we looked
specifically at the permanent loss of habitat to predict the displacement, so that would be a permanent displacement, for example of the 4.4 moose, just to clarify that.

And so now that I've -- you'll have to repeat your question, I'm sorry.

MS. MORIN: I would just like to know that whether or not you still believe that this is a fair assessment of the effects?

MS. BRYDEN: Yes, a fair assessment of the local effect on populations with respect to displacement of animals.

MS. MORIN:
Thank you.
THE CHAIRMAN:
Thank you. That completes the Panel's questions. I just want to go over the order of speakers, or, sorry, questioners, because it's probably getting to the point where we should take a break for lunch.

But I wondered first of all are there any questions of other Federal departments of Taseko, that would be DFO, Natural Resources Canada, and Transport Canada, just to check where we are in terms of possible questions? I don't see anybody rising, so I assume that the Federal departments have no questions.

Then after lunch, the order, again, just for
planning purposes for those that are here, would be, if they are present, Canoe Creek Band, Esketemc First Nation, Friends of Nemaiah Valley, MiningWatch Canada, Share the Cariboo-Chilcotin Resources Society, and the Williams Lake District Chamber of Commerce. That would be the order of questioning that we would follow following the lunch break.

So it's now 12 o'clock, and I would close the session here, I will close the session here this morning.

We will start again at 1 o'clock. Thank you.
(NOON BREAK)
(PROCEEDINGS ADJOURNED AT 12:03 P.M.)
(PROCEEDINGS RECONVENED AT 1:00 P.M.)
THE CHAIRMAN:
Good afternoon, I think we're ready to start again. Get everybody in their seats. And we'll resume the hearing.

As I indicated before the lunch break, we could continue with the questioning in the order as follows. And I'll just go through the list again.

And then I'll just read the list out.
It would be Canoe Creek Band.
Esketemc First Nations.
Friends of the Nemiah Valley.
MiningWatch Canada.

Share the Cariboo-Chilcotin Resource Society. And Williams Lake and District Chamber of

Commerce.
So with that, I'll just ask if there's anybody here from Canoe Creek.

I don't see anybody.
Then next, Esketemc First Nation, any questions to Taseko?

QUESTIONS OF TASEKO MINES LIMITED BY ESKETEMC FIRST NATION, BY MS. BETH BEDARD:

MS. BEDARD: Thank you. One of the problems with getting old is that I don't hear as well as I used to, so Scott's presentation was a bit muted, so forgive me if \(I\) repeat or ask questions about information that you may already have answered.

Now, in the reading of your report, and with your presentation this morning, as I understand, there are going to be impacts to the mule deer winter range on the east side of the Fraser River; is that correct?

MR. TRUSLER: So this is in relation to the Community Forest area?

MS. BEDARD:
This is in relationship to
the transmission line.
MR. TRUSLER:
Oh, okay, yes.
MS. BRYDEN:
That's correct, the
transmission line does cross through identified mule deer ungulate winter range areas.

MS. BEDARD:
And your assessment is that there will be no significant residual impacts?

MS. BRYDEN:
Correct.
MS. BEDARD: How do you define "residual."
MS. BRYDEN: Residual effects are the effects that remain after mitigation measures have been put in place.

MS. BEDARD: And when would this be apparent, would we be looking at 40, 50 years in the future?

MS. BRYDEN: Along the transmission line, the effects would be apparent as soon as it was cleared.

MS. BEDARD: Cleared for to build the transmission line?

MS. BRYDEN: Yes. Clearing of the right-of-way.

MS. BEDARD: So that would be mitigation and there would be no residual effects during that time?

MS. BRYDEN: No, sorry, the effect is precipitated by the clearing of the transmission line right-of-way. And that is the residual effect, the
area lost through that clearing.
MS. BEDARD: So there are no significant residual effects, is what you are saying?

MS. BRYDEN: That's right, there's a residual effect, but it's not considered to be significant with respect to the sustainability of mule deer.

MS. BEDARD: Is there any significant residual effect or immediate effect with respect to First Nations hunting in that area?

MS. BRYDEN: Well, I didn't specifically address hunting in the wildlife assessment. That's addressed elsewhere.

MS. BEDARD: Is there any significant effect, immediate effect on population numbers?

MS. BRYDEN: No, there's no significant residual effect on population numbers.

MS. BEDARD: And that includes the cumulative effects of traffic, ATVs, on the transmission line?

MS. BRYDEN:
Correct.
MS. BEDARD: And you, well, I'm certain that Taseko's familiar with Esketemc's information on the effects of the existing hydro transmission line and the complete collapse of hunting within those
areas because of the traffic. Do you not think that that is significant for this transmission line?

MS. BRYDEN: I'm not familiar with that study.

MR. BELL-IRVING: I can speak to that, Beth.
You're referring to the transmission line on the east side of the Fraser in the Esketemc territory?

MS. BEDARD: North/south, yes.
MR. BELL-IRVING: And the 500 kV line, the big wide one. We didn't assess the effects of that, any impacts of that project or that line, we didn't include in our assessment at all, no.

MS. BEDARD:
But you have heard that
information from the Esketemc community, from the entire community on the effects of the hunting and the lack of hunting and the collapse of the animal populations. Does that not lead you to question your findings?

MR. BELL-IRVING: No, because our findings are based on the habitat characteristics of the transmission line that we're proposing to build and the effects are assessed according to that, those parameters, and not based on the effects of some other project that is not related.

MS. BEDARD: So you are using a model to
assess effects as opposed to evidence-based information?

MS. BRYDEN: We used a habitat model to assess the effects of this transmission line.

MS. BEDARD: Okay, do your habitat models contemplate existing transmission lines?

MS. BRYDEN: Existing disturbances of whatever type, cut blocks, transmission lines, et cetera, are included in the model.

MS. BEDARD: So your model, then, includes all cumulative effects from the beetle kill, logging, hunting from non-Natives?

MS. BRYDEN:
We're talking about a habitat
model, so it doesn't include hunting as an effect in the habitat model, but it does include any area-based disturbances, like, as you mentioned, logging, transmission line.

MS. BEDARD: So human activity is not included in your model?

MS. BRYDEN: Not for habitat.
MS. BEDARD: But logging is?
MS. BRYDEN: Logging is. And we do take into account sensory disturbance buffers along roads, for example, so.

MS. BEDARD: And how does sensory
disturbance buffers, how do they affect the residual effects?

MS. BRYDEN: What we do is we take a feature like a road and we buffer it by so many hundred metres. It varies depending on which key indicator we're looking at. And we reduce the habitat value within that buffer so that that, when we run the whole model, takes into account some reduction in habitat value, in addition to direct disturbances which actually remove habitat.

MS. BEDARD: But this has nothing to do with numbers of deer or moose?

MS. BRYDEN: No, the habitat model, doesn't.

MS. BEDARD: So in other words, you cannot tell the Esketemc community that there will not be a reduction in the few remaining moose and deer?

MS. BRYDEN: Well, we did look at increased mortality risk as another effect, separate from the habitat-based effects.

MS. BEDARD: But there were no significant residual effects?

MS. BRYDEN: There were no significant residual effect on mule deer mortality risk associated with this Project.

MS. BEDARD:
Now, the transmission line is going to be cutting through a nursery area for moose and deer. The destruction of that habitat, how does your model plan to compensate for that, where will those animals go?

MS. BRYDEN:
Well, the models we used looked at winter habitat for moose and mule deer, not calving habitat, for example, or nursery habitat. So we focused on what we considered to be a critical parameter for moose and mule deer in this area, winter range. And there's obviously other types of habitat we could have looked at as well, but we chose what is considered to be critical habitat.

MS. BEDARD:
And how is critical evaluated with respect to the other habitats?

MS. BRYDEN: Well, critical habitat would be habitat required for the survival of the animal throughout its lifecycle.

MS. BEDARD: So these nursery areas, then, are not critical to their survival?

MS. BRYDEN: That would be another type of critical habitat.

MS. BEDARD: And why was that not examined?

MS. BRYDEN: Well, we chose to look at
winter range, winter feeding and shelter habitat.
MS. BEDARD: So do you think that that is a complete study in your opinion? Have all the critical factors been evaluated?

MS. BRYDEN: These were, there's a lot of different habitats could be assessed. This was -winter range was one developed in consultation with the Ministry of Environment at the early stages of the Project.

MS. BEDARD: So the Ministry of
Environment said that you should only look at this habitat?

MR. BELL-IRVING: Just to clarify. In the history of this assessment, there was quite a bit of discussion around the various KIs or key indicators, both species and the habitat aspects, that would be studied both at the mine site and the transmission line. And it was an outcome of the Review Process, primarily in the '90s, that led to the selection of the list that was the basis on which the entire assessment was predicated.

So it was done through advice and direction from government. It was updated in 2008 through what we called a gap analysis.

And again that was done in consultation with
government through the working groups, through discussions, prior to us undertaking and completing the baseline.

So we're not suggesting that we've studied every habitat or every attribute, whether nursery for mule deer, but we did follow the direction and studied what we were instructed in our Terms of Reference to do.

MS. BEDARD: So, in other words, the Terms of Reference could be inadequate and there are still major gaps.

Moving on. Feral horses, there was no mention of wild horse habitat on the east side of the Fraser River. Now, I remember in a working group we spoke about that, Colleen, and you had said that you weren't familiar with the presence of feral horses on the east side of the Fraser. Have you corrected that and undertaken studies on feral horse habitat?

MS. BRYDEN: No, not on the east side of the Fraser.

MS. BEDARD: What about the west?
MS. BRYDEN: We looked at feral horses generally in the assessment. We didn't do a habitat model.

MS. BEDARD:
Okay, Scott, I believe that
part of your presentation, you spoke of all areas within the development area had been affected by natural and human disturbances, implying that there's no pristine habitat. Perhaps you could expand on that.

MS. BRYDEN: That was actually on my slide. Just as a general --

MS. BEDARD: Oh, excuse me.
MS. BRYDEN: -- the very high level summary of baseline conditions. It didn't suggest that there wasn't some pristine, but in all study areas there was some human disturbance or natural disturbance. And, if you recall, \(I\) think the second slide in Scott's presentation that showed our different study areas. All of them had some human disturbance.

MS. BEDARD: And how would you characterize that? Is that a negative impact? Why is that significant that there's some human disturbance?

MS. BRYDEN: Well, we factored into our wildlife habitat models, we have to give it a value. Now, if some disturbance features are nil value for wildlife, some have some value. It depends on, you know, for example, a cut block, a freshly-cut cut block, nil value, but when it's 30 years old, it might
have some value for some species. So we need to know what the, what we're rating in our model.

MS. BEDARD:
Okay, how do you factor in, say, several thousand years of First Nations interaction with the environment and hunting in your human disturbance model?

MS. BRYDEN: We don't factor that in. I mean, yeah.

MS. BEDARD: In your studies, one of the factors that has been brought up by Gordon Chipman was the line of sight through the transmission line. One of the areas that I have not seen addressed is the cattle moving through the transmission line and the impact of cattle grazing. How have you addressed that?

MR. BELL-IRVING: In answer to that question, I think we didn't look at cattle, per se, moving through transmission line, but we did look at the whole question of access management and fencing related to wildife or at least related to grazing type of habitat, or grazing use of land. So if, as we finalize the route, and select the centre line, if there's a particular area or issue related to cattle grazing, we would obviously look at it at that time. MS. BEDARD:

Cattle tend to graze in open
areas and transmission lines are common routes for cattle to travel. I think that is a big gap in your analysis.

What about the movement of California Bighorn sheep from the Fraser up along the transmission line?

MS. BRYDEN: The question being?

MS. BEDARD: Have you looked at that in your analysis?

MS. BRYDEN: We assessed the Project effects on California Bighorn sheep as part of the EIS.

MS. BEDARD: And their movement through the transmission line corridor?

MS. BRYDEN: Well, yeah, okay, we didn't specifically look at movement for California Bighorn sheep. But we did discuss disruption of wildlife movement generally. And we chose to focus in detail on the species where it was considered to be a potential issue, mule deer, for example.

MS. BEDARD: So what about sheep, one of the big problems is sheep grazing, overgrazing, how will you or how will the Project address sheep movement along the transmission line and potential overgrazing?

MR. BELL-IRVING: I don't think we've assessed
that issue, Miss Bedard.
MS. BEDARD:
In your presentation it was mentioned that you were going to be working with community groups, with conservation groups, and NGOs, to re-establish habitat. Why are you not suggesting working with First Nations?

MR. BELL-IRVING: There was no intended suggestion that we would not work with First Nations. It may have been an error of omission, inadvertent, but there's no intention to say that we wouldn't work with First Nations.

My comments related to the Habitat Compensation Plan that is part of the Table of Commitments. And we've indicated the intention to work with all appropriate and affected people to ensure that that's addressed.

MS. BEDARD: Another issue deals with migration corridors. Now, I understand that in the mine area, you have indicated that there will be no impact on migration, from what you could recall of the migration information that was presented in Xeni Gwet'in?

MS. BRYDEN: That's correct, with respect to the mule deer migration corridor that's been discussed.

MS. BEDARD: So there will not be any impact on the migration corridors.

What about the migration corridors on the east side of the Fraser River?

MS. BRYDEN: Well, again, I indicated that we assessed in the scoping stage of the document, disruption of wildlife movement in a general sense and determined at that point that where the issues may arise was related to mule deer, for example. And we didn't identify any issues on the east side related to the transmission line corridor with respect to wildlife movements.

MS. BEDARD:
Did you look at the migration routes on the east side of the Fraser River?

MS. BRYDEN: No, we did not.
MS. BEDARD: In your evaluation or in your studies, you have talked about habitat area and have you factored in the loss of habitat in the 2009 fires, the Lava Canyon fire, for instance, in which there were over 650 square kilometres of habitat that were destroyed, how does this affect your models?

MS. BRYDEN: That event occurred after we completed our assessment.

MS. BEDARD: Do you think that it is important to the Project to include that? MR. BELL-IRVING: No, we don't think it is.

MS. BEDARD:
How much traditional
knowledge do you have from First Nations to inform your decisions about wildlife and habitat?

MR. BELL-IRVING: The knowledge that we used to form our conclusions were reported in the document and I recall they were a series of studies that were done, including one by Cindy Ehrhardt-English related to the transmission line. And we've gathered, of course, more information, particularly through these community hearings in the last number of weeks.

MS. BEDARD: It's interesting that you bring up Cindy English's study, because in that study she mentions wild horses on the east side of the Fraser River, which must have been overlooked by your analysts.

I think my final question is are you concerned about Aboriginal Rights and how your Project may affect Aboriginal Rights such as the Aboriginal Right to hunt?

MR. BELL-IRVING:
We have a high degree of interest in the subject, but as to the question of concern, we believe that that's a matter for government to consider and not a mining company. THE CHAIRMAN: Ms. Hunt, I believe you have
some questions as well.
QUESTIONS OF TASEKO MINES PANEL BY ESKETEMC FIRST NATION, BY MS. ELIZABETH HUNT:

MS. HUNT: Thank you, Mr. Chair.

Elizabeth Hunt, legal counsel with Esketemc.
I just have a few more questions regarding the traditional knowledge. And I apologize I wasn't able to be here for the presentations.

But I'm interested to know more particularly
if you have any data at all of the 16 First Nations that are going to be affected, of their need and levels of harvesting of wildlife within the transmission area?

MR. BELL-IRVING:
I believe that the
information that we did have to complete our assessment is what's reported in our EIS. I'm not familiar enough to be able to specifically comment at all, 16 First Nations, I don't know all of them off the top of my head. But I can refer you back to our EIS and say that's the information we had on which to base our assessment.

MS. HUNT: Do you have any information on the amount of medicinal plants and harvesting that occurs within the transmission line and how the seasonal round is being carried out of those
activities?
MR. BELL-IRVING: I would, the same response with respect to the assessment, but, again, we gathered more information based on the community hearings when we were there.

MS. HUNT: So you don't have any specific scientific data that has been put into some sort of traditional land use study that you would be able to reconcile against Provincial current uses and the impact on wildlife and the habitat?

MR. BELL-IRVING: We gathered what was available to us publicly or otherwise, and that's what we utilized.

MS. HUNT: If I could just ask that question a little further. If the other people that are here, I don't know anything in your study that would specifically take us to the Esketemc, for example, First Nation, is this many people within the community, most of the people within the community are low income, and they rely on the wildlife for sustenance and they have a traditional round that they go about throughout the year, and we would like to know specifically if you have numbers?

Has the Province provided any information to you about the numbers of wildlife that are out there
and, if so, what year are those wildlife numbers?
And how many First Nations are utilizing that
wildlife?
And then how is that factored into your studies about wildlife and the habitat?

MR. BELL-IRVING: There is an entire volume that is dedicated to First Nations in our submission and that does have a general characterization and description of the community. But to specifically beyond that, \(I\) repeat, with respect to specific numbers, and what was provided by the Provincial Government, if anything, is reflected in our assessment. I don't recall the specifics and the degree to which there was any information. I would suspect and reliably predict there is very little information.

MS. HUNT:
I have some questions regarding -- just one moment, please. There was discussion about a year-and-a-half ago about overhauling the Wildlife Act. And the Wildlife Act was going to be remodelled so as to encourage hunters within the Cariboo area. And they were considering 20,000 new hunters to come into the area. How is that information been factored into your proposed transmission line and the effects it's going to have
on wildlife and habitat?
THE CHAIRMAN:
Maybe I could just intervene.
If I could understand the question. This is a proposed change in the legislation so I'm not sure if one can really make a projection on something that is proposed and not in place at this point, but \(I\) will see if Taseko can answer that. I mean, this is a hypothetical question, I think.

MR. BELL-IRVING: Mr. Chairman, we can't add to that. We would say the same thing. It's a proposed concept, I think. I just read on the website that that's part of the Esketemc's submission and that was the first I'd actually seen of it. But it's something in the future.

MS. HUNT: Is that the way Taseko is approaching treaty negotiations as well as the proposed changes in the legislation, constitutional rights and the right to be out there on their land and to harvest wildlife for their sustenance? Because wildlife proposed change, 20,000 new hunters and a transmission line of 125 kilometres and it's impact on access is going to have a significant impact on constitutional Aboriginal Rights and I'm curious to know whether, even though it's hypothetical or it's proposed, it would have a serious impact, and they
would think that if that's going to be in there, their research would need to be qualified to ensure that that would be reflected in the habitat and the wildlife at a base level and additionally Aboriginal rights to that wildlife and that impact on wildlife.

MR. BELL-IRVING: Taseko was instructed by government to follow Terms of Reference for this assessment. And those Terms of Reference are public record. And there's no reference in those Terms of Reference to even consider for Taseko to undertake an assessment or an involvement in anything to do with treaty and Aboriginal Rights.

MS. HUNT:
So on that topic of the
treaty negotiations, has there been any discussion in the scientific research that you've done of treaty negotiations and the impact that's going to have on wildlife and habitat?

MR. BELL-IRVING: No.
MS. HUNT: Thank you. Thank you,
Mr. Chair. Those are my questions.
THE CHAIRMAN: Thank you. Mrs. Robbins, I believe.

QUESTIONS OF TASEKO MINES LIMITED BY ESKETEMC FIRST NATION, BY MS. SHIRLEY ROBBINS:

MS. ROBBINS: Shirley Robbins, Esketemc

First Nation.
I have a question for Taseko.
Has there been any discussions between Taseko and forestry in regards to building the proposed transmission line?

MR. BELL-IRVING: I believe our government affairs representative here in Williams Lake, Katherine Gizikoff, who was attending Esketemc and at these hearings, has begun discussions through contracted consultants to identify more precisely the access, the existing access from clearcuts and proposed access. And in those discussions, there's now, I believe, obviously the source of that information is the Ministry. So those are ongoing as I understand it now.

MS. ROBBINS: And has Esketemc been involved in the discussion?

MR. BELL-IRVING: Not in discussions with the Ministry of Forests. But as we learned from your community with the Community Forest, we fully anticipate that as the work on the transmission line proceeds, we would, of course, be discussing with Esketemc the interactions with the Community Forest. MS. ROBBINS:

Okay, because from what I heard this morning, whether we agree or not, the
transmission line is going through. Oh, excuse me. And we've been telling you since last summer that we don't want the proposed transmission line and the Prosperity Mine, but it seems like it doesn't matter what we say, it's still going to go through. And I speak on behalf of my community. As you know, you've been there, what, three, four times, and our People have said no.

MR. BELL-IRVING: We understand, Mrs. Robbins, what the community said. And we heard it very clear. And the process that we're following is in accordance with the law and the regulations as we understand it. We're not building anything until we have a Federal approval to proceed with the Project and the company makes a decision to build it.

MS. ROBBINS: Has there been any studies done right from the original power line Enterprise Road coming down through the Esketemc territory east side of the Fraser River, any studies done on the sacred sites?

MR. BELL-IRVING: I would say no.

MS. ROBBINS: It's kind of a little late for that. Because right from the power line down to the other side of St'uxlews, this side of Mosquito Valley, right down to Little Dog, we have pit houses,
grave sites, fasting sites and ceremonial sites. And the transmission line is going to have a big impact on our sacred sites.

MR. BELL-IRVING: Mrs. Robbins, we -- I said no, we've not done any studies on those sacred sites yet. We are about to do studies with respect to the transmission line location in the form of an Archaeological Impact Assessment which is designed to identify sites in accordance with that legislation and we fully expect to be doing so in collaboration with your community. And our intention is, once we've identified those sites, is to avoid disturbing or interfering with those sites in the final alignment and placement of the transmission line.

MS. ROBBINS: done?

MR. BELL-IRVING: The studies are scheduled to begin I believe either later this month or into May, the next six weeks or.

MS. ROBBINS: Okay, because when we go to the west side, we also have all the pit houses, grave sites, fasting sites and ceremonial sites, especially right around the Fraser River area from Churn Creek to Toosey, there's a lot in there. And that's going to be impacted by the proposed transmission line right
from the Gang Ranch area, Big Creek, right over to Fish Lake.

MR. BELL-IRVING: Well, we look forward to working with the community as we do the study.

MS. ROBBINS: That's all.
THE CHAIRMAN: Thank you, Mrs. Robbins. FURTHER QUESTIONS OF TASEKO MINES LIMITED BY ESKETEMC FIRST NATION, BY MS. BETH BEDARD:

MS. BEDARD: I have a couple more questions.

THE CHAIRMAN: Please proceed, Ms. Bedard.

MS. BEDARD: In the Terms of Reference for the EIS, on page 85, under Consultation, if \(I\) can read to you just a brief, brief statement here, it says:
"For the purposes of the Federal
Crown consultation, the Proponent
is required to describe in the EIS
how the concerns respecting
Aboriginal People will be
addressed. That description
should include a summary of
discussions, issues and concerns
raised and should consider and
describe any asserted or
established Aboriginal Rights, Aboriginal Title and Treaty Rights."

MR. BELL-IRVING: And your question?

MS. BEDARD: Have you done that?
MR. BELL-IRVING: Yes, we've provided in the appendices and in the EIS a record of all consultations and the extent to which there were issues raised regarding Rights and Title, those are reflected in that record as an Appendix to our submission.

MS. BEDARD: We just want to go on record and comment that those are deficient, severely deficient.

In addition, the cumulative impacts or Cumulative Effects Assessment, it was stated, I believe, by Colleen, that you have not done a cumulative effects assessment beyond the transmission line and the mine site?

MR. BELL-IRVING: No, that's -- I'll let Colleen speak, but I would offer that that's not correct. We did a Cumulative Effects Assessment over the entire Project area for both the transmission line and the mine site area in accordance with Cumulative Effects Assessment methodology and guidelines. And the way we do that is identify, first of all, if there
are any residual Project effects from our Project on either the transmission line or the mine site or the access corridor, those three areas, and if there are residual effects after mitigation, that we would then do a Cumulative Effects Assessment of those residual effects in a cumulative fashion with other similar cumulative effects from other reasonably foreseeable or existing projects.

And in the case of mule deer, for example, as there were no residual effects predicted or concluded, that specifically was not included in a cumulative effects assessment.

MS. BEDARD:
Thank you. However, your researchers have, Colleen and Scott have indicated that you did not look at all factors. You did not look at migration routes. You did not look at sheep grazing. So your studies are deficient. Your database is deficient.

MS. BRYDEN: We focused our cumulative, yeah, our cumulative effects assessment on mortality risk and habitat availability.

MS. BEDARD:
Okay, Cumulative Effects Assessment needs to look at likely changes in the future as well, and this would include 20,000 new hunters, increased First Nation populations, increased
hunting risk, because of access along the transmission line.

MS. BRYDEN:
As part of our assessment of increased mortality risk, the access there, the transmission line as an access point for people was considered.

MS. BEDARD:
And what studies did you base this on? Do you have any specific references about traffic along transmission lines and increased hunting?

MS. BRYDEN: It was a qualitative assessment based on what's known in the literature about how transmission lines get used for example by people. We don't, I mean, it doesn't exist, so we didn't have baseline information on number of users, for example, but transmission lines are well known in the literature as potential sources of human access into areas.

MS. BEDARD: And hunting as well?
MS. BRYDEN: Yeah, well, with respect to wildife, the human access is related to how it affects mortality risk through hunting or poaching.

MS. BEDARD: But you did not feel that that was significant, that that did not affect the animal populations along the transmission line?

MS. BRYDEN: That's right, the finding was, the residual increase in mortality risk was not significant with respect to the sustainability of mule deer.

MS. BEDARD: So numbers of mule deer, then, will remain high enough to support the Esketemc community needs?

MS. BRYDEN:
Our assessment was on
mortality risk.
MS. BEDARD: Not population numbers?
MS. BRYDEN: That's right.
MS. BEDARD: So population numbers could decrease?

MS. BRYDEN: I don't know.
MS. BEDARD: Thank you.
THE CHAIRMAN: Does that complete the questioning from the Esketemc?

MS. BEDARD: I believe Councillor Irvine Johnson has questions.

THE CHAIRMAN: Okay.
QUESTIONS OF TASEKO MINES LIMITED BY ESKETEMC FIRST
NATION, BY COUNCILLOR IRVINE JOHNSON:
COUNCILLOR JOHNSON: Thank you, and good
afternoon. Most of the questions were addressed.
But I still have this serious question
regarding our, our treaty, we're in the process of a treaty. And, I mean, the fact that treaties are hypothetical to some, but not to us. It really says what was the process when all of these different corridors were being examined for the transmission line, there was no consideration at all that Esket was in a treaty process.

MR. BELL-IRVING: Sorry, Councillor, was that a question?

COUNCILLOR JOHNSON: Yes, it was.
MR. BELL-IRVING: From Taseko's perspective, I would say no, but I am confident to suggest that in the Provincial Government's participation in the assessment of our Project and in their decision on that Project, in their decision of that, on that Project, that they undertook to consider as part of their responsibility their duty to both consult and to presumably take into account the existence of treaty negotiations, which they are involved in, which Taseko is not.

COUNCILLOR JOHNSON: But they never told you that the Band was in discussions with them regarding a treaty?

MR. BELL-IRVING: I can't say for sure whether they did or didn't, but \(I\) can assure you they didn't
share any information with us related to it.
COUNCILLOR JOHNSON: Well, I really believe that that's a serious breach here, because I think that to conduct formal negotiations for righting some of the past wrongs and nothing was said to Taseko, I find that rather preposterous.

Leaving that, in all of the different studies that you've done regarding, say, the animals, the game animals, the moose, the deer, and some of the other game animals that we have there, were there any considerations given to the human element that depended on that, there, you know, as much as say perhaps the predator, as one of the predators for it? Because I believe that in the three days you were in Esket, you understood totally from everyone there that we're so dependent on it, that \(I\) find it's still amazing that you still haven't changed your mind yet about using that corridor. Has there been any consideration for the humans that actually have to use those animals?

MR. BELL-IRVING: Councillor Johnson, yes, as part of our socio-economic component of this assessment, we looked at land use and other uses, including agriculture, ranching, hunting, fishing. That is reported and is discussed and will be the
subject of our next panel coming up shortly. But in the context of the wildife impact assessment, I can't speak to the human aspect right now.

COUNCILLOR JOHNSON:
Okay, and just one other question, and I may have missed it, and I'm really sorry about that, I didn't want to, but other business required us to miss some of these here, but it's with regard to fisheries and whatnot. And it's related to what we're doing with the animals. I mean, this is the 8th year now that we're not allowed to fish the early Stewart run. The heavier emphasis on the later runs, plus the moose and the deer. I think it's really going to severely impact that. So I'd like, I'd like to go on record as saying that there's going to be more pressure on our animals from here on in simply because we're not allowed to do some of the things that we've traditionally enjoyed. And supposedly the salmon being on a four-year cycle, this is the second cycle of that particular run that we're not able to fish at all.

And I think that is, that says something quite severely about what's happening with, you know, for whatever reason, environmental reasons or whatever, that we as humans are doing to the animals on this, on this planet here, they are severely being
impacted.
And I really want to make sure that you understand that we can't afford to have any more effects on any of the food stocks that we must rely on. You know, so, you know, I plead as a human being, you know, to please be cautious.

THE CHAIRMAN: I think this is a statement rather than a question, Councillor --

COUNCILLOR JOHNSON: Yeah, well I guess that statement says we may be dying with the animals all for profit. I don't know how to phrase that into a question, so \(I\) will just shut up.

THE CHAIRMAN: Thank you, Councillor Johnson.

COUNCILLOR JOHNSON: And I thank you, and thank you, and thank you.

THE CHAIRMAN: And we certainly have heard from you and others quite a bit from the Esketemc community as well. So we certainly have that on the record.

Miss Bedard, another question?
FURTHER QUESTIONS OF TASEKO MINES LIMITED BY ESKETEMC FIRST NATION, BY MS. BETH BEDARD:

MS. BEDARD: Yes, I did. Thank you for your time. This is with respect to the Esketemc

Community Forest tenure. And Scott mentioned that there were going to be arrangements made with Esket with respect to the Community Forest tenure. Is that anything in writing? This is the first that Esket has heard of it and to have it in a public forum like this. Could you please elaborate on that.

MR. BELL-IRVING: I'll speak to that, Beth.
We heard of this concern very loudly in your community the other day. And as part of our ongoing efforts to understand and to use the information, I have informed myself of the mechanisms that the Ministry of Range and Forests have as part of their legislation for dealing with a situation such as is presented with us now in the context of the potential overlap and the apparent overlap, when you look at our presentation, of our transmission line through a portion of your Community Forest licence.

There are specific provisions in the Act that govern and guide how both Ministry of Forests and Range and ourselves as a Proponent wishing to apply for a right-of-way must undertake. I suspect that that's all part of the process at which time we start, we do apply for that right-of-way.

And during that process, in accordance with my reading of the Act, I fully anticipate that Taseko,
together with Esketemc, the licensee, or the range holder, and the Ministry of Forests, will sit down and discuss how to accommodate and how to deal with the interaction between our proposed right-of-way and the forest licence.

MS. BEDARD: And what sort of
accommodations do you have in mind?
MR. BELL-IRVING: Well, again, reading the Act, not being an expert on it, but from memory, the Act referred to, the Minister has some options and some discretion. One of the options is to work with the community to find an alternative location or an internal adjustment to the licence to offset the volume of timber that would be displaced or removed from your current Community Forest licence if the right-of-way were to be granted. So that's one remedy or the degree of accommodation, but beyond that, I can't speak to what the Ministry might do.

MS. BEDARD: Okay. Do you have anything to add to that? Because I believe, Scott, you spoke with Gordon Chipman?

MR. TRUSLER: No, I did not. Gordon I believe made a submission to the hearing previously, but I haven't spoken with him directly, no.

MR. BELL-IRVING:
Taseko Mines has spoken with

Gordon. Your forester. We spoke to him before the hearing, the community session. And we're continuing to speak with him on this matter.

MS. BEDARD: Thank you.
THE CHAIRMAN: Could I ask just a follow-up question to that while people are here from the Esketemc First Nation.

You mentioned, Mr. Bell-Irving, some accommodation in that legislation to, if \(I\) understand it, provide an offset Community Forest somewhere else. Was there any consideration given to perhaps moving the power line a little bit further south to eliminate the need to go through the Community Forest? Because the distance of moving it further south is not huge, from what I recall, looking at the map.

MR. BELL-IRVING: Again, Mr. Chair, I think now that this information has been brought to our attention at the community hearing, that that will be a further input into our ongoing discussions about relocating our final alignment of the transmission line. I would certainly undertake that we would do that. As to what it would mean, I can't speculate at this point.

THE CHAIRMAN: Thank you.
Next in terms of order of questions would be

Friends of Nemaiah Valley. I think Mr. William had a question earlier.

\section*{QUESTIONS OF TASEKO MINES LIMITED BY FRIENDS OF THE} NEMAIAH VALLEY, BY MR. DAVID WILLIAMS AND MS. MAGGIE PAQUET:

THE CHAIRMAN: Please come forward.
MR. WILLIAMS: Thank you, Mr. Chairman.
David Williams, Friends of the Nemaiah Valley. And I would like to introduce Maggie Paquet, who is a wildlife biologist, and she will ask a couple of questions on our behalf.

MS. PAQUET: Thank you. Some of the questions have been asked in the last few hours since I formulated these with Dave and others this morning. But I'm going to ask them just to get them on the record as coming from Friends of Nemaiah Valley if that's permissible.

THE CHAIRMAN: Go ahead and ask the questions. But we don't need to repeat questions if they have already been answered. So we'll just see. MS. PAQUET: Well, earlier in the presentation there was on one of the slides where it said there are consequences of increased mortality risk, that they are high for grizzly bears.

So in that context, I'm wondering, given that
there's going to be a considerable amount of extra traffic on the road, and I'm not sure now how many, but some of the information \(I\) have is up to 15 round trips of ore trucks and up to 200 vehicles per day or whatever, how will you mitigate the mortality that you consider is going to be high for grizzly bears as well as for moose, deer, fisher and wild horses due to this increased vehicle traffic from wildlife vehicle collisions?

MR. BELL-IRVING: The degree to which mortality would be high, I would question. I don't think that was our finding. There was a risk of mortality. And certainly with respect to grizzly bear, I think the risk in the assessment, and I'll check, in our assessment, we considered the impact if one grizzly bear were impacted or killed.

But the general answer to your question is we have developed, at least in principle, a number of mitigation measures which are all collectively designed to manage this potential issue. And those mitigation measures include, amongst other things, the imposition of speed controls, working with the Ministry of Transportation and Highways, as I mentioned earlier, with respect to signage. Those kind of reporting and response type of plan that in
the event there were an unfortunate incident involving wildlife or feral horses or any animal, that that would be recorded and we would base a response on that and try and make the appropriate steps at that time to correct that further if there's a specific area that's proven to be a problem.

MS. PAQUET: Thank you. Has there been any discussion with the RCMP for increased enforcement?

MR. BELL-IRVING: Not to this point in time, no.

MS. PAQUET:
Okay, thank you. How will you control, in respect to human wildife interactions, how will you control mine personnel when they are not actually engaged in working directly at the mine site, Particularly with reference to restricting firearms, but in general?

THE CHAIRMAN: I think that has been answered, but \(I\) think you can respond again.

MR. BELL-IRVING: I can quickly answer that again, Mr. Chairman. And the answer is that our method, our mitigation method is to bus all the workers into the site so that they do not have their vehicles and that they would be bused off the site at the end of their shift. The assumption, therefore, is
that they would not be able to hunt from the mine site and we would also have policies in place at the mine site that would prohibit that as well. So that's how we're doing it.

MS. PAQUET:
Thank you. I'm just
wondering about your biologist. Did you do any of your habitat mapping and any of your assessments actually by doing on-the-ground, walking the areas or was it mostly done with habitat modelling and things like that?

MS. BRYDEN:
The assessment relied on the habitat model. The models were ground-truthed.

MS. PAQUET:
All of them ground-truthed in
that area?
MS. BRYDEN:
A representative sample of sites were ground-truthed. And in the development of, the initial development of the models in the nineties, evaluation on the ground was used to develop the ratings that were used for the ecosystem units. So there was preliminary groundwork developed the ratings, models were applied.

MS. PAQUET: Okay, thanks. Have you done any estimation, estimates of the potential effects on ungulates created by the increased access, particularly linear corridors that predators,
particularly wolves, are known to use, have you done any assessments on ungulates as a result of this increased access by predators.

MS. BRYDEN: We didn't specifically look at predator access. We looked at -- or non-human predator access.

MS. PAQUET: Wolves love roads and access corridors and things like that, but there you go.

Okay, two more. Have you identified the trout spawning sites at Fish Lake?

MR. BELL-IRVING: The trout spawning sites?
MS. PAQUET: Yeah, in the vicinity of --
MR. BELL-IRVING: In Fish Creek we have, yes.
MS. PAQUET: In Fish Creek. Have you monitored whether or not grizzlies or black bears feed in the Fish Lake area on the spawning trout?

MS. BRYDEN: We haven't monitored those sites, but there's sites -- the grizzly bear are known to feed on trout.

MS. PAQUET: I know they feed on trout, but --
MS. BRYDEN: But no, in that location, that area, they are known to do this.

MS. PAQUET: How do you know this?
MS. BRYDEN: Review of the literature and
reports from various people involved in the Project
for example.
MS. PAQUET: Okay, last question, and perhaps a little bit of a tiny speech for the benefit of other people.

THE CHAIRMAN: Well --

MS. PAQUET: Just a brief. It's a concept setting thing.

THE CHAIRMAN: Well, if you set the context, but we are the ones who need the benefit of these questions, obviously.

MS. PAQUET:
Right, it's just the context so I'm asking it.

Animals live where they live generally because those are the best places that they can find in which to live. So energetics is a critical concept when considering the viability of a species in any area, so when they are displaced there are greater or lesser costs in this energetics balance and these costs can significantly reduce their viability.

This is in relation to disturbances to all animals but particularly mountain goats and sheep and particularly due to helicopter access. And the anecdotal evidence we have is that in areas where the helicopters have been flying over, goats and sheep aren't returning to those areas as a result of that.

So I'm wondering what kind of mitigation you can do for that kind of disturbance?

MS. BRYDEN:
How we address this issue with respect to Bighorn sheep along the Fraser, mitigations proposed were avoidance of critical times of the year, for example the lambing season. Height restrictions. The actual use of helicopters in that area is relatively limited by the nature of the Project, but, so avoidance mitigation measures are in place.

MS. PAQUET: Okay. I think that's all.

MR. WILLIAMS: Thank you, Mr. Chairman, that concludes our questions.

THE CHAIRMAN: Thank you, Ms. Paquet. Thank you, Mr. Williams.

Next would be MiningWatch Canada, any questions of Taseko on terrestrial issues?

MR. HART: Yes, Mr. Chair.
QUESTIONS OF TASEKO MINES LIMITED BY MININGWATCH CANADA, BY MR. RAMSEY HART:

MR. HART:
Ramsey Hart, MiningWatch Canada.
Just a few quick questions, clarifications regarding the impacts on old forests.

The cumulative effects on old forest is based
on the assumption that all pine forest will be eliminated by pine beetle; is that correct?

MR. TRUSLER:
The effects on old forest, I think the clarification that was made is that most old forest or most pine-leading stands would be affected by the pine beetle, yes.

MR. HART: Is that based on any modelling of the beetle outbreak, the percent damage of beetle outbreaks in that region, especially considering topographic and climatic issues in the mine site and corridor area?

MR. TRUSLER:
It was based on the observation of initial evidence of beetle infestation in the mine site area during the field programs and the forecast for population spread within the Cariboo-Chilcotin.

MR. HART: So the beetle outbreak in the mine site area, does that result in 100 percent mortality?

MR. TRUSLER: At the time there were scattered areas of infestation, so at that time, certainly not, but it was anticipated that based on other areas that it was likely that the majority of the pine and the mature and old pine in that area would be affected.

MR. HART: Just a couple of follow-ups to that.

Regarding old forest in the mine site area, did your assessment take into consideration fragmentation effects on the remaining stands, and particularly the large stands?

MR. TRUSLER:
In terms of actually looking at effects?

MR. HART:
Effects of fragmentation on old forest-dependent species.

MR. TRUSLER: The vegetation component, looking at effects on old forest looked at the reduction in area. I think fragmentation, in terms of old growth dependent species, if we're speaking of wildlife species, would have been addressed in the wildlife section. I'll let Colleen comment.

MS. BRYDEN: Old forest stands were included as part of our habitat models, so we didn't specifically look at old forest as an entity with respect to wildlife, but it would have been incorporated in our wildlife models and depending on the species would have been rated differently depending on the species.

MR. HART: A final question. Given that entry into a pine-beetle-affected stand is a
management-based decision, would you consider the Tsilhqot'in's forest management planning for the mine site area given that it is within the Rights area and any forestry activity within that area would have to be done in close consultation with the Tsilhqot'in?

MR. TRUSLER: No, we didn't look at that specifically.

MR. HART:
Thank you.
THE CHAIRMAN: Thank you, Mr. Hart. Next is there anybody here from Share the Cariboo-Chilcotin Resources Society who wishes to question? I don't see anybody.

And the Williams Lake and District Chamber of Commerce?

I don't see anybody.
So we're now at the point where we could proceed to the next presentation, which would be Environment Canada.

PRESENTATION BY ENVIRONMENT CANADA
EXPERT PANEL:
Mr. Andrew Robinson
Ms. Coral de Shield
THE CHAIRMAN:
Please proceed, Mr. Robinson, when you're ready.

PRESENTATION BY ENVIRONMENT CANADA, BY MR. ANDREW

ROBINSON:
MR. ROBINSON:
Good afternoon, Mr. Chairman,
Panel Members, Elders, Chiefs, Panel Secretariat, Taseko Mines Limited, Ladies and Gentlemen.

Firstly, I would like to thank the Tsilhqot'in and Secwepemc First Nations for having us here today. My name is Andrew Robinson, \(A-N-D-R-E-W\), R-O-B-I-N-S-O-N, and I'm the Senior Environmental Assessment Officer with the Canadian Wildife Service of Environment Canada.

The presentation today summarizes submissions to date, both on the adequacy of the Environmental Assessment Report, the EIS, as well as a more recent submission to the Panel. To that end, there is not so much any new information, but, rather, a summary of advice provided to this point.

The advice that we're providing today and have to this point is in the context of Environment Canada as a Federal authority with expert advice primarily on migratory birds and species at risk.

And the way this deck has been laid out is to provide mostly, again, just some context and summary and put on legislation, Environment Canada, CWS policies, programs, plans and initiatives, and then Environment Canada's EA analysis.

And much of this won't be new, or is old hat to the Panel, but I'm going to offer it nonetheless. The Canadian Environmental Assessment Act requires that Project impacts be addressed in an integrated manner.

Specifically with respect to wetlands, the links between wetland functions, the derived values and the components of the ecosystems must be considered holistically as wetlands do not function in isolation from them.

The point there is I think fairly straightforward, and it speaks to, for example, why in our analysis we have included, for example, riparian habitats in combination with wetlands knowing that the two are inextricably linked and it's not to suggest that the habitats aren't as well, but for the purposes of our review, we have again focused on those particular habitat types.

With respect to the Migratory Birds
Convention Act, Environment Canada is responsible for administering the MBCA which implements the 1916 Migratory Birds Convention between Canada and the United States by protecting and conserving migratory birds, both as populations and as individuals and their habitats, eggs, and nests.

The proposed Incidental Take Initiative under the Migratory Birds Convention Act will provide a framework for managing impacts under certain conditions.

And what that means is that at present, otherwise legitimate industrial activities that involve the potential disturbance or impacts to active nests and eggs therein, cannot be permitted. And so the Incidental Take Initiative is about an attempt by Environment Canada to address that regulatory gap.

To that end, the Migratory Birds Convention Act was amended in 2005 and speaks to managing for migratory birds, both as individuals and as populations and that, amongst other aspects, again, provides a basis for the Incidental Take Initiative.

The Federal Species at Risk Act aims to prevent wildlife species from becoming extinct or lost from the wild, to help in recovery of species that are at risk as a result of human activities and to promote stewardship.

There's two particular considerations there that I'd like to bring up. One is that, as a consequence of the SARA, there were amendments to the Canadian Environmental Assessment Act. One was the inclusion of listed species under the SARA in the
definition of an environmental effect under the CEAA. And a second consideration is that Section 71 and 2 of the SARA confer specific obligations upon Responsible Authorities when undertaking Environmental Assessments.

And basically what those are are where there is a likely anticipated effect upon a species at risk that a Responsible Authority will notify the competent Minister, Environment Canada, as well as obligates Responsible Authorities to ensure that likely impacts are avoided or reduced and that there'll be monitoring.

So briefly, an overview of Environment Canada's policies and programs, plans, initiatives, and as we've raised and alluded to on a number of different occasions in this Environmental Assessment, the Federal Policy on Wetland Conservation is an articulation of the Federal Government's goal to promote the conservation of Canada's wetlands and to sustain their ecological and socio-economic functions now and in the future.

The Federal Wetland Policy is a government, a Federal Cabinet Directive, that is to be carried out by all departments of the Federal Government.

In terms of Environmental Assessment, it and
the Implementation Guide are particularly useful, because, for example, the Implementation Guide for Federal land managers provides direction around how to address impacts to or how to evaluate and address impacts arising from Projects through a hierarchy of avoidance mitigation and compensation. So that's very consistent with how we typically undertake or evaluate under the CEAA NEA.

And it provides direction and objectives and goals that we find quite useful in EA and so for that reason, amongst others, we've leaned on it in terms of providing advice to this environmental assessment.

The North American Bird Conservation Initiative is an international initiative between Canada, North America and Mexico. And its vision is that:
"Populations and habitats of North America's birds be protected, restored and enhanced through coordinated efforts at international, national, regional, state, and local levels, guided by sound science and effective management."

So what NABCI is about is coordinating the various bird plans such that the best efficiencies are achieved. And those bird plans, most folks here will be familiar with the North America Waterfowl

Management Plan, there's a Shore Bird Plan, there's a Water Bird Plan, and there's a Song Bird Plan.

Canadian Wildlife Service is heavily invested in the initiative. And works with its partners in implementing the various bird plans.

And that leads to my next point which is the Canadian Intermountain Joint Venture, which is a partnership of government agencies, First Nations, non-governmental conservation organizations, universities, industry, and landowners, united in support of a common vision working together to maintain, enhance, restore and manage habitat for the benefit of wildife and people in the Canadian intermountain region.

And so joint ventures are the bodies, the partnerships by which the various bird plans are implemented. And again, Canadian Wildlife Service is heavily invested and it is a prime means by which it implements its, part of its obligations and responsibilities under the Migratory Birds Convention Act which is ultimately the basis for Canada's jurisdiction with respect to managing and sustaining migratory birds.

And I would also say that within the CIJV, over 50 percent of the Barrow's Goldeneye population,
global population is supported in that region. Under the North American Waterfowl Management Plan, the Cariboo-Chilcotin is a priority region. Just approximately 3.5 hours north and east of the Project area is an area referred to as Riske Creek, which is the most productive waterfowl breeding habitat in the province.

Through the Intermountain Joint Venture, \$30 million has been invested in wildlife habitat. 155,000 hectares have been secured. 52,000 hectares enhanced or restored. And 125,000 hectares managed using private/public funds.

So all of that to say that Canada takes wetlands and migratory bird conservation very seriously. Significant investments have been made by government and private sources. And this is ongoing.

And just to give you an idea of what the Canadian Intermountain Joint Venture area is, I've provided this map. It is an ecologically-based area that includes two bird conservation regions. And bird conservation regions are the planning units through which the various bird plans are implemented. And these in turn are ecologically based.

The fundamental ecological zonations are based on what's referred to as eco provinces and eco
regions and these are based on such things as relief topography, climate, vegetation, bird communities, so on and so forth.

The Proponent has completed reconnaissance level aerial surveys, point counts, stand watches, radar surveys, and opportunistic observations, which indicate migratory birds are found in wetland and terrestrial areas in the Project area.

As we've heard today as well, the Proponent has undertaken habitat, ten based habitat assessments, which is a modelling process typical to environmental assessment.

So in combination, this is the basis for their evaluation of what's there today and what Project impacts are likely to occur based on the understanding of what the Project is.

The Proponent's Environmental Impact
Statement identifies impacts to habitats supporting migratory birds. And while I continue to learn more about what exactly the baseline impacts are, based on the writing of this presentation, the baseline loss was understood to be 659.3 hectares of wetland habitat and 3,135 hectares of riparian habitat within the mine site with additional losses along the transmission corridor and access road.

And based on Prosperity Lake as habitat compensation to offset these impacts, the EIS estimates that residual effects at post-closure change within the mine site would be 403 hectares of wetland habitat and 352.7 hectares of riparian habitat.

And again, the process of clarification is ongoing.

Based on its review of the EIS, Environment Canada has determined that the Project would have measurable, long-term, in some instances permanent, negative impacts on breeding, these being: Nesting, roosting, forage security, and staging; these being roosting, forage security, life stages of migratory birds.

And I simply wanted to show this photograph. It's a picture of some loons taken I believe in the summer or perhaps fall of last year, actually, not this year, last year. And what I take from it are several things. Firstly, that in our daily goings on, Environment Canada is tasked with managing for populations. And I think for me, this is a reminder that there's also individuals and not just populations. And this is not so much as a bearing on the Project, but simply to say birds are individuals and not just as populations.

And as far as what they are talking about, I have no idea. Possibly the latest weather report.
(Referring to the birds)
We advised the Panel in our submission, in our adequacy submission that, if so requested, Canadian Wildife Service could undertake a further analysis of the waterfowl breeding population of the Project area and the Panel requested that we do that. And subsequently so did Taseko Mines Limited.

And so what you have in front of you is two maps. One is a map of the Chilcotin plateau eco-section, which is a survey area that, one of eight survey areas that the Canadian Wildife Service, in collaboration with the US Fish and Wildlife Service and Ducks Unlimited, does on an annual basis. And those blue lines within the Chilcotin plateau are geo-referenced flight transects. And basically the helicopter surveys with two observers that fly these transects and they record all waterfowl, whether they be diving or dabbling ducks, on wetlands along those transects. And this is a means by which to make estimations on the breeding population of the Cariboo-Chilcotin.

And what the picture on the right is is the Regional Study Area for the Project. And so what CWS
did was take the data from the regional surveys, evaluate the wetland and habitat values within the Regional Study Area, and then combine the two to make an estimation of the breeding population, the waterfowl breeding population, pardon me, breeding waterfowl population within the regional study area. And that information was provided to yourself, the Panel, as well as to Taseko Mines Limited.

And the outcome of that evaluation is that we predict that approximately 400 breeding pairs are found within the regional study area. For a number of reasons, that is a conservative estimate. Nevertheless, we think it's a useful estimate.

And it provides two indices or values by which to look at impacts. One is to look at impacts in terms of the breeding population. The other is to look at it in terms of the habitat values associated with that breeding population.

So it's effectively two measures by which to look at impacts. And then consequently on how to address those impacts. So it's a habitat species model evaluation of the regional study area based on a daily base, a regional survey database.

The end result, then, is 400 indicated breeding pairs. It doesn't, our evaluation does not
make an inference on wetland and stream use by non-locally breeding waterfowl. So, again, this is a breeding waterfowl assessment. And there was a thought that escaped me just momentarily and it's come back to me. In terms of it being a conservative estimate, besides the challenges in undertaking aerial surveys, the fact that you're not going to see all the birds on wetlands on any given survey, this is also a survey that's conducted in May, so it will not capture later seasonal breeders.

And this is just a matter of logistics, cost and so on and so forth. The timing of the survey is thought to be the most representative and the most cost-effective in reality.

Canadian Wildlife Services, as with, I would submit, most projects, it's important to try to focus on what we believe to be the key issues, and it's always a tough job to do that. Invariably, with most projects, there is a variety of different impacts, different spatial scales.

For this particular review, we have focused on impacts to wetland and riparian habitats that support migratory birds and species at risk.

And what we have advised is that to address impacts to migratory birds and their habitats, we
recommend that the Proponent develop a Habitat Compensation Plan in support of the Environmental Assessment and to address residual adverse environmental effects on wetland riparian habitats and the birds they support.

And from my perspective, and for clarity, the Canadian Wildlife Service is referring to one Habitat Compensation Plan, not two.

The Habitat Compensation Plan described the approaches to achieving a No Net Loss of wetland functions pursuant to the Federal policy on conservation of wetlands such that migratory bird populations are sustained in and around the Project.

Further, small wetlands and lakes of the Central Interior of B.C. have been found to be the most productive for waterfowl and are expected to be more vulnerable to warming trends associated with climate change.

Evaluating compensation projects, accounting for potential warming trend effects, could be incorporated as one guiding principle under the Habitat Compensation Plan.

It is also important to consider that, and really that's what this slide is about, but I want to get at the notion of wetland functions, the evaluation
that we've conducted is specifically in relation to the breeding, wetland breeding functions provided to waterfowl. There is a myriad of functions that wetlands provide, not just for migratory birds and species at risk, but that is my focus for today. And so, for example, when we describe in our assessment the numbers of wetlands within the Regional Study Area, and the area that those wetlands make up, that is in the context of breeding waterfowl.

There are impacts predicted upon other types of wetlands. Wetlands do not necessarily have to be open body, open water systems with fringing habitat. They can be entirely vegetated systems. So such things as wetland meadows, forested swamps, that don't support breeding waterfowl, but provide functions for a myriad of other migratory birds.

So for example, a wetland meadow could be excellent breeding habitat for snipe. The fringing riparian habitat could be excellent security and forage habitat for yellow warbler.

So a key consideration from our perspective, is that, while we've provided a way by which to evaluate the potential impact to a wetland function in the context of breeding waterfowl, impacts to other functions also need to be evaluated.

And it's not to suggest that it's an easy thing to do. But it doesn't also mean that one doesn't have a go at doing that.

And not wishing to get to the end game, but the key consideration for us in developing a Habitat Compensation Plan as part of the Environmental Assessment is, because it is a tricky business, it's well understood that it is difficult to quantify wetland functions at the best of times for anything, never mind for breeding or staging, moulting, waterfowl.

And so it is our view that the most pragmatic way by which to get to the root of these challenges and to reach concurrence is through the development and associated negotiations that come along with the Habitat Compensation Plan.

So I'm just going to read off that slide. If you can back up, thank you.

So the key elements of the Habitat
Compensation Plan, as I've already alluded to, include such things as the goals, objectives and guiding principles of that plan.

Defining the full extent of likely Project impacts, which I'm still learning about today.

Identification of spatial and temporal scopes
for each wetland riparian habitat restoration enhancement and or acquisition Project.

And, as Rod mentioned, both ourselves, Canadian Wildife Services, and Taseko Mines Limited, are in receipt of information from Ducks Unlimited that sheds light on a variety of compensation options available within the region, which we think would be very useful in forming a Habitat Compensation Plan. Further, identification of funding commitments in support of compensation projects.

What's this thing going to cost?
I can tell you that in the 10 years that I've been with the Wildlife Service in Federal EA, costs can vary. And it has been my experience that Habitat Compensation Plans are developed in EA for some of these reasons. Because we and developers want to know what's this thing going to cost, and how are we going to do this. And so it's best to be done in the EA so we have a common understanding.

Further, identification of follow-up monitoring to assess compensation effectiveness based on science-based criteria.

So in summary.
Environment Canada recommends the Proponent, in support of the environmental assessment, develop a

Habitat Compensation Plan to address impacts to migratory birds and species at risk.

For species at risk managed by the Province, that the Proponent work with the Federal Responsible Authorities and the Province of British Columbia to ensure compliance with the Species at Risk Act.

And finally, to develop due diligence measures to reduce potential negative effects of the proposed mine site, transmission line, and access road, consistent with the Migratory Birds Convention Act, Species at Risk Act, and Environment Canada's National Incidental Take Initiative under the Migratory Birds Convention Act.

Thank you.
THE CHAIRMAN:
Thank you, Mr. Robinson, for the presentation. We'll now take questions and turn to Taseko Mines first to see if they have any questions for you.

\section*{QUESTIONS OF ENVIRONMENT CANADA BY TASEKO MINES LIMITED:}

MR. BELL-IRVING: Mr. Chairman, I would ask two very short quick questions, if I may.

If you could put up the slide, Andrew, of the two maps in it. That one. Looking at the Chilcotin plateau and our Regional Study Area, which I think you've highlighted in the fuchsia colour there, in the
context of the waterfowl habitat values, and that study, that survey, can you comment in any way as to the relative values of the study area as compared to the other areas, you mentioned Riske Creek, for example, in that plateau, can you give the Panel some insight as to a relative, if you have any information, on the relative value of the types of habitat from that mine site versus the other area?

MR. ROBINSON: Absolutely. We've determined based on our assessment of the breeding waterfowl values of the Regional Study Area that relative to the Chilcotin plateau, those values are equivalent or less than or below average relative to the Chilcotin plateau.

I would submit that relative to Riske Creek, everything is below average.

So some context.
The Project area is located in a mid-to-high elevation area. These are not, in a relative sense, super productive habitats for breeding waterfowl. They do support breeding waterfowl and there's clearly wetlands throughout that area.

I could go on at great length, but I think I'll keep the answer short.

MR. BELL-IRVING:
And one other quick question.

If you could put up the slide of your list of regulatory legislations. It's the Federal Wetland Policy. That one. Federal Policy on Wetland Conservation. Again, could you just describe in terms of the administration and application of that policy, how it applies or if there's any difference in the application of that policy in the context of Federal versus Provincial lands.

MR. ROBINSON:
Certainly. The Federal
Wetland Policy is a Federal Cabinet Directive that applies to Federal departments. It first and foremost applies to Federal lands. And is intended to be used, its use is encouraged in other contexts. This being one.

I would also, if I may, I'm going to submit that, when we speak to, when the plan speaks to Federal projects, activities, programs and so on and so forth, that the case can be made that a Responsible Authority administering the Canadian Environmental

Assessment Act or a Responsible Authority that issues an authorization or a permit under one of its programs, the Federal Wetland Policy would apply.

I would also submit, however, that we haven't made that case. That as a Federal authority with expert knowledge also tasked with advising and
supporting the policy, that that's what we've done and are trying to do for this Environmental Assessment.

MR. BELL-IRVING: No further questions.
THE CHAIRMAN: Thank you Mr. Bell-Irving. I'll turn next to Tsilhqot'in National Government, Wayne McCrory, any questions there for Environment Canada? Yes, I'm specifically asking you if you have any questions.

QUESTIONS OF ENVIRONMENT CANADA BY TNG, BY MR. WAYNE MCCRORY :

MR. MCCRORY: What's your sense of the number of migratory birds that use the Taseko Regional Study Area? You focused on breeding bird numbers. Trumpeter swans spring and fall migration and so on. MR. ROBINSON: So just for clarity, I thought I heard two questions here. One is regards to the breeding values and another is in regards to the migratory values?

MR. MCCRORY: No, my question is you focused on breeding pairs in your surveys in May and based your assessment on that, and I wonder if you had any sense of the relative numbers of migratory birds that use the same area in during the spring and fall migration period?

MR. ROBINSON: I'm going to provide two responses.

One is that I would submit that the company's in the best position to provide some response to that because they are the ones who have been out there collecting the data and we've reviewed their data.

There is use of, most certainly there is use of Fish Lake as a staging habitat. I've actually been out there several times and observed Barrows Goldeneye, Canada geese, and other waterfowl out there making use of Fish Lake. And I would anticipate other wetlands in the study area are likely used as well.

To be more precise, I would have to go back to the EIS to assess those values, and again, I would submit that Taseko's well positioned to provide some response on that question as well.

MR. MCCRORY: My other question is, and I think it's partly based on my experience of having done one of the first waterfowl surveys on the Syncrude tar sands lease many, many years ago and recommended mitigation. And I was very pained recently to learn of all the waterfowl and other wildife that had been affected by that facility.

And has Environment Canada done a thorough review of the toxicology of the water storage area, Fish Lake, and in the event that there's some kind of failure or the levels go above accepted levels, how
that will get into the food chain and affect migratory and breeding waterfowl that will still use the area or stop in the area?

MR. ROBINSON: We have not undertaken a detailed review or assessment of that aspect of the Project. But I can offer this, that based on what we do know, we anticipate that effects to bird populations in that area we would anticipate to be low. And part of the reasoning for that is that, amongst the many things that birds undoubtedly look at when they are looking for staging habitat, one is availability of lakes, ponds and wetlands by which to do that. And often problems arise where you have limited water resources by which birds can stage in migration. This is not the case for this region.

MR. MCCRORY: Okay, thank you.
THE CHAIRMAN: Thank you, Mr. McCrory. Are there any other questions from Tsilhqot'in National Government?

Okay, then I think that completes the presenters we have on the subject. We would normally go to the Panel at this point, but I think this is probably a good point to have a little break and then we'll come back and complete the questioning of you folks from Environment Canada.

A 10-minute break and then we'll be back.

\section*{(BRIEF BREAK)}

\section*{QUESTION OF ENVIRONMENT CANADA BY THE FEDERAL PANEL:}

THE CHAIRMAN:
I'll start off with a few questions. Mr. Robinson, I guess I'm thinking of all of the discussion we've had on fish habitat, fish habitat compensation and compensation plans, and we've had a lot of discussion on that whole aspect. But in the case of waterfowl in particular, there is no Habitat Compensation Plan that is developed at this point. I think you've raised a concern that, in its absence, it is difficult for the Canadian Wildlife Service to come to a conclusion on the extent to which impacts can be mitigated. Is that a fair conclusion?

MR. ROBINSON:
Yes, I think that's a
reasonable conclusion. Without understanding the things that we've described in terms of what we believe needs to be incorporated into a habitat plan, compensation plan, it's difficult for us to be able to say that, yes, we think that's an appropriate approach or not. And that really gets to the fundamental concern that we have in regards to the often cited Section 11 of the Provincial Table of Commitments.

Yes, we acknowledge a commitment has been made by Taseko Mines Limited to compensate.

That in and of itself, while a wonderful gesture, doesn't inform us at all as to what that will look like, how that will be done, and all the other things that we've brought up.

THE CHAIRMAN: Well, let me ask you I guess a couple of follow-up questions in that regard, then. Given your experience, how difficult is it in your view in this area to find replacement habitat to compensate?

MR. ROBINSON: I think it would be a challenge to -- it would be next to impossible, \(I\) would submit, to try to recreate the habitats that will be impacted. Extremely difficult. The valuations to date on engineered wetlands supports that.

However, and, again, from our perspective, the need and the value in developing a plan during an environmental assessment, because for that reason there are options, there are projects, there are opportunities to go to do good things to address impacts to waterfowl and to migratory birds, more broadly, in the region, based on, in particular, non-government agencies, conservation agencies out there that are involved in wetland restoration, enhancement and protection.

THE CHAIRMAN: So again, if I understand you correctly, what you're saying is it's possible to find or maybe the better term is replacement habitat in this context elsewhere. Is the concern then, in part, in the absence of a Habitat Compensation Plan, a concern about who pays?

MR. ROBINSON: From our perspective, the costs would be entirely borne by the Proponent.

THE CHAIRMAN: Is the concern associated with the lack of a plan, then, a concern about a negotiating position, if that's the right term to use here, to develop such a plan?

MR. ROBINSON: That's certainly part of it. But there's much more to it as well. There are complexities that must be understood if we are to gain common ground on how to address impacts.

So, for example, it's one thing to say that the area of impact will be, say, four hundred hectares for discussion's sake, and that there needs to be a compensation plan to address that four hundred hectares, but in terms of bird functions, that doesn't necessarily mean a great deal.

There are considerations with regards to species-specific habitat requirements based on what species are going to be impacted, not just in terms of
waterfowl, but about for other migratory birds that really to this point have yet to be discussed in terms of wetland function impacts.

And, again, and extending that to riparian habitat as well.

So there's biological considerations that haven't been discussed that, in our opinion, need to be such that we reach a common understanding such that we achieve what we're trying to achieve here, which is a No Net Loss of functions to migratory birds.

THE CHAIRMAN:
A further question. You mentioned that the area supports approximately four hundred breeding pairs and you indicated that was a conservative estimate, if I recall, because you conducted these studies in the month of May.

How, and again my question is to put this into context, if that were to be lost, let's say, how important would that be within the region that you've shown on the map, the Chilcotin plateau?

MR. ROBINSON: Our assessment of breeding waterfowl, as we've mentioned, indicates that the area is at best average, if not a little bit below average. However, our objectives, for example with respect to breeding waterfowl within the CIJV, is to reach 1.6 million breeding pairs. And currently we're not
at that figure, significantly less by hundreds of thousands.

So while in a relative sense the values are below or at best average, that doesn't mean that one then ignores those impacts. We're trying to sustain populations at a particular level as they are reflected in our bird management plans. And so when it comes to impacts to these wetlands or any other wetlands, for us to achieve our management objectives, there's a need to address them and to compensate for them.

THE CHAIRMAN: And are you seeing decreases, then, rather than increases at the present time in these populations?

MR. ROBINSON: There's two aspects to that. One is some populations are increasing, some are stable, and some are decreasing. So it's species-specific.

With regards to wetland conservation, broadly speaking, there's ample evidence, it's without doubt, that we have lost tremendous areas of wetland habitat across the country, and including B.C.

We don't have specific data for the CIJV. But, again, on the face of it, there's evidence that wetlands are in jeopardy based on development
pressures across the board.
THE CHAIRMAN: I recognize when I say the loss of four hundred breeding pairs, of course I'm not talking about a kill particularly, but the fact that they would have to move elsewhere or be displaced from that area.

Okay, thank you. A further question on a slightly different matter.

I'm trying to, you mentioned the species at risk, and I've forgotten the exact species, a toad of some sort, and not being a biologist, sometimes these names escape me, but.

MR. ROBINSON: You're not alone. Western toad.

THE CHAIRMAN: Western toad, that was it, thank you. That's a simple name. I should have remembered that one. The question I really had was trying to understand, \(I\) guess, in part, the role of the Federal Government or Environment Canada in this case in dealing with the application of the Species at Risk Act. And I noticed in your actual written brief on page 40 there is a sentence, and I didn't quite follow it, it said, "Accordingly, Environment Canada...", if you want to check it, it's on page 40, the third bullet, just to have it in front of you. It
says in the last sentence there:
"Accordingly, Environment Canada is
not in the position to condone or negotiate trade-offs in species at risk critical habitat protection within the context of the environment assessment process." And I really wasn't sure what was meant by that. MR. ROBINSON: Under the Federal Species at

Risk Act, there's a provision that speaks to the identification of and protection of critical habitat as defined under the act.

There are specific prohibitions under the act that protect critical habitat once it's been identified and prescribed and so on and so forth.

There is wording in the Section 11 commitment that we have been discussing under the Provincial Table of Commitments that speaks to the compensation, amongst other things, of critical habitat.

In the context of Environmental Assessment, Environment Canada does not entertain or engage in negotiations around compensation for impacts to critical habitat if it was to be identified in the future within the Project area.

So I'll try and rephrase that just a little
bit.
Critical habitat of a species speaks for itself, you know, we protect the habitat of the species because it's in trouble. And the Act provides the means and measures by which to do so.

On Provincial Crown land, it is really, we work with the Province to reach that end.

But simply to say that critical habitat, once it's been identified and effective measures are in place to protect it, isn't about saying, okay, let's then renegotiate, in EA, for example, the boundaries of that critical habitat.

THE CHAIRMAN: M'mm-hmm. Okay. Yes. I understand that. But I guess I'm also trying to understand it in the context of your bilateral agreement with the Province, how would that be handled in a situation like that? In other words, does this become a Provincial responsibility, then, if I understand it, rather than one that you would manage under the Canada or under the species at risk as the Federal Government?

MR. ROBINSON:

> So I think there's two
aspects to that. One is the consideration of significant adverse effects and what that would mean in terms of any impacts to critical habitat.

And again, turning to the Province for action from them, there is also a provision under the Species at Risk Act, which is a safety net, whereby if it is deemed through negotiations or through consultation with the Province that critical habitat is not being effectively protected, then there is a responsibility of the Federal Government to then take measures to protect it.

THE CHAIRMAN: Thank you, that's helpful to understand. So in the case back to the Western toad again, are you satisfied at this stage that you have enough information to determine whether critical habitat of the Western toad would be affected?

MR. ROBINSON:
The Western toad is a species identified as of special concern under the Species at Risk Act. And so, consequently, the critical habitat provisions don't apply to that species under the Act.

THE CHAIRMAN: Thank you for that clarification. I do understand the difference there and in terms of how it's examined.

That completes my questioning, but I know my colleagues have others and I may have others as well, later.

MR. ROBINSON: And if I may, a gentleman earlier had asked a question about the impacts of
tailings impoundment to staging waterfowl. And I provided a response.

My Environment Canada colleague also brought to my attention another consideration. I'm wondering if it would be possible to raise that now quickly.

THE CHAIRMAN: Sure, I think that would be quite appropriate if you have follow-up information associated with that question.

COMMENT BY MR. CHARLES DUMARESQ, ENVIRONMENT CANADA:
MR. DUMARESQ: Hi, Charles Dumaresq,
Environment Canada.
I just wanted to point out, and I know the concerns, because of the ongoing court case related to the waterfowl problem with the oilsands in Alberta, that it's getting a lot of media attention right now, and I think it's germane to point out that, and I will preface my comment by saying in terms of the potential toxicity associated with the kinds of water that would be overlying tailings from a metal mine, I can't really comment, but I think Andrew has commented on that already.

But I would point out that oilsands tailings are fundamentally a very different kind of tailings than what you're getting from a metal mine like potentially would be from Prosperity or any other.

The water that overlies the solids is very high in residual oil that they haven't been able to recover. And as a result of that, when birds land on it, it's like landing in an oil slick. And it's a very different kind of impact than we would ever expect to see from any kind of tailings from a metal mine. So I just want to point that out, that oilsands, they are getting a lot of media play, but fundamentally the tailings are very different in character and chemistry.

THE CHAIRMAN: Thank you, Mr. Dumaresq, I do appreciate that, but it's probably good to clarify that point.

Bill?
FURTHER QUESTIONS OF ENVIRONMENT CANADA BY THE FEDERAL PANEL:

MR. KLASSEN:
Thank you, Mr. Chairman.
I've got a few questions specific to the No Net Loss of wetland function that you referred to.

I'd like to know whether you believe whether No Net Loss of wetland function can be fully achieved with respect to this Project based on what you know about it?

MR. ROBINSON: Yes, I do think that it's achievable. I don't think it's necessarily an easy
feat.
We are dealing, under the assessment, we are dealing with waterfowl species that we're fairly familiar with. Not just CWS, but the Canadian Wildlife Service is involved in research on a number of different species that occur within the Project area.

And I've been involved in a number of different compensation projects in Environmental Assessment.

And as a consequence, we have confidence that with the appropriate strategies and scope, that projects could be developed to enhance and restore wetlands by which to achieve the kinds of numbers that are presently within the Project area.

MR. KLASSEN: So that would be just with respect to waterfowl or all of the wetland function that would be lost through this Project?

MR. ROBINSON: With appropriate
consideration and scope, we can certainly get somewhere to achieving that. There's some real, you know, real biological challenges involved. So if \(I\) may, if we're, you know, for example, water birds, great blue heron, sandhill crane, we know that at the least, these are incidental, but they are probably in
either migration or they are breeding. It's one thing to create habitat and enhance habitat for waterfowl, it's another for those kinds of species.

It's not to say it can't be done. What's needed is a very concerted effort to, in working with NGOs, and with folks on the ground who know these species, who know their projects, to identify them to either improve conditions for species for where they are known to be breeding or to enhance situations by which to attract them. There's always uncertainty. These are the challenges.

MR. KLASSEN:
What role would Environment Canada, Canadian Wildlife Service have in helping to accomplish that No Net Loss?

MR. ROBINSON:
First and foremost would be in reaching agreement on a Habitat Compensation Plan. That is the cornerstone. We've been involved in a fair number of compensation projects that have involved such things as contracts, agreements with proponents and NGOs, whereby we assist in the evaluation to project proposals. So, really, we can provide an awful lot of advice through agreements, through Memorandums of Understanding. So we can provide technical advice, we can provide strategic level advice, regulatory advice. And those are the
kinds of things that we've done in the past and that we feel pretty confident about.

MR. KLASSEN:
So those would essentially be contracts. Are there any other mechanisms through the legislation that allow you to participate through the issuance of permits or authorizations and so on?

MR. ROBINSON: Not under the Migratory Birds
Convention Act, no.
MR. KLASSEN:
I have another question. You mentioned, let me check my notes here, that it's difficult to quantify wetland function, and \(I\) found in the course of the time that we've been involved with this Project, on the Environment Canada website, there's a document that's called "Putting an Economic Value on Wetlands: Concepts, Methods and Consideration." Are you familiar with that? It was new to me when \(I\) saw it. And \(I\) just wonder how it applies.

MR. ROBINSON: You'll have to forgive me. I've of late done a fair amount of reading. I'm not sure if I've read that particular document, but I have read or am familiar with similar kinds of documents insofar as there have been attempts fairly recently to put a dollar figure on the value of wetlands and wetland functions, including wildlife.

Often it has to do with such things as water management, you know, flood management, groundwater management, these sorts of things, the recreational values, et cetera.

But I'm not specific -- I don't think I'm familiar specifically with that document.

MR. KLASSEN: Well, what I was interested in was just what you've said, some sort of mechanism by which you catalogue all of the values of a particular wetland, not necessarily the dollar or economic value, but the function of that wetland. And so what I guess I'm getting at is to what extent do you need to do that with respect to a wetland that is going to be displaced before you can be satisfied that there will be No Net Loss?

MR. ROBINSON: If I understand you correctly, the way we are considering that is, for example, by the evaluation that we conducted. And the function, the breeding function provided to waterfowl by wetland, it could be looked at by that population figure and/or by the area that supports the wetland area that supports that population figure. And that has an economic -- there's a cost to that.

And our perspective is that when it comes to implementing compensation projects, non-government
conservation organizations on the ground that do this as their business are best positioned to advise as to what those costs are.

MR. KLASSEN: Thank you. That's all I have.

THE CHAIRMAN:
Nalaine?
MS. MORIN:
I just have a couple of
questions for you. And they are related to habitat compensation.

What type and what level of compensation would be acceptable in your view for ensuring sustained biological diversity in the area both at a local and a regional level?

MR. ROBINSON: Let me be sure I've got that question understood. You're asking what level of compensation we think would be appropriate at the local and regional level?

MS. MORIN: To ensure sustained biological diversity.

MR. ROBINSON: The objective would be to sustain the populations that have been identified and that are anticipated to be displaced as a consequence of the Project. How that is achieved is through the Habitat Compensation Plan. And it is really contingent upon the confidence that one has around
what one can do on the ground to sustain those populations. And so, for example, this gets into the, which hasn't been discussed to this point, into such things as compensation ratios.

So, for example, while there's an area of four hundred hectares that's anticipated to be impacted, for discussions sake, that's not necessarily that by restoring or enhancing four hundred hectares off-site that that will equate to four hundred pairs of breeding waterfowl, for example.

And so that's again we look to conservation groups on the ground who tremendously assist the wildlife service in sustaining waterfowl populations, so our partners, in advising as to the kind of ratios that would be needed in their estimation, with our review and input, so that we can sustain those numbers.

So these are the complexities that fall out of a Habitat Compensation Plan.

MS. MORIN: Okay. Given that the Proponent has indicated in its various correspondence that's been submitted through this process that it will only consider compensation if there is a defensible confirmation that there are adverse impacts, do you believe that there's sufficient
baseline data to reach that decision?
MR. ROBINSON:
Well, I think there's two aspects to that. One is that I'm still seeking clarity, and maybe I'm just real slow on the uptake here, but I'm still seeking clarity on what that baseline impact's going to be. And I can appreciate why there's some level of uncertainty, because, as you get into detailed design, and as a project evolves, it changes, and consequently so do the impacts, anticipated impacts.

Nevertheless, I would submit that there is sufficient information to put us into the ballpark of impacts. And that under a Habitat Compensation Plan, that where there's uncertainty in terms of the level of impacts, where there's uncertainty, that they be acknowledged. But up to that point, there are things that can happen in the near future that get to addressing those impacts. In other words, that one doesn't have to wait, nor do I think it would be appropriate to wait, some 10, 20, 30 years to see, well, has, what they have proposed to this point in the EA, whether their measures work.

> Does that get to your question?

MS. MORIN: Yes, I think it does. And then if we look at perhaps once the Habitat

Compensation Plan is developed, what would be monitored to measure how the Projects are having an impact on migratory birds, for example? So how would you distinguish Project-related effects from effects due to other sources?

MR. ROBINSON: For clarity, is that in the context of compensation that's been proposed to this point by Taseko Mines Limited, or more generally?

MS. MORIN: More generally.
MR. ROBINSON: More generally. We would recommend -- that's a challenge, for sure. As you know, populations fluctuate and there are extraneous factors and things way out of our control that can occur that can confound whether or not we're achieving what we're trying to.

Nevertheless, what we would recommend is that there is appropriate design and thought given to that robust monitoring plan so that, over time, one can tease out whether or not what we're trying to achieve is actually being accomplished.

So there are, within limits, there are things that one can do to provide, you know, to give us the indication as to whether or not we're on the right path or not.

MS. MORIN:
Okay. So in your May 2009
submission, you raised the issue that:
"Stocking non-fish-bearing lakes
and wetlands could cause potential
harm to migratory birds utilizing
these systems."
In Taseko's August 14th response, IR 5.1, they provided some analysis on the effect of fish stocking on waterfowl without, however, arriving at a decisive conclusion.

With your understanding of migratory bird use of these habitats and the use of rainbow trout for stocking, do you consider there's a real potential harm to migratory birds in stocking a limited number of non-fish-bearing lakes and wetlands in the Project area?

MR. ROBINSON: I do. I do recall Taseko Mines Limited's evaluation. And I was relieved to see that the -- determined that fish don't eat birds. But notwithstanding, it is our perspective that stocking aquatic systems, wetlands, with fish that support certain kinds of migratory birds, and really what we're talking about here are dabbling, dabbling ducks, that you set up a scenario of competition, inter-specific competition, and that's not to the benefit of dabbling ducks.

And so as a consequence, and again this is one of the challenges of trying to quantify that. Tough to do. You know, without sending out an army of Master's students to evaluate such a thing, it's a tough one. But nevertheless, I think that what's pragmatic is to be able to say, look it, this doesn't benefit ducks, can we agree consequently that \(X\)-number of breeding pair might be displaced and that would be then integrated into the Compensation Plan?

And that's a process of negotiation.
One has to be about as honest and transparent about it as one can be.

MS. MORIN:
Can you recommend a follow-up program to monitor such effects?

MR. ROBINSON:
In theory, sure. It's a, you know, you're setting up a study, basically, to be honest, you know, you're looking at this gets into, into the realm of graduate work. If you want to look at this honestly. And you're looking at long-term monitoring more than likely.

So the question then is, is that, is that the most pragmatic way by which to achieve that uncertainty or is it more easily achieved or more readily achieved through negotiation under a Habitat Compensation Plan?

Operating in the realm of science, I prefer the former, but I'm a realist as well, and we're in an Environmental Assessment, and I think that the latter is probably the more pragmatic approach.

And I would also say I would be curious to see what Taseko have to say about that.

THE CHAIRMAN: Do you want to comment on that? No, no comment, so.

MR. ROBINSON:
Okay.
MS. MORIN:
Thank you.
THE CHAIRMAN: I think that concludes our questioning of Environment Canada. I'll just check to see if other people wish to question. Again the order would be any Federal departments first of all?

I don't see any.
Then Canoe Creek Band, I don't think they are here.

Esketemc First Nation, any questions? Ms. Bedard.

QUESTIONS OF ENVIRONMENT CANADA BY ESKETEMC FIRST NATION, BY MS. BETH BEDARD:

MS. BEDARD:
In your evaluation or in your studies did you address First Nation's use of waterfowl or migratory birds?

MR. ROBINSON: No, we did not. We undertook
a strictly biological assessment of the waterfowl
values of the Regional Study Area.
MS. BEDARD: So any First Nations' values such as egging or hunting were not included?

MR. ROBINSON: That's correct.
MS. BEDARD: Thank you.
THE CHAIRMAN: Thank you.
Friends of Nemaiah Valley?
QUESTIONS OF ENVIRONMENT CANADA BY FRIENDS OF NEMAIAH VALLEY, BY MR. DAVID WILLIAMS:

MR. D. WILLIAMS: Just one or two brief questions, Mr. Chairman.

THE CHAIRMAN: Mr. Williams, right, for the record?

MR. D. WILLIAMS:
That's right, David Williams, Friends of Nemaiah Valley. Based on my experience, primarily in the Brittany Triangle but also up at Fish Lake, that May seems to me to be a bit early to be counting breeding pairs. June seems to be, from my experience again, anecdotal, the time that will find the most numbers. So I wonder why you chose May. MR. ROBINSON: Just to be clear, I didn't choose May.

The database that was made use of is based on accepted standards from CWS and U.S. Fish and Wildife
standards. And it's an assessment of a very broad region. It's not specific to the Regional Study Area.

So nevertheless, you know, while we would submit that that is the best timing for this, for the aerial survey, for the eco-section, what you're getting at speaks to some of the uncertainty and why we would consider the assessment to be a conservative one.

MR. D. WILLIAMS: Thank you. The other question, are you aware of sandhill cranes breeding in the specific area of Fish Lake? I know we've noticed an increase in the number of sandhill cranes in the last dozen years.

MR. ROBINSON: I'm trying to recall now from the EIS. I believe sandhill crane have been documented in the Regional Study Area. I'm not recalling whether they have been specifically observed within the, within Fish Lake. I would say two things to that, that unless there's been an aerial survey specific to that species to assess breeding values, it would be tough to know.

And secondly, I would say that it wouldn't surprise me if they are breeding within the study area, but where specifically I don't know.

MR. D. WILLIAMS:
Okay, thank you. And just
one more.
I wonder if any specific lakes have been identified as possible holding lakes for trout. Because I know there are a large number of lakes in the Brittany Lake Triangle, for instance the 11 sisters they are called, but most of them are too shallow and they would be susceptible to winterkill. And I'm not aware of many other lakes that are not presently stocked would be suitable in the study area. MR. ROBINSON: And this is lake suitability for trout stocking?

MR. D. WILLIAMS: Yes, as part of the Compensation Plan.

MR. ROBINSON:
And I can't speak to that.
THE CHAIRMAN:
I think that's already been answered by Taseko, Mr. Williams, in that I think my understanding is this is undetermined yet, but this is something that the Province would be involved in identifying in the future should this go ahead, with Taseko.

MR. D. WILLIAMS: Thank you.
THE CHAIRMAN: Next, MiningWatch Canada, any questions?

QUESTIONS OF ENVIRONMENT CANADA BY MININGWATCH CANADA, BY MR. HART :

MR. HART:
Very quickly because I know we're running out of time.

I just wanted to clarify that the habitat compensation you're proposing would only address waterfowl habitat values?

MR. ROBINSON: Our recommendation is that wetland compensation would address functions to all migratory birds. The assessment we did for breeding waterfowl was our attempt at providing guidance to Taseko Mines Limited and to the Environmental Assessment.

MR. HART:
Okay, but it wouldn't address hydrologic functions, mammal values, other associated values of the wetlands that are in the watershed currently?

MR. ROBINSON: We would be seeking
compensation for the functions that first and foremost fall under our jurisdiction, yes.

MR. HART: Yes. Okay. You sort of spoke to this, so this may be an unfair question, but is there any range of costs that you could give the Panel a general notion for wetland compensation for migratory birds per acre or just even a really round guesstimate of not for, you know, we don't have a specific plan, but it ranges from 100 dollars an acre
to or, you know, I have no idea, so. But I think it is germane to our discussion. That's all, thank you. MR. ROBINSON: I'm not, I don't mind giving a ballpark figure, but what I would say that there's various considerations obviously to that question. One is location. And so, for example, the kinds of projects, compensation projects that the Canadian Wildlife Service has been involved in in the context of Environmental Assessment has been in the Lower Mainland as well as in the Chilcotin and other regions. And land values obviously vary tremendously across regions and even within regions.

But I would submit that, well, let's, for example, seven or eight hectares of wetland compensation in the Lower Mainland can run in the order of \(\$ 1.5\) million divided by seven. Whatever that figure is. That will give you a dollar value per hectare. Whereas, say, up in the Prince George area, it is more in the range of, again by way of example, \(\$ 200,000\) divided by 15 hectares. So that gives you a hectare value.

Now, these are figures, again these are just two examples of quite a number.

So there's quite a spread.
THE CHAIRMAN:
Thank you, Mr. Robinson.

I'll just follow up, then, with two others who I don't think are here.

Share the Cariboo-Chilcotin Resources Society and Williams Lake District Chamber of Commerce in terms of questions. I don't see anyone coming forward. So I think that concludes our questioning. I've already asked if Federal departments had a question, I didn't see any response. I think we'll move on. Thank you, Mr. Robinson, for your presentation and questions.

Anxious to move on to the next speaker which is Mr. McCrory, please.

PRESENTATION BY THE TSILHQOT'IN NATIONAL GOVERNMENT, BY MR. WAYNE MCCRORY:

MR. MCCRORY:
THE CHAIRMAN: Would you care to sit down.
MR. MCCRORY:
THE CHAIRMAN:
five-minute presentation.
MR. MCCRORY:
Yeah, yeah, especially
talking about grizzly bears and wild horses.
Anyhow, I wish to give to Taseko, as I've given to the Panel, a scientific criteria for evaluation of grizzly bear management areas in British Columbia report and a updated version of the Craighead

McCrory Grizzly Bear Conservation Report for the Chilcotin Ranges.

Could I have the lights, please.
My name is Wayne McCrory. I'm a Registered Biologist in the Province of British Columbia. And following is my independent review of the environmental impact documents for the Prosperity Mine development.

And the mine is in a very interesting region. Still has a lot of grizzly bears and, although they are threatened, salmon. Very biologically rich area.

My expertise includes 40 years of research in conservation programs related to wildlife and bears, 80 technical reports, about 10 published papers. I was on the B.C. Government Grizzly Bear Advisory Committee for four years. I've done environmental impact assessments in the Syncrude tar sands, Gas Arctic pipeline, Mackenzie Valley Pipeline, Coastal Logging and Baris (phonetic), et cetera.

I did my first research project for the Canadian Wildlife Service on buffalo head ducks in the Chilcotin in about 1967 and have since worked on the proposed Moran Dam Environmental Impact Assessment, Environmental Impact Assessment for the Toosey Band on the Chilcotin military block and done various studies
for the Xeni Gwet'in First Nations.
And my approach here was to have a web search and technical scoping of wildlife materials done in the Taseko documents by biologist Maggie Paquet, a background review of cumulative effects, roads, et cetera, on grizzly bears partly provided by conservation biologists, and input from Tony Pearse.

Case history study of effects on mines on grizzly bears, we did GIS map and road and protected area analysis for our grizzly bear suitability map.

A conservation grizzly overview study by Craighead McCrory that was just completed. And also a new study by the Wildlife Branch on the DNA of grizzly bears in the south coastal ranges.

Besides, I used the grizzly bear as an ecosystem indicator, if you maintain grizzlies you maintain hundreds of other species.

I used local knowledge including field surveys with the Xeni Gwet'in First Nations and also my professional judgments and expert opinion.

My conclusion, which I'll start with now, is I strongly disagree with the Taseko EIS that no significant, there will be no significant impacts on wildlife including grizzly bears. There will certainly be adverse effects on grizzly bears in an
already stressed ecosystem with limited ability for mitigation.

Taseko's EIS was based largely on species habitat assessments that were used in a limited area type assessment comparing amounts of habitat loss by the mine development versus availability in a small regional study area. This does not take into account the degree of concentrated use of some habitats such as wetlands by grizzly bears.

It did not adequately address conservation status and cumulative threats of species at risk such as a grizzly bear or other indicator species.

I'll just give you some overview here.
A recent DNA study of south coastal ranges identified nine genetically discrete population clusters.

The North Cascades in the south is already isolated.

Ancestral landscapes with little human access now separated by human activity and physiographic features that are likely to inhibit grizzly bear survival and movement was the conclusion of this study that looked at DNA from I think about 193 grizzly bears from the Chilcotin all the way to the U.S. border.

For some reason, this computer is not reading my maps. And the last time it did, so any suggestions?

You have about 15 very important maps to my presentation. And the last time I gave it at Nemiah Valley, it read the maps, so I don't know what's going on here.

THE CHAIRMAN: I assume this is a different presentation than the Nemiah Valley?

MR. MCCRORY: Yes, this is a totally technical presentation, so the maps are even more important to my presentation here.
(Technical difficulties)
MR. MCCRORY: Can everybody see this?

So basically this shows the map of the last enclave of what we call a dry land grizzly bear in North America that used to probably go all the way down through California. And it is extinct. On the US side they call the few grizzlies left "ghost bears". This is the North Cascades. They are down to 23. They are isolated. This is a sign in the Hatlatch (phonetic). I think they are down to 50 grizzlies. And then you come up here, and this whole area of the population unit in the mine area has about 100 grizzlies that are threatened and this whole area
has about 300 left.
And this is a type of grizzly bear that feeds on white bark pine nuts, digs for wild potatoes known as western spring beauty, and also feeds on salmon. So really the Chilcotin ranges are the last viable enclave of the foothills, coastal foothills dry land grizzly left in North America.

This just shows the conservation status in British Columbia. The pink shows the populations that are considered threatened, which means there are about half of their former numbers. And the grey area, which is out on the Chilcotin plateau is where they are already extinct.

So some of our overview documents, and I did talk about this before to the Panel, we recently did an extensive grizzly bear conservation study with Dr. Lance Craighead from Montana, and we compared this foothills area through Yellowstone Park, which is one of the two last largest areas in the continental U.S. where grizzlies can survive over the long-term in isolation.

And we found that the west Chilcotin
mountains and foothill core refugium is actually larger than the greater Yellowstone, however, the numbers here are down to 300 and are threatened.

In Yellowstone because of very good conservation measures and about 92 percent of the habitat roadless, they have increased and expanded down to Grand Teton Park and so on.

So our study recommended a grizzly bear recovery plan for the whole Chilcotin area and remaining grizzly habitat and salmon is important value.

And some 46 percent of the proposed conservation area is already protected. That includes the Xeni Gwet'in Aboriginal Wildlife Preserve. Within it, it has Aboriginal preserve four Provincial protected areas.

It has a large amount of moderate grizzly habitat and high quality grizzly habitat in some of the valley bottoms, especially where there are salmon.

A panel of independent scientists reviewing grizzly bear population viability in B.C. recommended 68 habitat protected for long-term protection of grizzly bears.

A nature conservancy conservation study also shows high values in the area, but they included wetlands and other things and you can see that they rated this area where the Taseko Mine is as a high value area.

So when you look at cumulative impacts of mine access and development of roads, most studies show that access and roads have a negative impact on grizzly bears and that includes loss of habitat, displacement from quality habitats within a zone of influence up to three or more kilometres from the road, blockages of movements, and corridors. And most human-caused grizzly bear mortality occurs near roads.

In a Montana ecosystem somewhat similar to the west Chilcotin, and this information is relevant to the road upgrades, grizzly bear showed a strong avoidance of roads with 11 to 60 vehicles per day and 60 vehicles per day appeared to be a possible threshold for high avoidance which we use to analyze the impacts of the Prosperity Mine.

On the other hand, less dominant bears, adult females and sub-adults, will also habituate through roadsides even with high traffic volumes as security from male bears and become more susceptible to collisions from traffic and illegal killing.

So there's a number of things go on between grizzly bears and roads that are now very well understood.

Roads also cause habitat fragmentation and decreased habitat values from avoidance that can cause
population declines once the amount of roading and impacts passes a certain ecological threshold.

Taseko's mine will triple vehicle traffic on the Taseko Whitewater Road from about 100 vehicles per day to 300 vehicles per day.

And what I did, I took their table here which is actually number of round trips and made it into vehicles per day, so I doubled the numbers.

I would like information from Taseko where they got the 50 return trips per day for the current road because \(I\) personally find that fairly high.

But there is going to be a very significant increase in vehicle traffic on this road.

If we use the 60 vehicles per day, and Taseko's information on the current use is accurate, then quite a bit of the impacts have already taken place on grizzly bears within that, say, half a kilometre of the road, so it's already had an impact on 40 kilometres across the plateau.

However, our core grizzly habitat mapping shows there's still some small core roadless areas on the plateau despite logging and fragmentation.

That does not mean to say that Taseko -- we can write the grizzly bears and the roads off. Taseko, a significant increase in traffic from the
mine will still have an impact on grizzly bear habitats along the Taseko Road by closing off the reduced movements of warier grizzlies across the plateau and causing mortality to sub dominants that habituate to the roadsides.

The 4500 Road is only 10 vehicles per day, according to Taseko, and therefore currently is having much less impact on grizzlies than the main access road.

Overall, the mine road and mine development will still cause significant changes including direct habitat loss, habitat displacement, and movement blockages for about 10 to 15 kilometres south of the Taseko Whitewater Road.

And this shows a telemetry study from the B.C. coast. Just two female grizzlies that were collared along the Kinskrit River, and this is the logging road zone of influence. This was measured. The sound of, they measured the sound of certain decibels off from the road.

And these are the home ranges of grizzly bears that live in this valley, and don't go elsewhere. And during the logging truck hauling, the bears generally avoided this half a kilometre of road area. Just to give you some idea of some of the
background study that's gone on.
So when you look at this and you look at grizzly bears, most grizzly bear mortality within half a kilometre of roads and human developments, you see how important it is to understand the impact of road access. It has to involve the recognition of the cumulative effects of incremental mortality and displacement events that can quickly destabilize the bear population.

In other words, when I look at this, I'm not just taking the Taseko Road, I'm also, as you'll see, looking at other mortality in the ecosystem that predicted mortality from the Taseko Mine development will have on the grizzly population itself.

I couldn't find it, and maybe I missed it, Taseko appeared to make no attempt to analyze grizzly bear mortality factors in the region, and I'm talking about the whole region, not their Regional Study Area.

And what mortality could be predictably caused by the mine development through direct and indirect effects. They proposed, rather, a mortality monitoring program.

My review shows that for the Chilcotin ranges grizzly bear population unit between 1991 and 1999, seven grizzlies were reported killed in conflict situations.

A mother and two young were also killed but not officially reported. Total females killed were at least three over this period.

And then those are more or less reported kills. Studies show that for every reported kill there is an unreported kill. And this is using extensive telemetry data. So you can say about 17 grizzlies met their death over this nine-year period and probably about six females.

So then when you look at the low population level, which is about 100, any losses of female grizzlies is critical to the population remaining stable, recovering, or declining.

So I estimated the loss of six females by human factors over this period as being significant. And any further losses that's predicted from the broad cumulative effects I did of the Prosperity Mine development would easily push this population over the edge.

Carnivores, including wolves, have increased mortality along roadways. Study after study after study. This is a wolf that was shot within one kilometre of the road in the winter of 2008.

These are the bears, because people will
often say, what do you mean, the bears are avoiding roads? I saw a grizzly bear along the road last week and it was eating dandelions and hardly moved off the road.

That's true.
There are these other bears that hang around roadsides and use the fact that male bears generally avoid roads as what we call security habitat. And you can see this one is walking across the bridge. You know. Logging truck comes too fast the wrong way, it's going to be a dead bear. And that's what often happens to these bears.

This is an example of an unreported sub-adult grizzly in one of our study areas on the coast on a logging road a couple of years ago. Either hit by a truck or somebody took their gun out and shot it. So when you look at just the road and the traffic, again I question Taseko's data, because it equates to about 100 vehicles per day over the year, which is the same as these two highways through the endangered Granby grizzly population near Grand Forks B.C.. And in this case, Dr. Horejsi looked at mortality on a population of 50 grizzlies and concluded that, you know, that even if one female was killed on the road, it would push the population
further into extinction.
The other information \(I\) dug up, I got a map of all the bear kills in B.C. for a 10 -year period. And they don't separate black bears and grizzlies so it wasn't a whole lot of use. But for every bear reported killed on the highway, there's five more die and go unreported.

So there was no data for the Taseko Whitewater Road, but three bears, likely black bears were killed in this 10-year period between Williams Lake and Hanceville. You consider that five more died, so, say, 15 bears, black bears killed during that period.

So these are the kinds of statistics that are out there.

And this just shows you graphs of what you can do with this, in a grizzly bear area, using traffic volumes per day over a period, so.

So what I put together and concluded, and again, part of this, I'll make it clear, is based on fairly extensive literature review and knowledge of the effects of road and 10 years of knowledge of the Taseko Road and so on, is I put together kind of a graph to show how the road for the mine will change the current status, which is open forest road or
closed forest road, whatever you want to call it, but it's a pretty slow road, you don't drive the road out to Nemiah at too fast a rate in any season without lots of life insurance. So I put it in here, it's already having a low to moderate impact on large carnivores, but if the road is upgraded, and I believe the road will be significantly upgraded even though the information is pretty fuzzy on that, and you're going to have a tripling of traffic, including industrial traffic, that road is going to go to high and very high effects on grizzly bears and carnivores.

And, at this point, I think it would be relevant to request from Taseko more accurate and detailed information on how much the road is going to be upgraded, because that is a crucial piece of information missing in my analysis and it should be considered by the Panel a crucial piece of information missing in any Environmental Impact Study.

And so I, like I say, I have to kind of do a bit of guesswork here, but I cannot personally see from what \(I\) know of working for mining companies and that sort of thing that you're going to have 200 more vehicles a day on that road and not have it significantly upgraded. And that is going to have a fairly high impact on not just carnivores, but mule
deer and wild horses and so on, which I'll get back to.

So now let's look at the transmission line and access, whether it's 80 kilometres or whatever.

What will happen here, and this is backed up by all kinds of studies which some of which \(I\) won't quote here, including some recent ones in the Yukon, where you put a long lineal corridor through grizzly habitat, granted that some of it is quite impacted by logging roads, but \(I\) expect that grizzly still use the area, you can gate it, you can do all kinds of things, but that road has to remain more or less open to service the power line, whether it's brush removal, spraying with herbicides, fixing the power poles, and many studies show that you're not going to keep the ATVers out of there, you're not going to keep the four wheelers out of there, and that's going to further cause displacement of grizzly bears and increased illegal mortality to the bears.

And just one example I'm using here in the endangered international Selkirk grizzly ecosystem, they are down to 50 bears, 18 mortalities caused by humans over a 14-year period were associated with closed, i.e. gated roads, and study after study shows that you cannot mitigate access problems through a lot
of these approaches.
It also increases motorized ATV access and not only causes habitat damage, but displaces grizzly bears.

This is wetland damage one kilometre west of Fish Lake.

The other secondary effect, which Taseko doesn't mention, which any conservation biologist or bear biologist who has worked on bear hazards studies in National Parks and looked at mauling incidents will tell you is that the mine development and the large influx of workers will definitely increase motorized and non-motorized backcountry use in the Xeni Gwet'in Caretaker Area and the whole hinterland of the Taseko. And this will lead to increased grizzly bear human conflicts with increased defensive live kills as fire arms are allowed. It only takes a few trigger-happy dudes, I call them, to damage the population.

Defensive life kills are often close to roads and all it takes is a hunter running into a grizzly bear on a kill and it's a very lethal situation that sometimes neither species comes out of alive.

So the other thing I want to address, and I'll come back to the road issues on other species later, is the overall approach used by Taseko of
modelling habitat and then comparing the amount of habitat of certain types within the mine area and their small regional area and then saying, well, it's only 2 percent of this or 1.0 percent of that, so I'm concluding that this will not have a significant effect.

It's a highly misleading impact picture of mine footprint and cumulative effects, in my opinion. If you look at the four hundred hectare loss of wetlands only being a 2 percent loss of wetlands of the Regional Study Area, you can take any development, you could put another mine there and use the same approach and conclude that it's not going to have a significant impact. But if you look at it from a cumulative effects point of view, and the fact that wildlife uses specialized habitats to a much higher degree than others, you get a totally different picture.

Just look at their wetland figures here. And then you look at telemetry studies on grizzly bear uses of wetlands, and I believe this is very applicable here from my 10 years of bear habitat surveys, in the Flathead area of B.C., wetland riparian habitat was only 8.5 percent of the study area, but 40 percent of the transmitter locations of

46 radio collared bears in the spring were in wetland habitats.

Some bears were located 85 percent of the time in this type of habitat during this period, so that doesn't equate to, well, we're just losing 2 percent of wetlands, that equates to probably a fair number of bears depending on those wetlands in the Taseko Mine area, especially in the springtime. So you get a very misleading picture using this tape measure of percentage of habitat.

And I take back a bit of what -- the CWS used the same measure of there's only four hundred breeding pairs as a small percentage of the much greater-sized Chilcotin plateau, because, as I noted in my question, it doesn't address cumulative loss of wetland losses in the overall region or losses of wetlands predicted from the global warming study for the Xeni Gwet'in.

And it doesn't address the loss to migrant waterfowl, including the Trumpeter Swans that come through the Xeni Gwet'in area by the hundreds.

So we have to be very careful with these kinds of assessments.

This just shows some of the spring habitat in the Fish Lake area. Riparian and grassland and there was a grizzly bear rubbing tree here.

What we do not know is whether grizzly bears in the area, which has a large number of spawning trout that spawn in these creeks, whether they feed on those. Yellowstone Park has major grizzly bear feeding on spawning cut-throat trout. So these are unanswered questions that are critical.

And if we take Taseko's four hundred hectares of wetlands and add the riparian areas, it would cumulatively, just the wetlands, be twice the area of this protected wetland in Elkin Creek, that is actually the nature preserve owned by the Valhalla Foundation, so multiply this by twice for the wetlands and multiply it twice again by riparian areas, that's no small loss to the ecosystem.

So this is our core grizzly bear habitat suitability map that we did for the larger study. I personally don't like the colour, but my mapper insists on these colours.

So the majority of the habitat in this large area is of moderate value. You get up into the higher areas, the rocky areas, less value.

And all along the rivers and streams are riparian areas and especially salmon, it's high value.

And the mine is right over here where that circle is. So it's very, it's in moderate grizzly
habitat and next to very important salmon bear area. Very proximal, you know, in terms of how quickly a grizzly bear could travel from the mine to the Taseko River, for example.

So I just want to talk about a few of the case studies we looked at. I didn't want to put them all up here. I was asked at my Nemiah presentation by one of the Panel members if we had considered other impact studies of mines and grizzly bears.

And so here is one. This is a mine in southeastern Alaska. They found that six radio-collared grizzly bears den significantly further from the mine in the second year. The day beds that the grizzlies normally used, they virtually stopped using them along the new road. And one female grizzly, who was very productive before the mine, after the mine, she lost two consecutive litters.

This is speculative evidence. Researchers have no direct evidence, but consider that displacement from her former feeding areas along Lower Zinc Creek Mine may have reduced her reproductive effectiveness.

So we can't come along and have all this proof, but we can certainly infer impacts from some of these studies.

And these are collared grizzlies in the Arctic where it's more open, so it's not totally a fair comparison to a forested area. But the mineral exploration sites had a moderate influence in use of summer habitats up to 23 kilometres away from the exploration sites.

And in the late summer and autumn, there was 12 and 11 percent reduction in total availability of high and good quality habitats respectively around the mining areas. And that is a critical time for pre-denning weight gain. And if mother grizzlies do not gain enough weight, they will not bear young in the spring. They breed in the winter because they will reabsorb the fertilized ovum that implants in the uterus in the spring when they breed, but doesn't start developing till the fall if they have enough body fat.

So these are very direct impacts you can't go out and always measure, but nonetheless, they are there.

Another cumulative effects model in Chugach National Forest in Alaska of not just mining operations but all kinds of other things, show that all known human activities resulted in a cumulative reduction of habitat effectiveness of around

70 percent.
Now, that means that the habitat near these areas was used 30 percent less or less value by grizzly bears with collars on than it would have been if those developments weren't there.

And one more thing, this is a study of a proposed new road in Kincolith, B.C. And the government biologist was more concerned about the potential impacts on the road kills than he was on by construction operation than he was on habitat. And they estimated, and this is an area with a large number of grizzlies, that 40 to 60 grizzlies out of a population of up to 270 could be negatively affected. And that would be in terms of disturbance and displacement. And an annual mortality of four to six individuals just because of the roads.

So this is a lot of stuff that's out there that needs to be considered here.

I've worked on lots of mitigation programs. I do bear hazard studies in parks.

I designed the electric fence around the new Whistler transfer station. And that sort of thing.

And the food garbage control at the Taseko Mine site will have some, of course, overall benefits, but that won't mitigate some of the other effects.

What use is a grizzly bear mortality program to measure the kills with highway collisions for example if the facility is already there? That's not going to do anything to help the grizzly bears other than to identify, well, this bear was killed or that female was killed and that sort of thing.

And just remember that if you have a grizzly bear killed on the road, there's four others that the data suggests or Wildlife Branch suggests that died or injured but were not detected.

So my opinion, and there's extensive research to support this, that \(I\) won't quote here, is that monitoring and mitigation as proposed by Taseko will do little to prevent mortalities and will also not address the illegal kills from increased motorized use of the transmission line roads or backcountry in the Xeni Gwet'in Caretaker as a result of human population influx from mine development.

Road closure, speed limits and other administrative attempts to mitigate access problems has limited effectiveness in reducing human induced grizzly bear mortality.

Dr. Horejsi, I've got three other studies from the Yukon that I could quote here, but I won't right now.

So where does all this take you, given that you have a population of just 100 grizzlies when there should be 200 in the area? You have a zone of extirpation to the north. You have a, you know, a lot of logging infringement around the edges. You have conflicts with cattle ranchers. You have unreported defensive life kills.

So you have in my opinion, and I base this on a lot of study, including four years of work on the North Cascades recovery program mapping bear habitat, you have a population already teetering on the threshold of extinction.

And because grizzly bear populations are highly sensitive to human-caused mortality, habitat losses and displacement, critical thresholds are reached that should not be exceeded if the population is to be expected to survive or recover over the long-term.

In the Tsilhqot'in ranges we have already reached this or we are close to it.

So, in my opinion, the mine will push the bears over the edge.

So. Anyhow.
Now, we'll get into another aspect, and as you can see, if you wanted scientific proof that
global warming is here, scientists can no longer debate it. There is the best proof you could ever get. But I submitted, we submitted earlier the Xeni Gwet'in to the Panel the Xeni Gwet'in's Climate Change Adaptation Study. I think it's probably one of the first in the province. And it was done by a team of people with input from the -- and from the Xeni Gwet'in. And what's going to happen is a number of things are going to happen here over the next 20 or 30, 40 years, that are going to affect much of the wildlife habitat in the area. You're going to have quite a dramatic increase in grasslands and Douglas fir.

And the tree line will move upward.
You're going to have some wetter winters, but you're also going to have drier summers which means in an area that already experiences wetland drought periods, you're going to have more droughts and less wetlands.

So the upward shift in treeline will reduce meadow habitats for bears. There'll be less wild potatoes, white bark pine nuts.

I think you heard from Rick Holmes about the effects on salmon, reduced salmon in wetlands, so there's going to be -- there will be some gains for
grizzly bears through increased fires and berry production. But there'll be an overall net loss. So you know, the ecosystem is already stressed out. It's going to be more stressed out.

This is a typical sub alpine meadow habitat where momma grizzly and three yearlings is digging for wild potatoes. And they are very good tasting as my granddaughter will vouch for here.

So my concluding remarks on grizzly bear and Taseko's EIS is as follows, and I will bore you by reading it out, because it's very important.

Taseko Mines claims their development will have no significant impact on grizzly bears and other wildlife over the life span of their gold-copper open pit mine.

However, there are a number of species within the mine area and its large zone of influence that are already in various stages of Federal and Provincial listings as a risk from cumulative impacts that include excess roading and clearcutting, habitat losses, and mortality from seeding settlements, extensive mining exploration activities, upper Taseko overgrazing, and that's where Sharp-Tailed Grouse in my opinion have been impacted, illegal killing, climate change and other factors.

So there's a lot of things happening.
The Provincial listing of the Chilcotin grizzly bear as threatened is by definition a sound indicator of significant impacts, meaning that the species has already undergone significant adverse effects from human development and associated activities.

Climate change affects on wildlife are not even considered in Taseko's EIS.

Based on the evidence I have presented, I can only conclude that the Prosperity Mine will push vulnerable species like the dry line grizzly bear over the edge to extirpation.

Otherwise, there's one final option. For threatened grizzly, just talk to the Russian cousins.

This is what grizzlies in Russia do.
So I want to talk about a few other things here.

We looked at the wild horses because we were already looking at them in relation to the Ministry of Forest wild horse culls.

So all these dots show wild horse counts from the Ministry of Forests over a three-year period. This is the upgraded Prosperity Mine road. We added that there.

You can't see the highway, but you'll see that most of the horses are not found along the main highway. And part of that's because a lot of it's private land and part of it \(I\) think they like to avoid people and stay out in the remote areas.

So this sector here has the highest horse counts, out of the Alexis Creek office, I think 360 on average, or 42 percent for the total region.

So the road, upgraded road is going to pass right through that.

So far, and I've seen little and know of little impacts of the road, you know, I think there was one killed a year or two because the road is so rough. Some, there's a few horse bands that habituate to the road, but they'll generally run-off if you stop your vehicle, but many of the other bands appear to avoid the road, but will cross it. So in the winter I've sometimes seen where up to four bands that gone straight across the road.

To sometimes cross a road, and people with domestic horses that get loose with a horse on the highway know this, sometimes they'll make a dash right out of the forest en masse across the highway. And when my son's logging horses get loose, that's exactly what you do and you hope to hell a chip truck isn't
coming along.
But because of this behaviour they are more vulnerable to traffic collisions. And that's the way wolves sometimes cross the roads too, they will mill around and then make a run for it whether there's a vehicle coming or not.

And since horses generally stay in herds of up to 60 or more, I'm predicting that with the significant improvements necessary to bring the current road up to traffic volumes, on the tripling, that there's going to be a rapid escalation of wild horse traffic conditions no matter what you do to try to mitigate it. And the word, I hate to say it, comes to my mind is a slaughter.

And this is what they'll do, they'll bunch off and head off and across the road they go en masse.

This is some of the horses you see along the road. It's a very -- it's one of the best areas to see wild horses. And it is an area used for filming.

So I want to talk about mule deer here. Most of the mule deer from the Xeni Gwet'in Caretaker Area migrate to what we call the Fraser breaks. And that's all of the kind of bunch grass Douglas fir areas along the Fraser River. And I learned how important that is when I did the Moran Dam Environmental Impact Study.

So they'll go down there with the Bighorn sheep. Some do, however, remain and tough it out in the winter, but not too many. So you're getting a fairly large movement and I don't have any idea of numbers, but I would guess, you know, it would be way up in the hundreds, 500, it would be anybody's guess.

And so they cross back and forth across the road. That whole plateau area along the Taseko Road is an important subsistence mule deer hunting area for different First Nations.

And I don't, never observed a deer killed along the road, because, like I say, the road is so rough and I imagine there's a bit of mortality from collisions.

But I would expect that when the road is improved to industrial standards, and the traffic increases, you're also going to have another major mortality area which is going to, you know, affect its value to the First Nations and wildife and so on.

The other point I want to make, and leave everybody with, that isn't addressed anywhere I've seen it, is that the mine will negatively impact the ecological integrity of adjacent protected areas.

And here's the Brittany Lake Triangle. These are all Provincial, green Provincial protected areas.

This is Ts'yl-os Park. This is the Aboriginal Rights and Title area which comprises most, but not all, of the Xeni Gwet'in Aboriginal Preserve and the Xeni Gwet'in Wild Horse Preserve.

This is Big Creek Park and this is Spruce Lake protected area.

So the mine is kind of right down here, right between these protected areas, and they are very significant. And provide a lot of, large roadless regions that have enormous ecological value. This has become so obvious in this day and age, it's painful to even have to remind people of it. But these roadless regions are priceless to wildlife survival. They are priceless to wildlife like grizzly bears surviving the impacts of global warming.

So there's been a huge investment by society in protecting the ecosystem already which will be jeopardized by the mine. The Xeni Gwet'in Aboriginal Wild Horse Preserve is 770,000 hectares. It is as large as Banff National Park. It includes Ts'yl-os Provincial Park which is, which in itself is a huge protected area just across the area from the Taseko Mine. On the east, Big Creek Provincial Park is quite large. Connects to Spruce Lake Park. So there's, if you want to look at acreages, you know, over 200 million acres of protected land that the mine is a wedge into that ecosystem.

And the way the effects will occur, a grizzly bear wanders from his den in Big Creek Park down to the mine site area in the spring and habituates to the road, it's a mother with cubs, a truck comes along the road, the three bears get killed on the highway, and that is a direct impact on the population that uses these protected areas.

So the mine is actually in these preserves. There's a sign along the road that designates the Wild Horse Preserve. And this is the will of the Xeni Gwet'in Elders and community starting in 1989 that there be no industrial mining, logging, and hydroelectric development. This is an incredible ecosystem. It has a guild of North America's top predators still surviving, major salmon runs, the northernmost reaches for the California Bighorn, mountain goats, all protected by the Xeni Gwet'in First Nations. Same size as Banff Park. If it was Banff Park, you wouldn't be looking at a mine there, but because it's an Aboriginal Preserve, there is a proposed mine there. And I just want to make that point out as a Canadian citizen and ecologist that I fully recognize and respect Aboriginal wilderness as
much as I do our National and Provincial park systems.
So that's the end of my discourse. I'm sorry to bore you with the science, but it is a totally amazing area. And I hope that we can all work together through our different communications and stuff to ensure that grizzly bears and the wild horses and the ecosystem are still here for our grandchildren and great-grandchildren.

Thank you.
THE CHAIRMAN:
Thank you, Mr. McCrory, for the presentation and those very nice pictures. I see your climate change indicator hasn't changed since we saw it in Xeni Gwet'in.

MR. MCCRORY: I couldn't find a better one. Plus there would be other people besides us here today.

THE CHAIRMAN: I'll turn the floor to Taseko to see if they have any questions first of all.

\section*{QUESTIONS BY TASEKO MINES LIMITED:}

MR. BELL-IRVING:
Thank you, Mr. Chairman.
Wayne, we have a few questions and I think at some point Colleen here would have a clarification for you. But the first question is in your presentation at Xeni, following that, we submitted some written questions to you as an undertaking to
respond to, and I haven't received the answers.
MR. MCCRORY: Yes, I meant to bring that up and I apologize. I have a draft letter on my computer that will be sent tomorrow. I already discussed that with the Panel. Yes.

MR. BELL-IRVING: Thank you.
MR. MCCRORY: I was too busy doing my cumulative impacts review, believe me.

MR. BELL-IRVING: In your written presentation, the April 16th, 2010 draft, in your executive summary, you state and I quote:
"Most mitigation measures identified by Taseko EIS will not be effective."

And that's obviously consistent with the slides.

You then say:
"The mine development will cause this vulnerable threatened grizzly bear population to pass the ecological threshold for extinction."

It's the word "cause" that I'm trying to understand a little more. Could you clarify that, and, in particular, what aspect of the grizzly bear use of this environment is currently limiting their population or their threshold?

MR. MCCRORY:
Well, I think there's two
things going on here. One is it will create more of a fracture zone along the roadway. In other words, a barrier to grizzly bear movements that will be cumulative to the fracture that's already, the ecological fracture there, it will block movements and make grizzly bears travel a lot further if they want to go to the lower Taseko and look for salmon, for example. And so that could affect reproductive fitness.

We don't know how many grizzlies come down and use the wetlands you'll be displacing there, but there could be four or five. And they will lose that and they will have to go elsewhere.

The other thing I forgot to mention that \(I\) think is going on is the effects of the 2003, 2009 forest fires that burned most of the Brittany. And this is actually going to be, is covered in my technical submission, is where do the animals go while the burn is recovering? These are huge burns. We know some of them move back in and checked out the burns before the smoke was gone, but there's not a heck of a lot to eat.

So for the animals, wild horses, grizzly bears, wolves, that ran away from the fire, they've got to go somewhere to eat. So some of them are probably right now across at Taseko. That sort of thing.

So there is also that going on. But let me get back to your question here. I'm talking about animal dynamics, effects, losses of habitat, cumulative losses, and that isn't just the mine development, that is the displacement from unregulated, unpreventable motorized access on the transmission corridor. It's all about extra backcountry use that will radiate out from people coming there. That's the cumulative effect.

But what I think I mean by "cause" there is I am convinced that no matter what you do, your mine development is going to directly and indirectly cause enough further mortality in the ecosystem to push grizzly bears over the threshold, so.

MR. BELL-IRVING: Thank you for that clarification.

Also in your paper on the discussions of the transmission line, you're describing the transmission corridor as having a near continuous access road all the way along from the Fraser to the mine site. And my question is are you aware of the approximately 125 stream crossings that the transmission, the proposed transmission line would cross, and if considering
that, how that would influence this notion of a continuous roadway along the transmission line?

MR. MCCRORY: Well, how is your, how are your service vehicles going to cross those waterways?

MR. BELL-IRVING: They are not.
MR. MCCRORY: They are not?
MR. BELL-IRVING: No.
MR. MCCRORY: So they are going to come in, get to the waterways, go back?

MR. BELL-IRVING: The proposed plan is to build the transmission line to free-span all of the waterways and access to the poles which would be required would be made on either side of those crossings of those waterways.

MR. MCCRORY:
So I stand somewhat corrected
there. But I think my point is you're going to be significantly increasing access points to that whole corridor which is still going to lead to increased unregulated motorized use.

So I will modify that in my final submission.
MR. BELL-IRVING: And one comment, one other question and then a comment.

In your remarks, maybe I misheard you, you referred to the Ministry of Forest wild horse, was it a culling program or a counting program.

MR. MCCRORY:
Culling. They have a counting program and they have had a cull program.

MR. BELL-IRVING: Could you explain that?
MR. MCCRORY: Yes, I can. In about 1988 in
Elkin Creek, the Ministry of Horse paid a bounty of about \(\$ 100\) a horse to have all the wild horses along Elkin Creek shot out. There were about 80 shot out to make way for a ranching operation. More recently, they have had a -- the Xeni Gwet'in have a -- let me put it this way, in the Nemiah Valley there's a mix of wild and domestic horses and the Xeni Gwet'in regularly or annually have a round up mostly to get their domestic horses. But the Ministry of Forests last year had a -- started a cull program for wild horses. And paid the First Nations to, I think the Stone people, I don't know how many they captured to do that, feeling as a result of a survey they did of ranchers' opinions that there were too many horses that were causing overgrazing. So what I'm doing with the range ecologists is actually looking at the populations, the approach is used in the U.S., to see if there's any justification for these sorts of programs.

MR. BELL-IRVING: That was very helpful. I had heard reference and I think the association to a
culling program. I didn't quite understand it. But now that you've clarified it, can you help me understand in the context of your concerns about our mine Project and wild horses associated with the road, how that context is placed in light of a culling program by a Provincial Ministry to presumably for, I don't know what purpose, but obviously to target these same animals for killing?

MR. MCCRORY:
I only brought up the wild horses different from grizzly bears and different from mule deer not in terms of how the road collisions might affect population or a broader context. I only wanted to point out to people, including you, from what I know of wild horses and the data we have, you can expect a slaughter and it ain't going to be nice, so.

MR. BELL-IRVING:
Okay. And the last question before I ask Colleen, is you make reference to a number of documents and publications Craighead and McCrory, 2010, are those available or could they be made available to us?

MR. MCCRORY:
I just gave you the McCrory Craighead 2010. And I also gave you the Gilbert et al 2004 .

MR. BELL-IRVING:
Thank you. And again, I've
just been passed a note. You asked a question and I got the answer now, where the estimates for the traffic came from, and the consultant who will be on the panel for socio-economics could answer further, but he informs me that that estimate was based on discussions directly from the Ministry.

MR. MCCRORY: But it wasn't based on any traffic count data?

MR. BELL-IRVING: Further than that, I can't say, except that the information came from the Ministry, whether it was a traffic count or their estimate, \(I\) can't comment, but that's the source of the information.

MR. MCCRORY:
MR. BELL-IRVING: clarification.

MS. BRYDEN: Yes, actually, and in terms of the reports of interest to Taseko Mines, your Access Assessment or Preliminary Access Management Plan, your 2005 report, if that was available, I think it would be of interest.

MR. MCCRORY: Yes, that's in your letter of requests. The 2005 Xeni Gwet'in Access Management Plan, the digital copy was made and provided to the Panel. The 2010 upgrade was an upgrade several days
before the presentation in Nemiah and was only included in my PowerPoint. I didn't go back and tune the report up.

MS. BRYDEN: Thank you. And just a point of clarification, you mentioned a program, the grizzly bear mortality monitoring program. But it was actually, it's a grizzly bear mortality investigation program and it's being proposed as a follow-up to mitigation measures in that, you know, recognizing grizzly bear mortality is a serious concern in this grizzly bear population unit.

Taseko proposed a follow-up program to investigate any Project-related mortalities in conjunction with the B.C. Ministry of Environment, so it's a follow-up program as opposed to monitoring mortalities. So the intent is to, you know, if in the event of a mortality related to the mine to follow up on, okay, why it happened, what measures aren't working, for example, and work with the Ministry on that.

MR. MCCRORY:
Yes, I'm aware of that, and I admire your efforts. But pretty well all the telemetry studies involving this sort of thing, you're just measuring the death of grizzly bears that should be avoided by not having the development there in the
first place, in my opinion, because of the sensitivity of the grizzly bear population and ecosystem.

And, like I say, what are you going to do if two mother grizzlies get schmucked on the road in the same spring as sometimes happens in the national parks. Are you going to shut the mine down or how are you going to mitigate that? You've already whacked the population.

So that's, I mean, it's admirable to try that, but you're not going to be patrolling the transmission lines or you're not going to know about the hunters out and the mine workers out there on their quads who have a grizzly come around their camp out in the Brittany or wherever they are and shoot it and don't report it. It happens a lot.

So that's what I call, you know, looking at all the cumulative effects of the mine direct and indirect.

MR. BELL-IRVING: We have no further questions.
THE CHAIRMAN: Thank you, Mr. Bell-Irving.
MR. MCCRORY: This is the biologist hot
seat today. You should have a little label here.
THE CHAIRMAN: Well, anybody who comes
forward is in the same boat, I guess.
Just again in the order of speakers, it would
be Environment Canada. Do you have any questions of Mr. McCrory? I see none.

Then I guess the next order would be the Panel itself. And I had one question and I know Bill has a few as well.

\section*{QUESTIONS BY THE FEDERAL PANEL:}

THE CHAIRMAN: You mentioned the traffic estimation and we've had some more information from Taseko on this. From what I've heard, when the forest logging industry was much busier, presumably the traffic would have been higher on those roads and particularly the main Highway 20, I assume also the road down to Xeni Gwet'in. Perhaps less so on 4500 Road because that's perhaps newer, I'm not sure of the history there. But I'm just wondering, in your view, is it correct to assume that the traffic was higher back a few years ago when the logging industry was booming more than it is now and \(I\) just wonder in that period were there, was there an increase in grizzly bear kills based on your knowledge? Was there a direct correlation?

MR. MCCRORY: I would say, if they weren't winter logging, which they do a lot out here, that there probably would have been some grizzly bears killed there by logging trucks. It just doesn't get
documented. There were the three bears killed between Hanceville and Williams Lake on the highway, probably black bears. No data on what killed them, but you can assume that 15 bears got schmucked because five didn't get reported for each bear killed.

So certainly given logging out there, when \(I\) was doing my environmental impact assessment at the Toosey military block, I would stay at the Riske Creek Lodge, and the logging trucks were always almost back-to-back. There were hundreds a day, and I'm sure, you know, there were certainly fluctuations in wildlife mortality, including grizzly bears, out that way.

I do notice in the Nemiah Valley that where people drive even slower, that the grizzly bears still cross the road. And one just crossed from Bald Mountain the other day apparently. The wolves still hang out there. It's almost like a National Park run by the First Nations People, it's really quite something. And there people are more relaxed about it, so.

THE CHAIRMAN: Thank you. Bill?
MR. KLASSEN:
Thank you, Mr. Chair.
Mr. McCrory, I've got a few questions.
In your April 16 th submission you say on
page 2 that:

> "Most mitigation measures
> identified by the Taseko EIS will
> not be effective in reducing
> impacts."

Based on your experience and in your
professional judgment, are there other measures that would be more effective in reducing impacts on bears than what's been suggested in the EIS?

MR. MCCRORY: Well, I think all that you might try, like, you're not going to put a speed limit on that 40 kilometres of road that would keep people driving at the current rate of speed because of all the wash boards and bad corners, so people are going to be going, you know, trying to get to work or trying to get into Williams Lake to get in for a beer or something, they are going to be going 80 to 100 kilometres an hour as they do on the highway.

And it's not an area, because it's a plateau, where you can identify wildlife crossings or, you know, corridor routes, they just cross all over. And put in a wildlife underpass or overpass. I think the animals are scattered all over.

So if you ever go through the Rogers Pass, there's a 70-kilometre an hour speed limit that was
because of a mountain goat study there where the goats come down to feed at the snow sheds.

There still are goats killed there. And the mortality at the time \(I\) studied the goats was threatening the population survival.

The problem with that is, you know, if there's no enforcement, as there is little enforcement there with the cut-back in the warden service, so you know, you're not going to have the RCMP sitting out on the Taseko Whitewater Road enforcing a 40 or 50 slow speed limit. I guess you could put in speed bumps. So a lot of those things don't work.

I just came back through Montana and there was a big sign on the road near the Bighorn Bison, National Bison Reserve and they had a big flashing sign, you know, please slow down, 11 Bighorn sheep killed on this two kilometres of highway, you know. It's great to have the signs, great to have the speed limit, but if nobody's enforcing it, I'm going 50 kilometres an hour, somebody doesn't want to wait, they go past me 80 and there's a Bighorn sheep on the road.

So the only mitigation \(I\) can see that would be effective for Taseko that I mentioned is, you know, their careful food garbage control at the mine and
that sort of thing. But even there, having done the bear risk assessments in Whistler and worked on their programs, there's always some worker leaves his lunch out or wants to feed a bear, there's always somebody going to break the rules and cause a bear to be shot. You know, it's just the way human nature is, so.

MR. KLASSEN: Thank you. The other question \(I\) have, and \(I\) don't want to sound pessimistic in asking it, but given what you've indicated to us about the grizzly population already being on the edge of extinction or extirpation, even in the absence of this Project, what's the prognosis?

MR. MCCRORY:
Well, I think where you have a large core area that's still 46 percent protected, that's bigger than the Greater Yellowstone population conservation area, it's pretty good. It's certainly much better than the augmentation recovery program that I worked on in the North Cascades that was cancelled a couple of years ago by the Minister of the Environment. Because there you have a huge wilderness area on the U.S. side with no grizzlies and 23 on the Canadian side, so there they are already way over the edge.

But here, you know, if you can protect more
core areas, and that's the next part of what Craighead and I recommended, and that Taseko is an obvious one, it's a fabulous wilderness salmon intact area between the protected areas instead of fragmenting that. And get people more involved, you know, in protecting habitats, as the Xeni Gwet'in have done, done very admirably. And I think it's pretty good.

But if we keep pushing with industrial development, whether it's logging, mining, you know, they are just going to go, probably over the next 50, hundred years, the way of the North Cascade ones.

MR. KLASSEN:
You just mentioned habitat or
landscape fragmentation. Again, I recognize the concern about access along the transmission or proposed transmission line, but is the construction of a transmission line all by itself, how much of a barrier is that to grizzly bear movement?

MR. MCCRORY: I don't think the line itself will be much of a barrier, but some grizzlies might avoid it. I think it's the human use that will follow, that will, you know, that will cause the impacts.

MR. KLASSEN: Okay. Thank you, those are all the questions I have.

THE CHAIRMAN: Thank you. That concludes the Panel's questions. I'll check with the other

Federal departments, DFO, Natural Resources, Transport Canada, any questions? Transport Canada?

\section*{QUESTIONS BY TRANSPORT CANADA, BY MS. LINDA SULLIVAN:}

MS. SULLIVAN: Mr. McCrory, it might seem odd that Transport Canada --

THE CHAIRMAN: Ms. Sullivan, I believe for the record.

MS. SULLIVAN: Yes, sorry, Linda Sullivan, L-I-N-D-A S-U-L-L-I-V-A-N.

It might seem odd that Transport Canada is asking you the question that I'm about to pose, but it seems to me that this term keeps getting used and it's been used throughout the day today. And it's the term "displaced". And I'm just wondering if in your opinion, perhaps you can use the grizzly bear as an example or any other wildlife that you're familiar with, but it seems to me that we've heard that wildife are going to be displaced from the mine site. And it just sounds like we've underestimated the impacts of the mine in terms of what's going to happen to these animals and especially the animals that are already in the areas where the displaced animals are going to go to.

Can you make a comment for me on that?
MR. MCCRORY:
Well, there's two types of
displacement, one that comes from direct habitat loss, which the four hundred hectares of wetlands at the mine site entail. And then there's loss from the zone of influence. And that is, as I showed with some of the mine stuff, for grizzly bears, we conservatively say that within half a kilometre of either side of a facility, there's a zone of influence where even if there's high quality habitats, most grizzly bears will avoid that.

And so that's, we call that loss of habitat effectiveness.

So that would include wetlands within half a kilometre of the mine that won't be removed by the mine.

And then you look at the road corridor where there's already been some habitat displacement for grizzly bears.

And the transmission line, they respond to vehicular use very significantly.

So there's direct habitat loss. And then there's indirect. And you start adding those up, you get the cumulative effect which is the real footprint of the mine. And then you go, well, if there's five grizzlies, come down out of dens in Big Creek Park in the spring, and really hit those wetland sites, you're
affecting the survival of those five grizzlies that depend on that for two weeks in the spring, because if they move somewhere else, there's already Joe and Sally and Flip over there that don't want them around. So that's about the best I can explain it.

MS. SULLIVAN: Yes, thank you very much for clarifying.

THE CHAIRMAN: Thank you, Mr. McCrory. I'll check with others, then.

Canoe Creek, I don't think there's anybody here.

Esketemc First Nation, any questions?
Friends of Nemaiah Valley? No.
MiningWatch Canada?
Share the Cariboo-Chilcotin Resources
Society?
And Williams Lake and District Chamber of Commerce? I don't think they are represented here.

So, Mr. McCrory, I guess that concludes the requesting. So I thank you for your presentation and response to the questions here today.

MR. MCCRORY: Thank you for letting me come before you.

THE CHAIRMAN: We'll take a short break and come back and deal with the next presentations at that point.
(BRIEF BREAK)
THE CHAIRMAN: Ladies and Gentlemen, I'd ask you to take your seat again, please.

In terms of planning before we start just to indicate the schedule. We are able to fit in a presentation by Mr. Osorio, who is available, or at least we'd indicated in the schedule if time permitted and we think we have that. Then we'll turn to Taseko's presentation on socio economic. And we may, just to flag this, we may deal initially with the archeology section and take questions on that, unless I see some concerns. The other option would be to have their entire presentation on archeology and socio-economic and then take questions tomorrow.

So I'll leave that for now, just so you're aware of that possibility. And we'll come back to that after we've finished Mr. Osorio's presentation.

Mr. Osorio, go ahead, please.
MR. OSORIO: How much time am I counting on?

THE CHAIRMAN: I had been informed your presentation was fairly short, five, 10 minutes in that range, I've been informed.

MR. OSORIO:
Sure, could you inform me
when I'm approximating 10 minutes.
THE CHAIRMAN: I can certainly do that.
PRESENTATION BY MR. FEDERICO OSORIO:
MR. OSORIO:
Okay, it's O-S-O-R-I-O is my
last name. Federico, F-E-D-E-R-I-C-O. Currently studying at the University of British Columbia, but I'm here on my own behalf.

And my expertise is in high elevation plant ecology. I'm working with the regional ecologists to develop the biogeoclimatic ecosystem classification for higher elevations and have set up to, close to 200 plots to monitor climate change at high elevations. Botany and ecology are my expertise.

What I'm going to talk about right now comes from my experience as a geographic informations system technician for the Province of British Columbia under the Integrated Land Management Bureau, I had that position between 2005 and 2006 starting in September.

And I was also a research ecologist for the Minister of Forest for the summer of 2006 ending in 2000, September in 2006.

I was the lead member for a field crew. We worked in the Chilcotin extensively. And our job was to refine the \(1: 250,000\) mapping of that biogeoclimatic ecosystem classification down to \(1: 20,000\) scale, so we
were out in the field checking the boundaries for the classification.

And we subsequently did all the map work and everything to get it up-to-date.

So the first thing I want to, well, first, I really want to apologize to Taseko and to the Panel members for being somewhat confrontational at times in my language in the past.

I was in a meeting in this very room with Taseko in June of last, or actually May, I think, last year. And I tried approaching them in a much more constructive manner. I voiced my concerns and I presented Mr. Rod with a document which I had prepared with all these concerns and \(I\) was told that \(I\) would get a written response to most of these concerns.

As with every other submission that I presented to the panel, \(I\) didn't get a written response, and, yeah, I guess I at times feel I hadn't been taken seriously, and I think my tensions built.

So apologies for that. And I'll try not to get carried away today.

Anyway, what I want to bring to your attention is the disparity between what happens in the offices and what happens in the field.

I also want to point out how in my experience
working for the Province of British Columbia, due to staffing limitations, and just circumstance, of which working a 35-hour work week and with no possible overtime payment, it brings severe limitations to what provincial scientists can actually do.

On top of that, I have been told by several people in the office that regarding this Project and the Environmental Assessment, they were told, and I quote, to "shut up." They were asked for reviews, but in terms of actually doing their job, they, yeah, they were, they were told to shut up with any concerns and this is very apparent when you follow, yeah, the opposition that was voiced initially, it suddenly disappears. And that came from direct orders to shut up, so.

I don't doubt any of the staffs' ability. I doubt the Province's will to actually engage in a meaningful scientific assessment. I could speculate about why, but anyway.

When I was working for an Integrated Land Management Bureau, at the time it was Ministry of Sustainable Resource Management, and afterwards it became Ministry of Agriculture and Lands, I was a student for my Bachelor's degree and it was a co-op position. I was fresh out in the field, I had just
finished four months working for Interfor just doing silviculture surveys and \(I\) got this job making maps and analyzing spatial information.

It should have been a team of four. One member was on maternity leave. The second member quit so suddenly it was just my boss and I.

Of course my responsibility went from just learning to suddenly \(I\) was involved in fairly high level projects.

And all this time it was the first time I was dealing with sort of, I mean, I had done some work in school, but it's really, it was the first time \(I\) was professionally having a GIS position.

So now I realize a lot of the work I did ends up in these maps. And I want to point out, for example, the Brittany Triangle, I personally hand-digitized this area. And if you notice this sliver by the Taseko River, it's not in green. The reason for that, \(I\) probably drank too much coffee that morning and when \(I\) was digitizing the layer, I, yeah, I was off. Now, looking at this map that comes from the BCEAOs assessment on this Project, this is their final report, \(I\) can scroll up to, but anyway, there's a copy that the Secretariat has.

So what I'm trying to point out here is we
know the boundary of the Brittany Triangle is the Taseko River. And yet there's this huge gap here that on the ground translates to a fairly large area that, according to this map, is not part of the Brittany Triangle. That's a mistake. That's a mistake I personally made. And it's stood uncorrected.

Now, we were severely understaffed. As a public servant, I could not give one project priority over the other. We had a blackboard in which the projects came in and I couldn't spend more time on one particular project or the other. I had to treat them all equally. And as I pointed out, I was a co-op student at the time and ended up dealing with fairly high level situations such as this one.

I'm going to present another map, which I probably shouldn't, but this is ungulate management areas for the Province. Now, these polygons, again, the winter range, I had a physical map, I had a digitizer, and I outlined them and then I loaded them up into this map. And there we go. We have the Province 's view of what the important areas are for mule winter range. There's no -- this data is not field proofed and the Province knows this and it was never our intention for it to be taken literally. These are working documents. And it was our
expectation that anybody using this data would actually go into the field and professionally check the validity of this data. So that's that map.

So I really wanted to bring to your attention error, human error, and mapping error. I forgot to mention, another thing here is simply scale. When you're working on a 1:250,000 scale, and then you apply this later to a 1:20,000 scale, it doesn't necessarily add up. Just a simple check is the width of a line, like this one. This is just a boundary and if you are to take it as it's stated, the simple width of the line winds up accounting for several hundred hectares.

So we have to be really, really cautious on how we use mapping data. Especially when, yeah, it's who actually did the work is kind of, well, sometimes due to circumstance, you get not the most qualified people, like myself at the time, doing fairly important work.

And I do want to apologize to Roger William and Marilyn Baptiste and anybody who is affected by what my inexperience for not having had a real sense of what sort of things that \(I\) was dealing with.

THE CHAIRMAN: Maybe I could just intervene, Mr. Osorio. Just trying to understand what you're
indicating is that the map is incorrect; is that correct?

MR. OSORIO:
Yes.
THE CHAIRMAN: I think we have a correct map in all of our files on the Brittany Triangle as to where it is. So I'm just trying to understand what you're point you're making is that this map is in error, it's in the EIS is it?

MR. OSORIO: No, no, this is not in the EIS. This is the -- it's that document.

THE CHAIRMAN: Oh, it's the BC EAO report you're talking about? Oh, I couldn't figure out what you were talking about. I'm sorry.

MR. OSORIO:
Yes, yes. I'm sorry, I
should have prepared them more carefully.
THE CHAIRMAN: It's Taseko's map based on your work, I gather?

MR. OSORIO: Yes. Well, it says on there the data source is the Province of British Columbia.

THE CHAIRMAN: So, again, just to come back to this, the point is an error was made and you're now correcting it. Is there anything else?

MR. OSORIO: I can't correct that error. That error went into the Provincial Registry and that's how Taseko accessed that, with that error.

THE CHAIRMAN: Okay. Well, I'm just trying to understand. You've identified an error, but is that the message you wanted to convey here today? MR. OSORIO: That's just one of what I suspect are hundreds of inconsistencies between the data that's online for the Province and what's actually happening on the ground.

There is no question as to where the Brittany Triangle's boundaries lie. What I'm saying is if you simply rely on mapping data, you will get an inaccurate picture of where those boundaries are. They don't always add up.

THE CHAIRMAN: I understand. So that's the point you want to make is, in your view, in any way, some, we don't know how many, but in your view some of the maps are perhaps not accurate from the Province? MR. OSORIO: Yeah. And a lot of the time it's simply an issue of scale and the nature of mapping and geographic information systems and error. THE CHAIRMAN: Okay. I think we understand your message there.

MR. OSORIO: Okay. So that's the lead up to how a large segment of the terrestrial ecosystem mapping evolves.

The bulk of the wildlife and vegetation assessments are based on a mapping with what I believe is 33 percent field proving. It's the figures that I have.

When you're selecting your, when they were selecting the key indicators for wildife and for vegetation, they are going on what they were able to tell from orthophotos. And if they only checked 33 percent of the polygons for the mine, for the mine site, I have no confidence in that the habitat that they picked up on the pictures is actually the habitat that's on the ground. And that's sort of what I'm leading up to.

That's my understanding of the EIS and the presentation this morning is that the key indicators and their conclusions that there's no residual significant effects are primarily based on a mapping exercise, not on a field exercise.

In the case of rare plants surveys, there's 20 for the transmission line and I believe 16 for the mine site. 24,000 hectares. And 16 , say, 36 for the 4300 hectares of the mine.

If this was, for example, a clearcut of these dimensions, there's no way the Province would ever approved such minimal work. It's absolutely ridiculous that they can arrive at the conclusion of
no significant residual effects when they don't even know what's on the ground. They know what's in the pictures and they know what's on the maps but there's simply not enough fieldwork done.

THE CHAIRMAN: Okay, I think we understand your view that you're questioning the level of fieldwork that has been done to verify the maps.

MR. OSORIO:
Okay.
THE CHAIRMAN: I think at this stage we're about 15 minutes into your presentation, so I don't know if you want to conclude here, that would perhaps be helpful.

MR. OSORIO:
Sure. Sorry about that.
Okay, I'll be quick.
Rod indicated he wasn't aware of Nancy Turner's work, so I'll just bring that up. And maybe he can take some notes. This is not published work, but she would be happy to have provided any information at any time in this process. And this shows, she actually did an extensive amount of work in ethnobotany and I have no idea why they didn't consult her.

And the next thing, well, okay, these are just parts in the EIS that talk about the 33 percent, whatnot.

This is the document, by the way, that I handed Mr. Irving a year ago, for which I got no response.

So this, and I can bring up the actual document. Model metal concentrations equivalent for moose and muskrat. And if I go to the appropriate section, look at the page number, 628, all I'm getting at here is I don't understand why they would have considered that metal concentrations in both moose and muskrat were -- that you could have based one on the other. Moose and muskrat are infinitely in difference sizes. And I suspect that toxic concentration in muskrat at one level would have a significant different effect than in moose.

I don't know if you actually want to see that table, but there's a reference.

THE CHAIRMAN: We've had an opportunity to review this material, Mr. Osorio, so perhaps you could wind up at this stage if you wouldn't mind, please.

MR. OSORIO: Just give me a second.
The effects of blasting and the displacement of wildlife have not been considered. From the document I've read from Health Canada, there's going to be a significant amount of blasting and there's more than enough evidence that animals will not go
back to site in which there's been such a disruptive -- of such a disruption in the atmospheric environment. So that is something that I would like to see a bit more of work done.

White bark pine, I haven't seen anywhere the effects on white bark pine and it's a keystone species alongside by the white bark pine nutcracker and this area has a fairly high concentration of white bark pine. I would like to add quickly that as part of the ILNB work I did, I dealt with a lot of the mountain pine beetle issues and I flew with a couple of other gentlemen, all this area of the Chilcotin. And in 2005 this was a safe-haven from mountain pine beetle. It was one of the few areas in which the pine beetle had not gone into. And there's no reason to believe it will get there anymore. So it's actually quite an important area in terms of pine and white bark pine. The issue on the VEC zones, this morning they talked about this Project affecting four VEC zones. The BE AO's document talks about I believe eight, the EIS on the vegetation section talks about two. So there's -- I frankly don't know whether they understand how many biogeoclimatic eco systems zones they are actually affecting.

And just a fairly simple concept is they are
dealing with a lot of predictive ecosystem mapping. There's ways, there's accurate assessments that can be done with any sort of predictive science. And I haven't seen any -- they haven't tested their predictions. And that's a fairly simple exercise to do. You have your predictions and you have an independent data set and you test to see how well the predictions add up to what actually happens.

I feel that's something that should have happened, not only with wildlife, but precipitation would have been a good place to see such tools used.

THE CHAIRMAN: I think, Mr. Osorio, we'll wind it up at this stage. But you're covering a lot of issues besides just the subject that is before us here today.

So perhaps we can close and I'll just ask at this stage if there's any questions from Taseko. Thank you.

\section*{QUESTIONS BY TASEKO MINES LIMITED, BY MR. BELL-IRVING:}

MR. BELL-IRVING:
Mr. Chairman, no questions.
I could, if you wish, clarify the source of the map, but if you wish, \(I\) can do that.

THE CHAIRMAN: Perhaps that would be helpful.

MR. BELL-IRVING:
The map that Mr. Osorio was
referring to was produced by Stantec Environmental, not the Province. It was inserted into the Provincial report I think at the request of the Province but it was our consultants that produced it. And so I don't think it reflects any inaccuracies of Mr. Osorio's work at all. I think you will see the bottom right-hand corner there saying that it's attributed to Jacques Whitford.

And the green area that's shaded came from the legal representatives from Woodward \& Company who produced the map that represented the Rights and Title area.

So it's a combination of those two that I think he was referring to.

THE CHAIRMAN:
Thank you.
MR. OSORIO: I just wanted to point out to this part that says "Data Source, Province of British Columbia. I, that's what I'm referring to. I personally am that data source for the Province and I was at the time. And you can go online and confirm my name will be next to this data. So that's what I was speaking to. It's the data source, not the map.

\section*{ADMINISTRATIVE MATTERS SPOKEN TO BY THE CHAIRMAN:}

THE CHAIRMAN:
Thank you, for that
clarification. Thank you, Mr. Osorio. I don't think
we'll take any questions. We'd like to move on given the time of the day, and we'd like to get on to the socio-economic section.

I'd ask Taseko Mines to introduce their new Panel of people and we'll hear their presentation.

Now, I just have one question here about how to proceed.

I think we might continue for about an hour or so. We can either hear the whole of the presentation this evening, I understand, or deal with the archeology section only and take questions on that. I think it's Taseko's preference to deal with the archeology section and take questions, but I need to consult with other participants to see if there'd be any objections to that.

MS. CROOK: Well, Mr. Chair, our constraint is that our main presenter, we have a variety of people representing TNG that are going to present on social cultural impacts, as you might imagine. Our main presenter Patt Larcombe has a very definite timeframe in which she has to present by, which would be about, she has to finish by about 10:30 tomorrow morning, she has to catch a flight at noon, she has a surgery scheduled which cannot be changed.

So I'm concerned that, given how long it took
us to get through questions today, I have no idea how long it's going to get through your questions on your presentation on socio and cultural issues tonight.

So I need two things. I need Patt to
present, I need Patt to be here to question you. And then if you would like, we can split our presentations on social cultural so that Patt can go first, which is not archeology, and we can leave everything else to the end or whenever it fits.

THE CHAIRMAN: Well, it sounds like if we're trying to accommodate Patt Larcombe, your presentation is on the socio-economic rather than cultural issues, as I understand it. Why don't we hear from you directly so I understand exactly what it is you're going to present on.

MS . LARCOMBE:
Hi, it's Patt Larcombe.
As I was in my, the registration package, my presentation is in the socio-economic topic area, not that I necessarily think it belongs there.

THE CHAIRMAN: That was my understanding, yes.

MS. LARCOMBE: But it's on synthesizing the current use and cultural heritage information that came out of the community hearings and then my opinion on what the impacts are of the Project, residual
impacts and the significance of those residual impacts.

THE CHAIRMAN: Well, perhaps one way of proceeding would be certainly to hear the whole of the presentation this evening and an opportunity for some questioning by yourself first thing in the morning, plus your presentation perhaps. I'm not sure how long it might take to have the whole presentation this evening.

MR. BELL-IRVING: Mr. Chairman, I think we would estimate it's about half an hour. Split up into those two topics.

THE CHAIRMAN: Well, let me then ask this question to Patt Larcombe, would you be able to raise your questions this evening, then, that would save some time, after the presentation?

MS. LARCOMBE: Yes.
THE CHAIRMAN: In other words, if I gave you priority, you could get your questions in.

MS. LARCOMBE: Thank you.
THE CHAIRMAN: Then we could hear your presentation in the morning as well and question you before you leave.

MS. LARCOMBE: If I could ask Rod, just, what is the, what is your socio-economic presentation
about?
MR. BELL-IRVING:
The topic socio-economic is the topic of this session. It's, for us it's split into two parts, the first part is with Terra Archeology reporting on the results of the archeology impact assessment at the mine site only. The second part of the project, of the presentation is by Lions Gate Consulting and it speaks to the impact assessment and describes the nature of our impact assessment that's the subject of this review in the socio-economic aspects.

MS . LARCOMBE:
So is it the latter presentation where you're going to be talking about impacts to current use and cultural values?

MR. BELL-IRVING: Yes.
MS. LARCOMBE: That is the one I will be most particularly wanting to ask questions.

THE CHAIRMAN: What I suggest we do is hear the whole presentation and we'll give you the first opportunity to raise questions.

MS. LARCOMBE: And then as far as tomorrow morning, I would have -- my flight's at 12:00, so if we start at 9:00, that's not going to give much time for me to give my presentation and be available to answer questions.

THE CHAIRMAN:
presentation to be?
MS. LARCOMBE: I would like 1.5 hours. I would be prepared to start at 8 o'clock in the morning if that helps.

THE CHAIRMAN: How about we start at 8:30? I'm always looking for compromise.

MS. LARCOMBE: I love good negotiations.
THE CHAIRMAN: Okay, let's do that.
Obviously time does not permit to hear Taseko's presentation and yours this evening. It's just getting too late, obviously. So what we'll do is hear Taseko's presentation, allow you an opportunity to question, we'll then break, we'll start at 8:30 tomorrow morning with your presentation.

MS. LARCOMBE: Good, thank you very much.
THE CHAIRMAN: Is that reasonable to Taseko as well?

MR. BELL-IRVING: Whatever the Chair decides is reasonable. I just wanted to explain the reason for our original request was the archaeologists who are here have other engagements and we had a schedule issue to try and get them freed up for tonight and we assumed, maybe incorrectly, that the amount of questions on the archeology might be very limited, so
we thought maybe we could cover that both in terms of presentation and questioning tonight in the 45 minutes or so and then start tomorrow morning at whatever time and do the presentation on economics and the questioning.

THE CHAIRMAN:
Well, let's see if that's possible to accommodate. We'll certainly try that. And so let's proceed on that understanding, then, and call on you to introduce your new Panel and proceed with the presentation.

TOPIC 5: SOCIO ECONOMICS
PRESENTATION BY TASEKO MINES LIMITED:
EXPERT PANEL: Kevin Twohig, Terra Archaeology
Dan Weinberger - Terra Archaeology
Steve Nicol - Lion's Gate Consulting
Limited
MR. BELL-IRVING: Musical chairs.
I'm pleased to introduce two consulting firms that have worked on this aspect. On my immediate left is Dan Weinberger and on his left is a gentleman, Kevin Twohig. They are both principals of Terra Archaeology.

And then at the far end is Steve Nicol who is principal with Lions Gate Consulting Limited.

And I would now proceed and turn over the
presentation to Terra to introduce the archeology.
PRESENTATION BY TASEKO MINES LIMITED, BY MR. TWOHIG:
MR. TWOHIG: Good evening, my name's Kevin
Twohig, Terra Archeology as Rod introduced us. We conducted an archeological impact assessment on the proposed mine footprint over two field seasons in 2006 and 2007.

Just as a little background on archaeological resource management, or in British Columbia, first of all, archaeological resources are the physical remains of past human activities and those archaeological sites are protected in B.C. under by the Heritage Conservation Act.

The Heritage Conservation Act is administered by the Archeology Branch of the Ministry of Tourism, Culture and the Arts.

The Branch issues archaeological permits for any fieldwork that's conducted, any archaeological fieldwork that's conducted in the province under the authority of the Heritage Conservation Act.

The Archeology Branch also has the impact assessment guidelines that outline what is required for an impact assessment and what outcome and what sort of just the guidelines for it. Anyways, those are available for any permitted work, so
archaeological impact assessments or mitigation work.
The permit that is issued by the Archeology Branch to allow fieldwork also requires that any artefacts recovered during field studies are properly documented and are provided or sent to a repository that's approved by the Archeology Branch. This is to ensure that there's safekeeping of any archeological material that is recovered.

The vast majority of the archeology fieldwork that's done in the province is driven by development and proponents are required to adhere to the Act and conduct these assessments prior to impacting or potentially impacting any archaeological resources.

Just three sort of basic types of archaeological studies that are conducted.

Archaeological overview assessments are generally office based. They are an attempt to assess or predict the occurrence of archaeological sites prior to fieldwork being conducted. These assessment or these overviews are oftentimes or there have been large scale overviews developed. The Ministry of Forests has developed a few in the last dozen years that cover the area that the proposed mine is in.

These overview assessments, these predictive models, again attempt to assess the potential and
paint the landscape or paint a map showing what your chances of encountering an archaeological site is.

The purpose of that is to in some cases eliminate areas from being required to have field studies done and also guide field studies to focus the effort where the most likely, where the probability is of most likely finding sites.

An Archaeological Impact Assessment is the field based portion of an archeology study and it is an inventory of archaeological sites within a study area. It is not intended to be an exhaustive investigation of those sites. It is intended to identify archaeological sites, evidence of past human activity and assess what the potential impacts from a proposed development would be to them.

Mitigation, archaeological mitigation comes most commonly in the form of controlled or systematic data recovery. And the idea of that is to investigate the sites that are identified in more detail. Again, most of these mitigations are done, driven by development that is threatening the site. And so as a compensation measure, additional data is collected and the Archeology Branch determines what level of data is required or is sufficient.

I'll go to the next slide there. The present
study, as I mentioned before, is an Archaeological Impact Assessment, so its objective is to inventory the archaeological resources that exist within the proposed mine footprint.

And the idea is to be able to assess what impacts may occur or may be, yes, may occur to these sites once they are found, and then determine if any further work is necessary in order to gather information to offset their loss.

The study area for the present Project again is the mine footprint, we're only talking about the mine footprint, not the transmission corridor or any access routes at this point.

It's 3476 hectares.
And next slide.
Any of the archaeological projects or any archaeological project in the province, prior to beginning any fieldwork, we review what has been done before archaeologically. In this case, we looked at, there's two field or two field surveys have been conducted and one data gap analysis and work plan. This is where they -- in 1993, Rob Tyhurst did an impact assessment of the mine area, or proposed mine area. He identified 16 sites in that project. It was far more limited in scope than what we, the present

Project, so that would explain the 16 sites only that were identified there.

Tyhurst also conducted an AOA of the transmission line. And during that AOA he identified that nine sites would be in conflict there. That's outside of the realm of this. Taseko is presently conducting an AIA on that corridor and it's not in the scope of this project.

In 1998 Michael Klassen, he conducted an Archaeological Impact Assessment but it was on very specific mine drill sites, so they were test holes and drill sites. Again, limited scope and limited field time in there.

In 1999 a data gap analysis and work plan was put together by Diane Alexander. This work plan at the time, they looked at using these predictive models, these AOA models to guide, or at least that was the suggestion that the AOA models were used to guide any fieldwork that was going to be done, AI work that was going to be done on the Project.

The suggestion was using the forestry-based models or the models that were built by the Ministry of Forests and use those. Those models had been identified, identified for levels of potential.

And they had suggested in this work plan that
the lowest potential or lowest two potential levels would not be subject to survey and the survey would focus on the two higher potential zones.

Our methodology for the present Project. At the request of the TNG, the present Archaeological Impact Assessment methodology did not rely on the AOAs. Although forestry AOA model is in use in the area and all over the province, actually these models are in use for guiding archaeological related or, sorry, forestry related archeology, the TNG expressed and did express at the time and continues to, I believe, strong concerns over the use of these models in the territory. And I know through our dealings with the Shuswap, communities feel the same.

Taseko therefore agreed to total pedestrian coverage rather than using these models and so the entire mine site was subject to pedestrian survey.

It's a large area. It's rather uncommon for such a large area to be subject to that. And that would explain the two field seasons to get it accomplished.

Back, please.
The crew spacing when we were in the field, just to go over the methodology a little bit. Crew spacing for this pedestrian survey ranged between five
and 20 metres and it was based on visibility in the bush and observed potential as they were transiting the terrain areas of -- one of the problems with the AOAs are they don't pick up micro topography, so small benches or land forms that we traditionally find associated with the existence of archaeological sites would be missed and this pedestrian survey of the entire area eliminated that possibility.

And our approach, I mean, the other thing with the pedestrian survey was supplemented with a subsurface testing and those are shovel tests of about 30 by 30 centimetres and 15,887 of them excavated in areas that exhibited potential for subsurface deposits and didn't have enough surface exposure. We want to see if there's material subsurface that's not being exhibited on the surface or expressed on the surface.

Our approach was guided by the request of the TNG, but we also anticipated finding a fair number of sites in this area based on Tyhurst's limited scope of work had found 16 , so we knew we were going to find numerous sites.

And also large fish bearing water bodies in the region, and actually, provincially, tend to have concentrations of Arc sites.

So next there.

Survey coverage, just for an example of this, this is the AOA model, the overview assessment model developed by the Ministry of Forests showing the mine footprint. And you can see the focus is on the perimeter of water. And also following sort of watercourses, so you see it follows the streams.

Now, the outline isn't all that clear there of the mine site or the footprint, but you can make it out in black. And then the next slide here will show you that's the coverage that was completed. And if you just go one more on there, this is the coverage zoomed in on to the lake a little more. The tracks are tracked by GPS. We used, each crew had a GPS and we download these tracks daily. The use of GPS on this Project was essential to ensure that we did get the coverage and we made sure we were up to the edge of the footprint and knew we had covered the area off. It also helps in these areas where there are large tracks of land that are relatively isolated from some sort of feature that you can tie yourself into, again to ensure coverage.

Also when sites are identified to make sure the sites are accurately plotted, which was a bit of an issue from the Tyhurst days or the Tyhurst report, not to Rob's, not Rob's fault. It's difficult to tie
sites in before the advent of this technology.
Getting to the results here, so the survey resulted in the identification and recording of 79 protected archaeological sites. These included lithic scatters and a lithic scatter can be stone artefacts that include detritus or debris from stone tool manufacture or from stone tool maintenance or an actual portion or whole tool. Those are considered lithic scatters.

There's a lithic scatter component in 73 of those sites. So you can have lithic scatters, obviously you can have cache pits and lithic scatters. Different site components can go together within one site.

The next one here, cache pits, actually the next three, cache pits, roasting pits and house pits. Commonly referred to in archeology as "cultural depressions". Their function is somewhat assumed generally by their size, but eventually by their content. Cache pits and roasting pits are generally approximately the same size in the couple of metre range. Cache pits generally we don't see much in the cache pit. You see the feature itself. The rim of the old pit.

Roasting pits on the other hand, looking the
same, but a shovel test of subsurface test in them usually yields pretty discernible evidence of the fact that if there were a roasting pit, fire cracked rock and or broken charred material, charred soil. These roasting pits are earth ovens.

And then the last house pit or habitation depression or habitation site. House pits are generally larger and in some cases not always round, some of them are rectangular as is the case in the one house pit we did find in this particular study.

Subsistence or habitation features. Subsistence features being the cache pits or the roasting pits and the subsistence feature 21 of the sites, there's 44 cultural depressions that we found, one was a house pit, 15 were roasting pits and 28 were cache pits.

We also identified one grave site which was the one that Rob Tyhurst had identified in 1993. It's believed to be historic. We didn't dismantle the cairn at the request of the TNG and the folks from the TNG who were working with us on the crew, as it will have to be revisited anyways, but it's fairly -- it points towards it being a burial. There was a cross in it and it is a cairn of the right size and shape.

And Rob Tyhurst had some information that it
was possibly a burial from 1860s.
The other thing we found on the survey, 15 historic sites, so that included nine cabins, four historic corrals and one historic fenceline on its own. Couple of the cabins had fencelines, small fencelines associated with them.

And the final point here, 34 post-1846 culturally modified trees. And I'm sorry I should go back to the post- and pre-1846 for one second.

The Heritage Conservation Act automatically protects sites that pre-date 1846. Sites that, archaeological sites that post-date 1846 can still be protected but they have to be applied to be protected, the protection isn't automatic.

So these culturally modified trees all post-dated 1846. Now, some of those trees exist again as a component within another site and so when CMT is a component or an element within another site that is pre-1846, it's therefore automatically protected. It's just as it's part of the site area.

Out of these sites, we recovered six diagnostic artefacts and diagnostic artefacts would be something that gives us some temporal understanding. These are projectile points or arrowheads basically. And through cross-dating of these artefacts with other
artefacts of similar shape and style and attributes that have temporal affiliation with certain time ranges, so what we found through these six diagnostics was we have an age range of 5500 years before present down to 1200 years before present. Those projectile points represent that age range.

The other item of extreme interest that was found is a stone pipe bowl. It was found at a site designated as EIRV 35. The artefact was recovered again in association with material that would presumably pre-date 1846, cache pits and some lithic material, lithic scatter site or component of the site.

These pipes, the shape is, appears to be or is similar to historic pipes from the sort of European clay pipes from coastal B.C. from the 1700s, but it's a stone pipe and there's not a lot on the plateau, on the Canadian plateau to compare them with, compare this with. So fairly significant find and certainly needs some further investigation into its origin and use and there's all sorts of things that can be done with that.

So basically to sum up from the findings, we have evidence from 5500 years before present through the stone tools down through 1200 and then we have
historic sites that bring us up into the historic periods and CMT's that aged, the dating on the CMTs went from 160 years before present to 60 years before present. So basically 5500 to 60 years.

This is another just a shot of the mine site with the sites plotted on it. It's a little difficult to see there. The polygons are most of them around the lake, although there are a few outliers and some CMTs throughout and then cabins to the south portion of the study area there.

Curation and repository, can just get into that briefly. Sorry, these are some of the projectile points, that's the oldest one, the 5500 to 35 , and then one of the other points that dates back to 35 to 2400.

The artefacts have all been catalogued using archaeological site numbers assigned by the Archeology Branch. Every site is given a unique identifier based on the Borden code that is used throughout the Province. And then the session numbers are provided by the Royal B.C. Museum, so each artefact is numbered to that number to match that number.

The repository in this case is the Royal B.C. Museum. The Archeology Branch requires that the repository be approved by them. There are other
approved repositories in the province and many communities are developing their own repositories for archaeological material. And the material is, the museum is active in trying to repatriate it out to the communities. But at this time, that is the repository on record. And it is on record as being held in trust to the First Nations of the area.

So the impact assessment, our assessment of what possibly this mine development would do, these sites, obviously the sites are likely to be lost or severely impacted by mine development.

The exception to that would be if Taseko can avoid a site. And they have indicated that they may be able to avoid EIRV 3, which actually is a very significant site in the fact it contains the burial and the house pit that was identified or house depression.

Next steps, next steps is there needs to be additional work on some of this, on some of these sites. So a mitigation program. The Archeology Branch has outlined in a letter what they will require as that's their call in the end. Taseko has committed to following through on this mitigation program.

And I'll just go through it briefly.
The systematic data recovery is controlled
excavation. And the intention of that is to extract or extract additional information about these sites so that they can lead to a better understanding of the locale in general.

Not all the sites necessarily warrant additional work in the form of systematic data recovery. Some of these sites, like lithic scatters that have very low frequency of material, doing controlled excavation in those, you're unlikely to significantly advance your knowledge of the area based on that. The focus should be on the sites that do have denser artifact concentrations or features that would yield important additional information, beneficial additional information. And some of these would be the house depression, obviously, and the cache, I'm sorry, the roasting pits. The reason I say that is the -- we have six diagnostic artefacts that gave us the temporal age setting for the sites in the area. We also have some historic CMTs that do that. The roasting pits and possibly the house depression could contain material that could be subject to carbon dating which would give solid dates and again a better and more clearer understanding of the age range we're dealing with.

So focusing on sites that can provide that
information would be advantageous during the systematic data recovery.

Lake bottom survey. We have sites right up to the edge of the lake. Lake levels may have fluctuated in the past, so once the lake is drawn down, it would be advisable to examine the area for land forms that may exist that would suggest the possibility of archaeological deposits.

With this, any sites like that should be, would need to be recorded and these are sites that would have been inundated maybe on a back and forth basis over time as the lake levels changed.

Lithic sourcing is another recommended additional work. Lithic sourcing can take the material types and that the artefacts are made of, the lithic artefacts are made of, and source them to location. The reason to do this is a better understanding of transportation and trade routes in pre-contact times.

Again providing some extremely useful information to understanding the archeology in the area.

And then finally, the burial obviously has to be revisited as to additional work. And if it can't be avoided, determining the plan to manage for the
burial.
The other thing I just wanted to go over quickly, go ahead one there, is just some specific issues that Rod had indicated has been brought up in some of the meetings.

Graves, some suggestion that there are numerous other graves in the area. We identified, could only identify the one grave at the Tyhurst site with the rock cairn. We can only identify what we can see physically, again, on the surface.

So fairly confident we found any of the graves that at least are marked in that mine site.

The island pit houses -- you can move on to the next slide, I think.

The island, had some anticipation on the crew's part, both the TNG crew and ourselves, of perhaps there was something, some big sites on the island or extensive sites on the island, so survey intensity was increased on the island. You can see the tracks here, the GPS tracks are showing up at about 10-metre interval. The island was tested thoroughly with subsurface testing as well. We did identify sites on the island, five sites, one was a single cultural depression, but it's two-and-a-half metres across, which would suggest that it is likely a
cache pit. There are also four light lithic scatters, so not high density, but lithic scatters on the island, but we didn't see any large pit features. And given the intensity of the survey, I'm confident that we would have encountered them if they still have surface expression.

And the lastly is the stone pipe. This is the picture of the pipe. The stone pipe was found by Dave Stieman from Toosey while he was working with the crew. It was found inside another site or it is part of a site that had other elements, had cache pits, three cache pits and a lithic scatter associated with it, as I mentioned before.

The testing, the site, the stone pipe there was found on a slope between two flat portions of the site, so testing does tend to focus on the flat areas but inside site boundaries the whole area is examined, so and that's where the pipe was recovered from.

And I think that is the end of my.
The pipe itself right now, the TNG, after we found the pipe, we recorded it, as you saw, photographed it, the pipe, they requested that they retain the pipe so that they could show it around to the community and do their own investigation on its use and function, which is good. We left it in their
care. We will have to, it's our responsibility to eventually place it in the repository or send it to the repository unless that repository has changed prior to that point. But the TNG have the pipe at this point.

MR. BELL-IRVING: So, Mr. Chairman, we would suggest to stop at this point, and if it's your wish, we would take any questions on the archeology part and we would appreciate only for the benefit of scheduling.

THE CHAIRMAN: We will do that. I think obviously trying to accommodate requests in the schedule. And let me just get my list here. We'll start, as I said, we'll give priority to Patt Larcombe and I'll turn the floor over directly to you if you wish to ask questions right now. That would be fine. I have absolutely no problem with that. Always a pleasure to hear from Former Chief William and respect the priority there.

QUESTIONS OF TASEKO MINES LIMITED BY XENI GWET'IN FIRST NATION, BY FORMER CHIEF ROGER WILLIAM:

FORMER CHIEF WILLIAM: Thank you for the flexibility.

To the Panel and to Taseko, and Terra, I just had to start off with I guess more of a bit of a heavy
heart. I know in 2008 the process in which our letter of agreement between Taseko Mines and TNG fell apart. We never -- I just wanted to put on record that we never really come to agreement. I know there was a lot of when TNG first started, we were involved in choosing Terra. And the respect that we have there. And, in the end, we didn't really finish the process together with Taseko Mines and TNG. And I want to just put that on the record.

And that I know there's, there were some tough times in that situation. And I know that Taseko requests they have, they wanted to meet with us to finalize this archeology, this report. And that never happened. I also in this process understood there was some information that got back to us and I just wanted to ask a question around that. And I'm not too sure who would answer this question, either Taseko or Terra.

I do understand that rumours that someone else finished the report other than Terra.

MR. BELL-IRVING: I'll let Terra speak for themselves. But from Taseko's understanding, the report has not been filed yet with the Branch. And I believe it's their intention to do so, but I'll let them speak to that.

MR. TWOHIG: Yeah, nobody else has
finished the report, we're still in the process of finalizing it.

FORMER CHIEF WILLIAM: So there's no other, I guess, company being or asked to finish off this report?

MR. BELL-IRVING: No, the -- maybe the company, again, but my understanding is that they are the permit holders, the ones that were given the permit, they were doing it on behalf of Taseko and a condition of that permit is that they complete the report and file it. And I think that's what they are intending to do.

FORMER CHIEF WILLIAM: Okay. I guess back to the question. This whole archeology, before I get into the question, this whole process is sensitive, very important to the Tsilhqot'in, and to, you know, this is something that in the, in another situation would be, you know, something that really started -- I want to commend Taseko for how they started this whole process and making this work, but in the end things fell apart, so there's no, you know, I thought -- my involvement in 20 years with this whole process that, you know, to be able to start an archeology process which is so important to us, because we have Elders who talk about the information that is in here, you've
heard for the last three, four weeks from our membership, from our People, the findings, the history, that we live in that area.

So I just want to say that this being so important to us and how things would come down, who does the Heritage Conservation Act protect archaeological sites and resources for?

I don't know if Terra or Taseko.
MR. TWOHIG: Well, it's protecting them.

I don't know who they are protecting them for, but it's protected as, I don't know where I'm going here, but they -- yeah, I don't know who they protect them for. I mean, the assumption is it's protected for all of British Columbians, right. But that would be my assumption.

FORMER CHIEF WILLIAM: Okay. How does removal of our ancestors' evidence mitigate the cultural impact on Tsilhqot'in of the mine?

I guess we've heard, I've heard, when this, I guess this mining footprint, you are going to find, and there are some -- I'm just listening -- I was just listening to your on the island that you've only found a cache pit compared to a pit house or earth lodge. There are lots of evidence that I know through our Elders, through stories that I've been involved in,
and I guess the question here is to Terra, to Taseko, in terms of removing any evidence of our ancestors, how would that mitigate the cultural impact on us, the Tsilhqot'in, when you mine?

MR. BELL-IRVING: From Taseko's understanding, I can't presume to assume how it would mitigate it from the Tsilhqot'in's perspective, but in accordance with our understanding of the Act and our responsibilities, the mere act, the best form of mitigation is avoidance. And so in the instance of the one suspected grave site, we have indicated and we believe to be the case still, that we can design the actual construction so as to avoid that site all together. So it would not be touched, or left intact. And that is the ultimate form of mitigation. Other forms obviously are the collection of some of the sites, some of the information from the sites and the storage of those as indicated.

And there are undoubtedly a number of sites that will not be mitigated in the sense of collection and they will be lost as a result of the Project.

FORMER CHIEF WILLIAM: So I guess I'll finish off this question by what is -- Taseko knows that we didn't finish this off together, how do you plan to do that?

MR. BELL-IRVING: Well, Former Chief William, we have to wait for the outcome of this process. And the decision by the company to proceed. And assuming positive on both fronts, the next phase of this study, it's not finished yet, the next phase of this study is mitigation. The implementation of the mitigation plan. And it's our understanding that that must be done with the full involvement and cooperation of the Nation, Tsilhqot'in Nation, in an appropriate way. So I can't predict what that form is or how that will unfold. But certainly it's our understanding and our intention to do that to the extent that we possibly can. And obviously we would require your participation and cooperation to do so.

FORMER CHIEF WILLIAM: Okay, thanks.
THE CHAIRMAN: Thank you, Former Chief William. I'll call on Ms. Larcombe to raise her questions.

QUESTIONS OF TASEKO MINES LIMITED BY XENI GWET'IN FIRST NATION, BY MS. PATT LARCOMBE:

MS . LARCOMBE:
I think everybody knows how to spell my name, right? On my left is Linda Smith and Linda's also going to have some questions and Roger may have more questions.

The map that is in the Environmental
Assessment Application, I can't remember the volume number at the top of my head, anyway, there's a map that shows the geographic extent of the work that was done in the Teztan Biny area. It's not clear to me in that map if the headwater retention pond is within that geographic area. Can you confirm if it is or not.

MR. BELL-IRVING: I can't confirm that here without having an overlay, unfortunately, but we can certainly do that.

MS. LARCOMBE: It looked to me it was outside that line. In which case that's an area that was also going to be disturbed by your proposed Project and has not had any assessment work done on it.

The access road, the improvement to the access road I understand has not had a full assessment done at this time; is that correct?

MR. BELL-IRVING: Just as a general comment, the area that was outlined on there is what we've referred to as the maximum disturbance area from our assessment and it includes not only the footprint of the mine, but also a buffer. So the question about the access road, are you referring to the
2.8 kilometre access road?

MS. LARCOMBE:
Correct.
MR. BELL-IRVING:
No, it does not. And that was a specific gap that the Province identified and we will be -- we are required to undertake the appropriate assessment on the construction -- before we construct the road.

MS. LARCOMBE:
Okay. And the third is you talked I believe it was yesterday about some additional spawning stream habitat off the Taseko River that wasn't in your original Fisheries Compensation Plan. So that is downstream of the confluence of the Fish Creek and Taseko; correct?

MR. BELL-IRVING: The location of the proposed Lower Fish Creek channels is at the confluence of Fish Creek and Taseko. And similarly, any activity in there, if it was built or constructed, would have to undergo the appropriate assessments, which, of course, it hasn't done yet.

MS. LARCOMBE: Okay, but my understanding was that you were talking about more spawning habitat beyond?

MR. BELL-IRVING: No. No, we're not. The only perennial habitat that is being proposed, it was the recent addition to the Compensation Plan in our
discussions with DFO. That channel is located, that proposed channel is located where the Fish Creek confluences with the Taseko River. It's not downstream of that at all.

MS. LARCOMBE: Okay, so that would be covered with your additional work that would be required with your road upgrade? Or? Because it does not appear to be within the original assessment area.

MR. BELL-IRVING: No, it certainly wasn't because it wasn't in the proposal at the time the submission was filed and it's a subsequent addition as part of the habitat compensation discussions.

MS. LARCOMBE: Okay, thank you.
MS. SMITH: I was just curious too along the same line there. This past week we've heard a lot about the effects during the mine life and it seems that there's more effects outside the boundary that you've drawn. Like Onion Lake and Taseko River. Shouldn't those require an assessment as well?

MR. BELL-IRVING: From an archaeological point of view, I'll let Terra correct me if I'm wrong in my understanding, but the effects assessment for an Archaeological Assessment is related to direct effects, largely and generally characterized by the footprint. And the footprint of the mine is as
defined on the map and that was the study area. DAN WEINBERGER: Anything that has land altering activity or ground altering activity would require an impact assessment. It's part of what the Archeology Branch would require. Probably not in the EA process, but what the archeology would require. So if something is an indirect impact but it still alters the ground or could potentially disturb a site, then you would want to do an impact assessment to see what the impacts are. So, yeah, I think it would need. THE CHAIRMAN: Just to clarify that, though, for my perspective. Since there is no direct impact in Big Onion Lake, I presume you would not do an archaeological survey there, but since the proposal now has added in additional fish spawning channels at the confluence of Fish Creek, then that would be required in the future, is that the correct understanding?

MR. WEINBERGER: Yeah, anything that will be impacted is -- it would need an assessment and have -if it's not going to be impacted, it wouldn't need assessment.

THE CHAIRMAN: And by "impact" here, just to be clear again, you mean direct impact, construction --

MR. WEINBERGER: Land --
THE CHAIRMAN: -- disturbance --
MR. WEINBERGER: -- altering activity.
THE CHAIRMAN:
Correct.
MR. WEINBERGER: Yeah, like, water levels
raising is a land altering activity, too.
THE CHAIRMAN: Thank you.
MS. LARCOMBE: Sorry it's Patt here again.
There's also been some talk of upgrading the 4500 Road to provide improved access to your proposed Prosperity Lake, so I'm assuming that would also have to be a full assessment done there as well?

MR. BELL-IRVING: Ms. Larcombe, I'm not sure on that one, but I could check to confirm, but I believe the proposed alterations to the 4500 Road, first of all, there are turnouts, they are sort of right on the perimeter, and I think they are on the right-of-way that was approved and studied as part of the approval to put the road in in the first place. But I'm not absolutely certain on that.

MS. LARCOMBE: When you talk about the "turnouts" are you talking about only the portion of the 4500 Road 'til to the access road to the proposed mine site? I'm talking about past that point up to Prosperity Lake.

MR. BELL-IRVING: Any new roads that we build, including the mine access road, and once we build Prosperity Lake, we'll have to build an access road to that as well, that all those roads would require an assessment. And we would undertake those.

MS. LARCOMBE: Okay, thank you.
FURTHER QUESTIONS OF TASEKO MINES LIMITED BY THE XENI GWET'IN FIRST NATION, BY FORMER CHIEF ROGER WILLIAM: FORMER CHIEF WILLIAM: I guess I wanted to be a little bit more clear on the Onion Lake. The last, this past week we've been listening to possible impacts, whether it be acid or some contaminant. The question that Linda was asking is, could be seen as indirect, but what -- it all depends. What I see is, let's say in 50 years that contaminants start flowing into Onion Lake, Big Onion Lake, and whatever the mitigation would be if it were found that there is some contamination going into Onion Lake. I guess the question around that is there are some, you know, we live there, we've used the area, our People, and to do a study in that area would be important in terms of it all depends -- I just can't imagine once the lake is contaminated what kind of mitigation can be done because the river shed beside it, there will have to be or there could be some indirect work to try and fix
that damage or maybe there can't be no, nothing can be done. It's contaminated, what can be done?

MR. BELL-IRVING: Again, Former Chief William, just to be clear, there are no direct disturbances of the land form as a result of our Project in the Big Onion Lake area at all. The impacts that we've been talking about over the past number of days relate primarily to the predictions of water quality, particularly groundwater, seeping from the Fish Creek drainage into over an extended, over a number of years or wouldn't happen for many years but eventually it's predicted to seep towards Big Onion. Those are the impacts that we're assessing or we did assess and were the subject of discussions over the last few days.

No physical alterations, no disturbance of the land form at the Big Onion Lake area. And because of that, there is no requirement, nor any plans to undertake Archaeological Assessments at that site. FORMER CHIEF WILLIAM: I guess my question would be, I do understand that, my question is more around if in 50 or 100 years there's a lot of damage, we know, and that's a possibility, we need to explore that, but the amount of mitigation that we may have to do to fix a possible contaminated Big Onion Lake could affect a lot of our archaeological sites and I'm thinking it
would be indirect, but if we had a crystal ball and found out that's going to be the case, my question or my thought around this whole thing, you already know that we don't agree with destroying Fish Lake, we don't agree with the mine, but at the end of the day, there's a lot of archaeological sites around Big Onion Lake, and if that gets contaminated and the mitigation to deal with that, to fix that problem could be direct work on the area that will impact the archaeological sites.

MR. BELL-IRVING:
I understand, Former Chief William. I would simply add that it's our expectation, and in fact our plan, to make sure that doesn't happen. And so that's our thinking and our intention as part of as we build this Project.

FORMER CHIEF WILLIAM: Okay. I could go on with this, but I'll leave it at that.

THE CHAIRMAN: Thank you. I suppose maybe this is -- I'll just continue, but I suppose, Mr. Bell-Irving, if there ever was a future problem, and it required some intervention in that area, then I presume archaeological study would have to occur at that future point if such an event did occur?

MR. BELL-IRVING: I would agree that's a reasonable, very reasonable assumption.

\section*{QUESTIONS OF TASEKO MINES LIMITED BY THE XENI GWET'IN FIRST NATION, BY MS. LINDA SMITH:}

MS. SMITH: I wasn't really clear about the guidelines. I've taken a look at the guidelines and there are more areas that one can look at in the guidelines, as I've seen, especially cultural related areas. But it seems that \(I\) think you were saying earlier that the AOA, \(I\) think it was AOA, defines the study to be done, so those guidelines might be very minimal. There were, I mean, even the significant, significance of the sites and the guidelines it had other significant ratings for other things such as the historic. And that wasn't included in the ratings. And also it had other as well and economic significance ratings. And those three weren't included in this EIS.

MR. TWOHIG: Just to, I think there's a couple of questions there, so I'll try to answer them as best I can.

But the guidelines for the impact assessment, they do lay out the basics of how impact assessments follow. The AOA, you're right, in some cases overview assessments are used to guide AIAs and the Provincial Government, the Archeology Branch doesn't disagree with that necessarily. But in this case, we didn't
use the AOA at all. And so that the AOA wasn't used to guide the study, the study, we looked at the whole area, which is ideal, I think, and worked well.

So that in that case the, yeah, the guidelines for the AOA don't have anything to do with the AIA. The AIA was totally separate, didn't use that AIA. I just wanted to put that up to show how the AOA model worked as opposed to covering off the whole area.

And as far as the assessment of significance, historic wasn't I believe, and Dan can correct me if I'm wrong maybe, but under the Archeology Branch Guidelines right now, as we mentioned, the historic sites, the sites that are automatically protected pre-date 1846. And so those historic sites didn't pre-date 1846. So the Archeology Branch won't comment or make any determination on those unless they are afforded protection under the Heritage Conservation Act, which is unusual in the province these days to have historic sites moved into that. At least these types of historic sites. But you're right, they weren't put into the significance ranking.

Economic significance is something that the Branch has had on the books, the Archeology Branch has had on their books for assessing significance for a
long time. It's very difficult to do. And really is something that they -- that doesn't have a lot of relevance. It's hard to assign economic significance to archeological sites.

Sometimes it's tied in with public significance, which would be if you had a big house depression site, a big village site or something that you could use as sort of a training ground or an attraction, a public sort of viewing and education, that would be considered public or economic significance.

But in this case, those weren't really factors for us or we didn't think they were.

MS. SMITH: You were talking earlier about the post-1846 are not protected, but the Nation can apply for them to be protected?

MR. TWOHIG: You can apply and again I probably should let Dan talk about this maybe.

MR. WEINBERGER: Under special circumstances, special circumstances, you can contact the Archeology Branch, I think, and get guidance. We don't have too much experience with that, with sites in getting protection that are not, that don't fall in that pre-1846 date. But it's something to look into. And but like Kevin says, it's not something that we have
too much experience with. It's not done that often.
MS. SMITH:
So a Project of this
magnitude, you didn't think about informing the Tsilhqot'in about this option?

MR. TWOHIG: We didn't, we didn't think it was, at this point anyways, a sort of an important thing to bring up necessarily. I mean, it's certainly an option and perhaps we should have approached about it, but it's not too late. There's no -- and it would take some time. And we'd have to look into how the process works and whether the Arc Branch would accept it.

The sites that pre-date 1846, again, automatically protected, and certainly all those sites show continual use and are all important sites. The historic sites are far more visible and therefore generally easier to protect or generally don't get impacted as badly.

As you know, Arc sites, sometimes aren't all that visible on the surface, and so the protection is more importantly afforded to them. But, no, we can certainly look into that.

Like I say, it's not too late. They can be added to the record at any time.

MS. SMITH: Yes, I was just thinking
that the areas that aren't protected are those cabins and there are people who were going to move back to those cabins and it's right under the tailings pond.

And also these post-1846 sites are also evidence of occupation, too, and they weren't considered significant to land title and rights?

MR. TWOHIG: Well, one of things with the impact assessment work, under the Heritage Conservation Act, again, the scope is restricted to the Archeology Branch administering, automatically administering pre-1846 sites. In this case, because of the fact that the historic material was deemed to be important enough, it was recorded. In a lot of cases and a lot of archeology that goes on in the region, historic material is not recorded because it's not protected and so proponents don't opt to have them recorded or the expense of having them recorded.

In this case, yeah, all historic stuff we encountered, all historic material we encountered was documented.

And you're right, it is important for continuation of use in there, but.

MS. SMITH: Were the cabins photographed at all in any of the documents?

MR. WEINBERGER: I believe we have some
photographs. I can -- I'll have to get those, though, I don't have them with me. And they were recorded -their positions for GPS were recorded and shots were taken.

MS. SMITH: Because they weren't
accessible to the Tsilhqot'ins when they were reviewing the EIS.

MR. BELL-IRVING: I think, Mrs. Smith, that the EIS and the Appendix, the detailed Appendix was certainly provided to the Tsilhqot'in. I don't think there were photographs. There were not photographs in there. And that's correct. But the intention was to provide you with all the information, so.

MS. SMITH: How many excavations did you
do that were 30 by 30 ?
MR. TWOHIG: The 30 by 30 centimetre
tests?
MS. SMITH:
MR. TWOHIG: There was 15,800-and-some, I can get you the exact number here.

MS. SMITH: I think I had the idea that it might have been 30 by 30 metres, but I guess that's too large.

MR. TWOHIG: We would still be up there working on the first one. No, they are shovel tests
in order to just for the testing program, so they are hand dug with a small spade and then the material is screened through a quarter-inch mesh.

MS. SMITH: You mentioned that you were guided by TNG. Do you have notes from that arrangement?

MR. TWOHIG: Our original -- we were contacted -- TNG had asked that we be engaged to do the -- to conduct this AIA. I could look and see if I have notes. But I'm in the TNG office fairly frequently and have been over the past since I started working up here in '94, so we always take TNG or other First Nations communities in the field. As far as I know in the field we can see into what degree any notes were taken from direction, but the field crews work as teams. The crew is TNG and half is our folks. And they work together and if somebody has a thought or an idea or a concern, it's taken into account. We do that all through the province wherever we work. The Bands aren't -- the Bands are participants on the field crews. And, in this case, we had folks that we worked with for years on there who know the archeology and the TNG folks are experienced field crew, so they know what they are looking for and they know the questions to ask if they have concerns.

MS. SMITH: You mentioned that you were also guided by Tyhurst study and I wondered if you had also looked at other studies in the Chilcotin and maybe Athabascan studies as well to guide you?

MR. TWOHIG: Well, guidance from Tyhurst was in the fact that we saw where Tyhurst had been and tried to relocate his sites, reviewed the report to see what he had come up with, and, again, the guidance from Tyhurst, it wasn't so much guidance as it gave us sort of an anticipation of what we might encounter. He had a limited scope and came up with 16 sites, so we knew with this increased scope, we would obviously have considerably more archaeological resources to deal with or to record.

As for other studies in the area or in the region, we always draw on them, but there is limited amount that can really guide the study in this case because we weren't -- if we had used an AOA, an overview assessment to guide the fieldwork for the AIA, then it would have been more important to incorporate other report's findings to try to defend that predictive modelling.

But in this case, we went straight to 100 percent pedestrian survey. So I think the coverage was adequate. But, yeah, we always at least
take into account other studies in the region.
MS. SMITH: It seems that just from looking at some of the studies in the area, and the court case as well, that there's, there might be disagreements about the size, the depressions of house pits, Tsilhqot'in sites might have smaller-sized house pits, so there may be more house pits than is documented?

MR. TWOHIG: That's, that's a possibility. I mean, the house pits, there's going to be the same number of cultural depressions, the functions or the function of a cultural depression, a lot of it at the AIA stage is assumed based on previous knowledge and size, shape and morphology of these pits. So at a couple of metres across, there's an assumption that it's likely not a house depression. House depressions generally are bigger. You're right, there are smaller house depressions around. Shovel testing in house depressions usually yields some evidence of floor mat or some other material in the shovel test. Testing in cache pits generally doesn't come up with much except sometimes a shift in soil type from interior to exterior of the pit.

But certainly, I mean, when we say that we identified the house pit that Tyhurst identified
originally in EIRV3, we're assuming that's a house pit, and one of the recommendation is to do some mitigation of that house pit to confirm its function. We're pretty comfortable that that's its function but you're going to find out more about it and confirm its function. And in that way, even the, I mean, the mitigation plan is to excavate at some of these depression sites or sites that have cultural depressions and, at that stage, you may find that, yeah, maybe there are some that are house depressions. But in our experience, the cache pits that we saw matched sort of what we know to be cache pits, but.

MS. SMITH: One of the concerns I had was that in Tyhurst's study there were three house pits documented in his study, and in the EIS it has only one house pit for that site.

MR. TWOHIG: That's right. The only way we can explain that or try to reason that out, we searched the area, we tested the area thoroughly. I mean, we mapped the landscape around the area. There is some of his house pits, if you look at his map, there's a couple of them, one is half eroded out of a bank at that point. And that was 1993 along that creek. So it's possible there's ongoing erosion has
removed more of that, those materials and is eating away at the site. It's not uncommon. But, yes, there is some discrepancy in a number of pits.

But, as I say, the area, good ground visibility and was thoroughly gone over.

MS. SMITH: And you mentioned graves as well, that there's only -- we've heard throughout these Panel hearings that there's only one possible grave. Is that correct?

MR. TWOHIG:
There's only one grave that we identified. And the reason I say possible grave is because we didn't, again, out of respect for the request of the crew, we didn't dismantle the cairn at the time. It likely is, most likely is a grave and we sort of assume it is, but we can't say absolutely. And that is the only one that we found.

MS. SMITH: Tyhurst found another one which had a log structure around it. Did you think of asking his field assistants to help you find them or help you find it?

MR. TWOHIG: We didn't pursue that. We located -- his site was plotted and we searched that area with that in mind that he had plotted it there. We could not relocate that structure. In Tyhurst's report, there is some concern over plotting of the
sites. Again, it was done in 1993 without the benefit of accurate plotting mechanisms. And also sites are occasionally misplotted on these maps.

From the descriptions and everything else, we assume it was probably misplotted.

Like I say, the searching was thorough for that site, for that particular site, but we didn't contact Tyhurst about it.

MR. WEINBERGER: One thing we did do was we did interview one of the archaeologists who put the report together and they did confirm that some of the, because it was left and not completed and another company was completing the report, there may be some geographic inconsistencies with the data. It's just the data wasn't as accurate as it can be today with GPS units and the accuracy that we have today.

MS. LARCOMBE: Thank you, I think we're done.

THE CHAIRMAN: Okay, thank you. Then we'll go through the list of priority for other speakers that are scheduled to see if they have any questions as well to the archaeologists.

It would next be Transport Canada? A question? Yes. Doesn't matter.

QUESTIONS OF TASEKO MINES LIMITED BY TRANSPORT CANADA, BY

\section*{MS. LINDA SULLIVAN:}

MS. SULLIVAN:
I just have a very brief question. It's Linda Sullivan with Transport Canada. Our interest is in the island that you investigated and we heard at the general hearings from First Nations who indicated that they felt there were more sites than what you found. It looks from the presentation that you gave that you did a very thorough search of the island. And my question is is it possible that anything was missed or, you know, you've got the grids on the map, so the distance between I'm just wondering about that?

MR. TWOHIG:
The spacing at 10 metres is
fairly tight, given the visibility in the bush. There's no such thing as absolute in doing this work, so there's no 100 percent. If there were large features, however, even at 10 metres with heavy bush you would encounter the features.

So pretty confident there aren't those
features on the island, but as far as being 100 percent sure we caught everything on there, that's not ever possible. But the intensity was high and the confidence level and the fact that we captured everything in the mine site is high.

MS. SULLIVAN: Would there be any kind of
evidence of how the First Nations got to the island? I'm thinking of a raft or a dugout or something like that.

MR. TWOHIG: Well, depending on time, things like that don't tend to survive. If you see water transportation, there's sometimes, you know, canoe runs and things like that where they cleared or rocks have been cleared out or fish weirs and things like that. Now, in that case, the perimeter of the island was examined. And certainly something to be looked at in the drawdown study that they are talking about doing as a next phase as well.

MS. SULLIVAN:

Okay. Thank you.
I had thought, I recognize Chief Alphonse, I thought that the Tsilhqot'in National Government had finished their questioning. But I know that you are a Chief within that Nation, so if you have a question, please proceed, Chief Alphonse.

QUESTIONS OF TASEKO MINES LIMITED BY THE TSILHQOT'IN GOVERNMENT, ANAHAM RESERVE, BY CHIEF JOE ALPHONSE:

CHIEF ALPHONSE: (Aboriginal Language Spoken).
Thank you for allowing me to speak. Chief Joe Alphonse, Tsilhqot'in Government, Anaham Reserve, Tsilhqot'in Nation.

I guess I don't really have a question, but I guess I have a concern. I think, you know, we've always been very selective in terms of who we allow to come into our territory to do and conduct archeology type work. You know, a lot of the teachings, schoolings, education, is all based upon, it's based upon other First Nations, other First Nation cultures. And I've done a little bit of work overseeing archeology in Tsilhqot'in Nation prior to becoming Director for Tsilhqot'in National Government.

So we've always had an issue with archeology work and the way in which that work is done and conducted within our territory.

Each First Nation person or First Nation People have this different set of values and customs and such. And we're no different as Tsilhqot'in People. We're surrounded by some very, very large First Nation Nations. And so the way in which we live as a People was greatly different than Shuswap Nation, Carrier Nation, Lillooet, and the Nuxalk, the Hatmathko, and stuff. So if you're going to come to our territory, you better know a little bit of our history. And in B.C., we're probably one of the few least known cultures, different anthropologists that have come into Tsilhqot'in territory, where Father

Maurice being one of them, was left for dead. So back in the 1800s. The Tsilhqot'in disagreed with the way in which in the line of questioning and stuff. So he left the territory. And the willingness of anthropologists to come into the territory thereafter. So there's very little written about Tsilhqot'in. So it's very difficult.

So you have to have rapport, you have to have a dealing, dealing with us as a People to do any type of work that's going to be, that's going to be credible as far as we're concerned.

Much of the work in the Tsilhqot'in has always been in and around logging. And I guess one of the fears that I have with this report, on a lot of these reports, there'll be binded, they will be binded very nicely with nice pictures and a lot of information. And generally they are placed on a shelf after it's done, and that's it.

And I have a fear that this is going to happen here in the event that we're going to move forward to identify what's out there. You guys have come in, you've done that. You've identified there's heavy usage in that area. And as far as I'm concerned, as a Chief, a representative of my Nation, the work is only started. And if you're going to proceed forward, you're going to have to conduct more work.

Such as that being a spiritual place, how do you determine where the spiritual locations are in that general area?

How are you going to determine where the cremation places are in that area?

And I don't see that anywhere within this report. And I don't, haven't heard any points made to that effect.

As I drive through the Tsilhqot'in, I can take you to places where highways have gone right over top of some of our cremation places and stuff.

So to us, that is a spiritual area, that is an area where our People have always gone.

And carbon dating, has any of the locations been carbon dated?

You know, that is something the Department of Fisheries and Oceans Canada, fishery location, up north in the Chilko Lake, had flattened out a pit house and through, without the use of law, without reporting to the Arc Branch, just between ourselves and the Department of Fisheries and Oceans, we demanded that they restore the location and one of the things that they were able to do was carbon date the
one small pit house, if you want to call it that, to be aged at 2,000 years old.

So I think at the end of the day, the report identifies that there was heavy usage in that area. And those would be enough.

But, again, the concern, where do you go from here? Well, how are you going to ensure if we had the ability to slice a piece of land and like a piece of pie, or whatever, and remove that, and preserve, I'm a little baffled at how we're going to protect our sites.

And I mentioned the methodology that was used. I also, you know, although we have been in support and have had Terra do other consulting works over the years and have spent a lot of times sitting across and sharing coffee and sitting and talking and discussing these issues, but when you're walking not 100 percent of a site is actually surveyed and yet what was surveyed was able to produce a substantial amount of archeological work.

So those are the concerns and comments I have for the time being.

So Sechanalyagh.
THE CHAIRMAN:
Thank you, Chief Alphonse, this is a time for questions rather than comments.

So, Chief Baptiste, you have questions as well?

\section*{QUESTIONS OF TASEKO MINES LIMITED BY XENI GWET'IN FIRST NATION, BY CHIEF MARILYN BAPTISTE:}

CHIEF BAPTISTE: Thank you, I actually did not think I had any questions. One of the things I would like to review is you had indicated that you review other Arc work, of course, in the area before you carry out the AIA.

And you went on the basis of Tyhurst. I'm guessing there is other studies that were done? Because in Stoney's submissions, in Yunesit'in, there was a map that Molly Hink had. And that wasn't recognized. Of course \(I\) realize you two weren't there, but it wasn't recognizable by Bell-Irving. And in addition to that, and so I'm wondering just how much you actually missed.

And you had indicated that there was 79 protected Arc sites. Protected in what way? Are they legally protected and how are you going to avoid those sites? I know you talked about one burial site that would have to be avoided.

And can you demonstrate to me how big is two-and-a-half metres?

THE CHAIRMAN: I think there's three questions there. The last one is probably the easiest one to answer.

CHIEF BAPTISTE: Yes. And there's more to it. So and you said there was five sites on the island. And the one pit site was a two-and-a-half metre site that you indicated would be a cache pit. Can you demonstrate to me in this room perhaps how big 10 metres is?

MR. TWOHIG: Halfway across the room.
CHIEF BAPTISTE: Thank you. The site that I saw on the island is about exactly that. So I'm going to suggest that Transport Canada's question is definitely answered that there is possibly some sites that you missed, some Arc matter that you missed. I don't know if you can actually answer to that one, though.

MR. TWOHIG: Well, I'm surprised, but if you saw it, then there's something there obviously. And all I can tell you is what we -- the survey covers or we did, I'm surprised that something 10 metres across would be missed. But, yeah, I mean, I can't argue if you saw it.

CHIEF BAPTISTE: I saw it more than once.
MR. TWOHIG: Okay.

CHIEF BAPTISTE:
I'm pretty clear that's
what I saw.
And with respect to the graves, I know that you had identified there was only one grave that you could specify as a grave. In the submissions in some of the communities, there was actually reference to more than one grave site in that area. And, of course, you weren't able to identify them. But that was brought up. So, of course, again, there is more work to do.

And, of course, the question of the protected sites, what does that mean? Legally protected sites?

MR. TWOHIG: Yeah, that's, that's -protected sites is under the Heritage Conservation Act and it's protected under the Provincial law from impact, automatically protected even if you don't, even if the site isn't recorded. If somebody doesn't know it's there, it's still protected.

You're right. How does that protection work? There's not somebody there stopping anything happening on an ongoing basis. But if development is proposed for an area, the site is recorded at the Archeology Branch on the Registry of sites, And so it will be keyed up that there's a protected archaeological site on this particular piece of land or in this particular location. That's the way it's protected right now.

And I mean, I can see the argument that that's not a lot of protection, but it's the -- it's protection under the Heritage Conservation Act, for what it's worth.

CHIEF BAPTISTE: So, of course, the pit house, the large depression on the island that \(I\) was just referring to, will be buried under the stockpile. How is that protected? How is that cache pit protected? It will just be recorded and then covered up?

MR. TWOHIG: Well, that's what the general procedure or stages are to go to mitigation. And, again, the idea is that an adequate amount, according, again to, under the Provincial legislation, of data is collected to offset the loss in those terms of the site.

But you're right, it's -- if avoidance isn't possible, then the site is going to be destroyed whether it's covered or destroyed, it's the same thing.

CHIEF BAPTISTE: And what was the over four Arc sites found on the island?

MR. TWOHIG: On the island, they were lithic scatter sites, so they were lithic detris. So it would be interesting to see where that depression that you have on or you know is on there if it lines
up with one of those particular sites or not, but.
CHIEF BAPTISTE: Especially considering you did 10-metre wide.

MR. TWOHIG: Yeah, we did, but. Yeah.
CHIEF BAPTISTE: Thank you.
THE CHAIRMAN: Thank you. So that concludes
the questions from the TNG. And next would be -- is there any questions from MiningWatch? No.

And I don't think -- let's see, next would be Friends of Nemaiah Valley? No. Okay.

Then other Federal departments? No. Sorry, you're with Transport Canada.

MR. MACKIE: Yeah, we probably should have conferred with our colleagues.

THE CHAIRMAN: You have a question, so go ahead.

QUESTIONS OF TASEKO MINES LIMITED BY TRANSPORT CANADA, BY MR. JOHN MACKIE:

MR. MACKIE: Sorry about that; we should have conferred with out questions. John Mackie, Transport Canada, M-A-C-K-I-E.

A couple of questions, and it's about the work you did for Terra. Just trying to get some understanding of the island. On some part I think you answered the question already. What is a cache pit?

MR. TWOHIG:
A cache pit is a storage pit, so a hole would be dug in the ground and material or food stuffs stored in it to protect it and preserve it for a certain amount of time anyways, so they were used over time.

MR. MACKIE: Is there any way to determine what the age of the cache pit is?

MR. TWOHIG: No, not unless by chance there is something in the cache pit that would be dateable, but it's unusual or \(I\) don't know of any case that that's the case. If there was something burned in the cache pit, you could date it.

MR. MACKIE:
Thank you. With regard to
the lake drawndown, what's entailed in the survey? What would happen?

MR. TWOHIG: I'm not a -- I've never conducted a drawdawn survey. They are done occasionally. They have been done in past. Hydro does them. I believe Rod had spoken to Steve Acheson at the Arc Branch on what his requirement was.

MR. BELL-IRVING: Taseko spoke to the Arc Branch about their letter, which is the subject of our Certificate, and our understanding is that the lake survey would depend on initially a visual appreciation of the, what you might call the former bottom of the
lake. And then, depending on what you visually observe, it may go further. But that's my understanding at this point is a visual, visual-type appreciation.

MR. MACKIE: Okay. And if there is a find, and I think we heard that there may be a protection afforded to the find, depending on its age, but can you describe -- if the find pre-dates 1846, in this lake drawdown, and I think I gathered what you said, that it's afforded protection, sort of, can you elaborate on that?

MR. TWOHIG:
Sure it's afforded protection
under the Heritage Conservation Act. If a site was found in the lake draw down study, then it would be recorded just like the sites that were on dry land were recorded and registered on the Provincial Registry of Sites and then protected under the Heritage Conservation Act, protected from impact, which means that, in order for somebody to alter site, they are required to go through the Heritage

Conservation Act and get an alteration permit to do so. So that's the protection. The protection is basically that it's on paper and recorded.

MR. MACKIE: Okay. Thank you very much.
THE CHAIRMAN: Thank you, Mr. Mackie.

We have a question, just one question from the Panel. Nalaine.

\section*{QUESTION OF TASEKO MINES LIMITED BY THE FEDERAL PANEL:}

MS. MORIN:
Thank you. Just a follow-up
question to the discussion that we've had here
tonight. It sounds like there is a discrepancy
between what's been presented in your study and what
the Tsilhqot'in People believe to be in the area.

So my question for you is, in setting up the
study, did the Tsilhqot'in People identify to you
heritage features or sites of importance that are unique to Tsilhqot'in? And my second question was, is, did you incorporate those into your study?

MR. TWOHIG: The site types and features
that are found in the Tsilhqot'in, we are fairly familiar with, we've worked in the area for quite a few years. The community members who were on the field crew are experienced in archeology and are members of the communities in the Tsilhqot'in. And so

I think that from that standpoint, I think we were well enough versed in what we were likely to encounter.

As far as the discrepancy between what we found and what is coming up is, as other issues or discrepancies in that, some of the items, I mean, we
can only find what has physical evidence remaining. Some of that physical evidence has perhaps been obscured or is gone. Or some human activity and some spiritual activities don't, don't leave evidence. And we can't find those. Cremation sites are a good example of that. In some historic accounts, cremation sites would be marked with a cairn, but that's not necessarily always the case, I would imagine.

So, I mean, we looked at what I consider to be a significant intensity or a high intensity of pedestrian survey through there, lots of subsurface testing, with experienced folks on the ground from the Bands and from our crews. And this is what we've come up with.

No, no archaeological study can be 100 absolute percent sure. You're dealing with terrain. But the intensity and the confidence we have in that we found what is evident out there is high.

If there is something on the island that was missed, it's not -- I find it's -- I'm surprised, but I'm not going to say -- I mean, obviously the Chief has seen something there, so it needs to be addressed. There is further work needed in some, some cases here that have been identified as some of the sort of the mitigation factors and some of that could be
incorporated into it, I assume.
MS. MORIN: So I'll just ask again, did the Tsilhqot'in identify sites that are of importance that are unique to the Tsilhqot'in?

MR. TWOHIG:

MS. MORIN: Thank you.
THE CHAIRMAN: Thank you, Nalaine.

Next, just checking again, any other Federal departments with questions this evening? I don't think so.

Okay. The next on my list would be the Esketemc First Nation. Any questions?

\section*{QUESTIONS OF TASEKO MINES LIMITED BY THE ESKETEMC FIRST} NATION BY MS. BETH BEDARD:

MS. BEDARD:
Thank you. We have several questions and I would like to start out with mitigation.

In the letter from Steve Acheson that you're basing your Certificate on, from May 22nd, 2009, the Branch says that:
"To compensate for mitigation for
the loss of archaeological site,
that 20 percent of the sites would
be systematically surveyed and
8 percent, or 6 of those sites,
                    would have intensive excavation."
                    In your professional opinion, is that
    adequate?

MR. TWOHIG: Given the number of sites and the site types represented, and the fact that many of the sites are only light lithic scatters or, at least 30 or so of them, I don't have the number in front of me, I think that 20 percent example and 6 percent at higher intensity is good.

MS. BEDARD: Okay. With respect to what the Tsilhqot'in have brought out up to this point, would you re-evaluate that?

MR. TWOHIG:
Well, I'm not sure what the Tsilhqot'in have brought out are additional sites, so this is talking about gathering additional information from the sites that were identified. From what the Tsilhqot'in have brought out, obviously there's -some of these things need to be revisited.

MS. BEDARD: With respect to the lake bottom survey, in the letter there is reference to the lake bottom being mapped, collected, and any information analyzed and reported. What about excavation? The Branch did not specify excavation of identified sites.

MR. TWOHIG: Right. I assume that, given
the fact that these sites would be coming in after the fact, so to speak, that they would have to be then looked at as to what they were and whether excavation would be warranted and would provide additional information. And we don't know what the sites would be at this point. So it would sort of start the cycle at least for those sites over again.

MS. BEDARD: One of the important aspects and one of the very types of rare artefacts are those waterlogged organic artefacts. What special measures should be taken to ensure that waterlogged items are identified as soon as the lake would be drawn down?

MR. TWOHIG:
It's certainly something that
needs to be considered. We're dealing with some waterlogged material right now. And I mean, that's sort of a management plan for doing that. I don't know what the -- I can't say how fast the lake's going to be drawn down. I know nothing about that side of things. But certainly should be considered in the management plan or the strategy for dealing with the lake drawdown. So I would imagine to do the drawdown survey obviously as soon as possible after the lake came down. I mean, I don't know if it --

MR. BELL-IRVING: If I may, Beth, just clarify. I mean, it's Taseko's understanding that that letter
from the Branch was written almost a year ago. And written in the due course of their sort of review of this Project.

I fully anticipate that, again, if the Project proceeds, that that letter will form the basis on which the Province and the Branch will dictate to us and work with us, and the Nation, to provide the details. I think it's inappropriate to be speculating right now on what it might look like because we just don't know.

MS. BEDARD:
I don't think it's speculation to follow the guidelines set out by the Archeology Branch. I could see them as minimum standards, but I disagree that they are speculation. THE CHAIRMAN: Well, we're not here for a comment. Just get to the questions at this point. MS. BEDARD: My apologies. My apologies. With respect to the preservation of organic items, if there is seepage from the tailings pond which Taseko I believe says that there will not be, but if there is, and Big Onion Lake is inundated with acidic seepage, would that affect any organic materials that might be preserved there, waterlogged materials? Would they decompose at a faster rate?

MR. TWOHIG: I don't, I don't have the
technical expertise there, but certainly I would imagine it should be looked into that's a possibility, but I don't know.

MS. BEDARD: So do you think that might be a direct affect of the seepage?

MR. TWOHIG: I would imagine that would be an indirect effect of the seepage, but I don't know whether it matters which -- whether it's direct or indirect.

THE CHAIRMAN: Mr. Bell-Irving, if you want to respond to that. I think the seepage that has been discussed is not -- is more -- the concern is more the transmittal of metals, isn't it, rather than acid, if I could use that --

MR. BELL-IRVING: Yeah, I could comment on that and certainly have been sitting through more than our archaeologists here to understand the characteristic.

It's not acidic. So your question is, in my view, a hypothetical one and not one that is relevant to our proposed Project or the potential effects.

MS. BEDARD: Well, this may be
hypothetical, but I'll ask it anyway. With respect to the human remains that you state will be protected and preserved at the site, with the burial, either Kevin or Dan, do you think that blasting that will take
place in the pit might impact those human remains if they are left on the site?

MR. TWOHIG: Again, I don't know the effects of shock waves or things like that on human remains or grave sites. If the site can be completely protected from all sort of adverse effect, then, yeah, I suppose it won't have an effect. That's, again, I can't really speak to whether there's some sort of a shock wave impact to the site that would be adverse. MS. BEDARD: Okay. We heard earlier that Ms. Robbins from Esketemc was concerned about sacred sites with respect to the transmission line. And I've heard that there are other concerns about sacred sites. Can archeology identify sacred sites?

MR. TWOHIG: Archeology can only identify sacred sites if there's some physical evidence left by that sacred site.

MS. BEDARD: I have some other questions about the transmission line. Has the permit been issued for that?

MR. BELL-IRVING: I was just looking in the audience to see if the answer could be found, but I'm afraid I can't find her, so I can't answer that right now.

MS . BEDARD:
When could we find out?

MR. BELL-IRVING: I could find out this
evening, certainly.
MS. BEDARD: questions about the archeology and the transmission line. Would you be the best person to answer that?

MR. BELL-IRVING: With respect to the plans for it, \(I\) can certainly attempt to answer them, but certainly Terra cannot because they have not been involved with it.

THE CHAIRMAN: My recollection there was some exchange in Esket community about the plans for permit, but I don't know, I guess you're trying to find out if there there's been any change in the last few days, if I understand your question.

MS. BEDARD: Well, I wanted to know if the permit for the Archaeological Impact Assessment had been obtained. Because it seems, if I remember correctly, earlier today you indicated that the impact assessment was going to begin in a month or two?

MR. BELL-IRVING: It's my understanding that our plan is to begin that impact assessment as soon as possible and I understand that's within the next month or less.

And the direct question about whether the permit's been issued or not, I will find an answer and
report back tomorrow morning at the beginning. I can get that answer very quickly.

MS. BEDARD: Who will be conducting the impact assessment?

MR. BELL-IRVING: The permit has been applied for by IR Wilson Limited.

MS. BEDARD: And are they here to answer questions?

MR. BELL-IRVING: No, because the permit application is an event into the future and not related directly to the impact assessment that we're assessing here.

MS. BEDARD: So the transmission line does not form part of the assessment that we're looking at now?

THE CHAIRMAN:
I don't think that's the answer, Ms. Bedard. I think you're putting words in Mr. Bell-Irving's mouth.

MS. BEDARD: No, I was asking a question. Because the archeology --

THE CHAIRMAN: Well, I think Taseko's been quite clear that, in your community as well, about what the plans are for the more detailed impact or archeological impact assessment in the future.

MS. BEDARD: Okay, well, we have not
received any application for a permit. And we don't have any information as to how Taseko is planning on conducting an impact assessment. Therefore, hence my questions.

And I apologize if I'm being out of line. I was just trying to verify more information.

MR. BELL-IRVING: Ms. Bedard, if I may comment, having heard that statement, I will expand the nature of my inquiry this evening and be able to report back tomorrow morning not only whether the permit has been issued but, more importantly, perhaps, what the intentions and plans are with respect to the consultation and the involvement of Esketemc. And I will provide that information tomorrow morning.

MS. BEDARD: I think the involvement of Esketemc, that may have to rest with the Chief and Council.

One more question, based on your experience, what are the impacts, Kevin and Dan, what are the impacts of a transmission line on archaeological sites?

MR. WEINBERGER: It would be the specific, again, back to the land-altering activity, so if -actually, the only thing \(I\) can comment on is if there's ground disturbance through any event, then it
would -- it would be impact -- archaeologically, as I said, could potentially be there.

MS. BEDARD: Would the increased traffic across a transmission line, would ATVs and increased traffic impact archaeological sites?

MR. WEINBERGER: That would, but it's not -- I can't comment on whether that's going to be the case or not. I'm not -- we really don't -- didn't get into the design or anything of the transmission line.

MS. BEDARD: What about cattle; in your experience, is cattle activity, does that impact archaeological sites?

MR. WEINBERGER: Trampling does, yeah. It's sort of a common known thing with archeologists that, on cattle trails, if you find artefacts, they can be impacted by cattle trampling. It will make marks on them. And it's takes a bit to discern whether that's by cattle or not. But it's -- yeah.

MS. BEDARD: Thank you. I also have a question. Were Tyhurst's artefacts that he identified, are they counted in the totals of artefacts that were mentioned in the EIS?

MR. WEINBERGER: The -- we got the accession numbers from the Branch and they did -- well, you know what, I'm going to have to check on that. Because I
know we did get the accession numbers from them and we would have -- when we did the tally up, we would make that assessments on it, on the total.

MS. BEDARD:
Thank you. And with all due respect, I would like to request that we have a chance to question Taseko tomorrow with respect to the archeology in the transmission line, if that's possible.

THE CHAIRMAN: Well, we were intending to finish this this evening, Ms. Bedard.

MS. BEDARD: But if Mr. Bell-Irving is going to provide the information tomorrow morning.

THE CHAIRMAN: Oh, on that particular information, of course, yes.

MS. BEDARD: Thank you very much.
THE CHAIRMAN: Thank you. I think this concludes the list of speakers. Or the list of people that we have for questions.

So, as indicated earlier, we will meet again tomorrow morning at 8:30, so we're meeting ahead -- or a half hour earlier. And we'll hear the presentation from Patt Larcombe at that point.

So with that -- oh, looks like electronic technology.

MR. BELL-IRVING:
Electronic technology has provided Beth your answer.

THE CHAIRMA: Maybe, Ms. Bedard, if you have a follow-up question on that before we close, we can deal with that now.

MR. BELL-IRVING: If that's all right, Mr. Chair.

THE CHAIRMAN: Absolutely, go ahead.
MR. BELL-IRVING: The answer from Katherine Gizikoff, who was the person that I was looking for, indicates that -- whoop, where's it gone? Got to be quick -- that the application was referred to the First Nations by the Arc Branch about one and a quarter years ago. And the permit apparently has been issued.

MS. BEDARD: And it's over a year old?
MR. BELL-IRVING: The application referral was a year-and-a-half ago, yes.

MS. BEDARD: And that was by IR Wilson at that time?

MR. BELL-IRVING: A year, a year and a quarter sorry. The Arc Branch refers it. The permit holder was IR Wilson.

MS. BEDARD: Okay. Thank you.
THE CHAIRMAN: And just in terms of tomorrow, \(I\) guess we'll start with the socio-economic,
the continuation socio-economic presentation by Taseko. And then we'll revert to Patt Larcombe certainly to accommodate you in the timeframe you have and have the opportunity for questions as well.

So we will sort that out in the morning. But the key thing is we'll be breaking now and starting at 8:30.

Good evening everybody.
(PROCEEDINGS ADJOURNED AT 8:00 P.M.)
(PROCEEDINGS TO RECONVENE ON FRIDAY, APRIL 30, 2010 AT 8:30 A.M.)

\section*{REPORTER'S CERTIFICATION}

I, Nancy Nielsen, RCR, RPR, CSR(A), Official Realtime Reporter in the Provinces of British Columbia and Alberta, Canada, do hereby certify:

That the proceedings were taken down by me in shorthand at the time and place herein set forth and thereafter transcribed, and the same is a true and correct and complete transcript of said proceedings to the best of my skill and ability.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 30 day of April, 2010.

\section*{Nancy Nielsen, RCR, RPR, CSR(A)} Official Realtime Reporter
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\hline \multicolumn{2}{|l|}{\#09-05-44811 [1] - 6368:3} \\
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\hline \multicolumn{2}{|l|}{\$30 [1] - 6541:9} \\
\hline \multicolumn{2}{|l|}{'90s [1] - 6497:19} \\
\hline \multicolumn{2}{|l|}{'94 [1] - 6695:12} \\
\hline \multicolumn{2}{|l|}{0.00017 [1] - 6381:4} \\
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100[16]-6444: 12,6462: 1
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& 6467: 21,6473: 8,6473: 14, \\
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& 6591: 12,6605: 8,6630: 16
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\hline \multicolumn{2}{|l|}{119 [1] - 6368:22} \\
\hline \multicolumn{2}{|l|}{12[2] - 6489:8, 6605:8} \\
\hline \multicolumn{2}{|l|}{120 [1] - 6377:17} \\
\hline \multicolumn{2}{|l|}{1200 [2] - 6668:5, 6668:25} \\
\hline \multicolumn{2}{|l|}{121 [2] - 6377:20, 6378:4} \\
\hline \multicolumn{2}{|l|}{122[1]-6377:23} \\
\hline \multicolumn{2}{|l|}{123[2]-6378:7, 6413:24} \\
\hline \multicolumn{2}{|l|}{124[1] - 6378:9} \\
\hline \multicolumn{2}{|l|}{\[
\begin{aligned}
& 125 \text { [3] - 6378:16, 6508:21, } \\
& 6620: 23
\end{aligned}
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\hline \multicolumn{2}{|l|}{126[1]-6378:20} \\
\hline \multicolumn{2}{|l|}{127[1] - 6378:23} \\
\hline \multicolumn{2}{|l|}{1270 [2] - 6474:24, 6487:11} \\
\hline \multicolumn{2}{|l|}{12:00 [1] - 6654:22} \\
\hline \multicolumn{2}{|l|}{12:03[2] - 6372:23, 6489:13} \\
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14-year \({ }^{[1]}-6599: 23\)}} \\
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\hline \multicolumn{2}{|l|}{14th [1] - 6576:6} \\
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15 [9]-6526:3, 6583:20, 6588:4, 6593:13, 6597:12, 6628:4, 6646:10, 6666:15, 6667:3
15,800-and-some [1] 6694:19
15,887 [1] - 6663:12
155,000 [1] - 6541:10
16 [8]-6505:10, 6505:18, 6645:19, 6645:20, 6660:24, 6661:1, 6663:20, 6696:11
160 [1] - 6669:3
1600 [1] - 6410:9
16th [5] - 6413:2, 6486:15, 6486:23, 6618:10, 6628:25
17 [3] - 6453:6, 6472:15, 6595:9
1700s [1]-6668:16
18 [1] - 6599:22
1800s [1] - 6704:2
1846 [8]-6667:11, 6667:12,
6667:16, 6668:11,
6690:15, 6690:16,
6692:13, 6713:8
1860s \({ }_{[1]}\) - 6667:1
1916 [1] - 6536:21
193 [1] - 6587:23
1967 [1] - 6585:22
1988[1]-6622:4
1989 [1] - 6616:13
1991[1]-6594:24
1993 [5] - 6397:11, 6660:22,
6666:18, 6698:24, 6700:1
1997 [1] - 6389:23
1998[1]-6661:9
1999[2]-6594:24, 6661:14
1:00 [2] - 6372:23, 6489:14
1:20,000 [2] - 6637:25,
6642:8
1:250,000 [2] - 6637:24, 6642:7
2 [7] - 6378:14, 6457:2, 6538:2, 6601:4, 6601:10,
6602:6, 6629:1
2,000 [1] - 6706:2
2.1.5.2 [1] - 6381:17
2.2 [1] - 6381:21
\(2.8[2]-6464: 18,6682: 1\)
20 [8] - 6574:20, 6609:9,
6627:12, 6645:19, 6663:1, 6677:22, 6716:23, 6717:8
20,000 [3]-6507:23,
6508:20, 6515:24
20-odd [1] - 6448:2
200 [6] - 6465:1, 6526:4, 6598:22, 6608:3, 6616:1, 6637:12
2000[1] - 6637:21
2003 [1] - 6619:15
2004[1] - 6623:24

2005 [5] - 6537:12, 6624:20, 6624:23, 6637:18, 6648:13
2006 [5] - 6468:3, 6637:18,
6637:20, 6637:21, 6657:6
2007 [1] - 6657:7
2008 [4] - 6389:23, 6497:23, 6595:24, 6676:1
2009 [5] - 6382:20, 6503:18, 6575:25, 6619:15, 6716:19
2010 [8]-6368:15, 6375:23, 6618:10, 6623:20,
6623:23, 6624:25,
6728:11, 6729:14
21 [4]-6387:6, 6400:19, 6465:21, 6666:13
22nd [1] - 6716:19
23 [3]-6588:21, 6605:5, 6631:22
24 [4]-6384:11, 6422:2, 6422:3, 6422:9
24,000 [1] - 6645:20
2400 [1] - 6669:15
\(270[1]\) - 6606:13
28 [1] - 6666:15
29[1]-6368:15
3 [4] - 6404:8, 6449:6, 6477:6, 6670:14
3,100[1] - 6435:20
3,135[3]-6436:7, 6436:16, 6542:23
3.5 [1] - 6541:4

30 [17] - 6375:23, 6417:21, 6499:25, 6574:20, 6606:3, 6609:10, 6663:12, 6694:15, 6694:16, 6694:22, 6717:7, 6728:11, 6729:14
300 [3]-6589:1, 6589:25, 6592:5
300-plus [1] - 6448:3
\(3100[1]\) - 6415:10
32 [3]-6368:16, 6379:3, 6382:12
327 [1] - 6436:15
33 [6]-6379:6, 6380:12, 6385:1, 6645:2, 6645:8, 6646:24
34[5]-6368:8, 6417:18, 6420:2, 6420:16, 6667:7
3476 [1] - 6660:14
35 [3] - 6668:9, 6669:13, 6669:14
35-hour [1] - 6639:3
351 [1] - 6368:23
352 [1] - 6435:22
352.7 [2] - 6415:21, 6543:5

357 [2] - 6436:15, 6436:22
36[1]-6645:20
360 [1] - 6612:7
4 [4] - 6369:12, 6370:3, 6372:6, 6386:2
4.4 [1] - 6488:3

40 [10]-6491:11, 6562:22, 6562:24, 6585:12,
6592:19, 6601:25,
6606:12, 6609:10,
6629:12, 6630:10
400 [2] - 6545:10, 6545:24
403 [2] - 6432:19, 6543:4
403.5 [9] - 6412:23, 6414:21, 6415:2, 6432:21, 6432:23, 6433:12, 6433:15,
6434:24, 6435:8
410 [1] - 6410:12
42 [1] - 6612:8
\(4300{ }_{[1]}\) - 6645:21
44[1] - 6666:14
45 [2] - 6451:16, 6656:2
4500 [7] - 6464:13, 6464:18,
6593:6, 6627:13, 6685:9, 6685:15, 6685:23
\(46[3]-6590: 9,6602: 1\), 6631:15
46.6 [3] - 6416:3, 6416:5, 6416:14
5 [9] - 6369:20, 6371:7, 6374:20, 6381:17, 6432:11, 6433:11, 6435:3, 6473:15, 6656:11
5-99 [1] - 6473:22
5.1 [1] - 6576:6
5.3.2.4 [1] - 6473:16

50 [16] - 6417:20, 6417:22,
6418:25, 6444:7, 6462:10, 6491:11, 6540:25, 6588:22, 6592:10, 6596:23, 6599:22, 6630:10, 6630:19, 6632:10, 6686:15, 6687:21
50-metre [1] - 6419:25
500 [1] - 6614:6
500kV [1] - 6493:9
52 [3] - 6421:15, 6421:20, 6448:1
52,000 [1] - 6541:10
5500 [4] - 6668:4, 6668:24, 6669:4, 6669:13
6 [2] - 6716:25, 6717:8
60 [8]-6414:1, 6591:12,
6591:13, 6592:14,
6606:12, 6613:8, 6669:3,
6669:4
628 [1] - 6647:7
63 [1] - 6414:3
6368 [1] - 6368:17
6376 [1] - 6372:3
6379 [1] - 6372:4
\(6386{ }^{[1]}\) - 6372:6
6397 [1] - 6372:9
6403 [1] - 6372:9
6412 [1] - 6372:10
6416[1] - 6372:11
\begin{tabular}{|c|c|c|c|}
\hline 6424[1] - 6372:13 & \(8.5[1]-6601: 24\) & 6476:8, 6500:19, 6508:22, & achievable [1] - 6567:25 \\
\hline 6443[1] - 6372:15 & \(80[7]\) - 6390:24, 6417:22, & 6510:11, 6510:12, 6515:3, & achieve [7] - 6466:21, \\
\hline 6454[1] - 6372:16 & 6585:14, 6599:4, 6622:7, & 6516:1, 6516:4, 6516:5, & 6560:9, 6561:9, 6568:14, \\
\hline 6458[1] - 6372:18 & 6629:17, 6630:21 & 6516:17, 6516:21, & 6575:19, 6577:22 \\
\hline 6461 [1] - 6372:19 & 80-metre-wide [1] - 6416:7 & 6528:24, 6529:3, 6529:5, & achieved [6] - 6428:8, \\
\hline 6466[1] - 6372:21 & 85 [2] - 6513:13, 6602:3 & 6529:6, 6529:7, 6530:22, & 6539:24, 6567:21, \\
\hline 6489 [1] - 6372:22 & 8:00 [2] - 6375:22, 6728:9 & 6542:25, 6551:9, 6587:19, & 6572:23, 6577:23, 6577:24 \\
\hline \(6490{ }_{[1]}-6373: 1\) & 8:30 [6] - 6375:23, 6655:6, & 6591:2, 6591:3, 6593:8, & achieving [3] - 6547:10, \\
\hline \(650[1]-6503: 20\) & 6655:14, 6726:20, 6728:7, & 6594:6, 6599:4, 6599:25, & 6568:21, 6575:14 \\
\hline \(6505[1]\) - 6373:3 & 6728:11 & 6600:2, 6607:20, 6620:8, & acid [4] - 6377:24, 6378:3, \\
\hline \(6509{ }_{[1]}\) - 6373:5 & 8th [1] - 6520:10 & 6620:21, 6621:12, & 6686:12, 6720:13 \\
\hline \(6513{ }^{[1]}\) - 6373:7 & 92 [1] - 6590:2 & 6621:17, 6632:14, & acidic [2] - 6719:21, 6720:18 \\
\hline 6517 [1] - 6373:9 & 995.6 [2] - 6436:11, 6436:19 & 6660:13, 6681:17, & acknowledge [1] - 6557:24 \\
\hline 6521 [1] - 6373:11 & 9:00 [1] - 6654:23 & 6681:18, 6681:25, 6682:1, & acknowledged [1] - 6574:16 \\
\hline 6525 [1] - 6373:13 & A.M [2] - 6375:23, 6728:11 & 6685:10, 6685:23, 6686:2, & acquire [1] - 6440:21 \\
\hline 6531[1] - 6373:15 & Abenanes [1] - 6461:25 & Acess & acquisition [1] - 6550:2 \\
\hline 6534[2]-6373:17, 6373:19 & ability [5] - 6453:1, 6587:1, & Access [4] - 6404:15,
6624:19, 6624:23 & acre [2] - 6582:23, 6582:25 \\
\hline 6551 [1] - 6373:20 & 6639:16, 6706:8, 6729:11 & accessed [1] - 6643:25 & acreages [1] - 6615:25 \\
\hline 6554
6555
[1] - 6373-6373:22 & \begin{tabular}{l}
abiotic [1] - 6388:17 \\
able [28] - 6384:17, 64
\end{tabular} & accessed \({ }_{\text {[1] }}\) - 6643.25 & \[
\begin{array}{|l|}
\hline \text { acres }_{[1]}-6616: 1 \\
\text { ACT }_{[1]}-6368: 8
\end{array}
\] \\
\hline \(6555[1]-6373: 2\)
\(6556[1]-6374: 1\) & 6449:19, 6449:25, & accession [2] - 6725:23, & Act [40]-6437:16, 6507:20, \\
\hline \(6566{ }_{[1]}\) - 6374:2 & 6451:10, 6451:19, 6453:3, & accommodate [5] - 6523:3, & 6522:18, 6522:25, 6523:8, \\
\hline \(6567{ }^{[1]}\) - 6374:4 & 6456:9, 6462:21, 6481:8, & 6652:11, 6656:7, 6675:12, & 6523:9, 6536:3, 6536:20, \\
\hline 6578 [1] - 6374:5 & 6505:8, 6505:17, 6506:9, & 6728:3 & 5537:2, 6537:12, 6537:16, \\
\hline 6579 [1] - 6374:7 & 6567:2, 6577:6, 6636:6, & accommodation [2] - & 6551:11, 6551:13, \\
\hline \(6581[1]-6374: 9\) & 6645:6, 6653:14, 6660:5, & 6523:17, 6524:9 & 6553:20, 6562:21, \\
\hline \(6584[1]-6374: 11\)
659.3 [6] - 6414:13, & 6670:14, 6677:23, & accommodations [1] - & 6563:10, 6564:4, 6565:3, \\
\hline 6432:18, 6435:5, 6435:11, & 6705:25, 6706:19, 6709:7, & 523:7 & 6565:16, 6565:17, 6570:8, \\
\hline 6542:22 & 6724:9 & accomplish [1] - 6569:14 & 6657:13, 6657:14, \\
\hline 6617 [1] - 6374:13 & Aboriginal [27] - 6379:4, & accomplished [3]-6460:
\[
6575: 20,6662: 21
\] & 6657:20, 6658:11, \\
\hline 6627 [1] - 6374:14 & \[
6382: 25,6383: 4,6383: 5,
\] & accordance [5] - 6511:11, & 6690:19, 6693:9, 6709:13, \\
\hline 6633 [1] - 6374:15 & 6383:21, 6384:1, 6384:8, & 6512:9, 6514:23, 6522:24, & 6710:3, 6713:13, 6713:18, \\
\hline 6637 [1]-6374:16 & 6444:24, 6504:18, & 79:7 & 6713:21 \\
\hline 6649 [1] - 6374:17 & 6504:19, 6508:23, 6509:4, & according [5] - 6389:8, & act [3] - 6563:12, 6563:13, \\
\hline \(6650[1]-6374: 19\) & 6509:12, 6513:19, & 6493:22, 6593:7, 6641:4, & 6679:9 \\
\hline 6656[2]-6374:20, 6374:21 & 6513:25, 6514:1, 6590:11, & 6710:12 & action [1] - 6565:1 \\
\hline 6657 [1] - 6375:1 & 6590:12, 6615:1, 6615:3, & Accordingly [2]-6562:23, & actions [2] - 6400:4, 6474:2 \\
\hline \(6675{ }_{[1]}-6375: 3\) & 6615:18, 6616:22, & 6563:2 & active [2] - 6537:7, 6670:4 \\
\hline 6680 [1] - 6375:5 & 6616:25, 6702:22 & account [15] - 6433:2, & activities [13] - 6409:6, \\
\hline 6686 [1] - 6375:7 & Aboriginally [1] - 6441:24 & 6433:20, 6439:23, & 6416:11, 6452:10, \\
\hline 6689 [1] - 6375:9 & absence [3] - 6557:12, & 6476:11, 6476:12, & \[
6481: 10,6506: 1,6537:
\] \\
\hline \(6700{ }_{[1]}\) - 6375:11 & 6559:5, 6631:12 & 6476:15, 6485:8, 6485:12, & 6537:19, 6553:17, \\
\hline \(6702[1]-6375: 13\) & absolute [2]-6701:15, & 6487:15, 6494:23, 6495:8, & 6605:24, 6610:22, 6611:7, \\
\hline 6707 [1] - 6375:15 & 6715:16 & 6518:18, 6587:7, 6695:18, & 6657:11, 6715:4 \\
\hline 6711[1] - 6375:17 & absolutely [4] - 6645:24, & 6697:1 & activity [13]-6420:7, \\
\hline 6714[1]-6375:19 & 6675:17, \(6685: 20,6699: 15\) & accounted [1] - 6434:12 & 6494:18, 6534:4, 6587:20, \\
\hline 6716 [1] - 6375:20 & Absolutely [3] - 6461:16, & accounting [3] - 6434:18, & 6659:14, 6682:16, 6684:3, \\
\hline 6728 [1] - 6375:22 & 6552:9, 6727:7 & 6547:19, 6642:12 & 6685:3, 6685:6, 6715:3, \\
\hline 6729 [1]-6368:17 & accept [1] - 6692:11 & accounts [1] - 6715:6 & 6724:23, 6725:11 \\
\hline 688 [1] - 6590:19 & acceptable [1] - 6572:11 & accumulated [1] - 6380:7 & actual [12]-6409:4, 6414:19, \\
\hline 70 [1] - 6606:1 & accepted [2] - 6555:25, & accuracy [2] - 6394:16, & 6415:15, 6434:23, \\
\hline 70-kilometre [1] - 6629:25 & 6579:25 & 6700:16 & 6448:14, 6448:16, 6463:6, \\
\hline 71 [1] - 6538:2 & access [60] - 6387:12, & accurate [7] - 6472:2, & 6531:7, 6562:21, 6647:4, \\
\hline \(73[1]-6665: 10\) & 6389:12, 6390:16, 6391:9, & 6592:15, 6598:13, & 6665:8, 6679:13 \\
\hline 73.5 [1] - 6420:20 & 6391:19, 6392:24, & 6644:16, 6649:2, 6700:2, & Adaptation [1] - 6609:5 \\
\hline 740 [1] - 6389:9 & 6396:10, 6398:14, & 6700:15 & adaptive [3] - 6426:17, \\
\hline 770,000 [1] - 6615:19 & 6398:17, 6400:9, 6401:15, & accurately [1] - 6664:23 & 6426:18, 6426:20 \\
\hline 79 [2] - 6665:3, 6707:18 & 6406:21, 6408:4, 6408:5, & Acheson [2] - 6712:19, & add [14]-6379:10, 6385:16, \\
\hline 8[2] - 6655:4, 6716:25 & 6464:12, 6465:24, 6466:5, & 6716:18 & 6390:20, 6411:16, \\
\hline
\end{tabular}

6434:22, 6469:6, 6508:9, 6523:20, 6603:8, 6642:9, 6644:12, 6648:9, 6649:8, 6688:12
added [4] - 6453:5, 6611:24,
6684:15, 6692:24
adding [1] - 6634:21
addition [9] - 6379:17,
6397:13, 6410:3, 6421:9,
6495:9, 6514:14, 6682:25,
6683:11, 6707:16
additional [18] - 6385:17,
6399:6, 6421:5, 6542:24, 6659:22, 6670:19, 6671:2, 6671:6, 6671:13, 6671:14, 6672:14, 6672:24,
6682:10, 6683:6, 6684:15,
6717:14, 6717:15, 6718:4
additionally [1] - 6509:4
address [26] - 6417:10,
6438:16, 6438:22,
6492:12, 6501:22, 6531:3,
6537:10, 6539:4, 6545:21,
6546:24, 6547:3, 6551:1,
6558:20, 6559:16,
6559:20, 6561:10,
6578:23, 6582:4, 6582:7,
6582:12, 6587:10,
6600:23, 6602:15,
6602:18, 6607:15
addressed [12] - 6400:20,
6469:24, 6492:13,
6500:12, 6500:14,
6502:16, 6513:20,
6517:24, 6533:15, 6536:4,
6614:21, 6715:22
addressing [6] - 6386:13,
6414:9, 6447:6, 6447:14,
6447:15, 6574:18
adequacy [2] - 6535:12,
6544:5
adequate [5] - 6460:5,
6460:14, 6696:25,
6710:12, 6717:3
adequately [1] - 6587:10
adhere [1] - 6658:11
adjacent [2] - 6391:6,
6614:23
ADJOURNED [4] - 6372:23, 6375:22, 6489:13, 6728:9
adjustment [1] - 6523:13
administered [2] - 6441:25, 6657:14
administering [4] - 6536:21, 6553:19, 6693:10, 6693:11
administration [1] - 6553:5 administrative [4] - 6377:13, 6379:13, 6385:12, 6607:20

\section*{ADMINISTRATIVE [4] -}

6372:3, 6374:19, 6376:1, 6650:23
admirable [1] - 6626:9
admirably [1] - 6632:7
admire [1] - 6625:22
admit [1] - 6452:23
adopt [1] - 6382:17
adult [2] - 6591:16, 6596:13
adults [1] - 6591:17
advance [1] - 6671:10
advanced [1] - 6383:7
advantage [1] - 6443:20
advantageous [1] - 6672:1
advent [1] - 6665:1
adverse [12] - 6414:9,
6468:15, 6468:22,
6469:14, 6469:19, 6547:3,
6564:24, 6573:24,
6586:25, 6611:5, 6721:6,
6721:9
advice [11] - 6439:24,
6442:24, 6497:22,
6535:16, 6535:17,
6535:19, 6539:12,
6569:22, 6569:24, 6569:25
advisable [1] - 6672:6
advise [1] - 6572:2
advised [2] - 6544:4, 6546:24
advising [2] - 6553:25,
6573:14
Advisory [1] - 6585:15
aerial [4] - 6542:5, 6546:6,
6580:5, 6580:19
affairs [1] - 6510:7
affect [15] - 6448:15,
6448:17, 6452:11, 6495:1,
6503:21, 6504:19,
6516:24, 6556:1, 6609:10,
6614:18, 6619:8, 6623:12,
6687:24, 6719:22, 6720:5
affected [16] - 6387:15,
6473:21, 6475:7, 6476:13,
6476:19, 6480:2, 6499:2,
6502:15, 6505:11, 6532:5,
6532:25, 6533:25,
6555:21, 6565:13,
6606:13, 6642:21
affecting [3] - 6635:1,
6648:19, 6648:24
affects [2] - 6516:22, 6611:8
affiliation [1] - 6668:2
afford [1] - 6521:3
afforded [5] - 6690:18,
6692:21, 6713:7, 6713:10, 6713:12
afraid [1] - 6721:23
afternoon [6] - 6380:14,
6385:2, 6462:20, 6489:15,
6517:24, 6535:2
afterwards [2] - 6453:18,
6639:22
age \([7]-6615: 11,6668: 4\),

6668:6, 6671:18, 6671:24, 6712:7, 6713:7
aged [2] - 6669:2, 6706:2
agencies [9] - 6399:15,
6410:21, 6427:19,
6429:22, 6442:4, 6467:16,
6540:8, 6558:23
AGENCY [1] - 6369:6
Agency [1] - 6441:22
agency [5] - 6441:23,
6441:25, 6442:6, 6442:12, 6442:13
ago [12] - 6384:10, 6384:22, 6469:6, 6507:19, 6555:18, 6596:15, 6627:17, 6631:20, 6647:2, 6719:1, 6727:13, 6727:17
agree [7]-6468:11, 6468:14, 6510:25, 6577:7, 6688:4, 6688:5, 6688:24
agreed [2] - 6414:5, 6662:15
Agreement [1] - 6446:4
agreement [7] - 6437:18,
6437:22, 6439:1, 6564:16,
6569:16, 6676:2, 6676:4
agreements [2] - 6569:19, 6569:22
agricultural [2] - 6387:1, 6388:14
Agriculture [1] - 6639:23
agriculture [1] - 6519:24
ahead [10] - 6424:21, 6468:5,
6471:2, 6525:18, 6581:19,
6636:19, 6673:3, 6711:16,
6726:20, 6727:7
Ahousaht [2] - 6382:19, 6382:23
AHOUSAHT [1] - 6382:24
AI [1] - 6661:19
AIA [8] - 6661:7, 6690:6, 6690:7, 6695:9, 6696:20, 6697:13, 6707:9
AIAs [1] - 6689:23
aims [1] - 6537:16
ain't [1] - 6623:15
Air [1] - 6405:3
al [1] - 6623:23
Alaska [2]-6604:11, 6605:22
Alberta [2] - 6566:14, 6729:5
Alexander [1] - 6661:15
Alexis [1] - 6612:7
alignment [5]-6394:8,
6483:14, 6483:18,
6512:13, 6524:20
alive [1] - 6600:22
Alkali [1] - 6465:15
allow [6] - 6435:13, 6469:18,
6570:5, 6655:13, 6658:3, 6703:3
allowed [5] - 6383:22,

6447:7, 6520:10, 6520:16, 6600:17
allowing [1] - 6702:23
allows [2] - 6422:8, 6468:19
alluded [2] - 6538:15, 6549:20
almost [3] - 6628:9, 6628:18, 6719:1
alone [1] - 6562:13
alongside [1] - 6648:7
ALPHONSE [3] - 6375:14, 6702:21, 6702:22
Alphonse [5] - 6371:12, 6702:15, 6702:19, 6702:24, 6706:24
alpine [1] - 6610:5
alter [1]-6713:19
alteration [3]-6388:21, 6401:9, 6713:21
alterations [3] - 6435:14, 6685:15, 6687:15
altering [5] - 6684:3, 6685:3, 6685:6, 6724:23
alternative [1] - 6523:12
alters [1] - 6684:7
amazing [2] - 6519:17, 6617:4
amended [1] - 6537:12
amendments [1] - 6537:23
America [4] - 6539:15, 6539:25, 6588:17, 6589:7
America's [2] - 6539:17, 6616:16
American [2] - 6539:13, 6541:2
amount [21] - 6404:2, 6413:4, 6415:12, 6455:18, 6456:2, 6456:3, 6469:22,
6505:23, 6526:1, 6570:20,
6590:14, 6592:1, 6601:1,
6646:20, 6647:24,
6655:24, 6687:23,
6696:17, 6706:20,
6710:12, 6712:4
amounts [3] - 6434:6, 6434:14, 6587:5
amphibian [3] - 6439:5, 6439:8, 6471:17
amphibians [1] - 6397:12
ample [2] - 6439:24, 6561:20
AMY [2] - 6372:18, 6458:10
Amy [1] - 6370:11
ANAHAM [2] - 6375:14, 6702:21
Anaham [2] - 6371:12, 6702:24
analogy [3] - 6460:12, 6460:14, 6461:14
analysis [18] - 6379:7,
6383:3, 6383:18, 6401:12,
6401:17, 6448:8, 6497:24,

6501:3, 6501:8, 6535:25, 6536:13, 6544:7, 6576:7, 6586:10, 6598:16,
6660:21, 6661:14
analysts [1]-6504:16
analyze [2]-6591:14, 6594:16
analyzed [1] - 6717:22
analyzing [1] - 6640:3
ancestors [1] - 6679:2
ancestors' [1] - 6678:17
ancestral [2] - 6383:6, 6383:8
Ancestral [1] - 6587:19
AND [6] - 6370:1, 6371:1, 6372:3, 6373:14, 6376:1, 6525:4
ANDREW [6] - 6372:13, 6373:18, 6373:19, 6424:25, 6534:25, 6535:7
Andrew [9] - 6369:16,
6370:6, 6370:23, 6425:1, 6438:25, 6534:21, 6535:7, 6551:22, 6566:20
anecdotal [2] - 6530:23,

\section*{6579:20}
animal [6] - 6388:23,
6493:16, 6496:17,
6516:25, 6527:2, 6620:5
animals [36] - 6412:3,
6447:8, 6447:16, 6448:14, 6448:15, 6448:16,
6448:20, 6456:14,
6456:22, 6456:25, 6457:2, 6465:18, 6475:6, 6475:16, 6476:3, 6477:8, 6477:22, 6488:12, 6496:5, 6519:8, 6519:9, 6519:10, 6519:20, 6520:9, 6520:15, 6520:24, 6521:10, 6530:21,
6619:18, 6619:23, 6623:8, 6629:23, 6633:21,
6633:22, 6647:25
Animals [1] - 6530:13
Ann [2] - 6377:23, 6378:5
announcement [1] - 6454:7
annual [2] - 6544:15,
6606:15
annually \({ }_{[1]}\) - 6622:12
answer [40] - 6431:10,
6431:16, 6433:21, 6439:4, 6446:12, 6446:25,
6455:24, 6462:21,
6462:22, 6462:24, 6465:7, 6467:13, 6470:17, 6473:5, 6474:4, 6478:20, 6482:2, 6500:16, 6508:7, 6526:17, 6527:20, 6527:21, 6552:24, 6624:2, 6624:4, 6654:25, 6676:17, 6689:18, 6708:2, 6708:15,

6721:22, 6721:23, 6722:5, 6722:7, 6722:25, 6723:2,
6723:7, 6723:17, 6727:1, 6727:8
answered [7]-6462:4,
6490:15, 6525:20,
6527:19, 6581:16,
6708:13, 6711:25
answers [3] - 6428:23, 6443:7, 6618:1
anthropologists [2] 6703:24, 6704:5
anticipate [11] - 6427:18,
6429:20, 6440:11,
6469:11, 6473:1, 6510:21,
6522:25, 6555:9, 6556:7,
6556:8, 6719:4
anticipated [7]-6469:12,
6532:22, 6538:7, 6572:22,
6573:6, 6574:10, 6663:18
anticipation [2]-6673:15, 6696:10
Anxious [1] - 6584:11
Anyhow [2]-6584:22, 6608:23
Anyway [1] - 6638:22
anyway [4]-6639:19,
6640:23, 6681:3, 6720:22
anyways [4] - 6452:2,
6666:22, 6692:6, 6712:4
Anyways [1] - 6657:24
AO's [1] - 6648:20
AOA [14] - 6661:3, 6661:4,
6661:17, 6661:18, 6662:7,
6664:2, 6689:8, 6689:22,
6690:1, 6690:5, 6690:8, 6696:18
AOAs [2] - 6662:7, 6663:4
apart [2] - 6676:2, 6677:21
apologies [3] - 6638:20, 6719:17
apologize [6] - 6380:15,
6505:7, 6618:3, 6638:6,
6642:20, 6724:5
apparent [4]-6491:11, 6491:14, 6522:15, 6639:12
Appeal [1] - 6450:23
appeals [1] - 6444:11
appear [2] - 6612:16, 6683:8 appearance [2] - 6370:1, 6371:1
APPEARANCES [1] - 6369:1
appeared [2] - 6591:13, 6594:16
appendices [1] - 6514:6
Appendix [3] - 6514:9, 6694:9
applicability [3] - 6404:6, 6404:14, 6404:17
applicable [3] - 6402:19, 6440:9, 6601:22

Application [3] - 6381:21, 6464:14, 6681:2 application [10] - 6409:20, 6409:25, 6455:20, 6553:5, 6553:7, 6562:20, 6723:10, 6724:1, 6727:11, 6727:16
applied [8]-6401:4, 6404:1, 6413:22, 6471:3, 6471:7, 6528:21, 6667:13, 6723:5
applies [7] - 6477:3, 6478:1, 6483:21, 6553:6, 6553:11, 6553:12, 6570:18
apply [11] - 6383:25, 6399:7, 6477:25, 6479:20, 6522:20, 6522:23, 6553:22, 6565:17, 6642:8, 6691:16, 6691:17
appreciate [10] - 6428:5, 6432:4, 6442:24, 6452:24, 6456:1, 6457:8, 6462:2, 6567:12, 6574:6, 6675:9
appreciating \([1]\) - 6453:12
appreciation [2] - 6712:24, 6713:4
approach [18]-6401:11, 6401:16, 6416:12, 6421:24, 6423:21, 6447:17, 6471:12, 6471:21, 6471:22, 6476:1, 6557:20, 6578:4, 6586:2, 6600:25, 6601:13, 6622:21, 6663:9, 6663:17
approached [1] - 6692:8
approaches [2] - 6547:10, 6600:1
approaching [2] - 6508:16, 6638:11
appropriate [23] - 6400:4, 6414:8, 6424:22, 6430:4, 6430:9, 6438:4, 6440:9, 6453:17, 6469:4, 6484:3, 6502:15, 6527:4, 6557:20, 6566:7, 6568:12, 6568:19, 6572:16, 6574:20,
6575:17, 6647:6, 6680:9, 6682:6, 6682:18
approval [2] - 6511:14, 6685:18
approved \([7]\) - 6420:5, 6450:8, 6645:24, 6658:6, 6669:25, 6670:1, 6685:18 approximating [1] - 6637:1 APRIL [2] - 6375:23, 6728:11 April [8]-6368:15, 6379:8, 6413:2, 6486:15, 6486:23, 6618:10, 6628:25, 6729:14
Aquatic [1]-6381:18
aquatic [4]-6406:10, 6408:24, 6434:5, 6576:20
Arc [12] - 6663:24, 6692:11, 6692:19, 6705:22, 6707:8,

6707:19, 6708:14, 6710:21, 6712:20, 6712:21, 6727:12, 6727:21 archaeological [37] - 6657:8, 6657:10, 6657:11, 6657:17, 6657:18, 6658:1, 6658:13, 6658:15, 6658:18, 6659:2, 6659:10, 6659:13, 6659:16, 6660:3, 6660:16, 6660:17, 6662:9, 6663:6, 6665:4, 6667:12, 6669:17, 6670:3, 6672:8, 6678:7, 6683:20, 6684:14, 6687:25, 6688:6, 6688:9, 6688:22, 6696:13,
6709:23, 6715:15,
6716:22, 6724:20, 6725:5, 6725:12
Archaeological [9] - 6512:8, 6658:16, 6659:8, 6660:1, 6661:10, 6662:5, 6683:23, 6687:18, 6722:16
archaeologically [2] 6660:19, 6725:1
archaeologists [4] -
6655:21, 6700:10,
6700:22, 6720:17
ARCHAEOLOGY [2] 6374:23, 6374:23
Archaeology [3] - 6656:13, 6656:14, 6656:22 archeological [5] - 6657:5, 6658:7, 6691:4, 6706:20, 6723:24
archeologists [1] - 6725:14 Archeology [24] - 6369:22, 6369:23, 6371:8, 6371:8, 6654:5, 6657:4, 6657:15, 6657:21, 6658:2, 6658:6, 6659:23, 6669:17,
6669:24, 6670:20, 6684:5, 6689:24, 6690:12,
6690:16, 6690:24,
6691:20, 6693:10,
6709:21, 6719:13, 6721:15 archeology [28] - 6636:12, 6636:14, 6651:11,
6651:13, 6652:8, 6654:5,
6655:25, 6657:1, 6658:9,
6659:9, 6662:10, 6665:17,
6672:21, 6675:8, 6676:13,
6677:14, 6677:23, 6684:6,
6693:14, 6695:22, 6703:4,
6703:9, 6703:11, 6714:18,
6721:14, 6722:4, 6723:20, 6726:7
Arctic [3]-6441:12, 6585:18, 6605:2
area [262] - 6381:14,
6381:15, 6381:19,
6381:22, 6382:4, 6389:9,
6390:14, 6390:15,

6390:21, 6390:23,
6395:20, 6400:3, 6401:2, 6402:14, 6403:4, 6414:17, 6414:19, 6414:24,
6415:21, 6416:3, 6416:6, 6417:2, 6417:3, 6417:15, 6418:24, 6419:1, 6419:13, 6419:14, 6419:17, 6419:22, 6419:24, 6419:25, 6420:15,
6420:18, 6420:19,
6420:22, 6422:16, 6423:1, 6423:2, 6423:3, 6423:4, 6424:2, 6424:9, 6433:3, 6434:7, 6436:5, 6437:14, 6438:13, 6440:16, 6444:3, 6445:14, 6445:17,
6448:20, 6448:21,
6448:24, 6449:1, 6449:21, 6451:9, 6451:16, 6451:18, 6451:24, 6452:6, 6455:19, 6455:22, 6457:4, 6459:7, 6465:5, 6465:18, 6475:7, 6475:9, 6475:17, 6476:3, 6476:6, 6476:7, 6476:22, 6480:1, 6480:23, 6482:17, 6483:3, 6486:14, 6490:21, 6492:1, 6492:10, 6494:15, 6496:2, 6496:10, 6499:2, 6500:23, 6502:19,
6503:17, 6505:13,
6507:22, 6507:23,
6512:23, 6513:1, 6514:22, 6514:23, 6527:5, 6528:14, 6529:16, 6529:22,
6530:17, 6531:8, 6532:11, 6532:14, 6532:18,
6532:24, 6533:3, 6533:13, 6534:3, 6534:4, 6541:5, 6541:18, 6541:19, 6542:8, 6544:8, 6544:12, 6545:6, 6545:11, 6545:22, 6548:8, 6552:3, 6552:8, 6552:18, 6552:19, 6552:22,
6554:23, 6555:10, 6555:23, 6556:2, 6556:3, 6556:8, 6558:8, 6559:18, 6560:12, 6560:21, 6562:6, 6563:24, 6568:7, 6568:15, 6571:21, 6571:22,
6572:12, 6573:5, 6576:15, 6580:11, 6580:24, 6581:9, 6583:18, 6585:11, 6586:10, 6587:4, 6587:7, 6588:24, 6588:25, 6589:11, 6589:18, 6590:6, 6590:10, 6590:22,
6590:24, 6590:25,
6593:25, 6597:17,
6599:11, 6601:2, 6601:3, 6601:23, 6601:25, 6602:8, 6602:20, 6602:24, 6603:2,

6603:9, 6603:20, 6604:1, 6605:3, 6606:11, 6608:3, 6609:11, 6609:17,
6610:17, 6613:19, 6614:8, 6614:9, 6614:18, 6615:2, 6615:6, 6615:22, 6616:5, 6617:4, 6629:19, 6631:15, 6631:17, 6631:22, 6632:3, 6640:17, 6641:3, 6648:8, 6648:12, 6648:17, 6650:9, 6650:12, 6652:18,
6658:23, 6659:11,
6660:10, 6660:23,
6660:24, 6662:8, 6662:18, 6662:19, 6663:8, 6663:19, 6664:17, 6667:20,
6669:10, 6670:7, 6671:10, 6671:19, 6672:6, 6672:22, 6673:7, 6674:17, 6678:3, 6681:5, 6681:7, 6681:13, 6681:21, 6681:22, 6683:8, 6684:1, 6686:20, 6686:21, 6687:6, 6687:16, 6688:9, 6688:21, 6690:3, 6690:9, 6696:15, 6697:3, 6698:20, 6698:21, 6699:4, 6699:23, 6704:23, 6705:5, 6705:7, 6705:14, 6705:15, 6706:4, 6707:8, 6709:6, 6709:21,
6714:8, 6714:16
Area [21] - 6381:18, 6381:25, 6415:13, 6423:6, 6423:25, 6436:8, 6449:2, 6476:23, 6544:25, 6545:3, 6548:8, 6551:24, 6552:11, 6554:13, 6579:2, 6580:2, 6580:16, 6594:18,
6600:14, 6601:11, 6613:21
area's [1] - 6419:17
area-based [1] - 6494:15
area-specific [2] - 6395:20, 6402:14
Areas [5] - 6387:11, 6387:13, 6387:17, 6400:24, 6422:14
areas [95] - 6387:13,
6387:15, 6388:24,
6389:12, 6391:2, 6391:5, 6393:1, 6397:10, 6397:17, 6397:21, 6406:19,
6408:11, 6416:15, 6419:3, 6420:11, 6420:12,
6420:21, 6422:17,
6422:25, 6428:19, 6433:1, 6433:7, 6433:23, 6433:24, 6434:2, 6434:15, 6440:22, 6440:24, 6444:1, 6445:13, 6447:10, 6447:12,
6447:13, 6448:21,
6448:25, 6471:22, 6473:3, 6476:9, 6480:11, 6480:12, 6480:15, 6480:16, 6491:2, 6493:1, 6496:19, 6499:1,

6499:12, 6499:15,
6500:12, 6501:1, 6515:3,
6516:18, 6528:8, 6530:23, 6530:25, 6532:21,
6532:23, 6542:8, 6544:13,
6552:4, 6561:21, 6584:24, 6589:19, 6590:13,
6592:21, 6596:14, 6603:8,
6603:13, 6603:21,
6603:23, 6604:20,
6605:10, 6606:3, 6612:5,
6613:18, 6613:23,
6614:23, 6614:25, 6615:8,
6616:9, 6632:1, 6632:4,
6633:22, 6641:17,
6641:21, 6648:14, 6659:4,
6663:3, 6663:13, 6664:18,
6674:16, 6689:5, 6689:7,
6693:1
argue [1] - 6708:22
argument [1] - 6710:1
arise [2] - 6503:9, 6556:13
arising [1] - 6539:5
arms [1] - 6600:17
army [1] - 6577:3
arrangement [1] - 6695:6
arrangements [1] - 6522:2
arrive [2] - 6429:4, 6645:25
arrived [2] - 6475:17,
6486:24
arriving [1] - 6576:8
arrowheads [1] - 6667:24
artefact [2] - 6668:9, 6669:21
artefacts [15] - 6658:4,
6665:5, 6667:22, 6667:25,
6668:1, 6669:16, 6671:17,
6672:15, 6672:16, 6718:9,
6718:10, 6725:15,
6725:20, 6725:22
articulation [1] - 6538:18
artifact [1] - 6671:12
Arts [1] - 6657:16
aspect [9]-6429:19,
6447:15, 6472:25, 6520:3,
6556:5, 6557:8, 6608:24,
6618:22, 6656:19
aspects [11] - 6399:4,
6441:19, 6456:21,
6468:13, 6497:16,
6537:14, 6561:15,
6564:23, 6574:3, 6654:11, 6718:8
assert [1] - 6483:10
asserted [1] - 6513:24
assess [20] - 6389:19,
6394:20, 6412:12, 6447:1,
6465:8, 6465:19, 6465:23,
6469:18, 6487:14,
6493:10, 6494:1, 6494:4,
6550:21, 6555:12,
6580:20, 6658:17,

6658:25, 6659:14, 6660:5, 6687:13
assessed [9] - 6401:13, 6422:6, 6422:21, 6456:14, 6493:22, 6497:6, 6501:9, 6501:25, 6503:6
assessing [8] - 6388:8,
6426:24, 6468:21, 6471:4, 6471:13, 6687:13,
6690:25, 6723:12
ASSESSMENT [3] - 6368:3, 6368:8, 6369:6
assessment [115] - 6381:14, 6382:1, 6387:10, 6387:16, 6387:18, 6389:3, 6396:6, 6396:20, 6397:8, 6400:17, 6400:20, 6401:6, 6401:11, 6401:16, 6402:20,
6402:24, 6411:23, 6421:5, 6421:13, 6421:21, 6423:15, 6424:5, 6424:8, 6427:23, 6453:4, 6456:18, 6458:2, 6463:11, 6465:10, 6466:2, 6480:10, 6487:17, 6488:9, 6488:10, 6491:3, 6492:12, 6493:12,
6497:14, 6497:21,
6498:23, 6503:23,
6505:16, 6505:21, 6506:3, 6507:13, 6509:8, 6509:11, 6514:17, 6515:12,
6515:20, 6516:3, 6516:12, 6517:8, 6518:14, 6519:23, 6520:2, 6526:14, 6526:15, 6528:11, 6533:4, 6539:12, 6542:12, 6546:3, 6548:7, 6550:25, 6552:10,
6554:21, 6556:5, 6558:18, 6560:20, 6563:7, 6568:2,
6579:1, 6580:1, 6580:7,
6582:8, 6587:5, 6628:7,
6639:18, 6640:22, 6654:6, 6654:8, 6654:9, 6657:5,
6657:22, 6657:23,
6658:19, 6660:23, 6664:2, 6670:8, 6681:15, 6681:18, 6681:23, 6682:6, 6683:8, 6683:19, 6683:22, 6684:4, 6684:9, 6684:20, 6684:22, 6685:12, 6686:5, 6689:20, 6690:10, 6693:8, 6696:19, 6722:19, 6722:21, 6723:4, 6723:11, 6723:14, 6723:24, 6724:3
Assessment [45] - 6381:14, 6381:15, 6386:14, 6394:23, 6410:18, 6426:11, 6427:8, 6427:25, 6437:23, 6438:6, 6454:25, 6455:3, 6457:14, 6512:8, 6514:15, 6514:21,
6514:24, 6515:5, 6515:23,

6535:9, 6535:13, 6536:3, 6537:24, 6538:16, 6538:25, 6547:3, 6549:7, 6553:20, 6554:2, 6563:20, 6568:10, 6578:3, 6582:11, 6583:9, 6585:23, 6585:24, 6624:19, 6639:8, 6659:8, 6660:2, 6661:10, 6662:6, 6681:2, 6683:23, 6722:16 assessments [19]-6386:11,
6387:22, 6528:7, 6529:2, 6542:10, 6585:17, 6587:4, 6602:22, 6631:2, 6645:1, 6649:2, 6658:1, 6658:12, 6658:16, 6658:24, 6682:18, 6689:21, 6689:23, 6726:3
Assessments [2] - 6538:5, 6687:18
assign [1] - 6691:3
assigned [2] - 6429:6, 6669:17
assist [2] - 6569:20, 6573:12
assistants [1] - 6699:19
associated [23] - 6383:22, 6396:15, 6401:14, 6416:10, 6433:13, 6434:3, 6434:5, 6439:18, 6464:5, 6495:24, 6545:17, 6547:17, 6549:15, 6559:9, 6566:8, 6566:18, 6582:13, 6599:23, 6611:6, 6623:4, 6663:6, 6667:6, 6674:12
association [2] - 6622:25, 6668:10
assume [10] - 6488:24, 6588:8, 6627:12, 6627:16, 6628:4, 6679:6, 6699:15,
6700:5, 6716:1, 6717:25
assumed [5] - 6448:3,
6584:18, 6655:24,
6665:18, 6697:13
assuming [6] - 6417:19, 6425:22, 6447:13, 6680:3, 6685:11, 6698:1
Assuming [2] - 6459:25, 6480:5
assumption [7] - 6463:9,
6527:25, 6532:1, 6678:13,
6678:15, 6688:25, 6697:15
assure [1] - 6518:25
AT [9] - 6368:13, 6372:23,
6372:23, 6375:22,
6375:23, 6489:13,
6489:14, 6728:9, 6728:11
at-risk [1] - 6393:12
Athabascan [1] - 6696:4
atmospheric [1] - 6648:2
attached [2] - 6391:23, 6425:18
attempt [7] - 6465:23,

6537:9, 6582:9, 6594:16, 6658:17, 6658:25, 6722:7
attempts [2] - 6570:23,
6607:20
attended \({ }_{[1]}\) - 6453:9
attending [1] - 6510:8
attention [7]-6442:7,
6454:15, 6524:18, 6566:4,
6566:15, 6638:23, 6642:4
Attorney [1] - 6382:20
attract \({ }_{[1]}\) - 6569:10
attracting [1] - 6441:18
attraction [2]-6441:11, 6691:9
attribute [1] - 6498:5
attributed [1] - 6650:7
attributes [2]-6468:1,
6668:1
ATV \({ }_{[1]}\) - 6600:2
ATVers [1] - 6599:16
ATVs [3]-6465:25, 6492:19, 6725:4
audience [1] - 6721:22 augmentation [1] - 6631:18
August [1] - 6576:6
author \({ }_{[1]}\) - 6440:19
Authorities [3]-6538:4, 6538:10, 6551:5
authority \([3]\) - 6535:19, 6553:24, 6657:20
Authority [3] - 6538:8, 6553:19, 6553:20
authorization [1] - 6553:21
authorizations [1] - 6570:6 automatic [1] - 6667:14
automatically [6] - 6667:10,
6667:19, 6690:14,
6692:14, 6693:10, 6709:15
autumn [1] - 6605:7
availability \([8]-6423: 16\),
6448:23, 6465:20, 6471:5, 6515:21, 6556:11, 6587:6, 6605:8
available [17] - 6377:11,
6395:13, 6395:20, 6402:7,
6422:15, 6424:9, 6447:11,
6449:7, 6486:3, 6506:12,
6550:7, 6623:20, 6623:21, 6624:20, 6636:7, 6654:24, 6657:25
average [8]-6417:19,
6417:23, 6552:13,
6552:16, 6560:22, 6561:4, 6612:8
avoid [15] - 6416:13,
6483:11, 6483:16,
6483:18, 6484:4, 6512:12,
6596:8, 6612:4, 6612:17,
6632:19, 6634:9, 6670:13,
6670:14, 6679:13, 6707:20
avoidance [8]-6531:5,

6531:9, 6539:6, 6591:12
6591:14, 6591:25,
6679:10, 6710:16
avoided [9]-6396:11,
6418:11, 6482:19, 6483:5,
6538:11, 6593:24,
6625:25, 6672:25, 6707:22
avoiding [2] - 6484:16, 6596:1
aware [12]-6425:21, 6437:9,
6468:8, 6479:25, 6481:7,
6482:10, 6580:10, 6581:8,
6620:23, 6625:21,
6636:17, 6646:15
awareness [1] - 6457:14
awful \({ }_{[1]}\) - 6569:22
B.C [24]-6386:14, 6399:14,

6399:19, 6410:17,
6410:23, 6421:1, 6423:22,
6437:19, 6445:24,
6452:11, 6547:15,
6561:22, 6585:15,
6590:18, 6593:16, 6597:3,
6601:23, 6606:7, 6625:14,
6657:12, 6668:16,
6669:21, 6669:23, 6703:23
B.C. [1] - 6596:22
B.C.S.C \({ }_{[1]}-6382: 20\)

Bachelor's [1] - 6639:24
back-to-back [1] - 6628:10
backcountry [3] - 6600:13,
6607:16, 6620:10
backed [1] - 6599:5
background [3]-6586:5,
6594:1, 6657:8
bad [1] - 6629:14
badly \({ }^{[1]}\) - 6692:18
baffled [1] - 6706:10
balance [2] - 6427:24,
6530:18
Bald [1] - 6628:16
ball [1] - 6688:1
ballpark [2] - 6574:12, 6583:4
Band \([7]\) - 6371:12, 6382:19, 6489:2, 6489:22, 6518:22, 6578:16, 6585:24
band [2]-6408:13, 6445:25
Bands [3] - 6695:20, 6715:13
bands [3] - 6612:14,
6612:16, 6612:18
Banff [3] - 6615:20, 6616:20, 6616:21
bank [1] - 6698:24
Baptiste [4]-6371:13,
6376:8, 6642:21, 6707:1
BAPTISTE [11] - 6375:16,
6707:4, 6707:5, 6708:3,
6708:10, 6708:23,
6708:25, 6710:5, 6710:20,
6711:2, 6711:5

Baris [1] - 6585:19
bark [7] - 6589:3, 6609:22,
6648:5, 6648:6, 6648:7,
6648:8, 6648:17
barren [1] - 6442:17
barrier [3] - 6619:3, 6632:17, 6632:19
Barrow's [7] - 6428:10,
6429:3, 6429:7, 6429:10,
6430:7, 6430:15, 6540:25
Barrows [2] - 6407:19, 6555:7
base [6] - 6505:21, 6509:4, 6516:7, 6527:3, 6545:23, 6608:8
based [77]-6401:12, 6402:9, 6419:25, 6421:21,
6422:12, 6422:15, 6423:7, 6424:8, 6427:23, 6429:5,
6429:9, 6431:7, 6432:23,
6432:25, 6433:17,
6435:11, 6435:16,
6435:17, 6445:25, 6447:5,
6458:2, 6459:13, 6475:17,
6476:23, 6493:20,
6493:23, 6494:1, 6494:15,
6495:20, 6506:4, 6516:12,
6531:25, 6532:7, 6532:12,
6532:22, 6534:1, 6541:19,
6541:23, 6541:25, 6542:1,
6542:10, 6542:15,
6542:20, 6543:1, 6545:22,
6550:21, 6550:22,
6552:10, 6554:20,
6555:16, 6556:6, 6558:22, 6559:24, 6561:25,
6567:22, 6579:24, 6587:3,
6597:20, 6624:5, 6624:7,
6627:20, 6643:16, 6645:1, 6645:16, 6647:10,
6658:17, 6659:9, 6661:21,
6663:1, 6663:19, 6669:18,
6671:10, 6697:13, 6703:6,
6724:18
Based [4] - 6543:8, 6579:16, 6611:10, 6629:6
baseline [29] - 6380:17,
6380:24, 6381:3, 6387:14, 6389:4, 6389:18, 6389:22, 6390:9, 6397:9, 6397:15,
6397:16, 6401:20,
6401:21, 6412:5, 6415:13, 6431:4, 6431:7, 6436:9,
6436:17, 6469:17, 6498:3, 6499:10, 6516:15,
6542:20, 6542:21, 6574:1, 6574:6
Baseline [1] - 6380:20
basic [1] - 6658:14
basics [1] - 6689:21
basing [1] - 6716:19
basis [12] - 6389:18,
\begin{tabular}{|c|c|c|c|}
\hline 6389:20, 6475:12, & 6619:24, 6620:16 & 6494:11, 6532:2, 6532:6, & 6621:21, 6622:3, 6622:24, \\
\hline \begin{tabular}{l}
6497:20, 6537:15, \\
6540:21, 6542:13
\end{tabular} & \begin{tabular}{l}
6623:10, 6625:24, \\
6627:24, 6628:1, 6628:3
\end{tabular} & \[
\begin{aligned}
& \text { 6532:8, 6532:9, 6532:13, } \\
& 6532.17 \text { 653.25 }
\end{aligned}
\] & 6623:17, 6623:25, 6624:9, \\
\hline \[
\begin{aligned}
& \text { 6540:21, 6542:13, } \\
& 6544: 15,6672: 12,
\end{aligned}
\] & \[
\begin{aligned}
& 627: 24,6628: 1,6628: 3, \\
& 6608 \cdot 1,620 \cdot 1,
\end{aligned}
\] & \[
\begin{aligned}
& \text { 6532:17, 6533:25, } \\
& \text { 6648:11, 6648:13, } 6648: 14
\end{aligned}
\] & \[
\begin{aligned}
& \text { 6624:15, 6626:19, } \\
& \text { 6649:19, 6649:20, }
\end{aligned}
\] \\
\hline 6707:10, 6709:20, 6719:5 & 6629:8, 6634:5, 6634:8, & began [1] - 6397:1 & 6649:25, 6653:10, 6654:2, \\
\hline bat [1] - 6400:22 & 6634:17 & begin [10]-6376:3, 6377:13, & 19 \\
\hline bats [1] - 6397:12 & bears" [1] - 6588:20 & 86:9, 6424:15, 6453:24 & 6656:17, 6675:6, 6676:21, \\
\hline BC [1] - 6643:11 & beauty [1] - 6589: & 62:1, 6469:8, 6512:18 & 77:6, 6679:5, 66 \\
\hline BCEAOs \({ }_{[1]}\) - 6640:22 & became [1] - 6639:2 & 22:19, 6722:21 & 6681:9, 6681:20, 6682:3 \\
\hline BE \({ }_{[1]}-6648: 20\) & become [3]-6564:18 6591:19, 6615:11 & beginning [4] - 6376:14 & \begin{tabular}{l}
6682:14, 6682:23, 6683:9, \\
6683:20, 6685:13, 6686:1
\end{tabular} \\
\hline be & 659 & \[
\text { 6431:7, 6660:18, } 6723
\]
begun [1] - 6510:9 & \[
\begin{aligned}
& 6683: 20,6685: 13,6686: 1, \\
& 6887: 3,6688: 11,6688: 24,
\end{aligned}
\] \\
\hline bear [70] - 6399:22, 6407:21, & 6703:9 & behalf \([5]\) - 6465:12, 6511:6, & 6694:8, 6712:21, 6718:24, \\
\hline \begin{tabular}{l}
6422:23, 6423:16, \\
6486:11, 6486:13
\end{tabular} & BEDARD \({ }_{[107]}-6373: 2\) & \begin{tabular}{l}
\[
6525: 11,6637: 7,6677: 9
\] \\
behaviour \([1]\) - 6613:2
\end{tabular} & \[
\begin{aligned}
& \text { 6720:15, 6721:21, 6722:1, } \\
& \text { 6722:6, 6722:20, 6723:5, }
\end{aligned}
\] \\
\hline 6526:13, 6526 & \[
5: 21,6490:
\] & behind [1] - 6428:14 & 23:9, 6724:7, 6726:25 \\
\hline 6529:18, 6584:24 & 6490:11, 6490:22, 6491:3, & belabour [1] - 6438:24 & 7:5, 6727:8, 6727:1 \\
\hline 6586:10, 6586: & \(1: 6,6491: 10,6491: 16\), & Bell [15] - 6369:13, 6369:22, & 727:20 \\
\hline 6587:12, 6587:21 & 6491:20, 6492:2, 6492:8, & 6379:20, 6379:23, 6385:4, & Bell-Irving [14]-6369:13, \\
\hline 6588:16, 6589:2, 6589:16, & 6492:14, 6492:18, & 4460:25, 6524:8, & 6369:22, 6379:20, \\
\hline 6590:5, 6590:18, 6591:8, & 6492:22, 6493:8, 6493:13, & 6554:4, 6626:20, 6688:20, & 6379:23, 6385:4, 6425:14, \\
\hline 6591:11, 6593:1, 6594:3, & \[
6493: 25,6494: 5,6494: 10
\] & 6707:15, 6720:10, & \[
\begin{aligned}
& \text { 6460:25, 6524:8, 6554:4, } \\
& \text { 6626:20, 6688:20, }
\end{aligned}
\] \\
\hline \[
\begin{aligned}
& \text { 6594:9, 6594:17, 6594:24, } \\
& \text { 6596:2, 6596:11, 6597:3, }
\end{aligned}
\] & \begin{tabular}{l}
6494:18, 6494:21, \\
6494:25, 6495:11,
\end{tabular} & 6723:18, 6726:11 & 6707:15, 6720:10, 6726:11 \\
\hline 6597:5, 6597:17, 6600:9, & 5:15, 6495:21, 6496:1, & 6379:22, 6385:23, & BELL-IRVING [151] - \\
\hline 6600:15, 6600:21, & 6496:14, 6496:19 & 6425:14, 6426:2, 6427:5, & 6374:18, 6379:22 \\
\hline 6601:20, 6601:22, & 6496:23, 6497:2, 6497:10, & 29:13, 6431:9, 6431:22, & 6385:23, 6425:14, 6426:2, \\
\hline 6602:25, 6603:4, 6603:15, & 6498:9, 6498:21, 6498:25, & 6432:1, 6432:6, 6438:24, & 6427:5, 6429:13, 6431:9, \\
\hline 6604:1, 6604:3, 6605:12, 6606:20, 6607:1, 6607:5, & \[
\begin{aligned}
& 6499: 8,6499: 17,6500: 3 \\
& 6500: 9,6500: 25,6501: 7
\end{aligned}
\] & 6439:12, 6439:20, 6440:4, & \[
\begin{aligned}
& \text { 6431:22, 6432:1, 6432:6, } \\
& \text { 6438:24, 6439:12, }
\end{aligned}
\] \\
\hline 6607:8, 6607:22, 6608:10, & 01:12, 6501:20, 6502:2, & 6:15, 6446:1 & 6439:20, 6440:4, 6442:23 \\
\hline 6608:13, 6610:9, 6611:3, & 6502:17, 6503:1, 6503:13, & :25, 6449:22 & 46:11, 6446:15 \\
\hline 6611:12, 6616:4, 6618:18, & 03:16, 6503:24, 6504:2, & 6452:22, 6455:2 & 6446:18, 6446:25 \\
\hline 6618:22, 6619:3, 6625:6, & 6504:12, 6513:8, 6513:9 & :22, 6458:1 & 49:22, 6452:2 \\
\hline 6625:7, 6625:10, 6625:11, & 3:12, 6514:4, 6514:11, & 6458:23, 6459:9, 6461: & 6455:24, 6457:2 \\
\hline 6626:2, 6627:20, 6628:5, & 6515:13, 6515:22, 6516:7, & 61:16, 6462:17, 6463:4, & 458:19, 6458:23, 6459:9, \\
\hline \begin{tabular}{l}
6631:2, 6631:4, 6631:5, \\
6632:17, 6633:15
\end{tabular} & 6516:19, 6516:23, 6517:5, 6517:10, 6517:12 & 6463:17, 6465:6, 6467:2, & \[
\begin{aligned}
& \text { 6461:1, 6461:16, 6462:17, } \\
& \text { 6463:4, 6463:17, 6465:6, }
\end{aligned}
\] \\
\hline bearing [4] - 6543: & 17:15, 6517:18 & \[
6470: 20,6471: 2,6471: 9
\] & \[
467: 2,6469: 20,6470: 1
\] \\
\hline 6576:2, 6576:14, 6663:22 & 6521:23, 6521:24, 6523:6, & \[
2: 16,6472: 2
\] & 770:20, 6471:2, 6471:9 \\
\hline bears [74]-6399:18, & 6523:19, 6524:4, 6578:21, & 2, 6474:4, 6478:20, & 16, \\
\hline 6403:11, 6441:11, & 6578:22, 6579:3, 6579:6, & 79:8, 6482:23, 6483:10, & 6473:12, 6474:4, 6478:20, \\
\hline 6463:12, 6485:4, 6486:8, & 6716:14, 6716:15, & 6483:25, 6484:7, 6484:18, & 6479:8, 6482:23, 6483:10, 6483:25, 6484:7, 6484:18, \\
\hline \[
\begin{aligned}
& \text { 6525:24, 6526:6, 6529:15, } \\
& \text { 6584:21, 6585:10, }
\end{aligned}
\] & \[
\begin{aligned}
& 717: 10,6717: 19,6718: 8, \\
& 719: 11, ~ 6719: 17, ~ 6720: 4,
\end{aligned}
\] & 6485:10, 6485:13, 6493:5, 6493:9, 6493:19, 6497:13, & \[
\begin{aligned}
& \text { 6483:25, 6484:7, 6484:18, } \\
& 6485: 10,6485: 13,6493: 5,
\end{aligned}
\] \\
\hline 6585:13, 6586:6, 6586:9, & 720:21, 6721:10 & 00:16, 6501:25, 6502:7, & 93:9, 6493:19, 6497:13, \\
\hline 6586:14, 6586:24, & 21:18, 6721:25, 6722:3, & 04:1, 6504:5, 6504:21, & 500:16, 6501:25, 6502:7, \\
\hline 6586:25, 6587:9, 6587:24, & 722:15, 6723:3, 6723:7, & 05:14, 6506:2, 6506:11, & 504:1, 6504:5, 6504:21 \\
\hline 6590:20, 6591:4, 6591:16, & 23:13, 6723:19 & 07:6, 6508:9, 6509:6, & 505:14, 6506:2, 6506:11, \\
\hline 6591:19, 6591:22, & 723:25, 6724:15, 6725:3 & 09:18, 6510:6, 6510:18, & 507:6, 6508:9, 6509:6, \\
\hline 6592:17, 6592:24, & 725:10, 6725:19, 6726:4, & 11:9, 6511:21, 6512:4, & 6509:18, 6510:6, 6510:18, \\
\hline 6593:22, 6593:24, 6594:3, & \[
\begin{aligned}
& \text { 6726:11, 6726:15, } \\
& 6727: 15,6727: 18,6727: 23
\end{aligned}
\] & \[
6512: 17,6513: 3,6514: 3,
\] & \[
\begin{aligned}
& \text { 6511:9, 6511:21, 6512:4, } \\
& \text { 6512:17, 6513:3, 6514:3, }
\end{aligned}
\] \\
\hline \[
\begin{aligned}
& \text { 6595:25, 6596:1, 6596:6, } \\
& \text { 6596:7, 6596:12, 6597:4, }
\end{aligned}
\] & Bedard [9] - 6370:14, & \[
\begin{aligned}
& \text { 6514:5, 6514:19, 6518:8, } \\
& \text { 6518:11, 6518:24, }
\end{aligned}
\] & 6514:5, 6514:19, 6518:8, \\
\hline 6597:9, 6597:12, 6598:11, & 2:1, 6513:11, 6521:21, & 6519:21, 6522:7, 6523:8, & \[
6518: 11,6518: 24,
\]
\[
6519: 21,6522: 7,6523: 8,
\] \\
\hline 6599:18, 6599:19, & 6578:19, 6723:17, 6724:7, 6726:10, 6727.2 & 6523:25, 6524:16, & \[
\begin{aligned}
& \text { 6519:21, 6522:7, 6523:8, } \\
& \text { 6523:25, 6524:16, }
\end{aligned}
\] \\
\hline 6599:22, 6600:4, 6602:1, 6602:3, 6602:7, 6603:1, & \[
\begin{array}{r}
6726: 10,6727: 2 \\
\text { beds }[1]-6604: 13
\end{array}
\] & 6526:10, 6527:10, & \[
\begin{aligned}
& \text { 6523:25, 6524:16, } \\
& \text { 6526:10, 6527:10, }
\end{aligned}
\] \\
\hline 6604:9, 6604:12, 6606:4, & beer [1] - 6629:16 & :13, 6551:2 & 6527:20, 6529:1 \\
\hline 6607:4, 6608:22, 6609:21, & beetle [19]-6396:19, 6410:3, & 25, 6554:3, 6617:20, & 6529:13, 6551:20, \\
\hline 6610:1, 6610:13, 6615:14, & 9:13, 6479:23, 6480 & 6, 6618:9, 6620:17 & 6552:25, 6554:3, 6617:20 \\
\hline 6616:7, 6617:6, 6619:6, & 6480:7, 6480:13, 6480:19, & 6621:5, 6621:7, 6621:10, & 6618:6, 6618:9, 6620:17, \\
\hline
\end{tabular}

6621:5, 6621:7, 6621:10, 6621:21, 6622:3, 6622:24, 6623:17, 6623:25, 6624:9, 6624:15, 6626:19,
6649:19, 6649:20,
6649:25, 6653:10, 6654:2, 6654:15, 6655:19,
6656:17, 6675:6, 6676:21, 6677:6, 6679:5, 6680:1, 6681:9, 6681:20, 6682:3, 6682:14, 6682:23, 6683:9, 6683:20, 6685:13, 6686:1, 6687:3, 6688:11, 6688:24, 6694:8, 6712:21, 6718:24, 6720:15, 6721:21, 6722:1, 6722:6, 6722:20, 6723:5, 6723:9, 6724:7, 6726:25, 6727:5, 6727:8, 6727:16, 6727:20
Bell-Irving's [1] - 6723:18
belong [1] - 6403:2
belongs [1] - 6652:19
below [5] - 6381:1, 6552:13, 6552:16, 6560:22, 6561:4
benches [1] - 6663:5
beneficial [1] - 6671:14
benefit \([7]\) - 6530:3, 6530:9,
6540:13, 6576:25, 6577:7, 6675:9, 6700:1
benefits [1] - 6606:24
berry [1] - 6610:1
beside [1] - 6686:24
Best [4]-6392:5, 6392:16,
6418:16, 6427:13
best [20]-6393:18, 6396:17, 6441:23, 6486:5, 6530:14, 6539:23, 6549:9, 6550:18, 6555:2, 6560:22, 6561:4, 6572:2, 6580:4, 6609:2, 6613:18, 6635:5, 6679:9, 6689:19, 6722:5, 6729:11
BETH [10] - 6373:1, 6373:8, 6373:12, 6374:6, 6375:21, 6490:10, 6513:8, 6521:23, 6578:21, 6716:14
Beth [5] - 6370:14, 6493:5, 6522:7, 6718:24, 6727:1
better [16] - 6383:18, 6385:6,
6450:17, 6451:23, 6455:2, 6466:20, 6476:5, 6484:7, 6559:3, 6584:17, 6617:14, 6631:18, 6671:3, 6671:23, 6672:17, 6703:22
between [39]-6383:12, 6388:25, 6389:23, 6414:25, 6415:1, 6415:3, 6415:5, 6416:6, 6421:15, 6421:20, 6422:2, 6422:4, 6427:24, 6437:10, 6437:18, 6440:1, 6442:13, 6467:6, 6510:3, 6523:4, 6536:7, 6536:22, 6539:14,

6591:21, 6594:24,
6597:10, 6615:8, 6628:1, 6632:3, 6637:18, 6638:23, 6644:5, 6662:25, 6674:15, 6676:2, 6701:12, 6705:22, 6714:7, 6714:23
beyond [6] - 6382:7, 6450:7, 6507:10, 6514:17,
6523:17, 6682:22
big [11] - 6493:9, 6501:2,
6501:21, 6512:2, 6630:14, 6630:15, 6673:17, 6691:6, 6691:7, 6707:23, 6708:7
Big [16] - 6381:19, 6423:8, 6423:25, 6513:1, 6615:5, 6615:23, 6616:4, 6634:24, 6684:13, 6686:16, 6687:5, 6687:12, 6687:16,
6687:24, 6688:6, 6719:21
bigger [2] - 6631:16, 6697:17
Bighorn [9] - 6501:4,
6501:10, 6501:15, 6531:4, 6614:1, 6616:18, 6630:14, 6630:16, 6630:21
bilateral [4] - 6437:18,
6437:22, 6439:1, 6564:15
Bill [6] - 6369:4, 6377:5,
6484:21, 6567:14, 6627:4, 6628:22
binded [2] - 6704:15
Biny [3] - 6451:12, 6455:18, 6681:5
biogeoclimatic [5] 6390:11, 6476:7, 6637:10, 6637:24, 6648:23
biological [6] - 6486:1,
6560:6, 6568:22, 6572:12, 6572:19, 6579:1
biologically [1] - 6585:11 biologist [9] - 6465:7, 6525:10, 6528:6, 6562:11, 6586:4, 6600:8, 6600:9,
6606:8, 6626:21
Biologist [1] - 6585:5
biologists [1] - 6586:7
biology [1] - 6408:24
biophysical [1]-6389:4
biosolids [1] - 6409:25
Bird [4] - 6539:13, 6540:1, 6540:2
bird [18] - 6400:15, 6431:6, 6471:16, 6539:23,
6539:24, 6540:5, 6540:16, 6541:14, 6541:20,
6541:22, 6542:2, 6547:12, 6554:13, 6556:7, 6559:21, 6561:7, 6576:10
birds [39]-6397:12,
6398:13, 6414:10, 6427:4, 6477:2, 6535:20, 6536:24, 6537:13, 6539:18,

6540:23, 6542:7, 6542:19, 6543:14, 6543:24, 6544:3, 6546:8, 6546:23, 6546:25, 6547:5, 6548:4, 6548:16, 6551:2, 6554:12, 6554:22, 6556:10, 6556:14,
6558:21, 6560:1, 6560:10,
6567:3, 6568:23, 6575:3,
6576:4, 6576:13, 6576:18,
6576:21, 6578:24, 6582:8, 6582:23
Birds [8] - 6536:19, 6536:22,
6537:2, 6537:11, 6540:20,
6551:10, 6551:13, 6570:7
Bison [2] - 6630:14, 6630:15
bit [25] - 6416:16, 6432:5,
6438:25, 6441:14,
6479:15, 6490:13,
6497:14, 6521:18,
6524:12, 6530:3, 6560:22,
6564:1, 6579:18, 6592:16, 6598:20, 6602:11,
6614:13, 6648:4, 6662:24, 6664:23, 6675:25,
6686:10, 6703:8, 6703:22, 6725:17
black [8] - 6407:21, 6422:22, 6529:15, 6597:4, 6597:9,
6597:12, 6628:3, 6664:9
blackboard [1] - 6641:9
blasting [3] - 6647:21, 6647:24, 6720:25
block [6] - 6420:21, 6499:24, 6499:25, 6585:25, 6619:5, 6628:8
blockages [2]-6591:7,
6593:13
blocks [1] - 6494:8
blue [6] - 6390:17, 6407:24,
6418:20, 6420:3, 6544:16, 6568:24
blue-listed [1] - 6390:17
board [2] - 6445:4, 6562:1
boards [1] - 6629:14
boat [1] - 6626:24
Bob [2] - 6369:3, 6377:3
bodies [2]-6540:15,
6663:22
body [2] - 6548:12, 6605:17
books [2] - 6690:24, 6690:25
booming [1] - 6627:18
Borden [1] - 6669:19
border [1] - 6587:25
bore [2] - 6610:10, 6617:3
borne [1] - 6559:8
boss [1] - 6640:6
Botany [1] - 6637:13
bottom [7]-6418:22,
6419:10, 6650:6, 6672:3,
6712:25, 6717:20, 6717:21
bottoms [1] - 6590:16
boundaries [12]-6387:10, 6387:19, 6400:25, 6401:2, 6418:6, 6418:20, 6420:4, 6564:11, 6638:1, 6644:9, 6644:11, 6674:17
boundary [6] - 6414:15,
6419:6, 6487:21, 6641:1,
6642:10, 6683:17
bounty [1]-6622:5
bowl [1] - 6668:8
Branch [33]-6586:13, 6607:9, 6657:15, 6657:17, 6657:21, 6658:3, 6658:6, 6659:23, 6669:18, 6669:24, 6670:21, 6676:23, 6684:5, 6689:24, 6690:12, 6690:16,
6690:24, 6691:21,
6692:11, 6693:10,
6705:22, 6709:22,
6712:20, 6712:22,
6716:20, 6717:23, 6719:1, 6719:6, 6719:13, 6725:24, 6727:12, 6727:21
breach [1] - 6519:3
break [10]-6453:18,
6453:19, 6488:18, 6489:7, 6489:18, 6556:23, 6557:1, 6631:5, 6635:24, 6655:14
BREAK [5] - 6372:22,
6453:20, 6489:12, 6557:2, 6636:2
breaking [1] - 6728:6
breaks [1] - 6613:22
breed [2] - 6605:13, 6605:15
breeders [1] - 6546:10
breeding [48] - 6413:14,
6413:24, 6414:2, 6414:3,
6430:9, 6541:6, 6543:11,
6544:7, 6544:22, 6545:4,
6545:5, 6545:10, 6545:16,
6545:18, 6545:25, 6546:2, 6546:3, 6548:2, 6548:9,
6548:15, 6548:18,
6548:24, 6549:10,
6552:10, 6552:20,
6552:21, 6554:13,
6554:17, 6554:20, 6556:2, 6560:13, 6560:20,
6560:24, 6560:25, 6562:3, 6569:1, 6569:9, 6571:19,
6573:10, 6577:8, 6579:19, 6580:10, 6580:20,
6580:23, 6582:8, 6602:12
bridge [1] - 6596:9
brief [7] - 6397:16, 6513:14,
6530:6, 6562:21, 6579:11,
6701:2
BRIEF [3]-6453:20, 6557:2, 6636:2
briefly \([7]\) - 6380:9, 6402:21, 6402:23, 6414:11,

6538:13, 6669:12, 6670:24
bring [11] - 6442:14,
6504:13, 6537:22, 6613:9, 6618:2, 6638:22, 6642:4, 6646:16, 6647:4, 6669:1, 6692:7
bringing [1] - 6431:20
brings [1] - 6639:4
British [18] - 6368:23,
6382:18, 6409:11,
6409:12, 6481:13,
6481:15, 6551:5, 6584:24, 6585:5, 6589:9, 6637:6, 6637:16, 6639:1, 6643:19, 6650:17, 6657:9, 6678:14, 6729:4
Brittany [10] - 6579:17,
6581:5, 6614:24, 6619:16, 6626:14, 6640:16, 6641:1, 6641:4, 6643:5, 6644:8
broad [5] - 6381:18, 6467:23, 6474:4, 6580:1, 6595:17
broader [2]-6449:2,
6623:12
broadly [2] - 6558:22, 6561:19
broken [1] - 6666:4
brought [11] - 6442:7,
6500:10, 6524:17, 6558:4, 6566:3, 6623:9, 6673:4, 6709:8, 6717:11, 6717:14, 6717:17
brush [1] - 6599:13
BRYDEN [84]-6372:9,
6372:10, 6397:6, 6397:7, 6412:17, 6412:18, 6420:25, 6428:15, 6428:18, 6429:4, 6465:8, 6465:19, 6466:2, 6471:3, 6471:11, 6472:3, 6472:8, 6475:15, 6475:22, 6476:4, 6476:14, 6476:20,
6477:10, 6477:13,
6477:17, 6487:1, 6487:19, 6488:10, 6490:25, 6491:5, 6491:7, 6491:13, 6491:18, 6491:23, 6492:4, 6492:11, 6492:16, 6492:21, 6493:3, 6494:3, 6494:7, 6494:13, 6494:20, 6494:22, 6495:3, 6495:13, 6495:18,
6495:23, 6496:6, 6496:16, 6496:21, 6496:25, 6497:5, 6498:19, 6498:22, 6499:6, 6499:9, 6499:20, 6500:7, 6501:6, 6501:9, 6501:14, 6502:23, 6503:5, 6503:15, 6503:22, 6515:19, 6516:3, 6516:11, 6516:20, 6517:1, 6517:8, 6517:11, 6517:14, 6528:11, 6528:15, 6529:4, 6529:17, 6529:21,

6529:24, 6531:3, 6533:17, 6624:17, 6625:4
Bryden [5] - 6369:14, 6370:5, 6372:8, 6380:2, 6386:5
buffalo [1] - 6585:21
buffer [4]-6435:11, 6495:4, 6495:7, 6681:24
buffers [2] - 6494:23, 6495:1
build [8] - 6491:16, 6493:21,
6511:15, 6621:10, 6686:1,
6686:2, 6686:3, 6688:15
building [4] - 6464:17,
6464:20, 6510:4, 6511:13
built \([4]-6450: 8,6638: 19\), 6661:22, 6682:17
bulk [1] - 6644:25
bullet \({ }_{[1]}\) - 6562:25
bumps [1] - 6630:11
bunch [2] - 6613:15, 6613:23
Bureau [2] - 6637:17, 6639:21
burial \([7]\) - 6666:23, 6667:1, 6670:15, 6672:23, 6673:1, 6707:21, 6720:24
buried [1] - 6710:7
burn [1] - 6619:19
burned [2]-6619:16, 6712:11
burns [2] - 6619:19, 6619:21
bus [1] - 6527:22
bused [1] - 6527:24
bush [3]-6663:2, 6701:14, 6701:17
busier [1] - 6627:10
business [3] - 6520:6,
6549:7, 6572:2
busy \({ }^{[1]}\) - 6618:7
BY [162] - 6372:4, 6372:7, 6372:9, 6372:9, 6372:10, 6372:11, 6372:13,
6372:13, 6372:15,
6372:15, 6372:16,
6372:17, 6372:18,
6372:18, 6372:19,
6372:20, 6372:21, 6373:1,
6373:1, 6373:3, 6373:3,
6373:5, 6373:5, 6373:7,
6373:9, 6373:9, 6373:11,
6373:13, 6373:13,
6373:15, 6373:16,
6373:17, 6373:19,
6373:20, 6373:22,
6373:22, 6373:23,
6373:24, 6374:1, 6374:2,
6374:4, 6374:5, 6374:6,
6374:7, 6374:8, 6374:9,
6374:10, 6374:11,
6374:11, 6374:13,
6374:14, 6374:15,
6374:16, 6374:17,

6374:19, 6374:21, 6375:1, 6375:2, 6375:3, 6375:3,
6375:5, 6375:6, 6375:8,
6375:8, 6375:9, 6375:10,
6375:11, 6375:12,
6375:13, 6375:14,
6375:15, 6375:16,
6375:17, 6375:18,
6375:19, 6375:20,
6375:21, 6379:21, 6386:3,
6397:6, 6403:23, 6412:17,
6416:1, 6424:24, 6424:25,
6443:14, 6454:19,
6458:10, 6461:23,
6466:14, 6490:9, 6490:10,
6505:2, 6505:3, 6509:23,
6509:24, 6513:7, 6513:8,
6517:21, 6517:22,
6521:22, 6521:23, 6525:3,
6525:4, 6531:20, 6531:21, 6534:19, 6534:25,
6551:19, 6554:9, 6557:3,
6566:9, 6567:15, 6578:20,
6578:21, 6579:9, 6579:10,
6581:24, 6584:13,
6617:19, 6627:6, 6633:3,
6637:3, 6649:19, 6650:23,
6656:12, 6657:2, 6675:20, 6675:21, 6680:19,
6680:20, 6686:7, 6686:8,
6689:1, 6689:2, 6700:25,
6702:20, 6702:21, 6707:3,
6707:4, 6711:17, 6714:3,
6716:13, 6716:14
Cabinet [2] - 6538:23,
6553:10
cabins [6] - 6667:3, 6667:5,
6669:9, 6693:1, 6693:3, 6693:23
cache [22]-6665:12,
6665:15, 6665:16,
6665:23, 6666:12,
6666:16, 6668:11,
6671:16, 6674:1, 6674:11,
6674:12, 6678:23,
6697:21, 6698:11,
6698:12, 6708:6, 6710:8,
6711:25, 6712:1, 6712:7,
6712:9, 6712:12
Cache [2] - 6665:20, 6665:22
cadmium [5] - 6378:18,
6380:18, 6380:25, 6381:3, 6381:7
cairn [5] - 6666:20, 6666:24,
6673:9, 6699:13, 6715:7
calculation [2] - 6475:5,
6475:13
California [5] - 6501:4,
6501:10, 6501:15,
6588:18, 6616:18
calving [1] - 6496:8
camp [1] - 6626:13

CANADA [34] - 6369:15,
6372:13, 6373:16,
6373:17, 6373:19,
6373:20, 6373:22,
6373:23, 6374:1, 6374:3,
6374:4, 6374:5, 6374:7,
6374:9, 6374:10, 6374:15, 6375:12, 6375:18,
6424:24, 6531:20,
6534:19, 6534:25,
6551:19, 6554:9, 6557:3,
6566:9, 6567:15, 6578:20, 6579:9, 6581:24, 6633:3,
6700:25, 6711:17
Canada [84]-6369:16,
6369:16, 6369:17, 6370:6, 6370:21, 6370:23, 6370:23, 6370:24, 6371:3, 6371:15, 6377:10, 6377:12, 6377:17, 6378:24, 6382:19, 6383:1, 6383:16, 6385:18,
6411:18, 6411:21,
6424:19, 6424:20, 6425:2, 6425:23, 6437:16,
6437:18, 6438:1, 6440:14, 6440:19, 6444:24, 6444:25, 6445:24, 6452:11, 6459:1, 6466:18, 6467:1, 6467:6, 6478:17, 6488:21, 6488:22, 6489:3, 6489:25, 6531:17,
6531:22, 6534:18,
6535:10, 6535:19,
6535:23, 6536:20,
6536:22, 6537:10, 6538:9, 6539:15, 6541:13, 6543:9, 6543:20, 6550:24, 6554:7, 6555:8, 6555:22, 6556:25, 6562:19, 6563:2, 6563:21, 6564:20, 6566:3, 6566:11, 6569:13, 6570:13,
6578:12, 6581:22, 6627:1, 6633:2, 6633:5, 6633:10, 6635:14, 6647:23,
6700:23, 6701:3, 6705:19, 6711:12, 6711:21, 6729:5
Canada's [8] - 6427:22,
6440:20, 6535:25,
6538:14, 6538:19,
6540:21, 6551:11, 6708:12
Canada.. [1] - 6562:24
Canadian [33]-6411:18,
6412:16, 6412:19,
6413:19, 6414:4, 6425:2,
6437:11, 6467:16,
6474:11, 6474:12,
6474:17, 6535:9, 6536:3,
6537:24, 6540:3, 6540:7,
6540:13, 6540:17,
6541:18, 6544:6, 6544:13,
6546:15, 6547:7, 6550:4,
\begin{tabular}{|c|}
\hline 6553:19, 6557:12, 6568:4, 6569:13, 6583:7, 6585:21, 6616:24, 6631:23, 6668:18 \\
\hline ```
CANADIAN [3] - 6368:3,
    6368:8, 6369:6
cancelled [1] - 6631:20
cannot [6] - 6495:15, 6537:8,
    6598:20, 6599:25,
    6651:24, 6722:8
canoe [1] - 6702:7
``` \\
\hline ```
Canoe [5] - 6489:2, 6489:22,
    6490:5, 6578:16, 6635:10
Canyon [1] - 6503:19
capabilities [1] - 6429:23
capability [25] - 6387:1,
    6387:5, 6388:14, 6390:2,
    6407:10, 6407:13,
    6407:15, 6407:18,
    6407:20, 6407:23, 6408:1,
    6408:3, 6409:18, 6409:21,
    6422:18, 6422:24,
    6423:17, 6423:23,
    6428:11, 6428:19,
    6428:21, 6429:2, 6429:7,
    6429:11
``` \\
\hline ```
Capacity [2] - 6369:18,
    6371:4
capacity \({ }_{[1]}\) - 6451:1
capping \({ }_{[1]}\) - 6482:1
capture [1] - 6546:9
captured [2] - 6622:16,
    6701:23
carbon [4]-6671:22,
    6705:16, 6705:17, 6705:25
care [2] - 6584:16, 6675:1
careful [2] - 6602:21,
    6630:25
carefully \({ }^{[1]}\) - 6643:15
Caretaker [3] - 6600:14,
    6607:17, 6613:21
``` \\
\hline \[
\begin{aligned}
& \text { Cariboo [10] - 6376:7, } \\
& \text { 6489:4, 6490:1, 6507:22, } \\
& 6532: 16,6534: 10,6541: 3, \\
& 6544: 23,6584: 3,6635: 15
\end{aligned}
\] \\
\hline \[
\begin{aligned}
& \text { Cariboo-Chilcotin [9]- } \\
& \text { 6376:7, 6489:4, 6490:1, } \\
& \text { 6532:16, 6534:10, 6541:3, } \\
& \text { 6544:23, 6584:3, 6635:15 }
\end{aligned}
\] \\
\hline Carnivores [1] - 6595:21 carnivores [4] - 6441:11, 6598:6, 6598:11, 6598:25 \\
\hline \[
\begin{gathered}
\text { Carolyn }[1]-6369: 9 \\
\text { carried }[3]-6505: 25, \\
6538: 23,6638: 21
\end{gathered}
\] \\
\hline ```
Carrier [1] - 6703:20
carry [1] - 6707:9
carrying [2] - 6416:16,
    6480:9
``` \\
\hline Cascade [1] - 6632:11 Cascades [4] - 6587:17, 6588:20, 6608:10, 6631:19 \\
\hline
\end{tabular}

6553:19, 6557:12, 6568:4, 6569:13, 6583:7, 6585:21,
6616:24, 6631:23, 6668:18
ANADIAN [3] - 6368:3
6368:8, 6369:6
cancelled [1] - 6631:20
cannot [6] - 6495:15, 6537:8,
598:20, 6599:25,
canoe [1] - 6702:7
Canoe [5] - 6489:2, 6489:22, 6490:5, 6578:16, 6635:10
Canyon [1] - 6503:19
capabilities [1] - 6429:23
pability [25] - 6387:1 6407:10, 6407:13,
6407:15, 6407:18 6407:20, 6407:23, 6408:1, 6408:3, 6409:18, 6409:21,
6422:18, 6422:24
6423:17, 6423:23,

6428:21, 6429:2, 6429:7, 6429:11
Capacity [2] - 6369:18, 6371:4
capacity [1] - 6451:1
capping [1] - 6482:1
captured [2]-6622:16,
6701:23
rbon [4] - 6671.22, 6705:16, 6705:17, 6705:25
care [2] - 6584:16, 6675:1
careful [2] - 6602:21,
6630:25
carefully [1] - 6643:15
Caretaker [3] - 6600:14,
6607:17, 6613:21

6489:4, 6490:1, 6507:22, 6532:16, 6534:10, 6541:3,
6544:23, 6584:3, 6635:15
Cariboo-Chilcotin [9] 6376:7, 6489:4, 6490:1, 6532:16, 6534:10, 6541:3
\(65123,6584: 3,663: 15\)
carnivores [4] - 6441:11,
6598:6, 6598:11, 6598:25
Carolyn [1] - 6369:9
carried [3] - 6505:25,
6538.23, 6638.21
carry [1] - 6707:9
carrying [2]-6416:16,
Cascade [1] - 6632:11
Cascades [4]-6587:17, 6588:20, 6608:10, 6631:19

Case [2] - 6450:23, 6586:8 case [60] - 6382:23, 6385:7, 6414:15, 6414:18, 6414:23, 6415:3, 6415:17, 6415:19, 6422:4, 6422:9, 6422:20, 6432:18, 6435:4, 6435:11, 6435:13,
6435:15, 6435:19
6436:24, 6436:25
6443:23, 6443:24
6444:10, 6445:3, 6447:21,
6449:5, 6449:16, 6454:15,
6481:17, 6482:4, 6515:9,
6553:18, 6553:24,
6556:15, 6557:9, 6562:20,
6565:10, 6566:13,
6596:22, 6604:6, 6645:18, 6660:19, 6666:9, 6669:23,
6679:12, 6681:13, 6688:2, 6689:25, 6690:4, 6691:12, 6693:11, 6693:18,
6695:21, 6696:17,
6696:23, 6697:4, 6702:9,
6712:10, 6712:11, 6715:8, 6725:7
cases [7] - 6477:2, 6479:21, 6659:3, 6666:8, 6689:22,
6693:14, 6715:23
catalogue [1] - 6571:9
catalogued [1] - 6669:16
catch [2] - 6444:14, 6651:23
cattle [11] - 6500:13,
6500:14, 6500:17,
6500:23, 6501:2, 6608:6,
6725:10, 6725:11,
6725:15, 6725:16, 6725:18
Cattle [1] - 6500:25
caught [1] - 6701:21
caused [5] - 6397:20,
6591:8, 6594:20, 6599:22, 6608:14
causes [1] - 6600:3
causing [2] - 6593:4,
6622:19
cautious [2] - 6521:6,
6642:14
CCME [1] - 6412:8
CCR [1] - 6371:22
CEAA [4] - 6369:6, 6474:24, 6538:1, 6539:8
CEAR [1] - 6487:11
centimetre [1] - 6694:16
centimetres [1] - 6663:12
Central \({ }_{[2]}\) - 6423:18,
6547:15
centre [2] - 6483:14, 6500:22
ceremonial [2]-6512:1, 6512:22
ceremony [1] - 6376:17
certain [11] - 6445:13,
6451:14, 6492:22, 6537:3,

6576:21, 6592:2, 6593:19, 6601:2, 6668:2, 6685:20, 6712:4
certainly [49] - 6430:3,
6431:15, 6443:2, 6443:25,
6448:6, 6449:24, 6450:1, 6450:5, 6453:8, 6457:23,
6462:24, 6480:9, 6480:16,
6481:6, 6482:6, 6521:17,
6521:19, 6524:21,
6526:13, 6532:22, 6555:5, 6559:13, 6568:20,
6586:25, 6604:24, 6628:6, 6628:11, 6631:17, 6637:2, 6653:4, 6656:7, 6668:19,
6680:11, 6681:11, 6683:9, 6692:7, 6692:14, 6692:22, 6694:10, 6697:24,
6702:10, 6718:13,
6718:19, 6720:1, 6720:16,
6722:2, 6722:7, 6722:8,
6728:3
Certainly [3] - 6442:24, 6479:21, 6553:9
Certificate [9]-6391:24,
6398:25, 6413:8, 6425:19, 6467:10, 6474:5, 6474:6,
6712:23, 6716:19
CERTIFICATION [1] - 6729:1
certify [1] - 6729:5
cetera [5] - 6465:25, 6494:9, 6571:4, 6585:19, 6586:6
chain [1] - 6556:1
Chair [15] - 6369:3, 6377:3,
6379:22, 6458:12, 6461:1,
6478:21, 6482:23, 6505:4,
6509:20, 6524:16,
6531:19, 6628:23,
6651:16, 6655:19, 6727:6
CHAIRMA \({ }^{[1]}\) - 6727:2
CHAIRMAN [149] - 6374:19, 6376:2, 6385:4, 6419:12,
6419:21, 6424:14,
6425:21, 6434:21,
6434:25, 6443:5, 6453:15, 6453:21, 6458:8, 6460:19, 6461:19, 6462:1, 6462:25, 6466:9, 6472:13, 6478:4, 6478:14, 6479:4, 6479:9,
6480:20, 6481:11, 6482:2, 6482:14, 6482:25,
6483:22, 6484:2, 6484:14, 6484:19, 6487:9, 6488:14, 6489:15, 6504:25, 6508:2, 6509:21, 6513:6, 6513:11, 6517:16, 6517:20, 6521:7, 6521:13, 6521:17, 6524:5, 6524:24, 6525:6, 6525:18, 6527:18, 6530:5, 6530:8, 6531:15, 6534:9, 6534:23, 6551:15, 6554:4, 6556:17, 6557:4, 6558:5, 6559:1,

6559:9, 6560:11, 6561:12 6562:2, 6562:15, 6564:13, 6565:9, 6565:18, 6566:6, 6567:11, 6572:6, 6578:7, 6578:11, 6579:7, 6579:13, 6581:15, 6581:22, 6583:25, 6584:16, 6584:18, 6588:8, 6617:10 6617:17, 6626:20, 6626:23, 6627:7, 6628:22, 6632:24, 6633:6, 6635:8, 6635:24, 6636:3, 6636:22, 6637:2, 6642:24, 6643:4, 6643:11, 6643:16,
6643:20, 6644:1, 6644:13, 6644:20, 6646:5, 6646:9, 6647:17, 6649:12, 6649:23, 6650:15, 6650:23, 6650:24, 6652:10, 6652:20, 6653:3, 6653:13, 6653:18,
6653:21, 6654:18, 6655:1, 6655:6, 6655:9, 6655:17, 6656:6, 6675:11, 6680:16, 6684:11, 6684:23, 6685:2, 6685:4, 6685:7, 6688:18, 6700:19, 6702:14,
6706:24, 6707:25, 6711:6, 6711:15, 6713:25, 6716:7, 6719:15, 6720:10,
6722:10, 6723:16,
6723:21, 6726:9, 6726:13,
6726:16, 6727:7, 6727:24
Chairman [17] - 6380:6,
6384:9, 6384:24, 6385:23, 6466:15, 6508:9, 6525:7,
6527:21, 6531:13, 6535:2, 6551:20, 6567:17,
6579:12, 6617:20,
6649:20, 6653:10, 6675:6
chairs [1] - 6656:17
challenge [2] - 6558:11,
6575:11
challenged [1] - 6430:14
challenges [5] - 6546:6,
6549:13, 6568:22,
6569:11, 6577:2
Chamber [5] - 6489:5, 6490:2, 6534:13, 6584:4, 6635:17
chance [2] - 6712:8, 6726:5
chances [1] - 6659:2
change [13] - 6456:21, 6457:5, 6482:10, 6508:4, 6508:20, 6543:3, 6547:18, 6597:24, 6610:25, 6611:8, 6617:12, 6637:12, 6722:13
Change [1] - 6609:4 changed [5] - 6519:17,
6617:12, 6651:24,
6672:12, 6675:3
changes [12]-6384:19,

6388:17, 6401:19,
6422:24, 6435:13,
6447:13, 6471:13,
6508:17, 6515:23, 6574:9, 6593:11
channel [2] - 6683:1, 6683:2
channels [2]-6682:15,
6684:15
character [1] - 6567:10
characteristic [1] - 6720:17
characteristics [2] - 6388:7, 6493:20
characterization [3] -
6394:24, 6401:24, 6507:8
characterize [4] - 6397:9,
6397:15, 6421:7, 6499:18
characterized [4] - 6441:24,
6447:9, 6448:22, 6683:24
characterizing [2] - 6383:5,
6476:2
Charles [4] - 6370:24,
6437:6, 6440:13, 6566:10
CHARLES [2] - 6374:2,
6566:9
charred [2]-6666:4
check [13]-6434:14,
6446:15, 6488:22,
6526:14, 6562:24,
6570:10, 6578:12,
6632:25, 6635:9, 6642:2,
6642:9, 6685:14, 6725:25
checked [2] - 6619:20,
6645:7
checking [2] - 6638:1,
6716:8
chemical [1]-6486:2
chemicals [2] - 6485:19,
6485:20
chemistry [1] - 6567:10
CHIEF [36] - 6372:15,
6375:4, 6375:8, 6375:14,
6375:16, 6443:14,
6443:16, 6446:14,
6446:17, 6446:19,
6449:12, 6450:19,
6453:14, 6675:21,
6675:22, 6677:4, 6677:13,
6678:16, 6679:22,
6680:15, 6686:8, 6686:9,
6687:19, 6688:16,
6702:21, 6702:22, 6707:4, 6707:5, 6708:3, 6708:10, 6708:23, 6708:25, 6710:5, 6710:20, 6711:2, 6711:5
Chief [25] - 6370:8, 6371:12, 6371:13, 6376:8, 6443:13,
6446:11, 6449:23,
6452:22, 6453:15,
6454:22, 6675:18, 6680:1, 6680:16, 6687:3, 6688:11, 6702:15, 6702:17,

6702:19, 6702:23,
6704:24, 6706:24, 6707:1,
6715:21, 6724:16
Chiefs [1] - 6535:3
Chilcotin [33]-6376:7,
6463:20, 6486:18, 6489:4, 6490:1, 6532:16, 6534:10, 6541:3, 6544:11, 6544:16, 6544:23, 6551:23,
6552:12, 6552:13,
6560:19, 6583:10, 6584:3,
6585:2, 6585:22, 6585:25,
6587:24, 6589:5, 6589:12,
6589:22, 6590:6, 6591:10,
6594:23, 6602:14, 6611:2,
6635:15, 6637:23,
6648:12, 6696:3
Chilko [3] - 6381:20,
6463:19, 6705:20
chip [1] - 6612:25
Chipman [3]-6484:24,
6500:10, 6523:21
choose [1] - 6579:23
choosing [1] - 6676:6
chose [5] - 6451:3, 6496:12,
6496:25, 6501:17, 6579:21
chosen [1] - 6381:18
Chugach [1] - 6605:21
Churn [1] - 6512:23
CIJV [3] - 6540:24, 6560:24, 6561:23
Cindy [5] - 6444:4, 6449:14, 6450:2, 6504:8, 6504:13
circle [1] - 6603:25
circumstance [2]-6639:2, 6642:17
circumstances [2] - 6691:19, 6691:20
cited [1] - 6557:22
citizen [1] - 6616:24
Citizens [1] - 6376:6
claim [1] - 6383:13
claimant's [1] -6383:10
claimed [2] - 6383:5, 6383:8
claims [1] - 6610:12
clarification [13] - 6379:12,
6385:9, 6436:6, 6458:1,
6484:20, 6532:4, 6543:6,
6565:19, 6617:22,
6620:18, 6624:16, 6625:5, 6650:25
clarifications [1] - 6531:23
clarified [1] - 6623:2
clarify [12] - 6426:18,
6459:11, 6463:1, 6467:5,
6488:4, 6497:13, 6567:12,
6582:3, 6618:21, 6649:21,
6684:11, 6718:24
clarifying [2] - 6459:9,
6635:7
clarity [12] - 6419:6, 6428:13,

6432:9, 6432:16, 6432:17, 6434:20, 6437:2, 6547:6,
6554:15, 6574:4, 6574:5, 6575:6
classification [3] - 6637:10,
6637:25, 6638:2
clay \({ }_{[1]}\) - 6668:16
clear [18]-6433:12, 6433:18,
6473:24, 6480:14,
6484:15, 6487:3, 6511:10,
6579:22, 6597:20, 6664:7,
6681:5, 6684:24, 6686:10,
6687:4, 6689:3, 6708:25,
6723:22
clearcut [4]-6417:2,
6420:12, 6420:13, 6645:22
clearcuts [1] - 6510:11
clearcutting \({ }_{[1]}\) - 6610:20
Cleared [1] - 6491:16
cleared [6] - 6417:16,
6419:24, 6480:11,
6491:15, 6702:7, 6702:8
clearer [1] - 6671:23
clearing [24]-6391:14,
6391:17, 6391:19,
6396:15, 6398:1, 6398:11,
6416:24, 6418:3, 6418:6,
6418:8, 6418:25, 6420:20,
6481:1, 6481:2, 6481:6,
6482:16, 6483:2, 6483:23,
6484:3, 6484:9, 6484:11,
6484:25, 6491:24, 6492:1
Clearing [3]-6482:19,
6483:4, 6491:18
clearly [4] - 6405:21, 6418:7,
6419:7, 6552:21
climate [5] - 6542:2,
6547:18, 6610:25,
6617:12, 6637:12
Climate [2] - 6609:4, 6611:8
climatic [1] - 6532:10
close [8]-6489:8, 6489:9,
6534:5, 6600:19, 6608:20,
6637:11, 6649:16, 6727:3
closed [2] - 6598:1, 6599:24
closely [1] - 6402:13
closing [1] - 6593:2
closure [31] - 6381:7,
6388:1, 6388:3, 6388:4, 6388:6, 6393:5, 6393:7,
6401:21, 6403:13,
6408:18, 6413:5, 6413:25,
6414:22, 6415:3, 6415:6,
6415:20, 6415:22,
6432:14, 6432:24,
6433:18, 6434:8, 6434:13, 6435:5, 6435:16, 6435:21,
6436:14, 6477:9, 6477:16,
6477:25, 6543:3, 6607:19
clusters [1] - 6587:16
CMT [1] - 6667:17

CMT's [1] - 6669:2
CMTs [3] - 6669:2, 6669:9, 6671:19
co [3] - 6473:17, 6639:24, 6641:12
co-op [2] - 6639:24, 6641:12
co-operatively [1] - 6473:17
Coast [1] - 6382:22
coast [2] - 6593:16, 6596:14
Coastal [1] - 6585:18
coastal [4] - 6586:14,
6587:14, 6589:6, 6668:16
code [1] - 6669:19
Code [1] - 6440:20
coffee [2] - 6640:19, 6706:16
Colette [1] - 6369:7
collaboration [2] - 6512:10, 6544:14
collapse [2] - 6492:25,
6493:16
collared [4] - 6593:17, 6602:1, 6604:12, 6605:1
collars [1] - 6606:4
colleague [2]-6437:6, 6566:3
colleagues [3] - 6438:5, 6565:22, 6711:14
collected [4]-6412:7, 6659:22, 6710:14, 6717:21
collecting [1] - 6555:3
collection [5] - 6387:14, 6390:4, 6397:8, 6679:16, 6679:20
collectively [2] - 6389:9, 6526:19
Colleen [19] - 6369:14, 6370:5, 6372:8, 6380:2, 6380:3, 6386:1, 6386:5, 6386:6, 6397:4, 6412:15, 6420:23, 6498:15, 6514:16, 6514:20, 6515:14, 6533:16, 6617:22, 6623:18, 6624:15
COLLEEN [4] - 6372:9, 6372:10, 6397:6, 6412:17 collisions [8] - 6398:19, 6399:25, 6526:9, 6591:20, 6607:2, 6613:3, 6614:14, 6623:11
colour [2] - 6551:25, 6603:17
colours [1] - 6603:18
Columbia [17] - 6368:23, 6382:18, 6409:11, 6409:13, 6481:14, 6481:15, 6551:5, 6584:25, 6585:5, 6589:9, 6637:6, 6637:16, 6639:1, 6643:19, 6650:18, 6657:9, 6729:4
Columbians [1] - 6678:14
column [1] - 6463:6
combination [3]-6536:14,

\begin{tabular}{|c|c|c|c|}
\hline ```
    6457:19, 6486:10,
    6486:24, 6557:13,
    6557:14, 6557:16, 6576:9,
    6586:21, 6587:22, 6645:25
conclusions [5] - 6449:11,
    6455:10, 6457:17, 6504:6,
    6645:15
concurrence [2] - 6428:6,
    6549:14
condition [1] - 6677:9
conditions [10] - 6388:17,
    6397:9, 6397:15, 6397:16,
    6406:18, 6469:9, 6499:10,
    6537:4, 6569:8, 6613:12
condone [1] - 6563:3
conduct [6] - 6470:6, 6519:4,
    6658:12, 6695:9, 6703:4,
    6705:1
conducted [17] - 6397:13,
    6407:3, 6412:12, 6546:9,
    6548:1, 6560:15, 6571:18,
    6657:5, 6657:18, 6657:19,
    6658:15, 6658:19,
    6660:21, 6661:3, 6661:9,
    6703:13, 6712:17
conducting [4] - 6471:1,
    6661:7, 6723:3, 6724:3
confer [1] - 6538:3
conferred [2]-6711:14,
    6711:20
confidence [8] - 6395:7,
    6402:1, 6428:7, 6568:11,
    6572:25, 6645:9, 6701:23,
    6715:17
confident [5] - 6518:12,
    6570:2, 6673:11, 6674:4,
    6701:19
confirm [9] - 6437:2,
    6483:23, 6650:20, 6681:7,
    6681:9, 6685:14, 6698:3,
    6698:5, 6700:11
confirmation [1] - 6573:24
confirmed [1] - 6387:8
conflict [2] - 6594:25, 6661:5
conflicts [3] - 6440:1,
    6600:16, 6608:6
confluence [4] - 6382:3,
    6682:13, 6682:15, 6684:16
confluences [1] - 6683:3
confound [1] - 6575:14
confrontational [1] - 6638:7
confused [1] - 6434:22
confusion [2]-6459:1,
    6459:11
coniferous [1] - 6407:2
conjunction [1] - 6625:14
connection [2]-6404:6,
    6405:9
Connects [1] - 6615:24
Connelly [3] - 6369:3,
6377:3, 6485:15
``` & ```
consecutive [1] - 6604:17
consensus [1] - 6475:18
consequence [5] - 6435:7,
    6537:23, 6568:11,
    6572:22, 6577:1
Consequences [1] - 6403:10
consequences [1] - 6525:23
consequently [4] - 6545:20,
    6565:16, 6574:9, 6577:7
conservancy [1] - 6590:21
Conservancy [1] - 6423:20
conservation [29] - 6387:4,
    6395:17, 6397:19, 6403:3,
    6411:20, 6473:17,
    6473:20, 6502:4, 6538:19,
    6540:9, 6541:14, 6541:20,
    6541:21, 6547:12,
    6558:23, 6561:19, 6572:1,
    6573:11, 6585:13, 6586:7,
    6586:11, 6587:10, 6589:8,
    6589:16, 6590:2, 6590:10,
    6590:21, 6600:8, 6631:17
Conservation [16] - 6538:17,
    6539:13, 6553:4, 6585:1,
    6657:13, 6657:14,
    6657:20, 6667:10, 6678:6,
    6690:18, 6693:9, 6709:13,
    6710:3, 6713:13, 6713:18,
    6713:21
conservative [4] - 6545:12,
    6546:5, 6560:14, 6580:7
conservatively [1] - 6634:5
conserving [1] - 6536:23
consider [21] - 6426:23,
    6439:21, 6441:2, 6456:9,
    6458:1, 6458:5, 6466:4,
    6486:24, 6504:24,
    6509:10, 6513:23,
    6518:16, 6526:6, 6534:1,
    6547:23, 6573:23,
    6576:12, 6580:7, 6597:11,
    6604:19, 6715:9
considerable [2] - 6469:22,
    6526:1
considerably [1] - 6696:13
Consideration [1] - 6570:16
consideration [15] - 6430:11,
    6464:7, 6478:18, 6481:9,
    6486:6, 6518:6, 6519:19,
    6524:11, 6533:4, 6538:2,
    6548:21, 6549:5, 6564:23,
    6566:4, 6568:20
Considerations [1] -
    6395:16
considerations \({ }_{[7]}\) -
    6402:11, 6413:10,
    6519:11, 6537:21,
    6559:23, 6560:6, 6583:5
considered [26] - 6382:24,
6383:14, 6383:20,
6412:25, 6429:24, 6439:8,
``` & \begin{tabular}{l}
6441:2, 6492:5, 6496:9, 6496:13, 6501:18, 6516:6, 6526:15, 6536:9, 6589:10, 6598:17, 6604:8, 6606:18, 6611:9, 6647:9, 6647:22, 6665:8, 6691:10, 6693:6, 6718:14, 6718:19 considering [13] - 6383:3, 6443:3, 6473:9, 6473:24, 6474:1, 6474:3, 6474:10, 6507:22, 6530:16, 6532:10, 6571:17, 6620:25, 6711:2 \\
consistent [5] - 6400:13, 6424:16, 6539:7, 6551:10, 6618:14 \\
Constitution [2] - 6444:24, 6444:25 \\
constitutional [2] - 6508:17, 6508:23 \\
constraint [1] - 6651:17 \\
construct [2] - 6400:12, 6682:7 \\
constructed [1] - 6682:17 construction [13] - 6387:24, 6392:16, 6392:23, 6394:1, 6394:3, 6394:5, 6396:14, 6478:10, 6606:10, 6632:15, 6679:13, 6682:6, 6684:25 \\
Construction [1] - 6404:11 constructive [1] - 6638:12 consult [3] - 6518:17, 6646:21, 6651:14 \\
consultant \({ }_{[1]}\) - 6624:3 consultants [6] - 6459:10, 6459:13, 6460:1, 6461:5, 6510:10, 6650:4 \\
Consultation [1] - 6513:13 consultation [7] - 6387:8, 6497:7, 6497:25, 6513:16, 6534:5, 6565:4, 6724:13 consultations [1] - 6514:7 consulting [2] - 6656:18, 6706:14 \\
CONSULTING [1] - 6374:24 Consulting [10] - 6369:14, 6369:14, 6369:23, 6370:4, 6370:5, 6371:9, 6380:2, 6654:8, 6656:15, 6656:24 contact [8] - 6377:1, 6383:10, 6383:12, 6383:23, 6445:11, 6672:19, 6691:20, 6700:8 contacted [1] - 6695:8 contain [2] - 6427:15, 6671:21 \\
contained [1] - 6404:8 contains [1] - 6670:15 contaminant [1] - 6686:12 contaminants [1] - 6686:15
\end{tabular} & ```
contaminated [4] - 6686:23
    6687:2, 6687:24, 6688:7
contamination [3] - 6398:7,
    6405:1, 6686:18
contemplate [1] - 6494:6
contemporary [1] - 6383:13
content [1] - 6665:20
context [45] - 6387:16,
    6395:6, 6396:2, 6396:20,
    6402:1, 6402:16, 6409:11,
    6411:1, 6413:1, 6413:16,
    6438:4, 6439:2, 6441:14,
    6449:1, 6449:2, 6449:3,
    6450:12, 6467:13,
    6467:19, 6479:14,
    6479:16, 6479:17,
    6479:23, 6520:2, 6522:14
    6525:25, 6530:8, 6530:11
    6535:18, 6535:22, 6548:9
    6548:24, 6552:1, 6552:17
    6553:7, 6559:4, 6560:17,
    6563:6, 6563:20, 6564:15,
    6575:7, 6583:8, 6623:3,
    6623:5, 6623:12
contexts [2]-6387:18,
    6553:13
continental [1] - 6589:19
contingent [1] - 6572:25
continual [1] - 6692:15
continuation [2] - 6693:22,
    6728:1
continue [7] - 6450:10,
    6450:17, 6453:25,
    6489:19, 6542:19, 6651:8,
    6688:19
CONTINUED [2] - 6372:11,
    6412:17
continues [4] - 6429:22,
    6442:9, 6442:10, 6662:11
CONTINUING [4] - 6372:10,
    6372:12, 6403:23, 6416:1
continuing [2] - 6474:22,
    6524:2
continuity [1] - 6383:12
continuous [2] - 6620:21,
    6621:2
contracted [1] - 6510:10
contracts [2] - 6569:19,
    6570:4
contrasted [1] - 6384:6
contribution [3] - 6379:7,
    6380:12, 6396:25
contributions [1] - 6403:21
Control [1] - 6405:10
control [9] - 6393:4,
    6399:20, 6472:20,
    6485:25, 6527:13,
    6527:14, 6575:13,
    6606:23, 6630:25
controlled [3] - 6659:17,
    6670:25, 6671:9
``` \\
\hline
\end{tabular}
controls [1] - 6526:22
Convention [8] - 6536:20, 6536:22, 6537:2, 6537:11, 6540:20, 6551:10,
6551:13, 6570:8
convey [1] - 6644:3
convinced [1] - 6620:13
cooperation [3] - 6423:20,
6680:8, 6680:14
coordinated [1] - 6539:19
coordinating [1] - 6539:22
copper [2] - 6378:19, 6610:14
COPPER [1] - 6368:2
copy [2] - 6624:24, 6640:24
Coral [3]-6369:16, 6370:23, 6534:22
CORAL [1] - 6373:18
core [6] - 6589:23, 6592:20,
6592:21, 6603:15,
6631:15, 6632:1
corner [1] - 6650:7
corners [1] - 6629:14
cornerstone [1] - 6569:17
corrals [1] - 6667:4
Correct [4] - 6491:5,
6492:21, 6682:2, 6685:4
correct [37] - 6385:6, 6426:1, 6435:10, 6439:11, 6446:18, 6459:8, 6461:21, 6463:3, 6463:4, 6470:7, 6470:8, 6470:13, 6478:13, 6479:8, 6483:24, 6484:1, 6484:18, 6487:20, 6490:19, 6490:25, 6502:23, 6514:21, 6527:5, 6532:2, 6579:5, 6627:16, 6643:2, 6643:4, 6643:23, 6681:19, 6682:13,
6683:21, 6684:17, 6690:11, 6694:12, 6699:9, 6729:10
corrected [2] - 6498:17,
6621:15
correcting [1] - 6643:22
correction [1] - 6416:5
correctly [8] - 6425:22, 6428:25, 6460:22, 6461:20, 6472:4, 6559:2, 6571:17, 6722:18
correlation [1] - 6627:21
correspond [1] - 6472:10
correspondence [2] -
6468:2, 6573:21
corridor [26] - 6393:15,
6396:10, 6406:1, 6415:25, 6416:4, 6420:16, 6464:13, 6465:20, 6470:4, 6480:12, 6480:25, 6501:13,
6502:24, 6503:11, 6515:3, 6519:18, 6532:11,

6542:25, 6599:8, 6620:9,
6620:21, 6621:18,
6629:21, 6634:15,
6660:12, 6661:7
corridors [8]-6485:7,
6502:18, 6503:2, 6503:3,
6518:5, 6528:25, 6529:8, 6591:7
cost [5] - 6546:11, 6546:14, 6550:11, 6550:17, 6571:23
cost-effective [1] - 6546:14 costing [1] - 6405:20
costs [6] - 6530:18, 6530:19,
6550:13, 6559:8, 6572:3,
6582:21
couched [1] - 6483:12
cougar [1] - 6485:4
Council [1] - 6724:17
COUNCILLOR [9] - 6373:9,
6517:22, 6517:23,
6518:10, 6518:21, 6519:2,
6520:4, 6521:9, 6521:15
Councillor [6] - 6370:18,
6517:18, 6518:8, 6519:21, 6521:8, 6521:13
counsel [1]-6505:5
count [3] - 6460:15, 6624:8, 6624:11
counted [1] - 6725:21
counting [4] - 6579:19,
6621:25, 6622:2, 6636:20
country [1] - 6561:22
Country [1] - 6450:13
counts [3] - 6542:5, 6611:22, 6612:7
couple [13]-6513:9, 6525:10, 6533:1, 6558:6, 6572:7, 6596:15, 6631:20, 6648:11, 6665:21, 6689:18, 6697:15,
6698:23, 6711:22
Couple [1] - 6667:5
course [24] - 6379:11,
6428:21, 6455:1, 6460:20, 6464:17, 6468:16, 6469:10, 6476:4, 6477:3, 6504:9, 6510:22, 6562:3, 6570:12, 6606:24, 6640:7, 6682:18, 6707:8, 6707:14, 6709:7, 6709:8, 6709:10, 6710:5, 6719:2, 6726:14 court [2]-6566:13, 6697:4
COURT [1] - 6371:20
Court [8] - 6382:18, 6382:24, 6383:1, 6383:3, 6383:14, 6383:16, 6445:3, 6445:4 cousins [1] - 6611:15 cover [4] - 6389:9, 6408:20, 6656:1, 6658:23
coverage [7] - 6662:16,
6664:1, 6664:10, 6664:11,

6664:16, 6664:21, 6696:25
covered [7]-6397:11,
6435:15, 6619:17,
6664:17, 6683:6, 6710:9,
6710:18
covering [2] - 6649:13, 6690:8
covers [1] - 6708:19
cracked [1] - 6666:3
Craighead [6] - 6584:25,
6586:12, 6589:17,
6623:19, 6623:23, 6632:1
crane [2] - 6568:24, 6580:15
cranes [2]-6580:10,
6580:12
create [3]-6433:9, 6569:2,
6619:1
created [2] - 6459:11,
6528:24
creating [1] - 6464:14
creation [1] - 6398:4
credible [1] - 6704:11
creek [1] - 6698:25
Creek [38] - 6379:7, 6380:21,
6380:24, 6381:8, 6381:19,
6382:3, 6382:7, 6382:9,
6423:9, 6424:1, 6489:2,
6489:22, 6490:5, 6512:23,
6513:1, 6529:13, 6529:14,
6541:5, 6552:4, 6552:15,
6578:16, 6603:10,
6604:21, 6612:7, 6615:5,
6615:23, 6616:4, 6622:5,
6622:7, 6628:8, 6634:24,
6635:10, 6682:13,
6682:15, 6682:16, 6683:2,
6684:16, 6687:9
creeks [1] - 6603:3
cremation [3] - 6705:7,
6705:13, 6715:6
Cremation [1] - 6715:5
Crew [1] - 6662:24
crew [10]-6637:22, 6662:23,
6664:13, 6666:21,
6673:16, 6674:10,
6695:16, 6695:23,
6699:13, 6714:18
crew's [1] - 6673:16
crews [3] - 6695:15,
6695:21, 6715:13
criteria [7]-6394:24,
6394:25, 6401:24,
6425:11, 6426:5, 6550:22, 6584:23
critical [25]-6455:22,
6496:9, 6496:13, 6496:14, 6496:16, 6496:20,
6496:22, 6497:4, 6530:15, 6531:5, 6563:5, 6563:11,
6563:14, 6563:19,
6563:23, 6564:8, 6564:12,

6564:25, 6565:5, 6565:12, 6565:16, 6595:13, 6603:6,
6605:10, 6608:15
Critical [1] - 6564:2
CROOK [10] - 6372:18,
6458:11, 6458:12,
6458:21, 6458:24,
6459:25, 6461:10,
6461:18, 6461:22, 6651:16
Crook [1] - 6370:11
cross [11]-6491:1, 6612:17,
6612:20, 6613:4, 6614:7,
6620:25, 6621:4, 6628:16,
6629:21, 6666:23, 6667:25
cross-dating [1] - 6667:25
crossed \({ }_{[1]}\) - 6628:16
crosses [1] - 6463:19
crossing [1] - 6473:3
crossings [3] - 6620:24,
6621:14, 6629:20
Crown [2] - 6513:16, 6564:6
crucial [2]-6598:15, 6598:17
crystal \({ }_{[1]}\) - 6688:1
CSR(A [4] - 6371:22,
6371:22, 6729:3, 6729:19
cubic [1] - 6409:17
cubs [1] - 6616:6
cull [2]-6622:2, 6622:14
culling [3] - 6621:25, 6623:1, 6623:5
Culling [1] - 6622:1
culls [1] - 6611:21
cultural [15]-6651:19,
6652:3, 6652:7, 6652:12,
6652:23, 6654:14,
6665:17, 6666:14,
6673:24, 6678:17, 6679:3,
6689:6, 6697:11, 6697:12,
6698:8
culturally [2] - 6667:8,
6667:15
culture [2] - 6383:10,
6383:20
Culture [1] - 6657:16
cultures [2]-6703:7,
6703:24
Cumulative [6] - 6381:15, 6514:15, 6514:21, 6514:23, 6515:5, 6515:22
cumulative [31] - 6382:1, 6397:1, 6403:21, 6479:16, 6492:19, 6494:11,
6514:14, 6514:17, 6515:6, 6515:7, 6515:11, 6515:19, 6515:20, 6531:25, 6586:5, 6587:11, 6591:1, 6594:7, 6595:18, 6601:8, 6601:15, 6602:15, 6605:21,
6605:24, 6610:19, 6618:8, 6619:4, 6620:6, 6620:11,
\begin{tabular}{|c|c|c|c|}
\hline ```
    6626:17, 6634:22
cumulatively [1] - 6603:9
Curation [1] - 6669:11
curious [4] - 6481:16,
    6508:23, 6578:5, 6683:14
current [15] - 6440:5, 6462:9,
    6463:7, 6463:8, 6463:15,
    6465:2, 6506:9, 6523:15,
    6592:10, 6592:15,
    6597:25, 6613:10,
    6629:13, 6652:23, 6654:14
custom [1] - 6383:7
customs [2] - 6383:9,
    6703:15
cut [8] - 6420:10, 6420:21,
    6494:8, 6499:24, 6603:5,
    6630:8
cut-back [1] - 6630:8
cut-throat [1] - 6603:5
cutting [1] - 6496:2
CWS [8] - 6413:3, 6413:11,
    6432:8, 6535:23, 6544:25,
    6568:4, 6579:25, 6602:11
cycle [4] - 6429:18, 6520:18,
    6520:19, 6718:6
dabbling [4] - 6544:20,
    6576:22, 6576:25
daily [3] - 6543:19, 6545:23,
    6664:14
Dam [2] - 6585:23, 6613:25
damage [6] - 6532:8, 6600:3,
    6600:5, 6600:18, 6687:1,
    6687:21
Dan [8]-6369:23, 6371:8,
    6656:14, 6656:20,
    6690:11, 6691:18,
    6720:25, 6724:19
DAN [2] - 6374:23, 6684:2
dandelions [1] - 6596:3
dangerous [1] - 6473:3
dash [1] - 6612:22
data [48] - 6378:22, 6387:14,
    6400:1, 6401:18, 6412:6,
    6431:12, 6462:23, 6465:2,
    6469:17, 6469:23,
    6475:25, 6476:5, 6505:10,
    6506:7, 6545:1, 6555:4,
    6561:23, 6574:1, 6595:8,
    6596:18, 6597:8, 6607:9,
    6623:14, 6624:8, 6628:3,
    6641:22, 6642:1, 6642:3,
    6642:15, 6643:19, 6644:6,
    6644:10, 6649:7, 6650:19,
    6650:21, 6650:22,
    6659:18, 6659:22,
    6659:23, 6660:21,
    6661:14, 6670:25, 6671:6,
    6672:2, 6700:14, 6700:15,
    6710:13
Data [1] - 6650:17
database [3]-6515:18,
``` &  & \begin{tabular}{l}
6446:1 \\
decisions [4] - 6383:9, 6452:10, 6481:9, 6504:4 decisive [1] - 6576:9 deck [1] - 6535:21 declaration [1] - 6444:13 Declaration [3] - 6444:19, 6446:6, 6452:4 \\
declines [1] - 6592:1 \\
declining [1] - 6595:14 decommissioning [4]6388:1, 6393:7, 6408:10, 6481:12 \\
Decommissioning [3] 6405:16, 6406:15, 6407:8 decompose [1] - 6719:24 decrease [2] - 6388:11, 6517:13 \\
decreased [1] - 6591:25 decreases [2] - 6476:8, 6561:12 \\
decreasing [1] - 6561:17 dedicated [1] - 6507:7 deemed [2] - 6565:4, 6693:12 \\
deep [2] - 6433:24, 6434:2 deer [51] - 6407:18, 6417:3, 6418:1, 6418:9, 6422:22, 6452:14, 6455:15, 6456:11, 6456:23, 6456:25, 6457:12, 6457:15, 6457:23, 6464:22, 6464:24, 6465:3, 6465:4, 6465:9, 6470:4, 6470:10, 6482:17, 6483:5, 6484:5, 6484:13, 6484:16, 6485:3, 6490:18, 6491:2, 6492:7, 6495:12, 6495:17, 6495:24, 6496:3, 6496:7, 6496:10, 6498:6, 6501:19, 6502:24, 6503:9, 6515:9, 6517:4, 6517:5, 6519:9, 6520:12, 6526:7, 6599:1, 6613:20, 6613:21, 6614:9, 6614:11, 6623:11 \\
defend [1] - 6696:21 \\
defensible [1] - 6573:24 defensive [2] - 6600:16, 6608:7 \\
Defensive [1] - 6600:19 deficient [4] - 6514:12, 6514:13, 6515:17, 6515:18 define [2] - 6387:21, 6491:6 defined [5] - 6426:7, \\
6468:15, 6479:3, 6563:12, 6684:1 \\
defines [3]-6405:21, 6437:23, 6689:8 defining [1] - 6427:9 Defining [1] - 6549:23 definite [1] - 6651:21
\end{tabular} & ```
definitely \({ }_{[2]}-6600: 12\),
    6708:13
definition [10] - 6379:4,
    6382:13, 6384:4, 6425:16,
    6433:22, 6433:25,
    6468:17, 6478:25, 6538:1,
    6611:3
definitions [2] - 6395:8,
    6402:3
degree [9] - 6447:10,
    6504:21, 6507:14,
    6523:17, 6526:10, 6587:8,
    6601:17, 6639:24, 6695:14
delineated [1] - 6400:25
demanded [1] - 6705:24
demonstrate [2] - 6707:23,
    6708:7
den [2] - 6604:12, 6616:4
denning [1] - 6605:11
dens [1] - 6634:24
denser [1] - 6671:12
densities [1] - 6475:24
density [3] - 6475:10,
    6475:17, 6674:2
department [1] - 6437:24
Department [2] - 6705:18,
    6705:23
departments [9] - 6488:20,
    6488:24, 6538:24,
    6553:11, 6578:14, 6584:7,
    6633:1, 6711:11, 6716:9
depended [1] - 6519:12
dependent [4] - 6487:3,
    6519:16, 6533:10, 6533:14
deposition [2] - 6391:15,
    6391:21
deposits [2] - 6663:13,
    6672:8
depression [11] - 6666:7,
    6670:17, 6671:15,
    6671:21, 6673:24, 6691:7,
    6697:12, 6697:16, 6698:8,
    6710:6, 6710:24
depressions [9] - 6433:9,
    6666:14, 6697:5, 6697:11,
    6697:16, 6697:18,
    6697:19, 6698:9, 6698:10
depressions" [1] - 6665:18
Deputy [1] - 6468:2
der [3]-6383:1, 6383:2,
    6383:18
DER [1] - 6383:2
derived [2] - 6468:1, 6536:7
describe [8] - 6421:14,
    6448:25, 6478:15,
    6513:17, 6513:24, 6548:6,
    6553:4, 6713:8
described [9] - 6399:5,
    6400:18, 6433:10, 6447:4,
    6448:17, 6448:18,
    6467:20, 6547:9, 6557:17
``` \\
\hline
\end{tabular}
describes [1] - 6654:9
describing [2] - 6413:12,
6620:20
description [3] - 6425:15,
6507:9, 6513:20
DESCRIPTION [1] - 6372:2
descriptions [1] - 6700:4
design [12] - 6394:3, 6396:12, 6400:11, 6406:3, 6418:5, 6463:22, 6479:17, 6480:8, 6574:8, 6575:17, 6679:12, 6725:9
designated [1] - 6668:9
designates [1] - 6616:11
designation [1] - 6428:25
designed [7] - 6387:14,
6392:18, 6396:1, 6483:14,
6512:8, 6526:20, 6606:21
despite [1] - 6592:22
destabilize [1] - 6594:8
destroyed [3] - 6503:21,
6710:17, 6710:18
destroying [1] - 6688:4
destruction [1] - 6496:3
detail [8]-6389:2, 6416:17,
6422:6, 6427:15, 6456:15,
6456:18, 6501:17, 6659:19
detailed [9] - 6400:20,
6401:6, 6440:7, 6448:8,
6556:4, 6574:8, 6598:14,
6694:9, 6723:23
details [2] - 6478:22, 6719:8
detectable [1] - 6382:5
detected [1] - 6607:10
determination [6]-6402:5,
6402:8, 6402:16, 6411:2,
6472:1, 6690:17
Determination [1] - 6395:10 determine [9]-6383:25,
6458:2, 6470:22, 6475:6, 6565:12, 6660:7, 6705:4, 6705:6, 6712:6
determined [6] - 6401:19,
6445:7, 6503:8, 6543:9, 6552:9, 6576:18
determines [1] - 6659:23
determining [6] - 6383:8,
6383:11, 6409:4, 6409:7,
6469:14, 6672:25
detris [1] - 6710:23
detritus [1] - 6665:6
develop [13] - 6426:5,
6429:20, 6440:7, 6443:4,
6467:17, 6469:3, 6483:18, 6528:18, 6547:1, 6550:25, 6551:7, 6559:12, 6637:10 developed [24] - 6387:17, 6395:9, 6397:14, 6402:12, 6421:3, 6422:1, 6422:18, 6423:18, 6423:19, 6429:5, 6442:8, 6467:19, 6468:13,

6470:22, 6497:7, 6526:18, 6528:20, 6550:15,
6557:10, 6568:13, 6575:1, 6658:21, 6658:22, 6664:3
developers [1] - 6550:16
developing [8] - 6469:8,
6477:23, 6478:22, 6482:6, 6549:5, 6558:17, 6605:16, 6670:2
development [45] - 6389:19, 6389:20, 6392:9, 6392:11, 6413:22, 6413:25,
6421:17, 6427:7, 6427:13, 6427:14, 6429:19,
6436:18, 6439:18,
6441:14, 6468:12,
6469:25, 6499:2, 6528:16, 6528:17, 6549:14,
6561:25, 6585:8, 6587:6,
6591:2, 6593:10, 6594:13, 6594:20, 6595:19,
6600:11, 6601:11,
6607:18, 6610:12, 6611:6, 6616:15, 6618:17, 6620:7, 6620:14, 6625:25, 6632:9, 6658:10, 6659:15,
6659:21, 6670:9, 6670:11, 6709:20
Development [1] - 6379:24
developments [2] - 6594:4, 6606:5
develops [1] - 6429:21
DFO [4] - 6384:5, 6488:21,
6633:1, 6683:1
diagnostic [3] - 6667:22, 6671:17
diagnostics [1] - 6668:3
Diamond [1] - 6441:4
Diane [1] - 6661:15
dictate [1] - 6719:6
die [1] - 6597:6
died [2] - 6597:12, 6607:9
difference [6] - 6414:25,
6415:3, 6415:7, 6553:6, 6565:19, 6647:11
differences [2]-6382:11, 6436:24
different [36] - 6380:22,
6422:17, 6442:18,
6445:25, 6446:8, 6449:14, 6450:20, 6452:9, 6455:19, 6457:18, 6470:5, 6497:6, 6499:15, 6518:4, 6519:7, 6538:16, 6546:19,
6546:20, 6562:8, 6566:23, 6567:5, 6567:9, 6568:6, 6568:9, 6588:8, 6601:17, 6614:10, 6617:5, 6623:10,
6647:14, 6703:15,
6703:16, 6703:19, 6703:24
Different [1] - 6665:13
differently [1] - 6533:22
differing [1] - 6380:22
difficult [10] - 6549:8,
6557:12, 6557:19, 6558:7,
6558:13, 6570:11,
6664:25, 6669:6, 6691:1, 6704:7
difficulties [1] - 6588:13
difficulty [1] - 6435:1
digest [1] - 6458:5
digging [1] - 6610:6
digital [1] - 6624:24
digitized [1] - 6640:17
digitizer [1] - 6641:19
digitizing [1] - 6640:20
digs [1] - 6589:3
diligence [1] - 6551:7
dimensions [1] - 6645:23 direct [22] - 6388:20,
6388:22, 6399:17, 6495:9, 6593:11, 6594:20,
6604:19, 6605:18, 6616:8,
6626:17, 6627:21, 6634:1,
6634:20, 6639:14,
6683:23, 6684:12,
6684:24, 6687:4, 6688:8,
6720:5, 6720:8, 6722:24
directed [1] - 6478:5
direction [8]-6395:1,
6401:24, 6459:13,
6497:22, 6498:6, 6539:3,
6539:9, 6695:15
Directive [2] - 6538:23,
6553:10
directly [9] - 6399:1,
6476:22, 6523:24,
6527:15, 6620:14, 6624:6,
6652:14, 6675:15, 6723:11
Director [1] - 6703:10
disadvantage [2] - 6451:5, 6451:21
disagree [4] - 6414:7,
6586:22, 6689:24, 6719:14
disagreed [1] - 6704:2
disagreements [1] - 6697:5
disappears [1] - 6639:14
discern [1] - 6725:17
discernible [2] - 6403:16, 6666:2
discipline [1] - 6388:5
disciplines [3] - 6389:6,
6404:1, 6404:7
discourse [1] - 6617:2
discrepancies [1] - 6714:25
discrepancy [3]-6699:3,
6714:6, 6714:23
discrete [1] - 6587:15
discretion [1] - 6523:11
discuss [4] - 6386:8, 6397:4, 6501:16, 6523:3
discussed [10] - 6426:20,
6450:13, 6469:25,

6502:25, 6519:25, 6560:2, 6560:7, 6573:3, 6618:4, 6720:12
discussing [4] - 6464:7, 6510:22, 6563:17, 6706:17 discussion [22] - 6386:12,
6404:2, 6413:20, 6413:21, 6431:14, 6432:2, 6454:22, 6458:16, 6467:3, 6473:1,
6475:18, 6484:8, 6487:7,
6497:15, 6507:19,
6509:14, 6510:17, 6527:8,
6557:6, 6557:8, 6583:2,
6714:5
discussion's [1] - 6559:19
discussions [19] - 6427:18,
6434:8, 6469:8, 6474:11,
6474:22, 6498:2, 6510:3,
6510:9, 6510:12, 6510:18,
6513:22, 6518:22,
6524:19, 6573:7, 6620:19,
6624:6, 6683:1, 6683:12,
6687:14
dismantle [2] - 6666:19,
6699:13
disparity [1] - 6638:23
displaced [13] - 6413:25,
6449:5, 6457:3, 6477:8,
6477:19, 6523:14,
6530:17, 6562:5, 6571:14,
6572:22, 6577:8, 6633:18,
6633:22
displaced" [1] - 6633:14
displacement [19]-6414:2,
6448:19, 6456:24,
6477:21, 6487:23, 6488:2,
6488:3, 6488:12, 6591:5,
6593:12, 6594:8, 6599:18,
6604:20, 6606:15,
6608:15, 6620:7, 6634:1,
6634:16, 6647:21
displaces [1] - 6600:3
displacing [3] - 6448:19,
6448:21, 6619:11
disruption [4]-6388:21,
6501:16, 6503:7, 6648:2
disruptive [1] - 6648:2
disservice [1] - 6456:3
distance [2] - 6524:14,
6701:11
distilling [1] - 6456:7
distinctive [2] - 6383:10, 6383:20
distinguish [1] - 6575:4
District [5] - 6489:5, 6490:2,
6534:13, 6584:4, 6635:17
disturb [2] - 6448:24, 6684:8
disturbance [39] - 6391:13,
6395:19, 6398:5, 6398:15,
6398:20, 6401:20, 6405:7,
6406:1, 6406:20, 6413:5,

6414:14, 6414:16,
6414:18, 6415:1, 6415:6,
6415:16, 6416:9, 6416:15,
6420:15, 6436:13,
6436:19, 6448:18,
6477:18, 6478:1, 6494:23, 6495:1, 6499:12, 6499:13, 6499:16, 6499:19,
6499:22, 6500:6, 6531:2,
6537:7, 6606:14, 6681:22,
6685:2, 6687:15, 6724:25
disturbances [7] - 6397:20,
6494:7, 6494:16, 6495:9,
6499:3, 6530:20, 6687:4
disturbed [3] - 6393:1,
6414:17, 6681:14
disturbing [1] - 6512:12
ditches [1] - 6406:2
diversion [1] - 6406:1
diversity [2] - 6572:12,
6572:19
divided [2] - 6583:16, 6583:20
diving [2] - 6428:11, 6544:20
division [2] - 6437:9,
6437:19
DNA [3] - 6586:13, 6587:14, 6587:23
document [14] - 6464:23, 6474:24, 6487:11, 6503:6, 6504:6, 6570:14, 6570:21, 6571:6, 6638:13, 6643:10, 6647:1, 6647:5, 6647:23, 6648:20
documented [6] - 6580:16, 6628:1, 6658:5, 6693:20,
6697:8, 6698:16
documents [8] - 6442:20,
6570:22, 6585:7, 6586:4,
6589:14, 6623:19,
6641:25, 6693:24
Dog [1] - 6511:25
dollar [3] - 6570:24, 6571:10, 6583:17
dollars [1] - 6582:25
domestic [3]-6612:21,
6622:11, 6622:13
dominant [1] - 6591:16
dominants [1] - 6593:4
dominated [1] - 6391:2 done [74] - 6426:7, 6444:2,
6444:4, 6444:5, 6452:1, 6456:6, 6459:5, 6460:7, 6471:19, 6474:9, 6483:24, 6497:22, 6497:25, 6504:7, 6509:15, 6511:17, 6511:19, 6512:5, 6512:16, 6514:4, 6514:16, 6519:8, 6528:9, 6528:22, 6529:1, 6534:5, 6550:18, 6554:1, 6555:17, 6555:22, 6558:3,

6569:4, 6570:1, 6570:20, 6585:16, 6585:25, 6586:3, 6609:6, 6631:1, 6632:6, 6640:11, 6646:4, 6646:7, 6648:4, 6649:3, 6658:10, 6659:5, 6659:20, 6660:18, 6661:19, 6661:20,
6668:21, 6680:8, 6681:5, 6681:15, 6681:19,
6682:19, 6685:12,
6686:23, 6687:2, 6689:9,
6692:1, 6700:1, 6700:18,
6703:8, 6703:12, 6704:18,
6704:22, 6707:11,
6712:17, 6712:18
door [1] - 6445:23
dots [1] - 6611:22
doubled [1] - 6592:8
doubt [3] - 6561:20, 6639:16, 6639:17
Douglas [2] - 6609:12,
6613:23
down [37] - 6418:22, 6419:9,
6424:22, 6443:23,
6444:12, 6456:7, 6466:24, 6511:18, 6511:23,
6511:25, 6523:2, 6584:16, 6588:18, 6588:20,
6588:22, 6589:25, 6590:4, 6599:22, 6614:1, 6615:7, 6616:4, 6619:10, 6626:6, 6627:13, 6630:2, 6630:16, 6634:24, 6637:25, 6668:5, 6668:25, 6672:6, 6678:5, 6713:14, 6718:12, 6718:18, 6718:23, 6729:7
download [1] - 6664:14
downstream [3] - 6382:2,
6682:12, 6683:4
dozen [2] - 6580:13, 6658:22
Dr [9]-6377:20, 6377:23,
6378:5, 6378:16, 6460:13,
6589:17, 6596:22, 6607:23
draft [2] - 6618:3, 6618:10
drainage [6] - 6377:24,
6378:3, 6382:8, 6382:9,
6398:2, 6687:10
dramatic [1] - 6609:12
drank [1] - 6640:19
draw [3] - 6454:15, 6696:16, 6713:14
drawdawn [1] - 6712:17
drawdown [4] - 6702:11, 6713:9, 6718:21
drawn [4] - 6672:5, 6683:18, 6718:12, 6718:18
drawndown [1] - 6712:14
drier [2] - 6407:16, 6609:16
drill [2] - 6661:11, 6661:12
drive [3] - 6598:2, 6628:15, 6705:11
driven [2] - 6658:10, 6659:20
driving [1] - 6629:13
drought [1] - 6609:17
droughts [1] - 6609:18
drumming [1] - 6376:17
dry [4] - 6588:16, 6589:6,
6611:12, 6713:15
duck [1] - 6428:11
Ducks [4]-6474:14,
6474:18, 6544:15, 6550:5
ducks [5] - 6544:20,
6576:22, 6576:25, 6577:7, 6585:21
dudes [1] - 6600:18
due [11] - 6380:22, 6408:7,
6436:20, 6526:7, 6530:22,
6551:7, 6575:5, 6639:1,
6642:17, 6719:2, 6726:4
dug [3] - 6597:2, 6695:2,
6712:2
dugout [1] - 6702:2
Dumaresq [6] - 6370:24,
6440:13, 6442:23, 6443:6,
6566:10, 6567:11
DUMARESQ [4] - 6374:2,
6440:13, 6566:9, 6566:10
Dunn [1] - 6369:9
duration [5] - 6395:4,
6395:9, 6401:25, 6402:4, 6402:10
during [29] - 6379:8,
6379:11, 6386:14, 6392:8,
6396:14, 6396:16,
6410:17, 6412:21,
6418:11, 6421:2, 6431:1,
6455:9, 6478:10, 6482:19,
6483:5, 6484:4, 6484:15,
6491:21, 6522:24,
6532:14, 6554:23,
6558:17, 6593:23,
6597:12, 6602:4, 6658:4,
6661:4, 6672:1, 6683:16
During [2] - 6413:11, 6455:4
dust [2] - 6391:15, 6391:21
dusting [1] - 6405:5
duties [2] - 6437:20, 6438:7
duty [1] - 6518:17
Dyble [1] - 6369:8
dying [1] - 6521:10
dynamics [1] - 6620:5
EA [15] - 6391:24, 6398:24,
6428:1, 6428:3, 6431:1,
6455:9, 6455:20, 6535:25,
6539:10, 6550:13,
6550:15, 6550:18,
6564:11, 6574:22, 6684:6
EAO [5] - 6412:22, 6413:8,
6413:11, 6421:2, 6643:11
eared [1] - 6407:22
Early [1] - 6441:17
early [4] - 6442:5, 6497:8,

6520:11, 6579:18
Earth [1] - 6418:19
earth [2] - 6666:5, 6678:23
ease [2] - 6477:22, 6485:7
easier [2] - 6424:23, 6692:17
easiest [1] - 6708:1
easily [2] - 6577:23, 6595:19
east [17]-6419:11, 6470:16,
6471:7, 6471:15, 6472:10,
6490:19, 6493:6, 6498:13,
6498:17, 6498:19, 6503:4,
6503:10, 6503:14,
6504:14, 6511:18, 6541:4,
6615:23
East [1] - 6470:6
eastern [3]-6423:1, 6424:2, 6449:3
easy [2]-6549:1, 6567:25
eat [3]-6576:18, 6619:22, 6619:25
eating [2] - 6596:3, 6699:1
eco [5] - 6541:25, 6544:12,
6580:5, 6648:23
eco-section [2] - 6544:12, 6580:5
ecological [13] - 6387:4, 6390:17, 6390:21, 6393:17, 6395:6, 6402:1,
6538:20, 6541:24, 6592:2,
6614:23, 6615:10,
6618:19, 6619:5
ecologically [3] - 6473:20,
6541:19, 6541:23
ecologically-based [1] 6541:19
ecologist [2] - 6616:24, 6637:19
ecologists [2] - 6622:20, 6637:9
ecology [2] - 6637:9, 6637:13
Economic [2] - 6570:14, 6690:23
economic [18] - 6462:20, 6519:22, 6538:20, 6571:11, 6571:23, 6636:10, 6636:15, 6651:3, 6652:12, 6652:18, 6653:25, 6654:2, 6654:11, 6689:14, 6691:3, 6691:10, 6727:25, 6728:1
economics [2] - 6624:4, 6656:4
ECONOMICS [2] - 6374:20, 6656:11
ecoprovince [1] - 6423:18
ecosystem [28] - 6386:21,
6389:11, 6389:13,
6389:14, 6390:7, 6429:6,
6447:5, 6467:25, 6472:10,
6476:6, 6528:19, 6586:16,

6587:1, 6591:9, 6594:12, 6599:21, 6603:14, 6610:3, 6615:17, 6616:2, 6616:16, 6617:7, 6620:15, 6626:2, 6637:10, 6637:25,
6644:23, 6649:1
ecosystem-based [1] 6447:5
ecosystems [9] - 6387:3, 6391:4, 6392:21, 6406:6, 6436:21, 6473:19, 6536:8 edge \([7]\) - 6595:20, 6608:22, 6611:13, 6631:11, 6631:24, 6664:16, 6672:4
edges [1] - 6608:5
education [2] - 6691:9,
6703:6
effect [55] - 6391:7, 6391:12, 6391:20, 6397:22, 6398:9, 6401:13, 6402:9, 6403:6, 6403:12, 6414:3, 6421:17, 6423:15, 6423:22,
6423:23, 6424:6, 6436:10, 6436:21, 6449:8, 6465:8, 6465:19, 6468:15, 6469:14, 6469:19, 6470:22, 6476:2, 6476:21, 6477:20, 6485:1, 6486:11, 6487:4, 6488:11, 6491:23, 6491:25, 6492:5, 6492:9, 6492:15, 6492:17, 6494:14, 6495:19, 6495:24, 6538:1, 6538:7, 6576:7, 6600:7, 6601:6, 6620:11, 6634:22, 6647:14, 6705:10, 6720:7, 6721:6, 6721:7
effective [8] - 6398:22, 6539:21, 6546:14, 6564:9, 6618:13, 6629:4, 6629:8, 6630:24
effectively \({ }^{[5]}\) - 6396:17, 6410:4, 6472:21, 6545:19, 6565:6
effectiveness [10] - 6394:17, 6403:14, 6409:7, 6426:15, 6426:24, 6550:21, 6604:22, 6605:25,
6607:21, 6634:11
Effects [11] - 6381:15,
6394:23, 6394:24,
6396:13, 6475:1, 6514:15, 6514:21, 6514:24, 6515:5, 6515:22, 6533:9
effects [132]-6382:1, 6382:4, 6382:6, 6387:16, 6387:18, 6388:9, 6391:16, 6392:18, 6393:11, 6393:22, 6394:14, 6396:1, 6396:7, 6396:9, 6396:16, 6396:20, 6396:21, 6397:1, 6398:21, 6400:17, 6401:5,

6401:24, 6402:20,
6403:18, 6403:22,
6406:12, 6409:5, 6410:25, 6411:14, 6414:9, 6417:25, 6421:5, 6421:7, 6421:22,
6421:25, 6422:8, 6422:10, 6423:10, 6424:3, 6424:10, 6426:15, 6447:2, 6447:9, 6447:15, 6448:18,
6456:15, 6456:22, 6466:3, 6468:22, 6471:4, 6471:23, 6479:14, 6479:16,
6479:22, 6479:24, 6480:5, 6480:9, 6480:18, 6487:14, 6487:18, 6488:9, 6491:7, 6491:8, 6491:14, 6491:21, 6492:3, 6492:19, 6492:24, 6493:10, 6493:15,
6493:22, 6493:23, 6494:1, 6494:4, 6494:11, 6495:2, 6495:20, 6495:22, 6501:10, 6507:25,
6514:17, 6515:1, 6515:4, 6515:6, 6515:7, 6515:10, 6515:12, 6515:20, 6521:4, 6528:23, 6531:25, 6532:3, 6533:5, 6533:8, 6533:12, 6543:3, 6547:4, 6547:20, 6551:8, 6556:7, 6564:24, 6575:4, 6577:14, 6586:5, 6586:8, 6586:25, 6594:7, 6594:21, 6595:18,
6597:22, 6598:11, 6601:8, 6601:15, 6605:21,
6606:25, 6609:24, 6611:6, 6616:3, 6619:15, 6620:5, 6626:17, 6645:16, 6646:1, 6647:21, 6648:6, 6683:16, 6683:17, 6683:22, 6683:24, 6720:20, 6721:4 efficiencies \([1]\) - 6539:23 Effluent [1] - 6378:15 effort [3] - 6456:3, 6569:5, 6659:6
efforts [6] - 6409:15, 6415:5,
6459:17, 6522:10,
6539:19, 6625:22
egging [1] - 6579:4
eggs [2] - 6536:25, 6537:8
Ehrhardt [1] - 6504:8
Ehrhardt-English [1] 6504:8
eight [4]-6389:6, 6544:12, 6583:14, 6648:20
EIRV [2] - 6668:9, 6670:14 EIRV3 [1] - 6698:1
EIS [48] - 6392:6, 6394:17, 6399:5, 6404:9, 6412:23, 6417:24, 6422:6, 6422:22, 6422:23, 6427:11,
6432:11, 6433:11, 6433:23, 6434:11, 6435:3,

6439:5, 6462:7, 6473:15, 6474:7, 6487:4, 6501:11, 6505:16, 6505:20, 6513:13, 6513:17, 6514:6, 6535:13, 6543:2, 6543:8, 6555:12, 6580:15, 6586:22, 6587:3, 6610:10, 6611:9, 6618:13, 6629:3, 6629:9, 6643:8, 6643:10, 6645:13, 6646:24, 6648:21, 6689:16, 6694:7, 6694:9, 6698:16, 6725:22
Either [1] - 6596:15
either [14] - 6420:5, 6462:20,
6468:23, 6469:1, 6473:2,
6512:18, 6515:2, 6569:1, 6569:8, 6621:13, 6634:6, 6651:9, 6676:18, 6720:24
Ekati [3]-6441:4, 6441:15, 6442:3
elaborate [5] - 6466:24,
6470:11, 6479:15, 6522:6, 6713:11
elaboration [2] - 6470:24, 6483:8
Elders [8] - 6376:9, 6450:22, 6451:8, 6452:25, 6535:3, 6616:13, 6677:24, 6678:25
electric \([1]\) - 6606:21
electrocution [1] - 6400:16
electronic [1] - 6726:23
Electronic [1]-6726:25
element [9] - 6390:5,
6394:19, 6411:4, 6411:24,
6412:6, 6412:11, 6471:25,
6519:11, 6667:18
elements [3]-6412:9,
6549:19, 6674:11
elevating [1] - 6480:3
elevation [2]-6552:19, 6637:8
elevations [2] - 6637:11, 6637:13
eliminate [3]-6399:16, 6524:12, 6659:4
eliminated [3] - 6398:22, 6532:2, 6663:8
Elizabeth [2] - 6370:15, 6505:5
ELIZABETH [2] - 6373:3, 6505:3
Elkin [3] - 6603:10, 6622:5, 6622:7
elsewhere [5] - 6492:13, 6559:4, 6562:5, 6593:23, 6619:13
embraced [1] - 6467:9
Emergency [1] - 6404:24
emphasis [1] - 6520:11
en [2] - 6612:23, 6613:16
enclave [2]-6588:16, 6589:6
encounter [3] - 6696:10, 6701:18, 6714:22
encountered [3] - 6674:5, 6693:19
encountering \({ }_{[1]}\) - 6659:2
encourage [2] - 6464:8, 6507:21
encouraged [1] - 6553:13
end [25] - 6378:24, 6408:21,
6419:1, 6428:16, 6428:19,
6429:2, 6429:23, 6437:21,
6448:10, 6483:19,
6527:25, 6535:14,
6537:11, 6545:24, 6549:4, 6564:7, 6617:2, 6652:9,
6656:23, 6670:22,
6674:19, 6676:7, 6677:20,
6688:5, 6706:3
endangered [2]-6596:21, 6599:21
ended \([1]\) - 6641:13
ending \([1]\) - 6637:20
ends [1] - 6640:14
energetics [2] - 6530:15, 6530:18
Energy [1] - 6411:7
enforce [1] - 6472:19
enforcement [3] - 6527:9, 6630:7
enforcing [2] - 6630:10, 6630:19
engage [2]-6563:21, 6639:17
engaged [4]-6384:6, 6384:7, 6527:15, 6695:8
engagements [1] - 6655:22
engineered [1] - 6558:14
English [4] - 6444:4, 6449:15, 6450:2, 6504:8
English's [1] - 6504:13
enhance [4]-6540:12,
6568:13, 6569:2, 6569:9
enhanced [2] - 6539:18,
6541:11
enhancement [2] - 6550:2, 6558:25
enhancing [1] - 6573:8
enjoyed [1] - 6520:17
enormous [1] - 6615:10
enshrined [1] - 6444:25
ensure [14] - 6393:19, 6440:8, 6472:1, 6502:16, 6509:2, 6538:10, 6551:6,
6572:18, 6617:6, 6658:7,
6664:15, 6664:21, 6706:7, 6718:11
ensuring [1] - 6572:11
entail [1] - 6634:3
entailed [1] - 6712:14
Enterprise [1] - 6511:17
entertain [1] - 6563:21
entire [10] - 6471:6, 6477:9,
6477:16, 6493:15,
6497:20, 6507:6, 6514:22, 6636:14, 6662:17, 6663:8
entirely [3] - 6471:15,
6548:13, 6559:8
entity \({ }_{[1]}\) - 6533:19
entry [1]-6533:25
environment \([10]\) - 6385:15, 6385:22, 6386:8, 6388:10, 6388:25, 6391:11, 6500:5, 6563:7, 6618:23, 6648:3
ENVIRONMENT [28] -
6369:12, 6369:15, 6370:3, 6372:6, 6372:13, 6373:17, 6373:19, 6373:20,
6373:22, 6373:23, 6374:1, 6374:3, 6374:4, 6374:5, 6374:7, 6374:9, 6386:2, 6424:24, 6534:19, 6534:25, 6551:19, 6554:9, 6557:3, 6566:9, 6567:15, 6578:20, 6579:9, 6581:24
Environment [65] - 6369:16, 6369:16, 6369:17, 6370:6, 6370:23, 6370:23,
6370:24, 6377:10,
6377:12, 6377:17,
6385:18, 6399:15,
6410:23, 6411:18, 6421:1,
6423:22, 6424:19, 6425:2, 6425:23, 6427:22,
6437:12, 6438:1, 6440:13,
6440:20, 6459:1, 6466:18,
6467:1, 6467:6, 6467:15,
6468:2, 6469:7, 6475:19,
6476:6, 6478:17, 6497:8,
6497:11, 6534:18,
6535:10, 6535:18,
6535:23, 6535:25,
6536:20, 6537:10, 6538:9, 6538:13, 6543:8, 6543:20, 6550:24, 6551:11, 6554:6, 6555:22, 6556:25,
6562:19, 6562:23, 6563:2, 6563:21, 6566:3, 6566:11, 6569:12, 6570:13,
6578:12, 6625:14, 6627:1, 6631:21
environmental [32] - 6388:9, 6392:3, 6392:7, 6394:14, 6396:7, 6396:9, 6403:18, 6403:25, 6404:5, 6409:5, 6426:15, 6427:14,
6427:23, 6440:23, 6442:2, 6442:6, 6442:11, 6478:7, 6478:9, 6478:15, 6478:25, 6479:6, 6520:23, 6538:1, 6539:12, 6542:11, 6547:4, 6550:25, 6558:18, 6585:7, 6585:16, 6628:7
ENVIRONMENTAL \([3]\) -

6368:3, 6368:8, 6369
Environmental [41] 6379:24, 6381:14, 6386:14, 6392:1, 6404:10, 6410:17, 6426:11, 6427:7, 6427:25, 6437:23, 6438:6, 6440:20, 6441:21, 6454:25, 6455:2, 6457:14, 6475:1, 6535:8, 6535:12, 6536:3, 6537:24, 6538:4, 6538:16, 6538:25, 6542:17, 6547:2, 6549:6, 6553:19, 6554:2, 6563:20, 6568:9, 6578:3, 6582:10, 6583:9, 6585:23, 6585:24, 6598:18, 6613:25, 6639:8, 6650:1, 6681:1
environmentally \({ }_{[1]}\) -
6396:11
environments [1] - 6430:10
envision [1] - 6466:25
epidemic [2] - 6396:19, 6479:13
equally [1] - 6641:12
equate [2] - 6573:9, 6602:5
equates [2]-6596:19, 6602:6
equivalent \([4]\) - 6460:16,
6462:13, 6552:12, 6647:5
eroded [1] - 6698:23
erosion [3] - 6393:4, 6406:9, 6698:25
Erosion [1] - 6405:10
erred [2]-6461:5
error [14]-6414:12, 6432:8,
6435:24, 6502:9, 6642:5,
6643:8, 6643:21, 6643:23, 6643:24, 6643:25, 6644:2, 6644:19
escalation [1] - 6613:11
escape \({ }_{[1]}\) - 6562:12
escaped [1] - 6546:4
Esket [5] - 6518:6, 6519:15,
6522:2, 6522:4, 6722:11
Esketemc [39]-6370:14,
6370:15, 6370:17,
6370:18, 6411:13,
6416:17, 6416:19,
6416:21, 6417:10,
6465:15, 6482:15, 6483:1,
6484:22, 6484:24, 6489:2, 6489:23, 6490:7, 6493:7, 6493:14, 6495:16, 6505:5, 6506:17, 6509:25, 6510:8, 6510:16, 6510:23,
6511:18, 6517:6, 6517:17, 6521:18, 6521:25, 6523:1, 6524:7, 6578:18, 6635:12,
6716:12, 6721:11,
6724:13, 6724:16
ESKETEMC \({ }_{[16]}\) - 6373:1,

6373:3, 6373:5, 6373:7, 6373:9, 6373:11, 6374:6,
6375:21, 6490:9, 6505:2,
6509:23, 6513:7, 6517:21,
6521:22, 6578:20, 6716:13
Esketemc's [2] - 6492:23, 6508:12
Especially [2] - 6642:15, 6711:2
especially [12] - 6443:21, 6446:1, 6465:14, 6471:22,
6512:22, 6532:9, 6584:20,
6590:16, 6602:8, 6603:23,
6633:21, 6689:6
essential [1] - 6664:15
essentially [2] - 6482:3, 6570:3
establish [2] - 6429:8, 6502:5
established [4] - 6410:12,
6421:19, 6433:4, 6513:25
establishing [2] - 6383:6, 6422:7
estimate [13]-6413:15,
6414:5, 6414:6, 6477:3,
6480:21, 6545:12,
6545:13, 6546:6, 6560:14,
6624:5, 6624:12, 6653:11, 6655:1
estimated [6] - 6413:23,
6417:18, 6420:16,
6434:23, 6595:15, 6606:11
estimates [4] - 6475:25,
6528:23, 6543:3, 6624:2
estimating [1] - 6413:13
estimation [4] - 6528:23,
6545:4, 6573:15, 6627:8
estimations [1] - 6544:22
et [6] - 6465:25, 6494:9,
6571:4, 6585:19, 6586:6,
6623:23
ethnobotany [1] - 6646:21
European [2] - 6445:11, 6668:15
evaluate [9]-6396:1,
6426:14, 6470:9, 6539:4,
6539:7, 6545:2, 6548:23,
6577:4, 6717:12
evaluated [3] - 6496:14,
6497:4, 6548:25
evaluating [1] - 6426:23
Evaluating [1] - 6547:19
evaluation [14] - 6395:14,
6437:1, 6503:16, 6528:18,
6542:14, 6545:9, 6545:22,
6545:25, 6547:25,
6569:21, 6571:18,
6576:17, 6578:22, 6584:24
evening [11] - 6651:10,
6653:5, 6653:9, 6653:15,
6655:11, 6657:3, 6716:9,

6722:2, 6724:9, 6726:10, 6728:8
event [8] - 6503:22, 6527:1,
6555:24, 6625:17,
6688:23, 6704:20,
6723:10, 6724:25
events [1] - 6594:8
eventually [3] - 6665:19,
6675:2, 6687:11
evidence [28]-6447:21,
6448:4, 6460:16, 6460:18,
6462:15, 6462:16, 6494:1,
6530:23, 6532:13,
6561:20, 6561:24,
6604:18, 6604:19,
6611:10, 6647:25,
6659:13, 6666:2, 6668:24,
6678:17, 6678:24, 6679:2,
6693:5, 6697:19, 6702:1,
6715:1, 6715:2, 6715:4,
6721:16
evidence-based [1] - 6494:1
evident [1] - 6715:18
evolve [2] - 6383:22, 6429:17
evolves [3] - 6430:4, 6574:8, 6644:24
exact [3] - 6420:18, 6562:10, 6694:20
exactly [6] - 6461:2, 6464:16, 6542:20, 6612:24,
6652:14, 6708:11
examine [2] - 6460:21, 6672:6
examined [5] - 6496:24,
6518:5, 6565:20, 6674:17, 6702:10
example [63] - 6399:8,
6403:15, 6419:3, 6420:13, 6441:10, 6444:3, 6444:8, 6445:1, 6445:9, 6445:22, 6446:20, 6456:23,
6460:11, 6460:23, 6468:8, 6471:17, 6472:4, 6477:2,
6477:7, 6477:19, 6479:22,
6488:3, 6494:24, 6496:8,
6499:24, 6501:19, 6503:9,
6506:18, 6515:9, 6516:13,
6516:16, 6530:1, 6531:6,
6536:12, 6536:13, 6539:2,
6548:6, 6548:17, 6552:5,
6559:17, 6560:23,
6564:11, 6568:23,
6571:18, 6573:2, 6573:5,
6573:10, 6575:3, 6583:6,
6583:14, 6583:19,
6596:13, 6599:20, 6604:4,
6607:3, 6619:8, 6625:19,
6633:16, 6640:16,
6645:22, 6664:1, 6715:6, 6717:8
examples [3]-6459:17,
6459:19, 6583:23
excavate [1] - 6698:7
excavated [1] - 6663:12
excavation [6] - 6671:1,
6671:9, 6717:1, 6717:23, 6718:3
excavations [1] - 6694:14 exceed [2] - 6380:18, 6382:7
exceedances [2] - 6412:8, 6412:10
exceeded [1] - 6608:16
excellent [2] - 6548:18,
6548:19
except \([3]-6381: 6,6624: 10\), 6697:21
exception [1] - 6670:12
excess [1] - 6610:20
exchange [4] - 6450:17,
6466:18, 6466:23, 6722:11
exclusive [1] - 6416:21
excuse [2] - 6499:8, 6511:1
executive [1] - 6618:10
exercise [3]-6645:17,
6649:5
exhaustive [1] - 6659:11
exhibit [1] - 6459:20
Exhibit [8] - 6377:17,
6377:20, 6377:23, 6378:7, 6378:9, 6378:16, 6378:20,
6378:23
exhibited [2] - 6663:13, 6663:16
exhibits [1] - 6377:14
exist [4] - 6516:14, 6660:3,
6667:16, 6672:7
existence [4] - 6383:4,
6383:6, 6518:18, 6663:6
Existing [1] - 6494:7
existing [6] - 6395:24, 6401:18, 6492:24, 6494:6, 6510:11, 6515:8
exists [3] - 6383:12, 6426:4, 6477:20
expand [2] - 6499:4, 6724:8
expanded [2] - 6418:24, 6590:3
expect [9] - 6380:13, 6383:24, 6466:25, 6487:6, 6512:10, 6567:5, 6599:10, 6614:15, 6623:15
expectation [2] - 6642:1, 6688:13
expected [4] - 6416:13, 6429:24, 6547:16, 6608:17 expense [1] - 6693:17 experience [15] - 6409:10, 6427:23, 6550:14, 6555:16, 6558:7, 6579:16, 6579:20, 6629:6, 6637:15, 6638:25, 6691:22, 6692:1, 6698:11, 6724:18, 6725:11 experienced [3] - 6695:23,

6714:18, 6715:12
experiences [1] - 6609:17
expert [4] - 6523:9, 6535:19,
6553:25, 6586:20
EXPERT [9] - 6369:13,
6369:15, 6369:21, 6372:7, 6373:17, 6374:22, 6386:4, 6534:20, 6656:13
expertise [7] - 6438:3,
6440:16, 6440:24,
6585:12, 6637:8, 6637:13, 6720:1
explain [8] - 6419:14,
6476:10, 6622:3, 6635:5,
6655:20, 6661:1, 6662:20, 6698:19
explanation [1] - 6382:10
exploration [3] - 6605:4,
6605:6, 6610:22
explore [2] - 6474:14, 6687:22
exposure [1] - 6663:14
express [1] - 6662:11 expressed [10] - 6412:1, 6439:2, 6447:9, 6447:12, 6452:25, 6456:23, 6457:2, 6485:11, 6662:10, 6663:16 expression [1] - 6674:6
extended [1] - 6687:10
extending [1] - 6560:4
extension [1] - 6427:4
extensive [8] - 6397:13,
6589:16, 6595:8, 6597:21, 6607:11, 6610:22,
6646:20, 6673:18
extensively [1] - 6637:23
extent [18] - 6382:4, 6395:3,
6401:25, 6418:12, 6457:4,
6459:23, 6473:12, 6481:6,
6482:20, 6483:6, 6483:9,
6485:21, 6514:7, 6549:23,
6557:13, 6571:12,
6680:12, 6681:4
exterior [1] - 6697:23
extinct [3] - 6537:17,
6588:18, 6589:13
extinction [5] - 6486:18, 6597:1, 6608:12, 6618:19, 6631:12
extirpation [3] - 6608:4,
6611:13, 6631:12
extra [2] - 6526:1, 6620:9
extract \([3]-6447: 23,6671: 1\), 6671:2
extraneous [1] - 6575:12 extreme [1] - 6668:7
extremely [1] - 6672:20
Extremely [1] - 6558:13
F-E-D-E-R-I-C-O [1] - 6637:5
fabulous [1] - 6632:3
face [1] - 6561:24
facility [6] - 6431:2, 6441:7, 6441:18, 6555:21, 6607:3, 6634:7
fact [24]-6428:7, 6448:10, 6468:14, 6469:19, 6472:2,
6472:24, 6474:10,
6474:19, 6487:21,
6487:25, 6518:2, 6546:7,
6562:4, 6596:7, 6601:15,
6666:2, 6670:15, 6688:13,
6693:12, 6696:6, 6701:23,
6717:5, 6718:1, 6718:2
factor [2] - 6500:3, 6500:7
factored [4] - 6499:20,
6503:18, 6507:4, 6507:24
factors [10] - 6383:15,
6497:4, 6500:10, 6515:15,
6575:13, 6594:17,
6595:16, 6610:25,
6691:13, 6715:25
failure [1] - 6555:25
fair [12] - 6404:2, 6478:11,
6487:17, 6488:9, 6488:10,
6557:14, 6569:18,
6570:20, 6602:6, 6605:3, 6663:18
Fair [2] - 6432:6, 6435:18
fairly [25] - 6394:24, 6430:24,
6434:13, 6434:15,
6536:11, 6568:3, 6570:23,
6592:11, 6597:21,
6598:25, 6614:3, 6636:23,
6640:8, 6641:3, 6641:13,
6642:19, 6648:8, 6648:25,
6649:5, 6666:22, 6668:19,
6673:11, 6695:10,
6701:14, 6714:15
fall [8]-6437:14, 6543:17,
6554:14, 6554:23,
6573:18, 6582:18,
6605:16, 6691:23
familiar [15] - 6376:24,
6441:22, 6450:2, 6450:3,
6492:23, 6493:3, 6498:16,
6505:17, 6539:25, 6568:4,
6570:16, 6570:22, 6571:6,
6633:16, 6714:16
familiarity [1] - 6471:24
far [15] - 6430:8, 6453:3,
6479:6, 6544:1, 6612:11,
6654:21, 6656:23,
6660:25, 6690:10,
6692:16, 6695:13,
6701:20, 6704:11,
6704:23, 6714:23
fashion [1] - 6515:6
fast [3]-6596:10, 6598:3,
6718:17
faster [1] - 6719:24
fasting [2] - 6512:1, 6512:22
fat [1] - 6605:17
Father [1] - 6703:25
fault [1] - 6664:25
fear [1] - 6704:19
fears [1] - 6704:14
feat [1] - 6568:1
feature [4] - 6495:4, 6664:20, 6665:23, 6666:13
features [17] - 6393:20,
6394:10, 6394:11, 6406:2, 6433:14, 6434:5, 6499:22, 6587:21, 6666:11,
6666:12, 6671:12, 6674:3,
6701:17, 6701:18,
6701:20, 6714:11, 6714:14
Federal [39] - 6410:21,
6437:15, 6438:12,
6439:14, 6488:20,
6488:24, 6511:13,
6513:15, 6535:19,
6537:16, 6538:17,
6538:18, 6538:22,
6538:23, 6538:24, 6539:3,
6547:11, 6550:13, 6551:4,
6553:2, 6553:3, 6553:7,
6553:9, 6553:10, 6553:11,
6553:12, 6553:17,
6553:22, 6553:24,
6562:19, 6563:9, 6564:21, 6565:7, 6578:14, 6584:7, 6610:18, 6633:1, 6711:11, 6716:8
FEDERAL [12] - 6368:6,
6369:2, 6372:21, 6374:1,
6374:4, 6374:14, 6375:19,
6466:14, 6557:3, 6567:15,
6627:6, 6714:3
FEDERICO [2]-6374:16,
6637:3
Federico [3] - 6369:18,
6371:4, 6637:5
feed [6] - 6529:15, 6529:19,
6529:20, 6603:3, 6630:2,
6631:4
feedback [2] - 6410:20, 6413:18
feeding [4] - 6399:10,
6497:1, 6603:5, 6604:20
feeds [2] - 6589:2, 6589:4
fell [2] - 6676:2, 6677:21
felt [3] - 6443:20, 6451:23, 6701:6
female [5] - 6593:16, 6595:12, 6596:24,
6604:15, 6607:6
females [4] - 6591:17,
6595:3, 6595:10, 6595:15
fen [1] - 6391:2
fen-dominated [1]-6391:2
fence [1]-6606:21
fenceline \({ }_{[1]}\) - 6667:4
fencelines [2] - 6667:5, 6667:6


6551:7, 6672:23
findings \([9]-6396: 5\),
6402:20, 6402:22,
6402:23, 6493:18,
6493:19, 6668:23, 6678:2, 6696:21
fine [2] - 6454:6, 6675:16
finish [6] - 6651:22, 6676:7,
6677:5, 6679:22, 6679:24, 6726:10
finished [6] - 6636:18, 6640:1, 6676:20, 6677:2, 6680:5, 6702:16
fir [3]-6480:15, 6609:13, 6613:23
fire [4] - 6503:19, 6600:16, 6619:24, 6666:3
firearms [2] - 6399:9, 6527:17
fires [3]-6503:18, 6610:1, 6619:16
firm [3] - 6482:21, 6483:7, 6483:15
firms [1] - 6656:18
first [45] - 6379:15, 6380:16, 6385:13, 6397:7, 6424:18, 6425:4, 6426:16, 6446:15, 6447:1, 6453:3, 6455:5, 6455:25, 6468:14, 6469:24, 6470:17, 6476:14, 6478:5, 6483:17, 6488:19, 6508:13,
6514:25, 6522:4, 6551:17, 6553:11, 6555:17,
6578:14, 6582:17,
6585:20, 6609:6, 6617:18, 6617:23, 6626:1, 6638:5, 6640:10, 6640:12, 6652:7, 6653:6, 6654:4, 6654:19, 6657:9, 6676:5, 6685:15, 6685:19, 6694:25
FIRST [26] - 6373:1, 6373:3, 6373:5, 6373:7, 6373:9, 6373:11, 6374:6, 6375:3, 6375:6, 6375:8, 6375:10, 6375:16, 6375:21, 6490:9, 6505:2, 6509:23, 6513:8, 6517:21, 6521:23,
6578:20, 6675:20,
6680:19, 6686:8, 6689:2, 6707:3, 6716:13
First [65] - 6370:8, 6370:14, 6370:15, 6370:17,
6370:18, 6371:10,
6371:13, 6376:10,
6376:16, 6387:9, 6399:2,
6401:8, 6410:22, 6416:20, 6421:15, 6441:8, 6445:15, 6445:16, 6445:18, 6449:20, 6464:3, 6467:5, 6478:19, 6489:2, 6489:23, 6490:7, 6492:10, 6500:4,

6502:6, 6502:8, 6502:11,
6504:3, 6505:10, 6505:18, 6506:18, 6507:2, 6507:7, 6510:1, 6515:25, 6524:7, 6535:6, 6540:8, 6569:15, 6578:18, 6578:23, 6579:3, 6586:1, 6586:19, 6614:10, 6614:19, 6616:20,
6622:15, 6628:19,
6635:12, 6670:7, 6695:13, 6701:5, 6702:1, 6703:7, 6703:14, 6703:18,
6716:12, 6727:12
Firstly [2] - 6535:5, 6543:19 fish [28] - 6378:8, 6378:11, 6378:13, 6378:17, 6378:25, 6381:23, 6382:7, 6382:16, 6384:2, 6410:12, 6438:19, 6438:21,
6520:10, 6520:20, 6557:6, 6576:2, 6576:7, 6576:14, 6576:18, 6576:20,
6663:22, 6684:15, 6702:8
Fish [32] - 6379:7, 6380:21, 6380:24, 6381:8, 6382:3, 6382:7, 6382:9, 6384:2, 6448:21, 6513:2, 6529:10, 6529:13, 6529:14,
6529:16, 6544:14, 6555:6, 6555:9, 6555:24, 6579:17, 6579:25, 6580:11, 6580:18, 6600:6, 6602:24, 6682:13, 6682:15, 6683:2, 6684:16, 6687:9, 6688:4
fisher [3] - 6407:22, 6422:22, 6526:7
Fisheries [5] - 6378:10,
6378:12, 6682:11,
6705:19, 6705:23
fisheries [2]-6408:1, 6520:8
fishery [7] - 6379:5, 6382:13, 6382:14, 6383:25, 6384:4, 6705:19
fishing [5] - 6382:21, 6384:5, 6384:6, 6384:7, 6519:24
fit [1] - 6636:6
fitness [1] - 6619:9
fits [2] - 6430:16, 6652:9
five [14] - 6388:4, 6390:10,
6421:12, 6584:19, 6597:6,
6597:11, 6619:12, 6628:4,
6634:23, 6635:1, 6636:23,
6662:25, 6673:23, 6708:4
five-minute [1] - 6584:19
fix [3] - 6686:25, 6687:23, 6688:8
fixing [1] - 6599:14
flag [1] - 6636:11
flagged [1] - 6441:20
flashing [1] - 6630:15
flat [2] - 6674:15, 6674:16

Flathead [1] - 6601:23
flattened [1] - 6705:20
flew [1] - 6648:11
flexibility [1] - 6675:23
flight [2] - 6544:17, 6651:23
flight's [1] - 6654:22
Flip [1] - 6635:4
flood [1] - 6571:2
floor [3]-6617:17, 6675:15, 6697:19
flow [1] - 6379:8
flowing [1] - 6686:15
fluctuate [1] - 6575:12
fluctuated [1] - 6672:5
fluctuations [1] - 6628:11
fly [1] - 6544:18
flying [1] - 6530:24
focus [14] - 6387:14,
6388:11, 6401:6, 6404:1, 6445:4, 6480:3, 6501:17, 6546:16, 6548:5, 6659:5, 6662:3, 6664:4, 6671:11, 6674:16
focused [8] - 6388:20, 6400:18, 6496:9, 6515:19, 6536:17, 6546:21,
6554:13, 6554:19
focusing [1] - 6671:25
folks [9]-6459:1, 6539:24,
6556:25, 6569:6, 6666:20, 6695:16, 6695:21, 6695:23, 6715:12
follow [31] - 6385:18,
6386:10, 6386:13,
6394:15, 6413:12, 6418:16, 6454:21, 6474:7, 6487:10, 6487:13, 6489:6, 6498:6, 6509:7, 6524:5, 6533:1, 6550:20, 6558:6, 6562:23, 6566:7, 6577:13, 6584:1, 6625:8, 6625:12, 6625:15, 6625:17,
6632:20, 6639:12,
6689:22, 6714:4, 6719:12, 6727:3
follow-up [12] - 6487:10, 6487:13, 6524:5, 6550:20, 6558:6, 6566:7, 6577:13, 6625:8, 6625:12, 6625:15, 6714:4, 6727:3
follow-ups [1] - 6533:1
Following [1] - 6413:21
following [11] - 6397:24,
6401:5, 6413:23, 6423:14, 6430:25, 6489:7, 6511:11, 6585:6, 6617:24, 6664:5, 6670:23
follows [4] - 6414:6, 6489:20, 6610:10, 6664:6 food [9] - 6379:4, 6382:13,
6382:14, 6383:25, 6521:4,

6556:1, 6606:23, 6630:25, 6712:3
Foods [1] - 6450:13
foothill [1] - 6589:23
foothills [3] - 6589:6,
6589:18
footprint [21] - 6396:8,
6414:20, 6414:24, 6433:1, 6435:12, 6455:16,
6457:15, 6476:24, 6601:8, 6634:22, 6657:6, 6660:4, 6660:11, 6660:12, 6664:4, 6664:8, 6664:17, 6678:20, 6681:23, 6683:25
footprint's [1] - 6451:14
forage [3] - 6543:12,
6543:13, 6548:20
forced [1] - 6451:3
forecast [2] - 6407:10,
6532:15
foremost [3] - 6553:11,
6569:15, 6582:17
foreseeable [1] - 6515:7
Forest [27] - 6411:17,
6416:17, 6417:14,
6417:16, 6418:19, 6419:1, 6419:4, 6419:5, 6419:13,
6419:16, 6420:8, 6420:22, 6483:2, 6484:23, 6490:21, 6510:20, 6510:23, 6522:1, 6522:3, 6522:17, 6523:15, 6524:10, 6524:13,
6605:22, 6611:21,
6621:24, 6637:20
forest [38] - 6387:2, 6387:5, 6390:2, 6390:22, 6407:13, 6407:15, 6416:23, 6417:2, 6418:20, 6420:1, 6420:3, 6420:6, 6424:7, 6428:20, 6429:1, 6479:24, 6479:25, 6480:11, 6480:22, 6481:3, 6481:5, 6482:16, 6523:5, 6531:25, 6532:1, 6532:3, 6532:5, 6533:3, 6533:10, 6533:12, 6533:17, 6533:19, 6534:2, 6597:25, 6598:1, 6612:23, 6619:16, 6627:9
forest-dependent [1] 6533:10
forested [2] - 6548:14, 6605:3
Forester [1] - 6484:24
forester [1] - 6524:1
forestry [7] - 6407:11,
6409:22, 6510:4, 6534:4, 6661:21, 6662:7, 6662:10
Forestry [1] - 6407:12
forestry-based [1] - 6661:21
Forests [11] - 6418:21, 6420:5, 6510:19, 6522:12,

6522:19, 6523:2, 6611:23,
6622:13, 6658:22,
6661:23, 6664:3
forests [2]-6410:3, 6531:24
forgive [3] - 6432:11,
6490:14, 6570:19
forgot [2] - 6619:14, 6642:5
forgotten [1] - 6562:10
Forks [1] - 6596:21
form [17] - 6383:23, 6389:13,
6389:20, 6427:6, 6461:9,
6469:4, 6504:6, 6512:7,
6659:17, 6671:6, 6679:9,
6679:15, 6680:10, 6687:5,
6687:16, 6719:5, 6723:14
formal [1] - 6519:4
FORMER [22] - 6372:15,
6375:3, 6375:8, 6443:14, 6443:16, 6446:14,
6446:17, 6446:19,
6449:12, 6450:19,
6453:14, 6675:21,
6675:22, 6677:4, 6677:13, 6678:16, 6679:22, 6680:15, 6686:8, 6686:9, 6687:19, 6688:16
former [5] - 6408:7, 6578:2, 6589:11, 6604:20, 6712:25
Former [13] - 6370:8, 6376:8,
6443:13, 6446:11,
6449:23, 6452:22,
6453:15, 6454:22,
6675:18, 6680:1, 6680:16,
6687:3, 6688:11
forming [1] - 6550:8
forms [5] - 6406:9, 6408:25,
6663:5, 6672:7, 6679:16
formula [8] - 6475:8, 6475:9,
6475:12, 6475:18,
6476:11, 6487:13
formulated [1] - 6525:14
forth [7] - 6542:3, 6546:12, 6553:18, 6563:15, 6614:7, 6672:11, 6729:8
forum [1] - 6522:5
forward [10] - 6385:10, 6450:7, 6450:16, 6451:25, 6513:3, 6525:6, 6584:6, 6626:24, 6704:21, 6705:1
forward-looking [1] 6450:16
Foundation [1] - 6603:12
four [35] - 6380:9, 6384:11, 6386:16, 6387:20,
6390:12, 6422:19,
6477:19, 6511:7, 6520:18, 6559:18, 6559:20,
6560:12, 6562:3, 6573:6, 6573:8, 6573:9, 6585:16, 6590:12, 6599:16, 6601:9, 6602:12, 6603:7, 6606:15,

6607:8, 6608:9, 6612:18, 6619:12, 6634:2, 6640:1,
6640:4, 6648:19, 6667:3,
6674:1, 6678:1, 6710:20
four-year [1] - 6520:18
fourth [2] - 6376:13, 6380:11
fox [1] - 6441:12
fracture [3] - 6619:2, 6619:4, 6619:5
fragmentation [6] - 6533:5,
6533:9, 6533:13, 6591:24,
6592:22, 6632:13
fragmenting [1] - 6632:4
framework [9] - 6426:5,
6467:18, 6467:22,
6468:12, 6468:19, 6469:9,
6469:25, 6537:3
Framework [1] - 6446:4
frank [1] - 6431:9
frankly [1] - 6648:22
Fraser [20] - 6391:6,
6419:10, 6419:11, 6470:6,
6472:11, 6490:19, 6493:7,
6498:14, 6498:17,
6498:20, 6501:5, 6503:4,
6503:14, 6504:15,
6511:19, 6512:23, 6531:4,
6613:22, 6613:24, 6620:22
free [1] - 6621:11
free-span [1] - 6621:11
freed [1] - 6655:23
frequency [2] - 6464:15, 6671:8
frequently [1] - 6695:11
fresh [1] - 6639:25
freshly [1] - 6499:24
freshly-cut [1] - 6499:24
FRIDAY [2] - 6375:23,
6728:10
FRIENDS [4] - 6373:13,
6374:8, 6525:3, 6579:9
Friends [10] - 6370:20,
6489:3, 6489:24, 6525:1,
6525:8, 6525:16, 6579:8,
6579:16, 6635:13, 6711:10
fringing [4] - 6434:3, 6434:9,
6548:12, 6548:18
front [4]-6430:6, 6544:10, 6562:25, 6717:7
fronts [1] - 6680:4
frozen [1] - 6383:23
fuchsia [1] - 6551:25
fulfil [2] - 6478:24, 6479:2
full [7] - 6459:23, 6473:12,
6487:4, 6549:23, 6680:8,
6681:18, 6685:12
fully [8] - 6429:20, 6456:9,
6510:20, 6512:10,
6522:25, 6567:21,
6616:25, 6719:4
function [18] - 6479:1,

6479:2, 6536:9, 6548:23,
6560:3, 6567:19, 6567:21, 6568:17, 6570:11,
6571:11, 6571:19,
6665:18, 6674:25,
6697:12, 6698:3, 6698:4,
6698:6
functional [1] - 6406:6
functioned [1] - 6431:5
functions [16] - 6536:7,
6538:20, 6547:11,
6547:25, 6548:2, 6548:3,
6548:15, 6548:25, 6549:9,
6559:21, 6560:10,
6570:25, 6582:7, 6582:13,
6582:17, 6697:11
fundamental [2] - 6541:24,
6557:21
fundamentally [2] - 6566:23, 6567:9
funded [1] - 6441:25
funding [1] - 6550:9
funds [1] - 6541:12
FURTHER [8] - 6373:7,
6373:11, 6374:4, 6375:7, 6513:7, 6521:22, 6567:15, 6686:7
furthermore [1] - 6437:15
future [15]-6403:16, 6441:3,
6469:11, 6491:12,
6508:14, 6515:24,
6538:21, 6563:24,
6574:17, 6581:19,
6684:17, 6688:20,
6688:23, 6723:10, 6723:24
fuzzy [1] - 6598:8
gain [3] - 6559:15, 6605:11, 6605:12
gains [1] - 6609:25
game [3] - 6519:8, 6519:10, 6549:4
Gang [1] - 6513:1
gap [7] - 6497:24, 6501:2,
6537:10, 6641:2, 6660:21,
6661:14, 6682:4
gaps [1] - 6498:11
garbage [2] - 6606:23, 6630:25
Gas [1] - 6585:17
GATE [1] - 6374:24
Gate [5] - 6369:23, 6371:9,
6654:8, 6656:15, 6656:24
gate [1] - 6599:11
gated [1] - 6599:24
gather [3] - 6453:3, 6643:17, 6660:8
gathered [4] - 6504:9,
6506:4, 6506:11, 6713:9
gathering [2] - 6453:11, 6717:15
geese [1] - 6555:8



6574:13, 6574:25, 6577:24 habitat [217] - 6378:8, 6378:17, 6378:25, 6382:7, 6388:21, 6393:12,
6393:19, 6397:14,
6397:18, 6401:9, 6401:12, 6403:4, 6403:5, 6406:4,
6406:13, 6406:14, 6409:1, 6409:22, 6410:25, 6411:3, 6411:15, 6412:20, 6413:9, 6413:17, 6414:1, 6415:8, 6415:10, 6415:12,
6415:15, 6422:13,
6422:18, 6422:24,
6423:16, 6423:17,
6423:23, 6423:24, 6425:6, 6433:3, 6433:9, 6436:7, 6436:8, 6436:10, 6436:20, 6436:25, 6447:10,
6447:11, 6447:13,
6447:14, 6447:16,
6448:22, 6448:23, 6449:6, 6449:7, 6455:23, 6459:7, 6460:5, 6465:21, 6467:4, 6467:25, 6470:9, 6470:23, 6471:5, 6471:14, 6471:21, 6472:2, 6473:9, 6473:10, 6473:13, 6475:10, 6484:5, 6484:12, 6484:17,
6486:11, 6488:1, 6493:20, 6494:3, 6494:5, 6494:13, 6494:15, 6494:20, 6495:6, 6495:9, 6495:10, 6495:13, 6495:20, 6496:3, 6496:7, 6496:8, 6496:11, 6496:13, 6496:16, 6496:17,
6496:22, 6497:1, 6497:12, 6497:16, 6498:5, 6498:13, 6498:18, 6498:23, 6499:4, 6499:21, 6500:21, 6502:5, 6503:17, 6503:18,
6503:20, 6504:4, 6506:10, 6507:5, 6508:1, 6509:3, 6509:17, 6515:21, 6528:7, 6528:9, 6528:12, 6533:18, 6536:18, 6540:12, 6541:6, 6541:9, 6542:10, 6542:22, 6542:23, 6543:1, 6543:5, 6545:2, 6545:17, 6545:21, 6548:12, 6548:18,
6548:19, 6548:20, 6550:1, 6552:1, 6552:7, 6555:6,
6556:11, 6557:6, 6557:7, 6557:18, 6558:8, 6559:3, 6559:24, 6560:5, 6561:21, 6563:5, 6563:11, 6563:14, 6563:19, 6563:23, 6564:2, 6564:3, 6564:8, 6564:12, 6564:25, 6565:5, 6565:13, 6565:16, 6569:2, 6572:8, 6582:3, 6582:5, 6587:4, 6587:5, 6590:3, 6590:7,

6590:15, 6590:19, 6591:4, 6591:24, 6591:25,
6592:20, 6593:12, 6596:8, 6599:9, 6600:3, 6601:1, 6601:2, 6601:22, 6601:24, 6602:4, 6602:10, 6602:23, 6603:15, 6603:19, 6604:1, 6605:25, 6606:2, 6606:10, 6608:10, 6608:14, 6609:11, 6610:5, 6610:20, 6620:5, 6632:12, 6634:1, 6634:10, 6634:16, 6634:20, 6645:9, 6645:10, 6682:10, 6682:21, 6682:24, 6683:12
habitat-based [1] - 6495:20 habitation [3] - 6666:6, 6666:7, 6666:11
habitats [38] - 6392:15, 6408:8, 6416:8, 6431:21, 6433:21, 6434:7, 6434:9, 6435:19, 6436:14, 6436:17, 6445:8, 6447:3, 6447:7, 6452:5, 6472:4, 6496:15, 6497:6, 6536:14, 6536:16, 6536:25, 6539:17, 6542:18, 6546:22, 6546:25, 6547:4, 6552:20, 6558:12, 6576:11, 6587:8, 6591:5, 6593:2, 6601:16, 6602:2, 6605:5, 6605:9, 6609:21, 6632:6, 6634:8
habituate [3]-6591:17, 6593:5, 6612:14
habituates [1] - 6616:5
half [16] - 6385:25, 6507:19,
6589:11, 6592:17,
6593:24, 6594:3, 6634:6,
6634:12, 6653:11,
6673:24, 6695:16,
6698:23, 6707:24, 6708:5,
6726:21, 6727:17
Halfway [1] - 6708:9
Hanceville [3] - 6463:19, 6597:11, 6628:2
hand [9] - 6455:5, 6469:17,
6469:21, 6469:23,
6591:16, 6640:17, 6650:7,
6665:25, 6695:2
hand-digitized [1] - 6640:17
handed [1] - 6647:2
handled [1] - 6564:16
Handling [2]-6404:13, 6404:23
handling [1] - 6400:7
hang [2] - 6596:6, 6628:18
happy [2] - 6600:17, 6646:18 harassment \([1]\) - 6399:10
hard [1] - 6691:3
hardly [1] - 6596:3
hardness [1] - 6380:22
harm [2] - 6576:4, 6576:13
Hart [3] - 6370:21, 6531:22, 6534:9
HART [15] - 6373:16,
6374:10, 6531:19, 6531:21, 6531:22, 6532:7, 6532:17, 6533:1, 6533:9, 6533:24, 6534:8, 6581:25, 6582:1, 6582:12, 6582:19
harvest \([6]\) - 6416:22,
6419:3, 6420:19, 6452:18, 6508:19
harvested [1] - 6419:18
harvesting [8] - 6417:11, 6418:20, 6419:13, 6420:3, 6420:6, 6420:7, 6505:12, 6505:23
hat \({ }_{[1]}\) - 6536:1
hate [1] - 6613:13
Hatlatch [1] - 6588:22
Hatmathko [1] - 6703:21
hauling [1] - 6593:23
haven [1] - 6648:13
hazard [1] - 6606:20
hazards [1] - 6600:9
head \([5]\) - 6475:23, 6505:19, 6585:21, 6613:16, 6681:3
headings [1] - 6391:25
headwater [1] - 6681:6
Health [1] - 6647:23
health [1] - 6388:23
hear [13]-6426:10, 6457:17, 6490:12, 6651:5, 6651:9, 6652:13, 6653:4, 6653:21, 6654:18, 6655:10, 6655:12, 6675:18, 6726:21 heard [37] - 6426:16, 6440:5, 6446:8, 6450:20, 6451:7, 6452:8, 6453:9, 6455:8, 6456:16, 6456:20, 6457:6, 6464:2, 6485:19, 6486:14, 6493:13, 6510:25, 6511:10, 6521:17, 6522:5, 6522:8, 6542:9, 6554:16,
6609:23, 6622:25, 6627:9, 6633:17, 6678:1, 6678:19, 6683:15, 6699:7, 6701:5, 6705:9, 6713:6, 6721:10, 6721:13, 6724:8
HEARING [2] - 6368:6, 6368:13
hearing \([7]\) - 6376:3,
6453:22, 6454:1, 6489:17, 6523:23, 6524:2, 6524:18
hearings [18] - 6376:11,
6376:13, 6376:19,
6386:15, 6455:4, 6455:25, 6456:6, 6457:7, 6457:10, 6457:19, 6459:21, 6464:2, 6504:11, 6506:5, 6510:9,


6550:20, 6563:11, 6665:3
identified [64]-6387:20, 6388:6, 6389:7, 6390:13, 6391:14, 6392:6, 6393:21, 6398:24, 6400:3, 6401:5, 6403:19, 6403:22, 6412:24, 6414:14, 6419:4, 6421:17, 6422:3, 6422:4, 6422:19, 6428:18, 6431:1, 6433:3, 6434:7, 6438:13, 6439:6, 6441:17, 6442:5, 6468:20, 6479:5, 6491:1, 6512:12, 6529:9, 6563:15, 6563:23, 6564:9, 6565:15, 6572:21, 6581:3, 6587:15, 6618:12, 6629:3, 6644:2, 6659:19, 6660:24, 6661:2, 6661:4, 6661:24, 6664:22, 6666:17, 6666:18, 6670:16, 6673:7, 6682:4, 6697:25, 6699:11,
6704:22, 6709:3, 6715:24, 6717:16, 6717:24,
6718:12, 6725:21
identifier \({ }_{[1]}\) - 6669:18
identifies [4] - 6409:16, 6432:25, 6542:18, 6706:4 identify [21] - 6377:15, 6394:9, 6413:9, 6429:8, 6503:10, 6510:10, 6512:9, 6514:25, 6569:7, 6607:5, 6629:20, 6659:13, 6673:8, 6673:9, 6673:23, 6704:21, 6709:7, 6714:10, 6716:3, 6721:14, 6721:15
identifying [1] - 6581:19 ignores [1] - 6561:5
illegal [4]-6591:20,
6599:19, 6607:15, 6610:24
illustrate [3]-6459:19,
6461:17, 6463:5
illustration [2] - 6459:22, 6461:6
ILNB [1] - 6648:10
imagine [7] - 6614:13, 6651:20, 6686:22, 6715:8, 6718:21, 6720:2, 6720:6
immediate [4] - 6380:2,
6492:9, 6492:15, 6656:19
Impact [11]-6512:8,
6542:17, 6585:23,
6585:24, 6598:18,
6613:25, 6659:8, 6660:2,
6661:10, 6662:6, 6722:16
impact [77] - 6432:13,
6432:20, 6445:17,
6447:10, 6449:5, 6465:18, 6480:14, 6484:5, 6499:18, 6500:14, 6502:20, 6503:2, 6506:10, 6508:21, 6508:22, 6508:25, 6509:5, 6509:16, 6512:2, 6520:2,

6520:13, 6526:15,
6548:23, 6559:18, 6567:5, 6575:3, 6585:7, 6585:17, 6591:3, 6592:18, 6593:1, 6593:8, 6594:5, 6598:5, 6598:25, 6601:7, 6601:14, 6604:9, 6610:13, 6614:22, 6616:8, 6628:7, 6654:6, 6654:8, 6654:9, 6657:5, 6657:21, 6657:23, 6658:1, 6660:23, 6670:8, 6678:17, 6679:3, 6684:4, 6684:7, 6684:9, 6684:12, 6684:23, 6684:24, 6688:9, 6689:20, 6689:21, 6693:8, 6709:15, 6713:18, 6721:1, 6721:9, 6722:18, 6722:21, 6723:4, 6723:11, 6723:23, 6723:24, 6724:3, 6725:1, 6725:5, 6725:11
impact's [1] - 6574:6 impacted [14] - 6410:3, 6512:25, 6521:1, 6526:16, 6558:13, 6559:25, 6573:7, 6599:9, 6610:24, 6670:11, 6684:20, 6684:21, 6692:18, 6725:16 impacting [3]-6465:4, 6658:12, 6658:13 impacts [86] - 6394:9, 6425:9, 6425:12, 6432:9, 6432:14, 6438:16,
6438:17, 6447:12,
6455:11, 6456:15,
6456:24, 6463:11,
6465:13, 6470:9, 6490:18, 6491:4, 6493:11, 6514:14, 6531:24, 6536:4, 6537:3, 6537:7, 6538:10, 6539:4, 6539:5, 6542:15, 6542:18, 6542:20, 6543:2, 6543:11, 6545:15, 6545:20,
6545:21, 6546:19,
6546:22, 6546:25,
6548:10, 6548:24,
6549:24, 6551:1, 6557:14, 6558:21, 6559:16, 6560:3, 6561:5, 6561:8, 6563:22, 6564:25, 6565:25,
6573:25, 6574:9, 6574:10, 6574:13, 6574:15,
6574:18, 6586:23, 6591:1, 6591:15, 6592:2, 6592:16, 6604:24, 6605:18, 6606:9, 6610:19, 6611:4, 6612:12, 6615:15, 6618:8, 6629:5, 6629:8, 6632:21, 6633:20, 6651:19, 6652:25, 6653:1, 6653:2, 6654:14, 6659:14, 6660:6, 6684:10, 6686:12, 6687:6, 6687:13, 6724:19, 6724:20
impinge [1] - 6416:11
implants [1] - 6605:14
implement [5] - 6392:4,
6394:6, 6463:23, 6469:3,
6474:19
Implement [3] - 6399:3, 6399:6, 6400:5
Implementation [2]-6539:1, 6539:2
implementation [8] -
6392:12, 6394:13,
6396:23, 6398:23,
6399:13, 6411:5, 6487:4, 6680:6
implemented [5] - 6426:7, 6469:1, 6472:20, 6540:17, 6541:22
implementing [4]-6443:1, 6468:24, 6540:5, 6571:25
implements [2]-6536:21,
6540:19
imply [2]-6428:22, 6461:4
implying \({ }_{[1]}\) - 6499:3
Importance [1] - 6475:2
importance [4] - 6411:12,
6484:6, 6714:11, 6716:3
important [33]-6396:20,
6419:15, 6421:10,
6421:16, 6422:2, 6457:16,
6479:14, 6503:25,
6546:16, 6547:23,
6560:18, 6588:4, 6588:12,
6590:7, 6594:5, 6604:1,
6610:11, 6613:24, 6614:9,
6641:21, 6642:19,
6648:17, 6671:13,
6677:16, 6677:24, 6678:5,
6686:21, 6692:6, 6692:15,
6693:13, 6693:21,
6696:20, 6718:8
importantly [2] - 6692:21,
6724:11
imposition [1] - 6526:22
impossible [1] - 6558:11
impoundment [5] - 6430:22,
6433:6, 6434:4, 6435:6, 6566:1
impression [2]-6459:5, 6466:22
improve [3] - 6409:14, 6410:1, 6569:8
improved [2]-6614:16, 6685:10
improvement [1] - 6681:17
improvements [1] - 6613:9
IN [1] - 6729:13
inaccuracies [1] - 6650:5
inaccurate [1] - 6644:11
inadequate [1] - 6498:10
inadvertent \({ }_{[1]}\) - 6502:9
inadvertently \({ }_{[1]}\) - 6385:5
inappropriate [1] - 6719:8
Inaudible [1] - 6482:9
Inc [1] - 6371:21
inch [1] - 6695:3
incidences [1] - 6396:22
incident [1] - 6527:1
incidental [1] - 6568:25
Incidental [4] - 6537:1,
6537:9, 6537:15, 6551:12
incidents [1] - 6600:10
include [33] - 6381:22,
6387:2, 6387:11, 6387:23,
6389:24, 6391:21,
6394:24, 6395:16, 6404:9,
6405:19, 6406:23,
6407:12, 6407:25,
6408:22, 6409:3, 6434:1,
6435:5, 6438:20, 6439:7,
6440:10, 6455:1, 6487:14,
6493:12, 6494:14,
6494:15, 6503:25,
6513:21, 6515:24,
6526:21, 6549:20,
6610:20, 6634:12, 6665:6
included [22]-6389:22,
6402:11, 6421:11,
6429:15, 6433:25,
6434:10, 6434:16,
6434:17, 6467:10,
6467:17, 6494:9, 6494:19,
6515:11, 6533:18,
6536:13, 6579:4, 6590:22,
6625:2, 6665:4, 6667:3,
6689:13, 6689:16
Includes [2] - 6392:11, 6392:15
includes [26]-6391:1, 6391:24, 6392:2, 6392:7,
6392:22, 6393:6, 6393:8,
6393:18, 6394:2, 6394:13,
6408:17, 6414:16,
6417:24, 6420:19, 6433:6,
6433:13, 6464:13,
6485:24, 6492:18,
6494:10, 6541:20,
6585:12, 6590:10, 6591:4,
6615:20, 6681:23
including [31] - 6381:19,
6389:4, 6391:25, 6394:7,
6397:12, 6397:19,
6409:21, 6409:24,
6410:22, 6418:2, 6433:1,
6433:7, 6433:21, 6433:22,
6478:19, 6478:24, 6504:8,
6519:24, 6561:22,
6570:25, 6586:18,
6586:24, 6593:11,
6595:21, 6598:9, 6599:7,
6602:19, 6608:9, 6623:13,
6628:12, 6686:2
inclusion [1] - 6537:25
income [1] - 6506:20
inconsistencies [2] - 6644:5, 6700:14
incorporate [3] - 6440:10, 6696:21, 6714:13 incorporated [5] - 6410:4, 6533:21, 6547:21, 6557:18, 6716:1 incorrect [3] - 6413:3, 6415:11, 6643:1
incorrectly [1] - 6655:24
increase [9] - 6388:22,
6464:23, 6517:2, 6580:12, 6592:13, 6592:25, 6600:12, 6609:12, 6627:19 increased [26] - 6401:14, 6403:10, 6465:9, 6465:25, 6495:19, 6515:25, 6516:4, 6516:9, 6525:23, 6526:8, 6527:8, 6528:24, 6529:3, 6590:3, 6595:21, 6599:18, 6600:15, 6600:16,
6607:15, 6610:1, 6621:18, 6673:19, 6696:12, 6725:3, 6725:4
Increased [1] - 6403:8 increases [3] - 6561:13, 6600:2, 6614:17 increasing [4] - 6464:25, 6485:2, 6561:16, 6621:17 increasingly [1] - 6482:6 incredible [1] - 6616:15 incremental [2] - 6403:21, 6594:7
Independent [1] - 6441:21 independent [6] - 6442:1,
6442:6, 6442:11, 6585:6, 6590:17, 6649:7
INDEX [1] - 6372:1
Indian [1] - 6382:19
indicate [4] - 6475:4, 6483:13, 6542:7, 6636:6 indicated [42] - 6384:24,
6385:5, 6401:2, 6413:13, 6413:24, 6414:2, 6414:3, 6425:8, 6440:6, 6442:21, 6460:22, 6463:18, 6464:14, 6465:15, 6472:18, 6481:5, 6481:14, 6482:18, 6483:4, 6483:6, 6485:17, 6489:18, 6502:14, 6502:19, 6503:5, 6515:14, 6545:24,
6560:13, 6573:21,
6631:10, 6636:8, 6646:15,
6670:13, 6673:4, 6679:11, 6679:18, 6701:6, 6707:7, 6707:18, 6708:6, 6722:18, 6726:19
indicates [8] - 6404:5, 6415:9, 6418:23, 6418:25, 6419:3, 6426:4, 6560:21,

6727:10
indicating [4]-6419:9, 6419:23, 6440:16, 6643:1 indication [3]-6416:2, 6470:23, 6575:23
indicator [15] - 6395:8, 6396:4, 6400:19, 6402:2, 6402:17, 6402:25,
6403:18, 6403:22, 6422:5,
6465:21, 6495:6, 6586:16,
6587:12, 6611:4, 6617:12
indicator-specific [1] 6395:8
indicators [15] - 6386:22,
6387:6, 6387:7, 6395:14,
6401:1, 6401:7, 6403:9,
6421:9, 6421:16, 6421:21,
6421:22, 6424:6, 6497:15,
6645:5, 6645:14
indices [1] - 6545:14
Indirect [1] - 6396:16
indirect [12]-6388:21,
6391:16, 6391:20,
6594:21, 6626:18,
6634:21, 6684:7, 6686:14, 6686:25, 6688:1, 6720:7, 6720:9
indirectly [2] - 6447:14, 6620:14
individual [2] - 6455:17, 6475:6
individuals [5] - 6536:24,
6537:13, 6543:22, 6543:24, 6606:16
induced [1] - 6607:21
industrial [6] - 6464:25,
6537:6, 6598:10, 6614:16, 6616:14, 6632:8
industries [1] - 6452:9
industry [5] - 6409:10,
6418:16, 6540:10,
6627:10, 6627:17
inexperience [1] - 6642:22
inextricably [1] - 6536:15
infer [1] - 6604:24
inferable [1] - 6421:23
inference [1] - 6546:1
inferences [1] - 6422:8
inferred [1] - 6421:18
infestation [2] - 6532:13,
6532:21
infill [1] - 6433:9
infinitely [1] - 6647:11
influence [7] - 6591:6,
6593:18, 6605:4, 6610:17, 6621:1, 6634:4, 6634:7
influx [2] - 6600:12, 6607:18
inform [5] - 6455:2, 6474:20,
6504:3, 6558:2, 6636:25
Information [1] - 6397:10
information [107] - 6384:16,

6389:22, 6390:9, 6397:9,
6410:16, 6419:15,
6425:24, 6428:4, 6431:4,
6431:16, 6432:10, 6443:3,
6443:25, 6445:24, 6446:7,
6446:10, 6448:12,
6449:11, 6449:16,
6449:19, 6449:24,
6449:25, 6450:17,
6450:24, 6451:10,
6451:11, 6452:20,
6452:23, 6453:2, 6453:4,
6453:10, 6456:2, 6456:3,
6456:8, 6456:16, 6456:20,
6457:5, 6457:9, 6457:21,
6457:24, 6458:2, 6462:12,
6463:13, 6476:8, 6482:11, 6490:15, 6492:23,
6493:14, 6494:2, 6502:21,
6504:10, 6505:15,
6505:20, 6505:22, 6506:4,
6506:24, 6507:14,
6507:16, 6507:24,
6510:14, 6516:15, 6519:1, 6522:10, 6524:17, 6526:3, 6535:15, 6545:7, 6550:5, 6552:6, 6565:12, 6566:7, 6574:12, 6591:10, 6592:9, 6592:15, 6597:2, 6598:8, 6598:14, 6598:16,
6598:17, 6624:10,
6624:13, 6627:8, 6640:3,
6644:19, 6646:19,
6652:23, 6660:9, 6666:25,
6671:2, 6671:13, 6671:14,
6672:1, 6672:21, 6676:15,
6677:25, 6679:17,
6694:13, 6704:17,
6717:15, 6717:22, 6718:5,
6724:2, 6724:6, 6724:14,
6726:12, 6726:14
informations [1] - 6637:15
informed [5] - 6395:24,
6470:15, 6522:11,
6636:22, 6636:24
informing [1] - 6692:3
informs [1] - 6624:5
infringement [1] - 6608:5
inhibit [1] - 6587:21
initial [4]-6391:13, 6414:5,
6528:17, 6532:13
initiative [2] - 6539:14,
6540:4
Initiative [5] - 6537:1,
6537:9, 6537:15, 6539:14, 6551:12
initiatives [2] - 6535:24, 6538:14
injured [1] - 6607:10
inlet [2] - 6378:10, 6378:13
innovations [1] - 6409:24
input [7]-6426:10, 6427:19,

6430:14, 6524:19,
6573:16, 6586:7, 6609:7
inputs [2]-6429:22, 6472:4
inquiry [1] - 6724:9
inserted [1] - 6650:2
inside [3] - 6376:4, 6674:10,
6674:17
insight [1] - 6552:6
insists [1] - 6603:18
insofar [2]-6437:17,
6570:23
instance [3] - 6503:19,
6581:5, 6679:10
instances [2] - 6481:21, 6543:10
instead [2] - 6470:25, 6632:4
instructed [2] - 6498:7,
6509:6
instructions [1] - 6459:15
instructive [2] - 6442:20,
6442:22
insurance [1] - 6598:4
intact [2] - 6632:3, 6679:14
integral [2] - 6383:9, 6383:20
integrated [2] - 6536:5, 6577:9
Integrated [2] - 6637:17, 6639:20
integrity [2] - 6388:12, 6614:23
intend [2] - 6438:16, 6441:2
intended [17] - 6382:15,
6384:1, 6427:12, 6428:5,
6428:7, 6428:14, 6429:1,
6460:24, 6461:6, 6461:16,
6472:22, 6476:16,
6476:20, 6502:7, 6553:12,
6659:11, 6659:12
intending [4] - 6427:1,
6427:2, 6677:11, 6726:9
intends [1] - 6425:12
intensity [7] - 6673:19,
6674:4, 6701:22, 6715:10,
6715:17, 6717:9
intensive [1] - 6717:1
intent [3]-6483:11, 6484:15, 6625:16
intention [13] - 6431:24, 6431:25, 6438:22, 6461:4, 6502:10, 6502:14,
6512:11, 6641:24, 6671:1, 6676:24, 6680:12,
6688:15, 6694:12
intentions [1] - 6724:12
inter [1] - 6576:24
inter-specific [1] - 6576:24
interact [1] - 6391:11
interaction [2] - 6500:5, 6523:4
interactions [6] - 6388:25, 6397:23, 6398:6, 6398:18,

6510:23, 6527:14
interest \([7]\) - 6402:19,
6431:15, 6504:22, 6624:18, 6624:21, 6668:7, 6701:4
INTERESTED [2]-6370:1, 6371:1
interested [2] - 6505:9, 6571:7
interesting [5] - 6441:13,
6442:12, 6504:12, 6585:9, 6710:24
interfering [1] - 6512:13
Interfor \({ }_{[1]}\) - 6640:1
interim [1] - 6405:23
interior [1] - 6697:22
Interior [2] - 6423:18, 6547:15
interject [2] - 6460:19, 6462:25
intermountain [1] - 6540:14
Intermountain [3] - 6540:7,
6541:8, 6541:18
internal \({ }_{[1]}-6523: 13\)
international [3] - 6539:14,
6539:19, 6599:21
interpretation [4]-6413:4,
6414:12, 6431:19, 6431:23
interruption [1] - 6377:7
intersected [1] - 6384:13
interval [1] - 6673:21
intervene [2]-6508:2, 6642:24
intervention [1] - 6688:21
interview [1] - 6700:10
introduce [9] - 6376:21,
6376:22, 6379:16, 6417:7, 6525:9, 6651:4, 6656:9,
6656:18, 6657:1
introduced [1] - 6657:4
introductions [2] - 6438:18, 6438:19
inundated [5] - 6414:24,
6433:2, 6433:24, 6672:11, 6719:21
inundation [1] - 6398:3
Invariably [1] - 6546:18
Invasive [5] - 6393:2,
6418:14, 6485:16,
6485:21, 6485:23
invasive [4] - 6390:3, 6417:7, 6485:18, 6485:25
inventory [4]-6389:14, 6474:15, 6659:10, 6660:2
invertebrates [1] - 6400:23 invested [3]-6540:3, 6540:18, 6541:9
investigate [2] - 6625:13, 6659:18
investigated [1] - 6701:4 investigation [4]-6625:7,

6659:12, 6668:20, 6674:24
investment [1] - 6615:16
investments [1] - 6541:15
invite [1] - 6430:2
involve [3] - 6445:23,
6537:7, 6594:6
involved [21] - 6383:4,
6451:3, 6451:4, 6478:10, 6510:17, 6518:19,
6529:25, 6558:24, 6568:5, 6568:8, 6568:22, 6569:17, 6569:19, 6570:12,
6581:18, 6583:8, 6632:5,
6640:8, 6676:5, 6678:25, 6722:9
involvement [8] - 6427:19,
6450:25, 6471:20,
6509:11, 6677:22, 6680:8,
6724:13, 6724:15
involving [2] - 6527:1,
6625:23
IPBs [1] - 6413:14
IR [4] - 6576:6, 6723:6,
6727:18, 6727:22
irrespective [2]-6456:16, 6461:7
Irvine [2] - 6370:18, 6517:18
IRVINE [2] - 6373:10,
6517:22
Irving [15] - 6369:13,
6369:22, 6379:20,
6379:23, 6385:4, 6425:14, 6460:25, 6524:8, 6554:4,
6626:20, 6647:2, 6688:20, 6707:15, 6720:10, 6726:11
IRVING [151] - 6374:18, 6379:22, 6385:23,
6425:14, 6426:2, 6427:5,
6429:13, 6431:9, 6431:22,
6432:1, 6432:6, 6438:24,
6439:12, 6439:20, 6440:4,
6442:23, 6446:11,
6446:15, 6446:18,
6446:25, 6449:22,
6452:22, 6455:24,
6457:22, 6458:19,
6458:23, 6459:9, 6461:1,
6461:16, 6462:17, 6463:4, 6463:17, 6465:6, 6467:2, 6469:20, 6470:14, 6470:20, 6471:2, 6471:9, 6472:16, 6472:22,
6473:12, 6474:4, 6478:20, 6479:8, 6482:23, 6483:10, 6483:25, 6484:7, 6484:18, 6485:10, 6485:13, 6493:5, 6493:9, 6493:19, 6497:13, 6500:16, 6501:25, 6502:7, 6504:1, 6504:5, 6504:21, 6505:14, 6506:2, 6506:11, 6507:6, 6508:9, 6509:6, 6509:18, 6510:6, 6510:18,

6511:9, 6511:21, 6512:4, 6512:17, 6513:3, 6514:3, 6514:5, 6514:19, 6518:8, 6518:11, 6518:24,
6519:21, 6522:7, 6523:8,
6523:25, 6524:16,
6526:10, 6527:10,
6527:20, 6529:11,
6529:13, 6551:20,
6552:25, 6554:3, 6617:20, 6618:6, 6618:9, 6620:17, 6621:5, 6621:7, 6621:10,
6621:21, 6622:3, 6622:24, 6623:17, 6623:25, 6624:9, 6624:15, 6626:19,
6649:19, 6649:20,
6649:25, 6653:10, 6654:2, 6654:15, 6655:19,
6656:17, 6675:6, 6676:21, 6677:6, 6679:5, 6680:1, 6681:9, 6681:20, 6682:3, 6682:14, 6682:23, 6683:9, 6683:20, 6685:13, 6686:1, 6687:3, 6688:11, 6688:24, 6694:8, 6712:21, 6718:24, 6720:15, 6721:21, 6722:1, 6722:6, 6722:20, 6723:5, 6723:9, 6724:7, 6726:25,
6727:5, 6727:8, 6727:16, 6727:20
Irving's [1] - 6723:18
island [21]-6673:13,
6673:15, 6673:18,
6673:19, 6673:21,
6673:23, 6674:3, 6678:22,
6701:4, 6701:9, 6701:20,
6702:1, 6702:10, 6708:5,
6708:11, 6710:6, 6710:21,
6710:22, 6711:24, 6715:19
Island [1] - 6382:22
isolated [3]-6587:18,
6588:21, 6664:19
isolation [2] - 6536:10, 6589:21
issuance [1] - 6570:6
issue [22] - 6411:25,
6416:18, 6438:23,
6450:22, 6450:24,
6472:23, 6474:12,
6479:23, 6481:7, 6486:4,
6500:23, 6501:19, 6502:1,
6502:17, 6526:20, 6531:3,
6576:1, 6644:18, 6648:18,
6655:23, 6664:24, 6703:11
issued [5] - 6658:2, 6721:20, 6722:25, 6724:11, 6727:14
Issues [2] - 6391:15, 6411:22
issues [30] - 6376:14,
6377:21, 6378:5, 6386:13, 6410:21, 6411:16, 6411:19, 6416:18,

6416:19, 6417:11,
6442:17, 6442:19, 6464:5, 6503:8, 6503:10, 6513:22, 6514:8, 6531:18, 6532:10, 6546:17, 6553:20,
6600:24, 6648:11,
6649:14, 6652:3, 6652:12, 6657:17, 6673:4, 6706:17, 6714:24
item [3]-6425:17, 6467:21, 6668:7
items [4] - 6393:8, 6714:25, 6718:11, 6719:18
itself \([13]-6465: 17,6469: 22\), 6476:24, 6487:24, 6558:1, 6564:3, 6594:14, 6615:21, 6627:4, 6632:16, 6632:18, 6665:23, 6674:20
Jacques [1] - 6650:8
Jamault [1] - 6369:9
Jaron [1] - 6369:8
Jeff [1] - 6378:16
jeopardized \({ }_{[1]}\) - 6615:18
jeopardy [1] - 6561:25
job [4] - 6546:18, 6637:23, 6639:10, 6640:2
Joe [3]-6371:12, 6635:3, 6702:24
JOE [2] - 6375:14, 6702:21
John [2] - 6371:15, 6711:20
JOHN [2] - 6375:18, 6711:18
JOHNSON [9] - 6373:10,
6517:22, 6517:23,
6518:10, 6518:21, 6519:2,
6520:4, 6521:9, 6521:15
Johnson [4] - 6370:18,
6517:19, 6519:21, 6521:14
Joint [3]-6540:7, 6541:8,
6541:18
joint [1] - 6540:15
jointly [1] - 6426:5
Joseph [1] - 6369:7
judgment [1] - 6629:7
judgments [1] - 6586:20
jump [1] - 6429:13
June [3] - 6379:8, 6579:19,
6638:10
jurisdiction [3] - 6439:14,
6540:22, 6582:18
jurisdictions [1] - 6402:13
justice [1] - 6456:6
justification [1] - 6622:22
Katherine [2] - 6510:8, 6727:8
keep [5] - 6552:24, 6599:15, 6599:16, 6629:12, 6632:8
keeping [1] - 6446:22
keeps [1] - 6633:12
Kevin [10] - 6369:22, 6371:8, 6377:20, 6378:2, 6656:13, 6656:21, 6657:3, 6691:25,
\(6720: 24,6724: 19\)
KEVIN \([1]-6374: 23\)
key [40] - 6386:22, 6387:6, 6387:7, 6390:8, 6391:19, 6395:8, 6395:13, 6396:3, 6400:19, 6401:1, 6401:6, 6402:2, 6402:17, 6402:25, 6403:9, 6403:18, 6403:22, 6410:16, 6421:9, 6421:16, 6421:20, 6421:22, 6422:5, 6424:6, 6426:22, 6454:8, 6454:10, 6454:11,
6454:12, 6454:16, 6465:21, 6495:5, 6497:15, 6546:17, 6548:21, 6549:5, 6549:19, 6645:5, 6645:14, 6728:6
keyed \({ }_{[1]}\) - 6709:23
keystone \({ }_{[1]}\) - 6648:6
kill [5] - 6494:11, 6562:4,
6595:6, 6595:7, 6600:21
killed [21] - 6480:13,
6526:16, 6594:25, 6595:2, 6595:3, 6596:25, 6597:6, 6597:10, 6597:12, 6607:5, 6607:6, 6607:8, 6612:13, 6614:11, 6616:7, 6627:25, 6628:1, 6628:3, 6628:5, 6630:3, 6630:17
killing [5] - 6448:19, 6485:3, 6591:20, 6610:24, 6623:8
kills [9] - 6595:6, 6597:3,
6600:16, 6600:19, 6606:9, 6607:2, 6607:15, 6608:7, 6627:20
kilometre [8]-6592:18, 6593:24, 6594:4, 6595:24, 6600:5, 6634:6, 6634:13, 6682:1
kilometres [14] - 6389:10,
6464:16, 6464:18,
6503:20, 6508:21, 6591:6, 6592:19, 6593:13, 6599:4, 6605:5, 6629:12, 6629:18, 6630:17, 6630:20
Kincolith [1] - 6606:7
kind [20] - 6438:22, 6451:3,
6452:6, 6472:5, 6511:22,
6526:25, 6531:1, 6531:2, 6555:24, 6566:23, 6567:5, 6567:6, 6573:14, 6597:23, 6598:19, 6613:23, 6615:7, 6642:16, 6686:23, 6701:25
kinds [15] - 6447:7, 6450:15, 6474:22, 6566:18, 6568:14, 6569:3, 6570:1, 6570:22, 6576:21, 6583:6, 6597:14, 6599:6, 6599:11, 6602:22, 6605:23
Kinskrit [1] - 6593:17
KIs [3] - 6388:7, 6396:8, 6497:15

KLASSEN [24] - 6466:15,
6469:12, 6470:2, 6470:18, 6470:21, 6471:24, 6472:7, 6472:12, 6484:22,
6485:11, 6485:14, 6486:7, 6487:6, 6567:17, 6568:16, 6569:12, 6570:3, 6570:9, 6571:7, 6572:4, 6628:23,
6631:8, 6632:12, 6632:22
Klassen [4] - 6369:4, 6377:5, 6467:2, 6661:9
knowing [1] - 6536:14
knowledge [16] - 6440:18,
6440:22, 6455:2, 6455:6, 6455:9, 6455:14, 6504:3, 6504:5, 6505:7, 6553:25, 6586:18, 6597:21,
6597:22, 6627:20,
6671:10, 6697:13
known [13] - 6421:10,
6441:21, 6473:3, 6516:12, 6516:16, 6529:1, 6529:18, 6529:22, 6569:9, 6589:3, 6605:24, 6703:24, 6725:14
knows [3] - 6641:23,
6679:23, 6680:22
label [1] - 6626:22
labelling [1] - 6461:5
labour [2] - 6437:10, 6437:19
Labrador [2] - 6455:18,
6456:11
lack [2] - 6493:16, 6559:10
Ladies [3] - 6376:7, 6535:4, 6636:3
laid [1] - 6535:21
lake [20]-6398:2, 6408:3, 6433:20, 6581:10,
6664:12, 6669:8, 6672:4,
6672:5, 6672:12, 6686:22,
6712:14, 6712:23, 6713:1, 6713:9, 6713:14, 6717:19, 6717:21, 6718:12,
6718:21, 6718:22
Lake [57] - 6368:23, 6376:7, 6384:2, 6399:22, 6408:2, 6410:12, 6414:1, 6414:8, 6432:22, 6433:6, 6434:4, 6435:6, 6443:19, 6448:21, 6489:5, 6490:2, 6510:7, 6513:2, 6529:10, 6529:16, 6534:13, 6543:1, 6555:6, 6555:9, 6555:24, 6579:18, 6580:11, 6580:18, 6581:5, 6584:4, 6597:11, 6600:6, 6602:24, 6614:24, 6615:6, 6615:24, 6628:2, 6629:16, 6635:17, 6672:3, 6672:4, 6683:18, 6684:13,
6685:11, 6685:25, 6686:3, 6686:10, 6686:16,
6686:18, 6687:6, 6687:16, 6687:24, 6688:4, 6688:7,

6705:20, 6719:21
lake's [1] - 6718:17
lakes [8] - 6547:14, 6556:11,
6576:2, 6576:14, 6581:2,
6581:3, 6581:4, 6581:8
lambing [1] - 6531:6
Lance [1] - 6589:17
Land [3] - 6637:17, 6639:20, 6685:1
land [36] - 6395:21, 6402:14,
6406:11, 6407:10,
6408:21, 6408:25,
6409:18, 6409:21,
6428:16, 6428:20,
6429:23, 6440:18,
6500:21, 6506:8, 6508:18, 6519:23, 6539:3, 6564:6,
6567:3, 6583:11, 6588:16,
6589:6, 6612:4, 6616:1,
6663:5, 6664:19, 6672:7,
6684:2, 6685:6, 6687:5,
6687:16, 6693:6, 6706:8,
6709:24, 6713:15, 6724:23
land-altering [1] - 6724:23
landing [1] - 6567:4
landowners [1] - 6540:10
lands [4]-6406:9, 6442:17,
6553:8, 6553:12
Lands [1] - 6639:23
landscape \([7]-6408: 12\),
6432:24, 6433:18,
6435:17, 6632:13, 6659:1, 6698:21
landscapes [1] - 6587:19
Language [1] - 6702:22
language [1] - 6638:8
Larcombe [12] - 6370:9,
6454:4, 6454:17, 6651:20, 6652:11, 6652:16,
6653:14, 6675:14,
6680:17, 6685:13,
6726:22, 6728:2
LARCOMBE [29] - 6372:17, 6375:6, 6454:20, 6454:21, 6457:8, 6458:7, 6652:16, 6652:22, 6653:17, 6653:20, 6653:24, 6654:12, 6654:16, 6654:21, 6655:3, 6655:8, 6655:16, 6680:20, 6680:21, 6681:12, 6682:2, 6682:8, 6682:20, 6683:5, 6683:13, 6685:8, 6685:21, 6686:6, 6700:17
large [34]-6381:22, 6391:1, 6397:18, 6424:1, 6424:9, 6440:18, 6467:23, 6471:22, 6533:6, 6581:4, 6590:14, 6598:5, 6600:11, 6603:2, 6603:19, 6606:11, 6610:17, 6614:3, 6615:9, 6615:20, 6615:24,

6631:15, 6641:3, 6644:23, 6658:21, 6662:18, 6662:19, 6663:22, 6664:18, 6674:3, 6694:23, 6701:16, 6703:17, 6710:6
largely [5] - 6403:13, 6453:4, 6468:1, 6587:3, 6683:24
larger [9] - 6381:15, 6414:19, 6420:12, 6420:21,
6422:16, 6473:19,
6589:24, 6603:16, 6666:8
largest [3]-6403:4, 6417:1, 6589:19
last [32] - 6377:14, 6380:6,
6418:13, 6426:17,
6446:25, 6486:7, 6504:11, 6511:2, 6525:13, 6530:2, 6543:17, 6543:18, 6563:1, 6580:13, 6588:2, 6588:5, 6588:15, 6589:5, 6589:19, 6596:2, 6622:14, 6623:17, 6637:5, 6638:10, 6658:22, 6666:6, 6678:1, 6686:10,
6687:14, 6708:1, 6722:13
lastly [2] - 6400:11, 6674:7
Lastly [3] - 6398:17,
6415:23, 6424:5
late [6] - 6511:22, 6570:20,
6605:7, 6655:12, 6692:9,
6692:23
latest [1] - 6544:2
latter [2] - 6578:3, 6654:12
Lava [1] - 6503:19
law [3]-6511:12, 6705:21, 6709:14
lay [2] - 6440:18, 6689:21
layer [1] - 6640:20
leaching [2] - 6377:24, 6378:3
lead [9] - 6437:8, 6438:9,
6440:19, 6493:17,
6600:15, 6621:18,
6637:22, 6644:22, 6671:3
lead-up [1] - 6437:8
leaderships [1] - 6450:21
leading [8]-6390:24,
6444:16, 6460:6, 6480:4, 6480:15, 6480:17, 6532:5, 6645:12
leads [1] - 6540:6
leaned [1] - 6539:11
learn [2] - 6542:19, 6555:20
learned [2] - 6510:19, 6613:24
learning [2] - 6549:24, 6640:8
lease [1] - 6555:18
least [16] - 6377:8, 6377:11, 6385:25, 6474:18,
6500:20, 6526:18,
6568:25, 6595:4, 6636:8,
\begin{tabular}{|c|c|c|c|}
\hline 6661:17, 6673:12, & lie [1] - 6644:9 & 6575:21, 6607:19 & liner [1] - 6431:20 \\
\hline \begin{tabular}{l}
6690:20, 6696:25, \\
6703:24, 6717:6,
\end{tabular} & life [13] - 6429:18, 6477:9, & LINDA [7] - 6374:15, & lines [14] - 6384:12, 6384:19, \\
\hline leave [9] - 6384:23, 6465:13, & 477:20, 6478:2, 6487:22, & 6633:9, 6689:2, 6701:1 & 6494:6, 6494:8, 6501:1, \\
\hline 6614:20, 6636:16, 6640:5, & 6543:13, 6598:4, 6600:19, & Linda [6] - 6371:3, 6371:10, & 6516:9, 6516:13, 6516:16, \\
\hline 6652:8, 6653:23, 6688:17, & 6608:7, 6610:14, 6683:16 & 6633:8, 6680:23, 6686:13, & 6544:16, 6626:11, 6710:25 \\
\hline 6715:4 & lifecycle [1] - 6496:18 & , & linkages [6] - 6402:22, \\
\hline leaves [1] - 6631:3 & light [5] - 6453:6, 6550:6, & Linda's [1] - 6680:23 & 6421:15, 6421:19, 6422:1, \\
\hline Leaving [1] - 6519:7 & 6623:5, 6674:1, 6717:6 & line [139] - 6380:24, 6384:13, & 6422:4, 6422:7 \\
\hline led [1] - 6497:19 & lights [1] - 6585:3 & 6384:14, 6384:19, & linked [1] - 6536:15 \\
\hline ledger [1] - 6380:8 & likelihood [1] - 6417:6 & 6387:12, 6389:15, 6391:8, & links [2] - 6474:6, 6536:7 \\
\hline \[
\begin{aligned}
& \text { left }[16]-6377: 4,6380: 1, \\
& 6380: 3,6588: 19,6589: 1,
\end{aligned}
\] & \[
\begin{aligned}
& \text { likely [20] - 6387:15, 6480:1, } \\
& 6515: 23,6532: 23,6538: 7,
\end{aligned}
\] & \[
\begin{aligned}
& \text { 6391:18, 6392:22, } \\
& 6392: 24,6393: 2,6
\end{aligned}
\] & \[
\begin{aligned}
& \text { Lion's [3] - 6369:23, 6371:9, } \\
& \text { 6656:15 }
\end{aligned}
\] \\
\hline 6589:7, 6656:19, 6656:20, & 6538:10, 6542:15, & 6393:15, 6394:1, 6394:3, & LION'S [1] - 6374:24 \\
\hline 6674:25, 6679:14, & 6549:23, 6555:10, & 6394:6, 6398:10, 6398:12, & Lions [2]-6654:7, 6656:24 \\
\hline 6680:23, 6700:12, 6704:1, & 6577:20, 6587:21, 6597:9, & 6400:12, 6400:13, & list [13] - 6447:23, 6448:5, \\
\hline 6704:4, 6721:2, 6721:16 & 6659:6, 6659:7, 6670:10, & 6400:16, 6401:10, & 6448:7, 6456:12, 6489:20, \\
\hline legal [2] - 6505:5, 6650:10 & 6673:25, 6697:16, & 6401:15, 6406:16, & 6489:21, 6497:20, 6553:1, \\
\hline legally [1] - 6707:20 & 6699:14, 6714:21 & 6411:15, 6415:24, 6416:7, & 6675:13, 6700:20, \\
\hline Legally [1] - 6709:11 & Lillooet [1] - 6703:20 & 6416:25, 6417:6, 6417:17, & 6716:11, 6726:17 \\
\hline \[
\begin{aligned}
& \text { Iegislation [8]-6508:4, } \\
& \text { 6508:17, 6512:9, 6522:13, }
\end{aligned}
\] & \[
\begin{aligned}
& \text { limit }[4]-6629: 11,6629: 25, \\
& 6630: 11,6630: 19
\end{aligned}
\] & \[
\begin{aligned}
& \text { 6418:23, 6419:8, 6419:23, } \\
& \text { 6423:1, 6424:2, 6436:2, }
\end{aligned}
\] & \[
\begin{aligned}
& \text { listed }[11]-6389: 24, \\
& 6390: 17,6390: 20,6391: 8,
\end{aligned}
\] \\
\hline \[
\begin{aligned}
& \text { 6524:9, } 6535: 23,6570: 5, \\
& 6710: 13
\end{aligned}
\] & \[
\begin{aligned}
& \text { limitations [3] - 6412:11, } \\
& 6639: 2,6639: 4
\end{aligned}
\] & \[
\begin{aligned}
& \text { 6449:3, 6465:14, 6465:16, } \\
& \text { 6465:17, 6465:20, }
\end{aligned}
\] & \[
\begin{aligned}
& 6398: 25,6421: 13, \\
& 6424: 17,6425: 24,
\end{aligned}
\] \\
\hline legislations [1] - 6553:2 & limited [14] - 6382:2, 6531:8, & 6465:25, 6466:4, 6470:11, & 6439:10, 6439:13, 6537:25 \\
\hline legitimate [1] - 6537:6 & 6556:13, 6576:13, 6587:1, & 6470:16, 6471:5, 6471:6, & listen [1] - 6455:5 \\
\hline \[
\begin{aligned}
& \text { length }[3]-6464: 18,6471: 6, \\
& 6552: 23
\end{aligned}
\] & \[
\begin{aligned}
& \text { 6587:4, 6607:21, 6655:25, } \\
& 6660: 25,6661: 12,
\end{aligned}
\] & \[
\begin{aligned}
& 6471: 16,6472: 9,6479: 18, \\
& 6480: 25,6481: 10,6483: 3,
\end{aligned}
\] & \[
\begin{aligned}
& \text { listening [4] - 6446:8, } \\
& 6678: 21,6678: 22,6686: 11
\end{aligned}
\] \\
\hline less [16] - 6381:4, 6480:14, & 6663:19, 6696:11, 6696:16 & 6483:14, 6483:16, & listing [1] - 6611:2 \\
\hline 6480:17, 6552:12, 6561:1, & LIMITED [61] - 6369:13, & 6484:25, 6485:6, 6485:9, 6487:22, 6490:23, 6491:1, & listings [1] - 6610:19 \\
\hline 6591:16, 6593:8, 6595:5,
\(6599 \cdot 12,6603 \cdot 21,6606 \cdot 3\) & 6369:21, 6372:5, 6372:7, & 6487:22, 6490:23, 6491:1,
6491:13, 6491:17, & literally [1] - 6641:24 \\
\hline \[
\begin{aligned}
& \text { 6599:12, 6603:21, 6606:3, } \\
& \text { 6609:18, 6609:21, }
\end{aligned}
\] & \[
\begin{aligned}
& \text { 6372:13, 6372:15, } \\
& \text { 6372:18, 6372:19, }
\end{aligned}
\] & \[
6491: 24,6492: 20,
\] & literature [9] - 6390:6, 6397:14, 6401:18, \\
\hline 6627:13, 6722:23 & 6372:21, 6373:1, 6373:5, & 6492:24, 6493:2, 6493:6, & 6439:25, 6476:1, 6516:12, \\
\hline lesser [1] - 6530:18 & 6373:7, 6373:9, 6373:11, & 6493:9, 6493:11, 6493:21, & 6516:17, 6529:24, 6597:21 \\
\hline lethal [1] - 6600:21 & 6373:13, 6373:15, & 6494:4, 6494:17, 6496:1, 6497:18 6500:11 & lithic [16] - 6665:4, 6665:5, \\
\hline letter [9]-6618:3, 6624:22, 6670:21, 6676:1, 6712:22, & \[
\begin{aligned}
& \text { 6373:21, 6374:13, } \\
& 6374: 17,6374: 21,
\end{aligned}
\] & \[
\begin{aligned}
& \text { 6497:18, 6500:11, } \\
& \text { 6500:13, 6500:18, }
\end{aligned}
\] & \[
6665: 9,6665: 10,6665: 11
\] \\
\hline 6716:18, 6717:20, & 6374:24, 6375:1, 6375:3 & 6500:22, 6501:5, 6501:13, & 6668:12, 6671:7, 6672:16, \\
\hline 6718:25, 6719:5 & 6375:5, 6375:8, 6375:9, & 6501:23, 6503:11, 6504:9, & 6674:1, 6674:2, 6674:12, \\
\hline letting [1] - 6635:22 & 6375:11, 6375:13, & 6505:24, 6507:25, & 6710:23, 6717:6 \\
\hline level [29] - 6393:24, 6395:18, & 6375:15, 6375:17, & 6508:21, 6510:5, 6510:21,
6511:1, 6511:3, 6511:17, & Lithic [2] - 6672:13, 6672:14 \\
\hline 6425:15, 6427:15, 6428:1, & \[
\begin{aligned}
& \text { 6375:19, 6375:20, } \\
& 6379: 21,6386: 3,6424: 24,
\end{aligned}
\] & 6511:23, 6512:2, 6512:7, & litre [6] - 6381:1, 6381:2, \\
\hline 6428:2, 6437:20, 6437:25, 6438:7, 6456:18, 6468:9, & \[
\begin{aligned}
& \text { 6379:21, 6386:3, 6424:24, } \\
& \text { 6443:14, 6458:10, }
\end{aligned}
\] & 6512:14, 6512:25, & \[
\begin{aligned}
& 6381: 4,6381: 5,6381: 9, \\
& 6381: 11
\end{aligned}
\] \\
\hline 6499:9, 6509:4, 6542:5, & 6461:23, 6466:14, 6490:9, & 6514:18, 6514:22, 6515:2, & litters [1] - 6604:17 \\
\hline 6561:6, 6569:25, 6572:10, & 6509:23, 6513:7, 6517:21, & 6516:2, 6516:5, 6516:25, & Livain [1] - 6369:8 \\
\hline 6572:13, 6572:15, & 6521:22, 6525:3, 6531:20, & 6518:6, 6522:16, 6524:12, & live [8] - 6530:13, \(6530: 15\), \\
\hline 6572:17, 6574:7, 6574:14, & 6551:19, 6617: & 6599:13, 6607:16, & 6593:22, 6600:16, 6678:3, \\
\hline 6595:12, 6640:9, 6641:14, 6646:6, 6647:13, 6659:23, & 6675:20, 6680:19, 6686:7, & 6609:14, 6611:12, & 6686:20, 6703:18 \\
\hline 6701:23 & 6689:1, 6700:25, 6702:20, & 6620:20, 6620:25, 6621:2, & local [11] - 6393:24, 6401:21, \\
\hline \[
\begin{aligned}
& \text { levels [15] - 6380:17, } \\
& 6380: 20,6381: 7.6382: 5
\end{aligned}
\] & \[
\begin{aligned}
& \text { 6707:3, 6711:17, 6714:3, } \\
& \text { 6716:13 }
\end{aligned}
\] & \(6621: 11,6632: 15\),
\(6632: 16,6632: 18\), & \[
6410: 24,6421: 8,6476: 2,
\] \\
\hline \[
6412: 6,6463: 15,6505: 12,
\] & Limited [13] - 6369:13 & 6634:18, 6642:10, & \begin{tabular}{l}
6476:21, 6488:11, \\
\(6539 \cdot 20,6572 \cdot 13\),
\end{tabular} \\
\hline 6539:20, 6555:25, & 6369:22, 6376:12, 6535:4, & 6642:12, 6645:19, 6661:4, & 6572:17, 6586:18 \\
\hline 6661:24, 6662:1, 6672:4, & 6544:9, 6545:8, 6550:4, & 6681:13, 6683:15, 6704:3, & Local [6] - 6387:11, 6387: \\
\hline 6672:12, 6685:5 & 6557:25, 6575:8, 6582:10, & 6721:12, 6721:19, 6722:5, & 6400:24, 6422:14, \\
\hline licence [4]-6522:17, & 656:16, 6656:24, 6723:6 & 6723:13, 6724:5, 6724:20, & 6474:25, 6476:23 \\
\hline 6523:5, 6523:13, 6523:15 & Limited's [1] - 6576:17 & \(: 4,6725: 9,6726: 7\) & locale [1] - 6671:4 \\
\hline licensee [1] - 6523:1 & \begin{tabular}{l}
limiting [1] - 6618:23 \\
limits [4] - 6403:1, 6473:4,
\end{tabular} & \[
\text { linear }[1]-6528: 25
\] & \\
\hline
\end{tabular}
located [5] - 6552:18,
6602:3, 6683:1, 6683:2,
6699:22
location [11] - 6479:19, 6485:9, 6512:7, 6523:12, 6529:21, 6583:6, 6672:17, 6682:14, 6705:19,
6705:24, 6709:25
locations [3] - 6601:25,
6705:4, 6705:16
Lodge [1] - 6628:9
lodge [1] - 6678:23
\(\boldsymbol{\operatorname { l o g }}[1]\) - 6699:18
logging [19] - 6494:11,
6494:16, 6494:21,
6592:22, 6593:18,
6593:23, 6596:15,
6599:10, 6608:5, 6612:24,
6616:14, 6627:10,
6627:17, 6627:23,
6627:25, 6628:6, 6628:9,
6632:9, 6704:13
Logging [3]-6494:22,
6585:19, 6596:10
logic [1] - 6436:2
logical [1] - 6402:9
logistics [1] - 6546:11
long-term [7] - 6408:16,
6429:1, 6543:10, 6577:19,
6589:20, 6590:19, 6608:18
long-winded [1] - 6438:9
look [60] - 6385:9, 6440:7,
6443:24, 6445:2, 6449:17, 6464:9, 6465:2, 6465:17,
6480:10, 6480:13,
6495:18, 6496:25,
6497:11, 6500:17,
6500:18, 6500:24,
6501:15, 6503:13, 6513:3, 6515:15, 6515:16,
6515:23, 6522:15, 6529:4, 6533:19, 6534:6, 6545:15, 6545:17, 6545:20,
6556:10, 6558:3, 6573:11, 6574:25, 6577:6, 6577:18, 6591:1, 6594:2, 6594:10, 6595:11, 6596:17, 6599:3, 6601:9, 6601:14, 6601:19, 6601:20, 6615:25, 6619:7, 6634:15, 6647:7, 6689:4, 6689:5, 6691:24, 6692:10, 6692:22, 6695:9, 6698:22, 6719:9
looked [30] - 6400:20,
6430:23, 6431:13,
6442:25, 6463:14,
6470:22, 6480:4, 6487:25, 6496:7, 6496:12, 6498:22, 6501:7, 6519:23, 6529:5, 6533:12, 6571:20, 6587:23, 6596:22, 6600:10, 6604:6, 6611:19,

6660:19, 6661:16,
6681:12, 6690:2, 6696:3,
6702:11, 6715:9, 6718:3, 6720:2
Looking [1] - 6551:23
looking [37] - 6376:23,
6386:10, 6388:13,
6388:16, 6388:24, 6402:3,
6425:23, 6427:16, 6450:7,
6450:16, 6451:15,
6470:24, 6479:23,
6480:16, 6481:25, 6485:9,
6491:11, 6495:6, 6524:15,
6533:7, 6533:12, 6556:10,
6577:17, 6577:19,
6594:12, 6611:20,
6616:21, 6622:20,
6626:16, 6640:21, 6655:7,
6665:25, 6695:24, 6697:3,
6721:21, 6723:14, 6727:9
looks [4] - 6420:8, 6454:9,
6701:7, 6726:23
loons [1] - 6543:16
loose [2] - 6612:21, 6612:24
lose \({ }_{[1]}\) - 6619:12
losing [1] - 6602:5
loss [43] - 6388:16, 6388:21, 6403:4, 6403:5, 6412:23, 6412:25, 6413:5, 6415:9, 6415:15, 6415:21,
6415:24, 6433:16,
6434:23, 6435:8, 6435:21, 6436:5, 6436:11, 6436:14, 6475:10, 6476:22,
6480:21, 6480:23, 6488:1, 6503:18, 6542:21, 6562:3, 6587:5, 6591:4, 6593:12,
6595:15, 6601:9, 6601:10, 6602:15, 6602:18,
6603:14, 6610:2, 6634:1,
6634:3, 6634:10, 6634:20,
6660:9, 6710:14, 6716:22
Loss [7]-6401:9, 6547:10,
6560:10, 6567:18,
6567:21, 6569:14, 6571:15
losses [11] - 6471:14,
6480:10, 6542:24,
6595:12, 6595:17,
6602:15, 6602:16,
6608:15, 6610:21, 6620:5, 6620:6
lost [20] - 6414:14, 6414:22, 6415:1, 6415:2, 6416:4,
6432:25, 6436:20, 6449:5,
6454:8, 6454:14, 6454:15, 6480:19, 6492:1, 6537:17,
6560:17, 6561:21,
6568:18, 6604:17,
6670:10, 6679:21
loudly [1] - 6522:8
love [2] - 6529:7, 6655:8
low [9] - 6396:22, 6407:15,

6407:23, 6457:2, 6506:20, 6556:8, 6595:11, 6598:5, 6671:8
lower [1] - 6619:7
Lower [4]-6583:9, 6583:15,
6604:20, 6682:15
lowest [2] - 6662:1
Lucille [1] - 6369:9
lucky \({ }_{[1]}\) - 6444:7
lunch [5] - 6488:18, 6488:25,
6489:7, 6489:18, 6631:3
M'mm [1] - 6564:13
M'mm-hmm [1] - 6564:13
M-A-C-K-I-E [1] - 6711:21
Mackenzie [1] - 6585:18
Mackie [3] - 6371:15, 6711:20, 6713:25
MACKIE [8]-6375:18, 6711:13, 6711:18, 6711:19, 6712:6, 6712:13, 6713:5, 6713:24
macro [1] - 6473:19
Maest [3] - 6377:23, 6378:5, 6460:13
MAGGIE [2] - 6373:14, 6525:4
Maggie [3] - 6370:20, 6525:9, 6586:4 magnitude [8] - 6395:2, 6395:9, 6396:22, 6401:25, 6402:3, 6402:10, 6436:4, 6692:3
main [6] - 6440:23, 6593:8, 6612:2, 6627:12, 6651:17, 6651:20
Mainland [3] - 6371:21, 6583:10, 6583:15
maintain [3] - 6540:12, 6586:16, 6586:17 maintaining [1] - 6464:20 maintenance [4] - 6408:16, 6463:25, 6472:25, 6665:7 major [4]-6498:11, 6603:4, 6614:17, 6616:17
majority [3] - 6532:23, 6603:19, 6658:9 male [2] - 6591:19, 6596:7 mallard [1] - 6407:24 mammal [1] - 6582:13 mammals [1] - 6400:22 manage [5] - 6430:10,
6526:20, 6540:12,
6564:19, 6672:25
managed [3] - 6420:12, 6541:11, 6551:3
management [45]-6392:1, 6392:3, 6393:3, 6393:18, 6395:22, 6396:17, 6400:6, 6400:8, 6400:10, 6402:15, 6402:18, 6403:25, 6404:5, 6426:18, 6426:19,

6426:21, 6427:14, 6429:1, 6437:10, 6437:14, 6438:3, 6439:17, 6439:19,
6439:21, 6440:17,
6440:23, 6440:24, 6441:3, 6441:19, 6478:7, 6478:23, 6500:19, 6534:1, 6534:2, 6539:21, 6561:7, 6561:9, 6571:2, 6571:3, 6584:24, 6641:16, 6657:9, 6718:16, 6718:20
Management [21] - 6392:5, 6392:16, 6404:10,
6404:16, 6404:24, 6405:4, 6405:8, 6405:13, 6418:15, 6418:16, 6427:13,
6485:16, 6485:22,
6485:24, 6540:1, 6541:2,
6624:19, 6624:23,
6637:17, 6639:21, 6639:22
management-based [1] 6534:1
Manager [1] - 6379:24
managers [1] - 6539:3
managing [5] - 6437:17,
6537:3, 6537:12, 6540:22, 6543:20
manner [3] - 6422:1, 6536:5, 6638:12
manufacture [1] - 6665:7
map [41] - 6384:12, 6384:14, 6384:18, 6384:22, 6389:6, 6390:18, 6408:11,
6422:15, 6447:7, 6524:15, 6541:19, 6544:11,
6560:19, 6586:9, 6586:10, 6588:15, 6597:2, 6603:16, 6638:3, 6640:21, 6641:4, 6641:15, 6641:18,
6641:20, 6642:3, 6643:1, 6643:4, 6643:7, 6643:16, 6649:21, 6649:25,
6650:11, 6650:22, 6659:1, 6681:1, 6681:3, 6681:6,
6684:1, 6698:22, 6701:11, 6707:13
mapped [3] - 6390:21,
6698:21, 6717:21
mapper [1] - 6603:17
mapping [29] - 6389:4,
6389:11, 6389:14,
6389:16, 6389:18, 6390:7, 6397:14, 6401:12, 6411:3,
6422:13, 6422:14,
6422:15, 6423:17,
6423:19, 6424:8, 6447:5,
6528:7, 6592:20, 6608:10,
6637:24, 6642:5, 6642:15, 6644:10, 6644:19,
6644:24, 6645:1, 6645:16, 6649:1
maps [12] - 6544:11,

6551:23, 6588:2, 6588:4, 6588:6, 6588:11, 6640:2, 6640:15, 6644:16, 6646:3, 6646:7, 6700:3
MARILYN [2] - 6375:16, 6707:4
Marilyn [2] - 6371:13,
6642:21
marked [3]-6418:7,
6673:12, 6715:7
marks [1] - 6725:16
masse [2] - 6612:23, 6613:16
Master's [1] - 6577:4
mat [1] - 6697:19
match [1] - 6669:22
matched [1] - 6698:12
material [19] - 6442:25,
6647:18, 6658:8, 6663:15, 6666:4, 6668:10, 6668:12, 6670:3, 6671:8, 6671:21, 6672:15, 6693:12, 6693:15, 6693:19, 6695:2, 6697:20, 6712:2, 6718:15
materials [5] - 6400:7,
6586:3, 6699:1, 6719:22, 6719:23
Materials [2] - 6404:12, 6404:23
maternity [1] - 6640:5
matter [11]-6447:22,
6474:18, 6504:23, 6511:4, 6524:3, 6546:11, 6562:8,
6613:12, 6620:13,
6700:24, 6708:14
matters [4] - 6377:13,
6379:14, 6385:12, 6720:8
MATTERS [4] - 6372:3,
6374:19, 6376:1, 6650:23
mature [6] - 6428:20,
6479:25, 6480:1, 6480:5,
6480:18, 6532:24
mauling [1] - 6600:10
Maurice [1] - 6704:1
maximum [16] - 6381:8,
6381:10, 6401:20, 6413:5, 6414:14, 6414:16,
6414:18, 6415:1, 6415:6, 6415:16, 6432:13,
6436:13, 6436:18,
6477:17, 6478:1, 6681:22
MBCA [1] - 6536:21
McCory [1] - 6370:12
McCrory [23]-6369:17,
6385:19, 6443:10,
6458:14, 6461:20, 6462:2, 6462:17, 6466:9, 6486:14, 6554:6, 6556:17, 6584:12, 6585:1, 6585:4, 6586:12, 6617:10, 6623:20, 6623:22, 6627:2, 6628:24, 6633:4, 6635:8, 6635:19

MCCRORY [46] - 6372:20,
6373:22, 6373:24,
6374:12, 6461:24,
6461:25, 6462:6, 6463:10,
6464:21, 6465:11,
6465:23, 6466:6, 6554:10, 6554:11, 6554:19,
6555:15, 6556:16,
6584:14, 6584:15,
6584:17, 6584:20,
6588:10, 6588:14,
6617:14, 6618:2, 6618:7,
6618:25, 6621:3, 6621:6, 6621:8, 6621:15, 6622:1, 6622:4, 6623:9, 6623:22,
6624:7, 6624:14, 6624:22, 6625:21, 6626:21,
6627:22, 6629:10,
6631:14, 6632:18,
6633:25, 6635:22
McCrory's [5] - 6463:8,
6470:3, 6486:21, 6486:23, 6487:7
McKeage [1] - 6369:10 meadow [3]-6548:17, 6609:21, 6610:5
meadows [1] - 6548:14
mean [47]-6380:25, 6381:3,
6382:15, 6384:1, 6384:5,
6430:18, 6457:5, 6460:8,
6461:2, 6477:9, 6477:13, 6477:15, 6478:15,
6482:20, 6500:8, 6508:7, 6516:14, 6518:2, 6520:9, 6524:22, 6549:2, 6559:22, 6561:4, 6564:24, 6592:23, 6596:1, 6620:12, 6626:9, 6640:11, 6663:9, 6678:13, 6684:24, 6689:10, 6692:7, 6697:10, 6697:24, 6698:6, 6698:21, 6708:21,
6709:11, 6710:1, 6714:25, 6715:9, 6715:21, 6718:15, 6718:23, 6718:25
meaning [3] - 6477:6,
6483:10, 6611:4
meaningful [2]-6421:8, 6639:18
means [14]-6425:11,
6426:19, 6477:18, 6486:1, 6486:2, 6537:5, 6540:18,
6544:21, 6564:5, 6589:10,
6606:2, 6609:16, 6713:19
meant [5]-6435:12,
6461:12, 6483:9, 6563:8, 6618:2
measurable [2] - 6449:9, 6543:10
measure [7] - 6484:3,
6575:2, 6602:10, 6602:12, 6605:19, 6607:2, 6659:22
measured [4] - 6409:20,

6468:16, 6593:18, 6593:19 measurement [1] - 6468:17 measures [42]-6392:4, 6392:17, 6392:20,
6392:23, 6393:4, 6394:18, 6398:23, 6398:24, 6399:4, 6399:7, 6399:13, 6401:4,
6403:15, 6411:6, 6416:12, 6417:25, 6425:11,
6427:11, 6468:21,
6468:22, 6473:25, 6474:2,
6481:5, 6485:25, 6487:5,
6491:8, 6526:19, 6526:21,
6531:9, 6545:19, 6551:8,
6564:5, 6564:9, 6565:7,
6574:22, 6590:2, 6618:12,
6625:9, 6625:18, 6629:2,
6629:7, 6718:10
measuring [1] - 6625:24
mechanical [1] - 6486:1
mechanism [2]-6391:20, 6571:8
mechanisms [7] - 6391:7,
6391:20, 6397:22, 6398:9,
6522:11, 6570:4, 6700:2
media [2] - 6566:15, 6567:8
medicinal [1] - 6505:23
medicines [1] - 6452:19
meet [6] - 6381:7, 6430:10,
6468:5, 6676:12, 6726:19
meeting [3] - 6409:20,
6638:9, 6726:20
meetings [2] - 6452:12, 6673:5
meets [1] - 6408:21
Member [2] - 6369:4, 6369:4
member [4]-6381:13,
6637:22, 6640:5
members [9]-6451:8,
6453:1, 6455:7, 6464:4,
6465:15, 6604:8, 6638:7,
6714:17, 6714:19
Members [3] - 6376:9, 6376:11, 6535:3
membership [1] - 6678:2
Memorandums [1] - 6569:23
memory [3]-6449:4, 6462:23, 6523:9
mention [4]-6498:13,
6600:8, 6619:14, 6642:6 mentioned [33] - 6386:6,
6432:7, 6444:23, 6449:13, 6449:16, 6450:13,
6455:22, 6456:10, 6478:8,
6479:11, 6494:16, 6502:3,
6522:1, 6524:8, 6526:24,
6550:3, 6552:4, 6560:12,
6560:21, 6562:9, 6570:10, 6625:5, 6627:7, 6630:24, 6632:12, 6660:1, 6674:13, 6690:13, 6695:4, 6696:1,

6699:6, 6706:12, 6725:22
mentions [1] - 6504:14
mere [1] - 6679:9
merely [1] - 6415:6
mesh [1] - 6695:3
message [4] - 6460:2, 6461:11, 6644:3, 6644:21 met [2]-6413:19, 6595:9 metal [9]-6377:24, 6378:2, 6409:10, 6412:9, 6566:19, 6566:24, 6567:6, 6647:5, 6647:9
Metal [2] - 6378:14, 6440:21
metals [3] - 6377:21, 6378:6, 6720:13
method [4] - 6470:12, 6470:25, 6527:22
methodology [9]-6413:13, 6413:19, 6413:21, 6414:6, 6514:24, 6662:4, 6662:6, 6662:24, 6706:12
Methods [2] - 6394:23, 6570:15
methods [3] - 6400:17, 6422:23, 6471:7
metre [3]-6418:25, 6665:21, 6708:6
metres [14] - 6409:17, 6417:20, 6417:22, 6495:5, 6663:1, 6673:25, 6694:22, 6697:15, 6701:13,
6701:17, 6707:24, 6708:8, 6708:20
Mexico [1] - 6539:15
Michael [1] - 6661:9
Michaud [1] - 6369:8
micro [1] - 6663:4
microphone [1] - 6478:12
mid [1] - 6552:18
mid-1970s [1] - 6410:9
mid-to-high [1] - 6552:18
middle [1] - 6428:4
might [36] - 6379:10,
6385:16, 6424:23, 6430:2, 6432:5, 6439:21, 6453:17, 6454:9, 6454:14, 6469:6, 6470:1, 6474:21, 6479:2, 6481:16, 6499:25,
6523:18, 6577:8, 6623:12, 6629:11, 6632:19, 6633:4, 6633:10, 6651:8, 6651:19, 6653:8, 6655:25, 6689:9, 6694:22, 6696:10, 6697:4, 6697:6, 6712:25, 6719:9, 6719:22, 6720:4, 6721:1
migrant \({ }_{[1]}\) - 6602:18
migrate [1] - 6613:22
migration [18] - 6455:16, 6457:12, 6457:15, 6457:23, 6457:25, 6458:1, 6502:18, 6502:20,

6502:21, 6502:24, 6503:2, 6503:3, 6503:13, 6515:16, 6554:14, 6554:23,
6556:14, 6569:1
migrations [1] - 6464:22
Migratory [8] - 6536:19,
6536:22, 6537:2, 6537:11, 6540:20, 6551:10, 6551:13, 6570:7
migratory [32] - 6414:9,
6427:4, 6477:2, 6535:20, 6536:23, 6537:13, 6540:23, 6541:14, 6542:7, 6542:19, 6543:13,
6546:23, 6546:25,
6547:12, 6548:4, 6548:16, 6551:2, 6554:12, 6554:18, 6554:22, 6556:1, 6558:21, 6560:1, 6560:10, 6575:3, 6576:4, 6576:10, 6576:13, 6576:21, 6578:24, 6582:8, 6582:23
military [2] - 6585:25, 6628:8 mill [1] - 6613:4
milligrams [6] - 6380:25, 6381:1, 6381:4, 6381:5, 6381:9, 6381:11
million [5] - 6409:17, 6541:9, 6560:25, 6583:16, 6616:1
mind [11] - 6446:22, 6455:13, 6455:21, 6482:23, 6519:17, 6523:7, 6549:10, 6583:3, 6613:14, 6647:19, 6699:23
MINE \({ }_{[1]}\) - 6368:2
mine [165] - 6387:11,
6389:12, 6390:15,
6390:18, 6390:21, 6391:8, 6391:17, 6391:18, 6392:9, 6392:19, 6396:8, 6397:25, 6399:20, 6401:10, 6403:5, 6405:16, 6406:2, 6407:9, 6407:10, 6408:5, 6408:7, 6409:6, 6409:10, 6409:15, 6409:19, 6409:20,
6409:23, 6410:9, 6412:2, 6412:4, 6412:7, 6412:9, 6412:13, 6413:22,
6413:25, 6414:19, 6421:6, 6421:17, 6429:18, 6429:19, 6429:21, 6433:1, 6434:5, 6435:7, 6435:12, 6436:5, 6436:18, 6440:19, 6455:16, 6457:15, 6463:3, 6464:19, 6471:12, 6476:23, 6477:9, 6477:16, 6477:19, 6477:20, 6477:23, 6478:2, 6480:24, 6481:18, 6482:1, 6482:7, 6482:13, 6487:25, 6497:17, 6502:19, 6514:18, 6514:23, 6515:2,

6527:14, 6527:16, 6528:1, 6528:2, 6532:11, 6532:14, 6532:18, 6533:3, 6534:2, 6542:23, 6543:4, 6551:9, 6552:8, 6566:19, 6566:24, 6567:6, 6585:9, 6587:6, 6588:24, 6591:2, 6592:3, 6593:1, 6593:10, 6594:20, 6597:24, 6600:11, 6601:2, 6601:8, 6601:12, 6603:24, 6604:3, 6604:10, 6604:13, 6604:16, 6604:17,
6607:18, 6608:21,
6610:15, 6610:17,
6614:22, 6615:7, 6615:18, 6616:1, 6616:5, 6616:10, 6616:21, 6616:23,
6618:17, 6620:6, 6620:13, 6620:22, 6623:4, 6625:17, 6626:6, 6626:12, 6626:17, 6630:25, 6633:18,
6633:20, 6634:3, 6634:5, 6634:13, 6634:14,
6634:23, 6645:8, 6645:20,
6645:21, 6654:6, 6657:6,
6658:23, 6660:4, 6660:11, 6660:12, 6660:23,
6661:11, 6662:17, 6664:3, 6664:8, 6669:5, 6670:9, 6670:11, 6673:12,
6678:18, 6679:4, 6681:24, 6683:16, 6683:25,
6685:24, 6686:2, 6688:5, 6701:24
Mine [23] - 6404:11, 6410:7, 6430:21, 6435:14, 6441:4, 6458:18, 6460:14,
6460:15, 6460:21, 6462:7, 6475:3, 6511:4, 6585:7, 6590:24, 6591:15,
6594:13, 6595:18, 6602:8, 6604:21, 6606:24,
6611:11, 6611:24, 6615:23
mine-related [1] - 6399:20 mineral \({ }_{[1]}\) - 6605:3
MINES [64] - 6369:13,
6369:21, 6372:5, 6372:7,
6372:13, 6372:15,
6372:16, 6372:18,
6372:19, 6372:21, 6373:1,
6373:3, 6373:5, 6373:7,
6373:9, 6373:11, 6373:13,
6373:15, 6373:21,
6374:13, 6374:17,
6374:21, 6375:1, 6375:3, 6375:5, 6375:7, 6375:9, 6375:11, 6375:13,
6375:15, 6375:17,
6375:19, 6375:20,
6379:21, 6386:3, 6424:24,
6443:14, 6454:19,
6458:10, 6461:23,

6466:14, 6490:9, 6505:2,
6509:23, 6513:7, 6517:21,
6521:22, 6525:3, 6531:20,
6551:19, 6617:19,
6649:19, 6656:12, 6657:2, 6675:20, 6680:19, 6686:7,
6689:1, 6700:25, 6702:20,
6707:3, 6711:17, 6714:3,
6716:13
mines [6] - 6409:12,
6481:15, 6481:20,
6481:21, 6586:8, 6604:9
Mines [28] - 6369:13,
6369:22, 6376:12, 6378:7, 6379:25, 6385:19, 6399:18, 6411:7, 6413:18, 6417:9, 6418:14, 6444:4,
6464:1, 6523:25, 6535:4, 6544:9, 6545:8, 6550:4, 6551:17, 6557:25, 6575:8, 6576:16, 6582:10, 6610:12, 6624:18, 6651:4, 6676:2, 6676:8
Mines' [2] - 6385:14, 6385:21
minimal [3] - 6416:9,
6645:24, 6689:10
minimize [4] - 6392:18,
6399:16, 6417:25, 6481:6
minimized [2] - 6398:22,
6418:4
minimum [1] - 6719:13
Mining [2] - 6378:15, 6440:21
mining [13]-6393:11,
6406:13, 6407:10, 6442:2, 6451:14, 6504:24,
6598:21, 6605:10,
6605:22, 6610:22,
6616:14, 6632:9, 6678:20
MiningWatch [9]-6370:21,
6378:23, 6489:3, 6489:25,
6531:17, 6531:22,
6581:22, 6635:14, 6711:8
MININGWATCH [4] -
6373:16, 6374:10,
6531:20, 6581:24
Minister [5] - 6468:3, 6523:10, 6538:9, 6631:20, 6637:20
Ministry [49] - 6399:14, 6399:19, 6410:23, 6411:7, 6417:9, 6418:21, 6419:4, 6420:4, 6421:1, 6423:22, 6437:12, 6463:22, 6464:1, 6464:7, 6464:8, 6467:15, 6468:2, 6468:3, 6468:12, 6469:7, 6472:19, 6472:24, 6475:19, 6476:5, 6497:8, 6497:10, 6510:14, 6510:19, 6522:12, 6522:19, 6523:2, 6523:18, 6526:23, 6611:20,

6611:23, 6621:24, 6622:5, 6622:13, 6623:6, 6624:6, 6624:11, 6625:14, 6625:19, 6639:21, 6639:23, 6657:15, 6658:21, 6661:22, 6664:3 minor [4] - 6403:7, 6403:9, 6434:14, 6434:15
minute [2] - 6456:8, 6584:19
minutes [4] - 6636:23,
6637:1, 6646:10, 6656:2
misheard [1] - 6621:23
misleading [3] - 6432:5,
6601:7, 6602:9
misplotted [2] - 6700:3, 6700:5
Miss [2] - 6502:1, 6521:21
miss [1] - 6520:7
missed [10] - 6432:10,
6520:5, 6594:15, 6663:7,
6701:10, 6707:17,
6708:14, 6708:21, 6715:20
misses [1] - 6400:1
missing [4] - 6454:11,
6598:16, 6598:18
mistake [2]-6641:5
mitigate [12] - 6394:9, 6400:14, 6406:12, 6526:5, 6599:25, 6606:25,
6607:20, 6613:13, 6626:7, 6678:17, 6679:3, 6679:6
mitigated [3] - 6396:17, 6557:14, 6679:20
Mitigation [3] - 6393:10, 6393:25, 6659:16
mitigation [60] - 6392:4, 6392:17, 6392:20, 6394:7, 6394:18, 6398:23,
6398:24, 6399:3, 6401:4, 6403:14, 6411:6, 6416:12, 6417:24, 6426:14,
6426:22, 6426:24, 6427:1, 6427:6, 6427:11, 6468:20, 6468:22, 6474:2, 6481:5, 6484:3, 6487:5, 6491:8,
6491:20, 6515:4, 6526:19, 6526:21, 6527:22, 6531:1, 6531:9, 6539:6, 6555:19, 6587:2, 6606:19, 6607:13, 6618:12, 6625:9, 6629:2, 6630:23, 6658:1, 6659:16, 6670:20, 6670:23,
6679:10, 6679:15, 6680:6, 6686:17, 6686:23,
6687:23, 6688:7, 6698:3,
6698:7, 6710:11, 6715:25, 6716:17, 6716:21
mitigations [4] - 6396:18,
6468:25, 6531:5, 6659:20
\(\operatorname{mix}_{[1]}\) - 6622:10
mixed [1] - 6377:25


6478:10, 6478:16, 6479:6
Montana [3] - 6589:17,
6591:9, 6630:13
month [4] - 6512:18,
6560:15, 6722:19, 6722:22
months [1] - 6640:1
moose [27] - 6407:21,
6422:22, 6452:13,
6452:14, 6455:22,
6456:11, 6456:23,
6456:25, 6465:14,
6465:16, 6465:18,
6465:21, 6470:4, 6470:10,
6477:19, 6488:3, 6495:12,
6495:17, 6496:2, 6496:7,
6496:10, 6519:9, 6520:12,
6526:7, 6647:6, 6647:9,
6647:14
Moose [2]-6465:22,
6647:11
Moran [2] - 6585:23, 6613:25
Morin [6] - 6369:4, 6377:4,
6377:21, 6378:2, 6381:13, 6460:13
MORIN [27] - 6472:14,
6472:18, 6473:7, 6473:15, 6474:23, 6475:20,
6475:24, 6476:10,
6476:18, 6477:5, 6477:12, 6477:15, 6478:3, 6487:10, 6488:7, 6488:13, 6572:7, 6572:18, 6573:20,
6574:24, 6575:9, 6575:25, 6577:13, 6578:10, 6714:4, 6716:2, 6716:6
morning [30] - 6376:2,
6376:3, 6376:6, 6376:19, 6376:25, 6379:23,
6384:23, 6385:12,
6461:25, 6462:18,
6489:10, 6490:17,
6510:25, 6525:14,
6640:20, 6645:14,
6648:18, 6651:23, 6653:6, 6653:22, 6654:22, 6655:4,
6655:15, 6656:3, 6723:1,
6724:10, 6724:14,
6726:12, 6726:20, 6728:5
morphology [1] - 6697:14
Morris [1] - 6378:16
mortalities [5] - 6465:3,
6599:22, 6607:14,
6625:13, 6625:16
mortality [51] - 6388:22,
6399:17, 6400:15,
6401:14, 6403:8, 6403:10, 6403:12, 6404:18,
6464:23, 6465:9, 6465:24,
6466:1, 6466:3, 6495:19,
6495:24, 6515:20, 6516:4,
6516:22, 6517:2, 6517:9,
6525:23, 6526:5, 6526:10,

6526:12, 6532:19, 6591:8, 6593:4, 6594:3, 6594:7, 6594:12, 6594:13, 6594:17, 6594:19, 6594:21, 6595:22,
6596:23, 6599:19,
6606:15, 6607:1, 6607:22, 6608:14, 6610:21, 6614:13, 6614:18, 6620:15, 6625:6, 6625:7, 6625:10, 6625:17, 6628:12, 6630:4
Mosquito [1] - 6511:24 most [42] - 6376:23, 6387:15, 6395:13, 6396:14, 6401:1, 6402:7, 6403:9, 6408:12, 6434:10, 6441:24, 6484:12, 6506:19, 6532:4, 6532:5, 6539:24, 6541:6, 6546:13, 6546:16, 6546:18, 6547:16, 6549:12, 6555:5, 6577:22, 6579:21, 6581:6, 6591:2, 6591:7, 6594:3, 6612:2, 6615:2, 6619:16, 6634:8, 6638:15, 6642:17, 6654:17, 6659:6, 6659:7, 6659:17, 6659:20, 6669:7, 6699:14
Most [7]-6396:7, 6396:9,
6448:17, 6517:24,
6613:20, 6618:12, 6629:2
mostly [3] - 6528:9, 6535:22, 6622:12
mother [4]-6595:2,
6605:11, 6616:6, 6626:4
motorized [6] - 6600:2,
6600:12, 6600:13,
6607:15, 6620:8, 6621:19
moulting [1] - 6549:10
Mountain [1] - 6628:17
mountain [5] - 6530:21,
6616:19, 6630:1, 6648:10, 6648:13
mountains [1] - 6589:23
mouth [1] - 6723:18
move [15]-6410:15,
6451:25, 6462:19,
6466:12, 6477:22, 6562:5,
6584:9, 6584:11, 6609:14,
6619:20, 6635:3, 6651:1,
6673:13, 6693:2, 6704:20
moved [3] - 6383:17, 6596:3, 6690:20
movement [11] - 6388:22,
6501:4, 6501:12, 6501:15,
6501:17, 6501:23, 6503:7,
6587:22, 6593:12, 6614:4, 6632:17
movements [5] - 6503:12,
6591:7, 6593:3, 6619:3, 6619:5

Moving [1] - 6498:12 moving [4] - 6500:13, 6500:17, 6524:11, 6524:14
MR [430] - 6372:9, 6372:11, 6372:13, 6372:20, 6373:14, 6373:16, 6373:18, 6373:19, 6373:22, 6373:24, 6374:2, 6374:8, 6374:10, 6374:11, 6374:16, 6374:18, 6375:2, 6375:18, 6379:22,
6385:23, 6386:6, 6403:23, 6403:24, 6416:1, 6416:2, 6419:16, 6419:22, 6424:25, 6425:1, 6425:14, 6426:1, 6426:2, 6426:9, 6427:5, 6427:21, 6428:17, 6428:24, 6429:13, 6430:5, 6431:9, 6431:19, 6431:22, 6431:25, 6432:1, 6432:4, 6432:6, 6432:7, 6432:23, 6433:5, 6433:15, 6434:1, 6434:6, 6434:19, 6434:24, 6435:2, 6435:10, 6435:18, 6435:25, 6436:1, 6436:6, 6436:12, 6436:13,
6436:23, 6437:4, 6437:5, 6438:24, 6439:11,
6439:12, 6439:16,
6439:20, 6439:24, 6440:4, 6440:13, 6442:23,
6446:11, 6446:15,
6446:18, 6446:25,
6449:22, 6452:22,
6455:24, 6457:22,
6458:19, 6458:23, 6459:9, 6461:1, 6461:16, 6461:23, 6461:25, 6462:6, 6462:17, 6463:4, 6463:10, 6463:17, 6464:21, 6465:6, 6465:11, 6465:23, 6466:6, 6466:15, 6467:2, 6469:12, 6469:20, 6470:2, 6470:14, 6470:18, 6470:20, 6470:21, 6471:2, 6471:9, 6471:24, 6472:7, 6472:12, 6472:16,
6472:22, 6473:12, 6474:4, 6478:13, 6478:20, 6479:8, 6479:20, 6481:4, 6481:19, 6482:5, 6482:23, 6483:10, 6483:25, 6484:7, 6484:18, 6484:22, 6485:10,
6485:11, 6485:13,
6485:14, 6485:23, 6486:7, 6487:6, 6490:20, 6490:24, 6493:5, 6493:9, 6493:19, 6497:13, 6500:16,
6501:25, 6502:7, 6504:1, 6504:5, 6504:21, 6505:14, 6506:2, 6506:11, 6507:6, 6508:9, 6509:6, 6509:18, 6510:6, 6510:18, 6511:9,

6511:21, 6512:4, 6512:17 6513:3, 6514:3, 6514:5, 6514:19, 6518:8, 6518:11, 6518:24, 6519:21, 6522:7, 6523:8, 6523:22, 6523:25, 6524:16, 6525:4, 6525:7, 6526:10, 6527:10,
6527:20, 6529:11,
6529:13, 6531:13,
6531:19, 6531:21,
6531:22, 6532:3, 6532:7, 6532:12, 6532:17, 6532:20, 6533:1, 6533:7, 6533:9, 6533:11, 6533:24, 6534:6, 6534:8, 6534:25, 6535:2, 6551:20, 6552:9, 6552:25, 6553:9, 6554:3, 6554:9, 6554:11, 6554:15, 6554:19, 6554:25, 6555:15, 6556:4, 6556:16, 6557:15, 6558:10, 6559:7, 6559:13, 6560:20,
6561:15, 6562:13, 6563:9, 6564:22, 6565:14,
6565:24, 6566:9, 6566:10, 6567:17, 6567:24,
6568:16, 6568:19,
6569:12, 6569:15, 6570:3, 6570:7, 6570:9, 6570:19, 6571:7, 6571:16, 6572:4, 6572:14, 6572:20, 6574:2, 6575:6, 6575:10, 6576:16, 6577:15, 6578:9, 6578:25, 6579:5, 6579:10, 6579:11, 6579:15, 6579:22, 6580:9, 6580:14, 6580:25,
6581:10, 6581:12,
6581:14, 6581:21,
6581:25, 6582:1, 6582:6, 6582:12, 6582:16, 6582:19, 6583:3, 6584:14, 6584:15, 6584:17, 6584:20, 6588:10,
6588:14, 6617:14,
6617:20, 6618:2, 6618:6, 6618:7, 6618:9, 6618:25, 6620:17, 6621:3, 6621:5, 6621:6, 6621:7, 6621:8, 6621:10, 6621:15,
6621:21, 6622:1, 6622:3, 6622:4, 6622:24, 6623:9, 6623:17, 6623:22, 6623:25, 6624:7, 6624:9, 6624:14, 6624:15, 6624:22, 6625:21, 6626:19, 6626:21,
6627:22, 6628:23,
6629:10, 6631:8, 6631:14,
6632:12, 6632:18,
6632:22, 6633:25,
6635:22, 6636:20,
6636:25, 6637:3, 6637:4,

6643:3, 6643:9, 6643:14, 6643:18, 6643:23, 6644:4, 6644:17, 6644:22, 6646:8, 6646:13, 6647:20,
6649:19, 6649:20,
6649:25, 6650:16,
6653:10, 6654:2, 6654:15, 6655:19, 6656:17, 6657:2, 6657:3, 6675:6, 6676:21, 6677:1, 6677:6, 6678:9, 6679:5, 6680:1, 6681:9, 6681:20, 6682:3, 6682:14, 6682:23, 6683:9, 6683:20, 6684:19, 6685:1, 6685:3, 6685:5, 6685:13, 6686:1, 6687:3, 6688:11, 6688:24, 6689:17, 6691:17, 6691:19, 6692:5, 6693:7, 6693:25, 6694:8, 6694:16, 6694:19, 6694:24, 6695:7, 6696:5, 6697:9, 6698:18, 6699:10, 6699:21, 6700:9, 6701:13, 6702:4, 6708:9, 6708:17, 6708:24,
6709:12, 6710:10,
6710:22, 6711:4, 6711:13, 6711:18, 6711:19, 6712:1, 6712:6, 6712:8, 6712:13, 6712:16, 6712:21, 6713:5, 6713:12, 6713:24,
6714:14, 6716:5, 6717:4, 6717:13, 6717:25,
6718:13, 6718:24,
6719:25, 6720:6, 6720:15, 6721:3, 6721:15, 6721:21, 6722:1, 6722:6, 6722:20, 6723:5, 6723:9, 6724:7,
6724:22, 6725:6, 6725:13, 6725:23, 6726:25, 6727:5, 6727:8, 6727:16, 6727:20 MS [324] - 6372:9, 6372:10, 6372:17, 6372:18, 6373:1, 6373:3, 6373:5, 6373:8, 6373:12, 6373:14,
6373:18, 6374:6, 6374:15, 6375:6, 6375:10, 6375:12, 6375:21, 6397:6, 6397:7, 6412:17, 6412:18,
6420:25, 6428:15,
6428:18, 6429:4, 6454:19, 6454:21, 6457:8, 6458:7, 6458:10, 6458:12,
6458:21, 6458:24,
6459:25, 6461:10,
6461:18, 6461:22, 6465:8, 6465:19, 6466:2, 6471:3, 6471:11, 6472:3, 6472:8, 6472:14, 6472:18, 6473:7, 6473:15, 6474:23,
6475:15, 6475:20,
6475:22, 6475:24, 6476:4, 6476:10, 6476:14,

6476:18, 6476:20, 6477:5, 6477:10, 6477:12,
6477:13, 6477:15,
6477:17, 6478:3, 6487:1,
6487:10, 6487:19, 6488:7,
6488:10, 6488:13,
6490:10, 6490:11,
6490:22, 6490:25, 6491:3, 6491:5, 6491:6, 6491:7,
6491:10, 6491:13,
6491:16, 6491:18,
6491:20, 6491:23, 6492:2,
6492:4, 6492:8, 6492:11,
6492:14, 6492:16,
6492:18, 6492:21,
6492:22, 6493:3, 6493:8,
6493:13, 6493:25, 6494:3,
6494:5, 6494:7, 6494:10,
6494:13, 6494:18,
6494:20, 6494:21,
6494:22, 6494:25, 6495:3,
6495:11, 6495:13,
6495:15, 6495:18,
6495:21, 6495:23, 6496:1,
6496:6, 6496:14, 6496:16,
6496:19, 6496:21,
6496:23, 6496:25, 6497:2,
6497:5, 6497:10, 6498:9,
6498:19, 6498:21,
6498:22, 6498:25, 6499:6,
6499:8, 6499:9, 6499:17,
6499:20, 6500:3, 6500:7,
6500:9, 6500:25, 6501:6,
6501:7, 6501:9, 6501:12,
6501:14, 6501:20, 6502:2,
6502:17, 6502:23, 6503:1,
6503:5, 6503:13, 6503:15, 6503:16, 6503:22,
6503:24, 6504:2, 6504:12, 6505:3, 6505:4, 6505:22,
6506:6, 6506:14, 6507:17,
6508:15, 6509:13,
6509:19, 6509:24,
6509:25, 6510:16,
6510:24, 6511:16,
6511:22, 6512:15,
6512:20, 6513:5, 6513:8,
6513:9, 6513:12, 6514:4,
6514:11, 6515:13,
6515:19, 6515:22, 6516:3, 6516:7, 6516:11, 6516:19, 6516:20, 6516:23, 6517:1, 6517:5, 6517:8, 6517:10,
6517:11, 6517:12,
6517:14, 6517:15,
6517:18, 6521:23,
6521:24, 6523:6, 6523:19, 6524:4, 6525:4, 6525:12, 6525:21, 6527:7, 6527:12, 6528:5, 6528:11, 6528:13, 6528:15, 6528:22, 6529:4, 6529:7, 6529:12, 6529:14,

6529:17, 6529:20,
6529:21, 6529:23,
6529:24, 6530:2, 6530:6, 6530:11, 6531:3, 6531:11, 6533:17, 6572:7, 6572:18, 6573:20, 6574:24, 6575:9, 6575:25, 6577:13, 6578:10, 6578:21, 6578:22, 6579:3, 6579:6, 6624:17, 6625:4, 6633:3, 6633:4, 6633:8, 6635:6, 6651:16, 6652:16, 6652:22, 6653:17, 6653:20, 6653:24, 6654:12, 6654:16, 6654:21, 6655:3, 6655:8, 6655:16, 6680:20, 6680:21, 6681:12, 6682:2, 6682:8, 6682:20, 6683:5,
6683:13, 6683:14, 6685:8, 6685:21, 6686:6, 6689:2, 6689:3, 6691:14, 6692:2, 6692:25, 6693:23, 6694:5, 6694:14, 6694:18,
6694:21, 6695:4, 6696:1, 6697:2, 6698:14, 6699:6, 6699:17, 6700:17, 6701:1, 6701:2, 6701:25, 6702:13, 6714:4, 6716:2, 6716:6, 6716:14, 6716:15, 6717:10, 6717:19, 6718:8, 6719:11, 6719:17, 6720:4, 6720:21, 6721:10, 6721:18, 6721:25, 6722:3, 6722:15, 6723:3, 6723:7,
6723:13, 6723:19,
6723:25, 6724:15, 6725:3, 6725:10, 6725:19, 6726:4,
6726:11, 6726:15,
6727:15, 6727:18, 6727:23
mule [41] - 6407:18, 6417:3,
6418:1, 6418:8, 6422:22,
6455:15, 6456:11,
6456:23, 6456:25,
6457:12, 6457:15,
6457:23, 6464:22,
6464:24, 6465:3, 6465:9,
6482:16, 6483:5, 6484:4,
6484:13, 6484:16, 6485:3,
6490:18, 6491:1, 6492:6,
6495:24, 6496:7, 6496:10,
6498:6, 6501:19, 6502:24,
6503:9, 6515:9, 6517:3,
6517:5, 6598:25, 6613:20,
6613:21, 6614:9, 6623:11,
6641:22
multiply [2] - 6603:12,
6603:13
multitiered [1] - 6383:3
Museum [2] - 6669:21,
6669:24
museum [1] - 6670:4

Musical \({ }_{[1]}\) - 6656:17 muskrat [4]-6647:6,
6647:10, 6647:11, 6647:13 must [8] - 6383:22, 6430:12, 6504:15, 6521:4, 6522:21, 6536:8, 6559:15, 6680:7
muted [1] - 6490:13
myriad [2] - 6548:3, 6548:16
Nabas [1] - 6448:20
NABCI \({ }_{[1]}\) - 6539:22
nailed [1] - 6466:23
Nalaine [7] - 6369:4, 6377:4, 6472:13, 6487:9, 6572:6, 6714:2, 6716:7
name [10] - 6377:3, 6379:23, 6399:11, 6535:7, 6562:16, 6585:4, 6637:5, 6650:21, 6680:22, 6729:14
name's [1] - 6657:3
namely [2]-6448:20,
6452:25
names [3]-6384:16,
6384:20, 6562:12
Nancy [5] - 6371:22,
6449:15, 6646:15, 6729:3, 6729:19
narrow [1] - 6408:13
NATION [26] - 6373:1,
6373:3, 6373:5, 6373:7, 6373:9, 6373:11, 6374:6, 6375:3, 6375:6, 6375:8, 6375:10, 6375:16, 6375:21, 6490:10, 6505:2, 6509:24, 6513:8, 6517:22, 6521:23, 6578:20, 6675:21, 6680:20, 6686:8, 6689:2, 6707:4, 6716:14
Nation [34] - 6370:8,
6370:14, 6370:15,
6370:17, 6370:18,
6371:11, 6371:13,
6376:10, 6382:19,
6445:18, 6450:11, 6489:3, 6490:7, 6506:18, 6510:1, 6515:25, 6524:7, 6578:18, 6635:12, 6680:9, 6691:15, 6702:17, 6702:25, 6703:7, 6703:9, 6703:14, 6703:18, 6703:19, 6703:20,
6704:24, 6716:12, 6719:7
Nation's [1] - 6578:23
National [22] - 6370:9,
6370:11, 6370:12,
6371:12, 6385:20, 6444:5,
6447:19, 6454:4, 6458:9,
6466:11, 6475:2, 6551:12, 6554:5, 6556:18, 6600:10, 6605:22, 6615:20, 6617:1, 6628:18, 6630:15,
6702:16, 6703:10
NATIONAL [2] - 6374:11,

6584:13
national [2]-6539:19, 6626:5
Nations [36] - 6376:16, 6387:9, 6410:22, 6445:16, 6449:20, 6450:11, 6464:3, 6478:19, 6489:23, 6492:10, 6500:4, 6502:6, 6502:8, 6502:11, 6504:3, 6505:10, 6505:18, 6507:2, 6507:7, 6535:6, 6540:8, 6586:1, 6586:19, 6614:10, 6614:19, 6616:20,
6622:15, 6628:19, 6670:7, 6695:13, 6701:6, 6702:1, 6703:7, 6703:18, 6727:12
Nations' [1] - 6579:3
native \({ }_{[3]}\) - 6392:25, 6407:7, 6410:13
Natives [1] - 6494:12
Natural [4] - 6397:20,
6411:21, 6488:21, 6633:1
natural [5] - 6406:19, 6407:3, 6412:8, 6499:3, 6499:12
nature [9]-6382:21, 6384:1, 6531:8, 6590:21, 6603:11, 6631:6, 6644:18, 6654:9, 6724:8
Nature [1] - 6423:20
NEA [1] - 6539:8
near [9] - 6390:18, 6400:1,
6469:11, 6574:17, 6591:8, 6596:21, 6606:2, 6620:21, 6630:14
nearly [1] - 6409:17
necessarily [12]-6428:22, 6548:11, 6559:22, 6567:25, 6571:10, 6573:7, 6642:9, 6652:19, 6671:5, 6689:25, 6692:7, 6715:8
necessary [2] - 6613:9, 6660:8
need [30] - 6376:24, 6376:25, 6427:24, 6428:4, 6445:23, 6458:21, 6474:20,
6478:11, 6479:5, 6500:1,
6505:11, 6509:2, 6524:13,
6525:19, 6530:9, 6548:25,
6558:17, 6560:7, 6561:10,
6571:13, 6651:13, 6652:4,
6652:5, 6672:10, 6684:10,
6684:20, 6684:21,
6687:22, 6717:18
needed [4] - 6449:20,
6569:5, 6573:15, 6715:23
needs [12] - 6430:11, 6445:6,
6451:13, 6515:23, 6517:7,
6557:18, 6559:19,
6606:18, 6668:20,
6670:18, 6715:22, 6718:14
negative [4]-6499:18,
6543:11, 6551:8, 6591:3
negatively [2] - 6606:13, 6614:22
negotiate [1] - 6563:4
negotiating [1] - 6559:11
negotiation [2]-6577:10, 6577:24
negotiations [9] - 6508:16, 6509:14, 6509:16, 6518:19, 6519:4, 6549:15, 6563:22, 6565:4, 6655:8
Nemaiah [9] - 6370:20, 6489:3, 6525:1, 6525:8, 6525:16, 6579:8, 6579:16, 6635:13, 6711:10
NEMAIAH [4] - 6373:13, 6374:8, 6525:4, 6579:9
Nemiah [8] - 6489:24,
6588:5, 6588:9, 6598:3,
6604:7, 6622:10, 6625:1,
6628:14
nesting [2] - 6407:19,
6428:21
Nesting [1] - 6543:11
nests [2]-6536:25, 6537:8
Net [6] - 6547:10, 6560:10,
6567:18, 6567:21,
6569:14, 6571:15
net \([3]-6433: 16,6565: 3\), 6610:2
never [9]-6451:10, 6518:21, 6549:10, 6614:11, 6641:24, 6676:3, 6676:4, 6676:13, 6712:16
Nevertheless [4] - 6426:25, 6545:13, 6574:11, 6575:16 nevertheless [3] - 6428:3, 6577:5, 6580:3
new [18] - 6379:16, 6422:25, 6464:17, 6481:17, 6482:2, 6507:23, 6508:20,
6515:24, 6535:15, 6536:1, 6570:17, 6586:13,
6604:15, 6606:7, 6606:21,
6651:4, 6656:9, 6686:1
newer [1] - 6627:14
Next [6] - 6524:25, 6531:17, 6534:9, 6581:22, 6670:18, 6716:8
next [38] - 6380:3, 6413:8,
6427:8, 6454:5, 6464:21,
6466:12, 6490:7, 6512:19, 6520:1, 6534:17, 6540:6,
6554:5, 6558:11, 6584:11,
6604:1, 6609:9, 6627:3,
6632:1, 6632:10, 6635:25, 6646:23, 6650:21,
6659:25, 6660:15,
6663:25, 6664:9, 6665:15, 6665:16, 6670:18,
6673:14, 6680:4, 6680:5,
6700:23, 6702:12, 6711:7,

6711:9, 6716:11, 6722:22
NGOs [3] - 6502:4, 6569:6, 6569:20
nice [3] - 6617:11, 6623:15, 6704:16
nicely [1] - 6704:16
Nicol [4] - 6369:23, 6371:9,
6656:15, 6656:23
NICOL [1] - 6374:24
Nielsen [3] - 6371:22,
6729:3, 6729:19
nil [2] - 6499:22, 6499:25
nine [4] - 6587:15, 6595:9, 6661:5, 6667:3
nine-year [1] - 6595:9
nineties [1] - 6528:17
NO [1] - 6372:2
nobody [2] - 6454:13, 6677:1
nobody's [1] - 6630:19
Noise [1] - 6405:3
non [12] - 6445:16, 6480:4, 6480:15, 6494:12, 6529:5, 6540:9, 6546:2, 6558:23, 6571:25, 6576:2, 6576:14, 6600:13
non-First \({ }_{[1]}\) - 6445:16
non-fish-bearing [2] 6576:2, 6576:14
non-government [2] -
6558:23, 6571:25
non-governmental [1] 6540:9
non-human [1] - 6529:5
non-locally [1] - 6546:2
non-motorized [1] - 6600:13
non-Natives [1] - 6494:12
non-pine-leading [2] 6480:4, 6480:15
none [1] - 6627:2
nonetheless [2] - 6536:2, 6605:19
noon [1] - 6651:23
NOON \({ }_{[2]}\) - 6372:22, 6489:12
normally [2] - 6556:21, 6604:14
north [4]-6419:9, 6541:4, 6608:4, 6705:20
North [14] - 6441:5, 6539:13, 6539:15, 6539:17,
6539:25, 6541:2, 6587:17, 6588:17, 6588:20, 6589:7, 6608:10, 6616:16,
6631:19, 6632:11
North/south [1] - 6493:8
northernmost [1] - 6616:18
Northwest [1] - 6442:18
not-for-profit [1] - 6473:18
note [4] - 6413:2, 6425:7,
6443:9, 6624:1
noted [5]-6383:15, 6412:10,
6426:12, 6481:12, 6602:14

notes [5] - 6570:10, 6646:17,
    6695:5, 6695:10, 6695:15
nothing [4] - 6495:11,
    6519:5, 6687:1, 6718:18
notice [2] - 6628:14, 6640:17
noticed [2] - 6562:21,
    6580:11
notify [1] - 6538:8
noting [5] - 6426:10, 6431:6,
    6436:23, 6438:17, 6438:21
notion [6] - 6426:17,
    6428:11, 6430:24,
    6547:25, 6582:22, 6621:1
notwithstanding [1] -
    6576:19
number [68] - 6378:4,
    6380:7, 6380:15, 6385:1,
    6389:16, 6389:23,
    6397:18, 6415:11,
    6415:14, 6420:19,
    6424:23, 6425:17, 6435:1,
    6440:18, 6440:22,
    6446:12, 6447:23,
    6447:24, 6448:14, 6450:9,
    6455:15, 6456:24,
    6457:24, 6463:2, 6467:21,
    6468:20, 6469:13,
    6473:14, 6475:6, 6475:16,
    6477:7, 6479:11, 6485:24,
    6504:11, 6516:15,
    6526:18, 6538:15,
    6545:11, 6554:12, 6568:5,
    6568:8, 6569:18, 6576:13,
    6577:7, 6580:12, 6581:4,
    6583:23, 6591:21, 6592:7,
    6602:7, 6603:2, 6606:12,
    6609:8, 6610:16, 6623:19,
    6647:7, 6663:18, 6669:22,
    6679:19, 6681:3, 6687:7,
    6687:10, 6694:20,
    6697:11, 6699:3, 6717:4,
    6717:7
    numbered [1] - 6669:21
    numbers [37] - 6413:23,
    6414:25, 6415:19,
    6415:20, 6434:15, 6436:2,
    6445:10, 6445:25, 6446:8,
    6447:25, 6448:16, 6457:1,
    6470:24, 6492:15,
    6492:17, 6495:12,
    6506:23, 6506:25, 6507:1,
    6507:11, 6517:5, 6517:10,
    6517:12, 6548:7, 6554:13,
    6554:22, 6568:14,
    6573:17, 6579:21,
    6589:11, 6589:25, 6592:8,
    6614:4, 6669:17, 6669:20,
    6725:24, 6726:1
numerous [2] - 6663:21,
    6673:7
nursery [5] - 6410:13,
    6496:2, 6496:8, 6496:19,

6498:5
nutcracker [1] - 6648:7
nutrient [2] - 6379:7,
6407:16
nutrient-poor [1] - 6407:16
nutrients [3] - 6380:13,
6385:1, 6385:8
nuts [2] - 6589:3, 6609:22
Nuxalk [1] - 6703:20
o'clock [3] - 6489:8, 6489:11, 6655:4
objections [1] - 6651:15
objective [3] - 6428:20, 6572:20, 6660:2
objectives [9] - 6406:8, 6408:21, 6409:3, 6428:16, 6430:25, 6539:9, 6549:21, 6560:23, 6561:9
obligates [3] - 6437:16, 6474:6, 6538:9
obligation [1] - 6440:6
obligations [6] - 6391:24,
6405:22, 6438:7, 6478:24, 6538:3, 6540:19
obscured [1] - 6715:3
observation [1] - 6532:13
observations [1] - 6542:6
observe [1] - 6713:2
observed [4] - 6555:7,
6580:17, 6614:11, 6663:2
observers [1] - 6544:18
obtain [1] - 6448:12
obtained [1] - 6722:17
obtaining [1] - 6443:2
obvious [2]-6615:11,
6632:2
obviously [28] - 6402:21,
6430:11, 6430:13,
6442:17, 6469:2, 6469:23,
6483:16, 6496:11,
6500:24, 6510:13,
6530:10, 6583:5, 6583:11, 6618:14, 6623:7, 6655:12, 6665:12, 6670:10,
6671:15, 6672:23,
6675:12, 6679:16,
6680:13, 6696:12,
6708:18, 6715:21,
6717:17, 6718:22
Obviously [2] - 6464:12, 6655:10
occasionally [2] - 6700:3, 6712:18
occasions [1] - 6538:16
occupation [1] - 6693:5
occur [10]-6396:8, 6396:13,
6542:15, 6568:6, 6575:14,
6616:3, 6660:6, 6688:22,
6688:23
occurred [1] - 6503:22
occurrence [1] - 6658:18
occurring \({ }_{[1]}\) - 6407:4
occurs [4]-6391:12, 6403:5, 6505:24, 6591:8
Oceans [4]-6378:10,
6378:13, 6705:19, 6705:23
odd [3]-6377:7, 6633:5,
6633:10
OF [69] - 6368:8, 6372:1,
6372:13, 6372:15,
6372:16, 6372:18,
6372:19, 6372:21, 6373:1,
6373:3, 6373:5, 6373:7,
6373:9, 6373:11, 6373:13,
6373:13, 6373:15,
6373:20, 6373:22,
6373:23, 6374:1, 6374:4,
6374:5, 6374:7, 6374:8,
6374:9, 6375:3, 6375:5,
6375:7, 6375:9, 6375:11,
6375:13, 6375:15,
6375:17, 6375:19,
6375:20, 6424:24,
6443:14, 6454:19,
6458:10, 6461:23,
6466:14, 6490:9, 6505:2,
6509:23, 6513:7, 6517:21,
6521:22, 6525:3, 6531:20,
6551:19, 6554:9, 6557:3,
6567:15, 6578:20, 6579:9,
6581:24, 6675:20,
6680:19, 6686:7, 6689:1,
6700:25, 6702:20, 6707:3,
6711:17, 6714:3, 6716:13
off-site [1] - 6573:9
offer [4]-6429:14, 6514:20,
6536:2, 6556:6
office [5] - 6454:13, 6612:7,
6639:7, 6658:17, 6695:10
Office [2] - 6386:14, 6410:18
Officer [1] - 6535:9
offices [1] - 6638:24
Official [2] - 6729:3, 6729:20
officially [1] - 6595:3
offs [1] - 6563:4
offset [5] - 6523:13, 6524:10,
6543:2, 6660:9, 6710:14
Often [1] - 6571:1
often [6] - 6556:12, 6557:22,
6596:1, 6596:11, 6600:19, 6692:1
oftentimes [1] - 6658:20
oil [2] - 6567:2, 6567:4
oilsands [3] - 6566:14, 6566:22, 6567:8
Old [2] - 6390:22, 6533:17
old [25] - 6387:2, 6424:7,
6479:25, 6480:5, 6480:18,
6480:22, 6480:23, 6481:3, 6481:5, 6490:12, 6499:25, 6531:24, 6531:25, 6532:3, 6532:4, 6532:24, 6533:3,

6533:10, 6533:12,
6533:14, 6533:19, 6536:1,
6665:24, 6706:2, 6727:15
oldest [1] - 6669:13
omission [1] - 6502:9
ON [2] - 6375:23, 6728:10
on-the-ground [1] - 6528:8
once [14]-6464:15, 6464:16, 6468:13, 6483:16,
6512:11, 6563:14, 6564:8, 6574:25, 6592:1, 6660:7, 6672:5, 6686:2, 6686:22, 6708:23
one [164] - 6380:11, 6380:16, 6385:1, 6385:17, 6386:22, 6390:15, 6390:20, 6419:3, 6419:19, 6420:13, 6423:2, 6429:16, 6430:22,
6431:20, 6437:5, 6437:6, 6443:9, 6445:1, 6445:22,
6447:15, 6447:19, 6448:6, 6450:3, 6450:6, 6452:17, 6454:7, 6455:21, 6462:7,
6462:8, 6464:16, 6465:22, 6467:7, 6467:9, 6468:11, 6469:23, 6474:8, 6478:5,
6478:17, 6479:12, 6481:4, 6485:17, 6486:7, 6487:10, 6493:10, 6497:7, 6500:9, 6501:20, 6504:8, 6507:18, 6508:5, 6519:13, 6520:4, 6523:16, 6525:22,
6526:15, 6544:12, 6547:7, 6547:21, 6549:2, 6551:23, 6552:25, 6553:3, 6553:14, 6553:21, 6555:17,
6556:11, 6559:17, 6561:4, 6562:17, 6564:19, 6569:1, 6572:25, 6573:1, 6574:18, 6575:18, 6575:22, 6577:2, 6577:5, 6577:12, 6579:11, 6580:8, 6581:1, 6589:18,
6595:23, 6596:9, 6596:14, 6596:24, 6599:20, 6600:5, 6604:8, 6604:10, 6604:15, 6606:6, 6609:5, 6611:14, 6612:13, 6613:18,
6617:14, 6621:21,
6624:15, 6627:4, 6628:16, 6632:2, 6634:1, 6641:8,
6641:10, 6641:14,
6642:10, 6644:4, 6647:10, 6647:13, 6648:14, 6651:6, 6653:3, 6654:16, 6660:21, 6663:3, 6664:11, 6665:13, 6665:15, 6666:9, 6666:15, 6666:17, 6666:18, 6667:4, 6667:9, 6669:13, 6669:14, 6673:3, 6673:8, 6673:23,
6679:11, 6685:14, 6689:5, 6693:7, 6694:25, 6698:2,
6698:17, 6698:23, 6699:8,

6699:10, 6699:16,
6699:17, 6700:10,
6703:23, 6704:1, 6704:13, 6705:24, 6706:1, 6707:21, 6708:1, 6708:2, 6708:5, 6708:15, 6709:3, 6709:6, 6711:1, 6714:1, 6718:9, 6720:19, 6727:12
One [24] - 6390:17, 6442:15,
6484:23, 6490:11,
6500:11, 6523:11,
6537:22, 6537:24,
6544:11, 6545:15,
6554:16, 6555:1, 6561:16, 6564:23, 6574:3, 6577:11, 6583:6, 6619:1, 6640:4, 6698:14, 6700:9, 6707:6, 6718:8, 6724:18
one-liner [1] - 6431:20
ones [6] - 6457:18, 6530:9,
6555:3, 6599:7, 6632:11, 6677:8
ongoing [9] - 6427:19, 6510:14, 6522:9, 6524:19, 6541:16, 6543:7, 6566:13, 6698:25, 6709:20
Onion [12] - 6683:18,
6684:13, 6686:10, 6686:16, 6686:18, 6687:6, 6687:12, 6687:16, 6687:24, 6688:6, 6719:21 online \({ }_{[2]}\) - 6644:6, 6650:20 onsite [2]-6392:8, 6410:13 op [2] - 6639:24, 6641:12 open [8] - 6408:14, 6500:25, 6548:12, 6597:25, 6599:12, 6605:2, 6610:14
opened [1] - 6445:23
OPENING [2] - 6372:3, 6376:1
operating [1] - 6410:8
Operating [1] - 6578:1 operation [2]-6606:10, 6622:8
operational [1] - 6478:1
operations [8]-6387:25,
6396:16, 6431:4, 6431:5, 6442:2, 6442:3, 6487:23, 6605:23
operatively \({ }_{[1]}\) - 6473:17 opinion [13] - 6427:22, 6497:3, 6560:7, 6586:20, 6601:8, 6607:11, 6608:8, 6608:21, 6610:24, 6626:1, 6633:15, 6652:24, 6717:2
opinions [2] - 6438:6, 6622:18
opportunistic [1] - 6542:6 opportunities [5] - 6408:6, 6450:9, 6474:15, 6474:21, 6558:20
opportunity [8] - 6380:9,
6440:21, 6455:5, 6647:17,
6653:5, 6654:20, 6655:13, 6728:4
opposed [4]-6384:21,
6494:1, 6625:15, 6690:8
opposition [1] - 6639:13
opt [1] - 6693:16
option [5] - 6486:5, 6611:14,
6636:13, 6692:4, 6692:8
options [5] - 6486:2,
6523:10, 6523:11, 6550:6, 6558:19
orange [4]-6418:19, 6419:8, 6419:17, 6419:18
order [18]-6370:1, 6371:1,
6435:20, 6435:21, 6443:8,
6447:1, 6488:16, 6488:25,
6489:6, 6489:19, 6524:25,
6578:13, 6583:16,
6626:25, 6627:3, 6660:8,
6695:1, 6713:19
orders [1] - 6639:14
ore [1] - 6526:4
organic [3]-6718:10,
6719:18, 6719:22
organization [1] - 6441:21
organizations [4]-6473:18,
6474:13, 6540:9, 6572:1
origin [1] - 6668:20
original [5] - 6511:17,
6655:21, 6682:11, 6683:8, 6695:7
originally \({ }_{[1]}\) - 6698:1
orthophotos [1] - 6645:7
os [2]-6615:1, 6615:20
Osorio [9] - 6369:18, 6371:4, 6636:7, 6636:19, 6642:25,
6647:18, 6649:12,
6649:25, 6650:25
OSORIO [18] - 6374:16,
6636:20, 6636:25, 6637:3,
6637:4, 6643:3, 6643:9,
6643:14, 6643:18,
6643:23, 6644:4, 6644:17,
6644:22, 6646:8, 6646:13,
6647:20, 6650:16
Osorio's [2] - 6636:18, 6650:5
otherwise [3] - 6383:22,
6506:12, 6537:6
Otherwise [2] - 6457:19, 6611:14
ourselves [6] - 6474:13,
6474:20, 6522:20, 6550:3,
6673:16, 6705:22
outbreak [2] - 6532:8, 6532:17
outbreaks [1] - 6532:9
outcome [4] - 6497:18,
6545:9, 6657:23, 6680:2
outlet [2] - 6378:10, 6378:13
outliers [1] - 6669:8
outline [3] - 6419:6, 6657:22,
6664:7
outlined [11] - 6414:7,
6415:18, 6418:19,
6419:17, 6419:18,
6425:17, 6426:4, 6427:11,
6641:19, 6670:21, 6681:21
outside [5] - 6440:23,
6484:9, 6661:6, 6681:13,
6683:17
outstanding [2] - 6380:10, 6384:25
ovens [1] - 6666:5
Overall [1] - 6593:10
overall [5] - 6419:5, 6600:25,
6602:16, 6606:24, 6610:2
overburden [1] - 6410:1
overgrazing [4] - 6501:21,
6501:24, 6610:23, 6622:19
overhauling [1] - 6507:20
overlap [3] - 6416:6, 6522:15
overlaps [1] - 6417:13
overlay [1] - 6681:10
overlies [1] - 6567:1
overlooked [1] - 6504:15
overlying [1] - 6566:19
overpass [1] - 6629:22
overseeing [1] - 6703:8
overtime [1] - 6639:4
overview [19]-6385:14,
6385:21, 6396:5, 6405:18,
6408:9, 6409:9, 6410:6,
6410:15, 6418:18, 6442:1,
6538:13, 6586:11,
6587:13, 6589:14,
6658:16, 6658:24, 6664:2,
6689:22, 6696:19
overviews [2] - 6658:20,
6658:21
overwhelming [1] - 6456:1
ovum [1]-6605:14
owl [1] - 6407:22
own [4]-6637:7, 6667:5,
6670:2, 6674:24
owned [1] - 6603:11
owners [2] - 6384:16,
6384:20
ownership [1] - 6384:16
P-E-E-T [1] - 6383:2
P.M [6] - 6372:23, 6372:23,

6375:22, 6489:13,
6489:14, 6728:9
package \({ }_{[1]}\) - 6652:17
page [7] - 6473:22, 6475:8,
6513:13, 6562:22,
6562:24, 6629:1, 6647:7
PAGE [1] - 6372:2
Pages [1] - 6368:17
paid [2] - 6622:5, 6622:15
pained [1] - 6555:19
painful \({ }_{[1]}\) - 6615:11
paint [2]-6659:1
pair [1] - 6577:8
pairs [13] - 6413:14, 6413:24, 6414:2, 6414:3, 6545:10, 6545:25, 6554:20,
6560:13, 6560:25, 6562:3,
6573:9, 6579:19, 6602:13
panel [4] - 6520:1, 6590:17,
6624:4, 6638:17
PANEL [25]-6368:6, 6369:2, 6369:13, 6369:15,
6369:21, 6372:7, 6372:16,
6372:21, 6373:3, 6373:17,
6374:1, 6374:4, 6374:14,
6374:22, 6375:19, 6386:4,
6454:19, 6466:14, 6505:2, 6534:20, 6557:3, 6567:16, 6627:6, 6656:13, 6714:3
Panel [47] - 6369:3, 6369:4, 6369:4, 6376:21, 6377:4,
6379:16, 6379:23,
6381:13, 6384:12,
6386:15, 6410:18,
6425:20, 6431:15, 6437:9,
6443:17, 6443:20,
6446:21, 6450:20,
6457:17, 6462:21, 6466:8,
6466:12, 6466:20, 6535:3,
6535:14, 6536:2, 6544:4,
6544:8, 6545:8, 6552:5,
6556:22, 6582:22,
6584:23, 6589:15,
6598:17, 6604:8, 6609:4,
6618:5, 6624:25, 6627:4,
6638:6, 6651:5, 6656:9,
6675:24, 6699:8, 6714:2
Panel's [3] - 6457:20,
6488:15, 6632:25
paper [3] - 6486:23, 6620:19, 6713:23
papers [1] - 6585:14
PAQUET [18] - 6373:14,
6525:5, 6525:12, 6525:21, 6527:7, 6527:12, 6528:5, 6528:13, 6528:22, 6529:7, 6529:12, 6529:14,
6529:20, 6529:23, 6530:2,
6530:6, 6530:11, 6531:11
Paquet [4] - 6370:20, 6525:9, 6531:15, 6586:4
parameter [1] - 6496:10
parameters [1] - 6493:23
pardon [2] - 6437:25, 6545:5
park [1] - 6617:1
Park [14] - 6589:18, 6590:4,
6603:4, 6615:1, 6615:5, 6615:20, 6615:21,
6615:23, 6615:24, 6616:4, 6616:20, 6616:21,
6628:18, 6634:24
\begin{tabular}{|c|c|}
\hline \multicolumn{2}{|l|}{\multirow[t]{49}{*}{}} \\
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\hline & \\
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\hline
\end{tabular}
parking [1] - 6454:9
Parks [1] - 6600:10
parks [2] - 6606:20, 6626:6
part [53] - 6380:18, 6384:7,
6403:2, 6415:5, 6432:2,
6434:10, 6450:10, 6463:9,
6465:10, 6466:2, 6470:17,
6473:10, 6474:10,
6487:20, 6499:1, 6501:10, 6502:13, 6508:12, 6516:3, 6522:12, 6522:22, 6533:18, 6540:19, 6549:6, 6556:8, 6559:4, 6559:13, 6562:18, 6581:12, 6597:20, 6612:3, 6612:4, 6632:1, 6641:4, 6648:9, 6667:20, 6673:16, 6674:10, 6675:8, 6683:12, 6684:4, 6685:18, 6688:15, 6711:24, 6723:14
partial \({ }_{[1]}\) - 6420:10
participants [2] - 6651:14 6695:20
participate [1] - 6570:5
participating [1] - 6377:10 participation [2] - 6518:13,
particular [32] - 6386:11,
6388:7, 6404:3, 6404:14, 6404:16, 6429:9, 6430:1, 6430:2, 6440:8, 6441:7, 6448:20, 6450:3, 6456:10, 6536:18, 6537:21, 6546:21, 6557:9, 6558:22, 6561:6, 6570:21, 6571:10, 6618:22, 6641:11, 6666:10, 6700:7, 6709:24, 6711:1, 6726:13
p457:11, 0404:3, 0460:13, 6479:18, 6479:24,
6481:17, 6504:10, 6505:9, 6528:25, 6529:1, 6530:21, 6530:22, 6533:6, 6539:1, 656:4, 6627:12, 6654:17

Particularly \({ }^{[1]}\) - 6527:16 PARTIES [2] - 6370:1, 6371:1
partly [2] - 6555:16, 6586:6
partners [2] - 6540:4, 6573:14
parnership \([1\) - 6540:8
parts [4]-6421:12, 6423:12, party [1]-6442:1
pass [2] - 6612:9, 6618:18
Pass [1] - 6629:24
passed [1] - 6624:1
passes [1] - 6592:2
past [16] - 6424:17, 6481:21,
6482:12, 6519:5, 6570:1,
6630:21, 6638:8, 6657:11,
6659:13, 6672:5, 6683:15,
6685:24, 6686:11, 6687:7,
6695:11, 6712:18
path [1] - 6575:24
pathways [3]-6391:10,
6397:23, 6398:18
Patricia [1] - 6369:10
patrolling [1] - 6626:10
Patt [14]-6370:9, 6454:4,
6455:25, 6651:20, 6652:4, 6652:5, 6652:7, 6652:11,
6652:16, 6653:14,
6675:14, 6685:8, 6726:22,
6728:2
PATT [4] - 6372:17, 6375:6, 6454:19, 6680:20
pattern [1] - 6455:16
patterns [1] - 6388:22
payment [1] - 6639:4
pays [1] - 6559:6
Pearse [1] - 6586:7
pedestrian [7] - 6662:15,
6662:17, 6662:25, 6663:7,
6663:10, 6696:24, 6715:11
Peet [3]-6383:1, 6383:2, 6383:18
PEM [4]-6422:12, 6422:15, 6424:8
PEM-based [3] - 6422:12, 6422:15, 6424:8
pending [1] - 6420:5
people [36] - 6376:23,
6379:16, 6454:8, 6455:15, 6455:22, 6502:15,
6506:15, 6506:18,
6506:19, 6516:5, 6516:14, 6524:6, 6529:25, 6530:4, 6540:13, 6578:13, 6595:25, 6609:7, 6612:5, 6612:20, 6615:12, 6617:15, 6620:10, 6622:16, 6623:13,
6628:15, 6628:20,
6629:12, 6629:14, 6632:5, 6639:7, 6642:18, 6651:5, 6651:18, 6693:2, 6726:17
People [20] - 6383:21,
6384:2, 6443:25, 6444:24, 6445:12, 6449:20,
6452:15, 6452:21, 6511:7, 6513:19, 6628:19, 6678:2, 6686:20, 6703:15,
6703:17, 6703:19, 6704:9, 6705:15, 6714:8, 6714:10
```

per [24] - 6381:1, 6381:4,
6381:5, 6381:9, 6381:11,

```
    6416:11, 6462:10,
    6462:11, 6465:1, 6500:17,
    6526:4, 6582:23, 6583:17,
    6591:12, 6591:13, 6592:4,
    6592:5, 6592:8, 6592:10,
    6592:14, 6593:6, 6596:19,
    6597:18
percent [33] - 6390:24,
6444:7, 6444:12, 6449:6,
6532:8, 6532:18, 6540:25,
6590:2, 6590:9, 6601:4,
6601:10, 6601:24,
6601:25, 6602:3, 6602:6,
6605:8, 6606:1, 6606:3,
6612:8, 6631:15, 6645:2,
6645:8, 6646:24, 6696:24,
6701:16, 6701:21,
6706:18, 6715:16,
6716:23, 6716:25, 6717:8
percentage [3] - 6449:4,
6602:10, 6602:13
percentages [1] - 6447:13
perennial [1] - 6682:24
performance [1] - 6442:10
performed [1] - 6431:3
Perhaps [4] - 6461:4,
6499:4, 6627:13, 6649:23
perhaps [24]-6453:1,
6457:2, 6466:24, 6467:3,
6478:5, 6480:17, 6519:13,
6524:11, 6530:2, 6543:17,
6574:25, 6627:14,
6633:15, 6644:16,
6646:11, 6647:18,
6649:16, 6653:3, 6653:7,
6673:17, 6692:8, 6708:7,
6715:2, 6724:11
perimeter [3]-6664:5,
6685:17, 6702:9
period [19]-6379:9,
6412:22, 6424:15, 6457:9,
6461:17, 6484:10,
6554:24, 6595:4, 6595:10,
6595:16, 6597:3, 6597:10,
6597:13, 6597:18,
6599:23, 6602:4, 6611:23,
6627:19
periods [2] - 6609:18, 6669:2
permanent [10] - 6403:5,
6412:23, 6415:21,
6432:20, 6435:8, 6435:21,
6436:4, 6488:1, 6488:2,
6543:10
permanently [2] - 6414:22, 6415:2
permissible [1] - 6525:17
permit [17]-6409:20,
6553:21, 6655:10, 6658:2,
6677:8, 6677:10, 6713:21,
6721:19, 6722:12,

6722:16, 6723:5, 6723:9, 6724:1, 6724:10, 6727:13, 6727:21
permit's [1]-6722:25
permits [3] - 6385:17,
6570:6, 6657:17
permitted [3] - 6537:8,
6636:8, 6657:25
permitting [1] - 6428:2
person [3] - 6703:14, 6722:5, 6727:9
Personal [2] - 6369:18, 6371:4
personally [7]-6474:17,
6592:11, 6598:20,
6603:17, 6640:16, 6641:6, 6650:19
personnel [2] - 6399:8, 6527:14
perspective [11]-6379:14, 6467:3, 6518:11, 6547:6, 6548:21, 6558:16, 6559:7, 6571:24, 6576:19, 6679:7, 6684:12
pertains [1] - 6398:12
pessimistic [1] - 6631:9
pesticides [2]-6485:21,
6485:22
Petroleum [1] - 6411:8
phase [4]-6396:14, 6680:4,
6680:5, 6702:12
phases [2] - 6392:8, 6394:16
phonetic [1] - 6585:19
phonetic) [1] - 6588:22
photo [1] - 6461:6
photograph [1] - 6543:15
photographed [2] - 6674:22, 6693:23
photographs [3] - 6694:1, 6694:11
phrase [2]-6483:13, 6521:11
physical [6] - 6641:18,
6657:10, 6687:15, 6715:1, 6715:2, 6721:16
physically [2] - 6414:17, 6673:10
physiographic [1] - 6587:20
pick [1] - 6663:4
picked [2] - 6454:13,
6645:10
picture [8] - 6431:10,
6543:16, 6544:24, 6601:7, 6601:18, 6602:9, 6644:11, 6674:8
pictures [5] - 6459:17, 6617:11, 6645:10, 6646:3, 6704:16
pie [1] - 6706:9
piece [5] - 6598:15, 6598:17, 6706:8, 6709:24
pine [34] - 6390:24, 6396:19,
6410:3, 6479:13, 6479:22,
6480:1, 6480:2, 6480:4, 6480:5, 6480:7, 6480:12, 6480:13, 6480:15, 6480:17, 6480:18, 6480:19, 6532:1, 6532:2, 6532:5, 6532:6, 6532:24, 6533:25, 6589:3, 6609:22, 6648:5, 6648:6, 6648:7, 6648:9, 6648:11, 6648:13, 6648:14, 6648:17
pine-beetle-affected [1] 6533:25
pine-leading [3] - 6390:24,
6480:17, 6532:5
pink [1] - 6589:9
Pioneer [1] - 6368:22
pipe [12] - 6668:8, 6668:17,
6674:7, 6674:8, 6674:14,
6674:18, 6674:20,
6674:21, 6674:22,
6674:23, 6675:4
pipeline [1] - 6585:18
Pipeline [1] - 6585:18
pipes [3]-6668:14, 6668:15, 6668:16
pit [33]-6511:25, 6512:21, 6610:15, 6665:23, 6665:24, 6666:3, 6666:6, 6666:10, 6666:15, 6670:16, 6673:13, 6674:1, 6674:3, 6678:23, 6697:23, 6697:25, 6698:2, 6698:3, 6698:17, 6705:20, 6706:1, 6708:5, 6708:6, 6710:5, 6710:8, 6711:25, 6712:1, 6712:7, 6712:9, 6712:12, 6721:1
pits [31] - 6665:12, 6665:15, 6665:16, 6665:20,
6665:22, 6665:25, 6666:5, 6666:7, 6666:12, 6666:13, 6666:15, 6666:16,
6668:11, 6671:16,
6671:20, 6674:11,
6674:12, 6697:6, 6697:7,
6697:10, 6697:14,
6697:21, 6698:11,
6698:12, 6698:16,
6698:22, 6699:3
place [18] - 6408:19,
6439:15, 6441:4, 6441:9,
6442:9, 6491:9, 6508:6,
6528:2, 6531:10, 6564:10,
6592:17, 6626:1, 6649:11, 6675:2, 6685:19, 6705:3, 6721:1, 6729:8
placed [2] - 6623:5, 6704:17 placement [2] - 6416:10, 6512:14
places [4] - 6530:14, 6705:7,

6705:12, 6705:13
plan [39] - 6393:3, 6400:6, 6400:8, 6405:19, 6406:8, 6408:10, 6430:4, 6439:15, 6439:17, 6439:19,
6439:21, 6463:15,
6483:22, 6496:4, 6526:25,
6549:22, 6553:16,
6557:18, 6557:19,
6558:17, 6559:10,
6559:12, 6559:20,
6575:18, 6582:25, 6590:6,
6621:10, 6660:21,
6661:14, 6661:15,
6661:25, 6672:25,
6679:24, 6680:7, 6688:13, 6698:7, 6718:16, 6718:20, 6722:21
Plan [68] - 6382:8, 6389:21, 6392:13, 6396:24,
6400:10, 6404:11,
6404:13, 6404:16,
6404:21, 6404:25, 6405:4, 6405:8, 6405:11, 6405:13, 6405:16, 6406:15, 6407:8, 6408:10, 6409:16,
6425:16, 6426:6, 6428:12, 6428:16, 6428:19, 6429:8, 6429:12, 6429:14,
6429:17, 6429:22, 6433:4, 6434:11, 6434:13,
6435:14, 6466:19,
6466:22, 6467:8, 6468:9,
6468:24, 6474:20,
6502:13, 6540:1, 6540:2, 6541:2, 6547:2, 6547:8,
6547:9, 6547:22, 6549:6, 6549:16, 6549:20, 6550:8, 6551:1, 6557:10, 6559:5, 6569:16, 6572:24,
6573:19, 6574:13, 6575:1, 6577:9, 6577:25, 6581:13, 6624:20, 6624:24,
6682:12, 6682:25
planet [1] - 6520:25
Planning [1] - 6411:9
planning [7]-6427:25,
6459:16, 6489:1, 6534:2,
6541:21, 6636:5, 6724:2
Plans [4] - 6404:2, 6467:7, 6474:16, 6550:15
plans [29] - 6392:3, 6393:7, 6403:25, 6404:5, 6429:24, 6440:7, 6441:3, 6441:8, 6441:10, 6441:16,
6441:20, 6442:8, 6442:15, 6443:4, 6478:23, 6535:24, 6538:14, 6539:23,
6539:24, 6540:5, 6540:16, 6541:22, 6557:7, 6561:7, 6687:17, 6722:6, 6722:11, 6723:23, 6724:12

Plant [4] - 6418:15, 6485:16, 6485:21, 6485:23
plant [14]-6389:25, 6390:3,
6390:12, 6393:2, 6393:12,
6406:13, 6410:13,
6411:11, 6421:10,
6421:15, 6421:20,
6421:22, 6448:1, 6637:8
planting [2] - 6406:25,
6407:1
plants [12] - 6387:4, 6394:10, 6417:7, 6434:3, 6443:22, 6447:25, 6452:19,
6455:12, 6485:18, 6486:1, 6505:23, 6645:18
plateau [16] - 6544:11,
6544:16, 6551:24, 6552:5, 6552:12, 6552:14,
6560:19, 6589:12,
6592:19, 6592:22, 6593:4,
6602:14, 6614:8, 6629:19,
6668:17, 6668:18
play [1] - 6567:8
plead [1] - 6521:5
pleased [1] - 6656:18
pleasure [3]-6384:6,
6425:20, 6675:18
plenty [1] - 6450:9
plots [1] - 6637:12
plotted [4] - 6664:23, 6669:6, 6699:22, 6699:23
plotting [2] - 6699:25, 6700:2
plus [2] - 6520:12, 6653:7
Plus [1] - 6617:15
poaching [1] - 6516:22
point [80] - 6413:8, 6414:11, 6416:5, 6418:13, 6424:20,
6426:3, 6426:23, 6429:15,
6430:1, 6430:23, 6440:12,
6441:15, 6442:22,
6443:12, 6453:17, 6460:4,
6460:9, 6468:3, 6473:6,
6478:21, 6479:3, 6481:23, 6483:13, 6485:10,
6488:17, 6503:8, 6508:6,
6516:5, 6524:23, 6527:10, 6534:16, 6535:16,
6535:18, 6536:11, 6540:6, 6542:5, 6556:22, 6556:23, 6557:11, 6560:2, 6566:12, 6566:16, 6566:22, 6567:7, 6567:13, 6573:3, 6574:16, 6574:21, 6575:8, 6598:12, 6601:15, 6614:20,
6616:24, 6617:22,
6621:16, 6623:13, 6625:4, 6636:1, 6638:25, 6640:15, 6640:25, 6643:7, 6643:21, 6644:14, 6650:16, 6660:13, 6667:7, 6675:4, 6675:5, 6675:7, 6683:20,

6685:24, 6688:23, 6692:6, 6698:24, 6713:3, 6717:11, 6718:6, 6719:16, 6726:22 pointed [1] - 6641:12
points [8] - 6390:8, 6621:17, 6666:23, 6667:24, 6668:6, 6669:13, 6669:14, 6705:9 pole [2] - 6406:22, 6416:10 poles [2] - 6599:14, 6621:12 policies [5] - 6395:21,
6402:14, 6528:2, 6535:24, 6538:14
Policy [7] - 6468:6, 6538:17,
6538:22, 6553:3, 6553:10, 6553:22
policy [5] - 6395:24, 6547:11, 6553:5, 6553:7, 6554:1
pollute [1] - 6412:2
polygons [3]-6641:17, 6645:8, 6669:7
pond [5] - 6431:13, 6432:2, 6681:6, 6693:3, 6719:19
ponds [2] - 6430:22, 6556:12
poor [1] - 6407:16
population [51] - 6402:12, 6402:17, 6403:2, 6410:24, 6486:13, 6486:18, 6492:15, 6492:17, 6517:10, 6517:12, 6532:15, 6540:25, 6541:1, 6544:7, 6544:22, 6545:4, 6545:5, 6545:6, 6545:16, 6545:18, 6571:20, 6571:22, 6587:15, 6588:24, 6590:18, 6592:1, 6594:9, 6594:14, 6594:24, 6595:11, 6595:13,
6595:19, 6596:21, 6596:23, 6596:25, 6600:18, 6606:13, 6607:17, 6608:2, 6608:11, 6608:16, 6616:8, 6618:18, 6618:24, 6623:12, 6625:11, 6626:2, 6626:8, 6630:5, 6631:11, 6631:16
Populations [1] - 6539:17 populations [28]-6403:2,
6413:17, 6438:19,
6448:13, 6465:5, 6476:13, 6476:19, 6488:11,
6493:17, 6515:25,
6516:25, 6536:24,
6537:14, 6543:21,
6543:23, 6543:25,
6547:13, 6556:7, 6561:6,
6561:14, 6561:16,
6572:21, 6573:2, 6573:13, 6575:12, 6589:9, 6608:13, 6622:21
portion [6] - 6416:14,
6522:17, 6659:9, 6665:8,

6669:9, 6685:22
portions [2] - 6472:9,
6674:15
pose [1] - 6633:11
position [7] - 6457:20,
6555:2, 6559:11, 6563:3, 6637:18, 6639:25, 6640:13
positioned [2] - 6555:13, 6572:2
positions [1] - 6694:3
positive [1] - 6680:4
possibility [8] - 6412:2,
6481:1, 6636:17, 6663:8, 6672:8, 6687:22, 6697:9, 6720:2
possible [23] - 6381:23, 6395:25, 6416:13, 6462:4, 6483:19, 6488:23, 6559:2, 6566:5, 6581:3, 6591:13, 6639:3, 6656:7, 6686:11, 6687:24, 6698:25, 6699:8, 6699:11, 6701:10,
6701:22, 6710:17,
6718:22, 6722:22, 6726:8
possibly [5] - 6667:1,
6670:9, 6671:20, 6680:12, 6708:13
Possibly [1] - 6544:2
post [31] - 6388:3, 6388:6, 6401:21, 6403:13, 6407:10, 6408:18, 6413:5, 6413:25, 6414:22, 6415:3, 6415:6, 6415:20, 6415:22, 6428:1, 6431:5, 6432:14, 6432:24, 6433:18, 6434:8, 6434:13, 6435:5, 6435:16, 6435:21, 6436:14, 6477:9, 6477:16, 6477:25, 6543:3, 6667:9, 6667:12, 6667:16
Post [1] - 6381:7 post-1846 [3]-6667:7, 6691:15, 6693:4
post-closure [25] - 6388:3,
6388:6, 6401:21, 6403:13, 6408:18, 6413:5, 6413:25, 6414:22, 6415:3, 6415:6, 6415:20, 6415:22, 6432:14, 6432:24, 6433:18, 6434:8, 6434:13, 6435:5, 6435:16, 6435:21, 6436:14, 6477:9, 6477:16, 6477:25, 6543:3
Post-closure [1] - 6381:7 post-date [1] - 6667:12 post-dated [1] - 6667:16 post-EA [1] - 6428:1 post-mine \({ }_{[1]}-6407: 10\) post-operations [1] - 6431:5 posted [1] - 6473:2
posting [1] - 6439:18
potatoes [3] - 6589:3,

6609:22, 6610:7
potential [34]-6397:22,
6398:17, 6398:21, 6401:5, 6420:15, 6435:13,
6438:16, 6474:16,
6480:10, 6485:1, 6485:24, 6501:19, 6501:23,
6516:17, 6522:14,
6526:20, 6528:23, 6537:7,
6547:20, 6548:23, 6551:8,
6566:17, 6576:3, 6576:12,
6606:9, 6658:25, 6659:14,
6661:24, 6662:1, 6662:3,
6663:2, 6663:13, 6720:20
Potential [1] - 6388:9
potentially [10]-6413:24,
6419:24, 6448:15, 6457:3, 6475:6, 6477:4, 6566:25,
6658:13, 6684:8, 6725:2
power [9] - 6465:14,
6465:16, 6465:17,
6465:24, 6511:17,
6511:23, 6524:12,
6599:13, 6599:14
PowerPoint [4]-6377:18, 6378:8, 6378:20, 6625:2
practicable [2] - 6483:21,
6484:10
practical [5] - 6418:12,
6482:20, 6483:6, 6483:9, 6483:12
Practice [1] - 6440:20 practice [7]-6383:6,
6383:12, 6383:21,
6471:13, 6478:19,
6481:18, 6482:5
Practices [4] - 6392:5,
6392:17, 6418:17, 6427:13
practices [13]-6383:9, 6383:19, 6393:18, 6396:17, 6400:14, 6410:5, 6429:1, 6440:22, 6441:4, 6441:9, 6441:10, 6481:2, 6481:13
pragmatic [4]-6549:12, 6577:6, 6577:22, 6578:4 pre [11]-6383:10, 6383:12, 6383:23, 6605:11, 6667:11, 6668:11, 6672:19, 6690:15, 6690:16, 6692:13, 6713:8
Pre \({ }_{[1]}\) - 6445:11
pre-1846 [4] - 6667:9,
6667:19, 6691:24, 6693:11 pre-contact [4] - 6383:10, 6383:12, 6383:23, 6672:19 pre-date [5] - 6667:11, 6668:11, 6690:15, 6690:16, 6692:13
pre-dates [1] - 6713:8
pre-denning [1] - 6605:11

Pre-European [1]-6445:11
precedent \({ }_{[1]}\) - 6468:7
precipitated [1] - 6491:24
precipitation [1] - 6649:10
precise [1] - 6555:11
precisely [1]-6510:10
predator [3]-6519:13,
6529:5, 6529:6
predator/prey [1] - 6485:1
predators [6] - 6485:3,
6485:8, 6519:13, 6528:25,
6529:3, 6616:17
predevelopment [1] 6406:18
predicated [1] - 6497:21
predict [7] - 6475:16,
6476:22, 6488:2, 6507:15,
6545:10, 6658:18, 6680:10
predictably [1] - 6594:19
predicted [20] - 6382:6,
6415:15, 6415:24, 6421:7,
6421:25, 6422:11,
6422:25, 6423:11, 6424:4,
6424:11, 6432:19,
6433:13, 6448:14,
6486:11, 6515:10,
6548:10, 6594:13,
6595:17, 6602:16, 6687:12
predicting [3] - 6471:14,
6471:23, 6613:8
prediction [4]-6395:7,
6402:1, 6414:16, 6415:17
predictions [6] - 6410:25,
6465:4, 6649:5, 6649:6,
6649:8, 6687:8
predictive [5] - 6649:1,
6649:3, 6658:24, 6661:16,
6696:22
preface [3] - 6440:15,
6454:24, 6566:17
prefer [1] - 6578:1
preferably [1] - 6484:12
preference [1] - 6651:12
preliminary [1]-6528:20
Preliminary [1]-6624:19
premature [1]-6486:20
premise [1] - 6437:8
preparation [1] - 6406:24 prepared [6] - 6389:8,
6457:13, 6459:13,
6638:13, 6643:15, 6655:4
preposterous [1]-6519:6
prescribed [2]-6396:18,
6563:15
prescription [1] - 6420:10
presence [1] - 6498:16
present [20] - 6376:9,
6397:21, 6489:2, 6537:5,
6561:13, 6641:15,
6651:19, 6651:21, 6652:5, 6652:15, 6659:25,

6660:10, 6660:25, 6662:4, 6662:5, 6668:4, 6668:5,
6668:24, 6669:3, 6669:4
presentation [89]-6377:11, 6377:24, 6378:2, 6378:12, 6378:24, 6380:4, 6385:13, 6385:19, 6385:22,
6385:24, 6385:25, 6386:7, 6400:18, 6401:3, 6424:13, 6424:15, 6425:8, 6426:13, 6428:10, 6430:20, 6437:7, 6443:19, 6446:21, 6447:4, 6448:10, 6459:12, 6462:3, 6472:15, 6473:7, 6478:9, 6483:4, 6486:21, 6487:8,
6490:13, 6490:17, 6499:1, 6499:14, 6502:2, 6522:16, 6525:21, 6534:17,
6535:11, 6542:21,
6551:16, 6584:10,
6584:19, 6588:5, 6588:9,
6588:11, 6588:12, 6604:7,
6617:11, 6617:24, 6618:9,
6625:1, 6635:20, 6636:7,
6636:10, 6636:14,
6636:18, 6636:23,
6645:14, 6646:10, 6651:5, 6651:10, 6652:3, 6652:11, 6652:18, 6653:5, 6653:7,
6653:8, 6653:16, 6653:22, 6653:25, 6654:7, 6654:13, 6654:19, 6654:24, 6655:2, 6655:11, 6655:13,
6655:15, 6656:2, 6656:4,
6656:10, 6657:1, 6701:8,
6726:21, 6728:1
Presentation [10]-6370:5, 6370:24, 6371:5, 6371:9, 6377:18, 6377:20, 6378:8, 6378:9, 6378:17, 6378:21
PRESENTATION [22] -
6372:7, 6372:9, 6372:9,
6372:10, 6372:11,
6373:17, 6373:19,
6374:11, 6374:16,
6374:21, 6375:1, 6386:3,
6397:6, 6403:23, 6412:17,
6416:1, 6534:19, 6534:25,
6584:13, 6637:3, 6656:12,
6657:2
presentations [7] - 6379:11, 6385:17, 6424:18,
6450:20, 6505:8, 6635:25, 6652:6
presented [14] - 6397:17, 6415:20, 6444:15,
6455:19, 6457:18,
6462:18, 6463:5, 6483:1,
6502:21, 6522:14,
6611:10, 6638:13,
6638:17, 6714:7
presenter [2] - 6651:17,

6651:20
presenters [1] - 6556:21 PRESENTERS [2] - 6370:1, 6371:1
presently [3]-6568:15, 6581:9, 6661:6
preservation [1] - 6719:18
Preserve [6] - 6590:11, 6615:3, 6615:4, 6615:19, 6616:12, 6616:22
preserve [4] - 6590:12,
6603:11, 6706:9, 6712:3
preserved [2] - 6719:23,
6720:24
preserves [1] - 6616:10
pressure [1] - 6520:15
pressures [1] - 6562:1
presumably [6] - 6430:25,
6431:1, 6518:18, 6623:6, 6627:10, 6668:11
presume [4]-6454:5, 6679:6, 6684:13, 6688:22
pretty \([10]-6570: 2,6598: 2\), 6598:8, 6625:22, 6631:17, 6632:7, 6666:2, 6698:4, 6701:19, 6708:25 prevent [3]-6406:9,
6537:17, 6607:14
preventing [1]-6441:10
previous [6] - 6379:18,
6379:19, 6458:4, 6463:5,
6471:20, 6697:13
previously [3] - 6485:17,
6486:25, 6523:23
prey [1]-6485:3
priceless [2] - 6615:13,
6615:14
primarily [8] - 6396:14,
6404:21, 6463:24,
6497:19, 6535:20,
6579:17, 6645:16, 6687:8
primary \({ }_{[1]}\) - 6391:12
prime [1] - 6540:18
Prince [1] - 6583:18
principal [1] - 6656:24
principally [1] - 6467:15
principals [1] - 6656:21
principle [7]-6384:18,
6454:25, 6468:18, 6469:3, 6479:5, 6526:18, 6547:21
principles [5] -6414:6,
6425:11, 6467:18,
6468:11, 6549:22
priority [7]-6443:8, 6541:3, 6641:8, 6653:19, 6675:14, 6675:19, 6700:20
pristine [2] - 6499:4, 6499:11 private [2]-6541:16, 6612:4 private/public [1] - 6541:12 probability \({ }_{[1]}\) - 6659:6 problem [8]-6377:8,

6400:3, 6527:6, 6566:14, 6630:6, 6675:17, 6688:8, 6688:20
problems [8]-6441:17,
6442:5, 6490:12, 6501:21, 6556:13, 6599:25, 6607:20, 6663:3
procedure [1]-6710:11 procedures [1] - 6424:16
Procedures [1] - 6376:25
proceed [16] - 6385:21,
6439:23, 6443:13,
6454:18, 6462:3, 6511:14,
6513:11, 6534:17,
6534:23, 6651:7, 6656:8,
6656:9, 6656:25, 6680:3,
6702:18, 6705:1
proceeding \({ }_{[1]}\) - 6653:4
PROCEEDINGS [10] -
6368:13, 6372:1, 6372:23, 6372:23, 6375:22,
6375:23, 6489:13,
6489:14, 6728:9, 6728:10
proceedings [2] - 6729:7, 6729:10
proceeds [2] - 6510:22, 6719:5
Process [6] - 6410:18, 6413:11, 6421:2, 6455:1, 6455:3, 6497:18
process [31] - 6410:19,
6446:3, 6451:22, 6452:10, 6455:9, 6478:22, 6478:23, 6511:11, 6518:1, 6518:4, 6518:7, 6522:22, 6522:24, 6542:11, 6543:6, 6563:7, 6573:22, 6577:10, 6646:19, 6676:1, 6676:7, 6676:14, 6677:2, 6677:15, 6677:20, 6677:22, 6677:23, 6680:2, 6684:6, 6692:11
produce [1] - 6706:19
produced [4] - 6409:5, 6650:1, 6650:4, 6650:11
production [4]-6377:22,
6378:6, 6409:1, 6610:2
productive [5] - 6406:11,
6541:6, 6547:16, 6552:20, 6604:16
productivity \({ }_{[1]}\) - 6410:1
products [2]-6389:6, 6389:17
professional [3] - 6586:20, 6629:7, 6717:2
professionally [2] - 6640:13, 6642:2
profit [2] - 6473:18, 6521:11
prognosis [1] - 6631:13
program [23]-6439:6,
6440:11, 6482:1, 6577:14,

6594:22, 6607:1, 6608:10, 6621:25, 6622:2, 6622:14, 6623:1, 6623:6, 6625:5, 6625:6, 6625:8, 6625:12, 6625:15, 6631:18, 6670:20, 6670:23, 6695:1 programs [9]-6532:14,
6535:24, 6538:14,
6553:17, 6553:22,
6585:13, 6606:19,
6622:23, 6631:3
progressive [1] - 6393:9
prohibit [1] - 6528:3
prohibitions [1] - 6563:13
project [16] - 6390:10,
6390:14, 6393:22,
6464:23, 6476:3, 6493:11, 6493:24, 6569:21, 6574:8, 6585:20, 6641:8, 6641:11, 6654:7, 6660:17, 6660:24, 6661:8
PROJECT \({ }_{[1] ~-~ 6368: 2 ~}^{2}\)
Project [123] - 6379:24,
6382:4, 6387:15, 6389:1,
6390:22, 6391:7, 6391:11,
6394:15, 6396:11,
6396:20, 6396:21,
6397:22, 6398:21, 6399:5, 6399:8, 6399:24, 6401:19, 6403:6, 6403:12, 6403:20, 6418:5, 6421:5, 6421:7, 6422:24, 6423:15, 6423:22, 6423:23, 6424:6, 6427:7, 6436:20, 6437:13, 6438:13, 6447:2, 6447:15, 6448:15, 6448:16,
6448:24, 6450:8, 6451:1,
6451:2, 6456:16, 6456:24,
6457:3, 6457:4, 6466:3,
6468:4, 6468:20, 6468:25,
6471:4, 6471:19, 6471:23,
6473:21, 6475:7, 6476:2,
6479:14, 6479:17,
6479:21, 6479:24, 6480:1, 6480:7, 6480:8, 6480:18, 6481:24, 6486:10,
6486:17, 6495:25, 6497:9, 6501:9, 6501:22, 6503:25, 6504:18, 6511:14,
6514:22, 6515:1, 6518:14, 6518:15, 6518:16,
6529:25, 6531:9, 6536:4, 6541:4, 6542:8, 6542:15,
6542:16, 6543:9, 6543:24, 6544:8, 6544:25, 6547:13, 6549:23, 6550:2, 6552:18, 6556:5, 6563:24, 6567:22, 6568:6, 6568:15, 6568:18, 6570:13, 6572:23, 6575:4, 6576:14, 6623:4, 6625:13, 6631:13, 6639:7, 6640:22, 6648:19, 6652:25,

6660:10, 6661:1, 6661:20, 6662:4, 6664:15, 6679:21, 6681:15, 6687:5, 6688:15, 6692:2, 6719:3, 6719:5, 6720:20
Project-related [6] - 6399:24, 6401:19, 6403:20,
6422:24, 6575:4, 6625:13
projected [2] - 6407:9, 6463:1
projectile [3]-6667:24, 6668:5, 6669:12
projection [2]-6414:15, 6508:5
Projects [2] - 6539:5, 6575:2
projects [19]-6482:7,
6482:13, 6515:8, 6546:16, 6546:19, 6547:19, 6550:10, 6553:17, 6558:19, 6568:9, 6568:13, 6569:7, 6569:18, 6571:25, 6583:7, 6640:9, 6641:10, 6660:16
promote [2] - 6537:19, 6538:19
proof [3] - 6604:24, 6608:25, 6609:2
proofed [1] - 6641:23
properly [1] - 6658:4
Proponent [11]-6438:16,
6441:1, 6513:16, 6522:20,
6542:4, 6542:9, 6547:1,
6550:24, 6551:4, 6559:8, 6573:21
Proponent's [2]-6438:22, 6542:17
proponents [3] - 6569:20, 6658:11, 6693:16
proposal [2] - 6683:10, 6684:14
proposals [1] - 6569:21
proposed [52] - 6414:19,
6430:14, 6438:19, 6463:3, 6480:24, 6481:18, 6483:2, 6486:17, 6507:24, 6508:4, 6508:6, 6508:10, 6508:17, 6508:20, 6508:25, 6510:4, 6510:12, 6511:3, 6512:25, 6523:4, 6531:5, 6537:1, 6551:9, 6574:21, 6575:7, 6585:23, 6590:9, 6594:21, 6606:7, 6607:13, 6616:23, 6620:24, 6621:10, 6625:8, 6625:12, 6632:15, 6657:6, 6658:23, 6659:15, 6660:4, 6660:23, 6681:14, 6682:14, 6682:24, 6683:2, 6685:10, 6685:15,
6685:23, 6709:20, 6720:20
Proposed [1] - 6475:3
proposing [2]-6493:21,
6582:4

PROSPERITY [1] - 6368:2 Prosperity [23] - 6408:2, 6409:16, 6414:1, 6414:8, 6432:22, 6433:6, 6434:4, 6435:6, 6460:15, 6461:14, 6462:7, 6481:24, 6511:4, 6543:1, 6566:25, 6585:7, 6591:15, 6595:18, 6611:11, 6611:24, 6685:10, 6685:25, 6686:3 protect [12] - 6406:10, 6439:25, 6563:14, 6564:3, 6564:10, 6565:8, 6631:25, 6678:6, 6678:12, 6692:17, 6706:10, 6712:3
protected [49]-6444:23, 6445:8, 6445:21, 6539:18, 6565:6, 6586:9, 6590:10, 6590:13, 6590:19, 6603:10, 6614:23, 6614:25, 6615:6, 6615:8, 6615:22, 6616:1, 6616:9, 6616:19, 6631:15, 6632:4, 6657:12, 6665:4, 6667:13, 6667:19, 6678:11, 6678:13, 6690:14, 6691:15, 6691:16, 6692:14, 6693:1, 6693:16, 6707:19, 6707:20, 6709:10, 6709:11, 6709:13, 6709:14, 6709:15, 6709:17, 6709:23, 6709:25, 6710:8, 6713:17, 6713:18, 6720:23, 6721:6
Protected [1] - 6707:19 protecting [5] - 6536:23,
6615:17, 6632:5, 6678:9, 6678:10
protection [17] - 6399:7, 6558:25, 6563:5, 6563:11, 6590:19, 6667:14,
6690:18, 6691:23,
6692:20, 6709:18, 6710:2, 6713:7, 6713:10, 6713:12, 6713:22
Protection [1] - 6393:17
protects [1] - 6667:11
protocol \({ }_{[1]}\) - 6439:12
prove [2] - 6444:22, 6445:2
proven [7] - 6444:13,
6445:20, 6446:5, 6468:23, 6469:1, 6527:6
provide [32]-6379:3, 6379:6, 6387:16, 6387:18, 6403:24, 6406:8, 6433:8, 6438:6, 6442:16, 6462:24, 6475:20, 6477:1, 6524:10, 6535:22, 6537:2, 6548:4, 6548:15, 6554:25, 6555:2, 6555:13, 6569:22, 6569:24, 6575:22, 6615:9,

6671:25, 6685:10,
6694:13, 6718:4, 6719:7, 6724:14, 6726:12
provided [33]-6384:11, 6413:11, 6413:15, 6413:16, 6413:18, 6414:4, 6425:5, 6430:13, 6435:4, 6436:2, 6456:1, 6457:24, 6476:5, 6477:6, 6487:12, 6506:24, 6507:11, 6514:5, 6535:16, 6541:19, 6545:7, 6548:2, 6548:22, 6566:2, 6571:19, 6576:7, 6586:6, 6624:24, 6646:18, 6658:5, 6669:20, 6694:10, 6727:1 provides [12] - 6396:19,
6404:4, 6405:17, 6442:1, 6442:12, 6479:13, 6479:23, 6537:15, 6539:3, 6539:9, 6545:14, 6564:4 providing [7] - 6384:14, 6460:4, 6460:11, 6535:17, 6539:12, 6582:9, 6672:20 province [10]-6447:6, 6541:7, 6609:6, 6657:19, 6658:10, 6660:17, 6662:8, 6670:1, 6690:19, 6695:19 Province [28]-6438:5, 6473:11, 6482:3, 6506:24, 6551:3, 6551:5, 6564:7, 6564:16, 6565:1, 6565:5, 6581:18, 6585:5, 6637:16, 6639:1, 6641:17, 6641:21, 6641:23, 6643:19, 6644:6, 6644:16, 6645:23, 6650:2, 6650:3, 6650:17, 6650:19, 6669:20, 6682:4, 6719:6
Province's [1] - 6639:17
Provinces [1] - 6729:4
provinces [1] - 6541:25
Provincial [39] - 6384:15,
6395:11, 6402:6, 6410:21, 6423:19, 6425:18,
6437:11, 6437:14, 6438:2, 6439:13, 6448:12,
6467:10, 6468:6, 6473:14, 6474:6, 6475:25, 6506:9, 6507:11, 6518:13, 6553:8, 6557:23, 6563:17, 6564:6, 6564:18, 6590:12, 6610:18, 6611:2, 6614:25, 6615:21, 6615:23, 6617:1, 6623:6, 6643:24, 6650:2,
6689:23, 6709:14,
6710:13, 6713:16
provincial \({ }_{[1]}\) - 6639:5
provincially [1] - 6663:23
proving [1] - 6645:2 provision [2]-6563:10, 6565:2
provisions [2] - 6522:18, 6565:17
proximal \({ }_{[1]}\) - 6604:2
public [8] - 6429:23,
6447:22, 6509:8, 6522:5,
6641:8, 6691:5, 6691:9,
6691:10
PUBLIC [1] - 6368:6
publications [1]-6623:19
publicly \({ }_{[1]}\) - 6506:12
published [2]-6585:14,
6646:17
purpose [5] - 6431:10,
6459:18, 6459:24, 6623:7, 6659:3
purposes [7] - 6377:15,
6383:19, 6384:7, 6484:16,
6489:1, 6513:15, 6536:16
pursuant [1]-6547:11
PURSUANT [1] - 6368:7
pursue [2] - 6474:3, 6699:21
push [6] - 6486:17, 6595:19,
6596:25, 6608:21,
6611:11, 6620:15
pushing [1] - 6632:8
put [36]-6443:18, 6444:11,
6448:1, 6449:1, 6451:6,
6451:13, 6451:21,
6458:20, 6459:18, 6467:3,
6491:9, 6506:7, 6535:23,
6551:22, 6553:1, 6560:16, 6570:24, 6574:12,
6597:19, 6597:23, 6598:4,
6599:8, 6601:12, 6604:6,
6622:10, 6629:11,
6629:22, 6630:11,
6661:15, 6676:3, 6676:9,
6685:19, 6690:7, 6690:22, 6700:10
Putting [1] - 6570:14
putting [1] - 6723:17
quads [1] - 6626:13
qualifications [1] - 6479:1
qualified [3] - 6392:7,
6509:2, 6642:18
qualitative \({ }_{[4]}-6395: 15\),
6401:17, 6402:9, 6516:11
Quality [1] - 6405:3
quality [12] - 6377:18,
6380:21, 6381:8, 6381:16,
6381:24, 6382:5, 6408:23, 6590:15, 6591:5, 6605:9, 6634:8, 6687:8
quantification [1] - 6393:22
quantified \([1]\) - 6456:17
quantify [3] - 6549:8, 6570:11, 6577:2
quantitative [2] - 6401:11, 6401:17
quantity [2]-6377:19, 6385:7
quarter [3] - 6695:3,
6727:13, 6727:20
quarter-inch [1] - 6695:3 QUESTION [4] - 6374:1, 6375:19, 6557:3, 6714:3 questioners [3] - 6443:9, 6454:3, 6488:16
questioning [16] - 6424:15, 6430:6, 6454:5, 6489:6, 6489:19, 6517:17, 6556:24, 6565:21, 6578:12, 6584:6, 6646:6, 6653:6, 6656:2, 6656:5, 6702:16, 6704:3
QUESTIONS [67] - 6372:13, 6372:15, 6372:16, 6372:18, 6372:19, 6372:21, 6373:1, 6373:3, 6373:5, 6373:7, 6373:9, 6373:11, 6373:13, 6373:15, 6373:20, 6373:22, 6373:23, 6374:4, 6374:5, 6374:7, 6374:9, 6374:13, 6374:14, 6374:15, 6374:17, 6375:3, 6375:5, 6375:7, 6375:9, 6375:11, 6375:13, 6375:15, 6375:17, 6375:20, 6424:24, 6443:14, 6454:19, 6458:10, 6461:23, 6466:14, 6490:9, 6505:2, 6509:23, 6513:7, 6517:21, 6521:22, 6525:3, 6531:20, 6551:19, 6554:9, 6567:15, 6578:20, 6579:9, 6581:24, 6617:19, 6627:6, 6633:3, 6649:19, 6675:20, 6680:19, 6686:7, 6689:1, 6700:25, 6702:20, 6707:3, 6711:17, 6716:13
Questions [15] - 6370:7,
6370:8, 6370:10, 6370:11, 6370:13, 6370:14,
6370:16, 6370:17,
6370:19, 6370:22, 6371:3, 6371:11, 6371:12, 6371:14, 6371:15
questions [124] - 6424:20,
6424:23, 6425:3, 6443:6, 6443:7, 6443:12, 6444:9, 6446:13, 6446:20, 6447:7, 6450:6, 6451:17, 6453:16, 6454:17, 6458:9, 6458:13, 6458:14, 6458:22,
6461:20, 6462:3, 6462:8,
6466:7, 6466:10, 6466:13, 6466:16, 6469:13,
6469:24, 6474:23,
6475:11, 6478:4, 6479:9,
6484:21, 6488:15,
6488:20, 6488:23,
6488:24, 6490:8, 6490:14,
6505:1, 6505:6, 6507:17,
\begin{tabular}{|c|c|c|c|}
\hline 6509:20, 6513:10, 6517:19, 6517:24, 6524:25, 6525:11, 6525:13, 6525:19, 6530:10, 6531:14, 6531:18, 6531:23, 6551:16, 6551:18, 6551:21, 6554:3, 6554:6, 6554:8, 6554:16, 6556:18, 6557:5, 6558:6, 6567:18, 6572:8, 6578:18, 6579:12, 6581:23, 6584:5, 6584:10, 6603:6, 6617:18, 6617:21, 6617:25, 6626:19, 6627:1, 6628:24, 6632:23, 6632:25, 6633:2, 6635:12, 6635:21, 6636:12, 6636:15, 6649:17, 6649:20, 6651:1, 6651:11, 6651:13, 6652:1, 6652:2, 6653:15, 6653:19, 6654:17, 6654:20, 6654:25, 6655:25, 6675:8, 6675:16, 6680:18, 6680:24, 6680:25, 6689:18, 6695:25, 6700:21, 6706:25, 6707:1, 6707:6, 6708:1, 6711:7, 6711:8, 6711:20, 6711:22, 6716:9, 6716:12, 6716:16, 6719:16, 6721:18, 6722:4, 6723:8, 6724:4, 6726:18, 6728:4 6551:21, 6552:25, 6646:14, 6727:11 & ```
6653:14, 6654:20, 6680:17
raised [11] - 6386:14,
    6410:17, 6411:25,
    6416:18, 6478:17,
    6484:23, 6513:23, 6514:8,
    6538:15, 6557:11, 6576:1
raising [1] - 6685:6
Ramsay [1] - 6370:21
RAMSEY [2] - 6373:16,
    6531:21
Ramsey [1] - 6531:22
ran [1] - 6619:24
Ranch [1] - 6513:1
ranchers [1] - 6608:6
ranchers' [1]-6622:18
ranching [2] - 6519:24,
    6622:8
Range [2] - 6522:12, 6522:20
range [31]-6395:17,
    6397:11, 6397:18,
    6399:23, 6400:24,
    6402:11, 6403:1, 6417:4,
    6418:1, 6418:4, 6418:9,
    6418:10, 6449:6, 6482:17,
    6483:5, 6490:18, 6491:2,
    6496:11, 6497:1, 6497:7,
    6523:1, 6582:21, 6583:19,
    6622:20, 6636:24,
    6641:18, 6641:22,
    6665:22, 6668:4, 6668:6,
    6671:24
ranged [1] - 6662:25
Ranges [1] - 6585:2
ranges [10] - 6380:25,
    6381:3, 6582:25, 6586:14,
    6587:14, 6589:5, 6593:21,
    6594:23, 6608:19, 6668:3
ranging [1] - 6441:11
ranking [1] - 6690:22
rapid [1] - 6613:11
rapport [1] - 6704:8
rare [6] - 6387:4, 6389:25,
    6390:12, 6394:10,
    6645:18, 6718:9
rate \([4]-6407: 5,6598: 3\),
    6629:13, 6719:24
rated [3]-6472:4, 6533:22,
    6590:24
rates [1] - 6465:24
rather [19]-6385:8, 6438:9,
    6440:16, 6442:22,
    6448:19, 6462:13,
    6463:10, 6470:12, 6519:6,
    6521:8, 6535:15, 6561:13,
    6564:19, 6594:21,
    6652:12, 6662:16,
    6662:18, 6706:25, 6720:13
rating [3]-6429:4, 6429:9,
    6500:2
ratings [5] - 6528:19,
    6528:21, 6689:12,
``` &  & ```
reason [14]-6441:6,
    6474:16, 6483:20,
    6520:23, 6539:11,
    6558:18, 6588:1, 6640:19,
    6648:15, 6655:20,
    6671:16, 6672:17,
    6698:19, 6699:11
reasonable [7]-6383:11,
    6429:16, 6557:16,
    6655:17, 6655:20, 6688:25
reasonably [2] - 6448:5,
    6515:7
reasoning [2] - 6402:10,
    6556:9
reasons [5] - 6415:18,
    6442:14, 6520:23,
    6545:12, 6550:16
recalling \({ }_{[1]}\) - 6580:17
recap [1] - 6436:16
receipt [1] - 6550:5
receive [1] - 6446:7
received [7] - 6410:20,
    6412:19, 6421:1, 6453:10,
    6469:7, 6618:1, 6724:1
recent [8] - 6382:18,
    6409:15, 6416:18,
    6471:18, 6535:13,
    6587:14, 6599:7, 6682:25
recently [5] - 6434:10,
    6555:20, 6570:23,
    6589:15, 6622:8
recess [1] - 6454:2
recheck [1] - 6437:1
reclaimed [11] - 6394:21,
    6408:4, 6408:12, 6410:10,
    6412:13, 6414:23,
    6430:25, 6432:24,
    6433:17, 6435:17
reclaiming [2] -6393:14,
    6451:18
reclamating [1] - 6431:21
Reclamation [24] - 6389:21,
    6393:5, 6396:23, 6404:2,
    6405:15, 6406:15, 6407:8,
    6408:10, 6408:15,
    6409:16, 6409:19,
    6409:23, 6411:9, 6428:12,
    6428:16, 6428:19, 6429:7,
    6429:12, 6429:14,
    6429:17, 6429:22, 6433:4,
    6434:11, 6434:13
reclamation [44]-6386:12,
    6386:25, 6388:2, 6388:14,
    6393:6, 6393:9, 6403:15,
    6405:20, 6405:21,
    6405:23, 6406:3, 6406:21,
    6407:9, 6408:9, 6408:18,
    6409:10, 6409:13,
6409:15, 6410:4, 6410:6,
6410:11, 6410:14, 6411:4,
6429:21, 6432:3, 6434:17,
6435:17, 6451:17,
``` \\
\hline
\end{tabular}
\begin{tabular}{|l}
\hline \(6458: 17,6459: 5,6459: 16\), \\
\(6459: 17,6459: 19\), \\
\(6459: 21,6459: 23,6460: 4\), \\
\(6460: 8,6460: 23,6461: 3\), \\
\(6461: 7,6461: 17,6477: 21\), \\
\(6481: 16,6487: 23\) \\
recognition \([1]-6594: 6\) \\
recognizable \([1]-6707: 15\) \\
recognize \([5]-6484: 5\), \\
\(6562: 2,6616: 25,6632: 13\), \\
\(6702: 14\) \\
recognized \([1]-6707: 14\) \\
recognizing \([1]-6625: 9\) \\
recollection \([1]-6722: 10\) \\
recommend \([4]-6547: 1\), \\
\(6575: 11,6575: 16,6577: 13\) \\
recommendation \([3]-\) \\
\(6423: 21,6582: 6,6698: 2\) \\
recommended \([5]-6555: 19\), \\
\(6590: 5,6590: 18,6632: 2\), \\
\(6672: 13\) \\
recommends \([1]-6550: 24\) \\
reconcile \([1]-6506: 9\) \\
reconnaissance \([1]-6542: 4\) \\
reconsider \([2]-6455: 10\), \\
\(6487: 1\) \\
RECONVENE \([2]-6375: 23\), \\
\(6728: 10\) \\
RECONVENED \({ }_{[2]}-\) \\
\(6372: 23,6489: 14\)
\end{tabular}

6407:11, 6407:25, 6409:22 recreational [5] - 6379:4,
6382:13, 6384:3, 6408:8, 6571:3
rectangular [1] - 6666:9
red [3] - 6390:20, 6418:22,
6419:22
red-listed [1] - 6390:20
reduce [6] - 6440:1, 6481:2, 6495:6, 6530:19, 6551:8, 6609:20
reduced [4] - 6538:11, 6593:3, 6604:21, 6609:24 reducing [4] - 6485:5, 6607:21, 6629:4, 6629:8 reduction [8]-6388:13, 6388:14, 6388:23, 6495:8, 6495:17, 6533:13, 6605:8, 6605:25
reestablish [1] - 6406:10 refer [4]-6379:1, 6425:19, 6473:8, 6505:19
Reference [6] -6498:7, 6498:10, 6509:7, 6509:8, 6509:10, 6513:12
reference [22] - 6378:12, 6381:24, 6425:15, 6427:10, 6439:1, 6442:20, 6442:24, 6447:18, 6450:4, 6458:16, 6475:20,
6479:12, 6482:15, 6484:9, 6485:14, 6509:9, 6527:16, 6622:25, 6623:18, 6647:16, 6709:5, 6717:20
referenced [4] - 6430:20,
6433:7, 6485:4, 6544:17
references [1] - 6516:8
referral [1] - 6727:16
referrals [4] - 6444:16, 6444:17, 6444:20
referred [12] - 6377:15,
6448:9, 6473:13, 6485:6, 6523:10, 6541:5, 6541:25, 6567:19, 6621:24, 6665:17, 6681:22, 6727:11 referring [10] - 6434:2, 6463:17, 6485:15, 6493:6, 6547:7, 6650:1, 6650:14, 6650:18, 6681:25, 6710:7
Referring [1] - 6544:3
refers [1] - 6727:21
refine [1] - 6637:24
reflect [3]-6384:20,
6432:21, 6476:21
reflected [7] - 6419:5,
6423:13, 6428:12, 6507:12, 6509:3, 6514:9, 6561:7
reflection [1] - 6428:25
reflects [3]-6414:23,
6437:19, 6650:5
reforestation [1] - 6407:4
refugium [1] - 6589:23
regard [5] - 6377:2, 6430:11, 6520:8, 6558:6, 6712:13
Regarding [2] - 6478:7, 6533:3
regarding [12] - 6378:21, 6455:11, 6466:18, 6483:1, 6505:6, 6507:18, 6514:8, 6518:1, 6518:22, 6519:8, 6531:24, 6639:7
regardless [1] - 6480:7
regards [10] - 6426:15,
6427:1, 6472:15, 6487:11,
6510:4, 6554:16, 6554:17,
6557:22, 6559:23, 6561:19
region [21] - 6391:1,
6473:19, 6486:13, 6532:9,
6540:14, 6541:1, 6541:3,
6550:7, 6556:15, 6558:22,
6560:18, 6580:2, 6585:9,
6594:17, 6594:18,
6602:16, 6612:8, 6663:23,
6693:15, 6696:16, 6697:1
Region [1] - 6376:7
regional [21] - 6381:13,
6381:23, 6387:18,
6395:11, 6396:25,
6401:22, 6413:1, 6413:16,
6421:8, 6422:17, 6539:20,
6545:1, 6545:6, 6545:11,
6545:22, 6545:23,
6572:13, 6572:17, 6587:7, 6601:3, 6637:9
Regional [23]-6381:18,
6381:25, 6387:11,
6387:17, 6400:24,
6415:13, 6422:14, 6423:6,
6423:25, 6436:8, 6449:2,
6474:25, 6544:25, 6545:3,
6548:7, 6551:24, 6552:11,
6554:12, 6579:2, 6580:2,
6580:16, 6594:18, 6601:11
regions [8] - 6541:20,
6541:21, 6542:1, 6583:11,
6583:12, 6615:10, 6615:13
Registered [1] - 6585:4
registered [1] - 6713:16
registration [1] - 6652:17
REGISTRY [1] - 6368:3
Registry [3] - 6643:24,
6709:22, 6713:17
regular [1] - 6429:18
regularly [2] - 6400:2, 6622:12
regulations [1] - 6511:12
Regulations [1] - 6378:15
regulators [2] - 6387:9, 6482:6
regulatory [10] - 6402:6,
6427:19, 6442:4, 6467:16,

6481:20, 6482:3, 6482:11, 6537:10, 6553:2, 6569:25
rehabilitation [1] - 6409:8
relate [5]-6450:16, 6462:6, 6463:8, 6468:13, 6687:7
related [47] - 6377:21,
6378:6, 6390:8, 6393:8,
6398:9, 6399:1, 6399:20,
6399:24, 6401:19,
6402:13, 6403:20, 6409:6,
6411:16, 6411:19,
6411:22, 6412:19,
6417:11, 6420:15,
6422:24, 6428:15,
6428:20, 6465:9, 6472:24,
6478:16, 6481:12,
6493:24, 6500:19,
6500:20, 6500:23,
6502:12, 6503:9, 6503:10,
6504:8, 6516:21, 6519:1,
6520:8, 6566:13, 6572:8,
6575:4, 6585:13, 6625:13,
6625:17, 6662:9, 6662:10,
6683:23, 6689:6, 6723:11
Related [1] - 6480:21
relates [9]-6380:17,
6381:13, 6404:25,
6405:11, 6428:9, 6463:11,
6474:18, 6477:17, 6481:20
relating [4] - 6380:11,
6404:21, 6405:4, 6405:13
relation [8]-6405:2,
6406:16, 6448:24,
6474:24, 6490:20,
6530:20, 6548:1, 6611:20
relationship [4] - 6442:12,
6450:16, 6485:1, 6490:22
relative [10] - 6447:11,
6552:3, 6552:6, 6552:7,
6552:11, 6552:13,
6552:15, 6552:19,
6554:22, 6561:3
relatively [6] - 6403:7,
6403:8, 6457:1, 6475:5,
6531:8, 6664:19
relaxed [1] - 6628:20
relevance [2] - 6431:18, 6691:3
relevant [7]-6395:19,
6431:14, 6442:3, 6447:22, 6591:10, 6598:13, 6720:19
reliability [2] - 6476:4, 6476:7
reliable [1] - 6476:1
reliably [1] - 6507:15
relied [3]-6447:20, 6470:9, 6528:11
relief [1] - 6542:1
relieved [1] - 6576:17
relocate [2] - 6696:7,
6699:24
relocating \({ }_{[1]}\) - 6524:20 rely [7]-6447:16, 6458:19, 6485:22, 6506:20, 6521:4, 6644:10, 6662:6
relying \({ }_{[1]}\) - 6401:17 remain [4] - 6491:8, 6517:6, 6599:12, 6614:2 remaining [6] - 6408:14, 6495:17, 6533:5, 6590:7, 6595:13, 6715:1
remains [4]-6657:10,
6720:23, 6721:1, 6721:5
remarks [2]-6610:9,
6621:23
remedy [1] - 6523:16 remember [5]-6457:1,
6498:14, 6607:7, 6681:2, 6722:17
remembered [1] - 6562:17
remind \({ }_{[1]}\) - 6615:12
reminder [1] - 6543:21
reminding [1] - 6376:18
remodelled [1] - 6507:21
remote [1] - 6612:5
removal [3]-6433:8,
6599:13, 6678:16
Removal [1] - 6393:13
remove [2] - 6495:10, 6706:9
removed [3] - 6523:14,
6634:13, 6699:1
removing [1] - 6679:2
renegotiate [1] - 6564:11
repatriate [1] - 6670:4
repeat [10]-6419:12, 6458:3, 6476:17, 6477:10, 6482:24, 6488:5, 6490:14, 6507:10, 6525:19
rephrase [1]-6563:25
replaced [1] - 6408:12 replacement [4] - 6406:7, 6406:24, 6558:8, 6559:3
replanted [1] - 6408:13
Replanting [1] - 6392:25
Report [3]-6474:25,
6535:13, 6585:1
report [38]-6413:12, 6414:7, 6421:3, 6421:4, 6435:4, 6448:9, 6448:17, 6449:15, 6450:2, 6475:4, 6477:7, 6479:1, 6486:9, 6490:16, 6544:2, 6584:25, 6624:20, 6625:3, 6626:15, 6640:23, 6643:11, 6650:3, 6664:24, 6676:13, 6676:20, 6676:23, 6677:2, 6677:5, 6677:10, 6696:7, 6699:25, 6700:11, 6700:13, 6704:14, 6705:9, 6706:3, 6723:1, 6724:9
report's [1] - 6696:21
reported [11] - 6450:25,

6504:6, 6505:16, 6519:25, 6594:25, 6595:3, 6595:5, 6595:6, 6597:6, 6628:5, 6717:22
reporter [1] - 6382:24
Reporter [2] - 6729:4, 6729:20
REPORTER'S \({ }_{[1]}\) - 6729:1
REPORTING \({ }_{[1]}\) - 6371:20
reporting [4] - 6432:8,
6526:25, 6654:5, 6705:22
Reporting [1] - 6371:21
reports [5] - 6449:18,
6529:25, 6585:14,
6624:18, 6704:15
repositories [2] - 6670:1, 6670:2
repository [8]-6658:5,
6669:11, 6669:23,
6669:25, 6670:5, 6675:2, 6675:3
represent [7]-6415:4, 6416:15, 6417:1, 6420:2, 6435:12, 6477:7, 6668:6
representative \([4]\) - 6510:7, 6528:15, 6546:13, 6704:24
representatives [3]-6380:1, 6443:11, 6650:10
represented [5] - 6382:3, 6448:5, 6635:18, 6650:11, 6717:5
representing [2] - 6454:3, 6651:18
represents [6]-6414:1,
6415:12, 6416:6, 6421:4, 6436:7, 6459:14
reproductive [2]-6604:21, 6619:8
request [9] - 6469:7,
6598:13, 6650:3, 6655:21, 6662:5, 6663:17, 6666:20, 6699:13, 6726:5
requested [3] - 6544:5, 6544:8, 6674:22
requesting \({ }_{[1]}\) - 6635:20
requests [4] - 6410:16,
6624:23, 6675:12, 6676:12 require \([7]-6670: 21\), 6680:13, 6683:19, 6684:4, 6684:5, 6684:6, 6686:4 required [18]-6393:16,
6406:22, 6428:1, 6429:16, 6481:22, 6496:17, 6513:17, 6520:7, 6621:13, 6657:22, 6658:11, 6659:4, 6659:24, 6682:5, 6683:7, 6684:17, 6688:21, 6713:20 requirement [4] - 6468:5, 6482:3, 6687:17, 6712:20 requirements [5] - 6409:21, 6428:2, 6481:20, 6482:11,

6559:24
requires [3]-6536:4, 6658:3, 6669:24
requiring [1]-6482:7
research [9]-6410:2,
6410:14, 6509:2, 6509:15, 6568:5, 6585:12, 6585:20,
6607:11, 6637:19
researchers [1] - 6515:14
Researchers [1] - 6604:18
RESERVE [2] - 6375:14, 6702:21
Reserve [2] - 6630:15, 6702:24
residual [41]-6382:4,
6382:6, 6393:10, 6396:21,
6401:5, 6403:17, 6403:21,
6406:12, 6412:24, 6414:2,
6421:24, 6422:10,
6423:10, 6424:3, 6424:10, 6436:10, 6436:21,
6486:10, 6491:4, 6491:6,
6491:21, 6491:25, 6492:3,
6492:5, 6492:9, 6492:17,
6495:1, 6495:22, 6495:24,
6515:1, 6515:4, 6515:5,
6515:10, 6517:2, 6543:3,
6547:3, 6567:2, 6645:15,
6646:1, 6652:25, 6653:1
Residual [1] - 6491:7
resolved [1] - 6377:9
resource [1] - 6657:9
Resource [2] - 6490:1, 6639:22
resources [8]-6396:13, 6406:10, 6556:13,
6657:10, 6658:13, 6660:3, 6678:7, 6696:13
Resources [9]-6411:8, 6411:21, 6475:2, 6488:21, 6489:4, 6534:11, 6584:3, 6633:1, 6635:15
respect [55] - 6378:13,
6384:3, 6384:11, 6385:1,
6402:5, 6405:6, 6411:24,
6413:17, 6448:13,
6457:22, 6466:4, 6469:14,
6479:21, 6480:8, 6481:24,
6486:12, 6488:11, 6492:6,
6492:9, 6496:15, 6502:23,
6503:11, 6506:3, 6507:10,
6512:6, 6516:20, 6517:3,
6521:25, 6522:3, 6526:13,
6526:24, 6527:13, 6531:4,
6533:20, 6536:6, 6536:19,
6540:22, 6560:23,
6567:22, 6568:17,
6571:13, 6616:25,
6675:18, 6676:6, 6699:12, 6709:2, 6717:10, 6717:19, 6719:18, 6720:22,
6721:12, 6722:6, 6724:12,

6726:5, 6726:6
respectfully [2] - 6431:23, 6462:19
Respecting \({ }_{[1]}\) - 6438:1
respecting [2] - 6438:7, 6513:18
respectively [1] - 6605:9
respond [8]-6380:9,
6385:2, 6444:20, 6450:6, 6527:19, 6618:1, 6634:18, 6720:11
responded [5] - 6379:10, 6385:5, 6385:8, 6442:8, 6469:10
Response [1] - 6404:24
response [20] - 6385:7, 6412:5, 6414:4, 6417:8, 6420:25, 6427:22, 6461:2, 6487:20, 6506:2, 6526:25, 6527:3, 6555:2, 6555:14, 6566:2, 6576:6, 6584:8, 6635:21, 6638:15, 6638:18, 6647:3
responses [3]-6379:18,
6487:12, 6554:25
RESPONSES [2] - 6372:4, 6379:21
responsibilities [2] -
6540:20, 6679:9
responsibility [8]-6437:24, 6463:25, 6464:10,
6518:17, 6564:18, 6565:6, 6640:7, 6675:1
responsible [3]-6464:19, 6472:24, 6536:20
Responsible [6] - 6538:3,
6538:8, 6538:10, 6551:4,
6553:18, 6553:20
rest [2]-6464:12, 6724:16
restoration [3]-6409:21,
6550:1, 6558:24
restore [4]-6406:4, 6540:12,
6568:13, 6705:24
restored [2]-6539:18, 6541:11
restoring [2] - 6409:18, 6573:8
restricted [2]-6382:8, 6693:9
restricting [1] - 6527:17
restrictions [2] - 6399:9,
6531:7
result [16]-6391:13,
6417:17, 6435:8, 6457:3,
6457:6, 6464:24, 6529:2,
6530:25, 6532:18,
6537:19, 6545:24, 6567:3,
6607:17, 6622:17,
6679:21, 6687:5
resulted [3] - 6409:24,
6605:24, 6665:3
results [3] - 6421:21, 6654:5, 6665:2
resume [1] - 6489:17
retain [2] - 6473:18, 6674:23
retention [1] - 6681:6
Retention [1] - 6405:11
retrospect [1] - 6461:4
return [5] - 6378:22, 6406:5,
6406:17, 6462:10, 6592:10
returning [1] - 6530:25
reusable [1] - 6459:7
revegetation [2] - 6409:15, 6459:6
reverse [1] - 6487:24
reversed [1] - 6403:13
reversibility [2] - 6395:5, 6401:25
reversible [1] - 6396:23
revert [1] - 6728:2
REVIEW [1] - 6368:6
review [29] - 6378:1, 6390:6, 6394:2, 6397:14, 6410:16, 6412:21, 6412:22,
6431:17, 6432:10, 6435:3, 6449:10, 6462:7, 6536:17, 6543:8, 6546:21, 6555:23, 6556:5, 6573:16, 6585:6, 6586:5, 6594:23, 6597:21, 6618:8, 6647:18, 6654:10, 6660:18, 6707:7, 6719:2
Review [6] - 6386:15,
6410:18, 6413:11, 6421:2, 6497:18, 6529:24
reviewed [5] - 6400:2,
6447:20, 6450:1, 6555:4, 6696:7
reviewing [4] - 6443:3,
6456:7, 6590:17, 6694:7
reviews [2] - 6476:1, 6639:9
revisited [3] - 6666:22,
6672:24, 6717:18
rich [1] - 6585:11
Richard [1] - 6378:20
richness [3]-6476:11,
6476:15, 6487:15
Rick [1] - 6609:23
Rider [2] - 6478:5, 6479:10
ridiculous [1] - 6645:25
right-hand [1] - 6650:7
right-of-way [22] - 6406:17,
6416:7, 6416:9, 6417:13,
6417:18, 6417:20,
6417:21, 6418:2, 6418:6,
6418:8, 6418:25, 6419:25, 6482:16, 6483:2, 6491:19, 6491:25, 6522:21, 6522:23, 6523:4, 6523:16, 6685:17
righting [1] - 6519:4
Rights [22] - 6382:15,
6382:25, 6383:23, 6384:1,

6423:3, 6444:1, 6444:19, 6445:19, 6445:20, 6446:6, 6448:25, 6452:4, 6504:18, 6504:19, 6508:23,
6509:12, 6513:25, 6514:2, 6514:8, 6534:3, 6615:1, 6650:11
rights [11] - 6382:21,
6416:21, 6444:13,
6444:23, 6444:25, 6445:2, 6450:18, 6486:13,
6508:18, 6509:5, 6693:6
rim [1] - 6665:23
Riparian [1] - 6602:24
riparian [29] - 6387:3,
6392:15, 6413:4, 6415:8, 6415:10, 6415:12,
6415:15, 6415:21, 6432:9, 6435:19, 6436:7, 6436:8,
6436:10, 6436:14,
6436:19, 6436:21,
6436:25, 6536:13,
6542:23, 6543:5, 6546:22,
6547:4, 6548:19, 6550:1,
6560:4, 6601:24, 6603:8,
6603:13, 6603:23
riparians [1] - 6436:17
rising [1] - 6488:23
Risk [8] - 6437:16, 6537:16,
6551:6, 6551:11, 6562:21,
6563:10, 6565:3, 6565:16
risk [38] - 6388:22, 6389:8,
6393:12, 6399:17,
6400:15, 6401:14, 6403:8, 6403:11, 6403:12,
6406:13, 6406:14,
6437:17, 6465:9, 6466:3, 6495:19, 6495:24,
6515:21, 6516:1, 6516:4, 6516:22, 6517:2, 6517:9, 6525:23, 6526:12,
6526:14, 6535:20,
6537:19, 6538:7, 6546:23, 6548:5, 6551:2, 6551:3, 6562:10, 6563:5, 6564:20,
6587:11, 6610:19, 6631:2
Riske [4] - 6541:5, 6552:4,
6552:15, 6628:8
River [21] - 6381:3, 6381:10, 6381:20, 6382:2, 6391:6, 6463:20, 6490:19,
6498:14, 6503:4, 6503:14, 6504:15, 6511:19,
6512:23, 6593:17, 6604:4, 6613:24, 6640:18, 6641:2,
6682:11, 6683:3, 6683:18
river [1] - 6686:24
rivers [1] - 6603:22
Road [21] - 6368:23,
6399:22, 6462:9, 6463:18,
6464:13, 6464:19,
6511:18, 6592:4, 6593:2,

6593:6, 6593:14, 6594:11, 6597:9, 6597:23, 6607:19, 6614:8, 6627:14, 6630:10, 6685:9, 6685:15, 6685:23 road [100] - 6387:12,
6389:12, 6390:16, 6391:9, 6391:19, 6392:24,
6396:10, 6398:17,
6401:16, 6408:5, 6463:15, 6463:23, 6463:24,
6463:25, 6464:5, 6464:12, 6464:17, 6464:20,
6464:22, 6464:24,
6465:10, 6472:25, 6495:4, 6526:2, 6542:25, 6551:10, 6586:9, 6591:7, 6591:11, 6592:11, 6592:13,
6592:18, 6593:9, 6593:10, 6593:18, 6593:20,
6593:24, 6594:5, 6595:24,
6596:2, 6596:4, 6596:15,
6596:17, 6596:25,
6597:22, 6597:24,
6597:25, 6598:1, 6598:2,
6598:6, 6598:7, 6598:10,
6598:14, 6598:23,
6599:12, 6600:24,
6604:15, 6606:7, 6606:9,
6607:8, 6611:24, 6612:9,
6612:12, 6612:13,
6612:15, 6612:17,
6612:19, 6612:20,
6613:10, 6613:16,
6613:18, 6614:8, 6614:12, 6614:15, 6616:6, 6616:7,
6616:11, 6620:21, 6623:4,
6623:11, 6626:4, 6627:13,
6628:16, 6629:12,
6630:14, 6630:22,
6634:15, 6681:17,
6681:18, 6681:25, 6682:1,
6682:7, 6683:7, 6685:19,
6685:23, 6686:2, 6686:3
roading [2]-6592:1, 6610:20
roadless [4] - 6590:3,
6592:21, 6615:9, 6615:12
roads [22] - 6406:21,
6494:23, 6529:7, 6586:5,
6591:2, 6591:3, 6591:8,
6591:12, 6591:22,
6592:24, 6594:4, 6596:2,
6596:8, 6599:10, 6599:24, 6600:19, 6606:16,
6607:16, 6613:4, 6627:11,
6686:1, 6686:4
Roads [1] - 6591:24
roadsides [3] - 6591:18, 6593:5, 6596:7
roadway [2]-6619:2, 6621:2
roadways [1] - 6595:22
roasting [8] - 6665:16,

6665:20, 6666:3, 6666:5,
6666:13, 6666:15,
6671:16, 6671:20
Roasting [1] - 6665:25
Rob [3] - 6660:22, 6666:18, 6666:25
Rob's [2] - 6664:25
Robbins [7] - 6370:17, 6509:21, 6509:25, 6511:9, 6512:4, 6513:6, 6721:11
ROBBINS [10] - 6373:6,
6509:24, 6509:25,
6510:16, 6510:24,
6511:16, 6511:22,
6512:15, 6512:20, \(6513: 5\)
Robert [1] - 6369:3
Robinson [12] - 6369:16,
6370:6, 6370:23, 6425:1, 6443:6, 6534:21, 6534:23, 6535:7, 6551:15, 6557:5, 6583:25, 6584:9
ROBINSON [69] - 6372:14, 6373:18, 6373:19,
6424:25, 6425:1, 6426:1, 6426:9, 6427:21, 6428:17, 6428:24, 6430:5, 6431:19, 6431:25, 6432:4, 6432:7,
6433:5, 6434:1, 6434:19, 6435:2, 6435:18, 6436:1, 6436:12, 6436:23, 6437:5, 6439:11, 6439:16,
6439:24, 6535:1, 6535:2,
6535:8, 6552:9, 6553:9,
6554:15, 6554:25, 6556:4, 6557:15, 6558:10, 6559:7, 6559:13, 6560:20,
6561:15, 6562:13, 6563:9, 6564:22, 6565:14,
6565:24, 6567:24,
6568:19, 6569:15, 6570:7,
6570:19, 6571:16,
6572:14, 6572:20, 6574:2,
6575:6, 6575:10, 6576:16,
6577:15, 6578:9, 6578:25,
6579:5, 6579:22, 6580:14,
6581:10, 6581:14, 6582:6,
6582:16, 6583:3
robust [1] - 6575:18
rock [4] - 6377:24, 6378:3,
6666:3, 6673:9
rocks [1] - 6702:8
rocky [1] - 6603:21
Rod [15] - 6369:13, 6369:22,
6379:23, 6386:6, 6425:14,
6432:4, 6454:23, 6458:15,
6550:3, 6638:13, 6646:15,
6653:24, 6657:4, 6673:4,
6712:19
Roger [6] - 6370:8, 6376:8, 6454:22, 6465:12,
6642:20, 6680:24
ROGER [4] - 6375:4, 6375:8,
\begin{tabular}{|c|c|c|c|}
\hline ```
6675:21, 6686:8
Rogers [1] - 6629:24
role [2] - 6562:18, 6569:12
roles [1] - 6437:23
Ronzio [1] - 6369:7
Room [1] - 6368:22
room [4]-6376:24, 6638:9,
    6708:7, 6708:9
roosting [2] - 6543:12,
    6543:13
root [1] - 6549:13
rough [2] - 6612:14, 6614:13
roughly \({ }_{[2]}\) - 6435:22,
    6464:18
round [9] - 6456:5, 6456:6,
    6505:25, 6506:21, 6526:3,
    6582:23, 6592:7, 6622:12,
    6666:8
route [2] - 6457:16, 6500:22
routes [8] - 6457:25, 6458:1,
    6501:1, 6503:14, 6515:16,
    6629:21, 6660:13, 6672:18
Royal [2] - 6669:21, 6669:23
RPR [3] - 6371:22, 6729:3,
    6729:19
RSA [2] - 6413:15, 6413:17
rubbing [1] - 6602:25
rules [1] - 6631:5
rumours [1] - 6676:19
run [7] - 6495:7, 6520:11,
    6520:19, 6583:15,
    6612:15, 6613:5, 6628:18
run-off [1] - 6612:15
running [2] - 6582:2,
    6600:20
runs [4] - 6410:14, 6520:12,
    6616:17, 6702:7
Russia [1] - 6611:16
Russian [1] - 6611:15
S-U-L-L-I-V-A-N [1] - 6633:9
sacred [8] - 6511:20, 6512:3,
    6512:5, 6721:11, 6721:13,
    6721:14, 6721:16, 6721:17
safe [1] - 6648:13
safe-haven [1] - 6648:13
safekeeping [1] - 6658:7
safer [1] - 6408:4
safety [1] - 6565:3
sake [2] - 6559:19, 6573:7
Sally [1] - 6635:4
salmon [13] - 6378:21,
    6520:18, 6585:11, 6589:4,
    6590:7, 6590:16, 6603:23,
    6604:1, 6609:24, 6616:17,
    6619:7, 6632:3
salvage [7] - 6409:13,
    6409:14, 6409:17,
    6481:22, 6481:25, 6482:7,
    6482:13
salvaged \({ }_{[1]}\) - 6481:15
sample [1] - 6528:15
``` & ```
samples [2] - 6390:4, 6412:9
sandhill [4] - 6568:24,
    6580:10, 6580:12, 6580:15
sands [2] - 6555:18, 6585:17
Sappier [1] - 6383:16
SAPPIER [1] - 6383:17
SARA [6] - 6438:12, 6439:10,
    6439:13, 6537:23,
    6537:25, 6538:3
SARA-listed [1] - 6439:13
satisfactory [1] - 6407:5
satisfied [2] - 6565:11,
    6571:14
save [1] - 6653:15
saw [11] - 6570:17, 6596:2,
    6617:13, 6674:21, 6696:6,
    6698:12, 6708:11,
    6708:18, 6708:22,
    6708:23, 6709:1
scale [10]-6421:8, 6476:12,
    6476:18, 6487:16,
    6637:25, 6642:6, 6642:7,
    6642:8, 6644:18, 6658:21
scales [2]-6401:22, 6546:20
scatter [5] - 6665:5, 6665:10,
    6668:12, 6674:12, 6710:23
scattered [2]-6532:21,
    6629:23
scatters [8] - 6665:5, 6665:9,
    6665:11, 6665:12, 6671:7,
    6674:1, 6674:2, 6717:6
scenario [15] - 6388:3,
    6388:6, 6414:18, 6415:4,
    6432:19, 6432:20,
    6432:21, 6435:4, 6435:11,
    6435:13, 6435:15,
    6435:16, 6435:20,
    6436:24, 6576:23
scenarios [5] - 6387:20,
    6401:20, 6401:21, 6415:7,
    6436:25
Schedule [1] - 6378:14
schedule [4] - 6636:6,
    6636:8, 6655:22, 6675:13
scheduled [4]-6385:16,
    6512:17, 6651:24, 6700:21
scheduling [2] - 6394:4,
    6675:10
schmucked [2] - 6626:4,
    6628:4
school [1] - 6640:12
schoolings [1] - 6703:6
science [5] - 6539:21,
    6550:22, 6578:1, 6617:3,
    6649:3
science-based [1] - 6550:22
scientific [7] - 6409:24,
    6475:14, 6506:7, 6509:15,
    6584:23, 6608:25, 6639:18
scientists [3] - 6590:17,
6609:1, 6639:5
``` & ```
scope [11] - 6387:21,
    6467:24, 6568:12,
    6568:20, 6660:25, 6661:8,
    6661:12, 6663:19, 6693:9,
    6696:11, 6696:12
scopes [1] - 6549:25
scoping [3] - 6386:9, 6503:6,
    6586:3
Scott [12] - 6369:14, 6370:4,
    6372:7, 6380:3, 6385:24,
    6386:4, 6401:3, 6415:23,
    6498:25, 6515:14, 6522:1,
    6523:20
SCOTT [4]-6372:9, 6372:11,
    6403:23, 6416:1
Scott's [3] - 6402:22,
    6490:13, 6499:14
screened [1] - 6695:3
scroll [1] - 6640:23
se [1] - 6500:17
search [2] - 6586:2, 6701:9
searched [2] - 6698:20,
    6699:22
searching [1] - 6700:6
season [2] - 6531:6, 6598:3
seasonal [2] - 6505:25,
    6546:10
seasons [3] - 6484:11,
    6657:6, 6662:20
seat [2] - 6626:22, 6636:4
seats [4]-6376:4, 6453:23,
    6453:25, 6489:16
Sechanalyagh [1] - 6706:23
second [13]-6381:12,
    6401:13, 6460:20,
    6476:17, 6499:13,
    6520:19, 6538:2, 6604:13,
    6640:5, 6647:20, 6654:6,
    6667:9, 6714:12
secondary [1] - 6600:7
Secondly [1] - 6416:24
secondly [1] - 6580:22
Secretariat [4] - 6376:12,
    6377:1, 6535:3, 6640:24
SECTION [1] - 6368:8
Section [6] - 6381:17,
    6467:11, 6473:15, 6538:2,
    6557:23, 6563:16
section [16] - 6378:11,
    6378:14, 6397:2, 6399:21,
    6417:12, 6437:21,
    6462:20, 6533:16,
    6544:12, 6580:5, 6636:12,
    6647:7, 6648:21, 6651:3,
    6651:11, 6651:13
sections [1] - 6386:9
sector [1] - 6612:6
secured [1] - 6541:10
security [5] - 6543:12,
    6543:13, 6548:19,
6591:18, 6596:8
``` & ```
Secwepemc [2]-6376:10,
    6535:6
Sediment [1] - 6405:10
sediment [1] - 6393:3
sedimentation [1] - 6406:9
see [67]-6452:15, 6454:4,
    6462:15, 6484:7, 6484:14,
    6488:23, 6490:6, 6508:7,
    6525:20, 6534:11,
    6534:15, 6546:7, 6551:17,
    6567:6, 6574:20, 6576:17,
    6578:6, 6578:13, 6578:15,
    6584:5, 6584:8, 6588:14,
    6590:23, 6594:4, 6594:11,
    6596:9, 6598:20, 6608:25,
    6612:1, 6613:17, 6613:19,
    6617:11, 6617:18,
    6622:21, 6627:2, 6630:23,
    6636:13, 6647:15, 6648:4,
    6649:7, 6649:11, 6650:6,
    6651:14, 6656:6, 6663:15,
    6664:4, 6664:6, 6665:22,
    6665:23, 6669:7, 6673:10,
    6673:19, 6674:3, 6684:9,
    6686:14, 6695:9, 6695:14,
    6696:8, 6700:21, 6702:5,
    6705:8, 6710:1, 6710:24,
    6711:9, 6719:13, 6721:22
See [1] - 6379:12
seeding [3] - 6405:24,
    6406:25, 6610:21
seeing [2] - 6464:8, 6561:12
seeking [8] - 6428:13,
    6432:9, 6432:16, 6434:20,
    6437:3, 6574:3, 6574:5,
    6582:16
seem [2]-6633:4, 6633:10
seep [1] - 6687:12
seepage [6] - 6408:24,
    6719:19, 6719:21, 6720:5,
    6720:7, 6720:11
seeping [1] - 6687:9
segment [1] - 6644:23
select [1] - 6500:22
selected [5] - 6378:11,
    6378:14, 6386:23, 6387:7,
    6417:23
selecting [2] - 6645:4,
    6645:5
selection [2] - 6420:9,
    6497:19
selective [1] - 6703:3
self [1] - 6408:20
self-sustaining \({ }_{[1]}\) - 6408:20
Selkirk [1] - 6599:21
semi [1] - 6401:17
semi-quantitative [1] -
    6401:17
send \([1]\) - 6675:2
sending [1] - 6577:3
Senior [1] - 6535:8
``` \\
\hline
\end{tabular}
sense [8]-6421:19, 6503:7, 6552:19, 6554:11, 6554:21, 6561:3, 6642:22, 6679:20
sensitive [6] - 6389:14,
6393:19, 6396:11,
6480:17, 6608:14, 6677:15
sensitivity \({ }_{[1]}\) - 6626:1
sensory [6] - 6398:5,
6398:15, 6398:20, 6405:7,
6494:23, 6494:25
sent \([2]\) - 6618:4, 6658:5
sentence [2]-6562:22,
6563:1
separate [3]-6495:19, 6597:4, 6690:6
separated [1] - 6587:20
September [2]-6637:18, 6637:21
sequence [1] - 6468:24 series [2] - 6474:23, 6504:7 serious [4] - 6508:25,
6517:25, 6519:3, 6625:10
seriously [2] - 6541:15,
6638:19
servant [1]-6641:8
Service [23]-6411:19,
6412:16, 6412:19, 6413:19, 6414:4, 6425:2,
6437:11, 6467:17,
6474:11, 6474:12, 6535:9,
6540:3, 6540:17, 6544:6,
6544:13, 6544:14, 6547:7,
6550:13, 6557:13, 6568:5,
6569:13, 6583:8, 6585:21
service [4] - 6573:13,
6599:13, 6621:4, 6630:8
Services [4]-6371:21,
6427:16, 6546:15, 6550:4
session [8] - 6377:19,
6378:18, 6416:18, 6489:9,
6524:2, 6654:3, 6669:20
SESSION \({ }_{[1]}\) - 6368:14
sessions [3] - 6453:9, 6463:5, 6464:6
set \([9]-6383: 3,6394: 25\),
6530:8, 6576:23, 6637:11, 6649:7, 6703:15, 6719:12, 6729:8
setting [5] - 6481:10, 6530:7, 6577:16, 6671:18, 6714:9 settlements [1] - 6610:21 seven [4] - 6425:3, 6583:14, 6583:16, 6594:25 several [10]-6391:24, 6404:4, 6500:4, 6543:19, 6555:7, 6624:25, 6639:6, 6642:12, 6716:15, 6722:3
severe [1] - 6639:4
severely [7] - 6399:16, 6514:12, 6520:13,

6520:22, 6520:25, 6641:7, 6670:11
shaded [1] - 6650:9
shallow [1] - 6581:7
shape \([5]\) - 6461:9, 6666:24,
6668:1, 6668:14, 6697:14
share [4]-6450:1, 6453:2,
6459:1, 6519:1
Share [5]-6489:4, 6490:1,
6534:10, 6584:3, 6635:15
shared [2] - 6455:6, 6455:14
sharing [1] - 6706:16
Sharp [1] - 6610:23
Sharp-Tailed [1] - 6610:23
shed [1] - 6686:24
sheds [2] - 6550:6, 6630:2
sheep [13]-6501:5, 6501:10, 6501:16, 6501:20,
6501:21, 6501:22,
6515:16, 6530:21,
6530:24, 6531:4, 6614:1,
6630:16, 6630:21
shelf \([1]\) - 6704:17
shelter [1] - 6497:1
Shield [3]-6369:16,
6370:23, 6534:22
SHIELD [1] - 6373:18
shift [3] - 6527:25, 6609:20, 6697:22
Shirley [2]-6370:17, 6509:25
SHIRLEY [2] - 6373:5, 6509:24
shock [2] - 6721:4, 6721:9
shoot [1] - 6626:14
Shore [1] - 6540:1
short [10]-6398:16,
6407:22, 6438:10, 6439:4, 6457:9, 6458:13, 6551:21, 6552:24, 6635:24, 6636:23
short-eared [1] - 6407:22
short-term [1] - 6398:16
shorthand [1] - 6729:8
shortly [2] - 6457:11, 6520:1
shot [6]-6595:23, 6596:16,
6622:7, 6631:5, 6669:5
shots [1] - 6694:3
shovel [4] - 6663:11, 6666:1, 6694:25, 6697:20
Shovel [1] - 6697:18
show [15] - 6431:5, 6431:12, 6431:20, 6432:1, 6543:15, 6591:3, 6595:6, 6597:24, 6599:15, 6605:23,
6611:22, 6664:9, 6674:23,
6690:7, 6692:15
showed [5] - 6401:3, 6463:7, 6499:14, 6591:11, 6634:4
showing [4] - 6384:12, 6659:1, 6664:3, 6673:20
shown [3]-6381:20,

6409:14, 6560:19
shows [13]-6384:18,
6588:15, 6589:8, 6589:9,
6590:22, 6592:21,
6593:15, 6594:23,
6597:16, 6599:24,
6602:23, 6646:20, 6681:4
Shuswap [2]-6662:14,
6703:19
shut [5] - 6521:12, 6626:6,
6639:9, 6639:11, 6639:14
sic [1] - 6479:11
sic) [1] - 6478:6
side [27] - 6430:12, 6430:18,
6470:16, 6471:7, 6471:8,
6471:16, 6472:11,
6490:19, 6493:7, 6498:13,
6498:17, 6498:19, 6503:4,
6503:10, 6503:14,
6504:14, 6511:19,
6511:24, 6512:21,
6588:19, 6621:13,
6631:22, 6631:23, 6634:6, 6718:18
sight [2] - 6485:6, 6500:11
sign [4] - 6588:21, 6616:11,
6630:14, 6630:16
signage [2] - 6472:23, 6526:24
signages [1] - 6473:2
significance [16] - 6395:10, 6402:6, 6402:8, 6402:16, 6411:2, 6455:11, 6653:1,
6689:11, 6689:15,
6690:10, 6690:22,
6690:23, 6690:25, 6691:3, 6691:6, 6691:11
significant [49] - 6403:17,
6403:20, 6412:25,
6421:24, 6422:10,
6423:10, 6424:3, 6424:10, 6436:24, 6449:9, 6486:12,
6487:2, 6491:4, 6492:2,
6492:6, 6492:8, 6492:14,
6492:16, 6493:2, 6495:21,
6495:23, 6499:19,
6508:22, 6516:24, 6517:3,
6564:24, 6586:23,
6592:12, 6592:25,
6593:11, 6595:16, 6601:5, 6601:14, 6610:13, 6611:4, 6611:5, 6613:9, 6615:9,
6645:16, 6646:1, 6647:13, 6647:24, 6668:19,
6670:15, 6689:10,
6689:12, 6693:6, 6715:10
Significant [2] - 6395:23,
6541:15
significantly [9] - 6453:6, 6530:19, 6561:1, 6598:7, 6598:24, 6604:12, 6621:17, 6634:19, 6671:10
signs \([1]\) - 6630:18
silviculture [1] - 6640:2
similar [17] - 6380:20,
6385:7, 6422:1, 6422:13,
6422:23, 6442:19,
6448:22, 6470:3, 6472:10,
6473:20, 6476:6, 6478:17,
6515:6, 6570:22, 6591:9,
6668:1, 6668:15
Similarly [1] - 6415:8
similarly [3] - 6381:9,
6435:18, 6682:16
simple [6] - 6475:5, 6562:16, 6642:9, 6642:11, 6648:25, 6649:5
simply [13] - 6425:19,
6431:12, 6441:24,
6459:18, 6520:16,
6543:15, 6543:24, 6564:8,
6642:6, 6644:10, 6644:18,
6646:4, 6688:12
single [2]-6420:9, 6673:24
sisters [1] - 6581:6
sit [3] - 6424:22, 6523:2,
6584:16
site [133]-6387:12, 6389:12, 6390:15, 6390:19,
6390:21, 6391:8, 6391:14, 6391:17, 6391:18,
6391:19, 6397:25, 6398:1,
6398:11, 6401:10, 6403:5, 6405:17, 6406:23, 6407:9, 6408:5, 6408:7, 6409:19, 6410:9, 6410:14, 6412:2, 6412:4, 6412:7, 6412:9, 6421:6, 6430:21, 6431:13, 6432:1, 6434:5, 6435:7,
6436:5, 6464:19, 6470:7,
6471:12, 6477:4, 6477:24,
6480:24, 6481:1, 6482:1,
6487:25, 6497:17,
6514:18, 6514:23, 6515:2, 6527:16, 6527:23,
6527:24, 6528:1, 6528:3, 6532:11, 6532:14,
6532:18, 6533:3, 6534:3,
6542:24, 6543:4, 6551:9,
6552:8, 6573:9, 6606:24,
6616:5, 6620:22, 6633:18,
6634:3, 6645:9, 6645:20,
6648:1, 6654:6, 6659:2,
6659:21, 6662:17, 6664:8, 6665:13, 6665:14, 6666:7, 6666:17, 6667:17,
6667:18, 6667:20, 6668:8, 6668:12, 6668:13, 6669:5, 6669:17, 6669:18,
6670:13, 6670:15, 6673:8,
6673:12, 6674:10,
6674:11, 6674:14,
6674:16, 6674:17,
6679:11, 6679:13, 6684:8,

6685:24, 6687:18, 6691:7, 6698:17, 6699:2, 6699:22, 6700:7, 6701:24, 6706:18, 6707:21, 6708:5, 6708:6, 6708:10, 6709:6, 6709:16, 6709:21, 6709:23,
6710:15, 6710:17,
6713:13, 6713:19,
6714:14, 6716:22, 6717:5, 6720:24, 6721:2, 6721:5,
6721:9, 6721:17
Site [1] - 6475:3
sites [140]-6381:23,
6381:24, 6394:21,
6406:22, 6407:14,
6407:16, 6409:23,
6412:13, 6433:8, 6440:19, 6511:20, 6512:1, 6512:3, 6512:5, 6512:9, 6512:12, 6512:13, 6512:22,
6528:16, 6529:10,
6529:11, 6529:18, 6605:4, 6605:6, 6634:25, 6657:12, 6658:18, 6659:7, 6659:10, 6659:12, 6659:13, 6659:19, 6660:7, 6660:24, 6661:1, 6661:5, 6661:11, 6661:12, 6663:6, 6663:19, 6663:21, 6663:24,
6664:22, 6664:23, 6665:1, 6665:4, 6665:11, 6666:14, 6667:3, 6667:11, 6667:12, 6667:21, 6669:1, 6669:6, 6670:10, 6670:20, 6671:2, 6671:5, 6671:7, 6671:11, 6671:18, 6671:25, 6672:3, 6672:9, 6672:10, 6673:17, 6673:18, 6673:23, 6678:7, 6679:17, 6679:19,
6687:25, 6688:6, 6688:10, 6689:11, 6690:14,
6690:15, 6690:20,
6690:21, 6691:4, 6691:22,
6692:13, 6692:14,
6692:15, 6692:16,
6692:19, 6693:4, 6693:11, 6696:7, 6696:11, 6697:6, 6698:8, 6700:1, 6700:2, 6701:7, 6706:11, 6707:19, 6707:21, 6708:4, 6708:13, 6709:11, 6709:13,
6709:22, 6710:21,
6710:23, 6711:1, 6713:15,
6714:11, 6715:5, 6715:7,
6716:3, 6716:23, 6716:25,
6717:4, 6717:6, 6717:14,
6717:16, 6717:24, 6718:1, 6718:5, 6718:7, 6721:5,
6721:12, 6721:14,
6721:16, 6724:21, 6725:5, 6725:12
Sites [2] - 6667:11, 6713:17
sits [1] - 6431:13
sitting [4]-6630:9, 6706:15, 6706:16, 6720:16
situation [6] - 6452:24,
6522:13, 6564:17,
6600:21, 6676:11, 6677:17
situations [4] - 6451:23,
6569:9, 6595:1, 6641:14
six [9]-6409:17, 6512:19,
6595:10, 6595:15,
6604:11, 6606:15,
6667:21, 6668:3, 6671:17
size [8] - 6402:11, 6451:15,
6616:20, 6665:19,
6665:21, 6666:24, 6697:5, 6697:14
sized [2]-6602:13, 6697:6
sizes [1] - 6647:12
skill [1] - 6729:11
slaughter [2]-6613:14,
6623:15
slice \({ }_{[1]}\) - 6706:8
slick [1] - 6567:4
slide [30]-6412:16, 6413:7,
6418:18, 6418:19,
6418:24, 6419:2, 6423:13, 6431:11, 6431:20, 6448:1, 6472:15, 6472:17, 6473:8, 6479:11, 6481:13,
6482:17, 6482:25, 6483:3, 6485:15, 6499:7, 6499:14, 6547:24, 6549:17,
6551:22, 6553:1, 6659:25,
6660:15, 6664:9, 6673:14
slides [7] - 6386:10,
6458:16, 6458:20, 6459:3,
6479:12, 6525:22, 6618:15
slightly [3] - 6383:17,
6470:5, 6562:8
sliver \({ }_{[1]}\) - 6640:18
slope [1] - 6674:15
slow [4] - 6574:4, 6598:2,
6630:10, 6630:16
slower [1] - 6628:15
small [18] - 6397:1, 6400:22,
6403:2, 6416:14, 6423:23,
6423:24, 6433:3, 6434:6,
6547:14, 6587:6, 6592:21,
6601:3, 6602:13, 6603:14, 6663:4, 6667:5, 6695:2, 6706:1
smaller [3]-6382:1, 6697:6, 6697:17
smaller-sized [1] - 6697:6
Smith [3]-6371:10, 6680:23, 6694:8
SMITH [18] - 6375:10,
6683:14, 6689:2, 6689:3,
6691:14, 6692:2, 6692:25,
6693:23, 6694:5, 6694:14,
6694:18, 6694:21, 6695:4,

6696:1, 6697:2, 6698:14, 6699:6, 6699:17
smoke [1] - 6619:21
snake [1] - 6400:22
snapshots [1] - 6387:20
snipe [1] - 6548:18
snow [1] - 6630:2
social \({ }_{[2]}\) - 6651:19, 6652:7
Society [5]-6489:4, 6490:1,
6534:11, 6584:3, 6635:16
society [2] - 6383:11,
6615:16
SOCIO [2] - 6374:20,
6656:11
socio [15]-6462:20,
6519:22, 6538:20, 6624:4,
6636:10, 6636:15, 6651:3,
6652:3, 6652:12, 6652:18,
6653:25, 6654:2, 6654:11,
6727:25, 6728:1
socio-economic [12] -
6462:20, 6519:22,
6538:20, 6636:15, 6651:3,
6652:12, 6652:18,
6653:25, 6654:2, 6654:11,
6727:25, 6728:1
socio-economics [1] -
6624:4
SOCIOECONOMICS \({ }_{[2]}\) -
6369:20, 6371:7
sockeye [2] - 6378:21
Soil [1] - 6409:14
soil [15]-6391:14, 6405:24, 6406:7, 6406:20, 6406:24, 6409:13, 6409:17, 6412:9, 6481:15, 6481:25, 6482:7, 6482:13, 6666:4, 6697:22
soils [16] - 6386:18, 6386:25, 6388:5, 6388:13, 6389:16,
6389:19, 6398:7, 6404:14, 6404:18, 6404:19,
6404:25, 6405:4, 6405:11,
6408:12, 6412:6, 6481:22
solid [1] - 6671:22
solids [1] - 6567:1
someone [1] - 6676:19
Sometimes [1] - 6691:5
sometimes [11]-6562:11,
6600:22, 6612:18,
6612:20, 6612:22, 6613:4,
6626:5, 6642:17, 6692:19,
6697:22, 6702:6
somewhat [5] - 6442:18,
6591:9, 6621:15, 6638:7, 6665:18
somewhere [4] - 6524:10,
6568:21, 6619:25, 6635:3
son's [1] - 6612:24
Song [1] - 6540:2
soon [4] - 6491:14, 6718:12,
6718:22, 6722:21

Sorry [9] - 6434:24, 6435:25, 6458:23, 6518:8, 6646:13, 6669:12, 6685:8, 6711:11, 6711:19
sorry [18] - 6377:25,
6378:11, 6419:18, 6427:2,
6428:17, 6475:8, 6488:6,
6488:16, 6491:23, 6520:6,
6617:2, 6633:8, 6643:13,
6643:14, 6662:10, 6667:8, 6671:16, 6727:21
sort [41] - 6420:9, 6441:23,
6465:25, 6468:24, 6473:4,
6506:8, 6523:6, 6562:11,
6571:8, 6582:19, 6598:22,
6606:22, 6607:6, 6620:1,
6625:23, 6631:1, 6640:11,
6642:23, 6645:11, 6649:3,
6657:24, 6658:14, 6664:5,
6664:20, 6668:15,
6685:16, 6691:8, 6691:9,
6692:6, 6696:10, 6698:12,
6699:15, 6713:10,
6715:24, 6718:6, 6718:16, 6719:2, 6721:6, 6721:8,
6725:14, 6728:5
sorts [3] - 6571:3, 6622:22, 6668:21
sound [7] - 6482:21, 6483:7,
6539:20, 6593:19, 6611:3, 6631:9
sounds [3] - 6633:19,
6652:10, 6714:6
source [8]-6462:16,
6510:13, 6624:12,
6643:19, 6649:21,
6650:19, 6650:22, 6672:16
Source [1] - 6650:17
sources [4]-6397:10,
6516:17, 6541:16, 6575:5
sourcing [2] - 6672:13, 6672:14
south [7]-6524:12, 6524:14,
6586:14, 6587:14,
6587:17, 6593:13, 6669:9
southeastern [1] - 6604:11
southern [2]-6419:1,
6462:14
spacing [3] - 6662:23,
6662:25, 6701:13
spade [1] - 6695:2
Spagnuolo [1] - 6369:7
span [3]-6397:17, 6610:14, 6621:11
spans [1] - 6390:10
spatial [10]-6387:10,
6401:11, 6471:13,
6476:12, 6476:18,
6476:21, 6487:16,
6546:20, 6549:25, 6640:3
spawn [1] - 6603:3
spawning [10] - 6378:10, 6378:13, 6529:10, 6529:11, 6529:16, 6603:2, 6603:5, 6682:10, 6682:21, 6684:15
speaker [1] - 6584:11
speakers [5] - 6443:9,
6488:16, 6626:25,
6700:20, 6726:17
speaking [4] - 6411:25, 6533:14, 6561:20, 6650:22 speaks [12] - 6432:13, 6437:22, 6467:14, 6469:22, 6536:12, 6537:12, 6553:16, 6563:10, 6563:18, 6564:2, 6580:6, 6654:8
special \({ }_{[5]}\) - 6438:12,
6565:15, 6691:19,
6691:20, 6718:10
specialized \([1]\) - 6601:16
species [117] - 6390:13, 6392:25, 6395:18, 6395:21, 6397:19, 6400:19, 6400:21, 6402:8, 6402:13, 6402:14, 6402:19, 6402:25, 6403:3, 6406:14, 6407:2, 6407:7, 6411:11, 6421:10, 6421:15, 6421:18, 6421:20, 6421:22, 6422:2, 6422:3, 6422:4, 6422:5, 6422:9, 6422:19, 6422:21, 6437:13, 6437:14, 6437:17, 6438:2, 6438:11, 6438:13, 6438:17, 6438:20, 6439:13, 6440:1, 6440:2, 6440:8, 6445:5, 6445:7, 6445:10, 6445:25, 6446:16, 6447:8, 6447:23, 6447:24, 6448:1, 6448:2, 6448:11, 6448:14, 6452:3, 6452:17, 6455:13, 6456:10, 6456:12, 6456:13, 6456:20, 6465:22, 6475:10, 6475:24, 6476:11, 6476:15, 6486:3, 6486:4, 6487:15, 6497:16, 6500:1, 6501:18, 6530:16, 6533:10, 6533:14, 6533:15, 6533:22, 6533:23, 6535:20, 6537:17, 6537:18, 6537:25, 6538:7, 6545:21, 6546:23, 6548:5, 6551:2, 6551:3, 6559:24, 6559:25, 6561:18, 6562:9, 6562:10, 6563:4, 6564:2, 6564:4, 6564:20, 6565:14, 6565:17, 6568:3, 6568:6, 6569:3, 6569:7, 6569:8,

6580:20, 6586:17, 6587:3, 6587:11, 6587:12,
6600:22, 6600:24,
6610:16, 6611:5, 6611:12, 6648:6
Species [8]-6437:16,
6537:16, 6551:6, 6551:11, 6562:20, 6563:9, 6565:2, 6565:15
species-specific [2] -
6559:24, 6561:18
specific [40]-6376:13,
6377:19, 6378:18, 6388:5, 6393:25, 6395:8, 6395:20, 6402:14, 6426:19, 6429:6, 6432:12, 6434:15,
6437:21, 6447:18,
6447:23, 6447:24,
6464:11, 6482:10, 6506:7, 6507:10, 6516:8, 6522:18, 6527:5, 6538:3, 6559:24, 6561:18, 6561:23, 6563:13, 6567:18, 6571:5, 6576:24, 6580:2, 6580:11, 6580:20, 6581:2, 6582:25, 6661:11, 6673:3, 6682:4, 6724:22
SPECIFIC \({ }_{[1]}\) - 6368:14 specifically [25] - 6424:7,
6432:11, 6441:6, 6456:14, 6463:18, 6464:6, 6467:16, 6471:18, 6475:7, 6488:1, 6492:11, 6501:15, 6505:17, 6506:17, 6506:23, 6507:9, 6515:11, 6529:4, 6533:19, 6534:7, 6548:1, 6554:7, 6571:6, 6580:17, 6580:24
Specifically [1] - 6536:6
specifics [5] - 6413:6,
6425:24, 6426:2, 6427:5, 6507:13
specified [2] - 6454:24, 6463:24
specify [2] - 6709:4, 6717:23 speculate [3] - 6470:1, 6524:22, 6639:18
speculating [3]-6456:19, 6457:7, 6719:8
speculation [2] - 6719:12, 6719:14
speculative \({ }_{[1]}\) - 6604:18
speech [1] - 6530:3
speed [11] - 6399:20,
6472:19, 6473:4, 6526:22,
6607:19, 6629:11,
6629:13, 6629:25,
6630:11, 6630:18
spell [3] - 6382:23, 6383:16, 6680:22
spelled [1] - 6383:1
spend [2] - 6376:24, 6641:10
spent \([3]-6453: 7,6460: 12\), 6706:15
spiritual [4] - 6705:3, 6705:4, 6705:14, 6715:4
split [2] - 6652:6, 6654:3
Split [1] - 6653:11
SPOKEN [4] - 6372:3,
6374:19, 6376:1, 6650:23
spoken [4] - 6474:17,
6523:24, 6523:25, 6712:19
Spoken) [1] - 6702:22
spotted [1] - 6400:21
spraying [1] - 6599:14
spread [2] - 6532:15, 6583:24
spring [11] - 6554:14, 6554:23, 6589:4, 6602:1, 6602:23, 6605:13,
6605:15, 6616:5, 6626:5,
6634:25, 6635:2
springtime [1] - 6602:8
Spruce [2] - 6615:5, 6615:24
spruce [1] - 6480:15
square [2] - 6389:9, 6503:20
St'uxlews [1] - 6511:24
stab [1] - 6432:15
Stability [1] - 6404:20
stability [2] - 6386:24,
6408:25
stable [3] - 6406:9, 6561:17, 6595:14
staffing [1] - 6639:2
staffs' [1] - 6639:16
stage [11] - 6427:7, 6479:7, 6503:6, 6556:14, 6565:11, 6646:9, 6647:19, 6649:13, 6649:17, 6697:13, 6698:9
stages [4] - 6497:8, 6543:13, 6610:18, 6710:11
staging [5] - 6543:12,
6549:10, 6555:6, 6556:11, 6566:1
stand \([3]-6533: 25,6542: 5\), 6621:15
standard [6] - 6394:25,
6400:14, 6401:23, 6447:6, 6471:13, 6471:22
standards [9] - 6389:8,
6395:12, 6402:6, 6463:16, 6464:25, 6579:25, 6580:1, 6614:16, 6719:14
standpoint [1] - 6714:20
stands [8] - 6390:25, 6458:4,
6480:4, 6480:15, 6532:5,
6533:5, 6533:6, 6533:17
Stantec [6] - 6369:14,
6369:14, 6370:4, 6370:5,
6380:2, 6650:1
start [27] - 6400:18, 6401:3,
6424:17, 6443:16,
6453:21, 6469:8, 6474:19,

6489:11, 6489:16,
6522:22, 6557:4, 6586:21, 6605:16, 6634:21, 6636:5, 6654:23, 6655:4, 6655:6, 6655:14, 6656:3, 6675:14, 6675:25, 6677:23,
6686:15, 6716:16, 6718:6, 6727:25
started [7] - 6410:2, 6622:14, 6676:5, 6677:18, 6677:19, 6695:11, 6704:25
starting [3] - 6616:13, 6637:18, 6728:6
starts [1] - 6467:22
state [4]-6473:16, 6539:20, 6618:11, 6720:23
statement [6] - 6474:5,
6486:16, 6513:14, 6521:7, 6521:10, 6724:8
Statement [1] - 6542:18
States [1] - 6536:23
station [1] - 6606:22
statistics [1] - 6597:14
status [5] - 6395:17,
6402:11, 6587:11, 6589:8, 6597:25
stay [3] - 6612:5, 6613:7, 6628:8
step [3] - 6397:7, 6427:8, 6447:19
Stephen [1] - 6371:22
steps [11] - 6446:6, 6446:9,
6446:24, 6447:1, 6449:10,
6466:20, 6466:23,
6466:24, 6527:4, 6670:18
Steve [6] - 6369:23, 6371:9,
6656:15, 6656:23,
6712:19, 6716:18
STEVE \({ }_{[1]}\) - 6374:24
stewardship \({ }_{[1]}\) - 6537:20
Stewart [1] - 6520:11
Stieman [1] - 6674:9
Still [1] - 6585:10
still \([40]-6380: 10,6384: 25\), 6438:25, 6451:12,
6453:11, 6458:4, 6473:24, 6474:1, 6484:22, 6487:17, 6488:8, 6498:10, 6511:5, 6517:25, 6519:16, 6519:17, 6549:24, 6556:2, 6574:3, 6574:5, 6592:21,
6593:1, 6593:11, 6599:10, 6616:17, 6617:7, 6621:18, 6628:15, 6628:17, 6630:3, 6631:15, 6667:12, 6674:5, 6677:2, 6679:12, 6684:7, 6694:24, 6709:17
stocked \({ }_{[1]}\) - 6581:9
Stocking [1] - 6576:2
stocking [5] - 6576:8,
6576:12, 6576:13,
\begin{tabular}{|l|}
\hline \\
\hline \(6576: 19,6581: 11\) \\
stockpile \([1]-6710: 7\) \\
stockpiles \([1]-6405: 24\) \\
stocks \([1]-6521: 4\) \\
stone \([9]-6665: 5,6665: 6\), \\
\(6665: 7,6668: 8,6668: 17\), \\
\(6668: 25,6674: 7,6674: 8\), \\
\(6674: 14\) \\
Stone \([1]-6622: 16\) \\
Stoney's \([1]-6707: 12\) \\
stood \([1]-6641: 6\) \\
stop \([3]-6556: 3,6612: 15\), \\
\(6675: 7\) \\
stopped \([1]-6604: 14\) \\
stopping \([1]-6709: 19\) \\
storage \([4]-6433: 8\), \\
\(6555: 23,6679: 18,6712: 1\) \\
stored \([1]-6712: 3\) \\
stories \([1]-6678: 25\) \\
straight \([3]-6484: 25\), \\
\(6612: 19,6696: 23\) \\
straightforward \([1]-\) \\
\(6536: 12\) \\
strategic \([1]-6569: 24\) \\
strategies \([5]-6394: 7\), \\
\(6406: 5,6406: 7,6406: 23\), \\
\(6568: 12\) \\
Strategy \([4]-6418: 15\), \\
\(6485: 16,6485: 22,6485: 24\) \\
strategy \([2]-6414: 8\), \\
\(6718: 20\) \\
stream \([3]-6546: 1,6620: 24\), \\
\(6682: 10\) \\
streams \([2]-6603: 22\), \\
\(6664: 6\) \\
stressed \([3]-6587: 1\), \\
\(6610: 3,6610: 4\) \\
strict \([1]-6399: 12\) \\
strictly \([1]-6579: 1\) \\
strikes \([2]-6398: 12\), \\
\(6400: 16\) \\
strong \([2]-6591: 11\), \\
\(6662: 12\) \\
strongly \([1]-6586: 22\) \\
structure \([3]-6388: 18\), \\
\(6699: 18,6699: 24\) \\
student \([2]-6639: 24\), \\
\(6641: 13\) \\
students \([1]-6577: 4\) \\
studied \([5]-6497: 17\), \\
\\
\hline
\end{tabular}

6498:4, 6498:6, 6630:4, 6685:18
Studies [1] - 6595:6
studies [43] - 6409:23,
6444:2, 6449:14, 6452:12, 6465:2, 6498:18, 6500:9, 6503:17, 6504:7, 6507:5, 6511:16, 6511:19, 6512:5, 6512:6, 6512:17, 6515:17, 6516:7, 6519:7, 6560:15, 6578:23, 6585:25, 6591:2,

6599:6, 6599:15, 6600:9, 6601:20, 6604:6, 6604:9, 6604:25, 6606:20,
6607:23, 6625:23, 6658:4, 6658:15, 6659:5, 6696:3, 6696:4, 6696:15, 6697:1, 6697:3, 6707:11
study [80] - 6397:10,
6397:17, 6397:21, 6401:1, 6422:16, 6422:17,
6422:25, 6423:2, 6423:4,
6424:2, 6447:11, 6448:25,
6471:22, 6475:14, 6476:9,
6486:14, 6493:4, 6497:3,
6499:11, 6499:15,
6504:13, 6506:8, 6506:16, 6513:4, 6545:6, 6545:11, 6545:22, 6552:2, 6552:3, 6555:10, 6577:16, 6580:23, 6581:9, 6586:8, 6586:11, 6586:13, 6587:7, 6587:14, 6587:22, 6589:16, 6590:5, 6590:21, 6593:15, 6594:1, 6595:22, 6595:23, 6596:14, 6599:24, 6601:24, 6602:17, 6603:16, 6606:6, 6608:9, 6630:1, 6659:9, 6659:10, 6660:1, 6660:10, 6666:10, 6669:10, 6680:4, 6680:5, 6684:1, 6686:21, 6688:22, 6689:9, 6690:2, 6696:2, 6696:17, 6698:15, 6698:16, 6702:11,
6713:14, 6714:7, 6714:10, 6714:13, 6715:15
Study [30] - 6381:18,
6381:25, 6387:11,
6387:13, 6387:17,
6400:24, 6415:13,
6422:14, 6423:6, 6423:25, 6436:8, 6444:5, 6449:2, 6450:14, 6476:23, 6544:25, 6545:3, 6548:8, 6551:24, 6552:11, 6554:13, 6579:2, 6580:2, 6580:16, 6594:18, 6595:22, 6598:18, 6601:11, 6609:5, 6613:25 studying [1] - 6637:6
stuff \([7]\) - 6606:17, 6617:6, 6634:5, 6693:18, 6703:21, 6704:3, 6705:13
stuffs [1] - 6712:3
style [1] - 6668:1
sub [4]-6591:17, 6593:4,
6596:13, 6610:5
sub-adult [1] - 6596:13 sub-adults [1] - 6591:17 subject [14]-6376:14, 6378:25, 6431:17, 6504:22, 6520:1, 6556:21,

6649:14, 6654:10, 6662:2,
6662:17, 6662:19,
6671:22, 6687:14, 6712:22
submission [20] - 6380:13,
6413:3, 6414:13, 6415:9,
6425:5, 6429:15, 6486:15,
6507:7, 6508:12, 6514:10,
6523:23, 6535:14, 6544:4,
6544:5, 6576:1, 6619:18,
6621:20, 6628:25,
6638:16, 6683:11
submissions [5] - 6425:5,
6436:3, 6535:11, 6707:12, 6709:4
submit [12] - 6384:17,
6428:3, 6546:16, 6552:15, 6553:15, 6553:23, 6555:1,
6555:13, 6558:12,
6574:11, 6580:4, 6583:13
submitted [5] - 6459:20,
6573:22, 6609:3, 6617:24
subpopulation [1]-6402:18
subscribed [1] - 6729:13
subsequent [1] - 6683:11
subsequently [2] - 6544:9, 6638:3
subsistence [2] - 6614:9, 6666:13
Subsistence [2] - 6666:11, 6666:12
subspecies [1] - 6403:3
substantial [2] - 6481:25, 6706:19
substantive [1] - 6455:18
subsurface [6] - 6663:11,
6663:13, 6663:15, 6666:1, 6673:22, 6715:11
success [7] - 6409:19,
6431:21, 6458:17, 6459:6, 6460:10, 6485:2
successful [4]-6461:13, 6468:23, 6469:1, 6473:6
succession [1] - 6406:19
succumb [1] - 6480:6
succumbing [1] - 6480:6
suddenly [3] - 6639:13,
6640:6, 6640:8
sufficient [3] - 6573:25, 6574:12, 6659:24
suggest [16] - 6430:3, 6431:11, 6431:22, 6456:4, 6456:8, 6462:19, 6483:11, 6499:10, 6518:12,
6536:15, 6549:1, 6654:18, 6672:7, 6673:25, 6675:7, 6708:12
suggested [2] - 6629:9, 6661:25
suggesting [3] - 6439:9, 6498:4, 6502:5
suggestion [4]-6502:8,

6661:18, 6661:21, 6673:6 suggestions [1] - 6588:3 suggests [2] - 6607:9 suitability [11] - 6386:25, 6387:1, 6388:15, 6394:20, 6409:2, 6412:13, 6423:17, 6423:24, 6581:10, 6586:10, 6603:16
suitable [1] - 6581:9
suite [1] - 6427:12
Sullivan [4] - 6371:3, 6633:6, 6633:8, 6701:3
SULLIVAN [10] - 6374:15, 6375:12, 6633:3, 6633:4, 6633:8, 6635:6, 6701:1, 6701:2, 6701:25, 6702:13
sulphate [1] - 6382:5
sum [1] - 6668:23
summarized [1] - 6402:21 summarizes [1] - 6535:11 summary [10] - 6397:16,
6403:25, 6404:4, 6440:4, 6499:10, 6513:21,
6535:15, 6535:22,
6550:23, 6618:10
summer [6] - 6462:13, 6511:2, 6543:17, 6605:5, 6605:7, 6637:20
summers [1] - 6609:16
super [1] - 6552:20
Supplemental [1] - 6474:25
supplemental \([7]\) - 6420:24,
6421:2, 6421:4, 6423:12,
6448:9, 6475:4, 6486:9
supplemented \([1]\) - 6663:10 support [16] - 6397:18,
6447:3, 6471:19, 6475:21, 6517:6, 6540:11, 6546:23, 6547:2, 6547:5, 6548:15, 6550:10, 6550:25,
6552:21, 6576:20,
6607:12, 6706:14
supported [2] - 6406:6, 6541:1
supporting [3] - 6383:7,
6542:18, 6554:1
supports [5] - 6389:5,
6558:14, 6560:12,
6571:21, 6571:22
suppose [4]-6584:17, 6688:18, 6688:19, 6721:7
supposedly [1] - 6520:18
Supreme [3]-6382:18,
6383:1, 6383:15
surface [7] - 6408:23,
6663:14, 6663:16,
6673:10, 6674:6, 6692:20
surgery [1] - 6651:24
surprise [1] - 6580:23
surprised [3] - 6708:17,
6708:20, 6715:20
surrounded \({ }_{[1]}\) - 6703:17
Survey [1] - 6664:1
survey [30]-6544:12,
6544:13, 6545:23, 6546:8, 6546:9, 6546:12, 6552:2, 6580:5, 6580:19, 6622:17, 6662:2, 6662:17, 6662:25, 6663:7, 6663:10, 6665:2, 6667:2, 6672:3, 6673:18, 6674:4, 6684:14, 6696:24, 6708:19, 6712:14, 6712:17, 6712:24,
6715:11, 6717:20, 6718:22
surveyed [3] - 6706:18,
6706:19, 6716:24
surveys [28] - 6389:23, 6389:25, 6390:1, 6390:2, 6390:3, 6394:8, 6470:7, 6470:13, 6470:15, 6471:1, 6471:15, 6471:16, 6471:17, 6471:18, 6542:5, 6542:6, 6544:18, 6545:1, 6546:7, 6554:20, 6555:17, 6586:19, 6601:23, 6640:2, 6645:18, 6660:20
survival [7]-6383:19,
6496:17, 6496:20, 6587:22, 6615:13, 6630:5, 6635:1
survive [3] - 6589:20,
6608:17, 6702:5
surviving [2]-6615:14,
6616:17
susceptible [2] - 6581:7, 6591:19
suspect [5] - 6439:6,
6507:15, 6522:21, 6644:5, 6647:12
suspected \({ }_{[1]}\) - 6679:11
sustain [5] - 6538:20,
6561:5, 6572:21, 6573:1, 6573:16
sustainability \([5]\) - 6396:3, 6402:17, 6486:12, 6492:6, 6517:3
Sustainable [1] - 6639:22
sustainable [2] - 6446:1,
6460:5
sustained [3] - 6547:13, 6572:12, 6572:18
sustaining [3]-6408:20, 6540:22, 6573:13 sustenance [2]-6506:21, 6508:19
swamps [1] - 6548:14
Swans [1] - 6602:19
swans [1] - 6554:14
switch [1] - 6386:1
switchbacks [1] - 6463:21
Syncrude [2] - 6555:18, 6585:17
synthesizing \({ }_{[1]}\) - 6652:22 system [5] - 6379:8, 6392:2, 6427:14, 6478:8, 6637:15
systematic [4] - 6659:17,
6670:25, 6671:6, 6672:2
systematically [1] - 6716:24 systems [10] - 6380:23,
6438:14, 6438:20,
6548:12, 6548:13, 6576:5, 6576:20, 6617:1, 6644:19, 6648:23
Table [12]-6391:23,
6398:25, 6404:4, 6413:9,
6425:17, 6427:10,
6473:14, 6473:23, 6477:6,
6502:13, 6557:23, 6563:18
table [7]-6425:25, 6432:12,
6463:7, 6467:12, 6592:6, 6647:16
tabled [1] - 6378:15
Tailed [1] - 6610:23
tailings [14]-6410:1,
6430:21, 6432:1, 6433:6, 6434:4, 6435:6, 6566:1, 6566:19, 6566:22,
6566:23, 6567:6, 6567:9, 6693:3, 6719:19
talks [3] - 6467:24, 6648:20, 6648:21
tally \({ }_{[1]}-6726: 2\)
tape [1] - 6602:9
\(\boldsymbol{\operatorname { t a r }}[2]-6555: 18,6585: 17\)
target [2] - 6473:19, 6623:7
TASEKO [64] - 6369:13,
6369:21, 6372:4, 6372:7, 6372:13, 6372:15,
6372:16, 6372:18,
6372:19, 6372:21, 6373:1,
6373:3, 6373:5, 6373:7,
6373:9, 6373:11, 6373:13,
6373:15, 6373:21,
6374:13, 6374:17,
6374:21, 6375:1, 6375:3, 6375:5, 6375:7, 6375:9,
6375:11, 6375:13,
6375:15, 6375:17,
6375:19, 6375:20,
6379:21, 6386:3, 6424:24,
6443:14, 6454:19,
6458:10, 6461:23,
6466:14, 6490:9, 6505:2,
6509:23, 6513:7, 6517:21, 6521:22, 6525:3, 6531:20, 6551:19, 6617:19,
6649:19, 6656:12, 6657:2, 6675:20, 6680:19, 6686:7, 6689:1, 6700:25, 6702:20, 6707:3, 6711:17, 6714:3, 6716:13
Taseko [158]-6369:13, 6369:22, 6376:12, 6376:22, 6378:7, 6379:3,

6379:8, 6379:15, 6379:25, 6380:21, 6381:3, 6381:10, 6381:19, 6382:2, 6382:12, 6382:17, 6383:24, 6384:4, 6384:11, 6385:14,
6385:18, 6385:21,
6399:18, 6399:21,
6410:10, 6413:18, 6415:5,
6417:9, 6418:14, 6423:8, 6423:25, 6424:20, 6425:7, 6425:12, 6425:14,
6426:13, 6427:1, 6427:2,
6431:21, 6434:8, 6443:7,
6443:12, 6443:17, 6444:3, 6446:7, 6446:9, 6452:19, 6455:4, 6456:1, 6457:13, 6458:14, 6459:20,
6460:22, 6462:9, 6464:1, 6464:10, 6467:3, 6467:6, 6467:8, 6481:7, 6481:24, 6488:20, 6490:8, 6508:7, 6508:15, 6509:6, 6509:10, 6510:2, 6510:3, 6518:19, 6519:5, 6522:25, 6523:25, 6531:18, 6535:4, 6544:9, 6545:8, 6550:4, 6551:17, 6554:12, 6557:25, 6575:8, 6576:16, 6578:6, 6581:16, 6581:20, 6582:10,
6584:22, 6586:4, 6586:22, 6590:24, 6592:4, 6592:9,
6592:23, 6592:25, 6593:2, 6593:7, 6593:14, 6594:11, 6594:13, 6594:16, 6597:8, 6597:23, 6598:13, 6600:7, 6600:14, 6600:25, 6602:8, 6604:3, 6606:23, 6607:13, 6610:12, 6610:22, 6614:8, 6615:22, 6617:17,
6618:13, 6619:7, 6620:1, 6624:18, 6625:12, 6627:9, 6629:3, 6630:10, 6630:24, 6632:2, 6638:6, 6638:10,
6640:18, 6641:2, 6643:25, 6649:17, 6651:4, 6655:17, 6661:6, 6662:15, 6670:12, 6670:22, 6675:24, 6676:2, 6676:8, 6676:11, 6676:18, 6677:9, 6677:19, 6678:8,
6679:1, 6679:23, 6682:10, 6682:13, 6682:16, 6683:3, 6683:18, 6712:21,
6719:19, 6724:2, 6726:6, 6728:2
Taseko's [22]-6380:8,
6410:20, 6492:23,
6518:11, 6555:13, 6576:6, 6587:3, 6592:3, 6592:15, 6596:18, 6603:7, 6610:10, 6611:9, 6636:10, 6643:16, 6651:12, 6655:10, 6655:13, 6676:22, 6679:5,

6718:25, 6723:21
tasked [2]-6543:20, 6553:25
tasting [1] - 6610:7
tea \({ }_{[2]}\) - 6455:18, 6456:11
teachings [1] - 6703:5
team [2] - 6609:6, 6640:4
teams [1] - 6695:16
tease [1] - 6575:19
Technical \({ }_{[1]}\) - 6588:13
technical \([9]-6428: 1\),
6458:20, 6462:7, 6569:24, 6585:14, 6586:3, 6588:11, 6619:18, 6720:1
technician [1]-6637:16
technique [1] - 6447:5
technology [3]-6665:1,
6726:24, 6726:25
teetering [1]-6608:11
telemetry [4]-6593:15,
6595:8, 6601:20, 6625:23
telephone [1] - 6377:6
temporal [11]-6387:19, 6387:21, 6476:12, 6476:25, 6477:1, 6487:15, 6487:20, 6549:25,
6667:23, 6668:2, 6671:18
Temporal [1] - 6476:18
temporary [1] - 6393:6
ten [1]-6542:10
tend \([4]-6500: 25,6663: 23\), 6674:16, 6702:5
tended [1] - 6480:3
tensions [1]-6638:19
tenure [2]-6522:1, 6522:3
term [13] - 6384:3, 6398:16,
6408:16, 6429:1, 6543:10, 6559:3, 6559:11, 6577:19, 6589:20, 6590:19,
6608:18, 6633:12, 6633:13
terms [59]-6378:1, 6387:19, 6388:25, 6417:8, 6426:20, 6427:2, 6430:15, 6431:3,
6441:18, 6444:9, 6446:4, 6447:9, 6447:10, 6447:12, 6449:5, 6451:13, 6452:4,
6452:18, 6452:19, 6454:5, 6457:2, 6467:24, 6469:9, 6473:2, 6473:3, 6486:4, 6488:22, 6524:25, 6533:7, 6533:13, 6538:25,
6539:11, 6545:16, 6545:17, 6546:5, 6553:4, 6557:17, 6559:21, 6559:25, 6560:2, 6564:25, 6565:20, 6566:17, 6574:14, 6584:5, 6604:2, 6606:14, 6623:11,
6624:17, 6633:20, 6636:5, 6639:10, 6648:17, 6656:1, 6679:2, 6686:21, 6703:3,

\section*{6710:14, 6727:24}

Terms [6] - 6498:7, 6498:9, 6509:7, 6509:8, 6509:9, 6513:12
Terra [21] - 6369:22, 6369:23, 6371:8, 6371:8, 6654:4, 6656:13, 6656:14, 6656:21, 6657:1, 6657:4, 6675:24, 6676:6, 6676:18, 6676:20, 6676:21, 6678:8, 6679:1, 6683:21, 6706:14, 6711:23, 6722:8
TERRA [2] - 6374:23, 6374:23
terrain [10]-6386:17, 6386:24, 6388:11, 6388:12, 6389:16, 6404:22, 6411:22, 6663:3, 6715:17
terrestrial [22]-6376:14, 6380:4, 6385:15, 6385:22, 6386:8, 6386:9, 6386:16, 6387:22, 6388:10, 6389:6, 6389:11, 6389:13, 6390:7, 6400:23, 6402:7, 6404:1, 6404:6, 6410:11, 6410:20, 6531:18, 6542:8, 6644:23
TERRESTRIAL [4] - 6369:12, 6370:3, 6372:6, 6386:2
Territories [2] - 6441:5,
6442:18
territory [13]-6376:11,
6376:18, 6376:19, 6452:8, 6493:7, 6511:18, 6662:13, 6703:4, 6703:13, 6703:22, 6703:25, 6704:4, 6704:5
test \([7]-6382: 25,6383: 24\), 6649:7, 6661:11, 6666:1, 6697:20
tested [3]-6649:4, 6673:21, 6698:20
testified [1] - 6443:19
testimony [2] - 6447:21,
6448:4
Testing [1] - 6697:20
testing \([7]-6663: 11\), 6673:22, 6674:14, 6674:16, 6695:1, 6697:18, 6715:12
tests [3]-6663:11, 6694:17, 6694:25
Teton [1] - 6590:4
Teztan [3]-6451:12,
6455:18, 6681:5
THE [173] - 6368:8, 6372:21, 6373:13, 6374:1, 6374:4, 6374:11, 6374:14, 6374:19, 6375:8, 6375:10, 6375:14, 6375:19, 6375:21, 6376:2, 6385:4, 6419:12, 6419:21, 6424:14, 6425:21,

6434:21, 6434:25, 6443:5, 6453:15, 6453:21, 6458:8, 6460:19, 6461:19, 6462:1, 6462:25, 6466:9, 6466:14, 6472:13, 6478:4, 6478:14, 6479:4, 6479:9, 6480:20, 6481:11, 6482:2, 6482:14, 6482:25, 6483:22, 6484:2, 6484:14, 6484:19, 6487:9, 6488:14, 6489:15,
6504:25, 6508:2, 6509:21, 6513:6, 6513:11, 6517:16, 6517:20, 6521:7, 6521:13, 6521:17, 6524:5, 6524:24, 6525:3, 6525:6, 6525:18, 6527:18, 6530:5, 6530:8, 6531:15, 6534:9, 6534:23, 6551:15, 6554:4, 6556:17, 6557:3, 6557:4, 6558:5, 6559:1, 6559:9, 6560:11, 6561:12, 6562:2, 6562:15, 6564:13, 6565:9, 6565:18, 6566:6, 6567:11, 6567:15, 6572:6, 6578:7, 6578:11, 6579:7, 6579:13, 6581:15, 6581:22, 6583:25,
6584:13, 6584:16,
6584:18, 6588:8, 6617:10, 6617:17, 6626:20,
6626:23, 6627:6, 6627:7, 6628:22, 6632:24, 6633:6, 6635:8, 6635:24, 6636:3,
6636:22, 6637:2, 6642:24, 6643:4, 6643:11, 6643:16, 6643:20, 6644:1, 6644:13, 6644:20, 6646:5, 6646:9, 6647:17, 6649:12,
6649:23, 6650:15,
6650:23, 6650:24,
6652:10, 6652:20, 6653:3, 6653:13, 6653:18,
6653:21, 6654:18, 6655:1, 6655:6, 6655:9, 6655:17, 6656:6, 6675:11, 6680:16, 6684:11, 6684:23, 6685:2, 6685:4, 6685:7, 6686:7, 6688:18, 6689:1, 6700:19, 6702:14, 6702:20,
6706:24, 6707:25, 6711:6, 6711:15, 6713:25, 6714:3, 6716:7, 6716:13, 6719:15, 6720:10, 6722:10,
6723:16, 6723:21, 6726:9, 6726:13, 6726:16, 6727:2, 6727:7, 6727:24
themselves [4] - 6376:23,
6379:16, 6442:15, 6676:22
theory [1] - 6577:15
there'd [1] - 6651:14
there'll [5] - 6412:11, 6487:6,
6538:11, 6610:2, 6704:15
There'll [1] - 6609:21
\begin{tabular}{|c} 
\\
thereafter [2] - 6704:5 \\
\(6729: 9\) \\
therefore [6] \(-6433: 5\) \\
\(6527: 25,6593: 7,66\) \\
\(6667: 19,6692: 16\) \\
Therefore [1] - 6724:3 \\
therein [1] - 6537:8 \\
they've [1] - 6619:24 \\
thinking [7] - 6450:23
\end{tabular}
6479:18, 6557:5, 6687:25,
6688:14, 6692:25, 6702:2
third [6]-6410:9, 6428:9,
6442:1, 6455:21, 6562:25, 6682:8
thirdly [1] - 6449:3
thorough [3]-6555:22, 6700:6, 6701:9
thoroughly [3] - 6673:22, 6698:20, 6699:5
thousand [1] - 6500:4
thousands [1] - 6561:2
threatened [7]-6585:11,
6588:25, 6589:10,
6589:25, 6611:3, 6611:15, 6618:18
threatening [2] - 6630:5, 6659:21
threats [1] - 6587:11
Three [1] - 6421:13
three [30] - 6380:6, 6380:9,
6384:22, 6390:14,
6422:25, 6448:25,
6455:13, 6456:10,
6456:12, 6456:20,
6456:21, 6469:6, 6511:7,
6515:3, 6519:14, 6591:6,
6595:4, 6597:9, 6607:23,
6610:6, 6611:23, 6616:7,
6628:1, 6658:14, 6665:16,
6674:12, 6678:1, 6689:15, 6698:15, 6707:25
three-year [1] - 6611:23
threshold [7] - 6486:19,
6591:14, 6592:2, 6608:12,
6618:19, 6618:24, 6620:16
thresholds [6] - 6395:12,
6395:19, 6395:23, 6402:7,
6402:12, 6608:15
throat [1] - 6603:5
throughout [14]-6380:6,
6427:17, 6429:18,
6444:21, 6446:21, 6447:6,
6477:18, 6496:18,
6506:22, 6552:22,
6633:13, 6669:9, 6669:19, 6699:7
throw [2] - 6391:15, 6391:21
tie [2] - 6664:20, 6664:25
tied [2] - 6476:22, 6691:5
tight [1] - 6701:14
timber [3] - 6416:22,

6417:12, 6523:14
timeframe [2] - 6651:21, 6728:3
timing [2] - 6546:12, 6580:4
tiny [1] - 6530:3
tissue [1] - 6390:4
Title [12] - 6423:3, 6443:23,
6443:24, 6444:10, 6449:1, 6449:16, 6450:23, 6514:1, 6514:8, 6615:2, 6650:11
title [2] - 6486:14, 6693:6
TNG [39] - 6372:15, 6372:16,
6372:18, 6372:20,
6373:22, 6373:23,
6411:10, 6411:12, 6421:2,
6421:10, 6421:16, 6422:2,
6443:11, 6443:14,
6453:16, 6454:19,
6458:10, 6461:23, 6554:9,
6651:18, 6662:5, 6662:10,
6663:18, 6666:20,
6666:21, 6673:16,
6674:20, 6675:4, 6676:2,
6676:5, 6676:8, 6695:5,
6695:8, 6695:10, 6695:12,
6695:16, 6695:23, 6711:7
TO [9]-6368:7, 6372:3,
6372:4, 6374:19, 6375:23,
6376:1, 6379:21, 6650:23,
6728:10
toad [10] - 6438:11, 6439:7,
6439:9, 6439:16, 6562:10,
6562:14, 6562:15,
6565:10, 6565:13, 6565:14
toads [1] - 6438:21
today [27] - 6376:11,
6376:15, 6376:20,
6384:17, 6412:20,
6424:18, 6432:7, 6450:7,
6459:12, 6535:7, 6535:11,
6535:17, 6542:9, 6542:14,
6548:5, 6549:24, 6617:16,
6626:22, 6633:13,
6635:21, 6638:21, 6644:3,
6649:15, 6652:1, 6700:15,
6700:16, 6722:18
today's [2] - 6384:20, 6428:9
together [13] - 6386:7,
6523:1, 6540:11, 6597:19, 6597:23, 6617:5, 6661:15,
6665:13, 6676:8, 6679:14,
6679:24, 6695:17, 6700:11
tomorrow [14] - 6462:21,
6618:4, 6636:15, 6651:23,
6654:21, 6655:15, 6656:3,
6723:1, 6724:10, 6724:14,
6726:6, 6726:12, 6726:20,
6727:25
tonight [4] - 6652:3,
6655:23, 6656:2, 6714:6
Tony [1] - 6586:7
took [7] - 6447:1, 6448:7,

6449:10, 6463:7, 6592:6,
6596:16, 6651:25
tool [4]-6427:25, 6665:6,
6665:7, 6665:8
tools [2] - 6649:11, 6668:25
Toosey [4] - 6512:24,
6585:24, 6628:8, 6674:9
top [9]-6419:2, 6419:9, 6475:22, 6505:19, 6616:16, 6639:6, 6681:3, 6705:13
topic [7] - 6376:13, 6377:19, 6378:18, 6509:13, 6652:18, 6654:2, 6654:3
TOPIC [9] - 6368:14,
6369:12, 6369:20, 6370:3,
6371:7, 6372:6, 6374:20,
6386:2, 6656:11
topic-specific [3] - 6376:13,
6377:19, 6378:18
TOPIC-SPECIFIC [1] -
6368:14
topics [2] - 6378:1, 6653:12
topographic [1] - 6532:10
topography [2] - 6542:2, 6663:4
total [7]-6419:14, 6447:11, 6464:18, 6605:8, 6612:8,
6662:15, 6726:3
Total [1] - 6595:3
totally [6] - 6519:15,
6588:10, 6601:17, 6605:2,
6617:3, 6690:6
totals [1] - 6725:21
touch [1] - 6474:13
touched [2] - 6466:17, 6679:14
Tough [1] - 6577:3
tough [5] - 6546:18, 6577:5,
6580:21, 6614:2, 6676:11
Tourism [1] - 6657:15
tourists [1] - 6445:16
towards [2] - 6666:23, 6687:12
toxic [1] - 6647:12
toxicity [1] - 6566:18
toxicology [1] - 6555:23
trace [6] - 6390:5, 6394:19, 6411:4, 6411:24, 6412:6,
6412:11
tracked [1] - 6664:13
tracks [5] - 6664:12,
6664:14, 6664:19, 6673:20
trade [3] - 6444:14, 6563:4, 6672:18
trade-offs [1] - 6563:4
tradition [1] - 6383:7
traditional [11] - 6376:10, 6376:18, 6447:25, 6455:1, 6455:5, 6455:9, 6455:14, 6504:2, 6505:7, 6506:8,

6511:1, 6511:3, 6512:2, 6512:7, 6512:14, 6512:25, 6514:17, 6514:22, 6515:2, 6516:1, 6516:5, 6516:9, 6516:13, 6516:16, 6516:25, 6518:5, 6522:16, 6524:20, 6542:24, 6551:9, 6599:3, 6607:16, 6620:9, 6620:20, 6620:24, 6620:25, 6621:2, 6621:11, 6626:11, 6632:14,
6632:15, 6632:16,
6634:18, 6645:19,
6660:12, 6661:4, 6721:12,
6721:19, 6722:4, 6723:13,
6724:20, 6725:4, 6725:9,
6726:7
transmittal [1] - 6720:13
transmitter [1] - 6601:25
transparent [1] - 6577:11
TRANSPORT [6] - 6374:15, 6375:12, 6375:18, 6633:3,
6700:25, 6711:17
transport [1] - 6463:6
Transport [13] - 6371:3,
6371:15, 6399:19,
6488:21, 6633:1, 6633:2,
6633:5, 6633:10, 6700:23,
6701:3, 6708:12, 6711:12, 6711:21
Transportation [4] -
6404:15, 6463:22,
6472:19, 6526:23
transportation [3]-6400:9, 6672:18, 6702:6
transprovinical [1] - 6462:15
trap [13]-6384:12, 6384:19,
6423:1, 6424:2, 6444:13,
6445:5, 6445:6, 6445:12,
6446:16, 6447:3, 6449:3,
6452:4, 6452:17
travel [4] - 6485:7, 6501:2, 6604:3, 6619:6
treat [1] - 6641:11
treaties [1] - 6518:2
treatment [1] - 6430:22
treaty [9]-6508:16, 6509:12,
6509:14, 6509:15, 6518:1,
6518:2, 6518:7, 6518:18,
6518:23
Treaty [1] - 6514:1
tree [3]-6420:9, 6602:25, 6609:14
treeline [1] - 6609:20
trees [5] - 6408:13, 6480:6,
6667:8, 6667:15, 6667:16
tremendous [1] - 6561:21
tremendously [2] - 6573:12, 6583:11
trend [1] - 6547:20
trends [1] - 6547:17
trial [1] - 6448:4
trials [1] - 6410:14
Triangle [7]-6579:17,
6581:5, 6614:24, 6640:16, 6641:1, 6641:5, 6643:5
Triangle's [1] - 6644:9
tricky [1] - 6549:7
tried [2] - 6638:11, 6696:7
trigger [1] - 6600:17
trigger-happy [1] - 6600:17
trip [1] - 6462:10
triple [1] - 6592:3
tripling [2] - 6598:9, 6613:10
trips [3] - 6526:4, 6592:7,
6592:10
trouble [1] - 6564:4
trout [10] - 6529:10, 6529:11,
6529:16, 6529:19,
6529:20, 6576:11, 6581:3,
6581:11, 6603:3, 6603:5
truck [5] - 6593:23, 6596:10, 6596:16, 6612:25, 6616:6
trucks [3] - 6526:4, 6627:25, 6628:9
true [3]-6487:21, 6596:5, 6729:9
Trumpeter [2] - 6554:14, 6602:19
Trusler [6] - 6369:14, 6370:4, 6372:7, 6380:3, 6385:24, 6386:4
TRUSLER [33] - 6372:9,
6372:11, 6386:6, 6403:23, 6403:24, 6416:1, 6416:2, 6419:16, 6419:22,
6432:23, 6433:15, 6434:6, 6434:24, 6435:10,
6435:25, 6436:6, 6436:13, 6437:4, 6478:13, 6479:20, 6481:4, 6481:19, 6482:5, 6485:23, 6490:20,
6490:24, 6523:22, 6532:3,
6532:12, 6532:20, 6533:7,
6533:11, 6534:6
trust [1] - 6670:6
truthed [3]-6528:12,
6528:13, 6528:16
truthing [2] - 6472:1, 6472:3 try [16] - 6438:24, 6483:18,
6527:4, 6546:16, 6558:12, 6563:25, 6613:12, 6626:9, 6629:11, 6638:20,
6655:23, 6656:7, 6686:25,
6689:18, 6696:21, 6698:19
trying [24] - 6438:25, 6554:2, 6560:9, 6561:5, 6562:9,
6562:18, 6564:14,
6575:15, 6575:19, 6577:2,
6580:14, 6618:20,
6629:15, 6640:25,
6642:25, 6643:6, 6644:1,

6652:11, 6670:4, 6675:12, 6711:23, 6722:12, 6724:6
Ts'yl [2] - 6615:1, 6615:20
Ts'yl-os [2] - 6615:1,
6615:20
TSF [2] - 6408:3, 6410:12
TSILHQOT'IN [4] - 6374:11,
6375:14, 6584:13, 6702:20
Tsilhqot'in [59]-6370:9,
6370:11, 6370:12,
6371:12, 6376:9, 6384:2,
6385:20, 6444:5, 6445:15,
6445:19, 6446:3, 6447:18, 6449:20, 6450:11,
6450:21, 6451:9, 6452:7,
6452:8, 6452:9, 6452:11,
6452:21, 6454:3, 6455:6, 6458:9, 6466:10, 6475:2, 6534:5, 6535:6, 6554:5, 6556:18, 6608:19, 6677:16, 6678:18, 6679:4, 6680:9, 6692:4, 6694:10, 6697:6, 6702:15, 6702:24, 6702:25, 6703:9, 6703:10, 6703:16, 6703:25, 6704:2, 6704:6, 6704:12, 6705:11, 6714:8, 6714:10, 6714:12, 6714:15, 6714:19, 6716:3, 6716:4, 6717:11, 6717:14, 6717:17
Tsilhqot'in's [2] - 6534:2, 6679:7
Tsilhqot'ins [1] - 6694:6 tune [1] - 6625:2
turn [15] - 6376:22, 6379:15, 6379:19, 6385:13, 6397:4, 6412:15, 6460:24, 6470:1, 6541:23, 6551:16, 6554:5, 6617:17, 6636:9, 6656:25, 6675:15
turned [1] - 6454:12
Turner [2] - 6449:15, 6450:3
Turner's [1] - 6646:16
turning [1] - 6565:1
turnoff [1] - 6463:19
turnouts [3]-6464:15,
6685:16, 6685:22
TUS [1] - 6444:6
Twenty [1] - 6388:4
Twenty-five \({ }_{[1]}\) - 6388:4
twice [3] - 6603:9, 6603:12,
6603:13
two [65] - 6377:14, 6379:1,
6380:1, 6380:22, 6382:10, 6384:11, 6385:16, 6414:25, 6415:7, 6421:13, 6423:12, 6442:14, 6447:25, 6464:15, 6467:7, 6529:9, 6536:15, 6537:21, 6541:20, 6544:10,
6544:18, 6545:3, 6545:14,

6545:19, 6547:8, 6551:20, 6551:23, 6554:16,
6554:25, 6561:15,
6564:22, 6574:2, 6579:11, 6580:18, 6583:23, 6584:1, 6589:19, 6593:16, 6595:2, 6596:20, 6604:17,
6612:13, 6618:25, 6626:4, 6630:17, 6633:25, 6635:2, 6648:21, 6650:13, 6652:4, 6653:12, 6654:4, 6656:18, 6657:6, 6660:20, 6662:1, 6662:3, 6662:20, 6673:24, 6674:15, 6707:14,
6707:24, 6708:5, 6722:19
two-and-a-half [3]-6673:24, 6707:24, 6708:5
twofold [1] - 6441:7
TWOHIG [42] - 6374:23,
6375:2, 6657:2, 6657:3,
6677:1, 6678:9, 6689:17,
6691:17, 6692:5, 6693:7,
6694:16, 6694:19,
6694:24, 6695:7, 6696:5,
6697:9, 6698:18, 6699:10,
6699:21, 6701:13, 6702:4,
6708:9, 6708:17, 6708:24, 6709:12, 6710:10,
6710:22, 6711:4, 6712:1,
6712:8, 6712:16, 6713:12,
6714:14, 6716:5, 6717:4,
6717:13, 6717:25,
6718:13, 6719:25, 6720:6, 6721:3, 6721:15
Twohig [5] - 6369:22,
6371:8, 6656:13, 6656:21, 6657:4
Tyhurst [15] - 6660:22,
6661:3, 6664:24, 6666:18, 6666:25, 6673:8, 6696:2, 6696:5, 6696:6, 6696:9, 6697:25, 6699:17, 6700:8, 6707:10
Tyhurst's [4] - 6663:19, 6698:15, 6699:24, 6725:20 type [18] - 6420:10, 6422:12, 6422:13, 6460:2, 6475:13, 6478:19, 6494:8, 6496:21, 6500:20, 6526:25, 6572:10, 6587:5, 6589:2, 6602:4, 6697:22, 6703:5, 6704:9, 6713:3
types [13] - 6397:18,
6496:11, 6536:18, 6548:10, 6552:7, 6601:2, 6633:25, 6658:14,
6672:15, 6690:21,
6714:14, 6717:5, 6718:9
typical [2] - 6542:11, 6610:5
typically [1] - 6539:7
U.S [5] - 6579:25, 6587:24, 6589:19, 6622:21, 6631:22
ultimate [1] - 6679:15
ultimately [1] - 6540:21
unanswered [1] - 6603:6
unauthorized [1] - 6465:24
unavoidable [1] - 6483:19
uncertainty [6] - 6569:10,
6574:7, 6574:14, 6574:15,
6577:23, 6580:6
uncommon [2]-6662:18, 6699:2
uncorrected [1] - 6641:6
under [46] - 6389:5, 6391:24,
6432:3, 6433:24, 6437:14,
6437:22, 6438:2, 6438:12,
6439:13, 6513:13, 6537:1,
6537:3, 6537:25, 6538:1,
6539:8, 6540:20, 6547:21,
6551:12, 6553:21,
6563:12, 6563:13,
6563:17, 6564:20, 6565:2,
6565:15, 6565:17, 6568:2,
6570:7, 6574:13, 6577:24,
6582:18, 6637:16,
6657:12, 6657:19,
6690:12, 6690:18, 6693:3,
6693:8, 6709:13, 6709:14,
6710:3, 6710:7, 6710:13,
6713:13, 6713:17
Under [3]-6541:1, 6563:9, 6691:19
underestimated \({ }_{[1]}\) -
6633:19
undergo [1] - 6682:18
undergone [1] - 6611:5
underlying [1] - 6430:6
underneath [1] - 6416:4
underpass [1] - 6629:22
understaffed \([1]\) - 6641:7
understood [10] - 6458:25,
6470:18, 6470:21,
6519:15, 6542:22, 6549:8,
6559:15, 6572:15,
6591:23, 6676:14
undertake [10]-6431:15,
6484:11, 6509:10,
6522:21, 6524:21, 6539:7,
6544:6, 6682:5, 6686:5, 6687:18
undertaken [6] - 6383:19,
6421:7, 6466:21, 6498:18, 6542:10, 6556:4
Undertaking [5] - 6379:3,
6379:6, 6380:12, 6382:12, 6384:11
undertaking [10] - 6380:11, 6380:16, 6381:12, 6384:25, 6464:10, 6467:14, 6498:2, 6538:4, 6546:6, 6617:25
UNDERTAKINGS [2] -
6372:4, 6379:21
undertakings [4]-6379:1, 6379:18, 6380:7, 6380:10 undertook [3] - 6464:5, 6518:16, 6578:25
undetermined \({ }_{[1]}\) - 6581:17 undoubtedly [3] - 6437:9,
6556:10, 6679:19
unfair [1] - 6582:20
unfold [1] - 6680:11
unfortunate [1] - 6527:1
unfortunately \({ }_{[1]}\) - 6681:10
ungular [2]-6418:3, 6418:10
ungulate [3] - 6471:18, 6491:2, 6641:16 ungulates [2] - 6528:24, 6529:2
unique [3] - 6669:18, 6714:12, 6716:4
unit [8] - 6402:12, 6402:18, 6420:3, 6420:19, 6429:8, 6588:24, 6594:24, 6625:11
united [1] - 6540:10
United [1] - 6536:23
units [12]-6403:3, 6418:21, 6420:3, 6420:6, 6429:6, 6429:11, 6472:10, 6476:6, 6476:7, 6528:19, 6541:21, 6700:16
universities [1] - 6540:10
University \({ }_{[1]}\) - 6637:6
unless [5] - 6580:19,
6636:12, 6675:3, 6690:17, 6712:8
unlikely [1] - 6671:9
Unlimited [4] - 6474:14, 6474:18, 6544:15, 6550:5 unpreventable [1]-6620:8
unregulated [2] - 6620:8, 6621:19
unreported [4] - 6595:7, 6596:13, 6597:7, 6608:6
unusual [2] - 6690:19, 6712:10
up [114]-6377:25, 6386:10, 6386:13, 6394:15, 6412:20, 6412:21, 6429:2, 6430:6, 6431:20, 6437:7, 6437:8, 6438:9, 6444:16, 6454:13, 6454:22,
6458:20, 6459:3, 6460:10, 6487:10, 6487:13, 6500:10, 6501:5, 6504:13, 6520:1, 6521:12, 6524:5, 6526:3, 6526:4, 6537:22, 6548:8, 6549:18, 6550:20, 6551:22, 6553:1, 6558:4, 6558:6, 6566:7, 6574:16, 6576:23, 6577:13,
6577:16, 6579:17,
6583:18, 6584:1, 6588:23,


6591:6, 6597:2, 6599:5,
6603:20, 6604:7, 6605:5, 6606:13, 6612:18, 6613:8, 6613:10, 6614:5, 6618:2, 6622:12, 6623:9, 6625:3, 6625:8, 6625:12, 6625:15, 6625:17, 6634:21,
6637:11, 6638:4, 6639:9,
6639:11, 6639:15,
6640:15, 6640:23,
, 6641.20, 6642:9

6044:22, \(0645: 10\)
6645:12, 6646:16, 6647:4, 6647:19, 6649:8, 6649:13, 6653:11, 6655:23, 6663:4, 6664:16, 6668:23, 6669:1, 6672:3, 6673.4, \(6673: 20\),

6694:24, 6695:12, 6696:8
6696:11, 6697:21,
6705:19, 6709:8, 6709:23, 6710:9, 6711:1, 6714:4,
714.9, 6714:24, 6715:14
up-to-date [1] - 6638:4
updated [5] - 6384:15,
6384:17, 6384:22,
6497:23, 6584:25
upgrade [3] - 6624:25,
upgraded [7] - 6408:5,
6598:6, 6598:7, 6598:15,
6598:24, 6611:24, 6612:9 grades [3] - 6463.20
6463:23, 6591:11
upgrading [3] - 6463:15,
6464:25, 6685:9
upland [2] - 6430:10,
6430:18
uplands [1] - 6430:8
upper [1]-6610.22
uptake [3] - 6390:5, 6411:5, 6574:4
[2]-6609:14,
6609:20
US [2] - 6544:14, 6588:19
usage [2] - 6704:23, 6706:4
use [1] 6428:22
\(6545 \cdot 13,6550 \cdot 8,6672 \cdot 20\)
users [1] - 6516:15
uses [8] - 6383:22, 6406:11,
6444:1, 6506:9, 6519:23,
6601:16, 6601:21, 6616:8
11-6605.15

6506:13
Valhalla [1] - 6603:11
Valhalla [1] - 6603:11
validity [2] - 6411:3, 6642:3
Valley [16] - 6370:20, 6489:3,
6489:24, 6511:25, 6525:1,
6525:8, 6525:16, 6579:8,
6579:16, 6585:18, 6588:6,
6588:9, 6622:10, 6628:14,
6635:13, 6711:10
valley [2] - 6590:16, 6593:22
VALLEY [4] - 6373:13,
6374:8, 6525:4, 6579:10
valuations [1] - 6558:14
Value [1] - 6570:15
value [23] - 6406:11, 6480:4,
6495:7, 6495:9, 6499:21,
6499:22, 6499:23,
6499:25, 6500:1, 6552:7,
6558:17, 6570:24,
6571:11, 6583:17,
6583:21, 6590:8, 6590:25,
6603:20, 6603:21,
6603:23, 6606:3, 6614:19, 6615:10
valued [1] - 6386:21
values [42] - 6393:17,
6393:20, 6407:12,
6407:17, 6407:25,
6428:11, 6429:2, 6429:6,
6431:3, 6431:6, 6431:8,
6433:13, 6467:25, 6477:6,
6477:7, 6484:6, 6536:7,
6545:2, 6545:14, 6545:17,
6552:1, 6552:3, 6552:11,
6552:12, 6554:17,
6554:18, 6555:12, 6561:3,
6571:4, 6571:9, 6579:2,
6579:3, 6580:20, 6582:5,
6582:13, 6582:14,
6583:11, 6590:22,
6591:25, 6654:14, 6703:15
Van [3] - 6383:1, 6383:2,
6383:18
VAN [1] - 6383:1
Vancouver [1] - 6382:22
variable [2] - 6429:20, 6469:5
varied [3] - 6400:25, 6402:4, 6423:24
varies [1] - 6495:5
variety [4] - 6486:2, 6546:19, 6550:6, 6651:18
various [14] - 6427:10,
6441:11, 6455:6, 6457:25, 6497:15, 6529:25,
6539:23, 6540:5, 6540:16,
6541:22, 6573:21, 6583:5,
6585:25, 6610:18
vary [2] - 6550:14, 6583:11
vast [1] - 6658:9
VEC [3] - 6388:10, 6648:18, 6648:19
VECs [1] - 6386:16
vegetated [2] - 6430:24, 6548:13
Vegetation [6] - 6389:22, 6391:22, 6392:14, 6394:23, 6405:12, 6475:1 vegetation [50] - 6386:11, 6386:19, 6387:2, 6388:16, 6388:17, 6388:18, 6389:3, 6389:5, 6389:19, 6390:4, 6391:7, 6391:12, 6391:13, 6393:23, 6394:19,
6395:13, 6396:6, 6396:8, 6396:13, 6397:1, 6397:3, 6398:8, 6400:5, 6401:23, 6402:22, 6405:5, 6405:14, 6408:20, 6408:25, 6412:2, 6412:3, 6412:6, 6412:10, 6412:12, 6421:6, 6421:16, 6421:20, 6424:6, 6432:2, 6448:8, 6456:14, 6477:23, 6479:10, 6486:9, 6533:11, 6542:2, 6644:25, 6645:6, 6648:21
vegetations [1] - 6447:24
vehicle [9]-6398:19,
6399:25, 6463:6, 6526:8,
6592:3, 6592:13, 6612:16, 6613:6
vehicles [16] - 6462:10, 6462:11, 6463:2, 6465:1, 6526:4, 6527:24, 6591:12, 6591:13, 6592:4, 6592:5,
6592:8, 6592:14, 6593:6,
6596:19, 6598:23, 6621:4
vehicular [1] - 6634:19
Venture [3] - 6540:7, 6541:8, 6541:18
ventures [1] - 6540:15
verbally [1] - 6421:14
verify [3] - 6394:16, 6646:7,
6724:6
versed [1] - 6714:21
version [2] - 6384:18, 6584:25
versus [4]-6413:5, 6552:8, 6553:8, 6587:6
viability [3] - 6530:16,
6530:19, 6590:18
viable [1] - 6589:5
vicinity [1] - 6529:12
view [14] - 6382:17, 6468:7,
6468:19, 6549:12, 6558:8,
6572:11, 6601:15,
6627:15, 6641:21,
6644:14, 6644:15, 6646:6,
6683:21, 6720:19
viewing [1] - 6691:9
village [1] - 6691:7
virtually [1] - 6604:14
visibility [3] - 6663:1,
6699:5, 6701:14
visible [2] - 6692:16, 6692:20
vision [2] - 6539:15, 6540:11
visual [3] - 6712:24, 6713:3
visual-type [1] - 6713:3
visually [1] - 6713:1
voiced [2] - 6638:12,
6639:13
volume [4] - 6432:13, 6507:6, 6523:14, 6681:2
Volume [7] - 6368:16,
6381:17, 6404:8, 6432:11, 6433:11, 6435:3, 6473:15
volumes [5] - 6408:24,
6465:1, 6591:18, 6597:18, 6613:10
vouch [1] - 6610:8
vulnerable [4] - 6547:17,
6611:12, 6613:3, 6618:18
wait [4] - 6574:19, 6574:20,
6630:20, 6680:2
walking [3] - 6528:8, 6596:9, 6706:17
wanders [1] - 6616:4
wants [1] - 6631:4
warbler [1] - 6548:20
warden [1] - 6630:8
warier [1] - 6593:3
warming [5] - 6547:17,
6547:20, 6602:17, 6609:1, 6615:15
warrant [1] - 6671:5
warranted [1] - 6718:4
wash [1] - 6629:14
Waste [1] - 6404:23
waste [5] - 6400:7, 6409:25,
6410:2, 6433:8, 6440:24
watches [1] - 6542:5
water [26] - 6377:18,
6380:21, 6381:7, 6381:16, 6381:23, 6382:5, 6398:7,
6408:23, 6412:3, 6433:10,
6433:24, 6434:2, 6440:24,
6452:3, 6548:12, 6555:23,
6556:13, 6566:18, 6567:1,
6568:23, 6571:1, 6663:22,
6664:5, 6685:5, 6687:8,
6702:6
Water [2] - 6405:8, 6540:2
waterbodies [1] - 6435:7
waterbody [1] - 6398:3
watercourses [1] - 6664:6
Waterfowl [2] - 6539:25,
6541:2
waterfowl [43] - 6413:17,
6431:3, 6431:6, 6541:6,
6544:7, 6544:19, 6545:5,
6545:6, 6546:2, 6546:3,
6547:16, 6548:3, 6548:9,
6548:15, 6548:24,
6549:11, 6552:1, 6552:10,

6552:20, 6552:21, 6555:8, 6555:17, 6555:20, 6556:2, 6557:9, 6558:21, 6560:1, 6560:21, 6560:24, 6566:1, 6566:14, 6568:3, 6568:17, 6569:2, 6571:19, 6573:10, 6573:13, 6576:8, 6578:24, 6579:1, 6582:5, 6582:9, 6602:19
waterlogged [4] - 6718:10,
6718:11, 6718:15, 6719:23
watershed [1] - 6582:14
watersheds [4]-6381:20,
6423:8, 6423:9, 6424:1
waterways [4] - 6621:4,
6621:9, 6621:12, 6621:14
wave [1]-6721:9
waves [1] - 6721:4
WAYNE [7] - 6372:20,
6373:22, 6373:24,
6374:11, 6461:23, 6554:9, 6584:14
Wayne [8]-6369:17, 6370:12, 6385:19, 6443:10, 6458:13, 6554:6, 6585:4, 6617:21
ways [2] - 6485:18, 6649:2
weather [1]-6544:2
web [1] - 6586:2
website [2]-6508:11,
6570:13
wedge [1]-6616:2
week [4] - 6596:2, 6639:3,
6683:15, 6686:11
weeks [6] - 6384:22,
6446:21, 6504:11,
6512:19, 6635:2, 6678:1
weight [2]-6605:11, 6605:12
Weinberger [4]-6369:23, 6371:8, 6656:14, 6656:20
WEINBERGER [13] -
6374:23, 6684:2, 6684:19, 6685:1, 6685:3, 6685:5,
6691:19, 6693:25, 6700:9, 6724:22, 6725:6, 6725:13, 6725:23
weirs [1] - 6702:8
welcome [1] - 6376:12
welcoming [1] - 6376:17
west \([9]-6470: 15,6471: 8\),
6472:11, 6486:17,
6498:21, 6512:21,
6589:22, 6591:10, 6600:5
West [2] - 6382:21, 6441:5
Western [8]-6438:11,
6439:7, 6439:16, 6562:13, 6562:15, 6565:10, 6565:13, 6565:14
western [1]-6589:4
Wetland [6]-6538:17,

6538:22, 6553:2, 6553:3, 6553:10, 6553:22
wetland [67]-6387:2,
6390:1, 6391:3, 6392:12, 6392:14, 6392:20, 6413:4, 6416:15, 6425:6, 6427:3, 6430:12, 6430:15, 6432:8, 6433:3, 6433:13, 6433:21, 6433:22, 6434:3, 6434:7, 6434:9, 6434:15, 6436:4, 6438:14, 6440:2, 6473:18, 6536:7, 6542:7, 6542:22, 6543:4, 6545:2, 6546:1, 6546:22, 6547:4, 6547:10, 6547:25, 6548:2, 6548:14, 6548:17, 6548:23, 6549:9, 6550:1, 6558:24, 6560:3, 6561:19, 6561:21, 6567:19, 6567:21,
6568:17, 6570:11,
6570:25, 6571:10,
6571:11, 6571:13,
6571:20, 6571:21, 6582:7, 6582:22, 6583:14, 6600:5, 6601:19, 6601:23, 6602:1, 6602:15, 6603:10,
6609:17, 6634:25
Wetlands [2]-6548:11, 6570:15
wetlands [72]-6392:19, 6411:20, 6412:24, 6412:25, 6414:9, 6414:13, 6414:21, 6415:18, 6415:24, 6416:3, 6416:8, 6416:11, 6416:13, 6424:7, 6425:9, 6425:13, 6427:4, 6430:8, 6430:18, 6432:25, 6433:16, 6433:23, 6434:23, 6438:17, 6467:25, 6469:5, 6473:8, 6473:20, 6474:12, 6536:6, 6536:9, 6536:14, 6538:19, 6541:14, 6544:20, 6546:8, 6547:12, 6547:14, 6548:4, 6548:7, 6548:8, 6548:11, 6552:22, 6555:10,
6556:12, 6558:14, 6561:8, 6561:9, 6561:25, 6568:14, 6570:24, 6576:3, 6576:14, 6576:20, 6582:14, 6587:9, 6590:23, 6601:10,
6601:21, 6602:6, 6602:7, 6602:16, 6603:8, 6603:9, 6603:12, 6609:19, 6609:24, 6619:11, 6634:2, 6634:12
wetter [2]-6407:14, 6609:15
whacked [1]-6626:7
whatnot [2]-6520:8,
6646:25
wheelers [1]-6599:17
Whereas [1] - 6583:18
whereby [2]-6565:3, 6569:20
WHEREOF [1] - 6729:13
Whistler [2]-6606:22, 6631:2
White [1] - 6648:5
white [6] - 6589:3, 6609:22,
6648:6, 6648:7, 6648:8, 6648:17
Whitewater [6] - 6462:9,
6463:18, 6592:4, 6593:14, 6597:9, 6630:10
Whitford [1] - 6650:8
whole [25] - 6464:9, 6495:8,
6500:18, 6557:8, 6588:23,
6588:25, 6590:6, 6594:18, 6597:5, 6600:14, 6614:8, 6621:17, 6651:9, 6653:4, 6653:8, 6654:19, 6665:8, 6674:17, 6677:14,
6677:15, 6677:19,
6677:22, 6688:3, 6690:2, 6690:9
whoop [1] - 6727:10
wide [3]-6417:22, 6493:10, 6711:3
widespread [2] - 6403:1, 6409:25
width [4]-6417:20, 6420:1, 6642:9, 6642:11
Wild [3]-6615:4, 6615:19, 6616:11
wild [24] - 6444:14, 6498:13, 6504:14, 6526:7, 6537:18, 6584:21, 6589:3, 6599:1,
6609:21, 6610:7, 6611:19, 6611:21, 6611:22,
6613:11, 6613:19, 6617:6,
6619:23, 6621:24, 6622:6,
6622:11, 6622:14, 6623:4, 6623:9, 6623:14
wilderness [3]-6616:25,
6631:21, 6632:3
wildfowl \({ }_{[1]}-6459: 8\)
Wildlife [35] - 6405:12,
6407:17, 6411:19,
6412:16, 6412:19,
6413:19, 6414:4, 6425:2,
6427:16, 6437:11,
6467:17, 6474:11,
6474:12, 6475:1, 6507:20,
6535:9, 6540:3, 6540:17,
6544:6, 6544:13, 6544:14, 6546:15, 6547:7, 6550:4,
6550:13, 6557:12, 6568:5, 6569:13, 6579:25, 6583:8, 6585:21, 6586:13, 6590:11, 6607:9
wildlife [127] - 6386:11,
6386:20, 6387:6, 6388:20,
6389:20, 6393:11,
6393:20, 6393:23,

6394:10, 6394:21, 6397:5, 6397:8, 6397:11, 6397:19, 6397:23, 6398:6, 6398:18, 6399:1, 6399:3, 6399:6, 6399:10, 6399:25, 6400:6, 6402:8, 6404:17, 6405:2, 6405:5, 6405:6, 6405:9, 6405:14, 6406:4, 6406:11, 6406:13, 6407:11, 6408:8, 6409:1, 6409:2, 6409:22, 6411:10, 6411:11,
6411:15, 6412:14, 6421:5, 6421:9, 6422:2, 6422:5, 6422:18, 6437:10,
6440:17, 6441:3, 6441:18, 6441:19, 6443:22, 6447:2, 6447:4, 6447:8, 6448:2, 6448:7, 6448:11, 6448:23, 6455:11, 6459:8, 6460:6, 6465:6, 6467:25, 6472:16, 6473:3, 6474:17, 6486:9, 6492:12, 6499:21,
6499:23, 6500:20,
6501:16, 6503:7, 6503:12, 6504:4, 6505:12, 6506:10, 6506:20, 6506:25, 6507:1, 6507:3, 6507:5, 6508:1, 6508:19, 6508:20, 6509:4, 6509:5, 6509:17, 6516:21, 6520:2, 6525:10, 6526:8, 6527:2, 6527:13, 6533:15, 6533:16, 6533:20,
6533:21, 6537:17,
6540:13, 6541:9, 6555:21, 6570:25, 6573:13,
6585:13, 6586:3, 6586:24, 6601:16, 6609:11,
6610:14, 6611:8, 6614:19, 6615:13, 6615:14,
6628:12, 6629:20,
6629:22, 6633:16,
6633:18, 6644:25, 6645:5,
6647:22, 6649:10
wildlife-vehicle [1] - 6399:25 William [21]-6370:8,
6376:8, 6422:3, 6422:9,
6422:19, 6443:13,
6446:11, 6447:21,
6449:23, 6452:22, 6453:5,
6453:16, 6456:13,
6465:12, 6525:1, 6642:20, 6675:18, 6680:1, 6680:17, 6687:3, 6688:12
WILLIAM [22] - 6372:15, 6375:4, 6375:8, 6443:15, 6443:16, 6446:14, 6446:17, 6446:19, 6449:12, 6450:19, 6453:14, 6675:21, 6675:22, 6677:4, 6677:13, 6678:16, 6679:22, 6680:15, 6686:8, 6686:9,
```

