



MACKENZIE VALLEY ENVIRONMENTAL
IMPACT REVIEW BOARD

AVALON RARE EARTH METALS, THOR LAKE PROJECT

ENVIRONMENTAL ASSESSMENT

EA1011-001

PUBLIC HEARING

Mackenzie Valley Review Board:

Chairperson	Richard Edjericon
Board Member	Rachel Crapeau
Board Member	James Wah-Shee
Board Member	Percy Hardisty
Board Member	Richard Mercredi
Board Member	Sunny Munroe
Board Member	John Curran

HELD AT:

Tree of Peace
Yellowknife, NWT
February 18, 2013

Day 1 of 4

	APPEARANCES	
1		
2		
3	Chuck Hubert)MVEIRB
4	Stacey Menzies)
5	Simon Toogood)
6	Cailin Maki)
7	Ralph Grismala)Consultant
8	John Donihee)Counsel
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10	Crystal Thomas)MVLWB
11		
12	David Swisher)Avalon Rare Metals
13	Mark Wiseman)Inc.
14	Kelly Cumming)
15	David Marsha)
16	Rick Hoos)
17	Doug Chambers (via telephone))
18	Kevin Hawton (via telephone))
19		
20	Trish Auser)Environment Canada
21	Jane Fitzgerald)
22	Sarah Lacey McMillan)
23	Anne Wilson)
24	Lisa Lowman)
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	APPEARANCES (Con't)	
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2	Dave Fox) Environment Canada
3	James Hodson)
4	Mike Leonard) DFO
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6	Michael Freeland) Blachford Lake
7) Lodge
8		
9	Paul Green) AANDC
10	Nathen Richea)
11	Lionel Marcinkoski)
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13	Rachel Bowden) GNWT-DHSS
14	Derek Rains)
15	Amy Lizotte) GNWT
16	Kate Witherly)
17	Brittany Shuwere)
18	Dave Ramsay)
19	Russell Teed) GNWT-MOG
20	Amy Lizotte) GNWT-ITI
21	Sonya Saunders)
22	Dianna Beck)
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	APPEARANCES (Con't)	
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3	Kim Balsillie) ENR-EAM
4	Albert Bourque) ENR South Slave
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6	Todd Slack) YKDFN
7	Randy Freeman)
8	Shannon Gault)
9	Ted Tsetta)
10	Edwin Sangris)
11		
12	Pat Simon) Deninu K' First
13) Nation
14		
15	Stephanie Poole) Akaitcho Treaty 8
16	Peter Liske) Tribal Corp.
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18	Nick Lawson) Stantec
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20	David Connelly) ILE Royale
21) Enterprises
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23	Chris Aguirre) Transport Canada
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11	Robert Mercredi)
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15	Randy Freeman) First Nation
16	Shannon Gault)
17	Chief Ted Tsetta)
18	Chief Edwin Sangris)
19		
20	David Ramsey) Department of
21) Industry, Tourism
22) & Investment
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24		
25		

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1 --- Upon commencing at 9:08 a.m.

2

3 THE CHAIRPERSON: Okay, good morning.

4 I'd like to call this public hearing to order. I

5 can't see that far. Anyway, before we start, I want

6 to do an opening prayer. I'm going to ask the former

7 Commissioner of the Northwest Territories and now

8 young Elder, Tony Whitford, to come up.

9

10 (OPENING PRAYER)

11

12 THE CHAIRPERSON: Thank you, Mr.

13 Whitford, Mr. -- former Commissioner of Northwest

14 Territories. I also would like to just ask the head

15 Chief from Dettah to come up and do the welcoming

16 remarks. And then I'll go into the chair's opening

17 statements.

18

19 (INTERPRETED FROM NATIVE LANGUAGE INTO ENGLISH)

20

21 CHIEF EDWARD SANGRIS: Good morning.

22 Today, this week, we gather here, things that's

23 important to us as the people. So we gather here.

24 Things that's important to us, we're here to discuss

25 them, that things will be okay on the land.

1 I would like to thank you guys here.
2 This week we're going to be meeting, we're going to
3 all -- everybody's going to be listening to each
4 other. But our father -- our forefather had said, You
5 talk about -- discuss something, think about the
6 people surrounding that you do have respect -- have
7 respect and listen to each other. Respecting is
8 really important, that we think about those -- those
9 things too as we're having a meeting here.

10 But our Creator made this land for us,
11 that we are -- we are -- we are the keeper. When we
12 first found the gold in this area and when that --
13 when the -- when the treaty was made too, that our
14 forefather has said, The laws are the sunshine, the
15 river flows, and the green grass grows. Nothing will
16 be taken back from us.

17 And that's -- that's what our -- one of
18 our head Chief Elder had said, and that's a statement
19 that has been made that we're keep -- keeping that
20 word. There's our -- the sunshine with our spirit,
21 the things that we breathe, that we take care of, that
22 we have this land fresh and the river that flows.
23 There's the water, that we keep the water clean and
24 discuss them. And that's the Elder's word that I was
25 passing on. And the grass grows and the land and

1 beast would be taken care of.

2 And the three (3) element that he
3 discusses is really important. It's important for the
4 people. It's -- it's important for -- for the animals
5 so that people survive on the land. So that's what
6 our forefather had said, that we had to carry that
7 words.

8 We have other people, the Metis. They
9 -- they had to listen and support. They had to work
10 equally with us.

11

12 (INTERPRETATION CONCLUDED)

13

14 CHIEF EDWARD SANGRIS: Welcome,
15 everybody, to the traditional territory of the
16 Yellowknife Dene which we call Chief Drygeese
17 Territory within the Akaitcho region. I'd like to
18 welcome everybody here for the next -- for this week.
19 We gathered here; we listen to one another. And --
20 and deep down in -- in our minds, what we really want,
21 each and every one of us, you know, we, as First
22 Nations, we have to follow our ancestors' words, our
23 protocol on how they made treaty and spirit of intent,
24 of friendship and cooperation.

25 No, we cannot let anything go, you

1 know, for the sake of, you know, what we're trying to
2 do here. We have to be adamantly trying to protect,
3 like I said, our wildlife, our waters, the land, that
4 we have to think about the future generations. We
5 cannot only think about today. Everything's being
6 affected in -- in our modern society and how we live
7 now. And if we allow that to have effect on our --
8 our way of life, how we're going to survive in the
9 future?

10 And I just want everything -- everybody
11 to think about that. And hopefully we can, you know,
12 go away with some kind of understanding on how we
13 should approach this project in a meaningful way to
14 have respect with one another. But we also have to
15 respect our Elders' words and our tradition and our
16 culture too, and everything that's on this earth.

17 Let's -- let's face it. Today is a
18 changing world. How we grew up and how the future
19 generation are growing up, it's a lot different. And
20 we, as Aboriginal people, Dene and territories have
21 been impacted for so long. Our -- we're changing our
22 -- our lifestyle. And we have to think about that.

23 People say it's a big world; but when
24 you really think about it, it's shrinking, in terms of
25 our culture, our tradition. You know, it's shrinking

1 for our wildlife. If you think about it, you know,
2 since the intrusion of Europeans from Eastern Canada -
3 - and just Canada alone is -- is struggling to see the
4 effect on -- on our weather, our wildlife, our
5 environment. It's not only in Canada; it's the whole
6 world.

7 I don't know what's going to happen in
8 the future. If you look at the -- Siberia, they're
9 fighting for the oil. So what are we going to do here
10 in the future? Are we going to have wars for our
11 resources? I think about that, so I like to -- to say
12 welcome. We the Creator like, in the opening prayer,
13 say, Give us the wisdom, the knowledge. And -- and I
14 respect that. We can listen to each other with open
15 mind and move -- and try to move forward, because, you
16 know, this is in -- in -- in our way of thinking, this
17 is the most important area that we're -- that we're
18 talking about here, you know? It's not only us that
19 live -- we live -- everybody that lives allow --
20 around the lake, down the river, it's going to have
21 effect one (1) way or the other. Maybe not now, but
22 maybe in the future. We can -- it's evident by the
23 effects of tar sands. We'll have to think about it in
24 -- in those terms too.

25 What we do here is -- is going to

1 affect everybody, not only the Yellowknife Dene but,
2 you know, everybody in the Territories, because we
3 have one (1) river system. So what that -- you know,
4 just to keep that in mind, and I'd like to welcome
5 everybody to our traditional territory. Masi.

6

7 OPENING COMMENTS BY THE CHAIRPERSON:

8 THE CHAIRPERSON: Thank you, Chief --
9 Chief from Yellowknives Dene First Nation Eddy
10 Sangris. Good morning. I want to go into the Chair's
11 opening statements. I just want to say good morning.
12 Welcome to the public hearing. As you know -- all
13 know, my name is Richard Edjericon. I'm the Chair for
14 the Mackenzie Valley Environment Impact Review Board.

15 We are here to listen to what you have
16 to say about the Thor Lake Rare Earth Element Project.
17 The developer is Avalon Rare Earth Metal Inc. Avalon
18 proposed to construct and operate a closed rare earth
19 element mine. The mine located at Thor Lake will be
20 underground. The project includes a mechanical plant
21 on the former Pine Point Mine area and access road at
22 Thor Lake and barge docking facilities on the Great
23 Slave Lake.

24 We have reached one (1) of the final
25 stages of the environmental assessment, the public

1 hearing. Today the Board wish -- wishes to hear the
2 views and the opinions that parties may have regarding
3 this proposed development.

4 Over the course of the day, we ask that
5 you do your best to help the Review Board to
6 understand your views about this proposed development,
7 potential environmental impacts, socioeconomic and
8 cultural impacts, and your views on the potential
9 significance of these impacts.

10 The Review Board will fully consider
11 these views while in deliberation on its decision in
12 this environmental assessment. Once the decision is
13 made, the Board will write it down in a report of
14 environmental assessment and send it to the Minister
15 of Aboriginal Affairs and Northern Development for his
16 consideration.

17 Before we go any further, I would like
18 to introduce our Board members and introduce our staff
19 and counsel. Maybe what I could do is I'll just go to
20 my far right, and maybe I'll just get -- start off on
21 my far right and work your way down.

22 MR. JOHN CURRAN: John Curran.

23 MS. SUNNY MONROE: Sunny Monroe.

24 MR. RICHARD MERCREDI: Richard

25 Mercredi.

1 MR. JAMES WAH-SHEE: James Wah-shee.

2 MR. PERCY HARDISTY: Percy Hardisty.

3 MS. RACHEL CRAPEAU: Rachel Crapeau.

4 MR. JOHN DONIHEE: John Donihee, Board
5 counsel.

6 MR. CHUCK HUBERT: Chuck Hubert, Board
7 staff.

8 MR. SIMON TOOGOOD: Simon Toogood,
9 Board staff.

10 MR. RALPH GRISMALA: Ralph Grismala,
11 technical advisor.

12 THE CHAIRPERSON: Okay. Thank you.
13 Just for the -- just to let you know, too, as well,
14 Mr. James Wah-shee if the vice chair for the Review
15 Board, as well.

16 The Review Board is co-management body
17 established by the Mackenzie Valley Resource
18 Management Act that makes a decision by a consensus.
19 Our members are Northerners nominated by First Nations
20 and by the Tlicho, territorial, and federal
21 governments.

22 Our goal is to make decisions that will
23 benefit the North for all residents and for future
24 generations. I have some additional comments on
25 today's proceedings that I hope will make sure

1 everything goes smoothly. We have limited time, and
2 the Review Board wants to hear what everybody has to
3 say.

4 Please note that there's an agenda for
5 the hearing which is available at the door. At the
6 pre-hearing conference, parties described their time
7 requirements. And Board staff made every effort to
8 meet those requirements. I ask that everyone respect
9 the time allotted for their presentation and questions
10 and to use their time effectively.

11 Presenters will be timed and given a
12 five (5) minute warning. I believe maybe -- I think
13 Chuck or somebody on -- is going to be watching that.
14 And be advised that when your time is up, you'll be
15 interrupted. Keeping your allotted time is important
16 to make sure that everyone goes through their fir --
17 chances to be heard. The Board is committed to
18 fairness.

19 The Board will be producing an official
20 transcript of this hearing. The transcripts will be
21 available through our website in the public registry
22 for this environmental assessment process. Parties
23 should be aware that they will be invited to ask
24 questions in turn after each presentation. The order
25 of questions will follow the list of parties show on

1 the agenda.

2 After party questions, I will invite
3 questions of staff, counsel, and technical advisors.

4 Please address all questions through the Chair.

5 Avalon will be -- will give a first -- presentation
6 first. After they have given their presentation, we
7 have scheduled times to allow parties to ask

8 questions. The order of questions after each

9 presentation will be as follows: Aboriginal Affairs
10 and Northern Development Canada, Akaitcho Treaty 8

11 Tribal Corporation, Blachford Lake Lodge, Deninu K'ue
12 First Nation, Environment Canada, Fisheries and Oceans
13 Canada, Fort Resolution Metis Council, Government of
14 Northwest Territories, K'atl'odeeche First Nation,
15 Lutsel K'e Dene First Nation, North Slave Metis
16 Alliance, Northwest Territory Metis Nation, the Tlicho
17 Government, Transport Canada, Yellowknives Dene First
18 Nation, Avalon Metal Inc.

19 Just to let you know, some of these
20 presenters are not going to be here, as well. We're
21 going to be going to Fort Resolution on Friday to
22 continue with the public hearing, so I got a list of
23 orders that I'll follow.

24 Also, if you could identify yourself
25 over to one of our staff that can help you. Questions

1 may be asked with a microphone so that everyone can
2 hear and the transcribers can properly record it.
3 Again, you just identify yourself for the record and
4 who you represent.

5 There will be a public comment period
6 this evening and tomorrow evening. A list will be
7 prepared for people who want to speak. Board staff at
8 the back table will prepare the list. The Chair will
9 call the names of people from the list during the
10 public comment period.

11 As you know, we all have translation
12 headsets here. I believe channel 1 is English. And
13 I'm not sure -- channel 2 or 3 or -- 2 is Tlicho.
14 Chipewyan. Okay, channel 4 and 6 are Chipewyan also,
15 but you can listen through on channel 1.

16 Anyways, I just wanted to say that,
17 again, I want to thank the -- the Tony Whitford for
18 doing the opening prayers and the Head Chief of the
19 Yellowknives Dene First Nation, Eddy Sangris, for
20 doing the welcome comments.

21 Also, maybe when the -- when the
22 parties come up, if you could state your -- make your
23 opening statements, whether you support this project
24 or not. And as everybody comes up, I'm going to give
25 you a few minutes to do that. And -- but again, when

1 you come up, introduce -- introduce yourself and who
2 you represent.

3 Also, one (1) thing I want to point out
4 as well, like during the public hearings, is that -- I
5 just want to make sure that we also have respect for
6 each other. So, you know, when we come up, and if I
7 feel that somebody's getting too loud or -- or
8 disrespecting each other, I'm going to cut you off.
9 You know, in this hearing, we want to make sure that
10 we treat everybody fairly.

11 Also, I want to make sure that
12 everybody concentrate and look at the scope of this
13 project and ask any questions. And if I'm going to --
14 if you've got twenty (20) questions, I'm going to say,
15 Pick your best ten (10), because we -- again, we --
16 we've got time on the agenda here, and I want to
17 follow it.

18 Also, in the back, we also have
19 washroom facilities. Unfortunately, I think this
20 afternoon they're -- I didn't know that there's bingo
21 during the day now, from what I'm hearing. But
22 anyways, we've got to time ourselves, I guess, so I
23 was going to let you guys know that in the back.

24 Okay. With that, I'm going to go into
25 the opening statements by parties and Avalon. So I'm

1 going to go into the list of orders I have. I'm going
2 to go to Aboriginal Affairs. I'm going to go down the
3 list, and I want to hear from the parties whether you
4 -- you support this project or not, and you may -- you
5 may want to explain why.

6 Okay. Aboriginal Affairs and Northern
7 Development Canada...?

8

9 OPENING COMMENTS BY ABORIGINAL AFFAIRS AND NORTHERN
10 DEVELOPMENT CANADA:

11 MR. NATHEN RICHEA: Good morning. My
12 name is Nathen Richea, and I'm with the Water
13 Resources Division of Aboriginal Affairs and Northern
14 Development Canada. With me today I have Mr. Paul
15 Green, also with the Water Resources division, and as
16 well I have Mr. Rohan Brown. He's our legal counsel
17 with Justice Canada.

18 I also wanted to highlight for the
19 Board that Mr. Robert -- Robert Jenkins will also be
20 here to present our intervention. I believe our
21 intervention's scheduled for tomorrow. Unfortunately,
22 he's unavailable this morning; and if he needs to be,
23 we can try to make him available this afternoon.

24 Mr. Chair, Aboriginal Affairs and
25 Northern Development Canada has the mandated

1 responsibility to protect the environment and promote
2 sustainable development in the Northwest Territories.
3 The department's legi -- legislated responsibility for
4 water management and protection stems from the
5 Northwest Territories Waters Act.

6 Aboriginal Affairs and Northern
7 Development Canada has submitted its written
8 intervention to the Impact Review Board and is
9 generally supportive of the project. The department
10 looks forward to present its recommendations for the
11 Board's consideration regarding the potential for
12 significant adverse effects.

13 Overall, we look forward to a
14 productive hearing, and thank you very much.

15 THE CHAIRPERSON: Thank you. Next I
16 have the Akaitcho Treaty 8 Tribal Corporation.

17

18 (BRIEF PAUSE)

19

20 OPENING COMMENTS BY AKAITCHO TREATY 8 TRIBAL
21 CORPORATION:

22 MS. STEPHANIE POOLE: Thank you, and
23 good morning. My name is Stephanie Poole, and I work
24 for the NWT Treaty 8 Tribal Corporation, Akaitcho IMA
25 Implementation Office. With me today for these public

1 hearings will be our senior advisor, Stephen Ellis.

2 Although he is unavailable today, he will probably

3 join us later on in the hearing.

4 We're prepared to make a presentation

5 on Wednesday morning, as per your agenda, and we thank

6 you for that opportunity.

7 Just in general, I would have to say

8 that this proposed project, it does -- it does propose

9 significant adverse environmental impacts, and we will

10 be speaking more to that during our presentation.

11 Thank you.

12 THE CHAIRPERSON: Thank you. Next on

13 the list I have Blachford Lake Lodge. Again, just

14 introduce yourself.

15

16 (BRIEF PAUSE)

17

18 OPENING COMMENTS BY BLACHFORD LAKE LODGE:

19 MR. MICHAEL FREELAND: Thank you. My

20 name is Mike Freeland, Blachford Lake Lodge. I do

21 appreciate the opportunity for having some time today.

22 Blachford is on the agenda later this afternoon, I

23 believe, 6:00, and I'll certainly be prepared earlier

24 if -- if that's good for the agenda.

25 I think, in summary, Blachford Lake

1 Lodge is the closest neighbour to Avalon. We're 7
2 kilometres away. We're a wilderness resort. We've
3 been going since -- since the 1980s. And we certainly
4 promote clean air and water and a true wilderness
5 experience.

6 At the start of the hearing process, we
7 presented our concerns in paper. And to date, those
8 concerns have not been addressed. We've got concerns
9 about the project -- the small project as it is now,
10 as it's already had effects on our business. And I
11 think if this project does go ahead, the business
12 model of Blachford Lake Lodge, as it's been developed
13 over thirty-three (33) years, will be no longer. We
14 can't coexist.

15 So in our presentation this afternoon,
16 we'll be presenting pictures and presenting our point
17 of view. And we -- we have had ongoing meetings with
18 Avalon, which -- which we appreciate. We certainly
19 very much want to get to a win-win, but we're nowhere
20 near that. And we have some very serious concerns,
21 because our -- our business is in jeopardy. Thank
22 you.

23 THE CHAIRPERSON: Thank you. I don't
24 -- don't know if anybody here from Deninu K'ue First
25 Nation. Okay.

1 (BRIEF PAUSE)

2

3 OPENING COMMENTS BY DENINU K'UE FIRST NATION:

4 MR. PATRICK SIMON: Good morning, Mr.
5 Chair and members of the Board. I'd like to thank you
6 for giving us this opportunity. I'd like to thank
7 everybody here as well as the Company for being here,
8 and I hope we do have a good week.

9 The Deninu K'ue First Nation feels
10 strongly that it has a vested interest. It also has a
11 duty to care and to share.

12 THE CHAIRPERSON: Sorry to interrupt.
13 Can you introduce yourself?

14 MR. PATRICK SIMON: My name is Patrick
15 Simon. I am the environment manager of the Deninu
16 K'ue First Nation. And the bulk of our presentation
17 will be done in Fort Resolution on Friday, and I'm
18 just here to take in the presentations and to, I
19 guess, ask a few questions, some simple questions.

20 And basically, we do have an
21 accommodation agreement that we have with the Company.
22 Our relationships are fairly well with -- with
23 everybody, as well as with this Board. And we
24 appreciate that. And I think that we look forward to
25 moving forward and coming to some sort of a resolution

1 that the people of Deninu K'ue can live with and, of
2 course, consequently, the people of the North.

3 So, once again, thank you, and have a
4 good week.

5 THE CHAIRPERSON: Thank you. We'll go
6 to Environment Canada.

7

8 OPENING COMMENTS BY ENVIRONMENT CANADA:

9 MS. SARAH-LACEY MCMILLAN: Good
10 morning. I'm Sarah-Lacey McMillan, with Environment
11 Canada. And I'm the lead coordinator for this review.
12 With me today is Anne Wilson, James Hodson, Dave Fox,
13 Jane Fitzgerald, and Trish Auser. And James and Dave
14 will be leading on our presentation tomorrow
15 afternoon.

16 Our presentation is based on our
17 technical report submitted last November. And our
18 recommendations fall under the department's mandated
19 responsibilities, including freshwater, air, and
20 terrestrial environments. We look forward to a
21 constructive hearing this week. Thank you.

22 THE CHAIRPERSON: Thank you.
23 Fisheries and Oceans Canada...? I don't see nobody
24 here.

25 I'm going to go to Fort Resolution

1 Metis Council. I don't think they're here as well.

2 We hear them on Friday.

3 The Government of Northwest

4 Territories...?

5

6 OPENING COMMENTS BY GOVERNMENT OF NORTHWEST

7 TERRITORIES:

8 MR. DAVID RAMSEY: Good morning,

9 everybody, Mr. Chair, Board members, ladies and

10 gentlemen. My name is David Ramsey and I'm the

11 Minister of Industry, Tourism, and Investment and also

12 the Minister of Transportation with the Government of

13 the Northwest Territories. And I'd like to provide a

14 brief summary of our government's planned

15 participation in this hearing process.

16 Spending by NWT mines has benefited

17 Northern businesses and helped to create new economic

18 opportunities for our residents. In our experience,

19 mining companies have been good corporate citizens and

20 have worked cooperatively with Aboriginal groups and

21 the GNWT to manage and mitigate potential

22 socioeconomic and environmental impacts from

23 exploration and mining activity.

24 Our government has a vision of a

25 prosperous, self-sufficient territory that provides

1 opportunities for residents in every community and
2 region. We want a territory where people are healthy
3 and educated and free from poverty and addictions. We
4 want a territory where NWT residents make the
5 decisions about the things that affect us. We want a
6 territory where our environment is protected. We also
7 want a territory that has a strong economy, that gives
8 us the resources we need to fund programs and
9 services, look after our land, and provide for our
10 residents.

11 Mining is -- is a critical part of
12 achieving that vision. We are a resource-rich
13 jurisdiction, and our social and economic development
14 depends on the responsible development of these
15 resources. However, we are not interested in
16 development at any cost. We have adopted the
17 principles of sustainable development to guide
18 decisions and actions related to resource use.

19 The Government of the Northwest
20 Territories maintains its qualified support for the
21 Thor Lake Project based on the information currently
22 available. We are encouraged by the open and
23 extensive discussions undertaken with Avalon and their
24 follow-up to these discussions with detailed
25 commitments.

1 We are also encouraged by the
2 Developer's willingness to work with the Aboriginal
3 parties to -- to this environment assessment through
4 their commitment to employment and training
5 opportunities.

6 People of the Northwest Territories
7 expect their government to protect their interest and
8 ensure the Avalon Thor Lake Project benefits
9 Northerners. Our role in these hearings is to advance
10 the public interest of our residents. The Thor Lake
11 Project is important to the long-term strategic
12 interests of the Northwest Territories, to the
13 continued strength of our economy, and the well-being
14 of our people and communities.

15 The proposed hydrometri --
16 metallurgical processing facility at the site of the
17 former Pine Point Mine represents an exciting new
18 development for the NWT. Secondary industry, such as
19 ore processing, can lead to expanded technological
20 capacities as well as -- as additional economic
21 activity. Secondary and support industries related to
22 primary resource development provide diversification
23 and greater stability to the territorial economy.

24 The Government of the Northwest
25 Territories will be making presentations on

1 socioeconomic issues, air quality, and wildlife and
2 wildlife habitat later this week as part of this
3 overall process. And representatives will be
4 available for questions and answers after these
5 presentations.

6 Staff making presentations this week
7 include Dana Heidi (phonetic), Associate Deputy
8 Minister, Department of Education, Culture, and
9 Employment; Lisa Cardinal, director of Corporate
10 Planning, Reporting, and Evaluation with the
11 Department of Health and Social Services; Sonya
12 Saunders, the director of Policy, Legislation, and
13 Communications, Department of Industry, Tourism, and
14 Investment; Alicia Kelly, South Slave regional
15 biologist, Department of Environment and Natural
16 Resources; Albert Bourque, South Slave regional
17 environmental coordinator, Department of Environment
18 and Natural Resources; Aileen Stevens, air quality
19 programs coordinator, Department of Environment and
20 Natural Resources; and Shafic Khouri, environment
21 assessment analyst, Department of Environment and
22 Natural Resources.

23 Mr. Chair, we fully expect the
24 outstanding issues raised by our government and other
25 parties will be resolved during the hearing process as

1 the Developer provides further information and makes
2 additional commitments. We remain confident any
3 remaining issues will be addressed by the Board in its
4 final report to federal and responsible ministers, and
5 we look forward to participating in the process with
6 you this week. And, once again, thank you very much
7 for having me here. Masi.

8 THE CHAIRPERSON: Thank you, Minister
9 Dave Ramsey. Masi.

10 I want to go to K'atl'odeeche First
11 Nation. Is anybody here from the Hay River Reserve?
12 Okay. Thank you.

13 Lutsel K'e Dene First Nation...?

14

15 (BRIEF PAUSE)

16

17 OPENING COMMENTS BY LUTSEL K'E DENE FIRST NATION:

18 MR. MICHAEL TOLLIS: Morning, Mr.
19 Chair, panel. My name is Michael Tollis. I'm the
20 wildlife, lands, and environment manager for Lutsel
21 K'e Dene First Nation. With me today are two (2)
22 councillors: Ron Fatt and Emily Saunders. And Ron
23 Fatt is also the wildlife, lands, and environment
24 committee representative.

25 The mandate of the Lutsel K'e Dene

1 First Nation regarding industrial and economic growth
2 is to ensure sustainable development. And
3 'sustainable' is a word that's tossed around a lot,
4 but the way that we're using it is the way that the
5 Elders have described it, that land, water, wildlife
6 are all abundant and productive for all time and that
7 no long-term effects will perpetuate because of the
8 project.

9 Currently, we are not convinced about
10 the sustainability of this development. There is
11 still significant public and environmental concern,
12 and hopefully we'll -- we'll speak to these issues in
13 our presentation time slot tomorrow.

14 That's all I have for now. Thanks.

15 THE CHAIRPERSON: Thank you. North
16 Slave Metis Alliance...?

17

18 (BRIEF PAUSE)

19

20 OPENING COMMENTS BY NORTH SLAVE METIS ALLIANCE:

21 MS. SUSAN ENGE: Good morning, Mr.
22 Chair and Board panel members. My name is Susan Enge,
23 and I'm here today to represent the North Slave Metis
24 Alliance. The president, Bill Enge, sends his
25 regrets; he can't be here today. So on behalf of the

1 North Slave Metis Alliance, we will be speaking to the
2 Avalon project.

3 I have here -- today with me is Eric
4 Binion, our regulation analyst. And as you've seen,
5 we do have four (4) Metis Elders here present: Tony
6 Whitford and three (3) board members, and they're
7 sitting in the -- in the hall here. We have Ed Jones,
8 Wayne Langenhan, and Bob Mercredi.

9 The Metis of the North Slave area
10 supports the Avalon project as long as it is done in a
11 fair and equitable manner. We will request the Board
12 and Proponent to respect the traditional lands of the
13 Metis, to listen fairly to our presentation.

14 We have serious concerns, but the Metis
15 have always endorsed development and, today, endorsing
16 sustainable development. Our people believe we must
17 blend protective measures, however, with that
18 development. We hope to play our part in this
19 challenge and task.

20 We will present this week our views of
21 barging, the barging idea, on our traditional
22 waterways; we will present our views on the caribou
23 impacts and how we foresee monitoring measures being
24 taken; and, most importantly, utilizing Metis
25 traditional knowledge.

1 Our people must benefit, not suffer.

2 Our people must fit into a new environment, a new

3 Metis reality. So, with that, I thank you.

4 THE CHAIRPERSON: Thank you. The

5 Northwest Territory Metis Nation...?

6 Tlicho Government...?

7 Transport Canada...?

8

9 (BRIEF PAUSE)

10

11 OPENING COMMENTS BY TRANSPORT CANADA:

12 MR. CHRISTOPHER AGUIRRE: Good

13 morning, Mr. Chair. My name is Christopher Aguirre,

14 and I'm with Transport Canada. I'm the environmental

15 officer working on this project.

16 Transport Canada is the government

17 department responsible for federal transportation

18 policies and programs. It seeks to promote an in --

19 integrated transportation system that is safe, secure,

20 efficient, and environmentally responsible. Transport

21 Canada was granted party status in the EA of the

22 project because Transport Canada's a responsible

23 minister with jurisdiction related to the Navigable

24 Waters Protection Act.

25 Transport Canada thanks the Board the

1 op -- well, for the opportunity to participate in
2 these hearings. My colleagues, Dale Kirkland, the
3 manager of environmental affairs, Prairie-Northern
4 region, and Greg Black, the Navigable Waters
5 Protection Program officer, with -- who is working on
6 this project will be in attendance on Wednesday,
7 February 20th, for Transport Canada's presentation.
8 Thank you very much.

9 THE CHAIRPERSON: Thank you.
10 Yellowknives Dene First Nation...?

11

12 OPENING COMMENTS BY YELLOWKNIVES DENE FIRST NATION:

13 MS. SHANNON GAULT: Good morning. My
14 name is Shannon Gault. I'm here representing the
15 YKDFN as director of the Lands and Environment
16 Department.

17 On February 13th, 2013, the YKDFN
18 chiefs and council passed a motion stating that YKDFN
19 opposes development of the Thor Lake project on YKDFN
20 traditional territory, the Chief Drygeese Territory.
21 Council's of the position that the potential for
22 environmental impacts resulting from this mine far
23 outweigh the economic benefits.

24 YKDFN's concerns centre around
25 inadequate engagement. Currently, the YKDFN has not

1 reached a final agreement with Avalon regarding
2 accommodation or impact benefits. We found poor
3 application of traditional knowledge in planning and
4 design of this project, and YKDFN believes that this
5 use of traditional knowledge is disrespectful and does
6 not acknowledge the history and traditions of the
7 First Nations people in this area.

8 Additional concerns that the YKDFN will
9 bring forward are regarding site monitoring and
10 management, including air, wildlife, tailings, and
11 closure. And tomorrow, YKDFN will be giving a
12 presentation. I'll be joined by Todd Slack and Randy
13 Freeman. Thank you.

14 THE CHAIRPERSON: Thank you. I'm
15 going to go to the Developer now, is the Avalon Rare -
16 - Rare Earth Metal Incorporation.

17

18 OPENING COMMENTS BY AVALON RARE METALS INC.:

19 MR. DAVID SWISHER: Thank you, Mr.
20 Chair. I'm David Swisher, vice president of
21 operations with Avalon. With me today, to my right,
22 is Mark Wiseman, our vice president of sustainability.
23 To my left is Rick Hoos, a consultant with EBA, now
24 Tetra Tech. Directly behind me is Mr. Dave Marsh, our
25 vice president of metallurgy, who has been

1 instrumental in the safe development of our process,
2 both at Nechalacho as well as at Pine Point. And to
3 the right of Dave Marsh is Kelly Cumming, who is our
4 Northern relations manager and a local resident.

5 We thank you for the opportunity to
6 participate in today's hearings and this week's
7 hearings. Obviously, we support the project. We are
8 a company that has been actively engaged in the North
9 since 2005, both with our Aboriginal communities of
10 interest as well as the general communities in the
11 North.

12 We are a company that's taken on, very
13 early, a firm stance on corporate-social
14 responsibility and sustainability in how we work, how
15 we develop, and how we design this project. That is a
16 cornerstone of Avalon, and it continues to be a
17 cornerstone of Avalon.

18 We are very grateful to have been
19 working with all Aboriginal parties since early on in
20 this process, prior to submitting permits for this
21 process, even during the period of time when we did
22 not realize yet the full potential of the Nechalacho
23 deposit.

24 Through that period, since 2005, and
25 really beginning in 2007/2008, we have spent numerous

1 times making sure that the design that is employed and
2 that has been introduced over the last two and a half
3 (2 1/2) years through the environmental assessment
4 process has mitigated environmental impacts, mitigated
5 surficial impacts, and created an opportunity to have
6 a project that the people in the North can be proud
7 of.

8 We feel we've accomplished that. And
9 we've also been fortunate and blessed to have some of
10 those items, as I'll explain in my presentation,
11 naturally occur as well with this pro -- project to
12 achieve those goals.

13 So with that, I would like to again
14 thank the Board. I'd also like to thank all of the
15 regulators attending and presenting. And I'd like to
16 espec -- especially thank our Aboriginal partners and
17 groups that are here today, and also who'll be here
18 this week. And we appreciate their comments, their
19 feedback. And we look forward to a respectful
20 hearing. Thank you.

21 THE CHAIRPERSON: Thank you. I've got
22 probably a quick question for Aboriginal Affairs and
23 Northern Development Canada. As part of your
24 delegation, do you have anybody here from Coast Guard
25 Canada? And if you do, we need to know if you have a

1 name for appearance names, just in case there's
2 questions from the parties or anybody in the room.

3 MR. MIKE LEONARD: Hello. Hi. Mike
4 Leonard, Canadian Coast Guard. I'm here with DFO to
5 field some questions, I guess, from our Canadian Coast
6 Guard mandate concerning oil spills. And thank you.

7 THE CHAIRPERSON: Thank you. So okay,
8 that's good then, because we got appearance names. So
9 we have representation here from the Coast Guard. So,
10 okay, that's good. Thank you for your statements.
11 And now we're going to go to the presentation made by
12 Avalon. We're running a bit late, but that's okay.
13 We'll continue on. We'll go as back on schedule here.

14 So, Avalon, you're ready to go?

15 MR. DAVID SWISHER: David Swisher,
16 Avalon. Yes, ready to go.

17 THE CHAIRPERSON: Okay.

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON: While you guys are
22 setting up, as well, maybe throughout the next couple
23 days here I'm going to encourage you, if you could
24 just maybe turn down your cell phones. Put it on
25 vibrate or whatever you can, so then it shows respect

1 for everybody else in the room.

2

3 (BRIEF PAUSE)

4

5 PRESENTATION BY AVALON:

6 MR. DAVID SWISHER: Test. Great.

7 Thank you, Mr. Chair. David Swisher, with Avalon Rare

8 Metals. I'll be taking you through our presentation.

9 And I like standing, so I hope nobody minds me

10 standing and being a bit animated.

11 Our presentation, I just want to make a

12 couple points with regards to the presentation that we

13 submitted to the Board on February 12th. We provided

14 a couple visual pictures that we added to the

15 presentation because we thought that would help in the

16 presentation. We did not change any of the content of

17 the presentation, with the exception of the

18 presentation outline, where we added names behind the

19 individuals who will be presenting each topic. And we

20 also, through some feedback from the -- internally and

21 externally, we -- we made just some minor updates to

22 the SSWQO table to make sure that they were accurate

23 and align with the latest information we presented to

24 the Board.

25 With that, our presentation basically

1 starts with a project animation. It's about a ten
2 (10) minute animation. It does have audio
3 accompanying it. I'll be taking us through water
4 quality as well as barging. Rick Hoos will take us
5 through air quality; I will take us through the
6 traditional knowledge portion of the presentation;
7 Rick will cover wildlife; I will cover the uranium and
8 thorium associated with this project; and Mark Wiseman
9 will take us through closure and socioeconomics; and I
10 will finish off with our Aboriginal engagement
11 activities.

12 So right now, if Simon is -- would be
13 so kind as to switch us over to the animation, we'll
14 watch the animation. Thank you.

15

16 (VIDEO PLAYED)

17

18 MR. DAVID SWISHER: I just would like
19 to make a point, as well, that we -- we're proud to be
20 working within the treef -- Chief Drygeese Territory
21 with the Yellowknives, with Lutsel K'e as well as with
22 Deninu K'ue. We're also working with the Northwest
23 Territory Metis Nation, the North Slave Metis
24 Alliance, the Tlicho, and also with K'atl'odeeche
25 First Nation on potential business opportunities

1 originating out of the Hay River area. So I did not
2 want those parties to be excluded from this -- this
3 video. Thanks.

4

5 (VIDEO PLAYED)

6

7 MR. DAVID SWISHER: Okay. Thank you
8 for that. That was our animation that's also on our
9 website, if anybody wants to review that any further
10 after the hearings. So I wanted to get in, first off,
11 and discuss one (1) of the key line of inquiry items
12 pertaining to water, which is water.

13 Water is near and dear to everybody in
14 the Northwest Territories and abroad. So it is an
15 important topic, and it's something that we have spent
16 countless hours on, reviewing, discussing, and
17 ensuring that we don't have negative -- significant
18 negative adv -- adverse impacts.

19 The design, first off, with our
20 tailings management facility, as you saw in the video,
21 it really provides for a -- a permanent, secure
22 confinement of all of our tailings. And I just want
23 to point out to the Board that the -- the tailings
24 material that is shipped to the facility is inert
25 product. Through extensive test work with SGS

1 Laboratories and many groups, including SENES, the
2 materials themselves is inert. So we are -- we are
3 blessed to have, basically, a granite that we are
4 mining and the waste rock be that pulverized granite.

5 It's located in a natural tap --
6 topographic feature. That was something that we
7 worked on since late 2009, in terms of where was the
8 best location. There were many other locations in
9 that area but none that provided natural topography
10 that minimized the amount of surficial disturbance
11 that we would have to impose on the area to create
12 enough material to build the -- the dams necessary for
13 the tailings management facility.

14 I'll also mention that the tailings
15 management facility, when you think of tailings
16 management facilities throughout the world, you think
17 of major dams, infrastructures that have the potential
18 to fail. They're designed to not fail, but the height
19 is -- it can be overwhelming at times.

20 What we've managed to be able to do
21 with the natural topographic feature is design our
22 dams so that, for the twenty (20) year life, they
23 don't exceed 8 metres in height. So it's not much
24 higher than -- well, twice the size of -- of this room
25 in height. So that -- that, to us, is a significant

1 accomplishment, because it also reduces potential
2 concerns or it mitigates potential concerns in the
3 future.

4 It's also non-fish bearing in the
5 lakes. Well, when we call 'lakes', there's -- there
6 are two (2) lakes, Ring Lake and Buck Lake and Ball
7 Lake, which is a small one in there. They're less
8 than about 2 metres in depth. They go anoxic during
9 the wintertime. And so they are non-fish bearing,
10 because they don't have a direct link to any
11 downstream freshwater source either, so fish can't
12 migrate into these lakes. So we're very fortunate to
13 have non-fish-bearing ponds, if you will, or -- or
14 lakes in this area, along with the natural topographic
15 system.

16 The system itself also allows for a
17 loop system. So it allows for us to not only to -- to
18 pull freshwater out of Thor Lake, but it also allows
19 for us, at the outlet of Drizzle, to -- to measure and
20 monitor those activities and create this -- this loop
21 system, if you will. That -- that is a benefit that
22 you just don't see in other operations with other
23 tailings management facilities, which we're very
24 blessed to have.

25 As well as we've also mentioned that we

1 would have water treatment systems as a contingency,
2 should we encounter any concerns that would potential
3 exceed our SS -- proposed SSWQOs.

4 And this picture was one (1) of the
5 pictures that was added more for visual reference. So
6 this is the proposed tailings management facility. We
7 have a natural topographic feature here that contains
8 the majority of that facility. We would build dikes
9 along a few areas here, as you can see, with this area
10 being the -- the highest, at 8 metres.

11 The area, because it is natural, it
12 basically will, in the first couple years, maintain
13 operations without any of these dikes; but we will be
14 constructing those during construction, irrelevant.
15 And it allows us to -- to make sure that the decant
16 water here allows sufficient time for decanting before
17 natural distribution into Drizzle Lake. Drizzle Lake
18 is also a very shallow lake.

19 It does have access during the spring
20 freshet from Thor Lake up through Murky up through
21 Drizzle, but it is -- it is identified as not having
22 any fish that are sustainable because in the
23 wintertime it becomes anoxic. The same with Murky
24 Lake.

25 So the downstream then from Thor --

1 from the tailings management facility go through
2 Drizzle Lake, naturally passes through Murky Lake, and
3 back into Thor Lake. And we pick up our freshwater
4 here on the western end of Thor Lake. The outlet of
5 Thor Lake is Fred Lake. And this outlet actually
6 makes its way about 18 kilometres before it eventually
7 discharges into the Great Slave Lake.

8 So we are very fortunate to have this
9 type of system, a loop system, because it allows us so
10 much greater opportunities to -- to measure at the
11 outlet of Drizzle and also employ any type of
12 mitigation responses that we have committed to in our
13 commitments table in the event that something
14 unforeseen occurs.

15 And so in this situation, I just wanted
16 to highlight that it's -- it's not something you see
17 every day with -- with most operations that have a
18 tailings management facility, and then those are
19 discharging directly into downstream environment, and
20 that's it. You can't -- you -- you have no control
21 once that -- that happens. So we're very fortunate to
22 have that in this area.

23 Our -- our water, basically, when we
24 talked about committing, we commit to water quality
25 and biological monitoring of the site. And we have

1 committed to meeting the CCME guidelines for water
2 quality. And that's reflected in our proposed site-
3 specific water quality objectives.

4 Meeting CCME guidelines is typically,
5 in the industry, unheard of. Those are some of the
6 most stringent guidelines with regards to water. And
7 so that is our commitment to this project. But I must
8 say that we are very fortunate, because we have a
9 deposit that lends itself for us to be able to meet
10 the CCME guidelines. So we're also blessed in that
11 regard.

12 These are our proposed CCME guidelines.
13 So we have the CCME guidelines here. We have our
14 proposed site-specific water quality objectives at the
15 outlet of Drizzle Lake. And we have our parameters
16 here that cover all of the non-rare-earth parameters.
17 And I just wanted to take you through maybe one (1) of
18 them. I think we should look at uranium. Uranium, of
19 course, I'll be discussing a bit later. We have both
20 uranium and thorium at the site.

21 Uranium in the untreated tailings water
22 is 2.8 micrograms per litre. When we treat the
23 effluent within the floatation plant that we are
24 planning on doing, that comes down to 0.01 micrograms
25 per litre. The background levels in Drizzle Lake are

1 zero point zero-eight (0.08), and also in Thor Lake
2 are 0.36 micrograms per litre. And when we looked at
3 our proposed SSWQOs, that's fifteen (15), because that
4 matches the CCME guideline of fifteen (15).

5 So you can see that we're significantly
6 below the fifteen (15) level. And we've -- we've --
7 obviously, in committing to the CCME guidelines, we've
8 committed to meeting those stringent guidelines.

9 When I switch over to the rare earths,
10 earlier in the presentation I mentioned there were a
11 couple clarifications that were added. Mainly had to
12 do with thulium, zirconium, with regards to what the
13 CC -- proposed SSWQOs were. So I needed to make sure
14 we -- we got the accurate numbers in there. And so I
15 -- I thank Rick and Ralph for pointing that out to --
16 to me.

17 So in the table of rare earths, of
18 course, those aren't CCME guidelines, but we used the
19 same CCME methodology and calculations to come up with
20 our proposed SSWQOs for all of the rare earths. So
21 we're -- we're using the exact same measures, if you
22 will, and guidelines that CCME use in determining
23 their -- their objectives.

24 And so what I wanted to point out here
25 is, if we look at lanthanum, for instance, lanthanum

1 and cerium are two (2) of the most predominant
2 products, rare earth products, in -- in the tailings
3 stream. And so when we look at lanthanum, we're at
4 94.2 micrograms per litre untreated. We treat it,
5 we're down to zero point four-one (0.41). Background
6 in both Drizzle and Thor Lake are less than point o-
7 five (.05). And then our proposed SSWQO is one point
8 eight (1.8). And so we're are -- we are committed to
9 meeting those proposed SSWQOs which are calculated the
10 same way as the CCME guidelines.

11 At the hydromet plant site -- we've got
12 a picture here of the L-37 open pit. At the hydromet
13 plant, we have basically a -- an inert gypsum product.
14 Gypsum is used in most of your sheetrock in your -- in
15 most buildings today. That's what we have. And so
16 that gypsum will be discharged from the
17 hydrometallurgical facility into the L-37 open pit.

18 The groundwater aquifer -- we know
19 quite a lot with regards to the groundwater aquifer.
20 So the idea -- let me just take you through that first
21 -- is that this was another picture that was added.
22 It's from the hydromet plant. We discharge into the
23 L-37 open pit. The decanted water off of this end of
24 the pit then gets pumped to N-42 open pit, which is
25 open to the groundwater aquifer.

1 And we pick up freshwater from the J-44
2 pit, which -- basically, we pick up that same aquifer
3 water and use it as process water in the -- in the
4 process. So we're -- we're doing another similar-type
5 looped situation. And the aquifer is -- in this area,
6 in Pine Point, is well known to be -- it's a massive
7 aquifer.

8 And so what we had -- what we had done
9 is we did groundwater modelling. We -- we basically
10 identified that this aquifer is a very slow moving
11 aquifer. We modelled it on conservative assumptions.
12 All of the reports that we have -- because Cominco,
13 Teck Cominco, mined this area from 1964 to 1987. So
14 during that whole period, they had extensive analysis
15 of the aquifer. So we have that data, and we were
16 fortunate to use that data.

17 And what we found is that the aquifer
18 moves at a rate less than a quarter metre a day. So
19 in our assumptions, when we modelled, we modelled at a
20 half a metre a day, over twice the amount of what was
21 identified in all the reports, just to introduce a
22 level of conservatism into it.

23 And what we found is that we -- on a
24 conservative level, when we reinfiltrate water from L-
25 37 into N-42, then it takes over forty (40) years for

1 that water to reach the Great Slave Lake. And then we
2 had a couple parameters of interest, mainly sulphate
3 and magnesium, in terms of, okay, what effects do we
4 have? And what we found is that it showed that the --
5 the parameters in the effluent that enter the lake are
6 within the natural variation levels already present in
7 the lake. And that, again, is being conservative with
8 twice the -- the speed of the natural aquifer flow and
9 also not intermixing as much within the -- the
10 underground aquifer in this area.

11 So we -- we felt really comfortable
12 with regards to this plan, because it also allowed us,
13 with the tailings management facility here in this
14 open pit, to -- over the twenty (20) year life, to
15 fill up this pit and then recap it and re -- reseed
16 it. And so that allows us basically to do progressive
17 reclamation at the same time as we're disposing of
18 tailings; not a -- not a situation that you're going
19 to find every day in many operations around the world.
20 We're just very fortunate to have that opportunity
21 here, and we took advantage of having that opportunity
22 here.

23 But it did take some discussions with
24 communities and our Aboriginal partners with regards
25 to our original plans, because, I mean, we're not

1 perfect. Our original plans were looking at utilizing
2 the original tailings that are left behind by Cominco
3 and building up on those. But then through
4 discussions and -- and -- with our communities, it
5 was, like, well, you know, how can we -- how can we
6 progressively reclaim at the same time? And that's
7 when we came up with -- with this final option, which
8 basically we -- we feel very good about.

9 So water -- as I mention, the
10 groundwater quality monitoring, we've committed to
11 doing that at -- at the hydromet plant site. We
12 committed to installing monitoring wells and -- with
13 regards to projecting the migration plan through
14 operations -- or migration path, excuse me; compare
15 the major groundwater quality with our modelling
16 predictions to make sure that we are meeting those
17 modelling predictions; and, of course, reassess the
18 model predictions after we've observed over a period
19 of time and make sure that we have the appropriate
20 adaptive management in place.

21 This here is a picture of the Pine
22 Point area -- one (1) of the Pine Point areas on the
23 south shore of the Great Slave Lake near -- near our
24 proposed docking facilities.

25 So at Nechalacho, water quality in Thor

1 Lake and further downstream is not anticipated to be
2 adversely affected by mining activities, particularly
3 when we've committed to meeting CCME guidelines and
4 have a contingency of putting in additional water
5 treatment to make sure that we meet those -- those
6 parameters.

7 At the hydrometallurgical facility,
8 we're -- our projected concentrations of all per --
9 parameters of concern are lower than or within the
10 range of our existing conditions at Great Slave Lake.
11 And we feel that we can -- we can achieve those quite
12 easily, given the conservative nature in which we
13 approach the model.

14 I will say, too, that we -- we didn't
15 just develop that model at Pine Point. We also
16 reviewed that model with -- with the regulators and
17 Environment Canada to make sure that we were -- we
18 were focussed on the appropriate parameters.

19 So barging: Barging is another concern
20 within this EA. It has been particularly with our
21 Aboriginal partners, so I think it's very important we
22 -- we touch on barging.

23 When we look at the barging and the
24 design of the barging, basically what we have
25 identified, talking with barging groups, whether it be

1 NTCL here in the North or other barging companies in
2 the South, what we find is that barging is -- is a
3 very reliable means of transport. It's used all over
4 the world. It's also used on the Mackenzie River, as
5 well as in Great Slave Lake.

6 Fuel barges, for the most part, are --
7 are isolated compartments. They're not fully loaded
8 to capacity, and they're subject to annual barge
9 inspections and certifications.

10 Barging schedule that we have, as
11 mentioned in the video, is a hundred and twenty (120)
12 days. And so that hundred and twenty (120) day window
13 allows us for flexibility, because we can ship
14 everything within a sixty (60) day window. So it
15 allows us flexibility for any adverse weather
16 conditions to make sure that -- that we are safe in
17 our operations.

18 But, you know, to be honest with you,
19 we're not barging experts, and that's why we are going
20 to rely on barging experts to provide that service for
21 this project, because they're -- they're better
22 equipped, and they have the experience to provide that
23 service. So Avalon will not be in charge of the
24 barging. We will be -- we will be outsourcing that to
25 a competent, reliable barging company. That's our

1 intent.

2 And we've committed to follow Transport
3 Canada and the marine guidelines and to make sure that
4 the barging company that we partner with -- with does
5 the same thing. And, of course, the barging company
6 is responsible for its spill response, but we've also
7 said that, Look, we have a spill response plan as
8 well. And we will support and make sure that the --
9 the spill response is being followed, both from
10 Avalon's accountability to the barging contractor as
11 well as at the barging sites on either -- either side
12 of the lake.

13 Now, when we looked at what happens in
14 the event that a barge sinks, well, there haven't been
15 any sinkings of any tugs or barges that I'm aware of
16 in the, what, last seventy-five (75) years on Great
17 Slave Lake. But what happens in the event that you
18 lose -- you lose a -- a barge?

19 So if -- if the barge company is
20 pulling two (2) of our containers full of concentrate,
21 if something were to happen, they would cut one (1) of
22 the containers loose, so it wouldn't bring down the
23 whole train. And you would see one (1) barge sink.

24 So if that, heaven forbid, happened,
25 what would happen? Well, there are agencies that

1 we've contacted out there that can salvage those
2 products from the bottom of the lake. The good news
3 is, we're salvaging the product. And the better news
4 is that the materials are not soluble with water,
5 meaning that nothing escapes the concentrate. So it
6 basically has no adverse impacts to the water.

7 If -- if for whatever reason we did
8 lose a barge of concentrate, we would recover it and
9 make sure it's fully mitigated and continue
10 operations. But there is no adverse impacts, because
11 nothing is soluble in the water with that product. So
12 that's a good thing. And that's been, of course,
13 confirmed through the extensive test work that we've
14 done throughout the years.

15 And then I'd like to just -- one (1)
16 thing I -- I didn't have, which I don't think I have
17 on the next slide, is just the -- the barging area
18 itself. You know, we thought early on in the process
19 about building permanent barge structures. And we
20 decided, Why? Why would we need to build permanent
21 barge structures this point, unless there's a safety
22 concern, which at this point, we didn't see.

23 And in consulting with the barge
24 companies, we felt that we can -- because we're only
25 barging during the summer months, basically there's no

1 reason -- oh, sorry -- there's no reason to have a
2 permanent facility here.

3 So the idea is that we would utilize
4 the barge up against the -- the bank. We would load
5 everything. And at the end of the season, you don't
6 have any infrastructure leftover at that barge
7 facility. And so there's nothing permanent within the
8 water itself. So I think that was a -- a good choice
9 on our part, and I think it also hopefully will help
10 mitigate any -- any concerns with regards to permanent
11 structures within the Great Slave Lake.

12 So to -- to summarize, our concentrates
13 are inert and non-reactive for the shipping. The
14 barge traffic, it does create a small wake, but it has
15 no effects on fish or waterfowl. And the barge
16 landings also improve safety for recreational and
17 traditional users. It's -- it is a -- it is a safe
18 haven for anybody.

19 As anybody on this -- in this room
20 knows, the Great Slave Lake can get pretty choppy at
21 times and come up -- some pretty adverse weather can
22 come up out of nowhere. And we've had people come
23 into this berth and actually weather out the storm
24 there and -- and stay at our exploration camp. So,
25 you know, we do have that opportunity that we can

1 provide for both the north -- north side of the lake
2 as well as the south side of the lake.

3 So with air quality, I'll hand it over
4 to Rick Hoos.

5

6 (BRIEF PAUSE)

7

8 MR. RICK HOOS: Good morning. I hope
9 you don't mind if I just sit here. It seems to be
10 quite convenient to the screen. I'll be talking to
11 the air quality issues related to both sites, starting
12 with the Nechalacho mine site.

13 In doing the air quality assessment, of
14 course, you, first of all, consider the kinds of
15 contaminants and where they're coming from. And the
16 sources of contaminants at the mine site are -- or the
17 biggest source, frankly, is probably the diesel
18 generators. But other sources are the ventilation
19 raises, which bring fresh air in and -- and exchange
20 air from below ground to above ground; the mine air
21 heaters; activities associated with the transfer and
22 handling of materials, including the concentrate
23 itself to the dock site; and associated vehicle
24 emissions and road dust.

25 The kind of mitigation measures that

1 would be employed, these are only a few of them. But
2 needless to say, the diesel generators will be state
3 of the art, essentially, using what are called low lox
4 -- low-SOx-diesel systems.

5 The crushing, as you saw in the
6 animation, is all taking place underground, which is
7 very advantageous, in terms of eliminating surface
8 dust. There will obviously be dust control during the
9 summer months for any traffic that's moving back and
10 forth, including at the airport and so on, the
11 airstrip, using water. And all of the infrastructure,
12 entire floatation plant, et cetera, are all located
13 inside building structures, where air can be
14 controlled.

15 Avalon has made a number of commitments
16 pertaining to air quality, including air quality
17 monitoring and the development of an air quality
18 management plan, stack testing of key emission
19 sources, in particular, the -- the diesel generators
20 at both sites, actually.

21 Avalon is committed to developing an
22 incinerator management plan. And this is particularly
23 important from the perspective of genera -- possible
24 generation of dioxins. Avalon is also committed to
25 conformance with GNWT and Worker -- Worker Safety

1 Compensation, et cetera, standards for mine, process
2 plant, and ambient air quality. And I previously
3 mentioned the use of low-sulphur-diesel fuel in the
4 diesel generators.

5 Turning to the hydrometallurgical
6 facility, the sources of contaminants there are the --
7 the actual plant itself and vehicle emissions and road
8 dust related to moving the containers from the dock
9 facility to the -- to the hydromet plant.

10 From there, of course, the -- the --
11 once -- once the products are generated, they are
12 trucked to Hay Rive. But they will be in sealed
13 containers, so don't expect significant losses there.
14 And, of course, there are emissions associated with
15 the vehicles.

16 The primary mitigations measures
17 related to the hydromet plant include use of a
18 scrubber system to reduce emissions within the
19 building before there's any release of emissions to
20 the ambient air. The hydromet plant also will be
21 pointed -- will be powered, we hope, primarily by
22 hydroelectricity supplied from the local substation,
23 and certainly not coal. And -- but diesel will be
24 there as a backup.

25 The concentrate will be shipped in

1 closed containers, thereby minimizing fugitive dust
2 emissions related to -- to the products themselves.
3 And again, the project access roads will be watered to
4 control dust during summer months.

5 I'm not sure -- I can't remember the ne
6 -- the following slide, but one (1) thing I wanted to
7 mention is that the actual modelling that was done at
8 both sites involves CALPUFF modelling, which is a
9 recognized EPA model that is used for trying to model
10 emissions and -- and how they're distributed in the --
11 in the ambient area around them.

12 And what the modelling showed and, as -
13 - as reported in the DAR, all of the anticipated
14 emissions, the emissions themselves are expected to be
15 below the ambient air quality criteria that are both
16 GNWT criteria and Environment Canada criteria
17 nationwide.

18 So it's very encouraging to see that
19 even the emissions themselves, as they leave the
20 stack, are anticipated to already meet the ambient air
21 quality objectives as they leave the factory fence, a
22 term used very loosely here because we don't plan on
23 having any fences.

24 Anyway, beyond that, though, air --
25 ambient -- again, as we with Nechalacho, Avalon

1 commits to air quality monitoring and the development
2 of a management plan, stack testing again upon
3 commissioning of the hydromet plant, dust suppression.
4 The use of the existing highways is -- is very
5 helpful, because of course the highway is paved, and
6 the secure containment of the concentrate product
7 during transportation and the use of low-sulphur-
8 diesel fuel for the trucks that do the hauling, along
9 with of course regular equipment and engine
10 maintenance.

11 The overall conclusions of the DAR are
12 that air emissions that will occur will be localized,
13 short-term, periodic in some cases, of low magnitude.
14 And, of course, the moment that the operations cease,
15 the -- any -- any localized effects will -- will be
16 rapidly reversible. But I do stress again, though,
17 that the maximum emission concentrations are predicted
18 to be lower than the NWT air quality standards for all
19 contaminants, and these are ambient air quality
20 standards or criteria.

21 MR. DAVE SWISHER: Thanks, Rick. I'll
22 go right into traditional knowledge now. And I just
23 wanted to go through and just a -- a brief summary on
24 the traditional knowledge that we have done here
25 within the communities.

1 We conducted traditional knowledge
2 studies, which was incorporated in the DAR back in
3 2010, with the Deninu Kue First Nation Fort Res Metis
4 Council, so the Fort Resolution community; Lutsel K'e
5 Dene First Nation; and the Yellowknives First Nation.
6 So in doing so, we began notifying the elected
7 leadership. We obtained legal permission to conduct
8 the surveys, both from the parties, as well as making
9 sure we had the appropriate licences to do so through
10 Aurora College.

11 Jumping over to community
12 representatives. We basically worked in identifying
13 the community representatives, and they directed the
14 format of the traditional knowledge surveys to be
15 conducted. They supported and conducted interviews in
16 support with Elders and the land users, as they chose
17 who those people would be for the interviews, and they
18 reviewed the content for accuracy and the finalization
19 of the report.

20 So the -- the -- each of the Aboriginal
21 groups and organizations that were worked with made
22 sure that -- that they were reviewing and approving
23 the study, because this study was their study. It was
24 not the third-party consultant who was conducting the
25 study; it was the Aboriginal community's study. And

1 it was very clear that we entered into an agreement
2 with our Aboriginal groups to make sure that we got
3 permission to use it for the DAR. But, at the end of
4 the day, it's their study. We were just paying for it
5 and supporting the -- the generation of that.

6 Basically, the Aboriginal governments
7 helped organize and assist with all the interviews, as
8 mentioned before, identified the community
9 representatives, and all the reports and the support
10 information were delivered back to the Aboriginal
11 organizations. So all the -- all the materials were
12 delivered back, and -- and that way it stayed within
13 the Aboriginal communities.

14 So it was very important for us to
15 obtain the traditional knowledge of those groups in
16 preparation for our Developer's assessment report for
17 this EA process. And, you know, just lastly, it was -
18 - I think the -- the last thing that probably took the
19 longest was to make sure that the report -- that the
20 community representatives read the report, made sure
21 that they had their input and comments, and agreed
22 with the content of that report.

23 So we were -- we were quite pleased and
24 -- and grateful to be able to work in -- in all three
25 (3) of those communities -- four (4) -- four (4)

1 communities: N'Dilo, Dettah, Lutsel K'e, and Fort
2 Resolution.

3 The studies -- the traditional
4 knowledge studies, they -- they focussed on the
5 terrain, the water, the climate, vegetation, wildlife,
6 significant sites, and traditional use, because it was
7 important, as the project was being proposed, that not
8 only had they had the opportunity to be at the site,
9 but the -- that many of the Elders had been at the
10 site, and we arranged site tours, but that they also
11 understood where it was at so that they had a good
12 perspective of that. We made sure that the culturally
13 significant sites were identified in the general areas
14 near the project sites.

15 And we identified those and reviewed
16 those. We did not see any within the proposed
17 development site, specifically in the localized area,
18 but it was very important that we glean that
19 information and utilize it in the DAR, which we did.
20 And then we were working with NSMA as well, which we
21 understand they submitted their study to the Review
22 Board here just this year.

23 And, of course, we recognize that the
24 TK studies are just a first step that supported the
25 DAR. You know, it's our desire, as we work with our

1 Aboriginal partners, as we develop the project, as we
2 operate the project, that we continue working with
3 those partners for long-standing relationships, so
4 that we can continue gleaning information from those
5 communities. We utilize the workers for their
6 knowledge and their participation during our drill
7 program over the last three (3) to four (4) years, and
8 that our negotiation agreements also incorporate
9 traditional knowledge and traditional use. And so all
10 of our -- our current negotiations as well as our
11 finalized agreements incorporate that component.

12 So I'll -- I'll turn wildlife back over
13 to Rick.

14 MR. RICK HOOS: This is fun. Okay,
15 wildlife. In determining the valued species that were
16 evaluated for the DAR, we considered all of the
17 species that could occur there that are, first of all,
18 of particular interest to the First Nations of the
19 area, but also wildlife that is specially listed under
20 various pieces of legislation including Species At
21 Risk Act and -- and other -- COSEWIC, and what not.
22 They are also wildlife species that have typically
23 been used for various other EAs that are in similar
24 areas and the like, and for which there is the most
25 information as well.

1 So among the -- the species that were
2 evaluated for the DAR included, of course, the caribou
3 species; barren-ground in the area of Nechalacho and
4 woodland in the area of the hydromet plant. We also
5 looked at other ungulates such as moose; the bear
6 species that were present, in this case, really only
7 black bear is present at both sites; other fur-
8 bearers; the various breeding birds; the various
9 raptors that occur in both areas; and, as I mentioned,
10 the SARA listed species.

11 Just looking at barren-ground caribou,
12 which is of particular interest to many people in the
13 room. We looked at the distribution, the seasonal
14 distribution, of barren-ground caribou throughout
15 their range, which is, as people here will know,
16 extends from as far south as northern Saskatchewan all
17 the way to the Arctic Ocean.

18

19 (BRIEF PAUSE)

20

21 MR. RICK HOOS: So here's the Thor
22 Lake site. What we found is that when looking at the
23 annual distribution of the bath -- of the barren-
24 ground caribou within their range, the only time of
25 the year when caribou might be present around

1 Nechalacho was in the winter period. And what we're
2 showing you here is the winter distribution of the
3 caribou based on about fifteen (15) years of collared
4 caribou data done mostly by the GNWT-ENR, and other --
5 other resource management agencies in the North.

6 And what we see here is that Thor Lake,
7 for -- for the last fifteen (15) or so years at least,
8 is really on the very, very edge of the overall range
9 of the barren-ground caribou. We do understand that
10 at this time the barren-ground caribou herd is -- has
11 been in pretty significant decline. We hope that it
12 has now bottomed-up and is going to start coming back
13 in terms of the overall population.

14 And we do understand that the size of
15 the range itself expands and contracts as the
16 population of the herd also changes with time. But
17 right now, it's pretty well on the edge of the
18 Bathurst caribou range for only the winter period.
19 The rest of the time, they're generally north and
20 moving towards the Arctic Ocean.

21

22 (BRIEF PAUSE)

23

24 MR. RICK HOOS: So in terms of the
25 assessment, we of cour -- we did evaluate and conclude

1 that with the application of appropriate mitigation
2 measures there should be no significant effects on any
3 of the wildlife species frequenting either of the two
4 (2) areas. But beyond that, of course, there is a
5 need over the longer term to keep monitoring the
6 wildlife species that frequent the area to make sure
7 that the predictions, of course, initially are --
8 remain valid, or are valid -- or are validated, and at
9 the same time to confirm, hopefully, that there will
10 be no changes attributable to the project with time
11 through monitoring.

12 So in terms of wildlife and wildlife
13 habitat protection planning, we've committed to
14 producing such a plan. And a conceptual version of
15 that plan has been submitted at the -- at the stage of
16 the overall project development. This plan includes
17 species-specific mitigations and procedures for the
18 different key wildlife species.

19 And, of course, before it is finalized,
20 there is an intent to, you know, share the contents of
21 this plan with the various interested stakeholders and
22 parties, and -- and refine the plan through that kind
23 of a consultation process.

24 We are also well aware of everyone's
25 interest in WEMPs and cumulative effects, so to speak.

1 And certainly Avalon has been engaged and continues to
2 engage with the GNWT to get some clarification on how
3 some of those programs might impact its project, and -
4 - and how -- and what the government's expectations
5 are for Avalon's possible participation in some of
6 this kind of work.

7 As I mentioned before, our -- our
8 assessment concluded that we do not anticipate any
9 significant impacts on wildlife occurring as a result
10 of the various project components. Avalon is
11 continuing to engage with the GNWT to define the
12 GNWT's expectations for the broader, more regionally
13 based programs, such as the Wildlife Effects
14 Monitoring Program and cumulative effects initiatives
15 that are out there. And Avalon will continue to
16 engage with aboriginal parties to discuss their
17 expectations for wildlife monitoring, including of
18 course, their participation in some of those
19 monitoring efforts.

20 MR. DAVID SWISHER: Okay. Thank you,
21 Rick. I'll take us through uranium and thorium on
22 these few slides here. I think when -- when everybody
23 hears the words "radiation" people tend to cringe, and
24 it invokes some pretty strong emotions with regards to
25 what -- what does that mean. And, hopefully, after

1 this section it'll provide some clarity to the Board,
2 to the -- the audience in general with regards to what
3 we really are talking about with our deposit.

4 You know, we're -- we're all exposed to
5 radiation every day, and it's just different levels
6 and different forms of radiation that we're exposed
7 to. And I'll -- I'll explain that here in a -- in a
8 couple of slides, a bit more detail.

9 Our deposit does contain uranium and
10 thorium. We're fortunate, because our deposit is one
11 of the lowest concentrations of rare earth deposits
12 out there, because all rare earth deposits contain
13 levels of uranium and thorium. So we're very
14 fortunate in that regard.

15 And I also want to make -- make a point
16 that when we concentrate the uranium and thorium at
17 the flotation plant, it does not report to the
18 tailings facility very small amounts. But when you --
19 when I go through these slides you'll see that we have
20 very small amounts anyway.

21 So when we look at the concentration of
22 uranium and thorium, and particularly thorium --
23 thorium, because that's our highest level. So at the
24 site we have twenty-three (23) parts per million, on
25 average, of uranium within the deposit, and a hundred

1 and fourteen (114) parts per million, on average, of
2 thorium within the Nechalacho deposit.

3 So when we compare that with all other
4 rare earth sectors, rare earth deposits, and -- that
5 are being developed throughout the world, we are at
6 the lowest with regards to those deposits, when you
7 look at -- we're at a hundred fourteen (114) parts per
8 million. To put that into perspective, back in the
9 '90s there was a bulk sample just 2 kilometres away
10 from the Nechalacho site; it was called the Old 'T'
11 Zone. I think most people are probably familiar with
12 that.

13 Well, they -- they did mine underground
14 at the 'T' Zone. They had their dosimeter patches
15 with them the whole time. There was never any -- any
16 dosimeter patch that exceeded -- that had any
17 accedences during that entire bulk-sample program.
18 And all the waste-rock stockpiles were stockpiled on
19 the -- on the surface.

20 Now, just to give you some perspective,
21 that deposit, which is call -- called the Old 'T'
22 Zone, that had ten (10) times the amount of uranium
23 and thorium than the Nechalacho deposit. So it's a
24 order of magnitude higher in the uranium and thorium
25 content that was -- that was mined safely at that time

1 in a bulk sample. That was also stockpiled on the
2 surface, which we saw a lot of trees and grasses and
3 things growing out of those stockpiles, which then we
4 reclaimed that site and utilized those waste
5 stockpiles to build or airstrip that's out there
6 today. So we did some progressive reclamation at the
7 same time with that material. So it -- it is very
8 safe.

9 So hopefully that puts it into
10 perspective with regards to the Nechalacho deposit,
11 that it is -- it's a very safe deposit. But we're not
12 about to hide behind the fact that we do have uranium
13 and thorium. And we want to make sure that we're
14 transparent in that, just as we were during our
15 initial scoping sessions well over two (2) years ago
16 in this process.

17 So what we did in understanding the
18 perceptions associated with radiation, even though we
19 had very low amounts and -- and we had no concerns, we
20 understood that the community as a whole and our
21 Aboriginal partners would have concerns. So we
22 contracted to a third-party group, SENES Consultants.

23 SENES are well-known through the
24 industry as being the radiological experts in their
25 field throughout North America. That -- that accounts

1 for both Canada and the US. They are sought out by
2 many because they are the experts when it comes to
3 radiation. So we gave them the information from the
4 deposit and said: Please do an analysis for us. Do a
5 radiation protection plan. Do a pathways assessment.
6 Let us know what -- what we can expect.

7 So basically what they did is looked at
8 potential worker exposures. They were estimated using
9 some assumptions for directing exposures and those
10 associated with inhalation and ingestion of ore dust.

11 What was calculated is that the dose
12 was estimated at 1.4 millisieverts per year -- or
13 sorry, yeah, 1.4 millisieverts per year from all the
14 sources. So what does that mean? Well, to put it
15 into perspective, basically the average Canadian
16 receives 1.8 millisieverts per year in radiation or
17 natural background radiation. The average person in
18 Yellowknife receives 3.1 millisieverts per year of
19 natural background radiation. It's just higher up in
20 this area, in this region, because of the rock
21 structures that are up here, which is, of course, the
22 same type of granitics -- granites that -- that we're
23 interested in -- in extracting, as well. The Health
24 Canada dose limit is 20 millisieverts per year for
25 workers who are in areas with NORM. And NORM means

1 naturally occurring radioactive materials; that's what
2 our materials are.

3 So, basically, when we're -- we're --
4 what SENES calculated is significantly less than the
5 Health Canada dose limit and -- which isn't that much
6 more than what most Yellowknifers or most area --
7 people in the NWT are exposed to.

8 Ironically, for say airline pilots,
9 they're exposed to more radiation because they are
10 higher in the atmosphere and close to that effect. So
11 when I travel all over the country I'm exposed to more
12 than probably Yellowknifers, which -- but as long as
13 we don't exceed the 20 millisieverts per year, then
14 that's considered by Health Canada to be acceptable.

15 Just one (1) other note I guess I might
16 like to make here is that a lot of people have granite
17 counter tops in their homes. Well, granite counter
18 tops emit sources of radiation. So if you put a
19 scintillometer over your granite counter top it'll --
20 it'll chime and beep because it's sending off
21 radiation counts.

22 And it depends on where you get your
23 granites. The more exotic granites all over the world
24 sometimes can have much higher doses of radiation
25 expelling from it than say sources that are controlled

1 through the EPA or Health Canada in North America. So
2 it's just a -- just an interesting factoid.

3 So SENES also evaluated that as the
4 estimated exposure is above the 1 millisieverts per
5 year, so we were at one point four (1.4), that consi -
6 - that's considered incidentally exposed
7 classification. So it's just good practice to
8 implement a radiation protection program, which we
9 committed to doing, although we're not required to, or
10 we would not be required to unless we were above 5
11 millisieverts per year. But through out commitment,
12 through our sustainability commitments with this
13 company, we said, No, we're going to go ahead and --
14 and implement that radiation protection program at the
15 site.

16 The concentrations of uranium and
17 thorium, they're sufficiently low. And because
18 they're so low, basically they're considered naturally
19 occurring radioactive materials. They are not
20 regulated under CNSC, the Canadian Nuclear Safety
21 Commission, and they are not subject to the
22 transportation of dangerous goods or the US
23 transportation regulations.

24 So just to give you an example, our --
25 our concentrates -- so we concentrate the material at

1 Nechalacho. They get put into the container. They
2 contain between five (5) and seven hundred (700) parts
3 per million of uranium plus thorium. And the
4 Transportation of Dangerous Goods and Regulation (sic)
5 Acts require that if you go above -- over I think it's
6 thirty-one hundred (3,100) parts per million combined,
7 then that's when you actually have to start taking
8 steps to notify the general public, meaning you
9 placard all of your -- all of your containers that
10 you're shipping that in. But it doesn't mean you have
11 to take additional steps beyond that.

12 So at five (5) to seven hundred (700)
13 parts per million, that's ex -- it's well, well below
14 the thirty-one hundred (3,100), thirty-two hundred
15 (3,200) part per million kickoff point for the
16 transportation of dangerous goods and resources and
17 their responsibilities in this area.

18 So we're -- we're very fortunate to
19 have this deposit that is high grade in heavy rare
20 earths enrichment for supply that can be supplied to
21 the world outside of China, but also all the
22 environmental benefits that we are very, very
23 fortunate to have with this deposit. And I say it's
24 fortunate, because it's -- Mother Nature has made it
25 that way, and we're -- we're blessed to have that.

1 So the independent study report that
2 the low concentrations are below thresholds of
3 concerns for any of the products and any of the wastes
4 for the tailings. And as mentioned in summary, they
5 do not require additional permitting through CNSC or
6 special transport regulations in the US or in Canada.
7 The radiation protection program that we've committed
8 to will provide comfort and certainty even though it's
9 not required. And there are no adverse impacts to
10 water, air, wildlife, or people from that study,
11 because we also had SENES do a pathways assessment
12 that accounted for all of these parameters, which was
13 submitted to the Board during this -- this EA process.

14 So I'll hand over closure to Mark
15 Wiseman.

16 MR. MARK WISEMAN: Thanks, David.
17 Okay. One (1) of the things that the mining industry
18 has learned is that if you're going to close your mine
19 safely, you design it to -- design it to do so right
20 from the very beginning. So there's some very simple
21 things that we can do.

22 First of all, you make sure that you
23 disturb as little area as you can when you're
24 designing and constructing your mine. To the extent
25 that you can, you make sure that there is no

1 requirement for long-term treatment of tailings or
2 other potential concerns after -- after you're closing
3 away the site. Our design is, in fact, a walkaway
4 scenario. Our tailings, for example, are not acid
5 generating, so there's no long-term requirements to --
6 to treat that kind of water. And we believe we can
7 rehabilitate the site to the point where no long-term
8 ongoing treatment or activities will be required.

9 We're not putting any landfills on
10 site, so there will be no issues with re -- closing of
11 landfills.

12 We have committed to progressive --
13 progressively reclaim during operations, and that will
14 be completed wherever that can be done long before
15 closure. Just a small example, that's Diamond Drill
16 Road in the photograph there. And you can see how
17 it's -- it's growing up quite well.

18 We're going to put as much of our
19 tailings underground as we can to fill in the holes,
20 keep the area stable. And that also, of course, keeps
21 less tailings on surface.

22 During our construction period, we're
23 going to salvage the surface soils, and we'll use them
24 for closing out the different areas when that time
25 comes.

1 And finally, the docks that we have
2 proposed are seasonal, and, as such, when we close
3 down, we just haul those away.

4 In terms of the Nechalacho site
5 specifically, all exposed tailings will be kept with
6 organic material, and they'll be re-vegetated.

7 There are -- there's been some
8 discussion as to exactly how we're going to do those
9 kinds of things at both our sites, and certainly there
10 are a number of different options that can be used.
11 We will assess those options over the first three (3)
12 years of operation to determine what is the best way
13 to -- to close out each of those sites. And then we
14 can determine whether it would be best done in the
15 summer or in the winter.

16 The facility embankments that contain
17 the tailings are going to be progressively reclaimed
18 during the operations. We will install surface runoff
19 control channels that will protect the surface area
20 and make sure that there's no concerns with any -- any
21 structures. And all infrastructure that's not
22 required will be removed for re-use. So, for example,
23 if the airstrip is requested to be left on site at the
24 end of the mine, we can do so; otherwise, we can
25 rehabilitate it and -- and re-vegetate it.

1 To the extent we can, we're going to
2 reuse the -- the equipment that's on the site and in
3 different operations or -- or resell them. If we
4 can't, we'll recycle them. And only inert materials,
5 such as PVC pipe, for example, might be left in the --
6 put -- put underground in sealed underground. And
7 that would be the only thing that would be left on
8 site. All other things will be removed.

9 With regard to the hydrometallurg --
10 hydrometallurgical facility, as you've already heard,
11 we're putting our tailings in a -- an abandoned open
12 pit. And as a result, we will be able to actually
13 rehabilitate that pit when we walk away. Again, we'll
14 cover those tailings with overburden, and we will
15 rehabilitate.

16 Similarly with -- with the Nechalacho
17 site, we will progressively rehabilitate where we can.
18 We are proposing to do our re-vegetation trials very
19 early in the operation so we'll know how to do this,
20 and as in Nechalacho, all infrastructure that are not
21 required to be left will be removed to approved
22 disposal facilities or for reuse.

23 We have already submitted out
24 conceptual closure plan, but we recognize that we need
25 to get the input of our Aboriginal partners and

1 communities and regulators to further refine that
2 design as we move forward.

3 We will be regularly reviewing that
4 plan during the life of the operation to make sure
5 that it is up to date and meets the potentially
6 changing expectations, potentially changing
7 regulations, all those sorts of things, and to make
8 sure that the financial assurance is adequate and in
9 place for the closure.

10 We will obviously, after closure,
11 monitor the water quality to make sure that it meets
12 the -- the criteria that we're looking for. We want
13 to make sure that the site is stable in perpetuity.
14 We want to make sure that the rege -- re-vegetation is
15 successful and ongoing and will not require further
16 maintenance. And we expect that, with all the work
17 that we're doing during the operations, that we can
18 fulfil all those obligations within a period of three
19 (3) to five (5) years.

20 The picture here is another diamond
21 drill site that we have on site that again
22 demonstrates the success we've had in rehabilitation.

23 In terms of socioeconomics, we -- we
24 have a number of concerns that have been identified,
25 noise and light in particular. The amount of noise

1 will obviously vary with wind direction, temperature,
2 and the source of the -- the noise itself. Certainly,
3 a diamond drill rig on the top of a hill sends much
4 more noise in all directions than our plant will with
5 -- with its equipment contained within buildings and
6 those sorts of things.

7 We have removed our noisiest
8 operations, that being the crushing, and put that
9 underground in an effort to be -- to reduce the noise.
10 And all -- all of our other equipment will be placed
11 within solid and insulated structures that will
12 dramatically reduce the sources of noise from the
13 site.

14 Light is also a concern. And, you
15 know, we -- we note ourselves that even at Nechalacho
16 we can see a little bit of light from -- from
17 Yellowknife on -- on some nights. But certainly light
18 is something that we also want to control. Again, a
19 lot of our activities are going to be underground, and
20 -- and the rest of them will be inside process plant
21 buildings, such that we will minimize the amount of
22 light that escapes to the natural environment.

23 We will design our lights that, where
24 they are needed outside, to be of as low an intensity
25 as possible, while still remaining safe, and direct

1 that light to the ground in an effort to minimize any
2 light escaping from the site.

3 We'll continue to work with Blachford
4 to come up with some win/win solutions, and we are
5 looking forward to those ongoing negotiations.

6 In terms of the benefits, we'll just
7 touch on some of the high-level benefits that -- that
8 are reported in the DAR. But again, local wages and
9 benefits are anticipated to -- to be in the \$380
10 million range; goods and services purchased in the
11 NWT, in the \$1.2 billion range; government revenues as
12 a result of the operation will be three-quarters (3/4)
13 of a billion dollars; and direct employment will be in
14 the neighbourhood of thirty-five hundred (3,500)
15 person years over the life of the project.

16 Avalon is committed to -- to a
17 socioeconomic agreement with the GNWT. We've been
18 talking with them for some time now. But I would
19 point out that Avalon has already done a lot of work,
20 in terms of reporting on our sustainability
21 initiatives. That's everything from health and safety
22 performance to local employment to money spent in the
23 local community. So we're very proud of that effort,
24 and -- and we will work at -- at continuing that.

25 We will be reporting annually to the

1 Global Reporting Initiative standards, as well as have
2 committed to the Mining Associa -- Mining Association
3 of Canada, towards sustainable mining and other
4 socioeconomic indicators that are required under those
5 -- under those systems.

6 MR. DAVID SWISHER: Okay. Well, I
7 appreciate the -- the Board's patience. This is the -
8 - the last few slides I'd like to go through before
9 wrapping up our presentation. It really has to do
10 with our Aboriginal engagement.

11 As I mentioned before, we started
12 Aboriginal engagement back in 2005, on a limited
13 basis, but then prior to the drilling program starting
14 up in 2007, really increased those efforts quite --
15 quite substantially. And so during that period of
16 time, we've had regular engagement of elected leaders,
17 and -- and to make sure that everybody is being kept
18 up to date with -- with the progress of the project.

19 It's important for us to do ongoing
20 engagement as we continue working with our Aboriginal
21 partners. And it's important, as we wrap up our
22 negotiations with many of the groups we're -- we're
23 currently negotiating on -- or with, that we have
24 protocols in place that -- that are in place within
25 our agreements to continue that -- that partnership.

1 This picture here is -- is shown. It's
2 a group of Lutsel K'e group that came out, snowmobiled
3 out to the site on a visit at -- at Nechalacho.

4 So just to -- to recap, we're currently
5 negotiating agreements with the Yellowknives Dene
6 First Nation. With the Yellowknives, we started in
7 November of 2010 in those negotiations. We -- we look
8 forward to participating in those noga -- negotiations
9 and continuing that -- that discussion. And we are
10 committed to having a mutually win/win negotiation and
11 an agreement with the Yellowknives Dene First Nation.

12 We are also in negotiations right now
13 with the Northwest Territories Metis Nation, as well
14 as the North Slave Metis Alliance. And we've been
15 discussing with the Kwe Beh Working Group with the
16 Tlicho, and we'll be discussing with them once we
17 finish up, out of respect for the Yellowknives, once
18 we finish up our negotiations with the Yellowknives.

19 Also, we are in discussions with the
20 K'atl'odeeche First Nation, because there are some
21 business opportunities originating out of the Hay
22 River area that could be beneficial for both parties
23 for the Pine Point project -- or for the Pine Point
24 side of the -- the project.

25 Lutsel K'e Dene First Nation, we're --

1 we're in the ratification process of the accommodation
2 agreement, and we have completed the accommodation
3 agree with the Denin -- Deninu K'ue First Nation. So
4 we're -- we're very proud of that. We're -- we're
5 proud to be able to develop these agreements that --
6 that create a partnership, not just, Here's money, go
7 away, support our project.

8 We welcome that candid feedback. We
9 want that candid feedback. And we want that type of
10 relationship with our Aboriginal communities. And
11 that's -- that's always been our goal and endeavour
12 over the last several years, to make sure we can
13 develop a relationship where everybody feels that they
14 can have candid feedback.

15 We don't want to just provide something
16 to the community for them to just arbitrarily come on
17 board. We want them to be a vocal partner in the
18 project moving forward. And -- and we hope that we
19 are establishing those expectations moving forward.
20 And that is it. Thank you for your time.

21 THE CHAIRPERSON: Thank you, David
22 Swisher, for your presentation on behalf of Avalon.
23 It's quarter after 11:00. We'll stop for fifteen (15)
24 minutes. And then we'll come back into presentations
25 -- I'm sorry, questions to the -- Avalon. So we'll

1 come back in fifteen (15) minutes.

2

3 --- Upon recessing at 11:15 a.m.

4 --- Upon resuming at 11:34 a.m.

5

6 THE CHAIRPERSON: Usually we have lots
7 of food here, but, as you can see, money's pretty
8 tight.

9 Okay, I'm going to go to a list of
10 orders to questions for Avalon, their presentation.
11 And the questions have to be directly -- directed to
12 Avalon on their presentation. So I'll go through a
13 list of orders. And next on the list here, I'm going
14 to go from the top, I guess I'm going to go down, is
15 Aboriginal Affairs and Northern Development Canada.

16 You got any questions for Avalon on
17 their presentation?

18

19 QUESTION PERIOD:

20 MR. NATHEN RICHA: Thank you, Mr.
21 Chair. It's Nathen Richea, with the Water Resources
22 Divisions, Aboriginal Affairs and Northern Development
23 Canada. We have -- we have a few questions for
24 Avalon. And with me up at the table I have Paul
25 Green, also of the Water Resources Division. So we'll

1 just get into some of the questions.

2 The first question I have is in regard
3 to the slide on water quality, water at the Nechalacho
4 mine site. The last bullet on that slide talked about
5 water treatment systems developed that are protective
6 of the environment.

7 And I was just hoping I could get some
8 clarify -- or I can get some clarification from the
9 Company on what are the proposed water treatment
10 systems for the operation?

11 THE CHAIRPERSON: Okay. Thank you.
12 Before I go to Avalon, my staff is going to put up the
13 last slide here. I'm going to go over to Avalon. And
14 again, introduce yourself.

15 MR. DAVID SWISHER: Thank you, Mr.
16 Chair. David Swisher, Avalon. Thank you, Nathen.
17 The -- the slide is in reference to the discussions
18 and the commitments that we made during the technical
19 hearings with regards to the water treatment facility
20 that we incorporated within the floatation plant
21 itself and the test work that we've done through
22 independent laboratories of those treatment systems
23 with our particular tailings water as well as
24 simulated tests that we would do based on the
25 commitment we made that, if necessary, we would also

1 place a treatment facility at the tailings management
2 facility. So that was what that meant.

3 THE CHAIRPERSON: Okay, thank you.
4 I'll go back to AANDC.

5 MR. NATHEN RICHEA: Thank you, Mr.
6 Chair. It's Nathen Richea, with the Water Resources
7 Division. Thank you for the answer. I guess I was
8 just curious.

9 Is there a water treatment system that
10 will be utilized as part of the water processing
11 facility for the mine at the Nechalacho site?

12 THE CHAIRPERSON: Thank you. I'll go
13 back to Avalon.

14 MR. DAVID SWISHER: David Swisher,
15 with Avalon. Yes, as we had confirmed, I think,
16 shortly after the technical sessions and some of the
17 correspondence, that the mine water would be directed
18 into the flotation plant to go through the water
19 treatment systems before being discharged to the
20 tailings management facility.

21 THE CHAIRPERSON: Okay, thank you.
22 I'll go back to AANDC, AANDC.

23 MR. NATHEN RICHEA: Thank you, Mr.
24 Chair. It's Nathen Richea, with the Water Resources
25 Division. In the slides following this slide, there

1 are a number of site-specific water quality objectives
2 that were proposed by Avalon. And I can -- I have a
3 question, I guess, for clar -- to cl -- for
4 clarification, again.

5 The difference between the untreated
6 tailings water, which is the first column, and the
7 treated effluent in mine water, which is the second
8 column, does that account for that sort of treatment
9 system of the flotation plant or process plant water,
10 and -- and how does the concentration change, I guess,
11 between the two (2) con -- the two (2) columns?

12 THE CHAIRPERSON: Thank you. I'm
13 going to Avalon.

14 MR. MARK WISEMAN: Mark Wiseman,
15 Avalon. The -- I guess the -- yes is the answer, but
16 the untreated water is water from pilot plant work,
17 and the treated water is the result of -- the
18 resultant water quality after using the treatment
19 system.

20 THE CHAIRPERSON: Thank you. I'll go
21 to AANDC.

22 MR. NATHEN RICHEA: Thank you, Mr.
23 Chair. It's Nathen Richea, with the Water Resources
24 Division. So the untreated tailings water column
25 represents the simulated process water.

1 Would that be representative of the
2 water that would be coming to the process plant from
3 the tailings management facility?

4 THE CHAIRPERSON: Thank you. I'll go
5 to Avalon.

6 MR. MARK WISEMAN: Mark Wiseman. Yes.

7 THE CHAIRPERSON: Did you want to
8 expand on that question?

9 MR. DAVID SWISHER: David Swisher,
10 with Avalon. Actually, the -- the water will not be
11 coming back from the tailings management facility.
12 The -- there will be -- instead of running
13 infrastructure out there and then bringing water back,
14 that was the reason for putting that within the
15 flotation plant so that actually the recycle occurs
16 within the flotation plant to minimize the -- the
17 transfer of those materials out to the site and then
18 having to transfer back. Thank you. David Swisher,
19 Avalon.

20 THE CHAIRPERSON: Okay. Thank you,
21 David. We'll go to AANDC.

22 MR. NATHEN RICHEA: Thank you. It's
23 Nathen Richea, with the Water Resources Division. Mr.
24 Chair, I was just trying to understand if -- if the
25 water -- thank you for the clarification, first off.

1 But I was just trying to understand, if
2 the water is being recycled inside the process plant
3 and the concentration is expected to be at the
4 concentration in that first column, that would be
5 representative of the water that does flow with the
6 tailings to the tailings management facility.

7 And I guess where I'm going with the
8 question is: What would be the quality of the water
9 and tailings management facility before it was
10 discharged to Drizzle Lake, which is the immediate
11 receiving environment?

12 THE CHAIRPERSON: Okay, thank you.
13 I'm going to go over to Avalon.

14 MR. DAVID SWISHER: David Swisher,
15 with Avalon. Just -- just for clarification, the --
16 the treated effluent mine water column that is shown
17 there, that is the expectation of what is discharged
18 from the flotation plant that reports to the tailings
19 management facility.

20 THE CHAIRPERSON: Okay, thank you.
21 I'm going to go over to AANDC.

22 MR. NATHEN RICHEA: Thank you, Mr.
23 Chair. It's Nathen Richea. Bear with me. I still
24 have a follow-up question on that.

25 If the water that's expected to recycle

1 within the process plant is the first column, I don't
2 understand how the water that goes with the tailings
3 literally to the tailings management facility is
4 better than that water that's recycled within the
5 plant itself.

6 Could they just explain?

7 THE CHAIRPERSON: Sure. Thank you.
8 We'll go over to Avalon. Maybe you could expand on --
9 on your questions -- sorry, your answer to the
10 question.

11 MR. DAVID MARSH: It's David Marsh.
12 I'm from Avalon. What we do within the plant, we --
13 we take the -- the underground water and the various
14 in-circuit waters and we clean them up through -- as -
15 - as described there. And we actually do a -- quite a
16 significant de-watering of the slurry. We take that
17 water and clean it up, and then we -- we dilute the
18 pulp to the density that we pump it out at. So,
19 therefore, we actually dilute the tailings that go to
20 the dam with this pure -- with this clean water.

21 THE CHAIRPERSON: Thank you. I'm
22 going to go back to AANDC.

23 MR. NATHEN RICHEA: Thank you, Mr.
24 Chair. It's Nathen Richea, with the Water Resources
25 Division. So the pre-treatment happens post-

1 processing of the -- of the ore or -- I'm just trying
2 to understand the sequencing, I guess, of the
3 treatment, whether it happens before the processing.
4 Because if it happens before the processing, then the
5 water would be expected to meet that first column in
6 the table; but if it happens following processing,
7 then there would be some improvement to that water
8 that goes to tailings management facility.

9 I guess the premise of my questions is
10 the record's currently unclear on when that processing
11 and treatment sequencing -- how that occurs.

12 THE CHAIRPERSON: Okay. Thank you,
13 Nathen. I'm going to go over to Avalon to the -- to
14 the question.

15 MR. DAVID MARSH: Dave Marsh. The --
16 immediately prior to pumping the tailings to the
17 tailings dam, it passes through a -- a thickening
18 stage, a dewatering stage. That water that's removed
19 at that point is cleaned up. In -- in addition, the
20 water coming from underground is cleaned up, and then
21 the thickened slurry is re-diluted with this clean
22 water.

23 So it's right at the end of the
24 processing. We have a dewatering stage. We treat
25 that water and basically put some of it back into the

1 tailings to pump to the dam. The rest of the cleaned-
2 up water is recycled within the plant.

3 THE CHAIRPERSON: Okay. Thank you.
4 I'll go back to AANDC.

5 MR. NATHEN RICHEA: Thank you, Mr.
6 Chair. I'll move on to my next question. It's
7 regarding the site-specific water quality objectives.

8 And -- and during the presentation
9 earlier today, we have had consultations with Avalon
10 regarding development of site-specific water quality
11 objectives. In those consultations, we have raised a
12 concern about potential objectives for nutrients such
13 as nitrate, nitrite, ammonia, things of that nature,
14 but also major ions which is chloride, sulphate,
15 things of that nature.

16 We haven't been provided post-
17 objectives for those parameters, and I was just
18 wondering if -- if Avalon could clarify that they will
19 promote -- that they will develop and have site-
20 specific water quality objectives for those
21 constituents.

22 THE CHAIRPERSON: Okay. Thank you.
23 To Avalon to the question.

24 MR. DAVID SWISHER: David Swisher,
25 with Avalon. The -- answer to that is "yes". We just

1 didn't provide it in the presentation, but when we
2 provided those, the intent was to continue with those
3 objectives as well.

4 THE CHAIRPERSON: Okay. So are you
5 going to provide that information? Is that the way I
6 understand it?

7 MR. DAVID SWISHER: David Swisher,
8 with Avalon. That information's been provided to the
9 Board already, and -- and it was just not included in
10 our presentation for today.

11 THE CHAIRPERSON: Okay. Thank you.
12 I'll go back to AANDC.

13 MR. NATHEN RICHA: Thank you, Mr.
14 Chair. Just a follow-up on that. So the site-
15 specific water quality objectives for nutrients in
16 major ions will be held in the same context such that
17 if you cannot meet the proposed objectives at the
18 outlet of Drizzle Lake, you will implement water
19 treatment in order to meet those objectives as
20 proposed?

21 THE CHAIRPERSON: Thank you. I'll go
22 back to Avalon.

23 MR. DAVID SWISHER: David Swisher,
24 with Avalon. Yes.

25 THE CHAIRPERSON: Okay. Thank you.

1 I'll go back to AANDC.

2 MR. NATHEN RICHEA: Thank you, Mr.
3 Chair. It's Nathen Richea, with the Water Resources
4 Division. I'll move on to my next question. It's in
5 regards to the Pine Point hydrometallurgical site.

6 In that slide -- I don't know what
7 number it was; it's a couple more past the objectives
8 -- Avalon has indicated that they will install
9 groundwater monitoring wells and reassess the model
10 predictions based on observed groundwater quality. At
11 that time, if required, they would apply an adaptive
12 management response and include measures to ensure
13 that the downstream was protected.

14 My question for Avalon is: What
15 adaptive management options exist if the groundwater
16 quality is poorer than their model predictions?

17 THE CHAIRPERSON: Thank you. I'm
18 going to go over to Avalon.

19 MR. MARK WISEMAN: There are a range
20 of options, but among them are groundwater intercept
21 wells and pump them to a -- a treatment system such as
22 we have planned for the Nechalacho site.

23 THE CHAIRPERSON: Okay. Thank you.
24 I'll go to AANDC.

25 MR. NATHEN RICHEA: Thank you, Mr.

1 Chair. It's Nathen Richea, with the Water Resources
2 Division. Just a quick follow-up on that.

3 If the water required to be pumped from
4 the aquifer for treatment, how would that treatment
5 system be developed, and at what point would they
6 discharge? Would they be discharging to the surface
7 at that point, or would they be discharging to that
8 groundwater aquifer?

9 THE CHAIRPERSON: Thank you. I'm
10 going to go over to Avalon.

11 MR. DAVID SWISHER: David Swisher,
12 with Avalon. Maybe I can just clarify. As -- as my
13 colleague mentioned, there -- there are various
14 methods of what could be done to the adaptive
15 management if that were to occur. That was one (1)
16 example. That, by no means, would be the -- the first
17 preference. We would work with -- with the local
18 agencies to make sure that whichever method we utilize
19 is the least intrusive to the environment.

20 I think when it comes to treatment, we
21 would look at treatment opt -- options first, which
22 would not then require any type of re-pumping, if you
23 will, or drilling new wells, that sort of thing.
24 There are a number of options, as my colleague
25 indicated. We would look at those options with

1 regards to the least -- least intrusive approach, but
2 to make sure that it is adaptive in the unlikely event
3 that were to occur. Thank you.

4 THE CHAIRPERSON: Thank you. I'm
5 going over to AANDC.

6 MR. NATHEN RICHA: Thank you, Mr.
7 Chair. It's Nathen Richea, with the Water Resources
8 Division. I just had a follow-up question on that.

9 Water treatment was one (1) option that
10 could be used if the water quality was worse than
11 prediction. I'm just not sure what other options may
12 exist for that development, or for that discharge
13 strategy.

14 Could Avalon clarify if they are aware
15 of any other option, or if -- if they are aware of any
16 other sort of disposal option for the tailings at the
17 hydromet site?

18 THE CHAIRPERSON: Thank you. I'm
19 going over to Avalon to the question.

20 MR. MARK WISEMAN: Mark Wiseman,
21 Avalon. There are, again, quite a huge number. And
22 I'm not a groundwater expert, but I have done things
23 like you can co-inject other chemicals to treat in
24 situ. You can use biological treatment methods,
25 depending on the -- on the contaminant of concern. So

1 if it was a nutrient, you could put bacteria into the
2 groundwater to remove that.

3 So the range of -- of treatment options
4 is actually very large, and would depend entirely on
5 which parameter was of concern.

6 MR. RICK HOOS: Yes, just one (1)
7 general comment related to whether there's ever a need
8 to be worried.

9

10 (BRIEF PAUSE)

11

12 MR. RICK HOOS: My name is Rick Hoos.
13 And that has to do with the -- the existing quality of
14 the groundwater at Pine Point, which is not very
15 potable water. And what we have determined in the DAR
16 is that virtually all the parameters in the water that
17 might seep into the ground is already cleaner than the
18 background quality of the water within the aquifer
19 itself. And that goes for essentially all the metals,
20 for instance, and most of the other parameters as
21 well.

22 The only two (2) parameters that
23 exceeded the natural background conditions in the
24 groundwater were magnesium and sulfate. And it's for
25 that reason that those two (2) parameters were -- were

1 modelled.

2 But what -- the point I'm making is
3 that it seems highly unlikely that there will ever be
4 a need to resort to a -- a further mitigation measure
5 related to the release of waters from this site into
6 the groundwater, for the simple reason that the
7 groundwater itself is such -- of such poor quality
8 naturally. And virtually all the waters going in are
9 cleaner than what's there now.

10 THE CHAIRPERSON: Thank you. Go over
11 to AANDC.

12 MR. NATHEN RICHEA: Thank you, Mr.
13 Chair. In the interest of time, I'll probably just
14 move on to another line of questioning. It's almost
15 lunch here.

16 My next question actually is in regard
17 to project monitoring in the receiving environment.
18 Avalon has committed to conduct project monitoring
19 during operations to ensure that adaptive -- or,
20 sorry, adverse effects do not occur as a result of
21 their operation. In many instances, Avalon has made
22 reference to metal mining effluent regulations and
23 their associated environmental effects monitoring
24 programs.

25 Can Avalon clarify that it will develop

1 its monitoring program in accordance with Aboriginal
2 Affairs and Northern Development Canada's AEMP
3 guidelines?

4 THE CHAIRPERSON: Thank you. I'm
5 going to go over to Avalon to the question.

6 MR. DAVID SWISHER: David Swisher,
7 Avalon. Yes.

8 THE CHAIRPERSON: Okay, thank you.
9 Back to AANDC.

10 MR. NATHEN RICHEA: Thank you, Mr.
11 Chair. And -- and thank you to Avalon for -- for
12 agreeing to follow our guidelines, because they
13 actually work to harmonize the requirements under
14 metal mining effluent regulations, but also work to
15 include traditional knowledge in the monitoring
16 program, which is something that's missing in the EEM
17 type programs. So thank you for making that
18 commitment.

19 I'll move on to my next line of
20 questioning, and it's regarding the dust that may be
21 created in the underground. I'm just wondering if
22 Avalon can clarify what sort of mitigation strategies
23 they'll be implementing if dust starts to become an
24 issue in the underground. The sources of dust in the
25 underground would include drilling for their blast

1 holes, blasting, and, of course, the crushing that was
2 demonstrated in the presentation earlier this morning.

3 So, again, the question is: What sort
4 of dust mitigation strategies will be implemented in
5 the underground during operations?

6 THE CHAIRPERSON: Okay, thank you.
7 We'll go over to Avalon.

8 MR. DAVID SWISHER: David Swisher,
9 with Avalon. Boy, where to begin. At -- that answer
10 to that question is pretty simple, yet it -- it is
11 sparked by years and years of -- of what our
12 regulations are developed to avoid today.

13 But at the end of the day, the short
14 answer is the dust mitigations start at the face with
15 drilling. Drilling is never done in underground
16 environments, at least that are regulated through
17 Canadian mine safety regulatory bodies or in the US,
18 whether it's mine safety health administration. They
19 just do not drill dry anymore. That is no longer an
20 acceptable way, nor is it a legal way to -- to do your
21 drilling in an underground environment and an enclosed
22 environment. It is all done by wet drilling.

23 So all drilling that's done is done
24 wet. Once drilling's done and the -- as we saw in the
25 video, the face is blasted, then the miners go back in

1 after ventilating the area, and you wet down the
2 stockpile, and you wet it down to prevent dust.

3 From there you're taking the wetted
4 stockpile into the crushing station. And, of course,
5 through the natural progression in the crushing
6 station you are going to end up drying that material
7 through crushing. That material, as it does dry, it's
8 -- it's enclosed within the crushing station with --
9 enclosed within the parameters of the crushing
10 function.

11 And then when it is discharged, it is
12 discharged from the fine ore bin, if you'll remember
13 from the video, onto the conveyer belt. And at that
14 point, if there is any residual dust remaining, then
15 we a misting system underground because our sump,
16 which is located -- which was designed to be located
17 within that proximity of that area, we can utilize the
18 settle -- settled freshwater within the sump to use in
19 our misting system to mist that water to make sure
20 there is no dust escaping from there.

21 Once it's on the conveyer it goes -- it
22 goes 1,600 metres up the incline directly into the
23 flotation plant. Within the flotation plant, that's a
24 wet circuit, and that stays as a wet circuit
25 throughout the functions of the flotation plant.

1 So it's -- it's actually a very
2 simplistic process of containing dust that you would
3 normally not see. In a lot of operations where
4 there's bulk handling you see them hauling material to
5 the surface from an underground and stockpiling it.
6 From that stage, they do crushing on the surface,
7 which then stockpiles to the surface. And during the
8 dry seasons you do get dust escape.

9 That's why we've chosen to -- one (1)
10 other reason why we've chosen to have the crushing
11 station underground, because it's very easily
12 controlled in the underground environment.

13 THE CHAIRPERSON: I'll go back AANDC.
14 It's just about noon, and I think maybe what we could
15 do is we'll take one (1) more question and then we'll
16 stop. Then we'll come back at 1:00, and we'll
17 continue on with AANDC, with your questions, as well.
18 So there's -- I want to make sure that we give
19 everybody the right time to put forward to Avalon on
20 their presentation. So we'll go back to AANDC.

21 MR. NATHEN RICHEA: Thank you, Mr.
22 Chair. It's Nathen Richea, with the Water Resources
23 Division. I just had one (1) comment on -- on the
24 response and I only have two (2) other questions. So
25 I'll go ahead.

1 Yeah, thank you for your answer. I
2 guess the concern with the underground and the dust
3 mitigation strategies is the use of water potentially
4 for wetting down the stockpiles after the blasting
5 occurs. The blasting residues, typically ammonia and
6 nitrate, things of those nature, can basically wash
7 off the rocks and -- and report to the tailings
8 management facility, or the processing plant up on the
9 surface.

10 And I guess that's where my concerns
11 were coming from for the site-specific water quality
12 objectives and the part where we're looking for
13 nutrient-type water quality objectives, because they
14 have been an issue at other operations in the
15 Northwest Territories.

16 But I will move on to the next question
17 I have. And I acknowledge that Avalon is committed to
18 the objectives that they provided to us for those
19 parameters.

20 In their presentation, Avalon has
21 indicated that they will not use any landfills at the
22 sites, either in Nechalacho mine site or the Pine
23 Point metallurgical site. Avalon has stated that they
24 will dispose of industrial waste at off-site
25 locations. I'm just trying to understand where and

1 how Avalon will dispose of industrial wastes during
2 the course of the operations, and if Avalon could
3 speak to that aspect.

4 THE CHAIRPERSON: Thank you. We'll go
5 over to Avalon.

6 MR. DAVID SWISHER: David Swisher,
7 with Avalon. Yeah, at each of the sites, we're going
8 to have designated bins for each of the rat -- the
9 waste that we'll be disposing of. And, of course,
10 before we dispose of any of the industrial wastes in
11 the smaller quantities that we anticipate to have,
12 that, of course, would be worked out with any of the
13 local landfills to make sure that it's acceptable and
14 it's within permitted requirements.

15 I'm not certain what else you may be
16 looking for there, Nathen, but that's where we're at.
17 Thanks.

18 THE CHAIRPERSON: Thank you. And
19 we'll go over to AANDC.

20 MR. NATHEN RICHEA: Thank you, Mr.
21 Chair. Just a quick follow-up on that. Yeah, I guess
22 a concern that we have is that many of the landfills
23 in the Northwest Territories have reduced capacity to
24 handle industrial-type wastes. And I -- my follow-up
25 question, actually, for Avalon was, are they proposing

1 to dis -- dispose of any of their wastes at municipal
2 landfills within the territory? It sounds like they
3 may be looking at doing that. I just wanted to
4 clarify with the proponent.

5 THE CHAIRPERSON: Okay. Thank you.
6 We'll go over to Avalon.

7 MR. DAVID SWISHER: David Swisher,
8 with Avalon. Yes, that is correct.

9 THE CHAIRPERSON: Can you expand on
10 that a little further for me, please? Thank you.

11 MR. DAVID SWISHER: David Swisher,
12 with Avalon. Yes, we -- we, for the project, intend
13 to dispose of -- of wastes where we can within the
14 NWT. Of course, understanding potentially some of the
15 -- the limitations that may occur, may or may not,
16 either now or in the future, obviously Avalon would be
17 more than willing to work with the applicable
18 regulatory bodies to make sure that we aren't imposing
19 anything additional to the NWT that it's not capable
20 of handling, and working with them on -- on
21 alternatives, should that be necessary. Thank you.

22 THE CHAIRPERSON: Thank you for the
23 clarification. We'll go back to AANDC.

24 MR. NATHEN RICHEA: Thank you, Mr.
25 Chair. It's Nathen Richea with the Water Resources

1 Division. Just a quick follow-up: Would that also
2 include hydrocarbon contaminated soils, or are you
3 planning to manage that onsite at the loc -- at both
4 locations?

5 THE CHAIRPERSON: Thank you. We'll go
6 back to Avalon.

7

8 (BRIEF PAUSE)

9

10 MR. DAVID SWISHER: It's David
11 Swisher, with Avalon. Sorry for the delay. I was
12 just getting a few things here.

13 I think from -- from that standpoint,
14 obviously we're going to end up -- through our spills
15 plan, we have a plan that follows protocols with
16 regards to how we dispose of that material, and -- and
17 we would follow those spills protocols that are in our
18 spills -- hazardous spills contingency plan. However,
19 that, of course, is a -- what I would call a flexible
20 or working document. We're more than willing to work
21 with AANDC, or any regulatory group, or any of our
22 Aboriginal groups with regards to what makes the most
23 sense for that area with regards to that plant. Thank
24 you.

25 THE CHAIRPERSON: Thank you. We'll go

1 back to AANDC, please.

2 MR. NATHEN RICHEA: Thank you, Mr.

3 Chair. It's Nathen Richea with the Water Resources

4 Division. Yeah, I guess I was just trying to

5 understand. There's a very -- variety of waste

6 streams that happen from industrial-type operations

7 and I'm just trying to understand where those disposal

8 locations may be. And if they're onsite, what sort of

9 areas may be used for treatment pads for bio -- like,

10 biohazards, or hydrocarbon contaminated soils, or for

11 some of their storage of waste that needs to be dis --

12 disposed offsite, laydown sites, laydown areas, things

13 of that nature.

14 I can let Avalon respond, or I can move

15 on to the next question.

16 MR. MARK WISEMAN: No, Mark -- Mark

17 Wiseman, here. We do have a waste management plan we

18 can provide you a copy of that details those sorts of

19 things.

20 THE CHAIRPERSON: So that's available?

21 MR. MARK WISEMAN: Yes, it is.

22 THE CHAIRPERSON: Okay. Nathen, how

23 many more questions do you have?

24 MR. NATHEN RICHEA: Thank you, Mr.

25 Chair. I only have one (1) last question. My last

1 question is in regard to the closure slide at -- I
2 don't know what slide number it is, but in the slide
3 they talk about:

4 "Avalon will monitor the sites until
5 water quality meets pre-development
6 baseline conditions."

7 Also in -- in the slide, or during the
8 discussions of closure monitoring, Avalon has
9 indicated that they expect that post-closure
10 monitoring would be completed within a period of three
11 (3) to five (5) years. I guess my question is with
12 Avalon's statements.

13 Are they committing to meeting pre-
14 development baseline conditions as their objectives
15 for post-closure?

16 THE CHAIRPERSON: Thank you. I'm
17 going to go over to Avalon.

18 MR. DAVID SWISHER: Yeah, it's David
19 Swisher with Avalon. A coup -- couple statement --
20 there. Yes, that's -- that, of course, is our
21 objective. And -- and, as mentioned in our statement,
22 is -- it is anticipated that we would currently
23 monitor over that three (3) to five (5) years. But,
24 again, all of that prior to closure is -- will be
25 worked with and -- and ironed out with our Aboriginal

1 partners and with the -- the regulatory bodies at the
2 time. Thank you.

3 THE CHAIRPERSON: Thank you. And I'm
4 going to go back to AANDC.

5 MR. NATHEN RICHEA: Thank you, Mr.
6 Chair. Just one (1) follow-up. So the commitment is
7 to monitor until conditions are as close as possible
8 to baseline type conditions?

9 THE CHAIRPERSON: To the question,
10 Avalon?

11 MR. MARK WISEMAN: Mark Wiseman.
12 Yeah, that's the intent. And it's not just water
13 quality, it's, you know, biological monitoring
14 components and those sorts of things as well.

15 THE CHAIRPERSON: Okay. Thank you.
16 And we'll go back to AANDC.

17 MR. NATHEN RICHEA: Thank you, Mr.
18 Chair. It's Nathen Richea with the Water Resources
19 Division. We have no further questions.

20 THE CHAIRPERSON: Okay. Thank you.
21 We'll stop there. We'll come back at ten (10) after
22 1:00, and we'll continue on with the questions for --
23 to Avalon on the presentation. Thank you.

24

25 --- Upon recessing at 12:05 p.m.

1 --- Upon resuming at 1:19 p.m.

2

3 THE CHAIRPERSON: Okay. We can start.

4 Before I start, I just want to point out that this

5 morning, when we started to put questions to the

6 Developer on their presentation, I just want to make

7 sure that everybody understands that the presentation

8 -- the way our format is set up is that the parties

9 have an opportunity to present and everybody has an

10 opportunity to -- to question the presenter.

11 And so I want to continue on with that

12 role. And I know that, from my experience and from our

13 other hearings we had, we always seem to talk about

14 rights and -- and those kind of things. I just want

15 to point that out, that this is not the forum we want

16 to do it. This forum is basically the public hearings

17 for sessions for -- for a file that's in front of the

18 Board, and we have to follow our process. So I want

19 to just -- I'd like to just remind our audience that -

20 - that I want to keep that order.

21 So next on the list I have now is,

22 after Aboriginal Affairs, the Government of Canada,

23 AANDC, to the presentation made this morning by

24 Avalon, next on the list I have is Akaitcho Treaty 8

25 Tribal Corporation. Is there any questions to the

1 Developer on their presentation made here this
2 morning?

3

4 (BRIEF PAUSE)

5

6 MS. STEPHANIE POOLE: Thank you. It's
7 Stephanie Poole, for Akaitcho IMA. I have a few
8 questions for the Developer and to their presentation
9 from this morning. I have one (1) question for the
10 Review Board, if I may, regarding the Crown's duty to
11 consult and the Mackenzie Valley Environmental Impact
12 Review Board and their processes.

13 I'm wondering if this public hearing is
14 being broadcast live on the internet or over the radio
15 for the members of the public?

16 THE CHAIRPERSON: Yes, Ms. Stephanie
17 Poole, the -- the Review Board has a website that does
18 live streaming, and anybody that goes into the Review
19 Board website can open up the live streaming.

20 MS. STEPHANIE POOLE: Thank you. I
21 was just curious, because I didn't hear that in the
22 opening remarks this morning.

23 Okay, for the Developer and their
24 presentation, in your presentation you make reference
25 to uranium and thorium. And you refer to -- I'm not

1 exactly sure what the slide said, but you make
2 reference to uranium and thorium being referred to as
3 'NORM', an acronym that I believe means naturally
4 occurring radioactive materials.

5 But it is my understanding that the
6 uranium and thorium on site would be more accurately
7 described as 'TENORM', technologically affected (sic),
8 naturally occurring radio -- radiation on site. So
9 that was a question that I had.

10 THE CHAIRPERSON: Okay. Thank you,
11 Stephanie. I'll go to the Developer to the question.

12 MR. DAVID SWISHER: It's David
13 Swisher, with Avalon. Due to the -- the low
14 concentrations of the uranium and thorium at the site,
15 it's -- it's been considered as -- as NORM. So I'm
16 not as familiar with that term. Thank you.

17 THE CHAIRPERSON: Thank you. Akaitcho
18 Treaty 8 Tribal Court...?

19 MS. STEPHANIE POOLE: So I'm not sure
20 how or which government department would be in charge
21 of that. Perhaps Natural Resources Canada, who I
22 don't believe is here. But I think that an accurate
23 description of that needs to be confirmed, moving
24 forward.

25 THE CHAIRPERSON: Thank you,

1 Stephanie. I believe they were -- I don't see them on
2 the list here. Maybe we could put that question to
3 Indian Northern Affairs. But we had -- we could ask
4 that question when they come to their presentation,
5 Stephanie, and if you could just hang on to that and
6 make a note of it. And as I go down the list, we'll
7 do that. Thank you. Continue on your questions.

8 MS. STEPHANIE POOLE: Thank you. It
9 is my understanding that CCME guidelines do not exist
10 for rare earth elements and metals.

11 Is that correct?

12 THE CHAIRPERSON: Thank you.
13 Avalon...?

14 MR. DAVID SWISHER: It's David
15 Swisher, with Avalon. That is correct. If I can also
16 just take a step back. We do have our -- we can
17 easily get SENES Consultants on the conference line to
18 answer that question for the group or for the Board,
19 if -- if they would wish.

20 THE CHAIRPERSON: Okay. Thank you.
21 Ms. Poole, I'll put that back to you. I think it's a
22 good question.

23 My question will be to my staff. Would
24 -- how difficult would that be, to be able to set up a
25 conference call if we needed to do that?

1 (BRIEF PAUSE)

2

3 MR. JOHN DONIHEE: Mr. Chairman, it's
4 John Donihee, Board counsel. Perhaps we should --

5 MR. DOUG CHAMBERS: Should -- should
6 the Board wish a response, I could provide a response
7 at your desire.

8 THE CHAIRPERSON: Oh, gee, we -- yeah,
9 we paid really good this morning. Okay, well, he's on
10 the line. And, sorry, I didn't know that he was on the
11 line, so my apologies. And maybe we'll go back to Ms.
12 Poole's questions. Maybe we could maybe have him
13 answer that question.

14 MR. DOUG CHAMBERS: ...permission.
15 It's Doug Chambers. And I apologize. My bronchitis
16 is acting up. So if I'm not understood, please ask
17 for clarification. The -- the term 'NORM', naturally
18 occurring radioactive materials, is widely used in the
19 United States and is pretty well restricted to the
20 United States and the EPA documents.

21 When NORM is mined or -- or processed,
22 it's referred to as technologically enhanced NORM.
23 And -- and so really the distinction is -- is one (1)
24 jurisdiction to another. It's the same material.

25 THE CHAIRPERSON: Thank you. I'm

1 going to go back to Akaitcho Treaty 8 Tribal Corp.,
2 Stephanie Poole.

3 MS. STEPHANIE POOLE: Thank you. I
4 think it is important to accurately describe the
5 naturally occurring radioactive materials on site.
6 And if they are technologically, you know, affected,
7 then -- then they should be properly described as
8 that, or techno -- technologically are enhanced.

9 And, you know, if no CCME guidelines
10 exist for these elements, then I think it would be
11 appropriate to look internationally for guidance,
12 because there are other rare earth metal mines in
13 existence internationally. And I'll move on.

14 My next question is about the barges.
15 During the presentation, the Developer stated that
16 they would be salvaging anything that was dropped off
17 into the Great Slave Lake. However, I seem to
18 remember that in the DAR, the Developer said they
19 would only commit to salvaging things that were 300
20 metres or less.

21 Can I get some clarification on that,
22 please?

23 THE CHAIRPERSON: Thank you. I'm
24 going to go over to Avalon for clarification on the
25 DAR.

1 MR. RICK HOOS: Rick Hoos, with
2 Avalon. When we did the evaluation of what might
3 happen to containers if they were to fall through the
4 water column, we, of course, considered water depths
5 and -- as well. And if you look at the bathymetry of
6 Great Slave Lake, there is a few kilometres right
7 adjacent to the Nechalacho site where the water is
8 indeed 300 -- a little over 300 metres deep.
9 Thereafter, for the rest of the shipping corridor, the
10 average water depth is between a hundred and about a
11 160 metres of water depth.

12 Irrespective though of water depth, I
13 contacted some colleagues of mine who specialize in
14 recovering anything from deeper waters in Canada,
15 North America, and elsewhere, CanDive. And they
16 assured me that the kind of water depths in Great
17 Slave Lake that might be subject to a spill of
18 something like a container were all well within the
19 range of pretty standard barge and crane technology,
20 such as what was shown in the slide that we showed
21 earlier. That particular locomotive had come from
22 water depths of about 350 metres. And the locomotive
23 is considerably heavier than a container that might
24 fall into the water.

25 That all having been said, it's

1 unbelievably unlikely that a barge properly loaded
2 with these containers would ever be subject to, let's
3 say, capsizing or, more -- more potentially, tipping
4 over to the point where one (1) or more of these sorts
5 of containers could actually slide off it. It's just
6 a very, very unlikely event that could ever happen.
7 It's never happened yet, and it's very unlikely to
8 happen in the future in Great Slave Lake.

9 MR. DAVID SWISHER: David Swisher,
10 with Avalon. However, to Stephanie's question, she is
11 correct. We are committed and -- to -- to doing that
12 recovery if necessary, after identifying that there --
13 there are no negative effects due to the inert nature
14 of that concentrate and that it's not soluble.

15 And, I think, to answer Stephanie's
16 question in a long, long roundabout way, yes, we're
17 not just limiting it to -- to 300 metres.

18 THE CHAIRPERSON: Okay, thank you.
19 Akaitcho Treaty 8 Tribal Corporation...?

20 MS. STEPHANIE POOLE: Thank you.
21 Stephanie Poole, Akaitcho IMA. So you're saying that
22 you're committed to salvage anything that drops into
23 the Great Slave Lake during barging. Would there ever
24 be -- because in Akaitcho territory, we have
25 experience with things being dropped into the Great

1 Slave Lake.

2 Would there ever be a situation where
3 you would not salvage something from the lake where
4 you would make the argument that it would be more
5 environmentally friendly to leave it in the lake?

6 THE CHAIRPERSON: Thank you. We'll go
7 to Avalon.

8 MR. DAVID SWISHER: It's David
9 Swisher, with Avalon. That's a really good question,
10 Stephanie.

11 Off the top of my mind -- and -- and
12 certainly, if my colleagues have anything to add to
13 this -- I would say that we would not recover anything
14 if it posed a threat or a hazard to any persons trying
15 to attempt to recover. For instance, if it occurred
16 and in the attempt to recover bad weather came up and
17 it was -- and they were unable to do so, then I --
18 that's the only time I can imagine we would -- we
19 would not put people in harm's way if it meant
20 recovering that. But it doesn't mean we wouldn't try
21 to recover that in the following season. Thank you.

22 THE CHAIRPERSON: Thank you. Akaitcho
23 Treaty 8 Tribal Corp...?

24 MS. STEPHANIE POOLE: Thank you.
25 Stephanie Poole, Akaitcho IMA.

1 In making a decision whether or not to
2 salvage something from the Great Slave Lake, taking
3 into consideration all of these different kinds of
4 possibilities or situations, who would ultimately make
5 the decision on whether or not to salvage something
6 from the Great Slave Lake?

7 THE CHAIRPERSON: Thank you. Go to
8 Avalon.

9 MR. DAVID SWISHER: David Swisher,
10 with -- with Avalon. I would have to say that, first
11 and foremost, if something were to occur where we lost
12 a container into the lake, as we've been negotiating
13 with our Aboriginal partners, our Aboriginal partners
14 would be the first ones that we would -- we would have
15 discussions with and -- and consultation with regards
16 to the incident and -- and how we would approach that.

17 I think it -- certainly, Avalon would
18 have its -- its ideas with regards to next steps. But
19 we would first want to, as we've committed to in our
20 agreements, work with our Aboriginal partners first
21 and then the government agencies.

22 THE CHAIRPERSON: Okay. Thank you.
23 We'll go back to Akaitcho Treaty 8 Tribal Corp.

24 MS. STEPHANIE POOLE: Thank you.
25 Stephanie Poole, Akaitcho IMA office. I'll just move

1 on to my next question if that's all right.

2 I do have a question about whether any
3 consideration has been given to invasive species
4 coming onto site at Pine Point or Thor Lake through
5 these barges and containers?

6 THE CHAIRPERSON: Thank you. We'll go
7 to Avalon.

8 MR. DAVID SWISHER: It's David
9 Swisher, with Avalon. We've had multiple discussions
10 with multiple barge carriers in -- in the contracting
11 of -- of such. And with regards to invasive species,
12 we're -- we're unaware of invasive species that are
13 already located within the area. Say, with -- with a
14 local barging company, it would be hard for them to
15 bring invasive species into the area if they're not
16 bringing in external components from outside of the
17 area. But it's certainly something we can -- we can
18 discuss in further detail and -- and take back to our
19 -- the negotiations we're currently in with the barge
20 companies that we're in discussions with.

21 THE CHAIRPERSON: Thank you. Akaitcho
22 Treaty 8 Tribal Corp...?

23 MS. STEPHANIE POOLE: Stephanie Poole,
24 Akaitcho IMA. Are you saying that the barge
25 contractor will supply the containers?

1 THE CHAIRPERSON: Thank you.

2 Avalon...?

3 MR. DAVID SWISHER: It's David

4 Swisher, with Avalon. Okay, now I understand. No.

5 We'll be purchasing those containers new and having
6 them transported here.

7 THE CHAIRPERSON: Okay. Thank you.

8 We'll go back to Akaitcho Treaty 8 Tribal Corp.

9 MS. STEPHANIE POOLE: Stephanie Poole,
10 Akaitcho IMA.

11 Further to that question, are you --
12 are you telling me that every time a container comes
13 onto site at Thor Lake, it will be a new container?

14 I'm assuming they'll be purchased not
15 in the North. Like, when you ship them, if you are
16 able to, down to Louisiana, and then will they be
17 coming back to Thor Lake to be reused?

18 THE CHAIRPERSON: Thank you. We'll go
19 to Avalon.

20 MR. DAVID SWISHER: David Swisher,
21 with Avalon. So we have a set of the containers for
22 the concentrates that are transported between
23 Nechalacho during the summertime to Pine Point. Those
24 containers stay, and the NWT wants purchased new in
25 the NWT.

1 THE CHAIRPERSON: Okay. Thank you.

2 Akaitcho Treaty 8 Tribal Corp...?

3 MS. STEPHANIE POOLE: Thank you.

4 Stephanie Poole, Akaitcho IMA. I'll move on to my
5 next question.

6 In your presentation, you mentioned
7 that you would be using low-sulphur diesel on site to
8 try to reduce emissions. It's -- I have a question
9 about diesel. It's my understanding that, in the
10 North, you have to use arctic diesel in order to make
11 machines operate in the extreme cold.

12 How are you able to not use arctic
13 diesel and use low-sulphur diesel?

14 THE CHAIRPERSON: Okay. Thank you.
15 I'm going to go over to Avalon.

16 MR. DAVID SWISHER: David Swisher,
17 with Avalon. Most of the diesel up here is purchased
18 -- I think in the past there used to be a summer
19 diesel and a winter diesel, and then that's when you
20 got into problems. So they -- now, most of the diesel
21 that is generated is -- is low-sulphur diesel. It is
22 winter grade to be used. That's the diesel we're
23 going to be using.

24 There are -- there are -- actually,
25 other than the low-sulphur diesel, it really is

1 incumbent on the developer or whomever is operating
2 the diesel generators or the equipment to also have a
3 good predictive and preventative maintenance program
4 in the -- in the operation, which we intend to have.
5 Good predictive and preventative maintenance measures
6 ensure that the engine is running properly, that the
7 rack is -- is tested and set properly on that engine
8 so that it's not burning too lean and it's not burning
9 too rich. If it burns too rich, that's when you end
10 up with more diesel particulate into the environment.

11 So our -- our plan in any operation is
12 to have good operations, safe operations, with a very
13 good maintenance program, because your maintenance
14 program is critical for not only the health and safety
15 of your workers who are operating the equipment, but
16 it's also important for the health of the equipment,
17 as well as controlling clean emissions.

18 THE CHAIRPERSON: Okay. Thank you.
19 Akaitcho Treaty 8 Tribal Corp...?

20 MS. STEPHANIE POOLE: Thank you.
21 Stephanie Poole, Akaitcho IMA Office. Next question:
22 Regarding the slide on uranium and thorium, you
23 mentioned that an independent study was undertaken.
24 But then it sounded to me like you had paid for this
25 independent study, and so therefore it was not really

1 an independent study.

2 Could you confirm for me whether or not
3 this so-called independent study was funded by the
4 Proponent or Developer?

5 THE CHAIRPERSON: Okay. Thank you.
6 I'm going to go over to Avalon.

7 MR. DAVID SWISHER: David Swisher,
8 with Avalon. Yes, I would have loved it if they'd
9 have done it for free for us, but they did not. So we
10 -- we did end up paying for it, Stephanie. And I
11 would ask that Doug Chambers on the line maybe would
12 comment on that, since this does relate to SENES.

13 MR. DOUG CHAMBERS: Yes. Thanks,
14 David. Hello, everyone. SENES Consultants does work
15 across Canada, indeed throughout the world, on
16 environmental and occupational issues associated with
17 -- with radiation. And our work is always subject to
18 intense scrutiny by independent scientists, university
19 professors, government agencies. And indeed, we --
20 the reports that we write and the studies we do, we
21 sometimes do them for government agencies as well as -
22 - as private industry.

23 They all have to meet the same -- same
24 quality. And we routinely have -- have, inside our --
25 our study, either internal peer review of our work, or

1 indeed we quite often retain someone from outside
2 SENES to independently look at our -- our conclusions.

3 We have worked not only for -- for
4 Avalon, but also for US EPA, US NRC, international
5 agencies such as the Atomic Energy Agency, and many,
6 many others. I would argue our work does indeed
7 provide independent science, even though we are paid
8 in this case by -- by Avalon.

9 THE CHAIRPERSON: Thank you. I'm
10 going to back to Akaitcho Treaty 8 Tribal Corp.

11 MS. STEPHANIE POOLE: In the
12 independent study conducted regarding uranium and
13 thorium, how was Akaitcho Dene traditional knowledge
14 included in this study?

15 THE CHAIRPERSON: Okay. Thank you,
16 Stephanie Poole from Akaitcho Treaty 8 Tribal Corp.
17 I'm going to go over to Avalon.

18 MR. DAVID SWISHER: David Swisher,
19 with Avalon. It was important during the traditional
20 studies to understand the plants, the importance of
21 the plants, the berries, the traditional uses -- uses
22 of the -- the plants, some of the -- the -- basically
23 the -- the bio-climate in the area because -- and --
24 and the animals in the area, the birds in the area.
25 All of those things went into the assessments that

1 were done by SENES, which were provided to SENES. And
2 -- and maybe Doug Chambers again could comment on
3 that.

4 MR. DOUG CHAMBERS: Yes, Doug
5 Chambers. We -- we work throughout Canada and many
6 countries. And quite often, we have local issues that
7 are -- are quite different from one place to another.
8 This could be where people hunt and fish, for example,
9 the amounts and types of food that they -- that people
10 eat, et cetera.

11 In some cases, we're -- we're fortunate
12 enough to have direct interaction with -- with the
13 First Nations. And other cases, we rely on
14 compendiums of traditional knowledge that are pulled
15 together by others. In this case, we made use of the
16 TK as provided to us by -- by Avalon.

17 THE CHAIRPERSON: Okay, thank you.
18 I'm going to go back to YK -- sorry, Akaitcho Treaty 8
19 Tribal Corp.

20 MS. STEPHANIE POOLE: Thank you.
21 Stephanie Poole, Akaitcho IMA. I'll move on to my
22 next question regarding the same issue, uranium and
23 thorium.

24 During your presentation, you described
25 how you would manage or mitigate the radioactive

1 effects on the health and safety of your workers and
2 also the transportation issue.

3 In your presentation, I couldn't find
4 information on how you will be dealing with
5 radioactive waste at Thor Lake, at Pine Point, and in
6 the United States of America, at Louisiana.

7 THE CHAIRPERSON: Okay, thank you.
8 I'm going to go over to Avalon.

9 MR. DAVID SWISHER: It's David
10 Swisher, with Avalon. So just for clarity, there is
11 no radioactive waste. We are technically --
12 technologically advanced NORM, and so there is no
13 radioactive waste associated with this project.

14 The uranium and thorium though does
15 report with some of the downstream components. So
16 just starting with Nechalacho, we mine the material.
17 The material gets concentrated in the flotation plant.
18 Very little, or hardly any, of the uranium and thorium
19 gets deposited as waste at Nechalacho. Almost all of
20 it reports with the concentrate. That concentrate is
21 around five (5) to seven hundred (700) parts per
22 million of uranium plus thorium, as presented in the
23 presentation. That gets taken to Pine Point.

24 At Pine Point, it goes through another
25 process of upgrading material. There's a good portion

1 of tha -- there are two (2) products of that material.
2 There's a combined rare earth precipitate that gets
3 sent to Louisiana for further separation. And there
4 are -- the majority of uranium is com -- goes with
5 that product.

6 There is a good portion of the uranium
7 and thorium that also gets distributed in the -- what
8 we call the enriched zircon concentrate, or the -- the
9 acid bake residue, that gets shipped out of the North
10 as well.

11 Both of those combined are less than
12 five hundred (500) parts per million, uranium plus
13 thorium. And so there is a little bit of -- of
14 thorium that does get removed at Pine Point. That
15 material gets deposited in with the gypsum material
16 after the neutralization process in that plant.

17 And so comparably, in the tailings
18 facility at the hydromet plant, that material is close
19 to returning to the same types of -- of standards that
20 we saw when we were mining underground at Nechalacho.
21 But through that whole process, again, it's -- it's
22 well below any of the -- the levels of concern.

23 THE CHAIRPERSON: Okay, thank you.
24 Akaitcho Treaty 8 Tribal Corp...?

25 MS. STEPHANIE POOLE: Thank you.

1 Stephanie Poole, Akaitcho IMA. Thank you for that
2 information. But I -- I would say it's a -- it's --
3 it might not be accurate for you to say that it is
4 well below the levels of concern. There is a level of
5 concern within the Akaitcho Dene First Nations, and I
6 just wanted to make that clear.

7 In your presentation, you made
8 reference to the Pine Point aquifer and how it is
9 naturally contaminated. I would have to argue that
10 the Pine Point aquifer was not naturally contaminated;
11 it was contaminated by man-made, you know, processes,
12 the previous mining operations that were going there.
13 That is how the aquifer became contaminated. It's not
14 naturally contaminated.

15 Regarding consultation, it is my
16 understanding that the Developer has signed one (1)
17 accommodation agreement. However, there are six (6)
18 Aboriginal parties. So one (1) out of six (6)
19 agreements only has been signed.

20 I believe, like I said earlier, that it
21 is the Crown's duty to consult. And so far, for the
22 Akaitcho Dene First Nations, we strongly believe that
23 the Crown has not fulfilled this duty to consult. The
24 only way we've been consulted so far has been through
25 this process, and I just wanted to note that for the

1 record.

2 The last thing that I wanted to talk
3 about was commitments, commitments from the Developer.
4 The Developer has been making a lot of commitments,
5 and it seems like the governments have been accepting
6 a lot of commitments. In my mind, it's hard for me to
7 understand -- regarding the particular nature of -- of
8 this company and how it is formed, it's very likely
9 that, in the future, if they were to receive their
10 permits and licences and they were to go into
11 production, in order to be able to do that, they would
12 have to take on a lot of partners in order to be able
13 to fund their project and, at the end of the day,
14 could turn out to be that Avalon is -- is not the
15 controlling partner of the company, the Avalon that we
16 see here before us today.

17 So I have a hard time understanding how
18 they can make commitments when it's quite possible
19 that, at the end of the day, they won't really be in
20 charge of the Company or the project. It could very
21 likely be that they will have Asian or foreign or
22 Chinese partners who could end up being the
23 controlling partner of their Company. And with
24 current trade agreements going on with Canada, you
25 know, if they were Chinese partners, they -- they -- I

1 don't see how they could be held accountable to our
2 regulations and policies regarding the environment.

3 So I'm having a problem accepting
4 commitments from the Company when, yeah, like I said,
5 at the end of the day, they might not be in control of
6 the company. And I'll just...

7 THE CHAIRPERSON: Did you want to
8 respond?

9 MR. DAVID SWISHER: Thank you, Chair.
10 David Swisher, with Avalon. I just wanted to go back
11 and answer Stephanie's original question on the Pine
12 Point aquifer.

13 Just -- yeah, certainly understand your
14 -- your questions and -- and just want to clarify the
15 -- the -- that massive aquifer, that -- that stems
16 from the -- the Caribou Mountains. It's -- it's a
17 naturally known aquifer to contain high sulphides,
18 which is -- maybe the terminology was -- was misused,
19 and we apologize for that. It's -- it -- but it is a
20 non-potable water, and -- and that's -- that's where
21 the test work has -- has certainly proven and
22 provided.

23 Does the Chair want me to answer or
24 respond to Stephanie's other questions?

25 THE CHAIRPERSON: Yeah, please.

1 MR. DAVID SWISHER: So with regards to
2 the commitments by the Developer, it is a good
3 question. From -- from Avalon's perspective, we are
4 at this point committed to developing this project.
5 The commitments we make are commitments on the
6 project. And again, when we talk about our
7 partnerships with others, whether it be our Aboriginal
8 partnerships or partnerships with -- through any type
9 of -- of financing or off-take agreements. At this
10 point, that includes our ability to work with those po
11 -- groups to obtain financing.

12 It is not Avalon's goal or vision at
13 this point to not retain control of the Nechalacho
14 project in the Northwest Territories. And -- and I'm
15 sure that those commitments, even after permits, those
16 commitments are -- are in place and stay in place.
17 And if -- again, we're not -- this -- this is all
18 speculation. So it's -- it's just that.

19 If somebody were to come in and want to
20 take over Avalon, which we have no intent of that
21 occurring -- but outside of the box since, Stephanie,
22 you brought it up, if that were to occur, then they
23 would have to fulfill the same commitments that Avalon
24 has made through these -- this process. But I want to
25 stress that that is not Avalon's intent or goal for

1 this project.

2 THE CHAIRPERSON: Thank you. Maybe
3 just to respond to Stephanie regard -- I've got one
4 (1) question for you. But just to follow-up, I
5 guess, those commitments that you were talking about
6 are -- there's a process also in place, once the Board
7 has its deliberation, they look at all the evidence.
8 And -- and the -- those are -- those are some of the
9 things that they factor, as well as the commitments.

10 But there is also a process that has to
11 be -- this next round after this is -- which is the
12 Land and Water Board. And once you get through that
13 process as well, they -- they also, you know, take a
14 look at their permits and licensing and those
15 commitments are under. And there's a period of time
16 when they renew them and so on. But the thing is that
17 it's -- you know, they bind the company in that
18 respect. So I believe there's a round that -- that
19 goes through that.

20 But my other question to you,
21 Stephanie, is that the Board is here to listen to
22 significance and public concern and so on. You raised
23 the point a little bit earlier talking about, I think
24 it was, uranium, or -- in terms of standards set by
25 CCME guidelines as one. And you had mentioned that

1 the Akaitcho had their own issues and concerns.

2 Can you expand on your question on that
3 so that we understand that, as a Board, what are some
4 -- some of the issues that you're talking about?

5 MS. STEPHANIE POOLE: Yeah, just --
6 just -- Stephanie Poole, Akaitcho IMA. Regarding the
7 commitments, what I would suggest is that the Board or
8 their legal staff just, you know, review the
9 possibility that in the light of -- I'm not sure what
10 that new trade agreement is called. I think its
11 acronym is 'FIPPA', F-I-P-P-A.

12 But, you know, how -- how would it be
13 if the controlling partners of Avalon were Chinese,
14 and -- and would they be able to be held accountable
15 to the commitments being made today or -- or in the
16 future through regulatory or permitting processes, if
17 that would be possible? That would be something that
18 I would like to request.

19 Recar -- regarding the Akaitcho Dene
20 and their concerns in relation to uranium and thorium,
21 some of our Akaitcho Dene First Nations have made
22 declarations opposing the exploration and exploitation
23 of uranium. And so there's that.

24 And in our -- going through this
25 environmental assessment, some of us have been trying

1 to educate ourselves on, you know, what does it mean
2 to mine rare earth elements and metals, and -- and
3 what could some of the impacts to our ecosystem be?

4 And in doing that kind of research, you
5 look at other exploitation projects that exist around
6 the world. And you get an idea of, you know, some
7 really significant adverse impacts that -- that could
8 occur to -- to the ecosystem, you know, through this
9 type of exploitation project.

10 And when I talk about a lack of
11 consultation, I strongly believe that the Akaitcho
12 Dene do not have a free or prior informed -- they
13 don't have enough information on -- on what it is
14 that's being proposed here today. If we were to go to
15 the Akaitcho Dene communities and give them a pop quiz
16 on rare earth elements and its extraction, I guarantee
17 that -- that we would all fail.

18 So, you know, I don't know if the
19 Northern Project Management Office is here or they're
20 going to make a presentation. I'm pretty sure they're
21 the ones holding the file on Crown consultation. And
22 maybe that is something else for the Board to take
23 into consideration. You know, has -- has the duty
24 been fulfilled? Do the people really understand what
25 is being proposed and what the potential impacts could

1 be?

2

3 (BRIEF PAUSE)

4

5 THE CHAIRPERSON: Thank you,
6 Stephanie. Thank you for the clarification. And I
7 was going to ask maybe, John, can you maybe just help
8 fill in a little bit of background? And I think
9 Stephanie talked about some of the commitments and --
10 and those kind of things.

11 Can you just maybe help explain a
12 little bit further what I mentioned a little bit
13 earlier?

14 MR. JOHN DONIHEE: This is John
15 Donihee, Board counsel. I -- I can try to help a
16 little bit, Mr. Chairman. You know, I think that if
17 Avalon takes on partners or if someone takes out
18 Avalon and becomes the company, one (1) way or the
19 other, if they're going to operate this project,
20 they're going to continue to be bound to operate under
21 Canadian law. And at least in respect of -- of
22 environmental matters, they're going to be bound by
23 the legislation that's in place here or maybe in place
24 if it's amended going forward.

25 And so, you know, the system -- the

1 process that Avalon is working its way through right
2 now will result in a report of EA and ultimately a
3 number of other regulatory approvals from other
4 agencies. And if someone bought the Company and
5 wanted to continue to operate that mine, my
6 understanding is that they would continue to be bound
7 by those permits and licences one (1) way or another.
8 They would either be transferred or assigned and --
9 and, in fact, many of the regulators retain the
10 discretion at -- at such a point to actually re-
11 examine the permits and licences to make sure that
12 they continue to be relevant when -- when the time
13 comes.

14 I think that's all I'll say about it,
15 Mr. Chairman, if that's good enough. Thank you.

16 THE CHAIRPERSON: Thank you.
17 Avalon...?

18 MR. DAVID SWISHER: David Swisher,
19 with Avalon. Maybe to support John's assertion there,
20 a good example would be the Meadowbank Project that
21 Cumberland got permitted for and then assigned all its
22 responsibilities over to Agnico-Eagle when they came
23 in and took that over. And -- and so those
24 assignments were transferred right over. So that's a
25 real-life example. Thank you.

1 THE CHAIRPERSON: Thank you. That's
2 my understanding as well. Okay. Thank you. I'm
3 going to continue on now.

4 Next on the list to question the --
5 Avalon in their presentation made her this morning is
6 Blachford Lake Lodge. I think Mike Freeland...? I
7 don't know if he's -- can he hear me or... Mike, do
8 you have any questions for Avalon on their
9 presentations made here this morning? If you could
10 come up to the mic and just say 'yes' or 'no' or if
11 you have some questions, feel free to answer -- or ask
12 questions to the Developer.

13

14 (BRIEF PAUSE)

15

16 MR. MICHAEL FREELAND: So we can ask
17 questions of the Developer any time in the next hour
18 or so? Is that -- is that correct?

19 THE CHAIRPERSON: Sorry, Mike, no.
20 The way our process works is basically the Developer -
21 - everybody has an opportunity to do a presentation to
22 the public here. And what happens, the party status
23 have an opportunity to ask questions. So everybody
24 has an opportunity to do presentation in front of the
25 Board here.

1 MR. MICHAEL FREELAND: Yeah.

2 THE CHAIRPERSON: And this is their
3 opportunity. So this is -- you can't go back and ask
4 questions later. So the question now to you would be
5 is: Do you have any questions to Avalon on their
6 presentation that they made here this morning in
7 regards to this project?

8 MR. MICHAEL FREELAND: I guess I will
9 be doing a presentation at 4:30 or 6:00, and I think
10 most of the -- most of the points would be addressed
11 then. Yeah, I think maybe I'll leave it till -- till
12 then, if I can. And at that point, I think they would
13 be asking me questions in return. Yeah, okay.

14 THE CHAIRPERSON: Yeah, absolutely,
15 Mike. That's how it works.

16 MR. MICHAEL FREELAND: Thank you.

17 THE CHAIRPERSON: Okay, thank you.

18 And we'll continue on now. Environment Canada, do you
19 have any questions for the -- Avalon on their
20 presentation made here this morning?

21 MS. SARAH-LACEY MCMILLAN: Good
22 afternoon. It's Sarah-Lacey McMillan, with
23 Environment Canada. Both Anne Wilson and Dave have
24 questions for the Proponent. And I guess we can start
25 with Dave.

1 MR. DAVE FOX: Thank you, Mr. Chair.

2 Dave Fox, Environment Canada. I -- I just have one
3 (1) question for clarification from the -- from the
4 presentation. On Avalon's slide 18, they discuss
5 stack testing upon commissioning of --

6 THE CHAIRPERSON: Can I interrupt you
7 for a second then? Maybe I'll get staff to put up
8 slide 18, please.

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: Okay, it's up. And
13 I'll get you to go ahead --

14 MR. DAVE FOX: Okay.

15 THE CHAIRPERSON: -- and continue your
16 presentation.

17 MR. DAVE FOX: Oh, thank you, Mr.
18 Chair. Dave Fox, Environment Canada. Slide 18, it --
19 it discusses stack testing upon commissioning of the
20 diesel generators. And on slide 20, it discusses
21 stack testing upon commissioning of the hydromet
22 plant.

23 Could you please clarify if -- if the
24 incinerators are also going to be stack tested for
25 dioxins and furans?

1 THE CHAIRPERSON: Okay, thank you.

2 I'm going to go over to Avalon.

3 MR. RICK HOOS: Rick Hoos. It's not
4 the intent at this time to stack test the incinerators
5 of -- actually, there's only one (1) incinerator at --
6 is there going to be one (1) at Pine Point deve --
7 okay, sorry, two (2) incinerators.

8 They are intermittent operating units.
9 And the key to ensuring that you don't have
10 significant dioxin releases is to effectively manage
11 the -- the waste that you direct to the incinerator.
12 So you have an effective incinerator management plan
13 to ensure that only wastes that don't generate dioxins
14 go into the incinerator. And that's the way in which
15 the dioxin issue can be managed and will be managed at
16 -- at the Avalon project.

17 THE CHAIRPERSON: Okay, thank you.

18 I'll go back to Environment Canada.

19 MR. DAVE FOX: Thank you, Mr. Chair.
20 Dave Fox, Environment Canada. If I could just have a
21 comment on -- on the response. Mr. Hoos is -- is
22 right. Incinerators need to be operated properly.
23 But they also need to be installed properly and ensure
24 that they're operating properly themselves.

25 And just a very quick anecdote. There

1 -- there was -- to demonstrate the utility of stack
2 testing, I'll use the -- the Doris North Gold Mine in
3 Nunavut as an example. In their water licence they --
4 they have a requirement to stack test their
5 incinerator.

6 So their -- their initial stack test
7 failed miserably and -- when compared to the -- the
8 Canada-wide standards for dioxins and furans. They
9 reviewed their -- their equipment and their operating
10 practices. It turns out their -- their incinerator
11 wasn't even installed properly and it wasn't operating
12 properly.

13 So a second stack test occurred after
14 maintenance had occurred and additional training for
15 the operators, and it -- it passed with flying
16 colours. And the difference between the -- the second
17 test and the first test was -- was about a hundredfold
18 difference.

19 So there -- there was almost a hundred
20 times more dioxins and furans being released in the
21 first test compared to the second test; same
22 equipment, same mine, same waste, but the operating
23 practices had been modified and the -- the incinerator
24 was -- was installed properly. So that's -- that's
25 the utility to having stack tests up front.

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(BRIEF PAUSE)

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THE CHAIRPERSON: I'm going to go over
to Avalon, and I just want you to respond to your
comment.

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MR. DAVID SWISHER: David Swisher,
with Avalon. Certainly can understand that, Dave. I
think, from -- from our perspective, certainly it's
important for us to install everything properly from
the get-go, from the beginning. And that's what we
intend to do.

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It -- it almost -- because it's a small
portion of the project with regards to the air quality
on the incinerator side, it -- it almost then becomes
more advantageous at that point, if those are
required, to not have an incinerator and dispose in
the local landfills at that point, because those stack
tests are over a quarter million dollars each.

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So for smaller operations, it make it -
- it's very imposing when you're looking at such a
small portion of the overall, which is why we -- on --
on the larger items, with regards to the diesel
generators and the hydromet plant, as you -- as you
pointed out, we committed to doing that because those

1 are large items. We want to make sure those are
2 installed right.

3 We -- we are definitely committed to
4 making sure that our incinerators are installed
5 properly by the manufacturer so that the manufacturer
6 certifies those installations. And that could be a
7 way, a -- a compromise, I think, to -- to meet those
8 qualifications. Thank you.

9 THE CHAIRPERSON: Okay. Thank you.
10 So I just want to be clear that you're making a
11 commitment to have it installed properly.

12 That's correct?

13 MR. DAVID SWISHER: David Swisher,
14 with Avalon. That's correct.

15 THE CHAIRPERSON: Thank you. Before I
16 go back to your question, I guess the other question I
17 have is back to you. These -- these ones were done
18 and -- and installed properly, I think you were
19 talking about some place up in Nunavut, I believe.

20 In terms of enforcements, does that --
21 and I presume that that falls back into your
22 department, in terms of enforcement of -- of that so
23 that it's safe?

24 MR. DAVE FOX: Thank you, Mr. Chair.
25 Dave Fox, Environment Canada. No, our -- our

1 department does not enforce that. It was a -- it was
2 a Water Board condition in the -- in the licence. So
3 the -- I believe the -- the AANDC inspectors are in
4 charge of that. It'd be similar to the -- the Snap
5 Lake situation we have right now where, in -- in their
6 land use permit, there's also a requirement to meet
7 the Canada-wide standards for dioxins and furans.

8 Their -- their equipment has -- has --
9 is aged and it hasn't been maintained as well as it
10 could have been and it no longer meets the -- the
11 Canada-wide standards. So the -- the AANDC
12 inspectors, with meetings with them, have -- they've
13 come to an agreement where they're ordering new
14 incinerators for that. And in the meantime, until
15 they're installed, they will be shipping their --
16 their wastes, I believe, to Yellowknife.

17 But, Mr. Chair, if I could just address
18 one (1) more thing on the comments, it is a -- it is a
19 small air quality source, intermittent, for air
20 quality for the -- this standard criteria
21 contaminants. So we're not worried about the NOx
22 coming off of it or the -- or the particulate
23 necessarily. We're worried about the -- the
24 contaminants, and the ones of main concern are dioxins
25 and furans. And even though it may not be running all

1 the time, the incineration of waste is the -- is the
2 largest source by far of dioxins and furans on any
3 camp or -- or mine site.

4 And just one (1) further clarification:
5 I -- I believe, during the -- the presentation, I also
6 heard that sewage will be burned in -- in the -- the
7 incinerators as well.

8 I just wonder if I get that clarified
9 or confirmed?

10 THE CHAIRPERSON: Before I go to
11 Avalon, thank you for your clarification. I
12 appreciate that. Thank you. I'm going to go over to
13 Avalon.

14 MR. DAVID SWISHER: Well, I -- I --
15 David Swisher, with Avalon. Sorry, you have me
16 speechless, Dave, because we did not say that, nor is
17 that the intent with regards to the sewage.

18 THE CHAIRPERSON: Thank you. I'll go
19 back to Environment Canada.

20 MR. DAVE FOX: Thank you, Mr. Chair.
21 Dave Fox, Environment Canada. I'm comforted by -- by
22 the comment, but I -- I think it was in the animation
23 that it was stated that it was -- it would be burned.
24 But we can happily disregard the animation if -- if
25 you're committing not to burn sewage.

1 THE CHAIRPERSON: Thank you.

2 Avalon...?

3 MR. DAVID SWISHER: David Swisher,
4 with Avalon. I'll -- we'll definitely look at the
5 animation again to make sure that that is not in
6 there, because that certainly is not the intent.

7 THE CHAIRPERSON: So you're making a
8 commitment not to burn?

9 MR. DAVID SWISHER: David Swisher,
10 with Avalon. We do not want to burn our sewage, and
11 we will not burn our sewage. Thank you.

12 THE CHAIRPERSON: Okay. Thank you.
13 Continuing on, Environment Canada.

14 MS. ANNE WILSON: Thank you, Mr.
15 Chairman. It's Anne Wilson with Environment Canada.
16 I have about seven (7) questions for the Proponent
17 dealing with water quality. The first one (1) follows
18 on AANDC's question.

19 I was hoping to hear from the Proponent
20 what type of treatment options are in their back
21 pocket if they are not able to meet the objectives
22 that they have set for water quality coming out of
23 Drizzle Lake?

24

25 (BRIEF PAUSE)

1 MR. MARK WISEMAN: Mark Wiseman,
2 Avalon. We made a fair effort to -- to make sure that
3 we're monitoring and meeting water quality objectives
4 leaving the tailings management area. And through
5 that, and -- and understanding the -- the volumes of
6 water and such that are going on downstream, we should
7 be able to easily meet those discharge criteria at
8 Drizzle Lake.

9 In the event that, for some reason, we
10 don't, depending on what the parameter of concern is,
11 there would be a wide variety of potential treatment
12 options that could be used to -- to make those
13 corrections if necessary. And, again, that would be
14 entirely dependent on what the contaminant of concern
15 was; so anything from aeration to whatever.

16 THE CHAIRPERSON: Thank you. I'm
17 going to go back to Environment Canada.

18 MS. ANNE WILSON: Thank you. It's
19 Anne Wilson. A few questions on the actual objectives
20 that were put up. And I don't know if you want to put
21 the slide up that had those from the presentation,
22 please? Sorry, I don't have the slide number.

23

24 (BRIEF PAUSE)

25

1 MS. ANNE WILSON: Yeah, it's Anne
2 Wilson. Thank you very much. So just for
3 confirmation, we had raised in our intervention the
4 concern with the treated effluent and mine water zinc
5 concentrations being almost at the CCME guideline.
6 The commitment is -- or the objective is, rather, for
7 Drizzle Lake to have it at background, which is
8 several orders of magnitude lower.

9 And this is one (1) case where I'm
10 wondering how you're going to meet those objectives
11 and what might be done if not?

12 THE CHAIRPERSON: Thank you. Go over
13 to Avalon.

14 MR. MARK WISEMAN: I'm -- I'm not a
15 hundred percent sure I got the question, but -- Mark
16 Wiseman, at Avalon. The -- the background
17 concentrations of zinc are occasionally in excess of
18 the CCME guideline of thirty (30). And, therefore, we
19 can't commit to consistently meet the CCME guideline.

20 The mean concentrations you see for
21 Drizzle and Thor are, in fact, just that; they're
22 means. But there are occasional spikes that exceed
23 the CCME guideline as background. Does that answer
24 the question?

25 THE CHAIRPERSON: Thank you.

1 Environment Canada...?

2 MS. ANNE WILSON: Thank you. It's
3 Anne Wilson. That raises the question of how you will
4 define the background concentrations. Are you
5 proposing to maintain the current background means
6 there? Are you proposing to stay within a certain
7 percentile of the range of natural variability? That
8 will affect how likely the treated mine water effluent
9 is -- because Drizzle Lake is going to substantially
10 be affected by -- by that water quality.

11 How are you defining 'background'?

12 THE CHAIRPERSON: Thank you. I'm
13 going over to Avalon.

14 MR. MARK WISEMAN: I think that's
15 going to be something that'll be discussed within the
16 next phase of the project, and -- and Rick's going to
17 give a few more details on that.

18 MR. RICK HOOS: Rick Hoos. As Mark
19 said, the -- our understanding is that we're going to
20 be talking site-specific water quality objectives
21 probably for another six (6) months or more as we wend
22 our way through the water licence process, where those
23 kinds of numbers finally do get established.

24 In terms of trying to figure out how
25 you tie to background, the most reasonable way that I

1 can think of -- and we have given this quite some
2 thought -- relates to the fact that at different times
3 of the year you have different concentrations in the
4 background. In particular, in the wintertime,
5 concentrations of iron and zinc in Drizzle Lake
6 increase dramatically. And, hence, the background is
7 much higher in the winter than it might be in the
8 summer.

9 Of course, the other consideration is
10 that there probably won't be any discharge to Drizzle
11 or Murky in the winter anyway. So then you're just
12 dealing with the open-water season within which there
13 is still variability from spring freshets through to
14 fall. So you have to tie your -- your discharge
15 limits to the ever-changing conditions that are
16 consistent with moving from spring through summer
17 through fall at the site. It's not easy to do,
18 because it's changing, but that's the only way I can
19 think of to do it.

20 That having been said, I just did talk
21 to Avalon's metallurgist about why it is that, in
22 these particular tests, zinc went from eight (8) to
23 twenty-eight (28) in a treated water as compared to
24 untreated water. And unfortunately, Dave didn't have
25 a particular answer to it. But I suspect that that's

1 typical of what happens when you only have a few tests
2 and you're using simulated effluent in a simulated
3 condition and you have essentially snapshot results.

4 So I personally suspect that that zinc
5 value of twenty-eight (28) probably isn't necessarily
6 real, in terms of comparing it to the -- to the
7 background. There seems to be no obvious reason why
8 it should be concentrating like that.

9 But that all comes out as -- as the
10 project progresses and you actually experience
11 firsthand, you know, the -- the operation of the
12 system when it's -- when it's ongoing. This is as
13 good as you can do at this point in time, but you
14 can't -- you shouldn't be, you know, treating as
15 gospel every number that's in there. They're a good
16 indication, though, of what can be expected.

17 THE CHAIRPERSON: Thank you. I'm
18 going to go over to Environment Canada.

19 MS. ANNE WILSON: Thank you. It's
20 Anne Wilson. I just wanted to clarify one (1) of
21 Rick's statements there that he spoke that discharge
22 limits would be tied to seasonal changes.

23 Can we just clarify that objectives
24 would be tied to seasonal changes? That's, I -- I
25 trust, was the intent?

1 THE CHAIRPERSON: Okay. Thank you.

2 Avalon...?

3 MR. RICK HOOS: Yes. Rick Hoos. Yes,
4 objectives will be tied to seasonal changes, correct.

5 THE CHAIRPERSON: Thank you.
6 Environment Canada...?

7 MS. ANNE WILSON: All right. It's
8 Anne Wilson, with Environment Canada. So we'll leave
9 a marker on the table as far as objectives, as I don't
10 think we're going to be able to resolve that in the
11 questioning here, with the metals anyways.

12 I did want to ask about the nutrients.
13 There -- they were not mentioned in the presentation,
14 so we don't have a slide. The most recent slide dates
15 back to the technical sessions last August. And it
16 was my understanding that further work was going to be
17 done on the nutrients to refine those objectives.

18 Has anything further been done on that?

19 THE CHAIRPERSON: Thank you.
20 Avalon...?

21 MR. DAVID SWISHER: It's David
22 Swisher, with Avalon. No, we haven't. Most of the
23 information we had provided back then was, I think, at
24 the time when we provided that information, it was
25 conservative in nature, and we felt pretty comfortable

1 with providing those numbers at the time.

2 THE CHAIRPERSON: Thank you.

3 Environment Canada...?

4 MS. ANNE WILSON: Thank you. It's

5 Anne Wilson. One (1) of the contaminants of concern

6 that's gotten on the radar for various projects lately

7 is selenium. And interestingly enough, there's not

8 much selenium in the mine projected effluent, nor is

9 there in the groundwater that's anticipated to come up

10 as mine water. However, fish in the area are

11 approaching or exceeding, for all species in all

12 lakes, the British Columbia selenium tissue

13 guidelines.

14 What I was going to seek from the

15 Proponent is clarity on their proposed monitoring for

16 fish tissue and whether that will be tied back to any

17 management actions?

18 THE CHAIRPERSON: Thank you.

19 Avalon...?

20 MR. MARK WISEMAN: Mark Wiseman,

21 Avalon. Certainly, the standard EEM testing, which

22 includes the -- a variety of measures in fish, whether

23 they be weight-to-length ratios and various other

24 things, will include analysis of metals in flesh. In

25 the event that we see metals of concentrations that

1 are changing from background, we will need to do what
2 they call a titre or toxicity investigation, yeah,
3 that will try and determine what the source of that
4 particular problem is and then come up with a solution
5 for that. That's a standard process and, I believe,
6 legally required.

7 THE CHAIRPERSON: Thank you.
8 Environment Canada...?

9 MS. ANNE WILSON: Thank you. It's
10 Anne Wilson. The metal mining effluent regs
11 environmental effects monitoring doesn't actually
12 require fish tissues to be monitored other than
13 mercury if you have a certain concentration in your
14 effluent.

15 So the commitment I was seeking from
16 the Proponent was that they would periodically monitor
17 fish tissue for a full range of parameters, including
18 selenium, to identify if it is becoming of concern and
19 changing from background levels.

20 THE CHAIRPERSON: Okay. Thank you.
21 To Avalon to the commitment.

22 MR. MARK WISEMAN: Mark Wiseman,
23 Avalon. Yes, we can do that.

24 THE CHAIRPERSON: Okay. Thank you.
25 Environment Canada...?

1 MS. ANNE WILSON: Thank you. It's
2 Anne Wilson. I really only have two (2) more
3 questions left. The toxicity work upon which the
4 objectives for the rare earth elements are based is a
5 very small data set. And, you know, thank goodness we
6 have at least what we have on that.

7 The question I have for the Proponent
8 is whether you are willing to either facilitate or
9 support ongoing toxicity testing and work with real-
10 world effluent and data to identify the responses of
11 other species and ensure that our objectives are
12 appropriate for the rare earth element numbers?

13 THE CHAIRPERSON: Okay, thank you.
14 I'm going to go back to Avalon.

15 MR. RICK HOOS: Rick Hoos. I'm not
16 going to directly answer the question that you just
17 raised, Anne. But the one (1) thing I did want to
18 point out to everyone here is that the proposed SSWQOs
19 that we came up with based on those toxicity tests
20 that have been done by Borgman and others are -- those
21 tests were done at -- in -- in very soft waters of
22 about eighteen (18), whereas the typical water
23 hardness here at Nechalacho is over two hundred (200).

24 If you look at the same toxicity test
25 results that were conducted by those labs for waters

1 of a hundred and twenty (120) hardness, if we had used
2 those numbers for the SSWQOs, those numbers would have
3 had -- been multiplied by approximately two (2)
4 magnitudes typically. In other words, these are very,
5 very protective numbers that we came up with based on
6 tests done in extremely soft waters.

7 I just thought that was an important
8 point to make. They're extremely protective values as
9 they are.

10 THE CHAIRPERSON: Okay, thank you.
11 I'm going to back to --

12 MR. MARK WISEMAN: Mark Wiseman. Can
13 I add just a little bit to that?

14 THE CHAIRPERSON: Oh, sorry. Go
15 ahead.

16 MR. MARK WISEMAN: The -- the
17 literature review that -- that was completed, I think,
18 initially had over five (5) or six thousand (6,000)
19 tests that had been looked at. And it turned out that
20 the ones that we selected were the most stringent that
21 we could find in all of that with -- with the
22 literature search that had been done, although I'm not
23 sure that the full six thousand (6,000) were
24 considered of -- of adequate quality to use. I think
25 it was peer reviewed down to a smaller number than

1 that. And it escapes me off the top of my head how
2 many were actually involved.

3 Having said that, we have continued to
4 work with -- with different researchers in different
5 areas to continue to advance the science of -- of rare
6 earths. We have a project ongoing with Sir Wilfred
7 Laurier University, where there's additional work
8 being done to look at the relationships between rare
9 earths, toxicity, and hardness and other things like
10 that.

11 So we're certainly and are continuing
12 to work in those areas.

13 MR. DAVID SWISHER: Davis Swisher,
14 with Avalon. So the answer is, yes, we are continuing
15 to do test work, periodic test work on toxicity, and
16 we will continue to do -- to do that, particularly as
17 it relates to our project. Thank you.

18 THE CHAIRPERSON: Okay, thank you.
19 Environment Canada...?

20 MS. ANNE WILSON: Thank you. It's
21 Anne Wilson. I'm very pleased to hear that. And I'll
22 look forward to seeing results as they become
23 available. So my last question is to deal with the
24 barging issue. And rather than thinking of the
25 containers going south across the lake, I'm thinking

1 about the fuel going north across the lake.

2 And my question is whether a third
3 party would be responsible for spill response and
4 cleanup similar to your barging experts going south?

5 THE CHAIRPERSON: Thank you.
6 Avalon...?

7 MR. DAVID SWISHER: David Swisher,
8 with Avalon. Yes, the intent is that the -- the barge
9 company that we contract out with, tha -- that they
10 meet -- they either meet or exceed our standards for
11 spills, spills contingencies and/or cleanup.

12 THE CHAIRPERSON: Thank you. I'll go
13 back to Environment Canada.

14 MS. ANNE WILSON: Thank you very much.
15 That's all our questions. Anne Wilson.

16 THE CHAIRPERSON: Okay, thank you to
17 Environment Canada and your delegation. Thank you.
18 I've -- prior to going to Environment Canada, I'd
19 overlooked Deninu K'ue, who were on the list of
20 parties that the Board approved. So I'm going to go
21 to Deninu K'ue, Mr. Patrick Simon.

22

23 (BRIEF PAUSE)

24

25 MR. PATRICK SIMON: Thank you. I was

1 kind of wondering what kind of accommodation agreement
2 I signed. So I brought my treaty. So I didn't -- but
3 I didn't bring a pen, so no need to get worried. I
4 just have a few questions. I actually only got, like,
5 five (5) questions. A couple for Avalon and a few for
6 AANDC. We'll eventually get to it.

7 So with Avalon, my question, first of
8 all -- first of all, maybe we should clear up
9 something. My accommodation agreement by the -- by no
10 means superceded my treaty, did it not?

11 THE CHAIRPERSON: Okay. I'm going to
12 go over to Avalon.

13 MR. DAVID SWISHER: David Swisher,
14 with Avalon. Of course not. That was not the intent.

15 THE CHAIRPERSON: Thank you. Deninu
16 K'ue...?

17 MR. PATRICK SIMON: Thank you.
18 Patrick Simon, Deninu K'ue. Second of all, did my
19 accommodation agreement forfeit my right and my duty
20 within this process?

21 THE CHAIRPERSON: Thank you.
22 Avalon...?

23 MR. DAVID SWISHER: It's David
24 Swisher, with Avalon. Absolutely not. And if that
25 was the impression, then that was wrong on our part,

1 because that is not the intent. It is important for
2 Avalon that all -- all groups have a voice.

3 THE CHAIRPERSON: Thank you. Deninu
4 K'ue First Nation.

5 MR. PATRICK SIMON: Thank you.
6 Patrick Simon, Deninu K'ue. Making that very clear, I
7 have a few simple questions. For me, it's not so
8 simple. As you know, it's interest in mine -- so I
9 notice that you have done some -- some, I guess, test
10 -- test pilot project or some testing, so my -- my
11 question is basically: The Deninu K'ue First Nation
12 requests any reports or supporting documents including
13 test results pertaining to any trial process in -- of
14 heavy rare earth element ore obtained from the Thor
15 Lake and natural mine site into concentrate.

16 So we -- we'd like to ask if -- if we
17 can have all the documents up until this date
18 pertaining to that matter?

19 THE CHAIRPERSON: Okay. Before I go
20 to Avalon, I think maybe a -- at this point in a
21 public hearing, we have a public registry that has all
22 the documents that's on this file, so if you don't
23 mind maybe Patrick, maybe expand a little bit more on
24 your question, because I believe everything that they
25 have is on the public registry, so everybody is able

1 to see it. So can you maybe expand on your question?

2 Thank you.

3 MR. PATRICK SIMON: Patrick Simon,
4 Deninu K'ue. I -- I'm not really sure. See, I --
5 I've been trying to follow it through your
6 documentation process, and their -- their
7 correspondence and, I guess, supplying of -- of the
8 documents.

9 And I guess what we really want to do
10 is be clear that we have everything that you have and
11 that the mine has submitted to -- to this Board. And
12 I notice there was some back and forth correspondence
13 trying to clarify whether you did in fact have all the
14 documents because of -- of the way that the -- this
15 pilot -- test pilot thing up in Lake -- Lakefield,
16 Ontario was going. So we just wanted to be clear that
17 all of the -- the documents were there for us to -- to
18 take a look at.

19 THE CHAIRPERSON: Before I go to
20 Avalon, I'm going to make just have one (1) minute.
21 Chuck, can I get you to come here for a sec?

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Thank you. Maybe,

1 Pat, what we'll do is we'll just take a ten (10)
2 minute break and we'll come back, and then I'll come
3 back and we'll deal with your question. We'll take a
4 ten (10) minute break.

5

6 --- Upon recessing at 2:30 p.m.

7 --- Upon resuming at 2:42 p.m.

8

9 THE CHAIRPERSON: While everybody's
10 coming to their seats, I just wanted to maybe
11 acknowledge a couple of people in the audience. I
12 believe we have Noeline Villebrun, a former Dene
13 Nation Chief, she's here; former Chief Peter Liske,
14 YKDFN; former Chief Jonas Sangris; and some
15 councillors from both Lutsel K'e and the Deninu Kue,
16 it looks like in the back, I think.

17 Anyway, I just want to continue on with
18 our meeting here. And I want to go back to Deninu Kue
19 to maybe put your question forward again to Avalon and
20 we could get them to answer, so we continue on.

21 MR. PATRICK SIMON: Thank you.
22 Patrick Simon, Deninu Kue. So I guess what we decided
23 was we will just read out the questions and then
24 Avalon will make a quick response and then we'll deal
25 with it in-house. But I'd like to get it on record.

1 So the second question I had was the
2 Deninu Kue First Nation requests copies of reports and
3 supporting documentation pertaining to Avalon's 40
4 tonne full-scale pilot plant trial on basal zone ore
5 that was completed on February, 2012, at SGS Minerals
6 in Lakefield, Ontario. So perhaps Avalon could just
7 finish with the response.

8 THE CHAIRPERSON: Thank you. I'm
9 going to go over to Avalon.

10 MR. DAVID SWISHER: It's David
11 Swisher, with Avalon. Yes, we'll -- we'll work with
12 Patrick on any information that he needs.

13 THE CHAIRPERSON: So you're making
14 that commitment?

15 MR. DAVID SWISHER: Yes.

16 THE CHAIRPERSON: Okay. Thank you.
17 I'll go back to Deninu Kue.

18 MR. PATRICK SIMON: That's -- that's
19 end of my questions. And thank you very much. I
20 thought it was simple, but nothing's simple any more.

21 THE CHAIRPERSON: Thank you very much.
22 Masi, Patrick.

23 Next on the list I have is Fisheries
24 and Oceans Canada. Anybody here?

25 Okay, moving on. I don't think there's

1 anybody here from Fort Resolution Metis Council. So
2 next I'm going to go over to the Government of the
3 Northwest Territories.

4

5 (BRIEF PAUSE)

6

7 MR. SHAFIC KHOURI: Thank you.
8 Shafic, with the Government of the Northwest
9 Territories.

10 Mr. Chair, I would like to ask if
11 Avalon could please describe to us the environmental
12 management systems, such as ISO or sustainability
13 initiative standards, that Avalon is currently
14 committed to, and which, if any, other systems Avalon
15 is committing to implement in the future for the
16 project. When answering this, could Avalon also
17 please focus on describing the auditing mechanisms for
18 these systems, whether it be done -- whether it be
19 auditing done internally, and/or by a third party, and
20 if all results are made public? Thank you.

21 THE CHAIRPERSON: Okay. Thank you.
22 Before I go to Avalon, can you just state your name
23 again, so -- for the record. I don't know if we have
24 that written.

25 MR. SHAFIC KHOURI: That -- that was

1 Shafic with the GN -- GNWT. Thank you.

2 THE CHAIRPERSON: Okay. I'll go back
3 to Avalon.

4 MR. MARK WISEMAN: Okay. Mark
5 Wiseman, Avalon. Avalon has committed to prepare
6 annual sustainability reports and publish -- publish
7 them, which will measure our performance against the
8 global reporting initiative criterion, as well as the
9 Mining Association of Canada towards sustainable
10 mining initiatives.

11 As we develop those systems in the
12 early years, we will be keeping our auditing internal,
13 but both of those systems have external auditing
14 expertise and that we will be using those external
15 auditors to run audits on those systems and we will
16 make those public.

17 Similarly, as a requirement of many of
18 our customers, in discussions we've already had, they
19 have requested and we have agreed to become ISO9000
20 certified for their environmental standards. ISO, I
21 think -- no, nine thousand (9,000) is -- no, fourteen
22 thousand (14,000) is the environment. Nine thousand
23 (9,000), that will be at all our plants. We will be
24 nine thousand (9,000) certified, which is the quality
25 you want at the Geismar plant for the quality of our

1 product -- final product. And we will be ISO
2 certified for the health and safety standard, ISO
3 health and safety standard, and those will be for our
4 operations, and those will be periodically externally
5 audited as well.

6 THE CHAIRPERSON: Okay. Thank you.
7 I'll go back to the GNWT.

8 MR. SHAFIC KHOURI: Thank you, Mr.
9 Chair. Shafic with the Government of the Northwest
10 Territories. Just to try and pull something out of
11 that last question there, could you just -- would
12 Avalon be able to just describe the publicity of those
13 results and how they are provided to the public,
14 particularly the ISO standards reporting? Thank you.

15 THE CHAIRPERSON: Okay. Thank you.
16 I'm going to go over to Avalon.

17 MR. MARK WISEMAN: Mark Wiseman,
18 Avalon. Yeah, we will be publicizing those in our
19 annual sustainability reports. These tend to be very
20 large documents, so as we have historically done, we
21 have posted all of our land-use inspections on our
22 website. These kinds of reports we will probably put
23 on our website as well, but they'll be summarized in
24 our annual sustainability report.

25 THE CHAIRPERSON: Okay. Thank you.

1 GNWT...?

2

3 (BRIEF PAUSE)

4

5 MR. SHAFIC KHOURI: Thank you, Mr.

6 Chair. Shafic, Government of the Northwest

7 Territories. I would like to ask if Avalon would be

8 willing to provide an updated commitments table with

9 its fin -- with its final written submission on March

10 21st? This date of submission would allow as many

11 commitments as possible to be captured in the table.

12 This up-to-date -- this updated table

13 would allow the commitments Avalon has made throughout

14 the environmental assessment for its project to be

15 taken into full consideration when the Board is

16 developing its report of environmental assessment.

17 Thank you.

18 THE CHAIRPERSON: Thank you. I'll go

19 back to Avalon.

20 MR. DAVID SWISHER: David Swisher,

21 with Avalon. That's not a problem. We can commit to

22 provide the updated commitments table.

23 THE CHAIRPERSON: Okay. Thank you.

24 There's another commitment made, so we'll continue on

25 to the GNWT.

1 MR. SHAFIC KHOURI: Shafic, Government
2 of the Northwest Territories. Mr. Chair, just to
3 clarify, will that commitments table include all
4 commitments made up to and including the final
5 submission for Avalon? Thank you.

6 THE CHAIRPERSON: Thank you. Back to
7 Avalon to the question.

8 MR. DAVID SWISHER: David Swisher with
9 Avalon. That was the intent, yes.

10 THE CHAIRPERSON: Thank you. GNWT...?

11 MR. SHAFIC KHOURI: Thank you, Mr.
12 Chair. I have no more further questions.

13 THE CHAIRPERSON: Okay. Thank you.
14 I'm going to continue on now to Lutsel K'e Dene First
15 Nation.

16 Okay. I don't see anybody here that's
17 coming up. I'm going to continue on to North Slave
18 Metis Alliance.

19 MR. ERIC BINION: Thank you, Mr.
20 Chair. It's Eric Binion, with the North Slave Metis
21 Alliance. I have a few quick questions.

22 This one kind of relates to the GNWT.
23 And I'm unsure if it's been made a commitment, but
24 it's not on the register yet, so I'll ask it anyway.
25 A major concern for the North Slave Metis is the

1 population health of the Bathurst barren-ground
2 caribou. The GNWT recommended it -- that Avalon
3 participate in species-specific, cumulative-effects
4 workshops with governments, developers, co-management
5 authorities, and other interested parties.

6 If the Board decides not to mandate the
7 recommendation and Avalon doesn't commit to it, would
8 Avalon still be -- consider participating in the
9 species-specific, cumulative-effects workshops in the
10 future, particularly with regard to Bathurst barren-
11 ground caribou?

12 THE CHAIRPERSON: Okay. Thank you.
13 I'm going to go to the -- Avalon.

14 MR. DAVID SWISHER: David Swisher,
15 with Avalon. Yes, we -- we did commit to participate
16 in those workshops, and in fact we have participated
17 already in those -- those workshops and will continue
18 to do so. Thank you.

19 THE CHAIRPERSON: Thank you. North
20 Slave Metis...?

21 MR. ERIC BINION: Thank you. Eric
22 Binion, North Slave Metis Alliance. Avalon touched
23 briefly upon this in their presentation, but just to
24 clarify: Is Avalon prepared to take a balanced
25 approach in ensuring that the Aboriginal people and

1 parties such as the North Slave Metis, whose
2 traditional lands this project will be on, receive an
3 equit -- an equitable share of the economic spinoffs
4 from this proposed development?

5 THE CHAIRPERSON: Avalon...?

6 MR. DAVID SWISHER: David Swisher,
7 with Avalon. That's -- it's an interesting question.
8 It -- I guess it -- from our perspective, we -- we are
9 negotiating what we feel is an equitable agreement,
10 but 'equitable' is defined in many ways by different
11 people. But I think our commitment in what we've been
12 doing with the North Slave Metis Alliance is
13 negotiating an agreement on this project.

14 THE CHAIRPERSON: Okay, thank you.
15 I'm just going to point out that, again, the questions
16 are going to have to be in line with the presentations
17 made this morning. And I think some of these
18 questions that are -- have been asked are something
19 that could be done between the parties and North Slave
20 Metis Alliance.

21 But again, the questions have to be
22 directed to their presentation made here this morning
23 to the project. Thank you.

24 Sorry. Go ahead, North Slave Metis.

25 MR. ERIC BINION: Sure. Eric Binion,

1 North Slave Metis Alliance. Then I have a question
2 regarding barging, which was mentioned in the
3 presentation.

4 What I want to find out is what
5 regulatory mechanism enforces barge salvaging in the
6 event of a hypothetical sinking of a barge. I just
7 want to clarify with Avalon and if they may be --
8 might be unaware, maybe I'll ask Transport Canada --
9 as I looked over the Canadian Shipping Act last week.
10 So I'm just curious as to if a barge hypothetically
11 does sink in Great Slave Lake, what regulatory
12 mechanisms are available to either the GNWT or the
13 Federal Government that will enforce the salvaging of
14 the barge in a timely manner?

15 THE CHAIRPERSON: Thank you to the
16 question. I guess -- I think -- I believe this
17 morning Avalon made a commitment to this, that they're
18 going to go ahead and do any of that salvaging up to
19 300 metres, if not more or less, plus or minus.

20 So I think there's a commitment made to
21 that question already, so -- but I'll go back to
22 Avalon if you want to respond to that.

23 MR. DAVID SWISHER: David Swisher,
24 Avalon. Yes, thank you, Mr. Chair. That is correct.
25 We had made a commitment to do so. Obviously, in that

1 commitment we identified the fact that first and
2 foremost we would work in the information stage
3 between Avalon with our Aboriginal partners, and then
4 with the regulatory bodies.

5 Obviously the barging company also has
6 a responsibility be -- since we are contracting out
7 with a third-party group to provide that transport of
8 our materials.

9 THE CHAIRPERSON: Okay, thank you.
10 I'm going to back to North Slave Metis.

11 MR. ERIC BINION: Eric Binion, North
12 Slave Metis Alliance. I have no further questions.

13 THE CHAIRPERSON: Thank you. Earlier
14 I called Lutsel K'e Dene First Nation, if they want --
15 anybody wanted to come up to speak. And I believe
16 there were -- they just stepped out. So if you could
17 come back to the table.

18

19 (BRIEF PAUSE)

20

21 MR. MIKE TOLLIS: Thank you, Mr.
22 Chair. It's Mike Tollis, from the Lutsel K'e Dene
23 First Nation. Sorry. I thought that GNWT would ask a
24 couple more questions.

25 I do have a couple questions here for

1 the Developer. One (1) of the things that was
2 mentioned in the presentation this morning was that
3 some of the rock underground would be impermeable
4 rock, meaning no water in the underground. But from
5 our experience with underground mining in the
6 territory, there's always been and assumingly always
7 will be a ground -- or a mine water issue in -- in the
8 underground operations.

9 And I was just wondering if there was
10 any contingency plan if there was to be an excess of
11 underground water going into the underground mine
12 sites?

13 THE CHAIRPERSON: Okay, thank you.
14 Before I go to Avalon I just want to point out one (1)
15 more thing, too -- just a little bit earlier is that,
16 no disrespect to the North Slave Metis, but there are
17 some questions that were asked this morning that were
18 coming up again. I think there's some commitments
19 that were made already, as well.

20 So I just want to make sure that in
21 terms of time and everything else, I'd like to just
22 remind parties that if those things have been dealt
23 with, then maybe if you got twenty (20) questions
24 it'll be nineteen (19), so.

25 Anyways, I'm going to go back to

1 Avalon, please.

2 MR. DAVID SWISHER: David Swisher,
3 with Avalon. Thanks, Mike. That's a -- it's a good
4 question because all mines typically are related with
5 a lot of water inflow.

6 I will remind you that, yes, we
7 definitely said that we have an impervious layer. The
8 gra -- the granites are impervious. But what we did
9 do too is we did do our water testing over the last
10 couple years. We intend to do -- continue doing more
11 testing. And in our DAR we identified that we will
12 have water inflows up to 3 to 8 litres per second.
13 And -- and so that is why in our designs we've
14 designed for an underground sumping system to manage
15 those waters. We have a pumping system that is
16 oversized to manage those waters to the highest degree
17 and beyond, so there's a safety factor involved in the
18 design of how we went ahead and designed that in
19 there.

20 Plus, the contingency beyond what is
21 already in the designs for the pump is that we can
22 easily, if necessary, outsource -- if there's a
23 problem, an unforeseen problem -- we get a surge of
24 water or something -- we can easily outsource pumps
25 that we'll have in the warehouse on the surface or

1 even out at Yellowknife and -- and hook them up to --
2 to do additional de-watering. We don't anticipate
3 that, but that is our contingencies beyond all the --
4 the test works that we have done.

5 THE CHAIRPERSON: Thank you. We'll go
6 back to Lutsel K'e Dene First Nation.

7 MR. MICHAEL TOLLIS: Thanks. Mike
8 Tollis, LKDFN. Just a -- a brief follow-up. The --
9 the contingency for pumping the water out is -- it
10 seems to be okay, but is there -- is there capacity --
11 I guess it's being pumped to the tailings pond. Is
12 that -- is it -- for it to be received wherever it's
13 going?

14 THE CHAIRPERSON: Okay. Thank you.
15 I'll go back to Avalon.

16 MR. DAVID SWISHER: David Swisher,
17 with Avalon. Yes. So the intent is that the
18 underground water gets pumped into the flotation plant
19 and it gets treated before going out to the tailings
20 facility. We do have capacity. The -- I guess if
21 there is a good side, if we have -- encounter more
22 water than normal, is that you're going to end up with
23 an increased dilution as well into the water which is
24 only going to create a cleaner water source from the
25 groundwater itself.

1 But we don't anticipate that with the
2 extensive test work that we've done over the last
3 couple years. So the range that we've come up with,
4 as I've given before, was at 3 to 8 litres per second.
5 And so we're -- we're designing everything to the
6 higher end of that, anticipating that it will be
7 either within that range or even a bit lower, based on
8 the experience we've had.

9 THE CHAIRPERSON: Okay, thank you.
10 Lutsel K'e Dene First Nation...?

11 MR. MICHAEL TOLLIS: Thank you, Mr.
12 Chair. Mike Tollis, LKDFN. My next question -- I
13 think it's more of a comment on the -- on the TK study
14 that was mentioned with the Lutsel K'e Dene First
15 Nation. It was before my time as coming on board with
16 the First Nation, but I just looked up the study
17 briefly, and, in my opinion, they -- they -- it wasn't
18 really done very effectively.

19 There was -- the interviews were done
20 over a course of three (3) days in -- in some of the
21 TK holders' houses, and it's not very effective means
22 of getting the proper information -- or site-specific
23 information. I'll leave it at that for now. I'll
24 probably mention a little bit more about it in my
25 presentation.

1 But I think one (1) of my last lines of
2 questioning is on -- on caribou this morning, Mr. Hoos
3 said that the project is on the very edge of the
4 winter range and it was based on the collar data. But
5 collar data is not representative of the entire herd
6 and where they are at any given time. As well, I'm
7 sure Mike from Blachford Lake Lodge can probably
8 testify to the presence of caribou in that area year-
9 round, not just in the winter.

10 And I guess if -- if TK was adequately
11 -- adequately considered, it probably would have been
12 noted that caribou movements are increasingly
13 unpredictable, changing because of the variety of
14 disturbances on the ranges. And over the next twenty
15 (20) years, I think it's reasonable -- reasonably
16 foreseeable that barren-ground caribou will be present
17 at the mine site.

18 So the argument for any lack of a
19 monitoring program is based on the collar -- collar
20 data for the past fifteen (15) years, I think is a --
21 is a little bit flawed. So I guess that's just a
22 comment. There's not really a question.

23 And lastly, for -- for closure
24 planning, they mentioned the tailings capping and how
25 they would pick from a variety of methods within the

1 first three (3) years of operation. And as the
2 tailings cover is going to be part of the landscape
3 permanently, I don't think it's good enough that
4 that's not decided before the permitting phase. I
5 think there should be a lot of time invested into
6 this, and with Avalon's walkaway strategy, it doesn't
7 seem to me like they want to put too much time or too
8 many resources towards closure.

9 So I'd just like to request that there
10 be a -- a sturdy and robust tailings closure plan in
11 place prior to permitting. And that's all I have for
12 now.

13 THE CHAIRPERSON: Does Avalon want to
14 respond to that? Thank you.

15 MR. DAVID SWISHER: David Swisher,
16 with Avalon. Yeah, thanks for the comments, Mike. I
17 just wanted to clarify the comments are good comments.

18 The -- with regards to the TK study,
19 there were, in all the communities, Elders that were
20 requested that it be brought to them, versus them
21 going to the town hall. So that is why you see some
22 of those within the -- their homes, and -- and the
23 community representatives organized that to be at
24 their homes. So I cer -- certainly appreciate your
25 comments with regards to that.

1 Wildlife monitoring, that is something
2 we -- we definitely will be doing. And as -- as
3 mentioned with earlier comments, we are attending the
4 cumulative effects workshops. And -- and as you saw
5 in our presentation, we'll be working with the GNWT
6 with regards to how we deal with those cumulative
7 effects so they're effective for all communities
8 involved.

9 And our tailings, it's -- it is
10 important that when we do tailings, we want to do test
11 plots. Test plots usually require land use permits.
12 And so that's why we have just indicated it is
13 important for us to make sure that we do those test
14 plots, but we want to make sure that -- that we're
15 permitted to do so.

16 And -- and we've committed, and I can
17 make that commitment right now, that we will be doing
18 test plot test work for -- for better understanding of
19 our future reclamation needs for both sites, both at
20 Nechalacho as well as at the hydromet plant. Thank
21 you.

22 THE CHAIRPERSON: Okay. Thank you. I
23 wanted to thank Mike for your presentation. Masi.
24 And I -- we're just making sure that we got these
25 commitments down and noted. Thank you.

1 Continue on, next we have is -- I don't
2 know if Transport Canada is here?

3 MR. CHUCK HUBERT: NWT Metis Nation
4 first.

5 THE CHAIRPERSON: Oh, I'm sorry.
6 Northwest Territories Metis Nation...?

7 Tlicho government...?

8 Transport Canada...?

9

10 (BRIEF PAUSE)

11

12 MR. CHRIS AGUIRRE: Chris Aguirre,
13 with Transport Canada. We have no questions re --
14 regarding your presen -- Avalon's presentation. Our
15 questions will be tied with our presentation on
16 Wednesday. Thank you.

17 THE CHAIRPERSON: Thank you.
18 Yellowknives Dene First Nation...?

19

20 (BRIEF PAUSE)

21

22 MR. TODD SLACK: Hi, Mr. Chair. It's
23 Todd Slack, with the Yellowknives Dene. I have a
24 couple of questions along eight (8) lines of inquiry,
25 if you'll permit me. And I have tried to phrase them

1 so that they're quite quick.

2 The first sort of area I'm going to
3 focus on is general nature of commitments. And
4 previously, Mr. Swisher has appeared before this Board
5 and -- with Tamerlane, and there was a number of
6 commitments made in that process, eleven (11) pages'
7 worth. And now, obviously, some of these commitments
8 are tied to particular construction issues.

9 But I'm wondering if he would
10 characterize -- be able to dis -- to discuss how many
11 of the commitments he promised at that time have been
12 fulfilled, especially with focus to those areas that
13 fall outside the regulatory powers?

14 THE CHAIRPERSON: Okay. Thank you.
15 I'm going to go back to YKDFN. That has nothing to do
16 with YKD -- or, sorry, the presentation made here this
17 morning. So can you ask another question, please?
18 Thank you.

19

20 (BRIEF PAUSE)

21

22 MR. TODD SLACK: Sure. Todd Slack,
23 for the Yellowknives. During the presentation this
24 morning there was a number of proposed site-specific
25 water quality objectives.

1 And I'm wondering if the Proponent
2 would agree that they are potentially going to
3 contaminate the water or degrade the baseline quality
4 to the point of several hundred percent on particular
5 elements?

6 THE CHAIRPERSON: Thank you. To the
7 question, Avalon?

8 MR. RICK HOOS: Rick Hoos. Our -- our
9 assessment, including our water quality modelling,
10 would indicate that we don't see any significant -- we
11 will not be seeing any significant changes to water
12 quality in Thor Lake or downstream thereof.

13 THE CHAIRPERSON: Thank you. I'm
14 going to back to YKDFN.

15 MR. TODD SLACK: Todd Slack, for the
16 Yellowknives. Effluent quality criteria refer only to
17 the toxicity of a particular parameter.

18 Are you willing to commit that the
19 project will not alter the aquatic ecosystem in the
20 receiving environment in the same way that has been
21 observed at other mines in the NWT?

22 THE CHAIRPERSON: Okay. To the
23 question, Avalon?

24 MR. RICHARD HOOS: Rick Hoos. I'm not
25 even sure you're accurate with your accusation that

1 the aquatic environment has changed at all the other
2 mines in the NWT. But when it comes to this project,
3 there will be an envir -- an Environmental Effects
4 Monitoring Program under the Metal Mining Effluent
5 Regulations. At the same time, it will conform with
6 the Aquatic Effects Monitoring Program requirements of
7 AANDC as well.

8 Those kinds of programs are intended to
9 determine whether there are any kinds of measurable
10 changes that might occur to the aquatic system as a
11 result of a -- of, in this case, a mining project.

12 There's one (1) thing we know about
13 nature, and we -- we hear about it every day with
14 regard to caribou: nature and the environment
15 changes. The aquatic ecosystem of the Thor Lake area
16 is ever changing as well. So we're going to be
17 monitoring what happens to the aquatic environment.

18 There will be changes due to seasons.
19 There will be changes due to annual differences in
20 precipitation and other factors. And there might be,
21 conceivably, a change related to the mining project
22 itself. That's the purpose of monitoring: to
23 determine whether such kinds of changes might or might
24 not occur. We'll be monitoring for that.

25 THE CHAIRPERSON: Okay. Thank you.

1 I'll go back to YKDFN.

2 Mr. TODD SLACK: Thanks, Mr. Chair.

3 And just as a point of follow-up, the Aquatic Effects
4 Monitoring Program for the BHP site has shown that
5 there's significant changes in the lower trophic
6 structures.

7 And what I'm ho -- or what I was hoping
8 to hear is that this project is going to commit, as
9 part of their water quality prog -- or monitoring and
10 management, that they -- they won't allow that to
11 happen.

12 THE CHAIRPERSON: Okay. Thank you.
13 I'm going to go back to Avalon, to the question.

14 MR. RICHARD HOOS: Rick Hoos. We do
15 not believe that there will be any significant changes
16 in the aquatic system attributable to the existence
17 and operation of the Avalon project, the Thor Lake
18 Project. That's based on the work that we've done,
19 the -- our -- our understanding of the extremely good
20 quality of the water that's coming out of the system
21 into the downstream receiving environment, and the
22 twenty (20) years' simulated modelling that we've done
23 which would suggest that there are no significant
24 changes expected in water quality.

25 And, based on that, we do not

1 anticipate that it is likely that there will be any
2 significant changes in the aquatic ecosystem
3 associated with -- with the area.

4 THE CHAIRPERSON: Thank you.
5 YKDFN...?

6 Mr. TODD SLACK: Todd Slack,
7 Yellowknives Dene. I appreciate the answer, and I'll
8 move on and come back to that. I think it was part of
9 our presentation.

10 Turning now to barging, and just a
11 couple of points of clarification after the other
12 questions that we've heard. Avalon has committed to,
13 in their presentation, an adequate spill response.

14 Just in terms of clarity of language
15 here, does this mean that the Company will have
16 sufficient ability --- either themselves or through
17 their contractors -- sufficient ability localized on
18 Great Slave Lake to contain and clean -- and clean up
19 a spill from a maximum-size barge load?

20 If not, how long will it take the
21 Company to have sufficient ability on hand to respond
22 to such a situation?

23 THE CHAIRPERSON: Thank you. I'm
24 going to go to Avalon.

25 MR. RICHARD HOOS: Yeah. Rick Hoos,

1 on behalf of Avalon. I think the best and the easiest
2 way to -- to answer this question is to indicate that
3 the -- the existing major barge operator in -- in the
4 -- the lake is NTCL. They have a detailed spill
5 response plan approved by Transport Canada. It is the
6 responsibility of the barging service or provider to
7 have a spill response plan capable of dealing with the
8 kinds of incidents that could -- could be experienced
9 in relation to their operation.

10 I might also say, for that very reason,
11 all of NTCL's barges are -- that carry fuel are
12 compartmentalized into, I would suggest, typically
13 fifteen (15) to thirty (30) compartments so that any
14 fuel they do transport is transported in smaller,
15 discrete compartments so that un -- under no
16 reasonable circumstance could you expect a major loss
17 of -- of oil from -- or -- from such a barge if it
18 were to sink or, let's say, hit a rock or something
19 like that, which is even less likely because, of
20 course, the barges are being towed by a tug.

21 So if anything was going to hit a rock,
22 it might be the tug itself, less likely the barges.

23 MR. DAVID SWISHER: Excuse me, Mr.
24 Chair, may I?

25 THE CHAIRPERSON: Oh, sorry. Go

1 ahead, David.

2 MR. DAVID SWISHER: David Swisher,
3 with Avalon. Yeah, in -- in our discussions with the
4 barging companies, there -- there are some barging
5 companies that are -- that -- that of course have to
6 qualify under the -- the double-hulled barge
7 requirements that are in place. NTCL has -- has been
8 grandfathered with some of their fuel barges as well.

9 Any discussions that we've had with
10 NTCL as well as other groups is that if we utilize
11 that, then what can we do to further mitigate? Yes,
12 your barges are -- are grandfathered in, but what --
13 what can we do to make sure that they're -- we -- we
14 further mitigate or make -- ensure that there are no
15 spills?

16 And -- and so their suggestions and
17 what we would require is that they don't fill those
18 outer baffles, if you will, that have fuel, because
19 you have the inner ones that are further protected on
20 the inner portions of those barges. So those
21 discussions are -- are taking place. And -- and
22 that's what Avalon's expectations would be as well, to
23 -- to minimize any potential spills.

24 THE CHAIRPERSON: Okay, thank you.
25 I'll go back to YKDFN.

1 MR. TODD SLACK: Todd Slack,
2 Yellowknives Dene. I would just like to ask a point
3 of clarification. And I think I heard this. And did
4 I -- correct me here.

5 Did I hear that there's no conceivable
6 way that a barge could release its product to the
7 environment?

8 THE CHAIRPERSON: Thank you to the
9 question. And I'll go back to Avalon.

10 MR. RICK HOOS: Rick Hoos. No, that's
11 not what I said. If a barge were to hit a rock, a
12 single compartment, or perhaps a couple of
13 compartments, could be damaged by that. And we do --
14 we are aware. We understand, from what we've heard
15 from visits to the communities, that there may have
16 been in the past an incident or more perhaps, where --
17 where there may have been a small spill from a fuel
18 barge into the receiving environment. But that's
19 about all we've ever heard about.

20 THE CHAIRPERSON: Okay, thank you.
21 Back to YKDFN.

22 MR. TODD SLACK: Thank you, Mr. Chair.
23 Todd Slack, with the Yellowknives Dene. So coming
24 back to the original question. And I understand that
25 this is a contractor responsibility. How does the

1 project recommend that a concerned community per --
2 gets the information with regards to a spill or a
3 sinking, to have assurance that there will be adequate
4 spill response or to understand what that timeline
5 will be?

6 THE CHAIRPERSON: Okay, to the
7 question, Avalon.

8 MR. DAVID SWISHER: David Swisher,
9 with Avalon. Yeah, the -- any of those spills are --
10 are a legal requirement over a certain amount. It's
11 no different than our requirements in our land use
12 permit. That's -- that's dictated through Transport
13 Canada through the barging company, yeah, and the
14 spill report line. And I think there was even
15 documentation provided on the Review Board website
16 that documented all those spills going back for quite
17 some time.

18 So it is a requirement that's out
19 there, legal requirement, through our barge company.
20 I think they -- they would put themselves in peril if
21 they did not follow that legal requirement.

22 THE CHAIRPERSON: Thank you. I'm
23 going to go back to YKDFN.

24 MR. TODD SLACK: Todd Slack, with the
25 Yellowknives Dene. And, Mr. Chair, I think I'll just

1 wrap this line of questioning up with a comment. And
2 without having assurance that such a spill response is
3 available locally, I -- I get the feeling that this
4 will be a significant level of concern.

5 I'd like to move on to a separate
6 question. And I -- I think that this is a pretty
7 straightforward one. Canada's Environment
8 commissioner recently put out a report that questioned
9 the liability associated with offshore shipping and
10 potential spills.

11 Just for those of us here, can you
12 confirm that Avalon and its contractors will be 100
13 percent liable for any cleanup -- cleanup and
14 associated costs?

15 THE CHAIRPERSON: Thank you. I'm
16 going to go over to Avalon to the question.

17 MR. DAVID SWISHER: David Swisher with
18 Avalon. I'm sorry, I -- I had a bunch of scribbling
19 around me. Could you please repeat the question?

20 THE CHAIRPERSON: Thank you.
21 YKDFN...?

22 MR. TODD SLACK: Sir, Todd Slack with
23 the Yellowknives. And I can just be straight here. ?

24 Can you confirm that Avalon or its
25 contractors will be 100 percent liable for any cleanup

1 and associated costs?

2 THE CHAIRPERSON: Thank you. Back to
3 Avalon to the question.

4 MR. DAVID SWISHER: It's David Swisher
5 with Avalon. Obviously Avalon will be required and
6 will be responsible for any spills that it has.

7 And as mentioned earlier, such as with
8 the barging situation, that if there are any spills,
9 that obviously the barge company has their
10 requirements that are approved through Transport
11 Canada, and Avalon would require any of its companies
12 to meet or exceed its spills contingency responses for
13 any potential spills.

14 THE CHAIRPERSON: Thank you. YKDFN,
15 any further questions?

16 MR. TODD SLACK: Yes. I'll move on to
17 a different line of questioning here. And the
18 Yellowknives have reviewed and support the project's
19 commitment to develop an incineration management plan,
20 as noted in their response to GNWT recommendation
21 number 1. However, and this is in the -- we heard
22 this morning that they don't plan to do any
23 commissioning for the incin -- or any stack testing
24 for the commissioner.

25 And I'm wondering if the project is

1 aware that Ekati, Diavik, and, most -- most recently,
2 Snap Lake have found to be in non-compliance with the
3 guidelines that they've committed to? And as a -- a
4 second point there, that Snap Lake only discovered
5 they were in compliance through ongoing monitoring of
6 the time that people are asking for.

7 THE CHAIRPERSON: Thank you. To the
8 question, Avalon.

9 MR. DAVID SWISHER: Yes. David
10 Swisher, with Avalon. Our -- our team certainly has
11 been made aware of that.

12 I think the -- the -- there is a
13 difference between, certainly, the larger open pits
14 and the larger operations with regards to the waste
15 generation compared to our project. And because of
16 also the proximity that we're in, we also have the
17 ability of disposing quite -- much easier in local
18 landfills than maybe some of the other operations. So
19 we do have, I think, a bit more flexibility with
20 regards to the waste management plan and the
21 incineration of that plan.

22 I think with regards to waste -- or
23 incineration, I think when incinerators were installed
24 early on in the process, there was still a lot of
25 learning taking place. There's certainly been a lot

1 more technology and advancements in technology today,
2 certainly just in the last five (5) years that I've --
3 I've looked at incinerators, and I think it -- it
4 really stems from an incineration -- incinerator
5 standpoint, it really stems from a good management
6 plan and making sure that you follow through on that
7 good management plan.

8 We intend to do so, and as mentioned
9 before, we are committed to do so, but we are also
10 committed to make sure that the manufacturer approves
11 the installation and commissioning of those
12 incineration units, which we don't believe to be used
13 that often because simply the size at both sites are
14 much smaller in -- in size. Thank you.

15 THE CHAIRPERSON: YKDFN, I think you
16 mentioned a bit earlier when you made your comments
17 there you had about seven (7) questions, so I think
18 we're pretty close to it. YKDFN...?

19 MR. TODD SLACK: Thanks, Mr. Chair.
20 Sorry, I had seven (7) lines of inquiry, seven (7)
21 topics. But I can -- I'll do everything I can to be
22 cognizant of the time here.

23 THE CHAIRPERSON: Can you explain to
24 me how many more questions, then? If you have got
25 seven (7) inquired lines, how many questions in total

1 do you have?

2

3

(BRIEF PAUSE)

4

5 MR. TODD SLACK: I've still got a few.

6 THE CHAIRPERSON: That didn't answer

7 my question.

8

MR. TODD SLACK: No, I'm sorry. I
9 would say I -- I have more than ten (10). I -- as I'm
10 reading them, if they've already been asked, they're
11 off the list.

12 THE CHAIRPERSON: Okay. Well, can you
13 do your best questions possibly in about seven (7)?
14 And if there's some that are duplicate, then don't
15 answer (sic) them. But, I mean, try and keep them
16 short.

17 MR. TODD SLACK: Todd Slack,
18 Yellowknives Dene. Well understood, and I'll do my
19 absolute best. The project talked about -- sorry, I'll
20 move to traditional knowledge for a second. The
21 project talked about how they've -- they've valued
22 traditional knowledge in the lead up to this process.

23 And we've heard in other environmental
24 assessments, De Beers and Fortune for instance, both
25 of whom make commitments that provide not just for

1 traditional knowledge incorporation into their
2 Wildlife Effects Monitoring Program, but also provided
3 resources and facilities to make for effective data
4 collection. In the list of commitments that's
5 provided today, there aren't any commitments that
6 address this matter.

7 Can the project -- can you -- can you
8 please tell us how the project will ensure that
9 appropriate traditional knowledge incorporation will
10 factor into ongoing operations management?

11 THE CHAIRPERSON: Your question, is it
12 in line with the presentation made this morning?

13 MR. TODD SLACK: Todd Slack with the
14 Yellowknives. I believe so, Mr. Chair.

15 THE CHAIRPERSON: Okay.

16 MR. TODD SLACK: There was a fair
17 amount of talk about it.

18 THE CHAIRPERSON: Very good, then.
19 We'll go back to Avalon.

20 MR. DAVID SWISHER: David Swisher with
21 Avalon. Appreciate the -- the question there.

22 We've -- we've already incorporated a
23 lot of feedback over the last two (2) years, eight (8)
24 months, into our design process and the design of the
25 -- the operations, particularly in the way of

1 minimizing the footprint of the -- both sites.

2 In terms of moving forward through
3 construction and operation, that is something that we
4 are working with each of our Aboriginal groups through
5 the negotiation process of the agreements that we are
6 currently negotiating. And there are components
7 within that agreement that address the use and the
8 sharing of traditional knowledge.

9 THE CHAIRPERSON: Thank you.

10 YKDFN...?

11 MR. TODD SLACK: Thanks, Mr. Chair.
12 Todd Slack with the Yellowknives. I'll move to
13 wildlife here.

14 Now, the project has been discussing
15 monitoring around wildlife for a while. And within
16 its table of commitments and its presentation this
17 morning, we heard that they're discussing this matter
18 with GNWT.

19 Referring to the document that's on the
20 registry, it's -- gee, I don't have the date here.
21 But it's less than a month old:

22 "The project acknowledges that the
23 GNWT has asked for a Wildlife
24 Effects Monitoring Program."

25 Now, considering the importance of this

1 to First Nations, I'm wondering just what the -- the
2 barrier to establishing an enfor -- an enforceable
3 commitment is here? Can the Company provide
4 clarification as to whether they intend to do this in
5 a reasonable time frame?

6 THE CHAIRPERSON: Thank you. I want
7 to go to Avalon.

8 MR. DAVID SWISHER: David Swisher with
9 Avalon. Yeah, we certainly have sat down with the
10 GNWT and -- and discussed this with the GNWT.

11 When we look at the WEMP, if you will,
12 we look at the purpose of the WEMP. Certainly for the
13 larger projects that went on to an environmental
14 review, there were requirements to go through a -- a
15 WEMP.

16 We don't believe the WEMP is effective
17 at this point, but we're not opposed to working with
18 the GNWT and working with our Aboriginal groups with
19 regards to what can be purposeful and useful for the
20 communities, not just an exercise in -- in futility.
21 That's -- and which we -- we believe is occurring now.

22 We also look at the different sites,
23 because our site is a much smaller site. It is not in
24 the barren lands. When you look at the -- the forest
25 and the trees that we have at our site, it --

1 logistically it's just different. And so from our
2 standpoint, again, the footprint is much smaller,
3 extraordinarily small, considering the -- the other
4 projects and the other projects' relationship with
5 regards to their extra stage of process because of the
6 potential significant impacts due to open pits,
7 massive stockpiles, that sort of thing.

8 Again, we -- we just want to make sure
9 that whatever we do work on, that we're not tied or --
10 or committed to doing something that doesn't make
11 sense. That we're doing something that will benefit
12 the North and benefit the people in the North. And
13 that's why it's -- it's a process at this point.

14 Because as we've discussed with the
15 GNWT, they are still ironing out the details of just -
16 - just how they can make that a bit more fu --
17 fruitful process. And we have committed to work with
18 the GNWT in that process, and particularly for our
19 particular project.

20 THE CHAIRPERSON: Okay. Thank you.
21 YKDFN...?

22 Mr. TODD SLACK: Todd Slack with the
23 Yellowknives. And if you'll permit me four (4) more
24 questions, I'll skip over my questions on cumulative
25 effects and closure.

1 Just as a followup to that in terms of
2 this site versus other sites, in the discussion, you
3 didn't just talk about the potential of developing a
4 WEMP. And I just want to bring up an analog, and
5 that's the Snap Lake site. And that's -- you know, I
6 like to learn from what we've seen in the past, and
7 the Snap Lake 2011 WEMP noted a zone of avoidance of
8 17 kilometres.

9 Now, that's an effective zone of over
10 900 square kilometres on a reasonably similar site,
11 and I would argue that, clearly, the project
12 appreciates De Beers' science as they've appropriated
13 a -- a fair amount.

14 So doesn't an impact area this big
15 suggest that -- suggest to the project that they may
16 want to ensure that they have a very good
17 understanding of -- as to what's happening within that
18 zone?

19 THE CHAIRPERSON: Okay. Thank you.
20 To Avalon to the question.

21 MR. DAVID SWISHER: David Swisher with
22 Avalon. I think -- I -- I think it may be just a bit
23 more complex than that. I certainly understand and
24 respect your -- your analogy there with Snap Lake.
25 Still, in the barren lands, you can look out and see

1 potentially 15 to 17 kilometres.

2 Our site, we're blessed to be
3 surrounded by trees. It is a much more difficult task
4 to actually tromp through the woods and -- and the
5 idea is to minimize, as much as possible, from
6 Avalon's standpoint, minimize how much we are out
7 there extending beyond the project footprint site,
8 because it was our goal to make sure we have a very
9 small footprint site and we contain it to that
10 footprint site.

11 And so what we don't want to do is
12 create a situation where we're actually creating more
13 aversion to the wildlife by actually trying to get out
14 into the trees, field studies, or low-flying
15 helicopters that could actually create more of an
16 aversion than what you're trying to accomplish.

17 So, I think those are some of the
18 things that -- that -- that's important for us to make
19 sure that we -- we understand what we're doing and
20 that we're not just putting a -- a quick band-aid on
21 something that maybe has some -- some -- or could
22 potentially have some opposite effects of what we're
23 hoping to have and, that is, minimize the footprint,
24 minimize the exposure so that you're -- you're
25 creating a -- a -- as -- as natural an environment for

1 the wildlife in that area as possible.

2 Again, we are committed to continue
3 working with the GNWT on what would work best for the
4 -- for our particular site.

5 THE CHAIRPERSON: Okay. Thank you.
6 I'm going to go back to YKDFN.

7 Mr. TODD SLACK: Thanks, Mr. Chair.
8 I'm going to turn to socioeconomics as my last line of
9 inquiry here, and referring to one (1) of the -- the
10 last slides where it set out the -- the benefits for
11 the territory and the -- the number of jobs.

12 In reviewing the -- the assumptions
13 that went into the -- the preparation of this Appendix
14 K of the DAR, it has a couple of passages that I --
15 I'm -- I'm really wondering about in terms of initial
16 -- initial assumptions.

17 It notes that there will -- and two (2)
18 particular:

19 "It is not expected that there will
20 be significant competition from
21 other major projects for workers."

22 The second point was -- or second
23 quote, pardon me, is:

24 "We expect that all direct jobs in
25 the NWT will be drawn from the local

1 study area, and that perhaps 90
2 percent of indirect and induced jobs
3 will also come from the area."

4 Now, I contrast this to what we've seen
5 in the other environmental assessments, specifically
6 with Gahcho Kue, where they noted a difficulty in
7 finding enough hires. I contrast that with the Snap
8 Lake hiring percentage, and, perhaps most recently,
9 Minister Ramsay on CBC was noted as saying, In today's
10 labour market, it's very hard to attract and retain
11 skilled -- skilled labour. The mines in the NWT are
12 no different.

13 So what I'm trying to understand is:
14 How did the project arrive at these conclusions, given
15 these initial assumptions which seem so invalid to
16 those of us who live here and are aware of the -- the
17 economic conditions?

18 THE CHAIRPERSON: Okay. Thank you.
19 To the question, Avalon.

20 MR. DAVID SWISHER: Thank you, Mr.
21 Chair. David Swisher, Avalon.

22 So I think, when you look at our --
23 that socioeconomic study that was done by Gill
24 (phonetic) Gislason, that did take into account --
25 when you look at the -- the whole report as a whole,

1 those comments are made based on his analysis that he
2 did at the time with regards to what the available
3 workforce would be in the North.

4 And so, at that time, he basically was
5 analyzing the fact that immigrant workers or -- or
6 workers that we're going to have to bring up from the
7 south are going to be more. They're going to be, I
8 think, in the neighbourhood of 60 to 70 percent and
9 only 30 percent locally in that report. It was -- it
10 was definitely a smaller number that could be captured
11 locally.

12 And so when that comment with regards
13 to getting the local workers, that was in relation to
14 that distribution. No way does that report indicate
15 that all the -- the labour is going to come from the
16 North. We know that's not going to happen.

17 However, it's important for us in
18 working with the GNWT to see what we can do to help
19 attract people to move to the North because, at the
20 end of the day, we understand that it is going to be a
21 challenge.

22 And short of trying to steal workers
23 from other operations, which, you know, don't
24 necessarily help those other operations either, it's
25 going to be very difficult. And we're going to end up

1 having to bring more people from the south than we
2 would like to.

3 So we've got -- we've got plans in
4 place to do extensive training pre -- preconstruction,
5 during construction, during operations to try and
6 enhance the local workforce to the greatest extent
7 possible, provide skilled training to the -- to the
8 employees -- or -- or people here locally that we can.

9 It is in our best interest to try and
10 hire as much local labour as we can. But
11 realistically, we also realize that -- that we're
12 going to have to bring people from the south. And the
13 way that we can hopefully attract people and their
14 families to move to the North is also to work with the
15 communities, work with the -- the town of Yellowknife,
16 work with the town of Hay River, Fort Resolution, all
17 of our communities and the GNWT in how we can -- how
18 can -- how can we maintain that, how can we provide
19 enough housing, is there enough housing, those sorts
20 of things.

21 No doubt, it's a challenge. And
22 hopefully it's not a challenge that any one (1)
23 developer has to take on by itself. But it's
24 certainly a challenge we're faced with and it's a
25 challenge we're -- we're -- we are looking forward to

1 working with all parties on just how we can meet that
2 challenge for the benefit of the NWT, as well as the
3 benefit of the operation so that -- so that, like you
4 said, we're not -- we're not forced to bring more
5 people from the south than necessary.

6 THE CHAIRPERSON: Okay, thank you.
7 I'll go to YKDFN.

8 MR. TODD SLACK: Just a point of
9 clarification before I get to the last question here.

10 I'm wondering if we can -- if I can ask
11 for some -- some followup from the Proponent either
12 tomorrow or whatnot because the -- the quote is -- and
13 it could be that I'm misinterpreting it. And if
14 that's the case, I'm happy to know that, too.

15 But if this forms part of the -- the
16 foundation of the analysis, I think it's relevant for
17 all of -- all of us to know. And the quote is:

18 "We expect that all direct jobs in
19 the NWT will be drawn from the local
20 study area and that perhaps 90
21 percent of the indirect and induced
22 jobs will also come from the LSA."

23 And the question that I would have then
24 is: How much of that -- that assumption has been
25 carried forward into the numbers that we saw today and

1 the -- the promises that the Company has made to date?

2 THE CHAIRPERSON: Okay, thank you.

3 I'm going to go over to Avalon to the question.

4 MR. DAVID SWISHER: David Swisher,
5 with Avalon. Yeah, those numbers that we showed today
6 came directly out of that same report. So we have not
7 changed those numbers whatsoever. Those are the
8 direct numbers of Gis -- Gill Gislason report that
9 you're quoting. And I believe that report is with the
10 public registry with the Review Board.

11 THE CHAIRPERSON: Thank you. Any
12 further questions, Todd Slack?

13 MR. TODD SLACK: Yes, Mr. Chair. Todd
14 Slack, with the Yellowknives.

15 And as my last question, Mr. Swisher
16 this -- this morning stated that he was looking to
17 arrive at a win/win agreement with the Yellowknives
18 Dene. And now given that stated commitment, would --
19 would the project object to this being done in such a
20 way that it was established as a requirement for the
21 pro -- before the project could proceed into further
22 permitting?

23 THE CHAIRPERSON: Okay, well, I don't
24 know -- I'm going to stop you there for a second. I
25 think that's an issue that's going to have to be dealt

1 with between yourselves and Avalon. I think the
2 question should be related to the presentation made
3 here today.

4 So, Todd, did you want to rephrase your
5 question or -- or does Avalon want to speak to that?

6 MR. DAVID SWISHER: Mr. Chair, David
7 Swisher, with Avalon. We absolutely want to work with
8 the -- the Yellowknives. And -- and we are open to
9 doing so and have in the past as well as right now to
10 continue working with the Yellowknives aside from this
11 process.

12 THE CHAIRPERSON: Thank you, Todd, for
13 your questions, and that concludes the presentation.
14 So I believe that's your last question you had, and
15 then I think you've got a presentation coming up
16 tomorrow as well. I think everybody has an
17 opportunity to do that, so I'm going to stop there.

18 Also, I just want to point out now that
19 I went through the list of orders that the parties
20 have to put questions to the Developer, and the
21 Developer came in this morning, did a presentation. I
22 want to point out that to get to this point in the
23 whole process we have here, everybody has an
24 opportunity and understands the Review Board process.
25 I mean, we've been doing this for fourteen (14) years

1 now, and we've been coming to these hearings.

2 And, you know, parties have to be --
3 write a letter the Board. The Board has to convene in
4 the meeting and agree or disagree on who becomes a
5 party. And -- and this usually happens, you know,
6 probably a good half-way through this whole process
7 probably if not earlier, but the thing is is that at
8 this eleventh hour in the public hearing, I've been
9 asked to entertain a society here to come forward to
10 speak here today and put questions to -- to Avalon.

11 At this point in time, you know, I
12 can't allow that. I think there's a process in place
13 that I think people need to respect, and it's -- like
14 I said, it's been a long time coming to this point.
15 And I think people understand what the process is, so
16 I'm going to stop it from there.

17 And there's a public portion here this
18 evening from 7:00 (sic) to 8:00 tonight and tomorrow.
19 So if this group here wants to come forward and ask
20 questions to -- actually, since they come -- ask
21 question, they could come here and do a presentation
22 and that's it.

23 What happens, when the public speaks,
24 you'll come out and make a presentation, and that's
25 it. And the Board all it has to do is hear it. And

1 the questions doesn't have to go back and forth.

2 That's how that works.

3 So with that, we're going to stop here.

4 I think, according to the list here, I went through
5 the whole list, but I -- I've been asked by Mike
6 Freeman, because he is a listed party, I think he had
7 two (2) questions to the Developer. And I think I
8 explained to you as to how that worked. And so I'll
9 ask you to come up and sit at the table. And then
10 from there, we'll go to staff and legal and Board.

11

12 (BRIEF PAUSE)

13

14 MR. MICHAEL FREELAND: Mike Freeland,
15 Blachford Lake Lodge. At the very early stages of the
16 process, Blachford detailed our concerns both to
17 Avalon and to the Review Board. Two (2) of our
18 concerns were noise and light pollution, both with the
19 ongrow -- ongoing drill program and certainly with the
20 bigger project should it proceed.

21 I'd just like to ask Avalon why our
22 Blachford Lake Lodge concerns of light pollution and
23 noise pollution with the ongoing exploration program
24 were not addressed and why did Avalon not initiate
25 monitoring of those issues of the drill program as

1 it's gone on in the last couple of years?

2 THE CHAIRPERSON: Okay, thank you.

3 I'm going to go over to Avalon to the question.

4 MR. DAVID SWISHER: David Swisher with
5 Avalon. With all due respect, Mike, we've -- we've
6 had several negotiation meetings over the last year
7 where we have addressed just exactly that, the noise
8 and the light.

9 In fact, what we plan to do for the
10 project itself to mitigate those items, as well as the
11 differences between the exploration program that --
12 that was going on versus the project and what was
13 being designed in the project based on your concerns.

14 I just have to say that we absolutely
15 have heard you and listened and have made sure to
16 implement things within our design to address those
17 items.

18 MR. MICHAEL FREELAND: Well, now --

19 THE CHAIRPERSON: Thank you. I'm
20 going to go back to Blachford Lake Lodge.

21 MR. MIKE FREELAND: Mike Freeland,
22 Blachford Lake Lodge. I guess specifically, David,
23 the issues were -- were not addressed for the existing
24 ongoing drill program. It's been now three (3) years
25 and there's ongoing light pollution and noise

1 pollution. And that is ongoing. That has not
2 changed.

3 THE CHAIRPERSON: Is there -- is there
4 a question to that? Do you want to rephrase your --
5 your questions, so...?

6 MR. MIKE FREELAND: Well, I'm just --
7 I guess I'm suggesting that David didn't answer the
8 question, because the -- our concerns of the noise and
9 light pollution of the existing, ongoing drill program
10 were not addressed.

11 THE CHAIRPERSON: Okay. Thank you. I
12 want to go over to Avalon to the question.

13 MR. DAVID SWISHER: David Swisher with
14 Avalon. With regards to the drill program itself,
15 over the last couple of years in working with Mike,
16 those items were addressed in ways -- and maybe Mike's
17 not aware of those, but I -- I thought he was aware of
18 those with regards to our camp.

19 For instance, we -- most of the
20 generator sets that were powering the camp facilities
21 were out, exposed to the elements, maybe in a tent
22 frame. What we did is, we actually enclosed that
23 generator and insulated it, so that we could minimize
24 the noise, which you can hardly hear now. We even
25 when -- when you're -- you're in the camp facilities,

1 you can still hear it some, but it -- it basically
2 reduced that noise projection significantly.

3 The -- most of the drilling, we -- we
4 did spend several nights at Blachford during the --
5 the peak of the drill program, when we had two (2)
6 drill rigs going, trying to hear and listen. And I
7 think also, by Mike's own admission, a lot of that
8 sometimes is dependent on the wind carrying that
9 noise, depending on the shift in the wind coming up
10 from the south. You -- you can hear that.

11 With regards to the light, I think we
12 also agreed that you're going to see some of the light
13 re -- reflection off of the clouds when you do have a
14 cloud cover. You know, and that's something that --
15 that we both have seen. As well as, we've seen that
16 at Nechalacho of -- of the light reflection in
17 Yellowknife. I think Mark referred that -- to that in
18 the presentation, when you have a cloud cover.

19 And so with regards to the operations
20 itself, we -- for the drill program, we made sure that
21 the lights that were being mounted for the drill
22 program were pointing down, not just open in all
23 directions. We made sure, of course, that the drill
24 rigs -- obviously when it's very closed, they like to
25 close up those drill rigs to help maintain the noise,

1 but even when it's not cold out, they can often leave
2 the doors open and -- and, of course, letting noise
3 out.

4 You know, we've -- we've certainly done
5 what we can to -- to recognize those concerns and
6 address those in the ways that we can within the
7 exploration camp. We've supported your -- your lodge
8 facilities, as well, by supporting the transport of
9 supplies for you at the expense of Avalon, without any
10 -- any expectations in return. I think that's just
11 our efforts to continue to be a good neighbour, to
12 help out our neighbours as much as possible.

13 So I think, moving forward, Avalon is
14 definitely committed to continue its negotiations with
15 Blachford, but I do want to make it clear that those
16 negotiations with Blachford also have to include the
17 Yellowknives. And in our discussions that we've had
18 with the -- the Yellowknives, because we have to
19 respect the Yellowknives and that -- and that land as
20 well with regards to Blachford. And I know Mike --
21 Mike has -- has been working with that -- in that area
22 as well.

23 So we appreciate Mike's concerns, but
24 they absolutely have been heard, and we absolutely
25 have done as much as we can at the drill program to

1 help mitigate that.

2 And -- and certainly for the operation,
3 you know, a key decision if you look at any operation,
4 typically you don't put crushing stations underground,
5 particularly when your underground is only 2 -- 200 to
6 250 metres below surface and accs -- accessible by a -
7 - a decline. Typically, you put crushers underground
8 when you're restricted by your access either through
9 shafts or other external means.

10 We made a conscious decision to put
11 that underground to completely mitigate the noise that
12 would be generated from that, and then to make sure
13 all of our unfa -- infrastructure at the site is
14 enclosed within our building. So we -- we definitely
15 appreciate Mike's concern, but we -- and -- and we do
16 look forward to continuing discussions with -- with
17 Mike regarding Blachford.

18 THE CHAIRPERSON: Thank you. Mike
19 Freeland, you got another question?

20 MR. MICHAEL FREELAND: Yes, and that's
21 -- I still haven't got an answer to -- the second part
22 of the -- of my question was: Why did Avalon not
23 initiate monitoring of the issue? And I guess what I
24 mean by that is we expected someone from Avalon or a
25 consultant to be at Blachford at some point to monitor

1 what we were talking about, which was the light
2 pollution, and, secondly, the noise pollution.

3 And so I'm just wondering -- we've said
4 that's an issue. Why has Avalon not done monitoring
5 of those issues so they know and everyone else knows
6 what the real issues are?

7 THE CHAIRPERSON: Does Avalon want to
8 respond to that?

9 MR. DAVID SWISHER: David Swisher with
10 Avalon. I -- I think, from our standpoint, it's --
11 it's a very hard thing to quantify, which is why, in
12 our design aspects, we've been designing everything to
13 -- to address those concerns within our operation
14 itself.

15 I think also we understand that our
16 drill program is not a continuous program. That
17 program stops early next month and we will no longer
18 be drilling at site because it is no longer necessary.
19 So I guess, from our standpoint, we were also looking
20 at it in terms of this is a short-term situation in
21 which we will not be continuing because exploration
22 drilling is just not a continuous function and
23 operation.

24 THE CHAIRPERSON: Thank you. To go
25 back to Mike's question, too, as well, Mike, I mean,

1 we're here to listen to your -- your issues and your
2 concerns. And you're also going to be doing a
3 presentation just in a few minutes here anyway.

4 Also, the -- we want to hear
5 significant public concern or -- so we're hearing it,
6 but the questions you're asking are -- this -- the
7 question of Why? And I don't think we should, you
8 know, at this point in time get into those type of
9 questions, because the Board is hear to listen to what
10 you have to say, and at the end of the day, the Board
11 will make its decision and through its deliberation
12 and writing of the report.

13 So if you have any further questions at
14 this time.

15 MR. MICHAEL FREELAND: Just -- just
16 one. Just one (1) further question. This project
17 came up many years ago, and one (1) -- one (1) concern
18 was beryllium and the -- the resulting beryllium
19 disease.

20 I'd just like to hear from David and
21 Avalon, I guess just to -- seeking a con --
22 confirmation that Avalon would at no point in the
23 future be seeking to -- to pull out beryllium. I know
24 there are lots of chemicals on the list there this
25 morning; beryllium wasn't there, but I know it -- that

1 was very much a huge issue with the project years ago,
2 and just asking David if -- if there is any plans at
3 any time in the future for beryllium to be part of the
4 mix.

5 THE CHAIRPERSON: Okay. Thank you.
6 That was Mike Freeland, you shut your mic off, for the
7 record. That's a question that was put forward to
8 Avalon, but in -- in terms of the Developer's
9 assessment report based on the scoping that was done
10 in the community, I'm not sure if that's part of one
11 (1) of your key land inquiries, but I'm going to turn
12 it over to Avalon and ask you to answer that question.

13 MR. DAVID SWISHER: Certainly, Chair.
14 Thank you. David Swisher with Avalon.

15 I can confirm that beryllium is not a
16 part of this project nor a part of this scope that's
17 being assessed, and we have a commitment that
18 addresses that. Thank you.

19 THE CHAIRPERSON: Thank you. Thank
20 you, Mike, for your presentation (sic). It's now 10
21 to 4:00. What we'll do is we'll stop. We'll take a
22 ten (10) minute break, and then we're going to go into
23 a presentation by Blachford. We can move that up
24 early and -- oh, sorry. I'm sorry. I -- I -- it's
25 just up here.

1 I guess the next step will be is the
2 legal counsel and staff, and then Board members.

3 Sorry. Mr. Donihee...?

4 MR. CHUCK HUBERT: Mr. Chair, Chuck
5 Hubert with Review Board staff. I'd like to introduce
6 Ralph Grismala for some questions on water quality.

7 MR. RALPH GRISMALA: Thank you. I
8 have a number of questions for Avalon, and a lot of
9 them go to simply clarifying, confirming some of the
10 details of the proposed project so that the Review
11 Board has a very clear picture of exactly what it is
12 they're being asked to assess.

13 Most of the questions are structured so
14 they could be responded to with very short "yes" or
15 "no" answers, but, of course, Avalon will have the
16 prerogative to expand upon that as they see fit.

17 The first one: Since preparing the
18 DAR, Avalon has modified the water management plans
19 for the proposed mine. Some of the changes include
20 eliminating the recycling of water from the TMF back
21 to the flotation plant, earlier start-up of the paste
22 backfill operation, treatment of the mine water before
23 discharge to the TMF, treatment of the tailings slurry
24 water before discharge to the TMF, and modifications
25 to the TMF layout.

1 Are all of those still currently
2 correct?

3 THE CHAIRPERSON: Thank you for your
4 question. I'm going to go to Avalon to the question.

5 MR. DAVID SWISHER: David Swisher with
6 Avalon. All of those are correct with the exception
7 of the -- the tailings -- at the ta -- treatment at
8 the tailings facility. That was a contingency, if
9 required.

10 THE CHAIRPERSON: Thank you. The
11 Review Board staff...?

12 MR. RALPH GRISMALA: Please confirm
13 that each of -- oh, I'm sorry, Ralph Grismala, ICF
14 Marbek. Please confirm that each of the following
15 documents correctly represent Avalon's currently
16 proposed project or clarify any differences.

17 The first document is the water balance
18 flow sheet presented -- or dated 21 November, 2012,
19 and the second one is the tailings management facility
20 ultimate arrangement year twenty (20) dated 28 June,
21 2012.

22 THE CHAIRPERSON: Thank you. To
23 Avalon to the question.

24 MR. DAVID SWISHER: David Swisher with
25 Avalon. That sounds correct.

1 I would have to check to make sure that
2 those are the latest submissions to the Review Board,
3 but if you're confirming that those are the latest
4 submissions to the Review Board, then I can confirm
5 yes.

6 THE CHAIRPERSON: Thank you. Review
7 Board Staff...?

8 MR. JOHN DONIHEE: Mr. Chairman, it's
9 John Donihee. I just wonder if Avalon wants to
10 double-check that and confirm it first thing tomorrow
11 morning, that's fine. But I think we just really
12 would want a definite answer. So if -- if you want to
13 double-check those things, that's fine, but -- but
14 we'd like a definite answer for the record.

15 THE CHAIRPERSON: Okay, thank you.
16 I'll go back to Avalon.

17 MR. DAVID SWISHER: David Swisher with
18 Avalon. I appreciate that, John. Given I have no
19 photographic memory, I'm going to have to get back to
20 you tomorrow.

21 THE CHAIRPERSON: Thank you. Review
22 Board staff...?

23 MR. RALPH GRISMALA: Ralph Grismala,
24 ICF Marbek. Let's see. The -- the DAR says that mine
25 water plant site runoff will be collected and directed

1 into the process, as appropriate, and all excess mine
2 water from the underground operations will be pumped
3 up to surface for use in the flotation plant.

4 The -- the revised water balance flow
5 sheet dated 21 November, 2012 shows equal volumes of
6 mine water going into the flotation plant and treated
7 mine water coming out of the flotation plant implying
8 treatment but no use within the plant.

9 Can Avalon confirm that although the
10 proposal before the Board includes treatment of the
11 mine water in the flotation plant, it no longer
12 includes the use of mine water in the flotation
13 process?

14 THE CHAIRPERSON: Thank you. To the
15 question, Avalon.

16 MR. DAVID SWISHER: David Swisher with
17 Avalon. Yes, we can confirm that we're -- we're
18 treating the mine water and discharging to the
19 tailings facility, but we do have the ability to -- to
20 use that water, if necessary, in the process.

21 THE CHAIRPERSON: Thank you. Review
22 Board Staff...?

23 MR. RALPH GRISMALA: Ralph Grismala,
24 ICF Marbek.

25 Why does Avalon currently plant to

1 treat 157,000 cubic metres per year of mine water and
2 not use it while at the same time withdrawing 171,700
3 cubic metres per year of freshwater from Thor Lake for
4 use in the flotation plant? What are the
5 environmental or technical benefits of this approach?

6 MR. DAVID SWISHER: It's David Swisher
7 with Avalon. The -- the two (2) are not comparable,
8 Ralph.

9 The makeup water that we're using from
10 Thor Lake is the minimum amount of freshwater that we
11 require. We are taking as much of the freshwater that
12 we can in the recycle process in the treatment process
13 to continue to reuse internally within the flotation
14 plant. And the mine water is to -- the purpose of
15 running the mine water through that facility as well
16 is to make sure that prior to that mine water going to
17 or reporting to the tailings facility, is also
18 capturing some of the organics that may be mixed
19 within that mine water through the treatment facility
20 and other constituents that come from the underground
21 operations.

22 THE CHAIRPERSON: Okay, thank you.
23 I'll go back to the Review Board staff.

24 MR. DAVID MARSH: Sorry, if -- if --
25 Dave -- Dave Marsh, from Avalon. If I could just

1 talk, sir.

2 THE CHAIRPERSON: Oh, I'm sorry.

3 MR. DAVIS MARSH: I should point out
4 that some of that water that's coming from the lake is
5 -- is being used for potable water sourcing, for --
6 for drinking water, human consumption, and for shower
7 and ablution, et cetera. And we did not feel it
8 appropriate to use treated water for that.

9 THE CHAIRPERSON: Thank you. I'm
10 going to go back to Review Board staff.

11 MR. RALPH GRISMALA: Ralph Grismala,
12 ICF Marbek. The water balance flow sheet dated 21
13 November, '12, shows four (4) major inputs to the
14 combined TMF and Drizzle Lake system. Two (2) of
15 these are natural precipitation and runoff. The other
16 two (2) are labelled, "Tailings slurry water," and,
17 "Plant site runoff collection pond water to TMF."

18 Regarding the tailings slurry water, in
19 Avalon's presentation this morning, it appeared that
20 Avalon had committed to treating the tailings slurry
21 water, although your prior answer suggested that's not
22 correct?

23 THE CHAIRPERSON: Thank you. I'm
24 going to go back to Avalon to the question.

25 MR. DAVID SWISHER: David Swisher,

1 with Avalon. No, we've never -- we've never indicated
2 that we're committing to treating the tailings water
3 at the tailings facility. We've always committed to
4 treating it if necessary, because most of what we'll
5 be doing is within the flotation plant.

6 THE CHAIRPERSON: Thank you. I'll go
7 back to the Review Board staff.

8 MR. RALPH GRISMALA: Ralph Grismala,
9 ICF Marbek. Avalon has presented the day 5 decant
10 concentrations as the information that the Review
11 Board should consider in assessing the potential water
12 quality impacts from the tailings slurry water.

13 Is that correct?

14 THE CHAIRPERSON: Thank you. To the
15 question, Avalon.

16

17 (BRIEF PAUSE)

18

19 MR. DAVID SWISHER: David Swisher,
20 with Avalon. The latest information that was provided
21 after the technical hearings did not come from the day
22 5 decant. It came from the pilot -- pilot program.

23 THE CHAIRPERSON: Okay, thank you.
24 I'll go back to the Review Board staff.

25 MR. RALPH GRISMALA: Ralph Grismala,

1 ICF Marbek. And is that water from the pilot program
2 the untreated water that was listed in the first
3 column of your presentation tables today?

4 THE CHAIRPERSON: Thank you.
5 Avalon...?

6 MR. DAVID SWISHER: David Swisher,
7 with Avalon. Yes.

8 THE CHAIRPERSON: Review Board
9 staff...?

10 MR. RALPH GRISMALA: Ralph Grismala,
11 ICF Marbek. In the presentation earlier today, it was
12 stated -- and I don't have this verbatim -- that the
13 quality of the water reporting to the TMF would be the
14 quality of the treated process water, which to me
15 would imply that you're treating the tailings slurry
16 water, but apparently you're not.

17 So is the -- is the statement that the
18 quality of the treated water is what should be
19 considered as being reported to the TMF not accurate?

20 THE CHAIRPERSON: Okay, to the
21 question, Avalon.

22 MR. DAVID SWISHER: Davis Swisher,
23 with Avalon. I think we went through this with AANDC
24 when we responded with AANDC, in terms of that -- how
25 that whole internal process went earlier. I can

1 certainly ask Dave Marsh to come up here and -- and re
2 -- regurgi -- regurgitate for you how that process is
3 going to work.

4 MR. DAVID MARSH: David -- David
5 Marsh, from Avalon. Yes, as -- as repeated earlier,
6 the tailings, before they are pumped to the tailings
7 dam, they are effectively -- a lot of the water is
8 removed from that slurry, retreated, cleaned up, and a
9 portion of it put back into the tailings and -- which
10 is then pumped to the dam. So the majority of that
11 water that gets pumped to the dam is treated water.

12 MR. DAVID SWISHER: David Swisher,
13 with Avalon. I think too there may have been some
14 confusion, Ralph, with regards to the term 'slurry',
15 in terms of this is in-plant that Dave Marsh is
16 referring to with regards to the flotation plant. And
17 the slurry he's re -- referencing is in-plant, at the
18 tailings management facility.

19 THE CHAIRPERSON: Thank you. We'll go
20 to the Review Board staff.

21 MR. RALPH GRISMALA: Ralph Grismala,
22 ICF Marbek. So just to clarify yet again, we have a
23 treated stream of mine water reporting to the TMF; we
24 have water which has been de-watered from the
25 tailings, which is being treated but not going to the

1 TMF; and we have the remaining tailings with some
2 water going to the TMF, which is not treated?

3 THE CHAIRPERSON: Okay, thank you.
4 I'll go -- to the question, Avalon.

5 MR. DAVID MARSH: David Marsh, Avalon.
6 No. We -- we take the tailings before they leave the
7 plant, we -- we de-water them. That water that is --
8 we take out is treated and put back in with the
9 solids, a slurry, and pumped to the dam. So the water
10 that goes to the dam is -- is largely treated water.
11 And on top of that is the underground water which is
12 also into the plant and treated and pumped away to the
13 dam.

14 MR. DAVID SWISHER: David Swisher,
15 with Avalon. Just to also confirm that -- and clarify
16 that as in one (1) of your clarifications in the first
17 question you have is that there is no return line from
18 the tailings management facility. There is only one
19 (1) outgoing line to the tailings management facility,
20 to confirm that. Thank you.

21 THE CHAIRPERSON: Thank you. We'll go
22 back to the Review Board staff.

23 MR. RALPH GRISMALA: Ralph Grismala,
24 ICF Marbek. I may be misunderstanding one (1) or both
25 of you, but it seems to me that David and the other

1 gentleman are saying different things.

2 You know, one's saying that the --
3 essentially, the only treated water going to the TMF
4 is the mine water and not the slurry, and the other
5 gentleman seems to be saying that all of the water
6 going to the TMF is treated because it's -- the
7 treated water's being re-mixed with the solids going
8 back to the slurry.

9 THE CHAIRPERSON: Thank you. I'll go
10 back to Avalon to the question.

11 MR. DAVID SWISHER: David Swisher,
12 with Avalon. Okay, so just to clarify, just as we did
13 with AANDC, there is no reclaim line from the tailings
14 management facility.

15 The underground water, as shown in the
16 water balance figure, the latest one that was provided
17 to the Review Board, reports to the flotation plant.
18 In the flotation plant, that water gets treated along
19 with the -- the tailings slurry water, and then the
20 portion of clean water that does not get recycled
21 within the plant reports to the tailings management
22 facility.

23 Do you have anything to add?

24 MR. DAVID MARSH: David Marsh, Avalon.
25 We have -- what he's saying is correct. We have two

1 (2) lines going to the dam. The one (1) line is the
2 treated underground water. So the underground water
3 comes into the plant, is treated, and then is pumped
4 to the tailings dam. The second line is, as I
5 described earlier, the slurry from the -- the
6 tailings, actual tailings, from the flotation plant,
7 which are diluted or -- or the water in there is -- is
8 largely treated water.

9 THE CHAIRPERSON: Thank you. We'll go
10 back to the Review Board staff.

11 MR. RALPH GRISMALA: Ralph Grismala,
12 ICF Marbek. So both the plant site runoff/collection
13 pond water to the TMF is treated, or at least the mine
14 water going through that stream is treated, at
15 approximately 170,000 cubic metres per year according
16 to the 21 November, '12, water balance diagram. And
17 the other input is the 115,500 cubic metres per year
18 of tailings slurry water, which is removed from --
19 from the tailings as they're de-watered, it's treated,
20 mixed back in -- mixed back in with the solids and
21 then gone? Then sent to the TMF?

22 MR. DAVID SWISHER: David Swisher --
23 oh, sorry, Chair.

24 THE CHAIRPERSON: Go ahead, Dave.

25 MR. DAVID SWISHER: David Swisher,

1 with Avalon. Yes, I think you have it. And, again,
2 ear -- to your earlier question, once we confirm those
3 drawings that are the latest submissions that you're
4 looking at, we don't have the benefit of seeing right
5 now, then we can confirm that those are the latest
6 drawings in our submittal tomorrow morning.

7 THE CHAIRPERSON: Okay, thank you.
8 We'll go back to Review Board staff.

9 MR. RALPH GRISMALA: Ralph Grismala,
10 ICF Marbek. So I believe we've come to the conclusion
11 that both of those streams of water are treated before
12 discharging to the TMF and will have the quality of
13 the treated water, which contradicts what Mr. Swisher
14 said at the beginning of this chain.

15 So -- and -- and if that's not a
16 contradiction, please explain why it's not.

17 THE CHAIRPERSON: Okay. Thank you.
18 To the question, Avalon.

19 MR. DAVID SWISHER: David Swisher with
20 Avalon. It's not a contradiction because that was not
21 the intent.

22 I think it's clear that there was some
23 confusion there. Hopefully, we provided
24 clarification, but we -- we've certainly understood
25 what the -- the course of that process has been, and

1 hopefully we've been able to clarify that for you.

2 Thank you.

3 THE CHAIRPERSON: Okay. Thank you.

4 Any Board staff?

5

6 (BRIEF PAUSE)

7

8 MR. RALPH GRISMALA: In a memorandum

9 dated 21 November, 2012, with the subject line

10 'Meeting to Clarify and Substantiate Avalon October 31

11 Responses,' Avalon submitted a table titled 'Table 1:

12 Tailings Water Quality Before and After Treatment

13 Using Alternative Newterra Treatment Process in Recent

14 Pilot Plant Tailing Water Metals'.

15 The table contained the column titled --

16 titled 'Treated Effluent and Mine Water'. The

17 concentration data in that data is actually, or is

18 equivalent to, the analysis labelled PP-22 BZMP

19 Treated Process Water 2, which does not include any

20 mine water.

21 Is that correct?

22 THE CHAIRPERSON: To the question to

23 Avalon.

24 MR. DAVID SWISHER: David Swisher with

25 Avalon. I didn't realize I presented that data in our

1 presentation.

2 David Swisher with Avalon. It's --
3 it's just very difficult to actually respond to that
4 information when I'm not privy to the document that
5 Mr. Grismala is looking at.

6 THE CHAIRPERSON: Okay. I'll go back
7 to the Review Board staff to the presentation
8 questions.

9 MR. RALPH GRISMALA: Ralph Grismala,
10 ICF Marbek. Avalon has described the Nechalacho
11 plant, TMF, Drizzle Lake, Murky Lake, and plant water
12 intake from Thor Lake as a closed-loop system.

13 What percentage of water exiting Murky
14 Lake will actually be taken up at the Thor Lake
15 intake?

16 THE CHAIRPERSON: Okay. Thank you.
17 I'm going to go to Avalon to the question.

18 MR. DAVID SWISHER: It's David Swisher
19 with Avalon. We did not identify that as a closed-
20 loop system in our presentation. We -- we identified
21 it as a looped system, not closed. Closed certainly
22 has different implications than just a looped-style
23 system.

24 And with regards to percentage, in
25 terms of a quantitative response, I couldn't tell you.

1 It's going to be a minimal percentage, if -- if such.

2 THE CHAIRPERSON: Okay. Thank you.

3 To the Review Board staff.

4 MR. RALPH GRISMALA: The detection
5 limit reported for the mercury concentration tests is
6 about four (4) times the CCME criterion.

7 How should the Review Board assess the
8 impact of mercury in the receiving water environment?

9 THE CHAIRPERSON: Okay. Thank you.
10 To the question, Avalon.

11 MR. DAVID SWISHER: David Swisher with
12 Avalon. Could you please quantify where you're
13 getting this information, and -- and where this
14 information is coming from?

15 THE CHAIRPERSON: Okay. Thank you.
16 Review Board staff...?

17 MR. RALPH GRISMALA: Ralph Grismala,
18 ICF Marbek. The detection limit reported per --
19 refers to the concentration tests of the day 5 decant
20 and of the PP-22 BZMP treated process water 2, which
21 is the -- which are the numbers that -- the second one
22 is numbers that have been presented for the treated
23 effluent from the pilot plant.

24 And for the mercury, the detection
25 limit reported in those tables is less than 0.10

1 micrograms per litre. The CCME guideline reported in
2 Avalon's tables is .026 micrograms per litre, which is
3 about one-quarter (1/4) of the detection limit.

4 THE CHAIRPERSON: I'll go back to
5 Avalon.

6 MR. DAVID SWISHER: David Swisher,
7 with Avalon. Thank you for the clarification, Ralph.
8 I -- I think to -- to answer your question, we
9 utilized the CCME guidelines because we were not
10 within detectable limits on the mercury. I think we
11 also had extensive discussion during the technical
12 sessions with regards to this topic, as well. And
13 since we committed to meeting the CCME guidelines,
14 that's -- that's what our proposed SSWQO is.

15 THE CHAIRPERSON: Thank you. Go back
16 to Review Board staff.

17

18 (BRIEF PAUSE)

19

20 MR. RALPH GRISMALA: Avalon -- Ralph
21 Grismala, ICF Marbek. Avalon has stated that it
22 expects to be able to meet its proposed SSWQOs. Slide
23 6 in Avalon's presentation under the original
24 numbering, I'm not sure what it is with the additional
25 slides in -- slide 6 in Avalon's presentation lists a

1 commitment to meet CCME guidelines for water quality
2 as reflected in proposed SSWQOs.

3 Does Avalon therefore commit to meeting
4 the proposed SSWQOs?

5 THE CHAIRPERSON: Okay. Thank you.
6 To Avalon, to the question.

7 MR. DAVID SWISHER: David Swisher with
8 Avalon. Yes, we do.

9 THE CHAIRPERSON: Okay. Thank you.
10 I'm going to go over to the Review Board staff.

11

12 (BRIEF PAUSE)

13

14 MR. RALPH GRISMALA: Avalon has
15 presented flow analyses indicating that the hydromet
16 plant tailings' liquids discharge into the L-37 pit,
17 or the N-42 pit, would reach Great Slave Lake in
18 approximately eighty (80) years. This has been
19 updated in the presentation today to say forty (40)
20 years, based on a conservative estimate of the
21 velocity of the flow.

22 Has -- has any new modelling been done
23 since the DAR?

24 THE CHAIRPERSON: Thank you. To
25 Avalon, to the question.

1 MR. DAVID SWISHER: David Swisher with
2 Avalon. The results of that -- the -- the modelling
3 was done after the DAR. It was done in November of
4 2012, and that was -- actually that was a result of
5 our technical hearings and the request in the
6 technical hearings through AANDC and Environment
7 Canada, of which then we followed up and had a
8 conference call with AANDC and Environment Canada to
9 discuss those details, the parameters that went into
10 that, as well as the results of that.

11 THE CHAIRPERSON: Thank you. We'll go
12 to the Review Board staff.

13 MR. RALPH GRISMALA: And did that
14 modelling include predicted concentrations in the
15 leachate plume as a function of distance, position,
16 and time?

17 THE CHAIRPERSON: Thank you. To the
18 question, Avalon.

19 MR. DAVID SWISHER: It's Dav -- David
20 Swisher with Avalon. Yes.

21 THE CHAIRPERSON: Okay. Thank you.
22 Review Board staff...?

23 MR. RALPH GRISMALA: Ralph Grismala,
24 ICF Marbek. Based on that modelling, what is the
25 expected dilution ratio of the leachate by the time

1 the plume reaches Great Slave Lake?

2 THE CHAIRPERSON: Okay. Thank you.

3 Avalon, to the question?

4 MR. RICK HOOS: Rick Hoos. We're at a
5 little bit of a handicap, in that we don't have our
6 hydrogeologist present, so I will try to pretend I'm a
7 hydrogeologist for the moment.

8 What we did in this modelling was, we
9 tried to -- we modelled the expected concentration of
10 the two (2) contaminants that were present in the
11 effluent at the highest concentrations to begin with,
12 being mang -- magnesium and sulfate. And what we were
13 able to determine is that as this water containing
14 magnesium and sulphate move towards Great Slave Lake
15 it was diluted -- diluted. Just -- and this was a
16 dilution modelling -- model only. It did not take
17 into account other forms of natural attenuation that
18 occur underneath the ground that would further reduce
19 these concentrations.

20 But based on that kind of modelling and
21 its recognized modelling systems -- and I can refer to
22 the -- what's in here, in the report, in terms of the
23 models that were used, if you wish. They are
24 recognized by EPA and Canada as well. And what those
25 results in -- indicated was that by the time any of

1 these waters reached Great Slave Lake they were
2 essentially un -- you couldn't detect the difference
3 between them -- those concentrations and the natural
4 background values. They were indiscernible. They
5 were equal to the natural background conditions in the
6 groundwater before any water entered Great Slave Lake.

7 THE CHAIRPERSON: Okay, thank you.
8 I'll go back to the Review Board staff.

9 MR. RALPH GRISMALA: Ralph Grismala,
10 ICF Marbek. Avalon has presented flow analysis
11 indicating that the hydromet plant tailings liquids
12 discharged into the L-37 pit or the N-42 pit would
13 reach Great Slave Lake.

14 Who owns or controls the land across
15 which this plume would flow between the discharge pits
16 and the lake and does Avalon have agreements in place
17 with those landowners concerning liability for any
18 potential pollution?

19 THE CHAIRPERSON: Okay, thank you.
20 We'll go to Avalon, to the question.

21 MR. DAVID SWISHER: David Swisher,
22 with Avalon. Those lands at this point are within a
23 withdrawal -- withdrawal in the Akaitcho.
24 Technically, those lands are on Crown lands with the
25 exception of our facilities, which are located on MACA

1 lands. And so the flow regime goes through the Crown,
2 and surface leases have been applied with the crown,
3 as with MACA, for these areas.

4 THE CHAIRPERSON: Thank you. I'll go
5 back to the Review Board staff.

6 MR. RALPH GRISMALA: Ralph Grismala,
7 ICF Marbek. Has Avalon assessed the cumulative
8 groundwater impacts of the proposed hydromet tailings
9 facility discharge in conjunction with the groundwater
10 impacts of other projects in the Pine Point area?

11 THE CHAIRPERSON: Okay, thank you.
12 I'll go to Avalon, to the question.

13 MR. DAVID SWISHER: David Swisher,
14 with Avalon. There are no other projects in the area
15 that would be affected by this -- by this project or -
16 - or within the upstream or downstream area of that
17 aquifer.

18 THE CHAIRPERSON: Okay, thank you.
19 Review Board staff...?

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON: Any questions to --
24 sorry, Ralph.

25 MR. RALPH GRISMALA: Ralph Grismala,

1 ICF Marbek. I thank Avalon for their answers. I have
2 no further questions.

3 THE CHAIRPERSON: Thank you. I'm
4 going to go to Review Board legal counsel.

5 MR. JOHN DONIHEE: Thank you, Mr.
6 Chairman. John Donihee. I have a few questions just
7 sort of -- they're in -- of the cleanup variety. The
8 first one, I guess I'll -- I'll start with Blachford
9 Lake Lodges's questions and concerns. In response to
10 one (1) of the questions that Mr. Freeland asked, you
11 indicated that you had -- that your surface drilling
12 had been terminated and that you're moving on to the
13 next stage of the development.

14 But the -- the question -- the thing
15 I'm wondering about is are there likely to be any
16 future exploration programs, once you're operational,
17 that might affect Blachford's operations; that is take
18 place between you and them?

19 THE CHAIRPERSON: Thank you. To the
20 question, Avalon.

21 MR. DAVID SWISHER: David Swisher,
22 with Avalon. That's a good question. The intent is
23 to do additional drilling just as with any other
24 operation once it's starting from underground, but
25 that drilling will be done underground, closer to the

1 deposit to minimize costs associated with the length
2 of drill that we have to do.

3 So any drilling that is done will be
4 done underground at that point in terms of further
5 delineating the reserves that are identified
6 currently.

7 THE CHAIRPERSON: Okay, thank you.
8 Review Board legal counsel...?

9 MR. JOHN DONIHEE: Thank you, Mr.
10 Chairman. John Donihee. And -- and just to confirm,
11 Mr. Freeland asked you again about actual
12 measurements, I guess. I just want to confirm that
13 there really has been no attempt to, you know, take
14 actual measurements of noise levels over at the lodge.

15 I mean, you indicated that you and your
16 staff had been there. I'm sure you probably heard it,
17 but it's another thing entirely, I suppose, to be able
18 to say that the noise is, you know, 10 decibels or 20
19 decibels, or however these things are measured. So
20 I'm just wondering whether there's any empirical
21 evidence in your hands of either -- certainly of the
22 noise; I'm not -- not sure -- so much sure about
23 light. But if you confirm, I guess, that there's been
24 no actual attempt to measure these things, we'd just
25 like to know that.

1 THE CHAIRPERSON: Yeah. Thank you.

2 To the question, Avalon.

3 MR. DAVID SWISHER: David Swisher,
4 with Avalon. Yes, that's correct. In fact, when we
5 were at the lodge, at all times we were at the lodge,
6 we did not actually hear -- we did hear the noise, but
7 we -- we believe Mike's assertion that there has been
8 some sounds from the noise, because depending on the
9 wind direction, as indicated, when we have winds from
10 the south, there is a possibility, I'm sure, that he
11 could, at the lodge hear us.

12 Inversely, we've had people at our
13 camp, when the winds are coming from the north, more
14 northwesterly, they actually can hear Mike's generator
15 running as well.

16 THE CHAIRPERSON: Thank you. I'm
17 going to go to legal counsel.

18 MR. JOHN DONIHEE: Thank you, Mr.
19 Chairman. I -- I take it Avalon's not going to be
20 seeking compensation?

21 THE CHAIRPERSON: Thank you.
22 Avalon...?

23 MR. DAVID SWISHER: Avalon Rare
24 Metals, David Swisher. You are correct, Avalon is not
25 seeking compi -- compensation. We are seeking a -- a

1 mutual arrangement between the two (2) parties.

2 THE CHAIRPERSON: Review Board legal
3 counsel...?

4 MR. JOHN DONIHEE: Thank you, Mr.
5 Chairman. I'll move on.

6 I'm interested now -- I note in the
7 response that Avalon made to the technical reports
8 that were filed by the parties that you filed copies
9 of two (2) letters, one (1) from your president and
10 CEO to the Honourable David Ramsay, and the other one
11 from Mr. Ramsay back to your company.

12 The first one indicating that Avalon
13 was interested in entering into discussions about a
14 socioeconomic agreement, and Mr. Ramsay's response
15 indicating, of course, that -- this in October 19th,
16 that they were certainly interested to -- to start
17 those discussions.

18 So I do note that there's a -- the
19 Board has, in the -- hearing submissions from GNWT, a
20 recommendation that a measure be placed on -- in the
21 report of EA requiring that the Company and the -- and
22 the government negotiate this. I'm just wondering if
23 you could tell the Board whether there's been any
24 action in response to that exchange of letters since
25 the 19th of October?

1 THE CHAIRPERSON: Thank you. To --
2 the question, to Avalon.

3 MR. DAVID SWISHER: David Swisher,
4 with Avalon. Yes, we officially kicked off the
5 socioeconomic agreement negotiations officially with
6 the GNWT on January 25th, and we are currently
7 scheduling for the next round of meetings during the
8 week of March the 11th. So those negotiations have
9 started.

10 THE CHAIRPERSON: Okay. Thank you.
11 We'll go back to the Review Board legal counsel.

12 MR. JOHN DONIHEE: Thank you, Mr.
13 Chairman. I'll -- I'll move on now. I just have one
14 (1) thing I want to clarify. There's been an exchange
15 between you and Mr. Fox about air quality and, in
16 particular, stack testing. One (1) of the commitments
17 that's contained in the response to the submissions,
18 the technical submissions by Avalon, reads as follows,
19 and it's Commitment number 10 from the August 17th
20 technical session if you want to check the quotation,
21 but it says:

22 "Avalon commits to developing an air
23 quality monitoring and management
24 plan in consultation with ENR and
25 Environment Canada including but not

1 limited to stack testing and SO2 and
2 TSP testing."

3 So the exchange today relates to stack
4 testing, more specifically in relation to
5 incinerators. And I -- I just want to be clear then,
6 when the Review Board looks at the commitments that
7 Avalon has made that that Commitment number 10 is to
8 be -- is to be read as qualified by your answers this
9 afternoon, which is that Avalon does not -- still does
10 not intend to conduct stack testing of the
11 incinerators.

12 THE CHAIRPERSON: Thank you. I'll go
13 back to Avalon to the question.

14 MR. DAVID SWISHER: David Swisher,
15 with Avalon. Just for clarification, that is in
16 reference to the diesel generators, I believe.

17 THE CHAIRPERSON: Okay. I'll go back
18 to Review Bill -- Review Board legal counsel.

19 MR. JOHN DONIHEE: Thank you, Mr.
20 Chairman. Yes. Okay, so that's got nothing to do
21 with the incinerators. Thank you. John Donihee.

22 And then I have one (1) question about
23 barging. There's been some questions raised this
24 afternoon about spills from barges and that sort of
25 thing.

1 And my understanding from having spent
2 a little bit of time in the North is that the -- the
3 most common type of spill of oil or hydrocarbons
4 related to barging comes when you're either loading it
5 or unloading it.

6 And I just wonder if you could tell the
7 panel what mitigations you have planned for those
8 portions of the barging operation for fuel, in
9 particular, which tend to be the riskiest part of the
10 operations?

11 THE CHAIRPERSON: Okay, thank you.
12 I'll go back to Avalon to the question.

13 MR. DAVID SWISHER: David Swisher,
14 with Avalon. Yes, that was -- with regards to loading
15 and unloading, that will be the re -- responsibility
16 of the -- the barging contractor.

17 However, the way that we designed our
18 offload facilities at Nechalacho and the tanks, we
19 purposely located them up the hill away from the lake
20 so that if, for whatever reason, there were any
21 spills, that it can be easily contained with the
22 containment structure that will be built for those
23 tanks.

24 Now, that doesn't address the quick
25 connects that have to be done on the barge itself, for

1 the pump at the barge itself. And the spills
2 procedures that we have, certainly that they have
3 would be followed, but that, of course, is a reactive
4 measure.

5 From our standpoint, it's going to be
6 very important to work with the barge contractor to
7 set those expectations early, that we -- and -- and to
8 utilize the -- the history of those types of spills to
9 make sure that -- that we enforce with the contractor
10 that they are doing everything properly; that we are
11 utilizing the quick connects; that we are not trying
12 to disconnect when the line is -- is full; that the
13 lines are flushed prior to disconnecting that way, you
14 don't have any back -- back drainage.

15 So those are the things that we'll make
16 sure that are incorporated with the barging contractor
17 to make -- to -- to mitigate to the greatest degree
18 possible that there are no spills during the loading
19 and unloading.

20 THE CHAIRPERSON: Okay, thank you.
21 I'll go back to the Review Board legal counsel.

22 MR. JOHN DONIHEE: Thank you, Mr.
23 Chairman. John Donihee. Just one (1) last area I
24 want to ask about, and it has to do with the WEMP, the
25 Wildlife Effects Monitoring Plan. And in your

1 presentation this morning, Mr. Swisher, you said that
2 Avalon is engaging with the GNWT to talk about a WEMP.

3 And then this afternoon in response to
4 questions from Mr. Slack you said that you didn't
5 believe the WEMP is effective or I don't believe that
6 it's effective. You -- you gave some reasons why:
7 Location, footprint, different logistics, that -- that
8 sort of thing.

9 It -- it occurs to me that, in
10 listening to the exchange with Mr. Slack, that you
11 have indeed engaged with the GNWT on the WEMP. We see
12 that in their recommendations, both in the technical
13 report and hearing submission, that they're continuing
14 to urge that a WEMP be negotiated. I guess that's the
15 right word for it.

16 I -- I'm just curious. You know, what
17 -- what is Avalon's position with respect to -- you've
18 indicated that you've already participated in a
19 workshop. But I -- I take it that, you know, from the
20 basis of your -- the material in the DAR about impacts
21 on wildlife, that the -- the Company's position is
22 that there really are unlikely to be cumulative
23 effects on -- on barren ground caribou, in particular,
24 as a result of this operation.

25 Is that -- is that correct?

1 THE CHAIRPERSON: Okay, thank you. To
2 the question, Avalon.

3 MR. DAVID SWISHER: David Swisher,
4 with Avalon. That's certainly our assertion. But we
5 also recognize and listen to the concerns of our
6 Aboriginal partners. And we're not excluding that we
7 wouldn't contribute in a meaningful manner.

8 The definition, or maybe the confusion
9 with regards to the discussion on the WEMP, and what
10 we've committed to working with the GNWT on, really
11 pertains to the -- the definitions of a WEMP --
12 previous definitions of a WEMP, not what is currently
13 being contemplated in terms of restructuring that
14 program to be more effective.

15 And so we're interested in
16 understanding more, and how our deposit can contribute
17 in a way that is -- that is meaningful for all of the
18 communities and meaningful for the operation.

19 THE CHAIRPERSON: Thank you. Go back
20 to the Review Board legal counsel.

21 MR. JOHN DONIHEE: Thank you, sir.
22 John Donihee. Just a follow-up. I guess you used a
23 word that I -- I just don't follow. You -- you talked
24 about how your deposit is going to contribute.

25 Are you talking about giving somebody

1 money, or are you talking about the mineral deposit?

2 THE CHAIRPERSON: Thank you. To
3 Avalon to the question.

4 MR. DAVID SWISHER: David Swisher with
5 Avalon. Sorry, the choice of words was poor. How our
6 -- when I say "deposit" I meant our site, our
7 operation.

8 THE CHAIRPERSON: Okay. Thank you.
9 Back to the Review Board legal counsel.

10 MR. JOHN DONIHEE: Thank you, Mr.
11 Chairman. I -- I think all I'm asking, then, in the
12 end it -- it sounds as though this is a work in
13 progress. At -- at the same time, works in progress
14 aren't -- don't provide any real comfort when it comes
15 to mitigating potential effects.

16 So, you know, what -- what is the
17 nature -- or maybe you can encapsulate the nature of
18 Avalon's commitment to contributing to, you know,
19 these concerns about cumulative effects on caribou, in
20 particular? Where -- where does the company stand in
21 that -- in that respect?

22 THE CHAIRPERSON: Okay. To the
23 question, Avalon?

24

25 (BRIEF PAUSE)

1 THE CHAIRPERSON: While -- while
2 they're debating that, I just wanted to point out too
3 as well that during some of the presentation a little
4 bit earlier that it's been mentioned that this is a
5 panel, the Board hearing here today.

6 This is actually a public hearing on
7 the environmental assessment for Avalon and the Board
8 is proceeding here. And the -- the panel is separate
9 from our Board, so in this case I just wanted to point
10 that out. Thank you. Go ahead, Mr. Swisher.

11 MR. DAVID SWISHER: David Swisher with
12 Avalon. So to clarify, yes, we are committed to
13 working with the GNWT and our Aboriginal partners on a
14 program of cumulative effects that make sense for our
15 particular operation, and has meaningful impact, or
16 meaningful information for those communities, as well
17 as for Avalon.

18 THE CHAIRPERSON: So I just want to be
19 clear. You made a commitment, right?

20 MR. DAVID SWISHER: David Swisher with
21 Avalon. Yes, you're learning well from John.

22 THE CHAIRPERSON: Okay. I just wanted
23 to hear, because I'm deaf on this side. Okay. I'm
24 going to go back to legal counsel.

25 MR. JOHN DONIHEE: Thank you, Mr.

1 Chairman. Those are all the questions that I have.

2 And there are no other questions from other staff.

3 THE CHAIRPERSON: Okay. All right.

4 I'll go to the Review Board, but I just wanted to

5 acknowledge Roy Erasmus, the sub Chief, or Acting

6 Chief from N'Dilo, in the back. I just wanted to

7 acknowledge him. Masi for being here.

8 I'm going to go to my far right for

9 questions to Avalon on their presentation made today.

10 Thank you. I'm going to go to John Curran, Board

11 member.

12 MR. JOHN CURRAN: Thank you, Mr.

13 Chairman. I think staff and other Intervenors have

14 been fairly thorough. I have no questions at this

15 time.

16 THE CHAIRPERSON: Thank you. I'm

17 going to go to Sunny Monroe, Board member.

18 MS. SUNNY MONROE: Thank you, Mr.

19 Chair. I have no questions either.

20 THE CHAIRPERSON: Thank you. I'm

21 going to go to Richard Mercredi, Board member.

22 MR. RICHARD MERCREDI: Thank you, Mr.

23 Chair. I'd just like to thank the presenters for a

24 good presentation. No questions.

25 THE CHAIRPERSON: Okay. Thank you.

1 I'm going to go to Board member James Wah-Shee.

2 MR. JAMES WAH-SHEE: Mr. -- Mr. Chair,
3 I'd like to thank Avalon for their presentation, also
4 for the questions from the other parties. Thank you.

5 THE CHAIRPERSON: Thank you. Board
6 member Percy Hardisty...?

7 MR. PERCY HARDISTY: Masi, Mr. Chair.
8 It's very well all said and done for this late hour,
9 so I don't have any questions. Masi.

10 THE CHAIRPERSON: Thank you. Board
11 member Rachel Crapeau...?

12 MS. RACHEL CRAPEAU: Masi cho for all
13 the questions. I had one (1), but John was really
14 good enough to ask the question already, so I don't
15 have any other thing to say. Thank you.

16 THE CHAIRPERSON: Okay. Thank you.
17 We're going to move on here. I want to say thank you
18 to Avalon for their presentations, and also to all the
19 presenters that applied to have party status here
20 today. Thank you for your questions on the
21 Developer's presentation here today.

22 On the agenda, we have at 6:00
23 Blachford Lake Lodge presentation, and questions for
24 Blachford from 6:30 to 7:00. 7:00 till 8:00 this
25 evening we're going to have public comment periods.

1 And during that time again, I mentioned a little bit
2 earlier that we are able to just listen to the public
3 at large to come in here and speak about their issues
4 and concerns regarding this project, and -- and it'll
5 be duly noted, it'll be on record. And then, after
6 that, we'll be closing.

7 So right now, I don't have anything
8 else, so I'm going to break for the day -- or not the
9 day, but for -- I wish for the day. It's been a long
10 day. We'll come back at six o'clock, and -- and then,
11 from there, we'll continue on. Thank you.

12

13 --- Upon recessing at 4:38 p.m.

14 --- Upon resuming at 6:07 p.m.

15

16 THE CHAIRPERSON: Okay. I think we're
17 -- we're good to go again. Okay. We're going to
18 start. We'll continue on with the agenda now. It's
19 seven (7) minutes after 6:00. On the agenda, we have
20 Blachford Lake Lodge to do their presentation, and
21 then we've got the questions for Blachford Lake Lodge
22 until 6:30. And then at 7:00, we get public comments
23 and closing statements for Chair, and then we'll do
24 the closing prayer for the day.

25 So I want to turn it over to Blachford

1 Lake Lodge's presentation.

2

3 PRESENTATION BY BLACHFORD LAKE LODGE:

4 MR. MICHAEL FREELAND: Thank you. I
5 appreciate the opportunity.

6 THE CHAIRPERSON: Can you introduce
7 yourself?

8 MR. MICHAEL FREELAND: Mike Freeland,
9 Blachford Lake Lodge. We have a brief PowerPoint
10 presentation that I'll -- that I'll speak to, and then
11 I think there's room for questions after.

12 We began in 1980 with -- we purchased
13 an existing tourism licence, a lease with a cabin.
14 And over many years, we did yearly expansion. We're
15 Northern-family-operated since 1980. We're
16 environmentally friendly, and we certainly do respect
17 the land and the waters. And we -- we do acknowledge
18 we're on Akaitcho lands, Chief Gry -- Drygeese
19 Territory, and we respect that in both our care of the
20 land and also in our programming.

21 We were one (1) of the first lodges to
22 invest
23 in alternative energy, and we have battery bank
24 composting toilets and certainly offering tourists
25 from around the world clean air. We drink the water

1 from the lake. Also, the peace and quiet and the
2 natural environment is a very big part of what we
3 offer.

4 We feel we're a sustainable operation,
5 and basically we can go on forever. And it's -- I
6 certainly look forward to having the opportunity to
7 passing it on to my -- my daughter and grandchildren
8 and allowing them to bring others in and show them
9 what the wilderness has to offer.

10 We have solar panels, a wind generator,
11 a garden. We're very committed since day 1 in 1980 to
12 involving the local Akaitcho Dene, and there's been
13 many, many people from N'Dilo, Dettah, and also some
14 of the Tlicho communities and -- that have been
15 involved with us on -- on construction.

16 We're also very proud to offer ongoing
17 First Nations' cultural interpretive programming. The
18 teepee is our, kind of, centre for the cultural --
19 cultural programming. And certainly with the
20 involvement of the Dechinta University program, they
21 expanded this and worked with many -- many Elders from
22 N'Dilo and Dettah and Lutsel K'e and also with some
23 Elders up -- up the valley.

24 What is Blachford Lake? Well, we're
25 multi-seasonal. We operate winter and summer. Over

1 thirty-three (33) years, we've invested over \$4
2 million in the facility. And now we're an
3 internationally recognized aurora viewing centre. And
4 there's certainly more information on our website.

5 We have a lodge and five (5) cabins.
6 We offer comfort in the wilderness. And it -- it has
7 been a challenge to offer that combination of true
8 wilderness but offering national and international
9 clients true comfort so they can experience some of
10 the -- some of the real -- real North.

11 We are licensed for thirty-five (35)
12 guests in the lodge and five (5) cabins. We cater
13 both to international and local markets. For a number
14 of years now, we're number 1 market in the winter and
15 the fall time as aurora viewing. Many of our guests
16 are from -- come from many different countries,
17 including China, UK, Australia, Japan, USA, and
18 France.

19 And we also cater to a -- a local
20 market for snowmobiling. And I know some members of
21 this Board and members of the audience have been at
22 Blachford a few times for meetings, conferences,
23 family get-aways, snowmobile trips. This is our --
24 one (1) of the areas where we'd have meeting and
25 conference settings.

1 We've been blessed to receive a number
2 of preti -- prestigious travel awards: National
3 Geographic Travel Magazine, Canadian Tourism
4 Commission, NWT Tourism. And, as you know, we -- we
5 do work very closely with the Dechinta Bush
6 University, and we were honoured to host with Dechinta
7 the Royals, Will and Kate, in 2011.

8 And just last week at the lodge, we
9 recently hosted a -- the NHK TV, which is Japan's
10 national TV broadcaster. They selected Blachford as
11 one (1) of their key focusses on a -- on a Yellowknife
12 trip. So that TV show, airing in Japan in April, will
13 be viewed by 65 million people, so it's a -- it's a --
14 a big chunk of -- of exposure. We're recognized by
15 many as the leading wilderness lodge in the Canadian
16 North. Go back two (2) slides here. Sorry.

17 We do feel that the Nechalacho project
18 does threaten the status of our -- of our wilderness
19 tourism lodge. On one (1) hand, this is what we
20 offer. It's a true -- true wilderness. And -- and
21 part of that is, you know, the clean water and clear,
22 unobstructed skies for aurora viewing.

23 Blachford is Avalon's closest
24 neighbour. We're approximately seven (7) kilometres
25 air distance. And certainly I think not only

1 Blachford, but any lodge in close proximity to a
2 mining development doesn't work. We've documented our
3 concerns fully to -- to Avalon and the Review Board a
4 number of years ago.

5 Some of the key issues for us, and in
6 turn for our visiting clients, are noise and light
7 pollution. The water and air quality is of concern,
8 but we're assuming, through this process, that will be
9 okay. There's been an ongoing exploration program for
10 a number of years, and then there's also the upcoming
11 potential of the construction and operation of the --
12 of the project.

13 This is a shot last week from the --
14 the west deck of our -- our lodge. We had guests from
15 Australia, China, Japan, and England last week, and
16 they spend a lot of money to come to a wilderness
17 location off of the road system to view aurora. And
18 we had a number of them asking if this was aurora, and
19 we -- we had to say, No, that's the glow of the
20 exploration camp at -- Avalon's exploration camp.

21 Now, it's -- it may -- may seem a small
22 glow, but certainly our -- the big competitive
23 advantage that we have over other locations in
24 Yellowknife, Yukon, and Alaska is that we're off the
25 road system. And when people select Blachford, that's

1 a -- a big reason why they come, is we're -- we're off
2 the road. We're in the wilderness.

3 Some of the key issues from the
4 proximity of the site that we question are what --
5 what might be the economic benefit from us being close
6 neighbours. We feel that the -- the key issues --
7 and, David, we were having discussions earlier on our
8 -- the light and noise pollution that we believe
9 haven't been -- haven't been mitigated. We have had a
10 number of meetings with -- with Avalon, and I do feel
11 we're -- we're both committed to trying to get to a
12 win/win, but we haven't -- we -- we haven't got there
13 yet.

14 Certainly, one (1) of the options for
15 us in conjunction with a First Nation is a potential
16 joint venture to offer services. But I do have to say
17 that of -- we would only do that with -- with YKDFN as
18 a starter and their development corporation. And if
19 they're not on board, then we wouldn't proceed with a
20 services -- a services proposal.

21 I'm not sure how many of you have been
22 to the -- the Snap Lake project, but I know there are
23 some similarities to the -- I think the Avalon project
24 and the -- note that it is an underground operation,
25 but there's still potential for substantial noise and

1 -- and light on the -- on the surface.

2 So the future of Blachford is very much
3 in jeopardy. The -- you know, with that example of
4 our guests last week questioning the light on the
5 horizon, some of the Australians were interested in --
6 in coming back, but they also questioned, well, what
7 if the project at Avalon does go ahead, what's the --
8 what's the viewing potential going to be like at
9 Blachford? And if you consider the -- the lights from
10 a small exploration project that's already seen on the
11 horizon, what is the ongoing construction project
12 going to generate, in terms of light and noise, and
13 the eventual main project? It's -- it's a little -- a
14 little scary for us.

15 I think we -- we ask: Can Blachford
16 offer services to Avalon so it's -- it's economical?
17 I guess that's one (1) of the options. We really have
18 to ask: Can I mix tourism as well as providing
19 services to the potential mine site?

20 I think what it boils down to is
21 whatever direction we're -- we're going to go, it's
22 going to be a brand new business model. It's not
23 going to be the -- the model that we spent thirty-
24 three (33) years developing, because national and
25 international travellers are not going to spend large

1 amounts of money to come to a wilderness centre that's
2 now very much going to be similar to other centres on
3 a road system and having -- having light and -- and
4 noise problems with proximity to the site.

5 So I don't know. We requested maybe
6 late in the -- in the review process, but I thir --
7 certainly think that if the Board was able to visit us
8 at Blachford and experience firsthand what our
9 situation is, there would be possibly a fuller
10 understanding of our concerns. We would ask that
11 Avalon do address in detail the -- to mitigate noise
12 and light concerns.

13 Certainly, the economics of it is a big
14 question for us. If we -- if we can't go forward with
15 the -- our business model that we've developed over
16 thirty (30) years, what economic benefits might there
17 -- there be? And we strongly feel that if our
18 concerns can't be mitigated and if we can't, in
19 conjunction with the First Nations Development
20 Corporation, get a service contract that we're all in
21 agreement to, then we feel we should be fully
22 compensated for current and future business losses.

23 I think, in a -- in a way, it's -- it's
24 a shame. And this is a very personal thing that we
25 put a lot of effort in over -- over many years. And I

1 feel that some people in the North, including -- I
2 know Dave Ramsay, Minister, mentioned this to me, that
3 it feels we're in some ways, Blachford is very much a
4 model for -- for Northern tourism and what it can be
5 and what it -- what it is.

6 And -- but honestly, it's very much a
7 challenge for us to be next door to an emerging mine.
8 And in -- really, in light of the in -- information
9 that Avalon's provided and the size of their potential
10 project, I don't see how we can continue on our
11 existing business model route and -- and keep going.
12 People will -- will not come with that changing
13 scenario.

14 So I guess, in all honesty, that's our
15 -- that's the situation we're -- we're in, and I don't
16 like it. Dave -- Dave Swisher and I have sat down a
17 number of times and talked about -- I think we're both
18 interested in coming to a win/win, but we're not there
19 yet, and I don't -- I don't know the answer. But I do
20 know this project, if it does go ahead, will basically
21 put an end to Blachford as we know it.

22 And, naturally, I'm not happy with
23 that, but I don't -- I don't know the answer. So I
24 guess I do look forward to the -- the Review Board and
25 their -- their recommendations, and I would hope the

1 Board would be -- would be fair in considering our
2 situation and what the future, or the lack of the
3 future, means to Blachford Lake Lodge.

4 So I think that, in a -- in a nutshell,
5 is our -- our situation, and I'd like to -- I'll put
6 it up to questions. I'd look forward to answering any
7 questions or clarifications.

8

9 QUESTION PERIOD:

10 THE CHAIRPERSON: Okay. Thank you.
11 You can turn your mic off. I'm going to turn on the
12 lights. Thank you for your presentation, Mike. We
13 have a list of orders for people to question your
14 presentation, but I -- I just have a couple of quick
15 questions that I -- I want to get clarification on.

16 You talked about your location and
17 Blachford Lake Lodge. In terms of the location, do
18 you have a lease for it, for that location?

19 MR. MICHAEL FREELAND: Mike Freeland,
20 Blachford Lake Lodge. Yes, we have a long-standing
21 federal land lease. It's a renewable twenty-five (25)
22 year lease. We bought the existing lease from the
23 Cadu (phonetic) family in 1980. And I believe they
24 had established or were accepted with the land lease
25 and the tourism licence in the early '70s.

1 So we purchased the existing -- well,
2 the lease was transferred to us, and it's a renewable
3 twenty-five (25) year lease. And we're now on our
4 second lease-holding. And it's with the understanding
5 with federal lands that if we do keep the lease in
6 good standing, that it -- it would be renewed. But
7 that's what we have.

8 THE CHAIRPERSON: Okay. Thank you.
9 One (1) more follow-up question, then I'll go to the
10 list of questions. Can you -- when you talk about --
11 you know, in your presentation, you talk about
12 jeopardy, and then you mention in your presentation
13 compensation, then mitigation measures and so on.

14 Can you maybe just help me out so I
15 understand in regards to, you know, when you talk
16 about jeopardy and to your -- impacting your business
17 in terms of financial dollars, can you maybe help
18 explain to me so I understand, you know, the impact of
19 what you're saying and to your business and
20 financially?

21 MR. MICHAEL FREELAND: Mike Freeland,
22 Blachford Lake Lodge. When I say we're in jeopardy,
23 we have -- we have many -- many different markets and
24 people that come there, from people locally ,to
25 Canada, the States, and probably -- we've had guests

1 from maybe twenty (20) countries around the world.

2 A big part of our marke --and it's been
3 growing the last number of years -- is the aurora
4 market. And that's primarily a Southern Canadian,
5 American, and international market. So these people
6 pay a lot of money to come from anywhere in the world
7 to go to Blachford -- first to come to Yellowknife and
8 then to go to Blachford so they can be further away
9 from any of the light glow of the road system or
10 Yellowknife, get into the wilderness to experience
11 true aurora and have other Northern activities.

12 So if there's a -- a mine growing on
13 our doorstep with increasing light and noise and
14 airplane and all the other related activities, we are
15 no longer going to be a wilderness resort. And when
16 we look at our competition in the aurora segment, all
17 of those people from Finland to Alaska are on a road
18 system or close to a road system and close to other
19 chunks of light, which is -- is not good for aurora
20 viewing.

21 So I guess it -- it wouldn't take long,
22 and we experienced last week guests already
23 questioning what that light on the horizon is. And
24 they're -- they may be interested in coming back, but
25 they were questioning how soon this project may start,

1 because they won't want to pay that big dollar. And
2 we do have to charge a sizeable dollar too because of
3 the expense of the product.

4 So with the -- if this project does go
5 ahead, it's going to be less and less attractive for
6 the -- particularly the high-end aurora-viewing
7 people, those seeking true wilderness. So they're --
8 they're not going to come with -- to Blachford
9 anymore. They're going to go elsewhere and seek their
10 wilderness experience.

11 THE CHAIRPERSON: Thank you. One (1)
12 more question before I go to the presenters. And I
13 was once -- I guess more just a comment or a statement
14 is that, you know, the -- the Review Board has no
15 control, in terms of people or parties or developers
16 in this case that may, you know, come around your
17 property, in terms of taking further leases and so on.
18 That's beyond our control. So even though that you
19 talk about compensation, I mean, it's duly noted.
20 It's on record now, and -- but I just want to point
21 out that -- as well that, again, we -- we have no
22 control, in terms of who goes out there and makes
23 applications and so on. But -- but we will listen to
24 what people have to say in regards to this project.

25 Having said that, I'm going to go

1 forward now. I'm going to go top of the list
2 downwards. I'm going to go to AANDC, Aboriginal
3 Affairs and Northern Development Canada. Is there any
4 questions for Mike Freeland on his presentation made
5 this evening?

6 MR. NATHEN RICHA: Thank you, Mr.
7 Chair. It's Nathen Richea, with the Water Resources
8 Division, Aboriginal Affairs and Northern Development
9 Canada. I would like to thank you for your
10 presentation. And, no, we have no questions.

11 THE CHAIRPERSON: Thank you. I'm
12 going to go to Akaitcho Treaty 8 Tribal Corporation.
13 Any questions for Mike Freeland on his presentation
14 this evening?

15

16 (BRIEF PAUSE)

17

18 MS. STEPHANIE POOLE: Thank you.
19 Stephanie Poole, Akaitcho IMA office. I do have a
20 couple of questions. I apologize for being late and
21 missing the beginning of your presentation.

22 I wonder if it was mentioned that
23 Blachford Lake Lodge is also the home of the Dechinta
24 Bush University?

25 THE CHAIRPERSON: Mike Freeland...?

1 MR. MICHAEL FREELAND: Mike Freeland,
2 Blachford. I did mention it briefly. And certainly
3 the Dechinta University program has held, I think,
4 three (3) six (6) week semesters, primarily for nor --
5 Northern students, who got university accreditation.
6 And that's been a -- a fairly new vision. And, yes,
7 there was a number of people from Lutsel K'e that were
8 -- were involved in the -- in the most recent Dechinta
9 program. And it's something not only myself, but many
10 people in the North are excited about. And we're
11 happy that Dechinta selected Blachford as a -- a home
12 for this new vision to allow Northerners to get some
13 university credits.

14 And it's -- now it's exciting for us
15 because traditionally we've -- we've hosted many -- I
16 think over sixty (60) public school high school groups
17 from Yellowknife, but De -- Dechinta was really an
18 extension of that. And it's -- we're excited they've
19 selected Blachford as their home. But I guess the
20 future of that would be very much in limbo as well,
21 pending on this Avalon project. Thank you.

22 THE CHAIRPERSON: Okay. Thank you.
23 I'll go back to Akaitcho Treaty 8 Tribal Corporation.

24 MS. STEPHANIE POOLE: And -- and just
25 to be clear, if -- if the -- the proposed project were

1 to proceed, Blachford Lake Lodge would -- would not be
2 able to continue as a wilderness tourism lodge, nor as
3 the home of Dechinta Bush University?

4 THE CHAIRPERSON: I want to go back to
5 Mike Freeland, but just a little concerned about the
6 question. I mean, it's -- it's two (2) questions
7 you're asking there. Can you come back to that,
8 Stephanie?

9 MS. STEPHANIE POOLE: Thank you.
10 Stephanie Poole, Akaitcho IMA. I just -- from the end
11 of the presentation, I just wanted to be clear. What
12 is the -- what is the, you know, final position of the
13 Blachford Lake Lodge? Is it that -- you know, to me,
14 it sounds like they will not be able to proceed with
15 their business as it is if Avalon's proposed rare
16 earth metal mines proceeds. And so that also means
17 that the Dechinta Bush University would also not be
18 able to proceed as it has.

19 And I just, you know, wanted some
20 clarity on if that was the case or not.

21 THE CHAIRPERSON: Okay. I'll go back
22 to Blachford. But maybe -- maybe, Mike, you could
23 explain a little further about the -- the program,
24 when it started and -- or was there an agreement on
25 the table? When does that come to an end?

1 Maybe you could expand on that so we
2 understand it.

3 MR. MICHAEL FREELAND: Do you mean the
4 Dechinta program?

5 THE CHAIRPERSON: Yes.

6 MR. MICHAEL FREELAND: That was a
7 vision from maybe four (4) or five (5) years ago, and
8 there was an advisory board and then a -- a Dechinta
9 board. And they got funding from -- funding support
10 from a number of different foundations and from INAC,
11 GNWT, I think about three (3) or four (4) departments,
12 to move the vision forward, which was to give the
13 opportunity primarily to Northern students to get
14 university accreditation, because there is not a
15 university in the North.

16 The long-term vision of Dechinta was to
17 possibly have a -- a campus, a Northern campus, that
18 could be a Northern university. I know they are
19 associated with 'U' of 'A', and I believe in -- in
20 process with McGill and University of Victoria. So
21 they have a -- all of the students that do take
22 programs at Blachford with Dechinta do get -- do get
23 university credits. And I believe they've had three
24 (3) six (6) week semesters at -- at Blachford and a
25 number of board meetings and -- and special meetings.

1 I can't speak for Dechinta, but I would
2 assume that, as with Blachford itself, you know, the -
3 - the vision is to have a facility and services and
4 educational programs in the wilderness. And that's
5 very much part of it, is to bring in Dene Elders and
6 have the programs in a wilderness setting away from
7 noise and light and activity. And that's why it's --
8 both Dechinta and Blachford is unique.

9 THE CHAIRPERSON: But, Mike, if you
10 can maybe answer -- Stephanie's question now is: If -
11 - if the mine goes ahead, then it'll come to an end,
12 this program? Is that -- I think -- I believe that's
13 her question.

14 MR. MICHAEL FREELAND: Again, I can't
15 speak for Dechinta, but I would -- I would think so,
16 because the -- the values of what Dechinta and
17 Blachford is -- has been developing are -- are very
18 much the same. So I would expect both Dechinta's
19 vision and Blachford's vision would quickly come to a
20 -- a close. The -- that existing business model would
21 have to be done somewhere else.

22 THE CHAIRPERSON: Okay. Thank you.
23 Akaitcho Treaty 8 Tribal Corp...?

24 MS. STEPHANIE POOLE: Stephanie Poole,
25 Akaitcho IMA. That's all my questions for now. Thank

1 you.

2 THE CHAIRPERSON: Thank you. Deninu
3 K'ue First Nation?

4

5 (BRIEF PAUSE)

6

7 MR. PATRICK SIMON: Thank you, Mr.
8 Chair. I think it's been a long day, so I think I
9 will ask the question since I sat here that long. My
10 question is: I notice when you were making your
11 presentation, you were slow -- showing your slide of
12 the -- I'm not sure how to phrase it, but I would say
13 light pollution, I guess, to you, and you could see it
14 off of the -- from your lodge.

15 And I'm just wondering if you get that
16 effect on cloudy days and clear days?

17 THE CHAIRPERSON: Thank you. We'll go
18 to Blachford Lake Lodge.

19 MR. MICHAEL FREELAND: Mike Freeland,
20 Blachford Lake Lodge. Most of the days that we see
21 the glow are cloudy days, when the light from the
22 exploration camp is reflected off of the clouds. I
23 think on most of the -- most of the clear days, we
24 don't see the reflection. And I haven't kept a record
25 of the number of days in which we would get very

1 evident light glow from the -- the current exploration
2 camp, but I would guestimate that it may be five (5)
3 to seven (7) days out of a month on -- on average
4 during the aurora viewing season.

5 THE CHAIRPERSON: Thank you. Deninu
6 K'ue First Nation.

7 MR. PATRICK SIMON: Thank you, Mr.
8 Chair. Just one (1) last question. I -- I just
9 wanted to know the -- the effect of the light, I
10 guess, pollution, for lack of a better word, does that
11 co -- coincide with the -- with the noise as well?

12 Do you get the two (2) effects at the
13 same?

14 THE CHAIRPERSON: Thank you.
15 Blachford Lake Lodge.

16 MR. MICHAEL FREELAND: Mike Freeland,
17 Blachford Lake Lodge. No, the -- the two (2) are
18 rarely together. The noise really has little to do
19 with the amount of darkness or the light cover.
20 Certainly, the -- the light pollution we can only get
21 from kind of mid-August on and through the winter
22 season, when there's enough darkness. But the noise,
23 again, I can't tell you how many days a month, but
24 that depends, as David Swisher noted, on -- on wind
25 direction and the amount of the activity at that time

1 at the mine, but there may be five (5) to seven (7),
2 possibly ten (10) days a month were, depending where
3 you were on Blachford, you could hear noise activity
4 from the mine.

5 I know the Dechinta camp is on the
6 shore of Blachford. They have a camp that they use
7 sometimes, separate from ours. And it's -- they were
8 hearing noise from the camp for quite a number of
9 their days of their activity when they were there in
10 September and -- and early October.

11 But, no, the light pollution and noise
12 pollution, no, there's no real relation.

13 THE CHAIRPERSON: Thank you. Deninu
14 K'ue First Nation...?

15 MR. PATRICK SIMON: Thank you, sir,
16 and thank you, Mr. Chairman.

17 THE CHAIRPERSON: Masi. Next I have
18 is Environment Canada. Any questions for Blachford
19 Lake Lodge on their presentation?

20 MS. SARAH-LACEY MCMILLAN: Sarah-Lacey
21 McMillan, with Environment Canada. Thank you for your
22 presentation, but we don't have any questions. Thank
23 you.

24 THE CHAIRPERSON: Okay. Thank you.
25 Fisheries and Oceans Canada, anybody here? Nope.

1 Next is the Government of the Northwest
2 Territories.

3

4 (BRIEF PAUSE)

5

6 MR. SHAFIC KHOURI: Thank you, Mr.
7 Chair. Shafic, GNWT. I have no questions, but I
8 would like to thank Mike for the presentation.

9 THE CHAIRPERSON: Okay, thank you.

10 K'at'le -- K'atl'odeeche Dene First Nation. Anybody
11 here? K'atl'odeeche.

12 Lutsel K'e Dene First Nation...?

13 MR. MICHAEL TOLLIS: Mike Tollis,
14 LKDFN. Thanks, Mike, for the presentation, but we
15 have no questions. Thanks.

16 THE CHAIRPERSON: North Slave Metis
17 Alliance, do you have any questions? Okay.

18 Northwest Territories Metis Nation...?

19 Tlicho government...?

20 Transport Canada...?

21

22 (BRIEF PAUSE)

23

24 MR. CHRIS AGUIRRE: Chris Aguirre,
25 Transport Canada. We have no questions about the

1 presentation. Thank you.

2 THE CHAIRPERSON: Thank you. The
3 Yellowknives Dene First Nation...?

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: Okay. I'm going to
8 go to the Developer, Avalon Rare Earth Minerals Inc.

9 MR. DAVID SWISHER: Avalon, David
10 Swisher. Mike, thanks for the presentation. It was a
11 good presentation. Just to -- I just have a couple
12 questions. I'll be brief.

13 Avalon has contributed to the operation
14 at Blachford as well as to Dechinta University even
15 recently in participating in Dechinta with our own
16 staff. Is that correct?

17 THE CHAIRPERSON: Thank you. We'll go
18 back to Blachford Lake Lodge.

19 MR. MICHAEL FREELAND: Not that I'm
20 aware. You mean Avalon being involved with Dechinta
21 or supporting Dechinta?

22 THE CHAIRPERSON: Okay. I'll go back
23 to Avalon, but maybe if -- maybe if you could help
24 explain or expand on your question a little further?

25 MR. DAVID SWISHER: Sure. David

1 Swisher, Avalon. Yes, I think we've -- we've helped
2 Mike with Dechinta, with regards to putting him in
3 touch with other universities that might be able --
4 that Mike, through Dechinta, might be able to partner
5 with to help build sustainability. We have also
6 contributed through our Northern relations manager and
7 our VP of exploration in contributing directly to
8 training at the lodge and -- and participation in that
9 training. I was just wondering if -- clarifying that
10 Mike recognized that.

11 THE CHAIRPERSON: Thank you.
12 Blachford Lake Lodge...?

13 MR. MICHAEL FREELAND: I am aware,
14 yes, that there were a number of contacts passed on to
15 Dechinta for their -- their follow-up, and they --
16 they would appreciate that. I'm not sure if there was
17 any -- I don't believe there's been any financial
18 support to Dechinta or training support to Dechinta.
19 But I've -- again, I can't speak for them, but I don't
20 -- I don't believe so.

21 THE CHAIRPERSON: Okay, thank you.
22 I'll go back to Avalon Rare Minerals.

23 MR. DAVID SWISHER: Thanks, Mike.
24 Yeah, just to refresh your memory, last summer, Kelly
25 and Bill were contributing, with regards to the camp

1 tour and promoting the camp tour.

2 THE CHAIRPERSON: Okay, thank you.

3 Blachford Lake Lodge...?

4 MR. MICHAEL FREELAND: Yes, you're
5 right. I think -- yeah, Kelly and Bill were there and
6 provided a -- Avalon did fly the Dechinta students
7 over to the site at -- at Thor Lake -- Lake and did a
8 camp tour. And I think Bill and Kelly did some
9 introduction to the students, the Dechinda -- Dechinta
10 students when they were at Blachford, that's correct.
11 And they appreciate that. It was a good -- I think
12 the students really did enjoy it, because they realize
13 there's a -- a resource close to Blachford. So they
14 did appreciate learning about that.

15 THE CHAIRPERSON: Okay, thank you.
16 We'll go back to Avalon.

17 MR. DAVID SWISHER: David Swisher,
18 Avalon. Would you say, then, Mike that there's
19 potential opportunity for win/win situations maybe
20 even within the existing scope of Blachford Lake
21 Lodge, given some of the synergies that we've created
22 to date?

23 THE CHAIRPERSON: Okay, thank you.
24 Blachford Lake Lodge...?

25 MR. MICHAEL FREELAND: Yes. I think -

1 - I think, David, both you and I from the start have
2 looked at and, I think, believed in a possibility of a
3 -- of a win/win. And we would certainly like to get
4 there. I think there are some potential for sure, but
5 whether it's more -- more meeting or more innovative
6 ideas, we -- as you know, we haven't got -- we haven't
7 got the solution yet, and it's -- it does disturb me.
8 It's nobody's fault. It's -- it's a challenge to get
9 a win/win with a wilderness lodge next door to an
10 emerging mineral development. I wish I knew the
11 answer, and, David, you probably wish the same.

12 But at the moment we don't have that
13 win/win figured out. And in the -- I guess in the
14 meantime, we're -- we may be running out of -- running
15 out of time, because our future as a wilderness lodge
16 may -- may not work. So I'm -- yes, I'm very open to
17 win/win. I'm just not sure how to -- how to get
18 there.

19 THE CHAIRPERSON: Thank you. I'm
20 going to go back to Avalon.

21 MR. DAVID SWISHER: Mike, then would
22 you be committed to continuing to work with Avalon
23 with regards to how we can develop a win/win, work on
24 innovative ways to coexist, as well as look at the
25 different ways, given the timing of the project and

1 the stages of the project, both construction and
2 operation?

3 THE CHAIRPERSON: Okay. Thank you.
4 I'm going to go back to Blachford Lake Lodge.

5 MR. MICHAEL FREELAND: I'm certainly
6 open to, you know, moving -- keep going to -- to get
7 to -- to get to a win/win. But I guess I would -- I
8 would ask David, in -- in the light of, you know, our
9 presentation and knowing our -- our concerns, does
10 Avalon feel that there is any potential for Blachford
11 in its existing business plan to -- to move forward as
12 a wilderness resort? Because I think, if that's -- if
13 that answer is -- is no, it's -- I'm not sure whether
14 we can get to a win/win.

15 THE CHAIRPERSON: Okay. Thank you.
16 I'm over to Avalon. Do you have any further
17 questions?

18 MR. DAVID SWISHER: David Swisher,
19 with Avalon. Since Mike asked me a question, may I
20 respond to that?

21 THE CHAIRPERSON: I'll allow this one.

22 MR. DAVID SWISHER: Thank you, Chair.
23 Yes, Mike, I believe there is a win/win. I believe
24 there's yet to be innovative solutions out there, but
25 I also know that your -- your lodge is -- is growing.

1 It's doing good business, which certainly wouldn't be
2 quantified from -- if you looked at the -- the value
3 of the business from 2007 and to today, it would be
4 very difficult to quantify the effects of the
5 exploration camp on the lodge.

6 Nevertheless, I do believe that there
7 are opportunities available, and I think we need to
8 commit to continue to work together on those
9 opportunities.

10 THE CHAIRPERSON: Okay. Before I go
11 back to any further questions, again, I just want to
12 point out that there is a process in place. And,
13 Mike, I think you had an opportunity to question
14 Avalon on their presentation, and we're here to
15 question you on your presentation also. I don't think
16 we'd able to go back and forth, and -- and so I want
17 to stop you there.

18 So was there any further questions from
19 Avalon in regards to Blachford Lake Lodge's
20 presentation?

21 MR. DAVID SWISHER: David Swisher,
22 Avalon. No further questions, Chair.

23 THE CHAIRPERSON: Okay. Thank you.
24 I'm going to go to the Review Board staff and legal
25 counsel.

1 MR. CHUCK HUBERT: Chuck Hubert, with
2 Review Board staff. No questions, but I believe
3 counsel does.

4 MR. JOHN DONIHEE: Thank you, Mr.
5 Chairman. John Donihee. I'm Board counsel.

6 Mr. Freeland, I'm wondering if you
7 could give the Board some sense of how many -- how big
8 the business is. How many -- how many bed nights, if
9 I could put it that way?

10 This may be hotel talk, but how -- how
11 many guests do you serve in a year?

12 THE CHAIRPERSON: Okay. Thank you,
13 Mr. Donihee. I'm going to go Blachford Lake Lodge.

14 MR. MICHAEL FREELAND: Mike Freeland,
15 Blachford Lake Lodge. We are licensed for thirty-five
16 (35) guests. On an average year, we would have
17 somewhere between four (4) and six hundred (600)
18 guests. Those would range from people snowmobiling to
19 people staying two (2), five (5), or seven (7) or nine
20 (9) nights for different packages.

21 This winter, for example, this is our
22 busiest ever winter, which we're very pleased. But we
23 put, I think, some sixty thousand dollars (\$60,000)
24 additional marketing money to really boost up the
25 aurora, and it's aurora viewers and it's -- it's

1 happening.

2 I think, looking at the winter season -
3 - it started January 20th through until late April --
4 our lodge rooms, I'd say, are about 85 to 90 percent
5 booked, which feel very good about. The cabin
6 capacity is probably about 30 percent, but that's the
7 highest percentage we've ever -- we've ever had for a
8 winter. But that's -- those are pretty close
9 percentages. I know many of the next number of weeks,
10 the lodge rooms and two (2) or three (3) of the cabins
11 are full.

12 THE CHAIRPERSON: Thank you. I'll go
13 back to the Review Board legal counsel, John Donihee.

14 MR. JOHN DONIHEE: Thank you, Mr.
15 Chairman. Can you give me a sense -- I think you have
16 already -- but do you have any -- anything a little
17 more numeric, I guess, to tell us how -- how much of
18 the lodge's business on an annual basis is based
19 around this aurora viewing market?

20 THE CHAIRPERSON: Thank you.
21 Blachford Lake Lodge...?

22 MR. MICHAEL FREELAND: It's -- it's
23 changed quite dramatically of -- in the last few years
24 because of the -- the downgrade in the economy.
25 Blachford used to get a large percentage of our

1 business from conferences and meetings, workshops,
2 training sessions, both by all levels of government
3 and the diamond mines and corporations. That used to
4 produce probably 70 percent of our business.

5 And now, I'd say, with the switch --
6 and we put a lot of emphasis and with some GNWT
7 marketing support, we put a big push on aurora viewing
8 because that's where we -- we feel we are unique in
9 our competitive position. So I think in -- you know,
10 in terms of a percentage of our aurora viewing, which
11 would include the -- the fall time from early August
12 to when we close in October and our full winter season
13 as aurora, both of those two (2) seasons, the majority
14 of our guests are aurora viewers.

15 I'd say -- you're asking, John, I
16 think, for a percentage of our total business is
17 aurora, I'd say for 2013 it will probably be 75
18 percent of our total business.

19 THE CHAIRPERSON: Thank you. We'll go
20 back to Mr. Donihee.

21 MR. JOHN DONIHEE: Thank you, Mr.
22 Chair. Just a couple more questions. I -- I take it
23 from the way you've described your -- the change of
24 course that you've taken to market for aurora viewing
25 that you've looked at other -- other market niches.

1 You know, you've -- you -- from the sounds of it,
2 you've -- you've worked your way through the
3 conference options and they're -- you know, that --
4 that kind of dried up.

5 I'm just wondering whether there are
6 other markets that you can identify that -- you know,
7 it seems to me that a person that goes out just to
8 watch the aurora is awfully sensitive to light
9 pollution. But if somebody were out there to fish or
10 just to snowmobile or snowshoe or something like that,
11 the level of sensitivity might be different.

12 So I guess what I'm trying to ask is:
13 Are there other marketing ploys or approaches that you
14 could use that would identify users who were less
15 sensitive to the -- to the effects of the -- the mine
16 operation?

17 THE CHAIRPERSON: Thank you. I'll go
18 back to Blachford Lake Lodge.

19 MR. MICHAEL FREELAND: There are other
20 markets, and I guess over our long history of being
21 there, we've probably looked at them all plus -- plus
22 a few in an attempt to keep viable. A big one (1)
23 that we're certainly excited about is the Dechinta
24 University program Vision, and that's -- when I said
25 aurora was 70 percent, it's probably 60 percent,

1 because the Dechinta program the last couple of years
2 it would be probably at least 25 percent of our -- our
3 total revenues.

4 With the aurora viewing, I guess we've
5 gone that way because, in looking at all our
6 competition around the world, we do have a competitive
7 advantage of being in a wilderness setting but having
8 -- we're under -- and Yellowknife is under the aurora
9 belt. But we're off of the road system, and most
10 other lodges in the Yukon and Finland are on the road
11 system.

12 In looking at other markets, we would
13 continue to host school groups from Yellowknife,
14 snowmobilers. We do weddings. We host people that
15 come for canoeing, kayaking, fishing.

16 The fishing market is similar to the
17 hunting one, which is -- we saw the -- I guess the
18 crash or the decline coming about ten (10) years ago
19 and opted to stay -- put less and less emphasis on the
20 fishing market. And we've never done hunting from
21 that facility. And we were, I think, very correct in
22 steering away from the sports fishing market. It's
23 gone rapidly downhill and as you know, is in serious
24 problems not only in the NWT, but anywhere else that
25 has a fishing lodge.

1 We've hosted weddings, women's
2 retreats, spa getaways. I guess we always have and we
3 always look to any markets that we can -- we can host
4 out there, but it's -- I guess we're not just
5 concerned about the aurora; it's the wilderness
6 setting. And that's the -- the aurora is a big part
7 of that, but people come and they pay a lot of money
8 for a -- a true wilderness setting. And we're --
9 we've combined that with offering amenities, the --
10 you know, hot tub and great food. So the wilderness
11 and people getting away from it are a big -- a big
12 part of the sell. So it's not just the aurora.

13 And I, if you ask me what other markets
14 we could chase with a -- an active mining neighbour,
15 it would be quite a stretch, I think, to come up with
16 -- with new markets. Maybe we could do mine tours,
17 but it's not -- not high on the list of a lot of
18 people to spend a lot of money for a -- for a mine
19 tour. But I'm open to suggestions.

20 But we've been in this business for
21 over thirty (30) years, and I've beat a lot of bushes.
22 And I think where we're at right now as a result of
23 lots of money and lots of years and lots of effort by
24 -- by many people. And I'm not sure where else to turn
25 if -- if a big chunk of what Blachford is as a

1 wilderness lodge is -- is not there anymore.

2 THE CHAIRPERSON: Okay. Before I got
3 to Mr. Donihee, I want to head -- just for the
4 audience in the back, if -- as you come in -- and
5 shortly we're going to be going to public comments.
6 And if anybody hasn't signed up, there's a sign-up
7 sheet near the back just so that I can read them all
8 and call you up as I come to that shortly.

9 I'm going to go back to Mr. Donihee.

10 MR. JOHN DONIHEE: Thank you, Mr.
11 Chairman. John Donihee. Mr. Freeland, have you ever
12 sat down, you know, with the Avalon team and -- and
13 gone through, you know, their plans, I suppose, for
14 the site once -- once developed and really talked
15 through the mitigation possibilities in -- in detail
16 to -- to try to work, you know, with them, I guess,
17 right at that kind of technical level to see if there
18 are ways to reduce the effects that you're -- you're
19 so concerned about?

20 THE CHAIRPERSON: Thank you.
21 Blachford Lake Lodge...?

22 MR. MICHAEL FREELAND: Yes, John,
23 we've had -- David and I and Kelly and some of the
24 Avalon staff have had a number of meetings over the
25 past year and a half to try and resolve some of the

1 issues, I think, where it is not -- it's not easy, I
2 guess, trying to make a -- a wilderness lodge and a
3 potential mining development compatible, because in a
4 lot of ways they're at opposite ends of the spectrum.
5 And I acknowledge there is -- there can be big value
6 and benefit for a mining operation, but it's -- it is
7 a challenge to put those two (2) together.

8 We've -- we've talked about some
9 options, including Blachford providing services or
10 food accommodation, transportation. You know, we've
11 looked at a number of options of how Blachford might
12 be able to service the mine. And that's -- that's
13 ongoing. But those -- if we do further on some of
14 those options, it's a -- it's a complete change of
15 direction for Blachford.

16 It's a -- and maybe that's -- maybe
17 that's the only route to go, because I -- the more --
18 the more I understand this project, it's -- it's a big
19 difference than a -- having a wilderness lodge. So I
20 don't -- I don't know if -- if there can be any
21 compatibility worked out there. I don't know, and I'm
22 certainly open to meeting more with Avalon or -- or
23 whoever to try and get things closer together, but
24 that is a -- a big -- a big, big challenge.

25 And I think, as it stands now, if this

1 -- if the Avalon project does go ahead with the number
2 of manpower that I see on the charts and the size of
3 the development, it's -- it's going to kill Blachford,
4 and I don't -- I'm not -- I'm not happy with that, but
5 I don't know -- I don't know the solution.

6 THE CHAIRPERSON: Okay. Thank you.
7 Mr. Donihee...?

8 MR. JOHN DONIHEE: Thank you, Mr.
9 Chairman, and thank you, Mr. Freeland. Those are my
10 questions, sir.

11 THE CHAIRPERSON: Okay. Thank you.
12 I'm going to go the Board members to my far left, with
13 Board member Rachel Crapeau.

14

15 (BRIEF PAUSE)

16

17 MS. RACHEL CRAPEAU: The only one (1)
18 question I had was: If you're not going to be getting
19 four hundred (400) plus guests per year, what happens?
20 Are you going to operate the place just like a hotel
21 for the -- the mine, or are you just going to shut 'er
22 down and call it quits? Does it go that far? I was
23 just wondering.

24 THE CHAIRPERSON: Thank you.
25 Blachford Lake Lodge...?

1 MR. MICHAEL FREELAND: That's a good -
2 - good question, Rachel. I don't know. It's -- you
3 know, it's a family-run business. That's -- that's
4 what we do and have done, and it was my hope to, you
5 know, pass that -- pass that on, have some legacy of a
6 wilderness resort that can go on forever, because I
7 think that kind of business can. It doesn't -- it
8 doesn't end like a mine does. It can -- it can -- can
9 go on forever.

10 I think we're -- we're still pushing as
11 much as we can now, putting big money into marketing.
12 We're -- we're doing well because that's -- at the
13 moment, that's our only option is to push as much as
14 we can and generate what we can. And if the decision
15 is a go for the mining development, it -- it won't
16 take long where -- before I'm going to have to answer
17 that question.

18 The more active the mine becomes, the
19 less interested people are going to be in coming to
20 Blachford. So I think it's going to be a pretty -- a
21 pretty quick decision for -- for me economically, what
22 to do or what not to do, and that's -- that's my
23 concern.

24 But I know if -- if I'm put out of
25 business because of this mining development, I'm not a

1 happy camper, and I'm going to want some serious
2 compensation for what we put into it and the potential
3 that we're losing. And whether Avalon buys us out or
4 someone else gives us compensation, that's where, to
5 be fair, I think we'll have to go unless, in some way
6 in the meantime, we can come up with a -- a win-win,
7 and I'm totally open to looking at all the avenues to
8 make it a win-win.

9 But, yeah, you ask if we shut the
10 doors, and that's -- that's a very real -- that's a
11 very real possibility. I hope we don't have to go
12 there, but that's -- that may be on the list.

13 THE CHAIRPERSON: Okay. Thank you.
14 Any further questions, Rachel Crapeau?

15 MS. RACHEL CRAPEAU: Just one (1)
16 more. You mentioned a twenty-five (25) year lease
17 with the federal government.

18 That lease, do you -- how many years do
19 you have left? I just want to know.

20 THE CHAIRPERSON: Thank you.
21 Blachford Lake Lodge, to the question.

22 MR. MICHAEL FREELAND: I believe we
23 are into our second twenty-five (25) year lease, and I
24 believe there is about -- it's a guess. I think
25 there's around sixteen (16) or eighteen (18) years

1 left on that remaining lease, and that's with the
2 federal government. And I certainly acknowledge we're
3 on Akaitcho Chief Drygeese land, and our landlord may
4 well change, and that's -- and that's fine, and we
5 would look forward to that. But of our existing
6 lease, I think it's about sixteen (16) years that are
7 left.

8 THE CHAIRPERSON: Okay. Thank you.
9 That concludes your questions, Rachel Crapeau?

10 MS. RACHEL CRAPEAU: Yes, Mr. Chair.

11 THE CHAIRPERSON: Thank you. I'm
12 going to go to Board member Percy Hardisty.

13 MR. PERCY HARDISTY: No questions, Mr.
14 Chair.

15 THE CHAIRPERSON: Thank you. Board
16 member James Wah-Shee...?

17 MR. JAMES WAH-SHEE: Well, thank you
18 for your presentation, Mike, and I have no questions.
19 Thank you.

20 THE CHAIRPERSON: Thank you. Board
21 member Richard Mercredi...?

22 MR. RICHARD MERCREDI: Yeah. I just
23 want to thank you for your presentation. No
24 questions. Thank you.

25 THE CHAIRPERSON: Okay. Thank you.

1 Board member Sunny Munroe...?

2 MS. SUNNY MUNROE: Thank you for your
3 presentation, but I have no questions.

4 THE CHAIRPERSON: Thank you. Board
5 member John Curran...?

6 MR. JOHN CURRAN: Thank you, Mr.
7 Chairman. Pardon me. Mike, you mentioned an opinion
8 that tourism and mining are incompatible. And, I
9 mean, that's a -- that -- that's a bold statement, for
10 sure, and I'm just wondering -- you had mentioned the
11 NWT Tourism Association; I wonder if you've approached
12 them about championing that cause going forward. I
13 know in other jurisdictions, that does happen. Have
14 you tried that avenue?

15 THE CHAIRPERSON: Thank you.
16 Blachford Lake Lodge...?

17 MR. MICHAEL FREELAND: Yes, I have had
18 a discussion with the NWT Tourism Association. They
19 are interested in that cause or that issue, because
20 there's certainly -- well, the last many years,
21 there's a growing number of lodges and camps that are
22 in the situation similar to -- to ours.

23 And, actually, I had a note from them
24 this morning that -- saying they would like more
25 information because it's a -- it's not just a

1 Blachford issue; it's, you know, a much bigger issue
2 with -- potentially, with other lodges, with other
3 developments. So, yes, it's -- it's on their list and
4 I'd -- I'd follow that -- I will follow that up.

5 THE CHAIRPERSON: Okay. Thank you.
6 Board member John Curran?

7 MR. JOHN CURRAN: Thank you, Mr.
8 Chairman. Thank you for the answer, Mike. I guess
9 just one (1) more question, and -- I mean, we're
10 talking a -- a few different numbers here that have
11 been thrown out, almost back of the napkin, so maybe
12 we can keep going in that vein.

13 Your current situation, how much of it
14 do you think would be attributable to the general
15 market conditions that have hit all the other tourism
16 operators, and how much of it do you think is
17 attributable to your proximity to Avalon's project?
18 Thank you.

19 THE CHAIRPERSON: I'll go back to
20 Blachford Lake Lodge.

21 MR. MICHAEL FREELAND: Did you mean,
22 John, like of our current market, is there any change
23 due the -- due to the Avalon project? Is that your
24 question?

25 MR. DAVID CORMIE: John Curran...?

1 MR. JOHN CURRAN: Well, I guess things
2 are in a downturn for tourism in general, and you're
3 saying that your business is being negatively affected
4 by the Avalon project. I'm just wondering if you can
5 try and quantify for us how much of your situation
6 would be general downturn for tourism versus proximity
7 to Avalon?

8 THE CHAIRPERSON: Maybe, Blachford
9 Lake Lodge, if you could put it -- if you could put it
10 on a -- a scale in terms of percentages of a hundred
11 percent on those two (2) points.

12 MR. MICHAEL FREELAND: Okay. I think
13 the -- the effect to date of the Avalon project on
14 Blachford is minimal. What I'm very concerned about
15 is the impact on our business from here on. I know
16 the -- the world economy has been down, tourism has
17 been down all over. We have seen higher numbers this
18 year specifically on aurora viewing, but that -- I
19 attribute that to some GNWT support and us putting a
20 chunk of money and effort into chasing aurora market.
21 And it's in the peak of the cycle, so that does make a
22 -- make some difference.

23 But the -- I guess the negative
24 feedback we're -- we're getting from guests, we're
25 just starting to see it the last year or two (2), with

1 people seeing the glow on the horizon. And I just --
2 my -- my fear is, with the -- with the new development
3 and the size, that the glow that you saw on the slide
4 there is going to be a lot more than a glow, and that
5 in turn is going to create for sure many less guests
6 that -- that would want to come to us for a wilderness
7 opportunity.

8 So it's -- it's not something we're
9 feeling much of now. It would be a small percentage
10 now, but I think that would grow hugely and to
11 coincide with the -- the construction and the
12 operation of the -- of the Avalon project.

13 MR. JOHN CURRAN: Thank you.

14 THE CHAIRPERSON: Okay. Thank you. I
15 think that concludes John Curran's questions.

16 MR. JOHN CURRAN: Yeah.

17 THE CHAIRPERSON: Okay. Thank you. I
18 had a couple of questions, but they were answered
19 already, so no sense in going there. I want to --
20 Mike, I want to thank you for your presentation this
21 evening.

22 And I think we will take a ten (10)
23 minute break, and then we'll come back into public
24 comments. Ten (10) minute break. Thank you.

25

1 --- Upon recessing at 7:12 p.m.

2 --- Upon resuming at 7:21 p.m.

3

4 PUBLIC COMMENTS:

5 THE CHAIRPERSON: Okay. We'll go --

6 continue on. Part of the agenda next is public

7 comments period. This is the only time where the

8 public has an opportunity to come in that's signed up,

9 put their name down, and be able to make a

10 presentation, and the presentations will basically be

11 noted on record. There will be no answers or

12 questions, Q and As. It'll be just presentations.

13 So the order that I have in front of me

14 here now is that it looks like Tony Woodford

15 (phonetic), an Elder -- I don't know if he's here.

16 It's hard to imagine that he's an Elder. I -- I think

17 he's a young Elder.

18 Okay. Next one on the list I have is

19 Noeline Villebrun. You can come up to the front or

20 the speaker.

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: Okay. We have --

25 next on the list is Noeline Villebrun, so she can come

1 up and make her presentation to the Board.

2

3 (BRIEF PAUSE)

4

5 THE CHAIRPERSON: You can go ahead and
6 introduce yourself, and then -- from your delegation.

7 MS. NOELINE VILLEBRUN: Thank you.

8 Before I continue on in English, I'd just like to say
9 a few words in my language.

10

11 (ENGLISH LANGUAGE FEED NOT RECORDED)

12

13 MS. NOELINE VILLEBRUN: So I'd like to
14 start in English. And when I spoke in my language I
15 just have to point out and for the record that I am a
16 Dene woman. I'm a grandmother. I'm also a clan
17 mother; I've been given that responsibility. And
18 that's why I'm sitting here before this Review Board.

19 And whether or not this Review Board
20 recognizes our society as a legal entity or not, for
21 me, is irrelevant, but the information that must be
22 presented. That's our goal.

23 For too many years our history and our
24 information in this area has been amalgamated or been
25 mis -- misused. And we know that there is a process

1 and we're told that these processes are developed so
2 that we could be heard and that we can bring good
3 truthful, respectful information to the forum.

4 I believe that is my responsibility
5 today. And as chair of the society we do have a
6 membership. And the people that wanted to belong to
7 our society joined because they have a concern. They
8 have a concern of the history, the language, the
9 culture, and the treaty rights of the people in the
10 area that they call Akaitcho Territory or Chief
11 Drygeese Territory, or other territories that have
12 been named.

13 So I want to just clarify that this
14 society does represent and does have a membership of
15 indigenous people that speak the language that's
16 T'satsotine (phonetic) language which is the
17 Chipewyan. They say -- they use the English word
18 today: Chipewyan. Chipewyan derives from a Cree word
19 to refer to the Chipewyan that people, the T'satsotine
20 people, as -- people with pointed hoods or pointed
21 shoes, because that's what we were -- that was our
22 clothing.

23 That's what I understand today. I've
24 come to these different forums also in the past
25 twenty-five (25) years or so, if not longer. And just

1 to clarify, I understand this Board has been in
2 existence for fourteen (14) years. And yeah,
3 sometimes societies may come forward or people may
4 come forward or interest groups may come forward, but
5 it is for a reason, maybe at the eleventh hour. But
6 all I ask is that we be given a respectful process
7 just like everybody else, and be allowed to be heard.
8 Nothing more, nothing less.

9 We do have a whole history of impacts
10 of development and I am concerned. I'm concerned
11 because of this process that the Federal Government
12 and the Territorial Government are putting forward.
13 Because what I see are citizens making decisions on
14 naturalized peoples' lands. The T'satsotine people
15 are the naturalized people of the land; they have
16 sovereignty. We were a nation until we were disbanded
17 for development.

18 Our treaty is registered with the
19 United Nations. That's what I know today. And what I
20 understand today is this process is infringing on our
21 rights, especially if we hadn't been able to be heard
22 properly.

23 But my question I'm going to ask the
24 Board, the one (1) question for the Board is: What do
25 they propose to do when there's an interest group such

1 as the T'satsotine Society come forth and file a
2 caveat against the whole process? That same question
3 I will propose to Avalon, and I -- it's a fair
4 question.

5 THE CHAIRPERSON: Noeline, is that
6 your -- just a question? While, at this point in
7 time, the Board is not going to take any questions, so
8 I'll pass the questions on to Avalon. And I believe
9 you already know the history as to how the Review
10 Board was created. As you know, it was created as a
11 result of land claims from the Dene-Metis days and so
12 on. So I -- I don't want to go into the whole history
13 there, but you know the history there.

14 And you also made another comment here.
15 The Review Board is -- is -- at this point in time we
16 did not say that -- that your society is or is not
17 relevant. I just want to point that out. I mean,
18 regardless, at the end of the day the process is
19 there. We recognize anybody and everybody that
20 applies to be party status, and -- and everybody is
21 given due process and recognition as they come
22 forward. So, I mean, there is a process in place.

23 MS. NOELINE VILLEBRUN: M-hm.

24 THE CHAIRPERSON: I mean, if you -- if
25 you need a CD or anything, I think my staff could get

1 you all that stuff, too. So in the future projects
2 and other projects that are coming up, at least you'll
3 know what the process is, and my staff is available to
4 help you on that.

5 But we're not going to go into -- I'm
6 not going to go into rights. I mentioned that
7 earlier. I think we're here to listen to the public,
8 and we're here to -- the Board's here to make notes of
9 your comments. And, again, at this time we're not
10 going to be taking any questions from anybody. You're
11 allowed to express your views and comments for this
12 project only. Thank you.

13 MS. NOELINE VILLEBRUN: Okay. Okay.
14 So then, what I'll do is I'll express my views then,
15 that I do not believe the T'satsotine people, the
16 original people of the land that signed the treaty,
17 and from my understanding of my history it extends
18 right to the Beaufort Sea. And somewhere along the
19 line the federal government, territorial government,
20 broke up our land during the Dene and the Metis claim.
21 We see that, yes. I know the history.

22 So I guess I have to give notice to the
23 Mackenzie Valley Review Board then, that I do not
24 believe that we will get a fre -- a fair review based
25 on some of the Board members sitting there and their

1 past history and credibility. So --

2 THE CHAIRPERSON: Okay. Point of
3 order. I'm going to stop you there. Again, this is a
4 process of listening to issues and concerns here.
5 And, to me, when you speak like that, to me -- which
6 we treat pretty serious. Everybody on this Board here
7 represents everybody up and down the valley. And, you
8 know, what you're saying is -- is, you know, it's to
9 the point where I'm going to allow it or not at this
10 point in time. I mean, you have to express your
11 concerns about the project. We're not here to debate
12 who's on this Board or whatever.

13 MS. NOELINE VILLEBRUN: M-hm.

14 THE CHAIRPERSON: I'm sorry, the
15 legislation's there, and we got to follow it, so I
16 want to stop you there. If you got any further
17 comments and questions in regards to the Avalon
18 project, in that area, that's what we're talking
19 about. Thank you.

20 MS. NOELINE VILLEBRUN: Thank you,
21 Rick. And if you were listening to my concern, you
22 said I could express my views and my concerns. So I'm
23 just doing it, okay. So for the record, I'm not name
24 -- I didn't name names. I didn't say any of that
25 sort. You're the one that brought it out. So all I

1 want to do is express a concern that we feel we may
2 not get a fair process. That's all.

3 So you've heard it. And thank you.
4 I'm sure it's going to be noted.

5 THE CHAIRPERSON: Okay, well, I'm
6 going to have to --

7 MS. NOELINE VILLEBRUN: And --

8 THE CHAIRPERSON: -- I'm going to stop
9 you there for a second. Earlier today I asked that --
10 any presenters that come up, I asked that everybody be
11 respectful. And -- but in terms of what you're saying
12 is that your society is not going to be recognized.
13 Well, I'm sorry, I mean, there is a process in place.
14 This project's been on the files for about five (5)
15 years now. We finally come to this whole process
16 throughout the whole five (5) years, and now we're
17 coming to the tail end.

18 And you had an opportunity to make an
19 application to become party status. When you become
20 party status you are able to come in here, do a
21 presentation like everybody else and ask questions and
22 so on. And I guess, you know, that's the process
23 that's in place.

24 And when you're saying that we're not
25 giving you notice. You're giving me notice, the

1 Review Board, I mean.

2 MS. NOELINE VILLEBRUN: Yeah.

3 THE CHAIRPERSON: And that's fine.

4 But the point is I'm telling you that everybody has an
5 opportunity to come in from First Nations or any
6 organizations up and on the Valley. We represent the
7 whole Mackenzie Valley here. And we are here to
8 listen to the people and their issues.

9 And I'm going to, again, remind you to
10 just make your presentation. I got a list of people
11 that want to speak, and we only got another twenty
12 (20) minutes here. So we're going to go until eight
13 o'clock. So is there -- and I know what you heard
14 already, but is there any further comments you have to
15 make in regards to this project? Thank you.

16 MS. NOELINE VILLEBRUN: Thank you,
17 Rick. Just to note, I didn't come here to debate or
18 to get into a confrontation; that wasn't my goal. My
19 goal here is to present and to inform. So that was my
20 goal. And it's no disrespect to anybody else in this
21 room, none whatsoever. But we do have a process where
22 we can speak -- speak freely. We do have liberty and
23 freedom in this country, that's all I'm saying at this
24 time.

25 So for Avalon, I guess the only thing

1 that I can suggest, because this is going to be a
2 concern for you guys in the future, that we do speak
3 and that Avalon meet with the Society. And I -- I
4 have last comments I think that I'd like to make.

5 And I -- I don't know if you guys are
6 aware of Idle No More, where, you know, people are
7 getting fed up and -- and up and down the Mackenzie,
8 you know, of lack of consultation and whatnot. And
9 not only that, I do have a concern because I have a
10 treaty. I have sovereignty. And we're a nation. And
11 we have people making decisions that have given up
12 their Aboriginal rights and title. And that's just my
13 concern. That's all. Thank you.

14 THE CHAIRPERSON: Thank you very much,
15 Noeline, for your comments and statements.

16 Next on the list I got Erin Freeland-
17 Balantyne. Is she here?

18

19 (BRIEF PAUSE)

20

21 THE CHAIRPERSON: Unless you want to
22 just come to the table in front there and...

23 MS. ERIN FREELAND-BALLANTYNE: Hi, my
24 name is Erin Freeland-Ballantyne. I just have one (1)
25 really quick question for Avalon. I know it's late.

1 In -- in sort of all of the -- the
2 things we hear and we see about Avalon, we always see
3 "materials for green technology," cars and wind
4 turbines, and that's something that I think people can
5 really get on board on, because we really want a
6 sustainable future.

7 But just sort of looking at the other
8 things that rare earths are used for, the big thing
9 that always comes up is armaments, so drone missiles,
10 remote -- remote det -- detonation systems, things
11 like this. So basically, armament and materials that
12 are used in -- in warfare.

13 And I'm wondering if Avalon has an
14 agreement or a supply chain mechanism in place to
15 ensure that the product, if it goes forward, if it is
16 approved, that is being taken out of the mine will be
17 used in green technologies?

18 And can we have an assurance on the
19 public record that that's what the materials from this
20 mine will be used for, so that it is that Avalon is
21 technology, or minerals for a green technology?

22 THE CHAIRPERSON: I guess I'll come
23 back to you as well, is that we're just here to listen
24 to your comments, and issues, and concerns from the
25 public. And we can -- if it's on the record, I'm not

1 sure if, at this point in time, in fairness with
2 everybody else, I mean, we're here just -- I thought
3 you had a question in regards to the project, and
4 express it and so on. And the Board's able to look at
5 it and so on as evidence.

6 And I don't think the Company at this
7 time will be taking any questions. The -- the way the
8 process is laid out, that's the way it's laid out
9 right now. Thank you.

10 MS. ERIN FREELAND-BALLANTYNE: Could
11 it then just be a question on the public record to the
12 Board of, how do we know the chain of supply, and can
13 we have assurance of where it will go?

14 THE CHAIRPERSON: As long as it's on -
15 - it's on the public record, it's noted. Then it's
16 part of evidence.

17 MS. ERIN FREELAND-BALLANTYNE: Okay,
18 thank you.

19 THE CHAIRPERSON: Thank you very much.
20 Continue on, Alfred Able (phonetic), is he in the
21 room?

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Okay. I don't see

1 him in the room. I don't -- is there any -- anybody
2 else in the public that want to make a comment in
3 regards to this project, that's not on my list?

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: Okay, if not, we're
8 going to stop. Tomorrow night we also have another
9 session for public statements, and -- and comments. I
10 don't see anybody putting their hands up, so we'll
11 stop there.

12 I want to get a -- I want to do the
13 closing prayer. I'll get my young Elder James Wah-
14 Shee to do the closing prayer.

15

16 (CLOSING PRAYER)

17

18 --- Upon adjourning at 7:41 p.m.

19

20 Certified Correct,

21

22 _____

23 Lorraine Douglas, Ms.

24

25

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