

Dominion Diamond Ekati Corporation

Caribou Compensatory Mitigation Framework

Meeting Notes:

Date and location:	Teleconference – October 16, 2015		
Subject:	Caribou Compensatory Mitigation Framework		
Facilitator:	N/A		
Attendees: <i>(include the organization each attendee represents)</i>	<u>DDEC</u> Rick Bargery Claudine Lee Harry O’Keefe Ori Wah-Shee Nick Ballantyne	<u>FRMC</u> Shawn Mckay <u>GNWT</u> Andrea Patenaude Melissa Pink	
	<u>Golder</u> John Virgl Kristine Mason Steven Strawson	<u>DKFN</u> Marc d’Entremont Patrick Simon Rosy Bjornson	
	<u>IEMA</u> Kevin O’Reilly Kim Poole	<u>LKDFN</u> Peter Unger	
		<u>NSMA</u> Shin Shiga	
	<u>Tlcho</u> Sjoerd Van der Wielen	<u>YKDFN</u> Alex Power	
	<u>MVEIRB</u> Chuck Hubert		

Opening Comments from Rick Bargery that outlined the framework for the plan:

- Framework developed based on parties' technical reports, public and community hearings and the October 1 workshop.
- Comprehensive response filed on Oct 9th and has been posted on the registry.
- Important to note that this is framework and we are open to adjustments as we move forward.
- DDEC believes this more than offsets the small, if any impact, that Jay has on caribou.

The primary elements of the plan are as follows:

- Caribou Monitoring
- Additional Caribou Mitigation at Jay
- Research Funding – ZOI and Herd Management
- Enhanced Dust Mitigation
- Accelerated Reclamation – LLCF and WRSA's
- Traditional Knowledge

Question/Comment	Posed by	Response	Respondent
You've called this a mitigation plan but I thought the focus was supposed to be offsetting, is this just a wording issue? Will there be a section specific to offsetting.	Kim Poole	Yes this is a framework for an offsetting plan. The detail on the specific parts of the plan will come over the next few months. Open to suggestions on the appropriate name for the Plan.	Rick Bargery
So over the next 6-9 months the plan will be developed, will that be	Marc d'Entremont	Yes, that is the commitment we have made. Within one year of the environmental assessment decision and	Rick Bargery

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before the start of construction?		prior to the commencement of construction of the Jay Project.	
Has it been agreed upon that this is a reasonable timeframe?	Marc d'Entremont	We have based this timing on the recommendations from a number of Parties in their technical reports.	Rick Bargery
Construction for Jay will start in a year or two but it won't begin production for four to five years. I think people are wondering what can be done in the short term to support the Bathurst Herd.	Kim Poole	That is a good point, let's assume construction started in the fall of 2016, we would have a plan in place and implemented before that, including those measures that applied on a site wide basis.	Rick Bargery
So if there were changes, for example to the traffic management plan for Jay, would they be implemented site wide?	Kim Poole	Yes, that is part of the Caribou Mitigation Plan.	Rick Bargery
You mention another workshop in the spring, it would be nice to see a clear plan for how this will	Marc d'Entremont	We chose the spring based on the EA report coming in January and then the minister's decision, but we	Rick Bargery

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all fit together in the time frame.		can do that workshop earlier. I chose the spring arbitrarily based on those dates.	
		Some of the components will need further engagement, some we can implement in the next year or two prior to construction. It will be a phased approach where we are implementing some things now and continuing to develop and engage on others.	Claudine Lee
You will have the draft in place for caribou mitigation before construction?	Shawn McKay	Yes. We would engage on the development of the Plan over the next 6-9 months and have the full plan in place before we break ground. We would probably target having a draft Plan that we can engage on in late Feb so it can include recommendations from the Environmental Assessment Report	Rick Bargery

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<p>Our Chiefs are very keen on the caribou monitoring issue. The main thing we would like to see is boots on the ground 24/7 where the caribou are, not just at site. What I missed is will the monitoring happen at site or where the caribou are.</p>	<p>Sjoerd Van der Wielen</p>	<p>This particular plan/strategy would be around the mine site. We have included research funding as well for other types of research in the Plan.</p>	<p>Rick Bargery</p>
<p>You mentioned the inclusion of TK in the monitoring. Will the TK holders be community members or Dominion Employees?</p>	<p>Sjoerd Van der Wielen</p>	<p>Yes. At specific times of year we would have community involvement in the program. We will still need to work out the details with you and work with the communities to see how it should be developed.</p>	<p>Rick Bargery</p>
<p>We are interested in the behaviour of the caribou before they move and then observing any changes that occur when they reach the ZOI. In my opinion observing caribou</p>	<p>Sjoerd Van der Wielen</p>	<p>Yes, as noted earlier we have earmarked just over \$1million in the plan for research on the ZOI and on the overall health of the herd.</p>	<p>Rick Bargery</p>

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from a truck is not adequate monitoring.			
I agree, we need to know more details. I know that they will be developed and we are happy to see that resources are being applied and that TK holders will be involved. If there can be Lutsel K'e members there who are happy with the monitoring that would be good.	Peter Unger	Developing the plan will be a collaborative effort with IBA communities and other Parties. We expect full community input into the monitoring plan.	Rick Bargery
Is there a difference between this plan and the WEMP?	Marc d'Entremont	This monitoring would be beyond what is specifically required. It might not be designed for the questions in the WEMP but for broader questions about the herd and to address community concerns.	Harry O'Keefe
The monitoring that Sjoerd is talking about, away from the mine, might help	Alex Power	It might not necessarily be the failings in the WEMP, but it could address some of the concerns raised by the communities that fall	Harry O'Keefe

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address some of the failings in the WEMP.		outside of the scope of the WEMP.	
Monitoring through an active cycle while having people on the land with the caribou could help in better understanding the behavior of the herd and more information about the broader cumulative effects beyond the mine site. I think there could be opportunities for research synergy there.	Alex Power	We are open to ways that help us get the best information possible, so we are open to these ideas.	Rick Bargery
In the CRMP discussed in July it stated that short term road closures will occur when the caribou are within 500m, now it says that within 300 meters the traffic will slow down.	Kim Poole	If the caribou are moving towards the road it will be closed, but if they are moving away or walking parallel to the road at 300 meter we will monitor and manage traffic accordingly.	Harry O'Keefe
So these are not so much rules but judgement calls?	Kim Poole	There will be some judgment calls but we are trying to set rules that will be practical for our	Harry O'Keefe

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		drivers, trying to monitor 500m's from the road is fairly unrealistic. Which is why we have the monitors doing regular road checks.	
You might want to review the rules now compared to July, it seems to be less protective.	Kim Poole	We will review that specific part of the plan and we can take a look at these again following the EA report.	John Virgil
<p>I say this because we are not at site so all we can see is what is on paper. So we have to look at them carefully.</p> <p>Most of your drivers will know the difference between male and female caribou, but how will they know how many .25% of the herd is, and how can they judge 500m from the road when they are driving? A lot of this is related to driver training, but the driver's process should be clearer, what they do when they see</p>	<p>Kim Poole</p> <p>Kevin O'Reilly</p>	<p>We will need to keep working on this to have it up and running for the fall, but the driver training will have to happen almost immediately.</p> <p>The training has already been requested and the drivers will be given a hard number not just a percentage.</p> <p>We will look at these suggestions and then we can look at it again when we discuss the CRMP over the winter.</p>	<p>Rick Bargery</p> <p>Harry O'Keefe</p> <p>Rick Bargery</p>

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caribou, maybe not answered on this call.			
I have some questions about reporting, says it will be revised on annual basis, I suggest there should be some reporting sometime in the fall.	Marc d'Entremont	There is an opportunity for that. The WEMP has to be in at the end of March which is prior to the start of construction.	Harry O'Keefe
I'm happy to see some numbers on the table, there is still a bit of work to be done about the specific questions to be answered and the process here. The task group isn't necessarily responsible for looking into the ZOI around Ekati, I think there are some opportunities here to look at questions, but there are some details for the task group that would need to be worked out. Lots of opportunity here but there are some	Andrea Patenaude	That is a good point, we don't want this to replace funding that is already in place. We want to address research gaps that currently exist. We are looking for a mechanism where funding is controlled by a single group made up of multiple parties that have an interest.	Rick Bargery

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more questions that need to be answered.			
<p>We are thrilled to see the committed funding but we need to see who will get the money and how the projects will get implemented.</p> <p>I agree with Peter that it is good to see this money but I think this money could be better spent elsewhere. There is a biopsying plan on the land and I know DDEC can't spearhead this but the Tlicho Government is looking at spearheading it and I think the money could be better spent there.</p> <p>I'm not sure the management group is the best place for this money. Maybe it can be but primarily a lot of the aboriginal groups don't</p>	<p>Peter Unger</p> <p>Sjoerd Van der Wielen</p> <p>Peter Unger</p>	<p>This may not have been the right venue for this funding but we were looking for a place with a wider scope than the GNWT. We will need to find the right place.</p> <p>We are open to ideas on how to best do this, we will be happy to discuss with the whole group about how we can do this better. We do want it to go to new research, not to replace old or existing programs. We want this to be value-added to research that will provide data that betters the health of the herd.</p>	<p>Harry O'Keefe</p> <p>Rick Bargery</p>

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participate so maybe it could be something new.			
It could be something like a research fund that could be managed by DDEC/ENR that we can use to fund independent research. They are just establishing that with Giant Mine so that is an option.	Shin Shiga	As I stated before, we are open to ideas on this. We agree it should not be managed by DDEC and should be a multi-party group that manages the research.	
<p>From the DKFN's perspective the Bathurst Herd is of concern obviously, the DKFN would like to be involved but we need to address the capacity issue for us to participate.</p> <p>That is the main problem for us, the capacity to be involved. That is also a question for the other groups but capacity is the main deterrent to participation, we would like to participate where</p>	<p>Marc d'Entremont</p> <p>Patrick Simon</p>	We certainly understand the capacity issue – we have tried to address it for groups during the Jay EA process but the larger issue of capacity is an issue for other parties to address.	

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<p>we can. When we look at funding we have to make sure we aren't rehashing old stuff that doesn't help us understand what has been happening to the herd. We want to look at food sources, habitat and disturbance around the mine.</p>			
<p>One thing we will raise in our closing submission is that we are looking for some adaptive management. It's good to see money going towards a better understanding of the drivers but it needs to relate back to how it can be implemented on the ground.</p>	<p>Kevin O'Reilly</p>	<p>We agree with the need for adaptive management and we have said so in our response. It is difficult to say what can be implemented on the ground without doing the research first.</p>	<p>Rick Bargery</p>
<p>Maybe you could include a statement surrounding this issue that identifies this as something that will need more work. That would be a start.</p>	<p>Kevin O'Reilly</p>	<p>Agree. We can do that.</p>	<p>Rick Bargery</p>

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<p>[Regarding the plan for dust] This is a good start, there are some lessons on how air quality monitoring will be done at Giant. They have partisol samplers that can be taken every 15mins. This is something to think about in the design, this way you can relate different vehicle types to their specific dust production. They will give you more refined results and let you see if some traffic (like convoys or land trains) reduce the amount of dust.</p>	<p>Kevin O'Reilly</p>	<p>When I speak about new technology this is what I mean, we have some products that help us get quicker results, but we will be looking at other products too.</p>	<p>Claudine Lee</p>
<p>(Regarding the plan for reclamation) We appreciate the effort that you guys have made and that you have looked into this, but frankly the LKDFN was looking for more. You have already committed to designing the ramps and you speak about some research but we were</p>	<p>Peter Unger</p>	<p>Some of these things that have been raised especially having waste rock piles redesigned or moved is of concern to us. We think its carbon intensive, requires more disturbance, is very expensive and will require a lot of equipment. So we are looking at things that</p>	<p>Rick Bargery</p>

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<p>looking for something more aggressive. We were hoping for something a little more drastic, especially when it comes to the waste rock piles. This doesn't seem like you are doing much more.</p>		<p>can be of real value and we think moving ahead with reclamation at the LLCF will be the main focus. We are open to looking at ways to better reclaim the waste rock piles but it has to be technically and economically viable.</p>	
<p>When I bring this back to my leadership, just saying it's too expensive isn't going to hold a lot of water. If it makes the mine unprofitable that is one thing, but just being expensive isn't going to go over very well when I bring this back.</p>	<p>Peter Unger</p>	<p>While cost is an issue, there are other factors to consider. For example, some of the things you have mentioned will require a lot of carbon intensive work and we may have differing opinions on this. I'm sure you will make these concerns known but where we think the real benefit will be the work we can do on the LLCF.</p>	<p>Rick Bargery</p>
<p>I can appreciate that, and see how you might view our concerns as hard lined and we don't apologize for that. We think that</p>	<p>Peter Unger</p>	<p>We think that we have put forward a plan that more than offsets the very small impact that Jay will have. We think this plan needs</p>	<p>Rick Bargery</p>

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<p>anything and everything that can be done should be done. Maybe if you outlined some of the suggestions we have made and showed the cost breakdown or gave a bit more explanation as to why you are choosing a different route.</p>		<p>to be viewed as a whole and I understand that we aren't going to agree on every part of the plan but I think that as a whole this is a very strong framework and we are committed to working further with Lutsel K'e on the final plan.</p>	
<p>Has there been any work done on how the storage areas affect caribou? They have been around for a while so there should be some measure to see their effectiveness. Everything needs to be looked at in terms of its implications on caribou. This is one area where we feel there can be some innovation, not just doing it faster. We need to revisit all of these and that goes for everyone around the table, but we need to look at everything.</p>	<p>Patrick Simon</p>	<p>Thank you for your comments Patrick, we need to have some discussions as to how we can do the accelerated reclamation we will be engaging with communities and that will go into the final plan.</p>	<p>Rick Bargery</p>

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<p>It wasn't clear to me what acceleration is actually taking place, there are no dates on here. There have already been some slippages on reclamation so this may get it back to where it was supposed to be, but I will put that aside. What is being accelerated and by how much will be important to see. When BHP was in charge we had asked for motion cameras to be put up on inactive waste rock storages areas, but it wasn't done. There needs to be some understanding of what effect this has and how accelerating will improve the area. Understanding how to make the storage areas better for caribou would be good to see.</p>	<p>Kevin O'Reilly</p>	<p>The points that you have made about understanding are good but that will have to come out of discussions over the next 3 to 6 to 9 months and will go into the final plan. I understand your point about wanting to see the schedule, that will go into the final plan as well.</p>	<p>Rick Bargery</p>

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<p>For the adaptive management approach there needs to be the ability to measure effectiveness. If something is not working then what will be done differently? That's not really addressed in here.</p>	<p>Kevin O'Reilly</p>	<p>That is a good point, we would be open to any suggestions you may have.</p>	<p>Rick Bargery</p>
<p>Maybe a panel of experts that could help work on this.</p>	<p>Kevin O'Reilly</p>	<p>I'm not keen on expert panels, we have the experts in the North. We believe a plan developed collaboratively with the parties and ultimately oversight from a regulatory body (i.e. ENR) is the way to go.</p>	<p>Rick Bargery</p>