



MACKENZIE VALLEY ENVIRONMENTAL

IMPACT AND REVIEW BOARD

EA14314-01: Jay Project,

Dominion Diamond

Public Hearing

Mackenzie Valley Review Panel:

Chairperson	Joanne Deneron
Board Member	Kirby Marshall
Board Member	Yvonne Doolittle
Board Member	James Wah-Shee
Board Member	Bertha Norwegian
Board Member	John Curran

HELD AT:

Yellowknife, NT

September 14, 2015

## 1 APPEARANCES

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3	Mark Cliffe-Phillips	)
4	Sachi De Souza	)
5	Simon Toogood	)
6	Ruari Carthew	)
7	Chris Rose	)
8	Brett Wheler	)
9	Stacey Menzies	)
10	Kate Mansfield	)
11	Catherine McManus	)
12	John Donihee	)Counsel
13		
14	Brendan Bell	)Dominion Diamond
15	Elliot Holland	)
16	Gaeleen MacPherson	)
17	Richard Bargery	)
18	Claudine Lee	)
19	Bob Overvold	)
20	Harry O'Keefe	)
21	Dustin Chaffee	)
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25	Patrick Duffy	)Counsel

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3	Steven Strawon	) Golder Associates
4	Fiona Esford	)
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8		
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10	Deborah Archibald	)
11	Aileen Stevens	)
12	Lisa Dyer	)
13	Lisa Cardinal	)
14	Glen MacKay	)
15	Les Harrison	)
16	Andy Bevan	)
17	Jim Sparling	)
18	Melissa Pink	)
19	Monica Wendt	)
20	Kate Witherly	)
21	Dianna Beck	)
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23	Rebecca Dupuis	)
24	Wade Blake	)
25	Shirley Kemeys-Jones	)

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6	Andrew Hawton	)
7	Wade Carpenter	)
8	Katherine Villeneuve	)
9	Kelly Fisher	)
10	Marty Sanderson	)
11	Francis Jackson	)
12	Peter Fast	)
13	Kelly Mahoney	)
14	Jeremy Roberts	)
15	Mike Reddy	) Counsel
16	Simone Tielesh	) Counsel
17		
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19	Berna Catholique	) First Nation
20	Roger Catholique	)
21	Brian Sanderson	)
22	August Enzoe	)
23	Ron Fatt	)
24		
25		

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3	Veronique D'Amours-Gauthier	) Canada
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6	Meagan Tobin	)
7	J.F. Dufour	)
8	Bradley Summerfield	)
9	Loretta Ransom	)
10		
11	Marjorie Matheson-Maund	) Tlicho Government
12	Grace MacKenzie	)
13		
14	Emery Paquin	) IEMA
15	Jaida Ohokannoak	)
16	Kevin O'Reilly	)
17	Bill Rose	)
18		
19	Chief Edward Sangris	) YKDFN
20	Alex Power	)
21	Randy Freeman	)
22		
23	Marc d'Entremont	) DKFN
24	Patrick Simon	)
25		

## LIST OF APPEARANCES (cont'd)

1		
2		
3	Shin Shiga	)North Slave Metis
4	Elder Ed Jones	)Alliance
5		
6	Shawn McKay (by phone)	)For Resolution Metis
7		)Council
8		
9	Gord MacDonald	) Diavik Diamond
10		) Mines Inc.
11		
12	Christopher Aguire (by phone)	)Transport Canada
13		
14	Christy Sinclair	Member of the Public
15	Tom Hoefer	Member of the Public
16		
17		
18		
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1 --- Upon commencing at 8:47 a.m.

2

3 THE CHAIRPERSON: Good morning,  
4 everyone. My name is Joanne Deneron, and I am the  
5 chair of the Mackenzie Valley Environmental Impact  
6 Review Board. Welcome to the public hearing for the  
7 Jay Project.

8 Before we begin, I would like to  
9 acknowledge that we are holding this hearing in the  
10 traditional territory of the Yellowknives Dene. We  
11 will begin this opening with a prayer from Chief  
12 Sangris.

13

14 (OPENING PRAYER)

15

16 THE CHAIRPERSON: I will now invited  
17 Chief Ed Sangris, if he would like to come to the  
18 table, of the Yellowknives Dene First Nation, to make  
19 some opening remarks.

20

21 OPENING REMARKS BY CHIEF EDWARD SANGRIS:

22 CHIEF EDWARD SANGRIS: Good morning,  
23 everybody. I don't usually talk to -- with people  
24 sitting by the back, but that's okay. Yeah, good  
25 morning. My name is Chief Edward Sangris, of the

1 Yellowknife Dene First Nations. Welcome to our  
2 traditional territory which we call Chief Drygeese  
3 Territory. It's with -- within the Tlicho region.

4           The Diamond Mines are -- Dominion  
5 Diamond Jay Project sits on the north side of Chief  
6 Drygeese Territory. When our ancestors made treaty in  
7 1900 they said, As long as the sun rises, the river  
8 flows, and the grass grows, to allow people to work on  
9 our land. And they also gave us that message in that  
10 saying. We have to ensure, as Dene, that we look  
11 after the land.

12           When they made that statement, they  
13 were also telling us, as Dene, to look after our land  
14 for future generations. When they say, As long as the  
15 sun rises, they were also telling us to look after the  
16 air of our land. And when they say, The river flows,  
17 they were telling us to ensure that our waters are  
18 pristine. And when they say, The grass grows, they  
19 were telling us to look after our land, our wildlife.

20           These are the responsibilities that we  
21 have to carry on onto our future generations. We need  
22 to ensure that all industries are in compliance with  
23 those understanding and how we were told to look after  
24 our land by our ancestors.

25           The industry and the government have to

1 be accountable. And we as Dene also have to be  
2 accountable to our future generations. That is why we  
3 participate in these hearings, to ensure that  
4 everything is the way our ancestors have instructed us  
5 to look after our land.

6                   So with these proceedings, I hope the  
7 industry and the government keeps the message in bac -  
8 - in back of their mind when they discuss the very  
9 important issue that are pertaining to the land. We  
10 as leaders have to walk the fine line between the  
11 environment and the economy. And that's evidence by  
12 the few years. We have to find a way to really  
13 accommodate the things that we as Dene thrive on, our  
14 culture and our tradition.

15                   And as the Elders said in their prayer,  
16 we hope these discussions -- he asked the Creator to  
17 help each and every one of you in these discussions,  
18 because it's important what we leave behind for our  
19 future generations. And he also mentioned that those  
20 who have travelled a long ways, they have a safe  
21 journey home. That's how our Dene laws. We follow  
22 the Dene -- Dene laws to have one (1) -- each and  
23 every one of us on this earth.

24                   With that, I'd like to thank each and  
25 one of you for being here and to have a meaningful

1 dialogue for the next two (2) or three (3) days. Masi  
2 cho.

3

4 OPENING REMARKS THE CHAIRPERSON:

5 THE CHAIRPERSON: Masi. Masi, Chief  
6 Sangris.

7 We are here today to listen to your  
8 views about the potential impacts of the proposed Jay  
9 Project at the Ekati Diamond Mine. The developer is  
10 Dominion Diamond Ekati Corporation, or Dominion.

11 For those requiring translation, there  
12 are receivers just at the front door when you came in,  
13 with the English channel on channel 2, Chipewyan on  
14 channel 4. Tlicho Weledeh on channel 5. The washrooms  
15 are just out the main door in the far corner across  
16 the hall and the emergency exits are through either  
17 door at the side of the -- the door that you just  
18 came, as indicated by the signs.

19 For the projection and location and  
20 purpose, the Jay pipe is located at Lac du Sauvage,  
21 about 25 kilometres southeast of the existing Ekati  
22 mine processing plant. The Ekati mine is about 300  
23 kilometres northeast of Yellowknife. The Jay Project  
24 is an expansion of the Ekati Diamond Mine. The  
25 Developer proposes to build a dike in Lac du Sauvage.

1 Inside this, the Developer proposes to dig an open pit  
2 to extract ore containing diamonds from a kimberlite  
3 pipe. The ore will be transported in trucks along the  
4 proposed Jay Road and existing Misery haul road. The  
5 Developer will mill the ore at the existing Ekati  
6 processing site.

7                   The Developer wants to build a waste  
8 rock storage area on land next to Lac du Sauvage, near  
9 the Jay pit. Fine processed kimberlite from the mill  
10 will be backfilled into the mined out Koala and Panda  
11 pits at the main Ekati site. If the Jay Project is  
12 approved, it will keep the mine operating for an  
13 additional ten (10) years.

14                   The Review Board's mandate. The Review  
15 Board is a co-management body established by Part 5 of  
16 the Mackenzie Valley Resource Management Act. It is  
17 the main instrument for the environmental assessment  
18 in the Mackenzie Valley. Board members are  
19 northerners nominated by First Nation organizations,  
20 by the Tlicho, territorial, and federal governments.  
21 The Review Board makes its decisions by consensus.  
22 Our goal is to make decisions that will protect the  
23 environment, including the social, economic, and  
24 cultural well-being of all residents of the Mackenzie  
25 Valley now, and for future generations.

1 Reason for referral to the  
2 environmental assessment. Dominion submitted  
3 applications for what was then called the Jay-Cardinal  
4 Project to the Wek'eezhii Land and Water Board on  
5 October 2013. The Jay-Cardinal Project involved  
6 mining two (2) open pits in Lac du Sauvage. During  
7 preliminary screening, the Jay-Cardinal Project was  
8 referred to the Review Board for environmental  
9 assessment by Aboriginal Affairs and Northern  
10 Development Canada on November 21st, 2013. In its  
11 referral, Aboriginal Affairs and Northern Development  
12 Canada said given the scale, scope, and magnitude of  
13 the project, that the potential for impacts to water  
14 quality and quantity -- the proposal might have a  
15 significant adverse impact on the environment.

16 The environmental assessment process  
17 steps to date. The Review Board parties and Dominion  
18 have worked together on a number of steps in the  
19 environmental assessment that has led us to this  
20 hearing. In November 2013, the Jay-Cardinal Project  
21 was referred to environmental assessment. In January  
22 2014, the Review Board conducted issues scoping  
23 meetings in Yellowknife, Behchoko, and Lutsel K'e. In  
24 June, Dominion revised its project description to  
25 remove the Cardinal pit from the project. The revised



1 to scope of development includes mining of only one  
2 (1) pit, and because of this, the project was re-named  
3 the Jay Project.

4                   On November 6, 2014, Dominion submitted  
5 its developer's assessment report. Since then, the  
6 Review Board has conducted an adequacy review of that  
7 report. There have been two (2) rounds of formal  
8 written Information Requests, and a technical session  
9 in Yellowknife. Dominion has hosted workshops on  
10 management plans for caribou, wildlife, air quality,  
11 aquatic effects, waste rock, and wastewater.

12                   Based on all these reports, parties  
13 submitted technical reports and traditional knowledge  
14 reports at the end of July and in August of this year.

15                   The scope of development. The Jay  
16 Project would extend the life of the Ekati Diamond  
17 Mine from 2019 to 2030. As I mentioned, the project  
18 will use many of the existing facilities at Ekati, and  
19 will also require the construction of new structures.  
20 Dominion will describe the Jay Project and the scope  
21 of the development in more detail during its  
22 presentation later this morning.

23                   The filing of materials prior to the  
24 hearing. In addition to the materials filed by  
25 Dominion, the Review Board has received techo --

1 technical reports from the Independent Monitoring  
2 Agency, the Government of the Northwest Territories,  
3 the Yellowknives Dene First Nation, Lutsel K'e Dene  
4 First Nation, Tlicho Government, Environment Canada,  
5 Fisheries and Oceans Canada, North Slave Metis  
6 Alliance, Deninu Kue First Nations, Diavik Diamonds  
7 Inc., and Transport Canada. The Tlicho Government and  
8 Dene -- Yellowknives Dene also filed traditional  
9 knowledge reports.

10 Our hearing procedure today. This is a  
11 formal public hearing. The Review Board is holding  
12 this public hearing to directly hear the views and  
13 opinions of parties and Dominion, about the potential  
14 impacts of the Jay Project. And here is how we'll  
15 proceed.

16 Dominion Diamond will introduce its  
17 representatives and present its project description  
18 and its opinion on the potential impacts of the Jay  
19 Project on the environment and people. This will  
20 include the predicted impacts on social, economic,  
21 cultural, and environmental values.

22 All parties will have the opportunity  
23 for questioning after presentations. For  
24 presentations from other parties, Dominion will ask  
25 questions last. There may be questions from the

1 Review Board staff, as well as the Review Board  
2 members.

3               Parties will briefly introduce their  
4 team at the beginning of questioning, and may do so  
5 again in the following days if their representatives  
6 change as the hearing's topic change. Parties should  
7 be prepared to keep their question -- questioning  
8 after presentations within the timeline set out on the  
9 agenda.

10              Presentations by parties are a summary  
11 of technical reports. The Review Board members are  
12 familiar with your technical reports, so your  
13 presentation should focus on the key points and  
14 priorities.

15              I have a few additional comments on  
16 today's proceedings that I hope will help to make  
17 things work more smoothly. We have limited time, and  
18 the Review Board is committed to hearing what everyone  
19 has to say. An agenda for the hearing is available at  
20 the door where you came in. During the pre-hearing  
21 conference, parties estimated the time requirements  
22 for presentations and questioning at these hearings.  
23 We have made every effort to meet those requests, but  
24 time is limited.

25              I ask that everyone respect the time

1 requirements of other parties during presentations and  
2 questioning, and to use their time productively.

3 Presenters will be timed and given five (5) minute  
4 warnings. The staff can demonstrate that warning.  
5 Have they got the cards there? They will hold up  
6 cards to -- to let the presenters know, You've got  
7 five (5) minutes.

8                   Please be advised that when your time  
9 is up, you may be interrupted, so keeping to your  
10 allotted time is important to make sure that everyone  
11 gets their fair chance to be heard. The Board is  
12 committed to fairness.

13                   The Review Board will be producing an  
14 official transcript of the hearings, and the  
15 transcript will likely be available on the Review  
16 Board's public registry for the Jay Project the day  
17 following each hear -- each hearing.

18                   Parties will be invited to ask  
19 questions in turn after each presentation, and the  
20 presenter will be asked to respond to the question.  
21 The order of questioning will follow the list on the  
22 Intervenor's shown on page 2 of the agenda.

23                   After questions from parties, I will  
24 invite questions of staff, counsel, and the Review  
25 Board members. I will also ask those responding to

1 the questions to be direct and helpful in their  
2 responses. All questions and answers are permitted at  
3 the discretion of the Chair, but once a line of  
4 questions is initiated, I will allow the parties to  
5 question one another directly rather than approving  
6 every question. Be advised, however, that I will  
7 intervene if the relevance or the appropriateness of a  
8 question is not clear to me.

9                   If Dominion or a party needs more than  
10 a few moments to caucus time prior to responding to a  
11 question, I may ask for it to be answered later in  
12 writing as a formal undertaking. I want to be sure  
13 that valuable hearing time is spent efficiently.

14                   Dominion will give its presentation  
15 first this morning. After, parties will ask  
16 questions. The order of questioning after each --  
17 each presentation is as follows: the Independent  
18 Environmental Monitoring Agency, the Government of the  
19 Northwest Territories, Yellowknives Dene First Nation,  
20 Lutsel K'e Dene First Nation, Tlicho Government,  
21 Environment Canada, Fisheries and Oceans Canada, North  
22 Slave Metis Alliance, Deninu Kue First Nation, Diavik  
23 Diamond Mines Inc., Fort Resolution Metis Council,  
24 Transport Canada, Dominion, Review Board staff and  
25 counsel, and Review Board members.

1                   The Fort Resolution Metis Counsel is a  
2 party to the Jay Project but did not submit a  
3 technical report or a presentation. Since the Fort  
4 Resolution Metis Council is an official party, it can  
5 question along with other parties and may speak  
6 directly to the Review Board during the public comment  
7 period.

8                   Please use a microphone for all  
9 questions and responses so that everyone, including  
10 the transcriber, can hear you clearly. Please state  
11 your name before you speak, and please remember to  
12 speak at a pace that will allow our translators to  
13 keep up.

14                  The public comment period. Members of  
15 the public are invited to attend and to speak to the  
16 Review Board during the public comment period this  
17 evening starting at 6:00 p.m. and again on Tuesday and  
18 Wednesday starting at 4:30 in the afternoon. Members  
19 of the public are welcome to present their views  
20 directly to the Review Board, but may not ask  
21 questions of Dominion or parties.

22                  Members of the public may also submit  
23 comments in writing to the Review Board until the  
24 public record is closed. If you wish to speak during  
25 this time, please say so to the Board staff at the

1 table -- front table where you walked in. They will  
2 compile a list. I will call the names of the people  
3 from this list during the public comment period.

4 Our hearing schedule. This public  
5 hearing takes place today from 8:30 to 5:00 p.m. and  
6 the time for public comments starts at 6:00 p.m.  
7 Tomorrow, the hearing will continue in this room from  
8 8:30 through 4:30, and the opportunity for public  
9 comments will continue from 4:30 to 5:30 tomorrow  
10 afternoon.

11 On Wednesday September 16th, the  
12 hearing will resume at the Tree of Peace. Once again,  
13 the hearing will begin at 8:30 and continue to 4:30,  
14 when the public will be granted a final opportunity to  
15 comment. I will close the formal Yellowknife hearings  
16 on Wednesday September 16th at 5:00 p.m. or earlier.

17 We will have health breaks over the  
18 next three (3) days in the morning and afternoons as  
19 well as a break for lunch from 12:00 noon to 1:00 p.m.  
20 A dinner break will occur from 5:00 to 6:00 p.m.  
21 today, followed by public comments. Neither lunch nor  
22 dinner is provided, so you are on your own.

23 Please, remember that at all times are  
24 ultimately at the discretion of the chair, and may be  
25 changed to respond to the issues as they arise.

1                   At this time, I would like to introduce  
2 our Board members, and then to introduce staff and  
3 counsel. Board members are: John Curran, Bertha  
4 Norwegian, Kirby Marshall, Yvonne Doolittle, and James  
5 Wah-Shee. And myself, as I've said, I'm Joanne  
6 Deneron, the Chairperson.

7                   Our staff is Mark Cliffe-Phillips, our  
8 executive director; John Donihee, our counsel; Chuck  
9 Hubert, EA officer and EA lead for this project.  
10 Their hands have to go higher. We can hardly see you.  
11 Sachi De Souza, EA officer and EA lead -- co-lead for  
12 this project; Ruari Carthew, senior EA officer; Kate  
13 Mansfield, EA officer; Simon Too-Good, senior EA  
14 officer; Bret Wheler, senior policy advisor; Cris  
15 Rose, policy advisor; Stacey Menzies is -- I think  
16 she's at the front door over there. There she is.  
17 Logistics and planning officer. And Catherine  
18 McManus, logistical support, over by the door.

19                   In conclusion, we want to understand  
20 what you think about the potential impacts of the Jay  
21 Project. We need you to clearly share your views on  
22 the potential impacts from the project on the  
23 environmental, social, economic, and cultural values.  
24 The Review Board also asks you to present your views,  
25 and the opinions on the significance of these



1 potential impacts.

2                   After the hearings, the Review Board  
3 will fully consider these views while it is  
4 deliberating on its decision in this environmental  
5 assessment. Once that decision is made, the Review  
6 Board will prepare a report of environmental  
7 assessment that describes the reasons for its  
8 decision, and will submit it to the GNWT Minister of  
9 Lands.

10                   The subjects that we will hear about  
11 over the next several days are important to the  
12 residence of the McKenzie Valley. You are all aware  
13 of the latest caribou population estimates, which have  
14 been added to our public record. These underscore the  
15 seriousness of the Board's responsibilities. We will  
16 make every effort to listen to you carefully to get  
17 the information we need, and to make the best  
18 decisions possible in this environmental assessment.

19                   We also have a ruling in regards to a  
20 late submission document that was presented yesterday,  
21 and the Board met and has made a decision on that  
22 ruling. Having carefully considered IEMA's  
23 submission, it is the Board's view that the rationale  
24 provided by IEMA for the late filing of the evidence  
25 is not sufficient to warn an exception to the Board's

1 established work plan, deadlines, and procedures  
2 already established for the Ekati Jay Project EA  
3 proceeding. In the Board's opinion, acceptance of  
4 IEMA's late submission would prejudice DD -- DDEC, and  
5 the IEMA submissions do not clearly indicate any real  
6 benefit that would result from admission of this new  
7 evidence. The Board thanks the parties for the --  
8 that submission related to the issue.

9 I will now ask Dominion Diamond to  
10 brief -- please, briefly introduce its representatives  
11 for today, and to begin your presentation. Masi.

12

13 PRESENTATION BY DOMINION DIAMOND RE. SOCIO-ECONOMICS,  
14 AIR/CLIMATE, AND OTHER OUTSTANDING ISSUES:

15 MR. BRENDAN BELL: Madam Chair, Board  
16 members, Board staff, fellow Northerners, it's a  
17 pleasure to be here today. I'm Brendan Bell, the  
18 chief executive with Dominion Diamond, and I'll  
19 introduce the -- the team here me -- with me at -- at  
20 the table: Gaeleen MacPherson with Dominion, Richard  
21 Bargery, Elliot Holland, Claudine Lee, and Patrick  
22 Duffy. I've also got Bob Overvold. I think he's  
23 probably hiding somewhere in the back of the room  
24 preparing to ask me questions. There you are, Bobby.  
25 Thank you. I -- I'm mindful that -- that we are on

1 the clock, and -- and please do flag me if -- if we're  
2 going long. I would also say if we're -- if we're  
3 going too quickly, if -- please if you can get my  
4 attention, and we'll slow down for -- for translation.

5                   It is a pleasure to be with you today  
6 for the public hearings on the Jay Project. For our  
7 company and, we believe, for the Northwest Territories  
8 this marks an exciting and important milestone. First  
9 of all, on behalf of Dominion Diamond I would like to  
10 thank the Review Board, its staff, and all of the  
11 parties for their efforts over the past two (2) years  
12 to get to this point in the environmental assessment.  
13 Our team looks forward to working with you to address  
14 outstanding issues and questions.

15                   Dominion Diamond purchased the Ekati  
16 mine in April of 2013. We did so with the express  
17 purpose of extending the life of Ekati beyond the  
18 expected closure in 2019, by mining the Jay and  
19 Cardinal pipes. The former owners of the mine decided  
20 not to proceed with the development of Jay and  
21 Cardinal, because they did not believe that they could  
22 do so economically given that the diamond value is  
23 significantly lower than the initial Ekati pipes.

24                   We disagree. We feel strongly that  
25 there is a way to develop this project on an economic

1 basis given that the infrastructure of the mine  
2 already exists. The project would allow Dominion  
3 Diamond to create new opportunities at the Ekati site,  
4 including revisiting the mining of known pipes such as  
5 Lynx and Sable. I'm pleased to note that last week  
6 Dominion Diamond announced a positive preliminary  
7 economic assessment for the Sable Project. Dominion  
8 Diamond views the Jay Project as a key that could  
9 potentially unlock additional long-term opportunities  
10 at the Ekati mine, by also looking for new yet  
11 undiscovered kimberlite pipes.

12                   Dominion Diamond's commitment to the  
13 Northwest Territories is more than just words. Our  
14 company has gone all in on the north, and on this  
15 project. Since purchasing the Ekati mine two and a  
16 half (2 1/2) years ago, we have created a northern  
17 mining company, traded on the Toronto and New York  
18 Stock Exchanges, but very much headquartered in  
19 Yellowknife.

20                   Recently we moved much of our sorting  
21 and valuation operations to Yellowknife as well. Our  
22 senior management team lives and works in the  
23 Northwest Territories. We are building a truly  
24 northern team that includes the heads of our  
25 departments, long-term northerners as I've mentioned --

1 mentioned, such as Bob Overvold and Gaeleen MacPherson  
2 here with me today.

3                   We've also moved aggressively to build  
4 a strong northern workforce at the Ekati mine, and  
5 have explained the initiatives we have taken to do  
6 this in response to Information Requests in this  
7 process. One (1) of the more challenging initiatives  
8 was to cancel the southern charter, and fly workers  
9 only from designated NWT communities, and from  
10 Kugluktuk to the mine site.

11                   As a result of our efforts over the  
12 past two (2) years, I'm pleased to say that 64 percent  
13 of our direct employees in 2014 were from the north.  
14 We're also working with our contractors, most of whom  
15 are northern and Aboriginal owned companies, by  
16 building incentives into contracts to help them  
17 increase their northern numbers.

18                   The extension of the Ekati mine is of  
19 critical importance, not just to our company, but to  
20 the Northwest Territories. Dominion Diamond currently  
21 employs more northern and more Aboriginal people than  
22 any other northern company. And we spend more than a  
23 quarter of a billion dollars annually with northern  
24 companies.

25                   During the life of the Jay Project

1 Dominion Diamond expects to contribute over \$6 billion  
2 to the GDP of the NWT, and to generate over \$270  
3 million in direct corporate taxes payable to the  
4 territory.

5                   The Jay Project will also see Dominion  
6 Diamond continue to provide specific benefits and  
7 define hiring and contracting benefits to our five (5)  
8 IBA communities. For the NWT as a whole, the Jay  
9 Project serves to soften the adverse economic and  
10 population effects of the closures of other operating  
11 mines. In short, Dominion Diamond believes that there  
12 will be a significant effect on the economy and  
13 population of the Northwest Territories if the Jay  
14 Project does not proceed.

15                   I've spoken quite a bit about how the -  
16 - this project will be critical to the economy of the  
17 north. But it's equally important to point out that  
18 this is a project that is responsibly designed both  
19 socially and environmentally. Our company takes very  
20 seriously our responsibility to manage our current  
21 operations and to undertake the Jay Project in an  
22 environmentally responsible manner.

23                   We have worked with all the parties  
24 over the past two (2) years and undertaken extensive  
25 engagement with regulators, communities to listen and

1 respond to questions and concerns. We will speak  
2 about some of those specific questions over the next  
3 few days, but I want to highlight a few ways that we  
4 have been responsive to issues raised.

5 I will start with the decision we made  
6 in the spring of 2014 to mine the Jay pipe only and  
7 remove the Cardinal pipe from the project entirely.  
8 This decision was taken in response to community  
9 concerns and requests that we look at alternative  
10 options for the project that would reduce the overall  
11 footprint and the potential environmental impacts on  
12 water quality, on fish, and particularly on caribou.

13 As a northern company, Dominion Diamond  
14 also recognizes that this discussion comes at a very  
15 sensitive time given the new survey results last week  
16 regarding the Bathurst caribou herd. That news  
17 underlines the importance that each industrial  
18 development meet extremely high standards in terms of  
19 its impact.

20 An important part of our work on  
21 designing the Jay Project is the extensive engagement  
22 that we have undertaken and will continue to undertake  
23 through site visits, community meetings, and workshops  
24 with communities and regulators. Engagement on the  
25 Jay Project has directly resulted in the new Ekati

1 Mine caribou road mitig -- mitigation plan, which  
2 advances our existing mitigation measures in ways that  
3 further reduce risks to caribou.

4                   While we believe we have heard the  
5 concerns of parties concerning the protection of  
6 caribou, we also recognize our larger responsibility  
7 to contribute to the work on the GNWT and Aboriginal  
8 governments on management and protection of the entire  
9 herd. We look forward to discussing this issue  
10 further tomorrow.

11                   In summary, we are pleased with the  
12 progress made in addressing the issues raised by  
13 parties to the Jay Environmental Assessment to date.  
14 There were a number of further recommendations in the  
15 technical reports. We look forward to working with  
16 all the parties and the Board over the coming days to  
17 discuss these recommendations.

18                   I will now ask Elliot Holland, our Vice  
19 President for the Jay Project, to continue our  
20 presentation. Thank you.

21                   MR. ELLIOT HOLLAND: Thank you,  
22 Brendan. I'm going to provide a very quick overview  
23 given that most of the people in this room are  
24 familiar with the project. The Jay Project is located  
25 on Lac du Sauvage, about 25 kilometres from the main



1 Ekati site, and 7 kilometres northeast of the Misery  
2 pit operations.

3               The project will include an open pit, a  
4 waste rock pile, and approximately 7 kilometres of  
5 roads and related infrastructure. In the presentation  
6 we filed with the Review Board we provided a number of  
7 slides that showed the various stages of the project  
8 for quick reference during the hearings.

9               However, given the number of issues,  
10 parties, and presentations we have today, I'm not  
11 going to speak to the slides, but they are available  
12 for use to assist the parties today.

13              In addition to the new infrastructure  
14 at the site of the Jay Project that I just outlined,  
15 it is important to point out that this project is an  
16 extension of the current Ekati Mine and will utilize  
17 existing infrastructure, such as the current camp,  
18 airstrip, and process plant.

19              As importantly, progressive reclamation  
20 of existing areas, such as the Long Lake Containment  
21 Facility, can be conducted during Jay Project  
22 operations. Dominion has worked hard to engage with  
23 parties throughout this process, to address their  
24 questions, concerns, and recommendations.

25              During previous phases of the process,

1 we responded to almost six hundred (600) Information  
2 Requests, held workshops on specific issues with all  
3 the parties, met individually with many of the parties  
4 to address their concerns and made additional  
5 commitments in a variety of areas.

6           As Brendan noted in his opening  
7 remarks, during the technical report stage, there were  
8 ninety-three (93) recommendations from the parties  
9 that are applicable to Dominion, and I am pleased to  
10 report that we have agreed fully with forty-six (46)  
11 of these recommendations, or roughly half. We've also  
12 agreed, in part, to another twenty-six (26)  
13 recommendations. Many of the remaining twenty-one  
14 (21) recommendations are similar in nature, so the  
15 number of issues to be addressed during this hearing  
16 are quite focussed.

17           In addition to the written responses  
18 already provided, we look forward to reviewing the  
19 remaining issues during these proceedings and  
20 providing any final information that the Review Board  
21 may need.

22           There were a number of recommendations  
23 in the technical reports related to engineering  
24 aspects of the project that we will address today. To  
25 begin with, there were recommendations from the

1 Tlicho, Lutsel K'e Dene First Nation, and IEMA related  
2 to the waste rock storage area and the associated  
3 management plan.

4                   Dominion concurs with the  
5 recommendations to seek input from the Tlicho Elders  
6 and representatives of other communities. During the  
7 permitting process, following project approval,  
8 Dominion Diamond will incorporate the Jay Project into  
9 the waste rock and ore storage management plan, which  
10 will include a final design for the waste rock storage  
11 area.

12                   There were also questions related to  
13 the management of lake bed sediments raised by Lutsel  
14 K'e Dene First Nation and IEMA. Mercury is not  
15 anticipated to be a water quality issue as a result of  
16 the seepage from the waste rock storage area. We will  
17 provide additional details on the question of seepage  
18 during the day 3 discussion on aquatics.

19                   With respect to the design,  
20 construction, and operation activities associated with  
21 the Jay waste rock storage area, Dominion will provide  
22 a detailed design report and an updated version of the  
23 waste rock and ore storage management plan during the  
24 permitting process.

25                   This slide provides further clarity on

1 how we intend to construct containment cells for  
2 sediment storage within the waste rock storage area.  
3 The dark orange colour represents the containment berm  
4 and the lighter colour represents the sediments. The  
5 potential quarry is shown as a hatched area. As I  
6 noted in the previous slide, the detailed design will  
7 be provided during the permitting process.

8                   This slide shows the cell construction  
9 in cross-section. There were a number of  
10 recommendations related to the selection of the Jay  
11 Road route. Dominion disagrees with the  
12 recommendations to use Alternative 4 for the Jay road  
13 for a number of reasons. Alternative 4 was first  
14 raised during the technical sessions in April. As an  
15 undertaking from these sessions, Dominion assessed  
16 Alternative 4 based on technical, economic,  
17 environmental, and social considerations in the same  
18 manner as the assessment of the initial three (3)  
19 routes.

20                   Alternative 4 was shown to be less  
21 desirable. Alternative 4 is a longer route resulting  
22 in negative environmental effects due to increased  
23 road dust and greenhouse gas emissions. It has  
24 steeper grades which would increase the frequency of  
25 vehicles and increase the barrier effect of the road.

1 The steeper grade would allow less of the road to be  
2 constructed as a caribou crossing.

3                   Alternative 4 also creates significant  
4 health and safety concerns by passing through the  
5 Misery camp. Alternative 4 runs counter to the  
6 recommendations provided through community engagement  
7 which indicated that the preferred route would be  
8 shorter and reduce the amount of disturbance, cross  
9 the esker at a narrow location, and maximize the  
10 opportunities for caribou migration.

11                   THE CHAIRPERSON:   Excuse me, Elliot.  
12 Would you be so kind to slow down, so our translators  
13 could keep up? Thank you.

14                   MR. ELLIOT HOLLAND:   Apologies.  
15 Alternative 4 crosses the same caribou migration paths  
16 as other routes, and does not provide for any  
17 additional mitigation. As a result, Alternative 3  
18 remains the most desirable route, because it is  
19 shorter, has the narrowest cut to the esker, and  
20 allows more of the road to be constructed as a caribou  
21 crossing.

22                   Recommendations were also received from  
23 a number of parties related to the pipelines and  
24 powerlines on the Jay road. Dominion agrees to bury  
25 the pipeline along the Jay road, including through the

1 esker, except where this is not possible due to safety  
2 or maintenance requirements. As well, Dominion agrees  
3 to construct the Jay road as a caribou crossing,  
4 except where this cannot be done for safety or  
5 maintenance requirements. We expect this will result  
6 in more than 50 percent of the road being constructed  
7 in this manner.

8                   Dominion disagrees with the  
9 recommendation to bury the powerline, as it creates  
10 risk of disruptive power outages, and additional land  
11 disturbance without any benefit to caribou migration.

12                   Recommendations were received from a  
13 number of parties related to the esker crossing. As  
14 noted on the previous slide, Dominion agrees that  
15 pipelines through the esker will be buried. Dominion  
16 disagrees regarding the recommendation to use one-way  
17 traffic, and to construct an overpass at the esker.  
18 One-way traffic was not considered appropriate based  
19 on safety reasons, and would not significantly reduce  
20 the size of the cut.

21                   An overpass would cause a larger impact  
22 to the esker, and require fencing to direct caribou to  
23 a single crossing. This is inconsistent with feedback  
24 received from communities which recommended minimizing  
25 barriers to caribou by allowing them to cross at

1 multiple locations along the road, and minimizing  
2 disturbance to the esker.

3           Dominion understands the importance of  
4 mitigating effects of the road on the caribou herd.  
5 Prior to the submission of the Developer's assessment  
6 report, and throughout the environmental assessment  
7 process, there have been a number of Information  
8 Requests and recommendations to implement mitigation  
9 actions to reduce the barrier effect of the road on  
10 caribou.

11           We have worked with the parties to  
12 design mitigations for that purpose. This -- this  
13 slide provides a short summary of the engagement  
14 conducted to date, and the mitigations to be  
15 implemented by Dominion to protect the Bathurst  
16 caribou herd. Further discussions on this important  
17 topic will occur in day 2.

18           The North Slave Metis Alliance and  
19 Lutsel K'e Dene First Nation provided similar  
20 recommendations asking for a study on the potential  
21 use of renewable energy for the Jay Project. Dominion  
22 is committed to reducing emissions through responsible  
23 energy management. Since taking ownership of the  
24 Ekati mine, Dominion has implemented a number of  
25 measures, including the formation of a senior

1 committee to review opportunities for greenhouse gas  
2 reductions. It has also introduced reduction targets  
3 beginning in 2016.

4                   This effort has already resulted in  
5 significant investments in energy efficiency, which we  
6 have described in detail in response to Information  
7 Requests. This includes the installation of a  
8 composter system that can reduce our incinerated waste  
9 by 50 percent. For the Jay Project, Dominion has  
10 committed to complete a concept study of potential  
11 additional alternative energy investments, including  
12 areas such as wind and solar energy. The results of  
13 this study would be publically reported within one (1)  
14 year of the completion of the Jay Project  
15 environmental assessment review.

16                   Next slide. Lutsel K'e Dene First  
17 Nation included a number of recommendations related to  
18 the Ekati socio-economic agreement. With respect to  
19 questions related to the GNWT's communities and  
20 Diamond's report, Dominion respectfully defers to the  
21 GNWT.

22                   Dominion will continue to monitor our  
23 commitments, including our employment, contracting,  
24 procurement, and training mandates. Dominion is also  
25 taking measures to try to continually improve our



1 performance.

2 Dominion agrees with the request from

3 the Lutsel K'e Dene First Nation for increased

4 transparency in discussions regarding the socio-

5 economic agreement and improvements in reporting.

6 Dominion agrees to work with the GNWT to share minutes

7 from meetings regarding the agreement as appropriate,

8 excluding confidential information.

9 With respect to the Lutsel K'e Dene

10 First Nation's recommendation for more community-level

11 monitoring of the socio-economic agreement, I

12 understand this was the subject of a recent discussion

13 between GNWT and Lutsel K'e Dene First Nation staff,

14 and that the GNWT will be able to provide some of this

15 community-level data.

16 Dominion's objectives are monitored and

17 reported annually through the socio-economic agreement

18 report. Dominion is refining how we monitor and

19 report on our performance and is open to engaging with

20 communities on further improvements on the approach to

21 monitoring and reporting. Dominion is committed to

22 continuing to report employment, contracting, and

23 community development by IBA Community through

24 confidential annual IBA meetings.

25 The Yellowknives Dene First Nations

1 made a number of recommendations related to Ekati's  
2 socio-economic agreement commitments. Dominion has  
3 responded to issues related to its obligations under  
4 the socio-economic agreement in a number of responses  
5 to First Round Information Requests, and a great deal  
6 of information can be found in those responses.

7                   With respect to the specific  
8 recommendations, first, as a Northern company,  
9 Dominion works hard to meet its commitments under the  
10 socio-economic agreement and is committed to taking  
11 steps to continually improve our performance.

12                   As Brendan noted earlier, over 64  
13 percent of Dominion's current employees is comprised  
14 of northerners. In June, we eliminated the southern  
15 charter and now only fly employees to the mine site  
16 from designated communities in the Northwest  
17 Territories and from Kugluktuk in Nunavut.

18                   Second, while Dominion does not believe  
19 it is appropriate to include other parties in its  
20 annual socio-economic agreement meetings with the  
21 GNWT, as noted in an earlier response to Lutsel K'e  
22 Dene First Nation, we are working with the GNWT to  
23 share meetings from minutes regarding the agreement.

24                   Third, Dominion reports on our  
25 performance via the annual report and is open to

1 engaging with communities on further improvements on  
2 the approach to monitoring and reporting.

3                   The North Slave Metis Alliance made a  
4 recommendation that the GNWT and Dominion hold an  
5 Ekati socio-economic agreement implementation meeting.  
6 Dominion understands that this recommendation has been  
7 resolved between the GNWT and North Slave Metis  
8 Alliance.

9                   Dominion is committed to enhancing the  
10 transparency around socio-economic agreement  
11 discussions with the GNWT and engaging communities  
12 regarding the implementation of the existing agreement  
13 and continual improvement in reporting. Dominion  
14 recognizes the importance of monitoring socio-economic  
15 commitments and is committed to continuing to monitor  
16 these indicators.

17                   I will now ask Claudine Lee, our  
18 Superintendent of Environment, to speak to the  
19 recommendations on air quality and emissions. Thank  
20 you.

21                   MS. CLAUDINE LEE: Thank you, Elliot.  
22 There were a number of recommendations from parties  
23 related to air quality emissions monitoring and  
24 management. Dominion submitted a Conceptual Air  
25 Quality and Emissions Monitoring and Management Plan

1 for the Jay Project, which I'll refer to as the  
2 "Plan", to the Review Board public registry on June  
3 1st.

4                   The Plan incorporated the concept of  
5 adaptive management based on input during the  
6 technical sessions and addresses recommendations made  
7 by the parties. An initial workshop on the Plan with  
8 regulators and communities was held on June 26th and a  
9 follow-up technical workshop on July 20th.

10                   Dominion has committed to further  
11 engagement on the Plan following the environmental  
12 assessment approval and prior to the construction of  
13 the Project. There was a recommendation from the  
14 Lutsel K'e Dene First Nation requesting the Board  
15 determine that the Jay Project will have a significant  
16 effect on air quality, because modelled predictions  
17 may exceed certain guidelines.

18                   Dominion disagrees with this  
19 recommendation, as modelled exceedances of nitrogen  
20 oxides and fugitive dust emissions will be infrequent,  
21 limited to the local study area, and temporary. The  
22 air quality modelling was also conservative, meaning  
23 air quality emission predict -- predictions are over-  
24 estimated. This is supported by measured air quality  
25 data from existing northern mines being typically

1 below modelled predictions.

2                   Dominion has committed to developing a  
3 plan that will include a comprehensive monitoring  
4 program and adaptive management with triggers linked  
5 to the ambient air quality guidelines as proposed by  
6 the GNWT. Engagement with parties on the Plan will  
7 continue following the Board review process.

8                   There were recommendations from the  
9 GNWT regarding the reporting schedule for waste  
10 incinerator stack testing and follow-up stack testing.  
11 Dominion agrees to report waste incinerator stack  
12 testing results. However, it is not possible to  
13 report results in forty-five (45) days, as it takes  
14 approximately sixty (60) days to receive results.

15                  Therefore, Dominion proposes reporting  
16 forty-five (45) days after receipt of results. This  
17 is in line with other adaptive management frameworks.  
18 Dominion agrees to develop an adaptive management  
19 response plan in the event of a failed stack test.  
20 Dominion proposes developing the response plan ninety  
21 (90) days from receiving the stack testing results.

22                  Dominion does not agree that waste  
23 incinerator stack testing should be mandated for six  
24 (6) months post-failure.

25

1 (BRIEF PAUSE)

2

3 MS. CLAUDINE LEE: Dominion believes  
4 that is important that the schedule for follow-up  
5 stack testing be determined through the adaptive  
6 management response plan that is submitted to the  
7 GNWT, Environment Canada, and other parties. This is  
8 also in line with other adaptive management  
9 frameworks. Dominion anticipates that these timelines  
10 will be finalized during the permitting phase and may  
11 change over time.

12 Dominion is committed to adaptive  
13 management and has also committed to further  
14 engagement on the Plan as recommended by the parties.  
15 Further engagement on the Plan, including issues  
16 relating to dust, snow, and lichen will occur during  
17 the permitting process and prior to the construction  
18 of the Jay Project as described in the engagement plan  
19 filed with the Review Board.

20 Dominion agrees to include adaptive  
21 management triggers for NO<sub>2</sub>, PM<sub>2.5</sub>, and total  
22 suspended particulates related to the GNWT ambient air  
23 quality guidelines, which have already been  
24 incorporated into the plan as proposed by the GNWT.

25 There was a recommendation from the

1 North Slave Metis Alliance requesting the Board  
2 determine that Dominion adhere to the NWT ambient air  
3 quality guidelines. Dominion agrees with the intent  
4 of this recommendation, and will apply the GNWT  
5 guidelines as standards for the purposes of air  
6 quality monitoring and management at the project. The  
7 monitoring and adaptive management approach included  
8 in the plan will enable appropriate mitigation actions  
9 before an adverse effect occurs.

10 In summary, Dominion is committed to  
11 develop an air quality emissions monitoring and  
12 management plan for the Jay Project that will include  
13 adaptive management. The initial engagement with  
14 regulators and communities on the development of the  
15 plan has begun, and additional engagement will follow  
16 as per the engagement plan.

17 Finally, Dominion is committed to  
18 applying the NWT ambient air quality guidelines as  
19 standards for the purposes of air quality monitoring  
20 and management at the project. On behalf of the  
21 Dominion team, I want to thank the parties for their  
22 contributions and input during the Jay Project  
23 environmental assessment.

24

25 QUESTION PERIOD:

1 THE CHAIRPERSON: Okay. Thank you,  
2 Dominion. We have the order of questions. Can I ask  
3 IEMA to come up to the front table, and to present  
4 their questions.

5

6 (BRIEF PAUSE)

7

8 MS. JAIDA OHOKANNOAK: Madam Chair.

9 THE CHAIRPERSON: Please introduce  
10 your party.

11 MS. JAIDA OHOKANNOAK: I'm Jaida  
12 Ohokannoak, with the Independent Environmental  
13 Monitoring Agency. This is Bill Ross; the chairperson  
14 or The Environmental Monitoring Agency, Emery Paquin;  
15 and Kevin O'Reilly, our executive director.

16 THE CHAIRPERSON: Okay. Thank you.  
17 Go ahead.

18 MS. JAIDA OHOKANNOAK: The first  
19 question is, the agency's main concern is with the  
20 impacts from dust, particularly when dust is the  
21 possible driver of zone of influence on caribou  
22 avoidance at the Ekati mine.

23 Our question is: Has Dominion Diamonds  
24 Ekati Corporation developed specific thresholds or  
25 action levels for fugitive road dust mitigation?



1 (BRIEF PAUSE)

2

3 MS. CLAUDINE LEE: Claudine Lee, from  
4 Dominion. Thanks, Jaida.

5 Currently there are no applicable NWT  
6 guidelines for dust. But as I mentioned in the  
7 presentation, Dominion is committed to continuing with  
8 the engagement as set in the Engagement Plan filed  
9 with the Review Board to discuss the topic of triggers  
10 around dust with the parties, IEMA, and communities  
11 and regulators.

12 MR. EMERY PAQUIN: It's Emery Paquin,  
13 with the Monitoring Agency. Could I ask that  
14 Dominion's slide number 18 be placed at the front of  
15 the room.

16 No, I'm sorry, slide 19. Yes. In its  
17 response to the Monitoring Agency's Measure Number 7,  
18 Dominion stated that if a quarry is identified as a  
19 requirement within the waste rock storage area, this  
20 facility would preferentially be utilized for the  
21 containment of lake bed sediment. If a quarry were  
22 not developed, then containment cells would be  
23 constructed within the storage area footprint.

24 Dominion then goes on in its -- in its  
25 response to state that the location of these lake bed

1 sediment of -- yes, these lake bed sediment  
2 containment cells have yet to be defined, but would  
3 preferentially be located within the perimeter of the  
4 storage area.

5 My question is this: Could Dominion  
6 confirm whether the -- the location of the sediment  
7 containment berm within the waste rock storage area  
8 has now been defined?

9

10 (BRIEF PAUSE)

11

12 MR. ELLIOT HOLLAND: Elliot Holland,  
13 for Dominion. So we've defined the sediment  
14 containment area schematically, but not precisely.  
15 The -- the detailed definition of this area would be  
16 filed as -- as part of our -- our permitting  
17 application.

18 MR. EMERY PAQUIN: Emery Paquin. All  
19 right. So the details shown in slide number 19 are  
20 for clarification purposes only?

21 MR. ELLIOT HOLLAND: Elliot Holland,  
22 for Dominion. They're for illustrative purposes.

23 MR. EMERY PAQUIN: Thank you. If the  
24 -- if the location of the -- of the cell has not been  
25 defined, is Dominion still committed to preferentially

1 locating the containment cell at maximum distance from  
2 the perimeter of the waste rock storage area?

3

4 (BRIEF PAUSE)

5

6 MR. EMERY PAQUIN: For clarification  
7 or from maximum -- or maximum distance from Lac du  
8 Sauvage?

9 MR. ELLIOT HOLLAND: Elliot Holland,  
10 for Dominion. That's certainly one principle that  
11 we'd use. We also need to take into account  
12 topography so, you know, where the -- the peaks and  
13 the low spots are. But it -- it would be one  
14 preferential consideration.

15

16 (BRIEF PAUSE)

17

18 MR. EMERY PAQUIN: Thank you, Madam  
19 Chairperson. Those are all our questions.

20 THE CHAIRPERSON: Okay, thank you,  
21 IEMA. Could I ask the Government of the Northwest  
22 Territories to come to the table for their questions,  
23 please?

24 MS. LORRAINE SEALE: Lorraine Seale,  
25 Government -- GNWT. Madam Chair, GNWT has no

1 questions.

2 THE CHAIRPERSON: Thank you.  
3 Yellowknives Dene First Nations...?

4 MR. ALEX POWER: Alex Power,  
5 Yellowknives Dene First Nation, the regulatory and  
6 research specialist.

7 So my first question is, I guess,  
8 proceeded by a comment. You had said that Dominion  
9 hires more northerners than any other mine. I think  
10 60 percent were northerners.

11 It's previous -- previously been raised  
12 that there's a fairly significant gender gap in  
13 employment. And the response to that, I believe, was  
14 that Dominion's hiring practices were in line with  
15 other mines in -- or with the industry by and large  
16 throughout Canada.

17 And it seems to me that that's just  
18 saying, you know, you're doing as badly as everyone  
19 else in terms of addressing the gender gap in  
20 employment. I'm curious what Dominion has planned  
21 moving forward to address this gap, what, you know,  
22 measures or strategies are being undertaken in order  
23 to -- to bridge this gap?

24

25 (BRIEF PAUSE)

1 MS. GAELEEN MACPHERSON: Gaeleen  
2 MacPherson, Dominion. We did provide quite a bit of  
3 detail in terms of some of our recent activities to --  
4 to increase the number of females in the workforce.  
5 We have noticed that we've had, in some areas,  
6 difficulties in -- in terms of retaining and -- and  
7 recruiting females due to a few different reasons,  
8 such as individuals having -- starting families and --  
9 and whatnot.

10 So as a company, things that we looked  
11 at were where can we be a little bit more flexible in  
12 terms of things like our rotations. We have looked at  
13 rotations. And -- and where the business has allowed  
14 for, we -- we provided opportunities to -- to look at  
15 rotations, as an example.

16 One (1) of the first things we also  
17 looked at was a recruitment policy and whether the  
18 recruitment policy itself was allowing us to -- to  
19 improve those numbers. So we did make some changes  
20 where we ensured that females were given priority  
21 consideration during our recruitment processes.

22 We have seen quite -- we have seen  
23 quite an improvement in terms of the number of people  
24 -- number of females that are interested in working at  
25 the mines. And -- and we will continue to work with

1 communities where they have interested females in --  
2 in working at the mines to improve our processes  
3 further.

4 MR. ALEX POWER: Thank you. My second  
5 question is about Dominion's hiring practices around  
6 individuals with a criminal record. As I'm sure you  
7 know, the First Nations are over represented in the  
8 criminal justice system, and it's largely seen as a  
9 result of systematic discrimination.

10 And I'm wondering if Dominion has any,  
11 I guess, policies around consideration for individuals  
12 with a criminal record. Granted, if someone's been  
13 involved in a diamond heist, I understand why you  
14 don't want to hire them, but, you know, everyone with  
15 a criminal record shouldn't be excluded from  
16 employment in perpetuity.

17 MS. GAELEEN MACPHERSON: Gaeleen  
18 MacPherson, with Dominion. Absolutely. That is  
19 certainly an -- an area that we have also looked at  
20 and -- and received similar feedback from all of the  
21 communities really and -- and looked at how can we  
22 improve and -- and remove that as a -- as a  
23 significant obstacle to employment.

24 Obviously, we do look at things like  
25 the risk to the company. And -- and where we see that

1 there is an opportunity to be a little bit more  
2 flexible in our -- in our risk assessments, we  
3 certainly do make some -- some decisions to hire  
4 individuals that may have lengthy criminal records but  
5 may ha -- may be fairly -- I guess fairly old in -- in  
6 terms of -- of when those -- those incidents occurred.

7                   So we have done that and we will  
8 continue to do that.

9                   MR. BRENDAN BELL:    If I -- if I could  
10 ask something.  Brendan Bell, Dominion.  I -- I would  
11 just like to make the point that -- that across my  
12 desk do come cases for review.  And we -- we review  
13 these situations on a case-by-case basis.  We're not,  
14 obviously, as much worried about -- about diamond  
15 heist, as you -- as -- as you point out; it's -- it's  
16 more about the physical safety to our employees at --  
17 at mine site, where it's a camp environment.  That's  
18 our chief concern.

19                   But where these are cases that are  
20 stale-dated, if you will, happened a long time ago,  
21 somebody has shown an ability to reform, you know,  
22 make lifestyle changes and we feel the risk is low.  I  
23 have waived situations like this to ensure we don't  
24 prohibit people from gaining employment which will  
25 help their family, help their community.  This is

1 something that is raised in not every but almost every  
2 community visit, so we know it's a concern. And we  
3 know that -- that we want to help be a part of the --  
4 the solution. Thank you.

5 MR. ALEX POWER: All right. Thank you  
6 for your responses. Just one last item which is a bit  
7 more of a --

8 THE CHAIRPERSON: Excuse me, but could  
9 you, please, state your name --

10 MR. ALEX POWER: Oh, sorry --

11 THE CHAIRPERSON: -- for the record  
12 every time you speak? Thank you.

13 MR. ALEX POWER: It's -- it's my first  
14 hearing. Alex Power, YKDFN.

15 So you had -- you had made the comment  
16 that the powerlines do not present any barrier to  
17 caribou. However, it's been demonstrated that the  
18 barrier (sic) do avoid powerlines in other locations,  
19 and so I'm just curious why the assertion that they  
20 don't present any sort of barrier?

21

22 (BRIEF PAUSE)

23

24 MR. RICHARD BARGERY: Richard Bargery,  
25 Dominion Diamond.



1                   I mean, we could deal with this  
2 tomorrow, I think, to -- during the cari -- during the  
3 caribou session. I mean, we have had quite a bit of  
4 experience with powerlines at Ekati now with caribou  
5 passing, and -- and we speak from that perspective as  
6 well. But perhaps the best -- to get a fulsome answer  
7 on this, Alex, we can -- we can discuss this tomorrow  
8 during the -- during the session -- during the hearing  
9 on -- on caribou. I know others will probably have  
10 questions, as well.

11                   MR. ALEX POWER:     Alex Power, YKDFN.  
12 Thank you. That's all the questions I have.

13                   THE CHAIRPERSON:    Thank you. We'd  
14 like to call Lutsel K'e Dene First Nation for their  
15 questions.

16

17                   (BRIEF PAUSE)

18

19                   THE CHAIRPERSON:    If we could just  
20 have a reminder to people that are asking questions,  
21 If we can keep the water or the caribou questions  
22 until the appropriate days. Thank you.

23                   MR. PETER UNGER:    Thank you, Madam  
24 Chair. My name is Peter Unger, and I'm here  
25 representing Lutsel K'e Dene First Nation. I would

1 like to introduce members of our wildlife, lands, and  
2 environment committee. This is Berna Catholique.  
3 This is Roger Catholique. And back at the table we  
4 have Brian Sanderson and August Enzo. And this  
5 committee is responsible for all resource related  
6 decisions within the First Nation.

7 Alex already stole my question and --  
8 and I think we'll talk about it tomorrow but, yes,  
9 Lutsel K'e is also concerned about powerlines and  
10 caribou avoidance due to UV light emission, as well as  
11 the waste rock pile but I'll save those for tomorrow.  
12 So I guess I really only have one (1) question.

13 On slide 35 you mentioned that you will  
14 agree to adhere to, or will apply the Northwest  
15 Territories ambient air quality standards. Does this  
16 mean that Dominion Diamond now considers exceedances  
17 of the limits set forth in these standards to be a  
18 significant environmental effect? Thank you.

19 MS. CLAUDINE LEE: Claudine Lee,  
20 Dominion. No, we do not because the effects are  
21 localized, temporary, and reversible.

22 MR. PETER UNGER: Thank you. No  
23 further questions.

24 THE CHAIRPERSON: Thank you. We would  
25 like to call up Tlicho Government.

1 MS. MARJORIE MATHESON-MAUND: Hi.  
2 Marjorie Matheson-Maund, Tlicho Government. And Grace  
3 MacKenzie, Tlicho Government, is here with me. We  
4 have a few questions that we would like to ask the  
5 Company, and it's regarding the socio-economic  
6 questions.

7 Okay. These questions are based on the  
8 DAR submitted by the company. And the first question  
9 is, has the mining company given any thought to  
10 increasing the mine life by decreasing the production  
11 rate? I believe you stated that the -- the mine life  
12 for Jay pipe is an extra ten (10) years.

13 MR. RICHARD BARGER: Richard Barger,  
14 Dominion Diamond. Just to clarify, you mean the mine  
15 life from the Jay Project increasing production  
16 related to Jay? Is that -- is that the question?  
17 Sorry, just for clari...

18 MS. MARJORIE MATHESON-MAUND: Marjorie  
19 Matheson-Maund, Tlicho Government. Yes, it is.

20

21 (BRIEF PAUSE)

22

23 MR. BRENDAN BELL: Brendan Bell,  
24 Dominion. Thank -- thank you for the question. This  
25 is something that we consider continually, as we look

1 at our production rates and ensuring that we're taking  
2 the most appropriate approach. And -- and obviously  
3 economics play a -- a primary role in -- in this  
4 consideration. We have trials underway right now to  
5 improve diamond liberation with the hopes that we can  
6 process all ore generally more slowly, in order to in  
7 -- increase mine life.

8                   But as of yet, this -- this remains  
9 unproven. We need to -- to demonstrate to ourselves  
10 that we can liberate more diamonds, create more  
11 revenue with this approach. We can't do it if it's  
12 sub-economic. These mines are heavily fixed costs.  
13 As everybody in the room will recognize, it's very  
14 expensive to operate in this part of the world where  
15 we -- we operate. That -- that is our challenge.

16                   But we are very motivated to find  
17 improved ways to increase revenue, and -- and extend  
18 and enhance mine life. I think that -- that the -- if  
19 I -- if I tell you the -- the entire company is -- is  
20 looking at ways and is focused on ways to do this,  
21 that's -- that's not an exaggeration. This is -- this  
22 is something that's -- that's front of mind. Thank  
23 you.

24                   MS. MARJORIE MATHESON-MAUND: Thank  
25 you. Marjorie Matheson-Maund, Tlicho Government.

1 It's really great to hear that you have 64 percent  
2 northern hire. That's -- that's really good to hear.  
3 So my question is how have you -- how have -- I --  
4 you've -- you've achieved si -- 64 percent. And then  
5 I'm curious about the 33 percent northern target for  
6 Aboriginal. Or, pardon me, the 44 percent Aboriginal  
7 of the -- of the northern target.

8                   What are -- how are you doing with  
9 that?

10                   MR. ELLIOT HOLLAND:   Elliot Holland,  
11 for Dominion. The target set out for operations in  
12 terms of northern Aboriginal is -- is 31 percent. And  
13 we're -- by setting it at 44 percent for employee work  
14 force, we're -- we're substantially ahead of that  
15 target. It's one (1) of the things that -- that we've  
16 been very proud of in our operation of the mine, that  
17 we've been able to -- to increase that number to a --  
18 a comfortable margin above our -- our targets.

19                   MS. MARJORIE MATHESON-MAUND:   Sorry.  
20 Marjorie Matheson-Maund, Tlicho Government. Just --  
21 can you clarify that a little bit for me please?

22                   MR. ELLIOT HOLLAND:   Elliot Holland,  
23 for Dominion. So our -- our socio-economic agreement  
24 sets out targets for various phases of the mine life.  
25 We're currently in -- in an operation phase. And

1 during that phase we have a -- a 62 percent target for  
2 -- for northern hire, of which half or -- or 31  
3 percent are targeted to be -- to be northern  
4 Aboriginal. And for -- for our employee workforce  
5 we're ahead of -- of both of those targets as of our  
6 latest 2014 report. Both accomplishments are -- are  
7 real points of pride to the company.

8 MS. MARJORIE MATHESON-MAUD: Marjorie  
9 Matheson-Maud, Tlicho government. Thank you. I have  
10 one (1) more question and it's in relation also to  
11 what the YK Dene First Nation asked.

12 We too are particularly concerned with  
13 the barriers for young and middle aged Tlicho people  
14 who have criminal records. So we also wanted to ask  
15 what do you think that you can do specifically to  
16 break down the barriers to the young men and women who  
17 may have criminal records who would like to work at  
18 the mine site?

19

20 (BRIEF PAUSE)

21

22 MR. BRENDAN BELL: Brendan Bell,  
23 Dominion. In our -- in our opinion, the -- the most  
24 effective thing we can do is to have flexible  
25 policies, not be categoric about, you know, some --

1 some position or view that criminal record, you're out  
2 and you're not employable, but to in fact review these  
3 on a case-by-case basis.

4                   As I've indicated, they do come up to  
5 my desk to review them personally. I make an  
6 assessment with input from our staff about the risks  
7 to -- to our staff and our employees at a camp mine  
8 site. If it's deemed that we can mitigate against  
9 this or can ensure the safety of our workforce then we  
10 absolutely consider hiring the individual. I would  
11 also say we encourage people and point them in the  
12 direction of getting a pardon and helping them to  
13 understand the process.

14                   I know that -- that this can be  
15 particularly difficult for people from small  
16 communities. So it is something we -- we endeavour to  
17 help them through. We -- we obviously are not the  
18 process ourselves, but can help provide the support  
19 and point people in the right direction and that is  
20 something that our -- our human resources folks are --  
21 are very mindful of. Thank you.

22                   MS. GRACE MACKENZIE: Grace MacKenzie,  
23 Tlicho government. My question is on the Employee and  
24 Family Assistance Program. We see -- we note in the  
25 DAR that Dominion Diamond will maintain an Employee

1 and Family Assistance Program open to employees and  
2 their families.

3                   The EFAP is administered by North Star  
4 Centre for -- and counselling. It provides  
5 counselling services pertaining to a number of topics  
6 including family and marital dynamics, addictions,  
7 interpersonal work and career topics, financial  
8 management, and psychiatric and emotional issues.

9                   What we would like to know is the  
10 effectiveness of these programs for Tlicho workers.  
11 Have you considered -- how is that working and have  
12 you considered any other programs or locally community  
13 based programs such as tree -- treatment through elder  
14 programs and have you consulted with the communities  
15 to see how they could help? Thank you.

16                   MR. RICHARD BARGER: Richard Barger,  
17 Dominion Diamond. Thank you, Grace, for the -- for  
18 the question. We don't get a breakdown by community  
19 or by -- by region, because the statistics are  
20 confidential in nature. We do get -- do review the  
21 overall effectiveness of the provider and -- and the  
22 program itself and -- and that's what we review.

23                   And my understanding from Gaeleen is  
24 that that program is actually out right now for -- for  
25 RFP. So the -- the last question related to have we



1 discussed with communities how to -- how to improve  
2 the program or -- or those kinds of things.

3 I think what I'd say to that is that we  
4 do -- we do quite a bit of engagement with communities  
5 as -- as you know. We meet regularly on a quarterly  
6 basis with -- with our IBA communities and we hear  
7 quite a bit about some of the barriers and -- and some  
8 of the issues related to employment.

9 So we're constantly taking that --  
10 taking that feedback from communities and trying to  
11 apply it to -- to our programs itself, and that would  
12 feed into any designer (phonetic) program, such as  
13 EFAP or anything like that.

14

15 (BRIEF PAUSE)

16

17 MS. GRACE MACKENZIE: Thank you.

18 MS. MARJORIE MATHESON-MAUND: Sorry,  
19 Tlicho Government, Marjorie Matheson-Maund. Sorry,  
20 Rich, we -- I didn't quite catch if you had said that  
21 the program is out for tender right now. Your voice  
22 is very soft.

23

24 (BRIEF PAUSE)

25

1 MS. GAELEEN MACPHERSON: Gaeleen  
2 MacPherson, with Dominion. Yes, the -- the contract  
3 for that is currently out for RFP, yes.

4 MS. MARJORIE MATHESON-MAUND: Thank  
5 you, Gaeleen. And then my other question. Marjorie  
6 Matheson-Maund, Tlicho Government. Has there been an  
7 evaluation done of the program, the efficiency of the  
8 -- the family support program? Thank you.

9 MS. GAELEEN MACPHERSON: Gaeleen  
10 MacPherson, with Dominion. Yes, on a quarterly basis  
11 we get a report from the current provider, and we look  
12 at key statistics in terms of number of clients that  
13 have been served and whatnot. So we look at the  
14 frequency of -- of usage and -- and ensure that we are  
15 -- we are -- we are comparing that to some of the  
16 feedback from the communities.

17 So if we're not seeing numbers from --  
18 aligned with what we're hearing from the communities  
19 in terms of the number of employees or families that  
20 may be accessing the -- the program, then we do look  
21 at why that is -- why there's not an alignment there  
22 and -- and revert back to the current provider.

23 MS. MARJORIE MATHESON-MAUND: Marjorie  
24 Matheson-Maund, Tlicho Government. Thank you.

25 THE CHAIRPERSON: Questions from

1 Environment Canada?

2 MS. SARAH-LACEY MCMILLAN: Good  
3 morning, madam chair, Board members. Sarah-Lacey  
4 McMillan, with Environment Canada. We have no  
5 questions on this morning's presentation.

6 THE CHAIRPERSON: Thank you.  
7 Fisheries and Oceans Canada?

8 MS. JULIE DEAULT: Julie Deault,  
9 Fisheries and Oceans Canada. We have no questions.

10 THE CHAIRPERSON: North Slave Metis  
11 Alliance?

12 MR. SHIN SHIGA: Thank you, madam  
13 chair. My name is Shin Shiga, with North Slave Metis  
14 Alliance. I have a couple of questions about socio-  
15 economics. May I ask if there is a gender wage gap at  
16 Dominion Diamond or do you have that data?

17

18 (BRIEF PAUSE)

19

20 MR. RICHARD BARGERY: Richard Bargery,  
21 with Dominion Diamond. Madam chair, we'll have an  
22 answer just -- in just a few seconds.

23 MS. GAELEEN MACPHERSON: Dominion  
24 Diamond -- sorry, Gaeleen MacPherson, with Dominion  
25 Diamond. We review, obviously, our -- our salaries

1 and the salaries of our employees on a regular basis  
2 and look at those types of -- of issues to ensure that  
3 they don't exist, obviously.

4 MR. SHIN SHIGA: Thank you. My second  
5 question is -- sorry.

6 THE CHAIRPERSON: Please state your  
7 name again.

8 MR. SHIN SHIGA: Shin Shiga, North  
9 Slave Metis Alliance. So we know that there is a  
10 gender-based employment gap which presumably would  
11 lead to gender-based income disparity in different  
12 communities.

13 Have you consider that as a potential  
14 pathways to some of the other negatively trending  
15 social indicators?

16

17 (BRIEF PAUSE)

18

19 MR. RICHARD BARGERY: Richard Bargery,  
20 Dominion Diamond. So, Shin, can -- can maybe -- can  
21 you -- can I get you just to restate the question,  
22 just one (1) more time for me, please?

23 MR. SHIN SHIGA: Shin Shiga, NSMA. So  
24 my question was: We know there's a gender-based  
25 employment gap which I would imagine would lead to a

1 gender-based income gap in different communities  
2 because of the -- the chance of redu -- females'  
3 reduced chance of employment at the highly paid  
4 diamond mine.

5 We also know there are a number of  
6 health and social well-being indicators that are  
7 negatively trending, such as STI and substance abuse,  
8 single family -- single parent families.

9 Have you -- have you considered that  
10 gender employment gap as a potential pathways leading  
11 to some of those negatively trending indicators?

12 MR. RICHARD BARGERY: Richard Bargery,  
13 Dominion Diamond. I -- Shin, I -- I don't know if  
14 we've considered the pathway in quite the way that  
15 you've expressed it there. So I think we'd have to  
16 take that away, given the detail of that, Madam Chair,  
17 and -- and come back with a response. I don't think I  
18 can answer it here today.

19 THE CHAIRPERSON: Okay. Thank you.  
20 That'll be an undertaking.

21

22 --- UNDERTAKING NO. 1: Dominion to review their  
23 assessment on socio-  
24 economic issues to  
25 determine whether they

1 assessed the pathway

2

3 MR. SHIN SHIGA: Thank you. That's  
4 all my questions.

5 THE CHAIRPERSON: Excuse me, we have  
6 counsel -- counsel would like to say something.

7 MR. JOHN DONIHUE: Thank you, Madam  
8 Chair. I -- I just -- Mr. Bargery, I wonder if you'd  
9 be -- could state clearly, then what -- what the  
10 nature of the undertaking you've given is, just so  
11 that we can be sure that we're -- we're recording it  
12 properly?

13

14 (BRIEF PAUSE)

15

16 MR. RICHARD BARGERY: Richard Bargery,  
17 Dominion Diamond. Hopefully I've got this right,  
18 John, but I think what I've committed to is to -- to  
19 go away and review our assessment on socio-economic  
20 issues to determine whether we assessed the pathway  
21 that -- that Shin has laid out -- that Shin has asked  
22 us about today, which I -- I don't have that detail  
23 with me.

24 MR. JOHN DONIHEE: Thank you, Madam

25 Chair. We'll record that, then, as Undertaking number

1 1 for the proceeding.

2 MR. SHIN SHIGA: Shin Shiga, NSMA.

3 That's all my questions. Thank you.

4 THE CHAIRPERSON: Okay. Thank you.

5 At this time, with the -- we'll follow with questions

6 after the break. We'll have a ten (10) minute break

7 right now. Thank you.

8

9 --- Upon recessing at 10:30 a.m.

10 --- Upon resuming at 10:44 a.m.

11

12 THE CHAIRPERSON: I would like to call

13 up Deninu Kue First Nations for questions.

14

15

16 (BRIEF PAUSE)

17

18 MR. MARC D'ENTREMONT: Thank you,

19 Madam Chair. My name is Marc d'Entremont. I'm

20 technical advisor with the Deninu Kue First Nation.

21 With me today is Patrick Simon, counsel -- counsellor

22 for the DKFN. So we just have a couple questions, and

23 I'll let Patrick go first.

24 MR. PATRICK SIMON: Good morning.

25 Patrick Simon, Deninu Kue First Nation. I would just

1 like to start by having you excuse me. My voice is  
2 not perfect today, but I'm sure I'd be heard, and I  
3 will always be heard.

4 My question is, just one (1) of  
5 interest, stating that you hired the most northern --  
6 northerners of all the mines. I -- I'm just  
7 interested in knowing the amount or the numbers hired.

8 Have they been the south side of the  
9 lake, commonly known as the South Slave?

10

11 (BRIEF PAUSE)

12

13 MR. BRENDAN BELL: Madam Chair,  
14 Brendan Bell, Dominion Diamond. We -- we do hire a  
15 significant number of -- of Aboriginal people and  
16 Northern people from -- from south of the lake. But  
17 in order to -- to accurately get you that community  
18 breakdown, we would propose to -- to undertake to come  
19 back with -- with those details exactly, hires by --  
20 by community, and -- and in -- in aggregate for the --  
21 the South Slave region. Thank you.

22 MR. PATRICK SIMON: Thank you.  
23 Patrick Simon, Deninu Kue First Nation. I just wanted  
24 to ask: Perhaps a little clarity in some of your  
25 hiring policies or practices in -- in regards to is



1 there anything different that you do in the South  
2 Slave in terms of hiring and retaining employees that  
3 -- that you don't do in the North? Is it challenging  
4 or harder, or -- thank you.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON: While they're -- Joa  
9 -- Joanne Deneron, Chairperson. While they're talking  
10 about your answers there, just for the clarification  
11 to the last question that Mr. Simon had asked, we  
12 would ask counsel to have that undertaken. So if it  
13 could be clarified again, Mr. Bell, in regards to your  
14 response?

15 MR. RICHARD BARGERY: It's Richard  
16 Bargery, from Dominion Diamond. I -- I -- what we'll  
17 do with -- in terms of the -- the specific numbers  
18 that Patrick asked for, we'll -- we'll -- we do have  
19 those numbers. We'll just -- rather than take time,  
20 we'll -- we'll find them here today and we'll report  
21 them on the public record later today.

22 So we'll have specific numbers by  
23 community. And I think, Patrick, you're part --  
24 you're particularly interested, obviously in -- in  
25 Fort Resolution, Hay River, Smith, those communities.

1 Is that -- and so we -- we'd provide those numbers of  
2 our -- our current -- and current employee numbers,  
3 so.

4 The -- if -- if -- Madam Chair, is  
5 there -- does that -- does that clarify the first --  
6 sorry, the first issue?

7 THE CHAIRPERSON: I will ask counsel  
8 to respond to that.

9 MR. JOHN DONIHEE: Okay. Thank you,  
10 Madam Chair. John Donihee, Board Counsel.

11 Yes, rather than record a -- an  
12 undertaking, let's just have Dominion report back  
13 before the end of the day. We can get it on the  
14 record that way. Thank you, Madam Chair.

15 THE CHAIRPERSON: Thank you. Thank  
16 you. Continue on with questions, or the answers to  
17 the question.

18 MR. RICHARD BARGERY: Thank -- thank  
19 you, Madam Chair. Richard Bargery, Dominion Diamond.  
20 So, Patrick, just for clarity in the second question,  
21 you were asking if there's anything specific that we  
22 do in the South Slave that we wouldn't do otherwise  
23 for retention of employees from that particular area?  
24 I -- if that's the case, and I see you nodding, we --  
25 when we -- we apply our -- our policies across the

1 territory and across our -- our workforce.

2                   So I -- I can't think of anything  
3 specific that we would do in the South Slave region.  
4 Of course, we have direct flights to allow employees  
5 from that region to be able to go to the mine site, so  
6 that is one (1) thing that we do. But it -- it's  
7 something that we do and apply across all the  
8 territory. And it's -- as Brendan noted, that's --  
9 that's pro -- that's the only place we fly from now to  
10 the mine site, are from designated communities in the  
11 Northwest Territories, so. But I don't think there's  
12 anything specific that would be outside of our normal  
13 practices for all employees that would be strictly  
14 applicable to the -- to the South Slave region, no.

15                   MR. PATRICK SIMON: Patrick Simon,  
16 Deninu Kue First Nation. Thank you, and I'll turn you  
17 over to Marc, then.

18                   MR. MARC D'ENTREMONT: This is Marc  
19 D'Entremont for the DKFN. So I just have one (1)  
20 question regarding air quality. So it's been stated  
21 that there's no guidelines for permitting fugitive  
22 dust in the Northwest Territories.

23                   So my question is, have you considered  
24 or looked at guidelines from other provincial or  
25 territorial jurisdictions with the intent of applying

1 those within your monitoring plans?

2

3 (BRIEF PAUSE)

4

5 MS. CLAUDINE LEE: Claudine Lee,  
6 Dominion Diamond. Dominion would -- would look at all  
7 guidelines that are out there that -- and whether or  
8 not they would be applicable to the NWT and to the Jay  
9 Project. But as I stated in my presentation, we do  
10 have an engagement plan that will allow for further  
11 discussion on this topic and how triggers related to  
12 fugitive dust might be developed.

13 MR. MARC D'ENTREMONT: Marc  
14 d'Entremont, for DKFN. Thank you. That's all our  
15 questions.

16 THE CHAIRPERSON: Okay. Thank you.  
17 Diavik Dominion Mines...?

18

19 (BRIEF PAUSE)

20

21 MR. GORD MACDONALD: And Gord  
22 MacDonald, with Diavik. And, Madam Chair, in one (1)  
23 of the introduction slides, there was a reference to  
24 DDEC ownership in both the Ekati and the Diavik mines.  
25 Can the proponent, Dominion Diamond's Ekati

1 Corporation please clarify for the Board and for all  
2 parties that DDEC cannot make commitments of any kind  
3 of behalf of Diavik Diamond Mines 2012 Inc., the  
4 operator of the Diavik Mine?

5 Mr. RICHARD BARGERY: Thank you, Madam  
6 Chair. Richard Bargery, Dominion -- Dominion Diamond.

7 I've confirmed that DDEC cannot make  
8 any commitments on behalf of DDI -- DDMI. Thank you.

9 MR. GORD MACDONALD: Gord MacDonald,  
10 with Diavik. Thank you, Madam Chair.

11 THE CHAIRPERSON: Thank you. Fort  
12 Resolution Metis Council...?

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON: Transport Canada...?

17 MR. CHRISTOPHER AGUIRE (BY PHONE):

18 Hello?

19 THE CHAIRPERSON: They're online?

20 MR. CHRISTOPHER AGUIRE (BY PHONE): I  
21 think the individual from the previous group has a  
22 question.

23 THE CHAIRPERSON: Okay. Sorry about  
24 that.

25 MR. CHRISTOPHER AGUIRE (BY PHONE):

1 Okay. Sorry.

2 THE CHAIRPERSON: Fort Resolution

3 Metis Council, you're online?

4 MR. SHAWN MCKAY (BY PHONE): Yes, good  
5 morning. Shawn McKay, for the Fort Resolution Metis  
6 Counsel.

7 I have a couple questions regarding  
8 slide 14.

9 MR. RICHARD BARGERY: Madam Chair,  
10 could we just get the slide number from Shawn again?  
11 I -- I didn't quite hear him.

12 MR. SHAWN MCKAY (BY PHONE): Slide 14.  
13 In the existing mine using existing infrastructure and  
14 other areas that may be reclaimed during mining of the  
15 Jay pipe, does Dominion know clearly what other areas  
16 will be reclaimed during the mining of the Jay pipe?

17

18 (BRIEF PAUSE)

19

20 MR. RICHARD BARGERY: Richard Bargery,  
21 Dominion Diamond. Thanks -- thanks, Shawn. As we've  
22 discussed before in -- at -- at our meetings, one (1)  
23 of the -- one (1) of the pla -- one (1) of the areas  
24 that we would look to reclaim during the operation of  
25 the Jay Project would be the Long Lake Containment

1 Facility -- excuse me, which -- which won't be  
2 utilized for -- for the Jay Project.

3 As well, by putting processed  
4 kimberlite in the Panda and Koala pits, we'll begin  
5 the reclamation process for those pits, we -- we  
6 believe, as well. But all this would be -- obviously  
7 be determined through an interim reclamation and  
8 closure plan that would be filed with -- with the  
9 Wek'eezhii Land and Water Board. Thank you.

10 MR. SHAWN MCKAY (BY PHONE): My next  
11 question is regarding slide 17.

12 THE CHAIRPERSON: Could I just ask the  
13 persons online if they would state their name and  
14 their organization for the record?

15 MR. SHAWN MCKAY (BY PHONE): Oh,  
16 sorry. Shawn McKay, Fort Resolution Metis Council.  
17 My next question is regarding slide 17.

18 MR. RICHARD BARGERY: It's up, Shawn.

19 MR. SHAWN MCKAY (BY PHONE): Okay, my  
20 -- where is Dominion in regards to the design of the  
21 waste rock storage area?

22

23 (BRIEF PAUSE)

24

25 MR. ELLIOT HOLLAND: Elliot Holland,

1 Dominion Diamond. Dominion has completed a pre-  
2 feasibility design on the waste rock storage area, and  
3 we're in the process of engineering a detailed design  
4 for the waste rock storage area.

5 MR. SHAWN MCKAY (BY PHONE): Shawn  
6 McKay, Fort Resolution Metis Council. My next  
7 question is regarding slide 18. Sediments that may be  
8 placed within the quarry of the waste rock storage  
9 area, does this include sediments contaminated with  
10 mercury, and if so, is Dominion -- would the waste  
11 rock storage area design plan be able to deal with the  
12 possibility of seepage?

13

14 (BRIEF PAUSE)

15

16 MR. RICHARD BARGERY: Richard Bargery,  
17 Dominion Diamond. So, Shawn, it is -- would be  
18 designed for sediment containment regardless of, you  
19 know, what parameters are in it. We don't think that  
20 -- that mercury is going to be an issue for the Jay  
21 Project.

22 With respect to the issue of seepage, I  
23 think we -- we'd prefer to defer that -- that question  
24 to the aquatics day on -- on day 3 when we have the  
25 appropriate people here. And we -- we're going to



1 have a full discussion of that -- that issue, I'm  
2 sure.

3 MR. SHAWN MCKAY (BY PHONE): Shawn  
4 McKay, Fort Resolution Metis Council. My next -- my  
5 next question is regarding slide 21. Buried -- buried  
6 pipelines, how -- how will Dominion know of the  
7 possibility of leaks within any buried pipelines?

8 MR. ELLIOT HOLLAND: Elliot Holland,  
9 Dominion Diamond. We can detect leaks through  
10 inspections, and then monitoring of -- of pressures in  
11 the line.

12 MR. SHAWN MCKAY (BY PHONE): Okay, my  
13 next question is: So these -- these -- sorry, Shawn  
14 McKay, Fort Resolution Metis Council.

15 These -- these pressure, I guess,  
16 gauges that -- would these be at these exposed --  
17 exposed areas where you may be able to access for --  
18 for inspections?

19 MR. ELLIOT HOLLAND: Elliot Holland,  
20 Dominion Diamond. That -- that's right. The  
21 pipelines won't be buried in areas where we have  
22 instrumentation or maintenance access that -- that we  
23 need to get into to -- to do those activities.

24 MR. SHAWN MCKAY (BY PHONE): One (1)  
25 last final question. Shawn McKay, Fort Resolution

1 Metis Council.

2                   This is regarding your Dominion  
3 Diamond's, I guess, local study area of affected  
4 communities are -- it -- I know that Fort Resolution  
5 is part of the -- part of this document where Dominion  
6 has done, I guess, reasonable, I guess to some extent,  
7 some information gathering on -- on the requirements  
8 of affected committees.

9                   And my question is: Is Dominion  
10 Diamonds committed to dealing with an affected  
11 community such as Fort Resolution, and possibly  
12 entering into an IBA?

13

14                   (BRIEF PAUSE)

15

16                   MR. RICHARD BARGERY: It's Richard  
17 Bargery, Dominion Diamond. Thank you, Shawn. We've  
18 had this discussion a number of times over the past --  
19 past several months, or even longer. But Dominion  
20 Diamond is committed to -- this is -- first of all, I  
21 would say that as -- as Brendan noted earlier, this is  
22 an extension of the existing Ekati mine. We have IBA  
23 agreements -- four (4) IBA agreements, one (1) with  
24 Tlicho Treaty 8, one (1) with KIA-Kugluktuk, one (1)  
25 with Tlicho, and one (1) with the North Slave Metis

1 Alliance.

2                   And our intention would be to -- to  
3 continue to honour those agreements for the life of  
4 the mine. We have -- we don't intend to enter into  
5 new IBA agreements for the Jay Project, and I think  
6 that's something that we've made clear in our  
7 discussions with -- with Fort Res Metis counsel.

8                   What we have said is that we would look  
9 at ways in Fort Resolution to ensure that there are --  
10 are benefits where appropriate, and we've had a number  
11 of discussions on that basis where we -- you know, we  
12 can encourage additional employment where we can look  
13 at, if there are specific opportunities for  
14 contracting, or where we may be able to provide  
15 donations that -- that assist the community.

16                   And we are doing some things now. And  
17 that's -- I think that's where we would go. But --  
18 sorry, and we -- and we have been doing some things, I  
19 would note, including a number of donations in the  
20 community. We did a career fair there, for example,  
21 in -- in November, so -- but the specific answer to  
22 your question is: No, we don't intend to -- to enter  
23 into new -- to new IBA agreements for the Jay Project.

24                   MR. SHAWN MCKAY (BY PHONE):   Shawn  
25 McKay, Fort Res -- Shawn McKay, Fort Resolution Metis

1 counsel. My one (1) last question is: Using the  
2 existing infrastructure for the Jay Project, would  
3 this existing infrastructure be -- be -- have -- would  
4 have the ability to provide for both, if the Cardinal  
5 Project was included with the Jay Project?

6

7

(BRIEF PAUSE)

8

9 MR. ELLIOT HOLLAND: Elliot Holland,  
10 with Dominion. So the -- to be clear, the -- the  
11 Cardinal pipe has been removed from the -- the Jay  
12 Project environmental assessment. From Dominion's  
13 point of view, the -- the Cardinal deposit has -- has  
14 been sterilized effectively by the -- the design that  
15 -- that we've chosen for the project, and as a result,  
16 we see no -- no possibility of -- of development that  
17 would be reasonably foreseeable at Cardinal.

18

MR. SHAWN MCKAY (BY PHONE): Shawn  
19 McKay, Fort Resolution Metis counsel. Thank you for  
20 that, but however, using -- my question was: Using  
21 the existing infrastructure for the Jay pipe, is it  
22 possible that the Cardinal pipe that was suggested at  
23 the time, is it possible for the existing  
24 infrastructure to withstand both -- both projects?

25

MR. ELLIOT HOLLAND: Elliot Holland,

1 for Dominion. The -- the Jay dike, which is the --  
2 the main infrastructure that will be built in the Jay  
3 Project, doesn't encircle the -- the Cardinal pipe.  
4 So it's not possible to use the -- the Jay dike to --  
5 to advance the Cardinal Project in any way. Could  
6 people land at the airstrip and go and do something at  
7 Cardinal? Well -- well, yes.

8 But by building a -- a dike, a -- a  
9 small dike that -- that only encircles the Jay  
10 Project, eco -- from an economic point of view, we're  
11 essentially sterilizing the -- the -- Cardinal as a  
12 deposit. And, you know, so we'd -- we'd consider it  
13 to be off the table as a -- a reasonably foreseeable  
14 development.

15 THE CHAIRPERSON: Excuse me. If the  
16 Chair could interrupt please. I would just like to  
17 remind the speakers that the Cardinal is outside the  
18 scope of this hearing, For -- Fort Resolution Metis.

19 MR. SHAWN MCKAY (BY PHONE): Shawn  
20 McKay, Fort Resolution Metis Council. Thank you for  
21 that. No, I have no other questions.

22 THE CHAIRPERSON: Thank you.  
23 Transport Canada?

24 MR. CHRISTOPHER AGUIRE (BY PHONE):  
25 Thank you, Madam Chair. This is Christopher Aguire,

1 with Transport Canada. We have no further questions.

2 THE CHAIRPERSON: I think we need to  
3 turn the volume up on those calls. We can barely hear  
4 them. Dominion Diamond Ekati Corporation.

5 Review -- review -- do you want to say  
6 anything else? Review Board staff and counsel?  
7 Review Board?

8 MR. SIMON TOOGOOD: Hi, it's Simon  
9 Toogood, with the Review Board. Madam Chair, I have  
10 several questions on air quality and greenhouse gases.  
11 So I'll start off with some questions on air quality.  
12 If you'd go to slide 35 please. Thirty-five (35),  
13 yes. So, yeah, I just have a couple of questions on  
14 the Air Quality and Emissions Management and  
15 Monitoring Plan.

16 And just to start off, just to clarify,  
17 I think there's some confusion with respect to  
18 significant effects and the application of the GNWT's  
19 ambient air quality guidelines. Just the last bullet  
20 there says -- it's to do with the adaptive management  
21 approach, and that before a significant environmental  
22 effect occurs. And you're using the GNWT standards as  
23 the trigger levels.

24 I'm just wondering if you could clarify  
25 the use of the wording at the bottom of that slide?

1 (BRIEF PAUSE)

2

3 MR. RICHARD BARGERY: Madam Chair,  
4 we'll have a -- an answer. We're just -- there's a  
5 number of components to it, so we're just trying to --  
6 just -- just give us just a couple of seconds.

7

8 (BRIEF PAUSE)

9

10 MS. CLAUDINE LEE: Claudine Lee,  
11 Dominion. So just to clarify, the NWT ambient air  
12 quality guidelines are thresholds. They are not  
13 indicative of significant effects. We have used the  
14 NWT ambient air quality guidelines to develop triggers  
15 as a response to the technical sessions, and from the  
16 -- the recommendations from the GNWT, and from other  
17 parties.

18 In the sense here that we use  
19 significant, that's not -- that's related to  
20 significant environmental effects but not related to  
21 significant adverse effect as discussed for this  
22 proceeding.

23 MR. RICHARD BARGERY: Richard Bargery,  
24 Dominion Diamond. Is that -- is that the point you're  
25 -- you're getting at, Simon? The -- on the

1 significant effects and -- yeah.

2 MR. SIMON TOOGOOD: It's Simon  
3 Toogood, with the Review Board. I think that's fine  
4 for now -- or it is fine. Just as a follow-up  
5 question on the adaptive management approach and the  
6 triggers, I'm just wondering about distance.

7 If you could, clarify what distance  
8 from the source of the emissions that you will be  
9 applying these triggers from say the haul road or the  
10 mine site itself?

11

12 (BRIEF PAUSE)

13

14 MS. CLAUDINE LEE: Claudine Lee,  
15 Dominion Diamond. For the triggers related to the NWT  
16 ambient air quality guidelines, we're applying them --  
17 the triggers at the monitoring stations.

18 MR. SIMON TOOGOOD: Hi, it's Simon  
19 Toogood, the Review Board. At what distance from the  
20 source are the monitoring stations?

21

22 (BRIEF PAUSE)

23

24 MS. CLAUDINE LEE: Claudine Lee,  
25 Dominion Diamond. The locations of monitoring of the



1 Jay Project are still to be determined as part of the  
2 engagement that we've set out in the Engagement Plan  
3 submitted to the Review Board.

4 MR. SIMON TOOGOOD: Simon Toogood,  
5 with the Review Board. Just one (1) more follow-up  
6 question on this line of questioning.

7 After reviewing the air quality  
8 management monitoring program, I'm trying to get the  
9 Developer's position on if there is ways to detect  
10 these triggers for the parameters and the standards  
11 that would allow for a timely application of  
12 mitigation.

13 For instance, if there's an exceedance  
14 of dust, what is -- how long before the Developer is  
15 able to detect that, and then apply appropriate action  
16 to mitigate that?

17

18 (BRIEF PAUSE)

19

20 MS. CLAUDINE LEE: Claudine Lee,  
21 Dominion Diamond. So the triggers that have been  
22 developed are for the NWT ambient air quality  
23 guidelines, and those are reviewed on an annual basis  
24 and reported annually as per what the new Conceptual  
25 Air Quality Emissions Monitoring and Management Plan

1 says.

2                   And then just to reiterate, when we  
3 talk about dust and triggers there's still further  
4 engagement that could be happening on that -- that  
5 subject.

6

7                   (BRIEF PAUSE)

8

9                   MR. SIMON TOOGOOD:   Hi.  It's Simon  
10 Toogood, the Review Board.  Just to clarify, so the  
11 response to when you know if there's any exceedance,  
12 you're saying it's one (1) year.  Potentially, it's a  
13 year after an exceedance has occurred before you're  
14 able to identify that and apply mitigation?

15

16                   (BRIEF PAUSE)

17

18                   MS. CLAUDINE LEE:   Claudine Lee,  
19 Dominion Diamond.  So we do have continuous monitoring  
20 for some of these NWT ambient air quality guidelines.  
21 The -- the monitoring though happens continuously is  
22 evaluated annually so that we can look at trends and  
23 put in appropriate mitigation, not to just one (1)  
24 episode, but to an actual trend that we can identify,  
25 and then put in appropriate mitigation related to

1 that.

2 MR. SIMON TOOGOOD: Thank you. It's  
3 Simon Toogood, with the Review Board. I think I'll  
4 leave that line of questioning there. The next line  
5 of questioning is do with greenhouse gasses. So in  
6 several parties' technical reports they raised  
7 concerns about the emissions coming from the proposed  
8 Jay Project and they wanted some action on the -- to  
9 reduce those emissions.

10 I'm just wondering with respect to the  
11 use of targets, if you could explain in a bit more  
12 detail what those are. And obviously, they're  
13 intended to reduce greenhouse gas emissions but you're  
14 going to be setting those annually. And I'm just  
15 wondering if that's -- just a bit more information on  
16 how they're set.

17 Is it based on how much you produced in  
18 the previous year, and then it's going to be a  
19 percentage reduction, or is it based on how much  
20 you've modelled that you will -- using in the current  
21 year and you're going to try and reduce that? And  
22 just explain how those targets are made and when  
23 they're provided.

24 And again, this could be given as an  
25 undertaking if it's -- more thought is required.

1

2

(BRIEF PAUSE)

3

4

MR. ELLIOT HOLLAND: Elliot Holland,  
for Dominion Diamond. So when Dominion bought Ekati,  
improving in -- in this area was -- was a key -- a key  
focus for us. So this year, we -- we've set targets  
for the -- for the first time. Tho -- those targets  
are based on a reduction over -- over and above our --  
our current -- the -- the prior emissions, and they're  
set annually as a part of our business planning cycle.

12

So the -- you know, that'll be an  
ongoing process that, you know, again, typically  
happens annually. And -- and the target is to, you  
know, do better the next year than -- than the year  
before.

17

MR. SIMON TOOGOOD: Just to pull up on  
that. Simon Toogood, with the Review Board. Given  
that operations at the mine can fluctuate, you know,  
the -- maybe you're expanding to -- or just that the  
effort required, the amount of trucks and such, there  
could be more emissions just given the operations in  
an upcoming year from a previous.

24

So again, is it a reduction from the  
previous year even though you may have more intensity

1 at the site? If you could just explain that.

2 MR. ELLIOT HOLLAND: Elliot Holland,  
3 Dominion Diamond. Yeah, we -- I mean, certainly need  
4 to take those things into account if we have a change  
5 -- a major change in the operation. You know, for  
6 example, when we -- when we finish the Koala  
7 underground you have a lot of energy demand that --  
8 that doesn't happen anymore, so you have to take that  
9 into account.

10 I think the general principle is -- is  
11 to see, you know, reductions when operations are --  
12 are studied from year to year. But when there are  
13 changes to the operations, that, you know, we need to  
14 -- we need to normalize for them, right?

15 MR. SIMON TOOGOOD: Thank you. Simon  
16 Toogood, the Review Board. The next question, and it  
17 leads to achieving those reductions. And I think  
18 parties are looking for concrete actions that the  
19 Developer is willing to take. And I think what we've  
20 heard is you've agreed to a concept study of  
21 additional alternative energies.

22 And I think that's getting to what  
23 parties are looking for is: You know, will Dominion  
24 implement any of these technologies? And I think the  
25 first step is, as you've mentioned, studying these

1 technologies.

2                   And so with respect to the findings of  
3 the study you said they'll be made public a year  
4 after, I believe it was this year is finished. To put  
5 this sort of to rest, this topic, if this study were  
6 to point out that -- or find that some sort of  
7 alternative energy is feasible at the site  
8 economically and technically, is it Dominion's  
9 intention to follow through with the findings of this  
10 study and implement those if it's showing that they  
11 are indeed feasible?

12

13   (BRIEF PAUSE)

14

15                   MR. ELLIOT HOLLAND:   Elliot Holland,  
16 for Dominion. The first thing I'd -- I'd like to  
17 point out in terms of your -- your preamble regarding  
18 a -- a need for specific actions is that Dominion has  
19 taken quite a number of -- of specific actions  
20 already. I -- I'd point to the -- the very  
21 substantial investment that we've made in the Misery  
22 powerline, which provides power to the Misery camp at  
23 a much more efficient basis than the existing gensets,  
24 the investment in a composter to -- to reduce our use  
25 of incineration and with it increase efficiency of

1 that process, the commissioning of -- of road trains  
2 to -- to replace the smaller vehicles which -- which  
3 are more fuel efficient.

4                   So I -- I take issue with the  
5 characterization that parties are -- haven't seen  
6 concrete actions from us. Specifically with regard to  
7 this study, you know, Dominion's committed to -- to  
8 doing the study and looking at the results of it. You  
9 know, we -- we need to evaluate technical and -- and  
10 economical feasibility and we need to have that --  
11 those -- those definitions are -- are -- need to be --  
12 to be set by the -- by the company.

13                   If it's an attractive investment, you  
14 know, we've shown a history of -- of making attractive  
15 investments.

16                   MR. SIMON TOOGOOD: All right. Simon  
17 Toogood, of the Review Board. Just to follow up. I  
18 wasn't saying that Dominion hadn't then made efforts  
19 to date. Those are on the record. I think all has  
20 been response to your IRs from parties and the Review  
21 Board.

22                   But I think parties are looking for  
23 areas that they have an interest in seeing some more  
24 additional efforts towards reducing greenhouse gasses  
25 from the Jay Project. On the lines of that

1 questioning was exploring renewable energies and I  
2 think parties are looking to understand if this study  
3 that is being proposed by the developer will actually  
4 lead to concrete actions on renewable energies.

5                   And if the study does find that it is  
6 attractive that the Developer will commit to  
7 implementing these technologies?

8

9                   (BRIEF PAUSE)

10

11                   MR. ELLIOT HOLLAND:   Elliot Holland,  
12 Dominion Diamond. We're committed to doing a concept  
13 study. And -- and based on that evaluation we'll --  
14 we'll make sure to -- to move forward with projects  
15 that -- that make sense for us, comparing, you know,  
16 all the -- the different areas that -- that we could  
17 invest in along this end.

18                   MR. SIMON TOOGOOD:   Thank you. It's  
19 Simon Toogood, the Review Board. I have no further  
20 questions.

21

22                   (BRIEF PAUSE)

23

24                   MR. RUARI CARTHEW:   Ruari Carthew,  
25 with the Review Board. I have a few questions on the



1 social-economic front.

2                   The first one (1) I'll start off with  
3 pertains to the social-economic agreement between  
4 Dominion and the GNWT. Over the course of the Ekati  
5 Project, the agreement has been in place and has --  
6 with the intention of serving the people of the NWT.  
7 The -- the purpose, I think, as to minimize negative  
8 effects that the project could have. Over the course  
9 of this EA process evidence has suggested that over  
10 the nineteen (19) years it hasn't been terribly clear  
11 how the SEA has improved adverse project effects on  
12 diamond mining communities.

13                   Within a couple of the slides that you  
14 presented at the beginning of your presentation, there  
15 was mention of efforts to improve the performance.  
16 I'm curious if you can specify what measures those  
17 will be, and how they will lead to more confidence  
18 that the SEA will minimize adverse mining conditions.  
19 Thanks.

20

21                   (BRIEF PAUSE)

22

23                   MR. BRENDAN BELL: Madam Chair,  
24 appreciate the question. I think the -- the socio-  
25 economic agreement is -- is one (1) tool by which we -

1 - we measure our success as a company. I think our  
2 results speak for themselves. We -- we hold up very  
3 well and I think compare favourably with -- with other  
4 operations in -- in the -- the north.

5                   That said, we believe that our reach  
6 should exceed our grasp. We continue to engage with  
7 communities to understand their -- their concerns, and  
8 -- and understand their aspirations. Continually get  
9 feedback about how important it is that people from  
10 their community are employed. They're very happy with  
11 the levels of employment that they've seen, which is  
12 different than saying satisfied. They continue to  
13 press us and encourage us to assist with training,  
14 adult education, and -- and other things that -- that  
15 we can do to break down barriers to employment.

16                   So I would say we've exceeded our  
17 targets in several respects, need to do more in  
18 others. I would point in particular to our employment  
19 targets, where we've done very well overall with  
20 respect to some of our contractors, many of -- of  
21 which are -- are northern and even Aboriginal  
22 contractors. We need to -- to improve our employment  
23 in -- in that respect. We are building targets and  
24 incentives into contracts as they expire.

25                   I'm sure you can appreciate that we

1 inherited a number of legacy contracts that we -- we  
2 can't undo. And as those come up for renegotiation,  
3 and several have, we are embedding exceedingly higher  
4 targets for employment. So we will continue to -- to  
5 measure ourselves against both the IBAs and the SEA.  
6 We think they're important tools.

7 But -- but we certainly are out  
8 continually. I think our -- our engagement records  
9 would speak to that with respect to the Jay Project.  
10 But just generally reporting out to communities on our  
11 performance, and seeking their feedback on -- on how  
12 we can continue to do a better job. Thank you.

13 MR. RUARI CARTHEW: Thank you. Ruari  
14 Carthew, with the Review Board. A previous  
15 presentation from the North Slave Metis Association  
16 (sic) there was a discussion about the community  
17 liaison and female employment.

18 I'm curious if the -- within the role  
19 of the community liaison, is there a specific mandate  
20 to promote female hiring?

21 MR. RICHARD BARGER: Richard  
22 Bargery, Dominion Diamond. So it's quite right, one  
23 (1) of the things that we've implemented as a Company  
24 is to -- to put in place community liaisons in -- in  
25 some of these specific communities. And -- and part

1 of their role -- part of their role, even though the -  
2 - the position itself reports to the specific IBA  
3 group, is to assist with employment for -- assist  
4 people to gain employment at -- at Ekati mine. And  
5 we've -- we've seen some success, you know, in that.

6                   The specific question of whether  
7 there's a specific role to encourage more employment  
8 for women at Ekati mine, the -- the role itself deals  
9 with all employment. So there's no -- no specific  
10 role, no, in -- for those community liaison positions.

11                   MR. RUARI CARTHEW: Thank you. It's  
12 Ruari Carthew, with the Review Board. My next line of  
13 questioning relates to traditional knowledge, and the  
14 use of traditional knowledge within DDEC's operations.  
15 Within the course of the EA, there was evidence  
16 presented that there is some concern at the -- the  
17 management of traditional knowledge.

18                   I'm curious if Dominion could commit to  
19 developing a -- a robust traditional knowledge  
20 management plan with Aboriginal parties that includes  
21 quality control measures to ensure the appropriate use  
22 of TK, and the storage and reporting of it?

23

24                   (BRIEF PAUSE)

25

1 MR. RICHARD BARGERY: Richard Bargery,  
2 Dominion Diamond. So first thing I'd say is that we  
3 spend -- we spend quite a bit of time dealing with  
4 communities, and -- and trying to find ways to make  
5 sure that we incorporate traditional knowledge, not  
6 just for the Jay Project, into -- into our operations  
7 as -- as a whole for the -- for the mine, and -- and  
8 we think we're out in front of this issue compared to  
9 -- you know, to other operations.

10 We have a full time TK advisor working.  
11 We have a very experienced northern team, as -- as  
12 Brendan noted at the start, that are, you know, out  
13 talking to communities. I also would like to say that  
14 we -- that we -- we fund traditional knowledge  
15 projects amongst our IBA groups to a fairly sig --  
16 significant extent.

17 You know, we've -- last year, as -- as  
18 we've noted in Information Requests, we -- we've done  
19 projects with Tlicho, with YKDFN, that -- that  
20 resulted, I think, in -- in a document that -- that  
21 was posted to the registry as part of their technical  
22 report. We've recently develop -- provided funding  
23 for a very large project for KIA. We're working with  
24 the Lutsel K'e Dene First Nation right now on -- on a  
25 project for their traditional knowledge. So -- and

1 each is on an individual basis.

2                   So it would be hard to commit to doing  
3 something as a whole. I mean, I think that we are  
4 open to sit down with -- with each of the Aboriginal  
5 communities to talk about how best to -- to manage TK,  
6 and -- and incorporate it into the project. But I --  
7 I'd be hard-pressed to say that we'd commit to sort of  
8 an overall system without having those individual  
9 discussions with -- with the TK holders themselves.

10                   MR. RUARI CARTHEW: Thank you. Ruari  
11 Carthew, with the Review Board. Follow-up question:  
12 Does Dominion then employ consistent analysis and use  
13 of traditional knowledge? And -- and do they have  
14 existing traditional knowledge research agreements in  
15 place with Aboriginal groups?

16

17                   (BRIEF PAUSE)

18

19                   MR. RICHARD BARGERY: Richard Bargery,  
20 Dominion Diamond. I think, from our perspective, I  
21 don't know how to say this, but consistency --  
22 consistency may not be the -- the appropriate  
23 approach. I mean, we work with each community on an  
24 individual basis, and their needs may be different,  
25 and we need to -- we need to recognize that.

1                   So, you know, everybody -- that's the  
2 discussion. It's really been on an individual basis  
3 with communities about -- about TK and what their  
4 needs are, how they want to manage TK and build it  
5 into the project.

6                   So I -- I guess that would be -- that  
7 would be the -- the answer to that question.

8                   MR. RUARI CARTHEW: Thank you. Ruari  
9 Carthew, with the Review Board. Within one (1) of the  
10 responses from Dominion, and it was also echoed in a  
11 response by the North Slave Metis Alliance, was the  
12 proposition of developing a traditional knowledge  
13 Elders panel.

14                  I'm curious with Dominion if this is  
15 something that they continue to work towards, is the  
16 establishment of a traditional knowledge panel, and  
17 specifically, where important traditional livelihood  
18 values may be impacted by project operations.

19                  MR. RICHARD BARGERY: I'm just going  
20 to -- Richard Bargery, Dominion Diamond. I -- just on  
21 the -- the question before, I just want to say that  
22 one (1) thing I should note is we do have, you know,  
23 agreements with -- with communities on an individual  
24 basis for specific TKs, so there are agreements in --  
25 in place, but it really is on an individual basis with

1 -- with communities.

2                   With respect to the -- to the Elders  
3 council that we had proposed in the past -- and I will  
4 turn it over to our CEO to -- to answer that question.

5                   MR. BRENDAN BELL:    Brendan Bell,  
6 Dominion.   Madam Chair, this is -- this is an idea  
7 that -- that we are pursuing.   We are engaging with --  
8 with communities about the appropriateness of -- of an  
9 Elders panel.   We think it's something that has a lot  
10 of merit.

11                   But -- but I will tell you that some  
12 initial engagements with communities, in -- in some  
13 respects, there have been concerns that this may be  
14 used to usurp the -- the authority or the decision-  
15 making structures or powers that be in communities.  
16 We -- we've assured communities that's not our intent.  
17 This is intended to be in addition and in -- and in  
18 parallel.

19                   We think there -- there's huge merit in  
20 having more input on TK from -- from Elders, but this  
21 needs to be done in a manner that is -- is positively  
22 supported by communities.   We're committed to working  
23 through the process of engagement with these  
24 communities to design a structure that works for them,  
25 but this will not be something that -- that is



1 prescriptive. It is not going to be something that --  
2 that we attempt to drive on communities if -- if there  
3 is opposition.

4                   We -- we think that we can find a way  
5 to -- to come up with an acceptable mechanism and  
6 assure communities that -- that our -- our intentions  
7 here are honourable, and -- and we will continue to do  
8 that. I -- I hope this works because it's something  
9 that -- that we're very, very high on. Thank you.

10                   MR. RUARI CARTHEW: Thank you. Ruari  
11 Carthew, Review Board. No further questions from  
12 staff, I believe.

13                   THE CHAIRPERSON: Questions from  
14 counsel?

15                   MR. JOHN DONIHEE: John Donihee, Board  
16 counsel. Thank you, Madam Chair. I have no questions  
17 on this presentation.

18                   THE CHAIRPERSON: Questions from Board  
19 members? Yvonne...?

20                   MS. YVONNE DOOLITTLE: Yvonne  
21 Doolittle, Review Board. No questions.

22                   THE CHAIRPERSON: John Curran...?

23                   MR. JOHN CURRAN: Thank you, Madam  
24 Chair. Just one (1) short question. You talked about  
25 greenhouse gas emissions earlier. Does Dominion have

1 a breakdown available of where those emissions are  
2 coming from, relative percentage by different elements  
3 of your operation?

4 MR. ELLIOT HOLLAND: Elliot Holland,  
5 Dominion Diamond. Yes, we can provide that.

6 MR. JOHN CURRAN: Would that be as an  
7 undertaking, or...?

8 MR. ELLIOT HOLLAND: Elliot Holland,  
9 Dominion. Yeah, we can take that as a -- as an  
10 undertaking. Any -- is there a bit of clarity on --  
11 on the kind of breakdown you're looking for, by area,  
12 by --

13 MR. JOHN CURRAN: John Curran, Review  
14 Board. I was thinking in terms of power generation  
15 versus vehicles versus pumping versus other  
16 operations.

17 MR. ELLIOT HOLLAND: Elliot Holland,  
18 for Dominion. Sure, we can -- we can break it down by  
19 -- by power generation versus -- versus mode of fuel,  
20 yeah.

21 THE CHAIRPERSON: Counsel...?

22 MR. JOHN DONIHEE: Thank you, Madam  
23 Chair. We'll record that, then, as Undertaking number  
24 2 from Dominion Diamonds.

25

1 --- UNDERTAKING NO. 2: Dominion to provide a  
2 breakdown, in terms of  
3 power generation versus  
4 vehicles versus pumping  
5 versus other operations,  
6 of where greenhouse gas  
7 emissions are coming from  
8 relative to different  
9 elements of the operation  
10

11 THE CHAIRPERSON: Questions, Bertha?

12 MS. BERTHA NORWEGIAN: Thank you,  
13 Madam Chair. It's Bertha Norwegian, representing --  
14 or -- of the Review Board. Sorry about that. I -- I  
15 have my questions floating around in my head, so I  
16 need to make sure that they're very clear. It's  
17 regarding the gender issues.

18 I'd like to know if you have a  
19 breakdown of what type of employment you have the  
20 females working in your camps, and in your offices?  
21

22 (BRIEF PAUSE)  
23

24 MR. BRENDAN BELL: Brendan Bell,  
25 Dominion. Madam Chair, yes, that is -- that is

1 published in our socio-economic report, but we will  
2 get that information today, and -- and provide that on  
3 the record before the end of the day. Thank you.

4 MS. BERTHA NORWEGIAN: If I can ask a  
5 supplementary, I would like to know if you have any  
6 indicators on women who are working on non-traditional  
7 trades specifically.

8 MR. BRENDAN BELL: Brendan Bell,  
9 Dominion. Yes, we do. That is -- that is broken down  
10 in the report, and -- and, you know, there -- there --  
11 let -- let me just add that there's obviously a lot of  
12 interest in -- in this topic, and -- and with good  
13 reason. This is something that we've spent some --  
14 some time thinking about.

15 We have had some very -- some very good  
16 success, we believe, in -- in getting women into non-  
17 traditional areas of employment. Driving trucks at --  
18 at the mine site is -- is one (1) area that -- that  
19 comes to mind where we've been very, very successful.

20 But beyond these specific roles, one  
21 (1) of the other things -- just to step back a -- a  
22 bit, one (1) of the other things we're looking to do  
23 is to ask ourselves whether or not roles at the mine  
24 site must absolutely be located at the mine site. If  
25 there are -- if there are jobs that we can repatriate

1 out of the site to Yellowknife, we think that that  
2 will assist in -- in having more women work for -- for  
3 the Company.

4                   We know that -- that camp life may not  
5 be conducive in situations where -- where a single  
6 mother is looking for employment, for instance. And  
7 we're -- we're looking to, where we can, break down  
8 barriers to -- to female employment. This is one (1)  
9 of the things that -- that we're endeavouring to do.

10                   So we'll continue to -- to challenge  
11 ourselves in that respect. It's -- it's not -- it's  
12 not easy, as I -- I'm sure the Board can -- can  
13 appreciate. Some of the jobs just absolutely must be  
14 -- be at the mine site, but where the -- where we have  
15 options, we will look to bring those into -- into the  
16 community. We think that that's going to -- to pay  
17 some dividends in -- in addressing this -- this gender  
18 gap, which we -- we do admit is a challenge not just  
19 for this mine, but to the entire industry. Thank you.

20                   MS. BERTHA NORWEGIAN: Thank you for  
21 that response. With respect to -- Bertha Norwegian,  
22 for the record. With respect to your community  
23 liaison: Does your community liaison person travel to  
24 the communities to provide communities with updates on  
25 what kinds of opportunities might be laid for them, or

1 does the community liaison person work out of the  
2 Yellowknife office?

3

4 (BRIEF PAUSE)

5

6 MR. ELLIOT HOLLAND: Elliot Holland,  
7 for Dominion Diamond. The -- the first thing I'd just  
8 like to clarify is when we talk about community  
9 liaisons, those are -- are positions that we fund in  
10 the community, so that the people are -- are based  
11 there full time. Over -- over and above that, as part  
12 of this process, we -- we got the recommendation that  
13 we did need to provide, you know, a broader set of --  
14 of information regarding employment, but -- but other  
15 things in the process. So we've -- we've kicked off a  
16 -- a community newsletter that comes out every few  
17 months and is -- is sent to all of the communities.

18 And then, you know, over and above  
19 that, we make sure that our job postings are -- are  
20 available in -- in every community that -- that we  
21 work with. So it's a -- it's -- it's a bunch of  
22 things that we do to make sure people are -- are aware  
23 of opportunities, and are -- are well positioned to --  
24 to apply for them.

25 MS. BERTHA NORWEGIAN: Bertha

1 Norwegian. Just one (1) final question, and it  
2 regards pay equity.

3 Do you -- does Dominion Diamond have  
4 pay equity policies in place? Thank you.

5

6 (BRIEF PAUSE)

7

8 MS. GAELEEN MACPHERSON: Gaeleen  
9 MacPherson, with Dominion. As previously noted, we do  
10 spend quite a bit of time on a regular basis analyzing  
11 the manner in which we're -- we're paying our  
12 employees, looking at paying similar pay for similar  
13 work and -- and whatnot, to ensure that we don't have  
14 pay equity issues, in particular with females.

15 MS. BERTHA NORWEGIAN: Thank you.  
16 Thank you, Madam Chair. No more questions.

17 MR. BRENDAN BELL: Madam Chair?  
18 Sorry. Brendan Bell, Dominion. One (1) -- one (1)  
19 further piece I'd like to add with respect to the  
20 community liaison, and I think we may have -- may have  
21 created the confusion. I don't think Elliot has --  
22 has cleared it up. But we've had a number of  
23 discussions with communities that have led to funding  
24 agreements about community liaison positions. These  
25 are people that the community themselves have -- have

1 selected after a competition. They reside in the  
2 community.

3                   Their -- their goal is -- is two-fold,  
4 really, to disseminate information around specifically  
5 opportunities and activity in the community. So -- so  
6 be it -- be, you know, a -- a voice for the -- the  
7 Company in the community. But also to -- to ensure  
8 that -- that people who are interested in -- in  
9 employment have a conduit to get their -- their  
10 resumes, their information to us as a Company. So  
11 it's a -- it's -- it's been a very effective  
12 communications tool. It's early on. This is  
13 something that -- that we implemented on -- on buying  
14 Ekati.

15                   And I -- again, with the theme of -- of  
16 not trying to prescribe the absolute detailed role of  
17 -- of this position, one (1) of the communities, we've  
18 -- we've been dis -- discussing this with have -- have  
19 suggested to us that they would prefer to have the  
20 person also focus on business development  
21 opportunities, that they felt they were doing well on  
22 employment. And -- and we've said, Absolutely. If  
23 that's something that's a preference for you as a  
24 community, we -- we are more than happy that this  
25 person fulfill that role in addition or instead of --



1 of employment.

2                   So it really is a communication tool in  
3 the community that the Company is able to use, the  
4 communities are able to use. And we're not  
5 prescriptive as to the exact nature of the -- the  
6 role. It's a funding contribution that we provide.  
7 Thank you.

8                   THE CHAIRPERSON: Questions from Board  
9 members. Kirby...?

10                  MR. KIRBY MARSHALL: Thank you, Madam  
11 Chair. Kirby Marshall, Review Board. Just -- just to  
12 clarify something for myself with respect to what  
13 Simon was asking questions on earlier, with respect to  
14 air quality. And you are going to be undertaking --  
15 or doing continuous monitoring of air quality. But  
16 then I think you said you're going to be reporting on  
17 it annually, and then coming up with potential  
18 mitigation.

19                  Would Dominion commit to, if they are  
20 continuously monitoring air quality, to coming up with  
21 something on a -- a shorter, you know, more granular  
22 reporting with respect to -- and then coming up with  
23 an adaptive management framework around that? It  
24 seems to me if you're monitoring continuously, you  
25 should be able to report a lot shorter time frame than

1 ann -- annually, and do something about it. Thank  
2 you.

3

4 (BRIEF PAUSE)

5

6 MS. CLAUDINE LEE: Claudine Lee, for  
7 Dominion. So, yes, continuous -- we do have  
8 continuous monitoring. Just to -- just to make a  
9 point that not all exceedances are related to the mine  
10 operations. For example through -- through 2012 and  
11 through 2014 there were exceedances that were related  
12 to wildfire and smoke.

13 So we need time to look at that  
14 information, determine what the factors were for those  
15 exceedances, and develop some work around identifying  
16 the trends. The guidelines and the triggers related  
17 to them were designed in conjunction with -- with  
18 parties, and with the GNWT as requested. And so the  
19 key there is that we do need to identify the trends  
20 over time. One (1) exceedance does not create a  
21 trend, and therefore it's difficult to determine what  
22 an appropriate mitigation would be until you have that  
23 information and can make those -- make -- make those -  
24 - look at those -- look at that information, and  
25 determine what the trend is so that you can put in

1 effective mitigation.

2 MR. KIRBY MARSHALL: Kirby Marshall,  
3 Review Board. Thank you very much. No further  
4 questions.

5 THE CHAIRPERSON: Questions from Board  
6 members?

7 MR. JAMES WAH-SHEE: James Wah-Shee,  
8 Review Board -- Board member. I have no questions.  
9 Thank you very much, Madam Chair.

10 THE CHAIRPERSON: Okay. Thank you.  
11 At this time, we would like to break for lunch. And  
12 we'll convene back at one o'clock with presentations.  
13 Thank you.

14

15 --- Upon recessing at 11:53 a.m.

16 --- Upon resuming at 1:05 p.m.

17

18 THE CHAIRPERSON: Our first  
19 presentation this afternoon will be from the  
20 Independent Environmental Monitoring Agency.

21

22 PRESENTATION BY IEMA:

23 MR. BILL ROSS: Good afternoon. My  
24 name is Bill Ross. I'm the chair of the Independent  
25 Environmental Monitoring Agency.

1                   And I will start off...the -- the  
2 outline is -- the outline is -- is provided as follows.  
3 I will introduce -- I will then pass on -- pass the --  
4 the wand to Jaida Ohokannoak, who will talk about air  
5 quality and dust. And she will pass it on to Emery  
6 Paquin who will deal with waste rock -- waste rock and  
7 seepage management. I will then revisit very briefly  
8 for a few other matters.

9                   The -- okay. The -- the agency was  
10 created in 1997 under an environmental agreement. Our  
11 mandate is succinctly primarily to promote good,  
12 effective environmental management at the Ekati mine.  
13 More specifically, we do have a mandate to provide some  
14 advice to the Government of Canada, the Government of  
15 the Northwest Territories, and to the mine operator,  
16 and specifically that's why we're here today, to  
17 participate as an Intervenor in meetings such as this -  
18 - in a hearing.

19                   We have, as most know, been involved in  
20 this Jay Project review from the very beginning. The  
21 major task that we have in this review as we have  
22 determined is to assist the Review Board, Dominion  
23 Diamond, and others by identifying possible significant  
24 adverse effects, and by identifying measures necessary  
25 to prevent the significant adverse effects.

1                   We believe that this is how we will meet  
2 our mandate of promoting good environmental management  
3 at the Ekati mine. That is our sole purpose in -- in  
4 being here.

5                   At this point, I will turn it over to  
6 Jaida, who will talk to you about the next subject.

7                   MS. JAIDA OHOKANNOAK: Sure. Jaida  
8 Ohokannoak. In Section 7.4.1 of the review terms of  
9 reference, the Developer is required to measure  
10 emissions from the incinerator, heavy equipment, et  
11 cetera, and the buildup of those emissions on the  
12 environment, so things like nitrites, dioxins, furans,  
13 metals. And then they must show how these comply with  
14 the national standards, and what mitigation measures  
15 are in place to minimize these emissions and their  
16 impacts on the environment.

17                  While the Developer concluded that all  
18 of the effects were classified as local in geographic  
19 extent and of medium duration, because emissions and  
20 effects cease when the project activities are  
21 completed. Their magnitude classifications range from  
22 negligible to high, and consequently the effects of air  
23 quality were classified as non-significant.

24                  This position of the Developer did not  
25 change as a result of an update to their air quality

1 assessment. The agency's main concern around air  
2 quality impacts for the Jay Project relate to dust, and  
3 the proper mitigation monitoring and management. The  
4 agency is also concerned that dust may be one (1) of  
5 the main drivers in the zone of influence of caribou  
6 avoidance of the diamond mines.

7               Given the size and extent of the  
8 predicted Jay Project emissions that include dust, its  
9 proximity to Lac du Sauvage, and the importance of this  
10 area for caribou in particular, the agency is of the  
11 view that the Jay Project air emissions are likely to  
12 cause a significant adverse impact.

13               The Developer's assessment report  
14 predicted exceedances of NO<sub>2</sub>, PM<sub>2.5</sub>, and TSP above the  
15 GNWT air -- ambient air quality standards over a large  
16 part of Lac du Sauvage, and extending to the eastern  
17 shore. The agency recognizes that there has been  
18 significant improvements to the air quality monitoring  
19 and management at Ekati, and the Developer has even  
20 engaged parties to further develop an air quality  
21 emissions monitoring and management program, including  
22 developing an adaptive management framework with  
23 triggers and action levels and criteria required to  
24 trigger the appropriate management actions for NO<sub>2</sub>,  
25 PM<sub>2.5</sub>, and TSP.

1                   However, we feel that there's still some  
2 gaps and issues that need to be addressed. Firstly,  
3 for dust fall, snow sampling, and lichen sampling,  
4 there is a need to develop threshold triggers and  
5 response actions, recognizing that the nature of the  
6 sampling schedule would show longer term trends. And  
7 second, and most importantly, there is a need to  
8 develop specific and clear triggers and response  
9 actions for road dust mitigation. The key would be to  
10 have a trigger that would trigger immediate action when  
11 necessary.

12                   The current Air Quality Monitoring  
13 Management Program is designed around the Ekati's main  
14 mine site. The Jay Project will be a significant new  
15 emission source, and currently there is no sampling or  
16 monitoring sites on the north or the east side of Lac  
17 du Sauvage, or on the esker system near Jay. It is  
18 important that Air Quality Monitoring Program is  
19 designed to ensure that there is adequate coverage for  
20 ambient air quality monitoring, dust fall, snow, and  
21 lichen sampling.

22                   THE CHAIRPERSON:   Excuse me, but would  
23 you please just slow down a bit --

24                   MS. JAIDA OHOKANNOAK:   Sure.

25                   THE CHAIRPERSON:   -- for our

1 translators? Thank you.

2 MS. JAIDA OHOKANNOAK: The agency is  
3 also concerned that there are non-enforceable air  
4 quality standards in the NWT, and that there is no  
5 regulatory system to manage air quality. Additionally,  
6 given the proximity of the Jay Project to the Diavik  
7 Diamond Mine, it would make sense that there would be a  
8 stronger cooperation and coordination of air quality  
9 monitoring and management amongst the two (2) diamond  
10 mines. The agency has seen no evidence to suggest such  
11 a cooperation.

12 So the agency has recommended that the  
13 Review Board make the following suggestion to the GNWT:  
14 That the GNWT develop an appropriate and enforceable  
15 regulatory framework and a system for air quality in  
16 the NWT as soon as possible. Additionally, to ensure a  
17 more coordinated and regional approach to air quality  
18 monitoring, management, and mitigation, the agency  
19 recommends to the Review Board that DDEC, in  
20 cooperation with the GNWT and other interested parties  
21 including DDMI, should develop a regional approach to  
22 air quality monitoring, management, and mitigation.

23 The agency also -- also recommends that  
24 DDEC develop a revised Air Quality Emissions and  
25 Monitoring Management Plan collaboratively before



1 construction commences, specifically to include  
2 specific triggers for NO<sub>2</sub>, PM<sub>2.5</sub> and TSP that will  
3 result in adaptive management actions and responses.

4                   It should also plan a timetable to  
5 develop thresholds and actions in relation to dust  
6 fall, snow, and lichen sampling results. The plan  
7 should also -- should ensure that there are plans in  
8 place to manage road traffic to reduce fugitive dust,  
9 including triggers when dust suppressant must be  
10 reapplied.

11                   The plan should also identify monitoring  
12 and sampling sites to capture dust and snow samples on  
13 the northern and eastern shores of Lac du Sauvage and  
14 along the esker system. Additionally, the plan should  
15 also have a quality assurance and quality control  
16 protoco -- protocols in place to ensure data  
17 reliability.

18

19                   (BRIEF PAUSE)

20

21                   MR. EMERY PAQUIN: Emery Paquin, with  
22 the Monitoring Agency. Because of their related  
23 nature, this next presentation will combine the  
24 agency's submission on seepage on waste rock -- this is  
25 Measure 13 -- along with our Measure number 7, mercury

1 contamination.

2                   The Review Board's terms of reference  
3 requires Dominion to predict the likelihood and  
4 consequences of acid rock drainage and proactively  
5 manage against potential adverse impacts when  
6 unexpected changes are encountered.

7                   In the DAR, Dominion reported that  
8 predicted seepage and runoff from the Jay waste rock  
9 storage area throughout operations, closure and post-  
10 closure periods, will cause only small changes to water  
11 quality in Lac du Sauvage.

12                   As a result of these small changes,  
13 Dominion concludes that the effects to the health of  
14 aquatic biota or to the use of Lac du Sauvage water as  
15 a drinking water source will be neg -- negligible.

16                   While not suggesting that this  
17 conclusion is incorrect, the agency has residual  
18 concerns with respect to Dominion's conclusion.  
19 Accordingly, we are suggesting that additional  
20 monitoring is required in order to confirm Dominion's  
21 predictions and adaptive management -- and that  
22 adaptive management planning is required in the event  
23 unexpected seepage quality in quantities are  
24 encountered.

25                   Several key pieces of evidence have led

1 the agency to this recommendation. The CCME interim  
2 sediment quality guideline for mercury was exceeded in  
3 two (2) samples collected from the station within Lac  
4 du Sauvage located within the planned footprint of the  
5 dike. The CCME probable effects level was exceeded in  
6 one (1) of these samples.

7                   The DAR -- in the DAR, Dominion predicts  
8 that the average mercury concentration in waste rock  
9 storage area seepage will be approximately equal to the  
10 CCME guideline for the protection of aquatic life.  
11 Their prediction goes further to conclude -- or to  
12 predict that the maximum concentration in the seepage -  
13 - maximum concentration of mercury in seepage may  
14 exceed the guideline by as much as 50 percent.

15                   It is also unclear to us why Dominion  
16 has changed its management of potentially acid-  
17 generating and non-acid-generating rock to co-disposal  
18 within the waste rock storage area.

19                   Other pieces of evidence include the --  
20 the -- that we have noted the limited setback of 30  
21 metres from the edge of the storage area to the nearest  
22 drainage system.

23                   Also, during the June 26th conceptual  
24 management plan workshop, Dominion proposed to only  
25 monitor seepage from the Jay waste rock storage area.

1 There was no commitment during that workshop to monitor  
2 ground temperatures or groundwater within the storage  
3 area itself.

4                   The agency is concerned that, without  
5 early detection, if a problem with the storage area  
6 seepage is identified through sampling and monitoring,  
7 it may be too late, too difficult, or impossible to  
8 manage the internal storage area hydrogeologic  
9 processes. And these processes may be what's -- what's  
10 causing the problem which is manifesting itself in the  
11 seepage.

12                   And finally, the current waste rock or  
13 storage management plan does not contain triggers or --  
14 or action levels for adaptive management. And the  
15 three (3) year reporting cycle may not provide  
16 sufficient lead time should elevated levels be detected  
17 in the storage area seepage.

18                   The Agency would like to acknowledge  
19 Dominion Diamond's response to our measure in its  
20 August technical report responses. In this response,  
21 Dominion states it anticipates the requirement set out  
22 in the agency's Measure 14 will be incorporated within  
23 their water licence by the Land and Water Board.

24                   However, given the proposed co-disposal  
25 of PAG and non-PAG rock is untested thus far at Ekati,

1 and our other concerns which have been summarized over  
2 the last few minutes, there remains uncertainty as to  
3 whether the storage area seepage chemistry will be  
4 above licence limits and enter -- eventually enter Lac  
5 du Sauvage.

6                   If it does, if this -- if the seepage  
7 does enter Lac du Sauvage, we believe it could create  
8 significant impacts to water quality in near-field  
9 sectors of the lake. Therefore, the agency recommends  
10 that the Review Board require programs aimed at  
11 internal seepage monitoring and thermal performance of  
12 the waste rock storage area be established.

13                   The Agency further recommends that  
14 within one (1) year of overburden stripping being  
15 started, DDC be re -- DDEC be required to revise their  
16 existing waste rock and/or storage management plan.

17                   In the presentation and in our technical  
18 report, we set out a number of requirements that we  
19 believe should be included in the revised plan. And  
20 for the purposes of time, I will not review those -- I  
21 will not read out those -- those recommendations.

22                   MR. BILL ROSS: Bill Ross, agency.  
23 Very quickly, process observations. I would  
24 congratulate the Review Board. The process seems to be  
25 going smoothly so far. In particular, the adequacy

1 review I think was helpful in getting good information  
2 into the hands of -- of parties more quickly.

3 I would thank Dominion Diamond for good  
4 engagement with parties, and especially with ourselves,  
5 with urban progress made.

6 One (1) frustration which has gone on  
7 for a long time, of course, is the lack of participant  
8 funding for -- for communities and Aboriginal  
9 governments, and on which we make a suggestion that the  
10 -- it would be helpful if the Review Board could push  
11 the two (2) governments, or perhaps especially the  
12 Government of the Northwest Territories, to put in  
13 place some participant funding.

14 And lastly, the -- the other observation  
15 is that what we would like should the Jay proceed is to  
16 make sure that there is regular reporting on those  
17 effects so that the monitoring agency and others can  
18 follow them. So the measure there is that there should  
19 be annual reporting on the -- the progress.

20 And I won't read the rest of the words,  
21 but you understand our recommendation. Thank you.

22

23 QUESTION PERIOD:

24 THE CHAIRPERSON: Okay. Thank you.

25 Questions? Government of the Northwest Territories...?

1 MS. LORRAINE SEALE: Lorraine Seale,  
2 GNWT. Madam Chair, we have no questions.

3 THE CHAIRPERSON: Questions,  
4 Yellowknives Dene First Nation?

5 MR. ALEX POWER: Alex Power,  
6 Yellowknives Dene First Nation. We do not have any  
7 questions. Thank you.

8 THE CHAIRPERSON: Questions, Lutsel K'e  
9 Dene First Nation?

10 MR. PETER UNGER: Peter Unger, Lutsel  
11 K'e Dene First Nation. We have no questions. Thank  
12 you.

13 THE CHAIRPERSON: Questions, Tlicho  
14 Government?

15 MS. GRACE MACKENZIE: Grace Mackenzie,  
16 Tlicho Government. We have no questions.

17 THE CHAIRPERSON: Questions,  
18 Environment Canada?

19 MS. SARAH-LACEY MCMILLAN: Sarah-Lacey  
20 McMillan, with Environment Canada. We have no  
21 questions.

22 THE CHAIRPERSON: Questions, Fisheries  
23 and Oceans Canada?

24 MS. JULIE DAHL: Julie Dahl, Fisheries  
25 and Oceans Canada. We have no questions.

1 THE CHAIRPERSON: Questions, North  
2 Slave Metis Alliance?

3 MR. SHIN SHIGA: Shin Shiga, NSMA. No  
4 questions.

5 THE CHAIRPERSON: Questions, Deninu Kue  
6 First Nation?

7 MR. MARC D'ENTREMONT: Marc  
8 d'Entremont, for DKFN. We have no questions. Thank  
9 you.

10 THE CHAIRPERSON: Questions, Diavik  
11 Diamond Mines?

12 MR. GORD MACDONALD: Gord MacDonald,  
13 with Diavik. Just one (1) question. IEMA has  
14 recommended a regional air quality monitoring program,  
15 and I think you said it's either in conjunction or in  
16 cooperation with Diavik.

17 Is it IEMA's expectation that if Jay --  
18 if the Jay Project proceeds that it would result in  
19 additional cost to DDMI for regional air quality  
20 monitoring?

21

22 (BRIEF PAUSE)

23

24 MS. JAIDA OHOKANNOAK: Jaida  
25 Ohokannoak, with the Monitoring Agency. The Agency



1 made this as a suggestion, and it actually might result  
2 in cost savings if companies were to cooperate on a  
3 regional monitoring plan program.

4 MR. GORD MACDONALD: Gord MacDonald,  
5 with Diavik. Thanks very much.

6 THE CHAIRPERSON: Questions, Fort  
7 Resolution Metis counsel?

8

9 (BRIEF PAUSE)

10

11 THE CHAIRPERSON: Questions from  
12 Transport Canada?

13 MR. CHRISTOPHER AGUIRE (BY PHONE):  
14 This is Chris -- Chris Aguire, from Transport Canada.  
15 We have no questions.

16 THE CHAIRPERSON: Questions, Dominion  
17 Diamond Ekati Corporation?

18 MR. RICHARD BARGERY: Richard Bargery,  
19 Dominion Diamond. It's not often I get a chance to ask  
20 IEMA a question, but I think I'll pass. We have no  
21 questions. Thank you, Madam Chair.

22 THE CHAIRPERSON: Thank you. Review  
23 Board staff, questions?

24 MR. MARK CLIFFE-PHILLIPS: No questions  
25 from staff or legal counsel, Madam Chair.

1 THE CHAIRPERSON: Questions from Review  
2 Board members?

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON: No questions? Thank  
7 you for your presentation. If we could ask the  
8 Government of the Northwest Territories to come up for  
9 their presentation, please?

10

11 PRESENTATION BY GNWT:

12 MS. LORRAINE SEALE: Thank you, Madam  
13 Chair. My name is Lorraine Seale. I'm the manager of  
14 project assessment with the GNWT project -- Department  
15 of Lands. Our presentation today addresses socio-  
16 economics and air quality. As well as our speakers, we  
17 have other staff here today to answer questions. To  
18 save time, instead of my reading everybody's names, we  
19 have prepared a list of the staff who are available  
20 here. It's on the table outside. We've also  
21 distributed copies to Board staff. And anyone in the  
22 room who doesn't have one (1), raise your hand and one  
23 (1) of our staff will get one (1) to you.

24 I also want to note that the GNWT has no  
25 outstanding concerns related to heritage resources.

1 Our archeologist Glen MacKay is here in the room today  
2 in case there are questions. I'll now pass the -- I'll  
3 now pass the mic to Deborah Archibald, the Assistant  
4 Deputy Minister with Industry, Tourism, and Investment.

5 MS. DEBORAH ARCHIBALD: Good afternoon,  
6 Madam Chair. Thank you for this opportunity to appear  
7 be -- before the Board. I would -- I would like to  
8 take a moment --

9 THE CHAIRPERSON: If you -- if you  
10 could introduce yourself again. I'm sorry.

11 MS. DEBORAH ARCHIBALD: Oh, sorry.  
12 Deborah Archibald, Assistant Deputy Minister, Industry,  
13 Tourism, and Investment for the Government of the  
14 Northwest Territories. I would also like to take the  
15 time to introduce two (2) of my colleagues who will be  
16 speaking to some of the socio-economic elements of the  
17 discussion. And those individuals are Andy Bevan, to  
18 my right, Assistant Deputy Minister with Education,  
19 Culture, and Employment. And Lisa Cardinal, Director  
20 Corporate Planning, Reporting, and Evaluation from  
21 Health and Social Services.

22 As you know, the Northwest Territories  
23 is a major diamond producer, accounting for 81 percent  
24 of Canada's diamond production by value, and roughly 11  
25 percent of the world's diamond production. Diamond

1 mining is the largest part of our economy, accounting  
2 for 18 percent of our gross domestic product in 2014.  
3 The Ekati mine, on average, accounts for approximately  
4 37 percent of the NWT's diamond production by value.  
5 The Ekati mine has spent more than \$5 billion on  
6 northern businesses, of which almost half has been with  
7 Aboriginal businesses, and has employed over thirteen  
8 thousand (13,000) northerners since it started  
9 operations.

10 Our role in these hearings today is to  
11 advance the interests of NWT residents. The Jay  
12 Project is important to the long-term strategic  
13 interests of the Northwest Territories, to the  
14 continued strength of our economy, and the well-being  
15 of our people and communities. The Jay Project extends  
16 the life of the Ekati mine by more than ten (10) years,  
17 from 2020 to 2030. Without this expansion, Ekati will  
18 close in four (4) years.

19 Last year one thousand five hundred and  
20 thirty-nine (1,539) people were employed at Ekati,  
21 including eight hundred and two (802) northerners. The  
22 Jay Project is expected to employ four hundred and  
23 thirty-four (434) jobs during construction, and one  
24 thousand two hundred (1,200) jobs while in production.

25 The -- the GNWT is encouraged by the

1 commitments made to date by DDEC, and believes that the  
2 project could provide significant socio-economic  
3 benefits to our residents. Our objective continues to  
4 be a balanced approach to development, one that will  
5 provide opportunities to NWT businesses, employment for  
6 NWT residents, while minimizing the impacts to the  
7 environment and social and cultural well being.

8 I would like to advise the Board that  
9 the GNWT has met with the North Slave Metis Alliance,  
10 the Yellowknives Dene First Nation, and Lutsel K'e Dene  
11 First Nation. We are pleased to say that we have  
12 reached common ground on socio-economic topics with the  
13 North Slave Metis Alliance, and we will continue to  
14 work with the Lutsel K'e and the Yellowknives Dene.

15 Common ground with NSMA includes areas  
16 such as increased reporting by GNWT in the form of an  
17 implementation report, potential collaboration on  
18 future surveys, and restatement of the com --  
19 commitment to community meetings provides by the SEA.  
20 This report --

21 THE CHAIRPERSON: Excuse me. Would you  
22 please slow down so our translators can --

23 MS. DEBORAH ARCHIBALD: Okay.

24 THE CHAIRPERSON: -- comprehend? Thank  
25 you.

1 MS. DEBORAH ARCHIBALD: This report can  
2 include community-level participation in programs and  
3 services which support socio-economic effects and  
4 opportunities.

5 The Government of the Northwest  
6 Territories has reviewed the material related to socio-  
7 economics on the registry, and we'll focus our  
8 presentation in the areas of employment, training, and  
9 health and well-being, socio-economic monitoring, and  
10 then we'll conclude our statements.

11 With respect to employment, the effect  
12 of the Jay Project on employment is of high magnitude  
13 and of significant benefit in maintaining northern  
14 employment, the extension of ten (10) to eleven (11)  
15 years of employment this project provides for  
16 mitigation of the negative socio impact -- economic  
17 impact of wage loss for the period of this extension.

18 This project will have the effect of  
19 maintaining job opportunities for many northerners.  
20 The GNWT is encouraged by Dominion's increasing  
21 northern employment participation since taking  
22 ownership of the Ekati mine.

23 Further, taking significant steps to  
24 closer align with meeting SEA commitments such as  
25 discontinuing the charter service from the south has

1 shown a strong commitment to not only meeting SEA  
2 commitments, but working together to exceed them.

3               With respect to training, the demand for  
4 labour force training will be of lower magnitude as the  
5 majority of the Jay Project workforce will transition  
6 from the existing Ekati mine, allowing for the transfer  
7 of these skills.

8               As this workforce transitions to the Jay  
9 Project, they will bring with them the existing  
10 transferrable skills to fill the workforce needs of the  
11 project. Any further recruiting for the project will  
12 follow the preferential hiring for northern residents  
13 as committed by DDEC in the Ekati socio-economic  
14 agreement.

15              Training is ongoing throughout the life  
16 of the current Ekati mine project, and will continue  
17 with the Jay Project. While noting that many already  
18 trained employees from Ekati will be transferring over  
19 to Jay and the training requirements for them would  
20 likely be low, DDEC and GNWT continue to work  
21 collaboratively on training commitments.

22              Not only has DDEC met their training  
23 commitments, but they have exceeded them. The GNWT is  
24 confident that DDEC will continue to excel in this  
25 commitment as we progress and collaborate on future

1 opportunities provided as a result of the socio-  
2 economic agreement.

3               With respect to health and well being,  
4 it is not anticipated that the Jay Project will result  
5 in additional health and well being concerns. Health  
6 and well being will continue to be addressed through  
7 DDEC's commitments, the Ekati SEA, and the a  
8 collaborative effort between GNWT and DDEC.

9               More detailed commentary on employment.  
10 DDEC has agreed that the Jay Project will apply the  
11 operations phase level of a commitment as set out in  
12 the Ekati SEA. This ensures the higher level of  
13 commitment for the life of the Jay Project and the  
14 maximum potential benefit as a result of the project to  
15 NWT residents.

16              This commitment is recorded on the  
17 Registry record, number 596. Just a reminder of what  
18 the employment commitments in the SEA are for  
19 operations phase employment. It is 62 percent northern  
20 resident employment, and of that, 50 percent will be  
21 Aboriginal residents. It also includes priority hiring  
22 for Aboriginal and NWT residents.

23              The approval of the Jay Project will  
24 ensure that DDEC will continue to be a major employer  
25 in the Northwest Territories over the life the project,



1 bringing significant benefits to the NWT and its  
2 workforce.

3 GNWT continues to support NWT resident  
4 employment. The NWT Education Renewal and Innovation  
5 Framework and Action Plan, as well as the Skills 4  
6 Success Initiative, supports NWT residents to be better  
7 equipped to meet the challenges of the labour force and  
8 participate fully in opportunities. The Jay pipe  
9 project supports employment for NWT residents.

10 With respect to training, ongoing  
11 dialogue, and collaboration with, DDEC has identified  
12 building capacity in the NWT workforce as high  
13 priority. As an example of that commitment, seventy-  
14 four (74) northern prentice -- apprentices have gained  
15 employment through training at the Ekati mine. DDEC  
16 has exceeded its commitments to the apprenticeship  
17 program and continues to provide apprentice --  
18 apprenticeship opportunities to NWT residents.

19 ECE is responsive to the training needs  
20 identified by communities. Through the work in  
21 regional service centres and the career development  
22 officers, the GNWT continues to support employment  
23 supports and labour market outcomes.

24 Career development officers and staff in  
25 regional service centres work directly with NWT

1 residents to help identify career path goals and  
2 objectives and develop plans to realize those goals.  
3 They also administer programs and services in the  
4 communities that support NWT residents.

5                   And as I stated earlier, the Department  
6 of Health and Social Services does not anticipate new  
7 impacts arising from the Jay Project. The Department  
8 is confident potential impacts will be mitigated  
9 through the existing Ekati SEA.

10                   Just a note on Health and Social  
11 Services's commitments and actions under the socio-  
12 economic agreement. Health and Social Services  
13 monitors fourteen (14) indicators linked to health and  
14 wellness, and reports on these in Communities and  
15 Diamonds. The purpose of the Communities and Diamonds  
16 Report is to monitor impacts of the development in  
17 small local communities and Yellowknife, and this  
18 includes each of the three (3) diamond mines.

19                   Health and Social Services has partnered  
20 with DDEC on several initiatives as part of an ongoing  
21 commitment to address health and well-being. The first  
22 is Working on Wellness, or WOW. It is a workplace  
23 wellness initiative funded by the Canadian Partnership  
24 Against Cancer. It is designed to assist employers to  
25 reduce preventable cancers and other chronic diseases.

1                   The BETTER program improves chronic  
2 disease prevention and screening while building on  
3 existing tools. BETTER has been introduced in all of  
4 the HSS authorities and three (3) of the diamond mines.  
5 The BETTER program has launched tools for screening of  
6 cardiovascular disease, blood pressure, generalized  
7 mental health, depression and anxiety.

8                   With respect to socio-economic  
9 monitoring, GNWT's socio-economic programs and services  
10 are planned on an NWT-wide basis. Programs and  
11 services adapt to emerging needs of communities and  
12 residents, and GNWT monitors and reports on socio-  
13 economic indicators in all impacted NWT communities.

14                  Although the SEA provides for fourteen  
15 (14) indicators to be monitored, it also provides for  
16 expanding these indicators to meet community needs.  
17 For example, reporting started with fourteen (14)  
18 indicators, but over the years have grown to thirty-  
19 four (34) to provide a more fulsome picture of socio-  
20 economics.

21                  In conclusion, the socio-economic  
22 impacts from the Jay Project will be addressed through  
23 Dominion Diamonds Ekati Corporation's commitments and  
24 the socio-economic agreement. The GNWT is encouraged  
25 by the commitments made to date by Dominion Diamond

1 Corporation, and believes that the project could  
2 provide significant socio-economic benefits to NWT  
3 residents.

4 Our objective continues to be a balanced  
5 approach to develop -- development, one that will  
6 provide opportunities to NWT businesses, employment for  
7 NWT residents, while minimizing impacts to the  
8 environment and social and culture -- cultural well-  
9 being.

10 The GNWT recommends that the Review  
11 Board approve the Jay Project with no socio-economic  
12 measures.

13 At this point, I would like to conclude  
14 the presentation on socio-economics and hand over to  
15 the Environment and Natural Resources for the air  
16 quality presentation. Thank you, Madam Chair.

17 MS. AILEEN STEVENS: Hello. My name is  
18 Aileen Stevens, and I'm the air quality -- pardon me,  
19 I'm the air programs coordinator for ENR. This section  
20 of the presentation will cover the atmospheric  
21 environment.

22 GNWT has been involved in the air  
23 quality component of the Jay Project throughout the SEA  
24 process, and at this time there are two (2) remaining  
25 topics to address. This includes ambient air quality

1 and waste incineration emissions.

2 For clarity, DDEC has responded to our  
3 technical report, and therefore this presentation will  
4 include our original recommendations, DDEC's response,  
5 and any outstanding concerns.

6 We'll begin with the ambient air quality  
7 topic. In the DAR, DDEC predicts that the proposed  
8 development could release emissions that will result in  
9 exceedances of the NWT ambient air quality standards.

10 Specifically, the parameters and --

11 THE CHAIRPERSON: Excuse me. Would you  
12 be so kind to slow down for our translators again?

13 MS. AILEEN STEVENS: I'll try.

14 THE CHAIRPERSON: Thank you.

15 MS. AILEEN STEVENS: The parameters in  
16 question are nitrogen dioxide, fine particulate matter,  
17 or PM2.5, and total suspended particulate. Air quality  
18 monitoring will be implemented as part of the proposed  
19 project.

20 If air quality monitoring confirms the  
21 DAR's predictions or determines that air quality  
22 conditions are declining, then developing and  
23 implementing an effective adaptive management response  
24 will be an important method to mitigate impacts to the  
25 environment.

1                   The Developer has committed to  
2   implementing an adaptive management response plan, or  
3   AMRP, with associated trigger levels and annual  
4   reporting. However, the GNWT believed the originally  
5   proposed triggering criteria was insufficient, and  
6   specifically could have resulted in additional or  
7   prolonged exceedances of the ambient air quality  
8   standards. As such, we recommended a modified version  
9   of the triggering criteria.

10                  This table displays the triggering  
11   criteria for adaptive management I've just referred to.  
12   The first two (2) columns present DDEC's action levels  
13   and triggering criteria, which was proposed in their  
14   draft Conceptual Air Quality and Emission Monitoring  
15   and Management Plan.

16                  The third column presents the GNWT's  
17   recommended modifications to those triggers.  
18   Ultimately, our goal in modifying the triggers with  
19   "or" statements instead of "and" statements was to make  
20   for a more comprehensive system covering situations  
21   where the annual averages are reaching higher levels or  
22   where emissions are increasing year to year. This  
23   triggering criteria is consistent with other mines as  
24   well.

25                  DDEC responded to our recommended

1 triggering criteria with minor edits as presented in  
2 the red text. In the end, GNWT is in agreement with  
3 this wording change, and we commend DDEC for their  
4 commitment to adaptive management and the specifics  
5 presented in the AMRP and these triggering criteria.

6 Pardon me. The second topic in the air  
7 quality section is waste incineration. DDEC has  
8 proposed to use incineration as a primary waste  
9 management method for the Jay Project, and will be  
10 using their existing incinerators at the Ekati mine  
11 site.

12 Improper incineration of waste can lead  
13 to the formation and release of toxic contaminants such  
14 as dioxins and furans to the air that are then  
15 deposited to land and water. These contaminants can  
16 bioaccumulate and are persistent in the environment.

17 Dioxins and furans have been slated for  
18 virtual elimination under the Canadian Environmental  
19 Protection Act, and are prioritized under the Canada-  
20 wide standards for dioxins and furans, to which the  
21 GNWT is signatory.

22 Studies have linked air emissions from  
23 incineration to adverse environmental impacts to water  
24 quality, lake sediments, fish, and wildlife. Other  
25 studies have concluded that dioxins and furans have

1 similar toxicity properties as PCBs, where the major  
2 route of human exposure is through the food chain,  
3 which can lead to bioaccumulation in human tissues.

4                   A study conducted at the Ekati mine in  
5 2008 concluded that emissions from the camp's waste  
6 incinerator led to exceedances of CCME Canadian  
7 sediment quality guidelines for dioxins and furans in  
8 nearby lake bed sediments. The GNWT believes that the  
9 waste incinerators proposed for the Jay Project could  
10 have significant impact to the environment if not  
11 properly managed and audited by the Developer.

12

13                   (BRIEF PAUSE)

14

15                   MS. AILEEN STEVENS: The GNWT is  
16 supportive of DDEC's commitment to comprehensive waste  
17 management practices, and their agreement to stack test  
18 their waste incinerators every three (3) years to  
19 demonstrate compliance with the Canada wide-standards.  
20 However, in the second round of IRs for this EA, the  
21 GNWT requested that Developer commit to specific  
22 reporting time frames, response planning, and re-stack  
23 testing in the event of a failed stack test.

24                   The GNWT believes that the compliance  
25 testing process is incomplete, and ultimately



1 ineffective at protecting the environment if  
2 comprehensive and timely mitigative actions are not  
3 part of the process. At the time of this hearing, GNWT  
4 and DDEC have not reached consensus on these topics.

5           The GNWT believes that the EA process is  
6 presently the only avenue to work out these critical  
7 details. The next steps following the EA are water  
8 licensing and land use permitting, but the Land and  
9 Water Boards have explicitly stated that they do not  
10 have any authority relating to air emissions  
11 monitoring. The GNWT is currently developing  
12 legislative tools to regulate emissions from waste  
13 incineration. However, these tools are not yet in  
14 place. Therefore, it is important that these details  
15 be finalized during this EA process.

16           In the current proposed plan for  
17 monitoring emissions from the waste incinerators, there  
18 is no guarantee that any action will be undertaken if  
19 stack testing demonstrates significant quantities of  
20 contaminants are being emitted from the incineration  
21 process. If adaptive management is not carried out in  
22 a timely fashion, a significant adverse impact to local  
23 soil and water quality is likely.

24           The primary components of GNWT's  
25 recommended waste incineration measure were generally

1 relating to timely submission of stack test reports,  
2 implementing mitigative measures in the event of a  
3 failed stack test, and re-stack testing to verify  
4 compliance to the Canada-wide standards. In DDEC's  
5 response to GNWT's technical report, they committed to  
6 various components of the recommended measure.  
7 However, a few key items were not addressed. The  
8 specific details of the measure and the outstanding  
9 items will be discussed on the following slides.

10           The first part of the measure is around  
11 timely submission of stack test reports. Specifically,  
12 GNWT would like DDEC to submit the stack test report to  
13 the GNWT within forty-five (45) days of conducting the  
14 stack test, and DDEC responded with a commitment to  
15 submit the report within forty-five (45) days of  
16 receiving it from their consultant.

17           The intent from the GNWT is timely  
18 submission of information, so that the next steps can  
19 also proceed in a timely fashion. Although DDEC has  
20 committed to submitting test results, they have  
21 neglected to take accountability for the turnaround  
22 time of their consultants. GNWT recognizes this is not  
23 a hundred percent in the control of DDEC. However,  
24 there must be reasonable turnaround time expectations  
25 on their consultants.

1                   If DDEC's commitment were accepted as  
2 is, regardless of their positive intentions, then  
3 technically, months could go by following a stack test  
4 with nothing provided by a busy consultant, which means  
5 that reporting on a potentially failed stack test could  
6 drag out, and a poorly performing incinerator would  
7 simply continue to pollute for longer than necessary.  
8 The absence of a concrete timeline ultimately isn't a  
9 timeline at all.

10                   The GNWT would like to point out that  
11 their request for test results does not require any  
12 analysis or interpretation by DDEC. It is simply  
13 passing on information. Further --

14                   THE CHAIRPERSON:   Excuse me, would you  
15 be so kind to slow down again. Thank you.

16                   MS. AILEEN STEVENS:   Furthermore, GNWT  
17 has observed turnaround time on reports from stack test  
18 consultants to be less than forty-five (45) days.

19

20   (BRIEF PAUSE)

21

22                   MS. AILEEN STEVENS:   This is only the  
23 first step in the compliance process, which triggers  
24 adaptive management which ultimately leads to the  
25 prevention of the discharge of contaminants.

1 Therefore, GNWT maintains the recommendation of  
2 submitting results to ENR and EC -- Environment Canada  
3 within forty-five (45) days of the stack test.

4                   The second part of the measure relates  
5 to the develop -- development and implementation of  
6 mitigative measures in the event of a failed stack  
7 test. It is meant to ensure that the issues with the  
8 incinerator or operations are identified, and that  
9 adaptive management is carried out quickly in order to  
10 prevent the discharge of dioxins and furans into the  
11 environment. GNWT specifically recommended that an  
12 AMRP be developed and implemented within ninety (90)  
13 days of a failed stack test.

14                   The GNWT interprets the DDEC's response  
15 to mean that they would require ninety (90) days from  
16 the time they provide us the stack test results to  
17 develop and implement their air -- AMRP. We recognize  
18 there may be challenges associated with identifying and  
19 addressing the causes of exceedances, and therefore we  
20 accept this time frame under the condition that the  
21 stack test results are provided to the GNWT within  
22 forty-five (45) days of the stack test as per the first  
23 part of this measure.

24                   GNWT would like to point out that this  
25 compromise results in an additional forty-five (45)

1 days for DDEC to rectify their incineration operations,  
2 and ultimately reduce the discharge of contaminants  
3 into the environment.

4                   The final part of our recommended  
5 measure relates to restack testing with the objective  
6 of demonstrating whether mitigative actions were  
7 effective or not. We recommended that DDEC restack  
8 test their incinerator within six (6) months of the  
9 original failed stack test. DDEC responded to this  
10 recommendation by committing to restack testing at a  
11 frequency yet to be determined. As such, the point of  
12 contention relates again to time line.

13                   GNWT believes that restack testing is a  
14 vital component of the compliance testing process since  
15 without it one cannot be certain if the mitigative  
16 measures were appropriate, or effective. The series of  
17 events from the point of the original stack test to  
18 implementing mitigative measures to closing the loop  
19 with a follow-up stack test should be as short as  
20 possible under the assumption of continued releases of  
21 dioxins and furans to the environment under a worst  
22 case scenario.

23                   DDEC's commitment, regardless of their  
24 good intentions, could result in restack testing  
25 occurring up to three (3) years later, which is

1 essentially the time line relating to their commitment  
2 to periodic stack testing. If this maximum time frame  
3 scenario were realized, then ultimately it could mean  
4 that the incinerators could be out of compliance for  
5 three (3) years, and then the process could continue to  
6 repeat.

7                   The GNWT recognizes there is an expense  
8 associated with incinerator stack testing, which is why  
9 it's in the Proponent's best interest to ensure that  
10 the incinerator is operated strictly in accordance by -  
11 - with its design by trained operators with appropriate  
12 preventative maintenance conducted, and internal audits  
13 to ensure everything is being done correctly.

14                   If the incinerator is being operated and  
15 maintained appropriately, then there shouldn't be any  
16 failed stack tests, and logically no requirement to  
17 restack test. In summary, the GNWT maintains its  
18 original recommended measure to restack test within six  
19 (6) months of the initial failed stack test.

20                   In conclusion, the GNWT believes that  
21 mandating clear time frames for stack test reporting,  
22 adaptive management planning and implementation, and  
23 verification of the effectiveness of any adaptive  
24 management undertaken will help mitigate the  
25 significant adverse impact to the receiving environment

1 from this emission source. Thank you.

2

3 (BRIEF PAUSE)

4

5 MS. LORRAINE SEALE: Thank you.

6 Lorraine Seale, GNWT. That concludes our presentation,

7 Madam Chair, and we're now available for questions.

8

9 QUESTION PERIOD:

10 THE CHAIRPERSON: Thank you. Questions

11 from Yellowknives Dene First Nation?

12 MR. ALEX POWER: Alex Power,

13 Yellowknives Dene First Nation. Yes, I'd like to

14 first, I guess, thank the GNWT for having so many

15 people here. That's always a help, especially in light

16 of their silence on all issues this morning.

17 So my first question goes to emissions.

18 So it -- it seems to me that a lot of the dimensions

19 they proposed would be moot if they had regulatory --

20 enforceable regulatory system in place.

21 And so my question is: What sort of

22 time line are we looking at for actually having a

23 regulatory system in place, especially in light of this

24 not really being, like, breaking new ground? Lots of

25 places have regulatory frameworks on which this at

1 least could be partially based.

2 And so does the GNWT have any projected  
3 time line for having anything like this in place?

4 MS. AILEEN STEVENS: Aileen Stevens,  
5 with ENR. No, we definitely have identified  
6 incineration as a topic that requires regulatory tools  
7 in place, and we are working at it. But at this time,  
8 we don't have a time line for having tools ready to  
9 implement.

10 MR. ALEX POWER: Alex Power,  
11 Yellowknives Dene. Thank you. So I also have some  
12 questions about so -- the socio-economic issues. So --  
13 give me a sec here.

14 Does the GNWT have any concerns at all  
15 about the sort of socio-economic either agreements or  
16 process or how this is being carried out in light of  
17 reports and downward trending markers, such as gender  
18 gaps in -- well, the gender gaps in employment isn't  
19 trending downwards, but it's persistent and significant  
20 and has been identified by all parties as an area of  
21 great concern, income disparity within communities and  
22 incidents of STIs or any number of issues that have  
23 been brought up by parties of areas of concern?

24

25 (BRIEF PAUSE)



1                   MR. ANDY BEVAN:    Madam chair, Andy  
2 Bevan, Education, Culture, and Employment. Just with  
3 respect to -- I missed this mornings proceeding, but my  
4 staff advised me there was a dialogue and a discussion  
5 and some concerns ranged around -- with respect to  
6 gender gaps, gender and equality.

7                   I -- I can advise that Education,  
8 Culture, and Employment has got at least one (1)  
9 program specific to addressing the needs of increases  
10 childcare spaces for -- in all communities across the  
11 NWT, obviously, but in many of the commun --  
12 communities obviously relevant to this process.

13                   It is essentially a wage subsidy  
14 program. So depending on the levels of education  
15 attained by the -- the early childhood employee, the  
16 government's providing additional wage subsidies to --  
17 to all of those people employed in that industry with a  
18 view, obviously, to making sure that there's more  
19 childcare spaces available for -- for all residents  
20 across all communities.

21                   As respect -- with respect to the  
22 process question, the Department has no comments with  
23 respect to that. Thank you.

24                   MR. ALEX POWER:    Alex Power,  
25 Yellowknives Dene First Nation. I was curious how the

1 GNWT reconciles the stated objective of -- of advancing  
2 the objectives of northerners while remaining silent on  
3 so many issues, especially with regard to socio-  
4 economic...

5 MS. DEBORAH ARCHIBALD: Thank you.  
6 Deborah Archibald, Assistant Deputy Minister Industry  
7 Tourism and Investment. Madam chair, I would -- I  
8 would draw your attention to Section 2.0 of the -- of  
9 the socio-economic agreement.

10 So -- and -- and pieces of it. I'm not  
11 going to read it verbatim, but to the greatest --  
12 greatest degree reasonably practicable, the GNWT will  
13 provide programs to the people of the Northwest  
14 Territories to take advantage of training, employment,  
15 and business opportunities.

16 And to the greatest degree possible,  
17 these will be -- shall be made available by DDEC to  
18 northern residents that regular monitoring of socio-  
19 economic impacts are undertaken, and that negative  
20 social impacts of the project on communities are  
21 minimized, and all opportunities for the increased  
22 wellness of those communities are maximized.

23 And finally, that there -- there exists  
24 an effective, ongoing working -- working relationship  
25 between DDEC and GNWT on these matters in a spirit of

1 cooperation and with mutual respect for the goals and  
2 aspirations of each other.

3 And then I would also note Section  
4 4.2.2, that -- that states:

5 "DDEC agrees to take all reasonable  
6 steps, acting in good faith, to  
7 employ, pursuant to a preferential  
8 hiring process, the greatest possible  
9 number of northern residents in the  
10 project."

11 And, in our view, we are satisfied with  
12 the efforts that Dominion is making. They are meeting  
13 employment targets, they are exceeding training  
14 targets, and they are showing continuous improvements,  
15 and they are making best efforts.

16 And two (2) notable examples of those  
17 are the -- the discontinued direct flights from the  
18 south, the relocation of -- of head office to  
19 Yellowknife.

20 Thank you, Madam Chair.

21 MR. ALEX POWER: Alex Power,  
22 Yellowknives Dene First Nation. I guess that's all my  
23 questions. Thank you.

24 THE CHAIRPERSON: Questions from IEMA,  
25 the monitoring agency?

1 MS. JAIDA OHOKANNOAK: Thank you, Madam  
2 Chair. Jaida Ohokannoak, Monitoring Agency. Our  
3 questions are regarding air.

4 First, when is the GNWT going to develop  
5 an enforceable regulatory framework for ambient air  
6 quality?

7 MS. AILEEN STEVENS: Aileen Stevens,  
8 ENR. Aside from developing regulatory tools for  
9 incineration, we are going to be looking at a  
10 regulatory program for all air quality in the NWT. And  
11 a time line for that has not yet been established.

12 A component of that program may include  
13 ambient air quality standards, but the details of it  
14 have yet to be determined.

15

16 (BRIEF PAUSE)

17

18 MR. BILL ROSS: Bill Ross, Monitoring  
19 Agency. I -- I guess this is almost less of a question  
20 and more of a frustration. Why aren't you right on top  
21 of this now? I would have thought that this is  
22 something that should have been the very top of your  
23 list with devolution and you'd want to be doing that.

24 Or how about the ambient air quality  
25 objectives that I think you now have? Would -- do you

1 have any plans to roll them over into standards that  
2 would be somehow enforceable?

3

4 (BRIEF PAUSE)

5

6 MS. AILEEN STEVENS: Aileen Stevens,  
7 ENR. I'm sorry, I don't have much more to offer than  
8 my first response. We -- we definitely do see it as a  
9 priority, and we are working towards developing a  
10 regulatory framework. It is a priority. I mean -- and  
11 once we have a timeline established, we'll definitely  
12 advise the stakeholders of that.

13 And I'm sorry, I -- I can't offer much  
14 more. I know regulations do take some time. They  
15 don't happen overnight, so. Devolution occurred a year  
16 and a bit ago, and we're going to continue to work  
17 towards it.

18 MR. BILL ROSS: Bill Ross, Agency.  
19 Forgive my frustration. Let me be more substantial and  
20 focussed on Jay. One (1) of -- I -- I know you've been  
21 in discussion with Dominion Diamond. One (1) of the  
22 expectations is that air quality trigger levels will be  
23 worked out in collaboration with you folks.

24 How -- how will your guidelines lead to  
25 air quality trigger levels in their Adaptive Management

1 Plan for air quality?

2 MS. AILEEN STEVENS: Aileen Stevens,  
3 ENR. My understanding is that our ambient air quality  
4 standards are being used for NO2, PM2.5, and adopted  
5 for TSP in their Adaptive Management Response Plan. As  
6 it stands right now, it is the only tool really  
7 available to us at this time in terms of set numbers.  
8 The -- the whole response approach is to ensure that  
9 there are actions taken prior to those limits being  
10 reached, and establishing the levels for each of those  
11 actions have been modelled in part around the national  
12 Air Quality Management System, and the way the Canadian  
13 ambient air quality standards have been set.

14 And -- well, sorry, hopefully that  
15 answers your question.

16 MS. JAIDA OHOKANNOAK: Jaida  
17 Ohokannoak, Monitoring Agency. Well, DDEC in -- as a  
18 company is looking at using your air quality and -- and  
19 air -- ambient air quality standards, but they're just  
20 looking at longer term trends.

21 So basically, I want to know, because  
22 your standards have applicability for one (1) hour and  
23 twenty-four (24) hours, as well as yearly rates, how do  
24 these guidelines appli -- apply to deal with short-term  
25 episodic events that would happen at the mine -- at the

1 Company?

2 MS. AILEEN STEVENS: Aileen Stevens,  
3 ENR. You're absolutely right. There are different  
4 averaging periods in our ambient air quality standards.  
5 At this time, the adaptive management approach for DDEC  
6 is looking at the annual standards. Historically,  
7 they've done their air quality reporting on a triannual  
8 time frame, but they have agreed to increase that  
9 frequency to annually in order to review their ambient  
10 data more frequently and have adaptive management in  
11 place earlier.

12 These are positive steps we're making  
13 for -- we're making positive steps in the Ambient Air  
14 Quality Monitoring Program, but certainly more frequent  
15 review of the air quality data is absolutely vital for  
16 any monitoring program to ensure not only that your  
17 instruments are functioning properly, but that you are  
18 capturing any elevated levels, and so that you can look  
19 into it and identify potential sources, and identify a  
20 need to mitigate those issues.

21

22 (BRIEF PAUSE)

23

24 MS. JAIDA OHOKANNOAK: Jaida  
25 Ohokannoak, Monitoring Agency. I'd like to know: How

1 do those ambient air quality standards -- how can they  
2 be applied to fugitive road traffic dust, particularly  
3 TSP?

4 MS. AILEEN STEVENS: Aileen Stevens,  
5 ENR. I'm not clear on what your question is exactly.  
6 They'd be applied equally for any of the parameters.  
7 What do you mean specifically?

8 MS. JAIDA OHOKANNOAK: Well, the  
9 twenty-four (24) hours. Sorry, Jaida Ohokannoak,  
10 Monitoring Agency.

11 Monly -- mostly the twenty-four (24)  
12 hours for total suspended particulates. How would they  
13 be applied at the mine site for fugitive road dust?

14

15 (BRIEF PAUSE)

16

17 MS. AILEEN STEVENS: Ai -- Aileen  
18 Stevens, ENR. Is your question about at what location  
19 from the road should you be monitoring for TSP?

20

21 (BRIEF PAUSE)

22

23 MR. EMERY PAQUIN: Emery Paquin, with  
24 the Monitoring Agen -- Monitoring Agency. I believe  
25 the question really is -- here is this: The ambient



1 air quality standards include a twenty-four (24) hour  
2 standard for TSP. How does the GNWT anticipate that  
3 that twenty-four (24) hour standard, how will that be  
4 applied at the Ekati mine? Or how should that twenty-  
5 four (24) hour standard be applied at the Ekati mine,  
6 specifically for the short-term episodic events that --  
7 that can occur through operation of the haul roads, Jay  
8 Project haul roads?

9

10 (BRIEF PAUSE)

11

12 MS. AILEEN STEVENS: Well, the CALPUFF  
13 modelling that assesses the predicted dispersion of  
14 parameters such as TSP would be measured against the  
15 ambient air quality standards as the measuring stick.  
16 And on the twenty-four (24) hour basis, you look for  
17 exceedances, and attempt to mitigate based on that.  
18 And so I know that DDEC does have an active Dust  
19 Suppression Program. And if monitoring results are  
20 found to be exceeding the ambient air quality  
21 standards, then DDEC would be expected to be increasing  
22 their dust mitigative actions.

23 MR. EMERY PAQUIN: It's Emery Paquin,  
24 with the Monitoring Agency. So are you suggesting,  
25 then, that -- that the Company should be able to

1 implement or adapt its management standards based upon  
2 the twenty-four (24) hour average concentration of TSP?

3 MS. AILEEN STEVENS: Aileen Stevens,  
4 ENR. If DDEC is found to be having exceedances to  
5 these standards at their monitoring locations, then  
6 yes, they should be increasing their dust mitigative  
7 actions on their road networks.

8 MR. EMERY PAQUIN: Emery Paquin. Thank  
9 you for that clarification.

10

11 (BRIEF PAUSE)

12

13 MR. EMERY PAQUIN: It's Emery Paquin,  
14 with the -- with the Monitoring -- Monitoring Agency.  
15 I -- I just have one (1) series of -- of questions on a  
16 slightly diff -- on a -- on a different subject, and  
17 that is monitoring of the incinerator itself. As I  
18 understand it, there are a number of different ways  
19 that an individual can monitor the eff -- the  
20 combustion efficiency of an incinerator. The  
21 incinerator efficiency is -- is based upon two (2)  
22 primary factors. One (1) is the temperature in the  
23 combustion chamber. The other is the residence time  
24 that any particular contaminant spends in the combu --  
25 in the combustion chamber.

1 Does -- does the GNWT believe that  
2 temperature alone is a sufficient online, real-time  
3 means of monitoring efficiency within the com --  
4 combustion chamber, or should there be some additional  
5 online monitoring?

6 MS. AILEEN STEVENS: Aileen Stevens,  
7 ENR. That's a question about the technical  
8 efficiencies of incinerators that we haven't sussed out  
9 entirely at this time. I'm not aware of any  
10 incinerators in the North currently that have  
11 continuous emission monitoring in line aside from  
12 temperature and potentially oxygen.

13 So determining what additional  
14 parameters might be required during standard operations  
15 is -- is something that we'll be looking at and  
16 addressing as part of our incineration regulations --  
17 pardon me, incineration regulatory tools.

18 MR. EMERY PAQUIN: Emery Paquin, with  
19 the Monitoring Agency. Going beyond just the  
20 incinerators that are currently operating in the  
21 Northwest Territories at this time, are you aware of  
22 any national guidelines or requirements in -- in other  
23 jurisdictions that may require online realtime  
24 monitoring other than simply temperature in the  
25 combustion chamber?

1 MS. AILEEN STEVENS: Aileen Stevens,  
2 ENR. I believe that Ontario has required -- or  
3 mandated CEM mon -- or continuous emission monitoring,  
4 depending on the size of the incinerator, but those are  
5 some details I can look into further, if you'd like.

6 MR. EMERY PAQUIN: Emery Paquin, with  
7 the Monitoring Agency. I would request that the Board  
8 undertake this as an -- as an undertaking. And that  
9 would be to obtain from the GNWT other online moni --  
10 incineration monitoring requirements that may be  
11 required through other Canadian jurisdictions or -- or  
12 the federal government.

13 THE CHAIRPERSON: Counsel...?

14 MR. JOHN DONIHEE: Thank you, Madam  
15 Chair. It's John Donihee. More properly, I believe  
16 the undertaking should be given by GNW -- GNWT to the  
17 agency. But I think you were clear in what you were  
18 looking for, Mr. Paquin. We'll re -- assuming the GNWT  
19 confirms that they will do it, we'll record that as  
20 Undertaking number 3.

21

22 --- UNDERTAKING NO. 3: GNWT to provide a summary  
23 or copies of requirements  
24 from other jurisdictions or  
25 the federal government with

1                                    respect to what they  
2                                    require for the daily or  
3                                    hourly or continuous  
4                                    monitoring of waste  
5                                    incineration operation  
6

7                                    MS. AILEEN STEVENS:    Aileen Stevens,  
8    ENR.    Madam Chair, is it all right if I add a few notes  
9    to this line of questioning?

10                                  THE CHAIRPERSON:    If it relates to it,  
11    yes.

12                                  MS. AILEEN STEVENS:    I just wanted to  
13    clarify.    I'm assuming that because GNWT is requesting  
14    stack testing and IEMA is suggesting that there are  
15    other methods for determining the efficiency of the  
16    incinerator and certainly -- I mean, if that is the  
17    case, GNWT would just like to point out that the  
18    operations of the incinerator are extremely important  
19    during the three (3) years between stack testing and  
20    continuous emission monitoring in line in addition to  
21    temperature monitoring of the chambers are absolutely  
22    important components for a large scale incineration  
23    that GNWT is aware of and is looking at as part of our  
24    regulatory development.

25                                  THE CHAIRPERSON:    Legal counsel...?

1                   MR. JOHN DONIHEE:    Thank you, Madam  
2 Chair. I suggest that that's an additional  
3 clarification, perhaps, the question that Mr. Paquin  
4 asked.

5                   But in response to the request for the  
6 undertaking to go and get the information about other  
7 approaches from other provinces, will the GNWT provide  
8 that information to the agency?

9

10                                   (BRIEF PAUSE)

11

12                   MS. LISA DYER:    Lisa Dyer. I'm the  
13 Director of Environment with the GNWT. And I guess we  
14 have a question of: Why is this information being  
15 requested? And we're trying to have an understanding  
16 of how this will -- to what end this will be used.

17

18                                   (BRIEF PAUSE)

19

20                   MR. EMERY PAQUIN:   Emery Paquin, with  
21 the Monitoring -- Monitoring Agency. The reason we're  
22 -- we are asking this -- this line of questions right  
23 now is that Dominion has proposed, and GNWT has  
24 supported periodic stack testing -- three (3) year  
25 stack testing.

1                   We believe there are alternatives, or --  
2    yeah, alternative or additional ways in which the  
3    efficiency of the incinerator can be ensured, and that  
4    would be through more frequent inline incinerator stack  
5    monitoring. And that is why we are asking these  
6    questions now.

7                   MS. LISA DYER:    Lisa Dyer, GNWT. We  
8    would be very open to hearing about this additional  
9    information, and if IEMA has access to it, we would  
10   request that they supply this information.

11                  THE CHAIRPERSON:   Legal counsel...?

12                  MR. JOHN DONIHEE:   John Donihee, Madam  
13   Chair. Mr. Paquin, perhaps you'd just repeat the  
14   question for them one (1) more time, you know, in terms  
15   of what you're looking for, and GNWT will listen to the  
16   requested undertaking one (1) more time. Perhaps they  
17   can then decide whether they will assist the agency by  
18   providing that information or not.

19                  MR. EMERY PAQUIN:   Emery Paquin, with  
20   the Monitoring Agency. Yes, I'll -- I'll repeat the  
21   request, but also I'd like to clarify that -- that we -  
22   - we anticipate that this information will not only  
23   assist the Monitoring Agency, but will also assist the  
24   -- the Review Board.

25                  So the question -- the question is this:

1 We are aware that other jurisdictions require  
2 incinerator monitoring and testing in addition -- in  
3 -- in addition to simply monitoring the temperature in  
4 the combustion chamber. We are requesting the GNWT to  
5 provide the Review Board with a summary, or copies of  
6 documents -- requirements from other jurisdictions with  
7 respect to what they require for the daily or hourly or  
8 continuous monitoring of waste incineration operation.

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: The Chair is asking  
13 for a response from the GNWT whether -- whether or not  
14 that type of information will -- could be supplied.

15 MS. LISA DYER: Lisa Dyer, GNWT. This  
16 information is publically available, and we can -- we  
17 are willing to endeavour to pull that information  
18 together. It -- it is publically available, but the  
19 GNWT can take that initiative.

20 We're still unclear of how this  
21 information will assist and what it's required for, but  
22 we're willing to put it together.

23 THE CHAIRPERSON: Question -- questions  
24 from the Monitoring Agency?

25 MR. BILL ROSS: Bill Ross, agency. I



1 believe at this time, we have no further questions.

2 Thank you very much, Madam Chair.

3 THE CHAIRPERSON: Questions from Lutsel  
4 K'e Dene First Nation?

5 MR. PETER UNGER: Peter Unger, Lutsel  
6 K'e Dene First Nation. Thank you, Madam Chair.

7 What are the barriers that are  
8 preventing the GNWT from even providing a timeline for  
9 legally binding air quality regulations?

10

11 (BRIEF PAUSE)

12

13 MS. LISA DYER: Lisa Dyer, GNWT. To  
14 answer the question about barriers, it takes time to  
15 develop and -- regulatory tools. And currently, we're  
16 involved in doing the research and development. And  
17 unfortunately, we can't commit to a timeline.

18 We want to make sure we do a  
19 comprehensive job of this, and therefore we're still in  
20 the -- in the middle of development, and we don't have  
21 any timelines to provide.

22 MR. PETER UNGER: Peter Unger, Lutsel  
23 K'e Dene First Nation. Thank you. Could the GNWT then  
24 at least provide us a work plan so we see what the GNWT  
25 is doing and what the steps are? Because we're --

1 we're baffled why it's taking so long, and we'd love to  
2 see what these complicated steps are. Could the GNWT  
3 please provide us with the work plan?

4

5 (BRIEF PAUSE)

6

7 MS. LISA DYER: Lisa Dyer, GNWT. I --  
8 I don't think that I said in the last response that it  
9 was a difficult task to pull it together. What we've  
10 said is that we are developing regulatory tools in a  
11 step-wise fashion. It requires background research, it  
12 requires working with several parties in the  
13 development. And we want to make sure we do a  
14 comprehensive job.

15 At this time, I cannot commit to com --  
16 providing a work plan.

17 MR. PETER UNGER: Peter Unger, Lutsel  
18 K'e Dene First Nation. Thank you, but you just said  
19 it's in a step-wise fashion. Could -- could we know  
20 the steps? Because from our perspective, it seems like  
21 it's taking a very long time.

22 And -- and I'm sure there's good reason  
23 for it, and it would help if we know what those reasons  
24 are. So if we at least could see the steps, what kind  
25 of research needs to be done, that would be helpful.

1 Thank you.

2

3

(BRIEF PAUSE)

4

5 MS. LISA DYER: Lisa Dyer, GNWT. We  
6 are more than willing to provide kind of the process  
7 that we're following, and we can provide that as an  
8 undertaking.

9

THE CHAIRPERSON: Legal counsel...?

10

MR. JOHN DONIHEE: Thank you, Madam  
11 Chair. It's John Donihee. We'll record that as  
12 Undertaking Number 4, then.

13

GNWT will file with the Board and  
14 provide to the Lutsel K'e Dene First Nation a  
15 description of the steps that are involved in  
16 developing these new regulatory air -- air quality  
17 regulatory tools.

18

19 --- UNDERTAKING NO. 4: GNWT to provide a  
20 description of the steps  
21 that are involved in  
22 developing new air quality  
23 regulatory tools

24

25 MR. PETER UNGER: Thank you. Peter

1 Unger, Lutsel K'e Dene First Nation. Many of the  
2 indicators in the Communities and Diamonds Reports show  
3 negative changes such as potential years of life lost,  
4 STI rates, single-parent families, violent crimes, et  
5 cetera. And this is despite the GNWT's programs.

6 How is the GNWT adjusting their programs  
7 to address these negative changes? Thank you.

8 MS. LISA CARDINAL: Lisa Cardinal,  
9 Government of the Northwest Territories. The  
10 Department of Health and Social Services takes a  
11 population based approach to planning programs and  
12 services. We regularly monitor a number of indicators  
13 and track for trends, and programming has been adjusted  
14 to reflect those trends. Some recent examples are with  
15 the STI rates.

16 There's a number of reasons for  
17 increases in STI rates. And we have seen in -- changes  
18 in fluctuations over the -- a number of years, both pre  
19 and post mining. So it's very difficult to be able to  
20 attribute to the mining. We are seeing the -- the  
21 trends being consistent with what's happening  
22 nationally. It is also an area where the Government of  
23 the Northwest Territories is able to partner with  
24 industry. We often engage with -- with industry in the  
25 mines to be able to help us deliver awareness and

1 prevention programming relating to STIs.

2                   We aren't seeing for the potential years  
3 of life lost. We aren't able to -- to attribute  
4 changes to pre or post mining. So it is something that  
5 we would monitor and track and adjust programming on as  
6 an ongoing basis. We produce regular health status  
7 reports, which help us identify changes and shifts in  
8 the burden of chronic disease, and programming is then  
9 adjusted.

10                   We currently are delivering enhanced  
11 programming in the area of cancer. We are developing a  
12 cancer strategy that will be available for release  
13 shortly. A lot of the input into the development of a  
14 cancer strategy is based on not only tracking  
15 indicators, but also on working with communities, local  
16 communities, to determine how best to meet their needs.  
17 So we have -- we have carried out a number of cancer  
18 sharing circles in a number of communities. But  
19 overall changes in programming and programming are done  
20 on a population health basis.

21                   MR. PETER UNGER: Thank you. Peter  
22 Unger, Lutsel K'e Dene First Nation. Maybe I didn't  
23 phrase that right. I'd -- I'd love, like, a -- a  
24 concrete example, for example. So you mentioned STIs,  
25 and that you've made changes. Could -- could you walk

1 me through that? Just give us an example? I'm going  
2 to get to whether its attributable to -- attributable  
3 to the mine or not shortly, but I just wanted to know  
4 given that it's trending in a way we would like it not  
5 to trend, what are you doing to change things to stop  
6 that? So you did mention that you made changes.

7                   Could you please just cite me one (1) or  
8 two (2) examples? Thank you.

9                   MR. LES HARRISON: Les Harrison, CEO,  
10 Yellowknife Health and Social Service Authority. So in  
11 each -- in each health authority there is a sexual  
12 health program that specifically, in which nursing,  
13 public health nursing, delivers sexual health  
14 programming, and also provides education and support to  
15 clients around STD rates, and provides harm reduction  
16 approaches such as, you know, condoms, those kinds of  
17 things that would -- to try to help educate and create  
18 awareness, specially amongst young people.

19                   And particularly in Yellowknife and in  
20 some of the larger centres there are nurses  
21 specifically identified as sexual STD nurses that  
22 provide and deliver services. And also these services  
23 are not just delivered in -- in the clinics or the  
24 health centres, but they are delivered in the schools  
25 in terms of education and prom -- health promotions and

1 in other settings, day shelters, or -- or family  
2 violence shelters.

3 MR. PETER UNGER: Peter Unger, Lutsel  
4 K'e Dene First Nation. Clearly I'm not phrasing it  
5 right, so my point is, is that it's things -- these are  
6 trending not in a way we'd like it to go. And what I  
7 am looking for is that the GNWT is adapting and  
8 adjusting. So I'd -- I'd like a before and after  
9 picture given that you have these services, but you've  
10 had these ones for a long time.

11 What are you doing to ramp up efforts to  
12 reverse negative trends? And an example of that would  
13 be something you've done recently to address things  
14 that are still trending negatively. Thank you.

15

16 (BRIEF PAUSE)

17

18 MR. LES HARRISON: Les Harrison,  
19 Yellowknife Health and Social Service Authority. ST --  
20 for us, STDs or STIs may not be the best example. But  
21 I think a better example for our system would be the  
22 use of electronic medical records across the system in  
23 which the sys -- the electronic medical record system  
24 helps to provide both quality data and ensures  
25 consistency of care and quality of care to residents.

1                   So the -- the -- you know, the -- for  
2 Yellowknife, Health and Social Services is the lead  
3 agency for the electronic medical records system. And  
4 we are working on a project with the Canadian Primary  
5 Care Sentinel Surveillance Network, it's a long title,  
6 along eight (8) chronic diseases, of which diabetes,  
7 COPD, depression, and a number of other chronic  
8 diseases are -- are also part of certainly some of the  
9 issues that are residents in the territory are dealing  
10 with.

11                   And so it's our aim to use that quality  
12 data to develop within our electronic medical reg --  
13 records system sort of a -- I'm just trying to think of  
14 the -- the appropriate title or appropriate word, but,  
15 basically, processes within the system that help, like,  
16 in terms of patient reminders to ensure that patients  
17 are receiving the care that they need at certain  
18 points.

19                   A case example would be in terms of  
20 diabetes within -- you know, there's a very wide range  
21 of diabetes-type cases. And for some cases, monitoring  
22 needs to occur on a much more consistent basis. And so  
23 for those types of clients, the system is able to  
24 identify them and help set up automatic patient  
25 reminders so that it no longer is reliant on the



1 physician to remember, or the clinic staff to remember  
2 whether or not they should be arranging appointments  
3 and following up with clients; the system actually  
4 helps them do that.

5                   So that's one (1) example of, you know,  
6 the -- the direction that, you know, this -- this  
7 project would become, you know, potentially a  
8 territorial project going forward. So it's about  
9 really how do we use data. First of all, processes to  
10 -- to get good quality data. And then, once we've got  
11 those processes in place, how can we -- what are our  
12 strategies to improve our results.

13                   And then this system would enable us to  
14 appropriately monitor and evaluate whether or not we're  
15 making a difference.

16                   MR. PETER UNGER: Peter Unger, Lutsel  
17 K'e Dene First Nation. Thank you. Moving on then.  
18 The GNWT mentioned that it does not attribute negative  
19 changes to -- to mining. What -- what empirical  
20 research has been done to reach this conclusion? Thank  
21 you.

22                   MS. LISA CARDINAL: Lisa Cardinal,  
23 Government of the Northwest Territories. The  
24 Department of Health and Social Services monitors and  
25 reports on a number of trends, the ones that are

1 committed to report on as part of the SEA and that  
2 appear in the Communities and Diamonds Report, as well  
3 as a number of other indicators that allow us to track  
4 and monitor the overall health status of the  
5 population.

6 In looking at the indicators specific to  
7 the Communities and Diamonds Report, there has been no  
8 ability for us to attribute cause and effect of the  
9 mining to the specific indicators. This becomes  
10 increasingly difficult as the number of projects in the  
11 NWT increase.

12 So we have not been able to, based on  
13 the data in our analysis, attribute cause and effect to  
14 any one (1) specific diamond mining project.

15 MR. PETER UNGER: Thank you. Peter  
16 Unger, Lutsel K'e Dene First Nation. So just to be  
17 clear, the GNWT has not been able to attribute mining  
18 to negative socio-economic effects. It is not stating  
19 that mining does not have negative socio-economic  
20 effects. It has simply not been able to attribute them  
21 to mining. Is this correct?

22 MS. LISA CARDINAL: Lisa Cardinal,  
23 Government of the Northwest Territories. This is  
24 correct.

25 MR. PETER UNGER: Peter Unger, Lutsel

1 K'e Dene First Nation. Thank you. I'm going to turn  
2 it over to Berna Catholique.

3 MS. BERNA CATHOLIQUE: Berna  
4 Catholique, Lutsel K'e Dene First Nation. How has the  
5 GNWT involved community leadership in monitoring  
6 indicators within the respective communities?

7 MS. DEBORAH ARCHIBALD: The -- Deborah  
8 Archibald, GNWT. The Ekati Socioeconomic Agreement  
9 sets up a process for monitoring those indicators.  
10 Obviously first -- first and foremost communities have  
11 their impact benefit agreements with DDEC through which  
12 they can directly discuss with the Proponent those  
13 concerns.

14 And then the GNWT, through -- through  
15 the Socioeconomic Agreement, meets with communities  
16 annually to hear their concerns. And if there are --  
17 are concerns on indicators then, you know, those can  
18 emerge through the community -- the bilateral community  
19 meetings. And then the GNWT would bring the -- brings  
20 those forward for discussion with DDEC at our annual  
21 socio-economic agreement meeting. Thank you.

22 MS. BERNA CATHOLIQUE: Thank you. And  
23 I have another question. Berna Catholique, Lutsel K'e  
24 Dene First Nation. Last February we had a tragic  
25 situation in the community of Lutsel K'e. A couple

1 committed suicide.

2           The GNWT's presence was not evident  
3 before or after the event. The person involved did not  
4 have any support beforehand to deal with mental issues,  
5 and the family did not have support afterwards.

6           How is the GNWT addressing situations  
7 like this one? Also, there is still ongoing attempts  
8 of suicides. Why do we have to wait for something to  
9 happen before we get help in the -- for suicide in the  
10 community? Thank you.

11

12                               (BRIEF PAUSE)

13

14           MR. LES HARRISON: Les Harrison,  
15 Yellowknife Health and Social Service Authority.  
16 Yellowknife Health and Social Service Authority is --  
17 is an agency of the GNWT. We deliver services to  
18 Lutsel K'e. And, you know, I just want to say that --  
19 that suicide impacts the entire community, and -- and  
20 it impacts the entire territory. Really the community  
21 and -- and even large -- largely the -- the NWT  
22 community is -- is like a family, and certainly aware  
23 of the situation that occurred in Lutsel K'e.

24           And in those situations, the -- you  
25 know, what we do as a health authority and what -- what

1 the GNWT does basically is we -- we do contact the  
2 family, and we do contact those members of the  
3 community that, you know, may be suffering from grief  
4 or loss. And there -- we also have a critical stress  
5 debriefing process that we go through with those  
6 individuals, oftentimes caregivers, that we offer to  
7 those individuals to help process, you know, what they  
8 have experienced.

9                   And overall we do provide grief and loss  
10 counselling. You know, but all of those things aside  
11 we can't take away from the seriousness of these kinds  
12 of incidents, and the impact to those families. And  
13 one thing that we are trying to do is to help  
14 strengthen the community in terms of its ability to  
15 respond to situations of this nature.

16                   We could do many different things, but  
17 at the end of the day it's -- it's really challenging  
18 but people do make decisions, whether they have given a  
19 lot of thought to them. Sometimes those decisions  
20 impact -- result in death and loss of life maybe for  
21 more than just the -- the one (1) individual.

22                   But we do -- you know, some of the  
23 programs that we've offered in Lutsel K'e and in other  
24 communities are mental health first aid. Mental health  
25 first aid is -- is really to help educate people about

1 mental health, mental illness, and -- and how, as a --  
2 as sort of a community member or a professional, you  
3 know, what do you do about those kinds of situations?

4                   And so like with mental health,  
5 identifying an issue that people might be going through  
6 is critical and needs to happen, not just, you know,  
7 through the expertise of -- of nursing or health care,  
8 but also we need to develop that expertise amongst  
9 community members.

10                   We do have a course that -- that we also  
11 provide called the -- it's the ASIST program, Applied  
12 Suicide Intervention Skills. And we've offered those  
13 programs in the communities as well.

14                   So it -- it's difficult to answer this  
15 question, Berna, but we're definitely committed to  
16 continuing to support people and to try and strengthen  
17 the community's ability to respond to those kinds of  
18 incidents. I think that they will continue to happen,  
19 but we're going to do the best we can to -- to try and  
20 mitigate them in the future.

21                   THE CHAIRPERSON: Excuse me. As Chair,  
22 I would like to remind all that are asking questions or  
23 making statements that the questions or statements have  
24 to be pertinent to the project. Thank you.

25                   MR. PETER UNGER: Thank you, Madam

1 Chair. Peter Unger, Lutsel K'e Dene First Nation. I  
2 have one (1) more question along this line, and I think  
3 it's relevant to the project in that the residents of  
4 Lutsel K'e see many of these effects of impacts of  
5 mining. May I ask one (1) more related to this, a  
6 simple one?

7 THE CHAIRPERSON: We'll hear the  
8 question, and if it's out of order, I will call it out  
9 of order.

10 MR. PETER UNGER: Thank you. Peter  
11 Unger, Lutsel K'e Dene First Nation. I just wanted to  
12 know when the last time this ASIST course was provided  
13 in Lutsel K'e.

14 MR. LES HARRISON: Les Harrison, YHSSA.  
15 Sorry. I apologize. We provided two (2) courses in  
16 Lutsel K'e in 2014, and I think we have -- we're --  
17 we're due to provide it again during the '15/'16 fiscal  
18 year.

19 MR. PETER UNGER: Peter Unger, Lutsel  
20 K'e Dene First Nation. Thank you. We have no further  
21 questions.

22 THE CHAIRPERSON: Questions, Tlicho  
23 Government?

24 MS. GRACE MACKENZIE: Grace Mackenzie,  
25 Tlicho Government. It is -- in our opinion, very few

1 Tlicho workers have advanced or moved up in their  
2 careers in the mines. And many still need training to  
3 achieve this, but on slide 6 it states, "Training will  
4 of lower magnitude."

5 I'd like to know what GNW -- GNWT plans  
6 in supporting advancement in the mines. And I -- I  
7 have a couple more questions. I'll put all my  
8 questions together.

9 As saying, training will be of lower  
10 magnitude, but as current workforce ages, I'm sure some  
11 will be retiring, some are thinking of retiring or  
12 moving on.

13 I'd like to know what type of data, age  
14 data, that you have that you predict that a large  
15 number of employees will be transitioning to the Jay  
16 Project.

17 Thank you. Those are my questions.

18 MR. ANDY BEVAN: Andy Bevan, Education,  
19 Culture, and Employment. So I guess with respect to  
20 the first question, we're obviously working with --  
21 with all of the diamond mines actually around, you  
22 know, very effective and the most effective ways of  
23 ensuring that obviously northern residents are  
24 maximizing the opportunities provided by the mining  
25 industry.



1                    Obviously we're -- we work with DDC --  
2                    DDEC very closely. I think either prior to or in the  
3                    presentation so you'll note that the -- the Company is  
4                    meeting its -- both its hiring targets and -- and its  
5                    training targets. That said, we're as a government  
6                    obviously continually trying to improve our programs,  
7                    and as a consequence I think we have renewed optimism  
8                    for -- for our dialogue with -- with the diamond mines.

9                    In particular we've got -- we have a  
10                    Canada job grant program that we're doing in  
11                    partnership with the federal government right now. So  
12                    we're in dialogue with the Proponent as we speak around  
13                    how those territorial and federal funds can be best  
14                    utilized to ensure that the -- the Company not only  
15                    maintains its present commitment to training. But, you  
16                    know, we hope, of course, that we can leverage those  
17                    dollars and -- and ensure more and more people are  
18                    trained.

19                    We are working with the organization  
20                    very, very closely around some of the enhancements our  
21                    government and our department has made around the  
22                    student financial assistance. So that's a little less,  
23                    obviously, about present employees and -- and ensuring  
24                    that they're, you know, promoted accordingly. But it  
25                    is very much about ensuring that the Proponent is best

1 positioned to continue to meet the hiring targets.

2                   So in particular, we're trying to  
3 encourage our -- all of our northern students who are  
4 studying outside of the Northwest Territories to come  
5 back by way of remission, and -- and bonus incentives.  
6 We feel that's really important to both the growth --  
7 population growth perspective, but also obviously to  
8 ensure that the labour market needs of DDEC and other -  
9 - other large employers around the -- the NWT are --  
10 are met.

11                   The department is actually going through  
12 a -- a review and reform initiative as we speak called  
13 "Skills for Success." And that's intended to take a  
14 critical review of all of our post-secondary, our adult  
15 education, and our training programs. The Minister of  
16 Education has committed to tabling a -- a ten (10) year  
17 framework during the life of this assembly. This work  
18 has obviously consumed a lot of the department's time  
19 over the last six (6) months, but we've been engaged  
20 with DDEC, other industry representatives,  
21 representative Aboriginal governments, trading  
22 partners, et cetera.

23                   So I think we can say with confidence  
24 that certainly the Department of Education, Culture,  
25 and Employment is -- has an effective ongoing working

1 relationship with DDEC. I think our present  
2 enhancements to certain programs borne of review and --  
3 and reform will assist not only DDEC, but other --  
4 other industries, and the mining industry in  
5 particular, help to meet their ongoing labour market  
6 needs.

7                   And obviously very practically around  
8 advancement. You know, the best thing we can do, and I  
9 think the most effective thing we are doing is ensuring  
10 we're working with DDEC to -- to ensure that any  
11 territorial or federal training dollars they're aware  
12 of, how best to use them strategically. And that's a  
13 dialogue we have on a continuing basis.

14                   With respect to the second question, I  
15 think it's essentially borne of, you know, kind of  
16 demographics. I'm not a statistical or demographic  
17 expert, but I do as -- as part of our Skills for  
18 Success initiative we have undertaken a very, very and,  
19 in fact, I think the first ever comprehensive labour  
20 market assessment or needs assessment in the NWT across  
21 all industries, not just the mining industry. That  
22 product is actually undergoing internal review and  
23 revision, and I expect it'll be released a little later  
24 this year.

25                   But I can inform the room, I think, not

1 because anybody's going to be surprised, but certainly  
2 the -- the demographic of our aging population is  
3 actually a predominant factor in the labour market  
4 dynamics of the NWT over the next fifteen (15) years or  
5 so. We've run some sophisticated economic analysis  
6 depending on certain scenarios, and what projects may  
7 or may not proceed during that timeline.

8                   But the take away from that -- that  
9 statistical and economic analysis is that most of the  
10 job opportunities in the NWT over the next fifteen (15)  
11 to thirty (30) years will, in fact, be replacement  
12 demand. It's -- it's a little less of expansionary  
13 demand, and very much around the -- the need to replace  
14 workers who will be obviously hitting retirement and --  
15 and things as that -- such as that.

16                   So I don't -- I can't speak to  
17 specifically the -- the aging or the statistics around  
18 the aging population specific to this particular -- the  
19 Jay Project. I certainly can commit to trying to tease  
20 that or -- or take that out of the data we ha -- do  
21 have. But certainly, off the cuff, I'm not able to  
22 speak to -- to those labour market dynamics. Thank  
23 you.

24                   MS. MARJORIE MATHESON-MAUND: Marjorie  
25 Matheson-Maund, Tlicho Government. Thank you, Mr.

1 Bevan, for your response. But for clarity, could you  
2 answer the question of why demand on labour force  
3 training will be of a lower magnitude and the majority  
4 of the Jay pipe workforce will be transitioning from  
5 the existing Ekati mine, allowing for the transfer of  
6 skills?

7 What is the GNWT planning to do  
8 regarding training for replacement workers who may  
9 retire or move on? Thank you.

10

11 (BRIEF PAUSE)

12

13 MR. ANDY BEVAN: Andy Bevan, Department  
14 of Education, Culture, and Employment. So certainly  
15 from my perspective, I don't think the -- the technical  
16 term 'of a lower magnitude' is -- is certainly intended  
17 to detract from the importance of the continued focus  
18 of the GNWT and, I would assume, the proponent on  
19 making sure that the northern hiring targets and  
20 training targets in -- in the SEA are met.

21 What we're doing specifically with  
22 respect to moving forward is obviously the dem -- the -  
23 - the labour market information in the project I just  
24 alluded to is going to be terribly important for us  
25 because not only -- you know, as -- as, I guess,

1 financial -- government, financial, and other resources  
2 become more -- more -- you know, there's more  
3 competition for those resources, we want to make sure  
4 our programs are geared towards, obviously, the needs  
5 of individuals, but also the needs of employers, and  
6 that'll allow us to focus on in-demand occupation.

7                   So we will literally be in a place when  
8 said document is -- is released later in the year to be  
9 able to say exactly -- I mean, obviously from a  
10 forecasting perspective, but from, you know, where our  
11 energies need to be around specific occupations. And,  
12 therefore, we can make early interventions in the  
13 school system and make sure our students, our future  
14 workers, are aware of what opportunities there -- there  
15 may be, both in size of order of magnitude, but also  
16 around earning potential, and also the credentials  
17 required in order to enter those -- those professions,  
18 so we feel that that's really, really important.

19                   And obviously our ongoing relationship  
20 with -- with DDEC will allow us to make sure that we're  
21 aware and that the GNWT can play its role in meeting  
22 both the immediate employment demands and the ongoing  
23 employment demands.

24                   I think it's evident from the  
25 documentation on the file that's a large number of the

1 -- the workers for -- for the project, you know, will  
2 be transitioning from the existing operations. I don't  
3 think that's -- that's contentious in any way or is  
4 under any kind of dispute.

5                   So, in essence, I think our ongoing  
6 relationship with DD -- DDEC and, obviously, the reform  
7 and innovation objectives of the Department are  
8 completely in -- in sync and in harmony. And we -- you  
9 know, we look forward to continuing work with the --  
10 with the company to identify their -- their present  
11 short-term and just as importantly long-term employment  
12 needs.

13                   MS. MARJORIE MATHESON-MAUND: Marjorie  
14 Matheson-Maund, Tlicho Government. Thank you.

15                   THE CHAIRPERSON: Questions from  
16 Environment Canada?

17                   MS. SARAH-LACEY MCMILLAN: Sarah-Lacey  
18 McMillan, with Environment Canada. We have no  
19 questions for the GNWT.

20                   THE CHAIRPERSON: Questions from  
21 Fisheries and Oceans Canada?

22                   MS. JULIE DAHL: Julie Dahl, Fisheries  
23 and Oceans Canada. We have no questions.

24                   THE CHAIRPERSON: Questions, North  
25 Slave Metis Alliance?

1 MR. SHIN SHIGA: Thank you, madam  
2 chair. Shin Shiga, North Slave Metis Alliance. I have  
3 a question about greenhouse gas emission.

4 In the air quality regulator tool that  
5 is under development, is there -- do you -- does the  
6 GNWT intend to include greenhouse gas as a pollutant to  
7 be regulated?

8

9 (BRIEF PAUSE)

10

11 MS. AILEEN STEVENS: Aileen Stevens,  
12 ENR. In our current regulatory plan for air quality,  
13 we are not including greenhouse gases at this time.

14 MR. SHIN SHIGA: Are there currently,  
15 or in the future -- future going --

16 THE CHAIRPERSON: Please state your  
17 name.

18 MR. SHIN SHIGA: Shin Shiga, NSMA. Are  
19 there going to be any other form of regulatory  
20 instrument for greenhouse gas emissions?

21

22 (BRIEF PAUSE)

23

24 MR. JIM SPARLING: Hi. Jim Sparling,  
25 ENR. No, at this time, there's not intended that there



1 would be regulatory instruments for greenhouse gases.

2 MR. SHIN SHIGA: Shin Shiga, NSMA. So  
3 then do I understand it right that there isn't --  
4 there's no plan to regulate or put in place a  
5 enforceable tool to reduce greenhouse gas emission in  
6 the territory?

7 MR. JIM SPARLING: Jim Sparling. Yes,  
8 that's correct. There's no plan for a regulatory tool  
9 for greenhouse gas emissions.

10 MR. SHIN SHIGA: Thank you for that.  
11 My next question is on socio-economics. Shin Shiga,  
12 NSMA.

13 I just wanted to clarify that GNWT  
14 agrees that some of the health and well-being  
15 indicators are negatively trending as shown on  
16 Communities and Diamonds Report 2014, and that they are  
17 significant and adverse?

18 MS. LISA CARDINAL: Lisa Cardinal,  
19 Government of the Northwest Territories. We would  
20 agree that some of the trends are -- some of the  
21 indicators are negatively trending. We have not done  
22 the analysis to determine whether they are significant  
23 or adverse.

24 MR. SHIN SHIGA: Shin Shiga, NSMA. May  
25 I ask why not?

1 MS. LISA CARDINAL: Again, and I'll go  
2 back to the previous point that I had made --

3 THE CHAIRPERSON: State your name,  
4 please.

5 MS. LISA CARDINAL: Lisa Cardinal,  
6 Health and Social Services, GNWT.

7 The Department of Health and Social  
8 Services monitors and tracks a number of indicators to  
9 assess the overall health status of the population of  
10 the Northwest Territories. These trends do provide  
11 information that help drive program in-service  
12 delivery.

13 It would not necessarily be based on  
14 individual level trend analysis. Sometimes with low  
15 numbers, as we have in the NWT population, it's  
16 difficult to determine whether it is statistically  
17 adverse analysis or data that we're looking at. In a  
18 lot of cases, the numbers that we're looking at are  
19 based on three (3) year rolling averages because our  
20 population is so small and the numbers are so low.

21 So the approach that the Department of  
22 Health and Social Services takes is to monitor. And  
23 where we see consistent negative trends, then  
24 programming is considered to be put in place to try and  
25 mitigate the negative trends.

1 MR. SHIN SHIGA: Shin Shiga, NSMA.

2 Then it becomes a problem, because if we cannot make  
3 significant determination, the Board cannot act.

4 Regardless, NSMA would like to express that it is  
5 significantly adversely impact -- impacting our  
6 communities.

7 That said, my next question is: Given  
8 that there are persistent negative trends in some of  
9 the indicators, is it still your view that GNWT is  
10 adequately providing mitigation measures and that SEA  
11 is doing adequate job of that?

12 MS. LISA CARDINAL: There are a number  
13 of factors that would influence the wellness of --

14 THE CHAIRPERSON: State your name  
15 again, please.

16 MS. LISA CARDINAL: Sorry. Lisa  
17 Cardinal, Government of the Northwest Territories.  
18 There are a number of factors influencing the wellness  
19 of individuals, families, and communities. And  
20 negative trends may be attributed to things like rapid  
21 social, cultural, or environmental change at both a  
22 local and a global level.

23 This may include potential impacts from  
24 resource development. Data such as can be found in the  
25 Communities and Diamonds Report demonstrates a

1 correlation between resource development activity and  
2 community wellness. It does not, however, provide a  
3 causal effect or demonstrate a causal effect to a  
4 specific project.

5                   And the Department of Health and Social  
6 Services still feels confident that the existing SEA is  
7 sufficient to mitigate any potential socio-economic  
8 impacts. We do, however, not anticipate additional  
9 impacts as a result of the Jay Project.

10                   MR. SHIN SHIGA: Shin Shiga, NSMA. A  
11 couple of questions following up. First of all, Jay  
12 Project may not be additional proj -- additional  
13 impacts, but it does extend the life of mine. so it  
14 will -- it will pro -- prolong the potential negative  
15 impact. So that's -- that's why I'm asking this  
16 question.

17                   And another point would be that 18  
18 percent -- 18 percent of GDP, as you mentioned, of the  
19 Territory comes from diamond mine, of which about a  
20 third comes from Ekati mine. And Jay will replace the  
21 current operations of Ekati mine. So Jay will be about  
22 thirty (30) for the -- 30 percent as well.

23                   So that -- that is a significant change  
24 to little communities. And it's not merely GDP. It is  
25 to two-two (2-2) shifts as well. We also pointed out

1 gender disparities. Those are -- those are major  
2 changes to communities, and it is our view that it  
3 grants further research into the -- the impact of that  
4 change and their relation to -- to the negative trends  
5 that we are witnessing.

6                   What -- what do you do to -- to answer  
7 that question?

8                   THE CHAIRPERSON: I think there was a  
9 statement in there more than a question. But if you  
10 could just clarify your question?

11                  MR. SHIN SHIGA: Thank you, Madam  
12 Chair. Shin Shiga, NSMA. So the question is: We  
13 heard that it is difficult to build causal  
14 relationships between this project and the negative  
15 trends we are witnessing. I understand it's difficult,  
16 but I'd like to -- I'd -- I'd like to see the attempt,  
17 because it is -- it is a major change that it's going  
18 to bring to the community.

19                  Are you willing to undertake that study?

20                  MS. LISA CARDINAL: Lisa Cardinal,  
21 Government of the Northwest Territories. Getting a  
22 better understanding of negative trends of overall  
23 population health status is certainly an area of -- of  
24 significant importance and of interest to the  
25 Department of Health and Social Services.

1                   We regularly collaborate with  
2 universities and academics to try and engage or support  
3 research projects that would help us better understand  
4 any potential impacts related from economic  
5 development, especially when we're dealing with such  
6 small numbers and low population rates.

7                   MR. SHIN SHIGA:    Thank you for that.  
8 Shin Shiga, NSMA.   So then I understand from your  
9 statement that you have tried to figure out the  
10 relationships.   May I ask what -- what explanations  
11 have the -- the collaborative researches that you have  
12 combined revealed?

13                  THE CHAIRPERSON:    Could you repeat your  
14 question, please?

15                  MR. SHIN SHIGA:    Shin Shiga, NSMA.   So  
16 we heard that GNWT has conducted research with  
17 academics to answer the questions about the development  
18 -- mining development, and negative social impacts of  
19 them.

20                               What were the outcome of the research?

21                  MS. LISA CARDINAL:   Lisa Cardinal,  
22 Health and Social Services.   I can't speak specifically  
23 to research that is undertaken to make a link between  
24 mining or economic development.   There are a number of  
25 other factors that would be considered in research,

1 things like loss of culture, increased employment,  
2 family breakdown. So -- so there's a number of other  
3 components. I can't speak specifically to any one (1)  
4 research project.

5 MR. SHIN SHIGA: Thank you. That's all  
6 my question. NSMA, Shin Shiga.

7 THE CHAIRPERSON: Questions, Deninu Kue  
8 First Nations?

9 MR. MARC D'ENTREMONT: Thank you. It's  
10 Marc d'Entremont for the DKFN.

11 I just have one (1) question relating to  
12 the ambient air quality. So I'd just like to  
13 acknowledge, you know, the work that the GNWT did in  
14 terms of the modification and the commitments around  
15 the triggering criteria.

16 So in this regard, my question is: Has  
17 the GNWT provided advice to Dominion Diamond on the  
18 location and the number of stations where air quality  
19 parameters would be monitored?

20 MS. AILEEN STEVENS: Aileen Stevens,  
21 ENR. Representatives from ENR have worked with DDEC on  
22 their Air Quality Monitoring Plan and the proposed  
23 monitoring locations. And there was positive progress  
24 there and a commitment from DDEC to continue working  
25 with GNWT throughout the development the program, and

1 prior to implementation.

2 MR. MARC D'ENTREMONT: Marc  
3 d'Entremont, for DKFN. Thank you. So with that  
4 response, I guess my follow-up would be in terms of  
5 this -- discussions that happened so far.

6 Has that information been shared with  
7 the Review Board, and has it been on the public  
8 registry?

9 MS. AILEEN STEVENS: Aileen Stevens,  
10 ENR. Yes, that has been made publicly available on the  
11 registry.

12 MR. MARC D'ENTREMONT: Marc  
13 d'Entremont, for DKFN. Okay. Thank you. That's all  
14 our questions.

15 THE CHAIRPERSON: Questions from Diavik  
16 Diamond Mines?

17 MR. GORD MACDONALD: Gord MacDonald,  
18 with Diavik. No questions.

19 THE CHAIRPERSON: Questions from Fort  
20 Resolution Metis Council?

21 MR. SHAWN MCKAY (BY PHONE): Shawn  
22 McKay, Fort Resolution Metis Council.

23 THE CHAIRPERSON: Questions from  
24 Transport Canada?

25 MR. CHRISTOPHER AGUIRE (BY PHONE):



1 Christopher Aguire, with Transport Canada. No  
2 questions.

3 THE CHAIRPERSON: Questions from  
4 Dominion Diamond Ekati Corporation?

5 MR. RICHARD BARGERY: Thank you, Madam  
6 Chair. Just one (1) question on the air quality  
7 presentation. First, thank you for the presentation.  
8 It's obvious we still have some disagreements on  
9 reporting timelines. So I'm not sure if this is a  
10 question or an offer, but if the GNWT is open to -- to  
11 meeting in the interim, but before now and the  
12 undertaking period, to try to come to some sort of  
13 agreement on appropriate and practical reporting  
14 timelines.

15 For example, it takes us sixty (60) days  
16 for shipping and testing to get -- to get results from  
17 stack tests back, so we couldn't possibly meet the  
18 forty-five (45) day recommendation from the GNWT. But  
19 if you're open to a meeting to -- to discuss what's  
20 practical for reporting timelines, we will report back  
21 to the Review Board during the undertaking period of --  
22 of October 9th.

23

24 (BRIEF PAUSE)

25

1 MS. AILEEN STEVENS: Aileen Stevens,  
2 ENR. Yes, absolutely. Let's set that up.

3 MR. RICHARD BARGERY: Richard Bargery,  
4 Dominion Diamonds. I guess, John, that's a undertaking  
5 for us, then, to report back that I sort of made -- or  
6 suggested, anyway.

7 THE CHAIRPERSON: Legal counsel...?

8 MR. JOHN DONIHEE: John Donihee. Mr.  
9 Bargery, you'll have to help me out here. Have you  
10 asked a question that resulted in you giving an  
11 undertaking? I -- I've nev -- I've never run into that  
12 before.

13 MR. RICHARD BARGERY: Richard Bargery,  
14 Dominion Diamond. First, I -- I think I should  
15 apologize to the Chair. But I think from our  
16 perspective, trying to work out what -- what's  
17 appropriate and practical is -- is the appropriate way  
18 to go here. We do have some challenges in terms of  
19 reporting requirements to meet what the GNWT is  
20 recommending, but we do want to -- to try to report  
21 back in -- you know, in an appropriate time frame,  
22 recognizing some of those challenges that we may have.

23 So a dialogue on that, and -- and then  
24 report back to all parties during the undertaking  
25 period seemed to us a reasonable way to address -- try

1 to address that issue. If it can't be addressed, I  
2 guess, then we can rep -- also report back on that  
3 basis, as well.

4 THE CHAIRPERSON: Legal counsel...?

5 MR. JOHN DONIHEE: Thank you, Madam  
6 Chair. As I understand it, then, DDEC is undertaking  
7 to conduct a dialogue with the GNWT about this issue of  
8 time frames for reporting, and whatever the results of  
9 that discussion are will be reported to the Board at  
10 the time when undertakings are due as part of the  
11 record. So that would be Undertaking number 5 then,  
12 Madam Chair.

13

14 --- UNDERTAKING NO. 5: Dominion is to conduct a  
15 dialogue with the GNWT  
16 about this issue of time  
17 frames for reporting, and  
18 the results of that  
19 discussion will be reported  
20 to the Board, as part of  
21 the record, when  
22 undertakings are due

23

24 THE CHAIRPERSON: Okay. Thank you.

25 Questions from Review Board staff?

1 MR. RUARI CARTHEW: Thank you. Ruari  
2 Carthew, with the Review Board. I'll ask some  
3 questions on the socio-economic front, and then pass it  
4 over to my colleague for air quality.

5 At the beginning of the GNWT's  
6 presentation, you mentioned finding common ground with  
7 NSMA on some socio-economic concerns, and that further  
8 efforts to continue working to find common ground with  
9 YKDFN and LKDFN.

10 I'm wondering what additional measures  
11 the GNWT is committing to in those efforts of finding  
12 common ground in order to reduce adverse socio-economic  
13 issues and maximize benefits from the project? Thank  
14 you.

15

16 (BRIEF PAUSE)

17

18 MS. DEBORAH ARCHIBALD: Deborah  
19 Archibald, GNWT. The -- the discussions -- the  
20 potential discussions with the LKDFN and the YKDFN  
21 would speak to commitments, not measures. And once  
22 those discussions are had, we would -- we would post  
23 the results to the public registry. Thank you.

24 MR. RUARI CARTHEW: Ruari Carthew,  
25 Review Board. A follow-up question to that: Are --

1 are -- these measures that you're looking at, are --  
2 are they going to be commitments in general, or  
3 specific to the Aboriginal party?

4 MS. DEBORAH ARCHIBALD: Deborah  
5 Archibald, GNWT. The -- the socio-economic agreement  
6 is -- is an agreement between DDEC and -- and the GNWT,  
7 so commitments would be specific to the socio-economic  
8 agreement and not the specific Aboriginal party. Thank  
9 you.

10 MR. RUARI CARTHEW: Thank you. Ruari  
11 Carthew, with the Review Board.

12 The GNWT mentioned that there's no  
13 ability to attribute cause and effect of socio-economic  
14 issues to mining projects.

15 Since arriving at this conclusion, what  
16 studies has the GNWT undertaken to specifically study  
17 and test cause and effect of project impacts on Diamond  
18 communities?

19 MS. DEBORAH ARCHIBALD: Deborah  
20 Archibald, GNWT. Perhaps if I could ask, Madam Chair,  
21 if there are some specific socio-economic indicators  
22 that the Board staff member is -- is interested in?  
23 There's a -- a range -- a range of issues and  
24 indicators that we could speak to. Thank you.

25 MR. RUARI CARTHEW: Thank you. Ruari

1 Carthew, Review Board.

2 I'm interested in the general suite of  
3 health and well-being indicators that GNWT has  
4 committed to overseeing in the SEA. Thank you.

5 MS. LISA CARDINAL: Lisa Cardinal,  
6 Government of the Northwest Territories. I'm not aware  
7 of any specific research initiative that I could name  
8 right now that -- that would look at developing a cause  
9 and effect analysis between economic mining and overall  
10 health and wellness indicators.

11 As I indicated previously, there are a  
12 number of factors that contribute to the overall health  
13 and wellness of individuals. It is extremely difficult  
14 to try and -- to try and understand the -- the causal  
15 effect, especially when dealing with such a small  
16 population.

17 However, the Department of Health and  
18 Social Services does continue to look for opportunities  
19 to partner with researchers and with universities on  
20 studies that would help gauge a better understanding of  
21 economic development and the impact on overall health  
22 and wellness of the population.

23 MR. RUARI CARTHEW: Thank you. Ruari  
24 Carthew, Review Board.

25 Just for my clarification, please, is --

1 is it that your understanding is that there have been  
2 no studies, or -- or that you're not aware of them?

3 MS. LISA CARDINAL: There is limited  
4 data available. It's --

5 THE CHAIRPERSON: State your name  
6 again, please.

7 MS. LISA CARDINAL: Lisa Cardinal,  
8 Health and Social Services. To my understanding, there  
9 is limited data available for the NWT that would  
10 demonstrate a causal effect between economic  
11 development and socio-economic impacts. That's not to  
12 say, however, that there hasn't been any done, but I'm  
13 not aware of them.

14 MR. RUARI CARTHEW: Thank you. Ruari  
15 Carthew, Review Board. In the absence of establishing  
16 causality, well, you have mentioned other efforts.  
17 I'll -- I'll move on this -- from this question.

18 Does the GNWT hold annual consultations  
19 with diamond mining communities to explicitly discuss  
20 diamond mining effects on community health and well-  
21 being?

22 MS. DEBORAH ARCHIBALD: Deborah  
23 Archibald, GNWT. The answer is, yes, the -- the socio-  
24 economic agreement between the GNWT and DDEC provides  
25 for annual meetings with the impacted communities to

1 discuss a broad range of subject matters, including the  
2 one (1) mentioned by the Board staff member. Thank  
3 you.

4 MR. RUARI CARTHEW: Thank you. So my  
5 understanding is that this meeting, there are a host of  
6 additional topics discussed. Are there any meetings  
7 where the meeting focusses explicitly on impacts  
8 related to the project?

9

10 (BRIEF PAUSE)

11

12 MS. DEBORAH ARCHIBALD: Deborah  
13 Archibald, GNWT. The -- the intent of the meeting with  
14 the community is -- is to discuss those indicators.  
15 Thank you.

16 MR. RUARI CARTHEW: Thank you. Ruari  
17 Carthew, with the Review Board.

18 Follow-up question. Within those  
19 meetings, is it a coordinated response from the GNWT  
20 inclusive of the perspectives of ITI, HSS, ECE Justice,  
21 ENR, and Lands?

22 MS. DEBORAH ARCHIBALD: Deborah  
23 Archibald, GNWT. The socio-economic agreement speaks  
24 to the -- the socio-economic imba -- impacts, both  
25 positive and -- and negative. And so the relevant



1 departments in that discussion are Health and Social  
2 Services, ITI, and Education, Culture, and Employment.  
3 ENR and Lands deal with matters related to the  
4 biophysical environment through other tools and  
5 mechanism, such as the environmental agreement and  
6 other regulatory tools and mechanisms. Thank you.

7 MR. RUARI CARTHEW: Thank you. Ruari  
8 Carthew, with the Review Board.

9 With respect to socio-economics, how has  
10 the GNWT used traditional knowledge in their assessment  
11 of project defects?

12

13 (BRIEF PAUSE)

14

15 MS. DEBORAH ARCHIBALD: Deborah  
16 Archibald, GNWT. The socio-economic agreement does not  
17 speak to incorporating -- or relating traditional  
18 knowledge to the socio-economic agreement. But for our  
19 programs and services that -- that we do develop and  
20 implement, traditional knowledge is incorporated into  
21 the development of those programs and services. And  
22 I'd -- could turn it over to my colleague, Lisa  
23 Cardinal, at Health and Social Services, to give us an  
24 example of that. Thank you.

25 MS. LISA CARDINAL: Lisa Cardinal,

1 Government of the Northwest Territories. I can speak  
2 to one (1) specific example in programming that the  
3 Department of Health and Social Services is currently  
4 engaged in with a number of Aboriginal governments.

5                   So we are currently piloting land-based  
6 wellness programming. And through the land waste --  
7 land-based wellness programming, we are looking at  
8 improving individuals' wellness through a connection to  
9 culture and to participation in land-based programming.

10                   We feel that, by dealing with a -- an  
11 individual's wellness on a -- on a more holistic  
12 perspective rather than just through clinical  
13 treatment, that there's probably relevant and -- and  
14 valid lessons that can be learned that will help us  
15 improve negative trends, perhaps, such as addictions.

16                   The feeling of connection to family  
17 might improve family relationships, hopefully reduce  
18 domestic violence, and improve the overall wellness of  
19 residents of the NWT.

20                   MR. RUARI CARTHEW: Ruari Carthew, with  
21 the Review Board. My apologies. The question was with  
22 respect to the use of traditional knowledge in the  
23 GNWT's environmental assessment decision making, and  
24 not in the SEA programming. Thanks.

25

1 (BRIEF PAUSE)

2

3 MS. DEBORAH ARCHIBALD: Deborah  
4 Archibald, GNWT. In -- in general, the traditional  
5 knowledge on the various socio-economic issues is -- is  
6 gathered through our discussions and engagement with  
7 communities. And then we would apply that knowledge  
8 when we're reviewing doing our -- our due diligence,  
9 shall I say, during environmental assessment. Thank  
10 you.

11 THE CHAIRPERSON: Questions, Review  
12 Board?

13 MR. SIMON TOOGOOD: Hi. It's Simon  
14 Toogood, with the Review Board. Madam Chair, I have  
15 several questions on air quality. These are directed  
16 towards ENR, I believe.

17 Similar in line to what I asked the  
18 Developer is that there's been an adaptive response  
19 plan framework that's been agreed upon, in essence, for  
20 the most part, between the Developer and the GNWT.

21 And it's very useful to know at what  
22 distance from the emission source, be it the road or  
23 the mine, that the GNWT would expect that those  
24 triggers would apply. So if you could give me some  
25 understanding of the distance from the source that they

1   apply?

2                   MS. AILEEN STEVENS:    Aileen Stevens,  
3   ENR.  Unfortunately, I can't give you just a straight  
4   number for that.  I guess air quality monitoring is  
5   conducted based on a number of factors, and we use the  
6   ambient air quality standards based on environmental  
7   receptors and -- and human receptors.  That's what they  
8   were developed for to be protective of.

9                   But at the mine site, there's also the  
10  considerations of what the CALPUFF model has predicted,  
11  and part of monitor -- part of the purpose of  
12  monitoring is to verify the model predictions.  So you  
13  want to conduct the monitoring in a location where it  
14  will pick up consistent readings.  There's also the  
15  challenges of power supply, and accessibility, and  
16  being downwind from the majority of the emission  
17  sources, but not right on top of the stacks.

18                  So there's a number of factors that go  
19  into it.  And where the monitoring station is located  
20  currently, it's been there for a number of years, and  
21  so consistency in monitoring location is another  
22  important factor.  I can't just give you a cut and dry  
23  number of the distance it should be from the emission  
24  sources.

25                  Does that answer your question?

1 MR. SIMON TOOGOOD: It's an answer. I  
2 wouldn't -- Simon Toogood, with the Review Board.

3 It's just unclear how if the Adaptive  
4 Management Response Plan and the triggers in there are  
5 also designed to understand when you should apply  
6 mitigations. And there just seems to be a -- a  
7 disconnect there, but I'll move on to a related  
8 question.

9 And the GNWT ambient air quality  
10 standards sets thresholds. Now, they're different  
11 averaging in there. There's annual, hourly, twenty-  
12 four (24) hour, for certain parameters. And in the  
13 GNWT's proposal for the active response plan  
14 thresholds, you just say, The applicable standards.

15 So I just would like to get the GNWT's  
16 position on -- it is the GNWT's ambient air quality  
17 standards that apply, but also what average within  
18 their -- is it your view that should apply to the --  
19 this Adaptive Management Response Plan?

20 MS. AILEEN STEVENS: Well, at this  
21 point in time, because it's a starting point, we are  
22 looking at the annual averages. But within that, we  
23 hope to make advances. It's a step-by-step progress  
24 with continuous improvement, so to be looking at  
25 seasonal fluctuations, and -- and then drilling down if

1 -- if there are observed exceedances at the other  
2 averaging periods.

3                   That's -- that's definitely all part of  
4 the data assessment which is conducted as part of  
5 DDEC's Air Quality Monitoring Program. But the  
6 Adaptive Management Plan, at this point, is a starting  
7 point with annual averages.

8                   MR. SIMON TOOGOOD: Thank you. Simon  
9 Toogood, with the Review Board.

10                   Could you just clarify, perhaps, the  
11 annual average, in your view, the majority of emissions  
12 from the source, be it fugitive dust or TSP or PM2.5,  
13 those originate for only part of the year and mainly in  
14 the summertime, and there's almost no emissions in the  
15 winter.

16                   So the -- how would the average affect  
17 the readings? Is it a averaging over the whole year,  
18 or is there an average for when there are actually  
19 emissions from the Diamond site itself?

20                   MS. AILEEN STEVENS: Aileen Stevens,  
21 ENR. No, not all the air quality emissions are  
22 seasonal. PM2.5 and NOx are -- are from combustion  
23 sources and, you know, the -- the vehicles are running  
24 year-round and the power generators are running year-  
25 round.

1                   I think when you're talking about TSP  
2 and -- and road dust kick up, I guess that is stronger  
3 in the summer, for sure. But -- but the other  
4 emissions are generally consistent, and so looking at  
5 the annual averages for the majority of parameters is a  
6 reasonable starting point.

7                   MR. SIMON TOOGOOD:    Okay. Thank you  
8 for that response. And just a -- perhaps this is a --  
9 a leading question, but it's a lead-in to tomorrow.  
10 It's to do with dust fall parameters. And just, in  
11 your view, do you think that the air quality -- Air  
12 Quality and Emissions Management and Monitoring Program  
13 is the appropriate place to be developing a dust fall  
14 standard when so far what we've talked about are actual  
15 standards in the ambient air, and we haven't really  
16 talked about the effects that may happen when this  
17 stuff -- dust, or TSP, lands on the ground?

18                   I'm just wondering if that is something,  
19 in your view, that would be developed within this air  
20 quality framework?

21                   MS. AILEEN STEVENS:   Aileen Stevens,  
22 ENR. We use the ambient air quality standards because  
23 it's a tool that -- that we have on hand, and it's  
24 based on years of science and epidemiological studies  
25 that was developed at the national scale. We've

1 adopted it. So we use that as a tool. But certainly  
2 for monitoring deposition and its effects on the  
3 northern environment specifically, there isn't a lot of  
4 information that we have at this point that can help  
5 guide standards development.

6                   There's critical loading, of course,  
7 from acid deposition. And that is some -- well, it's -  
8 - it's better understood. And so acid deposition is  
9 certainly a component of the air quality assessment.  
10 But in terms of dust fall onto the landscape, and how  
11 it affects the receptors, I -- well, myself -- GNWT  
12 does not have a lot of evidence to determine dust fall  
13 levels appropriate for the environment up here.

14                   And -- and you are correct in stating  
15 that it's not an ambient air quality consideration.  
16 The air is definitely the vector for the transmission  
17 and then deposition of particulate. And a number of  
18 other parameters and determining thresholds should  
19 certainly be done in conjunction with the receiving  
20 environment, which includes vegetation, and then, of  
21 course, the wildlife. So it is a discussion that  
22 should certainly occur tomorrow as well.

23                   MR. SIMON TOOGOOD: Just to follow-up  
24 on that question, just to reiterate.

25                   Is that something that you think should



1 be done in the framework for --

2 THE CHAIRPERSON: Speak your name,  
3 Simon, please.

4 MR. SIMON TOOGOOD: Sorry about that.  
5 It's Simon Toogood, with the Review Board. I'm just  
6 wondering, is this something that you think should be  
7 applied or developed in the ambient air quality  
8 framework of the Management Plan?

9

10 (BRIEF PAUSE)

11

12 MS. AILEEN STEVENS: Aileen Stevens,  
13 ENR. Sorry, Simon, can you -- can you restate that?  
14 Are you asking if we should be developing standards for  
15 dust fall in the Air Quality Emissions Monitoring and  
16 Management Plan?

17 MR. SIMON TOOGOOD: Hi. It's Simon  
18 Toogood, with the Review Board. I'm just looking for a  
19 -- say, a -- a home for where the standard could be  
20 applied or developed. And there's been a lot of talk  
21 about, you know, the dust in the air and then people  
22 make the logical conclusion that it falls to the  
23 ground, and there's effects with that. And parties are  
24 concerned with, you know, identifying these effects and  
25 then figuring out how to apply mitigation or when to

1 apply mitigation.

2 And I'm just wondering if in the  
3 development of the Air Quality and Emissions Monitoring  
4 and Management Plan that this would be something that  
5 would be developed?

6 MS. AILEEN STEVENS: Aileen Stevens,  
7 ENR. At this time, my understanding is that it's not  
8 part of the Air Quality Emissions Management Plan. But  
9 it certainly is -- the receiving environment is where  
10 the -- the levels, the thresholds need to be  
11 established. But then controlling the source, of  
12 course, does stem back to the air quality realm.

13 At this time, it's not a component of  
14 the Air Quality Management Plan, but I'm sure there are  
15 ways to incorporate it into the existing vegetation  
16 monitoring, or lichen monitoring. I can't speak for  
17 DDEC, of course, but it's something I'm interested in -  
18 - in pursuing with vegetation specialists. M-hm.  
19 Thank you.

20 MR. SIMON TOOGOOD: Madam Chair, I have  
21 no further questions.

22 THE CHAIRPERSON: Legal counsel?

23 MR. JOHN DONIHEE: Thank you, Madam  
24 Chair. Just two (2) quick questions. The first one  
25 (1), lots of talk, or lots of questions from the

1 parties this afternoon about the regulatory framework  
2 that's not there, and that you're developing.

3                   And so the -- I'm interested to know,  
4 are you talking -- or considering a -- a new statute, a  
5 new Act of some sort? Or, you know, which would likely  
6 involve a much longer time period to -- to get into  
7 place, or are you considering simply regulations under  
8 some existing statute?

9                   MS. AILEEN STEVENS:     Aileen Stevens,  
10 ENR.   What we're currently looking at is developing  
11 regulatory tools under the existing Environmental  
12 Protection Act.

13                  MR. JOHN DONIHEE:     Thank you.   It's  
14 John Donihee, Board Counsel.   The -- my final question  
15 is this:   When you made your presentation, slides 21 to  
16 23 included a -- a measure, or a couple of measures, I  
17 don't know whether you had them broken up.   But  
18 measures that you've worked on with Dominion.

19                  There were some wording changes there,  
20 but your evidence to the Board was that in the GNWT's  
21 view, that in the absence of a regulatory framework to  
22 take care of this, a measure was what was required in  
23 order to manage these impacts to the air.   And you also  
24 said that in the absence of such a measure, that there  
25 would be significant impacts.

1                   And I'd -- I'd like you to spend a  
2 little bit of time explaining the extent, duration,  
3 perhaps magnitude of the impact that you're predicting.  
4 What is it that you think is going to be a significant  
5 impact, and what evidence is there on the record that  
6 that, in fact, will take place?

7

8                   (BRIEF PAUSE)

9

10                   MS. AILEEN STEVENS:    Aileen Stevens,  
11 ENR.   Well, the impacts are to be to the land and water  
12 and sediment, not necessarily to the air.   Air is just  
13 the vector of transport, of course.   Dioxins and furans  
14 have been well-established to be toxic to the  
15 environment at very, very small quantities.

16                   It's a very pre -- or the measurement  
17 that we use for them is called the toxic equivalency  
18 factor.   It's mandated under international protocols  
19 under the Stockholm Convention to virtually eliminate  
20 it from the environment, eliminate the formation of it  
21 from the environment.

22                   It -- the primary route of exposure is  
23 through the food chain.   So when dioxins and furans are  
24 deposited in the environment, they do travel up the  
25 food chain, settling into the sediment, and then into

1 plankton, then into fish, and then into whatever's  
2 eating the fish, et cetera, et cetera, and it  
3 biomagnifies as it travels up the food chain.

4                   Studies have shown that the persistence  
5 of dioxins and furans can be upwards of eight (8)  
6 years. But at the same time, in arctic environments,  
7 the degradation is slowed by up to a factor of 10. So  
8 that would indicate that they could persist upwards of  
9 eighty (80) years in the environment.

10                   And there isn't concrete evidence to  
11 determine at what levels dioxins and furans would be  
12 safe to consume, and then conversely, which levels are  
13 absolute the lower threshold for toxicity. However, in  
14 humans, the World Health Organization did set some  
15 ingestion levels. And then there's, of course, studies  
16 that indicate that in parts of the world, they're being  
17 exceeded.

18                   In the North, we don't have that  
19 evidence -- or that information to show what we're  
20 consuming specifically. But the study that was  
21 undertaken at Ekati, for example, in 2008, that did  
22 demonstrate that dioxins had accumulated in the lake  
23 bed sediment in exceedance of the CCME sediment quality  
24 criteria, therefore indicating that it was already in  
25 exceedance of national standards. But conversely,

1 there were other lakes that didn't show those types of  
2 effects.

3                   How much should I carry on? Ultimately,  
4 our objective is to prevent it at the source rather  
5 than going and trying to sample the receiving  
6 environment, although that is good information. Just  
7 preventing the formation of these toxins is the most  
8 reasonable approach and what is mandated under the  
9 Canada-wide standards, especially with, specifically,  
10 in solid waste incineration.

11

12                   (BRIEF PAUSE)

13

14                   MS. AILEEN STEVENS: Oh, and there have  
15 been a number of studies that we have submitted and are  
16 available on the public registry.

17

18                   (BRIEF PAUSE)

19

20                   MS. AILEEN STEVENS: In the absence of  
21 a measure, and -- if the incinerators are performing  
22 well and they do meet the Canada-wide standards, which  
23 is 80 picograms per cubic metre of emissions, then  
24 that's meeting best available technology.

25                   Incinerators that are not operating

1 appropriately can -- they've been demonstrated to  
2 release up to 5,000 picograms per cubic metre.

3                   And I guess if -- if you look at  
4 previous inventories that were conducted prior to the  
5 clamp-down on the incineration issues, up to 35 percent  
6 of emissions, of total dioxin and furan emissions, came  
7 from municipal solid waste incinerators.

8                   This was a study in England. And  
9 following the clamp-down, it was reduced to 1 percent  
10 of the national inventory. So it's a significant  
11 contribution to the overall emissions. I think I'm  
12 going to end it there.

13                   Do you have anything further on that?

14                   MR. JOHN DONIHUE: Thank you, Madam  
15 Chair. I -- I just have one (1) follow-up question.  
16 I'm not putting a fine point on it at all. I  
17 understand dioxin and furans are bad things, and what  
18 you've told me is that GNWT obviously believes that it  
19 can regulate, in the sense of regulations, under the  
20 Environmental Protection Act to get at them eventually,  
21 to put a -- a framework, a -- an enforceable framework  
22 in place. There have been other questions about this.

23                   I guess my question is: If, you know,  
24 that legislation applies, why the GNWT can't use the  
25 prohibition against the release of contaminants that's

1 in that regul -- in that legislation right now to deal  
2 with this problem?

3

4 (BRIEF PAUSE)

5

6 MR. JOHN DONIHEE: Madam Chair, I don't  
7 really want to add consternation to -- or additional  
8 consternation to the afternoon for our friends at GNWT.  
9 If -- if the answer to this is difficult, I'd be more  
10 than happy to see the -- the matter answered in their  
11 final argument.

12

13 (BRIEF PAUSE)

14

15 MS. AILEEN STEVENS: Aileen Stevens,  
16 ENR. We would like to incorporate that into our final  
17 closing arguments, statements. Thank you.

18 MR. JOHN DONIHEE: Thank you, Madam  
19 Chair. Those are my questions.

20 THE CHAIRPERSON: Thank you. Questions  
21 for Review Board members?

22 MR. JOHN CURRAN: Sorry about that,  
23 Madam Chair. I do have one (1). John Curran, for the  
24 Review Board. With -- with regards to the draft  
25 regulatory tools that you're developing, have those



1 been used to inform the -- the draft measures that  
2 you've proposed?

3 And I guess with the -- with the later  
4 developments, part -- part 2 of that question is:  
5 Would they -- would there be some sort of link between  
6 the draft tools that you're working on and the  
7 conversation that you're going to have with DDEC on the  
8 -- the measures that you've proposed? Thank you.

9 MS. AILEEN STEVENS: Aileen Stevens,  
10 ENR. Certainly the measures we've proposed are in  
11 alignment with the intended content of any regulatory  
12 tools we develop.

13 THE CHAIRPERSON: Questions, Review  
14 Board? Bertha...?

15 MS. BERTHA NORWEGIAN: Bertha  
16 Norwegian, Review Board. I just have a couple of  
17 questions that I'd like to ask the GNWT regarding their  
18 closing sentences on slides 19 and 20, where it says --  
19 the last bullet on both of them:

20 "DDEC responded with commitments to  
21 address the above concerns. However,  
22 the GNWT feels there are still some  
23 outstanding issues."

24 And then the fourth bullet on slide  
25 number 20 says, "GNWT has outstanding issues."

1                   Can you provide the Board with what  
2   issues you have that are still outstanding that haven't  
3   been -- been identified in our packages?

4                   MS. AILEEN STEVENS:    Aileen Stevens,  
5   ENR.   The outstanding concerns I was referring to are  
6   the components of the recommended measure.   So DDEC and  
7   GNWT aren't quite in agreement with the timelines  
8   associated with some of the waste management practices.

9                   ENR is looking for submission of stack  
10   test reports within forty-five (45) days of the stack  
11   test, and DDEC is willing to provide them within forty-  
12   five (45) days of receiving the results back from the  
13   consultant.   But we're going to discuss that prior to  
14   the undertaking due date.

15                  And then the second -- or the -- yeah,  
16   the second outstanding concern was around restack  
17   testing.   ENR feels it's important to close the loop  
18   after a failed stack test.   After implementing --  
19   implementing mitigative measures, we think it's  
20   important to restack test to ensure that those  
21   mitigative measures are effective.

22                  And we'd like to see that done within  
23   six (6) months of the first failed stack test, and DDEC  
24   would like to determine restack testing during the  
25   mitigative -- during the development of the mitigative

1 actions. So we're looking for concrete timelines, and  
2 DDEC is looking to determine them after it occurs.

3 MS. BERTHA NORWEGIAN: Bertha  
4 Norwegian. No more questions. Thank you.

5 THE CHAIRPERSON: Questions, Board  
6 members?

7 MR. KIRBY MARSHALL: Thank you, Madam  
8 Chair. Kirby Marshall, Review Board. I'll keep this  
9 brief because I have to pee, for the record. So in  
10 response to a question from NSMA, GNWT answered that  
11 they're -- and I'm paraphrasing a bit here from the  
12 gentleman, I can't remember his name, sorry -- Andy,  
13 with respect to the GNWT is not going to be -- and he  
14 sort of emphasized the word in regulations greenhouse  
15 gases.

16 So I guess my question is: Is the GNWT  
17 looking to do anything with greenhouse gases outside a  
18 regulatory -- a regulatory regime? Developing any  
19 tools? Anything at all?

20 MR. JIM SPARLING: Yes. Jim Sparling,  
21 Environment and National Resources. Greenhouse gases  
22 don't lend themselves well to regulatory approaches.  
23 If you think of some of the regulatory approaches that  
24 are in place across Canada, it would be performance  
25 standards on vehicles, or some of the appliances that

1 you might buy regulated through the programs that are  
2 offered by Natural Resources Canada to provide sort of  
3 an even playing field across the country.

4                   If you look at -- at some of the  
5 regulatory instruments that are in place in other  
6 jurisdictions, they're not really the kinds of  
7 regulations that you would see with -- if you were  
8 talking about stack emission rates, and how do you meet  
9 ambient standards. It just doesn't work that way with  
10 carbon dioxide.

11                   So you're looking more at, How can you  
12 incentivize more energy efficiency, the types of  
13 measures that have been taken at the mine, or how do  
14 you start -- the -- the Americans have renewable  
15 portfolio standards where they will tell their  
16 utilities, You need to start incorporating so much  
17 renewable fuel into your situation.

18                   But other types of mechanisms that we  
19 see more in place in British Columbia, or Ontario and  
20 Quebec, are -- are the market mechanisms where they'll  
21 either establish a carbon tax, or it'll be a cap and  
22 trade type of a program where the emission credits are  
23 traded.

24                   When we looked at that in the Northwest  
25 Territories, one of the things that -- that's happening

1 here is the cost of energy -- the cost of fuel in our  
2 communities is so high that we in essence already have  
3 a carbon tax. You already have a market mechanism that  
4 is sort of promoting the adoption of -- of renewable  
5 energies.

6                   So our interventions that we provided  
7 sort of through the technical hearing was that we  
8 really think that the Developer should look at -- at  
9 what they can do and what the economic benefits of  
10 moving to a solar energy solution or a -- or they've  
11 suggested maybe a wind energy solution.

12                   So they have the concept study that they  
13 want to move forward with, and -- and I think that as -  
14 - as they move forward -- and -- and we see the cost of  
15 greenhouse gas emissions and fossil fuels become more  
16 caught up in a global kind of a -- of a control  
17 mechanism, which is just now being negotiated in Paris  
18 for possible conclusion in December of this year, the  
19 kind of situation that we're up against. So -- so a  
20 regulatory approach in the Northwest Territories to  
21 say, You can't emit greenhouse gas emissions just  
22 doesn't -- doesn't provide the kind of solution that we  
23 need I think. Thank you.

24                   MR. KIRBY MARSHALL: Thank you, Jim.  
25 Another question. Can you bring up slide 11 please?

1 So this -- just for clarification more than anything,  
2 on the slide you have that you're working with Dominion  
3 on these two (2) initiatives, and both of which are, if  
4 I heard correctly, are related to chronic illness and  
5 cancer, correct?

6 So in the north, out of the -- the  
7 fourteen (14) indicators that you're -- you're  
8 monitoring that are linked to health and wellness, so  
9 what would be the top three (3), like, problems that  
10 are out there in the north in our communities? And I'm  
11 looking for some key words here. So in your mind, the  
12 top three (3) problems.

13 MS. LISA CARDINAL: The areas that are  
14 of current priority for the Department of Health and  
15 Social Services are chronic disease management. And  
16 there's a number of chronic diseases that we are -- are  
17 following, as we are seeing an increase in the  
18 incidents of them in the population in the NWT.

19 Mental health and addictions is also  
20 always of significant concern and a priority for the  
21 Department of Health and Social Services. And early  
22 childhood development is an area of focus for the  
23 Department of Health and Social Services currently as  
24 well.

25 MR. KIRBY MARSHALL: Yeah, absolutely.

1 Thank you. So alcoholism and -- and domestic family  
2 violence are -- are huge problems in the north and in  
3 our communities. So are there any -- but I didn't see  
4 them here, so I don't know if this slide is -- these  
5 are the only two (2) initiatives you're working on with  
6 Dominion? I -- I don't want to read that into that.

7                   So are there other initiatives outside  
8 of just the -- the chronic -- the cancer ones here that  
9 you're working on with Dominion? And I guess  
10 specifically related to more alcohol problems and  
11 family violence problems. Thank you.

12                   MS. LISA CARDINAL: Lisa Cardinal,  
13 Government of the Northwest Territories. The Working  
14 on Wellness Program allows mine employees to  
15 participate in a survey. And where they're asked what  
16 areas they would like to focus on. If -- if the  
17 majority of the mine employees feel that they want to  
18 focus on the Mental Health and Addictions Program, or  
19 on fam -- family violence programming, then that's  
20 something that could potentially be considered.

21                   The other thing that the SEA agreements  
22 focus on typically and -- and the annual meetings with  
23 industry on are the effectiveness of the family -- oh,  
24 the Family Assistance Programming. So part of the  
25 discussion that Health and Social Services has with

1 Dominion at the annual meetings is how employees are  
2 provided the opportunity to access family assistance  
3 programming.

4                   We always try and ensure that where it's  
5 NWT residents, and specifically where it's Aboriginal  
6 residents, that those employees are offered the  
7 opportunity to access treatment or counselling in the  
8 NWT, so that they could have culturally relevant  
9 treatment programs. So that would be another example  
10 of where we partner with the diamond mines. Thank you.

11                   MR. KIRBY MARSHALL: Thank you for that  
12 clarification. Appreciate it. A final question. So  
13 with respect to the GNWT developing regulatory -- a  
14 regulatory framework for emissions, I just want to make  
15 sure I've got this right. So dust fall is not  
16 currently going to be part of that, correct? I heard  
17 discussions you had with Simon saying that dust fall is  
18 not being considered as part of this air quality  
19 regulatory framework.

20                   Is that correct?

21                   MS. AILEEN STEVENS: Aileen Stevens,  
22 ENR. I wouldn't completely dismiss it, by any means.  
23 We're still in the development phase of looking at  
24 which our priority areas are. But at this point in  
25 time, it's not in the near future.



1                   MR. KIRBY MARSHALL:    So there's a --  
2   there's a lot of -- a fair bit of TK knowledge on the  
3   record with respect to the effects of dust plumes on  
4   caribou. This will -- we'll get into that tomorrow I  
5   suspect. Dust fall particulates on lichen, and how  
6   that then effects. So I guess my question here then  
7   is: Has it -- we've had gravel roads in the Northwest  
8   Territories for a few years now. Some of them are  
9   getting paved, and then they're getting covered over  
10  with gravel again.

11                   So has the GNWT been -- been monitoring,  
12  like, dust fall and dust plumes and effect on  
13  vegetation at all in our history?

14                   MS. AILEEN STEVENS:    Aileen Stevens,  
15  ENR. From my program's perspective, I can say, no, but  
16  I can't speak to other departments, unfortunately, DOT.

17                   MR. KIRBY MARSHALL:    Okay, thank you.  
18  No more questions, madam chair.

19                   THE CHAIRPERSON:       Questions, Board  
20  members?

21                   MR. JAMES WAH-SHEE:    Madam chair, I  
22  have no questions. Thank you.

23                   THE CHAIRPERSON:       Okay, thank you. At  
24  this time then, we would like to call a ten (10) minute  
25  break. Thank you.

1

2 --- Upon recessing at 4:05 p.m.

3 --- Upon resuming at 4:20 p.m.

4

5 THE CHAIRPERSON: The chair would like  
6 to recognize Lutsel K'e Dene First Nation. And if they  
7 could start their presentation, please.

8

9 PRESENTATION BY LKDFN:

10 MR. PETER UNGER: Thank you, madam  
11 chair. My name's Peter Unger. I'm representing Lutsel  
12 K'e Dene First Nation. My committee members will come  
13 join me. But in the interest of time, I'll -- I'll get  
14 started. So just for today I'm going to talk about air  
15 quality, socio-economic impacts and monitoring.

16 I'm going to gloss over traditional  
17 knowledge a little bit today just in the interest of  
18 time, and I'll cover it in more depth on Saturday. And  
19 just a quick comment on climate change and a comment on  
20 the regulatory process.

21 So jumping right into air quality.  
22 These are quotes from the text of the document  
23 outlining the Northwest Territories ambient air quality  
24 standards. The main thing I want to point to is that  
25 the document explicitly mentions that it's -- it's

1 determined the acceptability of emissions proposed in  
2 existing developments.

3                   In discussions with the GNWT at the  
4 technical sessions they explicitly confirmed that the  
5 NWT ambient air quality standards are applicable to  
6 this project. And I think we've talked enough about  
7 the coming regulations, so I won't go on about that  
8 right now.

9                   This is a chart comparing the Northwest  
10 Territory's ambient air quality standards to the World  
11 Health Organization air quality guidelines. As you can  
12 see, the Northwest Territory standards are far more  
13 lenient than the World Health Organization guidelines.  
14 And Dominion has maintained that exceedances of the  
15 standards are acceptable because they're reversible.

16                   And I just wanted to say that, if we  
17 turned everything off in Mexico City or in Beijing,  
18 that would probably also be reversible, but I don't  
19 think anyone's going to argue that those are not  
20 significant polluters. So my question is: Where do  
21 you draw the line really and -- and what is a  
22 significant effect? And I think we have a very  
23 convenient line right here, the Northwest Territory's  
24 ambient air quality standards.

25                   The World Health Organization air

1 quality guidelines are explicitly intended for  
2 worldwide use, so that includes Beijing and Mexico  
3 City. And even in the text they indicate that, even if  
4 they adhere to these stricter guidelines, there's still  
5 the possibility of adverse health effects.

6               So my point is, is that, then, in that  
7 case, the Northwest Territory guidelines being more  
8 lenient would definitely need to be adhered to. The --  
9 the Developer has maintained that effects --  
10 exceedances are not significant effects. But they've  
11 also said that they're going to apply the ambient air  
12 quality standards. We see a contradiction here.

13              So we don't see how you can say you're  
14 going to apply the standards, but then exceeding them  
15 is not a big deal, it's not significant. We find that  
16 hard to reconcile.

17              So, finally, just our recommendations.  
18 We think that the ambient air quality standards are  
19 very lenient, especially on an international scale. So  
20 we recommend that any exceedance of the air quality  
21 standards be considered a significant effect. We think  
22 that makes it very clear, very simple.

23              As we mentioned earlier when we were  
24 discussing the GNWT, we'd like to see the GNWT complete  
25 legally binding air quality regulations as soon as

1 practicable. And then, in the interest of time, I'll  
2 skip over dust. We'll talk about it during caribou a  
3 bit more then.

4                   So moving on to socio-economic impacts,  
5 this is a quote from the DAR, basically stating that  
6 they don't see very many negative impacts and that  
7 there will be positive impacts.

8                   So we don't -- we don't want to point  
9 any fingers, and -- and we do recognize Dominion's  
10 efforts to -- to mitigate socio-economic impacts. But  
11 we -- we in the community of Lutsel K'e and community  
12 members don't see the benefits immediately. They're  
13 not immediately evident.

14                   These are the one -- the impacts that  
15 are most important to the community, and residents are  
16 not convinced that socio-economic conditions are  
17 improving.

18                   I've crossed out the last one because  
19 we've already covered that with the developer and the  
20 GNWT. They are going to publish minutes, so I won't  
21 talk about it.

22                   Our -- my point here with this slide is  
23 that many of the indicators are -- are trending  
24 negatively, and they have been for some time. And  
25 Lutsel K'e does not believe that enough action is being

1 taken to -- to remedy these negative trends.

2                   And we also don't think that the  
3 reporting is -- is very clear, especially to average,  
4 every-day people like myself or residents of -- of  
5 Lutsel K'e. The Communities and Diamonds Report does  
6 discuss the indicators, but it doesn't really say  
7 what's being done, what's being changed or -- or what  
8 kind of actions are being taken. And we'd like to see  
9 something that does say -- say these things.

10                   So we recommend more stringent  
11 monitoring and stronger commitments. We'd like to see  
12 a comprehensive monitoring plan for the SEA objectives  
13 that are specific to communities and developed with the  
14 participation of communities.

15                   So I'm sure there's monitoring in Lutsel  
16 K'e, but there's nobody working for the Band that can -  
17 - that can explain that to me. And I'd like to have  
18 the Band's involvement be much more prominent.

19                   This recommendation is a moot point  
20 because everyone's agreed to it.

21                   And then the last one is we'd like to  
22 see a report where it's clearly -- each indicator is  
23 clearly discussed. And where progress toward the  
24 achievement of an objective or an indicator is  
25 negatively trending, we'd like to see the clear and

1 concrete measures that are being implemented to address  
2 the shortcoming.

3 I'm going to move a little bit more  
4 quickly through this. This is traditional knowledge,  
5 and Lutsel K'e Dene First Nation highly values  
6 traditional knowledge. Again, I'd really like to  
7 acknowledge the Developer's efforts. They have made  
8 significant efforts to incorporate traditional  
9 knowledge. However, we don't feel that they're  
10 adequate.

11 We'd like to see traditional knowledge  
12 treated on par with western science. And just -- just  
13 some quick examples. So if -- if we look at the DAR,  
14 many of the sections are several hundreds of pages  
15 long. This is the traditional knowledge section. It's  
16 -- it's thirteen (13) pages long.

17 This is the air quality section.  
18 Everything you see on the screen, that is the entire  
19 traditional knowledge section in the DAR. This section  
20 is also well over a hundred pages long, and these four  
21 (4) paragraphs are the traditional knowledge section.

22 This is the -- the water quality one.  
23 So what I've boxed in red, that is the traditional  
24 knowledge section. And it is also several hundred  
25 pages long.

1                   So our recommendation is that  
2 traditional knowledge be integrated into all  
3 discussions. So wherever it's possible to integrated  
4 traditional knowledge, we want to see it there.

5                   We would like to see concrete references  
6 being made to traditional knowledge the same way that  
7 we see to western science when they cite a study by  
8 whichever scientist. And this year, we would like to  
9 see a similar system for traditional knowledge.

10                  And we'd also like to see them engage  
11 people who have experience using traditional knowledge  
12 to help them better integrate traditional knowledge,  
13 develop protocols and practical measures.

14                  There are oftentimes where there's a  
15 large amount of traditional knowledge. And we see only  
16 the western science represented. So one (1) example is  
17 which way the water flows from Lac du Sauvage.

18                  The Elders have one perspective and then  
19 the scientists have another. We'd like to see some  
20 discussion reconciling these kinds of disputes and then  
21 explaining why, just -- justifying why they would  
22 choose one or the other.

23                  And then the last recommendation is we'd  
24 like to see the Developer offering more access to  
25 traditional knowledge holders to the mine site or land



1 around the mine site so traditional knowledge holders  
2 can also monitor mine impacts.

3                   Moving on to climate change. Again we  
4 recognize that Dominion Diamonds is making efforts on  
5 climate change. We're not saying that they're not  
6 doing anything. But this is an issue that's of a huge  
7 concern to the community. I've had several Elders  
8 remark on observed changes in -- in the ice, and the  
9 ice density, and the lake levels, and many other  
10 things, the movements of animals. And even the GNWT  
11 official reports on climate change explicitly state  
12 that they would have negative impacts on traditional  
13 livelihoods. And we're talking about people's ability  
14 to eat here.

15                   So we'd like to see every effort made to  
16 mitigate climate change, and we'd like to be informed  
17 by -- about these efforts as much as possible. So our  
18 recommendation is exactly that. We'd like to have as  
19 much information shared with us, and then we'd also  
20 like to see the Developer continue to expand efforts to  
21 reduce the -- reduce emissions. And one idea is, of  
22 course, alternative energy, much in the way that Diavik  
23 has the wind turbines.

24                   Our -- our last comment is just our  
25 participation in the regulatory process. LKDFN has

1 very little capacity for technical analysis and review.  
2 They currently have one (1) staff member, me. We  
3 appreciate the support provided so far, and the  
4 Developer has provided a large amount of support to  
5 help us attend meetings.

6 But we still have not been able to  
7 participate fully in all the processes. We think that  
8 there's a need for a predictable system for participant  
9 funding, and we'd like to see the GNWT, the federal  
10 government, and major mine operators have discussions  
11 or at least start talking about how this issue can be  
12 addressed. And that's all I'm going to say for today.  
13 Thank you very much.

14

15 QUESTION PERIOD:

16 THE CHAIRPERSON: Questions for Lutsel  
17 K'e from the monitoring agency?

18 MR. BILL ROSS: Bill Ross, agency. No  
19 questions. Thank you, Madam Chair.

20 THE CHAIRPERSON: Questions, GNWT?

21 MS. LORRAINE SEALE: Lorraine Seale,  
22 GNWT. No questions. Thank you.

23 THE CHAIRPERSON: Questions,  
24 Yellowknives Dene First Nation?

25 MR. ALEX POWER: Alex Power, YKDFN. We

1 have no questions. Thank you.

2 THE CHAIRPERSON: Questions, Tlicho  
3 Government?

4 MS. GRACE MCKENZIE: Grace McKenzie,  
5 Tlicho Government. No questions.

6 THE CHAIRPERSON: Questions,  
7 Environment Canada?

8 MS. SARAH-LACEY MCMILLAN: Sarah-Lacey  
9 McMillan, with Environment Canada. No questions.

10 THE CHAIRPERSON: Questions, Fisheries  
11 and Oceans Canada?

12 MS. JULIE DAHL: Julie Dahl, Fisheries  
13 and Oceans Canada. No questions.

14 THE CHAIRPERSON: Questions, North  
15 Slave Metis Alliance?

16 MR. SHIN SHIGA: Shin Shiga, NSMA. No  
17 questions.

18 THE CHAIRPERSON: Questions, Deninu Kue  
19 First Nation?

20 MR. MARC D'ENTREMONT: Marc  
21 d'Entremont, for the DKFN. We'd just like to thank  
22 Lutsel K'e Dene First Nation for their presentation,  
23 and we have no questions.

24 THE CHAIRPERSON: Questions, Diavik  
25 Diamond Mines?

1 MR. GORD MACDONALD: Gord MacDonald. I  
2 have no questions.

3 THE CHAIRPERSON: Questions, Fort  
4 Resolution Metis Council? Questions, Transport Canada?

5 MR. CHRISTOPHER AGUIRE (BY PHONE):  
6 This is Chris Aguire, with Transport Canada. We have  
7 no questions.

8 THE CHAIRPERSON: Questions, Transport  
9 Canada?

10 MR. CHRISTOPHER AGUIRE (BY PHONE): Oh,  
11 this is Chris Aguire, with Transport Canada. We have  
12 no questions.

13 THE CHAIRPERSON: Questions, Dominion  
14 Diamond Ekati Corporation?

15 MR. RICHARD BARGERY: Richard Bargery,  
16 Dominion Diamond. I'd like to thank Peter and the  
17 members of the committee for their presentation. We --  
18 we have no questions.

19 THE CHAIRPERSON: Questions, Review  
20 Board staff and counsel?

21 MR. RUARI CARTHEW: Ruari Carthew, with  
22 the Review Board. With regards to the socio-economics  
23 concerns you've presented, given the changes  
24 experienced in Lutsel K'e since the start of diamond  
25 mining in the NWT, can you describe any outstanding

1 socio-economic concerns not covered by the existing  
2 socio-economic agreement? Thank you.

3

4 (BRIEF PAUSE)

5

6 MR. BRIAN SANDERSON: Hi. Brian  
7 Sanderson, Lutsel K'e. The things that we're mostly  
8 dealing with is community affairs and social and people  
9 -- loss of lives, and loss of our food habitat. And so  
10 those are the things that are -- impacted us the most.  
11 And for myself, I'm a hunter. I live off the land.  
12 And this is the first time in my life that I have no  
13 caribou meat this year, so I'm living off the store  
14 food now, so that's a big question for me.

15 If I -- if it's still going to be  
16 continued to live off the land and for my kids and my  
17 kids' kids. So those are the impacts -- benefit of  
18 impacts that we're dealing with now. Thank you.

19 MR. PETER UNGER: Just -- Peter Unger,  
20 Lutsel K'e Dene First Nation. Jus -- just to add to  
21 that. I think that the -- the thirty-four (34)  
22 indicators are -- are fairly adequate right now. Most  
23 of the issues I have heard raised to me are -- are  
24 addressed by these indicators.

25 The problem is, is that residents of

1 Lutsel K'e do not see measurement of these indicators;  
2 I'm sure it happens, but it's not evident to residents.  
3 And action is also not evident to -- to residents when  
4 -- when these indicators are decreasing.

5                   One (1) that's been raised to me quite a  
6 bit recently is problems with alcohol and alcoholism.  
7 And -- and there is a perception that not much is being  
8 done by the authorities. Thank you.

9                   MR. RUARI CARTHEW: Thank you. Ruari  
10 Carthew, with the Review Board. With respect to  
11 traditional knowledge, I'm curious if Lutsel K'e DFN  
12 can describe any times where not including traditional  
13 knowledge or not being consulted on traditional  
14 knowledge has resulted in a impact to traditional  
15 livelihood. Thank you. Or -- or sorry, not -- not  
16 exclusively traditional livelihood, but to a valued  
17 component for LKDFN.

18                   MR. PETER UNGER: Thank you. So a  
19 couple examples for this specific project.

20                   THE CHAIRPERSON: Just state your name  
21 again --

22                   MR. PETER UNGER: Oh.

23                   THE CHAIRPERSON: -- please. Thank  
24 you.

25                   MR. PETER UNGER: I apologize. Peter

1 Unger, Lutsel K'e Dene First Nation. The most  
2 prominent example off the top of my head right now is  
3 the hydrology of Lac du Sauvage. There are Elders in  
4 Lutsel K'e who -- who disagree that all the water flows  
5 the way that the hydrological studies have indicated.  
6 And they believe that there are different flows and --  
7 that go different places and that some of the water  
8 arrives closer to Lutsel K'e more directly than what  
9 the hydrology would indicate.

10 MR. RUARI CARTHEW: Thank you. Ruari  
11 Carthew, with the Review Board. No further questions  
12 for staff or counsel.

13 THE CHAIRPERSON: Okay. Questions from  
14 Review Board?

15 MR. JAMES WAH-SHEE: James Wah-shee,  
16 Review Board. Regarding your last recommendation,  
17 could you indicate, what is your current source of  
18 funding to participate in this process? Thank you.

19 MR. PETER UNGER: Peter Unger, Lutsel  
20 K'e Dene First Nation. Currently, we receive resource  
21 pressure funding from the GNWT which is generally used  
22 to pay my salary and run our office. There's also ERMA  
23 (phonetic) base funding. So these are the two (2) main  
24 pots.

25 On the side, we do seek other grants

1 wherever we can for whatever purpose we can find. And  
2 as I did mention, Dominion Diamonds has generously  
3 supported us to come in to -- to several meetings and  
4 several information sessions regarding this project.

5 But there are many other situations where we do not  
6 have any funding to -- to bring people in. Thank you.

7 MR. JAMES WAH-SHEE: James Wah-shee,  
8 Review Board. Has there been any meetings in the past  
9 regarding the issue of funding with the other  
10 Aboriginal groups that you -- you may be aware of?

11 MR. PETER UNGER: Peter Unger, Lutsel  
12 K'e Dene First Nation. No, we've not had formal  
13 meetings. We've had informal discussions but no formal  
14 meetings to speak of. Thank you.

15 MR. JAMES WAH-SHEE: Madam Chair, thank  
16 you very much. I have no further questions.

17 THE CHAIRPERSON: Okay. With no  
18 further questions, thank you for your presentation.

19

20 (BRIEF PAUSE)

21

22 THE CHAIRPERSON: Moving to the next  
23 presentation, we would ask the North Slave Metis  
24 Alliance to come to the table.

25



1 PRESENTATION BY NORTH SLAVE METIS ALLIANCE:

2 MR. SHIN SHIGA: Shin Shiga, North  
3 Slave Metis Alliance. We have a -- a member of North  
4 Slave Metis Alliance, Ed Jones in the back as well.  
5 Thank you, Madam Chair. I am -- my name is Shin Shiga.  
6 I'm the regulatory analyst for North Slave Metis  
7 Alliance.

8 North Slave Metis Alli -- Metis people  
9 are experts weavers -- weavers of cultures, and  
10 knowledge and the wisdom that the people brought  
11 together and continue to build on is an important part  
12 of their Metis identity today.

13 And they're willing to share their  
14 knowledge with the Developer through the Traditional  
15 Knowledge Programs. On this point, I don't think  
16 there's any disagreement. We heard that -- repeatedly  
17 that DDEC is committed to incorporating traditional  
18 knowledge, and we have witnessed many evidences of  
19 that.

20 I believe that with this kind of  
21 commitment and enthusiasm, we can find mutually  
22 agreeable solutions in the short order, for our  
23 remaining concerns in this regard are merely technical.  
24 The concerns really come down to the clarity, the  
25 procedural clarity in which traditional knowledge is

1 solicited, acquired, organized, analyzed, and  
2 eventually incorporated.

3                   How does DDEC decide which plans and  
4 which projects would benefit from TK? How do they  
5 record it? How do they maintain confidentiality? How  
6 do they decide which information was relevant and  
7 useful? This process is quite opaque, and has been  
8 brought up a number of times during this EA.

9                   It is our view that it is reasonable and  
10 prudent to have an external reviewer take a look at the  
11 procedural aspects of -- of traditional knowledge  
12 programs at Ekati mine, to help both of us design a  
13 better approach. To that end, I recommend the  
14 Developer to establish an expert panel of traditional  
15 knowledge researchers. This panel will work with the  
16 Developer and traditional knowledge holders to develop  
17 a sound traditional knowledge research protocols that  
18 will contribute -- con -- contribute to a better  
19 environmental management at the Ekati mine. I believe  
20 that this should happen prior to the commencement of  
21 the Jay Project.

22                   Our concerns regarding socio-economics  
23 are very clear. They are negatively trending, while  
24 being indicators, and NSMA wants to see them solved or  
25 eliminated. Single parent families, sexually

1 transmitted infections, crimes, potential years --  
2 years of life lost, suicides, these are imminent and  
3 pressing concerns.

4                   The fact of the matter is that there are  
5 more indicators negatively trending than positively in  
6 Yellowknife, and most indicators that are neither  
7 income nor employment are negatively trending. People  
8 are hurting right now. People are hurting despite  
9 increasing Aboriginal income and better education.  
10 Industry such as predominately diamond mining is  
11 contributing to increasing income. Both developers and  
12 the governments are eager to attribute the mining to  
13 the increasing income, but they remain ambiguous about  
14 the mysterious decline in other aspects of well-being.

15                   Typically, increase of income from low -  
16 - low to middle improves health conditions. In the  
17 impacted communities, the reverse is happening, and  
18 without a doubt, with significant, adverse impacts to  
19 the people.

20                   To that end, NSMA recommends that the  
21 Developer and the GNWT, in cooperation with the leaders  
22 of affected communities, develop a strategy to uncover  
23 the mechanisms behind significant, adverse trends in  
24 health and well-being indicators.

25                   Talking about climate change, yesterday

1 on BBC News, I read that the researchers in the United  
2 Kingdom are predicting next two (2) years to be the  
3 history's hottest -- history's hottest two (2) years.  
4 This past July was the hottest month on the record.

5 By now, we are -- we're used to  
6 experiencing the record-breaking climate events.  
7 Climate change is not significant, Madam Chair. It is  
8 not going to cause a significant adverse impact. It  
9 is, in fact, a catastrophic impact on every single one  
10 of us.

11 IPCC, or Intergovernmental Panel on  
12 Climate Change, is telling us to cut greenhouse gas  
13 emission by 80 percent by 2050 merely to avoid the  
14 catastrophic change in climate. On a per-capita basis,  
15 Canada's emission is the world's eighth largest.

16 GNWT's greenhouse gas emissions target -  
17 - 2011 to 2015 target identifies 66 percent increase by  
18 2015 compared to 2005. Rather than reducing, GNWT's  
19 aiming to increase GHG. That's their target.

20 But we say, I only account for such a  
21 negligible contribution to the glo -- global GHG  
22 emissions. We can ask that question to every one of  
23 us, and they'll be all saying, Correct. Not a single  
24 industry or individual make the significant  
25 contribution to the greenhouse gas emission, but that

1 is a -- that is the -- the -- there is a problem. We  
2 need a collective action.

3                   Madam Chair, what I must say to you and  
4 the -- and the Board is that the GNWT's target, even if  
5 it overachieved the target by 50 percent, is not enough  
6 to avoid catastrophic climate change, and DDEC is not  
7 even meeting that target.

8                   Greenhouse gas needs to be regulated.  
9 Madam Chair, we can start here. There is no other  
10 regulatory instrument. The Jay Project is going to be  
11 one (1) of the largest industrial developments in the  
12 Territory, and I have no one else to ask.

13                   I am asking you to determine the current  
14 projected greenhouse gas emissions to be significant  
15 and adverse, and I recommend that the -- the Developer  
16 make a long-term greenhouse gas reduction strategy  
17 towards carbon-neutral operations. Thank you.

18                   ELDER ED JONES: My name is Ed Jones,  
19 North Slave Metis Alliance. I just want to point out  
20 at this time that I've attended many meetings over the  
21 past few years, and I'm often frustrated because I make  
22 recommendations and no one seems to heed it.

23                   I got one (1) response from the GNWT  
24 once saying that, on the air quality and emissions,  
25 they're already -- already meeting the national

1 standards. Well, that's not good enough.

2 I've often recommended putting exhaust  
3 purifiers on all their diesel engines, particularly the  
4 power plants and the heavy ore carriers. I -- I then,  
5 as I just said, I feel frustrated many times.

6 Installing exhaust purifiers are not costly. I've  
7 worked at a mine in my younger days in BC at Granduc,  
8 and they used exhaust purifiers on their vehicles  
9 working underground. And their emissions were clean.

10 And whenever I visit the mines, I see  
11 the exhaust, the emissions, particulates, smoke, and  
12 everything else. There are certainly -- the -- the  
13 mines are certainly contributing a lot of pollutants to  
14 the atmosphere, and that is something I want to point  
15 out until the GNWT starts listening, and also the  
16 mines. Thank you.

17

18 QUESTION PERIOD:

19 THE CHAIRPERSON: Thank you for your  
20 presentation. I would like to ask questions. If  
21 there's questions from the Monitoring Agency?

22 MR. BILL ROSS: Bill Ross, Monitoring  
23 Agency. We have no questions. Thank you, Madam Chair.

24 THE CHAIRPERSON: Questions from the  
25 Government of the Northwest Territories?

1 MR. JIM SPARLING: Yes. Jim Sparling,  
2 ENR.

3 Not so much a question, just a point of  
4 clarification, that our target was to remain stable at  
5 2005 levels by 2015, and we -- we currently are on  
6 track to meet that target, that the increase in  
7 emissions would be through to 2020.

8 When we were doing that work in 2011, it  
9 looked very much like the Mackenzie gas pipeline was  
10 going to take place, so we -- we were accounting for a  
11 big increase in emissions from them at the same time we  
12 were looking at, Well, what can we do to expand  
13 renewable energy in other systems? We'll be reviewing  
14 those targets next year, but right now, we're on track  
15 to meet the target for 2015.

16 THE CHAIRPERSON: Questions from  
17 Yellowknives Dene First Nation?

18 MR. ALEX POWER: Alex Power, YKDFN. We  
19 have no questions. Thank you.

20 THE CHAIRPERSON: Questions from Lutsel  
21 K'e Dene First Nation?

22 MR. PETER UNGER: Peter Unger, Lutsel  
23 K'e Dene First Nation. We have no questions. Thank  
24 you.

25 THE CHAIRPERSON: Questions from Tlicho

1 Government?

2 MS. GRACE MACKENZIE: Grace Mackenzie,  
3 Tlicho Government. No questions.

4 THE CHAIRPERSON: Questions from  
5 Environment Canada?

6 MS. SARAH-LACEY MCMILLAN: Sarah-Lacey  
7 MacMillan, with Environment Canada. We have no  
8 questions.

9 THE CHAIRPERSON: Questions from  
10 Fisheries and Oceans Canada?

11 MS. JULIE DAHL: Julie Dahl, Fisheries  
12 and Oceans Canada. No questions.

13 THE CHAIRPERSON: Questions from Deninu  
14 Kue First Nation?

15 MR. MARC D'ENTREMONT: Marc  
16 d'Entremont, for the DKFN. We have no questions.

17 THE CHAIRPERSON: Questions from Diavik  
18 Diamond Mines?

19 MR. GORD MACDONALD: Gord MacDonald,  
20 with Diavik. No questions.

21 THE CHAIRPERSON: Questions from Fort  
22 Resolution Metis Counsel?

23

24 (BRIEF PAUSE)

25



1 THE CHAIRPERSON: Questions from  
2 Transport Canada?

3 MR. CHRISTOPHER AGUIRE (BY PHONE):  
4 It's Chris Aguire, with Transport Canada. We have no  
5 questions.

6 THE CHAIRPERSON: Questions from  
7 Dominion Diamond Ekati Corporation?

8 MR. RICHARD BARGER: Richard Barger,  
9 Dominion Diamond. Thank you for the presentation. We  
10 have no questions.

11 THE CHAIRPERSON: Questions from Review  
12 Board staff and counsel?

13 MR. RUARI CARTHEW: Ruari Carthew, with  
14 the Review Board. Similar question as I -- I posed to  
15 LKDFN.

16 Are the existing indicators and  
17 initiatives in the socio-economic agreement, do they  
18 meet the concerns of the North Slave Metis people on  
19 socio-economic conditions?

20 MR. SHIN SHIGA: Shin Shiga, North  
21 Slave Metis Alliance. I think the socio-economic  
22 agreement does a good job of tracking some of the --  
23 what it -- what it tracks in the form of indicators.  
24 The fact of the matter is there are a number of  
25 indicators that are negatively trending. By that, they

1 are worsening. And so if -- so the -- the answer is  
2 no. It is -- it is not adequate in that the lives of  
3 people are not improving. Thank you.

4 MR. RUARI CARTHEW: Just a follow-up  
5 question. Ruari Carthew, with the Review Board.

6 Are -- are there specific add --  
7 additional concerns that might address North Slave  
8 Metis people concerns in the socio-economic field?

9 MR. SHIN SHIGA: Shin Shiga, North  
10 Slave Metis Alliance. I think, as was in my  
11 recommendation, a good -- good place to start is to --  
12 to look into some of the mechanisms behind the negative  
13 trends that people are experiencing. Thank you.

14 MR. RUARI CARTHEW: No further  
15 questions from the staff. Ruari Carthew. Thanks.

16 THE CHAIRPERSON: Questions from Review  
17 Board members?

18 MS. YVONNE DOOLITTLE: Can you clarify  
19 -- sorry. Yvonne Doolittle, Review Board member. Can  
20 you clarify me -- for me or give me an example of what  
21 in your recommendation you -- and you just said the  
22 word again, 'mechanisms'. Give me an example of what  
23 you mean by a mechanism.

24 MR. SHIN SHIGA: So I guess, to borrow  
25 the language of DAR, the -- the pathways of -- of how

1 with a closer relationship between diamond mining with  
2 this particular project, or resource extraction and the  
3 negative social trends.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: Thank you very much,  
8 North Slave Metis Alliance, for your presentation.  
9 Thank you.

10

11 (BRIEF PAUSE)

12

13 THE CHAIRPERSON: The next presentation  
14 will be from the Deninu Kue First Nation.

15

16 PRESENTATION BY DKFN:

17 MR. MARC D'ENTREMONT: Thank you, Madam  
18 Chair. My name is Marc d'Entremont. I'm a technical  
19 advisor for the DKFN. And as I mentioned earlier, with  
20 me today is Patrick Simon, a councillor with the Deninu  
21 Kue First Nation. So we have a brief presentation  
22 today. The first part of it will be a bit of a social  
23 context of the DKFN, which Patrick will discuss. And  
24 then we'll have a few points about some of the air  
25 quality issues. So I'll pass it over to Patrick.

1                   MR. PATRICK SIMON:    Thank you, Madam  
2 Chair.   Patrick Simon, Deninu Kue First Nation.   Again,  
3 I'd like to apologize about my voice.   I seem to be  
4 struggling today with it.   But I'm sure I would be  
5 clear.

6                   I guess for us, it -- it really is a --  
7 a little more difficult when we come to address the  
8 Board from the south side of the lake, because the  
9 mindset of people seems to be that -- that the people  
10 of the south slide (sic) seem to be only in the south  
11 side, and their interest in the north side is limited,  
12 or -- or non-existent.

13                  And -- and this is the purpose of the  
14 beginning of my presentation, is just to give you a  
15 sense of who we are, and where we come from, and why we  
16 consider ourselves to be of the authority in these  
17 areas that you speak of.   I did -- we are the Deninu  
18 Kue First Nation.   We are a -- a signatory to Treaty 8,  
19 1900 edition.   And we are known and we have relations  
20 to all the people on the north end.   And -- and in the  
21 past, my grandfather and my grandfather and my father,  
22 they knew those relations really well.   So when they  
23 travelled to the different communities, from the Tlicho  
24 to the -- to the Yellowknives to the Lutsel K'e, both  
25 Dene and Metis, they knew people and -- and they

1 discussed.

2                   They were not only travelling buddies  
3 and trapping buddies, but they were relatives. They  
4 were -- they were relatives by marriage or -- or by  
5 names, by -- by being born into it.

6                   But we've lost a lot of Elders. In  
7 fact, we -- we lost all our Elders. There was a year  
8 not so long ago when we were losing Elders every month.  
9 And on December, we -- we started losing them every  
10 week.

11                   So -- so we kind of really have to  
12 always be mindful and -- and convey whenever we get the  
13 opportunity about those types of relationships because  
14 people forget. And when we come across these types of  
15 -- of activities, people may not be able to know how to  
16 relate in a manner that is respectful and recognizable  
17 to the true peoples of the land, the true Dene and  
18 Aboriginal peoples of the land, both past and present.

19                   And I was fortunate because I -- I  
20 learned from those old Elders, and so -- so I'm aware.  
21 So -- so when -- when I come to speak I -- I'm very  
22 much aware of all the people in the room and very much  
23 aware of -- of how I must conduct myself and what my  
24 duties and responsibilities are in this -- in this  
25 capacity.

1                   And the -- the host chief, first of all,  
2 he -- he stated something to me that he stated on his  
3 opening remarks. And it's very hard for us to talk  
4 like this, with our back against the majority of the  
5 people. As Dene people, we're -- we find it difficult  
6 not talking to everyone in a upfront basis, so excuse  
7 me if I struggle a little, because it's very hard for  
8 Dene people to do this.

9                   I'd probably be over there if I had to  
10 position my own seat because it's the respectful way a  
11 Dene leader speaks to -- to people when he -- he comes  
12 carrying the -- the authority I do.

13                  And we are a part of the Akaitcho Tribal  
14 Council. We are negotiating with some of the people  
15 that have -- that are -- that present and that perhaps  
16 have a little more status than us or feel that it's  
17 been given, and it bothers us; it concerns us. And  
18 that's something that impacts us, our relations, that  
19 no one discusses.

20                  Because of the Diamond mines, it has  
21 strained our traditional relationships. And for a Dene  
22 person, or even a Aboriginal person, and I might even  
23 add a longstanding northerner, you guys can understand  
24 that and the importance of forever being mindful of  
25 those relationships because when you live in the north,

1 you're a team.

2                   And -- and if you don't perform within  
3 that team, then people become at risk and people could  
4 be injured or -- or things could befall them that make  
5 it difficult for all of us to -- to live.

6                   I noticed the host chief, he mentioned  
7 the -- as I -- we have written down there's, For as  
8 long as the sun shines, the river flows, and the grass  
9 grows. And he's right when he mentions his duties and  
10 responsibilities in that context to the very land that  
11 we're speaking about.

12                   And I'm here to remind you that I, too,  
13 have that equal responsibility, that equal duty,  
14 because I too am a signatory. And I'm a direct  
15 descendent to the signature.

16                   So my authority in all this is something  
17 I take very serious. And -- and it's important that,  
18 when I convey these things, that I do it in a manner  
19 that -- that recognizes the people I come from and  
20 their place within that land, and the way that we  
21 conduct ourselves and the dignity that we -- we will  
22 display as we try to help in what we want to do here.

23                   The authority of that man is equally so.  
24 When I die and I meet the Creator or God, He's going to  
25 ask me about this because I was given that

1 responsibility. When I go home and I speak to the  
2 people in my community, they're going to ask me because  
3 they gave me an authority. They elected me to their  
4 council, which is a part of Treaty 8, which this mine  
5 sits on.

6                   And that is the purpose and reason I am  
7 here. I'm not here only because I want to get in on  
8 it. I'm here for very serious reasons because my  
9 treaty is -- is something that we were always taught.  
10 We were taught our treaty and we were taught our  
11 relations and we were taught our duties and our  
12 responsibilities and to -- how to conduct ourselves.

13                   So I have to come here to assert my  
14 treaty rights. I have to actually say it. I have to  
15 actually say it so it's very clear to the Company, to  
16 the Board, and to everyone behind me, because I assert  
17 my treaty right to include the right to hunt, fish,  
18 trap, gather, and to sustain my lovely -- livelihood in  
19 this -- in this area. And this is my traditional  
20 territory too. It is.

21                   And in the Dene world, you think  
22 ownership -- you know, one person owns one thing,  
23 another person owns another. Well, that's not how it  
24 really works in the Dene world.

25                   So when the Yellowknives say it's



1 theirs, when Lutsel K'e say it's theirs, when I say  
2 it's theirs -- mine, it's not a contradiction. It  
3 flows in line. It's all of us.

4                   In the end, if we were asked, Who owns  
5 that territory?, every one of them would tell you he  
6 does. We just have certain amounts of gifts from that  
7 land, a lot of responsibility, and a little bit of  
8 authority.

9                   So for me, I'm here only basically to  
10 impress upon you to really show you the extent of my  
11 territory. I -- I'm from the South Slave, and I know  
12 it's really hard to remember us sometimes by  
13 governments, by even the Board or by companies because  
14 we're kind of out of the way.

15                   But that -- that's no excuse to -- to  
16 not recognize me, to not treat me in a manner that is  
17 equal, and everyone else that asserts their rights the  
18 same as mine within that area. And this is my socio-  
19 economic use area.

20                   Before we went on people saying who's  
21 who within the land and we used our own integrity and  
22 our honesty to -- to tell people, Well, maybe you  
23 should go see that guy because he's been in that area,  
24 you have to talk to him, that was the Elders in my --  
25 my father's days. They're really good at doing that.

1                   Now, within this modern time, it -- it  
2 gets tricky. And if you don't listen, you could be  
3 confused about exactly who you should be speaking to,  
4 who the benefits should go to, and who has to be a part  
5 of these things when it comes to authorities,  
6 responsibilities, and duties.

7                   Because we don't always treat each other  
8 the way we used to. The rush for economies, the rush  
9 just to get by, the rush to fix your communities up and  
10 prepare them for these kind of development pressures us  
11 into kind of taking care of our own. When, in fact,  
12 the Elders that taught me also made me very mindful  
13 that I don't only come and speak selfishly for myself  
14 and for my people. I come to speak for everyone else  
15 in this room. Because that is my duty, and that's the  
16 kind of authority and dignity that I have to bring  
17 here.

18                   And I'm not sure if I can even  
19 accomplish that to any kind of a degree. But what I am  
20 sure about is I get my little five (5) minutes here,  
21 and I can put it on the table, and who knows? And if I  
22 continue to do that each and every time, maybe things  
23 will get better. Maybe people will get it clearer that  
24 when these things occur, that you have to come and see  
25 the people of the Deninu Kue First Nation also.

1                   When benefits and -- and stuff occur,  
2   that you have to ensure that we are included, because  
3   that's the only right way to do things in a manner that  
4   recognizes and not only respects that treaty, but  
5   respects all the people of that area and our  
6   forefathers. Because we were taught to do that. And I  
7   remember, and that's why I'm here doing that.

8                   There was a time when I first started, I  
9   was very young. And, you know, you kind of think you  
10   know everything, and you -- you do everything for drama  
11   and effect. And, you know, we were good at saying, No,  
12   we -- we disagree with the mine. I don't know why, but  
13   we just disagree with it. Gone are those times. And  
14   we were forced to, because people just would not  
15   listen, or wouldn't include us, or half-heartedly do  
16   so. So we had to take strong stances before where --  
17   our -- our positions on -- on these kinds of things  
18   were, No, not unless you do certain things.

19                  Now, we support responsible development,  
20   respectful development, development that recognizes  
21   people that makes efforts that, you know, that truly  
22   shows the character of how you say you value us, and  
23   that very land that you want to get something.

24                  For the Dene people, if you get  
25   something from that land, you have to give it back to

1 that land. Not me, not Lutsel K'e, not what you ever.  
2 Those you have to do in a different way, but that land  
3 has to be given something by you guys. You're the ones  
4 sticking shovels and driving all over it. Because  
5 that's what we do as Dene people in our small, little  
6 way, in our small, little impacts when we travel the  
7 land. We do that.

8                   So I'm here to -- to tell you that,  
9 yeah, we can get behind proper and responsible  
10 development, respectful development. But we have  
11 concerns. The Deninu Kue people have concerns and  
12 recommendations that need to be addressed to ensure  
13 that this de -- development is minimal infringement and  
14 effect on our Aboriginal and treaty rights. And it's  
15 really been tricky, because when you're from the South  
16 Slave, people can get confused about -- about that.

17                   But my area is very clear. My treaty is  
18 very clear. It's math. I mean, where is -- where are  
19 -- where are people confused? You know, there are four  
20 (4) signatories there. You track down the descendants  
21 of those four (4) people. That's who you go see.  
22 That's how you -- you bring about inequality, because  
23 quite frankly, one (1) of my regrets in all this is  
24 that nobody recognized that you messed with  
25 relationships that were there for thousands of years,

1 good relationships that taught us how to work together  
2 to survive, and are dignified in a good way.

3                   You messed with that, and you don't even  
4 know that. None of you. I've never heard you mention  
5 it. You messed with our relationships when it came to  
6 the people of the Yellowknives. People of Lutsel K'e  
7 or the Tlicho people. It kind of got harder, because  
8 we had to be way in the backside yelling, and when you  
9 do that, it doesn't paint you in good light.

10                   But you have to do that. If you don't  
11 do that, people will just forget you. We can't be  
12 forgetting. The host Chief mentioned his thing to you.  
13 It's identical in the position I am. There's duties on  
14 that land that I have to answer for. So it's hard for  
15 me to sit here, and watch people who make decisions  
16 that put that in light of those things when I'm going  
17 to have to answer for it eventually through my  
18 authorities, and through the natural relations with the  
19 land, the water, the air. And -- and our God. To our  
20 Elders, and to our young people to come.

21                   It's very hard. So that's -- that's  
22 basically what I wanted to bring here in terms of an  
23 introduction. I will pass on to Marc to -- to handle  
24 the science, and this is probably the last time you're  
25 really going to hear from me, because now we're going

1 to just do science. Thank you very much.

2 MR. MARC D'ENTREMONT: Thank you,  
3 Patrick. So it's Marc d'Entremont again for the DKFN.  
4 So just to continue, so some of the general comments we  
5 have about the work completed to date. I just want to  
6 recognize that there seems to be a lot of information  
7 gaps despite Dominion Diamond committing to doing a lot  
8 of work in the interim, partly around a lot of the  
9 Mitigation and Monitoring Management Plans and stuff.

10 That -- it's -- that -- that information  
11 still isn't present yet, and now the Review Board is in  
12 a situation that they have to make a decision with a  
13 certain level of uncertainty, and then the onus is then  
14 put on the next regulatory stage, so during the  
15 permitting stage, that the mitigations that come out of  
16 these plans will -- will in fact be effective.

17 So it seems that there's a bit of a  
18 disconnect in the whole environmental assessment review  
19 process, but it seems to be the way things have gone.  
20 But we just want to make that comment.

21 So for the hearings this week, as  
22 mentioned, we've got some concerns about air quality,  
23 caribou, fish, et cetera, that we'll discuss later this  
24 week. So with specific -- specific regards to air  
25 quality, in the DAR, Dominion Diamond is going to chose

1 the assessment end point as compliance with applicable  
2 regulatory ambient air quality standards and  
3 objectives, which seems pretty straightforward.

4                   And then you think you could make a  
5 really good clear distinction between what an effect is  
6 and what an effect isn't. But as we saw with some of  
7 the other presentations, there has been exceedances of  
8 some of the standards, so that it -- it's not -- they  
9 haven't met the assessment end point. However, the  
10 determination was that the effects was not significant.

11                   And again, that -- that determination is  
12 made primarily on the fact that, you know, these  
13 exceedances are confined to, and I highlight here,  
14 areas immediately adjacent to project activities, and  
15 as has been stated before, the effects will be  
16 reversible.

17                   So in that information, it's -- it's  
18 again not super clear, the sort of spatial designation  
19 of area immediately adjacent and such. So to kind of  
20 bring back the point of -- some of the line of  
21 questioning today about where the monitoring will  
22 happen, and -- and the -- again, the sort of triggers  
23 and criteria for that monitoring.

24                   And we -- we want to raise these points  
25 because air quality obv -- obviously has implications

1 on humans, vegetation that was mentioned before,  
2 caribou and aquatic resources, so it's -- it's a --  
3 it's a critical resource that needs to be protected and  
4 -- and obviously monitored effectively. And we want to  
5 ensure that -- that any decisions coming from this  
6 process take that into consideration.

7                   So in closing, we have a recommended  
8 measure kind of similar to the one that the Monitoring  
9 Agency has proposed, although theirs was a bit more  
10 specific. We'd like to see a -- an effective air  
11 quality mitigation and monitoring program be  
12 implemented to test the predictions of the DAR.

13                   And I -- in our closing, written  
14 arguments, so we'll provide a bit more detail around  
15 this particular one, as well, with the objective of, as  
16 I said, providing a lot more direction during -- to the  
17 next sort of stage of this regulatory process in  
18 specific regards to permitting.

19                   So that concludes our presentation. And  
20 we thank the -- the Board for their attention.

21

22 QUESTION PERIOD:

23                   THE CHAIRPERSON: Thank you, Deninu Kue  
24 First Nations. Questions for Deninu Kue First Nations  
25 from the Monitoring Agency?



1 MR. BILL ROSS: We have no questions.

2 Thank you, Madam Chair.

3 THE CHAIRPERSON: Questions, Government  
4 of the Northwest Territories?

5 MS. LORRAINE SEALE: Lorraine Seale,  
6 GNWT. No questions.

7 THE CHAIRPERSON: Questions,  
8 Yellowknives Dene First Nation? Quest -- questions  
9 from Lutsel K'e Dene First Nation?

10 MR. PETER UNGER: Peter Unger, Lutsel  
11 K'e Dene First Nation. We'd like to thank Deninu Kue  
12 for their presentation, but we have no questions.  
13 Thank you.

14 THE CHAIRPERSON: Questions, Tlicho  
15 Government?

16 MS. GRACE MACKENZIE: Grace Mackenzie,  
17 Tlicho Government. We have no questions.

18 THE CHAIRPERSON: Questions,  
19 Environment Canada?

20 MS. SARAH-LACEY MCMILLAN: Sarah-Lacey  
21 McMillan, with Environment Canada. We have no  
22 questions.

23 THE CHAIRPERSON: Questions, Fisheries  
24 and Oceans Canada?

25 MS. JULIE DAHL: Julie Dahl, Fisheries

1 and Oceans Canada. No questions.

2 THE CHAIRPERSON: Questions, North  
3 Slave Metis Alliance?

4 MR. SHIN SHIGA: Shin Shiga, North  
5 Slave Metis Alliance. We have no questions.

6 THE CHAIRPERSON: Questions, Diavik  
7 Diamond Mines?

8 MR. GORD MACDONALD: Gord MacDonald,  
9 with Diavik. No questions.

10 THE CHAIRPERSON: Questions, Fort  
11 Resolution Metis Council? Questions, Transport Canada?

12 MR. CHRISTOPHER AGUIRE (BY PHONE): No  
13 questions from Transport Canada.

14 THE CHAIRPERSON: Questions, Dominion  
15 Diamond Ekati Corporation?

16 MR. RICHARD BARGERY: Richard Bargery,  
17 Dominion Diamond. I'd like to thank Patrick and Marc  
18 for the presentation. We have no questions.

19 THE CHAIRPERSON: Questions from Review  
20 Board staff and counsel?

21 MR. MARK CLIFFE-PHILLIPS: Thank you,  
22 Madam Chair. There's no questions from staff or legal  
23 counsel.

24 THE CHAIRPERSON: Questions from Review  
25 Board members?

1                   Thank you, Deninu Kue First Nations for  
2 your presentation. This concludes the day that we have  
3 for the presentations, and we'd like to let you know  
4 that at six o'clock, we will reconvene for the public  
5 comments.

6                   Tomorrow we start at 8:30 in the  
7 morning, and tomorrow we'll be dealing with caribou and  
8 wildlife. So for those we -- that are interested,  
9 we'll see you back here at six o'clock. Thank you.

10

11 --- Upon Recessing at 5:22 p.m.

12 --- Upon Resuming at 6:18 p.m.

13

14 PUBLIC COMMENTARY:

15                   THE CHAIRPERSON: At this time we would  
16 like to reconvene, and we would like to open up this  
17 meeting with the public comments section. So we have  
18 two (2) people listed, but if there's anyone else that  
19 would like to sign up for the public comments, we would  
20 ask that you sign up at the front door where you came  
21 in. You still have an opportunity to put your name on  
22 the list.

23                   We have the first speaker, and I don't  
24 know if they're online yet or not, and it's the Fort  
25 Resolution Metis Council.

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Okay. We'll move on  
4 to the next presentation, or the next speaker. It's  
5 the Kitikmeot Corporation. If you could come to the  
6 table and make your statements?

7

8 (BRIEF PAUSE)

9

10 MS. CHRISTY SINCLAIR: My name is  
11 Christy Sinclair. I'm the director for business  
12 relations with the Kitikmeot Corporation. We'd like to  
13 thank the Board -- the Review Board for this  
14 opportunity to allow Kitikmeot Corporation to  
15 communicate our position and our hopes for the project.

16 Kitikmeot Corporation serves as the  
17 business arm for the Kitikmeot Inuit Association, and  
18 we are entrusted by KIA, the Inuit Association, to  
19 pursue opportunities that build economic -- an economic  
20 base in the Kitikmeot region.

21 Our mandate is to develop business,  
22 employment, and training opportunities for the Inuit  
23 benef -- beneficiaries of the Nunavut Land Claim  
24 Agreement who are within the Kitikmeot region of  
25 Nunavut.

1                   Kitikmeot Inuit Association, along with  
2 the Hamlet of Kugluktuk, are the only Nunavut-based org  
3 -- organizations that are signatories to an impact  
4 benefit agreement with the Ekati mine.

5                   The construction and operation of the  
6 NWT's diamond mines have been a critical factor in  
7 Kitikmeot Corporation's development and ongoing  
8 successes. Some of Kitikmeot Corporation's earliest  
9 major contracts were -- were procured from the Ekati  
10 mine. For example, the extensive work with Nuna  
11 Logistics, a company that is owned -- that is Inuit  
12 owned -- that is 51 percent Inuit owned.

13                   Kitikmeot Corporation's important  
14 relationship with the diamond mines has been critical  
15 to the development of other -- of many of our other  
16 businesses as well. We are the proud owners and joint  
17 venture partners of over twenty (20) companies, and  
18 many of these companies were stra -- strategically  
19 established to directly respond to the needs of the  
20 mining industry.

21                   Because the mine is within the NWT  
22 boundaries, and because the majority of the IBA  
23 signatories are based in the NWT, Nunavut organizations  
24 have to try extra hard to ensure that we benefit from  
25 these type of opportunities made possible from the

1 regional resource development.

2                   To respond to the added challenges that  
3 we face, we've currently opened an office in  
4 Yellowknife to help advance our goal of strengthening  
5 our relationship -- our relationships with the NWT's  
6 resource sec -- sec -- sector to gain more benefits for  
7 the Inuit impacted by these developments.

8                   Unemployment rates are high in our  
9 communities, particularly for young people, and  
10 demographically, our communities are very young. Inuit  
11 from the Kitikmeot region, many of whom actually live  
12 in the NWT, have benefited from employment generated by  
13 the diamond mines either as direct employees or as  
14 employees of Kitikmeot Corporation companies.

15                   It's also worth noting that Inuit have  
16 received training at the diamond mines that has helped  
17 them to access employment elsewhere. The diamond mines  
18 have provided other social benefits. Perhaps the most  
19 notable example was the construction of the Kugluktuk  
20 Visitor's Heritage Centre, of which the Ekati mine was  
21 the biggest contributor to the building of the centre.

22                   Benefits generated from the Kitikmeot  
23 Corporation Companies working at the diamond mines also  
24 supports Kitikmeot Inuit Association's initiatives to  
25 deliver social and cultural programs. Kitikmeot

1 Corporation wants to voice its support of the Jay pipe  
2 expansion project.

3                   When the Review Board makes the  
4 decision, Kitikmeot Corporation hopes that you take  
5 into account the important role that the diamond mine -  
6 - that diamond mining has played in the social and  
7 economic development of the Kitikmeot region,  
8 especially the development of Inuit-owned businesses  
9 serving the resource sector.

10                   As the Review Board makes its  
11 determination of significance concerning the Jay pipe  
12 expansion, and it considers any potential mitigation  
13 measures that it might want to impose on this project,  
14 it is critical to keep in mind that the fact -- to keep  
15 in mind the fact that such mitigation measures have --  
16 can have a very pronounced economic effect on the  
17 Project's overall viability.

18                   Mitigation measures that impose a  
19 significant economic burden on the Project have, among  
20 other things, the potential to reduce procurement  
21 opportunities for Aboriginal-owned companies.  
22 Kitikmeot Corporation and other Aboriginal development  
23 corporations will get squeezed as well. Greater  
24 construction and operating costs can also lead to a  
25 reduction in the other social benefits that we have

1 received over the years of the Ekati's operation.

2 Please, keep this at the forefront of  
3 your thinking as you sit to make your decisions. Thank  
4 you for the opportunity to make this statement.

5 Kitikmeot Corporation also thanks the Review Board for  
6 its intention to go to Kugluktuk on the 21st of  
7 September so that the community mem -- so that the  
8 community members can present their views concerning  
9 the project. This gesture is greatly appreciated.  
10 Koana.

11 THE CHAIRPERSON: Thank you for your  
12 presentation. Do we have the Fort Resolution Metis  
13 Council online?

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: Do we have a list of  
18 other speakers? No?

19

20 (BRIEF PAUSE)

21

22 THE CHAIRPERSON: We're just debating  
23 up here. We -- we don't have anyone else waiting or  
24 online, and there's two (2) more days of opportunity  
25 where public hearings -- or public -- the public will



1 have an opportunity to speak. So we'll wait another  
2 few more minutes.

3

4 (BRIEF PAUSE)

5

6 THE CHAIRPERSON: What we'll do right  
7 now is we'll break for fifteen (15) minutes and give an  
8 opportunity for others to speak if they do so wish.  
9 And maybe the Fort Resolution might call in. If there  
10 is no other people in fifteen (15) minutes when we come  
11 back from break, we'll call it an evening. Thank you.

12

13 --- Upon recessing at 6:29 p.m.

14 --- Upon resuming at 6:40 p.m.

15

16 THE CHAIRPERSON: We have another  
17 speaker for the public comments, and I would like to  
18 ask Tom Hoefer to come up.

19

20 (BRIEF PAUSE)

21

22 MR. TOM HOEFER: Thank you very -- very  
23 much, Madam Chair. And I -- I feel like I'm  
24 disappointing everybody, because it was like they could  
25 have gone home if I wouldn't have shown up. Is that

1 correct?

2                   So thank you very much, Madam Chair, for  
3 allowing me to say a few words tonight. I -- I wanted  
4 to come and make a few positive statements about the  
5 Ekati mine, and -- and the reason that I wanted to do  
6 that is that EA processes tend to focus on concerns.

7                   And there are usually very few of the  
8 population that come out and speak to the positives.  
9 And so I think it's important to remind ourselves of  
10 what the -- good the mine has done over its life so we  
11 don't forget that balance in these discussions.

12                  Now, why am I doing this? Well, as the  
13 son of a miner, a -- a Con miner actually, I know  
14 firsthand that mining helps put bread on the table.  
15 And that helps me out a lot in my job, which is with  
16 the NWT Nunavut Chamber of Mines.

17                  And our Chamber of Mines, as you all  
18 know, is an industry association that's been around  
19 since 1967 now, and our role is to champion on behalf  
20 of a strong minerals industry, one that's beneficial  
21 for northerners and one that's environmentally  
22 responsible so that it will continue to put bread on  
23 lots of tables.

24                  Now, I want to borrow shamelessly from a  
25 great statement I heard this summer from Steve Nitah

1 from Lutsel K'e when he was speaking about a park on  
2 the East Arm. And he said, This is not your  
3 grandfather's park, to signal that there's a difference  
4 today.

5                   Well, Ekati is not your grandfather's  
6 mine. As a matter of fact, it isn't even my father's  
7 mine. Times have changed a lot, and -- and I think  
8 some people forget about that, and particularly because  
9 there's so much news out there about the Giant mine and  
10 of course the clean-up that's going on with that  
11 historical mine.

12                   So I think it's important to remember  
13 that Ekati really helped usher in a whole new era of  
14 mining with notable achievements in the areas of  
15 safety, socio-economic commitments and successes, and  
16 environmental standards. And I want to just speak to  
17 those quite briefly.

18                   If we look at safety, the safety's the  
19 highest value at Ekati, and they've achieved very low  
20 lost-time injuries and a very high safety record. The  
21 mine is certified to the British Occupational Health  
22 and Safety Management Standard, the 18001 standard, and  
23 we've never had that in the North before. That shows a  
24 commitment to safety that's very, very high.

25                   Ekati's also a multiple national winner

1 of the John T. Ryan Award which goes to show what can  
2 be done when you have high standards.

3                   And I -- and I think their style is  
4 really infectious. How many times do you go to  
5 meetings nowadays, and at the start of the meeting,  
6 there's a safety share? That never used to exist in  
7 the old days of all of our meetings, but now we're  
8 doing it, even at government meetings.

9                   How many times do you see people backing  
10 into their parking spot because it's sort of grown on  
11 them from employees coming home, and they're doing it  
12 at home now as part of that safety standard? So that  
13 kind of a safety commitment is also infectious to the  
14 rest of us.

15                  Ekati has also made significant socio-  
16 economic commitments and achieved successes in that  
17 area. Those commitments are articulated in a socio-  
18 economic agreement, which was the first for mining in  
19 the Northwest Territories. Also in impact benefit  
20 agreements, which were the first for mining in the  
21 Northwest Territories.

22                  The northern and Aboriginal  
23 participation is a game changer and I -- I really find  
24 it heartening to see how many of their employees have  
25 passed the fifteen (15) year mark now, which shows that

1 they've had long-term success at -- at getting trained  
2 and staying on the job. And I think that's a real  
3 generational game changer in the communities to have  
4 parents, brothers, sisters, family that work in a job  
5 for that long a period of time. That will be  
6 infectious as well.

7                   And so it's critically important, I  
8 think, to community success that this mine continues to  
9 operate for this proposed extended eleven (11) year  
10 mine life. Their northern business spending is  
11 exceeding \$4 billion to date and has really helped fuel  
12 a whole new creation of Aboriginal businesses in the  
13 mining industry in the Northwest Territories, if not in  
14 Canada.

15                   And of course, there's tens of millions  
16 of dollars in community spending, and donations, and  
17 various other sponsorships that's paid out regularly.  
18 And I think we can't forget about their contribution as  
19 well to the almost \$40 million that's been shared in --  
20 in diamond royalties now with Aboriginal groups that  
21 have a settled claims and of course more that will come  
22 with the devolution agreement sharing.

23                   Ekati also operates to high  
24 environmental standards. They signed the first every  
25 environmental agreement with the government in the

1 Northwest Territories. They have an environmental  
2 management system that's certified to the International  
3 Standards Organization, the ISO 14001, something we  
4 never had before at mines in the north. And they have  
5 hundreds of millions of dollars. I think it's two  
6 hundred and fifty-four (254) or so in reclamation  
7 security, something that our old mines never had.  
8 That's part of the 'not your grandfather's mine'.

9                   And Ekati was the first to put in place  
10 an oversight body, the Independent Environmental  
11 Monitoring Agency and I -- I think I actually have to  
12 put some kudos to John Donihee, who actually I think  
13 helped fuel that in -- in the original hearings back in  
14 the -- however many years ago that was now.

15                   So Ekati is critically important in the  
16 big picture, in other words, our economy. Ekati  
17 launched us on a whole new path with the discovery and  
18 the mining of diamonds in the Northwest Territories.  
19 Their world class mine has helped elevate Canada and  
20 the NWT now to third place in the world for the value  
21 of diamonds produced. It's pushed mining to be as high  
22 as 50 percent or more of our economy.

23                   And if I might, I'd like to table some  
24 evidence for you later to read in the form of a couple  
25 of documents. One is one (1) called Measuring Success

1 that we produce that amalgamates all of their  
2 contributions as well as the other mines to the NWT  
3 economy and to communities. And the other one (1) is a  
4 presentation that I gave to the Canadian Northern  
5 Development Minister's Conference earlier this summer  
6 in which they asked for a success story and I -- I told  
7 the story of the history of diamonds and -- and the  
8 role that Ekati's played in doing that.

9                   Let me say that we're in very difficult  
10 times right now in the mining industry. If you look at  
11 the calendar for mine openings and closings you won't  
12 see much on the horizon. Yeah, we see Gahcho Kue  
13 coming on stream next year, but we also see Ekati  
14 closing in four (4) years without this extension and we  
15 see Diavik closing four (4) years after that.

16                   We also thought we'd see Cantung mine  
17 going for a number of years and now it's in a  
18 bankruptcy situation with not much left on its horizon.  
19 At one (1) time we were really optimistic that we'd see  
20 a number of advanced projects become mines, you know,  
21 the NICO, the Nilacho (phonetic), the Prairie Creeks,  
22 the Ties (phonetic), the Pine Points. While some of us  
23 were very excited to see that opportunity, that  
24 optimism is now weaning, because all of those advances  
25 projects are struggling now in this marketplace.

1                   And even if we could wave a magic wand  
2 and make those mines come on stream, if you total up  
3 the workforce of all of those mines, they just equal  
4 one (1) Ekati, which gives you a sense of the -- of the  
5 size of this mine when I say it's a world class mine.  
6 At fifteen hundred (1,500) workers it takes a lot of  
7 these small mines to even equal that. So it would be a  
8 tremendous loss if the mine did not continue on.

9                   And even if we did wave that wand and  
10 those mines come on stream, then four (4) years later  
11 we lose Diavik, which is another nine hundred (900)  
12 workers. So it's not a really particularly exciting  
13 time looking down the horizon and it's going to be very  
14 important to our economy and to our communities and to  
15 our businesses to see the Ekati mine continue mining  
16 for another eleven (11) years.

17                   Unless we think that exploration is  
18 going to help, help us find new mines, it's really  
19 dismal. The NWT has dropped to almost last place in --  
20 in Canada for exploration investment over the last  
21 seven (7) years. And we've done that while other  
22 jurisdictions prospered. So we've already got some  
23 made at home problems that we're trying to address and  
24 we're trying to work with Aboriginal governments and  
25 public governments to -- to help fix this.



1                   But what it means is that we don't have  
2 a lot of exploration investment going on right now.  
3 And it takes a lot of bingo cards to win and bingo. It  
4 takes a lot of exploration projects to be able to have  
5 one (1) that emerges as a mine and so that doesn't look  
6 very healthy either right now.

7                   So I -- I won't speak for very long. I  
8 want to just conclude now and -- and just conclude by  
9 saying that that's why it's very important that you and  
10 Dominion Diamonds have success during your  
11 deliberations. Your success, from my perspective, will  
12 see Dia -- see Ekati continue to mine for another  
13 eleven (11) years, and to do so environmentally  
14 responsibly, and to do so by creating significant  
15 benefits for our residents, and for our northern  
16 businesses and for our governments.

17                   So I want to wish you, and I want to  
18 wish Dominion Diamonds great success here in -- in  
19 seeing this project through, and -- and having the  
20 outcome that the mine continues to operate for another  
21 eleven (11) years. And with that, thank you very much  
22 for your time.

23                   THE CHAIRPERSON: Thank you. At this  
24 time then we would like to adjourn the hearing, and  
25 we'll start tomorrow morning again at 8:30 in the

1 morning since we have no more public speakers.

2                   Thank you very much for those that came  
3 out, and made their presentations. Thank you to the  
4 staff, the translators, to everybody. To our staff  
5 that helped get this all organized, and to the Board  
6 members for coming and asking the questions, too.  
7 Thank you, all, and good night.

8

9 --- Upon adjourning at 6:50 p.m.

10

11

12

13

14

15 Certified correct,

16

17

18 \_\_\_\_\_

19 Robert Keeleghan, Mr.

20

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