



MACKENZIE VALLEY ENVIRONMENTAL

IMPACT AND REVIEW BOARD

JAY PROJECT EA1314-01

TECHNICAL SESSIONS

Facilitator

Bill Klassen

HELD AT:

Yellowknife, NT

Tree of Peace

April 21, 2015

Day 2 of 5

	APPEARANCES	
1		
2	Chuck Hubert	)MVEIRB
3	Mark Cliffe-Phillips)
4	Sachi De Souza)
5	Simon Toogood)
6	Kate Mansfield)
7	Chris Rose)
8	Anne Gunn)
9	Stacey Menzies)
10	Brvan Watts (bv phone))
11	Kathy Racher (np))
12	Neil Hutchinson (np))
13	John Donihee	)Counsel
14		
15	Richard Bargerv	)Dominion Diamond
16	Elliot Holland)
17	Claudine Lee)
18	Bob Overvold)
19	Ora-nava Wah-Shee)
20	Charles Klengenberg)
21	Harry O'Keefe)
22	Patrick Duffv	)Counsel
23	John Virgil	)Golder Associates
24	Kristine Mason)
25	Dan Coulton)

1	APPEARANCES (Con't)	
2	Jim Rettie	)Golder Associates
3	Amv Langhorne)
4	Steven Strawson)
5	John Cunning)
6	Fiona Esford)
7	Shannon Allerston)
8	Michael Herrell (np))
9	John Faithful (np))
10	Tamika Mulders)
11	Emilv Nichol)
12	Damian Panavai)
13	Eric Denholm	)EDenholm Consulting
14		
15	Andrea Patenaude	)GNWT
16	Brett Elkin)
17	Dean Cluff (np))
18	Lynda Yonge)
19	Monica Wendt)
20	Kate Witherlv)
21	Paul McCurdy)
22	Lorraine Seale)
23	Melissa Pink)
24	Paul Green (np))
25	Bill Pain (np))

1	APPEARANCES (Con't)	
2	Rick Walbourne (np)	) GNWT
3	Catherine Braun Rodriguez)
4	Diana Beck)
5	Glen MacKay)
6	Jan Adamczewski)
7	Paul Mercredi)
8	Bruno Croft)
9	Karin Clark)
10	Robert Mulders)
11	Lubaki Santoko)
12	Pamela Strand)
13	Mike Reddy)
14	Gillian Webster)
15	Noel Journeaux	) Jorneaux Associates
16	Jamie VanGulck	) Arktis Solutions
17		
18	Sarah-Lacey McMillian	) Environment Canada
19	Dave Fox)
20	Meagan Tobin)
21	J.F. Dufour (np))
22	Bradley Summerfield)
23	Reg Etackam (np))
24	Anne Wilson (np))
25	Ted Brights (phonetic) (np))

1	APPEARANCES (Con't)	
2	Christopher Aquire (bv phone)	)Transport Canada
3	Ignacio Duque (bv phone))
4		
5	Maureen Flagler	)AANDC
6		
7	Emerv Paquin (np)	)IEMA
8	Doug Doan)
9	Kevin O'Reilly)
10	Tee Lim)
11	Tony Pearse)
12	Kim Poole)
13		
14	Tim Bvers	)IEMA
15		
16	Bovan Tracz	)WRRB
17		
18	Todd Slack	)YKDFN
19	Ed Sangris)
20	Richard Ediericon)
21		
22	Marc d'Entremont	)DKFN
23		
24	Peter Unger	)LKDFN
25	Grace Catholique)

1	APPEARANCES (Con't)	
2	Tom Unka	)NWT Metis Nation
3		
4	Shawn McKav	)For Resolution Metis
5	Arthur Beck	)Council
6		
7	Shin Shiga	)North Slave Metis
8		)Alliance
9		
10	Sioerd Van Der Wielen	)Tlicho Government
11	Grace Mackenzie)
12		
13	Tannis Bolt	)Kitikmeot Inuit Asc.
14		
15	Tom Hoefer	)Chamber of Mines
16		
17	Sarah Robertson)CanNor-NPMO
18	Marie Adams)
19		
20	Noeline Villebrun)Members of Public
21		
22		
23		
24		
25		

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1		LIST OF HOMEWORK
2	Number	Description
3	7	DDEC is to clarify size of crush to be
4		used for caribou crossings on the Jay
5		road (and how it compares to existing
6		Miserv road crossings) tomorrow if
7		possible morning
8	8	DDEC is to provide information regarding
9		the dust impacts on lichen (after
10		closure) after consultation with the
11		company's closure expert by the end of
12		the Technical Sessions
13	9	DDEC is to provide a table of
14		information related to the area affected
15		by the blasting tomorrow morning if
16		possible; to be submitted to the Review
17		Board for posting on the Public Registry
18	10	IEMA is to provide
19		presentation/documents regarding dust
20		impacts from an IEMA workshop to the
21		Review Board to be posted on the Public
22		Registry
23		
24		
25		

1		LIST OF HOMEWORK (Con't)
2	Number	Description
3	11	DDEC is to consider the request to
4		include Jav underground as an RFD as it
5		may contribute to cumulative effects on
6		caribou, and respond to this request
7		tomorrow
8	12	(Re IR 24 and 7 from KIA). Dominion to
9		clarify responses from these IRs and
10		justification for the contradictory
11		statements
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1	LIST OF COMMITMENTS	
2	Number	Description
3	2	DDEC is to complete a draft Wildlife
4		Effects Monitoring Plan (WEMP) and
5		Wildlife and Wildlife Habitat Protection
6		Plan (WWHPP) that incorporates Jay
7		Project by Aug. 1st, 2015
8	3	Traffic Management Plan or Wildlife and
9		Roads Mitigation Plan) to an appendix to
10		WEMP. Input sought into plan that lays
11		out the steps which will include linkage
12		between monitoring and mitigation and
13		incorporate input. Dominion to set out
14		a plan on how it will incorporate those
15		suggestions
16	4	DDEC will submit any draft plans or
17		existing management plans (e.g. those
18		under review by WLWB) that may be used
19		for reference by the Review Board (but
20		not for review under the EA process); to
21		be submitted to the Review Board and
22		posted on the Public Registry
23		
24		
25		

1	LIST OF UNDERTAKINGS	
2	Number	Description
3	1	DDEC is to provide a rough map with the
4		location of berms along the Jav road
5		where caribou crossings will not be
6		located. Include total length of roads
7		and proportion that are caribou
8		crossings
9	2	DDEC is to conduct a full analysis for
10		Anne Gunn's proposed road alternative
11		(4), as was done for the other proposed
12		roads; to be submitted as an addendum to
13		table 28.1 and 28.2 to the Review Board
14		and posted on the Public Registry
15	3	DDEC is to provide information regarding
16		light pollution mitigation strategies
17		from other industrial and mining sites
18		and their applicability to Jav Project
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1 --- Upon commencing at 9:02 a.m.

2

3 THE FACILITATOR: Good morning,
4 everyone. I would like to ask you to take your seats
5 so that we can get today's session on caribou underway.
6 Thank you.

7 Similar to yesterday, I'll just cover a
8 few general topics before we get underway. My name is
9 Bill Klassen. I've been asked by the Mackenzie Valley
10 Environmental Impact Review Board to facilitate these
11 sessions.

12 So just so everyone is aware of them,
13 there are two (2) exits from this hall at that end of
14 the room. The washrooms are over there. Coffee and
15 water are over on the -- the sideboard. I would ask
16 you to put your cell phones on mute.

17 And the other thing that I didn't ask
18 people to do yesterday and that the staff of the Board
19 has requested, is that would you please sign in so that
20 they have a record of who participated in these
21 sessions? So the sign-in sheet is at the table at --
22 at the door.

23 There is present with us today an
24 interpreter, Tony Buggins, who will be available to
25 interpret in the Chippewawan language for those

1 Chippewavan speakers who wish to talk about caribou
2 today but aren't comfortable speaking in English. So
3 Tony Buggins will interpret for those people. It's not
4 simultaneous interpretation, and so when the
5 Chippewavan speaker has said what he or she wants to
6 say, then -- then Tony will then interpret for us. And
7 I thank you for being present.

8 The -- the topic today is caribou, and
9 so there are different participants today than there
10 were yesterday. And so that we are all aware of who is
11 in the room, I would like, as we did yesterday, to have
12 introductions again. And I will start on my left here
13 with Chuck.

14 MR. CHUCK HUBERT: Chuck Hubert, with
15 the Review Board.

16 MS. SACHI DE SOUZA: Sachi De Souza,
17 with the Review Board.

18 THE FACILITATOR: We'll go to the Board
19 staff, and then we'll come back. And we'll go around
20 the room, and then lastly the people that are at the
21 tables closest in.

22 MS. KATE MANSFIELD: Kate Mansfield,
23 with the Review Board.

24 DR. ANNE GUNN: Anne Gunn, with the
25 Review Board.

1 (BRIEF PAUSE)

2

3 MR. JOHN DONIHEE: I'm John Donihee.
4 I'm Board counsel.

5 MR. SIMON TOOGOOD: Simon Toogood, with
6 the Review Board.

7 MR. CHRIS ROSE: Chris Rose, with the
8 Review Board.

9 MR. DOUG DOAN: Doug Doan, with the
10 Independent Environmental Monitoring Agency.

11 MR. KIM POOLE: Kim Poole, on behalf of
12 the Agency.

13 MR. KEVIN O'REILLY: Kevin O'Reilly,
14 with the Agency.

15 MR. TEE LIM: Tee Lim, with the Agency.

16 MR. MARC d'ENTREMONT: Marc
17 d'Entremont, technical advisor to the DKFN.

18 MR. TODD SLACK: Todd Slack, with the
19 Yellowknives.

20 MR. PETER UNGER: Peter Unger, LKDFN.

21 MR. BOYAN TRACZ: Boyan Tracz,
22 Wek'eezhii Renewable Resources Board.

23 MR. SJOERD VAN DER WIELEN: Sjoerd Van
24 Der Wielen, Tlicho Government. MR. SHIN SHIGA:
25 Shin Shiga, North Slave Metis Alliance.

1 MR. TONY BUGGINS: Tony Buggins,
2 interpreter.

3 MR. TOM UNKA: Tom Unka, NWT Metis
4 Nation.

5 MR. SHAWN MCKAY: Shawn McKay, Fort
6 Resolution Metis Council.

7 MR. ARTHUR BECK: Arthur Beck, Fort
8 Resolution Metis President.

9 MS. TAMIKA MULDER: Tamika Mulders,
10 with Golder Associates.

11 MS. EMILY NICHOL: Emily Nichol, with
12 Golder.

13 MS. SHANNON ALLERSTON: Shannon
14 Allerston, Golder -- Golder Associates.

15 MR. DAMIAN PANAYI: Damian Panayi,
16 Golder.

17 MR. CHARLES KLENGENBERG: Charles
18 Klengenberg, Dominion Diamond.

19 MS. GILLIAN WEBSTER: Gillian Webster,
20 with GNWT-DAAIR.

21 MS. SARAH ROBERTSON: Sarah Robertson,
22 with CanNor NPMO.

23 MS. MONICA WENDT: Monica Wendt,
24 ENR/GNWT.

25 MR. MIKE REDDY: Mike Reddy, GNWT

1 Justice.

2 MS. MELISSA PINK: Melissa Pink, GNWT

3 Lands.

4 MR. PAUL MCCURDY: Paul McCurdy, GNWT

5 Lands.

6 MR. LUBAKI ZANTOKO: Lubaki Zantoko,

7 GNWT-CIMP.

8 MS. TANNIS BOLT: Tannis Bolt,

9 Kitikmeot Inuit Association.

10 MS. STACEY MENZIES: Stacey Menzies,

11 with the Review Board.

12 MR. JOHN CUNNING: Hi. John Cunning,

13 with Golder.

14 DR. JOHN VIRGIL: John Virgil, Golder.

15 MS. KRISTINE MASON: Kristine Mason,

16 Golder.

17 MS. FIONA ESFORD: Fiona Esford,

18 Golder.

19 MR. HARRY O'KEEFE: Harry O'Keefe,

20 Dominion Diamond.

21 MS. AMY LANGHORNE: Amy Langhorne,

22 Golder.

23 MR. STEVEN STRAWSON: Steve Strawson,

24 Golder.

25 DR. DAN COULTON: Dan Coulton, Golder

1 Associates.

2 DR. JIM RETTIE: Jim Rettie, Golder

3 Associates.

4 MR. RICHARD BARGERY: Richard Bargery,

5 Dominion Diamond.

6 MS. CLAUDINE LEE: Claudine Lee,

7 Dominion Diamond.

8 MR. ERIC DENHOLM: Eric Denholm,

9 EDenholm Consulting.

10 MR. PATRICK DUFFY: Patrick Duffy,

11 legal counsel for Dominion.

12 THE FACILITATOR: Over here on this

13 side please. Maybe you can use the mics that are on

14 the table.

15 MR. JAN ADAMCZEWSKI: Jan Adamczewski,

16 with the Wildlife Division, Government of the Northwest

17 Territories/ENR.

18 MS. ANDREA PATENAUDE: Andrea

19 Patenaude, GNWT-ENR.

20 MS. KARIN CLARK: Karin Clark, GNWT-ENR

21 Wildlife Division.

22 MS. LYNDA YONGE: And Lynda Yonge,

23 GNWT-ENR.

24 THE FACILITATOR: Thank you very much.

25 Just to clarify again the approach that we'll be

1 taking. The purpose, of course, is to focus on the
2 Information Request responses that Dominion Diamond has
3 provided. And we want to as much as possible resolve
4 any outstanding technical issues. So the information
5 that's gathered in these sessions will inform a second
6 round of Information Requests, should that be
7 necessary.

8 And there will also be commitments made,
9 as there were yesterday, I expect, on this topic. And
10 the Board staff will be tracking what those commitments
11 are. The meeting is being transcribed, so when you
12 speak would you please give your name so that the
13 record will be accurate as to who said what. The --
14 we'll be breaking for lunch just before 12:00 and we'll
15 take other breaks during the day as it seems to be
16 necessary.

17 Before I go over the -- the agenda for
18 today there were some items, some commitments, that
19 Dominion Diamond made yesterday as to information they
20 would be bringing to this session or these sessions
21 during the week that they weren't able to provide
22 yesterday. And there's one (1) such topic that I think
23 the Dominion Diamond staff present are able to address.
24 But before I ask Richard -- and that one (1) had to do
25 with a -- a question about grizzly bears and the

1 effects on grizzly bear populations of the decline and
2 in the caribou numbers.

3 But before I ask Richard to comment on
4 that, I've just been reminded that I forgot to ask the
5 people who are on teleconference to introduce
6 themselves. So for those who are joining us by
7 telephone would you please introduce yourselves?

8 MS. MAUREEN FLAGLER (BY PHONE):
9 Maureen Flagler, Aboriginal Affairs in Gatineau.

10 THE FACILITATOR: Thank you.

11 MR. CHRISTOPHER AGUIRE (BY PHONE):
12 Hello. This is Christopher Aguire, from Transport
13 Canada in Winnipeg.

14 THE FACILITATOR: Thank you. Is there
15 anyone else joining us by telephone?

16

17 (BRIEF PAUSE)

18

19 THE FACILITATOR: Okay. Hearing no one
20 else then, we'll assume there are just two (2)
21 telephone participants. And I will try to give you an
22 opportunity to ask your questions as well as we go
23 along.

24 So would you then respond to the
25 question regarding grizzlies, Richard, if you have that

1 information?

2 MR. RICHARD BARGERY: So just the --
3 just -- Richard Bargery, Dominion Diamond. Just for
4 clarity, do you want us to deal with the undertakings
5 that were the homework assignments? Do you want us to
6 deal with the grizzly bear populations? And as far as
7 the translation's concerned, are we trying to be slow
8 to accommodate that?

9 THE FACILITATOR: For those
10 undertakings that were given yesterday to bring
11 information back, if you have that information, let's
12 get it on the record now, and then we'll proceed.

13 MR. RICHARD BARGERY: Okay. Richard
14 Bargery, Dominion Diamond. So in response to Bryan
15 Watts's question regarding the recommendations stated
16 in section 15 of the Jay Project Pre-feasibility Dike
17 Design Report prepared by Golder on December 8th, 2014,
18 submitted along with Dominion Diamond's response to the
19 IRs as Appendix A. So that's Homework Assignment
20 number 1.

21 Our recommendations were organized under
22 two (2) headings: 1) evaluation of foundation
23 conditions, and 2) evaluation of potential construction
24 materials.

25 Under the first heading related to

1 foundation conditions, all recommendations had to be
2 carried out or in the process of being carried out as
3 part of the 2015 geotechnical investigation program
4 except the first item.

5 This recommendation involves conducting
6 an underwater visual assessment of the lake bed surface
7 for the presence of cobbles and boulders. During the
8 summer of 2015, surveying to visually assess the
9 presence of boulders on the lake bed surface will be
10 carried out.

11 Under the second heading -- heading,
12 sorry, Newfoundlander, 'H's are sometimes a problem --
13 mixed design testing on till samples obtained from the
14 Pigeon pit have been carried out. Additional till
15 samples will be collected from Lynx pit during pre-
16 stripping operations, and testing will be conducted.

17 Once a crusher contractor is selected to
18 produce the fine and coarse filter material, then
19 samples will be collected and testing conducted. The
20 design -- the dike design team is confident that
21 suitable data has been provided by Dominion to support
22 the dike design used in the DAR, which we believe is
23 acceptable for the environmental assessment stage of
24 the regulatory process.

25 So Homework Assignment number 2 asked by

1 -- by Mr. Slack from the YKDFN with respect to the
2 number of lake beds altered. This question arose --
3 excuse me. This question arose in discussion of Stream
4 C-1 which will need to be permanently diverted to
5 accommodate a conceptual elongation of the Jav waste
6 rock storage area to the north. The diversion of
7 Stream C-1 would likely require in-stream fish habitat
8 for all life stages and species of fish.

9 There are two (2) diversions of this
10 nature at the Ekati mine: the Panda Diversion Channel
11 and the Pigeon Stream Diversion. Both of these
12 channels are permanent diversion channels that contain
13 in-stream habitat for all life stages and species of
14 fish. These diversions were designated Fisheries Act
15 compensation for loss of the original streams.

16 The Fisheries Act authorizations held by
17 the Ekati mine identify thirteen (13) lakes that have
18 been unavoidably lost, and four (4) lakes that have
19 been altered. Many of these lakes were lost or altered
20 during the initial construction of the Ekati mine. The
21 alteration or loss of those lakes have been fully
22 compensated through the Fisheries Act.

23 Homework Assignment number 3, wildlife
24 mitigation and monitoring plans. That came up and I
25 believe was asked by the GNWT by Andrea Patenaude, and

1 -- and there were some follow-up questions.

2 Dominion Diamond will provide a draft
3 document that is consistent with the GNWT's draft
4 guidelines for a Wildlife and Wildlife Habitat
5 Protection Plan and Wildlife Effects Monitoring Plan,
6 GNWT 2013, by August 1st, 2015, which we think is --
7 will be in -- in advance, hopefully a couple of weeks
8 in advance, of the -- of the public hearings.

9 This document will provide details on
10 the existing mitigation practices and procedures and
11 describe the adaptive management process that is
12 already in place at the Ekati mine and how they will be
13 expanded to include the Jav project. The WEMP will
14 then provide details on the study designs and sampling
15 methods used to test effects, predictions, and the
16 effectiveness of mitigation.

17 Upon the approval of the Jav project, it
18 is expected that these new documents will replace the
19 Ekati Wildlife Effect Management Plan and the current
20 Ekati Wildlife Effects Monitoring Program. The Ekati
21 Wildlife Road Mitigation Plan -- the Traffic Management
22 Plans, as we were referring to it yesterday -- will be
23 distributed for comment at the end of April, as per the
24 previous commitment that we made.

25 The final document will become an

1 appendix of the Ekati Wildlife and -- and Wildlife
2 Habitat Protection Plan. The same mitigation practices
3 and proce -- procedures will be applied to the Jav
4 project pending approval.

5 We have another one -- another homework
6 assignment which is not complete yet with the list of
7 management plans, and we're still working through that.
8 And hopefully, in the next day or two (2) we'll --
9 we'll have that -- that, as well.

10 THE FACILITATOR: Thank you. I guess
11 since I have asked the rest of you to identify
12 yourselves, I better say that I'm Bill Klassen. And
13 thank you, Richard. We'll wait for that additional
14 information. I'm not going to entertain questions now
15 about the information that has been provided. I would
16 like to proceed with caribou.

17 If you have further questions about the
18 information that has been provided, I'll ask you to
19 hold those. And we'll have opportunity later this week
20 to come back to those. But because there are people
21 present here today specifically on the caribou topic, I
22 would like to proceed with -- with caribou.

23

24 (BRIEF PAUSE)

25

1 THE FACILITATOR: I'm informed there's
2 one (1) more homework item, but I'm not sure exactly
3 what that is. Can you ment -- I'll ask Chuck to speak
4 to that.

5 MR. CHUCK HUBERT: Yes, thanks, Bill.
6 Chuck here, with the Review Board. The -- the question
7 was to ENR, and it was regarding bird nesting sites in
8 pits and to -- asking whether some type of compensation
9 for bird nesting sites which would be affected during
10 pit re-flooding, if ENR has a response for that today?

11 MR. ANDREA PATENAUDE: Hi. Andrea
12 Patenaude, ENR. In response to that question from
13 yesterday, GNWT feels that the mitigations proposed for
14 preventing nesting and minimizing impacts to nesting
15 falcons that are proposed are sufficient and that, as
16 the habitat descri -- or created by mine pits is
17 created habitat, that no compensation is required.

18 May I also take this opportunity just to
19 jump in on something that came up yesterday that we
20 didn't really get in on quick enough, but that was in
21 response to reporting of incidents, vehicle collision
22 incidents related for caribou. It is related to
23 today's topic.

24 We just wanted to make it clear for the
25 record and for the -- I don't know if I see her, but

1 for the questioner, that there is a legal obligation in
2 the Wildlife Act to report these types of incidents to
3 an ENR officer as soon as prac -- practicable and that
4 this is -- this fact is assisted but -- or this is
5 assisted by the fact that during the winter road season
6 there is a check station that's set up -- a joint check
7 station set up by GNWT and YKDFN at Gordon Lake. This
8 is discussed in response to IR from the Yellowknives
9 Dene at -- or 18, and that the regional office would be
10 the ones to -- in this case, North Slave office, to --
11 to receive those reports.

12 THE FACILITATOR: Thank you for that
13 additional information. It's Bill Klassen. The agenda
14 for today then, we have --

15 MR. RICHARD BARGERY: Sorry, Bill.
16 Bill, sorry.

17 THE FACILITATOR: All right.

18 MR. RICHARD BARGERY: The one (1) issue
19 we haven't dealt with, the first question you asked,
20 sorry, Richard Bargery, Dominion Diamond, was the
21 grizzly bear resilience question that Dr. Gunn asked
22 yesterday. And we do have a response to that even
23 though it wasn't a homework assignment. And we're
24 wondering if -- if the ti -- if it's best to do that
25 now or best to do it during the -- the -- you know,

1 during the session, so.

2 THE FACILITATOR: Well, it's on the
3 topic of caribou so -- or at least directly or
4 indirectly. Please proceed with -- with that then, and
5 then we'll get onto the main topic of caribou.

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. I'd ask Dan Coulton from Golder to -
8 - to respond to -- to that question from Dr. Gunn.

9 DR. DAN COULTON: Dan Coulton -- Dan
10 Coulton, with Golder Associates. To -- to provide
11 clarification on -- from Dr. Gunn's question on the
12 confidence in the impact predictions regarding the
13 resilience of grizzly bear populations, given the
14 decline of Bathurst caribou herd, the measurement
15 indicators considered in the assessment of grizzly
16 bears included habitat quantity, habitat arrangement
17 and connectivity, habitat quality, survival and
18 reproduction, abundance, and distribution.

19 The Bathurst caribou population has a
20 history of being cyclical. Carnivore populations that
21 depend on caribou have been exposed to these cycles in
22 the past. The determination of significance concluded
23 that the effect sizes or magnitudes of the changes in
24 the measurement indicators predicted for grizzly bears
25 are within the adaptive capacity, and resilience in the

1 presence of cyclical patterns of barren-ground caribou.

2 A number of ecological conservatives --
3 conservatisms were assumed in the DAR to predict
4 maximum effects, manage uncertainty, and provide
5 confidence in the determination of significance.

6 THE FACILITATOR: Bill Klassen. Thank
7 you. On the subject -- the larger subject then of
8 caribou that we'll be addressing today, behind me on
9 the screen is a list of the topics: baseline roads and
10 utilities, dust mitigation. And in your agenda you've
11 also got two (2) further items, cumulative effects and
12 population modelling, and then assessment endpoints and
13 thresholds for significance.

14 What I would appreciate, given that this
15 is a fairly broad topic and of great interest to many
16 in the room, is if you would try to keep your questions
17 grouped by topics. The approach we'll take is that I
18 will ask for parties in the room that have questions on
19 baseline to ask those questions. And then when there
20 are no more questions by individuals in the room then I
21 will ask staff of the Board to ask questions on that
22 topic.

23 I know that there's going to be some
24 overlap from one (1) area to another, but as much as
25 possible could we stay focussed on those bulleted

1 topics: baseline roads and utilities, dust -- I know
2 there's overlap between roads and dust -- mitigation.
3 And we'll see how that -- how that works.

4 So first of all, though, we have a
5 presentation from Dominion Diamond on caribou. I
6 believe that's the case.

7 MR. RICHARD BARGERY: Richard Bargery,
8 Dominion Diamond. Yes, that's the case and Jim Rettie
9 from -- from Golder will -- will do that, if we're --
10 if we're ready for that?

11 THE FACILITATOR: Okay. We'll need the
12 lights dimmed.

13

14 PRESENTATION BY DOMINION DIAMOND - CARIBOU:

15 DR. JIM RETTIE: Good morning. Jim
16 Rettie, from Golder Associates. This morning my
17 presentation includes a brief review of the assessment
18 approach used in the Developer's Assessment Report,
19 and the conclusions we've reached for barren-ground
20 caribou.

21 First, following submission of the DAR
22 we completed an addendum to include the Sable project
23 and Diavik's A21 pit. The -- the adequacy review and
24 the IRs that followed had a number of specific requests
25 and some common themes. These include the need for

1 modelling of population trends in the Bathurst herd;
2 the significance of development given the current
3 decline of the Bathurst herd; identification of
4 ecological thresholds; detailed information on traffic
5 patterns on -- and road, pipeline, and powerline
6 designs; Wildlife Effects Monitoring Program, and
7 Wildlife and Wildlife Habitat Protection Plan.

8 Barren-ground caribou are an important
9 cultural and economic resource for the people of the
10 Northwest Territories, and were identified as a valued
11 component in the terms of reference. As for the
12 wildlife VCs you heard about yesterday, the assessment
13 endpoint was self-sustaining, and ecologically
14 effective populations.

15 Long-term population viability is
16 frequently applied as an ecologically relevant target
17 by conservation biologists and resource managers.
18 Self-sustaining populations are healthy, robust
19 populations capable of withstanding environmental
20 change and accommodating random demographic processes.

21 Maintaining ecologically effective
22 populations in communities goes beyond what may be
23 required to only achieve a self-sustaining population.
24 It also requires that healthy ecological relationships
25 are maintained among species. The measurement

1 indicators used in the assessment process are habitat
2 quantity, habitat arrangement and connectivity, habitat
3 quality, survival and reproduction, and abundance and
4 distribution.

5 The approach used in the DAR was to
6 assess development effects against key elements of the
7 environment that are to be protected; in this case,
8 self-sustaining and ecologically effective barren-
9 ground caribou populations. The assessment is based on
10 a series of answers to questions that link the project
11 to the assessment endpoint, including what happens to
12 the environment with the project, what are the effects
13 of changes to the environment on the measurement
14 indicators, what do the changes to the indicators mean
15 to the endpoint, and what would make a significant
16 effect.

17 Ecological thresholds for wildlife value
18 components do not exist in the Northwest Territories,
19 so effects of changes in measurement indicators were
20 qualitatively assessed against known or inferred
21 resilience in adaptive capacity for determination of
22 significance.

23 Seventeen (17) potential effects
24 pathways are identified in -- in the TOR at -- at
25 scoping sessions and from past environmental

1 assessments. These potential pathways all link Jav
2 project activities to the assessment endpoint of self-
3 sustaining and ecologically effective populations.

4 After applying design and mitigation
5 features, fourteen (14) pathways did not require
6 further assessment because they would be removed by
7 mitigation or by environmental design features or have
8 a minor change but a negligible -- negligible residual
9 effect.

10 Three (3) primary pathways were
11 identified and carried forward for further analysis,
12 and they're listed on this slide. They're direct loss
13 and fragmentation of habitat from the project footprint
14 and its cause -- and how it causes change in caribou
15 abundance and distribution; sensory disturbance and
16 barriers to movement that cause change to caribou
17 distribution and behaviour, and changes to energetics
18 and reproduction; and the increased traffic on the
19 Misery and Jav roads and the above-ground power line
20 along these roads that may create barriers to caribou
21 movement, change migration routes, and reduce
22 population connectivity.

23 Conservative assumptions were made to
24 predict maximum effects of the Jav project to
25 measurement indicators. For example, larger than

1 expected development footprints were assumed, which
2 increases changes to habitat quantity, habitat quality,
3 and fragmentation.

4 These considered the ability of caribou
5 to absorb and adapt to cumulative effects, given life
6 history traits and calculated, and predicted changes in
7 existing and future amounts of available habitat,
8 existing and future landscape connectivity, factors
9 that limit calf production, key agents of mortality,
10 and current and future population abundance and
11 distribution.

12 Since the filing of the DAR, the -- the
13 following have been completed. First, a reassessment
14 of the reasonably foreseeable development case,
15 including Sable pit and road and Diavik's A21 pit.

16 The largest cumulative effects -- the
17 largest cumulative changes from reference conditions to
18 the reasonably foreseeable development were for rock
19 association habitat, which was reduced by between 5 and
20 -- and 16 percent depending on the season.

21 Now, by way of explanation, rock
22 association is exposed bedrock or boulder fields with
23 very little vegetative cover and it is -- it's a rare
24 habitat in all seasonal ranges.

25 Also included was a decrease in esker

1 habitat by between .9 and 1.6 percent, and a decrease
2 in preferred habitat quality of between 1.9 percent and
3 17.4 percent per seasonal range. And here I've
4 included 2014 fires, which I'm going to come to in a
5 moment. But for purposes of summary rather than doing
6 it twice, that's the effect, including fires.

7 There were concerns expressed regarding
8 the effects of pipeline on caribou movements in a
9 number of the IRs. And the descriptions that we
10 provided noted that caribou crossings -- crossing that would
11 be provided had flatter slopes and used finer crushed
12 rock, and the main section of the Jav road will be
13 constructed with frequent and wide caribou crossings.

14 There were additional analyses conducted -
15 - conducted after the Jav project adequacy review.
16 These included an assessment of seasonal range shifts
17 through time, the addition of the 2014 fires to the
18 winter range effects assessments, and population
19 modelling of the Bathurst herd.

20 From the seasonal range analyses, we
21 determined that post-calving in autumn ranges became
22 more concentrated between 1996 and 2013. The autumn
23 range has moved further north through time, and
24 migration is completed -- autumn migration is completed
25 later. It's important to note that the seasonal ranges

1 continue to span the project areas. Animals are moving
2 northward and southward annually past and through the
3 project area. Similar fidelity to seasonal ranges was
4 observed for all seasons from 1996 through 2013.

5 Temporal trends in weather were not
6 supported by the data. That was a part of the request
7 on seasonal rain shifts.

8 An incremental loss of 11.5 percent of
9 preferred winter habitat was noted from the 2014 fires.
10 And there was an additional energetic cost -- there
11 were additional energetic costs of movement that are
12 not expected to decrease population resilience and
13 increase risk to the Bathurst herd at any phase of the
14 population cycle. And that was a consequence of our
15 population modelling.

16 So all of these additional pieces of
17 work do not change the residual impact classification
18 and determination of no significant effects that was
19 presented in the DAR.

20 I'd like to provide an example here of
21 the conservative approach to our -- our analyses; in
22 this case, for energetic costs. For this part of our
23 analysis, there were two hundred and sixty-nine (269)
24 individual caribou pathways that were examined. So
25 these were from data that were collected from 1996

1 through 2013, and they spanned a time period from mid-
2 June till the end of October in each year.

3 Encounters with developments were
4 measured as both residency time within the zones of
5 influence, and the number of path intersections with
6 the zones of influence. So these pathways were plotted
7 by connecting radio telemetry points for individual
8 animals. And they were plotted initially against the
9 zones of influence around developments that were
10 present in the year in which the data were collected.
11 So for animals that were being tracked in 2002, it was
12 initially mapped against the 2002 dis -- developments
13 and zones of influence around them.

14 The figure on the right illustrates that
15 these four (4) -- the four (4) paths -- the four (4)
16 paths that are noted on the figure encounter the zone
17 of influence. And we calculate the time of -- the time
18 within the zone of influence by identifying the date of
19 entry and the date of exit.

20 And for purposes of counting the numbers
21 of encounters, zones of influence were plotted over top
22 of one another. So in the top pathway here where we
23 see an animal that passes through two (2) zones of
24 influence that overlap, that would have been counted as
25 two (2) encounters.

1 When animals were in the -- within a
2 zone of influence for three (3) days, we calculated a
3 separate encounter for each day. And -- and they were
4 counted regardless of how close to the centre or to the
5 periphery of the zone of influence. They were -- they
6 were all counted as -- as an encounter.

7 So the energy models were based on
8 previously published models in the scientific
9 literature. And we made conservative assumptions. The
10 effect of disturbance for each day was constant,
11 regardless of the distance from the development.
12 Exposed animals were considered to be excited for a
13 twelve (12) hour period. There was -- there was an
14 assumed weight loss that was permanent. There was no
15 compensating foraging or change in behaviour that
16 allowed them to compensate for that.

17 When we then took those same sets of
18 pathways and we plotted them against what the landscape
19 would look like with the Jay project on it in the
20 application case, the max -- oops, the maximum number
21 of -- of encounters, mean -- mean number of encounters
22 for any one (1) year on -- against the application case
23 and the zone of influence around the developments at
24 that point in time was twenty-one (21). In the
25 historic baseline data, it was nineteen (19).

1 When we looked at the reasonably
2 foreseeable development case, the maximum number of
3 encounters with those zones of influence that would
4 occur in the future was thirtv-four (34). The mean at
5 that period of time was twentv (20).

6 So looking at the -- at all of the
7 animals that have been tracked over the -- over the
8 period from 1996 to 2013, the mean number of encounters
9 with that zone of influence was twentv (20). And in
10 our models, we used the vear that had the maximum
11 number -- average number of encounters for an
12 individual animal.

13 So we used that maximum value rather
14 than a mean value. We proiected forward and, with the
15 energetc costs associated with those -- with those
16 disturbances from encounters, we determined that there
17 was a bodv mass loss of 1.08 kilograms.

18 The energetc model also assumed that
19 caribou would not cross Miserv, Sable, or Jav roads.
20 We incorporated caribou migration routes that were
21 identified through traditional knowledge; those are the
22 green -- those are the green lines that appear on this
23 figure. Animals that encountered the contiguous zone
24 of influence around Ekati and Diavik were assumed to go
25 all the wav around, and follow migration routes.

1 So an animal encountering this area,
2 perhaps moving from the northeast, was assumed to then
3 encounter the -- the influence from these projects, and
4 to then go either north and then -- or, sorry -- yeah,
5 north and then west, or south and then -- then west
6 from the southern point. And we did -- we looked at
7 the possible places in which an animal -- a migrating
8 animal might encounter that place where they would be
9 deflected around the projects, and we determined that
10 the maximum deflection distance around the project in
11 either direction was 59.8 kilograms (sic).

12 So rather than adopting the median
13 distance, and rather than assuming that any animals
14 were moving through here, we assumed that all animals
15 took the longest possible route to avoid the combined
16 footprint and zone of influence of Ekati and Diavik.
17 The body mass loss associated with such a movement was
18 determined to be .44 kilograms.

19 We also estimated insect -- an insect
20 harassment index from weather data from both Diavik and
21 Snap Lake. In the assessment we used the single year
22 at a single location with the greatest number of insect
23 harassment days. So they're -- they're based on -- on
24 temperature and -- and wind.

25 And rather than looking at range-wide

1 conditions or looking at average conditions, we looked
2 at the worst year for a single station. And we
3 concluded that that would have given us forty-four (44)
4 days of insect harassment and that that would equate to
5 a body mass loss of 5.37 kilograms.

6 In the final step, we combined all these
7 sources of body mass loss to an annual total of 6.88
8 kilos. Next, we have assumed a rapid linear decline in
9 productivity. So the figure that's shown on this slide
10 shows what the body mass loss that's listed on the X-
11 axis would result -- would -- what result it would have
12 in terms of the decline in productivity of caribou.

13 The green line represents the model that
14 we used where we showed a linear decline from -- from a
15 hundred percent down to zero percent productivity with
16 a body mass loss of 20 percent.

17 The curve is representative of -- of an
18 equation produced from work done in Alaska by Cameron
19 and Ver Hoeff. And it shows that initially there is
20 relatively minor decrease in loss of productivity with
21 body mass loss, and then it becomes more pronounced
22 later on as -- as body mass loss increases.

23 So for the -- the reasonably foreseeable
24 development case that we looked at with thirty-four
25 (34) encounters and forty-four (44) insect harassment

1 days, our model shows that we'd have a body mass loss -
2 - or a probability of -- of calving that declined to --
3 reading from this graph, approximately point six five
4 (.65). And had we applied the model of Cameron and Ver
5 Hoeff, we would have been up close to -- close to a
6 hundred percent, somewhere in the high nineties (90).

7 If we had used the mean number of
8 encounters rather than the maximum number of
9 encounters, and if we had used the mean number of
10 insect harassment days -- or sorry, the -- the maximum
11 number of mean number of insect harassment days across
12 the two (2) stations, we would still have a number that
13 was up here close to 98 percent. So our -- our loss of
14 productivity was estimated at a much greater level than
15 that that would correspond with what's in the
16 literature.

17 There were a number of IRs that
18 requested information about the Jav and Miserv roads,
19 especially the Jav road, and there were a number of
20 points that were provided in response. The mitigation
21 for the roads is arranged in a hierarchy. The first of
22 the -- first point in that hierarchy is avoidance. And
23 for the -- mitigation for the Jav and Miserv roads
24 there is a plan for temporary road closures to avoid
25 the barrier effects of traffic on migration.

1 Minimization as a mini -- mitigation
2 strategor -- strategv includes engineered caribou
3 crossings, particularly including where the Jay road
4 cuts through the esker. Because of the importance of
5 the esker for caribou movement as identified through
6 community engagement, the portion of the Jay road that
7 cuts through the esker will be constructed as a caribou
8 crossing. The pipelines will be covered over with
9 crushed along this section of the road, except where
10 there are valves or joints that require visual
11 inspection for safe operation. Dominion Diamond will
12 strategically construct the pipelines to reduce the
13 number of joints or valves through the esker crossing.

14 Other mitigation strategies include ore
15 stockpiling and design of ore hauling; staged
16 monitoring of the Bathurst caribou herd to track
17 migratorv movements through acquisition of satellite
18 radio-collar information and road surveys; adaptive
19 management of monitoring; modification of traffic
20 patterns and road closures that will reflect the number
21 of group composition -- and group composition of
22 caribou near the mine site; and finally reclamation.
23 There will be a reclamation of the esker following
24 closure and removal of pipeline and power lines.

25 The caribou effects studv area was based

1 on the seasonal ranges of and effects to the Bathurst
2 caribou herd, as the Bathurst herd has a greater
3 likelihood of being affected by the project relative to
4 the Ahiak and Beverly herds. The DAR used multiple
5 approaches and best practices to provide confident and
6 ecologically relevant impact predictions.

7 Caribou annual ranges remain intact, so
8 habitat is not limiting now or during recovery.

9 Caribou have space to find food, avoid predators, and
10 maintain seasonal migrations. There's no fragmentation
11 of populations. There's traffic manipulation
12 mitigation for the Miserv, Jav, and Sable roads. And
13 there's no strong mechanism causing a long-term or
14 irreversible change in reproduction or survival rates.

15 We are confident that the amount and
16 number of ecological conservatisms and associated
17 overestimation of effects, including the changes in the
18 magnitude of effects from the project and other
19 developments. We are confident that this is true
20 during periods of high and low population abundance and
21 when the trend is either increasing or decreasing.

22 The existing Ekati Mine Wildlife Effects
23 Monitoring Program will be applied to the project,
24 including the extent and direct disturbance to
25 vegetation communities, mine-related wildlife

1 mortalities and interaction with the site, pit-wall
2 nesting by raptors, mitigation and waste management
3 effectiveness, contribution to regional monitoring of
4 cumulative effects. The curr -- the current WEMP
5 monitors caribou as well as grizzly bears, wolverine,
6 gray wolf, fox, raptors, waterbirds, and upland birds.

7 The Wildlife and Wildlife Habitat
8 Protection Plan will be provided to meet the
9 requirements of the NWT Wildlife Act and the Ekati
10 Wildlife Road Mitigation Plan, which will be applied to
11 the Jay project is forthcoming. Thank you.

12

13 QUESTION PERIOD:

14 THE FACILITATOR: Thank you. My name
15 is Bill Klassen, and we'll now begin with questions.
16 And the -- the first topic is baseline information.

17 Are there questions from the parties
18 present about baseline information?

19 MR. TODD SLACK: I'll go first. And
20 it's Todd Slack, with the Yellowknives. In terms of
21 the assessment end point, how many caribou are YKDFN
22 harvesting as part of your -- your submission here?

23 THE FACILITATOR: I'm sorry, could I
24 just interrupt? It's Bill Klassen. The -- the
25 question topic is baseline. You've jumped immediately

1 to assessment end points. So I -- do you have
2 questions relating to baseline? Or help me understand
3 how your question relates to baseline information.

4 MR. TODD SLACK: It's Todd Slack, with
5 the Yellowknives. Sorry, I don't see assessment end
6 points on there. I just assumed that how they got to
7 this point would be the starting position where we're
8 coming from. But if we're going to deal with that at a
9 later date, so be it. Okay. I hear 'yes'. Moving on.

10

11 The -- the Company seems to agree that
12 caribou avoid the mine site. I think we have agreement
13 on that. But the question that I have is: Why did it
14 take two (2) decades for the Company to come around to
15 the predictions that the traditional knowledge holders
16 made at the original EA?

17

18 (BRIEF PAUSE)

19

20 THE FACILITATOR: So Bill Klassen.
21 While Dominion Diamond is conferring, Todd, to clarify,
22 there's a second slide of the agenda which shows the
23 cumulative effects in population modelling, and then
24 assessment endpoints. So we'll get to that.

25

1 (BRIEF PAUSE)

2

3 MR. RICHARD BARGERY: Yeah. Richard
4 Bargery, Domin -- Dominion Diamond. Important point,
5 the second part, Dominion Diamond, which we've been,
6 you know, the owners of Ekati for two (2) years. And
7 so I -- I can't speak with -- with great certainty
8 about the twenty (20) year period for the mine.

9 What I can say is we modelled -- the
10 modelling that we did was based on caribou avoid --
11 avoiding the mine. I'll leave it at that.

12

13 (BRIEF PAUSE)

14

15 MR. TODD SLACK: I need a minute to
16 think about this. GNWT...?

17 THE FACILITATOR: Okay. Thank you.
18 It's Bill Klassen. Are there other questions on the
19 topic of baseline?

20

21 (BRIEF PAUSE)

22

23 THE FACILITATOR: I'll ask Board staff
24 then whether they have questions on that topic.

25 DR. ANNE GUNN: Anne Gunn, for the

1 Board. My questions were answered through the
2 responses to the Information Requests. I have no
3 follow-up.

4 THE FACILITATOR: Thank you, Anne.
5 Moving then to roads and utilities, are there questions
6 from the parties present on that general topic area?
7 Jan here, and then the person just seating himself.

8 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
9 with GNWT-ENR. I just wanted to talk a little bit
10 further. I -- I appreciate Mr. Rettie -- Dr. Rettie's
11 presentation on -- on how they approached the caribou
12 avoiding the roads and moving around them and so on.

13 But I -- I'm kind of coming back to the
14 question that was asked yesterday about the Traffic
15 Management Plan because, you know, as I look at one (1)
16 of the maps from one (1) of the Information Requests,
17 it seems fairly clear from traditional knowledge, from
18 trails that were mapped and, you know, just -- just
19 from the collar information itself that that corridor
20 is fairly important as a crossing corridor, and
21 probably has been for some time.

22 So I guess I'm coming back to the
23 traffic management and whether you can provide a little
24 more information on that, because that can mean
25 anything from, you know, a lower speed limit to not as

1 many trucks, or maybe you don't run them during the day
2 or you run them at night.

3 I mean, it -- it may well be that you're
4 not going to see a lot of caribou in that area because
5 of the avoidance, which I think we all acknowledge.
6 But I would ask if you could provide, I guess, a little
7 more information.

8 What -- what exactly would that mean in
9 terms of road closures? Are we talking no trucks at
10 all for days on end? How would that be triggered? And
11 can you just provide a little bit more on that subject?

12

13 (BRIEF PAUSE)

14

15 THE FACILITATOR: It's Bill Klassen, in
16 Yellowknife. For the benefit of the person who just
17 joined the conference, we have a question about to be
18 answered by the developer on traffic management on the
19 road.

20 MR. IGNACIO DUQUE (BY PHONE): Thank
21 you.

22 MR. RICHARD BARGERY: Richard Bargery,
23 Dominion Diamond. So first, we -- we are going to
24 provide the -- the Wildlife Road Mitigation Plan
25 sometime in the next -- the next couple of weeks here

1 before the -- or the next ten (10) days, I guess,
2 before the end of the month which will lay out the
3 procedures here.

4 But what we're talking about is -- is
5 having a stockpile at -- at the Miserv site and another
6 stockpile at the mine site, at -- at the -- by the
7 processing plant, the main -- main site, that will
8 allow us, when caribou are moving through in -- in
9 large numbers, to be able to shut the mine down. And
10 that -- that could be for -- you know, for a larger
11 period of time.

12 And then, of course, all the -- the
13 current practices that we have with respect to -- with
14 respect to wildlife today, allowing wildlife the right-
15 of-way. And all those kinds of practice, when there
16 are a few caribou moving through, we would continue
17 with those kinds of practices on both the Jay and the -
18 - and the -- the Miserv roads.

19 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
20 GNWT-ENR. I guess this is probably something you're
21 going to be hearing throughout the day, but the status
22 of the Bathurst herd is such that small differences
23 make a difference. And so I think just exactly the --
24 the nature of the shutdowns and -- and how significant
25 those are, that these are not trivial matters now given

1 the -- the status of the herd. So just -- just a
2 comment for your consideration.

3 THE FACILITATOR: We have -- it's Bill
4 Klassen. There's another question here.

5 MR. PETER UNGER: Hi. Peter Unger,
6 Lutsel K'e Dene First Nation. I -- I asked a question
7 about this in the IRs, and -- and you did answer. And
8 maybe I just asked the poorly, and maybe I -- I just
9 don't understand fully. I wanted to know a little bit
10 more about how you evaluated road avoidance.

11 So my understanding was you did surveys
12 going up and down the road. Caribou within 200 metres
13 of the road were recorded. I understand there was some
14 cameras set up, and then there was some tracks looked
15 at along the road. And then, on top of this, there
16 were some aerial surveys and collar data.

17 My -- my question is: I mean, is it not
18 possible that caribou avoid the road a little bit
19 earlier than 200 metres? So caribou outside 200 metres
20 are not recorded? And do aerial surveys and collar
21 data really give an accurate idea of road avoidance? I
22 guess the collar data would make sense to me. The
23 aerial survey, unless you're flying over all the time,
24 I -- I don't see how that would -- how that would do
25 it.

1 So I was iust hoping you could maybe
2 break it down a little more for me than -- than it
3 already has been broken down. Thank you very much.

4 DR. JIM RETTIE: Thank you. Jim
5 Rettie, Golder Associates. For the purposes of the --
6 the assessment of the effects of the Jay project, our
7 analysis assumed that no animals crossed the roads.
8 While we recognize that there are animals that do cross
9 the roads, for the purposes of assessing the maximum
10 effect of the project, we assumed that all animals were
11 deflected and went around the combined Jay and -- or
12 sorry, Diavik and Ekati projects, as I described in the
13 presentation a little earlier.

14 So in terms of -- of assessing the
15 effect, by making that assumption, we've maximized the
16 potential effect, and we came to the conclusion that
17 the end result was not significant.

18 MR. PETER UNGER: Yeah. I mean, in
19 terms of the end conclusion -- sorry, Peter Unger,
20 Lutsel K'e Dene First Nation -- that's not my issue. I
21 -- I am iust curious to know how many caribou are going
22 to be walking around near the road, will the caribou be
23 walking around near the road, and having maybe a good
24 idea of that which is something would -- that I would
25 have loved to have evaluated.

1 In terms of your model, that's not what
2 I'm contentious about. I just -- I want to know if
3 caribou are walking across the road or not, or if it is
4 spooking them. And -- and I was curious if -- if you
5 think that was adequately looked at. Thank you.

6

7 (BRIEF PAUSE)

8

9 DR. JIM RETTIE: Jim Rettie, Golder
10 Associates. We can confirm that there are animals that
11 do cross the road. We don't know what proportion of
12 the animals that are in that area do cross the road,
13 but for the purposes of this assessment, we feel that
14 it's been adequately examined.

15 MR. PETER UNGER: Peter Unger, LKDFN.
16 Thank you very much.

17 THE FACILITATOR: Thank you. Bill
18 Klassen. Kim Poole...?

19 MR. KIM POOLE: Kim Poole, for IEMA.
20 First I apologize if my questions blend over your
21 topics behind you on the screen 'cause I don't know how
22 to break them apart. They -- they just overlap too
23 much.

24 In Appendix C, which is the traffic
25 report, with -- with respect to the long-haul truck

1 trips, Dominion Diamond writes, and I quote:

2 "However, a hundred percent
3 efficiency is not a practical
4 assumption. Therefore, if it is
5 assumed each truck/driver is 60
6 percent efficient on an annual basis
7 then twelve (12) long-haul trucks
8 will be required to meet the demand
9 as opposed to seven (7) trucks."

10 End of quote. After the statement,
11 there was no change in the calculation of average time
12 between haul truck -- haul traffic.

13 Could Dominion Diamond, please, clarify
14 that if eleven (11) or twelve (12) trucks are on the
15 roads instead of seven (7) used in the calculations,
16 that no change in the number of long-haul truck
17 passages would occur? So it still amounts to
18 approximately, on average, a hundred and ten (110)
19 passages per day.

20

21 (BRIEF PAUSE)

22

23 MS. FIONA ESFORD: Fiona Esford, Golder
24 Associates. It's the same volume of material that's
25 being transported. So you can recognize that trucks

1 will occasionally need maintenance; the driver's take
2 lunch, and are not driving 100 percent of the time. So
3 the actual distance -- the time between a truck passing
4 in a given spot remains the same because the same
5 volume of material is being transported, whether it
6 takes seven (7) trucks or ten (10) trucks because of
7 maintenance and breaks, that's a different thing.

8 MR. KIM POOLE: Kim Poole, with IEMA.
9 So the 60 percent efficiency doesn't relate to the
10 amount of ore that's in the trucks; it's the amount of
11 how many drivers -- or how fast the driver -- not fast,
12 but how many drivers are on the road as -- at a given
13 time, essentially?

14 MS. FIONA ESFORD: Yes. The truck
15 capacity is not assumed to be a hundred percent.
16 That's taken into the calculation. The size of your
17 fleet is not a hundred percent efficient.

18 MR. KIM POOLE: Okay. Thank you.
19 Another question. This relates to the Tibbitt-
20 Contwoyto winter road. In the same traffic report it
21 states that the Ekati traffic will be about four
22 thousand (4,000) loads per season, which generally
23 covers the months -- the months of February and March,
24 approximately sixty (60) days or whatever, depending on
25 the -- how the season goes. Table 1 in the

1 Appendix C traffic report suggests that approximately
2 10 percent of the northbound loads have southbound back
3 hauls, but could -- there's multiple parts to this
4 question, I apologize. Can Dominion Diamond clarify
5 that the four thousand (4,000) loads per seasons
6 represents eight thousand (8,000) round trips, assuming
7 that all trucks are returning south? And that the
8 winter road traffic on the Miser road -- Misery road
9 will average approximately a hundred and thirty (130)
10 passages per day, which will be in addition to the
11 eighty (80) to a hundred and ten (110) round trips per
12 day from the normal mine operations?

13 In other words, we're up into the
14 hundred and sixty (160) to two hundred and ten (210)
15 passages per day range. Oh, sorry. Actually, no.
16 Sorry. This means that we're up into the two hundred
17 and ninety (290) to three hundred and forty (340)
18 passages per day for the months of February and March,
19 which will reduce the estimated time between vehicles
20 from the approximately seven (7) to nine (9) minutes
21 that's found in Table T -- Table 3 to roughly four (4)
22 to five (5) minutes.

23 Given shifts in caribou seasonal
24 distribution with changes in abundance that these are
25 difficult to predict, if caribou were to winter in the

1 Ekati area to a greater extent, what additional
2 mitigation would Dominion Diamond propose?

3

4 (BRIEF PAUSE)

5

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. So the answer to the first question,
8 Kim, hopefully I'll get the -- the four thousand
9 (4,000) loads, obviously those are return trips. So --
10 so eight thousand (8,000) one (1) way trips, I guess,
11 is the answer to that question. The Appendix C deals
12 with the -- the incremental traffic from Jav. So the -
13 - I -- we don't have -- I can't do the quick
14 calculation if your numbers are right, in terms of
15 those months.

16 We would see the same kind of
17 mitigations that we've proposed for Jav for those roads
18 would -- would occur, including, you know, potentially
19 shut down when large numbers of caribou are -- are
20 going across the -- the Misery road, which is the road
21 that -- that's -- that's critical in this discussion.
22 And, Jim, I think, can answer -- answer the other
23 portion of the question.

24 DR. JIM RETTIE: Jim Rettie, Golder
25 Associates. Yeah, you asked about the wint -- over-

1 wintering near the Jay and Ekati projects. In response
2 to one (1) of the adequacy review items from the --
3 from the Board we provided an assessment of the -- of
4 winter ranges and how they've changed through time.
5 And -- and if you look at that figure you can see that
6 -- and that's in -- we've labelled it as "DAR MVEIRB-
7 9." And that's a -- and that's in response to adequacy
8 review Item 8.2. And in our response we -- we present
9 the changing centroids for all the winter ranges
10 through time. And -- and we're still a long way away
11 from -- from the mine sites for over-wintering.

12 MR. RICHARD BARGERY: Richard Bargery,
13 Dominion Diamond. Just -- I just -- I just want to add
14 a couple -- another point or two (2). I mean, this is the
15 situation today and it's been the situation, you know,
16 in -- in terms of the numbers in large part since
17 Ekati's been operational. And -- and we've been
18 successful -- successfully operating for -- for sixteen
19 (16) or seventeen (17) years now, you know.

20 And -- and we've got practices in place
21 so all those mitigations that are in place today, the
22 wildlife had the right-of-way, all those kinds of
23 things that have been successful today, those will
24 continue in place. So we think we have a good track
25 record in terms of wildlife crossing roads and -- and

1 our interaction with wildlife when they do cross roads,
2 including caribou, obviously. MR. KIM POOLE: Kim
3 Poole, with IEMA. Yeah, just a follow-up to that.
4 With numbers changing dramatically with the Bathurst
5 herd, as Jan pointed out, and with probable decline in
6 the adjacent Beverly and Ahiak herds, depending what
7 you want to call them, it's not unexpected that there
8 will be shifts in wintering range from within tree line
9 to above tree line for both those herds.

10 So it is a reasonable expectation that
11 at some time in the future you might have caribou in
12 larger numbers than you see now wintering within the
13 general vicinity of the Ekati and Diavik mines.

14 DR. JIM RETTIE: Jim Rettie, Golder
15 Associates. Thank you. I -- I understand that there
16 is -- there can be changes in the future.

17 MR. KIM POOLE: And given if my
18 calculations are correct, then I encourage you to check
19 them. If we are down to a passage during February and
20 March of every three (3) to four (4) minutes, given
21 behavioural effects of -- it's not just the physical
22 barrier of a truck being in the way, but it's probably,
23 you know, the -- so many seconds or minutes before a
24 truck goes by -- comes and so many seconds or minutes
25 before a truck goes by -- we're going to turn that road

1 in February and March into essentially a barrier.

2 Right now it's a filter. We all
3 acknowledge that. But it's quite reasonable that could
4 end up being a barrier during those months if the
5 volumes are correct as I've calculated them.

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. We will -- we will look at those
8 calculations, Kim, and -- and we may come back with a
9 further answer on this particular -- this particular
10 issue after we have a chance to talk about it. But I
11 think we need a -- we might need a chance to just have
12 a further discussion on this.

13 THE FACILITATOR: Sorry. It's Bill
14 Klassen. It's not entirely clear to me where we ended
15 up on that. Are you saying that you'll be providing
16 further information once you've had time to consider
17 those calculations?

18 MR. RICHARD BARGERY: Richard Bargery,
19 Dominion Diamond. We will look at the calculations and
20 -- and, yes, we'll come back. We'll come back with a -
21 - with a -- with a -- more of an explanation on -- on
22 this particular issue.

23 THE FACILITATOR: Okay. It's Bill
24 Klassen. So is that an undertaking that the staff can
25 record here for something that will be responded to

1 before the end of the sessions or within the two (2)
2 week time period?

3 MR. RICHARD BARGERY: Richard Bargery,
4 Dominion Diamond. I think before the end of the
5 sessions for this particular one.

6 THE FACILITATOR: Thank you. Bill
7 Klassen. Are there other questions from parties in the
8 room before -- I see that Anne is indicating that she
9 wants to speak. Yes. Is it Karin?

10 MS. KARIN CLARK: Yeah. Karin Clark,
11 with ENR-GNWT. Sorry, I'm battling a cold so I've got
12 a really scratchy throat. You had just mentioned
13 earlier that your assumption was that any caribou
14 encountering the zone of influence is deflected around
15 the road, and that's how you calculated the energetic
16 costs.

17 There's an equation that you use for
18 calculating the proportional decrease in parturition
19 rate. It's got a multiplier in there of point five-
20 five (.55). It's based on 55 percent of caribou
21 displaying a behavioural response when they encounter
22 ZOI.

23 So how -- can you just clarify for me
24 how those things are reconciled? So are -- are you
25 assuming that only 55 percent of caribou are deflected

1 around, or is it 100 percent?

2 DR. JIM RETTIE: Jim Rettie, for Golder
3 Associates. The -- the 55 percent number in that
4 equation that you mentioned related to the encounter --
5 the energetic cost of -- of an encounter. So if you
6 recall, I -- I broke down the -- the total energetic
7 costs and the total body mass loss into three
8 components.

9 One (1) of them was insect harassment.
10 One (1) of them was -- was an encounter, so an animal
11 that -- that found itself within a zone of influence
12 and -- and the behaviour that it would exhibit that
13 would cost it energy. And then the third one was
14 deflection around the mine.

15 So we did assume that 100 percent of
16 animals that -- that -- we assumed that no animals went
17 through the -- through the -- the mine area. And so
18 the -- that 55 percent was the proportion of animals
19 that would respond -- or the proportion of encounters that
20 would elicit a response that was energetically costly.

21 So keeping in mind that this is at a
22 zone of influence that's out -- 15 kilometres out from
23 the edge of the footprint. So we -- we assumed that of
24 -- any animal that encountered that zone of influence,
25 on 55 percent of the occasions, there -- it would

1 exhibit the behaviour that would be energetically
2 costly to it. The other ones -- but the deflection was
3 a hundred percent.

4

5

(BRIEF PAUSE)

6

7 MR. TODD SLACK: Hi. It's Todd Slack,
8 with the Yellowknives. I've got three (3) sort of
9 questions -- or three (3) series of questions. And the
10 first relates to IR-17, impacts of the winter road,
11 which the Project did not respond to at all. So I'm
12 not going to ask the question again, but I'll ask it a
13 different way.

14 When the Project is a sole operator of
15 the northern half of the winter road -- let's call it
16 the northern half; you guys can come up with the exact
17 number if you want -- do you intend to operate it in
18 any -- in a different manner with additional
19 monitoring, with any different mitigations in place,
20 than the current operational plan for the Tibbitt-to-
21 Contwoyto winter road?

22

23

(BRIEF PAUSE)

24

25

MR. RICHARD BARGERY: Richard Bargery,

1 Dominion Diamond. I don't anticipate that we would --
2 we would operate it in a different manner than it's
3 operated by the -- by the joint venture at this point.
4 That seems to be successful, in terms of the operation
5 of the road.

6 MR. TODD SLACK: Okay. Thanks for
7 that. Turning to the -- the road and the caribou
8 monitor -- or the camera monitoring. This is IR number
9 23. And the pro -- the Project did not answer a number
10 of these questions either. I'll ask these separate --
11 or in a different way.

12 In the -- in the DAR, the Project states
13 the camera had an effective range of 500 metres. Have
14 you undertaken any work to look at detection bias?
15 Five hundred metres is a pretty long way for a picture.

16 Can you provide certainty for us that
17 you are detecting -- because, essentially, what you are
18 saying is, We are detecting all animals out to 500
19 metres. Can you provide any discussion or information
20 on what the detection bias may be?

21

22 (BRIEF PAUSE)

23

24 DR. JIM RETTIE: Jim Rettie, Golder
25 Associates. The information from the -- from the

1 camera monitoring along the road was not used in the
2 assessment of the -- of this project. We -- we
3 assumed, as I've mentioned, that all animals are
4 deflected all the way around the project, in terms of
5 energetic costs.

6 So in terms of predicting the maximum
7 effect of the project, we've accounted for it by
8 considering that no animals go through this area, no
9 animals cross the road. While we recognize they do for
10 the -- to maximize the effects of the project in our
11 assessment, that's the approach we took.

12 MR. TODD SLACK: It's Todd Slack, with
13 the Yellowknives. Thanks for that -- that answer. One
14 (1) of the things I'm trying to understand is the
15 efficacy of these mitigation measures that you guys
16 bring up. And let's discuss whether they're actual
17 mitigation measures.

18 And the camera project is cited as -- or
19 has been used in some of the foundations to see
20 actually that these measures are effective. So I think
21 this is relevant to this -- this conversation. So I
22 guess I'll re-ask that question.

23 Have you done any work that looks at the
24 detection bias of noting caribou in the photographs?
25 Because I think you said there was, I don't know, a

1 couple hundred thou -- you'll provide the correct
2 number, a couple hundred thousand photos. And that's a
3 lot of photos for eyes to look through.

4 So do we have any -- anything that tells
5 us how often you're detecting them?

6

7 (BRIEF PAUSE)

8

9 MR. RICHARD BARGERY: Richard Bargery,
10 Dominion Diamond. Just for clarity, the issue is, you
11 know, whether the cameras are detecting the -- the
12 caribou or whether there's a num -- a number of photos,
13 and -- and people need to -- to be able to detect them
14 in the -- in the photos. Is that -- I -- I don't
15 really understand the question.

16 MR. TODD SLACK: I'm happy to provide
17 clarification, and I'll do it by way of an analogy.
18 You know, when you see a bird out there. You take
19 pictures with your camera. I have a great collection
20 of dots, photographic dots, that are not birds. Now,
21 were you to scan through several hundred thousands of
22 those, you wouldn't know what you're looking at.

23 Now, I would suspect in looking at many
24 pictures, caribou that are further out and are going to
25 be smaller and harder to detect for the observer, are

1 going to be -- you know, there is a detection bias
2 attached to that.

3 So I am wondering, has the Project done
4 any work to understand how often they are detecting
5 animals at what ranges? Is it -- okay, I'm getting a
6 nod.

7 MR. HARRY O'KEEFE: It's Harry O'Keefe,
8 for Dominion Diamond. Todd, one (1) of the recognized
9 weaknesses of the program is its ability to detect
10 caribou at distance, and in addition assess any sort of
11 behaviour with these caribou. The -- the program
12 itself does not include for the purposes of its
13 analysis caribou whose behaviour cannot be detected at
14 range.

15 MR. TODD SLACK: Todd Slack. Thanks
16 for that -- thanks for that answer. Now,
17 notwithstanding that, the trigger range of a camera is
18 30 metres in addition to the time -- the -- the regular
19 time interval that -- that it goes. And question
20 number 2 that I would like to come back to is, At any
21 one (1) point in time can you provide the amount of
22 coverage on that road?

23 So you have 'X' number of cameras. You
24 have 60 degree field of view. How much area are you
25 actually covering with this program?

1 (BRIEF PAUSE)

2

3 MR. RICHARD BARGERY: Richard Bargery,
4 Dominion Diamond. Just give us a second. I think this
5 was addressed in an IR, but we're -- we're just
6 checking.

7

8 (BRIEF PAUSE)

9

10 MR. HARRY O'KEEFE: So for the purposes
11 of the -- the last camera -- oh, Harry O'Keefe,
12 Dominion Diamond. For the purposes of the -- the
13 latest camera program, we had sixty (60) cameras
14 deployed. And using a trigger distance of -- effective
15 trigger distance of 35 metres for the cameras, we would
16 have 2.1 kilometres of the road covered in a linear
17 direction.

18 It's important to remember that the
19 purpose of this program is to define the barrier effect
20 of the road to caribou that reach the road.

21 MR. TODD SLACK: Okay. Thanks, Harry.
22 Todd, with the Yellowknives. So can you then tell me
23 how often caribou are selecting for the caribou
24 crossing versus selecting against them?

25

1 (BRIEF PAUSE)

2

3 DR. JIM RETTIE: Jim Rettie, Golder
4 Associates. The answer is, no, we don't have an
5 assessment of the proportion of time where animals are
6 crossing at caribou crossings. It -- it's an
7 assessment of the road as a whole.

8 MR. RICHARD BARGERY: Richard Bargery,
9 Dominion Diamond. Just -- just one (1) further point
10 with respect to the Jav road. Our intention is to
11 construct the Jav road as much as possible as a caribou
12 crossing. So it's -- it's a different design criteria
13 than -- than the Miserv road, where the road was
14 designed and the caribou crossing sort of came
15 afterwards.

16 But for Jav it's -- we are proposing,
17 you know, where it's technically feasible to -- to make
18 the Jav road essentially a caribou crossing.

19 MR. TODD SLACK: Todd Slack, with the
20 Yellowknives. Thanks for that add-on, Richard. It's a
21 good -- good point.

22 Can you tell us how -- for this project
23 how much -- how -- the distance of new roads to be
24 constructed, and the proportion of which will be
25 constructed as caribou crossings, similar to what we've

1 seen at LvnX, the ones you've just submitted, for
2 instance?

3

4 (BRIEF PAUSE)

5

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. I'll get -- I want to get back with
8 the -- with the correct calculations here. So rather
9 than -- so let -- let us just dig out those numbers and
10 we'll come back with -- with the correct numbers.
11 Perhaps by lunch we can get those.

12 MR. TODD SLACK: Fair enough. Can I --
13 thank you.

14 THE FACILITATOR: Bill Klassen. So
15 we'll record that as a -- a homework item for Dominion
16 Diamonds on the calculations of -- of that cross
17 sections of roads that serve as caribou crossings.

18 MR. RICHARD BARGERY: Richard Bargery.
19 As opposed to homework maybe we can do it at recess,
20 and...

21 THE FACILITATOR: All right.

22

23 (BRIEF PAUSE)

24

25 THE FACILITATOR: I've been asked to

1 seek clarification on the wording of our Homework item
2 number 1. I had it as -- mv -- mv shorthand just says,
3 "Further calculations of numbers to be provided." But
4 my memory is so short I can't remember what those
5 numbers were for. So if you could provide that
6 clarification, Richard.

7 MR. RICHARD BARGERY: Sure, Todd (sic).
8 Correct me if -- Richard Bargery, Dominion Diamond --
9 if I'm -- if I'm wrong, but I think Todd had asked for
10 the total amount of roads for the Jay project and the
11 amount that would be constructed as caribou crossings.

12 THE FACILITATOR: Okay. It's Bill
13 Klassen. Do you have a further question, Todd?

14 MR. TODD SLACK: I think I have two (2)
15 further questions.

16 So the project has relied rather heavily
17 -- sorry, Todd Slack, with the Yellowknives. The
18 project's relied rather -- rather heavily -- and I
19 understand that in this assessment -- the assessment end
20 point you've said, We're going all the way around or
21 that caribou will be going all the way around. But in
22 the DAR it relies rather heavily on the camera project
23 for the road and it states, "One percent of road
24 encounters resulted in a deflection." But then what
25 we've heard here is you don't know if caribou are using

1 the caribou crossings preferentially, and we only have
2 a maximum of 2.1 linear kilometres of the road being
3 monitored at any one (1) time.

4 Given that, you know, shouldn't we be
5 recognizing that there's some uncertainty attached to
6 these conclusions, particularly given the other road
7 work that you guys have done?

8

9 (BRIEF PAUSE)

10

11 DR. JIM RETTIE: Jim Rettie, Golder
12 Associates. Given our assumption of all animals being
13 deflected around the project there is no uncertainty in
14 our assessment of the significance of this project on
15 barren-ground caribou. The uncertainty lies with the
16 effectiveness of camera monitoring as -- as I
17 understand your questions.

18 MR. TODD SLACK: Thanks. And, yes.
19 And, you know, we'll come to the assessment end points
20 later today. Now, given the uncertainty the previous
21 work has identified berm heights and -- as one (1) of
22 the principle issues. And the Yellowknives asked the
23 project for a commitment that they would limit berm
24 height to -- I think it was less than 1.8 metres. I'd
25 have to read really quickly here. But I -- I think

1 that's the case. And I think that was based on work
2 that you guys have done. And the project has stated
3 that, No, we're not going to do that because caribou
4 cross the road anyhow as seen in this EN -- camera
5 report.

6 Now, given the uncertainty and the
7 limited scope of your assessment, shouldn't we be
8 looking to minimize impacts to caribou? And if road
9 height and berm height is one (1) of those, shouldn't
10 that be a commitment that this Company can make to the
11 communities and the people to try to preserve what I
12 think you described as a "critical cultural component"
13 in your first sentence?

14

15 (BRIEF PAUSE)

16

17 MS. FIONA ESFORD: Fiona Esford, Golder
18 Associates. When the road fill thickness exceeds 3
19 metres, there's required to be a safety berm. It's
20 part of the Mines Act. It's part of the regulation
21 that we're required to have a safety berm that is two
22 thirds (2/3) -- no, three quarters (3/4) the height of
23 the tallest tire of the trucks using that road.

24 MR. TODD SLACK: Todd Slack, with the
25 Yellowknives. I -- I'm forced to ask the follow-up.

1 So I understand that Workers' Comp. issue but wouldn't
2 the solution in two (2) ways be keep it less than 1.8
3 metres in ev -- in all possible examples? Clearly, you
4 aren't going to be able to do that all the time, but
5 this should be a commitment from the Company to reduce
6 impacts to caribou.

7 And this is -- sorry, I'll add one (1)
8 last bit. This is an effective mitigation, and we know
9 that.

10 MS. FIONA ESFORD: Fiona Esford, Golder
11 Associates. Dominion Diamond has stated that, where
12 feasible, we will minimize the amount of road fill
13 thickness, so that we're not looking to put 3 metres or
14 more everywhere. But you can understand that you have
15 variation in terrain, and there's some places that you
16 need that much.

17 MR. TODD SLACK: Todd Slack, with the
18 Yellowknives. Thank you for that commitment.

19 And, Mr. Chair, I'd like to re-ask that
20 question from this morning, if I might. And, you know,
21 the Yellowknives recognize that Dominion Diamonds
22 themselves have only had this project for a little
23 while. But you have, you know, twenty-five (25) odd
24 years of experience with your consultant and staff as
25 part of your team there. So I'll re-ask the question.

1 Whv is it that it took two (2) -- almost
2 two (2) decades for the TK presented at the -- at the
3 original hearing to be recognized? And I'll -- I'll
4 update this to something relevant or that is directly
5 related to the project. The -- the recent study
6 undertaken by your consultant to look at the timing of
7 migrations, this was also driven by TK. But again, it
8 wasn't a fact until the consultants had done their
9 report.

10 Less than two (2) years ago, your
11 Company president, Mr. Bell (phonetic), president, said
12 that caribou have not been impacted by this mine. That
13 goes against what many TK holders have said over the
14 years repeatedly to you, to the government, at every
15 forum. This -- this is a repeated view. So I'm
16 looking to understand whv TK isn't treated the same as
17 western science, just as a starting point.

18 MR. RICHARD BARGERY: Richard Bargery,
19 with -- with Dominion Diamond. A number of statements,
20 but I think I'll try to get to the question that --
21 that Todd asked.

22 I -- I think the first point, I mean, we
23 placed -- Dominion Diamond, as I said, you know, we've
24 owned Ekati for virtually -- well, exactly two (2)
25 years I think now, April 2013. We placed an emphasis

1 on trying to work with -- with our IBA (phonetic)
2 communities and -- and other potentially affected
3 communities to identify TK and how we could build it
4 into -- the project into the operation of Ekati. We've
5 done a number of projects, including a project last
6 summer with the YKDFN, on -- on TK.

7 We recognize and acknowledge that --
8 that TK has stated that -- you know, that caribou avoid
9 mines. So, you know, from your earlier question this
10 morning, Todd, I think the point from -- from our
11 perspective, based on the question, as I understand in
12 what you said this morning, is for the analysis, you
13 know, that we undertook, the zone of -- the zone of
14 influence was based on -- on recently published data.
15 And -- and that, you know, doesn't include the TK that
16 -- for -- for that particular -- for -- for this
17 particular analysis.

18 So -- so it's -- you know, I'll leave it
19 at that for now.

20 THE FACILITATOR: Thank you. It's Bill
21 Klassen. I'll ask Anne Gunn to ask the questions that
22 she has, and then we'll take a short break.

23 DR. ANNE GUNN: Ann Gunn, for the
24 Board. I would like to ask Dominion -- I would like to
25 thank Dominion for Appendix C because it added some

1 clarity. I'd ask that you advise Table 2 to make it
2 clear in response to what Kim asked, that there'll be
3 an additional eight thousand (8,000) trips on the
4 Miserv road during the winter road season. And the --
5 I think also to make it clear that the -- they're not
6 round -- the -- the round trips, or actually give the
7 number of actual trips would give clarity, and to make
8 it easier for people to -- to see just what the caribou
9 are being exposed to.

10 The reason I think this is so important,
11 my objective in this, is that we need to understand the
12 potential deflection rates, and the associated
13 behaviour, because the caribou are not just being
14 deflected by the road but they're changing their
15 behaviour accordingly. Jan has already mentioned the
16 perilous state of the Bathurst herd, and the need for
17 enhanced mitigation.

18 It seems like the current mitigation is
19 not particularly effective, otherwise there wouldn't be
20 the deflection rates and the changes in behaviour. So
21 I think the measured effects of the road are evidence
22 for a change in mitigation.

23 Understanding how the caribou are
24 exposed and responding to the road is the key to
25 improving mitigation. You've got the crossings on the

1 road, but Jim did state that you don't know to what
2 extent they're being used. That would make it very
3 difficult to improve them.

4 So as well as seeing a revision to Table
5 2 to include the winter traffic, I think it's important
6 to notice that there's a higher rate of traffic for Jav
7 than there is for Miserv without the winter road
8 traffic. So the exposure of caribou to Jav because of
9 the Lac du Sauvage crossing is likely greater, but
10 given the higher rate of traffic there's probably a
11 need for greater mitigation and more flexibility in it.

12 So I think it comes to -- to your
13 Traffic Management Plan. There's a lot more input into
14 what is actually required in that, and it's to link the
15 monitoring to the -- to the mitigation using such
16 approaches as decision trees.

17 And I think some of the points that IEMA
18 offered in a response to one of the Board's IRs, they
19 gave a series of pointers that would be helpful in
20 developing adaptive mitigation for both the Jav road
21 and the Miserv road.

22 So to summarize, I realize what Jim is
23 saying about your model assumes a hundred percent
24 deflection rate. Deflection rates, understanding them
25 is still really important because they're the key to

1 designing effective mitigation.

2 Mitigation isn't working that well. You
3 don't have the evidence to show that. But given that
4 there are still effects, there's obviously perhaps more
5 that could be done. And so I think that relates to the
6 Traffic Management Plan, and to using all the available
7 expertise to develop those mitigations.

8 So I'm looking for the Table 2, I think
9 that's pretty quick to do, a change in how the
10 monitoring will improve the mitigation for both the Jay
11 road and the Miserv road.

12 And in our IR we asked for the historic
13 traffic levels on Miserv, and you can calculate those
14 the same way as you project them for the Jay and the
15 Miserv. You know the amount of all that hauled, you
16 know the size of the trucks, so you should be able to
17 retroactively give us an estimate of the traffic when
18 the deflection rates were very high. Because at the
19 moment the monitoring is going to be based on the
20 cameras. There may actually be a rationale for using
21 the winter track surveys. And it may be that the
22 difference between the deflection rates measured by the
23 winter track surveys and the cameras might do more with
24 the level of traffic.

25 When the cameras were on the level of

1 traffic was quite low the first couple of years and it
2 only increased in 2013, when the amount of heavy
3 traffic increased. And I -- somewhere I have the
4 numbers here, but you have them, too. But I think in
5 2013, it was up to over a hundred heavy trucks a day.
6 And so how that compares to the deflection rate when it
7 goes up to a couple of hundred.

8

9

(BRIEF PAUSE)

10

11 THE FACILITATOR: It's Bill Klassen.
12 Anne, if you could clarify. I think you said there
13 were two (2) points that you wanted Dominion Diamonds
14 to respond to. And one (1) was adjustment, I think, of
15 information in one (1) of the tables. And then you
16 were asking for a decision tree as -- could you just
17 clarify those two (2) points for our benefit?

18 MS. ANNE GUNN: Yeah, I -- I spoke a
19 bit more than perhaps I should have done. The first
20 point is -- this is Anne Gunn, for the Board -- is
21 revision of Table 2 and the traffic rates. The second
22 point is several revisions, including decision trees,
23 to making it clear in the Traffic Management Plan that
24 it's adaptive management; that the monitoring
25 technique, be it surveys, be it the use of the cameras,

1 there are alternate techniques as well, are closely
2 tied to the levels of mitigation. So it actually is
3 adaptive management and it's measurable.

4 THE FACILITATOR: Thank you. Go ahead,
5 Richard.

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. So we'll -- as a commitment we'll
8 look at the table -- Table 2, I believe, and of Appendix -
9 - Appendix C. And we'll also look at -- you made a
10 number of suggestions for the -- for the Traffic
11 Management Plan, I think, which we'll consider in the -
12 - on -- on the -- you know, it's in the final draft
13 now. And we've made a commitment to -- to provide that
14 by the end of April. So we'll have to try to consider
15 those suggestions in the context of that timeframe and
16 that commitment that we've made.

17 I do want to say -- I think it's
18 important to say, I mean, obviously, you know,
19 we recognize the issues with the health of -- of the
20 herd. We have tried to build in additional mitigations
21 for the Jay road, you know, which will be detailed in
22 the Traffic Management Plan. But the types of things
23 I've tried to describe earlier including, you know,
24 potentially shutting down the road for -- the
25 stockpiling of ore so we could continue to -- to feed

1 the process plant, but still be able to shut down the -
2 - the roads when -- when caribou are -- are migrating
3 through there.

4 The construction of the Jav road,
5 essentially as a caribou crossing itself, not with
6 these smaller car -- caribou crossings that came sort
7 of after the construction of the -- the Miserv roads.
8 We -- we have tried to -- to ramp up the -- the
9 mitigation for the Jav road, you know, in recognition
10 of some of those issues and -- and the -- you know, the
11 -- the historic use and -- of the caribou of that area
12 down towards through -- through -- down the esker
13 towards -- towards the narrows, so. But we -- we'll
14 look at -- at that -- at both those issues in -- that
15 Anne has raised.

16 THE FACILITATOR: It's Bill Klassen. I
17 -- just for clarification then these are -- are two (2)
18 commitments that Dominion Diamond is making. And you
19 anticipate to respond by what time?

20 MR. RICHARD BARGERY: Oh, I think the
21 table we can respond to -- the -- the revision of the
22 table can be responded to relatively quickly. The --
23 the second issue of looking at some of the suggestions
24 that have been made in the context of the -- the
25 Traffic Management Plan, I just want to get a sense of

1 -- of where we are with the final draft of that and --
2 and what's been built and what we're required -- what
3 work will be required to -- to do that. Because I
4 think if I'm -- I think that's what you asked, Dr.
5 Gunn.

6

7

(BRIEF PAUSE)

8

9 THE FACILITATOR: It's Bill Klassen. I
10 have two (2) -- two (2) other people who want to ask
11 questions before the break. One (1) is Noeline
12 Villebrun and then -- here.

13 And so we are -- right now we've
14 completed the baseline, and hopefully we will complete
15 questions related to the road and utilities before the
16 break. So I -- I trust your comments are both related
17 to those items.

18 Excuse me, Ms. Villebrun. Apparently
19 Anne wants to make one (1) addendum. Is that correct?

20 DR. ANNE GUNN: Chuck's going to do it.

21 THE FACILITATOR: Okay. Chuck is going
22 to speak for Anne. That should be interesting.

23 MR. CHUCK HUBERT: Chuck Hubert, with
24 the Board. I -- I would not dare to do that, actually.
25 But as a suggestion perhaps regarding the traffic

1 management or the -- or the Wildlife Roads Management
2 Plan, if that's the mitigation plan, if that's the
3 term, would -- would Dominion consider a type of
4 technical group made up of -- of various parties to --
5 to assist in the -- the preparation of -- of that plan
6 and -- and to offer suggestions on its preparation?

7 MR. RICHARD BARGERY: Richard Bargery,
8 Dominion Diamond. I -- I think at this point, given
9 sort of where we are with -- with this, I'd -- I'd want
10 to review it in the context of some of the suggestions
11 that have been made.

12 Our current plan, and the agreement that
13 we currently have, is that we -- we're going to send
14 this out in draft and have the parties -- have parties,
15 interested parties, comment on it, and then revise the
16 plan.

17 So with respect to the technical group,
18 the specific suggestions on the technical group, I'll
19 come back on that. But I -- I want to have a
20 discussion about it, but I think we'll stick with our
21 original commitment at this point.

22 MR. CHUCK HUBERT: Chuck Hubert, with
23 the Board. Okay. I'd be interested in -- once you've
24 thought a bit about -- about the idea of a technical
25 group for it, I'd be interested to hear your response

1 later on. Thanks.

2 MS. NOELINE VILLEBRUN: (CHIPPEWAYAN
3 LANGUAGE SPOKEN).

4

5 (INTERPRETED FROM CHIPPEWAYAN INTO ENGLISH)

6

7 MS. NOELINE VILLEBRUN: My name is
8 Noeline Villebrun.

9

10 (INTERPRETATION CONCLUDED)

11

12 THE FACILITATOR: We have Tony Buggins
13 present as an interpreter. I wonder, Mr. Buggins, if
14 you could come up and interpret what Mrs. Villebrun has
15 just said for us, please.

16

17 (INTERPRETED FROM CHIPPEWAYAN INTO ENGLISH)

18

19 MS. NOELINE VILLEBRUN: Yes. My name
20 is Noeline Villebrun. I'd like to thank everyone for
21 coming here to talk about this very important topic,
22 caribou discussions. Caribou is very important to the
23 Dene. It's a very important part of Dene life, and
24 also we have to remember that this is Dene land.

25 This caribou discussion is very

1 important to the Dene. We survive off caribou, and
2 this is Dene land and caribou is very important to us.

3

4 (INTERPRETATION CONCLUDED)

5

6 MS. NOELINE VILLEBRUN: One (1) of the
7 observations I -- I just made and the point I'm trying
8 to make here, too, one (1) is the -- when you talk
9 about traditional knowledge, my language is part of
10 traditional knowledge. And I don't see it reflected
11 here at all.

12 And I'd like to thank the representative
13 from the YK Dene for bringing that issue up, that the -
14 - you know, it's only been a while -- after how many years
15 that the traditional knowledge has been incorporated
16 into their report?

17 Now, when Dene -- before development, as
18 mentioned in my language, caribou is a -- is a very
19 important diet. This is what we ate and sustained
20 ourselves and used the hide to clothe ourselves. And
21 it also housed us because we used the hide to -- to
22 make our teepees with. And over time, because of
23 development, all of that has been taken away.

24 And how? Through a process like the
25 Wildlife Act, and the mining acts, so that they can --

1 society and the civilians can make room for
2 development, for more bigger communities. But the one
3 thing that I was taught as a young girl but growing --
4 as I was growing up, not just by my grandparents but a
5 lot of Dene Elders that hunted, and not too long ago,
6 about five (5) years ago I was up in the Arctic area
7 talking to Elders about caribou.

8 And this elderly lady said, You know,
9 today the younger generation don't understand the
10 caribou. That when the caribou start migrating, you
11 let the first leaders go through because they're no
12 different than human beings. They have their leaders.

13 And when you talk about gas emissions,
14 smells, caribou smell. We're told that when we go
15 hunting. You go downwind from the animals so they
16 don't smell you. So how does the mine figure they can
17 get around that whole topic that the caribou can think.
18 When I look at that picture and it says, "Caribou
19 crossing," it's -- for me, I -- I see a picture, a
20 comical picture.

21 You know, all these scientists and --
22 and researchers and consultants talking to the caribou.
23 Which crossing do you want to take? How do you want us
24 to build it up? Because caribous -- caribou is not
25 like human beings. Sometimes we have to think for

1 them. And this is whv the Creator gave us that
2 responsibility to protect the animals, the land, and
3 the water.

4 That's Dene responsibility. And
5 somewhere along the line that responsibility was taken
6 away by these tvpes of Boards. And it's common sense.
7 You use common sense. That's how Dene lived. All of
8 this is new.

9 I have a concern with the trucks. You
10 talk about -- you know, when you had a figure of four
11 thousand (4,000) loads and you didn't calculate the
12 return, for me that's -- that's not good -- not good
13 practice because that lessens (sic) the impacts.

14 Because I've gone out and observed
15 myself, and I watched those trucks. And they're --
16 they -- they are not following protocol. They are not
17 following the regulations. It's supposed to be four
18 (4) trucks every twenty (20) minutes. It's not. These
19 trucks are doing whatever they want basically.

20 It's not iust the trucks, the gas
21 emissions, but these trucks that are breaking down, the
22 leaks. You talk about the ice road crossing. It's not
23 iust the caribou, it's also the fish but the -- we'll
24 come to that later.

25 So mv concern is the gas emission from

1 the increase in the loads. Has it been considered in
2 the first report, and is it being considered in the
3 second? Because there's the big movement to lower the
4 gas -- green gas emissions, or -- you know. The -- I
5 think it's called the Kvoto Protocol.

6 THE FACILITATOR: Mrs. Villebrun, I
7 wonder if we could ask Dominion Diamond to respond to
8 your concern about greenhouse gas emissions? I believe
9 it has been addressed.

10 MR. RICHARD BARGER: Richard Barger,
11 Dominion Diamond. Yes, the -- the emissions have been
12 -- have been considered in the assessment -- included
13 in the assessment.

14 THE FACILITATOR: It's Bill Klassen.
15 Do you have further questions, Noeline, about the road
16 and road use? I have one (1) more person -- two (2) --

17 MS. NOELINE VILLEBRUN: M-hm.

18 THE FACILITATOR: -- two (2) more
19 people that want to speak -- three (3) more people now.
20 My goodness, we aren't going to get a break until
21 lunchtime.

22 MS. NOELINE VILLEBRUN: Well, you
23 shouldn't anyways. You guys are all paid to do a job
24 here, and to listen and take notes, okay, so, yeah.

25 THE FACILITATOR: I wonder... I --

1 ves, I --

2 MS. NOELINE VILLEBRUN: Okav, iust one
3 (1) more then.

4 THE FACILITATOR: One (1) more.

5 MS. NOELINE VILLEBRUN: Yes.

6 THE FACILITATOR: And then we'll take a
7 break because there are some of us that need to use
8 other facilities --

9 MS. NOELINE VILLEBRUN: Okav.

10 THE FACILITATOR: -- besides the road.

11 MS. NOELINE VILLEBRUN: Okav, iust one
12 (1) quick observation and comment that I'd like to
13 make. When Rich mentioned that Dominion Diamond was
14 bought out in 2013 and that you guvs only had two (2)
15 vears to do whatever, well, you know, for people like
16 myself, I've been in the North all mv life, and I've
17 seen one of you over time in different positions, so.

18 And I know Diamond Dominion has hired
19 consultants and whatnot to help them, advise them, so
20 you can't sav that this is a new company or whatever
21 because the people that are hired around you are
22 advisors. I see them. Thev're ex-regional directors.
23 Thev're ex, you know, leaders, bureaucrats that have
24 been hired to advise Diamond Dominion.

25 So a lot of this issue here shouldn't be

1 an issue because these people should be helping you
2 guys figure out what needs to be done properly. That's
3 my concern as a Dene woman because remember this is our
4 territory that you guys are in. And you guys will only
5 be here the life of the project, which is, I think,
6 thirty-three (33) years. I see a thirty-three (33)
7 number, so I just have to make sure.

8 And, you know, I feel like I'm singled
9 out all the time. I'm always told: Noeline, stick to
10 the point. Stick to... And I am. I know you guys
11 have an agenda, and it's usually cut and dry; for Dene,
12 it's not cut and dry. Thank you very much.

13 THE FACILITATOR: Thank you. We'll
14 take at least a five (5) minute break. And then we'll
15 come back. And I think I've got Ms. Patenaude, Jan,
16 and Kevin, and -- and a forth one.

17

18 --- Upon recessing at 10:54 a.m.

19 --- Upon resuming at 11:03 a.m.

20

21 THE FACILITATOR: Well, good morning
22 again. I'd like to begin the discussion again. I have
23 three (3) people on the list that will... I used to
24 have one (1) of those old-fashioned school bells, and
25 next time, I'll bring it.

1 So the -- the first person that I have
2 on the list is Andrea, then Jan, then Kevin. And then
3 another gentleman towards the back.

4 Yesterday morning I acknowledged that we
5 are meeting within the traditional territory of the
6 Yellowknives Dene and I would like to recognize Chief
7 Sangris of the Yellowknives Dene is present with us.
8 Thank you for attending. Andrea, I think we'll begin
9 with you. That's fine if, Jan, you want to go first.
10 Go ahead.

11 MR. JAN ADAMCZEWSKI: Good morning
12 again. Jan Adamczewski, with GNWT-ENR. My point is --
13 is not entirely new, but it just kind of reinforces I
14 guess some of the points that Kim Poole and Anne Gunn
15 made previously. At the traffic levels that are --
16 that Kim Poole is suggesting, then we're -- we'd be
17 talking about a truck every four (4) to five (5)
18 minutes on the Miserv road and -- and likely on the Jav
19 road and quite a bit on Tibbitt to Contwovto.

20 And there is published information, most
21 of this comes from Alaska, from Prudhoe Bay oil field
22 that would suggest once you have traffic levels that
23 high that road does become a fairly serious barrier.
24 It's much less of a barrier if it's an isolated road
25 with very little traffic. So you're kind of getting up

1 into a realm where you should actually expect that it
2 will not just be a deflection, but a serious barrier to
3 caribou that -- that pass through there.

4 So again, I think just to underscore the
5 status of the herd and the need for, I guess, the
6 strongest mitigations possible. So I think that
7 traffic plan, in the event that you have caribou in the
8 area, should -- should provide some clear windows at
9 least part of the day or part of the night, or
10 whatever, where caribou can pass. Because at that
11 level of traffic you -- you should expect there will be
12 fairly -- fairly serious barrier effects. Especially
13 if you add a transmission line and possibly a pipeline.
14 Those things do become additive. So I just wanted to
15 underscore that point.

16

17 (BRIEF PAUSE)

18

19 MR. RICHARD BARGERY: Richard Bargery,
20 from Dominion Diamond. So we -- we are looking at the
21 numbers now, and I think at lunch I just -- I'd just
22 ask Kim if -- if we can walk through sort of what --
23 what our recalc -- our recalculations are just to make
24 sure that -- that we are accurate with -- with what he
25 was describing or -- or our method -- methodology was -

1 - was accurate. And we -- we certainly understand the
2 larger point Jan's raised a couple of times about the
3 health of the herd. So we understand that point. I
4 want to -- I want to make that clear.

5 And we also hear, I think, what a number
6 of people have said about the mitigations and the
7 importance of putting in appropriate mitigations. So
8 we will come back as I -- as I stated earlier, I think,
9 and undertook earlier to come back on -- on that
10 particular issue. So I'm not sure what else I can add
11 other than the fact that we will come back with a
12 further answer on -- on that particular -- that
13 particular issue.

14 THE FACILITATOR: Thank you.
15 Andrea...?

16 MS. ANDREA PATENAUDE: Hi. Andrea
17 Patenaude, GNWT-ENR. Okay. So coming back to the
18 discussion on the -- on the traffic plan and
19 understanding that it -- okay, it's going to come out
20 in the end of April. And I like the idea that you want
21 to attach it to the WEMP. This is good. I just have
22 specific questions about the content and I'm not sure
23 whether the monitoring aspect is going to be captured
24 in that plan or whether that would be more in the WEMP
25 or the WWHPP or where that would be captured.

1 But one (1) with regards more to --
2 okay, well, with respect to the monitoring. I'm just
3 curious whether this traffic plan and/or other plans
4 will be including a monitoring program with an explicit
5 objective of monitoring deflection rates at various
6 distances from the road. That's question 1.

7 Should I just continue or do you want to
8 answer them as I go? Specific --

9 THE FACILITATOR: Let's take them one
10 (1) at a time.

11 MS. ANDREA PATENAUE: Okay.

12 THE FACILITATOR: So we'll give
13 Dominion Diamond an opportunity to respond to that.

14 MR. RICHARD BARGER: The Traffic
15 Management Plan -- since we can't use the new name --
16 the -- that's -- that's us -- that's me, as well
17 because it's -- it's a brand new name. But, no,
18 monitoring isn't included in that. That's in the -- in
19 the -- the WEMP, the monitoring.

20 MS. ANDREA PATENAUE: And so would
21 that type of monitoring program with that kind of
22 objective -- since it seems to be quite related to a
23 number of the concerns about impacts and the barrier
24 effect of the road, do you project that that would -- a
25 monitoring program of that type would be included?

1 (BRIEF PAUSE)

2

3 MR. RICHARD BARGERY: Richard Bargery,
4 Dominion Diamond. I won't -- I don't think it's going
5 to have the level of -- of monitoring and -- and the
6 type of, you know, monitoring that you're looking for,
7 or what you just stated. Or perhaps maybe you can
8 clarify it exactly one (1) more time. But I -- I think
9 we won't meet -- we won't meet -- meet what you're
10 asking, at this point anyway.

11 THE FACILITATOR: Could you for the --
12 it's Bill Klassen. Could you for the record identify
13 yourself again?

14 MS. ANDREA PATENAUDE: Oh, right.
15 Sorry. Didn't do that last time. Andrea Patenaude,
16 GNWT-ENR. So, I mean, we have the camera program that
17 you were talking about. I mean -- and I believe in
18 response to one of the IEMA questions, you're like,
19 Well, okay, yes, the -- the deflection rates that
20 you're talking about through that report, we're looking
21 right at the road within the field of view of the
22 camera.

23 You also have another method where --
24 that showed higher deflection rates, and there are
25 seasonal considerations and distance consider -- so I'm

1 just wondering like if -- if, at the road, even if we
2 accept that deflections are happening at 1 or 2 percent
3 right at the road, I think people acknowledge that
4 deflection could be happening at further away.

5 So the question was just rather there
6 would be a monitoring program that explicitly looks at
7 deflection rates at various distances from the road and
8 -- or whether the -- that the camera program could be
9 modified to capture that.

10 MR. HARRY O'KEEFE: Harry O'Keefe,
11 Dominion Diamond. So with respect specifically to the
12 camera program, we do not believe that it can be
13 effectively or manageably -- manageably expanded to -- to
14 look much more than 250 metres away from the road.

15 That's something we're attempting to
16 play with operationally right now is detection limits,
17 but the effort required and the -- the sheer number of
18 cameras set up in some form of grid system would not
19 make it feasible to expand that program without
20 sacrificing our ability to detect what is happening at
21 the road.

22 So for the purposes of the camera
23 program, it won't be expanded or changed. It -- it's
24 very good at answering the specifics question it
25 addresses right now, which is: What is happening at

1 the road and at specific locations along the road?

2 MS. ANDREA PATENAUDE: Andrea

3 Patenaude, GNWT-ENR. Thank you for that. Okay. We'll
4 just move on there for that and we'll see what's coming
5 up or what other comments on that might be.

6 Another question is -- and whether it's
7 in the traffic section or other plans, does Dominion
8 Diamond intend to continuously monitor traffic levels
9 on the Jay and Misery roads?

10 MR. RICHARD BARGERY: Richard Bargery,
11 Dominion Diamond. Yes.

12 MS. ANDREA PATENAUDE: Andrea
13 Patenaude, GNWT-ENR. Can you clarify where the details
14 on that might be, which plan we might seek it out in?

15

16 (BRIEF PAUSE)

17

18 MR. RICHARD BARGERY: Richard Bargery,
19 Dominion Diamond. Reported annually through the WEMP.

20 MS. ANDREA PATENAUDE: Andrea

21 Patenaude, ENR. Can you confirm that your traffic --
22 and I'm pretty -- I'm thinking this would be in the
23 traffic plan section -- can you confirm that there will
24 be -- that the plan will contain some staged thresholds
25 for road closures, and detailed procedures for response

1 based on caribou numbers, distance from road, group
2 size, composition, season, any of that kind of
3 information?

4 MR. HARRY O'KEEFE: Understanding that
5 the -- Harry O'Keefe, Dominion Diamond. So
6 understanding that the plan is going to be distributed
7 for comment, and it is a draft plan that -- that will
8 be adapted based on comment and input from parties,
9 Dominion's current operational policy is management
10 through monitoring.

11 We don't believe that thresholds can be
12 sufficiently protective of smaller groups of caribou,
13 and take into account the variability and behaviour and
14 activity. Our current -- our current policies would be
15 to have somebody go out and be on site, monitoring.

16 We have two (2) staff dedicated to wild
17 -- wildlife monitoring at site, and it would be their
18 job to control traffic based on the caribou, whether --
19 whether it's proximity to road or behaviour, or impacts
20 observed.

21 MS. ANDREA PATENAUDE: Andrea
22 Patenaude, GNWT. So just to clarify, these monitors
23 will not necessarily have some kind of structured plan
24 upon which to base their decisions for whichever
25 mitigations might be required, given what they observe?

1 MR. HARRY O'KEEFE: That is not I
2 believe -- Harry O'Keefe, again for Dominion Diamond.
3 That is not the exact, I guess, message I was trying to
4 convey.

5 They -- they will have clear direction
6 on -- on what is acceptable. And what's acceptable is
7 the caribou will have the right-of-way and should not
8 be impacted by traffic. And the specific wording will
9 come out at the end of April.

10 MS. ANDREA PATENAUDE: Andrea
11 Patenaude, GNWT-ENR. Okay. We'll look forward to
12 that. And -- okay, enough on that. Just a question
13 though that kind of came up amongst us prior to the
14 break with respect to the assumption of the total
15 barrier effect of the road in the modelling that's been
16 conducted.

17 We're just wondering whether, indeed,
18 that is the worst-case scenario? Deflection from the
19 road, I mean, the amount of disturbance that -- the --
20 the disturbance effects that a caribou might exhibit as
21 they approach the road, and are perhaps in an excited
22 state, depending on how many times they tried to cross
23 the road -- maybe they successfully crossed the road
24 but have been agitated to such a state as they do so
25 that perhaps long-distance movements around the site --

1 I mean, caribou are long-distant moving animals. They
2 do that rather efficiently, is my understanding.

3 But the additional disturbance and
4 stress undergone by simply crossing the road, if that's
5 kind of a big event for them, we're just wondering if
6 you had considered whether, indeed, that might be more
7 of a worst-case scenario than an actual barrier effect?

8

9 (BRIEF PAUSE)

10

11 DR. JIM RETTIE: Jim Rettie, Golder
12 Associates. I think that for the -- in -- in terms of
13 the energetic cost, the information that we have on
14 animals that -- that enter zones of influence and the
15 amount of time that they spend there, we applied a
16 factor to that and a cost to that as well.

17 So based on the pathways of animals that
18 have been monitored over a seventeen (17) year period
19 starting in the 1990s, and whose -- whose movement
20 pathways were examined both relative to the
21 developments in the zones of influence present at the
22 time, as well as those that will come with the Jay
23 project and with future developments, we did account
24 for the -- the number of days and the amount -- the
25 number of encounters that they had with those zones of

1 influence based on historic information.

2 So based on all observations that have
3 occurred in the past, we have accounted for animals
4 that, had they entered that zone of influence and
5 remained in close proximity to the road, we did apply
6 an energetic cost to them entering that area and
7 remaining there. So -- so we -- we feel that we've
8 accounted for that.

9 MR. ANDREA PATENAUDE: Okay. Andrea
10 Patenaude, GNWT. No further questions on this topic.

11 THE FACILITATOR: It's Bill Klassen.
12 Thank you. There are three (3) people that have
13 indicated that they wish to speak on this topic, Kevin
14 and Anne and Kim. So I think I'll ask Kevin and Kim to
15 speak first, and then Anne.

16 MR. KEVIN O'REILLY: Thanks. Kevin
17 O'Reilly, for the monitoring agency. This is sort of
18 like a hot pursuit to homework item number 2 that Todd
19 Slack had asked earlier about when the Company
20 committed, as I understood it, to provide some
21 information about the caribou crossings on the Jay
22 Road.

23 And in response to our Information
24 Request number 27, this is on page 2 of it, there's a
25 statement that reads as follows.

1 "Dominion Diamond proposes to
2 construct an increased number of
3 caribou crossings along the main
4 section of the Jay Road."

5 And I guess that sort of begs the
6 question of what's meant by, "increased number,"
7 increased compared to what; the Miserv Road perhaps? I
8 don't know. I guess what we -- what I'd like to do is
9 maybe just refine that homework a little bit more to:
10 Can the Company actually provide us with a map showing
11 where the crossings -- caribou crossings on the Jay
12 Road are actually going to be located? Because I can't
13 seem to find that anywhere, in either the DAR or the
14 additional information that's been submitted.

15 I'm looking at Map 94-1. It shows
16 fifteen (15) crossings that were constructed on the
17 Miserv Road, but I can't seem to find anything for the
18 Jay Road. So can the Company commit to add that
19 information when they do the homework item number 2 in
20 response to Mr. Slack? Thanks.

21 MR. RICHARD BARGER: Richard Barger,
22 Dominion Diamond. I -- I don't think we can give you
23 the map at this point, Kevin, because I'm just trying
24 to -- to look at the -- the IR that you mentioned,
25 but...

1 So the -- the intention with the Jav
2 Road is that we're going to construct the road in -- in
3 such a way that it's -- it's a caribou crossing except
4 where we're going to need -- the areas where we need
5 berms for safety reasons or where we need access to the
6 pipes for valves and such for -- for access -- access
7 to the -- to the pipelines for -- for maintenance and -
8 - and we don't have that detailed design yet, and I'm
9 not sure we can do it.

10 So, I think we have a fairly good idea
11 on the length of road that would, essentially, act as a
12 caribou crossing and the amount of road that will be
13 needed, you know, where we -- where we won't be able to
14 put a caribou crossing for the types of reasons that I
15 just said, and we'll -- we'll flesh that out for you.

16 So I'm not sure that at this point we
17 can give you a map showing exactly where we're going to
18 have -- need access to the pipes, those kinds of things.
19 We don't have that detailed design yet.

20 MR. KEVIN O'REILLY: Thanks. Kevin
21 O'Reilly, for the monitoring agency. That's helpful.

22 And I -- I think I understand the need
23 to -- you don't have a detailed design of where the
24 pipeline valves and so on are going to be. But can you
25 at least tell us -- or give us a map that would show

1 where you're going to have the road 3 metres above
2 grade that it requires the berm on the side so that you
3 can -- those are areas where clearly you cannot put the
4 caribou crossings.

5 Some sort of map that at least gives us
6 some indication of where the caribou crossings are
7 likely to be or where they can't be would be really
8 helpful. Thanks.

9 MR. RICHARD BARGERY: Richard Bargery,
10 Dominion Diamond. I -- I think we can do what -- what
11 you're asking in terms of the berm -- berm, so -- and
12 we might be able to give you sort of a rough map, but --
13 -- but obviously it's not based on the -- on the final
14 detailed design so.

15 THE FACILITATOR: Bill Klassen. I'm
16 wondering, Richard, what the time line would be for
17 that. Is it something that can be done before the end
18 of the week or is this something that you'll need the
19 two (2) week time period for?

20 MR. RICHARD BARGERY: Richard Bargery,
21 Dominion Diamond. I -- I -- a little bit more time on
22 this particular -- on this particular one. We'll need
23 some review by a number of -- a number of people on
24 this one. It's not something that we can do relatively
25 quickly. So certainly with -- well within the -- the

1 two (2) week undertaking period, hopefully quicker than
2 that, but -- but maybe not before the end of the week.
3 If -- if something changes and we can get it by the end
4 of the week we will, but -- but I can't commit to that.

5 THE FACILITATOR: Okay. Thank you.
6 Bill Klassen. Kim Poole...?

7 MR. KIM POOLE: Kim Poole, with IEMA.
8 Or for IEMA. To follow-up on Andrea's question about
9 mitigation related to the road. I'm not trying to beat
10 a dead horse here, but just for clarity. The DAR was
11 predicated on the fact that the road's a barrier and
12 that was to be conservative. Depending which
13 monitoring program you look at, the -- the road does
14 have anywhere from a 60 to a 1 percent deflection rate,
15 although it's -- it's very encouraging to hear that
16 Dominion Diamond is saying that it's the -- with the
17 cameras it's the deflection rate of caribou that are
18 actually at the road. Because that was not necessarily
19 evident when the first reports from the cameras came
20 out.

21 But the fact that a caribou cross the
22 road's not in question. I think what we want here is
23 that we all want that the road be as permeable as
24 possible, and to minimize impacts or changes to
25 behaviour to caribou as possible.

1 So this is perhaps less of a question
2 than a comment. In -- in response to Andrea, we're
3 still hearing words like that the road will be
4 monitored and large numbers of animals will be able to
5 pass, will be allowed to pass, the road will be -- the
6 wildlife have right-of-way, and -- and comments like
7 that. Or that traffic will be moni -- will be man --
8 will be modified as required.

9 And I think what people in this room are
10 looking for is a bit more clarity on these details.
11 Are we talking one (1) caribou? Are we talking ten
12 (10)? Are we talking fifty (50)? Are we talking the
13 caribou, do they have to be 20 metres from the road for
14 a reaction to take place? Can they be 500 metres from
15 the road and coming towards the road? That begs the
16 question of between the road monitoring and the
17 satellite collars there's a large scale difference
18 between how the monitoring will be accomplished.

19 But what I think people are looking for
20 in this traffic -- what are we calling it? Whatever.
21 The decision tree, whatever. What we want is triggers.
22 They have to be explicit because otherwise people won't
23 have any faith that it's going to be on the whim of the
24 environmental to monitor -- environmental monitor or
25 the truck driver, or whoever, saving: Oh, well, they

1 seem to be fine. Let's not worry about it. Let's just
2 keep driving.

3 So I urge you to make this as explicit
4 as you're able to when we get the draft at the -- the
5 end of this month or whenever that is. So less of a
6 question, but go for it.

7 THE FACILITATOR: Do you have a
8 response?

9 MR. RICHARD BARGERY: Richard Bargery,
10 Dominion Diamond. I think -- I think we've heard the
11 point, and perhaps -- perhaps the Traffic Management
12 Plan, if it fit into our work schedule a couple of
13 months earlier, might have been -- may have been useful
14 given the -- you know, the level of detail that -- that
15 people are -- are looking for here to -- here today.

16 But just -- just to reit -- reiterate
17 the -- the plan for the plan. It will go out in draft,
18 you know, with an invitation for comment.

19 And certainly we've heard the points
20 that -- that various people have made -- made today, so
21 we'll take that into account. We've also, I think,
22 made a commitment to come back with -- with a further
23 answer on this some time this week, so in -- including
24 some of the points that -- that Dr. Gunn made.

25 So we have heard the message on -- on

1 this particular one. But this is going to be an -- you
2 know, a bit of a -- a consultative process in -- in any
3 event, and there's going to be opportunity for people
4 to comment, so. Thank you.

5 THE FACILITATOR: Thank you. Anne, has
6 a question and a -- another gentleman back here. I --
7 sorry, I can't remember the name. So, Anne, please
8 proceed.

9 DR. ANNE GUNN: Anne Gunn, for the
10 Board. I just want clarification that the Traffic
11 Mitigation Plan is an adaptive management plan, that it
12 will include the monitoring necessary to trigger, to
13 intensify, or reduce mitigation; that the monitoring is
14 not going to be in a separate plan. Even if it meant
15 repetition save between the WWHPP and the WEMP, the
16 monitoring for the mitigation should be tied together
17 in the same document.

18 And I think, as part of that is
19 developing the level of mitigation that you're hearing
20 from people that they expect, is that it would be very
21 useful to understand Dominion's flexibility in their
22 operational planning as to how they can best supply the
23 level of mitigation needed for the caribou.

24 For example, I imagine one (1) of your
25 overriding priorities is to maintain even flow to the

1 processing plant. Hence, you have a couple of sort of
2 spare rock piles that you can use if the caribou are on
3 the road. But I think it would be very useful to have
4 more details like that.

5 There was the figure of fifteen (15)
6 days when there would be no traffic because of
7 blizzards or caribou. I think it would be useful to
8 give the summary of how many days are used up
9 historically by the blizzards. And I imagine that
10 information would be available from your airport. And
11 then that would give the rest of us a sense of how many
12 days, if there was high numbers of caribou, that the
13 road could be shut down.

14 So I think it's -- it's a give and take,
15 tradeoff between Dominion's operational requirements,
16 the costs -- like the costs of the tradeoffs --
17 relative to the needs of the caribou and the people who
18 depend on them. So I think you -- it would be wise to
19 build that -- at least I'd like clarity that that could
20 be built into the Traffic Management Plan for bet --
21 one (1) of the better term.

22 And I think I like the idea of the
23 drafts because you hear about strong concerns, but
24 there's a considerable amount of expertise that you
25 could draw on in a collaborative approach through the

1 drafts, or even -- even, if necessary, meetings, but
2 the idea of pooling everyone's experience with this.

3 So those were my three (3) points that -
4 - that it's clear that it's adaptive management in the
5 Traffic Management, so monitoring being included, an
6 idea of Dominion's tradeoffs and flexibility, and then
7 the support for the collaborative approach. So thank
8 you.

9 THE FACILITATOR: It's Bill Klassen.
10 Thank you, Anne.

11 There was a gentleman back here that had
12 questions or comments, presumably related to the road.

13 MR. BRUNO CROFT: Thank you, Mr. Chair.
14 Bruno Croft with ENR North Slave. It's about the
15 energetic model, and just a comment -- a comment more than
16 a question. If it's not appropriate at this time, I
17 can wait later. Not a big deal. But since Jim
18 presented something on this, there's a question that
19 keeps popping back into my mind, and I'd like to share
20 that a bit.

21 First, I'm glad to see that we continue
22 to dig into this energetic modelling approach,
23 something that John Virgil started a few years ago, and
24 -- and we're getting a little farther ahead. I don't
25 think we have arrived yet, and the conclusions we heard

1 today, I don't think we can really say or agree what
2 they -- they're saying.

3 There's one (1) point I'd like to share,
4 based on my own experience. Jim mentioned the -- the -
5 - one (1) of the variables in the equation of his
6 modelling is that number of insect days, and I think
7 the number I read and heard is forty-four (44) insect
8 days during the summer potentially that occur moving
9 forward.

10 I know first hand from having spent
11 summers out following the caribou with a grad student
12 for that specific purpose, to study insect avoid --
13 avoidance by caribou, and see how it could affect their
14 feeding behaviour and other movement and distribution
15 during the summer, that insect can take its toll on --
16 on the energetic balance of the animals. And forty-
17 four (44) days is a lot of days in the summer, and
18 especially if you get into August, for example, which
19 is probably the critical time for the animal to
20 replenish all those nutrients that they've lost through
21 parturition and other things that the caribou do, it's
22 adding up quite a bit.

23 So in my own mind, and again I
24 appreciate all the work you have done in -- in moving
25 forward a difficult question, I think energetic

1 modelling is the way to go moving forward. We need to
2 be able to put numbers on -- on this whole thing once
3 you add them natural and non-natural stressors. I
4 don't think we've pinned that one down yet.

5 So I would encourage to continue
6 promoting further research going beyond what we now
7 know. Of course, we look at literature, research,
8 what's been done before. Again, I think that we need
9 to do more and not take for granted that we have
10 answered that question, because I don't think we have.

11 One more comment, Mr. Chair, if we can,
12 and it's just me. Once again we heard, you know, all
13 the additional costs to this footprint, either now or
14 in the future, is not a big deal. We don't think it's
15 going to add up too much even if the caribou get in
16 higher numbers. Not a -- not a big, big thing.

17 We keep going back in this whole thing
18 looking at one (1) footprint at a time, go through
19 those public hearings, technical exercises, and we
20 focus on that one thing that we are looking at. Again,
21 in this case, Jay-Cardinal.

22 At the end of the day, it's all -- they
23 all add up together, and we cannot detach ourselves and
24 sit down here and wait, and come to the conclusion that
25 we hear on one of those things, and keep popping up one

1 (1) footprint at a time on the landscape. At some
2 point it's going to catch up, it just makes sense.

3 So it's -- those are comments. I don't
4 expect any -- any answers to all these things. Again,
5 I would encourage that we continue digging in -- into
6 this energetic modelling thing, and -- and the dynamics
7 supporting and -- and little bit of change as it is
8 impacted by various stressors, so. In a nutshell.

9 THE FACILITATOR: It's Bill Klassen.
10 Thank you for your comments. And perhaps to your last
11 point we'll get to some of that at least when we
12 discuss cumulative effects. But, Richard, did you have
13 a comment in response, or...

14 DR. JIM RETTIE: Yeah, Jim Rettie,
15 Golder Associates. Bruno, in response to your -- your
16 question about one (1) footprint at a time, the work
17 that we did looked at the cumulative effects of all of
18 the previous existing mines, as well as quite a large
19 number of reasonably foreseeable developments. And I -
20 - I mean, I've got the list in front of me. It's --
21 it's fairly extensive. And it's -- they are listed in
22 the DAR.

23 So just -- just so you know that we --
24 we have accounted for what we see -- what we know of
25 that's coming in the future, and -- and accounted for

1 the cumulative effects of those things as well in our
2 assessment.

3 THE FACILITATOR: Okay, thank you.
4 It's Bill Klassen. And if that's the extent of the
5 questions generally on roads and utilities, then...

6

7 (BRIEF PAUSE)

8

9 THE FACILITATOR: Okay. I wonder
10 whether this would be the appropriate point, rather
11 than saving them all up as I had suggested earlier, if
12 people have questions or -- or comments regarding
13 assessment endpoints and thresholds for significance
14 related to roads and utilities. You might consider
15 raising them now.

16 And that way -- what I'm trying to
17 avoid, as the facilitator, is going through all of
18 these topics that we have on the agenda for today,
19 baseline roads and utilities, dust mitigation,
20 cumulative effects, and then having one (1) large
21 session on -- on assessment endpoints and thresholds,
22 and it -- for me at least it's easier to tie them to
23 the topic that we've just discussed. So if that's
24 acceptable, then we will deal with that now.

25 Do -- Todd, do you have a question about

1 -- you -- you began there, so I'll come to you. Do you
2 have a question or comment regarding assessment
3 endpoints and thresholds for significance related to
4 the roads and utilities aspect of the discussion?

5 MR. TODD SLACK: Thanks. Thanks, Mr.
6 Chair -- Mr. Facilitator. I -- as a -- I know this is
7 a surprise, but I do have a question on this matter.

8 In terms of your assessment endpoint,
9 how many caribou are YKDFN harvesting?

10 DR. JIM RETTIE: Jim Rettie, Golder
11 Associates. In our -- in the population modelling that
12 we did, we -- we did account for some harvest at
13 different levels based on different models. We didn't
14 -- we didn't describe those animals harvested to any
15 particular group of people.

16 MR. TODD SLACK: How many animals were
17 harvested in these different scenarios then?

18 DR. JIM RETTIE: If you give me a
19 moment, I can -- I can find them for you.

20

21 (BRIEF PAUSE)

22

23 THE FACILITATOR: While -- it's Bill
24 Klassen. While that information is being searched out,
25 I was asked when we would be breaking for lunch. And I

1 suggest at 11:55. We'll take a one (1) hour break and
2 be back in here by 12:55 so we can get underway at
3 1:00.

4 MR. JIM DR. JIM RETTIE: Jim Rettie,
5 Golder Associates. For the majority of the population
6 models that we ran, looking at a population in a
7 declining phase at a low population, we allowed for a
8 harvest of fifty (50) individual animals. For an
9 increasing population, the models that we ran allowed
10 for 4 percent -- an annual harvest of 4 percent of --
11 and this is of adult female animals. We -- we didn't --
12 -- our models were strictly based on females.

13 MR. TODD SLACK: It's Todd Slack, with
14 the Yellowknives. Do you think that fifty (50) animals
15 is, what's the phrase, ecologically effective for the
16 Yellowknives Dene?

17

18 (BRIEF PAUSE)

19

20 MR. RICHARD BARGERY: Richard Bargery,
21 Dominion Diamond. With respect, I think that's --
22 that's an assessment for the -- for the YK Dene to --
23 to make, not for -- not for Dominion Diamond to make.

24 MR. TODD SLACK: Todd Slack, with the
25 Yellowknives. Well, and case in point, you have made

1 that assessment by declaring that there will be no
2 significant impacts if that's your assessment end
3 point.

4 So are you effectively saying that, if
5 there are fifty (50) animals to be harvested, that
6 represents an ecologically effective population?

7

8 (BRIEF PAUSE)

9

10 DR. JIM RETTIE: Jim Rettie, Golder
11 Associates. Our assessment was not on what
12 opportunities are acceptable and sig -- and significant
13 to different groups of people. Our assessment was on
14 whether or not there were still harvesting
15 opportunities and whether or not a population could
16 sustain harvesting at different points in its
17 population cycle.

18 The Bathurst caribou herd, like other
19 barren-ground caribou populations, goes through cycles,
20 and has done so historically. And the ability of those
21 populations to sustain harvest varies with the -- the
22 status and the trend of the population at the time. So
23 the numbers that we've worked into our models were
24 there as an indication of what contribution a harvest
25 might be making to a population at the level that it's

1 at right now.

2 MR. TODD SLACK: Just as a final
3 clarification on this, the project has asserted that
4 there will be -- sorry. The project has said that the
5 assessment endpoint of fifty (50) animals being
6 available for harvest for Dene harvesters is
7 acceptable.

8 Is -- do I understand that right?

9

10 (BRIEF PAUSE)

11

12 DR. JIM RETTIE: Jim Rettie, Golder
13 Associates. What our assessment has said is that the
14 project is not having a significant effect on the self-
15 sustaining ability of the Bathurst caribou population
16 or on its ability to be ecologically effective and play
17 an appropriate ecological role.

18 MR. TODD SLACK: Todd Slack. And that
19 ecologically effective role is fulfilled with fifty
20 (50) harvesting opportunities. Is that a fair way to
21 ask that question?

22

23 (BRIEF PAUSE)

24

25 DR. JIM RETTIE: Jim Rettie, Golder

1 Associates. The -- those fifty (50) hunting
2 opportunities are based on a modest harvest of a
3 current population, but our assessment is of the
4 contribution of the project to the population's ability
5 to be self-sustaining and ecologically effective. And
6 our conclusion -- our conclusion is that the project is not
7 having a significant effect on that assessment end
8 point.

9 MR. TODD SLACK: Todd Slack, with the
10 Yellowknives. Can I just ask for a definition of -- your
11 definition of what 'ecologically effective' represents
12 to -- in terms of harvesting opportunities in that
13 case? Clearly, I'm not understanding what you're
14 saying.

15 DR. JIM RETTIE: Jim Rettie, Golder
16 Associates. Yeah, the definition of 'ecologically
17 effective' that I'm using is that an ecologically
18 effective population of an interactive species is a
19 population that's large enough to maintain ecosystem
20 function. So that -- that's based on the understanding
21 that local and traditional knowledge also recognized
22 the importance of caribou to the health of the land, to
23 the predators, and to people.

24 So a population that fulfills that role
25 is one (1) that's ecologically effective. And that

1 we've assessed the effect of the project on the ability
2 of that population to be ecologically effective and
3 concluded that it does not have a significant effect on
4 that ability.

5 MR. TODD SLACK: Okay. I think I've
6 got this. Do you view the Dene as part of that
7 ecosystem?

8 DR. JIM RETTIE: Jim Rettie, Golder
9 Associates. Yes, we do.

10 MR. TODD SLACK: And their -- Todd
11 Slack, with the Yellowknives. Their role as a key
12 agent of mortality, to use your term, is limited to
13 fifty (50) animals in certain scenarios?

14

15 (BRIEF PAUSE)

16

17 DR. JIM RETTIE: Jim Rettie, Golder
18 Associates. It's not the role of the -- of Dominion
19 Diamond to limit anybody's harvest opportunity at all.
20 That was -- those were numbers -- numbers that were
21 placed into a model. And it's important to understand
22 the population models help to understand the relative
23 contributions of different factors. They don't give
24 you absolute predictions of future population numbers.
25 They don't give you absolute limits as to harvest.

1 They give you relative values and provide a relative
2 trend through time as a consequence of different
3 environmental factors acting on a population.

4 MR. TODD SLACK: And I'll just -- one
5 (1) last time. So in that case the model does not
6 predict a significant impact according to your
7 definition as long as that key agent of mortality is
8 limited to no more than fifty (50) animals.

9 Is that a fair statement?

10 DR. JIM RETTIE: Jim Rettie, Golder
11 Associates. No, that's not what it says.

12 MR. TODD SLACK: Can you restate what
13 it says using that example please?

14 DR. JIM RETTIE: Jim Rettie, Golder
15 Associates. Could you repeat your example?

16 MR. TODD SLACK: You have said that
17 this model -- that you do not say whether fifty (50)
18 animals, blah, blah, blah. And -- but that this model
19 makes a prediction based on a number of variables. And
20 one (1) of those variables is that Dene harvesters, in
21 this case, would be limited to fifty (50) animals as
22 their contribution to mortality, and in that case the
23 model does not predict that there would be a
24 significant impact.

25 DR. JIM RETTIE: Jim Rettie, Golder

1 Associates. The models that we ran, correct. They do
2 not predict that there was a significant effect from
3 the mine and this project on the Bathurst caribou herd.

4 THE FACILITATOR: It's Bill Klassen. I
5 suggest that we've probably gone back and forth on this
6 as much as we can to try and achieve some clarity. My
7 sense is that the -- well, that if -- if there's a bit
8 of a gulf that's not being bridged. I would like to
9 suggest that we take a break for lunch right now, and
10 then we'll come back to the discussion of assessment
11 endpoints and thresholds for significance after the
12 lunch break. And please be back here and ready to go
13 at one o'clock. Thank you.

14

15 --- Upon recessing at 11:49 a.m.

16 --- Upon resuming at 12:59 p.m.

17

18 THE FACILITATOR: Good afternoon. My
19 name is Bill Klassen, which hasn't changed from this
20 morning, but other things have changed. We had some
21 discussion over the lunch hour amongst the Board staff,
22 and there's still a number of topics that need to be
23 addressed today under the general heading of caribou.

24 So with your indulgence, we'll have as
25 an agenda for this afternoon what you see on the screen

1 here behind me. We'll look at road alternatives. I
2 know that Anne Gunn has a question about the
3 consideration of alternative road routes, questions
4 regarding the reconstruction of the esker and a
5 discussion of an overpass.

6 The waste rock storage area, we had some
7 discussion on yesterday. I'd like to have a bit more
8 about that. And then, rather than addressing dust as a
9 separate topic, dust, light, and noise and the zone of
10 influence of those, then mitigation and cumulative
11 effects.

12 And contrary to what I was starting to
13 do this morning, the assessment of endpoints and
14 thresholds of significance, instead of trying to deal
15 with those at the end of each of these topics, we'll
16 address that at the very end.

17 I apologize for changing it. And as was
18 observed, these sessions are driven by an agenda, and I
19 don't apologize for that. We have a chunk of work to
20 get done, so the agenda has been modified somewhat.
21 And we've got roughly four (4) hours to finish these
22 topics so we can -- we can stay on time.

23 So I would like to open by asking Anne
24 to make the point about road alternatives. I think
25 there may be a map on the screen behind me. Please,

1 you're on.

2 DR. ANNE GUNN: Thank you. Dominion, I
3 think, took a really innovative, useful approach to
4 using the information on the caribou tracks. And I
5 really welcome this approach because I think it really
6 lays out some of the considerations.

7 The -- they had three (3) alternatives
8 in the DAR for the Jav road. And I think the track
9 survey actually followed on after those three (3)
10 alternatives had been chosen.

11 So my question is: Are there other
12 alternatives based on the density of the caribou tracks
13 that you would be considering in order to avoid effects
14 on the caribou for the Jav road? And just sort of as a
15 straw dog, I, in purple on the map, put up a possible
16 alternative that minimizes exposure to the -- to the
17 moderate and high caribou use.

18 So my -- my question is -- is: Are you
19 considering now, based on the -- on the mapping, other
20 alternatives for the Jav road?

21

22 (BRIEF PAUSE)

23

24 MR. RICHARD BARGERY: Richard Bargery,
25 Dominion Diamond. We aren't considering other

1 alternatives for the road. We -- we had a number of
2 alternatives. We did a -- a variety of engagement with
3 communities on, you know, the best routing. As you
4 said, we also looked at -- at caribou trails, those
5 kinds of things in -- in the selection of -- of the
6 route. So at this point, no, we -- we weren't looking
7 at an -- an alternate route for the Jay road.

8 DR. ANNE GUNN: Thank you for the
9 answer. I guess that -- that clarifies it. The -- the
10 number of cells of the moderate and high caribou use
11 didn't differ that much between the three (3)
12 alternatives. And that's why I wondered about, as
13 adaptive management can -- with more information, in
14 other words, monitoring the caribou cells, could lead
15 to a different decision. But I'll leave it there.
16 Thank you.

17 THE FACILITATOR: Thank you. Could we
18 have the lights back up? Another topic that's already
19 been raised is -- is the esker and the caribou use of
20 it and the -- the road crossing it. Are there
21 questions concerning the reconstruction of the esker
22 and the consideration of -- of an overpass as an
23 alternate? Okay.

24 MR. CHUCK HUBERT: Chuck Hubert, with
25 the Review Board. The Board thanks Dominion for its

1 response to the Board's Information Request on the
2 overpass. And, you know, an example was given by
3 Dominion on -- on how an overpass could -- has been
4 done in the Banff Park.

5 We also noticed that a response to one
6 (1) of the IRs showed a plan view of the -- the road
7 crossing the -- the esker, the -- the response to the --
8 - the Board's question on -- on the potential for an
9 overpass to -- to allow caribou to move across the
10 esker and -- and trucks beneath.

11 Part of the response included the -- the
12 height of the -- that would be required for this --
13 this overpass as being a -- a limiting factor in the --
14 in the -- the value of it.

15 But the -- the Board would be interested
16 in seeing what a cross-section of such an overpass
17 might look like so that -- so that trucks could move
18 beneath the overpass and caribou could move along the
19 esker, and -- and there wouldn't -- and that would
20 avoid disturbance for caribou passing and -- and trucks
21 going underneath.

22 Is that -- would such a cross-section,
23 conceptual cross-section, be possible?

24

25 (BRIEF PAUSE)

1 MR. RICHARD BARGERY: Richard Bargery,
2 Dominion Diamond. My understanding just from the quick
3 discussion that we just had is that the overpass would
4 have to be 10 to 15 metres above the esker. I guess,
5 from our perspective, for a variety of reasons, we're
6 not sure it's feasible. So to do a cross-section of --
7 you know, for the overpass for something that we're --
8 we're, you know, not -- not prepared to do. I'm not
9 sure what the -- what -- you know, how meaningful that
10 work would be for -- for the process, but...

11 MR. CHUCK HUBERT: Thanks. Chuck
12 Hubert, with the Board. The -- there are a number of
13 mitigation measures in -- in place and that have been
14 proposed to mitigate impacts for caribou disturbance
15 and displacement along the road. The -- the overpass
16 option has been used in other applications across the
17 country, and -- and the Board would like to see some
18 analysis of -- of an overpass at this location.

19 The Board believes that it's incumbent
20 on -- on the Developer in this case to do -- explore
21 ever -- every avenue possible to -- to reduce impacts
22 from disturbance and displacement along the road. So
23 again, the -- the Board would like to see some type of
24 conceptual cross-section or -- or -- yeah, some work
25 towards what an overpass could look like.

1 (BRIEF PAUSE)

2

3 MR. RICHARD BARGERY: Richard Bargery,
4 Dominion Diamond. So one of the other considerations
5 in -- in the review of this when we did the IR --
6 sorry, just getting the IR pointed out to me now -- was
7 apparently for an overpass of this kind to be effective
8 also you would need a continuous fence on either side
9 of the road that would exclude caribou from crossing
10 anywhere, and then -- I mean, you are essentially then
11 creating a physical barrier.

12 MR. CHUCK HUBERT: Thanks. Chuck
13 Hubert, with the Board. No, we -- I agree that a fence
14 at this location would be a poor idea for caribou,
15 obviously. But the -- the idea of having crossing
16 ramps, which Dominion has proposed, along the route
17 where possible, at least where it's less than 3 metres
18 and -- and your pipe valves aren't -- aren't a
19 constraint.

20 So having those -- those caribou
21 crossing locations along the Jay road, as well as the
22 option for an overpass, no fencing involved, which
23 could provide another option for caribou to get across
24 the road when -- when trucks are passing. That's the
25 intent.

1 (BRIEF PAUSE)

2

3 MR. RICHARD BARGERY: The -- yeah, I
4 mean, I think we, you know, provided a response to the
5 IR. There -- there are a number of -- sorry, Richard
6 Bargery, Dominion Diamond. That's a difficult thing to
7 remember, to say your name every time.

8 You know, there are a number of factors
9 to -- to consider in -- and we think are, you know,
10 challenges to -- to doing an overpass. We've laid it
11 out in -- in the response to the IR.

12 But I -- I take it even with that
13 response and sort of the challenges to the -- to the
14 process, you still want to see some sort of conceptual
15 engineering drawing of what an overpass would look
16 like. Is that -- is that the gist here?

17 MR. CHUCK HUBERT: Chuck Hubert, with
18 the Board. I wouldn't say an engineered drawing, no.
19 I would say a -- a -- per -- perhaps a schematic
20 showing the relative height of the esker, the relative
21 of the highest vehi -- vehicle or -- or shovel, and --
22 and how -- what type of overpass would need to be
23 constructed to -- to make that work.

24 So -- and -- I mean, I'll -- it's
25 possible there may be a -- a second round of

1 Information Requests and we can -- we can perhaps ask
2 it then. But I'm -- I'm interested in something fairly
3 -- fairly simple, relative height of the esker,
4 relative height of the tallest vehicle, and -- and how
5 -- how an overpass could conceivably work.

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. Yeah, I -- I think at this point I -
8 - I'd be reluctant to -- to make that commitment to --
9 to do that work given, you know, the challenges that we
10 see with -- with this type of a -- with type of
11 structure, both in terms of the construction of it, the
12 -- the height issues, the cost issues, whether it would
13 actually be effective. There are a whole variety of
14 challenges here so I think it would be difficult for us
15 to -- to make that co -- that commitment at this point.

16 THE FACILITATOR: Thank you. It's Bill
17 Klassen. I -- I think we'll leave that one (1) there
18 and the Board can make the determination about whether
19 that will be the substance of a further Information
20 Request. I understand that Anne has one (1) more
21 question on the topic of the road before we move on to
22 the waste rock storage area.

23 DR. ANNE GUNN: Yes, thank you. This
24 is a point of clarification about the surface of the
25 caribou crossings. In your response to IEMA-27 you

1 refer to using 200 millimetre crushed rock as a surface
2 for caribou crossings. Two hundred (200) millimetres
3 is pretty coarse crush and would be sharp-edged. The
4 average caribou hoof is only a hundred millimetres
5 wide.

6 So I -- my -- what I'm asking is
7 clarification. Is -- is that your intent to use 200
8 millimetre crush? And could you consider a much finer
9 crush or even the esker mat -- I mean, I know you want
10 to salvage the esker material, but could you use it
11 temporarily on the crossings rather than -- than this
12 rather coarse, sharp-edged material? Thank you.

13

14 (BRIEF PAUSE)

15

16 MR. RICHARD BARGERY: Richard Bargery,
17 from Dominion Diamond. That is what we use currently
18 for caribou crossings and that's -- that's why we
19 proposed -- proposed that -- that type of a -- that
20 type of material for -- for Jav. And...

21

22 (BRIEF PAUSE)

23

24 MR. RICHARD BARGERY: Sorry. Richard
25 Bargery, Dominion Diamond. That -- I mean, that --

1 that is the maximum size that we'd use. It -- we have
2 -- you know, caribou do use those caribou crossings
3 now. We've had community members up there looking at -
4 - at this. This was sort of one (1) of the -- the
5 requests that we had was to use that material when we
6 did our community consultation -- or community
7 engagements with communities. We think it's
8 appropriate -- appropriate -- an appropriate size
9 material to use for the -- for the caribou crossings
10 and -- and for the -- then therefore for the Jay road.

11 DR. ANNE GUNN: Anne -- Anne Gunn, for
12 the Board. I wonder then about perhaps some more
13 detailed monitoring in order to look at the caribou
14 responses as they approach material like that. Because
15 as I understand it, you don't have a great deal of
16 evidence for the efficiency of the use of these
17 crossings. And so without that evidence you can't
18 really tell how effective their use is and whether in
19 fact the material, the footing, is anything to do with
20 this. So I would suggest as a contribution towards
21 adaptive mitigation perhaps some monitoring using the
22 cameras to look at the caribou responses to the use of
23 the material, so thank you.

24 MR. RICHARD BARGER: Richard Barger,
25 Dominion Diamond. Yes, I think what we committed to --

1 or what I committed to this morning is that we would,
2 you know, consider all of those suggestions that have
3 been made in terms of monitoring and mitigation,
4 recognizing the -- the -- you know, the -- the health,
5 the current health of the -- the herd, and -- and the
6 need to be -- to be mindful of that, and we'll -- we'll
7 consider that.

8 And I think we're going to come back
9 with -- with a bit more of a response on what we're
10 doing with respect to soliciting input for -- on the
11 monitoring and -- and mitigation through various plans
12 later this week, and so we'll -- we'll make note of
13 that, too, Dr. Gunn.

14 THE FACILITATOR: Thank you. Thank
15 you. It's Bill Klassen. Todd, were you indicating
16 that you had a question with respect to that?

17 MR. TODD SLACK: Todd Slack, with the
18 Yellowknives. I'm going to translate 200 millimetres
19 to 8-inch crush. We're fair on that? Okay. Well,
20 then no question. But that math is a little wonky,
21 isn't it, two point five-four (2.54)? So 8-inch or 6-
22 inch?

23 MR. RICHARD BARGER: Richard Barger,
24 Dominion Diamond. Eight (8) inch.

25 MR. TODD SLACK: Okay. Well, then the

1 question is still valid. In the -- I -- I realize that
2 this is what you have used in the past. One (1) of the
3 -- I can't speak for other communities, but certainly
4 from the Yellowknives, one (1) of the concerns that you
5 heard a number of times was the smaller material. In
6 response to this, as part of the LvnX process, you
7 submitted as-builts that had 6-inch crush.

8 So, well, yeah, 8-inch might have been
9 the case in the past, you know, the -- the concern from
10 the community was not to use 8-inch, it was to use
11 smaller. And I thought what we were seeing at length
12 was, Hev, this is our response to that community
13 concern.

14 So can you give us some certainly on --
15 are you responding to community concerns?

16 MR. RICHARD BARGERY: Richard Bargery,
17 Dominion Diamond. I think we may have -- have some
18 issues here in the conversion, so I think we'll --
19 we'll look at -- at this issue because -- yeah, we'll
20 look at this issue. We'll come back in the morning and
21 clarify exactly that, and -- and also with the -- with
22 the LvnX content.

23 But just on your last point with respect
24 to community input, this is one (1) of the issue. And
25 we -- you know, we had numerous discussions over the

1 course of our engagement last year, including site
2 visits about the need to -- to use smaller material.

3 As you -- as you noted, Todd, and -- and
4 this was sort of the -- the mitigation that we had
5 proposed and the -- and also now extending, you know,
6 the -- as much as possible, the Jay road and -- to be a
7 caribou crossing, not just at intervals like we -- you
8 know, we did at the Misery road, which -- which, of
9 course, was constructed without -- without caribou
10 crossings, and those -- those came afterwards.

11 THE FACILITATOR: It's Bill Klassen.
12 Richard, just for clarification, then the information
13 that you'll be bringing back tomorrow morning, could
14 you clarify for me what that will be, the measurement
15 of what 200 millimetres converts to?

16 MR. RICHARD BARGERY: Rich -- Richard
17 Bargery, Dominion Diamond. We may -- we may do that,
18 as well. They're just issues with what's coming out of
19 the crusher, the size and -- and what it is in metric
20 versus imperial and -- and what we're actually going to
21 be putting on. So we may have -- there may be a little
22 bit of confusion here, and we just need to -- to come
23 back on that because we think we're -- it's the 6-inch
24 material, so that's -- that's going on.

25 So I just needed to double check that

1 with -- with our operations group, and -- and that's
2 what we'll bring back. So what -- what material we're
3 posing to put on is, I guess, and what the size of that
4 material is, is -- is ultimately the commitment.

5 THE FACILITATOR: Thank you. Todd, did
6 you have a further question, and Kel -- Kevin after
7 you?

8 MR. TODD SLACK: Just as a -- as a
9 potential follow-up, depending on the Project's
10 response, will we have an opportunity to comment on
11 that tomorrow? Yeah.

12 THE FACILITATOR: I turned myself off
13 here, sorry. There will be an opportunity to -- to
14 respond to these assignments. Exactly when that will
15 happen I -- I can't say right now, but, yes. Thank
16 you. Kevin O'Reilly...?

17 MR. KEVIN O'REILLY: Thanks. Kevin
18 O'Reilly with the Agency. I never want to cut Todd
19 off. Other folks I'm okay with, but not him.

20 I'm looking at a photo that we took when
21 we were out at the site in June of last year. And I'm
22 looking at a -- a caribou crossing on the Misery Road,
23 and there's no way that that's 6 or even 8-inch gravel.
24 I've got the photo on here if you want to put it up on
25 the screen, but it's way finer than that.

1 UNIDENTIFIED SPEAKER: Which is it?

2 MR. KEVIN O'REILLY: It's 'D' --

3 DCSM5406.

4 THE FACILITATOR: It's Bill Klassen.

5 Kevin, did you say that the -- the crush that we'll

6 have the picture of is -- is finer than 6 inches?

7 Okay.

8 MR. KEVIN O'REILLY: Yes. Definitely.

9 Thanks.

10 THE FACILITATOR: Thank you.

11

12 (BRIEF PAUSE)

13

14 THE FACILITATOR: Kevin...?

15 MR. KEVIN O'REILLY: Thanks, Bill.

16 It's Kevin O'Reilly, with the Agency. So a couple of
17 things, I guess, some points I want to make about this.

18 We understood this to be a new caribou crossing that
19 was recently constructed. And if you zoom in even at
20 the feet of the people that are out there, there's no
21 way that that's 6 or 8-inch crush. They would be
22 stumbling along through that stuff.

23 It's got a much finer cover on top of it
24 than 6 or 8-inch crush. So that looks good to me. I'm
25 not a caribou, but we could easily walk up and down

1 that. So there's no way that's 6 or 8-inch crush.

2 Thanks.

3 MR. RICHARD BARGERY: Richard Bargery,
4 Dominion Diamond. I -- I don't know. I may have --
5 when -- when was -- I don't -- I don't know if I was
6 there or what -- or that particular one. But it's --
7 so it's a 6-inch -- mine says the distribution when we
8 do it.

9 So why don't -- why don't we just come
10 back with some clarity? Because I there's -- there may
11 be -- we may have lost something in the conversion here
12 and clarity on that. I don't -- I don't know which --
13 which of the caribou crossings that is.

14 THE FACILITATOR: It's Bill Klassen.
15 So, Richard, you'll provide some clarity as to this
16 particular crossing tomorrow morning then when you
17 provide information on the -- the other topic related
18 to crossings and crush. Do I understand that
19 correctly?

20 MR. RICHARD BARGERY: Richard Bargery,
21 Dominion Diamond. No. I was going to provide clarity
22 on sort of what we're doing for the Jay road and what
23 we're proposing for the Jay road. And -- and I also
24 committed to Todd I think to -- in comparison to the --
25 to the commitment that we made for the -- for the Lynx

1 project to make sure we're consistent.

2 THE FACILITATOR: Okay. Thank you.

3 Bill Klassen. Could we have the lights back up?

4 Todd, I think I may have moved on to

5 Kevin before you were finished. You okay? Okay.

6 Can we move then to the waste rock

7 storage area. I know we had a bit of a discussion

8 about that yesterday, but are there other questions

9 related to the waste rock storage area? Todd and then

10 Anne.

11 MR. TODD SLACK: Thanks, Mr. Chair. I

12 think there was a commitment yesterday that didn't get

13 incorporated at the end of the day. Okay. Wait.

14 Never mind.

15 MS. SACHI DE SOUZA: So there was a

16 homework item yesterday that Todd had brought up which

17 was not on our list and I have put on today's list.

18 And the specific question was: At what waste rock

19 volume would Dominion have the flexibility to modify

20 the shape and orientation of the waste rock storage

21 area, with the understanding from the information

22 yesterday that one-third (1/3) -- a one-third (1/3)

23 reduction of the waste rock storage volume was not

24 enough for the shape and orientation to be altered.

25 Fair?

1 THE FACILITATOR: It's Bill Klassen,
2 Sachi. I -- I see some quizzical looks over here on
3 Dominion Diamond's side. Would you repeat that again,
4 please.

5 MS. SACHI DE SOUZA: Sure. The
6 question yesterday was: At what waste rock volume
7 would Dominion have the flexibility to modify the shape
8 and orientation of the waste rock storage area for the
9 Jay project? And this question was raised after the
10 discussion that a reduction of one-third (1/3) of the
11 volume was not sufficient for changing the -- the shape
12 and orientation of the pile.

13 MR. TODD SLACK: It's Todd Slack, with
14 the Yellowknives. If I can add some context perhaps to
15 clarify your memory, given the quizzical look, sorry.
16 There -- there was -- you said something -- I'm
17 paraphrasing obviously, and we can go to the record.

18 But you said something along the lines
19 of, I don't think it's a good idea to do back of an
20 envelope calculation, and then that's where this came
21 out of. Or back -- I think you said napkin, to be
22 precise.

23 MR. RICHARD BARGER: Richard Barger,
24 Dominion Diamond. That does sound like something I'd
25 say. I -- I remember the discussion. What I don't

1 remember is the commitment to -- to do exactly that. I
2 -- I can remember -- I mean, you had asked, you know,
3 if you -- if you reduced the -- the waste rock pile by
4 the amount that you could put in Miserv and Lynx, what
5 would that mean in terms of the size? I said,
6 Approximately a third less. I can remember that
7 discussion.

8 But I don't remember making the
9 commitment to actually come back -- it is sort of a bit
10 of a hypothetical commitment that, you know -- I mean,
11 I -- I just want to reiterate what we said yesterday
12 there -- that with respect to the waste rock pile, and
13 the placement of it and the size, and the point that
14 you made, Todd, about putting the waste rock in the
15 Miserv Pit, that there are a variety of trade outs.

16 We think that we've, you know, chosen an
17 appropriate and responsible way to deal with the waste
18 rock because we're utilizing the Miserv pit for the
19 management of -- of mine water as opposed to having to
20 use the North Slave Arm which would have to be the
21 other option because I don't see what the other option
22 would be to -- to manage the mine water if you're not
23 using Miserv pit.

24 There would be issues of traffic to haul
25 the waste rock out to the Miserv pit, and there would

1 be an associated cost with that. So there are a
2 variety of -- of things that would -- would prohibit
3 that. That -- that's the discussion that -- that I
4 remember yesterday.

5 THE FACILITATOR: Bill Klassen. I
6 wonder whether, so as not to prolong the discussion on
7 this topic too much, is this something that the Board
8 or the staff can then take into account in determining
9 whether there's a need for a further Information
10 Request? Is that satisfactory? Okay.

11 Are there other questions then related
12 to the waste rock storage area? Anne Gunn has one (1),
13 and Peter has one (1). Let's go with Peter first,
14 Anne.

15 MR. PETER UNGER: Hi. Peter Unger,
16 Lutsel K'e Dene First Nation. I'm sorry I couldn't be
17 here yesterday, so I apologize if this is -- this is
18 already asked.

19 My question was, I already asked this in
20 the Information Request and I got a response and my
21 question is about -- the response was, The plan for the
22 waste rock storage area is that it's going to freeze
23 and that is going to contribute to preventing any
24 leaching. And my question was, Has climate change been
25 taken into account in this?

1 And I see that it has to an extent under
2 the A1B (phonetic) greenhouse gas emission scenario,
3 which is moderate. And I was curious to know if the --
4 the A2 scenario, which is high emissions which is also
5 quite possible, was considered in anyway, and if this
6 would mean that the waste rock pile would thaw later
7 on? Thank you.

8 THE FACILITATOR: Peter, it's Bill
9 Klassen. I think Sachi has a response, in part at
10 least, to that.

11 MS. SACHI DE SOUZA: Mainly for the
12 timing of this question. So we didn't discuss the
13 waste rock storage area yesterday for -- for
14 alternatives, and we're going to keep discussions
15 because your concern, I'm thinking, is leading to
16 questions about seepage management, so we're going to
17 leave that to the water day tomorrow, if that's okay
18 with you?

19 MR. PETER UNGER: Peter Unger, again.
20 Yeah, that's fine. Thank you.

21 THE FACILITATOR: Thank you. It's Bill
22 Klassen. Okay. We'll hold that until then.

23 Are there other questions related to the
24 waste rock storage area? Kevin...?

25 MR. KEVIN O'REILLY: Thanks. Kevin

1 O'Reilly, with the monitoring agency. Sorry, Bill,
2 it's not about the waste rock storage area, but I was
3 chatting with Kim here about the discussion we had
4 earlier about the alternative road routes. We're
5 wondering if we could ask that Anne Gunn's slide
6 showing Alternative number 4 be filed on the public
7 registry? That's -- so that's one (1) request.
8 Because I don't think it's on the registry right now.

9 And secondly, we weren't clear if the
10 Company was actually going to carry out an evaluation
11 of that route. They did an evaluation of the route in
12 response to one (1) of our IRs, if I can find it here.

13

14 (BRIEF PAUSE)

15

16 MR. KEVIN O'REILLY: Sorry. Yeah, I
17 can't find the IR off the top of my head right now, but
18 there's a table in there where they identified the --
19 the different units that would be disturbed by the --
20 the alternate routings and -- in terms of the caribou
21 habitat, and we're just -- would like to have that
22 analysis done for this fourth alternative.

23 It's Table 28.1, so it's in response to
24 our IR number 28. There's a nice table that shows the
25 estimated frequency of -- for the disturbance caused by

1 the three (3) route -- three (3) routings. We would
2 like the same analysis done for this alternative if we
3 could. Thanks.

4 THE FACILITATOR: I -- it's Bill
5 Klassen and I see that the Dominion people are having a
6 bit of a conference on it. Hopefully, it's to address
7 your -- your question. So I -- I trust that you heard
8 Kevin's request for analysis of the units of habitat
9 that may be disturbed by this fourth alternative?

10 MR. RICHARD BARGER: Yeah. Richard
11 Barger, Dominion Diamond. We -- just a quick
12 discussion. We -- I mean, we can do an analysis of --
13 of the -- of this alternative route. And we -- I think
14 we can -- we think we can do it within the two (2) week
15 undertaking period. We'll do the full analysis, not
16 just, you know, of -- of the caribou trails, but it
17 would be a full analysis of the -- of the route. So --
18 and I -- people are nodding behind me. We can do it
19 within -- before -- before May 8th. Whatever the --
20 whatever the two (2) week period is post -- post-
21 Friday.

22 THE FACILITATOR: Okay. It's Bill
23 Klassen. As I understand it then we'll be referring to
24 Table 28-2, and it's the agency's request -- I'm trying
25 to decipher Chuck's handwriting here. He should have

1 been a doctor. Is -- is that number 28?

2 MR. CHUCK HUBERT: Yeah.

3 THE FACILITATOR: And so what I
4 understand the undertaking from Dominion Diamond is to
5 do the same analysis for this fourth route as was done
6 for the three (3) other routes, and you'll have that
7 done by whatever two (2) weeks from the start of the
8 hearings was to -- May the 8th.

9 MR. RICHARD BARGERY: Richard Bargery,
10 Dominion Diamond. We'll have it within two (2) weeks
11 of the end of the hearings, is that what I heard?
12 Because I -- if I heard that then -- at the end of the
13 session, sorry. The -- the Friday. The end of Friday.
14 Yeah. May -- May 8th is the correct date? Okay.

15 THE FACILITATOR: Sorry, I was trying
16 to crowd you there a little I guess unintentionally.
17 It's Bill Klassen. Are there -- did you have more on
18 that, Kevin?

19 MR. KEVIN O'REILLY: Thanks. Kevin
20 O'Reilly, with the agency. Just to be crystal clear.
21 Not only would we like Alternative 4 added to Table
22 28.1, but also Table 28.2. I think that's what Rick
23 was talking about doing the full analysis. There's
24 another table that sort of -- yeah, we'd like
25 Alternative 4 added to Table 28.1-1 and 28. -- or dash

1 two (2). Thanks.

2 MR. RICHARD BARGERY: Richard Bargery,
3 Dominion Diamond. Yes.

4 THE FACILITATOR: Thank you. Bill
5 Klassen, again then. Questions related to comments
6 related to the waste rock storage area. Anne Gunn...?

7 DR. ANNE GUNN: Anne Gunn, for the
8 Board. This is a followup to an Information Request we
9 had, number 85, on the -- and Dominion's -- it was on
10 the use of the rock pile, the exposure with the caribou
11 to the waste rock pile. And Dominion noted that the
12 caribou were not anticipated to regularly use the rock
13 pile, but they may be occasionally present.

14 And then, subsequently, we -- as another
15 response to an IR we got the table of camera sightings.
16 And the camera sightings are only for three (3) years,
17 2011 to '13. The highest rate of sightings was on the
18 waste rock pile, or where the waste rock pile will be.

19 So it suggests that, even though
20 exposure may be one (1) year out of three (3), that it
21 may be very high. In fact, it was three hundred and
22 seventy-eight (378) total caribou recorded by the
23 cameras, which is quite substantially beyond any other
24 sights.

25 And so my question to you is -- the

1 sightings come from Table 91.1 (phonetic), if you're
2 looking. So my question is about adaptive mitigation
3 and how you will monitor to accommodate when you get
4 infrequently but very high numbers of caribou during
5 the construction and the maintenance of the rock pile?

6

7

(BRIEF PAUSE)

8

9 MR. ERIC DENHOLM: This is Eric Denholm
10 speaking. So there would -- we would anticipate, Anne,
11 there would be, as there has in the pas -- in the past,
12 a construction phase monitoring plan because there is -
13 - of the activities unique to construction acti --
14 phase, and then an operating phase monitoring plan.

15 DR. ANNE GUNN: Anne Gunn, for the
16 Board. Can you tell me -- give me some idea of what --
17 how during construction you would, first of all,
18 monitor, and then how you would mitigate, and then how
19 that would differ from how you would monitor during
20 operation of the rock pile and mitigate?

21 And it's probably not fair to ask you
22 for specifics. But if the answer was to include words
23 like 'decision trees' and details like that, that would
24 be helpful.

25 MR. ERIC DENHOLM: Yeah, it's Eric

1 Denholm speaking. I mean, you're -- I mean, you
2 anticipated our answer. I mean, it will be in the mon
3 -- we don't have the monitoring -- those plans here,
4 so, I mean -- or written. So when the time comes,
5 we'll put that together and we'll have all the
6 appropriate information for construction monitoring and
7 mitigation.

8 So I'm suggesting we'll get there.

9 We'll -- the -- the Company will have a construction
10 phase monitoring plan and an operation phase monitoring
11 plan, and it will be -- contain all the things that are
12 appropriate for those plans.

13 DR. ANNE GUNN: Anne Gunn, for the
14 Board. Well -- well, thank you, Eric, but it's quite
15 hard to assess the residual effects when quite a large
16 number of caribou may be exposed and we don't know what
17 the monitoring for that exposure will lead to, what
18 level of mitigation.

19 So accepting your answer, that you --
20 you don't have an answer yet, then when will you have
21 it in terms of being able to assess the residual
22 effects?

23

24 (BRIEF PAUSE)

25

1 MR. RICHARD BARGERY: Richard Bargery,
2 Dominion Diamond. That -- that plan would -- I mean,
3 obviously, it would -- would come pre-construction. It
4 would come -- would likely be developed during the --
5 during the permitting phase of -- of the regulatory
6 process.

7 DR. ANNE GUNN: Anne Gunn, for the
8 Board. The level of exposure of caribou to the site of
9 the waste rock pile was unexpected, as I read your DAR.
10 Like it was three hundred and seventy-eight (378)
11 caribou. That's in order of magnitude between all the
12 other sites that were given in Table 91.

13 So it does suggest that the potential
14 exposure of the caribou is quite high. So -- I mean, I
15 don't need to reiterate the state of the caribou herd.
16 So I think waiting to understand what the effects will
17 be the permitting stage is -- is a rather long time to
18 wait.

19 I do suggest that because the waste rock
20 gets trucked, and so I assume the mitigation would
21 include a change in the frequency of the trucks as to
22 why you couldn't include this in your Traffic
23 Mitigation Management Plan.

24

25 (BRIEF PAUSE)

1 MR. RICHARD BARGERY: Richard Bargery,
2 Dominion Diamond. Just -- just one (1) more minute,
3 please, Bill. Sorry.

4

5 (BRIEF PAUSE)

6

7 MR. RICHARD BARGERY: Sorry. Richard
8 Bargery, Dominion Diamond. You know, the -- the
9 monitoring and mitigation plan for -- for the waste
10 rock storage area would be based on, you know, our
11 current practices and procedures. It would -- it would
12 be a -- it would an adaptive management process that
13 would depend -- you know, we'd -- we'd have mitigations
14 in place that would -- would be based on the number and
15 frequency of caribou around the waste rock storage
16 area.

17 And that -- I mean, that would be the
18 basis -- basis for the plan, similar to, you know, how
19 we've operated in the past, and -- and the mitigation
20 measures and -- and the new traffic mitigation measures
21 that we will put in place for -- for the Jay project.
22 So in that way, I guess, it's tied to the -- to the
23 Traffic Management Plan that we're developing for
24 comment.

25 DR. ANNE GUNN: Anne Gunn, for the

1 Board. Okay, thank you for the clarification.

2 THE FACILITATOR: It's Bill Klassen,
3 again. Are there other questions relating to the waste
4 rock storage area?

5

6 (BRIEF PAUSE)

7

8 THE FACILITATOR: Can we move on then
9 to dust, light, and noise, and consideration of the
10 zone of influence of -- of those, and focussing on
11 Information Requests related to those and Dominion
12 Diamond's responses? Does anyone have any questions
13 for the Developer on those topic areas? The zone of
14 influence of dust, light, and noise. Todd...?

15 MR. TODD SLACK: It's Todd, from the
16 Yellowknives. In one of our IRs, and I know it's here,
17 I can find it if you want it, we asked the question:
18 For those areas which have been dusted how long will it
19 take to -- for these areas to return to their pre-
20 development state? The Project says they don't know.

21 My question is when will they know?

22

23 (BRIEF PAUSE)

24

25 MR. RICHARD BARGERY: Richard Bargery,

1 Dominion Diamond. Could you -- could you just clarify
2 the -- the question, or give us the -- the reference
3 for the IR? We are trying to find it but I -- I'd just
4 like to know the context for the -- for the question.

5 MR. TODD SLACK: Okay. Can I just
6 suggest you give it to someone else, and I'll find the
7 exact reference?

8 THE FACILITATOR: Thank you. It's Bill
9 Klassen again. Are there questions from others
10 regarding dust, light, and noise in zone of influence?

11

12 (BRIEF PAUSE)

13

14 THE FACILITATOR: Anne has a question.

15

16 (BRIEF PAUSE)

17

18 DR. ANNE GUNN: My -- Anne Gunn, for
19 the Board. My first question is about blasting. There
20 were two (2) IRs that raised questions about the
21 effects of blasting, and the first one suggested that
22 the caribou would be removed from the area prior to
23 blasting. And the area was determined by the mine --
24 mine inspection regulations, and so it's an area
25 basically defined for human safety, presumably from

1 flvrock.

2 The second area that was mentioned was
3 in respect of low frequency noise, that it is unlikely
4 to travel more than 5 kilometres.

5 So it's a point of clarification as to
6 whether the caribou will, in anticipation of blasting,
7 be removed just a short distance or whether it will be
8 the 5 kilometres so as they're not exposed to the -- to
9 the low -- low frequency sounds?

10

11 (BRIEF PAUSE)

12

13 MS. CLAUDINE LEE: Claudine Lee,
14 Dominion Diamond. We would only remove caribou if they
15 were within the blast radius, not to 5 kilometres.

16 DR. ANNE GUNN: Anne Gunn, for the
17 Board. Thank you for the clarification.

18 As a follow-up to that clarification, to
19 what extent is -- does Dominion have flexibility in the
20 timing of the blasting and the frequency of it if
21 you're not able to displace the caribou from the 5-
22 kilometre zone, which is the transmission zone for the
23 low frequency sounds as a mitigation for the effects --
24 any effects of the blasting, can you -- are you
25 flexible -- can you change the timing of the blasting

1 relative to the distribution of the caribou? Thank
2 you.

3

4 (BRIEF PAUSE)

5

6 MS. CLAUDINE LEE: Claudine Lee,
7 Dominion Diamond. We do have flexibility in our
8 scheduled blasting. If there were caribou inside the
9 blast radius that we -- we couldn't properly address,
10 we do have that flexibility to make that decision at
11 that time.

12 DR. ANNE GUNN: Anne Gunn, for the
13 Board.

14 Can you include some idea of the range of your
15 flexibility? I mean, can you wait a day? An hour?
16 Whatever.

17 MS. CLAUDINE LEE: Cla -- Claudine Lee,
18 Dominion Diamond. We do have flexibility and -- and
19 that decision would be made based on what was happening
20 at that time at the operation. I -- I couldn't say
21 right now if it would be one (1) hour or one (1) day,
22 but there is some flexibility. And the key there with
23 -- with all of our wildlife management is the
24 protection of the caribou. So that would be the
25 consideration.

1 DR. ANNE GUNN: Anne Gunn, for the Boar
2 -- for the Board. Thank you for that. That is really
3 useful to hear that there would be a commitment to
4 schedule the blasting to provide maximum protection for
5 the caribou. So thank you.

6 MR. CHUCK HUBERT: Chuck Hubert, with
7 the Board. Anne, thanks for tho -- thanks for the
8 wording on that. Can I get Dominion's agreement on
9 that commitment that -- as it was termed? That...

10 MR. RICHARD BARGER: Richard Barger,
11 Dominion Diamond. I'm not sure that we made a
12 commitment. I -- I think what Claudine was describing
13 was -- was how we operate and the flexibility that we
14 have now because we do blast now. And, you know, we --
15 the protection of the caribou, as she said, is -- is
16 paramount so caribou would be outside -- outside of the
17 blast area before we blast.

18 And we do have some flexibility in the
19 operations, but it is an operational issue. So I'm not
20 sure what the commitment is. If the commitment is that
21 we'll continue our -- our current operational practices
22 with respect to blasting then -- the answer is yes.

23 DR. ANNE GUNN: Anne Gunn, for the
24 Board. I think the -- the clarity I was looking for
25 was the 5 kilometre zone which is the transmission of

1 the low frequency sound. And...

2 MR. RICHARD BARGERY: Richard Bargery,
3 Dominion Diamond. No, that isn't -- that isn't what we
4 said. We were talking about the blast area itself as
5 opposed to the 5 kilometre zone. And that's -- that's
6 -- you know, as -- as that's the operational procedure
7 that we -- that we do -- that's at Ekati today that's
8 in place today.

9 DR. ANNE GUNN: Anne Gunn, for the
10 Board. So if -- if I understand you correctly, just
11 for clarification, you -- you're just staying with the
12 ongoing practices which is to remove caribou from sort
13 of the flyrock zone and not any additional protection
14 in terms of the transmission of the low frequency
15 sound?

16

17 (BRIEF PAUSE)

18

19 MR. RICHARD BARGERY: Richard Bargery,
20 Dominion Diamond. So, yeah, I mean, I think from our
21 perspective the operational procedures that are in
22 place today would -- would be applicable. I -- I would
23 note -- note that the Jav pit itself would be isolated
24 somewhat because it is in the dike area. So it does
25 have -- there is sort of a distance there. I -- we

1 don't know exactly what that distance is right now in
2 terms of -- but there -- there would be some just sort
3 of a isolation naturally because of the placement of
4 the Jay pit itself.

5

6 THE FACILITATOR: It's Bill Klassen.

7 Do you have any comment on that response, Anne?

8 MS. CLAUDINE LEE: Sorry, I -- Claudine
9 Lee, Dominion Diamond. I just wanted to make one (1)
10 clarification. We don't actually move the caribou. We
11 delay the blasting if there are caribou in the
12 designated blast area where we set up our protection.
13 That's not the 5 kilometres. Yeah, we wait. And we --
14 we have done that in the past for caribou, foxes, and
15 other animals that have been in that area.

16 DR. ANNE GUNN: Anne Gunn, for the
17 Board. As a follow-up to that, I -- I think it would
18 be useful to keep track of the number of instances
19 where you have delayed blasting, when you have modified
20 the -- your operations because that information is --
21 is largely lacking both in the WEMPs, in the previous
22 WEMPs, and in the DAR. And it would give a much
23 greater reassurance as to actually what you're doing
24 rather than sometimes to generalize narrative. But I
25 won't go on there, so thank you.

1 THE FACILITATOR: Okay, it's Bill
2 Klassen. I see Kim has his hand up. Todd, did you
3 find the Information Request number? Do you want to
4 restate your question, and then Kim?

5 MR. RICHARD BARGERY: Can I respond to
6 -- to Anne's point just on the reporting because --
7 Richard Bargery, Dominion Diamond. I'll ask Harry --
8 Harry O'Keefe to respond, but I think we are starting
9 to track and -- and report those incidents now. So
10 Harry can maybe expand on that.

11 MR. HARRY O'KEEFE: Yeah. And it was
12 pointed out -- oh, Harry O'Keefe, Dominion Diamond.
13 I'm not great at remembering the name. So it -- it has
14 been pointed out previously by concerned parties that
15 we don't record and -- and hadn't recorded the -- the,
16 I would say, operational mitigations that we take and -
17 - and deviations from operational activities.

18 So in the last two (2) years, the --
19 that table has now been included in the WEMP and we've
20 been more actively recording and reporting each event
21 where I say there was a reduction in speed limit in
22 that duration or a road closure in that duration or a
23 delay to a blast.

24 THE FACILITATOR: Thank you. I
25 apologize for not seeing that you were going to

1 respond. I guess my peripheral vision is not --
2 doesn't reach that far. Todd, please go ahead.

3 MR. TODD SLACK: Thanks, Bill. Todd,
4 with the Yellowknives. And that's why I'm sitting,
5 like, front and centre here. IR-4, question 2, talks
6 about the project re -- noted reduced diversity of
7 vegetation abundance and complexity in and around
8 destination sources.

9 "Please provide the recovery curve
10 and recolonization for return of
11 abundance to those impacted areas."

12 I'll direct you to the final response of
13 your -- sorry, final paragraph of the response. The
14 paragraphs say, Hey, lichen is more effective than
15 other species. But the final paragraph says:

16 "The amount of time for vegetation to
17 recover following mine closure and
18 removal of dust sources is not
19 known."

20 Well, I understand that, in particular,
21 the -- the surveys look at more localized areas. This
22 also has implications on the wider dust deposition and
23 potentially the palatability of lichens and whatnot
24 further afield.

25 So the question is: If you don't know

1 how long it will take, when will you know and are you -
2 - and if you don't know that either, why is this not a
3 matter of focus or why are you not looking at other
4 closure projects to try and get at this answer so that
5 we can have an understanding when this site is
6 abandoned, how soon can we expect it to be productive?

7

8

(BRIEF PAUSE)

9

10 DR. JIM RETTIE: Jim Rettie, Golder
11 Associates. In our modelling for caribou habitat for
12 the areas within the zones of influence and the habit -
13 - and the changes to habitat quality as a consequence
14 of all sensory disturbances, including dust, we
15 modelled that decline in habitat quality right through
16 to the reasonably foreseeable development cases if that
17 habitat is -- if its value has -- has decreased at the
18 outside and -- and remained at a low value.

19 And in terms of carrying forward --
20 carrying that forward in our assessment, that impact
21 was -- was retained. And we came to the conclusion
22 that, for -- for caribou, this was -- the overall
23 effect was not significant on their -- on our
24 assessment end point.

25 So we -- we -- while we anticipate that

1 -- that there will be a recovery, we modelled it as if
2 there was not to account for maximum effects, and
3 concluded that, overall, there would not be a
4 significant effect on caribou.

5 MR. TODD SLACK: It's Todd, with the
6 Yellowknives. Thank you for that response, but it
7 doesn't really answer the question. The Yellowknives
8 Dene will be the inheritors of this long after you're
9 gone. So I think the question remains -- well, let's
10 recognize your response and say include that as part of
11 this question.

12 So how far -- how -- how far out does
13 that projection go? I'm assuming it's 2033, the end of
14 this project, 20 whatever? I'll let you answer that in
15 terms of years.

16 But secondly, the question was: You
17 don't know the rate of recovery. Are you looking at
18 this? And if not, why not?

19

20 (BRIEF PAUSE)

21

22 MR. RICHARD BARGERY: Richard Bargery,
23 Dominion Diamond. I think what we'd like to do is take
24 this -- that particular question away. Our closure
25 expert, Mr. Novv, is not here with us today, so we'll -

1 - we'd want to consult with him on some of the research
2 projects that we're doing. And -- and we'll get back
3 to you with an answer on this before the end of the
4 week.

5 THE FACILITATOR: It's Bill Klassen.
6 Thank you. I understand then there will be a response
7 to this question regarding how long it might take for
8 lichen affected by dust to return to productivity. And
9 you'll have that answer before the end of the week.

10 Okay. Todd, do you have anything
11 further?

12 MR. TODD SLACK: Not on that question.
13 Thank you.

14 THE FACILITATOR: Thank you. It's Bill
15 Klassen. Kim Poole had a question, and then Andrea.

16 MR. KIM POOLE: Kim Poole, with IEMA.
17 Just to follow up on Anne's questioning about the
18 blasting, could you clarify for us, because I can't
19 remember off the top of my head if we were even talking
20 about the 5-kilometre zone, which is basically a -- a
21 sensory zone.

22 But can you give me an idea how big the
23 blast zone is that you clear people and animal -- or
24 make sure there are people and animals not in it, or
25 the flyrock zone, whatever you want to call it? How

1 big is that in general?

2 MS. CLAUDINE LEE: Claudine Lee,
3 Dominion Diamond. That zone is dependent on the blast
4 size and some other conditions. That's set out in a
5 blasting table that is required by the Mines Act for us
6 to follow, so it depends.

7 MR. KIM POOLE: Kim Poole, with IEMA.
8 Could you -- I appreciate that it varies with
9 conditions, et cetera. But can you ballpark it? Are
10 we talking 100 metres? Are we talking 2,000 metres in
11 general?

12 And I'm thinking more -- obviously, if
13 you're blasting at the bottom of a pit that's 300
14 metres down, the blast zone's probably not going to be
15 that far, or as far as it was if it was a surface
16 blast.

17 So at a surface blast under average
18 conditions, what we are talking? What kind of range?

19 MR. RICHARD BARGERY: Richard Bargery,
20 Dominion Diamond. We don't have that available here
21 with us, but -- but I'm sure we can -- we can easily --
22 easily provide the case or we can provide the table.
23 Maybe that might be the better -- the better -- the
24 better -- better response.

25 THE FACILITATOR: It's Bill Klassen.

1 Richard, that -- is that response as to the area that
2 may be affected by the blast, will that be available by
3 the end of the week, or is this something you need more
4 time on?

5 MR. RICHARD BARGERY: Richard Bargery,
6 Dominion Diamond. I think we -- we can answer that in
7 the morning. We could come back in the morning with --
8 with that response first thing. So we can get that --
9 get that this afternoon or this evening.

10 THE FACILITATOR: Okay. We'll look for
11 that. It's Bill Klassen. We'll look for that response
12 in the morning then.

13 Kim, did you have anything further?

14

15 (BRIEF PAUSE)

16

17 THE FACILITATOR: Are there other
18 questions related to waste rock storage area?
19 Peter...? I thought I saw your hand up. Sorry.

20 MR. PETER UNGER: No. I apologize. I
21 thought we were on dust, light, and noise zone of
22 influence.

23 THE FACILITATOR: For -- thank you for
24 that reminder. Senility is setting in this time in the
25 afternoon. You're right. We are on the dust, light,

1 and noise zone of influence. I hadn't checked off the
2 other ones, so I went back to that list. Thank you.

3 MR. PETER UNGER: Pete -- Peter Unger,
4 Lutsel K'e Dene First Nation. My question is about
5 above-ground power lines and their emission of
6 ultraviolet light, which in similar species has been
7 shown to be a deterrent. I was curious what kind of
8 research you've done on that, and if there are any
9 mitigation measures to prevent above-ground power lines
10 being a deterrent to caribou. Thank you.

11

12 (BRIEF PAUSE)

13

14 MR. ERIC DENHOLM: Yeah, it's Eric
15 Denholm speaking. So as -- as far as I could -- could
16 take that discussion, yeah, we have been aware of that
17 -- that reference. I think it was from reindeer in
18 Finland, and so on, and -- and we had incorporated that
19 into our -- our work on the submissions for the Miserv
20 power line and had -- and had rolled it into -- into
21 that -- that piece of work.

22 So -- and so -- so to say that we are
23 aware of that, and have considered that in our -- that
24 -- that reference, and have considered that in our
25 assessment -- our own assessments of power lines, yeah,

1 it's...

2 MR. RICHARD BARGERY: One -- just one
3 further comment. So just I think in the response to...

4

5 (BRIEF PAUSE)

6

7 MR. RICHARD BARGERY: To EC -- is that
8 the -- is that -- that's not the right -- hang on --
9 to LKDFN IR-16, we -- we do talk about the -- discuss
10 the effects of the power lines on caribou, and -- and
11 point, I think, to the -- to the different sections of
12 the DAR where that's -- where that's addressed.

13 MR. PETER UNGER: Thank you. Peter
14 Unger, Lutsel K'e Dene First Nation. You do. My -- my
15 point is -- is that you -- your response says that --
16 it suggests above-ground power lines have smaller
17 effects on caribou movement and distribution than roads
18 and traffic. And then the next sentence says:

19 "Therefore, the focus of mitigation
20 and moderating -- monitoring for the
21 power distribution lines Jav and
22 Miserv roads is directed at Jav road
23 design, caribou crossings,
24 modification, or traffic patterns and
25 road closures."

1 These are -- those all seem like traffic
2 measures and my question is: What do -- are you doing
3 specifically to address the power lines? Are you
4 positioning them somewhere differently? Are you
5 burying them where you can? Are you shielding them, or
6 are -- are you doing anything about them? That's my
7 question. Thank you.

8

9 (BRIEF PAUSE)

10

11 MR. RICHARD BARGER: Richard Barger,
12 Dominion Diamond. In -- a number of things that we're
13 doing. So we'll use single poles as opposed to the
14 double poles. We reduce the -- the use of the guy
15 wires, which create a bit -- more of a barrier. One of
16 the things that we -- that came out of some community
17 engagement on a -- on a separate project last year was
18 to -- to not utilize the rock boxes to place the --
19 place the -- the poles in, and -- as opposed to
20 drilling down and -- and putting the -- the poles in
21 the ground. So those are the kinds of things that --
22 that we're doing with -- with power lines.

23 MR. PETER UNGER: Thank you. Peter
24 Unger, Lutsel K'e Dene First Nation. But I mean in
25 terms of the issue -- I mean, we're on light right now.

1 In terms of the issue of ultraviolet light, are you
2 doing anything to minimize that impact, or is that just
3 -- is -- is anything being done to address that, is my
4 question.

5 MR. RICHARD BARGERY: Richard Bargery,
6 Dominion Diamond. No, nothing -- nothing on that
7 particular...

8 MR. PETER UNGER: Thank you very much.

9 THE FACILITATOR: Thank you. It's Bill
10 Klassen. Andrea had a question.

11 MS. ANDREA PATENAUDE: Andrea
12 Patenaude, GNWT-ENR. Okay. So in response to GNWT IR-
13 66, regarding whether DDC expects to see a change in
14 either the size or magnitude of the zone of influence
15 of their operation -- or the project expansion, they
16 stated that:

17 "Dominion Diamond does not anticipate
18 a change in the magnitude or
19 disturbance coefficients or size, the
20 spatial extent of the assumed zone of
21 influence used in -- to predict
22 changes in caribou habitat quality
23 and energetics related to active mine
24 sites, such as Ekati and Diavik, as a
25 result of the Jay project."

1 Then in Appendix D where they were
2 revising their cumulative effects monitoring for the
3 post-Diavik closure scenarios with and without the Jav
4 project, they state that:

5 "The Jav project will increase the
6 spatial extent of the zone of
7 influence asso -- associated with the
8 Ekati mine and extend the operating
9 life of the Ekati mine until 2013
10 (sic)."

11 So either way -- anyway, could you just
12 clarify whether yes or no there is -- what the
13 prediction is, please?

14

15 (BRIEF PAUSE)

16

17 MR. RICHARD BARGERY: Richard Bargery,
18 Dominion Diamond. It just takes a moment just to find
19 those -- those two (2) references.

20

21 (BRIEF PAUSE)

22

23 DR. JIM RETTIE: Jim Rettie, Golder
24 Associates. Just trying to get you to -- I'm wondering
25 if I could get you to clarify your question. Perhaps,

1 ask it again. I'm going to try to follow along as we
2 go. I've got both documents in front of me now so that
3 should help.

4 MS. ANDREA PATENAUE: There we go.
5 And I found the second part. Okay. So in response to
6 GNWT IR-66 the statement is that:

7 "Dominion Diamond does not anticipate
8 a change in the magnitude or size of
9 the assumed spa -- zone of influence
10 used to predict changes in caribou
11 habitat quality and energetics
12 related to active mine sites."

13 Blah, blah, blah. "Such as." So that
14 was the first sentence in the response to the question.
15 Okay. Part A. Part B, Appendix D where you kind of
16 revised the modelling you did with scenarios for post-
17 Diavik closure, both with and without the Jay project.
18 And I believe the statement I'm looking in particular
19 is -- well, I mean, with the explanation, but
20 culminating in the statement at the end of the one (1),
21 two (2), three (3) -- third paragraph:

22 "The Jay project will increase the
23 spatial extent of the zone of
24 influence associated with the Ekati
25 mine and extend the operating life of

1 the Ekati mine until 2030."

2 The first part of that sentence anyway.

3 So I'm just asking for clarification -- clarification on --
4 on that apparent discrepancy.

5 DR. JIM RETTIE: If I've -- if I've got
6 this right. Sorry, Jim Rettie, Golder Associates. In
7 -- in Appendix D the -- the question was -- that we
8 were addressing was whether or not the -- the addition
9 of the Jay project to the existing Ekati mine would
10 change the zone -- the overall zone of influence,
11 right. So you add the -- you add the Jay project on
12 and the zone of influence at 15 kilometres changes the
13 total area from -- from what it is currently.

14 And in response to I -- IR -- GNWT IR-66
15 the response was that the -- the zone of influence in
16 terms of a distance was not going to change. So the
17 distance around a development.

18 And in the -- in the response in
19 Appendix D it was, When we add this project because
20 we've increased the footprint of the mine, and it's
21 extended out to the east and to -- then the overall
22 total area of the zone of influence will expand, but
23 it's -- but the -- it's still 15 kilometres out from
24 the footprint.

25 I hope that answers it.

1 MR. ANDREA PATENAUDE: Andrea

2 Patenaude, GNWT. Yes, that helps. Thank you.

3 So either way, it's still a prediction,
4 right? Okay. So with -- with respect to monitoring,
5 they mention in, I believe, the IR-66 -- they, being
6 you folks -- mention that their approach to zone of
7 influence monitoring will be guided by what the zone of
8 influence technical task group recommendations are.

9 And so just for -- that's a task group
10 of folks who are developing a guideline for when and
11 how zone of influence monitoring is appropriate for use
12 in say forums such as this. And so still in draft
13 form, but as far -- the guidance so far states that:

14 "Projects for which zone of influence
15 monitoring is deemed appropriate,

16
17 considerations involved in that
18 they're advised to produce an initial
19 estimate of zone of influence during
20 the operation phase of the project."

21 And we can probably agree that you have
22 this.

23 "Repeat monitoring should be
24 conducted when the project is
25 expected to change due to a major

1 shift in the project, such as a mine
2 phase change
3 expansion would fall under that a
4 chan -- a major change in mitigation
5 practices or other cause."

6 So we're just wondering if Dominion can
7 confirm that zone of influence monitoring to
8 investigate impacts of this project expands -- expansion
9 will be included in the monitoring plan for Jay?

10

11 (BRIEF PAUSE)

12

13 MR. HARRY O'KEEFE: Harry O'Keefe,
14 Dominion Diamond. As the GNWT is aware, we had stepped
15 away from our current operational monitoring of zone of
16 influence under the understanding that current
17 population levels do not allow for what I would call --
18 what we would describe in our agreement, anyways, as
19 reasonable expectation of receiving -- of -- of getting
20 data that would change the results.

21 So Dominion would be willing to
22 entertain resumption of zone of influence monitoring,
23 active zone of influence monitoring, when there is a
24 reasonable expectation of our ability to detect change.

25 MR. ANDREA PATENAUDE: Okay. Andrea

1 Patenaude, GNWT. No more further questions. Thanks.

2 THE FACILITATOR: Okay, I have -- it's
3 Bill Klassen. I have Anne Gunn wanting to ask a
4 follow-up, and then over here.

5 DR. ANNE GUNN: Anne Gunn, for the
6 Board. This is a question of clarity about the
7 certainty of the 15 kilometre zone of influence. In
8 the cumulative effects assessment and elsewhere in the
9 DAR, it's referred to 15 kilometres as -- with no
10 variance around it, just as a single figure, implying a
11 certain degree of certainty.

12 There's already been a bit of discussion
13 about how the zone of influence might be varying. But
14 my question is for -- for Diavik, there was a 15
15 kilometre zone in -- measured by Golder in -- in four
16 (4) years. And then in three (3) years -- four (4)
17 years, the zone of influence was between 30 and 40
18 kilometres. And this was for Diavik, not Diavik/Ekati
19 combined.

20 Now, this was a -- a different
21 statistical analysis, but using the same data as John
22 Boulanger and -- well, John Virgil could correct, but -
23 - but I think you're all using the same set of data
24 which is the -- the collar data. Then, when there are
25 different analyses, there's quite a variability going

1 from 30, 40 kilometres to 15 kilometres.

2 So my question is: How do you
3 incorporate that annual variability into the single
4 measure you use? Like, how do you adjust the certainty
5 of the 15-kilometre zone?

6 DR. JOHN VIRGIL: John Virgil, Golder
7 Associates. Anne, you're right. So those reports,
8 those analyses go back through time. And some of them
9 were based on a different statistical approach using a
10 quadratic function that turned out to be having scaling
11 problems.

12 Some of them -- the most recent one that
13 you refer to used a piecewise regression which was more
14 similar to John Boulanger's work. In our work, we also
15 looked at the distance to lake as a coefficient, and
16 that one showed up just as likely to be influencing the
17 caribou distribution than Diavik itself.

18 Some of it is based on -- in John B.'s
19 work it's based on distance to the core of the -- of
20 the study area, of the -- sorry, of the footprint,
21 whereas others, it's based on to the edge of the
22 footprint. There's a whole load of measurement error
23 in there due to the statistical approach and how
24 measures from caribou distance to the -- to the mine
25 footprint was calculated.

1 So there's -- I would say that John
2 Boulanger's work, in terms of looking at it with one
3 (1) statistical approach that seemed -- that I would --
4 I would -- that -- that actually turned out to be a
5 more robust statistical approach rather than the
6 quadratic function that was used earlier by both John
7 Boulanger, myself, and Chris Johnson, was -- had more
8 certainty around it.

9 The confidence of intervals themselves
10 around John Boulanger's work shows that. And since his
11 work looked at basically during the entire decline of
12 the -- of the Bathurst herd, we chose to use that work
13 as the -- as the spatial extent of the zone of
14 influence.

15 DR. ANNE GUNN: Anne Gunn, for the
16 Board. Thank you for that clear explanation. But
17 regardless of -- particularly like when you're using
18 the quadratic approach, did you see any evidence for
19 any annual trends when you look at Diavik and Ekati
20 combined?

21 DR. JOHN VIRGIL: John Virgil, Golder
22 Associates. The -- the work that we did didn't take
23 into account the -- the Ekati footprint. We did see
24 trends. Some of those trends actually showed in some
25 years no avoidance of the mine. In other years, it --

1 it ranged, but in some years -- we also looked at just
2 nursery groups, so cows with calves. And it actually
3 showed that some of those groups in some years seem to
4 be attracted to the mine.

5 So again -- but it was all dependent on
6 those different types of analyses, and at the end of
7 the day we chose to publish work by Boulanger to be
8 representative of the average zone of influence that
9 could occur around any particular mine site. And in
10 our -- of application of that, we applied it to -- to
11 mine sites that likely would have a smaller zone of
12 influence than Ekati and Diavik, such as Snap Lake
13 which is an underground mine.

14 So overall, we're confident in the
15 predictions that we made are conservative. They don't
16 -- they don't capture the annual variation that you
17 would like to have if you had different ZOIs for
18 different operations across the landscape with
19 different levels of activity, different topography
20 around them, that can all influence caribou movement
21 and behaviour.

22 We used the best information available,
23 Anne.

24 DR. ANNE GUNN: Anne Gunn, for the
25 Board. Thank you for that explanation. I appreciate

1 its clarity. I still wonder why or how you would
2 incorporate uncertainty.

3 I mean, you've just described a fair
4 amount of uncertainty. Given, you know, the -- the
5 zone of influence is so fundamental to your approach to
6 -- to cumulative effects in particular. I wonder why
7 you wouldn't incorporate a measure of uncertainty that
8 would capture the measurement rate, any annual trends -
9 - and I also wonder, and I -- if you have a comment on
10 this.

11 Although caribou abundance has changed,
12 although in the last few years the frequency of
13 incidental sightings and the camera sightings has
14 declined, the encounter rate, which is based on the
15 zone of influence, has not changed. It doesn't -- it
16 shows minimal variation, and it shows no trend over
17 time since 1996.

18 And given the change in -- in the camera
19 capture, given the change in incident which --
20 sightings, given the change in the herd size, is there
21 a relationship between the uncertainty with the zone of
22 influence and the lack of a trend in the encounter
23 rate?

24 DR. JIM RETTIE: Jim Rettie, Golder
25 Associates. For the encounter rates, because they were

1 based on radio-collared animals, regardless of the size
2 of the population at the time, the population of
3 interest here is the population of marked individuals.
4 And it has varied very little through time.

5 So the encounters with the zones of
6 influence by animals wearing radio collars when there's
7 the same number of animals out there, more or less, on
8 an annual basis is not surprising.

9 DR. ANNE GUNN: Anne Gunn, for the
10 Board. If -- if the zone of influence was double, if
11 it was say fourteen (14) -- I mean 40 kilometres,
12 there's a greater chance of the collared cows
13 encountering it. So does the lack of a trend in the
14 encounter rate support the -- the conservatism, or the
15 lack of uncertainty, in the zone of influence? That's
16 -- that's what I'm trying to get at.

17

18 (BRIEF PAUSE)

19

20 DR. JIM RETTIE: Jim Rettie, Golder
21 Associates. I apologize, Anne. Could I get you to
22 repeat your question? Could I get you to repeat your
23 question?

24 DR. ANNE GUNN: Anne Gunn, for the
25 Board. My -- my main question is how you're going to

1 account for uncertainty in the 15 kilometre zone of
2 influence? My follow-up question to that was to see if
3 the zone -- the magnitude of the zone of influence, the
4 variance in it, is -- does it have any relationship to
5 the lack of a trend in the encounter rates.

6 And I don't think the variability in the
7 sample size of the collars is -- it doesn't show a
8 trend. And it doesn't vary that much over time. So
9 there must be another factor driving the lack of a
10 trend in the encounter rate. Because if the zone of
11 influence is varying, the encounter rate should be
12 varying more than they are.

13 DR. JIM RETTIE: Jim Rettie, Golder
14 Associates. The encounter rate that we've calculated
15 is fixed. Sorry, the zone of influence against which
16 we've -- we've assessed encounter rates is effectively
17 fixed. It changes slightly as new projects are added.
18 So -- so there may be some variance in the way the
19 different methods of calculation account for zones of
20 influence and what they suggest the appropriate zone of
21 influence is. But in our analysis we used the 15
22 kilometre zone of influence at all times so that it
23 didn't vary in our assessment.

24 DR. ANNE GUNN: Anne Gunn, for the
25 Board. So if there was -- if -- if you used

1 uncertainty, so if you used the variability, like, the
2 measurement area that -- that John described or the
3 possibility of annual trends, you would then be able to
4 see more variability in the encounter rates. I mean, I
5 think using the zone of influence as a constant is
6 quite misleading as to what might be happening with
7 cumulative effects. And I think you could take -- one
8 (1) possibility would be to look at a more variable
9 approach to the zone of influence.

10 One (1) of the surrogate values for
11 looking at the variability in the zone of influence
12 might be to look at the changes in dust fall that have
13 occurred both across Ekati and Diavik. Over the years
14 there's been marked changes in the amount of dust fall.
15 And whether -- it was -- actually it was a -- this was
16 also going to be a follow-up.

17 Because we asked -- the Board asked this
18 -- this question of you in one (1) of the Information
19 Requests, was to what the correlation was with the
20 changes in dust fall with dust mitigation or whether it
21 was just driven by when the mines went underground, and
22 could you use that correlation between mine activity
23 and dust fall to look at the changes in the zone of
24 influence.

25

1 (BRIEF PAUSE)

2

3 DR. JIM RETTIE: In re -- Jim Rettie,
4 Golder Associates. In response to the -- the question
5 about the -- the focus is on dust and its relationship
6 with the zone of influence. One (1) of the things that
7 our zones of influence include -- well, dust is only
8 one (1) of the things that the zones of influence would
9 -- would account for.

10 All of the other sensory disturbances
11 that might -- that might be forthcoming from a mine,
12 whether it's light, noise, human activity, and -- and
13 observations of that, those are all incorporated in the
14 -- in a zone of influence. And -- and we don't know
15 what -- which of those factors is responsible for the
16 extension of that zone of influence out to where it is.
17 I mean, to do so would require some sort of an
18 experimental process where you could isolate one (1) of
19 those factors from another.

20 And it becomes very difficult to -- to
21 account for why the zone of influence should be a
22 different size on account of -- of one (1) factor or
23 another. The -- the most recent information for the --
24 for the Bathurst herd was the -- as from the Boulanger
25 work. And that's where we acquired -- his -- his value

1 was 14 kilometres, so we -- we moved it out a little
2 bit and we worked with fifteen (15) as our zone of
3 influence. That's -- that's the most current
4 information for this herd, and it's conducted
5 empirically with -- you know, with the difference of
6 these developments in mind.

7 DR. ANNE GUNN: What were the
8 confidence limits around John's estimate of 14
9 kilometres?

10 DR. JOHN VIRGIL: John Virgil here.
11 Anne, you're -- you're stretching my memory capacity
12 here. I think -- and you can't, like, quote me on this
13 now. Okay, we can go back and check, but I -- I
14 haven't got -- I haven't got his paper with me, but we
15 can go online and check it out, but I'm thinking it was
16 in the neighbourhood of around somewhere between eleven
17 (11) and seventeen (17) or something like that.

18 Oh, Jim's got it, so. So if I'm wrong,
19 wipe that from the record, please.

20

21 (BRIEF PAUSE)

22

23 THE FACILITATOR: I wonder -- I have
24 two (2) other people that have indicated an interest,
25 Kim is a third. I wonder if we can conclude with this.

1 I find it all very interesting, but I wish I'd paid
2 more attention during statistics and scientific
3 sampling courses I took, which was a long time ago,
4 just after they invented the process, actually.

5 So do you have one (1) further response
6 there, Richard?

7 MR. RICHARD BARGERY: Just -- Richard
8 Bargery, Dominion Diamond. Just that we're -- we'll
9 look for that -- for that number. And when we have it,
10 maybe after the break, we'll -- we can provide that.
11 Jim's -- Jim's busy looking. Rather than wait, we can
12 probably move on --

13 THE FACILITATOR: Okay.

14 MR. RICHARD BARGERY: -- if that's --
15 that's okay with -- with you, Anne.

16 THE FACILITATOR: Okay, Kim has the
17 number.

18 MR. KIM POOLE: Kim, with IEMA. The
19 number on the range is -- the confidence intervals is
20 twelve point zero (12.0) to fifteen point five (15.5).
21 You're paying attention, John?

22 THE FACILITATOR: Okay, perhaps we are
23 getting up close to where we should be taking a break.
24 I believe Mr. Croft has a question. And then we'll
25 take a break. And then I'll come back to this. Thank

1 you.

2 MR. BRUNO CROFT: Thank you, Mr. Chair.

3 I'll make it shorter than I had originally planned.

4 Anne touched a little bit on the dust here, and Jim
5 answered part of it. For me, dust dissemination has
6 always been a question mark in a zone of influence, and
7 I don't think we've nailed it yet.

8 I had some anecdotal information I would
9 have liked to shared with you. Maybe I'll wait a bit
10 later on that. But my simple question at this stage to
11 follow up on this, Jim or John or others: How
12 confident are we that the current mitigation measures
13 for dust dissemination are effective, they're doing
14 their job, what you've got in place, minimize the
15 spread of the dust at different time of year,
16 summertime, windy conditions, so on and so forth?

17 If -- if you can answer that for me.
18 I'm probably going to have more follow-up questions,
19 but I'll wait a bit on that one.

20

21 (BRIEF PAUSE)

22

23 MS. CLAUDINE LEE: Claudine Lee,
24 Dominion Diamond. So the current operation uses a
25 couple of different types of mitigation for dust

1 including the use of dust suppression on site and road
2 watering in combination. We look at that on an annual
3 report and then report it on a three (3) years basis.
4 That three (3) year air quality report with the -- with
5 the dust information has just come out.

6 In the report, we say that the dust
7 suppression program is effective at mitigating dust in
8 its application on the longer haul roads with the
9 larger traffic.

10 We get this information from the dust
11 fall array that is put out along the long haul roads
12 including Miserv and Fox where we see results that show
13 a majority of the dust does settle out within 30
14 metres, and that within 90 metres the results show
15 we're below the BC objective of 2.9 milligrams per dust
16 metre squared per day. And at 1 kilometre,
17 everything's back to baseline against our -- our
18 reference locations.

19 So from that, we determined that our
20 dust suppression program is effective.

21 MR. BRUNO CROFT: Thank you. Bruno,
22 from ENR North Slave. How would you rate this in that
23 whole equation of things that, you know, Jim just
24 mentioned? We don't really know how to tease out which
25 one has more of an impact in the zone of influence; the

1 fact is there is one.

2 I'm not so sure what you just mentioned,
3 that it says that the dust is not really a factor. And
4 again, I cannot bring numbers. Like you pointed out,
5 you saw we are still in the process trying to figure
6 out how to monitor things and -- and probably
7 demonstrate that it has a significant impact.

8 But just a few stories I'd like to share
9 with you if I may do so here be --

10 THE FACILITATOR: Could you keep --

11 MR. BRUNO CROFT: We don't have the
12 time.

13 THE FACILITATOR: -- the stories short?
14 Okay.

15 MR. BRUNO CROFT: That's fine. We'll -
16 - we'll -- I think we should probably pursue that a
17 little further in the ZY group. I'm not convinced that
18 dust doesn't have more of an impact that is claimed to
19 be. And I'll leave it at that for now.

20 THE FACILITATOR: Okay. Thank you. I
21 -- I enjoy stories probably more than others enjoy
22 telling them, but we -- we are -- we've got three (3)
23 more topics to -- to address this afternoon. So I
24 suggest we take about a ten (10) minute break, and then
25 we'll come back. And unless there are other pressing

1 matters related to zone of influence, we'll move to
2 mitigation next.

3

4 --- Upon recessing at 2:46 p.m.

5 --- Upon resuming at 3:00 p.m.

6

7 THE FACILITATOR: Good afternoon. I
8 would invite you to take your seats again so we can get
9 underway.

10

11 (BRIEF PAUSE)

12

13 THE FACILITATOR: I'm aware that there
14 are a few more people that would like to -- to ask
15 questions or talk about this topic of the zone of
16 influence. And Chuck Hubert with the Board staff on my
17 left here is one of them, but there's a gentleman here
18 whose name I don't know that has indicated an interest
19 in asking a question or commenting.

20 So we'll -- we'll start with you, sir.

21 If you could give us your name, please.

22 MR. ARTHUR BECK: Good afternoon. I'm
23 sorry I wasn't here yesterday. My name's Arthur Beck.
24 I'm from Fort Resolution Metis Council. I'm a hunter,
25 trapper, traditional knowledge holder, and I just got

1 back from hunting last week. That's why it was a
2 little hard to get a hold of me. I know Dominion was
3 trying to meet with us for a bit, but kind of busy,
4 too. Anyways, I'm not here to ask any questions. I'm
5 going to give you a little history on this caribou.

6 I've been part of this caribou board
7 since the late '90s, and I sat on almost every
8 committee. I know Anne Gunn very well. I know a lot
9 of people here very well.

10 I'm not going to repeat all the stuff
11 that's been said, but I started hunting caribou with my
12 father in the early '70s, and the caribou has changed
13 greatly. They're totally different. And if I watch
14 the news all over, everywhere there is mining industry
15 there is problems with caribou, right in -- right down
16 to Russia. All over. We -- there is problems with
17 mining.

18 And the stuff I see, I look at -- at the
19 agenda, some of the stuff on the agenda I brought out
20 in the 90s, and no -- never dealt with. Now it's good
21 to see that they're dealing with it now, but we're
22 almost twenty (20) years late that they're finally
23 starting to listen to traditional knowledge.

24 Well, right now I just came back from a
25 caribou hunt. I did an organized caribou hunt for our

1 community of Fort Resolution. Three (3) of us went
2 out. We harvest thirtv-four (34) animals. Out of that
3 thirtv-four (34) animals, there was twentv (20) --
4 twentv (20) cows. Out of that twentv (20) cows, there
5 was no fat on anv of our animals. Our animals are verv
6 poor. There's no fat on them. And there was nothing -
7 - there was no -- hardlv anv food in their stomach. So
8 -- and there was -- out of twentv (20) cows, there was
9 only two (2) fetuses, and thev -- which were verv
10 small. So nature iust tells you right there, common
11 sense, iust tells you.

12 See, I was -- I professionally raised
13 dogs for vears, too, so I know a lot about breeding
14 dogs; and caribou is the same thing. When -- if I was
15 going to breed a female dog, if I wanted ten (10) pups
16 what I would do is I would feed that female verv, verv
17 well. Have her overweight so her bodv is telling her
18 that she could pro -- she could feed more animals. So
19 the caribou is the same thing. When the caribou is
20 verv thin, nature is telling them that thev can't
21 survive, thev can't feed more, so that's whv there's
22 verv little calving -- calves coming now.

23 So I -- that's one -- one of the main
24 concerns. I speak the language verv well, traditional
25 -- mv Chippewavan language verv well. In our language

1 -- everything about the animal in our language -- I
2 take a word in our language and I translate it into
3 English, and it tells me the problem.

4 And right -- right now the -- there is a
5 lot of problems. And I noticed this scientific
6 technical session here, you break everything up into
7 little pieces. And I noticed your chairperson up there
8 stopping people from wandering. You know, I -- kind of
9 listen quite a bit. But I'm like a caribou. You can't
10 control me. I flow, and I go -- go wherever I want.
11 And you'll notice that.

12 But my concern really is, It's good to -
13 - it -- it's not a concern. It's good to see that
14 you're finally starting to work with the Aboriginal
15 people, so now within -- just -- I just noticed it the
16 last few years that you're starting to look at
17 traditional knowledge a lot more.

18 With traditional knowledge and
19 scientific knowledge together, there's a chance that we
20 will -- I guess I shouldn't say save the caribou
21 because the caribou is not dead, they just moved. You
22 changed their food. You changed their diet. Forrest
23 fires involved. I know you like to blame stuff on the
24 bugs, but that's only -- there's no bugs this winter
25 right now and the caribou are still skinny.

1 So it's all combined. The activity,
2 exploration, the mining, the fires, the predators, the
3 Aboriginal hunters; everything combined is just too
4 much for the animal to handle. So what we have to do
5 here is handle our -- we have to manage our activities
6 around the caribou herd, around everything.

7 We manage the activities, exploration,
8 and to -- the trucks hauling on the roads, we manage
9 human beings then the caribou will manage themselves.
10 So that's my advice, is that we have to start managing
11 the humans. Thank you.

12 THE FACILITATOR: Thank you. Chuck
13 Hubert, I believe, has a comment. Kim, did you have --
14 okay, let's start with Kim then.

15 MR. KIM POOLE: Kim Poole, for IEMA.
16 This goes back to Anne's questions about uncertainty,
17 annual variability in the zone of influence. As Andrea
18 pointed out, we've had this zone of influence -- I can
19 never remember the name -- technical task group,
20 working group, whatever. And for that, going back to
21 this Boulanger et al paper that everybody's
22 referencing, because of the way that it was computed,
23 not the stats per se, but the way it was computed it
24 was -- it basically needed six (6) years of data to
25 come up with this magical 14 kilometres ZOI that

1 everybody's quoting.

2 Advances have been made in the
3 computation and the methods used to analyze that kind
4 of data so that now John Boulanger is able to come up
5 with annual zone of influence calculations. And he
6 retrospective -- or he looked at the 2003 to 2008 data
7 that we used for the wildlife biology paper and came up
8 with annual measures for all of those which showed
9 interesting trends, a little bit of variability, but it
10 was able -- you able -- you were able to map it on an
11 annual basis.

12 I'm wondering if it would be useful to -
13 - to look at -- to add a little more individual years
14 to this whole data set is that subsequent to our 2000
15 and -- 2012 paper which looked at data up to 2008,
16 there were aerial surveys conducted in 2009 and 2012.
17 So we have two (2) -- you look perplexed. There were
18 two (2) -- there are two (2) more full-year data sets
19 that could be examined to come up with these annual
20 estimations of ZO -- ZOI as have been -- have been
21 shown in the -- in the ZOI draft document that Andrea
22 has circulated a month or two (2) back.

23 So my recommendation is that Dominion
24 Diamond should consider either doing their own analyses
25 if that can be done or getting John Boulanger. He can

1 do them fairly quickly if the data is set up to look at
2 -- it gives us two (2) more data points over time.

3 My second and final point is that --
4 final point for now is that the dust answer to Bruno's
5 question, I think that what was meant when it goes to
6 background at 1 kilometre is that the fugitive dust is
7 unmeasurable compared to background at 1 kilometre.

8 CALPUFF modelling, lichen sampling, and
9 snow sampling is showing that dust is being
10 disseminated out to approximately twelve (12), fourteen
11 (14), sixteen (16), 18 kilometres out from the Ekati
12 Diavik footprint. And that is why we came to the
13 conclusion that Boulan -- conclusion in the Boulanger
14 et al paper that there may be some correlation between
15 the zone of influence that we're detecting and a
16 mechanism. And it seemed to -- you know, dust seemed
17 to be one (1) that -- that made sense.

18 Granted, it's challenging to mitigate
19 dust in the situation at Misery. I've been there a
20 number of times. Despite the mitigation, every time a
21 truck goes by, every time a plane lands, you see a
22 massive plume of dust.

23 One (1) of the earlier comments as well
24 was that we can't really separate out dust from visual,
25 from light, from noise, from whatever that causes a

1 zone of influence. But one (1) way to possibly get a
2 handle on it would be to do some serious dust
3 mitigation for a year or two (2) and then re-measure
4 the zone of influence with aerial surveys if it was
5 applicable.

6 So there are ways to kind of tease this
7 through rather than just shutting it off saying that,
8 We don't know what's driving the zone of influence so
9 there's not much more we should be doing about dust
10 suppression. So I would just ask that Dominion Diamond
11 consider -- consider that. Thank you.

12

13 (BRIEF PAUSE)

14

15 MR. RICHARD BARGERY: Richard Bargery,
16 from Dominion Diamond. So the first -- I think the
17 first question was use -- looking at using the two (2)
18 additional data -- data points from 2009, 2012. So I
19 want to make clear from our perspective at least, you
20 know, for the purposes of the EA we -- we feel that
21 we've done what -- what's required and -- and what's
22 appropriate for the assessment.

23 In the longer term we're prepared to
24 work with researchers to continue to improve science
25 and ensure there's appropriate adaptive management and

1 mitigation in place.

2 So for the purposes of the Jav project,
3 I guess, I -- I don't think we need to -- to do that --
4 or we don't think we need to do that. In terms of the
5 dust mitigation at site, well, we do what we think is
6 fairly extensive mitigation now. When you say serious
7 dust mitigation at site, I'm not sure I completely
8 understand what -- what's required to -- to do that and
9 what -- you know, what -- you know, what -- what
10 magnitude more -- or order of magnitude more than --
11 than what we do today.

12 MR. KIM POOLE: Kim Poole, for IEMA.
13 At the environmental workshop that IEMA held in
14 November, we went through a day presentation, and Harry
15 was there at that time, that looked at potential or
16 proposed best management practices for dust suppression
17 related to mining operations. It was more of a
18 structured approach to how these things could be done.
19 It measured the dust off the trucks a little more
20 accurately and you had kind of a caribou tree-type
21 thing where you would say, Okay, well, if it's this
22 much dust, then we should be doing this and that.

23 Water does not seem to work more than
24 two (2) or three (3) in some cases. Claudine and
25 others have -- have acknowledged that. And we

1 appreciate that -- that that's tough. There's no way
2 you can keep continuously watering a 30-kilometre road
3 every two (2) to three (3) hours without a massive
4 amount of effort, so something else has to be done.
5 Does it mean more DL10? Does it mean looking at some
6 of the other options, dust stop? There were a number
7 that were raised.

8 But clearly, from a community point of
9 view and possibly linked back to caribou, dust is a
10 huge issue. I don't think it's fair to characterize it
11 as beyond a kilometre it's not an issue. A lot of
12 people are concerned by it. So I think what people are
13 looking for is going that extra step somehow,
14 appreciating it's going to be difficult, but something
15 more has to be done.

16 MR. RICHARD BARGERY: Richard Bargery,
17 Dominion Diamond. We'll -- we're prepared to look at -
18 - at the -- the outcomes of -- of that workshop that
19 you saw from January. Was that -- when was the
20 workshop, sorry?

21 MR. KIM POOLE: It was the IEMA
22 environmental workshop in early December. And Harry
23 was present and made a presentation at that time, as
24 well as a number of others, including one (1) that IEMA
25 put together. We could file the presentation, if that

1 would be useful, or make sure you have it.

2 THE FACILITATOR: So it's Bill Klassen.

3 Kim, IEMA will be providing the results of that
4 workshop to the Mackenzie Valley Environmental Impact
5 Review Board? Okay, thank you. Chuck Hubert has a
6 question in this whole topic area. And then I'd like
7 to move along to mitigation.

8 MR. CHUCK HUBERT: Chuck Hubert, with
9 the Review Board. Dominion responded to a Board IR --
10 on a recent one, from April the 10th, a response just
11 last Friday on -- on noise and light, specifically the
12 light one.

13 The -- the request asked for some
14 examples of mitigation that Dominion was using on site
15 at Ekati to reduce the impacts of light pollution and
16 give some examples of successful mitigation techniques
17 that have been used at other mines or industrial sites.

18 There was a response from Dominion. It
19 was -- it was quite general. It was stating that some
20 directional lighting was used on site and that
21 headlights, of course, were necessary for -- for
22 vehicles. The Board was hoping for a little bit more
23 detail, a little bit more of an elaborate response.
24 And I know the time line was tight, so that perhaps had
25 something to -- to do with it.

1 But if there could be a bit more -- a
2 bit more detail on -- on specifics of ways that Ekati
3 is currently mitigating -- or -- or reducing the
4 impacts of light from a -- from a disturbance
5 perspective to caribou in particular, it'd be helpful.

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. So just -- just so I'm clear, what -
8 - what you'd look for -- for us, any specific examples
9 that we do at Ekati today or that potentially are done
10 at -- at other -- at other mine sites of -- similar
11 kinds of mine sites?

12 MR. CHUCK HUBERT: Chuck Hubert, with
13 the Board. I would say both. So what are some
14 examples -- specifics of what Ekati currently does to
15 mitigate light -- light pollution? What could be done
16 at Ekati based on the experiences and practices at
17 other mines and industrial sites above and beyond what
18 -- what Ekati currently does? Thanks.

19

20 (BRIEF PAUSE)

21

22 MR. RICHARD BARGERY: Richard Bargery,
23 Dominion Diamond. I -- the latter part of the second
24 question I think is -- is where we -- we didn't give a
25 fulsome enough answer, I think. So I -- I think we'd

1 undertake to -- to look at that part of -- I can't
2 remember the IR number, but that particular part of
3 that IR, and -- and come back with a -- with a --
4 hopefully a -- a better answer on -- particularly on
5 other sites because I -- I think it's a -- a limited
6 number of things that we do at -- at Ekati at present.
7 So within the -- within the two (2) week undertaking
8 period.

9 MR. CHUCK HUBERT: Thanks. Chuck
10 Hubert, with the Board. So that undertaking for May
11 the 8th would be for Dominion to explore other light-
12 reducing mitigation techniques at -- at other
13 industrial and mining sites, and -- and consider their
14 applicability for Ekati.

15 THE FACILITATOR: It's Bill Klassen,
16 and the time line for the provision of that response?

17 MR. RICHARD BARGERY: Just to be clear,
18 applicability to Jav I think is -- at this point is --
19 is how I'd -- I'd characterize it. And I think for --
20 from our perspective it would be within the -- before
21 the May 8th undertaking -- by May -- by May 8th.

22 MR. CHUCK HUBERT: Chuck Hubert.
23 Thanks. I misspoke. It should be for Jav then.
24 Thanks.

25 THE FACILITATOR: It's Bill Klassen

1 again. And I'd like to ask on the -- the subject of
2 mitigation, and it's already come up under other topic
3 areas, are there questions that anyone present has
4 regarding mitigation perhaps related to the Information
5 Requests that might have been submitted and responded
6 to by the Company?

7 Todd, we'll start with you.

8 MR. TODD SLACK: Thanks. Todd Slack,
9 with the Yellowknives. I have two (2) sort of lines of
10 thought here, and the first is, we've heard today quite
11 a bit about how useful it would be to have the -- the
12 respective plans to understand exactly what the
13 mitigations are, to see these, you know, written down
14 and incorporated as commitments as part of this
15 process.

16 And I'd just point out that the Company
17 has referenced the way that they operated in the past
18 as part of that. And so you're not starting from zero
19 here. It's -- it's something.

20 But from an environmental point of view,
21 the way that this process has operated in the past is
22 the consultant was able to prepare a WWHPP for the
23 Gahcho Kue process. So we had something, a draft
24 document, to be sure, but we had something on paper
25 that was incorporated as part of the documents and as

1 part of the commitments.

2 So theoretically, we understood what
3 those mitigations were going to be in a very clear and
4 transparent manner.

5 So I'm guessing the question there is:
6 What is -- why can't we do that in this case,
7 considering you're -- where you're starting at,
8 considering the experience of the Propo -- or the
9 consultant and the -- that it's emerged as a bit of a
10 best practice?

11

12 (BRIEF PAUSE)

13

14 MR. RICHARD BARGERY: Richard Bargery,
15 from Dominion Diamond. So the commitment this morning
16 I think was to come back with the WEMP and the WWHPP --
17 pardon? Yeah, August 1 of -- of this year,
18 incorporating the Jay project into those management
19 plans to provide the Wildlife Road Mitigation Plan,
20 erstwhile known as the Traffic Management Plan, by the
21 end of -- by the end of the month for comment from
22 folks.

23 And the -- the other commitment that we
24 made, which we didn't respond to this morning to Mr.
25 O'Reilly, was to provide a list of sort of the -- the -

1 - at least the critical plans, management plans, their
2 status, and when they were going to be updated. And --
3 and perhaps through that process we could also talk
4 about how and when they could be -- could be
5 considered.

6 But many of those plans are established.
7 They could -- they have their own processes so it's --
8 it's hard to sort of generalize on those particular
9 plans. They have their own processes, you know, either
10 through -- other regulatory processes that they need to
11 -- to be reviewed through.

12 So there's a variety of -- of plans that
13 are established for Ekati and I'm sure, Todd, you've
14 reviewed many of them in -- in various other forums.
15 So it's -- it's a little different, as you -- as you
16 quite rightly note from a new operation that's starting
17 that doesn't have a basis -- a management -- you know,
18 a basis to start from. Ekati does, so.

19 So we'll provide that list. I think the
20 commitment on that one was by the end of -- the end of
21 this -- this week.

22 MR. TODD SLACK: Okay. Thanks for
23 that. Sorry. And I hadn't heard that be presented as
24 clear as it was. So I apologize and -- to everyone
25 here for having wasted some time.

1 Getting on with it, I want to ask a
2 question, it's related to a number of YKDFN IRs, and
3 the principal focus can be found in IR number 1,
4 question 3. And this asks about the -- the narrows,
5 and caribou returning to this area.

6 And I'll point out the -- that this is
7 the third time that we've asked this particular
8 question. And the Company says there's no reason to
9 expect that caribou will not continue to use the
10 narrows.

11 And the first response -- or the first
12 clarification I -- I would ask is: What happens if
13 you're wrong?

14

15 (BRIEF PAUSE)

16

17 MR. RICHARD BARGERY: Richard Bargery,
18 Dominion Diamond. I -- I suppose our answer is -- is
19 what we said in the -- in the response to you, is that
20 we do expect caribou will continue to -- to move
21 through -- down to the narrows.

22 MR. TODD SLACK: It's Todd, with the
23 Yellowknives. Is there a possible -- let -- let me re-
24 ask this. Is there a possibility that you are wrong?

25 MR. RICHARD BARGERY: I suppose you can

1 ask -- Richard Bargerv, Dominion Diamond -- you can ask
2 it a number of different ways, Todd, but the answer is
3 going to remain the same from -- from our perspective,
4 so.

5 MR. TODD SLACK: Well, accepting that
6 the Project is not going to respond to the question,
7 I'll -- I'll ask: From a post-closure -- if caribou
8 are not returning and using this area that has been
9 used for thousands of years, what consequences would
10 accrue to the Company?

11

12 (BRIEF PAUSE)

13

14 MR. RICHARD BARGER: Richard Bargerv,
15 Dominion Diamonds. So we have a -- we have a interim
16 Closure and Reclamation Plan that's been approved by
17 the Land and Water Board which has closure objectives,
18 and we wouldn't be relinquished, you know, from the
19 project until those closure objective are met.

20 We have a conceptual closure plan
21 contained in the -- in the DAR for this project, and
22 eventually the ICRP, if the Jay project is approved and
23 proceeds, the ICRP would be updated to included the Jay
24 project, include -- and I don't -- I don't expect that
25 those closure objectives would change greatly, but --

1 but we would have to meet those closure objectives in
2 order to be relinquished.

3 MR. TODD SLACK: Todd, with the
4 Yellowknives. Are you willing to -- sorry, is the
5 Project willing to accept the return of caribou, and
6 the use and crossing of the narrows, as a closure
7 objective?

8 MR. RICHARD BARGERY: Richard Bargery,
9 Dominion Diamond. We have an approved ICRP that's gone
10 through the appropriate regulatory process in which,
11 you know, all parties have a chance to -- to comment
12 on, including the Yellowknives Dene First Nation. And
13 updates to that ICRP occur on a regular basis, on an
14 annual basis. There are progress reports on an annual
15 basis, and would be updated to include Jav if it's
16 approved and -- and proceeds. And that's the
17 appropriate forum, I think, for those to be -- to be
18 debated, and certainly YKDFN would have full
19 opportunity and full -- full ability to -- to comment
20 on the ICRP as it is today or -- or when it includes
21 Jav.

22 MR. TODD SLACK: Mr. Bargery, thank you
23 for that answer. It's Todd, with the Yellowknives. So
24 you don't believe -- and correct me if I'm wrong, but
25 do -- do you believe that discussing post-closure

1 impacts is for -- is a appropriate matter for the
2 environmental assessment phase of this project?

3 MR. RICHARD BARGERY: Richard Bargery,
4 Dominion Diamond. I think the conceptual closure plan
5 that we have in -- in the -- in the DAR is appropriate
6 for the environmental assessment process. That's what
7 we -- we believe. That's the appropriate discussion we
8 have. You were talking about a specific closure
9 objective, which is contained in the -- in the ICRP for
10 the Company, which goes through the Land and Water
11 Board process, and that's the appropriate process to --
12 to lay out those -- those closure objectives. If the
13 discussion and -- and your views on -- on closure
14 objectives, that's on the record here. That -- I think
15 that's appropriate for you to put your views on the --
16 on the record.

17 MR. TODD SLACK: Were the Yellowknives
18 Dene to recommend this as a measure, one (1) of the pre
19 -- one (1) of the next steps becomes the criteria. And
20 while I appreciate that these can be discussed at the
21 regulatory phase, and they are set in stone at that
22 point, the Yellowknives Dene adopt a cradle-to-grave
23 approach with the mining developments, otherwise you
24 end up with situations in which you get unintended or
25 unpredicted outcomes.

1 And I will point out that your ICRP
2 process repeatedly referred back to the predictions of
3 the EA and repeatedly referred back to the -- the
4 hearings as -- as some of their -- their background.
5 So this is clearly the appropriate forum.

6 And then once we start to look at that
7 criteria, the question is, how would we assess whether
8 these are being used again? And this relates to IR-25,
9 I believe. Perhaps IR-20 -- 20 -- what -- what --
10 whatever it is. I can get you the -- the exact
11 reference if you need it. And in that the Company
12 response is, There are no metrics to understand how
13 many caribou are crossing now.

14 Do I have that right?

15

16 (BRIEF PAUSE)

17

18 MR. RICHARD BARGERY: Richard Bargery,
19 Dominion Diamond. Yes, that's correct. There are no
20 specific monitoring programs.

21 MR. TODD SLACK: Thanks. That's it.

22 THE FACILITATOR: Kim Poole.

23 MR. KIM POOLE: Kim Poole, for IEMA.
24 Just a clarification on the list of management plans.
25 And I apologize if this was addressed yesterday, but

1 I'm -- I wasn't here. In 2001, the last version of the
2 Wildlife Management Plan was released, and there has
3 been no update since. And I'm getting a little bit
4 lost whether this Wildlife Management Plan is now being
5 replaced by the WWHPP and the -- perhaps the traffic
6 thing. Definitely not the WEMP.

7 Could you clarify, please?

8 MS. CLAUDINE LEE: Claudine Lee,
9 Dominion Diamond. Yeah, that -- that's correct. We're
10 -- that's the update that we're working on right now to
11 meet the -- the requirements in the Wildlife Act.

12

13 (BRIEF PAUSE)

14

15 MR. KIM POOLE: So -- Kim Poole, with
16 IEMA. That's to clarify that the -- the Wildlife
17 Management Plan -- that's okay. The Wildlife
18 Management Plan as we knew it back in 2001 is now a
19 dead issue?

20

21 (BRIEF PAUSE)

22

23 MR. HARRY O'KEEFE: Harry O'Keefe,
24 Dominion Diamond. As was stated this morning, we will
25 be proposing a -- presenting a draft WWHPP and WEMP as

1 they're outlined in the GNWT draft guidelines. And
2 those documents will be for Ekati and describe how --
3 for the purposes of this assessment, how they will be
4 extended to accommodate the Jav project.

5 And so the Ekati portion, not including
6 Jav, would replace the Wildlife Effects Monitoring Plan
7 and the Wildlife Effects Monitoring Program as they
8 exist now in operation.

9 MR. KIM POOLE: Kim Poole, with IEMA.
10 Sorry, Harry, but I missed that. Just a simple, 'yes',
11 'no'. The Wildlife Management Plan that was last
12 written in 2001, is it a -- still a living document, or
13 has it been replaced by these other plans that you
14 mentioned, 'yes' or 'no'?

15 MR. HARRY O'KEEFE: Yes, it's in the
16 process of being replaced.

17 MR. KIM POOLE: Another question, if I
18 may, on mitigation.

19 THE FACILITATOR: Excuse me, Kim.

20 MR. KIM POOLE: Oh, sorry.

21 THE FACILITATOR: I -- I think Sachi
22 has a question that bears on this exchange.

23 MS. SACHI DE SOUZA: That -- I have two
24 (2) questions. The first one we'll do is actually to
25 the GNWT. Given the conversation that just happened

1 about the plans that relate to the Wildlife Act and
2 wildlife, it would be, I think, helpful for everyone in
3 the room to understand the requirements for the WWHPP
4 and the WEMP as -- in legislation, and what
5 specifically GNWT has asked Dominion or expects
6 Dominion to do to comply with those requirements.

7

8

(BRIEF PAUSE)

9

10 MS. LYNDY YONGE: Lynda Yonge, GNWT-
11 ENR. As I explained yesterday, under the new Wildlife
12 Act, there is a requirement for a wildlife management
13 and monitoring plan. That's the term that's used in
14 the legislation for the purposes of the legislation.
15 An accepted Wildlife and Wildlife Habitat Protection
16 Plan, a WWHPP, and a Wildlife Effects Monitoring Plan,
17 WEMP, will serve as the Wildlife Management and
18 Monitoring Plan required under the act.

19 Did that make any sense? So -- so what
20 I'm saying, so the requirements under the act, the --
21 the WWHPPs and WEMPs that are being developed now meet
22 the requirements under the new act.

23 MR. RICHARD BARGERY: Can I -- so just
24 -- Richard Bargery, Dominion Diamond. Just to be
25 clear, what we said this morning is that we would

1 provide -- sorry, I got -- glasses, a -- a draft
2 document that is consistent with the GNWT's draft
3 guidelines for a Wildlife and Wildlife Habitat
4 Protection Plan and a Wildlife Effects Monitoring Plan
5 as per your 2013 legislation by -- by Aug -- August
6 1st, 2015. That's what we -- that's what we said --
7 said this morning.

8 And a subsequent part of that was that
9 the -- the Traffic Management Plan, which is at
10 appendices -- appendix, would come in a -- in another
11 ten (10) days or so.

12 THE FACILITATOR: Okay, Sachi, did you
13 have a -- it's Bill Klassen. Did you have a second
14 question, or John Donihee?

15 MR. JOHN DONIHEE: Thank you, Mr.
16 Chairman. It's John Donihee. I -- I'm just trying to
17 figure out -- I mean, I understand what the legislation
18 says. And I have a general idea of what those plans
19 are supposed to include. I guess the confusion that
20 you're -- that this shift has -- has caused for me is
21 just that, as Mr. Poole indicated a little while ago,
22 there are other plans out there that have been placed
23 for a rather long time and that are not just important
24 from a wildlife management standpoint, but they're
25 important from an impact assessment and mitigation

1 standpoint.

2 And so the fact that Dominion may be
3 moving forward to the new format that the legislation
4 requires is great. But I guess what I would -- you --
5 you could help us with is to explain what that does to
6 the other plans that have been out there that people
7 have been working with for a while, and particularly,
8 from the Board's standpoint, how you see those new
9 plans filling the gap, I guess, that -- that happens
10 when those other -- other management tools are
11 replaced.

12 MS. LYNDA YONGE: Lynda Yonge, GNWT-
13 ENR. And I love the way John asks me questions,
14 because they're always hard to answer. The intent of
15 the provision in the act is to fill what was a gap, a
16 regulatory gap, for the requirement of a wildlife
17 management and habitat plan.

18 So the plans that are currently in
19 place, provided that they are approved and that they
20 have all -- all the parts in it that are required,
21 would just be adopted as meeting the requirements under
22 the Act. Does that answer your question, John, or no?

23 MR. JOHN DONIHEE: It's John Donihee
24 again. Well, that -- that does help. That's the first
25 part of my question, which is we -- we do understand

1 that the WWHPP and the WEMP are going to satisfy the
2 requirements of the new wildlife legislation.

3 I -- I guess the other part of the
4 question is: What happens to the other management
5 plans? You know, how do they get divided up or -- or
6 handled? And have you given any -- any thought in your
7 conversations with Dominion Diamonds about the
8 transition that -- that will inevitably take place as
9 we move forward to the framework that's in the new
10 legislation?

11

12 (BRIEF PAUSE)

13

14 MS. LYNDA YONGE: Okay. So the earlier
15 plan -- so we haven't had this conversation, but the
16 earlier plans -- I think we need to not get hung up on
17 what they're called, provided that they perform the
18 same function that's required under what we now call a
19 WWHPP and a WEMP. And so -- or whatever it's called
20 under the Wildlife Act.

21 So the earlier plan still fulfilled
22 those requirements, regardless of what it was called
23 and how it was divided up. So we would consider that
24 earlier plan to be a live document until such time as
25 it's replaced with a new document that fulfills the

1 requirements.

2 The Act itself doesn't demand a WWHPP
3 and a WEMP. It demands a plan that says, These are the
4 proposed -- these -- these are what we think the
5 problems might be, this is how we're going to mitigate
6 them.

7 MR. JOHN DONIHUE: Just one question
8 arises from that, I guess, Mr. Klassen. It -- thank
9 you for your answers. The -- the question is actually
10 to Dominion Diamond then, and I guess what arises, you
11 know, for me is the sense that we're transitioning from
12 -- to -- to a new format and framework, and I -- I note
13 your reference on several occasions to August the 1st.

14 I'm just wondering whether, you know, is
15 -- whether it's possible that those plans might be
16 ready earlier than that. That's -- that's running
17 rather close to the time when the parties have to file
18 interventions, and close enough to the hearing that
19 it's not going to leave a lot of time for everybody to
20 get used to the new formats and, you know, ask any
21 questions they might have about those plans if -- if
22 there are questions.

23 MR. RICHARD BARGER: Richard Barger,
24 Dominion Diamond. I -- I much more enjoyed it when you
25 were asking questions of the GNWT, I must admit.

1 The -- I think we're -- it's a little
2 bit of a -- I hope all issues don't go this way. It's
3 a little bit of a schedule creep. We -- we were asked
4 yesterday, so we -- we were working on draft WWHPP and
5 WEMP to meet the requirements of the new Wildlife Act
6 for Ekati, which is -- which is in progress.

7 We were asked yesterday if we could
8 incorporate -- have that available, incorporating Jav,
9 for this process. And so we went back and looked at
10 that last night, and we were asked I think,
11 specifically by -- I think it was by Andrea, whether we
12 could do that in advance of the public hearings.

13 And our discussion last night is, you
14 know, we could -- we could do -- we could do this work
15 by August 1st. If we can do it faster, we'll provide
16 it faster. But right now, based on the -- you know,
17 the discussion that we've had, we -- we can commit to
18 August 1st but I'm not sure I could commit to any
19 faster than that.

20 Unless, of course, the -- the public
21 hearings were -- were -- I -- we figured out a way, I
22 guess, if the public hearings were -- were earlier.
23 That was just a -- that was just a joke. Sorry, I know
24 it's...

25

1 (BRIEF PAUSE)

2

3 THE FACILITATOR: It's Bill Klassen. I
4 think Sachi has another question.

5 MS. SACHI DE SOUZA: Sachi De Souza,
6 with the Board. To follow up on the -- the number of
7 plans that have been discussed over the past two (2)
8 days which include traffic and air and the WWHPP and
9 the WEMP, I understand that some of them are -- are
10 going to see -- be submitted by August 1st, and also that
11 others are potentially under review with the Land and
12 Water Board right now.

13 The plans that are referenced today and
14 the plans that are relevant to the decision-making
15 process for the environmental assessment -- or some of
16 them will be relevant and are relevant for the EA, and
17 we would appreciate Dominion putting those plans in
18 draft form onto the registry once they are submitted to
19 the Land and Water Board, and then, once the comment
20 period is over, submitting those comments in their
21 finalized form to the registry as well.

22 So submit the draft document, and then
23 once the review period is over on that draft document
24 on the Land and Water -- with the Land and Water Board,
25 submitting those comments as well, or allowing us to

1 move that over.

2

3 (BRIEF PAUSE)

4

5 MR. RICHARD BARGERY: It's Richard
6 Bargery, Dominion Diamond. So just to be clear, what
7 we committed to Mr. O'Reilly yesterday was to prepare a
8 table of sort of the critical management plans, to talk
9 about their current status, where they are in the
10 regulatory process -- because they are -- I mean, they
11 are living, breathing documents, and -- and in -- we
12 have -- you know, we have a -- a ongoing operation now,
13 what the update schedule was for the Ekati operations
14 for those particular management plans, and an updated
15 schedule for Jav. And that's -- that was the
16 commitment that -- that we made.

17 We don't foresee -- and -- and each of
18 those have their -- you know, their own review process
19 in which many parties that are parties to this process
20 comment on. We don't -- so I -- this is -- this isn't
21 for the purpose of commenting on those -- those sort of
22 plans for this -- this proc -- I don't -- I don't --
23 I'm not sure I follow completely the -- the question.

24 MS. SACHI DE SOUZA: Okay. Sachi De
25 Souza, with the Board. We're not suggesting that

1 there's an additional review period that happens
2 through the Review Board's process. It's just that if
3 it's -- plans have been referenced that are in draft
4 form right now, and those draft plans need to be on our
5 record, and right now they're -- they're not on our
6 record.

7 For example, I think there's a -- a Lynx
8 road crossing plan, something like that, on the Land
9 and Water Board site --

10 MR. RICHARD BARGERY: M-hm.

11 MS. SACHI DE SOUZA: -- or any draft
12 plan that's with a different regulatory agency, we need
13 those to be on our record. We don't need --

14 MR. RICHARD BARGERY: Okay.

15 MS. SACHI DE SOUZA: -- to be a
16 reviewer for those. We just need them on the record.

17

18 (BRIEF PAUSE)

19

20 MR. RICHARD BARGERY: Okay. Richard
21 Bargery, Dominion Diamond. Okay. I -- I mean, I think
22 we -- I think we can -- can do -- we've -- we've
23 referenced a lot of plans. A lot of them have their
24 own -- like I say, their own -- their own processes.
25 They're going to Land and Water Board reviews, parties

1 are commenting. There's a Lvnx road crossing review,
2 which may or not -- may or may not be finished, the
3 comment period. I don't -- I don't recall on -- on
4 that particular one.

5 So, yeah, I mean, we can -- if it's --
6 if it's -- it's for information purposes and we -- we
7 can try to make sure that we -- we do get the -- you
8 know, get the right -- the right references and put
9 them on -- on the registry for the parties, but I would
10 make the point again that, you know, in terms of the
11 regulatory process and the review of those plans, that,
12 you know, virtually all the parties here are parties to
13 that process as -- as well, and have opportunities to
14 comment, so.

15 THE FACILITATOR: Bill Klassen. I
16 think Mark Cliffe-Phillips has a question.

17 MR. MARK CLIFFE-PHILLIPS: Thanks,
18 Rich. Just to -- to clarify, in terms of any materials
19 that are referenced or any of these plans that will
20 inform the Review Board's decision at the end of the
21 day, because there is updates being provided in
22 reference to the -- the Jay projects itself, we need to
23 have that transferred onto our registry, because if the
24 Board is to consider that information, it has to be on
25 our record.

1 So we're not asking for parties to
2 comment through our process on those plans. If it's a
3 regulatory process it is dealing with that, but that
4 information would then inform the Board's decisions and
5 any outcomes from this process may fall from -- from
6 that information.

7 MR. RICHARD BARGERY: Richard Bargery,
8 from Dominion Diamond. Yeah, we'll -- we'll attempt to
9 make sure that we get -- get those plans there -- you
10 know, sent to you to -- to put on the registry. And if
11 -- hopefully if -- if we do omit some, because we have
12 talked about quite a few, that -- that Chuck or Sachi
13 or someone from the Board can -- can just -- just
14 remind us that we have -- have missed something.

15 THE FACILITATOR: Thank you. It's Bill
16 Klassen. Are there other comments or questions related
17 to the topic of mitigation? Kim Poole.

18 MR. KIM POOLE: Kim Poole, for IEMA.
19 Two (2) of the mitigation measures that are provided in
20 the DAR to reduce the barrier effect of car -- to
21 caribou movement are that wildlife have right-of-way
22 and we've heard that many times. And the use of,
23 quote:

24 "Modified traffic patterns and road
25 closures as necessary to protect

1 caribou and people."

2 And this responds to the IEMA IR-25 and
3 among many others. The question I have relates to the
4 monitoring. What has been proposed as far as I
5 understand is updates on the -- or more frequent
6 updates from the ENR collaring satellite collars, which
7 will give a larger scale view of how the caribou are
8 moving, coupled with what I think was termed road --
9 road monitoring by environmental technicians.

10 But what I'm curious about is that the
11 scale of those two (2) doesn't always -- it doesn't
12 seem to me -- the -- the road monitoring will get you a
13 handle on caribou when -- when they're with -- when
14 they're within a couple hundred metres, 3-, 400 metres
15 max of the road. The collars give you a broad idea of
16 when herds or portions of the herd may be there,
17 acknowledging that the collars don't always represent
18 the entire herd. There can be groups that have no
19 collars in -- in them.

20 So how is -- how is Dominion Diamond
21 going to be able to realistically at perhaps the 2 to 3
22 kilometre range be able to detect numbers of caribou?
23 And I -- I would hope that there would be triggers in
24 there somehow for the numbers and types and seasons and
25 -- and sex and age group, et cetera. How are they

1 going to be able to figure out when traffic management,
2 which will be detailed hopefully in the next few weeks,
3 will occur?

4

5

(BRIEF PAUSE)

6

7 MR. RICHARD BARGERY: Richard Bargery,
8 Dominion Diamond. So just a -- a couple of -- of
9 points here. First, you know, we have a -- you know,
10 we have an operation now that -- that we think from our
11 perspective at least is -- is operated well in terms of
12 -- of traffic interaction with -- with caribou. And --
13 and that -- you know, the -- so that's one (1) of the
14 bases for going forward with the -- with the Jav
15 mitigations and the additional mitigations.

16 I'd say that, you know, additional -- we
17 would -- we would be looking for other non-impactful
18 mitigations, viewing far away from the road as sort of
19 -- and how we do that is -- is not something we'd be
20 looking at. The third and I think the most important
21 point from our perspective from the discussion over the
22 course of the last -- the last day and a half, I guess,
23 so it -- it raised yesterday a little bit, is that we
24 are going to come back to talk a little bit more about
25 how we are going to solicit suggestions on monitoring

1 and mitigation with respect to the Wildlife Road
2 Mitigation Plan.

3 And we'll -- we'll talk about that. So
4 that -- that is sort of one (1) thing that we would
5 look for -- look for suggestions on how we can improve
6 or what will go in the draft plan and that -- that
7 would be one (1) of the things that goes out in ten
8 (10) days. Or it might be a little bit -- a little bit
9 -- yeah, we'll -- we'll come back with the answer, but
10 it -- it'll be by the end of -- the end of April, so.

11 I think that's an important point, from
12 -- from our perspective, so we'll talk about the
13 process then for -- for that plan. And that's -- I
14 think we made that -- that commitment by the end of the
15 week, but I -- there are a number of them, so I -- I
16 can't rightly recall the -- the timing on that.

17 THE FACILITATOR: Okay. It's Bill
18 Klassen. I'm just looking at my watch here. We're
19 approaching four o'clock. With your agreement, I'd
20 like to move on then to cumulative effects and
21 population modelling. Are there questions that
22 representatives of different parties here have on that
23 topic, so cumulative effects and population modelling?

24 Yes, Jan, please.

25 MR. JAN ADAMCZEWSKI: Jan Adamczewski,

1 with GNWT-ENR Wildlife. So I'm working from a document
2 called DAR MVEIRB-15 February 2015. And basically,
3 this is a summary of the -- the population modelling,
4 Table 15.6. And really I think this is kind of one (1)
5 of the -- the crucial bits of work because, ultimately,
6 that -- that's a key question, I think, for everybody
7 in the room, what -- what are the implications to the
8 Bathurst herd and its likely trend.

9 And I want to say, initially, I -- I
10 assume this is Jim Rettie that was doing most of the
11 work, but I appreciate the approach that was taken. I
12 think there was a reasonable attempt to -- to kind of
13 take a conservative approach and, in some cases, almost
14 a worst-case approach.

15 And I guess what I'm looking at in your
16 Table 15.6, the base case with 2014 development percent
17 change and final abundance in the caribou herd. So
18 basically, the rate of decline is projected as thirteen
19 point seven (13.7), so a decline of 13.7 percent. And
20 then the application, one (1) base case plus Jay, you
21 get a decline of 14.9 percent, so a small increase in
22 decline there.

23 And then the next one, reasonable future
24 developments application plus RFD developments, you've
25 got a projection of 27.5 percent decline. Now, I

1 recognize these are -- these are not predictions; these
2 are indications of relative change.

3 With the Bathurst herd in its current
4 situation, as best we understand, fairly -- very low
5 numbers and declining trend, even small changes, even
6 small increases in potential decline are fairly serious
7 ones.

8 And so I guess my question to Dominion
9 Diamond, given these model projections, you say that
10 the incremental effect of Jay in terms of your
11 population modelling is relatively small. And it's
12 reasonable giving the modelling that you've done, but
13 it's not zero. And with the cumulative effects
14 scenario, you're projecting a fairly substantial
15 increase in -- in decline.

16 So I guess my question is: Where -- at
17 what point would you say that this is actually a
18 significant effect? I -- I can accept from 13.7 to
19 14.9 percent is -- is not a big difference, but it's
20 not zero. And the reasonable future development
21 scenario, you're actually projecting a fairly
22 substantial increase in decline.

23 And so I guess my question is, I'm --
24 I'm just asking for a little bit of clarification: At
25 what point would you consider those changes to be

1 significant to the caribou herd, given its current
2 state of low numbers and declining trend?

3

4 (BRIEF PAUSE)

5

6 DR. JIM RETTIE: Jim Rettie, Golder
7 Associates. In terms of the significance of the
8 chained -- the significance of the effect, as you -- as
9 you correctly pointed out, these are -- these are not
10 predictions. These are an assessment of -- it's --
11 it's a way to demonstrate the relative magnitude of
12 effects that might be accounted for by different
13 factors.

14 The very small change in -- in the
15 trajectory of the -- of the herd with the application
16 of the Jay project, when we looked at it -- whether --
17 whether we looked at it with high levels of insect
18 harassment or low levels of insect harassment, or
19 whether we looked at it with population vital rates
20 that were consistent with an increasing trend in -- in
21 the Bathurst herd, regardless of whichever one of those
22 scenarios we looked at, it was the -- the base vital
23 rates that -- that drove the population in its --
24 population trajectory.

25 It was not the incremental effect of

1 development that -- that was -- that couldn't turn the
2 population around one (1) direction or another. So the
3 -- the basic underlying vital rates of the population,
4 the survival and fecundity rates, were peculiar to the
5 indivi -- to the population phase that the population
6 was in, and right now, it's in a decline.

7 And the effects of development on those
8 trends didn't change them. So in terms of the
9 significance of the effect, it would have to be where
10 those -- those effects actually drove the population
11 trend, and -- and they don't. They're -- it's the
12 underlying vital rates that do.

13 MR. JAN ADAMCZEWSKI: Thank you for --
14 sorry, Jan Adamczewski, with GNWT-ENR. Thank you for
15 that, Jim. And -- and I -- I think the approach that
16 you've taken is reasonable. I mean, there are plenty
17 of cases of caribou herds that have declined where
18 there were no mines. There's the case of the central
19 arctic herd in the 1970s in Alaska that was on a slow
20 increase while they built the Prudhoe Bay oil field on
21 its -- on its calving grounds.

22 So caribou herds have -- you know, they
23 can have increasing phases, declining phases. I guess
24 for us, the -- the big concern remains that right now,
25 this herd is on a declining phase, and even small

1 changes in trend, productivity, are not trivial
2 matters. And so -- yeah, I guess the question still
3 remains.

4 At what point does that incremental
5 effect that you're projecting from -- from Jay, at what
6 point does that actually become something that we have
7 to take a little more seriously?

8 DR. JIM RETTIE: Jim Rettie, Golder
9 Associates.

10

11 (BRIEF PAUSE)

12

13 DR. JIM RETTIE: Jim Rettie, Golder
14 Associates. I can't provide you with a quantitative
15 threshold that would correspond to a level at which the
16 -- the effect is significant. The -- it's not
17 established for this -- for -- for populations here.

18 And qualitatively, the -- the relative
19 effect, the relative magnitude of the changes that
20 we've observed as a consequence of development in our -
21 - in our -- in all of our modelling where we've -- you
22 know, those -- those declines that you see in those
23 population model outcomes were based on --
24 fundamentally based on energetic loss and loss of
25 productivity.

1 And I demonstrated this morning how we
2 went with a maximum estimate for absolutely every step
3 in terms of -- in terms of the energetic cost of -- of
4 encounters, energetic cost of deflection, the energetic
5 costs of deflection, the energetic costs encoun --
6 accoun -- accounted for, for insect harassment, and
7 then the -- the total body mass loss and what the
8 effect on productivity was. And we still see this very
9 small effect here.

10 One (1) other thing that I'd like to
11 point is, with the Bathurst herd, while overall it has
12 been in decline for the last close to thirty (30)
13 years, there are periods where that's not the case. I
14 mean, from 2009 to 2012, you had a -- a lambda rate
15 with a -- an annual rate of decline of about 1 1/2
16 percent.

17 You know, in the three (3) years prior
18 to that, your survey data show that your -- that your
19 lambda value was point six seven (.67) for -- annually.
20 So you -- you were losing approximately a third of the
21 population in each successive year for three (3) years,
22 and then you had three (3) where effectively you lost
23 nothing.

24 And now, based on the reconnaissance
25 survey from last year, it looks like there's another

1 decline. So this is far from consistent, and this is
2 with the same development footprint on the landscape.
3 So there's clearly some other things that can cause a
4 population that oscillates between a -- a 33 percent
5 annual decline to stability, and possibly to a more
6 extreme decline more recently.

7 The -- the small incremental effect that
8 -- that we could account for as a consequence of this
9 project is -- pales by comparison to the magnitude of
10 the -- of the changes that we've seen even recently in
11 this population.

12 THE FACILITATOR: Jan has a comment,
13 and then Anne has a question.

14 MR. JAN ADAMCZEWSKI: Yeah. Just one
15 (1) -- one (1) last point. Jan Adamczewski, with GNWT-
16 ENR, and thank you, Jim. I think, fundamentally, I --
17 I don't disagree. And, you know, we have argued that,
18 even if you had no mines on the Bathurst range, this
19 herd would have gone through a major decline because
20 that's what these herds do and that's what they have
21 done for some time.

22 But it was refreshing to see your
23 evaluation here which, you know, doesn't show a big
24 effect from Jav. But from a cumulative effects
25 perspective at the population scale, these are actually

1 not trivial numbers. And I think that -- that is
2 something that we're concerned about at that larger
3 scale.

4 Your projections, your modelling
5 projections, are kind of saving, If we have all these
6 future mines and proposals added, those incremental
7 effects at the population scale start to mount. So
8 that -- that is of some concern to us. And I'll stop
9 there.

10 THE FACILITATOR: Anne Gunn...?

11 DR. ANNE GUNN: Anne Gunn, for the
12 Board. Before I start my question, I'd like to make a
13 correction about the central Arctic herd. Jan is
14 correct that the central Arctic herd has one of the
15 largest oil fields in North America built on its
16 calving ground.

17 The initial response of the herd was to
18 continue its increase because the management goal was
19 the tradeoff between the cost of development and
20 harvesting. So the harvest was kept at 1 to 2 percent
21 of the adult cows. So if there were any costs of
22 development, they were obscured by that management.

23 The herd is -- is -- it's -- it's on a
24 coastal plain. It has quite different dynamics from
25 like the Bathurst herd on the Canadian Shield. It's

1 probably much more resilient.

2 The herd is now declining, although the
3 harvest rate is still low. The decline looks like it's
4 being driven mostly by variations in productivity. And
5 the underlying mechanism for changes in productivity
6 includes the loss of calving and post-calving ranges
7 because they're a developed oil field. So the oil
8 field is starting to show an effect at the population
9 level.

10 Now, it's complicated because there are
11 environmental changes, there are changes in management.
12 But the point is that there was a tradeoff made at the
13 very beginning between the level of harvesting and the
14 effect of the oil field, and it was a deliberate
15 management decision. So that's the correction I wanted
16 to make.

17 Now, the cumulative effects. Actually,
18 I hardly know where to start, because I -- I have
19 technical disagreements with how the energetics model
20 was done. I think there were errors, which in response
21 to a Information Request, haven't been corrected yet.
22 I think the -- the use -- the -- the model is over --
23 overly conservative to the point of being probably
24 incorrect. Using the boreal caribou example as a
25 source of disturbance when Dominion had its own

1 disturbance data that would have been more realistic.
2 I think that's what they did. Using the example from
3 Alberta was too conservative.

4 The model itself to cast the energy is -
5 - only looks at the energetic costs. It doesn't look
6 at any changes to the intake of the animal. So it's
7 kind of like half a model. But I don't think there's
8 much to be gained at this late in the day going through
9 all those details. The population model, as I
10 understand it, did not use the energetics pregnancy
11 rate.

12 Is that right?

13 DR. JIM RETTIE: By, "Not use the
14 energetics pregnancy rate," are you talking about not
15 having used the loss of productivity that we accounted
16 for?

17 DR. ANNE GUNN: Yeah.

18 DR. JIM RETTIE: No, no, that's not
19 right. We did use that.

20 DR. ANNE GUNN: You did use that. And
21 that was --

22 DR. JIM RETTIE: Sorry, Jim Rettie.

23 DR. ANNE GUNN: Oh, yeah. Well, I'm
24 Anne Gunn, for the Board. So the -- the cumulative
25 effect was about -- could be as high as 3 percent

1 change in productivity?

2

3

(BRIEF PAUSE)

4

5

DR. JIM RETTIE: I apologize, Anne.

6

It -- it depends on the model that we have here. But -

7

- well, there's -- there's several different --

8

DR. ANNE GUNN: Okay.

9

DR. JIM RETTIE: -- scenarios.

10

DR. ANNE GUNN: But it --

11

DR. JIM RETTIE: Jim Rettie again.

12

DR. ANNE GUNN: -- but it -- its

13

plausible value. This is the problem we're having --

14

DR. JIM RETTIE: Yeah.

15

DR. ANNE GUNN: -- trying to have a

16

conversation. I mean, a 3 per -- a 3 percent change in

17

productivity when you have extremely low adult survival

18

could actually play a large role in determining the

19

trend of the population. The problem, I think, for

20

Dominion, and therefore the problem for all of us,

21

because it's a risk we're collectively taking, is that

22

we don't know the underlying demographic mechanism. We

23

don't know why the population appears to be collapsing.

24

That is just the worst position to be in, when you have

25

indications of a change and you don't know why it's

1 happening.

2 But what you do know that any additive
3 pressure, even to the extent of very low pregnancy
4 rates, could make a difference. It's not the relative
5 scale. It's not industry compared to the costs of
6 insect harassment. It's one (1) thing adding on to
7 another that is driving those changes. There's -- both
8 ENR and Dominion have made a lot of reference to this
9 being a natural cycle. There's always been cycles, and
10 therefore the -- the implication is that there will be
11 a recovery.

12 I think my question to Dominion and to -
13 - to ENR and to the other parties would be: Where is
14 the evidence? What is the confidence that this is not
15 an unusual -- that this is an unusual low in the cycle,
16 and what are the implications of that for recovery?

17

18 (BRIEF PAUSE)

19

20 DR. JIM RETTIE: Jim Rettie, Golder
21 Associates. There's a -- a couple of -- a couple of
22 things that I just wanted to make a -- a point of
23 first. First, you -- you -- earlier, you issued a
24 challenge about the calculations that we put into our
25 energetic model. Back in January, the Board hosted a

1 workshop on the energetic model. I -- you were on by
2 phone, and Don Russell (phonetic) was there in person.
3 And -- and we went through the modelling, and my
4 understanding was that it's been -- it was determined
5 to be adequate for the -- for the purposes of this
6 assessment, so that energetic modelling I'm hoping is -
7 - is behind us.

8 And in terms of -- sorry, there was a
9 question you had, and I... Oh, right, yes, you -- you
10 were inquiring about the -- the -- your concern over
11 the population and whether or not it was -- it was
12 going to turn the corner and recover.

13 The -- our assessment was to look at the
14 effect of the Jay project on the Bathurst caribou pro -
15 - population, and we -- we've done that. There is --
16 there is no strong mechanism that accounts for a
17 population decline brought about by these projects.

18 The energetics modelling that we used,
19 as I mentioned earlier in response to Jan's question,
20 we demonstrated how conservative we were in terms of
21 our estimates of energetic costs to animals, so
22 overestimating them.

23 A couple of other points that are
24 important to recognize in relation to the population
25 models that we built was that the -- the basic vital

1 rate matrix that we used which we adopted from the --
2 the most recent ordinary least squares regression model
3 that came from John Boulanger's work after the 2012
4 calving-ground photo census.

5 That was a from a population -- well,
6 this population, the one (1) population. That was from
7 a population of animals that -- that was empirical data
8 from a population of animals that had already been
9 subjected to insect harassment, that had already been
10 subjected to the effects of development and all of the
11 energetic costs that might be associated with it.

12 So all of those things were -- all of
13 those things were already included in the data that
14 generated that basic vital rate matrix that we built
15 our population models on. So when we then went in and
16 we added the additional effect -- we added the effects
17 again of the energetic costs associated with -- with --
18 that had come out of our very conservative assessment
19 of -- of energetic expenditure associated with this --
20 with this -- with the Jay project.

21 And so, consequently, we -- we
22 overestimated the energetic costs. We overestimated
23 the relationship between those -- those energetic
24 losses and body mass losses and the costs on
25 productivity. And then we added effects onto a

1 population where the data that we were using basically
2 already included those effects. So we've been
3 incredibly conservative in our assessment here.

4 And there is -- as I mentioned earlier,
5 there's no strong mechanism that this -- that -- by
6 which this development is causing population decline in
7 the Bathurst herd.

8 DR. ANNE GUNN: Anne Gunn, for the
9 Board. My point is I wasn't saying that Dominion or
10 any of the other mines are responsible for the current
11 decline. What I was arguing, that any small change,
12 given the extent of the herd's vulnerability, any small
13 change can be additive to whatever is happening.

14 And I think you documented you -- I
15 mean, your model, yeah, is conservative, it's
16 ultraconservative, but it does suggest there will be a
17 change cumulative effects-wise to productivity. I
18 think that is an added risk to a herd that is already
19 so vulnerable. And I think the answer lies partly with
20 the Government of the Northwest Territories. But I
21 think the answer also lies with enhanced mitigation to
22 ensure that that low effect on productivity isn't
23 realized, that projected effect.

24 So that was the point I was trying to
25 make. The reason I probably stepped beyond the Board

1 procedures and threw it out to the other parties is I
2 think it's important to know is your evidence,
3 Dominion's evidence, for whether this is an unusual,
4 unprecedented low in the population cycle. The same
5 question to GN and to the other parties because I
6 think, given the extent of the risk, then the language
7 starts to take you towards the precautionary principle
8 if there's huge uncertainty as to what's happening.

9 THE FACILITATOR: Jan...?

10 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
11 with GNWT-ENR. Just a little bit of clarification for
12 -- for Anne Gunn. In terms of, I guess, our
13 understanding of caribou cycles and where the Bathurst
14 herd is, the fact that these migratory herds go through
15 large changes in abundance is nothing new. Aboriginal
16 people have known that for many generations. It's been
17 documented in various places in Northern Canada and
18 Alaska.

19 I would certainly not suggest that the
20 existence of those long-term cycles implies that the
21 Bathurst is necessarily going to recover. Our level of
22 concern is very high as to where the herd is going to
23 go.

24 And just to give some examples, some
25 people might be familiar with the 40-mile herd in -- in

1 Alaska, which was once estimated at three hundred (300)
2 or more thousand, dropped to very low numbers, and then
3 sat there for -- very low numbers for something on the
4 order of fifty (50) years.

5 So it is possible for one (1) of these
6 herds to drop very low and stay very low. And we have
7 at this point no reason to think that the Bathurst herd
8 is recovering. All the indicators are -- are negative.
9 And as much as Anne might disagree, we're basically --
10 we're basically on the same page that any small
11 incremental negative effects are something that we take
12 very seriously.

13 And right at this point, nothing in the
14 demographics of the herd would indicate that it's
15 recovering. It's probably not even stable. Thank you.

16 THE FACILITATOR: Thank -- thank you.
17 It's Bill Klassen. I appreciate the -- the discussion
18 on this topic. I think that it probably has provided
19 the staff of the Board with information that the Board
20 can then take into account when it carries out its
21 assessment.

22 I am aware that Kim Poole, who was not
23 here yesterday and apparently will not be here
24 tomorrow, does have some perspective on a topic that
25 came up yesterday, which I believe Anne Gunn raised,

1 which had to do with the relationship between the
2 declining caribou herd and the assessment related to
3 grizzly bears.

4 And Kevin O'Reilly mentioned at the end
5 of the day that Kim might have some perspective on
6 that. So I -- I realize I'm not giving much notice
7 here, Kim, but are you able to comment?

8 MR. KIM POOLE: Kim -- Kim Poole, for
9 IEMA. I am. I -- I feel like it's a little out of
10 context with the current discussion though. I almost
11 wouldn't mind the current train of discussion to
12 continue rather than get side-railed into grizzly bears
13 at the moment.

14 THE FACILITATOR: I recognize that it's
15 out of context. I'm also mindful, unless -- I mean,
16 the Board has engaged me to be here from 9:00 to 5:00.
17 I'm quite happy to continue past 5:00, but I don't know
18 that everybody else will be. So I'm mindful of the
19 clock and wanting to at least touch on all of the
20 topics to some extent today.

21 If there is continued -- or usefulness
22 in continuation of this discussion on cumulative
23 effects and population model, then as the -- the Chair,
24 I'm quite happy to have that. I just didn't want to
25 lose the opportunity of your perspective on the

1 potential effects of a declining population -- caribou
2 population on the grizzly bear population.

3 So I take your advice. Is there further
4 discussion on this topic of cumulative effects and
5 population modelling? Peter Unger...?

6 MR. PETER UNGER: I'll -- I'll try to
7 keep it quick. Peter Unger, LKDFN. It kind of relates
8 to an earlier question. So just to break it down
9 simply, the population model has a number of different
10 variables for different potential impacts, insect
11 harassment, habitat loss, community harvest. And you
12 inputted various values into this which were relatively
13 conservative and then came out with the conclusion that
14 the population will be self-sustaining and ecologically
15 effective.

16 Is that correct?

17 DR. JIM RETTIE: Jim Rettie, Golder
18 Associates. The conclusion that we came out to was
19 that the project will not have an effect on the ability
20 of the population to be self-sustaining and
21 ecologically effective.

22 MR. PETER UNGER: Thank you very much.
23 So back to the earlier question then. In terms of
24 harvest, when you're entering the value for harvests,
25 you entered an approximation of fifty (50) animals per

1 year. That's -- that's correct?

2 DR. JIM RETTIE: Jim Rettie, Golder
3 Associates. Yes. For many of the assessments we did,
4 there were some where we modelled potentially
5 increasing population, and we modelled at a higher
6 harvest rate, at about 4 percent of the adult female
7 population, to -- to account for the fact that, if the
8 population vital rates reached a point where they were
9 supporting -- promoting an increase in the population,
10 that there would be harvest available. There would be
11 animals available to harvest without compromising the
12 ability of the population to recover.

13 MR. PETER UNGER: Peter Unger, LKDFN.
14 My question is: Is there a number of animals harvested
15 that would interact with impacts from the project that
16 would lead to the population no longer being self-
17 sustaining and ecologically effective? Let's assume
18 harvests were much higher than that.

19 DR. JIM RETTIE: Jim Rettie, Golder
20 Associates. Yes, it's conceivable that there could be
21 a harvest that would -- regardless of the -- of the
22 development, that there could be a harvest that renders
23 the population unsustainable and puts its self-
24 sustaining ability at risk.

25 MR. PETER UNGER: Thank you. I guess

1 it's a two (2) part question. One, do you have a
2 ballpark figure? Which maybe is a little bit unfair on
3 the spot, I understand. And then the second one:
4 Would you estimate that that number would be higher or
5 lower or the same, were the pro -- if the project were
6 to go ahead or -- or not go ahead?

7 DR. JIM RETTIE: Sorry, I -- I can
8 answer your first question. And the second one I
9 missed part of. Jim Rettie, Golder Associates. Do I
10 have a ballpark figure? No. So that's -- that's the
11 answer to the first one. And if you could repeat the
12 second one, I'd be happy to answer it.

13 MR. PETER UNGER: Yeah. Would you --
14 would you assume that that number, that harvest number,
15 would be the same number if there was no Jav pit?
16 Would -- would this number be the same if there was a
17 Jav pit as if there was not a Jav pit, or would it be a
18 higher number if there was no Jav project or -- is --
19 is my question.

20 DR. JIM RETTIE: Jim Rettie, Golder
21 Associates. I would say that, given the magnitude of
22 the -- that we modelled for the Jav pit, it would be
23 virtually the same.

24 MR. PETER UNGER: Perfect. That's all.
25 Thank you very much.

1 THE FACILITATOR: Thank you, Peter. I
2 think Chuck Hubert has a question.

3

4 (BRIEF PAUSE)

5

6 MR. CHUCK HUBERT: Chuck Hubert,
7 with the Review Board. The -- the Board had several
8 IRs on reasonably foreseeable developments. And I
9 think they're 79 to 81, or maybe it was 78 to 80. And
10 the responses were provided by -- by Dominion.

11 The -- the questions asked Dominion to
12 consider scenarios where, for the purpose of cumulative
13 effects, the Jav underground might be included as a
14 reasonably foreseeable development, as -- as well as
15 two (2) other scenarios. One (1) was just a --
16 generally an additional pipe in the vicinity of Ekati,
17 and -- and a third for Kennady Diamonds down by Kennady
18 Lake.

19 Now, the rationale was provided for --
20 for why those -- those reasonably foresee -- or those
21 projects were not considered to be reasonably
22 foreseeable developments. So -- but I'd like to focus
23 on the -- the possibility of Jav underground as
24 reasonably foreseeable.

25 And the reason for this is that,

1 originally, the -- the application and project
2 description to the Land and Water Board of course did
3 include both Jav underground and Cardinal. So there --
4 so there is an argument to be made that the Jav
5 underground could be included in your tier 3 for
6 reasonably foreseeable developments.

7 So I guess, once again -- or further to
8 -- to your response to IR-79, I'd like Dominion to
9 consider, from a scenario analysis perspective for
10 cumulative effects on caribou, the Jav underground as a
11 reasonably foreseeable development.

12

13 (BRIEF PAUSE)

14

15 MR. RICHARD BARGERY: Sorry, you -- you
16 had referenced three (3). So you -- you're just asking
17 for Jav underground, not -- not for Cardinal and -- and
18 Kennady Lake were the other two (2) -- the other two
19 (2) are these, I think?

20 MR. CHUCK HUBERT: Chuck Hubert, with
21 the Board. Yes, that's correct. Just -- just the
22 underground as a reasonably foreseeable development on
23 its own.

24 MR. RICHARD BARGERY: So -- so from our
25 perspective, you know, the DAR and the supplemental

1 work that we did on Sable and A21 contains a -- a
2 comprehensive analysis of all reasonable foreseeable
3 developments. The Jay project itself is, you know, a
4 ten (10) year project. Open pit mining of the pipe.
5 Underground is not part of that project or of -- of the
6 application.

7 And I think it's important to -- to
8 point out that significant exploration will be required
9 to adequately assess the feasibility of underground
10 mining. Additional information to support engineering
11 design and environmental assessment will be required.
12 None of that information exists at this time. In our
13 view, you know, without any of -- any of those -- any
14 of that information, any assessment of the Jay
15 underground as an RFD would require so many assumptions
16 that the quality and the utility of such work would not
17 be meaningful.

18 That -- that's our view. I think the
19 other point that I'd -- that I'd make here is that Jay,
20 and potentially Sable, which -- which is, you know,
21 still -- still very much in doubt, given that we've
22 only done drilling this -- this winter, and have no
23 results. What Jay and potentially Sable, if it -- if
24 it did prove economic, there would be sufficient mill
25 feed through -- through 2034.

1 So the Jav underground would be twenty
2 (20) years out, and -- and we don't -- and when we
3 simply don't have any of the engineering or economic
4 information, we have, you know, no result. We don't
5 know if there is a -- a mineral resource there at all
6 at any point. So we're not -- we're not sure what we
7 would accept -- what we would -- what we would assess or
8 what we would include, you know, as a reasonably
9 foreseeable development.

10 MR. CHUCK HUBERT: Chuck Hubert, with
11 the Review Board. Thanks for that. However, about a
12 year ago, Dominion, in fact, included the Jav
13 underground in its project description, and a terms of
14 reference was written for the -- the submission of a
15 DAR by Dominion with that understanding. So there must
16 be some level of information about -- about the -- the
17 Jav underground. And -- and for that reason, I think
18 it -- it validates to -- to some extent the request for
19 a type of scenario analysis with whatever assumptions
20 might be required for the Jav underground.

21 The -- the Board believes that this
22 would be useful, and I guess my -- my request here is -
23 - is will Dominion commit to doing one?

24 MR. RICHARD BARGERY: Richard Bargery,
25 Dominion Diamond. Just for clarity, are you just

1 asking us to do the RFD for -- for caribou? Is that
2 the extent of the RFD that we're talking about? Is
3 that -- that's manageable, because that won't require
4 the engineering. That may be manageable because it --
5 it doesn't require the engin -- any engineering work
6 which we don't have.

7 MR. CHUCK HUBERT: Chuck Hubert, with
8 the Board. That's correct. It would -- the RFD would
9 be for the impacts to cumulative effects to caribou
10 from -- from the Jay under -- underground.

11

12 (BRIEF PAUSE)

13

14 MR. RICHARD BARGERY: Richard Bargery,
15 Dominion Diamond. Just give me -- just give me one (1)
16 second, please.

17

18 (BRIEF PAUSE)

19

20 MR. RICHARD BARGERY: So Richard
21 Bargery, Dominion Diamond. We'll -- we -- we think for
22 caribou, you know, which doesn't require work which we
23 don't have done, it -- it may be possible. But I'd
24 like the opportunity to talk with the full team tonight
25 just to understand, you know, what would be required

1 and -- and what the time frame would be for us to -- to
2 respond.

3 We think on -- particularly on -- on,
4 you know, cumulative effects on caribou, perhaps just
5 in our quick discussion, we may be able to respond
6 relatively quickly, but -- but I'd -- I'd just like to
7 -- to just talk that through what that means. But we'd
8 have a -- we'd have an answer on that question the
9 first thing in the morning, if that's acceptable.

10 THE FACILITATOR: It's 4:30, and we
11 still have assessment end points and thresholds for
12 significance to consider. Are there more questions? I
13 -- I take it there's at least one (1), Kevin O'Reilly,
14 related to cumulative effects and population modelling?

15 MR. KEVIN O'REILLY: Thanks, Mr. Chair.
16 Kevin O'Reilly, for the agency. It's actually a -- a
17 comment on the last exchange there about the scope of
18 the work that Dominion might be asked to do with regard
19 to including Jav underground and a -- and a cumulative
20 effects assessment.

21 I understand that the Company would like
22 to limit the scope of that work to the issue of caribou
23 only, or impacts to caribou only, but I know we're
24 supposed to be talking about wildlife today. But
25 what's far more important is what would happen with

1 water management, and including the underground,
2 because the deeper you go, the saltier the water gets.

3 So it's -- I guess the agency did not
4 ask this IR, because the Review Board had already asked
5 it, but I would hope that the consideration of the
6 scope of this request of the -- Dominion is not just
7 for caribou, but would also include water management.
8 Thanks.

9 THE FACILITATOR: Thank you. I -- I
10 think maybe your request -- it's Bill Klassen --
11 Richard, was left hanging. You asked whether it was
12 just caribou. I think Chuck responded to that. But
13 now we have this additional request that -- I haven't
14 read all the IRs, so I -- I'm assuming it's related to
15 an -- an Information Request that the -- the Board put
16 to the developer.

17 And your concern is that the response
18 focus not just on caribou. If -- if the Jay
19 underground is considered, it should be broader than
20 that. Could I get your reaction to that, please,
21 Richard?

22 MR. RICHARD BARGERY: Richard Bargery,
23 Dominion Diamond. That -- that's much more problematic
24 for -- for us to do. As I said earlier, you know, we
25 don't have any drill results that indicate any mineral

1 resource at this point for Jav underground. We have no
2 -- you know, little to no engineering work.

3 So, you know, the assumptions that would
4 had to be made to do that RFD, in our view, would
5 render it virtually meaningless. So we're not sure the
6 utility of -- of actually doing that work is -- you
7 know, as -- you know, as opposed to the very general
8 statement which Kevin made at the -- the start, the
9 deeper you go, the -- the saltier the water gets, even
10 that -- you know, that statement, you know, I -- I can
11 come back in the morning on the -- on the issue of
12 whether we can do the -- the -- you know, the RFD -- RD
13 -- RFD case for -- for caribou with respect to the Jav
14 underground.

15 But the answer on -- the answer on Jav
16 underground with respect to water, I think, is -- is
17 what I just said, is that the amount of assumptions
18 that we would have to make given the lack of
19 information here, and the fact that -- the other fact,
20 that this is a -- a project that would be virtually
21 twenty (20) years out, given where we are with respect
22 to -- to mill feed, we would -- we would ask, I guess,
23 the question of -- of what the utility of that work
24 would be.

25 THE FACILITATOR: I think -- it's Bill

1 Klassen. I think where we stand, then, is we'll await
2 your response in the morning. And we'll let people
3 sleep on the other aspects of it, and see where the
4 discussion ends up tomorrow morning on that topic,
5 then.

6 So I'm just checking my watch here,
7 again. Are there, then, further comments on cumulative
8 effects and population or modelling, or can we now move
9 to assessment endpoints and thresholds for
10 significance?

11

12 (BRIEF PAUSE)

13

14 THE FACILITATOR: Okay. Seeing no
15 further indication of -- of questions on that
16 cumulative effects population modelling area, and
17 before we move on then to assessment endpoints, is this
18 an appropriate time, Kim Poole, to talk about grizzly
19 bears?

20 MR. KIM POOLE: Kim Poole, with -- for
21 IEMA. Sure. I'll make it short and sweet. My main
22 point is that in the 2014 final Lac du Gras regional
23 grizzly bear DNA report, the densities were provided at
24 the super population, or the detection -- detection
25 frequency level.

1 So this does not account for the edge
2 effect, or closure, within the study area. In other
3 words, it's a density that is derived from any animal
4 that has a part of the home range that would have hit
5 any of the -- of the tripods within the study area.

6 The problem with this is -- well, for
7 twofold. One (1) is if you're monitoring populations
8 over time and you want to track density over time, and
9 if there are impacts of declining caribou on the
10 grizzly bears, then you -- then you want an apples-to-
11 apples comparison of density so that the next time you
12 guys check density in maybe 2017, I think Harry has
13 mentioned, then you can make it comparable.

14 If, let's say, because of declining
15 caribou numbers, and grizzly bears in that area do eat
16 a lot of caribou, then their home range patterns
17 change, their seasonal movements are higher, and their
18 seasonal ranges are higher, then you could conceivably
19 get the same number of bears hitting portions of the
20 study area and getting their hair caught and
21 identified, but they're actually -- those -- those same
22 number of bears are actually representing a far larger
23 area.

24 So I would encourage the Company to do
25 the analysis, and again Boulanger has done a lot of

1 these, I'm sure John Virgil has, as well, that accounts
2 for closure and edge effect so that you come up with a
3 population density estimate that is, A) comparable over
4 time, and B) comparable to other density estimates that
5 are out there so you can put everything into a larger
6 context. That was the main point I wanted to make.

7 THE FACILITATOR: It's Bill Klassen.
8 Thank you, Kim. Are there comments or questions
9 related to assessment endpoints and thresholds for
10 significance at this time? Chuck Hubert...?

11 MR. CHUCK HUBERT: Thanks. Chuck
12 Hubert, with the Review Board. The -- the Review Board
13 issued a Information Request 77, I believe it was, to
14 the parties asking them to provide their views on
15 Dominion's choice of assessment endpoints for -- for
16 caribou in this -- in this context.

17 Helpfully IEMA responded, as did GNWT.
18 And in particular I'll -- I'll comment on IEMA's
19 response in which they suggest an assessment endpoint
20 for caribou that could -- could enhance the ecological
21 assessment endpoint that Dominion had proposed, which
22 was self-sustaining and ecologically effective.

23 IEMA had suggested an additional
24 endpoint, which would be safe -- safety of caribou for
25 human consumption, as well as continued ability of our

1 Aboriginal harvesters and communities to -- to
2 sustainably harvest caribou.

3 Now, I -- I would be interested in other
4 parties in the room, such as are left, to -- to comment
5 on how they view those assessment endpoints proposed by
6 IEMA. More -- more the -- more the human use of
7 caribou endpoints. I -- I'd be interested in anybody
8 who might want to weigh in on that, be it -- okay.

9 MR. MARC D'ENTREMONT: Marc
10 d'Entremont, on behalf of the DKFN. So I guess in --
11 in this regard one (1) thing to consider would be what
12 the impact or infringement on community members' right
13 to practice traditional rights, and specifically to --
14 to hunt caribou, as Arthur kind of mentioned
15 previously. It's a pretty common practice, though. I
16 guess, just to rephrase it, as an assessment endpoint,
17 it's a measurement of that ability to practice treaty
18 rights.

19 THE FACILITATOR: It's Bill Klassen.
20 Thank you. In response to Chuck Hubert's request for
21 assistance on this topic of endpoints insofar as human
22 harvest, Aboriginal First Nation hunter harvest is
23 concerned, are there others who have responses that
24 would assist the Board?

25

1 (BRIEF PAUSE)

2

3 MR. SHIN SHIGA: Shin Shiga, with NSMA.

4 I would agree with IEMA, that human consumption is an
5 important end goal for an NSMA.

6 THE FACILITATOR: Thank you. I -- I
7 see that representatives of the Government of the
8 Northwest Territories are conferring here. I'll wait
9 until you finish, and then I'll ask you whether you
10 have some observations.

11

12 (BRIEF PAUSE)

13

14 MR. ANDREA PATENAUDE: Andrea
15 Patenaude, GNWT. So the -- those proposed endpoints
16 that IEMA suggested, I mean, they do seem to capture
17 the societal values, and apparently in a way that is
18 acceptable to other parties that have an interest in
19 exercising those rights, we're just not sure how that
20 would still be measured.

21 And considering the fact that we're in a
22 situation where, for those -- most part, that's not
23 being exercised, like, that doesn't -- regardless of
24 what the effect of the project is, that is somewhat
25 independent, because it's a function of those laws that

1 are in place.

2 MS. LYNDA YONGE: And actually, iust to
3 add to that, not so much a function of the laws that
4 are in place, but the herd is currently at a state
5 where it's very difficult for Aboriginal people to
6 exercise that right to harvest.

7 So as an endpoint, I -- I don't think
8 you can -- you can put it on a -- a proposed
9 development to get us to that place when we're not
10 there now for -- because of other reasons. So that's
11 our -- that's where we struggle with that.

12 We'd certainly, though, do agree that
13 the ability for not iust Aboriginal people, but others,
14 to harvest from the herd is a desirable endpoint for
15 the herd.

16 THE FACILITATOR: Thank you. Peter, I
17 see you've iust seated yourself at a microphone. Do
18 you have a comment on this?

19 MR. PETER UNGER: That's all. I iust
20 wanted to add LKDFN's support to that, that sustainable
21 use of the caribou in the traditional manner is -- is
22 essential for the community, and we agree completely
23 that that should be a key endpoint.

24 THE FACILITATOR: Thank you. It's Bill
25 Klassen. Chuck has another question.

1 MR. CHUCK HUBERT: Chuck Hubert, with -
2 - with the Board. I guess this is to Dominion, so as
3 follows. If the assessment endpoint is self-sustaining
4 and ecologically effective populations, aren't the
5 Bathurst caribou already at or currently below this
6 threshold? And as -- as a follow-up, how would this
7 affect the assessment of significance?

8 DR. JIM RETTIE: Jim Rettie, Golder
9 Associates. Our assessment for -- is on the effects of
10 this project on the ability of the population to be
11 self-sustaining and ecologically effective. And the
12 state of the population right now, and the -- and the
13 models that we've run, we don't see that there's a
14 significant effect of the project on the ability of the
15 Bathurst herd to sustain itself or to be -- to fulfill
16 its ecological role.

17 THE FACILITATOR: Kim Poole...?

18 MR. KIM POOLE: Kim Poole, for IEMA.
19 Just to follow on this vein, the agency believes that
20 because the caribou herd has declined to such a low
21 level, and because the herd is no longer large enough
22 to support Aboriginal use for country food, the
23 existing effect is significant and adverse.

24 And although we agree that the Jay
25 project would contribute a small and difficult

1 to measure adverse effect to what is already a
2 significant adverse effect, we would conclude that this
3 is a significant adverse cumulative effect on the -- on
4 the herd.

5 THE FACILITATOR: Thank you, Kim. I --
6 it's Bill Klassen. I think that's an observation, or a
7 conclusion that IEMA is drawing for the benefit of the
8 Board in its assessment of the project, so I'm not
9 going to ask Dominion to respond to that.

10 Yesterday afternoon at the end of the
11 session we read out a list of the commitments or
12 homework assignments that Dominion had agreed to during
13 the day, and I think we're in the process of putting
14 those on the screen behind me here. Is there any --
15 before that list goes up, is there anything else that
16 anyone would like to say on assessment?

17 The KIA representative. Could you come
18 to a microphone, please? Sure. Or use that one.

19 MS. TANNIS BOLT: Tannis Bolt, with
20 Kitikmeot Inuit Association. I just have one (1), I
21 guess, question of clarification for DDC. In the
22 report cited as ERM-RESCAN-214(a) there is a statement
23 that says:

24 "Deflections did not appear to be
25 affected by changing traffic levels

1 on the Miserv Road over the duration
2 of the study."

3 And then in their response to KIA IR-24
4 they respond by saying:

5 "Considering the results of these two
6 (2) intensive studies on the Miserv
7 road, Dominion Diamond feels that the
8 data have been correctly interpreted,
9 and the conclusions presented in the
10 DAR are a good estimate of the
11 effects of traffic and the Miserv
12 road on caribou behaviour."

13 However, in IR -- in their response to IR-
14 7 they state that:

15 "An attempt to correlate caribou
16 responses in photos triggered by
17 caribou within 30 metres of the
18 camera to traffic observed in
19 surrounding cameras would require a
20 large increase in the level of
21 effort. As the time photographs are
22 collected every ten (10) minutes,
23 likely far too large a time scale to
24 compare the vehicles causing caribou
25 reaction."

1 So what the clarification that we're
2 looking for is -- or the contradiction in the two (2) -
3 - two (2) statements that I read first to their
4 response and our -- their response to our IR-7. In one
5 (1) they say deflections do not appear to -- or in the
6 report they say deflections do not appear to affect
7 change due to changing traffic levels, and then in
8 another response they say likely the time scale is far
9 too large to capture vehicles causing those reactions
10 by caribou.

11

12 (BRIEF PAUSE)

13

14 MR. RICHARD BARGERY: Richard Bargery,
15 Dominion Diamond. Just -- sorry, we're trying to -- to
16 just get the two (2) references and get the context for
17 those references.

18

19 (BRIEF PAUSE)

20

21 MR. RICHARD BARGERY: Richard Bargery,
22 for Dominion Diamond. Given -- given the time it's
23 going to take to try to find and -- and just go through
24 and get the context, Tannis, we'll come back in the
25 morning and -- and explain -- explain the different --

1 the -- the two (2) IRs and the two (2) responses, if
2 that's -- that's acceptable. It's just going to take a
3 bit -- a bit of time and I recognize the clock is close
4 to 5:00.

5 THE FACILITATOR: Okay. Thank you.
6 It's Bill Klassen. I didn't catch the details on that.
7 So I wonder if -- and we -- we're -- we're putting the
8 commitments on the -- the screen now, so I wonder if,
9 Ms. Bolt, you can provide the -- the details to the
10 staff here and then Dominion Diamonds will respond
11 tomorrow. They -- they caught the details obviously,
12 so we'll look for that response for them -- from them
13 tomorrow, if that's acceptable to you. Thank you.

14 MR. CHUCK HUBERT: Could you please
15 clarify the wording of that just so we can write it
16 down in a reasonable kind of way?

17 MR. RICHARD BARGERY: We know the
18 statements in the -- in the two (2) IRs that -- IR-24
19 and IR-27. So we'll -- we're locating them. We'll get
20 the exact wording and -- and provide that to the Board
21 staff so they can record it and -- and make sure that
22 Tannis is -- is comfortable that that's correct -- the
23 correct question that she's asking.

24 MS. SACHI DE SOUZA: Sorry. And -- and
25 you're just asking for clarification on the responses

1 to IR-27 and 24 from KIA? Is that the...

2 MS. TANNIS BOLT: IR-7, not 27. Yeah.

3 I -- sorry. I guess I'm more -- not necessarily a
4 clarification to the response, but a clarification or
5 justification on why there's two (2) statements that
6 contradict each other.

7 MR. RICHARD BARGERY: Richard Bargery,
8 Dominion Diamond. Yes, that's -- that's our
9 understanding, but we just -- we want to understand the
10 context for -- for the actual statement, so. And if
11 there is a -- if there is a contradiction so we'll --
12 we'll have to -- we'll have to look at the context.

13 THE FACILITATOR: Okay. We're
14 approaching five o'clock. So I wonder whether we could
15 -- I -- I think, Sachi, you've got it on your screen.
16 If you can put it on the board for us on the screen
17 behind me the list of -- of commitments and make sure
18 that we've captured that correctly.

19 MR. CHUCK HUBERT: Sachi does all the
20 work, and I just get to read. So -- Chuck Hubert, with
21 the Board. So from day 2, here -- so we've -- there
22 were six (6) from yesterday, so we -- we've considered
23 the -- or continued the numbering system from seven
24 (7).

25 So number 7: Diavik is to review

1 traffic estimate calculations and revise Table 2, DAR
2 Appendix C, to correct this information in order to
3 understand caribou deflection rates and behavioural
4 changes. The intention is still to complete this
5 change by the end of the technical session, to be
6 submitted to the Review Board and posted to the public
7 registry. Good?

8 MR. RICHARD BARGERY: Richard Bargery,
9 Dominion Diamond. We did provide a -- a revised table
10 with -- with estimates at just after lunch, is -- I
11 just want to make sure that that's -- that's correct --
12 the correct -- that we met that commitment, that
13 homework's done.

14 MR. CHUCK HUBERT: Thank you, Rich.
15 Now that you remind me, yes, you did give it to me.
16 And so we are striking homework 7.

17 Number 8: Diavik will provide correct
18 figures regarding total number of roads and which of
19 those are used as caribou crossings by the end of -- of
20 the day, to be submitted to the Review -- Review Board
21 and post a -- posted to the registry.

22 MS. SACHI DE SOUZA: That's -- oh, can
23 I just add some -- I'll add some words to that. That
24 it should be the total distance of roads for the Jay
25 project and the proportion of that road distance that

1 will be used for caribou crossings.

2 MR. RICHARD BARGERY: Richard Bargery,
3 with -- so Richard Bargery, Dominion Diamond. So a --
4 a couple of points here. For Jav, we provided -- for
5 the Jav roads is what we -- I think we committed to --
6 to do it for.

7 And -- and then there was a subsequent
8 question or request from Kevin about doing a map. And
9 we felt we'd combine that into -- to one (1) would make
10 the most sense rather than just numbers. So I think
11 that that's what we'd provide.

12 And in terms of timing, just hang on a
13 sec.

14

15 (BRIEF PAUSE)

16

17 MR. RICHARD BARGERY: Yeah, because it
18 -- because it would -- sorry. Richard Bargery,
19 Dominion Diamond. Because it would take just a little
20 bit of time to put together the map, we would -- we
21 would see this within the two (2) week undertaking per
22 -- period -- undertaking period. I'm not sure if
23 that's a good term, but -- but that period to May 8th.

24 MS. SACHI DE SOUZA: We'll fix the
25 numbering of these in -- before we post it.

1 MR. CHUCK HUBERT: It's Chuck Hubert,
2 with the Board. Homework number 9 from day 2:
3 Dominion to clarify size of a crush to be used for
4 caribou crossings on the Jay road and how it compares
5 to the crush used on the existing Misery road
6 crossings.

7 Number -- homework number 10: Dominion
8 is to provide information regarding dust impacts on
9 lichen after closure, and how long it would take lichen
10 to return to baseline conditions.

11 There's -- there's also homework
12 regarding blasting. Dominion is to provide a table of
13 information related to the area affected by blasting
14 tomorrow morning. So that's the -- the blasting zone,
15 however that was described.

16 There was a homework directed at IEMA.
17 IEMA to provide presentation documents regarding dust
18 impacts from the IEMA workshop held earlier, a few
19 months back. Is that correct?

20 MR. KIM POOLE: Already sent to you.

21 MR. CHUCK HUBERT: Okay. So thanks.
22 Also, this one is directed at Dominion. Dominion is to
23 consider the request to include the Jay underground as
24 a reasonably foreseeable development as it may
25 contribute to cumulative effects on caribou, and

1 respond to this request tomorrow. We just discussed
2 that not long ago.

3 Number 14: This was regarding IR-24 and
4 number 7 from KIA. Dominion is to clarify the -- the
5 responses to these IRs and determine, first of all, if
6 they're contradictory, and -- and rationale, if in fact
7 they are.

8

9 (BRIEF PAUSE)

10

11 MR. CHUCK HUBERT: Commitment number --
12 number 2 regarding baseline, Dominion is to complete a
13 Wildlife Effects Monitoring Plan and Wildlife and
14 Wildlife Habitat Protection Plan by August the 1st,
15 2015.

16 Number 3, Dominion will make efforts to
17 improve mitigation measures and final plans, Traffic
18 Management Plan, or the Wildlife and Roads Mitigation
19 Plan, the official term, through responses to these
20 draft plans in order to link monitoring to mitigation
21 measures in this Traffic Management Plan and take a
22 collaborative approach to drafting these plans.

23 So again, we anticipate, as you've
24 committed to the Traffic Management Plan or Wildlife
25 and Roads Mitigation Plan by the end of this month.

1 We'll -- there's more... Yeah.

2 MR. RICHARD BARGERY: Sorr, Richard
3 Bargery, Dominion Diamond. I do -- I do have a number
4 of comments on -- on some of these. I don't know if
5 you can scroll back up, Chuck. So just on number 9 and
6 number 11, which we -- which is for tomorrow, I just --
7 I just want to be clear that we have to talk to our
8 operations and blasting teams to -- to get a little bit
9 of information. So we're certainly going to strive for
10 tomorrow morning, but I -- I just -- I don't want to
11 make an absolute firm commitment because they -- they
12 have other things to do in their regular jobs. So we
13 need to get a hold of them, and -- and we're working on
14 that.

15 So hopefully tomorrow morning, but --
16 but just -- just if it -- if it doesn't happen, it may
17 be a day later or something. And then if you scroll
18 down, I have -- I have a couple of other comments.

19 MS. SACHI DE SOUZA: Do they relate to
20 the homework or the commitments?

21 MR. RICHARD BARGERY: Sorr, the...?

22 MS. SACHI DE SOUZA: Are your comments
23 for the homework questions or the commitments?

24 MR. RICHARD BARGERY: So the first
25 comment is -- was on homework 9 and homework 11 and the

1 -- the size of the crush and the -- the blasting
2 information, and those both say tomorrow. And I -- I
3 just -- I just want to make -- I want to have a little
4 bit of latitude, if I can. And if we can't answer it
5 tomorrow, then it may be a day later or something,
6 that's all.

7 And then I have some more -- on the
8 commitments I have a couple of comments, as well.

9 MS. SACHI DE SOUZA: While Chuck is
10 typing here, we're just going to add one (1) more
11 homework item that we forgot, which was a question that
12 Anne had asked about the traffic estimates for when the
13 deflection was very high along the Miserv road.

14

15 (BRIEF PAUSE)

16

17 MR. RICHARD BARGERY: Richard Bargery,
18 Dominion Diamond. I'm not -- we're just trying to
19 remember the commitment. I can't remember making that
20 commitment. Not to say I... And I'm not exactly sure
21 what the commitment is, so.

22 DR. ANNE GUNN: Anne Gunn, for the
23 Board. Actually, I -- it -- it wasn't clearly a
24 commitment, it was a follow-up to an existing IR that
25 hadn't been followed up. And so I think that's how it

1 got listed in this. So it would be useful to have it
2 sometime, it doesn't have to be tomorrow or the next
3 day, but it's information that -- that will relate to
4 the mitigation for the road.

5 MR. RICHARD BARGERY: Okay, maybe we
6 can -- can we -- I don't want to make the commitment.
7 I'd like to understand what I'm committing to, so can I
8 -- can we maybe have a discussion afterwards about the
9 IR and exactly what we need to pro -- provide, because
10 we'll have to go and -- and find the information, so
11 I'm happy to have that discussion, and then we can --
12 you know, we can bring it back if it's a commitment at
13 some point, or undertaking at some point. Does -- that
14 would -- would that be an acceptable approach?

15 MR. CHUCK HUBERT: Yes, thanks.

16 THE FACILITATOR: So are we comfortable
17 then -- it's Bill Klassen -- with the commitments and
18 homework as is set out on this table now on the screen?
19 Is that satisfactory?

20 MR. RICHARD BARGERY: No, I have some
21 comments on the commitments. So -- sorry, it's Richard
22 Bargery, Dominion Diamond. Sorry. I see with glasses,
23 sometimes without.

24 Yeah, number -- number 2 is a draft --
25 complete a draft of WWHPP and WEMP that incorporates

1 Jav. That's -- that was the commitment that we made, I
2 think, in advance of the -- the public hearings, and we
3 used the August 1st date. And this was, Andrea, in
4 response to your -- your request from yesterday.

5 And so on the commitment number 3, I
6 think in the first -- the first line, I -- I think we
7 do that, make efforts to improve mitigation measures
8 and final plans, as a general -- a general way we
9 operate. What I committed to was to come back with a
10 further response on how we would solicit comments on
11 the Traffic Management Plan when we -- when we -- you
12 know, when we're centred for -- for -- at the end of
13 the month, and sort of a way forward on -- on that.
14 I'm not sure how to word that, but I -- I'm not sure
15 the wording there exactly captures the commitment.

16

17 (BRIEF PAUSE)

18

19 MS. SACHI DE SOUZA: Just a question
20 about the -- one of the homework assignments from
21 yesterday, which was to provide a -- the list of
22 documents and then have those relation -- the
23 relationships between those plans. Is that now an
24 undertaking as opposed to a homework assignment?

25

MR. RICHARD BARGERY: Richard Bargery,

1 Dominion Diamond. I -- I think that's still a homework
2 assignment but we -- we -- I think we asked for the end
3 of the week for that particular -- that particular one.
4 We are working on it, and once the people that are
5 working on it get -- get away from the -- the session
6 here, we can work some more on it.

7 But -- but hopefully our -- our hope is
8 that we'll have that by Friday before the end of --
9 before the end of the session here..

10 THE FACILITATOR: It's Bill Klassen
11 here. Are there any other edits that need to be made
12 to these commitments or other items on the list before
13 we adjourn?

14 MR. RICHARD BARGERY: Yeah. Richard
15 Bargery, Dominion Diamond. So I would say submit plans
16 as opposed -- I mean, in some cases, it's -- we've
17 referenced plans that are not necessarily draft.

18 MS. SACHI DE SOUZA: Hey, it's -- can -
19 - in the interests of time and people, is it okay if
20 Dominion and the Board just go through the fine tune of
21 that wording right after this?

22 MR. RICHARD BARGERY: Richard Bargery,
23 Dominion Diamond. That would be good.

24 THE FACILITATOR: There -- probably
25 others in the room agree with that. I think that

1 brings us to the end of the -- the second day of these
2 technical sessions, then, and I -- I thank you all for
3 attending and participating. And so we will continue
4 tomorrow at 9:00 a.m., and the topic is water. So
5 we'll see you all tomorrow at 9:00.

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7 --- Upon adjourning at 5:11 p.m.

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11 Certified correct,

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15 Robert Keelaghan, Mr.

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