



MACKENZIE VALLEY ENVIRONMENTAL

IMPACT AND REVIEW BOARD

JAY PROJECT EA1314-01

TECHNICAL SESSIONS

Facilitator

Bill Klassen

HELD AT:

Yellowknife, NT

Tree of Peace

April 20, 2015

Day 1 of 5

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4	Sachi De Souza)
5	Simon Toogood)
6	Kate Mansfield)
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9	Stacey Menzies)
10	Brvan Watts (bv phone))
11	Kathy Racher (np))
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11	Meagan Tobin)
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16	Ted Brights (phonetic) (bv phone))	
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19	Ignacio Duque (bv phone))
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23	Kevin O'Reilly)
24	Tee Lim)
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13) Council
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15	Sioerd Van Der Wielen) Tlicho Government
16	Grace Mackenzie)
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18	Tannis Bolt) Kitikmeot Inuit Asc.
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20	Tom Hoefer) Chamber of Mines
21		
22	Sarah Robertson) CanNor-NPMO
23	Marie Adams)
24		
25	Noeline Villebrun) Members of Public

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1	LIST OF HOMEWORK	
2	Number	Description
3	1	DDEC is to provide a response
4		regarding Brian Watts' dike design
5		question (follow up to the
6		recommendations in the pre-
7		feasibility design report) by the
8		end of the Technical Sessions
9	2	DDEC is to provide the number of
10		water bodies altered by Ekati to
11		date by the end of the Technical
12		Sessions
13	3	DDEC is to provide a response before
14		the end of the Technical Sessions
15		regarding completing a WEMP and/or
16		WWHMP for the Jay Project
17		
18		
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1		LIST OF HOMEWORK (Con't)
2	Number	Description
3	4	DDEC is to prepare a preliminary
4		list by the end of the Technical
5		Sessions clarifying what plans will
6		be prepared and during what stage
7		(including dates or timelines, and
8		relationship of plans to each other)
9		for: Traffic Management Plan
10		(Wildlife and Roads Mitigation Plan);
11		Wildlife Management Plan; and Air
12		Quality Monitoring/Management Plan
13	5	GNWT-ENR defers Review Board question
14		regarding implications to falcon
15		nesting from re-flooding of the Jav
16		pit until tomorrow (April 21st)
17	6	EC commits to submit the Short-eared
18		Owl management plan (draft), and
19		Rusty Blackbird SARA management
20		plan (proposed) to the Public
21		Registry
22		
23		
24		
25		

1	LIST OF COMMITMENTS		
2	Number	Description	Page No.
3	1	DDEC commits to creating an	
4		Independent Dike Review Board/Panel	
5		prior to construction	
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1 --- Upon commencing at 1:05 p.m.

2

3 THE FACILITATOR: Welcome to this first
4 session of the Jay project technical meetings. My name
5 is Bill Klassen. I've been asked to facilitate the
6 sessions this week. Some of you may know that I -- I
7 live over in Whitehorse in the Yukon, but I've worked
8 on a number of the Diamond mines here over the years,
9 Diavik, Snap Lake, and -- and Gahcho Kue, so I've got a
10 bit of background on the topics that we'll be dealing
11 with this week.

12 Before I -- I launch into an
13 introduction here of how things will operate, first of
14 all, in the interests of safety, there are two (2)
15 exits from this room. One you came through, the other
16 one that also leads to the washrooms over there. And
17 the other thing I would ask is that everyone turn off
18 their cell phone, or at least put it on mute or
19 vibrate, or something.

20 The first meeting I ever chaired in
21 Yellowknife where cell phones were in evidence, I took
22 a two (2) pound ball-peen hammer out of my bag and
23 suggested that was the mute switch, but we won't --
24 won't do that anymore. People are used to the
25 technology.

1 And for those -- we will be joined by
2 some people on the teleconference line, and I would ask
3 those on the telephone to put -- put their phones on
4 mute when they're not speaking.

5 So to begin, I think it would be helpful
6 if we all know who is in the room. I've introduced
7 myself. I'll start with some of the staff here from
8 the Mackenzie Valley Environmental Impact Review Board,
9 and then we'll just make a sweep around the -- the
10 tables back and forth, and then we'll come over to
11 Dominion Diamonds here and have their staff introduce
12 themselves.

13 Oh, and if I could, there are seats
14 closer to the front, and if you want to get a better
15 view of the screen, there will be some items on the
16 screen. You may want to move forward. So I'll ask
17 Chuck to start the introductions.

18 MR. CHUCK HUBERT: Thanks, Bill. It's
19 Chuck Hubert, with the Review Board, co-lead on the
20 file.

21 MS. SACHI DE SOUZA: It's Sachi De
22 Souza, with the Review Board.

23 MR. TONY PEARSE (BY PHONE): Tony
24 Pearse.

25 MR. MARK CLIFFE-PHILLIPS: Mark Cliffe-

1 Phillips, with the Review Board.

2 MR. SIMON TOOGOOD: Simon Toogood, with
3 the Review Board.

4 MS. KATE MANSFIELD: Kate Mansfield,
5 with the Review Board.

6 MR. JOHN DONIHEE: John Donihee, with
7 the Review Board.

8 MS. ANNE GUNN: Anne Gunn, Technical
9 Advisor to the Review Board.

10 MR. CHRIS ROSE: Chris Rose, with the
11 Review Board.

12 MR. EMERY PAQUIN: Emery Paquin. I'm a
13 director with the Independent Environmental Monitoring
14 Agency.

15 MR. DOUG DOAN: Doug Doan, with the
16 Independent Environmental Monitoring Agency.

17 MR. KEVIN O'REILLY: Kevin O'Reilly,
18 Independent Environmental Monitoring Agency.

19 MR. TEE LIM: Mr. Tee Lim with the
20 Agency.

21 MS. ANDREA PATENAUDE: Andrea
22 Patenaude, GNWT-ENR.

23 MR. BRETT ELKIN: Brett Elkin, GNWT-
24 ENR.

25 MR. PAUL MERCREDI: Paul Mercredi, GNWT

1 Lands.

2 MR. BRYAN TDACZ: Brvan Tdazc,

3 Wek'eezhii Renewable Resources Board.

4 MR. SJOERD VAN DER WIELEN: Sjoerd Van
5 der Wielen, Tlicho Government.

6 MR. DEAN CLUFF: Dean Cluff, GNWT-ENR.

7 MR. TOM HOEFER: Tom Hoefer, Chamber of
8 Mines.

9 MR. TOM UNKA: Tom Unka, NWT Metis
10 Nation.

11 MR. SHAWN MCKAY: Shawn McKav, for
12 Resolution Metis Council.

13 MR. CHARLES KLENGENBERG: Charles
14 Klengenberg, Dominion Diamond.

15 MS. SHANNON ALLERSTON: Shannon
16 Allerston, with Golder Associates.

17 MR. CLAUDINE LEE: Claudine Lee,
18 Dominion Diamond.

19 MR. BOB OVERVOLD: Bob Overvold,
20 Dominion Diamond.

21 MS. ORI WAH-SHEE: Ori Wah-Shee,
22 Dominion Diamond.

23 MR. MICHAEL HERRELL: Michael Herrell,
24 Golder Associates.

25 MR. JOHN FAITHFUL: John Faithful,

1 Golder Associates.

2 MS. KATE KYLE: Kate Kyle, CBC.

3 MR. BRADLEY SUMMERFIELD: Bradley

4 Summerfield, Environment Canada.

5 MS. CATHERINE BRAUN RODRIGUEZ:

6 Catherine Braun Rodriguez, GNWT/ITI.

7 MS. TANNIS BOLT: Ms. Tannis Bolt,

8 Kitikmeot Inuit Association..

9 MS. MARIE ADAMS: Marie Adams, Northern

10 Project Management Office, CanNor.

11 MS. SARAH ROBERTSON: Sarah Robertson,

12 NPMO, CanNor.

13 MS. LORRAINE SEALE: Lorraine Seale,

14 GNWT Lands.

15 MS. MELISSA PINK: Melissa Pink, GNWT

16 Lands.

17 MR. J.F. DUFOUR: J.F. Dufour, with

18 Environment Canada/Canadian Wildlife Service.

19 MS. SARAH-LACEY MCMILLIAN: Sarah-Lacey

20 McMillian, with Environment Canada.

21 MS. MEGAN TOBIN: Megan Tobin, with

22 Environment Canada.

23 MR. PAUL GREEN: Paul Green, with GNWT

24 Waters.

25 MR. NOEL JOURNEAUX: Noel Journeaux,

1 from Jorneaux Associates.

2 MR. RICK WALBOURNE: Rick Walbourne,
3 ENR Waters.

4 DR. JAMIE VANGULCK: Jamie VanGulck,
5 with Arktis Solutions.

6 MR. BILL PAIN: Bill Pain, ENR Waters.

7 MR. TODD SLACK: Todd Slack, with the
8 Yellowknives.

9 MR. MARC D'ENTREMONT: Marc
10 d'Entremont, Technical Advisor to the Deninu Kue First
11 Nation.

12 MS. STACEY MENZIES: Stacey Menzies,
13 with the Review Board.

14 MR. JOHN CUNNING: Hi. John Cunning,
15 with Golder Associates.

16 MS. FIONA ESFORD: Fiona Esford, also
17 with Golder Associates.

18 MR. RICHARD BARGERY: Good afternoon.
19 Rick Bargery, with Dominion Diamond.

20 MR. ELLIOT HOLLAND: Elliot Holland,
21 Dominion Diamond.

22 MR. ERIC DENHOLM: It's Eric Denholm,
23 with Dominion Diamond.

24 MR. PATRICK DUFFY: Patrick Duffy,
25 external legal counsel to Dominion Diamond.

1 MR. JOHN VIRGIL: John Virgil, Golder
2 Associates.

3 MS. KRISTINE MASON: Kristine Mason,
4 Golder Associates.

5 MR. DAN COULTON: Dan Coulton, Golder
6 Associates.

7 MR. JIM RETTIE: Jim Rettie, Golder
8 Associates.

9 MS. AMY LANGHORNE: Amy Langhorne,
10 Golder Associates.

11 MR. STEVE STRAWSON: Steve Strawson,
12 Golder Associates.

13 THE FACILITATOR: Thank you. I think
14 that's everyone. I'm pleased to see the range of
15 organizations and companies represented here. I think
16 that will make for some good discussion. Oh, yes, I
17 forgot the people who aren't in the room. Those of you
18 on the telephone up there somewhere, please, would you
19 identify yourself?

20 MR. BRYAN WATTS (BY PHONE): This is
21 Bryan Watts. I'm a geotechnical reviewer for the
22 Mackenzie Valley Review Board in Vancouver here.

23 THE FACILITATOR: Is there anyone else,
24 Chuck, that's on the phone or just Bryan?

25 MR. TED BRIGHTS (BY PHONE): Ted

1 Brights, ADFM (phonetic) with Environment Canada in
2 Winnipeg, Manitoba.

3 THE FACILITATOR: Ah.

4 MR. CHRISTOPHER AGUIRE (BY PHONE):

5 Yeah, this is Christopher Aguire, for Transport Canada
6 in Winnipeg, Manitoba.

7 MS. ANNE WILSON (BY PHONE): Anne
8 Wilson, Environment Canada, Edmonton.

9 THE FACILITATOR: Thank you. Is there
10 anyone else?

11 MR. IGNACIO DUQUE (BY PHONE): Yes.
12 Ignacio Duque, from Transport Canada in Ottawa.

13 THE FACILITATOR: Thank you. Okay. I
14 think that's -- that's everyone. So thank you again
15 for letting us know who you are. I would like to
16 acknowledge the fact that we are holding these sessions
17 within the traditional territory of the Yellowknives
18 Dene and we appreciate the opportunity to do that here.

19 I'll talk a bit about the purpose of the
20 technical meeting, and then I'll give you a bit of the
21 chronology, which I expect most of you know much better
22 than -- than I do. But the main reason that we are
23 meeting is to obtain clarification on the responses
24 that Dominion Diamond provided to the Information
25 Requests so that, as much as possible, we can resolve

1 any outstanding technical issues.

2 And the focus will be on any remaining
3 issues, so that if there is need of a second round of
4 Information Requests and the preparation of technical
5 reports, then that will be more focussed. And some of
6 the issues no doubt will be resolved through
7 commitments from the Developer, hopefully such that any
8 potential effects can be reduced so they are no longer
9 significant. And the Board staff will be tracking
10 commitments that will be made during the meeting.

11 These meetings -- and you're aware that
12 -- and I'll go over the agenda shortly -- run through
13 to Friday at noon. The meetings will be transcribed.
14 And so when you are speaking, would you please give
15 your name and speak clearly into the microphone. So
16 the agendas will be starting this afternoon with a
17 presentation from the Developer on the project
18 description and alternatives. And then Board staff or
19 advisors to the Board will be leading the questions and
20 responses.

21 And then after that, around four
22 o'clock, assuming we're on schedule -- and it's my job
23 to try and keep us there -- there will be a
24 presentation on wildlife and then questions and answers
25 on wildlife. Tomorrow, pretty much the whole day will

1 be devoted to a subject that is important to many in
2 the room, the topic of -- of caribou. And again, there
3 will be a presentation from the Developer, and then
4 questions and answers.

5 On Wednesday, similarly, there will be a
6 presentation and the -- the day's document is water
7 quantity, quality, and the hydrogeology. And then in
8 the afternoon there will be a presentation on water
9 quantity, quality, and overall water management
10 approach, hydrology, and water quality. And question
11 and answer sessions on both topics or the -- the
12 presented topic in the morning and the one (1) in the
13 afternoon.

14 On Thursday the focus will be on fish
15 and fish habitat. Similarly, a presentation from
16 Dominion Diamonds on that topic, and then questions and
17 answers. And Friday morning there will be -- well, I
18 got ahead of myself. Thursday afternoon there will be
19 questions and responses on maximizing benefits and
20 minimizing impacts on the socioeconomic side of things.
21 On Friday morning any topics that haven't been captured
22 in the -- the preceding three and a half (3 1/2) days,
23 and specifically there will be a presentation on air
24 quality on -- on Friday morning.

25 So that's the -- the order in which

1 we'll approach the discussions. There will be
2 obviously some overlap from one (1) session to another.
3 But because I know that there are people specifically
4 coming on days where a topic has been identified, we
5 will try to hold to that agenda so that the people who
6 have specific knowledge on a particular topic will be
7 in the room with us.

8 The -- the way we'll approach it is that
9 while I'll be facilitating the -- the sessions
10 generally, Board staff will be leading the -- the
11 individual sessions on whatever the topic may be. And
12 so opportunity will be given to those who are -- have
13 what's called party status. There are about twelve
14 (12) organizations that have indicated their interest
15 in asking questions. So we'll give them the
16 opportunity to ask questions first, and then the Board
17 staff will -- will follow up.

18 There will be -- when we're here for the
19 full days, we'll break for lunch at 11:55, and we'll
20 take health breaks as they're -- they're needed.
21 Sometimes the breaks don't come right at three o'clock,
22 so we'll continue with the discussion until there is a
23 convenient break in the -- in the discussion and then
24 we'll -- we'll take a health break. When we were doing
25 the introductions, I heard one (1) media representative

1 indicate their presence. And I would ask that if media
2 have questions, that they ask them of individuals
3 outside of the room so that it doesn't interrupt the
4 flow of discussions here.

5 There may well be questions that are
6 posed to the Developer that can't be answered
7 immediately. And so we will provide them an
8 opportunity to huddle, if necessary, to decide what the
9 response will be if it's not readily on your lips, or
10 if need be, respond by the end of the day or the
11 following -- following morning.

12 And if there are undertakings given to
13 provide additional information that isn't available
14 here, then the Board will allow two (2) weeks following
15 the end of the technical session for Dominion Diamonds
16 to provide that committed information.

17 I think, unless I've missed anything,
18 Chuck, that's all I need to say by way of introduction.
19 And so then we'll turn it over to Dominion Diamonds for
20 a presentation on the first topic, which is the project
21 description and alternatives.

22 And I would encourage you in making the
23 presentations, that you keep them as brief and succinct
24 as possible so that it allows more time for discussion.
25 Thank you.

1 PRESENTATION BY DOMINION DIAMOND - PROJECT DESCRIPTION
2 AND ALTERNATIVES:

3 MR. ELLIOT HOLLAND: Thank you, Mr.
4 Klassen. Elliot Holland, Dominion Diamond. I'll give a
5 short introductory comment, and then turn over the
6 presentation to our colleagues, John Cunniff and Fiona
7 Esford, to complete it.

8 Dominion is -- is by far the largest
9 mining company headquartered in the north and the
10 largest employer of Northern and Aboriginal workers in
11 the mining industry in the Northwest Territories.
12 Ekati is Dominion's flagship operation, which on
13 current course will close in 2019, resulting in the
14 loss of the primary economic engine of the Northwest
15 Territories, and with it, around fourteen hundred
16 (1,400) jobs, of which half are Northerners.

17 When Dominion bought Ekati from BHP this
18 outcome appeared inevitable. However, Dominion has
19 designed a mine life extension for Ekati, the Jay
20 project, that would keep Ekati in operation until 2030.
21 When we originally proposed this mine life extension
22 project we believed a much larger environmental
23 footprint would be necessary in the form of the Jay-
24 Cardinal project, which would dewater a larger portion
25 of Lac du Sauvage.

1 However, after engagement with
2 communities and stakeholders in the fall of 2013 and
3 the winter of 2014, our management team redesigned the
4 project to address the concerns that were raised. It
5 is our view that the redesigned Jav that we will be
6 reviewing this week is a huge win for the Northwest
7 Territories and for its people and communities.

8 We also believe that Ekati's operating
9 experience developed successfully over the first
10 seventeen (17) years of operations proves this
11 operation can be run in a responsible way, both
12 environmentally and socioeconomically. In fact, Jav
13 would be the ninth pit in a mine that has mined eight
14 (8) others in an environmentally responsible manner.

15 More importantly, all of the successful
16 operational procedures and practices that have been
17 developed over the past seventeen (17) years can be
18 utilized for the Jav project, including some of the new
19 monitoring and mitigation measures we are proposing in
20 areas such as the Jav Road.

21 We look forward to discussing the
22 technical details of the Jav project this week and we
23 sincerely appreciate your input on how we can make this
24 project better. While we might differ on some
25 technical points, we are optimistic that this process

1 will result in broad agreement that the Jav project
2 should move forward, extending the life of Ekati and
3 extending the many benefits that it provides to the
4 north.

5 Thank you for your time and
6 consideration. And I'll pass the presentation over to
7 Mr. Cunning.

8 MR. JOHN CUNNING: Hi. John Cunning,
9 with Golder. Thank you, Elliot. Are we going to dim
10 the lights or keep it as is? It might help with
11 seeing. Oh, thank you. Okay.

12 Well, good afternoon, everyone. I'm --
13 I'm very pleased to be here today to kick off a brief
14 presentation with myself and Fiona Esford. We'll go
15 over the alternatives and project description.

16 Great. So the presentation today has
17 been prepared to provide some overall context to the
18 Jav project development to assist with these
19 discussions, particularly as they relate to the Round 1
20 of Information Requests which Dominion has recently
21 filled all the responses to.

22 As -- as Bill pointed out, our purpose
23 today is to facilitate discussion on many of these
24 responses and issues, with a focus to resolve and
25 narrow as many as we can. The project description, and

1 -- and many parts of the Developer's Assessment Report,
2 were presented in detail during the DAR engagement
3 meetings held in December 2014.

4 So today we'll -- we'll hit some of the
5 highlights around the -- the IRs, particularly on the
6 areas of the project alternatives, the project
7 description as it relates to the access roads, roads
8 and traffic, dike design, and the waste rock storage
9 area.

10 Throughout our presentations and
11 discussions, we'll -- we'll indicate how the community
12 engagement process was used to -- to inform the
13 selection and -- and the project development, and --
14 and then close off with discussing a bit about the
15 Developer's environmental assessment approach.

16 So just to back up and put a bit of
17 context, the Jav project is an extension, as -- as
18 Elliott noted, of -- of the Ekati mine. It's -- Ekati
19 is a large, stable, successful mining operation. Been
20 operating for over sixteen (16) years. And most of the
21 facilities required to support the -- the development
22 from Jav pipe and to process the kimber -- kimberlite
23 already exist at the Ekati site.

24 Jav Pro --

25 MR. BRYAN WATTS (BY PHONE): Sorry --

1 sorry, John. This is Brvan Watts here. If you have a
2 presentation up there, I'm not seeing it.

3 MR. JOHN CUNNING: Oh, yeah, good
4 point, Brvan. We have to hit 'share'. Sorry.

5 MR. BRYAN WATTS (BY PHONE): Thank --

6 MR. JOHN CUNNING: Hang on. Did you
7 give control to us to share it?

8 UNIDENTIFIED SPEAKER: Got it.

9 MR. JOHN CUNNING: Okay.

10 MR. BRYAN WATTS (BY PHONE): There we
11 go.

12 MR. JOHN CUNNING: Okay.

13 MR. BRYAN WATTS (BY PHONE): Thank you.

14 MR. JOHN CUNNING: So we're on the --
15 the third slide.

16 THE FACILITATOR: John, could -- could
17 I just ask. Are the others who are online, do you have
18 access to WebEx to this presentation?

19 MR. REG EJECKAM (BY PHONE): Yes, I can
20 see it now.

21 MR. CHRIS AGUIRE (BY PHONE): This is
22 Chris Aguire from Transport Canada in Winnipeg. Yeah,
23 now -- now the presentation is on now.

24 MR. REG EJECKAM (BY PHONE): Yes.

25 Likewise, Reg, with Environment Canada in Winnipeg.

1 MS. ANNE WILSON (BY PHONE): Yeah, it's
2 up now.

3 MR. JOHN CUNNING: Okay. John Cunning
4 with Golder. I'll keep going. So the Jav project
5 itself is located in the -- the southeast portion of
6 the Ekati claim. It's about 25 kilometres down the
7 Misery Road, and about 7 kilometres northeast of the
8 Misery Pit.

9 Jav pipe itself is located under water
10 in Lac du Sauvage, and it requires a dike to isolate
11 the pipe and support an open pit -- the planned open
12 pit operation, which will be -- which will include a
13 waste rock storage area, access roads, pipelines, and
14 the use of the Misery Pit as a water management area.

15 So Jav project's -- Jav project
16 alternative assessment. The analysis was done in
17 Section 2 of the DAR, and there were a number of Round
18 1 Information Requests around the alternative analysis.
19 I'll -- I'll speak to a few here, and we can talk more
20 later in the questions.

21 The Jav project itself needs to be
22 technically, economically, environmentally, and
23 socially viable to proceed. So a multiple accounts
24 alternative analysis was -- was carried out using
25 criteria which include technical feasibility, economic

1 viability, environmental considerations, and social
2 economic considerations.

3 And we did -- we did a couple of
4 different levels of alternative analysis with -- with a
5 level 1 approach, or methodology, applied to the -- to
6 selecting the overall approach for developing the
7 project. So this step included pre-screening, detailed
8 evaluation of the options, ranking against the
9 criteria, and even looked at sensitivity.

10 And the key point of the pre-screening
11 in -- in the step level 1 was only a high-level
12 evaluation of -- of different lists of alternatives so
13 that we could identify and eliminate, which is
14 screening out options that had fatal flaws that
15 wouldn't be considered further.

16 We -- we drilled down into other items
17 in the -- in the project at a level 2 methodology that
18 -- that still did a multiple accounts analysis and
19 compared -- compared to the criteria, and we used that
20 in selection of the options for the roads, the waste
21 rock storage area, and even in the power supply.

22 We'll talk a bit more -- Fiona will talk
23 a bit more about how the roads and waste rock
24 alternatives relative to the interaction with wildlife,
25 but -- and on the power supply Jav -- Jav project

1 relies on the existing facilities at Ekati and -- and
2 has no -- has no specific need for new investment in
3 power. So that was the main driver towards the
4 selection of using the existing generation.

5 A number of the res -- IR responses were
6 -- were prepared around the project description in
7 terms of the different Jav components and -- and
8 throughout the different phases of the mine life. So
9 we included visualizations in -- in the project
10 description. So I'll walk through that with a bit of a
11 description as to the key areas that we foc -- we'll --
12 we'll be discussing today. Dominion has brought along
13 their physical model of the project in the back corner
14 of the room there. And I encourage people at the
15 breaks to -- to have a look and ask questions around
16 that. It's quite a good visualization.

17 So at -- at the construction stage this
18 -- this first slide shows Jav project construction. So
19 during construction waste rock, which is clean granite
20 material from the Lynx Pit development, will -- will be
21 used to put access roads out to the Jav pipe area and
22 be used to build a dewatering dike and into Lac du
23 Sauvage. A series of three (3) pipelines will be
24 constructed between the Jav area and the Miserv Pit.

25 And following construction of the dike,

1 dewatering will take place where initial draw down --
2 or initial dewatering from inside the dike is
3 transferred directly into Lac du Sauvage. We estimate
4 this volume to be about 50 percent of clean water.
5 It'll be monitored during the -- the dewatering stage
6 to -- to be in -- until the point when the total
7 suspended solids won't be in compliance with the agreed
8 parameters. And at that point we'll transfer all the
9 remaining water within the diked area to within the
10 Miserv Pit. As we're filling Miserv Pit, a portion of
11 the -- the high TSS, or total suspended solids, water
12 is transferred over to Lvnx Pit to back flood that
13 mined-out pit.

14 This slide shows Jav during operation.
15 So after dewatering, the pit can start -- the open pit
16 can begin and the kimberlite ore can be brought up to
17 an ore transfer pad. Mine trucks will bring it to the
18 ore pad, and then road trains will transport it up the
19 road -- Jav Road and Miserv Road to the processing
20 plant. We developed the -- the waste rock storage
21 area. Mine water or the groundwater inflows, the --
22 the main component of mine water is going to be
23 delivered up to the Miserv Pit in a -- in a pipeline
24 that's separate from where we collect the runoff water.
25 The mine water is pumped to the base of Miserv Pit and

1 the runoff water to the top.

2 After about five (5) years of operation
3 of -- in -- in Jav, primarily driven by the rate of
4 groundwater inflows, the Miserv Pit will near its --
5 its design capacity, at which time we'll start to
6 decant flow volume off the top of Miserv and bring it
7 back to the -- to the Lac du Sauvage and discharge it
8 into Lac du Sauvage through a diffuser.

9 At the -- at the closure stage there's -
10 - a closure plan has been prepared and includes a
11 number of steps, one (1) of which is to manage some of
12 the high total dissolved solids water that is in Miserv
13 Pit. A portion of that is decanted down and pumped
14 into the base of Jav. And then water from Lac du
15 Sauvage is used to -- pumped up to Miserv to back flood
16 Miserv by putting a 6 metre -- 60 metre freshwater cap.
17 And then the remaining of the diked area in the Jav Pit
18 is flooded with freshwater from Lac du Sauvage.

19 So once there's acceptable water quality
20 within the diked area, the dike is breached and -- and
21 this allows surface water from circulation within Lac
22 du Sauvage into the diked area and establishes habitat
23 connectivity. I'll turn it over to Fiona Esford for
24 the next part.

25 MS. FIONA ESFORD: Thank you. Dominion

1 Diamond has heard the many comments regarding the
2 caribou crossing. And the Jay Road that connects the
3 Misery Road to the Jay Pit area will be built with a
4 substantial number of caribou crossings which will have
5 a gentler side slope of the road and have finer gravel
6 on it. The pipelines, as John mentioned, will run
7 along parallel to that road in -- in the areas that --
8 that are built as caribou crossings. Those pipelines,
9 wherever feasible, will also be covered with granular
10 material to reduce the barrier.

11 The location of the esker and where the
12 road crosses has been the subject of other IRs. The --
13 the particular route selection was based on an area
14 proximal to the Misery camp facility, in an area where
15 the esker is naturally relatively narrow and with a
16 lower elevation. That -- that's shown here.

17 A cut will be made in the esker, and
18 then the road built across it. And the pipelines will
19 be buried with gravel in that area. This is just a
20 plan view showing that cut and -- and a cross-section
21 typically drawn through that.

22 There are numerous other IRs requesting
23 information regarding traffic volumes. The DAR had
24 additional information primarily regarding the haul
25 traffic, but we've estimated various -- volumes of traffic,

1 both the haul traffic and the non-haul traffic, on the
2 various segments of -- of the roads that will be used
3 through the project.

4 This table just summarizes the road
5 volumes and frequency of traffic for the Jay Road and
6 the Misery Road in terms of haul vehicles, non-haul
7 vehicles, and total traffic.

8 The dike that we're proposing to build
9 for the Jay Road -- or the Jay dike is similar to the
10 dikes that have been built both for the Meadowbank Mine
11 and the dikes at Diavik.

12 This table summarizes some of the main
13 components in terms of the Jay dike and the estimated
14 depths of water and the range of water depths, the
15 depths of bedrock in comparison to the other dikes that
16 have previously been constructed.

17 This shows a plan view of the open pit
18 with cross-sections through the pit. The light green
19 is the kimberlite. The white colour indicates granite
20 and the grey metasediment rock. You'll notice that the
21 metasediment is primarily on the east side of the pit.
22 And as the mine -- and the pit is developed with depth.
23 You see the -- there's a decrease in the amount of
24 metasediment for -- for the later years of mining, but
25 there is a proportion of both granite and metasediment

1 in the upper portion.

2 This is the plan view showing the
3 location of the waste rock storage area, the esker
4 here, Lac du Sauvage over here, and the various other
5 water bodies surrounding that. And we'll look at -- at
6 a cross-section through the waste rock storage area.

7 The waste rock storage area will be --
8 be developed with a basal layer of non-potentially
9 acid-generating rock, the granitic rock. There -- the
10 middle portion of the package -- of the waste rock storage
11 area will contain co-deposited waste rock that consists
12 of a mixture of both the granite and the metasediment.
13 And then there'll be a 5-metre capping layer of the
14 granitic non-PAG rock.

15 As both Elliot and John mentioned, that
16 community engagement has been done in advance of this
17 project, and community feedback has -- has been
18 gathered. And we've incorporated aspects of that into
19 the project development and continue to do so. This
20 has included the change from the Jay-Cardinal project
21 to -- to the Jay only project, the access roads and the
22 esker crossing location, the frequency and construction
23 of caribou crossings or stockpiling to allow temporary
24 closure of -- of the road.

25 And in terms of the waste rock storage

1 area, it's set back from the esker vegetation and land
2 quality assessment for -- for the location of that
3 waste rock storage area and the wildlife egress ramps.

4

5 (BRIEF PAUSE)

6

7 MS. FIONA ESFORD: So John Virgil will
8 now just discuss a little bit about the assessment
9 approach for the EA.

10 MR. JOHN VIRGIL: Thanks. It's John
11 Virgil, with Golder. So I just have a few slides here
12 on some key elements of the assessment approach. The
13 DAR identified and assessed several valued components.
14 The selection of the valued components was based on
15 community engagement and regulatory meetings, other
16 recent environmental assessments in the Northwest
17 Territories, and the terms of reference.

18 Valued components can be defined as --
19 as representing physical, biological, culture, social,
20 and economic properties of the environment that are
21 considered important to society. Assessment endpoints
22 and measurement indicators were also defined in the
23 DAR.

24 Assessment endpoints are those key
25 properties of valued components that should be

1 protected for use by future human generations. And
2 thus, it incorporates an element of sustainability.
3 Assessment endpoints are used to assess the
4 significance of impacts on valued components.

5 Measurement indicators are properties or
6 attributes of the environment and valued components
7 that, when changed, can result in or contribute to an
8 effect on assessment endpoints. Some measurement
9 indicators are quantitative, such as concentration of
10 metals and surface water, or they're qualitative, such
11 as changes in movement and behaviour on animals due to
12 encounters with disturbances such as roads, or the
13 dewatered lake bed.

14 Some of the Information Requests related
15 to the DAR were based on the assessment cases. And the
16 DAR used several assessment cases to analyze and
17 predict the incremental and cumulative effects from the
18 Jay project and other developments.

19 In the base case is included a reference
20 condition which is a condition where at a point in time
21 where there is little or no development. The base case
22 also includes a 2014 baseline condition that includes
23 all previous existing and approved developments before
24 the Jay project.

25 This baseline -- 2014 baseline

1 condition, or the base case in itself is important
2 context for understanding the previous cumulative
3 changes to the environment and the effects on -- on
4 valued components. The application case, that is prior
5 to the -- to the Jav project being put on the
6 landscape. Now, the application case includes putting
7 the Jav project on the landscape and determining the
8 incremental changes and effects from that -- from the
9 Jav project. The application case also include --
10 cludes the cumulative effects from all previous and
11 existing and approved projects plus the Jav project.

12 The-- the reasonably foreseeable
13 development case includes all those previous existing
14 approved projects from base through to the application
15 and reasonably foreseeable developments.

16 There's also some Information Requests
17 around how we define 'reasonably foreseeable'
18 development. And they were based on three (3)
19 criteria. One (1) is that the fut -- potential future
20 projects that could contribute to cumulative effects on
21 valued components.

22 So here we're looking for those projects
23 that can overlap with the temporal and spatial
24 distribution of -- of valued components and the
25 project. Also, the assessment projects in the -- in

1 the RFD case need to be based on those with a
2 reasonable degree of certainty of being development --
3 developed, pardon me.

4 There needs to be a sufficient amount of
5 information on the timing, location, construction, and
6 operational details to quantitatively or qualitatively
7 assess effects to valued components with a reasonable
8 degree of confidence.

9 Now, at the time of writing the
10 Developer's Assessment Report -- I should add, though,
11 that in the DAR and with the additional supplemental
12 work, includes a comprehensive analysis of all known,
13 reasonably foreseeable developments. And due to some
14 new information and requests from the Review Board, the
15 Sable project and the Diavik A21 project were also
16 added to the RFD case. This information is found in
17 the Sable addendum which was submitted to the Board in
18 December 2014, and also in -- in a response the --
19 MVEIRB's request in IR-78.

20 Thank you. And now we're open to
21 questions regarding any of the elements that -- that
22 you've heard about here so far.

23 THE FACILITATOR: Thank you. Thank
24 you. I -- I must apologize for blocking the view of
25 some people over here of the screen. For future

1 presentations, we'll make sure we're not in the way.

2 I think the -- the way we'll proceed,
3 then, is Sachi will have a few introductory comments,
4 and then we'll move to questions from those here that
5 are participating. And then we'll come back to -- to
6 Board staff to wrap it up.

7

8 (BRIEF PAUSE)

9

10 MS. SACHI DE SOUZA: I'm not on. We
11 have a slide, but we're not connected to the projector
12 right now, which makes it rather challenging to show it
13 to you. So we -- we just need the...

14 THE FACILITATOR: I sometimes wonder
15 how we got by before we had all of this electronics to
16 help us.

17

18 (BRIEF PAUSE)

19

20 MR. BRYAN WATTS (BY PHONE): This --
21 this is Bryan Watts here. You're fading in and out.

22 THE FACILITATOR: Bryan, that's because
23 nobody's talking.

24 MR. BRYAN WATTS (BY PHONE): Okay.

25 THE FACILITATOR: Hang -- hang on a

1 minute, and Sachi's just hooked the cable into the
2 appropriate computer, and I think we're ready to go,
3 here.

4 MR. BRYAN WATTS (BY PHONE): Thank you.

5 MS. SACHI DE SOUZA: Okay. It's Sachi,
6 from the Review Board. So for this afternoon -- for
7 the first part of this afternoon, we wanted to focus
8 the discussion around the key line of inquiry of
9 project alternatives as well as questions related to
10 the project description. So we just saw Dominion's
11 presentation. And for projects alternatives, we would
12 like the focus of the conversation to be related to
13 energy alternatives in the waste rock storage area.

14 With respect to roads, a lot of the
15 questions related to the road alternatives were
16 primarily centred around caribou questions. And -- and
17 considering that we have an entire day for caribou
18 tomorrow, we were thinking discussion of roads
19 alternatives would best be suited for the caribou
20 discussions. They're hand-in-hand.

21 After going through project
22 alternatives, we'll go through questions about the --
23 the project description, and we'll start with topics
24 related to the dike design and geotechnical --
25 geotechnical considerations, go into the design -- or

1 the -- the project plan for the waste rock storage
2 area. And then we'll leave questions that relate to
3 closure for the specific days. There were questions
4 related to the back flooding for closure. That would
5 probably be best addressed on the fish day, for
6 example, and questions about meromixis, that would be
7 well suited for the -- the water day.

8 And we'll go through questions related
9 to traffic, but once again, anything relating to
10 traffic estimates and road operation as it pertains to
11 caribou, we'll stick to for the caribou day. Does that
12 sound fair to everybody? No one's upset about this?
13 All right.

14 THE FACILITATOR: Okay. With that as
15 an introduction, and the topics on the board, then, are
16 there questions to the Proponent for clarification on
17 information provided in the responses to the
18 Information Requests?

19

20 QUESTION PERIOD:

21 MR. BRYAN WATTS (BY PHONE): Yeah, this
22 is Bryan Watts, here. Is -- is it -- do you want me to
23 ask my questions now or later on?

24 THE FACILITATOR: Well, in the absence
25 of anybody in the room indicating that they want to ask

1 one (1) right now, you go ahead.

2 MR. BRYAN WATTS (BY PHONE): Okay.

3 Well, I have -- I have a few questions related to
4 construction and general questions related to design
5 and how the isolation dike is going to be constructed.

6 So the first question, it -- it deals with the
7 construction of the rock filled platform.

8 The assumption in the -- in the
9 engineering report is that most of the lake bed soft
10 sediment will be displaced or incorporated into the
11 rock fill. Given that there's up to 6.7 metres of
12 lacustrine sediment, is -- is this a reasonable
13 assumption or will -- will you get a mud wave formed
14 ahead of the -- the rock fill -- the push rock fill, or
15 will -- or you get -- leave some of the lacustrine
16 sediment in place? And -- and how are you -- if you do
17 get a mud wave, how are you going to handle it?

18

19 (BRIEF PAUSE)

20

21 MS. FIONA ESFORD: Fiona Esford, from
22 Golder. I'll answer in two (2) parts. So there's
23 sections of the dike that we classify as shallow or
24 intermediate sections of the dike, where the entire
25 rock fill platform will be placed, and then the central

1 portion excavated where the filters will be placed, and
2 then the low permeability element.

3 And for those sections, placement of the
4 rock fill will be done in -- in two (2) segments, 1)
5 winter rock fill placement for the upstream portion of
6 -- of the rock fill, followed by a summer placement in
7 the summer where there's turbidity curtains in place.

8 For those sections of the dike,
9 placement will begin in the middle and be -- be placed
10 from the -- out beyond so we -- any of the silt and
11 fine sediments will not be trapped in the middle
12 portion of the dike, but should be forced outward from
13 that. From our experience at Meadowbank, we didn't end
14 up with any mud wave in those areas, and the turbidity
15 curtains and method of turbidity control was
16 successful.

17 In the deeper section, we -- we will
18 place two (2) independent platforms, and -- and there
19 will be some dredging and removal of the fine sediment
20 from that. This past winter, as part of the
21 investigation program, we have been conducting some
22 SPTs to further characterize the -- the characteristics
23 of the -- the fine lake bed sediments, and we're
24 analyzing the data now, but at the moment, it -- it's
25 very, very low resistance. And our assumptions

1 regarding the displacement -- the likely displacement
2 of the -- that -- any thicker zone looks reasonable,
3 but we're continuing to analyze that, and that will be
4 part of the detailed design.

5 MR. BRYAN WATTS (BY PHONE): Thank you.
6 Well, if you're -- if you're constructing over soft
7 lacustrine sediments, and you're going to displace
8 them, the bla -- the displaced lacustrine sediments
9 have to go somewhere.

10 So given that -- that you've got
11 lacustrine soils that may underlay portions of the
12 dike, how are you going to excavate the central tra --
13 trench safely without failure on -- on potential
14 trapped sediments, or have you analyzed for this?

15

16 (BRIEF PAUSE)

17

18 MS. FIONA ESFORD: At the moment, for
19 the concept -- Fiona Esford, Golder Associates.

20 As part of the conceptual and pre-
21 feasibility design, we did some initial est --
22 estimate, and then moving forward with the detailed
23 design that will be taken into account using the
24 information gained from this winter's investigation
25 program.

1 THE FACILITATOR: Could I just
2 interject? It's Bill Klassen. When people are
3 speaking, even though when you asked the question the
4 first time, Brvan, you identified yourself, when you
5 speak the next time, just for the benefit of the
6 transcriber, would you say your name again so that we
7 make sure we know who's on the record? Thank you.

8 MR. BRYAN WATTS (BY PHONE): Okay.
9 Yeah, thanks very much, and -- and thank you, Fiona.
10 Can I continue?

11 THE FACILITATOR: Yes. What --

12 MR. BRYAN WATTS (BY PHONE): Brvan
13 Watts, here. So Brvan Watts. The -- the fine filter -
14 - when you make the excavation through this potentially
15 hopefully stable slope here, the fine filter is pushed
16 into the excavation, followed by the coarse filter.

17 And so both of these filters are pushed
18 into water. I'm not so concerned about the fine filter
19 segregating, but this -- this coarse filter has a 10-
20 inch maximum size. How -- how are you going to stop it
21 from segregating when you push it into the water and it
22 ravel down the slope?

23

24 (BRIEF PAUSE)

25

1 MS. FIONA ESFORD: Fiona Esford, Golder
2 Associates. The placement of the fine filter and
3 coarse filter are done virtually simultaneously, with
4 the fine filter placement leading up to a couple of
5 metres in front of the coarse filter placement. And --
6 and it's really not being dropped through the water
7 column, but rather pushed with a bucket, and slowly
8 filling the surface in front, and -- and filling the
9 excavation.

10 We've done that previously and did
11 sampling with depth, and the gradation remained
12 acceptable for the filter criteria.

13 MR. BRYAN WATTS (BY PHONE): Would --
14 would -- did that -- that -- Brvan Watts, here. So --
15 so that filter gradation remained acceptable in a -- in
16 a similar coarse filter, Fiona?

17 MS. FIONA ESFORD: Yes. Fiona Esford,
18 Golder Associates. Yes, Brvan.

19 MR. BRYAN WATTS (BY PHONE): Thank you.
20 Brvan Watts. Can I continue, Bill?

21 THE FACILITATOR: Yes, go ahead.

22 MR. BRYAN WATTS (BY PHONE): Oh. So
23 Brvan Watts, here. Here's question number four (4).
24 So you're going to excavate a large quantity of silt
25 from the central portion of this dike, and I presume

1 it's going to be hauled to a storage disposal area.

2 So I also presume that this -- this silt
3 is going to be saturated and sloppy. So how are you
4 going to handle it in the disposal area? Are you going
5 to have slop cells? There's a fair amount of material
6 here. Have you identified an area -- and generally how
7 are you going to stop silt from coming out of the
8 trucks to the disposal area, and how are you going to
9 handle it in the disposal area?

10 MR. JOHN CUNNING: John Cunning, with
11 Golder. Yeah. There's a couple of options to deal
12 with the saturated lake bed sediments and excavations.
13 One is, there is a potential for a -- a quarry within
14 the waste rock storage area to develop some additional
15 rock fill for the dike construction, and one of the
16 benefits of the quarry is it does give us a -- a
17 location to -- to end dump some of the saturated
18 sediments and -- and decant some of the water off that
19 while they settle.

20 And other than that, as part of detailed
21 design, we'll come -- we'll -- we may have to put some
22 areas within the footprint of the waste rock to trap
23 the sediments, and allow the water to be managed and
24 collected with the dike construction.

25 MR. BRYAN WATTS (BY PHONE): Thank you.

1 It's Brvan Watts, again. I'll iust continue until
2 someone stops me. So --

3 THE FACILITATOR: Brvan, could vou hang
4 on?

5 MR. BRYAN WATTS (BY PHONE): Yeah.

6 THE FACILITATOR: I think someone here
7 mav have a -- a question that's --

8 MR. BRYAN WATTS (BY PHONE): Sure.

9 THE FACILITATOR: -- pertinent to
10 what's iust been discussed.

11 MR. NOEL JOURNEAUX: Yes.

12 THE FACILITATOR: Could vou give your
13 name, please?

14 MR. NOEL JOURNEAUX: It's Noel
15 Journeaux. I'm going back to the level of the muds
16 line (phonetic). And I noticed that vou selected the
17 elevation of four-o-two (402) for the excavator, and I
18 was wondering whv that elevation was picked, because
19 that's at the top of that soft material, and that vou
20 didn't add a few more metres and go down to the bottom
21 of the soft material onto the more resistant foundation
22 area?

23

24 (BRIEF PAUSE)

25

1 MS. FIONA ESFORD: Fiona Esford, Golder
2 Associates. That elevation of four-o-two (402) is
3 based on the conceptual design, and pre-feasibility
4 design. It will be informed as part of the detailed
5 design, taking into account the information gained
6 through a much more extensive geotechnical
7 investigation program that has been carried out this
8 winter. The intent will be, in those deep sections,
9 that -- that that base elevation is to firm competent
10 soil.

11 MR. NOEL JOURNEAUX: But that also is
12 pretty well at the limit of the excavator, is it not?
13 Yeah, it's Noel Journeaux again. Just questioning the
14 fact that the -- the elevation four-o-two (402), you
15 were pretty well at the extreme of the limit of the
16 excavator. Is that not true?

17 MS. FIONA ESFORD: Fiona Esford, Golder
18 Associates. Excavators can come in different
19 dimensions and -- and boom lengths, or you can use
20 other types or configurations for excavation, and --
21 and it's not necessarily limited to an elevation of
22 four-o-two (402).

23 MR. NOEL JOURNEAUX: Noel Journeaux
24 again. That was the reason I was asking the question.
25 But then what about the stability of that rock slope

1 which is at properly one point-zero-one (1.01), or one
2 point-one (1.1), rather, and the stability of the heavy
3 equipment that's right on the edge of that deep slope?

4

5 (BRIEF PAUSE)

6

7 MR. JOHN CUNNING: John Cunning, with
8 Golder. Noel, could you clarify that? I didn't
9 understand your exc -- were you quoting the excavation
10 slopes, or the excavation factor of safety?

11 MR. NOEL JOURNEAUX: Well, it's really
12 the -- an excavation factor of safety, because the
13 machinery will be sitting at the top of a rock slope
14 which was dumped straight into the water, very loose,
15 and we know that it's very unstable, as you saw at the
16 Meadowbank. And I was just wondering if that's not a
17 risky situation to have a heavy machinery digging down
18 at that depth.

19 MR. JOHN CUNNING: Yes. John Cunning,
20 with Golder. Yes, Noel, we -- we -- as part of
21 detailed design, we -- we've done some preliminary
22 analysis, but we do understand we have to put equipment
23 on top of this slope, and it's part of the -- the
24 stability analysis will be confirmed and the safety
25 procedures will be developed in order to safely place

1 this material with the designed equipment.

2 MR. NOEL JOURNEAUX: Okav. Okav.

3 THE FACILITATOR: Do you have a follow-
4 up question? It's Bill Klassen. Do you have a follow-
5 up question?

6 MR. NOEL JOURNEAUX: No, that's fine.

7 THE FACILITATOR: Okav. Brvan, I --
8 you had another question, I think?

9 MR. BRYAN WATTS (BY PHONE): Yeah.
10 Yeah, I've got a cou -- a couple more here. They're --
11 so at -- at the end of your very good December 2014
12 report, in -- in section 15 you make recommendations
13 for future work.

14 Have all of these recommendations been
15 carried out? And after they're carried out, is the --
16 is Golder or the consultant content that enough ground
17 information has been acquired to proceed with the
18 construction?

19 THE FACILITATOR: Brvan, it's Bill
20 Klassen. They're just checking the report here. Do
21 you want to take a few moments?

22 MR. RICHARD BARGERY: Yeah, it's
23 Richard Bargery, Dominion Diamond. Yes, please, give
24 us a moment please, Bill.

25 THE FACILITATOR: Okav.

1 MR. BRYAN WATTS (BY PHONE): Yeah, it's
2 iust the recommendation section in the report.

3

4 (BRIEF PAUSE)

5

6 MR. RICHARD BARGERY: Richard Bargery,
7 from Dominion Diamond. We'll take that question away
8 and iust -- we'll come back with an answer. It's going
9 to -- it's going to take us a little bit of time to --
10 there's a number of recommendations here, so we'll have
11 to go through and -- and come back by tomorrow with a -
12 - with a response.

13 THE FACILITATOR: Okay.

14 MR. BRYAN WATTS (BY PHONE): Okay.

15 THE FACILITATOR: Bill Klassen. Thank
16 you, Richard. So the staff are recording the
17 commitment on the part of Dominion Diamonds to come
18 back with a response on the recommendations that Bryan
19 Watt was iust asking about.

20 Bryan, do you have anything else?

21 MR. BRYAN WATTS (BY PHONE): Yeah, I --
22 I have one (1) more question if -- if you'll allow me.
23 Bryan Watts. On each of these big projects, there's
24 been, in my opinion, very effective Review Boards.

25 Is it -- is it the intention of the

1 proponent to have a -- a geotechnical Review Board for
2 this isolation dike, both for the design review, which
3 I assume is coming up, and -- and the construction?

4 MR. RICHARD BARGERY: Yeah, it's
5 Richard Bargery, from Dominion Diamond. And I -- I
6 think it was an IEMA IR. And we did commit to -- to
7 putting in place a independent dike Review Board.

8 MR. BRYAN WATTS (BY PHONE): And what -
9 - supplementary question. Bryan Watts. When will --
10 when will they be in place? I would trust before
11 construction starts.

12 MR. RICHARD BARGERY: Richard Bargery,
13 Dominion Diamond. Yes.

14 MR. BRYAN WATTS (BY PHONE): Thank you,
15 Bill. Tho -- those are my questions.

16 THE FACILITATOR: Is that a -- a
17 commitment that the Board staff can record, then?

18 MR. RICHARD BARGERY: Richard Bargery,
19 Dominion Diamond. Yes again.

20 THE FACILITATOR: Thank you. Sometimes
21 the answers are obvious, but I'm sorry if I am a bit
22 pedantic about ensuring that we know what's a
23 commitment and what might be nice to do.

24 So we've been focussing on the topic of
25 -- OF dikes, so let's stay with that for a moment. Are

1 there any other questions of clarification regarding
2 the information that was provided on dikes? Please go
3 ahead. And as always, state your name, please.

4 MR. NOEL JOURNEAUX: Yeah, it's Noel
5 Journeaux here again. With regards to the doing of the
6 central core of the section, I was wondering -- or the
7 perimeter dikes, and if you cannot organize to put the
8 big boulders section on the inside of that -- those
9 dikes to prevent them collecting underneath them in the
10 major part of the dike, and creating water passages so
11 that the seepage can get out and contaminate the
12 environment?

13 MR. RICHARD BARGER: Richard Barger,
14 Dominion Diamond. Sorry, I think we've having a little
15 bit of trouble understanding that. Could you just
16 restate that, please, Noel?

17 MR. NOEL JOURNEAUX: Yeah, this would
18 be a situation where you would try to do a bit of
19 separation of the material, of the rough blasted rock
20 on the top of the dike by pushing the coarse material
21 to the interior of it and using the finer material on
22 the outside, so it'll cut down on the permeability
23 underneath the dike through this mud, leading to a
24 contamination of the environment as is -- the boul --
25 coarse boulder layer at the contact with the soft

1 sediments and the rock fill would be a -- an ideal
2 passageway for water to seep through into the
3 environment?

4 MS. FIONA ESFORD: Fiona Esford, Golder
5 Associates. That method of segregation or -- or
6 separation of the rock fill placement is not part of
7 the design.

8 MR. NOEL JOURNEAUX: Okay. One (1) of
9 the other questions I had is: Eventually, they're
10 going to have a contractor come in there to bid on the
11 excavation work, and will he have the sufficient
12 information concerning the SPTs, as we had discussed a
13 few times, for him to bid and evaluate his production
14 when going through this soft materials and the -- and
15 the boulder till or the glacial till on the bottom to
16 get to rock?

17 MR. ELLIOT HOLLAND: Elliot Hollard,
18 for Dominion Diamond. SPTs? I'm not familiar with the
19 term.

20 MR. NOEL JOURNEAUX: Oh, those are the
21 standard split-spoon samples to determine the density
22 of the materials that you'll be working in and the
23 difficulties you will have with using that big shovel,
24 which will be pulling on that material as you're
25 sitting on the top of a very steep slope.

1 MS. FIONA ESFORD: The contractors who
2 are asked or invited to -- to bid will be -- the
3 results from the geotechnical investigation will be
4 shared with the contractor. This will include
5 information on the density that we've gathered through
6 the investigation program.

7 MR. NOEL JOURNEAUX: It's Noel
8 Journeaux again. I understand that perfectly. But in
9 the latest responses, you said -- or it was said that
10 they will be doing a cone penetration test to refusal,
11 but there was -- it was definite they were not going to
12 take any SPTs, or standard split-spoon samples, which
13 are required by most of the contractors to do an
14 excavation job.

15

16 (BRIEF PAUSE)

17

18 MS. FIONA ESFORD: We'll be providing
19 the contractors with the information from the vane
20 shear tests. And the cone penetration testing done
21 will not include split-spoon samples. Meadowbank was
22 done successfully without split-spoon samples or vane
23 data, or cones.

24 MR. NOEL JOURNEAUX: No, I follow that.
25 Noel Journeaux again. I follow that, but in the soft

1 sediments of course he doesn't have a problem. It's
2 prime -- primarily in the glacial till, or what you
3 call the competent material, in the bottom that he'll
4 have to excavate to that elevation photo 2, or probably
5 photo 4 -- photo 400. And that's where he'll be
6 getting into some problems with the difficulty of
7 extracting that material.

8

9 (BRIEF PAUSE)

10

11 MR. RICHARD BARGERY: Richard Bargery,
12 Dominion Diamond. I'm not -- not 100 percent sure
13 there was a question there, so -- it was a bit more of
14 a comment or something that way. Sorry.

15 MR. NOEL JOURNEAUX: Well, I gather
16 this information will not be provided to the
17 contractor, and so he'll have to make a best estimate
18 sort of to -- which can be costly, number one. And of
19 course for the owner, you can end up in substantial
20 claims if he runs into big boulders or -- at the
21 contact between the soft sediments and the -- and the
22 boulder till.

23 So it's primarily a -- sort of a
24 indication to the owner there could be substantial
25 claims at the end of the job.

1 THE FACILITATOR: Thank you. I -- I
2 take it that's an observation that will be on the
3 record then. I don't know whether further comment is
4 required. Unfortunately that's not an area of my
5 expertise. I see there's an indication of another
6 question.

7 DR. JAMIE VANGULCK: Thank you. Jamie
8 VanGulck for the GNWT. Just to follow up on Noel's
9 comment. It's not necessarily just a concern to the
10 owner but the method of construction, which could
11 factor into how monitoring is done and -- and what sort
12 of monitoring is done.

13 My understanding is there's some
14 uncertainty regarding the density of the material and
15 the ability of the excavator to complete the work. If
16 that uncertainty is high and the excavator can't do
17 that work, what are the alternatives to complete the
18 construction?

19 THE FACILITATOR: Okay. It's Bill
20 Klassen. That sounds like a question.

21

22 (BRIEF PAUSE)

23

24 MS. FIONA ESFORD: The design engineer
25 understands the conditions and will communicate the

1 conditions to the contractor. It's been done in a
2 similar environment in both Meadowbank and Diavik, and
3 there is -- in any place where we don't excavate to
4 bedrock, jet grout columns will be used to extend the
5 cutoff wall from the base of the cutoff wall with an
6 overlap to the bedrock contact, and low permeability.
7 The grouting will be done in the shallow bedrock.

8 MR. NOEL JOURNEAUX: Okay. The final
9 question I have is with regard to -- it's Journeaux
10 again -- the slopes that you envisage having in the
11 area between the open pit in the Jay Pit and the toe of
12 the dike where you're indicating some slopes at the 60
13 degrees in the overburden.

14 I'm just wondering how you expect those
15 to stand up in the spring after the winter freeze and
16 these -- the -- the frozen layer on the outside starts
17 to thaw and will run down into --- towards the bottom
18 of the toe of the slope at very flat angles?

19

20 (BRIEF PAUSE)

21

22 MS. FIONA ESFORD: The overburden
23 slopes adjacent to the open pit are based on a pre-
24 feasibility level design at the moment. Again,
25 additional investigation information that has been

1 collected this winter will be used to inform the
2 detailed design for those overburden slopes. They'll
3 be cut back to an angle so that -- and managed through
4 the open pit development so that they're stable and
5 there's adequate setback between those slopes and the
6 toe of the dike.

7 MR. NOEL JOURNEAUX: So this
8 information will be provided?

9 THE FACILITATOR: It's not clear to me,
10 Ms. Esford. When you say information was gathered this
11 winter, or -- that's the winter just past, or is this
12 information that will be gathered this coming year?

13

14 (BRIEF PAUSE)

15

16 MR. ELLIOT HOLLAND: Elliot Holland,
17 with Dominion. For the purposes of the Environmental
18 Assessment, Dominion believes that the pre-feasibility
19 level engineering design is sufficient to complete this
20 process. In order to -- to advance the project to
21 construction, we will require more detailed design.
22 But we do not believe that that information will be
23 required as part of the Environmental Assessment.

24 THE FACILITATOR: Thank you. I expect
25 that that ultimately is a call the Board will be

1 making, but thank you for that response. Do you have a
2 follow up question?

3 MR. NOEL JOURNEAUX: No, that's it.

4 THE FACILITATOR: Okay. It's Bill
5 Klassen, for the transcriber's benefit. Brvan, are you
6 still there?

7 MR. BRYAN WATTS (BY PHONE): I am still
8 here.

9 THE FACILITATOR: Brvan, I just wanted
10 to know whether the responses that Dominion Diamond has
11 provided has satisfied you with the information you
12 required?

13 MR. BRYAN WATTS (BY PHONE): I'm
14 content with the -- with the responses and I look
15 forward to a response to my question number 5 on -- on
16 follow up to the recommendations in the Golder's 2014
17 pre-feasibility design report that -- that the
18 Proponent says they're going to give to us tomorrow, or
19 within the normal course of events here. Thank you.

20 THE FACILITATOR: Are there any other -
21 - it's Bill Klassen. Are there any other questions
22 either from people who are on the telephone or here in
23 the room regarding the topic of dikes?

24

25 (BRIEF PAUSE)

1 THE FACILITATOR: There's a question in
2 the back. Could we have a microphone? Where's the
3 person with the microphone? Or could you come to a
4 microphone? There are a couple here. Thank you.

5

6 (BRIEF PAUSE)

7

8 THE FACILITATOR: Could you give your
9 name, please?

10 MS. NOELINE VILLEBRUN: Masi cho.
11 (NATIVE LANGUAGE SPOKEN). Thank you. For the
12 translation, I said thank you for all coming here to
13 this meeting here to talk about water, to talk about
14 land, and that I'm sad because you're all speaking
15 English when you're talking about my land, my water,
16 the animals, the impacts that we face since Diamond
17 Dominion came here, and all the rest of the mines, and
18 all the developments that have been happening since the
19 treaty of 1900.

20 And one (1) of the things that you guys
21 can do is at least have translators. Because whatever
22 you're talking about here impacts on our lives. It --
23 it has impacted on my life. So I stepped outside the
24 box to learn what everybody is about here, the process,
25 everything, where I fit in as a Dene, where my

1 relatives fit in, into this whole process. I had to
2 learn. And that was by stepping outside the box.

3 And I'll tell you, what I learned I'm
4 not very happy with, even today's process. And I --
5 believe it or -- or not, I'm one (1) of the few that
6 comes to these meetings and I have to speak like this
7 and be a reminder. I don't like to do it, but it has
8 to be done.

9 But what also surprises me, before we go
10 on, is the people that have worked for the federal
11 territorial governments that are now working for
12 industry contracted out. They work for industry. They
13 should bring their knowledge. And that includes
14 protocol. How do you treat Dene? And what is their
15 protocol?

16 And we have one (1). We had one (1)
17 until that was replaced with corporate rules and laws
18 and legislation. So this is what I'm facing as a Dene.
19 Even myself as a learned Dene, I have to try to
20 decipher what is going on here. But believe it or not
21 when you translate it into my language, it can be very
22 simple because our language is very simple. Because we
23 are very simple, traditional people that have lived off
24 the land. And we have been removed for your
25 development. Okay?

1 So I hope tomorrow I see translators
2 here. Not just for English and French, but Dene.
3 Because when you call this Board Mackenzie Valley
4 Review Board, it reflects all the Dene up and down the
5 Mackenzie. It doesn't just reflect Yellowknife here
6 because this is where the decisions are made. No, the
7 decisions are made up and down the Mackenzie. Not by
8 civilians.

9 And that's another terminology I have an
10 issue with here, is the word 'civilians' and 'society'.
11 Because as a Dene woman I am not a civilian. I did not
12 immigrate here. I am a tribal sovereign Dene woman.
13 And we must be treated as such.

14 So I had a question for Fiona on the --
15 when you talk about the caribou crossing. But I notice
16 on the agenda we're going to be discussing caribou. So
17 I'll -- I'll hold off my comment about the caribou
18 until tomorrow.

19 But having said that, please keep in
20 mind any decision that you make here, I as a Dene, we
21 have to re -- try to reverse the decisions that are
22 impacting not in a assimilated, colonized community,
23 okay? But out there in those little communities where
24 all the Dene have been put because of development.
25 We're the ones that have to pick up the aftermath and

1 this is what we're living with.

2 So I iust want to remind evervbodv
3 sitting here and be a reminder in a good wav. Yes,
4 sometimes I do raise mv voice, but I'm a grandmother.
5 And I have lived the impacts and survived. So when I
6 come to the table it's -- it's not to be a -- a
7 neqative force. But it's things that have to be said
8 that is the truth. Because the one (1) thing I have
9 learned is there's too many misinformation going
10 around.

11 So this is whv I'm here and I wish you
12 guvs a good meeting. And remember there are people out
13 there that are listening. And it's too bad we don't
14 have this on the radio so all the communities, all the
15 people in the homes, can listen to what is being said
16 about their land and whether they agree to it or not.
17 I don't see anv of these Review Board meetings on TV.
18 We have a community channel, you know? So thank you
19 verv much.

20 THE FACILITATOR: Thank vou. I wonder
21 -- excuse me -- I wonder if I could ask vour name?

22 MS. NOELINE VILLEBRUN: Sorrv. Mv
23 English name is Noeline Villebrun.

24 THE FACILITATOR: Okav.

25 MS. NOELINE VILLEBRUN: I was

1 registered as Noeline Villebrun. In 2005 I was given a
2 Dene name --

3 THE FACILITATOR: M-hm.

4 MS. NOELINE VILLEBRUN: -- by the Dene
5 International Gathering. In the English version I'm
6 called Yellowknives Woman. In -- in Dene, Thestonotine
7 Seque. That's what I was given. And in 2012, I was
8 invited down to Palm Bear, Saskatchewan. And I was
9 given the title of Clan Mother. Why? Because of my
10 advocacy. Okay? So I -- I carry that with honour.

11 THE FACILITATOR: M-hm.

12 MS. NOELINE VILLEBRUN: And I take it
13 serious. Thank you.

14 THE FACILITATOR: Thank you very much.
15 I had asked about interpretative services for the
16 technical sessions. My understanding is that when the
17 -- the Board itself -- these are just the technical
18 sessions with Board staff. When the Board members hold
19 Board meetings they do provide the translation or
20 interpretative services.

21 But the Board staff who are here will
22 certainly take note of the concern you voiced. I -- I
23 can't say I understand that, not being a First Nations
24 person, but I do have some -- some sense of it.
25 English is not my first language either. But the --

1 the Board staff will convey your concern to the Board
2 members, so thank you.

3 Are there any other questions then
4 concerning dikes? A member of the Agency?

5

6 (BRIEF PAUSE)

7

8 MR. TIM BYERS: Thank you, Bill. Tim
9 Byers, with the Agency. Just one (1) question on the
10 rock piles. You state that there's going to be a 5-
11 metre-deep granite cover over the top and the slopes of
12 the rock pile. Is that correct?

13 MR. JOHN CUNNING: John Cunning, with
14 Golder. Yes, that's correct. That's a minimum
15 thickness, yes.

16 MR. TIM BYERS: Tim Byers again. I
17 know that that was also supposed to be the -- the final
18 -- the final closure setup for all of your waste rock
19 piles that was presented to us during the original, I
20 think, EA way back when. And that -- that plan for a
21 5-metre cover for the other three (3) rock piles has
22 since changed to a combination of a lesser depth of
23 granite and till, I think it is.

24 And I'm wondering what the difference
25 between the Jay scenario for that cover and the cover

1 for the other three (3), what the difference there is?

2 Thank you.

3

4 (BRIEF PAUSE)

5

6 MR. ERIC DENHOLM: It's Eric Den --
7 Eric Denholm speaking for Dominion Diamond. I have a
8 raspy throat. I apologize if that comes through.

9 The 5-metre cover of granite is
10 prescribed for the -- the Misery rock pile because it
11 also contained -- because it contains metasediment rock
12 type. The -- I think the other one you'd be referring
13 to, Tim, would be the Pigeon rock pile, which is just -
14 - just started under construction this year. Not
15 constructed yet.

16 The -- the cover for the Pigeon rock
17 pile achieves exactly the same purpose. It's a
18 thermally protective cover. In that case, the design
19 is 3 metres of till plus a nominal 1-metre thickness of
20 granite. But the -- the difference in the thickness,
21 if you like, between the 4 metres and the 5 metres,
22 because of the different properties of the material is
23 -- accomplishes exactly the same long-term goal of ser
24 -- of providing a thermally protective layer. So that
25 -- yeah. Thanks.

1 MR. TIM BYERS: Thank you. That . . .

2 THE FACILITATOR: Thank you. It's Bill
3 Klassen. Are there any other questions about dikes, or
4 can we move back up to project alternatives perhaps
5 related to energy or the waste rock storage area? Are
6 there any questions related to that topic?

7

8 (BRIEF PAUSE)

9

10 THE FACILITATOR: Okay. We've got --
11 yeah.

12 MR. TODD SLACK: It's Todd Slack, with
13 the Yellowknives. I'm -- I'm not sure I'm the question
14 you want, but here I am. I -- I'm here to talk about
15 the -- the waste rock storage pile. And I guess if we
16 could just start with a question.

17 Does the Project believe that a smaller
18 pile further away is better? Can we just start with
19 that?

20 (BRIEF PAUSE)

21

22 MR. RICHARD BARGERY: Dominion --
23 Richard Bargery, Dominion Diamond. Just for clarity,
24 Todd, do you mean as -- as opposed to what we -- what
25 we've put in the project, is -- just general?

1 Yeah, Richard Bargery, Dominion Diamond.
2 I -- I think what -- what we put in the -- what we put
3 in -- in the DAR and what we proposed for the project,
4 and we've done, you know, some consultation -- or some
5 engagement with communities, and we think that that's
6 what's best for the project.

7 MR. TODD SLACK: Todd Slack, with the
8 Yellowknives. Thanks for that answer. I guess we'll
9 ask this a different way. In your consultations with
10 the communities, have you heard that some communities -
11 - or at least have you heard the concern that a waste
12 rock storage pile that would be further away from the
13 esk -- the mine -- the main esker there, would that --
14 have you heard that that's a concern, or that if it
15 were smaller, that would be better?

16

17 (BRIEF PAUSE)

18

19 MR. RICHARD BARGERY: Richard Bargery,
20 Dominion Diamond. We -- we heard a number of things
21 during the community engagement process, and -- or
22 process with -- with communities. And making it
23 smaller, moving it away from the esker, those were some
24 of the things that we did here.

25 So, you know, we have made it smaller,

1 made it taller, moved it away from the esker in
2 response to some of the concerns we've heard in
3 community engagements, but, I mean, it is a bit of a
4 tradeoff in terms of -- of where you put the pile. And
5 we think we -- we've tried to be responsive to
6 community concerns and -- and what we've heard to the
7 engagement process.

8 MR. TODD SLACK: It's Todd Slack, with
9 the Yellowknives. Okay, well, it's -- that's a good
10 starting point, that it has been heard, at least. I'm
11 wondering, all of these will refer to IR-2 from the
12 Yellowknives. I have understood that there's some
13 issues with respect of numberings, but there you go.

14 So the request asked for some costing
15 information attached to using Lynx or Miserv as a -- a
16 space to deposit the -- the waste rock. And this
17 costing has not been provided other than to say it
18 would be -- there would be significant additional
19 economic costs.

20 And while I don't doubt that there would
21 be additional costs, can you try -- help us understand
22 what those additional costs would be?

23 MR. RICHARD BARGER: Richard Barger,
24 Dominion Diamond. Just -- just give us a moment on
25 this one, please.

1

2

(BRIEF PAUSE)

3

4

MR. RICHARD BARGERY: Thank -- thank
you for the time. Richard Bargery, Dominion Diamond.

6

So with respect to -- I didn't really
have time to -- to read the entire IR, Todd. But with
respect to Lvnx and Miserv, well, Lvnx is -- in and of
itself, it's too small, and -- and Miserv, of course,
we're using to manage -- manage the mine water. That's
-- that's a key component of the -- of the mine water
management plan.

13

MR. TODD SLACK: It's Todd Slack, with
the Yellowknives. Thanks for that. And, yes, I have
read the response. And I see that you say that Lvnx is
small and can only hold 5-metre -- 5 million cubic
metres, and Lvnx itself could be -- could hold 40
million cubic metres.

19

But we're here to talk about alter --
and you say that you need this as a -- the mine water
management plan. And you've declared that there is
seemingly no alternatives here, that you need Miserv.
And the question that was asked -- we're getting away
from not providing the net costing information again,
but the question that was asked was: Wouldn't this

1 reduce the magnitude of the waste rock pile? If you
2 put 45 million cubic metres into these holes, can we
3 agree that it would reduce the magnitude of the waste
4 rock pile?

5

6 (BRIEF PAUSE)

7

8 MR. RICHARD BARGERY: Rich -- Richard
9 Bargery, Dominion Diamond. So one (1) of the key
10 components of the change from Jav-Cardinal to Jav
11 project is we're no longer going to use the lake system
12 to manage -- manage water, and we went to -- to using
13 the Misery Pit to manage water. That was one (1) of
14 the concerns we actually heard in the community
15 engagement process in Jav-Cardinal. So we think that
16 that's an improvement, a -- a substantial improvement,
17 in Jav environmentally. In answer to your question, I
18 guess technically, yes, that -- that you have the right
19 sizes for the -- for the pits.

20 MR. TODD SLACK: Thanks for that. So
21 we -- we've agreed that it would be smaller. Moving
22 from that, I guess the quest -- the question that comes
23 to mind -- and remember, we're talking about
24 alternatives here, and, you know, I'm sure that the --
25 there is alternatives for your mine water management.

1 But just as a discussion piece, if it
2 was 45 million cubic metres smaller, how big would the
3 pile be? Sorry, in -- this in area. And I understand
4 the tradeoffs between height and area. But, you know,
5 give us an indication.

6

7

(BRIEF PAUSE)

8

9 MR. RICHARD BARGERY: Richard Bargery,
10 from Dominion Diamond. The current stockpile size is
11 120 cubic -- or a million cubic metres, I think. So
12 forty-five (45) is roughly a third.

13 MR. TODD SLACK: Todd Slack, with the
14 Yellowknives. So if it was a third smaller, would that
15 not give you more flexibility and all -- allow you to
16 adopt different orientations and a different size of
17 the waste rock pile?

18

19

(BRIEF PAUSE)

20

21 MR. RICHARD BARGERY: Richard Bargery,
22 Dominion Diamond. I mean, the issue -- I mean, it's a
23 tradeoff. I mean, as I said in one (1) of my earlier
24 responses, you know, one (1) of the concerns we heard
25 about Jay-Cardinal was -- was the management of water.

1 We think that by using Miserv as -- as a -- a -- to --
2 to manage the mine water, it's a-- it's a benefit
3 environmentally. We think that that -- you know,
4 that's -- that's an appropriate tradeoff to make.

5 MR. TODD SLACK: I'll ask the -- the
6 question again. If you have less rock, one-third (1/3)
7 less than what you're proposing, would that not give
8 you flexibility and alternatives to change the shape of
9 the waste rock pile and to move it further away from
10 the esker that people are concerned about?

11

12 (BRIEF PAUSE)

13

14 MR. RICHARD BARGERY: Richard Bargery,
15 Dominion Diamond. I -- I guess it -- it would lower
16 the height of the -- of the waste rock pile.
17 Potentially, it increases the traffic out to -- to
18 Miserv, because you're hauling that -- that waste rock.
19 And as I said -- as I said earlier and continue to say,
20 you know, it -- it will take away from what we think is
21 -- is an appropriate mine water management plan for the
22 project.

23 MR. TODD SLACK: It's Todd Slack, with
24 the Yellowknives. And I guess I'll give this just one
25 (1) last shot. How much would you have to reduce the

1 waste rock pile before you could potentially see a
2 change in the shape and orientation of it? Just a
3 percentage, because 33 percent doesn't get us there.

4

5

(BRIEF PAUSE)

6

7 MR. RICHARD BARGERY: Richard Bargery,
8 Dominion Diamond. That would require some calculation
9 we probably shouldn't do on the back of a napkin, so I
10 -- I'm not -- I'm not even sure I'd commit to doing
11 that.

12 I mean, it -- it -- you know, it would
13 require some engineering work to be able to -- to be
14 able to figure that out. I think the important points,
15 we've made. I think it's also important to point out
16 that we have, in -- in response to community concerns,
17 set back the -- the waste rock pile from the esker by
18 200 metres. One moment.

19

20

(BRIEF PAUSE)

21

22 MR. RICHARD BARGERY: Just a -- a final
23 point I -- I -- which I'd go back to. I mean, you --
24 you just can't consider the waste rock pile by -- waste
25 rock storage area by itself in isolation to the other

1 aspects of -- of the project. That's why I, you know,
2 come back to -- to things like traffic volumes and --
3 and how we're managing the mine water.

4 MR. TODD SLACK: It's Todd Slack with
5 the Yellowknives. And I'm not trying to treat it in
6 isolation. I'm trying to ask a question. But, you
7 know, it's seemingly impossible to get that answer, so
8 fair enough.

9 The next question in here, the project
10 has -- oh, sorry, I'd like to ask one (1) more on that.
11 So the -- we haven't talked anything about the costing.
12 The -- the project has said that the main pits at Ekati
13 are further away and would cost more.

14 Can you give any kind of discussion as
15 to how much more, or to help us understand what the
16 additional economic costs are, because -- you know, and
17 acknowledging that we don't understand what the
18 economic costs are to begin with.

19 MR. ELLIOT HOLLAND: Elliot Holland,
20 with Dominion. We've -- we've given an indication of
21 our haulage costs in our technical report on the
22 property that we filed publicly.

23 MR. TODD SLACK: Todd Slack, with the
24 Yellowknives. Thanks, Elliot. Could you just let us
25 know sort of like a ballpark what that is, the

1 difference is?

2 MR. ELLIOT HOLLAND: You have to be
3 more specific.

4 MR. TODD SLACK: Okay. I'll -- I'll
5 move on. So question number 2, The project has
6 seemingly prioritized saving the two (2) water courses
7 over changing any of the -- the orientation of the
8 waste rock pile.

9 I'm wondering if you can talk about the
10 -- provide us the project's opinion on why a
11 potentially less impactful waste rock pile, and waste
12 rock pile orientation, is seemingly more important than
13 lowering the impact to caribou?

14 And I acknowledge -- excuse me -- that
15 it would require a permanent water diversion, but let -
16 - let's just sort of leave it at that.

17 MR. ELLIOT HOLLAND: I'm -- I'm sorry,
18 What was the question?

19 MR. TODD SLACK: The question was: Why
20 is the project prioritizing saving these two (2) water
21 courses over modifying the shape and orientation of the
22 waste rock pile?

23 MR. ELLIOT HOLLAND: Elliot Holland,
24 from Dominion. We've made that decision considering
25 all of the relevant impacts and benefits, in our

1 opinion, as collected through community engagement
2 engineering analysis.

3 MR. TODD SLACK: It's Todd Slack, with
4 the Yellowknives. How many water bodies has the
5 project altered to date? Maybe we can start there.

6 MR. ELLIOT HOLLAND: Elliot Holland,
7 with Dominion. We can't give you a specific number off
8 the top of our heads.

9 MR. TODD SLACK: Todd Slack. Something
10 around tenish?

11 MR. RICHARD BARGERY: Richard Bargery,
12 Dominion Diamond. We -- we can get that number for
13 you, Todd. We just don't have it right -- I mean, we -
14 - we can get that number for you this week.

15 MR. TODD SLACK: Thanks. It's -- it's
16 a lead into the -- well, if we can get that question, I
17 can ask this at the caribou session. Okay, great. One
18 (1) second.

19

20 (BRIEF PAUSE)

21

22 MR. TODD SLACK: In this IR, we -- we
23 talked about the -- the two (2) waste rock piles, the -
24 - the alternative -- and the project has stated that
25 the two (2) waste rock pile alternative would affect

1 more habitat.

2 Can you provide us with -- or remind us
3 how much habitat it would affect, and how much is that
4 relative to the Ekati and Diavik impacts to date?

5

6 (BRIEF PAUSE)

7

8 MR. JOHN CUNNING: John Cunning, with
9 Golder. Yeah, it's a -- very small relatively to all
10 those other piles. The -- the additional area would be
11 quite small, but it results in more fragmentation of
12 the waste rock and increases the ability to -- to
13 manage it and monitor it.

14

15 (BRIEF PAUSE)

16

17 MR. TODD SLACK: Just to be clear, you
18 said, "Fragmentation of the waste rock." That's the
19 pri -- waste rock monitoring and management, that's the
20 principle concern with that, right?

21 MS. FIONA ESFORD: Fiona Esford, of
22 Golder Associates. It's fragmentation of the terrain
23 for the wildlife.

24 MR. TODD SLACK: Okay. Todd Slack.
25 I'm glad I -- I clarified that. And then my last

1 question is: In reviewing the -- the alternatives
2 analysis that was submitted as part of the DAR, the
3 other aspect associated with the two (2) waste rock
4 storage authority was the -- that you guys had noted
5 that it would be more complex. And in the response to
6 YKDFN question -- YKDFN 2, question 4, you noted that
7 this would only be in the event that seepage management
8 becomes necessary.

9 So I just want to clarify that this pro
10 -- that option is more complex if a -- a drainage ditch
11 is necessary. I got that more or less right?

12 MR. JOHN CUNNING: John Cunning, with
13 Golder. Yes, that's right.

14 MR. TODD SLACK: Thanks, John. Todd
15 Slack, with the Yellowknives. That's it for me.

16 THE FACILITATOR: Thank you, Todd. And
17 just to make sure I have this on the list, you've
18 committed Dominion Diamond to provide a number of water
19 bodies affected by the project to date, I believe?

20 MR. RICHARD BARGERY: Number of --
21 water -- water bodies altered, I think. Was -- wasn't
22 that the question? Yeah. Thank you. It's Richard
23 Bargery, Dominion Diamond. Sorry.

24 THE FACILITATOR: Thank you. I think
25 that unless there are other questions on those first --

1 first three (3) -- is there a question at the back?

2 Thank you.

3

4 (BRIEF PAUSE)

5

6 MS. NOELINE VILLEBRUN: Thank you. I
7 might be a little ahead. I just wanted to ask a
8 question on the community engagement.

9 THE FACILITATOR: This is Bill Klassen.
10 If you could hold that one just for a moment?

11 MS. NOELINE VILLEBRUN: Yes.

12 THE FACILITATOR: There's a couple of
13 other topics I want to find out whether people have any
14 questions on, and then we'll come to community
15 engagement. And I'll ask you to ask your question
16 then. Thank you.

17 So are there any questions with -- with
18 respect to Information Request responses on terrain and
19 climate? Oh, I'm sorry, I -- Simon, you had a question
20 there a while back.

21 MR. SIMON TOOGOOD: Hello. It's Simon
22 Toogood, with the Review Board. I just had some
23 questions on alternative energy. I just got -- I just
24 want to speak to some of the IRs that the Review Board
25 had, and also the GNWT, but also the responses and just

1 some points of clarification.

2 So the broad topic here is alternative
3 energy. And it comes to -- there was an IR from the
4 Review Board and the GNWT asking about alternative
5 energies and how you considered them. And from what I
6 understand, you discounted the majority of alternative
7 energies because they couldn't provide a hundred
8 percent of the energy required for the mine, and that
9 you noted that to implement, say, wind power, it would
10 likely -- in your figures, is double the cost for
11 energy.

12 Now, in some of the responses, you state
13 -- in one (1) of the responses towards the end there,
14 it said:

15 "The Jay project lengthens the mine -
16 - the mine life, providing additional
17 time to amortize investments in
18 alternative power supply."

19 And that you'll continue to evaluate
20 those. And just keep that in mind. And, also, you
21 state in the responses about the GNWT and to the Review
22 Board that there's no additional load required in the
23 short term.

24 Now, I'm just wondering, there's a
25 couple of parts to this question. Power requirements

1 for the project, is there going to be -- will the
2 current power plant be sufficient for life of mine, or
3 are there going to be additional power requirements
4 after whatever the short-term was?

5 MR. ELLIOT HOLLAND: Elliot Holland,
6 with Dominion. Yes, we believe that the current power
7 production of the mine will be sufficient for the life
8 of the project.

9 MR. SIMON TOOGOOD: It's Simon Toogood,
10 with the Review Board. So in your response when you
11 said, "no additional load in the short term," can you
12 clarify what that meant?

13 MR. ELLIOT HOLLAND: Elliot Holland,
14 with Dominion. What we -- we mean is that there's no
15 additional load in the short-term, but we -- I would
16 say we also don't believe there to be additional load
17 in the longer term for the project.

18 MR. SIMON TOOGOOD: It's Simon Toogood,
19 with the Review Board. If there was any additional
20 pipes going to be developed, or any additional
21 developments on site, additional kimberlite pipes,
22 would that require additional load on the system, or
23 would the current power supply be adequate?

24

25 (BRIEF PAUSE)

1 MR. ELLIOT HOLLAND: Elliot Holland,
2 with Dominion. The other project that we in --
3 included as a -- a reasonably foreseeable development
4 in our amended filings was the Sable project. Sable,
5 given the -- the type of that development wouldn't
6 require any additional power during its development
7 either.

8 MR. SIMON TOOGOOD: And then -- just
9 Simon Toogood, with the Review Board. Just to follow
10 up with one (1) of the Review Board IRs, where we -- we
11 specifically asked if you could provide a cost/benefit
12 analysis of providing alternative energies for -- to
13 supplement a portion of the developments power needs.

14 Your response went back to, you know,
15 basically discounting, or not answering that question.
16 Is Diavik available to provide that cost/benefit
17 analysis of supplementing your power needs, maybe 10
18 percent? I mean, this gets back to GNWT's policy,
19 which they outlined in their IR, where -- it's right
20 here:

21 "Greenhouse gas strategies set sector
22 goals for emissions reductions of
23 renewable energy around 10 percent."

24 Now, I understand that that's for new
25 power facilities. But just taking that number, if you

1 could do a cost/benefit analysis of -- a ballpark
2 figure providing 10 percent of your energy needs,
3 similar to what Diavik's done with wind power, over the
4 course of the mine life? And that would be a direct
5 response to the Review Board IR.

6

7

(BRIEF PAUSE)

8

9 MR. ELLIOT HOLLAND: Elliot Holland,
10 with Dominion. Given that new power requirements are -
11 - are not needed for this project, Dominion doesn't see
12 any point in providing information on -- on
13 cost/benefit analysis. It's not -- it -- it's not a --
14 an element of the project, which is required, and --
15 and so we don't -- we don't understand the -- the value
16 of providing that information in this context.

17 MR. SIMON TOOGOOD: It's Simon Toogood,
18 with the Review Board. I understand that. I mean, it
19 does -- the context of this project, you know, some of
20 these alternative energies, they can be thought of as -
21 - this may be touched on on Friday when it comes to
22 climate change and greenhouse gas emissions as
23 mitigation strategies.

24 But also in your response to the Review
25 Board IR, you state that the:

1 "Brav -- Jav project length is the
2 mine of life, providing additional
3 time through more ties and
4 investments in alternative energy
5 power supply."

6 And that -- you state that you were
7 going to continue to evaluate the technical and
8 economic feasibility. I'm just wondering if you could
9 follow up on that and provide us with that information?

10

11 (BRIEF PAUSE)

12

13 MR. ELLIOT HOLLAND: Elliot Holland,
14 from Dominion. The Jav project is a -- is a major
15 development for Dominion, and our focus is on doing
16 what we need to do to build what we need to build to
17 get the Jav project going. And, you know, Dominion
18 will continue to look at -- at all investments which
19 are -- which are beneficial to the Company, and, you
20 know, a -- a cost/benefit analysis of alternative
21 energies is -- is one (1) of those. But we'd -- we'd
22 consider that a -- a business decision which is
23 unconnected to this project.

24 MR. TODD SLACK: Okay. Thank you very
25 much. I'll leave it there.

1 THE FACILITATOR: Thank you. Excuse
2 me. It's Bill Klassen. Are there other questions
3 related to any of the topics we've covered so far, or
4 terrain, climate, roads, and traffic? Now, some of
5 these, I recognize -- the waste rock storage area
6 that's going to come up again during the caribou
7 session and during the water session, so people will
8 have an opportunity to ask more questions then.

9 But are there any questions now
10 concerning either terrain and climate? And that would
11 include permafrost or road and -- and traffic usage?
12 We had some information on the screen during the
13 presentation about round trips and traffic on the road.
14 Or the developer's approach to environmental assessment
15 or community engagement?

16 MR. EMERY PAQUIN: Emery Paquin. I'm
17 with the Independent Environmental Monitoring Agency,
18 or IEMA, for short. I have a couple of questions
19 regarding -- regarding roads. It borders on caribou,
20 so if you wish to defer it till tomorrow, that's fine.
21 But -- but let me ask the question. Okay.

22 In response to one (1) of the -- the
23 agency's IRs, this was the IR number 25 from the --
24 from the agency. It's regarding the comment that the
25 wildlife have the right-of-way and that the Company

1 will use modified traffic patterns and road closures as
2 necessary to protect the caribou.

3 My question is specifically: Could you
4 provide information -- provide details on the criteria
5 that will be used as the -- the trigger for these
6 actions?

7

8 (BRIEF PAUSE)

9

10 MR. RICHARD BARGER: Richard Barger,
11 Dominion Diamond. Yeah, for this one, we -- we do need
12 a -- a -- there's a couple of other people that -- that
13 deal with this -- this particular issue and that
14 specific question. So we'd like to defer that to -- to
15 caribou. We'd certainly have an answer -- an answer
16 for that.

17 MR. EMERY PAQUIN: Okay. It's Emery
18 Paquin. I'm fine with that. The second part of the
19 question is with respect to the Company's traffic
20 management plan. I believe we've been informed that
21 the Company will be providing a revised or updated
22 version of that plan sometime in April.

23 Do you anticipate being able to meet
24 that -- that deadline or that schedule?

25 MR. RICHARD BARGER: Richard --

1 Richard Bargery, from Dominion Diamond. I'm -- I'm not
2 going to -- I'm going to say I believe so, but that's -
3 - that's connected to the -- to the question you -- you
4 just asked previous, Emery. And so we will certainly
5 give you a -- a full guess on that tomorrow, I think,
6 if you ask it during the -- during the caribou session.

7 MR. EMERY PAQUIN: Okay. I -- I --
8 it's Emery Paquin. I -- I do believe that if the
9 Company is -- is able to provide that modified plan, it
10 will assist in the assessment of this project.

11 MR. RICHARD BARGER: Richard Bargery,
12 Dominion Diamond. I know this is something that --
13 that we've had some discussions with IEMA about before
14 so we -- I understand the comment, so.

15 MR. EMERY PAQUIN: Thank you.

16 THE FACILITATOR: Thank you. It's Bill
17 Klassen. Are there any other questions on terrain,
18 climate, roads, and traffic, or the approach to? Tim.

19

20 (BRIEF PAUSE)

21

22 MR. TIM BYERS: Tim Byers, with the
23 monitoring agency. On your slide showing the -- the
24 traffic volumes, I note -- there's two (2) questions I
25 have. One of them is I notice that for both the Misery

1 Road and the much shorter Jav Road, for the same number
2 of vehicles, that is fiftv (50) to sixtv (60), you have
3 on both roads the interval between trucks being exactly
4 the same.

5 And I'm wondering if that's because on
6 the Miserv Road they're going faster? Would that
7 maintain that interim distance -- time distance between
8 them? And I'm assuming that that means they're running
9 twentv-four (24) hours a day, but I could be wrong.
10 Thanks.

11 MR. ELLIOT HOLLAND: Elliot Holland
12 from Dominion. Those are the -- the same trucks on
13 both roads.

14

15 (BRIEF PAUSE)

16

17 MR. ELLIOT HOLLAND: So -- so to -- to
18 clarifv, we have a -- we -- the long haul ore trucks
19 would leave Jav, go to the -- to the junction on the
20 Miserv Road, and then proceed down the -- down the
21 Miserv Road.

22 MR. TIM BYERS: Thank you. That
23 clarifies it for me. I thought their destinations were
24 different, so that -- that explains that. Thank you.

25 My second question then is, I'm iust

1 curious as to the non-haul trucks. There's going to be
2 twenty (20) to thirty (30) on the Jav Road, and thirty
3 (30) to forty-five (45) on the Miserv, which surprised
4 me, but I'm not sure what the non-haul trucks are.

5 Are -- are those mostly water trucks, or
6 are there other smaller vehicles as well?

7 MR. ELLIOT HOLLAND: Elliot Holland
8 from Dominion. The -- the extra traffic on the Miserv
9 Road, a lot of that would be associated with the
10 servicing of the Miserv camp. So things like water
11 trucks for freshwater, sewage trucks, et cetera.

12 MR. TIM BYERS: Thank you. No further
13 questions.

14 THE FACILITATOR: Are there other
15 questions? I know there is one (1) question regarding
16 community engagement, and if you want to ask that now,
17 Noeline, please?

18

19 (BRIEF PAUSE)

20

21 MS. NOELINE VILLEBRUN: Masi cho.
22 Noeline Villebrun. I'm a Fitshumit Ena Dene (phonetic)
23 tribal sovereign woman. Community engagement. I'd
24 like to ask the question: What do you call a
25 successful community engagement?

1 When you -- when you get people coming
2 to the meetings in the communities, if there's ten (10)
3 at the meeting, is that considered a successful
4 community engagement? Because I've seen many meetings
5 as such.

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. Thanks -- thanks, Noeline. We --
8 when we do community engagement, we do a variety of
9 things for community engagements. I -- I think that's
10 the first important point.

11 One (1) of those things -- you know, one
12 (1) of the methods we use is community meetings, and
13 going into the communities. We try to do that on a
14 quarterly basis. And really we work with communities
15 to -- to make sure that -- and the community
16 leadership, to make sure that -- that the meetings are
17 known, and -- and, you know, hopefully people show up.
18 And we've had a variety of -- of responses. Sometimes
19 there's a few people, and sometimes there's many, many
20 people. So that's one (1) of the techniques we use.

21 We also have workshops where a community
22 identifies people to come to speak about specific
23 things. We do that in the communities, or we --
24 sometimes we do them in other locations at the site, or
25 -- or here, depending on the -- the topic.

1 The -- you know, we do other things like
2 site visits, where we bring community people to the
3 site, and we -- for the Jay project for example, went
4 out on the esker. We went out and looked -- helicopter
5 over the site, and those kinds of things. So there's a
6 variety of -- of things that we do on the community
7 engagement front.

8 But -- I mean, from our perspective,
9 more people at the meetings is -- is a good thing, and
10 -- and we've had fairly good success, I think, in, you
11 know, attracting people in -- in communities to come
12 out to talk about the project, or Ekati in general.
13 Thank you.

14 MS. NOELINE VILLEBRUN: Thanks, Rick --
15 Richard. Noeline Villebrun. The reason why I asked
16 that question, and I ment -- mentioned it previous, and
17 -- I guess when I stepped outside the box and I learnt,
18 Okay, what is going on with all of these Boards that
19 are being implemented?

20 And when you talk about community
21 engagement and you use words like 'society',
22 'civilian', it concerns me as a tribal Dene woman,
23 because one (1) of the words that I learnt -- and these
24 are terminologies that the territorial and federal
25 government uses to replace Dene identities and who we

1 are.

2 And one (1) of the words that is
3 commonly used is 'First Nations', okay. I am not a
4 First Nations woman. I am a Dene tribal sovereign
5 woman. And when you start using words like that
6 terminology, then you're classifying people within your
7 own status. Meaning that I've been categorized as a
8 civilian again.

9 And when you talk about communities, the
10 Dene were, as you -- many of you know, because many of
11 you have lived here in the North for many, many years,
12 we have been assimilated. And when you talk about
13 getting approval, I have to question today who is
14 approving. Is it civilians versus tribal sovereign
15 Dene people? Because I understand this whole
16 environmental Review Board was created because of the -
17 - the land claims.

18 But as a tribal sovereign Dene woman, I
19 have -- I have no right to go into a process that gives
20 up my future generations' ability to live off this land
21 and utilize the water, the animals. And when I see
22 words like:

23 "...the key properties of VCs that
24 should be protected for use by human
25 generations."

1 Well, here we're on Dene territory, you
2 know, so your process has to reflect that, and I don't
3 see that. So when I stepped outside the box, I learnt
4 international law. So -- and I'm sure Diamond Dominion
5 knows international law, what to do when you come into
6 a -- into a country, what international laws and
7 process you have to use to explore and extract, okay.

8 It's call -- it's international law that
9 companies going into countries have to follow certain
10 protocols. And I don't believe that Diamond Dominion
11 or any developer has done this. So I, as an individual
12 classified as a Northwest Territories civilian, I filed
13 a \$63 trillion lien against the territorial, the
14 federal governments, and against your companies,
15 because not one of you have been following the right
16 process.

17 And for the last -- since the treaty was
18 signed, supposedly, up here in 1900, we all know that
19 we had to have legislation in place. And in 1938/'39,
20 there was only four (4) that was created, okay, for the
21 mining development. I know, I researched, because I
22 spoke about this at a treaty conference. And so I was
23 concerned, because there was too many decisions being
24 made. People were being hired. Contractors were not
25 listening and putting reports together, not listening

1 to the true tribal Dene people, but listening to the
2 First Nations groups that are organized under Indian
3 Affairs incorporated into your society.

4 Now, I'm not an incorporated Indian, but
5 I'm a tribal Dene woman. And this process has to start
6 dealing with the true tribal Dene people. Otherwise,
7 the lien that I put out will stop future development.
8 But not only that, there's a \$63 trillion lien. Will
9 this government be able to borrow money?

10 What I find very, very sad is when I
11 notified the territorial government, because it was --
12 I did this due to the devolution. All of this is part
13 of the devolution. I notified your premier of the
14 Northwest Territories March 31st. I gave him twenty-
15 one (21) days, just like a legal lien, to answer
16 questions. Number 1, why are the Dene being evicted
17 off their lands under civilian status to make room for
18 civilians and projects?

19 And this is why I -- I took that
20 process, because as a grandmother, I'm in my
21 grandmother shoes today. They're gone, and it's up to
22 us Dene that's -- you know, that -- that believe in our
23 sovereignty, believe in our language, believe in our
24 culture. Our ancestors shared. And that's why you
25 guys are sitting here making decisions, saying you're

1 creating development. And you don't talk about the
2 impacts to human develop -- to the human -- to the
3 Dene, because we're all part of the big picture, part
4 of the civilian status.

5 But within that civilian society, you
6 guys created our Dene people, like myself. I have nine
7 (9) grandchildren. And I'm worried. Why? Because I
8 lived through development. I know what development
9 brings. It brings divorces. It brings abuse. It
10 brings alcohol. It brings a takeover.

11 This is what we have been impacted for
12 the last hundred and nineteen (119) years. And people
13 don't want to acknowledge that. People don't want to
14 talk about that, but I have to. I lost my job because
15 I stood up at your hearing and I talked about impacts
16 to my family, to my grandparents.

17 I -- I went back to work. Your
18 governments and your mine directors talked to my
19 training society and fired me because I spoke. And I
20 talked about impacts, what it does to people.

21 So what was my reward? I got fired.
22 You know what the other peoples' reward were that
23 talked at the -- the same meeting? They got
24 compensation to the tune of \$1 point some million.
25 They went to your meeting and talked about the Taltson

1 River dam, the future development being impacted on
2 them as a lodge, as a business. I went and I
3 talked about the impacts to my grandparents, to my
4 parents, to myself, I got fired. So for me how fair is
5 this process? Because when you talk about water you
6 talk about land. It's my future. My future
7 generations. My youngest is three (3), my oldest is
8 nineteen (19), grandchildren. And they come home and
9 they ask questions why they're being treated different.
10 But not only that.

11 I'm not done here.

12 THE FACILITATOR: I know.

13 MS. NOELINE VILLEBRUN: I'm sorry, but
14 I'm not done. Because the next subject has to do with
15 community engagement. When you bring in your mine
16 workers and you bring in people, it's our women and our
17 children are the ones that are abused here. You talk
18 about murdered and missing women? None of you mines
19 talk about that, bringing in those workers. Some of
20 those workers are perverts, are being exposed into the
21 public. It's public knowledge, so I'm not speaking
22 about anything that's not there in public, but I'm here
23 as a reminder.

24 And that's why I filed that lien against
25 this whole process. I was asked that question by one

1 (1) of the MLAs, Michael Miltenberger, whv the heftv
2 fine. I said, Because I gave you guys a hundred and
3 fifteen (115) years to get it right and not one (1) of
4 your groups or agencies or governments got it right.
5 That's whv I did it.

6 And the second thing he said to me is,
7 Our lawvers are going to have a hevday. Well, they
8 better know international law, because I'll tell you
9 something. I had to step outside and pay for my own
10 education and my own information so I can come here and
11 present and talk and remind people and know what I'm
12 talking about.

13 THE FACILITATOR: And we thank you for
14 -- thank you for doing that. We -- we're here for
15 another three and a half (3 1/2) days. There'll be
16 more opportunity for you to make your point. I wonder
17 if I could ask you to let me see whether there are
18 others who have some comments on this topic. But thank
19 you.

20 MS. NOELINE VILLEBRUN: You're welcome.
21 And like I said, I know a lot of you feel uncomfortable
22 and I know you have a process. But remember one (1)
23 thing; this is Dene territory. When we used to meet
24 years ago it was to ensure that everybody understood.
25 And none of the leaders, the heads people, made any

1 decision until everybody understood what was going on
2 and would accept it. Because when you understand you
3 accept, when you accept you respect.

4 THE FACILITATOR: I agree that --

5 MS. NOELINE VILLEBRUN: And this is why
6 a lot of Dene people up and down the Mackenzie do not
7 respect the process.

8 THE FACILITATOR: M-hm.

9 MS. NOELINE VILLEBRUN: Because it
10 doesn't matter what we say here but I do know one (1)
11 thing that these meetings are recorded and it is public
12 --

13 THE FACILITATOR: They are.

14 MS. NOELINE VILLEBRUN: -- information.

15 THE FACILITATOR: Yes.

16 MS. NOELINE VILLEBRUN: So this is why
17 I come to these meetings and I ensure that these views
18 are presented.

19 THE FACILITATOR: And I thank you.

20 MS. NOELINE VILLEBRUN: Thank you.

21 THE FACILITATOR: Your views are on the
22 record. So thank you very much.

23 Are there any other questions on the
24 topics that we've discussed so far? If not I would
25 like to ask staff of the Mackenzie Valley Environmental

1 Impact Review Board to ask questions that they may have
2 that have not yet been asked.

3 Some of us would like a break. Okay.
4 Let's take a break and then we'll come back, and the
5 Board staff will recap and then we'll move to wildlife.

6 MR. BRYAN WATTS (BY PHONE): This is
7 Bryan Watts. I'll be signing off now. Thank you.

8

9 --- Upon recessing at 3:17 p.m.

10 --- Upon resuming at 3:38 p.m.

11

12 THE FACILITATOR: For the -- the
13 benefit of the transcription, my name is Bill Klassen.
14 I'm chairing these technical sessions. When we took
15 the break we had finished with questions, if I
16 understand it correctly, from most of the -- the people
17 here on the topics of project description and
18 alternatives, but staff of the Board have a few
19 questions. I'll provide an opportunity for them to ask
20 those.

21 And then we'll ask Dominion Diamond for
22 their presentation on wildlife. And then we will have
23 questions and responses on the topic of wildlife but
24 not caribou, which we'll be dealing with tomorrow.

25 So can I ask if staff of the Board have

1 some questions for the pro -- the Developer?

2 MS. SACHI DE SOUZA: It's Sachi De
3 Souza with the Board. We -- the staff have some
4 questions related to geochemistry, but we'll save those
5 for the water day.

6 THE FACILITATOR: Okay. Those
7 questions seem quite easy to respond to. We'll move
8 then to the wildlife presentation, if you have that
9 there?

10 MR. RICHARD BARGERY: Just -- Richard
11 Bargery, Dominion Diamond. Just give us a moment to --
12 to get organized here.

13

14 (BRIEF PAUSE)

15

16 PRESENTATION BY DOMINION DIAMOND - WILDLIFE:

17 MR. RICHARD BARGERY: Richard Bargery,
18 Dominion Diamond. Do you just want us to introduce the
19 new folks every time that we do -- change panels, Bill,
20 or how would you like us to -- to do that?

21 THE FACILITATOR: Perhaps, Richard, if
22 the -- do you have the staff at the table now to deal
23 with the wildlife presentation? Yes, would you
24 introduce those panel members then, and proceed?

25 MR. RICHARD BARGERY: Sure, thank you.

1 It's Richard Bargerv, Dominion Diamond. So we have Jim
2 Rettie, Dan Coulton from -- from Golder, and Claudine
3 Lee who's the superintendent of environment for -- for
4 Dominion Diamonds -- for Dominion Diamond.

5 And I think Jim is going to start --
6 start us off with the presen -- or Dan -- sorry, Dan is
7 going to do the presentation, so.

8 MR. DAN COULTON: The wildlife prese --
9 presentation will cover a high level review of the
10 assessment approach and conclusions, common top --
11 common topics from the adequacy review and Information
12 Requests, including the additional -- the Sable and
13 Diavik A21 projects, reassessment of short-eared owl,
14 fish-out mortality, and wildlife monitoring and
15 mitigation documents.

16 The TOR identified carnivores, which
17 included wolverine, grizzly bears, and wolves, birds,
18 and species at risk species to be used in the
19 assessment of effects for the project. In the terms of
20 reference, the bird species included upland birds,
21 waterbirds, which includes geese, ducks, loons, and
22 grebes; and raptors, which includes falcons, hawks,
23 eagles, and owls.

24 Upland birds are those birds that nest
25 in territorial -- in terrestrial habitats such as

1 passerines, perching birds, ptarmigans, and shorebirds.

2 In the separate assessments are
3 completed for upland birds, water birds, and raptors.
4 For the purposes of this report, species at risk are
5 defined as species recommended by COSEWIC in Canada to
6 be protected under Canada's Species at Risk Act, as
7 well as species currently protected federally, or the
8 NWT -- by the NWT Species at Risk Act.

9 A separate species at risk section was
10 not included in the SON (phonetic). Instead, effects
11 to grizzly bear and wolverine are assessed at
12 independent sections as outlined in the TOR. Effects
13 to short-haired owl, peregrine falcon are assessed as
14 part of the raptor VC. Effects to rusty blackbird are
15 assessed as part of the up -- upland bird VC.

16 Short-haired owl was reassessed as an
17 upland VC per the GNWT's request. The assessment
18 focussed on measurement indicators, which represent the
19 properties of environment, NVCs, that when changed
20 could result or -- or contribute to an effect on self-
21 sustaining an ecologically effective populations.

22 Section 15 on culture, assessed changes
23 in measurement indicators on the effects to continued
24 opportunity for traditional use and ecology --
25 ecological resources such as caribou and other

1 wildlife.

2 The approach used the DAR was to assess
3 the development effects against key elements of value
4 components that are to be pro -- protected, which is
5 the assessment endpoint of self-sustaining and
6 ecologically affected populations. Self-sustaining
7 populations are healthy robust populations capable of
8 withstanding environmental change and accommodating
9 stochastic demographic processes.

10 Maintaining ecological effective
11 populations and communities goes beyond what may be
12 required only to achieve a self-sustaining population,
13 and also requires healthy ecological relationships are
14 maintained among species. The concept and importance
15 of ecological effectiveness was identified by
16 traditional knowledge and supports the -- its use as an
17 assessment endpoint.

18 The assessment is based on a series of
19 answers to questions that link the -- the project to
20 the assessment endpoint, including what happens to the
21 environment with the project, what are the effects of
22 the changes to the environment on the measurement
23 indicators, what do the changes in the measurement
24 indicators mean to the endpoint, and what would make a
25 -- a significant effect.

1 Ecol -- ecol -- excuse me, ecological
2 thresholds for wildlife VCs in the Northwest
3 Territories do not exist, so effects of changes and
4 measurement indicators were qualitatively assessed
5 throughout through ecological principles supported by
6 science. This is -- included consideration of
7 population traits of each VC such as litter size and
8 dispersal ability among others identified in the DAR.

9 The DAR included narratives of what
10 would be significant, for example, loss of highly
11 productive habitats important for survival and
12 reproduction, or fragmentation, which produces
13 divisions in populations connect -- and affects
14 connectivity would be significant.

15 Twenty-one (21) potential pathways were
16 identified in the ter -- the terms of reference at
17 scoping sessions and from past environmental
18 assessments. Project mitigation was applied to
19 determine whether the residual effect was enough to be
20 carried forward for further assessment. Eighteen (18)
21 pathways did not require further assessment, because
22 they would be removed by mitigation, or the
23 environmental design features resulting in no linkage,
24 or have a minor change but negligible -- negligible resid
25 -- residual effect, meaning they were secondary.

1 Key mitigation included the use of exist
2 -- existing infrastructure that will keep the project
3 footprint small and est -- and establish a waste
4 management plan, right-of-way, and deterring wildlife
5 from hazardous areas. Traffic in -- and traffic
6 management to limit or avoid barrier effects in --
7 including caribou, the prev item for many carnivores.

8 Three (3) pathways were a carry -- were
9 carried forward for further assessment and included
10 direct loss and fragmentation of habitat, indirect
11 effects to habitat from sensory disturbance, road
12 traffic, and powerline, which might create a barrier to
13 movement.

14 The DAR used conservative assumptions to
15 bring maximum effects to measurement indicators. For
16 example, larger than expected development footprints
17 were assumed, which increases changes to habitat,
18 quantity, quality, and fragmentation. The significance
19 of residual effects was assessed qualitatively and
20 determined as to no -- as not significant to self-
21 sustaining and ecologically effective wildlife valued
22 components.

23 The qualitative assessment considered
24 the ability of valued components to absorb and to --
25 and adapt to cumulative effects given the life history

1 traits and calculated predicted changes in the existing
2 fut -- and future amount of available habitat, existing
3 and future landscape conductivity, key mortality
4 agents, current and future population abundance and
5 distributions of value components.

6 Since submission in October of 2014,
7 updates to the DAR have occurred from requests
8 including additional reasonably foreseeable
9 developments, or RFDs, and reassessment short-eared owl
10 as a upland bird valued component. Inclusion of the
11 Ekati, Sable, and Diavik A21 projects had the largest
12 effect on water birds. The RFD case reductions of
13 preferred habitats were 5.2 percent -- or 5.6 percent
14 for less -- were less for staging and breeding habitats
15 respectively.

16 For the reassessment of short-eared owl,
17 the cumulative direct and indirect effects of the RFD
18 case totalled 1.3 percent and 4.1 percent of upland
19 habitat. Project-specific changes were less than 0.3
20 percent. The new RFDs, or reassessment, do not change
21 the residual impact classification or determination of
22 no significant effects in the DAR.

23 Two (2) Information Requests identified
24 water bird mortalities during the project fish-out as a
25 concern. Fish-out mor -- fish-out mortality was

1 assessed as a secondary pathway in the DAR, meaning
2 that it would result in a measurable minor change.
3 Loon and other diving birds have been detected in Lac
4 du Sauvage and Lac des -- Lac de Gras area during
5 baseline activities.

6 The fish-out were -- will occur once
7 during construction and will be included in a Fisheries
8 Act authorization for the project. Diving -- a diving
9 bird mitigation strategy will be included in the final
10 fish-out planned and which will be developed with
11 Environment Canada and consider lessons learned from
12 previous fish-out programs.

13 As I mentioned earlier, no quantitative
14 ecological thresholds for self-sustaining or
15 ecologically effectiveness are available for wildlife
16 value components in the Northwest Territories.
17 Therefore, determination of significance was
18 qualitative and considered the ability of valued
19 component population traits to absorb the calculated
20 and predicted changes in measurement indicators.

21 As an example, the DAR predicts the
22 maximum cumulative effects of direct habitat loss for
23 grizzly bear is less than 1.5 percent for seasonal
24 ranges. The maximum cumulative effects to high and
25 good quality seasonable habitats was no greater than

1 10.4 percent.

2 This indicates that habitat is not
3 limiting and small changes in fragmentation are
4 unlikely to reduce population connectivity because
5 grizzly bears have large home ranges.

6 Across the North Slave region,
7 monitoring of mines indicates that mines are removing
8 one (1) grizzly bear about every fourteen (14) to
9 fifteen (15) years. Over this same time, a mature
10 female may produce five (5) to fifteen (15) cubs, so
11 mine-related mortalities are unlikely to decrease
12 abundance.

13 The lines of evidence indicate that the
14 magnitude of effects are within the resilience limits
15 and adaptive capacity of the grizzly bear population.

16 While the project is new, it will become
17 part of the existing Ekati mine, which uses established
18 mitigation and monitoring. Some key mitigation
19 includes use of the existing -- existing Ekati mine
20 infrastructure to avoid new direct and indirect
21 disturbance to habitat, wildlife right-of-way on roads,
22 and deterring wildlife from hazardous areas, and using
23 visibility and perching deterrence on power lines which
24 will reduce mortal -- risk mor -- risk of mortality.

25 A waste management plan that restricts

1 wildlife and access to food waste will also affect --
2 reduce wildlife mortality. Road crossings and -- and
3 managed traffic will avoid and limit barrier effects of
4 roads to caribou which will also affect carnivores.
5 Additional mitigation is provided in Table 13.3-1 of
6 the DAR. And how mitigation can be intensified to
7 reduce was provided in the response to MVEIRB-90.

8 The Ekati mine has -- has an established
9 and comprehensive Wildlife Effects Monitoring Program
10 that tracks changes in vegetation communities and
11 wildlife habitat, records wildlife incidents and
12 mortalities and interactions with the mine site.

13 The Ekati WEMP is designed to test
14 impact predictions, evaluate mitigation effectiveness,
15 and provide evidence for adaptive management. The
16 Ekati WEMP monitors all of the wildlife ECs assessed
17 for the project, and the project will be included in
18 the WEMP.

19 In conclusion, a wildlife and wildlife
20 habitat protection plan will be prepared and contain
21 details on mitigation policies, practices and
22 procedures, and the results from adaptive management
23 that has been implemented during the operation of the
24 Ekati mine and how those mitigations will be
25 specifically modified for the Jay project.

1 The WEMP will then provide the details
2 on the study designs and sampling methods used to test
3 the effects, predictions, and the effectiveness of
4 mitigation. Ekati has also participated in regional
5 programs, such as the grizzly bear and wolverine hair
6 snagging that will contribute to monitoring an
7 assessment of cumulative effects. They have also
8 supported programs which are part of the GNWT's caribou
9 management strategy.

10 Thank you very much.

11

12 (BRIEF PAUSE)

13

14 QUESTION PERIOD:

15 THE FACILITATOR: It's Bill Klassen,
16 for the record, chairing these facilities -- these
17 facilities -- facilitating these sessions. Thank you
18 for the presentation. We'll now have questions from
19 those present regarding the wildlife areas. And again,
20 I'm getting ahead of myself. Chuck needs to introduce
21 this session. Please go ahead.

22 MR. CHUCK HUBERT: Thanks, Bill. Chuck
23 Hubert, with the Review Board. So we just had a few
24 topics that we had on our agenda. And, of course,
25 people in attendance aren't limited necessarily by

1 what's on the agenda if they have other questions. But
2 this is a guide. So I -- first I'd like to invite
3 somebody from GNWT to talk a little bit about the --
4 the GNWT Wildlife Act amendments that happened and how
5 -- how that might be applicable to this -- to the Jay
6 project. Talk a little bit about upland birds,
7 raptors, water fowl, carnivores, and a little
8 discussion on assessment end-points and thresholds for
9 significance. So I'd like to ask a question then, I
10 suppose, of -- of GNWT.

11 Is there anybody that would like to
12 describe the amendments to the Wildlife Act and how the
13 changes that happened last fall might be applied to the
14 Jay project?

15 THE FACILITATOR: Thank you, Chuck.
16 It's Bill Klassen. We'll provide an opportunity here
17 for the GNWT representatives present to decide who will
18 speak to the amendments to the Act. Thank you.

19 Could you give us your name please?

20 MS. LINDA YOUNG: I'm Linda Young. I'm
21 the Director of Wildlife for ENR/GNWT. So with the new
22 Wildlife Act that came into force last fall in November
23 there is a provision that requires when there is a
24 development either coming into place or in place where
25 the Minister feels that there will be a significant

1 impact -- a potential significant impact to big game or
2 their habitat, or a significant impact to the
3 cumulative effects affecting big game, the Minister can
4 require a Wildlife Management and Monitoring Plan. For
5 the purposes of the Wildlife Act a -- what we're using
6 now for the guidelines for a WWHPP and a WEMP combined
7 would satisfy that requirement.

8 THE FACILITATOR: Could you -- and
9 we're -- we're using acronyms here and I'm assuming
10 everybody knows what a TOR is. That's a terms of
11 reference. And a DAR is a De -- Developers Assessment
12 Report. Is that correct? A WWHPP and a WEMP is just
13 wonderful language.

14 Could you elaborate?

15 MS. LINDA YOUNG: We really like those
16 acronyms because they've got a real panache. So a WEMP
17 is a Wildlife Effects Monitoring Plan.

18 THE FACILITATOR: Okay.

19 MS. LINDA YOUNG: And the intent of a
20 WEMP is to -- is to look at whether the predictions
21 made of impacts are actually accurate and correct. So
22 it's a monitoring process that allows feedback back
23 into mitigation measures if in fact those impacts are
24 found not to be what -- as predicted. And a WWHPP is a
25 -- is the Wildlife and Wildlife Habitation Protection

1 Plan. And it's more the day-to-day activities that
2 will take place to ensure that wildlife and wildlife
3 habitat is impacted to the -- the least amount or that
4 those impacts can be mitigated.

5 MR. CHUCK HUBERT: Thank you very much.
6 That -- that's great. Chuck Hubert again. I
7 understand that there are regulations proposed under --
8 under the -- the amendments.

9 Could you describe that a bit and how
10 tho -- that might be applic -- applicable to the --
11 both the WWHPP and WEMP in -- in the near term?

12 MS. LINDA YOUNG: Yeah, and I
13 apologize. We weren't anticipating this question so I
14 don't have the Act in front of me. As the Act stands,
15 the -- the Minister can now require that Wildlife
16 Management and Monitoring Plan if he or she is of the
17 opinion that there will be an impact. The regulations
18 that are being proposed will lay out exceptions to that
19 requirement so it's simpler for Developers to know
20 whether or not they are likely going to be required to
21 have a plan in place.

22 So it will lay out -- we're looking at
23 thresholds to see what type of development would
24 require that. But the Act itself does lay out the
25 requirement and does lay out what has to be included in

1 the Wildlife Management and Monitoring Plan. So
2 regulations are not needed for that to come into place.

3 THE FACILITATOR: Sorry, who -- Anne,
4 did -- were you indicating someone over here as having
5 questions? I would like to ask questions...

6

7 (BRIEF PAUSE)

8

9 MR. TODD SLACK: It's Todd with the
10 Yellowknives. I would have rather gone after Anne so
11 she could say it better. Sorry. There was just two
12 (2) things there that I -- I just want to clarify.

13 The first pass through you said the --
14 the broader WWHPP could be required if there was the
15 potential for significant impacts, and on the second
16 pass through you said the WWHPP could be required if
17 there was potential for impacts.

18 Can -- can I get some clarity on that?
19 Because if it's the former, the Project has asserted
20 that they will not have -- okay, you're nodding as you
21 understand?

22 MS. LINDA YOUNG: Yeah, and again I
23 apologize because I don't have the actual wording in
24 front of me, but it is if the Minister is of the
25 opinion that there will be significant impacts on big

1 game -- thank you. I have the wording in front of me
2 now.

3 So if -- if the project is likely to
4 result in a significant disturbance to big game or
5 other prescribed wildlife, substantially alter, damage,
6 or destroy habitat, pose a threat of serious harm to
7 wildlife or habitat, or significantly contribute to
8 cumulative impacts on a large number of big game or
9 other prescribed wildlife, or on habitat.

10 MR. TODD SLACK: Todd with the
11 Yellowknives. And just as a last question of
12 clarification, has GNWT given any consideration to if a
13 finding of signifi -- significant impact -- the
14 probability of significant impact needs to be made at
15 the review stage, or are they comfortable making their
16 own declaration that either significant impacts or, not
17 having the wording, one of those other lists that you -
18 - you listed, that those will be met?

19 MS. LINDA YOUNG: The way the
20 legislation is set up is that the GNWT can make that
21 determination at any stage. It doesn't have to be
22 during the regulatory process. So it could be during
23 screening, or -- yeah.

24

25 (BRIEF PAUSE)

1 THE FACILITATOR: Sorrv. It's Bill
2 Klassen. Before I let you leave the -- the table
3 there, and I realize this is verv short notice for you,
4 are there other questions that people want to ask about
5 these changes to the Wildlife Act before we proceed to
6 questions about the presentation?

7

8 (BRIEF PAUSE)

9

10 THE FACILITATOR: Okav. Then we'll
11 move on then to -- thank you verv much -- to questions
12 from the people in attendance here about the
13 Information Requests, and the Companv's responses, and
14 the condensed version that we saw in the presentation.
15 Are there questions? Yes...?

16 MS. ANDREA PATENAUDE: Andrea
17 Patenaude, GNWT-ENR. So further to that, you had to
18 know it was coming, response to GNWT IR-63, in that
19 response -- well, we were happy to hear that Dominion
20 Diamond intends to submit a WWHPP and a WEMP, but we're
21 not quite sure we want to wait until the permitting
22 stage to understand whether mitigations being proposed
23 will suffice to adequately mitigate the impacts it is
24 predicting.

25 GNWT submits that given the long

1 experience that Dominion Diamond has in mitigating and
2 monitoring wildlife at Ekati, and that the WEMP has
3 been an ongoing document, draft versions of the WWHPP
4 and WEMP that include the Jay project shouldn't be that
5 difficult to produce, relatively speaking, compared to
6 a project who is just starting out perhaps.

7 And we think that the detail that we
8 would be looking for in these documents would go a lot
9 further in assisting and assessing the adequacy of
10 mitigation of impacts to wildlife. So in addition,
11 having prepared an already widely reviewed draft --
12 draft documents, will permitting -- easier permitting
13 phase, if we get to that point.

14 So that being the case, will Dominion
15 Diamond commit to providing parties with a draft WWHPP
16 and WEMP with adequate time to review prior to the
17 public hearing?

18

19 (BRIEF PAUSE)

20

21 MR. RICHARD BARGERY: Richard Bargery,
22 Dominion Diamond. I think we'd like to take that --
23 that particular question under advisement and -- and
24 come back with an answer at a -- at a later date.
25 We're not prepared to make that commitment here today.

1 THE FACILITATOR: Thank you -- it's
2 Bill Klassen -- for that response, Richard. So I take
3 it that Dominion Diamond will provide a response before
4 the end of these technical sessions?

5 MR. RICHARD BARGERY: Richard Bargery,
6 Dominion Diamond. We will provide a response, yes.

7 THE FACILITATOR: Okay. And then we'll
8 see whether that leads to further requests for
9 information. Thank you. Are there other questions for
10 the Developer on this topic? Mr. O'Reilly...?

11 MR. KEVIN O'REILLY: Thanks. Kevin
12 O'Reilly, for the monitoring agency. I just wanted to
13 follow up the last question, about whether there would
14 be some form of wildlife management plan filed for this
15 environmental assessment. This has been a concern of
16 the agency for some time.

17 We've raised this in our -- a number of
18 annual reports, about the need for an updated wildlife
19 management plan. I think the last version that we have
20 is dated 2000 or 2001. We raise this in the context of
21 the -- the Lynx project, as well. That's not why we're
22 here today, but there's a number of documents that the
23 Company is looking at filing, possibly a Wildlife
24 Management plan or a WWHPP.

25 The -- we heard about -- we know that

1 there's an air -- air quality monitoring management
2 plan that's to be updated and filed. We heard earlier
3 today about a traffic management plan that is to be
4 filed before the end of April, so there's a number of
5 key documents that lay out mitigation for this
6 particular project.

7 And I think the timing of submission of
8 those reports is really important so that we can
9 understand the mitigation measures that the -- the
10 Company intends to undertake as part of this project.

11 And I guess where I'm going is, with
12 this additional information that the Company intends to
13 file, I guess our view is that that probably needs to
14 be tested in some way, and perhaps there might be
15 another round of IRs, as -- as dreadful as that might
16 sound. But the timing of the submission of those
17 reports and managements plans, I guess is probably the
18 better way to term them, is really key to this
19 environmental assessment.

20 So it would be really helpful if we
21 could get a list of the key documents that the Company
22 intends to provide after this technical -- set of
23 technical sessions because I think that might have some
24 bearing on whether another round of IRs is necessary,
25 and the timing of that second round of IRs.

1 Look, I know you guys are under a lot of
2 pressure, but we need the -- folks also need some
3 certainty in terms of understanding what mitigation the
4 Company intends to undertake. And all of that, of
5 course, has to be -- should be done and -- to try to
6 narrow the scope of the issues down before we get to
7 the hearings in September.

8 So I'm wondering if we can get a list
9 from the Proponents maybe towards the end of the
10 technical sessions that -- where they would tell us
11 clearly when a number of these key documents are going
12 to be filed. And I've mentioned three (3): the
13 traffic management plan, possibly a wildlife management
14 plan or a WWHPP, and then the air quality monitoring
15 and management program update.

16 So thanks.

17 MR. RICHARD BARGERY: Richard Bargery,
18 Dominion Diamond. I'll -- I'll have some comments.
19 And I don't know if Claudine may want to -- may want to
20 speak on this, as well.

21 So I do appreciate the comment, Kevin.
22 I -- I do know -- I mean, you have raised this before,
23 or the -- the agency has raised this before, so I
24 recognize that. I -- I think the starting point for
25 us, you know, is that we have a mine that's

1 successfully operated for -- for many years and we've
2 had under the -- the plans that -- that we currently
3 have, so, you know, we have -- we have a basis for
4 operation. That's an important starting point for us.

5 You know, one (1) of the issues we
6 struggle with, what properly we -- what work needs to
7 be done now for the environmental assessment process
8 and what properly belongs in -- in the permitting
9 process, and -- and that's an issue that we're -- we're
10 working through as a Company. I'm sure the Board will
11 have some views on that as well, as others do. But
12 that's sort of one (1) of the issues.

13 You mentioned a number of those reports,
14 the -- the Traffic Management Plan, or I think
15 rightfully named now, the Wildlife Road Mitigation
16 Plan. I think I have the right -- the right term now
17 that I have the right person up -- up here to -- to
18 assist with that. So I -- I guess, you know, as part
19 of our response, we can respond as well with -- to --
20 to what you've asked, which is a list of -- of those.
21 I -- I'm just -- I don't know how exhaustive to be, so
22 we -- we can do a preliminary list, at least, here.

23 But like I said, one (1) of the issues
24 that we struggle with for us is what needs to be on
25 now, and what properly belongs in the environmental

1 assessment process, and what needs to be in the
2 permitting process, you know, to the -- through the
3 Land and Water Board, where we do -- do some of this
4 work. But I don't know, Claudine, if you have anything
5 that you might want to add to that?

6 MS. CLAUDINE LEE: Sure. Thanks, Rick.
7 Claudine Lee, Dominion Diamond. Just to -- to those
8 points and to the list, Kevin, that you said around the
9 Air Quality Monitoring and Management Plan, you --
10 you've just recently received a copy of the air quality
11 monitoring report where we do lay out a timeline on
12 that, and for the Wildlife Management Plan as well, and
13 even the Wildlife and Roads Mitigation Plan. Those are
14 all related to the operations with operational
15 considerations, and have a timeline of their own.

16 And again, especially for the wildlife
17 components, we, you know, we -- as we've discussed
18 within the operations, there are quite a few things
19 that need to be included on that, and need to follow
20 that timeline, you know, with the operations that are
21 currently undergoing sort of unrelated to -- to Jav
22 components.

23 And though they -- they -- I understand
24 that they would be very beneficial for this assessment
25 process, it's not necessarily to be rushed through, you

1 know, because we -- we are working through some things
2 around the Wildlife Management Plan, and -- and, you
3 know, our discussions around monitoring on -- on the
4 road and -- and various other things. And again, the
5 three (3) year Air Quality Monitoring Plan report just
6 came out. So we do have the intent to update those and
7 time -- timing is related to the operations itself on
8 those. So, yeah, we can definitely get a list
9 together, as Rick said.

10 THE FACILITATOR: Okay. It's Bill
11 Klassen. As I understand it, then, Dominion Diamonds
12 will provide a list of the key documents by the end of
13 the sessions. Is that correct? Okay. Thank you.

14 MR. KEVIN O'REILLY: Kevin O'Reilly,
15 for the monitoring agency. I want to thank the Company
16 for that response. Yeah, I think it's helpful to have
17 that -- that list. I know the Company has -- has
18 relied, though, on its current operations, and -- and
19 they've been quite good in terms of mitigating most of
20 the -- the stuff at site, but there is some issues that
21 -- that do need to be addressed, dust, and zone of
22 influence, and so on. But -- and I'm not going to
23 exhaust those here.

24 But the importance of this is really for
25 the -- the parties in understanding what the mitigation

1 measures are that the Company intends to apply to this
2 project. And in the absence of understanding that,
3 parties are left in a difficult position of trying to
4 make recommendations to the Board. And that may
5 inevitably lead to a series of measures that the
6 Company might prefer to avoid. So in the -- in
7 the absence of certainty, people are going to ask for
8 measures. So I'd just draw that out, and you guys
9 didn't already know that. So thanks.

10 THE FACILITATOR: Thank you, Kevin.
11 Just to further clarify, I -- will you be able -- I'm --
12 - I'm asking of Dominion Diamonds. With that list of
13 key documents, could you also provide a date for when
14 those documents might be submitted? I realize that
15 that may involve a bit of conjecture.

16 But is -- is that something that you
17 could include with that list of key documents?

18 MR. RICHARD BARGERY: Richard Bargery,
19 Dominion Diamond. I -- I think what I said in response
20 to Kevin's first -- to Kevin's request was that we'd
21 respond, you know, as part of the response, the overall
22 response to the -- to the GNWT question. So we can
23 provide the list and we can, you know, provide a date
24 where it -- where -- where we have a known date or
25 where we -- where we think it's relevant to the

1 process.

2 THE FACILITATOR: Thank you. Are there
3 other questions? I know that Anne Gunn, off to my left
4 here, has one. Anne, could you proceed then, please?

5 MS. ANNE GUNN: Anne Gunn, for the
6 Review Board. Thank you for the clarification over the
7 list of plans, because understanding mitigation is
8 obviously essential to being able to predict the
9 residual effects. And there's -- I mean, you mentioned
10 the Traffic Management Plan. It's changed its name now
11 to the Mitigation Plan.

12 When you provide this list of plans, can
13 you also provide the relationship between them? So how
14 the Wildlife Mitigation Traffic Plan will fit with
15 ENR's requirement for a WWHPP and WEMP, and so we have
16 a sense of the -- sort of the hierarchy, the
17 relationship of these plans, and to ensure that there's
18 minimal duplication of them. And that will probably
19 help people understand the mitigation a lot more before
20 assessing the residual effects.

21 So it's just if you can show, when you
22 provide the dates, how they relate to each other.
23 Thank you.

24

25 (BRIEF PAUSE)

1 MR. RICHARD BARGERY: Richard Bargery,
2 Dominion Diamond. I think -- I think we can -- we can
3 provide what you're looking for here, Anne. So we'll -
4 - we'll at least try our best efforts to make sure we
5 describe the -- the relationships between the WWHMP and
6 the WEMP and the -- and the Wildlife Road Mitigation
7 Plan. Sorry, it's a new -- it's the new title.

8 MS. ANNE GUNN: Anne Gunn. Thank you.
9 I think that clarification will be -- will be really
10 helpful. Thanks.

11 THE FACILITATOR: Are there other
12 questions?

13

14 (BRIEF PAUSE)

15

16 THE FACILITATOR: Okay. We've got one
17 (1) more over on the left here as well. Mrs.
18 Villebrun, could you focus your questions or comments
19 on the -- the topic at hand, just -- just to wildlife?

20 MS. NOELINE VILLEBRUN: Thank you. My
21 question is to the representatives of BHP mine, but
22 also the government of the Northwest Territories. When
23 you talk about the mine-related wildlife mortalities
24 and interactions with site, two (2) things come to
25 mind.

1 Is there statistics kept as to how many
2 caribou were killed on the road by trucks, via the
3 winter roads? The other one is when you're talking
4 about the -- you know, the bears, the birds, in the
5 last year or two (2), there was -- we've had tremendous
6 fires. So that's a, I believe, an impact, and how, you
7 know, you're -- you're -- the mine would be seeing a
8 lot more birds, and animals, and -- and bears, and
9 different kind of animals due to the wildfires.

10 So I'm just wondering if this was taken
11 into account, you know, the wildfires in -- in the
12 Northwest Territories in and around the mines and --
13 and whatnot, because animals do migrate.

14 The other one (1) is, I guess, to the
15 government of the Northwest Territories. If there are
16 impacts, per se, to caribou, the decline, and the
17 Wildlife Act kicks in, it kicks in for the Dene people,
18 not for, per se, the mine, because we're the ones that
19 end up not having to go hunting and -- or we're having
20 a quota.

21 So that's just something that comes to
22 mind right away is, you know, how many caribou -- or
23 how many more do you foresee to be impacted by, you
24 know, this -- this other pit? So those were the -- the
25 three (3) questions that came to mind, and the reason

1 whv I brought this up is I do have information that
2 came from people that drove on the road, truckers, and
3 they said themselves that they've run into caribou.

4 So I'm iust wondering how this is being
5 monitored, and who is -- who are they reporting the --
6 the road kill to? And so, veah, that's the three (3)
7 questions that I have for the -- under wildlife.

8 THE FACILITATOR: Okav. Could we --

9 MS. NOELINE VILLEBRUN: Thank you.

10 THE FACILITATOR: -- perhaps ask
11 Dominion to respond to your questions then, Ms.
12 Villebrun?

13 MR. RICHARD BARGER: Richard Barger
14 for Dominion Diamond. So the first point I guess is
15 what -- I don't work for BHP. It's Dominion Diamond
16 who now owns Ekati. That's an important point for --
17 from our perspective.

18 The second point, in terms of caribou
19 killed on the roads, a -- a couple of points. The
20 first point in -- at Ekati itself, there has never been
21 a caribou that's been killed by a -- by a vehicle. So,
22 no, we have had zero mortalities from caribou and
23 vehicle interaction.

24 I don't know the answer in terms of the
25 -- the winter road. I think that was -- that was the -

1 - the point of the -- the question, Noeline. That's
2 the joint venture that -- that deals with that, and I'm
3 sure that they have a reporting -- they have a
4 reporting -- a requirement for caribou that are killed,
5 you know, by -- if they were hit by a truck, or -- or
6 whatever. But I don't know what that is, so I can't --
7 I can't give you an answer to that particular one.

8 In terms of the wildfires, which I think
9 was the -- the other -- the other question that you
10 had, of course, wildlife in and around Ekati,
11 wildfires, or the -- the forest fire season didn't
12 affect that part of the -- the country. But in terms
13 of the caribou and our assessment of caribou, Dan, I
14 don't know if you can just sort of give a -- or, Jim,
15 give a response on -- on how we dealt with that in
16 terms of the -- the caribou assessment?

17 MR. JIM RETTIE: Jim Rettie, Golder
18 Associates. In the DAR, we incorporated fires up to
19 and including 2013 as -- as landscape disturbances, and
20 so they appeared in all of our assessments of -- of
21 habitat quantity and habitat quality.

22 And in response to an adequacy review
23 comment from the Board, we went back and we
24 incorporated the two (2) -- 2014 fires, which were
25 still burning at the time we were completing our

1 analysis last summer. We -- we went back and we -- we
2 completed an additional assessment, and provided those
3 in a response to the Board. I think we submitted it in
4 January. So they have been included.

5 MS. NOELINE VILLEBRUN: Okay. Thank
6 you for those answers, but I still am not satisfied --
7 I -- I -- with one (1) question that I asked, and that
8 is: Who is keeping track of the statistics of the
9 caribou being killed? Who's got the figures? Who
10 houses this information so that it could be properly
11 shared amongst agencies, amongst the governments,
12 amongst -- you know?

13 THE FACILITATOR: It's Bill Klassen.
14 Thank you for the question. I -- I don't think that
15 Dominion Diamonds (sic) has that information. I wonder
16 whether -- and I realize you didn't necessarily come
17 equipped to answer those questions, representatives of
18 the Government of the Northwest Territories, but is it
19 possible for you to provide that information to Mrs.
20 Villebrun, perhaps not at this session, but some other
21 -- is that satisfactory? Okay. Thank you.

22 So while it's not a -- a commitment that
23 Dominion Diamond obviously can make, I wonder whether
24 representatives of the Government of the Northwest
25 Territories might undertake to provide that information

1 to Mrs. Villebrun? Yes, Richard, go ahead.

2 MR. RICHARD BARGERY: Apparently --
3 apparently we did -- did provide that information in --
4 in Appendix C, which was the traffic appendix to the
5 most recent -- or sorry, Richard Bargery, Dominion
6 Diamond -- to the -- the first round of IRs.

7 And the information that we received
8 from the -- from winter road joint venture, there were
9 seven (7) caribou mortalities reported along the -- the
10 winter road from 1996 to early winter 2014, five (5)
11 killed in 1999, and two (2) caribou in 2014, yeah.

12 THE FACILITATOR: Okay, it's Bill
13 Klassen. Thank you for providing that information. So
14 that is in some of the Information Request responses.
15 Another question from a Board staff member, please.

16 MS. KATE MANSFIELD: This is Kate
17 Mansfield, with the Review Board. And this question
18 relates to bird nesting locations within the pits. The
19 question is also directed both towards DDC and
20 potentially Environment Canada, if there are any
21 representatives from that body.

22 The questions are: Are there any
23 potential implications to impingement upon bird nesting
24 locations from the plan to back flood mined out pits,
25 specifically with requests to birds that make use of

1 the pit ledges for nesting locations? If so, would
2 these impacts needs to be compensated for in any way?
3 And if so, what type of compensation would be possible?
4 Thank you.

5

6 (BRIEF PAUSE)

7

8 MR. DAN COULTON: Dan Coulton, Golder
9 Associates. To answer the question, if I can rephrase
10 it, it was whether or not there's going to be any
11 additional mitigation during the back flooding phase of
12 the project for nests that might be pit net -- nests on
13 pit walls. I think that the -- the mitigation that
14 would be used would be to deter or prevent birds from
15 using those areas prior to back flooding.

16 So those might be physically removing,
17 like, a stick nest or something like that, or placement
18 -- I believe the current practice is to place nets over
19 the nests so that they're no longer used, but any
20 active nests would not be -- they would be quarantined,
21 so that they're not disturbed.

22 MS. KATE MANSFIELD: Kate Mansfield,
23 with the Review Board. Thank you. If there's any one
24 from EC or GNWT that would like to add to that, I -- I
25 would like to hear your responses, as well.

1

2

(BRIEF PAUSE)

3

4

MR. J.F. DUFOUR: Hi. J.F. Dufour,

5

with Environment Canada, Canadian Wildlife Service. I

6

just wanted some clarification on the question. When

7

you say, "birds," which birds are you referring to?

8

Because it seemed to me like you were discussing

9

raptors more than other birds. And if that's the case,

10

I would have to redirect the question to ENR, who has

11

management responsibility for raptors.

12

MS. KATE MANSFIELD: Yes, I was mostly

13

referring to raptors. Kate Mansfield, Review Board.

14

THE FACILITATOR: So are there --

15

sorry, are you coming to respond? Well, it did say

16

that these sessions were informal, so we're just --

17

MS. ANDREA PATENAUDE: That's right.

18

That's fine.

19

THE FACILITATOR: -- playing by ear.

20

MS. ANDREA PATENAUDE: That's good.

21

That's good. Can you repeat the question? Oh, Andrea

22

Patenaude, ENR. Can you repe -- repeat the question,

23

please, Kate?

24

MS. KATE MANSFIELD: Sure. Kate

25

Mansfield, Review Board. The question was basically:

1 If the Company anticipated any potential implications
2 or impingement upon raptor nesting sites within mined
3 out pits that may affect the pit flooding plans, the
4 back flooding plans?

5 MS. ANDREA PATENAUDE: Andrea
6 Patenaude, GNW -- you're asking me if the Company
7 anticipates this?

8 MS. KATE MANSFIELD: No. I was asking
9 if there was any poten -- sure. Sorry, Kate -- Kate
10 Mansfield, Review Board. The question specifically
11 was: Are there any potential implications to
12 impingement upon bird nesting locations from the plan --
13 plan to back flood mined out pits specifically with
14 respect to falcons? And the secondary question was:
15 If so, would these impacts need to be compensated for?

16 MS. ANDREA PATENAUDE: Andrea
17 Patenaude, ENR. Can I answer that tomorrow?

18 MS. KATE MANSFIELD: Kate Mansfield --

19 MS. ANDREA PATENAUDE: Or after some
20 consultation?

21 MS. KATE MANSFIELD: Kate Mansfield,
22 Review Board. Thanks. Yeah, that's fine.

23 MS. ANDREA PATENAUDE: Okay. Great.

24 THE FACILITATOR: Thank you. So we'll
25 be looking for a response from ENR tomorrow. Is that

1 correct?

2 Are there other questions, then, from --
3 from Board staff on wildlife matters? Anne Gunn.

4 MS. ANNE GUNN: Anne Gunn, for the
5 Review Board. You mentioned the litter size of grizzly
6 bears was three (3) to four (4). And given an -- an
7 irregular, but I think it was one (1) -- loss of one
8 (1) bear due to mining every fifteen (15) years.

9 Given the 90 percent plus decline of the
10 caribou, do you think the litter size of the grizzly
11 bears will decrease and would that change your
12 prediction or add uncertainty to your prediction that
13 the decline the -- of the caribou will not affect your
14 prediction about no change in the abundance of the
15 grizzly bears, or certainty about the change?

16

17 (BRIEF PAUSE)

18

19 MR. DAN COULTON: Dan Coulton, Golder
20 Associates. The -- the context of the one (1) bear
21 direct mine mor -- mortality was as a result of
22 mortalities caused by the -- the mine itself. So --
23 and -- and explaining that mature females over that
24 same time period would have likely replaced that
25 individual.

1 MS. ANNE GUNN: Anne Gunn, for the
2 Review Board. I'm not sure I really understand that,
3 but maybe I didn't phrase my question very well. If
4 there's a decline in the productivity of the grizzly
5 bears because of a loss of 90 percent of the caribou,
6 then grizzly bear abundance is less resilient to any
7 changes.

8 So I would say -- I would be asking if
9 there's not greater uncertainty about your prediction
10 that even the loss of one (1) female bear might start
11 to have a difference.

12

13 (BRIEF PAUSE)

14

15 MS. ANNE GUNN: Anne Gunn, for the
16 Review Board. Perhaps I could simplify, it seems, as
17 it's causing -- what I'm really interested in is the
18 degree of certainty about your prediction, whether the
19 decline of caribou will change the certainty of your
20 prediction. Perhaps that helps.

21

22 (BRIEF PAUSE)

23

24 MR. JIM RETTIE: Jim Rettie, Golder
25 Associates. Just to clarify, are you talking about the

1 direct mine-related mortality or the overall assessment
2 for grizzly bears?

3 MS. ANNE GUNN: I was talking about --
4 Anne Gunn, for the Board. I was talking about the loss
5 of a bear due to mining activity. And I thought you
6 made a statement that it would not contribute to any
7 changes in bear abundance. With the likely decline in
8 productivity of the bears, the loss their major prey,
9 there might -- that might add uncertainty to any
10 predictions.

11

12 (BRIEF PAUSE)

13

14 MR. DAN COULTON: Dan Coulton, Golder
15 Associates. Grizzly bears eat a variety of
16 different prey items, so they might not necessarily be
17 tied specifically to the decline in the caribou herd.
18 In the recent hair-snagging monitoring results suggest
19 that the -- the grizzly bear population might actually
20 be increasing relative to historical measures.

21 MS. ANNE GUNN: Anne Gunn, for the
22 Board. Usually I don't stray into carnivore biology,
23 but I'm curious.

24 Can you say a bit more about what makes
25 you think the bears -- the abundance is increasing

1 currently?

2 MR. DAN COULTON: Dan Coulton, Golder
3 Associates. A study was done back in 2003 by
4 McLaughlin et al (phonetic), which suggested that the -
5 - the grizzly bear population was roughly a hundred.
6 The recent hair-snagging results completed by --
7 jointly by Ekati and Diavik suggest that it's -- it's
8 greater than that.

9 MS. ANNE GUNN: Anne Gunn, for the
10 Board. Thank you. I think I'll leave it there, but
11 there might be a follow-up question tomorrow.

12 MR. CHUCK HUBERT: I'll let Todd go
13 first.

14 MR. TODD SLACK: Todd, with the
15 Yellowknives. I generally don't go into carnivores
16 either, but recognizing that question, and -- you know,
17 and not knowing what's happened up here from a science
18 point of view to bear populations, what does trad --
19 does traditional knowledge tell us anything?

20 I don't remember reading anything about
21 this, but it being carnivores, I may have just glossed
22 over it. So the TK work that you guys have undertaken,
23 do we know anything what happened to the bear
24 populations and the -- well, let's just call them
25 carnivore populations, in previous periods where

1 caribou numbers were low?

2

3 (BRIEF PAUSE)

4

5 MR. RICHARD BARGERY: Richard Bargery,
6 Dominion Diamond. I -- I don't think we have that --
7 that kind of information, no, Todd.

8 MR. CHUCK HUBERT: Chuck Hubert, with
9 the Review Board. The -- the Review Board received a
10 -- an Information Request from -- from Envir --
11 Environment Canada. Now, it's irregular, actually, for
12 -- for the Board to get Information Requests, but not -
13 - not at all a problem and not unwelcome.

14 So the -- the --

15 UNIDENTIFIED SPEAKER: Depending on the
16 --

17

18 (LAUGHTER)

19

20 MR. CHUCK HUBERT: Well, yes. So --
21 and -- and the request to the Board, which as you're
22 aware, the Board declined to respond, but I thought I'd
23 bring it up here at the technical session. And -- and
24 the -- the request to the Board was to ask the
25 proponent to -- this is a SARA, Species at Risk Act in

1 rela -- a question to -- for the Review Board,
2 secondhand, so I'd have to ask the -- the developer
3 Dominion to conduct an effects assessment on three (3)
4 -- three (3) birds: upland birds, the red-necked
5 phalarope, the short-eared owl, and the rusty
6 blackbird.

7 Now -- and just so everybody is aware,
8 the Review Board does have obligations under Section 79
9 of the Species at Risk Act, and -- and intends to
10 fulfill those. So I guess the -- we will -- the Board
11 will pass this question on to -- to Dominion.

12 Is Dominion willing to conduct further
13 effects assessment on these three (3) upland birds:
14 Again, red-neck phalarope, short-eared owl, and rusty
15 blackbird?

16

17 (BRIEF PAUSE)

18

19 MR. DAN COULTON: Dan Coulton, Golder
20 Associates. The short-eared owl and rusty blackbird
21 were assessed as part of the -- in the DAR. Originally
22 the short-eared owl was assessed as part of the raptor
23 VC, but then subsequently to a request by the GNWT it
24 was reassessed as an upland valley component -- upland
25 bird valley component, which I showed in the

1 presentation here, the results of that assessment.

2 In terms of red-necked phalarope, the --
3 the DAR was submitted in October of 2014. COSEWIC came
4 out with their recommendation for red-necked phalarope
5 in November of 2014. So at the time it was not --
6 didn't meet the criteria for inclusion.

7 However, because it's a shorebird we
8 would predict -- and shorebirds were included also with
9 the upland bird VC, that we would predict similar
10 effects assess -- or conduct -- predict -- similar
11 effects predictions for redneck phalarope.

12 MR. CHUCK HUBERT: Chuck Hubert with
13 the Review Board. Thanks very much. So I'll ask
14 Environment Canada then.

15 Does that satisfy the -- the
16 requirements of Environment Canada?

17 MR. J.F. DUFOUR: Hi. J.F. Dufour with
18 Environment Canada, Wildlife Service. Yeah. It was a
19 bit of an unusual request. The -- the reason behind us
20 directing the IR to the Board was because you guys are
21 the responsible authorities, so. Originally it was
22 drafted to the Proponent but management determined that
23 because of the law, the way it's -- it's written, it
24 should go to the Board.

25 So, sorry, your -- is your question:

1 Are we satisfied with the answer, or...?

2

3 (BRIEF PAUSE)

4

5 MR. J.F. DUFOUR: I guess Environment
6 Canada is still reviewing the information. We're not
7 entirely satisfied but we'll probably be making
8 comments in our final submission related to that.

9 MR. CHUCK HUBERT: Chuck Hubert with
10 the Review Board. I'd rather settle it earlier than
11 that. And what -- what would it take for Dominion to -
12 - what type of effects assessment would you -- you
13 require of Dominion in order to satisfy that -- that
14 requirement?

15 MR. J.F. DUFOUR: I guess one thing
16 that we would like to see is how the proposed
17 mitigation measures and monitoring fit with the
18 applicable management plans. I know probably a follow-
19 up question probably will be: Where are those
20 management plans?

21 There is a proposed rusty blackbird
22 management plan on the SARA registry. There's
23 currently a draft short-eared owl management plan in
24 circulation in the scientific community, which could
25 also be provided to the Board and the proponent. I'm a

1 bit hesitant to say that it would go on the registry
2 because it is a draft at this point. But making direct
3 ties between those management plans and the mitigation
4 measures would probably be what we would seek.

5 MR. CHUCK HUBERT: Chuck Hubert with
6 the Review Board. The Board can only consider evidence
7 that is on the public record -- on our registry in --
8 in making its determinations and considerations. So if
9 those plans are not on, or cannot be, for whatever
10 reason, placed on our registry, the Board can't
11 consider them.

12 I don't know if that -- go ahead.

13 MR. J.F. DUFOUR: Sure. The -- the
14 rusty blackbird management plan is proposed and it's on
15 the SARA registry, so, it's open to the public. That
16 one is not in issue. It would just be the short-eared
17 owl, and I would have to double-check to make sure we
18 feel comfortable making it available to the public
19 before it's on the SARA registry at this point.

20 And then also just to follow up for the
21 peregrine falcon, which there is no management plan.
22 There's one expected to come out this year. I know
23 that's not good timing but there's a bit of a backlog
24 in terms of recovery documents, as people are probably
25 well aware.

1 MR. CHUCK HUBERT: Chuck Hubert with
2 the Review Board. Could Environment Canada, please,
3 submit that rusty blackbird plan? And other -- any
4 others that are -- might be relevant in your view?

5 MR. J.F. DUFOUR: Yeah, for sure. I
6 could provide a link on the SARA registry for the rusty
7 blackbird, and look into providing the draft short-
8 eared owl management plan.

9 MR. CHUCK HUBERT: It's Chuck Hubert
10 with the Review Board. So, Dominion, would that -- if
11 those plans were on our registry, would that assist in
12 -- in your response?

13 MR. RICHARD BARGER: Could I just get
14 -- sorry, Richard Barger with Dominion Diamond. Could
15 I just have clarity? Is it -- that's a draft plan at
16 this point?

17 I guess from our perspective we'd like
18 to understand when it would be -- when it would be
19 finalized. We -- we don't want to work with something
20 that's -- that's evolving. We'd like -- so that would
21 be useful information for us.

22 MR. J.F. DUFOUR: Sure. The proposed
23 management plan that's currently on the registry is
24 undergoing consultation at the moment. Scientifically
25 it's pretty sound, so we're just waiting for approvals

1 from various stakeholders including co-management --
2 wildlife co-management Boards in the north. The draft
3 short-eared owl hasn't been sent out for wider
4 consultation, but it's been -- it's within the
5 scientific community.

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. So -- so is there an expected --
8 expected date for a final on the -- on the -- the one
9 that's out for -- for consultation right now?

10 Is there -- do you -- do you know -- I
11 guess when do you expect that it would be finalized?

12 MR. J.F. DUFOUR: I believe the
13 registry details the -- the periods for consultation.
14 I don't know them offhand, but I would expect the rusty
15 black bird to be finalized for sure this year, probably
16 in -- in the next six (6) months. And then short-eared
17 owl, I'm not sure when it becomes proposed and put
18 online for consultation.

19 MR. RICHARD BARGERY: Richard Bargery,
20 Dominion Diamond. So, I mean, it would be useful
21 information.

22 But one (1) thing, I think, that we --
23 we'd have to consider is -- is the fact that it's a
24 draft plan at this point as opposed to a final -- a
25 final plan, so -- but we -- certainly, if it's put on

1 the -- on the record, you know, we would -- we would
2 consider it.

3 MR. CHUCK HUBERT: Chuck Hubert, Review
4 Board. It's understood that it's -- it's a draft plan,
5 so the -- the Board won't insist that -- that it be
6 referenced because of that draft status, but any
7 information Dominion could provide on that -- on that
8 topic would be welcomed. That's it for that. Thanks.

9 THE FACILITATOR: Bill Klassen, the
10 facilitator, inviting Kevin O'Reilly to speak.

11 MR. KEVIN O'REILLY: Thanks. Kevin
12 O'Reilly, with the monitoring agency. I just wanted to
13 pick up on the questions that Anne Gunn had asked about
14 grizzly bear uncertainty.

15 And the Company made reference to the
16 recent hair snagging program report. The agency did
17 review that and submitted some comments on it and found
18 that the density was higher than it might be because of
19 the kind of analysis that was done. And I'm not an
20 expert on this, but our wildlife expert is going to be
21 here tomorrow.

22 And as I understand it, the analysis
23 that was done did not take into account edge effect.
24 So there's a number of grizzly bears that are around
25 the edge of the study area that were included in the

1 analysis and should have been -- the analysis should
2 have accounted for that in a different way than -- than
3 what was done by the Company or its consultants.

4 So I guess it was our view that the
5 density is higher than it really should be. But I'd
6 like to get our consultant tomorrow to address this,
7 unless the Company would like to address that now. But
8 we -- we did raise concerns about that analysis when --
9 in review of the report. I think we copied that letter
10 to the Review Board, but if we did not, I'll make sure
11 that that happens before -- in the next day or two (2).

12 But I'm just wondering if the Company
13 has a response to that issue and -- or whether we might
14 wait until our expert is here tomorrow who could
15 probably ask much more intelligent questions about this
16 than I can.

17 THE FACILITATOR: Bill Klassen. I
18 think, given the time, we're at 4:45, perhaps it would
19 be best if the agency will have someone here who could
20 participate in a discussion. I suggest we hold off on
21 the response until tomorrow.

22 MR. RICHARD BARGERY: Sorry, Bill.
23 Sorry, Bill. Richard Bargery, Dominion Diamond. I
24 don't know if this is one (1) of those topic areas
25 where it might -- might be useful to have -- it's Kim

1 (phonetic), I think, coming tomorrow, and -- and our --
2 our team have a bit of an offline discussion report
3 back. That may be sort of one (1) of the mechanisms
4 tomorrow to deal with this particular issue -- this
5 very specific issue, and report back through -- I know
6 there's a mechanism to do it. I don't know what the
7 mechanism is, but...

8 THE FACILITATOR: Bill Klassen. I
9 think it's important to have the discussion on -- on
10 the record. If, is it Mr. Poole (phonetic), and your
11 wildlife people have a conversation before we have the
12 discussion on the public record, there's nothing to
13 prevent that, of course.

14 But I think for the benefit of everyone
15 in attendance, it would be good to have at least, dare
16 I use this without it sounding like a pun, the meat of
17 the discussion here tomorrow.

18 Thank you, Kevin, and thank you,
19 Richard. What I'd like to do now is to move to a
20 summary of the undertakings and commitments that's --
21 we're -- we're almost exactly on schedule, two (2)
22 minutes behind, at 4:45, 4:47. Someone here's on the
23 staff of the Board that Chris will be -- will provide
24 us now with a brief summary of undertakings and
25 commitments.

1 (BRIEF PAUSE)

2

3 MR. CHRIS ROSE: Chris Rose, Review
4 Board. All right. I have a -- a list of -- of
5 commitments as well as -- are you -- are you picking up
6 on that in the back?

7 Commitments and some homework items for
8 the next few days. And I'll start with the -- the only
9 commitment that I've pencilled here today which is that
10 Dominion Diamond will -- commits to creating an
11 independent Dike Review Board or panel prior to
12 construction of the -- of the -- the Jay project.

13 The homework items that I have:
14 Dominion Diamond is to provide a response regarding
15 Brvan Watts's dike design question, following up the
16 rec -- to the recommendations in the pre-feasibility
17 design report. That's number 1.

18 Number 2 on the homework items list is:
19 Dominion Diamond is to provide the number of water
20 bodies altered by Ekati to date by the end of the
21 technical sessions.

22 Number 3 on the homework list: Dominion
23 Diamond defers the question regarding traffic until the
24 caribou session tomorrow. I -- I don't know if these
25 need to be homework items, these deferral of -- of

1 questions? No. Okav. Number -- let's see number 3 --
2 sorry, hold on a sec.

3

4 (BRIEF PAUSE)

5

6 MR. CHRIS ROSE: Okav. Homework item
7 number 3, Dominion Diamond is to prepare a pre -- a
8 preliminary list by the end of the technical sessions
9 clarifying what plans will be prepared and during what
10 stage, including the dates and the re -- relationship
11 of these plans to each other specifically a Traffic
12 Management Plan or a Wildlife and Roads Mitigation
13 Plan, Wildlife Management Plan, and an Air Quality
14 Monitoring and/or Management Plan.

15 And the final homework item number 5
16 (sic): Environment Canada commits to submit the short-
17 eared owl management plan draft plan and the rusty
18 blackbird SARA management plan that's proposed to the
19 public registry.

20

21 (BRIEF PAUSE)

22

23 MR. CHRIS ROSE: Okav. And a final
24 homework item, number 6 (sic) is that GNWT-ENR will
25 answer a -- a question regarding the implications for

1 falcon nesting when re-flooding the Jav Pit during
2 tomorrow's session.

3 THE FACILITATOR: May I ask if -- it's
4 Bill Klassen. May I ask of Dominion Diamond whether
5 that jives with the notes you've made?

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. Yes, for the most part.

8 I think the only clarification I think
9 is -- is I think what I said with respect for the list
10 of management plans is that we would be able to provide
11 a date, you know, where -- where we think it's relevant
12 to this process. So in -- in some -- in some cases it
13 may not -- it may not have a date.

14 So I just want to make that
15 clarification if we do come -- if we do end up coming
16 back with -- with some where there's no date provided
17 for the update. Or -- or more a time frame as opposed
18 to a date.

19 THE FACILITATOR: Okay. It's Bill
20 Klassen again. And I'm speaking for the last time
21 today I think.

22 Thank you all for coming. Thank you for
23 your questions. I appreciate the responses that
24 Dominion Diamond's and Golder representatives have
25 provided. So we'll get under way again here tomorrow

1 at 9:00 a.m., and the topic is caribou. So thank you
2 and we'll see you tomorrow.

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4 --- Upon adjourning at 4:52 p.m.

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7 Certified Correct,

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12 Robert Keelaghan, Mr.

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