



MACKENZIE VALLEY ENVIRONMENTAL

IMPACT AND REVIEW BOARD

JAY PROJECT EA1314-01

TECHNICAL SESSIONS

Facilitator

Bill Klassen

HELD AT:

Yellowknife, NT

Tree of Peace

April 23, 2015

Day 4 of 5

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1 APPEARANCES (Con't)

2 Tom Hoefer (np))Chamber of Mines

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4 Gord MacDonald)Diavik

5

6 Sarah Robertson)CanNor-NPMO

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8

9 Noeline Villebrun)Members of Public

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1	LIST OF HOMEWORK	
2	Number	Description
3	23	DDEC is to provide the qualifiers used
4		for spawning habitat quality in
5		categorizing shoals
6	24	DDEC is to confirm whether the 55
7		percent northern participation rate
8		projection figure for 2021 is for Ekati
9		as a whole or Jav specifically; At what
10		point between 2021 and 2031 will the
11		operational target of 62 percent be
12		reached?

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1	LIST OF COMMITMENTS	
2	Number	Description
3	5	DDEC is to hold a meeting(s) to discuss
4		questions related to the sensitivity of
5		groundwater model
6	6	DDEC is to prepare a summary report (in
7		the future) from annual meetings between
8		the GNWT and DDEC describing performance
9		on SEA community wellness and health
10		indicators and DDEC's actions to address
11		performance issues (acknowledging that
12		all proprietary information will be
13		omitted)
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1	LIST OF UNDERTAKINGS	
2	Number	Description
3	10	DDEC is to review the Diavik
4		pre-mitigation (prior to 2008) wet sump
5		ammonia and nitrate water quality
6		results and provide a recommendation as
7		to whether their incorporation into the
8		water quality model for the Miserv pit
9		is worthwhile by May 8th (further to
10		Homework 15)
11	11	DDEC is to provide water chemistry data
12		for LDS stations 1-12 for the period
13		concurrent with discharge from the King
14		Pond Settling Facility in order to
15		evaluate the potential for differences
16		between reference and baseline
17		conditions; DDEC will provide the
18		station water quality data for the
19		following Lac de Gras stations
20		referenced in Table 52-2 from
21		GNWT-IR-52: BHPS1-BHPS3; LDG40-LDG49
22		
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1	LIST OF UNDERTAKINGS (Con't)	
2	Number	Description
3	12	DDEC is to evaluate the post-closure
4		predictions at the outflow of Miserv pit
5		with reasonable case estimate and its
6		implications on significance
7		determinations by May 8th
8	13	DDEC is to provide input (excel) data
9		used to plot hydrographs (figure 33-2,
10		33-3, GNWT-IR-33) and compare Desteffanv
11		Lake and LDG outlets (amends Undertaking
12		7)
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1	LIST OF UNDERTAKINGS (Con't)
2	Number Description
3	14 DDEC is to provide a clear and
4	understandable description of how the
5	specific criteria included in Table
6	8.7-1 of the DAR relates to this overall
7	definition of significance,
8	specifically: 1) Does this definition
9	apply to all time periods? Or only
10	post-operations?; 2) Why would multiple
11	constituents have to be in exceedance of
12	water quality guidelines have in order
13	to meet the threshold for significance?;
14	and 3) The local boundary is established
15	as the outlet of Lac de Gras; why was
16	this chosen as the end of the local
17	assessment boundary instead of, for
18	example, the outlet of LDS or any of the
19	small lakes between the LLCF and LDG?
20	15 DDEC is to provide data for total loads
21	in all periods for all phosphorus
22	loading sites in Lac du Sauvage (similar
23	to those found in figure 61-1,
24	MVEIRB-IR-61, but for Lac du Sauvage
25	specifically)

1 --- Upon commencing 9:02 a.m.

2

3 THE FACILITATOR: Good morning,
4 everyone. Would you take your seats, please, so that
5 we can get under -- underway, please.

6

7 (BRIEF PAUSE)

8

9 THE FACILITATOR: Good morning and
10 thank you for coming. This is Thursday, the fourth day
11 of the technical sessions for the Ekati expansion, the
12 Jav project. And the purpose, of course, is to obtain
13 clarification on the Developer's responses, Dominion
14 Diamond's responses, to the Information Requests.

15 As I've done on previous days, I would
16 like to acknowledge the fact that we are holding these
17 sessions within the traditional territory of the
18 Yellowknives Dene. The two (2) exits from this room
19 are at -- at the back from where I'm sitting. The
20 washrooms are over on -- through that exit. There are
21 refreshments, coffee, water, and so on on the table to
22 my right.

23 I would ask, if you haven't already done
24 so, to mute your cell phones. And also, if you haven't
25 yet done so, sign in at the table at the door so that

1 the Board has a record of all those who participated in
2 these sessions. And also, I would ask, so that we have
3 a record of -- of who is taking part in the discussion,
4 that when you speak would you please give your -- your
5 name so that we have -- we have that in the -- in the
6 record as well.

7 There are -- the meetings are -- are
8 being transcribed. And, of course, that's the reason
9 for -- for giving your name. We will this morning be
10 taking a break right at 10:30. And so if I should miss
11 that would someone please remind me.

12 We discussed water yesterday, and -- and
13 there was still a few topics remaining there. And
14 there are also some homework assignments that we'll be
15 expecting responses from the -- the Developer on.

16 Before we get underway, because today
17 we'll be talking about water and then we'll be talking
18 fisheries, and then socioeconomic matters. And so
19 there are probably different people in the room than
20 there were yesterday. So I would ask that we introduce
21 ourselves again and follow the same sequence around the
22 room.

23 We'll start on my right and then move to
24 my left.

25 DR. KATHY RACHER: Okay. Kathy Racher,

1 technical advisor to the Board.

2 MS. SACHI DE SOUZA: Sachi De Souza,
3 with the Board.

4 DR. NEIL HUTCHINSON: Neil Hutchinson,
5 technical advisor to the Board.

6 MR. CHUCK HUBERT: Chuck Hubert, with
7 the Board.

8 MR. MARK CLIFFE-PHILLIPS: Mark Cliffe-
9 Phillips, with the Review Board.

10 MS. KATE MANSFIELD: Kate Mansfield,
11 with the Review Board.

12 MR. CHRIS ROSE: Chris Rose, with the
13 Review Board.

14 MR. EMERY PAQUIN: Emerv Paquin, with
15 the Monitoring Agency.

16 MR. KEVIN O'REILLY: Kevin O'Reilly,
17 with the Monitoring Agency.

18 MR. TIM BYERS: Tim Byers, Monitoring
19 Agency.

20 MS. JAIDA OHOKANNOAK: Jaida
21 Ohokannoak, Monitoring Agency.

22 MS. VERONIQUE D'AMORRS GAUTHIER:
23 Veronique D'amorrs Gauthier, Fisheries and Oceans
24 Canada.

25 MR. MARK D'AGUIAR: Mark D'Aguilar,

1 Fisheries and Oceans Canada.

2 MS. MEAGAN TOBIN: Meagan Tobin,

3 Environment Canada.

4 MS. SARAH-LACEY MCMILLIAN: Sarah-Lacey

5 McMillian, Environment Canada.

6 MR. GORD MACDONALD: Gord MacDonald,

7 Diavik.

8 MR. MARC D'ENTREMONT: Marc

9 d'Entremont, technical advisor for the Deninu K'ue

10 First Nation.

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

12 MR. TONY BUGGINS: Tony Buggins. I
13 will be providing interpreting services this morning.

14 MR. TOM UNKA: Tom Unka, technical
15 advisor, NWT Metis Nation.

16 MR. ARTHUR BECK: Arthur Beck, Fort
17 Resolution Metis council president.

18 MR. MARTY SANDERSON: Marty Sanderson,
19 GNWT Lands.

20 MR. DON CHORLEY: Don Chorley, Golder.

21 MS. CHRISTINE BIEBER: Christine
22 Bieber, Golder.

23 MR. BOB OVERVOLD: Bob Overvold,
24 Dominion Diamond.

25 MS. TANNIS BOLT: Tannis Bolt,

1 Kitikmeot Inuit Association.

2 MS. SARAH ROBERTSON: Sarah Robertson,

3 MPMO.

4 MS. GEORGINA WILLISTON: Georgina

5 Williston, Fisheries and Oceans Canada.

6 MS. JULIE MARENTETTE: Julie

7 Marentette, Fisheries and Oceans Canada.

8 MS. KATE WITHERLY: Kate Witherly,

9 Environment and Natural Resource, GNWT.

10 MS. MELISSA PINK: Melissa Pink, GNWT

11 Lands.

12 MS. LORRAINE SEALE: Lorraine Seale,

13 GNWT Lands.

14 MR. PAUL MERCREDI: Paul Mercredi, GNWT

15 Lands.

16 MR. TODD SLACK: Todd Slack,

17 Yellowknives.

18 MR. ERIC DENHOLM: Eric Denholm,

19 EDenholm Consulting.

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

21 MR. PAUL GREEN: Paul Green, ENR

22 Waters.

23 MR. RICK WALBOURNE: Rick Walbourne,

24 ENR Waters.

25 MS. LORRAINE BREKKE: Lorraine Brekke,

1 GNWT.

2 MR. LUBAKI SANTOKO: Lubaki Santoko,

3 CIMP-ENR.

4 DR. JAMIE VANGULCK: Jamie VanGulck,

5 Arktis Solutions for the GNWT.

6 MR. BARRY ZAJDLIK: Barry Zaidlik,

7 Zaidlik and Associations, consultant to GNWT.

8 MR. NATHEN RICHEA: Nathen Richea,

9 Water Resources Division, GNWT.

10 MR. PATRICK DUFFY: Patrick Duffy,

11 legal counsel, Dominion Diamond.

12 MS. CLAUDINE LEE: Claudine Lee,

13 Dominion Diamond.

14 MR. ELLIOT HOLLAND: Elliot Holland,

15 Dominion Diamond.

16 MR. RICHARD BARGERY: Richard Bargery,

17 Dominion Diamond.

18 MR. JOHN FAITHFUL: John Faithful,

19 Golder Associates.

20 MR. MICHAEL HERRELL: Mike Herrell,

21 Golder Associates.

22 MR. STEVE STRAWSON: Steve Strawson,

23 Golder Associates.

24 MS. AMY LANGHORNE: Amy Langhorne,

25 Golder Associates.

1 MR. CAM STEVENS: Cam Stevens, Golder
2 Associates.

3 MS. FIONA ESFORD: Fiona Esford, Golder
4 Associates.

5 MS. KRISTINE MASON: Kristine Mason,
6 Golder Associates.

7 MR. NATHAN SCHMIDT: Nathan Schmidt,
8 Golder Associates.

9 MR. PAUL BEDDOES: Paul Beddoes, Golder
10 Associates.

11 THE FACILITATOR: Thank you. I think
12 that's nearly everyone in the room. Are there
13 participants in these sessions that are joining us by
14 teleconference? Would you identify yourselves, please.

15 MS. ANNE WILSON (BY PHONE): Anne
16 Wilson, Environment Canada.

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

19 MR. CHRISTOPHER AGUIRE (BY PHONE):
20 Chris Aguire, Transport Canada in Winnipeg.

21 THE FACILITATOR: Thank you. It's Bill
22 Klassen here in -- in Yellowknife again. Before we
23 proceed, I'll turn the microphone over to Mark Cliffe-
24 Phillips of the Board to outline some process for us.

25 MR. MARK CLIFFE-PHILLIPS: Thank you,

1 Bill. Mark Cliffe-Phillips, with the Review Board.
2 Just in terms of talking a little bit about the context
3 of the next steps after the technical sessions, we just
4 wanted to explain a little bit of where we're going in
5 terms of what follows up after these technical
6 sessions.

7 So parties who are asking questions and
8 maybe have questions that are being -- are not being
9 able to be answered during the sessions, there is
10 opportunities for further questioning and for responses
11 to -- to come out, and also further issues development
12 leading up into the public hearing.

13 So immediately following the -- the
14 technical sessions, we'll have a -- a period for the
15 outstanding undertakings to be submitted to the Board.
16 Right now, the deadline is for May 8th. I think there
17 was a couple that extended into prior to the hearing,
18 but we -- we'll go over those when we -- we confirm the
19 undertakings, as we lose the screen.

20 There will be another round of
21 Information Requests immediately following the response
22 of the -- the submissions of the undertakings to the --
23 to the Board and parties.

24 So if there are questions that are --
25 are still outstanding, if we're not able to work

1 through the whole agenda for all the parties here,
2 there is opportunities again for another round --
3 within the other round of IRs for those questions to
4 get out there and for responses from the Developer or
5 for other -- from other parties. With that, there is
6 also -- we would like you to start thinking about what
7 follows up. The -- the next step, as you see here, we
8 don't have the Board present. This is a technical
9 session that the -- the staff are facilitating. But if
10 there are key issues that need to be brought forward,
11 the -- what we would like you to do is start thinking
12 about the intervention step, the -- the technical
13 reports that are going to be submitted prior to the
14 hearing.

15 And we would like that some of the
16 questions that we -- we may be posing to the parties
17 are things that we want you to start thinking about for
18 your responses within the interventions, but I'll leave
19 it at that for now. You -- you might see that come out
20 when we get into discussions primarily around
21 significance and thresholds and things like that.

22 So I'll leave it at that for now. And
23 we'll let Sachi work through the agenda for today.

24

25 (BRIEF PAUSE)

1 MS. SACHI DE SOUZA: Sachi De Souza,
2 with the Board. The first half of the agenda for the
3 day is to finish up the discussion on the key line of
4 inquiry of -- of water quantity and quality. There are
5 still some questions outstanding from yesterday related
6 to closure for meromixis. And we would like to then
7 move on to questions on cumulative effects, and then
8 finish off with assessment endpoints and thresholds for
9 significance.

10 From there, this morning we will move
11 into fish and fish habitat. And the -- the main key --
12 the key topics here are changes to fish habitat, fish
13 health and fish populations, effects to the lower
14 trophic levels. There were a number of IRs related to
15 the fish-out and offsetting plan. And then going into
16 closure as it relates to fish and fish habitat. And
17 then, once again, the assessment endpoints and
18 significant thresholds.

19 THE FACILITATOR: Thank you, Mark and
20 Sachi. And Sachi has another point.

21 MS. SACHI DE SOUZA: I don't know if
22 this slide is up here quite yet. The next -- in the
23 afternoon we will be moving on to the next key line of
24 inquiry, which is maximizing benefits and minimizing
25 impacts. And I'll leave it that because we'll run

1 through it prior to the beginning of that session, but
2 iust to remind people that this day is devoted to a
3 number of topics.

4 THE FACILITATOR: Thank you. It's Bill
5 Klassen. And before we get started on completing the
6 water discussion, I'll ask Dominion Diamond what
7 responses do they have to -- there were a number of
8 homework assignments from the last two (2) days.

9 MR. RICHARD BARGERY: Yeah. Richard
10 Bargery, Dominion Diamond. Thanks, Bill. We have --
11 we have a number of -- of homework assignments which --
12 which we'll read into the record, Claudine Lee will.
13 We've also provided one (1) with respect to Figure 6.3
14 and 6.4 and the Water Manager Plan, I think asked by
15 Sachi. And that was provided because there were some
16 figures that it's hard to read into the -- to the
17 record, so I think the -- the Board has that.

18 But maybe we'll start with Claudine, who
19 -- who will read a number of responses to some of the
20 questions we took away yesterday and the day before.

21 MS. CLAUDINE LEE: Claudine Lee,
22 Dominion Diamond. Yes, as -- as we mentioned, we have
23 quite a few to read in this morning, so I'll iust get
24 started with homework assignment number 9.

25 As part of the Ekati operations, 6-inch-

1 minus crush is produced from the crusher in which all
2 material is 6 inches or smaller, including finer parti
3 -- particle sizes. The converts to 152.4 millimetres
4 or smaller. This material was used for the
5 construction of the current Miserv haul road caribou
6 crossings. This is consistent with what is proposed
7 for the construction of the Lvnx caribou crossing plan
8 and what will be used for the Jav project.

9 Continuing on to homework assignment
10 number 15. Dominion did not -- Dominion Diamond was
11 asked to review Diavik's ammonia concentrations to
12 determine if they should be carried forward into site
13 water quality effluent predictions. Dominion Diamond
14 will review the Diavik pit sump ammonia and nitrate
15 concentrations and will provide a response by the end
16 of the undertaking period, May 8th, 2015.

17 Homework assignment number 18. A
18 question was asked: If carbonate neutralization
19 potential was used instead of bulk neutralization
20 potential, would the geochemical characterization of
21 the Jav waste rock change?

22 Carbonate neutralization potential is a
23 component of the bulk neutralization potential.
24 Therefore, by definition, the carbonate neutralization
25 potential cannot be greater than the bulk

1 neutralization potential. However, due to the nature
2 of the tests, carbonate neutral -- neutralization
3 potential is a theoretical value, whereas bulk
4 neutralization potential is an empirical value.

5 There are instances where carbonate
6 neutralization potential can be greater than bulk
7 neutralization potential. Only a few samples included
8 in the Jay geochemical baseline report reported
9 carbonate neutralization potentials greater than bulk
10 neutralization potentials. Since the majority of the
11 samples had bulk neutralization potentials greater than
12 carbonate neutralization potentials, use of the
13 carbonate neutraliza -- neutralization potential ratio
14 would generally result in lower ratios in comparison to
15 bulk neutralization potential ratio.

16 The DAR baseline geochemistry study
17 characterized granite and metasediment as non-potential
18 acid generating and potential acid generating,
19 respectively. However, carbonate neutralization
20 potential ratios were also included in the DAR baseline
21 geochemistry study. As presented in Table 4.2-1 of the
22 baseline geochemistry report in Annex 8 of the DAR, the
23 minimum median and maximum bulk neutralization
24 potential ratios values for granite are zero, nineteen
25 (19), and four hundred and ninety-six (496),

1 respectively.

2 The corresponding minimum median and
3 maximum carbonate neutralization potential ratio values
4 are zero point two-three (0.23), two point three (2.3),
5 and four hundred and twenty-eight (428), respectively.
6 All metasedimentary rock was conservatively assumed to
7 be potentially acid generating. Therefore, the use of
8 carbonate neutralization potential ratio would not
9 change the overall geochemical characterization of the
10 Jay waste rock.

11 The guidelines for the characterization
12 of metal leaching and acid rock drainage, MEND 2009, as
13 well as the global acid rock drainage guide 2009,
14 provide industry best practices for the geochemical
15 characterization of mine waste materials. These
16 guidelines provide bulk neutralization potential ratio
17 ranges to characterize samples as non-potential acid
18 generating or potentially acid generating. Therefore,
19 the use of the bulk neutralization potential ratio was
20 applied to the geochemistry assessment in -- is
21 considered appropriate for the geochemical
22 characterization of waste rock at the Jay project. And
23 it's consistent with best industry practices.

24 THE FACILITATOR: Thank you Please
25 continue. I indicated yesterday afternoon that there

1 will be an opportunity to ask questions, but rather
2 than stopping after each of the responses to the
3 homework assignments, I'll wait until you've completed
4 the -- the reports.

5 MS. CLAUDINE LEE: Thanks. Claudine
6 Lee, Dominion Diamond. On to homework assignment
7 number 19. There were comments related to the
8 precipitations and runoff coefficients. Precipitation
9 from October to May is assumed to be in the form of
10 snowfall and is assumed as snow. This accumulation
11 snow pack is assumed to melt entirely in the month of
12 June. The second bullet in section 6.2 of the Mine
13 Water Moni -- Management Plan.

14 Precipitation from October to May sums
15 up -- sums up to 165 millimetres. Table 2-1 of the
16 Mine Water Management Plan. Thirtv (30) percent is
17 lost to sublimation as per Table B-3, leaving 215.5
18 millimetres of accumulated precipitation that would
19 melt in June. This is equivalent to 33 percent of the
20 total annual precipitation -- 115.5 millimetres of the
21 344.6 millimetres -- and means that 33 percent of the
22 total precipitation becomes runoff in the month of
23 June.

24 The second question related to runoff
25 coefficients. The water balance model is based on

1 monthly climate and hydrology input parameters,
2 including monthly runoff coefficients. The summer
3 runoff coefficient of zero point five-seven (0.57)
4 account for the higher losses occurred during the
5 summer season, such as evaporation and
6 evapotranspiration.

7 The summer runoff coefficient is the
8 same as the fall runoff coefficient applied in the
9 regional water balance model. The zero point seven
10 (0.7) value for June is based on snow melt runoff
11 mainly occurring on either frozen ground, active layers
12 still frozen, or saturated ground, active later --
13 active -- active layers thawing, with losses due only
14 to sublimation. The June runoff coefficient is the
15 same as the snow melt runoff coefficient applied in the
16 regional water balance model once sublimation is
17 accounted for.

18 I'll -- I'll just read these next two
19 (2) and then we'll go to the one (1) on the screen. So
20 homework assignment number 22. Dominion Diamond was
21 asked: Why does Appendix 8G state that salt occlusion
22 is not considered in the W2 pit lake hydrodynamic
23 model? Ice formation was accounted for in the pit lake
24 hydrodynamic models. However, the statement in
25 Appendix 8G, the salt exclusion, was not considered in

1 the model is accurate. Therefore, Mr. Herrell misspoke
2 yesterday when he stated salt rejection was accounted
3 for in the pit lake hydrodynamic models.

4 The ice formation was included to
5 account for changes in -- to modifying meteorological
6 input parameters which would be affected by ice
7 formation.

8 Salt exclusion was not considered in the
9 pit lake hydrodynamic model since these facilities
10 represent very deep lakes, and the effects of salt
11 exclusion are not considered to result in material
12 difference in mixolimnion densities -- i.e., exerting
13 adverse influence on the stability of meromixis in the
14 pit lakes.

15 Adding salt exclusion would add an
16 additional level of complexity to the model which is
17 not considered necessary for its intended purpose.

18 Homework assignment number 21. The
19 GEMSS model used for the hydrodynamic modelling of Lac
20 du Sauvage, as described in Appendix 8F, predicts a
21 phytoplankton concentration that is calculated -- that
22 is a calculated measure of total phytoplankton
23 concentration, which is represented -- which is
24 presented as chlorophyll A.

25 These parameters are not identical, but

1 measure the same phenomenon. However, the GEMSS model
2 calibrates phytoplankton biomass to measured
3 chlorophyll A in both lakes.

4 Within the GEMSS model, phytoplankton is
5 very sensitive to orthophosphate concentrations. The
6 site water quality model predicted total phosphorus in
7 the Misery discharge to Lac du Sauvage. This was
8 assumed to be orthophosphate when input to the
9 hydrodynamic model.

10 This is a conservative assumption, as it
11 assumes all phosphorus in the discharge will be
12 available -- bio-available to the phytoplankton. This
13 leads to a conservative estimate of the phytoplankton.

14 One (1) of the limitations of
15 chlorophyll prediction is that the model calibration
16 for this constituent was based only -- on only one (1)
17 year of chlorophyll A data from Lac du Sauvage. As
18 this is not a large data set for calibration,
19 phytoplankton might be less sensitive than we had
20 predicted.

21 Phytoplankton is a highly variable
22 constituent which can make calibration difficult. Like
23 total phosphorus, we are confident that we have
24 overestimated chlorophyll predictions with an
25 additional conservative factor.

1 And then the last one is the one here
2 with the updated figure. So this is -- this is
3 homework assignment number 20, response to questions
4 regarding the water management plan Figures 6.3 and
5 6.6.

6 So Figure 6.3, which you can see on the
7 screen there, there appears to be a discrepancy in the
8 figure as the duration of the draw-down of Miserv pit
9 in 2029 and 2030, series Miserv volume, does not
10 correspond to the duration of the pumping into Jav
11 sump, series P5 pump to Jav runoff sump, if you guys
12 can see that.

13 Miserv pit was modelled in layers, and
14 this figure only shows the pumping from the first layer
15 of the three (3). The corrected figure is shown below.
16 The water balance considered pumping from all three (3)
17 layers. The only error is the figure.

18 Yeah, if you scroll down to the next
19 one. This is Figure 6.6. A similar discrepancy was
20 identified in this figure because Jav pit volumes
21 continue to rise after pumping from Miserv pit stops.

22 Sorry, could you scroll up, please.
23 Down a little bit more. Right there. Yeah. Sorry.

24 So here at the top of the page there,
25 Figure 6.6, the response. The pumping rate and

1 duration, series P5 pumped to Jav runoff sump rate. In
2 the corrected Figure 6.3 is also shown Figure 6.6
3 series pump -- P5 pump from Miserv rate.

4 The reason that the Jav pit volume keeps
5 rising after pumping from Miserv pit stops is that --
6 is that, at that time, nearly 2030, refilling from Lac
7 du Sauvage begins. Pumping from Lac du Sauvage is not
8 shown in Figure 6.6.

9 So Figure 6.4, which is this one --
10 yeah, that one there -- in the review of these figures,
11 the modeller noticed that Figure 6.4 did not show the
12 first three (3) years of pumping from the Lac -- from
13 Lac du Sauvage. The updated figure is shown below.
14 The water balance considered the entire pumping period.
15 The only error is the figure.

16 That's all of the homework assignments
17 for today.

18 THE FACILITATOR: Thank you. It's Bill
19 Klassen. I'll now ask whether there are any questions
20 related to these responses. Neil...?

21 DR. NEIL HUTCHINSON: Neil -- Neil
22 Hutchinson, for the Board. Response to number 15. I'm
23 not quite sure this is the ammonia in the Diavik sumps.
24 I'm not sure what you're going to provide by May 8th.
25 It wasn't quite clear what you're going to provide to

1 the Board.

2

3 (BRIEF PAUSE)

4

5 MR. MICHAEL HERRELL: It's Mike
6 Herrell, from Golder Associates. Since we're not
7 familiar with the -- the Diavik data, we need to take
8 some time reviewing that information and putting that
9 into context of the -- the Jay project and make a
10 recommendation as to the applicability of carrying that
11 forward into the -- the water quality prediction.

12 So what will be provided is a
13 recommendation of whether the -- whether Dominion
14 considers it necessary to include that information into
15 the water quality predictions.

16 THE FACILITATOR: It's Bill Klassen.
17 Well, perhaps Neil has the question.

18 DR. NEIL HUTCHINSON: Neil Hutchinson.
19 Just a -- a follow-up, and maybe this would be back to
20 my colleagues at the Board. What do we do with that in
21 the event that you -- your opinion differs with ours or
22 we feel that you need to follow up on it at that point?
23 What's the Board's opportunity to -- to respond to that
24 undertaking?

25 Sorry, Neil Hutchinson, for the Board.

1 Dominion Diamond is going to provide an opinion on --
2 on the usefulness of this ammonia data for the water
3 quality model by May 8th.

4 How is the Board going to deal with that
5 opinion in the event that we either agree or disagree
6 with it? Do we have a chance to follow up?

7 MR. MARK CLIFFE-PHILLIPS: Yeah. So
8 again, as I discussed this morning, we will have a
9 round of IRs that follows immediately after the May 8th
10 undertaking deadline. So there will be an opportunity
11 again for Board staff and technical advisors to review
12 and ask questions.

13 DR. NEIL HUTCHINSON: Thank you. Neil
14 Hutchinson, for the Board. And -- and then this is
15 another question on the -- the phytoplankton.

16 So did you say that the model is
17 predicting the same parameter that you're measuring?

18 MR. JOHN FAITHFUL: John Faithful,
19 Golder Associates. Can you clarify that question,
20 please, Neil?

21 DR. NEIL HUTCHINSON: Yes, thanks.
22 Neil Hutchinson, for the Board. I think you said that
23 the model predicts phytoplankton concentration that is
24 presented as chlorophyll A. And -- and I guess my
25 question is, you go out and measure chlorophyll A in

1 the lake and then try to calibrate the model to achieve
2 that. Are you actually comparing apples to apples or
3 the same form of chlorophyll to the same form of
4 chlorophyll?

5 I -- I only say that because you -- you
6 said you -- you calibrated to -- to phos -- to con --
7 concentrations in the lake that range from two (2) to
8 four (4), but you're predicting fifteen (15). And I'm
9 -- I'm still not sure you've got the calibration right,
10 but I'm not sure that we're comparing the same units
11 either.

12 MR. JOHN FAITHFUL: John Faithful, for
13 Golder Associates. So the -- the model actually
14 predicts phytoplankton. That's -- that's the -- that's
15 the unit that the GEMSS model actually produces. But
16 it's calibrated against the measured data for
17 chlorophyll.

18 So there -- there is a distinction
19 between phytoplankton and chlorophyll. It's -- it's
20 likely that biomass correction factor. And so it --
21 they're -- they're considered the same phenomenon,
22 because there is a direct -- direct relationship between
23 the two (2), but they are not the same constituents.

24 DR. NEIL HUTCHINSON: Neil Hutchinson,
25 for the Board. Thank you very much. The model

1 predicts phytoplankton biomass, a portion of which
2 would be chlorophyll. We're looking at the same
3 phenomenon. I understand. Thank you.

4 THE FACILITATOR: Todd, do you have a -
5 - it's Bill Klassen. Todd, do you have questions?

6 MR. TODD SLACK: Thanks. It's Todd
7 Slack, with the Yellowknives. One (1) of the items of
8 homework that we were hoping to have a discussion about
9 today was where this proposed TDS SSWOO of a thousand
10 (1,000) came from. It would be helpful to have this
11 conversation while the water quality people are here.

12

13 (BRIEF PAUSE)

14

15 MR. RICHARD BARGERY: Richard Bargery,
16 for Dominion Diamond. Good timing, because we -- I
17 just -- just did receive a response on that particular
18 one, Todd. So what I'll do is I'll read it out. And
19 it's -- I don't have the format, and so I'm not sure
20 which homework assignment it is, but I'd like it
21 recorded if -- if we are going to read out a response
22 to is as -- as addressing the homework assignment.

23 Do we know what the number is?

24 THE FACILITATOR: Bill Klassen. I'm
25 looking for clarification here. Could I ask, Todd,

1 what -- which homework assignment number that was,
2 sorry?

3

4 (BRIEF PAUSE)

5

6 MR. MARK CLIFFE-PHILLIPS: Sorry, I --
7 I believe that this might have been a homework item
8 that was missed in our -- our list that we compiled
9 yesterday, so it'd be a new homework item that we could
10 add to the list if we're able to answer that question.

11 MR. RICHARD BARGER: Okay. Richard
12 Barger, Dominion Diamond. So advanced homework
13 assignment here. I think Todd was asking about clarity
14 about Table 8F1-1-1, the proposed TDS site-specific
15 water quality objective. So including total dissolved
16 solids as a proposed site-specific water quality
17 objective constituent in Table 8F1-1-1 of appendix 8F1,
18 near-field modelling of the Misery discharge to Lac du
19 Sauvage, was an oversight.

20 The proposed TDS concentrations of 1,000
21 milligrams per litre was inadvertently included as a
22 site-specific water quality objection when it should
23 have been included as a primary -- as a preliminary
24 threshold to evaluate near-field water quality
25 predictions.

1 The objection of this stress -- sorry,
2 the objective of this threshold for TDS and total
3 phosphorus listed in the tables along with the site-
4 specific water quality objectives was compare --
5 compare the near-field modelling results from a series
6 of diffuser port configurations to determine if plume
7 concentrations from the configurations could meet
8 standards within the near-field mixing zone.

9 MR. TODD SLACK: Well, thanks for that
10 response. I'm not sure that I fully understand, so --
11 but I'll ask a couple of questions. Thi -- this all
12 goes back to the significance of the -- the amount at -
13 - the significance threshold for the TDS coming into
14 the receiving environment. And you guys said yesterday
15 you don't know what that level is going to be.

16 Maybe -- can you tell us what is the
17 level of TDS in the -- at the edge of the mixing zone
18 going to be?

19

20 (BRIEF PAUSE)

21

22 MR. JOHN FAITHFUL: John Faithful,
23 Golder Associates. So within the -- within the DAR,
24 Todd, and within the updated modelling results that --
25 that Mike's team have produced, we -- we project

1 maximum concentrations for a series of the project
2 phases at an assessment location called LDS-1. And
3 that -- that location is -- is equivalent to the area
4 around where the mixing zone is expected to be.

5 We've made an -- an initial assumption
6 for the DAR that the -- the mixing zone will be
7 approximately 200 metres away from -- from the -- from
8 the diffuser. And that takes into account that we're
9 still within a conceptual design stage of a diffuser
10 and there's a whole lot of other factors that need to
11 be considered as we move through the permitting phase.

12 For Lac du Sauvage, that -- that
13 concentration near the -- the -- what we've defined as
14 the edge of the -- the -- well, this conceptual mixing
15 zone at this point in time, I think the maximum
16 concentration during the period of discharge is about
17 110 milligrams per litre.

18 Now, I can -- I'll double check that and
19 provide a confirmation back to the -- the record
20 shortly.

21 MR. TODD SLACK: Okay. It's Todd
22 Slack, with the Yellowknives. Again, just to make sure
23 that this one ends up on the list, is that today or is
24 that...

25 DR. KATHY RACHER: Kathy Racher, for

1 the Board. I've got the table in front of me from your
2 compendium of supplemental water quality modelling. I
3 assume that's the one. LDS-P1. The highest
4 concentration in any of the cases they estimated was --
5 is 110 --

6 MR. TODD SLACK: Okay.

7 DR. KATHY RACHER: -- milligrams per
8 litre at any -- at any phase in the project, so that's
9 late in the project.

10 MR. TODD SLACK: Okay.

11 THE FACILITATOR: Thank you. It's Bill
12 Klassen. Another question here please.

13 MR. BARRY ZAJDLIK: Barry Zajdlik, on
14 behalf of the GNWT. Late in the day yesterday we were
15 talking about meromixis in the pits and stratification.
16 And there was a comment that sensitivity analyses had
17 been conducted; and they were in Appendix B of the IR
18 responses. We looked in the -- that appendix and we
19 couldn't find any sensitivity analyses.

20 So could you point us to the correct
21 sections please?

22

23 (BRIEF PAUSE)

24

25 MR. MICHAEL HERRELL: It's Mike

1 Herrell, from Golder Associates. So the -- the
2 compendium pro -- provides several different model
3 sensitivity analyses. There's not a sensitivity
4 analysis section. Each of the -- the model updates is
5 considered a different sensitivity of the project, and
6 that was explained in the -- the presentation yesterday
7 morning.

8 So if you look to the changes that are
9 made as part of the modelling, the updated assessment
10 versus the -- the DAR assessment, that would be
11 considered one (1) of -- one (1) sensitivity versus the
12 -- the reasonable estimate case would be considered
13 another sensitivity.

14 MR. BARRY ZAJDLIK: Barry Zajdlík, on
15 behalf of the GNWT. So then the only aspects of a
16 sensitivity analysis were the two (2) scenarios? You
17 didn't look at changes in TDS concentration or
18 transmissivity of the EPZ, or ratios of groundwater to
19 surface water flows, or anything like that?

20

21 (BRIEF PAUSE)

22

23 MR. MICHAEL HERRELL: It's Mike
24 Herrell, from Golder Associates. The -- the modelling
25 that was completed as part of the -- the DAR as well as

1 the supplemental submissions, in our opinion is
2 considered to bracket the range of conditions that
3 would be expected. So from our perspective we've
4 addressed the sensitivities that we consider reasonable
5 for evaluating the likelihood of meromictic conditions
6 developing within the pits in post-closure.

7 I do want to comment that the pits are
8 flooded during post-closure so the EPZ would be --
9 would be less sensitive at that point in time.

10

11 (BRIEF PAUSE)

12

13 DR. JAMIE VANGULCK: Jamie VanGulck,
14 for the GNWT. There was some discussions yesterday
15 with regards to the level of how conservative the
16 groundwater modelling and the brine input would be to
17 the pit, and that we could come into a situation that
18 if it is overly conservative you would actually have
19 less water that is of -- that's entering the pit, and
20 that water may not be as high of a TDS concentration
21 than what's been considered so far in your assessments.
22 So the -- the -- that possibility has not been assessed
23 in your sensitivity studies, if -- if my understanding
24 is correct.

25

1 (BRIEF PAUSE)

2

3 MR. ELLIOT HOLLAND: Elliot Holland,
4 for Dominion. This question has clearly come up a
5 number of times in a number of different contexts. I
6 think the basic point is that, while in general lower
7 brine concentrations are positive to the project in
8 most circumstances, you know, Dominion's certainly
9 heard that there may be, you know, secondary effects
10 that are -- that are creating uncertainty among the
11 reviewers. So I think the best thing for us to do
12 would be to -- to do a comprehensive look at the
13 effects of -- of the -- the other end of groundwater
14 quality predictions and -- and provide a summary of
15 the, you know, potential risks and -- and how Dominion
16 would -- would deal with those risks in that situation.

17 I think we'll -- we'd be prepared to do
18 that by the end of the -- the undertaking period.

19 THE FACILITATOR: Thank you. It's Bill
20 Klassen. I'll ask Sachi just for -- to clarify that as
21 to what the nature of the commitment is.

22 MS. SACHI DE SOUZA: Sachi De Souza,
23 with the Board. Just to -- so the comprehensive look
24 at the -- the range and groundwater quality
25 predictions. So that would be including differences in

1 quality and quantity because that would have an effect
2 on the -- the mass loading of TDS into the pits. And
3 how that would affect the predictions for water
4 management and TDS concentrations in going into the
5 closure predictions. And with that, that would include
6 addressing what the potential risks would be and the
7 potential proposed mitigations by Dominion to address
8 those risks.

9

10 (BRIEF PAUSE)

11

12 MR. ELLIOT HOLLAND: Elliot Holland,
13 for Dominion. Yeah, that -- that's our understanding.
14 To be clear, this is -- will be a qualitative set of
15 responses with respect to -- to mitigation and
16 alternatives.

17 MS. SACHI DE SOUZA: Sachi De Souza,
18 with the Board. So it will be a -- a quantitative
19 assessment at the range and a qualitative assessment of
20 the -- the potential risks and mitigations?

21

22 (BRIEF PAUSE)

23

24 MR. RICHARD BARGER: Richard Barger,
25 Dominion Diamond. Give us just a second on this

1 particular one.

2

3 (BRIEF PAUSE)

4

5 MR. MICHAEL HERRELL: It's Mike
6 Herrell, from Golder Associates. I'll just wait till
7 people are ready.

8 THE FACILITATOR: Excuse me just a
9 moment. It's Bill Klassen. Dominion Diamond is ready
10 to respond.

11 MR. MICHAEL HERRELL: It's Mike
12 Herrell, for Gold -- for Golder Associates. I just
13 want to apologize for the delay there. We had to talk
14 to various people before we can commit them to a -- a
15 schedule.

16 So just to clarify what will be produced
17 within the -- the undertaking period, we can provide a
18 lower bound for the groundwater inflows in TDS
19 concentrations. But that -- and then a qualitative
20 evaluation of -- of those results. They will not be
21 able to be carried forward into the hydrodynamic models
22 within that time period to evaluate if meromictic
23 conditions would be -- would be stable.

24 MR. BARRY ZAJDLIK: Barry Zajdlík, on
25 behalf of GNWT. So the proposal is to -- to assess a

1 limited number of parameters that could affect
2 meromixis, as opposed to the gamut -- or not the gamut,
3 maybe that's a bit too strong of a word, but there are
4 several other things that -- that we would like looked
5 at.

6 I understand that there's time
7 implications. So I'm not sure what we can do about
8 getting this task undertaken in a reasonable time
9 frame. So I look to the Board for guidance on that.

10 MS. SACHI DE SOUZA: Sachi De Souza,
11 with the Board. From -- from what I've heard the past
12 day and this -- this morning, a number of parties have
13 questions about the sensitivity of the groundwater
14 model, the sensitivity analysis related to the
15 groundwater model, the implications of that, the
16 overall site water management, and the hydrodynamic
17 model, and then the implications on closure and
18 meromixis.

19 So I think the best way forward may be
20 to make this -- to -- for parties to do this as an IR
21 and detail out specifically what they're looking for
22 and why they're looking for it, the implications in
23 terms of significant adverse impacts and clarifications
24 of how it's going to help your intervention, and
25 verbalize that and write that to Dominion in an IR.

1 I think we've -- we've gone pretty far
2 with the discussion of sensitivity. And I think a
3 written IR might be the best way to move forward.

4 THE FACILITATOR: It's Bill Klassen.
5 So just to clarify that then, the Board is suggesting
6 that the information that's required be put forward as
7 a detailed Information Request, rather than something
8 that the -- the Dominion Diamond will be providing
9 before the end of the -- the two (2) week period here.

10 Is that understood? Do I understand
11 that correctly?

12 MR. RICHARD BARGERY: Richard Bargery,
13 Dominion Diamond. Just -- just so I'm clear, so we'll
14 no longer be need -- doing the undertaking that we --
15 so that -- that -- and people will -- will go to the IR
16 period and they can -- I mean, one (1) of the things I
17 think that we would offer them is -- is perhaps a
18 meeting to discuss a little bit more so we understand
19 fully what -- what parties are looking for and that may
20 help us and help the parties, you know, prior to the IR
21 period, if that's a useful -- particularly the GNWT. I
22 think the GNWT and I think Board staff also had
23 specifically some questions, others may have as well,
24 but I...

25 MS. SACHI DE SOUZA: Sachi De Souza,

1 with the Board. So can we put that down as a
2 commitment to have that meeting to discuss the future
3 IR related to sensitivities related to water
4 predictions?

5 MR. RICHARD BARGERY: Richard Bargery,
6 Dominion --

7 MS. SACHI DE SOUZA: Sensitivity is --

8 MR. RICHARD BARGERY: Richard Bargery,
9 Dominion Diamond. The commitment is commitment is that
10 we're open -- we're open to meeting -- meeting more
11 than one (1) party, as we're open -- always open to
12 meeting with parties.

13 THE FACILITATOR: It's Bill Klassen.
14 Thank you then. We'll -- are there further questions
15 related to the homework assignments?

16 MR. RICK WALBOURNE: Rich Walbourne,
17 ENR. I wanted to follow up on a question that Todd
18 Slack had earlier, so related to that homework
19 assignment.

20 MS. SACHI DE SOUZA: Sachi De Souza,
21 with the Board. You're okay with the way that just
22 closed though related to sensitivity?

23 MR. NATHEN RICHEA: Yeah. It's Nathen
24 Richea, the Water Resources Division. Yeah, we're
25 happy to meet with the Company and work out some

1 discussion about what potentially the IR would entail.
2 However, any interested party that would also like to
3 sit in those meetings is also welcome.

4 MR. RICHARD BARGERY: Richard Bargery,
5 Dominion Diamond. Perhaps sometime after the water
6 session probably would be best, while everyone is still
7 -- I know people -- some people will have flights and
8 stuff, but we can try to -- try to do as much as
9 possible. I think that would be...

10 MR. NATHEN RICHA: Thank you. It's
11 Nathen Richea, Water Resources. Yeah, we'll have to
12 coordinate logistics. We got some consultants that are
13 leaving this afternoon and I'm not sure the schedule of
14 another. But, yeah, if we have to, we can try to
15 schedule a teleconference in short order to work
16 through this.

17 MR. RICK WALBOURNE: Rich Walbourne,
18 ENR. I had a question to follow up on mixing zones,
19 similar to Todd Slack's question earlier. In response
20 to -- with the Review Board IR 43, Dominion noted the
21 mixing zones that will not be established until the
22 regulatory phase.

23 ENR believes that the extent of the
24 mixing zone and the impact within that mixing zone
25 should be determined during the environmental

1 assessment to assess impacts to the aquatic environment
2 and make a significance determination.

3 Could Dominion provide the spatial
4 extent of the proposed mixing zone? I think you've
5 said 200 metres, so that might be answered. But also
6 the magnitude and duration of impact that is
7 anticipated to occur within that mixing zone?

8

9 (BRIEF PAUSE)

10

11 MR. RICHARD BARGER: Richard Barger,
12 Dominion Diamond. The -- the second part of your
13 question, can you just provide that again, please,
14 Rick?

15 MR. RICK WALBOURNE: Rick Walbourne,
16 ENR. I guess, specifically the question was if you
17 could provide the spatial extent of the proposed zone
18 in Lac du Sauvage and the magnitude and duration of
19 impact that is anticipated to occur within that mixing
20 zone?

21 MR. JOHN FAITHFUL: It's John Faithful,
22 with Golder Associates. So -- so, Rick, within the --
23 within the DAR and within the various appendices, and -
24 - and certainly within the updates, as I indicated to
25 Todd, we -- we've come up with a conceptual design

1 around the diffuser. And we've -- we've estimated a
2 mixing zone. And we've -- we've used a hydrodynamic
3 model. It's -- it's allowed us to -- to identify an
4 assessment location for the -- for the identification
5 of an assessment of potential impacts within that area
6 that the -- the edge of the mixing zone would be
7 located.

8 What we -- the -- I mean, the -- the
9 bulk of the effect is around the discharge period,
10 which -- which starts in year 6 and -- and ends in --
11 in year 10 or 11, so it's potentially a five (5) year
12 discharge period. That's the extent of -- of the
13 effect. And -- and the magnitude is -- is going to be
14 something consistent with what we've actually provided
15 around that assessment location. Now, the -- the cell
16 within -- the cell or the hydro -- within the
17 hydrodynamic model of which that assessment location is
18 in may vary because of the -- the size of the cell.
19 Because it's -- it's a big lake. And we've -- we've
20 discussed with GNWT around how that model was
21 developed. It's -- it's outlined fairly clearly in the
22 -- in the -- well, it's -- it's outlined in -- in
23 Appendix 8F. And so the -- the magnitude of change
24 would be -- would be within the -- within the realms of
25 what we've presented in the tables where -- which list

1 the maximum projected changes at those locations for
2 each of the project phases.

3

4 (BRIEF PAUSE)

5

6 MR. RICK WALBOURNE: Rick Walbourne,
7 ENR. Just one (1) question of clarification. Are you
8 referring to specifically the edge of the mixing zone
9 or within the mixing zone itself in that assessment?

10

11 (BRIEF PAUSE)

12

13 MR. JOHN FAITHFUL: John Faithful,
14 Golder Associates. The assessment location that we've
15 selected, LDS-P1 I think, is within the zone where the
16 edge of the mixing zone will be located. It's -- it's
17 not exactly at -- at the edge of the mixing zone.

18 John Faithful again. And part of that
19 is -- is again, given the -- the way that the -- the
20 model has been established for -- for the hydrodynamic
21 model has been sort of structured within the -- the Lac
22 du Sauvage.

23

24 (BRIEF PAUSE)

25

1 MR. BARRY ZAJDLIK: Barry Zaidlik, on
2 behalf of GNWT. This is a follow-up res -- or report
3 to the Board on the status of our meeting with Dominion
4 yesterday. We did meet to discuss Monte Carlo
5 simulations of some of the modelling that was
6 conducted. And the Proponent is going to get back to
7 us on whether they'll consider doing that Monte Carlo
8 analysis.

9 MR. RICHARD BARGERY: Richard Bargery,
10 Dominion Diamond. That's -- I think that's correct in
11 terms of the outcome of the -- of the meeting
12 yesterday. There were a number of other things
13 discussed, but -- but there is a draft report which the
14 GNWT are -- are looking at and we'll at some point file
15 the -- the name of the document. I don't know what
16 exactly it's called, but the -- the summary of the
17 meeting that -- with -- with the Board so it can be
18 posted for -- for everyone to -- to review. Yeah.

19 THE FACILITATOR: It's Bill Klassen.
20 Yes, thank you. I believe that's a requirement of
21 Board practice to prepare a report of that meeting and
22 then that is posted on the registry. Are there other
23 questions related to the responses that Dominion
24 Diamond provided on their homework assignments?

25 MR. NEIL VAN DER GUGTEN: Neil van der

1 Gughten, for GNWT. With regard to the homework
2 assignment related to runoff coefficients -- I -- I
3 forgot what number it was. But there were a lot of
4 numbers that were run through very quickly with
5 rationale. It was very hard to understand or even copy
6 down. I would like to request a hard copy of that
7 response.

8 THE FACILITATOR: It'll be in the --
9 the transcript.

10 MR. NEIL VAN DER GUGTEN: So it would
11 be nice to have a chance to re -- to review it and
12 respond during this meeting.

13 MR. ELLIOT HOLLAND: Elliot Holland,
14 for Dominion. We -- we have a hard copy we're happy to
15 provide if that is okay.

16 THE FACILITATOR: Thank you. So I see
17 that it's being provided. We are now at ten o'clock.
18 And we'll be breaking at 10:30. I would like to get
19 underway with the further discussions of these items
20 that are on the screen behind me, cumulative effects --
21 and now I can't see it -- closure and assessment end
22 points and significant thresholds. So coming back to
23 the earlier guidance that what we're seeking is
24 clarification from the Developer on responses to the
25 Information Requests on these topics.

1 Are there questions related to these
2 three (3) topics, please?

3 DR. KATHY RACHER: Kathy Racher, for
4 the Board. I have one (1) question re -- regarding
5 closure. Just looking at the -- the two (2) models for
6 the final concentration in the -- in the pits, the
7 vertical slice model and the 3D hydrodynamic model. I
8 understand the vertical slice model was done so that
9 you could estimate, ad infinitum, up to fifteen
10 thousand (15,000) years or whatever.

11 But the -- the final -- the -- the
12 results of the two (2) models come up with slightly
13 different values for what the TDS concentrations would
14 be at the top of the pits. I think that 3D
15 hydrodynamic model, the -- the updated one is -- is
16 like around 700 milligrams per litre TDS, and the
17 vertical slice model kind of has it being quite a bit
18 lower.

19 And I had the impression through your --
20 through how you've been presenting things that you have
21 a bit more faith in the 3D hydrodynamic model, and I
22 just wanted to confirm that, when we're thinking about
23 closure, that that model's more likely to be correct
24 than the vertical slice model?

25

1 (BRIEF PAUSE)

2

3 MR. MICHAEL HERRELL: It's Mike
4 Herrell, from Golder Associates. I'd have to do that
5 comparison to -- to fully understand the differences.
6 But I -- I do want to clarify that, in terms of
7 confidence in the -- I just want to -- of the two (2)
8 models, the -- the models have two (2) different
9 purposes. The CE-OUAL model is a hydrodynamic model
10 which -- it's -- it's a two (2) -- two (2) dimensional
11 model, whereas the vertical slice spreadsheet is a --
12 is a -- well, it's also a 2D model, but it doesn't
13 account for hydrodynamic processes such as wind-driven
14 forces and mixing; it's just a mass balance model.
15 Their intended purposes are -- are quite different.

16 So the -- the CE-OUAL model is to look
17 at the stability within the pit lake in the long term,
18 which is two hundred (200) years, which we consider
19 long term. But the vertical slice spreadsheet model
20 carries that further out into -- into the -- the far
21 future. So I think we go as far as fifteen thousand
22 (15,000) years to look at the -- the strengthening of
23 the pit lake, not the likelihood of whether the pit
24 would stratify in -- in the long term.

25 And when I say, "strengthening", what

1 can happen is you can get higher groundwater inflows
2 into the bottom layer of the pit which can increase the
3 densities and -- and create the -- the further
4 stratification.

5 So that's really the purpose of that
6 model. It's just to evaluate -- the CE-OUAL model
7 evaluates the likelihood of meromixis forming, and the
8 vertical slice model evaluates strengthening of or --
9 or not strengthening of the pit lakes in -- in the long
10 term.

11 THE FACILITATOR: Thank you. It's Bill
12 Klassen. Are there further questions? Please?

13 MR. BARRY ZAJDLIK: Barry Zaidlik, on
14 behalf of the GNWT. My first question pertains to IR-
15 52.

16

17 (BRIEF PAUSE)

18

19 MR. BARRY ZAJDLIK: Barry Zaidlik, on
20 behalf of the GNWT. Is that all right? I'm looking
21 for clarification on the response to IR-52. The --
22 this has to do with baseline water quality, and the
23 concern is motivated by the idea that baseline water
24 quality is used to contextualize differences or
25 expected changes. And it could be used as a -- even a

1 point of departure for making decisions about a fact.
2 So it's important that the baseline water
3 concentrations be estimated.

4 And the concern here is that some of the
5 sites that are potentially affected by current or
6 historic discharges, particularly at sites LDS-1 and
7 LDS-2, are included in this data set. I went through
8 the table that you provided that looks at the timing of
9 sample collection versus discharge, and I noted that,
10 for these two (2) stations, 70 percent of the samples
11 collected were during periods of discharge.

12 So my -- my question is, if -- have you
13 looked at those -- those specific points and seen if
14 they're driving the 95th percentiles that you estimate?

15 MR. JOHN FAITHFUL: John Faithful,
16 Golder Associates. Yes, Barry, we -- we evaluated the
17 -- the information that was collected from Lac du
18 Sauvage, particularly focussing on the 2004-2006 data
19 sets that were used to characterize baseline water
20 quality in -- in Lac du Sauvage. We acknowledge that
21 they -- as you -- as you in -- in our response to -- to
22 this particular IR, we provided a clear indication of
23 when discharge was occurring into -- into King pond
24 which ultimately makes its way through to Lac du
25 Sauvage via Christine Lake. We also have monitoring

1 stations in Christine Lake to get an un -- get an
2 understanding of -- of what the implications are in --
3 in that lake.

4 Discharge -- discharge to Lac du Sauvage
5 from Christine Lake is -- is relatively small volumes.
6 In our analysis of -- of all of the key stations in --
7 in Lac du Sauvage -- and I think there were twelve (12)
8 of them within that main receiving basin, and we -- we
9 couldn't discern a -- a substantial difference between
10 the values that we got for baseline water quality
11 between LDS-1 and LDS-2 which are off -- offshore of --
12 of the Christine Lake discharge to the point that it
13 would cause us any concerns with regard -- with a
14 regard to how we've characterized the baseline water
15 quality.

16 As a consequence, we've -- we've grouped
17 the data together from those sites to establish what
18 our baseline water quality condition is. And we -- we
19 refer to that as our 'reference condition' because we
20 did not see any -- any real -- we didn't see any change
21 in -- in the water quality range between all of those
22 stations, hence the grouping of that data.

23 MR. BARRY ZAJDLIK: Barry Zajdlik, on
24 behalf of GNWT. Could you provide the results of those
25 analyses please?

1 (BRIEF PAUSE)

2

3 MR. JOHN FAITHFUL: John Faithful,
4 Golder Asso -- Associates. Barry, the -- the
5 information is available. We are -- we are happy to --
6 to provide it in -- in an Excel form if that's -- if
7 that's agreeable to the Board and we -- we can take
8 that as an undertaking.

9 DR. KATHY RACHER: Kathy Racher, for
10 the Board. Barry, could you just state specifically
11 what it was that you've asked for so we could record
12 it?

13 MR. BARRY ZAJDLIK: Barry Zajdlik, on
14 behalf of GNWT. The request is to provide the data,
15 water chemistry concentrations for the LDS series of
16 stations in Lac du Sauvage, particularly in 2006
17 through 2012, that coincide with the discharge periods.
18 And the intent is to compare those concentrations to
19 see if they are elevated with respect to offshore
20 concentrations or non-discharge related concentrations.

21 DR. KATHY RACHER: Kathy Racher. And
22 the discharge you're talking about is from the Miserv -
23 - di -- discharge from Miserv?

24 MR. BARRY ZAJDLIK: Barry Zajdlik, on
25 behalf of GNWT. Yes, that's correct.

1 MR. JOHN FAITHFUL: John Faithful, from
2 Golder Associates. Sorry, I -- I just want to -- I --
3 I just want to put a -- our clarification comment in.
4 This is from the Christine Lake outlet, so it's the --
5 it's the Lac du Sauvage stations, LDS1 and LDS2, we're
6 happy to provide that through to LDS12 for that period
7 that -- that Barry indicated.

8 MR. BARRY ZAJDLIK: Barry Zaidlik.
9 Thanks for the correction.

10 THE FACILITATOR: Are there other
11 questions on these three (3) topics? Neil
12 Hutchinson...?

13 DR. NEIL HUTCHINSON: Neil Hutchinson,
14 for the Board. This is your updated compendium of
15 water quality, the appendix that was submitted, and
16 your post-closure predictions when Misery pit starts
17 overflowing. And you've predicted TDS of seven hundred
18 and forty-eight (748), total dissolved solids, and
19 chloride of four hundred and thirty-seven (437). The
20 chloride value exceeds the CCME guideline for
21 protection of aquatic life, and the total dissolved
22 solids exceeds the drinking water guideline.

23 So is this a long-term impact? Or
24 what's your assessment of the implications of what
25 really results to an effluent discharge in terms of

1 water quality at the -- at the closure period?

2

3 (BRIEF PAUSE)

4

5 MR. MICHAEL HERRELL: It's Mike
6 Herrell, from Golder Associates. Before responding,
7 Neil, can you provide us with which cases you're
8 referring to there? Is -- is it the reasonable
9 estimate in the -- or in the updated assessment cases?

10 DR. NEIL HUTCHINSON: It's the updated
11 assessment ca -- Neil Hutchinson, for the Board,
12 updated assessment case, Table 2 -- 2-2.

13

14 (BRIEF PAUSE)

15

16 DR. NEIL HUTCHINSON: Neil Hutchinson,
17 for the Board. We have the table projected up here for
18 anybody's interest.

19

20 (BRIEF PAUSE)

21

22 MR. MICHAEL HERRELL: It's Mike
23 Herrell, from Golder Associates. So I just want to
24 provide some context around these results just to
25 remind everyone that these are conservative estimates

1 based on very conservative assumptions to overpredict
2 impacts. So these are carried downstream to -- to
3 assess impacts to receiving water bodies.

4 What the -- the actual water quality in
5 that pit at post-closure will -- will -- what it will
6 be -- what it is at in post-closure and evaluated
7 through operational -- operational monitoring. So in
8 comparison to the -- the reasonable estimate case, the
9 -- they're much lower to the -- the values that are
10 presented here.

11 I do want to comment that there is a
12 site-specific water quality objective for chloride that
13 is a hardness-based objective that would be more
14 appropriate than the -- I believe it was the CCME value
15 that was quoted by that, Neil.

16 DR. NEIL HUTCHINSON: Neil Hutchinson,
17 for the Board. I'm not quite sure I got an answer out
18 of that other than that you think it's conservative.
19 Are you going to prepare a site-specific objective?
20 This is a natural flowing creek that you're projecting
21 at closure. My -- my concern was not Lac du Sauvage,
22 it was the creek itself.

23 And I believe elsewhere in the documents
24 there are commitments to drinkable, fishable water
25 made. So I would just flag that as something that

1 should be addressed as part of your impact assessment,
2 that -- that you seemed to have predicted an impact
3 here.

4 I don't see a reasonable use estimate
5 that reduces that impact, so it would be useful to see
6 that at some point.

7

8 (BRIEF PAUSE)

9

10 MR. RICHARD BARGERY: Richard Bargery,
11 Dominion Diamond. So we'll -- Neil, we'll take that
12 away. We'll evaluate the -- the...

13

14 (BRIEF PAUSE)

15

16 MR. RICHARD BARGERY: Yeah, evaluate
17 the issues you -- or the -- your comment, and we'll
18 come back with a response. But we'll take that as a
19 homework assignment.

20

21 DR. NEIL HUTCHINSON: Thanks. Neil
22 Hutchinson, for the Board. So -- so your undertaking
23 is to evaluate your post-closure predictions of water
24 quality in the outflow from the Misery pit and its
25 implications to the significance -- the significance of
-- of the outflow and any implications to the

1 environmental assessment?

2

3 (BRIEF PAUSE)

4

5 MR. RICHARD BARGERY: Thanks for --
6 Richard Bargery, Dominion Diamond. Thanks for the
7 clarification, Neil. And maybe I'll clarify that on
8 that basis we'll take it as an undertaking.

9 DR. NEIL HUTCHINSON: Thank you.

10 MR. RICHARD BARGERY: Yeah.

11 THE FACILITATOR: Just to help me
12 remember, a -- an undertaking has what timeline again?
13 Is that the May 8th? May 8th. Okay. Thank you.

14 It's Bill Klassen. I believe Tim Byers
15 has a question.

16 MR. TIM BYERS: Thank you, Bill. Tim
17 Byers, for the Agency. I have -- I have two (2)
18 questions, both closure implications. I guess the
19 first one will pig -- piggyback a little bit on a
20 question of Todd Slacks yesterday and that relates to
21 Snap Lake situation.

22 And I guess I'll pose this directly to
23 Golder. Your -- sorry, page 8-8 -- 8-187 of the DAR
24 states, and I quote:

25 "TDS mass flux into the backflooded

1 pit is predicted to decrease from
2 approximately 300 kg per day to 7.3
3 at closure -- or after closure."

4 The report goes on to state -- state
5 that it will take about a thousand years to reach that
6 level of input of TDS.

7 Now, my question to Golder is: Why do
8 you estimate for Jay it will take this long, a thousand
9 years, when for Snap Lake your company estimated it
10 would take only fifteen (15) years for the lake to
11 reduce to the same input of TDS? Thank you.

12 MR. RICHARD BARGER: Richard Barger,
13 Dominion. Just some clarity on -- I mean, we're doing
14 a Jay assessment and the questions are coming to
15 Dominion Diamond. If we choose to -- to give them to
16 Golder I think that that's -- that's our call.

17 But the comparative -- comparison to
18 Snap Lake, which -- which I don't think any of that's
19 in evidence before the Board, just how we're -- how to
20 deal with that. We can answer what -- what -- you
21 know, what we put in the DAR, but maybe some clarity on
22 that from the Board might be useful for -- for our --
23 from our perspective.

24 MR. MARK CLIFFE-PHILLIPS: Mark Cliffe-
25 Phillips, with the Review Board. So the -- the clarity

1 that you're looking for is how evidence that's on
2 another registry could be brought forward into -- into
3 this proceeding?

4 MR. RICHARD BARGERY: Richard Bargery,
5 Dominion Diamond. I think what -- what Tim asked was
6 work that our consultant did for some -- another
7 company. And comparing those two (2), that seems like
8 an odd request for us, that -- Dominion Diamond who
9 are here doing the Jay assessment. So maybe it's --
10 it's a restating of the question by Tim may get us to
11 the answer. We're certainly prepared to defend and --
12 and talk about what we put in -- in the Developer's
13 Assessment Report, but it's difficult for us to ask our
14 consultant to compare what they're doing for us as a
15 client as opposed to what they did -- done for others
16 as -- as a client.

17

18 (BRIEF PAUSE)

19

20 THE FACILITATOR: For the benefit of
21 those who are on the telephone, there's conversation
22 going on over here to clarify what the response will
23 be.

24 MR. MARK CLIFFE-PHILLIPS: So I -- I
25 guess in -- in discussions here, we -- I -- I don't

1 think it would be fair for Golder to respond on
2 information for another client. But if IEMA has or
3 knows of information from another proceeding that could
4 be used in comparison to information that's in -- in
5 this proceeding, then -- then that -- that would be
6 brought forward. So it'd have to be publicly available
7 information that would be brought in.

8 MR. TIM BYERS: Fair enough. Thank
9 you, Mark, for that clarification. Maybe I should just
10 rephrase my question then. As far as the estimate of
11 it taking a thousand years to reduce to -- to that
12 level, I -- I guess what -- I guess my question is:
13 What are the inputs that you use to determine the trend
14 over time of TDS flux into the system -- or, I guess,
15 in this case, into the pit, pit lake?

16

17 (BRIEF PAUSE)

18

19 MR. RICHARD BARGERY: Richard Bargery,
20 Dominion Diamond. Just one (1) moment. We're talking
21 amongst disciplines here.

22

23 (BRIEF PAUSE)

24

25 MR. MARK CLIFFE-PHILLIPS: Mark Cliffe-

1 Phillips here, with the Review Board. If -- maybe as a
2 suggestion, we're going to be taking a break very
3 shortly. If you could continue the discussion during
4 the break and respond back after -- after the break,
5 and we could continue with questioning.

6 THE FACILITATOR: Tim, it's Bill
7 Klassen. Tim, did you have one (1) more? Okay,
8 please.

9 MR. TIM BYERS: One more quickie.
10 Picky -- sorry. On meromixis -- on meromixis, Dominion
11 Diamonds -- I -- I'm sorry, but I seem to be getting
12 mixed messages here.

13 You state, and have stated quite
14 plainly, yesterday in all the discussions around TDS
15 and meromixis that you seem to be very confident that
16 meromixis will occur in Miserv. And you have stated as
17 such in your answer to IEMA's IR number 16 that Miserv
18 and Jav will both be, quote, "permanently stratified."
19 And I take that as a given now.

20 However, this contradicts EMR's (sic)
21 November 2013 modelling prediction study that stated,
22 just as equivocally, in my mind, that there would be a,
23 quote, "low likelihood of meromixis in Miserv."

24 So I'm wondering why there's now a
25 change in the opposite direction in your confidence

1 about meromixis. Thank you.

2

3 (BRIEF PAUSE)

4

5 MR. RICHARD BARGERY: Richard Bargery,
6 Dominion Diamond. Do you want us to just take a second
7 and we can answer that second question, or we can take
8 both away and do it after the break, if -- if that may
9 work better, Tim. I don't know, Tim, if that works for
10 you as well.

11 THE FACILITATOR: Yes.

12 MR. RICHARD BARGERY: I just want to
13 make it -- whatever.

14 THE FACILITATOR: It's Bill Klassen. I
15 think we're at 10:27. I suggest that we break now, and
16 then Dominion Diamonds can take the time during the
17 break to prepare their responses.

18 MR. RICHARD BARGERY: Okay. Can I just
19 -- Richard -- sorry, Richard Bargery, Dominion. Just
20 one (1) point of clarification. Tim, it was ERM -- it
21 was ERM, right, that you were -- yeah, okay. Yeah.
22 Sorry. Yeah. The -- we have the right one then.
23 Thanks.

24 THE FACILITATOR: Okay. Thank you.
25 It's -- it's Bill Klassen. I understand that there's

1 an -- another event happening that some folks here have
2 an interest in. So we will be taking a break for one
3 half (1/2) hour. We'll come back at eleven o'clock.

4

5 --- Upon recessing at 10:27 a.m.

6 --- Upon resuming at 10:59 a.m.

7

8 THE FACILITATOR: Well, good morning
9 again. It is now eleven o'clock, so I'd like us to
10 continue. Just before the -- the break, there were
11 questions asked of Dominion Diamond. And during the
12 break they were going to have a bit of a conference to
13 come up with the responses.

14 I'm aware that there are at least two
15 (2) other people that still want to ask questions on
16 the water topic. I do feel the need to move our
17 discussion along to fish because there are people here
18 specifically for that discussion.

19 So what I would ask is that Dominion
20 Diamond provide the responses to the -- the questions.
21 Then I believe there may be another question coming
22 from IEMA, and I know there is one from Board staff,
23 and I'll look for others. But if Dominion could
24 respond now.

25 MR. RICHARD BARGERY: Richard Bargery,

1 Dominion Diamond. I think John Faithful is going to
2 respond to Tim's first question, and -- and Mike
3 Herrell will respond to -- to the second. Oh, there's
4 Tim. He's -- he's here, yeah.

5 MR. JOHN FAITHFUL: Thanks, Rick. John
6 Faithful, for Golder Associates. So, Tim, to just
7 repeat your question, it was -- it was around the
8 difference in the TDS mass flux into the back-flood --
9 back-flooded Jav pit between closure period and then --
10 and then a thousand (1,000) years -- the projection for
11 a thousand (1,000) years into the future.

12 You asked why the difference was 300
13 kilograms per day through to I think 7.3 kilograms per
14 day. It -- it's -- it's a representation of the phase
15 of the back -- back-flooding. So the initial high
16 level of mass influx at the -- after the pit has been
17 back-flooded is -- is primarily due to -- to TDS
18 movement into the pit as it stabilizes.

19 Over time, the diffusion process from
20 the -- from the pit walls into -- into the -- into the
21 pit become a lot slower. It's a really slow process,
22 and -- and hence that transition over time.

23

24 (BRIEF PAUSE)

25

1 MR. MICHAEL HERRELL: It's Mike
2 Herrell, from Golder Associates. I'll answer Tim's
3 second question, and I'll repeat the question first,
4 which I understood was that there's a discrepancy
5 between the ERM 2013 report on meromixis in the -- the
6 Miserv pit, which indicates there's a low likelihood
7 for meromixis, whereas in -- in the -- the Jav project,
8 the modelling that we've done, we indicate a high
9 likelihood of meromixis.

10 That -- that's a correct observation,
11 except it's not a contradiction. The -- there is a
12 difference between -- between the water management
13 concepts of the -- the two (2) modelling reports.

14 The purpose of the 2013 report by ERM
15 was to model the pit lake water quality without the
16 presence of the Jav project. So without the Jav
17 project, the Miserv pit would be back-flooded.
18 However, there isn't a source of high TDS water flowing
19 into the pit under that scenario. The TDS -- the high
20 TDS water that generates the meromictic condition is
21 sourced from the Jav pit.

22 So with the development of the Jav pit,
23 pumping of the high TDS water to Miserv during
24 operations is that source of high TDS water. And
25 without the Jav project, the -- that TDS source

1 wouldn't be there. And that's why there's a difference
2 between their predictions and our predictions.

3 THE FACILITATOR: Thank you. It's Bill
4 Klassen. Tim, did you have one (1) further question?

5 MR. KEVIN O'REILLY: Thanks, Bill.
6 Kevin O'Reilly, for the Agency. I think I had one (1)
7 other question, if I could. And this relates to IR 79
8 from the -- the Review Board. And the request was:

9 "Please describe how including
10 possible future underground mining of
11 the Jav pipe and mining of the
12 Cardinal pipe would affect the
13 predicted cumulative -- cumulative
14 effects of the proposed project, and
15 revise conclusions accordingly for
16 each key line of inquiry except
17 alternatives."

18 So the request from the -- the Review
19 Board was to do a cumulative effects assessment,
20 essentially, and include the Jav underground. Now, the
21 -- the response from the Company seemed to indicate
22 that they -- they feel that they didn't have enough
23 information about the underground resources to carry
24 out that work. I just want to probe that a little bit.

25 When the proje -- when the development

1 was originally proposed, it did include Jav
2 underground. And for whatever reason, it was taken off
3 the table, and it came as a surprise certainly to us.

4 So we're -- I'm just trying to -- we're
5 just trying to understand why particularly water
6 quality predictions for Jav underground cannot be
7 included or cannot be conducted at this time, perhaps
8 even as -- one (1) or two (2) scenarios of what it
9 might look like, what the water quality might start to
10 look with Jav underground.

11 And why this is important is there was
12 some discussion earlier around contingencies for water
13 management, possibly using Panda or Koala pits, but
14 that would require a number of changes to the Interim
15 Closure Reclamation Plan. And so we're just -- can you
16 -- look, I'm not an engineer. Can you explain to us
17 why you can't predict water quality as cumulative
18 effects for -- and include Jav underground, possibility
19 using one (1) or two (2) scenarios so that we would
20 have a better understanding of what that water quality
21 would look like and the potential effects on Lac du
22 Savuage. Thanks.

23

24 (BRIEF PAUSE)

25

1 MR. ELLIOT HOLLAND: Elliot Holland,
2 for Dominion. So the -- it's correct that the Jav
3 underground was part of our original project
4 description submitted at the -- the very beginning of
5 that pro -- this project. That project description
6 included the Jav open pit, the Jav underground, and
7 Cardinal.

8 I think the important thing to point out
9 with respect to that document is that we needed to put
10 everything that we could on the table at that time to
11 get the regulatory process moving. Ekati is -- is at
12 risk of closure relatively soon. And without a source
13 of ore beyond 2020, you know, thi -- this important
14 mine for -- for the territory would close.

15 So we -- we put everything that we could
16 on the table to get things moving. As we started to
17 actually develop the project, first, we -- we
18 recognized that the Cardinal aspect of the project was
19 going to lead to impacts that -- that weren't
20 acceptable to the community, and we -- we completely
21 redesigned the project to -- to take that aspect off
22 the table.

23 With respect to the -- to the Jav
24 underground, we've prioritized collecting information
25 about Jav in an open pit context. So our -- our

1 drilling and our -- our sampling has focussed on part
2 of the -- the project which -- which we see as -- as
3 having the -- a reasonable chance of being developed
4 given what we know.

5 If we wanted to -- to do, in particular,
6 water quality monitoring at depth, that would require
7 more information in order for it to be meaningful. We
8 could guess at the size of the reserve. We could guess
9 at the relationship of -- of water quality and depth.
10 But those would -- would be speculative guesses that we
11 don't believe would add any information to the project.

12 In the case of -- of caribou, as we
13 described yesterday, you know, we can more accurately
14 understand, you know, roughly speaking, given the --
15 the length of a potential underground, what those
16 impacts might be. And -- and we have agreed to provide
17 that information.

18 But in -- in the case of water, given
19 what we know, there would be no useful information
20 gained from that exercise.

21 MR. KEVIN O'REILLY: Thanks. Kevin
22 O'Reilly, for the Agency. I -- I don't want to drag
23 this out too much longer, but... So if you were to
24 prepare one (1) or two (2) scenarios for water quality
25 predictions, including the Jay underground, are you

1 saving that the confidence interval would be something
2 like less than 50 percent, or... I -- I'm just trying
3 to understand why -- what sort of -- why you're not
4 very confident in -- or what sort of confidence you
5 would have in -- in water quality predictions.

6 MR. ELLIOT HOLLAND: Elliot Holland,
7 for -- for Dominion. Jav diamonds are at -- at the
8 lower end of -- of economic viability. And we know
9 that diamond values can change quite a bit with depth.
10 Sometimes they go up; sometimes they go down. We have
11 no sampling information on the -- the quality and --
12 and grade of the Jav pipe at depth. So we can't
13 predict whether there -- there is or -- or isn't a -- a
14 resource.

15 And with no resource, there's no mine.
16 So with -- with no shape of -- of the mine, it becomes
17 very difficult to put together a -- a scenario which
18 adds anything to the proceedings at this stage. And --
19 I mean, the combination of Jav, and open pit, and Sable
20 feed would keep our process plant full through
21 approximately 2033/2034.

22 So we're -- we're talking about a
23 project which is -- is twenty (20) years into the
24 future, where we have no information as to whether
25 there -- there is or -- or isn't an economically viable

1 resour -- resource in -- in that area. And -- and as a
2 result, the -- the uncertainty with resp -- respect to
3 -- to water quality monit -- modelling, or -- or really
4 any other detailed modelling, is -- is very, very high.
5 It's the uncertainty. It's -- it's not
6 a question of 95 percent or 50 percent. It's a
7 question of we don't know even the basics about what
8 that development might look like at this time. If we
9 do further exploration and -- and define that resource,
10 we'd -- we'd push those understandings into the
11 appropriate regulatory process at the time.

12

13 (BRIEF PAUSE)

14

15 MR. KEVIN O'REILLY: Thanks. Kevin
16 O'Reilly, for the Agency. That's enough for now.
17 Thanks.

18 THE FACILITATOR: Thank you. It's Bill
19 Klassen. Barry, you have a -- a question?

20 MR. BARRY ZAJDLIK: Barry Zaidlik, on
21 behalf of GNWT. The -- the proposed development at a
22 Jav pipe is ushering a new era in the North, in terms
23 of cumulative impacts. You've got a -- a fairly large
24 discharge to Lac du Sauvage, which is quite proximal to
25 the Ekati facil -- or the -- the Diavik facility. The

1 SSWOOs don't seem to reflect potential cumulative
2 impacts.

3 Can you comment on how you would modify
4 the SSWOOs to account for those impacts?

5

6 (BRIEF PAUSE)

7

8 DR. KATHY RACHER: Kathy Racher, for
9 the Board. And for the record, 'SSWOO' equals 'site-
10 specific water quality objectives'.

11

12 (BRIEF PAUSE)

13

14 MR. JOHN FAITHFUL: John Faithful,
15 Golder Associates. Two (2) parts to -- to that -- to
16 that answer, Barry. I -- I think I mentioned yesterday
17 that with respect to the Water Management Plan that has
18 been proposed by Dominion, to the extent -- extent
19 possible they're going to try and manage discharge so
20 that there's a -- there's a low risk of -- of overlap
21 between the two (2) projects, that being the Lac du
22 Sauvage -- sorry, the -- the discharge of Misery pit
23 water to Lac du Sauvage and -- and the -- the current
24 Diavik discharge conditions.

25 The second thing that you asked with

1 regard to whether there was a requirement to change
2 site-specific water quality objectives as a result of
3 the project and its cumulative effects. Well, we don't
4 see there -- there's any rationale for that at this
5 point in time, primarily because they are site-specific
6 water quality objectives and they do take into account
7 site-specific conditions. And they have been
8 considered as part of the screening process for this
9 Developer's Assessment Report.

10 MR. BARRY ZAJDLIK: Barry Zaidlik, on
11 behalf of GNWT. I wasn't aware that the SSWOOs had any
12 modifications due to Lac du Sauvage to make them site-
13 specific to Lac du Sauvage.

14 DR. KATHY RACHER: Kathy Racher, for
15 the Board. Was that a question, or did you need a
16 response for that?

17 MR. BARRY ZAJDLIK: Barry Zaidlik, on
18 behalf of GNWT. Yes, I was hoping that the Proponent
19 would say I'm wrong and they have done things to
20 address Lac du Sauvage specific issues.

21 MR. JOHN FAITHFUL: John Faithful,
22 Golder Associates. I'm not going to give you that
23 luxury, Barry. Sorry. The -- the work that we've done
24 -- or the work that Dominion has done around site-
25 specific water quality objectives do take into account

1 the site-specific conditions within the -- the Lac de -
2 - de Gras watershed, which includes Lac du Sauvage.
3 And it's our position that they are still appropriate
4 as a screening -- one (1) of the screening processes as
5 part of evaluating water quality.

6 THE FACILITATOR: Okay. Another
7 question back here.

8 MR. NEIL VAN DER GUGTEN: Neil van der
9 Gugten. And just very quickly a request regarding
10 clarification on the undertaking to do the objective
11 quantitative assessment of the model at Desteffany
12 Lake.

13 Would you please, when you submit that,
14 provide the input data that you used in the
15 computations for that assessment? And also in
16 connection with that on IR Figure 33.2 and 33.3, the
17 hydrographs that you provided there. Could you provide
18 the Excel data that was used to plot those hydrographs?
19 Thank you.

20 MR. NATHAN SCHMIDT: Nathan Schmidt,
21 with Golder Associates. To clarify, when you say, "the
22 input data," for Desteffany Lake, you're speaking about
23 the -- the two (2) hydrographs that would be compared?

24 MR. NEIL VAN DER GUGTEN: Yes, whatever
25 you're using to compare those data.

1 MR. NATHAN SCHMIDT: Yeah, we can do
2 that. Nathan Schmidt.

3 MS. SACHI DE SOUZA: Sachi De Souza,
4 for the Board. So it's iust to amend the undertaking
5 from vesterdav, it will be to also include -- make sure
6 that there is Excel data -- or an Excel table with the
7 raw data for the Desteffany Lake outlets, as well as
8 the Lac de Gras outlets.

9 Is that what I'm understanding? Or...

10 MR. NEIL VAN DER GUGTEN: Yes, figure -
11 - so whatever -- whatever you put into that
12 computation, and then also Figure 33.2 and 33.3 which,
13 are associated with the model outputs and -- and data
14 comparison.

15 MS. SACHI DE SOUZA: Sachi De Souza,
16 with the Board. That's from Annex...

17 MR. NEIL VAN DER GUGTEN: It's from --
18 it's from the IR-33, or I think the original IR was 35.

19 MR. NATHAN SCHMIDT: Yeah. We --
20 Nathan Schmidt, with Golder. We'll provide that data
21 for Figure 33.2, Figure 33.3, and then the -- the
22 Desteffany comparisons, veah.

23 MR. NEIL VAN DER GUGTEN: Neil van der
24 Gugten. Thank you verv much.

25 THE FACILITATOR: It's Bill Klassen.

1 Before I ask Kate -- sorry, John, you have a further
2 response?

3

4 (BRIEF PAUSE)

5

6 THE FACILITATOR: Before I ask Kate
7 Mansfield to ask the -- the concluding question for the
8 water section, let me just ask whether any of the folks
9 who are on the telephone have any questions from what
10 you've heard this morning regarding water.

11

12 (BRIEF PAUSE)

13

14 THE FACILITATOR: Okay. Hearing no
15 questions on the telephone, then, Kate, would you ask
16 the question that you have, and then we'll move on to
17 fish and fish habitat.

18 MS. KATE MANSFIELD: Kate Mansfield,
19 for the Review Board. IR number 6 from the Review
20 Board asked for more quantitative or descriptive
21 qualitative significance thresholds, specifically with
22 -- with regards to water quality.

23 In its response, significant adverse
24 effects for water quality were defined in part as a
25 change in water quality above drinking water guidelines

1 for multiple constituents such that the water in Lac du
2 Sauvage or Lac de Gras is no longer safe to drink.

3 Could DDC please provide a clear and
4 understandable description of how the specific criteria
5 included in DAR Table 8.71 relates to this overall
6 definition of significance?

7 And there's a few things we're sort of
8 thinking about in particular. Specifically, does this
9 definition apply to all time periods, or only post-
10 operations?

11 The second portion of the question is:
12 Why would multiple constituents have to be in
13 exceedance of water quality guidelines in order to meet
14 the threshold for significance?

15 I -- there's a third part, so I can save
16 it or say it now, whatever's easier for you. Say now?
17 Also -- so then in that significance threshold
18 definition, the local boundary in Table 8.71 is
19 established as the outlet of Lac de Gras.

20 And so we're wondering why this was
21 chosen as the end of the local assessment boundary
22 instead of, for example, the outlet of Lac du Sauvage
23 or any of the small lakes between the Long Lake
24 containment facility and Lac de Gras?

25

1 (BRIEF PAUSE)

2

3 MR. RICHARD BARGERY: Richard Bargery,
4 Dominion Diamond. Kate, apparently your final question
5 wasn't a 'yes' or 'no' answer. I think what we can do
6 with respect to -- because it is -- there are multiple
7 questions here, fairly complicated. We'd take away the
8 first two (2) questions, but I think we have an answer
9 for your third question, which we can provide --
10 provide now, and provide a response on the first two
11 (2) questions within the undertaking period.

12 I'd ask John Faithful to -- to provide a
13 response on the third question.

14 MR. JOHN FAITHFUL: Thanks, Rick. In
15 answer to your question around the -- the boundary of
16 where we would evaluate the -- the effects of the
17 project, you mentioned the -- the outlet of Lac de
18 Gras. Well, that represents the discharge point.

19 We -- we consider the watershed through
20 to the outlet of Lac de Gras as our assessment boundary
21 or our assessment area for -- for water quality.

22 MS. KATE MANSFIELD: Okay. Thank you.
23 So to clarify, then, the undertaking that you would
24 take away would be to -- what we're looking for is a
25 clear and understandable description of how the

1 specific criteria included in Table 8.71 of the DAR
2 relates to the overall definition of significance that
3 was provided?

4 Yeah, Kate Mansfield for the Review
5 Board. So the specific questions were just examples.
6 But, for example, does the definition apply to all time
7 periods or just post-operations. And the second
8 examples was: Why would multiple constituents have to
9 be in exceedance of water quality guidelines in order
10 to meet the threshold for significance instead of, for
11 example, one (1) exceedance?

12 MR. RICHARD BARGER: Richard Barger,
13 Dominion Diamond. Yes, I think that's -- we have an
14 understanding of that. And we can talk about the exact
15 wording and -- and -- when we -- when we go through the
16 undertakings at the end of the day.

17 MS. KATE MANSFIELD: Kate Mansfield,
18 for the Review Board. And just as a general comment,
19 this is something that we'd like to ask parties to
20 think about as they're preparing their interventions
21 and any further IRs.

22 THE FACILITATOR: Barry...?

23 MR. BARRY ZAJDLIK: If I may. I had a
24 sidebar discussion with John trying to expedite some of
25 the water quality questions. And the request was

1 whether DDC could provide the dable -- the data and
2 Table 52-2 for the stations listed there, as well as
3 LDG-40 to 49 through the years '98 to 2000. And -- and
4 John was going to look into that.

5 THE FACILITATOR: It's Bill Klassen.
6 Is this something that will be provided in the form
7 that is necessary to be completed as a result of those
8 sidebar meetings?

9 MR. RICHARD BARGERY: Richard Bargery,
10 Domin -- Dominion Diamond. I think we had a previous
11 undertaking that this related to where we'd provide
12 that in addition to that. So, yes, we can provide
13 that, as well. I don't know what the undertaking
14 number is, but -- or if there's a number for it yet.
15 But -- but, yes, we can -- we can provide that.

16 THE FACILITATOR: Okay, thank you. I'd
17 like then to move on to fish and fish habitat. The
18 agenda is on the screen behind me. And as has been our
19 practice, we'll have a presentation from DDC. I
20 believe there is one (1) that they will be providing on
21 this topic before we have the discussion on the
22 subject.

23

24 (BRIEF PAUSE)

25

1 THE FACILITATOR: It's Bill Klassen
2 again. Anytime you're ready. Ready to go?

3

4 (BRIEF PAUSE)

5

6 PRESENTATION BY DOMINION DIAMOND - FISH AND FISH

7 HABITAT:

8 MR. CAM STEVENS: Good morning. Cam
9 Stevens, Golder Associates. Today, like other
10 presentations, I'm just going to go over some of the
11 common themes identified or raised during the
12 Information Requests. I have about fourteen (14) or
13 fifteen (15) slides to go through.

14 So like -- like other disciplines, the
15 fish -- fish habitat key line of inquiry included
16 valued components. Four (4) were selected for fish and
17 fish habitat. Fish species important to local
18 Aboriginal communities were selected as VCs, including
19 lake -- lake trout and lake whitefish. The only
20 species in the baseline study area with the con --
21 conservation ranking is Arctic grayling, which is
22 listed as sensitive in Northwest Territories. And so
23 this species was selected as a VC.

24 Aquatic life other than fish was also
25 selected as a valued component. And although forage

1 fish was not selected as a valued component, forage
2 fish was described in the baseline in -- in detail and
3 considered as a measurement indicator for the fish VCs.

4 The main assessment endpoints were
5 ongoing fisheries productivity and ongoing support of
6 fisheries productivity. And Dominion Diamond is
7 confident that the approach here and the selected VCs
8 provides a robust assessment for the effects to fish
9 and fish habitat.

10 Multiple effects study areas were
11 selected based on the expected boundaries of fish
12 populations within the affected waters. The only ESA
13 was -- that was carried through the risk -- residual
14 effects analysis for fish was the boundaries of the Lac
15 -- Lac du Sauvage and Lac -- Lac de Gras combined, with
16 supporting tributaries. The two (2) water bodies are
17 physically and chemically similar. There's similar
18 species assemblages between the two (2) water bodies
19 and are connected year round by -- by the narrows.

20 There's Lac de Gras. And Lac du Sauvage
21 is here. And then some of the other effects study
22 areas were here, sub-basin B-zero and sub-basin AC35,
23 for example.

24 I'm going to start off with a review of
25 the assessment conclusions. Cumulative effects from

1 the project are predicted to not have the significant
2 adverse impact on fisheries productivity or the ability
3 of other aquatic life, such as plankton, benthic
4 invertebrates, to support ongoing fisheries
5 productivity.

6 The cumulative direct loss to lake
7 habitat will be less than 1 percent of the effects
8 study area relative to reference conditions. This
9 includes the Dike A21 footprint for the Diavik mine,
10 and other existing in Ekati and Diavik operation
11 footprints.

12 Most impacts, including those from
13 changes in water quality will be reversible.
14 Monitoring programs will be developed and aligned with
15 existing Ekati mine monitoring programs. And where
16 there are effects, a final offsetting plan, based on
17 the conceptual plan in the DAR and submitted --
18 submitted during the permitting phase, will include an
19 off -- offsetting options to counterbalance the -- the
20 losses of -- of -- fishery losses in Lac du Sauvage.

21 So the topic of shoals, effects to
22 shoals, was a -- was a theme in -- in the IR -- the IRs
23 that were submitted to the Board. And if there are --
24 there's just a couple points I want to make here. And
25 if there are any effects from the loss of shoals in the

1 diked area it would be a localized or minor change in
2 the distribution of fish in Lac du Sauvage. And we're
3 very confident in -- with -- with this prediction. And
4 we drew from various data sets going back as far as
5 1997, 2007, and multiple data sets were provided in
6 2013 on fish habitat in Lac du Sauvage.

7 All of these data sets indicate that
8 there is mostly low quality shoal habitat for spawning
9 within the diked area. And that higher quality shoal
10 habitat is located either east or south of the dike, or
11 in Lac de Gras. That said, any losses of shoal
12 habitats will -- will be considered in the final
13 offsetting plan.

14 A couple of things to point out here.
15 The red areas on this -- this is a figure of Lac du
16 Sauvage with the -- with the footprint during
17 operations. The red areas here on the figure are
18 bouldercobble areas. So the red kind of darker salmon
19 colour, and then there's a pinker salmon colour here.
20 The -- the darker red colour is -- there's a bold --
21 bouldercobble area that may provide spawning habitat
22 depending on the depth at that location, the slope at
23 that location, and fetch, or the exposure of that shoal
24 to prevailing winds. The more exposure, the more wind
25 -- wind action, the more currents are provided around

1 the shoals to keep that area clean of silt and debris.

2 The green dots are previously described
3 shoals. I'll try to point them out quickly. There's
4 shoal S2, shoal S4, and shoal S8. Those shoals are the
5 -- the closest shoals to -- to the dike footprint.
6 They are described as unsuitable pair -- poor, sorry,
7 or fair and good. And we are fairly -- fairly
8 confident in these descriptions. The habitat data that
9 was collected to verify -- to describe these shoals was
10 later verified with a -- with spawning surveys for fish
11 in -- in 1996 and '97.

12 S2, the one (1) that's underneath the
13 dike footprint, was classified as an unsuitable shoal --
14 shoal for spawning based on the -- based on a number of
15 factors, the depth and -- as well as substrate. And S4
16 here -- I lost it -- there it is -- right -- was -- was
17 defined as a fair quality shoal for Cisco and lake
18 trout, but only a -- it was classified as a poor
19 quality shoal -- shoal for round whitefish.

20 So S4 is approximately 350 metres from
21 the dike, and the remaining twenty (20) shoals in -- in
22 Lac du Sauvage are well over 1,500 metres from the
23 dike. And just for comparison, there were a hundred --
24 or almost two hundred (200) shoals identified in Lac de
25 Gras.

1 This area here outlined in black was
2 described as a potential spawning location in the
3 Weledi -- Weledah Yellowknives traditional knowledge
4 report. And in that report there are other locations
5 in Lac de Gras identified as -- as a potential spawning
6 area, as well.

7 The next slide -- in the next couple of
8 slides I'm going to be discussing the div -- the
9 diversion channel which is -- where is it? I believe
10 that it's -- it's this line here. It's kind of hard to
11 read.

12 And I'll be talking about a number --
13 three (3) or four (4) streams. This will include
14 Stream Ac4 which is here, Stream B-zero, which is here.
15 This is what -- this is what we call Stream B1, it's
16 downstream of Christine Lake. And then there's another
17 smaller stream here identified as Stream Ac35.

18 So recent data not included in the DAR,
19 but provided in the 2014 supplemental baseline and --
20 and IR replies was recently submitted to the Board
21 website. And one (1) of the -- the goals of -- of that
22 -- that -- of that 2014 program was to quantify fish
23 use in the streams to be diverted or affected by the
24 diversion channel. And this -- this included Stream
25 Ac4, Ac35, and Stream B-zero.

1 Ac4 and Ac35 are small ephemeral springs
2 -- or sorry, small ephemeral streams were spring flows
3 are -- are too low to support fish in -- in Ac4 -- Ac4.
4 So Stream Ac4 was classified as a non-fish bearing
5 stream. But Ac35 appears to have enough flows to
6 support a small run of spawning Arctic gravling in the
7 spring.

8 In B-zero and B1, in 2014, we also
9 installed two (2) way fish traps in the spring and
10 summer. The traps allow us to capture fish moving in -
11 - in either an upstream or downstream direction. And
12 most of the fish that were captured were Arctic
13 gravling that overwinter in Lac du Sauvage and then use
14 Stream B-zero -- or sorry, B1 for spawning. So Stream
15 B-zero provides a corridor for fish travelling from Lac
16 du Sauvage to Stream B1.

17 On this graph here we have the number of
18 Arctic gravling captured. We have the -- the two (2)
19 sampling periods, spring and summer. Most of the fish
20 captured in the spring were moving in an upstream down
21 -- upstream direction, and most of the -- the fish
22 moving -- moving in the summer were moving in a
23 downstream direction.

24 And here's a setup of a two (2) way fyke
25 net trap capturing fish moving. Fish get funnelled

1 into this -- this net here, and then the opposite for
2 the -- the other direction.

3 So given the new baseline informa --
4 information that was -- that was collected, the
5 conclusions in the DAR remain the same with regards to
6 the diversion channel pathways.

7 And we also want to clarify that the
8 diversion channel will be a -- designed as a temporary
9 channel to move -- designed to move water outside of
10 the diked area, collecting water from Stream Ac -- Ac35
11 and Stream B-zero to outside the diked area, and will
12 be designed to move spawning gravling, Arctic gravling,
13 to upstream locations from Lac du Sauvage to upstream
14 locations in Stream Ac35 and in Stream -- Stream B1.

15 As such, the current design considers
16 physical specifications similar to streams in the area
17 including Stream B-zero, for example. And in the
18 future, operational monitoring of the channel will
19 inform the need of any new -- any new miti --
20 mitigation strategies.

21 So here's Lac du Sauvage. This is a --
22 a snapshot for the operation -- operation phase. And
23 this dotted line here represents the -- the -- you
24 know, the -- the shore line of -- of Lac du Sauvage.

25 The diver -- diversion channel connects

1 from just below -- there's a lake called Lake B-zero.
2 It's -- really, it's just a small pond. And the
3 diversion channel runs for about 1.3 kilometres to Lac
4 du Sauvage. It's -- it's a winding channel similar to
5 other -- to how you would see a stream in -- a natural
6 stream in the area.

7 The diverted waters again include Stream
8 Ac35, which connects approximately right here. And in
9 here, 112 metres of the stream will -- will be
10 diverted. And then, just downstream of Pond B-zero,
11 355 metres of stream will be -- will be diver --
12 diverted because of the diversion channel.

13 The 2014 -- in 2014, we set or installed
14 our two (2) way fyke net traps here and as well as up
15 here. So we knew what fish were moving up and down,
16 not just from Lac du Sauvage, but we were also interest
17 -- interested in seeing what sort of movements of fish
18 come from -- from Christine Lake and -- and use Stream
19 B1.

20 So the -- that work in 2014 confirmed
21 the use of Stream B-zero is primarily by grayling, and
22 loc -- location sampled for grayling spawning using
23 egg-kicking methods confirmed spawning locations in
24 this section on Stream B1. We did a number of
25 assessments or surveys below here, and we didn't --

1 didn't identify any spawning areas for Arctic gravling.
2 So fish are moving up through Stream B-zero, through
3 Pond B-zero, into Stream 1 for -- for spawning.

4 On Stream Ac35, we detected a number of
5 locations where fish are also spawning. Despite the
6 very low flows, fish -- some Arctic gravling were
7 migrating upstream to spawn.

8 Water quality effects on shoal habitat
9 was raised during the round of the IRs, the first round
10 of the IRs. I won't go into too much detail on water
11 quality because this was discussed in -- in a lot of
12 detail. And -- and I won't go into the conservatisms
13 that were used, but I will be referring to the results.

14 And I do want to reit -- reiterate that
15 any related increases in primary production are -- are
16 expected to be minor and temporary. And it is also
17 predicted that any effects to habitat quality will also
18 be minor and temporary.

19 The quality of existing spawning shoals
20 in the effects study will be maintained through
21 operations and -- and closure.

22 In addition, the potential for fish eggs
23 or fry to be affected by any contaminants within the
24 spaces, the interspit -- stitial spaces of the dike, is
25 predicted to be neg -- negligible for lake trout and

1 lake whitefish, and the main reason being that the dike
2 material will be granite and relatively inert based on
3 what we know at the Diavik Mine and -- and the type of
4 the rock to be selected.

5 The only hydrology pathway that was
6 carried forward in the resi -- residual effects
7 analysis for fish and fish habitat in the DAR was the
8 back-flooding pathway. And then the point I want to
9 make here is that the predicted changes to -- to in
10 water levels, for example, in the Narrows, will be
11 within a -- natural range of observed variability and
12 any effects to water levels and flows will be minor and
13 temporary. The back-flooding will be less than four
14 (4) years.

15 And adverse effects to fish habitat will
16 be avoided in part because of a pump -- of a pumping
17 plan that will be developed and will include
18 appropriate mitigation, such as reducing pumping rates
19 during low flow periods as required.

20 This is a typical habitat around --
21 around Lac du Sauvage and -- and the narrows. Largely,
22 very -- not much of a riparian area, largely boulders
23 that characterize the riparian or shoreline area of --
24 of Lac du Sauvage in the narrows.

25 So at -- at closure, the permanent

1 change to habitat will be very small. Cumulative
2 effects to fish abundance and distribution will be
3 negligible. The dewatered area of Lac du Sauvage will
4 be re -- reconnected in a controlled manner and when
5 water quality meets acceptable criteria within the
6 diked area. And when it is acceptable, there'll be
7 multiple breach locations to maintain connectivity for
8 fish and to maintain water circulation within the --
9 the back-flooded area.

10 The remnant -- the remaining remnant
11 portions of the dike are expected to provide cover for
12 various species of fish. And it is expected that
13 recolonization of aquatic life will be rapid following
14 the breaching of the dike.

15 We have recognized that the Jay pit will
16 also represent a permanent loss of lake bottom habitat
17 for benthic dwelling species but, at the same time,
18 extends the water column for pelagic species. And
19 again, any losses of habitat, including the -- the lake
20 bottom, will be considered in the final offsetting
21 plan.

22 So this is -- we've seen this slide
23 before. This is the project footprint -- foot --
24 footprint during post-closure. The tentative plan is -
25 - is to have four (4) breach locations around the dike.

1 Again, the plan will ensure that that connectivity is
2 maintained and that water qua -- water circulation is
3 maintained between Lac du Sauvage and the recently
4 back-flooded area. And also, the diverted channels
5 will be -- once -- once this is -- once the -- the
6 flooded Jav pit is reconnected to Lac du Sauvage, the -
7 - the diversion channel will not be needed and the --
8 the natural channels will be reconnected to -- to Lac
9 du Sauvage.

10 Now, a conceptual offsetting plan was
11 submitted in Section 9A in the DAR. Final -- again,
12 final plans will be submitted with the application of
13 the Fisheries Act authorization. And in the meantime,
14 Dominion Diamond will continue the development of
15 offsetting options. These are options that
16 counterbalance losses of fish production from the Jav
17 project through community and engage -- DFO engagement
18 efforts.

19 So in summary, any potentially losses of
20 shoal habitat from the Jav dike and dewatered area are
21 not expected to measurably affect the abundance of fish
22 value components. Sub-basin B channel diversion will
23 be a temporary diversion of small streams to outside
24 the diked area designed to move Arctic grayling
25 upstream from Lac du Sauvage.

1 Predicted changes in water quality are
2 not expected to adversely affect fish or aquatic biota
3 in the effects study area. Adverse effects to fish
4 habitat in the -- in the narrows will be avoided during
5 back-flooding by implementing mitigation when needed.
6 The environment of the back-flooded area will be
7 similar to Lac du Sauvage, allowing for the re-
8 establishment at closure -- the re-establishment of a
9 health -- healthy, functioning ecosystem during closure
10 and post-closure.

11 Any temporary -- again, any temporary or
12 permanent losses of stream and lake habitats will be
13 considered in the final offsetting plan where the
14 permanent change -- again, where the permanent change in
15 habitat is expected to be -- to result in less than 1
16 percent of -- of the -- the habitat area and effects
17 study area at post-closure.

18 And, Bill, that's -- that's it.

19

20 (BRIEF PAUSE)

21

22 THE FACILITATOR: Thank you, Cam. It's
23 Bill Klassen. We're at roughly ten (10) minutes to
24 12:00. I think...

25

1 (BRIEF PAUSE)

2

3 THE FACILITATOR: Okay. I'll correct
4 what I thought I was going to say. We will start with
5 questions then and we'll break for lunch at -- at
6 12:15. So if there are questions with respect to the
7 clarification of the responses to the Information
8 Requests, we'll -- could you get the agenda back up for
9 me?

10 There are a number of topics in the fish
11 and fish habitat section. And so we've got changes to
12 fish habitat, fish health and population, lower trophic
13 levels, the fish-out and offsetting plan, closure, and
14 then assessment endpoints and significance thresholds.

15 So if there are questions, would you
16 please indicate to me who you are and we'll give you an
17 opportunity to -- to ask those, starting with Barry.

18

19 QUESTION PERIOD:

20 MR. BARRY ZAJDLIK: Barry Zajdlik, on
21 behalf of GNWT. We propose -- we presented and IR
22 request number 49, and it has to do with the scale at
23 which the impact assessments are made. We feel that
24 the entire study area, which includes Lac du -- Lac de
25 Gras is not appropriate for assessing of facts in Lac

1 du Sauvage.

2 And the response from the Proponent was
3 that fish move from Lac de Gras and Lac du Sauvage
4 freely. And that was based on a report by Dillon in
5 2002. I read the report and I see no evidence that
6 fish move from Lac de Gras to Lac du Sauvage or vice
7 versa.

8 Can you comment on -- on that statement?

9

10 (BRIEF PAUSE)

11

12 MR. CAM STEVENS: Cam Stevens. The
13 report does, I believe, conclude that there's enough
14 evidence to suggest that there's quite a bit of
15 movement between the two (2) lakes. We've also spent a
16 lot of time part -- in that area as part of this
17 project and other projects where we've recorded fish
18 moving through the -- the narrows as well.

19 MR. BARRY ZAJDLIK: Barry Zajdlik, on
20 behalf of GNWT. The Dillon study tagged fish in the
21 vicinity of the narrows. And they assessed using radio
22 telemetry, zone 9, what they called zone 9, which is
23 the area just to the east of the narrows. And they
24 found zero fish from Lac de Gras moving into Lac du
25 Sauvage.

1 So I'm not sure how you can make that
2 comment.

3

4 (BRIEF PAUSE)

5

6 MR. CAM STEVENS: So at -- at -- Cam
7 Stevens, Golder. As stated in the DAR in our -- in our
8 response:

9 "A selection of the boundary for the
10 effects study was based on the
11 physical environment."

12 We have -- we have two (2) lakes here
13 very simil -- similar physically and chemically,
14 connected by a -- a short corridor, providing an
15 opportunity for interbreeding between the individuals
16 in Lac du Sauvage and the individuals in Lac de Gras.

17 And that by definition is -- is a
18 population. And -- and the scale of -- of that
19 boundary was Lac du Sauvage and Lac de Gras and is in -
20 - in our opinion provides a -- the -- the most reliable
21 scale to assess effects. This -- the use of fish --
22 the use of the narrows by fish is also supported by
23 available traditional knowledge that describes based on
24 fishing experiences in that area and use of that --
25 that area for harvesting.

1 And if we hadn't of -- if we hadn't of -
2 - of incorporated Lac de Gras into -- one (1) of the --
3 one (1) of the things we wanted to consider when
4 selecting our boundary was to ensure that we were
5 capturing the cumulative effects from -- from existing
6 developments on Lac de Gras. And so by design having
7 Lac de Gras and Lac du Sauvage in our effects study
8 area, we were able to best describe cumulative effects
9 from existing projects on the landscape.

10 MR. BARRY ZAJDLIK: Barry Zaidlik, on
11 behalf of GN -- GNWT. Not to beat this point in --
12 into the -- the ground, but I did speak with Pete Cott,
13 formerly of DFO, and asked his opinion on whether lake
14 trout would move from Lac du Sauvage if they were
15 affected, to spawn in Lac de Gras. And his answer was
16 no.

17 Then I looked at the Dillon report for
18 evidence of fish moving from Lac du Sauvage and Lac de
19 Gras and back and forth, and I didn't find any
20 evidence. And I haven't heard any evidence yet that
21 suggests that fish move. So, you know, while I agree
22 that cumulative effects should be assessed within Lac
23 de Gras, I also think that effects should be assessed
24 separately within Lac du Sauvage.

25

1 (BRIEF PAUSE)

2
3 MR. CAM STEVENS: We did -- you know,
4 we did -- we did provide some statistics at the scale
5 of Lac du Sauvage. That is -- that's in the DAR. So
6 when we provided a -- you know, the relative change of
7 habitat, we provided the statistic for Lac du Sauvage
8 and for the effects study area. Even if we changed the
9 -- even if we changed the -- the effect study, the
10 conclusions of the assessment are going to remain the
11 same.

12 I -- the -- so it -- it's -- I don't
13 know what -- how else to respond to -- to your comment
14 exc -- except that, you know, we've -- we've been
15 transparent in providing the data at Lac du Sauvage and
16 -- and at the scale of Lac de Gras and Lac du Sauvage
17 combined. And we think it's more relevant from a
18 population perspective to assess it at the scale of the
19 two (2) lakes. Getting back -- and -- yeah. That's
20 all I've got. Thanks.

21 MR. BARRY ZAJDLIK: Barry Zaidlik, on
22 behalf of GNWT. So if -- if you're confident there's
23 not going to be any effects on Lac du Sauvage, could
24 you revise the impact assessment to reflect that?

25 MR. CAM STEVENS: Cam Stevens. Sorry,

1 can you repeat that?

2 MR. BARRY ZAJDLIK: Barry Zajdlik, on
3 behalf of GNWT. Given that you're confident that there
4 will be no effects -- substantive effects on Lac du
5 Sauvage, could you revise your environment --
6 environmental impact statements on the scale of Lac du
7 Sauvage to show that there will be no substantive
8 effects?

9

10 (BRIEF PAUSE)

11

12 MR. CAM STEVENS: Cam Stevens. We
13 think what we've done in the DAR is adequate and
14 scientifically sound, and we stand by our assessment.

15 THE FACILITATOR: Bill Klassen. This
16 may be one (1) of those points where, given that there
17 is a difference of views, parties may want to reflect
18 that in their comments to the -- or interventions with
19 the Board.

20 Are there -- just looking to staff of
21 the Board and advisors, is there any comments you want
22 to make on this exchange before I ask whether there are
23 other questions?

24 DR. NEIL HUTCHINSON: Neil Hutchinson,
25 for the Board. I -- I mean, I'm thinking I'm hearing

1 we're -- we're fairly close to a resolution in that
2 Dominion Diamonds do have the data and say they
3 presented it for Lac du Sauvage. But they've chosen to
4 present their conclusions and their assessment of
5 significance for the combined area of both lakes, and
6 yet they're confident -- they seem to say they're
7 confident that if they did it for Lac du Sauvage they
8 would reach the same conclusions.

9 And I don't see much of an impasse, but
10 let's get the conclusions out there and then we can see
11 if -- if the other parties agree.

12

13 (BRIEF PAUSE)

14

15 MR. CAM STEVENS: Cam Stevens. We
16 would be happy to reiterate our conclusions. We can do
17 that right now.

18 DR. NEIL HUTCHINSON: Neil Hutchinson.
19 I think that's for -- for Barry and his party to
20 respond, if that would address their concerns.

21 MR. BARRY ZAJDLIK: Barry Zaidlik, on
22 GN -- from -- on behalf of GNWT. I think we know what
23 your conclusions are, so we don't need to rehear them
24 unless they're going to change.

25 MR. CAM STEVENS: Cam Stevens. No,

1 they're not going to change.

2 THE FACILITATOR: Well, that being the
3 case then, there are options available, as Mark
4 outlined them this morning.

5 So I will ask if there are other
6 questions. Tim...?

7 MR. TIM BYERS: Thank you, Bill. Tim
8 Byers, for the agency. In relation to the diversion
9 channel, is it correct to assume that the only habitat
10 for fish to be created within that diversion zone --
11 diversion channel is strictly migratory habitat? There
12 will not be spawning or nursery habitat?

13 Is that correct?

14 MR. CAM STEVENS: Cam Stevens. Thank
15 you for the question. The design -- it'll be designed
16 to create a -- a corridor for fish to move from. That
17 will be the primary function of -- of that -- of that
18 channel. But we're also expecting the -- the channel
19 to provide varying velocities and -- and different flow
20 cada -- conditions that -- that could be used by -- by
21 other species in other life history stages of fish, as
22 well.

23 MR. TIM BYERS: Thank you. So -- so
24 the -- so you're saying there'll be things like ripple
25 habitat -- well, ripple versus some pools, kind of

1 similar to what the PDC -- and I understand the Panda
2 diversion channel is a permanent rather than a
3 temporary. So I understand that aspect.

4 So are you suggesting that you will be
5 placing physical habitat structures for changes in
6 current, but not necessarily vegetation mats or
7 shoreline habitat?

8 MR. CAM STEVENS: Cam Stevens. The --
9 the short answer is no. It's -- it's...

10 MR. TIM BYERS: In that case then, if
11 we could expect that the diversion channel is -- this
12 temporary channel is strictly for migratory habitat
13 under the Fisheries Act, migratory habitat only, I'm
14 wondering what the implications for closure is if at
15 the end of closure there has to be a stream that is
16 used by Arctic grayling. And I think the agency is a
17 little concerned about -- or, sorry, let me back up.

18 The migratory habitat created within the
19 diversion channel, would it not be impacted by high TSS
20 from dust from the road accessing the pit?

21

22 (BRIEF PAUSE)

23

24 MR. CAM STEVENS: Cam Stevens. We're
25 not expecting effects on -- on water quality from --

1 from the road -- from the use of the road. And I do
2 know there's a -- there's a mitigation set -- session
3 tomorrow where some of this might be covered.

4 MR. TIM BYERS: No further questioning
5 from me, but I think my colleague here might have
6 something.

7 MS. JAIDA OHOKANNOAK: Jaida
8 Ohokannoak, Monitoring Agency. We all know in the Air
9 Quality Monitoring Program that most of the dust fall -
10 - falls out within 30 metres of a haul road -- or road,
11 and then the visual dust do it with -- in 1 kilometre.
12 And that's your data from -- this channel goes right
13 next to the road, like, literally right next to the
14 road, within 30 metres, and most of it is within 200
15 metres of the road. You don't think there's going to
16 be any residual dust fallout and effect in water
17 quality that way?

18

19 (BRIEF PAUSE)

20

21 MR. RICHARD BARGERY: Richard Bargery,
22 Dominion Diamond. I'm just wondering if this question
23 -- I'm not sure we have the -- the right people here to
24 answer exactly that question. If that question becomes
25 a part of the -- the air quality discussion that

1 we have scheduled for tomorrow, when we have -- have
2 our folks here to deal with -- deal with that issue,
3 Jaida, sorry.

4 MS. JAIDA OHOKANNOAK: That's fine with
5 me. We can do it tomorrow.

6 THE FACILITATOR: Thank you. It's Bill
7 Klassen. Kate, you have a follow-up question?

8 MS. KATE MANSFIELD: Yeah. Kate
9 Mansfield, for the Review Board. This question is a
10 follow-up, but I'd actually like to direct to DFO, if
11 that's okay.

12 And so given that this Sub-basin B
13 diversion channel represents migration habitat only,
14 we're wondering if this aligns with the goals of a DFO
15 offsetting plan with respect to the other potential
16 habitat uses that would not be accommodated for in the
17 proposed plan.

18 MS. VERONIQUE D'AMORRS GAUTHIER:
19 Veronique D'Amorrs Gauthier, with Fisheries and Oceans
20 Canada. Considering that the offsetting plan was
21 really conceptual and not all the details were there,
22 what has been proposed at the moment align with DFO's
23 mandate, but it will have to be reviewing deeper during
24 the regulatory review.

25 THE FACILITATOR: Thank you. It's Bill

1 Klassen. Are there other questions on the subject of
2 fish and fish habitat, changes to fish habitat in
3 particular?

4

5 (BRIEF PAUSE)

6

7 THE FACILITATOR: Todd...?

8 MR. TODD SLACK: It's Todd, with the
9 Yellowknives. I was going to try and wait for after
10 lunch, but we keep rolling here, so I'll get into it.

11 I guess I'll just start with the
12 presentation there. And I was a little -- just a
13 little concerned with the -- the note that you make,
14 that you -- this ext -- the pit extends the water
15 column for pelagic species.

16 Can you give us a bit of a further
17 discussion in terms of how much you think that the --
18 how much of the pit will actually provide new habitat?

19

20 (BRIEF PAUSE)

21

22 MR. CAM STEVENS: Cam Stevens. Thank
23 you for the question, Todd. I'd just like to clarify
24 that statement. We're not counting on -- on the -- an
25 extended water column for pelagic species, there's just

1 the potential there. And that's -- that -- that was
2 made -- that -- that's the message I was trying --
3 trying to convey, and maybe that wasn't clear.

4 MR. TODD SLACK: Okay. Well, that's --
5 we'll just move on and we'll take that. So the --
6 we're getting into the fish-out plan a little bit here
7 and I'm wondering in -- in that figure that you
8 provided you noted that the -- the Weled -- the initial
9 -- and I believe that's from the '97 Weledah TK survey
10 or TK report, noted that whole area as a spawning
11 habitat.

12 Are you guys figuring on treating that
13 as spawning habit -- habitat for your fish-out plan?
14 Or are you going to revert back to the -- the
15 scientific work that you've done there?

16

17 (BRIEF PAUSE)

18

19 MR. RICHARD BARGERY: Richard Bargery,
20 Dominion Diamond. Sorry, Todd, just -- it's for
21 clarity. Are you talking fish offsetting or -- or
22 fish-out? Fish offsetting?

23 MR. TODD SLACK: Oh, yeah. Sorry --

24 MR. RICHARD BARGERY: Sorry, yeah,
25 yeah. Sorry. Just so we're -- just so we're -- we

1 answer the right question here.

2

3 (BRIEF PAUSE)

4

5 MR. CAM STEVENS: Cam Stevens, Golder.

6 The answer is yes. Any loss -- losses in habitat in --
7 including information provided by traditional knowledge
8 will be considered in -- in the offsetting plan.

9 MR. TODD SLACK: Thanks for that. It's

10 Todd Slack, with the Yellowknives. And just to be a
11 little clearer; and having been through the Gahcho Kue
12 process and seeing the elaborate nature of these
13 calculations where they try to boil it down to item by
14 item -- I don't even -- I think it might have been
15 square metres they used. I can't remember and -- but
16 actually you would remember more than me.

17 So the question that I'm asking is -- is
18 it your intention to use the -- the whole area
19 identified by TK as -- as spawning habitat, or are you
20 going to revert back to the -- the information -- the
21 yellow -- or the white and red diagram that you use
22 there?

23

24 (BRIEF PAUSE)

25

1 MR. CAM STEVENS: All right. There we
2 go. So, again, the black area is the area identified
3 in the -- in the Weledah Yellow -- Yellowknives report.
4 In -- on this map here, we have a number of different
5 maps, we have two (2) sets of -- of other -- two (2)
6 sets of shoal informations. We have the spawning
7 shoals identified. Those are the green dots, hard to
8 read. There's S2, S4, S8. That information was
9 provided by the surveys in -- in '96/ '97.

10 And we also have -- I believe on this
11 map these are -- these are cobble and -- and boulder
12 substrates as well as other su -- substrate types
13 identified using high quality aerial imagery, ortho --
14 orthoimagery of -- of the area. And we can -- using
15 that imagery we can -- we can actually define sub --
16 substrates up to a depth of about 5 metres. So we can
17 provide really, really good data by just -- by just
18 using some high quality aerial ortho -- orthoimages.

19 So beginning -- to -- to your question
20 the -- the quan -- the -- the -- we call it the
21 'accounting method', or the calculation of losses, will
22 be -- how we do that will be det -- determined through
23 continued engagement with DFO and -- and the
24 communities. And -- and one (1) thing that needs to be
25 considered when we're calculating losses is -- is we

1 need a similar metric or currency for the calculations
2 of gains. And we haven't finalized what our offsetting
3 options are going to be.

4 So depending on what the option is, is -
5 - is going to influence how we -- we calculate gains
6 and losses so that they can be compared from one (1) --
7 from one (1) site to the other. So that -- that's
8 something that -- that will be developed prior to the
9 submission of the final offsetting plan.

10 MR. TODD SLACK: Okay. Thanks for
11 that. And just to be clear, the -- and as we've been
12 directed to use this process, the environmental
13 assessments pro -- assessment process to bring forth
14 our concerns, the Yellowknives are expecting that if
15 you're going to use our traditional knowledge report
16 for justification in other cases, for instance the --
17 you talked about it earlier in terms of the fish moving
18 back and forth, if you're going to study it and that,
19 we're expecting of this area, for instance, will be
20 treated as spawning habitat in the same way, and that
21 the traditional knowledge will be recognized not as
22 something different than the scientific knowledge, but
23 rather that it's recognized as full value.

24 Do you want me to -- I have a closure
25 question here, or do you want me to wait?

1 THE FACILITATOR: You can close with
2 the question. I'm going blind here; I didn't realize I
3 didn't have my light on -- my mic on.

4 So we have two (2) minutes left before
5 12:15. Ask your question, and then we'll -- you may
6 have to ask it again when we come back after lunch.

7 MR. TODD SLACK: Okay. I was hoping
8 you were going to say no because I didn't bring it up.
9 Question --

10 THE FACILITATOR: I can change my mind.

11 MR. TODD SLACK: I think it's IR --
12 Yellowknives IR-1, Question 2. It asks about the
13 nature of the closure objective for the pit. And the
14 project says something to the effect -- and I can
15 provide the direct reference -- it says something to
16 the effect that the -- it'll be considered successfully
17 closed when the fish habitat community -- or the fish
18 communities are considered similar.

19 I'm wondering if we can get a more
20 precise definition on that because "similar" could mean
21 a lot of things to a lot of people.

22

23 (BRIEF PAUSE)

24

25 MR. RICHARD BARGERY: Richard Bargery,

1 Dominion Diamond. We'd -- we'd like to look at the IR
2 and -- and the wording in there to -- to be able to
3 provide a -- a better definition for -- for Todd. If
4 you can just give me the number, we can look at it.
5 And -- and perhaps this is one we can answer after --

6 MR. TODD SLACK: Yeah.

7 MR. RICHARD BARGERY: -- right after
8 when we come back, if that's -- if that's acceptable.

9 THE FACILITATOR: Okay. Thank you.
10 It's Bill Klassen. It's 12:15, and so I suggest we
11 break for lunch. And we'll have a shorter lunch hour
12 today. We'll come back at one o'clock.

13

14 --- Upon recessing at 12:14 p.m.

15 --- Upon resuming at 1:02 p.m.

16

17 THE FACILITATOR: Would you take your
18 seats, please. Take your seats, please, and we'll get
19 under way again.

20

21 (BRIEF PAUSE)

22

23 THE FACILITATOR: We still have to
24 cover this afternoon some more discussion on the topic
25 of fish and fish habitat. And then you see on the

1 screen behind me the subject areas that we need to go
2 through on the minimizing of impacts and maximizing of
3 benefits.

4 When we broke iust before lunch, a
5 question had been asked of the Developer and they were
6 going to consider their response over the -- the lunch
7 hour and come back after the -- the lunch with the
8 response. The person who asked the question is not
9 here.

10 So perhaps we can hold off on that
11 response until Todd is back. And then while we're
12 waiting for him, we'll ask whether there are other
13 questions. And I understand that the Agency, IEMA,
14 has...

15

16 (BRIEF PAUSE)

17

18 THE FACILITATOR: I'm sorry, I -- I am
19 getting conflicting signals here. Did you want to make
20 a -- a preliminary response and --

21 MR. RICHARD BARGERY: Richard Bargery,
22 Dominion Diamond. We iust -- we had a number of
23 discussions with -- with Tim from -- from the Agency on
24 some data he wanted that's related to -- actually, it's
25 a -- it's a -- a water issue, again. We iust -- and we

1 made -- made a commitment to -- to provide some
2 information and we just thought it might be appropriate
3 to make it an undertaking.

4 So we wanted to describe that for the
5 Board staff so they could capture it adequately in the
6 -- in the list. I know it's not a fish topic, but --
7 but we thought while we had it and -- and our folks are
8 still here, we could describe -- describe that
9 undertaking.

10 That -- would that be appropriate? And
11 that may allow some time for -- for Todd to -- for Todd
12 to get back here.

13 THE FACILITATOR: Yeah. It's Bill
14 Klassen. Yes, please do that and we'll record the
15 undertaking.

16 MR. MICHAEL HERRELL: It's Mike
17 Herrell, from Golder Associates. So we -- John
18 Faithful and myself had a -- had a discussion with Tim
19 Bvers from the -- the Agency regarding the Lac du
20 Sauvage hydrodynamic model and where loadings --
21 phosphorus loadings are accounted for in the -- in the
22 appendix of that model.

23 I -- I explained that the -- the
24 loadings are accounted for, but they're not explicitly
25 expressed in -- in the results. We express results as

1 concentrations in that appendix. But we have agreed to
2 provide a figure of the -- the total loads over each of
3 the -- the assessment periods -- calibration, early
4 operations, late operations, closure, and post-closure
5 -- for all of the -- the total phosphorus source -- or
6 total phosphorus loads from each of the sources
7 reporting to Lac du Sauvage.

8 So this figure will be very similar to
9 Figure 61-1 of Information Request MVEIRB IR-61, but
10 for Lac du Sauvage. And I'll just, I guess, see if
11 that's consistent with Tim's understanding.

12 MR. TIM BYERS: Yeah. Tim -- sorry,
13 Tim Byers, with the Agency. That's exactly what I was
14 looking for. Thank you very much. I appreciate that.

15 THE FACILITATOR: Did you have a -- a
16 further question, Tim?

17 MR. TIM BYERS: A further question on
18 the undertaking, no. If you're referring to the fish,
19 I do. Tim Byers, with the Agency. I'm thinking the
20 effects of the project within Lac du Sauvage on the
21 fish habitat, dust deposition was addressed by the DAR
22 in relation to how it could affect fish habitat.

23 I observed that the approach was: How
24 does dust deposition over Lac du Sauvage -- how does it
25 affect water quality? And they provided some very good

1 information on that.

2 I think my concern for the Agency,
3 though, is more in the line of: How does dust
4 deposition affect benthic fish habitat? So spawning
5 habitat, nursery habitat.

6 The Company has said -- or the DAR at
7 least has said that there should not be any effect to
8 water quality from dust deposition, part -- partially
9 because it won't dissipate too far away from the
10 source, but will, as I understand it, settle really --
11 relatively rapidly, which is probably a good thing for
12 water quality, but it alarms me for what's underneath
13 when it settles rapidly.

14 So I guess I would like to see some
15 discussion about how dust deposition may affect eggs
16 and alevins within the interstitial spaces of spawning
17 habitat, because I don't think I've seen that
18 discussion yet in the DAR. And you folks could correct
19 me if I'm wrong, but I have not seen anything
20 addressing fish habitat in relation to settling of
21 particles into interstitial spaces. Thank you.

22

23 (BRIEF PAUSE)

24

25 MR. CAM STEVENS: Cam Stevens. We --

1 we did assess this as part of a response to IEMA IR-14.
2 And the conclusions haven't changed from those that are
3 presented in the DAR, either in Section 8 or in Section
4 9.

5

6 (BRIEF PAUSE)

7

8 MR. TIM BYERS: Thank you for that. I
9 -- I don't recall in -- in reading your response that
10 there was anything addressing the potential for
11 suffocation of eggs or alevins from any particulates
12 entering the inter -- interstitial spaces. And that's
13 the aspect that I was kind of getting at.

14

15 (BRIEF PAUSE)

16

17 MR. CAM STEVENS: Cam Stevens. We
18 didn't directly assess this because we didn't identify
19 it as a valid pathway for two (2) reasons. Based on
20 the predictions of -- of dust deposition in the lake,
21 even if a shoal was close to -- as far as we know,
22 there isn't any spawning shoals within close proximity
23 to the -- to the dike. And even if there was, the --
24 the effects would be not measurable. We wouldn't be
25 able to quantify or -- or demonstrate that dust is

1 accum -- accumulating or any sort of sediment is
2 accumulating at that location. And so there's no
3 effects -- no -- so in conclusion, there's no effects
4 to -- to shoal habitats for spawning fish.

5 MR. TIM BYERS: Tim Byers, with the
6 Agency. I just recall your mapping of a dust
7 deposition zone, and it seems to encompass one-third
8 (1/3) approximately of the entire Lac du Savage
9 surface.

10 So I guess I'm trying to establish some
11 kind of potential link between that information and any
12 information you have as to what could constitute a
13 direct impact of that deposition onto potential fish
14 habitat.

15 MR. CAM STEVENS: Cam Stevens. So in
16 IEMA IR-14 we -- we actually provide some statistics
17 here on -- on how much annual sediment accumulation is
18 predicted. And in that response we say accumulation is
19 negligible. This is -- this is one (1) micrometre or -
20 - over the course of the year. That's a -- that's a
21 fraction of a fraction of a hair, which, for fish,
22 certainly wouldn't be an issue.

23 A lot of these species, like lake
24 whitefish and lake trout, do spawn in areas where there
25 is silt and sediment. Preferred locations are

1 certainly in areas free of that sediment. And those
2 preferred locations are in areas where there is water
3 circulation and currents that keep those areas clean.
4 And those processes will be maintained around any
5 potential shoal around the Lac du Sauvage/Jav pit diked
6 area.

7 MR. TIM BYERS: Thank you for that. No
8 further questioning on this topic.

9 THE FACILITATOR: Thank you. It's Bill
10 Klassen. Are there other questions? I know that Neil
11 has one (1). Not seeing others immediately, then,
12 Neil, would you ask the question you have?

13 DR. NEIL HUTCHINSON: Neil Hutchinson,
14 for the Board. This is a follow-up from IEMA's earlier
15 question this morning about the potential for dust
16 deposition in the diversion channel adjacent to the
17 road. And Dominion Diamond's responded that they'd
18 have to wait until their air quality expert got here to
19 assess that.

20 We run the risk of the fish person being
21 here today but not the air guy, and tomorrow the air
22 guy being here and not the fish guy. So I'd like to
23 come back to Dominion Diamond and ask maybe if you
24 could just -- I'm -- I'm sure this is something that
25 you've probably looked at as some part of the

1 assessment.

2 Could -- could you provide a bit of an
3 answer to IEMA for that?

4 MR. RICHARD BARGERY: Richard Bargery,
5 Dominion Diamond. I -- I guess Cam can provide a bit
6 of an answer today, but tomorrow, both the air quality
7 folks and -- and Cam is -- will be here. And Kristine
8 will be here, as well, so we'll have everyone tomorrow.
9 But we -- I will let Cam give at least an answer from -
10 - from his perspective.

11 MR. CAM STEVENS: Cam Stevens. It's my
12 understanding there might be localized changes in --
13 minor changes in -- in water quality because of dust
14 adjacent to the road. But that doesn't mean there's
15 going to be -- there's any implications for fish
16 habitat -- for fish moving through that channel.
17 They're not going to be deterred by -- by any dust that
18 might be coming off the road.

19 So, you know, in -- this was addressed
20 as other -- I believe it was addressed as a secondary
21 pathway in the DAR. And there's no reason to believe
22 that fish habitat will be adversely affected by any way
23 by -- by dust coming off the adiac -- the road that's
24 adjacent to the diversion channel.

25 MS. JAIDA OHOKANNOAK: I guess -- Jaida

1 Ohokannoak, with the Agency. One (1) other thing is
2 there's the ore trans -- proposed ore transfer area in
3 that area. So we're also going to have kimberlite
4 dust, not just regular road dust, that'll be falling
5 into that diversion channel, as well.

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. I -- I appreciate the comment,
8 Jaida. I think that we are now sort of getting into
9 where Cam is, the Cam -- line between Cam and -- and
10 Dennis Chang, our -- our air quality person. So we're
11 happy to bring -- to -- to address this again tomorrow
12 when we -- when we have both here, and -- and questions
13 that may, you know, go on either side of that line. I
14 don't know -- thank you.

15 THE FACILITATOR: It's Bill Klassen.
16 Was there a question from -- was it DFO? I can't
17 remember?

18 MR. ARTHUR BECK: Hi. My name's
19 Arthur Beck. I'm with Fort Resolution Metis Council,
20 president. I'm a traditional knowledge holder. I'm a
21 hunter, trapper, fisherman, and I have a lot of
22 experience in this field. I sat on GSLAC for twenty-
23 seven (27) years. And I grew up on the land. And the
24 fish and plants and little boneless bugs and whatnot
25 were my toys. I didn't have little cars and trucks.

1 So anyways I'll give you a little
2 history lesson on what has happened in the past. In
3 1963 Pine Point came into play. They needed power. So
4 they made a dam on Taltson River and they dammed the
5 natural lake. When they dammed the natural lake within
6 '63 the dam -- the dam was put in place. They dammed
7 all the little creeks and they flooded the natural
8 lake, so all the islands and the trees and plants were
9 underwater and the minerals off the rocks were all
10 leached into Taltson River.

11 And by 1964, the coneys moved away from
12 Taltson River because they were a very sensitive fish.
13 They got affected by it. It's forty-five (45) years
14 since then. Only then the coneys came back. Also the
15 snare. The snare was put in place '63, '64. And the
16 Yellowknife River here, the real name of Yellowknife
17 River in our language is Behqul desche. Behqul desche
18 means Coney River. Okay. Ciscos were the first to
19 come back. But the coneys moved away from the
20 Yellowknife River at the same time. They were a very
21 sensitive fish. And also at the same the Bennett Dam
22 was put in place. So there was a lot of dams put in
23 place at the same -- within a -- in a couple of years in
24 the '60s.

25 And now I was just listening here the

1 last couple of days and the one (1) that really
2 attracted my attention is that rock pile, that waste
3 rock. I didn't say anything yesterday because I wanted
4 to tie it in together with the fish today.

5 But listening to all this stuff they're
6 talking about, that nice, big, fancy rock pile which
7 sits on a hill right next to the lake. You've got a
8 nice chart back there that shows that. There's no
9 liner underneath that rock pile. Nothing whatsoever.
10 I never heard anybody put -- say there's any liner --
11 liner going to go underneath that rock pile. So
12 there's going to be automatic drain off from that,
13 especially after the snow in the winter. There's going
14 to be runoff in the spring. And that water
15 automatically runs downhill. And if you look at it,
16 it's on the hill. It's right next to the Jay pipe.
17 You could see it in that chart.

18 So -- and the spawning. And you
19 interfere with spawning, you interfere with the
20 spawning areas, the fish are going to move. I don't
21 care what you say and with your scientific stuff, but
22 traditional knowledge shows different than what has
23 been said. Just the past tells the story of what's --
24 has happened to our fish in Great Slave Lake. And even
25 this Conev River here, the Yellowknife River they call

1 it, it took about forty (40) years at least before the
2 coneys came back into this lake. I wouldn't eat them,
3 either, even though because of all the arsenic you have
4 over here. So the fish had nobody to speak for them.

5 You know, it's sad to say that the
6 mighty dollar kind of comes before the animals, the
7 plants, the fish, and the environment. It's really
8 sad. It's hard for Aboriginal people to live in this
9 country and watch -- especially looking around the room
10 here. All the decisions are made by people that really
11 don't know that area well as our Aboriginal people know
12 this country. You know, so it's -- it's really hard.

13 And another thing that's really, really
14 bothering me is this new fracking that's going to --
15 that's coming up. And they already -- they already let
16 some of that happen in the Northwest Territories. If
17 you just check the news, look what's happening in Red
18 Deer, Alberta, right now with all that fracking going
19 on. There's -- you know, they have earthquakes and
20 that. All we need is one (1) little earthquake. A can
21 full of arsenic like this can pollute this whole Great
22 Slave Lake and it'll go down to Mackenzie. It'll
23 affect every single thing.

24 So, you know, it's really -- it's hard
25 to sit here and listen, putting all my faith in you

1 people's hands.

2 I hope you will do a good job and think
3 for the future generations because once you guys leave
4 here in thirty (30) years when the mine's all done, we
5 still have to live here. And our children and our
6 grandchildren are going to have to live through all
7 this.

8 You know, I don't have to be a Metis
9 president, but the reason I started running, sit on
10 committees, it started to affect my life. And nobody's
11 out there to speak for the plants and animals, so
12 that's what I do. Thank you very much for listening to
13 me.

14 THE FACILITATOR: Thank you. Thank you
15 for that background. I think that the response that
16 you were preparing over the lunch hour, we can hear
17 that now. Todd is -- is here to hear your response.
18 So could you pre -- please proceed with that?

19 MR. CAM STEVENS: Cam Stevens. I was
20 wondering if we could ask Todd to repeat his request or
21 question.

22

23 (BRIEF PAUSE)

24

25 MR. TODD SLACK: It's Todd, with the

1 Yellowknives. Yeah, sure. No problem. So the
2 response was -- or the question was in response to IR-
3 1, question 2, where the Project response:

4 "The diked area will support a
5 similar aquatic community that is
6 present in the main basin of Lac du
7 Sauvage through natural col --
8 through natural colonization."

9 And the question is: Can you provide
10 additional information so that there's precision and
11 clarity in terms of what exactly you mean by 'similar
12 aquatic community'?

13 MR. CAM STEVENS: So the first part of
14 the answer is that the reclamation of the Jay project
15 will be designed to fit within the objectives of the
16 interim closure and reclamation plan for -- for the
17 Ekati mine.

18 And -- and -- but to -- the second part
19 of that -- the answer is that, when we mean 'similar',
20 we're -- we're talking about similar densities of fish,
21 similar species composition of fish to other areas in
22 the lake.

23 So if we have an understanding of what -
24 - how a species's composition and densities vary, we
25 would expect that, within that -- the back-flooded

1 area, that -- that the -- the aquatic community would
2 be within the range of that variability observed around
3 the lake.

4 MR. TODD SLACK: Okay. Thanks.

5 THE FACILITATOR: It is now 1 -- 1:25.
6 If at all possible, I would like to move to the
7 socioeconomic discussion by 1:45. So if there are --
8 are more questions or comments related to fish, we'll
9 have those over the next twenty (20) minutes.

10 Noeline Villebrun is at the microphone.

11

12 (INTERPRETED FROM CHIPEWYAN INTO ENGLISH)

13

14 MS. NOELINE VILLEBRUN: My name is
15 Noeline Villebrun. I was born in -- I come from Rush
16 River, but I grew up -- I was born in Fort Resolution.
17 For the last three (3) days, I've been here listening
18 to various discussions. For me personally, it's very
19 hard to hear what is being discussed.

20 These topics that you are talking about
21 is very important for the lives of the Dene, livelihood
22 of the Dene. Your discussions involving fish and fish
23 habitat and the -- the way you are discussing it, the
24 tone bothers me and I feel very uncomfortable regarding
25 the process. It appears like fish is not important to

1 the non-Dene enjoying these discussions, but for the
2 Dene people, fish is a very important part of our life.

3 I have three (3) children, two (2) girls
4 and one (1) boy, and my son does work with fish. He --
5 now he is now working and he's fishing on the Great
6 Slave Lake. The fish discussions you are holding
7 today, when I look at the future the way the process is
8 going, I do believe all the fish will be ruined,
9 spoiled.

10 My cousin Arthur just told you about the
11 fish and the history of the river and those are all
12 true. Here in Yellowknife, my grandmother used to fish
13 around here. My grandmother, her brothers and sisters
14 and family all used to live here.

15 Because of -- because of all the
16 development regarding mines and dams in our area, today
17 we have a lot of Aboriginal people who have a very hard
18 lifestyle. I'd like to ask you a question on how are
19 you going to prevent the fish from being spoiled?

20 I have to speak to you in my words in --
21 in Dene. I speak for the Elders who cannot speak for
22 themselves. I want to say -- put some words on --
23 towards other matters, but that will come when the --
24 the topic of those matters comes up. I'd like to thank
25 you very much for giving me time to talk to you.

1 (INTERPRETATION CONCLUDED)

2

3 THE FACILITATOR: Thank you. It's Bill
4 Klassen. Are there other questions related to the fish
5 topic, generally? Is there a question a -- or I
6 thought I saw a hand. Yes.

7

8 (BRIEF PAUSE)

9

10 MS. TANNIS BOLT: It's Tannis Bolt,
11 with the Kitikmeot Inuit Association. I just have one
12 (1) quick question.

13 And I was wondering if we would be able
14 to get the qualifiers that were used for determining
15 the spawning habitat quality for unsuitable, poor,
16 fair, and good?

17 MR. RICHARD BARGERY: Richard Bargery,
18 Dominion Diamond. We -- we can provide that to you,
19 Tannis, probably relatively quickly. I -- I don't know
20 the time. Yeah, given that is -- is definitely in our
21 undertaking, so I'll -- we'll get it and -- get it to
22 you. And if I can get it quicker, I'll -- I'll email
23 it to you, as well.

24 MS. SACHI DE SOUZA: Can we just
25 clarify the wording of that request? I understand it's

1 a homework question. It's Sachi, with the Board.

2 MR. CAM STEVENS: Cam Stevens. Tannis,
3 correct me if I'm wrong here, but she -- she's looking
4 for the qualifiers for the -- the various shoals that
5 were described during the shoal surveys in 1996.

6 So we -- we -- they were categorized as
7 unsuitable, poor, fair, and good quality shoals. She
8 just -- it sounds like Tannis wants to know exactly
9 what -- what that means.

10 THE FACILITATOR: Okay, thank you.
11 It's Bill Klassen. Kate has a question here.

12 MS. KATE MANSFIELD: Kate Mansfield,
13 for the Board. We just made a note. Ms. Villebrun, in
14 your comments you asked a specific question of: How
15 will you prevent the fish from being spoiled? DDC has
16 not yet had a chance to answer that question, so we
17 could direct it towards them now if they have time to
18 answer it now or...

19 THE FACILITATOR: Thank you.

20 MR. RICHARD BARGERY: Richard Bargery,
21 Dominion Diamond. I think -- I'm not sure, Noeline, if
22 you were referring to just a general -- or how were we
23 going to deal with it when we were fishing out the area
24 within the dike to -- within the diked area. So I'll -
25 - I'll deal with that, which -- that issue.

1 MS. NOELINE VILLEBRUN: Noeline
2 Villebrun, Tthestonotine Dene. I'm going to say --
3 iust speak in English. When I was referring to
4 ensuring that the fish would not be -- I guess I
5 wouldn't use so much the word 'spoiled' because that
6 means to leave it after it's dead. No, that's not the
7 point.

8 My point is, we've had a history, like
9 Arthur said, of -- of our fish and waters and -- and
10 even our lands being interfered with. And iust to
11 bring to your attention, I did learn a bit -- a little
12 bit about international law and the protection of
13 spawning and nesting of birds.

14 So I'm -- I'm surprised that this
15 territorial or federal government would allow
16 interference with the spawning of fish due to the fact
17 that the Dene tribal people have used fish and used the
18 foods -- our traditional foods, which include moose,
19 caribou, ducks, geese. All of those have been impacted
20 because of development.

21 Now, one (1) of the solutions the -- the
22 government had was to relocate us into communities, but
23 it still didn't fix the problem that the mine -- this
24 mine created, this Giant Mine, Con Mine, with -- with
25 the conev, and in Fort Resolution area, the trout.

1 So it tells me that we are going to have
2 the same type of issues with, you know, the moving of
3 the fish and -- and the relocation of the streams. In
4 my mind, because I -- to tell you the truth, I've never
5 seen BHP to this day. I have seen pictures, but I've
6 never seen the extent of it.

7 But when I look at these pictures, and
8 you're going to be moving water, you're going to be
9 moving fish. As a Dene, today -- and I -- and I can
10 understand why my grandparents found it difficult to
11 accept all of this that was happening.

12 So this is what I'm trying to get at, is
13 there are international laws in place to protect. And
14 there are supposed to be what they call strategic
15 protected area -- areas in the NWT. So I'm just
16 wondering if this area that we're discussing is part of
17 any type of protected area?

18 Because I -- if I recall, I remember
19 reading documents from around the 1950s or so when it -
20 - this area was part of the protected strategy. And
21 for some reason it was lifted to create Giant Mine. So
22 I'm just wondering if we still have that same status or
23 if this area -- per -- per se, this area here was just
24 lifted for the mine?

25 And so that leads back to that question:

1 Are we still under the protected area for spawning and
2 that?

3 MR. RICHARD BARGERY: It's Richard --
4 sorry, Richard Bargery, Dominion Diamond. Thanks --
5 thanks, Noeline, for the clarification. That was --
6 that was helpful.

7 I mean, I grew up -- I grew up here as
8 well and I think we all recognize some of the -- the
9 past failures with -- with mines in the North. I think
10 from -- from our perspective, Dominion Diamond which --
11 which owns -- own Ekati, not -- not BHP any longer, but
12 Dominion Diamond which own Ekati, you know, we think
13 we're taking a responsible approach to -- to the
14 development of Jav by, you know, any water that goes
15 back into the lake would meet, you know, the
16 requirements of -- of the law for safe drinking water,
17 safe for fish, those -- those kinds of things.

18 During the construction of the dike
19 we'll have turbidity curtains hung around the dikes so
20 that there's no muddy water that goes out into the main
21 body of the lake. When we fish-out the -- the portion
22 inside the dike area our plan would be to work with
23 communities to -- to do that in a responsible way that
24 utilizes the fish that come out of there for
25 communities, whether it's edible fish that can go to

1 communities as food, or smaller fish that could be used
2 for other purposes, whether it was food for dogs.

3 Other ideas, like -- that we've had when
4 we've done some of the engagement in communities is for
5 fer -- ground up for fertilizers for community gardens,
6 those kinds of things. We planned on -- on working
7 with communities.

8 And we'll -- you know, there is going to
9 be a loss of some fish habitat in -- in the lake. What
10 we've done in the -- in -- in the -- what we've done in
11 the case of Lvnx, for example, we've worked with
12 communities to identifv other progr -- other projects
13 that will replace that habitat. We fully intend to do
14 that in Jav. We've been out, actually, a number of
15 times in communities talking to them about what
16 projects, you know, where there may have been a loss of
17 fish habitat, where we -- where we could replace or --
18 or rehabilitate habitat.

19 So we are trying to do this in a
20 responsible way with communities. As a matter of fact,
21 you know, I -- I note, for example, with -- with
22 Arthur, we're going to be down I think in ten (10) days
23 or so, Arthur, and we're going to meet -- I'm sure
24 we're going to continue the discussion that we've --
25 we've started on this, so those kinds of things.

1 The last point, I think, you know, with
2 respect to Ekati itself, you know, we are going to be
3 doing some site visits this summer. You haven't been
4 there before. Maybe that's something we should -- we
5 should talk about at some point. But we'd -- we'd --
6 I'd be happy to -- to have that discussion with you,
7 you know, later on as well. But those are the kinds of
8 things.

9 We're -- you know, from our perspective,
10 we're a Northern mining company. Our -- our management
11 team lives here. We're trying to -- to do more, and we
12 are, in terms of hiring Northerners. So we -- people --
13 we have a stake here. And so we hope, and -- and we
14 think, and we believe that we are trying to -- to
15 develop Jav in a responsible manner both
16 environmentally and economically for the North.

17 MS. NOELINE VILLEBRUN: Thank you,
18 Rick, for filling me in, but I think at the -- at the
19 end of the day I think for a lot of us Dene up and down
20 the Mackenzie, you know, it -- it's like I said in my
21 language, it's easy for you guys to discuss it, but for
22 the Dene people we're still trying to overcome the last
23 fifty (50) years of development. And -- and there's
24 just more being added to our plate without the interest
25 of the people being looked after.

1 And I tell you those little IBA
2 (phonetic) monies that are being given out doesn't cut
3 it at all. Maybe for -- for a few people, but not for
4 the -- the tribe as a whole and everybody else
5 involved. So thank you, Rick.

6 THE FACILITATOR: Thank you, Mrs.
7 Villebrun and Dominion Diamonds. I think that last
8 discussion leads us into a consideration of the
9 socioeconomic -- potential socioeconomic implications
10 of this project. So we will have a -- a presentation,
11 I believe, from Dominion Diamonds on that topic, and
12 then following that presentation we'll then get into a
13 discussion of these potential impacts and benefits.
14 Thank you.

15

16 (BRIEF PAUSE)

17

18 THE FACILITATOR: Good afternoon. It's
19 -- it's Bill Klassen, again. We will shortly be having
20 the presentation from Dominion Diamonds on the
21 socioeconomic aspects here.

22 But a number of people who weren't here
23 this morning have joined us, and so I would like to
24 provide the opportunity for those, especially those who
25 are around the table here with me, to introduce

1 themselves. We won't go around the room and -- and ask
2 everyone else to repeat who they are.

3 And so we'll perhaps start, Richard,
4 with the -- having the Dominion Diamond people
5 introduce themselves, and then the Government of the
6 Northwest Territories people. And when we get into the
7 discussion, our practice is that, before you say what
8 you have to say, that you introduce yourself so that we
9 have that for the record.

10 Again, for the benefit of those who've
11 just joined us, there is a transcription of these
12 proceedings. So, Elliot, do you want to start with
13 your team?

14

15 (BRIEF PAUSE)

16

17 MR. ELLIOT HOLLAND: Elliot Holland,
18 Dominion Diamond. We're -- we're going to start with a
19 presentation by Jesse O'Brien, from Golder.

20 And just to -- to introduce our team
21 here, we start from the -- from the right.

22 MS. ORA-NAJA WAH-SHEE: Ora Wah-Shee,
23 team leader, community development.

24 MR. BOB OVERVOLD: I introduced myself
25 this morning, Bob Overvold.

1 MS. GAELEEN MACPHERSON: Gaeleen
2 MacPherson, head of human resources.

3 MR. JESSE O'BRIEN: And Jesse O'Brien,
4 the lead for socioeconomics for the project.

5 MS. KIRSTEN BERG: Kirsten Berg,
6 superintendent of procurement for Dominion.

7 MR. CHARLES KLENGENBERG: Charles
8 Klengenberg, advisor, traditional knowledge, with
9 Dominion.

10 MR. GRAHAM CLINTON: Graham Clinton,
11 with Impact Economics.

12 MS. LINDA HAVERS: Linda Havers, Golder
13 Associates, senior socioeconomics.

14 THE FACILITATOR: Could we have the
15 Government of the Northwest Territories individuals,
16 representatives introduces themselves as well, please?

17 MR. JEREMY ROBERTS: Jeremy Roberts,
18 Department of Health and Social Services.

19 MR. ZACHARY YOUNG: Zachary Young,
20 Department of Health and Social Services.

21 MR. DEREK RAINS: Derek Rains,
22 Department of Health and Social Services.

23 MR. KEVIN TODD: Kevin Todd, Department
24 of Industry, Tourism, and Investment.

25 MS. DIANA BECK: Diana Beck, ITI.

1 MS. DEBORAH ARCHIBALD: Deborah
2 Archibald, Department of Industry, Tourism, and
3 Investment.

4 MR. ANDY BEVAN: Andy Bevan, Department
5 of Education, Culture, and Employment.

6 MR. DANA HEIDE: Dana Heide, Department
7 of Education, Culture, and Employment.

8 MS. KELLY MAHONEY: And Kelly Mahoney,
9 Cul -- Education, Culture, and Employment.

10 THE FACILITATOR: Thank you very much.
11 We'll proceed then with the presentation on this topic,
12 and then we'll get into the discussion.

13

14 PRESENTATION BY DOMINION DIAMOND - SOCIOECONOMICS:

15 MR. JESSE O'BRIEN: Okay. So for those
16 of you who were with us in December, we gave a
17 presentation on the results of the Developer's
18 Assessment Report, Section 14, socioeconomics.

19 This presentation focusses more on some
20 of the key things that were brought up in the adequacy
21 review process, as well as the IRs that were requested
22 by different groups. So -- and it's generally been
23 structured around the outline that the -- the Board has
24 provided.

25 So we'll begin with a discussion of some

1 of the methodological topics, so the economic modelling
2 update that was conducted in response to the
3 availability of some of the results from the pre-
4 feasibility study, as well as questions around our
5 approach to cumulative effects.

6 We'll move on to the socioeconomic
7 agreements and a discussion of hiring targets as they
8 appear now, and some of the key points that were
9 brought up in the IRs.

10 Community well-being and social issues
11 were -- were brought up as a real focal point this time
12 in the IR process. So we'll talk about some of the --
13 the key topics in that area before moving on to
14 closure.

15 So for the economic modelling update,
16 there were -- there were three (3) things principally
17 that were done with the model, the -- the first being
18 the inclusion of some of the results from the pre-
19 feasibility study.

20 The numbers that were included were not
21 substantially different from what we had used in the
22 original assumptions for the -- the modelling work and
23 the socioeconomic assessment. There were a few changes
24 to the assumptions around employment and extremely
25 minimal ones around production, but nothing in terms of

1 the overall process of the mine or the mine life or any
2 of the trends.

3 More information became available
4 through the release of the model -- or not the model,
5 the mine plan for the A21 pit at Diavik. So we
6 included that in the modelling update. But, again,
7 it's -- it's a change to some of the production and
8 employment numbers at Diavik, but it doesn't represent
9 a change to the overall mine life. In addition, while
10 we were in there, in the model, we decided to include
11 an update on some additional publically available
12 information, primarily labour force indicator changes.

13 So you'll notice it was Section 14A of
14 the DAR. It was an appendix, the economic impact
15 report. We've updated that and submitted that as a
16 supplemental in the IR process. So that report breaks
17 out all of the -- the changes that have been made and
18 gives you an updated economic modelling report.

19 The numbers that were updated in the
20 report, again, don't really change any of the trends
21 that we see happening, and it doesn't change any of the
22 timing of -- of when the mines are going offline.

23 So overall, the small changes that were
24 made to the economic modelling report don't really have
25 a cascading effect on the -- the social effects that

1 we've assessed in the DAR. Similarly, the residual
2 effects analysis still holds true.

3 So for our approach to cumulative
4 effects, this is broken out at length in the DAR, but
5 it can be a little lengthy in the discussion. So a
6 quick overview is, basically, we start with our
7 baseline environment 2014 and trends leading up. Then
8 we look at a future scenario, something that is without
9 the Jay project. So it has Ekati ending as planned
10 right now.

11 Within this scenario, we have the
12 existing development, so the current scenario. And
13 this, again, looks primarily at mining, so it's looking
14 at the existing Ekati operation, the Diavik Mine, as
15 well as the Snap Lake Mine. To this we then create a
16 base case. Now, this is what we assess the project
17 effects against. So the base case is this current
18 scenario plus Gahcho Kue.

19 We then move on to the project
20 assessment which is inherently cumulative in nature
21 because not only are we looking at what is the project
22 going to do incrementally, but also what is the
23 situation going to be as a totality with these other
24 projects included. So it's an inherently cumulative
25 approach to conducting the socioeconomic assessment,

1 one that paints a picture of both what would the world
2 be like without the project and what will it be like
3 with the project.

4 So the Sable pit has been included
5 qualitatively as an addendum. However, it is not
6 advanced enough yet to include any kind of quantitative
7 analysis in the modelling process. Sable basically
8 represents a -- from a socioeconomic perspective, a
9 bridge between the ramping down of some of the existing
10 Ekati operations and a ramping up of the Jay project
11 itself. So it doesn't represent an addition of new
12 positions or a great deal of production beyond the
13 current values that we see. Rather, it -- it serves to
14 fill this kind of gap period.

15 So moving on to the socioeconomic
16 agreement targets. This was hit on by a number of
17 groups. So for a bit of background for those of you
18 who don't know these, socioeconomic agreement was
19 drafted in 1996, and it's an agreement between the GNWT
20 and the Operator. The targets that are outlined for
21 hiring and procurement in that socioeconomic agreement
22 are -- are based off of the original EIS that was done
23 for the Ekati Mine.

24 So getting into the -- the meat of the
25 targets. During construction there's a 33 percent

1 employment target for Northerners, 44 percent of which
2 should be Northern Aboriginal, which represents a real
3 -- real value target of 14.5 percent Aboriginal
4 participation in a construction phase.

5 Moving into operations, that number
6 increases to 62 percent Northern, 50 percent of which
7 should be Northern Aboriginal, according to the SEA.

8 Now, some of the questions that were
9 asked were focussing on when the mine has met its
10 targets historically, and we can -- we can break that
11 out based on the SEA reporting.

12 Now, the mine doesn't meet the target in
13 every historically prior to BHP or -- selling it off.
14 Some of the issues associated with that, however, are
15 some barriers that are faced by -- by Northerners to
16 employment, and -- and this is detailed at length in
17 the IRs. But some of the -- the key barriers that
18 popped up were conflicting family commitments, so
19 caring for children, dependents; a lack of the
20 appropriate education or training necessary to
21 participate in -- in many of the employment
22 opportunities associated with the mine.

23 The fact that rotational work is -- is
24 not attractive to everyone; while the two (2) and two
25 (2) schedule has been found to work quite well in the

1 Northwest Territories context, there are some people
2 who wouldn't even apply necessarily for a position
3 right off the bat based on this type of a set up.

4 And finally another issue is drug and
5 alcohol dependency. This can pose a problem for people
6 who are would-be candidates, but that apply and need to
7 go through drug and alcohol screening and are at a
8 level of dependency where they are not able to pass
9 that screening.

10 So in terms of procurement, the
11 socioeconomic agreement details 28 percent Northern
12 content during construction and 70 percent during
13 operations. Many of the categories currently procured
14 at the mine are procured 100 percent from -- from
15 Northern vendors or Northern sources, but there are
16 certain categories of business that are not either
17 available or not produced necessarily in the North.
18 And the largest example of this is fuel.

19 Fuel marks one (1) of the most expensive
20 commodities that the mine has to produce -- or procure.
21 And it's not currently produced in the Northwest
22 Territories. So while at the early years of operation,
23 up until 2008, this target of 70 percent during
24 operations was met, after the Ekati mine reevaluated
25 how they report and categorize the purchase of fuel and

1 decided to report it as a Southern purchase, the mine
2 has not been able to meet that target. And again, this
3 is largely because fuel is -- the single largest fuel
4 and lubricants is the single largest procurement
5 category for the mine. And by default it begins to
6 erode at the ability of the Developer to meet that 70
7 percent target.

8 When you subtract the -- the cost of
9 fuel from overall procurement in the North as a
10 commodity that cannot be procured from a Northern
11 producer, the Ekati mine has actually -- and this is a
12 2013 stat -- exceeded the procurement target fairly
13 substantially.

14 So moving on to some of the community
15 well-being and social issues. A lot of the social
16 issues that we see associated with development stem
17 from population and migration and associated
18 demographic change. So one (1) phenomenon that is not
19 new to anyone in the Northwest Territories is the
20 migration of people out of smaller rural communities to
21 the larger centre of Yellowknife, or to the south.

22 Now, this isn't a phenomenon that is
23 unique necessarily to the Northwest Territories.
24 Urbanization is happening across the country. But it
25 is one (1) that's extremely hard felt when you have a

1 very small community population size. And here we can
2 see some of the historical trends in population
3 mobility for the -- the communities within the LSA.

4 So we've seen in general in a lot of the
5 smaller rural communities some fairly substantial out-
6 migration. In Wekweeti, Whati, and Dettah, it's been a
7 relatively flat situation. So there hasn't been much
8 growth. There hasn't been much decline. Behchoko and
9 Kuqłuktuk are two (2) communities that are noticeably
10 different, Behchoko being much closer to Yellowknife
11 and a larger centre with more amenities.

12 For reference, Yellowknife, which
13 doesn't appear on this particular figure, has seen
14 about a 5 percent increase in this same period. Now,
15 not all of that is associated purely with population
16 out-migration from smaller communities. There is also
17 the factor of international in-migration to the
18 community for employment.

19 So the main effect of the project on
20 employment as discussed in the DAR is to soften the
21 effect of out-migration associated with some of the
22 other mines coming to close. So we see a drop here.
23 This red line is hard to see, but this is the future
24 without the project. We see drops associated with the
25 closures of Diavik and Snap Lake. And by maintaining

1 current employment levels, the project is able to
2 soften this drop. We would see it go down much further
3 with Ekati ending as planned currently.

4 So some of the other main social issues
5 that were brought up. Education was a very important
6 topic and it's a primary means through which
7 communities can benefit from project employment
8 opportunities as mentioned. The DAR notes that the
9 project can have the effect of maintaining the demand
10 for some services that may otherwise see a drop off in
11 demand and a drop off in -- in need for the service as
12 the other mines close.

13 The project creates demand for a trained
14 Northern labour force, albeit a limited demand, there
15 are positions that will be associated with attrition
16 throughout the life of the mine, as well as people
17 advancing to -- to new career opportunities. Their --
18 their old position will need to be filled.

19 Mining-related training and education is
20 applicable to other sectors and transferable in many
21 cases. So this goes both for formal training that's
22 given through the Mine Training Society, universities,
23 but also on-the-job skills that are picked up. And
24 we'll -- we'll talk about this a little bit more when
25 we get to the closure section.

1 Another issue that was brought up by
2 several groups was the topic of income and equality.
3 Now, what we're seeing currently is that income and
4 equality is actually decreasing amongst some of the
5 rural LSA communities since 1994. The number of middle
6 and higher income earners in -- in these communities
7 has been increasing, while the number of low-income
8 earners is decreasing.

9 We also see the number of income
10 assistance applications decreasing, particularly in the
11 rural LSA communities that are signatory to an IBA.

12 Vulnerability is a topic covered off in
13 the DAR. It wasn't hit on as much in the IRs, but it's
14 interconnected to everything here. So the DAR
15 considers vulnerability as the ability to benefit from
16 the project. And the primary mechanism for that is
17 through wage employment or a propensity to experience
18 some sort of negative effect associated with
19 development. And -- and one (1) of the ones that's
20 most often brought up, particularly in communities in
21 the LSA, is the fact that new markets have opened up
22 for drugs and alcohol, associated, according to
23 communities, with increased incomes.

24 So many of the vulnerable members of
25 society, those not able to benefit necessarily directly

1 from the project, are single-parent families, people
2 with low levels of education, elderly and people with
3 disabilities, and then again, people with addictions,
4 mental health issues. For all of these people there
5 are many barriers to successfully obtaining employment
6 and thus benefiting from the project. And of course,
7 there are -- are the children in families who just
8 benefit in this respect.

9 So as noted before, the project isn't
10 expected to substantially change the existing setting
11 that is in place right now. By maintaining existing
12 positions and not -- not being a completely new
13 project, there's very little demand for -- for new
14 employment right away, as opposed to if you were having
15 a completely new development, a completely new mine
16 that suddenly needed fifteen hundred (1,500) people.
17 That's not the case with an extension project such as
18 Jay.

19 So I -- you'll notice on the slides
20 there are some statements about what Dominion Diamond
21 is committed to doing. And I'm going to leave that for
22 the question period and for the Developer to respond
23 to.

24 But moving on, and again, connected to
25 vulnerability, the topic of the employment of women

1 came up from multiple groups during the IR process.
2 Now, rol -- while the employment rate of women, which
3 currently it's about 15 percent at Ekati, which is in
4 the range of the Canadian mining industry, which it was
5 16 percent in 2013. It's actually 17 percent in 2014.

6 The employment rate of women at Ekati
7 has varied between 14 and 18 percent on average. So it
8 is in line with industry -- industry values. But that
9 being said, there are still barriers to women obtaining
10 employment with the mine. One (1) of the main ones
11 being that rotational work, the two (2) on two (2), is
12 not necessarily feasible for people who are a -- a
13 single parent or a caregiver and they -- they can't be
14 away for -- for a two (2) week period. This is
15 particularly true for -- for mothers caring for small
16 children.

17 Language is something that's connected
18 very much to population and migration and was something
19 brought up throughout the IRs. The DAR has noted that
20 there's been a decline in Aboriginal language use and
21 knowledge of an Aboriginal language overall in the
22 Northwest Territories.

23 Now, in communities, smaller RSA -- or
24 LSA communities, the knowledge of an Aboriginal
25 language and the use of an Aboriginal language is

1 substantially higher than in Yellowknife. But one (1)
2 thing that we see is as people migrate out of these
3 smaller communities into a larger urban centre or to
4 the south, they're not in an environment where the
5 language use is as encouraged necessarily, or where
6 it's necessary.

7 So we see people who may have once used
8 an Aboriginal language moving to a location and they
9 begin to forget it. And over generations, this results
10 in not just a loss of use but a loss of knowledge.

11 The final issue that was -- was brought
12 up in the IRs with relation to community well being and
13 social issues, the final main one, is the topic of
14 crime. So this is again linked to the problem of
15 alcohol abuse but the -- the rates of property crime
16 and mischief have been increasing in communities within
17 the LSA.

18 Members of rural LSA communities, as
19 mentioned before, have suggested that this is linked to
20 higher disposable incomes. With more disposable
21 incomes people have more freedom of choice in terms of
22 what they do with that income, be it migration to a new
23 centre or, in some circumstances, accessing drugs and
24 alcohol. This has also been linked to increased
25 incidences of violent property and traffic-related

1 crime.

2 So I'll move on from some of the main
3 social issues brought up in the IR process to the final
4 discussion of closure. So the socioeconomic agreement
5 does provide a commitment for closure. Again, it's the
6 reasonable levels of assistance for the education and
7 retraining of northern employees and that closure will
8 support employment and transition and relocation
9 counselling.

10 So for the Jav project, and keeping in
11 mind that closure is a time fairly far in the future,
12 from an economic and social standpoint, in an
13 environment that we can't really accurately predict
14 what's going to be going on. But what we can predict
15 is what the mine will actually need from closure.

16 So whereas in operations we had eleven
17 (11) -- roughly eleven hundred (1,100), eleven fifty
18 (1,150) FTEs, so full-time equivalents, required
19 annually, that number decreases to approximately two
20 hundred and eighty-two (282) for closure and
21 reclamation activities, and this will be spread out
22 over probably a two (2) year peak period.

23 Now, that being said, this doesn't
24 represent two hundred and eighty-two (282) new
25 positions; rather, it's the maintenance of some of

1 these operations positions being transferred over to
2 closure and reclamation activities for things like
3 earth moving, truck driving, and the like. There will
4 be less demand, of course, for professional scientific
5 managerial positions in this period; however, many of
6 the entry level positions have the potential to be
7 carried over.

8 So -- and again, touching on the post-
9 transfer of skills, the skills and training obtained
10 with the mine can be transferred to other industries,
11 other operators, and other contacts. So corporate
12 services, health and safety training, trades, all of
13 this is -- is quite widely transferrable and not -- not
14 associated with any one (1) mining development.

15 Now, as noted, the -- the economic
16 context is uncertain at that time, so we can't say with
17 any -- any level of certainty that, you know, 'X'
18 number of trades positions will transfer to this type
19 of an industry. We can, however, qualitatively note
20 that this is a transferrable benefit and a long-term
21 benefit from the project, something that can continue
22 on beyond the life of Jay.

23 So with that, I -- I know we're -- we're
24 crunched for time, so I've kind of gone through this a
25 bit quickly, but I think that we'll move on into the

1 O&A period and, again, focussing on some of our IR
2 responses, so thank you.

3

4 QUESTION PERIOD:

5 THE FACILITATOR: Thank you for that
6 presentation. My name is Bill Klassen. I would open
7 it up now to a discussion. We'll have the agenda on
8 the screen there shortly as to the topics that we'll be
9 discussing.

10 The purpose, as I've explained a couple
11 of times or more this week, is that what we're looking
12 in these technical sessions is for any clarification
13 that may be necessary of the responses that the
14 Developer has provided to the Information Requests that
15 were submitted to Dominion Diamond. So we are, as been
16 noted, a bit limited for time, so I would ask that you
17 keep your questions focused as much as possible on
18 these topics, and particularly any clarification that
19 you may need of the responses to the Information
20 Requests.

21 I would also remind you that as was
22 mentioned this morning the end of these sessions is not
23 the end of the process. There will be another round of
24 Information Requests which will allow you the
25 opportunity to get further clarification on any topics

1 that aren't clear at this point.

2 So we'd would open up for questions now
3 on these topics that are on the -- the screen behind
4 me. And we won't limit them strictly to the order in
5 which they appear there. So are there questions?
6 Peter...?

7 MR. PETER UNGER: Hi. Peter Unger,
8 Lutsel K'e Dene First Nation. I have a whole bunch of
9 questions but I'll try to keep them short and you can
10 just refer me to some reports because I'm sure there's
11 reports that I've missed.

12 The first one (1) is: In your
13 socioeconomic agreement there are fourteen (14)
14 indicators for community health and wellness. I
15 understand, and please correct me if I'm wrong, that
16 the GNWT is supposed to monitor these, and they're
17 supposed to meet with you annually to discuss how you
18 can improve upon these indicators in the -- the point-
19 of-hire communities. Can you either refer me to a
20 report that talks about the actions you've taken to
21 improve on these indicators, or just give me -- give me
22 some examples about some indicators that were slumping
23 and what you've done to address them? Thank you.

24

25 (BRIEF PAUSE)

1 MR. RICHARD BARGERY: Richard Bargery,
2 Dominion Diamond. Thanks -- thanks, Peter. I think
3 the most -- the most pertinent report, every year we
4 produce a socioeconomic agreement report that -- that's
5 published. We -- I think the most current one is -- is
6 2013; 2014 hopefully soon. And we also do, as you
7 mentioned, meet with the GNWT on an annual basis to
8 discuss our performance against the socioeconomic
9 agreement.

10 MR. PETER UNGER: Thanks for that. I -
11 - I have the report up here right now and, you know,
12 and forgive me for being really blunt, it's -- it's
13 very vague. It doesn't really give much in the way in
14 terms of any specific indicators, nor does it really
15 give any specifics on any of the actions. It just
16 mentions some initiatives that are supported.

17 Is there anywhere I -- I can get some
18 more detailed information on -- on your attempts to
19 address any of these indicators? Thank you.

20

21 (BRIEF PAUSE)

22

23 MR. RICHARD BARGERY: Richard Bargery,
24 Dominion Diamond. Thanks -- thanks again, Peter. I --
25 I can't refer to you -- refer you to a specific report.

1 I -- I think, you know, what I can say is if there's
2 specific questions on specific indicators and -- and
3 there may be something there that we can do and -- and
4 discuss, you know, we're always open to try to find
5 ways to improve how we address those -- those
6 indicators through -- through what we do on a -- on a
7 daily and -- basis, so.

8 MR. PETER UNGER: Thank you very much.
9 Peter Unger, LKDFN. So I don't want to waste
10 everyone's time right now, so I'm not going to go
11 through indicator by indicator. But, you know, some
12 examples of indicators are rates of high school
13 completion, number of communicable diseases, social
14 assistance cases, and so on. And I don't want to go
15 indicator by indicator right now and ask you how this -
16 - and ask the GNWT how this indicator is going and how
17 you've addressed it, and that's why I was hoping there
18 was somewhere that I could -- I could find that. Or is
19 there somewhere that you can -- do you have minutes
20 with your meetings from the GNWT that we could see? Or
21 is -- is there somewhere that I can get at it without
22 wasting everyone's time right now? Thank you.

23

24

(BRIEF PAUSE)

25

1 MS. GAELEEN MACPHERSON: Gaeleen
2 MacPherson, Dominion Diamond. I think, specifically to
3 -- to those points, Peter, we do -- we...

4

5 (BRIEF PAUSE)

6

7 MS. GAELEEN MACPHERSON: Sorry about
8 that. It's Gaeleen MacPherson, with Dominion Diamond.
9 I know one (1) of the questions in terms of -- of
10 reporting and -- and the improvement of reporting
11 against some of these -- these items that we're looking
12 at, in particular the fourteen (14) items that you were
13 referring to, in the socioeconomic reports every year
14 we -- we may not necessarily highlight the initiatives
15 that were undertaken to improve in every single area.
16 But there are initiatives that are referred to in the
17 socioeconomic reports that speak to specifically in
18 that year what we focused on in -- in moving us forward
19 in -- in some of those areas.

20 As you can imagine, I mean, to -- to
21 focus on fourteen (14) key areas every year and make
22 improvement in each of those areas would be difficult.
23 So what we try to do is systematically work towards an
24 understanding with the -- with the partners, whether
25 it's community members, whether it's the GNWT, to

1 identifv what some of the critical items are for that
2 vear and work towards achieving them.

3 So you may not see one (1) report that
4 highlights improvement in all of the areas every vear
5 but you will see in the socioeconomic reports, and you
6 will see again in -- in the 2014 one that's -- that's
7 coming up here soon what we've done in the past vear to
8 improve upon those areas.

9 MR. PETER UNGER: Peter Unger, LKDFN.
10 Thank you very much. Could -- could I suggest that in
11 the future maybe you do? I mean, I don't -- I don't
12 imagine that you're going to be able to improve in all
13 fourteen (14) every vear and address them all. That's
14 not what I'm looking for. But just so we have a better
15 idea on how these indicators are doing, that would be
16 really, really helpful, and how -- how you're
17 addressing them.

18 So it's the GNWT who monitors them, but
19 for us to see how you've received them and which ones
20 you're prioritizing, so, you know, talking about rates
21 of high school completion or number of potential vears
22 of life lost. And -- and that is what's in the
23 socioeconomic agreement, and that is kind of what --
24 the information that my community would -- would like
25 to see.

1 So right now, as the report stands, it's
2 hard to -- to discern which of these is being
3 addressed. So my suggestion or my request is that in
4 the future reports could you please refer to these
5 indicators.

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. Thanks. Thanks, Peter. I mean,
8 we're prepared to -- to entertain that suggestion on
9 how we can better link back to the indicators. We can
10 also, you know, have the discussion with -- with the
11 Government of the Northwest Territories. And I think
12 they're -- at some point, after the release of the
13 2014, perhaps there's an opportunity for a discussion
14 with -- with LKDNF as well directly on -- on some of
15 the things that you'd like to see.

16 MR. PETER UNGER: Peter Unger, LKDFN.
17 Thank you very much. I just have one (1) more question
18 on this topic, and then I'll -- I'll stop taking up
19 everyone's time.

20 On -- on slide 11, you -- you talked
21 about vulnerability. And the -- the mitigation
22 measure, I guess, is what you -- what you suggested for
23 that is that providing employment reduces
24 vulnerability. And you did specifically talk about
25 vulnerability to addiction. I, quite frankly, question

1 the idea that employment alone would challenge -- would
2 reduce vulnerability to addiction.

3 And you did mention that you have other
4 initiatives. Would you be able to describe those a
5 little bit to me, please? Thank you.

6

7 (BRIEF PAUSE)

8

9 MR. JESSE O'BRIEN: Thank you. Jesse
10 O'Brien, from Golder Associates. The slide does
11 identify, you're correct, the different categories of
12 vulnerability, and one (1) of those is susceptibility
13 to drug and alcohol issues. So the -- the points that
14 were on the slide, any -- anywhere where you saw a -- a
15 mitigation of any kind, that is only -- only one (1)
16 very small aspect of -- of what can be done.

17 So Dominion Diamond is doing other
18 things. And I will turn it over to their head of HR to
19 speak to that.

20 MS. GAELEEN MACPHERSON: Ms. Gaeleen
21 MacPherson, with Dominion Diamond. There are a number
22 of programs that we look at in terms of assisting
23 employees and -- and potential employees in -- in, you
24 know, dealing with -- with any personal or social
25 issues that they may be facing. In particular, for all

1 of our employees and their families, we do have an
2 employee family assistance program.

3 So that -- that program obviously is a
4 confidential service available to them that will assist
5 them in -- in helping to deal with -- with any personal
6 issues that they may have, whether it be addictions,
7 whether it be financial management situations, family
8 issues, or any of -- of those types of things.

9 What we've also strived to do, and I
10 think we've -- we've really done a good job of, is
11 getting out into the communities and -- and speaking to
12 high school students in particular, to talk to them
13 about the importance of -- of living a -- you know, an
14 alcohol and drug-free lifestyle and -- and the
15 importance of -- of that to not only obt -- obtaining
16 employment, but building long -- long-term careers in
17 the mines and -- and building a better life for them
18 and their families.

19 So those are -- those were a couple of -
20 - of things that -- that we focussed on. You know,
21 also in -- tied into that, you know, the -- the
22 financial component of -- of things is also -- has also
23 been touched on. And -- and we've introduced in
24 conjunction with the GNWT a Financial Literacy Program
25 that we work on offering up at the mine site and in the

1 communities.

2 So we are working with -- with outside
3 organizations as well to look at how best to address
4 these issues, not just as it relates to -- to our
5 project in particular, but collectively.

6 MR. PETER UNGER: Peter Unger, LKDFN.
7 Thank you. So in -- for example, in Lutsel K'e, Lutsel
8 K'e is committed to a sober, healthy lifestyle. That
9 is -- that is an official policy in Lutsel K'e. But
10 unfortunately, there are some members in the community
11 that still struggle with -- with addiction issues.

12 And in the community, generally the
13 community has noticed that it's -- it's kind of the
14 opposite. It's generally when money comes into the
15 community, this becomes more of an issue with some
16 members. So my -- and it's not always the employees
17 themselves. Money is shared very freely in the
18 community. So once someone gets some money, that
19 generally means a large number of other people also get
20 money.

21 My question is: Are you doing any work
22 in the communities above and beyond just talking to
23 high school students to help them deal with this?
24 Thank you.

25

1 (BRIEF PAUSE)

2

3 MR. RICHARD BARGERY: Richard Bargery,
4 Dominion Diamond. One (1) of the things, we -- we do
5 have a program that helps support community projects
6 and many of those projects related to -- or some of
7 those project at least are -- are related to trying to
8 address some of the issues, social issues, or other
9 types of issues in the communities.

10 Those usually come from the community as
11 proposals and -- and we evaluate them and then -- then
12 make -- make decisions on an annual basis to support
13 programs. There are many of those types of programs
14 that we've supported over the years, Peter, so I think
15 that's the gist of the question.

16 Obviously, you know, on an annual basis
17 we look at a number of these proposals and certainly if
18 there's something from Lutsel K'e, we've had numerous
19 discussions with Lutsel K'e about the types of
20 proposals that would -- would come forward in the -- in
21 the future, so.

22 MR. PETER UNGER: Thank you very much.

23 THE FACILITATOR: Thank you. It's Bill
24 Klassen. Are there other questions regarding responses
25 to Information Requests in this topic area? Ms.

1 Villebrun...?

2

3 (BRIEF PAUSE)

4

5 MS. NOELINE VILLEBRUN: Thank you.

6 Noeline Villebrun, Tthestonotine Dene. For some of you
7 that don't know the word 'Tthestonotine', that
8 identifies our tribe -- tribal name and our territory
9 at one (1) time, but that's who I am. And iust to
10 inform Dominion Diamond that we're Akaitcho people,
11 okay. Akaitcho is a name of a leader. And with the
12 assimilation and colonization and with the help of
13 Indian Affairs and government of the Northwest
14 Territories, we were broken apart and regions were
15 created.

16 So that's in a nutshell. But my issue,
17 I guess, and questions that I have have to do with,
18 number 1, I look at the report, and it's -- and it
19 talks about their agreement between the government of
20 the Northwest Territories in 1996, and that's almost
21 twenty (20) years later, so.

22 So I'm wondering why there hasn't been
23 an updated developers report based on the fact that
24 Dominion Diamond bought out the old BHP and is also 49
25 percent owner of Diavik Mine.

1 Am I correct?

2 MR. ELLIOT HOLLAND: Elliot Holland,
3 Dominion Diamond. We're a 40 percent owner of the
4 Diavik Mine.

5 MS. NOELINE VILLEBRUN: Okay, thanks.
6 I just -- I just heard about that. For some reason, I
7 didn't see that in the newspaper in the past, but
8 anyways. So that kind of helps me to see where you
9 guys are all involved in the mines and that, okay.

10 And the fact that this is a very old
11 report and that it doesn't reflect the current status,
12 I believe, being Dene and having lived in -- in the
13 North the majority of my life or other than when I left
14 the North for education purposes or due to marriage.

15 And I moved back in 1995. And from that
16 time forward -- from that point, I've been here, in the
17 North. And one (1) of the biggest issues that have
18 faced many of the Dene people is that the -- the
19 process of hiring Dene and the -- how Dene have been
20 discriminated, prejudicism (sic) shown to the Dene
21 workers, because these are what I had to help some of
22 the workers with that worked for your mines.

23 I've been a big advocate for the past I
24 don't know how many years, the first development of the
25 pipeline. I was trained as a Dene woman on that

1 pipeline. I was one (1) of the first hundred and
2 twenty (120) that was trained to -- to work.

3 And, yeah, being -- being on -- being a
4 woman was very difficult to work in a nontraditional
5 job, believe you me. And I worked pipeline for a few
6 years across Alberta on major projects, so, yeah, I --
7 I do have a good idea of what I'm talking about. And
8 plus I had the opportunity to, I guess, from 2003 to
9 2006, sit as a Dene national chief of the Northwest
10 Territories. And in that capacity, I was able to
11 bridge some gaps between industry, the government,
12 which includes the Public Service Alliance of Canada,
13 where I help implement traditional knowledge language
14 into the collective agreement. And this is what we're
15 trying to establish with the mines.

16 Now, in 2010, I was hired by Mine
17 Training Society to run and coordinate the underground
18 mine training program, which I did for the year. And
19 during my time there I was -- I seen a lot of things
20 that did need improving. And one (1) of them was we
21 had at that time put through six hundred (600) Dene
22 mine -- by then I guess they had their certificates.
23 So they were trained miners, underground miners. We
24 had a figure of about six hundred (600). And we only
25 had about a hundred working in the workforce, you know,

1 underground.

2 And, you know, when -- for people like
3 myself who've been, you know -- and understands
4 development and contracts, and when contractors or
5 developers want to come to the North, there is an
6 agreement that they would hire Dene first, contractors,
7 suppliers. And I do see that happening in your
8 agreements. But what I do find happening in the
9 communities up and down the Mackenzie is based on these
10 contracts and sometimes how it's given, if it's, you
11 know, based on nepotism or favouritism, you know, that
12 leaves room for corruption. And we have a history here
13 in the Northwest Territories of corrupt processes. And
14 this is where I see a lot of vulnerability.

15 Now, I'm just wondering what the
16 Government of the Northwest Territories and the mines
17 are going to do to, number one, come up with a current
18 Developer's Assessment Report that reflects the current
19 figures today. I think that should be done. I think
20 that'll show, you know, that there -- you guys are
21 working towards the changes. Because, you know, when I
22 see figures like 46 percent of thirty-five hundred
23 (3,500) individuals employed by the NWT mines actually
24 live in the Northwest Territories, well, there's like
25 54 percent that are hired from the South.

1 And, you know, there are a lot of Dene
2 workers that are at home unemployed, or do have the
3 training but do not meet the criteria of the mine. And
4 a lot of it, you know, the education system -- like,
5 for many years before all of this criteria came, you
6 know, a lot of our workers in the past were hired based
7 on -- on knowledge and skills. But all that has
8 changed. And I understand safety, and I understand the
9 health of the workers.

10 But in the same token I don't think the
11 jobs that may be created in that may not, you know, be
12 reflective of the Dene per se. Because when you say,
13 "Northerner," that means civilians. And I don't
14 consider myself a civilian. I'm sorry to say that.
15 I'm not a civilian in my own territory. I'm a tribal,
16 sovereign, Dene woman. I didn't immigrate here to this
17 land. My ancestors have always been here. And now
18 that I have grandchildren I know that my bloodline is
19 going to be here forever as long as we do not destroy
20 what we have here already.

21 You know, it's like I was reminded by an
22 Elder in -- in our language. And basically, they said:
23 The earth is what we all have in common. We cannot
24 damage it without damaging those whom we share it with.
25 So whether it's the animals, the fish, the land, the

1 water, and especially the people.

2 You all have to understand the damage
3 that was created by development. And when you sit here
4 and you talk about, you know, drugs and alcohol and the
5 impacts, well, it's not just because of the mine, it's
6 long term. But those impacts are choices. When we
7 choose, we choose to drink. It's -- like anything we
8 do, we choose at the end. We choose as individuals.

9 And I just want to point out to the
10 mines and to the government people that there -- there
11 are a lot of Dene people who do not drink today, who
12 choose not to drink because it does create barriers on
13 the family. We know that.

14 But it's you government people that
15 allow the alcohol to be sold in these communities
16 because you all have the freedom of choice, just like
17 we do. But it's like putting something in front of
18 somebody and saying, here. And that's how I look at
19 it.

20 THE FACILITATOR: Mrs. Villebrun, I
21 wonder if I could ask you to pause just there. You
22 asked a question of Dominion Diamonds and government
23 regarding when will they develop a socioeconomic
24 agreement with current figures. So I wonder if I might
25 ask for a response to that question, and then you may

1 continue. Is there someone to speak to that from the
2 Government of the Northwest Territories, as well as
3 Richard on behalf of Dominion Diamonds?

4 MR. RICHARD BARGER: Rich -- Richard -
5 - Richard Barger, Dominion Diamond. So thank you,
6 Noeline. There were actually quite a few issues raised
7 there, so I just want to speak a little bit about --
8 about some of the things Dominion has done -- is doing.

9 But first, on the socioeconomic
10 agreement, when Dominion purchased Ekati in 2013, one
11 (1) of the things that we agreed at that time was that
12 we would honour the agreements that were in place, the
13 socioeconomic agreement, the IBA agreements, the
14 environmental agreement under which IEMA is
15 established, those kinds of agreements. And -- and I
16 think we have on record, particularly with the
17 socioeconomic agreement on the public registry, I
18 believe some letters confirming that we -- you know,
19 the -- the socioeconomic agreement would -- would be in
20 place for the life of -- of the Jay project.

21 There -- Noeline, you had raised a lot
22 of I think very good issues with respect to, you know,
23 a northern Aboriginal workforce working at -- at mines
24 and -- and perhaps things that haven't occurred in the
25 past. I can tell you on behalf of Dominion Diamond

1 that we are committed to hiring northerners, to hiring
2 Aboriginal northerners, at meeting our -- our
3 obligations under the socioeconomic agreement. And we
4 worked hard to do that. I'm very proud to work for a
5 company that -- that is committed to -- to creating a
6 northern workforce.

7 Our numbers have increased and are
8 increasing. You know, we now have directly three
9 hundred (300) and -- three hundred and thirty-eight
10 (338) Aboriginal employees working for Ekati. If you
11 add in our contractors, those numbers are well over
12 four hundred and fifty (450).

13 In terms of northerners, both Aboriginal
14 and non-Aboriginal northerners, it's about five hundred
15 and fifty (550) direct, and over eight hundred (800) if
16 you add in the contractors. So those percentages
17 overall are about 62 percent northern for our direct
18 workforce, 38 percent for our Aboriginal workforce.

19 So, you know, these are things that --
20 that we are committed as a northern mining company
21 headquartered in Yellowknife with a senior management
22 team that lives here. And I think you will see and --
23 and we'll probably talk about some of the initiatives
24 that we've taken since we purchased Ekati to -- to make
25 that -- make that happen over the course of the

1 afternoon.

2 So I don't want to go on too long.

3 We'll talk a little bit about this later on perhaps IN
4 answer some specific questions. Elliot and Gaeleen and
5 Bob O. can -- can speak to some of the -- some of the
6 specific things that we've done and some of the
7 discussions that we've had with communities over the
8 past -- the past two (2) years on this. But I -- I
9 think there was -- this was also posed to the GNWT, so
10 I'll let them -- let them also respond to the specific
11 question on the socioeconomic agreement.

12 THE FACILITATOR: Please.

13 MS. DEBORAH ARCHIBALD: Deborah
14 Archibald, with Government of the Northwest
15 Territories. As Mr. Bargerv said, the socioeconomic
16 agreement is -- is for the life -- life of the mine, so
17 the -- we would not be able to update it. How --
18 however, having said that, the socioeconomic agreement
19 does set up mechanisms by -- by which Dominion Diamond
20 Corp. does annual reporting which we've already talked
21 about. So they -- they report on their -- on their
22 numbers, whether it's employment or -- or pro --
23 procurement.

24 The Government of the Northwest
25 Territories also produces the communities and diamonds

1 report, reporting on the number of the indicators. And
2 we do -- we do meet with communities to ensure that
3 these indicators are reported on and are reflective of
4 the community's interest. So if a community is
5 interested in a particular indicator and it's not
6 captured by communities and diamonds, we could add it
7 into the communities and diamonds.

8 So -- so although the socioeconomic
9 agreement dates back to 1996, it does set up a
10 framework on which we can annually report on numbers
11 and -- and initiatives. Thank you.

12 THE FACILITATOR: Thank you. It's Bill
13 Klassen. Mrs. Villebrun, based on your experience, do
14 you have more questions in this topic area?

15 MS. NOELINE VILLEBRUN: Noeline
16 Villebrun. To the Government of the Northwest
17 Territories: Regarding the child welfare issues and
18 keeping families together, what has the government done
19 to promote keeping the children in the communities
20 instead of contracting them out to foster homes and the
21 -- and -- and keeping the families together?

22 MR. DEREK RAINS: Thanks. Derek Rains,
23 Health and Social Services. The Department in the last
24 year has just laid out the groundwork for a new way
25 forward and how we're going to Child and Family

1 Services. The action plan's on our website. It's --
2 it lays out what we're going to be doing.

3 Most specifically to your question about
4 how we're going to try and keep families together.
5 Sorry, I should remember the terminology. There's a
6 decision differential model they'll be using to drive
7 it. It's laid out in the action plan, and it'll give
8 people in the ground in the communities more tools to
9 make better decisions on how -- how and when to make
10 those decisions that are really hard decisions.

11 And, yeah, that -- that's the model that
12 we'll be going forward with to try and help make those
13 decisions.

14 THE FACILITATOR: Mrs. Villebrun, I
15 recognize, as was reported in the presentation, that
16 employment two (2) weeks in, two (2) weeks out, does
17 create stresses on families, but I would ask that we
18 keep the questions focused on what the effects of this
19 project may be. I recognize that there are people here
20 from the government who can answer broader questions,
21 but in the interest of the purpose for these sessions,
22 I would remind everyone to try and keep their questions
23 focused on what the effects of this expansion of Ekati
24 may be, please.

25 MS. NOELINE VILLEBRUN: Thank you. I

1 don't have any other questions but just a comment regard
2 -- regarding this agreement. I look at honouring a
3 contract totally different than you would, per se,
4 because, you know, being a grandmother and -- and
5 having -- and I am from this territory, there's a lot
6 of impacts that -- that we are facing that is not, you
7 know, discussed, and it seems like when we do have an
8 opportunity there's rules. And I think this is why our
9 Elders in the past have such a hard time trying to, you
10 know, deal with our issues.

11 And the thing is, I am a descendant from
12 the first impact. So are many of you that are Dene
13 here. So it's not just a shut, you know, and closed
14 case. It's ongoing. Why? Because it's people like
15 myself who have been affected and impacted by
16 development, by Indian Affairs, by the Government of
17 the Northwest Territories, and I don't want that to
18 happen in the future. Literally.

19 So this is why I keep coming to the
20 table, and whether some of you like it or not I'm going
21 to keep coming back. Because I have a responsibility,
22 not just to my family, but to the land, to the water,
23 and to the ones that can't speak, and to my ancestors
24 that have passed on and that suffered because of
25 development and because of you guys. Just like this

1 scenario, sitting around making decisions for us into
2 the future. Well, I'm now into the future. And I do
3 have an education and I do have a comprehension level
4 that I do have an understanding. And this is why I
5 keep coming back to the table. Thank you.

6 THE FACILITATOR: Thank you. I think
7 there's a general appreciation of the experience and
8 knowledge that you bring, Mrs. Villebrun. And so I
9 want to say thank you for your questions.

10 Are there other questions? Todd...?

11 MR. TODD SLACK: Todd Slack, with the
12 Yellowknives. There we go. And I have a host of
13 questions, so please do interrupt for anyone else and
14 it'll help me with the opportunity to focus. I -- I
15 guess the first thing is that we'll take advantage of
16 Ms. Archibald's comment just a minute ago, and we'll
17 ask the question. So, yes, there is a socioeconomic
18 agreement and, yes, there is a mechanism for reporting.

19 But can the GNWT tell us how many years
20 the project has been in compliance, and specifically
21 what consequences or measures the government has
22 imposed to ensure that future compliance is going to
23 happen?

24 THE FACILITATOR: Thank you for the
25 question. Who will respond to that?

1 MS. DEBORAH ARCHIBALD: I will.

2 THE FACILITATOR: Thank you. Could you
3 give us your name?

4

5 (BRIEF PAUSE)

6

7 MS. DEBORAH ARCHIBALD: Deborah
8 Archibald, for the Government of the Northwest
9 Territories. Dominion -- Dominion Diamonds provided
10 the information on compliance and meeting -- meeting
11 their commitments in their -- in their presentation,
12 and we can confirm that -- that this is -- is correct.
13 So that information is currently available.

14 To the second question of what are we
15 doing in the cases where they're not making their
16 commitments, we are -- we do meet with Dominion on an
17 annual basis, generally after their annual report has
18 been produced so that we have information and data to -
19 - to speak to and -- and to discuss with them. There
20 are a number of areas where DD -- DDEC (sic) has -- has
21 taken to address some of the -- some of those areas
22 where they're not -- not meeting their -- not meeting
23 commitments.

24 So, for instance, we've seen positive
25 changes made by DDC since taking on ownership of the

1 Ekati project, specifically the decision to cancel the
2 Edmonton jet service for southern based employees
3 aligns with SEA commitments and is a measure that DDEC
4 has taken to bring themselves into compliance. We do
5 acknowledge that DDEC has one -- only been the owner of
6 the Ekati mine for two (2) years.

7 And so we -- you know, the socioeconomic
8 agreement really -- really sets up a -- a framework for
9 a collaboration on those -- on achieving those
10 commitments. The -- the GNWT has also taken on a
11 number of initiatives on -- on its own to assist in --
12 in meeting those commitments. Thank you.

13 THE FACILITATOR: Thank you. It's Bill
14 Klassen. Todd, you indicated you had more questions?

15 MR. TODD SLACK: Just if I might ask a
16 follow-up on that. If we can ask what slide the -- she
17 was referring to in the presentation and if we could
18 get that on the screen, maybe we could just have a
19 look.

20

21 (BRIEF PAUSE)

22

23 MR. TODD SLACK: I think there's some
24 agreement on which one that was. So while that's
25 happening --

1 THE FACILITATOR: Yeah, it's slide
2 number 8. And as soon as we have it on the screen,
3 I'll ask for the lights to be dimmed.

4

5 (BRIEF PAUSE)

6

7 MR. TODD SLACK: The -- the response
8 there noted that there was minutes -- or that there was
9 a number of meetings on these past socioeconomic
10 agreements. And I'm wondering if we can have those
11 filed to the registry to see both what the suggestions
12 were in terms of improving compliance and what the pick
13 up on that has been over history?

14

15 (BRIEF PAUSE)

16

17 MS. DEBORAH ARCHIBALD: Deborah
18 Archibald, with the Government of the Northwest
19 Territories. We -- we meet with them annually. We did
20 not indicate that there are meeting minutes.

21 MR. TODD SLACK: It's Todd Slack, with
22 the Yellowknives. Are there meeting minutes?

23

24 (BRIEF PAUSE)

25

1 MS. DEBORAH ARCHIBALD: I think --
2 we'll ask DDEC to address that first.

3 MR. RICHARD BARGERY: Richard Bargery,
4 Dominion Diamond. As far as I understand, I don't
5 think there's any formal meeting minute -- minutes. We
6 may have notes from the meetings, but -- but no formal
7 meeting minutes. Is that -- I think that's -- that's
8 our understanding anyway. I don't recall ever seeing
9 any personally.

10 MS. DEBORAH ARCHIBALD: That -- that's
11 correct. There are not -- not formal meeting minutes.

12 MR. TODD SLACK: Okay. Todd Slack,
13 with the Yellowknives. Okay. So you -- you mentioned
14 that the GNWT had undertaken a number of initiatives to
15 improve the rate of hiring -- or the rate of Northern
16 participation.

17 Can you give us -- and I'd be happy to
18 take this as an initiative -- or as a -- pardon me, a -
19 - a follow-up, because it's a bit of a broad answer,
20 some description of what these initiatives have been
21 and what the sort of advocacy of -- of them, whether
22 you're seeing real results out of that.

23

24 (BRIEF PAUSE)

25

1 MR. DANA HEIDE: Thank you. Thank you.
2 Dana Heide, Education, Culture, and Employment. We'll
3 talk a bit about identification of skilled labour being
4 able to move into mining jobs or into applying for
5 work.

6 We have taken the track of two (2) fold.
7 The first is from the K-to-12 area we have looked at
8 changing our program curriculum. And this is all
9 available online on the GNWT website. We have
10 implemented a framework and an action plan that will
11 address both the attendance issues with attending
12 school and encouraging children to attend school K-to-
13 12.

14 But also, a two (2) track process that
15 will that will look at not only an academic stream
16 towards graduation, but also one (1) that will give
17 exposure to the trades and credit for working within
18 the trades for high school.

19 Secondly, we are moving forward under a
20 skills for success initiative, which is also available
21 online, and looking at what are the labour market needs
22 by occupation code. So we're looking not only across
23 the mining sector, but across all the sectors in the
24 industry and looking at where the skill gaps lay. What
25 we're learning is there is a -- a gap between the jobs

1 that are available and will be coming available and the
2 skills in the community. And we're moving forward to
3 address that in partnership partly with the Mine
4 Training Society, partly with Aurora College, partly
5 with Dechinta.

6 And we're moving forward on creating an
7 educated, skilled workforce that has the ability and
8 the -- the skills to be able to attend to jobs that are
9 available, both in the mining sector and across
10 government.

11 THE FACILITATOR: Thank you. Todd...?

12 MR. TODD SLACK: It's Todd Slack, with
13 the Yellowknives. And recognizing that those are
14 rather broad, do you expect those to -- to pay off in
15 the near term and we can start to see that the Northern
16 participation rate at this mine and hopefully at other
17 mines will be met?

18 MR. DANA HEIDE: As you noted, those
19 initiatives are broad. And social change within
20 schools is slow in -- in happening. We're already
21 seeing a slight increase around graduation rates out of
22 high schools.

23 But when we're starting with low
24 attendance, when we're starting with basic needs of
25 children not being well met at kindergarten level, it's

1 going to take some time to see broad improvement at the
2 graduation of grade 12.

3 We're seeing now by our own assessments
4 that children outside the major centres, 50 percent are
5 arriving at kindergarten with deficits in learning, 38
6 percent are arriving in major centres like Yellowknife
7 with deficits in learning. And that -- compared to the
8 Canadian national level, that's a real hard item to
9 overcome just by twelve (12) years of school.

10 THE FACILITATOR: Thank you. Just for
11 the record, I'm Bill Klassen, and the person who just
12 finished speaking is Dana Heide.

13 MR. DANA HEIDE: My apologies.

14 THE FACILITATOR: I think we'll take a
15 break. It's three o'clock. Actually, it's 2:58.
16 We'll break for ten (10) minutes and then we'll come
17 back.

18

19 --- Upon recessing at 2:58 p.m.

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

21

22 THE FACILITATOR: We will continue with
23 questions from Todd Slack.

24 MR. TODD SLACK: Todd Slack, with the
25 Yellowknives. We -- we heard about the -- the

1 education or the changes in the education. And, you
2 know, we're always optimistic that that's going to
3 improve.

4 One (1) of the other initiatives that
5 was suggested was the -- the change in the flights from
6 the south and the -- the jet pick-up points. Was this
7 a result of a GNWT initiative?

8 MS. DEBORAH ARCHIBALD: No. Deborah
9 Archibald, GNWT. No, it was not. It was at the sole
10 initiative of DDEC. Thank you.

11 MR. TODD SLACK: Okay. Todd Slack,
12 with the Yellowknives. So what -- we don't know what's
13 happening at these meetings, what initiatives are being
14 -- or what mitigations are being suggested. We don't
15 know what the responses are. But what we do know is
16 that the -- the promises in the socioeconomic agreement
17 haven't been fully fulfilled.

18 So for the communities here, where
19 exactly is the connection between the monitoring or the
20 reporting and management actions or corrective measures
21 on behalf of the government?

22

23 (BRIEF PAUSE)

24

25 MS. DEBORAH ARCHIBALD: Deborah

1 Archibald, GNWT. One (1) -- one (1) additional element
2 that I -- I mentioned before, in addition to the
3 meeting and the annual reporting, we also meet with --
4 with communities, ourselves and -- and DDEC, to report
5 back -- back to them. Thank you.

6 MR. TODD SLACK: I guess that then bears
7 the question: Are -- it's Todd Slack, with the
8 Yellowknives. Are there meeting notes or meeting
9 minutes from those meetings that are available where we
10 can see the community responses, the community's
11 suggestions, and the government responses, and whether
12 any of those actions have been implemented?

13 MS. DEBORAH ARCHIBALD: Deborah
14 Archibald, GNWT. As of yet, that has not been
15 requested of the community, so we have not done that.
16 Thank you.

17 MR. TODD SLACK: Okay. Last question,
18 I think. It's Todd Slack, with the Yellowknives. So
19 we have this monitoring information, but there doesn't
20 see -- there -- is there any information that can tell
21 us -- any other information, I guess, that can tell us
22 what measures the government have enacted?
23 Notwithstanding the -- the changes in the education in
24 the schools, is there anything else that -- where we
25 can look and say, Hey, the government's trying, the

1 government is pushing the companies to do better?

2 And if so, where can we find this, and
3 can the GNWT put it on the record?

4 MS. DEBORAH ARCHIBALD: Through --
5 Deborah Archibald, GNWT. Through our -- our meetings
6 with -- with communities we, as an example, take on
7 additional indicators that -- that appear in our
8 "Communities and Diamonds" report, and that -- that is
9 an example of reporting. Thank you.

10 MR. TODD SLACK: It's Todd Slack, with
11 the Yellowknives. Can you provide us an example of
12 where -- or examples of additional indicators that the
13 government has taken on and when that -- when that was
14 and in response to what community concerns during what
15 year?

16

17 (BRIEF PAUSE)

18

19 MS. DEBORAH ARCHIBALD: The -- Deborah
20 Archibald, GNWT. The indicator which appears in
21 "Communities and Diamonds" on hunting and trapping is
22 one (1) that we have added at -- at the result -- or as
23 a result of discussions with communities. I don't have
24 the information right at my fingertips on which
25 community and which year. Thank you.

1 MR. TODD SLACK: It's Todd Slack. I'm
2 iust wondering, can you provide the -- the genesi -- or
3 what -- at what meeting and what communities that was
4 originated in?

5 MS. DEBORAH ARCHIBALD: Deborah
6 Archibald, GNWT. It was actually at the request of --
7 of more than -- more then one (1) -- one (1) community,
8 so I can't point to a specific community. Thank you.

9 MR. TODD SLACK: Okay, I'll move on.
10 It's Todd Slack, with the Yellowknives. We asked the
11 question about compliance to the GNWT as part of --
12 it's entitled, "YKDFN-17."

13 I'm wondering if the Project has
14 reviewed the other IR responses that were provided as
15 part of this process?

16 MR. RICHARD BARGERY: Ri -- Richard
17 Bargery, Dominion Diamond. The -- sorry, the -- the --
18 Todd, iust to be clear, the -- the responses from other
19 parties to your IRs. Is that -- is that what you're
20 asking?

21 MR. TODD SLACK: So the GNWT responded
22 in IR-17. And sorry, I can ask it in a more direct
23 manner. Thanks, Richard. And in IR-08 the Company
24 provided the same table.

25 And I'm wondering if the GNWT has

1 reviewed these and has noted that they provide
2 different responses?

3 MR. RICHARD BARGERY: I -- I think that
4 was to the GNWT, but... So we can follow, just can you
5 -- is there a specific indicator though that -- just so
6 we can -- we can follow that?

7 MR. TODD SLACK: The -- well, I'm -- I
8 -- I was first looking to make sure that the GNWT had
9 reviewed both of them, but I'll ask the question
10 presuming that they have. And in the GNWT response to
11 YKDFN they note that the compliance has been quite a
12 bit better in parts than the -- than the project notes.

13 And I'm guessing that the question is:
14 Notwithstanding slide 8, where the Company presents its
15 point of view, what does GNWT consider the record of
16 compliance for the socioeconomic agreement to be?

17 MS. DEBORAH ARCHIBALD: Deborah
18 Archibald, GNWT. The -- there are a number -- a number
19 of elements within the -- within the agreement if -- if
20 Mr. Slack could point to one (1) in -- in particular.
21 Thank you.

22 MR. TODD SLACK: Sure. Todd Slack,
23 with the Yellowknives. In IR-17 the GNWT -- it only
24 refers to Northern partici -- participation rates in
25 terms of person years of employment. And I believe

1 that the difference is that the Project acknowledges
2 that the contractors have a significant influence on
3 the -- their ability to meet the promises that they've
4 met. However, GNWT does not seem to recognize this.

5 So the question is: We've seen what the
6 Company has presented in their slide, but what does the
7 GNWT consider the historical -- the historical rate
8 that the -- that Ekati has met their promises with
9 respect to this item? And the two (2) IRs for
10 comparison are YKDFN IR-8 in which the Company responds
11 to us, and IR-17 in which the GNWT responds to us.

12 MS. DEBORAH ARCHIBALD: Deborah
13 Archibald, GNWT. We did respond in -- to YKDFN-17 and
14 indicated in the green highlight where the Company has,
15 in our view, met the -- met the target. Having said
16 that, you know, we acknowledge that, as -- as does
17 DDEC, that there were some years where the targets
18 weren't met. And that in part has to do with the --
19 the contractor -- the -- the use of -- the use of
20 contractors.

21 But having said that, the -- the
22 socioeconomic agreement really sets up a framework
23 where the parties to the agreement can work together in
24 adaptive management on -- on continual improvement in
25 all -- all elements of the socioeconomic agreement.

1 Thank you.

2 MR. TODD SLACK: Thanks for that. And
3 as my final question on this, yes, the idea is that
4 you're responding to the monitoring and you are
5 adaptively managing. But I -- I just don't see any
6 evidence of that.

7 Can you point us to any -- just one (1)
8 last chance. Like, is there anything we can look at
9 where we're going to see this?

10 MS. DEBORAH ARCHIBALD: As -- as I said
11 it -- it -- the soc -- Deborah Archibald, GNWT. The --
12 the socioeconomic agreement sets up the opportunity for
13 the annual meeting -- the annual reporting by DDEC and
14 the annual meeting with -- with DDEC. Those -- that --
15 that is what the agreement provides for. Thank you.

16 MR. RICHARD BARGERY: It's Richard
17 Bargery, Dominion Diamond. I -- I wonder if I could
18 just jump in here just a little bit in terms of the
19 Company and particularly from Dominion's perspective?
20 I can't -- obvious -- I can't speak to the pre-2013
21 years. I mean, I can speak from our experience over
22 the last two (2) years in which the GNWT has asked us
23 to pre -- to improve our performance against the
24 socioeconomic agreement at -- at our annual meetings
25 and -- and at other discussion that we've had with them

1 over -- over time.

2 I understand Todd's point about where
3 are the measures and where are the -- where can that be
4 shown. And -- and perhaps that's a -- that's a good
5 point going forward for -- for all of us to take. But
6 I just wanted to speak from -- you know, from the
7 Company's perspective and the types of things that --
8 that we've implemented to be able to -- to meet our
9 obligations under the socioeconomic agreement,
10 partially out of -- out of what we believe that we
11 should be doing and partially, you know, out of -- out
12 of some of the things that we've heard from our
13 partners including the GNWT at our various meetings.

14 So the -- we did talk about the, you
15 know, the fact that as of June 1st people will have to
16 make themselves to fly point communities in the North
17 and be able to fly to -- to the mine. I think that's
18 an important -- that's an important initiative taken by
19 the Company that meets the obligations under the
20 socioeconomic agreement.

21 The 2014 numbers will -- will soon come
22 out on employment. And I think you'll see an
23 improvement in -- in many areas for -- for -- Dominion
24 Diamond will meet our commitments for employment, for
25 direct employment at least, for Northern and

1 Aboriginal. In -- in 2014, we still have issues or --
2 or we still are not fully meeting our -- our goals for
3 contractors, but we are doing some things to -- to
4 address that issue. Of course, when we bought the
5 company many of our contracts are -- are multi-year
6 contracts. So they come -- they come due -- they're
7 not -- not necessarily annualized contracts, so we're
8 working with our contractors, either incumbent
9 contractors or new contractors to put in incentives to
10 ensure more Northern employment so we can meet our --
11 our target.

12 So these are the kinds of things that
13 we're trying to do based on discussions with our --
14 with our sta -- stakeholders, including, as I said, the
15 GNWT through the annual socioeconomic agreement.

16 At some point I'm sure we'll be talking
17 about the Jay project and -- and what we're planning
18 there, but, you know, we've met with -- with many of
19 the business arms, for example, of -- of impacted
20 communities to talk about what the opportunities are
21 that will come from the Jay project, how we get ready
22 for that, and how those contracting opportunities will
23 go -- will be available for -- for Northern contractor.

24 And Elliott, my boss, has been very
25 active in -- in having those meetings, explaining the

1 opportunities and getting -- starting to get companies
2 ready for the opportunity when it comes, hopefully when
3 it comes I should say, given the -- these pro -- these
4 proceedings.

5 So those are the kinds of things as a
6 company, you know, we're committed to. I don't,
7 Elliot, if you wanted to sort of add to that?

8 MR. ELLIOT HOLLAND: Yeah. Thanks,
9 Rick. Elliot Holland, Dominion Diamond. You know, as
10 -- as Rick says, as we get ready for the -- for the Jav
11 project there'll -- there's been quite a bit of
12 preparation from our side in terms of -- in terms of
13 meeting the key commitments of the SEA both in terms of
14 employment and -- and in terms of contracting.

15 You know, on the -- on the contracting
16 side, you know, we're going to need -- we're going to
17 need a lot of heavy construction services. You know,
18 we've met with -- with IBA-affiliated businesses,
19 including businesses affiliated with the YK Dene, talk
20 about opportunities there. Many of the materials, such
21 as cement, bentonite, labour hire services, those are -
22 - those are things that -- where we've -- we've opened
23 up those opportunities.

24 And then going back to the -- to the
25 hiring side, I mean, we talked a number of times about

1 the flights, but we've looked at things like accepting
2 paper applications for employment, reinstating our
3 adult educator position, emphasizing, you know,
4 priority hiring of Aboriginals and Northern Aboriginals
5 for entry level roles.

6 Now, you know, do we have record of, you
7 know, the specific meeting when GNWT told us to -- to,
8 you know, do that specific thing? No, but, you know,
9 we certainly take direction from -- from them, as well
10 as from the communities on the -- the kinds of things
11 that they'd like to see. And then we -- we take that
12 into account as -- as we design the -- the specific
13 measures.

14 So I -- I hope that gives some sense of
15 the -- the breadth and -- and depth of things that
16 we're doing to make sure that the Jav project comes
17 online with the best possible benefits to -- to
18 affected communities. Thanks.

19 MR. TODD SLACK: It's Todd, with the
20 Yellowknives. No, thank you very much for that. And I
21 would like to turn to the Jav project. And our focus
22 here is not about when you are meeting your
23 commitments. It's -- it's about what happens when
24 projects don't meet their commitments. Because I, you
25 know, you guys say, Well, I'll -- great. If it is, you

1 won't have to hear from me anymore.

2 So I guess the first question is I --
3 I'd like to pick up on what Peter was asking. And I'm
4 wondering if the Company would be willing to file
5 something that outlines what the commitments are so
6 that there's a record as part of the environmental
7 assessment process, so that in five (5) years the poor
8 folks who have to go through this, they don't have to
9 go through thousands of pages of testimony. And this
10 could be incorporated as one (1) of the commitments
11 that's recognized as part of the EA.

12 Would -- are you guys okay with that
13 idea?

14

15 (BRIEF PAUSE)

16

17 MR. RICHARD BARGERY: Richard Bargery,
18 Dominion Diamond. So our -- our commitments are --
19 are, you know, in the -- in the socioeconomic agreement
20 we have a -- a letter on file. I -- I -- sorry, Todd,
21 I -- I don't recall exactly when I sent this, but I
22 think it was -- I think last fall, stating that -- that
23 the -- that agreement would -- would, you know,
24 encompass the -- the full life of the Jay project. So
25 I guess that is the -- that is the commitment, the

1 socioeconomic agreement.

2 MR. TODD SLACK: Sorry. Thanks. And
3 just to clarify, 'cause obviously I didn't. This
4 wasn't particularly about the socioeconomic agreement,
5 that's not in doubt, but rather the community-level
6 initiatives that you're talking about. And we'll --
7 we'll come to them in a second in terms -- like --
8 aimed at whatever programs you're providing to improve
9 community strength, community wellness, things along
10 those lines that aren't actually part of the SEA but
11 you guys have written up, and to get them in a single
12 place and filed would be very useful for the future.
13 Yeah. And so that's -- that's what the ask is.

14

15 (BRIEF PAUSE)

16

17 MR. RICHARD BARGERY: Sorry. Richard
18 Bargery, Dominion Diamond. We do do a lot of things in
19 communities, as -- as you point out. We've listed some
20 of those in the DAR. Those change over time, you know,
21 based on proposals from communities. So it -- it's
22 hard to -- to say there's a list and -- and this is the
23 list.

24 The other point that I'd make is many of
25 the -- many of the things that we do originate from --

1 from IBAs that are confidential agreements that we have
2 with -- with affected -- with impacted communities. So
3 obviously, you know, that's -- that's a -- those are
4 confidential processes, but those agreements would also
5 live -- our view is that those agreements live for the
6 life of the -- the project as well.

7 So a list that you're asking for such as
8 that, it's hard to put one together that -- that will
9 live for the full course of -- of the Jay project
10 because we're -- it's -- it's something that we discuss
11 with communities on a regular and annual basis. And
12 those things change as -- you know, as -- as community
13 priorities change or communities' needs change in -- in
14 what we support.

15 MR. TODD SLACK: Okay. Well, we'll
16 have to pursue that more in the future.

17 Okay. So I guess I'll turn to IR-14
18 from the Yellowknives, number 4. And it's on page
19 1,475:

20 "The project suggests the northern
21 participation rate for this pro --
22 for Jay in 2021 will be 55 percent."

23 There is a response provided, but it
24 doesn't particularly provide an answer as to why it's
25 going to take so long and what -- what the project is

1 going to do in the interim when they aren't meeting
2 their commitment.

3

4 (BRIEF PAUSE)

5

6 MR. RICHARD BARGERY: It's Richard
7 Bargery, Dominion Diamond. Sorry, we're just trying to
8 get the reference and -- and yeah, just one (1) second.

9

10 (BRIEF PAUSE)

11

12 MR. GRAEME CLINTON: Graeme Clinton,
13 with Impact Economics. As usual, it's a complex
14 question. The -- the -- your question is about -- is -
15 - the way we approach it is to -- to look at the labour
16 market from a macro perspective, what's going on in the
17 -- in the entire economy at that time, in particular,
18 what -- what's going on in the economy in the period
19 that -- that -- leading up to 2021, when Jay project
20 comes online.

21 So it's important to understand that the
22 period between 2016 and -- and 2020 is a period in
23 which there'll be a high demand for labour in -- in the
24 NWT economy, in particular through the construction of
25 the Jay project, the construction of A21, ongoing

1 development activities at Ekati, and -- and of course
2 the Gahcho Kue coming onto -- coming into operation.

3 So there's a period in which the amount
4 -- the -- the demand for labour will -- will reach
5 record highs in -- in the territory and -- and our
6 ability -- the NWT's labour market ability to meet
7 those demands will be stretched. But what you'll --
8 but what you see is -- is that the percentage of NWT
9 labour force participation during that period will go
10 down, but the absolute number, so the actual -- the
11 number of people being employed by the -- the larger
12 mining sector will actually go up. And likely it'll
13 peak, I think, in 2018, and it'll exceed the -- the
14 previous record which is set in 2005.

15 So the period following that, from 2020
16 and onwards, and particularly through -- from 2020 to
17 2023, there -- there is a period in which the -- the
18 overall labour demand starts to diminish. And what --
19 what happens is -- is the percentage of labour force
20 participation in the mining industry will go up but the
21 absolute number will go down in that case, right.

22 So it's -- it's -- if you're just
23 looking at percentages you get into this sort of game
24 of what -- what's the overall size of the -- of the
25 overall labour market demand and what's our ability to

1 meet that demand. So in the -- once Jav project comes
2 online the construction phases of two (2) major
3 projects will be over. And the -- on a percentage
4 basis, you'll -- you'll just see the natural occurrence
5 of which the -- the percentage of labour force partic -
6 - participation will go up but the absolute number will
7 actually go down.

8 Then moving beyond 2023 with the closure
9 of -- of Diavik, you get into -- into a more extreme
10 situation where there's the further loss in the
11 absolute number of jobs. So the overall labour demand
12 will go down but our percentage, as a result, will go
13 si -- go up significantly, but it's sort of the ability
14 to transfer jobs in -- from one (1) into the other
15 that's -- that's key there, and that -- that happens
16 over time.

17 MR. ELLIOT HOLLAND: Elliot Holland,
18 with Dominion Diamond. Just to follow up, I mean,
19 that's -- that's the -- the modelling answer, right.
20 So that's -- that's what the -- the socioeconomic
21 models say about what's most likely to -- to happen
22 sort of all else equal with a pretty, you know, kind of
23 qual -- quantitative and -- and uncaring model. I
24 think it's also important to add in what we -- what we
25 intend to do.

1 So, you know, clearly during the period
2 of construction, and -- and this was contemplated in
3 the SEA, the difficulty of -- of meeting northern hire
4 commitments goes up quite a bit, given the -- the
5 short-term nature of the jobs, and the -- the peak and
6 demand in the labour market. We'll do everything we
7 can in -- in that period to -- to meet those
8 commitments, but it's -- it's clear from the modelling
9 and from past experience that that will be dif --
10 difficult.

11 You know, obviously, on -- on the
12 operational side, we certainly will have much less
13 challenge while the construction is ongoing meeting the
14 northern participation commitments.

15 MR. TODD SLACK: Okay, I think I
16 understood Graeme, surprisingly. Sorry, it's Todd,
17 with the Yellowknives. But I don't think I understand
18 exactly what Elliot meant there.

19 Are -- so recognizing, yes, construction
20 -- and construction is treated differently under the
21 SEA; however, my recollection in the DAR is that it's
22 not presented in that way. And I -- I take your point
23 that, Hey, this needs to be treated in the same way
24 that Gahcho Kue's construction is.

25 So that begs the question then, you have

1 both the operational side in which you say, yeah, let's
2 say you do get to 62 percent. And to Mr. Clinton's
3 point, yeah, I understand the difference between raw
4 numbers and the percentage. But I want the best of
5 both worlds for Northerners and for the members of the
6 Yellowknives. You know, the commitment is for a
7 percentage and if you wanted the raw numbers that's the
8 way the agreement should have been nego -- negotiated.
9 But it isn't, so here we are.

10 Is there an intention to treat these
11 separate stre -- to treat these two (2) streams as
12 separate and provide for different levels of
13 commitment? Like, I -- you know, I don't want to jam
14 the Company up here. I want the Company to commit to
15 the agreements that they've made and let's -- you know,
16 let's work on that.

17

18 (BRIEF PAUSE)

19

20 MS. GAELEEN MACPHERSON: Sorry.
21 Gaeleen MacPherson, with Dominion Diamond. So I think
22 the -- the confusion here is that at that point when
23 we're starting to construct Jav and ramping up to Jav,
24 we are going to be in a situation where we're also
25 ramping down our current pipes, which are obviously in

1 the operations phase and have a higher commitment
2 level.

3 So we're essentially, for a few years,
4 going to be reporting two (2) different sets of
5 numbers, whereas right now we are only reporting
6 against our current operations and we don't have
7 anything identified as being in -- in construction. So
8 the first part where we're talking about the 55 percent
9 is likely going to -- we are going to see during the
10 construction phase of Jav that we're going to have
11 lower Northern numbers. We know that and that's why
12 the socioeconomic agreement is structured as such.

13 We know that during that period we have
14 an influx of -- of people who are non-Northern. As we
15 transition out of -- out of our current operations and
16 into -- into construction, we'll then gradually see
17 obviously the -- the targets and -- and our -- our
18 numbers change as we are then in operations with Jav.

19 So it's -- it's really going to be a
20 little bit of a transition period where we're going to
21 be reporting two (2) sets of numbers, one (1) which
22 you'll likely see pretty consistent to what we're --
23 we're seeing now, and -- and what we're able to achieve
24 over the next little while, and what we're -- we're
25 going to see for construction of Jav. Thanks.

1 MR. TODD SLACK: Okav. Todd Slack.
2 Thanks. That's a important distinction and if it's in
3 the DAR I did not come across it, but that's iust mv --
4 perhaps mv reading. So the numbers that are reported
5 in -- in Section 14 or arti -- or I guess Chapter 14,
6 whatever it is.

7 And so this Northern participation rate
8 in 2021 is -- is this a compilation of both the
9 construction and operational? Or is this still
10 operational? I see noddinq heads, so I'll take the
11 question as understood.

12 MR. GRAEME CLINTON: It's Graeme
13 Clinton, with Impact Economics. In -- one (1) of the -
14 - one (1) of the challenges with -- with the assessment
15 of this project is it's not a new project. So it -- it
16 was to differentiate between who is -- who is employed
17 by the existing Ekati mine and who is going to be a --
18 or who -- and who -- or, sorry, who is working on -- on
19 aspects of the existing Ekati mine whether it's
20 whatever they might be doing; and who is actually
21 working on the Jav project.

22 And a lot of people, of course, will be
23 doing both. Like, somebody working in the mill is --
24 might be processing some -- some ore that's from --
25 from one (1) place to the other, or -- or, you know,

1 whatever -- whatever it might be. There's a transition
2 period there. So how do you separate from the -- from
3 a modelling perspective -- just a -- just a plain
4 modelling perspective where you put that labour as --
5 as -- you know, there's the const -- there's the
6 construction crew working on -- on Jav, but there's
7 still operations going on at Ekati. And they're sort
8 of somehow have to be dist -- differentiated in order
9 to show what the impact to Jav is against the base
10 case.

11 So -- so the -- the short answer I think
12 to your question is, yes, there -- the -- that's been
13 differentiated. So there's a -- there's an Ekati
14 workforce and then there's a -- there's a Jav
15 workforce. And eventually they become the same once
16 Jav is into full operations.

17 MR. TODD SLACK: Okay. It's Todd
18 Slack, with the Yellowknives. I think I understood you
19 again. Still surprised. So this number -- or these
20 numbers are -- are Ekati operations.

21 So -- and I -- because here's the next
22 question that comes is: In twenty (20) -- I don't
23 know, 2030, 2031, you're predicting 63 percent northern
24 participation. So that's meeting the -- the promise
25 that is made within the SEA.

1 Now, if you're not getting to sixty-
2 three (63) until the end of mine life production, at
3 what point are you getting to that -- to meeting that
4 promise?

5

6 (BRIEF PAUSE)

7

8 MR. TODD SLACK: It's Todd, with the
9 Yellowknives. I think I can ask a different question
10 that might tap some of the other folks at the table
11 there, with the Chair and the Company's discretion.

12 MR. RICHARD BARGERY: Yeah. Richard
13 Bargery, Dominion Diamond. So the -- the fifty-five
14 (55) -- we're just trying to -- the 55 percent, whether
15 that's an overall northern participation number, or if
16 that's a -- that's an Ekati number or a -- a DDC
17 number. That's -- that's the confusion for us right
18 now. We're trying to figure that out.

19 So, Todd, if you have help clarify that,
20 or if you have something else that can help clarify the
21 -- the issue, then that -- that's helpful.

22 MR. TODD SLACK: I can't -- if I could
23 clarify it, I wouldn't be asking the question. And I
24 didn't realize the complexity at the starting -- to
25 start with. But I'm -- it's fourteen seventy-five

1 (1,475), and I don't know the source of that.

2 MR. RICHARD BARGERY: Yeah. Richard
3 Bargery, Dominion Diamond. I -- because I think the 55
4 percent number is -- is -- comes out of the model. It
5 -- it's part of the question from -- from MVEIRB as
6 opposed to our response, the 55 percent number in --
7 it's in -- isn't it?

8 MR. TODD SLACK: It's Todd Slack, with
9 the Yellowknives. The reference I have written down
10 and I -- geez, I hope it's right, is page 14-75 of the
11 DAR.

12 MR. RICHARD BARGERY: Sorry. We're
13 looking at -- at your -- at your IR number 14. Yeah,
14 okay. So you put 14-75. Okay. That's what we need to
15 dig out. Sorry. Just one (1) second.

16

17 (BRIEF PAUSE)

18

19 THE FACILITATOR: It's Bill Klassen.
20 Richard, I wonder if -- if this is going to take a fair
21 amount of time to generate the response, is this
22 something that should be taken as a -- a homework
23 assignment so that we're not taking up too much time
24 here, now? There are more questions.

25 MR. RICHARD BARGERY: Richard Bargery,

1 Dominion Diamond. We're happy to take it away. What
2 we -- what we have to do is, just so you know, is we --
3 we just have to open up the model to understand the 55
4 percent and what it -- what it's applicable to, so --
5 and then how it relates back, the number.

6 So we're happy to take it away and come
7 back with an answer in the morning, if -- if that's --
8 if that's okay. You're going back in the -- you'll be
9 here in the morning, Todd? I just want to make sure
10 you're here when we give the response, that's all, so.

11 MR. TODD SLACK: You show up fifteen
12 (15) minutes late and it's on the record. It's Todd
13 Slack with the Yellowknives. Yes, I'll -- I'll be
14 here, and please do take it away. And I -- I'm
15 recognizing some of the -- the complexities and realize
16 that's why you have a team of experts there.

17 And so that's -- the -- the question is:
18 Is 2021, you've said what the participation rate is.
19 Another point -- and I don't have this reference in --
20 in front of me. The DAR says that the participation
21 rate will be 63 percent at the end of production. And
22 so the second part of this question is at what point
23 you're going to meet the -- the promise that the
24 Company has made in the SEA.

25 And I'll -- I'll spoil, the final

1 question is, what are the -- during the period that
2 you're not going to be meeting it, in addition to
3 whatever comes, what mitigations or what is the Company
4 providing to -- to offset the -- the fact that they
5 aren't meeting that promise. So three (3) questions
6 there.

7

8 (BRIEF PAUSE)

9

10 MR. RICHARD BARGER: Sorry, I -- I
11 missed that. Richard Barger, Dominion Diamond.

12 Oh, okay. I was just going to say that,
13 you know, with all the -- we'll take this one away and
14 we'll have to go through the model, because this is a
15 modelling issue. And we'll come back with -- with an
16 answer. We'll also -- in terms of the -- the last
17 question, in terms of the mitigations, I think what
18 we're trying to do as a company, and this is true now
19 and -- and -- is -- is to get to the -- the obligations
20 in the socioeconomic agreement and to put in place
21 measures that allow for us to do that.

22 We -- I've talked a little bit today
23 about the kinds of things that we're doing directly and
24 some of the things that we're working on in terms of
25 breaking down. Some of the other things we're doing is

1 -- is breaking down barriers to people trying to enter
2 the workforce and -- and acquire jobs with Ekati.

3 Elliot talked about some of the things,
4 you know, the acceptance of -- of paper resumes as
5 opposed to going online, the push for IBA community
6 residents to have preferential treatment for entry-
7 level jobs; the work that we're doing to create more
8 skilled Northern workforce by increasing the number of
9 apprentices at the mine; by reinstituting the Adult
10 Education Program at the mine that allows for our
11 employees to upgrade their education levels to both
12 succeed in their current jobs and also to be able to --
13 to move within the organization to other jobs; the
14 support for some of our Aboriginal employees through
15 workplace -- workplace programs and advise -- advisors
16 that we -- we have there.

17 Some of the things that we're doing with
18 -- with communities to put in community liaisons so
19 communities have better access to what we're doing in
20 employment and to -- to match people to jobs that come
21 up at Ekati. Those are the kinds of things that --
22 that we're trying to institute as a company, you know,
23 on a -- on a regular basis.

24 And I know Gaeleen can speak in -- in
25 much more detail to this -- to some of this than I can,

1 because she deals with it on -- on a regular basis.
2 But we are making that -- that effort as -- as a -- as
3 a company. And in terms of our direct employees, as I
4 said, when the 2014 numbers come out directly, you
5 know, we'll meet those targets.

6 We're working with our contractors. I
7 just want to reiterate this, because there's some key
8 things that we are trying to do to incentivize our
9 contractors to hire more Northerners so we can -- we
10 can increasingly move towards meeting -- meeting those
11 targets.

12 I know, Todd, you -- you had your hand
13 up. You wanted to say something at this point, so I'll
14 -- I'll leave it at that, but I know Gaeleen can -- can
15 add much more detail to this, so.

16 MR. TODD SLACK: It's Todd, with the
17 Yellowknives. Sorry, Richard, and I -- I don't mean to
18 interrupt, and I -- I would like to compliment the
19 Company on their responses to some of the IRs. But I
20 was just going to say that these are all in the IRs.
21 I'm not going to ask questions about them, because I
22 think that there's a lot of -- a lot of good steps in
23 there.

24 But what I meant to say as that third
25 question is: Is the Company considering any other --

1 recognizing, you know, model question/answer might
2 influence this, recognizing that the participation rate
3 may be con -- lower for the foreseeable future, were
4 there any other mitigations beyond the employment
5 related ones that are described in the IRs? Because
6 there -- there's a lot of detail and it's good stuff.

7 Were they looking at anything else
8 beyond that? That was the question I meant to ask.

9

10 (BRIEF PAUSE)

11

12 THE FACILITATOR: It's Bill Klassen.
13 While the Company is considering its response, Todd,
14 may I ask you whether -- are you close to the end of
15 your questions? Because I have some more questions
16 indicated by others.

17 MR. TODD SLACK: Please, Bill, take it
18 away.

19 THE FACILITATOR: Okay, we'll wait for
20 the response from the Company. And then we'll move to
21 Peter.

22 MR. RICHARD BARGERY: It's Richard
23 Bargery, Dominion Diamond. I -- we -- we don't have
24 plans other than -- than, you know, trying to meet our
25 obligations under the -- the socioeconomic agreement.

1 We're open to ideas. But I -- you know, I want to -- I
2 iust want to emphasize, and I think this is one (1) of
3 the points of the model, and I'm sure we'll -- we'll
4 get this in the response tomorrow, is that, you know,
5 we -- we do have to deal with a relatively small
6 population and the -- you know, the -- the -- what the
7 pressures are on the -- on the labour force in that --
8 in -- in this small population. So that needs to be a
9 factor that's recognized here.

10 You know, this is -- this is a small
11 population. You can -- you can do certain things, and
12 -- but -- but there are certain demands for skilled
13 labour. We'll need to meet -- we'll need to meet those
14 kinds of demands. So I iust -- I iust want to, you
15 know, put that -- put that on the table, as well, but
16 we are certainly open to ideas. But, as -- as a
17 company, you know, we're -- we're committed to try to -
18 - try to meet the -- the commitments in the -- in the
19 SEA, and I think as -- as -- Todd, as you pointed out,
20 and we are working hard to try -- to try to get there.

21 And we're instituting, I think, some --
22 some very good things over the two (2) years that we
23 have owned Ekati to -- to try to improve our numbers,
24 and I think those num -- those numbers are -- are
25 improving quite dramatically.

1 THE FACILITATOR: Thank you, Richard.
2 Peter Unger has indicated that he has a question.

3 MR. PETER UNGER: Hi. Peter Unger,
4 Lutsel K'e. This is just following up on a couple
5 things. One (1) is that the community of Lutsel K'e
6 takes a very keen interest in this subject. And we had
7 mentioned earlier -- we had asked if there were any
8 minutes taken at the annual meeting between the GNWT
9 and the Company. And the answer was no.

10 And my question is: Is it a reasonable
11 request that you start taking minutes at these
12 meetings?

13

14 (BRIEF PAUSE)

15

16 THE FACILITATOR: GNWT is indicating
17 that they'll respond.

18 MS. DEBORAH ARCHIBALD: That's correct.
19 Deborah Archibald, with -- with the GNWT. The meetings
20 between DDEC and the GNWT are -- are confidential in
21 nature, so -- primarily because there -- there is the
22 potential for proprietary information to be -- to be
23 discussed. And -- and so to that end, we do not -- we
24 don't keep meeting minutes. Thank you.

25 MR. PETER UNGER: Thank -- thanks for

1 that. My -- okay, could there be some other form of
2 documentation, a summary report, a list of action
3 items, of course, with all proprietary information
4 edited out? I just kind of want to avoid the situation
5 we had today, where we couldn't really point to any
6 specific instances where actions were taken in response
7 to indicators. I just think it would be a lot better
8 if there was a more comprehensive record of these
9 meetings.

10 And I understand completely that there's
11 proprietary information, but there's got to be a way
12 that this can be recorded without -- without giving
13 away company secrets. Thank you.

14 MR. RICHARD BARGER: Richard Barger,
15 Dominion Diamond. I -- I think that's a good
16 suggestion, Peter, from -- from our perspective. It's
17 -- it's proprietary information. It's also plans that
18 we may be -- you know, we may -- we may have that
19 aren't public yet that we're -- you know, we're
20 explaining and -- to the GNWT.

21 But, you know, in terms of a summary
22 report, I think that -- in general terms, that that's -
23 - that that -- that could be workable for us as long as
24 as it's, you know, done with on the basis that anything
25 confidential wouldn't be able to be included, you know,

1 in -- in that report, so I -- I don't think that that
2 would be -- that would be an issue for us.

3 MR. PETER UNGER: Thank you very much.
4 Peter Unger, Lutsel K'e. Then moving on to my next
5 question, we've been talking a little bit about
6 incentives for contractors to increase their -- their
7 Northern workforce, and we've been talking about
8 incentivizing them to hire more Northerners.

9 Could we hear a few specifics about some
10 of these incentives? Thank --

11 MS. SACHI DE SOUZA: Sorry, Peter, just
12 -- Sachi De Souza, with the Board. She's getting the
13 wording? Okay.

14 THE FACILITATOR: Sorry, Sachi? Okay.
15 So we have a question. Richard, could you respond to
16 Peter's question?

17

18 (BRIEF PAUSE)

19

20 MR. ELLIOT HOLLAND: Elliot Holland,
21 Dominion Diamond. Peter, we -- we can't talk about
22 individual contracts with individual contractors, given
23 that those contracts are -- are confidential between --
24 between us and the counterparty. But I -- I can assure
25 you that in -- in a number of our significant

1 contracts, there are specific KPIs regarding Northern
2 participation that -- that do tie to the compensation
3 that our contractors receive. And it's been a focus of
4 -- of Dominion as it looks at the contracts it inherits
5 from BHP and -- and renegotiates them to add to the
6 number of significant contracts that have those types
7 of -- of arrangements.

8 MR. PETER UNGER: Thank you. Peter
9 Unger, Lutsel K'e. So you can't give me just one (1)
10 vague example without naming a contractor and without
11 naming the exact numbers?

12 MR. ELLIOT HOLLAND: Elliot Holland,
13 Dominion Diamond. I mean, the line between vague and
14 specific is -- is pretty -- pretty small, here. Either
15 we give a number -- a -- an example or -- or we don't,
16 especially in the North.

17 MR. PETER UNGER: Okay. Thank you.
18 All right. I'll move on, then. My -- my next question
19 is: So for the community of Lutsel K'e employment is
20 seen as one (1) of the -- the most important benefits
21 from any kind of development project. And I recognize
22 that there are huge challenges hiring from Lutsel K'e.

23 But from what I understand right now you
24 only have two (2) LKDFN band members working for you
25 and from what I understand, they don't even live in

1 Lutsel K'e. I've seen some head shaking, so I could be
2 wrong on that. Please correct me.

3 My question, though, that I'm getting to
4 is: Would -- would the Company be open to considering
5 some community-specific hiring targets? Thank you.

6

7 (BRIEF PAUSE)

8

9 MS. GAELEEN MACPHERSON: So in the
10 stats that are -- sorry, Gaeleen MacPherson, with
11 Dominion Diamond. Thank you. In the stats, the two
12 (2) particular individuals that are identified as
13 residing -- sorry, as Lutsel K'e members are not the
14 only Lutsel K'e members that we've got. Those are the
15 -- the two (2) that are currently residing within the
16 community. We do have more that reside outside of
17 Lutsel K'e.

18 One (1) of the -- one (1) of the issues
19 that has previously come up was our -- our ability to
20 identify those specific individuals that are actually
21 Lutsel K'e members as opposed to Yellowknives Dene
22 members, because there are currently under the
23 socioeconomic agreement, counted as Akaitcho. So what
24 we're -- we're doing is changing some of our reporting
25 mechanisms to better identify information for the

1 communities. But I'll -- I'll just hand over to Ora
2 from the communities side to speak a little bit further
3 on this one.

4 MS. ORA-NAJA WAH-SHEE: So as you may
5 know, we have recently -- sorry, Ora Wah-Shee, with
6 Dominion Diamond. As you may know, we've recently
7 established a liaison position in Lutsel K'e. So this
8 person would assist with -- provide pre-employment
9 assistance. They are responsible for keeping hiring
10 inventory and for providing information on various
11 processes like our security screening process and how
12 to be successful.

13 And they are also responsible for -- for
14 assisting us with things like our Jav engagement
15 sessions and with getting short-term hires. So we have
16 -- we are currently looking for some wildlife monitors
17 from Lutsel K'e, as that is an area that Lutsel K'e
18 identified as being important to them.

19 And just to clarify, while we provide
20 the funding for the liaison, the liaison is actually an
21 employee of the community.

22 THE FACILITATOR: Peter, I wonder if --
23 it's Bill Klassen -- if I might interject here. I
24 believe Board staff have a question that's also
25 directly relevant.

1 MS. KATE MANSFIELD: Kate Mansfield,
2 for the Review Board. So this question, yeah, Ora, as
3 you just mentioned, is in response to the community la
4 -- liaisons, which were brought up through the
5 responses to Tlicho IR number 8, YKDFN IR number 8, and
6 a few others.

7 So were just wondering that -- if you
8 could speak to the success of the pilot project that
9 you've had with this position. Sorry, my questions
10 always have like four (4) parts to them. I can stop at
11 any time. So the first part -- the first question is
12 if you could speak to the success so far.

13 The second question is if you could
14 describe some of the metrics that would be used to
15 evaluate success of this position, if you could
16 describe some of the circumstances or criteria that
17 will be used to establish if these positions would be
18 maintained through the life of the Jay project, and if
19 the position will be set up so that it can engage with
20 contractors as well as DDC HR department specifically.

21

22 (BRIEF PAUSE)

23

24 MS. KATE MANSFIELD: This is Kate
25 Mansfield, for the Review Board. In the interest of

1 time, I can clarify the wording of this question and we
2 can have it as a homework assignment if you guys feel
3 you need a bit more time. It's okay?

4 MR. RICHARD BARGERY: Richard Bargery,
5 Dominion Diamond. No, I think we can answer it, but
6 we're just trying to get -- it's not a -- it's not a
7 yes-no answer. Like, there's a number of components to
8 this.

9 MS. ORA-NAJA WAH-SHEE: So these
10 positions -- sorry. Ora Wah-Shee, Dominion Diamond.
11 It's a little bit early to discuss the success of these
12 liaisons. It's only -- one (1) of them has only been
13 in -- been established in November.

14 We do have an evaluation process. In
15 May we'll be doing an interim progress evaluation. At
16 that time, we'll be looking at things like how many
17 employees that they have successfully helped gain
18 employment with the Ekati diamond mine.

19 We'll be looking at how many people they
20 have assisted with pre-employment training in their
21 community. We'll be looking at things like how many
22 people they've helped with mock interviews and along
23 those lines. Maintaining beyond the Jay project, that
24 would be a discussion that we would have with the
25 community, probably at the time of the annual reporting

1 process. And so far we have not discussed with the
2 community assisting with our contractors. That would
3 be something we could discuss later.

4 MR. RICHARD BARGERY: Yeah, Richard
5 Bargery, Dominion Diamond. Just -- I mean, these -- we
6 have a multi-pronged approach. And contractors,
7 obviously that's one (1) area. And Gaeleen can speak
8 about some of the things we do to -- to encourage
9 employment with contractors, I think. But some of the
10 things, you know, we've done in the past, job fairs in
11 communities where we have contractors come along, those
12 kinds of things. Gaeleen, I don't know if you want to
13 sort of add to --

14 MS. GAELEEN MACPHERSON: Sure.

15 MR. RICHARD BARGERY: -- to that
16 particular -- that particular piece?

17 MS. GAELEEN MACPHERSON: Gaeleen
18 MacPherson, with Dominion Diamond. There are a lot of
19 things underway. Obviously from the contractor side of
20 things, you've heard of -- of some of the contracts and
21 the changes that we want to make to enhance Northern
22 employment, obviously.

23 One (1) of the other things that we've
24 also done a better job of is getting them on side with
25 us when we are going to the communities and having

1 career fairs. Oftentimes members of the communities
2 are not aware of who our contractors are, what types of
3 roles they have, who the contacts are, and whatnot. So
4 we felt it -- it important to bring them along.

5 So a recent example, we -- we did visit
6 Fort Resolution in November and -- and with that we
7 brought Kingsland Ford with us, we brought Finning with
8 us, and -- and, you know, keeping in mind that these
9 are highly skilled contractors. And then they're
10 committed to finding different ways of increasing
11 Northern employment. And -- and -- so building those
12 relationships with the communities is important.

13 So as -- as the impor -- the -- I guess
14 the -- the breadth of scope of these liaisons increases
15 based on the -- how successful they are. As we go
16 along we'll start to ensure that we're building those
17 relationships as -- as well. The -- the important part
18 right now, as -- as Ora mentioned, was getting the
19 positions established and -- and looking at how we can
20 start them off successfully and grow from there.

21 So we'll for sure be looking at other
22 avenues for these liaisons to assist us, including with
23 contractors.

24 THE FACILITATOR: Okay. Peter, did you
25 have further questions?

1 MR. PETER UNGER: Yes, it's Peter
2 Unger, Lutsel K'e. It's my -- it's my last question
3 and I'm going to flog the dead horse a little bit, I'm
4 sorry. It's back to the relationship between the GNWT
5 and the Company.

6 I'd very much appreciate the Company's
7 perspective about any measures or suggestions from the
8 GNWT to improve performance on the SEA targets and how
9 these were accepted and implemented. And if you could
10 give a few examples, I'd very much appreciate it.
11 Thank you.

12

13 (BRIEF PAUSE)

14

15 MR. RICHARD BARGERY: Richard Bargery,
16 Dominion Diamond. Just for clarity here, you're asking
17 Dominion what the GNWT suggested that -- and -- and
18 we've implemented, or...?

19 MR. PETER UNGER: Yeah, that's exactly
20 it. I'm asking what -- some suggestions, I don't need
21 exact dates, that came out of your annual meeting and
22 how you've taken them and -- and implemented them.
23 Thank you.

24

25 (BRIEF PAUSE)

1 MS. GAELEEN MACPHERSON: Gaeleen
2 MacPherson, with Dominion Diamond. Just to --
3 obviously last -- the review of the 2013 socioeconomic
4 agreement report was the first one where I participated
5 in meetings with the GNWT about what we were successful
6 in achieving and what some of our -- our growth areas
7 would continue to be.

8 And -- and in those discussions, from a
9 -- from a general perspective, you know, there are a
10 lot of things that we talked about in terms of general
11 reporting items, what needs to be enhanced, you know,
12 clarification around certain reporting items where --
13 and a perfect example is -- is the differentiation
14 between contractors with assets and -- and without
15 assets. We kind of sat there and -- and nobody
16 understood the rationale for that differentiation in
17 previous report.

18 So those types of thing, and clarifying
19 the report was a -- was a good item for us to discuss,
20 because it set the -- it set the path for how we're
21 going to report moving forward so that both sides
22 understand.

23 Some other areas, you know, we did talk
24 about the whole -- the whole idea of how do we increase
25 female representation in our work force, you know, and

1 -- and the whole concept of what is a traditional role
2 versus a nontraditional role, and what do we base that
3 on?

4 So again, I mean, a lot of what we
5 focussed on during the last report and -- and review
6 was to -- to really establish those baseline
7 understandings, so that as we move forward, our
8 reporting is more meaningful.

9 So I think we will see -- with the 2014
10 report coming out shortly, we will have a better
11 understanding of -- of how the Company is actually
12 trending over the last couple of years, and we will be
13 able to have a meaningful conversation with the GNWT on
14 -- on some of the areas that -- that we previously
15 chatted about.

16 MR. PETER UNGER: Thank you. Peter
17 Unger, Lutsel K'e. Yeah, I mean, I -- I guess that
18 kind of answers my question. What I'm trying to get at
19 -- so from -- the way I understand it is the GNWT
20 monitors the indicators from the SEA. And then once a
21 year, you all get together and you talk about it. And
22 then you come up with suggestions on how to get better
23 at meeting the targets of the SEA. And I recognize
24 that the targets are very challenging to meet, but
25 they're -- they're not being fully met just yet.

1 So what I was looking for is -- you
2 know, back from my original question, was what -- what
3 kind of things came out of those meetings? What kind
4 of things did GNWT suggest to you? Like, hey, this is
5 something you could do to improve this indicator that
6 you have taken and done.

7 So you -- you've touched on reporting.
8 I was looking on, you know, maybe one (1) of the health
9 indicators or -- or employment or -- or something like
10 that. If you had some examples like that, that would
11 be very much appreciated. Thank you.

12

13 (BRIEF PAUSE)

14

15 MS. GAELEEN MACPHERSON: Gaeleen
16 MacPherson, with Dominion. You know, when we -- when
17 we talk about some of the -- some of the ongoing
18 discussions and what the GNWT has encouraged us to
19 participate in or to -- to look at, I mean, obviously,
20 some of these reporting items are of importance. You
21 know, the other things that -- that did come up when we
22 were -- when we were in discussions the last round was
23 actually the -- the whole concept of the Skills for
24 Success Program that was mentioned before, and -- and
25 the importance of -- of industry also coming to -- to

1 the table to make that a successful program.

2 So that -- that was raised as -- as
3 something that the GNWT felt that we needed to
4 participate in. And -- and we obviously are huge
5 proponents of that. And -- and we'll continue to
6 support that -- that program.

7 MR. PETER UNGER: Thank you very much.
8 I'm -- I'm done. Thanks.

9 THE FACILITATOR: Thank you. It's Bill
10 Klassen. Todd, before I give you another opportunity,
11 I understand that -- okay. Board representatives did
12 have a question, but they're giving it away to
13 yourself, so go ahead.

14 MR. TODD SLACK: Thanks. And sorry,
15 it's a -- it is just related to that. Okay, so it's
16 Todd Slack, with the Yellowknives. And I -- I'd put
17 this question to the GNWT. So this is -- we've heard
18 about the Skills for Success. We've heard about -- and
19 that was a suggestion by the government. We've heard
20 about the education.

21 Is there anything else that you guys
22 have put to the Company that has been enacted to help
23 mitigate the -- the -- to help meet the commitments of
24 the socio-economic agreement?

25 MS. DEBORAH ARCHIBALD: Deborah

1 Archibald, with the -- with the GNWT. I would say --
2 you know, echo what -- what Gaeleen has said. But I
3 want to also say that the -- these annual discussions
4 are -- are as much about where the -- the meeting of --
5 of commitments as they are about sharing of information
6 and looking and exploring ways where we can coordinate
7 and collaborate and -- and work together.

8 And certainly in the one (1) meeting
9 that I've participated in, there were a number of areas
10 that we've identified for ongoing coordination and
11 collaboration. And I -- you know, I can also tell you
12 that employment is -- is front and centre and top --
13 top of the list for those discussions. Thank you.

14 THE FACILITATOR: I can't see Noeline
15 Villebrun, but I think you're wanting to speak.

16 MS. NOELINE VILLEBRUN: Noeline
17 Villebrun, Tthestonotine Dene. I have a question and
18 that's got to do with the -- I think it's on page 12,
19 but it's got to do with the incomes related to
20 increased access to alcohol and drugs. And I guess
21 there's a lot of effects and impacts from that. But
22 what comes to mind when you talk about the DAR -- the
23 Developer's Assessment Report, the question that I have
24 is: In that report, was there, for example, treatment
25 centres mentioned in relationship to the mine workers

1 getting treatment? And, you know, the -- the issue of
2 the treatment centres in the Northwest Territories shut
3 down.

4 So how could you -- how could both
5 parties, per se, meet a target when we don't have a
6 treatment centre in the Northwest Territories? So how
7 would the mine, per se, deal with that? And, like,
8 they were talking about a coordinated -- a coordinated
9 and collaborative efforts on some of these social
10 issues. And what does treatment mean to Diamond
11 Dominion (sic) and to the Government of the Northwest
12 Territories?

13 THE FACILITATOR: If I understand you
14 correctly, Ms. Villebrun, you've asked that question
15 and you'd like responses from both Dominion Diamond and
16 from the Government of the Northwest Territories?
17 Okay. Thank you. Richard?

18

19 (BRIEF PAUSE)

20

21 MS. GAELEEN MACPHERSON: Gaeleen
22 MacPherson, with Dominion Diamond. We obviously -- you
23 know, we did -- we did mention early on the Employee
24 Family Assistance Program that is geared towards
25 helping our employees in terms of any sorts of issues

1 that they may have, including dependency issues. We
2 have as a -- as a Company committed to providing
3 support to employees in that regard.

4 MS. NOELINE VILLEBRUN: Thank you,
5 Gaeleen, but it doesn't tell me how you're helping the
6 employee, per se.

7 MS. GAELEEN MACPHERSON: Gaeleen
8 MacPherson, with Dominion Diamond. We do have a -- a -
9 - quite a stringent alcohol and drug program. And as
10 part of that program, we are committed to providing our
11 employees who step forward and -- and self-declare a
12 dependency issue support in that regard. That support
13 includes a formal assessment by a substance abuse
14 professional to identify the need of -- of the
15 individual, and they and not the Company are involved
16 in identifying treatment and -- and location.

17 MS. NOELINE VILLEBRUN: So now I
18 understand that. When -- when a worker is identified
19 with a -- an abuse issue, then, because today we do not
20 have any treatment centres, that worker would have to
21 go south for treatment. So that would mean more time
22 away from home, from the family, without really, I
23 guess, looking at trying to deal with the problem as a
24 family unit in the same sense as AA and Al-Anon.

25 So -- and for my -- I guess for the

1 Government of the Northwest Territories Health and
2 Social Services Department, you know, by shutting down
3 the treatment centres in the Northwest Territories, how
4 does the government measure these types of
5 socioeconomic conditions and issues that arrive if you
6 don't have a treatment centre, per se, to deal with the
7 addictions of the workers. And if they're shut down...

8 THE FACILITATOR: Mrs. Villebrun,
9 perhaps we could give the representatives of the GNWT
10 an opportunity to respond to your question.

11 MR. DEREK RAINS: Sure. Derek Rains,
12 Health and Social Services. The -- the one (1) -- one
13 (1) key outcome that we found from the annual meetings
14 that we've had with the -- with the Developer is it's
15 given us an opportunity -- and I can't go into too much
16 detail because the EFAP is a pretty confidential
17 process.

18 But it's given us an opportunity to link
19 our services in the community to the EFAP program so
20 they can call in to a counsellor, and it allows them to
21 get their services closer to home. So they can stay in
22 their home community in their two (2) weeks off or they
23 can be accessing the program while they're at camp.

24 So I guess it's a two (2) pronged answer
25 in that it's a good example of how we're working

1 together, and it's also an example of how we've taken
2 some of the programs together and tried to meet the
3 needs of the people at camp and also support them when
4 they get back to their home communities.

5 MS. NOELINE VILLEBRUN: Okay. Thank
6 you for answering, both Gaeleen and -- and the
7 representative from Health and Social Services.

8 So the other question that I have is
9 related to data and how you're keeping track of how
10 many Dene that are hired and how many have been fired,
11 and whether or not those statistics are kept the same
12 or if they're -- they're compiled differently.

13

14 (BRIEF PAUSE)

15

16 MS. GAELEEN MACPHERSON: Gaeleen
17 MacPherson, with Dominion Diamond. All our -- outside
18 of our socioeconomic reporting, which gives us
19 obviously our annual totals, the other thing that we --
20 we do from a reporting mechanism is report to the
21 impacted communities that we are dealing with. So
22 those numbers are communicated with them, and that's
23 it.

24 MS. NOELINE VILLEBRUN: Okay. Then
25 that's good. So can we get, per se, a figure of how

1 many were hired and how many are working there today
2 and how many have been let go? Because that's one (1)
3 of the issues that I've -- that, you know, people are
4 phoning me about.

5 You know, I do a lot of advocacy work in
6 the -- in the North, and especially when it comes to
7 workers' rights and that.

8 MS. GAELEEN MACPHERSON: Gaeleen
9 MacPherson, with Dominion. In our socioeconomic
10 reports, you will -- you'll see that we do have our
11 Northern Aboriginal numbers that are comprised of
12 obviously our -- our numbers from the North here. So
13 that will speak to the -- the hiring numbers in that
14 regard.

15 We don't, due to the -- the type of
16 information that is being reported, report on
17 terminations publicly and disclose those details. We -
18 - we do -- we deal with those on a -- on a case-by-case
19 basis.

20 MS. NOELINE VILLEBRUN: I guess my
21 whole reason for questioning is -- is, you know, if you
22 want to reflect a true figure of, you know, how many
23 people you've hired so far from the North, but how many
24 do you actually keep at the end of the day? Like, you
25 know, how many have gone through the mine?

1 (BRIEF PAUSE)

2

3 THE FACILITATOR: It's Bill Klassen.

4 While Dominion Diamond is conferring, we're at almost
5 4:30, and I would like to make sure that, if there are
6 questions regarding assessment endpoints and thresholds
7 of significance regarding this whole topic area, that -
8 - that those questions are raised before the end of the
9 day.

10 Please go ahead.

11 MS. GAELEEN MACPHERSON: Gaeleen
12 MacPherson, Dominion Diamond. With the numbers, one
13 (1) of the -- the reasons for reporting in -- in full-
14 time equivalents is so that we're not overinflating the
15 numbers of people that we've got employed at the mine.

16 Obviously, yes, if -- if we're employing
17 somebody for a short period of time and they come and
18 go, they're not going to count as one (1) full-time
19 equivalent. So we're -- we wouldn't be overinflating
20 the numbers and the FTE would -- will show the true
21 impact of -- of employment of the mine.

22 MS. NOELINE VILLEBRUN: Okay. Thank
23 you for that, Gaeleen. Another question, I guess, is
24 both to the -- because of the -- the support for -- you
25 know, by the Government of the Northwest Territories,

1 and I've seen this in their ads where they are
2 advertising for foreign workers.

3 So my question is whether or not with
4 this new development, that if foreign workers would be
5 supported if -- coming into our territory if there is
6 lack of skills?

7

8 (BRIEF PAUSE)

9

10 MS. GAELEEN MACPHERSON: Gaeleen
11 MacPherson, Dominion Diamond. Our priority has and --
12 and will continue to be the preferential hiring --
13 hiring that we've laid out in our socioeconomic
14 agreement. So in that regard, our Northern Aboriginals
15 and our Northerners would always get priority
16 consideration in -- in employment decisions.

17 And I think, you know, that the -- the
18 fact that we continue to be the -- the biggest employer
19 of -- of Northerners and Northern Aboriginal employees
20 is -- is a testament to that.

21 THE FACILITATOR: Noeline, are -- are
22 you indicating you'd like a response from GNWT as well?

23 MS. NOELINE VILLEBRUN: Yep, please.
24 Thank you.

25 MR. DANA HEIDE: Dana Heide, with

1 Department of Education, Culture, and Employment. I
2 can say, similar to the Dominion, that our priority
3 will be and always will be on Northerners, particularly
4 around affirmative action residents of the North, both
5 on the education and training supports and referral
6 into work.

7 However, we do support immigration when
8 there are roles to fill and jobs to fill that can't be
9 filled by Northerners.

10 MS. NOELINE VILLEBRUN: Thank you,
11 Dana. So can you indicate when -- when this would
12 happen? When you -- you indicated that you would get
13 your support elsewhere when you -- when you can't get
14 any skilled workers in the North. So when do you
15 guys indicate -- use an indicator to put out that call
16 for foreign workers?

17 MR. DANA HEIDE: It's Dana Heide, from
18 the Department of Education. The immigration, whether
19 it be temporary foreign workers or persons on a work --
20 work permits, is supply driven, meaning employer
21 driven, meaning the employer needs to demonstrate that
22 they have attempted to and cannot hire into that
23 position. And then they can come forward through
24 either the federal government or through the nominee
25 process and bring in non-resident workers.

1 MS. NOELINE VILLEBRUN: Okav. Thanks,
2 Dana. I'm iust going to move on to this last -- I
3 guess it's more of an observation, plus it'll be a -- a
4 comment. And it's got to do with language. There's --
5 someone had mentioned here that, you know, there's a
6 decline in the number of people with knowledge or who
7 use an Aboriginal language in the Northwest
8 Territories.

9 I iust want to ensure that it's noted
10 the reason whv this has happened, from a Dene
11 perspective, due to the assimilation and the
12 colonization into communities and being forced to speak
13 English and being taught in the English language, not
14 per se so much due to development. It's got to do with
15 -- with residential school and the move to get us off
16 the land so that development can happen.

17 So I want -- I would like to have that
18 noted and -- and, you know, because, you know, we're
19 supposed to be looking at issues and ensuring that
20 these -- the information is credible. The -- the
21 problem that some of us Dene have today, the true
22 tribal Dene -- when I sav, "true," I mean
23 Tthestonotine. And you've heard me sav this word over
24 and over the last few days.

25 That word means and identifies me as a

1 Copper Indian, the true Copper Indian. We weren't
2 incorporated in 1984, nor a name change in 1995, like
3 what has happened here in this territory. And that,
4 you know, when you talk about socioeconomic impacts and
5 that, you have to go beyond that, and even into pre-
6 treaty, to fully understand what the impacts are.

7 And for a grandmother and mother and
8 auntie and -- and, you know, a member of -- of this
9 territory, I've seen the changes. And a lot of times,
10 as leaders, we come to table and we ask for solutions,
11 we bring solutions, but those are not adhered to. And
12 so sometimes we have to come to the table and try to
13 correct some of these mistakes and misinformation.

14 So this is why I -- I wanted to ask some
15 of these questions and to point out, you know, why
16 there's a decline in our language, and the true reason
17 for it, not because we're drunks, not because we're
18 unemployed, because of a movement that this government
19 did, because I am a residential school survivor. And
20 I'll tell you something. I am sure you will not send
21 your kids to the schools that we went to. And that was
22 all in the name of development.

23 So -- and I -- you know, and I do
24 understand today that, you know, you have people
25 working for you that -- that are Dene, but that doesn't

1 mean that they reflect our Dene issues, you know, in
2 the proper context that it should be presented.

3 And the last question that I have is for
4 the Diamond Dominion (sic). You know, when the workers
5 get into an accident or they get into -- you know, an
6 incident happens, they have to take a blood test or a
7 pee test. And I'm wondering, does management have to
8 go through that same process? You know, what's good
9 for the workers should be good for everybody, and that
10 includes the president, the vice president, the liaison
11 people, you know. Because when you're sitting there
12 and -- and introducing information, I'm hoping that,
13 you know, it's done with -- with good intentions and
14 good heart.

15 So with that, I'll just say thank you
16 and we'll see you tomorrow.

17 MS. GAELEEN MACPHERSON: Gaeleen
18 MacPherson, Dominion Diamond. Thanks for the
19 questions, Noeline. Just on -- on that last point with
20 respect to -- to testing. Yes, when there is an
21 incident, the individuals that were involved in that,
22 whether it's from an actual decision at that point or
23 somebody contributed to the action that occurred,
24 whether or not they are management would be required to
25 -- to participate in the testing. Yes.

1 THE FACILITATOR: Thank you. It's Bill
2 Klassen. On the subject of assessment endpoints and
3 thresholds I'm aware that Board staff at least have
4 some questions so I'll ask them to pose those now and
5 then open it again for questions from the -- the rest
6 of the folks in attendance.

7 MS. KATE MANSFIELD: Thank you. Kate
8 Mansfield, for the Review Board. We had a question
9 that came out of Dominion's response to the Tlicho's IR
10 number 14. The question is as follows. Many of the
11 trends that were identified for affected communities in
12 the "Community and Diamonds" report which was presented
13 in Table 14.1 would likely be considered as negative.
14 So, for example, increasing rates of sexually
15 transmitted infections, increasing crime rates,
16 decreasing use of Aboriginal languages.

17 DDC states that:

18 "Given that the Jay project is an
19 extension of the existing Ekati mine
20 and does not represent a completely
21 new development to the territory the
22 assessment assumes that if all else
23 is equal then the Jay project itself
24 would not lead to new or different
25 trends in health and well being

1 indicators."

2 So the question then becomes at what
3 point in DDC's perspective would the continuation of
4 negative trends, for example, those listed above, but
5 also others become significant?

6

7 (BRIEF PAUSE)

8

9 MR. JESSE O'BRIEN: Hi. Thank you
10 for your question. Jesse O'Brien, with Golder
11 Associates. The trends noted in the "Communities and
12 Diamonds" reports, we do not make an assertion to the
13 significance of that trend itself. However, in order
14 for us to assign significance we first need to
15 establish a relationship between the project in
16 question and that trend.

17 So we would need to establish some
18 causality to the ability of the project to -- to
19 influence a trend like this. So when signing
20 significance we -- we don't do it on a -- a level of a
21 completely systemic social impact. We're not assessing
22 the overall social situation in the NWT. What we
23 assess first is the influence of the Jay project or the
24 potential for the Jay project to influence any one (1)
25 indicator such as those listed in Community and

1 Diamonds.

2 THE FACILITATOR: It's Bill Klassen.

3 Do you have a second question on that topic?

4 MS. KATE MANSFIELD: Yes, and I think
5 you might have just answered it, but I'd like some
6 clarity just in case. This is Kate Mansfield, for the
7 Review Board. So a secondary question then is Section
8 14.6 of the DAR states that:

9 "Given the limited possibility for
10 the project to result in change the
11 project's effects on health and well
12 being are not assessed as
13 significant."

14 Despite the fact that the DAR through
15 its separate effects -- or significance determination
16 approach identified that the residual effects of the
17 project on health and well being would be considered
18 negligible to low in magnitude, manifest themselves
19 both at the community and regional levels and likely
20 persist into the long-term with some continuing
21 indefinitely.

22 So despite that determination of
23 significance is DDC saying that despite all of that
24 project -- or effects would not be considered
25 significant simply because there's limited possibility

1 for the project to result in change?

2

3 (BRIEF PAUSE)

4

5 MR. JESSE O'BRIEN: All right. Thank
6 you for your question. Jesse O'Brien, from Golder
7 again. The -- the second part of the question is -- is
8 sort of related to the first part in terms of my
9 response.

10 Again, we -- we don't find a direct
11 correlation between any one (1) project and -- and a
12 broad overarching social trend like this. So while we
13 may note that a trend can continue, this is not
14 necessarily just a -- a notation that the project would
15 continue a trend.

16 The trend may continue, but the ability
17 of any one (1) project to significantly influence it
18 without a -- an actual correlation between the project
19 and that trend, we -- we can't make that statement that
20 it would be a significant influence as a result of the
21 project, and especially in the context of the -- the
22 Jay project, which is an extension which we're not
23 seeing a -- a bundle of diff -- you know, additional
24 employment opportunities coming from it. So thank you.

25 MS. KATE MANSFIELD: Kate Mansfield,

1 for the Review Board. So iust to clarifv, then, is --
2 is DDC stating that if the project contributes to a
3 continuation of a negative trend, this does not in and
4 of itself constitute an impact?

5

6 (BRIEF PAUSE)

7

8 MR. JESSE O'BRIEN: So I -- I think
9 what we're trving to sav is that, in the absence of a -
10 - a correlation between the project and a specific
11 effect bevond anvthing that's anecdotal, we cannot make
12 that statement.

13

14 (BRIEF PAUSE)

15

16 THE FACILITATOR: Todd, could vou --
17 it's Bill Klassen. I -- I think Kate mav have a
18 follow-up here, so if vou'll iust bear with us for a
19 moment.

20 MS. KATE MANSFIELD: Thanks. Kate
21 Mansfield, for the Review Board. So iust to finally
22 follow up, I think, did DDC consider the anecdotal
23 evidence provided through community engagements on the
24 contribution of the project -- or DDC's existing
25 operations to existing negative trends in their

1 assessment of -- of those -- the continuation of
2 negative trends?

3

4 (BRIEF PAUSE)

5

6 MR. ELLIOT HOLLAND: Elliot Holland,
7 for Dominion. We certainly take anecdotal evidence
8 into consideration in a general sense in -- in setting
9 up our -- our assessment. But we -- we can't base
10 specific conclusions on anecdotal evidence. It's the -
11 - by its nature, anecdotal.

12 MS. KATE MANSFIELD: Thank you. I have
13 no further follow-up questions on that issue.

14 THE FACILITATOR: It's Bill Klassen.
15 Todd, do you have questions?

16 MR. TODD SLACK: It's Todd, with the
17 Yellowknives. And unfortunately, this exchange did
18 trigger a question. And recognizing it's -- the time
19 of the day, I would happily take it as a IR -- or an
20 undertaking, pardon me.

21 So recognizing the Company's position --
22 and this is something of a theme in their IR responses,
23 is absent the causality, the -- the response -- or the
24 responsibility, sorry, to address these negative
25 indicators lies with the government. And this is

1 something we had asked the Company quite directly, and
2 I think they actually respond that we paid quite a bit
3 of royalties here, this isn't our ball game.

4 So I guess the question is: Can the
5 government undertake to provide us a response that
6 shows a indexed amount of funding that is provided to
7 address the indicators that are found -- the negative
8 indicators that are found within the "Diamonds and
9 Communities" report to -- so that we can have some kind
10 of takeaway in terms of the effort that they are
11 applying to address these things, which, while perhaps
12 not caused by this project, the project does
13 acknowledge that they -- that mining, big-picture
14 mining, can have an affect of crime and can have an
15 affect on community structure, has had an affect on
16 language use.

17 So I -- I'm wondering what can the --
18 the GNWT -- and I hope the answer is undertake, to
19 provide us with metrics and measures of how they've
20 responded to this? Yeah.

21 MS. DEBORAH ARCHIBALD: Deborah
22 Archibald, with the GNWT. You know, we do -- we do not
23 have specific budget line items in our main estimates
24 that we could tease out the specific amount of -- of
25 funding that go -- that would go towards the Jav

1 project.

2 But having said that, when -- a -- a
3 number of the GNWTs actions are -- are addressed
4 through the broader project envelope. So, for
5 instance, Dana, I'm going to step on your toes here,
6 Skills for Success. That's a -- that's -- that's a
7 project that's targeted at NWT residents, but we could
8 work collaboratively with the Company to, maybe, you
9 know, work together with them on their -- on their
10 specific circumstances. Thank you.

11 MR. TODD SLACK: Thanks, Mr. Chair.
12 I'll re-ask the -- ask it in a bit of a different way.
13 So we -- recognizing that there are negative trends
14 observed and that there are -- these do have
15 connections to -- to mining, not specific to the Jay
16 project, I'd -- I'd be looking more historically here
17 to understand. Okay, here's the trend that we've
18 observed. Here's our monitoring data. And here's what
19 we did in response. And this is the level of effort
20 that we put into it.

21 And not -- not for nothing on the -- the
22 Skills for -- the Skills Program, but that -- you know,
23 we've heard about that. We've heard about the
24 education. But the other negative indicators are
25 rising STD rates, crime rates that have doubled or

1 tripled since the start of this project, suicide rates
2 which are very troubling. To understand what the GNWT,
3 who is now collecting the -- the -- those royalties,
4 how they're using that to mitigate that and to address
5 this level of signi -- significance that we're
6 potentially seeing, I think that's a -- a valuable set
7 of information and would be an important undertaking
8 for all of us as we consider whether this project
9 should go ahead.

10 THE FACILITATOR: We'll -- it's Bill
11 Klassen. We're waiting to see who will respond from
12 the GNWT.

13

14 (BRIEF PAUSE)

15

16 MR. DEREK RAINS: Derek, from Health
17 and Social Services. Kind of -- I think there's two
18 (2) -- two (2) points in there, correct me if I'm
19 wrong, but one (1) -- one (1) part was what we're doing
20 with the royalties to -- to do this, and we've only
21 been one (1) year into devolution, so we haven't seen
22 royalties flow yet, to the best of my knowledge.
23 Someone can correct me if I'm wrong on that.

24 But more -- more broadly speaking on the
25 program level, our -- the man -- mandates, especially

1 for -- for our department are to -- are to deliver
2 programs at a territory-wide level, and we don't
3 particularly focus, while we do address and update. We
4 -- we deliver the program across the territory,
5 including to areas, like to -- that need them. And one
6 (1) good example would be, though I might be stepping
7 on -- on toes of people who aren't here, is a STI
8 awareness campaign that was run through the Tlicho that
9 was very successful. And we're looking at doing an
10 evaluation of that right now of how we can take best
11 practices learned and spread that across the territory,
12 so we're actually using it as a model, so.

13 MR. TODD SLACK: Thanks for that
14 response. And what I'd be hoping for is not just for
15 this one (1) particular indicator in this one (1)
16 region, but -- and that's a good example. Say, Hey,
17 here was our effort here. Here's what we're -- we're
18 doing to mitigate this trend that we've observed, and
19 here's what we're going to do through the operation of
20 this project, and for -- for all of these negative
21 trends.

22 Because it's one (1) thing to put this
23 on the cou -- put thi -- put socioeconomic issues on
24 the Company, and think I've probably done that, in
25 terms of what they're going to hire, but mining has

1 ripple effects beyond that. There are consequences,
2 and those are societal -- more -- or they're broader,
3 they're societal. And so while the Company is -- you
4 know, they are -- they have efforts to, you know, not -
5 - reduce the pardon barrier, to reduce the barrier for
6 women and children. They have adult education -- we -- we've
7 seen those mitigations there, and they're on the
8 record.

9 But for these concerns, these societal
10 level concerns that we're seeing, and especially in
11 smaller communities, we don't have evidence on the
12 record. And I think that if we're going to try and
13 assess the significance of these things going forward,
14 it falls to the GNWT to submit something.

15 And listen, if you guys don't want to do
16 it, hey, that's your choice, but we're -- we're going
17 to be advocating for this throughout the process,
18 because certainly in N'Dilo and Dettah, we're seeing
19 effects, anecdotally or not. And, you know,
20 understanding how GNWT is going to respond in the
21 future, as well as in the past, is the first step.

22 THE FACILITATOR: It's Bill Klassen. I
23 believe there's a -- a response in part, or at least
24 some guidance from the Board on this.

25 MS. KATE MANSFIELD: This is Kate

1 Mansfield, with the Review Board. Todd, thank you for
2 your question and point. I'm wondering if you'd allow
3 me to direct a question to the GNWT, then, so we -- we
4 understand what Todd is asking for?

5 Is this is something that the GNWT is
6 willing to commit to providing in perhaps an
7 undertaking that the -- the Review Board process allows
8 for?

9 MS. DEBORAH ARCHIBALD: I'll just --
10 Deborah Archibald, with the GNWT. If I could -- if I
11 could respond to the question? The -- the in --
12 information is actually in our "Communities and
13 Diamonds" report. Our "Communities and Diamonds," we
14 report on -- on the indicators. And that report -- and
15 -- and also gives some analysis. And then it allows
16 us, you know, in areas where we should focus on -- you
17 know, we -- we do have our programs and services that
18 are -- target the -- the general population.

19 But the Communities and Diamonds allows
20 us to look at areas where we should focus on, and Derek
21 gave a good example with STDs -- or STIs. Thank you.

22 MR. DANA HEIDE: Dana Heide, from EC.
23 If I can just add to that? The business we're in is
24 around mitigating those indicators, whether they're
25 indicators around mine health, or mine success, or

1 anything else. So we publish our indicators of success
2 and failures ad nauseam, on the web, in public, student
3 success, student success in grade 3, 6, and 9, students
4 residen -- resi -- readiness to learn in kindergarten.
5 We publish all those statistics on a regular and
6 continuous basis.

7 You can look at trend lines. The
8 Statistics Bureau presents how well we're doing across
9 the education in the post-secondary field, and all
10 those are out there. It's not specific to the Jav
11 pipe. It's not specific to mining, but it -- it is the
12 business we're in. And -- and we're about transforming
13 people's lives, whether it's a socio-economic factor
14 within the indicators around the mine, or whether it's
15 iust changing the world, we are there. So we pre --
16 present all those regularly and transparently.

17 THE FACILITATOR: Thank you. It's Bill
18 Klassen. We're almost at 5:00. Do you have one (1)
19 last --

20 MS. KATE MANSFIELD: Yeah. I'd iust
21 like to thank GNWT for their comments. And, Todd, if
22 you have additional questions, perhaps the next IR
23 phrase would be an appropriate way to get some of those
24 questions answered.

25 MR. TODD SLACK: Thanks, but I don't

1 think that would be very useful. We'll ask these
2 questions at the hearing, and we'll ask them to the
3 point to the evidence that's on the registry. And when
4 there isn't any, you know, there we are.

5 THE FACILITATOR: Okay. Thank you,
6 everyone, for your participation today. We have some
7 commitments from the Company for provision of
8 information for tomorrow. We didn't take the time this
9 afternoon to put them on the screen, so as we did
10 yesterday we'll ask staff of the Board to meet with
11 Dominion Diamond representatives to flesh out that list
12 and then that will be made available tomorrow when the
13 Company reports.

14 Tomorrow there -- the -- the main topic
15 is air, but there's also time to address any
16 outstanding issues that we've not covered in the last --
17 -- well, since Monday noon. So I'll look forward to
18 seeing you all here again tomorrow morning at -- at
19 9:00, and we'll have a look at some of the follow-up
20 topics from the -- the last several days and then we'll
21 get into the main topic of air and outstanding issues.
22 Thank you, all.

23

24 --- Upon adjourning at 5:00 p.m.

25

1 Certified Correct,

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6 Robert Keelaghan, Mr.

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