



MACKENZIE VALLEY ENVIRONMENTAL

IMPACT AND REVIEW BOARD

JAY PROJECT EA1314-01

TECHNICAL SESSIONS

Facilitator

Bill Klassen

HELD AT:

Yellowknife, NT

Tree of Peace

April 24, 2015

Day 5 of 5

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1	TABLE OF CONTENTS	
2		Page No.
3	List of Commitments	10
4	List of Undertakings	11
5		
6	Opening Comments and Ouestions	13
7		
8	Presentation by Dominion Diamond - Air Ouality	41
9	Ouestion Period	61
10		
11	Certificate of Transcript	162
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

1	LIST OF COMMITMENTS	
2	Number	Description
3	7	DDEC is to hold a meeting with EC to
4		clarify emissions model and will prepare
5		a summary report of the results of this
6		meeting to be submitted to the Review
7		Board
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1	LIST OF UNDERTAKINGS	
2	Number	Description
3	16	DDEC is to review the ICRP to clarify
4		the project's closure objectives
5		specifically in regards to lichen
6		re-colonization and re-vegetation
7	17	GNWT is to provide a legal opinion
8		regarding whether the Ambient Air
9		Quality Guidelines are mandatory, and if
10		they apply to the Jay Project
11	18	DDEC is to report on if portions of
12		their internal policy on occupational
13		health and safety regarding air quality
14		may be made available
15	19	DDEC is to submit a current list of the
16		truck fleet in operation at Ekati and
17		their model years and type; to be
18		submitted to the Review Board and posted
19		on the Public Registry
20	20	DDEC will update the map from the
21		overall air quality model with
22		information from the dust fall monitors
23		adjacent to the ekati airport
24		
25		

1	LIST OF UNDERTAKINGS (Con't)	
2	Number	Description
3	21	DDEC will confirm if the 80 percent
4		control efficiency rate for emissions
5		mentioned in Appendix 7B of the DAR was
6		incorporated in the calpuff model
7	22	DDEC will provide a description of the
8		geographic boundary of the assessment
9		endpoint for air quality (i.e. the GNWT
10		air quality guidelines)
11	23	GC will investigate specific
12		consultation responsibilities of the
13		government of Canada with respect to the
14		Jay project and report results to the
15		Review Board by May 8th
16	24	DDEC will provide a table of the
17		issues identified in DDEC's response to
18		IRs IEMA 37 and LKDFN 8 that organizes
19		these issues by intervening group
20		
21		
22		
23		
24		
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1 --- Upon commencing at 9:01 a.m.

2

3 THE FACILITATOR: Good morning again.

4 Thank you for attending this fifth day of technical
5 sessions related to the expansion of the Ekati mine
6 with the Jav project.

7 As I said, my name is Bill Klassen.

8 I'll be facilitating this session. The topics for
9 today have to do with air, and if there are any
10 outstanding issues that still remain to be addressed.

11 As I've said on other days, there are
12 two (2) exits from this room at the -- from where I
13 sit, the back of the room. The washrooms are over
14 there. There are refreshments and breakfast cookies
15 over there on that table, and -- breakfast cookies.
16 And my mother said that oatmeal cookies were a good
17 breakfast.

18 And cell phones, if you have them,
19 please make sure they're on mute. The Board would
20 appreciate it if you would sign in so that we have a --
21 a record of who's in attendance.

22 And also when you speak, because these
23 proceedings, if I may call them that, are being
24 transcribed, would you give your name so that we know
25 who said what.

1 Also, iust so that you're aware,
2 speaking of the transcription, the transcripts of the
3 first four (4) days of these sessions are on the public
4 registry on the -- the Board's site.

5 So the purpose for the meeting is
6 clarification of the Developer's responses to the
7 Information Requests on this topic. And, as has been
8 the case during the week, there -- when commitments are
9 made by Dominion Diamond, those are being tracked.

10 We will be meeting this morning, and
11 then when we break for lunch, that will be the -- the
12 end of these technical sessions.

13 We'll start with a presentation from
14 Dominion Diamonds on air quality, but before we have
15 that presentation, there will also be responses from
16 Dominion Diamond on a couple of homework items.

17 And even before we do that, I would --
18 because there are different people in the room than
19 were here the other days, we'll go around the room and
20 introduce ourselves so we all know who's here, starting
21 with Simon on my left.

22 MR. SIMON TOOGOOD: Thank you. It's
23 Simon Toogood, with the Review Board.

24 MR. CHUCK HUBERT: Chuck Hubert, with
25 the Review Board.

1 MR. MARK CLIFFE-PHILLIPS: Mark Cliffe-
2 Phillips, with the Review Board.

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

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

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

9 MS. SARAH-LACEY MCMILLAN: Sarah-Lacey
10 McMillan, with Environment Canada. And joining me
11 shortly will be Dave Fox.

12 MR. EMERY PAQUIN: Emery Paquin, with
13 the Monitoring Agency.

14 MR. KEVIN O'REILLY: It's Kevin
15 O'Reilly, with the Monitoring Agency.

16 MS. JAIDA OHOKANNOAK: Jaida
17 Ohokannoak, with the Monitoring Agency.

18 MR. MARC D'ENTREMONT: Marc
19 d'Entremont, with the Deninu K'ue First Nation.

20 MR. TEE LIM: Tee Lim, with the
21 Monitoring Agency.

22 MR. PETER UNGER: Peter Unger, Lutsel
23 K'e Dene First Nation.

24 MR. TONY BUGGINS: Sorry. Tony
25 Buggins. I'm here to provide interpreting services for

1 those required. Good morning.

2 MS. SARAH ROBERTSON: Sarah Robertson,
3 MPMO.

4 MR. ANDY YOUNG: Andy Young, ITI.

5 MR. PAUL MERCREDI: Paul Mercredi, GNWT
6 Lands.

7 MS. MELISSA PINK: Melissa Pink, GNWT
8 Lands.

9 MS. KATE WITHERLY: Kate Witherly,
10 GNWT, Environment and Natural Resources.

11 MR. TODD SLACK: Todd Slack, with the
12 Yellowknives.

13 MS. LINDA HAVERS: Linda Havers, Golder
14 Associates.

15 MR. JESSE O'BRIEN: Jesse O'Brien,
16 Golder Associates.

17 MR. GRAEME CLINTON: Graeme Clinton,
18 with Impact Economics.

19 MR. ERIC DENHOLM: Eric Denholm,
20 EDenholm Consulting.

21 DR. DAN COULTON: Dan Coulton, Golder
22 Associates.

23 MR. CAM STEVENS: Cam Stevens, Golder.

24 MS. FIONA ESFORD: Fiona Esford,
25 Golder.

1 MR. JOHN FAITHFUL: John Faithful,
2 Golder.
3 MS. AMY LANGHORNE: Amy Langhorne,
4 Golder.
5 MR. STEVEN STRAWSON: Steve Strawson,
6 Golder.
7 MS. KRISTINE MASON: Kristine Mason,
8 Golder.
9 MR. DENNIS CHANG: Dennis Chang,
10 Golder.
11 MR. RICHARD BARGER: Richard Barger,
12 Dominion Diamond.
13 MR. ELLIOT HOLLAND: Elliot Holland,
14 Dominion Diamond.
15 MS. CLAUDINE LEE: Claudine Lee,
16 Dominion Diamond.
17 MR. PATRICK DUFFY: Patrick Duffy,
18 legal counsel to Dominion Diamond.
19 MR. JAMES SPARLING: Jim Sparling,
20 GNWT-ENR.
21 MS. KELLY FISCHER: Kelly Fischer,
22 GNWT-ENR.
23 MR. MATT SEABOYER: Matt Seaboyer,
24 GNWT-ENR.
25 MS. LISA DYER: Lisa Dyer, GNWT,

1 Environment and Natural Resources.

2 MR. DON CHORLEY: Don Chorlev, with
3 Golder.

4 MR. SONNY ZOE: Sonnv Zoe, Tlicho
5 Government.

6 THE FACILITATOR: I think that's nearly
7 everyone. So again, when you speak, if you would
8 identifv yourselfs first. We'll move then to Dominion
9 Diamond's -- sorrv.

10 MS. DIANA BECK: Diana Beck, GNWT,
11 Industrv, Tourism, and Investment.

12 THE FACILITATOR: Okav. Thank you.
13 And I apologize again. I always forget the people who
14 aren't in the room but are with us nonetheless. Would
15 anv of the folks who are on the telephone please
16 identifv yourselfs.

17 MR. REG EJECKAM (BY PHONE): Reg
18 Eieckam, Environment Canada.

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

21 MR. CHRISTOPHER AGUIRE (BY PHONE):
22 Chris Aquire, Transport Canada in Winnipeg.

23 THE FACILITATOR: Is there anyone else
24 on the telephone? Okav, thank you for joining us by
25 telephone. We'll move then to the responses that

1 Dominion Diamond was going to provide, homework item
2 number 23, which had to do with fish and fish habitat.

3 MR. RICHARD BARGERY: Richard Bargery,
4 Dominion Diamond. We have two (2), I think, that will
5 -- will go up on the -- on the screen, I think, that
6 sent, and Claudine has a number of others. Yeah,
7 that's the second one, right? I don't know how you --
8 well, that's going to be read, but maybe this one
9 first.

10 Claudine, do you just want to, say, go
11 to the -- the management plans list that -- of the
12 major -- at least the major management plans?

13 MS. CLAUDINE LEE: Good morning.
14 Claudine Lee, Dominion Diamond. So this, as requested
15 on Monday, to provide a list of key monitoring and
16 management plans currently for the Ekati operations and
17 how they would be or could be updated for Jav.

18 So we've prepared that table and then
19 submitted that. So I won't read through it, but it
20 does have the list of management plans that we have
21 been talking about and some of the other major
22 management plans that we do have as part of the Ekati
23 operations, their status, update, what their regular --
24 regulatory process is, how we do some of our community
25 engagement, the Ekati operations update plan, and then

1 how and when it -- it could be applicable for Jav.

2 So iust we've submitted that and that
3 can go onto the -- the record and people can look at it
4 there. So that completes homework assignment number 4
5 to be done by the end of this technical session.

6 Since we have number 23 up, I can go
7 through that one. And then I have a few others that I
8 can read out. So the reason that we submitted this one
9 is because there is a table on the next page if you
10 scroll down, so.

11 An investigation of shoal habitats in
12 Lac de Gras that mav be utilized by spawning lake trout
13 and other dominant fish species, around whitefish and
14 cisco, was conducted during the period of August 10th,
15 1996, to August 28th of 1996 inclusive, by Golder in
16 1997. A total of a hundred and eightv-one (181)
17 shoals, a hundred and sixtv (160) in Lac de Gras and
18 twenty-one (21) in Lac du Sauvage, were characterized
19 during the summer study.

20 Based on the manv features examined,
21 each shoal was assigned a spawning habitat quality
22 ranking for each of the three (3) main species of fish.
23 In order to evaluate and confirm the spawning habitat
24 potential of the shoals for the lake trout, several of
25 these, as well as a number of unexamined shoals, were

1 monitored for any evidence of spawning activity during
2 the fall survey.

3 Each shoal was examined for sub-stratum
4 composition; size of the material; depth; shape of the
5 material, round versus angular; presence of
6 interstitial spaces; slope of the shoal; and
7 cleanliness of the material, silt-covered epilithic
8 algae. Based on these characteristics the shoals were
9 then assessed for their potential as spawning habitat
10 for each species and given a score according to the
11 ranking scheme presented in Table 1. You can see on
12 the -- on the screen right now.

13 Okav. So I'll move onto Undertaking
14 number 9 regarding pump test results for Duev's Fault.
15 So Dominion Diamond will examine publicly available
16 information on pumping test data from Duev's Fault,
17 specifically the type of testing that was conducted in
18 the Diavik case, and identify the potential for
19 conducting such testing for Jay and its relevance for
20 the Jay case.

21 The Diavik experience has shown that the
22 most reliable method of assessing significant features,
23 such as enhanced permeability zones in Northern mine
24 pits, was observations undertaken during pit
25 excavations, Bieber et al 2006. Observations of inflow

1 quantity and structure in the pit walls in the early
2 stages of the Diavik 154 Pit development and
3 calibrating the numerical hydrogeological model to
4 these observations yielded an estimated transmissivity
5 of Due -- Duev's Fault of one (1) times ten (10) to the
6 negative three (3) metres cubed per second.

7 A pumping test -- a pumping test
8 conducted in a bore hole in Duev's Fault yielded
9 similar value of the transmissivity and confirmed the
10 results of the model calibration. This experience
11 illustrates that pumping tests identified -- the
12 pumping tests added limited information beyond that
13 gain during operational observation.

14 Dominion Diamond will undertake
15 observations of flow -- inflow quantity and structure
16 in the Jay pit walls during operations. These
17 monitoring procedures will be developed during the
18 permitting phase.

19 Homework assignment number 10. Effects
20 on fugitive dust on lichen and other vegetation.
21 Dominion Diamond was asked to provide information
22 regarding the dust impacts on lichen after closure.
23 Fugitive dust is predicted not to have a significant
24 effect on vegetation communities, including lichen, or
25 on animals that eat the vegetation.

1 Dominion Diamond's assessment of the Jav
2 project includes a wildlife health risk assessment that
3 evaluates risk to animals from eating local vegetation.
4 The results indicate that health risks to wildlife are
5 negligible. However, minor localized effects on
6 vegetation from dust may occur.

7 In its response to DAR YKDFN IR Number
8 4, Item 2, Dominion Diamond describes studies of the
9 Diavik mine that included a shift in vegetation species
10 composition close to dust sources. Because lichen are
11 sensitive to dust, the species composition shifted to
12 less lichen and more of other types of vegetation.

13 It was found to be uncertain whether the
14 species composition would return to its initial
15 composition. Therefore, Dominion Diamond cannot
16 provide and estimate time for recovery to initial
17 conditions in those area adjacent to dust sources that
18 may undergo a shift in species composition.

19 In the long term after closure of the
20 Ekati mine, Dominion Diamond anticipates that the
21 possible reduction in lichen in areas adjacent to dust
22 sources would be balanced by lichen colonization of
23 reclaimed camp roads -- or camp pads, laydowns, and
24 roads. The Ekati mine interim Closure and Reclamation
25 Plan states on page 5-170 that initial colonizers in

1 these locations will be lichens and xeric mosses.

2 Any necessary research into the lichen
3 colonization would be the subject of reclamation
4 research plans conducted under the interim Closure and
5 Reclamation Plan.

6 Homework assignment number 17. Dominion
7 Diamond was asked about thresholds and significance for
8 back-flooding in the narrows. Significance for fish
9 and fish habitat is defined in Section 9.6.1.2 as
10 follows:

11 "Significant impacts are measurable
12 at the population level and likely to
13 decrease resilience and increase the
14 risk of a self-sustaining and
15 ecological effective fish population.
16 Loss of habitat that causes permanent
17 adverse changes to survival or
18 reproduction at a popula --
19 population level would likely be
20 significant.

21 A significant effect may also result
22 from habitat loss that affects fish
23 movement and restricts population
24 connectivity, disrupting the
25 potential for demographic rescue

1 between adjacent water bodies such
2 that it causes permanent adverse
3 changes to survival or reproduction
4 at a population level."

5 A specific example for the back-flooding
6 pathway that may be an effect on habitat in the narrows
7 that prese -- prevents fish passage, resulting in a
8 long-term or permanent decrease in survival or
9 reproduction rates which may decrease resilience and
10 increase the risk to self-sustaining and ecological
11 effective fish population. The effect on VCs would
12 only occur if habitat fragmentation extended across
13 multiple years, likely beyond a generation time for VC
14 species where generation time is species-specific.

15 There -- if there is any risk of an
16 adverse effect to fish population in the narrows from
17 back-flooding the risk would be a period of low flows,
18 and when fish are most active and migrating between
19 lakes. For example, this period would include late
20 summer to early fall, September to October, during fall
21 spawning activities. After spawning related movements
22 or movements to overwintering areas, long distance
23 movements of fish during ice covered conditions are
24 unlikely, as fish are generally dormant when the
25 availability of foods is limited and temperatures are

1 near freezing.

2 Fish are then active and migrating
3 during the spring or early summer period. However,
4 based on existing environmental data, it is highly
5 unlikely that water levels in the narrows would ever be
6 low enough to present a risk of limiting fish passage
7 during the late spring/early summer, naturally or
8 project related.

9 Additional hydrological data will be
10 collected at the narrows through operations and through
11 the Aquatic Effects Monitoring Program. These data
12 will be used to inform the development of quantitative
13 trigger levels as part of closure planning through the
14 established Wek'eezhii Land and Water Board process.

15 And the last one is homework assignment
16 number 24 on clarification of Northern participation
17 rates. Dominion Diamond was asked to clarify
18 references to Northern participation rates referred to
19 in DAR YKDFN IR number 14. The 2021 Northern
20 participation rate referenced in this Information
21 Request, i.e. 55 percent, is a projected participation
22 rate for the purpose of economic modelling.

23 The rate assumes that the Ekati mine
24 will participate in the labour force at a time when
25 competition for labour is at a peak with development

1 activities occurring at Diavik, the A21 pit, and Gahcho
2 Kue mines. The model assesses the quantitative effect
3 of the Jav project without altering (sic) of the
4 quality of the labour force or the changes in
5 participation that comes as a result of actions by
6 Dominion Diamond.

7 The model results depict the effect of
8 the opening and closure of other NWT mines on the
9 labour market. The model doesn't illustrate
10 improvements in Northern participant rates that the
11 Ekati -- that -- at Ekati that Dominion Diamond has
12 made in 2014. With this conservative approach and
13 making no changes or improvements to NWT's labour
14 force, the model predicts that the Ekati mine will
15 exceed 63 percent Northern hiring by 2030.

16 Some of the initiatives Dominion Diamond
17 has undertaken since taking ownership of the Ekati mine
18 include the elimination of Edmonton as an employee pick
19 up point, improving its promotion and recruitment
20 practices to increase Northern employment, reinstating
21 its workplace learning program, and adding community
22 liaison positions. Dominion Diamond expects this
23 increased participation will carry through the life of
24 the existing Ekati mine and will transition into the
25 operational workforce for the Jav project. Those are

1 the items for today.

2 THE FACILITATOR: Thank you. I'm aware
3 that Environment Canada wants to put on record a
4 clarification concerning wildlife. But before I ask
5 them to do that, I think at least one (1) participant
6 here yesterday wanted the opportunity to ask questions
7 following the reporting on homework item number 24.

8 MR. TODD SLACK: Thanks, Mr. Chair.
9 I'm wondering if I might ask a couple of questions
10 beyond that, based on the responses that we've heard?

11 THE FACILITATOR: Yes.

12 MR. TODD SLACK: Okay. Well, I'll
13 start with twenty-four (24). And it -- sorry. It was
14 a -- kind of a complicated response to take in all at
15 once. But I think I understand, and I think that the -
16 - with respect to the nature of the question, the
17 project will meet its commitment towards the end of its
18 lifespan. 2030 was the -- the answer to part B of that
19 question.

20

21 (BRIEF PAUSE)

22

23 MR. RICHARD BARGERY: Richard Bargery,
24 Dominion Diamond. So what the -- what the answer said
25 was the model predicts or projects that that's --

1 that's what will occur. What it doesn't take into
2 account is some of the improvements that -- that we
3 made as a company here over -- in -- in 2014, some of
4 the changes that we made.

5 So while it's a projection, the
6 commitment from the Company is that we are going to --
7 we are going to meet our -- our targets in the -- in
8 the SEA, and hopefully -- well, now, in 2014, before --
9 before our directed -- direct hires, and we're working,
10 as -- as we described yesterday during the
11 socioeconomic session, with our contractors now to
12 improve those numbers so that they also meet those --
13 meet those requirements and those obligations.

14 MR. TODD SLACK: Oh. Okay. I
15 recognize that the Company's going to try, but I just
16 want to make sure that I understand the response. Did
17 -- the model predicts that the project will not be --
18 will not be meeting its promises until very close to
19 the end of life.

20 Fair statement?

21 MR. RICHARD BARGER: Richard Barger,
22 Dominion Diamond. It's -- it's fair. That's -- that's
23 a -- that's a fair characterization that the model
24 does, but it's important to understand, as -- as we
25 said in the response, that the model projections are

1 not based on some of the changes that have occurred
2 since -- particularly since Dominion's been operating
3 in -- fully in 2014 with some of the improvements. So
4 the numbers are from 2013, that -- that's the basis for
5 the model.

6 MR. TODD SLACK: Okay. Fair enough.
7 We'll -- we'll move on. I'm -- sorry, I'm -- I'm
8 wondering if we can get that chart up? But I'll ask a
9 question while you're doing that for the -- the chart
10 that was showed at the beginning.

11 MR. RICHARD BARGERY: The Management
12 Plan?

13 MR. TODD SLACK: The -- sorry, the
14 Management Plan chart. I -- oh, yeah. I guess there
15 was two (2). Not that one. How quickly we -- we
16 forget.

17 I'll ask a question about the -- the
18 lichen recovery response while that's coming up, or --
19 well, it's already up, but anyhow, lichen recovery. So
20 I think I caught most of that response, and the answer
21 was that, Hey, we don't know this right now, but even
22 though we don't, here's what we expect lichen to be
23 recovering as part of our closure plan on the roads and
24 the pads and whatnot.

25 And I think that I got it, and I kind of

1 see noddinq, so we'll assume I have the gist. So the
2 question then becomes: At what point do you expect to
3 see lichen in that? And I understand that this may be
4 part of a research recovery -- or a research --
5 reclamation research plan.

6 MR. KEVIN O'REILLY: Reclamation
7 Research Plan.

8 MR. TODD SLACK: And can I ask: What -
9 - when are we going to get results for that? And what
10 is the closure objective that that research recovery
11 plan is under?

12

13 (BRIEF PAUSE)

14

15 MR. ERIC DENHOLM: Yeah, it's Eric
16 Denholm speaking. So, yeah, you had the gist of -- you
17 did have the gist of the response. Thanks for getting
18 that, Todd. Yeah, the Reclamation Research Plans,
19 there's a number of them under the -- under the --
20 underway through the Wek'eezhii Land and Water Board as
21 part of the closure planning work.

22 That would be -- yeah, that's -- that's
23 the home for -- that would be what we would see would
24 be the home for research into lichen in a time frame
25 for recovery and so on, so.

1 MR. TODD SLACK: It's Todd Slack, with
2 the Yellowknives. So to clarify, under what component
3 and what objective would that be a research recovery
4 plan?

5 MR. ERIC DENHOLM: Eric -- Eric Denholm
6 speaking. Well, I guess the component, it would -- you
7 know, I -- I'd say the component it would come under
8 would be likely -- you know, there's six (6) com -- if
9 you're -- now, if I am interp -- if I'm understanding
10 what you mean by 'components' properly, there's six (6)
11 sort of topic areas under the closure plan. And it
12 would pro -- one (1) of them is buildings and
13 infrastructure, which -- which is where roads and camp
14 pads sort of are -- are addressed. So I would -- I
15 would see it in that component.

16 And, you know, the objective -- the --
17 the objective for those components is -- is to make the
18 areas safe for people and wildlife and create the
19 opportunities for natural colonization by vegetation,
20 so.

21 MR. TODD SLACK: Thanks. Sorry, you
22 said that the -- you described as it would -- this is
23 where it would likely be. So should I take that as, at
24 present, this doesn't exist? It's Todd, with the
25 Yellowknives, pardon me.

1

2

(BRIEF PAUSE)

3

4

MR. ERIC DENHOLM: Yeah, it's -- it's
Eric Denholm speaking. So there's -- yeah, so there's
a process for -- for -- through the -- through the
Water Board and the -- and the closure plan there's the
process for -- for building that in or refining some of
the work we're doing on vegetation generally and -- and
rolling this. And if that was appropriate and -- and
defined through -- the through the Water Board process,
yeah.

13

MR. TODD SLACK: Todd Slack. So I'll
just -- the question again is: Does it exist now? Not
the process; the -- the requirement to get these
answers.

17

MR. ELLIOT HOLLAND: Elliot Holland,
from Dominion. It's not specifically in the current
plan, but we have a process to update the reclamation
objectives. And that discussion would -- would be
appropriate under that process.

22

MR. TODD SLACK: Thanks for that
answer, Mr. Holland, but I'm asking, is this -- or I'll
ask a different question. The only closure discussion
or objective that I can find related to this is that

1 the site will be safe for animals.

2 Now, when -- when you were -- get to
3 that -- that process you guys are going to come back to
4 this EA and say: Well, listen, we didn't say anything
5 about revegetation or natural colonization. We only
6 said it would be safe for animals; it's not going to
7 kill them.

8 So I'm trying to get at what these --
9 what the objectives of the Company are. And in
10 particular, we want to see this site go back to the way
11 that it was when you took it over. This was productive
12 and important caribou habitat, so we -- as much as
13 possible, the Yellowknives want to see that go back to
14 that. It's not just, hey, animals can move through
15 here without suffering injuries.

16 So without knowing how long that'll
17 take, and that's what I'm trying to get at, or what
18 species we can expect to see there. Maybe lichen never
19 comes back. Those are the critical questions for
20 closure in the long term, so that's what I'm trying to
21 get answers for.

22 MR. ELLIOT HOLLAND: Elliot Holland,
23 with Dominion. I -- I don't know if there's a question
24 there or that's just another comment.

25 MR. TODD SLACK: The question is -- is

1 twofold: 1) When can -- is this going to be one (1) of
2 your objectives? Well -- well, is it -- is
3 revegetation or having lichen come back to the site and
4 it to be productive wildlife habitat again, is that
5 important?

6

7

(BRIEF PAUSE)

8

9 THE FACILITATOR: It's Bill Klassen,
10 the facilitator. If -- I would prefer not to prolong
11 this exchange. If the response that's forthcoming is
12 not satisfactory, then I suggest that there is still
13 further opportunity through another round of
14 Information Requests to address it more specifically.

15 Does the Developer have a response?

16 MR. RICHARD BARGERY: Richard Bargery,
17 Dominion Diamond. Sorry, we're just trying -- we don't
18 have the -- the closure plan here, and -- and so we're
19 trying to -- to recreate the closure objectives and
20 some of the wording. And there is some wording in the
21 closure plan about creating conditions for natural
22 colonization, but that was the discussion so we were
23 having. So just for -- just for clarity.

24 I think probably at this point, I think
25 we understand the point that Todd's making and -- and

1 has made previously. So I think we'll -- we'd want to
2 -- we're prepared to consider that, and we'd look at
3 that in terms of the conceptual closure plan for -- for
4 the Jay project.

5 So I -- I think that would be our answer
6 today, Mr. Chair, and -- and to you, Todd.

7 MR. TODD SLACK: Thanks. I'm ready to
8 -- to move on. That's good enough for now.

9 Okay. I'd like to -- on the chart on
10 the screen, if I could focus in the first three (3)
11 columns -- geez, I can barely read that from here --
12 sorry, the first three (3) rows. And I'm going to
13 focus on the regulatory process.

14 I -- I just -- I understand what the
15 project's saving here, but for clarity, right now, do -
16 - is there agreement that GNWT, the Wildlife Act, is
17 not a -- a regulatory authority for -- for the WWHPP as
18 those -- that particular thing is not enforced, as far
19 as I can understand -- that particular section, sorry?
20

21 (BRIEF PAUSE)

22
23 MS. CLAUDINE LEE: Claudine Lee,
24 Dominion Diamond. So just wanted to restate that the
25 commitment that we made here was to provide the updated

1 WWHPP/WEMP, which -- which meets the requirements under
2 the Wildlife Act where there is a provision that says,
3 You must have a management plan. So that does apply to
4 us, and we've agreed that we -- we would do that.

5 And then the note in the bracket there
6 is our actual regulatory requirement. It is under the
7 Environmental Agreement. That also says, You must have
8 a wildlife management plan. So -- so that's the
9 clarification there and how those -- those two (2)
10 things, both the Wildlife Act and the draft guidelines
11 for the WWHPP and WEMP, and the Environmental Agreement
12 apply to -- to this management plan that we're
13 providing on August 1 that we committed to during this
14 session.

15 MR. TODD SLACK: Okav. Thanks for
16 clarification. And it leads into the second part of
17 this question, the -- the Air Quality Program. Under
18 the Envi -- the Environmental Agreement, the only
19 enforcement mechanism is the Minister acceptance of the
20 -- the year-end report.

21 Do I have that right?

22

23 (BRIEF PAUSE)

24

25 MS. CLAUDINE LEE: Claudine Lee,

1 Dominion Diamond. The regulatory requirement, again,
2 is under the Environmental Agreement, where it says,
3 You must have an air quality management plan and
4 program, and the reporting period for that is three (3)
5 years. We do summarize that in the annual reports
6 during those -- during those years.

7 MR. TODD SLACK: Okay. And I have that
8 in my pocket to read at some point in the future. But,
9 no, the -- sorry, the -- the question is about the
10 enforcement. It's -- it's Todd, with the Yellowknives.
11 Sorry.

12 The -- the enforcement mechanism within
13 the Environmental Agreement is ministerial acceptance.
14 Is that right?

15

16 (BRIEF PAUSE)

17

18 MS. CLAUDINE LEE: Claudine Lee,
19 Dominion Diamond. So the annual report for the
20 Environmental Agreement that's submitted goes through a
21 review process with comment -- comments and responses.
22 And at the end, it is deemed by the -- the -- by, now,
23 GNWT as satisfactory or unsatisfactory. That's the
24 process in place right now.

25 MR. TODD SLACK: Okay. Thanks very

1 much. That's the last of my questions.

2 THE FACILITATOR: Thank you. It's Bill
3 Klassen. Are there any other questions of
4 clarification? And I emphasize 'questions of
5 clarification' on the responses provided to the
6 homework assignments. Okay. I'd like to move, then,
7 to -- Environment Canada has some clarification on
8 wildlife matters.

9 MS. SARAH-LACEY MCMILLIAN: Good
10 morning. It's Sarah-Lacey, with Environment Canada.
11 So this is in response to Homework Item number 6 from
12 April 20th. Environment Canada is providing the
13 following response and clarification: On Monday,
14 Environment Canada indicated that they would provide
15 the link to the proposed recovery -- excuse me, Rusty
16 Blackbird Management Plan, and agreed to look into the
17 possibility of providing the draft version of the
18 Short-Eared Owl Management Plan to the Board and
19 Proponent for consideration of project impacts and
20 proposed mitigation measures.

21 A link to the proposed Rusty Blackbird
22 Management Plan was already provided by Environment
23 Canada in response to the in -- Independent
24 Environmental Monitoring Agencies, Information Request
25 number 52, and is on the public registry.

1 Alternatively, one can access it through the species
2 at-risk registry.

3 At this time, Environment Canada is
4 unable to share the draft Short-Eared Owl Management
5 Plan. In the absence of the management plan,
6 Environment Canada recommends the Proponent consult and
7 directly link project impacts and proposed mitigation
8 measures to the information contained in the most
9 recent COSEWIC status assessment reports. The COSEWIC
10 status assessment reports for all assessed species are
11 also available on the species at-risk registry.

12 THE FACILITATOR: Thank you. Thank you
13 for that clarification, then. I'd like to move along
14 with today's agenda, then, on the subject of air
15 quality. And I'll ask the Developer to provide their
16 presentation on that topic.

17

18 (BRIEF PAUSE)

19

20 MR. DENNIS CHANG: That -- that's not
21 the correct presentation.

22

23 (BRIEF PAUSE)

24

25 PRESENTATION BY DOMINION DIAMOND - AIR QUALITY:

1 MR. DENNIS CHANG: Dennis Chang, Golder
2 Associates. So I'll be giving a presentation on the
3 outstanding air quality issues from Round 1 of
4 Information Requests. Originally, I was going over a
5 bit about the air quality assessment approach and
6 results, but in the interest of time I'm just going to
7 jump right to the middle of my presentation on the
8 outstanding key issues. So I'm going to be discussing
9 about dust deposition, greenhouse gas emissions, dioxin
10 and furans emissions from win -- waste incineration, as
11 well as air emission mitigation and air quality
12 monitoring.

13

14 (BRIEF PAUSE)

15

16 MR. DENNIS CHANG: Can you -- I don't
17 think it's working.

18

19 (BRIEF PAUSE)

20

21 MR. DENNIS CHANG: If you can go to
22 slide 10? Yeah. So the first key issue is dust
23 deposition. So just before I jump into the dust
24 deposition predictions, I just want to give a little
25 bit of background on dust emissions in general. There

1 are two (2) type -- types of dust emission sources at
2 the project. The first type is from -- dust from
3 combustion process. So these are veh -- vehicle
4 exhaust or power plant stack exhaust.

5 Now, the dust -- or for our air quality
6 scientists, we would like to call 'particulates' -- the
7 particulates from these type of sources tend to be very
8 small, and they can be suspended in -- in the air for -
9 - for a very long time and can travel over a great
10 distance.

11 The second type of particulate emission
12 sources at the project are fugitive dust emission
13 sources. So these are dust generated by -- generated
14 from road dust or wind erosion, blasting, and other
15 type of material transportation activities. So the
16 particulates created by these type of source tend to be
17 larger in size, and although they can be suspended in -
18 - in the air, they tend to deposit -- deposit much
19 faster and tend to deposit closer to the emission
20 sources.

21 So when we talk about dust deposition
22 for the project, we are primarily talking about the
23 larger particulate matter. So the technical term is
24 TSP or total suspended particulates. So in Northwest
25 Territory, there is really no criteria on how low the

1 dust deposition should be. So when we're trying to
2 analyze the -- the dust deposition results, we have --
3 we need something to compare against.

4 So what we did was we reviewed the dust
5 depo -- deposition or dustfall criteria in various
6 Canadian jurisdictions, and we compared the
7 dust deposition against the most stringent criteria
8 from British Columbia. Now, I'm not applying --
9 implying that the -- the -- this criteria has any -- is
10 -- is a regulation that has to be met in -- in the
11 Northwest Territory. But we're just comparing it to
12 get a sense of the magnitude of the -- the dust
13 deposition predictions at the project.

14 So the -- the most stringent criteria
15 that we selected for comparison purpose is 1.7
16 milligram per decimetre squared per day. And I'm just
17 going to refer as a benchmark since it's not really a
18 regulatory criteria.

19 So in the next slide, I have a figure
20 showing the annual average TSP deposition rate at the
21 project. Now, the -- the deposition rate will change
22 over the course of a year. Sometimes the deposition
23 will be higher, sometimes it will be lower, depending
24 on the -- the source of the emissions and the
25 meteorology.

1 So this -- the -- the values I'm showing
2 on this is really annual average. So it's -- that's --
3 it's not a maximum deposition rate. I just want to
4 make -- make that clear.

5 But as you can see, we have higher dust
6 deposition at the Jav pit, along the Miserv Road, and
7 at the ore stockpile. Now, the only -- I -- I know
8 it's hard to see the -- the value ranges, so I'm just
9 going to say the two (2) colours that are important are
10 purple in the middle and -- and the next adjacent
11 colour, which is red.

12 So, basically, red count will represent
13 100 percent to 200 percent of the benchmark. And
14 purple colour in the middle represent 200 percent or
15 above of the benchmark. So the -- really, the really
16 high deposition rate will occur on top of the Jav pit
17 and in -- and slightly outside the Jav -- Jav pit.

18 And as you can see, the -- the gradation
19 with the contour, the deposition rate decrease quite
20 fast as you move further away from -- from the Jav pit.

21 Just going back to the previous slide,
22 so basically, what we can see from -- from the
23 comparison is that the predicted TSP deposition rate, I
24 will say the average TSP deposition rate exceed the
25 benchmark -- exceeding the benchmark are confined to an

1 area within 500 metres from the edge of the disturban -
2 - disturbance.

3 And the predictions fall below 10
4 percent of the benchmark within 3 kilometre away from
5 the -- the project. And then furthermore, the
6 predictions fall below 1 percent of the bench within 10
7 kilometre of -- of the project boundary.

8 The second air quality -- outstanding
9 air quality issue is greenhouse gas emissions. So
10 there's some Information Requests regarding whether we
11 include the aircraft and winter road traffic greenhouse
12 gas emissions in the project's greenhouse gas emission
13 calculations. The answer is no. So in the IR
14 response, we include that -- those -- the greenhouse
15 gas associated with those two (2) sources.

16 Now, at the end of the day, the aircraft
17 and the winter road traffic represent approximately 1
18 or -- to 2 percent of the total project's greenhouse
19 gas emissions. So they're really no -- nothing of
20 significance.

21 The Information Request also asked
22 Dominion to provide annual breakdown or year-by-year
23 breakdown of the green -- projected greenhouse gas
24 emissions, and Dominion has done so in the Information
25 Response.

1 Now, in terms of -- there -- there's
2 this table. I can kind of explain a little bit about
3 the information here. So basically, what it's showing
4 is the maximum annual greenhouse gas emissions for the
5 Ekati mine for 2015, and then the maximum annual
6 greenhouse gas emissions for the project. And that
7 will probably occur in year 2022.

8 Now, what -- I say, "maximum," because
9 when I talk about these two (2) numbers, the actual
10 greenhouse gas emissions will probably be much lower
11 than the maximum predicted, or the maximum projection
12 numbers.

13 So just to give you a sense, the 2014
14 Ekati mine actual greenhouse gas emissions is about 200
15 kilotonnes per -- 200 kilotonne CO2 equivalent per
16 year.

17 Now, there should be that -- that much
18 difference between 2014 and 2015 Ekati greenhouse gas
19 emissions. But in our maximum greenhouse gas emissions
20 estimate -- mation, we -- we have two hundred and
21 seventy (270). So there's -- there's a fair level of
22 conservatism in the -- in the greenhouse gas pro --
23 projection.

24 Now, what this table also show is if we
25 use these maximum projection numbers for Ekati and --

1 and the Jav project, so if we're looking at this year,
2 the Ekati Mine will probably represent about 12 percent
3 of the Northwest Territories's total greenhouse gas
4 emissions. In year 2022, the Jav project will probably
5 represent 13 percent of Northwest Territories's total
6 greenhouse gas emissions.

7 The third outstanding air quality issue
8 is on dioxin and furans from waste incineration.
9 Obviously, dioxin and furans are a byproduct of waste
10 incineration process and -- and is very impor -- and
11 can accumulate in the environment. The project is not
12 expected to increase the waste incineration capacity
13 from that of the existing mine. So the maximum dioxin
14 and furan emissions between Ekati Mine and the Jav
15 project should be zero. The max -- like, the
16 difference between the two (2) projects should be zero,
17 so there's any additional -- there shouldn't be any
18 additional dioxin and furans because of the project.

19 In 2012, there are -- there were two (2)
20 new waste incinerators installed at the Ekati -- Ekati
21 Mine, and they replace three (3) older waste
22 incinerators that has been since retired.

23 The new waste incinerators are designed
24 to meet the Canada Wide Standard for dioxin and furans
25 emissions from incinerator. And follow-up stack tests

1 done on the two (2) waste incinerator have shown that
2 they are in compliance with the Canada Wide Standard.

3 I just also want to point out that there
4 is an Incineration Management Plan as part of the --
5 the Ekati's Waste Management Plan. That has already
6 been created and to ensure safe and efficient operation
7 of the incinerator at the site. So the same -- the --
8 the Ekati's Incinerator Management Plan will probably
9 be the template for the Incineration Management Plan
10 for the Jav project.

11 So the next two (2) slides are air
12 emission mitigation and air quality monitoring. So I
13 mentioned about combustion emission sources earlier in
14 the presentation, so they're -- for the combustion
15 equipment, the majority of the equipment will be --
16 currently at the Ekati site will be used for the Jav
17 project.

18 So, for example, the -- the power plant
19 that's at the Ekati Mine, that will be continued to be
20 used for the Jav project, so there's no new equipment
21 at the power -- power plant. And for the majority of
22 the mine vehicle fleet that's currently at the Ekati
23 Mine, those vehicle fleet will be used for the Jav
24 project, as well. The only exception will be the large
25 haul trucks which will be new -- brand new equipment.

1 And it is Dominion's policy when purchasing new mine
2 equipment that the mine equipment will meet the current
3 emission standards.

4 So I talked about equipment and make --
5 meeting current emissions standard, but, you know, it -
6 - it is also Dominion's policy to implement good design
7 and operational practices to mitigate and reduce
8 emissions to improve the energy effic -- efficiencies
9 of this equipment.

10 The second half of the slide I'm just
11 going to -- I just list not all, but some of the key
12 emission mitigation measures that's currently being
13 implemented at the Ekati Mine. And they include the
14 use of low sulphur diesel fuel; a preventative
15 maintenance program on machinery to ensure optimum
16 operation of the -- all combustion sources; control
17 fugitive dust emission through road watering; use of
18 granite waste rock as raw material; and vehicle speed
19 regulation.

20 Application of dust suppression, D --
21 DL-10, on areas of high traffic volume in -- in
22 compliance with GNWT's environmental guideline for dust
23 suppression. And then also application of a special --
24 specialized EK-35 dust suppression. That's specific
25 for Ekati airstrip.

1 As I mentioned before, there is the
2 installation of high efficient incinerators back in
3 2012. The last two (2) bullets are inclusion of a no
4 idle campaign and -- and on-site shuttle services, and
5 these two (2) initiative is -- are targeting
6 unnecessary vehicle emissions.

7 So I -- on this slide, I want to give a
8 -- a brief summary of the existing air quality
9 monitoring at the Ekati mine. So there are, I would
10 say, five (5) main components of the air qual -- for
11 Air Quality Monitoring Program at the Ekati mine. The
12 first component is a continuous air quality monitoring
13 station at Polar Explosive. And this monitoring
14 station is capable of measuring NOx, NO2, PM2.5, TSP,
15 and SO2.

16 There are also two (2) particles, TSP
17 samplers at Grizzly Lake and Long Lake Containment
18 Facility. These -- these two (2) station collect
19 twenty-four (24) hour TSP samples on a -- a six (6) day
20 cycle. So every six (6) day, you will collect a
21 twenty-four (24) hour cycle throughout the --
22 throughout the year.

23 The third component of the Air Quality
24 Monitoring Program is a monthly dustfall sampling at
25 seventeen (17) stations around the Ekati mine. And

1 this -- this program is limited to only of -- between
2 June and August, I believe, so during the summer
3 months, when fugitive dust emissions are higher. And
4 the fourth and fifth components of the existing Air
5 Quality Monitoring Program are lich -- lichen sampling
6 and winter snow sampling every three (3) years.

7 So the existing Air Quality Monitoring
8 Program will be a -- a template for the proposed Jay
9 project. And the -- the Ekati Air Quality Management
10 and Monitoring Plan has been reviewed every three (3)
11 years, and many changes and revisions and -- and
12 improvement has been made to -- to the plan over the
13 years. So the -- the regulatory -- the review and the
14 regulatory process for the -- the AQMP will probably
15 not change for -- for the Jay project.

16 And in term of the timing on when this -
17 - the AQMP will be available, most likely, it will be
18 developed as part of the regulatory permitting process
19 after the conclusion of the EA. But Dominion might --
20 might have some more information on that. And that's
21 the end of my presentation.

22

23 (BRIEF PAUSE)

24

25 THE FACILITATOR: Thank you for the

1 presentation. Before I open the discussion to
2 questions on this topic, I understand that
3 representatives from the Government of the Northwest
4 Territories will provide some information on the
5 ambient air quality guidelines.

6 MR. MATTHEW SEABOYER: Yes, this is
7 Matt Seaboyer from GNWT. So I'm the Air Quality
8 Programs Coordinator with Environment and Natural
9 Resources. So I must say this is a -- I just heard
10 about giving this little presentation this morning, so
11 forgive me if -- if I jump around a little bit. But
12 I'll try to give the best overview I -- I possibly can
13 of -- of the guideline that we have.

14 So basically, I guess, just to start off
15 with the standards we have. We've got carbon monoxide,
16 fine particulate matter, so that's the small PM2.5,
17 ground-level ozone, nitrogen dioxide, sulphur dioxide,
18 and total suspended particulate, which is the TSP. So
19 those are incorporated in this guideline.

20 So the way that these standards are kind
21 of -- they're framed is we have two (2) sort of main
22 time frames which are based upon a twenty-four (24)
23 hour basis and based upon an annual basis.

24 So in general, these standards were
25 derived from two (2) sources. They came from the

1 Canadian National Ambient Air Quality Objectives. And
2 so those were developed through scientific assessment,
3 looking at various reference levels and looking at the
4 economic benefits for public and -- and private
5 stakeholder though con -- through consultations.

6 Also -- so new standards have recently
7 been updated into the GNWT Ambient Air Quality
8 Guideline, which are ozone and particulate matter of
9 the two point five (2.5), so the smaller stuff. And so
10 these are part of new Canadian Ambient Air Quality
11 Standards, or they call it the CAAQS. And this is part
12 of also CCME's National Ambient -- or sorry, Air
13 Quality Management System, or the AQMS.

14 And in general, you know, these new
15 standards were developed to represent a balance between
16 achieving, you know, best scientific health and
17 environmental protection as possible in the near term,
18 as well as balancing the feasibility and cost of -- of
19 reducing emissions.

20 So these standards were developed for
21 the intention of -- for kind of an effects-based long-
22 term management goal for air quality. So they're not
23 absolute threshold values. However, you know, they are
24 -- they are designed with the -- the intention of -- of
25 reviewing industrial applications and, you know,

1 providing -- providing guidance of where mitigation and
2 monitoring is actually required.

3 So in this case, for Dominion's proposed
4 project, you know, we have these standards and GNWT is
5 -- is strongly recommending that Dominion in --
6 establish a adaptive management framework as pol -- as
7 part of the their Air Quality Management and Monitoring
8 Program.

9 And so these standards would be
10 referenced as part of that adaptive management
11 framework, which has specific thresholds and actions
12 associated as well so that, you know, actions are --
13 are happening before these -- these standards are
14 actually exceeded. And this is a -- a common practice
15 now that's happening with -- with other mines. So
16 Gahcho Kue and -- has committed to this, and Snap Lake
17 has already been doing this as well.

18 So, for example -- and this -- is als --
19 this framework is also supported by -- by the Canadian
20 Council of Ministers for the Environments, or CCME,
21 where you have, for example, you know, from 50 to 70
22 percent of your annual average for your standard then
23 kind of business as usual. We understand that, you
24 know, the impacts is -- impacts have been mitigated.
25 However, if you're starting to approach, you're going

1 from seventy (70) to eighty (80) or seventy (70) to
2 ninety (90) then, you know, internal reviews are
3 triggered. And then beyond that external reviews are -
4 - are triggered.

5 So we would actually like to kind of
6 pose that question to Dominion if they'd be willing to
7 commit implementing this type of adaptive management
8 framework.

9

10 (BRIEF PAUSE)

11

12 MS. CLAUDINE LEE: Claudine Lee,
13 Dominion Diamond. As part of the update for the Air
14 Quality Monitoring and Management Plan, we will look at
15 that. And that is definitely something that could be
16 part of the comments that come back when we put out the
17 draft Air Quality Monitoring and Management Plan as
18 part of this process on August 1.

19 MR. MATTHEW SEABOYER: This is Matt,
20 with ENR. I think we would like to get a bit more of a
21 solid commitment on that, considering this really is
22 kind of the only avenue right now for -- for really
23 getting those commitments to air quality management
24 plans.

25 So if -- will Ekati commit to

1 implementing this plan? And if not, we will proceed
2 further in the -- the regulatory process task on this.

3

4 (BRIEF PAUSE)

5

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. I -- I think, from our perspective,
8 a commitment right here, right now, based on your
9 presentation this morning is -- is probably not -- not
10 what we're prepared to do.

11 We are prepared to take this away and
12 look at it in the context of -- of the management plan
13 that we're -- we're currently -- we're currently
14 amending, and -- and to provide an answer. We'll have
15 to have a discussion about -- about how long that would
16 take to -- to provide that answer. But -- but we are
17 certainly prepared to take this away and -- and look at
18 it.

19 MR. MARK CLIFFE-PHILLIPS: Mark Cliffe-
20 Phillips, with the Review Board. Just for the benefit
21 of the GNWT staff that may not have been present
22 yesterday, there is an additional round of IRs that
23 will be following these technical sessions.

24 So any submissions on the -- the
25 framework that you're discussing could be submitted as

1 part of the -- the Information Requests, and Dominion
2 will have an opportunity to follow up on that.

3 THE FACILITATOR: It's Bill Klassen.
4 May I ask then, Matt, do you have more information
5 regarding the guidelines?

6 MR. MATTHEW SEABOYER: This is Matt
7 speaking, ENR. No, that's -- that's it for now.

8 THE FACILITATOR: Thank you. We'll
9 open it then to, yes, a follow-up question here beside
10 me.

11 MR. SIMON TOOGOOD: It's Simon Toogood,
12 with the Review Board. Can you clarify where these --
13 the GNWT guidelines apply, to which lands? And are
14 there any areas that they don't apply to?

15 MR. MATTHEW SEABOYER: To my
16 understanding -- this is Matt, from ENR. To my
17 understanding, these standards apply to all of NWT as
18 they're -- they're under the Environmental Protection
19 Act, which applies to all of the Northwest Territories.

20 THE FACILITATOR: Todd has a question.

21 MR. TODD SLACK: I have just one (1)
22 question that I think is important for me to understand
23 this. But -- I've got a bunch of questions, but I'll
24 wait on those.

25 Okay. So we're talking about guidelines

1 here. We heard earlier about benchmarks for
2 regulatory. We've talked about standards, thresholds.
3 What is the word to use where a company has -- like,
4 you know, where the -- the letter of the law is here?

5 And so are these guidelines optional, or
6 must they be complied with? I guess that's the
7 question.

8

9 (BRIEF PAUSE)

10

11 MR. MATTHEW SEABOYER: This is Matt,
12 with ENR. In respect to the actual guideline that we
13 were talking about here, we're going to need to
14 undertake that to get a legal opinion on that.

15 THE FACILITATOR: Thank you. It's Bill
16 Klassen. I'll just look to the Board for some advice
17 here. The Company has been making commitments, and
18 those are being recorded. And certain commitments have
19 made -- been made by other entities present. Mark will
20 respond.

21 MR. MARK CLIFFE-PHILLIPS: So we'll
22 consider that an -- an undertaking that GNWT will
23 follow up on. The undertaking deadline is May 8th.
24 And if you could just clarify the -- the wording for
25 the -- the record of your -- your commitment or -- to

1 do this undertaking.

2 MR. MATTHEW SEABOYER: This is Matt,
3 with ENR. So my understanding, Todd, of the question
4 is whether this guideline for these ambient air quality
5 standards are in fact mandatory and can be enforced.
6 So that's correct?

7 MR. TODD SLACK: Yeah, that's correct.
8 And the second part of this -- and this isn't part of
9 the undertaking -- is: For our discussion today, what
10 word are we going to use for the ones that have to be
11 complied with versus like things that are just good
12 ideas? Just so that the nomenclature's clear in my
13 mind.

14 MR. MATTHEW SEABOYER: This is Matt,
15 from ENR. So we're just trying to find a word that
16 represents whether it's actually like a -- a
17 regulation, like a -- a requirement, a legal
18 requirement versus a code to follow?

19 MR. TODD SLACK: You pick.

20 THE FACILITATOR: It's Bill Klassen. I
21 know the English language is not as precise as it might
22 be, but speaking as an ex-enforcement agent, a
23 guideline is a guideline and a regulation is a
24 regulation, and enforceable guidelines are not
25 necessarily enforceable.

1 Is that enough distinction for the
2 discussion this morning?

3 MR. TODD SLACK: Perfect, thank you.

4 THE FACILITATOR: Kevin O'Reilly...?

5 MR. KEVIN O'REILLY: Thanks. Kevin
6 O'Reilly, for the Agency. I'm hoping that GNWT -- or
7 that the commitment can be clarified to ensure that
8 they're also going to tell us whether they think these
9 guidelines apply to this project.

10

11 (BRIEF PAUSE)

12

13 MR. MATTHEW SEABOYER: Yeah, this is
14 Matt, from ENR. Yes, that will be part of this -- this
15 legal opinion that we determine if -- if these
16 standards are legally enforceable and will apply to
17 this project.

18 MR. EMERY PAQUIN: Emery Paquin, with
19 the Monitoring -- Monitoring Agency. Just for further
20 clarification on the undertaking that GNWT is committed
21 to seeking a legal opinion on this question, is the
22 GNWT committing to filing that legal opinion with the -
23 - with the Board?

24

25 (BRIEF PAUSE)

1 MR. MATTHEW SEABOYER: This is Matt
2 Seaboyer, ENR. No, that this legal opinion will not be
3 filed on the public registry. However, we will respond
4 to the questions that have been posed here.

5 THE FACILITATOR: Peter Unger has a
6 question.

7

8 QUESTION PERIOD:

9 MR. PETER UNGER: Hi. Peter Unger,
10 Lutsel K'e. I just wanted to get my last technical
11 questions out of the way before the people who actually
12 know what they're talking about started talking.

13 I filed -- filed an Information Request
14 about this asking why it was okay to exceed the
15 Northwest Territory's ambient air quality standards for
16 the project. By -- by any measure or anything I can
17 tell, the Northwest Territory's ambient air quality
18 standards are -- are pretty lenient. They're -- the
19 values are at least double that of most other
20 standards, if you look at BC's, if you look at the
21 United States Environmental Protection Agency. I
22 quoted the World Health Organization, which I quoted
23 for, you know, the safety of the workers and all that.
24 So the justification I got back from the
25 Company is that these exceedances would be temporary

1 and not -- and would be reversible, which to me sounds
2 like it -- it'll blow away at some point, so that makes
3 it okay. And that seems a little bit like faulty logic
4 to me.

5 I'm curious if you could explain that to
6 me a little bit better because maybe I misunderstood.
7 But to me it just seemed like because it was temporary,
8 that made it okay.

9

10 (BRIEF PAUSE)

11

12 MR. RICHARD BARGERY: Richard Bargery,
13 Dominion Diamond. Peter, I think -- I mean, I'd refer
14 you back to the response in the IR. I think that
15 that's -- that is -- that's our answer. The other
16 point that I'd -- I'd make here is that, you know,
17 these are -- are conservative -- conservative estimates
18 from the model, so we don't expect to get to the point
19 -- that point. But these are temporary exceedances
20 that -- that, as the IR said, will -- will dissipate.

21 MR. PETER UNGER: Hi. It's Peter
22 Unger, Lutsel K'e again. Can you define 'temporary'
23 for me? I mean, arguably, if we shut down all
24 production in Beijing, they would dissipate there too,
25 and we could call that temporary.

1 Is there a limit on what temporary is?

2 Thank you.

3

4 (BRIEF PAUSE)

5

6 MR. ELLIOT HOLLAND: Elliot Holland,
7 from Dominion. Peter, when we talk about 'temporary'
8 we're talking about exceedances on the order of days.

9 MR. PETER UNGER: Perfect. Thank you
10 very much. Given that this is going to greatly exceed
11 the World Health Organization guidelines, are you going
12 to be giving any kind of protection to your workers for
13 during these exceedances?

14

15 (BRIEF PAUSE)

16

17 MR. DENNIS CHANG: Dennis Chang, Golder
18 Assoc -- Associates. In respect to worker health, and
19 there are actually occupational health and safety
20 standards which are actually higher than WHO standards
21 and higher than ambient air quality standards.

22 MR. PETER UNGER: Thank you. Peter
23 Unger, Lutsel K'e. So you assert that you're never
24 going to exceed those standards, then?

25 MS. CLAUDINE LEE: Claudine Lee,

1 Dominion Diamond. At the Ekati operations, we have
2 Health and Hygiene, an occupational health group that
3 does all of the monitoring for the health of the staff.
4 As part of that program, if it was determined that
5 protection needed to be in place, then that would put
6 in place by that team as part of that program.

7 MR. PETER UNGER: Thank you. Peter
8 Unger, Lutsel K'e. Is there a policy for them that's
9 available so we can see how they operate and how they
10 determine when protection needs to be put in place?

11

12 (BRIEF PAUSE)

13

14 MR. RICHARD BARGERY: Richard Bargery,
15 Dominion Diamond. Well, we don't have our health and
16 safety people here, but we weren't anticipating this
17 question. So we'd have to go back and ask them and see
18 if there's any issues with -- with -- I mean, these are
19 internal policies, so. But we'll have to come back
20 with an answer on that particular issue, whether that -
21 - that could be made publicly available within the
22 under -- undertaking period.

23 MR. PETER UNGER: Thank you. Peter
24 Unger, Lutsel K'e. And then my last question: Is it
25 the Company's opinion that the Northwest Territory

1 ambient air quality standards were designed for all of
2 the Northwest Territories, including accounting for
3 mining developments? Thank you.

4 MR. RICHARD BARGERY: Yeah, Richard
5 Bargery, Dominion Diamond. I -- I don't think it's
6 appropriate for us to speculate on -- on the intentions
7 of the -- you know, the Government of the Northwest
8 Territories in setting those guidelines, but maybe the
9 government can -- can answer that question.

10 MR. MATTHEW SEABOYER: Hi. This is
11 Matt Seaboyer, with ENR. Yes, these guidelines were
12 intended to apply to all of Northwest Territories,
13 including developments.

14 MR. PETER UNGER: Thank you very much.
15 Thanks.

16 THE FACILITATOR: It's Bill Klassen,
17 just for the record, then the undertaking that Dominion
18 Diamond is providing related to the policy of the
19 application of your...

20 MR. RICHARD BARGERY: I -- I -- Richard
21 Barq -- sorry, Richard Bargery, Dominion Diamond. I
22 think the undertaking was -- hopefully I get this right
23 -- was to -- to provide Peter -- well, provide the
24 Board with a -- a response on whether we're prepared to
25 provide our internal policy on health and safety

1 related to dust. I -- I don't know what the --

2 MR. PETER UNGER: Air -- air quality in
3 general, yeah.

4 MR. RICHARD BARGERY: Air quality. Air
5 quality, yeah. That would be better.

6 MR. PETER UNGER: Thank you.

7 MR. RICHARD BARGERY: Thank you.

8 THE FACILITATOR: Thank you. Other
9 questions related to the topic of air quality?

10

11 (BRIEF PAUSE)

12

13 MR. TODD SLACK: I'll go with a couple
14 then, and --

15 THE FACILITATOR: Oh.

16 MR. TODD SLACK: Oh, sorry.

17 THE FACILITATOR: You didn't see
18 Noeline Villebrun. So are you deferring to -- I would
19 say just generally, I would like us to keep the
20 questions focussed on air quality. We have had
21 comments the last several days about general concerns
22 related to development and what its effects are, but
23 today I want the questions focussed specifically on the
24 air quality. Please go ahead, Todd.

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

1 the Yellowknives. And I'm skipping ahead a little bit
2 in the same way as -- well, pretty -- pretty much every
3 day, I think. And I'd -- I'd like to ask about the --
4 the assessment endpoint here.

5 And it won't come as a surprise to the
6 Project that we had some concerns in terms of how they
7 set this endpoint. Recognizing that the project has
8 said that the endpoint -- that significance only occurs
9 if it's irreversible, and something else that's eluding
10 my mind.

11 I -- I'm just wondering, can they give
12 us examples that would meet this from other -- any
13 examples in the NWT, or -- or in Canada that would have
14 met this significance threshold?

15

16 (BRIEF PAUSE)

17

18 MR. DENNIS CHANG: Dennis Chang, for
19 Golder. I -- I think every project we try to evaluate
20 on its own and it's -- it -- I can't speculate on -- on
21 other project, you know, what it will take to -- to get
22 -- get a -- a significant effect. So I can only speak
23 about the logics that we used to come to the conclusion
24 that we came to.

25 MR. TODD SLACK: Todd Slack, with the

1 Yellowknives. Well, thanks for the answer. And I just
2 want to be clear that the -- the air quality expert is
3 not aware of any situations in -- that would have
4 exceeded this significance cri -- criteria?

5 MR. DENNIS CHANG: That's not in --
6 Dennis Chang, Golder Association -- Gold -- Golder
7 Associates. That's not entirely correct -- correct.
8 What I say is I -- I can go through ind -- ind -- I
9 don't -- I can go through individual projects and say,
10 Well that -- that -- this is well -- what it will take
11 to -- to get a significant effect.

12 It's -- I -- I didn't say I am not aware
13 of other projects that, you know, could get a
14 significant effect.

15 MR. TODD SLACK: Okay. So -- it's
16 Todd, with the Yellowknives. And just to wrap this up,
17 are there any examples that we can look to, to try to
18 better understand what this is?

19 MR. RICHARD BARGERY: Richard Bargery,
20 Dominion Diamond. I -- I didn't follow that question.
21 So perhaps -- better follow --

22 MR. TODD SLACK: Sorry. And perhaps I
23 didn't ask it very well. So we're -- we've -- I
24 understand that this is assessed on this project, and -
25 - but, you know, we're -- we're -- I'd like to take

1 advantage of the expertise to understand how -- what --
2 what projects would look like that might have exceeded
3 this criteria.

4 That -- you know, I'm not an air quality
5 expert by -- clearly, by any means. And so I'm not
6 looking for an exhaustive list, but rather, you know,
7 is there any awareness, like as to your last answer, of
8 projects that might have -- that would trigger this?

9 MR. RICHARD BARGERY: Richard Bargery,
10 Dominion Diamond. I -- I mean, I think Dennis said
11 that -- that, you know, he -- he wasn't going to
12 speculate on -- on that. I mean, if you want to -- I
13 think we can have him talk about how he determined --
14 made the determination for the Jay project.

15 And -- and I think that that's a
16 legitimate -- a legitimate thing that -- or a legit --
17 legitimate question that -- that can be asked of him,
18 and he can -- he certainly can respond to that. And
19 maybe I can ask him to -- to explain other perspective
20 from -- from the Jay project, and that -- that may be
21 helpful.

22 MR. TODD SLACK: No. I -- it's Todd,
23 with the Yellowknives. I -- I'll -- I'll leave it
24 there. I don't think it's helpful to under -- or to
25 understand why it was set in this way again.

1 I -- I guess the -- the second thought
2 or second question I have is: With the Incineration
3 Management Plan -- and I'm not entirely -- or I'm not
4 familiar with the details of this, your plan versus the
5 other plans that we have to review.

6 For this management plan, is stack
7 testing one (1) of the requirements on a probably three
8 (3) year basis, I -- I'm hoping? And I'll skip to the
9 chase.

10 If not, is the project willing to make
11 that commitment in the EA?

12

13 (BRIEF PAUSE)

14

15 MS. CLAUDINE LEE: Claudine Lee,
16 Dominion Diamond. So in the Incinerator Management
17 Plan, what we've said is that -- well, we have not set
18 a schedule for stack testing. What we've said is that
19 if there's a change to our operating procedure, whether
20 it be input or waste streaming, at that time, we would
21 do stack testing.

22 Or, if there was something that was
23 noted in our either preventative maintenance, our daily
24 maintenance, our monthly reporting, or our quarterly
25 maintenance that showed that the system was operating

1 differently than what was expected, then we would do
2 stack testing. So there's no schedule set, but those
3 are the criteria which -- to evaluate when it's
4 appropriate to do another round of stack testing.

5 MR. TODD SLACK: Todd Slack. Thanks
6 for the answer. And I would like to commend the
7 project for the last stack test, which you passed. But
8 this project in particular has had a -- a history with
9 relatively poor incineration.

10 The lack of -- the lack of enforcement
11 around this issue means that we -- we need to get some
12 kind of commitment on the record at this point that --
13 demonstrating that you are going to meet these things.
14 It would be really quite useful to address a concern
15 and narrow down the potential issues that we're trying
16 to -- we're going to bring forward to the hearing.

17 So -- and I'll -- I'll provide another
18 example. And I understand that you guys are not
19 Snap Lake, but we have to learn from the examples in --
20 that occur within the Chief Dragoon territory. And so
21 in that case, they have recently failed their stack
22 testing relatively significantly.

23 And their -- the issue is that, in the
24 licensing phase, which is why we can't rely on it, you
25 can only require incinerators that are designed to meet

1 this requirement, that -- it's not just the equipment.
2 It's the procedures and operations.

3 So while you're in a good state right
4 now, we're hoping for a commitment that would
5 demonstrate that you're con -- you're continuing in
6 compliance, and the -- the procedures that you guys are
7 using are working.

8 That's not going to hap -- or can we ask
9 if that could be provided here?

10

11 (BRIEF PAUSE)

12

13 MS. CLAUDINE LEE: Claudine Lee,
14 Dominion Diamond. Todd, I would say that our -- our --
15 what we've done so far shows our commitment to that in
16 transparency, including putting in these new
17 incinerators, an entire overhaul of our waste streaming
18 process, removal of plastics from site, all combustible
19 materials that won't produce dioxins and furans, the
20 release of our results from stack testing for people to
21 see and review, so that is a transparency, as well as
22 the Incinerator Management Plan that has gone through
23 the Wek'eezhii Land and Water Board process of review
24 and comment and approval, the annual updates, and our
25 continual improvement this year where we brought up the

1 composter so that we can compost material and shut down
2 one (1) of the incinerators over the -- the long term.

3 So all of those things I think show
4 Dominion Diamond's commitment to meeting our -- our
5 obligation underneath of this, outside of having an
6 actually regulatory enforcement process that's in
7 place. And all of those things in turn lead us to
8 believe that our process that's in place right now does
9 not need to be changed at this time.

10 MR. TODD SLACK: Okay, thanks,
11 Claudine. And, yeah, I agree the Project's doing good
12 work right now. But I'm not worried about right now.
13 I'm worried about in seven (7) years when who knows who
14 owns this company or who manages it, so we'll continue
15 to advocate for that.

16 This begs the question, and I'll turn --
17 Matt is nodding in anticipation of the question. Matt,
18 can you confirm that there is no enforcement mechanism
19 for -- for incineration emissions at this point in
20 time?

21 And if you also wanted to confirm it for
22 release of furans and dioxins, in particular, that
23 would save me a question.

24 MR. MATTHEW SEABOYER: Yeah, this is
25 Matt Seaboyer, with ENR. That is correct. There is no

1 current regulation around stack testing or releases of
2 dioxins and furans throughout our current regulatory
3 process.

4 And if you don't mind, I'd like to add
5 onto Todd's line of questioning here regarding the
6 stack testing. So, you know, just to -- I guess, just
7 to make clear as well, the -- the CCME, the Canadian
8 Council of Ministers of the Environment, Canada Wide
9 Standards for dioxins and furans outlines that stack
10 testing should be undertaken once per year and that
11 other Canadian jurisdictions do require this.

12 However, you know, as both Todd and
13 Claudine outlined, Ekati has made a lot of efforts in
14 this field through their recycling programs, adding
15 this new composter on, and through their demonstration
16 of compliance at their last stack test.

17 So similar to Todd, I'm also
18 recommending that -- or requesting that Dominion
19 commits to stack testing every three (3) years. I
20 think that this is a fair request. And as Todd pointed
21 out, this is the only avenue as of right now for
22 getting that, you know, binding commitment, so.

23 And there's further details and some
24 other things, but I now understanding there's going to
25 be another round of IRs. I can put more of that -- the

1 details in about requesting time frames for reporting,
2 what happens if there's a failed stack test. That sort
3 of detailed information I can put in the next
4 Information Request.

5 But if we don't get that commitment
6 today, then we will pursuing -- pursue this in the --
7 further in the regulatory hearings.

8

9 (BRIEF PAUSE)

10

11 MR. RICHARD BARGER: Richard Barger,
12 Dominion Diamond. We -- we acknowledge the -- the
13 request for the commitment, similar to what Todd's --
14 Todd's request. The answer remains the same now, but -
15 - but we certainly acknowledge and -- and hear the --
16 hear the request.

17 MR. TODD SLACK: It's Todd Slack, with
18 the Yellowknives. And I guess I'll just follow up with
19 one (1) sort of line of questioning for the Company.
20 I'm not asking the Company to disclose any contracts or
21 proprietary information.

22 But is it fair to say that stack
23 testing, while not cheap, on a three (3) year annual
24 basis is not particularly expensive? And by that I
25 mean, you know, it's in the order of fifty (50),

1 seventy-five thousand dollars (\$75,000)? Something
2 like that. Certainly that's what our research after
3 Gahcho Kue and Avalon seem to suggest.

4

5 (BRIEF PAUSE)

6

7 MS. CLAUDINE LEE: Claudine Lee,
8 Dominion Diamond. If the question was if that's the
9 right range for cost for stack testing, that would be
10 about right at the low end for -- for a stack test.

11 MR. TODD SLACK: Okay. Fair enough.
12 And then -- or, sorry. Todd Slack, with the
13 Yellowknives. Thanks. And accepting that, since I
14 think this is an -- I wish I had cross-referenced a lot
15 of this stuff. In our IRs this project has churned out
16 \$22 billion in diamonds since 1999.

17 Is that a reasonably fair number? And
18 if so, isn't fifty thousand dollars (\$50,000), seventy-
19 five thousand dollars (\$75,000) to demonstrate that
20 you're not releasing carcinogens and things that will
21 remain in the environment for thousands of years, isn't
22 that a relatively small price to pay?

23

24 (BRIEF PAUSE)

25

1 MR. RICHARD BARGERY: Richard Bargery,
2 Dominion Diamond. Again, I -- I don't know what the
3 answer is to the -- to the question on how much has
4 been produced since 1999, so I won't try to quantify
5 that.

6 I think the point from -- a couple of
7 points from our perspective. Stack testing for the --
8 you know, is a -- is a reactive process. What we're
9 saving and what Claudine has said is that we're trying
10 to be proactive to ensure that we don't.

11 The -- the second point -- I think the
12 bigger point is that we -- you know, we have heard the
13 requests here today from yourself and from -- from the
14 Government of the Northwest Territories. So we
15 acknowledge that. You can ask, I guess, the question a
16 number of ways. We're not going to make that
17 commitment today. But we have heard the request, so
18 we'll -- I'll -- I'll just leave it at that.

19 MR. TODD SLACK: Okay. Thanks. And I
20 won't beat that -- that particular horse any more.
21 I'll move on to a different one (1). It's Todd, with
22 the Yellowknives.

23 And Dennis showed a -- a graphic up
24 there that showed the dust deposition from Jav. I'm
25 just wondering, is there a similar graphic that shows

1 the cumulative effects of dust deposition in this area
2 since the start of operations with both Ekati and
3 Diavik so that we can -- we can have some kind of
4 understanding as to how -- how much influence these
5 projects have had with this over time. And this
6 relates back to the response that Eric gave this
7 morning.

8

9 (BRIEF PAUSE)

10

11 MR. DENNIS CHANG: Dennis Chang, from
12 Golder. So the dust deposition figure that I show
13 includes Diavik mine. So it's a cumulative effect.
14 Now, in term of -- you -- I think you -- you are -- you
15 are suggest -- suggesting a -- a map showing the -- the
16 cumulative dust deposition since the start of all these
17 mines. Like, for air quality scientists, I -- I don't
18 know the -- what's the necessary purpose for that.

19 Because yes, there -- there's some
20 challenge to qua -- actually quantify all the variation
21 over the years, you know, where dust come from, from
22 where, how much, and where do they deposit? Even if
23 you get that, the dust might not stay in place. You
24 know, they get washed off, they get airborne again.
25 And so I -- I -- in -- so I -- I guess my response is,

1 I -- yeah -- you know, yes, you -- you -- it is
2 something that, you know, you -- you can put together,
3 but I don't know what is the value -- the necessary
4 value in that.

5 MR. TODD SLACK: It's Todd, with the
6 Yellowknives. And we'll -- we'll leave it at that.
7 And just as a -- it occurs to me that this would be
8 something of a useful document, not for the -- and I
9 see from your lens, the air quality, it's not so
10 important for that, but for the long-term vegetation
11 recovery and wildlife use of the site, I think it might
12 be a valuable document, and we'll consider that as, I
13 mean, maybe in these next round of IRs or something
14 along those lines.

15 And that -- I have one (1) more
16 question, but I'm just trying to find it. Hopefully
17 someone else can fill in.

18 THE FACILITATOR: Well, ask your one
19 (1) last question and then we'll take a short break,
20 and then we'll come back and Mrs. Villebrun has a
21 question.

22 MR. TODD SLACK: Could we take the
23 break now as I look for it? I don't -- I don't mean to
24 usurp the Chair, but it's not in the spot I thought it
25 was.

1 THE FACILITATOR: Okav. We'll take a -
2 - a seven-and-a-half (7 1/2) minute break.

3

4 --- Upon recessing at 10:43 a.m.

5 --- Upon resuming at 10:52 a.m.

6

7 THE FACILITATOR: Thank you. We'll --
8 we'll continue with the questions of clarification on
9 the responses that the Developer has provided to the
10 Information Requests. I had Mrs. Villebrun as the next
11 person to ask questions. I don't see her immediately.
12 So until she comes back into the room, are there other
13 -- others who have questions?

14 Please identify yourself.

15 MR. DAVE FOX: It's Dave Fox,
16 Environment Canada. First, I'd like to thank the other
17 questioners who have done most of the heavy lifting for
18 me on this. There's some good questions, and -- and
19 some good -- good answers as well.

20 I'd like to lend my support to some of
21 the discussion from earlier about the adaptive
22 management aspects of the -- the Air Quality Monitoring
23 Plan. We definitely support that. And I -- I'm not
24 asking you to -- for a commitment, but I'm -- I'm just
25 showing our support there. And you can look to Dennis

1 beside you, because I think he was part of the Golder
2 team that had drawn up the -- that approach for -- for
3 the De Beers mines.

4 Also, I'd also lend support to the -- to
5 the stack testing commitment. I -- I've been involved
6 with Ekati for the past fifteen (15) years, and over
7 that time, there's been many, many changes of personnel
8 and -- and attitudes and approaches. And right now is
9 -- is probably the best time I've seen at Ekati.

10 So I -- I definitely agree with that,
11 but I also share the concerns that that might not last
12 forever. You guys change places quicker than
13 government people do, so it's -- it's -- we've got to
14 have something that -- something in place to make sure
15 there's some robustness to -- to this place.

16 All right. And a few -- a few technical
17 questions. One is, I -- I chatted with Dennis offline
18 regarding the -- the model data files that were sent to
19 me, and just had a few questions on that.

20 And I'd -- I'd like to request maybe a -
21 - an -- another meeting or -- or a teleconference
22 meeting, just to clarify any -- any other questions
23 with that, as well as a specific request is -- for a
24 list of -- of emission sources. In -- in the model
25 themselves, there's -- there's various codes for -- for

1 all the -- all the sources. It'd be nice to get a -- a
2 definition of what those -- those codes were.

3 Now, in the response to one (1) of
4 Environment Canada's IRs, the Information Request
5 number is -- is DAR EC IR-04. It -- it was in regards
6 to the exceedances, or predicted exceedances, of NO2
7 and the frequencies of that.

8 Within the response, it -- it included a
9 -- a reference to typographical errors and that the
10 overall frequencies of the one (1) hour NO2
11 concentrations were originally listed as three hundred
12 and -- and twenty-five (325) hours per year. But after
13 the -- the errors were corrected, it dropped down to
14 five (5) hours per year.

15 I'm just wondering if you could provide
16 some clarification on what those errors actually were,
17 and how they resulted in such a decrease in
18 exceedances.

19

20 (BRIEF PAUSE)

21

22 MR. RICHARD BARGERY: So it's Richard
23 Bargery, with Dominion Diamond. So there are a number
24 of things there, Dave. I'll -- I'll let Dennis deal
25 with the -- the last question in a second.

1 So first, I guess we acknowledge your
2 support for those two (2) -- those two (2) issues of
3 adaptive management for -- for air quality management,
4 and for the -- the scheduled stack testing. So we --
5 we acknowledge -- we acknowledge both those points that
6 you make.

7 And also, thank you very much for -- for
8 acknowledging the work that we're doing at Ekati now, I
9 think -- we think good work, which we're committed as a
10 company to continue. And hopefully, we aren't going to
11 change as much as government folks, but I would point
12 you are a government folk. So -- so I -- I would like
13 to point that out.

14 I think you also asked, you know, a
15 meeting to -- to -- just to clarify some of the
16 modelling that was done here. And -- and we're open
17 always -- as always to meetings, and, you know, we're
18 prepared to commit to -- to have that meeting to
19 clarify.

20 And -- and just to be -- for the process
21 to be appropriate -- I think Mark's nodding -- that we
22 would file a meeting template that would lay out what
23 was discussed, similar to what we were doing with the
24 GNWT, which we're -- we're still working on that one,
25 but -- but I think that that's what we do.

1 And iust before -- veah. I think that
2 was it. And then there was the tvpogra --
3 tvpographical errors, which Dennis can explain. But,
4 Mark, am -- am I right on the process for that meeting?

5 MR. MARK CLIFFE-PHILLIPS: Correct.
6 Mark, with the Review Board. We would like to see a --
7 a summary note under that template for -- for any
8 outcomes of the -- that meeting.

9 MR. DENNIS CHANG: Dennis Chang, from
10 Golder. So regarding to the correction to -- to the
11 NO2 number of exceedances, it is related to a
12 tvpographical error. It is a huge undertaking, but --
13 putting together this huge document. And we're
14 showing, you know, a lot of numbers around, and
15 sometimes Microsoft Word and Microsoft Excel, they
16 don't quite gel, so, unfortunately, we made that error.

17 MR. DAVE FOX: Dave Fox, Environment
18 Canada. Still within that same IR response, there's
19 also a question regarding the -- the truck emissions.
20 Now, in -- in the presentation, it was -- it was
21 mentioned that the -- the new project will have all new
22 trucks.

23 Is that a complete mine fleet turnover,
24 or will any of the older trucks be maintained and --
25 and continued use?

1 MR. ELLIOT HOLLAND: Elliot Holland,
2 for Dominion. It's not a -- a complete mine fleet
3 turnover in the sense that, you know, some of our
4 support vehicles will -- will be used for Jav. At this
5 time, we expect that the -- the primary haul fleet will
6 be new, but, you know, we -- we want to retain the
7 flexibility to -- to use older vehicles if -- if
8 engineering conditions dictate.

9 MR. DAVE FOX: Dave Fox, Environment
10 Canada. I -- I'm just trying to understand this a
11 little bit better. Are the -- are the trucks going to
12 be used -- the older trucks, existing trucks, going to
13 be used somewhere else, or are they going to be
14 decommissioned?

15 MR. ELLIOT HOLLAND: Elliot Holland,
16 with Dominion. That -- that depends a bit on -- on our
17 overall mine strategy. So, for example, the Sable
18 development, you know, which is a -- a reasonably
19 foreseeable development, may or may not go ahead based
20 on bulk sampling results, so, you know, that influences
21 our -- our mine strategy.

22 You know, we have -- still have to -- to
23 tender for -- for those vehicles, so we need to decide
24 which -- which manufacturer we're going to use, what --
25 what the final size class selection will be. I mean,

1 ultimately, a lot of things can change in the next five
2 (5) years that will -- that'll determine the exact mix
3 of -- of fleet.

4 MR. DAVE FOX: Dave Fox, Environment
5 Canada. The -- the reason that I'm asking these
6 questions about the trucks is it's a major emission
7 source for -- for NOx, and -- and -- and PM5, as -- or
8 2.5, as well. And but there are new regulations coming
9 up for trucks, haul trucks, moving from a tier 2, which
10 is the current standard, to -- to a tier 4 in the next
11 couple of years.

12 The vintage of -- of the -- the trucks
13 that you're using now were probably pre-tier, because
14 they would have been bought in the '90s, I -- I
15 suspect. And -- and the -- the emissions for each of
16 the tier levels decrease dramatically. From tier 1 to
17 tier 2, the NOx emissions are -- are cut by about a
18 third, and then the jump to tier 4, it's -- it's
19 another third on top of that. So the -- the pre-tier
20 trucks, the -- the emissions are anyone's guess, I
21 think.

22 My question would be to you whether or
23 not you'd be willing to commit to get the tier 4 type
24 trucks if they're available when the -- when it comes
25 to purchase time.

1

2

(BRIEF PAUSE)

3

4

MR. ELLIOT HOLLAND: Elliot Holland,

5

for -- for Dominion. A typical life cycle for a haul

6

truck is -- is on the order of ten (10) years, so the -

7

- the trucks that we have operating today would, in

8

general, be -- be post-2005 vintage maybe with -- with

9

a few exceptions, but, in -- in general, they're newer.

10

You know, we -- we can't guarantee that

11

every -- every vehicle that we have operating is going

12

to be at any particular standard, but -- but certainly

13

any new purchases that we make -- and, you know, we do

14

expect that the -- the majority of the fleet will be --

15

will be new, would -- would, you know, comply with the

16

-- the existing regulations for new purchases at that

17

time.

18

MR. DAVE FOX: Dave Fox, Environment

19

Canada. Do you have a -- a list of the -- the trucks

20

that you have operating currently, and -- and the --

21

the model year and the type of truck.

22

MR. ELLIOT HOLLAND: Elliot Holland,

23

with Dominion. We -- we certainly have -- have a list

24

of -- of trucks that are operating now and their -- and

25

their vintage.

1 MR. DAVE FOX: Dave Fox, Environment
2 Canada. Would you be willing to submit that to the
3 Board?

4 MR. ELLIOT HOLLAND: Elliot Holland.
5 Yeah, we can take that as a -- as an undertaking.

6 MR. DAVE FOX: Thank you, Mr. Chair. I
7 have no further questions.

8 THE FACILITATOR: Thank you. It's Bill
9 Klassen. Ms. Villebrun...?

10 MS. NOELINE VILLEBRUN: Thank you.
11 Noeline Villebrun, Tthestonotine Dene. My questions
12 have to do with carbon monoxide. I know we were just
13 talking -- they were just asking questions on vehicles
14 and stuff like that. Mine has to do with when the
15 weather is, like, forty (40) below and when the
16 vehicles are running. Because I imagine these vehicles
17 will be running twenty-four (24) seven (7). Because
18 you do have twelve (12) hour shift rotations.

19 So I'm just wondering with the increase
20 from four thousand (4,000) -- I guess eight thousand
21 (8,000) return load and then you're adding more loads
22 due to the Jav pit. So there's an obvious -- I guess
23 the carbon monoxide that are coming out from the trucks
24 and that there'd be a higher carbon monoxide being let
25 out into the air.

1 So my question is, is there an
2 acceptable number? I know the Government of the
3 Northwest Territories has a guideline and they mention
4 that the -- there's really no acceptable standard, I
5 guess, for emission. Or there was something they just
6 mentioned that there was -- there was no standard for.
7 But I'm concerned with the high volume of emissions
8 from the trucks. Not just the trucks, but the
9 equipment.

10 So what has been done to take a look at
11 these higher standard of emission? And plus, you know,
12 when it's forty (40) below -- because I've worked on,
13 you know, on various projects. And I've seen that,
14 where when it's, like, forty (40) below everything just
15 sits. You know, it's like a film of gas or whatever.

16 And, you know, when you talk about air
17 quality, you know, that pit is close to -- not, you
18 know -- close to water, but it's also around the lake.
19 And, you know -- and if there's no testing, what about
20 the health of the people in -- in the nearest
21 communities? I know there's also lodges around these
22 sites where people go, you know, tourism. So I was
23 wondering --

24 THE FACILITATOR: Ms. Villebrun, I -- I
25 wonder if we could pause there and ask the Developer to

1 respond to your question about the trucks and idling
2 time and so on.

3

4 (BRIEF PAUSE)

5

6 MR. DENNIS CHANG: So car -- carbon
7 monoxide is one (1) of the compound that have -- Dennis
8 Chang, from Golder. Carbon monoxide is one (1) of the
9 compound that does have a ambient air quality guideline
10 in the Northwest Territory. And we do assess that in -
11 - in the Developer Assessment Report. In term of
12 whether there is a emission standard for carbon
13 monoxide, there are. For example, the -- the mine
14 vehicles, the -- Dave Fox from Environment Canada just
15 referred to, you know, pre-tier, tier 1, tier 2, tier
16 3, and tier 4 emission standards.

17 So when we assess these equipment, we
18 use appropriate tier for those vehicle -- vehicles.
19 And based on our dispersion modelling, which does
20 incorporate the -- the local and regional meteorology,
21 we found a predicted ground level of carbon monoxide
22 are well below the Ambient Air Quality Guideline.

23 MR. ELLIOT HOLLAND: Elliot Holland,
24 for Dominion. I -- I would also add that we -- we do
25 have a number of initiatives on site that I think would

1 address some of the concerns you've raised. You know,
2 for example, we -- we do have a -- a no-idle campaign
3 that -- that we launched. And, I mean, I -- I think
4 you can appreciate that people do -- do want to get
5 into a -- a warm vehicle when it is forty (40) below
6 outside.

7 So, you know, another thing that we do
8 is we've started to provide a -- an on-site shuttle
9 service between our -- our facilities. I mean, if
10 you're going from the -- the process plant to the -- to
11 the camp, for example, there's a shuttle that can --
12 can take you there so you don't need to leave your --
13 your vehicle idling to -- for it -- for it to be warm.
14 There's a warm vehicle that can pick you up and -- and
15 take you over to the -- to the other side of the camp.

16 So, you know, regardless of the -- the
17 larger-scale modelling predictions, you know, we do
18 things to -- to keep idling to a minimum, not only for
19 -- for control of, you know, carbon monoxide and other
20 vehicle emissions, but also, you know, our overall fuel
21 consumption on site.

22 MS. NOELINE VILLEBRUN: Okay. Thank
23 you. I think my next question might -- the government
24 -- ENR might be able to answer this.

25 What are the implications of the air

1 quality from the time all of these mines have begun?
2 Has -- has anybody done any type of study or -- right
3 from the beginning of the mine because of your -- your
4 guidelines and standards. And what year was
5 that implemented?

6 THE FACILITATOR: So I think there are
7 two (2) questions there.

8 MR. MATTHEW SEABOYER: So for the
9 research of kind of air quality impacts over the -- the
10 mine's life, no, none of that research has actually
11 been done to date.

12 And for the second question, the
13 guideline -- I'm not sure exactly when this guideline
14 was created. If you want to know an exact date, I can
15 take that as an undertaking to get back to you.
16 However, it was last updated in February of 2014 for
17 those new two (2) standards, which is the PM25, the
18 smaller particulate, and -- and ozone as well.

19 MS. NOELINE VILLEBRUN: Okay. Thank
20 you. The next question, I guess, would be for Diamond
21 Dominion (sic).

22 Do the contractors that come onto your
23 site or are contracted to haul or provide service, do
24 they follow the same set of standards in their vehicles
25 and in their health and safety?

1 MR. ELLIOT HOLLAND: Elliot Holland,
2 Dominion Diamond. Our -- our health and safety
3 policies in general apply to our contractors as well.
4 Dominion takes it as -- as its responsibility to look
5 after everyone on our site, regardless of whether
6 they're an employee, contractor, or -- or occasional
7 visitor.

8 MS. NOELINE VILLEBRUN: Thank you. I
9 think my question was also: Do the contractors -- I
10 guess the vehicles that are being used, are they
11 following the same standards as the mine?

12

13 (BRIEF PAUSE)

14

15 MR. ELLIOT HOLLAND: Elliot Holland,
16 with Dominion. So for -- if you're referring winter
17 road vehicles which are -- which are leaving
18 Yellowknife and going up to the mine, and given that
19 those vehicles travel on the public roads, all of the
20 applicable, you know, road and environmental safety
21 laws apply to those vehicles. They have to, for them
22 to travel down the Ingraham Trail.

23 And then with respect to -- to
24 contractors, again, whether we're talking about
25 vehicles or -- or any other action of contractors,

1 there's -- all of our health and safety policies apply
2 equally to -- to employees as to contractors when they
3 are on site.

4 MS. NOELINE VILLEBRUN: Okay. Thank
5 you for your answer. One (1) last question I have.
6 When we were talking earlier about -- at the end of the
7 project, the life of the project, I -- I need this --
8 some clarification from somebody. I don't know who.

9 But my understanding is, when companies
10 come into the Northwest Territories and want to start a
11 project, they usually put in a bid or part of their bid
12 or part of their bond is a huge sum of money in case
13 all the standards were not followed or regulations for
14 reclamation, because this would be part of a
15 reclamation process, I believe.

16 So I'm wondering if there is a -- some
17 sort of bond that the government put on Dominion
18 Diamonds, if it's a new bond or they just assumed the
19 old one.

20 MR. RICHARD BARGERY: Richard Bargery,
21 Dominion Diamond. There is a -- there is a security
22 bond set -- amount set for -- for Ekati through the
23 Land and Water Board process. It -- for -- for
24 Dominion, it's \$253,675,000, I think, and that's --
25 that's posted with the Government of the Northwest

1 Territories. There's also an amount held under the --
2 the environment agreement, some \$42 million, I believe,
3 so approximately 300 million.

4 MS. NOELINE VILLEBRUN: Okay. Thank
5 you. I just have one (1) other question, I guess. Is
6 -- I don't know who would answer this, but what are the
7 implications of the -- if the air quality standard has
8 been -- how would I -- I can't -- I -- I don't know
9 what word to use. But if the air quality is not good
10 and it affects, what would be the impacts to the
11 aquatic life, to the water in the area?

12

13 (BRIEF PAUSE)

14

15 MR. ELLIOT HOLLAND: Elliot Holland,
16 Dominion Diamond. There -- so we have a -- an air
17 quality assessment here. We have a -- a water quality
18 assessment. It's part of -- of this process, and --
19 and both of those assessments looked at the -- the
20 linkages between -- between one another. So I -- I
21 don't know if the -- that's what you're looking for.

22 MS. NOELINE VILLEBRUN: Not really, but
23 I'm just going to let it go for now, because I'm sure
24 we'll have other opportunities to ask questions. But I
25 -- I just wanted some clarification. And I'm just

1 concerned about the environment, the water, the fish,
2 because it's not Dene way to upsurp (sic) the land, the
3 water. And we know their impacts, so thank you.

4 THE FACILITATOR: Thank you, Ms.
5 Villebrun.

6 It's been indicated to me that North
7 Slave Metis Alliance representative may have a
8 question. Sorry, I may have misunderstood. Are there
9 other questions? Please go ahead.

10 MR. SHIN SHIGA: Shin Shiga, with NSMA.
11 Does the Company have emissions reduction target, GHG
12 emission reduction?

13

14 (BRIEF PAUSE)

15

16 MR. ELLIOT HOLLAND: Elliot Holland,
17 Dominion Diamonds. We -- we do have internal targets
18 for -- for energy conservation and, therefore,
19 greenhouse gas emissions.

20 MR. SHIN SHIGA: Do you -- Shin Shiga,
21 with NSMA. Do you mind sharing that with us?

22 MR. ELLIOT HOLLAND: Elliot Holland,
23 Dominion Diamonds. Those are -- those are internal at
24 this time.

25 MR. SHIN SHIGA: Shin Shiga, with NSMA.

1 I think we are going to put that in an IR. I think
2 it's relevant information for us to have.

3 Another question. Shin Shiga, with
4 NSMA. What are -- you listed some of the initiatives
5 that you have had. Do you have other reduction
6 initiatives?

7 MR. ELLIOT HOLLAND: Elliot Holland,
8 Dominion Diamond. Yes.

9 MR. SHIN SHIGA: Okay.

10 MR. ELLIOT HOLLAND: But to -- to be
11 more specific, look, energy is a huge cost for us.
12 It's -- it's one (1) of our largest costs. And given
13 the cost of -- of fuel onsite, energy efficiency is
14 something that -- that we -- we think about, you know,
15 every day in every aspect of our operation.

16 I would just say, you know, personally,
17 my involvement with the diamond business started doing
18 energy efficiency project, first at -- at Diavik, and -
19 - and then at Ekati. And there's a -- a very long list
20 of things that the Company is doing in order to save
21 energy.

22 Just to -- just to give a few, you know,
23 we -- we talked about the -- the no idle campaign. We
24 talk about the -- the composter that -- that we've --
25 we've brought to site in order to -- to decrease diesel

1 emissions associated with running the incinerator. We
2 have a -- a strategy to -- to modify the way we operate
3 our -- our power plant that -- that increases the --
4 the base load on the generators and makes them more
5 efficient.

6 We have a project to improve the
7 efficiency of our -- our heat recovery system, which --
8 which results in -- in more waste heat from the
9 generators being put onto the -- onto the glycol loop
10 instead of having to burn fresh boiler fuel.

11 We've done a -- a comprehensive audit of
12 all of our outbuildings to -- to look at opportunities
13 for insulation and energy-efficient lighting. In -- in
14 addition, we've -- we've done installations of -- of
15 LED lighting in -- in our -- our major buildings to --
16 replacing older, less efficient bulbs.

17 The -- I think that, you know, the --
18 the list goes on and on, and it's something that will -
19 - that will never stop, because it's -- it's such an
20 important part of our -- our internal cost control.

21 MR. SHIN SHIGA: Shin Shiga, with NSMA.
22 Thank you. I have a question to GNWT. I understand
23 that the current climate change strategy plan or
24 whatever it's called is going to expire in this year.
25 And -- and I believe you're developing a following -- a

1 follow-up strategy or plan.

2 Is the plan going to have a reduction
3 target for the territories?

4 MR. JIM SPARLING: Hi. It's Jim
5 Sparling. I'm the manager of climate change programs
6 with the -- the Environment Division of the ENR. We
7 have a -- a plan that currently is going to be reviewed
8 in 2015 and -- and look to how it might be renewed.
9 The current greenhouse gas strategy already has targets
10 in it.

11 MR. SHIN SHIGA: Shin Shiga, with NSMA.
12 So is it your plan that the emission target will stay -
13 - will be carried forward to the next plan?

14 MR. JIM SPARLING: We would review the
15 targets that we have in future years and -- and revise
16 that accordingly, yes.

17 MR. SHIN SHIGA: Does the current
18 target have sector-specific target? Does industry have
19 specific -- their own target as opposed to residential?

20 MR. JIM SPARLING: Yes, we have -- we
21 have sector -- sector-specific goals that we established.
22 And -- and we raised that in one (1) of our Information
23 Requests that we submitted previously.

24 MR. SHIN SHIGA: Shin Shiga, with NSMA.
25 Is the goal in the -- the industry, is it being met?

1 MR. JIM SPARLING: We ask that any new
2 sources that come on would incorporate up to 10 percent
3 renewable energy. So that's something that we would
4 talk about later as we get into the discussion today.

5 MR. SHIN SHIGA: Shin Shiga, with NSMA.
6 Thank you. I'll wait for that discussion.

7 THE FACILITATOR: Peter...?

8 MR. PETER UNGER: Hi. Peter Unger,
9 Lutsel K'e. Can -- can we go to slide 14 of the
10 presentation please? Oh, maybe -- maybe back one (1).
11 Or the -- the one (1) where we talk about regulations.
12 It is -- yeah. Yeah, that's the one (1). Perfect. My
13 question is that it talks about compliance with
14 regulatory emission requirements.

15 What -- what requirements are we talking
16 about exactly here?

17

18 (BRIEF PAUSE)

19

20 MR. ELLIOT HOLLAND: Elliot Holland,
21 Dominion Diamond. Since Jav is an extension of -- of
22 the Ekati operation, the main regulatory requirement
23 for -- for Jav at construction it relates to the -- the
24 purchase of new haul trucks that -- that we talked
25 about needing to meet the modern regulatory standards.

1 MR. PETER UNGER: Thank you very much.

2 So if we deem that the Northwest Territories Ambient
3 Air Quality Standards are a regulation, then -- then
4 you'll be meeting them?

5

6 (BRIEF PAUSE)

7

8 MR. RICHARD BARGERY: Richard Bargery,

9 Dominion Diamond. So this slide's dealing with
10 emissions, not -- not with the ambient air -- ambient
11 guidelines. So just -- just for clarity there. But, I
12 mean, our -- our goal is to -- is to meet guidelines or
13 regulations in place at the -- you know, at the time.

14 Our modelling that's in the DAR shows,
15 you know, what we're projecting in a very, very
16 conservative -- in a -- in a very, very conservative
17 way for the Jay project.

18 MR. PETER UNGER: Thank you. Yeah,
19 sorry. I'm not an -- an air quality expert. I -- I
20 didn't know to make a distinction. I assumed emissions
21 affected air quality and that an Ambient Air Quality
22 Standard, if it's -- if it is a standard and regulatory
23 requirement, would -- would then apply if we're talking
24 about adhering to regulatory emission requirements.
25 Okay. Thank you.

1 I'm going to change gears. I'm going to
2 go on to greenhouse gas emissions. My question, and
3 this is again flogging a bit of a dead horse a little
4 bit, but can we clarify who you did not consider wind
5 turbines or wind energy? Elliot had mentioned earlier
6 that energy costs are very, very high.

7 So why is that not considered? Thank
8 you.

9 MR. ELLIOT HOLLAND: Elliot Holland,
10 Dominion Diamond. To clarify, we don't have a power
11 requirement as part of the Jay project. The -- it's --
12 it's not -- it's not required. We may consider
13 investments in wind turbines or -- or other investments
14 in -- for -- at -- at other times for other reasons.

15 But we're -- we're talking about an
16 assessment of -- of the Jay project. And in -- in this
17 project, there's no power requirement, so there's no
18 consideration of -- of power investments.

19 MR. PETER UNGER: Thank you. I mean,
20 there's going to be some power requirement. I mean,
21 you're going to have lights running, you're going to
22 have some -- some power requirement.

23 MR. ELLIOT HOLLAND: Elliot Holland,
24 Dominion Diamond. I'm sorry, I misspoke when I --
25 there's no new power requirement.

1 MR. PETER UNGER: Would a -- would a
2 wind turbine offsetting your old power requirements in
3 existing facilities not lower your greenhouse gas
4 emissions?

5 MR. ELLIOT HOLLAND: Elliot Holland,
6 Dominion Diamond. It -- it would, but it's not a part
7 of the Jay project. That would be a -- a different
8 discussion for a different day, in our opinion.

9 MR. PETER UNGER: It's Peter Unger,
10 Lutsel K'e. I mean, I disagree. The Jay project's
11 going to use the Ekati facilities. The Company keeps
12 touting that the old Ekati facilities are going to be
13 used as part of the Jay project, so I would argue that
14 it's very much a part of the Jay project. Thank you.

15 THE FACILITATOR: Okay. On that point,
16 when we get to the place where it's a disagreement in
17 perspective, then the matter I think needs to be left.
18 And if it's important, then it can be pursued through
19 further information requests or further along in the
20 process.

21 I have a question from Jim Sparling.

22 MR. JIM SPARLING: Yes. Thank you.
23 Jim Sparling here. I just have some comments about
24 greenhouse gas emissions and alternative energy. I
25 recognize that your -- your current plant is -- is one

1 (1) of the more modern diesel facilities we have in the
2 Northwest Territories, similar to the other diamond
3 mines.

4 And the heat recovery initiatives,
5 energy efficiency, you know, the encouragement you were
6 talking about just because of the cost that you have of
7 -- of moving fuel up has -- has led the -- the mine to
8 always be fairly cognizant of -- of the efficiency side
9 of things.

10 And -- and I also understand that the
11 existing power plant has -- has sufficient capacity to
12 meet the increased power need for the Jav pipe, and
13 that as a result of meeting that increased power need,
14 you'll be burning additional fuel which then results in
15 the greenhouse gas emission increases that -- that
16 you've shown.

17 But I want to go back to page 12 of your
18 presentation and just talk a little bit about some of
19 the emissions, if you can go there. When -- when you
20 talk about what the annual greenhouse gas emissions are
21 in -- for 2015 and for 2022, that's wrong.

22 It's interesting that when we came in at
23 the beginning of the morning and Richard was talking
24 about, Well, that was a model and things have changed
25 since, and now here are the numbers, those numbers were

1 -- when we renewed the greenhouse gas strategy in 2011,
2 we did some economic modelling.

3 And we said, What if all of the projects
4 that are currently in the review process go ahead? And
5 what if no additional measures are put in? And -- and
6 then we ran that economic assessment, and that became
7 our reference case, our base case if nothing happens.

8 So since we in -- put out the strategy
9 in 2015 -- in 2011, the most recent numbers that we
10 have now are for 2013, and we're at 1,460 kilo tonnes.
11 And -- and we're projecting that by 2015, we will meet
12 our target of being at 1,500 kilo tonnes. So the --
13 the -- to say it's 2029, that was just an economic
14 modelling number that we put out.

15 And if you look at 2022, when we did
16 that modelling, it was -- the understanding was that
17 the Mackenzie gas pipeline was going to go ahead and
18 result in a significant increase in emissions. Our
19 target in our current greenhouse gas strategy for 2020
20 is two thousand five hundred (2,500). We will be
21 reviewing that as we go through the greenhouse gas
22 strategy next version, because the Mackenzie gas and
23 pipeline hasn't happened.

24 So when you use that -- those numbers to
25 come to the conclusion that the change in percentage is

1 only 1 percent, I think rather that the Jav pipe is
2 going to result in about a 10 percent increase in
3 emissions on a territorial total. So other sectors,
4 other mines, businesses, communities, the government
5 have done a lot of work since 2011 through energy
6 efficiency, through uptake of biomass, through solar
7 energy and -- and different initiatives to keep our
8 emissions down.

9 We don't have a -- a regulatory
10 approach. We don't have a law. These are voluntary
11 targets. There are sec -- sector-specific goals that
12 we've established in the greenhouse gas strategy.

13 So my point here is -- is that your
14 emission increase is a significant increase. And then
15 I -- I just want to talk, you know, you -- you had
16 talked about, would the different alternative energies
17 help in your particular case? And biomass is twice as
18 bulky a fuel as diesel. To think of hauling biomass up
19 the winter road and storing it and converting your
20 boilers, it doesn't make sense to me.

21 Wind is a long-term commitment. You
22 have -- you're proposing that you are only eight (8) to
23 ten (10) years with the Jav pipe extension. I think
24 your payback on alternative energy is longer than that,
25 because you'll continue to need energy during the

1 abandonment and restoration phase. And I'm not sure
2 how long that is, but that's putting out somewhere
3 around fifteen (15) years to recoup your investment.

4 Diavik did do that. They did a lot of
5 pre-planning. It was a major undertaking by their
6 company. I wouldn't push you in that direction so much
7 as I would say I think you're missing out on an
8 economic opportunity when you dismiss solar PV.

9 And I think that when you have -- in --
10 in your Information Responses, you -- you've provided
11 as very cursory evaluation of that. You -- you've
12 referred to a couple of documents that don't really
13 address the cost of solar energy. And I think -- we --
14 we'd suggested, maybe, in our Information Request,
15 you'd talk further with the Arctic Energy Alliance
16 about this. They could help you understand the
17 costing. Or you could contact suppliers and get some -
18 - some firm numbers about what it would cost to be able
19 to generate on your site.

20 And -- and one (1) of the advantages of
21 solar energy is you don't have to build the whole thing
22 right away. It's a scalable kind of a technology. So
23 you could put on some solar energy, learn how it fits
24 into your system, and then scale that up in the next
25 couple of years. So I would ask you if you could

1 commit to providing -- or to -- to seeking out some
2 better cost estimates of what the current cost of solar
3 energy would be at your site?

4

5 (BRIEF PAUSE)

6

7 THE FACILITATOR: While -- it's Bill
8 Klassen. While Dominion Diamond is conferring, I'll
9 just point out that it's now 11:40. We have on the
10 agenda still any outstanding topics. I'm aware there
11 is at least one (1) question related to that. We won't
12 necessarily shut down the meeting at noon. We'll --
13 we'll keep -- keep going.

14 Hopefully there won't be too many more
15 questions on the topic of water -- or sorry, of air
16 quality. I know that Board staff have some, and I'll
17 be asking the people on the telephone whether they have
18 any.

19

20 (BRIEF PAUSE)

21

22 THE FACILITATOR: Okay, so we have at
23 least one (1) other person wanting to ask a question on
24 air quality after we have the response here.

25

1 (BRIEF PAUSE)

2

3 MR. RICHARD BARGERY: Richard Bargery,
4 for Dominion Diamond. I -- I know Jim referenced some
5 remarks that I was making with respect to -- to
6 modelling when he came out. I think -- I think what I
7 was talking about at the time was -- was the -- was the
8 economic modelling and -- and some improvements that we
9 had made at -- at Ekati that differ from -- from some
10 of the modelling results.

11 I think the numbers that were up there
12 on slide 12 or whatever, those -- those were the
13 assessment cases that we did, so those were, again,
14 very, very conservative numbers utilized during the --
15 the modelling approach.

16 What we've said for the -- for the
17 project for alternative energy, for energy in general,
18 as -- as Elliot noted earlier, is that, you know, we --
19 different from -- you know, from a -- a project that --
20 a new project that's starting, we have an existing
21 operation. We have a power supply.

22 And as we acknowledge, you know, we've
23 done work to try to modernize and make that as
24 efficient as possible, and we continue to do that on a
25 -- you know, on -- on a -- on a continuous basis.

1 Elliot spoke earlier about some of the
2 things we're doing to try to -- to try to reduce fuel
3 consumption in our operations, something we do on a
4 continual -- continuous basis, I think, for -- from a
5 project perspective, though. You know, we don't have a
6 -- a new -- a requirement for a new power source. You
7 know, we have a sufficient power supply for the
8 project.

9 In the course of our operations, we're
10 continually looking for, you know, new ways to -- to
11 reduce fuel consumption, particularly in the generation
12 of -- of electrical power, and we look at a number of
13 things. And I think we -- that's what we said in
14 response to the IR, and solar may -- may or not be one
15 (1) of them as we go down the line, and it really is
16 going to depend on continuous improvement to our
17 practices.

18 MR. JIM SPARLING: I can appreciate
19 that you have existing generation capacity to meet the
20 need. You do need new energy to meet the Jay pipe
21 requirements. You have to bring up more diesel.
22 That's going to result in a increase in emissions. And
23 all I'm asking you to commit to is reviewing the prices
24 of solar energy at your facility and -- and adding that
25 generation capacity. That will reduce your emissions

1 and it will save you money.

2 Can you commit to getting some cost
3 estimates of what adding solar to your project would
4 be?

5

6 (BRIEF PAUSE)

7

8 MR. RICHARD BARGERY: It's Richard
9 Bargery, with Dominion Diamond. I -- we -- you know,
10 we're asked this question a number of ways. The answer
11 isn't -- isn't really changing, so this may be sort of
12 one (1) of those issues that -- that's going to have to
13 -- to move to a -- to another phase of the -- of the
14 process, perhaps.

15 THE FACILITATOR: Okay. Rather than
16 pursue that, I have a question -- well, I think
17 everyone present in the room is aware of what their
18 options are within the process as it moves forward.
19 There's a member of the Agency has a question.

20 MS. JAIDA OHOKANNOAK: Jaida
21 Ohokannoak, with the Monitoring Agency. First a
22 comment. The Agency supports doing adaptive management
23 approach in the Air Quality Monitoring and Management
24 Plan, as well as the stack testing schedule. But the
25 Agency still has concerns that mitigation measures for

1 ambient air quality are going to be developed in the
2 Air Quality Monitoring and Management Plan, and that's
3 not going to be available until August 1st.

4 Basically, mitigation and criteria that
5 are going to trigger a response to air quality changes
6 should be developed and presented in -- in the -- this
7 environmental assessment process, because we need those
8 reassurances that those impacts from air quality can be
9 mitigated and/or reduced so that they're acceptable,
10 especially when you have predicted impacts that are
11 going to exceed regulatory air quality standards. So
12 that's just a comment coming from the Agency.

13 My question is: During the presentation
14 that you just did, map 10-2 on the total suspended
15 particulates. I wanted to know if the map's been
16 adjusted to reflect the revised application road dust
17 emissions of twenty-four (24) times the increase in
18 truck traffic along the Misery haul road.

19 So you guys adjusted your application
20 case road dust emissions, but has the map been adjusted
21 to reflect that?

22

23 (BRIEF PAUSE)

24

25 MR. RICHARD BARGERY: Richard Bargery,

1 Dominion Diamond. The answer is, yes, it has.

2 MS. CLAUDINE LEE: Claudine Lee, from
3 Dominion Diamond. To answer the first part, Jaida,
4 about your -- or to -- to talk to the first part about
5 your concern about the Adaptive Management Plan not
6 being available till August 1, and -- and not a part of
7 this process, again, this is coming out of current
8 operations. We've just submitted the three (3) year
9 report. It's important that that is in consideration
10 for any updates that we do at the Ekati level, which
11 then may transfer over to Jav.

12 So there's a timeline there that --
13 that's important that follows that doesn't necessarily
14 always line up with that. So -- so that -- that's why
15 that schedule is -- is set. And, you know, we've
16 committed to August 1st so that there is some
17 availability of that for people to read in advance of
18 the public hearings if they happen to be in -- in
19 August. So that's -- that's the answer to that one
20 (1).

21 MS. JAIDA OHOKANNOAK: And Jaida
22 Ohokannoak, with the Monitoring Agency. I have a
23 follow-up question for the dust emissions map.

24 Also, why hasn't the airstrip been
25 included as fugitive dust? Even if it is an

1 intermittent source, it still contributes to the
2 overall cumulative effects of dust in the area.

3

4 (BRIEF PAUSE)

5

6 MR. DENNIS CHANG: Dennis Chang, from
7 Golder. I believe we answered that particular question
8 in Round 1, and I think our justification in the IR
9 response stands. Fugitive dust coming off the airstrip
10 is extremely difficult to quantify. And there's
11 already a dust fall measurement in place near the --
12 near the airstrip. So the most effective way -- or the
13 most accurate way to get a better understanding of the
14 dust deposition in that area is really through
15 monitoring.

16 You know, us as a air -- a air
17 dispersion modeller, we like these -- doing these
18 exercises. But again, at the end of the day, a lot of
19 these exercises are -- are based on assumptions, and we
20 tend to replace uncertainty with a lot of conservatism.
21 So we did not include the airstrip in -- in this
22 evaluation, but again, I'm not aware of any emission
23 estimation that can accurately quantify airstrip
24 fugitive emissions, especially during aircraft takeoff
25 and landing.

1 (BRIEF PAUSE)

2

3 MS. JAIDA OHOKANNOAK: Jaida
4 Ohokannoak, Monitoring Agency. I realize you have the
5 dust fall monitors around the airstrip. First of all,
6 just can you recall for us how long those dust fall
7 monitors have been there, and if you can use any of the
8 data from those dust fall monitors to be incorporated
9 into modelling?

10

11 (BRIEF PAUSE)

12

13 MR. RICHARD BARGER: It's Richard
14 Barger, Dominion Diamond. Sorry, Jaida, I'm just
15 clarifying the second part. So the first is, How long
16 have they been there? It's just the second part -- the
17 second part of your question, perhaps you -- could you
18 restate that for us, please?

19 MS. JAIDA OHOKANNOAK: Sure. Jaida
20 Ohokannoak, Monitoring Agency. I wanted to know if the
21 results from the dust fall monitors could be used
22 towards monitoring -- modelling and monitoring, so.

23

24 (BRIEF PAUSE)

25

1 MS. CLAUDINE LEE: Claudine Lee,
2 Dominion Diamond. I -- the Dust Fall Monitoring
3 Program was put in in 2006 and then expanded in 2008.
4 So we would have data from the airport stations
5 starting either in 2006 or 2008. I don't know exactly
6 how it was expanded at this time in 2008, but...

7

8 (BRIEF PAUSE)

9

10 MR. MARK CLIFFE-PHILLIPS: It's Mark
11 Cliffe-Phillips, with the Review Board. Maybe just in
12 -- in lieu of the -- the time that we've -- we've got
13 to finish up with the remaining questioning, knowing
14 that you don't have the data available in front of you,
15 if we could maybe get a commitment from Dominion to
16 look into that and -- and answer that as an
17 undertaking?

18 MR. RICHARD BARGERY: It's Richard
19 Bargery. I think the question is, Can we add it -- can
20 we add the dust fall station information to the map,
21 essentially. Is that -- as -- as opposed to -- to the
22 data itself?

23 MS. JAIDA OHOKANNOAK: It's to -- can
24 you use the data from the dust fall monitoring into the
25 models for predictions of dust fall, for cumulative

1 effects in that area?

2 MR. DENNIS CHANG: Dennis Chang, from
3 Golder. For -- in -- in terms of the question about
4 whether we can use the dust fall measurements and
5 incorporate that into the model, the short answer is no
6 we can't, because the dust measurement is what you
7 measure at the endpoint. And the model is -- is
8 simulating the path from the emission source all the
9 way to -- to the endpoint.

10 So what is possible is we can add the
11 dustfall measurement to the results of the -- of the
12 model. Now, there might be some -- there will be some
13 double counting, obviously, because airstrip is not
14 only contributed to the measurements near the -- the
15 airstrip stations.

16 MS. JAIDA OHOKANNOAK: Jaida
17 Ohokannoak. One (1) further question following up on
18 yesterday. The proposed sub-basin B diversion channel,
19 it's really close to the haul road and to the proposed
20 ore transfer pad. As you know, most dustfall, you have
21 data that shows that it sha -- falls out within the
22 first 30 mete -- metres, and then visual residual dust
23 basically by 1 kilometre.

24 This channel goes right next to the
25 road, and it's right next to the pad. What effect is

1 this dustfall going to have on the water, and
2 particularly to fish who are migrating through that new
3 diversion channel?

4

5 (BRIEF PAUSE)

6

7 MR. MARK CLIFFE-PHILLIPS: Maybe just
8 as a -- Mark Cliffe-Phillips here, with the Review
9 Board. Just going back to the -- the following
10 question that Jaida had. If we could just confirm that
11 we have an undertaking to update the -- the dust
12 dispersion model with the output from the -- the
13 airstrip monitoring.

14

15 (BRIEF PAUSE)

16

17 MR. ELLIOT HOLLAND: Elliot Holland,
18 from Dominion. I -- I guess the question is: Given
19 our -- given our response first to the Monitoring
20 Agency that -- given that we can't update the model but
21 we could update the map, is that -- is that something
22 they'd like to see or not?

23

24 MS. JAIDA OHOKANNOAK: Jaida
25 Ohokannoak, Monitoring Agency. Yes, please update the
map with the airstrip as an emission source. Thanks.

1 MR. ELLIOT HOLLAND: Elliot Holland,
2 Dominion. So -- so, Mark, we can -- we can update the
3 map, to -- to be clear, not the -- not the model?

4 MR. MARK CLIFFE-PHILLIPS: Correct,
5 that's our understanding. And that would be for by the
6 undertaking deadline of May 8th, yeah. Thank you.

7 THE FACILITATOR: It's Bill Klassen.
8 I'd like to ask whether those who are taking part by
9 telephone have any questions on the topic of air
10 quality.

11 MR. MARK CLIFFE-PHILLIPS: We still
12 have the response to Jaida's last question.

13 MR. CAM STEVENS: Cam Stevens, Golder.
14 So I was able to touch base with -- with Dennis. And
15 based on the modelling results in Section 7, the
16 highest average deposition -- deposition rate along the
17 -- the diversion channel will be around 2.5 milligrams
18 per decametre squared per -- per day just east of the
19 iron ore transfer pad.

20 I'll get Dennis maybe before I go any
21 further to find a decametre -- or dec -- sorry,
22 decimetre. It's a -- it's a 10 x 10 metre squared
23 area, correct? Yeah, okay.

24 So the expectation is that the effects
25 to water quality and sediment quality in the channel

1 would be -- would be small, as predi -- as suggested
2 yesterday, but similar to that predicted for nearby
3 small lakes, such as Christine Lake (phonetic).

4 Predictions for water quality in lakes
5 are available in Section 8.5.4.2.1 in the DAR, the
6 Developer's Assessment Report. Further to that, if
7 effects to stream habitat should be lower than the
8 effects to lake habitat or habitat in small lakes
9 because of the flowing water will prevent any
10 measurable accumulations to the water column or
11 substrate.

12 It is also expected that wave action and
13 associated currents in Lac du Sauvage will prevent the
14 accumulation of any sediment where the channel enters
15 the lake. And as -- as -- and these predictions are
16 based on the results in Section 7, which considered
17 various conservatisms, as -- as Dennis referred to
18 earlier.

19 Further to that, dust generation and
20 deposition will be monitored during construction
21 operation, and various mitigations will be implemented
22 to reduce dust generation such that there are no
23 adverse effects to fish and fish habitat, including
24 fish migrating through the channel to their spawning
25 areas in Stream B1.

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(BRIEF PAUSE)

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(BRIEF PAUSE)

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(BRIEF PAUSE)

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MS. FIONA ESFORD: Fiona Esford, Golder

1 Associates. The water from the sub-basin B discharge
2 could be monitored and mitigations implemented,
3 including the installation of sur -- curtains if it was
4 deemed necessary at the time.

5 THE FACILITATOR: Okay. Thank you. I
6 believe Matt has another question, and then I'd like to
7 move to Simon.

8 MR. MATTHEW SEABOYER: Yes. This is
9 Matt Seaboyer, with ENR. It's actually just a follow-
10 up question that Environment Canada posed a little
11 while ago where I don't feel we got a -- a commitment
12 was asked for, and I don't think we -- we got a
13 definitive answer on that. So I just wanted to follow
14 up on this.

15 This is relating to acquiring higher-
16 tiered mine vehicles during -- during the procurement
17 time. So I believe the question from Environment
18 Canada was: Would Ekati commit to acquiring these tier
19 -- tier 4 vehicles?

20 And so I'd just like to add to that.
21 You know, will in fact Dominion commit to acquiring the
22 highest emission tier vehicles available at the time
23 when the procurement is -- is taking place? As -- as
24 we know, you know, there's significant emissions being
25 assessed and posed here, so this could be a -- a great

1 way to help reduce those emissions.

2

3 (BRIEF PAUSE)

4

5 MR. RICHARD BARGERY: Richard Bargery,
6 Dominion Diamond. What we're committing to and -- and
7 what Elliot said earlier is that -- that, you know, any
8 vehicle that we use for the project will meet the
9 government set guidelines or regulations at that time.

10 MR. MATTHEW SEABOYER: This is Matt,
11 with ENR. Just to kind of clarify, those regulations,
12 if -- if I'm correct -- and, Environment Canada, please
13 correct me if I'm wrong -- those are more based upon
14 manufacturers' regulations of what can be actually
15 imported, not on what can -- what is -- what is
16 purchased from industry.

17 So anyways, I think we have a bit of a
18 point of contention here. So it's something we will be
19 following up later on throughout this process.

20 THE FACILITATOR: I believe there's a
21 further question from Environment Canada and from the
22 Agency.

23 MR. DAVID FOX: Okay. Dave Fox,
24 Environment Canada. Maybe just to respond to that,
25 it's my understanding too that the regulation is more

1 manufacturer based. So there is -- there will be lower
2 tiers available after the -- the 2017 regulation
3 application point.

4 Another question that kind of with all
5 the -- the dust questions we've been getting it's
6 probably worth bringing up. I -- I see in the -- the
7 Appendix 7B of the DAR, the air emissions details. It
8 -- it states in here that the haul roads are watered
9 during the summer and -- and a chemical suppressant is
10 used once per year. Therefore, a higher controlled
11 efficiency of 80 percent was assumed.

12 And I'm wondering was that applied for
13 the entire summertime scenario for -- for the road
14 dust, the 80 percent control rate?

15

16 (BRIEF PAUSE)

17

18 MR. RICHARD BARGERY: Richard Bargery,
19 Dominion Diamond. We -- Dennis doesn't have that on
20 the -- on his fingertips, but it's -- it's apparently
21 quite easy to look up. So we -- I'll guess we'll have
22 to take it -- given the time we'll have to take it as
23 an undertaking as opposed to homework and we'll --
24 we'll provide it -- provide it hopefully shortly.

25 THE FACILITATOR: So -- it's Bill

1 Klassen. So the Company is undertaking to provide that
2 information. We'll have that in the list of
3 commitments. Perhaps Chuck can clarify.

4 MR. CHUCK HUBERT: Chuck Hubert, with
5 the Board. So just to clarify that. That's confirm in
6 Appendix 7B if the control rate of 80 percent is used?
7 That -- is that right?

8 MR. DAVE FOX: Dave Fox, Environment
9 Canada. No, it's to confirm whether or not that
10 control efficiency rate was used in the emissions that
11 went into the -- the model, the CALPUFF model.

12 THE FACILITATOR: Okay. It's Bill
13 Klassen. That undertaking or commitment or whatever
14 title we're putting on it has been noted. And Kevin
15 O'Reilly I believe has a question.

16 MR. KEVIN O'REILLY: Thanks. Kevin
17 O'Reilly, for the agency. I just wanted to follow-up
18 on Kate's questions around silt curtains as a
19 mitigation measure for dust -- fugitive dust that may
20 enter the diversion channel. Presumably the Company's
21 going to have silt curtains installed at the outlet of
22 the channel in terms of construction. You don't want
23 sediments getting into Lac du Sauvage that are going to
24 get flushed out, perhaps in the first freshet. So it's
25 probably easy enough to just keep the silt curtains in

1 as necessary during the -- the operation of the -- the
2 diversion channel.

3 Is that something the Company -- and --
4 and if they're going to -- if they're not going to keep
5 them in what's the trigger for actually deciding when
6 you're going to put them in, in terms of dust --
7 fugitive dust that may come off the haul road and the
8 ore transfer pad? Thanks.

9 MS. FIONA ESFORD: Fiona Esford, Golder
10 Associates. During the initial construction water
11 shouldn't really be flowing through that, but we will
12 have sediment control processes in place. During the
13 initial flush when water first starts entering and
14 flowing through the diversion channel, yes, we would
15 have controls. But you recognize the main purpose of
16 the diversion channel is so that fish can go up and
17 down. And if we maintain the silt curtains in place,
18 that would prevent the fish from going up and down.

19 MR. KEVIN O'REILLY: Thanks. Kevin
20 O'Reilly, for the agency. I think that answered the --
21 perhaps part of the first question that I had.

22 But the second question then is what
23 would -- what sort of triggers would the Company have
24 then in terms of mitigating dust that might fall into
25 the diversion channel and -- and affect water quality

1 and fish?

2

3 (BRIEF PAUSE)

4

5 MS. KRISTINE MASON: Kristine Mason,
6 Golder Associates. In terms of triggers for adaptive
7 management for water quality in the diversion channel,
8 it would be set under the AEMP, as that would probably
9 be a monitoring station under the AEMP.

10 MR. KEVIN O'REILLY: Okay. Thanks.
11 Kevin O'Reilly. We may want to pursue this a different
12 way. So I just had one (1) other matter, if I could,
13 with the indulgence of the Chair.

14 I want to go back to the August 1st
15 submission date of a number of the management plans
16 that were on -- in that table this morning. And one
17 (1) of them is going to be the Air Quality Monitoring
18 and Management Plan. And I think I actually heard the
19 Company say that they are hoping for hearings in
20 August.

21 If those management plans are only
22 submitted on August 1st, the parties are going to need
23 an opportunity to review those. And I -- I understand
24 there may be some meetings that take place before some
25 of those are submitted, and that's a good thing. I

1 think there's a commitment on the record already to do
2 that with regard to the Traffic Management Plan.

3 But if those documents are only
4 submitted August 1st, the -- the parties are going to
5 need an opportunity to review those. We -- we are
6 going to have to file our technical reports, presumably
7 after we have an opportunity to -- to look at those.
8 The Company is going to need to respond and then the
9 hearings are going to be held. So if the Company
10 expects that the hearings are going to be held in
11 August, and even early September, I just don't see how
12 an August 1st submission date is really going to make
13 that happen.

14 So I'm just wondering if the Company has
15 thought about this and whether there's any flexibility
16 with those dates. The later the material is submitted
17 the -- the more problematic August or even early
18 September hearing dates become, but I leave that in the
19 lap of the -- the Developers. Thanks.

20 MR. RICHARD BARGERY: Richard Bargery,
21 Dominion Diamond. Are you -- are you speaking
22 specifically the -- the Air Quality Monitoring and
23 Management Plan now, Kevin, or...?

24 MR. KEVIN O'REILLY: Thanks. Kevin
25 O'Reilly, for the Agency. Well, you know, we've heard

1 a -- a number of things about the Air Quality
2 Monitoring and Management Plan, the need for an
3 adaptive management approach. This -- that was a
4 similar theme though with regard to the Traffic
5 Management Plan.

6 We heard tho -- those sort of themes
7 echoed with regard to the Wildlife Management Plan as
8 well, or the WWHPP I guess it's called now. So this is
9 just a general obviously that if those documents are
10 only submitted August 1st, it makes, I think, the --
11 the ability to have a hearing in August, early
12 September really problematic if there's to be due
13 process to allow the parties to review them and prepare
14 and submit their technical report. Then the Company
15 has to respond and so on. There's a -- a few more
16 steps that have to be gone through.

17 So I just flag that for -- to see if the
18 Developer's thought through the scheduling of all of
19 this. Thanks.

20

21 (BRIEF PAUSE)

22

23 THE FACILITATOR: It's Bill Klassen.
24 While the Company is conferring, let me say that as
25 soon as they respond to this I'd like to move to the

1 questions that Simon has and then I would like to
2 entertain questions regarding any outstanding issues.

3 MR. RICHARD BARGERY: Richard Bargery,
4 Dominion Diamond. So I just want to just speak briefly
5 on -- on the process and -- and differences that -- you
6 know, perhaps from other projects.

7 Again, I -- I'll state, you know, this
8 is an existing operation with a track record with
9 existing management plans which IEMA has the
10 opportunity and -- and to comment frequently, and I --
11 I'll use the Air Quality Monitoring and Management
12 Plan.

13 We have a schedule now for reviewing
14 that three (3) plan. My understanding is it's out to
15 IEMA for comment right now. There's a schedule that --
16 that -- to build in those comments through the summer,
17 and that's established process in other parties, as
18 well, this has gone to.

19 What we're trying to do is be able to
20 bring a Jay component and still respect the process
21 that's occurring with the Air Quality Monitoring and
22 Management Plan and the abilities of parties to -- to
23 comment on the plan that -- you know, part of the
24 operation today, so that's what we're trying to
25 accomplish here.

1 We're certainly open to comments from
2 parties as we go along, but we're pushing to -- to make
3 sure that we have something that includes the Jav
4 component as well by August 1st and still respect the
5 ability for parties to -- to input into -- into our
6 regular process for an operation that's ongoing.

7 With respect to the Tra -- Traffic
8 Management Plan, we've heard the issues and comments
9 from the parties, and I think we've been tried -- we've
10 tried to be accommodating. What we've said is that we
11 would take an extra week as opposed to the end of April
12 to send that out to parties, to build in some of the
13 comments of -- for the Jav project, and we would host a
14 workshop with any interested party sometime shortly
15 thereafter, after people have -- after parties have a
16 chance to -- to discuss it so we can build in that
17 input. We're trying to be inclusive in this.

18 With respect to the -- the WEMP and the
19 WWHPP, which the regulations aren't in place yet, there
20 are draft regulations, we are going to -- to do those
21 two (2). The commitment was that we'd -- we'd do draft
22 WEMPs and WWHPPs based on the draft guidelines, send it
23 out to parties for review by August 1st. That seemed
24 to be a reasonable time.

25 We have management plans in place now,

1 as -- as was noted -- noted earlier, but we wanted to
2 incorporate this under the new legislation for the Jav
3 project. So we -- we're trying to -- to deal with
4 operational issues that we have for a mine that
5 currently exists and works well, and we have management
6 plan -- plans in place, incorporate the Jav project for
7 -- for the future, and still be able to get the input
8 of parties.

9 It's also true that, from our
10 perspective, the Company's perspective, that we are on
11 a compressed timeline for the Jav. I mean, you know,
12 we've stated the reasons why, and I -- I know people
13 are -- are quite cognizant of why, so I won't go
14 through that.

15 So I think that's the -- you know, what
16 we're trying to accommodate here. And we're trying to
17 be as accommodating as we can to get these management
18 plans out. We understood, Todd made the point, I
19 think, the other day, about the requirement for this
20 and -- and the reasons why and how it differs from
21 other projects perhaps, so. And that list sort of that
22 we put up today sort of lays out the timelines.

23 If we can do this faster and get it to
24 parties faster, we will do so. That's the other point
25 I think that -- that I'd make from the -- the Company's

1 perspective, because we do want to solicit that input
2 and make sure that parties have a chance to review what
3 we're proposing for Jav.

4 THE FACILITATOR: Mark...?

5 MR. MARK CLIFFE-PHILLIPS: Mark, with
6 the Review Board. Just to -- to follow up on -- about
7 the comments of IEMA and -- and from Rick, from
8 Dominion. I appreciate the -- the fact that Dominion
9 has several current management plans that need to be
10 updated to reflect the -- the addition of the Jav
11 project. In terms of the environmental assessment, the
12 Board is still required if there's mitigation that is
13 being referred to that would be applied through a
14 management plan for Jav. We still need to assess that
15 under this pro -- process.

16 If it -- the timing with the regulatory
17 processes or -- or other supplemental processes for
18 management plans align with that, that works. If
19 there's an opportunity to input into this process just
20 by putting in the -- the draft mitigations or -- or
21 speaking to the -- the management and monitoring that
22 would be applied under one (1) of those plans but it's
23 just specific to Jav.

24 If that doesn't align with the timing of
25 the submissions of an updated WEMP or -- or other

1 programs, if you could submit that as supplemental
2 information in a draft form to this proceeding, so at
3 least our Board has the opportunity and the parties
4 that are participating in our process to assess those
5 mitigations, monitoring, and management, including
6 adaptive management, that you know at this particular
7 time.

8 So the -- if -- if it all works, I -- I
9 appreciate that you're -- you have an end of April
10 deadline for the -- the Traffic Management Plan, and
11 potentially, if there's other things that could be
12 submitted earlier, that'd be beneficial so parties
13 don't get stuck reviewing all of the plans on a -- a
14 late submission deadline.

15 MR. RICHARD BARGERY: Richard Bargery,
16 with Dominion Diamond. Okay. Point taken. I mean,
17 earlier is better. I -- I think we understand that,
18 and -- and so, yeah, we -- we understand the point.

19 But I just -- I just want to appreciate
20 that -- that we need to -- to respect processes. And -
21 - and I know IEMA will -- will keep us -- keep us
22 apprised of our -- our requirements under our existing
23 operations as well as -- as this process as well.

24 MR. MARK CLIFFE-PHILLIPS: Just take a
25 quick follow-up. If -- if there is any information

1 that's submitted in draft form to this proceeding, and
2 it's updated and under a -- a regulatory process or a -
3 - a another review process, the Board respects that as
4 well. And -- and that would be followed through those
5 processes after -- after the assessment.

6 THE FACILITATOR: Thank you. Thank
7 you. It's Bill Klassen. Simon, you have some
8 questions.

9 MR. SIMON TOOGOOD: Hi. It's Simon
10 Toogood, with the Review Board. I'm just going to
11 touch on the last couple parts of -- that we haven't
12 dealt with here today, and that's the assessment
13 endpoints and significance. Oh, sorry.

14 So I'd just like to clarify, in the
15 Developer's Assessment Report, one (1) instance is
16 Table 7.3-1. It states that:

17 "The assessment endpoint is
18 compliance with applicable regulatory
19 ambient air quality standards and
20 objectives."

21 Could you confirm if that -- if that
22 assessment endpoint is the GNWT ambient air quality
23 guideline?

24

25 (BRIEF PAUSE)

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

3 MR. SIMON TOOGOOD: Thank you for that
4 response. It's Simon Toogood, with the Review Board.
5 Following up on that, I'd just like to understand where
6 the boundary of the assessment endpoint is. After
7 reading the DAR and some of the responses, I've seen
8 talk about, you know, development disturbance boundary,
9 development footprint.

10 And there was -- in the response to the
11 YKDFN IR, the Developer stated that:

12 "The compliance endpoint, the GNWT
13 ambient air quality guidelines, do
14 not apply within the fence line."

15 I believe that's in reference to the
16 actual -- some sort of idea around the actual claim
17 block or the project footprint. And I believe what I
18 heard from GNWT is that those guidelines apply to the
19 entire territory. There's no area where they're
20 exempt.

21 So can you just confirm where the
22 Developer is applying the assessment endpoints?

23

24 (BRIEF PAUSE)

25

1 MR. RICHARD BARGERY: Richard Bargery,
2 Dominion Diamonds. I think we're-- we're struggling
3 here with how to define it. And it may be better that
4 we provide this in -- in a written form, I think, to --
5 to describe this. So we'll take that away and perhaps
6 write -- provide a better description for you in
7 writing as part of the undertakings.

8 MR. SIMON TOOGOOD: Yeah, could you
9 just -- do we have that wording, the question? Yeah,
10 I'm just looking -- the question would be: Where is
11 Dominion applying the assessment endpoint? Where's the
12 geographic boundary of the assessment endpoint, which
13 is the GNWT Ambient Air Quality Guideline?

14

15 (BRIEF PAUSE)

16

17 MR. RICHARD BARGERY: Richard Bargery,
18 Dominion Diamonds. It's the boundary of the
19 disturbance footprint, but we can describe -- it might
20 be better if we -- because I know that you used a
21 number of terms in your original question. And so we
22 just need to probably differentiate and it's probably
23 best if -- if that comes in -- in some sort of form
24 that -- that provides a full explanation.

25 MR. SIMON TOOGOOD: Yes, that'll be

1 fine. Now, following up on the compliance with the
2 applicable regulatory ambient air quality guidelines.
3 The modelling you provided, given that it is very
4 conservative, does show exceedances.

5 And I'm just wondering how you -- how
6 does it -- what's the -- DDEC's opinion on compliance?
7 Well, what's your understanding of compliance with
8 applicable regulatory ambient air quality standards
9 given that you are predicting exceedances of those?

10 And I'm just wondering do you -- and -- and outside of
11 the modelling scenario, in the real world scenario, do
12 you intend to meet the applicable -- the GNWT ambient
13 air quality standards?

14

15 (BRIEF PAUSE)

16

17 MR. RICHARD BARGERY: Richard Bargery,
18 Dominion Diamonds. The question is -- oh, that's
19 trouble. The question -- I -- I think -- I think we
20 have the question, but -- so as we -- as we've noted a
21 number of times, and I think as you noted, Simon, the
22 model is quite conservative.

23 We -- we work -- and our -- our goal is
24 to meet the guidelines that are in place. We have
25 mitigations in place to -- to allow us to do that. So

1 the short answer to the question I -- I guess is that
2 our -- our goal is to meet -- to meet those guidelines
3 on an operational basis.

4 MR. SIMON TOOGOOD: Simon, with the
5 Review Board. Thank you for that response. With
6 respect to significance thresholds, would an exceedance
7 of the ambient air quality guidelines -- would you
8 consider that a significant effect?

9 And I'm wondering, when you're
10 considering that effect, to what components of the
11 environment -- I'm going to wrap up a bunch of
12 questions here -- and with respect to mitigations and -
13 - when would you apply mitigation, why would you apply
14 it, and what component of the environment do you intend
15 to protect?

16 And that gets in the lines with, you
17 know, when is -- when -- what -- at what point would
18 there be a significant effect? So you're trying to
19 apply mitigations to avoid that significant effect.
20 I'm just trying to get an idea of, when you apply dust
21 mitigation, for instance, on the roads, I'm just
22 wondering, why do you apply it?

23 What are you trying -- what part of the
24 environment are you trying to protect, or is it solely
25 just to meet the ambient air quality guidelines? And

1 at what boundary away from the source of the emission
2 are you trying to meet that -- that standard?

3

4 (BRIEF PAUSE)

5

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. So, I mean, we apply water and dust
8 suppressant to -- to our roads as a best practice. And
9 it's done in a -- in a way when -- when -- that will
10 allow for the protection of -- of, you know, many
11 different valued components.

12 So it's hard, Simon, to sort of give you
13 an answer, you know, to specifics, it protects this,
14 this, and this. I -- I guess we probably could go
15 through that list, but it -- it's meant to protect, you
16 know, many, many valued components, whether it's
17 wildlife or vegetation, air, all those kinds of things.

18 I don't know if that sort of gets --
19 gets to the exact point that you were looking for,
20 but...

21 MR. SIMON TOOGOOD: Thank you for that
22 response. I think we're sick of these hearings. We'll
23 leave it at that.

24 And I just have one (1) more follow-up
25 question and I'll leave it, a follow-up additional

1 question, and that -- in your -- in the Developer's
2 Assessment Report, you indicate that there's going to
3 be a human health risk assessment completed. I'm just
4 wondering when that's going to be done, and if that
5 will be available during this process.

6 MR. RICHARD BARGERY: Richard Bargery,
7 Dominion Diamond. I think that went into -- went in
8 the IR responses on February 2nd. If it hasn't, then
9 there's -- then there's a problem, but that's -- that's
10 our understanding, so.

11 MR. SIMON TOOGOOD: It could be my
12 fault. I may have overlooked that. Thank you for the
13 response. And I'll check the registry. And at that, I
14 will leave it at that.

15 THE FACILITATOR: Thank -- thank you,
16 Simon. It's Bill Klassen. Moving to outstanding
17 topics, I'm aware that there's one (1) question at
18 least related to consultation.

19 MR. TODD SLACK: Thanks, Mr. Chair.
20 It's Todd Slack, with the Yellowknives. And I'm sorry
21 that I have to bring this up, but we have been directed
22 to. And this is for our friends at GNWT. For those
23 folks at the table, I'm not sure it's for this set of
24 GNWT folks, but it starts off with an acknow -- or
25 asking for an acknowledgement that Aboriginal and

1 treaty rights are currently infringed.

2 Does GNWT agree with that?

3 MR. MIKE REDDY: Hi. It's Mike Reddy.
4 I'm legal counsel with the GNWT. No, I -- I wouldn't
5 agree with that statement. I -- it's a fairly loaded
6 statement, of course.

7 What I would say is that Deninu Kue,
8 Lutsel K'e, the Yellowknives, GNWT, and Canada are
9 currently negotiating, at a separate table, issues with
10 respect to resources, land, self-government rights,
11 important issues that, out of respect for that table, I
12 -- I think any issues in terms of disagreement should
13 be addressed there and -- and not in this forum.

14 MR. TODD SLACK: It's Todd Slack, for -
15 - for the Yellowknives. Your response to YKDFN IR
16 where we ask, "What does GNWT currently understand in
17 terms of this?" actually directs us to pro -- provide
18 these here. And I thought it would be useful to try to
19 establish what our government -- or, well, what the
20 GNWT understands at present.

21 And so I guess that I would re-ask this
22 question. And do you think that the suspension of
23 harvesting -- or, sorry, are you saying that the
24 suspension of harvesting does not represent an
25 infringement of Aboriginal and treaty rights?

1 MR. MIKE REDDY: Again, I think those
2 discussions are taking place at another table in an
3 outside forum. And I'm just struggling, Mr. Klassen,
4 to try and -- and determine how this -- how that answer
5 would help in determining the effects that this project
6 may potentially have on Aboriginal treaty rights.

7 I mean, certainly, part of our -- part
8 of our reason for being here is to listen to what
9 potential impact this project may have on Aboriginal or
10 treaty rights, and whether those impacts can be
11 mitigated. That's part of our responsibility. That's
12 part of our legal duty to consult.

13 THE FACILITATOR: It's Bill Klassen. I
14 -- I think that is a -- a fair question, Todd. Could
15 you relate the questions that you're asking to what the
16 effects of the project might be either on the
17 environment or socioeconomic?

18 MR. TODD SLACK: Absolutely. And this
19 provides a segue into question number 2. And it's:
20 Does GNWT acknowledge that they have heard from Elders
21 and land users that the mining industry has affected
22 the caribou herds that are an important part of the
23 Yellowknives Dene culture and are an important part of
24 their food security, and are actually the focus of
25 their exercise of Aboriginal and treaty rights?

1 MR. MIKE REDDY: To answer your
2 question, yes, we certainly have heard those concerns.
3 They've been related to the GNWT in -- in multiple
4 forums.

5 MR. TODD SLACK: Okay. Well, that's
6 for that. So I think that we have the connection
7 between industry and --

8 MR. MIKE REDDY: Sorry. Sorry. Just
9 to interrupt, our transcription service had to leave on
10 the plane. If I could just remind people who are
11 speaking to reiterate their name into the mic before
12 you speak. We -- we will be transcribing this, but
13 it'll just be off the recording. So we need to make
14 sure that we get the recording of people's names.

15 MR. TODD SLACK: Sorry. And please
16 accept my apologies. It's Todd Slack, with the
17 Yellowknives. So I think that's the connection. And
18 we're -- we're looking to continue to understand how
19 GNWT sees this. And thanks for that response.

20 So accepting that industry has affected
21 the -- the herd, does GNWT acknowledge that a future
22 harvesting level would necessarily mean that Aboriginal
23 and treaty rights have continued to be impacted?

24 MR. MIKE REDDY: Hi. And accept my
25 apologies as well. Mike Reddy, legal counsel with the

1 GNWT. It -- it's really not the GNWT's place or -- or
2 role, in my view, to try and describe what impact this
3 project may have on -- on Aboriginal and treaty rights.
4 Again, that's what we're here to -- to listen to and
5 determine whether, if there are potential impacts, how
6 they can be mitigated.

7 MR. TODD SLACK: Todd Slack, with the
8 Yellowknives. Before I move on, just to be clear that
9 were there a harvesting level of fifty (50) animals for
10 the Bathurst herd in the future, you don't believe that
11 treaty rights would have been infringed to get to that
12 point?

13 MR. MIKE REDDY: Mike Reddy, GNWT. I
14 think at this point to speculate as to what harvesting
15 rights might be in the future is just that:
16 speculation. And -- and I'm just not prepared to -- to
17 venture into that realm at this point.

18 MR. TODD SLACK: In the interest of
19 time, I'll keep moving. And we'll -- we'll look
20 forward to the response on the IR on that one. Hypothe
21 --

22 MS. SACHI DE SOUZA: Todd Slack, could
23 you please say your name again?

24 MR. TODD SLACK: Oh, geez. Sorry.
25 It's Todd Slack, with the Yellowknives. Hypothetically

1 -- well, okay. I already know the answer to that.

2 Were -- were such an infringement to occur -- we'll

3 just keep this on the record, sorry.

4 Were such an infringement to occur, does

5 GNWT believe a reduction in harvesting to this level

6 would have health impacts on the member -- members of

7 the community or on their culture?

8 MR. MIKE REDDY: Hi. Mike Reddy, GNWT.

9 I -- Mr. Klassen, I'd ask perhaps if the question could

10 be a little more specific in terms of -- in terms of

11 the infringement you reference in the question.

12 MR. TODD SLACK: It's Todd Slack, with

13 the Yellowknives. Recognizing that your government has

14 been in place since 1967, I would have thought that --

15 or the Yellowknives would have thought that they would

16 understand that harvesting is fairly important to the

17 Yellowknives Dene, both in terms of health impacts and

18 in terms of the exercise of their -- of their culture.

19 Recognizing that industry has had an

20 impact on the herd, if we are seeing a reduced harvest,

21 a much reduced harvest, of only fifty (50) animals,

22 does the GNWT, given their experience being in

23 existence for almost fifty (50) years, do they believe

24 that that would represent a -- an impact to the

25 community health, the community well-being, or the

1 culture of the Yellowknives Dene?

2

3 (BRIEF PAUSE)

4

5 MR. MIKE REDDY: Mike Reddy, GNWT. For
6 the purpose of this forum, I -- I think what should be
7 stated is the GNWT has acknowledged that there may be a
8 number of factors contributing to the decline of
9 caribou. Having any other comments to the potential
10 impact that this project may have on caribou again I
11 think is -- is inappropriate at this particular forum.

12 In terms of a general recognition of
13 whether the GNWT acknowledges that restrictions have
14 had an impact on Aboriginal and treaty rights, I -- I
15 think it is probably common ground to -- to agree with
16 that point and say, of course, we -- we think that the
17 restrictions certainly have impacted Aboriginal groups'
18 ability to -- to hunt and -- and to use caribou as a
19 source of food that they have in the past.

20 MR. TODD SLACK: And my -- it's Todd
21 Slack, with the Yellowknives. My last question on this
22 topic: Has the GNWT given any consideration, based on
23 its fifty (50) years of history in the North, at what
24 point the infringement of those rights would become
25 significant on the exercise of culture and health for

1 communities?

2 MR. MIKE REDDY: Mike Reddy, GNWT.

3 Again, we're getting back to infringement of rights
4 here. And I have an issue with using that statement.

5 I appreciate you may have a different view, but I have
6 an issue agreeing with that statement at this
7 particular forum.

8 There are rights issues. There's --
9 there's no doubt about that. Those issues are being
10 addressed at a table that involves parties that are --
11 that are in this room, but also involves parties --
12 there are additional parties in this room that aren't
13 privy to those confidential negotiations. And I'm just
14 not prepared to -- to venture into those at this point.

15 MR. TODD SLACK: It's Todd Slack, with
16 the Yellowknives. Please let me rephrase. Has the
17 GNWT given any consideration as to at what point a
18 reduction in harvest would represent a significant
19 impact to communities, both in terms of their -- their
20 culture and their health?

21 THE FACILITATOR: It's Bill Klassen.
22 Mark is indicating that he would like to comment.

23 MR. MARK CLIFFE-PHILLIPS: Again, I --
24 I'd just like to comment that the -- oh, Mark Cliffe-
25 Phillips, with the Review Board, yes. Just to -- again

1 to -- to reiterate the -- the purpose of the -- the
2 technical sessions here is we're here to discuss the --
3 the impacts of the -- the Jav project. And any
4 discussion around what the YKDFN are -- are trying to
5 put across right now, if you could frame it within the
6 discussions of the Jav project specifically.

7 MR. TODD SLACK: Happily. If the Jav
8 project and the continued operation of these mines
9 continues to have impacts on the -- the herd and the
10 ability of the Yellowknives to practise the culture
11 that they have developed which is enti -- you know, not
12 entirely based, but is very much based on caribou. The
13 -- our belief is that community members who get out on
14 the land, who harvest caribou, generally have better
15 health. A stronger culture represents a stronger
16 community.

17 And if these -- if mines delay the
18 recovery of the herd, which we've heard is a
19 possibility with the modelling that was presented,
20 given the current level of harvesting being extended
21 into the future, has GNWT given any considerations as
22 to -- as to what point that would amount to a
23 significant impact?

24 MR. MIKE REDDY: Mike Reddy, with GNWT.
25 I heard two (2) questions in there, so let me try to

1 address them.

2 In terms of the GNWT articulating its
3 view on what potential impact this project may have on
4 Aboriginal and treaty rights, again I say that it's --
5 it's not our position, nor our role, to try and
6 describe those.

7 That's why we're here. We're here to
8 listen to what those impacts could potentially be.
9 We're here to listen from the actual rights holds as to
10 what those impacts may be and to determine whether
11 those impacts can be mitigated.

12 The second portion of your question, if
13 I understand it correctly, is I think -- I don't want
14 to use the word 'speculation', but it's premature at
15 this point. You're asking me to reach the conclusion
16 that there will be an impact on caribou.

17 And I think the reason that we're
18 participating in this technical session, the reason
19 that we have GNWT folks at the table asking questions
20 of the Proponent, is to try and assess what those
21 impacts may be. So to say at this point definitively
22 that, if this is the case and if there is an impact and
23 if the impact is significant, it's -- it's purely
24 speculative at this point.

25 THE FACILITATOR: It's Bill Klassen.

1 Todd, I think you've made your point. It's on the
2 record. Do you have another question?

3 MR. TODD SLACK: The -- this also
4 refers to this same IR. Canada has indicated that
5 consultation obligations -- or, sorry, Todd Slack, with
6 the Yellowknives. The GNWT has indicated that Canada
7 still has consultation obligations.

8 Other than for the fish habitat
9 offsetting and the fish-out plan, can you sort of tell
10 us what you meant in this response? Thank you.

11

12 (BRIEF PAUSE)

13

14 MR. TODD SLACK: And if it helps --
15 it's Todd, with the Yellowknives again -- I'm referring
16 to paragraph 3 of their response to IR -- to one (1) of
17 the IRs. I don't have it.

18 MR. MIKE REDDY: Mike Reddy, with GNWT.
19 Canada has consultation obligations with respect to
20 their -- to their jurisdictions. In terms of the
21 response provided in the IR, perhaps we can take that
22 away and see if there are any consultation obligations.
23 But really, in our view, you know, Canada can speak for
24 its -- its own consultation obligations, and I'm sure
25 they'll do so.

1 MR. TODD SLACK: Well, it's Todd, with
2 the Yellowknives. I'll stop my questioning there and
3 I'll hope that Canada has picked up on this. But I'm
4 just asking what they meant with their response. So
5 with that, I -- yeah. It's about the answers that we
6 thought, and that's it for me.

7 THE FACILITATOR: Thank you. Are there
8 any other questions on outstanding matters before we
9 adjourn? Two (2) I see. Please go ahead, and then
10 Peter.

11 MS. SARAH ROBERTSON: Hi. It's Sarah
12 Robertson, with the Northern Projects Management
13 Office. I just wanted to chime in to say that we have
14 heard your concerns, Todd, and we are reviewing the
15 consultation obligations for this project, and we're
16 reviewing in conjunction with the GNWT in terms of
17 consultation.

18 So if you want us to take this away and
19 get back to you with sort of specific obligations that
20 Canada has, we are willing to do that.

21 MR. TODD SLACK: It's Todd Slack, with
22 the Yellowknives. Yeah, I think that would be great.
23 And I think that having this process in this forum is
24 ridiculous. And Canada and the GNWT ought to be
25 looking for something that is a little more meaningful

1 and that doesn't waste everyone's time because the
2 obligation is yours, not the Project's. So I'll leave
3 that as a final thought and suggest that we meet
4 outside of this process in the future.

5 THE FACILITATOR: Thank you. Peter, do
6 you -- it's Bill Klassen. Peter, do you have another
7 question?

8 MR. PETER UNGER: Yeah, just very minor
9 points. One is I'm referring to IEMA's IR-37 and
10 LKDFN's IR-8. It's more of a favour that I'm asking.

11 I asked earlier -- they have a table
12 earlier where they listed the concerns of ea -- of each
13 group, but it didn't really list the concerns. And
14 then in response, they have listed all the community
15 concerns.

16 My question is: Is it possible to get
17 it broken down by -- by intervening group? Is -- is
18 that something that we could have?

19 MR. RICHARD BARGERY: Richard Bargery,
20 Dominion Diamond. We -- we did look at this issue of
21 being able to do that. I just -- I think we can -- can
22 do what -- what -- what you -- what you want during the
23 undertaking period, Peter. I just -- we have to
24 differentiate.

25 As you -- as you well know from -- from

1 community meetings, there are a lot of issues raised,
2 and so it's a -- it's a mixture of issues. Some of
3 them are of a confidential nature because they relate
4 to IBAs and things like that. So we just need to be
5 cognizant of that when we're doing it.

6 So it may not be a perfect match with
7 the -- sort of the -- the other general breakdown, so -
8 - but I think we can -- we can do that for the Jay
9 project, and we can do that within the -- the
10 undertaking period in which we'll -- we'll try to do
11 that.

12 MR. PETER UNGER: Peter Unger, Lutsel
13 K'e. Thank you very much. I -- I appreciate that.

14 My next question is just going back to
15 when we were talking about -- oh.

16 MS. SACHI DE SOUZA: Sachi De Souza,
17 with the Board. The -- we need some clear wording for
18 this undertaking if we're confirming that it is an
19 undertaking due by May 8th. You would like the -- a
20 certain table broken down with -- by party. And I
21 don't know the table reference or the IR reference you
22 were discussing.

23 MR. PETER UNGER: It's IEMA IR-37, or
24 the response to IEMA IR-37, and LKDFN IR-8 are the IRs
25 asking for it. And they did provide a table. It's --

1 it's informative, but just we would -- Lutsel K'e would
2 be very curious to know -- by group to know what the
3 main concerns are for each intervening group. Okay.

4 So Peter again, Lutsel K'e. Moving on
5 to -- earlier when we were speaking about wind
6 turbines, we mentioned that the -- the Jay project is a
7 no-power project. Is it the -- the Company's assertion
8 then that the Jay project is a separate project from
9 the Ekati mine?

10

11 (BRIEF PAUSE)

12

13 MR. RICHARD BARGER: Richard Barger,
14 Dominion Diamond. So I -- just to clarify, I think
15 what -- what we said was there -- there's no
16 requirement for new power generation, I think, just --
17 just for clarity.

18 And we see the Jay project as an
19 extension of the current Ekati mine. The -- the only
20 thing that -- that I would say different is that -- is
21 that obviously Jay is -- is being permitted through --
22 through this process. So, you know...

23 MR. PETER UNGER: Peter Unger, Lutsel
24 K'e. Correct me if I'm wrong. I -- I believe Mr.
25 Holland and I disagreed earlier on the topic of whether

1 Ekati facilities are included in the -- the new
2 project.

3 So -- so my question is: If it's an
4 extension of the Ekati mine, then how are Ekati's
5 facilities not taken into account when we're talking
6 about greenhouse gas emissions and -- and things like
7 that?

8

9 (BRIEF PAUSE)

10

11 THE FACILITATOR: It'S Bill Klassen.
12 We're approaching one o'clock, and our sustenance is
13 being removed, so we're going to have to end this soon.
14 Could Dominion respond? Then I believe there's one (1)
15 more question, and then I will turn it over to Mark to
16 wrap it up.

17 MR. ELLIOT HOLLAND: Elliot Holland,
18 Dominion Diamond. Peter, to be clear, what we were
19 discussing before is -- is our assertion that the
20 consideration of alternatives for power generation
21 would not be necessary as part of this process given
22 that the -- the Jay project will rely on existing
23 infrastructure.

24 Having said that, as we've -- as we've
25 made clear throughout the process, we consider the --

1 the Jav project to be an extension of the Ekati mine
2 life.

3 MR. MARK CLIFFE-PHILLIPS: Mark Cliffe-
4 Phillips, with the -- the Review Board. Maybe just add
5 a bit of clarity in terms of the scope of the
6 assessment and -- and what the Board will be looking at
7 during this environmental assessment.

8 It's true that, as Elliot has -- has
9 just mentioned, that the -- the power generation
10 station is an existing facility under the Ekati mine.
11 In terms of the assessment that we're looking at, we
12 are still looking at the impacts of the Jav project.

13 If that includes emissions that come
14 from an existing power generation facility, the Board
15 is still looking at the emissions from and the impacts
16 of those emissions on the -- on the receiving
17 environment. So the -- we're not assessing the
18 individual components that are pre-existing on the
19 Ekati site, but the effects that the Jav project has on
20 the environment from those facilities.

21 MR. PETER UNGER: I think that -- it's
22 Peter, from Lutsel K'e. I -- I think that clears it
23 all up for me. Thank you.

24 THE FACILITATOR: It's Bill Klassen.
25 Thank you, Peter.

1 Kevin O'Reilly has the last question.

2 MR. KEVIN O'REILLY: Thanks. Kevin
3 O'Reilly, for the Agency. I'm not sure I'll ever get
4 the last question, but -- so I'm looking at our -- the
5 IR-21 that the Agency submitted where we had asked for
6 at least an initial cost estimate for reclamation
7 related to the Jay project.

8 In the response from the Company, they
9 referred to a March the 12th, 2015, technical report
10 that they seem to have submitted to stock exchanges in
11 terms of investor stuff.

12 So -- but that table actually shows that
13 -- or -- and I guess I'm just trying to understand this
14 -- that the reclamation cost for the project for the
15 Ekati mine without Jay is \$254 million, but including
16 Jay actually reduces the overall reclamation cost.

17 So I'm trying to figure out, you know,
18 you've got an extra thing, a pit and infrastructure
19 you're adding on. How does that actually decrease your
20 reclamation cost? I guess I'm just looking for an
21 explanation of that.

22 And if we don't really get it here, I'm
23 happy to pursue it through -- we may be happy to pursue
24 it through an IR. But it just doesn't seem to make any
25 sense. Thanks.

1 (BRIEF PAUSE)

2

3 MR. ELLIOT HOLLAND: Elliot Holland,
4 Dominion Diamond. The -- the extra costs for -- for
5 reclaiming the -- the Jav infrastructure will be offset
6 with reduction in -- in pumping costs associated with
7 depositing processed kimberlite into the existing pits,
8 and bearing in mind that these are all initial
9 estimates.

10 We estimate that -- that those costs
11 more -- are more than offset by the -- the change in
12 the pumping strategy.

13 THE FACILITATOR: It's Bill Klassen. I
14 would like now to turn it over to Mark Cliffe-Phillips
15 to provide some closing comments, perhaps enlighten us
16 on the process from here, and then we'll adjourn.

17 MR. MARK CLIFFE-PHILLIPS: Mark Cliffe-
18 Phillips, with the Review Board. First off, I'd just
19 like to thank everybody, particularly the -- the
20 Developer for sitting in the hot seat for five (5) days
21 and providing presentations to provide clarity to the
22 parties.

23 We also greatly appreciate all of the --
24 the people who have been here throughout the -- the
25 technical sessions to provide questioning and -- and to

1 provide clarity to other parties who had questions of
2 them. So thank you to everybody.

3 In terms of next steps, we did go
4 through the -- the work plan a little bit the other
5 day, but there was a commitment that was made to
6 Dominion that we were going to relook at the -- the
7 work plan after the technical session when we had a
8 better understanding of where the is -- where the
9 issues are, how much resolution we have, and what
10 outstanding issues that are still on the table. So we
11 -- we still are committed to that, and after likely the
12 -- the May 8th undertaking, the Board will be
13 releasing an updated work plan to reflect that.

14 I'd just like to remind Dominion of the
15 conversation that was initiated by IEMA that the
16 submission of the outstanding mitigation that is
17 following up in -- in management plans may play a role
18 in the scheduling details. And we'll follow up
19 directly with -- with Dominion to -- to discuss that
20 further.

21 Just to confirm, there will be an
22 additional round of Information Requests after the May
23 8th undertaking deadline. So there will be an
24 opportunity for parties to review the information
25 that's already come out from the technical sessions and

1 -- and the results of the undertakings.

2 With that, the Board will give it some
3 direction or scope on the -- the IRs that will be
4 requested. Particularly, we don't want to continue on
5 a path of questioning if we've already heard that there
6 was a response given by the Developer, the party.
7 There is opportunities within the interventions to the
8 Board directly for you to bring your issues forward,
9 and be cognizant of that.

10 We will also -- after the -- the next
11 round of IRs and -- we will follow up with more details
12 on the -- the public hearing process, particularly
13 around the application for interven -- intervention
14 status at the public hearing, so for parties to -- to
15 clarify that they are going to be providing an
16 intervention and participating directly in front of the
17 Board.

18 So with that, I think everybody's
19 probably a little famished now and want -- want to get
20 out of this stuffy room. Unfortunately, the air
21 conditioning was out all week, and hopefully they have
22 that fixed if we're back in here for any other meetings
23 in the future.

24 Just again thank to -- thanks to all the
25 staff for organizing this. Thanks to Pido for doing

1 the sound and to our transcription service who
2 unfortunately had to run out to catch a plane back to
3 Toronto, I believe.

4 So Stacey Menzies and Katherine McManus
5 are two (2) admin staff here that have been keeping us
6 fed and watered over this time. I'd just like to thank
7 you. They -- they've really organized all of this. We
8 just show up.

9 So with that, thanks again, and we'll
10 talk to you all soon.

11

12 --- Upon adjourning

13

14

15 Certified Correct,

16

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19

20 Robert Keelaghan, Mr.

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22

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<u>\$</u>	10 9:3	131:4,23	104:21	325 82:12
\$22 76:16	22:5,19		105:9,11	37 12:18
\$253,675,000	41:22	<u>2</u>	158:9	<u>4</u>
94:24	45:3,6	2 13:12 19:4	2017 124:2	4 14:3 20:4
\$254 158:15	87:6 100:2	23:8 30:15	2020 105:19	23:8
\$42 95:2	106:2,23	37:9 42:1	2021 26:19	86:10,18,2
\$50,000	119:22	44:9	2022 46:7	3 90:16
76:18	10:43 80:4	45:15,18	47:4	122:19
\$75,000	10:52 80:5	46:9	104:21	4,000 88:20
76:1,19	100 44:13	47:16,19	105:15	40 88:15
<u>1</u>	10-2 112:14	48:1,11	2029 105:13	89:12,14
1 21:11 22:5	10th 20:14	50:3,5,16,18	2030 27:15	91:5
28:5 32:12	11 9:4	52:21,25	28:18	41 9:8
35:1 37:13	11:40 108:9	83:2	20th 39:12	<u>5</u>
41:3	12 47:2	86:9,17	21 12:3	5 1:22 50:10
45:6,17	88:18	90:15	20:18	82:14 86:2
55:18	104:17	92:7,17	22 12:7	159:20
57:21 70:7	109:12	131:21	23 12:11	50 54:21
73:2 75:19	12th 158:9	143:19	19:2 20:6	75:25
77:21	13 9:6 47:5	149:25	24 1:21	145:9
79:15,19	14 26:19	152:9	12:16	146:21,23
82:3,10	15 81:6	162:5	26:16	147:23
86:16	107:3	2,500 105:20	28:7,13	500 45:1
90:7,8,15	154 22:2	2.5 53:9	50:19,21	5-170 23:25
94:5 95:5	16 11:3	86:8	52:22	52 39:25
97:12	160 20:17	119:17	88:17	55 26:21
99:22	162 9:11	20 11:20	112:17	<u>6</u>
100:10,11,12 104:1	17 11:7 24:6	200 44:13,14	270 46:21	6 32:8,10
106:1	50:25	46:14,15	28th 20:15	39:11
107:20	18 11:11	2006 21:25	2nd 141:8	50:19,20
108:11,23	181 20:16	116:3,5	<u>3</u>	61 9:9
110:15	19 11:15	2008	3 20:22 22:6	63 27:15
111:12	1967 146:14	116:3,5,6	36:10,12	<u>7</u>
113:6,20	1996 20:15	2011 105:1,9	38:4 45:4	7 10:3 73:13
114:8	1997 20:16	106:5	47:21	80:2 88:17
117:17,23	1999 76:16	2012 47:19	51:6,10	119:15
127:12,17	77:4	50:3	70:8 74:19	120:16
133:22	1st 112:3	2013 30:4	75:23	7.3-1 135:16
135:15	113:16	105:10	90:16	70 54:21
140:24	127:14,22	2014 27:12	113:8	55:1
141:17	128:4,12	29:3,8	130:14	7B 12:5
151:16	129:10	30:3	151:16	
156:14		46:13,18	30 117:22	
1,460 105:10		92:16	300 95:3	
1,500 105:12		2015 1:21		
1.7 43:15		46:5,18		
1/2 80:2		99:8		

124:7 125:6 <hr/> 8 <hr/> 8 12:18 106:22 8,000 88:21 8.5.4.2.1 120:5 80 12:3 55:1 124:11,14 125:6 8th 12:15 58:23 119:6 154:19 160:12,23 <hr/> 9 <hr/> 9 21:14 9.6.1.2 24:9 9:01 13:1 90 55:2 90s 86:14 <hr/> A <hr/> a.m 13:1 80:4,5 A21 27:1 AANDC 6:24 abandonment 107:1 abilities 130:22 ability 129:11 131:5 147:18 149:10 able 91:24 107:18 119:14 130:19 132:7 153:21	Aboriginal 18:20 141:25 142:25 143:6,9,25 144:22 145:3 147:14,17 150:4 absence 40:5 absolute 53:23 Absolutely 143:18 accept 144:16,24 acceptable 89:2,4 112:9 acceptance 37:19 38:13 accepting 76:13 144:20 access 40:1 accommodate 132:16 accommodatin g 131:10 132:17 accomplish 130:25 according 21:10 accordingly 99:16 account 29:2 156:5 accounting 65:2 accumulate 47:11 accumulation 120:14 accumulation	s 120:10 accurate 114:13 accurately 114:23 achieving 53:16 acknow 141:24 acknowledge 75:12,15 77:15 83:1,5 109:22 143:20 144:21 acknowledged 147:7 acknowledgem ent 141:25 acknowledges 147:13 acknowledgin g 83:8 acquiring 122:15,18, 21 across 25:12 149:5 Act 36:16 37:2,10 57:19 action 93:25 120:12 actions 27:5 54:11,12 active 25:18 26:2 activities 25:21 27:1 42:15 activity 21:1 actual 37:6 46:9,14 58:12	136:16 150:9 actually 54:2,14 55:5 59:16 61:11 63:19,20 73:6 78:20 82:16 92:10 122:9 123:14 126:5 127:18 142:17 143:24 158:12,16, 19 Adamczewski 4:19 Adams 8:21 adaptive 54:6,10 55:7 80:21 83:3 111:22 113:5 127:6 129:3 134:6 add 74:4 90:24 116:19,20 117:10 122:20 157:4 added 22:12 adding 27:21 74:14 88:21 110:24 111:3 158:19 addition 98:14 133:10 additional 26:9 47:17,18 56:22	104:14 105:5 140:25 148:12 160:22 address 35:14 71:14 91:1 107:13 150:1 addressed 13:10 32:14 142:13 148:10 adhering 101:24 adjacent 11:23 23:17,21 25:1 44:10 adjourn 152:9 159:16 adjourning 162:12 adjusted 112:16,19, 20 admin 162:5 advance 113:17 advantage 69:1 advantages 107:20 adverse 24:17 25:2,16 120:23 advice 58:16 advocate 73:15 AEMP 127:8,9 Affairs 18:20
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

affect 126:25	96:9 105:4,17 152:9	airborne 78:24	am 32:9 68:12 84:4	30:20 33:23 36:5 45:13
affected 101:21 143:21 144:20	air 9:8 11:8,13,21 12:9,10 13:9 14:14 37:17 38:3 40:14,25 41:3,5,11	aircraft 45:11,16 114:24	ambient 11:8 52:5 53:1,7,10, 12 59:4 61:15,17 63:21 65:1 90:9,22 101:2,10,2 1 112:1 135:19,22 136:13 137:13 138:2,8,12 139:7,25	56:14,16 62:15 64:20 65:9 68:1 69:7 71:6 75:14 77:3 91:24 94:5 95:6 111:10 113:1,3,19 116:16 117:5 122:13 139:1 140:13 143:4 144:1 146:1
affects 24:22 95:10	42:5,8,18 45:8,9 47:7 48:11,12 50:8,10,11 ,12,23 51:4,7,9 52:5,7 53:1,7,10, 12,22 54:7 55:13,17,2 3 59:4 61:15,17 63:21 65:1 66:2,4,9,2 0,24 68:2 69:4 78:17 79:9 80:22 83:3 88:25 89:16 90:9,22 91:25 92:9 95:7,9,16 101:3,10,1 9,21 108:15,24 111:23 112:1,2,5, 8,11 114:16 119:9 124:7 127:17 128:22 129:1 130:11,21 135:19,22 136:13 137:13 138:2,8,13 139:7,25 140:17 161:20	airport 11:23 116:4	airstrip 49:25 113:24 114:9,12,2 1,23 115:5 117:13,15 118:13,25	
against 43:3,7		al 6:5 21:25	amending 56:14	
Agencies 39:24		algae 21:8	amount 94:22 95:1 149:22	answered 114:7 126:20
agency 15:13,15,1 7,21 60:6,19 61:21 111:19,21, 22,25 112:12 113:22 115:4,20 118:20,24 123:22 125:17 126:20 128:25 158:3,5		align 133:18,24	Amy 3:10 17:3	answers 33:16 34:21 80:19 152:5
Agency's 121:16		Allerston 3:14	analyze 43:2 and/or 112:9 Andrea 4:5 Andy 5:15,21 16:4	anticipates 23:20
agenda 40:14 108:10		Alliance 8:6 96:7 107:15	angular 21:5	anticipating 64:16
agent 59:22		allow 129:13 138:25 140:10	animals 22:25 23:3 34:1,6,14 145:9 146:21	anticipation 73:17
ago 122:11		already 30:19 39:22 48:5 54:17 99:9 114:11 128:1 146:1 160:25 161:5	Anne 2:8 6:14	anybody 92:2 anyhow 30:19 anyone 18:23 121:5
agreed 37:4 39:16		als 54:18	annual 38:5,19 43:20 44:2 45:22 46:4,5 52:23 54:22 72:24 75:23 104:20	anyone's 86:20 anything 34:4 61:16 anyways 123:17 apologies 144:16,25 apologize 18:13
agreeing 148:6		alterating 27:3		
agreement 36:16 37:7,11,18 38:2,13,20 95:2		alternative 103:24 106:16,24 109:17		
Aguire 6:16 18:21,22		Alternativel y 40:1		
ahead 66:24 67:1 85:19		alternatives 156:20	answer 28:18,24	

apparently 124:20	154:13 159:23	25:22 32:11,18	95:17,18 102:16	40:2,11
APPEARANCES 2:1 3:1 4:1 5:1 6:1 7:1 8:1	apprised 134:22	49:21 57:14 120:25	105:6 109:13 112:7 120:6	attendance 13:21
Appendix 12:5 124:7 125:6	approach 27:12 41:5 54:25 81:2 106:10 109:15 111:23 129:3	aren't 18:14 83:10 121:11 131:19 148:12	133:11 135:5,12,1 5,17,22 136:6,22 137:11,12 141:2,3 157:6,7,11	attending 13:4
applicable 20:1 93:20 135:18 138:2,8,12	approaches 81:8	arguably 62:23	assessments 95:19	attitudes 81:8
application 49:20,23 65:19 112:16,19 124:3 161:13	approaching 156:12	argue 103:13	assigned 20:21	audit 98:11
applications 53:25	appropriate 33:10,21 65:6 71:4 83:21 90:18	Ariane 6:2	assignment 20:4 22:19 24:6 26:15	August 20:14,15 37:13 51:2 55:18 112:3 113:6,16,1 9 127:14,20, 22 128:4,11,1 2,17 129:10,11 131:4,23
applied 124:12 133:13,22	approval 72:24	aspect 97:15	assignments 39:6	authority 36:17
applies 57:19	approximatel y 45:17 95:3	aspects 80:22	Assoc 63:18	availability 25:25 113:17
apply 11:10 37:3,12 57:13,14,1 7 60:9,16 65:12 93:3,21 94:1 101:23 136:14,18 139:13,19, 20,22 140:7	April 1:21 39:12 131:11 134:9	assert 63:23	associated 45:15 54:12 98:1 120:13 159:6	available 11:14 21:15 40:11 51:17 64:9,21 86:24 112:3 113:6 116:14 120:5 122:22 124:2 141:5
applying 43:8 136:22 137:11	AQMMP 51:14,17	assertion 155:7 156:19	Associates 3:6 6:3 16:14,16,2 2 41:2 63:18 68:7 122:1 126:10 127:6	Avalon 76:3
appreciate 13:20 91:4 110:18 133:8 134:9,19 148:5	AQMS 53:13	assess 90:10,17 133:14 134:4 150:20	Association 68:6	avenue 55:22 74:21
	aquatic 26:11 95:11	assessed 21:9 40:10 68:24 122:25	assume 31:1	average 43:20 44:2,24 54:22 119:16
	Archibald 5:14	assesses 27:2	assumed 94:18 101:20 124:11	
	Arctic 107:15	assessing 21:22 157:17	assumes 26:23	
	area 23:17 45:1 78:1 95:11 114:2,14 117:1 119:23 136:19	assessment 12:8 23:1,2 40:9,10 41:5 53:2 67:4 90:11	assumptions 114:19	
	areas 23:21		at-risk	

avoid 139:19	75:11 77:1	BC's 61:20	56:20	157:24
aware 14:1	82:22,23	bearing	benefits	159:13
28:2	94:20	159:8	53:4	billion
68:3,12	101:8	beat 77:20	Berg 2:24	76:16
108:10	109:3	became 105:6	Berrill 7:2	binding
111:17	111:8,9	Beck 4:17	beside 57:9	74:22
114:22	112:25	8:3 18:10	81:1	biomass
121:10	115:13,14	become	best 52:12	106:6,17,1
141:17	116:18,19	128:18	53:16 81:9	8
awareness	123:5	147:24	137:23	Biscaye 5:20
69:7	124:18	becomes 31:2	140:8	bit 41:5,25
away 44:20	128:20	Beddoes 3:22	better 62:6	46:2 52:11
45:4	130:3	Beers 81:3	66:5	55:20
56:11,17	134:15	beginning	68:18,21	62:3,6
62:2	136:1	30:10 92:3	85:11	67:1
107:22	137:1,17	104:23	108:2	85:11,16
137:5	138:17	begs 73:16	114:13	102:3,4
140:1	140:6	begun 92:1	134:17	104:18
151:22	141:6	Beijing	137:3,6,20	123:17
152:18	153:19	62:24	149:14	157:5
	155:13	belief	160:8	160:4
	base 98:4	149:13	Bevan 5:15	Blackbird
	105:7	believe 51:2	beyond 22:12	39:16,21
	119:14	73:8 94:15	25:13	blasting
	based 20:20	95:2 98:25	28:10 55:3	42:14
	21:8 26:4	114:7	Bhamjee 5:8	block 136:17
	28:10 30:1	122:6,17	bid 94:11	blow 62:2
	52:22,23	123:20	Bieber 3:21	Board 1:3
	56:8 85:19	125:15	21:25	10:7 11:18
	90:19	136:15,17	bigger 77:12	12:15
	114:19	145:10	Bill 1:12	13:19
	119:15	146:5,23	4:14 13:7	14:23,25
	120:16	155:24	35:9 39:2	15:2,4,6,8
	123:13	156:14	57:3 58:15	26:14
	124:1	162:3	59:20	31:20
	131:22	bench 45:6	65:16 88:8	33:7,11
	147:22	benchmark	108:7	39:18
	149:12	43:17	119:7	56:20
	basically	44:13,15,2	124:25	57:12
	44:12,22	5 45:4	125:12	58:16
	46:3 52:14	benchmarks	129:23	60:23
	112:4	58:1	135:7	65:24
	117:23	beneficial	141:16	72:23 84:6
	basis 30:4	134:12	143:13	88:3 94:23
	52:23 70:8	benefit	148:21	108:16
	75:24		150:25	116:11
	109:25		153:6	118:9
	110:4		156:11	121:11,15
	139:3			125:5
	Bathurst			
	145:10			

133:6,12	31:13 33:2	141:21	45:13	capable
134:3	35:7 36:21	161:8		50:14
135:3,10	37:23	bringing	calibrating	capacity
136:4	38:16	124:6	22:3	47:12
139:5	40:18,23	British 43:8	calibration	104:11
148:25	41:14,19	broken	22:10	110:19,25
154:17	50:8 51:23	153:17	calpuff 12:6	car 90:6
157:4,6,14	55:10 56:4	154:20	125:11	carbon 52:15
159:18	58:9	brought	Cam 3:20	88:12,23,2
160:12	60:11,25	72:25	16:23	4
161:2,8,17	62:10	97:25	119:13	90:6,8,12,
Board's 14:4	63:4,15	Bruno 4:21	camp 23:23	21 91:19
Bob 2:19	64:12	Bryan 2:10	32:13	carcinogens
bodies 25:1	66:11	Buggins	91:11,15	76:20
boiler 98:10	67:16	15:24,25	campaign	caribou
boilers	70:13	build 107:21	50:4 91:2	34:12
106:20	72:11 75:9	130:16	97:23	143:22
Bolt 8:14	76:5,24	131:12,16	Canada	147:9,10,1
bond	78:9 82:20	building	6:8,16	8
94:12,17,1	87:2 90:4	33:8	12:13	149:12,14
8,22	93:13	buildings	15:10	150:16
bore 22:8	95:13	32:12	18:18,22	carried
bought 86:14	96:14	98:15	28:3	99:13
boundary	100:18	bulbs 98:16	39:7,10,12	carry 27:23
12:8 45:7	101:6	bulk 85:20	,14,23	case 14:8
136:6,8	108:5,20	bulky 106:18	40:3,6	21:18,20
137:12,18	109:1	bullets 50:3	47:24 48:2	54:3 71:21
140:1	111:6	bunch 57:23	67:13 74:8	94:12
Boyan 7:14	112:23	139:11	80:16	105:7
bracket 37:5	114:4	burn 98:10	84:18	106:17
Bradley 6:12	115:1,11,2	burning	85:10 86:5	112:20
brand 48:25	4 116:8	104:14	87:19 88:2	150:22
Braun 4:16	118:5,15	business	90:14	cases 109:13
break 14:11	121:2,8,23	54:23	122:10,18	catch 162:2
79:19,23	123:3	97:17	123:12,21,	Catherine
80:2	124:16	businesses	24 125:9	4:16
breakdown	127:3	106:4	142:8	Catholique
45:22,23	129:21	Byers 7:11	151:4,6,19	7:23
154:7	135:25	byproduct	,23	caught 30:20
breakfast	136:24	47:9	152:3,20,2	causes 24:16
13:14,15,1	137:15	<hr/>	4	25:2
7	138:15	<hr/>	Canada's	CCME 54:20
Brekke 5:9	140:4	C	82:4	74:7
Brett 4:6	147:3	CAAQS 53:11	Canadian	CCME's 53:12
brief 28:21	151:12	calculations	43:6	cell 13:18
	155:11		53:1,10	certain
	156:9		54:19	
	159:1		74:7,11	
	briefly		CanNor-NPMO	
	130:4		8:20	
	bring 71:16			
	110:21			
	130:20			

58:18	27:4,13	churned	73:11	27:8 30:23
154:20	29:4 30:1	76:15	74:13 76:7	31:10,21
certainly	51:11 81:7	cisco 20:14	77:9 113:2	32:11
56:17	112:5	claim 136:16	116:1	33:7,24
69:18	changing	clarificatio	cleanliness	34:20
75:15 76:2	111:11	n 14:6	21:7	35:18,19,2
87:12,23	channel	26:16 28:4	clear 44:4	1 36:3
131:1	117:18,24	37:9,16	59:12 68:2	Cluff 4:7
143:7	118:3	39:4,5,7,1	74:7 119:3	CO2 46:15
144:2	119:17,25	3 40:13	145:8	code 59:18
147:17	120:14,24	60:20 80:8	154:17	codes 81:25
Certificate	121:18	82:16 94:8	156:18,25	82:2
9:11	125:20,22	95:25	clearly 69:5	cognitive
Certified	126:2,14,1	clarified	clears	104:8
162:15	6,25 127:7	60:7	157:22	cognizant
Chair 28:8	characterist	clarify 10:4	Cliffe 15:1	132:13
36:6 79:24	ics 21:8	11:3 26:17	56:19	154:5
88:6	characteriza	32:2 57:12	148:24	161:9
127:13	tion 29:23	58:24	157:3	collect
141:19	characterize	81:22	159:17	50:18,20
challenge	d 20:18	83:15,19	Cliffe-	68:7
78:20	Charles 2:21	102:4,10	Phillips	collected
Chamber 8:16	chart	123:11	2:3 15:1	26:10
chance	30:8,9,14	125:3,5	56:19	colonization
131:16	36:9	135:14	58:21 84:5	23:22 24:3
133:2	chase 70:9	155:14	116:10,11	32:19 34:5
Chang 3:25	chatted	161:15	118:7,8	35:22
17:9 40:20	81:17	clarifying	119:4,11	colonizers
41:1,16,21	cheap 75:23	115:15	133:5	23:25
63:17	check 141:13	clarity	134:24	colour
67:18	chemical	35:23	148:23	44:11,14
68:5,6	124:9	36:15	157:3	colours 44:9
78:11 84:9	Chief 71:20	101:11	159:14,17	Columbia
90:6,8	chime 152:13	155:17	climate	43:8
114:6	Chorley 3:24	157:5	98:23 99:5	column
117:2	18:2	159:21	Clinton 4:3	120:10
change 43:21	Chris 2:7	160:1	16:17	columns
51:15	15:7 18:22	Clark 4:22	close 23:10	36:11
70:19	Christine	class 85:25	29:18	com 32:8
81:12	3:21 120:3	Claudine	89:17,18	combustible
83:11 86:1	Christopher	2:18 17:15	117:19	72:18
98:23 99:5	6:16 18:21	19:6,10,13	closer 42:19	combustion
102:1	Chuck 2:2	,14 36:23	closing	42:3
105:25	14:24	37:25	159:15	48:13,14
159:11	125:3,4	38:18	closure 11:4	49:16
changed 73:9		55:12	22:22	
104:24		63:25	23:19,24	
changes		70:15	24:4 26:13	
24:17 25:3		72:13		

comes 27:5 34:19 80:12 86:24 137:23 coming 30:18 86:8 88:23 112:12 113:7 114:9 commencing 13:1 commend 71:6 comment 34:24 38:21 72:24 111:22 112:12 130:10,15, 23 148:22,24 comments 9:6 38:21 55:16 66:21 103:23 130:16 131:1,8,13 133:7 147:9 159:15 commit 55:7,25 83:18 86:23 108:1 110:23 111:2 122:18,21 commitment 28:17 29:6 36:25 55:21 56:8 58:25 60:7 70:11 71:12 72:4,15 73:4 74:22 75:5,13 77:17	80:24 81:5 106:21 116:15 122:11 125:13 128:1 131:21 160:5 commitments 9:3 10:1 14:8 55:23 58:17,18 125:3 commits 74:19 committed 37:13 54:16 60:20 83:9 113:16 160:11 committing 60:22 123:6 common 54:14 147:15 communities 22:24 89:21 106:4 148:1,19 community 19:24 27:21 146:7,25 149:13,16 153:14 154:1 companies 94:9 company 29:3,6 34:9 58:3,17 61:25 73:14 75:19,20 83:10 96:11 97:20	103:11 107:6 125:1 126:3,23 127:19 128:8,9,14 129:14,24 158:8 Company's 29:15 64:25 125:20 132:10,25 155:7 compare 43:3 compared 43:6 comparing 43:11 comparison 43:15 44:23 competition 26:25 complete 84:23 85:2 completed 141:3 completes 20:4 compliance 48:2 49:22 72:6 74:16 100:13 135:18 136:12 138:1,6,7 complicated 28:14 complied 58:6 59:11 comply 87:15 component 32:2,6,7,1 5 50:12,23 130:20 131:4	139:14 components 32:10,17 50:10 51:4 139:10 140:11,16 157:18 composition 21:4 23:10,11,1 4,15,18 compost 73:1 composter 73:1 74:15 97:24 compound 90:7,9 comprehensiv e 98:11 compressed 132:11 con 53:5 72:5 concentratio ns 82:11 conceptual 36:3 concern 71:14 113:5 concerned 89:7 96:1 concerning 28:4 concerns 66:21 67:6 81:11 91:1 111:25 144:2 152:14 153:12,13, 15 155:3 conclusion 51:19 67:23 105:25 150:15	conditioning 161:21 conditions 23:17 25:23 35:21 85:8 conducted 20:14 21:17 22:8 24:4 conducting 21:19 conferring 108:8 129:24 confidential 148:13 154:3 confined 44:25 confirm 12:3 20:23 73:18,21 118:10 125:5,9 135:21 136:21 160:21 confirmed 22:9 confirming 154:18 conjunction 152:16 connection 144:6,17 connectivity 24:24 conservation 96:18 conservatism 46:22 114:20 conservatism s 120:17 conservative 27:12
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

62:17	6:1 7:1	92:22	COSEWIC 40:9	43:5,7,9,1
101:16	8:1 12:1	93:3,9,24,	cost 53:18	4,18 68:4
109:14	contact	25 94:2	76:9	69:3 71:3
138:4,22	107:17	contracts	97:11,13	112:4
consider	contained	75:20	98:20	critical
36:2 58:22	40:8	contributed	104:6	34:19
79:12	Containment	117:14	107:13,18	Croft 4:21
102:4,12	50:17	contributes	108:2	cross-
121:19	contention	114:1	111:2	referenced
139:8	123:18	contributing	158:6,14,1	76:14
156:25	CONTENTS 9:1	147:8	6,20	cubed 22:6
consideratio	context	control 12:4	costing	culture
n 39:19	56:12	49:16	107:17	143:23
102:18	continual	91:19	costs 97:12	146:7,18
113:9	72:25	98:20	102:6	147:1,25
147:22	110:4	124:14	159:4,6,10	148:20
148:17	continually	125:6,10	Coulton 3:8	149:10,15
156:20	110:10	126:12	16:21	cumulative
consideratio	continue	controlled	Council 8:3	78:1,13,16
ns 149:21	73:14 80:8	124:10	54:20 74:8	114:2
considered	83:10	controls	counsel 2:14	116:25
102:7	106:25	126:15	3:5 17:18	Cunning 3:12
120:16	109:24	conversation	142:4	curious 62:5
considering	144:18	160:15	144:25	155:2
55:21	161:4	converting	count 44:12	current
139:10	continued	106:19	counting	11:15
construction	48:19	cookies	117:13	33:18
100:23	84:25	13:14,15,1	couple 14:16	49:2,5
120:20	144:23	6	28:9 66:13	74:1,2
125:22	149:8	Coordinator	77:6 86:11	86:10
126:10	continues	52:8	107:12,25	98:23
consult 40:6	149:9	correct	135:11	99:9,17
143:12	continuing	40:21	course 43:22	103:25
consultation	72:5	59:6,7	110:9	105:19
12:12	continuous	68:7 73:25	142:6	108:2
141:18	50:12	84:5	147:16	113:7
151:5,7,19	109:25	119:4,23	covered	133:9
,22,24	110:4,16	123:12,13	25:23	149:20
152:15,17	contour	155:24	create 32:18	155:19
consultation	44:19	162:15	created	currently
s 53:5	contracted	corrected	42:16 48:6	19:16
Consulting	92:23	82:13	92:14	48:16,22
4:2 16:20	contractor	correction	creating	49:12
consumption	93:6	84:10	35:21	56:13
91:21	contractors	correctly	cri 68:4	87:20 99:7
110:3,11	29:11	150:13	criteria	105:4
Con't 3:1			42:25	132:5
4:1 5:1				142:1,9,16
				currents

120:13	82:24	dec 119:21	demonstratin	78:22
cursor	84:17 85:9	decametre	g 71:13	depositing
107:11	86:4 87:18	119:18,21	demonstratio	159:7
curtains	88:1,6	decide 85:23	n 74:15	deposition
121:17	90:14	deciding	Dene 15:23	41:9,23,24
122:3	123:23	126:5	88:11 96:2	42:21
125:18,21,	125:8	decimetre	143:23	43:1,2,5,7
25 126:17	DAVID 123:23	146:17	147:1	,13,20,21,
cut 86:17	day 1:22	43:16	Denholm 4:2	22
cycle	13:4 43:16	119:22	16:19	44:3,6,16,
50:20,21	45:16	decline	31:15,16	19,23,24
87:5	50:19,20	147:8	32:5	77:24
	67:3 97:15	decommission	33:4,5	78:1,12,16
	103:8	ed 85:14	Deninu 15:19	114:14
<hr/>	114:18	decrease	142:7	119:16
D	119:18	24:13	Dennis 3:25	120:20
D'Aguiar	132:19	25:8,9	17:9 40:20	depth 21:4
6:20	160:5	44:19	41:1,16,21	Der 5:7 8:8
daily 70:23	days 13:11	82:17	63:17	Derek 5:12
Damian 3:19	14:3,19	86:16	67:18	derived
D'Amours-	63:8 66:21	97:25	68:5,6	52:25
Gauthier	159:20	158:19	69:10	describe
6:19	DDC 121:19	deem 101:2	77:23	137:5,19
Dan 3:8	DDEC 10:3	deemed 38:22	78:11	145:2
16:21	11:3,11,15	122:4	80:25	150:6
Dana 5:16	,20	deferring	81:17	described
DAR 12:5	12:3,7,16	66:18	82:24	29:10
23:7 26:19	DDEC's 12:17	define 62:22	84:3,9	32:22
82:5	DDEC's 138:6	137:3	90:6,7	describes
101:14	de 2:4 15:3	defined 24:9	114:6	23:8
120:5	20:12,17	33:11	117:2	description
124:7	81:3	definitely	119:14,20	10:2 11:2
136:7	145:22	55:15	120:17	12:2,7
data 21:16	154:16	80:23	124:19	137:6
26:4,9,11	dead 102:3	81:10	d'Entremont	design 49:6
81:18	deadline	definition	7:20	designed
115:8	58:23	82:2	15:18,19	47:23
116:4,14,2	119:6	definitive	depend	53:24 65:1
2,24	134:10,14	122:13	110:16	71:25
117:21	160:23	definitively	depending	dest 22:7
date	deal 82:24	150:21	43:23	detailed
92:11,14	132:3	delay 149:17	85:16	75:3
127:15	dealing	demographic	depict 27:7	details 70:4
128:12	101:9	24:25	depo 43:5	74:23 75:1
dates	dealt 135:12	demonstrate	deposit	124:7
128:16,18	Dean 4:7	72:5 76:19	42:18,19	160:18
Dave 6:9	Deborah 5:14			161:11
15:11				
80:15				

determinatio n 69:14	6,18 19:1,4,14 21:15	94:18 96:17,23 137:2,18	dioxide 52:17	60:2 80:21 100:4,6 103:8
determine 60:15 64:10 86:2 143:4 145:5 150:10	22:14,21 23:8,15,20 24:7 26:17 27:6,11,16 ,22 28:24 29:22	138:18 Diamond's 18:9 23:1 73:4	dioxin 41:9 47:8,9,13, 18,24	149:4 discussions 143:2 149:6
determined 64:4 69:13	35:17 36:24 38:1,19	Diana 4:17 18:10	dioxins 72:19 73:22 74:2,9	dismiss 107:8
determining 143:5	40:25 55:13 56:7	Diavik 8:18 21:18,21 22:2 23:9 27:1	direct 29:9 directed 29:9 141:21	dispersion 90:19 114:17 118:12
developed 22:17 51:18 53:2,15,20 112:1,6 149:11	62:13 64:1,15 65:5,18,21 68:20 69:10 70:16 72:14	78:3,13 97:18 107:4 dictate 85:8 diesel 49:14 97:25 104:1 106:18 110:21	direction 107:6 161:3 directly 40:7 160:19 161:8,16	disrupting 24:24 dissipate 62:20,24 distance 25:22 42:10
Developer 35:15 40:15 80:9 89:25 90:11 136:11,22 159:20 161:6	75:12 76:8 77:2 82:23 92:20 93:2 94:21 95:16 97:8,17 100:21 101:9 102:10,24 103:6 104:2 108:8 109:4 111:9 113:1,3 115:14 116:2 123:6 124:19 128:21 130:4 134:16 136:2 140:7 141:7 153:20 155:14 156:18 159:4	differ 109:9 difference 46:18 47:16 differences 130:5 different 14:18 33:24 77:21 103:7,8 106:7,16 109:19 127:11 140:11 148:5 155:20 differentiat e 137:22 153:24 differently 71:1 differs 132:20 difficult 114:10	disagrees 142:17 disagree 103:10 disagreed 155:25 disagreement 103:16 142:12 discharge 122:1 disclose 75:20 discuss 131:16 149:2 160:19 discussed 83:23 discussing 41:8 56:25 154:22 156:19 discussion 33:20,24 35:22 52:1 56:15 59:9	distinction 60:1 101:20 disturban 45:1 disturbance 45:2 136:8 137:19 diversion 117:18 118:3 119:17 121:18 125:20 126:2,14,1 6,25 127:7 Division 99:6 DKFN 7:20 DL-10 49:21 Doan 7:6 document 79:8,12 84:13 documents 107:12 128:3

129:9	103:6	doubt 148:9	126:1,10,1	1:6
dollars	108:8	Doug 7:6	2 141:5	earlier
76:1,18,19	109:4	DR 16:21	153:22	48:13 58:1
dominant	111:9	draft 37:10	157:7	80:21 94:6
20:13	113:1,3	39:17 40:4	dust 11:22	102:5
Dominion	115:14	55:17	22:20,22,2	109:18
2:16 3:2	116:2,15	131:20,21,	3	110:1
9:8	118:18	22 133:20	23:6,10,11	120:18
14:9,14,16	119:2	134:2	,17,21	123:7
17:12,14,1	122:21	135:1	41:9,22,23	132:1
6,18 18:8	123:6	dramatically	,25	134:12,17
19:1,4,14	124:19	86:16	42:1,2,5,1	153:11,12
21:15	128:21	drawn 81:2	2,13,14,21	155:5,25
22:14,21	130:4	dropped	43:1,2,4,7	early 22:1
23:1,8,15,	133:8	82:13	,12 44:5	25:20 26:3
20 24:6	134:16	Drygeese	49:17,20,2	128:11,17
26:17	136:2	71:20	2,24 51:3	129:11
27:6,11,16	137:2,11,1	du 20:18	66:1 77:24	east 119:18
,22 28:24	8 138:18	120:13	78:1,12,16	easy 124:21
29:22	140:7	121:21	,21,23	125:25
33:18	141:7	125:23	112:16,20	eat 22:25
34:23	153:20	due 22:5	113:23,25	eating 23:3
35:17	155:14	88:22	114:2,9,11	EC 10:3 82:5
36:24	156:14,18	129:12	,14	echoed 129:7
38:1,19	159:4	154:19	115:5,6,8,	ecological
40:25	160:6,14,1	Duey's	21	24:15
45:22,24	Dominion's	21:14,16	116:2,20,2	25:10
51:19 54:5	30:2	22:5,8	4,25	economic
55:6,13	49:1,6	Duffy 3:5	117:4,6,22	26:22 53:4
56:7 57:1	54:3	17:17	118:11	105:2,6,13
62:13 63:7	Don 3:24	Dufour 6:11	120:19,22	107:8
64:1,15	18:2	Duque 6:17	121:20	109:8
65:5,17,21	done 20:5	during 14:8	124:5,14	Economics
68:20	45:24 48:1	20:14,19	125:19	4:3 16:18
69:10	72:15	21:1,24	126:6,7,24	Ed 7:17
70:16	80:17	22:13,16,1	139:20	EDenholm 4:2
72:14 73:4	83:16	7 25:20,23	140:7	16:20
74:18	89:10	26:3,7	dustfall	edge 45:1
75:12 76:8	92:2,11	29:10	43:5 50:24	Edjericon
77:2 82:23	98:11,14	37:13 38:6	117:11,20	7:18
85:2,16	106:5	51:2 63:13	118:1	Edmonton
87:5,23	109:23	106:25	duty 143:12	27:18
90:24	140:9	109:14	Dyer 5:22	effect 22:24
92:21	141:4	112:13	17:25	24:21
93:2,4,16	Donihee 2:14	114:24	<hr/>	25:6,11,16
94:17,21,2	dormant	120:20	ea 34:4	27:2,7
4 95:16	25:24	122:16	51:19	
96:17,23	double 61:19	124:9	70:11	
97:8	117:13		153:12	
100:21			EA1314-01	
101:9				
102:10,24				

67:22	143:16	87:4,22	46:4,6,10,	energies
68:11,14	Ejeckam 6:13	88:4 90:23	14,19	106:16
78:13	18:17,18	93:1,15	47:4,6,14,	energy 49:8
117:25	EK-35 49:24	95:15	25 49:5,8	96:18
139:8,10,1	ekati	96:16,22	50:6 51:3	97:11,13,1
8,19	11:16,23	97:7,10	53:19	8,21 100:3
effective	13:5	100:20	73:19	102:5,6
24:15	19:16,22,2	102:5,9,23	84:19	103:24
25:11	5 23:20,24	103:5	86:15,17,2	104:5
114:12	26:23	109:18	0 89:7	106:5,7,24
effects	27:11,14,1	110:1	91:20	,25
22:19 23:5	7,24	118:17	96:11,19	107:13,15,
26:11	46:5,14,18	119:1	98:1	21,23
66:22 78:1	,25	123:7	101:10,20	108:3
114:2	47:2,14,20	156:17	102:2	109:17
117:1	48:16,19,2	157:8	103:4,24	110:20,24
119:24	2 49:13,25	159:3	104:19,20	energy-
120:7,8,23	50:9,11,25	else 18:23	105:18	efficient
121:20	51:9 55:25	67:9 79:17	106:3,8	98:13
143:5,16	64:1 74:13	85:13	110:22,25	enforceable
157:19	78:2	eluding 67:9	112:17,20	59:24,25
effects-	81:6,9	Emery 7:4	113:23	60:16
based	83:8 94:22	15:12	114:24	enforced
53:21	97:19	60:18	122:24	36:18 59:5
effic 49:8	100:22	Emily 3:18	123:1	enforcement
efficiencies	103:11,12	emission	124:7	37:19
49:8	109:9	41:11	125:10	38:10,12
efficiency	113:10	42:1,11,12	156:6	71:10
12:4	122:18	,19 45:12	157:13,15,	73:6,18
97:13,18	155:9,19	48:12,13	16	engagement
98:7	156:1,4	49:3,12,17	emphasize	19:25
104:5,8	157:1,10,1	81:24 86:6	39:4	engineering
106:6	9 158:15	89:5,11	employee	85:8
124:11	Ekati's	90:12,16	27:18 93:6	English
125:10	48:5,8	96:12	employees	59:21
efficient	156:4	99:12	94:2	enhanced
48:6 50:2	Elders	100:14	employment	21:23
98:5,16	143:20	101:24	27:20	enlighten
109:24	electrical	104:15	encouragemen	159:15
efforts	110:12	106:14	t 104:5	ENR 55:20
74:13	elimination	114:22	endpoint	57:7,16
eight 88:20	27:18	117:8	12:9	58:12
106:22	Elissa 7:2	118:25	67:4,7,8	59:3,15
eighty 55:1	Elkin 4:6	122:22	117:7,9	60:14 61:2
eighty-one	Elliot 2:17	140:1	135:17,22	65:11
20:16	17:13	emissions	136:6,12	73:25
either 70:23	33:17	10:4 12:4	137:11,12	91:24 99:6
116:5	34:22 63:6	41:9,10,25	endpoints	122:9
	85:1,15	43:24	135:13	
		45:9,12,19	136:22	
		,24		

123:11	39:24	106:12	examine	excuse 39:15
ensure 48:6	49:22	130:17	21:15	exempt
49:15 60:7	53:17	estimate	examined	136:20
77:10	57:18	23:16	20:20 21:3	ex-
enter 125:20	61:21	46:20	example	enforcemen
entering	93:20	158:6	25:5,19	t 59:22
121:20	112:7	159:10	48:18	exercise
126:13	133:11	estimated	54:18,21	143:25
enters	157:7	22:4	71:18	146:18
120:14	Environments	estimates	85:17	147:25
entertain	54:20	62:17	90:13	exercises
130:2	epilithic	108:2	91:2,11	114:18,19
enti 149:11	21:7	111:3	121:17	exhaust 42:4
entire 72:17	equally 94:2	159:9	examples	exhaustive
124:13	equipment	estimation	67:12,13	69:6
136:19	48:15,20,2	114:23	68:17	exist 32:24
entirely	5 49:2,4,9	et 21:25	71:19	33:14
68:7 70:3	72:1 89:9	evaluate	excavations	existence
149:12	90:17	20:23	21:25	146:23
entities	equivalent	67:19 71:3	exceed 27:15	existing
58:19	46:15	evaluates	44:24	26:4 27:24
Envi 37:18	Eric 4:2	23:3	61:14	47:13 50:8
environment	16:19	evaluation	63:10,24	51:4,7
6:8 15:10	31:15 32:5	107:11	112:11	85:12
16:10	33:4,5	114:22	exceedance	87:16
18:1,18	78:6	everybody	139:6	103:3
28:3	erosion	159:19	exceedances	104:11
39:7,10,12	42:14	160:2	61:25	109:20
,14,22	error	everybody's	62:19	110:19
40:3,6	84:12,16	161:18	63:8,13	130:8,9
47:11 52:8	errors	everyone	82:6,18	134:22
74:8 76:21	82:9,13,16	18:7 93:5	84:11	156:22
80:16 82:4	84:3	111:17	138:4,9	157:10,14
84:17 85:9	Esford 3:13	everyone's	exceeded	159:7
86:4 87:18	16:24	153:1	54:14 68:4	exists 132:5
88:1 90:14	121:25	everything	69:2	exits 13:12
95:2 96:1	126:9	89:14	exceeding	expanded
99:6	especially	evidence	44:25	116:3,6
122:10,17	112:10	21:1	Excel 84:15	expansion
123:12,21,	114:24	exact 86:2	exception	13:5
24 125:8	essentially	92:14	48:24	expect 30:22
139:11,14,	116:21	140:19	exceptions	31:2 34:18
24 143:17	establish	exactly	87:9	62:18 85:5
157:17,20	54:6	92:13	exchange	87:14
environmenta	142:19	100:16	35:11	expectation
l 1:2 26:4	established	116:5	exchanges	119:24
37:7,11,18	26:14	examine	158:10	expected
38:2,13,20	99:21			

47:12 71:1 120:12 expects 27:22 128:10 expensive 75:24 experience 21:21 22:10 146:22 expert 68:2 69:5 101:19 expertise 69:1 expire 98:24 explain 46:2 62:5 69:19 84:3 explanation 137:24 158:21 Explosive 50:13 extended 25:12 149:20 extension 100:21 106:23 155:19 156:4 157:1 external 55:3 extra 131:11 158:18 159:4 extremely 114:10 <hr/> F <hr/> facilitating 13:8 facilitator 1:12 13:3	18:6,12,23 28:2,11 35:9,10 39:2 40:12 51:25 57:3,8,20 58:15 59:20 60:4 61:5 65:16 66:8,15,17 79:18 80:1,7 88:8 89:24 92:6 96:4 100:7 103:15 108:7,22 111:15 119:7 121:4,10 122:5 123:20 124:25 125:12 129:23 133:4 135:6 141:15 143:13 148:21 150:25 152:7 153:5 156:11 157:24 159:13 facilities 91:9 103:3,11,1 2 104:1 156:1,5 157:20 facility 50:18 110:24 157:10,14 fact 59:5 122:21 133:8 factors 147:8 failed 71:21	75:2 fair 29:20,22,2 3 30:6 46:21 74:20 75:22 76:11,17 143:14 fairly 104:8 142:5 146:16 Faithful 3:16 17:1 fall 11:22 21:2 25:20 45:3,6 114:11 115:5,6,8, 21 116:2,20,2 4,25 117:4 126:24 falls 117:21 familiar 70:4 famished 161:19 fast 5:10 44:20 faster 42:19 132:23,24 fault 21:14,16 22:5,8 141:12 faulty 62:3 favour 153:10 feasibility 53:18 features 20:20 21:22 February 92:16 141:8	fed 162:6 feel 122:11 fence 136:14 field 74:14 fifteen 81:6 107:3 fifth 13:4 51:4 fifty 75:25 76:18 145:9 146:21,23 147:23 figure 43:19 78:12 158:17 file 83:22 128:6 filed 61:3,13 files 81:18 filing 60:22 fill 79:17 film 89:15 final 85:25 153:3 fine 52:16 138:1 fingertips 124:20 finish 116:13 Fiona 3:13 16:24 121:25 126:9 fired 61:13 firm 107:18 first 14:3 15:19,23 18:8 19:9 36:10,12 41:22 42:2 50:12	80:16 83:1 97:18 111:21 113:3,4 115:5,15 117:22 118:19 125:24 126:13,21 159:18 Fischer 5:23 17:21 fish 19:2 20:13,22 24:8,9,15, 22 25:7,11,16 ,18,23,24 26:2,6 96:1 118:2 120:23,24 126:16,18 127:1 151:8 fish-out 151:9 fits 107:23 five 50:10 53:9 76:19 82:14 86:1 105:20 159:20 fixed 161:22 flag 129:17 Flagler 6:24 18:19,20 fleet 11:16 48:22,23 84:23 85:2,5 86:3 87:14 flexibility 85:7 128:15 flogging 102:3 flow 22:15 flowing
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

120:9	89:12,14	161:16	102:2	gets 139:16
126:11,14	91:5	fuel 49:14	103:3,24	140:18,19
flows 25:17	forum 142:13	91:20	104:15,20	getting
flush 126:13	143:3	97:13	105:1,17,1	31:17
flushed	147:6,11	98:10	9,21,22	55:23
125:24	148:7	104:7,14	106:12	74:22
focus	152:23	106:18	156:6	111:2
36:10,13	forums 144:4	110:2,11	Gatineau	124:5
143:24	forward	fugitive	18:20	125:23
focussed	71:16	22:20,23	GC 12:11	148:3
66:20,23	99:13	42:12	gears 102:1	GHG 96:11
folk 83:12	111:18	49:17 51:3	geez 36:11	Gillian 5:3
folks 18:15	145:20	113:25	145:24	gist
83:11	161:8	114:9,24	gel 84:16	31:1,16,17
141:23,24	fourth 51:4	125:19	general	given 21:10
150:19	Fox 6:9	126:7	41:25	63:10
follow-up	15:11	full 137:24	52:24	93:18
47:25 57:9	80:15	fully 30:3	53:14	97:12
99:1	84:17 85:9	furan 47:14	66:3,21	118:18,19,
113:23	86:4 87:18	furans 41:10	87:8,9	20 124:22
125:17	88:1,6	47:8,9,18,	93:3	138:3,9
134:25	90:14	24 72:19	109:17	146:22
140:24,25	123:23	73:22	129:9	147:22
food 143:24	125:8	74:2,9	147:12	148:17
147:19	fragmentatio	furthermore	154:7	149:20,21
foods 25:25	n 25:12	45:5	generally	156:21
footprint	frame 31:24	future 38:8	25:24 33:9	161:6
136:9,17	149:5	99:15	66:19	giving 41:2
137:19	framed 52:21	132:7	149:14	52:10
force 26:24	frames 52:22	144:21	generate	63:12
27:4,14	75:1	145:10,15	107:19	Glen 4:18
foreseeable	framework	149:21	generated	glycol 98:9
85:19	54:6,11,19	153:4	42:13	GNWT 4:5 5:2
forever	55:8 56:25	161:23	generation	6:2 11:7
81:12	freezing	<hr/>	25:13,14	12:9
forget 18:13	26:1	<hr/>	110:11,19,	16:5,7,10
30:16	frequencies	Gaeleen 3:3	25	17:25
forgive	82:7,10	Gahcho 27:1	120:19,22	18:10
52:11	frequently	54:16 76:3	155:16	36:16
form 134:2	130:10	gain 22:13	156:20	38:23 52:7
135:1	fresh 98:10	gas 41:9	157:9,14	53:7 54:4
137:4,23	freshet	45:9,12,15	generators	56:21
forthcoming	125:24	,19,23	98:4,9	57:13
35:11	friends	46:4,6,10,	geographic	58:22
forty 88:15	141:22	14,18,19,2	12:8	60:6,20,22
	front 116:14	2 47:3,6	137:12	83:24
		89:15	Georgina	98:22
		96:19 99:9	6:21	135:22
				136:12,18
				137:13

138:12	18:5 52:3	147:15	123:9	149:20
141:22,24	65:7,9	ground-level	131:22	haul 48:25
142:2,4,8,	77:14	52:17	136:13,18	85:5 86:9
16,20	81:13	group 12:19	138:2,24	87:5 92:23
143:20	83:11,12	64:2	139:2,7,25	100:24
144:3,19,2	89:2 91:23	153:13,17	Gunn 2:8	112:18
1 145:1,13	94:17,25	155:2,3	Gustavo 5:18	117:19
146:5,8,22	106:4	groups	guys 34:3	124:8
147:5,7,13	123:9	147:17	71:18 72:6	126:7
,22	142:19	guarantee	81:12	hauling
148:2,17	146:13	87:10	112:19	106:18
149:21,24	Grace 7:23	guess 30:14		haven't
150:2,19	8:9	32:6 52:14	<hr/>	135:11
151:6,18	gradation	58:6 70:1	H	Havers 2:25
152:16,24	44:18	74:6 75:18	habitat 19:2	16:13
GNWT-ENR	Graeme 4:3	77:15	20:21,23	having
17:20,22,2	16:17	78:25 83:1	21:9	35:3,23
4	granite	86:20	24:9,16,22	73:5 98:10
GNWT's 49:22	49:18	88:20,22	25:6,12	152:23
145:1	graphic	89:5 92:20	34:12 35:4	156:24
goal 53:22	77:23,25	93:10 95:5	120:7,8,23	health 11:13
99:25	Gras	118:18	151:8	23:2,4
101:12	20:12,17	124:21	habitats	53:16
138:23	great 42:9	129:8	20:11	61:22
139:2	122:25	139:1	half 49:10	63:11,18,1
goals 99:21	152:22	140:14	hap 72:8	9
106:11	greatly	142:21	happen	64:2,3,15
Gold 68:6	63:10	158:13,20	113:18	65:25
Golder 3:6	159:23	Gugten 5:7	128:13	89:20
16:13,16,2	green 4:13	guidance	happened	92:25 93:2
1,23,25	45:23	54:1	105:23	94:1 141:3
17:2,4,6,8	greenhouse	guideline	happens 75:2	146:6,17,2
,10 18:3	41:9	49:22	105:7	5 147:25
20:15 41:1	45:9,11,12	52:13,19	Happily	148:20
63:17	,14,18,23	53:8 58:12	149:7	149:15
67:19 68:6	46:4,6,10,	59:4,23	happy 158:23	hear
78:12 81:1	14,18,19,2	89:3	hard 44:8	75:15,16
84:10 90:8	2 47:3,6	90:9,22	140:12	heard 28:10
114:7	96:19 99:9	92:13	Harry 2:22	52:9 58:1
117:3	102:2	135:23	harvest	77:12,17
119:13	103:3,24	137:13	146:20,21	127:18
121:25	104:15,20	guidelines	148:18	128:25
126:9	105:1,19,2	11:9 12:10	149:14	129:6
127:6	1 106:12	37:10 52:5	harvesting	131:8
gone 72:22	156:6	57:5,13,25	142:23,24	136:18
129:16	Grizzly	58:5 59:24	144:22	143:20
130:18	50:17	60:9 63:11	145:9,14	144:2
Gord 8:18	ground 90:21	65:8,11	146:5,16	149:18,25
government		92:4		152:14
8:8 12:13		101:11,12		161:5

hearing 71:16 128:18 129:11 161:12,14	89:7 102:6 higher 43:23 44:5 51:3 63:20,21 88:24 89:11 122:15 124:10	hope 152:3 hopefully 29:8 65:22 79:16 83:10 108:14 124:24 161:21	ly 145:25 <hr/> I <hr/> i.e 12:9 26:21 IBAs 154:4 ice 25:23 ICRP 11:3 I'd 32:7 36:9 39:6 40:13 62:13,16 67:3 68:25 74:4 80:16,20 81:4,20 119:8 122:6,20 129:25 132:25 135:14 136:5 146:9 148:24 159:18 160:14 162:6	IEMA's 153:9 Ignacio 6:17 I'll 13:8 21:13 28:12 30:8,17 33:13,23 40:15 41:2 52:12 57:23 58:16 66:13 69:23 70:8 71:17 73:16 75:18 77:18,21 82:24 100:6 108:8,16 119:20 124:21 130:7,11 140:25 141:13 145:19 152:2,3 153:2 158:3
hearings 75:7 113:18 127:19 128:9,10 140:22	highest 119:16 122:22	hoping 60:6 70:8 72:4 127:19		
heat 98:7,8 104:4	highly 26:4	horse 77:20 102:3		
heavy 80:17	hires 29:9	host 131:13		
Heide 5:16	history 71:8 147:23	hot 159:20		
held 1:17 95:1 128:9,10	Hoefer 8:16	hour 50:19,21 52:23 82:10 88:18		
help 106:17 107:16 123:1 143:5	hold 10:3 holds 150:9 hole 22:8 Holland 2:17 17:13 33:17,23 34:22 63:6 85:1,15 87:4,22 88:4 90:23 93:1,15 95:15 96:16,22 97:7,10 100:20 102:9,23 103:5 118:17 119:1 155:25 156:17 159:3	hours 82:12,14 Hubert 2:2 14:24 125:4		
helpful 69:21,24		huge 84:12,13 94:12 97:11	idea 136:16 139:20 ideas 59:12 identified 12:17 22:11 identify 18:8,16 21:18 80:14 idle 50:4 97:23 idling 90:1 91:13,18 IEMA 7:4,6 12:18 130:9,15 133:7 134:21 154:23,24 160:15	illustrate 27:9 illustrates 22:11 I'm 15:25 28:2,9 30:7 32:9 33:23 34:8,17,20 36:7,12 41:6,8 43:8,16 44:1,8 49:10 52:7 60:6 62:5 67:1,11 69:4,5 70:3,8 73:12,13 74:17 75:20 77:24
helps 151:14		human 141:3		
Henry 8:10		hundred 20:16,17 46:20 82:11 105:20		
herd 144:21 145:10 146:20 149:9,18		hunt 147:18		
herds 143:22	home 31:23,24	Hutchinson 2:12		
here's 30:22	homework 14:16 19:1 20:4 22:19 24:6 26:15 28:7 39:6,11 124:23	hydrogeologi cal 22:3 hydrological 26:9 Hygiene 64:2 Hypothe 145:20 Hypothetical		
Herrell 3:15				
hey 30:21 34:14				
Hi 61:9 62:21 65:10 99:4 100:8 135:9 142:3 144:24 146:8 152:11				
high 44:16 49:21 50:2				

79:16	147:17	72:25	50:3	99:18,25
80:23,24	impacts	110:16	inclusive	123:16
82:15	22:22	improvements	20:15	143:21
85:10 86:5	24:11	27:10,13	131:17	144:7,20
88:19 89:7	39:19 40:7	29:2 30:3	incorporate	146:19
92:13	54:24 92:9	109:8	90:20	inflow 21:25
94:16	95:10 96:3	improving	100:2	22:15
95:23,25	112:8,10	27:19	117:5	influence
99:5	143:10	inappropriat	132:2,6	78:4
101:19	145:5	e 147:11	incorporated	influences
102:1,24	146:6,17	incineration	12:6 52:19	85:20
107:1	149:3,9	41:10	115:8	inform 26:12
108:10	150:8,10,1	47:8,10,12	increase	information
110:23	1,21	48:4,9	24:13	11:22 14:7
114:22	157:12,15	70:2 71:9	25:10	21:16
115:14	implement	73:19	27:20	22:12,21
121:10	49:6	incinerator	47:12	26:20
123:12,13	implementati	47:25	88:19	35:14
124:12	on 121:17	48:1,7,8	105:18	39:24 40:8
128:14	implemented	70:16	106:2,14	41:4
135:10	49:13 92:5	72:22 98:1	110:22	45:10,21,2
137:10	120:21	incinerators	112:17	4 46:3
138:5,10	122:2	47:20,22,2	increased	51:20 52:4
139:9,11,2	implementing	3 50:2	27:23	57:1,4
0,21	55:7 56:1	71:25	104:12,13	61:13
141:3,17,2	implications	72:17 73:2	increases	75:3,4,21
0,23 142:4	91:25 95:7	include	98:3	80:10 82:4
143:3	implying	25:19	104:15	97:2 99:22
145:16	43:9	27:18	ind 68:8	103:19
148:13	impor 47:10	45:11,14	Independent	107:10,14
151:15,24	important	49:13	39:23	116:20
152:3	29:24	114:21	indicate	125:2
153:9,10	34:12 35:5	included	23:4 141:2	134:2,25
155:24	44:9 57:22	23:9 82:8	indicated	160:22,24
158:3,4,13	79:10	113:25	39:14 96:6	informative
,17,20,22	98:20	156:1	151:4,6	155:1
imagine	103:18	includes	indicating	infrastructu
88:16	113:9,13	23:2 78:13	148:22	re 32:13
immediately	142:11	131:3	individual	156:23
80:11	143:22,23	157:13	68:9	158:18
impact 1:3	146:16	including	157:18	159:5
4:3 16:18	imported	22:24	indulgence	infringed
143:9	123:15	65:2,13	127:13	142:1
145:2	improve	72:16	industrial	145:11
146:20,24	29:12 49:8	120:23	53:25	infringement
147:10,14	98:6	122:3	industry	142:25
148:19	improvement	134:5	18:11	146:2,4,11
149:23	51:12	158:15		147:24
150:3,16,2		inclusion		148:3
2,23				
impacted				
144:23				

Ingraham 93:22	65:6	investments 102:13,18	148:4,6 153:20	71:3 72:1,2
initial 23:14,16,2 5 126:10,13 158:6 159:8	interest 41:6 145:18	investor 158:11	issued 154:1	75:17,25 77:21
initiated 160:15	interested 131:14	involved 81:5	issues 12:17,19 13:10 41:3,8 64:18 71:15 83:2 111:12 130:2 131:8 132:4 142:9,11,1 2 148:8,9 154:2 160:9,10 161:8	78:13 79:5,9,24 80:15 81:13 82:22 85:2 86:6,18 88:8 89:12,14,1 5,18 94:18,24 95:18 96:2,6 97:2,12 98:18,19,2 4 99:4 101:22 102:11,12 103:6,9,14 ,16,18 104:22 105:13 107:22 108:7,9 111:8 113:9 115:13,16 116:10,18, 23 117:19,25 119:7,22 122:9 123:18,25 124:5,20,2 5 125:9,12,2 4 129:8,23 130:14 132:9 133:22 135:2,7,9 136:4 137:18,22 140:9,12,1 5,16 141:16,20, 23 142:3,5,14 143:13,19 144:16 145:1,25
initiative 50:5	interesting 104:22	involvement 97:17		
initiatives 27:16 90:25 97:4,6 104:4 106:7	interim 23:24 24:4	involves 148:10,11		
injuries 34:15	intermittent 114:1	IR 23:7 26:19 45:13 62:14,20 84:18 97:1 110:14 114:8 136:11 141:8 142:15 145:20 151:4,16,2 1 154:21 158:24	It'd 82:1 item 19:1 23:8 28:7 39:11 items 14:16 28:1 ITI 16:4 it'll 62:2 144:13 it's 14:22 15:14 29:5,22,24 30:19 31:15 32:1,24 33:4,18 34:6,14 35:9 38:10 39:2,10 41:17 43:17 44:2,3,8 46:3 57:3,11 58:15 59:16,20 62:21 65:5,16 66:25 67:9,20 68:12,15 69:22,24	
input 70:20 131:5,17 132:7 133:1,19	interp 32:9	IR-04 82:5 IR-21 158:5 IR-37 153:9 154:23,24 IR-8 153:10 154:24 iron 119:19 irreversible 67:9 IRs 12:18 56:22 74:25 76:15 79:13 82:4 151:17 154:24 161:3,11 isn't 59:8 76:18,21 111:11 issue 41:22 45:9 47:7 64:20 71:11,23		
installation 50:2 122:3	internal 11:12 55:2 64:19 65:25 96:17,23 98:20			
installation s 98:14	interstitial 21:6			
installed 47:20 125:21	intervene 161:13			
instance 135:15 139:21	intervening 12:19 153:17 155:3			
instead 98:10	intervention 161:13,16			
insulation 98:13	intervention s 161:7			
intend 138:12 139:14	introduce 14:20			
intended 65:12	Inuit 8:14			
intention 53:21,24	investigate 12:11			
intentions	investigatio n 20:11 investment 18:11 107:3			

146:12	77:24 85:4	jurisdiction	kilo	26:24,25
147:20	88:22	s 43:6	105:10,12	27:4,9,13
148:15,21	100:21,23	74:11	kilometre	Lac
150:4,5,14	101:17	151:20	45:4,7	20:12,17,1
,23,25	102:11,16	justificatio	117:23	8 120:13
151:1,15	103:7,10,1	n 61:24	kilotonne	121:21
152:1,5,11	3,14	114:8	46:15	125:23
,21	104:12		kilotonnes	lack 71:10
153:6,10	106:1,23	<hr/>	46:15	lake
154:2,23,2	110:20	K	Kim 7:10	20:12,24
5 155:1	113:11	Karin 4:22	kimberlite	50:17
156:3,11	130:20	Kate 2:6	159:7	54:16
157:8,21,2	131:3,13	4:10 15:5	kinds 140:17	71:19
4 159:13	132:2,6,11	16:9	Kirsten 2:24	89:18
I've 13:11	133:3,10,1	121:12,14	Kitikmeot	120:3,8,15
57:23	4,23	Kate's	8:14	lakes 25:19
81:5,9	149:3,6,7	125:18	Klassen 1:12	120:3,4,8
89:12,13	154:8	Katherine	13:7 35:9	land 26:14
136:7	155:6,8,18	2:13 162:4	39:3 57:3	31:20
<hr/>	,21 156:22	Kathy 2:11	58:16	72:23
J	157:1,12,1	K'e 15:23	59:20	94:23 96:2
J.F 6:11	9	61:10	65:16 88:9	142:10
Jaida 7:12	158:7,15,1	62:22	108:8	143:21
15:16	6 159:5	63:23	119:7	149:14
111:20	Jeremy 5:19	64:8,24	125:1,13	landing
113:3,21	Jesse 3:2	100:9	129:23	114:25
115:3,14,1	16:15	103:10	135:7	lands 16:6,8
9 116:23	Jim 3:9 5:25	142:8	141:16	57:13
117:16	17:19	154:13	143:3,13	Langhorne
118:10,23	99:4,14,20	155:1,4,24	146:9	3:10 17:3
Jaida's	100:1	157:22	148:21	language
119:12	103:21,22,	Keelaghan	150:25	59:21
JAMES 17:19	23 109:4	162:20	153:6	lap 128:19
Jamie 6:4	110:18	Kelly	156:11	large 48:24
Jan 4:19	John 2:14	5:17,23	157:24	larger
Jay 1:6	3:6,12,16	17:21	159:13	42:17,23
11:10	17:1	Kevin 5:13	Klengenber	larger-cale
12:14 13:6	joining	7:7 15:14	2:21	91:17
19:17 20:1	15:10	31:6	Kristine 3:7	largest
21:19,20	18:24	60:4,5	17:7 127:5	97:12
22:16 23:1	Jorneaux 6:3	125:14,16	Kue 27:2	last 26:15
27:3,25	Journeaux	126:19	54:16 76:3	39:1 50:3
36:4	6:3	127:10,11	142:7	61:10
44:6,16,17	Julie 6:22	128:23,24	K'ue 15:19	64:24
,20	jump 41:7,23	158:1,2	<hr/>	66:21 69:7
47:1,4,14	52:11	key 19:15	L	71:7 74:16
48:10,16,2	86:18	41:8,22	labour	79:19
0,23	June 51:2	49:11		
51:8,15	juri 43:6	kill 34:7		
69:14,20				

81:11	104:7	53:3 86:16	line 74:5	154:24
82:25	Lee 2:18	liaison	75:19	LKDFN's
92:16 94:5	17:15	27:22	110:15	153:10
119:12	19:13,14	licensing	113:14	load 88:21
135:11	36:23	71:24	136:14	98:4
147:21	37:25	lich 51:5	lines 79:14	loaded 142:5
158:1,4	38:18	lichen 11:5	139:16	loads 88:21
late 25:19	55:12	22:20,22,2	link	local 23:3
26:7	63:25	4	39:15,21	90:20
134:14	70:15	23:10,12,2	40:7	localized
later 100:4	72:13 76:7	1,22 24:2	linkages	23:5
123:19	113:2	30:18,19,2	95:20	locations
128:16	116:1	2 31:3,24	Lisa 5:22	24:1
launched	legal 11:7	34:18 35:3	17:25	lodges 89:21
91:3	17:18	51:5	list 9:3,4	logic 62:3
Laura 2:23	58:14	lichens 24:1	10:1	logics 67:23
law 58:4	59:17	lieu 116:12	11:1,15	long 23:19
106:10	60:15,21,2	life 27:23	12:1	25:22
laws 93:21	2 61:2	29:19 87:5	19:11,15,2	34:16,20
lay 83:22	142:4	92:10 94:7	0 49:11	42:9 50:17
laydowns	143:12	95:11	69:6 81:24	53:21
23:23	144:25	157:2	87:19,23	56:15 73:2
lays 132:22	legally	lifespan	97:19	97:19
lead 73:7	60:16	28:18	98:18	107:2
leads 37:16	legislation	lifting	125:2	115:6,15
learn 71:19	132:2	80:17	132:21	longer
107:23	legit 69:16	lighting	140:15	106:24
learning	legitimate	98:13,15	153:13	long-term
27:21	69:16,17	lights	listed 82:11	25:8 79:10
least 19:12	lend 80:20	102:21	97:4	106:21
28:5 61:19	81:4	likely	153:12,14	loop 98:9
108:11,23	lenient	24:12,19	listen 34:4	Lorraine
134:3	61:18	25:13	143:8	4:11 5:9
141:18	lens 79:9	32:8,23	145:4	loss
158:6	less 23:12	51:17	150:8,9	24:16,22
leave 69:23	98:16	160:11	little 41:24	lot 74:13
77:18 79:6	letter 58:4	Lim 7:8	46:2	76:14
91:12	level	15:20	52:10,11	84:14 86:1
128:18	24:12,19	limit 63:1	62:3,6	106:5
140:23,25	25:4 46:21	limited	67:1 85:11	107:4
141:14	90:21	22:12	102:3	114:18,20
144:9	113:10	25:25 51:1	104:18	154:1
153:2	144:22	limiting	122:10	low 25:17
leaving	145:9	26:6	146:10	26:6 42:25
93:17	146:5	Linda 2:25	152:25	49:14
led 98:15	149:20	16:13	160:4	
	levels		161:19	
	26:5,13		LKDFN 7:22	
			12:18	

76:10	70:23,24,25	121:14	72:19	111:11
lower 43:23	major	manufacturer	mation 46:20	113:11
46:10	19:12,21	85:24	Matt 5:24	119:6
103:3	86:6 98:15	124:1	17:23 52:7	125:19
120:7	107:5	manufacturer	55:19	126:7
124:1	majority	s 123:14	57:4,6,16	127:11,24
Lubaki 4:24	48:15,21	map 11:20	58:11	137:3
lunch 14:11	87:14	78:15	59:2,14	141:12
Lutsel 15:22	management	112:14,20	60:14 61:1	143:6,9
61:10	19:11,12,1	113:23	65:11	145:3
62:22	6,20,22	116:20	73:17,25	147:7,10
63:23	30:11,14	118:21,25	122:6,9	148:5
64:8,24	37:3,8,12	119:3	123:10	150:3,10,2
100:9	38:3	map's 112:15	matter 42:23	1 154:6,19
103:10	39:16,18,2	Marc 7:20	52:16 53:8	158:23
142:8	2 40:4,5	15:18	103:17	160:12,17,22
154:12	48:4,5,8,9	March 158:9	127:12	maybe 19:8
155:1,4,23	51:9	Marentette	matters 39:8	34:18 62:6
157:22	53:13,22	6:22	152:8	65:8 69:19
Lynda 4:8	54:6,7,10	Marie 8:21	MATTHEW 52:6	79:13
<hr/>	55:7,14,17	Mark 2:3	55:19	81:20 87:8
<hr/>	,23 56:12	6:20 15:1	57:6,15	100:10
MacDonald	70:3,6,16	56:19	58:11	107:14
8:18	72:22	58:19,21	59:2,14	116:11,15
machinery	80:22 83:3	84:4,5,6	60:13 61:1	118:7
49:15	111:22,23	116:10	65:10	119:20
MacKay 4:18	112:2	118:7,8	73:24 92:8	123:24
Mackenzie	113:5	119:2,4,11	122:8	157:4
1:2 8:9	127:7,15,1	133:4,5	123:10	McKay 8:2
105:17,22	8,21	134:24	Maureen 6:24	McManus 2:13
MacPherson	128:2,23	148:22,23,	18:19,20	162:4
3:3	129:2,3,5,7	24 156:15	max 47:15	McMillan
magnitude	130:9,11,2	157:3	maximum 44:3	15:9,10
43:12	2 131:8,25	159:14,17	46:4,5,8,1	McMillian
Mahoney 5:17	132:5,17	market 27:9	1,19,25	6:8 39:9
main 20:22	133:9,14,1	Mark's 83:21	47:13	Meagan 6:10
50:10	8,21	Marty 5:4	may 11:14	mean 32:10
52:21	134:5,6,10	Mason 3:7	12:15	62:13,23
100:22	152:12	17:7 127:5	13:23	64:18
126:15	160:17	match 154:6	20:12	69:10,12
155:3	manager 99:5	material	23:6,18	75:25
maintain	manages	21:4,5,7	24:21	79:13,23
126:17	73:14	42:15	25:6,9	85:25
maintained	mandatory	49:18 73:1	31:3 56:21	91:3,9
84:24	11:9 59:5	128:16	57:4 58:23	101:12
maintenance	Manitoba 6:6	materials	69:20	102:19,20
49:15	Mansfield		85:19	103:10
	2:6 15:5		96:7,8	132:11
			102:12	134:16
			110:14	140:7

143:7	meeting	metres 22:6	88:14	145:6
144:22	10:3,6	45:1	90:13 92:3	150:11
meaningful	14:5,10	117:22	93:11,18	mitigating
152:25	29:18 49:5	mic 144:11	104:7	126:24
means 69:5	73:4	Michael 3:15	122:16	mitigation
71:11	81:21,22	Microsoft	132:4	39:20 40:7
meant 140:15	83:15,18,2	84:15	155:9,19	41:11
151:10	2 84:4,8	middle 41:7	156:4	48:12
152:4	101:4	44:10,14	157:1,10	49:12 54:1
measurable	104:13	migrating	158:15	111:25
24:11	108:12	25:18 26:2	mines 27:2,8	112:4
120:10	meetings	118:2	54:15	121:19
measure	127:24	120:24	78:17 81:3	125:19
61:16	154:1	Mike 5:2	92:1 104:3	133:12
117:7	161:22	142:3	106:4	139:13,21
121:19	meets 37:1	143:1	149:8,17	160:16
125:19	Melissa 4:12	144:1,8,24	mine's 92:10	mitigations
measurement	16:7	,25 145:13	Mines 8:16	120:21
114:11	member	146:8	minimum	122:2
117:6,11	111:19	147:5	91:18	133:20
measurements	146:6	148:2	mining 65:3	134:5
117:4,14	members 8:23	149:24	143:21	138:25
measures	146:6	151:18	Minister	139:12,19
39:20 40:8	149:13	milligram	37:19	mix 86:2
49:12	mention 89:3	43:16	ministerial	mixture
105:5	mentioned	milligrams	38:13	154:2
111:25	12:5 48:13	119:17	Ministers	model 10:4
measuring	50:1 84:21	million	54:20 74:8	11:17,21
50:14	89:6 102:5	95:2,3	minor 23:5	12:6
mechanism	155:6	158:15	153:8	22:3,10
37:19	157:9	mind 59:13	minute 80:2	27:2,7,9,1
38:12	Menzies 2:9	67:10 74:4	Misery 44:6	4 28:25
73:18	162:4	96:21	112:18	29:17,23,2
meet 28:17	Mercredi	159:8	missing	5 30:5
29:7,12,13	4:20 16:5	mine 13:5	107:7	62:18
47:24 49:2	met 43:10	21:23	misspoke	81:18,24
67:12	67:14	23:9,20,24	102:24	87:21
71:13,25	99:25	26:23	misunderstood 62:6	104:24
100:25	mete 117:22	27:14,17,2	96:8	117:5,7,12
101:12	meteorology	4 46:5,14	mitigate	118:12,20
104:12	43:25	47:2,13,14	49:7	119:3
105:11	90:20	,21	121:20	125:11
110:19,20	method 21:22	48:19,22,2	mitigated	138:22
123:8	Metis 7:25	3	54:24	modeller
138:12,24	8:2,5 96:7	49:1,2,13	112:9	114:17
139:2,25	metre 119:22	50:9,11,25	143:11	modelling
140:2		78:13		26:22
153:3		84:23		83:16
		85:2,17,21		90:19
				91:17

101:14	128:22	145:19	22:6	21:23
105:2,14,1	129:2	155:4	negligible	26:16,18,1
6	130:11,21	MPMO 16:3	23:5	9
109:6,8,10	133:21	Mulders 3:17	negotiating	27:10,15,2
,15	134:5	4:23	142:9	0 152:12
115:9,22	monitors	multiple	negotiations	Northwest
119:15	11:22	25:13	148:13	42:24
138:3,11	115:5,7,8,	144:3	Neil 2:12	43:11
149:19	21	mute 13:19	5:7	47:3,5
models	monoxide	MVEIRB 2:2	newer 87:9	52:3 57:19
116:25	52:15		nice 82:1	61:15,17
modern	88:12,23,2	<hr/>	Nichol 3:18	64:25
100:25	4	<hr/>	Nicole 3:4	65:2,7,12
104:1	90:7,8,13,	N	ninety 55:2	77:14 89:3
modernize	21 91:19	narrow 71:15	nitrogen	90:10
109:23	monthly	narrows 24:8	52:17	94:10,25
modify 98:2	50:24	25:6,16	NO2 50:14	101:2
Monday 19:15	70:24	26:5,10	82:6,10	104:2
39:13	months 51:3	Nathan 3:23	84:11	note 37:5
money 94:12	morning 13:3	5:6	nodding 31:1	84:7
111:1	14:10 16:1	Nation 7:25	73:17	noted 70:23
Monica 4:9	19:13	15:19,23	83:21	109:18
monitored	39:10	National	Noel 6:3	125:14
21:1	52:10 56:9	53:1,12	Noeline 8:23	132:1
120:20	60:2 78:7	natural	66:18	138:20,21
122:2	104:23	16:10 18:1	88:10,11	nothing
monitoring	127:16	32:19 34:5	91:22	45:19
15:13,15,1	mosses 24:1	35:21 52:8	92:19 93:8	105:7
7,21 19:15	mother 13:16	naturally	94:4	NOx 50:14
22:17	move 18:8,25	26:7	95:4,22	86:7,17
26:11	21:13 30:7	nature 28:16	no-idle 91:2	np
39:24	34:14 36:8	154:3	nomenclature	2:8,10,11,
41:12	39:6 40:13	nearby 120:2	's 59:12	12,14,19,2
48:12	44:20	nearest	none 92:10	0,21,22,24
50:9,11,12	77:21	89:20	nonetheless	3:3,4,6,9,
,13,24	111:13	nearly 18:6	18:14	12,14,15,1
51:5,7,10	122:7	necessarily	noon 108:12	7,18,19,21
54:2,7	129:25	59:25	no-power	,22,23
55:14,17	145:8	108:12	155:7	4:5,6,7,8,
60:19 64:3	movement	113:13	nor 150:5	9,13,14,15
80:22	24:23	144:22	North 8:5	,16,18,19,
111:21,23	movements	necessary	96:6	21,22,23,2
112:2	25:21,22,2	24:2 78:18	147:23	4,25
113:22	3	79:3 122:4	Northern	5:4,5,6,7,
114:15	moves 111:18	126:1		8,9,10,12,
115:4,20,2	moving 86:9	156:21		13,14,15,1
2 116:2,24	104:7	negative		6,17,18,19
118:13,19,	141:16			,20
24				6:3,4,5,11
127:9,17				,12,14,17,
				20,21,22

7:2,6,9,10 ,14,17,18, 23 8:2,8,9,10 ,11,14,16, 18 NSMA 96:10,21,2 5 97:4 98:21 99:11,24 100:5 NT 1:19 numerical 22:3 NWT 7:25 27:8 57:17 67:13 NWT's 27:13 <hr/> O <hr/> oatmeal 13:16 objective 31:10 32:3,16,17 33:25 objectives 11:4 33:20 34:9 35:2,19 53:1 135:20 obligation 73:5 153:2 obligations 29:13 151:5,7,19 ,22,24 152:15,19 O'Brien 3:2 16:15 observation 22:13 observations 21:24,25 22:4,15	obvious 88:22 obviously 47:9 117:13 129:9 155:21 occasional 93:6 occupational 11:12 63:19 64:2 occur 23:6 25:12 29:1 44:16 46:7 71:20 146:2,4 occurred 30:1 occurring 27:1 130:21 occurs 67:8 79:7 o'clock 156:12 October 25:20 Office 152:13 offline 81:17 offset 159:5,11 offsetting 103:2 151:9 oh 29:14 30:14 66:15,16 100:10 135:13 138:18 145:24 148:24 154:15 Ohokannoak	7:12 15:16,17 111:20,21 113:21,22 115:3,4,19 ,20 116:23 117:16,17 118:23,24 okay 18:12,24 21:13 28:12 29:14 30:6 36:9 37:15 38:7,25 39:6 57:25 61:14 62:3,8 68:15 73:10 76:11 77:19 80:1 91:22 92:19 94:4 95:4 97:9 101:25 103:15 108:22 111:15 119:23 121:4 122:5 123:23 125:12 127:10 134:16 144:5 146:1 155:3 O'Keefe 2:22 old 94:19 103:2,12 older 47:21 84:24 85:7,12 98:16 Oliveira 5:18 ones 59:10 ongoing	131:6 onsite 97:13 on-site 50:4 91:8 onto 20:3 21:13 74:5 92:22 98:9 open 52:1 57:9 83:16 131:1 opening 9:6 27:8 operate 64:9 98:2 operating 30:2 70:19,25 87:7,11,20 ,24 operation 11:16 48:6 49:16 97:15 100:22 109:21 120:21 126:1 130:8,24 131:6 149:8 operational 22:13 27:25 49:7 132:4 139:3 operations 19:16,23,2 5 22:16 26:10 64:1 72:2 78:2 110:3,9 113:8 134:23 opinion 11:7 58:14 60:15,21,2 2 61:2 64:25 103:8	138:6 opportunities 32:19 95:24 98:12 161:7 opportunity 28:6 35:13 57:2 107:8 127:23 128:5,7 130:10 133:19 134:3 160:24 opposed 99:19 116:21 124:23 131:11 optimum 49:15 optional 58:5 options 111:18 Ora-naja 2:20 order 20:23 63:8 75:25 87:6 97:20,25 121:20 ore 44:7 117:20 119:19 126:8 O'Reilly 7:7 15:14,15 31:6 60:4,5,6 125:15,16, 17 126:19,20 127:10,11 128:24,25 158:1,2,3 Organization 61:22
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

63:11	82:10	participate	160:1,24	112:23
organized	85:17	26:24	161:14	114:4
162:7	91:20	participatin	party 131:14	115:1,11,2
organizes	114:2	g 134:4	154:20	4 116:8
12:18	158:16	150:18	161:6	118:5,15
organizing	overhaul	161:16	passage 25:7	121:2,8,23
161:25	72:17	participatio	26:6	123:3
original	overlooked	n	passed 71:7	124:16
137:21	141:12	26:16,18,2	past 81:6	127:3
originally	overview	0,21	147:19	129:21
41:4 82:11	52:12	27:5,23	Patenaude	135:25
others 19:6	Overvold	particles	4:5	136:24
20:7 80:13	2:19	50:16	path 117:8	137:15
ought 152:24	overwinterin	particular	161:5	138:15
ourselves	g 25:22	34:10	pathway 25:6	140:4
14:20	Owl 39:18	36:18,19	Patrick 3:5	147:3
outbuildings	40:4	64:20 71:8	17:17	151:12
98:12	ownership	73:22	Paul 3:22	155:11
outcomes	27:17	77:20	4:13,20	156:9
84:8	owns 73:14	87:12	5:10 16:5	159:1
outlet	ozone 52:17	106:17	pause 28:21	pay 76:22
121:18	53:8 92:18	114:7	31:13 33:2	payback
125:21		134:6	35:7 36:21	106:24
outlined		147:11	37:23	Peace 1:20
74:13	<hr/> P <hr/>	148:7	38:16	peak 26:25
outlines	pad	particularly	40:18,23	Pearse 7:9
74:9	117:20,25	30:2 75:24	41:14,19	people 14:18
output	119:19	110:11	51:23	18:13 20:3
118:12	126:8	159:19	55:10 56:4	32:18
outside	pads 23:23	161:4,12	58:9	61:11
44:17 73:5	30:24	particulate	60:11,25	64:16
91:6	32:14	42:11,23	62:10	72:20
138:10	page 9:2	52:16,18	63:4,15	81:13
143:3	20:9 23:25	53:8 92:18	64:12	89:20,22
153:4	104:17	particulates	66:11	91:4
outstanding	Pain 4:14	42:6,7,16,	67:16	108:17
13:10	Pamela 4:25	24 112:15	70:13	113:17
41:3,8	Panayai 3:19	parties	72:11 75:9	131:15
45:8 47:7	Paquin 7:4	127:22	76:5,24	132:12
108:10	15:12	128:4	78:9 82:20	144:10
130:2	60:18	129:13	87:2 89:25	159:24
141:16	paragraph	130:17,22	90:4 93:13	people's
152:8	151:16	131:2,5,9,	95:13	144:14
160:10,16	pardon 32:25	12,15,23	96:14	per 22:6
overall	participant	132:8,24	100:18	43:16
11:21	27:10 28:5	133:2	101:6	46:15
		134:3,12	108:5,20	74:10
		148:10,11,	109:1	82:12,14
		12 159:22	111:6	119:18
				124:10

percent 12:3 26:21 27:15 44:13,14 45:4,6,18 47:2,5 54:22 100:2 106:1,2 124:11,14 125:6	97:16 personnel 81:7 perspective 56:7 69:19 77:7 103:17 110:5 132:10 133:1	picked 152:3 Pido 161:25 Pink 4:12 16:7 pipe 104:12 106:1,23 110:20 pipeline 105:17,23 pit 21:24 22:1,2,16 27:1 44:6,16,17 20 88:22 89:17 158:18 pits 21:24 159:7 places 81:12 plan 19:25 23:25 24:5 30:12,14,2 3 31:5,7,11 32:4,11 33:7,19 35:18,21 36:3 37:3,8,12 38:3 39:16,18,2 2 40:5 48:4,5,8,9 51:10,12 55:14,17 56:1,12 70:3,4,6,1 7 72:22 80:23 98:23 99:1,2,7,1 2,13 111:24 112:2 113:5 127:18 128:2,23 129:2,5,7 130:12,14, 22,23	131:8 132:6 133:14 134:10 151:9 160:4,7,13 162:2 plane 144:10 planning 26:13 31:21 plans 19:11,12,1 6,20,22 24:4 31:18 55:24 70:5 127:15,21 130:9 131:25 132:6,18 133:9,18,2 2 134:13 160:17 plant 42:4 48:18,21 91:10 98:3 103:25 104:11 plastics 72:18 play 160:17 please 13:19 18:15 66:24 80:14 96:9 100:10 115:18 118:24 123:12 144:15 145:23 148:16 152:9 plus 89:11 PM2.5 50:14 PM25 92:17 PM5 86:7 pocket 38:8	point 27:19 31:2 35:24,25 38:8 48:3 53:9 62:2,16,18 19 71:12 73:19 77:6,11,12 83:11,13 103:15 106:13 108:9 123:18 124:3 132:18,24 134:16,18 139:17 140:19 145:12,14, 17 147:16,24 148:14,17 149:22 150:15,21, 24 151:1 pointed 74:20 points 77:7 83:5 153:9 pol 54:6 Polar 50:13 policies 64:19 93:3 94:1 policy 11:12 49:1,6 64:8 65:18,25 Poole 7:10 poor 71:9 popula 24:18 population 24:12,15,1 9,23 25:4,11,16 portion 150:12
-----------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

portions 11:11	155:16 156:20 157:9,14	148:14	121:16	13:23
pose 55:6	practice 54:14 140:8	pre-planning 107:5	previously 36:1 99:23	process 19:24 26:14 33:6,8,11, 15,19,21 34:3 36:13 38:21,24 42:3 47:10 51:14,18 55:18 56:2 72:18,23 73:6,8 74:3 77:8 83:20 84:4 91:10 94:15,23 95:18 103:20 105:4 111:14,18 112:7 113:7 123:19 129:13 130:5,17,2 0 131:6 133:15,19 134:4,23 135:2,3 141:5 152:23 153:4 155:22 156:21,25 159:16 161:12
posed 61:4 122:10,25	practices 27:20 49:7 110:17	prese 25:7	price 76:22	
position 150:5	practise 149:10	presence 21:5	prices 110:23	
positions 27:22	precise 59:21	present 26:6 32:24 56:21 58:19 111:17 142:20	primarily 42:22	
possibility 39:17 149:19	predi 120:1	presentation 9:8 14:13,15 40:16,21,2 5 41:2,7 48:14 51:21 52:1,10 56:9 84:20 100:10 104:18 112:13	primary 85:5	
possible 23:21 34:13 53:17 109:24 117:10 153:16	predicted 22:23 44:23 46:11 82:6 90:21 112:10 120:2	presentation 9:8 14:13,15 40:16,21,2 5 41:2,7 48:14 51:21 52:1,10 56:9 84:20 100:10 104:18 112:13	private 53:4	
possibly 52:12	predicting 138:9	presented 21:11 112:6 149:19	privy 148:13	
post-2005 87:8	predictions 41:24 43:13 45:3,6 91:17 116:25 120:4,15	presentation s 159:21	pro 32:12 46:22 133:15 142:17	
posted 11:18 94:25	predicts 27:14 28:25 29:17	presented 21:11 112:6 149:19	proactive 77:10	
potential 20:24 21:9,18 24:25 71:15 121:20 143:9 145:5 147:9 150:3	pre-existing 157:18	presumably 125:20 128:6	probably 35:24 46:7,10 47:2,4 48:8 51:14 56:9 70:7 81:9 86:13 124:6 125:25 127:8 137:22 140:14 147:15 161:19	
potentially 134:11 143:6 150:8	prefer 35:10	pre-tier 86:13,19 90:15	problem 141:9	
power 42:4 48:18,21 98:3 102:10,17, 18,20,22,2 5 103:2 104:11,12, 13 109:21 110:6,7,12	premature 150:14	pretty 61:18 67:2	problematic 128:17 129:12	processed 159:7
	prepare 10:4 129:13	prevent 120:9,13 126:18	procedure 70:19	processes 126:12 133:17 134:20 135:5
	prepared 19:18 36:2 56:10,11,1 7 65:24 83:18 145:16	preventative 49:14 70:23	procedures 22:17 72:2,6	procurement 122:16,23
		prevents 25:7	proceed 56:1	produce 72:19
		previous 44:21	proceeding 134:2 135:1	produced 77:4
			proceedings	production

62:24	111:3	35:10	137:4,6	purple
productive	123:8	promises	142:17	44:10,14
34:11 35:4	131:13	29:18	154:25	purpose 14:5
program	132:3,6	promotion	159:15,21,	26:22
26:11	133:11	27:19	25 160:1	43:15
27:21	136:17	properly	provided	78:18
37:17 38:4	143:5,9,16	32:10	39:5,22	126:15
49:15	145:3	Proponent	72:9 80:9	147:6
50:11,24	147:10	39:19 40:6	107:10	149:1
51:1,5,8	149:3,6,8	150:20	138:3	pursue 75:6
54:8	150:3	proposed	151:21	111:16
64:4,6	152:15	39:15,20,2	provides	127:11
116:3	154:9	1 40:7	137:24	158:23
programs	155:6,7,8,	51:8 54:3	143:19	pursued
52:8 74:14	18	117:18,19	providing	103:18
99:5 134:1	156:2,22	proposing	37:13	pursuing
project 1:6	157:1,12,1	106:22	39:12,17	75:6
11:10	9 158:7,14	133:3	54:1 65:18	push 107:6
12:14 13:6	projected	proprietary	108:1	pushing
23:2 26:8	26:21	75:21	159:21	131:2
27:3,25	45:23	protect	161:15	putting
28:17	projecting	139:15,24	provision	72:16
29:17 36:4	101:15	140:15	37:2	84:13
39:19 40:7	105:11	protection	public 8:23	107:2
42:2,12,22	projection	53:17	11:19 14:3	125:14
43:13,21	29:5	57:18	39:25 53:4	133:20
45:5,7	46:11,23,2	61:21	61:3 93:19	PV 107:8
46:6	5	63:12	113:18	<hr/>
47:1,4,11,	projections	64:5,10	161:12,14	<hr/>
15,18	29:25	140:10	publicly	Q
48:10,17,2	projects	protects	21:15	qua 78:20
0,24	28:25	140:13	64:21	qual 50:10
51:9,15	47:16	provide 11:7	pump 21:14	quality 9:8
54:4	68:9,13	12:7,16	pumping	11:9,13,21
60:9,17	69:2,8	15:25	21:16	12:9,10
61:16	78:5 89:13	19:1,15	22:7,11,12	14:14
67:6,7,19,	105:3	22:21	159:6,12	20:21 27:4
21 68:24	130:6	23:16	purchase	37:17 38:3
69:14,20	132:21	36:25	86:25	40:15,25
70:10	project's	39:14	100:24	41:3,5,11
71:7,8	11:4 36:15	40:15	purchased	42:5
76:15	45:12,18	45:22 52:4	123:16	45:8,9
84:21	103:10	56:14,16	purchases	47:7 48:12
94:7,11	Projects	65:23,25	87:13,16	50:8,11,12
97:18 98:6	152:12	71:17	purchasing	,23
101:17	Project's	82:15 91:8	49:1	51:5,7,9
102:11,16,	73:11	92:23	purely	52:5,7
17	153:2	124:24	150:23	53:1,7,10,
103:7,13,1	prolong	125:1		13,22 54:7
4				55:14,17,2
109:17,19,				
20 110:5,8				

3 59:4	65:9 68:20	74:5 75:19	154:1	145:1
61:15,17	69:17 70:2	116:13	ran 105:6	151:23
63:21 65:1	73:16,17,2	152:2	range 76:9	153:13
66:2,4,5,9	3 76:8	159:25	ranges 44:8	158:22
,20,24	77:3,15	161:5	ranking	162:7
68:2 69:4	79:16,19,2	questions	20:22	realm 145:17
78:17 79:9	1 82:25	9:6 28:6,9	21:11	re-ask
80:22 83:3	84:19	34:19	Rashaad 5:8	142:21
89:17	86:22 89:1	39:1,3,4	rate 12:4	reason 20:8
90:9,22	90:1 91:23	52:2 57:23	26:20,22,2	86:5 143:8
92:1,9	92:12,20	61:4,11	3 43:20,21	150:17,18
95:7,9,17	93:9 94:5	66:9,20,23	44:3,16,19	reasonable
101:3,19,2	95:5 96:8	80:8,11,13	,23,24	131:24
1	97:3 98:22	,18	119:16	reasonably
108:16,24	100:13	81:17,19,2	124:14	76:17
111:23	102:2	2 86:6	125:6,10	85:18
112:1,2,5,	103:21	88:7,11,13	rates 25:9	reasons
8,11	108:11,23	92:7 95:24	26:17,18	102:14
119:10,25	111:10,16,	96:9	27:10	132:12,20
120:4	19 112:13	108:15	rather 69:6	reassurances
126:25	113:23	119:9	106:1	112:8
127:7,17	114:7	121:5,11,1	111:15	recall 115:6
128:22	115:17	2 124:5	raw 49:18	receiving
129:1	116:19	125:18	reach 150:15	157:16
130:11,21	117:3,17	130:1,2	reactive	recent 40:9
135:19,22	118:10,18	135:8	77:8	105:9
136:13	119:12	139:12	reading	recently
137:13	121:16	143:15	136:7	53:6 71:21
138:2,8,13	122:6,10,1	149:25	ready 36:7	recessing
139:7,25	7 123:21	150:19	real 138:11	80:4
quantify	124:4	152:8	realize	reclaimed
77:4 78:20	125:15	160:1	115:4	23:23
114:10,23	126:21,22	quick 134:25	really 42:25	reclaiming
quantitative	137:9,10,2	quicker	43:17	159:5
26:12 27:2	1	81:12	44:2,15	reclamation
quantity	138:18,19,	quickly	45:19	23:24
22:1,15	20 139:1	30:15	55:21,22	24:3,5
quarterly	140:25	quite 44:19	71:14 89:4	31:5,6,18
70:24	141:1,17	71:14	95:22	33:19
question 9:9	142:22	84:16	107:12	94:14,15
28:16,19	143:14,19	124:21	110:15	158:6,14,1
30:9,17	144:2	132:13	111:11	6,20
31:2	146:9,11	138:22	114:14	recognition
33:14,24	147:21	quoted 61:22	117:19	147:12
34:23,25	150:12	<hr/>	126:11	recognize
37:17 38:9	151:2	<hr/>	128:12	29:15
55:6	153:7,16	R	129:12	
57:9,20,22	154:14	Racher 2:11		
58:7 59:3	156:3,15	Rains 5:12		
60:21	158:1,4	raised 91:1		
61:6,8	questioners	99:22		
64:17,24	80:17			
	questioning			

103:25	,25 145:13	refers 151:4	101:13	release
126:15	146:8	refining	123:9,11,1	72:20
Recognizing	147:5	33:8	4	73:22
67:7	148:2	reflect	131:19,20	releases
146:13,19	149:24	112:16,21	regulato	74:1
re-	151:18	133:10	51:13	releasing
colonizati	reduce 49:7	160:13	regulatory	76:20
on 11:6	110:2,11,2	refreshments	19:24	160:13
recommending	5 120:22	13:14	36:13,17	relevance
54:5 74:18	123:1	Reg 6:13	37:6 38:1	21:19
recommends	reduced	18:17	43:18	relevant
40:6	112:9	regard 128:2	51:14,18	97:2
record 13:21	146:20,21	129:4,7	56:2 58:2	121:15
20:3 28:3	reduces	regarding	73:6 74:2	reliable
58:25	158:16	11:8,13	75:7	21:22
65:17	reducing	21:14	100:14,22,	relook 160:6
71:12	53:19	22:22	25	rely 71:24
128:1	reduction	45:10 57:5	101:22,24	156:22
130:8	23:21	74:5 81:18	106:9	remain 13:10
146:3	96:11,12	84:10,19	112:11	76:21
151:2	97:5 99:2	130:2	133:16	remaining
recorded	146:5	regardless	135:2,18	116:13
58:18	148:18	91:16 93:5	138:2,8	remains
recording	159:6	regards 11:5	reinstating	75:14
144:13,14	refer 43:17	82:5	27:20	remarks
recoup 107:3	62:13	regional	reiterate	109:5
recov 39:15	reference	90:20	144:11	remind
recovering	53:3 82:9	registry	149:1	144:10
30:23	105:7	11:19 14:4	relate	160:14
recovery	136:15	39:25	143:15	removal
23:16	146:11	40:2,11	154:3	72:18
30:18,19	154:21	61:3	related 13:5	removed
31:4,10,25	referenced	141:13	25:21 26:8	156:13
32:3 79:11	26:20	regular	33:25	renewable
98:7 104:4	54:10	19:23	65:18	100:3
149:18	109:4	131:6	66:1,9,22	renewed 99:8
recreate	references	regulation	84:11	105:1
35:19	26:18	43:10	108:11	rephrase
recruitment	referred	49:19	141:18	148:16
27:19	26:18	59:17,23,2	158:7	replace
recycling	90:15	4 74:1	relates 78:6	47:21
74:14	107:12	101:3	100:23	114:20
red 44:11,12	120:17	123:25	relating	replacing
Reddy 5:2	133:13	124:2	122:15	98:16
142:3	158:9	regulations	relatively	report 10:5
143:1	referring	86:8 87:16	71:9,22	
144:1,8,24	93:16	94:13	76:22	
	151:15	100:11	relayed	
	153:9		144:3	

11:11	requesting	24:13 25:9	140:22	41:6 43:2
12:14	74:18 75:1	resolution	141:13	72:20
37:20	requests	8:2 160:9	142:15	85:20 98:8
38:19	14:7 35:14	resources	144:19	104:14
90:11	41:4 45:10	16:10 18:1	145:20	109:10
113:9	57:1 77:13	52:9	151:10,16,	115:21
120:6	80:10	142:10	21 152:4	117:11
129:14	99:23	respect	153:14	119:15
135:15	103:19	12:13	154:24	120:16
141:2	160:22	28:16	158:8	161:1
158:9	require	58:12	161:6	resuming
reporting	71:25	63:18	responses	80:5
28:7 38:4	74:11	93:23	14:6,15	retain 85:6
70:24 75:1	required	109:5	18:25	retired
reports 38:5	16:1 54:2	130:20	28:10	47:22
40:9,10	102:12	131:4,7,18	38:21 39:5	Rettie 3:9
128:6	133:12	134:20	80:9	return 23:14
represent	requirement	139:6,12	107:10	88:21
44:12,14	33:15 37:6	142:10,11	136:7	revegetation
45:17	38:1	151:19	141:8	34:5 35:3
47:2,5	59:17,18	respects	responsibili	re-
53:15	72:1	135:3	ties 12:12	vegetation
142:24	100:22	respond	responsibili	11:6
146:24	101:23	58:20 61:3	ty 93:4	reversible
148:18	102:11,17,	69:18 90:1	143:11	62:1
representati	20,22,25	123:24	restate	review 1:3
ve 96:7	110:6	128:8	36:24	10:6
representati	132:19	129:15,25	115:18	11:3,18
ves 52:3	155:16	156:14	restoration	12:15
represents	requirements	response	107:1	14:23,25
59:16	29:13 37:1	12:17 23:7	restrictions	15:2,4,6,8
149:15	70:7	28:14	147:13,17	38:21
reproduction	100:14,15	29:16,25	restricts	51:13
24:18	101:24	30:18,20	24:23	56:20
25:3,9	103:2	31:17	result 24:21	57:12 70:5
request	110:21	35:11,15	27:5	72:21,23
26:21	134:22	39:11,13,2	104:13	84:6 99:14
39:24	rescue 24:25	3 45:14,25	105:18	105:4
45:21	research	62:14	106:2	116:11
61:13	24:2,4	65:24	110:22	118:8
74:20	31:4,5,7,1	78:6,25	resulted	121:15
75:4,13,14	0,18,24	82:3,8	82:17	127:23
,16 77:17	32:3 76:2	84:18	resulting	128:5
81:20,23	92:9,10	108:24	25:7	129:13
82:4	residential	110:14	results 10:5	131:23
107:14	99:19	112:5	12:14	133:2,6
requested	residual	114:9	21:14	135:3,10
19:14	117:22	118:19	22:10 23:4	136:4
161:4	resilience	119:12	27:7 31:9	139:5
		136:4,10		148:25
		139:5		

157:4	153:19	8:20 16:2	15:3	124:13
159:18	155:13	152:11,12	145:22	138:11
160:24	Richardson	robustness	154:16	schedule
reviewed	8:11	81:15	safe 32:18	70:18 71:2
43:4 51:10	Richea 5:6	rock 49:18	34:1,6	111:24
99:7	Rick 4:15	Rodriguez	48:6	113:15
reviewing	133:7	4:16	safety 11:13	130:13,15
53:25	ridiculous	role 145:2	61:23	scheduled
105:21	152:24	150:5	63:19	83:4
110:23	rights	160:17	64:16	scheduling
130:13	142:1,10,2	rolling	65:25	129:18
134:13	5	33:10	92:25	160:18
152:14,16	143:6,10,2	room	93:2,20	scheme 21:11
reviews	5 144:23	13:12,13	94:1	Schmidt 3:23
55:2,3	145:3,11,1	14:18,19	samplers	scientific
revise 99:15	5	18:14	50:17	53:2,16
revised	147:14,24	80:12	samples	scientists
112:16	148:3,8	111:17	50:19	42:6 78:17
revisions	150:4,9	148:11,12	sampling	scope 157:5
51:11	risk 23:2,3	161:20	50:24	161:3
Richard 2:16	24:14	Rose 2:7	51:5,6	score 21:10
7:18 17:11	25:10,15,1	15:7	85:20	Scott 5:5
19:3 28:23	7 26:6	rotations	Sanderson	screen 19:5
29:21	141:3	88:18	5:4	21:12
30:11	risks 23:4	round 21:5	Sangris 7:17	36:10
35:16 56:6	road 42:14	35:13 41:3	Santoko 4:24	scroll 20:10
62:12	44:6	56:22 71:4	Sarah 8:20	SEA 29:8
64:14	45:11,17	74:25	16:2	Seaboyer
65:4,20,21	49:17	79:13	152:11	5:24 17:23
66:4,7	93:17,20	114:8	Sarah-Lacey	52:6,7
68:19 69:9	106:19	160:22	6:8 15:9	55:19
75:11 77:1	112:16,18,20	161:11	39:9,10	57:6,15
82:22	117:19,25	rows 36:12	satisfactory	58:11
94:20	124:13	RPM2.5 52:16	35:12	59:2,14
101:8	126:7	run 162:2	38:23	60:13
104:23	roads	running	Sauvage	61:1,2
109:3	23:23,24	88:16,17	20:18	65:10,11
111:8	30:23	98:1	120:13	73:24,25
112:25	32:13	102:21	121:21	92:8
115:13	93:19	Rusty	125:23	122:8,9
116:18	124:8	39:15,21	save 73:23	123:10
123:5	139:21	<hr/>	97:20	Seale 4:11
124:18	140:8	S	111:1	Sean 8:11
128:20	Robert 4:23	Sabel 5:20	scalable	seat 159:20
130:3	162:20	Sable 85:17	107:22	sec 106:11
134:15	Roberts 5:19	Sachi 2:4	scale 107:24	
136:1	Robertson		scenario	
137:1,17				
138:17				
140:6				
141:6				

second 19:7 22:6 37:16 42:11 45:8 49:10 59:8 70:1,2 77:11 82:25 92:12 115:15,16, 17 126:22 150:12	43:15 selection 85:25 self- government 142:10 self- sustaining 24:14 25:10	88:17 seven-and-a- half 80:2 seventeen 50:25 seventy 46:21 55:1 76:18 seventy-five 76:1	117:5 139:1 Short-Eared 39:18 40:4 shortly 15:11 124:24 131:14 showed 30:10 70:25 77:23,24	122:24 139:8,18,1 9 147:25 148:18 149:23 150:23 significantl y 71:22 silt 121:17 125:18,21, 25 126:17 silt-covered 21:7 similar 22:9 74:17 75:13 77:25 83:23 104:2 120:2 129:4 Simon 2:5 14:21,22,2 3 57:11 122:7 130:1 135:7,9 136:3,4 137:8,25 138:21 139:4 140:12,21 141:11,16 simulating 117:8 sit 13:13 site 14:4 34:1,10 35:3 48:7,16 72:18 79:11 90:25 91:21 92:23 93:5 94:3 97:25 107:19 108:3 157:19
sect 99:21 section 24:9 36:19 119:15 120:5,16 sectors 106:3 sector- specific 99:18,21 106:11 security 94:21 143:24 sediment 119:25 120:14 126:12 sediments 125:23 seeing 146:20 seeking 60:21 108:1 seem 76:3 158:10,24 seemed 62:7 131:23 seems 62:3 seen 81:9 89:13 136:7 sees 144:19 segue 143:19 selected	send 131:12,22 sense 43:12 46:13 85:3 106:20 158:25 sensitive 23:11 sent 19:6 81:18 separate 142:9 155:8 September 25:20 128:11,18 129:12 service 91:9 92:23 144:9 162:1 services 15:25 50:4 session 13:8 20:5 29:11 37:14 150:18 160:7 sessions 1:7 13:5 14:3,12 56:23 149:2 159:25 160:25 setting 65:8 seven 73:13	several 20:24 66:21 133:9 sha 117:21 Shannon 3:14 shape 21:4 share 40:4 81:11 sharing 96:21 Shawn 8:2 shift 23:9,18 88:18 shifted 23:11 Shiga 8:5 96:10,20,2 5 97:3,9 98:21 99:11,17,2 4 100:5 Shin 8:5 96:10,20,2 5 97:3,9 98:21 99:11,17,2 4 100:5 shoal 20:11,21 21:3,6 shoals 20:17,24,2 5 21:8 short 79:19	showing 43:20 44:1 46:3 78:15 80:25 84:14 shown 21:21 48:1 104:16 shows 72:15 77:25 101:14 117:21 158:12 shut 62:23 73:1 108:12 shuttle 50:4 91:8,11 sic 27:3 92:21 96:2 sick 140:22 sign 13:20 significance 24:7,8 45:20 67:8,14 68:4 135:13 139:6 significant 21:22 22:23 24:11,20,2 1 67:22 68:11,14 105:18 106:14	

sites 89:22	149:7	79:17	source 42:16	specialized
sits 89:15	151:3,5,14	sometime	43:24 86:7	49:24
sitting	152:1,21	131:14	110:6	species
159:20	Slave 8:5	somewhere	114:1	20:13,22
situations	96:7	85:13	117:8	21:10
68:3	slide 41:22	107:2	118:25	23:9,11,14
six 32:8,10	43:19	Sonny 8:12	140:1	,18 25:14
50:19,20	44:21	18:4	147:19	34:18
sixty 20:17	49:10 50:7	sorry 15:24	sources	40:1,10,11
size 21:4	100:9	18:9 28:13	23:10,17,2	species-
42:17	109:12	30:7,13	2	specific
85:25	slides 48:11	32:21	42:1,7,12,	25:14
Sjoerd 8:8	slide's	35:17	13,20	specif 99:19
skip 70:8	101:9	36:12,19	45:15	specific
skipping	slightly	38:9,11	48:13	12:11 25:5
67:1	44:17	53:12	49:16	49:24
Slack 7:16	slope 21:6	65:21	52:25	54:11
16:11	small 42:8	66:16	81:24 82:1	81:23
28:8,12	52:16	68:22	100:2	97:11
29:14	76:22	76:12 96:8	Souza 2:4	133:23
30:6,13	120:1,3,8	101:19	15:3	146:10
31:8	smaller 53:9	102:24	145:22	152:19
32:1,21	92:18	108:15	154:16	specifically
33:13,22	Snap 54:16	115:14	spaces 21:6	11:5 21:17
34:25 36:7	71:19	119:21	Sparling	33:18
37:15	snow 51:6	121:13	5:25 17:19	35:14
38:7,25	SO2 50:15	135:13	99:4,5,14,	66:23
57:21	socioeconomi	141:20	20 100:1	128:22
59:7,19	c 29:11	142:23	103:21,22,	149:6
60:3	143:17	144:8,15	23 110:18	specifics
66:13,16,2	solar 106:6	145:24	spawning	140:13
5 67:25	107:8,13,2	146:3	20:12,21,2	speculate
68:15,22	1,23 108:2	151:5	3 21:1,9	65:6 67:20
69:22 71:5	110:14,24	sort	25:21	69:12
73:10	111:3	32:11,14	120:24	145:14
75:17	solely	52:21	speak 13:22	speculation
76:11,12	139:24	75:2,19	18:7 67:22	145:16
77:19	solicit	94:17	130:4	150:14
79:5,22	133:1	111:11	144:12	speculative
141:19,20	solid 55:21	126:23	151:23	150:24
142:14	Solutions	129:6	speaking	speed 49:18
143:18	6:4	132:21,22	14:2 31:16	Spencer 3:4
144:5,15,1	somebody	136:16	32:6 33:5	spoke 110:1
6	94:8	137:23	57:7 59:22	spot 79:24
145:7,18,2	someone	140:12,18	128:21	spring 26:3
2,24,25		151:9	133:21	spring/early
146:12		152:19	144:11	26:7
147:20,21		154:7	155:5	
148:15		sound 162:1	special	
		sounds 62:1	49:23	

squared	94:13	161:14	stuck 134:13	110:7
43:16	100:25		studies 23:8	suggest
119:18,22	101:3	stay 78:23		35:12 76:3
Stacey 2:9	112:11	99:12	stuff 53:9	78:15
162:4	135:19	steps 129:16	76:15	153:3
stack 42:4	138:8,13	160:3	88:14	suggested
47:25	stands 114:9	Steve 17:5	158:11	107:14
70:6,18,21	start 14:13	Steven 3:11	stuffy	120:1
71:2,4,7,2	28:13	17:5	161:20	suggesting
1 72:20	52:14	Stevens 3:20	sub-basin	78:15
74:1,6,9,1	78:2,16	16:23	117:18	sulphur
6,19	94:10	119:13	121:18	49:14
75:2,22	started	Stewart 5:5	122:1	52:17
76:9,10	61:12 91:8	stock 158:10	subject 24:3	sum 94:12
77:7 81:5	97:17	stockpile	40:14	summarize
83:4	starting	44:7	submission	38:5
111:24	14:20	stop 98:19	127:15	summary 10:5
staff 56:21	54:25	152:2	128:12	50:8 84:7
64:3	109:20	storing	134:14	summer 20:19
108:16	116:5	106:19	160:16	25:20
121:10	starts	Strand 4:25	submissions	26:3,7
161:25	126:13	strategy	56:24	51:2 124:9
162:5	141:24	85:17,21	133:25	130:16
stages 22:2	state 72:3	98:2,23	submit 11:15	Summerfield
stakeholder	130:7	99:1,9	88:2	6:12
53:5	stated	105:1,8,19	129:14	summertime
standard	132:12	,22 106:12	134:1	124:13
47:24 48:2	136:11	159:12	submitted	supplemental
49:5 54:22	147:7	Strawson	10:6 11:18	133:17
86:10	statement	3:11 17:5	19:19	134:1
87:12	29:20	stream	20:2,8	suppliers
89:4,6,11	142:5,6	120:7,25	38:20	107:17
90:12 95:7	148:4,6	streaming	56:25	supply
101:22	states 23:25	70:20	99:23	109:21
140:2	61:21	72:17	113:8	110:7
standards	124:8	stringent	127:22,25	support
49:3	135:16	43:7,14	128:4,16	80:20,23,2
52:15,20,2	station	stronger	129:10	5 81:4
4	50:13,14,1	149:15	134:12	83:2 85:4
53:6,11,15	8 116:20	strongly	135:1	supported
,20	127:9	54:5	158:5,10	54:19
54:4,9,13	157:10	structure	substrate	supports
57:17 58:2	stations	22:1,15	120:11	111:22
59:5 60:16	50:25	struggling	sub-stratum	suppressant
61:15,18,2	116:4	137:2	21:3	124:9
0	117:15	143:3	suffering	140:8
63:20,21,2	status 19:23		34:15	
4 65:1	40:9,10		sufficient	
74:9 90:16			104:11	
92:4,17,24				
93:11				

suppression	148:10	105:12,19	42:7,16,18	22:7 71:7
49:20,23,2	150:19		,19 114:20	74:16 75:2
4	153:11	targeting		76:10
	154:20,21,	50:5	tender 85:23	
sur 122:3	25 158:12	targets 29:7	term 23:19	testing
sure 13:19	160:10	96:17	34:20	21:17,19
29:16	takeoff	99:9,15	42:23	70:7,18,21
81:14	114:24	106:11	51:16	71:2,4,22
92:13	taking 27:17	task 56:2	53:17,22	72:20
95:23	119:8	team 64:6	73:2 78:14	74:1,6,10,
107:1	122:23	81:2	90:11	19 75:23
115:19	143:2	technical	terms 36:3	76:9 77:7
131:3	talk 42:21	1:7 13:4	46:1 67:6	81:5 83:4
133:2	46:9 63:7	14:12 20:5	117:3	89:19
141:23	69:13	42:23	125:22	111:24
144:14	89:16	56:23	126:6,24	tests
151:24	97:24	61:10	127:6	22:11,12
158:3	100:4,11	81:16	133:11	47:25
surprise	104:18,20	128:6	137:21	thank 13:4
67:5	106:15	129:14	142:12,17	14:22
survey 21:2	107:15	149:2	146:10,17,	18:12,24
survival	113:4	150:18	18 147:12	28:2 39:2
24:17	136:8	158:9	148:19	40:12
25:3,8	162:10	159:25	150:2	51:25 57:8
suspect	talked 49:4	160:7,25	151:20	58:15 60:3
86:15	58:2 97:23	technology	152:16	63:2,9,22
suspended	100:24	107:22	157:5,11	64:7,23
42:8,17,24	106:16	Tee 7:8	158:11	65:3,14
52:18	talking	15:20	160:3	66:6,7,8
112:14	19:21	teleconferen	territorial	80:7,16
suspension	42:22	ce 81:21	106:3	83:7
142:22,24	57:25	telephone	territories	88:6,8,10
sustenance	58:13	18:15,24,2	52:4 57:19	91:22
156:12	61:12 63:8	5 108:17	65:2,8,12	92:19 93:8
system 53:13	88:13	119:9	77:14 89:3	94:4 95:4
70:25 98:7	93:24 94:6	121:6,12	94:10 95:1	96:3,4
107:24	100:15	temperatures	99:3 101:2	98:22
	101:23	25:25	104:2	100:6
	102:15	template	Territories'	101:1,18,2
	104:6,23	48:9 51:8	s 47:3,5	5 102:7,19
	109:7	83:22 84:7	territory	103:14,22
table 9:1	154:15	temporary	42:25	119:6
12:16	156:5	61:25	43:11	122:5
13:15	talks 100:13	62:7,19,22	64:25	135:6
19:18 20:9	Tamika 3:17	,25 63:1,7	71:20	136:3
21:11	Tannis 8:14	ten 22:5	90:10	139:5
46:2,24	target 96:11	87:6	136:19	140:21
127:16	99:3,12,18	106:23	Territory's	141:12,15
135:16	,19	tend	61:15,17	151:10
141:23			test	152:7
142:9,11			21:14,16	153:5
143:2				154:13
				157:23,25

159:19	69:15 72:8	48:20	tho 129:6	132:22
160:2	73:6,8	64:18	thousand	135:12
161:24	76:2,8	70:19 71:2	76:1,18,19	today's
162:6	83:25	74:23,24	88:20	40:14
thanks 28:8	94:24,25	75:2 78:19	105:20	Todd 5:13
31:17	95:21	80:18	thousands	7:16 16:11
32:21	100:3,12	81:7,15,25	76:21	28:8,12
33:22 36:7	101:14	84:18	threshold	29:14
37:15	104:21	88:22	53:23	30:6,13
38:25 60:5	107:2	89:4,19,21	67:14	31:8,18
65:15 68:1	109:20	91:11,14	thresholds	32:1,21,24
71:5 73:10	110:13,22	94:1 95:1	24:7 54:11	33:13,22
76:13	111:12	97:19	58:2 139:6	34:25
77:19	112:2,12	102:17,20,	throughout	36:6,7
118:25	113:13,14,	25 111:19	50:21,22	37:15
125:16	19 119:5	113:12	74:2	38:7,10,25
126:8,19	125:5	114:10	123:19	57:20,21
127:10	127:25	122:24	156:25	59:3,7,19
128:19,24	130:17,21,	123:20	159:24	60:3
129:19	24 131:6	128:1,15	tier	66:13,16,2
141:19	132:15,24	129:12,15	86:9,10,16	4,25 67:25
144:19	135:1,12	130:15	,17,18,23	68:15,16,2
158:2,25	136:15	133:12,19	90:15,16,1	2 69:22
161:24,25	138:18	134:11	8	71:5 72:14
162:9	141:4,9	136:19	122:18,19,	73:10
that'd	143:11	141:2,9,17	22	74:12,17,2
134:12	144:5,17	148:8,9	tiered	0 75:17
that'll	145:4	155:15	122:16	76:11,12
34:16 86:2	150:7	156:14	tiers 124:2	77:19,21
137:25	152:6	they'd 55:6	till 113:6	79:5,22
that's 18:6	160:25	118:22	Tim 7:11	132:18
19:7,8	theme 129:4	they'll	timeline	141:19,20
28:25	themes 129:6	151:25	113:12	142:14
29:1,22,23	themselves	they're	132:11	143:14,18
30:4,18	81:25	13:19	timelines	144:5,15,1
31:22	thereafter	45:19	132:22	6
34:17,20,2	131:15	48:14	title 125:14	145:7,18,2
4 35:11	there'd	52:21	Tlicho 8:8	2,24,25
36:8 37:8	88:24	53:22	18:4	146:12
38:20,23	therefore	57:18 60:8	Tobin 6:10	147:20
39:1 40:20	23:15	61:12,18	today 13:9	148:15
44:2	96:18	86:24 87:9	28:1 36:6	149:7
48:19,22	124:10	93:6 112:9	59:9 66:23	151:1,3,5,
49:12,24	there's	126:4	75:6	14,15
51:20	31:19	136:19	77:13,17	152:1,14,2
52:16	32:8,10	they've	87:7 100:4	1
54:15 57:7	33:5,7	144:3	130:24	Todd's 35:25
58:6	34:23	162:7		74:5
59:6,7	45:10	third 47:7		75:13,14
62:15 64:8	46:1,21	50:23		Tom 7:25
67:9	47:17	86:18,19		8:16
68:5,7				tonnes

105:10,12	Tracz 7:14	tried	130:19,24	typical 87:5
Tony 7:9	traffic	131:9,10	131:17	typogra 84:2
15:24	45:11,17	trigger	132:3,16	typographica
Toogood 2:5	49:21	26:13 69:8	139:18,20,	l 82:9
14:22,23	112:18	112:5	23,24	84:3,12
57:11	128:2	126:5	140:2	
135:9,10	129:4	triggered	149:4	
136:3,4	131:7	55:3,4	158:13,17	<hr/> U <hr/>
137:8,25	134:10	triggers	TSP 42:24	ultimately
139:4	Trail 93:22	126:23	43:20	86:1
140:21	transcribed	127:6	44:23,24	unable 40:4
141:11	13:24	trouble	50:14,16,1	uncertain
top 44:16	transcribing	138:19	9 52:18	23:13
86:19	144:12	trout	Tthestonotin	uncertainty
topic 14:7	Transcript	20:12,24	e 88:11	114:20
32:11	9:11	truck 11:16	turbine	undergo
40:16 52:2	transcriptio	84:19	103:2	23:18
66:9	n 14:2	87:6,21	turbines	underneath
108:15	144:9	112:18	102:5,13	73:5
119:9	162:1	trucks 48:25	155:6	understand
147:22	transcripts	84:22,24	turn 73:7,16	28:15
155:25	14:2	85:11,12	156:15	29:16,24
topics 13:8	transfer	86:6,9,12,	159:14	31:3 35:25
108:10	113:11	20,24	turnover	36:14,19
141:17	117:20	87:7,19,24	84:23 85:3	52:2 54:23
Toronto	119:19	88:23 89:8	twelve 88:18	57:22
162:3	126:8	90:1	twenty-five	68:18,24
total 20:16	transition	100:24	82:12	69:1,25
42:24	27:24	true 132:9	twenty-four	85:10
45:18	transmissivi	157:8	28:13	98:22
47:3,5	ty 22:4,9	try 29:15	50:19,21	104:10
52:18	transparency	52:12	52:22	107:16
106:3	72:16,21	67:19	88:17	127:23
112:14	Transport	68:17 77:4	112:17	134:17,18
touch 119:14	6:16 18:22	109:23	twenty-one	136:5
135:11	transportati	110:2	20:18	142:16
tourism	on 42:15	142:18	twice 106:17	144:18
18:11	travel 42:9	143:4	twofold 35:1	146:16
89:22	93:19,22	145:2	Tying 147:9	150:13
touting	treaty	149:25	type 11:17	158:13
103:12	142:1,25	150:5,20	21:17	understandin
towards	143:6,10,2	154:10	42:1,2,7,1	g 32:9
28:17	5 144:23	trying	1,15,16	57:16,17
115:22	145:3,11	34:8,17,20	55:7 86:23	59:3 71:18
Tra 131:7	147:14	35:17,19	87:21 92:2	74:24 78:4
track 130:8	150:4	71:15 77:9	types 23:12	94:9
tracked 14:9	Tree 1:20	79:16	42:1	105:16
		85:10		114:13
				119:5
				123:25

130:14	62:21,22	79:8	90:18	voluntary
138:7	63:9,22,23	142:18	91:5,13,14	106:10
141:10	64:7,8,23,	users 143:21	,20 123:8	
160:8	24 65:14	usual 54:23	vehicles	
understands	66:2,6	usually	85:4,7,23	<hr/> W <hr/>
142:20	100:8	94:11	88:13,16	Wah-Shee
understood	101:1,18	usurp 79:24	90:14,18	2:20
132:18	102:19	utilized	92:24	wait 57:24
undertake	103:1,9	20:12	93:10,17,1	100:6
22:14	153:8	109:14	9,21,25	Walbourne
58:14	154:12,23		122:16,19,	4:15
undertaken	155:23		22	walls
21:24	157:21		venture	22:1,16
27:17	United 61:21	<hr/> V <hr/>	145:17	warm
74:10	University	VALLEY 1:2	148:14	91:5,13,14
undertaking	6:5	valuable	Veronique	washed 78:24
21:13	Unka 7:25	79:12	6:19	washrooms
58:22,23	unlikely	value 22:9	version	13:13
59:1,9	25:24 26:5	44:8	39:17	wasn't 69:11
60:20	unnecessary	79:3,4	105:22	waste 41:10
64:22	50:6	valued	versus 21:5	47:8,9,12,
65:17,22	unsatisfacto	140:11,16	59:11,18	20,21,23
84:12 88:5	ry 38:23	values 44:1	70:4	48:1,5
92:15	update 11:20	53:23	view 145:2	49:18
107:5	19:23,25	61:19	148:5	70:20
116:17	33:19	Van 5:7 8:8	150:3	72:17 98:8
118:11	55:13	VanGulck 6:4	151:23	153:1
119:6	118:11,20,	variation	Villebrun	water 25:1
124:23	21,24	78:20	8:23 66:18	26:5,14
125:1,13	119:2	various 43:5	79:20	31:20
153:23	updated	53:3 81:25	80:10	33:7,11
154:10,18,	19:17	89:13	88:9,10,11	72:23
19	36:25 53:7	120:17,21	89:24	89:18
160:12,23	92:16	VC 25:13	91:22	94:23
undertakings	133:10,25	VCs 25:11	92:19 93:8	95:11,17
9:4 11:1	135:2	vegetation	94:4	96:1,3
12:1 137:7	160:13	22:20,24,2	95:4,22	108:15
161:1	updates	5	96:5	118:1
underway	72:24	23:3,6,9,1	Vincent 6:2	119:25
31:20	113:10	2 32:19	vintage	120:4,9,10
unexamined	upon 13:1	33:9 79:10	86:12	122:1
20:25	52:22,23	140:17	87:8,25	126:10,13,
unfortunatel	80:4,5	veh 42:3	Virgil 3:6	25 127:7
y 84:16	123:13	vehicle 42:3	visitor 93:7	140:7
161:20	162:12	48:22,23	visual	watered
162:2	upsurp 96:2	49:18 50:6	117:22	124:8
Unger 7:22	uptake 106:6	87:11	volume 49:21	162:6
15:22	useful 71:14		89:7	watering
61:5,9				49:17

Watts 2:10	WEMPs 131:22	81:13 91:8	14:20	139:9,22
wave 120:12	Wendt 4:9	97:24,25	Wide 47:24	141:4
ways 77:16	we're 29:9	98:11,14	48:2 74:8	Woodbury 6:5
110:10	33:9	106:12	Wielen 8:8	wording
111:10	35:17,18	109:16,22	wildlife	35:20
weather	36:2 37:12	113:8,15	23:2,4	58:24
88:15	43:1,11	116:12	28:4 32:18	137:9
Webster 5:3	47:1	124:5	35:4 36:16	154:17
we'd 36:1,2	56:10,13	128:25	37:2,8,10	work 31:21
64:17	57:25	131:8,9,10	39:8 79:11	33:9 73:12
107:14	58:13	132:12	129:7	83:8,9
131:21	59:15 63:8	138:20	140:17	106:5
week 14:8	65:24	149:18	willing 55:6	109:23
131:11	68:23,25	156:24	70:10	138:23
161:21	71:15,16	161:5	86:23 88:2	160:4,7,13
Wek'eezhii	72:4	whatever	152:20	worked 89:12
26:14	77:8,9,16	89:15	Williston	worker 63:18
31:20	83:8,9,16,	98:24	6:21	workers
72:23	17,24	109:12	Wilson 6:14	61:23
we'll	84:13	125:13	win 41:10	63:12
14:13,19	85:24	whatnot	wind 42:14	workforce
18:8,25	93:24	30:24	102:4,5,13	27:25
30:7 31:1	101:15,23	Where's	103:2	working 29:9
36:1 56:14	102:15	137:11	106:21	41:17 72:7
57:8 58:21	105:10,11	whether 11:8	155:5	83:24
64:19	110:2,9	23:13	Winnipeg	workplace
73:14	111:10	45:10	18:22	27:21
77:18	123:6	59:4,16	winter	works 132:5
79:6,12,19	125:14	60:8 64:20	45:11,17	133:18
,20	130:19,24	65:24	51:6 93:16	134:8
80:1,7,8	131:1,2,17	70:19	106:19	workshop
95:24	132:3,16	86:22	wish 76:14	131:14
108:12,13	133:3	90:12	Witherly	world 61:22
124:21,22,	137:2	93:5,24	4:10 16:9	63:11
23,24	140:22	108:17	WLWB 7:2	138:11
125:2	144:18	117:4	wonder 89:25	worried
137:5	145:4	119:8	wondering	73:12,13
140:22	148:3	121:5	28:9 30:8	Worsley-
145:19	149:2	125:9	67:11	Brown 2:23
146:2	150:7,9,17	128:15	77:25	worth 124:6
154:10	152:15	140:16	82:15	wrap 68:16
159:16	154:5,18	143:10	88:19	139:11
160:18	156:5,12,1	145:5	89:23	156:16
162:9	3	147:13	94:16	write 137:6
well-being	157:11,17	150:10	124:12	writing
146:25	161:22	155:25	128:14	
WEMP 37:11	we've 19:18	whitefish	138:5,10	
131:18	20:2 28:10	20:13		
133:25	37:4 52:15	whole 107:21		
	58:2 68:23	who's 13:21		
	70:17,18			
	72:15			

137:7	yesterday			
written	28:6 29:10			
137:4	56:22			
wrong 104:21	117:18			
123:13	120:2			
155:24	yet 131:19			
WRRB 7:14	yielded			
WWHPP 36:17	22:4,8			
37:11	YKDFN 7:16			
129:8	23:7 26:19			
131:19	136:11			
WWHPP/WEMP	142:15			
37:1	149:4			
WWHPPs	Yonge 4:8			
131:22	you'll 101:4			
	104:14			
	106:25			
<hr/>				
X	Young			
xeric 24:1	5:11,21			
	16:4			
<hr/>				
Y	yours 153:2			
year-by-year	yourself			
45:22	77:13			
year-end	80:14			
37:20	yourselves			
Yellowknife	18:8,16			
1:19 93:18	you've 91:1			
Yellowknives	104:16			
16:12	107:10,11			
32:2,25	151:1			
34:13	158:18			
38:10 67:1				
68:1,16				
69:23	<hr/>			
75:18	Z			
76:13	Zachary 5:11			
77:22 79:6	zero			
141:20	47:15,16			
142:8,15	Zoe 8:10,12			
143:23	18:4			
144:17	zones 21:23			
145:8,25				
146:13,15,				
17				
147:1,21				
148:16				
149:10				
151:6,15				
152:2,22				