

MACKENZIE VALLEY ENVIRONMENTAL

IMPACT AND REVIEW BOARD

TECHNICAL MEETINGS FOR THE NICO GOLD

COBALT-BISMUTH-COPPER PROJECT, NT

FORTUNE MINERALS LIMITED

Mackenzie Valley Review Board Staff:

Facilitator Alan Ehrlich

Facilitator Chuck Hubert

HELD AT:

Yellowknife, NT

February 7, 2012

Day 1 of 3



“When You Talk - We Listen!”



1	APPEARANCES	
2	Alan Ehrlich	) MVEIRB
3	Chuck Hubert	)
4	Stacy Menzies	)
5	Paul Mercredi	)
6		
7	Rick Schryer	) Fortune Minerals
8	Pat Moloney	) Limited
9	Tom Rinaldi	)
10	Mike De Carlo	)
11	Jim Mucklow	)
12	Bill Shepard	)
13	Charlie Jim Nitsiza	)
14	John Virgl	) Golder
15	Gary Ash	)
16	Ken De Vos	)
17	John Faithful	)
18	Jen Gibson	)
19	Ken Bocking	)
20	Jason Parviainen	)
21	Cameron Stevens	)
22	Damian Panayi	)
23	Credence Wood	)
24	Marc Rougier	)
25	Tyrel Lloyd	) McElhanney

	APPEARANCES	(Cont'd)
1		
2		
3	Paul Green	) AANDC
4	Barry Zajdlik	)
5	Velma Sterenberg	)
6	John Brodie	)
7	Lionel Marcinkoski	)
8		
9	Jan Adamczewski	) ENR
10	Andrea Patenaude	)
11	Gavin Morr	)
12		
13	Sarah Olivier	) DFO
14	Rick Walbourne	)
15		
16	Mark Cliffe-Phillips	) WLWB
17	Brett Wheler	)
18	Dr. Kathy Racher	)
19	Ryan Fequet	)
20	Sarah Elsasser	)
21		
22	Loretta Ranson	) GNWT
23	Murray Cutten	)
24	Bruno Croft	)
25	Dean Cluff	)

1	APPEARANCES (cont'd)	
2		
3	Glenn Sorensen	) GNWT
4	Aileen Stevens	)
5		
6	Sarah Lacey McMillan	) Environment Canada
7	Jane Fitzgerald	)
8	James Hudson	)
9		
10	Chief Alfonz Nitsiza	) Tlicho Government
11	Chief Clifford Daniels	)
12	Henry Zoe	)
13	Marjorie Matheson-Maund	)
14	Kerri Garner	)
15	Dr. Ginger Gibson	)
16	Dr. Allice Legat	)
17	John B. Zoe	)
18		
19	Madelaine Pasquayak	) Ttitso Gameti
20		) Government
21		
22		
23		
24		
25		

1	APPEARANCES (cont'd)	
2		
3	Todd Slack	) Yellowknives Dene
4		
5	John King	) NRCan
6	Fons Schellekens	)
7		
8	Jordan Zoe	) AEL
9		
10	Gerd Wiatzka	) Kwe Beh Working
11	Sonny Zoe	) Group - SENES
12	Al MacDonald	)
13	Sarah Bains	)
14		
15	Kate Witherly	) NPMO
16		
17	Karin Clark	) Wek'eezhii
18		) Renewable Resources
19		) Board
20		
21		
22		
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1	List of Undertakings	
2	Number	Description Page No.
3	1	Fortune Minerals to provide
4		summary of waste stream from
5		reverse osmosis effluent treatment
6		facility; complete by February 23 86
7	2	Fortune Minerals to indicate if they
8		have any ecotoxicological information
9		with respect to the flotation agents,
10		and also indicate what are the
11		rates of removal anticipated in waste
12		treatment streams, or processes;
13		complete by February 23 103
14	3	Fortune Minerals to indicate the
15		likelihood of adverse environmental
16		effects for each of the five (5)
17		categories in their study, as well as
18		for abundance and distribution;
19		complete by February 23. 193
20	4	Fortune Minerals to create a
21		disturbance map and habitat disturbance
22		amount of the project on boreal caribou
23		ranges indicated in the document which
24		James Hudson mentioned by February
25		23rd, 2012 229

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

2

3 THE FACILITATOR EHRLICH: Look at that,  
4 a natural lull. A natural lull in the ebb and flow of  
5 conversation practically makes the opening comments  
6 just start like magic. That's strange. Normally I'm  
7 more in the category of having to ask everyone to  
8 please sit down and be quiet a few times before we  
9 start. Obviously you're a keen bunch.

10 Good morning. My name's Alan Ehrlich.  
11 I'm the manager of environmental impact assessment for  
12 the Review Board. Thank you for coming. I'm going to  
13 be making a few opening comments and then handing the  
14 session over to Chuck Hubert, who's a senior -- acting  
15 senior environmental assessment officer who is leading  
16 the file and will also be the main facilitator for the  
17 day.

18 First of all, thanks for coming. You  
19 can tell it's a technical session. I look around the  
20 room, I see a number of unfamiliar faces, which means  
21 that we've got consultants from near and far, as well  
22 as the technically credible folks from government  
23 authorities and First Nations and such around the room,  
24 too.

25 I -- I look and I -- I think we've got



1 the right people. I see a lot of people sitting in  
2 rows behind the main table. Rest assured that these  
3 microphones are not only for folks up at the front.  
4 But, if you have questions or comments and you want to  
5 jump in at any time, please feel free to come up and  
6 use the microphone.

7                   The Board's held technical sessions a  
8 few times in the past. I'm working off my introductory  
9 comments from the Giant Mine technical sessions, which  
10 was not long ago. So, if I start talking about how  
11 arsenic -- in the past it has been a medicine and, you  
12 know, it means I -- I've got the wrong note and I'll --  
13 I'll stick back to this.

14                   One of the points of these technical  
15 sessions is EIA often has the somewhat undeserved  
16 reputation of trying to kill people under reams of  
17 paper. We find that face to face dialogue is a faster  
18 and more efficient way of working through some of the  
19 complex issues.

20                   By timing this between two (2) rounds of  
21 information requests, we find it's -- people are  
22 reasonably well informed about the project and can also  
23 sort through issues enough to know which ones they  
24 don't want to spend more energy focussing on. In other  
25 words, which ones fall off the table and which ones

1 really need to be the focus of the reminder of the --  
2 the remainder of the EA.

3                   And so I just -- I want to remind  
4 everyone in the room that one (1) of the big goals here  
5 is to try and -- and sort through the issues, figure  
6 out which ones are simply based on misunderstanding and  
7 which ones are substantive issues that you think should  
8 matter to the Review Board's decision on this process.

9                   I'm going to quickly go back through the  
10 stages of the environmental assessment that got  
11 everyone here, to remind people after the Review Board  
12 got its referral it did scoping. It held scoping  
13 sessions in communities. I was at the one in Whati and  
14 Gameti -- and where else have they been? There was one  
15 in Wekweti and there was one -- of course, yeah. I was  
16 at the one in Behchoko which had a very im --  
17 impressive turn out actually. It was the biggest crowd  
18 I've ever seen in -- in Behchoko.

19                   And so from those, a number of different  
20 community issues were identified and prioritized. The  
21 Board made decisions on the scope of issues that were  
22 reflected in the terms of reference. It also made a  
23 decision on the scope of the project. The decision on  
24 the scope of the project related to the road. That is  
25 before the courts now so we're not at liberty to

1 discuss something that's before the courts. And that  
2 is not going to be part of the scope of what we're  
3 talking about here today.

4                   The Chair is going to be quite clear  
5 about that, should it come up. We -- we really can't  
6 get into that now. We're here to discuss the project  
7 within the scope that is described in the terms of  
8 reference. Parties had an opportunity to comment on  
9 the draft terms of reference. Following that, the  
10 developer produced its developer's assessment report.  
11 That underwent a conformity review. Yeah, and -- and  
12 it was decided that it was in conformity with the terms  
13 of reference. Then parties and the Review Board issued  
14 a round of information requests. These are more formal  
15 technical questions that were issued in writing. And  
16 the developer has responded to all of those information  
17 requests.

18                   What's coming up next, after this  
19 technical session, is another round of information  
20 requests. Maybe -- sorry, maybe. I -- I may have  
21 misspoken. We'll see what the future holds. There's a  
22 possibility of another round of information requests  
23 after this technical session. We have strong hopes  
24 that this technical session will be useful for at least  
25 resolving some technical issues or helping parties and

1 the developer clarify their positions and -- and views  
2 regarding the potential impacts of this and their  
3 significance.

4 A technical session, at its least  
5 productive, involves adversarial bun slinging. We  
6 don't want that. We've had some very useful ones. The  
7 dialogue in those cases has been clear but respectful.  
8 I've got a great quotation here from John Powell, who  
9 said:

10 "The genius of communication is the  
11 ability to be totally honest and  
12 totally kind at the same time."

13 We'll settle for totally respectful, but  
14 we would like you to try to focus on the issues. We do  
15 appreciate that everyone's made the effort to be here  
16 today. I look around the room. I recognize a lot of  
17 people. They're all busy people, and this is here  
18 because it's important. We want to get -- we want to  
19 get this worked on. We get more done when the dialogue  
20 is constructive.

21 One (1) of the reasons for trying to  
22 increase the focus progressively on more and more  
23 important issues as we get through the environmental  
24 assessment is not only does it lead to a better  
25 environmental assessment and better decisions, it also

1 leads to a more timely environmental assessment. The  
2 Review Board is aware of its legal obligation to be  
3 timely in its undertaking, and it takes these things  
4 quite seriously. Face to face sessions have proven to  
5 be quite efficient in that regard.

6                   In past environmental assessments, we've  
7 found that the developer has often taken the  
8 opportunity make commitments where there are issues  
9 that can be resolved by commitments. That gives the  
10 developer the autonomy of deciding what will go into  
11 the commitment. In some other cases where there have  
12 been signi -- where the Board has found there is likely  
13 to be significant adverse environmental impacts, it's  
14 imposed mitigation measures.

15                   Developer commitments, if they're done  
16 well, can in many cases avoid or reduce potential  
17 impacts to a point where they're not significant. This  
18 obviously depends on the kind of issues, as well as the  
19 openness of the developer and the freedom of the  
20 developer to make these kinds of things. In past  
21 technical sessions, it has been a very useful  
22 opportunity for the developer to decide how they --  
23 what and -- and how they wish to commit. These things  
24 will be carefully tracked.

25                   This whole session is being

1 simultaneously transcribed by Wendy Warnock, our  
2 transcriptionist in the corner. This has many  
3 advantages for you. It means that there is going to be  
4 a transcript online. It's a searchable transcript, so  
5 if you hit control 'F' you can search by keyword, which  
6 will be amazingly helpful because after three (3) days  
7 you're looking at almost a thousand (1,000) pages of  
8 transcript. And so having these things in a convenient  
9 searchable format is very helpful.

10                   So we want Wendy to be able to do her  
11 job as well as possible because it'll make our jobs  
12 easier. The way to make her -- to let Wendy do her job  
13 as well as possible is to be sure that you don't speak  
14 unless it's into a microphone, that you say your name  
15 before you speak. You're welcome to say your  
16 organization as well if you're so inclined, but please  
17 try to say your name every time you speak into the  
18 microphone. That will not apply to the Chairs because  
19 Wendy is quite familiar with us right now and, you  
20 know, we do a lot more speaking than anyone else. But  
21 we will remind you to -- to start with your name,  
22 please.

23                   I -- I'm going to ask, and I know it  
24 seems obvious, but I'm going to ask all parties to try  
25 hard to settle questions here today, if you can. You

1 know, settling questions on the spot.

2                   If you have an answer, please try hard  
3 to provide it. If the developer doesn't have a  
4 response to a question that's posed today, but it's  
5 able to do homework in the evenings between the  
6 different days of this technical session and come up  
7 with answers during this technical session, that's a  
8 very helpful thing, as well, because you -- you would  
9 still be walking away from the session with  
10 constructive answers.

11                   In some cases, some questions simply  
12 can't be answered on the spot, and need more than a  
13 couple of nights of homework. In that case, there will  
14 be what we'll call undertakings from the technical  
15 session, which is the stuff that can't get resolved  
16 during the three (3) days of the technical session. So  
17 we'll -- in those cases we'll ask the developer, or  
18 other parties, they've gone to other parties before  
19 too, to come up with these undertakings by -- within --  
20 within two (2) weeks of the technical session.

21                   The date that we're projecting  
22 undertakings to be due by is February 23rd, so if the  
23 developer agrees to deal with something as an  
24 undertaking you are agreeing to produce the response in  
25 writing by February 23rd. And when it goes to the

1 Review Board, staff will put it online and everyone  
2 will be able to see what the responses are.

3 I want to remind everybody of the  
4 driving rationale behind the -- this session and all  
5 the steps of an environmental assessment. The purpose  
6 is to try to make good, long-term, fair, sustainable  
7 decisions. Wise decision-making is what drives all of  
8 this.

9 When you're thinking about whether or  
10 not to ask a question I'd like you to reflect to  
11 yourself, reflect on -- on whether or not it's going to  
12 help improve the decision-making that's going on in  
13 this environmental assessment. Is it going to help the  
14 Review Board, which is the -- the Board that has to  
15 make the -- the Section 128 decision here, make a  
16 better decision about the project that's proposed.

17 Now we -- in some cases we understand  
18 that people might ask questions indirectly, it's not  
19 always evident how every question directly improves  
20 project decision making. But it is very helpful to the  
21 process if you can keep that as an overarching theme in  
22 -- in your minds when you're deciding what to pursue.

23 We know that a bit of time has passed  
24 since the developer's assessment report was drafted.  
25 The developer will be making a presentation early on



1 about their project. We'd ask the developer, please be  
2 emphatic about any aspects of your project that have  
3 changed since the initial community consultations or  
4 the scoping session or since the developer's assessment  
5 report. It's not unusual for project design to be  
6 modified and -- and improved over time to -- to work  
7 around issues that are identified or to solve or avoid  
8 issues. Where that's the case, we want to make sure  
9 that everyone in the room is thinking about the project  
10 in its -- in its current iteration.

11 I want to make it absolutely clear that  
12 this is not a hearing. Chuck and I are not Board  
13 members. If this was a hearing the Board would be here  
14 and it would be run as a more formal court-like  
15 process. In the interest of having good information  
16 move back and forth between the groups who need it, we  
17 try to keep these sessions somewhat informal, but we  
18 are not the decision makers on this, we work for the  
19 decision makers.

20 When the hearing occurs the Board will  
21 be there and you will have -- parties will have an  
22 opportunity to present their case directly to decision  
23 makers, that is not what's happening today.

24 I'm going to ask Chuck Hubert to briefly  
25 walk you through the agenda so that you have a -- an

1 overall understanding of where we're going to be going  
2 in -- in broad strokes.

3 Chuck...?

4 THE FACILITATOR HUBERT: Chuck Hubert  
5 with the Review Board. Thanks, Alan for that  
6 comprehensive introduction.

7 THE FACILITATOR EHRLICH: Oh, I'm not  
8 done yet.

9 THE FACILITATOR HUBERT: You're not  
10 done yet. Oh, okay. Sorry.

11 Just a -- a note on the agenda and a  
12 couple modifications that we're proposing. The first  
13 one I'll mention is on day 3, there's been a request to  
14 move the closure and reclamation topic to the start of  
15 the day. So unless there's any grave objections and  
16 hand waving we'll lead with closure and reclamation at  
17 9:00 a.m. and continue with socioeconomic at --  
18 probably after the health break.

19 The second item, the Tlicho Government  
20 has requested a fifteen (15) minute presentation. And  
21 we as -- here will consider that -- that request time  
22 willing. Now that may happen on the second day. And  
23 we've had an indication from DFO that they may not need  
24 the time that was allotted to them on day 2, so we'll  
25 try for the Tlicho Government, perhaps, fifteen (15)

1 minute presentation on -- on day 2. And I'll -- and  
2 I'll alert parties and participants here of that  
3 tomorrow.

4 Other than that, I think that's it for  
5 modifications to the agenda. Alan, go ahead.

6 THE FACILITATOR EHRLICH: Thanks,  
7 Chuck. A couple of points that any opening comments  
8 will be remiss in -- in omitting would be that the  
9 washrooms are on the other side of that door with the  
10 blue sign on it marked "washrooms." And they -- they  
11 should be unlocked. We're going to be providing coffee  
12 and snacks, but not lunch.

13 Wrap-up is going -- it shows on your  
14 agenda at -- being at 4:30. That doesn't mean you're  
15 out of here at 4:30, it means that 4:30 there will be a  
16 -- a recounting of what's happened in the day, what  
17 kind of homework people are going back with, what's  
18 happening the next day. We will try very hard to have  
19 you out of here by five o'clock.

20 In terms of lunch, it is scheduled for  
21 12:00 to 1:00, but we will try hard to break at five  
22 (5) minutes to 1:00 so you have a chance to get your  
23 orders in in restaurants and things like that before  
24 other people because we want to start again at 1:00  
25 promptly.

1 I'd like to introduce -- well, I've  
2 introduced Chuck Hubert, but the other member of the  
3 environmental assessment team who's here, is Stacy  
4 Menzies over at the -- the door there. Stacy will be  
5 recording any commitments, undertakings or homework  
6 that come up as well as helping us in a thousand other  
7 ways. We will have other Review Board staff coming in  
8 on other times, and we'll be introducing them when it  
9 happens.

10 Chuck is going to be the main  
11 facilitator for the day. We might be trading off a  
12 bit. I'm going to be in and out. Sadly, we have a  
13 Board meeting at the exact same time because scheduling  
14 made it inevitable. So I will be here for some of it  
15 and Chuck will have a co-chair for other parts.

16 Now, John F. Kennedy said that -- that  
17 public speaking is the art of diluting a two (2) minute  
18 idea with a two (2) hour vocabulary, and I -- I think  
19 I've kind of done that about as much as I can get away  
20 with this morning. I'd like to do a quick round robin  
21 so that everyone knows who is in the house now. This  
22 may change on later days. When new faces come up we'll  
23 do that.

24 You will not have the same level of  
25 detail in your introduction every morning, so please

1 don't look so worried. We're going to start the -- the  
2 round robin over here, please. Please speak into a  
3 microphone and just say your -- your name and what  
4 organization you are with.

5 MR. JOHN BRODIE: Good morning. I'm  
6 John Brodie, Brodie Consulting and consultant to AANDC.

7 MR. PAUL GREEN: Good morning. It's  
8 Paul Green. I'm with the Water Resources Division of  
9 Aboriginal Affairs and Northern Development, or AANDC.

10 MR. BARRY ZAJDLIK: Good morning. My  
11 name's Barry Zajdlik, with Zajdlik and Associates. I'm  
12 a consultant to AANDC.

13 MR. RICK WALBOURNE: Good morning. My  
14 name's Rick Walbourne. I'm here with Fisheries and  
15 Oceans Canada.

16 MS. SARAH OLIVIER: My name is Sarah  
17 Olivier. I'm with the Department of Fisheries and  
18 Oceans.

19 MS. JANE FITZGERALD: Jane Fitzgerald,  
20 Environment Canada.

21 MS. SARAH-LACEY MCMILLAN: Sarah-Lacey  
22 McMillan, also with Environment Canada.

23 MR. JOHN KING: John King, Natural  
24 Resources Canada.

25 MR. BILL SHEPARD: And Bill Shepard,

1 Fortune Mineral, supply chain management.  
2 MR. JIM MUCKLOW: Jim Mucklow, Fortune  
3 Minerals.  
4 MR. MIKE DECARLO: Mike DeCarlo,  
5 Fortune Minerals.  
6 MR. TOM RINALDI: Tom Rinaldi, Fortune  
7 Minerals.  
8 MR. RICK SCHRYER: Rick Schryer,  
9 Fortune Minerals.  
10 MR. PAT MOLONEY: Pat Moloney, Fortune  
11 Minerals.  
12 MR. CHARLIE-JIM NITSIZA: Charlie  
13 Nitsiza, Fortune Minerals.  
14 MR. JOHN FAITHFUL: John Faithful,  
15 Golder Associates.  
16 MR. JASON PARVIAINEN: Jason  
17 Parviainen, for Golder Associates Limited.  
18 MR. JOHN VIRGL: John Virgl, Golder  
19 Associates.  
20 MR. CAMERON STEVENS: Cam Stevens,  
21 Golder Associates.  
22 MS. JEN GIBSON: Jen Gibson, Golder  
23 Associates.  
24 MR. GARY ASH: Gary -- Gary Ash, Golder  
25 Associates.

1 MR. KEN DE VOS: Ken De Vos, Golder  
2 associates.

3 MR. KEN BOCKING: Ken Bocking, Golder  
4 Associates.

5 MR. TYREL LLOYD: Ty Lloyd, McElhanney  
6 Consulting.

7 MS. MADELAINE PASQUAYAK: Madelaine  
8 Pasquayak, Tlicho Government.

9 MS. KATHY RACHER: Kathy Racher,  
10 Wek'eezhii Land and Water Board.

11 MR. RYAN FEQUET: Ryan Fequet,  
12 Wek'eezhii Land and Water Board.

13 MS. SARAH ELSASSER: Sarah Elsasser,  
14 Wek'eezhii Land and Water Board.

15 MR. JAMES HUDSON: James Hudson,  
16 Canadian Wildlife Service of Environment Canada.

17 MR. HENRY ZOE: Henry Zoe, the Tlicho  
18 Government.

19 MR. TODD SLACK: Todd Slack, Lands and  
20 Environment, YKDFN.

21 MR. LIONEL MARCINKOSKI: Lionel  
22 Marcinkoski, with AANDC.

23 MR. MURRAY CUTTEN: Murray Cutten,  
24 Municipal and Community Affairs, Government of the  
25 Northwest Territories.

1 CHIEF CLIFFORD DANIELS: Chief Clifford  
2 Daniels, from Behchoko Tlicho Government.

3 MR. AL MACDONALD: Al MacDonald, with  
4 SENES Consultants.

5 MR. LORETTA RANSOM: Loretta Ransom,  
6 Government of the Northwest Territories.

7 MS. SARAH TRUE: Sarah True, ENR.

8 MS. ANDREA PATENANDE: Andrea  
9 Patenande, ENR.

10 MS. KATE WITHERLY: Kate Witherly,  
11 Northern Projects management office.

12 MR. DEAN CLUFF: Dean Cluff, ENR North  
13 Slave.

14 MR. BRUNO CLUFF: Bruno Cluff, ENR,  
15 North Slave.

16 MS. AILEEN STEVENS: Aileen Stevens,  
17 ENR.

18 MS. KARIN CLARK: Karin Clark,  
19 Wek'eezhii Renewable Resources Board.

20 MR. GLENN SORENSEN: Glenn Sorensen,  
21 GNWT.

22 MS. SARAH BAINS: Sarah Bains, SENES  
23 Consultants.

24 MR. GERD WIATZKA: Gerd Wiatzka, SENES  
25 Consultants.



1 MR. JAN ADAMCZEWSKI: Jan Adamczewski,  
2 with ENR Headquarters, Wildlife.

3 MS. KERRI GARNER: Kerri Garner, Tlicho  
4 Government.

5 DR. ALLICE LEGAT: Allice Legat, with  
6 Gagos Social Analysts.

7 MR. SONNY ZOE: Sonny Zoe, Tlicho  
8 Government.

9 MR. JOHN B. ZOE: John B. Zoe, Tlicho  
10 Government.

11 DR. GINGER GIBSON: Ginger Gibson,  
12 Tlicho Government.

13 MS. MARJORIE MATHESON-MAUND: Marjorie  
14 Matheson-Maund, Tlicho Government.

15 MR. GEORGE MCKENZIE: George Mckenzie,  
16 free coffee, tech boards.

17 THE FACILITATOR HUBERT: Chuck Hubert,  
18 Review Board. Thanks -- oh, sorry.

19 MR. FONS SCHELLEKENS: Fons  
20 Schellekens, Natural Resources Canada.

21 THE FACILITATOR HUBERT: Chuck Hubert,  
22 Review Board. Thanks very much, everybody. And I'd  
23 like to invite Fortune to begin their presentation,  
24 please.

25

1 (BRIEF PAUSE)

2

3 PRESENTATION BY FORTUNE MINERALS LIMITED:

4 MR. TOM RINALDI: Good morning. I'm  
5 Tom Rinaldi, with Fortune Minerals. I'm going to give  
6 a brief introduction to the project, and then I'm going  
7 to turn it over to Rick Schryer, who's going to finish  
8 the presentation on the technical issues.

9 The first slide here is just an artist's  
10 rendition of what the plant site facilities would look  
11 like. This would be the mill building, services  
12 building, camp, and fuel tanks, et cetera, here.

13 This is just a forward look -- looking  
14 statement, being as we're a junior mining company. I'm  
15 not going to go through it because it is in the  
16 handout.

17 Okay. A quick update on the NICO  
18 project. Design changes include -- we've cancelled the  
19 -- the plans to build an air strip on site. In order  
20 for the NICO project to go forward, we need an all  
21 season road. It's because we are a base metal mine,  
22 and it'll require the shipment of concentrate on a  
23 daily basis, three hundred and sixty-five (365) days a  
24 year. In addition to that, primary transportation to  
25 the site is going to be over the road, and any sort of

1 emergency requirements of the airport, we feel that we  
2 would probably be able to use the airport in the  
3 community of Whati.

4                   As far as water treatment goes, we've  
5 switched from an ion exchange treatment plan to reverse  
6 osmosis. Rick will go over that in more detail later  
7 on in the -- in the presentation.

8                   We've constructed co-disposal fuel cells  
9 on site for the NICO co-disposal facility. This is to  
10 demonstrate the effluent coming off of the co-disposal  
11 facility as we have planned it.

12                   Underground mining has been shortened.  
13 Originally it was about two (2) to two and a half (2  
14 1/2) years, and now it's down to just a little bit less  
15 than one (1) year. It doesn't change the overall  
16 footprint of any -- of anything. It's just -- this was  
17 an economic decision to lessen the cost of the  
18 underground mining, and -- and to get the high grade  
19 out in the initial twelve (12) to eighteen (18) months.  
20 Because of this, it'll be a very small underground  
21 program, and all that work will be done by a  
22 contractor.

23                   Last summer we did a little bit of  
24 reclamation on site. The site has been cleaned up. It  
25 is in a care and maintenance status right now, until --

1 until we get through the permitting process, and -- and  
2 move toward construction.

3 This is a shot of the exploration camp  
4 on Lou Lake in 2009. And this shot here demonstrates  
5 some of the reclamation activities that were done this  
6 -- this past summer.

7 If you look -- the -- the dock is still  
8 here. This is a building we refer to as the "core  
9 shack". It is still in place. We have a couple of "C"  
10 containers right here for storage, and there's a small  
11 building over in here.

12 This is a land farm for soil remediation  
13 of contaminated soils. That's still in place, but  
14 everything in here has all been cleaned up, and all the  
15 trash has been removed.

16 What we refer to as -- as the new  
17 exploration camp is right here, it is still in place.  
18 The core storage is still here, and we have some fuel  
19 storage and then an incinerator up in this area. The -  
20 - the mine site is over this ridge right in here.

21 A quick summary. The life of mine will  
22 be approximately eighteen (18) years. We have an ore  
23 reserve of 31 million tonnes. This shows the different  
24 volumes of the different metals that we'll be mining:  
25 cobalt, gold, bismuth, and copper. Production through

1 the plant will be 4,650 tonnes per day, or 1.7 million  
2 tonnes per year. Mining will be in excess of that  
3 depending on the stripping ratio. The average  
4 stripping ration for life of mine is right around 3  
5 tonnes of waste per tonne of ore.

6                   Again, open pit and underground in the  
7 first year to year and a half. Approximately ten (10)  
8 months of -- of underground mining, but it will bridge  
9 between year 1 and year 2 of the mine life. And then  
10 the open pit will be from the very beginning through  
11 the end of the project.

12                   It will be conventional mining with --  
13 with standard rigid framed trucks and loaders. And the  
14 mill will produce approximately 180 tonnes of  
15 concentrate per day that needs to be trucked to Hay  
16 River and put on the rail for shipment to southern  
17 Canada.

18                   The concentrate we produce is -- is  
19 basically what contains all the valuable metals. It  
20 will contain the cobalt, gold, bismuth, and copper. We  
21 produce it by using a process called floatation; we  
22 crush the rock and grind it into a very fine sand  
23 material. We will add flocculates and -- and  
24 surfactants in the floatation process to separate the  
25 metals from the rock so that they can be recovered, put

1 into a concentrate and shipped to Saskatchewan for  
2 further processing. Less than 5 percent of the mat --  
3 of the material that we'll be running through the mill  
4 contains the -- the metals that we're going for.

5 This requires use of the road for supply  
6 of the -- of the project. It requires delivery of  
7 fuels, supplies, people to the mine; and the metal  
8 concentrate will be the main product being shipped out.

9 This will be the standard truck  
10 configuration, except it will not be bulk hoppers. We  
11 propose to ship the concentrate out in -- in double-  
12 lined Super Sacks. Again, the other primary use of the  
13 road will be -- will be fuel. So concentrate and fuel  
14 will be -- will be the main traffic going in and out of  
15 NICO on a -- on a daily basis.

16 We propose an all weather road. And it  
17 will be required because just too many shipments and  
18 too much weight to do it by air.

19 This is basically what the concentrate  
20 will be shipped out in; double-lined bags of  
21 approximately this size will be put on flatbed trucks  
22 and -- and shipped to Hay River for -- put on the  
23 railway to southern Canada.

24 Just a quick map of -- of showing the --  
25 the two (2) areas. The NICO project up here,

1 Yellowknife is here, Hay River is here. The plant  
2 we're proposing is just outside of Saskatoon, about 26  
3 kilometres northwest.

4 We've decided to ship 65,000 tonnes per  
5 year, that's approximately 180 tonnes a day, by truck  
6 and rail to the plant. The positive effects for the  
7 Northwest Territory are it will create additional  
8 employment opportunities for trucking of the  
9 concentrate. It removes most of the chemical processes  
10 that will be used at the mine site. A lot of the  
11 arsenic that is tied up with the -- with the -- the  
12 metal is in the concentrate and is now shipped from  
13 site to the refinery in -- just outside of Saskatoon.  
14 So it -- it eliminates a lot of the arsenic in the  
15 tailings. It also -- and by not using the chemicals in  
16 the Northwest Territories it eliminates a lot of truck  
17 -- truck traffic to bring those up here. The -- the  
18 overall result is a small increase in truck traffic  
19 from what the original proposal was.

20 Road access. This is a -- you can see  
21 where the flashing star is, that's where the project is  
22 located. Again, Behchoko here, Whahti, Gameti up in  
23 here. The black line here is the existing alignment of  
24 the winter road that is currently in use.

25 This was a pro -- this is the -- a

1 proposed routing for the all-land winter road that was  
2 proposed by DOT several years ago. And Fortune will  
3 assist the Tlicho Government and the Northwest  
4 Territories to upgrade this road into an all-season  
5 road.

6 Mine access is -- what we refer to as  
7 the NPAR or the NICO Project Access Road, which is 27  
8 kilometres between the proposed DOT road here and the  
9 Fortune lease boundary. It's approximately 27  
10 kilometres to the lease boundary and there's four (4)  
11 small stream crossings and one (1) bridge across the  
12 Marian River. We -- we chose this location because  
13 it's one (1) of the narrowest points in the area where  
14 we're proposing to put the road.

15 This is a shot of the -- the Whati Road  
16 that was put in by the community of Whati. The reason  
17 for this shot is just to -- this is similar to the road  
18 we proposed, the 27 kilometre road.

19 At this point, I'm going to turn it over  
20 to Rick Schryer and he's going to discuss some of the  
21 technical issues that we're going to be reviewing in  
22 the next few days.

23 MR. RICK SCHRYER: Thank you, Tom, and  
24 good morning everyone. We were just -- Tom was just  
25 talking about the road. In the next slide here, we're



1 going to be talking a little about caribou at the NICO  
2 project site.

3                   The NICO project is within the winter  
4 range of the Bathurst caribou herd and we have some  
5 posters up on the wall there to demonstrate both the  
6 summer and winter ranges.

7                   We've been conducting surveys of -- for  
8 caribou at the NICO site for about ten (10) years now.  
9 And we've observed what we call low numbers of caribou  
10 in the NICO regional study area. The numbers that  
11 we've observed is anywhere from no caribou at all to  
12 around the maximum -- around a thousand in the RSA in  
13 one (1) year.

14                  Our analysis shows that the NPAR, or the  
15 NICO Project Access Road, is going to have a minimal  
16 impact or -- to potential to increase access to caribou  
17 simply because of where it is. It's on the edge of the  
18 Bathurst caribou herd's winter range, and there just  
19 isn't a lot of animals in that area. So, overall, we  
20 expect the -- the neg -- the impacts from the NICO  
21 project to be negligible of -- for caribou because of  
22 its location and the design of the project.

23                  These, again, are the same posters that  
24 are on the wall. This shows that the NICO project is  
25 just on the edge of the winter range for the Bathurst

1 herd. If we look at the next slide for the summer  
2 distribution, we see that the NICO project is well  
3 outside of the range -- the summer range for the  
4 Bathurst herd.

5                   One (1) of the other updates that we've  
6 already -- we already submitted the letter to the Board  
7 on this, in terms of our change in effluent treatment  
8 technology. As Tom mentioned, we were previously going  
9 to use a technology called ion exchange, IX. We've  
10 decided that a better technology for us to use for this  
11 project is called reverse osmosis, along with some  
12 chemical and biological treatment.

13                   RO is basically the best water treatment  
14 system available out there. It's used world-wide in a  
15 variety of applications. The Key Lake Mine, the  
16 uranium mine in Saskatchewan, uses RO. It's used for  
17 making drinking water. It's basically the best water  
18 treatment system available. The best technology  
19 available. It's done through chemical precipitation to  
20 remove the majority of the metals and then active  
21 biological treatment in two (2) steps, which removes  
22 the selenium anaerobically and the ammonia aerobically.

23

24                   One (1) of the issues we had when we had  
25 the -- when we looked at the chemistry of the -- what

1 the ion exchange system would provide, is that the  
2 selenium and the ammonia were still at levels that we  
3 felt needed to be lower. And so, with the introduction  
4 of the RO system, we've been able to decrease the  
5 potential levels of ammonia and selenium in our  
6 effluent to levels that meet our site specific -- site  
7 specific water quality objectives.

8                   There's a number of steps in the RO.  
9 You've got it in your presentation. I'm not going to  
10 go through every one, but these are the -- the overall  
11 steps that are part of the reverse osmosis system that  
12 we're going to be introducing for the NICO site.

13                   I don't expect you to read this -- the  
14 numbers here. They are on a poster -- I'm not sure  
15 where that poster is. Okay, it hasn't been put up yet,  
16 but it will.

17                   What we did here, though, is we just  
18 simply showed what the chemistry would be for the ion  
19 exchange system, versus the reverse osmosis system, and  
20 what the differences are in terms of the chemistry.

21                   When you look at the table, you'll note  
22 that some of the metals in the -- with the RO are  
23 slightly higher than they were with RX (sic) -- with  
24 the -- sorry, with IX. And that's true that -- that  
25 the -- the RO system, for some of the metals, the

1 levels are a little bit higher. But the advantage of  
2 RO, first of all, is the removal of the selenium and  
3 ammonia. But, also it's a more robust system. It can  
4 handle fluctuations in effluent quality much better  
5 than the IX system can. And so, overall, it's a much  
6 better overall robust system that allows the -- the  
7 Fortune Minerals project to meet its site specific  
8 water quality objectives on a consistent basis.

9               This is basically just a summary of what  
10 I just said. The bottom here is that with the RO we  
11 meet all limits. It's a more robust system that allows  
12 you to -- to be able to handle changes in your eff --  
13 in your influent quality and it produces a secondary  
14 waste that's more stable and it is compatible for  
15 disposal onsite. What we would do is what's called the  
16 -- the brine from the RO is it's going to go into the -  
17 - the CDF, the Co-Disposal Facility, during operations.

18               I just wanted to go over where the water  
19 flows in the NICO project just to make sure everybody  
20 understands the relationship of the NICO project here  
21 in relation to Hislop Lake, which we've been -- you  
22 know, our traditional knowledge studies and our -- our  
23 discussions with the Tlicho people have told us that  
24 this is a site of very great importance to the Tlicho  
25 people.

1                   So if we look initially at that first  
2 blue line, that's the water -- the Marian River coming  
3 into Hislop Lake. It's the water coming from Lou.  
4 This would be the water coming from the project. It  
5 would go through here, through Burke Lake down into the  
6 Marian River and down. The main point of this slide is  
7 that the project is downstream of Hislop Lake and its  
8 effluent here goes into the Marian River well  
9 downstream of that lake.

10                  As we've also updated the Board earlier,  
11 we've decided that we will not construct an airstrip at  
12 the NICO site. It's simply because of the lim -- the  
13 very limited amount of -- of air support that we need  
14 for this project, it simply didn't make sense to build  
15 an airstrip there. For the small amount of aircraft  
16 that we're going to need to come into this site it --  
17 it made a lot more sense to simply use the existing  
18 airstrip in Whati. Because of the removal of this  
19 airstrip what we'd rather do instead of spending money  
20 to build the airstrip is actually build a little bit of  
21 infrastructure in the community of Whati that they  
22 could use both during operations and after the project  
23 is over.

24                  The advantage of removing the airstrip,  
25 from an -- from an environment perspective, is that,

1 first of all, we get rid of a lot of the -- the biggest  
2 source of noise we had with the project, which was the  
3 com -- the aircraft coming in and taking off, but also  
4 the dust generation at the airstrip, and just the  
5 physical disturbance. The airstrip would have been  
6 about, you know, a kilometre long and about 30 metres  
7 wide, and we kind of take that disturbance right off  
8 the board.

9                   As I mentioned, you know, having a bit  
10 more infrastructure at the Whati Airport will be --  
11 will create employment opportunities and some  
12 infrastructure there. It'll extend beyond the life of  
13 the NICO project.

14                   We've already had -- we had an informal  
15 discussion with DOT just to see if it was possible that  
16 we could actually use the airstrip. The airstrip is  
17 run by the -- the Government -- the Transportation  
18 Division of the Government of the Northwest  
19 Territories. So we talked to them about a possible  
20 lease. There's a number of steps that we'd have to go  
21 through. And when it comes time to actually have some  
22 -- some detailed negotiations with the Government of  
23 the GNWT over the use of the airstrip, we'll be  
24 inviting the Tlicho Government to join us.

25                   The project has gone through a number of

1 design changes over the years. And this is important  
2 from a variety of aspects and it leads us into out  
3 discussions down the road concerning the Co-Disposal  
4 Facility.

5                   But if we look at our initial design in  
6 -- it's not an initial design, but the design we had in  
7 2007, just use the open pit as your -- as your marker  
8 here, and you -- you can -- you'll be able to orient  
9 yourselves. But basically what we have here is this is  
10 the open pit. We had a mine rock and tailings disposal  
11 area here, and another mine rock and tailings disposal  
12 area here. So there were -- and you can see the -- the  
13 overall footprint was considerably larger. We refined  
14 the design in 2009, where we had a single tailings  
15 disposal area here and a separate mine rock disposal  
16 area here, this being again the open pit.

17                   Now we move to 2012. This is what we  
18 submitted in the DAR. These are the areas of  
19 disturbance. Now you see that the mine rock area is  
20 gone from here and that we've been -- with the co-  
21 disposal we'll be able to put the tailings and mine  
22 rock in a single location. It has the -- there's a  
23 number of benefits that we'll talk about later about  
24 the CDF, but overall you can see the advantage from the  
25 reduction of the footprint of the project.

1                   And you'll see the airstrip at the  
2 bottom here. So now what we see is there's no longer  
3 an airstrip, so the only thing down here is the access  
4 road coming into the project. And this is the overall  
5 footprint here. Quite compact. Pretty much as compact  
6 as we can make it.

7                   So why co-disposal? Well, it allows for  
8 better water management because it's concentrated in a  
9 single watershed instead of two (2) watersheds as we  
10 had previously. It allows for more efficient collect --  
11 water collection and man -- and maximizes the rate of  
12 consolidation of the tailings. It has a -- and a  
13 benefit from an aesthetics point of view. One (1) of  
14 the things that the Elders told us, both in -- in Wahti  
15 and Gameti is that they didn't want to see a big pile  
16 of rocks from Hislop Lake.

17                  If you look at our 3D models in the  
18 back, you'll see that the co-disposal facility has been  
19 designed to be lower than the surrounding hills, so  
20 that you cannot see it from Hislop Lake. And that's  
21 just, like I said, an aesthetic value that the Tlicho  
22 people told us that they didn't want to see this huge  
23 pile of rocks.

24                  We have improved stability for the --  
25 overall improved stability for the -- the structure.



1 And of course improved water quality.

2                   The rocks -- the -- the rocks at the  
3 NICO project, the ore, a lot of them will leach arsenic  
4 at any pH. It does -- it's not a matter of ARD. They  
5 will leach arsenic at a pH of eight (8). The best way  
6 to deal with these rocks is to isolate them within the  
7 tailings and reduce the amount of water and oxygen that  
8 can reach them, thus cutting off their ability to  
9 generate arsenic.

10                   So that's one (1) big advantage of the  
11 CDF, is it basically cuts off the oxygen ingress and  
12 infiltration into the -- the mine rock, which would  
13 essentially be surrounded by tailings. As we ment --  
14 as I shown earlier on the slides previously, we get a  
15 reduced footprint. About 35.5 percent of the thickened  
16 tailings is anticipated to fill the spaces in-between  
17 the rocks so it reduces the overall volume of the  
18 facility.

19                   We eliminate the mine rock management  
20 area that we had previously. That just wasn't -- when  
21 we looked at it from a geochemical perspective, having  
22 a separate mine rock area that was exposed to the  
23 environment would have been a real -- a real headache  
24 at closure in terms of having that arsenic leaching out  
25 on almost a perpetual basis.

1                   So that's one (1) big advantage of the  
2 co-disposal. We also get quite a bit of dust control.  
3 It'll -- the co-disposal facility will significantly  
4 reduce wind and water erosion. The tailings in the  
5 disposal cells, we'll be creating cells for disposal,  
6 and they'll be covered with mine rock shortly after  
7 they're filled.

8                   Another big advantage of the CDF is that  
9 it will allow for progressive closure. By the time  
10 we're ready to close the project, we'll have about 85  
11 percent of the CDF already covered, and ready for the  
12 next 15 percent. And so we'll be progressively  
13 reclaiming the CDF as we go along. Two (2) advantages,  
14 obviously, in that we'll be moving closer to a closure  
15 condition during operations, but it also allows us to  
16 test our cover material, test some of our initial  
17 revegetation techniques, and allows us to plan more --  
18 with more certainty towards a final closure condition.

19                   In order to be able to get a better idea  
20 of what the water quality is going to be coming off  
21 this co-disposal facility, we built some test cells on  
22 site last year. So we built these in July of last  
23 year. What we did is we took some tailings from our  
24 latest pilot plan operation, and we combined them with  
25 some of the waste rock and mine rock that we have on

1 site from our bulk sample operation in 2006/2007, and  
2 we made these three (3) test cells.

3                   So we had to first of all get the right  
4 mix of mine rock and tailings, the same proportions  
5 that there would be in the CDF. We weighed out the  
6 materials to make sure that they were in the right  
7 ratios. We also put in the correct volume of water,  
8 which is what we're doing here, to make sure that the  
9 tailings had the right consistency.

10                   And what we ended up doing is building  
11 three (3) cells. The first one was simply mine rock  
12 alone, which is essentially a control. The second one  
13 is a fully mixed mine rock and tailings, one where we  
14 physically blended the materials really, really  
15 strongly together. And then the third one was a  
16 layered approach where we put mine rock on the bottom  
17 and then tailings on top.

18                   And then we'll be collecting water from  
19 these cells on a monthly basis to look at the chemistry  
20 as time goes on to -- and this would be -- this will  
21 give us a better indication of what the water quality  
22 will be coming off of the co-disposal facility in the  
23 future.

24                   I wanted to talk to you a bit about  
25 closure. As I mentioned we intend to progressively

1 reclaim the co-disposal facility. Portions of the top  
2 surface of the CDF will be graded, covered, and  
3 reclaimed after they reach their final grade. It's  
4 expected that about 50 percent of the total top surface  
5 area of about 40 hectares will be reclaimed prior to  
6 the end of operations. Or, overall, as I mentioned, 85  
7 percent by the end of operations.

8                   We're going to consider both passive and  
9 active re -- re-vegetation techniques, that will be in  
10 consultation with the Tlicho people in terms of what  
11 their objectives are for re-vegetation. But we can  
12 start doing that during operations so that we have a  
13 better idea of what re-vegetation technique that works  
14 best once we reach actual closure.

15                   So in years 1 and 2 of the initial two  
16 (2) years of closure we'll be closing off and covering  
17 the CDF, we'll be allowing the open pit to flood.  
18 We'll put safety barriers around it. And all the water  
19 from the top of the CDF will be directed towards the  
20 open pit. So the only water inputs into the receiving  
21 environment, which in this case would be NICO Lake,  
22 would be seepage from the CDF into NICO Lake which will  
23 be passed through our wet -- our wetland treatment  
24 areas.

25                   This is a good time to mention our

1 wetland treatment areas. We plan on using wetland  
2 treatment for the dealing for -- for the -- dealing  
3 with the seepage from the CDF. That's a technology  
4 that we're testing right now through some bench-scale  
5 testing. We're also going to be building trial  
6 wetlands during operations to both demonstrate their  
7 efficiency and also be able to put -- have them in  
8 place and operational by the time we reach closure.  
9 The underground openings will be closed and all  
10 buildings will be removed from the plant site. And of  
11 course, that area will be graded to rem -- to promote  
12 plant growth.

13                   So this is what the site will look like  
14 essentially at the end of operations. You'll have the  
15 open pit here, the plant site will be here, the seepage  
16 collection ponds will be here -- are -- are here. This  
17 is the co-disposal facility surface with a small -- the  
18 reclaimed pond will be here, but it will eventually  
19 disappear and all the water will be funnelled down  
20 through here into the open pit.

21                   So if we look at year 1, this is the  
22 cover being installed on the co-disposal facility. The  
23 wetland treatment areas here, the three (3) of them  
24 here are -- are -- have been built and water is  
25 starting to build in the open pit and some of the site

1 is reclaimed. By the time you reach year 2 the plant  
2 site is completely gone. The CDF is completely  
3 covered, water is continuing to build in the open pit,  
4 and the three (3) wetlands will be dealing with the  
5 small amount of seepage that will be coming over --  
6 coming through the co-disposal facility.

7                   Our expectation with the design of this  
8 facility is that water quality will get better over  
9 time. Initially what you'll have is processed water  
10 that's entrained with the tailings will be slowly  
11 working its way out of the co-disposal facility. What  
12 happens after that is that basically there's no --  
13 there's very little water input from the cover here, so  
14 the flows from the CDF will decrease and decrease and  
15 decrease over time with improved water quality as this  
16 processed water moves its way out.

17                   So what happens from year 3 to 120?  
18 Well, we'll be looking at our re-vegetation efforts and  
19 monitoring it to make sure that they're adequate. The  
20 open pit will continue to flood and it will probably  
21 take about a hundred and twenty years. That's a very  
22 conservative measure, by the way. We're -- that's kind  
23 of the worst-case scenario that we've looked at.  
24 Obviously we'll be looking at water quality and other  
25 environmental components.

1                   As I mentioned the on -- while the open  
2 pit is filling the op -- the only water that will  
3 actually be coming off the project will be the seepage  
4 from the CDF which we will pass through the wetland  
5 treatment areas. And if the wetland treatment areas  
6 aren't working, or the water quality isn't adequate,  
7 we'll have a contingency in place to use the -- an  
8 effluent treatment facility. Our water quality  
9 assumptions were very conservative. The amount of  
10 metals in the CDF are finite and are expected to  
11 deplete over time, as I mentioned, as the porewater is  
12 flushed out.

13                   So this is the closure condition at year  
14 5. The only difference, really, here is that there  
15 would be more vegetation on top of the -- the co-  
16 disposal facility and the open pit will be more -- will  
17 be -- have more water in it. Year 25, again, the only  
18 difference here is the open pit has more water in it,  
19 but really nothing has changed for the rest of the  
20 site.

21                   So what happens when the open pit fills  
22 at about year -- year 120? Water quality monitor --  
23 we'll go in, obviously, before the open pit overfill --  
24 overfills. Water quality will be monitored in the open  
25 pit to determine whether or not it's adequate for

1 discharge. If treatment is required, there's a number  
2 of in-pit treatment scenarios that we could look at  
3 such as the addition of nutrients to promote algae  
4 growth or the addition of ferric sulfate. We could  
5 also let -- allow the pit to overflow and it would be  
6 directed to a wetland treatment area prior to release  
7 into Peanut Lake.

8                   The preliminary results from our bench-  
9 scale testing show that the passive treatment system,  
10 using a -- water -- water from our process plant -- the  
11 pilot test, we got an order of magnitude reduction in  
12 the level of metals, passing it through this passive  
13 wetland treatment. So we're very -- it's very  
14 encouraging.

15                   This would be the final closure  
16 condition, where water from the open pit is -- the open  
17 pit is full and this water runs down the hill into  
18 wetland treatment 4 and then goes into Peanut Lake, if  
19 it isn't treated in the pit itself. And that's  
20 assuming that -- that the water treatment -- that the  
21 water requires treatment at all.

22                   We'll move ahead here to a little bit of  
23 discussion on community consultation. We had a  
24 workshop with the community of Wahti in August of 2010,  
25 to discuss the road. That's just one (1) of our



1 continuing consultation efforts that we've had with the  
2 Tlicho people and the Tlicho Government. We've hired a  
3 community relations coordinator, such as Charlie-Jim  
4 Nitsiza and Shawn Moosenose. We've just offened --  
5 opened an office in Yellowknife here, on -- behind the  
6 EMAV (phonetic) office where the Champagne Room is.

7                   And our next formal visits for community  
8 consultation in the Tlicho communities of Gameti,  
9 Wahti, Wekweti and Behchoko are scheduled tentatively  
10 for March 26th to 30th of this year. Our plan is to  
11 take, basically, this technical workshop to the  
12 communities.

13                   We've been doing site visits at the NICO  
14 site for a long time now. This is just some of the  
15 people that have visited the site in 2006 and 2010. So  
16 we've had a variety of -- of different Tlicho Elders  
17 and leaders and other interested parties come to the  
18 site. We also, specifically, last year had Elders  
19 tours of the site, where we took elders from all four  
20 (4) communities to the NICO site and gave them a tour  
21 and gave them a presentation and showed them the 3D  
22 models so that they could have a better appreciation of  
23 what the site looked like.

24                   As you know, we've been running an  
25 exploration camp at the NICO site for some time now.

1 Over that course of that time, we had a lot of activity  
2 from 2007 to 2011. It created sixty-nine (69)  
3 employment opportunities. Fifty-two (52) of those were  
4 filled by First Nations people. About four hundred and  
5 sixty seven thousand dollars (\$467,000) was injected  
6 into the communities as wages. A lot of the surge  
7 labour was provided by the Tlicho Invest -- Investment  
8 Corporation. And overall, we spent about \$1.28 million  
9 on Tli -- directly on Tlicho businesses.

10 For the mine itself, when it gets into  
11 operation, the construction -- we expect construction  
12 employment to be -- reach a maximum of four hundred  
13 (400) people. There would be a hundred and fifteen  
14 (115) people at the mine site at any one (1) time.  
15 There would be around two -- overall, there will be  
16 about two hundred (200) jobs in relation to the NIC --  
17 direct employment with the NICO project. As Tom  
18 mentioned earlier, because of the decreased length in  
19 the underground, that will be contracted. But there  
20 will be twenty-four (24) contracted underground jobs  
21 for that eight (8) to ten (10) month period.

22 We expect the camp wages to be around  
23 25.9 million and contributions to the government to be  
24 about 2.8 million in the form of EI and Canada --  
25 Canada Pension Plan.

1 I'm not going to go through this in  
2 detail. It's in your presentation, but these are --  
3 this is a summary of the types of jobs that would be  
4 available at the NICO project.

5 If anybody has any questions on supply  
6 chain opportunities I'll go through this, but Bill  
7 Shepard is here from Fortune Minerals and he can answer  
8 a lot of these questions.

9 We'll have -- currently we have a  
10 hundred and fifteen (115) suppliers, slem -- seventeen  
11 (17) we are directly with First Nations, ninety-nine  
12 (99) of them were northern. And in the future we  
13 expect to be looking for people to provide food  
14 services, trucking, labour and machine operations,  
15 environmental support, waste handling, transportation,  
16 communication, and reclamation services.

17 Fortune Minerals has tried to be  
18 supportive of activities in the communities. We've  
19 sponsored a handball tournament, and the -- the  
20 Behchoko spring carnival. They -- they're -- we're  
21 very proud of the school snack program, youth hockey in  
22 the communities. You can see Jim and Tom here, and  
23 Pat, at the Aboriginal day barbecue that we sponsored  
24 last day. Father's Day celebrations. So we're trying  
25 to get involved in community activities to try to

1 support community activities in the -- within the  
2 Tlicho region.

3                   Finally I'd just like to speak a little  
4 bit about the agreements that we've signed with the  
5 Tlicho Government. We've signed what's called -- what  
6 we called a cooperative relationship agreement, which  
7 is the framework and a path forward for future  
8 negotiations with the Tlicho people on a -- on a  
9 variety of -- of subjects.

10                   We've also sponsored a traditional  
11 knowledge study that the Tlicho Government is  
12 conducting themselves in relation to the NICO project.  
13 And this information will be fed into the environmental  
14 assessment process.

15                   But I also -- I -- I expect -- fully  
16 expect that this information will be used in the -- to  
17 help in the development of things like the aquatic  
18 effects monitoring plan, the closure plan, the wildlife  
19 monitoring plan, and any other of the monitoring plans  
20 that we'll need to have in place in order to  
21 successfully operate this mine.

22                   We've also signed an environmental  
23 funding -- assessment funding agreement that's  
24 providing funds to the Tlicho Government to allow them  
25 to have the resources to conduct an independent review

1 of the DAR on their own. So we're very happy to have  
2 done that, and I think it's -- it's working out well.

3 And with that, I'll say mahsi cho, thank  
4 you, and we -- I guess we're going to take a break,  
5 Chuck, or are we're going to have questions right away?

6 THE FACILITATOR HUBERT: Thanks very  
7 much for that presentation. We -- we will, in fact,  
8 take a break according to the agenda.

9 One (1) thing I'd like to mention,  
10 however, is it okay if we place this presentation on  
11 our public registry?

12 MR. RICK SCHRYER: Of course.

13 THE FACILITATOR HUBERT: The answer is,  
14 Of course. Thanks. All right. Well, forgive me if I  
15 continue to ask obvious questions throughout the next  
16 three (3) days, but I might.

17 Thanks very much, people -- people in  
18 the audience for holding back on your questions. And  
19 we'll take a twelve (12) or thirteen (13) minute break,  
20 until 10:15, and you can ask questions at that point.  
21 Talk to you then. Bye.

22

23 --- Upon recessing at 10:02 a.m.

24 --- Upon resuming at 10:20 a.m.

25

1 QUESTION PERIOD RE MINE WASTE AND PERMAFROST:

2 THE FACILITATOR HUBERT: Good morning  
3 again. Chuck Hubert, with the Review Board. If we can  
4 get started again, that would be great. I'd like --  
5 thanks very much, once again, for the -- for the  
6 presentation, and thanks also to participants here for  
7 refraining and holding off on their questions until  
8 after the presentation's complete.

9 I've realized there may be some  
10 crossover between questions from the presentation and  
11 our next topic, mine waste management, waste rock, as  
12 well as tailings. But if -- if we're ready, I'd like  
13 to give the opportunity for parties in the audience to  
14 ask questions of the Developer on what we've heard in  
15 the presentation. Thanks.

16

17 (BRIEF PAUSE)

18

19 THE FACILITATOR HUBERT: Just one (1)  
20 other comment. Chuck Hubert, with the Review Board.  
21 We've had a request from Tlicho Government to -- and  
22 bring some clarity to the scope of development as it  
23 relates to access. And we will be doing that later on  
24 today. For now, I'd like to continue with questions  
25 from the presentation, please. So anybody with

1 questions please go ahead now.

2

3 (BRIEF PAUSE)

4

5 THE FACILITATOR HUBERT: Thank you.

6 And please state your name before you ask the question.

7 Thanks.

8 CHIEF CLIFFORD DANIELS: Thank you.

9 Chief Daniels. I've got comments regarding traditional  
10 knowledge. There's about four (4) of them. The Tlicho  
11 Government has funds from Fortune Mineral to complete a  
12 traditional knowledge study for the proposed Fortune  
13 mineral mines. The depth of knowledge of the Tlicho  
14 people need to be brought into the technical review so  
15 the potential impacts of this mine will be understood  
16 on the people, the land, and the animals.

17 The collection of traditional knowledge  
18 by the Developer was extremely limited. It was not  
19 collected well and it was not used for planning and  
20 understanding the impacts of the proposed mine. We ask  
21 that all parties respectfully manage and treat this  
22 knowledge. This means there is -- has to be enough  
23 time given to the process of collecting this knowledge,  
24 studying it and including it in the review of the  
25 proposed mine. Mahsi.

1 THE FACILITATOR HUBERT: Thank you.

2 Would Fortune like to respond?

3 MR. RICK SCHRYER: Question. Rick  
4 Schryer, Fortune Minerals. Was there a question that  
5 was asked? I don't really have a comment on that.

6 THE FACILITATOR HUBERT: Chuck Hubert.  
7 If you have further questions please continue, or  
8 further comments please continue, either way.

9 MR. HENRY ZOE: Henry Zoe, Tlicho  
10 Government. I guess the -- the point that Chief  
11 Daniels is making is that the traditional knowledge is  
12 a very important part of this process. And although  
13 the Proponent has -- has done their own traditional  
14 knowledge, we don't think it's sufficient.

15 And -- and the mine -- the Proponent has  
16 given us funds to undertake traditional knowledge task.  
17 So now what we're saying is that the -- the traditional  
18 knowledge component of it is very important and it's  
19 got to be integrated into -- into the DAR, the DAR  
20 report that -- that you guys have done. It's not  
21 reflected in it right now. So what we're saying is  
22 that we want to make sure that the traditional  
23 knowledge findings be incorporated into -- into the --  
24 the DAR report. Thank you.

25 THE FACILITATOR HUBERT: Thanks very



1 much. Chuck Hubert. I -- I guess if I can sort of  
2 phrase a question out of that to Fortune it would be:  
3 Will Fortune Minerals incorporate the traditional  
4 knowledge into their -- into their project design going  
5 forward?

6 MR. RICK SCHRYER: Rick Schryer,  
7 Fortune Minerals. According to the Tli -- the TK study  
8 agreement that we signed with the Tlicho Government,  
9 the schedule for delivery of the traditional knowledge  
10 study is at the end of the environmental review  
11 process.

12 Our anticipation of use of that  
13 information was that we were going to look at it in  
14 terms of moving forward with the -- with the project in  
15 the -- for the incorporation of traditional knowledge  
16 into the water licensing phase in terms of, as I  
17 mentioned in my presentation, things like the aquatic  
18 effects monitoring plan, the wildlife monitoring plan,  
19 closure plans. Development of all those plans,  
20 community wellness monitoring, and -- and hopefully use  
21 that information to develop the plans that'll help us  
22 construct and operate the mine in a -- in a manner that  
23 is acceptable to the Tlicho people according to the  
24 information that they've gathered in the traditional  
25 knowledge study.

1 Thank you.

2 THE FACILITATOR HUBERT: Thank you.

3 Follow-up question?

4 MR. HENRY ZOE: Henry Zoe, Tlicho  
5 Government. I -- I realize that that's the -- the plan  
6 that the Developer is -- is anticipating how it's going  
7 to use this tradit -- traditional knowledge. But  
8 nevertheless what we're saying is that we feel that --  
9 that all phases of your DAR report's got to be  
10 revisited and the TK study should be reflected in -- in  
11 the DAR report before we -- you do the other things.

12 That's -- that's what we're saying. And  
13 we're looking for an undertaking by the Developer.  
14 Thank you.

15 MR. RICK SCHRYER: Rick Schryer,  
16 Fortune Minerals. Of course, that'll depend on the --  
17 on the time of delivery for the traditional knowledge  
18 study.

19 As I mentioned, the schedule right now  
20 is for at the end of the environmental assessment  
21 review process is what we tentatively scheduled as the  
22 delivery date.

23 We understand that the traditional  
24 knowledge study has a field component to it that will  
25 be -- basically field cams will be set up on Hislop

1 Lake, and that that will require time to -- to do. In  
2 terms of incorporation of traditional knowledge into  
3 the actual environmental assessment document, we can  
4 undertake that, assuming that the traditional knowledge  
5 study arrives at the time that it is scheduled to  
6 arrive.

7

8 (BRIEF PAUSE)

9

10 THE FACILITATOR EHRLICH: Alan Ehrlich  
11 here with the Review Board. I -- I'm not intimately  
12 familiar with the precise schedule for the remainder of  
13 the environmental assessment. Rick, are you saying  
14 that the traditional knowledge study is expected to  
15 arrive far enough in advance of -- of the completion of  
16 this EA so that it can be used as a frame of reference  
17 for comparing the -- the predictions that have been  
18 made in the DAR prior to the Review Board's decision?

19 Or are -- or was I just to understand  
20 that that tech -- that TK study was expected after --  
21 around the time that the EA is likely to be completed,  
22 and have use primarily for regulatory purposes and  
23 licensing through things like monitoring plans because  
24 I -- I thought that's what the -- the first answer was.

25 So I guess my question is, What month --

1 what is the -- the schedule for completion date of that  
2 TK study you're describing?

3 MR. RICK SCHRYER: Rick Schryer of  
4 Fortune Minerals. You'd have to actually ask the  
5 Tlicho Government. Like I said, in the agreement it  
6 says the end of the DAR review process is loosely what  
7 is the language that was used for that -- for that  
8 document.

9 Like I said, we acknow -- we know that  
10 there has to be a field component, so I don't  
11 anticipate realistically seeing a report until the  
12 fall, to be honest. I mean, real -- realistically with  
13 a field camp. I don't expect that the Tlicho  
14 Government will be able to actually deliver a report  
15 until the fall of this year.

16

17 (BRIEF PAUSE)

18

19 THE FACILITATOR HUBERT: Chuck Hubert,  
20 Review Board. If I can -- if I can ask the Tlicho  
21 Government to -- to what extent they believe TK has  
22 been incorporated thus far into the DAR that was  
23 submitted?

24 MR. HENRY ZOE: Can you rephrase that?  
25 I am not quite understanding.

1 (BRIEF PAUSE)

2

3 THE FACILITATOR HUBERT: I'll -- I'll  
4 change that question and direct it instead at Fortune.  
5 To -- to reiterate, if I could, to what degree, or --  
6 or extent has TK been incorporated thus far into the  
7 preparation of the DAR?

8 MR. RICK SCHRYER: Rick Schryer,  
9 Fortune Minerals. If we go back and look a little bit  
10 at the history of the traditional knowledge study that  
11 the -- that Fortune Minerals undertook, we were able to  
12 conduct interviews in the communities of Wahti and  
13 Gameti. But, at the request of the Tlicho Government,  
14 we ceased the study.

15 That was primarily due to -- there was a  
16 death in Wekweti and that delayed things, but we had  
17 received a request from the Tlicho Government to stop  
18 the study in order for them to have a review of the  
19 interview forms that we had -- we were using. These  
20 interview forms had been -- we had received a TK  
21 research permit from the Aurora College and they had  
22 been reviewed. We were told they had been reviewed by  
23 Tlicho lands prior to the issuance of this permit.

24 So we -- we stopped the study. We allow  
25 -- we submitted the -- the forms again to the Tlicho

1 Government. We didn't receive any comments back and we  
2 were never instructed to complete the study.

3                   That being said, we incorporated the Tli  
4 -- the traditional knowledge that we had into the DAR,  
5 to the best of our ability in terms of me -- meeting  
6 the terms of reference. The DAR did pass its  
7 conformity check from the Board in terms of the  
8 conformity for the -- the requirements under the terms  
9 of reference.

10                   We knew the study was incomplete. We  
11 hadn't been to Behchoko and Wekweti, which is why we  
12 underst -- we undertook to negotiate and fund the  
13 traditional knowledge study with the Tlicho Government,  
14 in order for that study to be more complete.

15                   The -- we -- we submitted the res -- all  
16 of our results from the TK study that we completed to  
17 the Tlicho Government for them to use essentially as a  
18 starter, as some baseline information for them to build  
19 on for their traditional knowledge study. And our  
20 hopes are that we can move forward, understanding the  
21 importance of traditional knowledge to the Tlicho  
22 people. We want to be able to move forward with this  
23 information and use it in the best way possible.

24                   Our vision was that we would -- since  
25 we'd met the terms of reference for the DAR, that we

1 would be using this information to move forward in the  
2 process in terms of incorporation of this information  
3 into not only -- into, as I mentioned, not only  
4 monitoring plans, but still looking at potential ways  
5 to mitigate impacts even beyond the completion of the  
6 DAR process.

7                   That doesn't mean that we stop looking  
8 at ways to mitigate impacts or change project design  
9 according to information provided by the TK study.  
10 That's an ongoing process that'll never stop, right?  
11 So just because the DAR process ends at a certain date,  
12 doesn't mean that you stop looking at ways to improve  
13 things.

14                   So I -- my vision on this was that we  
15 would be able to move forward with this TK study that  
16 the Tlicho Government was providing and continue to  
17 work with them in terms of bettering the project and  
18 altering designs or -- or ways of operating for the  
19 project that would be beneficial to both parties.  
20 Thank you.

21                   THE FACILITATOR EHRLICH:   Thanks, Rick.  
22 Alan here. You mentioned that the DAR cleared the  
23 conformity review. Conformity is a very low test.  
24 We're really just looking at, is there some kind of an  
25 answer there, not at the rigour of the answer.

1                   You know, much like, for example, with  
2 environmental impacts. We would look at, is there an  
3 answer. But, the real -- the real scrutiny happens  
4 during the remainder of -- of the environmental  
5 assessment. I think that's appropriate for the  
6 traditional knowledge that we're hearing about now as  
7 well.

8                   An important aspect of environmental  
9 assessment has the potential to influence project  
10 design around issues that come up and the potential for  
11 -- for big project changes tends to go down over time  
12 as you go through the regulatory process. So you have  
13 more -- more, cheaper options available now for  
14 changing your project around issues that arise than you  
15 might have five (5) years from now, or whatever,  
16 depending on how the future holds. So it's -- it's  
17 important that -- that issues that may be significant  
18 are identified early enough on so that your -- you  
19 still have some flexibility in project design.

20                  That being said, if it -- with it being  
21 at the request of the communities that this is timed as  
22 it is, there's also an onus on each party to bring its  
23 own views to the Board. And -- and in this case,  
24 considering there is plenty of participation from the  
25 Tlicho Government and communities, I would strongly



1 encourage parties, when you're producing technical  
2 reports and going into hearings, if you have  
3 traditional knowledge that causes you to reach opinions  
4 about project impacts and significance that are  
5 different from the Developers' opinions and views on  
6 project significance, to bring them before the Review  
7 Board at that time.

8 I understand that the full traditional  
9 knowledge study will not be complete, but I -- I also  
10 have considerable respect for the amount of TK that is  
11 I know in the communities and in the Elders' hands  
12 already. I know that there is some discussion to date  
13 because you're raising these points. And I very much  
14 hope that if you want them to be considered during the  
15 environmental assessment you'll make a point of  
16 bringing up these concerns in your technical reports  
17 and in the hearing.

18 That's not to negate the value of having  
19 TK studies to influence the -- the kinds of monitoring  
20 and the stuff that you look at that -- that Rick talked  
21 about as well, but I think it's important to try to get  
22 that into the process during the environmental  
23 assessment stage.

24 And even if, you know, all the  
25 traditional studies have not reached a state of

1 completion by that point it -- it should not in any way  
2 hol -- prevent parties from presenting their views  
3 where the predictions of the Developer -- where --  
4 where you don't agree with the predictions of the  
5 Developer.

6                   And I -- I doubt that's a surprise to --  
7 to Fortune either. But I -- I would suggest making  
8 sure that you -- you raise -- if there are particular  
9 flags about particular aspects of the project or kinds  
10 of impacts that you think that the -- the -- for  
11 example, the traditional knowledge has suggested may  
12 not have been explored sufficiently or understood  
13 properly by the Developer, the technical reports are a  
14 time to -- to raise the flags. And then the  
15 presentations of the hearing are another important  
16 time.

17                   And you be as specific as you can. You  
18 know, if there's something about water management, that  
19 this stream does something else at a certain time of  
20 year and you know it because you've seen it for hundred  
21 of years. You know, raise that specifically as opposed  
22 to something more general about, you know, your -- your  
23 water system isn't quite okay. It doesn't -- doesn't  
24 give us something to run with. So the more specific  
25 you can be about that, the more helpful it can be.

1 I'm not sure if we're going to get any  
2 further with that line of questioning here, but I hope  
3 that that at least clarifies for parties and the  
4 Developer how the Review Board's process is -- is able  
5 to -- to take, you know, the TK that you've got and --  
6 you know, and recognizes that, you know, you've been in  
7 the area for obviously much, much, much longer than the  
8 Developer has been, but that the Developer has -- has  
9 made some efforts to try to -- to gather the  
10 traditional knowledge that was available and -- and  
11 build it in at some points.

12 The Review Board is committed to taking  
13 traditional knowledge on par with sort of conventional  
14 so-called western scientific knowledge. And you've  
15 seen in -- in Board decisions in the past cases where  
16 the traditional knowledge has -- the Board has weighed  
17 the traditional knowledge quite heavily. So it's --  
18 it's an important consideration.

19 Do you have other comments on this  
20 subject? I see Ginger Gibson sliding a microphone  
21 towards -- towards John B. Zoe.

22 MR. JOHN B. ZOE: Thank you very much.  
23 John B. Zoe, with the Tlicho Government. I just wanted  
24 to say that development of -- development of a mine is  
25 -- is very serious business. That's for sure. But

1 getting to that development, the processes that we're  
2 experiencing now, it's not the same as what we've  
3 experienced a number of years ago with the diamond  
4 companies. This is much more closer, much more  
5 internal.

6                   So the process for getting this  
7 information out is always questionable, about when is a  
8 good time to do it, what is the proper forum for it.  
9 And -- and -- but in the end, it's -- it's really about  
10 the engagement of the serenity of the landscape with  
11 the development and trying to find some middle ground  
12 to ensure that the -- that the way of life, the  
13 language, culture and way of life that we've -- that  
14 defines who we are is somehow lessened and not impacted  
15 to the point where we destroy it.

16                   We're looking at some comfort to ensure  
17 that those things continue. And one (1) of the biggest  
18 depository of that knowledge of -- of who we are and  
19 where we're going to and defines who we are today is  
20 the landscape. But it's a collectivity of that  
21 landscape as a whole that defines who we are on -- on  
22 an intricate basis.

23                   And so that knowledge that we need to  
24 bring out, and which part of that knowledge is  
25 impacted, we want to ensure that it -- there's a

1 continuance of it without having to erase it in this  
2 process of development. I think that's a very  
3 important thing for -- for the develop -- the Developer  
4 to take into consideration, that, yes, there is a  
5 technical way of ensuring the mine gets developed.

6                   Those technical ways of getting there is  
7 something that's developed outside from us, it's  
8 something that is developed to ensure that there is a  
9 way of getting to the site and eventually developing  
10 it. But it -- that process doesn't take into  
11 consideration the impact on the way of life of the  
12 people themselves that live there where the landscape  
13 defines who they are.

14                   And I'm not here to talk about what the  
15 key -- key component would be here. But I can tell you  
16 a little bit about some of the things that we would be  
17 looking at. Because, prior to any contact, we know  
18 that area has been used for a long time. It's one (1)  
19 of the main arteries of where people travelled since  
20 time immemorial. And when the first settlers came in,  
21 as a trade, they set up a trading poised at -- at old  
22 Fort Rae, or Nichi (phonetic) as we call it, for the  
23 purposes of trading for provisions, which means they  
24 established it for trading caribou meat, okay?

25                   And so the people had to really engage

1 in that process, had to establish themselves on a  
2 strategic area to ensure that they fed that trade. And  
3 so Hislop Lake has one (1) of the original established  
4 villages which is still -- the remnants of that village  
5 is still there, but the original site is untouched.  
6 And any water levels that go up or down or pollutants  
7 would have an impact on that site and that hasn't been  
8 studied. That's on the -- the north end of the lake.

9 But there's another site south of the  
10 proposed road that also has an original village that's  
11 associated with that with -- with the activity of  
12 harvesting caribou south of the proposed road, which is  
13 the -- the access road. So there's a lot of impact,  
14 not only to the old villages that used to be  
15 established there, but the -- the fishery and the --  
16 the landscape that holds that history.

17 Like, which families are affected? All  
18 the rich place names that are there to describe, not  
19 only the -- the toponymy in a way for navigation or to  
20 define how things are established there, but that also  
21 describes the -- the method of the harvesting and --  
22 and the -- the fishery and the availability of animals  
23 that habitat that area. So all these are intricate  
24 information that needs to be done in a study that is  
25 not driven by somebody else, and that's one (1) of our

1 -- big issues are.

2                   If our way of life is going to be  
3 impacted, we as a governing body in our own landscape,  
4 that we are the ones that would drive the traditional  
5 knowledge, because it would be -- be done in a truthful  
6 way. Because it's not only what allow our language,  
7 culture, and way of life to be protected, but that  
8 information is a source of material that will be used  
9 for -- by future generations, okay.

10                   It becomes a -- for the first time,  
11 defining in a written material for future generations,  
12 as well as for the public record. And that's very,  
13 very important. It's never been done before. And we  
14 need to drive that process. And it's quite unfortunate  
15 that it took a while to get to that agreement.

16                   And -- and one (1) of the issues of  
17 governance in -- in land claims and self-government is  
18 to ensure that our language, culture, and way of life  
19 are integrated into everything that we do, not only in  
20 social economics, but as well -- but in our educational  
21 institutions.

22                   We -- and the reason that we say that is  
23 the Tlicho Government, other than developing programs  
24 and having a system of decision-making, the real crux  
25 of -- of what it stands for is to ensure that the

1 language, culture, and way of life is somehow -- is the  
2 basis for any development that happens in the area, so  
3 that knowledge is not wiped out to the point where it  
4 could never be recovered. And this is what we're  
5 talking about here, is to ensure that we don't do a  
6 reclamation of that knowledge later, but to ensure that  
7 it's being used and integrated right now, starting  
8 today.

9                   Not later. It's got to be done on that  
10 basis, is what we're talking about. Because even  
11 though we're talking about minerals and -- and the  
12 extraction of minerals, what we're talking about is  
13 looking for indicators in this process that would  
14 strengthen our collective, and not to lessen that  
15 knowledge in this process.

16                   And we need to -- and so one (1) of the  
17 questions that we've been trying to say here in -- in  
18 different ways is that, Would this be -- would this  
19 knowledge -- knowledge that we're -- the traditional  
20 knowledge project that we're undertaking, would that be  
21 threaded and woven into all the processes that might  
22 exist or develop to -- towards an operational mine, and  
23 even after that?

24                   How soon can it be taken into  
25 consideration to ensure that it -- it -- that it's



1 done? It's not -- in -- in layman's terms, I guess, we  
2 wanted -- we wanted to ensure that the traditional  
3 knowledge is seriously taken into consideration, and  
4 not something that should be brushed off in this  
5 foreign process of doing development without taking  
6 into consideration the impact of the psyche of the  
7 Aboriginal people that live in this area. Mashi cho.

8 THE FACILITATOR HUBERT: Chuck Hubert,  
9 Review Board. Thank you for eloquently putting that  
10 view on traditional knowledge. And the Review Board  
11 certainly recognizes that, of course, the project is  
12 surrounded by Tlicho land and -- and the value that you  
13 place on -- on the -- on the knowledge of your people  
14 going back.

15 The Board, of course, intends to  
16 incorporate traditional knowledge to the greatest  
17 extent possible in its -- in its -- as we move forward  
18 through the EA -- EA process. And -- and we're glad  
19 that Fortune and -- and Tlicho have come to an  
20 agreement to -- to collect that information and as --  
21 as soon as that mat -- material can be made available,  
22 it will be -- we look -- the Board looks forward to  
23 being able to incorporate it. Thanks.

24 THE FACILITATOR EHRLICH: It's Alan  
25 Ehrlich. I just want to add one (1) more thing. In

1 addition to these sessions being transcribed, the  
2 transcripts are being placed on the public record,  
3 which is the body of evidence that the Board is legally  
4 required to consider when it's making this decision.  
5 And that, of course, includes the comments that you  
6 just made and anything else that will be coming out in  
7 -- in these sessions.

8                   But, I -- I just want to be really  
9 emphatic on the previous point. Please don't wait  
10 until your traditional stu -- knowledge studies are  
11 complete before raising any issues that TK has pointed  
12 out to you in -- in the hearings. You know, if you can  
13 do this directly to the Board, it will help.

14                   Our -- our Board has a strong background  
15 in traditional knowledge, in that there has always been  
16 a -- as far as I can recall, at least one (1) Elder on  
17 the Board at -- at any time. It has dealt with issues  
18 in the past dealing with, not just traditional  
19 landscape -- not just traditional knowledge about  
20 heritage points but has also dealt in the past with  
21 intangibles. It has dealt with cul -- with cultural  
22 landscapes and it is, you know, I think reasonably  
23 informed as far as this kind of tribunal goes to  
24 understand the relationships between Aboriginal peoples  
25 and the land and how traditional knowledge can be, in

1 some cases, physically stored -- the land itself can be  
2 a repository.

3                   So the words you're saying should not be  
4 a surprise to the Review Board, is -- is my point. And  
5 I encourage parties that have traditional knowledge to,  
6 you know, to -- to use it when -- when making your  
7 arguments throughout this process, even if your  
8 traditional knowledge study is not in its -- its  
9 complete state.

10                   MR. RICK SCHRYER:     I'd just like to  
11 add a comment to what John B. Zoe was -- statement.  
12 Rick Schryer, Fortune Minerals. Fortune Minerals  
13 acknowledges the importance of traditional knowledge to  
14 the Tlicho people and their desire to incorporate that  
15 traditional knowledge into not only the project design  
16 but the project operations in terms of trying to  
17 mitigate potential impacts to their traditional land  
18 use practices and any peoples that might be affected by  
19 that process.

20                   I guess my position on this is that as  
21 far as we're concerned even outside of the formal DAR  
22 review process, Fortune Minerals is prepared to sit  
23 down at any time and go through the traditional  
24 knowledge study results and work with the Tlicho people  
25 one on one to identify potential concerns or impacts

1 and do absolutely what we can in terms of trying to  
2 mitigate those impacts.

3 Any -- in terms of project design or  
4 operation or locat -- you know, location of the -- the  
5 access road. Any of that -- try to incorporate  
6 traditional knowledge into the project design and  
7 operation to the extent possible, given the traditional  
8 knowledge information that they will be providing.

9 So what I'm saying, at the end, is that  
10 the door is open for that discussion at any time and  
11 we'd welcome it. Thank you.

12 THE FACILITATOR HUBERT: Please  
13 proceed.

14 DR. GINGER GIBSON: Ginger Gibson, with  
15 the Tlicho Government. I think we're running up  
16 against a sequencing issue and -- and a timing issue.  
17 So it's unfortunate that we weren't able to begin our -  
18 - the Tlicho Government traditional knowledge study  
19 until the funding was received. The -- the -- we  
20 anticipate the project report from the traditional  
21 knowledge study will be available at the end of August.  
22 We anticipate that -- that predictions would -- might  
23 be changed. Estimations of significance might need to  
24 be shifted, based on traditional knowledge.

25 So it's not just a -- I guess it's not

1 just the question of including traditional knowledge in  
2 project planning as a functional piece, but that we  
3 actually might change the understanding of knowledge  
4 and the understanding of impacts based on what is  
5 raised in the traditional knowledge.

6                   And I think you'll see this come up  
7 today when looking at the traditional knowledge about  
8 caribou and understanding Tlicho knowledge about  
9 caribou and -- and how it adds to and significantly  
10 changes the perception of -- of impact, I think. So I  
11 -- I wanted to raise that question of timing.

12                   I think also, in fairness to traditional  
13 knowledge studies, that an equivalent process to  
14 western science studies be played out when it comes to  
15 indigenous science so that people are able to look at  
16 the traditional knowledge and ask questions of it, just  
17 as we do of the -- of the knowledge that's been  
18 gathered and produced here by western science, that we  
19 are able to gather and look at that and -- and ask  
20 questions of the indigenous science as well.

21                   So I just wanted to raise that as not  
22 just to -- to flag that -- that we believe that the  
23 traditional knowledge will have impact on how this  
24 project is -- is perceived in terms of the  
25 understandings of significance on things, but also in

1 how it can be used in -- in mitigation at that  
2 functional level of project design and mitigation.  
3 Mahsi.

4 THE FACILITATOR EHRLICH: Thanks, Dr.  
5 Gibson. And, you know, I -- I've mentioned before that  
6 the Board takes traditional knowledge on par with  
7 conventional western science. Unfortunately, often in  
8 environmental assessments we're not able -- you know,  
9 we're forced to reach decisions when conventional  
10 western science on ecosystem functioning and baseline  
11 is not in a complete state because, you know,  
12 unfortunately, in the real world, there's certain  
13 timing considerations that are -- are important.

14 And I think the same thing would apply  
15 to traditional knowledge as well. The Tlicho  
16 Government is -- is certainly well aware of the process  
17 options we have with respect to things like requests  
18 for rulings where a party would like the Board to make  
19 a formal decision on something procedural. There are  
20 also informal approaches, just, for example, asking,  
21 which sometimes is -- is faster. But those options are  
22 always available to all parties.

23 My -- my suggestion that -- that you  
24 raise whatever points you have from traditional  
25 knowledge in the hearings even if the study isn't

1 complete doesn't -- doesn't in any way eliminate you  
2 from having those options. If you're going to pursue  
3 something like that it's better to do it sooner than  
4 waiting until just before the hearing because it --  
5 it's just organizationally much harder to change things  
6 around the -- the later you wait.

7                   So I -- each party has to make up its  
8 own mind on how it proceeds with those. I'm not  
9 encouraging either direction. But -- but if you do  
10 decide to take that route, sooner would be better than  
11 -- than later.

12                   Are there any other questions on this  
13 subject that anyone would like to raise? It -- it  
14 appears that John B. Zoe has an additional comment.

15                   MR. JOHN B. ZOE: I just want to  
16 comment on what you brought up. And -- and, yes, we're  
17 ju -- we're -- this process is driven by process that -  
18 - you know, that exists out there, but there's always a  
19 time frame in which a process eventually unfolds  
20 itself. And those are driven usually by the Developer  
21 and -- and the -- and the Board eventually on -- on how  
22 -- how they think -- how important they think this  
23 component would have on the project itself.

24                   It really is a timing issue that will be  
25 addressed by the Proponent and the Board themselves.

1 And all we're doing is -- is raising the flag that this  
2 is important enough to be taken into consideration  
3 starting now and ensuring that the information that  
4 would provide, it's not something that we can just  
5 throw out in -- in a technical hearing or something  
6 that we can do off the cuff when you're -- when we're  
7 digging through the -- the layers of knowledge that --  
8 that is not commonly known, even with -- within my  
9 generation. That we need to dig a little bit more. We  
10 need to go to the site, and revive memories, and -- and  
11 do all these intricate things that used to exist before  
12 on -- on a daily basis.

13                   So it -- it becomes really a question of  
14 timing, and that question of timing doesn't have to be  
15 visited if the -- if the Proponent and the Board want  
16 to get it over with. But really timing is something  
17 that's determined by the proponent, and in  
18 collaboration with the Board. That's all we're saying.  
19 We're not making any suggestions. All we're saying is  
20 that the TK has to be taken into consideration very  
21 seriously. It was a timing question. It's not  
22 something that we have control over. Mashi.

23                   THE FACILITATOR HUBERT: Chuck Hubert,  
24 Review Board. Thank you very much for those comments.  
25 And unless there's anything further with respect to the



1 presentation, I'd like to move onto the next topic on  
2 the agenda, which is --

3 MR. RICK SCHRYER: Chuck --

4 THE FACILITATOR HUBERT: Yeah, sorry.

5 MR. RICK SCHRYER: -- Charlie-Jim would  
6 like to make a statement.

7 THE FACILITATOR HUBERT: Please  
8 proceed.

9 MR. CHARLIE-JIM NITSIZA: Mashi.  
10 Charlie-Jim. I'm -- I'm about 65 years old and -- and  
11 I've seen a lot of thing going on in -- in the north  
12 about traditional knowledge.

13 Long ago we used a dog team to travel on  
14 the land for hunt caribou, trap, and that. I done it  
15 with -- with my dad, my father, and -- and others. I  
16 hunt caribou -- close to Bear -- Great Bear Lake for  
17 caribou. And I gone trapping with my father close to  
18 Wrigley, close to Simpson. And I seen a lot of Elder  
19 talks, and today I -- I talked to some of the Elders.  
20 It's not like before, they said. We have a dog team,  
21 but we go long ways with the dog team to live off the  
22 land.

23 Today we have a lot of fast moving ski-  
24 doo vehicles, but we don't see any trails in -- on our  
25 land. They said, Why is this. Elder question why

1 that. I said, Yeah. I done the same thing by a dog  
2 team, travel the land.

3 And talking about traditional knowledge  
4 is -- is really important, that traditional knowledge,  
5 but I think it's dying. Slowly. And the Elder  
6 question why traditional knowledge -- what did it do?  
7 What's out there? There's nobody go anywhere. Plus  
8 that the -- the government ban the caribou. We can't  
9 go hunting. We just sit around. Well, what -- what we  
10 going to do, they said.

11 And a thing like this, and it's -- it's  
12 -- to me, is I travel the land, and like I said, it's  
13 not like before. We have ski-doo -- everybody have a  
14 ski-doo but nobody go hunting. Nobody go on our land  
15 except for maybe three (3), four (4) go trapping.  
16 That's it. Nobody's -- they talking about -- yeah, but  
17 they want to have that traditional knowledge thrown,  
18 and worked on it, get people -- get the young people on  
19 our land and talk about it. If you don't, then it's  
20 going to fade away. It's going to die on us. I just  
21 wanted to throw that in. Mashi.

22 THE FACILITATOR HUBERT: Chuck Hubert,  
23 Review Board. Thanks very much for those comments. If  
24 there's nothing further, I'd like to move onto our next  
25 agenda topic.

1 So if we can have questions from...

2 MR. PAUL GREEN: It's Paul Green, Water  
3 Resources Division. It's related to the presentation  
4 this morning. It's -- it's more technical, though.  
5 It's -- the -- the switch to reverse osmosis. We don't  
6 have a lot of information on -- on basically how that's  
7 going to work now, the change from the IX to the -- to  
8 the RO. And I'm wondering if there's a design -- or  
9 like I understand this is being discussed tomorrow, but  
10 I'm wondering if there's a design report or anything  
11 that we could look at to dealing with, you know, the  
12 permeate versus reject concentrations, any implications  
13 this may have for the water quality downstream?

14 MR. RICK SCHRYER: Rick Schryer,  
15 Fortune Minerals. The design specifics for the RO  
16 system haven't been prepared yet. They are in  
17 preparation. What I would suggest here is that once  
18 they're completed we could provide a summary of what  
19 the RO system would look like and how it would perform.

20 I would -- I would guess that would  
21 probably take about two (2) weeks to complete. It  
22 won't be a detailed design though. It'll be a summary.  
23 But, I mean, as I mentioned in the presentation, RO  
24 technology, the technology we're proposing, is a  
25 technology that's been used in hundreds of locations

1 across North America and the world. And so it's a very  
2 established proven technology.

3 And so in terms of the performance that  
4 we've put onto the -- the poster in terms of our water  
5 quality, we're very confident that those values can be  
6 achieved with the system that we have in place.

7 Is that sufficient for your response?

8 MR. PAUL GREEN: It's Paul Green, with  
9 the Water Resources Division again. Sort of. Like is  
10 that the permeate concentrations or is that like the  
11 brine after treatment? Like I don't have a clear  
12 picture of -- of where the different waste streams are  
13 going.

14 Like you -- you're going -- you're going  
15 to generate a permeate. Is that going to be discharged  
16 directly? Is that what we're seeing there? You've got  
17 your brine stream going through a wetland, which I  
18 understand from your presentation this morning is going  
19 back into your CDF. Like what -- what do those numbers  
20 represent and sort of where is -- I just don't have a -  
21 - I just don't have a good understanding of -- of  
22 what's going where with -- with the treatment.

23 MR. RICK SCHRYER: Rick Schryer,  
24 Fortune Minerals. What you're seeing on the poster is  
25 what the chemistry of the effluent that we'd be

1 discharging into the receiving environment.

2 In terms of the actual brine, the -- the  
3 leftover from the RO process, that would be put into  
4 the CDF, into the co-disposal facility. What I can  
5 provide for you is a summary of where the different  
6 waste streams go and how things are treated. That's --  
7 that's pretty easy in terms of a flow chart to just  
8 demonstrate where everything goes and how it's dealt  
9 with. That -- that we can -- we can easily provide for  
10 you.

11 MR. PAUL GREEN: It's Paul Green, with  
12 Water Resources. Yeah, we'll take that as a start  
13 because at least it'll give us kind of -- it'll help us  
14 with our understanding of what -- what's going on. So  
15 if we could get that as a start, that would be great.

16 THE FACILITATOR HUBERT: Thank you.  
17 Can I take that as an undertaking from Fortune? We'll  
18 call it summary of waste stream from reverse osmosis  
19 effluent treatment facility, some sort of conceptual  
20 design report.

21 MR. RICK SCHRYER: Yeah.

22 THE FACILITATOR HUBERT: So that's  
23 Undertaking number 1. And a date, we had talked about  
24 a couple of weeks. February 23rd. Or it should be  
25 that --

1 MR. RICK SCHRYER: I'm sure Fortune  
2 Minerals -- you know, I haven't speak -- spoken to the  
3 people in -- in Golder Denver yet, but I already know  
4 that from the internal information, the internal memos  
5 that they've sent us, that we already have a lot of  
6 that information in hand. So I imagine that we can  
7 meet the February 23rd deadline.

8 THE FACILITATOR HUBERT: Chuck Hubert,  
9 Review Board. Thanks very much.

10 DR. GINGER GIBSON: Chuck, can I answer  
11 that? Ginger Gibson. Just to add to that. I think  
12 we're interested to understand what -- what will be  
13 done with the brine, the quantity, and where that  
14 stream is going to be going. So how it will be  
15 managed, where it will be stored, and what kind of  
16 quantity you expect to have from the reverse osmosis --  
17 re -- reverse osmosis treatment. Mahsi.

18 THE FACILITATOR HUBERT: I got -- Chuck  
19 Hubert, Review Board. I got a nod from Fortune on  
20 that, so that's a yes.

21

22 --- UNDERTAKING NO. 1: Fortune Minerals to provide  
23 summary of waste stream  
24 from reverse osmosis  
25 effluent treatment

1 facility; complete by  
2 February 23.

3  
4 THE FACILITATOR HUBERT: And -- and  
5 we'll go over these undertakings at the end of the --  
6 the session. For now, I'd like to move on to a related  
7 subject, mine waste management and the co-disposal  
8 facility more generally. So any questions from people  
9 in the audience or parties, please, now is the time.

10

11 (BRIEF PAUSE)

12

13 MR. JOHN BRODIE: Good morning, Chuck.  
14 This is John Brodie speaking on behalf of AANDC. The  
15 co-disposal facility is -- is the -- the mainstay of  
16 the waste management plan for this -- this site and the  
17 aspects of its construction and the internal geometries  
18 all will be key in understanding or developing our  
19 confidence in the predicted environmental performance  
20 of the site.

21 And co-disposal is not a common  
22 technology. And, I -- I guess, our -- our first sort  
23 of general question is, given the importance of the co-  
24 disposal and in planning this -- this mine site and its  
25 -- and evaluating its environmental performance, what

1 precedents around the world have you used to inform  
2 your -- your design and your predicted performance of  
3 this co-disposal facility?

4 MR. RICK SCHRYER: Rick Schryer,  
5 Fortune Minerals. I'm going to let Ken Bocking of  
6 Golder Associates answer your question. But just as a  
7 forenote, we were a little late in producing a memo.  
8 But we will have it, probably tomorrow, available for  
9 inclusion on the public registry that provides a review  
10 of co-disposal mines in other locations in the world  
11 that use co-disposal as their disposal method for mine  
12 rock and tailings.

13 So that will be available, probably  
14 tomorrow, for review. Again, I apologize for the  
15 delay. And I'll let Ken Bocking provide a summary of,  
16 basically, what is going to be in this memo tomorrow.

17 MR. KEN BOCKING: Ken Bocking, Golder  
18 Associates. Yes, we -- from the IR process we -- we  
19 gained the understanding that people are interested in  
20 case histories so we undertook to put together a -- a  
21 case history volume. That is almost done. In fact, I  
22 was trying to download the -- the document this morning  
23 and the Internet was too slow. So, as Rick says, we  
24 can -- we can make that available, probably tomorrow.

25 As a general statement, yes, I agree



1 that co-disposal is -- is a new thing. It -- I think  
2 it's a coming thing. People are recognizing its  
3 advantages. It's -- the terminology is -- is kind of  
4 vague. There's all -- there is -- are certainly  
5 several dozen different co-disposal operations around  
6 the world currently, but they take a number of  
7 different forms. And -- and no one (1) of them are  
8 identical. And it's -- it's probably even fair to say  
9 that there's -- aren't -- there aren't any that are  
10 identical to exactly what we're proposing.

11 One (1) of the questions was, are there  
12 any precedents in the north. We -- we have found a  
13 precedent in -- in Greens Creek, Alaska, which is  
14 fairly northerly, but, granted, a much warmer climate  
15 than here.

16 I'd like to make the point that the co-  
17 disposal that we're performing -- that we're proposing  
18 is -- is really -- the individual techniques that we'll  
19 be using include discharging thickened tailings in the  
20 winter, using mine rock to form cells into which -- to  
21 discharge the tailings, layering of -- int --  
22 interlayering of rock, tailings, rock, and so on. And  
23 -- and another technique, of course, is to bound the  
24 outside of the facility with a rock perimeter dike.

25 None of these things are new. I -- I

1 can -- I - I've used these in other locations. So  
2 we're -- we're taking standard techniques and putting  
3 them together in a -- in a somewhat novel way. That's  
4 -- that's really what this is about. I'll leave it at  
5 that.

6 THE FACILITATOR HUBERT: Thanks very  
7 much. Chuck Hubert. We'll consider that as what we  
8 call homework, for providing the case history document.  
9 And it would be great if -- if we could have that as  
10 soon as possible, because I'm sure all participants  
11 would -- would greatly benefit from viewing it.

12 Further questions...?

13 MR. JOHN BRODIE: John Brodie again.  
14 On your case history document, it -- it would be  
15 informative if -- if you could include in that, aspects  
16 of the other sites where co-disposal is being  
17 conducted. And -- and be clear as to what are the  
18 similarities as to what is being done on those sites  
19 compared to what's proposed for this project, and what  
20 are the differences at those sites compared to what  
21 would be proposed at this site.

22 So that we could be, at the end of the  
23 day, understanding which aspects of performance  
24 predictions we see at other sites we can rely on, and  
25 which are interpretations, et cetera. Thank you.

1                   MR. KEN BOCKING:   Ken Bocking, Golder  
2 Associates. Yes, we -- we've got -- in the case  
3 histories we've included, you know, the technical  
4 details that we can -- that we can garner, you know,  
5 percent solids discharge, rock, tailings ratios, and  
6 those kind of things. They're -- they're in there to  
7 the extent that we can.

8                   THE FACILITATOR HUBERT:   Thank you for  
9 that response. I'll open it up to the floor. Any --  
10 any questions?

11                  MR. GERD WIATZKA:   It's Gerd Wiatzka,  
12 SENES. Ken, with regard to the co-disposal -- and  
13 we're representing Kwe Beh Working Group -- in looking  
14 at it, you -- you may be answering this in your MO  
15 tomorrow, but some of the literature has said that  
16 disposal at ratios of less than 4 to 1 is not  
17 appropriate. And over that it may be questionable. So  
18 I would hope, and you can comment if that's included in  
19 terms of ratios of -- of paste to rock.

20                  And the other question is, If -- if you  
21 have changes in your paste or your disposal ratios,  
22 you'd include it for, I believe, 38 percent in terms of  
23 -- of infiltration into the rock. And really it's a  
24 question of sizing of the facility. What -- what is  
25 the capacity of the facility if it doesn't work within

1 that ratio? So those are two (2) questions in terms of  
2 design.

3                   With regard to operational, as you point  
4 out, many of the aspects associated with -- with these  
5 individual elements are quite well known to the  
6 industry. But the concern would be if -- if in putting  
7 them together they weren't working as planned. And so,  
8 you know, we're looking at have you looked at issues of  
9 what happens if the paste pH aren't attainable, what  
10 happens if you get ice lensing, you know, and -- and so  
11 on, and so on.

12                   And so it's really the operational  
13 considerations in terms of managing those, how you  
14 would respond to them, how you'd identify them, and  
15 ultimately if co-disposal for any particular reason was  
16 running into a real problem, what would that mean in  
17 terms of dike design?

18                   MR. KEN BOCKING: Ken Bocking, Golder  
19 Associates. There -- there's a number of questions in  
20 there. I'll try and -- to address them. You talked  
21 about the ideal 4 to 1 ratio. I think what that comes  
22 from is depending on specific gravities and so on. If  
23 you have about four (4) times as much rock as tailings,  
24 then theoretically there's enough void space in the  
25 rock to put all the tailings in there so that, you

1 know, the -- the final co-disposed volume is -- is the  
2 same volume as the rock.

3                   We're not trying to do that here. The  
4 ratios aren't right to do that, for one (1) thing, and  
5 it's -- it's not part of our proposal. What we're  
6 really doing is building -- if -- if you look at the  
7 cross-section in the DAR, is kind of -- I call it a  
8 layer cake. We're -- we're putting down a layer of  
9 rock, and then we're putting the tailings on top. And  
10 to the extent that the tailings runs into the void  
11 that's a good thing. Everybody likes that.

12                   But we're going to have clear and  
13 distinct layers of tailings. And then after that the  
14 next part of the sequence is to doze the rock over the  
15 top of the tailings. To the extent that that rock  
16 penetrates the tailings, that's a good thing. And then  
17 we just keep on repeating the process. At the maximum  
18 section height of the dam, we could be looking at  
19 something like fifteen (15) to twenty (20) individual  
20 pairs of layers.

21                   And that has an advantage in -- in  
22 reducing the ability of oxygen to flow through the  
23 waste rock, which -- which is the main thing we're  
24 trying to achieve.

25                   You -- you asked about what, you know,

1 what if you don't get 30 percent -- or, 38 percent of  
2 the TMH (phonetic) going into voids. And -- and  
3 another way of putting that is we assumed in  
4 calculating the volume that 50 percent of the voids in  
5 the rock would be filled with tailings. And the -- the  
6 remainder of the tailings, which would be the 62  
7 percent would -- would be in the form of clear layers.  
8 And that's how we calculated the volume. It's really  
9 not critical that we achieve exactly that ratio.

10 In response to one (1) of the IRs we  
11 calculated that if there -- if -- the very worst case  
12 scenarios there's no penetration whatsoever. The  
13 consequence of that would be about a 9 percent increase  
14 in the volume of the co-disposed facility. Which in  
15 other -- in other words it would be about 15 metres  
16 higher than -- than we calculate with the assumptions  
17 we've made.

18 You asked about ice lensing. We -- we  
19 don't want ice lensing in general because that's --  
20 that represents a loss of space basically. And -- and  
21 our approach there is to, first of all, thicken the  
22 tailings because that's less water that's available to  
23 come free and freeze. And secondly, in the winter  
24 we'll be depositing in -- in several discrete cells,  
25 and we're trying to get the water to sheet off the

1 slope tailing surface and -- so we can recover it and  
2 remove it from the -- from the deposition.

3                   If there are a few inclusions of ice,  
4 which can happen, as I say that reprement -- represents  
5 a slight loss of space which we would rather not have  
6 happen, but we can live with it if it -- if it does.

7                   So I think I answered your questions.

8                   MR. GERD WIATZKA:    Yes, thank you, Ken.  
9 The only other question is in terms of the paste pH  
10 itself in terms of the northern climate and achieving -  
11 - because that's one (1) of the critical aspects to the  
12 layer cake. So if you could comment on that itself.

13                   THE FACILITATOR HUBERT:    Sorry, I  
14 couldn't turn my mic on. But what I was trying to say  
15 is, please, turn yours off.

16                   MR. GERD WIATZKA:    Oh, I thought -- I  
17 thought it was on.

18                   MR. KEN BOCKING:    Ken Bocking, Golder  
19 Associates. Sorry, are you talking about the -- the  
20 paste solids content or -- or the paste pH?

21                   MR. GERD WIATZKA:    Sorry, the paste  
22 solids content.

23                   MR. KEN BOCKING:    Okay. Ken Bocking,  
24 Golder Associates. We're -- we -- we did some testing  
25 of thickening of -- of the tailings and we're -- we are

1 targeting the range of 72 to 77 percent. That is based  
2 on -- our paste engineering division did that and --  
3 and that's -- it's not a paste per -- in the usual  
4 terminology, it's the thickened tailings, it should be  
5 non-segregating and it's something that we can  
6 practically pump and -- and handle.

7                   It also -- we -- in general we're trying  
8 to achieve about a 2 percent cross-slope on the  
9 tailings and on the rock layers and -- and certainly on  
10 the final surface of the CDF towards the west because  
11 we want it to -- the cover to effectively shed water.  
12 And it needs a, you know, a certain slope to do that.

13                   There is -- there was -- is some ability  
14 in -- in the thickening plant to adjust the solids  
15 content to get the properties that we want. And -- but  
16 the -- the target range we have is based on -- on lab  
17 testing.

18                   MS. JANE FITZGERALD: Jane Fitzgerald,  
19 Environment Canada. I was just wondering if you could  
20 review the method by which the tailings will be  
21 thickened?

22                   MR. KEN BOCKING: Basically I'll refer  
23 you to the DAR because I -- I'm not a paste engineer  
24 myself. But it's a -- it's a deep thickening process.

25                   MS. JANE FITZGERALD: Jane Fitzgerald,



1 Environment Canada. I'm sorry, did you say deep  
2 thickening process?

3 MR. KEN BOCKING: That's correct.

4 MS. JANE FITZGERALD: Does that mean  
5 it's -- I guess I'm wondering is it -- I'm sorry, I'm  
6 not an expert in this, I'm asking this on behalf of  
7 somebody else who is not here. Is this a -- a chemical  
8 process, a physical process, a filtration of some kind?

9 MR. KEN BOCKING: Ken Bocking, Golder  
10 Associates. It's a -- it's a thickener. It's -- it's  
11 a physical thickener with the addition of flocculants.  
12 It's not filtration, no.

13 MS. JANE FITZGERALD: Jane Fitzgerald,  
14 Environment Canada. Can you specify, or can somebody  
15 specify where in the DAR it is, for reference?

16 MR. KEN BOCKING: Ken Bocking, Golder  
17 Associates. Yes, I'll -- I'll do that overnight. I'll  
18 find the location in there. If it's not included in  
19 the DAR I can -- I can provide a document that does  
20 have that. I'll make sure that you have it available.

21 MS. JANE FITZGERALD: Much appreciated.  
22 Thank you.

23 THE FACILITATOR HUBERT: Thank you.  
24 Chuck Hubert with the Review Board. I'll list that as  
25 homework item number 2 for Fortune to provide method

1 for -- of thickening of tailings, and where in the DAR  
2 this is explained or detailed. Thanks.

3 MR. JOHN BRODIE: It's John Brodie for  
4 AANDC. Following on some of the questions that Gord  
5 (sic) asked and the responses. If the -- if there was  
6 no co-mingling and the CDF was 9 percent bigger, as a  
7 worst-case scenario, would it still meet the criteria  
8 for aesthetics in terms of visibility from Hislop Lake?

9 MR. KEN BOCKING: Ken Bocking, Golder  
10 Associates. If I can address the previous question for  
11 homework, first of all. It's -- the discussion of the  
12 -- of the tailings thickening is in -- in the DAR in  
13 3.6.2.7.

14 And to your question, John. I'm -- I'm  
15 not sure. We'd have to check that out.

16 THE FACILITATOR HUBERT: Chuck Hubert,  
17 Review Board. Can that be described for us tomorrow?

18

19 (BRIEF PAUSE)

20

21 MR. KEN BOCKING: I've got it now.  
22 Yes, we can do that. We've -- so we've replaced one  
23 (1) homework item with another.

24 THE FACILITATOR HUBERT: Okay, so can -  
25 - could you just -- I was writing something down. Can

1 you describe exactly what this new number 2 is? Sorry.

2 MR. KEN BOCKING: Ken Bocking, Golder  
3 Associates. Yes, we'll look into whether the 15-metre  
4 rise, in the worst-case scenario, in the top of the CDF  
5 would make it visible from Hislop Lake.

6 THE FACILITATOR HUBERT: Thank you very  
7 much.

8 MR. JOHN BRODIE: John Brodie again.  
9 Going back to the comments about the thickened tailings  
10 and the slopes and the interlayering. In a general  
11 sense, as we thicken tailings and then try and  
12 discharge those tailings, we would expect to have a --  
13 a steeper beach slope.

14 On very watery tailings we'd have a flat  
15 slope of maybe 1 to 2 percent. And at the high end a  
16 true paste tailings might have slopes in the range of  
17 10 percent. And so what's -- what's described here is  
18 a relatively thick tailings which has certain  
19 advantages for interlayering in terms of trafficability  
20 and moving materials.

21 But I'm wondering how that thickened  
22 tailings is going to find ingress into the tailing --  
23 into -- into the waste rock voids with that relatively  
24 viscous or non-flowing property compared to much lower  
25 pulp density tailings.

1 MR. KEN BOCKING: Ken Bocking, Golder  
2 Associates. First of all, just to correct the slopes.  
3 A -- a watery tailings is probably less than 1 percent,  
4 and a quite thick tailings, and I'm thinking of an  
5 example, the Kidd Metallurgical Site, is -- perhaps 3  
6 percent is -- you're correct, theoretically paste can  
7 be above that.

8 So -- and -- and those -- the slope  
9 properties as a function of solids content are very  
10 much a -- specific to a particular tailings, and so  
11 we've done the laboratory testing that indicates that  
12 the range of seventy-two (72) to seventy-seven (77) is  
13 -- is about the right range for us.

14 If it turns out that we're getting  
15 tailing slopes that are too steep, which isn't  
16 desirable, then we can make the adjustments in the  
17 thickening, and -- and reduce the solids content so  
18 that we do get what we want. There -- there is some  
19 flexibility in that.

20 You made the point about ingress into  
21 the voids. I would agree with you that if you  
22 overthicken the tailings, it -- the penetration will be  
23 less; if you under-thicken, then it -- it will be more.  
24 So, again, we have a measure of control in the  
25 thickener that can try and optimize that penetration

1 into the voids.

2                   So, the -- the simple answer is we -- we  
3 can make adjustments as we go to -- to optimize things  
4 during the operations.

5                   MR. JOHN BRODIE:   It's John Brodie  
6 again. Thank you for that. I -- I agree and -- and  
7 can understand how you could make those kinds of  
8 adjustments. And -- and at the end of the day, it  
9 probably isn't critical what percentage of ingress of  
10 tailings into the waste rock is achieved, in terms of  
11 the physical stability of the structure.

12                   And -- and my concern really goes beyond  
13 the tailings deposition and -- and physical aspects of  
14 the structure, and extends into the -- the ultimate  
15 objective of reducing air entry into the structure, the  
16 performance of the structure with respect to the long  
17 term phreatic surface, and how it behaves with respect  
18 to ingress of water, ingress of air, oxidation to metal  
19 leaching.

20                   So, I -- I think these -- these points  
21 are -- are still very important to understand the  
22 linkage between the construction of the pile and its  
23 short term and long term geochemical performance, in  
24 terms of seepage water quality. I'm -- I'm obviously  
25 not getting to a particular question here, but I -- I

1 think I want -- maybe I'll leave it at that, just to  
2 say that -- that there's a very strong linkage between  
3 the construction of the pile and its long term  
4 environmental performance.

5 THE FACILITATOR HUBERT: Thank you.  
6 Question at the table?

7 MR. BARRY ZAJDLIK: Barry Zajdlik, on  
8 behalf of AANDC. In -- in terms of your process, you  
9 mention several flotation agents. Can you provide  
10 ecotoxicological information on those, and also  
11 anticipated rates of removal by whatever processes  
12 you're using?

13 MR. KEN BOCKING: Ken Bocking, Golder  
14 Associates. Yes, I'm sure we can do that. I don't  
15 think it's an overnigher though. We'll have to -- to  
16 take the February 23rd on that one.

17 THE FACILITATOR HUBERT: Okay. Chuck  
18 Hubert. Thanks. Can you repeat for us, please, what  
19 exactly you're looking for as Undertaking number 2.

20 Number 2 is homework. This is the  
21 second actual undertaking for the 23rd.

22 MR. BARRY ZAJDLIK: Barry, on behalf of  
23 AANDC. The question was: What -- do you have any  
24 ecotoxicological information with respect to the  
25 flotation agents, and also what are the rates of

1 removal anticipated in your waste treatment streams, or  
2 processes?

3

4 --- UNDERTAKING NO. 2: Fortune Minerals to  
5 indicate if they have any  
6 ecotoxicological  
7 information with respect to  
8 the flotation agents, and  
9 also indicate what are the  
10 rates of removal  
11 anticipated in waste  
12 treatment streams, or  
13 processes; complete by  
14 February 23

15

16 THE FACILITATOR HUBERT: Thanks very  
17 much. Would you like to continue?

18 MR. BARRY ZAJDLIK: Barry Zajdlik, on  
19 behalf of AANDC. You mentioned Colorado sand as a  
20 regrinding agent. What is it? What is Colorado sand?

21 MR. KEN BOCKING: Ken Bocking, Golder  
22 Associates. I don't know.

23 MR. BARRY ZAJDLIK: Barry Zajdlik, rep  
24 --sorry.

25 MR. TOM RINALDI: Tom Rinaldi.

1 Colorado sand is a high silica sand used in grinding.

2 MR. BARRY ZAJDLIK: Barry Zajdlik. So  
3 it's not a formulated product, per se. It's just a  
4 range of grits that you're going to use to grind the --  
5 the residuals.

6 Is that correct?

7 MR. TOM RINALDI: That's correct. It's  
8 just an abrasion agent, yes.

9 THE FACILITATOR HUBERT: Thanks very  
10 much. Is that the end of ques -- questioning?

11 MR. BARRY ZAJDLIK: Barry Zajdlik, on  
12 behalf of AANDC. Bringing up another mine in the  
13 north, Ekati, they have an incinerator there, and  
14 assessment of the sediments has shown the presence of  
15 dioxins and furans in -- in the -- the aquatic  
16 environment. I know that you're putting an incinerator  
17 on to deal with some of your sewage sludge, but I'm not  
18 sure what else is going to go into the incinerator.  
19 And I'm not sure if you have an incinerator management  
20 plan that will be used to at least ensure that the  
21 incinerator is operated in compliance with the  
22 manufacturer's recommendations.

23

24 (BRIEF PAUSE)

25



1 MR. RICK SCHRYER: Rick Schryer,  
2 Fortune Minerals. I believe the specifications for our  
3 incinerator were provided in the DAR. I can't remember  
4 what section, but we can provide that. We also  
5 committed to developing an incinerator management plan.  
6 And the data that we got from the manufacturer told us  
7 that we would be in compliance with the new Environment  
8 Canada regulations, in terms of the management and  
9 performance of incinerators. So we've already  
10 committed to being able to meet those specifications.

11 It's in section -- it's in Section  
12 3.11.3.1 of the DAR that's in the project description.

13 MR. BARRY ZAJDLIK: I'm sorry, could  
14 you repeat that section for me, please.

15 MR. RICK SCHRYER: I don't remember it.

16

17 MR. BARRY ZAJDLIK: Three (3) --

18 MR. RICK SCHRYER: Read it for me. I  
19 don't have my glasses on. 3.11.3.1, page 84 of the  
20 project description. Thank you.

21 MR. BARRY ZAJDLIK: Barry Zajdlik  
22 again, on behalf of AANDC. In reviewing the water  
23 chemistry data from Golder, there's evidence of  
24 groundwater infiltration into some of the lakes, Peanut  
25 and NICO Lake. I'm wondering if there are potential

1 for ground faults within the CDF that would allow for  
2 materials to bypass your seepage ponds and enter the  
3 lakes directly.

4 MR. RICK SCHRYER: Rick Schryer,  
5 Fortune Minerals. The person that can answer that  
6 question, Marc Rougier, won't be arriving here until  
7 about 1:45. If we could just defer that question until  
8 then, I'd be glad to have Mark answer that question for  
9 you at that time.

10 THE FACILITATOR HUBERT: Is that  
11 acceptable?

12 MR. BARRY ZAJDLIK: Barry Zajdlik. Of  
13 course.

14 THE FACILITATOR EHRLICH: Rick, it's  
15 Alan Ehrlich here, will that person also be around on  
16 day 3 or on -- on the other later days? Because we've  
17 got quite a bit of wildlife stuff packed in for after  
18 lunch. We might not want to break up the flow of it.  
19 We got a lot of water quality happening tomorrow. I'm  
20 guessing that person's going to be around tomorrow.

21 MR. RICK SCHRYER: Yes, Mark will be  
22 around tomorrow, yes.

23 THE FACILITATOR EHRLICH: Okay. In  
24 that case, let's postpone that question, Barry, if it's  
25 all right with you, until tomorrow. It'll fit better

1 with the agenda.

2 THE FACILITATOR HUBERT: Thanks for  
3 that. One (1) more. Okay.

4 MR. BARRY ZAJDLIK: Sorry, there is one  
5 (1) -- one (1) other question. Is it possible for  
6 Fortune to delineate the local study area that you've  
7 presented in Figure 7.1-1?

8 MR. RICK SCHRYER: I -- I'm not sure  
9 which figure that is. I'll -- Rick Schryer, Fortune  
10 Minerals. I'll have to look and -- give me one (1)  
11 second. We'll have a look at it.

12 THE FACILITATOR HUBERT: Yeah. Thanks.  
13 If that takes a couple minutes we'll go to a question  
14 here. Please proceed, Todd.

15

16 (BRIEF PAUSE)

17

18 THE FACILITATOR EHRLICH: It looks like  
19 they're -- they're ready to respond. So, Todd, if we  
20 can beg your patience for a moment we'll get a response  
21 to that question.

22

23 (BRIEF PAUSE)

24

25 MR. RICK SCHRYER: Rick Schryer,

1 Fortune Minerals. We'd be provide -- able to provide a  
2 response just after lunch. We just need to make sure  
3 we're looking at the right figure and -- and the right  
4 information here.

5 The -- spec -- specifically, are you  
6 looking at -- are you asking about the local and  
7 regional study areas for the water quality, or for  
8 fisheries?

9 MR. BARRY ZAJDLIK: Barry, on behalf of  
10 AANDC. I didn't realize that they were different. If  
11 the are different then the answer would be "yes". And  
12 I think we're looking for a map that's redrawn that has  
13 the lines shown on it, as opposed to a verbal  
14 accounting of the -- the regions.

15 MR. RICK SCHRYER: Rick Schryer,  
16 Fortune Minerals. Well, why don't -- we'll -- we'll  
17 think about our answer, we'll get back to you at lunch,  
18 and then we'll go -- we'll look at a path forward in  
19 terms of addressing your question. All right? Thanks.

20 THE FACILITATOR HUBERT: Thanks very  
21 much. And I'll count on it -- the two (2) of you to  
22 follow up on that and come to whatever arrangement you  
23 can.

24 Anything further on this topic from --  
25 please go ahead.

1 MR. GERD WIATZKA: Gerd Wiatzka, SENES.

2 In addition to the physical aspects we've been talking  
3 about in terms of the waste rock and geo-chemistry,  
4 there's a classification of mine rock used in design  
5 and construction of the facilities, and -- and, of  
6 course, some of the neutralization. So we have a  
7 couple of questions in that regard.

8 One (1), is you used a sulphur cut-off  
9 in terms of .3 percent, and the first question is: Why  
10 not use the conventional kinetic and potential testing?

11 And the second question related to that  
12 is: If you had used that would there be a change? And  
13 would the reclassification effect have the various  
14 waste -- waste rocks or put into the -- the site and  
15 managed?

16 MR. KEN DE VOS: Ken De Vos, with  
17 Golder Associates.

18 In fact, we use all of those different  
19 criteria to come up with the cut-off. The -- we looked  
20 at the NP to AP ratios, so the NPR, we provided the  
21 CANP ratio -- or, not the ratio, sorry, but the -- we  
22 look at the carbonate neutralization potential. We  
23 also look at the acid generation potential testing, the  
24 mineralogy and the kinetic test results. And the --  
25 the outcome of those results allow us to be able to --

1 to pull it back and -- and look at what are the -- the  
2 key influencing factors.

3                   And the key influencing factors for this  
4 particular site come down to the total sulphur content,  
5 as something that we can use to be able to delineate  
6 during operations with the -- not -- not simplicity,  
7 but with a lot more simplicity than -- than a lot of  
8 these other types of testing. So it gives us a tool  
9 that we can do a quick analysis on onsite during  
10 operations that will allow for the operational  
11 management of this rock in a timeframe that will be not  
12 quite real time, but close enough that we will get the  
13 rock to the right location.

14                   So that's the basis for that. Were  
15 there -- was there more to the question?

16                   MR. GERD WIATZKA: Yes. Gerd Wiatzka,  
17 SENES. We were looking -- we separated the -- the use  
18 of the calcium neutralizing potential out, and -- and  
19 our interpretation was that it hadn't been -- the way  
20 we read the document it hadn't been used in terms of  
21 the classification. So if you have used that, I guess  
22 the step -- the third part of the question was: Can any  
23 of that information be provided in terms of the  
24 interpretation and how that was used in coming up to  
25 your sulphur?

1 MR. KEN DE VOS: Ken De Vos, with  
2 Golder Associates. Yeah, NRCan posed a -- a similar  
3 question and we will be providing a response -- or we  
4 provided a letter response to NRCan that -- that  
5 discusses some of -- of those issues.

6 Some of the problems with using the --  
7 the calcium neutralization potential with respect to  
8 ratio comes down to a detection limit issue. And using  
9 detec -- comparing two (2) different detection limits,  
10 one (1) for sulphur and one (1) for -- for calcium  
11 neutralization potential can be problematic because  
12 you're not looking at real values, so.

13 THE FACILITATOR HUBERT: Thank you.  
14 Chuck Hubert. I understand that NRCan has to -- fact  
15 had some discussions with Fortune's consultants on that  
16 topic. Can I get an indication of when that meeting  
17 report that contains that information might be  
18 submitted to the Board?

19 MR. JOHN KING: John King, Natural  
20 Resources Canada. Our geochemist, who we wanted to  
21 have at this technical session, was available in  
22 January but couldn't make it to this session.  
23 Consequently, we decided -- we had a meeting with  
24 Fortune on January the 26th to -- to discuss their  
25 response to some of our Information Requests. And

1 we've received a report on that late on Friday, and our  
2 geochemist won't be able to look at that until the  
3 following week, at which time we should be able to get  
4 that back to the draft report -- or draft memo which  
5 Fortune has written will response to that back to them.  
6 And when we're in agreement with that it will be  
7 submitted to the Board by Fortune to be put on the  
8 public record.

9 THE FACILITATOR HUBERT: Thanks for  
10 that. I trust that will hopefully be sufficient  
11 clarification to -- to answer your question. Is that -  
12 - are you more or less in agreement with that?

13 MR. GERD WIATZKA: Yes, we'd like to  
14 see the data as soon as it's available, as well.

15 THE FACILITATOR EHRLICH: I'm just a  
16 little cautious here because I just heard John King,  
17 from NRCan, commit Fortune to submit something to the  
18 public record. I'd rather hear it from Fortune.

19 Rick, are you able to submit that by say  
20 the 23rd? Do you think that's reasonable?

21 MR. RICK SCHRYER: Rick Schryer,  
22 Fortune Minerals. Assuming we get a response from --  
23 from John's geochemist, yes, I think that's possible.  
24 Thank you.

25 THE FACILITATOR EHRLICH: Now, I'd like



1 to take a question from Todd Slack of the Yellowknives  
2 Dene First Nation, who's been waiting patiently.

3 MR. TODD SLACK: Todd Slack,  
4 Yellowknives Dene. And I'd like to thank Barry for the  
5 opportunity to jump in here, because I can't be here  
6 Thursday afternoon.

7 In regards to the questions on the  
8 persistent pollutants, in Information Request 3.1 from  
9 the Yellowknives Dene, the Company commits to  
10 engineering the incinerator such that it will meet the  
11 Canadian guidelines. It commits to stack testing while  
12 burning sewage sludge. However, it doesn't commit to  
13 other stack testing, or it provides no commitments on  
14 what will be done when the emissions are detected, if  
15 they are detected, to exceed those Canada guidelines.

16 I'm wondering if the Company's in a  
17 position to provide a commitment on what they intend to  
18 do if they're exceeding guidelines, and what their  
19 testing regime will be for matters other than sewage  
20 sludge.

21 MR. RICK SCHRYER: Rick Schryer,  
22 Fortune Minerals. Our air quality isn't here. He was  
23 only scheduled to be here for Thursday, when air  
24 quality was supposed to be discussed. What I can say  
25 is that what we've tended -- what we want to do is

1 develop an air quality management plan in -- with -- in  
2 cooperation with Dave Fox, from Environment Canada, so  
3 that we have a detailed plan that looks at those types  
4 of things. I can't say what the details are of that  
5 plan. We haven't done it yet.

6 I know that Chris Madeline, (phonetic)  
7 from Golder Associates, has already had discussions  
8 with Dave Fox, but I can't specifically answer your  
9 questions, simply because I -- you know, I'm not the  
10 one drafting the plan right now. I haven't seen it.

11 So, Todd, if you can't be here on  
12 Thursday, can I get you a written response once I've  
13 had a chance to talk to Chris Madeline about it?

14 MR. TODD SLACK: Todd Slack, YKDFN.  
15 Yeah, that would be great, if it can be for the --  
16 whatever date we're talking about. That'd be great.

17 MR. RICK SCHRYER: Rick Schryer,  
18 Fortune Minerals. Thank you.

19 THE FACILITATOR HUBERT: So, can we  
20 include that as homework to be provided by the end of  
21 this session?

22 MR. RICK SCHRYER: Rick Schryer,  
23 Fortune Minerals. Yeah, Chris gets here Wednes --  
24 Wednesday night for -- for the Thursday session. Yeah,  
25 I think we can do that, simply because it's going to be

1 a relatively short answer.

2 THE FACILITATOR HUBERT: Thanks. I'll  
3 write that down as homework item number 3.

4

5 (BRIEF PAUSE)

6

7 MS. MADELAINE PASQUAYAK: Madelaine  
8 Pasquayak, Tlicho Government. I understand this --  
9 that this co-disposal is a fairly new thing, and that  
10 it's -- it's not a very common technology, that it's  
11 used in the south. There -- there's probably a lot of  
12 studies done on the use of co -- of co-disposal done  
13 south, but what does it mean for the North? You know,  
14 I hear a lot of questions, very good, you know,  
15 questions being asked, but what does it mean, you know,  
16 for -- for the land where co-disposal will be used?

17 You know, this is Tlicho land. I mean,  
18 what does it mean? What kind of impact will it have on  
19 the land? What kind of impact will it have on the  
20 vegetation? And what kind of impact will it have on --  
21 on marshy areas?

22 I understand that there's permafrost  
23 underneath the marshy grounds. Where there's sandy  
24 ground we've found that there's no per -- permafrost,  
25 but where there's marshy areas there is permafrost. So

1 what kind of impact would it have on our -- on the  
2 marshy grounds, or the permafrost?

3 And the thing is, we're going to be used  
4 as a guinea pig, you know, where this new 'C' -- 'C' --  
5 co-disposal will be used for the first time in a cold  
6 climate, what kind of impact will -- will the weather  
7 have on this -- you know, this new method? And, you  
8 know -- and also what kind of impact will it have on  
9 the animals?

10 Like this -- this tailing, like the --  
11 the -- a lot of -- I understand that there will be  
12 concentrations where -- arsenic concentrations are --  
13 are naturally there high in the grid ponds. And that's  
14 where the -- the CD facility will be, I understand. So  
15 what does that mean, you know, for the grid ponds, that  
16 there's already water there? You know, what -- what  
17 rate will the water disappear? Like how much of the  
18 water that's still left in the tailings, how long will  
19 it take before it dissipates?

20 You know, these are the concerns that I  
21 have, and I think -- I think that any information  
22 that's out there on -- on CD -- the use of CD disposal  
23 should be made available to the Tlicho people. Mahsi.

24 THE FACILITATOR HUBERT: Thank you.  
25 Chuck Hubert with the Review Board. We have a homework

1 item from Fortune, who have committed to providing a  
2 case history document, which hopefully will answer many  
3 of those questions that you've correctly proposed, and  
4 that should be with us tomorrow. And we will -- or the  
5 Board will print out a number of those documents and  
6 have them at the table, maybe -- hopefully -- well, as  
7 soon as we get the -- the digital form, we'll -- we'll  
8 have printouts for you.

9

10 (BRIEF PAUSE)

11

12 THE FACILITATOR HUBERT: It's about  
13 five (5) to 12:00, and we had promised that we would  
14 shut down for lunch -- well, I'm getting a nod from  
15 Fortune that they would like to have a quick comment,  
16 so we'll let that proceed now.

17 MR. RICK SCHRYER: Rick Schryer,  
18 Fortune Minerals. We're going to try to address some  
19 of Madelaine's questions right now.

20 MR. KEN DE VOS: Ken De Vos, with  
21 Golder Associates. I think those are all very good  
22 questions. Now, I think something to -- to keep in  
23 mind is that if we did not use a co-disposal facility,  
24 then the -- the op -- other options are to place waste  
25 rock on the site in a -- in its own pile, and to place

1 tailings on the site in its own location. So we're  
2 dealing really with the exact same materials, and what  
3 we're trying to do in terms of -- of looking at how  
4 this influences the site, this particular site, by  
5 putting these two (2) materials together and having  
6 some of the tailings right within the waste rock, we've  
7 reduced the footprint area, as -- as Rick showed  
8 earlier, substantially. So we're -- we're not going to  
9 be covering as much land.

10                   And it helps us out in terms -- you  
11 know, I think two (2) of the key objectives here are  
12 physical stability, so we want to make sure that  
13 whatever materials are placed stay where they're  
14 placed; and chemical stability, so we want to reduce  
15 the potential for migration of chemicals out of the  
16 material. And, you know, what -- the benefits of -- of  
17 putting these two (2) materials together, there's --  
18 there's -- relative to a conventional disposal, there  
19 is only benefits from putting these two (2) materials  
20 together, because we're reducing the amount of oxygen  
21 that gets in.

22                   So we're reducing the amount of chemical  
23 that can get out. And there's -- there's measures  
24 downstream in terms of covering up the grid pond and  
25 the waters coming out. There'll be treatment of that

1 water, so that the water that ends up coming out of the  
2 system, in terms of concentrations, the concentrations  
3 will be lower than -- than there are right now  
4 naturally occurring in that system.

5                   So I think there are many benefits to --  
6 to that type of system, and Ken's going to provide some  
7 examples of -- of where it has been done before.  
8 Although, you know, we say it's a new technology, it's  
9 really using old technologies and just putting them  
10 together a little bit differently than -- than they  
11 have been in the past.

12                   THE FACILITATOR HUBERT:   Thanks very  
13 much for that response and -- go ahead.

14                   MR. RICK SCHRYER:   Rick Schryer,  
15 Fortune Minerals. I'd just like to add, I think one  
16 (1) of their -- one (1) of Madelaine's questions was:  
17 What happens to the water in the grid ponds?

18                   What we'll be doing prior to  
19 construction is pumping that out and actually using it  
20 in the process. It's not going to be released to the  
21 environment. It's actually going to be used as process  
22 water.

23                   THE FACILITATOR HUBERT:   Chuck Hubert,  
24 with the Review Board. Thanks for that clarification.  
25 And, as can be seen, there's considerable interest in

1 the case history iss -- issue of -- of the whole co-  
2 disposal, and its practical use in -- in existing mines  
3 and so we encourage Fortune, of course, to -- to  
4 complete that document and get it to participants here  
5 as soon as possible.

6 DR. GINGER GIBSON: I just want to --  
7 Ginger Gibson. I just want to mention that Madelaine  
8 asked about permafrost and I think the -- the question  
9 of what, if anything, what will happen with permafrost  
10 below the structure? And I think Madelaine also raised  
11 the question of climate change and whether the  
12 Proponent has looked at how climate change might  
13 influence the -- the facility or the pile.

14 So it would be great after lunch,  
15 clearly, to -- to hear about that. Mahsi.

16 THE FACILITATOR HUBERT: Thanks. I've  
17 written those down for immediately after lunch. So,  
18 with that, we'll break for one (1) hour. If I can see  
19 you back at one o'clock that would be great. And  
20 thanks for your attendance and hope to see you back.  
21 Thanks.

22

23 --- Upon recessing at 11:57 a.m.

24 --- Upon resuming at 1:04 p.m.

25



1 THE FACILITATOR HUBERT: Okay. Good  
2 afternoon again, everybody. If we could take our  
3 seats. I'd like to just finish up -- I know we're a  
4 little behind on the agenda, finish up with about  
5 fifteen (15) minutes of question and answer on the  
6 topic we finished up with this morning.

7 And, in particular, I believe AANDC and  
8 their team would have some questions still. So if you  
9 can proceed with that we'll -- we'll get started.  
10 Thanks.

11

12 (BRIEF PAUSE)

13

14 MR. JOHN BRODIE: It's John Brodie  
15 speaking for AANDC. I've got four (4) questions. I  
16 hope they're fairly brief.

17 First question, What is the quantity of  
18 -- of waste rock that has an NPR of less than one (1)?  
19 In other words, the quantity of waste rock that's  
20 actually potentially acid-generating.

21

22 (BRIEF PAUSE)

23

24 MR. KEN DE VOS: Ken De Vos with Golder  
25 Associates. The -- the numbers will vary depending on

1 what method you use to determine that -- that NP. If  
2 you use the NPR, or the -- the net acid production  
3 ratio determined by the price 1997 guidelines, you're  
4 in the range of about 10 percent.

5 If we look at -- well it's -- it's up to  
6 about 19 percent depending on how and where you count  
7 the samples. And all this is -- is provided in Annex A  
8 of the DAR. And it's also provided in the mine rock  
9 management plan, as well, which is, I think, Appendix 3  
10 or 7 -- we'll check that and we'll get back to you with  
11 the appendix number.

12 So the -- the answer is, the range is  
13 probably somewhere between 10 and 19 percent. And to  
14 go a little bit further down that path, the pile is  
15 designed to handle that amount of -- of acid-generating  
16 material, or even greater amounts than that. Sorry,  
17 it's Appendix 3 -- 3.1.

18 MR. JOHN BRODIE: John Brodie. Thank  
19 you for that. The next question. Is there a plan for  
20 a stockpile of low-grade ore or would all such low-  
21 grade material be placed directly in the co-disposal  
22 facility?

23 MR. TOM RINALDI: Tom Rinaldi. There -  
24 - we're estimating approximately six and half million  
25 tonnes of -- of sub-economic material. It's definitely

1 going to be -- is that type 3 waste, Ken? It would be  
2 classified as a type 3 waste.

3 In reality, because of economics of the  
4 -- of how the mine model was -- was performed and --  
5 and operational conditions when we were going through,  
6 we're assuming that a certain percentage of that is  
7 going to go directly through the mill. And it'll never  
8 go to the waste pile, as is. It will be segregated as  
9 class 3 waste. It'll be in a location that we could go  
10 back and retrieve it if it was ever needed to. But  
11 it's going to be treated as a class 3 waste in -- in  
12 the CDF.

13 MR. JOHN BRODIE: John Brodie. Just  
14 for clarity, then. If -- if that material wasn't  
15 mined, what would you do with it? If -- if it was  
16 mined and stockpiled but not processed?

17 MR. TOM RINALDI: Tom Rinaldi. It will  
18 be in the CDF and it'll be placed as -- it'll -- it'll  
19 be placed in a location where we know where it's at,  
20 but it'll be treated as waste in the -- in the CDF.

21 MR. JOHN BRODIE: John Brodie. Thank  
22 you. Moving on to the water treatment process. Was --  
23 the proposal is to use reverse osmosis followed by  
24 precipitation of the metal constituents in the  
25 resulting brine.

1                   And I'm wondering, why does chemical  
2 precipitation work on the brine if it didn't --  
3 wouldn't work on the original influent?

4                   MR. RICK SCHRYER:     Rick Schryer,  
5 Fortune Minerals. Unfortunately, I don't have our  
6 water treatment expert here to answer that question  
7 directly. But, we can provide a written response to  
8 that question quite soon. I would suggest that that be  
9 taken as an undertaking.

10                  THE FACILITATOR HUBERT:    Okay. Well,  
11 that will be Undertaking number 3 and, for clarity, can  
12 you repeat the question for me so that I can get it  
13 down?

14                  MR. JOHN BRODIE:     It's John Brodie.  
15 The question is: How is that the chemical  
16 precipitation will be effective on the brine coming out  
17 of the RO plant, but it wouldn't be effective on the  
18 influent?

19                  THE FACILITATOR HUBERT:    Thanks very  
20 much.     Go ahead.

21                  MR. JOHN BRODIE:     John Brodie. I have  
22 one (1) last question. And this may turn into an  
23 undertaking as well. Has the precipitate from the --  
24 the brine process been tested for its chemical  
25 stability in the range of conditions in the co-disposal

1 facility where it will end up?

2 MR. RICK SCHRYER: Rick Schryer,  
3 Fortune Minerals. Not as of yet. We -- as I  
4 mentioned, we're doing a bench-scale test right now and  
5 we'll be able to have results of that, probably, I  
6 would think, in the next month or so. So they are not  
7 available at this moment, but we will be -- the answer  
8 is we will be testing it to see whether the -- the  
9 chemi -- to test the chemical stability of the  
10 material. And we'll make those results available to  
11 the Board when they're -- when they're done.

12 MR. JOHN BRODIE: John Brodie. Thank  
13 you. I have no further questions.

14 THE FACILITATOR EHRLICH: Thanks, John.  
15 Alan Ehrlich here. I would really encourage the  
16 Developer, whenever possible, to try and answer these  
17 questions before the end of the three (3) days of  
18 sessions if you can. I think of one (1) EA we had  
19 here, or technical sessions of maybe a year ago, there  
20 were around sixty-seven (67) undertakings. And then I  
21 think of two (2) similar sessions we've had since,  
22 where five (5) day sessions, for a very large scale or  
23 very complex developments, we had less than ten (10)  
24 undertakings total. After five (5) days.

25 I just want to make sure you're not

1 loading yourselves up with a really insurmountable task  
2 by February 23rd. If -- if there are things you can  
3 answer within the next three (3) days, like, for  
4 example, why not precipitate before reverse osmosis  
5 instead of after, all right? I would strongly suggest  
6 you try to do that stuff as homework within the  
7 session, instead of taking it as a -- a written  
8 undertaking later. It'll better let you concentrate on  
9 the few undertakings you'll wind up taking and -- and  
10 you do have two (2) evenings to -- to work with. So I  
11 just wanted to put that out there in -- in general  
12 terms.

13                   Would you be willing to consider having  
14 that last undertaking becoming a homework item instead?  
15 In other words, try and -- and come up with a response?  
16 Your -- your water quality expert will be here sometime  
17 over the next couple of days, correct?

18                   MR. RICK SCHRYER: Rick Schryer,  
19 Fortune Minerals. The reason I'm hesitating is that  
20 the actual person who is designing and performing these  
21 tests is actually in -- in the Golder office in Denver,  
22 Colorado. And I don't know his schedule, per se. So I  
23 don't want to promise something that I can't deliver  
24 without having -- talking to him first. Okay.

25                   So once we've had that discussion, Jen

1 behind me is writing down the question, she'll contact  
2 him in -- in Denver. If we can get that answer to you  
3 before the end of the technical sessions we will. But  
4 it's just, I -- like I said, I have -- you know, I  
5 don't want to promise something that I can't deliver  
6 unless I talk to him first.

7 THE FACILITATOR EHRLICH: Fair enough.  
8 And I trust he's gathering genuine Colorado sand for  
9 your treatment to process it. For the record, that's a  
10 joke. I was kind of smiling when I said it. So for  
11 the transcripts, that was an attempt at humour.

12 Okay. My -- my general nudge to try to  
13 answer questions in these sessions as much as you can  
14 still stands. But otherwise we'll have answers by the  
15 23rd of February. So it sounds like Undertaking number  
16 3 is still an undertaking to --

17 MR. RICK SCHRYER: Alan, hang on a  
18 second. Ken has thought about it, Ken -- Ken de Vos  
19 from Golder and he thinks actually he can -- he can  
20 answer the question. So we'll let him take a run at  
21 it.

22 MR. KEN DE VOS: Yeah, I -- I mean, the  
23 general answer is that providing a separate stream will  
24 be more concentrated. You know, when you -- when you  
25 look at the influent stream it's a fairly dilute

1 solution. So to actually get a chemical precipitation  
2 it's -- it's simple solubility constraints is -- is the  
3 -- at the base level in terms of chemical understanding  
4 you need to achieve, you know, some concentration where  
5 the solubility limit is -- is exceeded and so you  
6 precipitate those solids.

7 And that's much simpler to do on a  
8 smaller, more concentrated stream with some evaporation  
9 or some other -- other method than it is to do on an  
10 influent stream. So that would be, at -- at it's most  
11 general sense, the answer to the question that you  
12 pose.

13 MR. JOHN BRODIE: Thank you.

14 THE FACILITATOR HUBERT: Thanks. Is  
15 that an adequate answer or do -- do you require more?

16 MR. JOHN BRODIE: John Brodie. Yeah,  
17 that -- that will suffice for now.

18 THE FACILITATOR HUBERT: Thanks. In  
19 that case we'll scrap, if that's the word, Undertaking  
20 3 for now.

21 Earlier Madelaine was here and had some  
22 questions to ask. I don't believe she's here now.  
23 Please, come up and ask the questions that you were  
24 planning on just prior to lunch.

25 MS. MADELAINE PASQUAYAK: Thank you.



1 Madelaine Pasquayak, Tlicho Government. There was a  
2 couple questions that -- that weren't answered this  
3 morning, and I was a little concerned because that --  
4 the mine site, where the proposed mine site is going to  
5 be, that's an area where my family has hunted and  
6 trapped and fished in the past. So I'm very concerned  
7 about, you know, the -- the CD dis -- disposal that  
8 will -- that will be happening on that site.

9                   One (1) of my concern was the  
10 permafrost. When you do put your perma -- I mean, when  
11 you -- when you dispose of the tailings and the rocks  
12 on that site what will that do to the permafrost that's  
13 underneath the ground and all the runoff from the --  
14 the slope that you propose will wa -- that you say --  
15 say will happen. What will that do -- what -- how will  
16 that effect the permafrost?

17                   And also, the studies that were done  
18 were done in the south where the climate is a lot  
19 warmer. Now there's -- I understand that this method  
20 has never been used here in the north before. So how  
21 will the climate affect the -- the CD disposal site?  
22 That was my question.

23                   MR. KEN DE VOS: Ken De Vos, with  
24 Golder Associates.

25                   We talked a little bit about the first -

1 - well, part of -- of your questions with respect to --  
2 but -- but in particular with respect to permafrost,  
3 the design of the -- of the CDF in terms of its  
4 chemical stability doesn't rely on permafrost. I would  
5 expect there would be some changes in temperature  
6 directly below -- beneath the pile. However, the water  
7 quality estimates from the pile are not influenced by  
8 that -- that permafrost, and it would be very  
9 localized.

10                   With respect to climate change from a  
11 chemical stability perspective, the pile does not rely  
12 on either warm or cold temperatures. It's designed to  
13 perform independent of -- of the -- the specifics of  
14 temperature on any given month, day, or year. The --  
15 the water quality is predicted independent of that.

16                   MS. MADELAINE PASQUAYAK: Thank you for  
17 your response. Given that we have two (2) gold mines  
18 here in Yellowknife in the past, what -- my big concern  
19 would be the water quality, and I know that that would  
20 be the concern of the Elders. You know, as it is  
21 today, I refuse to eat fish from this lake. And -- and  
22 the Elders also say the same thing too. And we've  
23 noticed that there's quite a significant change in the  
24 quality of the meat of the fish. So, you know, if I'm  
25 going to eat fish I'll -- I'll eat fish from an area

1 where it's safe and I know that the -- the quality of  
2 the meat is good.

3                   So the con -- concern would be will  
4 there be any impact on the -- the fish in that area,  
5 and -- and what kind of impact can we anticipate, and  
6 what other impacts can we anticipate in that area.  
7 Mahsi.

8                   MR. JOHN FAITHFUL:     John Faithful,  
9 Golder Associates. Thanks, Madelaine. The im -- the  
10 impact assessment with respect to water quality in  
11 those receiving lakes took into account all the  
12 potential inflow streams and look -- also looked at the  
13 -- the flow patterns based on the -- on the watershed,  
14 so the water balance from the particular facility.  
15 They took into account the baseline conditions, and  
16 then projected what the changes to water quality would  
17 be within the watershed that drains immediately below  
18 the project area.

19                   The predictions for the water quality  
20 were then evaluated by an aquatic health risk  
21 assessment team and, based on those findings,  
22 determined that there would be -- that the health of  
23 the aquatics would not be substantially changed.

24                   MS. MADELAINE PASQUAYAK:     Thank you for  
25 your response. I listened to all the interviews that

1 was done by Golder in the community of Whati. And one  
2 (1) of the questions that was asked was: Do you -- do  
3 you -- did you -- did you notice a significant change  
4 in the quality of the meat -- the fish and the meat,  
5 wild animals that you killed in the area?

6 And -- and the answer to that was, Yes.  
7 And as I thought about that I realized that the --  
8 these questions were posed to a woman that didn't  
9 travel to -- to the -- to the proposed mine site. This  
10 was only Whati. And if they're saying that they're  
11 noticing a significant change in the quality of the  
12 meat, what does that tell us about the proposed mine  
13 site? You know, will there be a significant change  
14 there too if we were to go there and start fishing and  
15 start, you know, collect -- sorry, harvesting, you  
16 know, meat from that area?

17 That -- that would be our -- my great  
18 concern.

19 MR. JOHN FAITHFUL: Thank you,  
20 Madelaine.

21 MR. RICK SCHRYER: Rick Schryer,  
22 Fortune Minerals. I guess the answer to the question  
23 is that we under -- we heard the results of the TK  
24 interviews that we de -- conducted, but it doesn't  
25 change the impact assessment that we had in terms of

1 our assessment of the impacts of our project on fish  
2 health in that we still believe that our project will  
3 have negligible effects on fish and fish health within  
4 the receiving environment. So we don't expect any  
5 changes due to this project in fish health.

6 I'm not sure where -- what the -- the  
7 Elders were specifically referring to, that interview  
8 person was referring to in terms of fish health. But  
9 in terms of respect to -- to our project, we're not  
10 anticipating any major changes to fish health.

11 DR. GINGER GIBSON: Mahsi. We'd like  
12 to return to just asking a few more questions about co-  
13 disposal. Ginger Gibson, Tlicho Government. The -- a  
14 lot has changed since the Developers' assessment report  
15 was put in. We are -- are -- we would like the  
16 Proponent to let us know if there was a failure modes,  
17 an effect analysis done for the -- for the co-disposal  
18 facility for the project. And if so, would it be  
19 provided to the Board.

20 And in -- in addition, we'd like to know  
21 about -- I mean, there's been a number of changes in  
22 the mine plan that we saw up on your presentation today  
23 from having separate and distinct tailings and waste  
24 rock piles to moving towards the -- the co-disposal  
25 facility. We wonder if you're going to be making that

1 -- the alternatives assessment available.

2                   And I think part of what we see  
3 happening here in a number of areas, and -- and I think  
4 we followed that this morning in -- when we were  
5 looking at the question of your cutoff for -- for  
6 sulphur. We -- we -- while you may be getting to the  
7 right place, we need to follow you there. And so if we  
8 -- we need to be able to look at all of the data and  
9 make sure that we agree that that benchmark that you're  
10 using, that scale, that test that you're using in the  
11 field is something that -- that is an acceptable kind  
12 of cutoff.

13                   At this point we look at it, and because  
14 we don't have the data to be able to assess it, we  
15 can't follow you there, and we can't agree that it is  
16 the best way to -- to -- you know, it -- and -- and the  
17 outcome for us could be very substantive. Because if  
18 we were using, for example, in the -- in the case of  
19 the cutoff that you're using, if you were using a  
20 different -- if we used a different cutoff because it  
21 was warranted, we might end up having -- if -- a lot  
22 more waste rock, or a lot more type 1 or type 2 or type  
23 3 waste rock.

24                   And -- and if we used your cutoff and it  
25 was the wrong cutoff, we might end up using polluting

1 rocks for building roads, for example. So I think that  
2 -- that there is quite significant outcomes of -- and -  
3 - of where -- of the choices of what cutoff you're  
4 using. And that's why we'd just like to be able to  
5 look as much as we can at the information you used in  
6 your alternatives assessment in -- in a number of  
7 areas. And -- and those being the, you know, when you  
8 decided to go towards co-disposal, and we've got new  
9 information from you on that, but also in the -- in the  
10 work you're doing with water and -- and acid rock  
11 drainage.

12                   So -- so I think the request is both to  
13 understand whether you did the failures effect  
14 analysis, but also to let us know about whether you'll  
15 be able to provide more information about how you  
16 reached certain -- certain decisions. Mashi.

17

18                   (BRIEF PAUSE)

19

20                   MR. RICK SCHRYER: Rick Schryer,  
21 Fortune Minerals. In terms of our decision making  
22 process towards the design and -- and use of a co-  
23 disposal facility, I just want to lay some of the  
24 ground work here. I'll let Ken -- the -- the Kens  
25 answer some of the more specific questions, but I just

1 want to point out a couple of things.

2                   One (1), the co-disposal facility is not  
3 the cheapest option available to Fortune Minerals. It  
4 is by far more expensive than traditional tailings  
5 disposal mine rock disposal, but it is the best  
6 solution environmentally by far. And that's why we  
7 chose it.

8                   When we did the initial selection of  
9 different -- look -- looking at our triage in terms of  
10 how we were going to dispose of waste rock and tails,  
11 our driving force in those initial selections was water  
12 quality. When we started looking at the potential, as  
13 I showed this morning in the presentation, that  
14 separate mine rock pile that was to the south of the --  
15 of the open pit, quite frankly the -- you know, the  
16 initial estimates of the chemistry coming off of that  
17 waste rock pile were unacceptable in terms of the  
18 amount of arsenic that it would generate.

19                   And we looked at options in term of  
20 trying to  
21 mitigate that. And we couldn't find one (1), to be  
22 honest. From our -- from our perspective, it would  
23 have created a headache that we couldn't deal with.  
24 And that -- we would -- basically mean that closure  
25 treatment in perpetuity with an ETF. And we just



1 didn't think that was acceptable.

2                   And, quite frankly, there wasn't -- you  
3 know, beyond that there wasn't much point in exploring  
4 those options any further once the water quality  
5 measure had been -- couldn't be breached. We -- we had  
6 to move onto something else. And we quickly ended up  
7 at the co-disposal option and looking at that simply  
8 because it gave us better options in terms of being  
9 able to deal with water quality, not only in operations  
10 but especially at closure where we could manage water  
11 quality on a better basis.

12                   And that's -- was the driving force  
13 beyond -- for -- for the design and the -- the  
14 selection of the CDF. So in terms of -- Ginger was  
15 referring to the report. We did give our -- our  
16 tradeoff study report to the Tlicho Government. It was  
17 a draft report, but we provided just a little note at  
18 the front of it that said, you know, what -- because  
19 the report was out of date -- the reason that it was  
20 never finished is because we didn't need to go any  
21 further with it, quite -- we'd -- we'd already reached  
22 our conclusion without doing any more detailed work.  
23 As I mentioned, the water quality issue just wasn't  
24 acceptable. We had to move on.

25                   We've provided that report to the Tlicho

1 Government. I don't have a problem with providing it  
2 to the Board, as long as they understand that it's a  
3 draft report that was never completed. The -- you  
4 know, most of the -- you know, the reasons for  
5 selecting alternatives 1, 2, and 3, or going through  
6 them, are there. Just as long as everybody -- and  
7 there's a memo at the front that says, you know, why --  
8 where the report's deficient and/or out of date. But,  
9 like I said, I don't have a problem with submitting  
10 that to the Board. We've already provided it to the  
11 Tlicho Government.

12 But, I just wanted to make sure  
13 everybody understood that, you know, once we re -- once  
14 we reached that point, we didn't have to go and finish  
15 the study. We -- we'd already -- we already knew where  
16 we had to go.

17 THE FACILITATOR EHRLICH: It's Alan  
18 Ehrlich. Rick, yeah, please do provide that to the  
19 Review Board. You're welcome to put in a covering  
20 letter saying -- reiterating what you've just described  
21 so that people understand the -- the context for that  
22 report.

23 Ginger, did you have another question or  
24 comment?

25 DR. GINGER GIBSON: I -- I'm hoping

1 that these gentlemen will answer it. But, I do want to  
2 know if -- if -- I mean, I -- I -- we -- I understand  
3 all the points. I think we -- we're understanding what  
4 co-disposal does and achieves and the -- and the cost  
5 associated with it. What we're not seeing demonstrated  
6 is the effectiveness of co-disposal in controlling the  
7 quality of mine rock drainage. So that's why we want  
8 to see a failure effects -- modes and effects analysis.  
9 We want to understand.

10 I -- I mean if the water quality issues  
11 were so significant coming from conventional tailing  
12 and rocks being separated, what is our certainty with  
13 respect to co-disposal? How -- how does it change?

14 MR. KEN BOCKING: Ken Bocking, Golder  
15 Associates. Your -- your question was had a failure  
16 modes and effects analysis been done. The -- the  
17 simple answer is, no.

18 I -- I might add there that in -- in  
19 terms of tailings containments, most failures relate to  
20 -- to water. And you have to appreciate that, as you  
21 can see on the model, at closure there is no pond on  
22 this. And it's -- it's a strong, stable structure that  
23 sheds water. And so it's -- it's inherently physically  
24 safer.

25 MR. KEN DE VOS: Ken De Vos with --

1 with Golder. With respect to chemical stability --  
2 thanks for your question. We -- we follow the -- the  
3 guidelines. There -- there are several guidelines out  
4 there. You know, there's -- there's the Price  
5 (phonetic) '97 guidelines which we -- we refer to.  
6 There's MEND 2009 guidelines. And there's the GARD  
7 Guide which is a online resource. The latest version,  
8 I believe, would be 2010 or 2011. I would have to  
9 check the -- the website to confirm if that was updated  
10 in 2011.

11 But we follow the -- the approaches and  
12 procedures outlined in those documents to come to a  
13 conclusion and -- and we're happy to discuss further  
14 with you the approaches that -- that we took and the  
15 decision points that were made as we went through those  
16 documents.

17 THE FACILITATOR EHRLICH: Ginger, I've  
18 -- I've -- it's Alan. I've just been talking with my  
19 colleague, Chuck. And he points out that -- that there  
20 was a risk assessment done that looked at -- my -- the  
21 question that I whispered to Chuck was, has he seen --  
22 he's more familiar with this file now than I am -- has  
23 he seen any assessment of low probability, high  
24 consequence events? Which is often what a failure  
25 modes analysis gets at.

1                   For the benefit of the people in the  
2 room who haven't dealt with failure modes analysis  
3 much, failure modes analysis and effects analysis  
4 mostly looks at when things go wrong, how wrong can  
5 they go? What does it take for them to go wrong and  
6 what happens if they go wrong?

7                   And -- and so it focuses more on things  
8 that are less likely, but more severe when they -- they  
9 occur. And from what Chuck told me, it sounds like  
10 some of this has been explored in the risk assessment  
11 as well.

12                   Is there a difference between a risk  
13 assessment and the failure modes and effects analysis  
14 that you are interested in?

15                   DR. GINGER GIBSON: I don't -- I don't  
16 remember what is in the risk assessment. So maybe I  
17 can go -- we can go back and look at it and decide  
18 whether we want to ask for more on this.

19                   I think the concern is -- and we'll get  
20 more from the case studies that come out tomorrow. The  
21 concern is that they're -- co-disposal as a technology  
22 itself is fairly new. And we haven't learned -- as  
23 engineers, we haven't learned from failures, because  
24 there haven't a -- a ton of failures.

25                   And, yes, we can take the word that it's

1 low water and -- and, therefore, the -- the stability  
2 is high. But there's -- I think there's two (2)  
3 concerns we have, is, one (1), we'd like to see what  
4 the potential -- the planning done for what potential  
5 problems could be. And -- and then management of them.

6                   And I think an associated concern is  
7 that because it's a new technology there's not a lot of  
8 management guidelines. And the -- and the Developer is  
9 projecting developing management guidelines, but  
10 there's not a lot to draw on in the kind of  
11 environments that we're in. So it's another are we  
12 going to learn on the fly as we -- as we experiment  
13 with the technology or are we going to think it through  
14 in advance and try to plan for any eventualities.

15                   MR. KEN DE VOS: Ken De Vos. Just in -  
16 - in terms of the -- you know, if we're talking failure  
17 and modes of failure and -- and what our response to  
18 those would be, I mean, we do -- we do look at -- we  
19 did look at the overall -- all water quality, and we  
20 did look at water quality from the various materials.  
21 And, at the end of the day, the -- the hope, the plan,  
22 the understanding is that we will be able to come to a  
23 water quality that amenable to wetland treatment. We  
24 believe that's going to be the case.

25                   You know, the -- the -- there are

1 alternatives out there. There are tried and true  
2 treatment technologies out there that will be im --  
3 implemented during operations and that -- that Fortune  
4 will be -- will be using on site. And those will be in  
5 place. So -- so as a worst case, those would continued  
6 to be used.

7 DR. GINGER GIBSON: I'm just wondering  
8 in what -- in the worst case, the worst case being  
9 what? What would -- can -- can you just draw that out  
10 a little bit?

11 MR. KEN DE VOS: In terms of the worst  
12 case or -- I'm -- I'm not -- not quite clear.

13 DR. GINGER GIBSON: I just wasn't  
14 following where you were going.

15 MR. KEN DE VOS: If the water quality  
16 would -- would not be suitable for immediate release to  
17 the wetland, then -- then there are treatments  
18 available that could take care of that water quality.

19 DR. GINGER GIBSON: Ginger Gibson. I  
20 think that that is -- I mean, I think we're going to  
21 drill into that tomorrow, right? And -- and the  
22 question of water quality and the idea that there may  
23 need to be long-term treatment if passive treatment  
24 doesn't work is something that the -- that there's --  
25 kind of it's a flag for the Tlicho Government that that

1 is -- is a potential. And I think that's a potential  
2 liability for the Tlicho Government in this sense. But  
3 hopefully we'll be drilling into that tomorrow, right?

4 MR. RICK SCHRYER: At this stage, I  
5 think, just based on what Ginger said, what I'd like to  
6 do is just make an announcement that we're going to be  
7 meeting tomorrow with the Tlicho Government after the  
8 session is over to have a detailed discussion on the  
9 CDF and its issues.

10 And anybody in the room is welcome to  
11 join us. It'll be here probably, you know, sort of  
12 5:00-ish. And I don't know how long we'll go, but  
13 we're -- we're inviting anybody to join the discussion  
14 on -- we'll have our -- our experts here and we can --  
15 we can have a detailed discussion on the co-disposal  
16 facility.

17 THE FACILITATOR HUBERT: Thank you.  
18 And a meeting report or minutes taken of some sort and  
19 presented to the Board as well.

20 Is that correct?

21 MR. RICK SCHRYER: Yes. Rick Schryer,  
22 Fortune Minerals. We will be taking mi -- notes and we  
23 will be submitting minutes of the meeting to the Board  
24 to be part of the public record.

25 THE FACILITATOR HUBERT: Thank you.



1 THE FACILITATOR EHRLICH: And it's Alan  
2 again. It -- it would -- would be helpful if you can  
3 also report on -- just briefly on Thursday morning for  
4 the benefit of the people that didn't come to the  
5 meeting, a Reader's Digest version of where you go to  
6 with that.

7 I have one (1) last question on this  
8 subject. And then we'd like to move on to caribou  
9 because we want to make sure we have enough time for  
10 that. But, Rick, correct me if I'm wrong, but I  
11 thought that one (1) of your slides looked at year 120,  
12 pointed out that water monitoring will continue to  
13 determine if any further water treatment is necessary.

14 Did I misunderstand, or does Fortune  
15 expect to have ongoing responsibilities and be around  
16 in a hundred and twenty (120) years to step up to  
17 those?

18 MR. RICK SCHRYER: Rick Schryer,  
19 Fortune Minerals. No. Well, first of all, no, we  
20 don't expect Fortune Minerals to be around in twenty  
21 (20) -- a hundred and twenty (120) years. I don't  
22 think I'll be around either.

23 The -- what I was referring to in the  
24 water quality modelling is if and when the open pit is  
25 ready to discharge we'll have to mon -- you know, the

1 money that we'll have put in place for that, to deal  
2 with that issue, whoever does it is going to have to  
3 monitor the water quality in the open pit prior to  
4 overflow to ensure that it is adequate for discharge.

5           And if it's not adequate for discharge,  
6 then one (1) of the many options that I detailed in  
7 terms of in-pit treatment or use of a wetland or use of  
8 an ETF will be implemented depending on the conditions  
9 in the water -- open pit at that time.

10           This is a good opportunity for me to  
11 mention that we've had some initial discussions  
12 concerning our security financing for this project in  
13 terms of can we put money aside that'll be in place a  
14 hundred and forty (140) years from now, right, because  
15 we're going to have to count in -- count in the mine  
16 life too. So it's a hundred and forty (140) not a  
17 hundred and twenty (120). And the answer is, yes.

18           We've talked to companies that do this  
19 kind of thing and they assure us that, yes, we can put  
20 money aside that will be available for that eventuality  
21 in a hundred and forty (140) years whether or not  
22 Fortune Minerals exist or not, and that's what we're  
23 working toward. We're starting to develop our closure  
24 financing right now, and that's part of the scenario  
25 we're working on in terms of what money will be needed

1 when and how much to deal with the worst-case  
2 scenarios. And the worst case, of course, being that  
3 an ETF has to run to wat -- to deal with the water  
4 quality coming out of the open pit. Thank you.

5 THE FACILITATOR HUBERT: Thanks very  
6 much. If there isn't anything further on that topic  
7 I'd like to move to caribou now, which I believe  
8 there's -- a lot of people have an interest in.

9 And I understand Fortune needs to  
10 reshuffle their seats, so I'll give them about a minute  
11 to do that. And if we can switch gears and start to  
12 think about caribou in a minute.

13

14 (BRIEF PAUSE)

15

16 THE FACILITATOR HUBERT: On the study  
17 area, boundaries, if we can -- if we can do that right  
18 now. It will take about a minute and then we'll get  
19 into caribou. So AANDC, please proceed.

20 MR. BARRY ZAJDLIK: Barry Zajdlik, on  
21 behalf of AANDC. The question was posed this morning,  
22 do you have a map that shows the definition of the  
23 LSA/RSA? And my understanding was broaden right this  
24 morning that there may be two (2) different definitions  
25 depending on what we're looking at, whether it's fish

1 or aquatic chemistry.

2 MR. JOHN FAITHFUL: John Faithful,  
3 Golder Associates. Thanks, Barry.

4 The figure that -- that Barry referred  
5 to, I think it was Figure 7.1.1, does reflect the --  
6 the local study area and the regional study area for  
7 the water quality key line of inquiry. It actually  
8 represents the Burke Lake watershed and the Lou Lake  
9 watershed that def -- that surround the -- the NICO  
10 project, both as a receiving environment and also as a  
11 withdrawal environment. And it extends down to the  
12 confluence of the Burke Lake stream outfall. The  
13 regional study area then extends along that Marion  
14 River base to the -- to the entry to the north arm of -  
15 - to the north arm of North Slave Lake.

16 MR. BARRY ZAJDLIK: Barry Zajdlik on  
17 behalf of AANDC. I'm sorry, I surrendered my copy to  
18 Fortune this morning. So my recollection of the figure  
19 though is that there are no lines actually demarcating  
20 these -- these definitions. And what I'm -- what I'm  
21 looking for is -- is a piece of paper that has the  
22 lines drawn on it so that we can refer to it in the  
23 future.

24 MR. JOHN FAITHFUL: Thanks, Barry.  
25 Yeah, the -- the figure was actually colour-coded in

1 terms of the waterways and it was -- it would be easier  
2 to -- to define those -- to delineate those watersheds  
3 had some boundaries actually been drawn on the figure.  
4 So we can -- we'll -- we'll update those figures with  
5 respect to the -- to the boundaries of the LSA and the  
6 RSA and then provide them to -- to the Board.

7 THE FACILITATOR HUBERT: Thanks very  
8 much for that question and response.

9 Can I ask Fortune if they will provide  
10 that as a -- as homework, or would this be considered  
11 an undertaking?

12 MR. RICK SCHRYER: Rick Schryer,  
13 Fortune Minerals. We'll do our best to do it as  
14 homework. I'll get the Golder people to see if we can  
15 get the GIS department to redraft the figures, and so  
16 we can have them available by -- by Thursday. Thank  
17 you.

18

19 QUESTION PERIOD RE CARIBOU:

20 THE FACILITATOR HUBERT: Thank you very  
21 much. We'll number that number 4 for homework.

22 Now I'd like to begin with caribou -- my  
23 apologies for -- for being a bit late with it, but I  
24 see some eager faces in the -- in the seats here that -  
25 - so whoever would like to -- to begin with questions.

1 I'm sure we'd like to get right to it. Thanks.

2 CHIEF CLIFFORD DANIELS: Thank you.

3 Chief Daniels, Behchoko. Regarding caribou, there's  
4 always concern. Car -- caribou wherever it is just due  
5 to the recent Bathurst herd recovery plan and that. It  
6 seems there's been some differences in how monitoring  
7 should be done in the study of caribou and that -- you  
8 know, between just seasonal and annual range and that.  
9 And we still feel the same, that the annual range  
10 should also be considered as part of the study.

11 Also, that Tonchi (phonetic) -- the cari  
12 -- boreal caribou have not been included. I myself  
13 have seen boreal caribou in the Hislop area and -- and  
14 I don't know why it's not part of the study. It should  
15 be. If there's one (1), there's possibly more. And  
16 that's -- I guess the study will find its finding. So,  
17 you know, there's lots of things that have impact on  
18 the caribou, especially if you're going to build a  
19 road. Even in the mine site, we've heard stories about  
20 caribous having broken legs due to crossing the roads.

21 So -- and you have access to these  
22 caribous which are trying to conserve. That makes it a  
23 longer period of access that will be available in the  
24 future. For example, the community of Behchoko. Once  
25 spring comes, the only time the hunters do head out is

1 -- is very late -- early in the morning, I guess, after  
2 midnight when it freezes, and they get out to the  
3 hunting area which is colder.

4                   Providing access further north of that  
5 is -- is having a longer hunting season, whereas in the  
6 south end you start getting melt -- melting and you  
7 can't use the snowmobile. But if you can get access  
8 further to the north, I'm pretty sure the hunting, the  
9 harvesting, will be a longer period than the usual  
10 period.

11                   There's also other wildlife that will  
12 also be affected, you know, just due to the roads. I  
13 also know myself, and -- and some other trappers, too,  
14 that between Whati and Gameti, if the road is built,  
15 that there -- there's a woodland in -- in those areas  
16 that migrate back and forth. They'll also be affected.  
17 So that's why I'm saying the -- the boreal caribou  
18 should be really seriously considered in this -- be  
19 included as part of the study.

20                   So that's all I have to say for now, so  
21 I'll just leave it at that. Mashi.

22                   THE FACILITATOR HUBERT: Thank you.  
23 Can Fortune respond to the level of consideration given  
24 to woodland caribou and -- and maybe touch on some of  
25 the other topics mentioned? Thanks.

1

2

(BRIEF PAUSE)

3

4

MR. DAMIAN PANAYI: Damian Panayi.

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6

7

Thank you for the question. We -- we've been doing  
baseline studies at -- at the Fortune site of the NICO  
site since -- since 2004.

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And during that time, we've done a lot  
of winter track counts. We've done a lot of aerial  
surveys. And we have come across sign of caribou in  
the winter. We haven't yet seen caribou in the summer,  
which would indicate woodland caribou. And we've also  
found that in some years there's caribou in the study  
area, and in other years we can't find any sign of  
caribou at all. So -- which indicates, you know, that  
-- that does tend to indicate that these are barren  
land -- mig -- migratory barren land caribou as opposed  
to woodland caribou.

So it's interesting to hear what he said  
today, and we've also spoken to some community members  
and we haven't yet heard information about woodland  
caribou in the -- in there -- in the area. So it's  
something that we'll keep an eye out for with -- with  
ongoing monitoring.

And I think the thing to keep in mind is



1 that woodland caribou and barren land caribou are the  
2 same species at the end of the day. And so the  
3 monitoring which is going to take place at site and the  
4 mitigation which Fortune is proposing to use at -- at  
5 the mine would be the same, and they should be equally  
6 effective for -- the mitigation in particular, be  
7 equally effective for both woodland caribou and -- and  
8 barren ground caribou.

9 CHIEF CLIFFORD DANIELS: Chief Daniels.  
10 Thank you. Yeah, you know, I do have -- I've inherited  
11 a cabin right at Hislop Lake, from the late Jeremy Le -  
12 - LeCourt (phonetic), through the wife. And I've been  
13 utilizing that area, you know, ever since I met my  
14 wife, I guess. And -- and there's been lots of  
15 sighting of these boreal caribou, and -- and there is a  
16 difference. The boreal caribou are much -- are much  
17 larger. They're much darker. They just stick out when  
18 they're in part of the barren land caribou. So, you  
19 know, there's -- visually, you can see there's a  
20 difference.

21 And -- and I know they're there. I've  
22 seen them. It -- it's just that, you know, I -- I wish  
23 they were part of the study. Mahsi.

24 THE FACILITATOR HUBERT: Thank you for  
25 that comment. Would Fortune care to respond?

1 MR. RICK SCHRYER: Rick Schryer,  
2 Fortune Minerals. Our response to that is, you know,  
3 regardless of whether -- working on what Damian said in  
4 terms of Bathurst versus woodland, our focus has been  
5 on trying to make the mine as safe as possible for  
6 caribou, regardless of what species they are. And  
7 because of the -- the design of the mine, we feel that  
8 this -- the -- the impacts to whatever species -- species  
9 of caribou are there, are going to be negligible,  
10 because of the way we've designed the mine, because of  
11 what's going to happen with water quality and  
12 everything else.

13 We -- we fully believe that the impacts  
14 will be negligible, and we will have a wildlife  
15 monitoring program in place to look and see whether or  
16 not those impact predictions are correct. What we'd  
17 really like to do is, as part of the wildlife  
18 monitoring program, is hire a Tlicho harvester who has  
19 experience, who can actually look at a -- let's say a  
20 track in the wintertime and tell us it is a woodland  
21 caribou. Or, be able to -- to be able to take us some  
22 places where there are woodland caribou, so we can  
23 include that in the monitoring program. That would be  
24 ideal for us.

25 But we feel that in combination of the -

1 - the design of the mine, in terms of being protective  
2 of caribou and having a wildlife monitoring program in  
3 place, that we've adequately addressed the issues  
4 associated with woodland caribou. Thank you.

5 THE FACILITATOR HUBERT: Thank you for  
6 that response. Chuck Hubert, the Review Board. Can  
7 you continue your questions for caribou, please?

8 MR. JOHN VIRGL: John Virgl, here. I  
9 think there was another question in there around the --  
10 the study area for caribou.

11 Is that correct?

12 MS. KERRI GARNER: I'll get to that  
13 question in a -- or get to that in a few minutes.

14 Kerri Garner, with Tlicho Government.  
15 Just as a preface, I am not our technical expert on  
16 caribou. I'm the acting director of the lands  
17 protection department, and our technical expert is --  
18 was unfortunately, unable to be with us today. So I am  
19 asking questions in his absence.

20 So the first question that I have is:  
21 In the DAR, the Proponent claims that if harvesting  
22 levels reach a level of concern, the Prop -- Proponent  
23 will look to the TGWROB (phonetic) and GNWT for  
24 solutions. In the context of mitigation, monitoring,  
25 and adaptive management, please clarify how the

1 Developer will test its prediction on the impact of  
2 road access on caribou harvests.

3

4 (BRIEF PAUSE)

5

6 MR. RICK SCHRYER: Rick Schryer,  
7 Fortune Minerals. In terms of access for this  
8 environmental assessment, what we're really talking  
9 about is the access road -- the 27 kilometre access  
10 road. As we stated in the DAR, the access to that, or  
11 the monitoring of that project -- or that road, we  
12 would look -- be looking to guidance from the Tlicho  
13 Government and the Wek'eezhii Land Re -- Renewable  
14 Resources Board, in terms of how we are going to manage  
15 access on that road.

16 It is -- you know, we -- the road will  
17 be through Tlicho territory, and it'll be subject to an  
18 access agreement. And like I said, we will be looking  
19 to -- for guidance in terms of how we manage that road.  
20 If monitoring is required, in terms of trying to get an  
21 idea of how harvesting is being conducted on that road,  
22 then we would certainly participate in that type of --  
23 of venture. But like I said, those details haven't  
24 been discussed with the Tlicho Government. But we  
25 would be ready to -- you know, to -- to work with them

1 in order to properly manage the access road, in terms  
2 of harvest levels. Thank you.

3 MR. TODD SLACK: Todd Slack, YKDFN.

4 And not to jump on Kerri's line of questioning here,  
5 but just in terms of a point of clarification, I -- I  
6 strongly disagree with that characterization, that  
7 we're only talking about a 20 kilometre road here. I  
8 realize that there are a lot of issues here, but, at a  
9 minimum, we are talking about an induced effect,  
10 because you -- the Company has said this road has to  
11 exist for this project to proceed.

12 So if you want to look at it as a direct  
13 impact or a cumulative effect, that other road exists  
14 for the purpose of caribou.

15 THE FACILITATOR EHRLICH: Alan Ehrlich,  
16 for the Review Board. Just to clarify the somewhat  
17 clumsy comments I made in the opening remarks about the  
18 road, what is currently before the court is the  
19 question regarding the -- the scope of the construction  
20 or general operization -- general operation of the  
21 potential alignment of the winter road. And that's  
22 something that we can't comment on now.

23 With respect to cumulative effects of  
24 the proposed development and all other past, present,  
25 or reasonably foreseeable future developments, that's

1 something that's routinely part of environmental  
2 assessments, and it's just part of understanding in the  
3 big picture what could happen.

4                   So excluding the part that I've just  
5 described, construction or operation of the potential  
6 realignment of the winter road, which is not to be  
7 constructed or primarily operated by Fortune, which  
8 again I -- I just can't really get into, but in terms  
9 of Mr. Slack's question about cumulative effects, about  
10 this project and all other kinds of human activity,  
11 just wondering if -- if Fortune would care to respond?

12                   MR. JOHN VIRGL: In terms of the -- oh,  
13 John Virgl, Golder. In terms of the cumulative effects  
14 from the Tlicho road, we did analyze the effects from  
15 that in the cumulative case. So right from reference  
16 conditions with little or no existing development on  
17 the landscape right through up to the NICO project plus  
18 the Tlicho road and the Taltson hydroelectric expansion  
19 project in the analysis.

20                   We also assessed from what we could,  
21 given the information we had, what the increased access  
22 would be from both the -- the Tlicho road and the NICO  
23 project access road. And in both those cases, if you  
24 look on the map behind over here, you'll see that one  
25 (1) of the reasons why we -- we felt, with the

1 information we had, there's not a lot of quantitative  
2 information to do this type of -- of an assessment, and  
3 -- and we've gone through this with other projects and  
4 with -- and with ENR, is this is a difficult thing to  
5 get a handle on. But in this case, we also used what  
6 is actually existing out there as far as access into  
7 the region around the NICO project.

8                   And the -- and I think somebody  
9 mentioned it over here, and I -- Chief Daniels, that  
10 the -- the difference here is not really in the  
11 geographic extent of the access from the NICO project  
12 access road; it's about the duration of the access.

13                   So in our understanding in the -- in the  
14 existing access and what we've heard from the community  
15 interviews that -- and the traditional land use  
16 studies, that there is use of this area for caribou  
17 harvesting, and other wildlife uses that -- that  
18 increase -- the incremental increase from the NICO  
19 project access road would be what we call a moderate  
20 impact.

21                   So it would be -- it would be somewhere  
22 around the existing use plus a little bit more, but it  
23 would not result in a significant impact to the  
24 abundance and distribution of caribou on the winter  
25 range.

1

2

(BRIEF PAUSE)

3

4

THE FACILITATOR EHRLICH: Thanks for  
5 that, John. Todd, you're holding up papers which make  
6 me think that you've got a follow-up question coming.  
7 You also have that expression.

8

Do you -- do you have another question  
9 on this, or do you need a minute to check something?

10

MR. TODD SLACK: Well, as long as I'm  
11 not jumping in too much here, I do have a follow-up  
12 question.

13

I'm looking at Table 8.4. -- or -1,  
14 pardon me, in which the potential pathways are -- are  
15 examined. Now, I don't see a discussion of the road  
16 here. And now it may exist elsewhere in which you list  
17 the moderate path -- or the moderate impact that come  
18 from that, but I'll also refer you to YKDFN Information  
19 Request 2.4, in which we ask for an analysis on the  
20 roads and the impacts to movement is, specifically  
21 looking towards caribou fragmentation -- or habitat  
22 fragmentation.

23

Now, the -- this covered only a few  
24 sentences in the key line of inquiry, as far as I can  
25 tell, on page 870, and from our point of view this is



1 inaccurate, considering at the Misery site, the road is  
2 shown to effect, you know, something like 60 percent of  
3 caribou movements.

4                   The company also seems to not fulfill  
5 the terms of reference here. And now in the early part  
6 of this session here the company wrote -- noted that  
7 they were in conformity, but Section 3.3.4 of the key  
8 line of inquiry, caribou and caribou habitat, the  
9 Developer will -- and sorry, I'm quoting here:

10                   "Describe impacts to caribou habitat,  
11                   including degradation and  
12                   fragmentation, with a focus on  
13                   important wildlife habitat."

14                   Now, other than that one (1) section, I  
15 don't see a lot here that tells us as parties, that  
16 informs our ability to judge whether this is going to  
17 produce impacts that may lead to significant impacts.

18

19                   (BRIEF PAUSE)

20

21                   MR. CAMERON STEVENS: Thanks for the  
22 question, Todd. Cam Stevens, Golder Associates. I  
23 just want to direct you to pa -- Section 85, Todd, and  
24 just before that section there are some primary  
25 pathways that are carried forward to the effects

1 analysis, and the next essentially ten (10) or fifteen  
2 (15) or so pages directly assess exactly what you were  
3 referring to.

4                   For example, in Section 85.2, we have a  
5 -- we have an analysis, an eff -- an effects analysis  
6 on habitat quantity and fragmentation. Those results  
7 are in Section 85.2.2.

8                   Table 85.4 is a table on the change in  
9 area and configuration, in other words fragmentation,  
10 of habitat types from development within the caribou  
11 study area.

12                   The subsequent section is on habitat  
13 quality where we apply a resource selection function  
14 that -- that Fortune developed specifically for this  
15 project. And with that resource selection function,  
16 this model, we look at changes in habitat quality  
17 across various landscape scenarios.

18                   Does that maybe point you in the right  
19 direction, or have I not answered your question?

20                   MR. TODD SLACK: Todd Slack,  
21 Yellowknives Dene First Nation. Without going any  
22 further down this road, because we'll return to parts  
23 of your answer later, I think, that's good for right  
24 now.

25                   THE FACILITATOR EHRLICH: Todd, you can

1 be loosely forgiven for your turn of phrase, "going  
2 further down this road."

3 But what I would like to do is -- is  
4 send it back over to the Tlicho Government. Thank you  
5 for -- for being patient. Kerri, you indicated you had  
6 a number of questions and you've only asked the  
7 beginning. Please go ahead.

8 MS. KERRI GARNER: Thank you, Mr.  
9 Chair. Kerri Garner, Tlicho Government. So, in the  
10 DAR the dev -- developers say that the number of  
11 caribou harvested in the winter range from improved  
12 access do to the spur road and proposed Tlicho road  
13 route is predicted to be within or approach the upper  
14 limits of baseline values in the absence of the caribou  
15 hunting ban.

16 Could you please describe what these  
17 baseline values that you're referring to are?

18 MR. JOHN VIRGL: Thank you for the  
19 question. It's John Virgl. That impact assessment is,  
20 as I said, it's a -- there's no real quantitative  
21 measurement endpoint for that. We don't have  
22 information on the annual changes or variation in  
23 caribou harvested in that region around the proposed  
24 NICO project access road.

25 Part of that access, as I explained,

1 already exists in that area from the existing winter  
2 roads; also from the use of snow machines that can  
3 travel quite a distance. So that, when we say relative  
4 to the existing baseline values, it's our  
5 interpretation of what those existing values are.

6                   It -- I think this is another aspect of  
7 where the monitoring and the access management that  
8 Rick spoke to earlier would come in. And that we would  
9 look towards the Tlicho Government, towards ENR, and  
10 excuse me I have a hard time saying the Wek --  
11 Wek'eezhii Lan -- Wek -- Board to help and guide us,  
12 and -- and basically reducing -- reducing the  
13 uncertainty of the impact predictions around that  
14 specific impact prediction, because of the difficulty  
15 in making that prediction.

16                   DR. GINGER GIBSON: Thank you for that  
17 answer. Ginger Gibson, Tlicho Government. If we don't  
18 have the data beca -- about access, how can we -- and  
19 you -- you're making a jump there, saying that the  
20 proposed -- that -- and -- and just, also to be clear,  
21 there is no proposed Tlicho road route. So there --  
22 there is an on-land winter road and that's all that is  
23 there. And there's no proposal that is out there that  
24 we have seen that the Tlicho Government is aware of,  
25 for an on-land or an all-season road. And we haven't

1 seen one for an on-land winter road that has chan -- is  
2 changed at this point. So I just want to make that  
3 really clear for the record.

4 The -- the other question though, the  
5 following question is that if you don't have data on  
6 what's going on with respect to access in the region,  
7 or levels of harvest, how can we predict that -- how  
8 can we predict that there won't be significant changes  
9 based on changed access?

10 The -- there will be changed access if  
11 this proposed -- if there -- something goes ahead with  
12 this proposed mine there will be changed access. There  
13 will be the induced effect of the all-season road, and  
14 that will greatly increase the ability of people to  
15 access the region from Yellowknife and from the south.

16 So I -- I'd like you to speak about how  
17 -- how you came to that conclusion.

18 MR. DAMIAN PANAYI: Damian Panayi.  
19 Sorry, Damian Panayi. In terms of baseline data for  
20 current harvesting on the -- on the winter road and the  
21 -- through the Tlicho region, there is some existing  
22 baseline data which comes from the existing checkpoint  
23 on that road, and we've provided some of that  
24 information which -- onto the public registry.

25 And I would also speak to the comment

1 made earlier by Chief Daniels that one (1) of the  
2 things we would expect to see, and one (1) of the  
3 things which we pointed out in the -- in the  
4 environmental assessment, is that if a winter -- if the  
5 all-season road is built, then we would expect to see a  
6 longer duration for access, because it's -- it's an  
7 all-season road rather than a winter road.

8 But, if that does go ahead, then  
9 obviously the old winter road would no longer be  
10 maintained. So we're kind of replacing one (1) road  
11 with another. The new road would have a longer season  
12 of access, a longer duration of access. So that's how  
13 we assessed -- that's how we made our predictions in  
14 the environmental assessment.

15 And it's also -- we kept in mind our  
16 understanding that people already do have good access  
17 to the entire area, the entire region, irrespective of  
18 winter roads, simply through the use of snow machines.  
19 And -- and we've seen a lot of people travelling  
20 through that area before the winter roads are -- are  
21 built.

22 So, you know, using the weight of  
23 evidence from all of that information, we provided our  
24 best assessment of -- of how the -- the roads might  
25 change access. Keeping in mind also that we were

1 required by the terms of reference to provide an  
2 opinion and we did as -- you know, we did as best as we  
3 could with the information that we have. And, you  
4 know, we would encourage the Tlicho Government to  
5 provide their own opinion.

6 MS. KERRI GARNER: Thank you, Damian.  
7 Could you also provide for us a comprehensive  
8 evaluation of the potential for increased mortality to  
9 Bathurst and Bluenose caribou as a result of changes to  
10 winter hunting access. I know that we talk a lot about  
11 the Bathurst caribou, which is very important, but the  
12 fact of the matter is, is that this will also increase  
13 access to the Bluenose animals which is another really  
14 important thing to think about.

15

16 (BRIEF PAUSE)

17

18 MR. DAMIAN PANAYI: Damian Panayi. We  
19 can speak, obviously, to the potential for increased  
20 hunting or mortality along the proposed NICO access  
21 road. And the information that we have suggests that  
22 Bluenose caribou don't -- don't frequent that area  
23 there. We went and looked at collared caribou  
24 movements from the Bluenose herd, and I think there was  
25 only one (1) occasion when there was a collar with --

1 even within 50 kilometres of the project.

2                   So our main concern in the environmental  
3 assessment was for Bathurst caribou. And, as I said,  
4 there is some information already available regarding  
5 existing hunting levels along that road. And I think  
6 there's a -- there's a commitment from Fortune Minerals  
7 on the table to -- to work with the Tlicho Government  
8 and the -- and the renewable -- the Wek'eezhii  
9 renewable resources board to -- to continue with  
10 monitoring along that -- along those road access  
11 routes.

12                   And there is also the possibility for,  
13 if there's concerns about the level of hunting, then  
14 there is possibilities for the various government  
15 agencies and regulatory agencies to improve -- you  
16 know, to introduce some type of harvest regulation or -  
17 - or access, you know, controls.

18                   And I might provide, as an example,  
19 along highway -- along the Ingraham Trail, where we  
20 have a no hunting corridor of a kilometre and a half on  
21 either side of the road, as an example.

22                   DR. ALLICE LEGAT: Allice Legat, Tlicho  
23 Government. I'm going to be asking some questions  
24 based on traditional knowledge. And before I do that  
25 I'd just like to say that I heard twice since I've been



1 sitting at this table and once earlier that your --  
2 some of your predictions were made based on your  
3 interviews. And earlier today, I believe it was Rick,  
4 said that he acknowledged that -- that was inadequate  
5 and that they had not finished. And I'd like to go  
6 back to what Madelaine was trying to say, or did say  
7 this -- this morning, or just after lunch, I can't  
8 remember now, that it's really important to be  
9 interviewing the correct people: the people that know  
10 the area. So that's more a comment than -- than a  
11 question.

12 My -- my question has to do with  
13 ancestral trails and the road. And, so, given the  
14 importance of ancestral trails, which the hunters  
15 continue to follow on their skidoos -- I just had to  
16 add that -- and which has -- and -- and has been  
17 discussed by Andrews (phonetic) in 2004, and was in the  
18 report, 2001, that you reviewed, how will the proposed  
19 road affect traditional land use activities and  
20 practices by the Tlicho, in relation to caribou? And  
21 I'm not just talking about hunting.

22 DR. GINGER GIBSON: Just to be clear,  
23 not the proposed road, but the new ac -- road access  
24 afforded through the project.

25 DR. ALLICE LEGAT: Yes, and that's what

1 I meant. Allice Legat, Tlicho Government.

2 DR. GINGER GIBSON: And I was just  
3 clarifying. Ginger Gibson. Mahsi.

4 MR. CAMERON STEVENS: Cam Stevens,  
5 Golder Associates. So, this was addressed primarily  
6 through two (2) pathways in the DAR. This is in  
7 Section 8.4.23. And those pathways are -- the first  
8 one (1) being sensory disturbance changes the amount of  
9 different quality habitats and alter movement and  
10 behaviour -- behaviour of caribou, in other words,  
11 distribution of caribou. And the other pathway was  
12 improved access for harvesting can affect population  
13 size and distribution.

14 So, in the residual impact  
15 classification of that section, Section 8 on page 101,  
16 it is concluded that -- that it is expected that  
17 incremental impact of the project on harvesting  
18 potential traditional land use -- traditional land use  
19 practice, will be low in magnitude. And this is,  
20 again, based on a weight -- weight of evidence  
21 analysis, for example, that the zone of influence of  
22 the NICO project access road be no greater than 5  
23 kilometres, and the fact that the predicted magnitude  
24 of the incremental decrease in preferred habitat is  
25 less than 1 percent for the NICO project.

1                   So, we -- we did make that assessment.  
2   And -- and, again, refer to -- if you want, the  
3   concluding statements for that assessment are in the  
4   residual impact -- impact classification on page 101.

5                   DR. ALLICE LEGAT:   Thank you very much.  
6   I believe that I wasn't clear with my question.   What I  
7   was asking is:   How will that impact other activities,  
8   land use activities, when people are not travelling the  
9   trails?   And this has...

10

11                                       (BRIEF PAUSE)

12

13                   MR. RICK SCHRYER:   Rick Schryer,  
14   Fortune Minerals.   Could I get some clarity, in terms  
15   of which traditional land use activities you're  
16   referring to?

17                   DR. ALLICE LEGAT:   Okay, I'll just go  
18   on to my next question then.   Given the importance of  
19   travelling ancestral trails and places for the  
20   acquisition of knowledge about caribou behaviour and  
21   the state of vegetation for -- that the car -- that the  
22   caribou forage on, how will the road affect the  
23   acquisition of Tlicho knowledge of caribou?

24                   THE FACILITATOR EHRLICH:   Allice, it's  
25   -- it's Alan Ehrlich here, with the Review Board.   I --

1 I thought that the Developers asked for a clarification  
2 on your previous question, and it might be helpful to  
3 spell out which trails.

4 DR. ALLICE LEGAT: Oh.

5 THE FACILITATOR EHRLICH: For example,  
6 are you referring to the use of the Idaa Trail? Or are  
7 there other -- you know, I -- I think that -- that, you  
8 know, these are the -- mostly the wildlife folks you're  
9 talking to, so they're not up to speed on the cultural  
10 stuff as much as -- as, you know, someone like you  
11 might be. I -- I think they -- they generally don't  
12 know what kind of trails you're talking about.

13 DR. ALLICE LEGAT: Okay. Okay. There  
14 -- in the report, 2011, and also in the -- that you  
15 folks looked at, and also in the document by Andrew, a  
16 lot of work by Andrew, there's a number of trails.  
17 It's not just the Idaa Trail. There's a number of  
18 ancestral trails throughout the Tlicho region that  
19 people followed for hunting caribou and other wildlife,  
20 but mainly caribou. And those are the trails that I'm  
21 talking about.

22 And, also, in the literature with  
23 Andrews, as well as a number of other people, if you'd  
24 like to -- I can tell you later -- there's talk of how  
25 you learn from the land, and the land is a book.

1                   And so what I'm -- what I'm asking you  
2 is: How do you think that the road will impact on  
3 people learning from the land and travelling on the  
4 land, those activities that come with caribou hunting?

5

6                   (BRIEF PAUSE)

7

8                   MR. RICK SCHRYER: Rick Schryer,  
9 Fortune Minerals. I'm still not clear in terms of  
10 which trails you're referring to, and how they would  
11 intersect with the NICO project. If we could -- in  
12 general, I guess my response to your question is, if  
13 potential impacts are identified on traditional harv --  
14 or traditional land-use practices we would do our best  
15 to work with the Tlicho Government to -- in terms -- to  
16 mitigate those within the -- the limited footprint of  
17 the project that we have.

18                   That's about as much as I can answer  
19 right now without having any specifics, in terms of  
20 which trails you're actually referring to.

21                   THE FACILITATOR EHRLICH: Allice, it's  
22 Alan again. Just I've -- I've noticed in the agenda  
23 that socioeconomic and cultural matters will probably -  
24 - they -- they're scheduled to come up on Thursday, and  
25 so I expect that the Developer may have people who are

1 better able to answer the -- the particular question of  
2 -- of how those kinds of -- of changes to -- to land-  
3 use could effect certain traditional activities.

4 If it's possible to focus the questions  
5 now more on what will the effects of the proposed  
6 development of caribou be, I -- I think we'd be a -- a  
7 better fit with people that they've got lined up now.  
8 If that's okay.

9 DR. ALLICE LEGAT: That's -- that's  
10 fine. Thank you. They were talking about harvesting,  
11 and so I thought I would just expand on that.

12

13 (BRIEF PAUSE)

14

15 MS. KERRI GARNER: Thank you, Mr.  
16 Chair. The Developer has -- Kerri Garner, Tlicho  
17 Government. Apologies.

18 The Developer has considered the  
19 persistence endpoint of Bathurst caribou on the  
20 landscape over the long term period of -- of decades,  
21 and has not considered the impact of this development  
22 and increased access may have on the recovery of the  
23 Bathurst caribou herd.

24 How will a monitoring system test these  
25 impacts on the Bathurst caribou herd, and assuming

1 we're using quantitative measures, such as habitat  
2 quantity, quality, survival, and reproduction, how  
3 sensitive will this program be to detect any changes?

4

5 (BRIEF PAUSE)

6

7 MR. JOHN VIRGL: John Virgl, with  
8 Golder Associates. Thanks for the question. And as a  
9 -- really I want to take a little time here. I want to  
10 address a number of things here, I guess particularly  
11 about the assessment endpoint, and -- and population  
12 persistence.

13 And the way we did the analysis, or the  
14 assessment, for wildlife, was to look at quantitative  
15 changes in -- in aspects of the physical environment  
16 and population processes, such as habitat quantity,  
17 fragmentation, conductivity, habitat quality, and the  
18 potential effects on the survival and reproduction of  
19 individuals that may come in contact with the mine  
20 site. Those are what we called our measurement  
21 endpoints.

22 Those measurement endpoints are then  
23 related to -- they drive, really, and this is  
24 throughout the ecological literature, changes in  
25 abundance and distribution, or impacts on abundance and

1 distribution. And that's where I would like -- I'll  
2 say this right now -- where we will -- in any -- any  
3 materials that we respond to, and any responses that we  
4 give, we'll end there. We will not -- the -- the idea  
5 of persistence was to wrap it all up, and I see this  
6 has caused confusion. And so we are going to not talk  
7 about persistence any more. We are going to talk about  
8 impacts to abundance and distribution, and what that  
9 means to the continued opportunities for harvesting, or  
10 other traditional and non-traditional uses, such as  
11 wildlife viewing, et cetera.

12                   The other thing about measurement  
13 endpoints is they are the key aspects of monitoring  
14 programs. So, we will design the monitoring programs  
15 around measuring changes in habitat quantity, habitat  
16 quality, the zone of influence, and mortality, direct  
17 mine related mortality; anything associated with the  
18 NICO project, where that be vehicle accidents or  
19 incidences on the mine site itself.

20                   Those measurement endpoints will be  
21 designed to determine changes, to detect statistical  
22 changes. They may not be biological changes, but they  
23 will be designed to detect statistical changes. They  
24 will be designed with the help from the Tlicho  
25 Government and from ENR.



1 I think that's where I'll end, because  
2 I've run out of further thoughts, but he may trigger  
3 some more.

4 DR. GINGER GIBSON: Ginger Gibson. I  
5 just want to ask for a point of clarification. You --  
6 you sug -- I want you to talk about a couple of things  
7 in there.

8 First of all, what do you think -- why  
9 do you think we've gotten so terribly confused on the  
10 persistence thing? What -- what has been -- what --  
11 what do you think the confusion is? Please pull that  
12 apart a bit, what you mean by that.

13 And then also talk to us about what you  
14 mean by measuring changes in quantity, quality --  
15 mortality is pretty clear, zone of influence probably  
16 pretty clear. But please give us more depth in terms  
17 of what those endpoints would be, so that we have some  
18 more understanding of that.

19

20 (BRIEF PAUSE)

21

22 MR. JOHN VIRGL: Yeah, I'm -- John  
23 Virgl again. And maybe I've misphrased that. Maybe it  
24 wasn't your confusion. It was -- was a -- it was what  
25 the feedback we were getting from the Information

1 Requests, okay? The feedback that we'd been getting  
2 from a similar project, the Gahcho Kue project, okay?

3                   So, it's something that I -- you know,  
4 this is one (1) of those examples of ecologists like  
5 myself taking ecological concepts and thinking that  
6 they should make sense to everybody when they really  
7 don't.

8                   I need further -- the persistence is a -  
9 - is a well established concept in the ecological and  
10 conservation literature. Environment Canada themselves  
11 have used it to look at the self-sustainability of  
12 woodland caribou across our country. It's not -- it's  
13 not new. It's -- it's a concept because it's difficult  
14 to measure. It basically talks about the -- the  
15 resilience and the stability of populations to absorb  
16 changes in their environment, both external and  
17 internal.

18                   And the reason why I want to remove it  
19 from further discussions is because I don't think it's  
20 useful. It's not useful to the Board for making  
21 decisions, and it's not useful to the people and what  
22 they believe to be -- and I don't pretend to understand  
23 or know what their values are, but from reading the IRs  
24 it's not what they value. On the measurement  
25 endpoints, habitat quantity is just that.

1                   So, we will have a -- we have a  
2 predicted footprint right now in the DAR. We will  
3 measure that with Ikonos imagery which is accurate to  
4 within 1 to 5 metres, so probably looking at plus or  
5 minus 1 hectare of any particular habitat that the NICO  
6 project footprint will disturb, and we will use that to  
7 test the impact prediction on the change to habitat  
8 quantity.

9                   The change to habitat quality will come  
10 from attempting to detect the zone of influence, and  
11 the ratio of -- or the change in the number of caribou  
12 within out -- within or outside or along that continuum  
13 of the zone of influence. The -- the difficulty with  
14 that one is we need caribou to come into the area, both  
15 to satellite collar -- we can use satellite collared  
16 information for that, and we can use the aerial survey,  
17 but you need caribou to come. You need a number of  
18 caribou.

19                   I hope that answers your question.

20                   DR. GINGER GIBSON: In our -- in the  
21 IRs that were put on the record for both Fortune  
22 Minerals and Gahcho Kue, as you're aware, the request  
23 was made that the Tlicho perspective, which is looking  
24 at the sustainability of subsistence harvesting, be a  
25 measuring -- measurement endpoint, please talk with us

1 about how your ecological perspective either can engage  
2 that perspective, or doesn't engage that perspective.

3                   The -- I appreciate that some terms or  
4 constructs don't translate into other -- into public  
5 forums or -- or -- but we need to get to the bottom of  
6 this, that there's different -- really different  
7 approaches that have been requested. And the response  
8 from Fortune Minerals to both the Yellowknives Dene and  
9 to the Tlicho Government has been to say that you won't  
10 take into account the Tlicho values, or the Tlicho  
11 Government -- or the Tlicho -- Tlicho values of  
12 subsistence harvesting.

13                   So, please assist us in understanding if  
14 the ecological models can encompass -- or how we will  
15 move forward to be respectful of harvesters,  
16 perspectives of Tlicho people, perspectives on -- on  
17 wildlife.

18                   MR. JOHN VIRGL: John Virgl. We did  
19 not mean to dismiss the Tlicho values in our responses  
20 to the Information Requests. That was not the intent.  
21 Part of what you're asking is, I think only the Tlicho  
22 can answer that question. We can't answer what the  
23 assessment endpoint for the Tlicho would be, or what  
24 their particular measurement endpoints may be, for that  
25 matter.

1                   In terms of the setting and assessing  
2 sustainable harvest levels, Fortune Minerals is not  
3 responsible for that. That is a management goal, and -  
4 - or setting, an evaluation that should be done by the  
5 appropriate authorities.

6                   If -- one (1) more thing. I think Rick  
7 has already explained this. In terms of the ecological  
8 concepts that we have used, we are interested in trying  
9 to knit together the values, the assessment endpoints,  
10 measurement endpoints, that Tlicho have with the ones  
11 that we've suggested.

12                   Thank you. I hope that answers your  
13 question.

14                   DR. ALLICE LEGAT: Then, if I'm  
15 understanding you correctly, in that case it would be a  
16 very good idea to wait until the Tlicho knowledge study  
17 is completed so that they can be brought together.

18

19                   (BRIEF PAUSE)

20

21                   DR. ALLICE LEGAT: Allice Legat, Tlicho  
22 Government.

23                   THE FACILITATOR EHRLICH: I'm going to  
24 go to Todd Slack, of the Yellowknives, who has been  
25 waiting with a comment on the recent discussion.

1 MR. TODD SLACK: Thanks, Alan. Todd  
2 Slack, Yellowknives Dene First Nation. I -- I really  
3 want to echo what we've just heard from the Tlicho  
4 Government. It is no coincidence that these -- the IRs  
5 and the positions are very similar, both in this case  
6 and in the Gahcho Kue environmental impact review.

7 So I'm going to go from what I just  
8 heard and that persistence is not the is -- we're --  
9 we're going to forget that term. I'm understanding  
10 that correctly? Nod. No?

11 MR. JOHN VIRGL: John Virgl here. I  
12 think that would be the opinion of this room.

13 MR. TODD SLACK: It's good to see that  
14 we've reached consensus on this difficult issue. So in  
15 that case, when we go back to the terms of reference,  
16 and I'll come back to the measurement endpoints later,  
17 the terms of reference state:

18 "Long-term project effects on caribou  
19 should specifically focus impact  
20 predictions in the context of the  
21 current serious decline in caribou  
22 populations, particularly the  
23 Bathurst herd."

24 And while I understand that Fortune  
25 doesn't set the harvesting regulations and, for the

1 record, the WRRB doesn't set that for the Yellowknives  
2 either, at some point, how this mine and other  
3 cumulative effects, including this road -- and we  
4 haven't talked about the lin -- the barrier, the linear  
5 effects of that yet, how that impacts the population is  
6 directly relevant to the interests of the -- of the  
7 First Nations.

8                   It is abundance that is the critical  
9 issue not persistence. That -- that's a matter for --  
10 and you cited with -- sorry. I'll -- I'll stop there.

11                   MR. JOHN VIRGL: So -- John Virgl here.  
12 Todd, is the question about whether or not we assessed  
13 the effects to abundance and distribution?

14                   MR. TODD SLACK: Todd Slack,  
15 Yellowknives Dene. The -- yes, that's the fundamental.  
16 And we're going to go towards that more here.

17                   MR. JOHN VIRGL: John Virgl here. Page  
18 862 of the caribou section, Section 8.5, says, the  
19 heading:

20                   "Effects to abundance and  
21 distribution of caribou."

22                   That is carried through the effects  
23 analysis all the way up to the impact classification.  
24 There are two (2) tables in the impact classification.  
25 One (1) defines what the different criteria would be,

1 and it says:

2 "Definitions for classifying effects  
3 to abundance and distribution of  
4 caribou."

5 And then there's a table with the  
6 results that says:

7 "The classification of impacts to  
8 abundance and distribution of  
9 caribou."

10 MR. TODD SLACK: And in this case,  
11 that's -- you're talking about the direct impacts from  
12 this project, correct?

13 MR. JOHN VIRGL: That includes all of  
14 the primary pathways that we assessed. Can read them  
15 out before, but it includes changes to habitat quantity  
16 and fragmentation, changes to movement and behaviour,  
17 changes to habitat quality, changes to potential  
18 increased access, so on harvest, and changes to  
19 survival. And it includes cumulative effects in the --  
20 in the area, okay, so not only from the -- the NICO  
21 project but from -- right from reference to the future  
22 case.

23 MR. TODD SLACK: Okay, thanks very  
24 much. Todd Slack.

25 THE FACILITATOR EHRLICH: It's Alan



1 Ehrlich. I'm going to take the chair's prerogative and  
2 ask a question on that general subject. I very much  
3 appreciate the clarification that John Virgl made  
4 earlier regarding persistence and -- and the  
5 recognition that other things, like distribution and  
6 abundance, are also very important to the people who  
7 use the caribou herds in addition to the -- the issue  
8 of persistence.

9 I notice that the Developers' prediction  
10 on significance, or their view of the significance of  
11 impacts is tied in the -- in the DAR to persistence.  
12 I'm looking at page 8104, where the -- the last  
13 paragraph in Section 8.8, which says:

14 "The resilience -- this resilience in  
15 caribou population suggests that  
16 impacts from the NICO project and  
17 other developments should be  
18 reversible and not significantly  
19 affect future persistence of caribou  
20 populations. Subsequently,  
21 cumulative impacts from the  
22 development are not predicted to have  
23 a significant adverse effect."

24 In other words, the lack of a -- my read  
25 on this -- I may have this -- please correct me if I

1 got it wrong, but -- is that because this will not  
2 affect persistence, the Developer does not find that  
3 it's likely to have a significant adverse effect?

4                   And I recognize that ecological  
5 significance is a -- a different kind of significance  
6 from what our Board is looking at. The legal test that  
7 our Board is looking at is is the project likely to  
8 have a significant adverse environmental effe -- or --  
9 or effect or a biophysical, social, cultural, or  
10 economic effect.

11                   Now it does so taking predictions and  
12 then imposing -- using its subjective, informed  
13 judgment through a lens of the -- the diverse values  
14 that our Board composes. It's not a strictly  
15 scientific test at that point, it's more a test of  
16 social acceptability. And that's the larger question  
17 that all of the environmental assessment is driving  
18 towards.

19                   You know, you've -- we've made the  
20 prediction. Is the prediction right? Okay, so is that  
21 okay? In -- in terms of -- of the MVRMA, specifically  
22 the -- the -- and I know there are different criteria  
23 that -- that can be used to make the prediction. You  
24 know, we -- we all know the, you know, magnitude,  
25 breadth, duration, geographic extent, reversibility,

1 that kind of stuff.

2 But, after you've made that prediction  
3 then the Review Board has to sit back and, like I said,  
4 using subjective, informed judgment, decide if, in its  
5 view, these impacts are significant. And that is  
6 different from the purely ecological prediction of the  
7 significance of dealing with, for example, persistence.

8 You've mentioned that you've dealt with  
9 abundance and I heard you talk about distribution  
10 earlier as well in response to the Tlicho. So you've -  
11 - you've used those criteria. Has NICO taken the next  
12 step and made significance determinations for abundance  
13 and distribution of caribou?

14 I -- I don't know this document well  
15 enough to know what's in the harvest section. I -- I'm  
16 not sure. But, I know I'm talking to the people who --  
17 who do. Is your finding -- is the Developer's view on  
18 significance only described on the basis of  
19 persistence, or do you do it based on what you've  
20 called assessment measurement points?

21 MR. JOHN VIRGL: That's a good  
22 question, Alan, and I -- again, it's -- it's the --  
23 there's -- there's a linkage between the changes in the  
24 measurement endpoints of habitat and survival or  
25 reproduction. And what that effect has on the

1 abundance and distribution and whether or not that's a  
2 significant effect on the abundance and distribution.

3 And then it was wrapped up in what we  
4 call persistence, okay? And I'll read something here  
5 in the environment -- in the Section 8.8, environmental  
6 significance section. Approach and methods, 8.8.1:

7 "The classification of residual  
8 impacts on the primary pathways..."

9 Which -- which is basically the  
10 abundance and distribution -- the changes to abundance  
11 and distribution in the previous section:

12 "...provides a foundation for terming  
13 environmental significance from the  
14 NICO project on the persistence of  
15 the Bathurst caribou herd."

16 In other words, they are directly  
17 linked. They are one (1) and the same. What we are  
18 saying is that if we didn't -- if we couldn't -- if the  
19 measurement endpoints didn't change enough to  
20 significantly affect the abundance and distribution, it  
21 would not significantly affect the persistence of the  
22 population. I hope that answers the question.

23 THE FACILITATOR EHRLICH: It might  
24 answer part of the question. It's Alan again. So for,  
25 for example, predicted changes on caribou distribution.

1 Has the Developer said whether or not, in its opinion,  
2 that in itself is likely to be a significant adverse  
3 environmental effect? Because the Board will be  
4 thinking about that.

5 And for changes to caribou abundance.

6 Has the Developer said if that in itself is likely to  
7 be a significant adverse environmental effect? You  
8 know, I mean, bearing in mind everything that you've  
9 heard in your consultations and from First Nations and  
10 other groups.

11 That -- that's my question. I don't  
12 know if -- if the DAR ever went there. Did it?

13

14 (BRIEF PAUSE)

15

16 MR. CAMERON STEVENS: Cam Stevens,  
17 Golder Associates. Thanks, Alan.

18 I just want to direct you to the last  
19 sentence on page 8 -- in Section 8.8 and page 8,104:

20 "Subsequently cumulative impacts from  
21 development are not predicted to have  
22 a significant adverse effect on  
23 continued opportunities for the use  
24 of caribou by people that value these  
25 animals as part of their culture and

1 livelihood."

2 THE FACILITATOR EHRLICH: Thanks,  
3 Cameron. I can -- I can see you guys are -- are trying  
4 here. And I know it's a challenging thing to change  
5 gears from thinking in a strictly ecological framework  
6 to this sort of a broader environmental impact  
7 assessment framework.

8 Yeah, I was looking at the same  
9 sentence, "subsequently." And what that's based on is  
10 the -- the phrase before it:

11 "Should be reversible and not affect  
12 the persistence of caribou  
13 populations. Subsequently..."

14 Da, da, da, da, da. In other words  
15 that's a response about persistence.

16 What I'm wondering is: Have you made  
17 similar conclusions about the ingredients that you've  
18 put into your persistence prediction? So, for example,  
19 have you made a similar conclusion that change --  
20 predicted changes in distribution of caribou are not  
21 likely to have a significant adverse effect? Have you  
22 made similar predictions that changes in abundance in  
23 caribou are not likely to have a significant adverse  
24 effect?

25 The Board is interested in the

1 Developer's opinions on these matters because the Board  
2 is going to come to conclusions on these kinds of  
3 things. In other words, have you -- have you provided  
4 your -- your views on the significance of the  
5 components of persistence if we're going to go back to  
6 using those components?

7 MR. DAMIAN PANAYI: Damian Panayi.  
8 I'll try and answer your question, Alan.

9 I'm looking at Table 8.7-2, and that is  
10 a summary of residual impact classifications for the  
11 primary pathways which we investigated. And this table  
12 includes an assessment of both incremental effects from  
13 the NICO project and cumulative effects considering all  
14 other development in our study area. And in that table  
15 we did address the components of significance for each  
16 of the five (5) pathways which we investigated.

17 THE FACILITATOR EHRLICH: Thanks,  
18 David. I see that the components, the criteria, the  
19 technical criteria of significance are -- are examined  
20 there.

21 But did you come to a conclusion for  
22 those things about -- about the likelihood of  
23 significant adverse effects for each of them? Or was  
24 it only rolled into the big question of persistence?

25 MR. DAMIAN PANAYI: Yeah, we -- we

1 didn't use the word "significance" until we got to the  
2 -- the big question at the very end. But you can see  
3 on that table that we're looking at low and negligible,  
4 and one (1) low to moderate, you know, magnitude  
5 effects. So they were all pretty, you know, fairly --  
6 predictions of fairly low magnitude effects.

7 MR. JOHN VIRGL: John Virgl here. And  
8 where quantifiable they are given in the -- in the  
9 effects analysis.

10 THE FACILITATOR EHRLICH: It would  
11 likely be quite helpful to the Review Board then if, as  
12 an undertaking, you could articulate your predicted --  
13 the -- the likelihood of adverse environmental effects  
14 for each of those categories, as well as for the  
15 abundance and distribution that you've just heard are -  
16 - are quite important to First Nations.

17 I mean, you've -- you've done all the  
18 homework leading up to that, but having the Developer's  
19 views on that matter would be quite helpful because I  
20 think we're also going to hear the First Nations and  
21 other views on that.

22 I -- I'd like to call that Undertaking  
23 number 3. Can -- can you do that?

24 MR. JOHN VIRGL: John Virgl. Yes, we  
25 can.



1 THE FACILITATOR EHRLICH: Thank you.

2

3 --- UNDERTAKING NO. 3: Fortune Minerals to  
4 indicate the likelihood of  
5 adverse environmental  
6 effects for each of the  
7 five (5) categories in  
8 their study, as well as for  
9 abundance and distribution;  
10 complete by February 23.

11

12 THE FACILITATOR EHRLICH: Thank you.

13 Ginger Gibson...?

14 DR. GINGER GIBSON: Ginger Gibson,  
15 Tlicho Government.

16 I'm -- I'd like to throw a spanner in  
17 the works of that undertaking because we don't clearly  
18 understand your ecological characterization, so that --  
19 to me it's muddy how -- what the -- the endpoints are.  
20 But those endpoints really are not based in traditional  
21 knowledge.

22 And the traditional knowledge that was  
23 relied on for this study -- any of the traditional  
24 knowledge that has been seen by the Tlicho Government  
25 that was relied on was not collected at -- Dr. Legat

1 just referred to it being collected from the wrong  
2 people and collected in ways not using reliable or  
3 peer-reviewed instruments that would get at good  
4 information.

5                   So I guess the spanner that I'd like to  
6 ask for or the -- the shift on that undertaking is that  
7 it would be helpful to the Tlicho Government to  
8 actually rely on data that is gathered internally.  
9 Obviously there's the sequencing issue we raised this  
10 morning on that, but it would also be, I think, useful  
11 to look at the pathways analysis together jointly and -  
12 - rather than rely on the folks in Golder to make the  
13 estimations of significance, to allow some joint  
14 reflection on the estimations of significance with the  
15 Tlicho Government because I think it -- it -- herein on  
16 this topic, the Tlicho Government is going to be very  
17 diligent and -- and very careful because of what's  
18 going on in this region with respect to caribou.

19                   And so if there's any place in which  
20 there needs to be substantive and good engagement in  
21 how you get to estimations of significance, and how you  
22 get to the answers in the data, I think it -- this is  
23 one (1) of the places where we really need to work  
24 jointly on these things.

25

1 (BRIEF PAUSE)

2

3 MR. RICK SCHRYER: Rick Schryer,  
4 Fortune Minerals. First of all, in relation to the  
5 interviewees for the TK study that Fortune Minerals  
6 undertook, the people we interviewed were selected by  
7 the community, not by Fortune Minerals. We seek -- we  
8 got their advice on who to interview, so I'll just  
9 leave that at that.

10 In terms of re-assessing endpoints for  
11 the assessment of impacts to caribou, if we're prepared  
12 to look at those now, and we can work on those now in  
13 terms of you giving us your opinion -- or your -- what  
14 would you use as an endpoint in terms of re-assessing  
15 the potential impacts to -- to caribou, we're prepared  
16 to do that.

17 But I'm just wondering about the timing  
18 of when that would occur. Are we talking about sort of  
19 something that we could accomplish within the next  
20 month or is that something that we're looking at doing  
21 only once the TK study is done?

22

23 (BRIEF PAUSE)

24

25 DR. GINGER GIBSON: I don't want to

1 talk about the difference between TK studies. I think  
2 that that --

3 MR. RICK SCHRYER: It is not going to  
4 get us anywhere.

5 DR. GINGER GIBSON: -- it's not going  
6 to get anywhere, the study that was done is the study  
7 that was done. The Tlicho Government is doing the  
8 study that will be relied upon by the Review Board to  
9 make its -- its findings in terms of understanding the  
10 Tlicho perspective and traditional use and traditional  
11 knowledge in the region.

12 The -- the second question, I -- I think  
13 that the traditional knowledge study is going to be  
14 substantial and will be useful in pulling this process  
15 -- pulling that -- that question forward. And I -- and  
16 I don't -- I think that -- that at the out -- we can  
17 start talking about it right now because we haven't  
18 been talking about it. And this is happening in a  
19 number of environmental processes in the region, that  
20 there's the -- the silos, the -- the Golder approach,  
21 and the -- the folks out here that are -- that are  
22 looking at the Golder approach and saying, It's not  
23 meeting our -- our requirements for good knowledge in  
24 order to make good informed decisions.

25 So I think we need to start talking

1 about it now, and I don't know that it can be resolved  
2 -- to answer your question, I don't think that it can  
3 be resolved immediately in the short term but we can  
4 start making best efforts in the short term. And --  
5 and then rely for -- for -- when it -- when the study  
6 is out rely on that again to revisit it, to revisit the  
7 estimations on -- on caribou in the long run.

8 THE FACILITATOR EHRLICH: It's Alan for  
9 the Review Board. Look, the Review Board is all in  
10 favour of people working together to try to make wise  
11 decisions. I think it's on the poster right behind me  
12 actually.

13 But ultimately I -- if the Developer is  
14 able to give their opinions, whether it's -- it's now  
15 or after some discussion with the Tlicho on what they -  
16 - the significance they expect from the impacts they've  
17 already predicted.

18 You know, we'd like to have that, and  
19 we'd also like the Tlicho Government's views on that.  
20 If down the road you work together and come out with  
21 the same -- you know, a joint conclusion, that's --  
22 that's great, but in the meantime it would be quite  
23 helpful for us to know what each party thinks of that.

24 And I'm not saying this has to be done  
25 in isolation. But if the Developer's able to do that

1 for February 23rd, which -- we're not asking for a new  
2 assessment, we're looking for a characterization of the  
3 impacts they've already classified largely in Table 7 -  
4 - 8.7-2 -- correction, it's -- it's Table number 8.7-2,  
5 plus distribution and abundance as we've been  
6 discussing, then that would certainly help us.

7 I -- I don't see how that in any way  
8 slows down or stops the kind of working together you  
9 just described, Ginger. And, I mean, I think I heard  
10 some openness from the Developer towards that. But I'd  
11 like to leave that undertaking standing because I think  
12 it's -- it's useful. It gives parties something to  
13 respond to and could provide a basis for your ongoing  
14 discussions with the Developer as well as giving the  
15 Review Board the information it needs to -- you know,  
16 to help make a good decision.

17 So what -- what undertaking number was  
18 that, number 3? It's Undertaking number 3, right?  
19 Okay, so that's -- that's going to appear in the  
20 transcript as Undertaking number 3, assuming the  
21 transcript can keep up with all the changes in numbers  
22 for the -- the undertakings we've been doing.

23 Todd, I thought I saw your hand go up  
24 earlier.

25 MR. RICK SCHRYER: If I could -- Alan,

1 if I could interject here. I think --

2 THE FACILITATOR EHRLICH: Okay, please  
3 interject.

4 MR. RICK SCHRYER: It's Rick Schryer,  
5 from Fortune Minerals. I think we have two (2)  
6 different undertakings here because I think you were  
7 asking us to clarify the end -- the assessment  
8 endpoints that we had provided in the DAR, correct,  
9 right, to provide some clarity on that?

10 THE FACILITATOR EHRLICH: I was asking  
11 for your significant determ -- significance  
12 determinations for --

13 MR. RICK SCHRYER: Okay. I don't think  
14 that's what Ginger was asking for.

15 THE FACILITATOR EHRLICH: -- each of  
16 these things.

17 MR. RICK SCHRYER: I think she was  
18 asking more for a joint discussion on more Tlicho-based  
19 endpoints in terms of environmental assessment of  
20 impacts on caribou. You can correct me if I'm wrong,  
21 but I think that's what you were asking for, which I  
22 don't think is the same one he's asking for.

23 THE FACILITATOR EHRLICH: No --

24 MR. RICK SCHRYER: Because he's asking  
25 for basically a clarification and what's in the DAR.

1 You're asking -- you're asking us to sit down and talk  
2 about Tlicho-based endpoints in terms of assessment for  
3 caribou, right?

4 Is that what I'm say -- is that what I'm  
5 hearing?

6 DR. GINGER GIBSON: Ginger Gibson,  
7 Tlicho Government. I think that if there's willingness  
8 from the Developer to move in that direction I think  
9 that there would be other parties that should be part  
10 of that discussion and privy to the discussion because  
11 I think, you know, Wek'eezhii Renewable Resource Board,  
12 Yellowknives Dene, everybody brings in important  
13 endpoints, and -- and, eventually, management  
14 perspectives on these issues.

15 THE FACILITATOR EHRLICH: So, you know,  
16 Rick, you're -- you've elegantly summarized a pretty  
17 murky thing, yeah. What we're asking for -- and this  
18 is what I was trying to get at by saying that  
19 Undertaking number 3 still stands. What we're asking  
20 for is something that I think you should be able to  
21 provide by Septem -- by February 23rd. And I don't  
22 think your providing that should in any way hinder any  
23 discussions you're having with the Tlicho. And I --  
24 it's a separate thing from working through what number  
25 of groups would like to see as the assessment



1 endpoints. I -- I think we're all saying the same  
2 thing on that.

3 MR. RICK SCHRYER: No. Rick Schryer,  
4 Fortune Minerals. I just wanted to be clear that --  
5 you know, what -- what you were asking for and what  
6 Ginger was asking for, because I didn't see them as  
7 being the same thing. So I just wanted to make sure  
8 that we understood each other.

9 THE FACILITATOR EHRLICH: Oh, you --  
10 you see that because they're not the same thing.  
11 You've definitely got it right. I -- I see that John  
12 B. Zoe has a comment or question on caribou.

13 MR. JOHN B. ZOE: I just want to follow  
14 up on the question Chief Daniels was asking about  
15 woodland caribou, on why it's not something that  
16 doesn't seem to be significantly followed up on, but I  
17 sort of want to put it into context before maybe  
18 answering the question.

19 What we're doing here, I think, with the  
20 caribou, especially the woodland caribou, is probably  
21 for the first time putting information down on paper  
22 that only existed in -- in the knowledge of -- of  
23 people before today, and hopefully after, that we're  
24 putting it down in print for the first time. And so we  
25 don't want to leave things out that was very powerful

1 in its own time.

2                   And one (1) of them is the woodland  
3 caribou because it's no different than what you would  
4 call world economic zones. Why is there that, like, in  
5 Canada we live in a pretty good economic zones, but in  
6 other countries you would have starvation, you would  
7 have things that -- you know, there's no rain. It has  
8 a huge impact on the people that live there. So there  
9 is different places.

10                   The same way that what makes an economic  
11 zone very wealthy at times is, you know, they call them  
12 corridors, gateways, hubs, those are names that are put  
13 onto areas that are -- some places that people rely on.  
14 It has -- it happens to have all the ingredients to  
15 make society run and -- well-oiled machine for that  
16 area.

17                   Well, those things existed in pre-  
18 contact times. And when -- when the trading came into  
19 the area, to adjust to that trade and to make sure that  
20 there was some returns, that people adjusted and set up  
21 areas in our -- let's say Hislop Lake. We can't just  
22 brush it off and say, Well it's -- it only goes up to  
23 here and doesn't have a big footprint. Because that  
24 area, like I say, served people well in that period  
25 when it had ingredients of everything. It had a -- an

1 abundance of caribou, and that's the reason that they  
2 had trade in caribou at the time. Those areas were  
3 used for harvesting.

4                   And of course the -- the information  
5 collected might have been for the last twenty (20)  
6 years but we're talking about longer periods of time,  
7 where in -- in modern day times they might -- might  
8 have a good economic zones of building parts, but all  
9 of a sudden you can shut it down because it's not so --  
10 it doesn't make -- seem to make enough economic sense  
11 any more.

12                   So in that area of Hislop Lake, it had  
13 elements of caribou and it -- it's a seamless  
14 transition to the fishery that also exists. And I was  
15 in the back looking at the model on where the axis will  
16 go across the river, and it dawned on me that -- that  
17 that section that it's crossing on is -- is an area  
18 possibly called Wudedetti (phonetic), which means that  
19 it's a rich, rich fishery.

20                   And I'm thinking that -- what impact is  
21 that crossway going to have in that area because that  
22 trading village wasn't just relying on caribou, it was  
23 also a seamless dependency on the fishery that was  
24 there. At the same time that seamlessness also crossed  
25 over to the usage of woodland caribou and moose. So

1 all the elements was there, and that -- that area was -  
2 - was chosen by the trading chiefs to set up this  
3 encampment that -- that still exists in the site today.

4 And we're talking about the late 1700s,  
5 very early in the 1800s, so it's not something that  
6 we're referring to in memory of the last -- within my  
7 lifetime. It goes way back then. But to get at that  
8 information, it takes a lot of digging into the memory  
9 of people that can't be picked up in -- in -- just in  
10 conversation.

11 And -- and the reason that I'm bringing  
12 this up is because caribou, for instance -- caribou,  
13 for instance, it's been well-documented in the last  
14 number of years by ENR, and it's still controversial  
15 because it's going on print for the first time, mostly  
16 by government's determination on new findings as to new  
17 recognized calving grounds to determine a name for a  
18 caribou that come into the zones here. Okay?

19 And those will all continue to be  
20 controversial, but what it does is that in our own time  
21 -- in our own time here, sitting in this room, all of  
22 these caribou, as we have noted before, have been  
23 carved up. Okay. And -- and we can't let the woodland  
24 caribou be shoved aside to say that it -- there's no  
25 significant impact on there because nobody has gone

1 there to define what the range is.

2                   Very similar to, we know where the  
3 existing ranges are because that's what the wildlife  
4 people would say. That they would say in the north  
5 arm, on the west side, there's woodland caribou range.  
6 And on the north side there's a woodland caribou range.  
7 Well, that's what they were saying with the caribou  
8 numbers before.

9                   But -- but here we have -- we're saying  
10 that there's a possible -- an expansion of that because  
11 what we're doing is, in this process, it's not only to  
12 develop information to develop a mine but to develop  
13 information that might be missed and not be considered  
14 significant in the future.

15                   So the -- so the woodland caribou has to  
16 be considered in -- in what Chief Clifford was talking  
17 about, because once the -- the -- if the -- if the mine  
18 gets approved and it goes towards development and  
19 construction and operational stage, and the access road  
20 is in place and all the -- all land weather road --  
21 all-weather, twenty-four (24) hour road is in place,  
22 that it's going to have an impact on this non-existent  
23 woodland caribou that might all of a sudden be  
24 wandering around, okay?

25                   What is -- how can those things be

1 mitigated, unless we know now? And we know that people  
2 are saying, well they're -- we didn't see any. People  
3 would say, yes we've seen -- we've seen some. And  
4 those things will be determined over time.

5                   So that's -- that's -- and the economic-  
6 type zone that the old villages established themselves  
7 in at the time was an answer to the relationship to the  
8 new world, okay. And here we're talking about a new  
9 relationship based on principles to the new development  
10 that in some ways is a more escalated impact onto the  
11 caribou and other -- and to the woodland caribou, if it  
12 is.

13                   And -- and so I didn't hear an answer to  
14 -- or anything, to what Chief Daniels mentioned this  
15 afternoon about why isn't the woodland caribou  
16 significant in the DAR report. Mahsi.

17                   MR. DAMIAN PANAYI: Damian Panayi, for  
18 Golder Associates. And I think my response will seem  
19 somewhat pedestrian compared to some of the issues  
20 you've raised there, John B., but I -- I will do my  
21 best to respond. And some of the other folks here  
22 might say something as well.

23                   In terms of why woodland caribou weren't  
24 included in this document, as I mentioned, we did  
25 baseline studies, which included Tlicho people, Tlicho

1 residents who -- they helped us out on these -- on  
2 these studies, and we didn't come across any sign which  
3 could be attributed -- clearly attributed to woodland  
4 caribou.

5                   And there were some phone calls made to  
6 ask people if they knew of woodland caribou in this  
7 area. And, again, we didn't -- we -- we didn't find  
8 any indication that people are currently, at least,  
9 harvesting woodland caribou in this area.

10                   And so working from that --  
11 unfortunately, with an environmental assessment it's  
12 limited in that we don't have the ability to assess  
13 effects to everything. And we have to screen through  
14 the areas of concern and pick and choose areas where we  
15 feel there is going to be the greatest level of effect  
16 and the areas of greatest concern, and those are the  
17 ones which we focus our attention on.

18                   So not including woodland caribou was  
19 not intended to be disrespectful. It was not cutting  
20 corners. We are not dismissing woodland caribou. It's  
21 just that all the evidence that we had indicated that  
22 this area is used by migratory barren land caribou.

23                   Over the long -- you had mentioned how  
24 these things must be considered over very long periods  
25 of time. And you're correct and it's entirely true --

1 or entirely possible that woodland caribou might have  
2 been there in -- in good numbers in the past and may  
3 well return in -- in good numbers in the future.

4                   And if -- if we're lucky enough to see  
5 that, we will have a monitoring program in place.  
6 There'll be environmental monitors on site who I expect  
7 would be Tlicho people. And they -- you know, their  
8 job will be to keep track of how the mine is affecting  
9 caribou and keep track of any incidents regarding --  
10 you know, involving caribou and observations of caribou  
11 near the mine.

12                   And if we start finding evidence of  
13 woodland caribou or, at the very least, evidence of  
14 caribou being present in the summertime, then we would  
15 have to review -- that would be reported in our annual  
16 reports. That would be communicated to the Tlicho  
17 communities by Fortune. And we may have to look at  
18 revising some of our mitigation at that point.

19                   But in the meantime, we have still  
20 presented an environmental assessment which -- which I  
21 think is -- is very conservative and lists out a whole  
22 range of mitigation which is proposed to make sure that  
23 impacts to caribou are -- are kept as low as possible.  
24 And these are lessons which we've learned from the  
25 existing mines in the Northwest Territories.



1                   And some of the key things we'll be  
2 doing is, as Rick mentioned, the layout of the site has  
3 been rearranged to keep the footprint as small as  
4 possible. It's currently something under 400 hectares.  
5 There'll be communications all up and down the road so  
6 people can communicate the observe -- observations of  
7 caribou near the road.

8                   There'll be technicians on site who are  
9 keeping -- monitoring the site and -- and asking people  
10 if they've seen caribou, if they've seen other  
11 wildlife. And they'll be reco -- making their own  
12 observations of wildlife and reporting that back.

13                  And there will be, you know, speed  
14 limits. And there would also be regular monitoring,  
15 aerial surveys and -- and using whatever information we  
16 can get from collared caribou and so on. And all of  
17 that would feed into our environmental management plan  
18 and make sure that we are continuing to mitigate  
19 effects to caribou as -- as well as possible.

20                  The other thing I can throw in there is  
21 that our experience from the existing mines is -- is  
22 that, for the most part, they don't -- they don't cause  
23 a lot of caribou mortalities. There have been a few  
24 notable exceptions, but the number of caribou actually  
25 killed by, you know, the existing mines in the

1 Northwest Territories has been very, very few.

2                   And I would only hope that the  
3 mitigation which we've -- you know, which we're going  
4 to carry onto the Fortune -- to the NICO project would  
5 -- would cause that to be the -- you know, would mean  
6 that we'd have the same situation at -- at the NICO  
7 project.

8                   THE FACILITATOR HUBERT:   Thanks very  
9 much for that response, and thanks very much for the  
10 last couple of hours, in fact, of -- of really  
11 enlightening questions and valuable responses as well.

12                   With that, it's about -- close to  
13 quarter after 3:00, so I'd like to take a break, if we  
14 could, until 3:25. And perhaps -- sorry. If we could  
15 maybe think of one (1) or two (2) follow-up caribou  
16 questions to -- to wrap that subject up after the break  
17 and -- and then we'll move onto -- to other wildlife.  
18 But I think I'm not sure that the -- that the caribou  
19 issue is quite exhausted yet, so let's take a break and  
20 come back at twenty-five (25) after 3:00. Thanks.

21  
22 --- Upon recessing at 3:14 p.m.

23 --- Upon resuming at 3:56 p.m.

24

25                   THE FACILITATOR HUBERT:   Welcome back,

1 ladies and gentlemen. If we can take our seats. I'd  
2 like to continue with caribou since it's an important  
3 issue clearly for many parties and -- and the Review  
4 Board as well.

5 I'd like to have -- allow the  
6 opportunity for GNWT and our -- to ask a few questions,  
7 followed by Tlicho Government and YKDFN, so if we can  
8 proceed.

9

10 (BRIEF PAUSE)

11

12 MR. JAN ADAMCZEWSKI: Jan Adamczewski  
13 with ENR-GNWT. I have three (3) questions and they all  
14 refer to subjects that -- that have been raised and  
15 commented on and questions asked. And I wanted to  
16 compliment the -- the Yellowknives and the Tlicho  
17 Government on the thoroughness of -- of the -- the  
18 issues that they raised and the questions that they  
19 asked.

20 So my first question has to do with the  
21 cumulative assess -- effects assessment, and the  
22 spatial scale that you ended up working at, and you --  
23 you wanted to work -- well, you only worked at the  
24 scale of the winter range.

25 And my suggestion sort of echoing what

1 Chief Daniel started with, I think it would probably be  
2 appropriate to think in terms of at least two (2)  
3 spatial scales. The one (1) being the winter range as  
4 something that is meaningful to caribou, you know, for  
5 a certain time of the year. But I think you can't  
6 ignore the rest of the annual range, so the Gahcho Kue  
7 mine, other possible mines in the Bathurst range.

8                   So my question is: Would you be willing  
9 to consider going beyond the spatial scale of -- of the  
10 winter range to looking at the entire annual range?  
11 And I say that recognizing that it -- it would be a  
12 very challenging assignment in terms of the -- the  
13 tools that are out there.

14                   MR. JOHN VIRGL: John Virgl. Thanks  
15 for the comment in question, Jan. I think we would  
16 need a little bit more clarification on what it is that  
17 you would expect the analysis to look like at the an --  
18 annual range.

19                   Part of the -- the difficulty is to put  
20 it across the entire annual range is the -- the RSFs  
21 that have been built are based on seasonal ranges for  
22 the herd; they're not based on the annual range. And  
23 there's reasons for that which I'm sure you're aware  
24 of. There's different limiting factors that are  
25 influencing caribou populations and their behaviour at

1 different times of the year.

2                   So, just, I guess, a little bit of  
3 clarification on what that analysis might look like.

4                   MR. JAN ADAMCZEWSKI:   Jan Adamczewski,  
5 ENR. As I said a minute ago, John, I realize that that  
6 would be a challenging assignment. But I think in the  
7 early days with each of the diamond mines in the  
8 Bathurst Range, their preference was to look at their  
9 mine and nothing else, and of course we pretty quickly  
10 realized that to the caribou that's not that  
11 meaningful, so you do have to look at the other diamond  
12 mines and any other mines.

13                   So, just extending that thought process,  
14 you can't just look at what happens on the winter  
15 range, you do have to be mindful of what is going on on  
16 -- on the rest of the -- the annual range of the -- the  
17 caribou herd.

18                   MR. CAMERON STEVENS:   Cam Stevens,  
19 Golder Associates. So a big part of the assessment --  
20 a good question, Jan. A big part of the assessment is  
21 based on -- on changes to habitat, habitat types,  
22 habitat quality. And the approach that we took in the  
23 assessment considered the winter range. As you said,  
24 was a -- it's a -- that's a meaningful assessment on  
25 habitat changes at that scale.

1                   If we're go -- if we're to use at a --  
2 at a much bigger scale at the annual home range, we  
3 would be considering large areas of the home range  
4 where there was no development. And what that means is  
5 that the density of development is considerably less in  
6 the assessment.

7                   So, whatever assessment we were -- we  
8 were to provide you with would be smaller in magnitude  
9 than that -- than what is recorded in the DAR. So the  
10 density in dev -- developments in the winter range, is  
11 what I'm saying, is greater than the density of  
12 developments at the annual home range scale.

13                  And we look at percent changes from  
14 baseline -- you know, pre-development landscapes to  
15 baseline, to application into the future. So, you  
16 know, if that exercise was done the -- the conclusion  
17 would be that changes in habitat are smaller than --  
18 than what's reported in the DAR.

19                  MR. JAN ADAMCZEWSKI: Jan Adamczewski,  
20 ENR. I guess, to me I'm sort of thinking in terms what  
21 actually -- what it's like to be a caribou. And -- and  
22 if you imagine a -- a Bathurst cow, maybe she's an old  
23 cow, and she leads the group and she calves up near  
24 Bathurst Inlet. And then there's those two (2) diamond  
25 mines and, I think I'll kinda stay away from there

1 because there's bad noises and dust and stuff, and then  
2 there's a couple roads I got to cross and then I get to  
3 the winter range and there's another couple roads. And  
4 meaningfully to the caribou I think all of it is  
5 important.

6 And I -- again, I say it's a -- it would  
7 be a challenging assignment, but I think in addition to  
8 looking at the winter range scale, it would be  
9 worthwhile to do that larger analysis to -- to consider  
10 the rest of the annual range.

11 THE FACILITATOR HUBERT: Thank you.  
12 How achievable is it for Fortune to -- to meet that  
13 request?

14

15 (BRIEF PAUSE)

16

17 MR. JOHN VIRGL: John Virgl. We're  
18 just having a little bit of difficulty understanding  
19 exactly what you mean, because what you -- what -- what  
20 you are asking for, which we're unsure of, depending if  
21 it's -- if it's a habitat analysis, or if it's a  
22 qualitative assessment of what you were talking about,  
23 what it could mean to, you know, individual females in  
24 the herd, based on some kind of encounter rates with  
25 developments, per say, all of -- depending on what

1 you're asking for, Jan, will depend on the time that it  
2 takes to do the analysis.

3 I -- I'm sorry if I'm -- if I'm -- I'm  
4 just trying to understand, so I can answer the Board's  
5 question about, you know, when this could be done.

6 MR. JAN ADAMCZEWSKI: Jan Adamczewski,  
7 ENR. I guess it's up to you, Mr. Chairman. This might  
8 be something not to continue at this point, and -- and  
9 maybe have some further discussion, or -- outside of  
10 the -- the meeting itself. But I'm pretty sure there's  
11 -- there's a strong sense from our Tlicho friends, and  
12 -- and the Yellowknives that it is the entire caribou  
13 herds range that needs to be considered.

14 I'm also quite mindful, having been  
15 involved in some of the modelling, that that would be a  
16 very major assignment for -- for Golder to take on. So  
17 I'd be willing to kind of leave it at that, at this  
18 point.

19 THE FACILITATOR HUBERT: Thank you. If  
20 -- would it be possible for yourself to meet with --  
21 with Golder, as you're suggesting, and -- and report  
22 back within the time frame of this technical meeting,  
23 at -- as to the -- the feasibility of accomplishing  
24 this, the timelines, the -- the specifics, which  
25 fortunately seem to be a little unsure about what



1 exactly this -- this might entail?

2 MR. JAN ADAMCZEWSKI: Jan Adamczewski,  
3 ENR. In our -- I mean, we can certainly -- you know, I  
4 -- I know John and some of these -- Damian, and we can  
5 do that, but given some of the comments and questions  
6 from the Tlicho Government and the Yellowknives, I  
7 would think they should be part of that conversation.

8 THE FACILITATOR HUBERT: Thank you for  
9 that. Absolutely. I'm in total agreement. Did you  
10 have further questions, or can...

11 MR. TODD SLACK: Todd Slack, YKDFN. If  
12 I can interject here -- well, sorry, I will interject,  
13 but excuse me. Yes. But it's always nice to ask.

14 I -- I just want to add to what Jan has  
15 said here. And as Chuck's aware, the company has  
16 expressed -- the said that they were, you know, open to  
17 addressing our concerns; and this is a principle --  
18 this is the principle concern of -- of the Yellowknives  
19 Dene. However, during that discussion, it became clear  
20 that the company stands by their cumulative effects  
21 assessment to date.

22 Now, if we're willing -- if we're going  
23 to see some openness to reconsider this, because I -- I  
24 certainly don't agree with Cam's statement that the  
25 proportion of development is lower in the winter range.

1 I think it is much higher in the -- in the tundra  
2 range, because we have -- now, we'll get into the --  
3 the question of what belongs in the cumulative effects  
4 analysis, but the number of exploration camps, the  
5 number of mines, the proportion of this list on Table  
6 8.5.1, things that go into the effects analysis, is  
7 going to be much higher for the development area -- or  
8 sorry, for the non-winter range area.

9                   So, if we're open to reconsidering this,  
10 you know, the Yellowknives are open to taking this into  
11 a discussion tonight, or at any point here, but if it's  
12 just -- if this is what we're going with there's no  
13 point in talking, because we understand the situation.  
14 I'll leave...

15                   MR. JAN ADAMCZEWSKI:    Okay, my -- my  
16 first question ended up being about five (5) of them, I  
17 guess. Jan Adamczewski, for -- for ENR. I wanted to  
18 raise that -- that persistence model again, just to --  
19 just to irritate Mr. Virgl over there.

20                   The issue that I have with -- with that  
21 modelling is that somewhere in there is a population  
22 model, and -- and your projections are on the order of  
23 about thirty (30) years. And two (2) years ago we had  
24 John Beaullagier (phonetic) doing a bunch of population  
25 modelling, looking at harvest and, you know, what might

1 be a reasonable harvest from the Bathurst herd at that  
2 time. And one (1) of the things that John did is he's  
3 -- he's very -- he pays close attention to having the  
4 best data he possibly can. And the model projections  
5 that we had at that time, I think six (6) years was  
6 about the maximum, because the situation was so dynamic  
7 things were changing so much that, you know, sure you  
8 can make the model project a hundred years if you want,  
9 but it just becomes increasingly a fantasy. You know,  
10 you're departing from reality.

11 And -- and this is where my main concern  
12 with this persistence model is; that you have to make  
13 assumptions about calf survival, about cow survival,  
14 about the harvest, about all kinds of things for a  
15 caribou herd that tends to do these kinds of things.

16 And I guess it's maybe not a question as  
17 such, but that was my main reservation about that --  
18 that approach to modelling.

19 THE FACILITATOR HUBERT: Would Fortune  
20 like to respond to that?

21

22 (BRIEF PAUSE)

23

24 MR. JOHN VIRGL: John Virgl. Thanks,  
25 Jan. That's a good question. Again, the -- the

1 persistence that we used in -- in the DAR was a  
2 concept. It wasn't quantifiable. You can have  
3 quantifiable assessment endpoints, but here we -- we're  
4 talking about the -- the changes in abundance in  
5 distribution from -- or the effects of abundance and  
6 distribution from the NICO project, in terms of how  
7 much habitat is -- is removed physically from the  
8 footprint, what the -- the changes in -- in  
9 fragmentation would be across the -- or the  
10 configuration of habitats, and the quality of habitats,  
11 and the predicted changes to survival, or direct mine  
12 related mortality to caribou from this project.

13                   And those were the three (3) things that  
14 we then used to determine whether or not we would  
15 predict actual change in abundance that would drive  
16 those things you're talking about in that -- in -- in  
17 an actual population model.

18                   MR. JAN ADAMCZEWSKI: Jan Adamczewski,  
19 for ENR. I think we've probably beat that one to death  
20 by now. I have a couple more questions, and I'll try  
21 and keep it short.

22                   I wanted to come back to what is perhaps  
23 the overriding concern and issue, which is access,  
24 hunting, and roads. And I'll maybe start off with a  
25 comment from Terry Wilkinson (phonetic), who is an

1 outfitter that I knew quite well in -- in Watson Lake,  
2 my -- my last job in the Yukon. And -- and the comment  
3 was, "Roads never really go away." Once you build them  
4 they're out there and people will use them.

5                   And, you know, I was part of some pretty  
6 difficult management meetings, discussions in  
7 restrictions on harvest for the Bathurst herd, and  
8 roads that can be travelled by trucks are different  
9 from trails that are driven by skidoos. And that's --  
10 that's the scary thing about what happens when an all  
11 weather road is built, or even a road that is open for  
12 long months in the winter.

13                   And if you were to look at the Bathurst  
14 technical report, there are some maps in there from  
15 Bruno Croft and -- and colleagues, and the last two (2)  
16 winters of unrestricted harvest of the Bathurst herd,  
17 they mapped -- there was a check station and they  
18 mapped where the harvest was, and it's up and down the  
19 roads. Virtually all of it. The road to Gameti, over  
20 to Wekweti, and then to a lesser extent the trail up to  
21 Hotta Lake. And that harvest was on -- on the scale of  
22 thousands of caribou. And it's put us in a situation  
23 where we're trying to recover a herd that -- that fell  
24 to very low numbers.

25                   I wanted to thank you, John, because I

1 think at one (1) point addressing this issue you said  
2 that it really couldn't be quantified, and I -- I think  
3 that is the reality - that you cannot predict what that  
4 effect could be, but it could be huge. And an all  
5 weather road, I mean, I guess we're not supposed to  
6 talk about that road but the 27 kilometre road isn't  
7 going to be there sort of in isolation in -- in the  
8 wilderness.

9                   Nothing might happen there in terms of  
10 harvest for the next ten (10) years, and then one (1)  
11 day the caribou are there in big numbers, and lots of  
12 caribou are being shot. So that's not entirely your  
13 responsibility, but it's just I guess the biggest issue  
14 that we have, and the biggest worry that we have.

15                   And, you know, you made some reference  
16 about, It's not going to go much beyond baseline, but  
17 the potential is there for thousands of caribou to be  
18 shot if harvest management isn't in place. I mean,  
19 right now it is, right. The Bathurst harvest is three  
20 hundred (300) caribou or less. But the road never goes  
21 away, and twenty (20) years down the road that could  
22 still be an issue.

23                   So it's perhaps more of a comment and a  
24 reiteration of what some of the other folks have been  
25 saying, but that would be I -- I guess my request, that

1 you be at least mindful that that potential effect is  
2 huge.

3

4 (BRIEF PAUSE)

5

6 THE FACILITATOR HUBERT: The point's  
7 well taken. Thanks very much. Any comment from  
8 Fortune?

9

MR. RICK SCHRYER: Rick Schryer,  
10 Fortune Minerals. I would simply remind everyone that  
11 the terms of reference, as stated, only requested  
12 Fortune Minerals to look at our use of the road.

13 I'll remind everybody that Fortune  
14 Minerals is not the proponent for the road. That the  
15 GNWT has said that they would build the road for the  
16 communities, and not for -- for the purposes of Fortune  
17 Minerals.

18 So in the terms and context, we're  
19 prepared to take our best guess in terms of what the  
20 cumulative effects of our project and our access road  
21 would be, but we need to be mindful of the fact that  
22 that's not what we're here for today in terms of  
23 looking at the effects of the NICO project. Thank you.

24

25 (BRIEF PAUSE)

1 THE FACILITATOR HUBERT: Thank you.

2 Further questions from GNWT?

3 MR. JAN ADAMCZEWSKI: I think I'll --  
4 I'll leave that subject. Just one (1) final point, and  
5 this was more in relation to -- to boreal woodland  
6 caribou.

7 And again I go back to my years in the  
8 Yukon, which in a region that had no barren ground  
9 caribou, but we had woodland caribou of the mountain  
10 type, and it's just a reminder that there's a national  
11 recovery strategy for boreal woodland caribou, which  
12 actually places considerable requirements now on this  
13 government, this jurisdiction, and every other  
14 jurisdiction in Canada, to -- to preserve habitat for -  
15 - for woodland -- for boreal woodland caribou.

16 We have some of the last intact boreal  
17 woodland habitat in Canada. Trying to assess or  
18 mitigate effects on boreal caribou in -- in the NICO  
19 area is not an easy thing to do, but just a reminder  
20 that this is a subspecies that is acutely vulnerable to  
21 the effects of development, and it isn't very difficult  
22 to over harvest them because they're -- they're numbers  
23 are always low.

24 And that's it for me.

25



1 (BRIEF PAUSE)

2

3 MR. JAMES HUDSON: It's James Hudson  
4 with the Canadian Wildlife Service. I was just going  
5 to talk a bit about boreal woodland caribou, as well,  
6 and the proposed recovery strategy.

7 The proposed access road to the mine  
8 overlaps the boundary for the boreal woodland caribou  
9 range and because of that could affect them. And al --  
10 there's also the requirement under the Species at Risk  
11 Act to conduct an -- an assessment of potential effects  
12 on species at risk. So I think it does warrant a bit  
13 more attention in this review. And since the proposed  
14 recovery strategy was released, Environment Canada also  
15 made available on the website the disturbance footprint  
16 within each of the caribou ranges in the NWT.

17 So what we'd like to ask the proponent  
18 is if they could calculate what additional disturbance  
19 that they'll contribute to the NWT south range  
20 associated with the portion of the road that overlaps  
21 the woodland caribou range and maybe also for the  
22 proposed Tlicho road given that it would be a necessary  
23 component for the project to -- to go forward.

24 And I guess the way that disturbance is  
25 calculated within the recovery strategy is that the

1 direct footprint from a human disturbance is also --  
2 there's also a 500 metre buffer added to either side of  
3 that disturbance footprint, so we'd ask that you  
4 include that as well in your calculations and maybe  
5 provide a map of what that would look like on the  
6 landscape.

7 THE FACILITATOR HUBERT: Can Fortune  
8 provide that information with the -- the map?

9 MR. CAMERON STEVENS: Cam Stevens,  
10 Golder Associates.

11 James, are you just requesting the  
12 footprint for the project and -- and the -- the NICO  
13 Project access road?

14 MR. JAMES HUDSON: Yes, but I think the  
15 -- that including the Tlicho Road, given that will be  
16 an over land road that could have potentially a  
17 permanent footprint, it might be appropriate to also  
18 include that given that it would also contribute. I  
19 know it would just be an estimate at this point since  
20 we don't know the actual layout of the road, but to  
21 provide an idea.

22 THE FACILITATOR HUBERT: Thank you. To  
23 -- to clarify that, just to reiterate the -- the Tlicho  
24 Road is not part of the scope of this development.

25 However, because it's a reasonably

1 foreseeable project, should Fortune complete this task  
2 they might want to consider that -- adding the -- that  
3 road as -- in an accumulative effects context.

4

5 (BRIEF PAUSE)

6

7 MR. DAMIAN PANAYI: Damian Panayi.  
8 James, I wonder if I can just ask you to clarify where  
9 you got your information on the boreal caribou range  
10 from.

11 MR. JAMES HUDSON: It's -- it's  
12 available -- the recovery strategy, there's an appendix  
13 that describes each of the local populations within the  
14 NWT and the amount of existing disturbance footprint  
15 within each of those ranges. And I can forward you the  
16 link to download the shape (phonetic) files for that if  
17 you like after the meeting today.

18 MR. CAMERON STEVENS: James -- Cam  
19 Stevens, Golder Associates.

20 Do you have that document with you by  
21 any chance? And what is the -- the level of  
22 disturbance in that range you're referring to?

23 MR. JAMES HUDSON: I believe that it's  
24 at 63 percent of the NWT south range is undisturbed at  
25 the moment when the Recovery Strategy was released.

1 DR. GINGER GIBSON: Ginger Gibson. I  
2 think that it would be helpful to have -- given that  
3 roads don't go away, it would be helpful to have the  
4 on-land existing winter road -- or the -- sorry, the  
5 existing winter road that is not on land, in addition  
6 to the proposed -- the potentially proposed on-land  
7 winter route -- route that the GNWT may be considering  
8 as -- as two (2) different corridors that -- that might  
9 be need -- need to be considered in the disturbance.

10 As well as -- I mean, I -- I think this  
11 bleeds into the cumulative effects discussion that  
12 Kerri is going to raise momentarily but -- as well as  
13 the -- the use of the Denison winter road.

14 MR. JAMES HUDSON: James from Canadian  
15 Wildlife Service. If I got that number wrong, please  
16 correct me. But I can go back and check it tonight. I  
17 don't have the document with me here right now.

18 THE FACILITATOR HUBERT: Thank you. So  
19 to try to craft an undertaking of some kind for -- for  
20 Fortune, would it be possible for Fortune to create a  
21 disturbance map and habitat disturbance amount of the -  
22 - the project on boreal caribou and produce that by --  
23 within -- by February 23rd, to start with?

24 MR. DAMIAN PANAYI: Damian Panayi.  
25 Yes, we can produce a map showing direct footprint of -

1 - of the project and reasonably foreseeable future  
2 projects on -- on the boreal caribou ranges indicated  
3 in the document which James mentioned. And we'll chat  
4 with him afterwards to get some of the finer details.

5 THE FACILITATOR HUBERT: Thank you.  
6 We'll call that Undertaking number 4.

7

8 --- UNDERTAKING NO. 4: Fortune Minerals to create  
9 a disturbance map and  
10 habitat disturbance amount  
11 of the project on boreal  
12 caribou ranges indicated in  
13 the document which James  
14 Hudson mentioned by  
15 February 23rd, 2012

16

17 THE FACILITATOR HUBERT: And we'll go  
18 over these to ensure consistency at the end of day 3.  
19 Thanks.

20 And Tlicho Government, please...?

21 MS. KERRI GARNER: I'm just going to  
22 reiterate really some of the comments on cumulative  
23 effects and -- and the Tlicho Government's perspective  
24 on that. Essentially, the current seasonal range  
25 approach is inconsistent with the terms of reference,

1 which states that:

2 "Potential impacts of the NICO  
3 project on the Bathurst caribou herd  
4 in combination with impacts of other  
5 developments in the range of the  
6 Bathurst caribou herd are required  
7 for consideration of cumulative  
8 effects.

9 In order to conduct a more  
10 comprehensive cumulative effects  
11 assessment of the Bathurst, the  
12 Developer should include all relevant  
13 projects in Nunavut that occur within  
14 the annual range of the Bathurst  
15 herd, that either, (1), currently  
16 exist, (2), are actively under the  
17 regularly review, or, (3), are  
18 reasonably foreseeable to occur in  
19 the near future."

20 In addition to that, things like the  
21 Denison winter road, which are happening in the --  
22 potentially going to happen in the location of the --  
23 close to the improx -- close proximity to the project  
24 sites, et cetera, and, essentially, we ask the  
25 proponent to revisit their cumulative effects

1 assessment and consider the entire annual range,  
2 including the Denison winter road.

3 MR. DAMIAN PANAYI: Damian Panayi.  
4 Kerri, I wonder if you can clarify for us the Denison  
5 winter road?

6 MS. KERRI GARNER: At this point in  
7 time, there has been a land use permit. Well, we're  
8 getting -- a land use permit application was sent to  
9 the Mackenzie Valley Review Board some time ago. And  
10 we have been in discussions with INAC/CARD about that  
11 land use permit application to discuss access issues to  
12 -- on Tlicho lands for the Denison winter road. The  
13 purpose of the road is to access various mine sites  
14 that need to be remediated in the Sahtu, and also on  
15 Tlicho lands.

16 And so we're in discussion with  
17 INAC/CARD at this point in time about that particular  
18 land use permit application. And it's -- it's another  
19 piece of this cumulative effects puzzle is what it  
20 comes down to, and it's a really important piece, I  
21 think.

22 I think as far as cumulative effects  
23 goes overall, just listening to the conversation, I am  
24 not a scientist, I'm not an expert, but I've learned a  
25 lot in the last many years, and -- and I think that we

1 just -- this is a really important issue that needs to  
2 be thought about.

3                   We keep -- you know, Gahcho Kue is  
4 happening. Fortune Minerals is potentially -- or the  
5 assessments are happening. And all of these different  
6 things are happening. And, you know, as Jan said, the  
7 caribou are the caribou, and thinking like a caribou,  
8 they're just seeing all of these different things  
9 happening on the landscape and they're being impacted  
10 one (1) way or the other.

11                   So I think that, from the Tlicho  
12 Government perspective, recognizing that it will be  
13 challenging to address this issue, I think that we  
14 really need to be considerate of all of these different  
15 things that are happening on the landscape at the  
16 annual range of the Bathurst caribou and really take  
17 that into serious consideration in -- in our decisions.

18

19                   (BRIEF PAUSE)

20

21                   MR. RICK SCHRYER: Rick Schryer,  
22 Fortune Minerals. I think the path forward here is for  
23 us to have this discussion with Jan in terms of trying  
24 to get a handle on what exactly he's asking for in  
25 terms of a cumulative effects model that will take into



1 account the entire range of the Bathurst herd.

2                   And then we'll -- you know, we'll have  
3 some clarity in terms of trying to -- what -- what is  
4 the path forward in terms of this modelling exercise.  
5 I just want to state, though, from our perspective that  
6 I'm prepared to go ahead with the modelling as long as  
7 it adds information concerning the NICO project.

8                   I -- you know, as long as it actually  
9 helps this environmental assessment move forward.  
10 That's fine. If it doesn't change anything in terms of  
11 our impact assessments then, you know, I'm not pre --  
12 you know, we'll do the initial modelling, but if it --  
13 if it demonstrates that it's not going to change how we  
14 perceive our project or how it -- we perceive our  
15 impacts, then we'll probably stop there.

16                   If it doesn't clearly demonstrate that  
17 the NICO project has a cumulative effect on -- with --  
18 in addition to other mining projects. Thank you.

19                   THE FACILITATOR HUBERT: Thank you. Of  
20 -- of course, it's -- it's equally important that those  
21 impacts are perceived by other parties, including the  
22 Review Board, as -- as being relevant. So it's -- it's  
23 not simply a Fortune concern, but...

24                   DR. ALLICE LEGAT: I just have one (1)  
25 -- one (1) question. It's Allice Legat from Tlicho

1 Government. Earlier today you talked about supporting  
2 a Tlicho knowledge monitoring and you spoke about  
3 hiring a person or a couple of people to work at the  
4 mine to do that job.

5 I'd just like to point out that when  
6 you're thinking about doing a Tlicho knowledge  
7 monitoring, it takes gathering information from most of  
8 the elders and harvesters if you want information about  
9 what is going on in the land.

10 And the Tlicho knowledge harvesters and  
11 elders consider all factors that impact caribou, such  
12 as fire -- forest fires, development, state of winter  
13 and summer habitat. What the winter habitat looks like  
14 in the summer to see possible distribution of -- of  
15 caribou and also caribou migration.

16 And so in thinking about the importance  
17 of the harvesters on the land and understanding  
18 caribou, will you, as Fortune Minerals, support the  
19 traditional knowledge monitoring program as put forward  
20 by the Wek'eezhii Renewable Resources Board in 2010 for  
21 a TK monitoring program that complements the science  
22 monitoring program? And that's in their documents.

23 MR. RICK SCHRYER: Rick Schryer,  
24 Fortune Minerals. I actually haven't seen that  
25 document, so I'd have to review it first before I

1 actually made a commitment on it. But, if you could --  
2 if you could send me the -- the direct reference or  
3 just give me a path so I can go look at it, then I'll -  
4 - I'll have a look at it and we'll get back to you on  
5 that.

6 DR. ALLICE LEGAT: I'd be happy to.

7 THE FACILITATOR HUBERT: Thanks very  
8 much. Do you have a follow-up question?

9 DR. ALLICE LEGAT: Well, I just wanted  
10 to know when they would get back, after I give them  
11 that information?

12 MR. RICK SCHRYER: Rick Schryer,  
13 Fortune Minerals. How long is it? If it's four  
14 hundred (400) pages, I'll say I can't do it. But, if  
15 it's five (5), then yeah, I could probably get an  
16 answer back to you within -- within the end -- before  
17 the end of the -- these technical meetings.

18 THE FACILITATOR HUBERT: Thanks very  
19 much. We'll list that. Paul -- oh, by the way, this  
20 is Paul Mercredi, you -- you -- who showed up midway  
21 through the -- through the day here. He's an EA  
22 officer with the -- with the Review Board and -- and  
23 helping me out.

24 MR. TODD SLACK: Todd Slack, YKDFN. I  
25 -- I'm all for beating a dead horse, so let's just stay

1 on this cumulative effects business for a little bit.

2                   And just to address something that Rick  
3 just said, this is not just an ENR issue. The primary,  
4 in my mind, users of this valued ecosystem component  
5 are the First Nations. In that case, who's -- the  
6 drive -- the drivers behind this, the ones that are  
7 expressing the concern are the Yellowknives and the  
8 Tlicho Government. If there -- there is going to be  
9 reconsideration on this, I would hope that we're going  
10 to be part of that. I'll just leave that as it is.

11                   But -- and then I'm going to read some  
12 passages from the EIA guidelines, appendix 'H', which  
13 off -- off the website. And, 'What are Cumulative  
14 Effects,' is the title:

15                   "For example, people in a given  
16 community would likely care more  
17 about the overall effects of a  
18 development on a caribou herd than  
19 they would consider -- or then they  
20 would about the impacts of any  
21 particular development on car -- on a  
22 caribou."

23                   Which is precisely what we're talking  
24 about here. The examples are -- go on at length here.  
25 The Review Board uses the term "cumulative effects" to

1 refer to the effects of a proposed development in  
2 combination with other human activities.

3 And then the last one I'll -- I'll read  
4 out of this is:

5 "This in development should also be  
6 included if they affect a mobile  
7 resource that moves into the area of  
8 development, e.g., water in a river,  
9 or caribou along a migration route."

10 Which is precisely what we've been  
11 talking about. Now, when we look at the terms of  
12 reference, again 2.23:

13 "Scope of assessment will include an  
14 examination of cumulative  
15 effects...such cumulative effects  
16 will be assessed -- assessed at a  
17 spacial and temporal scale  
18 appropriate to the particular effect,  
19 or valued component under  
20 consideration."

21 The valued component is the caribou, and  
22 while I understand from your point of view your mor --  
23 most concerned with the mine's impacts on the herd, it  
24 is the impacts across the whole range that is the  
25 important issue here.

1                   And that's been the driving force behind  
2 the Yellowknives' concern because we're seeing, you  
3 know, unprecedented levels of vel -- development coming  
4 down the pipe in Nunavut. We have six (6) mines under  
5 way in the Chief Drygeese territory. And we're also  
6 bound by these, for the first time ever, harvesting  
7 restrictions in which the -- the population can't  
8 harvest. Elders tell us, These things are all  
9 connected.

10                   So I'm very hopeful that the company,  
11 and the willingness that we've seen here, is going to  
12 be open to this range wide environmental assessment.

13                   And this isn't new. Golder has done  
14 this in Gahcho Kue. Golder did it in Taleston (sic).  
15 We -- we know what we're doing here. There's --  
16 there's a couple of details along the way, but this is  
17 critical information for us to understand whether these  
18 impacts are going to be significant.

19

20                   (BRIEF PAUSE)

21

22                   THE FACILITATOR HUBERT: Thanks very  
23 much, Todd, and we'll give Fortune a couple minutes to  
24 respond.

25

1 (BRIEF PAUSE)

2

3 MR. JOHN VIRGL: Todd -- or John Virgl  
4 here. And I'm going to start, and Damien can add if --  
5 if I've missed anything.

6 We appreciate everyone's concerns here,  
7 and I -- I would like -- one (1) of the comments in the  
8 -- in -- in the Information was -- Request was about  
9 inconsistency in the approach across the Talston,  
10 Gahcho Kue, and NICO project, and it may app -- the  
11 perception may be that it was inconsistent but let me  
12 just try to explain what we did so that you -- it's not  
13 inconsistent.

14 We looked at the annual range, because  
15 that makes sense; that's -- that's the -- the value  
16 component as Todd correctly pointed out. And it spans  
17 a range of, like, 400,000 square kilometres.

18 We then looked at where the seasonal  
19 range is within that annual range would overlap with  
20 any particular project that we were evaluating. So for  
21 the Talston project it basically intersects every  
22 seasonal range, excluding the calving grounds. For the  
23 Gahcho Kue project, it sits within pretty much every  
24 seasonal range, except for the calving ground.

25 So that's why we did a seasonal range

1 analysis, taking each seasonal range and then analyzing  
2 the habitat changes within each seasonal range. And  
3 there's good reason for that besides what I mentioned  
4 before, is that, you know, caribou aren't everywhere  
5 across the annual range all the time.

6                   They are -- they have life history  
7 strategies that are dictated by the timing of -- of  
8 seasonal events. And those seasonal events have  
9 different environmental factors, selection pressures,  
10 whether it's predation, whether it's snow, ice  
11 conditions, whether it's insects. These are all things  
12 that drive caribou dynamics, including potential for  
13 development to drive it, and the harvesting that's out  
14 there.

15                   The -- one (1) of the -- one (1) of the  
16 issues about cumulative effects assessment is that if  
17 you expand the study area to such an extent where the  
18 ratio of development -- of developed -- undeveloped  
19 landscape decreases, you are going to dilute your  
20 magnitude of effects, okay. That's -- basically you  
21 spread it out. And there's lots of portions on the --  
22 on the annual range of the Bathurst herd that aren't  
23 developed, okay.

24                   So these animals still have large spaces  
25 to go and move around. Yes, there's concentrations.



1 And so by taking the seasonal ranges we -- we force the  
2 assessment to really take the most conservative  
3 approach by giving us the -- the largest effects size,  
4 the largest changes in habitat.

5                   So when we look at the NICO project it  
6 only sits within the winter range of the Bathurst herd.  
7 And really, when you look at the -- those -- those  
8 collared animals over the last fifteen (15) years and -  
9 - and Jan's right it's -- there's -- you know, and so  
10 are -- are the Elders. I mean, caribou will change,  
11 but the information we have -- I mean, the -- the range  
12 could change -- the winter range could change. But the  
13 information we have from the collars, which was the  
14 best information we had available at the time of the  
15 assessment told us that most of the collared animals  
16 that could intersect the NICO project were below the  
17 tree line.

18                   So -- and we didn't have a habitat model  
19 for the winter range. So we developed a habitat model  
20 based on those -- those caribou collared locations and  
21 what's available below the tree line as far as habitat  
22 because this is a key aspect of resource selection  
23 function models. And we took that information which is  
24 spread out over a 211,000 square kilometre area,  
25 instead of a two hundred and, I think, fifty thousand

1 square kilometre area, which is the actual -- which is  
2 the annual -- the -- the winter range.

3                   So we -- again, we -- we pushed it down  
4 so that we would come up with the most conservative  
5 estimate of what habitat changes would be from the NICO  
6 project and all of the other developments. And I think  
7 there's, like, a hundred and fifty-five (155) in that -  
8 - in that winter range below the tree line. That was  
9 the approach we took.

10                   Now I understand what everybody is  
11 asking here, okay. And that, yes, it's not a matter of  
12 just what's going on in the winter range, I understand  
13 that, okay, I completely understand that. The approach  
14 that we had took we thought would give us the best  
15 estimate at predicting the effects from this project in  
16 addition to the other projects at that particular time  
17 of the year when caribou would most likely interact  
18 with this project, that was the reasoning behind it.

19                   I just wanted to clarify that. This was  
20 not about trying to get away from doing the other  
21 analysis. Thank you.

22                   THE FACILITATOR HUBERT: Thank you for  
23 that explanation.

24                   Further questions from the Tlicho  
25 Government? Proceed, please.

1 MR. JAN ADAMCZEWSKI: Jan Adamczewski,  
2 ENR. I'm not actually working for the Tlicho  
3 Government.

4 Just to -- I just wanted to reiterate to  
5 -- to John and -- and thank you for providing a  
6 heartfelt rationale for the approach you took.

7 The suggestion that I would offer in  
8 this case is that we need to be looking at more than  
9 one (1) spatial scale. And so the analysis at the  
10 scale of the winter range is one (1) appropriate scale  
11 to look at. But I think, given all the comments in the  
12 room, that there has to be consideration of the entire  
13 herd's annual range.

14 I mean, if somebody was talking about  
15 putting a mine on the calving grounds they better hope  
16 I'm not close to them. But again, obviously that would  
17 be a very sensitive area and -- and, you know, some  
18 focus would have to be at the scale of that calving  
19 ground and what it means to the herd.

20 But again, you would have to be also at  
21 least mindful of other ranges and other things going  
22 on. So that -- that was kind of my suggestion, was to  
23 be thinking at more than one (1) spatial scale here.  
24 Thank you.

25 MR. TODD SLACK: Todd Slack, YKDFN.

1 And that's a good segue into -- I have three (3) --  
2 three (3) more issues, some easier than others, but  
3 here's a good -- a relatively easy one. And I'm just  
4 trying to find the IR that I had, oh, perfect, IR 2.3.  
5 I -- I'm wholly open to using different  
6 scales here. It's fine. Part of the -- part of the  
7 matter is what gets included in this -- in this  
8 analysis because, like Jan says, if you're going to put  
9 something on the calving grounds, that's pretty  
10 important. But the fact is that there are mines going  
11 in on the -- the periphery of the calving ground.  
12 There's a road being proposed through part of it.

13 In Nunavut we've got three (3) -- two  
14 (2) mines in EA, Jericho exists, two (2) other  
15 significant -- I would say likely, or "foreseeable" I  
16 think is the term, projects to -- that could go ahead.  
17 We have two (2) road proposals all within the West  
18 Kitikmeot.

19 So if we are going to expand this sca --  
20 and the -- the level of development in terms of minor -  
21 - coming back to the table, on the hundred and fifty-  
22 five (155) developments, you include mineral  
23 exploration, there's a lot of mineral exploration going  
24 on out there as well.

25 So in terms of recommendations here, I -

1 - mo -- moving ahead with this is a very good idea,  
2 obviously, in our opinion, but the boundaries that are  
3 set for including or rejecting particular developments  
4 needs to be re-examined. And I guess I'll leave that  
5 one there.

6 And the -- even just using your own  
7 criteria that is listed in, what is it, six five two  
8 four (6,524), using those criteria will include all of  
9 these projects.

10 THE FACILITATOR HUBERT: Thanks, To --  
11 Todd. Does Fortune want to comment at all and explain  
12 -- or elaborate a bit on the criteria used for what was  
13 determined as reasonably foreseeable projects in their  
14 cumulative effects assessment?

15 MR. DAMIAN PANAYI: Damian Panayi.  
16 Yeah, I -- I guess no real comment other than that  
17 we'll have further discussions about this within our  
18 discussions with Jan.

19 THE FACILITATOR HUBERT: Thanks. I'll  
20 leave it at that then. Go ahead, Todd.

21 MR. TODD SLACK: In terms of the -- the  
22 two (2) -- sorry, three (3) other metrics, the other  
23 easy one is car -- caribou life spans versus caribou  
24 generations. If we're rejecting the persistence model  
25 in terms of the endpoint and we're moving more towards

1 populations and distribution, the -- now, you know,  
2 I've got some really smart wildlife people across from  
3 me here, the lifespan that you use is fifteen (15) --  
4 ten (10) -- eleven (11) to fifteen (15) years.

5                   A generation, and I've got different  
6 references, but let's say six (6) to eight (8) years.  
7 Well, if we're talking about percentage impacts to --  
8 to the herd, let's -- I forget what the number is, the  
9 NICO project impacts 1 percent, isn't it going to have  
10 a significant result if you use lifespans versus  
11 generations if the -- if that 1 percent is carried  
12 across each generation, or across each life span.

13                   Does that make sense? And I can try and  
14 clarify it.

15

16                   (BRIEF PAUSE)

17

18                   MR. TODD SLACK: Sorry, I just heard a  
19 good example, in that 1 percent over thirty-one (31)  
20 years -- or 1 percent over fifteen (15) years is a lot  
21 different than 1 percent over six (6) years repeated.

22

23                   (BRIEF PAUSE)

24

25                   MR. CAMERON STEVENS: Cam Stevens here,

1 Golder Associates. Just for clarification the  
2 assessment is based on the measurement endpoint of  
3 changes to habitat. We don't take that number and do a  
4 calculation that brings in years to look at the number  
5 of individuals that have been affected. It's as simple  
6 as it sounds.

7                   So if the project, NICO project will  
8 have a -- if -- if the prediction is going to be that  
9 less than 1 percent of that preferred habitat is to be  
10 affected, the -- the classification, it doesn't change  
11 at all.

12

13

14                   (BRIEF PAUSE)

15

16                   MR. TODD SLACK: Okay, I'll -- I'll  
17 move on from that. Similarly, and perhaps this will  
18 help, in one (1) of the responses to the Yellowknives  
19 Dene IRs, and I'll find it here, I'm very disorganized,  
20 the company states that the caribou start breeding at  
21 twenty-two (22) months.

22                   Is this correct, because it seems like  
23 it should be either sixteen (16) or twenty-two (22)  
24 months. And I'll find the IR reference in two (2)  
25 seconds, if you need it.

1

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(BRIEF PAUSE)

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MR. DAMIAN PANAYI: Damian Panayi.

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Todd, I think this is probably something that we should discuss over coffee rather than through an IR process, but the -- because I don't think we're fully -- I mean, we're -- we're not having a great dialogue about this.

But the twenty-two (22) months came -- came from a book on recovery of the George River caribou herd, and he noted that most -- in -- in some years most caribou were becoming pregnant at the age of twenty-two (22) months. But that changes. You know, in a good year it might happen sooner, and bad seasons it might happen later.

MR. TODD SLACK: And so the -- the range is? Like we're talking two (2) months difference?

MR. DAMIAN PANAYI: The range, I'd have to go back and check. I think it -- I mean, they can have a -- a calf earlier than that, yes.

THE FACILITATOR HUBERT: Thanks. I'll -- I'll leave you two (2) to discuss those sorts of details on -- on your own, if we could move on. Todd, we're getting -- if you have a couple more questions,



1 that's great.

2 MR. TODD SLACK: I'll move one (1) more  
3 question to another time then, and all I'm looking for  
4 is a commitment from the Company. I'm looking to  
5 discuss the -- the habitat suitability modelling, and  
6 the inputs that went into it. This is -- you guys have  
7 seen the -- the thinking along this via the TK IRs.

8 Who should I be talking to on that, and  
9 are they available tonight so we can file this as  
10 homework?

11 MR. CAMERON STEVENS: Todd, Cam  
12 Stevens, Golder Associates, do you have a specific  
13 question that you want to ask right now?

14 MR. TODD SLACK: I -- I have a series  
15 of questions, and taking the -- the lead there to move  
16 this -- or Damian's lead to move this somewhere else...

17 MR. CAMERON STEVENS: Sure, we can meet  
18 with you after, Todd.

19 THE FACILITATOR HUBERT: Thanks very  
20 much. This is just what the Board, you know, likes and  
21 -- and promotes, is direct meetings between parties and  
22 -- and the developer. So excellent.

23 We have -- we're at about 4:30 right  
24 now, or actually twenty-five (25) to 5:00. If we can -  
25 - and I -- I understand -- okay. Go ahead.

1 MS. MADELAINE PASQUAYAK: Thank you.

2 Madel -- Madelaine Chocolate Pasquayak, Tlicho  
3 Government. All the -- during this whole afternoon  
4 I've been sitting here, sitting back, listening to you,  
5 you know. And it just suddenly occurred to me. You  
6 know, there's a lot of phrases used here that, you  
7 know, just -- it's just not explained.

8 You know, if we're going to understand,  
9 you know, the concerns that we have for caribou and how  
10 we can work on -- on the caribou problem we need to  
11 start coming to -- we need to come to a place where we  
12 can agree on -- on understanding the terms that's used.

13 This afternoon I used -- I heard the  
14 word "persistence" and I understand that that word is  
15 out. We're not going to be looking at that. But you -  
16 - when you have phrases like measurable -- measurable  
17 baseline, or what is it? Measurable endpoints. You  
18 know, what -- what does that mean, you know? That  
19 should be clearly defined.

20 When you have words like "abundance" and  
21 "distribution," you know, these things need to be  
22 clarified and understood so that, you know, we -- we  
23 are on the same page. And so that when we work with  
24 the Elders, well we can say, when they say abundance  
25 we're not talking about this twenty (20) little --

1 twenty (20) caribou that's living here on this little  
2 lake, but we're talking the -- the whole abundance of  
3 the caribou that's in the Dogrib region. Or is it  
4 beyond the Dogrib region?

5                   You know, like, how big, you know, an  
6 abundance are we talking about here? And when we say  
7 "distribution," like, how big a distribution are we  
8 talking here? And when you say "caribou recovery  
9 strategy," what is this caribou recovery strategy? Is  
10 there such a strategy out there somewhere that we --  
11 we're not aware of? You know, if -- if there is such  
12 information, please share that with us so that, you  
13 know, we can all be on the same page and then we can  
14 all talk the same concerns and -- and the same  
15 language, for heaven sakes.

16                   And so -- my big concern is that there's  
17 always words being used all the time that -- that we  
18 have problem with translating. There are words that  
19 need to be -- that needs to be translated, we need to  
20 look at, we need to work at.

21                   You know, when we say "monitoring," for  
22 example, who's going to do the monitoring? Is it you?  
23 Is it us? We need to be very clear on words like that.  
24 So we can't be just throwing words every -- anywhere on  
25 -- you know, like, use words and not be sure -- clarify

1 -- and not be sure in our minds as to how we're going  
2 to use these terms.

3                   You know, what does it mean to us? You  
4 know, how important is it to us, how is it -- how  
5 important is it to you? So I've always had an issue  
6 with -- with the language and I'm always trying to  
7 follow -- follow along with you, but then it sounds  
8 like you leave me in the dark a lot of times because I  
9 -- I can't keep up with you unless I ask the question.

10                   So I ask that, you know, these phrases,  
11 you know, be clarified and understood and that if you  
12 have a term of reference, hey great. You know, maybe  
13 this is something that we can look at. I believe at my  
14 last technical hearing that I attended, they gave me a  
15 list of words that they had defined and that they had  
16 worked with the Tlicho people, and I still have some  
17 concerns about the definitions of those words.

18                   But this is something that, you know, we  
19 need to be working out with the mining companies and  
20 the developers. Mahsi.

21                   THE FACILITATOR HUBERT: Thank you very  
22 much. The Review Board does have a document that  
23 attempts to explain some of these terms. And we can  
24 bring it tomorrow and have it for your -- for your  
25 reference up at the front table there.

1                   The other thing I thought I'd mention is  
2 -- is perhaps I could ask Environment Canada to provide  
3 a copy of the boreal caribou recovery strategy for the  
4 public record?

5                   MR. JAMES HUDSON:    Yeah, we can do  
6 that. It's James Hudson, sorry.

7                   MR. JOHN VIRGL:    Can I just say  
8 something?

9                   MR. JAMES HUDSON:    Yeah.

10                  MR. JOHN VIRGL:    Thanks, James. John  
11 Virgl of Golder. Madelaine, I understand what you're  
12 saying and -- and I'm sorry. It's -- part of it -- a  
13 lot of it is -- is nerves and, so, when I'm getting  
14 asked a question and I'm nervous about it I fall back  
15 on the -- the words that I know. And the words that  
16 I'm used to using.

17                  And I think your suggestion about  
18 providing a list of definitions of words and what those  
19 can mean and the various scales -- you were talking  
20 about scale of abundance, basically, if it's local or  
21 retire -- over the entire population. Or if it's a  
22 local zone of influence around a mine versus the  
23 distribution that's across the -- the ranges. So, I  
24 thank you for that.

25                  MR. RICK SCHRYER:    Rick Schryer,

1 Fortune Minerals. I'd just like to add to that, as you  
2 -- as I mentioned in my presentation this morning,  
3 we've got a set of community meetings set for March  
4 26th to 30th in the four (4) Tlicho communities.

5                   What I would suggest, in terms of  
6 avoiding terminology that is confusing to the Elders  
7 and the community members, is that Fortune Minerals  
8 will submit its presentation to the Tlicho Government  
9 in ahead of time so that we can agree on the words that  
10 are being used. So that, you know, you can give us  
11 advice on what would be the best terminology that we  
12 could use for that. And that way we could all be on  
13 the same page when that presentation is given.

14                   DR. GINGER GIBSON: That -- that's fine  
15 with the Tlicho Government. Just to mention that if --  
16 if this room of people were in Wekweti and the folks in  
17 Wekweti were talking about caribou, you'd all be lost.  
18 So let's not forget that there's tonchi, there's  
19 technical terms in Tlicho about what's going on with  
20 the caribou, and there's technical concepts in Tlicho  
21 that are relevant and need to be brought into this  
22 forum. And -- and then you folks there would be  
23 sitting there scratching your heads going, What the  
24 heck. So -- and -- and Madelaine knows this very well.  
25

1                   But I -- I think it's a really important  
2 -- and not -- and -- and something that's never lost on  
3 the Review Board, but that we all need to be  
4 appreciative of, which is the -- the technical world  
5 view of the scientists is matched in complexity and --  
6 by the technical world view of the Tlicho Indigenous  
7 science. And that we just are looking forward to  
8 getting exposed to that world view. Mahsi.

9                   THE FACILITATOR HUBERT:   Thanks very  
10 much. That's -- that's very useful. With that I'd  
11 like to note that I haven't managed to talk about  
12 everything that was on the agenda. So, you know, that  
13 always falls to the facilitator. But tomorrow we will  
14 -- we will start -- oh, okay. And, please, go ahead.

15                  CHIEF CLIFFORD DANIELS:   Thank you.  
16 Chief Daniels.

17                  Yes, you know the caribou is a very into  
18 -- important animal, especially for the Tlicho and all  
19 the other Aboriginals across the territories. So it --  
20 it's been a long discussion, but very informative. And  
21 like Madelaine said, some of these, I guess, technical  
22 words really throw us off. But lots of thing has been  
23 said here, you know -- like, the annual range it -- it  
24 is very important to really, you know, consider doing  
25 that.

1 I've -- during our caribou conservation  
2 plan it was very hard for people to accept, I guess,  
3 that the numbers have gone down and also to accept  
4 three hundred (300) as a total amount to harvest. And  
5 -- and -- but nobody knows to this day what really  
6 caused it, what caused that big decline, nobody has the  
7 answers.

8 And I -- I've said this before, if -- if  
9 the caribous were monitored steadily, different seasons  
10 or -- you might get some type of information back that  
11 might pinpoint you somewhere. And -- and what if the  
12 caribou don't come back to the Hislop area, is it the  
13 mine? Is it something else along the migration that  
14 caused that? You -- we -- you -- that information will  
15 be lost, you won't have it if it's not annual.

16 So it's -- it's something very important  
17 to us. You know, we -- it sustained us throughout the  
18 years to where -- where we are today the caribou and  
19 it's very important to -- any information you can get.  
20 Because just recently, you know, after the gold mines  
21 the diamond mines came in and affected the migration  
22 the Elders are saying. And we can't very, you know --  
23 yeah, there's -- there's been hardly any deaths in the  
24 mine, but you know, we're scratching our heads there.  
25 It's a company, it's there to make business. Are they



1 going to report everything? We have some people  
2 working right directly at the mine site saying  
3 otherwise.

4                   And -- and so it's hard to say these are  
5 the numbers sometimes. But it -- it would be good to  
6 have an annual -- a range with the caribou, and also to  
7 include the tonchi which is the Boreal caribou. I  
8 think that information has to be there. And it -- it's  
9 a start, it's a process. We're a new fledgling  
10 government and we need all this information.

11                   And -- and this process here, this is --  
12 this is one of the first for our government, so it's  
13 very important what we can gather now today for the  
14 future. And it's going to really develop a  
15 relationship with industry. How are we going to move  
16 forward in that area? Are we going to have our  
17 differences and then you're going to find out that  
18 those differences are never going to be resolved? We  
19 have to find a balance, we're aware of that.

20                   But the caribou are very important, so  
21 is all the other wildlife. And we have an abundance of  
22 that all over the place and we just want to be  
23 reassured, you know, that they're monitored and taken  
24 care of. And -- and to close that off, I -- one (1)  
25 question: The monitoring of the caribou is during the

1 mine life. But then you have your waste rock and  
2 tailing for a hundred and twenty (120) years. Is that  
3 included with the caribou? Will they be monitored for  
4 that long period? Mahsi.

5 THE FACILITATOR HUBERT: Can Fortune  
6 quickly respond on the length of monitoring for caribou  
7 after closure?

8 MR. RICK SCHRYER: Rick Schryer,  
9 Fortune Minerals. As I stated in my presentation, we  
10 will be monitoring in the closure and post-closure  
11 period. The frequency I think is something that we  
12 need to -- we'll be working on as the mine develops and  
13 as we know more about the mine in terms of how -- what  
14 the frequency of -- of monitoring would be.

15 But I made the commitment in that  
16 presentation that we would be doing po -- monitoring  
17 during the post-closure period and we stand by that.

18 CHIEF CLIFFORD DANIELS: Yes, caribou,  
19 yes, and -- and other things.

20 THE FACILITATOR HUBERT: Thanks very  
21 much. I'd like to now go briefly over the homework  
22 issues. And I'll -- I'll rip through them quick. And  
23 I'm sure Fortune also took notes on these. So if  
24 they're at all similar that would be, you know, a  
25 bonus.

1                   The first one was that Fortune will  
2 provide a summary of case histories of co-disposal  
3 facilities, in -- including some of the similarities  
4 and differences. Yeah, sorry. And that's for  
5 tomorrow. That excellent.

6                   The second one was Fortune would look at  
7 whether a 15-metre rise in the height of the CDF if  
8 there was no inflow of tailings into the mine rock  
9 would be vi -- make it visible from Hislop Lake.

10                  The third one was --

11                  MR. RICK SCHRYER: Yes, we can provide  
12 that. Do I need to say my name?

13                  THE FACILITATOR HUBERT: Not that I  
14 mind hearing your name. It was just that it's not  
15 necessary now. The third one was Fortune is to  
16 describe the air quality management plan and -- with  
17 some of the specifics as -- as was recommended by  
18 YKDFN.

19                  MR. RICK SCHRYER: Yeah, I'm not sure  
20 if that was an undertaking. I think as homework we  
21 were going to provide Todd with more details concerning  
22 what we've had -- what we've already committed to and  
23 what our -- our initial discussions have been like with  
24 Dave Fox, from Environment Canada.

25                  THE FACILITATOR HUBERT: That's

1 correct.

2 MR. RICK SCHRYER: Okay. That's fine.

3 THE FACILITATOR HUBERT: You phrased it  
4 much better than me. Thanks.

5 MR. RICK SCHRYER: Thanks.

6 THE FACILITATOR HUBERT: And the fourth  
7 one was regarding Figure 7.1.1, Fortune was to  
8 provide...

9 MR. GARY ASH: We had some discussion  
10 over coffee on -- Gary Ash, sorry, Golder Associates.  
11 We had some discussion of that over coffee, and I  
12 believe description of the existing map became more  
13 clearer. And I believe it satisfied that requirement.

14 THE FACILITATOR HUBERT: Thank you.  
15 Then that's off the table.

16

17 (BRIEF PAUSE)

18

19 THE FACILITATOR HUBERT: The fifth --  
20 the fifth and last piece of homework was from Allice  
21 actually on -- that -- that you had a question about.  
22 And could you assist us with our poor penmanship and...

23 DR. ALLICE LEGAT: Sorry, I'm tired.  
24 Allice Legat, Tlicho Government. It was looking at the  
25 Wek'eezhii Renewable Resources Board recommendation to

1 use Tlicho -- or traditional knowledge to monitor the  
2 caribou. And I was going to give you the website. And  
3 then you were going to review that.

4 MR. RICK SCHRYER: That's correct.

5 DR. ALLICE LEGAT: Yeah, to determine  
6 about supporting that process.

7 THE FACILITATOR HUBERT: And -- and  
8 what is Fortune pro -- providing in -- in addition to  
9 that?

10 MR. RICK SCHRYER: Rick Schryer,  
11 Fortune Minerals. I'm providing a response.

12 THE FACILITATOR HUBERT: Thank you.  
13 That's it for -- for homework and -- anything else?  
14 Any other last minute comments for today by the  
15 parties?

16 MR. RICK SCHRYER: That's not the  
17 undertakings though, right?

18 THE FACILITATOR HUBERT: I was going to  
19 save the undertakings for the -- the last day when we  
20 have a complete list, the -- I -- I just went over the  
21 homework. Unless you would like me to. I can.

22 I will run through the undertakings,  
23 just to be on the safe side. I have -- I have four (4)  
24 of them.

25 Undertaking number 1, Fortune is to

1 provide a conceptual design report for the reverse  
2 osmosis effluent treatment facility, sort of --  
3 including a summary of the way stream -- with a flow  
4 chart, quantity and quality of the brine. And again  
5 our -- our date for this is February 23rd.

6                   The second undertaking, and again these  
7 will become apparent as well when the transcripts are  
8 around, was the eco -- ecotoxical information and re --  
9 and waste removal from the waste stream. Does that  
10 make sense?

11

12                   (BRIEF PAUSE)

13

14                   MR. KEN BOCKING: Ken Bocking, Golder  
15 Associates. I believe it was on the flotation  
16 chemicals for the tailings thickening.

17                   THE FACILITATOR HUBERT: Okay, thanks.  
18 I'll clar -- I'll clarify that once we have the  
19 transcripts. The third one was number -- undertaking  
20 number 3 to -- refers to table 8.7-2 in the DAR. And  
21 the undertaking is to provide a significance  
22 determination for each of the pathways in that table,  
23 again prior to the -- the persistence level, and make -  
24 - make an overall determination of significance on each  
25 of those pathways.

1                   Number -- undertaking number 4 was that  
2 Fortune would provide, for woodland boreal caribou, a  
3 habitat distribution map -- or habitat disturbance loss  
4 map of the NICO project and the NPAR, as well as from a  
5 reasonably foreseeable cumulative effects perspective.

6                   Is that correct?

7                   MR. JAMES HUDSON:    Yeah, James Hudson,  
8 Canadian Wildlife Service. Just in addition to the map  
9 it would be useful to have the actual area of the  
10 buffer disturbance footprint and what that adds to the  
11 existing level of disturbance that's already within  
12 that range.

13                  THE FACILITATOR HUBERT:   Thank you. So  
14 a numerical figure in addition to existing disturbance.

15                  MR. CAMERON STEVENS:    Just to clarify,  
16 that's -- Cam Stevens, Golder Associates. That's for  
17 the project, the mining project itself, the NPAR, and  
18 the Tlicho road.

19                  THE FACILITATOR HUBERT:   Great, thank  
20 you.

21

22   (BRIEF PAUSE)

23

24                  THE FACILITATOR HUBERT:   Anybody at the  
25 table up front here, Alan or Paul, have anything in

1 addition to say?

2 THE FACILITATOR EHRLICH: I'm just  
3 going to bring it home with some closing comments.  
4 Everyone's pretty tired.

5 So I'll keep it short. Is there anyone  
6 here who didn't sign in the sign-in sheet, who didn't  
7 sign on the sign-in sheet? If so, it's out by the  
8 door. Although it says sign-in, please use it for  
9 signing out. We really need to know who's in the room.

10 As well, you've seen Wendy Warnock  
11 taking transcripts all day. The good news is those  
12 transcripts will most probably be online and available  
13 for you tomorrow, possibly even later tonight. So you  
14 go to [tscript.com](http://tscript.com), go to the transcript repository.  
15 Select the Mackenzie Valley Environmental Impact Review  
16 Board and click the date, and you will have a written  
17 record of everything that was said today.

18 With respect to undertakings, you'll see  
19 a list of them at some point in the transcript. I  
20 strongly encourage you to go back to the original  
21 discussion, so that you can remember the context of the  
22 undertaking, because it's much easier to understand  
23 what people are really getting at when you look at the  
24 discussion in which it occurred. Remember, those  
25 things are searchable. Hit control 'F' and just enter



1 the word and it -- it's very easy to navigate.

2 I think that's about it. I think it was  
3 Jane Lindbergh (phonetic) who said that good  
4 conversation is just as stimulating as black coffee and  
5 just as hard to sleep after. And we're going to start  
6 up again at nine o'clock tomorrow morning. I hope  
7 that, despite the quotation, everyone gets a good  
8 night's sleep.

9 Thank you all very much for coming, for  
10 putting in a real effort on some hard subjects. I  
11 mean, these are things that are very important to  
12 people, but they're certainly not easy to deal with or  
13 discuss, at least in the kind of technical detail that  
14 we've been getting into. And the Review Board really  
15 appreciates the efforts of the Developer and all  
16 parties, you know, putting in an honest effort at -- at  
17 respectful engagement today.

18 With that, we'll see you tomorrow at  
19 nine o'clock. Thank you.

20

21 --- Upon adjourning at 4:54 p.m.

22

23

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25

1 Certified correct,

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8 Wendy Warnock, Ms.

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