

From: [Bargery, Richard](#)
To: [Todd Slack](#)
Cc: [Edenholm@theedge.ca](#); [Chuck Hubert](#); [Sachi De Souza](#); [Strawson, Steven \(Steven_Strawson@golder.com\)](#); [Lee, Claudine A](#); [Holloway, Madeline](#); [Alan Ehrlich](#); [Mark Cliffe-Phillips](#)
Subject: RE: Information Requests
Date: March 26, 2015 2:54:19 PM
Attachments: [image001.jpg](#)

Thanks for the clarification Todd – we'll consider the new comments.

Perhaps we'll see you down at the Carnival this weekend.

Cheers, Rick

Richard Bargery
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From: Todd Slack [<mailto:tslack@ykdfn.com>]
Sent: Thursday, March 26, 2015 2:25 PM
To: Bargery, Richard
Cc: [Edenholm@theedge.ca](#); [Chuck Hubert \(chubert@reviewboard.ca\)](#); [sdesouza@reviewboard.ca](#); [Strawson, Steven \(Steven_Strawson@golder.com\)](#); [Lee, Claudine A](#); [Holloway, Madeline](#); [aehrich@reviewboard.ca](#); [Mark Cliffe-Phillips](#)
Subject: RE: Information Requests

Thanks Richard. I'd ask you to reconsider hoping that further explanation would make the information request clear. I certainly wish you'd have brought this up earlier...we should have (or at least tried to) sorted this when you first read them over.

- 1) IR YKDFN 3-7: was attempting to provide some external context to allow understanding of the Jay Projects significance criteria. Moreover, it's a pretty straightforward yes/no question...and shouldn't the significance criteria you set have been triggered by an event of this magnitude?
- 2) IR YKDFN 10-3: you have presented increasing GDP as an unambiguous benefit for our territory.
 - GDP is not simply a measurement of 'benefit' it is a measure of something else. In particular, we have asked you to provide alternative metrics/assessment that consider the benefit and strength of the community.
 - The economic benefits that you're presenting need to be presented in a cumulative effects sense. GDP has likely increased as a result of the caribou decline, which the elders and landusers strongly believe that are associated with the mining industry.
- 3) IR YKDFN 10-4: This is clearly about providing for the economic and social well-being to the people of the NWT. Again, it's a pretty simple question – the DAR goes on about the value of taxes and royalties that you'll be paying. We leave it to you to pick what jurisdictions – choose whatever low tax regimes you like to make the project look good...but the benefits that the NWT and the people should be realizing is kind of a big deal.
- 4) IR YKDFN 13:
 - a. Question 1 – this is another attempt to use an analog to create a mechanism for the YKDFN to understand just how their communities have benefitted – seeking to find ways to respond to the concerns. For example, when you say you're moving 132 million tons of rock – it's hard for people to grasp just how much material this is. However, if you were to say this equates to 396 million average dump truck loads, that's something that people can understand.
 - b. Question 2 – I believe that this is simply asking you to present one of your figures in a different way to help us understand how this mine has benefitted the community (I'm typing this off the top of my head, but would happily research it should you submit a RfR). It's asking for absolute values and comparisons...
 - c. Question 3 - You don't believe this in the scope? If you present the number of businesses and the capacity of the local economy to benefit as part of the DAR, you'll have to provide some more rationale.

Thank you for your email Richard – but I'm afraid I don't agree with you. I get your perspective – because if I was you, I wouldn't want to acknowledge that my air quality significance threshold may not have been triggered by a major industrial incident either...because then I'd really have to consider the nature of the significance threshold. Naturally, I'm presuming that's why you're objecting – if you don't think the comparison is valid, that'd be a great conversation to have – if there are other major industrial incidents that actually would be encompassed by this air quality threshold, I'd be happy to understand. The same applies to all of these IRs that you have decided are outside the scope – we're seeking to better understand and add context.

Anyway, as for my perspective: The project doesn't get to unilaterally refuse to respond to IRs because they decide it is out of the scope. If you believe that the IR is outside the scope, then the project should ask leave of the Review Board for a request for ruling on the matter - state your rationale on why you don't believe that they are valid information requests. As far as we are concerned, they're 'valid' - all of them are founded in the material you presented – under the terms of reference issued by the Board.

Given that we're at where we're at...I think it's best that you put this to the Review Board (and have added Alan Ehrlich and Mark Cliffe Phillips, both senior staff members) and seek direction - let's get this straightened out. Secondly, I think it would be appropriate that this be copied to the registry.

Until then I hope we all have a fun carnival weekend!

From: Bargery, Richard [<mailto:Richard.Bargery@ekati.ddcorp.ca>]
Sent: Thursday, March 26, 2015 10:17 AM
To: Todd Slack
Cc: [Edenholm@theedge.ca](#); [Chuck Hubert \(chubert@reviewboard.ca\)](#); [sdesouza@reviewboard.ca](#); [Strawson, Steven \(Steven_Strawson@golder.com\)](#); [Lee, Claudine A](#); [Holloway, Madeline](#)
Subject: Information Requests

Hi Todd:

Thank you for your IRs on the Jay Project. Our team is busy preparing responses for April 7th. I would also note that we have responded to 107 IRs on March 20th and these are now available on the MVEIRB registry for review.

Further to our email exchange last week, there are parts or all of three IRs submitted by YKDFN that we believe are outside the scope of the Jay Project assessment and for that reason we will not be responding. Those specific IRs are outlined below.

Please let me know if you would like to discuss those specific IRs. As well, please note that we are available to meet with YKDFN at any time through the EA process if you have questions on Jay Project generally or on specific IR Responses.

You can reach me at any time by email or on my cell (867) 446-1636.

Thanks, Rick

	ID	Party	Topic	Comment	Recommendation	Comment
YKDFN	3	YKDFN	Jay DAR Section 7	The project has set a significance criteria in such a way that almost no project would exceed the threshold.	1) Please provide a chart that lists the measured/assessed air quality parameters for the guideline used, the baseline, current, and application case. As part of this chart, please indicate the percentage increase from baseline/pre-mine. 2) What was the use of considering the air quality guidelines as part of this assessment given the fact that they would have no influence in the final assessment? For example, the project is likely to exceed air quality guidelines several hundred days per year. This would represent an exceedance 9 out of every 10 days. 3) Please provide a clear explanation as to why the project will accept a 90% failure rate when it comes to meeting air quality guidelines. 4) Please indicate the number of days that the project has previously failed to meet the terms and conditions of its water license. 5) Please indicate the number of days that the project predicts that it will exceed the terms and conditions of its water license in the future. 6) What is the purpose of monitoring when the significance threshold is set in such a way that management actions will never be required? 7) Would the Chernobyl nuclear plant accident have exceeded the threshold for air quality?	Part 7 outside of scope of Jay Project Assessment.
YKDFN	10	YKDFN	Table 14.1-4	The project provides a pathway assessment, which includes the mitigations for each effects pathway. YKDFN are concerned with the level of effort and rigour that was applied – particular from an impacted community perspective.	1) The project has selected a number of mitigations aimed at reducing territorial in-migration. Please provide a discussion on the efficacy of these measures. 2) The project has selected a number of mitigations aimed at reducing intra-territorial migration. Please provide a discussion on the efficacy of these measures. 3) Please provide a discussion on the benefit of increasing GDP to the NWT. As part of this discussion, please address the following: a. What is the GDP impact of associated with the collapse of the Caribou Herd b. Please provide an economic assessment of the caribou collapse on the Yellowknives Dene communities of Ndilo and Dettah, given historic harvesting rates. c. Please provide a discussion on whether the collapse of the Bathurst Caribou herd is a net positive for GDP. d. Please provide a series of alternative assessment methods that look not just at the value of spending on goods and services, but on happiness and community strength/health. 4) Please provide a discussion on the level of government revenues that would accrue to the people of the Northwest Territories under alternative tax and royalty revenues, such as those in existence in alternative Canadian and International jurisdictions. 5) The project has selected a number of mitigations aimed at reducing inflation. It's unclear how this mitigations effect inflation. Please provide a discussion on the efficacy of these measures. 6) The project has selected a number of mitigations aimed at 'School Capacity' (under Education and Training)). It's unclear how this mitigations effect inflation. Please provide a discussion on the efficacy of these measures.	Part 3 and Part 4 outside of scope of Jay Project Assessment.
YKDFN	13		14.3.1.2, 14.3.1.6	Many members of the YKDFN are concerned that the benefits associated with the diamond mines have not been witnessed by those most impacted by the mine.	1) For the period found in table 14.3-2 please provide a metric that compares the amount of paved roads in Ndilo (km) versus the value of production (\$B). 2) For Yellowknife, Ndilo and Dettah Please provide a chart that provides absolute value per capita income (not rate of increase), government spending, and mineral valuation for the period since Ekati opened. 3) Please provide a discussion on why the number of businesses has declined so steeply during the operation of the mines – particularly when the discussion provided notes the many new businesses that were started to service the project.	Outside of scope of Jay Project Assessment.

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From: [Bargery, Richard](#)
To: shin.shiga@nsma.net
Cc: [Holloway, Madeline](#); [Chuck Hubert](#); [Sachi De Souza](#); Edenholm@theedge.ca; [Lee, Claudine A](#); [Strawson, Steven](#) (Steven_Strawson@golder.com); [Spencer, Nicole](#)
Subject: NSMA IRs
Date: March 26, 2015 10:52:07 AM
Attachments: [image001.jpg](#)

Hi Shin:

I wanted to provide a quick update on our responses to the IRs. First of all, thank you for your IRs on the Jay Project. Our team is busy preparing responses for April 7th. I note that we have responded to 107 IRs on March 20th and these are now available on the MVEIRB registry for review.

We do not have any specific questions or clarifications for the IRs provided by NSMA with the exception of the numbering clarification that Nicole Spencer spoke to you about a couple of weeks ago. I did want to note that we are available to meet with NSMA at any time through the EA process if you have questions on the Jay Project generally or on specific IR Responses.

You can reach me at any time by email or on my cell (867) 446-1636.

Thanks, Rick

Richard Bargery

Manager – Permitting, Jay Project



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your system. Thank you.

From: [Bargery, Richard](#)
To: lkdfnlands@gmail.com
Cc: [Holloway, Madeline](#); [Chuck Hubert](#); [Sachi De Souza](#); Edenholm@theedge.ca; [Lee, Claudine A](#); [Holland, Elliot](#); [Overvold, Robert](#); [Strawson, Steven \(Steven.Strawson@golder.com\)](mailto:Strawson, Steven (Steven.Strawson@golder.com))
Subject: Lutsel K'e IRs
Date: March 26, 2015 10:43:47 AM
Attachments: [image001.jpg](#)

Hi Peter:

Hope all is going well in Lutsel K'e.

I wanted to provide a quick update on our responses to the IRs. First of all, thank you for your IRs on the Jay Project. Our team is busy preparing responses for April 7th. I note that we have responded to 107 IRs on March 20th and these are now available on the MVEIRB registry for review.

I understand there were a number of questions raised during the engagement meeting with Chief and Council in Lutsel K'e last week related to the LKDFN IRs. As noted above, we are busy working on these and will respond on April 7th. We do not have any specific questions or clarifications for the IRs provided by LKDFN but I did want to note that we are available to meet with LKDFN at any time through the EA process if you have questions on the Jay Project generally or on specific IR Responses.

You can reach me at any time by email or on my cell (867) 446-1636.

Thanks, Rick

Richard Bargery

Manager – Permitting, Jay Project



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From: [Bargery, Richard](#)
To: [Tannis Bolt \(projofficerkia@qiniq.com\)](#)
Cc: ["geoff@qiniq.com"](#); [Chuck Hubert](#); [Sachi De Souza](#); [Edenholm@theedge.ca](#); [Lee, Claudine A](#); [Holloway, Madeline](#); [Wah-Shee, Ora-naja](#); [Strawson, Steven \(Steven.Strawson@golder.com\)](#)
Subject: FW: KIA
Date: March 11, 2015 8:47:36 AM
Attachments: [KIA.xlsx](#)
Importance: High

Hi Tannis:

Thank you for your IRs on the Jay Project. Our team is busy preparing responses prior to April 7th. There are a number of IRs that we would like to seek further clarity on the information that you are seeking (see the attached for detail). In a couple of cases, we have provided all of the information required in an appropriate manner and would like further clarity on what you are seeking in your IR. In the other IRs, the information you seek may be related to Impact Benefit Agreements and, as such, is confidential in nature. We would be pleased to meet with you to discuss these matters further.

Also, there are a number of TK/TLU IRs which require "edits" to the DAR (for example KIA-IR-48, and KIA-IR-55). Our intention would be to address these in a technical memorandum with the IRs. We would be happy to discuss this proposed approach further in the meeting.

On a related matter, a couple of weeks ago week I wrote to you requesting the credentials of the technical experts you are using for the IR process and technical hearings. Could you advise when we may receive this information.

Please let me know if you would like to meet to discuss the above related matters.

Thanks, Rick

Richard Bargery
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22	Kitikmeot Inuit Association: Tannis Bolt	No clear delineation between effects assessment and cumulative effects assessment. Caribou Section 12.4.1.2, pages 12-65 to page 12-78	<p>This section is confusing to read, as it does not clearly delineate the three models being tested until the very end: of the methods section. Presentation of the three metrics being evaluated in the determination of impacts on caribou habitat (below) should be presented earlier, and writing should clearly delineate what each calculated, and how that pertains to changes in historic habitat availability prior to the project, the application case (Effects Assessment of the project alone) versus the cumulative effects assessment. Further, as some of the greatest changes in values are reported as occurring between the reference case and the reasonably foressable development case (not surprising) inclusion of the reference case and focus on it in the discussion appears to reduce the focus on the actual effects being evaluated: the Effects of the Jay Pipe Project (EA) and cumulative impacts of the Jay Pipe Project + ongoing and reasonably foreseeable developments (CEA), though it is interesting to know what historic conditions were like prior to 2014.</p> <p>Metrics Evaluated $100 \times (2014 \text{ baseline condition value} - \text{reference conditions value}) / \text{reference conditions value}.$ $100 \times (\text{Application Case value} - 2014 \text{ baseline condition value}) / 2014 \text{ baseline condition value}.$ $100 \times (\text{RFD Case value} - \text{Application Case value}) / \text{Application Case value}.$</p>	Please re-organize the methodology and results of this section for ease of reader understanding such that methods are clearly articulated for each of the three metrics outlined at the end of the section on page 12-78. We suggest that organizing the methods and results under headers that pertain to each metric being evaluated (Historic Changes, Changes due to Project (EA), and Cumulative Effects (Project + current and future projects), or at least that clearly subdivide the EA (incremental) from the CEA (cumulative), and including a separate heading for sections that deals with reference conditions, will help to organize these sections more logically. Please also clarify and contextualize the purpose of looking at the reference model relative to 2014 conditions and comparing it to future conditions, as this comparison deal with losses prior to project development, which is not typically included in an EA or CEA documents. EA and CEA analyses normally start at the present (baseline) and look for predicted effects between present and future conditions.	We are not sure what KIA requires here given the required information is provided in a rational manner that was understood by the reviewer.
37	Kitikmeot Inuit Association: Tannis Bolt	Add subheadings to Secondary pathway discussions, and Primary pathway discussion,	These sections, and similar/parallel sections like them in the caribou EA (Section 12) are long and skip between topic, species, infrastructure discussed, etc. It is difficult to follow as it is generally not well-organized into topics or by wildlife species/group. Clear subheadings would help greatly with organization.	Please include clear subheadings in these sections, and other similar sections for caribou, to indicate for topic divisions. The bulleted sentences do not serve this purpose well, as the reader sees them initially as unrelated bulleted ideas immediately after a paragraph with unrelated information, which is confusing.	We are not sure what KIA requires here given the required information is provided in a rational manner that was understood by the reviewer.
83	Kitikmeot Inuit Association: Tannis Bolt	Effects on Economy S. 14.3.3	Unclear what economic effects are anticipated for Nunavut LSA communities (i.e. through the Kitikmeot Corporation or other LSA businesses and contractors that can either service the mine's expansion and/or be affected by its activities)	Identify and discuss economic effects anticipated for Nunavut LSA and Inuit communities: Identify specific employment opportunities for Kitikmeot residents; specific economic opportunities for Kitikmeot LSA residents; businesses and contractors and/ or other LSA businesses and contractors that can either service the mine's expansion and/or be affected by its activities.). Need to be explicit about direct and indirect economic effects for Kitikmeot and Inuit residents and <u>businesses, including capital expenditures.</u>	DDEC cannot breakout specific employment and contracting opportunities per Aboriginal group as this may breach confidentiality of the individual IBA's.
84	Kitikmeot Inuit Association: Tannis Bolt	Local Business Capacity s.14.3.1.6 (p.14-55)	Business capacity for Kitikmeot LSA communities and Kitikmeot region in general is not discussed; this is required to demonstrate how the Proponent will engage with the Kitikmeot LSA communities to enhance potential business capacity and opportunities as per Section 8.1 of the TOR. The Kitikmeot Corporation is mentioned (p.60) yet no discussion about how the Proponent will enlist the organization in a business capacity.	Complete a local business use analysis and identify impacts on local businesses in the Kitikmeot. Evaluate the effects of business capacity for Kitikmeot LSA communities and Kitikmeot region; demonstrate how the Proponent will engage with the Kitikmeot LSA communities to enhance potential business capacity and opportunities.	DDEC cannot breakout specific employment and contracting opportunities per Aboriginal group as this may breach confidentiality of the individual IBA's.

85	Kitikmeot Inuit Association: Tannis Bolt	Employment Effects s.14.4.3.1. (p.74-75)	No discussion of trans-boundary employment effects (outside the RSA of NWT); required to reflect employment effects (e.g. estimate of percentage of hires out of direct, indirect employment and contractor positions the mine's expansion will create during construction and operations) for Nunavut LSA communities and Kitikmeot region (and IBA community) as per the TOR	Include discussion of trans-boundary employment effects to reflect employment effects (e.g. estimate of percentage of hires out of direct, indirect employment and contractor positions the mine's expansion will create during construction and operations) for Kitikmeot LSA /IBA communities and Kitikmeot region.	DDEC cannot breakout specific employment and contracting opportunities per Aboriginal group as this may breach confidentiality of the individual IBA's.
88	Kitikmeot Inuit Association: Tannis Bolt	Education Residual Effects / Northern Labour Force Development s. 14.5.4 (p.14-86)	Recognition and discussion requested of Northern trans-boundary education /northern workforce development and how educational enhancement plans will be extended to the non-NWT LSA communities	Describe Northern trans-boundary education /northern workforce development and specifically how educational enhancement plans will be extended to the non-NWT LSA / IBA communities and residents of Kitikmeot	DDEC cannot breakout specific employment and contracting opportunities per Aboriginal group as this may breach confidentiality of the individual IBA's.