



MACKENZIE VALLEY ENVIRONMENTAL

IMPACT AND REVIEW BOARD

EA14314-01: Jay Project,

Dominion Diamond

Community Hearing

Mackenzie Valley Review Panel:

Chairperson	Joanne Deneron
Board Member	Kirby Marshall
Board Member	Yvonne Doolittle
Board Member	James Wah-Shee
Board Member	Bertha Norwegian
Board Member	John Curran

HELD AT:

Lutsel K'e, NT

September 19, 2015

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1 --- Upon commencing at 1:31 p.m.

2

3 (OPENING PRAYER)

4

5 THE CHAIRPERSON: Masi, Albert. Masi.

6 Welcome to this community hearing for
7 the Jay Project. My name is Joanne Deneron, and I am
8 the Chair of the Mackenzie Valley Environmental Impact
9 Review Board.

10 For those requiring translation, there
11 are receivers available at the back with English on
12 channel 2 and Chipewyan on channel 4.

13 I would like to acknowledge that we are
14 holding this hearing in the traditional territory of
15 the Lutsel K'e Dene First Nation.

16 I would now like to invite the Chief of
17 Lutsel K'e Dene First Nation to make some opening
18 remarks. Chief Felix Lockhart...?

19

20 OPENING REMARKS BY CHIEF FELIX LOCKHART:

21 CHIEF FELIX LOCKHART: Testing, one
22 (1), two (2). Thank you very much, Joanne Deneron.
23 And I'd like to thank the Elder, Albert Wishe, for
24 doing the opening prayer to get us on our way to well-
25 rounded talks, hearings, giving ourselves the

1 opportunity to say what we have to say as leaders, as
2 community members, men, women.

3 You've heard a lot of words from the
4 technical sessions, I could say probably going back to
5 2013 and onwards to this day. Very important to have
6 people come up to the mics and say what they have to
7 say. It's -- it's a good opportunity right now to do
8 so.

9 Whenever I talk to members of the
10 government or else the industry, I always reiterate
11 that we are Dene in our homeland here, encompassing
12 roughly about 500,000 square miles of area, of
13 traditional area. And we are talking about water, the
14 air, the animals, all our grave sites, all our
15 traditional areas.

16 Basically, we are caretakers of our
17 area, and a lot of our Elders had given us that
18 responsibility who are not with us any -- any more.
19 But their words still are in our hearts and in our
20 memories.

21 So when we talk about the land, we are
22 very -- very, very, very paramount in putting that as
23 a very important part of ourselves. So we're strongly
24 connected. Even though we are here in Lutsel K'e in a
25 small community, we have a strong tie to what is

1 around us in our traditional area.

2 It's important that -- that you listen
3 to what we have to say in regards to different items
4 that will be brought up today, just naming a few, such
5 as the caribou, for example, and the quality of water,
6 air, and the land itself as it was and the changes
7 that it goes through connecting to our socio-economic
8 status in our community.

9 You may know or may not know that our
10 socio-economic status in our community is basically on
11 a deficit in a lot of ways. But as we go further into
12 building our relationship, we will be able to do what
13 we can in improving that area, improving ourselves as
14 members of our communities, as members of our land
15 here.

16 In the past, there's been a very poor
17 track record by the Federal Government, and for that
18 matter, by the mining sector. I don't really want to
19 go into that at length. But nevertheless, I think
20 it's an opportunity for ourselves here today to be
21 able to go forward, especially for the young people,
22 to make improvements in our relationship, not to have
23 any more unilateral decisions made on our behalf, but
24 basically, to be able to talk to each other, to be
25 able to form a strong relationship.

1 Like one (1) Supreme Court judge said,
2 We are all here to stay, so why not we get along. And
3 I think that's very important that we open up the
4 discussions in light of that. We have some hours,
5 possibly till eight o'clock tonight, but, you know,
6 it'll give us an opportunity for -- for us to be able
7 to take part in this important meeting today.

8 There's some people that will give
9 verbal presentations. Some people have basically
10 written down some on paper. I ta -- I was informed
11 that there was a couple days meeting in Yellowknife,
12 technical sessions. There was op -- there was
13 opportunity for other people to make their
14 presentations there. And so here we are in Lutsel
15 K'e. And we want to be able to welcome -- again
16 welcome everyone in this community.

17 When our people made treaties -- when
18 our peop -- when our Elders told us about our treaties
19 back in the 1900, they said that that treaty was based
20 on mutual respect as to be able to welcome newcomers
21 into our area. But like I said earlier, that
22 certainly was not the case with the many broken
23 promises and the way that the things happened right
24 from 1900 to this day. We were not being considered
25 in a justifiable way. But that is the past. And now

1 we want to move on into the future.

2 In a very mutual respectful way, we
3 want to be able to -- to carry on, especially for our
4 children that's coming up. And we want to be able to
5 send them to learning institutions where they can come
6 back to our communities and make a difference, where
7 we want to have our communities in a very healthy
8 state. That's what the treaties meant to us. And
9 that's we've never really talked about any type of
10 arrangement where we're going to give it up or we're
11 going to extinguish our rights.

12 And that's where we are today. We are
13 remaining in that entity to this day, to this moment,
14 to this second so that in the future we are hopeful
15 for what will take place in our communities. We want
16 to be able to take part fully into what's going on
17 around us, in every sector; just to name a few, the
18 mining sector, the tourism sector, the energy sector.
19 Those are the three (3) main components.

20 But it's very important that we do have
21 a lot of discussions in regards to the -- to our
22 livelihood, to our main source of food, which is the
23 caribou. We all understand around the table that
24 there has been a decline in the caribous in regard to
25 the Bathurst. But over in our area, there's still

1 some left, but not as many as before.

2 But I want to go further -- more into
3 my opening remarks. I just want to say again that I
4 wish everyone, you know, has a good time in Lutsel
5 K'e, you know, for the remainder of the day and that
6 we have a healthy discussion and that we open our
7 minds, open up our hearts.

8 Sometimes we may not like the things
9 that we here, but, nevertheless, I think it's
10 important that we give the respect to each so that we
11 can be able to have a two (2) way dialogue and be able
12 to answer questions and ask questions and not be, you
13 know, afraid to do so. But in the spirit of that, we
14 want to be able to make improvements in certain areas
15 that we think that it's important for us. And so that
16 is a two (2) way street. That -- that can go both
17 ways. So I'd -- I'd like to say thank you again,
18 Madam Chair, and welcome into the community again, and
19 masi cho.

20

21 OPENING REMARKS BY THE CHAIRPERSON:

22 THE CHAIRPERSON: Masi, Felix -- Chief
23 Lockhart. We have scheduled this community hearing
24 today until 8:00 p.m. tonight. We will have health
25 breaks this afternoon and dinner will be provided for

1 you around five o'clock. We will start again after
2 dinner at 6:00 and continue until the evening.

3 The reason for the evening session is
4 to hear from people who cannot make it during the day
5 and the evening just works better for them. We are
6 hear to listen to your views about the Jay Project,
7 File number EA-1314-01. And the Developer is Dominion
8 Diamond Ekati Corporation or Dominion Diamond.

9 The Jay Project is located at Lac du
10 Sauvage about 25 kilometres southeast of the existing
11 Ekati diamond mine facilities. The Ekati mine is
12 about 300 kilometres northeast of Yellowknife. The
13 Jay Project is an expansion of the Ekati diamond mine
14 and it consists of a horseshoe dike in Lac du Sauvage
15 to expose the ope -- proposed open pit to extract ore
16 from a diamond-bearing kimberlite pipe.

17 The ore will be transported in trucks
18 along their proposed Jay road and the existing Misery
19 haul road. Mining of the ore will occur at the
20 existing Ekati processing site. A waste rock storage
21 area will be located on land adjacent to the Jay pit
22 and find processed kimberlite from the mill and will
23 be backfilled into the mined-out Koala and Panda pits
24 at the main Ekati site. If the Jay Project is
25 approved it will keep the mine operating for eleven

1 (11) years.

2 The Review Board's mandate: The Review
3 Board is a co-management body established under Part V
4 of the Mackenzie Valley Resource Management Act. The
5 Review Board is the main instrument for the
6 Environmental Assessment, an environmental impact
7 review of developments in the Mackenzie Valley.

8 Board members are northerners nominated
9 by First Nations organizations and by the Tlicho,
10 Territorial, and Federal Governments. The Review
11 Board makes its decisions by consensus. Our goal is
12 to make decisions that will protect the environment,
13 including the social, economic, and cultural well-
14 being of all residents of the Mackenzie Valley now and
15 for future generations.

16 The reason for a referral: Dominion
17 Diamond submitted preliminary screening applications
18 for regulatory authorization for the Jay Cardinal
19 Project to the Wek'eezhii Land and Water Board in
20 October of 2013. The Jay Cardinal Project involved
21 mining two (2) open pits within Lac du Sauvage.
22 During the preliminary screening the Jay Cardinal
23 Project was referred to the Review Board for
24 Environmental Assessment by Aboriginal Affairs and
25 Northern Development Canada on November 21st, 2013.

1 In its letter of referral, Aboriginal
2 Affairs and Northern Development Canada stated that
3 given the scale, scope, and magnitude of the project,
4 and the potential for impacts to water qual --
5 quantity and quality, the proposal might have a
6 significant adverse impact on the environment.

7 The Review Board parties and Dominion
8 have worked together on a number of steps in the
9 Environmental Assessment that has led us to this
10 hearing. In January 2014 the Review Board conducted -
11 - issues scoping meetings -- issued scoping meetings
12 in Yellowknives (sic), Behchoko, and Lutsel K'e. That
13 June, Dominion revised its project description to
14 remove the Cardinal pit from the project. The revised
15 scope of development includes mining of only one (1)
16 pit. And because of this, the project was named the
17 Jay Project.

18 On November 6, 2014, Dominion submitted
19 its Developer's Assessment Report. Since then, the
20 Review Board has conducted an adequacy review of that
21 report. There have been two (2) rounds of formal
22 written Information Requests and a technical session
23 in Yellowknife. Dominion has hosted workshops on
24 management plans for caribou, wildlife, air quality,
25 aquatic effects, waste rock, and wastewater. Based on

1 all these steps, parties submitted their technical
2 reports and traditional knowledge reports at the end
3 of July, and in August of this year.

4 The scope of development. The Jay
5 Project extends the life of the Ekati Diamond Mine
6 from 2019 to 2030. The project will use some of the
7 existing facilities at Ekati, and require the
8 construction of new structures. Dominion Diamond will
9 describe the Jay Project and scope of the development
10 in its presentation later this afternoon.

11 The purpose and format of a community
12 hearing. We have reached one (1) of the final stages
13 of the environmental assessment, which is the public
14 hearing. Today the Board wishes to hear the views and
15 opinions that members of the community of Lutsel K'e
16 may have regarding the proposed development. This
17 community hearing is informal, and it is intended to
18 be distinct from where the more formal hearings in
19 Yellowknife were heard earlier this week.

20 Over the course of the day, we ask that
21 you do your best to help the Review Board to
22 understand your views about this proposed development.
23 This includes your opinion on potential environmental,
24 socio-economic, and cultural impacts, and your view of
25 the potential significance of these impacts. The

1 Review Board will fully consider these views while it
2 is deliberating on its decision in this environmental
3 assessment.

4 Once the decision is made, the Board
5 will write it -- write it down in a report of
6 environmental assessment, and send it to the Minister
7 of Lands, GNWT.

8 At this time, I would like to introduce
9 our Board members, and our staff and counsel will also
10 introduce themselves. Our Board members.

11 MS. YVONNE DOOLITTLE: Good afternoon.
12 My name is Yvonne Doolittle. Welcome. I'm wel --
13 very -- feeling very welcomed here in Lutsel K'e.

14 MR. JOHN CURRAN: Hello. My name is
15 John Curran. I'm a Board member from Yellowknife.
16 Thank you very much for having us in town today,
17 Chief.

18 MS. BERTHA NORWEGIAN: Hello. I'm
19 Bertha Norwegian, and I'm very happy to be here and to
20 see my old friend Felix.

21 MR. KIRBY MARSHALL: Good afternoon.
22 I'm Kirby Marshall, Board member. Thank you for
23 inviting us into your community, so that we may listen
24 to you and your concerns about this project. Masi.

25 MR. JAMES WAH-SHEE: James Wah-Shee,

1 member of the Board. Very happy to be here. Thank
2 you.

3 THE CHAIRPERSON: Staff and
4 counsel...?

5 MR. MARK CLIFFE-PHILLIPS: Hello. I'm
6 Mark Cliffe-Phillips. I'm the executive director with
7 the Mackenzie Valley Review Board. I'll just
8 introduce the staff, so they don't have -- all have to
9 come up to the mic. On my left, we have our legal
10 counsel, John Donihee. On my right, we have Sachi De
11 Souza -- De Souza, environmental assessment officer.

12 Behind me is Alan Ehrlich, manager of
13 environmental assessment. We have Ruari Carthew,
14 senior environmental assessment officer. We have Kate
15 Mansfield behind me, here. She's an environmental
16 assessment officer. And in the corner, we have Chuck
17 Hubert. He's an environmental assessment officer.
18 And at the front, we have Brett Wheler, policy advisor
19 to the Board -- senior policy advisor to the Board,
20 and Stacey Menzies, our logistics and planning
21 officer.

22 THE CHAIRPERSON: Thank you. I have
23 some additional comments on today's proceedings that I
24 hope will help make things go more smoothly at our
25 meeting.

1 The Review Board wants to hear what
2 everyone has to say. The Review Board will also be
3 producing an official transcript of this hearing.
4 This transcript will be available through our website
5 on the public registry for the Jay Project.

6 This community hearing will be informal
7 and will proce -- will proceed as follows. Firstly,
8 Dominion will give their presentation. After they
9 have given their presentation, community members have
10 the opportunity to ask questions, or we could lead
11 right into the next presentation with Lutsel K'e and
12 then open it to questions.

13 We have representatives from the GNWT
14 today and the Government of Canada. From the GNWT, we
15 have Lands; We have Environmental and Natural
16 Resources; Industry, Tourism, and Investment;
17 Education, Culture, and Employment; Health and Social
18 Services; and Justice.

19 From the federal government, we have
20 Northern Major Proj -- Northern Major Projects officer
21 here.

22 These individuals will not make
23 presentations today, but are available to answer
24 questions that community members may have. There will
25 be no questions between the Developer and the

1 government representatives during this community
2 hearing.

3 The remaining time today will be for
4 community members to ask questions of the Developer.
5 The Chair may ask the GNWT to respond to questions if
6 appropriate. Community members here today are welcome
7 to speak to the Review Board. You may make a
8 statement or ask questions.

9 If you would like to speak, please
10 identify yourself to one (1) of the staff at the back
11 table so that you can sign up, or you can just hold
12 your hand up and a mic can be brought to you, or you
13 have the opportunity to sit at the front table to
14 speak into the speaker. But either way, if I could
15 ask if you could please state your name before you
16 speak, because this is all being recorded and we need
17 it for the record.

18 Again, we -- we have simultaneous
19 translation into Chipewyan on your headsets. You will
20 hear English on channel 2 and Chipewyan on channel 4.

21 I ask that you speak slowly and clearly
22 for our -- our interpreters today.

23 Let's continue with the presentation.
24 And Dominion will be able to start now. Thank you.
25 Masi.

1 MR. ELLIOT HOLLAND: Thank you, Madam
2 Chair, and thank you to Chief Lockhart and the
3 environment committee and everyone else here today.
4 My name is Elliot Holland. I'm the vice president for
5 the Jay project with Dominion.

6 Before we start our presentation, I'll
7 ask the rest of the -- the Dominion team to introduce
8 themselves. Thank you.

9 MS. CLAUDINE LEE: Good afternoon.
10 I'm Claudine Lee, superintendent of environment.

11 MS. GAELEEN MACPHERSON: Gaeleen
12 MacPherson, head of human resources.

13 MS. ORI WAH-SHEE: Ori Wah-Shee, team
14 leader, community development.

15 MR. BOB OVERVOLD: Bob Overvold, head
16 of our environment and communities department.

17 MR. RICHARD BARGERY: Good afternoon.
18 Rick Bargery, manager of permitting for the Jay
19 Project. And I'll just introduce the folks in -- in
20 back as well: Harry O'Keefe, who's our team leader
21 for environmental ops. And then we have three (3)
22 staff from Golder: John Faithful, Jim Rettie, and
23 Kristine Mason. Thank you.

24

25 PRESENTATION BY DOMINION DIAMOND:

1 MR. ELLIOT HOLLAND: Elliot Holland,
2 for Dominion. Thanks, Rick.

3 I'm going to start with a -- a brief
4 presentation describing the development. It's -- it's
5 very good to be here in Lutsel K'e today to -- to talk
6 about the Jay Project. It was only two (2) weeks ago
7 that we were last here, along with our CEO Brendan
8 Bell, talking about the project and -- and other
9 matters relating to Ekati.

10 We also at that meeting talked about
11 the importance of building a strong relationship with
12 Lutsel K'e to -- to make sure that the community fully
13 benefits from both our existing operations and from
14 the extension of those operations with the Jay
15 Project.

16 We think we've made significant
17 progress over the past year in our relationship and
18 look forward to continuing to work with the community
19 on a variety of initiatives, for example, contributing
20 to a youth centre and developing a legacy project for
21 the community.

22

23 (BRIEF PAUSE)

24

25 MR. ELLIOT HOLLAND: Today we're going

1 to try to provide an overview of -- one (1) second.

2

3

(BRIEF PAUSE)

4

5

MR. ELLIOT HOLLAND: We'll provide an
6 overview of our project and what we did to assess any
7 impacts that may occur and how we intend to -- to deal
8 with them and -- and mitigate them.

9

We believe that the project has been
10 responsibly designed both socially and
11 environmentally. Our Company takes our responsibility
12 seriously to manage both our current operations and to
13 undertake the Jay Project in an environmentally
14 responsible manner. We've worked with all parties to
15 the environmental assessment over the past two (2)
16 years to listen to their concerns and have undertaken
17 extensive engagement with all communities involved in
18 the project to listen and respond to questions and
19 concerns.

20

The Jay Project is located on Lac du
21 Sauvage about 25 kilometres from the main Ekati site
22 and 7 kilometres northeast of the Misery operation.
23 The project will include one (1) open pit, one (1)
24 waste rock pile, and approximately 7 kilometres of
25 roads and related infrastructure.

1 Dominion purchased the Ekati Mine in
2 April of 2013. We did so with the express purpose of
3 extending the life of Ekati beyond the expected
4 closure in 2019 by mining the Jay and, at that time,
5 the Cardinal pipe. The former owners of the mine,
6 BHP, decided not to proceed with the development of
7 Jay because they did not believe they could do so
8 economically given that the diamond value is
9 significantly lower than the initial Ekati pipes.

10 We disagree. And we feel strongly that
11 there is a way to develop this project on an economic
12 basis given that the infrastructure of the mine
13 already exists. We also believe that with the changes
14 that we've made to the project which -- which I'll
15 discuss that we can present to you today a design
16 which is environmentally responsible and -- and
17 beneficial socio-economically.

18 These next slides depict the project in
19 various stages of construction, operation, and
20 closure. The first slide is an image of the site as
21 it currently exists today looking from Lac du Sauvage
22 towards to the Misery operation. The yellow line in
23 the -- the background of the picture is the Misery
24 road back to Ekati and you can see the Misery pit
25 operation in the upper left. The Jay pipe is -- is

1 located under Lac du Sauvage in the foreground of the
2 picture.

3 This is -- the next slide is a view of
4 the site as it would be during construction. You can
5 see most prominently a horseshoe shaped dike out in
6 Lac du Sauvage and access roads connecting the
7 abutments of the dike back to the Misery road. You
8 can also see the dewatering system that we would use
9 to pump clean water from inside the -- the Jay diked
10 area into Lac du Sauvage and eventually water to the
11 Misery pit.

12 You can also see the -- an area where
13 we may develop a -- a quarry. The next slide is a
14 view of the projects during early operations. You'll
15 see the construction of operational roads to the edge
16 of a -- an open pit and the development of a -- of an
17 open pit in the dewatered lake bed.

18 In this image you can see the -- the
19 beginning of a waste rock storage area adjacent to the
20 pit. And we'll go onto the next slide that shows how
21 the operation will develop. This is a view of the
22 site towards the end of operation. The -- the pit at
23 the -- towards the end of operation will look very
24 similar to the existing Koala and -- and Panda and
25 Misery pits. And you see the -- the shape of the

1 waste rock storage area as it -- as it starts to fill.

2 It's als -- also important to -- to
3 point out in this image the several ore storage
4 locations that -- that we'll have. The first would be
5 at the -- the edge of the pit. We'd have another ore
6 storage area at the junction of the Jay road and the
7 existing Misery road near the Misery camp, and another
8 storage area not pictured close to the process plant.

9 And these storage areas are important
10 because they'll allow us to -- to shut either the Jay
11 or the Misery road, or both if we have caribou
12 migrating through the area. We -- we recognize that
13 the Jay road crosses an important caribou migration
14 route and giving ourselves maximum operational
15 flexibility to pause operation for as long as is
16 necessary during caribou migration is an important
17 design feature of the project.

18 This next slide shows what the project
19 would look like during the -- the middle of closure.
20 After the conclusion of mining we'd clean up the pit
21 to remove any mining materials or -- or wastes in the
22 pit and then start to pump water from the -- the
23 Misery pit and from Lac du Sauvage into the -- into
24 the area previously enclosed by the dike.

25 Once the -- once the area enclosed by

1 the dike, which is -- which is being backflooded is --
2 is full of -- of water and similar to the rest of the
3 lake, we would breach the dike in four (4) areas.
4 These breaches would be approximately 10 metres in
5 width and would be designed to allow the free flow of
6 -- of some water and the free flow of fish back and
7 forth between the rest of Lac du Sauvage and the
8 formerly diked area.

9 We would also, after the breach of the
10 dike, decommission the roads including the -- the area
11 where the roads cut through the esker running between
12 the -- the Jay road. The waste rock storage area at
13 closure would be designed with egress ramps, with --
14 with exit ramps so that caribou migrating through the
15 area if they happen to -- to climb onto the waste rock
16 pile would be able to -- to safely descend the pile.

17 The construction schedule for -- for
18 the project is at the bottom of the slide. Assuming
19 that the -- the permits are available, we intend to --
20 to start construction in 2016. And the construction
21 of the dike would take approximately three (3) years.

22 Finishing construction of the dike is
23 an important milestone in 2019, because at 2019 we
24 forecast a closure of the remainder of the pits at the
25 Ekati site. And without the Jay Project to sup -- to

1 supply or to the process plants starting in 2020,
2 Ekati would -- would be faced with closure. And as a
3 result, the -- the loss of -- of all the jobs, the
4 contracts, the -- the other benefits that the -- the
5 project provides to communities throughout the north.

6 So it's very important to us that we're
7 able to -- to start construction next year so that we
8 can bring this project into operation in 2020.

9 Operations would last for approximately ten (10)
10 years, and then in 2030, we would go through a -- a
11 closure, which is expected to take approximately three
12 (3) years.

13 After the -- the main closure
14 activities are complete, according to a -- to a
15 Closure and Reclamation Plan, there would be a period
16 of -- of post-closure monitoring to last at least ten
17 (10) years, and for some components, longer, much
18 longer than that. And the details of that closure
19 plan would be developed during the -- during the
20 course of discussions with the -- the Land and Water
21 Board.

22 Many of you will have seen this slide
23 before. This is the overhead view of the project
24 during operation. You can see the -- the Jay Project
25 in the upper right, and the Jay road, the main Jay

1 road, marked in pink and -- and green across the --
2 the middle of the -- the slide. It -- as I mentioned
3 before, the Jay road does cross a -- a major esker
4 system. And we've -- because of this, you know, we
5 recognize that that esker is a major caribou migration
6 route. So we've done everything that we can to design
7 that road in a way which is responsible as a -- as a
8 travel way for caribou.

9 For example, that road will be
10 constructed as a caribou crossing wherever practical.
11 And we'll have a -- a set of -- of rules regarding the
12 operation and the closure of that road dealing with
13 different situations. The design of that road has
14 been developed through extensive engagement with
15 communities on the -- the pluses and minuses of -- of
16 different routes, which we'll -- we'll describe later
17 in our presentation.

18 I would just note that as we look at
19 the footprint in the project, it certainly is a large
20 project. We won't deny that. But relative to the Jay
21 Par -- Cardinal Project that Madam Chair started with
22 in the beginning of the -- the presentation, this
23 project footprint is approximately 10 percent of the
24 size of the Jay-Cardinal Project.

25 And through our engagement with

1 communities, we certainly recognize that the -- the
2 footprint of Jay Cardinal was -- was too big, relative
3 to the benefits it provides. And we feel like this
4 revision to the design has -- has landed with us a
5 smaller project, which is -- which is more appropriate
6 scale of development.

7 In contrast to -- to other major mine
8 developments in the North such as Gahcho Kue, for
9 example, which involved completely new infrastructure,
10 a completely new mine, the Jay Project is an extension
11 of an existing facility. This allows us to use many
12 of the facilities which already exist at the Ekati
13 mine site, such as the air strip, the process plant,
14 the camp, the -- and many of the -- the other
15 infrastructure buildings. So the -- the impact -- the
16 incremental impact of the project on the land will be
17 much less.

18 One (1) thing that we've discussed at -
19 - at length during the technical sessions in
20 Yellowknife is the importance of progressive closure
21 and reclamation, which is the concept that as we build
22 the Jay Project and extend the footprint of the Ekati
23 mine in certain ways, that we also clean up other
24 areas and return them to a natural state.

25 During the Jay Project, we proposed to

1 put processed kimberlite, that is the -- the rock that
2 remains after the -- the diamonds have been removed,
3 back into the Panda and Koala open pits. That
4 activity would allow us to reclaim the Long Lake Cont
5 -- Containment Facility as the Jay Project is -- is
6 being developed.

7 You can see in the -- the image at the
8 right that in areas that are -- are no longer used in
9 the Long Lake Containment Facility, we already have
10 some natural revegetation and the return of -- of
11 geese to -- to that more natural area. And the Jay
12 Project design would allow us to -- to speed these --
13 these activities and -- and achieve progressive
14 reclamation.

15 As many of you know, Dominion is the --
16 not only the owner and -- and operator of the Ekati
17 mine, but a minority owner of the Diavik Diamond Mine.
18 Dominion's commitment to -- to the North is -- is all
19 in. This -- this Company from the beginning has been
20 designed as a -- as a northern company, and we've
21 taken significant actions to make sure that -- that
22 decisions about this project are -- are made in -- in
23 the North and -- and that our Company is -- is
24 committed to -- to northern values.

25 For example, we've relocated our -- our

1 headquarters from Toronto to Yellowknife. Our --
2 myself, our CEO, Brendan Bell, and the rest of our
3 senior man -- senior management team live and -- and
4 work in Yellowknife.

5 And we've taken at times some difficult
6 decisions to ensure that -- that our Company is
7 aligned with the expectations of northern communities,
8 for example, cancelling our -- our charter flight to
9 the south and making sure that we do everything in --
10 that's possible to increase our northern employment
11 and our -- our northern contracting.

12 Many of our -- our departments are
13 headed by -- by long-time northerners such as -- as
14 Bob Overvold and -- and Gaeleen Mac -- MacPherson at
15 my left.

16 I would note that Dominion employs more
17 northern and -- and more nat -- northern Aboriginal
18 people than any other company in -- in the -- in the
19 Northwest Territories. And if you look at our -- our
20 most recent socio-economic report in 2014, we've now
21 exceeded both our -- our northern and our -- our
22 northern Aboriginal socio-economic targets at 64
23 percent and -- and 44 percent, respectively.

24 The extension of the Ekati Mine is of
25 critical importance, not just to our -- to our

1 Company, but to the Northwest Territories' economy.
2 In addition to -- to the employment that I just talked
3 about, Dominion Diamond does a great deal of
4 contracting with northern companies, including
5 contracts with -- with several Lutsel K'e-affiliated
6 businesses for fuel haul, for tires, and -- and for
7 explosives.

8 And as we discussed in our -- our last
9 meeting here on -- on September 3rd, we're working
10 with Lutsel K'e's development corp. on a number areas
11 to -- to increase that contracting in areas such as
12 lubricants, fuel handling, the Tibbitt to Contwoyto
13 winter road, and the Jay road if the project goes
14 forward.

15 In terms of community support, I
16 mentioned earlier that we're working with the
17 community to support the development of a youth
18 centre, and have had a number of discussions about
19 making a substantial contribution towards a -- a
20 significant legacy project for the community.

21 Looking at the socio-economic benefits
22 of the project, in short, Dominion Diamond believes
23 that there would be a significant negative economic
24 effect on the economy and the population of the
25 Northwest Territories if the project doesn't proceed.

1 Jay Project going forward would give
2 significant economic opportunities to the next
3 generation. This is a project, you know, that would
4 ensure that -- that young people in this community and
5 -- and other communities across the North will have
6 the opportunity to -- to work at Ekati and -- and have
7 the -- the training and -- and income opportunities
8 that it -- it provides.

9 During the life of the Jay Project,
10 Dominion Diamond expects to contribute over \$6 billion
11 to the gross domestic product of the Northwest
12 Territories and to generate over \$270 million in
13 direct corporate taxes payable to the territory.

14 This includes royalties payable to the
15 government, and if the -- there's a conclusion to the
16 Akaitcho process, additional funds would -- would flow
17 to -- to the Akaitcho region as a result of -- of
18 those royalties.

19 With other mines closing over the next
20 decade, the extension of Ekati allows, as I said, for
21 these jobs and -- and contracting opportunities to --
22 to continue.

23 With that, I'll -- I'll hand the -- the
24 presentation to -- to Bob Overvold, our head of
25 environment and communities.

1 MR. BOB OVERVOLD: Thank you, Elliot,
2 Chief, counsel, community members. It's always a
3 pleasure to be back here with you guys, Madam
4 Chairperson.

5 Dominion Diamond respects and
6 understands the importance of traditional knowledge to
7 northern Aboriginal people, and actively seeks out
8 ways to align traditional knowledge in our operations
9 at the Ekati Mine. In particular, in designing the
10 Jay Project, we've gone to many lengths to make sure
11 that we look at how traditional knowledge could
12 improve the design of the Jay Project.

13 To that end, Dominion has -- now has a
14 full-time traditional knowler -- knowledge advisor on
15 staff that works direction with communities, goes to
16 sites when we have community site visits, is involved
17 in a lot of workshops we have where we try to align
18 traditional knowledge, whether it's putting a road
19 through the esker or looking at generally how the
20 roads are designed so that caribou -- they can be more
21 caribou -- caribou friendly.

22 In -- for example, in 2014, we had, I
23 think, site visits for -- from representatives of all
24 of our IBA communities where they not only flew over
25 with helicopters to look at the esker, to look at

1 where Jay was going to be, but gave us particular
2 advice on where it may best to cross the esker.
3 Generally, there was a bit of a consensus for most of
4 the communities that we should look at the lowest
5 point in the esker and the shortest distance to cross
6 -- to cross it. And we took that advice to heart and
7 -- and designed the road accordingly.

8 So in 2014, there were -- were two (2)
9 workshops to deal with a number of environmental
10 issues related to Jay development. One (1) was held
11 in Yellowknife in June where we had a number of folks
12 from Lutsel K'e there. Later, in July, we actually
13 had a workshop here in Lutsel K'e. Again, a number of
14 your people, both harvesters, youth, and Elders took
15 part in that.

16 2015, this past summer, in July, again
17 we -- we had a site visit. And again from our IBA
18 communities were a number of -- of community folks
19 went to site. We, once again, took folks around by
20 helicopter to look at where Jay was in Lac du Sauvage
21 to look at the esker. We then had people actually
22 walk up in the esker and -- and confirm with us again
23 where they thought the road should pass, I think this
24 past July. A couple of the members were August Enzoe,
25 I think Terry Enzoe, were involved.

1 We support community-based traditional
2 projects. And, in fact, I think we've just recently
3 agreed with a new project that the Lands and
4 Environment Committee have put forward to us. So we
5 continue to try to -- to find different ways on that.

6 Elliot mentioned that about two (2)
7 weeks ago we had a regular engagement meeting here.
8 And again, there were some good discussion on
9 additional things that we might be able to do going
10 forward that -- to ensure that we don't lose sight of
11 the importance of traditional knowledge, so we
12 continue to be committed to that.

13 I think, most importantly, Dominion
14 Diamond is open to discussing ideas for aligning
15 traditional knowledge in our operations or on ongoing
16 projects here in the community. So I'll leave it at
17 that for now. Thanks.

18 MS. CLAUDINE LEE: Thank you, Bob.
19 Claudine Lee, Dominion. Madam Chair and Chief cou --
20 and everybody here, I'll continue with some of the
21 components on the environmental side.

22 Air quality has been identified by
23 communities as being important to the people as well
24 as for the potential effects on wildlife, vegetation,
25 fish, and water. We know that dust is a concern to

1 the communities.

2 Dominion is working with communities to
3 develop a new plan to help manage dust. This plan is
4 currently being developed for the Jay Project. And we
5 are planning to meet again in the next few months with
6 our IBA communities to talk about what should go into
7 that plan.

8 In the meantime, we are taking some
9 other actions to help reduce dust. For example, this
10 summer at the Ekati mine, we tried on a new type of
11 agent that is safer for the environment to help with
12 dust suppression. And we are hoping this pilot
13 project will reduce dust in the future.

14 As a northern company, Dominion also
15 recognizes that the discussion about the Jay Project
16 comes at a sensitive time given the new survey results
17 last week regarding the Bathurst caribou herd.

18 That is why an important part of our
19 work on designing the Jay Project is the extensive
20 engagement that we have undertaken and will continue
21 to undertake through site visits, community meetings,
22 and workshops with communities and regulators.

23 This engagement on the Jay Project has
24 directly resulted in the new Ekati Mine caribou road
25 mitigation plan which builds on what we currently do

1 at the Ekati Mine to further reduce risks to caribou.

2 Dominion understands the importance of
3 reducing the effects of the road on the health of the
4 caribou herd, and we have worked with the parties to
5 design ways to do that.

6 Last summer and earlier this year, we
7 had many visits to site with TK holders, youth, and
8 community members from all our IBA communities to talk
9 about how we could lessen any impact from the road on
10 caribou that might be moving through this area.

11 This included flying the route in a
12 helicopter and walking along the esker with the design
13 engineer for the project.

14 What we heard was that the people
15 wanted the road to be as short as possible, have the
16 smallest impact to the esker, and allow most of the
17 road to be constructed as caribou crossings. We think
18 we have accomplished this with our design.

19 We have also been working with
20 communities on our plans for managing and monitoring
21 wildlife during the Jay Project. This included
22 workshops to discuss the Wildlife Effects Monitoring
23 Plan and the Caribou Road Mitigation Plan.

24 We intend to continue with this
25 engagement to ensure that input from communities,

1 government, and the Monitoring Agency is included in
2 this document before it is finalized for Jay.

3 I talked previously about the Caribou
4 Road Mitigation Plan, but wanted to provide a little
5 more detail about what it is. Really, it lays out how
6 we will operate when caribou are moving through the
7 area of the Jay Project.

8 We are very proud that we have never
9 even had a caribou injured by a vehicle at Ekati. And
10 we think our practices to deal with caribou moving
11 through this area are world class. This plan will
12 make them even better.

13 Some examples. Caribou always have the
14 right of way. We will implement road closures when
15 larger numbers of caribou are moving through our envir
16 -- moving through or our environment department deems
17 necessary because even one (1) caribou is approaching
18 or on the road. This could last for hours or even
19 days.

20 I talked earlier about the Wildlife
21 Effects Monitoring Program. This applies to all
22 wildlife as I noted earlier, but we plan to continue
23 with our engagement on this plan with communities
24 before it is finalized prior to the construction of
25 Jay.

1 The majority of our programs are world
2 class such as the award-winning Grizzly Bear DNA
3 Program, and we also have the Wolverine DNA Program.

4 The Jay Project will required a fish-
5 out of the area. As many of you are aware, we just
6 did a fish-out for the Lynx Project about a month ago,
7 and that was very successful. As a matter of fact, I
8 think we had some fish from Lynx during our last visit
9 to Lutsel K'e.

10 Dominion intends to work on the plans
11 for the Jay fish-out in the same way. We would build
12 on the success of the Lynx fish-out by engaging with
13 the communities on the draft plan for the fish-out.
14 The fish-out would be done with our community members.
15 The fish-out would be done with our community members.
16 The fish out would distrib -- the fish would be
17 distributed to our IBA communities for their use and
18 we would seek further ideas about how to use the
19 smaller fish to minimize any wastage.

20 As well, Dominion intends to work with
21 the communities to identify potential fish offset
22 projects in their areas similar to what we did in
23 identifying the creek close to Lutsel K'e that we are
24 working on for the Lynx offset. We would be open to
25 discussing other offsetting projects in your area to

1 offset the Jay Project.

2 Dominion held a workshop on June 26th
3 with communities and regulators to discu -- to discuss
4 the conceptual Aquatic Effects Monitoring Plan and has
5 committed to further engagement with communities and
6 regulators during the permitting phase of the project.

7 Community concerns addressed and
8 traditional knowledge aligned into the assessment to
9 date include changes to water quality and fish health
10 from spills, dust, sedimentation during runoff, and
11 increased metals and nutrients, and the importance of
12 protecting the narrows for fish spawning and movement
13 between Lac du Sauvage and Lac de Gras.

14 Dominion Diamond is confident that we
15 have designed a good water management plan that is
16 protective of water quality, fish, and fish habitat.
17 All the modelling completed to date indicates that
18 meromixis will develop in the pits. Meromixis is the
19 process that keeps the salty water at the bottom of
20 the pit covered with natural fresh water, which has
21 very little salt, when mining is complete.

22 The high salt levels in water are from
23 the groundwater that flows into the pit during mining
24 which is present under the lake and the land.
25 Therefore, it has the same minerals that are in the

1 fresh water, but they are a much more concentrated
2 form. The natural fresh water has very little salt.
3 The natural fresh water is therefore light and when
4 pumped into the pit at closure it lies on top of the
5 very salty water, which is much heavier.

6 These two (2) types of water in the pit
7 do not mix with each other because of the difference
8 in the amount of salt between the waters. We have
9 done a lot of detailed work to confirm this process.
10 Ekati has a long history of effective water man --
11 monitoring and we intend to develop a water monitoring
12 plan, the Jay Project, with communities, government,
13 and the monitoring agency.

14 Dominion has also agreed to
15 recommendations from the monitoring agency and
16 communities including Lutsel K'e to develop plans for
17 the management of mine water and the waste rock pile.
18 This will also include additional sampling in the
19 diked area and monitoring of any seepage from the
20 waste rock pile.

21 In summary, before we end, the Jay
22 Project allows for the continuation of employment,
23 economic inputs, and community deve -- development.
24 This includes significant benefits to this region
25 including the employment of many people and con -- and

1 additional contracts. We are also committed to
2 working with communities on our monitoring and
3 management plans for the project, the Jay fish-out
4 plan and opportunities for offsetting projects, and on
5 offsetting for any small impacts on caribou.

6 We have and will continue to work with
7 communities on aligning traditional knowledge into the
8 Jay Project and into our operations. On behalf of
9 Dominion, thank you all for attending. We look
10 forward to discussing the project further this
11 afternoon.

12 Thank you, Madam Chair.

13 THE CHAIRPERSON: Okay. Thank you.
14 At this time we'd like Lutsel K'e now to start their
15 presentation.

16
17 PRESENTATION BY LKDFN:

18 MR. PETER UNGER: Hi, everyone. My
19 name is Peter Unger, and I work for the Wildlife Lands
20 and Environment Department here in Lutsel K'e. To
21 start off I'd like to thank everyone for coming,
22 everyone from outside the community, but also all the
23 community members that are here.

24 I don't have to look, but I'm willing
25 to bet there's a bunch of people hanging out by the

1 door right now. And I know you won't listen to me,
2 but I'd like to ask you to come inside, please.
3 There's lots of chairs, and if there aren't, we will
4 get more chairs. So if you can come inside, I'd
5 really appreciate it. Thank you.

6 For those who don't know, I am giving
7 out door prizes to community member. Sorry, Rick.
8 And you can come get your ticket from me. The door
9 prizes we're giving away, we're giving away two (2)
10 POs for 25 gallons each, and four (4) vouchers to the
11 co-op for a hundred dollars each. I'll give these out
12 during the breaks. And I'm holding the tickets right
13 now, and you can come get one (1). Just please wait
14 till I'm done my presentation. Thank you.

15 So we had hearings for three (3) days
16 in Yellowknife, and we brought the wildlife committee
17 members with us. So right now I'm going to go over
18 basically most of the things we talked about for these
19 three (3) days in Yellowknife, so everyone knows what
20 I said on behalf of you. I apologize to the Board.
21 There will be some repetition, but I think it's
22 important that the community members know what I was
23 saying on their behalf.

24 So to start out, these are the things
25 I'm going to talk about today, in this order. But the

1 last three (3) are the ones that I'm going to focus on
2 most, I think. I don't think I'm going too far out on
3 a limb if I say that caribou is one (1) of the biggest
4 issues for the community here. Meromixis in Jay pit,
5 that's what Claudine was talking about, when the salty
6 water sits on the bottom and the freshwater sits on
7 top. So I'll talk a bit about that. And I'll talk
8 about the -- the waste rock storage area, which is the
9 big rock piles from all the rocks they pull out of the
10 pit.

11 I'm going to start out talking about
12 air quality, and I'm just going to just let everyone
13 know. So we do have air quality standards here in the
14 Northwest Territories. They're called the Northwest
15 Territories ambient air quality standards. They're
16 not legally binding, so it's not -- it's not a legal
17 requirement. They do apply to mines, and this is
18 written in the document itself and this was confirmed
19 by the GNWT.

20 And basically what I'm talking about is
21 that the Company says that if they exceed these
22 standards, it's not a significant effect. So they've
23 said they're going to apply them, but if they go
24 higher than them, they say that's not significant. So
25 here are some of the -- the limits set in the -- the

1 air quality standards. So I've just put three (3) of
2 them up. This is particulate matter. This is
3 nitrogen dioxide and sulphur dioxide. These are
4 pollutants that generally come from engines, so that -
5 - that's generally where these ones come from.

6 And you can see I've put the ones, the
7 standards we have in the Northwest Territories, and
8 I've put them beside the World Health Organization's
9 air quality standards. So the World Health
10 Organization air quality guidelines apply all around
11 the world. And the Company says that the reason it's
12 okay for them to go above the ambient air quality
13 standards is because those impacts are reversible.

14 So my point is, is that if you turned
15 everything off in a really big city, that would
16 probably be reversible, too. Everything would
17 eventually blow away, but I don't think anyone's going
18 to argue that there's not a lot of pollution coming
19 out of big cities. So if everything's reversible, you
20 know, where do you draw the line?

21 And our position is that, Here's a
22 really convenient line right here. It -- it's a lot
23 more lenient than the World Health Organization air
24 quality guidelines. The World Health Organization air
25 quality guidelines include places like Beijing or

1 Mumbai in India, and Mexico City, and they're stricter
2 than the Northwest Territories ambient air quality
3 standards. So we think that if the Northwest
4 Territories standards are more lenient, then there
5 shouldn't be any excuse for exceeding them. And going
6 higher than them is something we should consider a
7 significant effect.

8 So I've made recommendations to the
9 Board. And basically, we're saying that we see a
10 contradiction. So we say that, You can't say you're
11 applying these standards, but that exceeding them is
12 not a big deal. So we'd like the Board to say that
13 any time you exceed the standards we have in the
14 Northwest Territories, that's considered a significant
15 effect.

16 We've asked the government to complete
17 legally-binding air quality regulations as soon as
18 practicable. We've asked them this many times. Up
19 until now, they've not been able to even provide us a
20 timeline for when they're going to do that. But we're
21 hoping they'll do that as soon as they can.

22 And -- and then we've also talked about
23 dust, which I'm sure is a topic we're going to talk
24 about a lot today, but we would like to see a dust
25 management plan. And we'd like to see that monitoring

1 in this plan includes lichen sampling, because that's
2 something I've heard a lot from the community. That's
3 all I'm going to talk about for air quality today, but
4 basically, yeah, those -- those were the
5 recommendations I made.

6 I'm going to move on to socio-economic
7 impacts. So this is a quote from the Developer's
8 Assessment Report. That's the big report that the
9 Company develops that tells all of the impacts they
10 might have and what they're going to do about it. And
11 it says that, basically, the net impact on the
12 community is going to be positive.

13 And we're not entirely sure about that
14 here in Lutsel K'e, so it's a little bit difficult to
15 measure socio-economic impacts in Lutsel K'e. We do
16 have a socio-economic agreement from Ekati that
17 applies here, and a lot of the targets are not met.
18 So we do have to give the Company credit. They are
19 meeting their employment targets. But a lot of the
20 health and well-being targets, a lot of the indicators
21 are not improving, they're -- some of them are getting
22 worse, and we think that drastic action is required.

23 There is a Communities and Diamonds
24 Report that comes out every year, and it includes
25 sentences in it that make it seem like the GNWT knows

1 how mining impacts communities. So, for example,
2 under potential years of life lost, there's a quote
3 that says:

4 "At this time, mining does not seem
5 to have an effect on the potential
6 years of life's lost rate in small
7 communities."

8 Now, we think that this wording isn't
9 exactly the way it is, because the GNWT has admitted
10 that they don't know how mining affects -- impacts
11 communities and they haven't really done the research
12 to see how it -- how it does, which is something we'd
13 like to see change.

14 So one (1) of the recommendations we've
15 made is that we'd like to see more stringent
16 monitoring and stronger commitments to the SEA
17 objectives. And we'd like to see monitoring be in
18 collaboration with the community. So we'd like
19 monitoring plans for these indicators to be developed
20 in collaboration with community members and -- and not
21 just being done by -- by external people.

22 The other thing I said is -- and this
23 has been agreed to by the GNWT and the Company, so
24 it's kind of a moot point at this point, but just to
25 update everyone here. Up until now, every year, the

1 GNWT and the Company meet to talk about socio-economic
2 indicators. And up until now, we didn't really hear
3 about what happens at those meetings, so we've asked
4 for them to report to us on that, and they've agreed
5 to do that, both of them.

6 And then the last one is we'd like to
7 see better reporting. So right now, the reporting
8 tells you if the indicator's getting better or worse.
9 But we'd like to see, well, What's being done to make
10 it better, and if it's still getting worse, what's
11 being changed to -- to fix it? Because clearly, you
12 know, the current approach isn't working if it
13 continues to worsen. So we'd like to see all that
14 clearly written out so everyone in the community can -
15 - can understand what's going on.

16 I'm going to move on now to traditional
17 knowledge. Traditional knowledge is very, very
18 important to the community of Lutsel K'e. I've had
19 many people come and tell me that this is why we are
20 here, is because of traditional knowledge, and that
21 traditional knowledge is knowledge over centuries
22 versus just a few years, which is what western science
23 brings.

24 We'd like to recognize that the Company
25 has made efforts. They have made a lot of effort to

1 incorporate traditional knowledge. And as they
2 mentioned, they're going to support a project here to
3 help archive our traditional knowledge. We'd just
4 like so say that while we -- we appreciate that, we
5 don't think it's enough. We think more needs to be
6 done.

7 So for -- as an example, I'm going to
8 show a few pages out of the Developer's Assessment
9 Report. Now, the Developer's Assessment Report is
10 huge. You can see it in my office. Those giant
11 binders when you come in, the biggest ones you saw,
12 that's the Developer's Assessment Report. There's
13 five (5) of them.

14 So it's several thousand pages. And
15 this is the section on traditional knowledge from the
16 table of contents. And as you can see, it's only
17 thirteen (13) pages long. So out of the several
18 thousand pages, there are thirteen (13) pages on the
19 section for traditional knowledge.

20 If we move to the next slide? Oh,
21 sorry. This is the air quality section, and it's also
22 well over a -- over a hundred pages. And this --
23 everything you see on the screen, that's the entire
24 section on traditional knowledge.

25 One (1) more. This is the water

1 quality section. It's several hundred pages long.
2 It's a very long section. I don't know if it's the
3 longest, but it's one (1) of the longest. And
4 everything I've boxed in red, that is their whole
5 traditional knowledge section in that document.

6 So we think that more could be done,
7 and we've made a number of recommendations. Now, Bob
8 corrected me earlier. I've put the -- word for word
9 what I had in my technical report. He said that I
10 should use the word "aligned" instead of "integrated",
11 and I agree.

12 So we'd like to see that traditional
13 knowledge is aligned with western science. We'd like
14 to see it being given the same level of value. So
15 when there's talk about hydrology, there's always
16 references saying that, There's this study and that
17 study and so on. And we'd like to see traditional
18 knowledge referenced the same way, same level of
19 importance, and the same referencing system.

20 I understand that it's not exactly the
21 same in terms, you know, and you can't deal with it in
22 exactly the same way. But we need in terms of
23 reference -- referencing and the importance its given.
24 So second recommendation is for concrete references.

25 And the last one is we'd like to see

1 world-class expertise engaged to -- to help make sure
2 that traditional knowledge is properly incorporated.
3 Sometimes traditional knowledge conflicts with the
4 western science. Sometimes traditional knowledge says
5 something different from what western science says.

6 We'd like these situations discussed.
7 We'd like to ack -- acknowledge that the traditional
8 knowledge says this while the western science says
9 something different. And then we'd like to see some
10 discussion on how that's reconciled. How -- you know,
11 how did they make their decision, and how much
12 importance did the traditional knowledge get versus
13 the western science?

14 And the last one is we need traditional
15 knowledge holders to have access to the mine site and
16 the area around it. So we'd like to see some kind of
17 arrangement where traditional knowledge holders can
18 get out there and they can monitor the mine and they
19 can see what's going on and they can apply their
20 knowledge to the mine.

21 I'm going to move on from traditional
22 knowledge now so I don't waste all your time, because
23 I do have a lot to get through. But I know this is a
24 really important issue we're going to hear about later
25 on today.

1 So I'm going to talk about climate
2 change. This is one I'm going to talk about very,
3 very quickly, because I think it's pretty obvious.
4 But I just wanted to mention that people here are
5 concerned about climate change. I hear lots of
6 comments, especially now, about how low the water is
7 in the lake and how things are different from the way
8 they ever were before.

9 So basically, our two (2)
10 recommendations there is we'd like to hear as much --
11 get as much information as we can about what the
12 Company's doing about climate change. And we'd like
13 to encourage them to do more.

14 So whatever they can do, we'd like to
15 see. One (1) good idea is alternative energy, and the
16 example we give are the wind turbines at Diavik.

17 So now onto the big subjects. This is
18 the -- the caribou. So caribou are probably what the
19 biggest concern in the community. I don't think I'm -
20 - I'm wrong when I say that, but people may correct me
21 if I am.

22 Given the fragile position the Bathurst
23 herd finds itself in, the Government of the Northwest
24 Territories confirmed earlier this week that this is
25 the lowest estimate they have ever recorded for the

1 population of the Bathurst herd. We think that any
2 impact to the Bathurst herd is a significant impact,
3 given the level that they're at.

4 The community of Lutsel K'e has
5 voluntarily agreed to not hunt the Bathurst herd
6 anymore, and we'd like to see everyone else in the
7 Northwest Territory make similar moves along that
8 line. Especially given that the reasons are unknown
9 for the collapse, given that we don't know why they
10 decreased so much and no one can tell us definitively,
11 we think it's extra reason to be extra careful about
12 this.

13 This is a -- an article from December,
14 just this past December, and it has a quote in it from
15 Minister Miltenberger. And this is when they
16 installed the -- the hunting ban on the Bathurst
17 caribou.

18 The reason I'm putting this quote up
19 are for two (2) reasons. Number 1, it suggests that
20 the Government of the Northwest Territories think that
21 the caribou are in such rough shape that they can't
22 take any more -- any more reductions in their
23 population at all.

24 And we don't think it matters whether
25 it comes from harvesting or from the mine. We think

1 it means that the Bathurst caribou just can't take any
2 more, simple as that.

3 The second one is that -- the second
4 part of that quote shows that Lutsel K'e's ability to
5 harvest and therefore Lutsel K'e's ability to live
6 their traditional lifestyle is directly dependent on
7 the population of the Bathurst caribou. It says right
8 there that, We can't harvest again until the numbers
9 are healthy again. So anything that keeps those
10 numbers from coming back is directly impacting Lutsel
11 K'e's ability to live the way they traditionally have.

12 That's basically what I'm saying here,
13 is that impacts on the herd aren't just impacts on the
14 herd. They're impacts directly on the community of
15 Lutsel K'e, too, and even in some way on our food
16 security. The community of Lutsel K'e has
17 traditionally harvested the Bathurst herd. It's only
18 recently that they haven't, because they've recognized
19 what kind of a situation they're in.

20 And then even if we're not talking
21 about the Bathurst herd, it compounds, because right
22 now, everyone has to go east quite a ways to the
23 barren lands to hunt caribou. And more and more
24 communities are doing that. So everyone here will
25 remember that the -- when the Tlicho hunters came

1 through just this past March. Before that, we had a
2 large group from Res, and we had a large group from
3 Dettah as well.

4 And each of them took about a hundred
5 and fifty (150) caribou each time. And people here,
6 numerous people, not one (1), not two (2), and I'd say
7 more than ten (10) have come into my office, concerned
8 that if this keeps up, then even the caribou east of
9 us in the barren lands, there won't be any of them
10 leftover for the community to harvest.

11 Dominion said earlier this week that
12 it's up to the communities to decide what is
13 culturally significant. And I think I speak for
14 everyone here when I say that an inability to harvest
15 caribou is very culturally significant. So we made
16 some recommendations. The main recommendations we've
17 asked for the Board, is to say that the Jay Project
18 would have significant negative cumulative impacts on
19 the Bathurst caribou herd.

20 The next one we've asked for is that
21 we'd like to see some offsetting. So the two (2)
22 things we're asking for is number 1, we'd like the
23 Company to do everything possible to make things
24 better for the Bathurst caribou. Some of the
25 suggestions we've made include the dust management

1 that I talked about earlier, and reclaiming the waste
2 rock pile, which I am going to talk about in just a
3 few minutes. And also, you need to offset the impacts
4 to the community as well. So if the community is
5 being forced to go further and further to harvest
6 because of impacts to this herd, we'd like the Company
7 to help us with that.

8 The next one is, we need to know why
9 the caribou are in such rough shape. Nobody knows why
10 right now. Nobody knows why we had such a huge
11 reduction. And we would like you to involve the
12 community in that research is basically what that one
13 says. So that's pretty much what I said about
14 caribou. I mean, we said a whole lot more. We were
15 there from 8:30 in the morning till almost 11:00 at
16 night. So there was a lot said, but I'm just summing
17 up for right now.

18 And we're going to move on to water.
19 So here's a map. One (1) thing to note is that the
20 Jay pipe is going to be in Lac du Sauvage. I mean,
21 the mining operation. And Lac du Sauvage is connected
22 to Lac de Gras. So it's connected to a fairly large
23 water system, here. And so here's the Jay pit.

24 They're going -- the plan is they're
25 going to build the dike. They're going to mine it

1 out. And once they're all done, they're going to put
2 some of their extra salty water into that pit. Then
3 they're going to breach it, and they're going to let
4 the freshwater in. And they're going to -- and the
5 freshwater is theoretically not going to mix with the
6 salty water.

7 Now, this does happen in nature, and
8 we'll get to that in a minute. One (1) note I'd like
9 to make. I'd like everyone to please notice the waste
10 rock pile. This is where the waste rock pile is
11 planned to be, and just note how close it is to the
12 lake. And we are going to talk about that very
13 shortly.

14 So here's the plan in terms of the pit.
15 The salty water is going to go in, and it's not going
16 to mix with the freshwater. Now, in their defence,
17 that does happen in nature. There are lakes that
18 exist naturally that are layered in this way. And it
19 has happened at some mine sites. When we've asked the
20 Company where it's happened, they've given us a number
21 of examples, and I'm going to show you a few photos of
22 the examples that they've given us.

23 So this is a pit in -- in Saskatchewan.
24 That's the pit we're talking about. This one's in the
25 Yukon. This one's also in the Yukon. Also in the

1 Yukon. And these are the pits that they gave as
2 examples. Now, our point is that that's not the same
3 situation as this, right? This is connected, as we
4 pointed out, to these two (2) big lakes, whereas these
5 ones back here are fairly small.

6 And if that were to mix, it's not going
7 anywhere, right? That's just going to stay in that
8 pit. And our point is, is that this is a much bigger
9 risk that we're talking about here, given how it's
10 connected to such a large water system. And Dominion
11 has admitted earlier this week that this is a unique
12 situation. So our issue is, we can't find examples
13 that are similar to this, where a pit's connected to
14 such a large water system. You can't unmix it if it
15 were to mix.

16 You know, we understand that the
17 computer models say it's not going to mix and there's
18 a very tiny chance that it will, but if that tiny
19 chance happens, you can't unmix it. And we're not
20 entirely sure that even if it doesn't mix, that it
21 will stay that way permanently.

22 We think that there would be a lot of
23 significant impacts if it were to mix, and that
24 includes damage to fish, but it also includes indirect
25 impacts to caribou who drink that water. Lutsel K'e

1 takes a long-term view, and we look not in terms of
2 ten (10) years after closure, we want to live here for
3 centuries. And therefore, it has to stay that way
4 permanently. And having something like that that's
5 that risky on our land is something that people here
6 aren't comfortable with.

7 I know the Company has done a lot of
8 models, but models don't -- aren't always foolproof.
9 So if -- you can ask Snap Lake about that. So our
10 recommendation is that we'd like to have an
11 independent review panel established to thoroughly
12 analyze these risks whether -- whether there --
13 whether it will be established that way in layers and
14 whether they'll be mixing at any point in time. We
15 think this is reasonable. This has happened before.
16 There is a precedent. So if we were to look at the
17 Fortune NICO EA measure in 2013, their fourth measure
18 is to establish an independent panel for their co-
19 disposal facility. So now I'm going to move on to the
20 waste rock pile.

21 This is from our site visit to -- to
22 Ekati. I took this photo from the helicopter, which
23 is why it's not such a great photo, because I'm not a
24 very good photographer, but it gets my point across.
25 So this is the waste rock storage area at Misery. And

1 these right here, these are eighteen (18) wheeler
2 trucks.

3 And I don't know if people can see, but
4 these tiny little dots here, these are also giant haul
5 trucks, so it's pretty big. The one (1) beside the
6 Jay pit is likely going to be bigger, and it's going
7 to be right by the lake. So we're worried about this
8 for two (2) reasons. One (1) of the reasons is we're
9 worried about it for caribou. We think that's a
10 pretty big shock to caribou, to have a giant pile just
11 suddenly plopped in their way.

12 And as I said earlier, we consider all
13 impacts to caribou to be significant. It's a major
14 habitat change, and -- and we think that a lot could
15 be done to remediate the waste rock storage area to
16 make it a little bit more comfortable for them. We'd
17 also like to see a -- a large -- better monitoring.

18 So up until right now, what I saw was
19 that if the Company sees caribou, then they'll follow
20 them and they'll watch them, but we'd like to have
21 systematic monitoring to make sure that the caribou
22 can get up and get down. So those are our
23 recommendations in terms of the waste rock pile.

24 We'd like to see enhanced monitoring.
25 And actually, one (1) of the Board members suggested

1 drones, and I think that's a really neat idea, but I
2 can't speak for everybody here, but that's just an
3 idea that was thrown out there. The second
4 recommendation is we'd like to see the waste rock pile
5 -- we'd like to see everything possible being done to
6 make it less -- a bit less jarring for the caribou.
7 If there's different ways it could be built, if
8 there's ways we could revegetate it, we're open to
9 that discussion, but we'd like it to be a little bit
10 less of a shock for them.

11 Our -- our next concern with the waste
12 rock pile is how close it is to the lake. It's very,
13 very close to the lake. It's about 100 metres, or it
14 would be. And then it's about 30 metres from some
15 other streams and smaller lakes. And we're concerned
16 about the long-term risk of stuff leaking out of this
17 waste rock pile into these water bodies.

18 We're especially concerned about
19 mercury. Mercury is a sensitive topic for the
20 community of Lutsel K'e. We have a situation just
21 south of us here at Stark Lake where there's a high
22 level of mercury contamination and people can't eat
23 the fish from there. So it's something that people
24 are especially sensitive to and -- and we definitely
25 like to see it managed well.

1 We think that there are risks in the
2 long-term. You know, and again, we're not talking ten
3 (10) years after closure. Lutsel K'e is not going
4 anywhere, so we're talking centuries from now. If --
5 if climate change warms things up, if there are
6 earthquakes, I know there's not many earthquakes here,
7 but what if there are, that kind of thing, we're
8 worried that later on, when the mine's no longer here,
9 there'll be stuff leaking out of this waste rock pile
10 into the water.

11 So we'd like to see a waste rock
12 storage area management plan that includes long-term
13 risks like this. How are we going to deal with risks
14 long after the mine is gone?

15 And then the second recommendation that
16 I have is specific to the mercury. I guess the bottom
17 line is, is the community of Lutsel K'e does not want
18 to see any more mercury in the water at all.

19 That really sums up everything that I
20 had to say over those last three (3) days. I know I
21 moved pretty quickly, but I think it's more important
22 to hear from the community rather than from me. But
23 thank you very much for paying attention. Masi cho.
24 And I guess I'm going to turn it over to the community
25 for now. Thank you.

1 THE CHAIRPERSON: Thank you, Peter,
2 for your presentation. I don't know how the
3 translators kept up to your speech that was so
4 quickly, but I think you've got them well rehearsed or
5 something. At this time, we would like to just call a
6 five (5) minute break before we start into the
7 questions and comments. So five (5) minutes, please.

8

9 --- Upon recessing at 2:58 p.m.

10 --- Upon resuming at 3:17 p.m.

11

12 THE CHAIRPERSON: At this time, I
13 would just like to ask Peter if he would get his
14 coffee can ready. Take your tickets out. And Peter
15 would like to do the draw for the door prize.
16 There'll be one (1) door prize drawing now, and I'm
17 sure he has some later scheduled.

18 MR. PETER UNGER: Thank you very much,
19 Madam Chair. We're going to do the first draw. This
20 draw is for a hundred dollar voucher to the co-op.
21 And I'm going to ask Roger to pull the ticket for me
22 right now, please. Swirl them around a bit in there.
23 Perfect. Thank you. So the ticket -- the last four
24 (4) numbers are 7894, 7894. Jerry, all right.

25 Okay, so the -- the prizes are actually

1 -- I'm going to give them out on Monday when the --
2 when I get the vouchers out. But, Jerry (phonetic),
3 I've got your name down, so Jerry Lockhart is the
4 winner. Jerry, I do need you to bring the ticket up
5 for me though.

6

7 (BRIEF PAUSE)

8

9 MR. PETER UNGER: Okay, I've got you
10 down and I'll -- yeah, perfect. I'll get that out for
11 you then. Okay, thank you very much. Madam Chair,
12 back to you.

13 THE CHAIRPERSON: Okay, thank you. We
14 have a question from the Review Board staff, so if we
15 could start with that, please.

16 MS. SACHI DE SOUZA: It's Sachi De
17 Souza, for the Board. And, Peter Unger, I have a
18 question for you based on your presentation. The
19 question is about the -- the way you described the Jay
20 pit at closure. And you said that you're concerned --
21 or LKDFN's concerned that the Jay pit might mix at
22 closure.

23 So what specifically are your concerns
24 if the Jay pit, like, did mix?

25 MR. PETER UNGER: Thank you. Peter

1 Unger, Lutsel K'e Dene First Nation. So Dominion has
2 said that they're going to try to make that water at
3 the bottom be as salty as possible, which makes sense
4 because that's what's going to prevent it from mixing.
5 And if it does mix and it's as salty as possible, then
6 our concern is, is that the mixed water would also be
7 salty and it would impact the fish.

8 We are also concerned that this would
9 either make the water toxic or, if not, at least make
10 it taste very different for caribou. And this would
11 deter caribou from drinking it. Those -- those are
12 our -- our primary concerns. Thank you.

13 MR. MARK CLIFFE-PHILLIPS: Mark
14 Cliffe-Phillips, with the Review Board. Thank you for
15 your answer, Peter.

16 If Dominion has any response to the
17 answer provided by LKDFN, please go ahead.

18 MS. CLAUDINE LEE: Thank you.
19 Claudine, from Dominion. So just in -- in response to
20 that, we're confident that the Jay and the Misery Pits
21 will not overturn.

22 In the very, very rare case that one
23 does overturn, it would be a very rare event. And an
24 overturn would mean that the deeper, saltier water
25 would mix with the surface water with low salts.

1 The effects of this overturn would mean
2 that there would be a localized change in the water
3 quality in the lake, which would proceed downstream.
4 This change would be temporary, but in the end the
5 meromixis will return in the pit.

6 The work we have done -- we have done -
7 - work we have done indicates that the aquatic life
8 would be exposed to a brief change, but not be
9 affected, and also that the water quality would be --
10 change would be brief and also not impact the caribou
11 that would drink it.

12

13 PUBLIC COMMENTARY:

14 THE CHAIRPERSON: Okay. Thank you. I
15 would now like to open it up for public comments. And
16 I have a list of people here that have signed up for
17 public comments.

18 And as I call your name, like I said,
19 you could come to the table here to speak into the
20 mic. Please say your name first. Or if you wish to
21 just speak where you're sitting from, just hold your
22 hand up and a mic can be brought to you.

23 Our first person on the list is Roger
24 Catholique.

25

1 (BRIEF PAUSE)

2

3 MR. ROGER CATHOLIQUE: Thank you. I'd
4 like to -- my name is Roger Catholique, of Lutsel K'e
5 Dene First Nation, and I am part of a wildlife youth
6 committee.

7 And I -- I'd like to thank Madam Chair
8 and Dominion board, Mackenzie Valley Review Board, and
9 the staff and anyone else that came. And welcome to
10 our traditional territory of Lutsel K'e First Nation.

11 I just want to say that I'll just --
12 the things I'll say comes from the heart, and -- and
13 I'll express my concerns, too. And I'm going to speak
14 on behalf of our -- behalf on our youth also, and
15 younger generation before me.

16 I have concerns for this Jay Project
17 and the pros (ch) it looks to me. You say the Jay
18 Project will make a little impact on the caribou. And
19 also the meromixis process concerns me also.

20 I will say -- I will speak upon the
21 wildlife on our lands because they can't speak for
22 themselves. We respect our animals, especially our
23 caribou. They are sacred animal for hundreds of
24 years. Every impact affects us, and it's already
25 impacted on our community, spirituality among our

1 youth, Elders.

2 I am a young hunter raised by my
3 grandparents. I learned my traditional knowledge at a
4 very young age. I learned my traditional culture and
5 stories I heard from my grandpa and other Elders.

6 Before I get into anything, I just want
7 to tell you a short story that got me thinking. And
8 this story, my grandpa Larry Catholique told me. And
9 his -- his mom, which is my great grandmother Annie
10 Catholique passed it on to him. And he passed it upon
11 to me next, and it made me think.

12

13 (BRIEF PAUSE)

14

15 MR. ROGER CATHOLIQUE: One (1) day,
16 and -- and like any other day, it's a nice day. There
17 was a swan, and it was about fall time. Usually, they
18 -- they fly away to south, because it's what they did
19 for many years. But this swan was weak and sick,
20 going -- going along the shore. The swan couldn't
21 fly, because it was sick. And also it was blind. I
22 mean, it was scared to fly.

23 But a loon was nearby and noticed the
24 swan wasn't with its kind. Well, the loon said, Why
25 aren't you flying with your -- with your kind? The

1 swan rep -- replied, I can't see. The loon responded,
2 If you can't see, well, hold on to me. So the swan
3 went onto the loon's back and he dived through the
4 water. All you could hear is bubbles in the water
5 when diving.

6 And it surfaced. The loon said, Can
7 you see now? And the -- the swan said, No, I still
8 can't see. So the loon said, Hold on again. Once
9 again, it dived through the water again, listening,
10 going through the water. And there they surface again
11 up on top of the water. And -- and the loon asked
12 again, Can you see now? The swan, Yeah, I can see
13 now. It said, Thank you.

14 But the purpose is every little thing -
15 - every little help we do to people and to the animals
16 grows help one among each other as a people and for
17 the wildlife. But times get tough through the
18 negative and positive changes. Our animals can't
19 speak for themselves. We are their voice. And as
20 Dene First Nation people, at meetings as -- as I
21 researched before that, they usually start with the
22 phrase of the Treaty 8. We're all familiar with it.

23 "As long as the sun shines, the
24 grass grows, and the water flows."

25 They said they are never going to tell

1 us not to hunt and trap. And it's been a hundred and
2 fifteen (115) years since that treaty was signed. The
3 river is still running. Our Creator put it there.
4 That is nature. Nature is strong. And as Dene
5 people, we respect our culture, animals and nature.
6 And I want to continue to pass on this knowl --
7 traditional knowledge to the next generation.

8 The sun is still shining, and our
9 plants, trees, berries are still growing. I can also
10 say for all this, Dene people are as one and I have
11 great respect for my land and culture as a young
12 hunter. Every -- any last caribou impacted -- impacts
13 us also. In our traditional culture, the caribou is a
14 powerful animal. Like any other animal, they speak
15 with their minds as us people speak with our mouths.

16 And now the -- nowadays, the caribou is
17 declining. They say it's normal, but it's not normal
18 for me. The caribou are being driven further. And if
19 this Jay Project goes, even so, the mines are active
20 as we speak. One (1) of my main concerns is the waste
21 rocks area.

22 I -- I have seen it myself. It's more
23 than 90 feet high and it's very unnatural to the
24 caribou and the wildlife-wise. But animals are like
25 this (ch). We -- they adapt to learn with us people.

1 I recommend to make it, the waste rock area flat as --
2 as possible. And we also respect our water as much as
3 anything else also, I'd like to put.

4 We are -- we have one (1) of the
5 greatest fresh water supply in Great Slave Lake.
6 Growing up on the land, we see changes on the land and
7 the weather. It's unpredictable now. Every one of us
8 is impacted. But all through the negative or
9 anything, we always support one each oth -- one
10 another. That's why we are still strong to this day.
11 We learn from our Elders. The old die. The young
12 grow.

13 When we all grow, we change too. You
14 say this is -- this Jay Project is a unique pit. I
15 want the land clean as it is -- it is right now, you
16 know, the mine still being there. Because an
17 additional ten (10) years impacts us, our well-being
18 and -- as people. And we never know what will happen
19 in ten (10) years with the caribou or wildlife. The
20 animals are our livelihood. We live off them.

21

22 (BRIEF PAUSE)

23

24 MR. ROGER CATHOLIQUE: I mean, if this
25 project does go and you say that it's not going to mix

1 and if it does mix, and it's been many years, and no
2 one's been there yet, but the wildlife will always be
3 there. They'll drink the water just as we drink water
4 or anything else. They know something is wrong when
5 they get sick and slowly die because they don't know
6 what's happened from human impact, such as meromixing
7 that we can't explain to them. I have great respect
8 for animals, and I think about their future more than
9 job opportunities. I -- I (ch) the land with great
10 respect, 'cause that's how I was raised.

11 Another thing is the dike being left
12 behind with the -- with the pit. That -- that's
13 unnatural, too...

14

15 (BRIEF PAUSE)

16

17 MR. ROGER CATHOLIQUE: I also
18 suggested before that we have the lichen rock or
19 berries or anything, samples from air, dust pollutants
20 along a hundred, two hundred (200), or even more
21 radius from the mines right now, because we are
22 uncertain where the caribou go, and they're our main
23 source of food. And it's not just our main source of
24 food, it's the food chain for other animals, too.

25 Our youth nowadays are -- are not used

1 to coming up to the mic and speaking like this. And I
2 just want to say that and for speaking for Lutsel K'e
3 First Nation, and other Dene bands, also, our youth
4 and the younger generation, because I want them to
5 know -- live the way and learn our traditional
6 knowledge like I did. They are our sacred animals.
7 The birds, the fish, our land, water, all these is
8 nature, and nature is part of our traditional
9 knowledge.

10 And thank you for hearing me out.
11 That's all I have to say. And I -- I'll pray for you
12 guys to have a safe trip home. And keep a open mind
13 at what I said. Thank you.

14

15 (BRIEF PAUSE)

16

17 THE CHAIRPERSON: Thank you and masi
18 cho, Roger, for sharing your comments with us. Masi.
19 The next speaker we have is Joseph Catholique.

20

21 (BRIEF PAUSE)

22

23 MR. JOSEPH CATHOLIQUE: Hi. My name's
24 Joseph Catholique, First Nation of Lutsel K'e. What
25 really hits me is the wildlife. You know, it's really

1 my deep concern towards all wildlife taking place
2 around that area, I guess around the mine sites, not
3 just Ekati, there's other mines, too, and regardless
4 of what river we're talking about here, it all -- it's
5 all the same. It affects us very deeply, like,
6 towards hunting, towards our caribou because it -- we
7 never seen no caribou here for almost twenty (20)
8 years now, and we know why it is -- why is that. All
9 these mining company kind of blocked their -- the cre
10 -- the routes, like where they usually travel every
11 year around. So we don't see them no more. So it's
12 further north from here now.

13 And it's a concern for us, for us to go
14 that far to get them, and it -- and it costs a lot of
15 money too, to get to where we get. Sometimes we don't
16 -- we don't get what we get -- we go out there for
17 because it's very hard to find them.

18 And -- and it's -- I don't know how --
19 how bad the caribou is around the Diavik area at all,
20 around -- I mean the Bathurst herd. I don't know how
21 -- how bad is it now? I don't know if it's still in
22 good shape or is there any samples being taken, or is
23 it -- is it affecting other caribou that's down the
24 road after the mine has shut down?

25 Okay. You say the mine -- Jay -- Jay

1 Project is going to start up very quickly here and it
2 ends at 2030. And that's a lot of years. A lot of us
3 won't be around by that time here -- by that time. A
4 lot of Elders are going to be done by then. It's
5 going to be only us young ones who are going to be
6 sitting here facing you guys talking about this every
7 now and then.

8 But the thing is I'm sure it's going to
9 go ahead, but what -- what could we get out of it
10 like? Is it going to -- are we going to work
11 together? Are we going to try to make something
12 better than it is in Lutsel K'e or -- I'm sure you are
13 going to get what you guys are going take and leave
14 the mess behind.

15 And that's not -- maybe by that time,
16 2030, I don't know how good the caribou's going to be
17 or -- or we'll probably be allowed to shoot it or not?
18 See, that kind of a effectness (sic) we'll probably be
19 -- see by that time.

20 So it's good to closely work together
21 as a First Nation. And -- and I heard somebody said
22 about monitoring. Yes, let's monitor the caribou year
23 round, like in the winter season and the summer
24 season, how they're behaving is -- 'cause like a --
25 like a young person just before me said he's a hunter.

1 And I believe him he's a hunter. And -- and he knows
2 caribou, and we do know caribou, what shape it is and
3 what it's called. And it's just not a cow and a calf
4 and a bull. There's more than that.

5 And according to my grandfather,
6 caribou has only one mind, you know, how they -- they
7 know how the caribou reaction is. So by being
8 disturbed for so many years, I'm sure it all get -- it
9 -- it all get confusion. Like they go on their own
10 like in a bunch like. So they -- they end up being
11 like that, staying like that now, and that's how it's
12 been affected.

13 And so very little we caribou in a
14 certain spot like we used to. We don't see them there
15 no more. And the worse it is, the more minded it is
16 the -- where it is for us. Because it's just not Jay
17 pipe and Ekati. There's Diavik, Gahcho Kue, Snap, and
18 all those mines. And it's been affecting us very
19 deeply, very -- and -- and it's -- it's just probably
20 just a start now. Gahcho Kue's not completely --
21 opened it, but then about 20 -- 2025 there's be a lid
22 -- there'll be a lot of change by that time, I'll say.

23 By that time, we'll probably be even
24 not even hunting (ch). We'll probably just live off,
25 you know, the Co-Op which is -- things are very

1 expensive there, too.

2 So it's been -- it's been -- like you
3 know all these diamond companies taking place here,
4 very little we're getting anywhere with it. So, you
5 know, like you said, you know, this is going to be a
6 big project on your side of Ekati. Yes, okay, well,
7 let's work together. You get -- you get what you want
8 and we get what we want, you know, 'cause we have a
9 real poor community here, like, and I won't say
10 'poor', but we need some work to be done on the road
11 here. And there's some empty houses in town here are
12 not even being fixed 'cause it's un -- it's a local
13 owner. It's not owned by the govern -- or the federal
14 -- it's owned by yourself, and they won't fix it for
15 us. And we don't have that kind -- these people don't
16 have that kind of money.

17 And staying in the -- in the housing
18 unit, working for you, other mining companies, our
19 rent will go right up, and very little we get what we
20 need for our personal use. So it's really, you know,
21 we're just sitting in the same boat and it's year
22 round, and the mining company gets what they want.
23 But very little we're getting -- here.

24 So, like I said, let's work together.
25 Okay, well, let's work together. Let's -- let's be

1 honest with each other. And -- and knowing how the
2 caribou is going to react in a few years from now, and
3 let's starting monitoring them. Have a little camp
4 outside of Diavik or where Jay pipe or -- and study
5 them as local -- from the local community would study
6 them, of knowing them. They have known them for
7 hundreds and hundreds of years already.

8 So that -- it's just like we're going
9 to the store and pushing the -- the store away as far
10 as it can from us. Like that's our -- food, like, and
11 it's hard for us to get it. And to where it's filling
12 up the pit there, I don't know -- see why you don't
13 put the waste rock back in there. And I'm sure there
14 will be -- still be jobs there right by -- by that
15 time.

16 And training. There's another thing of
17 training, too. You train us once and that's it. We
18 don't go back there to get retrained again. So to be
19 in the mine sites we have to be trained completely to
20 be on -- to be trained real good. I mean, you know,
21 certified. So we don't have to go retrain again as
22 year round. So we have a lot of concerns in the
23 community here towards our personal concerns, and if
24 we work together we can solve it in the long-term term
25 -- time, for the young ones and -- and for us

1 business. Thank you for now.

2

3

(BRIEF PAUSE)

4

5

THE CHAIRPERSON: Thank you, Joseph.

6

Masi. Joseph, in your comments there you had -- you

7

wanted to know the state of the Bathurst herd. Did

8

you wish to have an answer to that?

9

Yes? Was that a yes?

10

MR. JOSEPH CATHOLIQUE: Yes.

11

THE CHAIRPERSON: Okay. Could I ask

12

the GNWT please for someone to come up and just to

13

make that statement, as what we did in the other

14

community?.

15

16

(BRIEF PAUSE)

17

18

MR. DEAN CLUFF: Thank you. It's Dean

19

Cluff, from Environment and Natural Resources.

20

Thanks for your question, Joseph. The

21

-- the Bathurst herd, as I think you're aware, is --

22

has declined significantly over the years from very

23

abundant numbers in 1986 area, and has steadily

24

declined to the present, where we have -- our surveys

25

indicate going down to about maybe sixteen (16) to

1 twenty-two thousand (22,000) animals right now. The -
2 - the numbers aren't finalized, but it has a steady
3 decline. So the -- the health of the herd has -- has
4 declined and so -- to the point where it's -- it's
5 quite concerning.

6 We do some -- a variety of monitoring
7 as well, not just for the numbers. We -- we do take
8 some samples where we can. A lot of these samples
9 come from harvesting. When there's community harvests
10 we would have somebody there, either from Environment
11 and Natural Resources, or from the community, from
12 community monitors, and they help take samples whether
13 -- and then we test if they're -- what the pregnancy
14 rates are. But we haven't done that in the last few
15 years, because there's been no community harvest and
16 no -- none of that sampling. It's usually the
17 sampling that's often on -- on cows. And -- and so
18 we've had to -- had to reduce the -- the cow harvest,
19 as you probably know.

20 So -- but in terms of the numbers, then
21 they have declined to the point there's about twenty
22 thousand (20,000) animals.

23 THE CHAIRPERSON: Okay. Thank you.
24 Our next speaker we have for the public comments is
25 Florence Catholique.

1 MS. FLORENCE CATHOLIQUE: Masi.

2 (OTHER LANGUAGE SPOKEN). Although I can speak
3 English, I want to say it in Chipewyan. So you need
4 to have your headphones.

5

6 (INTERPRETED FROM FIRST NATIONS LANGUAGE INTO ENGLISH)

7

8 (INTERPRETATION CONCLUDED)

9

10 MS. FLORENCE CATHOLIQUE: ...talking
11 about the Jay pri -- Jay Pro -- Jay -- Jay pipe
12 Project. The recommendations I would like to put
13 forward is in regards to the development of them then.
14 Maybe with what -- we don't know how -- whether we
15 benefit from it or not. So we ask you when you come
16 here to tell us whether we're going to benefit it or
17 not -- benefit if from there -- or there.

18 So that the Mackenzie Valley
19 representatives are here. I guess they're going to be
20 putting in -- they going to be putting in their words
21 to -- put recommendation to the federal government. I
22 think it's to the federal government. Just recently,
23 the territorial government has -- that animals, the
24 wildlife, and environment has -- the responsible (sic)
25 have been given to them, so I don't know who's going

1 to be speaking to -- on -- on issues like that.

2 I would appreciate if somebody would
3 give me that information. Before I speak I'd like to
4 ask John Donihee, the counsel -- I'd like to thank him
5 for being here with us today. When the Mackenzie
6 Valley Board has developed he was -- has been here --
7 that legal counsel has been here with us so he knows
8 what's going on.

9 And also James has been here with the
10 Mackenzie Valley. And also the -- there's a lot of
11 people. There's government employees were changing
12 hiring, and also this adopted son, I would like to
13 thank him for being here from the Michele (phonetic).

14 And the first recommendation that I
15 would like to say, as Dene people here we are five (5)
16 dollar holders. We had made statement in how we're
17 handling our land with -- we're talking about our
18 land, our wildlife, our children, our future, for the
19 future for them. So we want them to live good.

20 But then the industries they always
21 want to come on our land, and we also respect these
22 industries, but yet it seems like when they're going
23 to work on our land do we benefit from it. But then
24 we want to watch our wildlife. It seems like these
25 are the people that want to boss us around, but we

1 don't want them, as we want to be the boss on our land
2 and how they -- we want them to work on our land, and
3 we're directed by our Elders.

4 The reason I'm saying this is because
5 the Mackenzie Valley Review Board -- and they have
6 their Act -- we never have put our name forward with
7 them. But every time when we're talking about our
8 environment, and it seems like we were not supporting,
9 but this is our land, we want to be the boss of our
10 land. So now we were told that this is -- we -- this
11 is the time that we could put our recommendations to
12 the Board to consider, and also the government, the
13 federal GNWT.

14 The creator have put this land here for
15 us, and we have to watch out land, that it doesn't get
16 contaminated, so we have to keep our land good. This
17 is what we're here for.

18 Not too long ago, there was a lot of
19 things that had changed on our land. As Dene people,
20 if there's any changes and -- or they're going to work
21 on our land, they have to consult us -- consult us
22 ahead of time. The people that are -- work at the
23 industries, the mining company, they have to come to
24 the community, consult the people, and then we have to
25 really talk about, first discuss the issue on how

1 they're going to be working on our land. And the --
2 and that they're supposed to also tell us how they
3 plan and what's the benefit. And also, we need our
4 own legal consultation with the legal counsel. So
5 that's what I wanted to say.

6 And regarding the mine, ever since the
7 development of the mine, we had a lot of problems in
8 relations with the mine. There's a lot of problems
9 that -- that has rised (sic) from that mining
10 regarding the wildlife. And now you said you're going
11 to put -- you're going to develop a mine right in the
12 middle of the lake and you're going to put dikes
13 around that lake, and it's very -- we're going to have
14 a big problem regarding this.

15 In around 1987/'88, I used to be a
16 chief at that -- at that time. Then -- back then, our
17 relatives, the Dogrib, they already settled. At that
18 time they had a problem with caribou on their land, so
19 they wanted to go hunting to our land. So we told the
20 Tlicho Gover -- people to come hunting on our land,
21 because our ancestors in the past, if peop -- other
22 people are hungry, they have to come to wherever this
23 is food. We always help each other. We could never
24 turn another person away if a person is hungry. So
25 that's the kind of Dene people we are, so we allowed

1 those Tlicho to come hunting on our land.

2 At that time there was the development
3 of that mine. Until today, there's a lot of -- we
4 used to see caribou here on the lake before the mining
5 development in the barren lands. But now, today, you
6 could never see not one (1) caribou on our lake.

7 I am sixty-three (63) years old today,
8 and I'm a granny, and I'm auntie, and I'm a mother.
9 And I'm also a sister. And I'm an auntie. Why -- I
10 was wondering why our -- am I going to have problems
11 in the future. What's going to happen to my
12 generation of my children, the future of my children
13 and their children's children? We're going to have to
14 put something in plan for them so they could sustain
15 the way we are living today. And I wanted to pass on
16 that tradition for the rest of -- forever.

17 So we got to teach our young generation
18 right now how they can go to the land and survive off
19 the land. So we still have to hold our tradition and
20 pass our tradition on to the next generation. But we
21 don't know what's going to happen in the future. It's
22 kind of hard. I think they're going to have a
23 difficult time, because if our -- if our environment
24 is destroyed we can't live off the store only. Us
25 Dene people, we have to survive off the land.

1 I remember my late Auntie Liza
2 (phonetic) had said that one (1) time. This land is
3 like our pillow and it's like our freezer. It's like
4 our store. We can get anything off the land. So that
5 word that she had said, I would like the next
6 generation to be taught this, her last code before she
7 left.

8 If we have a problem regarding the
9 land, our -- our environment, our land, our water, if
10 that gets sick, and as Dene people, if that gets sick,
11 us -- we're going to get sick. But if we see our
12 land, it's still in a healthy stage, we are very
13 strong as Dene people.

14 Regarding the environment, it --
15 everything is all involved, even human. We can never
16 separate the Dene people from the environment, but I -
17 - I can't speak for other people.

18 But as Dene people living here, the --
19 everything is very important as we have very -- one
20 (1) thing that's very important is where the old lady
21 sits. That's very important to us. It's very, very
22 sacred to us because we have really a great respect
23 for her so we're going to have to watch that nothing
24 happens. So that sacred area is that Lockhart River.

25 So I would thank the young person that

1 just spoke before me, Roger. And I would like to
2 thank him with my heart.

3 When we're talking about caribou, when
4 they're talking about the development to be developed
5 out there in that area, that's not the only mine up
6 here. There are other mines that are situated around,
7 the -- there are people that are living there, working
8 there, and people from the outside. They're also
9 exploring all over the area.

10 If your home is like that and they're
11 coming and invading it, it's kind of hard to live a
12 quiet life. It's kind of hard to raise your children,
13 too. Sometimes you can't even have children.

14 It's the same with the caribou. Why is
15 it when they say they should be living right on their
16 land comfortably without any problems. It's supposed
17 -- they're supposed to have -- they say, How am I --
18 when it comes to the mines, how -- they say, How is
19 they useful to us?

20 To me, I'm -- impact benefits for
21 Lutsel K'e, benefits office there. When we talk about
22 the issue of Diavik and Snap Lake, Diavik, all these
23 mines, it -- I know -- I know how many people are
24 working there, the problems they're having.

25 One (1) person I send -- if I work, he

1 said he'll complain that his rent going up, and some
2 people separated. There are a lot of social problems
3 because of it. It's still cre -- there is lot of --
4 lot of social problems. If you really look at it, if
5 you look at your -- sometimes they say if it's -- if
6 there's problem, it doesn't -- it's creating problems
7 more than anything for me.

8 But you have to have a job. Wherever
9 you look for work in the past, the -- they said when
10 they first did -- proposing to put a mine, they were
11 saying they were going to give the people the jobs.
12 Just recently, there's only two (2) that work for
13 about fourteen (14) years after the mine was there for
14 about that many years.

15 If you look at it today, whatever
16 they're pro -- ask -- rec -- proposing, asking for,
17 how many people of -- of our people do you think are
18 at -- at work? Even if they have -- even if they were
19 to hire people, you think they would be happy working
20 there? You really can't say right now, but I don't
21 think it's -- that's some -- there are a lot of
22 things, there are a lot of problem issues that has to
23 be settled before.

24 Some of them, it's not their fault.
25 The government represented -- repre -- representatives

1 are also -- it's up to them, too. That's because they
2 don't communicate with us. They -- they could solve
3 all those problems. I'm sure they're working on
4 issues like that.

5 Today, I went -- I went to the airport.
6 I see the gover -- I guess it was the government
7 employees. They -- they were all walking on the road
8 for exercise, I guess. The people in the back, I -- I
9 guess. Are -- are they the government staff?

10 They're doing good yet. Now, there is
11 one (1) last -- there's one (1) thing I wanted to say.
12 It's not the -- just recently, the government in the
13 Northwest Territories said there was the issue about
14 that devolution. But the -- the -- we have all kinds
15 of -- everything on our -- our land. And it's up to
16 us. If it -- without us, without our permission,
17 without agreeing to them all, they can't start
18 anything without our say-so.

19 When they're talking about all of this
20 diamonds and talking about money, they all decided.
21 They haven't considered without any of our sicerish --
22 our con -- consideration. We have to settle those
23 issues first. That's what I wanted to mention today.
24 If without that, the things that they're working on,
25 they going to make us pitiful. We're going to be

1 pitiful yet. We're not going to benefit from and the
2 government of -- from up here, they have to somehow
3 rectify these problems with our leadership.

4 Only then, all the issues that are
5 happening, our land, their development, we have to --
6 we -- we should stop it until such time. We -- the
7 things that are all, the develo -- all the diamond
8 mines, all that are -- have been developed here, it's
9 on our land. But yet we're not benefiting. We're not
10 wealthy from it.

11 And so if people could mention
12 something about that, maybe they think the same thing,
13 too. Who knows? If I wanted to ask the question
14 regarding the mine, when they finish, when they close
15 it, they said they going to bring it back to the --
16 back to the same way. Do you have enough funding to
17 work it to bring it back to -- do you have that kind
18 of money set aside when it comes to closing the mine?

19 And also I looked at their slides.
20 They also said that they going to have -- build a
21 quarry. And after we seen the picture, they talking
22 about the way -- the waste storage pile that they had
23 mentioned. It doesn't seem like it's the same talk --
24 I was kind of wondering what they were talking.
25 That's what I wanted to ask about.

1 And another thing besides, and what
2 else was it? All the wal -- all the wal -- the
3 aquatic water, all the water after they -- they have
4 the open pit mine, they -- I wanted to know how big of
5 the open pit are they talking about? And the rock
6 waste that your guys are piling up, what -- and later
7 on, how big of a pile is that going to be later on?
8 That's what I wanted to question about.

9 And also their presentation, and inside
10 the presentation, it mentioned when it's come to
11 closing time, the Misery pit, all the waste rock that
12 are there. And all that dikes, they going to put all
13 the waste rock in the open pits after that. This
14 dike, they going to do with -- do away with that after
15 they pile that waste rock in there, all the water is
16 going to be, like, a -- I -- talking about water
17 leakage. I was wondering what they were talk --
18 talking about. So I wanted to question on those
19 issues.

20

21 (INTERPRETATION CONCLUDED)

22

23 MR. ELLIOT HOLLAND: Thank you,
24 Florence. It's Elliot Holland, for Dominion Diamond.
25 I'll -- I'll try and address those questions. And if

1 I -- if I've missed anything, just prompt me,
2 Florence, or the rest of the team. Firstly with
3 respect to reclamation funding, Dominion currently has
4 a -- a reclamation bond on file with the Government of
5 the Northwest Territories. It's roughly \$250 million,
6 against the land use permits and -- and the water
7 licence. And then there's around another \$20 million
8 bonded against the -- the environmental agreement and
9 a -- a smaller amount against our fisheries
10 authorization.

11 So with Jay, we'll file first a -- a
12 conceptual, and then more detailed reclamation plans
13 to the Wek'eezhii Land and Water Board. And the --
14 through the -- the Board's process, we'll evaluate the
15 -- the incremental closure costs and the incremental
16 savings associated with the Jay Project. And those --
17 those reclamation amounts will be incrementally
18 updated before the -- the start of -- of any mining
19 activities.

20 Secondly, with respect to the -- the
21 quarry, the reason -- and there may be some confusion
22 here, but let me try and explain. The reason we're --
23 we're showing a -- a quarry on the maps is because our
24 -- our primary plan to build the Jay dike is to use
25 granite mined at the -- the Lynx Pit that we started

1 to develop this year to build the Jay dike. That's
2 the -- the -- in our view, the -- the best way to do
3 it, but we're not entirely certain of the -- the
4 quantity of -- of material required for the Jay dike
5 relative to the amount of -- of clean material that
6 comes out of the Lynx Pit.

7 So we have that -- that quarry in the
8 plan as basically a -- a contingency. So if we need
9 additional granite, we would -- we would source that
10 material from that area. It -- rather -- regardless
11 of whether we -- we do develop a small quarry there or
12 not, the waste rock storage area would be developed
13 over the top of -- of that quarry, so it -- it'll
14 basically be a little dent in the -- in the bottom of
15 the -- the waste rock storage area if we do choose to
16 do it. At the moment, it -- it looks like we won't
17 need a quarry, but we need to -- to retain that as a -
18 - a contingency option.

19 Thirdly, with respect to the size of
20 the -- the waste rock storage area, the Jay pit has --
21 has around 190 million tonnes of waste, so that's the
22 -- the size of the -- the waste rock storage area.
23 It's -- it's no doubt a -- a large -- very, very large
24 pile of rock. It's -- it's certainly larger than the
25 Misery waste rock storage area.

1 With respect to -- to returning waste
2 to the -- to the open pit, we do plan on filling the -
3 - the Panda and the Koala open pits with processed
4 kimberlite from the -- the Jay development. We're
5 currently filling the -- the Beartooth pit with
6 processed kimberlite. The plan is -- is not to -- to
7 do that in Jay. We intend to leave the -- the waste
8 rock storage area as it is. Returning that waste to
9 the pit would -- would have significant extra time,
10 significant extra greenhouse gas emissions and -- and
11 mining activity, disruptions to wildlife.

12 And on balance, we believe that the --
13 the best solution is to leave the waste rock storage
14 area where it is at the close of mining. But as Peter
15 mentioned in his presentation, the accessibility of
16 that waste rock storage area to caribou to -- to get
17 on and off it safely is an important concern. So we -
18 - we've made sure in our design, and we'll continue to
19 work with communities on the detail of that design,
20 that the waste rock storage area has access ramps to
21 allow caribou to safely descend.

22 We have done some research on different
23 vegetation options for -- for both our -- our
24 containment facilities and our waste rock areas. And
25 we'll -- you know, we'll continue to -- to

1 investigate, how do we make those waste rock storage
2 areas as -- as caribou-friendly as possible?

3 I think those were the -- the questions
4 I heard at the end. But I'm happy to -- to take more
5 questions if -- if need be. Thank you.

6 THE CHAIRPERSON: Okay, thank you.
7 And just for clarification also, Florence, I don't
8 know if you were here at the very beginning when I
9 made the statements, but the Board -- once the
10 decision is made here, the Board will write it down in
11 an environmental assessment, the report. And it's
12 sent to the Minister of Lands, to the GNWT, so -- and
13 not the federal government. With devolution, that has
14 changed over.

15 And, yes, you are correct. There is
16 several individuals from the Government of the
17 Northwest Territories here. I guess they walked in,
18 brave -- braved their souls, and I guess they all
19 brought their rain jackets.

20 But there is someone here from the
21 Lands; from the Environment and Natural Resources;
22 Industry, Tourism, and Investment; Education, Culture,
23 and Employment; Health and Social Services; and
24 Justice. And there is a representative here from the
25 federal government from the Northern Major Projects

1 Office, okay?

2 MS. FLORENCE CATHOLIQUE: Okay. Thank
3 you. I want -- I will speak English. First, I want
4 to say thank you to Dominion Diamond for answering my
5 questions. There is a concern within the community
6 about the waste storage pile and its height and size.
7 It is in the area of the eskers.

8 We all know and were raised any huge
9 barrier is -- a huge development is a barrier to
10 caribou. So that's why there's a concern of, you
11 know, the caribou migrating. And it is -- it is
12 significant to us. So I want -- I just want to
13 comment on that part.

14 In regards to the -- I -- I would like
15 to see the -- the map of their block, as I didn't see
16 that in their presentation.

17

18 (BRIEF PAUSE)

19

20 MS. FLORENCE CATHOLIQUE: How do you
21 know which -- where is the block?

22

23 (BRIEF PAUSE)

24

25 MR. RICHARD BARGERY: It's Richard

1 Bargery, Dominion Diamond. Florence, you're looking
2 for the claim block? Is that --

3 MS. FLORENCE CATHOLIQUE: Yes.

4 MR. RICHARD BARGERY: -- is that what
5 you're looking for? Sorry.

6 MS. FLORENCE CATHOLIQUE: Yes, the
7 claim block. Yes, that's right.

8 MR. RICHARD BARGERY: That -- that
9 isn't in -- in the presentation. I'm not sure if I
10 actually have it. Yeah, we can -- we can get it off
11 the website, I guess.

12 MS. FLORENCE CATHOLIQUE: Yes, that's
13 good. I think that would be beneficial to us. Okay.
14 And now what was the other one? There's reference in
15 your agree -- in your presentation also to the
16 Wek'eezhii Land and Water Board. What's the relevancy
17 of that?

18 MR. ELLIOT HOLLAND: Elliot Holland,
19 for Dominion Diamond. The Wek'eezhii Land and Water
20 Board would be the -- the relevant authority for the -
21 - the next step in -- in this process.

22 If the -- the Board recommends that the
23 project, it could go forward to the regulatory phase.
24 We would make applications for a land use permit and
25 an amended water licence to the Wek'eezhii Land and

1 Water Board. And they would be the -- the main
2 regulatory authority for that process.

3 MS. FLORENCE CATHOLIQUE: I am a bit
4 concern of that, because we're making presentations to
5 the Mackenzie Valley Board, which is, I guess, the --
6 the lead Board. How we would be involved in the --
7 the Wek'eezhii Land and Water Board once a decision is
8 made? I don't know if you have that question, or
9 maybe Mr. Donihee has that answer.

10 THE CHAIRPERSON: Legal counsel...?

11 MR. JOHN DONIHEE: Thank you, Madam
12 Chair. It's John Donihee, Board counsel.

13 Thank you for the question. The way
14 the process works in -- under the Mackenzie Valley
15 Resource Management Act is the first step after a -- a
16 matter is referred to the Review Board is that they
17 conduct an environmental assessment, which we're doing
18 now. And they make a decision.

19 As the Chair mentioned in her comments
20 earlier, there will be a report of environmental
21 assessment. It goes to the Minister of Lands of the
22 GNWT, and if it recommends that the project go
23 forward, even if there are measures to mitigate
24 impacts, if it -- if there's a recommendation the
25 project can go forward, the next step in the process,

1 then, is for what we call regulatory permits, land use
2 permits and water licenses can then be issued. But
3 the -- a separate Board is responsible for that, and
4 that's the Wek'eezhii Land and Water Board.

5 So this process has to be completed
6 first. And the regulatory permits and licenses cannot
7 be issued until this process is completed and the
8 Minister of Lands has accepted and approved the report
9 of environmental assessment, and then the other Board
10 gets involved.

11 MS. FLORENCE CATHOLIQUE: Masi. Then
12 that leads me to one (1) -- probably my final question
13 is: Because the Government of the Northwest
14 Territories is now the main decider in -- in the area
15 in the Northwest Territories, will they be also the
16 enforcers to the permits, I guess? I...

17 THE CHAIRPERSON: Staff...?

18 MR. MARK CLIFFE-PHILLIPS: Mark
19 Cliffe-Phillips, with the Review Board. Yes,
20 Florence, when the -- the permits and licenses are
21 issued, the responsible departments, if it's land --
22 land use permits, so it would be the Department of
23 Lands Inspectors. If it's the water licence, it would
24 be ENR Water Licence Inspectors who would enforce the
25 -- the -- those permits and licenses.

1 MS. FLORENCE CATHOLIQUE: Thank you.

2 Florence, here. In that case, I want to put on record
3 that in my past experience, involved -- being involved
4 in just about all the environmental boards, one (1) of
5 the weakness I've seen was the lack of enforcement or
6 even inspection.

7 And where an agreement, like an
8 environmental agreement was in place, to -- to send
9 out federal inspectors at that time, now it'll be
10 territorial, the inadequacy of the amount and funding
11 did not really allow the enforcements of non-
12 compliance. And so I want to say to the -- the Board
13 on record that that isn't a concern for me, and maybe,
14 then, it can be addressed.

15 So I just wanted -- just wanting to say
16 that. And lastly, I just want to -- just to --
17 because I forgot and I feel embarrassed, yesterday was
18 my daughter Stephanie's (phonetic) birthday and I just
19 wanted to say belated birthday to her as a mother.
20 That's all I have to say. Masi.

21

22 (BRIEF PAUSE)

23

24 THE CHAIRPERSON: Masi cho, Florence.

25 Our next speaker is Angie Lantz. Angie...?

1 (BRIEF PAUSE)

2

3 ELDER ANGIE LANTZ: My name is Angie
4 Lantz, nee Lockhart. As you can see, my grandfather's
5 picture is up there. He's been one (1) of the very
6 influential, and hereditary chief for many years. And
7 I was raised by my grandfather and my grandmother. So
8 I've learned a lot from them.

9 Like our young friend Roger Catholique
10 had said, We learn many things from our grandparents,
11 because they have lived off the land and the land that
12 they respected, because they know they have to make
13 the livelihood from the land.

14 I just want to give you a little
15 chronological information. I've been away from the
16 community due to education employment. I've been in -
17 - back in the community since 1993. During that time,
18 until about mid-'90s or later, I have seen many, many
19 caribou in the bay, and also out in the lake, Tomato
20 Island or beyond, Pearson Point and beyond. I have
21 even seen caribou walk up the street in the community
22 to the hill.

23 I've even seen a caribou eating grass
24 by Mike Maud and May Rose Casoy's (phonetic) place,
25 which is about halfway to the hill. Sometimes we get

1 people that come in that are new to the community.
2 They say, Oh, there's caribou in the bay. And we're,
3 Yes. Yes, we know. Because we see it almost on a
4 daily basis.

5 For many years, when I came back to the
6 community in 1993, I initiated the Justice Committee,
7 because I knew there was a need to restore harmony.
8 There was a need to restore what land has to offer.
9 And we have to walk in two (2) worlds, the traditional
10 way of life, and also what's out there. A modern way
11 of living. Since then, with -- I've managed to find
12 funding from many departments within the GNWT, as well
13 as private organizations.

14 We've taken kids out -- out on the
15 land. Initially, for the first few years, we took
16 them to as close as Austin Lake. Why? Because
17 there's caribou there. We wanted to teach the kids --
18 the Elders wanted to teach the kids, so that they can
19 respect the land, respect the animals, respect the --
20 the water, respect things that provide sustainability
21 to Lutsel K'e Dene.

22 We used to have caribou over at Gagnon
23 Lake, Nunalawtwe (phonetic), McDonald Lake, and even
24 in -- in the -- in front of us. Over the years, it
25 started about 2000, 2001, around there, maybe earlier,

1 that we just started to notice decline of the presence
2 of caribou around our area. Despite that, we have
3 managed to find funding to take on the land programs
4 to places like Timber Bay, Artillery Lake, and beyond.
5 It's getting to the point where we have to go beyond
6 Artillery Lake to get our cache and harvesting our
7 caribou.

8 Caribou is the livelihood of this
9 community. Not only that, it's also an -- an time
10 where we can enhance the use of our own Chipewyan
11 language. Our language and our culture is the essence
12 of who we are as Lutsel K'e Dene. It's getting to the
13 point where -- I'll give you an example. When we came
14 -- when I came back to the community in 1993, gas was
15 about twenty dollars (\$20) a jerrycan. Today, it's
16 double the amount. You're looking at about forty-
17 seven (47), forty-eight dollars (\$48) a jerrycan. So
18 you can figure that out, how much it would cost us to
19 go out and get our -- our -- to harvest our caribou.

20 We have to buy gas. Oil used to be
21 five dollars (\$5). We're looking at fifteen dollars
22 (\$15) for oil. So you need to take about three (3) or
23 four (4) oil. That's a lot of money. I estimated
24 that in the earlier years, it would cost us about a
25 hundred and fifty dollars (\$150) to go get our

1 caribou. Today it's over six hundred dollars (\$600).

2 Sometimes when we're out there, we
3 don't have -- we haven't -- don't see caribou. So
4 we've used up that six hundred dollars (\$600). But
5 sometimes when we're lucky, we can find one (1) or two
6 (2) caribou. We know when you take the caribou, you
7 look at how -- the amount of meat that it would
8 provide, the amount of clothing that it would provide,
9 the amount of economi -- economics that it would
10 provide. Because we make -- make something out of it,
11 either slippers or something. Because we have to
12 cover our cost. It doesn't make sense.

13 As you know, in this community, there's
14 a lot of illnesses. Why? Because in the last so many
15 years we have to eat con -- store bought food. It
16 doesn't sit well with us.

17 I remember some years ago I used to --
18 I sat on many committees, such as the Akaitcho
19 Screening Board, the IBAPA (phonetic) Committee. I
20 was, at one (1) time, wildlife land environment
21 technician. I deal with all kinds of permits that
22 were coming in, and also a leader at one time. I've
23 sat on many boards, including making appointments to
24 the -- such as Territorial Court, JPs, Judicial
25 Appointments Board which I was nominated by Federal

1 Canada -- Federal Department of Justice.

2 The other -- those are the things that
3 has affected this community. In a long -- what I want
4 to say is that we have lost out so much already. I
5 remember an Elder, JB Rabesca. He's now left us. But
6 he left us with a lot of traditional knowledge. He
7 was sitting back here. And he said, One day this
8 community is going to cry. We sat there for a while
9 trying to figure out, you know, what he's going to say
10 next. He said, One day this community is going to cry
11 because the caribou is not going to be around.

12 Before that he said: This community
13 should prepare yourself because one (1) day our
14 caribou is going to disappear. You need to talk about
15 the caribou now.

16 At that time, I was around when Ekati,
17 BHP, now Dominion came in, had hearings, public
18 information sessions. And many of our people used to
19 say, The caribou is going to leave us. Why is the
20 caribou going to leave us? Because there will be too
21 much noise, too much activity out in the land.

22 I remember a caribou biologist says,
23 Oh, no, what's happening out there during exploration
24 in mine development is going to not affect us. She
25 blamed the -- the lodges and the harvest activities

1 and the predators. And we were sitting back there.
2 And we asked -- and we were talking amongst ourselves,
3 and we fo -- I found that hard to believe and we found
4 that hard to believe, that GNWT, a caribou biologist,
5 would make that kind of a statement.

6 When I came back in 1993, I used to go
7 out with -- on the land program using machines, a
8 skidoo. And I learned quite a bit from the Elders and
9 the hunters. Noise travel long distance, and it's
10 also quite loud. And based on their traditional
11 knowledge -- and they know what they're talking about.
12 They've held that traditional knowledge information
13 for years and years and it's passed on from generation
14 to generation. And based on that, we knew that the
15 caribou would be impacted severely.

16 Today we have been impacted severely,
17 not only on intake of our country food, but also as
18 Lutsel K'e Dene. I've been here since 1993. That's a
19 long time. And I'm sixty-six (66) years old. I just
20 turned sixty-six (66) on September 3. And I'm proud
21 to say that I'm a Lutsel K'e Dene.

22 I've learned a lot from this community
23 since 1993. And I find that when the caribou was
24 getting further and further away, that people were
25 unhappy. People are beginning to behave differently.

1 We haven't been good to one another. But when there's
2 caribou and when there's a community hunt and if
3 there's any moose being gotten, harvested in the
4 community, people are happy.

5 Okay. The other one (1) -- the other
6 thing that I wanted to talk about is the open pit.
7 Somebody had touched up on climate change. One (1) of
8 the things that I wanted to ask is, Jay pipe, there's
9 going to be an open pit. There's going to be a dike
10 around -- dike around it so water won't get in.

11 Because of the climate change and
12 because of the hole that's going to be developed,
13 there would be a distum -- disturbance to the
14 permafrost. Because there would be a disturbance,
15 after the mi -- the mine is closed, you put water in
16 there, there has to be something going on with the
17 permafrost.

18 We had asked that question to one (1)
19 of our people that work for us. And I just want to
20 know if any studies have been done on that one with --
21 once the permafrost is disturbed, something has to
22 give. There has to be some seepage somewhere.

23 One (1) of the Elders had gone to three
24 (3) different mines just to check around. And what
25 they've noticed is that the caribou is not migrating

1 to where they're supposed to, the few that they've
2 seen. The caribou is migrating west and north for
3 that time of the year.

4 And I understand that there's quite --
5 been quite a few of -- no, there's an overabundance of
6 caribou around Ellesmere Island. Why is that? Is
7 that normal?

8 Regarding the dike, what the -- what
9 information or what research or what studies has DDEC
10 have regarding the composition of the pit after it's
11 closed, after the water's back in there? Is there any
12 supporting research to say that everything is going to
13 go back to normal the way it's supposed to, or they're
14 just saying, Well, this is information that we have?

15 Just like our friend Peter said, they -
16 - they made a comparison to this mine and to other
17 mines. Well, the other mines are -- are all on land,
18 but this one is in water. And they're going to breach
19 the dike.

20 Air quality, meromixis. I'm really
21 worried about that air quality because they compare it
22 to World Health Organization ambient -- ambient air
23 quality standards. It kind of makes me wonder if
24 that's -- if that's a good thing to have is to have
25 such a -- an increase in -- in the standards in the --

1 for the NWT?

2 The other one that I wanted to say is
3 that Lutsel K'e Dene rely very, very much on the
4 caribou. Because we rely so much on the caribou that
5 this community has tried to commit -- convince the
6 Federal government why there's a real need for a
7 Thaidene Dene park reserve so that we can try to
8 protect the water and everything else that we hold
9 dear such as the caribou.

10 Despite our efforts, we're still
11 meeting a lot of obstacles. I think we've
12 demonstrated there's a real need to protect what
13 provides us with -- with food and everything else
14 including spirituality and including respect for land,
15 respect for all the wildlife, water, and air.

16 I just -- the other one, too, is that
17 during the presentation, DDEC -- DDEC -- Dominion
18 Diamonds claims continuation of IBA. Lutsel K'e has
19 requested a new IBA for Jay pipe. It doesn't seem to
20 say much about them wanting to work with us or
21 cooperate or continuation of IBA. I think they're
22 only talking about the existing IBA that the
23 communities have with them.

24 The other thing that was mentioned by
25 some of the elders is that there are some years way

1 back where the caribou was not seen, but it hasn't
2 been this long. It may not have been seen for one (1)
3 or two (2) years, but this is a bit much since 2000,
4 at least now 2015. Plus it's been too long for -- for
5 -- to support that docum -- that statement by the
6 elders.

7 That's all I wanted to say. Masi cho.

8 THE CHAIRPERSON: Okay. Masi, Angie.
9 Would Dominion like to respond to some of the
10 questions?

11 MR. RICHARD BARGERY: Richard Bargery,
12 with Dominion Diamond. I'll -- I'll respond, Angie,
13 to a couple of your questions and -- and Elliot will
14 respond to a couple of specific ones about the -- the
15 mine -- the mine plan.

16 With respect to caribou, we certainly
17 understand the importance of it. As -- you know, as
18 Elliot pointed out at the -- at the start, we're a
19 northern company with people that live here, so we
20 understand the importance of caribou to the -- to the
21 people of the North and -- and to the people of Lutsel
22 K'e.

23 What we said on Tuesday when we had the
24 caribou session is that irrespective of the project,
25 we -- we don't think the project is -- will have a

1 larg -- a very large impact. We think we have a very
2 small impact on caribou and I think that that -- that
3 was generally agreed to by many in the room on Tuesday
4 when we talked about caribou, including IEMA.

5 But regardless of that point, we're
6 going to try to make -- we would make this project as
7 -- as caribou friendly as possible so there's little
8 impacts on -- on caribou that -- that when they move
9 through that site and we've been working on a plan for
10 how to do that with the communities and other parties
11 to the Environmental Assessment process and we've got
12 a road plan in place that we think is -- you know, we
13 think our practices today are world class and we think
14 they'll be even better in the future.

15 But on top of that, we've also agreed
16 to -- we'll call it -- we'll call it what Peter called
17 it, I think, in his presentation, offsetting for any
18 impacts on caribou or to do things -- other things
19 such as research to help understand what's happening
20 with the herd and to -- and to try to address that.

21 And we're going to meet -- we've
22 arranged a meeting on October 1st in Yellowknife with
23 -- with all the communities, with IEMA, to talk about
24 those kinds of things and the things that we can do to
25 address that. So we do recognize the importance of

1 that and -- and as a -- you know, as a northern
2 company we're more than willing to -- to do our part
3 to try to address the issue.

4 The other issue I -- I just want to
5 talk a little bit about is the impact benefit
6 agreement. So, I mean, just a little bit of
7 background from our perspective on this and -- and why
8 we've taken the approach that we've taken on -- on
9 impact benefit agreements. When we took over -- when
10 we purchased Ekati in 2013, we agreed to -- to live up
11 to all the obligations that BHP had before and all the
12 agreements including the socio-economic agreement, the
13 environmental agreement that we have that establishes
14 IEMA, those kinds of things, but also the impact
15 benefit agreements, but it's a complex thing.

16 It's not just Lutsel K'e. We have four
17 (4) IBA agreements. We have an IBA agreement with
18 Akaitcho that includes Yellowknives and Lutsel K'e.
19 We have an IBA agreement with the Tlicho Government
20 that involves four (4) communities. We have an IBA
21 agreement with North Slave Metis Alliance. We have an
22 IBA agreement with the Hamlet of Kugluktuk and
23 Kitikmeot Association. So we have many agreements and
24 we want to make sure -- and people want different
25 things over and above, or in addition, or different

1 from the IBA.

2 So the approach that we took rather
3 than try to renegotiate agreements that -- that are
4 legally binding was to say to communities, How can we
5 work together on things in addition to the IBA that
6 you're interested in that we can support? And it was
7 different in -- in every instance. You know, whether
8 it's community or an organization that we were dealing
9 with.

10 And for Lutsel K'e we've been dealing
11 with, I think, in -- fairly -- fairly well on a number
12 of things. We've talked about how Dominion will
13 support a large infrastructure legacy project in town.
14 We talked about how Dominion can support the community
15 in the development of a youth centre.

16 We've done recently, as Bob's
17 indicated, you know, another traditional knowledge
18 project with the community. It's not -- not completed
19 yet, the contribution review, but that will be done
20 relatively shortly. Part of that was a car -- caribou
21 monitoring program, so the community can monitor hunts
22 that occur in their area by other groups.

23 Just recently, in the last little
24 while, we've supported a hunt, you know, coming up in
25 the next -- the next few weeks. So we are trying to

1 do things over and above the IBA that the community
2 wants without having to deal with the -- the issues of
3 -- of renegotiation of the IBA, which are different
4 for each -- for each of the agreements that we have.

5 So that's the -- that's the kind of
6 issues that we're trying to deal with as a -- as a
7 company, to try to meet what the communities are
8 asking us for, but respect the agreements that we
9 have. I'm going to turn it over to Elliot, who you
10 had some specific questions about meromixis and -- and
11 air quality that -- that Elliot will -- will answer.
12 Thank you.

13 MR. ELLIOT HOLLAND: Thanks, Rick.
14 This is Elliot Holland, for Dominion Diamond.

15 With respect to -- to your question on
16 -- on water quality, we -- you know, we've had a -- a
17 number of discussions already today, and -- and
18 earlier this week on -- on our Water Management Plan
19 and -- and the subject of meromixis and -- and why we
20 believe that our -- our Water Management Plan is
21 sound.

22 With respect to your question of
23 studies, you know, as part of the environmental
24 assessment process we've run a significant number of
25 studies. We're talking about, I think at this stage,

1 eight (8) different cases of things that could happen
2 in response to requests from -- from government, from
3 the monitoring agency, from the Board itself. We've
4 looked at this in different ways. What if the -- if
5 it's the salt is more than we think. What if it's
6 less than we think? What if there's almost biblical
7 wind storms that pass through the area.

8 It's probably been one (1) of the most
9 studied questions in -- in this environmental
10 assessment, or in -- in any environmental assessment.
11 We believe that this is -- is -- has been -- been
12 studied at -- at great detail. But we understand that
13 it's -- it's still a concern. What we'd say is, you
14 know, this isn't the -- the end of -- of that process.
15 As -- as John Donihee mentioned this is the -- the
16 beginning of -- of the regulatory process.

17 The next step, if -- if the Board
18 chooses to -- to let us go there, would -- would be a
19 -- a detailed regulatory process around our water
20 licence. The Wek'eezhii Land and Water Board has a
21 mandate to -- to review in detail questions such as
22 water management strategy. It has the ability to
23 retain independent expertise in specific areas. And -
24 - and we think that process will provide the
25 appropriate additional scrutiny for our water

1 management strategy, and to confirm the -- the raft of
2 -- of studies and predictions that we've already made.

3 One (1) final point on -- on the park,
4 because you did mention that. We've -- we've had
5 discussions with -- with Chief Lockhart, with the
6 Council, and -- over the past -- I think this is --
7 this predates my time with Dominion, but over the past
8 couple of years. I understand we've looked at Lutsel
9 K'e's economic and development strategy, and its --
10 its community development strategy. And -- and we
11 understand that the park is one (1) big pillar of
12 that.

13 We -- we can't speak for -- for exactly
14 what the community's priorities are. We're -- we're
15 here to listen. You know, if the -- if the community
16 sees infrastructure supporting the park as a priority,
17 we -- we've said a number of times that we'd be ready
18 and willing to make a -- a significant contribution to
19 that. If the community thinks that's not the priority
20 and there's other things that -- that need to be done
21 first, we'll -- we'll do that in -- instead.

22 In that process what we've heard from
23 the community is that the development corp led by Ron
24 Bartlet (phonetic) is the main group that's advancing
25 that, so we've worked with -- with Ron to -- to

1 understand what the different priorities are. And
2 we're -- we're really in a -- in a waiting and -- and
3 listening mode to understand what -- what the
4 priorities are and -- and how the community wants to
5 proceed with the -- with park infrastructure or other
6 things.

7 So that's what I'll -- what I can say
8 at this point on -- on that file. Thank you.

9 ELDER ANGIE LANTZ: I didn't hear
10 anything about any studies or research being done on
11 how the permafrost is going to be disturbed and what
12 happens after it's been exposed to climate changes or
13 warm air. And the other one, too -- the other thing I
14 wanted to say was, like our young friend, Roger, says,
15 keeping caribou and having a clean environment
16 outweighs jobs. Masi.

17 MR. ELLIOT HOLLAND: Thanks. Elliot
18 Holland, for Dominion. The -- the permafrost is a
19 little more specialized, so I'll ask friends from
20 Golder to jump in on that one.

21 On the -- on the -- I think, the waste
22 rock question that you mentioned, as I said in -- in
23 response to a question from Florence, the waste rock
24 storage area, we understand it's a very large piece of
25 infrastructure. It is in a -- an area which is

1 important for -- for caribou migration. So the -- the
2 important thing to us is that we design it in such a
3 way that the caribou that -- that do choose to use
4 that area are able to get onto the pile and off of the
5 pile safely.

6 And where there's opportunities to do
7 research into -- into vegetation options or -- or
8 other design options, we're -- we're already starting
9 that work. And -- and that'll be a discussion that --
10 that we have as we -- as we refine the -- the closure
11 plans and the design plans for the pile.

12 With respect to the permafrost, let me
13 tur -- turn it over.

14 MR. JOHN FAITHFUL: Madam Chair, it's
15 John Faithful. Hello, Angie. With respect to -- to
16 permafrost and its -- and its potential effe --
17 effects to the pits, Elliot talked, and -- and Peter
18 this morning, as well, talked about how the pits are
19 going -- what the closure objectives for the pits are
20 going to be, and that is the less salty water on the
21 top and the isolated more salty water, the heavier
22 water at the bottom of the pits.

23 With -- with respect to permafrost
24 changing, with climate change and things getting
25 warmer, it actually benefits the way that the closure

1 objectives are -- are trying to be obtained. And
2 that's -- and that's going to result in more natural
3 fresh water being available that will effectively
4 remain on the surface of the water.

5 So with respect to climate change,
6 which is something that occurs -- or is predicted to
7 occur relatively slowly, it will result in more
8 natural freshwater being available at the surface,
9 which then results in the same condition being --
10 being reached, which is what we're -- what -- which is
11 what we're aiming for, and that is high -- lots of
12 less salty water on the top that keeps that more salty
13 water at the bottom of the pits.

14 ELDER ANGIE LANTZ: Thank you.

15 THE CHAIRPERSON: Masi, Angie. Our
16 next speaker is a youth, and his name is Eric Marlowe.

17

18 (BRIEF PAUSE)

19

20 MR. ERIC MARLOWE: Just play it all.

21 All right. This is a presentation on how -- the
22 people that used to drum dance, and they still do, but
23 I don't know what happened to everybody else that
24 drums.

25

1 (VIDEO PLAYED)

2

3 THE CHAIRPERSON: I'm just not sure,
4 Eric. Is there more to the presentation? Did you
5 want to say a few words? Okay. Just state your name
6 before you speak.

7 MR. ERIC MARLOWE: My name is Eric
8 Marlowe, and, mixed or not, it's not safe. I just had
9 a thought on what's going on to hap -- to happen to
10 the caribou if we keep on enforcing the expand of the
11 mines.

12 We're going to starve if this happens
13 in the past or if it never even happened yet. We are
14 the voice and the protectors of this land, and we sto
15 -- stands together. We are one as Dene Denine
16 (phonetic). Only you can fix your own problems. No
17 one else. That's all I've got to say.

18 THE CHAIRPERSON: Masi. Thank you,
19 Eric. Our next speaker is Dahcho Pool.

20

21 (BRIEF PAUSE)

22

23 MR. ERIC DAHCHO POOL CATHOLIQUE: My
24 name is Eric Dahcho Pool Catholique, and I am here
25 today to speak and talk about the Jay Project. And I

1 speak on behalf of all the youth that couldn't come or
2 make it today. And I came to a meeting like this in
3 2014, and I spoke and said that I didn't want this pit
4 and project to happen. So I came to say no, that I
5 don't want this Jay Project to go ahead, because we
6 are talking about my future, and not just mine. All
7 the youths' future, and even our kids' kids' future.

8 Because I don't want to grow up
9 remembering hunting not too far from here, because the
10 caribou have to find a new way to get around the
11 mines. And I don't want to travel further just to go
12 hunting, because I grew up hearing stories when the
13 caribou came around and you could just go out towards
14 the bay and shoot caribou.

15 And people were happy, because back in
16 the day, you didn't have to travel far to get caribou.
17 And I don't want to grow up knowing my kids and their
18 kids can't go hunting, because the caribou are gone or
19 just further away. Because, like I said, I am a
20 youth, and you're talking about our future. And I
21 want my kids and their kids, and even their kids to
22 grow up hunting and fishing with fresh, clean caribou
23 and fish.

24 But I know if this project goes ahead,
25 some things are going to change because of the giant

1 hole you're going to put in that lake. And the fact
2 that you're saying the water is not going to mix, and
3 if it does, we have a lot more on stake here. And I'm
4 not going to just stand by and watch. That's why I'm
5 here today. Because there's too much at risk. And
6 today I woke up and told myself the saying I'll always
7 remember:

8 "As long as the sun shines, and the
9 rivers flow, and the grass grows,
10 I'll be here to protect my land."

11 And every morning I look outside my
12 window and stare past my backyard, look past the
13 beautiful trees that are tall or small, thick or thin,
14 past all of it, and stare at the lake where the river
15 flows and the crystal clear lake goes. And where the
16 tall trees grow, and above it where the sun shines
17 brightest, above all Dene people that are happy.

18 And I am happy for everything that was
19 put in front of me, every piece of traditional
20 knowledge that I learned, and everything from my
21 family that my family taught me and told me. I thank
22 them and am happy. And I want to pass it all down to
23 my kids and their kids, so they could be happy, too.
24 But if this project goes through, I will not be happy.

25 And I am saying with all my heart, and

1 for the youth of the future, that we don't want this
2 Jay Project to -- to pass. For all future generations
3 to come, I am a descendent of Jonas Catholique, Eric
4 Dahcho Catholique. Thank you for your time. Have a
5 safe ride home. Masi cho.

6 THE CHAIRPERSON: Thank you. Thank
7 you and masi for your comments. The next speaker we
8 have on the list is Gloria Enzoë.

9

10 (BRIEF PAUSE)

11

12 MS. GLORIA ENZOË: I want to thank you
13 for coming today to listen to us, to take time out of
14 your day on a weekend to fly to the community that we
15 call home, here. My name's Gloria Enzoë. My late
16 mother is Liza Enzoë. My late father is Billy Enzoë.
17 I come here today to honour them and my grandparents.
18 I have three (3) children of my own, all boys.

19 I was gifted this feather by the
20 Tlingit (phonetic) Nation in the Yukon by a bunch of
21 elderly women that showed me much love. They knew I
22 had a journey in front of me. They knew that in my
23 journey I would need help, and this is why the feather
24 is with me today.

25 Like many people spoke before me, I

1 speak for the same things. I speak for the water that
2 you drink. I speak for the air that you breath. I
3 speak for the animals. I speak for the sun, for the
4 moon. And most importantly, what I grew up being
5 taught, I speak for plants and trees because the plant
6 and trees are living. They drink the water like we
7 do. They need the air to breathe like we do. They
8 need the sun to shine on them.

9 When you guys talk about the Jay pipe,
10 it's a big project, bigger than I thought it was. I
11 see the pictures. My heart cries for that water and
12 the fish. We're very passionate people here because
13 we live with the land. We're one (1) with the land.

14 Like Florence had mentioned, my mom,
15 the land is your safeguard. Anywhere I travel I will
16 always be safe, and that's what she taught me. So
17 anywhere that I go I don't -- don't feel like I'm in
18 danger. So when you guys come talk about our
19 traditional territory, you're talking about our home
20 that we feel safe in.

21 And your plans are disrupting our home.
22 It's disrupting the caribou. We are a caribou people
23 here. The other day, I had kids at my house and it
24 just so happened I was digging in my freezer and I
25 found caribou tongue. And, boy, those kids were

1 happy. I didn't eat it because I know that is a gift.
2 And for me to share that gift with those kids made me
3 happy. And this is where it hurts to know that. And
4 I gave them that gift to know that we're in trouble.
5 We're in trouble here. We're in big trouble.

6 The caribou are in big trouble. We
7 ripped away their home from them. They're displaced
8 and don't know what to do. And when they feel like
9 that, I feel like that, too. You listen to Roger and
10 all that he was able to share with you touched your
11 heart just like it touched mine. It made me miss
12 being young. I miss all those elders in the picture
13 frames. I miss them all with all my heart.

14 Today we struggle in this community.
15 You guys come to rich people here. We're rich in our
16 heart and we're rich in our culture and our
17 traditions, and our spirituality (OTHER LANGUAGE
18 SPOKEN). But it's like -- it's like we've been
19 fighting for how many years since the diamond mine
20 came. And it's like we fight all the time.

21 You know, I was just a young girl and
22 they introduced diamonds and the mines and they
23 promised, You'll live a good life. You'll -- you'll
24 be rich and abundant and -- and community wealth.
25 Everybody will be happy. It's not like that. It's

1 not like that.

2 Social problems are escalating. Our
3 elders are passing. For me it's the social problems
4 that -- that drive me. How do we address those? I
5 say no to Jay pipe. The money that we have now, is it
6 helping us? You know, you mentioned infrastructure.
7 Sure, we need lots of infrastructure, but it's -- it's
8 like it's dictated to us how that infrastructure
9 should go and how it should be planned.

10 We'll only help you, if, you know.
11 It's always -- it's always like that. I'm tired of my
12 people suffering. Education is a problem. Our -- our
13 social deliverance programs in the -- in the community
14 through health and social services is a problem. How
15 do you address all those?

16 And the reason why I'm sitting here is
17 because when do we say it's enough and the balance --
18 we need to balance out now. When do we say it's
19 enough? You know, I was sitting outside waiting for
20 my son to deliver my feather and someone mentioned to
21 me, Yeah, they say only twenty (20) years for life.
22 The mine will only go for twenty (20) years. That's a
23 lie.

24 Because they'll put more life to that
25 mine, and that's true, because we see it happen. And

1 when I look at that and I see, Okay, you guys had one
2 (1) block, you guys had a claim, now you want a Jay
3 pipe way over there, just like it was part of that
4 claim to begin with. It doesn't make sense to me.

5 We are even conflicted here. People
6 want jobs. People want that promise that was promised
7 to them. We're not miners here. We didn't grow up
8 mining. We grew up with the birds chirping in the
9 morning. We grew up making teas for our grannies and
10 grandpas. We grew up getting rotten wood so we could
11 smoke hides. We grew up chicken nuts (phonetic)
12 making dry fish. We grew up being taught many stories
13 of caribou.

14 Our ancestors look down upon us from up
15 above to give us strength when that sun shines on our
16 face. When that water -- when it rains, it's a
17 blessing.

18 As a mother of three (3) boys, as a
19 Lutsel K'e Dene First Nation, as a daughter that
20 honours her parents, I say no to Jay pipe. I'm here
21 to voice that. And the reason why I voice that is
22 because (OTHER LANGUAGE SPOKEN). What I said is, For
23 the future of your grandchildren to live a good life.

24 We've taken so much away already. If
25 we continue to have more development, then we're

1 killing the caribou. We're doing it. And it's sad
2 because I'm sitting here and I didn't say yes. I
3 didn't say yes. I said no. And you know what? If it
4 does go on, if it does go ahead, what does it do to me
5 mentally and physically, emotionally as a person?

6 You have to think about those things
7 because us here in the community that is small,
8 isolated, we voice our concerns, we voice it, we voice
9 it, we voice it, and things keep going. They keep
10 happening. So you have to think about what you're
11 doing to us as individuals. Everybody has to think
12 about it.

13 We lost a lot of things being
14 colonized. What happening -- what happened to our
15 honouring systems for young people? We always say for
16 the youth, for the young. It's time that we listened
17 to them.

18 So I came here to speak for my Coleman
19 (phonetic), for my Cameron (phonetic), and for my Levi
20 (phonetic), for their future, because when you grow --
21 or when you raise young boys to become men, we raise
22 people -- we raise those boys to become men, to be
23 leaders, to take care of their families.

24 And if we take away even the glimpse of
25 losing caribou, we take -- taken away part of their

1 responsibility to take care of their own. And I don't
2 want to put that struggle on them. As a mother, I
3 don't want to put struggle on them because the
4 struggle was put on me. And how I feel now, they
5 don't deserve it. So with that, thank you.

6 THE CHAIRPERSON: Masi, Gloria. Thank
7 you for your comments.

8 I'm not sure if I'm going to say this
9 right, like, for the next name. But it might be
10 Darren (sic) Marlowe. I have a hard time to read the
11 writing on some of them. My apologies for your -- if
12 I'm not saying your name right.

13

14 (BRIEF PAUSE)

15

16 MR. DARRYL MARLOWE: Hello. My name
17 is Darryl Marlowe. I'm from Lutsel K'e First De --
18 Dene First Nation. I'd like to say -- I'd like to say
19 what -- what the -- what's going to happen if you guys
20 go with Jay pipe. Like they say, that's a big body of
21 water that's very, very large. So if you guys, in the
22 end, at closure time, they say that salt will sink to
23 the bottom. For me, I don't believe that.

24 That water is sacred. And you guys all
25 know that. To live long, you need good water, to live

1 long. But the -- the mines are jeopardizing that for
2 us, for all of us. Not only us Dene people. For all
3 people in the -- that depend on water. And -- but you
4 guys put that salt in the water, I'll take that salt
5 and I'll put it in a cup for you guys and put it in
6 front of you. You think you guys would drink it? You
7 guys would never drink it. If you guys can't drink
8 it, neither can we.

9 The caribou depend on the water, where
10 you guys want to mine Jay pipe. And my father told me
11 one time, he said -- my father told me how caribou get
12 along when they travel. The caribou smell their
13 trail. Now, today there is -- there are mines now.
14 It's getting harder for them to smell their trail
15 because of mine activity.

16 And I think because of the pollution.
17 The haul trucks, pickups, and other mobile equipment
18 give off carbon monoxide, and that can travel for --
19 for a distance -- far distance and fall on the trail
20 where caribou depend on. The carbon monoxide goes on
21 the trail, the caribou don't know it's the trail,
22 because it's polluted.

23 And they say the -- us Dene are over-
24 hunting. I don't think it's that's -- it's not the
25 case. I believe that it's the mining pollution, the

1 noise pollution of the mines. And -- and it's very
2 sad that the caribou decline in the future. If the
3 caribou die, what's going to happen us -- to us Dene
4 people? We're going to starve, because caribou is no
5 more.

6 I don't want to go in the grocery store
7 and shoot my steak. It's impossible. Hey, I enjoyed
8 going hunting on the land, because the caribou are
9 very healthy. If the caribou are healthy, we are
10 healthy. And, like, if the guys go through with the
11 Jay pipe, like, you guys promise an opportunity to
12 work. But I don't see that happening in the future,
13 because most of our youth depend on -- depend on us to
14 det -- to teach them traditional knowledge.

15 Without the caribou, how can we drum,
16 play hand games, and drum for our people with no hide?
17 Because I'm a drummer myself and hand game player,
18 because we depend on the hides, the caribou hide,
19 because the drum brings our people together. And I
20 know you guys obviously know that, because you've been
21 to Behchoko, all the communities. They say the same
22 thing.

23 I know that some of the Behchoko people
24 don't -- that don't agree what you guys want to do,
25 because the caribou is very important. There -- if

1 there's a impact on caribou, there's always the impact
2 on us Dene people.

3

4 (BRIEF PAUSE)

5

6 MR. DARRYL MARLOWE: Our ancestors
7 lived long because the land was good, plenty of
8 caribou and food. There's a lot of moose. The main
9 concern for me is the caribou.

10 In the past, when we used to go to our
11 barren lands, Artillery Lake, when I was young, oh,
12 there's lots of caribou everywhere. Everywhere right
13 around the lake there was caribou, you don't have to
14 go far, you don't have to walk far.

15 Now, today we go hunting, oh, we got to
16 walk far just to kill caribou. There's one (1) mine,
17 De Beers is closer to Artillery Lake. And I believe
18 that that's chasing the caribou away from Artillery
19 Lake, and that lake we depend on. We go there from --
20 in the wintertime.

21 Like Angie said, it's pretty -- it's
22 pretty expensive for gas today, maybe two thousand
23 dollars (\$2,000) just to go hunting one (1) time.
24 Mind you, you could do it six (6) times over ten (10)
25 grand.

1 And say you guys put that salt in the
2 water and say if it mixes, I don't think the caribou
3 would drink it because the caribou know it's no good,
4 so they'd have to go farther, somewhere else, to get
5 fresh water, maybe be, like, far from us, hard to get
6 to.

7 'Cause my dad, my father, he was --
8 he's a hunter. He told me a lot of stories about
9 caribou. He said caribou are very, very unique to us,
10 they're very smart. And he thinks that they're the
11 far smartest animal on this planet. For me, I believe
12 my dad, and I believe the Elders before him. The used
13 to tell him stories.

14 For that -- where is BHP now? I heard
15 Elders used to go there to hunt white fox, trap white
16 fox in the past. And today, do you think we can go
17 there and hunt white fox or trap other animals? It's
18 going to be pretty hard 'cause there's no animals
19 there. It's too noisy. It's -- all the mobile
20 equipment give out pollution, like carbon monoxide.
21 Where it settles? It settles far distance in -- into
22 the land. I used to work for BHP in the past. I was
23 a haul truck driver. And I seen all the exhaust in
24 the distance look yellow, don't look good to me.

25 And the caribou depend on lichen. If

1 the lichen's polluted, how can the caribou con --
2 sustain life for us? It's going to be pretty hard for
3 us to sus -- pretty hard for us.

4 I speak for my people of Lutsel K'e
5 because I love my people. I want to see them do good.
6 Because when we hunt together, even though we're not
7 relatives or friends, we take care of each other.
8 That -- that had continued for thousands of years and
9 it's going to continue for a thousand more years.

10 Yeah, I speak for -- on behalf of my
11 people. I speak for -- I speak for the youth. Some
12 of them are not here today.

13 I got a best friend. He's a good
14 hunter. He tells me stories when I go visit him. He
15 says is it ever nice out there, and it's quiet. But
16 he told me, the caribou, we have to protect it as long
17 as you can. Like I said, caribou die off. And it's
18 going to pretty -- pretty -- us hard -- it's going to
19 be hard for us Dene people to live. Not only us
20 Lutsel K'e First Nation, all the First Nations are
21 concerned about what -- about Jay pipe, concerned
22 about the land.

23 Me, I love my land. I protect it as
24 long as can, as long as I live. And that's all I have
25 to say. I'd like to say thank you for Mackenzie

1 Valley Review Board coming here and Dominion Diamonds.
2 And -- and I'll pray for you guys to have a safe trip
3 home today. Masi cho.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: Masi for your
8 comments. Masi.

9 We have one (1) set of speakers before
10 we break for supper. And I would like to ask Valadee
11 Lockhart and Faith Lantz to the table.

12

13 (BRIEF PAUSE)

14

15 MS. CHYANNA CATHOLIQUE: Hi. My
16 name's Chyanna Catholique. I strongly believe if you
17 disturb the land or water it will never be the same
18 anymore, and I am scared for my future and my
19 grandchildren who are to come. I want them to have
20 this beautiful land and everything on it. Please
21 don't ruin my land.

22 Thanks for listening to me. I
23 appreciate it. Masi cho.

24 MS. VALADEE LOCKHART: Hello. I'm
25 Valadee Lockhart, and I'm twelve (12) years old and

1 I'm a Lutsel K'e Dene First Nation member. I disagree
2 with the Jay Project because of the caribou, fish,
3 fresh water will be destroyed. Most importantly, you
4 will be destroying the caribou migration route. Our
5 ancestors lived off the land for hundreds of years.
6 We can't survive off the diamonds.

7 My friends and I last night talked
8 about some of the impacts that our people, our
9 community, and our neighbours will have to deal with.
10 When the caribou are migrating on their routes they
11 are going to hear sounds -- loud sounds. What do you
12 think the caribou will do, huh? They're probably
13 going to be scared and they will probably never come
14 back. That is what I am afraid of.

15 You've already did enough damage to our
16 lan -- land from the current mines. Why do you need
17 another project? Why?

18 Furthermore, I am concerned about the
19 rock pile that you are going to leave us. It will
20 pollute our water since it's right beside the edge of
21 the lake. The lake is connected to the Great Slave
22 Lake, so then it reaches our water. It's going to
23 pollute it. And twenty (20) years from now you guys
24 will be gone. We will still be here for hundreds of
25 years. So what's going to happen, our fish and our

1 water, it will be pol -- contaminated.

2 In the future when I'm older and ready
3 to have children, I want them to be able to eat our
4 traditional food and drink the fresh water that I'm
5 able to do today. I hope the Jay Project won't
6 happen. Masi cho.

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: Thank you for your
11 presentation, youth. Just before we break for supper
12 Peter would like to do a door prize. So those that
13 have tickets, get them ready.

14 MR. PETER UNGER: Thank you very much,
15 Madam Chair. Albert, would you please draw a ticket.

16

17 (BRIEF PAUSE)

18

19 MR. PETER UNGER: Thank you. The last
20 four (4) numbers of this ticket are 7927. Again,
21 7927).

22

23 (BRIEF PAUSE)

24

25 THE CHAIRPERSON: Congratulations to

1 the winner. We would now like to break for supper and
2 be back here at 6:30. One hour. Thank you.

3

4 --- Upon recessing at 5:35 p.m.

5 --- Upon resuming at 6:31 p.m.

6

7 THE CHAIRPERSON: Okay. If we could
8 reconvene the meeting -- the hearing, please. We would
9 like to call Cathy Marlowe to the table.

10 MS. CATHY MARLOWE: Hi. My name is
11 Cathy Marlowe. I'm a member of the Lutsel K'e Dene
12 First Nations. I'm up here today because I've been
13 following the -- when Ekati first came here, there was
14 a big -- there was a meeting that met with us and this
15 is before the mines came up.

16 And, well, they promise us they're going
17 to have jobs. There's going to be jobs for your
18 people. No, the caribou, there's -- nothing's going to
19 be wrong with the caribou. There's going to be nothing
20 wrong with anything.

21 As years went by, there is something
22 obviously wrong. You hear my people talking today
23 about the caribou. There is -- you know, like -- like
24 they said, our livelihood is caribou; that's where we -
25 - we eat from. We -- we don't have caribou, we don't

1 have food on our table. They mean so much to us. It's
2 just not an animal. It's a sacred animal that gives
3 its life for us for us to eat.

4 And you're -- and you're sitting there.
5 You're repeating yourself, what you said that many odd
6 years ago. And now you're -- you're still saying the
7 same thing. There's nothing wrong. You're blaming it
8 on other issues.

9 Our Elders back there, lots of them have
10 passed on. Some of them are leaders. They -- you
11 know, they had said that. It's going to happen. And
12 I'm sitting here today and I'm saying that on their
13 behalf. Now it's happening.

14 I -- you know, promises, promises,
15 promises. How many promises you going to give us and
16 break? Jobs. There's high unemployment in the
17 community. Two (2) people from this community have
18 jobs at Ekati Mine.

19 You told us how many odd years ago when
20 you sat down at the Band office and promised us all
21 these things? No, there are going to be jobs for you
22 people. Well, there's no jobs. Only two (2) people
23 out of this community are working at Ekati Mine.

24 And you want this Jay pipe. What are
25 you going to promise us now and break? You know it's

1 going to pollute us. I'm going to go back into a
2 little -- a little bit of history here, Giant Mine, for
3 instance.

4 Did they know that the chemicals that
5 they were using, arsenic, did they know that the -- did
6 they know that it was going to be a hazard, a health
7 hazard? They never told us. Only later that we knew
8 that -- that -- what arsenic can do to people. There's
9 enough arsenic at Giant Mine to kill the world two (2)
10 times over.

11 And you're telling me that there's going
12 to be no pollution, nothing, no damages or whatever?
13 You don't even know what chemicals you're putting in to
14 separate the diamonds and stuff like that. Maybe it's
15 twenty (20) years down the road a scientist might find
16 something wrong. There's something in the chemical
17 that's affecting us, affecting the animals, affecting
18 the air.

19 So, you know, when you -- you tell us
20 something, you -- you promise us something and then you
21 break it. I'm totally against Jay pipe. I've always
22 been against the diamond -- the diamond industry, the
23 mines, because it affects our people so much here in
24 the community, not -- maybe not only here.

25 But the social impact that you guys have

1 given to the Dene people is -- you can see it in this
2 community. There's lots of dysfunctional activities
3 that happen because of the social impact.

4 And my question is: Are -- what are you
5 going to do to promise us that there's going to be no
6 environmental damages, there's going to be nothing
7 wrong with the caribou? We already know that the
8 caribou -- there's less caribou. The fish.

9 It's gotten to be so bad you talk about
10 air qualities. There's no cranberries around here any
11 more. They used to be in abundance, now there's
12 nothing. It's -- even that is having an effect on the
13 -- the cranberries. You have to go way out to get
14 cranberries.

15 It hurts me to see my people going down
16 because of the diamond industry. Our -- the caribou we
17 can eat and live off for another hundreds of years, but
18 we can't eat diamonds. And it's obviously not -- you
19 guys are not going to, you know, take that diamond and
20 trade it and give us money so we can eat off it. No,
21 it can't happen because the money you give us now is
22 not enough to -- we barely make it from one year to the
23 other year, to the next year.

24 And there's government people here from
25 -- from education, employment, and whatever, and

1 tourism, as you mentioned earlier. I think it's time
2 that this community -- or we need help to get training
3 for some people in this community.

4 We need to have a social and a socio-
5 economic impact study in this community because there's
6 -- it's getting to the point here where something has
7 to be done. And I think, too, for my brothers and
8 sisters down in Fort Chipewyan and all the way up to
9 Slave Lake to the Mackenzie River.

10 Did these people -- did the oil industry
11 people tell these people that -- what the effects
12 that's going to happen? No, they didn't. All --
13 everything's going to be okay. Now it's the damages is
14 done. They're doing the damages.

15 That's why I don't trust the big
16 industry that come up here and promise us things that
17 they don't fulfil. But I want some good answers. I
18 want to ask: Are you going to fulfil what you tell us?

19 You know, yes, you could put reports
20 down on nice glossy paper and put -- make presentations
21 and stuff like that. But I'm going to tell you you're
22 not going to convince me because I already seen so much
23 damages in smaller communities that you guys have put
24 towards our people.

25 I love my people, I care for my people,

1 I care for the wildlife, and I care for the fish that's
2 in the water. That's what feeds my people here in the
3 com -- in this community. Masi cho.

4 THE CHAIRPERSON: Thank you, Cathy.

5 Our next speaker we have is Wendy.

6 Cathy, you want your question answered
7 by Dominion?

8 Dominion, do you have a response or
9 comment?

10 MR. RICHARD BARGERY: Excuse me, Madam
11 Chair. Thank you, Cathy, for those -- those comments.
12 I -- I hope I can convince you, a little bit at least.
13 Sorry, Richard Bargery, Dominion Diamond. Apologies.

14 I certainly -- I certainly understand
15 your words and what you've said. The thing I would say
16 to you, you know, on behalf of the Company is that, you
17 know, we aren't a -- we aren't a company that's --
18 that's headquartered far away.

19 You know, our head office is -- is not
20 in London, it's not in Milburne, it's not in Toronto.
21 Our head office is in Yellowknife. Everybody in our
22 senior management lives in Yellowknife. There -- many
23 of them are from the Northwest Territories. A lot of
24 them are from communities.

25 It's people that are from here, live

1 here, will be here. So we also want to do this project
2 right and do it in a -- in a way that -- that ensures
3 there's little impact to the land and to the animals;
4 that's why we've tried to design the project in a way
5 that we -- we have.

6 With respect to caribou specifically, I
7 would say that, you know, we -- we think we've put in
8 place a plan that we developed with community input to
9 minimize any impact from caribou (sic) when they go
10 through that area, including shutting down the road for
11 days if we have to, constructing the road as a caribou
12 crossing, you know, wherever it's -- where it can be,
13 except for places where we need to -- to put berms for
14 safety or we need to access for -- to some of the
15 infrastructure for -- for maintenance.

16 On top of that, we've agreed with IEMA
17 and with the communities to sit down to talk about
18 other things that we can do because we are nor -- a
19 northern company -- other things that we can do to both
20 mitigate any impacts to caribou from the -- from the
21 project and to talk about how we can contribute to the
22 long-term health of the -- of the Bathurst herd.

23 And we're going to do that on October
24 1st. We're going to make commitments by the 9th on --
25 in that -- in that respect. So, you know, we are going

1 to try to do what we can as a northern company to -- to
2 deal with this issue that everybody talks about. And
3 it's not just in the communities. The -- our people,
4 many of whom are from communities, talk about this. As
5 our CEO said, in -- during the sessions in Yellowknife
6 around the water cooler, that's what we're talking
7 about as well.

8 The other issue I -- I just want to
9 speak to briefly is the -- the benefits to the
10 community. And I've certainly heard this before. I've
11 been into this community a number of times now myself,
12 as -- as our entire team has, about the need to make
13 sure that this community benefits more from resource
14 development from mining.

15 And Adrian actually gave me a very -- a
16 very, very stern talking to. I don't know how to
17 describe it. But he explained to me the situation
18 quite -- quite clearly my first trip in here on the
19 deck of this building and what he expected as a
20 counsellor from -- from the Company, the types of
21 things that he thought we should do, and -- and those
22 things included at the time, things like something for
23 youth. And we're talking now to the -- to the Chief
24 and council about support for a youth centre.

25 We talked about infrastructure and how

1 the Company could support that. And now we're talking
2 with Chief and council about how we can contribute to a
3 large infrastructure project in town once the Chief and
4 council and the community decides the type of thing
5 that works best for them.

6 We put in place a community liaison
7 person to help people with employment and that's
8 something that we're quite serious about. We'd like to
9 get people to a place where they can take -- take
10 employment at the mine; that's something that -- that
11 works for us.

12 We were in Behchoko on Thursday, and I
13 talked a little bit, and -- and Gaeleen as well, about,
14 for example, the types of things we're trying to do in
15 our company. We're trying to treat each individual
16 case of employment on a -- on a case-by-case basis.

17 So, we know that things like criminal
18 record checks in the past have been a barrier to
19 people. We have to have a safe work site, so that's an
20 important consideration for us. But we're also looking
21 at, you know, each case on a case-by-case basis. If
22 it's something that happened a long time ago, you know,
23 and -- and a person's turned around their life, then
24 we're willing to take that -- take a chance on them.

25 Another example that -- that comes to

1 mind is, you know, we've gone a fairly -- and we're
2 continuing to hire haul truck drivers. And really what
3 we're trying to do is -- is put away, you know, some of
4 the previous qualifications that are needed.

5 We'll take people now and train them
6 from scratch. They don't even need a driver's licence
7 to -- to get those jobs. And -- and those jobs are all
8 going to northerners. It's a -- it's a step into the -
9 - to the -- to the workforce, and then people can find
10 other ways to -- to move up to the Company -- through
11 the Company in -- in other jobs.

12 So we are trying to do things different.
13 We're not perfect and we're not doing everything right.
14 We know that. But we are trying and -- and, you know,
15 we're trying to build a -- a better relationship with
16 this community through -- through your Chief and
17 council and we think we've taken some steps in the
18 right direction. We hope we have anyway and -- and we
19 hope to continue to do so.

20 So, Cathy, I hope -- I hope you might --
21 you might consider giving us some chance, but I'll --
22 I'll leave it at that. Thank you.

23 MR. ELLIOT HOLLAND: Can I just --

24 MR. RICHARD BARGER: Oh, sorry.

25 Elliot would like to add something.

1 MR. ELLIOT HOLLAND: Elliot Holland,
2 for -- for Dominion Diamond. I just had one (1) more
3 thing and you bring up an important issue for us, which
4 is the -- the number of employees. You know, when --
5 when we came in here in -- in February it was -- my
6 first time coming into community. We -- you know, we
7 were two (2) employees and we had -- we -- you know, we
8 had a difficult conversation about that.

9 You know, we're -- we're pleased to
10 report a couple weeks ago that -- that we're now up to
11 -- to six (6) people -- band members that are -- are
12 either employers or contractors for us. So on the one
13 hand that's a tripling in the space of six (6) months;
14 on the other hand, it's still under -- only six (6).

15 There's something different that -- that
16 we just haven't figured out with respect to a
17 relationship with Lutsel K'e. I mean, if we look
18 across our whole employee base, half of our employees,
19 almost, 44 percent, are Aboriginal people. Some of our
20 -- our most senior people including some of our -- our
21 group tonight are -- are Aboriginal people. We have
22 Aboriginal managers, superintendents, team leaders,
23 people in professional roles, as well as a -- a very
24 large number of haul truck drivers.

25 But, you know, of the 100s and 100s of

1 Aboriginal people we employ, we are still in the single
2 digits with respect to Lutsel K'e. So we have to do
3 better here and we have to figure out what's -- what's
4 not working. You know, the community liaison was --
5 was one (1) idea that -- that we had in working with
6 Chief Lockhart and the council, with -- with Florence
7 to -- to make that work.

8 If that's not the right answer, we'll
9 try something else and we'll -- we'll keep trying other
10 things until it works. And that's -- that's about all
11 I can say, but, you know, we're -- we're proud of our
12 record overall, but, you know, in this community we --
13 we realize we need to do better and, you know, the
14 proof will be on the foot -- pudding when we -- we do
15 do better.

16 Gaeleen, I don't know if you want...

17 MS. GAELEEN MACPHERSON: No, I think
18 that's...

19 MR. ELLIOT HOLLAND: Yeah. Thanks so
20 much.

21 THE CHAIRPERSON: Okay. Thank you.
22 Our next person to come up to the mic is Wendy.

23

24 COMMENTS BY MS. WENDY CATHOLIQUE:

25 MS. WENDY CATHOLIQUE: Hello. My name

1 is Wendy Catholique on paper. My Dene name is (NATIVE
2 TONGUE SPOKEN). My parents are J.C. Catholique. My
3 mother is Chico Deserla (phonetic). My step-mother is
4 Hannah Catholique (phonetic). My grandparents are the
5 late Abod Jonas Catholique (phonetic) and Manda
6 Catholique (phonetic). And my great grandfather is
7 Gut'e la (phonetic).

8 I'm just wanting to share a little bit
9 about some things that are happening in our community.
10 I just want to welcome you guys to our community to
11 hear what it is that's on our minds lately regarding
12 this issue. Stephanie Poole and I went to the school
13 and we talked to the high school students there and we
14 just let them know that there was another mine that was
15 opening up. We wanted to know what their thoughts and
16 their opinions were.

17 And I remember when I was younger, I was
18 twelve (12) years old/thirteen (13), we didn't have our
19 high school here. And our Chief and council they put
20 up a feast for us because we had to go to school in
21 Fort Smith, so they stood us all up here and they told
22 us, You guys are our future leaders.

23 They said -- and we were looking at each
24 other as a bunch of twelve (12)/thirteen (13)/fourteen
25 (14) year olds. We're like, Yeah, right. Yeah, I'm

1 going to be chief. I'm going to be chief we're just
2 telling each other as joking around, you know. So it
3 was quite a while ago and that was just about the time
4 when the mines first started coming.

5 And so I'm just going to talk a little
6 bit about how that was back then before the mines were
7 and how it affected us later on. So we got the youth
8 to write some letters. I encouraged them to come and
9 read them. I'm going to read the letters that a couple
10 of them wrote. It was just about their opinion, what
11 they said.

12 One (1) of them said about the ber --
13 Jay Project, he said:

14 "There should only be one (1) more
15 mine, but I'm concerned about what's
16 going to happen to the land after
17 that."

18 He said. Another one (1) said:

19 "I don't know what I really want.
20 Maybe if you guys give me \$12 million
21 in money, [he said]. [He said] I'm
22 just kidding, [he said]."

23 Another one (1) said:

24 If somehow they go through they
25 should give Lutsel K'e Dene Band

1 money, but I don't think the Jay
2 Project should be approved, at least
3 not now, maybe in the future when
4 global warming destroys the earth."

5 He says, that's Horrell (phonetic).

6 Another one (1), he says:

7 "There are many things I like to say
8 about the mines. What will you do
9 after they close the pit and our
10 people, would it be easy for us to
11 get a job or still give us money.
12 And our caribou patterns like now, we
13 already have four (4) mines and the
14 caribou numbers are low. We used to
15 see caribou outside our house before,
16 just look out of the window and see
17 the caribou to keep our traditional
18 going on. But in the future we might
19 not see caribou again and it's going
20 to be hard for our future kids. I
21 was raised on the land and I don't
22 want to see that Jay Project in the
23 future. So no go, and that's from
24 all the youths."

25 That was written by Jace Lockhart

1 (phonetic). So I was just -- there's another youth
2 here who's going to be doing his thoughts about what --
3 what he thought about it. So I know a long time ago
4 there -- we have had this lady, her name was Ellen
5 Balowski (phonetic). She was a really good friend to
6 us here. She used to go out with my late Uncle
7 Lawrence (phonetic).

8 I don't know if you guys heard about her
9 book, but it's called Rogue Diamonds. It says, The
10 Rush for Northern Riches on Dene Land. And she -- she
11 talked to several people back then and a lot of these
12 people passed on. And I'm just going to say who these
13 people that she interviewed about.

14 She talked to people like Joe Balowski
15 (phonetic), Joe Bushee, Zip Kazaway (phonetic), Liza
16 Kazaway (phonetic), Anna Catholique, Jonas Catholique,
17 Judith Catholique, Therese Drybone (phonetic), Emily
18 Lockhart (phonetic), Zem Kovie (phonetic), and Colcurk
19 (phonetic).

20 And in it in here they were just
21 starting the mines when they first started coming. And
22 I'm just going to read a quote of what one (1) of the
23 mines -- Rogue Diamonds wrote about it. And it says:

24 "There's no question in my mind that
25 there'll be an agreement. We've

1 known for several years that diamond
2 mining is going to happen. The only
3 latitude we've had is to try to get
4 an agreement containing the best
5 possible benefit, the least negative
6 impact. What we don't know is how
7 whatever we agree to will play out.
8 What we don't know is if this time
9 around through this kind of process
10 the impact of mining will be more
11 positive or at least less negative
12 for Akaitcho's people. What we don't
13 know is if the benefits will actually
14 improve people's lives or just change
15 them. What we don't know is if the
16 rifts between the Dene will ever
17 heal."

18 And that's just a quote from Rogue
19 Diamonds. That's what they said, so I -- this is a
20 really important book. I think maybe you guys should
21 read it. It talks about traditions and about our way
22 of life as a people. So I will go in the schools quite
23 a bit. I work quite a bit with the kids and -- and the
24 youth.

25 The kids really, really love the land.

1 We go out every year. They're always happy when
2 they're camping. You know, that's how they grew up.
3 Some of them they go away to go to school or their
4 parents go to Yellowknife and they want to come back
5 here because they miss it. They miss having all this
6 land all around us.

7 So that's how it is when you grow up.
8 And I really like what Gloria had to say, you know,
9 about this land being our way of life. And kids are
10 happy, you know. They're happy to be out on the land,
11 but things are changing now. Since then, you know,
12 from when it first started until now we can really,
13 really see the negative impacts and effects that the
14 diamonds had on our people and on our way of life. It
15 was really nice to be able to see caribou around here.
16 People were really, really happy to see that. You
17 don't see that anymore.

18 And now, you know, what Datcho
19 (phonetic) said, he said, you know, I want to be able
20 to -- to remember to hunt. He said, I want my kids to
21 hunt. I remember my Aba (phonetic), he would always
22 always really concerned about the caribou. He always
23 talked about the caribou and how important it is for
24 them, the way their -- their life is going to be
25 affected, he said. He always talked about, you know,

1 how important it is to protect our caribou.

2 And me personally, you know, I think we
3 could have done more to keep those mines away. You see
4 all those patterns that are changing. You know, this
5 mine is just going to add to that. All it is is going
6 to change things more, have a more negative impact.
7 The social effects that our people go through is huge,
8 you know. It's really, really huge, the social impacts
9 that we have to go through as a people.

10 I remember this one (1) Elder, he told
11 me -- he said, If you go down south, he said, you
12 dipped your cup of water in there. He said, Do you
13 think people are going to drink it, he said. They're
14 not going to drink it, he said. But here, you know,
15 it's clean. We have to protect that, he said.

16 And so I was really, really proud of our
17 kids, you know, just voicing their concerns about how -
18 - you know, how much they love the land, how much they
19 want to preserve it, and these are just kids, you know.
20 They're the ones that are going to have to live with
21 the decisions that are made to this day. It's their
22 children's children that are going to have to live with
23 these effects here.

24 You guys don't live in this community.
25 You guys don't know what it's like. But as people of

1 Dene deh, you know, there's been so much development
2 these days. And like, you know, my cousin, Darren
3 Marlowe said, you know, The Dene people are concerned,
4 he said, because this is our way of life. This is our
5 home. This is how it's supposed to be, you know, to
6 protect the land because that's our family, that's our
7 way of life. And what she said, you know, about her
8 mother telling her, you know, Don't ever be afraid to
9 go out on the land. That's how it is when we go out
10 there because that's our second home.

11 I don't know if you guys ever heard
12 about the Akaitcho and his territory and his warriors.
13 Akaitcho people were really, really strong. We covered
14 a really, really wide territory. And a long time ago,
15 we carved out our own territory through war; that's how
16 it was, you know. The Crees came. The Dogribs came.
17 The Inuit came, you know, and the Akaitcho warriors
18 were feared; that's how strong they were a long time
19 ago. That strength runs in our blood; it runs in our
20 kids, and they know that.

21 So if this goes through, don't think for
22 once that we're just going to sit here and that we're
23 going to take that, you know. It's not going to
24 happen. If we have to go out there in minus 45 to
25 block those ice roads, that's not a problem for us.

1 Traditionally, our people hunted out there in minus 50.
2 We can go out there any time of the year, four (4)
3 seasons, and we'll be strong. We'll know how to live
4 because that's how we are as a people. We're strong.
5 Our ancestors' blood is strong in us.

6 So I just want you guys to know that.
7 Masi.

8 THE CHAIRPERSON: Masi, Wendy, for your
9 comments. The next speaker will be Ethan Rombough.

10 Is Ethan here?

11

12 (BRIEF PAUSE)

13

14 MR. ETHAN ROMBOUGH: Hello. My name's
15 Ethan Rombough. And my parents are Marie Catholique
16 and John Rombough. And my grandparents, they -- they
17 raised me. And their names are Bertha Catholique and
18 Bernice (phonetic) Catholique.

19 And he's a little -- little letter I
20 wrote.

21 "I want them to go. I want all the
22 mines to leave. It isn't natural at
23 all. All they're doing is causing
24 destruction on our land, our hunting
25 grounds, causing changes and effects

1 today from a long time ago with their
2 ancestors. Caribou -- the caribou
3 routes are changing from as before.
4 The caribou used to come on the ice,
5 on the lake close to town. And our
6 Elders would go hunting. But since
7 the mines came, the caribou don't
8 come close to town any more. And the
9 fish sometimes, some of them are
10 deformed.
11 So think about it this way. The
12 earth is our -- is our mother. And
13 these mines are putting large holes
14 through the ground. Would we allow
15 non-Aboriginal be putting
16 destruction, pollution, and
17 disrespect on our mother for the
18 excha -- exchange of money? And
19 there's that saying, When all the
20 animals die, when the grass and the
21 plants stop growing, when the rivers
22 and lakes get polluted, only then
23 will white people discover that you
24 cannot eat money and that we fight
25 for our land, and for our ancestors,

1 and for the next generations."

2 And that I want my -- for myself to have
3 caribou and -- and for my kids and grandkids to be able
4 to experience that. So for that I do not agree for
5 this decision to go forward, because all you guys care
6 about is money. All you guys are doing is pulling
7 roots out of the mother earth.

8 And that all you guys care -- I mean,
9 because as long as the sun shines, grass grows, and
10 river flows, I'll be here to protect my land and
11 future. And I'd just like to thank you guys, Mackenzie
12 Valley Review, for coming. And that I'll pray for you
13 guys to have a safe journey -- I mean, trip home.
14 Yeah. That's -- that's all I have to say for my
15 letter. Thank you.

16 THE CHAIRPERSON: Thank you, Ethan.
17 Our next speaker is Doris Catholique.

18

19 (BRIEF PAUSE)

20

21 MS. DORIS CATHOLIQUE: Good evening. I
22 just wanted to express my concerns today that we heard
23 good speakers. And I'd like to welcome everybody here
24 in the community hall.

25 First of all, I'd like to say looking up

1 at the map there is a -- a block that they were
2 supposed to work around the mine. But I see that
3 there's outside of a blog (sic) is where they want
4 another Jay pipe.

5 I don't -- I'm -- I don't support the
6 Jay pipe. I think no more mines until our land claim
7 is settled. I don't want any more mines. I heard a
8 lot of people concerned about the caribou. People here
9 in the community are like bi -- biologists. They don't
10 need to go to school, but the Elders are really smart.
11 They know if something wrong with the caribou. We are
12 connected to the caribou. We survive off the caribou.
13 And all the other wi -- wild game, as fish.

14 I remember last year when I was working
15 in Gahcho Kue I asked -- they had a fish-out. So I
16 asked if you can give me fish so I can bring it home.
17 All during the summer they couldn't give me a fish
18 because all the fish they pulled out had puss on them.
19 Does this mean we're not affected by them, all the wi -
20 - wild game is not affected by the mines?

21 You know, fi -- we used to see caribou
22 all over, but today we don't. There is something wrong
23 that you guys are not telling us. What's happening? I
24 know the -- the effect on the caribou and the fish is
25 caused by the mine. So I hope you guys take this into

1 consideration, that everybody have spoke against the
2 mine. They don't want another Jay pipe, another mine.
3 Masi cho for listening.

4 THE CHAIRPERSON: Masi. Thank you,
5 Doris. Our next speaker is Ethan (phonetic)
6 Catholique.

7 Stephanie Poole...?

8

9 (BRIEF PAUSE)

10

11 MS. STEPHANIE POOLE: Thank you. I'd
12 just like to request that you don't take my picture,
13 please. Thank you for giving me this opportunity to
14 speak before you today. I'll start by introducing
15 myself. Some of you may know me already. My name is
16 Stephanie Poole. My family name is Ninjagotulay
17 (phonetic). My mother is Florence Catholique and my
18 father is Red McDonald (phonetic). My grandmother is
19 Madeline (phonetic) Catholique. And my grandfather is
20 the late Jonas Cathlique.

21 I am Lutsel K'e Dene, a member of Lutsel
22 K'e Ka'chi (phonetic) Dene First Nation and I live here
23 in the community of Lutsel K'e with my family and four
24 (4) out of five (5) of my children. And as you may
25 have already heard earlier today is my birthday.

1 So I struggle with what I want to say
2 here today and I've been thinking about it for a while
3 now. The last time I appeared before you I think it
4 was for the environmental impact review of the Gahcho
5 Kue project here in this community hall. At that time,
6 I was a member of council, but today I'm just here as a
7 member.

8 When you talk about the Jay Project it
9 immediately brings to mind the Cardinal Project that
10 will come next. And it makes me think back to -- to
11 when the government and industry people first came here
12 to talk about the proposed Ekati project and how it
13 would only be there for a few years, and then -- and
14 then it would close.

15 So we were looking forward to see how --
16 how does a diamond mine close, what is that going to be
17 like. But it doesn't seem like that's ever going to
18 happen. You just keep finding ways to -- to keep
19 exploiting the land. And so I guess for me the point
20 is that, in these forums when words are spoken and
21 promises are sort of made or commitments, suggestions
22 and recommendations, is that they -- they aren't always
23 truth and they -- they often aren't realized the way
24 that they are said they are going to be.

25 We heard a lot today from people and

1 their concerns and -- and I don't want to restate any -
2 - any of that truth that you -- that you've heard
3 today, but I do want you to know that these people have
4 -- have poured their hearts out to you. They've --
5 they've spoken to you from their hearts and they're
6 doing that because they believe that you are listening
7 to them and that you are able to take their concerns
8 and do something good with them.

9 But for me I'm -- I'm a bit more
10 sceptical. And I feel like this process is one (1)
11 where you just appear to be concerned with -- with what
12 we have to say, but really, you've already made up your
13 minds on what's going to happen. You've already
14 decided that this project will go ahead and all of this
15 is sort of just for show so that you can check off the
16 box and say, We've been consulted and that all of your
17 legal avenues have been covered.

18 And so that's sort of why I struggle
19 with what I want to say here today, because when you
20 speak from your heart and you share with others, you
21 know, you say, No, and you know you have the right to
22 give your consent to whether something should go ahead
23 or not in your territory, it's really hard on your
24 mental well-being when your rights are sort of
25 disregarded. And although your concerns are heard,

1 they -- they aren't really acted on.

2 And -- and over the years we see -- we
3 see these impacts on our mental well-being here in the
4 community and our mental health. And you can see it in
5 your own data in socio-economic reports over the years.
6 You can see how our community and the data shows this
7 suffering.

8 I don't want to go into too much detail
9 about those things, but I -- I do have some questions
10 and, you know, you've heard people talk about caribou,
11 and wildlife, fish, the water, and the air, the entire
12 ecosystem. That's so important to -- to all of us.

13 There are already so many impacts to the
14 caribou and the wildlife. And each year it seems to
15 get worse and worse and the numbers are going down,
16 caribou and wolverines and so forth. This esker that
17 you want to destroy is the way that -- that they know
18 how to travel. And destroying that esker just means
19 another blow to -- to their ability to -- to live their
20 lives.

21 You say -- you know, you listen to
22 communities and to what we offer up as possible
23 mitigations and -- and I don't see that reflected in
24 your proposal. I don't see where the things that we've
25 talked to you about are -- are coming through. Maybe

1 other indigenous parties are informing your decisions.

2 I don't know.

3 I wanted to talk about the water and the
4 fish. I noticed that in your baseline studies for Lac
5 du Sauvage it shows that there are already high levels
6 of mercury in the sediment of that lake. And -- and
7 how can that be if everything that the Land and Water
8 Boards and the Review Boards and the Governments do is
9 -- is protective of the environment? How did that
10 happen then?

11 Is it because of the regulatory gaps
12 regarding air quality emissions? Is it because there's
13 no regulation under the GNWT on the air emissions
14 coming from the incinerators at your already existing
15 Ekati mine? I think so. And so you've already
16 impacted the surrounding area from the exploitation
17 that's gone on.

18 Is that part of your argument that it's
19 already destroyed, so it's okay to destroy it further?

20 I want to know why this regulatory gap
21 exists, and why air emissions are not regulated in the
22 GNWT. I want to know why it's okay to allow mercury
23 levels that never go away to occur in our natural
24 environment, where they've never occurred before, and
25 in our fish. Not only the air emissions from the

1 incinerator, but also the dust.

2 When you look at the map of the existing
3 Ekati mine and -- and the amount of roads, and the big
4 trucks, and -- and you know that they are always moving
5 around that area. And yet all -- through all these
6 years you've never really found a way to -- to control
7 that -- that dust and that impact, your footprint, or
8 your area of influence, or your zone of influence, or
9 whatever you want to call it just keeps getting bigger
10 and bigger.

11 I wonder if the upper portion of the
12 Tibbitt-to-Contwoyto winter road is included in this
13 environmental assessment, as Dominion Diamonds is the
14 only user of the upper portion of that winter road. If
15 it wasn't included in this environmental assessment, I
16 would like to know why.

17 Earlier we heard talk about the
18 meromixing proposal, and what the impacts of releasing
19 salty water into the environment could mean to
20 wildlife. But -- but it makes me wonder, and others
21 too, what does that possibility of salty water being
22 released into the environment mean to the ability to
23 form ice? It's my understanding that salty water
24 doesn't freeze that well.

25 And if you impact that water, how will

1 that impact your winter road? How will that impact our
2 ability to travel in the area and on the ice? How will
3 that impact the wildlife's ability to travel? These
4 are some of the questions that come to my mind today
5 listening to presentations and people speak.

6 Like I said before, I think that I've
7 lost confidence in this process. That I'm not sure
8 that there's any value in -- in sharing with you our --
9 our most heartfelt concerns. You want to say you're a
10 northern company, and then after devolution the North
11 is in -- in charge, and not Ottawa, and that somehow
12 this is better. But in our day-to-day lives, I -- I
13 can't find the proof to tell me that this is better.
14 And some days it feels like it might even be worse.

15 You talked a lot about how there's --
16 there's security deposits to sort of ensure that the
17 environment will be protected in case anything goes
18 wrong. But isn't it the truth that -- that your
19 security deposit is -- is just a promissory note to the
20 GNWT, and that the GNWT accepts this promissory note as
21 a security deposit? This is a grave concern for me.

22 I was looking at the public registry,
23 and I saw that there was a note to the file that said
24 that there may be a perceived conflict of interest
25 between one (1) of the Board members and an employee of

1 Dominion Diamonds, Mr. Wah-Shee and his daughter but
2 that legally the Board felt that there was no conflict.
3 And I was just curious, maybe you could tell me why the
4 Board thinks there is no conflict.

5 For me, really, it's not such a big deal
6 be -- because, like I said before, I -- I think you've
7 already made up your minds that this project will
8 proceed, and that you can make some kind of measures or
9 suggestions that will be protective of the environment.

10 But really who follows up and ensures
11 that those measures and recommendations and suggestions
12 are -- are followed?

13 I see the Review Board asking the GNWT
14 and Canada for some information on this, you know, past
15 EAs, what have you done with our measures and
16 suggestions and how have you implemented or not been
17 able to implement them. And I see the government's
18 answering back and saying, Well, we can't really answer
19 right now. And I find that hard to believe when there
20 are thousands of employees working for the GNWT in
21 Canada and they can't abide by -- by your deadline to
22 answer these questions. This is -- this is a concern
23 for me.

24 Also while looking on the public
25 registry I see a brief note in regards to socio-

1 economic agreement, how it just basically says the GNWT
2 has met with a representative of Lutsel K'e Dene First
3 Nation on August 28th and they had spoke about socio-
4 economic agreement. I would like more information on -
5 - on this proposed agreement.

6 The impacts that we feel in the
7 community are -- are beyond my words; suicides and
8 self-harm increase every year in our community. And --
9 and when you're a small community and everyone's
10 related, this is a great impact, and it's hard for me
11 to speak about it, even now.

12 It makes me think about the sort of
13 benefits that are being sort of promised to us in
14 regards to the Jay Project. Now, you mentioned wanting
15 to do things in the community and improve your
16 relationship and build infrastructure, but only if the
17 Jay Project goes ahead. But aren't these benefits
18 outstanding from the existing Ekati project? Aren't
19 they owed to us already for all the years of
20 exploitation and destruction and impacts to our lands
21 and way of life? I believe that those -- those kinds
22 of promises should occur even if the Jay Project
23 doesn't go ahead.

24 So if I don't have any faith in this
25 process and -- and I want to say no to this project,

1 how am I going to make sure that -- that this happens
2 after listening to everyone who spoke today and -- and,
3 most importantly, our youth? If they are saying to me,
4 as an adult, that -- that they say no to this project,
5 it's their right to say no and they don't want it to go
6 ahead. And if they can't find this relief through this
7 process or this Board, then that puts the
8 responsibility on me and the rest of the adults in this
9 nation to make sure that -- that it is a no and this
10 project does not proceed.

11 And so I wanted to say to the members of
12 our Lutsel K'e Dene First Nation council who are also
13 here today that this is going to be their mandate, as
14 well, to make sure that the wishes and -- and the words
15 of our youth are respected and upheld, and by any means
16 necessary.

17 And I think how -- how we're going to
18 achieve that is -- is still to be discussed and
19 decided. But I am here to say to those youth and to
20 all the people who have said no to this project that --
21 that I'm willing to do whatever it takes to make sure
22 that this project does not go ahead.

23 And I'll stop there for now because I
24 know we are running short on time and perhaps other
25 people want to speak. So I'd just like to say thank

1 you, again, for allowing me this time. And if you want
2 to try to answer some of the questions I have posed,
3 I'll say masi cho.

4 THE CHAIRPERSON: Masi cho and thank
5 you, Stephanie.

6 At this time, I would like to ask our
7 legal counsel to address the conflict issue with our
8 Board member and a family member.

9 MR. JOHN DONIHEE: Thank you, Madam
10 Chair. It's John Donihee. I'm the Board counsel.

11 It became apparent partway through the
12 process that Mr. Wah-Shee's daughter works for Dominion
13 Diamonds, and her role in this process has been
14 minimal. Her name appears on one (1) or two (2)
15 reports related to TK, as I understand it, that were
16 filed on the record.

17 Once the Board became aware of the -- of
18 that situation, we notified the parties. We asked
19 Dominion and all of the other parties, including Lutsel
20 K'e Dene First Nation, to indicate whether they had any
21 concerns with respect to that situation.

22 And what I can tell the Chief and the
23 members here is that not one (1) single party raised
24 any concern about it. You know, the -- the issue here
25 is -- is actually about apprehension of bias, not

1 conflict of interest.

2 The -- the two (2) concepts are -- are
3 quite similar, but, you know, the -- the judgment made
4 by the -- the Board on the basis of the input from all
5 the parties and the facts in the situation was that
6 there was very little likelihood of the fact that Mr.
7 Wah-Shee's judgment in -- in relation to this matter
8 would be affected in a way that -- that would prevent
9 him from participating in the Board's decision making.

10 And without going much further than that
11 with it, I guess all I would say is that that's --
12 that's the essence of the advice, legal advice, that
13 was confirmed for the Board on the basis of the facts
14 and having canvassed the parties.

15 And on that basis, you know, I advised
16 Mr. Wah-Shee that there was no difficulty with his
17 participation.

18 THE CHAIRPERSON: Can I also ask the
19 GNWT if somebody could answer some of the questions
20 that Ms. Poole had raised to the government?

21

22 (BRIEF PAUSE)

23

24 MS. LORRAINE SEALE: Thank you. Thank
25 you, Madam Chair. My name is Lorraine Seale. I'm with

1 the Department of Lands at the GNWT. I'll address a
2 few of the questions we heard, and then I'll pass the
3 mic off to somebody else.

4 The first question was: Why does the
5 regulatory air gap exist? As you may be aware, we had
6 quite a bit of discussion about the air regulatory gap
7 at the technical session hearings on Monday.

8 I don't think it's within any of our
9 capabilities to -- to know why that gap exists. We did
10 discuss that GNWT recognizes that -- that it is a gap,
11 and is working towards developing a regulatory
12 framework to fill that gap.

13 On Monday Lutsel K'e Dene First Nation
14 asked for more details about the timing of the work,
15 and the steps involved. And GNWT agreed to an
16 undertaking to provide that information to the Board.
17 And GNWT will be doing that by October 9th.

18 There was also a question on who follows
19 up on measures to see if they are implemented. The
20 Review Board did ask Canada and GNWT to follow-up on
21 certain measures. And GNWT wrote back indicating that
22 we are following up, and we were not able to provide a
23 complete analysis in a very short period of time. We
24 committed to -- to do that analysis by the end of the
25 undertakings period.

1 And we -- we also noted that it's a very
2 important question and we wanted to give it the thought
3 it deserves. I'm now going to ask Deborah Archibald to
4 speak, and then if there are any other questions we
5 haven't addressed, if you could let us know please.

6 MS. DEBORAH ARCHIBALD: Thank you.
7 Deborah Archibald, Government of the Northwest
8 Territories. I have responsibilities for implementing
9 socio-economic agreements, and in particular the socio-
10 economic agreement between Dominion Diamonds and the
11 GNWT with regard to the Ekati diamond mine.

12 There is a -- a letter on the record
13 that states that the Jay Project will be covered under
14 the existing Ekati socio-economic agreement. I -- if I
15 understand correctly, Ms. -- Ms. Poole wanted
16 information regarding the discussions between GNWT and
17 the Lutsel K'e Dene First Nation on concerns and
18 recommendations by Lutsel K'e regarding so -- socio-
19 economic elements.

20 I -- and there were also concerns
21 expressed by North Slave Metis Association (sic) and
22 the YKDFN. In -- in the cases of all three (3), GNWT
23 met in -- individually with -- with each of those to
24 try and -- and work together to resolve concerns. And
25 we were able to do that with the -- with the NSMA and

1 placed a record of those discussions on -- on the
2 public record.

3 In the case of the meeting with the
4 Lutsel K'e Dene First Nation, staff from Industry,
5 Tourism, and Investment, Education, Culture and
6 Employment met in late August with -- with Mr. Unger.
7 And we do have a -- a -- to address the -- the Lutsel
8 K'e's recommendations. And I understand that the --
9 that the record of that meeting is -- is with Chief and
10 council for approval. And -- and once the Chief and
11 council has approved the -- the record, we will be
12 happy to place it on the -- on the public record.
13 Thank you.

14

15 (BRIEF PAUSE)

16

17 MS. LORRAINE SEALE: It's Lorraine
18 Seale, with the Department of Lands again.

19 There was also a question about the
20 promissory note and the securities. All I can say
21 tonight is that the GNWT did accept -- did reach an
22 agreement with -- with Dominion Diamonds on the form of
23 security. If there's a -- an undertaking or more
24 information we can bring back, I can certainly look
25 into that.

1 I -- I'm sorry, were there -- did -- did
2 we miss any questions you had that were directed at
3 GNWT?

4 MS. STEPHANIE POOLE: No, I think
5 that's good. And for now and -- and -- I -- I sort of
6 couldn't hear -- hear what you said at the end of your
7 statement about the promissory notes. But if there's
8 more information to be shared, did you say that it
9 would be available, because I do want more information.

10 MS. LORRAINE SEALE: What I said was I
11 would look into what other information is available to
12 be shared.

13 THE CHAIRPERSON: At this time I would
14 like to give an opportunity to Dominion to respond.

15 MR. RICHARD BARGERY: Thank you, Madam
16 Chair. Richard Bargery, Dominion Diamond. So,
17 Stephanie had a number of questions around the project
18 and other issues that -- that -- I think that we're
19 best placed to -- to answer, obviously.

20 But first I'll deal with the issue of
21 security deposits. So we don't have a promissary note.
22 We have a surety bond for the full amount of our water
23 licence security held by the Government of the
24 Northwest Territories. A surety bond can be drawn on
25 the exact same basis as a letter of credit with the

1 bank. There is no difference in terms of -- it's just
2 the form of -- of how we've secured the -- secured the
3 reclamation bond, but the GNWT has the same basis to --
4 to draw it down if required, you know, if needed for --
5 for reclamation.

6 So that's -- that's the larger amount
7 that we hold -- or that GNWT holds for our security.
8 We also, as Elliot noted, have about \$20 million in a
9 letter of credit that is held against the environmental
10 agreement and there are also very smaller amounts in
11 letters of credit related to fisheries authorizations
12 and lan -- land use permits. It totals probably close
13 to 280/\$285 million in -- in security that's held by
14 the Government of Northwest Territories or the
15 Government of Canada, in some cases, I think with DFO.

16 So that's -- that's the answer I think
17 on -- on security. And with the GNWT if you want more
18 information on -- on surety bonds and -- and the like,
19 we can provide that.

20 Stephanie, I just want to speak to this
21 issue of -- that -- at the end about the discussions
22 we're having with Chief and council about, you know,
23 improving the relationship. Those -- you know, those
24 discussions are proceeding irrespective of Jay. You
25 know, we've -- we've made a decision that we'd like to

1 improve the -- the relationship based on the
2 discussions we've had since we've taken over the
3 company with Chief and council.

4 So I think those will continue anyway
5 and, you know, that's -- that's -- like I say,
6 irrespective of the Jay Project and the kinds of
7 projects that we talked about supporting. So that --
8 those discussions are going forward and they're on --
9 you know, they're on a track and moving -- hopefully
10 moving forward faster than -- than shorter, I guess, or
11 fast -- faster rather than longer.

12 So just a -- a couple -- you had some
13 very specific questions, so -- which I'll try and
14 answer as well. The first was about mercury. So when
15 -- when we did testing we found some naturally
16 occurring mercury in the sediment of Lac du Sauvage,
17 small amounts. So what we've decided to do was go back
18 and do some testing. And we've actually did -- we did
19 that testing about a week and a half ago and the
20 results are due relatively soon.

21 We -- as a matter of fact, we made an
22 undertaking at the -- the hearings in Yellowknife to
23 provide that by October 9th if -- as long as they come
24 in from the labs. And I -- I don't see any reason that
25 they won't. We haven't had any mercury issues.

1 Otherwise, we -- when we test out of the incinerator we
2 get -- we get zero reading for mercury, so, you know, I
3 -- we don't -- we don't see a contamination issue or a
4 mercury issue in the sediment in -- in Lac du Sauvage.

5 Like I say, there was a small naturally
6 occurring mercury, so we went back to do some testing.
7 But we've also made provision in the waste rock pile
8 for that mercury if -- that sediment to be isolated if
9 -- if indeed, you know, there does -- does find to be
10 some mercury, some small amounts. So that's the --
11 that's the answer in terms of mercury and -- and Lac du
12 Sauvage.

13 You had asked whether the Tibbitt-to-
14 Contwoyto Lake winter road or the upper portion was
15 included in -- in the assessment, but it -- it's not
16 part of the project application but we did assess it
17 both in the DAR and in the First Round of IRs. And
18 there's an IR, if you're interested in reading it,
19 which I can provide. So we did do an assessment of
20 that, in conjunction with the project.

21 In terms of the meromixis and the -- you
22 know, what would happen in -- in the case of -- of the
23 meromixis overturning and the -- the salty water being
24 released, so we don't think that that will -- that will
25 happen. Obviously, we -- we've done, as Elliot said, a

1 lot of work trying to find ways to -- to see how it
2 would overturn, including running one (1) model where
3 we had high winds running across the lake and stirring
4 up the water over the course of an entire open water
5 season and it still did not overturn. We've done it.
6 And we've ran it when there's lots of salt in it, when
7 there's little salt in it, and we haven't found a
8 circumstance where it would overturn given the density
9 of the salty water as opposed to the freshwater on top.

10 But even, you know, in -- in the case of
11 it -- it overturning, well, we've done a bunch of work
12 to see what's the worst-case scenario here. So the
13 worst-case scenario is there would be some localized
14 effects. There would be some salty water. There -- it
15 would go downstream. There wouldn't be no downstream -
16 - no effect to aquatic -- aquatic life. And
17 eventually, the salty water, because of its -- its
18 density, would again stratify back down into the lower
19 parts of the Jay pit.

20 So that's why we're confident in -- in
21 our -- in our work on the meromixis and confident that
22 it's -- that it's going to be -- you know, going to be
23 stable over the long-term.

24 Is there another issue? I think -- I
25 think I -- I may have them all, but -- but certainly if

1 I've missed some, I'll -- we're happy to -- to address
2 those, as well. Thank you, Madam Chair.

3 THE CHAIRPERSON: Thank you. In light
4 of -- thank you very much, Stephanie. Masi.

5 In light of time, we have twenty (20)
6 minutes, and our pilots are saying that eight o'clock
7 is the cutoff time. We have five (5) people left to
8 speak, and we want to make sure that we hear all five
9 (5) people. But Peter promises me he can make the draw
10 in one (1) minute.

11 MR. PETER UNGER: I'll be very, very
12 quick. I also want to make one (1) quick plug. We do
13 have a local artist in the room, Alfred Catholique
14 (phonetic), who makes beautiful paddles. So pe --
15 guests from out of town, if you want a beautiful
16 homemade paddle, please see Alfred.

17 MR. ALFRED CATHOLIQUE: These are all
18 my paddles.

19 MR. PETER UNGER: All right, 7934,
20 7934. Given that we're moving quickly, you got to
21 speak up quick or I'm grabbing the next one. 7934. Do
22 you have it, Johnny (phonetic)? No, all right. Well,
23 too late now. He's got it. Perfect. Thanks. Thank
24 you.

25

1 (BRIEF PAUSE)

2

3 THE CHAIRPERSON: Just another note.

4 Also, because of the time frame, that we're not
5 probably going to be able to hear as many people as
6 we'd like to now, that I would mention that Peter will
7 also take written and audio comments from members so
8 that it could be presented to the Board, as well, so
9 written and audio.

10 At this time, I would like to call up
11 Archie Catholique.

12

13 (BRIEF PAUSE)

14

15 MR. ARCHIE CATHOLIQUE: Thank you.

16 Thank you, Madam Chair. Masi (OTHER LANGUAGE SPOKEN).

17 I want to thank you for allowing me to take this time
18 to -- to speak on my -- on some of the things that I --
19 I've written down and tried to memorize them. So I
20 just want to thank you for coming over here and
21 listening to our concern. And I also want to welcome
22 the -- the industries and the GNWT and other people
23 that -- that have come here. I want to say thank you
24 for that.

25 I'm sure that the -- the concern that

1 you are hearing today, I'm sure that you're going to
2 try to do your best to write that report. And I do
3 have faith that you -- you're going to do the best that
4 you can.

5 Not too long ago, our -- our Elders have
6 participated in the -- in what we call the -- the 1900
7 -- 1900 Treaty. When those Treaties were signed back
8 in 1900, our -- our people also participated in that --
9 that agreement that was signed. The Yellowknives from
10 the north, they came. They canoed across the lake and
11 also signed those agreements.

12 And since that time, the Elders have
13 always told us that the agreements that we signed was -
14 - was in peace and friendship. It was -- it was not
15 about our land or our resources or -- they constantly
16 told us that this -- this is not so. And so we -- we
17 know that. We have it in us that -- that these lands
18 are -- are -- that's what the -- the governments are
19 saying. We believe that these lands here in the Lutsel
20 K'e territory traditional area is -- it's our
21 territory. It's our land.

22 And we intend to -- we intend to make
23 sure that the generations that are to come, that
24 there's always going to be a safe place. And people
25 that come and visit also, they always tell us that you

1 make sure that we respect those people and invite those
2 people. And so that's -- that's the way we are here.

3 You hear the -- the concern that have
4 been brought today. And I'll give you an example about
5 the caribou. Not too long ago, we had caribou just
6 outside here. When it freezes, people are quite
7 anxious to a freeze-up so that the caribou will come.
8 But ever since the diamond mines are -- have come, we
9 don't see caribou here any more. We have to go further
10 east. We have to go about three (3) hours.

11 There's also mention about the decline
12 of the -- the caribou. And so ourselves, we don't --
13 we don't hunt the Bathurst. We do our part. We don't
14 have any agreements, but this is -- this is how we --
15 we were taught, so that's -- we just kind of leave it
16 alone.

17 And I -- and I think, you know, if GNWT
18 is -- if -- they're really, really worried about --
19 about those caribou, they want the caribou to -- to
20 come back again. I hear it in the news, I hear it in
21 the newspapers that they are really concerned.

22 And if they are concerned, I think one
23 (1) of the things that they should also do is that they
24 shouldn't have any more mines. Those mines that we
25 have right now, there's actually four (4) or five (5)

1 mines that are in place right now. It's impacted our
2 caribou.

3 If they want those caribous to come
4 back, then they shouldn't -- they shouldn't allow any
5 more mines till such time that those populations are --
6 are back up again. And I think that's -- that's a
7 recommendation I think should be put forth.

8 GNWT talks about partnership. You know,
9 our -- our Elders have told us that, you know, Don't
10 sign. Do not put your signature on any document until
11 you really know what you're going to sign, what you
12 believe that the other party -- that you understand it.

13 And that's the reason why we haven't
14 signed on to this devolution that people have signed on
15 to. Lutsel K'e, you know, we still have a lot of
16 outstanding issue between ourselves and the Federal
17 government. There's the land issue that needs to be
18 settled.

19 While we're still talking, there's
20 billions and billions of dollars that is coming out of
21 our territory, right here, in our territory. And it's
22 easy for the government, you know, I've seen it myself.
23 One (1) of the tactics that they do is that they stall,
24 so that they can take as much as they can while they --
25 they put this whole negotiations on hold. And that's

1 why they're not moving as fast as we think that they
2 should. Because they have -- have these billions of
3 dollars.

4 We have this first agreement with the
5 BHP. A million bucks. Well, you know, we figured that
6 out. By the time that the money part, and then each --
7 each individual here in the Tlicho territory, it buys
8 us one (1) cup of coffee a day. They're taking
9 millions. We're given one (1) cup of coffee each day.
10 And you -- and -- and you come to think about that.

11 And -- and it makes you think. You
12 know, those are the kind of arrangements that we --
13 but, you know, we have gotten smarter since that time.
14 We have -- we understand. We understand the industry.
15 I think if the GNWT, you know, talks about being
16 partners, then they should back us up on this one.
17 Because we know that the agreement that we first signed
18 with one (1) of the BHP that was in that block -- they
19 showed that block there. That Jay pipe is outside.

20 I haven't given up my rights outside of
21 that block. Lutsel K'e still has its rights. We still
22 have our traditional territory outside that. So any
23 agreements, any new pipes, or any new mines that's are
24 going to come then there has to be a new -- a new
25 agreement. New -- and -- and I think that's -- I -- I

1 believe that, you know, what's happening here today, as
2 -- as my -- my niece mentioned just before me, that
3 she's -- she's kind of lost faith as to what this --
4 the way that this process is done.

5 But I think -- is the way that I think,
6 is that, you know, we still -- we still have this land.
7 And any -- anything that is going to happen on it, then
8 we have to give our consent to it. You know, we say
9 no, then it should be no. And there's also -- there's
10 another example that I want to give, is that these --
11 these are the negotiations that -- that's been in place
12 that's happened. They'd -- the licence are all been
13 given out already.

14 You know, they say, Okay, we're going to
15 give you a licence. After you've given your licence
16 out, now they're going to sit with Lutsel K'e and talk
17 about BH -- IBAs. I mean, that's -- I don't believe
18 that's -- that's how it should be done. I think if
19 there is going to be any negotiations then when it's
20 all done, then you should -- if you're going -- we're
21 going to give a licence then they should.

22 And I think that's one (1) of the
23 things, I think, you know, what -- it doesn't give us
24 any -- any ammunition to -- to negotiate. If they
25 already got their licence then -- so I -- I guess, you

1 know, I don't want to -- there's a lot of -- a lot of
2 things that I wanted to say, but time is short. I know
3 you have to go back to Yellowknife.

4 I think the last thing I want to say is
5 that I think, you know, we have an outstanding issues
6 that I just mentioned on the land and with the Federal
7 government, with GNWT now. I think that needs to be
8 settled. I think we need to -- to finalize our -- our
9 negotiations before any mine can go ahead. I think
10 that's a recommendation that I also want to -- to make.
11 That I think at this time, I don't think I believe the
12 Jay pipe is -- is -- I don't think it should go ahead.

13 I don't think anybody here in the North
14 is starving. You know, we have four (4) mi -- mines
15 already. And I think we should just wait until -- you
16 know, and respect our people here. You know, we need
17 to finish this work that we're doing. And -- and then
18 after that, you know, we can -- we can do whatever we
19 want to do. Masi cho.

20

21 (BRIEF PAUSE)

22

23 THE CHAIRPERSON: Thank you, Archie. I
24 think we probably could do one (1) more speaker. And
25 I'm going to ask if Terry Enzoë could have a written

1 submission, Elizabeth Catholique, a written or an
2 audio submission. And Peter will help you with that,
3 you know, so that your comments can be sent to the
4 Review Board.

5 But I would like to ask Sarah Boucher if
6 she would come to the table to make some comments.

7

8 (BRIEF PAUSE)

9

10 ELDER SARAH BOUCHER: Masi. And so I'm
11 going to make it brief. I'm an Elder. And I'm very
12 proud of all the youth that have spoken from my
13 community. Since I'm a grandmother and a great
14 grandmother, I have seen a lot of changes for the
15 better or for worse. But to me, the way I look at it,
16 things have changed a lot. And I can't say I'm happy
17 with the changes.

18 But this Jay pipe -- and I don't think I
19 would support it. We have been negotiating with the
20 government for a very long time. They keep stalling
21 it, stalling it. Why do I want to support something I
22 have never supported? I'd rather support my -- my
23 future generation for the children and the well-being
24 of my people in this community.

25 Money may be here today, but tomorrow

1 it'll be gone with the industry. But our land will be
2 here. And we are the people. The people from the
3 south call us caribou eaters because they know our diet
4 is just caribou and the wild animals that we live on.
5 And that big partial of water there, there is a lot of
6 fish in there. People in winter used to go there and
7 harvest fish for their dogs; that's the way they
8 survived -- the dogs survived when then trapped there.

9 And what is going to happen to the
10 water? Where does it run off? Is there a river? And
11 we have our spiritual place where we go to Lockhart
12 River, will it become contaminated in another ten (10)
13 years?

14 You know us. We are simple people. We
15 live on the land. We are the stewardess of our land,
16 our animals. That is why every time you come to our
17 land here you -- there's nothing that is contaminated.
18 And the people are healthy before the industry came in.

19 You may make a lot of money, but if you
20 don't use it wisely you get sick with it. There is a
21 lot of stuff that I have never seen in my community
22 that's coming into the community, and I'm not very
23 happy of what I see. We have Chief and council. They
24 have to support us, what we say; that's why we voted
25 them in. And I want the Mackenzie Valley to -- to

1 support us, because we don't ask for much.

2 When other people come in all they want
3 is something from us. Not knowing what people get
4 into, and so we -- sometimes we agree. We agreed to
5 Ekati mine because it was small at the time. And we
6 have never had IBA before, but we went ahead. And
7 there is other mines that are -- are there now. And
8 now they want that Jay pipe. How come it's so far from
9 Ekati?

10 After that Jay pipe is over, is there
11 another parcel of land that they're going to ask for?
12 You see the youth that were here this morning. They
13 all have straight contact with the land because they go
14 hunting with us and they see what's good on the land
15 and they are very happy when they go out there.

16 Some of the people that have missed out
17 on the -- on the land are the ones that are not here
18 with us now. And I'm very sorry to say, but my people,
19 I -- I want them to be healthy, healthy people. You
20 have heard a lot of people talk about a lot of stuff
21 here today. And we're not just saying it out of our
22 heads, but we live -- we live the life we talk about.

23 I don't read it in books. I don't read
24 it in newspapers. I know where I'm coming from. And
25 so all -- all these youth that are talked today and I'm

1 very, very proud of them, because I know I will have a
2 strong relation who are the kids that are going to
3 carry on the work that we have left them. And I'm very
4 proud of my people here.

5 So it's -- I'm glad that you came over
6 here and listened to our concerns because our concerns
7 are -- I think they're the future of our generation and
8 of the people from Lutsel K'e. Even our Lutsel K'e,
9 it's even named after the -- the fish at my -- our
10 ancestors have lived on.

11 So even the name place is called -- it's
12 the name of a food that we eat every day. We still
13 have a good fish here in our land. We still have our
14 animals and -- our fur-bearing animals that we still
15 use. So if that is gone, I don't know what's going to
16 happen. Who's going to replace it?

17 Because once something's gone, I see out
18 in the -- in other countries where the people are so
19 desperate they have nothing to eat. I don't want my
20 people to be like that in the future. Even if I'm gone
21 they will be here and they will still talk for the
22 land, the water, the well-being of our future people
23 here.

24 So I'd like you to consider this and
25 then -- we don't have our land claims yet as I've said

1 already. That should be done before we have any other
2 mining people coming into our community. Sometimes I
3 think we're the last people here that government and
4 the mining industry come to after they talk to
5 everybody.

6 So this is a big burden on my people
7 here. As I said, my people are not happy like they
8 used to. And there's a lot of people that said that
9 are hurt, even the youth talking like that. Why is it?
10 You know, something is taken away from you you have to
11 -- I wouldn't go to other places and try and get
12 something which is not mine before I really make sure
13 everything is going to be okay.

14 But this, I'll say thank you again.
15 Masi cho.

16 THE CHAIRPERSON: Masi, Sarah.

17 As I said, we have three (3) speakers
18 left, and I'm going to -- unfortunately, we have to get
19 ready to leave. And I'm going to leave that with Peter
20 so that there would be written submissions or comments
21 or audios from Terry Enzoe, Elizabeth Catholique, and
22 Albert Boucher.

23 We have arrived at the end of the Jay
24 Project community hearing in Lutsel K'e. Is there --
25 Peter?

1 MR. PETER UNGER: I'm sorry to
2 interrupt. It's a special request from cou -- council.
3 Maybe we have Albert please be the last person? I know
4 you've got to go, but may we please have Albert be the
5 last person?

6 THE CHAIRPERSON: Peter, what I was
7 going to do was Albert is going to do the closing
8 prayer. But before he did the prayer, I wanted to give
9 Albert a chance to speak. Is that okay? Okay. All
10 right. Okay.

11 We've arrived at the end of the Jay
12 Project community hearing in Lutsel K'e, thank you,
13 masi cho, to everyone who spoke to day. The Review
14 Board values the views of the community members in
15 Lutsel K'e.

16 After these hearings are complete,
17 Dominion and parties will submit post-hearing filings
18 prior to the closure of the public record. Post-
19 hearing filing material includes official hearing
20 transcripts, commitments, undertakings, and final
21 statements from parties and the Developer.

22 The post-hearing filing dates are as
23 follows: On October 9th, the undertakings from
24 Dominion and parties; October 23rd is the closing
25 arguments from parties; October 30th is the closing

1 argument from Dominion; on October 30th is the closure
2 for the public record.

3 The Review Board will fully consider the
4 views of all the people who spoke in the Review Board
5 today. Your views and opinions are important to the
6 Board, and it will be considered in the report of the
7 Environmental Assessment.

8 The Review Board will complete the
9 report of EA for the Jay Project in January of 2016.
10 The report will then be submitted to the GNWT Minister
11 of Lands for their consideration.

12 I would like to thank the following
13 individuals who helped to make this hearing successful:
14 the caterer for the wonderful food that we had for
15 lunch and dinner; our interpreters -- the food always
16 gets us, that's the best part, I think. Pido for their
17 sound; Bob for the transcription services. He's
18 sitting over there at the computer there. And
19 definitely to the people of the Lutsel K'e Dene First
20 Nation for your comments that you've made today for the
21 youth, for the Elders, and definitely for your
22 hospitality and the use of this centre here.

23 Thank you to the Board members who sat
24 here and listened. Thank you to our staff who
25 contribute to the -- some of the responses.

1 And before we finish and just before
2 Albert -- wait, I'm coming to you, so just wait -- I
3 would like to ask Chief Felix Lockhart to make some
4 statements. And then I will ask Albert, just before
5 you say closing prayer, to say some words. Masi.

6 CHIEF FELIX LOCKHART: Thank you, Madam
7 Chair. And I'd like to thank all the -- again, you
8 know, right from the start this morning or this
9 afternoon, everyone that come into our community again.
10 And I'd like to thank the council and the members,
11 Wildlife Committee, all the people that basically very
12 passionately, you know, voice their concerns.

13 And -- and just from listening to your
14 next steps, it really opened my mind to, you know,
15 having ourselves go through, again, decisions that's
16 going to be made on our behalf. And so myself,
17 personally, I really believe that it's very important
18 that we do here in our community is paramount. In
19 terms of socio-economic deficits, in terms of what we
20 want to do for our young people, our young people have
21 spoken. And they really believe that they are going to
22 be able to have a future that is -- that it's going to
23 be good for them.

24 We have four (4) mines here. And the
25 reason why we come here today is to talk about this

1 particular project that's right on the edge of the
2 claim block. There has been some concerns being put
3 forth in Yellowknife, and also in Behchoko. And the
4 next one (1) is going to be up in Kugluktuk. And over
5 here in Lutsel K'e I -- there's a tendency for myself
6 to be able to say engage in another IBA.

7 But I will retract from that, and more
8 lean towards a moratorium or a hold on that Jay
9 Project. Because I want to be able to have ourselves
10 have a greater acknowledgment in our communities.
11 Because for too many times now, within the 15 billion
12 American dollar that was extracted from our area here
13 in the last -- since 1900, what do we show for that in
14 terms of the money coming out of our territory, our
15 traditional territory, with all the mines activities
16 that was happening in the last hundred and fifteen
17 (115) years?

18 And look at ourselves and our situation,
19 when we're walking around our community, dust flying
20 around. Look at our housing, our education level. Too
21 many times we -- we know the problem. But this will
22 give us a chance to be able to engage in solutions,
23 engage in a positive understanding of what -- what's
24 going -- what -- what is here now with the four (4)
25 mines, with the present IBA agreements. And then give

1 us a chance to have a -- take a -- take a deep breath
2 and just have a step back and take a look at what's
3 going on with ourselves.

4 I think it's important that we do that.
5 Because I really believe some of the speakers were
6 talking about restoration of faith, to have faith in
7 this whole Review Board mechanism, and what's going on
8 with the mines, the regulatory process, the water
9 licence, everything. How we were engaging ourselves
10 with consultation -- so called consultation, meetings
11 in the past few years, ever since 1996 hasn't stopped.

12 That's our only -- that's our only
13 important event that we always come to, is the meetings
14 that take place regarding what's going on without our
15 hundred percent involvement on our lands, our
16 environment, and the water. I think it's -- gives us
17 the opportunity to be able to -- to revisit that.
18 Discussions on the reclamations, the waste rocks, I
19 mean, all those will be presented. All those will be
20 discussed within the Mackenzie Valley Review Board.

21 There's such -- there's a saying about
22 diamonds are forever. And I hear a lot of concerns
23 today that basically addresses what about on our side.
24 What about the caribou? There's a really strong
25 concern that those caribou are our livelihood, would

1 not be forever. I think that we need to find a
2 balance. And this is our -- our opportunity to engage
3 ourselves so that we can do the discussions, carry out
4 the talks, and not have any kind of decisions made on
5 our behalf, as it was done in the past.

6 We have a tremendous trauma. We have a
7 tremendous impact, not just from the -- the time that
8 the diamond mines have started, but right from way
9 back, from the residential school systems and where the
10 government and the churches were involved, and also,
11 the whole concept of colonialism. When our Elders did
12 the treaties in 1900, they said there was going to be
13 newcomers. And sure enough, there was a lot of people
14 that come over.

15 And being generous people ourselves, we
16 always welcome people. We always wanted to be able to
17 make them feel at home. But in a lot of ways, more
18 than -- than could be expected, even up to about 95
19 percent of the time, I think we were basically robbed
20 of our resources, robbed of our spirituality, robbed of
21 our humanus huge deficit. That has been going on for a
22 long time, to the point where we just grew up. We just
23 have this animosity, resentment, and we're losing part
24 of ourselves.

25 I think now the people, really heard

1 them speak today, especially young people, they want to
2 be able to restore that. We -- they want to be able to
3 -- to ensure that we have a better relationship for the
4 time that they will be growing up, for the next hundred
5 and fifteen (115) years, for the next hundred years.

6 And I think not everything will be
7 resting on the mining sector. The mining sector de --
8 we -- they will have that responsibility for the
9 impacts. But we need to be able to -- to take a deep
10 breath to find ourselves. The different impacts that
11 we have, we need to be able to differentiate one from
12 the other. Some of them were from residential schools.
13 Some of them were from the mining impacts. And some of
14 them were for just general colonialism.

15 Every time we turn around it's always --
16 you look around in our community. How many -- what
17 institution infrastructure is here that really belongs
18 to us? It was all coming from the -- from the
19 government's, except for our -- our cabins that were
20 there, were around our surrounding communities, around
21 the -- the surrounding area, in the (NATIVE TONGUE
22 SPOKEN) lands over in that area over there. We were
23 talking about (NATIVE TONGUE SPOKEN).

24 So just be able to -- to have in -- in
25 terms of closing remarks, I just wanted to point out

1 what our negotiator has been talk -- pointing out
2 earlier on, our negotiator -- community negotiator,
3 Archie Catholique. And he's basically referring to the
4 -- to the Akaitcho process that we need to be able to -
5 - to conclude. And -- and it'll -- we need to be able
6 to conclude that because we never really took part in
7 the devolution process. And here we are, in -- close
8 by to those mining companies that are taking their time
9 and using the government regulations to be able to get
10 what they want.

11 And ourselves, we don't have a formal
12 process. We need to be able to even address the whole
13 concept of governance so that we can have the ability
14 to make decisions on our lands and resources. We can
15 do so right now through our inherent right to self-
16 government, but the government don't look at us like
17 that. We believe that we are a government. We are a
18 nation. And that's -- as such, we are -- we are doing
19 that through our language, our culture, and a way of
20 life and -- and the fact that we have used all those
21 areas that we are -- that the mines are -- are placed
22 on.

23 So I just want to support our youth. I
24 just want to finish up by saying that I strongly
25 support our youth and that I think we need to have a

1 serious dialogue in the coming days, coming weeks,
2 coming months in respect to everything that was said
3 here today. We will not be -- we will not be able to
4 do otherwise, to be able to fulfill what we want to do
5 as a people here.

6 I think it's time that we did business
7 in a different way; be able to revisit the agreements
8 that we have with the present IBAs and ensure that
9 there's a data process where how well are we doing in
10 our education or in our health, or even our economics.

11 We are engaged in our tourism sectors,
12 and we're engaged in our energy sectors. But here we
13 are, we're talking about our -- the -- the mining
14 sector. And so we -- so we want to be heard. And so
15 we are exercising our rights today. And we have -- and
16 we'll be able to go a long ways, I believe, if we do
17 that.

18 And I just want to thank yourself as a
19 Board. I want to thank the people that come over here
20 from the Dominion mining company, and also various
21 departments from the Northwest Territories Government,
22 and all our people here.

23 I am really proud of our people, the way
24 that they had voiced their concerns very eloquently,
25 passionate because that's how -- I was listening to

1 them. And when they were speaking, they were relating
2 it to the land and water and air.

3 And I had a sense that they had some --
4 some faith and some hope in this process today right
5 from the time that this was started at one o'clock this
6 afternoon. And I just want to say that, please, let's
7 maintain that hope. Let's maintain that -- that -- not
8 very much because you know already we're right down, I
9 said, socio-economic deficit.

10 We want to be able to rise up and not
11 have to be beggars in our homeland forever. We cannot
12 do that. We want to be able to be -- doing better than
13 that.

14 Of course, it's going to take a slow
15 process, but we want to be able to move up so that the
16 young people who have spoken today, they can carry out
17 what we're going to do with the amount of time that we
18 can do so ourselves. The young people will be able to
19 carry on the understanding that our Elders have put in
20 place long ago.

21 So I just wanted to come to that point.
22 And I look forward to future very serious discussions,
23 talks about what everybody heard today in Lutsel K'e in
24 this hall here. So I'll leave it at that, and thank
25 you, Madam Chair, for your proceedings, presiding about

1 the whole discussion today.

2 And I also thank Albert Boucher, the
3 Elder. When he first started, he prayed for us to be
4 able to have a good meeting, and then now we're coming
5 back to him to ask him to pray again. Thank you very
6 much. Masi.

7

8 (INTERPRETED FROM FIRST NATIONS LANGUAGE INTO ENGLISH)

9

10 ELDER ALBERT BOUCHER: Masi. Good
11 meeting. I'm very, very happy. You spoke -- they
12 spoke with their heart. Thank you very much to them.
13 If we help each other in that way, so I thank you for
14 every -- very much for people that spoke. So I will do
15 the closing prayer for you now.

16

17 (INTERPRETATION CONCLUDED)

18

19 (CLOSING PRAYER)

20

21 THE CHAIRPERSON: Masi. Masi, Albert.
22 Masi.

23 The community hearing for the Jay
24 Project and Lutsel K'e is now officially adjourned.

25

1 --- Upon adjourning at 8:24 p.m.

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6 Certified Correct,

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10 _____

11 Bob Keelaghan, Mr.

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