



“When You Talk - We Listen!”



MACKENZIE VALLEY ENVIRONMENTAL  
IMPACT AND REVIEW BOARD

GAHCHO KUE PROJECT  
ENVIRONMENTAL IMPACT REVIEW HEARING

Mackenzie Valley Review Board:

Chairperson	Darryl Bohnet
Board Member	Rachel Crapeau
Board Member	James Wah-Shee
Board Member	Peter Bannon
Board Member	Richard Mercredi

HELD AT:

Yellowknife, NT

December 5, 2012

Day 3 of 6

1	APPEARANCES	
2	Chuck Hubert	)MVEIRB
3	Simon Toogood	)
4	Shannon Hayden	)
5	Stacey Menzies	)
6	Carol Luttmmer	)
7	Cailin Maki	)
8	Alan Ehrlich	)
9	Kathy Racher	)
10	John Donihee	)
11	Dave Tyson	)
12	Terry Antoniuk	)
13	Brigitte Masella	)
14		
15	Stephen Lines	)De Beers Canada
16	Terry Kruger	)
17	Cathie Bolstad	)
18	Veronica Chisholm	)
19	Leah Russell	)
20	Craig Blackie	)
21	Andrew Williams	)
22	Elizabeth Biscaye (Sabet)	)
23	Shirley Tsetta	)
24	Grace Mackenzie	)
25	Wayne Corso	)

1	APPEARANCES (cont'd)	
2	Glen Koropchuk	) De Beers Canada
3	Mike Herrell	)
4	Nathan Schmidt	)
5	Gary Ash	)
6	Alex Hood	)
7	Dave Putnam	)
8	Ken De Voss	)
9	Travis Schindel	)
10	Rob Coolen	)
11	Brenda Anderson	)
12	Bill Horne	) EBA Engineering
13	Daniel Johnson	) JDS Mining
14	John Virgl	) Golder
15	John Faithful	)
16	Amy Langhorn	)
17	Peter Chapman	)
18	Alison Snow	)
19	Tasha Hall	)
20	Rie Hatsushika	)
21	Dan Coulton	)
22	Kasey Clipperton	)
23	Cam Stevens	)
24	Kyle Hodgson	)
25	Kristine Mason	)

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2 Graeme Clinton )Impact Economics

3 Terri-Lee Oleniuk )Counsel

4 Martin Ignasiak )Counsel

5

6 Dora Enzoe (np) )Lutsel K'e

7 James Marlowe (np) )First Nation

8 Stephanie Poole(np) )

9 Ron Fatt )

10 Emily Saunders (np) )

11 Mike Tollis )

12 Terry Enzoe )

13 Roy Desjrlais )

14 Sam Boucher )

15 Joseph Catholique )

16

17 Bill Enge )North Slave Metis

18 Ed Jones )Alliance

19 Eric Binion )

20 Robert Mercredi )

21 Wayne Langenhan )

22 Susan Enge )

23

24

25

1 APPEARANCES (cont'd)

2 Lionel Marcinkosky (np) )AANDC

3 Robert Jenkins )

4 Nathen Richea )

5 Paul Green )

6 Velma Sterenberg )

7 Francis Jackson )

8 Michele Culhane )

9 Tricia Melander-Ford )

10 Marc Large )

11 Mike Martin )

12 Eric Yaxley )

13 Scott Duke ) Counsel

14 Ramona Sladic ) Counsel

15

16 Kate Witherly )NPMO

17

18 Todd Slack )YKDFN

19 Alfred Baillargeon(np) )

20 Fred Sangris (np) )

21 Randy Freeman )

22 Kim Poole )

23 Edward Sangris (np) )

24

25

1 APPEARANCES (cont'd)

2 Kimberly Balsillie(np) )GNWT

3 Russ Teed )

4 Gavin More )

5 Joel Holder )

6 Luke Coedy )

7 Dianna Beck )

8 Brittany Shewera )

9 A. Lizotte )

10 Katherine Robinson )

11 Shafic Khouri )

12 Derek Rains )

13 Rachel Bowden )

14 Greg Brady )

15 Bob McLeod )Premier

16

17 Joel Holder (np) )ENR

18

19 Kelly Burke )Department of

20 Bruce Hanna )Fisheries and

21 Julie Dahl )Oceans

22 Claire Stratton-Ross )

23 Bev Ross )

24

25 Ann Ronald )Parks Canada

1 APPEARANCES (cont'd)

2 Scott Duke )Justice Canada

3 Ramona Sladic )

4

5 Rob Johnstone )Natural Resources

6 John King )Canada

7 Arana Dixit )

8 Sharon Smith )

9 Nand Dave )

10

11 Marc Casas )Mackenzie Valley

12 )Land and Water Board

13

14 Henry Zoe )Tlicho Government

15 Ginger Gibson (via phone) )

16 Sonny Zoe )

17 John B. Zoe )

18

19 Lisa Lowman )Environment Canada

20 Carey Ogilvie )

21 Erik Allen )

22 James Hodson )

23 Corrina Wat )

24

25

1 APPEARANCES (cont'd)  
2  
3 Mike Molinski )Transport Canada  
4  
5 Stephen Ellis )Akaitcho IMA  
6  
7 Patrick Simon ) Deninu Kue  
8 Elmer Platt ) First Nation  
9 Linda Vandenberg )  
10 Mark Detromond )  
11 Dave Piro (np) )  
12 Robert Zien (np) )  
13  
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1 --- Upon commencing at 9:01 a.m.

2

3 THE CHAIRPERSON: Good morning,  
4 everyone. I've asked panel member James Wah-Shee to  
5 lead us in the opening prayer. Please stand.

6

7 (OPENING PRAYER)

8

9 OPENING COMMENTS BY THE CHAIRPERSON:

10 THE CHAIRPERSON: Good morning,  
11 everyone. Welcome to the public hearing for the Gahcho  
12 Kue project. My name is Darryl Bohnet, and I am the  
13 Chair of the Gahcho Kue panel. We're here to listen to  
14 what you have to say about the Gahcho Kue diamond  
15 project. The developer is De Beers Canada Limited. De  
16 Beers proposes to construct, operate, and close an  
17 open-pit diamond mine at Kennady Lake.

18 The mine will consist of draining  
19 Kennady Lake to access three (3) open pits in the  
20 construction phase, followed by eleven (11) years of  
21 mining operations. Refilling of the lake will occur at  
22 closure, and post-closure monitoring will follow.

23 This is the first day of three (3) days  
24 of public hearings in Yellowknife. Each party that has  
25 submitted a presentation will have the opportunity to -

1 - to present their findings as outlined on the agenda.  
2 We will start this morning with a brief three (3)  
3 minute introduction of each party so the panel members  
4 know who you are and who you represent.

5 I would greatly appreciate if parties  
6 would work within the timelines described on the agenda  
7 during introductions, presentations, and during  
8 questions. Today's agenda this morning is as follows:  
9 three (3) minute introduction by each party and a  
10 presentation for De Beers Canada and questions from  
11 parties to De Beers. We will take lunch at twelve  
12 o'clock to 1:15, and lunch is not provided.

13 We have a minor change to the agenda.  
14 At 1:15 we will hear the joint presentation from  
15 Aboriginal parties and De Beers, followed by questions  
16 from parties. I will adjourn the meeting at 5:00 p.m.

17 Over the course of the day, we ask that  
18 you do your best to help the panel understand your  
19 views about the impacts of the proposed mine. The  
20 panel wants to hear your views on potential  
21 environmental, social, economic and cultural impacts of  
22 the project and your views of the potential  
23 significance of these impacts.

24 The panel will fully consider these  
25 views while it is deliberating on its decision on this

1 environmental impact review. Once the decision is  
2 made, the panel will prepare a report and send it to  
3 the Minister of Aboriginal Affairs and Northern  
4 Development.

5 I would like now to introduce our panel  
6 members and then introduce counsel, technical advisors,  
7 and staff.

8 Our panel: Richard Mercredi is on my  
9 right, your left. He's from Fort Smith. He's a Metis.  
10 He worked as a senior management in the regional office  
11 and was also actively involved in the Hunters and  
12 Trappers Association.

13 Peter Bannon, on my right, is a long-  
14 term Northerner working for the territorial and federal  
15 governments. And I know for -- that he's been here for  
16 over thirty-five (35) years in Yellowknife.

17 James Wah-Shee, on -- on my left, is a -  
18 - has been a senior spokesman for the Tlicho people in  
19 the past years and a former Minister of the territorial  
20 government.

21 And Rachel Crapeau has been involved --  
22 from Dettah, sorry -- was -- has been involved in the  
23 environmental department of -- of the Yellowknives Band  
24 for many years.

25 I guess I should say I'm originally from

1 Fort Smith. I've lived in Yellowknife for the past  
2 thirty-five (35) years, and I'm also Metis background  
3 or heritage, I should say.

4 Our legal counsel is John Donihee.  
5 Raise your hands, people, as -- as I introduce you. I  
6 better turn the page.

7 Our technical advisor, Anne Gunn is not  
8 with us today. She has provided questions, and those  
9 questions will be handled by our legal counsel, John --  
10 John Donihee. Brigitte Masella, from Montreal; Dave  
11 Tyson; Kathy Racher, Kathy is with us on a -- a loan or  
12 secondment from Land and Water Board, and she has  
13 expertise in water; and Terry Antoniuk.

14 And I've got a list of staff, and I'm  
15 not sure if they're all here, but I'll give it a try.

16 Community Liaison, Stacey Menzies;  
17 intern, Cailin Maki; Environmental Assessment Officer,  
18 Shannon Hayden -- I don't see Paul Mercredi -- Simon  
19 Toogood, Carol Luttmer; Senior Environmental Assessment  
20 Officer and Manager for the Gahcho Kue panel, Chuck  
21 Hubert; Manager for the Environmental Assessment with  
22 the -- the Board, Alan Ehrlich; Executive Director,  
23 Vern Christianson. I don't see him either.

24 This -- this panel of the Review Board  
25 is a co-management body established by the Mackenzie

1 Valley Resource Management Act that makes its decisions  
2 by consensus. Our members are Northerners nominated by  
3 First Nations, territorial, and federal governments.  
4 Our goal is to make decisions that will benefit the  
5 North for all residents and for future generations.

6 I have some additional comments on  
7 today's proceedings that I -- I hope will help you make  
8 sure every -- everything goes smoothly.

9 We have limited time, and the panel  
10 wants to hear what everyone has to say. I ask that  
11 everyone respect the time allotted for presentations  
12 and questions and use their time effectively.

13 The panel is committed to fairness. The  
14 panel will be producing an official transcript of these  
15 hearings. This transcript will be available through  
16 our website on the public registry for this  
17 environmental assessment.

18 Parties will be invited to ask questions  
19 in -- in turn after each presentation. Parties have a  
20 number of op -- parties have had a number of  
21 opportunities to ask questions during the two (2)  
22 rounds of information requests and the technical  
23 sessions. Please try not to duplicate questions  
24 already asked where answers have been provided. The  
25 order of questions will follow the list of parties.

1                   After party questions, I will invite  
2 questions from staff, counsel, technical advisors, and  
3 panel members. Please address all questions to the  
4 Chair.

5                   De Beers Canada will give a presentation  
6 first. After they have given the presentation, we have  
7 scheduled time to allow parties to ask questions.  
8 After the presentation today, the order of questions  
9 will be as follows: Akaitcho IMA Implementation  
10 office, followed by the Dene Nation, then Deninu Kue  
11 First Nation, Lutsel K'e Dene First Nation, NWT Metis  
12 Nation, North Slave Metis Alliance, Tlicho government,  
13 the Yellowknives Dene First Nations, Ab -- Aboriginal  
14 Affairs and Northern Development Canada, Environment  
15 Canada, Fisheries and Oceans, Government of the  
16 Northwest Territories, Natural Resources Canada, Parks  
17 Canada, Transport Canada, De Beers Canada, panel,  
18 staff, counsel, and panel technical advisors, and  
19 finally panel members.

20                   Questions must be asked with a  
21 microphone so that everyone can hear and the  
22 transcriber can properly record it. Please sign --  
23 please remember to sign in at the front door. Signing  
24 in helps our transcriber and gives the Board a good  
25 record of how many people attended the hearing.

1                   Tomorrow we will continue with  
2 presentations from parties, as shown on the agenda,  
3 using the same order of questioning from parties for --  
4 after each presentation.

5                   We have simultaneous translation in  
6 Tlicho. On your headsets you can hear English on  
7 channel 1, 5, and 6. Tlicho on channel 4. And  
8 Chipewyan on channel 2. I ask that you speak slowly  
9 and clearly for the interpreter.

10                  The Premier indicated that he was going  
11 to be here, but I don't see him, so we're going to  
12 proceed with the introductions of parties. So we will  
13 start -- start with the -- the order. And -- and I  
14 know that the Premier's time is limited. When he comes  
15 in, we'll give him the floor and then we'll continue.

16                  So we'll begin with the Akaitcho IMA  
17 Implementation office. Do we have anybody from the IMA  
18 -- oh. I don't see or hear anybody from the Akaitcho  
19 IMA Implementation office. Do we have anybody from the  
20 Dene Nation? Anybody from Deninu Kue First Nation?

21                  MR. PATRICK SIMON: Good morning. My  
22 name is Patrick Simon, and I will be presenting our  
23 part of this process, and I am the Environment Manager  
24 for the Deninu Kue First Nation. I'll also have with  
25 me, on the presentation, Mr. Elmer Platt (phonetic),

1 and he's one of my technical advisors who will assist  
2 me in submission. Along with my delegation will be  
3 councillor Dave Piro (phonetic) on behalf of the Chief,  
4 as well as councillor Robert Zien (phonetic). And they  
5 will be with us tomorrow.

6 And the other members of our team are  
7 Linda Vandenberg (phonetic) and Mark Detromond  
8 (phonetic). And those are technical advisors. And I  
9 thank you for this opportunity and wish us all a good  
10 morning.

11 THE CHAIRPERSON: Thank you mu -- very  
12 much, Patrick Simon. Lutsel K'e Dene First Nation...?

13

14 (BRIEF PAUSE)

15

16 MR. RON FATT: Hi. Good morning. My  
17 name is Ron Fatt. I'm from Lutsel K'e Dene First  
18 Nation. I will be making reference probably this  
19 afternoon. Thank you.

20 MR. MIKE TOLLIS: Good morning, panel.  
21 My name is Mike Tollis. I'm the Wildlife, Lands, and  
22 Environment Manager for Lutsel K'e Dene First Nation.  
23 I brought with us today the wildlife committee,  
24 consisting of Ron Fatt, who you just heard from; Terry  
25 Enzoë (phonetic), Roy Desjarlais (phonetic), Sam

1 Boucher, and Joseph Catholique.

2                   You may be hearing from all of us today  
3 or maybe just myself, but thank you for the opportunity  
4 to speak, and good morning, everyone.

5                   THE CHAIRPERSON: Thank you very much.  
6 NWT Metis Nation...?

7

8                   (BRIEF PAUSE)

9

10                   THE CHAIRPERSON: North Slave Metis  
11 Alliance...?

12

13                   (BRIEF PAUSE)

14

15                   MR. BILL ENGE: Good morning, Mr.  
16 Chair. We thank the Mackenzie Valley Review Board for  
17 this opportunity to make opening remarks. My name is  
18 Bill Enge, and I am the President of the North Slave  
19 Metis Alliance. We are always ready and willing to --

20                   THE CHAIRPERSON: Excuse me, President  
21 Enge. This is intended to introduce the teams.

22                   MR. BILL ENGE: Okay, Mr. Chairman. My  
23 understanding, these are opening remarks, and we're  
24 making opening remarks.

25                   THE CHAIRPERSON: I'm sorry, the -- the

1 intention is for each organization to introduce their  
2 teams. You have a time slot later on in the hearings  
3 to -- to do your -- your opening remarks and -- and  
4 presentation.

5 MR. BILL ENGE: Okay. Thank you, Mr.  
6 Chairman, for clarifying the -- this part of the  
7 agenda. So I will then move on to, again, just point  
8 out that we are happy to be here and we are always  
9 ready and willing to consult and discuss projects such  
10 as De Beers Gahcho Kue project.

11 The North Slave Metis Alliance team is  
12 comprised of myself and my sister, Susan Enge. We have  
13 Elders Ed Jones and Wayne Langenhan. We have our  
14 regulatory analyst with us, Eric Binion. And we have  
15 one of our directors here as well, Bob Mercredi.

16 So as I understand it, Mr. Chairman, I'm  
17 to reserve my comments for later on the agenda today.  
18 Thank you.

19 THE CHAIRPERSON: Thank you very much,  
20 President Bill Enge. Next is Tlicho -- Tlicho  
21 government...?

22 MR. HENRY ZOE: Good morning, Mr.  
23 Chairman. Thank you for taking the time to listen --  
24 thank you for taking the time to listen to this  
25 development today.

1                   Mr. Chairman, I would like to  
2 acknowledge the Chief Drygeese territory that we're  
3 meeting here today. I would also like to acknowledge  
4 all the Elders that are here today with us. Today is  
5 technical day in which many discussions between the  
6 parties will take place. Questions will be asked and--

7                   THE CHAIRPERSON:   Excuse me.

8                   CHIEF HENRY ZOE:    I -- I understand  
9 where -- what you said earlier, Mr. Chairman. Today  
10 I'll be joined by our Senior Advisor, John B. Zoe, and  
11 our Technical Coordinator, Ginger Gibson, will be in by  
12 phone, and our Elder, Joseph Judas, will be joining us  
13 on Friday as well as our Chair, Sonny Zoe of the Kwe  
14 Beh Working Group.

15                   We look forward to these next few days  
16 to discuss this proposed Gahcho Kue project. With  
17 that, thank you, Mr. Chair.

18                   MR. CHUCK HUBERT:    Could you just state  
19 your name, please?

20                   CHIEF HENRY ZOE:    Oh, sorry. Henry  
21 Zoe, Tlicho Government.

22                   THE CHAIRPERSON:    Thank you very much,  
23 Henry Zoe. Yellowknives Dene First Nation...?

24                   MR. TODD SLACK:      Good morning, Mr.  
25 Chair. My name's Todd Slack. I'm with the

1 Yellowknives Dene. This week we'll be presenting on  
2 Friday, and the folks that'll be talking to you: Chief  
3 Edward Sangris. Chief's in his second consecutive term  
4 as Chief, being re-elected in 2011, and has over thirty  
5 (30) years of experience in the diamond mining -- or,  
6 in the mining industry.

7 Randy Freeman, the Director of Lands and  
8 Environment, will be speaking. He has thirty (30) plus  
9 years in the North, and he's our traditional knowledge  
10 expert.

11 We have brought on a -- a caribou  
12 consultant. Kim Poole is his name. He's been working  
13 in the North for a good number of years and is involved  
14 at the -- the -- with the other diamond mines.

15 And my role here, I'll be doing the  
16 questioning, but I'm the -- Research and Regulatory  
17 Specialist is my title, and I don't think I should say  
18 any more. We know each other all too well now. Thank  
19 you.

20 THE CHAIRPERSON: Thank you very much,  
21 Mr. Slack. Aboriginal Affairs and Northern  
22 Development...?

23 MR. ROBERT JENKINS: Good morning, Mr.  
24 Chair. My name's Robert Jenkins. I'm the Acting  
25 Director for Renewable Resources and Environment, with

1 Aboriginal Affairs and Northern Development Canada.  
2 We're giving our presentation tomorrow, and I'll be  
3 joined by Nathen Richea, who's with the Water Resources  
4 Division; Paul Green; and Francis Jackson, also with  
5 the Water Resources Division. We also have with us our  
6 legal counsel, Scott Duke and Ramona Sladic. Thank  
7 you.

8 THE CHAIRPERSON: Thank you. Fisheries  
9 and Oceans...?

10 MS. BEV ROSS: Good morning, Mr. Chair.  
11 My name is Bev Ross. I'm with the Department of  
12 Fisheries and Oceans. I'm the Regional Manager for  
13 Environmental Assessment. With me today is Julie Dahl,  
14 who is the Regional Manager for Habitat. She'll be  
15 giving DFO's presentation on Friday. And in addition,  
16 we have Kelly Burke, who's the Habitat Team Leader here  
17 in Yellowknife.

18 THE CHAIRPERSON: Thank you. So the  
19 Chair messed up already. I jumped one. Environment  
20 Canada...?

21 MS. LISA LOWMAN: Good morning, Mr.  
22 Chair. My name is Lisa Lowman, and I'm a Senior  
23 Environmental Assessment Coordinator with Environment  
24 Canada here in Yellowknife. Myself and Dr. James  
25 Hodson will be presenting our presentation, which is

1 scheduled to take place the afternoon of December 7th.

2 We also have here, in terms of  
3 Environment Canada's representative, Mr. Carey Ogilvie.  
4 He's our Section Head of Environmental Assessment in  
5 Yellowknife, and he's here to answer questions with  
6 respect to the broad mandate, role, and  
7 responsibilities of the department.

8 We will also have Mr. Eric Allan,  
9 support -- Sector Support Expert, from Edmonton. And  
10 he's available to answer questions with respect to  
11 freshwater environment with regards to our submission.

12 In addition, we have Dr. James Hodson.  
13 He's an Environmental Assessment Coordinator with the  
14 Canadian Wildlife Service from Yellowknife, and he will  
15 be here to answer questions with respect to section for  
16 terrestrial environment of our submission.

17 And as well we have on the phone Ms.  
18 Corrina Wat, who's an air quality specialist from  
19 Edmonton. And she'll be available to answer questions  
20 with respect to our atmospheric environment section of  
21 our submission. Thank you.

22 THE CHAIRPERSON: Thank you. Now I'm  
23 going to purposely skip the next one, because I  
24 understand that the Premier does want to welcome us and  
25 introduce his team. So I'll go to Natural Resources

1 Canada.

2 MR. JOHN KING: Good morning,  
3 Chairperson and panel members. My name is John King.  
4 I'm an EA Coordinator with the Environmental Assessment  
5 Division at Natural Resources Canada in Ottawa.

6 NRCan's team here at the panel's public  
7 hearing also includes Rob Johnstone, Deputy Director of  
8 our Sustainable Mining and Materials Policy division;  
9 Dr. Aruna Dixit, coordinator for our earth sciences  
10 sector; and Dr. Sharon Smith, a research scientist with  
11 expertise in permafrost and also with the earth  
12 sciences sector.

13 Dr. Nand Dave, a senior research  
14 scientist in mine and environmental science, could not  
15 be here with us in Yellowknife. He will be available  
16 by telephone and will call in tomorrow for the  
17 presentation that we're giving tomorrow morning.

18 NRCan also has other experts that have  
19 been involved in this project that are in Ottawa and  
20 that have participated in the technical review,  
21 focussing on mine waste management issues and physical  
22 environment issues. And if NRCan -- if -- if there are  
23 questions that come to NRCan in other areas relating to  
24 our expertise, although our experts are not here, we  
25 can't -- if there are questions we can't answer now, we

1 can make our expertise available to the panel in  
2 writing. Thank you.

3 THE CHAIRPERSON: Thank you, sir. The  
4 Premier has just arrived and you no -- you may have  
5 noticed that on the agenda we had welcoming remarks  
6 from the Chief. So we've asked the Premier, and the  
7 Premier has agreed to make some opening remarks and to  
8 introduce his team as well. So, Premier Bob McLeod,  
9 the mic is yours.

10

11 OPENING COMMENTS BY PREMIER BOB MCLEOD:

12 PREMIER BOB MCLEOD: Good morning, Mr.  
13 Chair, panel members, Chief Sangris, ladies and  
14 gentlemen. My name is Bob McLeod. I am the Premier of  
15 the Northwest Territories. I will provide a brief  
16 summary of the Government of the Northwest Territories'  
17 planned participation in this hearing process.

18 As you know, the Northwest Territories  
19 is a major diamond producer accounting for 85 percent  
20 of Canada's diamond production by value and 16 percent  
21 of the world's diamond production. Diamond mining is  
22 the largest part of our economy, making 24 percent of  
23 our gross domestic product in 2011. The people of the  
24 Northwest Territories have benefited substantially from  
25 the jobs and income diamond mining has providing.

1 Spending by the mines has benefited  
2 Northern businesses and helped to create new economic  
3 opportunities. We have been mining diamonds in the  
4 Northwest Territories for fourteen (14) years now. Our  
5 government understands the benefits of diamond mining  
6 and we know how to manage the impacts.

7 In our experience, mining companies have  
8 been good corporate citizens. They have entered into  
9 impact benefit agreements that help ensure our  
10 Aboriginal people enjoy the benefits of development on  
11 their traditional lands. They have also entered into  
12 socioeconomic agreements and committed to work with  
13 government to cooperatively manage and mitigate  
14 potential socioeconomic and environmental impacts.

15 Our government has a vision of a  
16 prosperous, self-sufficient territory that provides  
17 opportunities for all our residents in their  
18 communities and regions. We want a territory where  
19 people are healthy and educated and free from poverty  
20 and addictions. We want a territory where Northerners  
21 make the decisions about the things that affect us. We  
22 want a territory where our environment is protected and  
23 a strong economy gives us the financial resources we  
24 need to fund programs and services, look after our  
25 land, and provide for our residents.

1 Diamond mining is a critical part of  
2 achieving that vision. We are a resource-rich  
3 jurisdiction, and our social and economic development  
4 depends on the responsible development of these  
5 resources. But we are not interested in development  
6 at any cost. Development must be managed properly to  
7 make sure that our people enjoy its benefits and we are  
8 able to manage and mitigate potentially negative  
9 impacts. We have adopted the principles of sustainable  
10 development to guide decisions and actions related to  
11 resource use. These principles are clearly outlined in  
12 our sustainable development policy and ensure that our  
13 equal interests and conservation and economic  
14 development are always considered.

15 People of the Northwest Territories  
16 expect their government to protect their interests and  
17 ensure the Gahcho Kue project benefits Northerners.  
18 Our role in these hearings is to advance the public  
19 interests of our residents. The Gahcho Kue project is  
20 important to the long-term strategic interests of the  
21 Northwest Territories, to the continued strength of our  
22 economy, and the well-being of our people and  
23 communities.

24 The Government of the Northwest  
25 Territories maintains its qualified support for the

1 Gahcho Kue project based on the information currently  
2 available. We are encouraged by the open and extensive  
3 discussions undertaken with De Beers and their follow-  
4 up to these discussions with detailed commitments.  
5 These include the commitment to complete a  
6 socioeconomic agreement as a follow-up program and  
7 memoranda of understanding for wildlife and air to  
8 establish and track follow-up programs in these areas.  
9 We are also encouraged by the Developer's willingness  
10 to work with the Aboriginal parties to this  
11 Environmental Assessment to find an effective forum for  
12 the environmental stewardship of the Gahcho Kue  
13 project.

14 Our past experience with diamond mining  
15 gives the government confidence that the Gahcho Kue  
16 project can be managed in a way that creates benefits  
17 for our economy and residents. We will continue to  
18 work with the Developer to make sure that happens, and  
19 we will continue to represent the interests of  
20 Northwest Territories' residents as full and active  
21 participants in the re -- review process.

22 The Government of the Northwest  
23 Territories will be making presentations on wildlife  
24 management, socioeconomic and cultural impacts, and air  
25 quality emissions. Staff making presentations include

1 Gavin Moore, Manager, Environmental Assessment and  
2 Monitoring, Department of Environment and Natural  
3 Resources; Kelly Kaylo, Assistant Deputy Minister,  
4 Department of Industry, Tourism, and Investment; Aileen  
5 Stevens, Air Quality Programs Coordinator, Department  
6 of Environment and Natural Resources; and Nicole  
7 McCutchen, Manager of Wildlife Research and Management,  
8 Department of Environment and Natural Resources.

9 Other Government of the Northwest  
10 Territories representatives available for questions and  
11 answers will be Janet Grinsted, Assistant Deputy  
12 Minister, Department of Education, Culture, and  
13 Employment; Rita Mueller, Chief Executive Officer,  
14 Tlicho Community Services Agency.

15 We fully expect the outstanding issues  
16 raised by our government and other parties will be  
17 resolved during the hearing process as the developer  
18 provides further information and makes additional  
19 commitments. We are confident any remaining issues  
20 will be addressed by the panel in its final report to  
21 the federal and responsible ministers.

22 We look forward to participating in this  
23 process. Thank you, Mr. Chair.

24 THE CHAIRPERSON: Thank you very much,  
25 Premier Bob McLeod. Thank you.

1 Our next group is Parks Canada.

2 MS. ANN RONALD: Good morning. My name  
3 is Ann Ronald. I'm with Parks Canada. Parks Canada is  
4 a party to the Gahcho Kue environmental impact review  
5 process, but we will not be presenting at these  
6 hearings. Thank you.

7 THE CHAIRPERSON: Thank you. Transport  
8 Canada...?

9 MR. MIKE MOLINSKI: Good morning. My  
10 name is Mike Molinski. I'm an environment officer and  
11 Transport Canada. We're doing our presentation  
12 tomorrow morning. And at that time, joining me will be  
13 Dale Kirkland, Manager of Environment, and also Shannon  
14 Volum (phonetic), Navigable Waters Protection Officer.

15 THE CHAIRPERSON: Thank you. I'm at  
16 the end of my list. De Beers Canada...?

17 MR. MARTIN IYNUSIAK: Good morning, Mr.  
18 Chairman. My name is Martin Iynusiak. I'm with the  
19 law firm Osler, Hoskin, Harcourt, representing De  
20 Beers. Along with me is Terri-Lee Oleniuk, and I'll  
21 ask Ms. Chisholm to introduce the team giving the De  
22 Beers' presentation this morning.

23 MS. VERONICA CHISHOLM: Good morning,  
24 Mr. Chairman. The presentation from De Beers this  
25 morning will be given by Glen Koropchuk, our Chief

1 Operating Officer, and myself, Veronica Chisholm, the  
2 Permitting Manager for the Gahcho Kue Project. Thank  
3 you.

4 THE CHAIRPERSON: I hope this is a sign  
5 to come, we're ahead of schedule. We're ahead of the  
6 agenda. It's still early in the day. I think we can  
7 move right in to the De Beers' presentation.

8

9 PRESENTATION BY DE BEERS CANADA INC.:

10 MR. GLEN KOROPCHUK: Mr. Chair, my name  
11 is Glen Koropchuk, Chief Operating Officer of De Beers  
12 in Canada. Please, please, lights on, Mr. Chair.

13 THE CHAIRPERSON: Lights on for a few  
14 minutes.

15 MR. GLEN KOROPCHUK: Thank you. My  
16 eyes aren't as good as they used to be. Good morning,  
17 Mr. Chairman, members of the panel, the community  
18 participants. Thank you very much for this opportunity  
19 to address this meeting today.

20 It is my pleasure to be here  
21 representing De Beers at this key, important stage in  
22 the development of the Gahcho Kue Project. The Gahcho  
23 Kue Project is a joint venture between De Beers and  
24 Mountain Province Diamonds, and De Beers is the  
25 operator of the project.

1 I would like to extend my sincere thanks  
2 to the Chair, Board members, Board staff, and all the  
3 participants here today and who have been participating  
4 throughout this process, for your work with De Beers  
5 over the past seven (7) years on the advancement and  
6 development of this exciting and important project.

7 In Canada De Beers currently operates  
8 two (2) mines: Snap Lake Mine in the Northwest  
9 Territories and Victor Mine in Northern Ontario. Snap  
10 Lake has a forecast life of mine to approximately 2030.  
11 It is one of the longest mine lives in the De Beers  
12 group of companies, while the Victor mine is currently  
13 forecasted to produce until 2018 and then close.

14 Thank you. The Gahcho Kue project  
15 represents our ongoing commitment to grow our  
16 contribution to Canada's Northern economic development  
17 and to ensuring Northern communities can contribute to,  
18 participate in, and benefit from our operations along  
19 with other Canadians.

20 The development of this project has been  
21 in accordance with our sustainable development policy.  
22 This policy ensures that activities undertaken today  
23 meet the needs of the present without compromising the  
24 ability of future generations to meet their own needs.  
25 It means we take into account, for the longer term,

1 economic, social, and environmental implications as we  
2 make decisions and take actions today.

3 Ms. Veronica Chisholm, our permitting  
4 manager, will soon provide a thorough overview of the  
5 Gahcho Kue project. But before she does, I would like  
6 to highlight the important role that Snap Lake Mine has  
7 played in contributing to the Northwest Territories  
8 economy as well as how the Gahcho Kue project  
9 demonstrates our commitment to the Canadian North and  
10 thus will enable De Beers to continue our contribution  
11 to a stronger and more prosperous Northwest  
12 Territories.

13 The Gahcho Kue Project is a good-news  
14 story at a time when the North is facing economic  
15 challenges. One just needs to read Monday's News North  
16 this week to see that the diamond industry's ability to  
17 deliver economic benefits to the Northwest Territories  
18 is beginning to decline.

19 Two (2) of the Northwest Territories  
20 long-term diamond operators are now in the later stages  
21 of their mine lives, and large investments are  
22 departing. While the Gahcho Kue project cannot totally  
23 replace the exodus and this inevitable reduction in  
24 investment in GDP, the project will play an important  
25 role in delivering new opportunities to the Northwest

1 Territories' residents and in ensuring that Canada's  
2 agenda for Northern economic development can be  
3 realized.

4                   The opportunities that the Gahcho Kue  
5 project present will come in the form of choices,  
6 choices for employment, additional business  
7 opportunities, new training initiatives, scholarships,  
8 other community investments, and all of the  
9 opportunities that thrive when economy is stable and  
10 growing.

11                   We have been encouraging engagement with  
12 communities about this proposed project and, indeed,  
13 participating with communities since the 1990s.  
14 However, a more formal process of consultation with  
15 both communities and regulators began in November 2005,  
16 about seven (7) years ago. That is when we first  
17 submitted our application to the Mackenzie Valley Land  
18 and Water Board.

19                   Over the years we have been listening to  
20 people and hearing their key concerns. Throughout this  
21 process we have developed the Gahcho Kue project  
22 responsibly, sustainably, while responding to their  
23 concerns.

24                   We understand and respect the importance  
25 of the land, water, wildlife, and culture to all of the

1 communities of the North. We also understand that  
2 future generations need the ability to pursue new  
3 business and career opportunities without losing their  
4 connection to the land and their way of life.

5                   These choices and values are important  
6 to De Beers. We value our people and we value the  
7 communities in which we work. We are confident that  
8 the project is not only technically sound, but also  
9 reflects our commitment to sustainable development and  
10 to working with communities over the life of the Gahcho  
11 Kue project and well into the future.

12                   In the last two (2) days of this hearing  
13 we've heard from some community representatives who  
14 believe that no benefits have flowed from the diamond  
15 mining industry or from Snap Lake Mine to their  
16 communities. While I cannot speak for the individual  
17 benefits that have flowed from other operations, I  
18 would like to clarify, for the record, the benefits  
19 that have flowed from Snap Lake operation since  
20 construction in 2005.

21                   Snap Lake Mine has employed two hundred  
22 and fifteen (215) Northwest Territories residents on  
23 average, annually, since construction started in 2005.  
24 And today's employment is approximately two hundred and  
25 seventy-five (275) Northwest Territories residents.

1                   In October 2012 our Snap Lake Mine  
2 surpassed an incredible milestone of \$2 billion spent  
3 on the purchase of goods and services. Of that \$2  
4 billion, approximately 70 percent, \$1.4 billion, has  
5 been spent with Northwest Territories businesses.  
6 Aboriginal business comprises 57 percent of our  
7 Northwest Territories spend. That's more than \$800  
8 million that has been spent with Aboriginal businesses  
9 since 2005.

10                   We have trained sixty-six (66) Northwest  
11 Territories residents through apprenticeships, trades  
12 training, and underground mine training. And with the  
13 awarding of our 2012 scholarships this month, we will  
14 have spent a hundred and eighty thousand dollars  
15 (\$180,000) on Northwest Territories residents'  
16 scholarships since opening Snap Lake Mine.

17                   Since the commencement of construction  
18 at Snap Lake, De Beers has invested \$23 million in  
19 Northwest Territories communities directly, supporting  
20 local training, education, and literacy initiatives and  
21 overall community development. Close to half of this  
22 23 million has gone to the communities close to Snap  
23 Lake Mine. De Beers is proud of these contributions.

24                   When we acknowledge these positive  
25 contributions to the Northwest Territories, it is also

1 important to recognize that in order for mining  
2 operations to bring these benefits, there will be  
3 changes to the landscape. The impact of these changes  
4 is viewed differently by different people. But what is  
5 constant is our commitment, as a company, to adaptively  
6 manage our activities, minimize our impacts, mine  
7 responsibly and sustainably, and make sure our  
8 employees and contractors go home to their loved ones.

9           Recently we have had challenges managing  
10 water at Snap Lake. We know communities are concerned.  
11 We know the regulators are concerned. I want to assure  
12 all communities and government regulators that our  
13 commitment to protecting the environment is paramount  
14 to all of our operations.

15           Our response to these water management  
16 challenges has been transparent and expedient. We've  
17 engaged communities, cooperated with regulators and  
18 government, and have developed both immediate and long-  
19 term responses to ensure we protect the environment.

20           We have hosted site visits for community  
21 members to build an understanding of our challenges and  
22 to provide an opportunity for valuable input to these  
23 processes. By adaptively managing water at Snap Lake  
24 we have -- have ensured the fish are healthy and are  
25 safe to eat and the water remains safe to drink. This

1 is an important value to De Beers. We do care about  
2 the environment. We do care about the people.

3                   Continuous improvement is also a key  
4 element of our business model and Gahcho Kue has  
5 benefited extremely from the experiences of  
6 constructing and operating our current mines. The  
7 Gahcho Kue team has been collecting data for many years  
8 in the areas of wildlife, water, and fish to understand  
9 the baseline conditions and to determine potential  
10 impacts of our proposed project.

11                   Our impact assessment has studied  
12 impacts at many levels and scales as well as the  
13 cumulative effects of these potential impacts. Our  
14 work is comprehensive and has led us to conclude that  
15 there will be no long-term significant adverse effects.

16                   As part of the Gahcho Kue plan De Beers  
17 will be implementing monitoring and mitigation programs  
18 throughout the construction, operation, and closure  
19 phases. These will track our commitments and  
20 performance. We have and will continue to work with  
21 communities to collaborate and find new ways for them  
22 to participate in these monitoring and mitigation  
23 plans. These plans are important to them and they're  
24 important to us.

25                   Development of the Gahcho Kue project

1 will result in significant economic benefits to the  
2 Northwest Territories. The estimated capital  
3 investment to build Gahcho Kue will be approximately  
4 \$650 million. The full impact to total gross domestic  
5 product for construction and operations will be  
6 approximately \$3.9 billion, of which more than 80  
7 percent of that will flow to Northwest Territories.

8                   Throughout our engagement with  
9 communities we have heard that jobs and new business  
10 opportunities are extremely important and that choices  
11 for future generations need to be made available. The  
12 youth are our future.

13                   On Friday in Dettah last week, a small-  
14 business owner approached us about the opportunities  
15 for welding at the new proposed mine and how his  
16 business could contribute to the project. Just this  
17 Monday in Lutsel K'e, a number of community members  
18 approached members of our team to inquire about the  
19 opportunities that Gahcho Kue may provide for them.

20                   There will be six hundred and ninety  
21 (690) full-time equivalent positions created during the  
22 two (2) years of construction, and three hundred and  
23 seventy-two (372) full-time equivalent positions during  
24 operations. These opportunities are important to the  
25 Northwest Territories, to Canada as a whole, and of

1 course the strength of our business relies on its  
2 people. We've committed to employing as many northern  
3 and Aboriginal people as we can and we've established  
4 hiring priorities to underscore this commitment.

5 Our human resources strategy continues  
6 to place an importance in supporting the education,  
7 training, development, and the advancement of Northern  
8 residents in partnership with communities and  
9 government.

10 Our enhanced scholarship program  
11 introduced this year is already growing our  
12 contribution to the development of professional and  
13 managerial skills here in the Northwest Territories.  
14 Indeed, it will be an important contribution that our  
15 company will continue to make for the Northern youth of  
16 today and tomorrow.

17 We will continue to be guided by our  
18 Northwest Territories business policy, which already  
19 has ensured Northwest Territories and Aboriginal  
20 businesses play an important role in our Northwest  
21 Territories operations. We will continue to use a  
22 competitive bidding process for each phase of the  
23 Gahcho Kue Project to ensure governance and help  
24 increase business effectiveness.

25 We staff the management position aimed

1 at working with Northwest Territories and Aboriginal  
2 businesses to build capacity and help them ensure  
3 business opportunities. This includes assisting small  
4 businesses that are aimed at pursuing business  
5 opportunities other than those that are directly  
6 involved with Snap Lake or Gahcho Kue.

7 Mr. Chairman, in conclusion, the  
8 planning, development, construction, and operation of  
9 the Gahcho Kue project is a very large investment and  
10 undertaking. It is important.

11 Over the past fifteen (15) years, we  
12 have already invested close to 200 million in order to  
13 develop and advance this project to the state of where  
14 it is today. Once De Beers goes through the rest of  
15 the process and receives all the regulatory approvals  
16 and permits, we do look forward to working with  
17 regulators, government, and communities into the future  
18 as we operate both Snap Lake and Gahcho Kue mines and  
19 explore other opportunities to contribute to the  
20 economic development of Northern Canada.

21 Mr. Chairman, I'll now ask Ms. Veronica  
22 Chisholm to provide an overview of the Gahcho Kue  
23 project, and I look forward to answering any questions  
24 that participants and the Board may have later on  
25 today. Thank you very kindly.

1 THE CHAIRPERSON: Thank you. Veronica,  
2 are you -- are you going to introduce your people?

3 MS. VERONICA CHISHOLM: Veronica  
4 Chisholm, from De Beers. They'll be introduced as we  
5 respond to questions one (1) at a time, but for the  
6 presentation it's just Glen and myself. And then as we  
7 move through the questioning period, everyone would be  
8 introduced.

9 THE CHAIRPERSON: Great. Okay. Thank  
10 you.

11 MS. VERONICA CHISHOLM: Thank you,  
12 Glen. Mr. Chairman, I'm pleased to present the  
13 environmental assessment information on the proposed  
14 Gahcho Kue project. I just have a few slides, and I'm  
15 cognizant of the time.

16 This presentation was developed to  
17 respond to the technical submissions that were put on  
18 the registry on October 22nd by regulators and  
19 Aboriginal parties. But where I can, I'd also like to  
20 address some of the comments and concerns that were  
21 raised over the past couple of days in the community  
22 sessions on Friday in Dettah, as well as on Monday in  
23 Lutsel K'e.

24 Mr. Koropchuk provided a lot of details  
25 about the economic benefits for this project, and I'd

1 like to focus on just a few -- few key points. The  
2 proposed Gahcho Kue project will be the fourth diamond  
3 mine in the Northwest Territories and the second  
4 diamond mine for De Beers. The project timeline  
5 includes two (2) years for construction, eleven (11)  
6 years for operation, and eight (8) plus years for  
7 closure.

8                   We did undertake a thorough and  
9 comprehensive environmental impact assessment, and our  
10 results concluded there would be no long-term  
11 significant adverse effects resulting from this project  
12 on air, land, or water, or people.

13                   With respect to the impact assessment,  
14 in Lutsel K'e we heard about various concerns and  
15 comments and I'd like to address some of them here now.  
16 De Beers will be dewatering Kennady Lake to access the  
17 three (3) open-pit mines, as the Chair referenced this  
18 morning. This will include the construction of dikes  
19 and dams in order to protect the upstream and  
20 downstream environment. And, yes, as noted by Mr.  
21 Tollis from Lutsel K'e Lands Department, during  
22 operations there will be sixteen (16) dikes and dams  
23 constructed around the project in order to keep the  
24 water, mine contact water, away from the upstream and  
25 downstream.

1                   We've undertaken several geotechnical  
2 studies to ensure the stability of those dikes and dams  
3 during operations. We've also listed a number of  
4 sediment mitigations that will be put in place to  
5 protect the stability of those dikes and dams and add  
6 closure. Once we are sure that the water quality can  
7 be reconnected within Kennady Lake -- and keep in mind  
8 we will be monitoring throughout construction,  
9 operation, and closure the water quality both within  
10 Kennady Lake and in the upstream and downstream to  
11 ensure that connection -- those dikes and dams will be  
12 either breached or removed.           With respect to  
13 cumulative effects, we undertook a very detailed  
14 cumulative effects assessment as part of the study.  
15 It's included in Section 13 of the EIS. With respect  
16 to caribou, a very comprehensive cumulative effects  
17 assessment was undertaken. And it's presented in  
18 Section 7 of the EIS.

19                   We looked at the natural and human  
20 influences that could occur to caribou, and we assessed  
21 each one of those factors on caribou. Our  
22 determination with respect to caribou is the cumulative  
23 effects on caribou habitat is very small and would  
24 represent len -- less than 1 percent of direct  
25 disturbance on the Bathurst Caribou range.

1 I also want to talk -- speak to the  
2 Great Slave Lake and the very important and sacred area  
3 known as Lady of the Falls. We heard very compelling  
4 testimony regarding Lady of the Falls on Monday.

5 We did assess Lady of the Falls. It was  
6 included in our terms of reference. And every time  
7 we've been to Lutsel K'e, we understand and hear how  
8 important that area is, not only to the people within  
9 Lutsel K'e today, but for future generations. We knew  
10 how important it was to assess that area, and we did.

11 The impacts from the project -- we  
12 looked at the annual average flow leaving Kennady Lake,  
13 carrying on through the Lockhart River drainage basin  
14 to Kirk Lake, which is over -- about 300 kilometres  
15 away from Lady of the Falls. And the annual discharge  
16 is about 1 percent. So we're confident that the  
17 potential impacts -- we're confident that the impacts  
18 to Lady of the Falls will be minimal.

19 Sorry, they're just correcting me, that  
20 I said that the potential annual discharge is actually  
21 -- it's 0.1 percent, not 1 percent. Thank you very  
22 much.

23 So thanks for allowing me to take the  
24 time to address those comments on -- on Monday. I'd  
25 like to talk about where we are in the environmental

1 impact review process and how we arrived at where we  
2 are today in the public hearings.

3 In 2006 the process began by visiting  
4 within communities and asking what -- what you would  
5 like De Beers to assess as part of this environmental  
6 impact assessment. This shaped our terms of reference  
7 and we addressed those terms of reference. And where  
8 we could, we did more than what was in -- required  
9 under the terms of reference.

10 De Beers filed the Environmental Impact  
11 Statement in December 2010. In 2011 De Beers hosted a  
12 workshop in Yellowknife where we provided an overview  
13 of the project and went through the impact evaluation  
14 with communities and regulators.

15 In February 2012, De Beers visited the  
16 communities and discussed the project and looked and  
17 sought input on monitoring and mitigation programs with  
18 respect to wildlife, fish, the fish-out program, the  
19 fish compensation program, and other aspects of the  
20 project. We were also there to listen to concerns and  
21 determine how best we could respond to those concerns.

22 In August 2012, De Beers hosted a series  
23 of site workshops where we invited folks from the  
24 community to come to Kennady Lake, and we went in a  
25 boat onto the water, as well as in a helicopter, to

1 view the downstream environment. We also walked on the  
2 land and talked about wildlife. During those sessions  
3 we received a lot of feedback with respect to our fish-  
4 out plan, our fish compensation plan. We also listened  
5 and responded to questions out on the land.

6 In addition, in August, at the  
7 recommendation of the panel advisor, we formed a  
8 wildlife working group. That working group had its  
9 first meeting, and it consisted of community members  
10 and regulators, in August. That was followed by a  
11 second meeting in September and then a workshop -- a  
12 wildlife workshop -- in September, where we heard and  
13 listened to comments on how best to address wildlife  
14 monitoring.

15 All of the information gathered through  
16 the working group, as well as through that workshop, we  
17 incorporated into our wildlife effects monitoring plan  
18 that we posted onto the registry on October 4th, 2012.

19 In addition, in September, upon concern  
20 raised about the fish habitat compensation plan and the  
21 options that De Beers proposed, including a raised-lake  
22 option near Kennady Lake and that there was concerns  
23 that that was not the preferred option. We hosted a  
24 workshop. We wanted the community's input on some  
25 other options that we could include as part of the

1 habitat compensation plan.

2                   We listened to those concerns. We  
3 listened to the information provided by regulators.  
4 And keep in mind that the habitat compensation, or the  
5 no-net-loss plan, is an approval requirement by  
6 Fisheries and Oceans Canada. But we submitted that no  
7 -- draft no-net-loss plan to the registry in October,  
8 and we'll continue to follow up on that plan as we hear  
9 more comments and more feedback from communities.

10                   And here we are today in the public  
11 hearings. On October 22nd we received eleven (11)  
12 technical submissions by regulators and community  
13 groups. There was a total of a hundred and six (106)  
14 recommendations provided collectively from those  
15 submissions.

16                   In an effort to be open and transparent  
17 and to be clear on what De Beers's position is, we  
18 responded publically to each one of those  
19 recommendations on the record before the public hearing  
20 so people could be clear on where we are with respect  
21 to those.

22                   De Beers agreed with approximately 75  
23 percent of those recommendations, where we'd already  
24 made commitments or follow-ups, and we wanted to be  
25 perfectly clear on where we were with both the

1 communities and the regulators. Those technical  
2 submissions focussed on a few key topics that included  
3 the project description, air quality, wildlife and  
4 caribou, water quality, fish and fish habitat,  
5 monitoring, traditional knowledge, and socioeconomics.  
6 We have made commitments in all of these areas. And  
7 I'll try and step you through, in the time remaining,  
8 some of those commitments that we've made.

9           With respect to the project description,  
10 we were asked about whether certain areas within the  
11 lake could be preserved. We did a robust alternative  
12 analysis, where we looked at the technical and economic  
13 and environmental factors associated with our mine  
14 plan. We submitted that alternative analysis on the  
15 record in June -- on June 18th, 2012.

16           We looked very carefully at all the  
17 proposed al -- a number of alternatives as part of that  
18 plan. The resulting mine plan is an open-pit mine with  
19 an integrated water and waste management plan that  
20 requires dewatering of Kennady Lake to safely access  
21 the ore bodies.

22           The plan minimizes the project  
23 footprint, which was a key objective in our plan, and  
24 it's what we heard from communities. It maximizes  
25 operating flexibility to deal with any upset

1 conditions. It uses the natural topography to  
2 effectively contain mine disturbance to one (1) basin  
3 and one (1) watershed.

4                   Questions concerning preserving portions  
5 of Kennady Lake, particularly in the southern portion  
6 of Kennady Lake, were assessed and also raised during  
7 the technical sessions in May 2012. After careful  
8 consideration of all of those alternatives, De Beers  
9 has made the commitment that we will look for  
10 opportunities to recover certain portions within  
11 Kennady Lake earlier in the mine process. This would  
12 include refilling those areas and restoring those lake  
13 sections.

14                   There were questions raised about our  
15 water treatment. The water management plan is a  
16 passive system developed around water storage, as  
17 opposed to an active water treatment plan. Storage is  
18 more efficient, offers flexibility to address upset  
19 conditions, and utilizes available volumes created from  
20 mining. Water treatment for TSS is provided through  
21 flocculation and settlement in the water management  
22 pond.

23                   Active water treatment may be an  
24 effective contingency for operation and closure, but  
25 it's costly, energy intensive, and inefficient. De

1 Beers is committed to developing contingency plans as  
2 part of this project, and we included those  
3 contingencies as part of our mine plan, as well as in  
4 responses to information requests that we posted onto  
5 the registry.

6           There were questions about dike  
7 construction and stabilities. De Beers will have  
8 detailed mine --monitoring plans for dike construction,  
9 ensuring the stability of those dams and dikes that I  
10 mentioned earlier in my talk.

11           Questions regarding waste management.  
12 We've developed a waste management plan that was  
13 included in our mine description for the project. In  
14 addition, we included elements of waste management  
15 within our wildlife effects monitoring program so that  
16 we don't have attractants of wildlife to our site.

17           With respect to navigation within  
18 Kennady Lake, we will -- we've committed to filing the  
19 appropriate documents to Transport Canada and, at  
20 closure, ensuring there's restoration of navigation on  
21 Kennady Lake.

22           We developed a conceptual closure plan,  
23 reclamation and closure plan, as part of our project  
24 description. The closure plan has the objective to  
25 minimize the footprint and restore Kennady Lake as soon

1 as possible following mining. We know that we will  
2 have to develop more details around the reclamation and  
3 closure plan, and we'll do that in -- as part of the  
4 process.

5                   On air quality, we take particular pride  
6 in undertaking a study of dust from haul truck roads.  
7 When we submitted our air assessments in December of  
8 2010, we knew there were concerns regarding dust and  
9 how far dust would travel from our mine site. So we  
10 undertook a field-based assessment at our Victor Mine  
11 and our Snap Lake Mine so that we could understand how  
12 much dust comes off those haul trucks, and we could  
13 measure that in the field. We also looked at how  
14 frequently we needed to monitor the roads to keep the  
15 dust down.

16                   We produced that study, we updated our  
17 air assessment with that information, and we posted  
18 that onto the registry.

19                   In the May 2012 technical sessions, we  
20 were asked to consult both Environment Canada and the  
21 GNWT on our air quality monitoring and our incinerator  
22 management plan. We did that. We also posted those  
23 plans on the registry long before most proponents  
24 propose monitoring plans with respect to air.

25                   I've already talked a bit about our

1 caribou monitoring and our cumulative effects  
2 assessment. And I also want to mention that we monitor  
3 other things other than caribou. We looked at  
4 carnivores, in particular wolverines and grizzly bears,  
5 and when we were in the -- out with folks at our site  
6 in August, we talked about how we would foresee this  
7 year with monitoring wolverine and grizzly bear that  
8 was consistent with what's being done at Ekati and  
9 Diavik.

10 We will also be monitoring birds, both  
11 upland birds and waterbirds, at our site, and will be  
12 undertaking a site surveillance monitoring where we  
13 will do a systematic monitoring of wildlife on our  
14 sites. This helps inform the mitigations during  
15 operations.

16 When we were out during the August field  
17 trip with folks, we noticed musk oxen near Kennady  
18 Lake. As part of our regional monitoring, those will  
19 also be noted, and we'll keep a very comprehensive  
20 database that will be available so that we can monitor  
21 wildlife that are adjacent to our mine site.

22 Water. We were asked to provide site-  
23 specific water quality objectives as part of this  
24 process. We did that. Those site-specific water  
25 quality objectives were -- are at measurement endpoints

1 for our impact assessment, because we needed to know  
2 the water quality in the downstream as well as closure.  
3 And those were included as part of our submission.

4           We know that those will be revisited as  
5 part of the aquatic effects monitoring program that  
6 we'll develop in the next phase of this project. We've  
7 initiated some discussions on the aquatics effects  
8 monitoring program, and we've made a commitment to  
9 include Aboriginal parties in the development of that  
10 program, because we know the importance of water and  
11 fish.

12           We also monitored not only water  
13 quality, but water flows. And we heard there were  
14 concerns about the connections between the Hoarfrost  
15 River and our Kennady Lake. So in September, we  
16 invited the Water Survey of Canada out to look at a  
17 connection between Kirk Lake and Fletcher Lake. While  
18 there, the preliminary assessment indicated -- by the  
19 Water Survey of Canada, which is posted on the public  
20 registry -- that there isn't a connection. In fact,  
21 Fletcher Lake is slightly higher elevation than Kirk  
22 Lake, so the flow appears to be in the other direction.  
23 However, knowing that there's still concerns about the  
24 connection to the Hoarfrost River, we will continue to  
25 monitor that, as we have throughout the baseline.

1                   There were also mentioned, in Lutsel  
2 K'e, a connection at a small lake at south of Kennady  
3 Lake, a connection to the Hoarfrost River. We looked  
4 at that, we did an assessment on that, we did not see a  
5 connection. But knowing that there may still be an  
6 outstanding concern, we will invite the Water Survey of  
7 Canada out to monitor -- to look at that location and  
8 do an evaluation. As well, we will monitor at that  
9 location.

10                   Fish and fish habitat. I also want to  
11 talk a little bit about something that was -- I want to  
12 be very clear about our fish-out plans for Kennady  
13 Lake. At the start of the project and prior to and  
14 during dewatering, fish will be removed from Kennady  
15 Lake. They will not be transferred to the adjacent  
16 lake. They will have to be salvaged from the lake.  
17 And when we discussed with communities, it was  
18 important and it was indicated that the communities  
19 would like the fish from Kennady Lake and that it was  
20 important for us to time our fish-out with key cultural  
21 events that might be occurring and key gatherings.

22                   We submitted a draft fish-out plan that  
23 is still subject to approval by Fisheries and Oceans  
24 Canada to the registry in October 2012. There will --  
25 we will continue to consult with communities and DFO on

1 this fish-out plan. But De Beers would like to  
2 reiterate that the fish will be removed from the lake  
3 and not transferred to adjacent lakes. That seemed to  
4 be the -- the -- the comments raised in the recent  
5 community meetings.

6                   There were some questions about the fish  
7 estimates within Kennady Lake that I'd like to address.  
8 There's been considerable work on Kennady Lake to  
9 understand the fish, the distribution of fish and the  
10 species of fish, within Kennady Lake since 1996 until  
11 this past summer.

12                   The fish sampling techniques were not  
13 restricted to one (1) method. They've included several  
14 methods that provided several lines of evidence that  
15 provides us confidence in the fish number in Kennady  
16 Lake. Some of those included angling, gillnetting,  
17 minnow trapping, backpack shoreline electrofishing,  
18 boat electrofishing, mark recapture of population  
19 estimates, and the hydroacoustic estimates.

20                   Collectively, all the fish sampling  
21 undertaken from 1996 to 2012 have informed that the  
22 total estimates of fish composition abundance in  
23 Kennady Lake is approximately twenty thousand (20,000)  
24 fish. The estimate of fish density in Kennady Lake can  
25 also be thought of as twenty-three point three (23.3)

1 hectares of fish per hectare -- twenty-three point  
2 three (23.3) fish per hectare to fifty-one point two  
3 (51.2) fish per hectare.

4                   And we looked at what was reported in  
5 the other mines, because they too, where they were de-  
6 watering, conducted a fish-out and provided validation  
7 to that fish number. And when we compared our  
8 estimates with those estimates, they were consistent  
9 for Arctic tundra lakes. So we have that much more  
10 confidence in the estimate that we provided, in terms  
11 of the fish in Kennady Lake.

12                   For this project, we too will be doing  
13 and collecting census data on the fish in Kennady Lake  
14 during the fish-out, so this project will also  
15 contribute to the knowledge of Arctic lake systems in  
16 the North.

17                   Monitoring. With respect to monitoring,  
18 I spoke briefly about our wildlife effects monitoring  
19 plan, I spoke about the aquatic effects monitoring plan  
20 as well as the fish habitat compensation plan. And  
21 later on today we'll talk about a group that De Beers  
22 will be a part of with the Aboriginal groups and  
23 regulators, we hope, to be able to rev -- develop  
24 monitoring plans, review monitoring data, throughout  
25 the life of this project. This is important to De

1 Beers.

2                   Traditional Knowledge. Let me be clear,  
3 the environmental assessment process is only the  
4 beginning of our consultation process with local  
5 Aboriginal communities. De Beers does not view  
6 consultation as an event, but it's a process that we  
7 will carry on throughout the life of this mine. We  
8 will continue to consult with Aboriginal communities,  
9 incor -- incorporate traditional knowledge throughout  
10 the life of this project.

11                   For example, we'll continue to consult  
12 and incorporate traditional knowledge through the  
13 following processes: through the Land and Water Board's  
14 comprehensive regulatory process; through the  
15 refinement of our fish-out program; through the  
16 development of our aquatic effects monitoring program;  
17 throughout the development of our closure and  
18 reclamation plans; throughout the implementation of Ni  
19 Hadi Yati, which is the group -- the joint group --  
20 that we'll be proposing today with the Aboriginal  
21 parties.

22                   Our impact assessment did not only  
23 assess the environment, but we also looked at impacts  
24 on people. You heard from Glen Koropchuk earlier that  
25 the Gahcho Kue project comes at a time when other mines

1 are in the later stages of their life and when employee  
2 -- employment opportunities at those mines are  
3 declining. The Gahcho Kue project offers opportunities  
4 for skilled workers here so that they can remain here  
5 in the Northwest Territories.

6                   With respect to business, NWT and  
7 Aboriginal businesses told us they are ready for the  
8 opportunities at the Gahcho Kue project, should it be  
9 approved. And De Beers is open to listening to them.

10                   The Gahcho Kue project will create new  
11 opportunities for us to support and promote community  
12 culture, to partner, to promote health and li --  
13 healthy lifestyles and community wellness, which is  
14 important to De Beers. Communities have said they  
15 wanted us to work with them in these areas, and we had  
16 committed to doing so.

17                   We know that mines have a finite life  
18 and that planning for people is an important part of  
19 the planning for closure. We have committed to working  
20 with the GNWT in this area and we recognize that our  
21 relationships with communities and employees will have  
22 an important part of this planning process when that  
23 time approaches.

24                   I'd like to thank you, Mr. Chairman, for  
25 allowing De Beers the time to present on this project,

1 and we look forward to the questionings we will  
2 receive. Thank you.

3 THE CHAIRPERSON: Thank you very much.  
4 We're a bit ahead of schedule, so that's good news. I  
5 have other good news. Usually when we get a crowd like  
6 this with limited washroom space, it becomes quite a  
7 logistical challenge, so we've asked the Tree of Peace  
8 to open up access to the bingo hall so other washrooms  
9 are available. So, I understand that's -- that is  
10 available to us now.

11 It's twenty (20) after 10:00. You  
12 deserve an extra five (5) minute reward for the  
13 timeliness, so we will get back together at twenty (20)  
14 -- twenty (20) to 11:00 or -- 10:40, twenty (20) to  
15 11:00, whatever you like.

16

17 --- Upon recessing at 10:19 a.m.

18 --- Upon resuming at 10:41 a.m.

19

20 QUESTION PERIOD:

21 THE CHAIRPERSON: Thank you very much.  
22 We're now at the point where we will have questions  
23 from parties to the Developer and we'll go in order of  
24 -- the speaking order that I -- I mentioned earlier  
25 this morning. So the first party is the Akaitcho IMA

1 Implementation Office.

2

3

(BRIEF PAUSE)

4

5

THE CHAIRPERSON: Do we have anybody  
6 from the Akaitcho IMA Implementation Office? Seeing  
7 none, I move on. Do we have anybody from the Dene  
8 Nation?

9

10

(BRIEF PAUSE)

11

12

THE CHAIRPERSON: The next party on the  
13 list the Deninu Kue First Nations, and I believe  
14 Patrick Simon is the -- is the lead.

15

16

(BRIEF PAUSE)

17

18

MR. PATRICK SIMON: Good morning. I'm  
19 not sure if you have any conferencing ability, because  
20 I'm supposedly to have a technical person on the phone.  
21 I'm not sure if it's tomorrow or today to question  
22 this, but I personally don't have any questions.

23

THE CHAIRPERSON: Thank you very much.  
24 The next group is Lutsel K'e Dene First Nation. Yes.

25

1 (BRIEF PAUSE)

2

3 MR. MIKE TOLLIS: Thank you, Mr. Chair.  
4 Mike Tollis from Lutsel K'e Dene First Nation. We  
5 don't have any questions at this time. We'll save our  
6 comments for the presentation. Thanks.

7 THE CHAIRPERSON: Thank you. NWT Metis  
8 Nation...?

9

10 (BRIEF PAUSE)

11

12 THE CHAIRPERSON: I see -- I don't see  
13 anybody here from the -- the NW -- NWT Metis Nation,  
14 and we're really gaining time. So the next group is  
15 the North Slave Metis Alliance. And, Bill, I cut you  
16 off earlier, so feel free to -- to get into your  
17 presentation.

18

19 (BRIEF PAUSE)

20

21 MR. BILL ENGE: Thank you, Mr.  
22 Chairman. I suppose I should thank some of the other  
23 parties to this forum for not showing up, because it  
24 gave -- gives me a chance to say a little more than I  
25 was expecting to hav -- be able to say.

1                   That being said, first of all I would  
2 like to congratulate De Beers with respect to the  
3 tremendous amount of work that it has done to bring the  
4 Gahcho Kue project to this stage. This is the final  
5 stage in the process before the Crown authorities  
6 determine whether or not to give approval to this mine  
7 and in what conditions that the approval will be handed  
8 to De Beers.

9                   That being said, again, I would like to  
10 point out that the North Slave Met -- that I'm the  
11 President of the North Slave Metis Alliance. The North  
12 -- I represent the North Slave Metis people who are the  
13 Aboriginal rights-bearing Metis of the Great Slave Lake  
14 area, who use and exercise their Aboriginal rights  
15 primarily in the area north and east of Great Slave  
16 Lake Northwest Territories.

17                   With that in mind, our members have a  
18 vested interest in protecting our traditional lands  
19 with a view to continue to exercise our Metis  
20 Aboriginal rights in this area for generations to come.  
21 Our Metis Aboriginal rights are constitutionally  
22 recognized and affirmed in accordance with two (2)  
23 landmark Supreme Court of Canada cases: Powley and  
24 Cunningham.

25                   De Beers's Gahcho Kue project, as

1 proposed, is in the North Slave Metis people's  
2 homeland. From the seventeenth century to this day,  
3 the members of our ethnic community have relied on the  
4 land. As early as the 1800s, our forefathers and  
5 sisters supplied the fur trade industry and forts with  
6 meat and other products. When the fur trade industry  
7 shifted, so did our ancestors, relying more and more  
8 heavily on the land to keep our people alive.

9           Today our members still hunt and trap  
10 and exercise their Metis rights all over their  
11 traditional territory, here, north of Great Slave Lake,  
12 Northwest Territories.

13           With that in mind, the North Slave Metis  
14 people have a vested interest in developments on their  
15 traditional lands. We are here today to review such a  
16 development, namely, the proposed De Beers Gahcho Kue  
17 Mine which is located at Kennady Lake. The mine is  
18 within our traditional land use area.

19           The North Slave Metis Alliance has a  
20 positive relationship with De Beers, as we have an  
21 impact benefit -- benefit agreement with De Beers in  
22 regard to their Snap Lake Diamond Mine.

23           That's not to say that our relationship  
24 has always been a smooth one. That's not -- we are  
25 working out some challenges with regard to

1 implementation of our impact benefit agreement, namely  
2 in the area of employment and training opportunities,  
3 and to some extent business opportunities.

4           These challenges are not overwhelming,  
5 and we have found a willingness on the part of De Beers  
6 to meet and discuss our concern -- concerns on an  
7 ongoing basis. The fact that De Beers has negotiated  
8 an impact benefit agreement with the North Slave Metis  
9 in regard to their Snap Lake Mine concretely  
10 demonstrates this company's acknowledgment and respect  
11 for the North Slave Metis Alliance's Aboriginal rights  
12 to the lands and resources where this mine is located.

13           De Beers has seen fit to once again  
14 negotiate an impact benefit agreement with the North  
15 Slave Metis Alliance in regard to their proposed Gahcho  
16 -- Gahcho Kue Mine project. This agreement, among  
17 other things, is designed to address the North Slave  
18 Metis peoples' concerns about the impact its mine will  
19 have on the environment, as well as ensure the North  
20 Slave Metis people benefit to the maximum from this  
21 project.

22           As was touched on in De Beer's  
23 presentation this morning, caribou is a very serious  
24 matter to the North Slave Metis people, as well as our  
25 Abor -- First Nations and Aboriginal counterparts. The

1 ca -- the Gahcho Kue project is expected to have some  
2 adverse impacts on our members' Aboriginal rights. As  
3 just one (1) example, there is a risk to caribou from  
4 the project.

5 Additional winter road access is going  
6 to impact caribou numbers and could have a negative  
7 impact on the caribou numbers. For -- and, in this  
8 regard, we are particularly concerned about the  
9 Bathurst caribou herd as the mine and the access to the  
10 herd could result in a longer restricted Aboriginal  
11 harvest on the herd whi -- and which also means there  
12 will be a continuation of the non-Aboriginal harvest of  
13 the herd.

14 Again, water, which was brought up by De  
15 Beers is a very significant and serious issue with us.  
16 The North Slave Metis people are concerned about the  
17 impact that the mine will have on the water.

18 This project calls for approximately  
19 sixteen (16) dams and the dewatering of part of Kennady  
20 Lake. De Beers knows, as was pointed out in their  
21 presentation earlier this morning, that the Aboriginal  
22 peoples have a serious concern about the quality of the  
23 water as they do not wish to see it permanently damaged  
24 by any economic or development activity on their  
25 traditional lands.

1                   There are a couple of matters that we  
2 wish to draw your attention to with regard to the  
3 water. Firstly, and it was pointed out, De Beers  
4 understands that we don't want to see another fish  
5 fiasco that happened when Diavik diamond mine dewatered  
6 the Lac de Gras Lake and fish were trapped in the  
7 shallows as the water got de -- shallow. And thousands  
8 of fish were not recovered and had to be disposed of  
9 that should have been used. Aboriginal people do not  
10 wish to see or support the wildlife of this land being  
11 lost.

12                   De Beers pointed out that they're  
13 looking for ways and means to properly use the fish  
14 that are going to be trapped when the dewatering takes  
15 place. I saw there that they put on their -- their  
16 slide that National Aboriginal Day was one means to use  
17 the fish resource properly. And I really appreciate  
18 that because De Beers is a very helpful and significant  
19 supporter of National Aboriginal Day, an event that the  
20 North Slave Metis Alliance plays a lead role in. And  
21 we'd be more than happy to get every fish that they got  
22 out of that lake and use it for National Aboriginal  
23 Day. So with that in mind, I hope that they go so far  
24 as to get a few fish filleters so that when we gut them  
25 we can use them right away.

1                   But in -- and -- in addition, De Beers  
2 understands that there's going to be fish habitat loss  
3 because of the dewatering that's going to go on. De  
4 Beers has pointed out in their slide that they are  
5 looking at ways and means to compensate Aboriginal  
6 peoples for the loss of the fish habitat and for the --  
7 the fish that are going to be taken out of the lake.

8                   And on that -- in that regard, the North  
9 Slave Metis people have made it known to De Beers that  
10 they wish to see De Beers look at helping all  
11 Northerners, including the North Slave Metis, by  
12 restocking some of the lakes along Ingraham Trail so  
13 that all of us can get back to fishing over there. I  
14 don't know if any of the panel members have tried to go  
15 fishing along Ingraham Trail in the last few years, but  
16 if you did you would have probably spent three (3) days  
17 before you got a nibble.

18                   So we're looking at that as a means to  
19 assist our people in being able to carry on our  
20 traditional -- traditional activities in and around the  
21 Yellowknife and North Slave area where the majority of  
22 the North Slave Metis people reside.

23

24                   Now, that brings us to a prickly pear  
25 issue, if I can call it that. That is the issue about

1 the water treatment plant that we -- that De Beers has  
2 said they don't feel is necessary to put in place to  
3 mitigate against -- against effluent coming from the  
4 mine that may not be up to the kind of quality that we  
5 would like to see.

6                   The North Slave Metis wonder -- and this  
7 is a question that we have to put to the Proponent  
8 here, what is Plan B in case Plan A doesn't work. As  
9 we understand it, the -- the water cleansing method  
10 that De Beers wishes to put in place at Gahcho Kue is  
11 putting it through a series of cleansing ponds using  
12 fluctuants, I believe they're called. It's some kind -  
13 - it's a chemical that binds turbidity and settles it  
14 to the bottom of the pond.

15                   At the --

16                   THE CHAIRPERSON: Excuse -- excuse me,  
17 President Enge. I gave a lot of latitude in the first  
18 ten (10) minutes, and you've finally framed a question.  
19 And this section is really meant for questions and  
20 responses. So do you want a response now to -- to that  
21 particular question?

22                   MR. BILL ENGE: Thank you, Mr.  
23 Chairman. I suppose -- because I have two (2)  
24 questions. And -- and I suppose just since it's a  
25 fresh topic, perhaps it would be best to do it the way

1 you're suggesting -- or that we go ahead and hear from  
2 the Proponent what their response would be to the  
3 question I just put to them in regard to plan B in case  
4 plan A for the water cleansing at Gahcho Kue doesn't  
5 work up -- up to par. Thank you.

6 THE CHAIRPERSON: Thank you very much,  
7 Mr. Enge. De Beers, would you please respond? And if  
8 you have any of your staff, identify who they are and  
9 what their area -- area of expertise is. Thank you.

10 MS. VERONICA CHISHOLM: Veronica  
11 Chisholm, from De Beers. Yes, we have one (1) of our  
12 project engineers, Wayne Corso, from JDS, that will  
13 respond to that question. It's a technical question  
14 and an engineering question, so, Wayne...?

15 MR. WAYNE CORSO: Hi. Wayne Corso, JDS  
16 Energy and Mining. I just -- we put together some --  
17 some responses to IRs to water treatment because it was  
18 a -- an issue brought up by other parties as well. And  
19 -- and they are on the record in -- in some of the IR  
20 responses. We can -- we can get you the specific ones  
21 if needed, but I -- I wanted to, you know, address the  
22 questions now because the -- actually, the -- the  
23 concept of the water management plan is -- is really  
24 important to the -- to the project and it's -- it's  
25 simple. And that's -- that's what we wanted. We were

1 heading for simplicity, right?

2                   So the idea is to dewater the lake so  
3 that we -- we create a controlled basin so that any  
4 water that requires treatment or is below standard is  
5 retained within the project boundary and it's  
6 controlled 100 percent. So the only water that leaves  
7 the -- the project is water that's pumped from the  
8 project. And -- and it has to meet discharge criteria,  
9 okay? So I just wanted to get that out front.

10                   As far as water treatment, water  
11 treatment is an excellent contingency. But -- but  
12 really the -- to get rid of TSS, which would be the,  
13 you know, suspended sediments in the water, a -- a  
14 plant -- if you want to call it an "active plant," uses  
15 the same process that we're going to be using within  
16 the water management basins, which is adding  
17 flocculent, which take the small particles, brings them  
18 together so they're heavier, and then they sink. And  
19 then we're able to pump the clear water from the  
20 surface when it meets discharge criteria when -- when  
21 required. So that's how we control the water within  
22 the water management pond.

23                   TDS, which is dissolved solids which are  
24 in the water -- in the water is a little bit different  
25 story. You know, that's -- that water is -- we're --

1 we're expecting higher TDS water from the groundwater  
2 within the pits. Right now, the -- the plan is to take  
3 that water, store it within the water management pond  
4 that we create, and then dispose of it permanently in  
5 the pits after they're mined. So that's -- that's the  
6 -- the plan right now.

7                   So is -- is water treatment the viable  
8 contingency? Yes, by all means, and we -- and we've  
9 listed that as -- as a viable contingency. But is the  
10 -- say the -- the plan or the design of water treatment  
11 right up front the best solution? No, it's not.

12                   As far as contingencies, you mentioned  
13 that -- oh, sorry. Just got the -- the reference.  
14 It's AANDC IR number 2 in -- in Round 1 is -- number --

15                   MR. CHUCK HUBERT: It's Chuck Hubert.  
16 Just one (1) comment. If you can spell out those  
17 acronyms, you know, the TDS, the TSS for us for --

18                   MR. WAYNE CORSO: Okay, yeah. "TSS" is  
19 total suspended solids, sorry. And "TDS" is total  
20 dissolved solids.

21                   As far as the contingency plans which  
22 you had mentioned, we've got a -- a contingency during  
23 operations. And -- and, like I said earlier on, the --  
24 the primary method of -- of water treatment is storage.  
25 So excess storage capacity, we have enough storage

1 capacity with the initial dewatering for I believe two  
2 (2) years worth of water inflows, okay? So that's --  
3 that's the first thing.

4                   The other thing is to adjust the time of  
5 discharge. So in the early years, if we can say  
6 discharge from, you know, under the ice or when -- when  
7 the -- the water has more time to clarify, that would  
8 be the second way to -- second contingency. So rather  
9 than pump during the open-water seasons, we pump during  
10 the -- under -- from under the ice.

11                   The other is our water management area  
12 is large enough that we've got sections in it that we  
13 can -- we can take the water and separate different-  
14 quality waters where we need to. If we find that we're  
15 getting either worse-quality water from -- from the --  
16 the pits, we can segregate that water rather than, you  
17 know -- segregate it into another area, okay. That's -  
18 - that's another -- another way we can do that. So we  
19 actually have a lot of flexibility within the plan to  
20 be able to move different quality waters to different  
21 places.

22                   The other -- the other would be to  
23 increase the capacity of the water management pond by  
24 raising the dikes. That would be one, and it's towards  
25 the bottom there, you can see.

1                   And -- and the last would be to install  
2 water treatment. So water treatment is a viable  
3 contingency, but it -- it does not -- it does not  
4 replace or -- or, is not better than the storage  
5 strategy.

6                   THE CHAIRPERSON: Thank you. Mr.  
7 Enge...?

8                   MR. BILL ENGE: Thank you, Mr.  
9 Chairman, and thank you for your answer. I have some  
10 concerns in regard to this plan.

11                   There are several different types of  
12 lethal chemicals that are going to be released into the  
13 water system because of the mine. One (1) of them, as  
14 we all have experience with, is the residue from using  
15 dynamite or blasting products. It has a -- an ammonia  
16 nitrate residue. And we're -- and -- and we're -- and  
17 we're concerned that any residues coming out of the --  
18 the mine not get into the water system.

19                   So there are a couple of things that I  
20 want to point out here. First of all, you just said  
21 that a water treatment plan is a -- is a viable  
22 contingency.

23                   THE CHAIRPERSON: Mr. Enge, please  
24 direct your comments to me and over there rather than  
25 directly to the Proponent.

1 MR. BILL ENGE: Okay.

2 THE CHAIRPERSON: And I'd appreciate it  
3 if you could frame into a question.

4 MR. BILL ENGE: Okay. Thank you, Mr.  
5 Chairman. Mr. Chairman, the Proponent has pointed out  
6 that a water treatment plant is a -- a -- a viable  
7 contingency with regard to ensuring that the water  
8 quality is -- is assured. And from our perspective, we  
9 can't take any chances with experimental programs. And  
10 we would request that this Board and -- and the De  
11 Beers -- Proponent put the water treatment plant into  
12 operation and use it as the contingency if their water  
13 quality standards are not met with their plan A type of  
14 water treatment.

15 So, there's that. And I just want to  
16 say that I -- I -- I have no knowledge of any mines yet  
17 that have come on stream in the past twelve (12) years,  
18 Mr. Chairman, that do not have a water treatment plant  
19 in place.

20 So this would be something new and  
21 different and one that, Mr. Chairman, the North Slave  
22 Metis Alliance people would be very, very concerned  
23 about and would wish to see a -- a serious backup plan  
24 put in place. And in this case, it would be the water  
25 treatment plant.

1 Thank you.

2 THE CHAIRPERSON: Thank you. Do you  
3 have another question?

4 MR. BILL ENGE: Yes, I do. And if I  
5 could continue, not on the water, Mr. Chairman, I just  
6 want to continue with my other questions and issues.

7 Now, the -- De Beers has, again, in  
8 their presentation this morning, mentioned that they  
9 are working with the Aboriginal groups, Mr. Chairman,  
10 to put in place a -- a kind of a monitoring group, a  
11 group to monitor the means by which the Gahcho Kue Mine  
12 conducts its -- its -- its operations. And it's come  
13 to our attention that this group, Mr. Chairman, is  
14 called Ni Hadi Yati, and there is some kind of a  
15 protocol agreement that some of the Aboriginal groups  
16 that were involved have agreed to sign on to.

17 This is something that the Developer has  
18 brought to the North Slave Metis Alliance's attention,  
19 and we have not yet endorsed this group to be a monitor  
20 -- a permanent monitoring board. So -- and it's our  
21 wish, Mr. Chairman, to ask the Proponent here if the  
22 Proponent sees this Aboriginal group, Ni Hadi Yati,  
23 playing -- performing the function of the equivalent of  
24 their other mine as the Snap Lake Environmental  
25 Monitoring Agency.

1                   Would -- is the -- is De Beers  
2 suggesting that that is the role that this Ni Hadi Yati  
3 group would play as oppose -- which would be the  
4 equivalent to the Snap Lake environmental monitoring  
5 agency?

6                   THE CHAIRPERSON:    Thank you, Mr. Enge.  
7 This afternoon at 1:15 we will be hearing a joint  
8 proposal -- presentation on that -- on that Ni Hadi  
9 Yati group. And -- and if I can as you to hold that  
10 question until that presentation is done, we -- we have  
11 an opportunity for all parties to ask questions of that  
12 -- of that presentation as well.

13                   Can you do that, please?

14                   MR. BILL ENGE:    Yes. Thank you, Mr.  
15 Chairman. We will then reserve that question for that  
16 context, that timeslot later today. So that brings me  
17 up to another aspect of the Proponent's mine in that  
18 regard.

19                   When it comes to economic development,  
20 Mr. Chairman, the North Slave Metis people have a  
21 balanced opinion. Our Metis people need jobs. They  
22 need the salary to feed their families. They need  
23 money for shelter and for all the basic needs that  
24 people on this planet need to have in order to thrive.

25                   The North Slave Metis people wish to

1 prosper and we definitely need economic development for  
2 that to happen. We understand that development is  
3 essential, not only for the North Slave Metis people,  
4 but for everyone.

5                   With that in mind, we need De Beers to  
6 understand the importance we place on our traditional  
7 lands, as it is the source of everything we need for  
8 our survival. We take our stewardship mandate very  
9 seriously. We want to preserve the land for future  
10 generations of our people.

11                   That means we need mining companies like  
12 De Beers to use sustainable mining methods at Kennady  
13 Lake. De Beers's presenter this morning --

14                   THE CHAIRPERSON: Mr. Enge, I've given  
15 you a lot of latitude regarding the preamble to a  
16 question, but eventually you've got to get to the  
17 question, please.

18                   MR. BILL ENGE: Yes. Thank you, Mr.  
19 Chairman. The question that I would have for the --  
20 for the Proponent is: Are they prepared to take a  
21 balanced approach to ensuring that the indigenous  
22 peoples, whose lands these are, get a fair share of the  
23 economic pie from this development?

24                   THE CHAIRPERSON: Thank you. Thank you  
25 very much, President Enge. I'll turn it over the De

1 Beers for a response.

2 MS. CATHIE BOLSTAD: Good morning, Mr.  
3 Chair. It's Cathie Bolstad, from De Beers Canada.  
4 Yes, in short, Bill. I think -- President Enge, I  
5 think De Beers has, in the Environmental Impact  
6 Statement, outlined very clearly that under our  
7 policies we respect Canada's Aboriginal people. We  
8 have been very inclusive of all six (6) Aboriginal  
9 groups --

10 THE CHAIRPERSON: Excuse me. You still  
11 have to come through the Chair rather --

12 MS. CATHIE BOLSTAD: Sorry.

13 THE CHAIRPERSON: -- than directly to a  
14 party. Thank you.

15 MS. CATHIE BOLSTAD: Thank you, Mr.  
16 Chair. De Beers has filed, in its Environmental Impact  
17 Statement and in its subsequent community engagement  
18 records submitted to the panel, that we clearly do  
19 respect the Aboriginal groups that are participating in  
20 this process and we've demonstrated in the  
21 Environmental Impact Statement our approach to  
22 including and ensuring they are participants,  
23 contributors, and beneficiaries of this project.

24 THE CHAIRPERSON: Thank you. Mr.  
25 Enge...?

1 MR. BILL ENGE: Yes. Thank you, Mr.

2 Chairman. Mr. Chairman, would you permit me to  
3 conclude my presentation as opposed to ask a question?

4 THE CHAIRPERSON: How long does it take  
5 to conclude?

6 MR. BILL ENGE: It won't take long, I  
7 promise you.

8 THE CHAIRPERSON: Okay. Just go ahead  
9 and conclude.

10 MR. BILL ENGE: Mr. Chairman, in  
11 conclusion, the North Slave Metis Alliance supports the  
12 De Beers Gahcho Kue project. However, we request that  
13 this Board put in place conditions that ensure De Beers  
14 adheres to sustainable mining methods. That means that  
15 De Beers continues to respect the environment and  
16 provide economic and social benefits to Aboriginal and  
17 non-Aboriginal peoples who claim this area as their  
18 home and traditional lands.

19 In short, the North Slave Metis Alliance  
20 supports sustainable development, not unfettered expor  
21 -- exploitation of their lands. And this, I'm happy to  
22 say, appears to be the situation here where De Beers is  
23 putting in place a sustainable mining method that we  
24 can support. Thank you.

25 THE CHAIRPERSON: Thank you very much,

1 Mr. Bill Enge, President Metis -- North Slave Metis  
2 Alliance.

3                   The next group is the Tlicho Government.  
4 And I'm going to remind everybody that I gave a fair  
5 amount of latitude to the North Slave Metis because we  
6 had some time, but the intention here at this stage is  
7 to present questions to the Developer and get  
8 responses. So Henry Zoe, you're the presenter for the  
9 Tlicho Government, and go ahead.

10                   MR. HENRY ZOE: Thank you, Mr.  
11 Chairman. Henry Zoe, Tlicho Government. Mr. Chairman,  
12 I have a couple questions, just following up on water  
13 dis -- quality.

14                   Mr. Chairman, can the Proponent describe  
15 the closure objectives for the pit lake, where water  
16 will be stored, and your predictions for water quality  
17 in the pit?

18                   THE CHAIRPERSON: Thank you very much,  
19 Mr. Zoe. Over to De Beers.

20                   MS. VERONICA CHISHOLM: Thank you, Mr.  
21 Chairman. We're just going to assemble our water  
22 quality team. We're moving experts in and out here, so  
23 if you just give us a couple of minutes and we'll come  
24 -- we'll gather our team together. Thank you.

25                   THE CHAIRPERSON: Two (2) minutes?

1 MS. VERONICA CHISHOLM: Under two (2)  
2 minutes. Thirty (30) seconds.

3

4 (BRIEF PAUSE)

5

6 MR. JOHN FAITHFUL: Mr. Chair, John  
7 Faithful, Golder Associates. In response to Mr. Zoe's  
8 question, the -- regarding the closure objectives  
9 around the -- the Tuzo pit.

10 As Mr. Corso pointed out, one of the  
11 water management plan objectives is to -- is to utilize  
12 the pit to isolate water that collects in the water  
13 management pond over the life of the mine.

14 Now, the water in that pit -- the water  
15 in the water management pond will possess an increased  
16 total dissolved solids as a result of collecting a  
17 component of the ground water inflows into those pits,  
18 as part of the plan at closure is to direct a large  
19 proportion of the water in the water management pond to  
20 the pit.

21 Now, this water, as I said, possesses a  
22 high total dissolved solids. So I would describe it as  
23 being saltier water, but it is consistent with the --  
24 with the -- the -- the salt levels in the groundwater  
25 that the pit has intersected.

1                   The volume of water that actually ends  
2 up in the pit represents approximately half the volume  
3 of the pit, after which freshwater inflows that will be  
4 used to naturally refill the lake at closure will start  
5 to come into the pit and overlies the water from the  
6 water management pond that is deposited in the pit.

7                   Now this inflowing water possesses a  
8 very low salt concentration. And so you would be  
9 looking at a very low salt concentration water layer  
10 that overlies the water that le -- that is -- has been  
11 deposited in the pit.

12                   Now, due to that difference in salt  
13 concentration, there's a density difference. And so  
14 the water that sits below the pit is very heavy and the  
15 water that sits over the top of it is relatively light.

16  
17                   So in terms of the closure objective for  
18 the pit which is also consistent with the water -- with  
19 the closure objectives for the lake, is that the water  
20 quality will be suitable to support aquatic -- a  
21 healthy aquatic ecosystem. And that -- that drives one  
22 of the key objectives of the closure program.

23                   THE CHAIRPERSON: Thank you. Mr.  
24 Zoe...?

25                   MR. HENRY ZOE: Thank you, Mr.

1 Chairman. Mr. Chairman, my colleague, Dr. Ginger  
2 Gibson, is listening in. I'm not sure if she has any  
3 further follow-up questions.

4 Can you hear me, Ginger?

5 DR. GINGER GIBSON: Yeah. Hi, Henry.  
6 Thank you very much for that. We're -- I think we're  
7 actually going to have to ask Veronica to reassemble  
8 the table now because we have a -- a question on  
9 socioeconomics as well. So thanks to John -- to John  
10 for that response on -- on the pit.

11 With respect to socioeconomics, I'm  
12 wondering if De Beers can suggest to us -- give us a  
13 sense -- we've looked carefully at the -- the  
14 submission that De Beers has recently made on resource  
15 development scenarios, and we note a -- a real change  
16 in -- because of the Gahcho Kue project we note a real  
17 change at closure to unemployment rates.

18 And I -- I'd just like to ask De Beers  
19 to comment on the -- the workforce -- impacts on  
20 workforce and communities that have been wor -- you  
21 know, what planning you're putting in place with  
22 respect to managing that transition for that workforce  
23 at the closure date for Gahcho Kue. Thank you, Mr.  
24 Chair.

25 THE CHAIRPERSON: Thank you. De

1 Beers...?

2 MS. VERONICA CHISHOLM: Veronica  
3 Chisholm from De Beers. If we could -- allow us about  
4 thirty (30) seconds, we will respond to that. Thanks  
5 for the question.

6

7 (BRIEF PAUSE)

8

9 MS. CATHIE BOLSTAD: Good morning, Mr.  
10 Chair. Cathie Bolstad from De Beers. With respect to  
11 planning closure and people for the Gahcho Kue Mine,  
12 we've made a commitment to work with the Government of  
13 the Northwest Territories as we approach closure. We  
14 certainly understand that people -- mine's -- mine's  
15 lives end and people need to plan for how they're going  
16 to manage their families.

17 We certainly have indicated that, as a  
18 company, as we approach closure, we will be working  
19 with communities throughout the life of the project.  
20 And I -- and -- and we anticipate, as a company, that  
21 the topic with respect to training and developing  
22 people will change from training them to be in our mind  
23 to training -- training opportunities that will prepare  
24 them for future development.

25 We also have a gentleman, Mr. Tim Harris

1 (phonetic) who is our business development manager here  
2 based in Yellowknife. And certainly we see the  
3 business development arm, not just focussed on helping  
4 people secure employment in the mine itself, but we  
5 believe that position can play an important role in  
6 helping businesses plan for new opportunities that are  
7 both inside and outside of the Gahcho Kue project.

8 But we anticipate that's a conversation  
9 we will have throughout the life of the mine, is how --  
10 how people will participate in and participate in other  
11 opportunities. Not all of the opportunities the mine  
12 creates are just about being at the mine. Thank you.

13 THE CHAIRPERSON: Thank you. Mr.  
14 Zoe...?

15 MR. HENRY ZOE: Thank you. I have no  
16 further questions.

17 THE CHAIRPERSON: Thank you.  
18 Yellowknives Dene First Nation are next to ask  
19 questions. Thank you. And staff asked me to get you  
20 to identify the area -- the area of questions that  
21 you're going to pursue -- how many and the areas.  
22 Thank you.

23 MR. TODD SLACK: Thank you, Mr. Chair.  
24 My name is Todd Slack. I have five (5) areas of  
25 inquiry. I'm not sure how many questions, but they're

1 pretty straightforward. And as the economic team was  
2 the last one up -- oh, okay.

3                   Okay, so the -- the first place that I'd  
4 like to start is with the economic benefits and jobs  
5 for the North. The recent submission to the Board that  
6 went in just before the deadline indicated -- created  
7 some scenarios that were used, and it was based on  
8 average participation rate at all of the mines.

9                   Now, we have seen a declining trend in  
10 the percentage of Northerners and Aboriginals employed  
11 by the mine. And I'm just wondering what assumptions  
12 went into that analysis to arrive at a -- a  
13 participation rate that was: 1) higher than what's been  
14 observed at Snap, and 2) why they think the more  
15 general average of the three (3) mines should be used  
16 for participation.

17                   THE CHAIRPERSON: Thank you, Mr. Slack.  
18 Does De Beers need a minute or two (2)?

19                   MS. VERONICA CHISHOLM: Veronica  
20 Chisholm, from De Beers. No, we're good with this one.  
21 Mr. Chair, I'll ask Graeme Clinton, who undertook that  
22 analysis that Mr. Slack referred to and that we posted  
23 to the registry, to respond to the assumptions that  
24 went into that model and into that reporting.

25                   MR. GRAEME CLINTON: Hello. I'm Graeme

1 Clinton, with Impact Economics. Mr. Chair, just to  
2 respond to the question, the -- the question was posed  
3 by the Yellowknives Dene with respect to the -- the  
4 timing of the project and the level of participation.  
5 So I was asked to undertake -- oh, sorry, and also I  
6 guess the Tlicho Government asked the same question,  
7 sorry.

8                   So I was asked to undertake a series of  
9 scenarios to demonstrate how the project might impact  
10 the economy under different sets of assumptions. Now,  
11 in doing this work we didn't have a -- a clear set of  
12 scenarios in which to test, but -- so I ran a number of  
13 different scenarios and presented three (3) that -- to  
14 give a -- just a -- a different look of what different  
15 levels of participation and different timing of the  
16 project would -- would have to the economy of the NWT.

17                   So -- and then as a follow-up to that, I  
18 -- the Yellowknives Dene asked a question of De Beers  
19 as to -- to -- for some refinement of that -- those  
20 scenarios of which we -- we supplied a few days later,  
21 which we presi -- prevent -- presented the development  
22 of the project under a very specific participation  
23 rate.

24

25

(BRIEF PAUSE)

1 MR. GRAEME CLINTON: Sorry, Mr. Chair,  
2 just a point -- just a point of clarification. So I  
3 don't know if it would be of -- of some benefit to --  
4 to the group here to -- if they understood how the  
5 modelling process worked. I'd try to keep it brief,  
6 but I -- I could skip that if -- if it's not necessary.

7 THE CHAIRPERSON: The question was  
8 posed by Mr. Slack. What is your desire? You can skip  
9 that, it seems.

10 MR. GRAEME CLINTON: Thank you, Mr.  
11 Chair. So -- so the assumptions that we -- we worked  
12 into -- this is what we started with in -- when we  
13 first looked at the project is to model a -- a  
14 workforce -- a local workforce participation rate equal  
15 to where the Snap Lake project is.

16 And this was done -- it was a cons --  
17 certainly a conservative estimate, but it allowed us to  
18 speak with some confidence as to -- to what the -- the  
19 -- I'd say the minimal -- the minimum amount of  
20 employment that would be participating at the mine from  
21 -- from the -- within the NWT.

22 Now, of course, it's important to  
23 understand that what we're looking at here is -- is  
24 where the participation rates would be at the start of  
25 the mine. And of course the economy changes over time.

1 And as we've continued to develop the model we've  
2 increased -- we -- we have the ability to track the --  
3 the fluctuations within the economy, the demand and  
4 supply for labour in particular, and incorporate the --  
5 those conditions into the participation of -- of the --  
6 at not only the -- the Gahcho Kue project, but the  
7 entire economy.

8                   So the -- the assumptions that went into  
9 this -- those scenarios that were developed were -- we  
10 ran two (2) scenarios based on different timings of the  
11 project. The first scenario -- the first set of  
12 scenarios was based on a level of participation at the  
13 -- at the Gahcho Kue project equal to or equivalent to  
14 that of the Snap Lake diamond project.

15                   Now -- so, Mr. Chair, what we -- what  
16 the model allows us to do is that as -- as the level of  
17 employment over the course of the next fifteen (15)  
18 years in the territory starts to decline and the  
19 unemployment rates start to increase, this creates a  
20 condition where we would expect the -- the  
21 participation in terms of the percentage at the Gahcho  
22 Kue project to start to rise in accordance with the --  
23 with the decline in the overall economy.

24                   And this is -- a reasonable assumption  
25 is, if there is just fewer jobs and more people

1 available for work, it is -- there's a greater  
2 probability that local residents will have a greater  
3 opportunity or more opportunity to participate at the  
4 mine. So the model now does this, so it -- it allows  
5 us to track how the participation rate would change or  
6 increase or decrease, depending on the economic  
7 conditions of the day.

8           Now, as we -- as a part of that sub --  
9 submission of that ques -- of the -- the response, it  
10 included a baseline scenario to establish what would  
11 happen in the absence of any new development in the  
12 territory. And of course, with the closure of Ekati  
13 and eventual closure of Diavik, we do see, really  
14 beginning in 2015, as -- as -- and 2016, as projects  
15 begin to lay off staff, that there -- the number of  
16 people available for work in the territory and the  
17 number of jobs starts to -- to move such that the level  
18 of participation at the Gahcho Kue project is likely to  
19 increase.

20           So it's important to note -- note the  
21 difference between where the project might start in  
22 twen -- in -- if it were to open in 2016, where the  
23 participation rate would be at that point where it  
24 would -- versus where it would be in 2020 and 2024 and  
25 -- and so on. So -- so the second part of the answer

1 is, so the -- the second set of scenarios that we ran -  
2 - and -- and we chose this only because the information  
3 request wasn't clear on what -- what scenarios to -- to  
4 evaluate, but we also ran a scenario where the local  
5 participation rate was set equal to the overall average  
6 of the -- of all mining. And that, of course, is a  
7 little bit higher because of the higher current  
8 participation at Diavik and then -- and Ekati.

9                   So this -- all this did was essentially  
10 shows the impacts to the economy if -- if the level of  
11 local participation were approximately 10 percent  
12 higher, which represents thirty (30) or forty (40)  
13 jobs. So that was -- that was the -- the basis of --  
14 of the work, a little bit of background as to how the  
15 model works and -- and what it does, and -- and why we  
16 chose those two (2) different scenarios.

17                   But as a final point, Mr. Chair, is that  
18 -- is that, to answer -- to further answer the question  
19 on how these -- the assumptions were -- were made is  
20 that the -- is that we do look very carefully at -- at  
21 both the labour demand and supply, the size of the --  
22 of the population and the unemployment rates, and the  
23 number of jobs in the overall economy in order to  
24 determine how many people would be likely available for  
25 work. Thank you, Mr. Chair.

1 THE CHAIRPERSON: Thank you. Mr.  
2 Slack...?

3 MR. TODD SLACK: Thanks, Mr. Chair.  
4 And I have two (2) follow-ups with -- on this topic.  
5 Given the observed trend in northern Aboriginal  
6 participation, BHP and Diavik had in excess of 50  
7 percent -- sorry, I think it's fair to say they had in  
8 excess of 50 percent northern Aboriginal participation,  
9 and Snap is at 36, according to the 2010 data. And  
10 we're seeing a declining trend.

11 Would a more prudent starting point not  
12 have been an actually lower participation rate?

13 THE CHAIRPERSON: Thank you, Mr. Slack.  
14 De Beers...?

15 MS. CATHIE BOLSTAD: De Beers Canada.  
16 Cathie Bolstad. First of all, De Beers cannot support  
17 delaying this project. We have invested \$200 million  
18 to date to advance this project to this.

19 Our shareholders are expecting this  
20 project to move ahead, and it brings significant  
21 benefits to the Northwest Territories. The work done  
22 in the modelling does not show that there is any  
23 benefit to laying this project on a much larger scale.

24 When we look at the project and when I  
25 look at the success of the diamond industry -- and I'm

1 speaking specifically about the three (3) operating  
2 diamond mines now -- none of us, I think, predicted the  
3 success that we would have to the magnitude we have  
4 today in employing Northern -- Northern employees.

5           And, in fact, when you look at the  
6 predictions that each of us made as we came through our  
7 environmental assessments for our mines, we predicted  
8 that we'd be employing less Northern employees than we  
9 are now. And that number is continuing to grow, and we  
10 are -- we have continued to exceed. I think it's  
11 critical for the Northwest Territories to entice  
12 continued investment for its long-term sustainability.  
13 And -- and investors are watching how long it takes to  
14 develop a project here.

15           I think we have now -- we -- we did a  
16 study with the Bureau of Statistics in 2009. Of 99  
17 percent of our De Beers Canada Snap Lake Mine  
18 employees, regardless of where they lived, proximity to  
19 family is important. And now is the time that this  
20 project needs to be moving forward, as the mines are  
21 winding down their lives. Diavik is no longer open-pit  
22 mining now.

23           There's been significant investment made  
24 by our company and others in training and developing  
25 Northwest Territories' resident workers to provide

1 skill sets to these operations. Delaying the project  
2 is going to -- keeping people in the Northwest  
3 Territories with those skills. We see out-migration  
4 already in the Northwest Territories.

5                   The Gahcho Kue project wants to hire the  
6 skill sets that have been developed and trained by  
7 ourselves and our -- and other producers here.  
8 Delaying the project is not an option and not in the  
9 best interests of our companies, our shareholders, or  
10 the people of the Northwest Territories. There's too  
11 many benefits that will be lost, Mr. Chair.

12                   THE CHAIRPERSON: Thank you. Did you  
13 get your answer? I thought not. Can you pose it more  
14 direct, then?

15                   MR. TODD SLACK: Can -- can I restate  
16 the question? I'm not sure I can make it more direct.

17                   We -- we've observed a trend of  
18 declining Northern participation at the mines: in  
19 excess of 50 percent Northern Aboriginal, the first two  
20 mines, and 36 percent at Snap. Can -- so the  
21 assumptions that the recent economic analysis made, we  
22 -- we just heard about those.

23                   But would a more prudent starting point  
24 have been to use a lower Northern participation rate?

25                   MR. GRAEME CLINTON: Graeme Clinton,

1 with Impact Economics, Mr. Chair. The -- these -- the  
2 starting -- the starting point really is -- is dictated  
3 by the state of the economy at the time the -- the mine  
4 goes into operation, and we don't have the -- the  
5 advantage of having a -- the -- the figure here. But  
6 by 2016, the -- the increase in the number of jobs  
7 provided by or created by the Gahcho Kue project  
8 doesn't pose any difficulties, in terms of the -- the -  
9 - the amount of labour that's available at that time.

10 In other words, the project is not so  
11 large as to create employment problems for the -- for  
12 the local labour force to -- to su -- supply or to  
13 meet. The -- in fact, by that -- that time period,  
14 2016, the -- the economy will be in such a position  
15 that the addition of the Gahcho Kue project will  
16 essentially bring the economy back to where it is  
17 today. So the declines that will take place over the  
18 next few years will then be partially mitigated by the  
19 introduction of this project to bring us back to where  
20 we are today.

21 So I think the assumption is sound. Of  
22 course, it's an assumption. We don't have a crystal  
23 ball as to know exactly how many people will actually  
24 apply for the -- the jobs, but we -- we can see by the  
25 data that there will be people available to work there.

1 THE CHAIRPERSON: Thank you. Mr.  
2 Slack...?

3 MR. TODD SLACK: I have a very  
4 straightforward follow -- or, last question on this.

5 When we -- when the employ --  
6 unemployment rate starts to rise after the other mines  
7 have commenced their shutdown, how many years will --  
8 will the Gahcho Kue still have left, in terms of  
9 production?

10 THE CHAIRPERSON: Thank you. De  
11 Beers...?

12 MR. GRAEME CLINTON: Graeme Clinton,  
13 with Impact Economics. Mr. Chair, if we assume that  
14 the -- that significant decline in the economy will --  
15 well, the -- the economy is -- is declining now and it  
16 has -- has been since the -- the onset of the  
17 recession, so the -- and the prospects for -- for new  
18 job creation over the next three (3) to four (4) years  
19 is -- is minimal.

20 So when the -- when the -- sorry, Ekati  
21 starts to -- its process of -- of shutting down, would  
22 -- which would be approximately in 2018, give or take a  
23 year, the project would be, at that stage, two (2)  
24 years into its mine operation. So there would be nine  
25 (9) years left of that.

1 THE CHAIRPERSON: Thank you. Mr.  
2 Slack...?

3 MR. TODD SLACK: Thanks. And I'll move  
4 to a new topic. We can either do fish or cumulative  
5 effects, whichever's easiest. Okay, I'll do water  
6 quality then. And we'll start this one off with a  
7 simple one too.

8 The water management plan -- the water  
9 management pond, pardon me, during operations, what  
10 will the maximum depth of that be?

11 THE CHAIRPERSON: Thank you. De  
12 Beers...?

13

14 (BRIEF PAUSE)

15

16 MS. VERONICA CHISHOLM: Veronica  
17 Chisholm, from De Beers. That'll be approximately 10  
18 metres.

19 THE CHAIRPERSON: Thank you. Mr.  
20 Slack...?

21 MR. TODD SLACK: Thank you, Mr. Chair.  
22 I will move to a somewhat harder question then. And  
23 Henry -- Henry touched on a topic -- topic, closure  
24 water quality. And I'm just wondering if we can sort  
25 of get a sense from the project's view as to what the

1 post-closure amount of change will be from baseline.

2 For whatever the maximum change is in  
3 any one (1) element, are we talking about a 5 percent  
4 increase over baseline, are we talking about 10  
5 percent, 50, 100 percent?

6 And I understand that this is perhaps a  
7 difficult question, and I could go on to some others  
8 while you consider that.

9 THE CHAIRPERSON: De Beers, do you want  
10 to put a group together to tackle that, or would you  
11 want to take it now?

12

13 (BRIEF PAUSE)

14

15 MS. VERONICA CHISHOLM: Veronica  
16 Chisholm, from De Beers. We will take a few moments to  
17 pull that together, because it won't be the same for  
18 every parameter. But we'll work on that. So we'll ask  
19 that -- if you could proceed to your next question and  
20 we'll -- we'll develop the response to that question.  
21 Thank you.

22 THE CHAIRPERSON: Thank you. Mr.  
23 Slack...?

24 MR. TODD SLACK: Thank you.

25 THE CHAIRPERSON: I'm hoping -- I'm

1 hoping that you will recognize the clock. And we would  
2 like to -- to try to have you through your questions by  
3 -- by noon, twenty (20) minutes.

4 MR. TODD SLACK: Oh --

5 THE CHAIRPERSON: Thank you.

6 MR. TODD SLACK: -- depending on the  
7 answers, I'll be through quite quickly. Sorry. In the  
8 -- the opening presentation today, the Company talked  
9 about only going -- that they were only going to  
10 release good-quality water.

11 In the company's viewpoint, is releasing  
12 water that exceeds CCME guidelines, does that qualify  
13 as good-quality water?

14 THE CHAIRPERSON: Thank you. De  
15 Beers...?

16

17 (BRIEF PAUSE)

18

19 MS. VERONICA CHISHOLM: Veronica  
20 Chisholm, from De Beers. Any water that leaves our  
21 site will have to adhere to whatever is defined within  
22 our water licence. And we will not discharge water  
23 until we meet those requirements, whether they are CCME  
24 or other guidelines. We can't determine that; that  
25 will be part of the regulatory phase.

1                   We did state what our site-specific  
2 water quality objectives are, and we will meet those  
3 site-specific water quality objectives. Thank you, Mr.  
4 Chair.

5                   THE CHAIRPERSON: Thank you. Mr.  
6 Slack...?

7                   MR. TODD SLACK: Thank you. And I'm  
8 just going to ask a couple of questions, in terms of  
9 the -- the nature of these predictions. As Mr. Clinton  
10 said, you know, these are based on assumptions, and  
11 they're -- they're variable. And I think that this  
12 fits in with the water quality questioning.

13                   Would the -- the Company agree that --  
14 or, I should phrase this a little differently -- but  
15 that in both the BHP and the Diavik process, both of  
16 those mines predicted that their operations wouldn't  
17 alter the quality of Lac de Gras, and would they agree  
18 that now we are seeing in changes in Lac de Gras as a  
19 result of those mines?

20                   THE CHAIRPERSON: Mr. Slack, I would  
21 find it difficult for De Beers to speak about what's  
22 happening at two (2) other mine sites.

23                   Can you rephrase that a little bit  
24 better? Thanks.

25                   MR. TODD SLACK: Yes, I -- I can

1 rephrase that better. Are you aware, at the BHP and  
2 Diavik processes -- or environmental assessments or  
3 CEEA panels, that those two (2) mines both predicted  
4 that they wouldn't affect the water quality of Lac de  
5 Gras, and it has since been shown that they have  
6 affected that? Essentially, that their predictions  
7 were wrong.

8 THE CHAIRPERSON: Thank you, Mr. Slack.  
9 De Beers...?

10 MS. VERONICA CHISHOLM: Veronica  
11 Chisholm, from De Beers. I don't know the specifics  
12 about the environmental impact assessments that were  
13 submitted for Ekati or Diavik or how those have changed  
14 or altered since those predictions. I can't speak to  
15 any specifics with that. I can speak to specifics  
16 regarding the Gahcho Kue project, and that's what we're  
17 prepared to do here today. Thank you.

18 THE CHAIRPERSON: Thank you. Mr.  
19 Slack...?

20 MR. TODD SLACK: Thank you, Mr. Chair.  
21 And I'll ask a similar question and perhaps get the  
22 same response. But in the -- but in De Beers Snap Lake  
23 project, they -- the prediction that the TDS would  
24 never exceed -- I think the number that they used was  
25 three twenty-five (325), in terms of parts per million

1 in TDS. And the Board created a measure on this, and  
2 that is likely going to turn out to be wrong as well.

3 Would you agree that is correct as well?

4

5 THE CHAIRPERSON: Thank you, Mr. Slack.

6 De Beers...?

7

8 (BRIEF PAUSE)

9

10 MS. VERONICA CHISHOLM: Veronica  
11 Chisholm, from De Beers. I'm just getting a quick Snap  
12 Lake lesson on the specifics that happened during the  
13 hearing process, which was quite some time ago.

14 But you are correct. There was a  
15 measure that was placed on De Beers at that time for  
16 the Snap Lake project. And currently there's the  
17 possibility of exceeding that at Snap Lake.

18 The measure that was placed on the Snap  
19 Lake Mine was 350 milligrams per litre TDS. That was  
20 not based on an impact to the aquatic environment. It  
21 was not any context around that number that was placed  
22 as part of that measure. And so now there's an  
23 opportunity at Snap Lake to look at those water quality  
24 parameters and what the specific impacts, and if there  
25 would be any impacts to those criteria.

1                   And that's what's been developed and  
2 included in the updated water licence. That's my  
3 understanding. Thank you.

4                   THE CHAIRPERSON: Thank you. Mr.  
5 Slack...?

6                   MR. TODD SLACK: Thanks, Mr. Chair.  
7 And I'm on to my last topic, and that's cumulative  
8 effects. And I believe that this is a simple one too.

9                   Would it be fair to characterize the De  
10 Beers position with regard -- or, with regards to  
11 cumulative effects and monitoring as you're going to  
12 look at what happens in the regional study area and  
13 pass that information to GNWT for -- or other agencies  
14 for a cumulative effects analysis?

15                  THE CHAIRPERSON: Thank you. De  
16 Beers...?

17                  MS. VERONICA CHISHOLM: Veronica  
18 Chisholm, from De Beers. I want to be clear; we did do  
19 a cumulative effects assessment as part of the EIS  
20 submission. But if Mr. Slack is speaking to how we  
21 will contribute our monitoring throughout the life of  
22 the mine, perhaps we can seek that clarification.  
23 Thank you.

24                  THE CHAIRPERSON: Thank you. Mr.  
25 Slack...?

1 MR. TODD SLACK: Yes, I believe Ms.  
2 Chisholm knows where I was going with that.

3 THE CHAIRPERSON: Thank you. De  
4 Beers...?

5 MS. VERONICA CHISHOLM: Veronica  
6 Chisholm, from De Beers. We never want to be  
7 presumptuous about where questions are going. So  
8 absolutely, our intent, as we noted in our wildlife  
9 effects monitoring plan, in that particular plan is to  
10 provide out baseline information and make it available  
11 to whatever party, including government, to undertake  
12 their ongoing management of wildlife or whatever their  
13 jurisdictions are.

14 So our data would be available, and it  
15 will be -- form part of the regional data set, whether  
16 it's water quality, wildlife, land, soil, air, people.  
17 And we'll be transparent about providing those  
18 information.

19 THE CHAIRPERSON: Thank you. Mr.  
20 Slack, I know that there's one (1) outstanding  
21 question, so, anyway, it's over to you. Thanks.

22 MR. TODD SLACK: Thanks, Mr. Chair.  
23 And just as my last question for De Beers, Ms. Chisholm  
24 touched on the cumulative effects analysis that they  
25 had done, and in the -- the re -- I'm going to treat

1 this as two (2) separate cumulative effects analyses.  
2 There was one (1) done as part of the EIS and one (1)  
3 done under -- I was -- I had it here, but I've lost it.  
4 It was in response to a Tlicho IR. There was also a  
5 Yellowknives one (1). I think it was 42 or 44.

6                   Regardless, that analysis predicted a --  
7 a worst-case decline in caribou of 1.5 percent. The  
8 second cumulative effects analysis didn't undertake any  
9 population viability work. So for the Board's  
10 information, that worst-case scenario would be larger  
11 than minus 1.5 percent with the addition of the other  
12 foreseeable projects.

13                   Is that a fair statement?

14                   THE CHAIRPERSON: Thank you. De  
15 Beers...?

16                   MS. VERONICA CHISHOLM: Veronica  
17 Chisholm, for De Beers. I just want to clarify, that  
18 was in response, that analysis that Mr. Slack was  
19 referring to was in response to Tlicho Government  
20 Information Request in the First Round number 44.

21                   And we're just having our wildlife team  
22 -- because the question is specific to caribou and --  
23 and the population levels in caribou. So we just have  
24 our team together and they will -- we will respond to  
25 that shortly. Thank you.

1 THE CHAIRPERSON: And in the interim,  
2 the second question that was posed, can we get a  
3 response to that one, please?

4 MS. VERONICA CHISHOLM: Veronica  
5 Chisholm, from De Beers. They're -- they're working on  
6 it. They're pulling out all the numbers. There's a  
7 number of parameters, and we will provide an answer to  
8 that question shortly.

9 THE CHAIRPERSON: Can we expect an  
10 answer before noon, or -- or would you suggest that we  
11 could break and come back to those questions later in  
12 the day? But we are planning for another presentation  
13 at 1:15, so I've got to get a sense of timing.

14 We -- we have ten (10) minutes to be  
15 used usefully, or else we could take a break.

16 MS. VERONICA CHISHOLM: Mr. Chair, the  
17 first question with respect to water quality, we would  
18 have to provide that after lunch. It's just taking a  
19 little bit more time to go through the specific  
20 parameters. So that would be the time frame.

21 On this question with wildlife, I'm  
22 assuming that we -- we are prepared to answer that  
23 question right now. And I'd ask my colleague, Stephen  
24 Lines, to respond to that question. Thank you.

25 THE CHAIRPERSON: Thank you very much.

1 Go ahead.

2 MR. STEPHEN LINES: Thank you, Mr.  
3 Chair. It's Stephen Lines from De Beers. I'd just --  
4 I'd like to ask a point of clarification whether Mr.  
5 Slack is referring -- the 1.5 percent, is he referring  
6 to the population viability analysis number and whether  
7 he's referring to the incremental effect with the  
8 project.

9 THE CHAIRPERSON: Thank you. Mr.  
10 Slack, can you help clarify that? Thank you.

11 MR. TODD SLACK: I thought I was asking  
12 some tough questions. I will do my best to clarify  
13 that. The -- I believe that was the first -- as part  
14 of the EIS, the overall indirect cumulative effect  
15 indicated a -- a decline -- a potential decline in  
16 caribou -- worst case, admittedly -- of minus 1.5 --  
17 minus 1.5 percent relative to the 2010 baseline.

18 THE CHAIRPERSON: Thank you.

19 MR. TODD SLACK: I hope that helps.

20 MR. STEPHEN LINES: Thank you, Mr.  
21 Chairman. If you just give me one minute, I'll clarify  
22 that with out technical experts.

23

24 (BRIEF PAUSE)

25

1 MR. STEPHEN LINES: Thank you, Mr.  
2 Chairman. Steven Lines again, for De Beers.

3 I just would like to clarify, before I  
4 pass it over to Dr. Virgl on the technical side, that  
5 the population viability analysis and the 1.5 percent  
6 that Mr. Slack is referring to doesn't represent any  
7 statistical change in the population of the Bathurst  
8 caribou.

9 The population viability analysis model  
10 that was used to assess effects on the Bathurst caribou  
11 herd was simply used to partition the different effects  
12 from our cumulative effects assessment approach to --  
13 to the project so that partitioned effects between  
14 natural factors, such as insect harassment, that affect  
15 caribou as well and the relative contribution of  
16 development on the landscape, going back prior to  
17 development, to the current state of development, and  
18 on into the future. Now, I'll just pass it over to Dr.  
19 Virgl to provide the other numbers.

20 DR. JOHN VIRGL: John Virgl, Golder  
21 Associates.

22 Mr. Chair, could -- I'm -- I'm  
23 struggling here a little bit, because I'm -- he's --  
24 what Mr. Slack is asking are two (2) different things.  
25 And -- and the response to the in -- adding additional

1 reasonably foreseeable developments to the actual  
2 habitat model that we used is different than the actual  
3 population viability analysis.

4 Now, we did -- we did modifications or  
5 supplementary analysis to both of those models, and I  
6 just need clarification on which model he's actually  
7 talking about.

8 THE CHAIRPERSON: Thank you. Mr.  
9 Slack. A two (2) in one (1) question.

10 MR. TODD SLACK: Thank you, Mr. Chair.  
11 It -- it's the pop -- the population viability  
12 analysis. And forgive me; this is a question through  
13 our -- our expert who couldn't be here. But he  
14 indicated that the -- the second -- with the additional  
15 projects, because the -- the Yellowknife certainly felt  
16 that the initial cumulative effects analysis was  
17 lacking. It didn't include any Nunavut projects. It  
18 didn't include some clear NWT projects. So we asked  
19 the company to submit additional -- or, to reconsider  
20 this.

21 They did reconsider it and looked at the  
22 habitat, and they provided that as part of Tlicho 44,  
23 but they didn't update the population modelling.

24 The essential question is: Is that  
25 number -- are they underestimating the math?

1 THE CHAIRPERSON: Okay. Thank you very  
2 much.

3 DR. JOHN VIRGL: John Virgl, Golder  
4 Associates. Thank you, Mr. Chair. That provides  
5 clarification.

6 The answer to the question is no. In  
7 essence, the -- the amount of conservatisms that we  
8 used in all of the models, starting right from the  
9 habitat model, through the energetic model, and through  
10 the population model, would -- ended up overestimating  
11 the effects. So by adding those reasonably foreseeable  
12 developments that Mr. Slack is mentioning, it would  
13 have not changed the outcome of the population model.  
14 Basically, the -- the outcomes would be similar.

15 We also ran, in that population model,  
16 further changes -- directional changes through time,  
17 was in the time frame of the model, that showed  
18 increasing conditions on the ranges, decreasing  
19 conditions on the ranges, and average conditions on the  
20 ranges. And all of those models showed that,  
21 basically, the developments on the landscape did not  
22 change the outcome of the model. Thank you.

23 THE CHAIRPERSON: Thank you very much.  
24 It's five (5) to 12:00, and at 1:15 we're going to have  
25 a joint presentation. When the questions finish with

1 the joint presentation, we will get back together with  
2 Mr. Slack and the Chair to deal with the final one (1)  
3 outstanding question before we move on to the rest. So  
4 that's the plan for this afternoon.

5 Do you have any difficulty with that,  
6 Mr. Slack?

7 MR. TODD SLACK: Thank you, Mr. Chair.  
8 Not at all.

9 THE CHAIRPERSON: Thank you. So we are  
10 adjourned till 1:15. Have a good lunch, and we'll see  
11 everybody later. Thank you.

12

13 --- Upon recessing at 11:56 a.m.

14 --- Upon resuming at 1:21 p.m.

15

16 THE CHAIRPERSON: Good afternoon,  
17 everyone. Welcome back. I hope everybody had a -- a  
18 good lunch.

19 We have made a change to the agenda, as  
20 I indicated earlier this morning, and we now will go  
21 into a joint presentation led by Akaitcho IMA with  
22 Yellow Dene First Nation, Deninu Kue, Lutsel K'e. Is  
23 Tlicho part of that as well? Tlicho as well?

24 So I'll turn everything over to Mr.  
25 Ellis. I think you're the lead on this discussion, so

1 please go ahead. Thank you.

2

3 JOINT PRESENTATION ON NI HADI YATI:

4 MR. STEPHEN ELLIS: Okay. Thank you,  
5 Mr. Chair. I'm not sure how you guys have done this  
6 this morning, but it's pretty hard to see that  
7 presentation, so have -- have we been dimming the  
8 lights? Okay. Let's do that.

9 So I -- you know, this is a bit of a  
10 unique thing. I've -- I've been through a few hearings  
11 before, I think you guys obviously have been, and I  
12 think this is the first time you may be witnessing a  
13 joint presentation. So the people sitting up here with  
14 me are representatives of obviously De Beers with  
15 Veronica, the Yellowknives Dene with Todd Slack, the  
16 Tlicho Government with Henry Zoe, and the Lutsel K'e  
17 Dene First Nation with Mike Tollis. The Deninu Kue  
18 First Nation is supposed to be here; I think they're  
19 just coming back from a late lunch, but they'll be here  
20 as well. And my name is Stephen Ellis, and I'm here in  
21 my capacity as senior advisor to the Treaty 8 Tribal  
22 Corporation who represents the three (3) Akaitcho Dene  
23 First Nations indicated up there.

24 So we initially thought that we'd all  
25 take turns doing a couple of slides, but that would

1 quickly become confusing and unwieldy, so I'll do the  
2 bulk of the slides and Veronica will do some concluding  
3 slides.

4                   So the name of this presentation is  
5 Gahcho Kue Ni Hadi Yati. Essentially, what Ni Hadi  
6 Yati means in the Chipewyan language is an agreement or  
7 talking together to monitor the environment around  
8 Gahcho Kue specifically. So the subtext is in sharing  
9 Aboriginal party capacity for the holistic,  
10 environmental stewardship of the Gahcho Kue project,  
11 and, again, this is a joint presentation.

12                   Just a bit of summary of what this  
13 presentation will go through. We'll give you a little  
14 background on why we're all sitting here together and  
15 what we're here to do. Slow down a little bit. Okay.  
16 We'll outline what Ni Hadi Yati is, what its purpose  
17 is, overall objectives, what the proposed structure is,  
18 how we see the parties sitting at the table here and  
19 perhaps some other parties, how they will interact with  
20 each other, how we see technical expertise being  
21 provided to all the parties at the table, and what the  
22 benefits are to both the company and the Aboriginal  
23 organizations around the table as well. And we'll end  
24 up with a proposed measure that we're suggesting to the  
25 review panel.

1                   So a bit of background. I think it's  
2 not surprising, I suppose, that all the parties, the  
3 proponent and the Aboriginal parties agree that it's  
4 important for the parties to meaningful inform the  
5 development and implementation of environmental  
6 management and monitoring plans and programs for the  
7 Gahcho Kue project. So I -- I think our -- our common  
8 foundation is that we all understand and acknowledge  
9 that the First Nations and the Aboriginal groups want  
10 to have meaningful input on how the environmental  
11 programs and monitoring are -- are completed and  
12 developed at the Gahcho Kue site, and that's why we're  
13 sitting here today.

14                   There were similar concerns raised for  
15 the previous three (3) diamond mines: Snap Lake,  
16 Diavik, and Ekati. And those three (3) -- in those  
17 circumstances, there were unique arrangements that were  
18 made between Aboriginal parties, governments, and  
19 proponents for engaging Aboriginal parties in  
20 environmental monitoring at those specific sites.

21                   We have looked at those models and we've  
22 -- you know, it's been a decade essentially since the  
23 last one was done, and we understand that there's  
24 improvements and efficiencies that -- that can be made,  
25 and the model that we are going to be proposing today

1 is built upon those -- the best pa -- practices come --  
2 that come out of those previous examples, but it's not  
3 the same at all.

4 So back in -- was it May, 2012, or June,  
5 2012?

6 MS. VERONICA CHISHOLM: May.

7 MR. STEPHEN ELLIS: Okay, it was May,  
8 2012. De Beers submitted what were draft terms of  
9 reference for what they called at that time the  
10 Adaptive Management Advisory Committee. So it was  
11 their initial proposal to the Aboriginal parties for  
12 how the Aboriginal party -- parties might be involved  
13 in informing and participating in environmental  
14 monitoring and man -- and management for the Gahcho Kue  
15 project.

16 The Aboriginal parties represented here  
17 today, being Lutsel K'e, Deninu Kue, Yellowknives, and  
18 the Tlicho government, considered that proposal and  
19 developed an alternative proposal based on their  
20 respective views and needs. So they actually convened  
21 in Lutsel K'e for a two (2) day workshop as --  
22 exclusively as Aboriginal parties, reviewed the  
23 Adaptive Management Advisory Committee proposal, took  
24 what we felt was appropriate and added to it, and then  
25 invited De Beers to come sit with us and see where

1 there were possibilities for a mutual benefit.

2                   After that, we met on four (4) separate  
3 occasions in Yellowknife primarily to further develop  
4 the proposal, and again, representation by all the  
5 parties involved.

6                   So this is the results of our  
7 engagements over those five (5) sessions. We agree  
8 that the purpose of this forum that we're proposing is  
9 to ensure that Aboriginal parties have the capacity to  
10 participate in the holistic environmental stewardship  
11 of the Gahcho Kue project. That's the overarching  
12 objective for why we're sitting down together.

13                   One (1) important thing when we started  
14 our conversations was that there's acknowledgement on  
15 all people's part that the Aboriginal parties have a  
16 limited set of technical -- limited technical capacity  
17 to participate in a meaningful manner when reviewing  
18 what can be very complicated documents; you know,  
19 wildlife monitoring programs, air quality monitoring  
20 programs, aquatic effects monitoring programs; to say  
21 nothing of, you know, the -- just the volume of -- of  
22 documents that have to be gone through. We don't  
23 necessarily have the technical expertise to review them  
24 in a meaningful manner.

25                   So we understood that we need to resolve

1 this issue in a coordinated and efficient manner.  
2 We're hoping that what we're proposing will lead to  
3 better environmental performance of the project because  
4 the First Nations will be able to engage in a  
5 meaningful manner and influence the environmental  
6 performance and the environmental design.

7           Improve trust among the parties. When  
8 there's a lack of information there's a lack of trust.  
9 So we're hoping that with improved capacity there will  
10 be improved understanding and trust building.

11           Ultimately, we hope this will result in  
12 meaningful participation of Aboriginal parties. I  
13 think over the past two (2) decades with the diamond  
14 industry developing throughout the Slave geological  
15 province there's been a fair amount of challenge in  
16 ensuring that not only that Aboriginal communities and  
17 organizations are well informed, but that their --  
18 their input translates into meaningful programs and  
19 plans on the ground. And we think that we have an  
20 approach that may tackle that in a better manner than  
21 previously done. And, ultimately, we understand that  
22 it's a -- it's a time of regulatory efficiency. And we  
23 think that our proposal will help address that.

24           Here's the overarching objectives:

25 Provide technical capacity for all parties -- not just

1 Aboriginal parties, but as -- also the Proponent -- to  
2 meaningful parti -- meaningfully participate in Gahcho  
3 Kue environmental monitoring and management. Improve  
4 the public trust in the project and its environmental  
5 monitoring and management. Reduce costs, avoid  
6 duplication of efforts and improve regulatory  
7 efficiency.

8                   One (1) of the reasons that we're  
9 sitting here together as Aboriginal parties is that  
10 previously we'd all hire a caribou biologist. And, you  
11 know, usually that would be some sole sourced dollars,  
12 or there'd be government dollars that flow towards  
13 that. But it wasn't very efficient for us all to be  
14 securing the same sort of expertise in an -- in an  
15 independent manner. Why not demonstrate some  
16 efficiency by coming together and hiring one (1)  
17 expert? So that's sort of the concept behind this.

18                   Provide a communication forum for all  
19 parties for -- so again, many of the same concerns:  
20 water, caribou, socioeconomic impacts. Let's have a  
21 common forum where we can discuss and address those  
22 issues together.

23                   And ultimately, or -- or lastly,  
24 identify opportunities for TK, traditional knowledge,  
25 to be incorporated effectively into those environmental

1 monitoring and management programs. Again, something  
2 that everybody's been wrestling with for the past two  
3 (2) decades, and how do -- how do we do this well at --  
4 at these mine sites. And I think that we've learned  
5 from the best practices that have been put in place at  
6 those mine sites and by the Aboriginal parties working  
7 with them, and I think we -- we've got an approach that  
8 may be better.

9                   So what does this thing look like?  
10 Ultimately, we think that the elements of Ni Hadi Yati  
11 will be confirmed in a binding contract between De  
12 Beers and the Aboriginal parties. So all the parties  
13 will have some skin in the game and commit to  
14 implementing their responsibilities for seeing this  
15 arrangement through, through a binding contract.

16                   The parties will provide in-kind support  
17 for the governance administration of Ni Hadi Yati. So  
18 the Aboriginal parties and De Beers will come to -- to  
19 the table with their own respective capacities and the  
20 governance and the administration will be done as in-  
21 kind services. So we're not looking for -- to create  
22 another separate entity or a third party. The parties  
23 -- this is just a forum for the parties to come  
24 together on their own steam.

25                   The parties will identify and secure

1 technical advisors to support their efforts to develop  
2 and review the management and monitoring plans and  
3 programs. We hope that the technical advisor can be  
4 drawn from existing government expertise wherever  
5 available.

6                   So, ultimately what this is, is that the  
7 parties will come together, identify capacity gaps, and  
8 try to address those gaps by securing the relevant  
9 technical expertise that will provide services to us  
10 all.

11                   Obviously, the two (2) orders of  
12 government, territorial and federal, have some in-house  
13 capacity. We hope that they're able to lend that  
14 capacity that exists -- whatever exists at this point, to  
15 this forum so that we can take advantage of their  
16 expertise. And, in fact, they're going to be  
17 fulfilling their mandate by contributing to this  
18 process anyways, we think.

19                   The parties will convene to identify  
20 annual technical review needs. So De Beers is fairly -  
21 - I mean, a lot of this is -- is well prescribed in the  
22 water licences and permits. There has to be an air --  
23 aquatic effects monitoring program submitted. Every so  
24 often there's a review period and so on.

25                   So on a yearly basis, the parties will

1 convene, identify what are the outcoming reports from  
2 De Beers, and what capacity the First Nations will need  
3 or the Aboriginal parties will need to appropriately  
4 engage and review those technical reports.

5 De Beers also sees the forum as a way to  
6 proactively involve Aboriginal parties in not only the  
7 review of the -- of the documents or the -- or the  
8 programs and plans, but also the development of them.  
9 So it's not just, Here's a report, look at it and tell  
10 us what they think, but here's an idea, let's engage  
11 you before we submit the report so that there's already  
12 that buy-in before it ever goes to one of the  
13 regulatory authorities. So, again, convening to  
14 identify those annual technical review needs, work  
15 plan, budget, and the preferred technical advisors to  
16 carry out the reviews.

17 The technical coordination of work plans  
18 and document control will be undertaken by a contractor  
19 selected by the parties. So we're very cognizant of  
20 the fact that we want to limit our overhead on this, so  
21 we see a very discrete contract being offered to  
22 someone just to write the reports of when the technical  
23 advisors get together and convene them, and just ensure  
24 that the communication is open. But otherwise, most of  
25 the administration will be absorbed by De Beers and the

1 Aboriginal parties, and we even talked to it being done  
2 in a sort of a revolving manner.

3           A little more about the structure of  
4 funding provided by De Beers. So, again, a work plan  
5 will be developed by the parties on an annual or a  
6 multi -- multi-year basis, perhaps. We're not  
7 conclusive on that yet, but the funding will ultimately  
8 be provided by De Beers.

9           The parties who are confirmed  
10 participants at this point are Lutsel K'e Dene First  
11 Nation, the Yellowknives Dene First Nation, Deninu Kue  
12 First Nation, the Tlicho government, and De Beers. The  
13 North Slave Metis Alliance and NWT Metis Nation are  
14 invited to participate as parties if interested. So  
15 the door is open if those other Aboriginal parties who  
16 are intervening in this process wish to participate.  
17 The existing confirmed parties are -- are open to that.

18           Just a distinction on the role of the  
19 parties themselves and these technical advisors who  
20 will be -- who we hope to be securing to provide the  
21 capacity that we need to engage on the environmental  
22 management with De Beers. So the parties would convene  
23 to do the following: The initial determination of the  
24 technical advise and administrative services required  
25 and the selection of those advisors and administrators.

1

2                   So it's understood probably that some  
3 time in the next -- well, probably in the new year, but  
4 not -- unsure of the timing -- the parties will get  
5 together and say, Okay, you know, in the first three  
6 (3) years of the operation of Gahcho Kue, we'll  
7 probably need these sorts of management plans, we need  
8 these expertise to help us develop those management  
9 plans

10                   And let's put those people together.  
11 Let's identify contractors, provide the document  
12 control for us, who's going to take the first round of  
13 administrative services, you know, flight arrangement  
14 sort of stuff, which party is going to take that  
15 responsibility initially.

16                   That annual planning to determine the  
17 work plan and budget for coming years will have to be  
18 done over the next year. Provide direction annually to  
19 technical advisors on work plan implementation. So the  
20 parties will get together, figure out what their  
21 technical capacity needs will be. They will identify  
22 their technical advisors, secure them, and then meet  
23 with those technical advisors essentially to give them  
24 mar -- marching orders, to say, Here's your work plan  
25 for the next year, go do as you do and report back to

1 us, hopefully.

2                   Annually rev -- review activities and  
3 performance from the previous year's work plan. So  
4 just to ensure that we're always adapting and evolving  
5 and making things better. The parties should reconvene  
6 at least on an annual basis, review the work plan. Dd  
7 we achieve what we wanted? Was the technical expertise  
8 we supported doing what it was supposed to do? And how  
9 do we need to improve things for the next year.

10                   And the technical advisors would convene  
11 as needed to review plans and reports. So again, this  
12 would be highly flexible and dependent on when reports  
13 are submitted, when reports are being developed, and so  
14 on and so forth.

15                   Advice provided to the parties to be  
16 used as they see fit. So the output from the -- the  
17 technical -- from the technical advisors would be, for  
18 example, a review of a draft aquatic effects monitoring  
19 program. So that would be provided to the parties  
20 sitting here, and it's up to the parties to use those  
21 as they see fit.

22                   And I think Veronica sort of summed this  
23 up well, the -- so the technical advisors would tell us  
24 what the temperature is, but the parties would  
25 determine whether it's hot or cold. So how the parties

1 dec -- decide to use the technical advice is at their  
2 own discretion.

3                   We hope to draw from existing  
4 specialists where available to reduce duplication and  
5 increase efficiency. It would be unfortunate if De  
6 Beers and the parties would have to put their resources  
7 on the line to secure, for example, a geochemistry  
8 expert when NRCan already has someone whose mandate it  
9 is to look after geochemistry issues with regards to  
10 Gahcho Kue.

11                   So we are hoping that the existing and  
12 available technical expertise within the governments  
13 can participate in the technical advisory forum. So  
14 just some examples there: air quality, GNWT,  
15 Environment Canada has some people, very good people.  
16 It would be great if they could participate in this  
17 endeavour.

18                   And additional advisors will be  
19 recruited where needed. So there are gaps where the  
20 governments don't have expertise that we need. And one  
21 of the largest one is TK. So we see De Beers providing  
22 the funding for that expertise to be provided to the  
23 parties.

24                   Any advisories -- advisors, we see  
25 operating independently of the party, so they're not

1 there to push a political agenda. They'll be appointed  
2 by all of us together, on a consensus basis. And  
3 they're there to provide advice and walk away.

4           So some of the benefits -- and this is  
5 specifically from the -- primarily from the Aboriginal  
6 party perspective. And Veronica will speak a little  
7 bit about how De Beers sees this benefiting their --  
8 their company.

9           Number 1 addresses key issue of  
10 Aboriginal capacity to participate at a technical level  
11 in the development of project plans, adaptive  
12 management, and ongoing regulatory processes.

13           This has been an ongoing challenge for  
14 the past fifteen (15) years where, let's say, a comp --  
15 company X would fly into Fort Resolution and say, We  
16 want to present our aquatic effects monitoring program,  
17 and a bunch of Elders would show up, and you might as  
18 well be talking complete -- well, people were talking  
19 completely different languages, not only literally, but  
20 -- but figuratively as well. It just wasn't working.  
21 We need that technical advice and mediation in place.

22           There, there's Deninu Kue. I wasn't  
23 just making it up.

24           Allows the Aboriginal parties to shape  
25 technical review needs based on their workloads and

1 areas of interest. So again, the Aboriginal parties  
2 and the Proponent would be meeting on a regular basis  
3 to deter -- determine priorities and would focus  
4 resources in that -- based on those priorities.

5                   We think this is reduced duplication by  
6 using existing resources and maximizing collaboration.  
7 So again, instead of us all hiring up, we are doing  
8 that together. And we think that this is also good for  
9 De Beers, where they are using the expertise at the  
10 forum level to inform not only the review of their  
11 projects, but the development of -- of them as well.

12                   So it's a common technical advice forum.  
13 We also think it -- it'd reduce duplication and  
14 increase efficiency for our governments if they were to  
15 participate in this forum, because as we've said, they  
16 were to participate in this forum, because, as we've  
17 said, they have people who have the mandate already to  
18 provide technical services with regards -- and  
19 technical reviews of the environmental performance of  
20 the -- of mines, and Gahcho Kue  
21 in -- specifically in this case. And we think that, if  
22 they participate at this level, then there's sort of a  
23 continuous forum that is steeped in all things Gahcho  
24 Kue, where they can do their jobs in a better manner  
25 than if they are isolated in silos.

1                   So again, increases regulatory  
2 efficiency by providing that multi-disciplinary forum  
3 devoted to Gahcho Kue. So instead of everybody doing -  
4 - biting off their little chunk, there's one (1) place  
5 where all things Gahcho Kue are talked about in a  
6 consistent and -- and longitudinally extended manner.

7                   Improves process efficiency by involving  
8 parties in the development and evolution of project  
9 plans. So instead of De Beers hiring Golder to develop  
10 their wildlife management program exclusively, they  
11 would be engaging the parties and those technical  
12 advisors up front to help inform them so that it's --  
13 it's not just a one (1) shot deal. It's an iterative  
14 process where the Aboriginal parties and the technical  
15 advisors are engaged in the development of their  
16 management and monitoring programs.

17                   So that early engagement would be  
18 provided for. And, ultimately, this builds that trust  
19 among the parties, because they are coming together at  
20 many different stages in the -- in the evolution of the  
21 management programs and plans as opposed to at the end,  
22 where...

23                   So I'll hand it over to Veronica and  
24 she'll talk about how great this is for her and her  
25 folks.

1 MS. VERONICA CHISHOLM: Thank you,  
2 Steve. Mr. Chairman, before I tell you how great this  
3 is for De Beers, because it really is, I wanted to  
4 acknowledge the -- the North Slave Metis Alliance  
5 President. De Beers has approached the North Slave  
6 Metis Alliance about joining this group. We talked  
7 about the basic concepts. And it's my understanding  
8 that they're going back to their membership to  
9 determine if it's in the best interest of their group.

10 We've done the same thing with the NWT  
11 Metis, and we're hoping to hear back from them. So I  
12 just wanted to make sure that we're clear that this is  
13 open to all parties that wish to join it.

14 MR. STEPHEN ELLIS: That's the end for  
15 Veronica. No. No. Just -- just to add that,  
16 actually, what we're proposing here is not set in  
17 stone. We don't have a binding contract; we haven't --  
18 haven't written the first word on it. So what we have  
19 here is an idea that we've come together behind. And  
20 so it's the appropriate time very soon for other  
21 parties to jump on board, because we'll actually be  
22 starting to put the meat on the bones at this point.

23 MS. VERONICA CHISHOLM: Thanks for that  
24 clarification. So with respect to De Beers, I have to  
25 say when I first came to the North and joined De Beers

1 about a year ago, one (1) of my observations was, Wow,  
2 it seems to divisive. You know, why are we so much  
3 apart on things? And so we looked at this from De  
4 Beers's point of view as an opportunity, because we  
5 view the engagement and finding a forum to talk with  
6 parties and resolve issues as really beneficial to this  
7 project. And we certainly hope that the government  
8 folks can see this in positive light, in terms of  
9 efficiencies in the process.

10 As part of the core values of De Beers,  
11 we look on -- on opportunities to build on these  
12 collaborative relationships. We need to do that within  
13 De Beers. We -- we've -- we've started to do that with  
14 our Snap Lake. We want to carry that on with Gahcho  
15 Kue and look for opportunities to increase efficiency  
16 in the regulatory process.

17 As well, we want a -- an alignment with  
18 De Beers's corporate policies and values. And I will  
19 list those corporate policies and values: working with  
20 Aboriginal communities' policy, that's a core policy  
21 that's been developed at De Beers; sustainable  
22 development policy, this fits within that; as well as -  
23 - sorry, I didn't change -- thank you. I'll just catch  
24 up the slides here.

25 A core value for De Beers is building

1 trust, pulling together, shaping the future, and  
2 showing that we care.

3                   So, Mr. Chairman, we believe that this  
4 group is beneficial to De Beers because it represents  
5 all of those values, and it certainly represents how De  
6 Beers would like to move forward on this project by  
7 engaging all of the communities and the regulators in  
8 this -- in this group, in this forum.

9                   So as a result, we have -- we're  
10 proposing three (3) measures here today. De Beers and  
11 interested Aboriginal parties in the environmental  
12 impact review process shall further develop the Ni Hadi  
13 Yati as outlined in the joint presentation and shall  
14 enter into a contract for its implementation. Ni Hadi  
15 Yati will ensure Aboriginal party capacity to  
16 participate in the holistic environmental stewardship  
17 of the Gahcho Kue project.

18                   The Government of Canada and the  
19 Government of the Northwest Territories shall lend  
20 technical -- shall lend available technical resources  
21 to the Ni Hadi Yati. Those are the three (3) proposed  
22 measures that we have as part of this group. Thank  
23 you.

24

25 QUESTION PERIOD:

1 THE CHAIRPERSON: Thank you very much.  
2 I guess we need some lights. So since this is a joint  
3 presentation and we're now entering into the question  
4 period, I have an abbreviated list. And so I will go  
5 through this list and give everybody an opportunity to  
6 ask a question if they feel they want to, beginning  
7 with Dene Nation.

8 Do we have a representative from the  
9 Dene Nation, and does the Dene Nation want to ask a  
10 question? I see none, hear none. I'll move on.  
11 Anybody from the NWT Metis Nation to ask a question on  
12 this topic? Okay. The North Slave Metis Alliance,  
13 questions?

14

15 (BRIEF PAUSE)

16

17 MR. BILL ENGE: Thank you, Mr.  
18 Chairman. As you may recall earlier this morning, I  
19 had a question in regard to this group. And just to  
20 recite the question that I had this morning, the  
21 question to the Developer is this:

22 Do they see this group as performing the  
23 same function as the Snap Lake Environmental Monitoring  
24 Agency does as the -- as an oversight body with regard  
25 to the Snap Lake Diamond Mine?

1 THE CHAIRPERSON: Thank you. Is that  
2 question posed to De Beers on the group here, or we --  
3 De Beers Canada? Veronica? Okay, there you go.

4 MS. VERONICA CHISHOLM: Veronica  
5 Chisholm, from De Beers. We look at this as being the  
6 path forward for the Gahcho Kue project. This is our  
7 proposed approach to provide that level of review and  
8 the collaboration moving forward; so, yes.

9 THE CHAIRPERSON: Thank you. Mr.  
10 Enge...?

11 MR. BILL ENGE: Thank you, Mr.  
12 Chairman. This proposed body, as the oversight agency,  
13 so to speak, on the Gahcho Kue mine site, comes as a  
14 surprise to the North Slave Metis Alliance. As the  
15 Developer has informed you, this Board, in their  
16 presentation a few minutes ago, that they have been  
17 working with some of the parties -- namely, the First  
18 Nations -- in the development of this forum or this  
19 group to the exclusion of the North Slave Metis  
20 Alliance. And the NWT Metis Nation, as I understand,  
21 has now become a party to this group -- or -- or can be  
22 a party to this group if they so wish.

23 I checked when we first heard about this  
24 initiative. And we were informed about it on Monday,  
25 November the 19th, a mere sixteen (16) days ago today.

1 And the -- the means by which we were informed about  
2 this was with a PowerPoint presentation. There --  
3 there wasn't any protocol documents or any of the kind  
4 of structure that we would need in order to make an  
5 informed decision as to whether or not --

6 THE CHAIRPERSON: Mr. Enge, please get  
7 to the question.

8 MR. BILL ENGE: Okay. Thank you, Mr.  
9 Chairman. The question I have for the Developer is:  
10 They are here today asking this Board to approve their  
11 mine, but yet this is an agency for -- to be an agency  
12 that they would like to see in place.

13 When do they expect the two (2) excluded  
14 parties, the North Slave Metis Alliance and the NWT  
15 Metis Nation, to respond to their invitation by?

16 THE CHAIRPERSON: Thank you, Mr. Enge.  
17 De Beers.

18 MS. VERONICA CHISHOLM: Veronica  
19 Chisholm, from De Beers. Thank you for the question.  
20 I want to make one point of clarification on that.

21 De Beers was invited by the Akaitcho  
22 here to a meeting. Had the North Slave Metis invited  
23 us to a meeting to look at a different model or  
24 representative, De Beers would have been there. Had  
25 the NWT Metis invited us, we would have been there,

1 because ultimately we're about trying to find a path  
2 forward that everyone could agree to.

3                   With respect to the question, How  
4 quickly would we like an answer, well, we would -- we  
5 would like an answer from the North Slave Metis as soon  
6 as possible, but we recognize they need to bring that  
7 to their membership. And certainly De Beers and  
8 hopefully other members of this group would be open to  
9 doing a presentation to that membership, should they --  
10 should they request one, and that we -- they certainly  
11 would be invited to be a part of this group. Thank  
12 you.

13                   THE CHAIRPERSON: Thank you. Mr.  
14 Enge...?

15                   MR. BILL ENGE: Thank you, Mr.  
16 Chairman. Indeed, the North Slave Metis Alliance  
17 requires more than sixteen (16) days today in order to  
18 review such a proposal. Therefore, I'm asking this  
19 Board if it would place a condition on the approval of  
20 this mine on the decision of the North Slave Metis  
21 Alliance as to whether or not they wish to be a part of  
22 this group.

23                   THE CHAIRPERSON: Mr. Enge, this is to  
24 ask questions of the presentation. The forum is not to  
25 ask questions to the panel. The panel is here to

1 listen to everybody, to gather information, and to make  
2 an informed decision on the significance of the  
3 environmental effects or public concern. So -- so  
4 posing a question like that to the panel is  
5 inappropriate, so I have to rule it out. Sorry. Thank  
6 you.

7 MR. BILL ENGE: Thank you, Mr.  
8 Chairman. Well, in light of your response, then I  
9 would have to just simply respond by saying that at  
10 this stage the North Slave Metis Alliance is  
11 uncomfortable with the proposal that has been made by  
12 the group, the presenter, at this time, and we are  
13 going to be looking to have a resolution to it. And  
14 I'm looking for the mechanics of the resolution as to  
15 whether or not we are required to put it to the  
16 Mackenzie Valley Environmental Impact Review Board for  
17 their consideration.

18 So the -- I just -- so that's the  
19 question I need on clarification. Do we put it to this  
20 panel later with respect to the concerns we have about  
21 this group?

22 THE CHAIRPERSON: The North Slave Metis  
23 Alliance has time on this agenda to make a presentation  
24 and identify any concern that they wish. You have time  
25 allocated, right. And during your allotted time, you

1 could raise any issues you wish, any questions you  
2 wish. And then parties can -- can also question you in  
3 the same manner as we're -- we're -- we're working  
4 through the agenda. So everybody has an opportunity to  
5 -- to pose questions to you as well. So that's what --  
6 that's where -- where you could -- could do that, I  
7 think. If not, I need help from legal.

8 MR. JOHN DONIHEE: Thank you, Mr.  
9 Chairman. It's John Donihee, panel counsel. I think  
10 that, as you point out, NSMA has the opportunity to  
11 make a presentation a little later in the week. The  
12 panel's intention, as I understand it, is to allow  
13 several weeks, until about the 19th, I believe, or 20th  
14 of -- pardon me, the 21st of December for the parties  
15 to make final submissions. So that certainly gives  
16 NSMA a couple of weeks to give some further thought to  
17 their position about this concept.

18 And I -- I'd simply move to observe  
19 that, you know, this was an independent initiative that  
20 can solve problems going forward on behalf of a number  
21 of parties that choose to participate, if NSMA will  
22 make its own best determination about that.

23 But -- but, in the end, I don't think  
24 they're bound one way or another by what the other  
25 parties decide, and the -- the panel will have to

1 address the question of cumulative effects and that  
2 sort of thing in relation both to this submission and  
3 those made by the NSMA.

4 THE CHAIRPERSON: Thank you. Mr.  
5 Enge...?

6 MR. BILL ENGE: Yes. Thank you, Mr.  
7 Chairman, for getting clarification with regard to the  
8 mechanics of how we are to deal with this issue.

9 Now, what the proponents of this  
10 initiative have presented here is they state to the  
11 effect that each of the party is to put some skin into  
12 the game, in terms of supporting this group. I would  
13 like to ask what they mean by that. What exactly do  
14 they mean by "skin in the game," and how much skin are  
15 they talking about?

16 THE CHAIRPERSON: Thank you, Mr. Enge.  
17 I'm not sure. Steve Ellis, I think.

18 MR. STEPHEN ELLIS: Sure, yeah. I  
19 guess that depends. I mean, obviously, "skin" means  
20 money and people. So I think the -- the first thing  
21 that we're bringing to the table is that every  
22 organization here is going to put their capacity that  
23 they already have into the forum. So we spoke a little  
24 bit about just the administration, the basic -- making  
25 travel arrangements, convening meetings, and so on, and

1 talking about the parties doing that on a revolving  
2 basis.

3                   So instead of De Beers doing that  
4 always, it can be done -- for example, if the Tlicho  
5 Government has the capacity, then they can do that. In  
6 fact, they've been doing it already in convening these  
7 meetings, you know. Someone will lend an office  
8 building somewhere. Someone will say, Use our  
9 conference call line, we'll have our board room  
10 available, so on and so forth.

11                   So we're at a stage right now with some  
12 of these Aboriginal parties where we do have existing  
13 capacity, internal capacity, and those Aboriginal  
14 parties are willing to put that into the game.

15                   Financially, certainly, we expect that  
16 the Proponent will provide the bulk of the dollars, but  
17 we understand that we want to make sure that the use of  
18 those dollars is done as efficiently as possible and  
19 doesn't overlap with what already exists on the ground  
20 already. So for what -- with regards to skin in the  
21 game, it's -- it's whatever we have already, we will  
22 commit to that.

23                   THE CHAIRPERSON: Thank you. Mr.  
24 Enge...?

25                   MR. BILL ENGE: Thank you, Mr.

1 Chairman. I think it's worth noting here that the  
2 Metis do not receive the millions of dollars that our  
3 First Nation counterparts get, in terms of core  
4 funding, and -- and have a different kind of funding  
5 capacity.

6                   The North Slave Metis Alliance, in terms  
7 of skin in the game, if we were ever to even consider  
8 such a thing, I guess it would be in-kind contribution.  
9 And if that's what I'm hearing from the Proponent, I --  
10 I guess that -- that would address some concern we  
11 would have with regard to this -- to what they mean by  
12 "skin in the game". We don't have the capacity to be  
13 funding this -- this group, and that's why we need a  
14 clarification on it.

15                   Now, the other aspect of this, the other  
16 question I have for the Proponent is: There was a  
17 bullet in the presentation to the effect that De Beers  
18 would provide funding. What do they mean by that?

19                   THE CHAIRPERSON: Thank you, Mr. Enge.  
20 De Beers...?

21                   MS. VERONICA CHISHOLM: Veronica  
22 Chisholm, from De Beers. We will -- let me make this  
23 clear, Bill and Mr. Chair. We will be funding this  
24 group. It will be a binding contract. There will be  
25 annual funds to support this group. It is up to the

1 parties to choose to participate in this group.

2 De Beers cannot run this alone. It is  
3 intended to be a multiple-group party and forum to move  
4 ahead and discuss those monitoring and management  
5 plans, as well as the development of those plans, and  
6 De Beers would provide the funding to support this  
7 group. That is our commitment.

8 THE CHAIRPERSON: Thank you. Mr.  
9 Enge...?

10 MR. BILL ENGE: Thank you, Mr.  
11 Chairman. The kind of funding commitment that I'm  
12 hearing from the De Beers representative, is that -- is  
13 that the kind of funding commitment that De Beers is  
14 making with regard to the Snap Lake Environmental  
15 Monitoring Agency? And is that also supposed to have  
16 some kind of funding participation from the federal and  
17 territorial governments? Thank you.

18 THE CHAIRPERSON: Thank you, Mr. Enge.  
19 De Beers...?

20 MS. VERONICA CHISHOLM: Veronica  
21 Chisholm from De Beers. The funding will be provided,  
22 as I mentioned before, as we develop the scope of that  
23 contract and the details around the work plan that  
24 Stephen mentioned.

25 So every year we'll be developing a work

1 plan and budget and deliverables for this group, that  
2 work plan will be funded by De Beers. There is no  
3 expectation that the Government of Canada or the  
4 Government of the Northwest Territories would be  
5 providing funding, although it probably would be  
6 welcomed. But there is no expectation for them, and  
7 that this group would be solely funded by De Beers.  
8 Thank you.

9 THE CHAIRPERSON: Thank you. Mr.  
10 Enge...?

11 MR. STEPHEN ELLIS: Mr. Chair, could I  
12 just add to that?

13 THE CHAIRPERSON: Sorry. Sorry. Steve  
14 Ellis...?

15 MR. STEPHEN ELLIS: I think that just  
16 with regards to the federal and territorial government  
17 funding, there is no expectation certainly that they  
18 provide funding, but there is a hope anyways that they  
19 contribute their technical expertise, so in kind.  
20 Yeah.

21 THE CHAIRPERSON: Thank you. Mr.  
22 Enge...?

23 MR. BILL ENGE: Yes, thank you, Mr.  
24 Chairman. The -- of -- of course, as I've pointed out,  
25 the North Slave Metis Alliance doesn't have much skin

1 to put in this game, other than the in-kind  
2 contribution that we can, in terms of our  
3 infrastructure.

4 Other than that, the -- as I understand  
5 it now, this is -- De Beers is prepared to be the sole  
6 funder of this group, should it come down to that,  
7 should they be unable to secure partnership funding  
8 from the -- from the two (2) levels of government. And  
9 -- and that's fine. So we got that cleared up.

10 So in the meantime that -- that's all  
11 the questions I have in regard to this initiative for  
12 now. And I will take it -- we will seriously consider  
13 this proposal and have it in to the Mackenzie Valley  
14 Environmental Impact Review Board, in terms of what our  
15 response will be. Thank you.

16 THE CHAIRPERSON: Thank you, Mr. Enge.  
17 And just to clarify, I've heard all day and at the  
18 community hearings as well, we -- we're not the Board.  
19 We are a panel of the Board. Just -- not only you,  
20 everybody said it.

21 MR. BILL ENGE: Thank you, Chairman,  
22 panel member.

23 THE CHAIRPERSON: Our next group on  
24 this list is Aboriginal Affairs and Northern  
25 Development Canada. Do you have any questions?

1 (BRIEF PAUSE)

2

3 MR. ROBERT JENKINS: Thank you, Mr.  
4 Chair, it's Robert Jenkins, Aboriginal Affairs. I just  
5 want to thank them for their presentation. No  
6 questions at this time.

7 THE CHAIRPERSON: Thank you.  
8 Environment Canada...?

9

10 (BRIEF PAUSE)

11

12 MS. LISA LOWMAN: Mr. Chair, it's Lisa  
13 Lowman, from Environment Canada. We have no questions.  
14 Thank you.

15 THE CHAIRPERSON: Thank you. Fisheries  
16 and Oceans Canada...?

17

18 (BRIEF PAUSE)

19

20 MS. BEV ROSS: Thanks, Mr. Chair.  
21 Fisheries and Oceans Canada, Bev Ross speaking. No  
22 questions, thank you.

23 THE CHAIRPERSON: Thank you.  
24 Government of the Northwest Territories...?

25

1 (BRIEF PAUSE)

2

3 MR. GAVIN MORE: Thank you, Mr. Chair,  
4 I'm Gavin More of the Government of Northwest  
5 Territories. I have a couple of quick questions, as  
6 well as to provide a bit of background that may mislead  
7 the Board a little bit.

8 The first question we have for the group  
9 is there wasn't a mention in this plan of the adaptive  
10 management committee. And we're wondering whether the  
11 adaptive management committee fits with this model or  
12 whether it's gone and has been replaced by this model?

13 THE CHAIRPERSON: Thank you very much.  
14 Steve Ellis...?

15 MR. STEPHEN ELLIS: Yeah, the adaptive  
16 management advisory committee is replaced by Ni Hadi  
17 Yati.

18 THE CHAIRPERSON: Thank you.

19 MR. GAVIN MORE: Thank you, Mr. Chair,  
20 that's good. The one thing we would like to say is  
21 that, yes, we are very supportive of what's been done  
22 for the -- for the development of this -- of this  
23 model. It more than fits the comments that GNWT  
24 provided in our response to the Tlicho Government  
25 Information Request number 3.

1                   And it's -- it's based on the -- the  
2 changes we've seen over the last ten (10) years in our  
3 more than ten (10) years of experience with the -- the  
4 monitoring agencies.

5                   The -- the point I would raise on the  
6 funding is that the previous three (3) monitoring  
7 agencies, the government funding was only for the first  
8 two (2) years, part by Canada, part by GNWT. And it  
9 was done on the basis that the mines weren't going into  
10 production, and, therefore, they needed some money to  
11 pay for the creation of offices, hiring of staff, that  
12 sort of thing.

13                   There's never been a core funding that's  
14 come from the government for those agencies. It  
15 basically comes from -- from the proponent itself. And  
16 other than a comment on the -- the GNWT is committed to  
17 continue to provide our expertise and -- and advice,  
18 not necessarily in the way that it was first proposed,  
19 that we would lend experts, but we are committed.

20                   And -- and part of the thing that people  
21 have to realize is that, of course, we have our legal  
22 obligations and we have our independence as -- as a  
23 government, so. But we are -- since many of our  
24 programs work in a very collaborative co-management  
25 way, we are committed to -- to continue that kind of an

1 approach. And it'll likely change depending on the  
2 topic and the -- and the kind of material that's --  
3 that's being looked at.

4                   But we are very supportive of increased  
5 communication with the communities. And I think that's  
6 been one of the concerns that's happened with the other  
7 monitoring agencies. We -- we really believe that  
8 communication within the communities needs to be  
9 increased. And we think this model will -- will  
10 sincerely help that. Thank you.

11                   THE CHAIRPERSON: Thank you. Natural  
12 Resources Canada...?

13                   MR. ROB JOHNSTONE: Mr. Chairman, Rob  
14 Johnstone, with Natural Resources Canada. My question,  
15 Chairman, is, when -- given that there is going to be  
16 an invitation to government to provide technical  
17 experts in support of this initiative, when would we  
18 get some idea of what the depth of that commitment  
19 would be, the type of expertise that would be  
20 necessary, and where they would be used perhaps each  
21 year?

22                   THE CHAIRPERSON: Thank you. Steve  
23 Ellis, I believe.

24                   MR. STEPHEN ELLIS: Well, I -- I guess  
25 I'll answer. Yeah, Steve Ellis here. Initially,

1 obviously there'll be that -- that work planning  
2 exercise that we mentioned in the presentation. So  
3 there'll be some forecasting probably on a multi-year  
4 basis on the upcoming environmental reports that De  
5 Beers is responsible for, as well as the -- the ones  
6 that it might be in -- that -- that are in development.

7           So we'll be doing a bit of an exercise  
8 as parties to identify what technical capacity needs we  
9 may -- we may need to acquire and probably canvass  
10 governments at that point. But I think a more ideal  
11 way to deal with this is to actually have governments  
12 engage with us in the -- in the development of those  
13 work plans.

14           I mean, that -- that seems to be a much  
15 better way to do that. So you guys are much more privy  
16 than us -- oh, sorry, I shouldn't say, "you guys." But  
17 government is much more privy than us to what their own  
18 capacity is, what their own mandate is, and what  
19 they're able -- might be able to lend to this forum.

20           So certainly, our view, as parties, is  
21 that government engaging with us and developing those  
22 work plans and committing to dialogue with us as this  
23 concept evolves would greatly assist. Thank you.

24           THE CHAIRPERSON: Thank you. Does that  
25 conclude your questions?

1 MR. STEPHEN ELLIS: Yeah.

2 THE CHAIRPERSON: Thank you. Parks  
3 Canada...?

4 MS. ANN RONALD: Mr. Chairman, Ann  
5 Ronald, with Parks Canada. We have no questions.  
6 Thank you.

7 THE CHAIRPERSON: Thank you. Transport  
8 Canada...?

9 MR. MIKE MOLINSKI: Thank you, Mr.  
10 Chairman. Mike Molinski, Transport Canada. We have no  
11 further questions.

12 THE CHAIRPERSON: Thank you. I'll now  
13 turn to panel staff. Chuck Hubert is the lead. Mis --  
14 do you have any questions?

15 MR. CHUCK HUBERT: No questions, Mr.  
16 Chair.

17 THE CHAIRPERSON: Thank you. Legal  
18 counsel...?

19 MR. JOHN DONIHEE: Yes, thank you, Mr.  
20 Chairman. It's John Donihee, panel counsel. I do have  
21 a few questions. The outline provided in the slide  
22 show is fairly conceptual. And I think you've  
23 described it as such.

24 I'm just wondering, to start with, if  
25 you can give some sense, we have it from De Beers, but

1 in respect of the -- the First Nations involved, you  
2 know, what the level of commitment the parties is to  
3 going forward with this framework? I mean, has -- has  
4 this presentation that's being made to the panel been  
5 approved by chiefs and council? You know, where is it?  
6 Is it still at the working level within the First  
7 Nations?

8                   You know, what -- again, I don't mean to  
9 be offensive, but what -- what authority do you bring  
10 to the table, I guess, when you make this presentation?

11                   THE CHAIRPERSON: Thank you. Mr.  
12 Ellis...?

13                   MR. STEPHEN ELLIS: Under the authority  
14 of Todd Slack alone are we here, which I believe  
15 supercedes all of -- no.

16                   All the Aboriginal parties here have  
17 authority to proceed with the conceptual model at the  
18 highest level. And to be clear, that this initiative  
19 was driven by the Aboriginal parties and not De Beers.  
20 So the initial proposal was made by De Beers, but the  
21 Aboriginal parties were convened by my office  
22 initially. The Tlicho Government participated. But  
23 the primary development of the concept has been done by  
24 the Aboriginal parties, and we have commitments from  
25 the Aboriginal parties -- or, approval for the concept

1 at this point from the chiefs and the chief executive  
2 council when -- in the case of the Tlicho Government.

3 THE CHAIRPERSON: Thank you. Legal  
4 counsel...?

5 MR. JOHN DONIHEE: Thank you, Mr.  
6 Chairman. John Donihee again.

7 You indicate that the Ni Hadi Yati is  
8 going to replace the proposal for an adaptive  
9 management committee advanced by De Beers earlier in  
10 the spring. The PowerPoint that you presented, which  
11 is all we have to go on at the moment, it didn't really  
12 speak in any detail to the issue of adaptive  
13 management.

14 You know, the version of the AMC filed  
15 by De Beers on the 29th of June speaks in a fair degree  
16 of detail. I mean, I understand that it was an  
17 adaptive management committee, so that's why they spent  
18 a lot of time on it.

19 But I just wonder whether you can give  
20 the panel any further information or perhaps comfort  
21 with respect to the role that Ni Hadi Yati is going to  
22 play in the adaptive management process that De Beers  
23 seems to be focussing a lot of their mine management  
24 around.

25 THE CHAIRPERSON: Thank you. De

1 Beers...?

2 MS. VERONICA CHISHOLM: Veronica  
3 Chisholm, from De Beers. Adaptive management will be  
4 included as part of this group. Convening all the  
5 parties together to discuss the development of  
6 monitoring -- or, development of the monitoring plans,  
7 as well as review of the monitoring and mitigation  
8 data, is an opportunity for us to incorporate adaptive  
9 management as a part of the review.

10 We would be seeking technical advise  
11 from technical experts that will help us understand and  
12 provide peer review comments. But ultimately, one of  
13 the functions of the group would be a discussion of any  
14 adaptive management measures, should they be required.  
15 So that would -- I think that's a fundamental goal  
16 within the group that we've also talked about. Thank  
17 you.

18 THE CHAIRPERSON: Thank you. Legal  
19 counsel...?

20 MR. JOHN DONIHEE: Thank you, Mr.  
21 Chairman. John Donihee.

22 The proposal that you've outlined on the  
23 power point at least leaves the implication that this  
24 group may only meet once, maybe twice a year. And so,  
25 you know, I just observe it's one thing to provide

1 general direction to the way that adaptive management  
2 may take place and have some role in choosing which  
3 technical issues are studied or not, and it's another,  
4 you know, to have some direct involvement in the  
5 adaptive management process by First Nations people.  
6 So I wonder, you know, I'm not sure if those goes  
7 beyond, you know, this concept.

8                   But perhaps you could help us there too  
9 by just indicating whether, in fact, First Nations  
10 participants in this structure, you know, are they  
11 going to have any direct involvement in the actual work  
12 that's done in relation to adaptive management, or are  
13 they simply going to see the results once a year and  
14 have the opportunity to respond to them?

15                   THE CHAIRPERSON: Thank you. De Beers,  
16 I believe.

17                   MS. VERONICA CHISHOLM: Veronica  
18 Chisholm, from De Beers. I hope I'm understanding your  
19 question. You may have to provide me with additional  
20 clarification, but this group will be making  
21 recommendations on adaptive management as we review the  
22 results from the monitoring programs and bring in  
23 technical experts. It's -- should adaptive management  
24 recommendations be required, those would be filed as  
25 part of this group. De Beers's responsibility would be

1 to respond to every recommendation made by this group,  
2 will also be a party to this group, in writing, to any  
3 recommendations that are made that included adaptive  
4 management.

5                   If a meeting -- additional meeting is  
6 required and we see something that we require some  
7 immediate action, it is my expectation that this group  
8 would be convened, that we would be able to talk about  
9 that and deal with that. So that -- that this group is  
10 part of that, one (1) of the communication arms of --  
11 of De Beers in terms of the monitoring and mitigation  
12 and how adaptive management would be applied.

13                   So I hope I've answered your question.  
14 I -- I was not entirely following your question, so I  
15 hope I've provided some clarity.

16                   THE CHAIRPERSON: Thank you. Legal  
17 counsel...?

18                   MR. JOHN DONIHEE: Thank you, Mr.  
19 Chairman. John Donihee. That's helpful, but I -- I --  
20 I'll try to be more specific. In the Inuvialuit  
21 settlement region, it's -- it's very common for all  
22 developments to involve Inuvialuit monitors retained  
23 from the HTCs. Similar arrangements are made in other  
24 jurisdictions in -- in mining, the mining context.

25                   So the question I was asking was whether

1 -- and it -- what I'm trying to do is understand the  
2 role and function of this group, not expand it. So I'm  
3 just trying to figure out whether this group is going  
4 to simply be supervisory, I guess, and on a -- on a  
5 semi-annual basis or something like that, or whether,  
6 you know, people who are involved in this group are  
7 going to have any direct role in the monitoring work  
8 itself. It's a different thing to look at the  
9 monitoring reports and comment on them than it is to be  
10 out there on the ground squeezing fish or doing  
11 whatever you're going to do yourself.

12 THE CHAIRPERSON: Thank you. Steve  
13 Ellis...?

14 MR. STEPHEN ELLIS: Just -- just in  
15 response to the question about -- or the -- I guess the  
16 confusion about the amount of times that the people  
17 would meet, there's really two (2) separate entities  
18 here. There's the parties that con -- convene in a --  
19 in a governance capacity, setting work plans, budgets,  
20 reviewing the work of the year, and meeting with the  
21 technical advisors to provide them with their marching  
22 orders. So that would probably happen two (2) or three  
23 (3) times a year. But the technical advisors  
24 themselves, in actually doing the work, would probably  
25 convene on a much more regular basis. So that's one

1 (1) thing.

2                   The second is that we do have another  
3 person here, Ginger Gibson, who's on the phone who'd  
4 like to address the second part of your question about  
5 are Aboriginal parties actually going to be on the  
6 ground doing monitoring. So can she speak through the  
7 phone?

8                   MS. GINGER GIBSON:    Hi --

9                   THE CHAIRPERSON:    Yes.  Ginger  
10 Gibson...?

11                   MS. GINGER GIBSON:    Hello.  Thank you,  
12 and hello to everyone.  With respect to this particular  
13 question that Mr. Donihee has raised, we've -- we've  
14 given this some -- some careful thought, in that we  
15 consider it to be very important that traditional  
16 knowledge is engaged in the process.  And so we've --  
17 we've asked for one (1) -- at least one (1) meeting  
18 each year to be on the land near the mine site, so that  
19 there is real eyes and ears on the ground about what's  
20 going on with respect to the mine.

21                   And so I think the -- the point of that  
22 is not necessarily that it will be fish camps, but that  
23 it will be a -- a considerable research-based meeting  
24 on the land in which the parties bring the -- the  
25 Aboriginal participants to play in -- in sharing

1 knowledge and in informing the work of the -- of the --  
2 the -- of Ni Hadi Yati. Thanks.

3 THE CHAIRPERSON: Thank you. Legal  
4 counsel, again?

5 MR. JOHN DONIHEE: Thank you, Mr.  
6 Chairman. A number of the Aboriginal groups at the  
7 table with you, Ms. Chisholm, made recommendations of  
8 course in their technical reports that deal with a  
9 number of things that seem to be sort of overtaken by  
10 the -- this proposal. You know, I'd -- I'd say, you  
11 know, for example, with -- the YKDFN Recommendation  
12 number 4 dealt with the need for a trans-boundary,  
13 cumulative effects monitoring program; Recommendation  
14 number 5 dealt with the need for an adaptive management  
15 approach; Tlicho Government Recommendation number 5  
16 dealt with the need for an independent oversight group,  
17 as did the Lutsel K'e First Nation's first  
18 recommendation as well.

19 And so, you know, for -- for purposes I  
20 -- in order to try to clarify what you're expecting of  
21 the panel, we now have three (3) more recommendations  
22 from you. I'll -- I'll actually come to them in a  
23 minute, but I'm -- I'm trying to understand what  
24 happens to all those other recommendations, you know?  
25 How -- how invested are all of you in this? And how

1 shall -- should the panel make sense of the fact that  
2 you're now making a joint presentation, you know, to  
3 suggest Ni Hadi Yati when, at the same time -- you  
4 know, we've got -- I only listened to a couple of them  
5 -- there's more -- more of those kinds of  
6 recommendations in that?

7                   What -- what do you suggest that the  
8 panel do in order to reconcile all these -- I won't say  
9 they conflict, but they're -- they're disparate  
10 recommendations that are -- are -- that are now on the  
11 record?

12                   THE CHAIRPERSON:    Thank you.    Todd  
13 Slack...?

14                   MR. TODD SLACK:    Thanks, Mr. Chair.  
15 And I can answer that certainly on the Yellowknife's  
16 point of view.  The direction from the chiefs is, there  
17 is overlap between these two (2) things, but this is  
18 the preferred route for the oversight approach.  What  
19 we ran into is an issue of deadlines where this wasn't  
20 in place, and, as you've heard, this is very much an  
21 in-progress approach, and what we're hoping for with  
22 these measures is to create that framework to allow us  
23 to finish that work in a binding way.

24                   So that -- I forget, was it number 4  
25 from the Yellowknife's that talked about the need for

1 oversight -- I would suggest that this replaces that.

2 THE CHAIRPERSON: Thank you. Legal  
3 counsel...?

4 MR. JOHN DONIHÉE: I won't go through  
5 each of the First Nations this way because I -- the  
6 Chair is very sensitive to timing and so am I  
7 consequently, but what I would ask is that the -- the  
8 First Nations who have made this presentation, when you  
9 send your final submissions to the Board -- panel,  
10 pardon me. It's -- I apologize, Mr. Chairman. It's a  
11 long habit. When you send your final submissions in to  
12 the panel that you do address this question of how to  
13 reconcile your technical report recommendations with  
14 where you feel that we've gotten to at the end of this  
15 proposal -- or at the end of this session.

16 I have another question, though, for --  
17 I mean, the -- for De Beers, I think. And -- and I  
18 guess the obvious -- seems obvious to me, but what --  
19 what's the relationship or -- or how will De Beers --  
20 have you given any thought to where you may go with the  
21 Snap Lake Environmental Monitoring Agency in light of  
22 this concept, and whether, in fact, you know, there  
23 isn't some way to put both of your minds under -- under  
24 a similar kind of a framework to achieve all of the  
25 benefits that you've listed earlier?

1 THE CHAIRPERSON: Thank you. De  
2 Beers...?

3 MS. VERONICA CHISHOLM: Veronica  
4 Chisholm, from De Beers. I'd like to put a little  
5 context for this. We're -- we're six (6) groups. We  
6 sat down for five (5), six (6) meetings, and we got it  
7 to this stage, and we have a common understanding of  
8 agreement. No, we don't have all of the details on  
9 this. What we have is an agreement to work together.  
10 We have -- we've developed this framework by which to  
11 move forward in terms of a path forward. And with  
12 respect to Snap Lake, hasn't entered the conversation;  
13 we're not there yet.

14 THE CHAIRPERSON: Thank you. Legal  
15 counsel...?

16 MR. JOHN DONIHEE: Thank you, Mr.  
17 Chair. I just have a couple more. And it's John  
18 Donihee again.

19 I just want to confirm. You said De  
20 Beers will fund this. I'm assuming that we're hearing  
21 a life of mine commitment from De Beers.

22 THE CHAIRPERSON: De Beers...?

23 MS. VERONICA CHISHOLM: Veronica  
24 Chisholm, from De Beers. Yes, it's a life of mine  
25 commitment.

1 THE CHAIRPERSON: Thank you. Legal  
2 counsel.

3 MR. JOHN DONIHÉE: Thank you, Mr. --

4 THE CHAIRPERSON: Final question, is  
5 it? Or one (1) more? You said "a couple". What's "a  
6 couple"?

7 MR. JOHN DONIHÉE: Well, I have a  
8 question about each of the measures that they  
9 recommended to the panel, sir.

10 The first one -- your first measure  
11 essentially suggested that the panel propose a measure  
12 to the ministers that says essentially that they shall  
13 enter into a contract in order to implement this Ni  
14 Hadi Ya -- Yati concept, and contracts are consensual  
15 kinds of arrangements, and so I guess the question I  
16 have really is, you know, what -- what happens if one  
17 (1) or other of the parties finds itself unable to --  
18 to go forward, or -- or two (2) of the parties? Is  
19 this a -- does it have to be a consensual everybody  
20 goes kind of arrangement, or is this structure going to  
21 -- going to move forward regardless?

22 THE CHAIRPERSON: Thank you. I'm not  
23 sure which one now. Go for it.

24 MR. STEPHEN ELLIS: I mean, I think  
25 it's -- Steve Ellis here. I -- I think it's difficult

1 for us to say six (6) months from now if a party is not  
2 interested anymore. Who knows, right? We -- we can't  
3 predict the future. I think what we can say is that  
4 we've demonstrated remarkable commitment and unity to  
5 date. We intend to continue to do that.

6 We don't trust each other fully yet,  
7 which is why we want the ba -- the -- a measure from  
8 the Board to ensure that we do this. So that's --  
9 that's why the -- or else we wouldn't need it. We'd  
10 just go ahead and do it on our own anyways.

11 But the measure from the Board is there  
12 -- there to keep us all honest to ensure that this  
13 concept and -- and the mine we've demonstrated now  
14 actually comes to fruition.

15 THE CHAIRPERSON: Thank you. Legal  
16 counsel...?

17 MR. JOHN DONIHEE: Thank you, Mr.  
18 Chairman. The second of your measures, it's just about  
19 the language that you used. I think what I'm reading,  
20 at least the version I have of it, says, "Ni Hadi Yati  
21 will ensure Aboriginal party capacity." And I -- I  
22 guess I just want to be clear about what you're saying  
23 there.

24 Are you saying that this structure will  
25 take care of -- of capacity or that -- that you're

1 confident that you will have sufficient resources if  
2 you -- if you go forward? I mean, the -- the -- you  
3 know, the devil in the woodpile with all of this, of  
4 course, is who gets to decide what "sufficient" means.

5 THE CHAIRPERSON: Thank you. Who -- De  
6 Beers...?

7 MS. VERONICA CHISHOLM: Veronica  
8 Chisholm, from De Beers. We'll have to decide on that  
9 collectively. We have a mechanism in place to set  
10 annual budgets, to set work plans, as we described,  
11 within the framework. And that will determine the  
12 budgeting and the capacity provided.

13 But the point is we don't want -- the  
14 concern has been that there's some type of barrier for  
15 meaningful involvement in the development of monitoring  
16 and management plans and the review of the data. And  
17 so the capacity, whether it's technical expertise or  
18 whether it's funding, that that needs to be available  
19 so that we can allow for that meaningful participation  
20 in those plans and development of those plans. And  
21 that's -- this is to help further that commitment in  
22 that, but funding or technical expertise isn't a  
23 barrier to that for the Aboriginal groups.

24 THE CHAIRPERSON: Thank you. Legal  
25 counsel...?

1 MR. JOHN DONIHEE: Thank you, sir. The  
2 last question. John Donihee.

3 Your -- your final measure simply says  
4 that:

5 "The governments of Canada and the  
6 Northwest Territories shall lend  
7 available technical resources."

8 Obviously, I bet you're guessing what  
9 I'm going to ask you, if they -- so if they don't, and  
10 if some of the technical concerns -- legitimate  
11 technical concerns then are -- are not going to be  
12 satisfied by government assistance, does De Beers stand  
13 behind and -- and fund those, as well?

14 THE CHAIRPERSON: Thank you. De  
15 Beers...?

16 MS. VERONICA CHISHOLM: Veronica  
17 Chisholm, from De Beers. Yes, De Beers is committed to  
18 funding the technical expertise and having them in  
19 place. But it's our sincere hope that the government  
20 will see there being some benefits to being parties and  
21 participants in this group in fulfilling their own  
22 mandates, and that there would be some efficiencies to  
23 the regulatory process in joining us.

24 And now I'll put it to Steve Ellis  
25 because he was trying to jump in on the last one, and

1 we cut him off, so.

2 MR. STEPHEN ELLIS: Yeah, I think just  
3 the -- the comment about what is meaningful capacity  
4 from the Aboriginal parties. And I think that the --  
5 the third paragraph in the measure really is -- is  
6 critical. That it's going to be hard for us to achieve  
7 the -- the meaningful capacity without engagement in  
8 some capacity of the governments, and -- and lending  
9 their technical expertise to this entity. So that's  
10 number 1.

11 Number 2, we -- we will have a binding  
12 contract that'll outline some fairly robust dispute  
13 resolution and consensus processes. So if there is a  
14 dispute about what meaningful is, or what capacity is,  
15 or what ensuring capacity it, hopefully we'll have big  
16 enough brains to put that in an agreement to help us  
17 through that process.

18 THE CHAIRPERSON: Thank you.

19 MR. JOHN DONIHEE: Thank you, Mr.  
20 Chairman. Those are my questions.

21 THE CHAIRPERSON: Thank you. Panel  
22 technical advisors, do we have any questions?

23 DR. KATHY RACHER: Kathy Racher, for  
24 the Board. No, I believe not.

25 THE CHAIRPERSON: Thank you. Panel

1 members, I'll start on my left, Rachel Crapeau, do you  
2 have any questions?

3 MS. RACHEL CRAPEAU: No, I don't have  
4 any questions at the moment, panel Chair.

5 THE CHAIRPERSON: Thank you. Panel  
6 member James Wah-Shee.

7 MR. JAMES WAH-SHEE: Mr. Chair, thank  
8 you for the presentation. I have no questions, thank  
9 you.

10 THE CHAIRPERSON: Thank you. Panel  
11 member Peter Bannon.

12 MR. PETER BANNON: Peter Bannon.  
13 Again, thank you for the presentation. You're right,  
14 it is a bit of an unusual precedent to perhaps have  
15 such a presentation, and we appreciate it. And I have  
16 no questions.

17 THE CHAIRPERSON: Thank you. Panel  
18 member Richard Mercredi.

19 MR. RICHARD MERCREDI: Yeah. Thank you  
20 for the presentations. No questions at this time.

21 THE CHAIRPERSON: And I guess the Chair  
22 gets the final word.

23 Thank you very much for your  
24 presentation. It was interesting and different for  
25 sure. Thank you.

1 I -- that concludes this part of the --  
2 the agenda. It's 2:30ish. I'm suggesting a fifteen  
3 (15) minute break. Back at quarter to sharply. And  
4 we'll get back to Yellowknives Dene First Nation and  
5 the one (1) quite outstanding questions to De Beers.  
6 Thank you.

7

8 --- Upon recessing at 2:32 p.m.

9 --- Upon resuming at 2:45 p.m.

10

11 PRESENTATION BY DE BEERS QUESTION PERIOD CONTINUED:

12 THE CHAIRPERSON: As I understand it,  
13 we broke off before lunch and the Yellow --  
14 Yellowknives Dene First Nation, Todd Slack, was in the  
15 chair. We had one outstanding question to be answered  
16 by De Beers, so can we do that now, please.

17 MS. VERONICA CHISHOLM: Veronica  
18 Chisholm, from De Beers. I'm over here now.

19 Yes, Mr. Chairman, we will -- we have a  
20 response to that question. And I'll ask John Faithful  
21 to respond to that regarding the change in baseline  
22 water quality parameters.

23 MR. JOHN FAITHFUL: Mr. Chair, John  
24 Faithful, Golder Associates.

25 In response to Mr. Slack's question,

1 we've collated the projected water chemistry data that  
2 has been provided in the 2012 EIS supplement. That's  
3 Table 8.2-12.

4 We looked at the maximum projected water  
5 quality concentrations immediately after closure and  
6 then into the long-term steady state cons -- and into  
7 the long-term steady state condition. As Ms. Chisholm  
8 stated earlier, this range of change is different for  
9 each parameter.

10 If I take total dissolved solids as an  
11 example, the average baseline concentration of total  
12 dissolved salts -- solids in Kennady Lake is 13  
13 milligrams per litre. At the completion of re-filling  
14 of Kennady Lake, the concentration is a hundred and 145  
15 milligrams per litre -- thank you, Mr. Chair -- or  
16 1,100 percent change from baseline condition. And the  
17 long-term steady state concentration is 37 milligrams  
18 per litre, or a change of 340 percent, so three (3)  
19 times the baseline concentration.

20 De Beers has also always has also  
21 asserted that the water quality in Kennady Lake will  
22 change as a result of the project. And for some of the  
23 parameters, the change is going -- is large. However,  
24 the percentage change doesn't always tell the full  
25 story. We have to look at the actual projected

1 concentrations of each of the parameters and compare  
2 them against appropriate thresholds, such as the CCME  
3 water quality guidelines, or site specific water  
4 quality objectives, or some other threshold that's  
5 appropriate for the comparison.

6                   The EIS evaluated the projected changes  
7 in chemistry in water -- of -- in water quality of Ken  
8 -- of Kennady Lake.

9                   It undertook this to examine the  
10 potential for these changes to affect aquatic life.  
11 The EIS concluded the water quality in Kennady Lake,  
12 taking into account these changes, would be suitable to  
13 maintain a viable aquatic ecosystem after closure,  
14 which would be compatible to the baseline aquatic  
15 system. As I pointed out to...

16

17                   (BRIEF PAUSE)

18

19                   MR. JOHN FAITHFUL: As I point --  
20 pointed out earlier, this was one (1) of the closure  
21 objectives of the project. In response that Dr. Virgl  
22 gave a little earlier he pointed out that we've applied  
23 conservatism into the modelling that we have applied  
24 within the project when we have been assessing the  
25 potential for effects. This has been included in the

1 water quality modelling. This is done to make sure  
2 that the potential project effects, particularly to --  
3 to water quality are not underestimated.

4           The water quality models that have been  
5 used within this EIS assessment have been develop --  
6 have been developed appropriately. They're robust  
7 models and they account appropriately for factors --  
8 the -- for all of the factors that rel -- the are  
9 provided as relative inputs to the potential change to  
10 Kennady Lake, but at a conservative level.

11           De Beers will have many opportunities to  
12 refine this model if and as the project proceeds, as it  
13 acquires operational monitoring data to take into  
14 account the changes that are tracked through the  
15 operational period.

16           As I indicated before, water quality  
17 changes will occur. They're projected to occur within  
18 Kennady Lake as a result of the project. Such changes  
19 are not always necessary -- are not necessarily  
20 harmful. Toxicity depends on the amount and the form  
21 of potentially toxic substances. De Beers is committed  
22 to not allowing changes to water quality that could  
23 adversely affect the drinkability of the water, the  
24 fish communities, or the ability to eat the fish.

25           De Beers will continue to explore

1 options to minimize potential environmental impacts.  
2 For example, water treatment can have its own  
3 environmental impacts which are best avoided if  
4 possible.

5                   In reference to water treatment earlier,  
6 we wish to clarify that the water management plan is in  
7 no way to be considered experimental. The same  
8 principles that have been applied within a project have  
9 been proven -- have proven successful at Ekati and  
10 Gerica (phonetic) mines, which have no water treatment  
11 plant.

12                   The passive management system is  
13 designed with excess -- with excess capacity and  
14 flexibility. Monitoring within the water management  
15 pond will inform us of changes which may require  
16 adaptive management, which may include implementation  
17 of a hierarchy of contingency options that have been  
18 spelled out in the Round 1 Information Request AANDC-  
19 12. These contingencies include water treatment as a  
20 final option in the unlikely event that it would be  
21 required.

22                   Design of water treatment is dependent  
23 on the chemistry of the water to be treated, and is  
24 thus best implemented based on actual water chemistry  
25 results.

1 Treatment of total dissolved solids also  
2 comes with inherent advantages: high energy usage, high  
3 capital and operating costs, and production of high  
4 concentrate brines as a -- as a waste product that must  
5 be depose -- disposed of appropriately.

6 Thank you, Mr. Chair.

7 THE CHAIRPERSON: Thank you. Mr.  
8 Slack, does that conclude your questions?

9 MR. TODD SLACK: Thanks, Mr. Chair. If  
10 I could just get one (1) small clarification.

11 And -- was the TDS that was referenced,  
12 is that the parameter or the -- I guess parameter that  
13 saw the most significant change?

14 THE CHAIRPERSON: Thank you. De  
15 Beers...?

16

17 (BRIEF PAUSE)

18

19 MR. JOHN FAITHFUL: John Faithful, Mr.  
20 Chair, with Golder Associates. No, that wasn't the  
21 parameter that showed the -- the largest change in  
22 terms of rate of change. TDS was used, or total  
23 dissolved solids, was used as an example because we had  
24 -- we -- we had been discussing it earlier today.

25 Some of the parameters that -- that have

1 changed, that have shown a much higher rate of change,  
2 are those parameters that are sometimes at very low  
3 detectable levels, at just detectable levels. And so  
4 the rate of change -- I think one (1) example was  
5 uranium that showed a much higher percentage change.  
6 However, its -- its level of change still remained  
7 below our water quality guidelines. Thank you.

8 THE CHAIRPERSON: Thank you. Mr.  
9 Slack...?

10 MR. TODD SLACK: Thanks. And so can we  
11 -- I'm wondering if we can clarify which parameter saw  
12 the most significant change and what that level of  
13 change was.

14 THE CHAIRPERSON: Thank you. De  
15 Beers...?

16

17 (BRIEF PAUSE)

18

19 MR. JOHN FAITHFUL: Mr. Chair, John  
20 Faithful, Golder Associates. So the -- the parameter  
21 that showed the largest change from baseline condition  
22 was uranium, and...

23

24 (BRIEF PAUSE)

25

1 MR. JOHN FAITHFUL: Mr. Chair, John  
2 Faithful, Golder Associates. Sorry for that -- that  
3 pause. The -- the maximum change of any -- of -- of  
4 the parameters in the long-term, steady-state condition  
5 was uranium. It's exceedance -- or, its change from  
6 baseline conditions was 11,000 percent. And part of the  
7 reason for that -- that change is due to the low  
8 detectability of uranium in the -- in the baseline  
9 condition. And a small change -- a small change to  
10 that concentration results in a large percentage change  
11 from baseline condition.

12 Mr. Slack also asked about the  
13 significance of that change, and the significance of  
14 that change is -- is still negligible, as it -- as it  
15 remains below a concentration to potentially affect  
16 aquatic life. Thank you.

17 THE CHAIRPERSON: Thank you. Okay.

18 MR. TODD SLACK: Todd Slack. That  
19 concludes my questions. Thank you.

20 THE CHAIRPERSON: Thank you very much.

21 MR. JOHN FAITHFUL: Mr. -- Mr. Chair,  
22 again, I must apologize for -- for this interjection.  
23 Just to make a clarification, it wasn't eleven thousand  
24 (11,000); it was five thousand (5,000). I -- I do  
25 apologize for that again.

1 THE CHAIRPERSON: Thank you. We have  
2 seven (7) parties left. Most of them are gov --  
3 government agencies and -- and panel and counsel left.  
4 So we have two (2) hours. By now, you are aware that I  
5 -- I'm very concerned about timing. These long days  
6 sometimes are draining to, you know, pay attention for  
7 that amount of time, and I definitely want to conclude  
8 by five o'clock.

9 So I want to remind presenters or the  
10 questioners that there was plenty of opportunity to ask  
11 questions. So can you focus your questions down to the  
12 key ones and think in terms of questions and answers  
13 within about ten (10) to fifteen (15) minutes for your  
14 time, and that's it, because if -- if not, we'll be  
15 here to -- till the wee hours.

16 So, with that, we're ready to hear from  
17 Environment Canada.

18 MS. LISA LOWMAN: Mr. Chair, it's Lisa  
19 Lowman from Environment Canada. We have no questions.  
20 Thanks.

21 THE CHAIRPERSON: Wow. Thank you very  
22 much. Fisheries and Oceans...?

23 MR. CHUCK HUBERT: Mr. Chair, I believe  
24 you skipped AANDC. We should -- if we can give them a  
25 chance.

1 THE CHAIRPERSON: Oh, yeah. The bad,  
2 bad Chair made a mistake. Aboriginal Affairs and  
3 Northern Development...? Thank you.

4 MR. ROBERT JENKINS: Thank you, Mr.  
5 Chair. It's Robert Jenkins, Aboriginal Affairs. So  
6 now I guess we will ask some questions. I've got  
7 Nathen Richea with me. He's going to go over some  
8 questions in relation to -- mainly in relation to  
9 water, operations, and closure.

10 THE CHAIRPERSON: Thank you. Proceed.

11 MR. NATHEN RICHEA: Thank you, Mr.  
12 Chair. It's Nathen Richea, Water Resources Division,  
13 Aboriginal Affairs. The first question I have is:  
14 What is the current proposed term for post-closure  
15 monitoring of water and sediment quality in Kennady  
16 Lake following closure?

17 The presentation we heard earlier today  
18 described eight (8) plus years. But some of the EA  
19 documents suggest that it may take as long as seventy  
20 (70) years for Kennady Lake to return back to somewhat  
21 similar pre-development conditions.

22 So I can restate the question, or I can  
23 let them respond.

24 THE CHAIRPERSON: De Beers, do you have  
25 the question, or do you want it restated?

1 MS. VERONICA CHISHOLM: Veronica  
2 Chisholm, from De Beers. No, I think I understand the  
3 question. On my presentation that I provided, when I  
4 says, "Eight (8) plus years," that's the length of time  
5 it will take to refill Kennady Lake.

6 With respect to reestablishment or  
7 connection to Kennady Lake, that will be done once we  
8 are in -- once we are confident that the water quality  
9 within Kennady Lake can be connected to the downstream  
10 environment. We will be monitoring throughout  
11 construction, operation, and closure to -- to  
12 understand what that water quality and the water  
13 quality change within the lake.

14 THE CHAIRPERSON: Thank you.

15 MR. NATHEN RICHEA: Thank you, Mr.  
16 Chair. It's Nathen Richea. A follow-up question.

17 How long does the company anticipate it  
18 would take to determine if the water quality and  
19 sediment quality within Kennady Lake would be  
20 sufficient to meet the objectives and to reconnect  
21 Kennady Lake?

22 THE CHAIRPERSON: Thank you. De  
23 Beers...?

24

25 (BRIEF PAUSE)

1 MS. VERONICA CHISHOLM: Veronica  
2 Chisholm, from De Beers. Based on our assessment and  
3 the monitoring that we will have in place, Mr.  
4 Chairman, during the construction and operation and  
5 closure, which will allow us to determine if any  
6 additional adaptive management measures are required or  
7 contingency is required, we fully expect that the water  
8 quality will be established once we finish refilling  
9 the lake.

10 So right at this time, it's eight (8)  
11 plus years. Thank you.

12 THE CHAIRPERSON: Thank you. Do you  
13 mind if I just say AANDC?

14

15 (BRIEF PAUSE)

16

17 MR. NATHEN RICHEA: Thank you, Mr.  
18 Chair. It's Nathen Richea, with the Water Resources  
19 Division. I think in response to the question, there  
20 was some reference to potential contingency plans. My  
21 question is:

22 Does the Proponent have specific  
23 contingency plans in the event that water or sediment  
24 quality is not acceptable to reconnect Kenna -- Kennady  
25 Lake after eight (8) years?

1 THE CHAIRPERSON: Thank you. And De  
2 Beers...?

3 MS. VERONICA CHISHOLM: Veronica  
4 Chisholm, from De Beers. In the first round of  
5 information requests from Aboriginal Affairs, we  
6 responded to this question. And it was in response to  
7 Aboriginal Affairs question number 12. And we can  
8 reread that for the pa -- for the panel if they would  
9 like, but we have included that on the record.

10 THE CHAIRPERSON: Thank you. So I did  
11 request that you -- all parties consider questions  
12 already posed through the IRs and the technical  
13 sessions. And it was just pointed out from the -- from  
14 De Beers that that question's already been asked. So  
15 the duplication is basically using up valuable airtime  
16 for the panel.

17 MR. ROBERT JENKINS: It's Robert  
18 Jenkins, Aboriginal Affairs. Thank you, Mr. Chair.  
19 We'll go back and look at that answer.

20 MR. NATHEN RICHA: Thank you, Mr.  
21 Chair. It's Nathen Richea, from the Water Resources  
22 Division. Mr. Chair, we understand that the Company  
23 has proposed a filtered dike for the containment  
24 facility that's adjoining Kennady Lake.

25 Can we confirm that this is the current

1 case?

2 THE CHAIRPERSON: Thank you. De Beers.

3 MS. VERONICA CHISHOLM: Veronica

4 Chisholm, from De Beers. Yes, that's Dike L, and it is  
5 a filtered dike.

6 THE CHAIRPERSON: Thank you. AANDC...?

7 MR. NATHEN RICHEA: Thank you, Mr.

8 Chair. It's Nathen Richea. Mr. Chair, we'd like a  
9 further description of how the filtered dike is  
10 expected to perform during the post-closure period.

11 We also would like to understand a bit  
12 better, how will the Company prevent the tailings  
13 containment area, from being a long-term source of  
14 contaminants in Kennady Lake post-closure.

15 MR. CHAIRPERSON: Thank you. De  
16 Beers...?

17 MS. VERONICA CHISHOLM: Veronica

18 Chisholm, from De Beers. We're just moving one of our  
19 engineers ahead, so just give us thirty (30) seconds.

20

21 (BRIEF PAUSE)

22

23 MR. BILL HORNE: It's Bill Horne, from  
24 EBA Engineering. So fine PK will be deposited behind  
25 the filtered dike for approximately five (5) years, and

1 then the rest of the mine life, fine PK will be  
2 disposed of in the pits. So after -- after five (5)  
3 years, the fine PK area will be reclaimed, and the fine  
4 PK will be covered with waste rock and fine PK -- or,  
5 coarse PK, sorry.

6                   So during the reclamation, the ground is  
7 going to be contoured so there will be no free water,  
8 no ponded waters hitting on top of the fine PK. And at  
9 the end of mine life, the water level in the water  
10 management pond will be returned to the original lake  
11 level. So there won't -- won't be any head behind the  
12 -- the dike. The -- the fine PK will be approximately  
13 eight (8) metres above lake level, with a 2 percent  
14 slope.

15                   So the -- the filter dike, there will be  
16 very minimal head through the filter dike at closure,  
17 and it will just continue to -- to operate the same as  
18 it did during operation. So any seepage that does go  
19 through there will -- will basically come through the  
20 filter dike and into the lake.

21                   However, I should point out that most of  
22 the -- the -- the surface water will flow over the  
23 dike, not through it. The other thing, at closure, we  
24 will put a cut in the dike so, again, there is no --  
25 there's no head difference between the two.

1 THE CHAIRPERSON: Thank you.

2

3 (BRIEF PAUSE)

4

5 MR. NATHEN RICHEA: Thank you, Mr.  
6 Chair. It's Nathen Richea, with the Water Resources  
7 Division. I just have a question regarding the pore  
8 water concentrations within the tailings containment  
9 area.

10 At other operations in the North, we've  
11 understood through research and -- and monitoring in  
12 those facilities that the pore water quality actually  
13 becomes worse over -- over time as the conditions  
14 within the facility change, whether it be winter  
15 conditions, freezing ice lenses, and things of that  
16 nature.

17 I was wondering how the Company has  
18 accounted for pore water expulsion from the tailings  
19 containment area during the post-closure period. The  
20 reason the concern is there is, at some operations in  
21 the North, the pore water qualities had changed an  
22 order of eight (8) times from the surface water within  
23 the facility in concentration, so eight (8) times worse  
24 than the surface water.

25 So I was just wondering if the Company

1 has accounted for that as part of the post-closure  
2 period when the filter dike is still allowing water to  
3 move into Kennady Lake.

4 THE CHAIRPERSON: Thank you. As I  
5 understand it, terminology for the diamond mines is  
6 processed kimberlite containment area, rather than  
7 tailings. There's -- there -- there's a differentiate  
8 between other mines and diamond mines.

9 So do you mean processed kimberlite  
10 containment area?

11 MR. NATHEN RICHEA: Thank you, Mr.  
12 Chair. It's Nathen Richea, with the Water Resources  
13 Division. Yeah, if -- I think it's called the tailings  
14 containment area as part of the process, but if it's  
15 processed kimberlite, I -- I agree. That is what is  
16 being expelled from the processing of the -- the --  
17 from the plant, so it is processed kimberlite.

18 THE CHAIRPERSON: Thank you. De  
19 Beers...?

20

21 (BRIEF PAUSE)

22

23 MR. KEN DE VOSS: Ken De Voss, with  
24 Golder Associates. I'm a geochemist with Golder. In  
25 response to your question regarding increasing

1 concentrations with pore water, that is something that  
2 has been looked at, at other -- other locations and  
3 other mines, and there is that potential.

4                   However, the -- the pore water is -- in  
5 -- in terms of migration, its migration rates would be  
6 very low, and it's also with respect to the duration of  
7 time prior to closure. If there were freezing  
8 conditions, that would be something that we would have  
9 the opportunity to monitor and would be monitoring as  
10 part of ongoing operations.

11                   THE CHAIRPERSON: Thank you. How many  
12 more questions do you have?

13

14                   (BRIEF PAUSE)

15

16                   MR. NATHEN RICHEA: Thank you, Mr.  
17 Chair. It's Nathen Richea, with the Water Resources  
18 Division. We have about two (2) questions, but,  
19 depending on the answers, we might have follow-up.

20                   THE CHAIRPERSON: Two (2) questions it  
21 is. Go ahead.

22                   MR. NATHEN RICHEA: Thank you, Mr.  
23 Chair. It's Nathen Richea, with the Water Resources  
24 Division. This is the last question I have regarding  
25 the processed kimberlite area. My question is:

1                   Are there any contingencies available to  
2 the Company in the event that, for some unforeseen  
3 reason, the processed kimberlite area becomes a long-  
4 term source of contaminants into Kennady Lake in the  
5 post-closure period?

6                   THE CHAIRPERSON:    Thank you.  De  
7 Beers...?

8

9                                       (BRIEF PAUSE)

10

11                   MS. VERONICA CHISHOLM:    Veronica  
12 Chisholm, from De Beers.  I think we just want to make  
13 it clear that it's -- the -- the pro -- fine processed  
14 kimberlite would be deposited in that area for five (5)  
15 years, for the first five (5) years.  The remainder of  
16 the processed kimberlite would be stored within the  
17 pits.  We're back-filling within the pits.

18                                       We would be monitoring the -- those --  
19 the processed kimberlite throughout the operation, so  
20 that would be an additional five (5) years, plus eight  
21 (8) plus years, and that -- we would be able to  
22 identify, if we needed to consider some other type of  
23 contingency for the pit.

24                                       Absolutely, there's contingencies that  
25 can be done.  We can take the fine-processed

1 kimberlite, we can put it in the pit if we discovered  
2 there's a problem. So some of those contingencies have  
3 been identified. But I don't want to be presumptuous  
4 and -- and decide on what particular contingency we're  
5 going to use, because we've set up the monitoring in  
6 order to determine how best to proceed and that we have  
7 the time to determine how best to proceed. Thank you.

8 THE CHAIRPERSON: Thank you.

9 MR. NATHEN RICHEA: Thank you, Mr.  
10 Chair. It's Nathen Richea, with the Water Resources  
11 Division. I have one (1) last question. Over the last  
12 couple of weeks, we've requested that the Company  
13 provide some specific information on groundwater inflow  
14 quality for the Tuzo pit. Just yesterday, we received  
15 some information from the Company in response. It's  
16 our understanding that they don't have any specific  
17 information for water quality for Tuzo pit at this  
18 time. Our question is:

19 Will the Company commit to collect and  
20 interpret data specific to the Tuzo pit during the  
21 regulatory process to confirm the expected quality and  
22 EA predictions for pit inflows into that pit.

23 Some information about that request,  
24 Aboriginal Affairs and Northern Development Canada  
25 understands that the Company has geological

1 information, kimberlite samples, local fault  
2 information and hydraulic conductivities for the Tuzo  
3 pit area that can be used to assess the geochemistry of  
4 that water.

5 THE CHAIRPERSON: Thank you. De  
6 Beers...?

7 MS. VERONICA CHISHOLM: Veronica  
8 Chisholm, from De Beers. Just give us two (2) seconds  
9 for a quick huddle.

10

11 (BRIEF PAUSE)

12

13 MS. VERONICA CHISHOLM: Veronica  
14 Chisholm, from De Beers. We will be monitoring within  
15 -- we'll -- we will be doing groundwater monitoring  
16 within the Tuzo pit. And we'll be monitoring  
17 throughout operations of our mine plan, groundwater  
18 monitoring throughout our mine plan.

19 So that will be a commitment that -- and  
20 that has been a commitment that De Beers make, and  
21 we'll -- we'll reiterate it today. Thank you.

22 THE CHAIRPERSON: Thank you. Thank you  
23 very much for your questions, gentlemen. Environment  
24 Canada...?

25 MR. CHUCK HUBERT: The next one is DFO,

1 Mr. Chair.

2 THE CHAIRPERSON: Oh, we did that.

3 Fisheries and Oceans...? Sorry.

4 MS JULIE DAHL: Good afternoon, Mr.  
5 Chair. It's Julie Dahl, with Department of Fisheries  
6 and Oceans. I have two (2) questions for De Beers.  
7 I'll just find it.

8 To enable us to better understand the  
9 implementation -- the -- the limitations to  
10 implementing a mine plan that includes maintaining Area  
11 7, can De Beers please clarify why constructing Dike K,  
12 that dike proposed between Area 6 and 7, in the wet is  
13 not economically and technically feasible, in  
14 particular, why this construction is expected to  
15 lengthen the mine construction phase and by how long?

16 THE CHAIRPERSON: Thank you. De  
17 Beers...?

18 MS. VERONICA CHISHOLM: Veronica  
19 Chisholm, from De Beers. We answered this, in part, in  
20 response to the second round of Information Requests to  
21 Environment Canada. So I'm just calling up that  
22 specific number and just getting a little more  
23 expertise.

24 We also addressed this, in part, in  
25 response to a recommendation provided by Fisheries and

1 Oceans Canada in their technical reports. And I'll  
2 just call up those specific responses. And then we'll  
3 -- we'll provide the additional clarifications on the  
4 economics, I believe is what you asked.

5 MS. JULIE DAHL: In part. And just as  
6 a follow-up, in reviewing the alternatives assessment  
7 there was a reference to constructing Dike K and B,  
8 increasing the construction phase and increasing costs.  
9 And we were wondering about specifically the -- the --  
10 why it was anticipated that there would be increased  
11 cost and -- and length of construction for just Dike K,  
12 not having the two (2) lumped together.

13 We're aware that there has been some  
14 response. But we were just looking at clarity around  
15 why Dike K cannot be constructed in the wet.

16 THE CHAIRPERSON: Thank you. De  
17 Beers...?

18 MS. VERONICA CHISHOLM: Veronica  
19 Chisholm, from De Beers. Can you give me thirty (30)  
20 seconds. Thank you.

21

22 (BRIEF PAUSE)

23

24 MR. WAYNE CORSO: Mr. Chair, Wayne  
25 Corso, JDS Energy and Mining. Basically, the -- the

1 construction of Dike K to be a watertight structure  
2 early in the -- early in the -- the project development  
3 would require it to be built in the wet in about --  
4 approximately 8 metres of water and -- and it would be  
5 a -- a design similar to, say, the -- the containment  
6 dike at Diavik and Bill can give some -- some details  
7 on the construction of that and -- and the cost of  
8 that, because he was involved with that.

9                   But -- but basically the -- building it  
10 early would require mobilization of specialized  
11 equipment as was done at -- at Diavik and -- and it  
12 would require more materials as well. It was lumped in  
13 with the -- with the -- the construction of Dike B as  
14 well in -- in our response. And -- and we can -- we  
15 can get the response and go through that, but I'd --  
16 I'd rather, you know, have Bill talk about the -- the  
17 actual construction of the -- of the dike so that you  
18 can see the -- the complexity of it and why it would  
19 add an extra year onto the -- onto the project and why  
20 it would add an extra amount of dollars as well,  
21 approximately \$58 million.

22                   THE CHAIRPERSON: Thank you. Does that  
23 answer your question and would you like some more  
24 information?

25                   MS. JULIE DAHL: Thank you. It's Julie

1 Dahl with DFO. In your -- in the response I heard that  
2 there was something around the cost associated with  
3 building it earlier than anticipated and that would  
4 require mobilization of equipment and, of course, there  
5 would be costs with that.

6 I wasn't speaking about why they  
7 couldn't build it earlier, but only when they were  
8 building it why could it not be done in the wet and,  
9 therefore, avoid the need to drain all of Area 7 to  
10 create dry conditions to build it?

11 And a follow-up to that, there was  
12 reference to being built in 8 metres of water. Perhaps  
13 De Beers could clarify that the depth in that area,  
14 I've looked at a couple of different bathymetry maps  
15 for the area and it's showing me different depths, so  
16 there's some inconsistencies in what the depth truly is  
17 there and the one (1) I saw looked to be 4 to 5 metres  
18 in a fairly narrow spot, which I guess from -- from my  
19 perspective maybe it looks like it's a little -- it's  
20 doable.

21 So it's not a matter of building it  
22 early, it's just a matter of when it is built, can it  
23 be built in the wet as opposed to requiring dry  
24 construction?

25 THE CHAIRPERSON: Thank you. Does that

1 help focus the question a bit -- little bit? Over to  
2 De Beers.

3 MS. VERONICA CHISHOLM: Veronica  
4 Chisholm from De Beers. Yes, and we're just looking at  
5 our response to Environment Canada, because part of  
6 that is included in that response so we just want to  
7 make sure that we're consistent on -- on that and make  
8 sure that we have all of the background information.  
9 So again, if you could just allow us thirty (30)  
10 seconds to locate that information. Thank you.

11

12 (BRIEF PAUSE)

13

14 MR. BILL HORNE: This is Bill Horne  
15 from EBA Engineering. As far as the depth goes, some  
16 documents were provided in one (1) of the Information  
17 Requests which shows all the dike designs and it  
18 includes a -- a cross-section through Dike K, a profile  
19 and cross-section of Dike K and it is definitely 8  
20 metres.

21 So as -- as Wayne alluded to, the -- the  
22 construction of it in the wet is going to be  
23 challenging. Not that it can't be done, it can be  
24 done, but it -- it will be -- the -- the dam is 300  
25 metres long, 8 metres deep, and we have to construct it

1 before the lake is drained.

2                   It will add a year to the mon -- to the  
3 construction period of the mine. To construct a -- a  
4 dike in the wet like that, a -- there -- there's two  
5 (2) challenges: 1) as the dike is designed now we -- we  
6 have material to construct the dike from -- from the  
7 open pits. If we have to construct it before we open  
8 up the pits, we have to cru --  
9 crush material for the construction, we have to put in  
10 a -- a slurry cutoff wall that may go back off a little  
11 bit. The -- the material we'll have to construct it is  
12 different than what we will have once we open up the  
13 pits.

14                   Once we open up the pits, we'll have  
15 overburden to construct it, which is fine-grains  
16 material which we can use to construct the dam and  
17 it'll hold water. If we construct it at the onset,  
18 we're going to have to construct it out of blasted  
19 rock, and as soon as you do that, it -- of course, it's  
20 not permeable, so we have to put in a -- a cutoff wall  
21 similar to a Diavik-type construction. The cutoff wall  
22 requires specialized equipment to -- to excavate the  
23 cutoff wall, install a -- a bentonite cement grout into  
24 the dam.

25                   The -- the other problem with

1 constructing it is, of course, the -- the water quality  
2 during construction. Once we're constructing in the  
3 wet, of course, we have to worry about sedimentation  
4 during construction, which, given the -- the geometry  
5 of Area 7, we -- the way it -- the way -- we -- we  
6 don't get a lot of flow into Area 7, so any sediments  
7 that -- that go through the -- the silt curtains won't  
8 dissipate, so the sediment quality will be a problem  
9 during construction. So there's -- there's a lot of  
10 issues why it should be constructed after Area 7 is  
11 drained.

12 THE CHAIRPERSON: Thank you.

13 MS. JULIE DAHL: Julie Dahl, DFO. If I  
14 could just -- sorry, to get a quick point of  
15 clarification. De Beers had identified they were going  
16 to construct the -- the dike. The current design  
17 called for the dike to be a construct from pit  
18 materials, so I'm just not sure how the sequencing  
19 would allow for construction in the dry of pit  
20 materials that can't be accessed until the area is  
21 drained, for which you need a dike. I'm just confused.

22 MR. BILL HORNE: Yes. Bill Horne, from  
23 EBA Engineering. The -- the current mine plan is -- is  
24 that Dike K is constructed after the lakes are drained.  
25 So we have the overburden material from the lake, from

1 the pit, so we're going to drain the lake, we're going  
2 to open up the pits, we're going to have all the  
3 overburden from the pits, and that will be used to  
4 construct Dike K.

5 MS. JULIE DAHL: Okay. Thank you. I  
6 do have one follow -- an additional question, if I may?

7 THE CHAIRPERSON: This is your second  
8 question that -- that you indicated you were going to  
9 ask, right?

10 MS. JULIE DAHL: Yes, it is. In De  
11 Beers's presentation they had committed to looking for  
12 opportunities, or they had identified they had  
13 committed to looking for op -- opportunities to restore  
14 areas of the lake earlier in the mine life.

15 With respect -- with specific reference  
16 to Area 7 that was referenced in their presentation,  
17 can De Beers please clarify if restoration of these  
18 areas means restoring connection, restoring water  
19 levels, restoring fish presence, or restoring full fish  
20 productivity? At what level are they calling  
21 restoration?

22 THE CHAIRPERSON: Thank you. De  
23 Beers...?

24 MS. VERONICA CHISHOLM: Veronica  
25 Chisholm, from De Beers. That was in response -- I

1 just want to make sure that I clarify for the record  
2 where we made commitments and where we said things just  
3 so you have those.

4                   So that was in -- so De Beers in  
5 response to Fisheries and Oceans Canada technical  
6 report, I believe it was number 4, and the  
7 recommendation was to look for opportunities to restore  
8 or bring back Area 7 earlier in the mine plan process,  
9 and -- and that -- that's our commitment to do that  
10 earlier in the mine plan sequence.

11                   In terms of what that means for  
12 restoration, well, we're going to have to see. It's  
13 part of our adaptive management measures. We're going  
14 to look for that. We'll have to change some of the  
15 watering, we'll have to look at our mine sequencing  
16 plan, and -- but we would -- our commitment would be to  
17 discuss that with DFO to see what level of restoration  
18 we could bring back when we refill that area.

19                   The commitment is around refilling it  
20 early and looking for opportunities to refill that area  
21 early and -- and to restore that early, and restoration  
22 may involve reconnection to Area 8. That's what we'd  
23 be looking to do is to ensure that the water quality  
24 within Area 7 is as suitable to connect/reconnect with  
25 Area 8 and allow that system to be opened up and

1 restored, and that -- that reconnection to Area 8 would  
2 only happen if we could ensure that the water quality  
3 within that area is suitable to allow that  
4 reconnection.

5 THE CHAIRPERSON: Thank you.

6 MS. JULIE DAHL: Okay, thank you. No  
7 further questions.

8 THE CHAIRPERSON: Thank you very much.  
9 I appreciate it. Our next -- I've got to make sure I  
10 get this right, I can't skip anybody any more.  
11 Government of the Northwest Territories...?

12 MR. GAVIN MORE: Thank you, Mr. Chair.  
13 Gavin More, Government of the Northwest Territories.

14 I have one quick question. I was -- I  
15 would like De Beers to explain briefly its ISO 14001  
16 environmental management system and explain how  
17 commitments it makes during this process and regulatory  
18 processes are handled in that process.

19 THE CHAIRPERSON: Thank you very much.  
20 De Beers...?

21

22 (BRIEF PAUSE)

23

24 MR. ANDREW WILLIAMS: Mr. Chairman,  
25 Andrew Williams from De Beers Canada.

1                   The role of the ISO 14001 system would  
2 be that any commitments that we have made as part of  
3 this process that relate directly to the environment  
4 would be commitments that we would include within our  
5 legal register, within the ISO 14001 system.

6                   That system, of course, has a stringent  
7 process whereby it's audited on a regular basis, and  
8 whatever the Company is held to -- sorry, the Company  
9 would be held to, any commitments that would occur in  
10 the legal register and in any other operative --  
11 operational procedures that we have would also be  
12 checked against that. And that, in turn, allows us to  
13 continue with our ISO 14001 registration.

14                   THE CHAIRPERSON: Does that help, or do  
15 you need some more information on ISO 14001?

16                   MR. GAVIN MORE: Gavin More, GNWT. No,  
17 I actually wanted to be on the record that, basically,  
18 GNWT is aware that we don't rely just on the good will  
19 of companies, that companies that particularly go after  
20 the certification ISO 140001 have internal  
21 requirements, structures, processes, to make sure that  
22 they make those commitments. Thank you.

23                   THE CHAIRPERSON: Thank you very much.  
24 Natural Resources Canada...?

25                   MR. JOHN KING: John King, Natural

1 Resources Canada. We have no questions, thank you.

2 THE CHAIRPERSON: Thank you. Parks

3 Canada...?

4

5 (BRIEF PAUSE)

6

7 MS. ANN RONALD: Mr. Chair, Ann Ronald,

8 Parks Canada. We have no questions. Thank you.

9 THE CHAIRPERSON: Thank you. Transport

10 Canada...?

11 MR. MIKE MOLINSKI: Thank you, Mr.

12 Chair. Mike Molinski, Transport Canada. I have no

13 questions.

14 THE CHAIRPERSON: I'm beginning to like

15 these government agencies. We're going to move now to

16 panel staff. Do we -- does panel -- does the panel

17 have some -- panel staff have questions?

18 MR. CHUCK HUBERT: Yes, Mr. Chair. I'd

19 like to go first to Kathy Racher, please.

20 DR. KATHY RACHER: Okay. It's Kathy

21 Racher for the panel, and I have about five (5)

22 questions, although I hesitate to say that because I

23 know you'll keep me to it.

24 One (1) of the goals or statements that

25 you had in your water quality objectives' paper, the

1 one you submitted September 14th, 2012, is that:

2 "...water quality changes as a result  
3 of project activities will not  
4 negatively affect traditional or  
5 nontraditional uses of Kennady Lake  
6 in post closure."

7 And the same statement was made with  
8 respect to downstream lakes and Lake N-11. And I guess  
9 my -- the goal of most of my questions is to -- to make  
10 sure or to -- to clarify how well your goals and  
11 objectives and predictions for affects due to water  
12 quality align with expectations of parties.

13 So with respect to this particular  
14 objective, I'm just wondering what your understanding  
15 is of traditional or nontraditional uses that you're  
16 intending to protect that you're saying that will be  
17 not negatively affected and where -- where -- how did  
18 you acquire that information?

19 THE CHAIRPERSON: Thank you. De  
20 Beers...?

21

22 (BRIEF PAUSE)

23

24 MS. VERONICA CHISHOLM: Veronica  
25 Chisholm, from De Beers. It's always difficult when

1 you ask a company to interpret traditional knowledge  
2 because it isn't our own knowledge. But I'll tell you  
3 how we sought out information on traditional knowledge  
4 with respect to those -- those site-specific water  
5 quality objectives.

6                   We had the opportunity when we were out  
7 in August 2012, that I alluded to when we actually took  
8 a boat out onto the lake. And we asked the Aboriginal  
9 parties, What's important about Kennady Lake in terms  
10 of restoration? And it comes down to something very  
11 simple.

12                   We want to be able to drink the water,  
13 catch the fish and eat the fish. And -- and from that  
14 point of view and -- and from that end land use point  
15 of view, that was commu -- that's how we've interpreted  
16 one (1) of the requirements of our closure objectives.

17                   We also heard from parties that they  
18 used to travel to Kennady Lake and that they used to  
19 use that lake as part of navigation and that they used  
20 to do hunting around that lake; that too forms part of  
21 what we understand will be a requirement in our closure  
22 objectives.

23                   So hopefully I've been able to answer  
24 your question in part. Oh, in addition, and people  
25 always pass me notes, it's important to recognize that

1 we will be revisiting those site-specific water quality  
2 objectives as we develop the aquatic effects monitoring  
3 program.

4                   And an important part of that program  
5 will be inclusion of communities in discussing on  
6 what's important in terms of the objectives, water  
7 quality objectives throughout the life of mine, as well  
8 as through closure.

9                   And through the Ni Hadi Yati Committee,  
10 there will also be some opportunity to discuss and look  
11 at some traditional knowledge that we can incorporate  
12 and move forward. And it may evolve over time as the  
13 mine plan evolves and changes over time. Thank you.

14                   THE CHAIRPERSON: Thank you.

15                   DR. KATHY RACHER: Kathy Racher, for  
16 the panel. Okay, so just to reiterate -- reiterate, that  
17 was very helpful, the traditional and nontraditional  
18 uses that, in your mind, will not be negatively  
19 affected by the project in Kennady Lake or downstream  
20 are: They'll be able to drink the water, catch fish,  
21 eat fish and use it as navigation.

22                   That's predominantly -- with all of the  
23 predictions you've made and all the estimates and  
24 models you've run, you're confident that those -- those  
25 things will -- those uses will be maintained post-

1 closure once the Kennady Lake is re-established?

2 MS. VERONICA CHISHOLM: Veronica  
3 Chisholm, from De Beers. Those were our measurement  
4 endpoints for environmental impact assessment. That's  
5 where we drew the conclusions from, so, yes.

6 THE CHAIRPERSON: Thank you.

7 DR. KATHY RACHER: Kathy Racher, for  
8 the panel. This morning you provided some  
9 clarification based on statements that were made at the  
10 Lutsel K'e public hearing, community hearing on Monday,  
11 which were very helpful.

12 One (1) of the -- the things that you  
13 mentioned, people brought up a lot were -- was the Lady  
14 of the Falls and the importance of that area  
15 spiritually. And then this morning you reiterated --  
16 well, your exact words, I believe, were that, "Impacts  
17 to the Lady of the Falls will be minimal."

18 And I guess I needed an explanation of  
19 what "minimal" means because it's a subjective term.  
20 Are you actually predicting any measurable changes to  
21 water quality or quantity at the Lady of the Falls  
22 site?

23 MS. VERONICA CHISHOLM: Veronica  
24 Chisholm, from De Beers. Thank you for the  
25 clarification on that. My intention there was there

1 would be no measurable affect with the zero point -- or  
2 a measurable change in Lady of the Falls resulting from  
3 this project.

4                   And I provided some clarification and  
5 some people provided some clarification while I was  
6 giving my talk that the -- the annual discharge from  
7 Kennady Lake is 0.1 percent to Kirk Lake, which is  
8 still 300 kilometres away along the Lockhart River  
9 during its system from Lady of the Falls.

10                   THE CHAIRPERSON: Thank you.

11                   DR. KATHY RACHER: Okay, Kathy Racher,  
12 for the panel. Okay, great. So I -- I'm correct then.  
13 You're predicting no measurable changes to water  
14 quality or quantity, I'm just trying to be specific, at  
15 the Lady of the Falls' site.

16                   MS. VERONICA CHISHOLM: Veronica  
17 Chisholm from De Beers. Yes, that's correct. Thank  
18 you for the clarification.

19                   DR. KATHY RACHER: Kathy Racher for the  
20 panel. Also at Lutsel K'e we also heard again from a  
21 couple of people, at least one (1) Elder, saying that  
22 despite -- despite your assurances to the contrary,  
23 they do believe that water will trav -- is travelling  
24 or will travel or can travel from the Kennady Lake  
25 site, the Gahcho Kue Project site down the Hoarfrost

1 River into McLeod Bay and Great Slave Lake.

2                   So we've got -- we've got expert versus  
3 expert opinion on that and I think -- so the -- the  
4 panel needs to understand what those potential effects  
5 would be, because we also heard, obviously, that McLeod  
6 Bay, Great Slave Lake is very important and do you  
7 anticipate or have you modelled at all predicted  
8 effects to water quality or quantity to Great Slave  
9 Lake as a result of water flow down the Hoarfrost  
10 River?

11                   THE CHAIRPERSON: Thank you. De  
12 Beers...?

13

14                   (BRIEF PAUSE)

15

16                   MS. VERONICA CHISHOLM: Veronica  
17 Chisholm, from De Beers. When we did our hydrology  
18 assessment and we flew over that area from a small lake  
19 in the south to McLeod Lake through the Hoarfrost, we  
20 couldn't see that connection. It was not visible in  
21 the topography on the landscape, but we still  
22 understood that it's a concern.

23                   That was just revealed to us yesterday.  
24 I had heard about the connection between Kirk and  
25 Fletcher Lake and so we had an opportunity in September

1 to bring out the Water Survey of Canada to do a  
2 preliminary assessment and make a commitment around  
3 monitoring the outfall between Kirk Lake.

4 I will make the same commitment for the  
5 small lake. I will bring out the Water Survey of  
6 Canada to do an inspection on that area if that  
7 connection exists, which we have not assessed it to  
8 exist, but we'll get -- bring in a third party to look  
9 at that then we will undertake monitoring on that site.

10 But I want to be clear, we've looked at  
11 that area as part of our assessment and we didn't see  
12 that connection to exist. Thank you.

13 THE CHAIRPERSON: Thank you.

14 DR. KATHY RACHER: Kathy Racher, for  
15 the panel. Okay. Well, I -- yeah, and I do understand  
16 that you -- you have taken this concern seriously, I  
17 understand that, and you have looked into it to the  
18 best of your ability, but I guess what I still heard in  
19 Lutsel K'e was the -- the experts there, some of which  
20 told us they -- I mean, they had grown up on the  
21 barrens and lived there eighty (80) years. They still  
22 believe there is a -- a connection.

23 And so the question still stands: If  
24 there is a connection, let's -- let's pretend that it's  
25 true, let's -- let's say that the Lutsel K'e people are

1 correct in their observations, then do you expect there  
2 -- there to be any effects on Great Slave Lake if -- if  
3 water from the project was to travel through -- through  
4 such a connection down the Hoarfrost River and into  
5 Great Slave Lake?

6 THE CHAIRPERSON: Thank you. De  
7 Beers...?

8 MS. VERONICA CHISHOLM: Veronica  
9 Chisholm, from De Beers. I -- I want to be clear. We  
10 did not -- we've looked at that connection, we followed  
11 that up and we couldn't see that there's that  
12 connection to the Hoarfrost from that lake just south  
13 of -- of Kennady Lake.

14 So we didn't -- there's no connection,  
15 there's no water that flows to the south. So -- so our  
16 assessment has determined that there would be no effect  
17 to the Great Slave, because we don't have water flowing  
18 there.

19 However, we are respectful of what we  
20 hear in Lutsel K'e. We are respectful. I haven't seen  
21 their traditional knowledge report to date and once I  
22 have a chance to see exactly or precisely where the  
23 connection is, we'll go out and have a look at it too,  
24 because we think it's important to respond to concerns  
25 from the communities and -- and -- and we'll go and do

1 that and we'll involve a third party, like we said.

2                   And if there is a connection we will  
3 monitor it. But in terms of our impact evaluation, we  
4 can follow the flows of the water, we can use our  
5 hydrologists to do the assessment and we have assessed  
6 that there's no connection so, therefore, there would  
7 be no effect on the Great Slave from that Hoarfrost.

8                   THE CHAIRPERSON: Thank you.

9                   MS. VERONICA CHISHOLM: Veronica  
10 Chisholm. Can I just make one (1) last comment? Even  
11 if there was a connection, I should be clear, in terms  
12 of the amount of hydrology, there would be no effect on  
13 the Great Slave Lake. Just given the amount of  
14 quantity of water that might be entering, there would  
15 be no effect.

16                   THE CHAIRPERSON: Thank you.

17                   DR. KATHY RACHER: Kathy Racher for the  
18 Board. I -- I guess that last statement was what I was  
19 looking for -- sorry, for the panel. Yeah, it's good  
20 to -- to be really clear.

21                   And I -- I think I -- I -- because this  
22 was raised so many times and, you know -- and I  
23 appreciate your commitment to monitor there and to look  
24 into it as well, but you just said, based on the amount  
25 of water travelling through the system -- I mean, I

1 guess I wouldn't be looking for the detailed kind of  
2 modelling you've done for the rest of the site, but  
3 some kind of indication of dilution that would happen  
4 down the river so that, if there was a connection, you  
5 know, convince us that there would be -- or not likely  
6 to be any effect on Great Slave Lake.

7 MS. VERONICA CHISHOLM: Veronica  
8 Chisholm, from De Beers. If the connection occurred,  
9 we would put in a dike, and that we would consider  
10 diking off that area so that we would no longer have  
11 that connection from Kennady Lake and -- and fulfil our  
12 plan, which is to keep the water within the control  
13 basin of Kennady Lake; that's part of our mine design.  
14 So that -- as a result, there would be no impact to  
15 Great Slave from that connection, if it were to occur.

16 THE CHAIRPERSON: Thank you. How --  
17 how far along on these -- these five (5) questions are  
18 we?

19 DR. KATHY RACHER: Kathy Racher, for  
20 the panel. We're chugging along. We are. And I -- I  
21 think I -- I've got what I wanted with respect to that  
22 question.

23 So my next question is about the --  
24 AANDC provided a number of narrative statements to do  
25 with water quality, sort of narrative water quality

1 objectives for the project that the panel may want to  
2 include as -- that's the wording in their -- their  
3 technical report. And -- and in -- in response to  
4 that, you -- you sort of said you had a different way  
5 of expressing the same kind of ideas, a kind of better  
6 way, I guess, that match your measurement endpoints  
7 more precisely.

8                   However, we do have this evidence on the  
9 record, and we need to evaluate the utility of it. And  
10 I just wondered, have you actually looked at those  
11 statements and can you tell me which one of those ones  
12 you can meet or don't think you can meet? I can go  
13 through them individually. I don't know if you've got  
14 them handy.

15                   THE CHAIRPERSON: Thank you. De  
16 Beers...?

17

18                   (BRIEF PAUSE)

19

20                   MR. PETER CHAPMAN: Mr. Chairman, Peter  
21 Chapman, from Golder Associates. I'd like to thank  
22 Kathy Racher because I was afraid I wouldn't get to  
23 answer any questions, so thank you.

24                   When we look at their statements,  
25 they're a little too specific because they talk about

1 changes that can occur naturally. What we've said, and  
2 what we continue to say, is we're going to protect the  
3 water in terms of being able to drink it, the fish  
4 being there, being able to catch them and eat them.

5                   Now, the lower organisms, the organisms  
6 that form the food chain that the fish depend upon, the  
7 species, the structure may change. It probably will  
8 change because natural changes occur, and some changes  
9 may occur due to the mine. However, the function -- in  
10 other words, the ability of the lake to have a food  
11 chain that supports the fish, the same species, the  
12 same numbers, and you can eat them, that is what we are  
13 going to maintain.

14                   So that's a slight difference between  
15 what AANDC says, and we could go through them  
16 individually, but I think that answers the question.  
17 But, Mr. Chairman, if you would care to ask Kathy on  
18 that.

19                   MR. CHAIRMAN: Thank you. Does that  
20 answer the question, or do you need to follow up?

21                   DR. KATHY RACHER: Kathy Racher for the  
22 panel. I guess, I mean, one thing AANDC didn't include  
23 in their narrative statements, which I'll need to ask  
24 them about as well, is that they didn't put a location  
25 on these -- on these statements, except for the last

1 bullet about reconnecting Kennady Lake, which I believe  
2 -- to -- to make sure that Kennady Lake can support a  
3 viable self-sustaining ecosystem, which I think you've  
4 already committed to anyway, so that one is true.

5                   But the water quality changes due to  
6 mining activity is not significantly affecting the  
7 benthics, et cetera, as Peter just spoke to, being true  
8 at some point downstream, I'm sure. And I guess I --  
9 where do you expect downstream that these statements  
10 would be true?

11                   THE CHAIRPERSON: Thank you. De  
12 Beers...?

13

14                   (BRIEF PAUSE)

15

16                   MR. JOHN FAITHFUL: John Faithful,  
17 Golder Associates, Mr. Chairman.

18                   If -- if the narrative statements as  
19 we've -- as we've suggested are being met at Lake N-11  
20 and they're being met at Kennady Lake, then they would  
21 be naturally met in the downstream lakes. So the  
22 application of -- of -- of either water quality  
23 objectives or even the narrative statements that are  
24 designed to protect the environment are being met at  
25 the source and naturally by -- by flow downstream, they

1 would be met as well. Thank you.

2 THE CHAIRPERSON: Thank you.

3 DR. KATHY RACHER: Kathy Racher for the  
4 panel.

5 Yeah. I didn't mean your narrative  
6 statements. Obviously, that is true. I meant AANDC's  
7 narrative statements being true downstream. But  
8 perhaps we'll just leave it and I'll ask -- I'll harass  
9 AANDC about that.

10 I have one (1) more very quick question.  
11 It should be an easy one. In response to AANDC's  
12 recommendation that De Beers be required to follow the  
13 guidelines -- their guidelines for AEMP development,  
14 you have stated that you'll consider a list of  
15 documents that includes those guidelines.

16 And I guess I'm just curious as to what  
17 your concerns are about being required to use the  
18 guidelines versus just considering. I'm not sure what  
19 "consider" means.

20 THE CHAIRPERSON: Thank you. De  
21 Beers...?

22 MS. VERONICA CHISHOLM: Veronica  
23 Chisholm from De Beers.

24 We're still in the early stages of -- of  
25 developing the AEMP. In fact, we haven't really had

1 any meetings yet, and so, you know, our -- our plan on  
2 the AEMP is to use the guidelines and consider the  
3 information that's available in a lot of documents and  
4 forming a working group to help inform that and develop  
5 that as we go.

6                   So, I wasn't meaning not to make the  
7 commitment, I was meaning that we need to develop this  
8 and work through it. And -- and so a number of  
9 documents will be considered in the development of the  
10 aquatic effects monitoring program. Thank you.

11                   THE CHAIRPERSON: Thank you.

12                   MR. CHUCK HUBERT: Thank you, Mr.  
13 Chair. I'd like to move on to Terry Antoniuk for some  
14 questions, please.

15                   MR. TERRY ANTONIUK: Mr. Chairman,  
16 Terry Antoniuk, for the panel.

17                   Just to start off with a question of  
18 clarification just in your perspective of the Ni Hadi  
19 Gati -- Ni Hadi Yati, excuse me, proposal. As it was  
20 described to you, is this something that -- that  
21 there's a precedent for, or is this is -- this is just  
22 a solution that you've come up with?

23                   THE CHAIRPERSON: Thank you. De  
24 Beers...?

25                   MS. VERONICA CHISHOLM: Veronica

1 Chisholm, from De Beers. It's difficult for me to  
2 respond to questions without my group, because this was  
3 developed amongst all the parties. It was proposed to  
4 De Beers, and De Beers came to the table, and we helped  
5 to shape it.

6 It may be new for the North, but I think  
7 it -- I think these -- there are similar models that  
8 exist where industry work with a multitude of parties,  
9 and they exist throughout Canada and all over the  
10 world. It's a -- it's a forum to communicate, it's a  
11 forum to shape the monitoring and management plans, and  
12 -- and it's something we take a lot of pride in in  
13 hoping to advance.

14 THE CHAIRPERSON: Thank you.

15 MR. TERRY ANTONIUK: Thank you. Terry  
16 Antoniuk, for the panel.

17 Just a -- just a little bit of  
18 background for the -- for the next couple of questions.  
19 And it relates to evidence that's been filed around  
20 cumulative effects management. And the evidence  
21 suggests that -- that there's not a transparent and  
22 enforceable program -- integrated way to deal with a  
23 cumulative effects on caribou and other wildlife  
24 species.

25 And the -- there's also been a large

1 number of proposals that -- that you, De Beers, have  
2 provided as well as -- as other parties to try to  
3 address this -- this perceived gap. It's not clear how  
4 those fit together, if they're pieces of a jigsaw  
5 puzzle, whether -- how they -- they're brought together  
6  
7 So are -- are -- is De Beers confident  
8 that the proposals that are out there on the table,  
9 without the clear definition around them, will  
10 contribute to an approved cumulative effects management  
11 system?

11 THE CHAIRPERSON: Thank you. De  
12 Beers...?

13 MR. STEPHEN LINES: Thank you, Mr.  
14 Chairman. It's Stephen Lines, for De Beers. From De  
15 Beers's perspective, I -- you know, we don't really  
16 identify that there's a regulatory gap in the wildlife.  
17 We're, you know, fully aware that the panel can assign  
18 measures to us.

19 We did take the initiative to develop  
20 our wildlife effects monitoring program early on during  
21 this process with the parties. And I think that's  
22 strongly indicative of our commitment to -- to carry  
23 that out.

24 You know, with respect to cumulative  
25 effects, I think the programs that have been developed

1 through the working group, through the workshop and  
2 over the years here in the NWT, have come a long way to  
3 feeding into cumulative effects management with respect  
4 to caribou, wolverine, grizzly bear, in particular.  
5 The grizzly bear program, for example, is something  
6 that we've partnered up with, Ekati and Diavik. That's  
7 a program that those two (2) mines started out this  
8 part year, in 2012. We've commit -- we've committed to  
9 meet again with the GNWT and to identify the outcomes  
10 of those programs this past year so that we can start  
11 ours in 2013. We're currently preparing for the  
12 grizzly bear monitoring program and the wolverine  
13 monitoring program.

14                   So these are broad regional programs  
15 that will provide a lot of information for cumulative  
16 effects management. Through the working group, on the  
17 caribou side of things, we've put together different  
18 approaches to monitor caribou, not just on our local  
19 study area at the mine site, to ensure that animals are  
20 safe, but also throughout the region. So we're looking  
21 at doing the zone of influence monitoring, and that's a  
22 habitat issue that can feed into cumulative effects  
23 assessment going forward, and management, as well, by  
24 government.

25                   I think one (1) of the different things

1 that we've included in the wildlife effects monitoring  
2 pro -- program is a commitment to work with the GNWT on  
3 the barren-ground caribou management strategy. This  
4 past year, we did contribute to the wolf predation  
5 study that was undertaken. And that again goes to  
6 understanding cumulative effects, not only from  
7 development, but from other factors that affect  
8 caribou, for example.

9                   So the monitoring programs have come a  
10 long way. And we're quite confident that they'll  
11 contribute quite significantly to management going  
12 forward.

13                   THE CHAIRPERSON: Thank you.

14                   MR. TERRY ANTONIUK: Thank you, Mr.  
15 Chairman. Terry Antoniuk. The -- we -- we seem in the  
16 -- in the later stages of the review here to be -- to  
17 be an example of adaptive management, where proposals  
18 are -- are coming before us and we're responding to  
19 them.

20                   Given -- given your interest in  
21 participating in cumulative effects management and --  
22 and discussions through your monitoring and mitigation,  
23 I'm wondering if you would be -- be willing to  
24 participate in -- in more innovative solutions to deal  
25 with cumulative effects that reflect the -- the

1 proposals that have been made to the panel to date?

2 THE CHAIRPERSON: Thank you. De  
3 Beers...?

4

5 (BRIEF PAUSE)

6

7 MR. STEPHEN LINES: Thank you, Mr.  
8 Chairman. It's Stephen Lines for De Beers.

9 I'm just not, sort of, I guess, clear on  
10 what was put forward to the panel today to -- for the  
11 cumulative affects assessment.

12 THE CHAIRPERSON: Thank you. Can you  
13 help focus that question a bit more? Thank you.

14 MR. TERRY ANTONIUK: Sorry. Just to  
15 clarify, I did not mean today. I meant to refer to the  
16 information that's on the record. So there is a  
17 variety of -- like, today we heard Ni Hadi Yati.  
18 There's proposals from GNWT, from yourselves, from  
19 Aboriginal groups for a variety of measures that --  
20 that in some times -- in some cases represent  
21 potentially con -- conflicting approaches to cumulative  
22 affects management.

23 So if there's an opportunity of -- to  
24 identify innovat -- innovative solutions that, you  
25 know, clearly define roles, responsibilities,

1 management objectives, et cetera, would you be willing  
2 to participate in that?

3 THE CHAIRPERSON: Thank you. De  
4 Beers...?

5 MR. STEPHEN LINES: Thank you, Mr.  
6 Chairman. Stephen Lines, for De Beers again.

7 Yeah, we certainly would consider any  
8 proposals that would advance cumulative affects  
9 assessment. I think that's -- you know, speaks to the  
10 purpose of the Ni Hadi Yati forum where we would be  
11 sitting down with the Aboriginal groups and, as we've  
12 heard earlier today, hopefully with the government,  
13 Aboriginal Affairs and Northern Development Canada, as  
14 well as the GNWT.

15 I think that's a great forum to bring  
16 those new ideas forward and to talk about them and, you  
17 know, decide in a collaborative manner which ones to  
18 take forward.

19 THE CHAIRPERSON: Thank you.

20 MR. TERRY ANTONIUK: Terry Antoniuk.  
21 Slight -- slight change of topic now. I'd just like to  
22 talk about traditional knowledge. And I was wondering,  
23 will De Beers incorporate all recommendations made  
24 based on traditional knowledge into its monitoring and  
25 management programs as provided?

1 THE CHAIRPERSON: Thank you. De  
2 Beers...?

3 MS. VERONICA CHISHOLM: Veronica  
4 Chisholm, from De Beers. We don't have all of the  
5 recommendations just yet. I think it's important that  
6 -- that as we hear recommendations with respect to  
7 traditional knowledge that they're considered and that  
8 they're explained to us if they come forward in  
9 traditional knowledge reports, and that we would --  
10 we'd provide written response, and we'd follow up with  
11 the communities on how best to incorporate those. But  
12 in the absence of seeing all of them, it's very  
13 difficult for me to make a call, or make a judgement  
14 call, or make a commitment on that. Thank you.

15 THE CHAIRPERSON: Thank you.

16 MR. TERRY ANTONIUK: Terry Antoniuk.  
17 Perhaps, if you could describe some of the factors that  
18 you think then that you would -- you would be looking  
19 at when reviewing each of the -- each of those  
20 recommendations. I understand that you've made a  
21 commitment to provide a response, but just to help  
22 clarify, what kinds of things would you be looking at  
23 in terms of whether -- whether the recommendations  
24 needed to be modified or adopted as -- as provided?

25 MS. VERONICA CHISHOLM: Veronica

1 Chisholm from De Beers. In the abstract, we would be  
2 looking to see how they would fit in with their  
3 existing monitoring plans. So -- for example, our  
4 Wildlife Effects Monitoring Program -- and we included  
5 some of the traditional knowledge that we'd be  
6 incorporating into that plan as well as part of our  
7 Aquatic Effects Monitoring Program. If there's  
8 specific things that traditional knowledge will inform  
9 that program, we'd certainly consider those and  
10 probably implement them if it's consistent with meeting  
11 the objectives of the programs.

12                   With respect to suggestions on our site,  
13 I know that while we were in the field one suggestion  
14 was that we consider where we're putting our water --  
15 our water pump, our -- where we're de-watering from up  
16 to Lake N-11 if there's an opportunity to find some  
17 crushed rock to build some ramps that we should try and  
18 do that.

19                   So our commitment in terms of engagement  
20 and -- and collecting of traditional knowledge will  
21 evolve over time. And one (1) of the things that we  
22 plan to do is have annual site visits where we can  
23 inform and -- and discuss how De Beers is doing things  
24 and if there's any suggestions or guidance. I'd expect  
25 it to be somewhat dynamic.

1 MR. TERRY ANTONIUK: Thank you. I have  
2 no further questions.

3 THE CHAIRPERSON: Thank you.

4

5 (BRIEF PAUSE)

6

7 THE CHAIRPERSON: Thank you. Who's  
8 next?

9

MR. CHUCK HUBERT: Thank you, Mr.  
10 Chair. I'd like to allow Dave Tyson to ask one (1)  
11 question, please.

12 THE CHAIRPERSON: Thank you.

13

14 (BRIEF PAUSE)

15

16 MR. DAVE TYSON: Thank you, Mr. Chair.  
17 Dave Tyson, for the panel. One (1) of the benefits of  
18 going late in the process is everybody answer -- or  
19 asks and answers your questions.

20 I have a question regarding the draft no  
21 net loss plan. I -- I understand it's -- it's  
22 conceptual at this point and details are -- are being  
23 worked out. The -- one (1) of the compensation items  
24 would be to conduct research to further our knowledge  
25 of fish and fish habitat, which would benefit future

1 developments and -- and our understanding of fish  
2 communities in the North.

3                   With respect to research, what happens -  
4 - you know, it's not a -- it's not a direct habitat for  
5 habitat replacement. There's benefits to the research.  
6 How -- how -- my question is -- is: How is the  
7 performance for this research going to be measured?  
8 Are there -- is it peer reviewed research? Is it, you  
9 know, as set of objectives then once those objectives  
10 are achieved, you know, the research is considered a  
11 success, as opposed to say we've reached our budget and  
12 that's it? Thank you.

13                   THE CHAIRPERSON: Thank you. De  
14 Beers...?

15                   MS. VERONICA CHISHOLM: Veronica  
16 Chisholm, from De Beers. The first two (2) seem like  
17 pretty reasonable options. I mean, as you mentioned,  
18 it's still a conceptual plan. We'll need a full  
19 research plan for each of those options to flush out  
20 the details.

21                   The intention was that those -- research  
22 would probably go to universities, in which case, it  
23 would go into the peer review literature. That was the  
24 -- that's what we discussed to date.

25                   But there needs to be a little bit more

1 detail around those plans and those proposals, because  
2 it's a couple of paragraphs at the moment. And we  
3 would fully expect that -- that this would be developed  
4 into a more thorough research question in the form of a  
5 hypothesis as well as standard methods, et cetera.

6 So that's our expectation with research.  
7 And that's what we discussed today, that it would be in  
8 peer review type format in consultation with Fisheries  
9 and Oceans Canada.

10 THE CHAIRPERSON: Thank you.

11 MR. CHUCK HUBERT: Thank you, Mr.  
12 Chair. I'd like to go to one (1) question from  
13 Brigitte Masella, please.

14

15 (BRIEF PAUSE)

16

17 MS. BRIGITTE MASELLA: Brigitte  
18 Masella, for the panel. Earlier today the Tlicho  
19 government inquired about measures for employee  
20 transition at closure. And De Beers said that it is  
21 committed to working with the GNWT and the communities  
22 towards transition.

23 In its technical report, the North Slave  
24 Metis Alliance expressed concern about post-closure  
25 socioeconomic impacts and made several recommendations

1 to provide transitional support to Aboriginal employees  
2 and businesses; for example, that De Beers table a plan  
3 to mitigate the negative social, cultural, and economic  
4 impacts arising from mine closure, including the  
5 creation of employment transition centre and the  
6 tabling of an action plan on business diversification  
7 and sustainability for each affected Aboriginal group,  
8 and also that De Beers conduct a closure socioeconomic  
9 impact assessment three (3) years prior to closure.

10 De Beers's response was that it will  
11 meet legislative requirements and will collaborate with  
12 the GNWT leading up to permanent closure to ease  
13 employee transition to new jobs and will continue to  
14 engage Aboriginal communities regarding the project  
15 during all phases, and will discuss employee transition  
16 to new jobs leading up to permanent closure.

17 The Yellowknives Dene First Nation  
18 requested that a preliminary closure plan that involves  
19 the joint definition of closure objectives and where  
20 possible criteria be prepared within one (1) year of  
21 the EA report. De Beers replied that it will prepare a  
22 preliminary plan during the permitting phase and that  
23 an interim plan will be advanced during the  
24 construction and operations phases.

25 All in all, the statements by De Beers

1 are general in terms of the degree of Aboriginal  
2 involvement in developing the closure and reclamation  
3 plan. Can it be more specific in that regard; for  
4 example, on the question of the joint definition of  
5 objections and criteria? And can it address  
6 specifically the suggestions to create an employment  
7 transition centre to table an action plan on business  
8 diversification and sustainability and to prepare a  
9 closure socioeconomic impact assessment?

10 THE CHAIRPERSON: Thank you. I'm not  
11 sure who from De Beers is going to take that one on.

12 MS. VERONICA CHISHOLM: Veronica  
13 Chisholm, from De Beers. We're all going to take it  
14 on, but we just need about thirty (30) seconds. Thank  
15 you.

16 Ah, maybe a minute.

17

18 (BRIEF PAUSE)

19

20 MS. CATHIE BOLSTAD: Thank you, Mr.  
21 Chair. It's Cathie Bolstad, from De Beers Canada.

22 I think to provide clarity to the  
23 question it would speak about how we work with  
24 Aboriginal communities now and governments now. We  
25 plan to meet regularly, and I think De Beers has

1 committed already that we would be meeting with  
2 Aboriginal communities, looking at the results of their  
3 community's participation in our project. We're  
4 primarily here to create employment.

5           As we work with communities and as we  
6 work with governments, we've committed to a  
7 socioeconomic agreement with the Government of the  
8 Northwest Territories for this project. We look  
9 forward to concluding that agreement with them.

10           As part of that agreement, we've  
11 discussed with the GNWT already the importance of  
12 working with them and within the programs they provide  
13 to transition people from one (1) type of employment to  
14 another, to working with them, identifying  
15 opportunities with them, and working with communities.

16           It is government's responsibility to  
17 provide the services for people when they are  
18 unemployed. As a -- a company working in the North we  
19 certainly, having been through the Snap Lake transition  
20 when we went through a downsizing in the economy, we  
21 understand that people have families and lives they  
22 need to plan for and take care of, and we will work  
23 with government and communities to understand what  
24 closing the mine means and how to prepare communities  
25 for that.

1                    Their input will be important. It's  
2 premature at this point in time for us to articulate  
3 what those look like, but those will be part of an  
4 ongoing plan.

5

6                    (BRIEF PAUSE)

7

8                    MS. CATHIE BOLSTAD: Cathie Bolstad,  
9 from De Beers. I think you asked a question about a  
10 socioeconomic assessment prior to closure. And yes,  
11 approximately three (3) years prior to closure we would  
12 look at that, absolutely, and work with government and  
13 communities to understand what that looks like and how  
14 we work together to make a smooth transition with the  
15 mine closing for people.

16                   THE CHAIRPERSON: Thank you.

17

18                   (BRIEF PAUSE)

19

20                   THE CHAIRPERSON: Where are we? Is  
21 there a follow-up question, or are we -- have we've --  
22 done?

23                   MS. BRIGITTE MASELLA: It's just for a  
24 point of clarification, please. Respecting the topic  
25 of the joint definition of objectives and criteria for

1 closure, not that -- not only exclusively related to  
2 the transition and business diversification.

3                   What -- what are your current thoughts  
4 on -- on that?

5                   THE CHAIRPERSON:    Thank you.  Did you  
6 get the question?

7                   MS. VERONICA CHISHOLM:    Veronica  
8 Chisholm, from De Beers.  Not entirely.  I'm wondering  
9 if you can just help us out with a little more clarity,  
10 or maybe use an example.

11                   MS. BRIGITTE MASELLA:    Well, it's  
12 simply that it's -- I don't have a specific example in  
13 mind.  It's that -- it's the local and predominantly  
14 Aboriginal communities who will be using and occupying  
15 the land once the mine closes, and I find that, so far,  
16 the -- in the response to the requests for greater --  
17 you know, for meaningful Aboriginal involvement in  
18 defining the objectives of closure, that the -- the  
19 response remains general.

20                   And I guess I'm seeking a bit more --  
21 more insights into how De Beers sees the process  
22 unfolding to ensure that closure is completed to the  
23 highest standards, as it should be, for -- because of  
24 the -- the communities that will be still there.  Thank  
25 you.

1 THE CHAIRPERSON: Thank you. Does that  
2 help focus the question?

3 MS. VERONICA CHISHOLM: Yes, thank you.  
4 Veronica Chisholm, from De Beers.

5 With respect to our closure plan, we  
6 know we will have to do multiple iterations of our  
7 closure plan as we move through the process, and we  
8 have made a commitment to undertake consultation and  
9 engagement on that closure plan to better define the  
10 TK, or traditional knowledge objectives, or what the  
11 end land users would want to have in that closure plan  
12 and how do we achieve that goal.

13 So we've made that commitment. We  
14 understand that we need to do some further refinement  
15 on that, and that is our commitment to do so. So I  
16 hope that helps.

17 THE CHAIRPERSON: Thank you.

18 MS. BRIGITTE MASELLA: Thank you very  
19 much.

20 MR. JOHN DONIHEE: John Donihee, Mr.  
21 Chairman. Those are the questions from technical  
22 advisors, and there's no questions from counsel.

23 THE CHAIRPERSON: Thank you very much.  
24 We go around to panel members now, and I'll start the  
25 other way. Panel member Richard Mercredi, do you have

1 any questions?

2 MR. RICHARD MERCREDI: Yeah, I had one  
3 (1) question on -- on the dewatering and the fish-out.  
4 You had talked about an estimate of twenty thousand  
5 (20,000) fish in Kennady Lake. Does that include like  
6 fingerlings and minnows and stuff, or is that just the  
7 edible size of fish?

8 THE CHAIRPERSON: Thank you.

9

10 (BRIEF PAUSE)

11

12 MS. VERONICA CHISHOLM: Veronica  
13 Chisholm, from De Beers. It's the fish that are  
14 greater than 7 centimetres that we have confidence in,  
15 and so they would include both, I guess, the forage  
16 fish and the edible fish. So it's anything greater  
17 than that size, with -- I guess with the exception of  
18 the shoreline, where we have some un -- we haven't had  
19 detailed measurements along the shoreline of the fish  
20 that might actually exist there.

21 THE CHAIRPERSON: Thank you. Panel  
22 member Richard Mercredi...?

23 MR. RICHARD MERCREDI: That's it for my  
24 questions. Thank you.

25 THE CHAIRPERSON: Thank you. Panel

1 member Peter Bannon...?

2 MR. PETER BANNON: Peter Bannon. I --  
3 I did have some questions, but they've been asked and  
4 answered. Thank you.

5 THE CHAIRPERSON: Thank you. Panel  
6 member James Wah-Shee...?

7 MR. JAMES WAH-SHEE: Thank you, Mr.  
8 Chair. I have no questions, thank you.

9 THE CHAIRPERSON: Thank you. Panel  
10 member Rachel Crapeau...?

11 MS. RACHEL CRAPEAU: Thank you, Mr.  
12 Chair. No question at the moment. Thank you.

13 THE CHAIRPERSON: Well, thank you very  
14 much. It's been a good day. I certainly don't have  
15 any questions. We -- we accomplished the agenda that  
16 we set out to this morning, and we did consider  
17 advancing some of the smaller government departments to  
18 fill the time between now and 5:00, and I understand  
19 that's not practical because they have made prior  
20 arrangement for hook -- telephone hookups with some  
21 specialist support from southern Canada.

22 So that being said, I think that we've  
23 had a good day. We've accomplished the agenda. The  
24 panel very much appreciates everybody working to -- to  
25 respect the time allotments. And so I think we'll say

1 this is a good day. We'll adjourn until tomorrow, nine  
2 o'clock, and we'll pick up the agenda where -- where --  
3 fresh tomorrow morning. Thank you.

4

5 --- Upon adjourning at 4:18 p.m.

6

7

8 Certified correct,

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14 Lorraine Douglas, Ms.

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