



“When You Talk - We Listen!”



MACKENZIE VALLEY ENVIRONMENTAL
IMPACT AND REVIEW BOARD

TECHNICAL SESSIONS
GAHCHO KUE DIAMOND PROJECT - DE BEERS CANADA

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HELD AT:

Yellowknife, NT

May 25, 2012

Day 4 of 4

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1 --- Upon resuming at 9:03 a.m.

2

3 THE FACILITATOR HUBERT: Good morning,
4 everybody and welcome. We'll let everybody get a
5 coffee and start in two (2) minutes. Thanks.

6 Good morning everybody and welcome to
7 the technical meeting for the Gahcho Kue project. It's
8 great to see everybody out. Today's topic is caribou
9 and wildlife effects monitoring plan.

10 I thought we'd start with a round table
11 to introduce people, because there are some new faces.
12 So I'll start. My name is Chuck Hubert. I'm the panel
13 manager. And facilitating today with me is Nicole
14 Spencer. And I'll go to my left now.

15 MR. KIM POOLE: Kim Poole, with the
16 Royal Wildlife Research representing Yellowknife Dene.

17 MS. ANNE GUNN: Anne Gunn working for
18 the panel.

19 MS. KERRI GARNER: Kerri Garner with
20 Tlicho Government.

21 MS. NICOLE MCCUTCHEON: Nicole
22 McCutcheon, wildlife manager of Research and Wildlife
23 Management.

24 MS. ANDREA PATENAUDE: Andrea
25 Patenaude, wildlife division, ENR.

1 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
2 ungulate biologist with GNWT wildlife.

3 MS. LORETTA RANSOM: Loretta Ransom,
4 GNWT.

5 MR. JAMES HODSON: James Hodson,
6 Canadian Wildlife Service of Environment Canada.

7 MS. CATHIE BOLSTAD: Good morning.
8 Cathie Bolstad, De Beers Canada.

9 MS. VERONICA CHISHOLM: Veronica
10 Chisholm, De Beers Canada.

11 MR. STEPHEN LINES: Good morning,
12 everyone. Stephen Lines, De Beers Canada.

13 MR. CAM STEVENS: Cam Stevens, Golder
14 Associates.

15 MR. DAMIAN PANAYI: Damian Panayi,
16 Golder Associates representing, De Beers.

17 MR. JOHN FAITHFUL: Good morning,
18 everyone. John Faithful, Golder Associates.

19 MR. GLEN SORENSEN: Glen Sorensen,
20 GNWT, minerals, oils, and gas.

21 MS. KIMI BALSILLIE: Kim Bal -- excuse
22 me, Kimi Balsillie, ENR-GNWT.

23 MR. SHAFIC KHOURI: Shafic Khouri, ENR-
24 GNWT.

25 MR. CRAIG BLACKIE: Craig Blackie, De

1 Beers Canada.

2 MR. PETER CHAPMAN: Peter Chapman,
3 Golder Associates.

4 MR. RANDY FREEMAN: Randy Freeman,
5 Yellowknives Dene.

6 MR. ELMAR PLATE: Elmar Plate, LGL,
7 Ltd., Deninu Kue.

8 MR. ROBERT MULDER: Robert Mulders,
9 ENR-GNWT.

10 MR. GAVIN MOORE: Gavin Moore, ENR-
11 GNWT.

12 MR. LIONEL MARCINKOSKI: Lionel
13 Marcinkoski, AANDC.

14 MR. ERIK YAXLEY: Erik Yaxley, Board
15 relations secretary.

16 MS. KATE WITHERLY: Kate Witherly,
17 Northern Projects management office.

18 MR. BOYAN TRACZ: Boyan Tracz, AANDC.

19 MS. PATTI DODDS: Patti Dodds
20 (phonetic), AANDC.

21 MR. RON FAHT: Ron Faht (phonetic),
22 Lutsel K'e Dene First Nations.

23 MR. SAM BOUCHER: Sam Boucher, Lutsel
24 K'e First Nations.

25 MR. PIERRE MARLOWE: My name is Pierre

1 Marlowe, from Lutsel K'e.

2 MS. STEPHANIE POOLE: Stephanie Poole,
3 Akaitcho IMA implementation office.

4 ELDER GEORGE MARLOWE: George, from
5 Lutsel K'e.

6

7 (BRIEF PAUSE)

8

9 THE FACILITATOR HUBERT: Thanks very
10 much. I'd like to turn the mic over now to De Beers
11 to give us some information on some of the tasks that
12 they had indicated they'd conclude for today. Thanks.

13 MS. VERONICA CHISHOLM: Veronica
14 Chisholm, from De Beers. Good morning, everyone. So
15 yesterday we had a couple of tasks we would say -- we
16 said we would report on today. Cathie Bolstad is going
17 to give an update on the Victor Mine and the benefits
18 from that mine. As well as there was a question raised
19 by Henry Zoe from Tlicho Government regarding medicals
20 and -- and medicals that are undertaken in communities
21 and some difficulty with that. So Cathie is going to
22 provide some clarification on that process.

23 And then prior to the socio-ec we have a
24 couple of corrections we want to make, but we think it
25 would be appropriate when the socio-ec folks are here.

1 And then also we had an undertaking for the week -- or
2 task for the week on the environmental management and
3 monitoring framework. And we can read that in as we --
4 in advance of the wildlife monitoring discussion later
5 on this morning. So, Cathie...?

6 MS. CATHIE BOLSTAD: Good morning,
7 everyone. I have my reading glasses with me today, so.
8 I'm go -- I'm going to be 50 this year, so I've
9 discovered that in the last year it's a little harder
10 to see things than it used to be.

11 So two (2) issues that I was going to
12 provide clarifications on from yesterday. Yesterday it
13 was suggested by Stephanie Poole, of the Akaitcho IMA
14 office, that the De Beers -- oh, by Mike Tollis, I'm
15 being corrected, sorry, by Lutsel K'e Dene First Nation
16 that the Victor Mine that is owned by De Beers had not
17 flowed any benefits to the community of Attawapiskat.

18 The context in which that suggestion was
19 made seemed intended to suggest that the situation of
20 the community of Attawapiskat with respect to their
21 housing situation was in some way because of the mining
22 operations nearby.

23 I offered yesterday to clarify this
24 morning what the benefits are that have flowed from De
25 Beers' operation to the community of Attawapiskat, and

1 I'm ready to do that now. First let me begin by saying
2 that the housing situation for the Attawapiskat First
3 Nation is one (1) that they have faced and -- and it
4 has been ongoing since before De Beers Canada arrived.
5 The situation was actually documented in a royal
6 commission in 1992.

7 The responsibility of housing on
8 reserves is that of the federal government and of the
9 local community, namely, the chief and council. The
10 benefits from our Victor Mine near their community have
11 been significant. In 2009, when a sewage backup in
12 their community cause the evacuation of ten (10) homes,
13 De Beers mobilized our project managers and our crews
14 at our company expense to redesign and assemble donated
15 construction trailers to house a hundred displaced
16 community members.

17 In 2010, De Beers Canada assisted the
18 community so they could undertake a comprehensive study
19 for their housing situation. We covered the costs of
20 the consultant that they needed to do the work for
21 them. This work identified needs, deficiencies, and
22 the development of a long-term plan for the community.
23 It was funded by De Beers and the work was submitted
24 with pride by the community to the federal government.

25 The Attawapiskat First Nation is a

1 priority community for the De Beers Canada Victor Mine
2 and, as such, we have a relationship with the
3 community. Through that relationship our company
4 provides opportunities for training, opportunities for
5 employment and business, and those were related for the
6 construction, the operation, and the closure of the
7 Victor Mine.

8 Since the start of construction over
9 \$330 million in contracts have been awarded to the
10 Attawapiskat First Nation businesses. A community of
11 eighteen hundred (1,800) people live on that reserve.
12 Currently one hundred (100) of the five hundred (500)
13 full-time employees at the Victor Mine come from the
14 Attawapiskat First Nation Band.

15 Most recently, and many of us were aware
16 of it, to assist Attawapiskat prepare for an emergency
17 housing situation, De Beers Canada made available, at
18 our expense, an experienced project manager to help the
19 community develop a comprehensive project scope, an
20 execution plan to receive and install the inbound homes
21 coming from AANDC. The program was completed as
22 scheduled and De Beers is proud of our contribution.

23 These are just some examples of how our
24 company works with communities close by. The
25 communities here are different, the economy here is

1 different. The diamond mining industry has been here
2 longer. But the communities and the relationship to
3 our company are important to us. So I'd like to thank
4 you for the opportunity to provide that clarification.

5 With respect to the question from the
6 Tlicho Government -- and I see that Kerri Garner is
7 here. I will make sure that I connect with Henry Zoe
8 since he asked this question. But I will provide the -
9 - the clarification. Yesterday in the socio-economic
10 session Mr. Henry Zoe raised a concern on behalf of the
11 Tlicho Government that employment medicals required by
12 diamond mines may be a barrier to employment. I
13 understood his concern to be that in a number of small
14 communities there are not medical facilities or staff
15 to complete the medicals that diamond mines in general
16 are requiring. And his concern was that this might be
17 a barrier to employment.

18 Yesterday I committed to do some follow-
19 up with our human resources department because the
20 issue had never been raised with our company in any of
21 our community meetings, site visits, or meeting with
22 community staff. I've now had a chance to speak with
23 our human resource manager this morning and I can
24 provide further clarification.

25 First, De Beers does require medicals

1 for employees to ensure they're fit for employment at a
2 remote mine site in the capacity that they have been
3 hired for. When an employee is hired we aim to have
4 that employee complete their medical within three (3)
5 months from the time that they are hired.

6 We encourage the employee to schedule
7 the medical with their preferred doctor or their nurse
8 practitioner. If they have a nurse in charge in their
9 community they can get it done in their home
10 communities. For De Beers this has never been a hold-
11 up for employment with us. For aspects of their
12 medical exam that need to be done in Yellowknife or in
13 a larger NWT centre, our human resources department
14 works with our employee so that the appointments they
15 need can be scheduled and coordinated with their
16 transportation arrangements that we are making for them
17 to get to and from the work site.

18 Sometimes there are circumstances when
19 an employee is unable to complete the medical in the
20 three (3) month period, and this is the nature of
21 working within the constraints of employees managing
22 family and the limited services that we heard yesterday
23 are available in small NWT communities. De Beers works
24 with that.

25 I think you heard us say a number of

1 times over the past few days that being able to be
2 flexible is an important part of our success for
3 operating in the north. So to be clear, from De Beers
4 perspective the implementation of our requirement for
5 medicals is done with flexibility, it is not a
6 requirement that creates a barrier for employment at De
7 Beers. Thank you very much.

8

9 DISCUSSION RE: CARIBOU:

10 THE FACILITATOR HUBERT: Thank you very
11 much for that follow-up response to tasks from
12 yesterday. Excellent.

13 I'd like now to switch gears and go to
14 our topics on the agenda, caribou and the wildlife
15 effects monitoring plan. Now it's great that there's
16 lots of people out to -- to talk about this. I'm sure
17 all of you have questions for De Beers. Who would like
18 to start?

19 MS. ANNE GUNN: Actually, my -- my
20 first question will be for GNWT. Oh, my apologies.
21 Anne Gunn. And in the first round of Information
22 Requests the panel had an information request for GNWT
23 on whether the use of the winter road as access for
24 hunting would be a primary or secondary pathway in the
25 assessment.

1 GNWT's answer was, I think, equivocal.
2 And I think it raised, perhaps, more uncertainties,
3 more problems than it solved. The GNWT's answer
4 suggested that the pathway might be secondary so there
5 might not be a large effect of increased access for a
6 few years. And then the answer also said that it could
7 be the largest single effect on -- on the harvest, the
8 access created by the winter road.

9 So on one (1) hand they are saying for a
10 few years, it may be secondary. On the other hand they
11 are saying it could be a large effect. Part of the
12 rationale for their answer was the -- what they termed
13 as the unpredictability of winter distribution.

14 I couldn't see anything in the answer or
15 in the material that De Beers provided that dealt with
16 the question of the uncertainty of winter distribution.
17 There's a large amount of data that actually was not
18 used and presented, and that would allow both GNWT and
19 De Beers to scale the level of uncertainty, and that
20 would reflect on whether it was a primary or a
21 secondary pathway. The importance of this is -- is
22 obviously in the scale of the effect, but also in the
23 type of monitoring and mitigation that it leads to.

24 So my -- I guess, my question, my
25 request to GNWT is to ask for clarification on what

1 conditions would -- and over what time frame would it
2 change from a secondary to a primary pathway, what they
3 think the threshold would be that would trigger that
4 change, and what type of specific monitoring would
5 allow them to detect that thre -- threshold?

6 The second part of that is -- is for
7 both De Beers and for GNWT, is to reduce the
8 uncertainty about the effects by increasing the
9 understanding of the predictability of winter
10 distribution. I think the -- the satellite telemetry
11 data could be used more effectively. I do appreciate
12 that De Beers gave a very clear encounter rate with the
13 winter road. That was at the individual scale. I
14 think that analysis, if it was increased, a more
15 spatial one, say, using some form of polygons and
16 overlap would be revealing.

17 The other part of that that has not been
18 addressed either by GNWT or by De Beers, is the collars
19 only represent a small sample of adult females. There
20 is information for early winter and late winter that
21 could be used to generate distribution for the entire
22 herd. And I think use of that information would reduce
23 the uncertainty. So it's -- it's kind of a long --

24 MR. KIM POOLE: Multi-point.

25 MS. ANNE GUNN: -- multi-point. But

1 there are two (2) -- the two (2) questions are there,
2 but I wanted to give you some background as well.

3 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
4 with ENR wildlife. I was trying to get your questions
5 and comments all written down, Anne, and I didn't
6 manage to get everything, but -- so maybe we could just
7 kind of go through them one (1) by one (1)?

8 MS. ANNE GUNN: First of all, I guess
9 some of these can be written responses. Can they?

10 THE FACILITATOR HUBERT: The -- Chuck
11 Hubert, with the panel. The -- the purpose of the --
12 the meeting is to try to get questions and answers if
13 possible during this meeting.

14 MS. ANNE GUNN: Okay.

15 THE FACILITATOR HUBERT: So the -- the
16 most that we can achieve today, the better, right? Or
17 the more we can achieve today the better. So -- and
18 beyond that we'll see. But if we can get as much as we
19 can, that's great.

20 MS. ANNE GUNN: Anne Gunn. The -- the
21 first question then is to -- can you provide -- can
22 GNWT provide clarification of the -- whether the access
23 of the winter road is a secondary or primary pathway?
24 And under what conditions, what thresholds and type of
25 monitoring would allow GNWT to make -- to make that

1 clarification of the pathway?

2 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
3 with ENR. I'll try to provide a little bit of
4 clarification. And if there's a need, Mr. Chair, we
5 can -- we can do something by written follow-up. The
6 reason that, I guess, you called our initial response
7 "equivocal" is that it seemed to us it was a very
8 difficult thing to predict as to how large an effect
9 that might be.

10 In the Bathurst decline between 2006 and
11 2009, before harvest was restricted, we know that there
12 was a very large and substantial winter harvest on the
13 winter roads to Gameti and Wekweeti primarily because
14 that's where the caribou were, and the mines -- the
15 roads to the mines, the existing diamond mines, that's
16 not where the caribou were in any numbers.

17 So, you know, the sort of mapping that
18 Bruno (phonetic) did in terms of where harvest was
19 taking place didn't indicate that those -- those
20 particular roads at that time were -- were a major
21 effect. But because there is an unpredictability about
22 caribou and where they will spend the winter, there is
23 always the potential that if the caribou shift further
24 to the east and they're available in large numbers from
25 that winter road to the mine and, you know, additional

1 roads, then that effect could become quite significant,
2 especially if harvest is not under some sort of
3 management or restriction.

4 I guess the other reason that the
5 response was equivocal is that right now for the
6 Bathurst herd, as you know, there -- there is a harvest
7 ceiling essentially of three hundred (300) caribou
8 between Tlicho communities and the Yellowknives. So as
9 long as that stays in place, I mean the potential for
10 harvest from the road is there but it would likely be
11 within strict limits.

12 So that -- that's -- I don't know if
13 that clarifies the situation. We did have a situation
14 this past winter where most of the remaining Bathurst
15 collars -- and there were less than ten (10) at the
16 time, in December were over on the west shore of
17 Artillery Lake to the east of the east arm of Great
18 Slave Lake. And we were getting quite concerned
19 because then they were completely out of the -- the
20 zones within which there is harvest restriction for the
21 Bathurst herd. For whatever reason, they turned around
22 and went back towards the Tlicho communities. But in
23 that situation, had they stayed out there we would have
24 had a -- potentially a fairly serious management
25 situation on our hands.

1 So with that kind of unpredictability, I
2 mean, there's no telling in what year a bunch of
3 Bathurst caribou might be parked close to the winter
4 road to this mine, or the other diamond mines. And
5 certainly our experience with the Bathurst herd is that
6 that -- that then could be a highly significant
7 population scale effect, particularly if -- if harvest
8 is not being managed or monitored closely.

9 As far as what monitoring would help, I
10 guess, assist in decision making, we would certainly,
11 and have said for some years, that we should have more
12 satellite collars on the Bathurst herd, preferably
13 including a few on the bulls because it would give us a
14 better sense of where -- where the herd is at -- at any
15 point in time.

16 There is also cooperative work with the
17 Yellowknives and the Tlicho with community monitors.
18 And we would certainly want to see some sort of
19 effective monitoring on the proposed additional road to
20 the Gahcho Kue mine. And we would encourage De Beers,
21 and we have encouraged De Beers, to consider perhaps
22 supporting some of those community-based monitoring
23 programs.

24 MS. ANNE GUNN: Anne Gunn. Thanks,
25 Jan. Given -- like you emphasized the uncertainty in

1 predicting the scale of the effect, do you think
2 there's anything GNWT or De Beers can do to reduce that
3 scale of uncertainty by a retroactive analysis of all
4 the data you hold?

5 MR. JAN ADAMCZEWSKI: I think an
6 analysis of that type would be possible. It will be
7 limited by the numbers of collars on the Bathurst herd.
8 But it could take us back to, say, 1996, when the first
9 satellite collars were placed on the Bathurst herd.
10 And we could do some sort of a one (1) year at a time
11 or one (1) winter at a time evaluation of what
12 proportion of the herd was in the vicinity of the --
13 the proposed Gahcho Kue Mine and the access road to
14 that mine, which would give us perhaps a better idea of
15 how frequently or how often caribou are likely to be on
16 -- on that particular road.

17 MS. ANNE GUNN: Anne Gunn. Thanks,
18 Jan. The -- the collars, they're not the only data set
19 you have. There's mapped distribution that could be
20 used that goes back to the 1980s for late winter that
21 shows areas of concentration based on aerial
22 reconnaissance.

23 And then, since probably the mid-1990s
24 there's a number of years where there's spatial data
25 with sex and age composition locations that could be

1 used to recreate distribution of the cows, short
2 yearlings, and the bulls. And I guess that's probably
3 what I was thinking of, would give you a fairly
4 substantial retroactive analysis that would allow you
5 to gauge the level of uncertainty. And I guess my
6 request is that it would be very useful given the
7 potential scale of effect that a change in access could
8 have.

9 MR. STEPHEN LINES: Good morning,
10 Chuck. I might just have a comment to offer on this.
11 Good morning. Stephen Lines, for De Beers.

12 So it is correct that initially in the
13 EIS the pathway was assessed as a secondary pathway.
14 And then upon further discussion with ENR, De Beers did
15 revisit and re-evaluate the -- the subject. And memos
16 were provided back to ENR on July 22nd, 2011, and
17 December 15th, 2011.

18 Going back and looking at more data and
19 revisiting the issue is not going to change the outcome
20 of the assessment. I think what Jan's response
21 indicated and what the data shows overall is that where
22 the caribou are in any given year is quite variable.

23 What we also know based on that road
24 having been used in the past, because it is currently
25 permitted and it has been open -- and I'm referring to

1 the spur road from MacKay Lake down to the project, is
2 that we haven't seen it used when it has -- when it was
3 open. We don't see a lot of activity on the Snap Lake
4 road as well.

5 The analysis that was presented in the
6 IR response shows that the collars are, at that time of
7 year when the road is open, is that the animals are
8 located largely below the tree line.

9 In addition to all of those
10 considerations, in the monitoring framework we have
11 laid out three (3) clear options on how De Beers
12 proposes to monitor access. So despite this all, it's
13 something that we have committed to.

14 THE FACILITATOR HUBERT: Thanks very
15 much for that response.

16 MS. ANNE GUNN: Anne Gunn. Thanks.
17 Thanks, Stephen. Thank you, but it didn't really help
18 me very much in my understanding when you say that
19 you're not going to change the assessment. On one (1)
20 hand GNWT is saying it's potentially a large effect, so
21 I think I have some concerns there.

22 The use of the collars is relatively
23 recent. The -- I read the correspondence between GNWT
24 and yourselves. There was a memo for July. And then
25 there was a meeting in December. And I've read those

1 reports. I understand De Beers' logic for the
2 secondary pathway.

3 I still think that in an environmental
4 assessment, if you have an opportunity to reduce
5 uncertainty in the scale of the predictions, the scale
6 of the effects, that it is useful to take that step.
7 Then I think we would be in a better position to
8 discriminate between a primary and a secondary effect.

9 The other reason is, I looked at your
10 proposed monitoring. GNWT and De Beers have agreed to
11 undertake cooperative monitoring, but there is
12 virtually no details there that would relate to
13 assessing how large effect it might be. There are no
14 thresholds for what constitutes a change in the
15 possible level of effect. And in a monitoring program
16 that's the sort of detail that I would expect, even at
17 this stage.

18 So I -- I think my request is still
19 outstanding. And I don't know whether anyone else
20 wants to add anything about the monitoring, the
21 proposed monitoring. I certainly would say that the
22 collars are only a partial answer. There's a large
23 body of knowledge and experience in the -- in the
24 caribou community -- the community of caribou users.
25 Collars have a lot of disadvantages as well as

1 advantages. And I don't think they are the total
2 answer to monitoring access.

3

4 (BRIEF PAUSE)

5

6 THE FACILITATOR HUBERT: Chuck Hubert,
7 with the panel. Thanks very much, Anne, for that
8 comment. We'll give De Beers a couple of minutes to
9 prepare a response. While we're doing that, can I ask
10 if anybody is on the teleconference?

11 MS. KERRI GARNER: I believe that John
12 Nishi who is our technical expert for the Tlicho
13 government is on the teleconference, yes. Kerri
14 Garner, Tlicho government.

15 THE FACILITATOR HUBERT: Thanks.

16 MS. KERRI GARNER: And I actually have
17 a que -- a comment from him. So in -- in respect to
18 what Anne was just talking about, the retroactive
19 analysis. If the data are available it would be hugely
20 beneficial to explore them to further develop specific
21 monitoring techniques for -- for that winter access
22 road. It's just a comment from Tlicho government.

23 MR. STEPHEN LINES: Thank you very
24 much. Stephen Lines for De Beers. I just want to
25 clarify that we didn't say, or we certainly didn't

1 intend to say, that the analysis wouldn't change the
2 assessment. The intent was that re-evaluating and
3 considering additional -- additional data, it wouldn't
4 change the findings of that assessment.

5 When we talk about that there might be a
6 potential effect or a potential large effect, I think
7 we also have to talk about the probability of that
8 occurring. What the analysis that De Beers and Golder
9 undertook was dependent on twelve (12) years of data
10 that show that the project and the spur road from
11 MacKay Lake down to the project, is well outside of the
12 core winter range for caribou.

13 I just also want to add that the
14 potential size of the effect is directly dependent on
15 the management actions put in place by ENR. And the
16 role of De Beers -- and really all we can do is
17 participate in the monitoring and provide the feedback
18 directly to ENR, so that they can manage caribou
19 harvest.

20 The recommendations for monitoring put
21 in the framework document are pretty clear on how we
22 would go about participating in monitoring. There are
23 three (3) options there that are detailed. And I think
24 what's left to be developed, and we've spoken to ENR
25 about this, is a reporting form and a frequency of

1 reporting on non-mine use of our length of the winter
2 access road. It's my understanding that ENR has a form
3 that they use currently for the existing length of the
4 road. And we would look to adapt that for our project.

5 THE FACILITATOR HUBERT: Thank you very
6 much. Would -- would GNWT care to respond to that?

7 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
8 with -- with ENR. I'm somewhat struggling with this in
9 terms of, you know, Anne's request about re-analysis of
10 data. I could see some value in it. But it also -- I
11 don't think it necessarily will tell us whether a bunch
12 of Bathurst caribou would be near the Gahcho Kue mine
13 site or the spur road next winter or five (5) winters
14 from now. I mean, that they use that area sometimes
15 I'm sure has been the case, but a lot of re-analysis of
16 older data will still really not tell you where --
17 where that herd will be this coming winter.

18 I think, for us, a strong wildlife
19 management program -- I mean, we've got a framework
20 here that -- I guess we're -- we will be talking about.
21 It has some good things in it, but it is, as far as
22 we're concerned, fairly thin on substance; lots of good
23 ideas, but not a whole lot of detail on exactly what
24 would be done in terms of monitoring.

25 So I think the issues of how traffic

1 vehicles, et cetera, would be monitored on that road
2 and how De Beers would perhaps collaborate with not
3 only GNWT but other co-management partners, those
4 things should be spelled out in detail in -- in the
5 wildlife monitoring plan.

6 MS. STEPHEN LINES: It's -- sorry,
7 Chuck, it's Stephen Lines, for De Beers. I just want
8 to clarify that the framework document is intended as a
9 starting point. It doesn't -- doesn't state -- it
10 doesn't contain the full details of those monitoring
11 programs. It represents where we are in our
12 discussions with the communities and with ENR. And the
13 primary purpose of issuing it was to start that
14 dialogue and get feedback, so we can develop those
15 details. And we are committed to developing that.

16 MS. ANNE GUNN: Anne Gunn. So if I
17 understand GNWT and De Beers, you're content to leave
18 the uncertainty about the scale of the effects as it is
19 in the pathway, and that we are still left with the --
20 the details, the thresholds, the type of moni -- how
21 the -- the monitoring will be interacting and feeding
22 into adaptive management.

23 Those details are going to be left for
24 the future. Is that correct?

25 MR. JAN ADAMCZEWSKI: Jan Adamczewski,

1 with ENR again.

2 You do have an interesting way of
3 phrasing things, Anne. I think, for us, the approach
4 that we're taking is that as De Beers develops their
5 wildlife management program and -- and other plans it
6 makes the most sense to have a clear sense of if
7 contingencies arise, if there are a lot of caribou,
8 either near the mine or on the road, how would that be
9 handled, what would De Beers do in terms of monitoring
10 and collaboration with ENR and co-management partners,
11 flesh those things out and -- and leave those --
12 specify what would be done should that situation arise.

13 As far as the primary and secondary
14 pathways, I'm still left more or less where we were
15 earlier with the Information Request that potentially
16 this is very much a primary pathway, potentially this
17 has the possibility of major impacts at the population
18 scale on population size and trend. But it remains a
19 very difficult thing to predict as to where the caribou
20 will be and therefore what the likely scale of that
21 effect will be.

22 MR. KIM POOLE: Kim Poole. I think --
23 I wonder if we're being clouded a bit by having fair --
24 all of us collectively having fairly short-term
25 memories in the sense that over the twelve (12) years,

1 and especially the last five (5) or six (6) years, that
2 we've been in the midst of a severe decline, 90 percent
3 plus of the Bathurst Herd. And especially of course in
4 the last four (4) or five (5) years we've been at the
5 low of what's hopefully a cycle that will rebound
6 starting with the survey this summer that tells us that
7 things are rebounding. This mine is going to be in the
8 ground, and the road is going to be active for quite a
9 few years, during which time we're going to have
10 increasing numbers and hopefully getting back to number
11 somewhere where they might have been back in the 1980s.

12 So a lot of this, it seems like we're
13 sort of tunnelling in on what we've seen recently in
14 managing for that. And what worries us is that, if and
15 when numbers do increase, that this project doesn't
16 have a huge effect on any kind of recovery. Because
17 even some -- even small amounts of effects on recovery
18 could impact Yellowknife Dene and -- and their hunting
19 traditions.

20 So a lot of that comes back then to the
21 mitigation monitoring plans which we don't have a lot
22 of detail on. But everything seems to be thrust onto
23 that to say, Well, we'll -- we'll deal with it in the
24 future when things, you know, when we detect that
25 things are starting to change. So it's hard to assess

1 where we are now with that in mind and, you know, just
2 not sure where we should go with that.

3 THE FACILITATOR HUBERT: Thanks very
4 much. Chuck -- Chuck Hubert, with the panel.

5 And just to clarify, Kim is with the
6 Yellowknives Dene, and Anne is with the panel.

7 Yeah, go ahead.

8 ELDER GEORGE MARLOWE: Good morning.
9 George Marlowe, from Lutsel K'e. Talking about the
10 monitoring, it's a good idea. I'm just going to talk
11 about for the mine site, if it -- if it's going to be
12 the Gahcho Kue mine, that's something I want to talk
13 about.

14 Way back in when I started working at
15 that Ekati there used to be lots of caribou, and that -
16 - in around the beginning of May, I think, the caribou
17 goes back to -- for calving ground over there, they go
18 through the mine site. That's -- they -- there --
19 lots, too much. And then about the first week of July
20 already they're back already.

21 Something -- we have to do something
22 about the -- the caribou that travels through the mine
23 site. And I'm not going to talk about all the caribou
24 or -- anywhere. The caribou are free to go anywhere.

25 So what -- what could we do about that

1 monitoring the caribou that travel through the mine
2 site? People are working, trucks there, there's dust
3 there, everything, air. How -- could we do something
4 about it?

5 That's something -- we should talk about
6 it, because that -- I know there's quite a few -- it
7 doesn't matter, there's a little bit at Bathurst or
8 Beverley, it's lots or less. Let's talk about that
9 caribou that tro -- go through the mine site, because I
10 -- I know it's lots -- there's still lots of caribou.

11 Where I come from, Lutsel K'e, this
12 winter I went -- six (6) times I went hunting myself
13 and that's lots. I'm not going to say there's no
14 caribou, lots. And I'm still -- there's GNW -- WT,
15 ENR, and three (3) or four (4) years ago when they said
16 no caribou. Artillery Lake, east from Artillery Lake
17 there's, I don't know, maybe a hundred thousand
18 (100,000) caribou there. And then from Artillery Lake
19 between the Reliance and Artillery Lake, in that area
20 there was a caribou there, nobody knew. There was
21 about, I'd say, forty (40) to fifty thousand (50,000)
22 caribou there.

23 In the spring-time, they came down to
24 McLeod Bay (phonetic). Those young boys there, they
25 went hunting, and when they did the caribou survey,

1 Bruno -- you know Bruno?

2 MS. ANNE GUNN: M-hm.

3 MR. GEORGE MARLOWE: I told him -- I
4 told Bruno, How come you said no caribou? At night did
5 you survey -- did you fly the -- borderlands area? You
6 were going -- we're -- we were going to go fly there,
7 but there was fog, he said. Well, that's not an
8 excuse. I said, You should have went there, and see
9 what I mean. There's lots of caribou.

10 East of Artillery Lake, that one's going
11 back to -- I don't know, it's a lot -- too much. You
12 could see long ways -- if you look up -- caribou,
13 caribou all the way.

14 So those animals are still lots yet, but
15 I'm talking about that. I just want to talk about that
16 mine site. Could we do something about that? The
17 caribou travelled right through the mine site. Maybe
18 we could make -- in old days, like a -- the caribou,
19 when they're travelling, like they use migass
20 (phonetic). Make a little sign, like little trees like
21 this, both side or maybe -- and the caribou goes
22 between that. Some kind of trees -- you make a -- make
23 a road for them, for caribou, and you go inside. They
24 don't go off --the -- the caribou will not go in -- out
25 here. Never. Even lots or not.

1 Even -- my Uncle Pierre is here, and
2 maybe -- he -- he knows lots about that, too. But that
3 something -- we should do something about mine site
4 like this. There is lots -- I know there is lots of
5 artificial trees. Like Christmas time there's tonnes -
6 - millions of Christmas trees are there, see.

7 So maybe something -- we should do
8 something for the mine site. That's the only thing I'm
9 thinking about, because I -- if we don't do nothing
10 today, I know that that little fence by Ekati, that's -
11 - that doesn't work too much, not the fence.

12 So something to think about. You -- you
13 guys are wildlife -- I'm a wildlife man, too; I'm a
14 hunter. So let's talk about that one. I think better
15 -- thank you.

16 THE FACILITATOR HUBERT: Chuck Hubert,
17 with the panel. Thanks very much, George. Good
18 suggestions. Hope -- hopefully we can consider those
19 as the project goes forward. I believe --

20 MR. STEPHEN LINES: Chuck, do you mind
21 if I jump in there?

22 Thank you. It's Stephen Lines for De
23 Beers. George, thank you very much for providing those
24 comments. I think it's a really good starting point,
25 and what we were trying to -- to get at where we want

1 to hear some valuable TK input on how we can design
2 some of those mitigations around the site. And again,
3 the doc -- the framework document and the monitoring
4 document is something that we do want to come into the
5 communities and talk about how we can do some of the
6 mitigation at site.

7 It does talk about how De Beers will
8 develop a wildlife surveillance monitoring program for
9 the site. So when animals, caribou, large mammals,
10 when they are seen around site, we record the numbers,
11 their behaviour, where they are, how they're
12 interacting with the project, and as well, if there's
13 anything else we need to do, to put in supplementary
14 mitigation.

15 So thank you very much for those
16 comments. That -- that plan in the framework document
17 will be developed, and again we'll provide some detail
18 to that following our engagement with communities and -
19 - and DNR. We're currently scheduling site visits for
20 communities and regulators as well for the summer. We
21 have another round of community visits scheduled for
22 the fall. And again, we're open to additional meetings
23 this summer to talk specifically about the monitoring
24 and mitigation.

25 So I think there are some good steps and

1 a way forward to advance the wildlife monitoring,
2 particularly when it comes to the site and how we
3 mitigate the mine.

4 I just want to go back a little bit
5 regarding the question of uncertainty with the
6 interaction of caribou around the spur road.

7 I think De Beers is quite confident in
8 the work that it's done and I don't think there's a
9 great deal of uncertainty around the data that we used
10 to come up with that assessment. And that data, again,
11 was over twelve (12) years and I think there's a little
12 uncertainty based on that, that caribou are not
13 commonly found around the spur road during the time of
14 year when it's operational.

15 But, again, at the end of the day it
16 comes down to how we monitor it. So I think there's a
17 good opportunity to hear -- here today to talk about
18 that monitoring. And I think that's where the im --
19 the importance is.

20 THE FACILITATOR HUBERT: Chuck Hubert,
21 with the panel. Thanks very much. The -- the panel is
22 -- is very pleased to hear that De Beers is planning
23 further community visits and that De Beers is willing
24 to work with regulators and meet with them over the
25 course of the next few months, including site visits

1 for some of the communities. So that's -- that's
2 excellent. The panel supports that.

3 Earlier, I believe Kerri Garner had a
4 question. And I'm not sure that that quite got
5 answered. Can you please repeat that?

6 MS. KERRI GARNER: Kerri Garner, Tlicho
7 government. Thank you, Chuck.

8 So essentially it was -- it was a
9 comment, really, in terms of the retrospective analysis
10 and that -- if -- if that data is in fact available. I
11 think that that data could be really, really beneficial
12 to explore -- to further explore and develop the
13 monitoring techniques in the future. So I -- that was
14 just sort of a comment overall.

15 But now that I have the floor -- so the
16 Tlicho government obviously has very sensitive concerns
17 with the potential effects that this mine may have on
18 the Bathurst caribou. As we all know, in 2009, there
19 was a noted, dramatic decline in the Bathurst herd from
20 a hundred and twenty-six thousand (126,000) in 2006, to
21 thirty-two thousand (32,000). Since then, the TG has
22 worked in collaboration and cooperation with the ENR to
23 implement management actions to help that herd recover.

24 The Tlicho government and the
25 Yellowknives have made some really, really difficult

1 decisions that were not met by open arms of their
2 people, for the sake of the caribou herd, and for the
3 sake of future generations of the Tlicho and the for
4 the people of the North. The Tlicho people have
5 sacrificed for three (3) years now. They have not had
6 access to the Bathurst caribou, other than a hundred
7 and fifty (150) animals for the community of Wekweti
8 and a hundred and fifty (150) animals for the
9 Yellowknives.

10 Community members from Behchoko now have
11 to go to Whati and Gameti to harvest caribou and this
12 has led to additional challenges and issues in those
13 communities. It's been a very, very challenging time
14 for the Tlicho, for the leadership, and it's also been
15 a very challenging time for the Yellowknives. We take
16 this very seriously.

17 We're not saying that this mine, in and
18 of itself, will lead to the decline of the caribou
19 herd. However, we do not agree that the mine will have
20 no -- will have no negligible impacts on the herd.

21 Our elders have said this -- have --
22 have said that the mines do, in fact, affect the
23 caribou, and I believe our elders when they tell me
24 this. They have their own knowledge and understanding
25 of the holistic nature and the interconnections of the

1 ecosystem, just as science does. They are our doctors
2 and their knowledge cannot be ignored.

3 One (1) thing they say is that the
4 diamond mines make the caribou move elsewhere. Their
5 migration patterns change and this affects the caribou.
6 One (1) more mine, right close to the other three (3)
7 diamond mines, will inevitably affect the caribou.

8 I have heard others say that with the
9 mines there now, the caribou have to go elsewhere.
10 Maybe they go through the site, where Gahcho Kue may
11 potentially be. If this turns into a diamond mine,
12 where do they go next? Is there a tipping point where
13 they simply won't come back?

14 And we've just been talking about the
15 monit -- potential monitoring program that -- that De
16 Beers is proposing. And I would just like to reflect a
17 little bit further on what George had said as well. I
18 think he makes some really, really important and valid
19 points. I've looked at the EMF that you have released,
20 and as has been noted already, it's very, very limited
21 in detail. And I -- I also have concerns, such as
22 Anne, of saying, So we don't have the details, let's
23 react later, when perhaps it's too late.

24 I think that we have learnt some very
25 serious lessons in the last three (3), five (5), seven

1 (7) years that we are very, very good at reacting and
2 we are very, very bad at being proactive and thinking
3 ahead. And we need to change this, and this is an
4 opportunity.

5 I realize that the details aren't all in
6 the EMF and the Wildlife Effects Monitoring Program is
7 not officially decided upon. But I guess,
8 fundamentally, the Tlicho Government is looking for a
9 commitment from the developer. And I know that you
10 said that you're going to go into the communities and
11 work with community members and -- and we appreciate
12 that and respect that. But what our -- what we would
13 like to see is for the proponent to collaboratively
14 design the WEMP with ENR, TG, the Yellowknives, and the
15 technical experts from the Board involved.

16 We have an incredible opportunity right
17 now, the people around the table, some of the best
18 caribou people in the North that we've ever seen, to
19 really think about this WEMP and -- and how it should
20 go forward. It should be guided by well-crafted
21 questions that can be resolved by well executed
22 monitoring with a rigorous study design. It should
23 incorporate the following features that have been
24 identified for effective or successful ecological
25 monitoring programs.

1 For example, it needs to be based on
2 really good questions and evolving questions. It needs
3 to use a conceptual model to guide ongoing monitoring
4 and thinking among partners. It needs to build on the
5 partnerships between people, both government and other
6 organizations, including the Aboriginal organizations
7 and governments with different complimentary skills.
8 It has to have a strong and dedicated leadership. It
9 has to have a confirmed funding program, because we all
10 know that that's where the rubber hits the road. It
11 needs to instill frequent use of -- and examination of
12 data, and it needs to have strong outreach program to
13 inform the public funders and resources managers. It
14 also needs to maintain the data integrity and calibri -
15 - calibration of field techniques.

16 And this is maybe thinking -- I guess to
17 -- to add from what George -- to what George said, the
18 other really important component that this WEMP needs
19 to have, it has to have a really strong traditional
20 knowledge or local knowledge component in it as well.
21 And when I say this I mean meaningful traditional
22 knowledge. I don't mean token traditional knowledge
23 where you talk to a couple of people and you say, Okay,
24 this is what the Elders say. I mean really true,
25 meaningful incorporation of the Elders' knowledge in

1 your monitoring program.

2 I'm not a technical expert. I don't
3 know enough about collars and all of these other
4 things, but I have learned a lot in the last three (3)
5 years. But I also understand that there are different
6 ways that you can approach the same question looking at
7 it from a science or a traditional knowledge
8 perspective, or local knowledge perspective.

9 And I think that -- I think that this is
10 an opportunity for -- I think that this is a really
11 incredible opportunity for the developer, the Board,
12 the technical experts that we have at the table to
13 really start thinking about what do these monitoring
14 programs need to look like. With all the proposed
15 developments coming down the pike in the next ten (10)
16 years, whether this be Fortune Minerals, Yellowknife
17 Gold, Natcholato (phonetic), Demaddy Lake (phonetic),
18 et cetera, there needs to be a more collaborative and
19 thorough analysis of what and how to monitor caribou at
20 the local scale, and how this feeds into a regional
21 cumulative effects monitoring program, which I haven't
22 gotten to yet.

23 It seems after much discussion with
24 technical experts that there is no existing broad
25 framework in the Northwest Territories on how to

1 monitor meaningfully in order to understand cumulative
2 effects.

3 So I guess that was a very, very long
4 way of saying I think that, from what I understand from
5 the technical experts that I've worked with, things
6 have been done in a very piecemeal manner, thus far.
7 We've done things -- I know that things were set up for
8 one (1) diamond mine, and the next diamond mine, and
9 the next diamond mine because that's what was done
10 before. That doesn't mean that's what we need to do in
11 the future.

12 And I think that this is a really
13 important opportunity to -- to look at what we've done,
14 learn from what we've done, and set up a really solid
15 monitoring program that can be emulated in the next
16 developments that we see coming down the road, that
17 will capture the data and the information, and that
18 will feed into a bigger, broader cumulative effects
19 monitoring program. Marsi.

20

21 (BRIEF PAUSE)

22

23 MR. STEPHEN LINES: Stephen Lines, for
24 De Beers. Thank you, Kerri. I just -- before I -- I
25 guess address the broader scope of what you said, there

1 was just a part at the beginning relating to the -- the
2 additional data, or -- and I didn't quite catch that.
3 So I'm just wondering if you could go back to the first
4 -- how you started it, and -- it was -- it was almost a
5 request or something I heard in there, but I -- I'm not
6 clear.

7 MS. KERRI GARNER: I was -- I think
8 that re -- in regards to the ret -- retrospective --
9 retrospective analysis that Anne was talking about, is
10 that what you -- what you mean?

11 Essentially what my technical expert,
12 John Nishi, has -- has suggested to me is that Anne was
13 talking about looking at that retrospective analysis in
14 order to -- I'm sort of going to put this into layman's
15 terms because I'm not an expert -- to get a better
16 understanding of -- of what the real effects may be on
17 the caribou from looking at that data that previously
18 has been collected. And there's different forms of
19 data.

20 What -- what I have been -- what has
21 been suggested to me is that looking at that retro --
22 retrospective analysis may in fact have a really
23 important role in figuring out how to do that
24 monitoring in a -- in a more effective and efficient
25 manner in the future.

1 I can maybe confirm that later, but I
2 think that's the idea.

3 MR. STEPHEN LINES: Stephen Lines, for
4 De Beers. Yeah, if you can maybe check on that and get
5 back, I'll -- I'll then be able to provide a bit of --
6 more of a response for you.

7 Just on the framework document and the
8 monitoring, you know, I -- I got to say that I agree
9 very sincerely when you speak of this being an
10 incredible opportunity to do something different and
11 meaningful. I think a lot of what you said had good
12 value, and it's the type of information that we're
13 looking for. What I have to disagree with though is
14 the suggestion that the root that De Beers is taking
15 would be reactive.

16 What we're trying to do here is entirely
17 the opposite. The submission of this document at this
18 time in the process, and starting the dialogue as we're
19 doing today, the intent of that is to be forward
20 thinking, and to take a proactive approach. And -- and
21 that's -- and that's really important to De Beers, and
22 I think it's really important to everybody here.

23 We went back, as we were asked to do by
24 the panel, and by the communities, and regulators, in
25 the terms of reference, and we looked at what has been

1 done in the past through the environmental assessment
2 process. And I agree that on past projects a lot of
3 the monitoring has been deferred to either the
4 regulatory process, or to some other mechanism that
5 deals with it following environment environmental
6 assessment. And this document and the conversation
7 that we're trying to start, that's directly in
8 opposition to that. We're trying to do something
9 different.

10 And again, you know, providing it at a
11 technical session long in advance of technical
12 submissions, long in advance of the second round of
13 IRs, is -- is trying to do it as early as possible.
14 The document is based on the feedback that we had
15 coming out of the communities in -- in February, and
16 the meetings that we've had to date. We finished the
17 document literally on Monday night, so we wanted to
18 provide it as soon as we can, and that was -- that was
19 Tuesday morning.

20 So I think that's a sign that De Beers
21 does take it seriously, and the detail will come
22 following more conversation, and we are committed to
23 that. I think regarding the incorporation of
24 traditional knowledge, when you speak of having that be
25 real TK in a meaningful way, I'm not sure if you were

1 here yesterday, but I think if you go back to the
2 transcript from yesterday and you look up the dialogue
3 between Cathie and Sheldon there was some real
4 meaningful examples of how De Beers incorporates TK.

5 We have really good examples on how we
6 incorporate local knowledge, and we're very much open
7 to increasing that, building on it, and incorporating
8 it into the plans for Gahcho Kue. So I agree that it's
9 an incredible opportunity and moving forward I -- I
10 hope the dialogue continues.

11 I'm just going to pass it over to Cam
12 Stevens and he'll speak a little bit more to some of
13 the technical aspects of the assessment.

14 MR. CAM STEVENS: Cam Stevens, Golder
15 Associates. Just with regards to the discussion of
16 uncertainty and historical data that was presented in
17 the EIS, we are very confident that we have the data
18 now to stand by the conclusions of the impact
19 assessment, which concluded that the pro -- the project
20 will not significantly impact the -- the availability
21 of caribou for harvesting.

22 Impacts will be negligible in magnitude,
23 with the exception of minor changes in the distribution
24 at the local scale and then around the mine site. And
25 the impacts will be reversible. Direct changes to

1 habitat will be less than 1 percent. Direct changes to
2 energetics will be less than 1 percent. And it is
3 predicted that no caribou will die because of the
4 project.

5 We have data from a high and low point
6 of the herd's cycle. We have information of core areas
7 when the population was large, larger than it is now.
8 And we have information on the core area of -- of where
9 it is today. We have traditional knowledge integrated
10 throughout the caribou assessment and a description of
11 historical hunting locations that goes back in time
12 well before collaring and aerial surveys.

13 Over the next fifteen (15) years, the
14 duration of operations and construction for the
15 project, the herd -- the approximate length of time for
16 the project, the herd should increased based on
17 historical trends. And the recent data reported by GNW
18 -- G -- GNWT, which also show baseline con --
19 conditions are characterized by -- existing baseline
20 con -- conditions are characterized by rel -- good body
21 cal -- body conditions and positive signs of calf
22 recruitment.

23 And any uncertainty in baseline
24 information was addressed by using a number of
25 conservative inputs and assumptions in our models and

1 our analysis. And that was a philosophy of the -- of
2 that caribou assessment. And so what that said there
3 is -- you know, we have, again, going back to what I
4 started with, we have the data now and -- to stand by
5 our conclusion and to develop a -- a monitoring program
6 with the communities and the government.

7 MR STEPHEN LINES: Chuck, it's -- it's
8 Stephen Lines. If I may just add onto that. I just
9 want to restate to -- to Kerri that -- I heard what you
10 said about the concern that the Elders have about
11 caribou, particularly given the low numbers of the herd
12 at the present time.

13 And what De Beers is doing to help
14 provide the information to respond to those concerns is
15 we are committed to participating in the regional
16 caribou monitoring that's developed by ENR. And in
17 addition to that, you were looking for, I think, a
18 commitment from De Beers to continue the development of
19 the wildlife mitigation and monitoring plan with the
20 Tlicho and with the communities. And I just want to be
21 clear that De Beers is committed to a collaborative
22 approach to developing that.

23 THE FACILITATOR HUBERT: Chuck Hubert
24 with the panel. Thanks very much for that commitment.
25 We'll -- we'll note it and include it later on today.

1 I -- I would like to go to a break,
2 however I know there's somebody on the teleconference
3 who wants to get in. And so we will go to the
4 teleconference first. Please state your name and your
5 affiliation and go ahead with your question.

6 MR. TODD SLACK: Hi, Chuck. Todd
7 Slack, YKDFN. I have two (2) comments and then a
8 viewpoint in -- in response to the discussion that
9 we're hearing. And I'll try to talk about them
10 sequentially.

11 The first thing that I'd like to say is
12 that the -- the nature of the winter road discussion is
13 only -- or at least seems to be only about the spur
14 road to date. When you go back and you look at the
15 terms of reference -- it's very clear, it's on page 5,
16 you know, right at the beginning of the terms of
17 reference, that this includes the Tibbitt and Contwoyto
18 Road.

19 So I -- I think that we -- it's impor --
20 an important point to remember that we're not just
21 looking at the use of this spur road, we're looking at
22 the use of the winter road because, you know, it's
23 basic. This mine couldn't exist in isolation.

24 The second thing that I sort of would
25 like to have is -- or talk about is Jan and the company

1 were discussing the WEMP and the -- the timeline. And
2 I just want to point out for the people in the room
3 that it's not -- there's no statutory mechanism to
4 enforce the WEMP after the EA. So from a Yellowknives
5 Dene point of view, we would very much like to see not
6 just this as a starting point, but we need to see hard
7 and fast commitments in terms of best practices and
8 what the company intends to do.

9 Once the WEMP exists -- or after the EA
10 it's very, very difficult to -- to see changes made.
11 With regards to Snap Lake, we have the wolverine issue,
12 the grizzly bear project, and this all dates back to
13 2008. So we're going on four (4) years to see changes
14 to that in terms of revising it for best practices.

15 Now, I just want to come back to
16 something that Cam said -- and Kerri really talked
17 about this earlier, and the -- the sacrifice that's
18 being made by the communities to help the caribou
19 recover. As -- as confident as Golder is that this
20 will not significantly impact distribution or
21 availability of the harvesting opportunity, they're
22 coming at it from a much different point of view of --
23 of the First Nations in that the situation is already
24 significantly impacted.

25 The worst-case scenario associated with

1 this, and I don't have the DAR -- the EIS here with me,
2 I believe it was like a minus 1.7 percent reduction in
3 the population of the Bathurst herd. And I understand
4 that that's the worst-case prediction, but it's there
5 nonetheless. And it represents a possibility, albeit a
6 worst-case one.

7 Well, if we're already in a significant
8 situation and this could potentially make things worse,
9 I do know the -- his -- Golder's position that this
10 simply isn't going to be really that acceptable.
11 The possibility is there. And we need to ensure that
12 the appropriate mitigations are -- are going to be
13 there as well.

14 If nothing -- if not that, then at least
15 the impact predictions need to recognize the current
16 status and the sacrifices that are already being made
17 by the First Nations. In the Tlicho documents you saw
18 they -- or sorry, in the Tlicho IR responses 70 percent
19 of N'Dilo and Dettah rely on -- more on caribou for
20 more than half their -- half their food needs. Well,
21 three hundred (300) -- or sorry, a hundred and fifty
22 (150) caribou doesn't go very far and those caribou are
23 very difficult to obtain.

24 So I -- I know that you guys are looking
25 towards a break, so I'll just leave it at that and just

1 try to help people understand where the First Nations
2 are coming from on this. Thanks.

3 THE FACILITATOR HUBERT: Thanks very
4 much. I think I'll -- thank you. Chuck Hubert, with
5 the panel. Thanks. I would like to give maybe De
6 Beers an opportunity to -- to respond to that before we
7 go to break. Thanks.

8

9 (BRIEF PAUSE)

10

11 MR. STEPHEN LINES: Thank you, Todd.
12 It's Stephen Lines, with De Beers. And I'm just going
13 to ask Cam to address the first part of your question.

14 MR. CAM STEVENS: Cam Stevens, Golder
15 Associates. I think the real issue here being put
16 forward and being discussed over the past thirty (30)
17 minutes or so, is access and hunting, which is relevant
18 for the impact assessment only to the winter access
19 road, not the Tibbitt-to-Contwoyto Road.

20 And the second point I just want to
21 make, Todd, is -- is your reference to this 1.5
22 percent, which is -- I want to emphasize, is only a
23 statistic that was reported. And it was a result from
24 some of the population modelling work that we -- that
25 we did. It's not statistically significant. It's not

1 different than zero.

2 And so I think we need to be careful in
3 how -- in what we -- in where we take that number,
4 Todd, because it's -- it's not different than zero.
5 There is no -- there is no difference in -- in the
6 projections. There's no difference in the risk curves.
7 It is not statistically significant. And there were a
8 number of conservative assumptions that were used to --
9 to generate that -- that number, which is an
10 overestimation of -- of impacts from the project.

11 Now, one (1) thing I want to also stress
12 is that that statistic was used in -- was one (1) line
13 of evidence and there were multiple lines of evidence,
14 multiple pathways, multiple hypotheses that were
15 evaluated to -- to determine significance.

16 MR. STEPHEN LINES: Todd, it's -- it's
17 Stephen Lines for De Beers, again. I just want to
18 speak to the latter part of your comment. And I just
19 want to start by saying that De Beers certainly
20 recognizes and acknowledges the importance of caribou
21 to the communities. We understand the current state of
22 affairs with respect to the limits on harvest.

23 But I think it's im -- important in that
24 context to -- to think about the monitoring and
25 management, as you suggested. When we look at, you

1 know, commitments with monitoring, what's in the EMF
2 document, the framework document, is a good start on
3 providing some of the approaches to mitigate and
4 monitor effects.

5 I think another important point that you
6 touched on was that the difficulty in seeing changes to
7 monitoring and mitigation as issues are identified
8 through the various programs and through ongoing
9 discussion with communities. And that's exactly what
10 we're trying to build upon and improve upon by being
11 more flexible and more adaptive when need be. And I
12 think by developing the plan in a collaborative fashion
13 and then having a collaborative mechanism afterwards to
14 review the outcomes of those plans will certainly
15 facilitate more -- a faster response time to issues
16 that may come out. So I just wanted to acknowledge
17 that I share that perspective.

18 THE FACILITATOR HUBERT: Chuck Hubert,
19 with the panel. Thanks very much. And my apologies
20 for extending the -- your time away from coffee for
21 about a half hour. After the break, we will go to the
22 -- YKDFN for -- yeah, sure. After -- after the break
23 we will go to YKDFN, and then GNWT. Thanks. So we'll
24 see you in fifteen (15) minutes.

25

1 --- Upon recessing at 10:22 a.m.

2 --- Upon resuming at 10:45 a.m.

3

4 THE FACILITATOR HUBERT: Good after --
5 good morning again. Can we get back to our seats in
6 about two (2) minutes, please? Two (2) minutes,
7 thanks.

8

9 (BRIEF PAUSE)

10

11 THE FACILITATOR HUBERT: Okay. If we
12 can all take our seats again now, please. Maybe I'll
13 try the bell.

14

15 (BRIEF PAUSE)

16

17 THE FACILITATOR HUBERT: Welcome back,
18 everybody. Chuck Hubert with the panel. A couple of
19 housekeeping things. I thought I'd remind everybody to
20 use -- or sign their name on the sign-in sheet that's
21 on the table by the door. That's very helpful for our
22 transcription, so for those of you who did not sign in
23 today, please use the sign-in sheet.

24

25 Also, I'd like to ask parties who are on
the teleconference to identify themselves, please. And

1 if you can do that right now that'd be helpful.

2 Thanks. So, please, telecom...?

3

4 (BRIEF PAUSE)

5

6 MR. TODD SLACK: Todd Slack.

7 THE FACILITATOR HUBERT: Thanks very
8 much, Todd. Anybody else?

9

10 (BRIEF PAUSE)

11

12 THE FACILITATOR HUBERT: Okay. With
13 that, I'd like to now go to YKDFN for some -- some
14 questions, and we'll follow that up with GNWT. Go
15 ahead.

16 MR. KIM POOLE: Kim Poole, Yellowknife
17 Dene. Before the break a number of statements were
18 made just saying that this is a very proactive approach
19 and that things will be figured out basically in the
20 framework and the oncoming WEMP.

21 And my comment to that would be that
22 many of us in the room have gone through the two (2) or
23 three (3) year WEMP process -- WEMP review process for
24 the other three (3) diamond mines. And it was a long
25 arduous, sometimes contentious, process that, I think,

1 there was a lot of frustration from both western
2 science and TK that things weren't actually moving all
3 that quickly.

4 There has been some movement in some
5 things, but, for instance, right now there doesn't seem
6 to be a lot of monitoring going on among the other
7 three (3) diamond mines about caribou distribution and
8 abundance relative to the mine footprints to look at
9 zones of influence, et cetera, since the aerial survey
10 program got killed in 2009.

11 So people are a little bit sceptical,
12 perhaps, that based on the past that the future is
13 going to be so much different, even with this being a
14 fairly -- or a new mine, of course.

15 The other thing that worries us to some
16 extent is that, understandably, De Beers states their
17 support for ENR regional monitoring. But to know what
18 that regional monitoring is, and to know what
19 commitments GNWT-ENR can -- can make for regional
20 monitoring, and how it fits into mine monitoring and
21 mitigation, is a -- is a large unknown for -- for many
22 of us.

23

24

(BRIEF PAUSE)

25

1 THE FACILITATOR HUBERT: Thanks. Would
2 De Beers care to comment on that?

3

4 (BRIEF PAUSE)

5

6 MS. VERONICA CHISHOLM: Veronica
7 Chisholm from De Beers. Thank you, Kim. I appreciate
8 the experience that's housed in this room, both from
9 scientific point of view, history with the previous
10 diamond mines, and the development of wildlife
11 monitoring program, as well as the traditional
12 knowledge that occ -- is in this room.

13 I think that there -- I think the point
14 of our monitoring program as we go into the future --
15 and I don't mean that we're going to develop it later,
16 I mean as we evolve the programs, De Beers wants to
17 learn from what your experience has -- has been at the
18 previous mine sites and your experience as biologists
19 and as traditional knowledge holders.

20 So I think we have an opportunity to do
21 that, and I by no means wish to -- wish to indicate
22 that we don't appreciate that input on how to move
23 forward. And I think we can come up with some
24 commitments through these technical sessions, because I
25 think that's what they're about, is putting some ideas

1 out there and sorting through how we can utilize that
2 information as we move forward in the development of
3 our plans.

4 So I guess at this point in time I think
5 what De Beers would like to do is -- is hear from
6 people on any possible suggestions. I know that we
7 heard from -- one (1) from you, Anne, on the addressing
8 potential uncertainty, but if there's any other
9 recommendations that people want to make on how to move
10 forward with our monitoring plan, we're open to hearing
11 that today. Thank you.

12

13 (BRIEF PAUSE)

14

15 MS. ANNE GUNN: Anne Gunn. Veronica,
16 thank you very much. That really sounded great. Also,
17 Kerri raised a number of ideas about who can contribute
18 towards the -- the monitoring.

19 So I guess, first of all, I -- I --
20 we've recently been involved with environmental
21 assessment, Kim and myself, working for the Kiktany
22 Inuit Association (phonetic). And during -- this is
23 for Baffinland, which is a large -- proposed large mine
24 on North Baffin Island.

25 During -- after a round of Information

1 Requests and after a technical session there was an
2 agreement to establish a working group to help the
3 proponent bring together all the suggestions on the
4 monitoring. Now, I see that you have mentioned an
5 advisory group, but I wonder about -- because the
6 experience we've had, and James was involved, for
7 Canada Wildlife Service, having a working group start
8 to design and bring together all the different
9 viewpoints on the monitoring. I think the proponent
10 found it very helpful.

11 So I wonder how -- whether you think
12 this would be a useful idea or a useful model for
13 yourselves, and how it would fit in with the advisory
14 group tha -- that is mentioned.

15

16 (BRIEF PAUSE)

17

18 MS. VERONICA CHISHOLM: Veronica
19 Chisholm, from De Beers. Thank you, Anne. I think
20 that's a very good suggestion. And I think De Beers
21 would -- would want to explore what that would look
22 like. And I think we can make a commitment that --
23 that looking at some type of working group to help in
24 developing the environmental effects management
25 framework would be -- would be very helpful to us, so.

1 MS. ANNE GUNN: Anne Gunn. Well, that
2 sounds great. The -- the advantage of this approach
3 too was that it -- that it -- it's not just the
4 technical people. It also brought together the other
5 bodies of knowledge and how they can contribute because
6 they are complementary in how they would approach
7 monitoring. So I think perhaps it'd be interesting to
8 hear from other people as to what they would think
9 about that.

10 THE FACILITATOR HUBERT: Actually, I
11 think I promised before the break that I would go to
12 GNWT, which I will. Thanks.

13 MS. KERRI GARNER: Thank you. Kerri
14 Garner, Tlicho Government. I -- I was going to ask for
15 a further commitment from De Beers. I wasn't
16 particularly comfortable with the commitment to work in
17 collaboration. I would like further detail to go with
18 that.

19 And the commitment that I was thinking
20 of is to -- for De Beers to have -- to hold a workshop
21 essentially bringing the interested parties together to
22 -- to start figuring out what -- what this needs to
23 look like as an initial step. And a working group may
24 be the ideal way to -- to approach it. So -- so I was
25 looking for a further commitment in that respect.

1 And I think that a working group may in
2 fact be a very logical and -- and a good approach, and
3 I especially like it as well, and to bring the
4 different bodies of knowledge together because I think
5 that it could have some really -- it could bring some
6 really important direction to what we need to do.
7 Marsi.

8 MS. VERONICA CHISHOLM: Veronica
9 Chisholm, from De Beers. Yes, as a commitment I think
10 that's a great idea. Thank you, Kerri. Having --
11 hosting a workshop, with bringing in all the
12 participants -- and perhaps that might be a place where
13 this working group could assist in terms of developing
14 the agenda and being able to get the feedback and
15 perhaps writing up some of the input from that
16 workshop, so working collaboratively to help inform on
17 De Beers' program. I think that's an excellent idea.
18 And De Beers is willing to support that moving forward.

19 I guess my question for you, Kerri, is
20 would the Tlicho Government be a participant in that
21 workshop and possibly in that working group?

22 MS. KERRI GARNER: Kerri Garner, Tlicho
23 Government. Yes, we would be very interested. And I
24 would also like to add another little suggestion. I
25 think INAC really needs to be somewhere involved here.

1 The cumu -- they -- they obviously have an important
2 role, I think, in -- in moving forward with monitoring
3 and -- and -- well, it's -- it's part of their mandate,
4 is to look at cumulative impacts, which I think is also
5 something that -- that this working group, I'm
6 assuming, would be -- would be looking at is -- is --
7 well, this is going to be another part that I was going
8 to look at. But, obviously, there also needs to be
9 that greater collaboration for cumulative impacts and
10 that greater regional monitoring framework. And I
11 think that INAC has a role to play there as well.

12 MS. VERONICA CHISHOLM: Veronica
13 Chisholm, from De Beers. Thanks, Kerri. Yes, I think
14 what we -- who we would do -- who we would invite would
15 be all those key knowledge holders and regulators to
16 that meeting, in the hopes that -- I know -- I think
17 what I heard from you earlier is that -- and from
18 others, it's piecemeal in this region. Having worked
19 in other regions, I understand the piecemeal approach
20 is extremely difficult to be able to derive any large
21 regional scale understanding of what's happening at a
22 population level.

23 And so I think those are -- coming up
24 with some of those central key questions that we're
25 trying to answer within the region is important in

1 understanding roles and responsibilities within the
2 region with respect to monitoring and management.
3 Maybe it should be -- it's an opportunity to define
4 that as part of that workshop. And definitely, I think
5 all the -- all the key knowledge holders and regulators
6 would be invited. And our hope is that they would
7 choose to participate. Thank you.

8 THE FACILITATOR HUBERT: Thanks very
9 much, De Beers, for that commitment to host a workshop
10 and develop some type of working group to look at
11 caribou wildlife effects monitoring. That's excellent.
12 GNWT?

13 MR. JAN ADAMCZEWSKI: Thanks, Mr.
14 Chairman. I have a -- I had a few points that actually
15 go back to some of Kerri's earlier comments. You
16 covered a whole lot of ground there. But at this
17 point, if it's all right with you, I'd like to turn the
18 mic over to Andrea to talk about, I guess, some of the
19 ENR concerns about the WEMP, if that's okay?

20 MS. ANDREA PATENAUDE: Andrea
21 Patenaude, with ENR. So, okay, we're talking about
22 different ways that collaboration -- and I think we all
23 agree, collaboration is good. I think from the ENR
24 perspective -- I -- people have talked about the level
25 of detail that -- I think it's easier to collaborate on

1 something when you have something to collaborate on.

2 I think ENR would be -- I mean, we could
3 have a workshop to talk about what we want to see, but
4 I kind of feel like we've kind of been doing that all
5 along. And what we need to see is something to work
6 with. You have an EIS, you have predictions. I guess
7 we're interested in hearing how you propose to test
8 those predictions.

9 Give us a design. Show -- tell what
10 methods are you thinking of using? I mean, we're here
11 as experts to advise. So -- and that, we're really
12 happy to do that. But at the end of the day it's --
13 the onus is on De Beers to say, These were our
14 predictions. We can talk about whether we agree with
15 the predictions or not, but in the end you've kind of
16 got to be the ones to show that they are true or not
17 true.

18 So what we would like to see, maybe even
19 as a starting point for some kind of working group,
20 would be more detail, kind of a prediction-based
21 effects monitoring plan. Show us which ones you want
22 to test, which methods you would be selecting to do
23 this, and the rationale for that.

24 And for instance like, you know, the
25 idea of -- we talk about wanting to test, you know,

1 there's always the discussion around zone of influence
2 and aerial surveys and there seems to be, you know,
3 some people seem to think they need to have them more
4 often than others. But, for instance, if you want to
5 take an adaptive approach to that, suggest to us when
6 and how you would do that. It -- it's just -- it's a
7 lot easier to advise and collaborate when there's a
8 piece in front of you to work with.

9 And, I mean, you do speak to the vast
10 level of experience in here and I -- I think we all
11 agree with that, but -- I mean, De Beers is not
12 completely inexperienced in this either I would say.
13 So basically, just -- we -- we just feel like there
14 needs to be a working piece in order to move forward.

15 And the other question then would be,
16 for instance, we do talk about regional -- I mean,
17 we're really happy to talk about regional monitoring
18 and, obviously, I mean, we're -- that's a direction
19 we're wanting to head in and that we're definitely
20 taking some initiatives on.

21 But we've been pretty clear about our
22 objectives for these, but the thing is is that there
23 needs to be a meeting in the middle. Like, we need to
24 have a sense in this WEMP of how your objectives -- and
25 that would be to test the predictions that you need to

1 test, are going to also be addressed by participating
2 in regional monitoring.

3 I mean, with the caribou we've talked
4 about how our purposes are primarily -- I mean, with
5 the caribou collars it's primarily to -- to locate the
6 herds and to monitor demographics. But how would you
7 guys take the information with that and use it for your
8 own purposes?

9 I mean, it's all well and good that
10 people want to kind of help out, but I mean, you guys
11 have reasons for want -- needing to do this as well.
12 So I guess we just want to see some idea of how for --
13 like, I would ask -- like, how -- how would you take
14 some of the regional data that would be provided in
15 this and how would you use that for your own purposes?
16 Like, would you -- would you -- have you had ideas on
17 that? Or -- so that would be one (1) question.

18 And the other question would just be in
19 terms of timeline. I can't -- I mean, in terms of
20 timeline for this more -- for the WEMP. I mean, if we
21 want to bring in the idea of a working group, you know,
22 we're kind of still losing baseline time as we take
23 more time to develop these kinds of thing. So -- like,
24 yeah -- just maybe if you have some comments about
25 timeline as well. Anything else?

1 (BRIEF PAUSE)

2

3 THE FACILITATOR HUBERT: Chuck Hubert
4 with the panel. Thanks very much. And we'll give De
5 Beers a minute to prepare a response. Thanks.

6

7 (BRIEF PAUSE)

8

9 MS. VERONICA CHISHOLM: Veronica
10 Chisholm, from De Beers. Thanks for your comments,
11 Andrea, there's quite a few in there.

12 I guess, when I -- when I -- one (1)
13 thing I wanted to clarify, what are we going to do with
14 this data for our own purposes. I think when I look at
15 monitoring and I look at understanding impacts, it's
16 not just for De Beers, it's so everybody can understand
17 what monitoring is being done and how we're going to
18 report that. So I look at that as a collective, as
19 opposed to De Beers specific.

20 But getting more to your point I think
21 it's important to recognize there's two (2) levels of
22 monitoring we're proposing. There's a surveillance
23 level which looks at a mine site -- at a mine site
24 scale level of monitoring, and there's also a regional
25 monitoring program that would be in place hopefully as

1 contributory to the other operations in the regions.

2 And in terms of understanding the
3 methods and the time frames, some of those are
4 developed. We have a working draft of a grizzly bear -
5 - regional grizzly bear monitoring program. There's
6 some fine details in the discussion. I know I talked
7 to Robert at the break about that.

8 There's also some well-defined methods
9 around regional wolverine monitoring. And what's
10 currently suggested as part of the BHP and Diavik's
11 contribution to that program. So that would certainly
12 be one (1) -- another one (1) that we're looking at.

13 With respect to caribou, ENR does -- and
14 I understand that it's for different management
15 reasons, but there are a number of programs that are in
16 place. And there may be some opportunity to
17 collaborate, expand, join, some of those monitoring
18 initiatives.

19 And I think that would be the point --
20 that might be an area where -- in the workshop, and
21 with the working group, that we can look and evaluate
22 those existing programs and see how we can add onto. I
23 don't think anybody wants to re-invent the wheel
24 necessarily on monitoring. We want to build upon the
25 monitoring that we have in the region.

1 And I guess -- so I'll leave it at that.
2 I understand -- I hear what you're saying regarding
3 detail. I think De Beers can make a commitment based
4 on the input we received today to provide more detail
5 around the monitoring program.

6 We also will have some site visits with
7 community members. We sent the letters out already and
8 we're expecting feedback by the end of March. So we're
9 bringing -- May -- what month is it -- May 31st so that
10 we will have an opportunity to bring community folks
11 out to our site where we can talk about monitoring. We
12 can talk about the surveillance monitoring. We can
13 talk about regional monitoring. We can have those
14 initial discussions on how best to incorporate TK.
15 Some of those discussions are often useful to have when
16 you're out on the land, as opposed to in a room. So
17 those site visits might provide that opportunity to get
18 some of that information.

19 De Beers commits to pulling together the
20 information that we would have to date in advance of
21 that workshop. It is our hope that we would have that
22 workshop in advance of when folks are required to write
23 their technical reports, so they would have a bit more
24 detail.

25 So those are the commitments. I'm --

1 I'm happy to write those out in detail for you, Chuck,
2 and for the panel so that you would have them all
3 listed. I had quite a few in there. So, happy to do
4 that. So I'm hoping that that provides sufficient
5 detail and comfort to ENR, that we are going to be
6 moving forward on this. Thank you.

7 MS. NICOLE MCCUTCHEON: Nicole
8 McCutcheon, ENR. Thank you, Veronica. I guess I'm
9 still looking for a little bit more clarity in terms of
10 timelines. So what I mean by that is, When would you
11 propose to hold this first workshop? I'm assuming we'd
12 have, and everyone invited to that meeting would have,
13 at least two (2) weeks to review some sort of draft
14 pulling together of the details.

15 And when do you guys propose to start
16 implementing some of these wildlife effects monitoring
17 programs, because as most people, I believe, in this
18 room have -- have alluded to, cumulative effects
19 monitoring, regional scale monitoring, all that
20 requires that you have good baseline data. And
21 monitoring halfway through a project is not good
22 baseline data because then you have no reference
23 condition from which to understand what the impact of
24 your particular mine has at a site level, or at a much
25 larger scale.

1 So we need to get going on this, I guess
2 is what I'm trying to say. So I'm -- I'm looking for a
3 little bit stronger estimate, a more robust estimate of
4 some timelines here. Thank you.

5

6 (BRIEF PAUSE)

7

8 MS. VERONICA CHISHOLM: Thanks, Nicole.
9 Veronica Chisholm, from De Beers. Your question
10 regarding timelines, and timelines for when we're going
11 to develop information and when we might host this
12 workshop in recognition that people need some time to
13 review data and perhaps present -- prepare their own
14 presentations, which would be what I would hope would
15 do because there's lots of knowledge. And it's -- and
16 it would be helpful, I think, in this workshop, not
17 just for De Beers to suggest plans, but to bring
18 everyone's knowledge into this -- into this workshop.

19 So I think we would be looking at, in
20 order to get the technical reports done -- and I'm
21 looking to Chuck for some guidance here, but I think we
22 would probably be targeting towards the end of
23 September because I think the technical reports would
24 be due at the end of October. Would you confirm that,
25 Chuck?

1 THE FACILITATOR HUBERT: Currently --
2 Chuck Hubert, with the panel. Currently that's the
3 timeline for technical reports as laid out in the -- in
4 the work plan. And we would -- the panel certainly
5 doesn't want to delay the submission of technical
6 reports by -- by parties. So it's in the interest of -
7 - of the parties and the developer to get that
8 workshop, I would say, September at the -- at the very
9 latest, yeah.

10 MS. VERONICA CHISHOLM: So mid to late
11 September is what you're recommending. So that would
12 be the time frame we would be targeting. That would
13 mean that we would have to get everybody -- we would
14 have to encourage everyone to have all of their
15 information exchanged by the beginning of September.

16 And Cathie is very good to remind me
17 that we would begin working on the invitations to those
18 meetings now. I know everybody's schedule is very
19 busy. And so we want to provide ample upfront time in
20 order to get this into schedules and -- and actually
21 figure out some of the logistics of hosting this type
22 of workshop and what it would look like. So we can
23 begin that.

24 With respect to the regional baseline
25 data set, which I think was something you were asking

1 about, maybe you can confirm by nodding yes or no.
2 Yes. You are nodding, yes. Nicole is nodding, yes,
3 for the record. We have undertaken as part of De Beers
4 some regional monitoring. We have some proposed. We
5 know that there's regional monitoring data out there
6 that ENR has, for example, so some of that information
7 is already available.

8 De Beers, for the Gahcho Kue project --
9 as you know, it's a proposed mine. It's not an
10 approved mine. But we have been supporting various
11 regional programs to date. For example, we provided
12 some funding support this year -- or will be providing
13 some funding support this year to Dean's (phonetic)
14 program for the wolf cubs. We have been supporting
15 other regional initiatives along the sediment and
16 aquatic end that's going on. And we -- we also have
17 some data from Snap Lake.

18 So I will need to go back and review all
19 of our existing data. I mean, I probably have the
20 knowledge in this room, but I personally would need to
21 go back and review all of our existing data. We would
22 be looking for opportunities to begin commitments to
23 regional monitoring even in advance of an approval, I
24 think. We would be looking for opportunities to do
25 that. So if that is enough to satisfy you for now,

1 thank you very much for the question. Thank you.

2 THE FACILITATOR HUBERT: Chuck Hubert,
3 with the panel. Thanks very much for that response. I
4 understand Todd is still on the line. And I would like
5 to go to him for a quick clarification that he had
6 requested. Please go ahead, Todd.

7 MR. TODD SLACK: Thanks, Chuck. Yeah,
8 no, it wa -- it was in regards to the commitment that
9 De Beers had made in regards to this workshop. First,
10 the timeline question seems to be answered, and it
11 seems like that's very late in the day in the EA
12 process to have this in September. The idea being that
13 this is going to feed into the -- the technical
14 sessions and the hearing at some -- in some way. So it
15 seems to me that that should be earlier, especially
16 given the process that's been followed in -- or the
17 process that's transpired in the other WEMP adjustments
18 and the other WEMP working group or workshops that
19 occurred there.

20 Now, that brings up a good point. And I
21 guess I'd be interested to hear what De Beers sees as
22 the outcome or what the deliverable would likely be
23 from this workshop. Because at the 2008 one De Beers
24 was steadfastly opposed to changes. And it's taken a
25 long time to get them to revise the WEMP. And as far

1 as I -- and Veronica talked about the regional
2 wolverine. As far as I know they are still not part of
3 that program. So what -- what's going to come out of
4 this if we're going to participate?

5

6 (BRIEF PAUSE)

7

8 MR. STEPHEN LINES: Stephen Lines, for
9 De Beers. Thank you, Todd. I just -- I just want to
10 address first where, I guess, where we are in the
11 process. And I think comparatively to what we've seen
12 in the past this is actually quite early in the process
13 to be undertaking these sorts of discussions and
14 planning for workshops to advance a wildlife monitoring
15 program. I -- I recognize that there's a deadline
16 towards the end of the year for a hearing and we are
17 working very hard to get all the groups around the
18 table together so we can advance it as -- as much as
19 possible.

20 I think the deliverable that you asked
21 for, just to be specified as a result of the workshop,
22 would be a revision to the wildlife monitoring program.
23 We'd try and provide some more information upfront, as
24 Veronica mentioned before the meeting, so that people
25 have time to prepare for that and prepare their own

1 presentations and thoughts. And then after the
2 workshop De Beers would follow up and provide a
3 revision based on what we learned at the workshop.

4 THE FACILITATOR HUBERT: Thanks very
5 much. Please go ahead.

6 MS. ANNE GUNN: Anne Gunn. Just as a
7 point of clarification, the example that -- that I used
8 was actually a working group, not just a workshop. So
9 I would just like clarification that we're still
10 talking about using a working group as a way of
11 collaborating on the design of the monitoring.

12 MS. VERONICA CHISHOLM: Veronica
13 Chisholm, from De Beers. Thanks, Anne. I'll -- I'll
14 provide that clarification. The working group would
15 exist. The workshop is a venue by which that working
16 group can work within and -- and information can be
17 exchanged. That's how I view it in my mind. And I
18 hope that's consistent with -- I hope that helps.
19 Thanks very much.

20 MS. ANNE GUNN: Anne Gunn. Thank you,
21 yes. That clarification does help.

22 MS. STEPHANIE POOLE: Stephanie Poole,
23 Akaitcho IMA. Regarding the wildlife monitoring plan.
24 I agree that it needs to be collaboratively developed.
25 And I think the Tlicho had mentioned that it should be

1 developed with the Tlicho and the Yellowknives Dene
2 First Nation, but also must include the Deninu Kue
3 First Nation, and especially Lutsel K'e Dene as they
4 are the closest and most impacted community.

5 And I just wanted to support what Anne
6 Gunn was saying that the commitment should be for a
7 working group and not just a workshop. It could be
8 possible that we would need more than one (1) workshop
9 to resolve this plan.

10 And -- and when you mentioned doing it
11 in September and then -- but you had also said
12 something about going to site. I would prefer to go to
13 site during the summer when the caribou are present.
14 And that's all I'll say about the wildlife or
15 monitoring program for now, but I have some more
16 questions regarding caribou later on.

17 MS. VERONICA CHISHOLM: It's Veronica
18 Chisholm from De Beers. I'd like to just respond to
19 that. The -- absolutely, the Deninu Kue and -- and
20 Lutsel K'e First Nations would both be invited. They
21 are -- we recognize their proximity to the site, and
22 there would -- would most -- very much be invited to
23 this workshop.

24 And with respect to the working group
25 workshop -- working group will exist. Workshop is one

1 (1) venue and there would be recommendations, I would
2 suspect, I would hope would come out of that workshop
3 in terms of moving forward on that.

4 And finally with respect to the -- the
5 summer site visits, we're planning on doing that
6 anyways, Stephanie. We have in the works to do site
7 visits within the community, and they would help De
8 Beers inform this environmental management framework
9 and help us develop more information, more detailed
10 information that we could have in advance of that
11 workshop. That's what I was suggesting on that. Thank
12 you.

13

14 (BRIEF PAUSE)

15

16 THE FACILITATOR HUBERT: Is De Beers
17 finished with that response or -- I saw you attempted
18 to go on there.

19 MS. VERONICA CHISHOLM: I know -- you
20 know what, I was handed a note -- Veronica Chisholm
21 from De Beers. I was handed a note that said that our
22 site visits are within the range of August 7th to the
23 24th, and letters have been sent out and we're waiting
24 response to that by May 31st.

25 THE FACILITATOR HUBERT: Thanks very

1 much. I'd like to go to Kim with YKDFN.

2 MR. KIM POOLE: Thanks, Chuck. Kim
3 Poole, Yellowknife Dene. My question is directed at
4 ENR. There's been a lot of talk in the last hour or so
5 about regional monitoring. And I'm wondering if ENR
6 could outline for us briefly what they have in mind, or
7 what they have proposed, or what they are currently
8 doing, for regional monitoring, and how it links into
9 cumulative effects monitoring at the larger scale, and
10 how it relates to other governments rather than just
11 GNWT.

12 And if we could get an update on the
13 2008 commitment to conduct a pilot project cumulative
14 effect -- effects assessment for the -- I think it was
15 the summer range of the Bathurst herd, although it's
16 starting to fade in my memory. Thank you.

17 MR. JAN ADAMCZEWSKI: I'll address your
18 -- oh, Jan Adamczewski, ENR. I'll -- I'll address your
19 last question first.

20 There is a draft report on that
21 demonstration project. Mr. Nishi is working for the
22 Tlicho Government, but he's also writing up that --
23 that project and ran into a bit of a roadblock in the
24 sense that the write-up was somewhat distanced, time-
25 wise, from the main work. We do hope to have a solid

1 report on that work, you know, hopefully this summer.

2 I think what happened there, really,
3 there was a lot of interest and a lot of sort of a
4 feeling that this was -- this was going to be one (1)
5 step in terms of the larger cumulative effects issue
6 for barren ground caribou. What happened was that the
7 June 2009 Bathurst survey came along and that just kind
8 of pushed a lot of things off our collective desks.

9 In terms of the -- the other question --
10 somewhat larger question on regional monitoring and
11 cumulative effects, one (1) of the things that we did
12 do at that workshop in February 2008 is we looked at
13 three (3) modelling approaches to -- that have been
14 used with caribou: Alces with woodland caribou, boreal
15 woodland caribou; energetics and population models from
16 Don Russell (phonetic) and colleagues; and -- and then
17 the spatial RSF-type modelling that Chris Johnson
18 (phonetic) has done. And one (1) of the things that is
19 actually in the workshop report is a listing of the
20 data needs for each of those models. This is kind of
21 looking ahead to where we would hopefully have an
22 overall integrated approach that perhaps would use all
23 three (3) of those -- those models.

24 Generally speaking, I -- I think Nicole
25 mentioned already, our -- our primary monitoring focus

1 with barren ground caribou herds is -- is demographic,
2 basic population size, trend, calf recruitment, those
3 kinds of things. If we were going to really move
4 seriously on modelling or monitoring that would fi --
5 fit into a cumulative effects framework, a larger
6 framework, there's probably a few additional data sets
7 that we would need to -- to look at.

8 What was done in the demonstration
9 project which was on the Bathurst summer range was,
10 where the relevant information for the Bathurst herd
11 was not available, then it came from the literature,
12 and in a lot of cases from the porcupine herd, because
13 it has been, in many ways, monitored more closely than
14 any other.

15 If you take a modelling approach to
16 trying to address cumulative effects with barren ground
17 caribou it remains a huge challenge because you're
18 trying to figure out what part -- you know, where --
19 where do cumulative effects fit in, what do roads and
20 mines do, but in the context of all those other things
21 that continue to affect caribou. So the basic
22 demographic monitoring actually is a -- is a foundation
23 if you want to try and address cumulative effects
24 monitoring. That's not the only data set that's
25 needed, but without that you're -- you really have

1 nowhere to go.

2 And I wanted to comment a little bit
3 about this. This is one (1) of the issues that -- that
4 Kerri had raised earlier. We are very much thinking
5 along the same lines, that there is a larger approach
6 to cumulative effects that is needed here. And ENR,
7 as, you know, at least having some responsibility for
8 wildlife and caribou, not sole responsibility, would
9 have to be a big part of that. But as someone else
10 also mentioned, the feds need to be part of this. One
11 (1) possibility that was raised was to reconfigure the
12 CIMP program away from sort of funding individual
13 projects to a structured program that would address the
14 larger needs.

15 So certainly within ENR, with the people
16 who work with wildlife -- Kerri, we've talked about
17 this, we've talked about it with Todd Slack. And we're
18 on the same page. This is where we want to go. Just a
19 bit of caution, that the steps on that road are -- are
20 not simple and they will take a bit of time. But
21 definitely for this department, for barren ground
22 caribou, that's -- that's at the top of the list of our
23 priorities for the future. I know that's kind of a
24 long roundabout answer.

25 MS. VERONICA CHISHOLM: Veronica

1 Chisholm, from De Beers. I just have a quick question.
2 And I notice that Aboriginal Affairs is here. And I'm
3 just wondering if they could contribute anything on the
4 CIMP program, perhaps a bit of an update on that
5 program. If you would be available to just -- just
6 provide anything on that. Sorry to put you on the
7 spot, but I think these discussions are intended to
8 share information.

9 MR. BOYAN TRACZ: Check test. Hello.
10 Boyan Tracz, AANDC, CIMP program. Yeah, just a touch
11 on the spot. So, officially, I'm in no position to,
12 you know, make promises on CIMP's position given that I
13 only started in January. But certainly on a personal
14 position and having an understanding of what CIMP's
15 attempting to do, there already have been discussions
16 with GNWT in terms of standardization and certain
17 protocols. There's certainly conversations that have
18 happened candidly with Tlicho with regards to
19 possibilities of collaboration, certainly coffee-time
20 conversation with some Golder representatives as well.

21 Given that certain things are listed in
22 our strategic plan, CIMP's strategic plan, there is a
23 certain role, I can say personally, that I believe that
24 -- that CIMP has. Again, in terms of those
25 commitments, I can't make. But in terms of workshop

1 and working group interaction? Absolutely. I see a --
2 I see an absolute need for that sort of involvement
3 from -- from INAC, CIMP specifically, perspective.

4 To the extent to which? That can be a
5 later discussion. Again, I'm not -- I don't have the
6 authority to kind of make any promises here kind of
7 officially on record. But personal interest and -- and
8 a professional linkage? Absolutely.

9 MS. VERONICA CHISHOLM: Veronica
10 Chisholm, from De Beers. I just have a couple of quick
11 follow-up questions. And I appreciate that I put you
12 on the spot. So I guess one (1) thing is I understand
13 that CIMP is pulling together a regional disturbance
14 database and -- for the region, that that's an
15 electronic database, spatial database. Could -- would
16 you be able to confirm whether that's underway?

17

18 (BRIEF PAUSE)

19

20 THE FACILITATOR HUBERT: Chuck Hubert.
21 You can always come sit at the table as well, if you
22 like.

23 MR. BOYAN TRACZ: Okay. I could just
24 walk with the mic and make it an interactive sort of
25 thing. Again, I'm not necessarily in a position to

1 give you specifics under this disturbance database,
2 that hasn't been my -- my project or folder. The short
3 answer is, yes, there -- there's work on it.

4 And maybe to put somebody else on the
5 spot. Damian, would it be possible for you to provide
6 information on that since you have a -- a larger
7 understanding than I do? Or is that unfair? Just a --
8 maybe just a quick comment on, you know, status and
9 kind of where it is.

10 MR. DAMIAN PANAYI: Damian Panayi,
11 Golder Associates. And just to fill in what we're
12 talking about here in case everybody is -- or not --
13 not everybody is keeping up with the jargon. CIMP
14 stands for the Cumulative Impact Monitoring Program.
15 And they've obviously been funding a lot of programs to
16 -- to support cumulative impact monitoring across the
17 Northwest Territories.

18 And one (1) of the programs which has
19 come out of that is an attempt to try and create a
20 database of land disturbance from -- from human
21 activity and -- and development in the Northwest
22 Territories. And we've been part of that. And some of
23 that information is presented in the Gahcho Kue
24 environmental assessment.

25 And just in terms of an update I -- I

1 think the most recent step was some surveys with --
2 with land managers and -- and inter -- other interested
3 parties to just gauge the interest in expanding this
4 development database, and -- and if it is expanded what
5 information should be included in that. So that's
6 where it currently stands and I -- I hope the program
7 will move forward.

8 MR. STEPHEN LINES: It's Stephen Lines,
9 with De Beers. I saw William sneak back over to his
10 seat there. And I just had one more quick question. I
11 know you said you couldn't promise anything here today,
12 but I'm wondering if perhaps you'd consider taking an
13 undertaking and getting back to De Beers and the panel
14 on whether or not a CIMP representative would attend
15 the workshop that we've proposed here today? Sorry, I
16 think I got your name wrong too.

17 MR. BOYAN TRACZ: If by William you
18 mean Boyan, then yes, I can -- I can personally commit
19 to attending a workshop and -- and working group. But
20 I shall see from my superiors whether or not -- you
21 know, what -- what explicitly CIMP's role will be, so.
22 But you -- you -- I'm -- I can -- I can speak
23 completely honestly that it makes sense in terms of
24 what CIMP is supposed to be doing and in terms of this
25 larger process, so yes.

1 THE FACILITATOR HUBERT: Chuck Hubert,
2 with the panel. We'll make that as an undertaking
3 then. I think it's number 4. And it -- it would be
4 for AANDC to respond back to the panel on whether or
5 not they will attend the workshop and -- for wildlife
6 effects monitoring. And the panel encourages strongly
7 that -- that the CIMP representative attend that as
8 well. But we -- we await the response to the
9 undertaking. Thanks.

10 And, I think -- Akaitcho IMA, did you
11 have further questions? Please. It's a good time
12 right now.

13

14 --- UNDERTAKING NO. 4: AANDC to respond to the
15 panel regarding AANDC's
16 attendance to the wildlife
17 effects monitoring program
18 working group

19

20 MS. STEPHANIE POOLE: Thank you.
21 Stephanie Poole, Akaitcho IMA Office. I just -- in the
22 EIS it talks about the loss of caribou habitat in the
23 local study area. And it -- it says that most of the
24 habitat will come back over a long period of time, but
25 there will be an irreversible loss of habitat in the --

1 in the project area in the -- within the project
2 footprint. And I was just wondering if there will be
3 any compensation for that loss of caribou habitat.

4 Then regarding cumulative effects. In
5 the EIS chapter on caribou I don't see the effects of
6 the GNWT ban on caribou hunting in certain areas as a
7 pathway towards cumulative effects on the use of the
8 winter roads for accessing hunting in the areas of
9 Akaitcho territory, the Lutsel K'e Dene hunting grounds
10 that are not affected by the GNWT hunting ban. The
11 GNWT funds other groups to hunt in these areas and
12 that's not being recognized in this EIS as an effect on
13 the caribou.

14 And then earlier De Beers had replied,
15 when Todd Slack had mentioned the 1.7 percent potential
16 reduction of the herd, that is based on a model, that
17 number, but it's not significantly different from zero.
18 So that means, from a mathematical point of view, it
19 means the number could be zero.

20 And then we have the twenty thousand
21 (20,000) fish in the lake statement that was made
22 earlier this week that has 0 percent confidence bounds
23 because the studies have only been done once.

24 So on one (1) -- on the one (1) hand you
25 mentioned the statistics for caribou and on the other

1 not for the fish or the lake, where it would be helpful
2 for De Beers to show that there will be no change. So
3 in one (1) aspect you are using statistics, but not for
4 all aspects. And I just wanted to reiterate that
5 proper studies of the lake must be done correctly.

6 And then just a comment on something. I
7 think it was a response somewhere, where Veronica was
8 mentioning the regional efforts that Gahcho Kue
9 participates in, even though they are not an approved
10 mine yet. But, to me, that just doesn't make sense
11 because De Beers already has an approved mine. That is
12 Snap Lake. And it has been a mine for quite some time
13 now. And so they should be compelled to participate in
14 any and all regional efforts. Just to say that Gahcho
15 Kue is doing this without, you know, kind of trying to
16 divorce themselves from Snap Lake. But to me, that's
17 not appropriate.

18 So those are my questions for now.

19 Thank you.

20 THE FACILITATOR HUBERT: Thanks very
21 much. I'll give De Beers a chance to respond to that.
22 And I think there might be a response in there from
23 GNWT, hopefully, as well after that. Thanks.

24

25 (BRIEF PAUSE)

1 THE FACILITATOR HUBERT: Chuck Hubert
2 with the panel. While De Beers is preparing their
3 response we'll give Todd Slack a chance to make a
4 comment.

5 MR. TODD SLACK: Thanks, Trevor.
6 Chuck, I'm wondering if I could just make a suggestion
7 on the undertaking? And the -- that development
8 database that was being discussed was recommended under
9 -- by the WRRB, as well. And the recommended date
10 attached to that, the deadline, was no later than
11 January 1st, 2011. So I'm wondering if Boyan can
12 include timelines as part of his response.

13

14 (BRIEF PAUSE)

15

16 THE FACILITATOR HUBERT: Chuck Hubert
17 with the panel. The undertaking was for AANDC to
18 respond as to whether they will take part in the
19 working group itself. I'm not sure that anything
20 beyond that was really contemplated. I --

21 MR. TODD SLACK: Apologies. I thought
22 the undertaking related to the development database.
23 Okay, forget it.

24

25

1 (BRIEF PAUSE)

2

3 THE FACILITATOR HUBERT: Chuck Hubert
4 with the panel. But thanks, Todd, we always appreciate
5 your involvement. Thanks.

6

7 (BRIEF PAUSE)

8

9 MR. CAM STEVENS: Cam Stevens, Golder
10 Associates. So I'm going to start with the -- or we're
11 going to start with the fish question first.

12 And the statistic that we reported, or
13 that we've been talking about, is 1.5 percent that --
14 not one (1) -- one-point-seven (1.7). One-point-five
15 (1.5), and -- and it being not statistically
16 significant, and the difference not being measurable.

17 And the other statistic is the -- the
18 number of fish in Kennady Lake. And that's -- that's a
19 baseline statistic. So one is an impact assessment
20 statistic, and one is a baseline statistic.

21 But just to clarify, we do actually have
22 a statistic on the number of fish in Kennady Lake. And
23 it was based on a hydroacoustic study and can be found
24 in -- in Addendum JJ. And there is details and methods
25 within that section. But one (1) of the -- the result

1 from -- from the hydroacoustic work identified a total
2 fish population of about nineteen thousand (19,000)
3 fish. With -- and we provided a confidence interval
4 associated with that number, and that was for fish
5 greater than 18 centimetres in length.

6 Moving onto another question, and this
7 one relates to hunting and the effects of the GNWT ban.
8 Could you clarify that question again because we were
9 not -- we're not 100 percent certain what you're trying
10 to ask.

11 MS. STEPHANIE POOLE: Stephanie Poole,
12 Akaitcho IMA. Let me just -- let's just tackle it one
13 (1) question at a time, shall we, and then I'll --
14 because I have a follow-up question to what you just
15 said.

16 So I think what the point was -- what I
17 was trying to make when I was talking about the
18 statistics, and the studies that have occurred, and --
19 and your assumptions, is that what you -- what you're
20 saying about the fish has 0 percent confidence bounds
21 because the studies have only been done once.

22 And I would presume to say that they
23 have been done incorrectly. So I would prefer it if
24 you did proper studies of the lake and made sure that
25 they were done correctly.

1 Regarding the cumulative effects I'll
2 just re-read my question. In the EIS I don't see the
3 effects of the GNWT ban on caribou hunting in certain
4 areas of the north as a pathway towards cumulative
5 effects on the use of the winter roads for accessing
6 hunting in the areas of Akaitcho Territory,
7 specifically the Lutsel K'e Dene hunting grounds that
8 are not affected by the GNWT hunting ban. Because --
9 and also, the GNWT has funded other groups to hunt in
10 these areas and this is not being recognized as an
11 effect on the caribou.

12 So what I'm saying is that you aren't
13 looking at the pathway that is the direct effect of the
14 GNWT ban on hunting in certain areas. You can't hunt
15 over here, but they're going to give you some money to
16 go over here and hunt. So that means that more people
17 will probably be using these public roads to try and go
18 hunting for caribou because they can't hunt in their
19 own traditional hunting grounds anymore. And I don't
20 see this reflected in the EIS anywhere. That's what
21 I'm saying.

22 MS. VERONICA CHISHOLM: Veronica
23 Chisholm, from De Beers. I -- I have to respectfully
24 disagree regarding our hydroacoustic sampling test to
25 come up with fish estimates. It is a standardized

1 scientific approach that was followed. It reported a
2 90 percent confidence interval in terms of measured
3 baseline data on the cy -- hydroacoustic sampling. So
4 it did follow a standard approach. We have 90 percent
5 confidence around those data that we presented, they
6 were on fish greater than 18 centimetres. So thank
7 you.

8 And I -- I think De Beers is responding
9 to the remainder of the question. So if you just give
10 us two (2) minutes.

11

12 (BRIEF PAUSE)

13

14 MR. ELMAR PLATE: It's Elmar Plate,
15 from LGL, Deninu Kue representative. Also respectfully
16 I have to disagree with your assessment because the
17 standard for hydroacoustic surveys is that you do them
18 at night, number 1. They were done during daytime, so
19 that already disqualifies them. That's what people
20 told me, at least, from Golder two (2) days ago, that
21 they were done during daytime. That's against the
22 standard, that's not the standard for hydroacoustics.
23 They need to be done at nighttime. And you're all
24 experts, so you know why they need to be done at
25 nighttime, is because fish avoid a boat during daytime.

1 And you have very different results if you do a
2 hydroacoustic survey at night or at day.

3 And I have another question, what are
4 actually the confidence intervals around your nineteen
5 thousand (19,000) estimate?

6 THE FACILITATOR HUBERT: Chuck Hubert
7 with the panel. I think I'd rather get back to caribou
8 at the moment. And maybe you can discuss fish in the
9 lake between yourselves at a later time, so.

10 MR. ELMAR PLATE: Yeah, it will be
11 followed by a in -- informa -- information request
12 anyways, so that --

13 MR. CAM STEVENS : That might not be
14 necessary. Let's just -- it's not dark -- oh, sorry.
15 Cam Stevens, Golder Associates, excuse me.

16 First of all it's not dark at night at
17 GK through -- through most of the summer. So -- and
18 there's also a health and safety requirement that we
19 have to follow. But there's -- there are -- there are
20 papers who do -- that have shown, at least in arctic
21 environments, that the distribution of fish is
22 comparable between the night and the day. And so we
23 cited that in the EIS if I recall correctly.

24 MR. ELMAR PLATE: Sorry, just the last
25 question and then we can go on. Just the limits around

1 your nineteen thousand (19,000) estimate that would be
2 what I was interested in.

3 MR. CAM STEVENS: Cam Stevens, Golder
4 Associates. Off the top of my head I can't priv --
5 provide you with those estimates, but we can very
6 shortly.

7

8 (BRIEF PAUSE)

9

10 MS. CATHIE BOLSTAD: So, Chuck, it's
11 Cathie Bolstad, from De Beers. Just because we've had
12 a few interruptions to that second question if you can
13 just give the team just a minute to re-gather on it.
14 They'll be with you shortly..

15 THE FACILITATOR HUBERT: Chuck Hubert,
16 with the panel. Certainly a minute or two (2). And I
17 -- I notice my clock says 12:00 right now. But we are
18 prepared to proceed on if parties are willing, so.
19 Certainly we'll wait for the res -- response and
20 follow-up to what Stephanie had to say. Thanks.

21

22 (BRIEF PAUSE)

23

24 MR. DAMIAN PANAYI: Damian Panayi.
25 And, Stephanie, I'll try and answer one (1) of your

1 other questions here. So your -- one (1) of the
2 questions you asked there, Stephanie, was in regards to
3 the hunting ban and how that might affect our impact
4 predictions.

5 And going -- the hunting ban, as it
6 currently stands, essentially cordons off the winter
7 range of the Bathurst herd. So anywhere from roughly
8 Behchoko to -- almost to Artillery Lake is -- is an
9 area where there's no hunting for residents like
10 myself, and very limited hunting, as you know, for --
11 for the Yellowknives and the Tlicho.

12 But what the -- the effect of that is
13 that essentially there is almost, you know, no
14 harvesting at all, I would probably guess, probably --
15 maybe a little bit of harvesting from the winter road,
16 but almost none. So it's essentially a benefit to the
17 Bathurst caribou. Now that has the effect of possibly
18 displacing hunters that are having to leave this area.
19 But the -- the net effect is that we don't have hunting
20 from the -- from the winter road anymore, which ENR has
21 raised earlier as one (1) of their main concerns.

22 Harvesting was considered in our -- in
23 our assessment. It was considered in our population
24 models. And the conclusions of that have been spoken
25 to. And -- and ultimately, the -- the project is not

1 expected to lead to any changes in caribou population.
2 So we're fairly confident that -- that there isn't
3 going to be effects to -- at the population level to
4 the Bathurst herd from the project. And -- and,
5 likewise, we're not expecting an effect to availability
6 of caribou to hunters because of the project.

7 THE FACILITATOR HUBERT: Did that
8 answer all of your questions?

9 MS. STEPHANIE POOLE: Stephanie Poole,
10 Akaitcho IMA. Well, just a comment, I guess, to say
11 that you're guessing and -- and that you think that
12 might what it's going to be does not give me any -- any
13 confidence in your assumptions. And I think that's it
14 for me now.

15 MR. JAN ADAMCZEWSKI: Jan Adamczewski,
16 with ENR. Just a little bit of clarification in terms
17 of the -- the hunting ban and effects on caribou
18 hunting. There was an initial action by the minister
19 of my department in the beginning of 2010 to put a
20 hunting ban in place. And this was a short-term
21 solution until a co-management solution could be found
22 working with different partners.

23 The harvest that winter was reduced from
24 something on the order of five (5) to six thousand
25 (6,000) caribou from the Bathurst herd to about three

1 hundred (300). And that's about where it stayed. And
2 that harvest of three hundred (300) caribou a year is -
3 - is shared equally between the Yellowknives Dene and -
4 - and the Tlicho communities.

5 There's no doubt that the lack of
6 hunting opportunities on the Bathurst winter range has
7 somewhat deflected hunters both to the east and to the
8 west. So the last couple of winters the -- the main
9 Tlicho harvest has been from the Bluenose East herd,
10 which is larger, and -- and can be accessed -- not
11 quite as easily, but access is on trails. And there
12 are certainly some indications that a number of hunting
13 groups have gone to the east over into the Beverly
14 Ahiak range. So that's probably correct that -- that
15 there has been deflection of caribou harvest away from
16 the Bathurst range to the two (2) neigh -- neighbouring
17 herds.

18 As far as paying people to hunt. As a
19 government, as a territorial government, with
20 obligations to aboriginal groups and governments, we
21 felt there was -- there was some responsibility for the
22 Tlicho communities and the Yellowknives Dene, having
23 the two (2) main traditional ranges in -- in the
24 Bathurst winter range, to -- to relieve hardship and to
25 provide a little bit of assistance to those communities

1 in terms of being able to hunt caribou.

2 So that first winter there was some
3 funding to Tlicho hunters and some to the Yellowknives.
4 And that's in the agreements that we -- we signed. The
5 last winter, the last two (2) winters, mostly what we
6 have had in place is collaborative monitoring with
7 Tlicho communities and with monitors from the Tlicho
8 and the Yellowknives Dene. And that's basically where
9 the bulk of the funding has gone.

10 This is basically us recognizing that
11 those are two (2) groups that particularly felt the
12 effects of the -- the reduced Bathurst hunting. And
13 our obligation as a territorial government to at least
14 try to assist with -- with relieving some of the
15 hardship.

16 MR. STEPHEN LINES: It's Stephen Lines,
17 for De Beers. I just want to follow-up on one (1) more
18 of the comments that Stephanie had made. And I guess
19 there was some question raised whether or not the Snap
20 Lake mine would be participating in regional monitoring
21 along the path that the Gahcho Kue proposed mine is
22 looking to go. So it's just a confirmation there that
23 De Beers would look to align regional programs that we
24 embark on between those two (2) projects.

25 And then just to close out, you know, I

1 appreciate that this is environmental assessment and
2 we're here and we're making predictions about potential
3 effects from the project. And we do the best job at
4 that that we can. And the information that's presented
5 in the EIS is not just a haphazard guess. You know,
6 we've followed the terms of reference. It looked, and
7 asked us for, detailed modelling to arrive at our
8 impact predictions. And we did that. It was a
9 comprehensive assessment on all accounts, particularly
10 when it came to caribou.

11 And our team used over ten (10) years of
12 data and knowledge of potential effects from other
13 mining projects in the north. And when we arrived at
14 the predictions that we made, we used the evidence
15 coming out of that data to support it. So we feel it's
16 a robust assessment. And having said that, it's the
17 monitoring, I think that becomes important.

18 MS. STEPHANIE POOLE: Stephanie Poole,
19 Akaitcho IMA. I'm just going to say one (1) last thing
20 for the record in response to that. And it's
21 unfortunate that your EIS does not also include
22 project-specific traditional knowledge when it was
23 being developed. Thank you.

24 MS. VERONICA CHISHOLM: Veronica
25 Chisholm, from De Beers. I know that we have a topic

1 on traditional knowledge following this but, again, our
2 assessment does include traditional knowledge of our
3 project-specific area.

4 And further to that there are additional
5 traditional knowledge studies that are being supported
6 by De Beers in the communities. And I'm -- I'm happy
7 to provide an update to those, in advance, maybe as a
8 set up to the traditional knowledge discussions this
9 afternoon and give a status report on those and where
10 we are with those. So thank you very much.

11 THE FACILITATOR HUBERT: Thank you.
12 Anything further on caribou? Yeah?

13 MS. ANNE GUNN: I appreciate the
14 efforts that De Beers has put into the assessment. I
15 think perhaps we would disagree in the level of
16 confidence we have with your assessment on caribou. I
17 think for technical reasons, the con -- I would have
18 considerably less confidence based on the inputs you
19 used for the models and how you presented the models.
20 I would think there's reasons -- technical reasons for
21 far less confidence in those projections. Thank you.

22

23 (BRIEF PAUSE)

24

25 THE FACILITATOR HUBERT: Chuck Hubert

1 with the panel. Is -- is De Beers thinking of
2 commenting on that? Yeah.

3 MR. CAM STEVENS: You bet. Cam
4 Stevens, Golder Associates. Thank you for your
5 comment. Following the EIS, there was quite a bit of
6 work on those models based on the feedback and -- early
7 feedback and input from GNWT. And, for example,
8 there's a technical memorandum that's posted on the
9 Board site dated July 22nd, and then a follow-up one
10 (1) on December 15th. And both -- both of those
11 documents include revisions and follow-up work to the
12 models that -- that were -- the goal here, and the aim
13 here, was to increase confidence in our -- in our
14 impact predictions.

15 And in one (1) of those -- in the July
16 22nd document there's actually a table of some of the
17 assumptions -- modelling assumptions in the caribou
18 assessment that -- that were deemed ecologically
19 conservative as part of -- as part of being a good EA
20 practice such that we would not underestimate impacts
21 at the end of the day.

22 And I could probably -- there's -- I
23 have twelve (12) ones here that I've -- key ones. And
24 we could probably spend the next twenty (20), thirty
25 (30) minutes going over each one (1) of them, or I can

1 refer everyone to the -- again to the document on the
2 Board web site.

3 MR. STEPHEN LINES: It's Table 3.

4 MR. CAM STEVENS: It's Table 3
5 entitled, "Modelling Assumptions in the Caribou
6 Assessment that were Based on Ecological Conservatism."
7 And again, the -- the date of the document is July
8 22nd, and it's titled, "Response to the Draft Caribou
9 Comments Provided by the Government of the Northwest
10 Territories Department of Environment and Natural
11 Resources." Thank you.

12 THE FACILITATOR HUBERT: Thanks very
13 much. Chuck Hubert with the panel. I -- I'd like to
14 mention that -- I know we've only had three (3) hours
15 or so roughly, although it's continuing, of discussion
16 on caribou, and -- and there is an interest by parties
17 in the room to have further -- more focussed discussion
18 with perhaps De Beers caribou experts and -- in some
19 facility in -- in town here. And maybe that would be a
20 useful way to -- to discuss these issues further in a
21 more focussed group, because we do have to move onto
22 other topics this afternoon. So I'd highly recommend
23 that parties make a move and -- and get together and --
24 and have that meeting this afternoon.

25 MR. KIM POOLE: Just to -- Kim Poole

1 with Yellowknife Dene. Just to clarify, we're thinking
2 perhaps after the TK hour that's after lunch, that if
3 Golder-De Beers is willing I think there's a number of
4 us in the room that would be quite happy to sit down
5 for a couple hours this aft, just because we're here.
6 It's much easier face-to-face talking on the phone
7 going -- or than talking on the phone in conference
8 calls. And September for a workshop is an awful long
9 ways away. If any of you guys -- and I realize this is
10 short notice, but if any of you are available it's a
11 good time to get it done, otherwise we'd just go the
12 bar early.

13

14 (BRIEF PAUSE)

15

16 THE FACILITATOR HUBERT: Chuck Hubert
17 with the panel. Thank -- thanks very much. That's a -
18 - that's good -- excellent suggestion. Before we close
19 for the -- for lunch, is there any other -- body else
20 that would like to have a further statement on the
21 topic? Go ahead, Jan.

22 MR. JAN ADAMCZEWSKI: I was trying to
23 get back to some of Kerri's comments, which are now a
24 while ago. And I went back to the environmental impact
25 statement and -- and I've got a couple quotes here:

1 "Incremental impacts from the project
2 and cumulative impacts from the
3 project and other developments will
4 not have a significant negative
5 influence on the resilience and
6 persistence of caribou populations."

7 And then the second one is:

8 "Most of the incremental and
9 cumulative impacts were predicted to
10 be negligible to low in magnitude and
11 reversible."

12 A lot depends on how you phrase things.

13 And I guess at some point models only get you so far.

14 And I'm thinking that some of what biologists have
15 observed over the years and what Tlicho Elders are
16 saying is not that far apart. I think that zone of
17 influence is quite real. I think the simple reality is
18 that caribou avoid disturbed areas, they don't like
19 them, they will stay away from them.

20 Years ago I worked in Newfoundland and
21 experienced biologist there, Gene Mercer (phonetic),
22 said, you know, when you look at wh -- where most of
23 the caribou are, they're about as far away from the
24 communities as they can be. And that's -- that's what
25 caribou tend to do.

1 So in my mind the effects are not
2 negligible. They may not be overwhelming. They will
3 probably not cause -- cause the Bathurst Herd to
4 decline or crash or something like that. But I'm very
5 leery of this kind of statement because, you know, if
6 you follow this through then you could put another ten
7 (10) or twenty (20) mines in the Bathurst range and
8 they would all have negligible effects and it would all
9 be just fine.

10 But my best guess, and this is not a
11 model, this is just me having worked with caribou for
12 many years, there comes a point when caribou just leave
13 and they don't come back. And I think that's what the
14 Elders are saying, and I think certainly my experience
15 as a biologist points me in the same direction.

16 So I think the modelling that was done
17 by Golder for De Beers on this, I think was a -- an
18 impressive piece of work. I -- I complimented on -- on
19 doing that work. But I respectfully disagree
20 ultimately with the assessment that -- that this mine
21 in combination with other developments will have
22 negligible effects.

23 THE FACILITATOR HUBERT: Thanks very
24 much, Jan. I'll -- I will give De Beers the
25 opportunity to -- to comment briefly on that if they

1 would like.

2

3

(BRIEF PAUSE)

4

5 THE FACILITATOR HUBERT: Chuck Hubert,
6 with the panel. We could let GNWT have the last word
7 before lunch and have De Beers comment on this after
8 lunch. What would De Beers prefer?

9 MS. VERONICA CHISHOLM: I think they're
10 ready.

11 MR. CAM STEVENS: Cam Stevens, Golder
12 Associates. Jan, could you specifically tell me where
13 in the EIS you're getting some of those statements
14 from, before I re-answer your question?

15 MR. JAN ADAMCZEWSKI: Sorry about that.
16 Jan Adamczewski. This was page 7-172 in the EIS on the
17 caribou section.

18 MR. STEPHEN LINES: Stephen Lines, for
19 De Beers. I think, Chuck -- I think we're just going
20 to have a look at that part of the EIS, confirm where
21 we are and the understanding, and we'll provide an
22 answer right after lunch.

23 MR. CAM STEVENS: But -- Cam Stevens,
24 Golder Associates. Sorry, Stephen. I just want to
25 clarify that sentence, Jan. It says:

1 "Most [not all] of the incremental
2 and cumulative impacts were predicted
3 to negligible to low in magnitude and
4 reversible."

5 And negligible and low and what they
6 mean are defined multiple times throughout the
7 assessment and in the caribou assessment. And in table
8 772, we actually have cumulative impacts being
9 described as being low to moderate in magnitude. Just
10 so that -- just so we're clear.

11 And I think that's all we have to say.
12 And we can maybe go eat. Okay, thanks.

13 THE FACILITATOR HUBERT: Chuck Hubert,
14 from the panel. Thanks very much for that response.
15 And it's possible that after lunch some of the
16 incorporating TK into the project might be caribou
17 related, so we can perhaps carry on with that general
18 discussion.

19 Thanks very much. We will break until
20 1:30. So 1:30, please. See you then.

21
22 --- Upon recessing at 12:17 p.m.

23 --- Upon resuming at 1:34 p.m.

24

25 THE FACILITATOR HUBERT: Good

1 afternoon, ladies and gentlemen, and welcome back to
2 the afternoon of Friday, here at our technical meeting
3 for the Gahcho Kue project. It's good to see you all
4 back.

5 I thought -- I know we ran a little bit
6 late on caribou early in the morning, but I think the
7 topic is worth finishing off. And in particular I know
8 the Tlicho Government have one (1) question for De
9 Beers, and then perhaps we'll move into how we
10 incorporate TK into this project after that. So go
11 ahead, please.

12 MS. KERRI GARNER: Thank you, Mr.
13 Chair. So I guess one (1) of my last questions is,
14 after looking at the EMF that -- that you put out on --
15 earlier this week, and -- and also in relation to the
16 conversation earlier this morning about this -- this
17 working group that will be established, et cetera, a
18 really big question mark in my head when I walked in
19 here this morning that still exists is sort of about
20 the adaptive management response framework, and how
21 that -- well, I guess there's the questions of what is
22 that, what is the -- or sorry, adaptive management
23 advisory committee.

24 And so the question of what is that, how
25 will that fit in with this working group, and just sort

1 of a bit more clarification on that? Marsi.

2

3

(BRIEF PAUSE)

4

5 MR. STEPHEN LINES: Stephen Lines, for
6 De Beers. Thank you, Kerri.

7

8 The adaptive management response
9 framework that's identified in the -- in the document
10 is a process. It's a formal process that would be
11 followed in order to identify if any additional
12 mitigation measures or monitoring would need to take
13 place during the course of the project life. So it's -
14 - it's a pretty standard approach to deciding whether
15 or not adaptive management would be needed. So when we
16 typically think of monitoring we think of data
17 collection, analysis reporting, and then figuring out
18 what we do with it; and that's the adaptive management
19 component outlined in the response framework.

20 When it comes to the committee, there's
21 the proposal that it would be the committee that would
22 undertake the adaptive management response framework.
23 So they would provide advice on what additional
24 mitigation measures and monitoring could be undertaken
25 for the -- for the project. I think the idea that was
conceived here today regarding the -- the working group

1 and the beginning of the workshop later this year, I
2 think is a positive step towards that and could
3 conceivably become the wildlife component of that -- of
4 that committee.

5 So I think where we started today is a
6 good step towards working towards the -- that
7 collaborative committee.

8 THE FACILITATOR HUBERT: Thanks for
9 that explanation, De -- De Beers, or Stephen. Does --
10 does that satisfy your -- that question?

11 MS. KERRI GARNER: I guess it's -- it's
12 a start to the answer to that question. I -- perhaps,
13 my concern is -- I feel like the working group -- what
14 my understanding of what happened this morning is that
15 is sort of a working group designed with the intention
16 of figuring out this -- the monitoring needs. And --
17 and from what I took from that conversation this
18 morning, it's looking at the localized monitoring
19 needs, and also starting to really have that bigger
20 conversation about the regional cumulative effects
21 monitoring needs. And -- and I think that that's a
22 really important -- as I've clearly stated, a very
23 important conversation to -- to start.

24 I guess -- and -- and maybe I'm just not
25 entirely sure where this fits into this entire process,

1 is the idea of an independent monitoring agency. And
2 that's sort of how I -- and maybe I'm reading that
3 completely wrong -- that's how I read that committee,
4 is that that would be the -- the sort of -- the idea to
5 replace that, whether it's the IEMA, or EMAB, or SLEMA,
6 or -- or whatever that we've seen for other diamond
7 mines.

8 So I guess maybe I'm looking -- I guess
9 I just need -- am looking for further clarification.
10 Is that what sort of the intent is of that? Because I
11 feel like those are two (2) really different -- there's
12 developing a monitoring program, and then there's
13 developing monitoring agency that will be overlooking
14 all of this. So I feel like there's two (2) separate
15 things that -- that I need clarification in my mind of
16 -- of what those two (2) separate things will be.

17

18 (BRIEF PAUSE)

19

20 MR. STEPHEN LINES: Stephen Lines, for
21 De Beers. Thank you, Kerri. You -- you are -- you are
22 correct. The intent of the Advisory Committee that's
23 identified in the framework document would be to re --
24 replace the model of having a monitoring agency for the
25 project. What we've tried to do in creating that model

1 was sort of look back and see how things have been done
2 in the past. And we spoke this morning a little bit on
3 what we're trying to achieve here and building on that
4 and improving on -- on the model.

5 We -- you know, we spent time in the
6 communities and with the regulators, and we've heard
7 that people want to have a direct working relationship
8 with De Beers in developing those plans, and then
9 understanding the date that comes out of it, and how
10 those plans change over time. So instead of having an
11 agency, the proposal is to have a committee, which
12 again could be an extension of this working group that
13 we're going to put together for this year and that
14 would continue through the life of -- of the project,
15 so that the people with the expertise that are sitting
16 here today work together collaboratively over time and
17 we talk directly with each other on how to go forward.

18 So that is the -- you are correct. That
19 is the idea.

20 THE FACILITATOR HUBERT: Thanks very
21 much. Anne Gunn, would you like to...

22 MS. ANNE GUNN: Anne Gunn. Stephen,
23 you -- you mentioned that, if I understood you
24 correctly, the advisory committee is intended to
25 replace the monitoring agency and to be an improvement

1 on the existing monitoring agencies. Can you help me
2 here with what -- what the, essentially, the
3 differences are that constitute the improvement and how
4 they will differ, how the advisory, or advisory
5 committee, will differ from the existing monitoring
6 agencies? I mean, it might be in terms of funding, or
7 who is on them, who they report to.

8 MR. STEPHEN LINES: Thank you, Anne.
9 Stephen Lines, for De Beers again. This is, I guess,
10 speaking to one of the undertakings that De Beers had
11 from the beginning of the week, was to provide some
12 clarity around the framework document and engagement on
13 the plan.

14 You know, in looking at options for
15 adaptive management and monitoring over the life of the
16 project, as I said, we looked at what some of the
17 alternatives could be, particularly after having gone
18 to the communities. And I think the committee approach
19 has a number of advantages to it that respond to some
20 of the concerns from communities and to regulators to
21 some extent as well.

22 So the committee approach, I think it
23 provides a collaborative system, where all of the
24 communities and the regulators, they have their own
25 seat at the table so to speak, providing input directly

1 to the company. I also think the collaborative
2 approach, it has a strong ability to build capacity
3 among -- amongst regulators, communities, and De Beers.
4 All of those groups, of course, possess specialist
5 knowledge in important areas.

6 I think, starting out this week you
7 know, we've seen views of well how do you incorporate
8 TK? What has De Beers done? There's other
9 perspectives from regulators who hold, you know,
10 expertise in the area of water quality and et cetera.
11 And I think that if those groups are brought together
12 in a collaborative forum such as a committee working
13 directly with us that we'll all learn from each other
14 over the long term of the project, and I think that's
15 very important.

16 And then also through that mechanism
17 where people work together, it also builds confidence
18 and trust not only in the process, but in the different
19 parties that sit around the table. So I think those
20 are important considerations.

21 As -- as far as the structure, funding,
22 et cetera, you know, there are -- those are questions
23 that do need to be answered. So at some point in the
24 near future, following engagement with the communities
25 on this idea and with regulators, De Beers will have to

1 come up with terms of reference for such a committee to
2 actually put the details on paper.

3 MS. ANNE GUNN: Thanks for that. It
4 doesn't sound to me like a whole lot of difference
5 between how, say, SLEMA works, and how your committee
6 works. Since -- I mean, there's -- certainly my
7 experience with SLEMA is there's a fair degree of
8 collaboration input from the communities, so maybe the
9 difference will be in actually how you structure them
10 and fund them.

11 But just as a follow-up question, did --
12 did De Beers undertake a formal -- fairly formal review
13 or analysis of the existing monitoring agencies, both
14 here in the NWT and elsewhere? And if you did, can you
15 share it?

16

17 (BRIEF PAUSE)

18

19 MR. STEPHEN LINES: Thank you. Stephen
20 Lines, for De Beers again.

21 We did -- we don't have a -- a formal
22 analysis of the agency model, per se. I think this is
23 what we were looking to engage and discuss as a result
24 of providing the document in that proposal.

25 It's -- one of the things that we did

1 look at that I -- that I can say is that the committee
2 approach, I think it allows for a little bit more
3 flexibility in dealing with issues as they emerge and
4 in -- in shifting focus from one area of study to
5 another, if that's required. It's not a -- it's not a
6 commentary on the usefulness or appropriateness of the
7 monitoring agencies that were previously formed. I
8 think it's more a reflection of where we are now in the
9 regulatory process and the regulatory regime that
10 exists in the Northwest Territories and the Mackenzie
11 Valley.

12 I think since the projects that do have
13 agencies, since that time I think the regime has come a
14 fair way. An example of that is what we've spoken
15 about here this morning where a lot of the agencies
16 were formed out of a couple of primary concerns, one
17 (1) of those was, I guess, a lack of enforcement when
18 it comes to wildlife monitoring plans, and air quality
19 monitoring as well. And I think there was, you know,
20 based on the decisions that we have looked at, there
21 was a lack of commitment or a detail of commitment on
22 the proponent's parts when it came to those programs.

23 And I don't think that either of those
24 circumstances exist today for the Gahcho Kue project.
25 I think what we're trying to do here is establish from

1 the get-go some clear direction and commitment on what
2 De Beers is going to do with respect to wildlife
3 monitoring programs, and air quality as well.

4 And we've heard earlier this week, and
5 we've heard previously from the panel staff, the weight
6 that's allocated to the commitments made by De Beers.
7 Those commitments that we make, they take them very,
8 very seriously. Each environmental commitment made by
9 De Beers is also incorporated into an environmental
10 management system and we have to maintain that and
11 follow through on those commitments in order to
12 maintain our ISO-1401 environmental certification,
13 which we do have in place right now for both Snap Lake
14 and Gahcho Kue.

15 So I think there's a -- a lot there and
16 I think there's a different set of circumstances. I
17 think there's more certainty with the commitments that
18 De Beers is going to make. Again, we heard from the
19 panel and how those get incorporated into the decision,
20 and how they do become enforceable and very serious,
21 certainly once approved by a federal minister.

22 So I think it's just a different set of
23 circumstance, and again based on what we've received
24 from input so far, we just wanted to try and do
25 something different, and have more of a direct line of

1 communication with parties on -- on how this goes.

2 MS. ANNE GUNN: Anne Gunn. Thank you
3 very much. That helped.

4 MR. KIM POOLE: Kim Poole, Yellowknives
5 Dene. Thanks, Stephen, for the clarification. From
6 five (5) or six (6) years of experience working with
7 IEMA the one (1) thing I caution you on is that, much
8 as the intentions are good, is that the communities, in
9 our experience, have a limited capability and capacity
10 to deal with all of the technical data that's going to
11 be thrown out of this mine on a yearly basis. Wildlife
12 is one (1) thing, but that doesn't include air quality,
13 water quality, et cetera, et cetera.

14 In my head, I'm just trying to wrap my
15 mind around how a committee system is going to be able
16 to inform and engage, and -- and satisfy the concerns
17 of the communities that they're actually getting a
18 properly well run mine. With technical expertise, for
19 instance, at the IEMA level we have expertise on -- on
20 the -- on the agency that can go through various
21 components of the -- of the WEMP, and the -- and the
22 operations of the mine, the monitoring and mitigation,
23 and be able to report back to the communities and say,
24 Yeah, they're doing a good job here; No, they could
25 possibly pull up their socks elsewhere.

1 In a committee structure the way you've
2 described it, this advisory group or advisory
3 committee, I wonder where that's going -- how that's
4 going to go. Does that mean then every community,
5 every agency, every government, is going to have to do
6 their own technical analysis of a WEMP and say, Yeah,
7 okay, nitrate levels are going up but we're okay with
8 that because they're below CCME guidelines, or
9 whatever?

10 So I'm still -- I mean, I'm -- I'm all
11 for something new, not reinventing the wheel and going
12 forward, but I'm still quite leery. I haven't been
13 convinced, I guess, that this committee structure is
14 actually going to benefit the people the way you
15 describe it.

16 MR. STEPHEN LINES: Stephen Lines, for
17 De Beers. One (1) of the I think main purposes of
18 having an advisory committee that -- that's
19 collaborative and has different representation from
20 government departments participating directly with the
21 communities is exactly that, it's -- it's to build
22 capacity.

23 There's an incredible amount of
24 expertise in-house here in the NWT on the government
25 side that we see has been brought to the table during

1 this review process. On the technical side,
2 Environment Canada and DFO have a lot of scientific
3 expertise, and if they're able to come to the table
4 through a committee model and start sharing some of
5 that information with communities and De Beers alike,
6 then I think that's important.

7 But I think what you're -- what you're
8 saying is a fair consideration, and it is something
9 that needs to be considered in more detail. I -- I
10 agree with that, and again that's part of the point of
11 issuing the document at this time, so that we can hash
12 out those details.

13 I think some consideration could be
14 given to a third party review of documents. And if
15 there is a strong need for other experts to participate
16 from time to time, depending on what the specialist
17 that we have here in the territory can bring to the
18 table, then that's something we'd have to look at.

19 THE FACILITATOR HUBERT: Thanks for --
20 Chuck Hubert, with the panel. Thanks very much for
21 that response, and we look forward to the -- more
22 detail environmental monitoring framework.

23 When -- when was the date for that to be
24 submitted, the more detailed version?

25

1 (BRIEF PAUSE)

2

3 MR. STEPHEN LINES: Thank you, Chuck.
4 It's Stephen Lines again, for De Beers. I think what
5 we would like to do is go through the engagement with
6 communities and regulators that we've spoken about here
7 today. So that includes the site visits this summer,
8 De Beers' community visits upcoming in the fall and the
9 workshop that we've agreed to have, and then provide an
10 update on the monitoring plans to the panel. And I
11 guess that would also include a draft terms of
12 reference.

13 So I think that would be sometime --
14 yeah, that would -- that would probably be beginning to
15 middle of October.

16 THE FACILITATOR HUBERT: Chuck Hubert,
17 with the panel. Thanks. I guess the -- the point in
18 asking that was to -- to ensure that these visits to
19 the communities, vis -- meeting with regulators and --
20 and other parties would -- would occur, and then some
21 of the discussions that resulted from those meetings
22 would be incorporated into -- into another iteration of
23 the document. So -- so that's excellent to hear.

24 I should also mention to -- to parties
25 that it's -- there is the likelihood of a second round

1 of Information Requests. The panel will make a
2 determination on that in the second week of June. But
3 then I'll talk a bit more about next steps at the end.

4 But there will be opportunity for
5 parties to comment on this document that was submitted
6 Tuesday and -- and perhaps think -- think a bit about
7 what you'd like -- like to ask De Beers about the --
8 that monitoring framework at that time.

9 If that's about all for caribou I'd like
10 to kind of merge towards incorporation of traditional
11 knowledge if that's okay, if that can be done, or --

12 MS. KERRI GARNER: I just have one (1)
13 more question.

14 THE FACILITATOR HUBERT: All right, one
15 (1) more, sure, sure. Go ahead.

16 MS. KERRI GARNER: Sorry, everyone.
17 Thank you. I appreciate the -- I appreciate the
18 sentiment and I appreciate what -- what Gahcho Kue is
19 trying to do with -- with the committee. I just --
20 maybe I'm -- I'm getting to cynical already on -- on
21 things, but -- and also, I'm -- I'm involved in a lot
22 of working groups and a lot of committees and a lot of
23 different things now, and I know how much time and
24 effort these things take and I know how long things
25 take.

1 So I guess I'm -- I feel like this --
2 this workshop that we've been talking about has become
3 -- there's a lot of things to talk about in that
4 workshop now. And so I guess really I'm -- the Tlicho
5 Government is looking for a commitment. And I realize
6 you've said this, but I guess maybe I'm looking for a
7 little bit more specific commitment, to really -- to
8 really work together in an -- in an innovative and
9 collaborative way, to -- to really think about what is
10 the future monitoring -- the future independent
11 monitoring of this mine going to look like and -- and
12 to make sure that -- that the adequate homework is
13 really done to -- to guide that.

14 Again, I -- I feel like this -- I don't
15 know, we keep talking about this workshop or -- or
16 whatever, and I feel like there's been a lot of things
17 that have sort of -- are intended to be there now. And
18 I feel like these are two (2) sort of separate things
19 that need to be really well thought out, and I'm
20 worried about things getting lost in the detail.

21 I realize there may be a second -- may
22 be a second round of Information Requests. I'm not an
23 expert on this process overall, but I just want to put
24 that on the public record, that we would like a -- we
25 need a firm commitment that -- that this won't -- the

1 devil is in the details, and this is important and it
2 can't get lost, and it can't get filtered out.

3 So I'm just looking for, I guess, a
4 further commitment to -- to really engage in that
5 dialogue, and I -- and I don't think it's -- I don't
6 think it's going to be a fast dialogue. I think
7 there's a lot to learn from. I think there's a lot of
8 lessons learnt.

9 I think there's three (3) boards that we
10 currently have and I think that I've learnt a lot in
11 the last few weeks about people's perspectives of those
12 boards, and I think that there's a lot of lessons to be
13 learned from that, and to really work together to
14 develop a -- to not reinvent the wheel, but to move
15 forward and -- and figure out what is the best way
16 forward for this very important issue. Because the
17 mine won't be here forever, but the people will and
18 they need the land to be there for the rest of their
19 lives, not the rest of the mine's life.

20 So I just -- I really want to clearly
21 state that. Marsi.

22 MS. VERONICA CHISHOLM: Thanks Kerri.
23 I hear what' you're saying. This isn't -- oh, sorry.
24 Thanks. Veronica Chisholm, from De Beers. You know, I
25 hear people, I see people saying, I don't know, this

1 committee, not sure how that's going to work out. I've
2 seen it work quite effectively in some other
3 industries. It doesn't preclude the ability to do peer
4 review and to provide independent review of our
5 programs. That's not the point. The point is that we
6 can get, I guess, direct advice into some of our
7 operations and programs so that we can integrate that
8 and finding a way to integrate that.

9 But let me just, for the -- for the
10 transcripts, indicate the working group -- the working
11 group and the workshop that we talked this -- talked
12 about this morning will focus on the wildlife
13 monitoring program. We see that as a way to inform on
14 the larger environmental monitoring and management
15 framework. That can inform, because it's a component
16 of it, so those could work together.

17 De Beers, for your last point, is
18 committed to developing a monitoring program and we
19 take it very seriously. We've heard that everywhere.
20 We want effective monitoring, we want it to be
21 collaborative, we want it to be innovative.

22 And I think Ginger -- yesterday, Ginger
23 Gibson, when she was in the air on the line, I think
24 said something quite important that I think we all
25 listened to. And she -- she said, you know, we really

1 need to reflect on what works and what has been working
2 and then become creative in terms of our overall
3 approach. And that's -- that's an approach De Beers
4 wants to take moving forward on that.

5 So, I mean, to restate, we are -- we
6 take this commitment around monitoring very seriously.
7 We take the commitment about being collaborative and
8 innovative very seriously. And this is a proposal that
9 we have on the table that we know will evolve over time
10 and it needs to take some form and take some shape. We
11 want -- we need to develop a terms of reference around
12 this monitoring framework so that people have more
13 confidence in it. And we understand that, but we see
14 this sort of as the initial steps, the seed, that will
15 need to grow over time and we need to get input on for
16 it -- for us to get to that shape of it.

17 So I hope my answer reassures you
18 regarding our commitments for this and -- and that we
19 do take it very seriously and it's not going to fall
20 off the table. Thanks.

21 THE FACILITATOR HUBERT: Chuck Hubert,
22 with the panel. I should mention again, regarding the
23 second round of information request, from what I've
24 heard today and -- and some of the topics that a
25 potential second round of information requests could

1 focus on, monitoring might be one (1) of them, and I --
2 I will be bringing that to the panel. However, it
3 would -- would assist the -- the panel if -- if there
4 was written submissions from parties suggesting what
5 types of issues could best formulate a second round of
6 information requests, focussed around a second round of
7 information requests. And I think that would be --
8 would be helpful for the panel in -- in determining how
9 the second round will -- will take shape. So that's a
10 suggestion. And I might send something out on Monday
11 asking specifically for parties to do that.

12 I'd like to ask if anybody is on the
13 teleconference? Go ahead if you are, and we're
14 transitioning from caribou to traditional knowledge.

15 MS. GINGER GIBSON: Chuck, this is
16 Ginger Gibson, from the Tlicho government. Can you
17 hear me?

18 THE FACILITATOR HUBERT: You are loud
19 and clear, Ginger, go ahead.

20 MS. GINGER GIBSON: Thanks, everybody,
21 for your comments. I'm really thrilled with the
22 progress that's been made this morning on the
23 workshops. One of the -- on the workshop, singular.

24 I want to make one (1) suggestion which
25 is that -- that -- and I'll provide a link to this for

1 Chuck for the Review -- for the Review Board public
2 record, but we don't need to recreate the wheel here.
3 There's a really good reference that my colleague
4 Ciaran O'Faircheallaigh wrote on environmental
5 agreements in Canada. And in the book that he wrote he
6 reviews all of the major environmental agreements and
7 the flow -- the follow on boards. And is -- the book
8 includes a review of both IEMA and EMAB, as well as
9 southern kinds of environmental monitoring boards and
10 their agreements.

11 So I think this should be a fundamental
12 resource to the workshop and -- and possibly something
13 that could be looked at and -- and possibly updated.
14 But I don't think we need to get a lot of new work done
15 because this really good work is already out there.

16 So I wanted to mention that. And I will
17 provide that link to Chuck so that everybody can take a
18 look at this. Unfortunately it is a book you have to
19 buy, so maybe the Review Board can figure out how to do
20 that and make copies available.

21 Thank you. Thanks my comment.

22 THE FACILITATOR HUBERT: Thanks very
23 much, Ginger. What -- what exactly is the cost of this
24 thing?

25 MS. GINGER GIBSON: Five dollars (\$5),

1 and it's called Environmental Agreements in Canada,
2 Aboriginal Participation, Environmental Impact
3 Assessment Follow-Up and Environmental Management of
4 Major Projects.

5 THE FACILITATOR HUBERT: Thank you.
6 That sounds like something the panel would pick up the
7 tab for without any problem.

8 Do you have anything further, Ginger?

9 MS. GINGER GIBSON: That's it.

10

11 DISCUSSION RE: TRADITIONAL KNOWLEDGE:

12 THE FACILITATOR HUBERT: All right. So
13 we're -- I'd like to talk a bit more about how we're
14 incorporating traditional knowledge. And -- and that
15 may be caribou related or -- or other project component
16 related. I'd like to hear from -- from -- first from
17 De Beers actually, a bit of a -- a update on how TK
18 studies are going.

19 Sorry, I -- I should just try to deflect
20 talk to some -- something else before going to you.
21 But I believe De Beers had -- had suggested there was
22 going to be a bit of an update on -- on the status of -
23 - of TK work that's ongoing.

24 MS. VERONICA CHISHOLM: Thank you,
25 Chuck. Veronica Chisholm, from De Beers.

1 I guess first off I wanted to mention
2 that traditional knowledge was integrated into the
3 Environmental Impact Statement throughout. But in
4 addition to that we had requested that there be
5 additional TK studies provided to us by the various --
6 various groups. So just to give a quick update on
7 that. Since -- I think the EI -- the EIS analysis
8 session in December we -- we spoke about this briefly,
9 so I just thought I'd give a quick update.

10 So, the Tlicho Government initiated a TK
11 study and we actually have received a final draft or
12 final report. It's to be -- just to be confirmed when
13 we can possibly put that onto the public registry. I'm
14 looking at Marjorie for -- for some guidance on that.
15 But we have received it and it -- and it is -- I -- I
16 believe complete.

17 Lutsel K'e Dene First Nation, we started
18 -- there was a TK study started in 2006. It was re-
19 initiated in 2012. And I believe -- and I'm looking to
20 Mike Tollis, I believe we have a path forward on moving
21 that one forward. And we're -- we're targeting
22 completion before the record closes, is that fair to
23 say, Mike? Mike is nodding his head.

24 DKFN, Deninu Kue First Nation, we signed
25 an agreement to complete a TK study in 2012. We're

1 also anticipating that that will be completed before
2 the record closes.

3 Yellowknives Dene First Nation. I'm
4 turning my head to Randy. We're just waiting on final
5 scope work and budget for that study, and it's in the
6 works.

7 And we have received some indication
8 from the NWT Metis Nation that we will be receiving a
9 proposal for a TK study from them as well.

10 I think that's the updates that we have
11 for that. Thank you.

12 THE FACILITATOR HUBERT: Thanks very
13 much for those -- those updates, Veronica.

14 I'd like to maybe hear from parties now
15 as to how traditional knowledge is being in --
16 incorporated currently under the project, and -- and
17 how you see that moving forward.

18

19 (BRIEF PAUSE)

20

21 MS. VERONICA CHISHOLM: Veronica
22 Chisholm from De Beers. Chuck, if you'll just give us
23 two (2) seconds. We're just going to change our panel
24 for the TK component here, so we -- we don't want to be
25 too disruptive.

1 THE FACILITATOR HUBERT: Okay. Let's -
2 - I guess stop the webcast and trans -- transcription
3 for two (2) minutes.

4

5 (BRIEF PAUSE)

6

7 THE FACILITATOR HUBERT: Just -- just
8 one (1) other thing. Chuck Hubert, from the panel.
9 Before I start making any rash calls over here, there -
10 - there was also interest from people in talking about
11 caribou further later this afternoon. And I believe --
12 do you have anything to say about that, Loretta?

13 MS. LORETTA RANSOM: Hi, it's Loretta
14 Ransom, GNWT. I took the liberty, I guess, of booking
15 a board room over at our Scotia centre offices in the
16 basement, I have a key, because I know you guys
17 expressed interest on continuing after TK to talk more
18 about caribou. So I'll leave it in your hands, but I
19 do have the key.

20 THE FACILITATOR HUBERT: Chuck Hubert
21 with the panel. Thanks very much for that initiative,
22 Loretta. It's appreciated.

23

24 (BRIEF PAUSE)

25

1 THE FACILITATOR HUBERT: Chuck Hubert
2 with the panel. Okay, thanks very much. I guess we're
3 ready. I'd be interested now in hearing from other
4 parties on TK being incorporated into the project, how
5 it's been incorporated to date, to what extent, and --
6 and how parties see it -- TK being incorporated into
7 the project as we move forward.

8 And the -- it's getting rather lonely
9 here at the -- the table with the microphone, so I'd
10 encourage people to -- to move up and -- and sit in the
11 chairs. Thanks.

12

13 (BRIEF PAUSE)

14

15 THE FACILITATOR HUBERT: Stephanie from
16 Akaitcho IMA, you have the floor.

17

18 (BRIEF PAUSE)

19

20 THE FACILITATOR HUBERT: Chuck Hubert
21 from the panel. While we wait for Stephanie to
22 formulate her question, can I just once again ask if
23 there's anybody on the telecon?

24

25 (BRIEF PAUSE)

1 THE FACILITATOR HUBERT: I'll take that
2 as a no. Go ahead, Stephanie.

3 MS. STEPHANIE POOLE: Stephanie Pool,
4 Akaitcho IMA. Just before lunch there was some
5 comments made regarding the inclusion of project-
6 specific traditional knowledge into the EIS, and
7 difference of opinions, and I just wanted to read
8 something from the EIS. It's Section 5.3. It says
9 that:

10 "Regarding traditional knowledge
11 summary from secondary sources, the
12 EIS has relied primarily on available
13 information from secondary sources.
14 The section presented here is a brief
15 summary of the traditional knowledge
16 and traditional land use baseline,
17 Annex M, focussing on the aboriginal
18 communities. Traditional knowledge
19 related to wildlife, fish, and plants
20 is summarized under the appropriate
21 key lines of inquiry or subjects of
22 note in Section 5.5. The project is
23 located within traditional land use
24 areas of the Lutsel K'e Dene First
25 Nation, Yellowknives Dene First

1 Nation, Deninu Kue First Nation,
2 Tlicho, the NWT Metis Nation, and the
3 North Slave Metis Alliance. De Beers
4 is confident that it has sufficient
5 applicable traditional knowledge from
6 secondary sources to incorporate
7 traditional knowledge into project
8 design, predict project effects with
9 confidence, and identify appropriate
10 mitigation measures."

11 So I just wanted to remind everyone that
12 the EIS does rely primarily on secondary sources for
13 traditional knowledge.

14 And then we'll go back to the
15 traditional knowledge questions and issues that I
16 brought up on the first and second days of this
17 session. All De Beers says in its monitoring framework
18 proposal is that:

19 "De Beers is committed to
20 incorporating traditional knowledge
21 considerations into management and
22 monitoring plans wherever feasible
23 based on community input."

24 What we are asking for is more spec --
25 speci -- specific and firmer commitments. So what we

1 are asking for is more specific and firmer commitments.

2 It's been a long week.

3 Submission of traditional knowledge

4 reports to De Beers and the public registry, as

5 proposed by Cathie Bolstad, will not in any way answer

6 the question, which is, in plain terms:

7 1. In what monitoring programs does De

8 Beers propose to use traditional knowledge?

9 2. How do they propose using the

10 traditional knowledge in these monitoring programs?

11 3. How will they secure the necessary

12 expertise from the First Nations?

13 4. How will they respect the propi --

14 proprietary nature of traditional knowledge for the

15 First Nations?

16 De Beers should have some idea on this

17 as they already operate a diamond mine in the NWT, and

18 they claim to use traditional knowledge there in their

19 management and monitoring programs.

20 It is really important that De Beers

21 submit their plans on the record. It cannot be done

22 later. How De Beers will use traditional knowledge in

23 management and monitoring is a key subject matter that

24 needs to be addressed in this environmental impact

25 review. And De Beers must provide answers in a formal

1 manner to the Review Board. Otherwise, we cannot
2 assess and there will no firm commitment on the record
3 from De Beers.

4 Sometimes the statement is made that
5 other mines are still exploring how they might best use
6 traditional knowledge. This process, in some cases,
7 has been going on for over a decade and likely will not
8 be completed before the mine closes. And those are my
9 questions and comments to start with.

10 MS. CATHIE BOLSTAD: I've discovered
11 that -- it's Cathie Bolstad, De Beers, that I'm far --
12 far more efficient at listening with my fingers on a
13 keyboard than on a pen anymore. I -- sorry. It's
14 Cathie Bolstad, De Beers. I'm hoping that I captured
15 everything that I heard from Stephanie.

16 The first thing that I want to say is
17 that -- and I've said this -- I've lost whi -- track of
18 which day I said this, but it was one (1) of the four
19 (4) days we've been together, is that traditional
20 knowledge comes from a holder other than De Beers.

21 We don't define what it is, how it's
22 done, where it takes place. That comes from the
23 traditional knowledge holders. And we value and we
24 respect that. And when I sit at a table, whether it's
25 at the Gahcho Kue camp or at the Snap Lake mine or in

1 the community hall in the Band office in Lutsel K'e, or
2 over in Dettah, N'Dilo, and an Elder talks to me, I
3 value that and I respect that as learning for me, the
4 individual from the mine who is sitting there and
5 learning.

6 And so I think what I struggle with is
7 what I would describe here as a chicken and an egg
8 syndrome. You know, does the egg get laid first, does
9 the chicken hatch it first, I -- I'm not sure. But
10 what I do know with certainty is that in February De
11 Beers came to every community, and we presented and we
12 asked a question: How do you want to be included?
13 What things are important? What should we be
14 measuring? How should we be doing that? Where do you
15 see you want us to be doing that?

16 And we're saying that again today. And
17 the fact that we can't tell a community what
18 traditional knowledge is puts us in a chicken and an
19 egg situation. We want to incorporate traditional
20 knowledge. We have, through secondary sources. And
21 please let me understate, the value of the people who
22 have fed their traditional knowledge into those sources
23 of information is no less great because it's been
24 reviewed over time. It still is valid and it still is
25 important.

1 The Elders who have spoken to us through
2 studies past done that previous generations have
3 listened to, and their stories that have been told
4 across generations, remain important today. The fact
5 that they are a secondary source considered in our
6 study makes it no less important. Those stories are
7 important. The knowledge is important.

8 In what monitoring programs will we
9 include traditional knowledge? I want to include it in
10 all of them. That is important to De Beers. What does
11 that look like? Tell us, communities. Tell us what
12 you'd like it to look like. Where will it be. Who
13 will be doing it. What will it look like. The
14 opportunity is there. Seize the moment.

15 This is when I -- when I listened to
16 Ginger Gibson yesterday say, We have a chance to
17 reflect, we have a chance to do things different. I
18 have lived in the north all of my life. I have had the
19 pleasure of working with and being in the communities
20 with people who have, quite frankly, a heck of a lot
21 more knowledge about things than I do.

22 Let's embrace that. Let's work together
23 and say how you'd like it to be. We can dance through
24 this process and never actually come together, or we
25 can come together. And De Beers' request is that we do

1 that. We said to the communities, We're going to bring
2 you to our site, and we're going to ask you again.

3 We talked with them in February about --
4 when we talk about archaeological sites, and we
5 outlined what they were. And we brought our
6 archaeologists to the communities. We said, Would you
7 like to come back to our site? Would you like to bring
8 your Elders to our site and talk to us about how we
9 manage and we look at archaeological sites. And the
10 communities told us, Yes. And we said, Then we will do
11 summer visits. And we'll do that.

12 So I think -- you know, I would like to
13 see us move as a company from being asked and asked
14 again how we're going to incorporate it, to being told
15 by communities what's important to them, and what De
16 Beers should be thinking about and doing, and -- and
17 seizing that moment.

18 How will we secure it? We are
19 attempting to do that as a company. We have been
20 attempting to do that on this project with the
21 initiation of a traditional knowledge study with Lutsel
22 K'e in 2006. It's 2012. And that traditional
23 knowledge study includes in it recommendations that
24 Lutsel K'e will deliver to De Beers about how and what
25 we should do in the monitoring program for the Gahcho

1 Kue project. Can I tell you what those are? Can De
2 Beers? Absolutely not. We need that information from
3 the communities, and we would like them to provide it
4 to us.

5 Will we respect the proprietary
6 information? It reminds me of a conversation I had
7 just weeks ago -- and Randy Freeman was there, and I
8 asked the question to the Yellowknives Dene First
9 Nation, Help me understand proprietary because it's not
10 my traditional knowledge and I don't understand what
11 that means.

12 And the example that was given to me
13 was, well, if we're working with you De Beers, and we
14 identify burial sites, we don't want everybody to know
15 what those burial sites are and we don't want you to
16 tell them. De Beers absolutely understands and
17 respects that. And we need communities and we need the
18 Elders to tell us, what are the stories that they want
19 to be told and what are the ones they want us to learn
20 from, but to keep together and to keep -- keep
21 proprietary? We understand that. We get that.

22 Stephanie talked about De Beers' claims
23 to use traditional knowledge at Snap Lake. Would we
24 like to see traditional knowledge used more in a
25 formalized way? Absolutely. I -- I don't know that

1 it's worth going back again to what I already said
2 earlier this week about the way we use traditional
3 knowledge. I don't know if the same people are in the
4 room today that -- that were here before.

5 But our -- our community engagement is
6 consistent and it's collaborative with communities. It
7 always begins with chief and council, with a request
8 for how can De Beers work with your community? What
9 topics can we discuss with your community? And in that
10 engagement when we bring people to site and we involve
11 Elders, we get ideas about how to include traditional
12 knowledge, not just in the monitoring of our projects,
13 but in an operational way, how do we involve that?

14 And I'm going to seize the moment again,
15 to talk about the kind of company we are when it comes
16 to traditional knowledge. Because we can't do it by
17 ourself. It takes more than two (2) parties at a table
18 to incorporate that.

19 I gave some examples of how we had
20 people bless our accommodations when we opened it, and
21 how we invited and we involved elders. I didn't give
22 the example of the opening of our Snap Lake mine, where
23 we brought together our aboriginal employees, the best
24 of the drummers. We brought together the Elders from
25 the communities and we shared a feed the fire ceremony

1 with the owners of the mine. And every employee at the
2 mine, aboriginal and non-aboriginal, was able to
3 participate and learn about the feed the fire ceremony,
4 what it's significance was for the people and the land,
5 and how they could participate in putting something
6 into the fire and what that meant.

7 We don't dream these ideas up in our
8 head, as De Beers, for how to incorporate traditional
9 knowledge. The communities tell us. The Elders tell
10 us how to do that. We are committed to that, but it's
11 not a one (1) sided conversation. It starts with
12 communities telling us what they would like, where they
13 would like it, when they would like it. And De Beers
14 is able to respond. And we do our best, based on our
15 engagement or the studies you provide. And we will
16 commit to continuing to do our best.

17 MS. STEPHANIE POOLE: I need to clarify
18 a few things. It's Stephanie Poole, from Akaitcho IMA.
19 First one, are the traditional knowledge studies
20 actually traditional land use and occupancy studies?
21 Or are they studies that specifically have as their
22 purpose the determination of how traditional knowledge
23 will be used in informing project design, wildlife
24 monitoring, aquatic monitoring, et cetera?

25 I have some more questions for

1 clarification, but let's just answer that one first,
2 please.

3 MS. CATHIE BOLSTAD: It's Cathie
4 Bolstad, De Beers Canada. Stephanie, each study is
5 different and unique to the particular community. And
6 De Beers never supposes to define for the community
7 what is the important part of the study. It can
8 include traditional land use, it can include
9 identifying the traditional names, the medicines, the -
10 - the paths the people have used. It can include a
11 whole variety of things.

12 The one (1) thing that De Beers requires
13 when we enter into a study on this particular project,
14 the traditional knowledge studies we have now, is that
15 the study meet the terms of reference for the Gahcho
16 Kue project, that they meet the guidelines of the
17 Mackenzie Valley Land and Board (sic) for incorporation
18 of traditional knowledge into a -- a project.

19 And the community themselves, often
20 through working with their chief and council or through
21 their -- their community themselves, they define what
22 needs to be included in the study, what is important to
23 that community. And we ask that they look at it in the
24 context of our project and make recommendations to us
25 on mitigation measures that we can take and monitoring

1 measures that we can take for the project. But the
2 detailed scope and the shaping of that comes from the
3 community and is unique.

4 MS. STEPHANIE POOLE: Thank you.
5 Stephanie Poole, Akaitcho IMA office. Number 2, how
6 did traditional knowledge inform the design of Snap
7 Lake mine? How is traditional knowledge currently used
8 in the wildlife and aquatic monitoring programs there?
9 This information should inform how things might be done
10 at Gahcho Kue.

11

12 (BRIEF PAUSE)

13

14 MS. CATHIE BOLSTAD: Thanks for that,
15 Stephanie. It's Cathie Bolstad, from De Beers Canada.
16 The slight delay there was that all of us around the
17 table were not here during the -- the days of the
18 design of Snap Lake mine and did not participate in
19 that process. So we needed to just take a minute to --
20 to understand that.

21 What we do know is that for the Snap
22 Lake mine De Beers took on a very similar process to
23 what we are with Gahcho Kue, in terms of engaging
24 communities and coming through a process to invite and
25 incorporate traditional knowledge. So while I'm unable

1 to speak to how that was done leading up to the Snap
2 mine I think Damian Panayi can talk about how we
3 incorporate TK into the monitoring of Snap Lake.

4 MR. DAMIAN PANAYI: It's Damian Panayi.
5 And I'll just fill in some of the finer details on how
6 traditional knowledge is incorporated in wildlife
7 monitoring, at least, at the -- at the Snap Lake mine.
8 And the examples I can -- the concrete examples I can
9 provide are -- the first would be with our grizzly bear
10 monitoring. And we used to do these one-hour surveys
11 within a plot looking for a bear -- grizzly bear sign.
12 And those were all done with -- usually with Pete Enzo
13 from Lutsel K'e. And we relied very heavily, actually,
14 on his experience on where to look to find the bear
15 sign. So that was very helpful.

16 We found though that we had to move away
17 from that method to a -- a new method which we're still
18 trialing, and I think which is going to grow into a
19 larger regional grizzly bear monitoring program which
20 incorporates bear hair snagging posts. And again, Pete
21 Enzo was -- was involved in that at pretty much every
22 stage of the study. And so he was the guy out helping
23 us deploy these posts, these scratch posts. And he was
24 the guy who told us exactly where in the study area
25 each of these posts should -- should go, right down to

1 the exact, you know, hilltop or valley, wherever it
2 happened to be.

3 I can also speak to the wolverine
4 monitoring. We've been monitoring wolverine snow
5 tracks at Snap Lake for -- oh gee, quite a few years
6 now, five (5) or six (6) years at least. And again,
7 Pete Enzo from Lutsel K'e has been -- he's been on just
8 about -- he's been on every one of those surveys to my
9 knowledge. There might have been one (1) or two (2)
10 that he missed.

11 And those surveys, they do concentrate
12 on, sort of, shoreline and rocky habitats which
13 traditional knowledge tells us is where wolverine
14 generally are found, particular -- particularly at that
15 time of year.

16 We also time those surveys in early
17 March and -- and April, which -- which is the time of
18 year when wolverine are -- are -- it's the har --
19 hardest time of year for them because the caribou
20 haven't been there for a long time and it's been --
21 it's the end of a long winter, so they're generally --
22 they're generally a little stressed at that time. And
23 that's also information which came to us from
24 traditional knowledge.

25 And I can also speak. There's been many

1 aerial surveys that we've done in the -- in the study
2 area with -- with Elders from Lutsel K'e. And going
3 back to the baseline surveys, there's, for example,
4 surveys of eskers around the Snap Lake camp which were
5 done with -- with assistance from Yellowknife and
6 Lutsel K'e.

7 So I'm just going to leave that -- leave
8 that there. It's just some examples of how traditional
9 knowledge is incorporated in -- in the wildlife
10 monitoring at least at Snap Lake.

11 THE FACILITATOR HUBERT: Chuck Hubert,
12 with the panel. Thanks very much for that response.
13 Stephanie, do you have anything further?

14 MS. STEPHANIE POOLE: Thank you.
15 Stephanie Poole, Akaitcho IMA office. How will
16 traditional knowledge ownership by First Nations, and
17 its sometimes confidential nature, be reconciled with
18 De Beers' need to use the information in a transparent
19 manner?

20 MS. CATHIE BOLSTAD: Thank you,
21 Stephanie. Cathie Bolstad, De Beers. As I said
22 earlier, we're the kind of company that sits down with
23 the -- the First Nation or the aboriginal group and --
24 and certainly enter into how we're going to do this
25 together.

1 And we would expect that if there is
2 something that, from the First Nations' perspective,
3 they think is important De Beers know, but they want to
4 protect, then we would have that discussion and agree
5 to protect that. But I -- I think the whole purpose of
6 being able to have an exchange that involves
7 traditional knowledge is to inform us and to assist us
8 to grow our understanding of what's important to you.
9 So, you know, it's -- it's -- that's how we would do
10 it. And we would rely on a two (2) way conversation to
11 do that.

12 MS. STEPHANIE POOLE: So just a two (2)
13 way conversation, just a general understanding, no kind
14 of written agreement?

15 MS. CATHIE BOLSTAD: Cathie Bolstad, De
16 Beers. Stephanie, what particularly would be your
17 concern and what would -- from the Akaitcho IMA office,
18 what -- from your perspective, what do you think needs
19 to be in place to protect that? What -- what's
20 important to -- to the Akaitcho IMA? Because
21 everything starts with a conversation, from De Beers'
22 perspective, and if the -- if the community needs an
23 agreement De Beers would provide that. So -- so what -
24 - help me understand what the concern would be and what
25 steps the Akaitcho IMA would like to see De Beers take

1 to ensure what you're referring -- to protect the
2 ownership of First Nations' TK.

3 MS. STEPHANIE POOLE: Stephanie Poole,
4 Akaitcho IMA office. I'd really rather not. Let's
5 just go with what I'm most interested in today, and
6 that's honest and straightforward answers.

7 My next question is will traditional
8 knowledge enter into intellectual property and limit
9 licence agreements with those who provide traditional
10 knowledge in advance of its use? I think it's will De
11 Beers enter into intellectual property and limited
12 licence agreements with those who provide traditional
13 knowledge in advance of its use. Sorry about that.

14 MS. VERONICA CHISHOLM: Thanks,
15 Stephanie. Just -- Veronica Chisholm, from De Beers.
16 Just to get some clarification, I -- I have worked in
17 the past where there's a traditional knowledge sharing
18 agreement. And I guess I'm looking for some input on
19 whether I have this right. And generally that is for a
20 specific project for a fixed period of time. Is that -
21 - would that be what you would be referring to in terms
22 of the proprietary for a licence?

23 MS. STEPHANIE POOLE: I believe that's
24 what the meaning of the word "limited" is.

25

1 (BRIEF PAUSE)

2

3 MS. CATHIE BOLSTAD: Stephanie, it's
4 Cathie Bolstad from De Beers. I'm not in -- I'm not
5 familiar with intellectual property agreements, and
6 have never done one, but anything that De Beers does,
7 when we enter into any kind of a arrangement on a
8 particular good, or service, or expertise with a
9 consultant, involves usually an agreement.

10 And so if you're asking would De Beers
11 enter into an agreement around those kinds of things,
12 absolutely. They're case by case. They're one (1) by
13 one (1). We look at what they are, and what the needs
14 are. So to speculate on a very broad thing is
15 difficult to do, but, yes, we -- we want to be
16 transparent about our business but we want to have good
17 relationships. And you need to -- around relationships
18 are frameworks and discussions that set what terms and
19 conditions are. And De Beers would do that and -- and
20 formalize that into an agreement when required.

21 MS. STEPHANIE POOLE: Thank you.
22 Stephanie Poole, Akaitcho IMA office. So long story
23 short the answer was, Yes? Was that --

24 MS. CATHIE BOLSTAD: On a case by case
25 basis, yes.

1 (BRIEF PAUSE)

2

3 MS. STEPHANIE POOLE: Just -- just a
4 couple more things, if you don't mind. Stephanie
5 Poole, Akaitcho IMA office. When I had asked the
6 question about how did traditional knowledge inform the
7 design of Snap Lake mine, De Beers responded that they
8 were unable to speak to how that was done. And I would
9 like the Review Board to consider that as an
10 undertaking, to receive that information. And then --

11 THE FACILITATOR HUBERT: Chuck Hubert
12 with the panel. Stephanie, if you could please repeat
13 that as an undertaking and -- and just so I get it a
14 little clearer. Thanks.

15 MS. STEPHANIE POOLE: Sure. Stephanie
16 Poole, Akaitcho IMA office. The question was, How did
17 traditional knowledge inform the design of Snap Lake
18 mine. And the response from De Beers was that they
19 took on a similar process as with Gahcho Kue but were
20 unable to speak to how that was done. So I would like
21 it to be answered, please.

22 THE FACILITATOR HUBERT: Chuck Hubert
23 with the panel. Thanks very much. Is -- De Beers are
24 nodding their heads in unison, so I'll take that as
25 being amenable to this undertaking. That's Undertaking

1 number 5, for the record. Go ahead, Stephanie.

2

3 --- UNDERTAKING NO. 5: De Beers will provide
4 information on how
5 traditional knowledge
6 informed the design of the
7 Snap Lake mine

8

9 MS. STEPHANIE POOLE: And then
10 regarding my other question -- well my four (4)
11 questions that I kind of started with and the response
12 from De Beers. There was some talk about chickens and
13 eggs. So De Beers seems to be waiting for the
14 communities to do their work for them, and get all this
15 done through engagement and the traditional knowledge
16 studies, which seem to be whatever the First Nations
17 want them to be.

18 De Beers is responsible to the panel for
19 ensuring that traditional knowledge informs its project
20 design and management. This is not rocket science.
21 When De Beers wants to ensure that science informs the
22 -- the design of, oh let's say, a tailings pond, it
23 secures the necessary experts that provide it with
24 advice. The same approach should be taken with
25 traditional knowledge. Hire the necessary expertise to

1 answer the questions that De Beers is accountable to in
2 this environmental impact review.

3 Many consulting companies have
4 traditional knowledge facilitators to do this work.
5 Diavik is undergoing such a process already in the
6 design of their WEMP. De Beers must do the same, hire
7 the necessary expertise to do the work, be it
8 consultants, Elders, translators, et cetera, not this,
9 "Please tell us, communities." It's not our
10 responsibility. It is De Beers' res -- responsibility.
11 It is only the responsibility of the First Nations to
12 hold De Beers accountable. And I'll stop with that.
13 Thank you.

14 THE FACILITATOR HUBERT: Thanks very
15 much. Chuck Hubert with the panel. Did De Beers want
16 to respond?

17 MS. CATHIE BOLSTAD: De Beers would
18 like to say that we have entered into agreements that
19 De Beers is funding, and has welcomed proposals from
20 other First Nations that De Beers will fund to pay for
21 the expertise to pay -- provide recommendations to us
22 for the incorporation of monitoring from a TK
23 perspective. Those agreements exist today. De Beers
24 takes it seriously.

25 We cannot deliver for the consultants,

1 and the consultancy, that we have hired through those
2 agreements. That belongs with the parties to whom we
3 have those agreements. And we look forward to getting
4 that. And it is the responsibility of the party that
5 enters into an agreement with De Beers to provide
6 knowledge, whether they are a consultant on fish, a
7 consultant through a community agreement on traditional
8 knowledge. De Beers expects the delivery of those
9 results. And De Beers, in the absence of those
10 results, has obtained as much information as we can
11 from existing sources.

12 So we will continue to engage, we will
13 continue to invite, we will continue to provide
14 capacity funding so Elders can be available. And we
15 look forward to the continued contribution from
16 communities through the agreements we enter into with
17 them.

18 THE FACILITATOR HUBERT: Chuck Hubert,
19 with the panel. Thanks very much. It's encouraging to
20 hear from De Beers and parties, communities, the -- the
21 importance that TK is regarded in -- in the
22 environmental impact review of this mine. And we --
23 the panel truly encourages parties to continue to work
24 together and we look forward to any information that
25 can be provided later on in this EIR that will help the

1 panel with consideration of TK as -- as the EIR moves -
2 - moves on through the process.

3 Now, it's about ten (10) to three 3:00.
4 And if there is perhaps one (1) more question on the
5 topic of incorporating TK into the project then -- oh,
6 thank you, Paul, for reminding me. Can we go to the
7 teleconference please and ask if anybody is on there
8 and would like to ask a question, go ahead now.

9 MR. TODD SLACK: Thanks, Chuck. Todd
10 Slack, YKDFN. I just want to clarify something that I
11 just heard. And it's in regards to TK monitoring, and
12 Cathie said that De -- De Beers will fund these
13 projects into the future, sorry, is what I think I
14 heard.

15 Now, I want to be clear that that refers
16 to TK monitoring through life of mine, or is she
17 talking about through the future of the environmental
18 assessment? If she can provide some clarity, because
19 this -- ongoing TK monitoring has been a -- a source --
20 an issue between the mines and the Yellowknives Dene.
21 And the capacity to commence this has fallen into that
22 chicken-and-egg scenario. The Diavik process that's
23 under -- been undertaking, finally the company provided
24 some -- or took the initiative to start discussions.
25 But until that point it was always, Well here's -- you

1 give us proposals and we'll see what we can do.

2 But the First Nations don't have the
3 ability to put together those proposals that will have
4 sufficient rigour for the regulatory and the companies
5 themselves. So you end up going around and around.
6 And I just want to be clear that this -- monies for
7 ongoing TK monitoring is going to be available through
8 life of mine.

9 MS. CATHIE BOLSTAD: Cathie Bolstad,
10 from De Beers. First of all thanks, Todd. I'm dying
11 to know where you're on holidays by the way.

12 The starting point for De Beers in the
13 Gahcho Kue project has been to initiate discussions
14 with communities to ask them how they want traditional
15 knowledge incorporated. And with some communities, some
16 have said the starting point for them is to complete a
17 traditional knowledge study funded by the company that
18 looks at the project and that comes back to the company
19 and provides recommendations to us on 1) mitigations
20 that we can implement for project design, and 2) how we
21 can incorporate traditional knowledge into the
22 monitoring of the program.

23 So the importance of those communities
24 who have sat with us and have said that's where their
25 starting point is and that's where they want to start,

1 is our company understands that's the starting point.
2 And if we can finish that piece of work and see what
3 the communities are saying they would like from a TK's
4 perspective in monitoring. We've tabled the draft
5 monitoring framework agreement that we've said, Now we
6 want to start talking about what that looks like.
7 Being able to look at that starting point and say, So
8 what does this look like in a life-of-mine monitoring
9 program. And how do we shape that out so that we can
10 put -- earlier I think Stephen Lines referred to it,
11 you know, close those gaps and be clear about what De
12 Beers is monitoring, into a framework earlier in the
13 process as opposed to later. So that's what I'm
14 talking about to provide clarity.

15 De Beers absolutely is trying to table a
16 -- a life-of-mine monitoring framework that we want
17 flexibility and adaptability around it. And that
18 conversation has started now.

19 THE FACILITATOR HUBERT: Chuck Hubert,
20 with the panel. Thanks very much. Todd, anything to
21 follow up? If not, we have George here at the table.

22 MR. TODD SLACK: Yeah, and I'm just
23 sort of mulling over the answer in my head there. The
24 concern, as with cumulative effects, is there's a great
25 deal of focus on cumulative effects and traditional

1 knowledge right up until you reach the environmental
2 assessment decision. And then the focus is very much
3 not on trad -- and I'm going to use the phrase "TK
4 monitoring" in a specific sense. And that's having
5 traditional knowledge holders undertake works so that
6 they're providing monitoring -- or they're evaluating
7 things in a monitoring sense as well, not just flying
8 surveys or -- employing these folks is best practice,
9 but that in itself is not a TK monitoring program.

10 So I -- I'm -- I was hoping that we were
11 going to hear a commitment that the company is
12 committed to ongoing TK monitoring and providing
13 resources and capacity to ensure that happens through
14 the life of mine.

15 MS. CATHIE BOLSTAD: Thanks, Todd.
16 It's Cathie Bolstad. Yes -- Veronica is telling me,
17 yes, is the short answer. And what that looks like we
18 want to see in our adaptive monitoring framework model,
19 because that will lay that in place and -- and then we
20 can talk about that and move with that over the life of
21 mine. But, yes, is the answer.

22 THE FACILITATOR HUBERT: Chuck Hubert
23 with the panel. Thanks very much. And, Todd, so we
24 can correctly write down that commitment, please state
25 it for us again. Thanks.

1 MR. TODD SLACK: That De Beers is
2 committed to ongoing -- providing an ongoing capacity
3 and resources to develop a TK monitoring program for
4 the life of mine, or something along those lines.

5 THE FACILITATOR HUBERT: Thanks very
6 much, Todd. Is De Beers comfortable with that?

7 MS. CATHIE BOLSTAD: Yes. Cathie
8 Bolstad, with De Beers. De Beers is committed to
9 providing capacity funding during the life of the
10 Gahcho Kue project to support traditional knowledge
11 monitoring in the program.

12

13 THE FACILITATOR HUBERT: Thanks very
14 much. Chuck Hubert with the panel. I'd like to turn
15 the mic over now to George Marlowe.

16 ELDER GEORGE MARLOWE: George. I
17 listen to you, all of you. I know that if you -- De
18 Beers goes to Lutsel K'e and then even myself, I stay
19 at home or not too far around -- the wildlife Mike, or
20 from the Band office, no communication that the people
21 going to come. We said, are you going to a meeting or
22 what? Nobody tells me that.

23 So those kind of things like that is
24 pretty hard. I'm not young, I'm old. And I don't have
25 to walk to Band office everyday. These guys could

1 phone me, I got a phone, they know me, where I live.

2 I'm not going to bug them. And I know that place

3 really good I said already, Gahcho Kue.

4 And they said something about Pete Enzo.

5 Pete Enzo never trapped that -- in that area. With

6 something like that, anybody -- if you -- if you tell

7 me, George, who's the best person to go there to do

8 monitoring about the grizzly or wolverine? Tell me

9 because I could tell you which boys that could go there

10 because that -- since '82 I known just about six (6) or

11 seven (7) boys there, all of us were there that all

12 still alive. But Pete, no, he never been there.

13 So those kind of things like that, it's

14 hard when you say you did monitoring with Pete, Pete

15 say that, said that, anything, but -- and -- and the

16 Elders -- for the translator -- we've got two (2)

17 translator over there, two (2) womens (sic), Bertha

18 (phonetic) and Sarah (phonetic), but they came down

19 different.

20 Me, yeah, I could listen to them, but

21 whatever you say they'll -- they'll talk to maybe

22 Pierre or Elders different, a little bit different way.

23 See that's -- there's something that -- mistake --

24 there, something that -- and there are not many Elders.

25 If you phone me or Mike -- tell Mike and

1 tell me that I -- if you're going to go there, I'll
2 tell Mike who's the best person to go to that meeting,
3 ten (10) or fifteen (15), twenty (20), that -- not the
4 young people. The young people, they don't know too
5 much about traditional knowledge, anything like that,
6 not too much today.

7 So there is -- you got to communicate.
8 It's got to be done exactly, good too. A lot of things
9 I could say about this, but I -- that's only me in
10 here. Like I should have some more, maybe -- I know
11 there's not many of us, but at least six (6) or seven
12 (7) people that's at home that could talk about this.

13 And I don't know about Dogrib. There's
14 one (1) over there, but it's my friend. I don't know
15 about that because I -- we don't really talk about
16 those kind of things together, so it's different again.
17 But it's not -- it's not over yet. Still going -- go -
18 - go again.

19 So it's better to do the right job
20 anyway, do the right thing. Gahcho Kue is going to be
21 -- it's going to be a little -- we've got to talk about
22 the -- you know, the -- we can talk about caribou. You
23 know, and there's not many caribou there.

24 In -- in the fall time, August, they
25 come back, but not many go through there, a little bit

1 -- there, there and there, around the -- the Walmsley
2 Lake, Cook Lake, a little bit there. And then after
3 they freeze-up they go to east. They stay someplace
4 between Fond du Lac, Saskatchewan and Lutsel K'e for
5 the winter, about a hundred miles, about the middle.
6 They spend all the winter there, but the come back to
7 Northern Canada. They got to pass there again now.
8 Then you might see maybe a hundred, more maybe, just
9 for a little while, a couple days. That's it.

10 So those kind of things I mean. How
11 could you make -- not to go there or something, but I -
12 - I don't know how. It's hard to chase caribou away
13 because when I -- I told you earlier, when I worked at
14 Ekati, we got a car -- caribou crossing one (1) time I
15 was hauling -- not only me, but there was about eight
16 (8) of hauling rocks and here caribou crossing, lots.
17 So they -- I was the first one (1), so I had to stop,
18 everybody stop. And the caribou's smart too. They
19 cross the road. We make a trail for that caribou, nice
20 sand there right across. So one (1) by one (1) they
21 goes across now. It took a long time. Sometimes like
22 that though, not -- not the whole thing goes right --
23 sometimes one (1) by one (1), two (2), like that.

24 So those kind of things, behaviour, it's
25 good, like -- I would -- that's what -- we're doing

1 that over there too. But I don't know how we're going
2 to do about that Gahcho Kue mine with caribou, but I
3 told you about that lots of arctic rabbit, we call it
4 caw -- caw is a rabbit. That's -- that's what we say,
5 caw. That's a arctic rabbit there.

6 And those kinds of things they --
7 there's lots of cre -- good trapping, lots of
8 wolverine, lots of wolf, lots of fox. You know, that
9 area's pretty good. So we still got to talk about that
10 too. But I said that if you want to go to then now
11 we'll -- this -- this time we'll be treating different
12 now. Mike now hears me now. And I phone the band
13 office maybe. My daughter, Agatha (phonetic), is there
14 too because pretty soon is going to be a band manager.

15 So those kind of things, communication,
16 we need about fifteen (15) or twenty (20) womens (sic),
17 and mans (sic), however old, like -- like sixty (60).
18 There's only about -- not many old people there now.
19 There's only about thirty-five (35) or thirty-six (36)
20 of us that's over sixty-five (65). Not many. All the
21 rest are young.

22 So even that, we could -- we could be in
23 that meeting maybe, at least fifteen (15), twenty (20)
24 people there. So next time. Marci cho.

25 MS. CATHIE BOLSTAD: Marci. It's

1 Cathie Bolstad, from De Beers. Thank you, George. I'm
2 just going to address some of the things you said
3 because I think it's important that people understand
4 what De Beers does do to try and make sure we
5 communicate well with the communities.

6 When our company is coming to a
7 community, and I think I mentioned it earlier, we never
8 come to a community unless the chief and council have
9 said yes, and they give us a date that they say is the
10 best date for when the -- the people in their community
11 and when their leaders are available.

12 When we get confirmation of one (1) of
13 those dates, we will provide posters to the band office
14 for them to put up in the community about a coming
15 meeting, and we do provide public service announcements
16 on the radio. For larger meetings, we will provide
17 Aboriginal language notices of those -- those meetings
18 on CKLB. Of course we don't necessarily know who --
19 who listens to which radio station, but -- but we do
20 our best to try and -- and reach the people. We do
21 send in our community liaison the day in advance to
22 spend time with the people in the community to let them
23 know why De Beers is coming, to make sure our posters
24 are up.

25 So we do our best to communicate, and we

1 will continue to do our best. And -- and the
2 community plays an important role in picking the date,
3 and -- and choosing how they will let notice out. My
4 understanding is Sabet attending card games the night
5 before gets the word out pretty quick, so.

6 The second thing you talked about was
7 the selection of field assistance, when -- when De
8 Beers is using field assistance. And again this is an
9 area when the company is going out to do field work,
10 jobs would be posted, or -- or asked through the band
11 office. And so De Beers really does rely on the
12 community to recommend who are the people that are the
13 best to come and to participate in those, and -- and
14 who can provide the kind of knowledge that -- that is
15 good for the land.

16 So you have to just whisper a little
17 more in Mike's ear, and certainly those things will --
18 we'll continue to let the community select and
19 recommend to us who those people should be.

20

21 You talked a little bit about
22 interpreter/translators, and I -- I think what I heard
23 you say is that sometimes people have different ways of
24 interpreting and translating. And one (1) of the
25 things that we've done as a company is twice now since

1 -- I'll probably get the dates wrong, but last year was
2 the most recent one, is we hosted the bringing together
3 of interpreter/translators and Elders from the
4 communities in a workshop that was three (3) days, I
5 believe, to work on terminology specific to our
6 project, so that when we are having meetings in the
7 communities, or when the panels and the Boards are
8 having conversations that involve Elders who are
9 unilingual, or whose first language is Chipewyan and
10 Tlicho, that we can as a company have those
11 conversations across languages without the barrier of
12 that.

13 And certainly when we arrange for a
14 community meeting we encourage the community, because
15 the topic is specific about our project, to think about
16 who are those people from their community that
17 participated in those workshops because they will have
18 good use and good involvement of Elders in talking
19 about and describing our terminology in a language
20 that's important to the Elders. But we do ask the
21 community to pick the interpreter/translators, and --
22 and we always welcome and enjoy having them on our
23 sites, as well.

24 The last thing that you talked about,
25 the selection of -- of -- I'm trying to read my own

1 notes -- selection of who represents the communication.
2 And I think this was about when we -- we select people
3 to come to the mine site. It's similar.

4

5 When we invite the community to work
6 with De Beers on a particular issue, or to come to a
7 visit on -- to look at a particular matter, we talk
8 about what that matter is, and the kind of -- of
9 technical expertise we would be looking for the
10 community to select when we -- we select a person to
11 come do that.

12 So that's how we work. And knowing the
13 community comes with time and -- and working with the
14 community comes with time, but that -- those are the
15 things that are important to us, and I think -- I think
16 they address some of the things that are important to
17 us. And I think -- I think they address some of the
18 things that are important to you. But that's how we
19 work and I really value that you -- you tabled those
20 because it gave us an opportunity to talk about how --
21 how those are important to us too and how we work on
22 those. So thanks, George.

23 THE FACILITATOR HUBERT: Chuck Hubert,
24 with the panel. Thanks very much.

25 I think these discussions have been

1 beneficial. Right now I think we should take a break
2 for, say, ten (10) minutes. And we'll continue with
3 socio-economic -- a continuation of socio-economic from
4 yesterday ten (10) minutes from now. So thanks again
5 very much. And we'll see you in ten (10) minutes.

6

7 --- Upon recessing at 3:06 p.m.

8 --- Upon resuming at 3:23 p.m.

9

10 DISCUSSION RE: SOCIO-ECONOMIC IMPACTS & TRADITIONAL
11 KNOWLEDGE:

12 THE FACILITATOR HUBERT: Good
13 afternoon, ladies and gentleman and welcome back. De
14 Beers have indicated that they'd like to start us off
15 with some commentary. Thanks.

16 MS. VERONICA CHISHOLM: Thanks, Chuck.
17 Veronica Chisholm, from De Beers. Yeah, from yesterday
18 we just wanted to provide some clarification around
19 some of the discussion yesterday just to ensure that
20 that gets on the record, so I'm going to ask Linda to
21 provide that right now. Thank you.

22 MS. LINDA HAVERS: Thanks, Veronica.
23 It's Linda Havers, of Golder. Yesterday we were asked
24 about community level assessments and we're -- we felt
25 we weren't as helpful in our responses as -- as we

1 intended to be, so we wanted to provide some
2 clarification on the approach that was taken in the
3 EIS. The EIS presents the socio-economic impacts of
4 the Gahcho Kue project at the level of the -- the local
5 study area, or what we -- what we refer to as the LSA.

6 And LSA cultural and geographical
7 communities were profiled using a number of data
8 sources: Statistics Canada, the official census of
9 course, a lot of reports and data from the Government
10 of Northwest Territories, various academic reports, and
11 -- and also through community visits and interviews
12 which occurred a few years back. Then a -- a baseline
13 study was developed that incorporated data on all kinds
14 of social statistics: gender, household structure,
15 income and earnings, labour force participation,
16 educational attainment levels, et cetera.

17 And where -- where we could, this data
18 was disaggregated by community depending on the
19 availability of data at the level of the community.
20 But not all data is available at the level of
21 community, particularly hard to get -- get publicly
22 available data, official data on -- on small
23 communities, due to confidentiality restrictions.

24 We also did provide discussion on
25 historical trends for small and large communities. And

1 key differences are noted through Annex K, which is
2 where you'll find the -- the full baseline report, and
3 Section 12.3 which summarizes the existing environment
4 which is just another way of saying baseline report, in
5 the 2010 EIS. The Economic Impact Assessment was done
6 at -- at the correct level of analysis, or at the kind
7 of standard level of analysis for that type of a study.

8 So the -- the community profiles were
9 developed for -- for all cultural and geographic
10 communities. Those can be found in Appendix K, KI.1 of
11 the 2010 EIS. And those are communities that were all
12 identified in the terms of reference that we were
13 expected to investigate.

14 The assessment then addresses the
15 potential effects of the Gahcho Kue project on the LSA
16 as a whole, and the potential for effects on smaller
17 and larger communities. The analysis is largely based
18 on the effects of existing diamond mines on
19 communities, and an understanding of existing socio-
20 economic conditions. So the effects from existing
21 diamond mines become part of the baseline, essentially.
22 And then we -- we look at the way in which the Gahcho
23 Kue project itself will likely contribute to changes in
24 -- in baseline, changes to existing socio-economic
25 conditions.

1 To that end, we observed that from 2005
2 to 2010, a period of time when all three (3) diamond
3 operations were active and for which we have data, the
4 average employment at these mines was three thousand
5 three hundred and thirty-six (3,336) positions, peaking
6 at four thousand two hundred and three (4,203).
7 Northwest Territory resident employment during that
8 time fluctuated between one thousand four hundred and
9 seventy-two (1,472) positions and one thousand six
10 hundred and fourteen (1,614).

11 Over this same time period, the
12 population of -- of the Northwest Territories had
13 increased by only a small amount, growing from a
14 population of about forty-three thousand four hundred
15 (43,400) in 2005, to forty-three thousand seven hundred
16 and fifty-nine (43,759) in 2010. So that's an increase
17 of just three hundred and sixty (360) residents.

18 Employment in 2010, as reported in the
19 SEMA reports published by each project, showed two
20 thousand eight hundred and eleven (2,811) positions.
21 That's more than five hundred (500) below av -- the
22 average, and almost fourteen hundred (1,400) below the
23 peak. Okay.

24 Gahcho Kue's projects -- the Gahcho Kue
25 project's direct employment has been estimated by De

1 Beers to average three hundred and sixty-five (365)
2 positions, with a peak of three hundred and seventy-two
3 (372).

4 When we consider the individual and
5 cumulative effects of a project of this scale against
6 the historical combined and temporal effects of the
7 existing diamond operations, we do not predict that it
8 will pose adverse effects in the area of social or
9 economic performance at the community level. In other
10 words, this is a small project relative to the -- the
11 size of -- of the other existing mines.

12 The economic -- the -- we -- we cannot
13 predict effects to communities that are -- that are the
14 result of individual choices. The economic analysis
15 can make some predictions about employment. A lot of
16 the effects that are discussed in the EIS, the social
17 impacts, fall out of employment and -- and income, and
18 -- and some have lots to do with individual choices
19 that people make and other -- other phenomena that is
20 indirect -- an indirect effect of development.

21 However, De Beers has agreed to take a
22 proactive approach to -- to mitigation and monitoring
23 to address potential project effects in communities.
24 As we've -- we've heard, they've learned a number of
25 lessons from the other diamond mines, including their

1 operation at Snap Lake.

2 Consultation with communities is -- is
3 ongoing and will be used to evaluate predictions and
4 implement adaptive management measures to refine
5 proposed mitigation as needed. And some of these
6 mitigations have des -- been described, particularly
7 yesterday, where we talked about pick-up points in
8 communities so workers do not have to relocate,
9 literacy initiatives, delivery of -- of financial
10 management programs, counselling programs and support
11 to community volunteers as examples. Thank you.

12 THE FACILITATOR HUBERT: Chuck Hubert,
13 with the panel. Thanks very much for that opening.
14 I'd like to perhaps ask if there's anybody on our
15 teleconference line and give them an opportunity to
16 state their name, and then ask a question of De Beers.

17

18 (BRIEF PAUSE)

19

20 THE FACILITATOR HUBERT: In that case,
21 apparently nobody is there at the moment, but I'll try
22 again later on.

23 I see someone moving bravely up to the
24 table. Thank you very much.

25 MR. MIKE TOLLIS: Yeah, thanks, Chuck.

1 Mike Tollis, from Lutsel K'e Dene First Nation. I
2 don't have any more questions on the socio-economic for
3 now, but I was wondering if it was all right if throw
4 out some TK information. Thanks.

5 After listening a little bit about what
6 was -- what was talked about in -- in De Beers'
7 responses, I want to thank you for committing to -- to
8 using TK to -- to the best of your ability, but I feel
9 like there's just a big disparity right now in -- in
10 just your understanding of -- of traditional knowledge.

11

12 I mean, just looking at the EIS and --
13 and Annex M, for example, there's the figure M4.4-1,
14 and it's supposed to be the Lutsel K'e traditional
15 territory, and it's really just a circle on a -- on a
16 map. It's not even close to being accurate.

17 But, also, sorry, later on Figure M4 4-3
18 is a map of -- it's supposed to be showing the
19 traditional travel routes into the barren lands from
20 Lutsel K'e. And again, like it -- it's -- the
21 information's not accurate. Just based on being in the
22 community this winter I -- I know -- I just know that
23 that's -- that's wrong.

24 So there just could be better work done.
25 And when Cathie was mentioning about the -- the TK

1 workshop with interpreters to try to better help the
2 Elders understand the terminology of the mines, it
3 sounds -- it sounds like a good idea, but we chose in
4 the community not to distribute the De Beers' Chipewyan
5 terminology -- terminology dictionary to the community
6 because we thought it might have been misleading and
7 some of the Elders would misunderstand some of the
8 words. Just as an example, there was -- one (1) of the
9 translations was for -- for chlorine, and it was -- it
10 was translated as medicine water, and that would just
11 be completely misinterpreted by some of the Elders.
12 There was some other ones. I don't have them off the
13 top of my head.

14 But -- and just one (1) more thing.
15 Cathie, I think you misunderstood one (1) of the things
16 that Elder George Marlowe was -- was speaking to. And
17 he -- he was meaning to allude to the possibility of
18 having local Lutsel K'e community member, the -- be
19 like a traditional knowledge community liaison. And
20 I'd like to have that on the record as just an idea to
21 think about and maybe to develop further. I think it's
22 a good way to be able to communicate all the -- all the
23 goings on at the mine, and as well as maybe help De
24 Beers better engage the community in terms of
25 traditional knowledge. Thanks.

1

2

(BRIEF PAUSE)

3

4

THE FACILITATOR HUBERT: Chuck Hubert,
5 with the panel. Thanks very much for that. And we'll
6 give De Beers the opportunity to respond.

7

MS. VERONICA CHISHOLM: Veronica
8 Chisholm, from De Beers. I'm just checking those
9 figures and the source -- the source information for
10 those figures. So just -- just give me two (2)
11 minutes.

12

13

(BRIEF PAUSE)

14

15

MS. VERONICA CHISHOLM: Veronica
16 Chisholm, for De -- from De Beers. Thanks for allowing
17 me some time. I was just checking the references on
18 those, Mike, and I know they're listed at the bottom of
19 the figure. So the M4-3 figure, it referenced a Lutsel
20 K'e Dene First Nation 2011 traditional knowledge
21 report. I think it's this one (1) that was submitted
22 in June 2001, and was available on -- in our
23 government.nt.ca -- on the web site, and it's listed in
24 our bibliography.

25

And then the and then the 2003 reference

1 for Figure 4-1, M4-1, was a Lutsel K'e, "Watching the
2 Land Results and Implications of 2002/2003 Monitoring
3 Activities in the Traditional Territory of Let --
4 Lutsel K'e," is also available on ENR government.nt.ca
5 on the web site.

6 So those were provided to us, but I'm --
7 I'm hoping that if there's better clarity on the
8 traditional land and the traditional travel routes that
9 that could be something that might be incorporated in
10 the -- in the traditional knowledge report that's being
11 worked on by Lutsel K'e now. And maybe you can provide
12 some indication whether that might be something that we
13 could update, and -- and build upon the information
14 that was provided. Thank you.

15

16 (BRIEF PAUSE)

17

18 MR. MIKE TOLLIS: Thanks, Veronica.
19 Mike Tollis, Lutsel K'e Dene. Yeah, that -- you said
20 that -- that was a reference to the -- to the figure,
21 if...

22 MS. VERONICA CHISHOLM: Veronica
23 Chisholm from De Beers. The source of the map came
24 from a Lutsel K'e Dene report that we received. It's -
25 - the author was Lutsel K'e Dene First Nation. One (1)

1 was a 2003, and one (1) was a 2001. They're listed at
2 the bottom of the map.

3 And so we just used the information that
4 was provided to us from the Lutsel K'e Dene, so if
5 there's better information, more updated information
6 that we can build upon as part of the revised
7 traditional knowledge report we're certainly open to
8 that.

9 But we didn't create those maps. I
10 guess that's the point I'm trying to make, is De Beers
11 didn't -- De Beers or the consultants didn't create
12 those maps; we received those maps from Lutsel K'e Dene
13 First Nation, and -- and they're referenced at the
14 bottom of the maps in both those reports.

15 MR. MIKE TOLLIS: That -- I don't know
16 what to tell you. I just can't see any of the -- any
17 of the community members putting just a -- a circle,
18 kind of -- it looks like it was done on Microsoft Paint
19 or something. But that -- that's -- okay, we -- I -- I
20 would like to work with you, maybe even put it in the
21 report to -- to improve that information because it's -
22 - it's just misleading right now. But -- but, yeah,
23 thank you for -- thank you for addressing.

24 MS. VERONICA CHISHOLM: Veronica
25 Chisholm, from De Beers. Fair enough, Mike.

1 Absolutely, we want to make sure that the information
2 is accurate and that we have the correct information.

3 But I just didn't want to leave you with
4 the impression that it was something that De Beers
5 created; it was something we received. And we didn't
6 try to validate that information; it was validated as
7 part of those traditional knowledge reports and they
8 came from Lutsel K'e. And obviously I wasn't around in
9 2001 and 2003 working on Snap Lake or other projects.

10 So I just wanted to clarify if that's
11 the type of information I really hope that we can
12 update those and provide better accuracy. So I think
13 we're on the same page on that. Thanks.

14 THE FACILITATOR HUBERT: Chuck Hubert,
15 with the panel. Thanks very much.

16 I'll ask any other parties in the room
17 if they have questions for De Beers on socio-economic
18 matters, or we can even go back an agenda item or two
19 (2), traditional knowledge as well. Now's the time and
20 -- oh, go ahead.

21 MS. MARJORIE MATHESON: Hi. I'm
22 Marjorie Matheson, on Tlicho Government. I just wanted
23 to say thank you to De Beers. It's great to hear that
24 there is a commitment for ongoing funding and support
25 for traditional knowledge research and monitoring, and

1 express that it is our hope that both science-based
2 knowledge and traditional knowledge will be used and
3 considered throughout the life of Gahcho Kue Mine, and
4 not only -- like, to be truly, truly considered.

5 And -- and for things like big projects
6 such as, you know, if you're looking at rock piles, the
7 Tlicho has recently come up with a project that we're
8 hoping to do. But to take the Elders out and to work
9 with the an -- to work with mining engineers and Elders
10 in developing -- looking at eskers and trying to
11 duplicate rock piles into being like eskers, you know,
12 for caribou movement and things like that.

13 So to -- to seriously consider equal
14 value with both science and TK in all things related to
15 the Gahcho Kue. So whether it's -- so not just -- I
16 mean, it's -- it's wonderful for people to go out to
17 the mines for Elders and for site visits to -- you
18 know, and to be consulted on issues related to wildlife
19 and -- and mine life. But to -- to sort of seriously
20 consider the importance of TK through the whole life of
21 the mine. So I'm -- just wanted to -- to mention that.

22 MS. MARJORIE MATHESON: And then
23 regarding the socio-economic -- I know I'm flipping
24 here. But I was wondering if you could maybe give a
25 little bit more information about the final --

1 financial management courses that were offered to mine
2 workers. And if you've done an evaluation on those and
3 -- and what you found out. Thank you.

4 MS. CATHIE BOLSTAD: Thank you. Cathie
5 Bolstad, De Beers. I think we've been talking a lot
6 this week because I'm starting to lose my voice. Nice
7 to see you, Marjorie, here this afternoon.

8 I just want to respond to the first part
9 about TK. I think it's a part that always makes my
10 heart happy is I think De Beers has an excellent
11 example of how we've worked with the Tlicho Government
12 on a project around traditional knowledge and -- and
13 science together.

14 And I'm thinking in particular of the
15 project where we brought in a young mining engineer to
16 work in my department for the summer to learn about,
17 from a mining engineer's perspective, what a
18 relationship with communities close to a mine was
19 about. And we worked with the Wek'eezhii Land and
20 Water Board to have him deliver a mining/geography
21 program in one of the Tlicho high schools with help
22 from the Wek'eezhii Land and Water Board, creating a
23 profile for mining engineering for young Tlicho
24 students.

25 And then he experienced going out on the

1 land by Gameti with the Elders to see the construction
2 of some of the chimneys that were from some of their
3 historic homes on -- on the landscape. And he worked
4 with the Elders to document and provide drawings for --
5 if there was to ever be a re-creation or an
6 understanding of what had been built there. He worked
7 with the Elders to do that. And -- and it was a
8 partnership of ourselves, the Tlicho government, and
9 UBC Engineering.

10 And I think those are fabulous examples,
11 where companies, and communities, and educational
12 institutions can come together and bridge the gap
13 across knowledge. And it's just a one one-of, but good
14 things start with one one-of.

15 So just -- just had to say that, because
16 I think it's people and their ideas that deliver
17 results and -- and bring people together.

18 In terms of the financial money
19 management, I think we chatted about that and I've lost
20 track, it must have been yesterday. And one (1) of the
21 things that -- I don't know if you were here yesterday
22 when we talked about it and I'm wishing that the GNWT
23 person was here that articulated so very well the money
24 management pilot program they have. But yesterday's
25 transcript would provide an excellent description of

1 that.

2 Earlier -- sorry, I'm getting my years
3 mixed up, time has gone so quickly, in 2011, as part of
4 our literacy initiative into the communities in our
5 books in homes, De Beers worked with an external party
6 that provides online based learning tools and worked
7 with the Depart -- Department of Education, Culture,
8 and Employment. And we rolled out in communities the
9 availability of -- so De Beers is paying for the
10 licences of a software program available to students of
11 all ages in the community learning centres to learn
12 money management.

13 And the statistics for those were
14 gathered as to how many people were participating. And
15 we met with the ECE Department, I'm losing track of
16 time, but I -- I believe it was before the end of 2011,
17 and we showed them what the program was and what it
18 had, because the three (3) mines had been working with
19 the government of the Northwest Territories toward
20 seeing if the government could actually build something
21 like this that was for all Northwest Territories
22 communities and all learning centres.

23 And I'm forgetting who the lady from
24 Education, Culture, and Employment was here -- that
25 yesterday she updated us on a pilot program that has

1 been developed and we received -- and she out --
2 outlined the kinds of things that are in it. So the
3 kinds of things that I know that are in it are planning
4 and budgeting; understanding the impact of credit cards
5 and the risks that are there when you put too many
6 things on your credit cards; understanding saving,
7 mortgages, car payments and car loans, those kinds of
8 things, so that people can learn how to plan for their
9 budget and to manage their money wisely.

10 That's available in the learning centre
11 at the Snap Lake mine, and certainly whatever financial
12 management tools we are using for employees for Gahcho
13 Kue, they are likely to be the same as the Snap Lake
14 mine. It could very well be that it ends up being the
15 tool that the GNWT is offering in all communities. But
16 at this point the two (2) are separate things.

17 So I don't know if that helps you, other
18 than one (1) of the things we heard yesterday was, you
19 know, should -- De Beers should pause in and see how
20 effective that is. And because it's been in place for
21 just -- just about a year in -- in some communities and
22 not quite a year in -- in the ones that we've rolled it
23 out in, we do need to go back and check on that. We
24 haven't done that yet.

25 MS. MARJORIE MATHESON: Thank you.

1 That -- it's Marjorie Matheson on. That's what I was
2 interested in was, sort of, statistics to see how
3 successful the program was, or the results of the
4 program. So thank you.

5 MR. SHAFIC KHOURI: Shafic, ENR. Just
6 as a reference you can -- there was discussion
7 yesterday and it was Laurie Morton from Education,
8 Culture and Employment that -- that was -- that had --
9 that she offered details on GNWT's programs that
10 address money management.

11 THE FACILITATOR HUBERT: Chuck Hubert,
12 from the panel. I'd like to go to the telecon and ask
13 if anybody there has any questions. Put that on hold,
14 actually.

15 Marjorie, are you finished with your
16 questions?

17 MS. MARJORIE MATHESON: Yes.

18 THE FACILITATOR HUBERT: Stephanie, go
19 ahead.

20 MS. STEPHANIE POOLE: Thank you.
21 Stephanie Poole, Akaitcho IMA Office. Just as a
22 follow-up to what Mike Tollis of Lutsel K'e Dene First
23 Nation was saying. You know, he had to leave to go to
24 that caribou meeting.

25 So just regarding the circle on the map

1 that he was speaking to, that circle has nothing to do
2 with the traditional territory of the Lutsel K'e Dene.
3 It speaks -- well, let me just say this. The
4 information was not provided to De Beers. It was a
5 WKSS study that they obtained as they are public
6 documents. And like I said, the circle has nothing to
7 do with the traditional territory of the Lutsel K'e
8 Dene.

9 It speaks about a specific region of the
10 traditional territory called Kakinene. That was the
11 focus of that specific study. Nowhere in that study is
12 it claimed that that circle is the traditional
13 territory. So I'm afraid this is an example of where
14 De Beers is manipulating the information to serve their
15 purposes. And I just wanted to make that
16 clarification.

17 And then I have something to say about -
18 - about socio-economics. I think that 2001 report was
19 provided to De Beers but not the 2003 one, but they're
20 both referenced under that map.

21 We are still on the topic of socio-
22 economic issues, are we? Okay. I had a question about
23 what Linda was saying. And it sounded like from what
24 she was saying, that they used available regional data
25 to inform their section of the EIS. And I wondered if

1 there were any specific studies done in regards to
2 Akaitcho First Nations and their communities. When I
3 say "specific studies," I mean those funded and
4 initiated by De Beers for this EIS. And then I'll have
5 my final comment for the day.

6 MS. LINDA HAVERS: The data that was
7 collected from communities occurred -- there were
8 interviews and focus group data that was collected
9 between 2007 and 2008. Those are -- are -- you know,
10 is considered to be a qualitative data collection at
11 the community level. And that information is
12 incorporated into the baseline in addition to a number
13 of -- of studies that -- that we were able to locate on
14 specific communities, including the -- the one that you
15 had mentioned yesterday, Stephanie, by Dr. Parlee, that
16 I -- I did look.

17 And if we're talking about the same
18 study, which was -- was produced in 2001, and -- and
19 then again in 2003, it was reviewed by -- by one (1) of
20 Dr. Parlee's peers at University of Manitoba. That --
21 that is an important study. It's re -- it's referenced
22 in the EIS and the information is incorporated in the -
23 - in the baseline report as -- as it relates to the
24 Lutsel K'e.

25 And there -- there's a number of other

1 reports that are -- that are -- have been specifically
2 commissioned that we -- we used. They weren't
3 commissioned necessarily by -- by De Beers or other
4 mining companies, but -- but a lot of work that has
5 been commissioned by the -- the Government of NWT. And
6 very specific studies on the effects of rotation, for
7 example, a study on, you know, how volun -- how
8 volunteerism is -- is changing in communities, those
9 kinds of things.

10 MS. STEPHANIE POOLE: Thank you.
11 Stephanie Poole, Akaitcho IMA office. I actually have
12 -- have two (2) items. I have one (1) housekeeping
13 item. And then I'll have my -- my final comment for
14 the day.

15 On Day 1 I had asked the questions --
16 the question as to whether or not -- well, it was:
17 Will De Beers commit to a similar watchdog agency for
18 Gahcho Kue, an independent monitoring agency, as all
19 the other diamond mines have? I was a little bit late
20 after lunch today, so I just -- you know, on that --
21 during -- at -- at that time, De Beers ha -- didn't
22 have an answer. And they said they might have one (1)
23 by the end of this session.

24 So I was still looking for that answer
25 and -- yeah.

1 MS. VERONICA CHISHOLM: Veronica
2 Chisholm from De Beers. Yeah, Stephen Lines addressed
3 that one and provided clarity around that task for the
4 week. And we indicated, and I'll -- I'll indicate now,
5 our adaptive management committee is intended as a
6 replacement to the monitoring agencies that other mines
7 have. And we've committed to developing a terms of
8 reference for that committee.

9 As part of the development of that terms
10 of reference and providing more information around the
11 environmental management and monitoring framework, one
12 (1) component of that, which we'll inform on that, will
13 be the workshop we committed to holding either mid to
14 late September, and establishing a working group to
15 assist in developing the wildlife component part, the
16 wildlife monitoring program.

17

18 (BRIEF PAUSE)

19

20 THE FACILITATOR HUBERT: Good
21 afternoon, Todd. If you're on the teleconference, go
22 ahead.

23 MR. TODD SLACK: Hi, Chuck, thanks.
24 Sorry, the -- I must have missed that earlier this week
25 as well. I don't know, I'm hearing what Veronica just

1 said, and I'm trying to understand just what the
2 company is proposing and when we should expect details
3 on that.

4 Specifically, in terms of the
5 independent oversight, as De Beers well knows, the
6 amount of information generated by these mines is
7 significant. And while the form of whatever agency or
8 monitoring, you know, is very much up in the air at
9 this point, I'd be real interested in seeing what the
10 company has developed to date.

11 And my understanding -- now, I'm away so
12 my understanding is at this point the EMMF is a three
13 (3) page document. And this advisory committee that I
14 just heard about is an item within that or -- when can
15 we have a better understanding of what the company is
16 proposing, I guess, is the question.

17 MS. VERONICA CHISHOLM: Veronica
18 Chisholm from De Beers. I don't know whether you had a
19 chance to look at this environmental monitoring and
20 management framework document that we produced and
21 distributed. We -- we gave a presentation on it on
22 Monday, Todd, and it is thirty-eight (38) pages in
23 length.

24 I'm -- first I'll ask Todd if he had a
25 chance to look at this and then I'll go on from there.

1 MR. TODD SLACK: I hadn't. But if the
2 answer to my question -- if you're telling me it's in
3 there, I'll review it when I get back and then pursue
4 it through further IRs or -- along those lines. But,
5 if not, when -- when, is the question, that we get some
6 details as to the proposal.

7 MS. VERONICA CHISHOLM: Veronica
8 Chisholm from De Beers. Thanks, Todd. Yeah, you may
9 want to have a look at this. We have committed on the
10 record previously today -- the pre -- sorry, the
11 presentation -- the long weekend sort of screwed me up.
12 The -- the actual presentation was on Tuesday by
13 Stephen Lines and it is also available on the MVEIRB
14 website, as well as this report.

15 Earlier today, Todd, we had made the
16 commitment -- De Beers has made the commitment to
17 provide an update to the -- to this document because it
18 was intended to be a discussion draft starting point
19 document that would evolve. And we are currently on
20 the record and -- and agree to commit a -- providing an
21 update to this by -- following the workshop that we
22 have planned for mid to late September, around mid
23 October. And so be -- in time before folks are writing
24 their technical reports.

25 MR. TODD SLACK: I'm perhaps confused

1 there. But I thought the updated document was the
2 updated draft WEMP that ENR was looking for, like the -
3 - the straw dog -- sorry. Perhaps I'll -- I'll just
4 rephrase the -- the question. And the commitment is to
5 provide an update to the AMEC (phonetic) -- I'm just
6 acronym -- acronymizing this, AMEC body? Or is the
7 commitment to provide an updated WEMP? Or both?

8 MS. VERONICA CHISHOLM: Veronica
9 Chisholm, from De Beers. That would be both, Todd.
10 That's the simple answer.

11 MR. TODD SLACK: Well, we're -- our
12 details on this won't be until October then.

13 MS. VERONICA CHISHOLM: Veronica
14 Chisholm from De Beers. Todd, I -- I hope that you
15 will be one of the participants in that workshop. And
16 so some of those details will come out through those
17 discussions. So -- and then a final documentation with
18 a working group, who is going to be informing on the
19 wildlife monitoring program, will be integrated into
20 this environmental monitoring and management framework.

21 THE FACILITATOR HUBERT: Chuck Hubert,
22 from the panel. Thanks very much for that response.
23 Thanks, Todd, for continuing to be with us. Stephanie,
24 do you have anything further?

25 MS. STEPHANIE POOLE: Thank you.

1 Stephanie Poole, Akaitcho IMA office. This is in
2 regards to socio-economic issues.

3 And this morning during De Beers'
4 housekeeping monologue they gave an -- an update
5 regarding Attawapiskat. And basically what De Beers
6 had said was that they -- they had helped that
7 community when they had -- had a sewage flood into a
8 number of their homes in their community. And I just
9 am compelled to add -- and -- and have to mention that,
10 you know, in -- in March of 2005 the community says
11 that De Beers dumped sewage into their pump station and
12 that this was a contributing factor towards the -- the
13 eventual sewage flooding that -- that happened in the
14 homes.

15 And in addition to -- to that I just
16 wanted to read a little expert -- excerpt from -- from
17 Bill Chu, who was chair of the Canadians for
18 Reconciliation Society in -- in a paper he wrote that
19 was called, "Going beyond the News at Attawapiskat,"
20 where it says that:

21 "In addition to Canada there is
22 another background player which may
23 make this sad saga sound like James
24 Cameron's 2009 science fiction movie
25 Avatar. The De Beers Canada Victor

1 Mine, which was marginally mentioned
2 in the news is located approximately
3 90 kilometres west of Attawapiskat
4 with -- within its traditional
5 territory. It is the first diamond
6 mine in Ontario and the second De
7 Beers mine outside of Africa.
8 According to the natives, except for
9 a few individuals, the positive
10 economic impact on the village has
11 been negligible. While the community
12 had great success in securing
13 employment opportunities during its
14 construction phase, it has been a
15 struggle to educate, train, and
16 retain local workers for positions
17 that require industrial
18 certifications and advanced training
19 since operations began in 2008.
20 Meanwhile, the land animals are
21 highly impacted and the fish have
22 elevated levels of mercury as 8
23 million litres of diesel fuel is
24 transported over 350 kilometres
25 annually. Spills are of great

1 concern as they are often covered up,
2 unreported. The water tastes
3 different and people are seeing
4 deformed fish. There was disturbance
5 to the caribou migration, don't see
6 them anymore. Moose reduced as well.
7 Instead of cutting off your arms and
8 feet, like they did in Africa, they
9 are cutting off our land, our food,
10 from the people, lamented an
11 aboriginal liaison youth worker. On
12 its part the Victor Mine reached full
13 production in July 2008, is expected
14 to produce 6 million karats and
15 create \$6.7 billion in gross domestic
16 product growth for Ontario."

17 As I said, that was taken from the paper
18 titled, "Going Beyond the News at Attawapiskat," by
19 Bill Chu, chair of Canadians for Reconciliation
20 Society..

21 And then there is the issue, also, the
22 indigenous peoples of Hondeklipbaai on the Cape West
23 Coast and any others impacted by De Beers in Africa.
24 The treatment and consideration of indigenous rights by
25 De Beers in all of their operating diamond mining

1 operations, the socio-economic impacts, and any
2 mitigations along with the environmental records must
3 be considered by the panel during this review. Thank
4 you.

5 MS. CATHIE BOLSTAD: Thank you,
6 Stephanie. Cathie Bolstad. And I'd like to respond
7 firmly to that. Unsubstantiated claims from third
8 parties on matters in other countries and about our
9 project at the Victor Mine are being entered as
10 evidence. I'm going to make the point that these are
11 unsubstantiated. Thank you.

12 THE FACILITATOR HUBERT: Thanks for
13 that follow-up. And that's duly noted on the fi --
14 transcripts. Thanks. Would De Beers like a follow-up
15 at all to that?

16 MS. CATHIE BOLSTAD: That is my follow-
17 up.

18 THE FACILITATOR HUBERT: Thank you.
19 Okay. And any other comments from parties in the room
20 on the topic of socio-economic impacts?

21 MS. LORETTA RANSOM: It's actually
22 about caribou. It's Loretta Ransom. I'm just
23 wondering what your advice would be for how we follow
24 up with respect to the meeting that the caribou people
25 are having right now. Just some guidance on that.

1 THE FACILITATOR HUBERT: Thank you.
2 Chuck Hubert, with the panel. I had asked for somebody
3 in the room to take notes. And I'm not sure if that
4 was -- is actually being done. But I'm hoping it's
5 done -- being done and that those meeting notes will be
6 submitted to the panel. And -- and we'll post them on
7 the public registry.

8 MS. CATHIE BOLSTAD: De Beers Canada.
9 Chuck, De Beers will make sure that notes are provided.

10 THE FACILITATOR HUBERT: Thanks very
11 much. Chuck Hubert, with the panel. Anything further
12 before we wrap up and go over our commitments and
13 undertakings for the week?

14

15 (BRIEF PAUSE)

16

17 MS. GINGER GIBSON: Hi, Chuck.

18 THE FACILITATOR HUBERT: You're live on
19 the air.

20 MS. GINGER GIBSON: Great.

21 THE FACILITATOR HUBERT: Go ahead.

22 MS. GINGER GIBSON: Ginger Gibson,
23 Tlicho Government. It took me a while to raise up.
24 It's Friday afternoon. I just wanted to make note of
25 two (2) things. First of all, that we will provide --

1 the Tlicho Government, from the Tlicho Government
2 perspective, will provide a briefing note, very short,
3 on resources that we consider to be important for -- in
4 terms of the -- we mentioned one (1) -- I mentioned one
5 (1) resource earlier, but we'll -- a number of others
6 have been brought to my attention by Kevin O'Reilly
7 (phonetic).

8 So we'll do a very short review of the
9 materials that we've seen on the -- on environmental
10 monitoring and provide a briefing note -- not about the
11 Tlicho Government perspective, but about those -- the -
12 - those -- those resources and what they sort of -- a
13 guide to them. So we'll -- we'll commit to doing that.

14 The other thing I wanted to raise up is
15 that the -- that it -- we spend a lot of time in the --
16 and we've made commitments here about environmental
17 monitoring. One (1) of the frustrations for the Tlicho
18 Government has been that the socio-economic monitoring
19 often occurs without an associated changes -- or
20 there's very little adaptive management that is seen
21 even when, for example, in the Diavik Community
22 Advisory Board there's been -- communities have been
23 bringing issues to the table for years.

24 And there's been a high level of
25 frustration in that whenever impact is proven in socio-

1 economics, it's very hard to get anybody to do anything
2 about it. Because while in the environmental
3 legislation we have great numbers that say you can't go
4 above 'X' for ammonia and 'Y' for nitrogen, no one says
5 you can't go above 'X' for family breakup and 'Y' for
6 addictions. And so, as a result, funds are never
7 triggered, even though people are experiencing impacts.

8 And so I want to make a similar plea to
9 the environmental monitoring commitments, that there be
10 a commitment made by De Beers to host at the same time,
11 possibly, you know, to make -- I guess to -- if -- if
12 there needs to be -- kind of having all the people --
13 the right people at the right time in the -- in the
14 same place, that there be a real dialogue about the
15 socio-economic monitoring.

16 I think we're very good in the north at
17 paying attention because of the legislation that we
18 have. We're good at paying attention to environmental
19 monitoring, and then doing adaptive monitoring and
20 adapt -- adaptive changes. But we're -- I think because
21 we don't have those similar numbers, and therefore the
22 similar hammers, and therefore the associated funding,
23 we're not very good at -- at doing adoptive management
24 on -- in socio-economic areas.

25 So I'd like to make a plea to De Beers

1 to please consider making a commitment to engage -- and
2 -- and we talked yesterday about having reflection and
3 then -- and then moving forward, but I'd like to ask De
4 Beers to engage a similar process to environment for
5 social, to say, Let's -- let's sit down and talk about
6 what we've learned from the past, and -- and figure out
7 how to build a socio-economic monitoring agreement that
8 doesn't just -- doesn't just track numbers, but
9 actually figures out how people are going to respond to
10 trends that they see in the data. Thank you.

11 THE FACILITATOR HUBERT: Chuck Hubert
12 with the panel. Thanks very much, Ginger. I'll let De
13 Beers respond.

14 MS. CATHIE BOLSTAD: Thanks, Ginger.
15 I'm dying to know what the joke was. And I'm wishing
16 my Friday was much -- as much fun as yours sounded like
17 it was. De -- De Beers will -- will take this into
18 consideration, yes.

19

20 RECAP & CLOSING REMARKS:

21 THE FACILITATOR HUBERT: Chuck Hubert
22 with the panel. Thanks very much. And the next step
23 will possibly be a second round of Information
24 Requests, so that -- that may come out through that
25 step.

1 What I'd like to do now is go over the
2 commitments and undertakings that we've had today, if
3 we can -- this is a good time for that.

4

5 (BRIEF PAUSE)

6

7 THE FACILITATOR HUBERT: Chuck Hubert,
8 with the panel. So I thought we'd go through these,
9 both undertakings and commitments. I thought I'd start
10 with undertakings, actually, if we can do that. I have
11 a total of five (5).

12 Undertaking number 1 we have as:

13 "De Beers to provide a summary list
14 of -- of predicted changes related to
15 the project, from baseline, of all
16 components of the environment."

17 What's it on yours?

18 MS. VERONICA CHISHOLM: I apologize.
19 Veronica Chisholm, from De Beers. We just -- we
20 recorded that, Chuck, as list of changes to the
21 refilled Kennady Lake at closure. So -- because it was
22 during the session where we talked about Kennady Lake
23 specifically. And -- and too bad Stephanie isn't here,
24 but the commitment was to provide a summary of all the
25 changes to Kennady Lake.

1 THE FACILITATOR HUBERT: Thanks very
2 much. I'm okay with that. Let's -- and that was
3 Undertaking number 1, correct?

4 MS. VERONICA CHISHOLM: Correct.

5 THE FACILITATOR HUBERT: Undertaking
6 number 2, we have stated as --

7 MS. VERONICA CHISHOLM: I'm sorry,
8 Chuck. Veronica Chisholm, from De Beers. Are you --
9 do you want to just change those now, or...?

10 THE FACILITATOR HUBERT: Yes. Yes.

11 MS. VERONICA CHISHOLM: I know it'll be
12 painful, but it's probably worth it in the long run.

13 THE FACILITATOR MERCREDI: Okay, so as
14 I have it:

15 "De Beers to provide a summary list,
16 approximately five (5) pages, of all
17 predicted changes to Kennady Lake
18 related to the project, from
19 baseline."

20 THE FACILITATOR HUBERT: Number 2, you
21 can see there. It -- the intent was for De Beers to
22 respond back to Kathy Racher of the Mackenzie La --
23 Land and Water Board. That is now an undertaking, so
24 we should remove by the end of the tech session?

25 MS. VERONICA CHISHOLM: Yeah.

1 THE FACILITATOR HUBERT: Can you delete
2 that part? But is that generally your understanding of
3 the -- of the undertaking?

4 MS. VERONICA CHISHOLM: Veronica
5 Chisholm, from De Beers. It was -- I think you got it
6 right. It was to provide the physical properties of
7 the fine PK material and -- and the example was settle
8 -- settlema -- settle-ability. I can't talk any more.

9

10 (BRIEF PAUSE)

11

12 THE FACILITATOR MERCREDI: By June
13 12th, 2012.

14 THE FACILITATOR HUBERT: Well,
15 undertaking date is June 8th, actually.

16 THE FACILITATOR MERCREDI: Fair enough.
17 Paul Mercredi with the Review Board. And that's by
18 the undertaking date, which is June 8th.

19

20 (BRIEF PAUSE)

21

22 THE FACILITATOR MERCREDI: Okay,
23 Undertaking number 3:

24 "Akaitcho IMA to produce for the
25 panel a Water Survey of Canada map

1 outlining the community's preferred
2 reference monitoring sites between
3 the east arm and the project site."

4 And that's the, kind of, north-south
5 watershed that Stephanie referred to in the transcript.
6 She already has provided the map, she will be providing
7 the rationale. So I'll change that here to reflect
8 that she is providing the rationale for why she wanted
9 that.

10 MS. VERONICA CHISHOLM: Veronica
11 Chisholm from De Beers. We agree that that was the
12 wording --

13 THE FACILITATOR MERCREDI: Okay.

14 MS. VERONICA CHISHOLM: -- that was the
15 correct wording.

16

17 (BRIEF PAUSE)

18

19 THE FACILITATOR MERCREDI: It's too bad
20 there's no T9 on this program. Okay. So I'll just
21 read this again:

22 "Akaiicho IMA to produce for the
23 panel a Water Survey of Canada map
24 outlining the community's preferred
25 reference monitoring sites between

1 the east arm and the project,
2 regarding the north-south oriented
3 watershed, and also to provide
4 rationale for these sites."

5 And does De Beers Canada agree with that
6 wording? Okay.

7 Undertaking number 4:

8 "AANDC to respond to the panel
9 regarding attendance -- AANDC's
10 attendance to the wildlife effects
11 monitoring program working group."

12 THE FACILITATOR HUBERT: That's more
13 CIMP.

14 THE FACILITATOR MERCREDI: And Chuck
15 notes -- this is Paul Mercredi for the transcripts.
16 Chuck notes that this is the CIMP working group --

17 THE FACILITATOR HUBERT: No, no, it's
18 CIMP attendance at the working group.

19 THE FACILITATOR MERCREDI: Regarding
20 CIMP's attendance --

21 THE FACILITATOR HUBERT: Yeah.

22 THE FACILITATOR MERCREDI: -- to the
23 working group -- to the WEMP working group.

24 THE FACILITATOR HUBERT: Yeah.

25 THE FACILITATOR MERCREDI: Okay. And

1 does De Beers have any objection to that wording?

2 MS. VERONICA CHISHOLM: Veronica

3 Chisholm, De Beers. We agree.

4 THE FACILITATOR MERCREDI: Very well.

5 Undertaking number 5:

6 "De Beers will provide information on
7 how traditional knowledge informed
8 the design of the Snap Lake mine."

9 MS. VERONICA CHISHOLM: Veronica

10 Chisholm, De Beers. We agree.

11 THE FACILITATOR MERCREDI: Very well.

12 THE FACILITATOR HUBERT: You have to go
13 way up to those commitments.

14 THE FACILITATOR MERCREDI: Okay. And
15 that concludes the undertakings for this technical
16 session. Very well. De Beers has acknowledged.

17 Going to commitments now for the
18 technical session. As we've recorded it, May 23rd,
19 2012, on the Wednesday.

20 Commitment number 1:

21 "De Beers to work with Transport
22 Canada to discuss some of the
23 navigable waters issues related to
24 Kennady Lake."

25 MS. VERONICA CHISHOLM: De Beers --

1 Veronica Chisholm, De Beers. We agree.

2 THE FACILITATOR MERCREDI: Paul

3 Mercredi with the Review Board. Commitment number 2:

4 "For De Beers to provide alternative
5 analysis document for mid-June 1012."

6 MS. VERONICA CHISHOLM: Veronica

7 Chisholm, De Beers. We agree.

8 THE FACILITATOR MERCREDI: Paul

9 Mercredi, Review Board. Commitment number 3:

10 "De Beers will consult with
11 Environment Canada and GNWT on
12 incineration plan."

13 MS. VERONICA CHISHOLM: Veronica

14 Chisholm, De Beers. We agree.

15 THE FACILITATOR MERCREDI: Very well.

16 Paul Mercredi, Review Board. Commitment number 4:

17 "De Beers will examine reference
18 lakes data base to see if any can
19 apply to the Kennady Lake system, and
20 to include more lakes that are
21 similar to that system if possible."

22

23 (BRIEF PAUSE)

24

25 MS. CATHIE BOLSTAD: De Beers Canada,

1 Chuck. It's Cathie Bolstad. We're just looking at the
2 transcript, okay?

3 THE FACILITATOR HUBERT: Sure. Thanks.
4 It's worth taking your time. That's fine.

5

6 (BRIEF PAUSE)

7

8 MS. VERONICA CHISHOLM: Veronica
9 Chisholm, from De Beers. We -- we just went through
10 the transcripts, and that was on -- I think from page
11 210 to 211-212. And there was a bit of a dialogue on
12 this between John Faithful and Pete Cott, from DFO.

13 And the -- the final statements, we
14 talked about how De Beers is already undertaking the
15 reference lake. And -- and so there was -- this
16 undertaking was essentially --- or this commitment was
17 already something that we have currently underway. So
18 I don't -- I don't know whether there's a requirement
19 to restate it. John, do you want to provide some
20 clarification?

21 MR. JOHN FAITHFUL: John Faithful,
22 Golder Associates. As -- as Veronica stated, we -- we
23 had dialogue with DFO, indicated to DFO that this work
24 was already being undertaken this year. And DFO
25 accepted that. So, in our minds, that commitment can

1 be taken off the -- off the record.

2 THE FACILITATOR MERCREDI: Okay, we
3 will strike that from this list, Commitment number 4.
4 This is Paul Mercredi, from the Review Board. We will
5 strike the Commitment number 4, as we just stated,
6 regarding the reference lakes.

7 So now Commitment number 4 -- we're
8 going to say Commitment number 5. We'll just say
9 Commitment number 4 has been addressed, maintaining
10 that numbering. Commitment number 5:

11 "De Beers will include closure water
12 quality objectives relating to
13 sediments by end of September, 2012,
14 end of IR round 2, willing to speak
15 with E -- Environment Canada during
16 the development of these objections."

17 And I believe that was dialogued with
18 Anne during that time.

19 MS. VERONICA CHISHOLM: Veronica
20 Chisholm, from De Beers. The only -- the only change
21 that we would make based on the -- on our understanding
22 from the transcripts is that it was an interim water
23 quality objectives, not develop but include --

24 MR. JOHN FAITHFUL: Not -- not
25 included.

1 MS. VERONICA CHISHOLM: Go ahead, John.

2 MR. JOHN FAITHFUL: Sorry, Veronica.

3 John Faithful. Rather than De Beers will include
4 closure water quality objectives, De Beers will develop
5 interim closure water quality objectives.

6 THE FACILITATOR MERCREDI: Okay. So we
7 will -- and Environment Canada will be able to -- to --
8 in case they do object at all to that, they -- they
9 will be able to say such. So De Beers will include
10 interim closure water quality objectives. Sorry. De
11 Beers will develop interim closure water quality
12 objectives relating to sediments by the end of
13 September, 2012, and of IR round 2. And that will
14 involve discussion with Environment Canada. Yes, John?

15 MR. JOHN FAITHFUL: John Faithful,
16 Golder Associates. So not relating to sediments.
17 It'll be De Beers will develop interim closure, water
18 quality, and sediment quality objectives by end of
19 September.

20

21 (BRIEF PAUSE)

22

23 THE FACILITATOR MERCREDI: Very well.

24 I'll do -- just do a final reading. Commitment number

25 5:

1 "De Beers will develop interim
2 closure water quality objectives and
3 sediment quality objectives relating
4 to sediments by end of September 2012
5 and of IR round 2. And Environment
6 Canada will be party to those
7 discussions."

8 Commitment number 6:

9 "As stated in the EIS, reconfirming
10 that De Beers fully intends to
11 reconnect Kennady Lake to surrounding
12 watershed after closure of the mine
13 site."

14 MR. JOHN FAITHFUL: John Faithful,
15 Golder Associates. We don't have any recollection of
16 that commitment, Paul.

17 MS. VERONICA CHISHOLM: Veronica
18 Chisholm, De Beers. I mean, we're fine with that.
19 That's what we stated in our project plan. It -- it's
20 not like it's anything new. But if -- you know, if you
21 want to include that here that's fine.

22 THE FACILITATOR MERCREDI: Noted.

23 Commitment number 7 From Thursday:

24 "De Beers to outline its training and
25 apprenticeship positions for the life

1 of mine."

2 MS. VERONICA CHISHOLM: Veronica

3 Chisholm, De Beers. That's correct.

4 THE FACILITATOR MERCREDI: Paul

5 Mercredi, Review Board. Commitment number 8:

6 "De Beers to provide a conceptual

7 flow mitigation plan."

8 MS. VERONICA CHISHOLM: Veronica

9 Chisholm, De Beers. I -- I'm terribly sorry, but on

10 that job description it was a preliminary job

11 descriptions. We were trying to be -- we're not going

12 to have our full readiness plan ready, so the best we

13 can do is a preliminary job description list.

14 THE FACILITATOR MERCREDI: Paul

15 Mercredi, Review Board. Commitment number 7:

16 "De Beers to outline its preliminary

17 training and apprenticeship positions

18 for life of mine."

19 MS. VERONICA CHISHOLM: Yes. Veronica

20 Chisholm. Yes.

21 THE FACILITATOR MERCREDI: Paul

22 Mercredi, Review Board. Commitment number 8:

23 "De Beers to provide a conceptual

24 flow mitigation plan."

25 MS. VERONICA CHISHOLM: Veronica

1 Chisholm, De Beers. Yes.

2 THE FACILITATOR MERCREDI: Paul

3 Mercredi, Review Board. Commitment number 9:

4 "De Beers to meet with Lutsel K'e

5 Dene First Nation to review

6 monitoring locations and discuss

7 potentially new monitoring locations

8 as part of the AEMP development

9 process."

10 MS. VERONICA CHISHOLM: Veronica

11 Chisholm, De Beers. You may just want to change

12 "potentially" to "potential" and the green line may go

13 away.

14 THE FACILITATOR MERCREDI: Sorry, if

15 you could say that again.

16 MS. VERONICA CHISHOLM: Veronica

17 Chisholm, De Beers. You just may want to change that

18 to "potential" instead of "potentially."

19 THE FACILITATOR MERCREDI: Paul

20 Mercredi, Review Board. Commitment number 9:

21 "De Beers to meet with Lutsel K'e

22 Dene First Nation to review

23 monitoring locations and discuss

24 potential new monitoring locations as

25 part of the AEMP development

1 process."

2 MS. VERONICA CHISHOLM: Veronica

3 Chisholm, De Beers. That's correct.

4 THE FACILITATOR MERCREDI: Paul

5 Mercredi, Review Board. Going to commitments to --

6 from today. Commitment number 10:

7 "De Beers committed to using a
8 collaborative approach developing the
9 wildlife effects monitoring program."

10 MS. VERONICA CHISHOLM: Veronica

11 Chisholm, De Beers. That's correct.

12 THE FACILITATOR MERCREDI: Paul

13 Mercredi, Review Board. Commitment number 11:

14 "De Beers to commit to forming a
15 working group to develop a management
16 framework for the wildlife effects
17 monitoring program and hosting a
18 workshop."

19 Review Board -- and I -- I believe the
20 date for that is requiring clarification.

21 MS. VERONICA CHISHOLM: Veronica

22 Chisholm, De Beers. That's fine.

23 THE FACILITATOR HUBERT: Chuck -- Chuck

24 Hubert with the panel. And we were going to add the
25 date for that, the timing for that. September?

1 MS. VERONICA CHISHOLM: Yeah, we -- we
2 said mid to late September.

3 MS. LORETTA RANSOM: It's Loretta
4 Ransom, with GNWT. Once Paul's done there, can we just
5 go back to a couple of the commitments before that?

6 THE FACILITATOR MERCREDI: Paul
7 Mercredi, Review Board. Just going to Commitment
8 number 11:

9 "De Beers to commit to forming a
10 working group to develop a management
11 framework for the wildlife effect mon
12 -- wildlife effects monitoring
13 program and hosting a workshop mid to
14 late December."

15 That is Commitment number 11. And GNWT
16 has requested that we review one (1) of the earlier
17 commitments.

18

19 (BRIEF PAUSE)

20

21 MS. CATHIE BOLSTAD: Cathie Bolstad.
22 Can you just scroll up?

23 MS. LORETTA RANSOM: I'm just looking
24 at commitments. Loretta Ransom, GNWT. I'm just
25 looking at the Commitment number 7. And I'm just

1 picturing someone mentioning to me later on that they
2 wanted more detail than that. And in just looking back
3 at my notes, they -- with respect to that commitment --
4 and Cathie can correct me here, but when we talked
5 about it they referred to, sort of, job titles, the
6 comp -- competencies, JDs (phonetic), and -- which I
7 know that you couldn't provide a lot of the specifics,
8 but that De Beers had committed to providing some of
9 the detail that you did have at this point by October.
10 So I don't know if we just wanted to add more to that
11 as well as the deadline.

12 MS. CATHIE BOLSTAD: Cathie Bolstad, De
13 Beers. I'm just looking at number 7 as well as
14 watching us scroll down because I was -- I was not sure
15 we were going to see something for jobs and job
16 categories coming below. But if you want to wrap that
17 into Commitment 7, what we actually committed to do is
18 provide a preliminary outline of the jobs that were for
19 the Gahcho Kue mine, by job category, in the five (5)
20 job categories that we have. And I believe we said
21 before the technical reports were submitted, so.

22 MS. BRIGITTE MASELLA: Brigitte
23 Masella, with the panel. My notes also included "by
24 phase."

25 MS. CATHIE BOLSTAD: Cathie Bolstad.

1 For clarification, I didn't see where that question
2 came from. Oh, there it is. Are you talking about
3 construction and operations in the closure phase? Is
4 that what you're talking about?

5 MS. BRIGITTE MASELLA: Yes, that's
6 correct.

7 MS. CATHIE BOLSTAD: I think we said
8 preliminary for before October, because I'm not sure
9 we'll have all of that detail at that point in time
10 yet. So it will be a preliminary list of the jobs that
11 are coming, and we'll -- we'll do our best to see what
12 we can do in terms of phasing that for you.

13 MS. LORETTA RANSOM: Yeah, it's Loretta
14 Ransom, GNWT. Yeah, I also had in my notes that it was
15 by construction and operation, so that would be great.

16 THE FACILITATOR MERCREDI: Okay. Paul
17 Mercredi, Review Board. Commitment number 7:

18 "De Beers to outline its preliminary
19 training and apprenticeship positions
20 for life of mine, by project phase,
21 before technical report submissions."

22 MS. CATHIE BOLSTAD: Cathie Bolstad. I
23 think what you need to add there is the jobs by job
24 category. There's -- there's two (2) things there.
25 You've got the training and apprenticeship positions,

1 but the GNWT was also looking for us to provide what
2 the job -- the scope of the jobs would be. And we said
3 we'd do that by jobs and job categories.

4 MR. SHAFIC KHOURI: Are we done with
5 that one?

6 THE FACILITATOR MERCREDI: I will read
7 into the -- Paul Mercredi, Review Board. I will -- for
8 the record, that was Shafic Khouri with the GNWT-ENR
9 who asked if we were done. No, we're not. Paul
10 Mercredi, Review Board. Commitment number 7, just for
11 final -- final reading:

12 "De Beers to outline its preliminary
13 training and apprenticeship positions
14 along with jobs and job categories,
15 for life of mine, by project phase,
16 before technical reports submission."

17 De Beers has -- is nodding, and GNWT...

18 MS. LORETTA RANSOM: Loretta Ransom,
19 GNWT. One (1) more thing that if we could add just
20 numbers, apprenticeship numbers. That's, I think, one
21 (1) other item that they were hoping to get, if poss --
22 if possible.

23 THE FACILITATOR HUBERT: Chuck Hubert.
24 Where would you like to put that in the sentence?

25 MS. CATHIE BOLSTAD: De Beers Canada,

1 Cathie Bolstad. I think that's covered in positions.

2 THE FACILITATOR MERCREDI: Very well.

3 And, Shafic, did you -- Paul Mercredi, Review Board.

4 Shafic, did you have a question?

5 MR. SHAFIC KHOURI: Shafic, GNWT.

6 Could we add -- well, two (2) -- two (2) separate

7 things. First still on Commitment 7, could we add app

8 -- apprenticeship positions and numbers, if that's

9 okay?

10

11 (BRIEF PAUSE)

12

13 MS. CATHIE BOLSTAD: De Beers Canada.

14 I'd rather you take out then positions, because being

15 able to tell you what those positions are going to be

16 is not going to be something we're able to do. Numbers

17 of apprenticeships, where they go, and how they're

18 profiled in the mine, I think, I talked about that

19 earlier a couple days ago, we may not have that level

20 of detail. That's about mapping out towards journeyman

21 status and things.

22 So we would -- De Beers, I would -- I

23 would think that what is an accurate reflection of what

24 we were able to commit to and did commit to is that De

25 Beers will outline its preliminary training and

1 apprenticeship positions, and will provide a
2 preliminary outline of the jobs by job category for the
3 phases of the mine's life. That's what we committed to
4 provide.

5 MR. SHAFIC KHOURI: Shafic, GNWT.

6 Thank you. Shafic, GNWT again. So if we're done with
7 that then, or -- so -- yeah, okay.

8

9 (BRIEF PAUSE)

10

11 MS. VERONICA CHISHOLM: Veronica

12 Chisholm, De Beers. Before you leave commitment, if
13 we're off that one and we can go to Commitment number
14 8. It's a conceptual downstream flow mitigation plan,
15 sorry.

16 THE FACILITATOR MERCREDI: Paul

17 Mercredi, Review Board. Relating to Commitment number
18 7, we'll just finish this one.

19 "De Beers to outline it's preliminary
20 training in apprenticeship positions,
21 and will provide a preliminary --
22 prelim -- preliminary list of jobs
23 and job categories for the life of
24 mine by project phase before
25 technical reports submission."

1 I see De Beers' representative nodding,
2 and GNWT representative nodding, for the record. Okay.

3

4 So going to Commitments number 8,
5 Veronica Chisholm with De Beers mentioned that it will
6 be a preliminary --

7 THE FACILITATOR HUBERT: No, downstream
8 --

9 THE FACILITATOR MERCREDI: --
10 downstream flow mitigation plan. Sorry.

11 Commitment number 8:

12 "De Beers to provide a conceptual
13 downstream flow mitigation plan."

14 I see De Beers' representative nodding
15 in agreement.

16 Going back where we left off to
17 Commitment number 12. Shafic...?

18 MR. SHAFIC KHOURI: Shafic, GNWT.
19 Regarding Commitment 10, please: De Beers is committed
20 to using a collaborative approach to developing the
21 wildlife effects monitoring plan, WEMP.

22 Could we please ask De Beers exactly
23 collaborate -- collaboration with whom, and possibly
24 clarify that statement, please and thank you.

25 MS. VERONICA CHISHOLM: Veronica

1 Chisholm, De Beers. With communities and regulators.

2 THE FACILITATOR HUBERT: Chuck Hubert
3 with the panel. Okay, we're adding that. Does that
4 sat -- assist GNWT with those additions?

5 THE FACILITATOR MERCREDI: Okay,
6 Commitment number 10, Public Review Board:

7 "De Beers is committed to using a
8 collaborative approach with
9 communities and regulators to -- to
10 developing the wildlife effects
11 monitoring plan."

12 Going to GNWT and De Beers.

13

14 (BRIEF PAUSE)

15

16 MS. VERONICA CHISHOLM: Veronica
17 Chisholm, De Beers. I have the following suggestion
18 based on our understanding of the commitment.

19 "De Beers to establish a working
20 group to facilitate collaboration for
21 the development of a wildlife
22 monitoring program and its -- as it
23 contributes overall to the EMMF."

24 THE FACILITATOR MERCREDI: Shafic --
25 Paul Mercredi, Review Board. Shafic, yours was related

1 to Commitment number 10, am I correct?

2 MS. SHAFIC KHOURI: Yes. Shafic, GNWT.
3 Yes, I was, and just one (1) moment, please.

4

5 (BRIEF PAUSE)

6

7 MS. LORETTA RANSOM: It's Loretta
8 Ransom, GNWT. We're just -- I guess 10 and 11 are kind
9 of in one (1). And we're also thinking about the
10 Board's experts as well. There are a number of people
11 that will be able to provide expert advice on the
12 development of the WEMP.

13 So we just want to make sure that we're
14 encompassing as many experts as possible. So I don't
15 want to get too involved in the semantics, but I --
16 some suggestions would be good for that.

17 MS. VERONICA CHISHOLM: Veronica
18 Chisholm, De Beers. I have no problem including Board
19 experts or the panel experts as part of that to be more
20 explicit. I kind of considered them regulators, but...

21 MS. KATE WITHERLY: One (1) added to
22 that. Kate Witherly, with Northern -- is it on? Kate
23 Witherly, with the Northern Projects Management office.

24 Commitment 10 and 11 are kind of the
25 same. Like 10 is really broad, whereas 11 gets into

1 detail. So I'm wondering if we can just merge them and
2 have a single commitment to working with regulators and
3 Board experts, et cetera, to make this working group
4 and develop the WEMP.

5

6 (BRIEF PAUSE)

7

8 THE FACILITATOR HUBERT: Chuck Hubert,
9 with the panel. Is there any real conflict in leaving
10 it as is?

11 MS. KATE WITHERLY: Kate Witherly, with
12 NPMO. Only that we're trying to have a fairly I think
13 smaller list that's more precise. It's more helpful
14 than having a large list full of vague commitments that
15 no one -- that are difficult to follow up on.

16 MS. VERONICA CHISHOLM: Veronica
17 Chisholm, De Beers. I think number 10, Commitment
18 number 10, was a broad commitment made to the Tlicho
19 Government, I believe to you, Kerri, who's sitting over
20 there. And we're okay keeping that in as a broad
21 overarching commitment.

22 And then I think for the working group
23 and the workshop we may want to split those actually
24 into two (2) commitments, so just for clarity. And --
25 and I look to the MPMO and to Tlicho Government who

1 were participants, and to you, Loretta, to see whether
2 that -- you -- your recollection of the spirit of that
3 commitment is consistent with that.

4 MS. KERRI GARNER: Kerri Garner, Tlicho
5 Government. I think that the Commitment number 10 was
6 definitely that initial very broad commitment. And
7 then I was looking for something a bit more specific,
8 and that's where Commitment number 11 came from, and
9 Anne Gunn recommended the idea of the working group.

10 I started with the workshop. It
11 expanded to a working group, which is where we landed
12 on, I think. So there's -- it doesn't matter to me how
13 many commitments there are necessarily. I mean, I
14 think that, you know, number 10 wasn't enough for me,
15 that's why we moved on to number 11 and got more
16 specific.

17 THE FACILITATOR HUBERT: Chuck Hubert,
18 at -- at the -- for the panel. I think these
19 commitments, it has to be remembered, were written down
20 at the time.

21 MS. VERONICA CHISHOLM: Right.

22 THE FACILITATOR HUBERT: And -- and
23 there was a reason why they were written down at the
24 time. And -- and moving to the gen -- from the general
25 to the specific, is a fairly common way of going about

1 things. So unless there's a conflict with the -- the
2 commitments, I'd suggest that they stand.

3 MR. SHAFIC KHOURI: Shafic, GNWT. I
4 don't have a problem myself with how they stand as they
5 are. But if we are going to -- if -- as we qualified
6 number 10 with communities and regulators, I'm -- I'm
7 asking if we might be able to do the same with number
8 11. So just qualify with whom. Thank you.

9 THE FACILITATOR HUBERT: Chuck Hubert
10 with the panel. Okay, we will add:

11 "De Beers to commit to forming a
12 working group with communities and
13 regulators to develop a management
14 framework for the wildlife effects
15 monitoring plan and hosting a
16 workshop in mid to late September."

17 No?

18 MS. LORETTA RANSOM: It's Loretta
19 Ransom, GNWT. I've been silent for three (3) days. So
20 I was just thinking that maybe now is the time to bring
21 up a thought that many people have had about
22 commitments. And I don't think that we ever really did
23 get to have a really good discussion about how
24 commitments are going to be handled for the remainder
25 of the process.

1 And I know that we're trying to work
2 through this. I'll be quick. But with respect to
3 reportive environmental assessments that have the
4 potential to rely on and -- rely on commitments that
5 were made throughout an environmental assessment or a
6 review process, I guess from our perspective we place a
7 lot of weight on those, as well as the developer. So
8 we just wanted to have -- I guess know from the Board
9 how we plan on dealing with commitments that have
10 occurred throughout the process.

11 Because we thought it would be a really
12 good idea if there could be a commitments table that is
13 provided prior to our submission of technical reports.
14 Because if those -- if a table of commitments is going
15 to end up in a reportive environmental assessment, it's
16 really important that people have a chance to review
17 and refine and prioritize and categorize commitments
18 that the developer and others will need to be
19 responsible for.

20 So I guess that's why we're getting nit-
21 picky with these ones, is because we see it's -- it's
22 commitments are a serious matter.

23 THE FACILITATOR HUBERT: Chuck Hubert,
24 with the panel. Thanks very much. And you're quite
25 right. The commitments are of great importance to all

1 parties, the developer, and the panel. And we do want
2 to get them right. And the panel will prepare a list
3 of commitments prior to parties preparing their
4 technical reports so that they -- the commitments table
5 can inform parties. So yeah, the -- the panel will
6 prepare that.

7 THE FACILITATOR MERCREDI: Paul
8 Mercredi, Review Board. Commitment number 11, just to
9 wrap that up:

10 "De Beers to commit to a work --
11 forming a working group with
12 communities and regulators to develop
13 a management framework for the WEMP
14 and hosting a workshop mid to late
15 September."

16 So it has captured those two (2). I see
17 De Beers representatives nodding. GNWT, no one (1) is
18 throwing anything at me. So I will go on to Commitment
19 number 12:

20 "De Beers to provide more detail on
21 the wildlife effects monitoring
22 program prior to the workshop
23 mentioned in previous Commitment
24 number 11."

25 MS. VERONICA CHISHOLM: Veronica

1 Chisholm, De Beers. From De Beers' perspective that --
2 that's fine.

3 THE FACILITATOR MERCREDI: Paul
4 Mercredi, Review Board. Thank you. Commitment number
5 13:

6 "De Beers reiterates its existing
7 commitment to develop a monitoring
8 program that is effective,
9 collaborative, and innovative, that
10 will evolve over -- over time and
11 still require..."

12 This one might require some massaging --
13 yeah.

14 MS. KERRI GARNER: Kerri Garner, with
15 the Tlicho Government. What this one -- De Beers
16 reiterates its existing commitment to develop a
17 monitoring -- this was more about that independent
18 monitoring body, that committee. It's -- it's about
19 something different than that monitoring program, the
20 wildlife monitoring program that we've previously been
21 talking about, that is effect -- effective,
22 collaborative, and innovative. Go ahead.

23 THE FACILITATOR MERCREDI: You beat me
24 to the punch on the mic. As far as my understanding of
25 this commitment it relates to the -- to the -- De

1 Beers' proposal for the AMAC and the terms of reference
2 for the AMAC. And -- and so as it relates to the -- to
3 the adaptive management advisory committee that De
4 Beers is proposing putting forward. That's my
5 understanding of -- of this wording. Again, we can
6 message that.

7 MS. VERONICA CHISHOLM: Veronica
8 Chisholm, De Beers. Yes, I think that I agree with
9 you. I think in terms of make -- improving the
10 readability and understanding of the commitment it --
11 we will...

12

13 (BRIEF PAUSE)

14

15 MS. VERONICA CHISHOLM: Veronica
16 Chisholm, from De Beers. I think you could -- after
17 terms of reference you could put a period.

18 THE FACILITATOR MERCREDI: Paul
19 Mercredi, Review Board. Commitment number 13:

20 "Regarding the adaptive management
21 advisory committee proposal, De Beers
22 reiterates its existing commitment to
23 develop a monitoring program that is
24 effective, collaborative, and
25 innovative, that will evolve over

1 time, and which sor -- which still
2 requires a terms of reference."

3 At -- it -- it refers to the AMAC and it
4 just kind of outlines exactly how De Beers is
5 approaching that. I -- I think that was how the --
6 this commitment was capturing that.

7 MS. KERRI GARNER: Kerri Garner, Tlicho
8 Government. Maybe this is just semantics. Monitoring
9 program/body. I guess I don't want to put any
10 definition on it at this point, that there is still
11 thought that needs to go into it, which I think we've
12 clearly established today. So -- I'm just being picky.

13 MS. CATHIE BOLSTAD: De Beers Canada,
14 Cathie Bolstad. I think what we're struggling with
15 here is I think that tail end of it -- and it was the
16 conversation that Veronica had with Todd, was that it
17 would read something like at the end of there: an
18 innovative that will evolve over time and De Beers will
19 develop a terms of reference. And it was with the
20 input from the stakeholders that would come through the
21 workshop.

22 THE FACILITATOR MERCREDI: Paul
23 Mercredi, Review Board. So I -- I read that, De Beers,
24 as part of the commitment, is developing a terms of
25 reference as part of it. Okay.

1 (BRIEF PAUSE)

2

3 MR. JOHN FAITHFUL: Paul -- John
4 Faithful, Golder Associates. Can we make monitoring
5 program plural so that it reads "develop monitoring
6 programs that are effective, collaborative, and
7 innovative." Thank you.

8

9 (BRIEF PAUSE)

10

11 MS. CATHIE BOLSTAD: Cathie Bolstad, De
12 Beers. Paul, I think at the end of developing the
13 terms of reference, our commitment: including with the
14 input of the people participating in that September
15 workshop.

16

17 (BRIEF PAUSE)

18

19 THE FACILITATOR MERCREDI: Paul
20 Mercredi, Review Board. Commitment number 13 -- and we
21 are nearing completion here:

22 "Regarding the adaptive management
23 advisory committee proposal, De Beers
24 reiterates its existing commitment to
25 develop monitoring programs that are

1 effective, collaborative, and
2 innovative, that will evolve over
3 time. As part of this commitment, De
4 Beers will be developing a terms of
5 reference with input from
6 participants to the September 2012
7 workshop."

8 I see acknowledgement from -- from De
9 Beers representatives that that is a good read.

10 Commitment number 14:

11 "De Beers is committed to providing
12 ongoing capacity and resources to
13 develop a traditional knowledge
14 monitoring program for life of mine."

15 I see acknowledgement from De Beers
16 representatives.

17 And that concludes the commitments list
18 that -- as -- panel staff have recorded during this
19 technical session. With that, I will turn the mic over
20 to Chuck for closing comments. And I appreciate
21 everybody's patience with my typing speed.

22 MR. SHAFIC KHOURI: Sorry, just one (1)
23 quick question. Shafic, GNWT. Just regarding
24 commitments 10 and 11, if we could -- if I could just
25 get something verified, please. With regards to -- our

1 only concern was we just want to make sure that Board
2 experts were able to be specifically mentioned. And we
3 just want to make sure that Board experts fall under
4 regulators. And if some clarity can be provided from
5 the panel, that'd be great. Thanks.

6 THE FACILITATOR MERCREDI: For the
7 record, I -- I believe I heard De Beers representatives
8 mention that they included Board experts as part of the
9 regulator's community. I see acknowledgement from De
10 Beers that that's an accurate statement. So we'll
11 leave the -- the commitments as are, and it will -- the
12 transcripts will -- as part of the record will -- will
13 reflect that.

14 Without further ado, Chuck Hubert.

15 THE FACILITATOR HUBERT: Thanks very
16 much, Paul, for doing a fine job on wrapping up our
17 commitments. That's truly helpful. Yeah, just --
18 thanks everybody for -- for staying awake, those of you
19 who are still here. It is important to get commitments
20 right and we're pleased that you were able to assist
21 us.

22 I'd just like to talk a bit about next
23 steps. The undertakings are -- are due June the 8th
24 from De Beers. Transcripts will be posted on our
25 website early next week. The -- the next step would be

1 the second round of Information Requests. The panel,
2 as I mentioned, are meeting, if required -- and -- and
3 the panel is meeting the week of the 11th to the 15th
4 and will make a determination whether or not the second
5 round of Information Requests will proceed.

6 I would -- I will be sending out a
7 letter Monday requesting parties to submit to the panel
8 suggestions for -- that might be valuable for a second
9 round of Information Requests. And it will be the
10 panel's determination as to whether second round of
11 Information Requests will occur, and which topics, if
12 any, will be -- well, I guess if they do agree on
13 having a second round there will be some topics. In
14 any case, you -- De Beers will be advised at that -- at
15 the -- towards the end of that week whether or not a
16 second round of IRs will happen.

17 I believe that wraps -- wraps it up.
18 Thanks to everybody who -- who showed up. Thanks to De
19 Beers, of course, and your -- your team. Thanks to
20 Trevor with Pido, and Lorraine with transcription,
21 various parties who showed up. It's been great and we
22 hope to see you again next time we do this sort of
23 thing. So bye for now. All right.

24 MS. VERONICA CHISHOLM: Veronica
25 Chisholm, De Beers. I just -- I just wanted to thank

1 the panel staff for organizing these sessions. I
2 thought that we had a very good technical session this
3 week. And we -- we appreciate you hosting this event.
4 I'd like to thank our very patient recorder of our
5 minutes and our -- our -- I guess it's not our minutes,
6 it's our actual transcript. So thank you very much.

7 And to everyone who participated and
8 spoke freely at these technical sessions. I think you
9 made them an important part of the process. So De
10 Beers would like to thank all the participants
11 involved.

12 THE FACILITATOR HUBERT: Chuck Hubert,
13 with the panel -- panel. Thanks, everybody, once
14 again, and bye.

15
16 --- Upon adjourning at 5:08 p.m.

17
18 Certified correct,

19
20
21
22
23 _____
24 Lorraine Douglas, Ms.

25

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