



“When You Talk - We Listen!”



MACKENZIE VALLEY REVIEW BOARD

DIABIK DIAMOND MINES INC.

EA1819-01

COMMUNITY AND TECHNICAL HEARING

Mackenzie Valley Review Panel:

Chairperson	Joanne Deneron
Board Member	David Krutko
Board Member	Kirby Marshall
Board Member	Yvonne Nakimayak
Board Member	Bertha Norwegian
Board Member	Sunny Munroe
Board Member	Jim Edmonson

Behchoko, NT

September 3rd, 2019

	APPEARANCES	
1		
2	Chuck Hubert)MVRB Staff
3	Mark Cliffe-Phillips)
4	Catherine Fairbairn)
5	Catherine Janz)
6	Kate Mansfield)
7	Alan Ehrlich)
8	Brett Wheler)
9	Jeremy Freeman)
10	Neil Hutchinson)
11	Joe Handley)
12	Catherine McManus)
13	John Donihee)Counsel
14	Julia Paille)Counsel
15		
16	Sean Sinclair)Diavik Diamond Mines
17	Gord Macdonald)
18	Kofi Boa-Antwi)
19	Dave Patterson)
20	Steve Bourn)
21	Winter Bailey)
22	Myra Berrub)
23	Kyle Bennett)
24	Shadi Dayyani) Golder
25	Jerry Vandenberg) Golder

1 APPEARANCES (cont'd)

2 Rainie Sharper) Golder

3 Erica Bonhomme) Stantec

4 Colin Buchanan) Stantec

5

6 Chief Clifford Daniels) Tlicho Government

7 Elder Joseph Judas)

8 Elder Louie Zoe)

9 Elder Charlie Nitsiza)

10 Elder Joe Rabesca)

11 Elder Dora Migwi)

12 Elder Joseph Moosenose)

13 Violet Camsell-Blondin)

14 Joline Huskey)

15 Ginger Gibson)

16

17 Morgan Moffit) GNWT

18

19 Patrick Simon) Deninu K'ue First

20) Nation

21

22 Tony Rabesca) Members of the Public

23 Blake Rasmussen)

24

25

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1 --- Upon commencing at 1:34 p.m.

2

3 THE CHAIRPERSON: Before we start the
4 day, we would like to start with some housekeeping
5 items before we officially begin the day. So at this
6 time, I'd like to call our staff member to let
7 everyone know about some housekeeping items here.

8 MS. CATHERINE FAIRBAIRN: Sure. Thank
9 you, Joanne. So bathrooms are located outside those
10 doors and to your left. The ones here that you can
11 see are closed and locked. The fire exits are right
12 here in the back. That goes straight outside, or else
13 out this way and then into the hallway. There are
14 signs.

15 The lines in this room on the ground
16 are freshly painted, so if you can take any outdoor
17 shoes off and just generally try to avoid scuffing
18 them with shoes or your chairs, that would be much
19 appreciated.

20

21 (BRIEF PAUSE)

22

23 MS. CATHERINE FAIRBAIRN: Okay.
24 Breaks will be called throughout the day at the
25 Chair's discretion. Snacks and coffee will hopefully

1 arrive soon and be freshened up on a regular basis,
2 and supper is provided at 5:30.

3 There will be simultaneous
4 interpretation while we're talking, so please speak
5 slowly and introduce yourself every time. The
6 channels are as follows: Tlicho is on channel 3,
7 Weledeh is channel 2, and English is channel 1.

8 And one final note, Review Board staff
9 may be taking photos throughout the day, so if you
10 have any concerns, please let Chuck or Jeremy here
11 know, and we'll try to avoid having any photos of you.
12 That's everything.

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON: Okay. Okay. Good
17 afternoon, everyone. My name is Joanne Deneron, and I
18 am the Chair of the Mackenzie Valley Impact Review
19 Board. Welcome to the community public hearing for
20 the environmental assessment of Diavik Diamonds Mine's
21 proposal for depositing processed kimberlite into the
22 pits and underground.

23 Before we begin, I would like to
24 acknowledge that we are in -- holding this hearing in
25 Behchoko, in the Tlicho region. We would like to

1 begin this session here and open with an Elder to say
2 the prayer, and welcome to Joe Rabesca. If we could
3 stand, please.

4

5

(OPENING PRAYER)

6

7 THE CHAIRPERSON: Masi. At this time,
8 I would like to welcome Chief Clifford Daniels, and
9 Chief, you are welcome to the table and to have some
10 opening remarks.

11

12 OPENING COMMENTS BY CHIEF CLIFFORD DANIELS:

13

CHIEF CLIFFORD DANIELS: Thank you,
14 Madam Chair. Welcome to the community of Behchoko.
15 Madam Chair, we'd like to thank you for holding these
16 hearings in Behchoko about Diavik, the plan to go put
17 the tailings into the pits close to the mine.

18

Coming into those hearings, I've been
19 thinking about a few things. Madam Chair, I want you
20 to look around. These Elders, leaders and ex-leaders
21 -- it's pretty amazing when you think about it, that
22 they were here in 1999 when you first looked at this
23 mining project. We have all our team together to look
24 at this project.

25

The Mine Closure Plan has many ideas

1 that are not tested yet. We are concerned that this
2 project has changed substantially from when we first
3 reviewed it in 1999. Madam Chair, we are all together
4 here to carefully look at the project carefully.

5 We have been thinking about the
6 context. The Tlicho agreement releases out the
7 context for all of these hearings in this process. It
8 is important for this set of hearings. There are two
9 (2) vital parts. Our agreement refers to water in a
10 number of places.

11 In the Tlicho agreement Section 21.2.3,
12 it requires that the water remain unchanged. In
13 Section 21.5.1.2 requires the Wek'eezhii Land and
14 Water Board not to authorize any activity that will
15 likely substantially alter the quality, quantity, and
16 rate of flow. If there will be a change to water
17 quality, quantity, or rate of flow, that is what we
18 need you as a Board to watch for.

19 We are looking to you to protect the
20 Tlicho agreement and the rights of the Tlicho to clean
21 water. Where there is a gap, where there is a
22 difference of opinion, then the Board will need to
23 take the precautionary approach and do the maximum to
24 prevent damage to our water and our way of life.

25 And another concern I have, not just

1 the Tlicho, that is the impact to the environment, but
2 mostly, and recently over the years, the caribou.

3 We have not pinpointed the cause of the
4 decline, but the accumulated effect of various
5 activities in the barren ground. And we've took it
6 upon ourselves to have a program in our language, Ekwo
7 Noxoede K'e, which used to be called Boots-on-the-
8 ground, to monitor physically following the caribou
9 migration and trying to figure out the cause of that
10 decline.

11 And we've been seeking financial
12 assistance to help that program continue, and the
13 information received is very beneficial as we -- as we
14 move forward in trying to help the caribou recover.
15 And that's something I'd want the mine to really
16 seriously consider, as this is very near and dear to
17 us.

18 And we'd -- that will be it for now.
19 We -- we also welcome everyone to our land. We hope
20 you all enjoy your time here on our land. Masi, Madam
21 Chair.

22

23 OPENING COMMENTS BY THE CHAIRPERSON:

24 THE CHAIRPERSON: Masi, Chief Daniels.
25 I would just like to make some opening remarks here in

1 regards to this hearing. We are here to listen
2 carefully to your views about the potential impacts of
3 Diavik's proposed project on depositing processed
4 kimberlite into pits and underground.

5

6 (BRIEF PAUSE)

7

8 THE CHAIRPERSON: The Review Board
9 gets its authority from the law called the Mackenzie
10 Valley Resource Management Act. It is responsible for
11 the environmental assessment of proposed developments
12 in the Mackenzie Valley.

13 Board members are nominated by the
14 Tlicho, territorial, federal governments, and by First
15 Nations organizations. We try to make our decisions
16 by consensus. Our goal is to make decisions that will
17 protect the environment and the social, economic, and
18 cultural well-being of all the residents of the
19 Mackenzie Valley, now and for the future generations
20 to come, with specific regard for the conservation of
21 the way of life and well-being of Indigenous peoples.

22 I would like to introduce our Board
23 members, as well as our Board staff and counsel at
24 this time. Board members are Bertha Norwegian, Sunny
25 Munroe, David Krutko, Jim Edmonson -- I think

1 everybody knows I'm up here from the Tlicho -- Yvonne
2 Nakimayak, Kirby Marshall, and as I said, myself,
3 Joanne Deneron, as the Chair.

4 The Board also notes that former Tlicho
5 nominated Board member James Washee has recently
6 retired, and a new Tlicho nominated Board member has
7 not been reappointed as today.

8 The Board has worked collaboratively --
9 ively -- with the Tlicho Government in the design of
10 the public hearing process to allow for both the
11 Tlicho Government and the Tlicho residents to
12 represent their views to the Review Board.

13 I would also like to introduce the
14 participating Board staff at this time, Mark Cliff-
15 Phillips, our executive director, John Donihee, our
16 legal counsel, Julia Paille, legal counsel, Kate
17 Mansfield, senior EA officer and co-lead for the
18 environmental assessment, Catherine Fairbairn, EA
19 officer, and the other co-lead for the environmental
20 assessment, Alan Ehrlich, manager of EA, Chuck Hubert,
21 Senior EA Officer; Jeremy Freeman, EA Officer; Brett
22 Wheler, Senior Policy Advisor; and Catherine McManus
23 at the back. She is our Administrative Assistant,
24 patiently waiting for coffee.

25 Former Board member Joe Handley, whose

1 term recently expired, will be acting as a Special
2 Advisor to the Board. Everyone knows Joe. Joe has
3 reviewed the documents on the public record and the --
4 and has participated in the Board's other decisions on
5 this file, including ordering this project to EA, and
6 also to set and clarify the EA scope.

7 Mr. Handley has been an important part
8 of this EA process so far, and the Board would benefit
9 from his presence for the remainder of the EA. Mr.
10 Handley will provide advice to the Board, but will not
11 act as Board member and will not participate in any
12 Board decisions.

13 I would also like to recognize at this
14 time our interpreters for today's hearings. Our
15 Tlicho interpreters are James Rabesca and Violet
16 Mackenzie, right at the back. And our Weledeh
17 interpreters are Mary Rose Sundberg and Harriet Paul.

18 The Review Board determines the scope
19 of development for every EA it conducts. The scope of
20 a development includes all the physical works and
21 activities required for a project to proceed.

22 For this EA, the scope of development
23 is based on Diavik's water licence amendment
24 application and the public review that followed, as
25 well as the Review Board's scoping process.

1 This includes transporting, depositing,
2 and storing processed kimberlite into pits and
3 underground mine workings and closing and reclaiming
4 any mine infrastructure related to the transport,
5 deposition, and storage of processed kimberlite in
6 pits and underground mine workings.

7 The scope of this development includes
8 all three (3) pits at the mine and any associated
9 underground mine workings.

10 The removal of the processed kimberlite
11 from the existent containment facility is outside of
12 this assessment. However, the Board is considering
13 the impacts of adding processed kimberlite from the PK
14 containment facility in the future as part of the
15 cumulative effects assessment.

16 The Review Board decided that the scope
17 of assessment will consider potential impacts of
18 Diavik's proposed activities on water quality and
19 quantity, cultural use of the area, fish and fish
20 habitat, and other wildlife, specifically caribou,
21 birds, and species at risk.

22 We have reached one (1) of the final
23 steps of the Environmental Assessment, the public
24 hearing phase. Today the Board members wish to hear
25 the views and opinions that members of the community

1 and the public have regarding this proposed
2 development. This community hearing is informal, and
3 it is intended to be distinct from more formal
4 hearings in Yellowknife later this week.

5 The Review Board is holding this
6 community public hearing to directly hear the views
7 and opinions of parties, the public, and Diavik about
8 the potential impacts of the proposed road. We will
9 be holding an additional community public hearing in
10 Dettah tomorrow.

11 Today, Diavik will describe its
12 proposal and how it proposes to manage the project,
13 and how it plans to manage any adverse impacts.
14 Following Diavik's presentations, the Tlicho
15 Government will describe its involvement in the
16 assessment, followed by a panel of Tlicho Elders who
17 will give their views about the project, the potential
18 impacts and suggested recommendations to the Review
19 Board and Diavik.

20 There may be questions from Diavik,
21 following by the Review Board staff, our legal
22 counsel, and Board members to the Tlicho and also to
23 the Elders panel.

24 Representatives from the GNWT and
25 Government of Canada are present at today's hearing to

1 listen to what you have to say. These individuals
2 will not make presentations today but may be able to
3 answer questions that community members may have at
4 the discretion of myself as the Chair.

5 If we can have a representative from
6 each government introduce which departments are
7 present here today. And we'll do that if we ask for
8 questions, if there's questions that the Government
9 will -- will need to answer.

10 I have some comments today -- about
11 today's meeting and I hope that it will help to make
12 things go smoothly. We have limited time, and as the
13 Review Board, we are committed to hearing what
14 everyone has to say. An agenda for the hearing is
15 available at the front door where you came in, and
16 presenters are reminded to keep presentations timely
17 to allow for questions and comments from the public.

18 The Review Board will be producing an
19 official transcript of the hearings. The transcript
20 should be available the day following each hearing
21 day.

22 People responding to questions should
23 be direct and helpful with their answers. All
24 questions and answers are permitted at the discretion
25 of the Chair, and I will intervene if it is not clear

1 to me that the question is relevant or appropriate.
2 Please use a microphone for all questions and
3 responses so that everyone, including Sean Coleman,
4 who is doing the transcription, can hear you clearly.

5 Please always remember to say your name
6 before you speak. I also ask you to speak slowly and
7 clearly to allow for our simultaneous interpretation.

8 Members of the public are welcome to
9 present their views directly to the Review Board
10 following the presentations from Diavik and the Tlicho
11 Government. Members of the public may also submit
12 comments in writing to the Review Board. The Board
13 will announce a deadline for written public comments
14 at the conclusion of the public hearings.

15 If you wish to speak to the Review
16 Board at this hearing, please see a Board member at
17 the back table here and to have your name put on a
18 speaker's list. I will then call the names of people
19 from the list during the public comment period. And
20 just a reminder again to please say your name before
21 you speak.

22 This public hearing takes place today
23 from 1:30 p.m. to no later than 9:00 p.m. tonight.
24 We'll have a short break for dinner, from 5:00 till
25 6:00, and it's our pleasure to provide dinner for

1 everyone. If you need more time for dinner, please
2 eat as we continue the hearing at 6:00 p.m. sharp. We
3 will also have health breaks periodically.

4 Please remember that the schedule is at
5 the discretion of the Chair and sometimes times may be
6 changed if necessary.

7 In conclusion, we want to understand
8 what you think about the potential impacts of Diavik's
9 proposed project to deposit processed kimberlite to
10 the pits and underground mine workings. We need you
11 to clearly share your views of the potential impacts
12 from the project on the environment, on your
13 community, and on your ability to practice your
14 culture.

15 The Review Board also asks you to
16 present your views and opinions on how important these
17 potential impacts are to you.

18 After the hearings, the Review Board
19 will fully consider these views while making its
20 decision on this Environmental Assessment. Once that
21 decision is made, the Review Board will prepare a
22 Report of Environmental Assessment. This report will
23 describe the Board's decision and the reasons for it.
24 The Review Board will then submit it to the GNWT,
25 Minister of Lands, who is the final decision-maker,

1 and along with other responsible ministers.

2 To make a good decision, we need to
3 understand what you think. We will make every effort
4 to listen carefully to you, to get the proper
5 information we need to make the best decisions
6 possible on this Environmental Assessment.

7 I will now ask Diavik to please briefly
8 introduce its representatives for today and to begin
9 its presentation. Thank you.

10

11 (BRIEF PAUSE)

12

13 PRESENTATION BY DIAVIK:

14 MR. GORD MACDONALD: Thank you, Madam
15 Chair. Gord Macdonald, Diavik.

16 Madam Chair, Board, Board staff,
17 members of the public, thank you for the opportunity
18 to present a summary of Diavik's processed kimberlite
19 to mine workings project, and thank you for the time
20 the Board and the Interveners have spent today to
21 understand this project, including many groups coming
22 to site to get a first-hand perspective. Thank you to
23 Behchoko for hosting this session.

24 As I said, my name is Gord Macdonald
25 and I'm the Closure Manager for Diavik. I've been

1 with Diavik for over twenty (20) years now, starting
2 with the original baseline studies during advanced
3 exploration. I represented Diavik through the
4 original Environmental Assessment. I hope to be
5 allowed to continue to closure.

6 Our panel on my left is Sean Sinclair,
7 he's the Superintendent of Environment; and next to
8 him is -- is Kofi Boa-Antwi, a Regulatory Advisor,
9 Environment; and next to him is Louis Beland, our
10 Legal Counsel. Behind me we have three (3) of our
11 expert consultants: Rainie Sharpe of Golder
12 Associates, and Erica Bonhomme and Colin Buchanan,
13 both with Stantec.

14 In the audience as well from Diavik are
15 Winter Bailey, our Manager of Community Affairs; Myra
16 Berrub, who's our principal Advisor of Communities for
17 Closure; and Kyle Bennett, who's with Media Relations.

18 Our presentation today -- we have a
19 slide pack somewhere.

20 Our presentation today will have four
21 (4) parts. The first will be a summary of the purpose
22 of the project.

23

24

(BRIEF PAUSE)

25

1 MR. GORD MACDONALD: Thanks. So the
2 first will be a summary of the purpose of the project.
3 Then Sean Sinc -- Sinclair will provide an overview of
4 the project description and a summary of the results
5 from the Environmental Assessment.

6 Finally I'll provide a summary of
7 commitments that Diavik's made in response to
8 Intervener recommendations.

9 Diavik's requested an amendment to our
10 water licence to allow processed kimberlite to be
11 deposited in mine workings. Mine planning and closure
12 planning are ongoing activities at Diavik. Recent
13 updates to the mine plan for Diavik identified that
14 the A418 Mine will be completed by the end of 2021,
15 and there is now an opportunity to use this completed
16 mine workings to store processed kimberlite.

17 This wasn't an option under the mine
18 plan that was considered during the original 1999
19 Environmental Assessment.

20 Diavik has published a Summary Impact
21 Statement that contains the findings of our
22 Environmental Assessment. The findings that we'll
23 cover in more detail during this presentation
24 highlight that this project can be done in a safe and
25 environmentally responsible way.

1 Ensuring water quality meets approved
2 environmental standards is a key aspect of our
3 proposal. Diavik began engagement with communities
4 and regulators on this project more than a year and a
5 half ago.

6 We are very interested to hear if there
7 was any fundamental opposition to the idea of
8 depositing processed kimberlite in completed mine
9 workings. We did not hear any fundamental opposition.

10 What we heard was general support to put
11 it back to where it came from. However, all parties
12 were very clear in all cases that support was
13 conditional on it being able -- on us being able to
14 demonstrate that it can be done in an environmentally
15 safe way, particularly with regard to Lac de Gras
16 water quality.

17 Deposition of processed kimberlite in
18 mine workings is not a new idea. In fact, Diavik's
19 the only operating diamond mine in the Northwest
20 Territories that does not have an approval to deposit
21 processed kimberlite in mine workings.

22 The Ekati Diamond Mine has approval to
23 deposit processed kimberlite in the Panda/Koala mines,
24 cover them with freshwater and connect the pit lakes
25 to the local watersheds.

1 The Gahcho Kue Diamond Mine has
2 approval to deposit kimberlite in the Hearne pit,
3 cover that kimberlite with proc -- with freshwater,
4 and reconnect the pit lake with pit lake with Kennady
5 Lake.

6 This is the first time Diavik has asked
7 for approval because this is the first time Diavik's
8 mine plan has provided a completed mine workings, the
9 A148, that could be used to store processed
10 kimberlite.

11 I'd now like to ask Sean Sinclair to
12 provide an overview of the project, project
13 description. And there was an overview of the results
14 of a summary impact statement.

15 MR. SEAN SINCLAIR: Thank you. Diavik
16 Diamond is a compact mine site located on the east
17 island of Lac de Gras. On the bottom left image, you
18 can see Diavik, that grey blotch near the east end of
19 the lake.

20 Lac de Gras is roughly 60 kilometres
21 long and between 5 and 20 kilometres wide with an
22 average depth of 5 metres and some sections as deep as
23 40 metres. But overall, it's quite a shallow lake
24 located in -- in the subarctic.

25 Lac de Gras is the headwaters to the

1 Coppermine River. Water flows in from the east end of
2 Lac de Gras from Lac du Sauvage. It flows through Lac
3 du Gras past Diavik, and then out the west end of Lac
4 de Gras into the Coppermine River travelling hundreds
5 of kilometres before reaching the Arctic Ocean at
6 Kugluktuk.

7 At Diavik, we mine four (4) kimberlite
8 ore bodies, all of which are located under what was
9 originally Lac de Gras. So, you can see the A154 on
10 the top right, then the A418, and then A21 in the
11 bottom.

12 Dikes were constructed into the lake.
13 And then water was pumped out of the diked areas so
14 that we could access the mine and open pit and
15 underground mine it.

16 Overall, about 1 percent of Lac de Gras
17 was removed through the -- through the diking and --
18 and pumping out of water so that we could access these
19 ore bodies.

20 Other main facilities onsite include
21 the processed kimberlite containment facility, which
22 is that grey area. It's about 6 kilometres around.
23 We have the north country rock pile which contains the
24 rock from the open pits from the A154 and A418. And
25 then we have the south country rock pile which

1 contains the rock from the new A21 open pit.

2 The next slide. So, mine workings at
3 Diavik which we'll be talking about a lot include both
4 open pits and underground. Most of our discussions
5 today are going to be about the A1 -- A418 pit there
6 on the left.

7 So, as you can see, the top of the mine
8 working is sort of a conicle shape. And that's what
9 we -- where we remove the rock and the ore using open
10 pit mining.

11 Once we could no longer go any deeper
12 we switched to underground mining. So, all of the
13 colourful lines on the -- on the image there are
14 actual tunnels and roads that we've built underground.
15 And all of that was to access the mine underground.

16 So, what you -- what you end up with is
17 something that maybe looks a little bit like an ice
18 cream cone, narrow at the bottom with nearly sort of
19 vertical walls, and then an open slope -- sloped area
20 in the top. Next slide.

21 So, what is processed kimberlite?
22 Obviously, today we're going to be talking a lot about
23 processed kimberlite. Kimberlite is an igneous rock
24 that, in our case, contains diamonds.

25 So, we remove kimberlite from the

1 ground. And then we crush it and wash it in the
2 process plant. Using various screens, shaking tables,
3 and flotation circuits, we separate the diamonds from
4 the kimberlite.

5 What we end up with, and I encourage
6 people to come by throughout the day, are -- are two
7 (2) main forms of kimberlite. So, we have a coarse
8 kimberlite, which we have here, sort of, like, a
9 pebbly sand. And then we have a fine processed
10 kimberlite, which is much finer sand. This is -- this
11 is a dry version.

12 And then the -- the fine processed
13 kimberlite, when it actually leaves the plant, it
14 comes out mixed with water, so it just looks like a
15 muddy water.

16 But, as you see -- I mean, I encourage
17 you over the -- over the course of this presentation
18 and throughout the day, you can certainly come up and
19 -- and grab these jars to just -- to just watch and
20 see how that kimberlite settles out of the water quite
21 quickly.

22 So, this fine process kimberlite,
23 again, is transported via pipeline as a liquid while
24 the coarse is transported in trucks.

25 So, in general, we have two (2) main

1 storage options for processed kimberlite for the
2 remaining life of Diavik. On the left there you can
3 see our current process kimberlite containment
4 facility.

5 So, this is where we've stored all of
6 our processed kimberlite for the seventeen (17) years
7 of Diavik so far.

8 The PKC has been constructed over six
9 (6) different dam raises, and we are currently working
10 on the seventh dam raise right now. As you can see,
11 the PKC facilities is located very close to Lac de
12 Gras in the east and west.

13 So, as we continue to expand this dam,
14 we basically have to go up. We can't go outwards.
15 Overall, to -- to accommodate the remaining PK for the
16 -- the life of mine, we'll have to raise this dam
17 another -- over another 4 metres, and that's around
18 the full 6 kilometres circumference of that facility.

19 As Gord mentioned, in -- in 1999 we
20 didn't identify that there would be a mine working
21 available for the purpose of depositing kimberlite
22 underground. But in 2017, we identified this new
23 opportunity, specifically in the A418 mine on the
24 right, for kimberlite disposal.

25 So, I would -- I would like to

1 emphasize that while an additional dam raise of the
2 PKC has already been designed by us and is permitted
3 and is acceptable, we are challenging the status quo
4 and following through with recommendations from the
5 responsible authorities during the initial EA in the
6 late '90s to continue in the pursuit of management
7 options which present a lower risk and a more
8 permanent disposal solution for processed kimberlite
9 under water.

10

11

(BRIEF PAUSE)

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MR. SEAN SINCLAIR: Next slide. So,
the PK to mine workings project is a proposal to
deposit PK in the mine, or basically refill the mine
with the material that we have removed to get the di -
- to get to the diamonds.

Again, our primary focus for this
project is the A418 mine because it is currently
scheduled to be complete in 2021. So, what you can
see there in the middle of the slide is an image of
the A418 mine.

And that grey section in the bottom
half, that's how much processed kimberlite we expect
to fill up that mine working with between 2022 and

1 2025.

2 On the left is the Robertson Head
3 Frame, with -- which many of you are -- are probably
4 familiar with, once the tallest structure in the
5 Northwest Territories at 76 metres tall.

6 Here -- here we've used it sort of as a
7 scale to show you how deep this A418 mine working is.
8 So, the A418 mine, when complete, will be about 630
9 metres deep. So, you could stack eight (8) Robertson
10 Head Frames on each other and they'd still be within
11 that mine working.

12 Also, you may recall I -- I mentioned
13 earlier that Lac de Gras on average is about 12 metres
14 deep. So, that would be about equivalent to the
15 orange sort of top of the -- the Robertson Head Frame.

16 So, you can see, compared to Lac de
17 Gras, the A418 mine is much, much deeper.

18

19 (BRIEF PAUSE)

20

21 MR. SEAN SINCLAIR: So, you might also
22 remember that I -- I mentioned that the pits at Diavik
23 were once part of Lac de Gras before we created the
24 dikes, and then pumped out the water.

25 The current approved closure plan for

1 Diavik is to flood the mine workings with lake water
2 and groundwater once we're done mining. So, that
3 image on the right is essentially what the -- the pits
4 will look like post-closure once we've flooded them.

5 We'll let the pits fill up with water
6 to a level that's equal with Lac de Gras. After that,
7 we will monitor water quality in the pit lakes, and
8 then dig out -- and then the plan -- the current plan
9 is to dig out breaches in the dike sort of pictured
10 where those arrows are and allow water and fish to
11 pass back and forth.

12 I would like to emphasize that this is
13 the plan for closure with our without PK being
14 deposited in -- in the pit. This is already the
15 current plan. And -- and we are planning to continue
16 with that.

17 Also, the main reason we plan to
18 reconnect the pit lakes to Lac de Gras is to restore
19 that 1 percent loss of fish habitat that we caused
20 when we had to create these dikes and pump out the
21 water from the lake.

22 So, overall, the final closure
23 landscape will remain essentially unchanged because --
24 from this project because the PK will be deep
25 underwater greater than a hundred metres. So,

1 visually, you wouldn't notice any difference on the
2 surface.

3 So, I guess a little bit more about
4 where this all began. So, the idea for this project
5 was really jump started by the traditional knowledge
6 panel about five (5) years ago.

7 Elders were onsite considering closure
8 options for the processed kimberlite containment
9 facility. And the idea of a more permanent disposal
10 of extra fine processed kimberlite, putting it back in
11 the mine underground was identified.

12 At the time, we didn't think it was
13 going to be an option because there was no mine that
14 would be available to accept that material. However,
15 in 2017 we identified as the mine plan changed that
16 the A418 mine could be used.

17 So, once that mine plan changed, we
18 hosted a traditional knowledge session with a focus on
19 this topic, of -- of PK to mine workings.

20 Just to sort of reiterate what Gord had
21 said, in general, we heard a support to put it back
22 where it came from as long as it could be done in an
23 environmentally safe manner.

24 THE CHAIRPERSON: Excuse me. Our
25 interpreters are having a difficult time, so if you

1 could just slow down a bit.

2 MR. SEAN SINCLAIR: Yeah, for sure.

3 THE CHAIRPERSON: Thank you.

4

5 CONTINUED BY MR. SEAN SINCLAIR:

6 MR. SEAN SINCLAIR: The TK panel
7 requested toxicological studies on PK, and they were
8 satisfied by those results. In general, TK holders
9 told us that they know that fish generally go where
10 there's food and oxygen, so they were unlikely to go
11 to the deep depths of the pit where this PK would be.

12 The TK panel requested to monitor this
13 project is if it was to continue as soon as it was
14 safe to do so, so they could get a good visual of the
15 material, as well as look at it at regular sort of
16 intervals into closure.

17 As long as there was no contamination
18 or suspension issues, the TK panel generally supported
19 the idea of us pursuing this -- this option.

20 Also, part of the rationale for the TK
21 panel's support was that they want the disturbance
22 footprint of Diavik to be as small as possible, and
23 this will result in a smaller processed kimberlite
24 containment facility because we won't have to do an
25 additional raise.

1 The project also opened the opportunity
2 to investigate the removal of extra fine processed
3 kimberlite from the PKC and place that underground,
4 the benefit of that being the potential for a more
5 stable closure landscape, or closure surface, on the -
6 - the PKC.

7

8 (BRIEF PAUSE)

9

10 MR. SEAN SINCLAIR: So, to address
11 questions about the physical suspension of processed
12 kimberlite in water, we have ongoing studies at Diavik
13 to -- to study this.

14 So, pictured here are the results of a
15 twenty-four (24) hour and a two (2) month long
16 settling test of processed kimberlite. The column on
17 the left is the same fine processed kimberlite that we
18 are proposing to put back in the mine. And this is
19 essentially the same as what you see in this jar in
20 front of me. So, I mean, just to give you an idea,
21 you can already see that it's settled a fair bit.

22 So when this material leaves the
23 process plant, it does leave as that slurry of sort of
24 dirty water. But as you can see, I think especially
25 in that image up there, within twenty-four (24) hours,

1 it's almost entirely settled into that sandy layer
2 with clear water on top.

3 Extra fine processed kimberlite does
4 take longer to settle. Within twenty-four (24) hours,
5 you can see not much settling has occurred. However,
6 two months later, the extra fine processed kimberlite
7 has settled significantly, and there's a very distinct
8 layer between the sediment and the clear water above.

9 You might have to run up and click.
10 See if -- this is actually a video. I don't know if
11 it'll work from here but maybe. Maybe just go up and
12 click on that.

13 So as to give you a better idea of how
14 fast processed kimberlite settles -- there'll just be
15 a play button in the bottom left -- this is an actual
16 video of fine processed kimberlite settling over
17 twenty-four (24) hours. You can start it.

18 So every second that goes by for us is
19 one hour of actual settling. So you can see that
20 processed kimberlite on the left really does settle
21 quickly. And this is -- again, this is the same
22 material that we're proposing to put into the mine.
23 So we would expect a similar rate of settling except
24 on a larger scale in the -- larger scale in the mine
25 working.

1 One of the most important components of
2 this project and in an area where -- where we have
3 spent a lot of time and all of the reviewers have
4 spent a lot of time on was water quality modeling.

5 So we create -- we completed water
6 quality modeling on all three (3) of the different
7 mine workings. We modeled various sort of realistic
8 and sort of unrealistic worst-case scenarios. Most of
9 our modeling focused on placing about 5 million cubic
10 metres of FPK in the mines which is the amount we
11 expect to put in.

12 We also looked at options to add an
13 additional 5 million cubic metres of extra fine
14 processed kimberlite from the PKC.

15 And we also looked at extreme cases
16 where we would add more than 20 million cubic metres
17 of PK just to see how that would affect water quality
18 in the pit lakes.

19 So what you can see here are actual
20 model results from the A418 pit lake. So this is
21 modeling the water column on the left. Again, below
22 that graph or below the image on the right would be
23 the PK surface right there. And this is the water
24 column above reaching from the PK all the way up to
25 the top of the lake.

1 And just for reference again, we've
2 included the Robertson Head Frame. So you can see
3 we're still talking about -- about a hundred and
4 fifty metres of water between the PK surface and the
5 lake.

6 Above the PK surface, there's a thin --
7 a relatively thin layer of higher concentration pore
8 water.

9 So this is water that's squeezed out of
10 the processed kimberlite, sort of similar to this
11 water here. And it's a -- it's a denser water with
12 higher concentrations of different parameters. And
13 it -- it actually settles on the bottom of the pit
14 lake, and it -- and it stays there, so it doesn't mix.
15 Overall, this sort of stable layer is a phenomenon
16 called meromixis that we've talked a lot about over
17 the course of this project.

18 Looking at fish in Lac de Gras, it's a
19 bit hard to see on that screen, but where the -- right
20 there is forty (40) metres depth. So based on a lot
21 of the -- the discussions, the TK, and the science
22 that we've gathered, the top forty (40) metres is
23 really where we expect fish to spend most of their
24 time. There's where the light is, the oxygen is, and
25 the food is.

1 So our target for this project was to
2 make sure that that top forty (40) metres of water was
3 going to be below something we call the aquatic
4 effects monitoring program benchmarks. Basically,
5 that means water that will be safe for aquatic life,
6 safe for wildlife, and safe for people.

7 So all of the dark blue areas there,
8 which is again is most of it, is below those limits.
9 And just once again, that orange tip of the Robertson
10 Head Frame -- that's how deep most of Lac de Gras is.
11 So to put that into perspective again, that's where
12 all life in Lac de Gras currently is in that shallow,
13 you know, generally below twenty (20) metres --
14 twenty (20) metre range.

15 So shown here are some sample modeling
16 results for a few important water quality parameters
17 that we monitor at Diavik. So what you can see in the
18 second column, those are those AEMP benchmarks that I
19 mentioned. So these values have been developed over
20 the last two (2) decades at Diavik, and basically what
21 they mean is anything below that value is safe for
22 fish and aquatic life and, therefore, wild and people
23 as well to drink and live in.

24 So the next three (3) columns are some
25 select values from the A418 model results. Basically,

1 the numbers you can see here are the maximum value
2 that we predicted in the top forty (40) metres of the
3 water column over one hundred (100) years. So those
4 are the highest values we found over a hundred years.

5 As you can see if you compare those
6 values to the benchmark values, normally we're
7 predicting that our -- that the water in the lake will
8 be ten (10) times lower than that limit or sometimes
9 even more than that. So basically what this means is
10 that we are expecting the water in the top section of
11 the pit lakes to be clean and safe.

12 So onto just a brief summary of our
13 assessment of effects to valued components. So our
14 assessment determined that water quality is the
15 fundamental affects pathway to the other valued
16 components of fish and fish habitat, wildlife and
17 wildlife habitat, and cultural use.

18 As I stated already, modeling results
19 from all of the various scenarios that we modeled,
20 including worst-case scenarios, demonstrated that
21 water quality in the top forty (40) metres of the pit
22 would remain below AEMP benchmarks.

23 Based on model results and with the
24 proposed mitigation measures presented in the summary
25 impact statement including the additional commitments

1 in response to information requests and interventions
2 during this ongoing review, we have a high degree of
3 confidence that the project will not result in
4 significant adverse effects to water quality, water
5 quantity, fish and fish habitat, wildlife and wildlife
6 habitat including caribou and species at risk, and
7 cultural use of the area.

8 It is also important to acknowledge
9 that the project will not result in any additional
10 loss of caribou habitat because the project occurs
11 entirely within existing mine infrastructure or within
12 the existing mine footprint, and the project will also
13 result in a smaller processed kimberlite containment
14 facility on surface.

15 The water quality results are predicted
16 to be safe for fish and animals, and it is predicted
17 that it will not threaten individual animals or
18 results in any population level effects.

19 Based on our current management of
20 environmental risks, the likelihood of a negative
21 impact from an accident or malfunction, such as a pit
22 wall failure or a pipeline failure, is very low.

23 Overall, I would like to emphasize that
24 based on the evidence presented so far and available
25 on the record, our prediction -- our confidence in

1 this prediction is high.

2 MR. GORD MACDONALD: Diavik considered
3 a hundred and sixteen recommendations.

4 THE CHAIRPERSON: Please say your name
5 again for the record every time you speak. Sorry.

6 MR. GORD MACDONALD: Thank you.
7 Gord Macdonald, with Diavik. Diavik considered a
8 hundred and sixteen recommendations from eleven (11)
9 Interveners and provided written responses to each.

10 Diavik met one on one with five (5) of
11 the Interveners to discuss and attempt to address
12 recommendations. We identified five (5) key areas of
13 Diavik commitments that were made in response to
14 Intervener recommendations, and I'd like to briefly
15 note these.

16 The first is expanded engagement with
17 non-signatory Indigenous groups. Diavik undertakes
18 extensive community engagement with signatory
19 Indigenous groups. However, DDMI accepts that more
20 could be done to engage with the Fort Resolution Metis
21 Council, the Northwest Territories Metis Nation, and
22 the Deninu Kue First Nation. Diavik is committed to
23 meeting with each of these groups annually.

24 The second is reconnection criteria to
25 define cultural acceptable pit lake conditions.

1 Diavik recognizes the importance of the views of
2 Indigenous groups to the decision on whether to breach
3 the pit lakes and rejoin them with Lac de Gras.

4 Diavik commits to immediately work
5 toward the development of acceptance criteria for
6 reconnection that are traditional knowledge based
7 using our traditional knowledge panel and the
8 Environmental Monitoring Advisory Board. This will
9 start next week with our traditional knowledge panel
10 meeting at the Diavik mine site.

11 The third is fish habitat offsetting
12 plans. While the project is not expected to impact
13 fish habitat within the pit lakes, Diavik acknowledges
14 that some Indigenous groups have still expressed
15 concerns about reconnecting the pit lakes to Lac de
16 Gras. Diavik commits to considering alternative
17 offsetting plans with the Department of Fisheries and
18 Oceans that are reasonable, practical, and provide
19 fisheries benefits to Indigenous communities if
20 reconnection is not the preferred.

21 The fourth is removal of A21 open pit
22 from the review. Diavik accepts Intervener's
23 recommendations to remove the A21 open pit from
24 consideration for processed kimberlite deposition.

25 And the fifth are there are conditions

1 to be included in the amended water licence or as
2 follow-up measures. Diavik has reviewed Intervener's
3 recommended conditions if the project is to be
4 approved by the Mackenzie Valley Environmental Impact
5 Review Board, and it is Diavik's view that most of
6 these can be addressed as conditions to be included in
7 an amended water licence.

8 These include additional modeling of
9 the pit water quality as we get new information, an
10 independent review of the final model results, pit
11 lake monitoring requirements during operations after
12 filling and after reconnection, revised wildlife
13 management plans, and additional monitoring
14 requirements specific to PK to mine workings.

15 Thanks very much, Madam Chair.

16 THE CHAIRPERSON: Okay. Thank you,
17 Diavik, for your presentations.

18 It is now 2:30, and at this time, I
19 would like just to before we get into the next order,
20 I would like to just call a ten (10) minute break.
21 Okay. Thank you.

22

23 --- Upon recessing at 2:35 p.m.

24 --- Upon resuming at 2:57 p.m.

25

1 THE CHAIRPERSON: If we could
2 reconvene, please, and we'd like to start with our
3 next presentation. We would like the -- to ask the
4 Tlicho Government and the Elder presentation.

5

6 PRESENTATION BY TLICHO GOVERNMENT AND ELDERS:

7 MS. VIOLET CAMSELL-BLONDIN: Masi.
8 Good afternoon. My name is Violet Camsell-Blondin,
9 manager of lands, Regulation Department of Tlicho
10 Government. I also wish to introduce our Elders and
11 advisors in the -- the hearing, here, this afternoon,
12 and masi for the Impact Review Board and your resource
13 people and employees to come to the communities to
14 hold a community hearing.

15 Of all the regulatory meetings that
16 I've attended and participated in, I just want to say
17 that the community people are really appreciate --
18 really appreciate it if people come to the community
19 and explaining projects, because back in the '30s,
20 that never happened before. And when you engage and
21 consult with people, you know, you hear the voice of
22 the people, even the old people, the Elders, people
23 that do not -- cannot speak English very well, and
24 speaking in -- in Tlicho. There's a lot of
25 appreciation that comes about, and to hear from the

1 people, their views and opinion, about the concerns
2 that they wish to express in a forum like this, which
3 was never before given in history on resource
4 development in our area.

5 And today, we still continue to use
6 taxpayer's money to remediate abandoned sites. And so
7 in lieu of that, what we're doing is participating
8 more in resource development, and so masi for coming
9 to -- to Behchoko.

10 And with that, what I'll do is I'll
11 introduce our Elders at the table as well, too.
12 Joseph Judas from Wekweeti, Louie Zoe from Gameti, Joe
13 Rabesca. Did he step out already? He's here as well,
14 here, somewhere in the building, then. Joseph
15 Moosenose from Whati, Charlie Jim Nitsiza from Whati.
16 We have a woman elder, Dora Migwi. Dora also
17 participates in the Diavik TK panel, so it's very
18 important that we'll get a woman's perspective in here
19 as well, so Dora Migwi, here.

20 Also, we have a technical advisor,
21 Ginger Gibson, and we have an employee, Joline Huskey,
22 the regulatory -- regulatory coordinator. And this is
23 a whole new department within the Lands department of
24 Tliche Government that was established last year,
25 2018.

1 And I want to make a note similar to
2 what Chief Clifford said. Back in 1999, when we
3 participated in the comprehensive meeting of the
4 project, about twenty (20) years ago, we had a lot of
5 Elders. We had those Elders that participated in the
6 TK project. The -- that went out as a research study.
7 What we have left is us, who are the Elders today now,
8 and from the 1990 -- about twenty (20) years, when we
9 participated in the Diavik project, Joseph Judas at
10 the time was Chief, and Charlie from Wekweeti, Charlie
11 Nitsiza from Whati was Chief at the time, and Joe
12 Rabesca was our Grand Chief at the time. And so I
13 want to note that as well, too.

14 Our six (6) Elders are going to speak
15 on the TK, traditional knowledge, and the cultural use
16 of Ekati, Lac de Gras, followed by our technical
17 advisor. But what I just decided to do was I'll speak
18 for all of us, is that our submission was -- was based
19 on our meeting with the Elders back in May 29th and
20 30th, and then afterwards, we had another meeting in
21 the end of June, when we -- when we came to Behchoko
22 to meet -- to meet on this.

23 And at this point, I want to say how
24 much we appreciate CIRNAC, Crown corporation, giving
25 us money. First time to -- from the Northern

1 participant funding to -- to participate and come into
2 a meeting like this, so that we can make our
3 presentation to the Board. So I want to say to
4 CIRNAC, masi for -- for funding for that.

5 This presentation is based on past
6 research conducted by Tlicho on the caribou migration
7 and -- and habitat place name. And that was done way
8 back in 1999 during the West Kitikmeot Slave Study
9 Society, when we had funding from the industry, the
10 territorial and federal government, to do a TK study.
11 And at that time, we had a Doghead Renewable Resources
12 Board. And we asked the Elders, if we were to do a
13 study, which study would you like us to present to --
14 to work on?

15 And so very importantly enough, they
16 mentioned caribou, and today, caribou is a big issue
17 now with all Indigenous people in -- in the Northwest
18 Territories. And so we filed those report with the
19 Elders that were working with us at the time, and with
20 Alice Legat, who was our -- our researcher.

21 And on Friday, we're going to -- with
22 our technical expert, Tony Peers (phonetic), we're
23 going to be presenting the -- the technical -- the
24 scientific part of the project in regards as water
25 quality and clay suspension.

1 When we had our meeting in -- towards
2 the end of May, all the Elders that -- that
3 participated in that meeting very strongly talk about
4 our concerns, the Tlicho concerns in regards with the
5 Ekati, the Lac de Gras on the pits that will alter the
6 -- the cultural and traditional lose -- use of the
7 relationship with Lac de Gras and the surrounding
8 area. Basically, that this project is going to have
9 an impact on the wildlife, harvesting rights, access,
10 and connection to -- to the -- to the whole area.

11 A big issue on water quality, and now
12 everybody is concerned about climate change and the
13 cumulative effects in regards with climate change.
14 And these were the initial concerns that were raised
15 way back in 1999, and that still -- it's still a big,
16 major concern now.

17 And -- and on this slide forward, we're
18 going to have the various Elders speak on the -- on
19 these slides. And we're -- our first Elders that's
20 going to speak is going to be Joseph Judas, who will
21 speak in Tlicho, so you need to put your -- your
22 translating equipment on.

23

24

(BRIEF PAUSE)

25

1 (INTERPRETED FROM INDIGENOUS LANGUAGE INTO ENGLISH)

2

3 ELDER JOSEPH JUDAS: Yeah. Thank you
4 to give the opportunity to speak to the Board and to
5 the hearing.

6 Yes, we have all sorts of the experts
7 out there that -- that I -- that my -- that I allude
8 my -- my comment to, especially on the island of the -
9 - on Lac de Gras.

10 Yes, we're mainly concerned about the -
11 - the area on the -- on Lac de Gras, where Diavik Mine
12 is sitting on right now, that the history before the
13 mine was developed over there, that the -- our
14 ancestors that used the land right on the Contwoyto
15 and right into Lac de Gras area.

16 And to date, I'm -- I'm, you know, kind
17 of really concerned about the -- there -- why is that
18 the caribou don't seem to migrate back to my region?
19 So it's hard to pinpoint when the group or
20 organization -- when group or organization -- it's
21 hard to pinpoint, but nonetheless, you know, it's the
22 caribou doesn't seem to come my -- down to my region.

23

24 (BRIEF PAUSE)

25

1 ELDER JOSEPH JUDAS: Yes, that -- I'm
2 referring to the caribou and the wildlife in around
3 the mine site, because the -- and due to the climate
4 change, there's a lot of things that have changed.
5 And the history tells us that most of our ancestors
6 that used that land intensively around the Lac de Gras
7 area, that the -- when the migration comes through
8 from the calving grounds, it has to go through the
9 diamond -- on that island, and then eventually divided
10 -- one (1) goes down to the south, one (1) down to --
11 to our way. And this is where the Bathurst herd
12 migrates through in the past.

13 Today, for some reason, the caribou
14 don't seem to come into my region, and now that --
15 yes, it's always good to consult with the community
16 and that -- and to make people aware as to what
17 development is up to, and what they're going to do
18 into the future. Definitely, we support the -- the
19 activity, but nonetheless, in the future, that it's
20 going to have some impact on the decline of the
21 caribou. That might happen in the future that we
22 didn't know.

23 But nonetheless, I'm not only region
24 that, you know, going through that situation. I think
25 some other Aboriginal groups are probably experiencing

1 the same thing. So I, for one, that just told you
2 that it's hard to pinpoint one (1) operation over
3 another why the caribou aren't coming back our way.
4 Now that we understand that the Bathurst caribou are -
5 - caribou are actually, you know, travelling further
6 south into Manitoba or Saskatchewan.

7 And then the -- due to climate change,
8 we understand that there are a lot of other different
9 animals that weren't going to -- down to the barren
10 lands are showing up over there, such as moose, and
11 beavers, and porcupines.

12 And then supposing if the -- the other
13 -- depletion of the most important species, such as a
14 caribou, if it's come to a halt, how are we going to
15 replace it? Who's going to compensate us for the loss
16 of that caribou?

17 Nonetheless, we understand that the --
18 the caribou seek -- and aren't coming back my way. I
19 think -- I'm not echoing the same situation, but I
20 think in the past, my late father-in-law that had said
21 that, that there one day, that the caribou don't seem
22 to come on our way, and what kind of compensation are
23 we looking at, then, now, that the -- the compensation
24 just doesn't seem to be in a -- in a question.

25 But somehow, we should try to look at

1 it, taking it seriously, and then try to compensate
2 for the loss of the caribou that migrates within --
3 within the certain area, such as where I come from.

4 Definitely, he says the -- due to
5 climate change, there are a lot of changes. We
6 understand that there all comes -- other waterfowls
7 that travel that way, up to the north and back, and --
8 such as swans, and big birds like that, and geese and
9 that, and then the...

10 I for one, you know, like to see that,
11 you know, the Company and the Government and Agencies
12 that operate within the area to take into account
13 seriously, look as to what type of impact that might
14 have into the future of the caribou -- not only
15 caribou, the animals are depleting.

16 So we do have to understand one
17 another, where we're coming from, because the -- we're
18 all living in the same area. The mine operates within
19 -- they're living within -- within a society and so do
20 we.

21 And then the animals are in the
22 vicinity as well too but nonetheless they're the ones
23 that are suffering. They're the ones that are
24 depleting.

25 But to date the -- due to the mi --

1 migrations and -- and -- that we see that there are
2 some animals that are living on -- in this area and
3 then apparently showing up sometime in a tundra. Some
4 of the tundra animals are showing into the -- into the
5 -- into the tree line, so due to the climate change.

6 According to the time allotment, I
7 don't have -- I can't add more because I have a lot to
8 say, but nonetheless hopefully that we should have
9 respect, you know, for one -- one nation to another
10 and -- and including -- and animals.

11 The other great concerns that I have is
12 the -- the area of where the kimber -- the kimberlite
13 that might be stored for -- for us and turned -- into
14 the future, that the -- now that the -- we know that
15 water is -- doesn't -- doesn't stay in one place. We
16 know that the world goes around all over, and then it
17 flows back to the Arctic Ocean. Maybe it may but
18 nonetheless that the -- knowing that the animal drink
19 from the lake and then the -- we live with it and then
20 we -- we consume and then if the caribou and get sick
21 or something, we might -- we might get affected too.
22 So these are things that are concerns that we have
23 regarding the kimberlite.

24 But once -- once the -- you ruin the --
25 the lake, it is hard to put it back into perspective,

1 that's including the land.

2 To date -- to date that the -- when I
3 went on periodic visit to the mine site, I guess, we
4 see that the big huge -- in a wasterock pile that
5 seems to be expanding, growing. This is an area where
6 the -- the caribou used to migrate and roam freely.

7 But nonetheless that the -- another
8 thing too that we are concerned about is the amount of
9 facility that's out there that brought to -- brought
10 to there by transportation and then how is -- you're
11 going to take it back out when the mine shuts down.

12 Sounds as if to me, I understand that a
13 mine company are looking at -- in order to ship it
14 back south, they want to bury it into the wasterock
15 pile and cover it with the rest of the rock. So why -
16 - if it's true I don't -- I don't feel comfortable
17 with that, but nonetheless, maybe the Company might
18 want to answer that too.

19 Yes, that the -- it's always good to
20 have a public hearing, you know, for affected people
21 in the community and regions, knowing that the -- the
22 hearing is -- it doesn't to come to our way all the
23 time, and we're happy that it's taking place and Dene
24 people that are probably listening, you know, they're
25 knowing that, you know, that their message has been

1 heard by the Company, hopefully that things will
2 change and hopefully that the caribou and the
3 migrations, you know, come back into the future so
4 everybody would harvest good food for the future.
5 Thank you.

6

7 (INTERPRETATION CONCLUDED)

8

9 (INTERPRETED FROM INDIGENOUS LANGUAGE INTO ENGLISH)

10

11 ELDER LOUIE ZOE: My name is Louie
12 Zoe. I'm from community of Gameti.

13 What is said here is true, what is
14 being said by Elders. We're talking about working
15 together better in the future. In the past when they
16 talked about Ekati, when times were harder in the
17 past, our people -- our people -- our people really
18 used that sub-arctic area, and -- but Ekati they never
19 used nice houses. They never had all the work to
20 burn, plus all the light. They never had all the nice
21 warm blankets, but they worked on the barren land as
22 much as they could, and now when you see that space
23 that they left behind, they -- they -- they have left
24 it in ruin. And so our ancestors have really
25 travelled and worked on the barren lands.

1 In the barren lands you can't just set
2 nets. Even though they knew that, they still
3 travelled up to the barren lands. Some would say --
4 some would say if there's no caribou in the barren
5 land, some -- sometimes they would -- the dogs would
6 starve, so they would bring all the dogs together and
7 form one (1) dog team and return back home.

8 So they always had conversations about
9 Ekati in the past where there was plenty of -- of
10 wildlife, and that area where -- when they called that
11 island, they called that island Ekati, fat island, and
12 that place where there's narrows and caribou would
13 travel through the narrows and -- and -- and further
14 on to their land as they migrated through.

15 So even the days when our ancestors
16 were up in that area, our -- our people would see
17 birds -- birds dancing -- birds dancing and being
18 happy with nature. And so when we travelled up there
19 hunting, you can hear birds calling, birds calling
20 each other, birds -- the chickens would come together
21 and all the chickens would have great dance, and we
22 used to watch the birds dancing. Today we don't even
23 see the birds come together and dance.

24 And so we all notice that also there's
25 a lot of caribou loss, there's a lot of wildlife loss,

1 but when we talk about the caribou, it seem like a lot
2 of our lands has been burnt by forest fires and so all
3 their food and habitat has been burned, so they have
4 to use another area to migrate through.

5 And so when we meet like this, we
6 always wish that we could make things better for the
7 land and for all wildlife. We really wish that as we
8 sit here among you, we would like to return the land
9 into -- into a good order, because we know that in the
10 future we'll have a lot of future generations of
11 people still coming to enjoy the land and wildlife.

12 And so this is as much as I will share
13 with you for now. Thank you.

14

15 (INTERPRETATION CONCLUDED)

16

17 (INTERPRETED FROM INDIGENOUS LANGUAGE INTO ENGLISH)

18

19 MS. VIOLET CAMSELL-BLONDIN: The next
20 Elder is Dora Migwi. She will be speaking in Tlicho
21 language. Dora Migwi, Elder from Behchoko.

22

23 (INTERPRETATION CONCLUDED)

24

25 (INTERPRETED FROM INDIGENOUS LANGUAGE INTO ENGLISH)

1 ELDER DORA MIGWI: Thank you. Thank
2 you. It's good to see people from different
3 responsibility, people with responsibility, and so
4 together we are sitting here. Let's listen well to
5 each other. Let's listen, and so that the land that
6 we love, that's our land that we love that we're
7 talking about. Let's -- let's share good stories and
8 make good decisions.

9 I'm here to talk to you about fish. I
10 went up there, up to the mine site in regard to the
11 fish tasting project. And so when they set nets, they
12 bring all this fish ashore and they weigh, measure the
13 fish, they see how the condition of the fish is on the
14 outside as well as inside of the fish. They look for
15 any kind of parasites or any kind of changes in fish
16 that we'll see. So when we look at the fish, they
17 make sure that -- they continue to say that the fish
18 is good and we still continue to see that the fish is
19 good. And so in the future what -- what will our fish
20 look like? And so these are the concerns that is
21 brought up.

22 Today everything is changing. Maybe if
23 we had a flood, maybe if we had a flooding, what will
24 happen to the fish and the habitat? Today we have
25 such environmental changes around the world, so we're

1 worried, and so sometimes as Elders, sometimes we try
2 to understand what the group is talking about. We
3 really try to understand how the mine works.

4 I forgot to tell you, my name is Dora
5 Migwi. I'm the wife of Joe Migwi. And so there is
6 all that -- all that responsibility that you are
7 working for in -- in our regions, you are monitoring
8 and continuing to regulate things in the -- in the
9 Northwest Territories.

10 I'm really glad because we need to
11 maintain stability for future generations. And so
12 you're -- you're doing a very good job. I'm really
13 grateful that we have systems like this to -- to
14 regulate our land and water.

15 Thank you. That's all I'll say for
16 now.

17

18 (INTERPRETATION CONCLUDED)

19

20 (INTERPRETED FROM INDIGENOUS LANGUAGE INTO ENGLISH)

21

22 ELDER JOE RABESCA: Yes. My name is
23 Joe Rabesca. Thank you for giving the opportunity to
24 speak to you, Madam Chair.

25 We do have a fair amount of Elders and

1 youth and a lot of people here in general public that
2 are listening in. Yes, that is always good to see
3 that a lot of interest that, you know, I think a lot
4 of interest has been shown right from day one that the
5 developments has started way back sometime in the
6 '90s.

7 Yes, that the -- as we travel across
8 the Territories, all the way from Yellowknife to --
9 down to Great Bear Lake on a -- on Deline, we see a
10 lot of abandoned mines all over.

11 In the past, we understand that there
12 were a lot of developments that took place within the
13 Aboriginal lands and we weren't consulted, I guess,
14 you know; that our ancestors are great leaders of the
15 past. I guess insist that they encourage the
16 Government to have a public hearing like this.

17 Ever since then, I guess, the
18 Government had a lesson, implemented that insist them
19 into -- into the government that today we're having a
20 great public hearing like this. You know, it's a good
21 -- another way of having a good consultation.

22 Yes, Madam Chair, there's about -- I
23 understand -- there could be more but during my
24 travels around -- along the -- the lakeshore, there's
25 about three (3) -- three (3) rivers running into --

1 there's thirteen (13) rivers running into the lake.

2 They're small and big and large.

3 Yes, that the -- most of the lakes at -
4 - most of the rivers are running from the mines, so
5 the current connecting to the -- this part of the an -
6 - at Marion Lake.

7 Yes, that the -- most of the people at
8 -- we understand that the development is probably good
9 for the country, but the -- where the resource has
10 been extracted has come from the heart of the
11 Aboriginal lands.

12 So these are the things, you know, we
13 just don't take it lightly, and then we have to take
14 it quite seriously with a good consultation with the
15 people that might be impacted into the future.

16 Yes, I wasn't only person that -- that
17 talked to the Government, the Company, and Agencies by
18 myself. I think we have past leaders with me here,
19 one (1) from the community of Wekweeti, one (1) from
20 Whati.

21 Yes, that our -- our ancestors, I guess
22 they -- they made decisions by consensus government
23 and then the -- it -- it just said because the
24 consensus tells everybody agrees that the thing should
25 go, but they don't -- these things take time. They

1 don't get together only one -- one time and then go.
2 Like, they take years or months before they come to a
3 conclusion to make a consensus-style government
4 operate.

5 Yes, that the -- yes, that we took part
6 in some of the negotiation process with our regional
7 claims and then it -- during that time we where we had
8 to negotiate with the -- the emerging mining companies
9 would operate out of our area.

10 That too, I guess it took -- took some
11 time I guess at the -- they were busy in concentrating
12 on our regional claims and while where mining was to
13 developing, I guess, so there's a lot of loopholes
14 that overlook according to our understanding and --
15 and in the future development we might see some
16 changes, you know, of direction as to how we deal with
17 mining that would operate within our region.

18 Definitely it says that in the -- in
19 the past a lot of years in the past, I guess, you
20 know, like even Nunavut Goverment wasn't in place. So
21 now that they have a -- a government that operates,
22 you know, with the Aboriginal content, that's
23 including no different with our government as Tlicho
24 Government.

25 Yes, that we -- we too, I guess, you

1 know, have to take into account as to what kind of
2 resources that the government might make some
3 resources work for them, and industries. But if you
4 look at the trees, the trees are too small to be
5 harvested for commercial harvesting.

6 So there are a lot of things that, you
7 know, we have in our -- in consideration but yet these
8 are things that you have to consult with the
9 communities and elders before you proceed.

10 And of course, we need some expertise
11 on the -- to help us, assess us and have a better --
12 good consultation of what -- with consultants that
13 work with us to make these things viable into the
14 future.

15 And definitely he says that the --
16 we've listened to our elders and our elders, if you
17 want to develop our -- anything in your region, if you
18 want to do alone I don't think it's going to work.

19 We have to be involved, really, that's
20 what the elders told us, and that's including the
21 mining company that you have to work with us, we have
22 to work with them, including all other levels of
23 government as well.

24 Madam Chair, I guess, you know, that
25 with time allocation I don't know if we have very much

1 to participate, but nonetheless I would appreciate,
2 you know, our leaders to, you give us the opportunity
3 to represent them to speak to the mining companies at
4 a hearing like this and that we're not against
5 development, we just want to have a safe, you know,
6 environmental safe operation for all walks of life,
7 because, you know, that we -- we consult with one
8 another whether it would be Inuvik, whether it be on
9 southern portion of the Aboriginal groups.

10 And yes, we -- we've been -- we've been
11 into the mine site, I guess, you know, when the -- we
12 were inside the building where they had some
13 processing plant and where they're crushing that, you
14 know, diamond processing and all that.

15 The amount of money that -- the amount
16 of, you know, mineral -- diamonds have been processed
17 they, I guess, identified to me.

18 But since we agreed with what you
19 concluded, I guess, you know, so I only had to look
20 and then they were nonetheless hopefully that they
21 walk away with the mining company that they, you know,
22 that the -- they do a clean-up job, you know. As to
23 what they -- when the mine before mining started.

24 So reclamation is very important that
25 the -- it's -- it's us, I guess, you know, working

1 with the mining companies and then they -- with the
2 consent of the elders and if we do a good job for the
3 first mine development then maybe second development
4 it might come up in the future, it might even make it
5 even better.

6 So these are our visions and the --
7 nonetheless we have to have -- be on-side with the
8 public and the industry, governments all levels.

9 Yes, that the -- we're not competing
10 with anybody else, it's because the Aboriginal nation
11 and we're not competing with Aboriginal people from
12 Inuvik region or -- nor are they competing with us.

13 If we -- if we did good, I guess, on
14 the -- they want to do good. And if we maybe stay
15 without -- mistakes so that, you know, so that we
16 don't go any further and make a wrong decision.

17 So to date -- so to date, I guess, you
18 know, like the -- we're a land expert and then so in
19 the future development, I guess, you know, the mining
20 companies to develop they had to come to us and we
21 have to work together to make a, you know, a sound
22 decision that will last into the future so that
23 everybody would prosper from the development.

24 Yes, the population of Northwest
25 Territories, as big as it is, that we know that the

1 city of Yellowknife, they have a lot of population.

2 They did experience, you know, the
3 activity, like over there, aftermath, what happened
4 there, I guess, so that we don't want to go through
5 the same mistake that once been made again. Of
6 course, the things have changed over time, but the --
7 like I said early on, I guess, you know, we're not
8 against development, we're -- we're willing to see a
9 safe and a good operation that we all have to live
10 comfortably within and it's always good to have a
11 public hearing and then the -- once you hear from the
12 Aboriginal presentation, I guess, you know, now that
13 you'll probably come up with a final conclusion, make
14 a final report and a -- and it's always good to have
15 everybody's involvement in there, non-Aboriginal and
16 Aboriginal people, an expert and non-experts.

17 So if everybody is heard, I guess,
18 everybody will be satisfied, that's what I'm saying.

19 Yes, what I -- what I heard one of my
20 friends spoke like Joseph Judas said about the --
21 there were a lot of -- he mentioned something to do
22 with the caribou migration.

23 In the past, I guess, you know, our
24 ancestors, they had to go all the way down to
25 Contwoyto Lake just to harvest caribou because that's

1 how much they loved the land and they respect the
2 caribou.

3 And now that the -- there are a lot of
4 things that, you know, that have some impact, it's
5 hard to pinpoint one, but if we all work together, I -
6 - I think we -- like I said, everybody will prosper.

7 Supposed to the mine maybe -- I hope
8 they clear mistakes that as opposing the developers or
9 the big -- the main mistake they have to, you know,
10 try to clear up the mistakes in the -- try the new
11 approaches and that we all be able to live comfortably
12 with it.

13 Yes, definitely have to respect one
14 another, hear one another out. Like one leader would
15 say that if he have more people working together,
16 that's how much power you have.

17 So at the same time too, I guess, if
18 you want to work you've got to be careful and respect
19 and take cautious and make sure, you know, safety is
20 involved. And these are the things that we've been
21 hearing from our ancestors, so they -- as an Elder, I
22 guess, you know, they're more -- you start speaking in
23 the mic, and you want to give up right away. So on
24 that note I'd like to end up my comment, thank you.

25

1 (INTERPRETATION CONCLUDED)

2

3 MS. VIOLET CAMSELL-BLONDIN: Thank
4 you, masi, Joe.

5 This next -- next Elder is Chief
6 Charlie Jim Nitsiza from Whati.

7

8 (INTERPRETED FROM INDIGENOUS LANGUAGE INTO ENGLISH)

9

10 ELDER CHARLIE JIM NITSIZA: Thank you,
11 we're really glad to have the hearing, public hearing
12 here and -- and all the board and the staff were here
13 and it's good to hold meetings in a community.

14 We have heard Diavik's presentation,
15 thank you for that.

16 We're -- we're still concerned about
17 some areas of the -- the mine workings and regarding
18 kimberlite, if it will be -- it -- if it will be put
19 in pits and underground workings we still have to
20 absorb that information. But over time, in the
21 future, what kind of impacts will that have in the
22 future that kind of kimberlite process, kimberlite
23 underground, what will happen?

24 Because we're experiencing a big change
25 around the world, we're also experiencing invasive

1 species from the south. Every year it seems like
2 things are changing. With the climate change upon us
3 things are the -- the earth is warming up and -- and
4 it has effects on -- on the wildlife. It's starting
5 now and then if you look at 20 years from now, what
6 will -- what will happen if you -- if you fill up that
7 pit with water, all that water that so close to the
8 land, the lake is so close to the land, what if there
9 is some kind of earthquake? What if you have an
10 earthquake, the land splits and -- and water -- water
11 leeches into the -- the contamin -- contaminated -- or
12 that where the PK is -- is.

13 And because we solely existed on
14 wildlife in the past and we still do until today, we
15 still depend on wildlife and caribou.

16 And so when -- when we look at the food
17 from the caribou, the meat, what will happen if the --
18 even the food is contaminated by scenarios,
19 unpredictable scenarios that may come in the future.

20 It doesn't seem like you can smooth out
21 that area and make it look like it used to be.
22 Because the water leeching into one area to another
23 from the north pile, you have spring -- spring break
24 up, spring run-off, you have all that kind of concerns
25 that when the water it reaches to another area where

1 containment is, we really are concerned, especially
2 about our precious water.

3 Because our ancestors knew where to set
4 up our communities, we set up our regional communities
5 in the areas we did and all that was done by our --
6 all our ancestors.

7 And so when you're setting up a place
8 and using it, you're also thinking about the wildlife,
9 because we depended so much on wildlife. Today we go
10 hunting to MacKay Lake and it's some distance to go
11 hunting, usually most nations that -- around the
12 Northwest Territories when they hear that there is
13 caribou nearby MacKay Lake, everyone tries to go out
14 to hunt for their meat.

15 And so we're really, really concerned
16 about water and the caribou. We don't want anything
17 to happen and that's the main concern.

18 In the past when we work with our
19 elders, they always talked about the mines, they
20 always knew the mine was going on, all the Elders that
21 we're talking about are gone now, even Alexi
22 (phonetic) used to say in the past, we -- we have a
23 rich resource land and full of minerals, he used to
24 say about -- let's say if you opened ten mines all
25 together, closely together all at one time, because

1 what you will be destroying is the land and the water.

2 We have to monitor our land and water.

3 And so -- and so we want to continue to keep on with
4 our culture and continue on with our way of life, but
5 at the same time as we mine our lands, we still
6 continue to monitor to make sure that you're keeping
7 up with a sustainable development.

8 If there is any kind of mining
9 development, we want to be involved right from day one
10 until any kind of closure plans.

11 And so this is all I will say for now.

12 Thank you. Masi.

13

14 (INTERPRETATION CONCLUDED)

15

16 (INTERPRETATION FROM INDIGENOUS LANGUAGE TO ENGLISH)

17

18 ELDER JOSEPH MOOSENOSE: Joseph
19 Moosenose is from Whati. Yes, I will speak in my
20 Tlicho language.

21 Thank you, I am from Whati, my name is
22 Joseph Moosenose. I -- I support all the people who
23 spoke in regard to the land and wildlife. I agree
24 with them.

25 I have worked in the mine sector for

1 many years and about -- I -- I worked at BHP for 17
2 years daily and I knew -- I knew what happens, I knew
3 -- I knew the road to Misery, I travelled that --
4 that, because I worked on the greater I upkeep the
5 road and I'd see wildlife along the side of the road.
6 I would also see wildlife travel across the roads,
7 just like almost every day.

8 I would also work on my way to Fog's
9 (phonetic) Pit where as much road there is into the
10 mine I worked on every -- every road. Some areas I
11 would see bears chasing a caribou, some time -- some
12 days I would see wolverine or fox, wolves chasing
13 after caribou.

14 Sometime around July the little calves
15 are so -- so helpless and sometimes when they're
16 trying to run across a road it would break its leg,
17 the calf would hurt its leg and -- and sometimes in
18 the mines the caribou is not going to see any -- look
19 for signs the say caribou crossing, and so there is --
20 there is two -- two crossings in the area of the mine
21 area, so the caribou has no idea of the mine crossing
22 and sees signs and where.

23 Back in the day when the mine first
24 started they used to be so many caribou when I stopped
25 working in 2016 there was so much less caribou than

1 when I seen it when it first started.

2 And so of course in MacKay Lake, when
3 we would go hunting where when they told us there's
4 caribou around MacKay Lake around the winter time,
5 because that's our main diet as we grew up as -- along
6 with fish, caribou and fish, and so that's -- that was
7 our main diet and -- and so we -- we would go hunting
8 because -- because it was our food, we'd go hunting
9 for food, even though it's a long distance, we tried
10 to go as far as Lutsel K'e and when there is word of
11 caribou around.

12 But everyone is always concerned today
13 about the impacts of the hunting that's taking on
14 wildlife. And we do see all the activities that
15 happened in -- at the hunting grounds.

16 And then -- and then at the mine sites
17 when we have -- tailings are spilled into one area, a
18 tailings area, then sometime you're having caribou
19 migrating through the mine site, sometimes they would
20 go into the tailings site and -- and get -- get stuck
21 in there somehow.

22 So, of course, we talk about this kind
23 of stuff when we see this back when we go home, but we
24 never see -- we never report these kind of findings at
25 the work site to the employees, but we do report it to

1 our people when they return home.

2 And so if there's a kind of problem
3 like this, we need to discuss these problems, we need
4 to fix these problems. That way we'll have a lot of
5 peaceful way among the way we work.

6 And so when we start working, it's --
7 when you're first starting your job, it's really hard
8 to know and become familiar with everything. We had
9 no idea, the people had no idea what would happen if
10 they put mine on or lands.

11 But as we became miners, we became
12 familiar with how the mine worked. We saw how they
13 trained the people. We're grateful for all that work
14 and the mining. We've never been miners in our life,
15 but we're able to work in situations like that.

16 But when you try to prevent things,
17 when you're trying to prevent contaminants from
18 leeching into the waters, this is what we really feel
19 strongly about as employees. Sometimes you get oil
20 spill, you get spills from vehicles and -- and oil
21 spills. We get training how to clean up these kind of
22 contaminant spills, but when we look at further and
23 fix some more information, things that are concern to
24 us, we fix it, we need to do those kind of
25 discussions.

1 But I'm really grateful that we're
2 given the opportunity to express what kind of -- what
3 we've seen in the mines so far.

4 We need to really think about what kind
5 of place do we want our future generations to be in.
6 We need to put our future generations in good spot.
7 If we don't know something, we need to find out, we
8 need to teach each other.

9 For example, if you -- you need to know
10 how to operate a grader, you need how to maintain it,
11 and so that it has a longer life in -- in the grading
12 machine. As well, you learn a lot of things you --
13 you try to work safe -- safely.

14 Everything is all connected, nothing is
15 -- stands alone, nothing stands alone. I've just been
16 recently been in this group with elders, I just want
17 you to get my experience, life experience and work.

18 So I really -- I really support the
19 people. Not only for today's generation, but we need
20 to continue and maintain all the land and the water
21 and this is what you think too, I'm sure. Thank you.

22 (INTERPRETATION CONCLUDED)

23

24 MS. VIOLET CAMSELL-BLONDIN: Thank you,
25 Joseph. Thank you for your information.

1 And those concerns are mentioned in --
2 in great length in our submissions that we have filed
3 with the -- with the Board. And mainly on the
4 operational concerns of the project as that project
5 was not initially identified that from 1999 to today,
6 twenty years later, that we would go through an EA
7 process again about concerns of the processed
8 kimberlite into the pits that is even on the minds of
9 all Indigenous people, and in particular the Tlicho
10 and with that understanding there is a -- a support
11 for the -- the project. There was signing of
12 environmental agreement that boards can sit and
13 representation from the communities can sit on that
14 board and be the environmental watchdog for -- for the
15 project.

16 And the -- the calculation and the --
17 the way that the project was proposed, I'm somewhat
18 amazed that we're here today, twenty years later,
19 looking at the project from a -- from a different
20 perspective with -- with kimberlite.

21 And the presentation made by Diavik in
22 -- in their slide there, we need to seriously look at
23 it and consider it. And we have some reservation
24 about that. And it's suggested that that proposal be
25 reviewed after the -- after the project is approved

1 through an EA process and that troubles a lot of -- a
2 lot of Tlicho people and Tlicho citizens, and
3 particularly Tlicho government.

4 Usually in a process like this, if you
5 go through an EA to prepare and develop a -- and be
6 proactive and develop some suggestions, and that's why
7 I think the elders are saying that we need to work
8 together to -- to develop something positive and come
9 to a meaningful decision on how to proceed with this
10 project, because long after the -- the light closes at
11 -- at the site, we're going to be re -- we're going to
12 have to remain of -- of the project at -- at -- on
13 Ekati. And so we have the operational concern in
14 regards with that.

15 The other concern we have is not too
16 far from Diavik as well too we have BHP, the old BHP,
17 Dominion diamond mine and looking at these two mines
18 collectively in considering the cumulative effect
19 that's going to have, and the caribou that migrate
20 through -- through that area and all the wildlife and
21 the habitat and vegetation from the -- from the two
22 sites, it's a bit worrisome now that new information
23 have come forward about the kimberlite to put into the
24 pits and the mine working.

25 And what this would mean for Indigenous

1 people, harvesters that are going back to the land,
2 can it be potentially be useful to use that land again
3 now that there's -- there's going to be a little twist
4 to -- to the project?

5 It's very puzzling and you know, since
6 the -- the people are harvesters and we're -- we're
7 our greatest -- we benefit from monitoring and
8 observing the land, it's an opportunity to also
9 monitor the area would be very useful because we -- we
10 have a lot of experience monitoring other abandoned
11 sites in our -- in our land and to follow up on that.

12 And so those were the concerns that we
13 spoke about, a summary of what that elders had said
14 previously, which I want to -- to raise here.

15 Also, when the elders spoke about the -
16 - the impact, we say that this impact also be
17 considered other items be considered, which is the
18 whole ecosystem and the food chain surrounding Lac de
19 Gras because it has a ripple effect back into the
20 communities and you put that food and that fish on our
21 table for dinner or lunch or breakfast. The effect
22 that that's going to have.

23 The fish in the fish habitat, what does
24 it mean to that and that they auth -- the fish
25 authorization issued by DFO and that the trust that we

1 had put in the use of the land and the water sources,
2 it's very puzzling and very troublesome that it's
3 going to have that kind of effect as well. And other
4 big species and small species that harvesters rely on,
5 the wildlife in the wildlife habitat and it has
6 certainly changed the migration pattern, the summer
7 and the fall migration, the winter migration.

8 The waterfall, the ducks, the geese,
9 small birds, small animals, the effect this project is
10 -- is going to have if we -- if we make an adjustment,
11 if we make some -- yes, adjustment to it.

12 There is also traditional plants and
13 plant harvesting and berry harvesting. These are all
14 organic species, all of the -- all of the above items
15 are organic.

16 Today people are going back to growing
17 organic food now. Organic farms are being produced
18 and we're going back to it because since the -- the
19 '50s, the '60s, farmers are relying on their -- on the
20 crops and the food that we buy at the store have all
21 been covered with pesticide.

22 And today we hear of illness, sickness,
23 and disease, some of them we can't even pronounce.
24 Today there's a lot of cancer in our community from
25 the pesticides that we eat.

1 And the only organic food that comes
2 from the barren land and -- and the plants and the
3 berries that we harvest, even in our community, is
4 going to be compromised.

5 Our traditional lifestyle of hunting,
6 trapping, and -- and fishing and our harvesting
7 practices is also going to be compromised. And the
8 big picture, the new picture that's coming down the
9 road, the climate change that's worrisome on
10 everybody's mind this summer particularly, we never
11 seen the sun for very long, maybe three (3) or four
12 (4) times a summer.

13 And there's a lot of changes coming on.
14 And our background, our garden, the -- the Lac de Gras
15 area, Ekati area, is going to be compromised as it
16 appears to be.

17 Which brings me to my next point, which
18 is the New Shoshoni decision which was the -- the
19 MacKenzie Valley Review Board, the Board's 2007
20 comment and decision, that the size of the project
21 does not equate the potential cultural impact.

22 "All the proposed development is
23 physically small. The potential
24 culture impact are not."

25 And this is where the six (6) Elders

1 that spoke very strongly said engage traditional
2 knowledge. We -- we can make a correction here. We
3 can make an adjustment here where we can work
4 together.

5 Elders want to see plants -- plants
6 integrating traditional knowledge and knowledge
7 holders to encourage wildlife to return to the area
8 and to protect migration routes which will in turn
9 protect Tlicho's future and use of the area.

10 And so, Madam Chair, this concludes our
11 presentation, traditional knowledge presentation, from
12 -- from the Tlicho. And we are open to any comments,
13 statement that anybody has here for us. So, masi cho.

14 Thank you very much for -- if you would
15 like to pose any questions in regard to anything,
16 we're here to answer questions from anyone here.
17 Thank you.

18

19 (INTERPRETATION CONCLUDED)

20

21 THE CHAIRPERSON: Thank you very much
22 for your presentation. We appreciate your comments
23 and we have made note of it. Masi.

24 At this time, I would like to open the
25 floor then to Diavik to see if they have any

1 questions.

2

3 QUESTION PERIOD:

4 MR. GORD MACDONALD: Gord Macdonald,
5 with Diavik. Madam Chair, we don't have any
6 questions, but we do thank the -- the Elders for their
7 -- for their presentations and their words.

8 And we look forward to -- Louie, I
9 understand you and your wife are both coming up for
10 the traditional panel next week. And sorry you're not
11 going to make it this time, Dora, but we look forward
12 to working with you as we move forward on the -- with
13 the TK panel. Thank you.

14 THE CHAIRPERSON: Okay. Thank you.
15 Board staff, any questions?

16

17 (BRIEF PAUSE)

18

19 MR. MARK CLIFF-PHILLIPS: Board staff
20 don't have questions at this time.

21 THE CHAIRPERSON: Okay. Thank you.
22 Board members, questions?

23

24 (BRIEF PAUSE)

25

1 THE CHAIRPERSON: Board members...?
2 David...?

3 BOARD MEMBER KRUTKO: David Krutko,
4 MacKenzie Valley Review Board. One (1) of the
5 concerns we hear a lot about is the migration of the
6 caribou and the declining population of the Bar --
7 Bathurst caribou herd.

8 It seemed like there's a lot of tension
9 in the air around that issue. I'm just wondering,
10 from the Aboriginal groups, you talk about some sort
11 of a collaborative approach or some process to put in
12 place so that you can try to either mitigate this
13 issue or try to pinpoint what the cause is.

14 It seemed like the -- the cause is out
15 there, it's just a question of how do you get there
16 and what's the process that you're going to use to
17 figure out how do you mitigate this matter with, you
18 know, the developments that are taking place, the
19 declining population of caribou, and the other thing,
20 the effects on Aboriginal social and cultural well-
21 being, especially when it comes to sustaining your
22 lifestyle.

23 So, maybe just if you can clarify or
24 elaborate a little bit more on that? Masi.

25

1 (INTERPRETED FROM INDIGENOUS LANGUAGE INTO ENGLISH)

2

3 ELDER JOSEPH JUDAS: This one's from
4 Joseph -- Joseph, from harvester of the land. Yes,
5 definitely, he says, the question regarding about a
6 caribou migration.

7 I guess, you know, most of us that live
8 in this part of the region, that the -- the caribou
9 that most of us that we do -- we do live by in the
10 past. And then we still want to keep that tradition
11 because we don't want to lose it.

12 And then the -- yes, that in the past,
13 I guess, you know, like the -- we were living right on
14 the calving ground -- not calving ground, but
15 migration path.

16 And then -- so, we -- we know that the
17 caribou -- we really rely on the caribou of the past.
18 In the past, I think the -- the people -- at one point
19 in time, I guess, there was a capital of the dry --
20 within the Tlicho region where are -- whereas the
21 caribou migrated from the calving ground to the Diavik
22 Mine site, and then right down to MacKay Lake area.

23 And then -- and this is where the some
24 -- after going through MacKay Lake, it goes down to
25 our way, and then going down to -- towards Hollow Lake

1 area. They -- you know, they're roaming into the tree
2 line.

3 Yes, that to date, the migration has
4 changed. You know, like I said earlier on, it is hard
5 to pinpoint any organization of anybody, industry or
6 companies or anything like that because, you know,
7 they were all in it.

8 And then we just have to find some
9 solution as to how, you know, we could accommodate,
10 you know, the Elders' concern regarding about why the
11 caribou are depleting.

12 Yes, that the -- we -- when one (1)
13 Elder said that we moved to that area on Snare Lake,
14 saying the early days, that's where we first started,
15 like at Outpost camp. And today they came into the
16 community.

17 And then the -- since then, I guess, we
18 know that the -- we're pretty close to the barren
19 lands so that the migration has come in and come by,
20 so we're comfortable living with the caribou in the
21 past.

22 To date, I guess, you know, that also,
23 the hunting practice has changed, it's not because of
24 a climate change, it's just a natural change because
25 of the -- someone's fault that, you know, the caribou

1 don't come our way, an hour distance between our
2 community all the way down to MacKay Lake. We have to
3 hunt further.

4 Nonetheless, you know, the caribou, we
5 have to hunt them anyway, so -- to harvest some
6 caribou. So, today why the caribou aren't returning
7 back to our area? These are a great concern.

8 And the -- so the -- would it be that
9 if a new government has developed in Nunavut, is that
10 their fault because they're not -- they're not meeting
11 the -- the way the minister of the affairs or the
12 caribou or is it because of the mining in -- in front
13 of their way to migration?

14 Or the -- there's a lot of factors that
15 -- associated with it that -- that has effect on the
16 reason why the caribou aren't coming. You know, one
17 (1) good reason is probably a forest fire.

18 So, all the lands that all burnt, I
19 guess the caribou knows it. I don't think they'll
20 come back to an area where his caribou food is all
21 burned up.

22 So, the -- the caribou -- the -- the --
23 some of our groups that -- you know, that study the
24 caribou, I guess, you know, that the -- with the
25 mining companies, and then the -- that the -- we know

1 that the -- before freeze up, I guess, around -- the
2 caribou hanging around that area and they make a
3 detour down to MacKay Lake and further south, so
4 things aren't coming our way.

5 So, this is the concerns that -- why is
6 it -- and then, like I says, like, it -- everybody has
7 this problem. Everybody has the same problem that
8 we're facing. Thank you.

9

10 (INTERPRETATION CONCLUDED)

11

12 THE CHAIRPERSON: Thank you.

13 Questions from Board members? Ginger...?

14 MS. GINGER GIBSON: Sorry, Madam
15 Chair, before we proceed, we -- I just wanted to add
16 one (1) comment to what Elder Joseph Judas said, which
17 was that the Board asked in -- before the public
18 hearings phase, the Board asked a series of
19 Information Requests.

20 And the Tlicho Government answered that
21 Information Request with a document filed on July 4th.
22 And in that re -- in -- in that Information Request I
23 just would refer our Board member to that -- that
24 specific section in caribou.

25 And what we did there is we referred on

1 page 5 to a previous report that many of the Elders
2 that we have here today contributed to on caribou
3 migration and the state of their habitat.

4 And specifically there, we noted a
5 range of things. Firstly, that caribou have
6 unpredictable migration patterns, but they're more
7 likely to use trails and water crossings. And -- and
8 we identified those trails and water crossings in that
9 report.

10 They return to the same birthing
11 grounds. They have the same general annual cycle each
12 year, that there are caribou leaders, namely middle-
13 aged cow -- cows that have good memories and they
14 remember where good vegetation is -- is that they will
15 return to.

16 And so, this is -- this applies to the
17 Diavik area. They have a very strong sense of smell
18 which leads them to -- to lush areas and away from
19 areas they think of as dangerous.

20 They're very adaptable, but their
21 adaptation has its limits. They very susceptible to
22 pollutants. Their survival depends on humans showing
23 them proper respect. And if they're not properly
24 respected, they will not be able to survive.

25 So, there was a series of really

1 detailed points that Elders brought to our attention
2 when we ran meetings with them. And later on in that
3 response to the Information requests that the Board
4 issued we identified the -- the connections that we
5 saw with the proposed project that Diavik is -- is
6 bringing to our attention.

7 And so, in -- in that -- in that
8 section we identified that -- that we're conc -- the
9 Elders are concerned that while they are adaptable
10 they will be susceptible to any new pollutants and
11 that there's no acceptability of new pollutants given
12 the crisis.

13 That Elders are concerned they will
14 further change their migration route away from areas
15 that have less lush vegetation. That any clouding of
16 water would be a concern for caribou, but also for the
17 plants in the area, and that any new impacts and --
18 should be -- if -- if the project is proc -- to
19 proceed, that there would be a requirement that areas
20 that could be impacted are fenced to protect them,
21 especially since some caribou use muds to coat
22 themselves in the summer.

23 And there's concerns that those muds
24 could be used, any -- any muds that would be
25 accessible to the caribou if they were related to the

1 -- the kimberlite, that they themselves could be
2 damaging to the caribou in addition to caribous being
3 entrapped.

4 And you earlier the Elders speaking
5 about the entrapment, concerns about entrapment of
6 caribou in -- in muds.

7 So, we just refer you to this report
8 because it was a very in-depth look at this specific
9 question. And thank you very much for your time.

10 THE CHAIRPERSON: Thank you, Ginger.
11 Questions from Board members?

12

13 (BRIEF PAUSE)

14

15 THE CHAIRPERSON: David...?

16 BOARD MEMBER KRUTKO: Thank you, Madam
17 Chair. David Krutko. My question to Diavik is -- it
18 came up in regards to the Tlicho presentation, is this
19 was not in your original proposal when the mine was
20 developed, and twenty (20) years later, you're asking
21 to amend something, to do something that wasn't
22 originally planned for.

23 So, what was the drastic change that
24 you're now coming forward with this suggestion?

25 MR. GORD MACDONALD: Gord Macdonald,

1 with Diavik. I'm not sure that I'd categorize it as a
2 drastic change. But originally, we thought the -- all
3 of the mine workings would finish at the same time so
4 that they're -- they would all finish around whatever
5 that date was, I think a different date than -- it
6 would all finish at the same time.

7 I mean, if all of the mines were
8 finished at the same time, if we're mining in each of
9 the mine areas, there would be no opportunity to put
10 the processed kimberlite back.

11 What changed was that we were able to
12 mine faster in -- into 418 and the ore bodies were
13 deeper in the -- in 154 north than 154 south, so 418
14 finished ahead of 154, and so it gave us three (3)
15 years of -- of time wi -- with an open mi -- an un --
16 unused mine working.

17 It presented an opportunity to store
18 kimberlite there.

19 BOARD MEMBER KRUTKO: Thank you, Madam
20 Chair. David Krutko again. A clarification on
21 something you mentioned. You mentioned the other
22 mines have done this and that they are going to reach
23 into Kennady Lake and other lakes you mentioned.

24 Is that already happening, just for the
25 record, has that happened, or if it hasn't happened,

1 when is that going to happen?

2 MR. GORD MACDONALD: Yes, what I refer
3 to is that they're all -- they'll have approvals to do
4 these things. And Kennady Lake, the -- the Gahcho Kue
5 Mine, and Hearne Lake pit is still active, so it has -
6 - nothing's -- nothing's happened at Gahcho Kue yet.

7 At Ekati, they have a permit for both
8 the Beartooth Mine and the Koala/Panda Mine. The
9 Beartooth Mine is -- it has been filled with -- with
10 processed kimberlite and they're still using it for
11 some level of mine -- mine activities.

12 So, they haven't put the -- they
13 haven't finished with it yet, so they haven't put the
14 freshwater cap on top of it yet, and that's the
15 status, or that's the current status of the Beartooth.

16 And again, in response to -- to some of
17 the Information Requests from the Board staff, we --
18 we provided the evidence, the information on Beartooth
19 that we -- we obtained from Dominion with their
20 participation.

21 They've just recently begun -- I think
22 they've actually begun, but I know they just recently
23 got permitted to put mine workings into Panda and
24 Koala, so I think that's just beginning, so it's still
25 -- that's one's still in its -- its infancies.

1

2

(BRIEF PAUSE)

3

4

THE CHAIRPERSON: Questions from Board members? Okay, at this time then, if there's no further questions from Diavik or Board staff or counsel or Board members, I would like to open the floor them for public comment.

9

10

(BRIEF PAUSE)

11

12

THE CHAIRPERSON: Staff, do we have a list of anyone for public comment? But he wants to talk to us or tell us a story. Okay. If you could come to the front, please. There's a mic there. And just state your name.

17

18 PUBLIC COMMENTS:

19

MR. TONY RABESCA: My name is Tony Rabesca. I work as a cultural practice under Tliche Government. One (1) of the questions I have is, there was a lot of good things said about we could support our next generation.

24

One (1) of the things that I've been looking at, it's been almost seventeen (17) years

25

1 since the beginning of the mining open. During the
2 seventeen (17) years, a lot of young people have lost
3 their cultural and their way of life based on the land
4 due to the fear of contamination, due to the fear of
5 confronting their fear on the land.

6 In the past, Elders used to say that --
7 we usually go out on the land. We overcome the fear
8 and we become trapper hunters. But today, I -- I just
9 -- I don't see anything saying something about
10 wellness and health.

11 If you look at wellness and health,
12 you're looking at holistic approach healing,
13 environment healing, animal healing, community
14 healing.

15 So, I don't know if there's anything
16 that's based on that program or anything that you have
17 in place that's based on health and wellness. It's
18 very important that what we're doing here -- our next
19 generation als -- they also need healing because for
20 the seventeen (17) years of fear, they haven't gone on
21 -- on land.

22 So, what is (sic) the government as
23 well as the mining have in place to support the next
24 generation to revive their cultural way of life?
25 Masi.

1 THE CHAIRPERSON: Thank you.

2 Diavik...?

3 MR. GORD MACDONALD: Gord Macdonald,
4 with Diavik. I don't have much to provide in response
5 to that other than the health and wellness programs
6 that we have for employees.

7 And -- and I don't know that it would
8 address the cultural sensitivity but that's the best
9 answer I could give you for that.

10 THE CHAIRPERSON: Okay. Thank you.
11 Tlicho Government...?

12 MS. GINGER GIBSON: Masi. Masi, Tony,
13 for the question. I would just mention that through
14 the Tlicho Government's use of funds from the Diavik -
15 - through the Diavik participation agreement, those
16 funds are applied towards the Tlicho Imbe Program.

17 And the Tlicho Imbe Program annually
18 hires somewhere upwards of thirty (30) to forty (40)
19 young people whose time in the summer is then out on
20 the land. So, they have an eight (8) week program out
21 on the land each summer.

22 And -- and many, I'm sure, Tlicho
23 people in the region are very familiar with the young
24 people who have been involved in the -- in the Imbe
25 Program, which is eight (8) weeks, as I said, and has

1 just concluded this year.

2 And those -- those young people are
3 working with Elders, setting net, getting canoeing
4 skills, getting first-aid skills, travelling out on
5 the land, learning the language, so a whole range of
6 other kinds of activities.

7 And that's a program run through by --
8 and funded by the Tlicho Government. Masi.

9 THE CHAIRPERSON: Thank you. Public
10 comments?

11

12 (BRIEF PAUSE)

13

14 THE CHAIRPERSON: I would like to ask
15 GNWT, a response for the -- from the last question,
16 please. Just a friendly reminder to state your name
17 when you come to the mic. Thank you.

18 MS. MORGAN MOFFIT: Is this on? Okay.
19 Morgan Moffit, with Health and Social Services in the
20 GNWT. I'd like to thank Tony for his question.

21 And I'd like to provide the Board with
22 a more thorough response tomorrow about some of the
23 GNWT initiatives and programs that are being done in
24 here. Thank you.

25 THE CHAIRPERSON: Thank you. Public

1 comments? I will usually ask three (3) times for
2 public comments, and if there's nothing -- and then,
3 I'll look -- I'll come back over here, Ginger.

4 But I'll just -- for the format of it,
5 I'll usually ask for public comments for three (3)
6 times, and then it'll be break. All right. We have
7 Ginger, Tlicho Government.

8 MS. GINGER GIBSON: Masi, Madam Chair.
9 I just want to ask if the GNWT -- if Morgan Moffit
10 could maybe make that presentation not in Dettah but
11 in Yellowknife in order to make sure that we have the
12 broadest participation? Masi.

13 THE CHAIRPERSON: GNWT?

14 MS. MORGAN MOFFIT: Morgan Moffit,
15 GNWT. And yes, we can do that.

16 THE CHAIRPERSON: Public comments?

17

18 (BRIEF PAUSE)

19

20 THE CHAIRPERSON: State your name,
21 please.

22 MR. PATRICK SIMON: Thank you.
23 Patrick Simon. I'm a leader from the Deninu K'ue
24 First Nation. And I'd just like to ask a question of
25 Diavik.

1 I notice that during your presentation,
2 you -- you referred to models and expert -- I guess
3 experts in the area for what you want to do which,
4 quite frankly, is a change from your original plan,
5 and to now place it within the pit.

6 And you -- you also mentioned that it
7 is being planned to being done under the approval of
8 the Board. But I did not hear any -- any, I guess,
9 statements on actual -- the actual, I guess, plan that
10 has been done anywhere else, either in the north or in
11 the world in general which does this practice and
12 the -- and the -- I guess, the advice or the expertise
13 that you gain and the knowledge that you gain in such
14 practices. Thank you.

15 MR. GORD MACDONALD: Gord Macdonald,
16 at Diavik. And Patrick, I can -- I can look up the
17 specific -- there was a specific request from the
18 Mackenzie Valley Land and Water -- or Mackenzie Valley
19 Environmental Impact Review Board on past practices or
20 practices around the world, and we provided a
21 reference document that reviewed the practice of
22 putting mine -- mine waste into -- into completed
23 mines. And we did -- and we provided that, and we're
24 happy to get that for you, Patrick.

25 The general learning from it is that if

1 the conditions are right and -- it's a very effective
2 way to dispose of mine waste below a -- below a water
3 cover.

4 And the practice -- the current
5 practice in the north -- I had summarized recently
6 for the Board -- it hasn't been completed yet, so
7 there's not -- there's not a full case that we can --
8 that Diavik could cite or any of the mine operations
9 could cite in the north.

10 But there are lots around the world
11 where mine pits have been filled back in again.

12 MR. PATRICK SIMON: Thank you. I just
13 saw your answer. I just wanted to get a sense of
14 this -- these types of practices that -- because from
15 what I'm heard here, it's based on experts and the
16 modeling.

17 And, you know, I was here at the
18 beginning when we first started. I think you know
19 that.

20 And -- and you know we -- we want to be
21 assured that the best guess and -- that we go beyond
22 just best guessing and that we really look at real --
23 real world examples that fit our conditions in a time
24 when back then, you had an idea of the reality of --
25 of the climate, and the area, and -- and the model,

1 and what was to come to this date, and given the real
2 world outlook, and what is happening in terms of
3 weather, in terms of the -- the change in -- I guess,
4 the change in lands as well as the -- the different
5 types of events that -- that happen that -- that
6 impact you in terms of natural causes that -- and in
7 terms of climate change that before, you know, wasn't
8 really considered, I believe.

9 But it should now be considered as --
10 as a real thing when we discuss this thing in this
11 area that it's unique that it is just natural by the
12 natural relationship of -- of the changes is -- it is
13 undergoing duress.

14 And those types of conditions, have you
15 looked at that anywhere else and considered that as
16 another form of -- of an example of -- of doing
17 exactly what you said you want to do and having the
18 outcomes of exactly your modeling and your experts
19 and, I guess, your decision to -- to come to this
20 place and ask for approval? Masi cho.

21 THE CHAIRPERSON: Thank you.

22 Diavik...?

23 MR. GORD MACDONALD: Gord Macdonald,
24 with Diavik. Two (2) answers there for you, Patrick.

25 First, just to clarify that this wasn't

1 considered in the 1999 project scope, not because it
2 was the idea of putting mine waste back into a -- into
3 an open -- into a completed mine workings wasn't
4 thought about then.

5 It was just that we didn't -- our mine
6 plan didn't show an availability to do it. And, in
7 fact, as Sean mentioned in his presentation, the
8 responsible authorities who were the ones overseeing
9 that comprehensive study highly recommended that we --
10 sorry, those are my words -- recommended that we
11 consider this further as the mine plan develops if
12 there are opportunities to utilize mine workings.

13 So it was -- it was certainly
14 recognized that it's a -- it was an encouraged
15 practice, and it was something that we should -- that
16 we should pursue if that opportunity came to be.

17 On the second one on your -- the
18 question on climate change, that's one of the
19 advantages of modeling versus reality is we can test
20 some of those assumptions.

21 And the main climate change scenarios
22 that we evaluated with the models were wind. So if
23 the -- one of the things we're trying to make sure is
24 that the kimberlite stay -- that processed kimberlite
25 stays at the bottom of the mine workings and doesn't

1 work its way -- its way up through the water column.

2 And one thing that could do that would
3 be if the winds were greater in the future as a result
4 of climate change. So we ran the models -- we ran the
5 models with some extreme wind events over hundreds of
6 years, and it took winds greater than we've ever seen
7 continually going at that rate over a hundred years
8 before they could get anything close to moving that
9 water up from the bottom.

10 And so we think -- we think we've
11 answered those kinds of questions from that climate
12 change scenario. But if there are other ones that --
13 that people envision, those are the kinds of things we
14 can evaluate with models, and we will as we move
15 forward to ensure that everyone's comfortable with it.

16 THE CHAIRPERSON: Thank you. David,
17 you had a question? David?

18 BOARD MEMBER KRUTKO: David Krutko,
19 with the Review Board. Maybe I'll try to rephrase my
20 question. I think my original question was this:
21 When the original project was put forward, Diavik's
22 plan was to basically put a dyke in place, drain the
23 water out of the existing pit, extract the pit, put
24 it -- the PK and the pit run into a pile, and fill the
25 pit with water.

1 The change now is that you're going to
2 take processed kimberlite, put it into a pit, and
3 breach the fresh water body around it, and seep it
4 into the -- into the pit which will contain PK. So
5 that's the difference of the original intent and what
6 you're proposing now.

7 So is that the scenario we're up
8 against from what the original plan was to now
9 changing the concept where you're going to put
10 processed kimberlite?

11 And I guess my other question is is
12 where else is this practice done in the world?

13 THE CHAIRPERSON: Diavik...?

14 MR. GORD MACDONALD: Gord Macdonald,
15 with Diavik. Yeah. To be crystal clear, we'd never
16 intended to put processed kimberlite back in the mine
17 workings in the original assessment.

18 But the reason we didn't consider it
19 then was because we never had that -- we never had a
20 time when we were -- when we were producing processed
21 kimberlite when we had an empty mine -- an empty mine
22 area. That was why we didn't consider it back in
23 1999.

24 So what changed from then to now is we
25 now have that opportunity, and it truly is an

1 opportunity to be able to put waste back into a mine
2 working. So there's a mine scheduling change from
3 what we envisioned in 1999 to what we now have today.

4 I have forgotten what your second
5 question was.

6 And so I just want to clarify the
7 breaching of the dykes that the filling of -- with
8 water and breaching of the dykes is exactly the same.
9 The only difference is before we -- before we fill the
10 pit with -- now, before we fill the pit with water,
11 it's half filled or a third filled with processed
12 kimberlite first, and then water, and then the same
13 breaching. So nothing's changed there. That's
14 identical.

15 And you asked about where it's been
16 done. That's -- not all the way to -- not in the
17 north not all the way to completely breaking --
18 breaching dykes or reconnecting pit lakes with -- with
19 water sheds. That is to come at Gachue Kue and Ekati.
20 Those haven't happened yet.

21 But we've provided a list of hundreds
22 of places around the world where it is done where
23 waste to put back into mine workings. None with
24 exactly this kind of a configuration of a -- of a dyke
25 within a lake, but they are pit lakes within -- within

1 water sheds. And the reference is Mackenzie Valley
2 Environmental Impact Review Board number 5 --
3 IR number 5.

4 THE CHAIRPERSON: David...?

5 BOARD MEMBER KRUTKO: Thank you,
6 Madam Chair. David Krutko, with the Environmental
7 Review Board. Yeah. I think for me the fundamental
8 change is you're breaching an unknown substance into a
9 fresh water body which is the unknown. And I think
10 that is the concern.

11 And I think also the grand -- or the
12 Chief basically mentioned sections of their land claim
13 agreement which is there to protect the well-being of
14 the Tlicho people in regards to the environment, the
15 water, in regards to their water rights section of
16 their agreement.

17 So could that be seen as a breach of
18 that land claim obligation?

19 THE CHAIRPERSON: Diavik...?

20 MR. GORD MACDONALD: Gord Macdonald,
21 with Diavik. The -- so the plan is to fill the --
22 once the kimberlite's in there -- the processed
23 kimberlite's in the bottom of the pit, we then add
24 Lac de Gras water to that until it comes up to the
25 same level as the lake.

1 And then we'd be monitoring for
2 ten (10) years to confirm that the conditions inside
3 the pit meet standards to reconnect it with the rest
4 of the -- with the rest of the lake.

5 The standards that we're using or we
6 propose to use are those -- what are called aquatic
7 effects monitoring program benchmarks which are the
8 levels that are protective of Lac de Gras.

9 They are different from Lac de Gras,
10 but they are not -- but they are -- are protective of
11 Lac de Gras.

12 THE CHAIRPERSON: Okay. David...?

13 BOARD MEMBER KRUTKO: That's it.
14 Thanks, Madam Chair.

15 THE CHAIRPERSON: Tlicho
16 Government...?

17 MS. GINGER GIBSON: Masi. Ginger
18 Gibson, with Tlicho Government. I just want to point
19 our -- the Board member to a report that was filed.
20 It's on the Review Board's site for this EA, but it is
21 our consultant's report from 1999.

22 That report in 1999 indicated that
23 there was concern that Diavik had not planned enough
24 space for the placement of tailings. So in that
25 report, the consultant indicated they were concerned

1 that there wasn't enough space.

2 And so while Diavik is representing
3 this as an opportunity and a mine change plan, I think
4 we had the information back in 1999 that there might
5 not be enough space for the kimberlite -- all of the
6 kimberlite to be safely placed within the limits that
7 had been set; and secondly, to provide further
8 information on the question of breaching the dykes and
9 allowing the water in -- in addition to unknown
10 material.

11 Diavik's current predictions are that
12 that material will stay settled and will not interact
13 with the rest of that -- the water and then travel out
14 into Lac de Gras. The elders have indicated a high
15 level of concern that that water will travel, that the
16 sediment -- the clays -- we're not convinced that the
17 clays will settle.

18 The modeling that we looked at today
19 showed us a twenty-four (24) hour period. And on
20 Friday, our consultant will come -- our technical
21 consultant will come and provide different
22 interpretation of how clay will behave.

23 And I want to just indicate that we
24 don't have the answer on how that clay will behave.
25 We're not convinced that it will; we're not convinced

1 that it won't settle. We feel that there's a high
2 degree of scientific uncertainty.

3 And as a result, the elders have
4 indicated they use that water. They'll drink that
5 water. They've harvested there for many, many years.
6 They want to return to that area. But it is not
7 acceptable to change that water in Lac de Gras.

8 So if we have a high level of
9 scientific uncertainty that the water -- that we don't
10 know whether the water will be impacted by how the
11 clays behave and how the kimberlite and the slimes
12 settle, then we may need to understand that better.

13 And in our intervention, we requested
14 that the Board bring technical expertise to apply to
15 this matter. And I -- I believe that you have done so
16 with the retention of Neil Hutchinson, though I don't
17 know if that individual can also comment on and as a
18 specialist in clays.

19 But that's -- that's the concern that
20 we have is -- is how over time -- so Diavik's modeling
21 looks at the first twenty-four (24) hours. We're
22 concerned about it at about day six (6). How does it
23 settle over a longer period of time?

24 It's quite -- it's quite encouraging
25 when you see how swiftly the clay -- the kimberlite

1 and the clays and the slimes settle in the short term.

2 And that video that we saw today is very encouraging.

3 But what we're -- what we're -- you
4 know, the Tlicho are in this not for twenty-four (24)
5 hours. The Tlicho are in for the long haul and the
6 long game.

7 And so we're going to be looking -- the
8 elders are going to be looking and asking themselves a
9 question of what happens if that stuff doesn't settle
10 and what happens if it gets into Lac de Gras because
11 that's where those rights and that -- are practiced,
12 and that's where the Tlicho agreement applies, and
13 where caribou are going to drink water, and where fish
14 are going to be living.

15 So any impact on -- on that if the
16 breaching were to be agreed to is of concern. Masi.

17 THE CHAIRPERSON: Thank you,
18 Ms. Gibson. Public comments...? Diavik...?

19 MR. GORD MACDONALD: Gord Macdonald,
20 with Diavik. Sorry, Madam Chair. I just wanted to
21 clarify one (1) thing that Ginger mentioned.

22 As Sean said in his presentation, there
23 is space on the island. We can -- we have capacity to
24 store all of the rest of the mine lives processed
25 kimberlite on land if we need to.

1 So we can do that. We just have to --
2 we have to build the dams out further. So there's no
3 shortage of space. We just think that it's better to
4 put it into the mine workings than it is to store it
5 on the land which is why we're calling it an
6 opportunity.

7 THE CHAIRPERSON: Thank you. Board
8 members...? David...?

9 BOARD MEMBER KRUTKO: Just a question
10 in regards to approvals that you've received to date.
11 I believe you received two (2) approvals to expand the
12 existing reservoir. I think one was eight (8) metres
13 and the other one was twelve (12).

14 I -- my question is is how much
15 actually processed -- unprocessed kimberlite is onsite
16 that needs to be processed? I don't know what your
17 scenarios are but twenty (20) years or thirty (30)
18 years out.

19 And how much room will that take on the
20 scenario of extending the existing reservoir another
21 twelve (12) metres? What's the space that is required
22 to actually -- prior to end of mine life?

23 THE CHAIRPERSON: Diavik...?

24 MR. GORD MACDONALD: Gord Macdonald,
25 with Diavik. I wish we had twenty (20) more years of

1 operations. We've only got six (6) more years of
2 operations.

3 Our -- these numbers are in metres of
4 elevation which is how we -- how we measure storage
5 capacity or storage. So we're -- we're currently
6 constructed to 465 metres of elevation above sea
7 level, and that's what we're currently constructed to.

8 We have -- we have approvals to go all
9 the way to 473, and that will contain all of the --
10 and that would contain all of the known reserve and
11 resource within the Diavik mine plan.

12 THE CHAIRPERSON: David...? A Board
13 member...?

14 BOARD MEMBER KRUTKO: Thank you,
15 Madam Chair. David Krutko. It seemed like Pit A21 is
16 now off the table. So I'd just to know is there a
17 consideration of using that pit as a potential storage
18 area for processed kimberlite at prior to end of life
19 which could make up that difference of that space
20 where you said you can go up to 473 metres?

21 THE CHAIRPERSON: Diavik...?

22 MR. GORD MACDONALD: Gord Macdonald,
23 with Diavik. A21 was -- was removed from the line
24 plan -- or removed from the consideration for a
25 storage of PK, both because we -- we'd identified it

1 as the least desirable because it's the -- it's got
2 the most shallow bathymetry of any of the -- any of
3 the options that are available to us. But also
4 because we don't expect it will -- it will be one of
5 the last ore bodies to be mined.

6 So we expect it will be mining right to
7 the very end so there wouldn't be that opportunity.
8 The best opportunity, as we know it today, still sits
9 with the -- with the four one eight (sic).

10 THE CHAIRPERSON: All right. Public
11 comments? After dinner, there is also going to be an
12 opportunity for public comments. So hopefully
13 everyone's off work by then, and we'll come out in
14 full force to make some public comments.

15 Public comments...?

16 And final public comments? At this
17 time then, we'd like to break for supper and reconvene
18 back here right at 6:00. Thank you.

19

20 --- Upon recessing at 4:47 p.m.

21 --- Upon resuming at 6:06 p.m.

22

23 THE CHAIRPERSON: Okay, if we could
24 reconvene again, please. So just in case there was
25 other people here from the public here that haven't

1 heard about Diavik's proposal, I would like to open
2 the floor here for Diavik to do just a short recap on
3 your presentation. Thank you.

4

5 RECAP OF DIAVIK'S PRESENTATION:

6 MR. GORD MACDONALD: Gord MacDonald,
7 with Diavik, and thank you, Madam Chair.

8 So this -- this morning, or this
9 afternoon, we presented a four (4) part presentation
10 which -- we started with the purpose of the project,
11 and then described it in a fair bit of detail about
12 the project. And what I'll -- we'll do is we'll skip
13 that middle section, and if anybody from the public
14 has any questions about the project, we're can maybe
15 come back to that, those slides, to help people. But
16 I'm -- given everybody else has seen it, I don't think
17 there's any point in that.

18 But that -- just in general, the -- the
19 purpose of the project is to -- is to -- excuse me --
20 we requested an amendment to our water license to
21 allow processed kimberlite to be deposited in mine
22 workings. And mine planning and closure are ongoing
23 activities at Diavik, and recently had updates to our
24 mine plan for Diavik that identified that the A418
25 mine will -- will be complete by the end of 2021, and

1 there's now an opportunity to use this completed mine
2 working to store processed kimberlite.

3 This wasn't an option under the mine
4 plan that was considered during the original 1999
5 environmental assessment. Diavik's published a
6 summary impact statement that contains the findings of
7 environmental assessment. Key in that is ensuring
8 that water quality meets approved environmental
9 standards as a key point.

10 We began our engagement with
11 communities over a year and a half ago. And we were
12 very interested to hear if there were any fundamental
13 oppositions to the idea of depositing processed
14 kimberlite in completed mine workings.

15 We didn't hear any fundamental
16 opposition, what we heard was general support to put
17 it back to where it came from, but in all cases,
18 support was conditional on being able to demonstrate
19 that it can be done in an environmentally safe way,
20 particularly with regard to Lac de Gras water quality.

21 Deposition of processed kimberlite in
22 mine workings is not a new idea. In fact, Diavik's
23 the only operation in -- in the -- the only operating
24 diamond mine in the Northwest Territories that does
25 not have the approval to deposit processed kimberlite

1 in mine workings.

2

3

(BRIEF PAUSE)

4

5

MR. GORD MACDONALD: Diavik considered
6 a hundred and sixteen (116) recommendations from
7 eleven (11) Interveners, and provided written
8 responses to each, which are on the public registry
9 for the Mackenzie Valley Environmental Impact Review
10 Board.

11

We identified five (5) key areas of
12 Diavik commitments that we made in response to the
13 Intervener recommendations. The first was expanded
14 engagement with nonsignatory Indigenous groups. So
15 Diavik undertakes extensive community engagement with
16 signatory envi -- Indigenous groups. However, Diavik
17 accepts that more could be done to engage with the
18 Fort Resolution Metis counsel, the Northwest
19 Territories Metis Nation, and the Deninu K'ue First
20 Nation. And Diavik is committed to meeting with each
21 of these groups annually.

22

Reconnection criteria to define accept
23 -- culturally acceptable pit lake conditions. Diavik
24 recognizes the importance of the views of Indigenous
25 groups to the decision on whether to breach the pit

1 lakes and rejoin with Lac de Gras. Diavik commits to
2 immediately work toward the development of acceptance
3 criteria for reconnection that are TK based, using our
4 TK panel, and the Environmental Monitoring Advisory
5 Board, and this work will start next week with the TK
6 panel session.

7 Third is Fish Habitat Offsetting Plan.
8 The project is not expected to impact fish -- pit lake
9 fish habitat. However, DDMI acknowledges that some
10 Indigenous groups have still expressed concern about
11 reconnecting the pit lakes to Lac de Gras. DDMI
12 commits to considering alternative offsetting plans
13 with the Department of Fisheries and Oceans that are
14 reasonable, practical, and provide fisheries benefits
15 to Indigenous communities if reconnection is
16 determined to not be preferred.

17 Number 4 is removal of a A21 open pit
18 from the review. So DDMI accepts interveners
19 recommendation to remove the A21 open pit from
20 consideration in this -- in this assessment.

21 And the fifth relates to conditions to
22 be included in an amended water license or as follow-
23 up measures. So Diavik has reviewed the Intervener's
24 recommendations, recommended conditions if the project
25 is approved by the Mackenzie Valley Environmental

1 Impact Review Board, and it's Diavik's view that most
2 of these can be addressed as conditions to be included
3 in an amended water license.

4 Key ones that identified were the
5 additional modelling of pit lake water quality, an
6 independent review of the final model predictions, pit
7 lake monitoring requirements during operation, after
8 filling, and after reconnections, and revised wildlife
9 management plans.

10 Thanks very much, Madam Chair.

11

12 PUBLIC COMMENTS:

13 THE CHAIRPERSON: Thank you. We would
14 now like to like to open the floor out for public
15 comments.

16

17 (BRIEF PAUSE)

18

19 THE CHAIRPERSON: You have an
20 opportunity to use the mic at the floor, or you could
21 come to the table, and we also have a travelling mic.
22 If you just put your hand up, and someone can come to
23 you with the mic as well.

24

25 (BRIEF PAUSE)

1 THE CHAIRPERSON: Public comments...?

2

3

(BRIEF PAUSE)

4

5 THE CHAIRPERSON: Please state your
6 name before you speak. Thank you.

7

MR. BLAKE RASMUSSEN: It's on? Blake
8 Rasmussen, Yellowknife Dene First Nation.

9

Before I get into a question, maybe
10 comments for Diavik, here. I'd first like to
11 acknowledge the Tlicho people, there, and their
12 hospitality for us Yellowknives Dene to come out here.
13 Masi.

14 As I listen to a lot of these meetings
15 that we go to for similar things like this, we often
16 talk about the land and the water and the food and the
17 medicine it gives to us, but how often we forget to
18 acknowledge the cooks and what the Creator gave us
19 today. Masi, thank you.

20 THE CHAIRPERSON: Thank you.

21 MR. BLAKE RASMUSSEN: For Diavik, I'm
22 going to put a couple of questions to maybe, there's a
23 -- for myself there's a lot of years of mining
24 experience, a lifetime, from as far north as Resolute
25 Bay to Arizona, and as far east and west, and many

1 different capacities, from the shovel right to
2 management. My good friend, Joe Rabesca there, we
3 worked together years ago at Kateywee (phonetics).
4 Good to see you again.

5 But before I -- I'm going to tell you
6 right up front, I'm going to offer you some proactive
7 criticism here, in this presentation that you've given
8 us earlier today. I might suggest that you come a
9 little better prepared at Dettah tomorrow.

10 But before I get into that, the
11 ownership Diavik Diamond Mines is Dominion Diamonds to
12 a certain degree. Is that right? Yes.

13 And of course across the pond, Ekati
14 Dominion Diamonds. Good.

15 What I'm going to say here comes from
16 the last few years of working as an -- in an advisory
17 capacity to Giant Mine Project, one of the three (3)
18 worst mining legacies in the north here. We have
19 Giant Mine over here, we have Por -- Rayrock and Port
20 Radium further north, and how we deal with our mining
21 practices.

22 Giant Mine is a terrible one. And we
23 do everything we can in our advisory capacities to
24 keep our water safe and clean, so our food and our
25 livelihoods are protected into the future. Number

1 one, the most important is that water. And we're
2 struggling a little bit right now with the Federal
3 Government and how they want to proceed with the
4 project and different things like that.

5 We know that we don't know what's going
6 to happen in light of global warming and climate
7 change. We just don't know. The science and the
8 technology and the education that we have today brings
9 us to making presentations like you've given us today
10 and what you would wish to do at Diavik.

11 I can assure you, from all the things
12 that I've learned from our Elders and from what I've
13 seen and experienced in my life, that what's yet to
14 come is not going to be favourable for many of us, and
15 we have to do what we can today to look after what it
16 is that we have, not only for us here, because what we
17 do here today will affect people thousands and
18 thousands of miles away from here as well, and what
19 they do thousands of miles away will affect us as
20 well. We need to be careful. We need to all work
21 together on this.

22 You have an agenda here of what you
23 proposed, but is it going far enough? Have you taken
24 climate change into -- into consideration all the way?
25 Have we done the research enough? Will we have done

1 enough to protect the water and the land? For many of
2 us, we'll never know that answer.

3 I see some shortcomings in that, in
4 your thinking, and the way I think. We need to do as
5 much as possible, if the opportunity presents itself,
6 if we have the wisdom and the knowledge and the
7 foresight. Looking after the water is number one.

8 I understand mining and I understand
9 the diamond mining business. As a matter of fact I
10 worked with for Chuck Fipke and Stu Blusson when I was
11 seventeen (17) years old all over United States
12 looking for these diamonds, with De Beers right on our
13 tail. We were working Superior Oil, Minerals
14 Division, that time out of Tucson. And I've worked in
15 these diamond mines to a certain degree in different
16 capacities, and other mines.

17 I know your processed kimberlite is
18 clean, I know where it came from, and I know what it
19 is you wish to do. I understand it. What you wish to
20 do and how you wish to do it, is that enough?

21 There is some risk likely, but I don't
22 think any of us really know what that risk is, a
23 thousand years from now. Our grandchildren might look
24 back on us and say, boy, our forefathers, they really
25 messed up. That's what I -- that's how I think when

1 it comes to Giant Mine. Now, this is not quite so
2 serious, but it could be still very serious.

3 You have two (2) mines up there that
4 have shareholders of the -- of the same, Dominion, and
5 you have open pits right across there.

6 Let me give you some food for thought,
7 so that we all feel comfortable, or little more
8 comfortable. Why couldn't you pipe it across to
9 Misery and dump it in there? They're the same company
10 to a certain degree. All the while, and every step
11 that you take, considering climate change and global
12 warming because that affects every last one of us on
13 this earth and our grandchildren to come.

14 I've just thrown that out on the floor
15 and give people some food for thought there. I know a
16 lot of us don't feel comfortable with you putting that
17 processed kimberlite in the manner that you wish to,
18 as safe as we think it is right now, in those pits so
19 close to the water, much like Giant Mine. We have to
20 look after the water.

21 There might be some cost and some
22 negotiating and there might be whole other round --
23 round of hearings and meetings like this, but the cost
24 of not having that thinking could be significantly
25 smaller than the cost of -- to our grandchildren in

1 the future in terms of losing our culture, our way of
2 life, the land, and the water. That cost could be far
3 greater. And this is how a lot of us think and a lot
4 of us need to learn how to think.

5 My life of mining is behind me, more or
6 less, except for a few meetings like this now and
7 again. I'm going back -- I'm going back to the land,
8 but I learned enough growing up on the land that you
9 take every opportunity you can to be as resourceful as
10 you can. You don't even throw away a Lipton soup can,
11 you never know when you're going to need that. That's
12 the way we need to think, always for the future, for
13 your own livelihood, and for the people that are going
14 to come behind you and the land and the animals and
15 the fish, so that it all can sustain us.

16 Now, and I've gone through this with a
17 few other meetings like Diamond mine and over the
18 years this and that and I've -- it's something I've
19 grown to learn. Actually, I learned it from DHP
20 there, took me a little while, it was kind of an ugly
21 lesson for me at the very start, the first meeting I
22 had with them I had a moment of embarrassment there,
23 and then I got to working with them with Kateywee
24 (phonetic); had to know and understand all their
25 policies and procedures and how their company

1 operated.

2 Meeting management is really important.
3 And your simple little presentation to the community
4 here, although I understand it, there's many that
5 don't.

6 Often times we ask for a plain language
7 document from you so that we can understand, our
8 elders can understand and others that don't understand
9 mining or whatever it is that we're doing.

10 But this one here was just a little bit
11 too plain language, in my opinion.

12 I understand the pros and cons. But
13 you've not explained to the people here the pros of
14 what you want to do and to what benefit it is to us,
15 or what may be the cons.

16 You only have a small island there to
17 work with. We know that. And if you listen to the
18 elders, and I listen to my elders there, that's a very
19 important part of the migration route for our caribou.
20 You want to save as much of that as you can without
21 making your footprint bigger. Explain this, to take
22 some of the confusion and angst away from our people,
23 we understand better, without getting too complicated.

24 And that's all I have to say. Masi
25 once again to the Tlicho people and thank you for

1 allowing me to say these words.

2 THE CHAIRPERSON: Thank you for your
3 comments. And we hope that for the next three days
4 that you would be able to attend and hopefully that
5 would build on more insight for you. Thank you.

6 Public comments...?

7

8 (BRIEF PAUSE)

9

10 THE CHAIRPERSON: There was another
11 hand I think that went up just before the gentleman
12 came up to speak. Public comments?

13

14 (BRIEF PAUSE)

15

16 THE CHAIRPERSON: We've got three --
17 three (3) more days of hearings so there'll always be
18 an opportunity for public comments. I'll be addressed
19 at each of the hearings.

20 Final call for public comments.

21 That first day is always really tough
22 for people to come up and speak.

23 Okay, I'm going to ask staff if there's
24 any questions from staff.

25

1 (BRIEF PAUSE)

2

3 MR. MARK CLIFF-PHILLIPS: Thank you,
4 Madam Chair, we have one (1) question from staff.

5 THE CHAIRPERSON: Okay, thank you.
6 Catherine?

7 MS. CATHERINE FAIRBAIRN: Thank you,
8 Madam Chair. This is Catherine Fairbairn, Review
9 Board staff.

10 We had a follow-up question to part of
11 the Tlicho Government's presentation.

12 We were interested in the concerns that
13 you -- that you mentioned about the potential for
14 cloudy water or mud and how cloudy water or mud
15 potentially could affect caribou.

16 I was wondering if you could explain
17 any other specific concerns about how processed
18 kimberlite in the pits could affect caribou and
19 whether those concerns are specific to the pits or --
20 or about the process kimberlite containment facility.

21 Thank you.

22

23 (BRIEF PAUSE)

24

25 ELDER JOSEPH JUDAS: Chair, my name is

1 Joseph Judas.

2 I just wanted to say this in my
3 language.

4

5 (INTERPRETED FROM INDIGENOUS LANGUAGE INTO ENGLISH)

6

7 ELDER JOSEPH JUDAS: Regarding --
8 regarding the TK processed kimberlite and if it's --
9 and if it's put back into the pits, when you're moving
10 -- when you're moving rocks and processing it, and
11 then another -- and then you refine that processed
12 kimberlite and you put it back into the open pit.

13 So, after -- after you remove something
14 and you change that form of rocks, and then you put it
15 back in the pit, and when there's no turbidity of the
16 pit, perhaps maybe the -- the sediment at the bottom
17 of the pit will move and -- and move.

18 Wildlife are very smart, and so you
19 have to realize that they use their nostril, their
20 sense, to smell. So, when you look at wildlife and --
21 and you see -- they see water and they go and use that
22 water, of course their -- maybe their fur will change.
23 Maybe the meat will become different tasting.

24 And so, the wildlife travels by seeing
25 when they're up in the barren lands. And so, somehow,

1 if the caribou is not able to see well because of the
2 substance, that it could have gotten into the PK.

3 And so anything -- anything that's
4 sediment -- if you put any kind of sediment in any
5 kind of food source, that thing is not going to eat
6 that food source, but maybe sometime later, when the
7 rim of the -- that keeps the water back, the dam
8 breaks, maybe the dam breaks, maybe that le -- that
9 water will go in gin -- go into other waters.

10 And, eventually, it'll flow into the
11 Coppermine River systems. And, of course, the people
12 will be impacted by -- by way of their diet. But we
13 really need to communicate further and expand more on
14 these kind of concepts.

15 If -- if a person suddenly came across
16 this mined area, or maybe some wildlife came across
17 these tailings areas, of course they'll go around it
18 and -- and test it.

19 And it digs out -- it digs out its
20 food. And so, that's how the wildlife would try to
21 feed when it's on the barren land. But, of course, it
22 uses its smell, sensing smell. Sometimes it would
23 stay away from things that don't -- it doesn't agree
24 with.

25 And so, before the mine -- before the

1 mine -- before the mine came to be, yes, the -- they
2 caribou, I guess, like I said earlier on, my comments
3 regarding about caribou migration from the calving
4 grounds right through to the -- to the Diavik Mine
5 site, I guess, on the island.

6 So, today we look at it. I think the -
7 - the caribou itself will have difficulty having --
8 finding proper food because of the possible
9 contaminations around regarding of the area that the
10 transport, you know, dust blowing, all that, I guess
11 you want to call it, some concerns that -- we learned
12 that from the Elders.

13 And all the dust that has blown into
14 the lake, I guess, you know, that the -- all the --
15 all the animals in the water, like, such as fish and
16 waterfowl. That might be affected, you know, down the
17 road.

18 Yes, the -- now that the kimberlite
19 that -- that they want to put back into the -- the
20 bottom of the open pit, and then fill up with water, I
21 -- we don't know exactly whether it's going to settle
22 down, you know, just the way they've -- the company
23 suggested.

24 And then the -- we're still concerned
25 over time that the -- you know, that the -- what type

1 of impact, you know, that might have, you know. And
2 probably, you know, there's, you know, kind of
3 disruption be awaiting for the future that how do we
4 know.

5 So, the -- maybe -- if it's too deep,
6 maybe the water might not be able to move around.
7 There's no current down there. But nonetheless, the -
8 - the sediments that are down there, I guess some of
9 them that might want to float -- float up into the --
10 the -- higher above the water.

11 And then these are the concerns that it
12 might have some impact into -- for the future. You
13 know, these are things that, you know, we've learned
14 from the Elders. Thank you.

15

16 (BRIEF PAUSE)

17

18 (INTERPRETATION CONCLUDED)

19

20 THE CHAIRPERSON: Tli -- Tlichó --
21 sorry. Tlichó, you have more to add to it? Joe...?

22 ELDER JOSEPH JUDAS: I just want to
23 support my colleague over there from Yellowknife that
24 spoke recently. But what I really think is that we
25 need to get together and work together.

1 You brought a lot of good points. I
2 was sitting in the back listening to you. That's why
3 I was saying that we need to work together. We need
4 to work together along with them. They can't do it
5 alone. We have to work together; otherwise, we're
6 still going to say what we're saying.

7 And I don't like to complain after the
8 fact, right. You know, we should do it upfront
9 together and work because it's all going to benefit
10 all of us.

11 Like he says, in the long-run, our kids
12 are going to suffer in many ways. And I'm -- I'm just
13 looking at the -- I'm thinking so hard about climate
14 change, Madam -- Madam Chair, because that's going to
15 have a big impact that climate change is going to
16 have. It's already started.

17 Look at the weather. We got this lousy
18 weather. It's been raining for one (1) whole month
19 now. We haven't seen the sun. I've probably seen the
20 sun in the month -- in the month one (1) time, that's
21 about it. That never happened.

22 But whatever we do out there, the
23 land's going to freeze. All the -- all the stuff that
24 we're going to bury, it's all going to freeze. That's
25 what they're saying. I've been hearing it over off

1 and on, off and on. I don't go to as much meeting
2 with them as much as I wanted to.

3 So I kind of missed some stuff that
4 I -- I should have been part of. That's probably my
5 fault going to the other meetings. Sometime they need
6 me, but I'm going to the other meeting.

7 But we sure need to get together with
8 Yellowknife and for the next two (2) days -- because
9 that's going to affect us one way or the other in the
10 long run.

11 You were saying that our grandkids and
12 their kids -- like I was saying when I spoke in my own
13 language, I'm going to live here for the rest of my
14 life -- my kids, their kids, their kids. Because they
15 have polluted water over there and the land and the
16 wildlife are getting all polluted, am I going to move?
17 I don't think so. Where am I going to move? I'm
18 going to be stuck right here.

19 So up front -- they should be up front
20 with us working -- you and I, those groups over there,
21 our group -- we should all team up and work because
22 we're working for the same benefit.

23 That's why I was talking about money.
24 I know how much money they make. They can take all of
25 the money out and if you leave a mess, what happens?

1 Who -- who's going to suffer? It's us. I've seen
2 that happen in the past.

3 That's why every time there's a mine
4 that's going to come up, I keep thinking about it.
5 Our people need jobs. But on the other hand, what
6 happens? I've seen it happen, the kind of impact that
7 it has on us.

8 So we need to do it right this time.
9 We need to get together and work together. And, you
10 know, you may have questions that you want to ask.
11 There's other ways of doing it.

12 And you know what's the best way of
13 doing it? My friend over there raised a good
14 question. I can sit down with him, spend half an hour
15 him talk, and we'll meet halfway. That's the best way
16 of doing things. He don't have to come to a meeting
17 like this and bitch and complain and just to get a few
18 things done.

19 The other way around that you said with
20 my friend right now -- him and I -- we've done it
21 before, and it works. You don't have to go to a big
22 meeting to get things done. We can sit in just a
23 small group -- small group of people, iron out all the
24 issues, meet halfway, work out your difference.

25 You know where I learn that? I learned

1 it from ministers. That's how I deal with ministers.
2 We deal with them one on one. It's a lot better than
3 to go to a meeting. It takes double time, double
4 amount of money.

5 Sometime you don't like each other.
6 There's many ways that we can do things. That's all
7 going to benefit us. I wouldn't mind sitting down
8 with Yellowknife for sure tomorrow. I would sit with
9 them, we talk, and then we'll go to a meeting.

10 So they're not saying anything they
11 want that they want to do separately. We'll do it
12 together. That's the way to work it out.

13 That's all -- that's -- I just wanted
14 to raise that question, and I'm still thinking about
15 what Joseph said. And we need to really look at it
16 'cause that's going to be there for a long, long time.
17 And if we do it the right way, I would be happy;
18 everybody would be happy.

19 And a lot of these people have a good
20 information. They know who has good information: the
21 workers that are out there right now. I hear a lot of
22 that stories, but I don't like to mention names.
23 Madam Chair, I hear a lot of that stories coming from
24 the employees because they know me. They talk. They
25 give me all the information.

1 But I don't want -- I don't want to go
2 out, and you say it. That's -- but I have a lot -- a
3 lot of their information they've given me. Just they
4 work there every day for years and years, just like
5 the gentlemen over there. I have gone to meeting with
6 retired people that work at those mines out there
7 right now. I've gone to a lot of meetings with them.

8 But thank you, Madam Chair.

9 THE CHAIRPERSON: Masi cho. Public
10 comments? Staff? Sorry.

11 MS. CATHERINE FAIRBAIRN: The staff
12 have no further questions, Madam Chair.

13 THE CHAIRPERSON: Okay. Thank you.
14 Public comments...? Last call for public comments?

15 Like I said, we have three (3) more
16 days of hearings, and there'll be opportunities and
17 those days where there'll be a time slot for public
18 comments.

19 I think everyone wants to go home
20 early.

21

22 CLOSING COMMENTS BY THE CHAIRPERSON:

23 THE CHAIRPERSON: With that then if
24 there's no further comments, I would just like to make
25 some closing statements in regards to the hearing

1 today.

2 Diavik, we appreciate your presentation
3 that you presented to us. Thank you.

4 To the Tlicho Government, masi cho. To
5 our elders in the Tlicho, thank you so much. Masi cho
6 for your insight and for the comments that you
7 provided to us today to help us.

8 To the caterers for keeping us fed and
9 happy with all that coffee, and I think all the
10 brownies were gone -- the first thing that was gone
11 off the tray there to try to keep us awake.

12 And definitely, to our interpreters,
13 our transcript person, thank you.

14 And to the people that came out here
15 today just to listen to what was going to be said and
16 to the people that made the comments, we appreciate
17 your insight.

18 And to the staff and to the Board
19 members, thank you.

20 And with that, I would like to ask the
21 Tlicho if they would do a closing prayer.

22

23 (CLOSING PRAYER)

24

25 THE CHAIRPERSON: Masi.

1 --- Upon adjourning at 6:47 p.m.

2

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4 Certified Correct,

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8 _____

9 Sean Coleman, Mr.

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