

MACKENZIE VALLEY LAND AND WATER BOARD

Pine Point Mining Limited (PPML)

- Confirmation and Exploration Program (CEP)

Type A Water Licence and Type A Land Use Permit

Applications

MV2020L8-0012 MV2020C0017

PUBLIC HEARING

and Water Bo

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)Board Member

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(by Zoom)

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HELD AT:

Explorer Hotel- Katimavik Room

Yellowknife, NT

June 17, 2021

Day 3 of 3



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				6
	1		LIST OF UNDERTAKINGS	
	2	NUMBER	DESCRIPTION PAGE NO.	
	3	1	The Government of the Northwest	
	4		Territories has agreed to clarify	
	5		whether Pine Point Mining Limited is	
	6		required to seek approval from the	
	7		Environment Protection Division of ENR	
	8		for the use of pit water for dust	
	9		suppression.	
	10		If approval is required, GNWT will	
	11		describe that approval's process,	
	12		including time lines, and indicate what	
	13		implications such approval requirements	
	14		might have for water licence conditions	
	15		related to dust suppression. 40	
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1 --- Upon commencing at 9:02 a.m.

- 3 THE CHAIRPERSON: Good morning,
- 4 everyone. If we'd all be seated, we'll begin. I'll
- 5 call the hearing to order at 9:02.
- Good morning, everyone. I would like
- 7 to begin by welcoming you back on day 3 of this
- 8 proceeding. My name is Mavis Cli-Michaud, and I'm the
- 9 Chair of the Mackenzie Valley Land and Water Board.
- 10 For those requiring interpretations,
- 11 there are receivers available with English on channel
- 12 2, South Slavey on channel 3, and Chipewyan on channel
- 13 4.
- 14 Today we're scheduled to sit -- to sit
- 15 until approximately 4:00 p.m. I'll provide a brief
- 16 recap of yesterday's proceeding.
- 17 Presentations were given by Deninu Kue
- 18 First Nations, Environment and Climate Change Canada,
- 19 and Fort Resolution Metis Government. After each
- 20 presentation, there was a round of questions from Pine
- 21 Point Mining Limited, Interveners, and Board staff.
- 22 At the evening session for members of
- 23 the public, there were no presentations.
- There were no undertakings issued.
- 25 Before moving on to the remaining

- 1 presentations, the Board would like to remind all
- 2 parties that there's a separate process in place by
- 3 the Government of the Northwest Territories to address
- 4 broad wildlife issues. This will be done through the
- 5 Wildlife Monitoring and Management Plan and is not
- 6 part of the Board's process.
- 7 The Board's jurisdiction is limited to
- 8 wildlife habitat. Therefore, any issues or questions
- 9 parties may have about wildlife populations or health,
- 10 for example, are to be addressed -- addressed through
- 11 the Government of the Northwest Territories' process.
- 12 Thank you.
- Now I would like to ask the Government
- 14 of the Northwest Territories for their presentation.
- The Government of the Northwest
- 16 Territories...?

- 18 PRESENTATION BY THE GOVERNMENT OF THE NORTHWEST
- 19 TERRITORIES:
- 20 MR. RICK WALBOURNE: Thank you, Madam
- 21 Chair. Rick Walbourne, GNWT. I just wanted to
- 22 confirm that Board staff will be running the slides.
- 23 Okay.
- Thank you, Madam Chair. My name is
- 25 Rick Walbourne. I'm the manager, Water Regulatory and

- 1 Assessment, in the Water Management and Monitoring
- 2 Division with the Department of Environment and
- 3 Natural Resources, Government of the Northwest
- 4 Territories.
- 5 Thank you for the opportunity to
- 6 present GNWT's recommendations related to Pine Point
- 7 Mining Limited's Type A water licence application for
- 8 Confirmation and Exploration.
- 9 Today I am joined by Ms. Laura Malone,
- 10 regulatory and science advisor with GNWT-ENR, as well
- 11 as several people via Zoom including our legal
- 12 counsel, Mr. Rohan Brown, Ms. Andrea Patenaude of our
- 13 Wildlife Division, Dr. Jamie Van Gulck from Arktis
- 14 Solutions, as well as ENR regional staff Ms. Wendy
- 15 Bidwell and Mr. Albert Bourque.
- 16 Next slide, please. GNWT appreciates
- 17 the opportunity to present our technical intervention
- 18 for the Board's consideration. In our presentation,
- 19 we will briefly outline the GNWT's concerns and
- 20 recommendations.
- 21 The topics we will be covering include
- 22 water licence annual reporting, Groundwater Management
- 23 Plan, fish presence in pits, water quality
- 24 compatibility criteria, wastewater treatment and
- 25 offsite waste disposal, Surveillance Network Program,

- 1 reclamation security, and finally we will touch
- 2 briefly on the Wildlife Management and Monitoring
- 3 Plan. Next slide, please.
- 4 Madam Chair, our first topic is on the
- 5 contents of the Annual Report. GNWT has identified a
- 6 list of pump test information that should be reported
- 7 by PPML. In their response to interventions, PPML
- 8 noted that pump test information would be included in
- 9 the Annual Report. Next slide, please.
- 10 As such, GNWT's first recommendation is
- 11 as follows: GNWT recommends that the following items
- 12 are reported by PPML within the Annual Report:
- 13 location of testing, dates and duration of testing,
- 14 quantity of water removed from source and location of
- 15 source, quantity of water discharged and location of
- 16 discharge, water quality sampling results for source
- 17 and discharge locations, results of monitoring
- 18 conducted during testing and description of any
- 19 adaptive management actions triggered, and
- 20 demonstration that water transfer criteria were
- 21 achieved for each test. Next slide, please.
- 22 Madam Chair, we will now move on to our
- 23 discussion of the Groundwater Management Plan or GMP.
- In response to GNWT comments, PPML
- 25 provided additional information that will be included

- 1 in the GMP. GNWT notes that the GMP will also need to
- 2 include descriptions and locations of activities,
- 3 monitoring program methodology, reporting
- 4 requirements, and the water quality compatibility
- 5 criteria protocol. Next slide, please.
- The GNWT's recommendation on this topic
- 7 is as follows: GNWT recommends that a Groundwater
- 8 Management Plan be submitted for review and approval
- 9 sixty (60) days prior to commencing any hydro
- 10 geological investigations.
- 11 Madam Chair, in their response to
- 12 interventions, PPML replied that thirty (30) days was
- 13 sufficient. During this proceeding there appeared to
- 14 be some confusion between the GNWT, PPML, and Board
- 15 staff regarding the intent of this response.
- 16 As a result, the GNWT engaged in
- 17 sidebar conversations with PPML to get additional
- 18 clarification. It is now understood that the plan
- 19 will be submitted to the Board upon licence issuance.
- 20 As well, it is our understanding that
- 21 the Board will require a comprehensive review period
- 22 of the document through a formal public review process
- 23 to allow all parties sufficient time for reviewer
- 24 input.
- 25 Provided that the Board does ensure

- 1 sufficient time for all parties to provide comment on
- 2 this document, GNWT considers this issue resolved.
- 3 And we can provide additional clarification on the
- 4 draft water licence and/or in our closing arguments.
- 5 Next slide, please.
- 6 Madam Chair, we would now like to
- 7 discuss the uncertainties related -- related to the
- 8 Groundwater Management Plan. The GNWT notes that we
- 9 still have a limited understanding of the pit and
- 10 groundwater quality and spacial variability of the
- 11 Pine Point site.
- 12 Pit and well locations proposed for
- 13 testing have not yet been defined by PPML. As a
- 14 result, the GNWT also notes that in order to limit
- 15 potential impacts, it is important that a
- 16 precautionary approach is used for assessing waters
- 17 discharged. Next slide, please.
- 18 Other uncertainties include groundwater
- 19 quality as this data has not been presented, and
- 20 details on how the GMP will be implemented. Next
- 21 slide, please.
- 22 GNWT also noted in our intervention
- 23 that a number of details were lacking from the
- 24 compatibility assessment.
- While there are additional details to

- 1 be reviewed in the GMP when it is submitted post-
- 2 issuance of the licence, GNWT accepts the details
- 3 provided by PPML in their response to interventions
- 4 for the items listed on this slide, except for the
- 5 upper bound calculation. Next slide, please.
- In response to interventions, PPML
- 7 clarified that the upper bound is the maximum
- 8 parameter concentration in the available receiver pit
- 9 data.
- 10 Given that the available water quality
- 11 data goes back several years, there is potential that
- 12 the receiver water quality has changed naturally over
- 13 time.
- 14 Also, it may not be appropriate to
- 15 compare current water quality to past concentrations
- 16 when natural dilution of potential contaminants may
- 17 have occurred since that time.
- 18 GNWT believes that data collected just
- 19 prior to groundwater testing would be more appropriate
- 20 for assessing compatibility. Next slide, please.
- 21 Also, GNWT was concerned that the well-
- 22 to-well and pit-to-well compatibility assessments did
- 23 not consider an evaluation against guidelines that are
- 24 protective of the receiving environment.
- This was a concern as PPML had noted

- 1 interconnectedness between the groundwater and surface
- 2 water systems, therefore, any water pumped to pits or
- 3 into injection wells has the potential to reach the
- 4 surface in the vicinity of the pits.
- 5 Of note, it is now GNWT's
- 6 understanding, based on responses from PPML to GNWT
- 7 questions yesterday -- or this week, that well-to-well
- 8 and pit-to-well assessments will now include an
- 9 evaluation against guideline values. Next slide,
- 10 please.
- 11 Madam Chair, our next recommendation is
- 12 as follows: GNWT recommends that the Groundwater
- 13 Management Plan be updated to clarify and resolve the
- 14 uncertainties discussed and -- and summarized here;
- 15 inclusion of pit chemocline influence on the
- 16 compatibility assessment; description of methodology
- 17 for the development of the depth average TDS
- 18 concentration and specific conductivity TDS
- 19 relationship. Next slide, please.
- 20 Clarification on which guidelines are
- 21 being referenced in figure B1 of the April memo,
- 22 methodology or the calculation of the upper bound.
- 23 Well-to-well and pit-to-well scenarios should consider
- 24 an evaluation against appropriate guidelines.
- 25 Compatibility assessments should be made between

- 1 samples collected prior to testing and not in relation
- 2 to historic database.
- 3 GNWT acknowledges that PPML's response
- 4 to interventions and clarification during this Hearing
- 5 have provided additional context and description for
- 6 some of these uncertainties, including that the upper
- 7 bound will now be mostly represented by the receiving
- 8 water quality prior to testing.
- 9 GNWT supports this position and also
- 10 recommends that these items be further described in
- 11 the next version of the GMP to allow parties to
- 12 provide further feedback. Next slide, please.
- 13 Madam Chair, we would now like to move
- 14 on to a discussion of our recommendations related to
- 15 fish presence in pits.
- 16 GNWT has been concerned that receiving
- 17 water quality and potential fish presence in pits has
- 18 not been sufficiently assessed.
- 19 In their response to interventions,
- 20 PPML confirmed that surveys of fish presence in pits
- 21 would be conducted prior to water transfers. PPML
- 22 also added acute toxicity testing for the source pit
- 23 water that has passed a proposed two (2) step
- 24 screening process prior to any transfer.
- 25 GNWT also notes that while additional

- 1 details on the screening for fish presence will be
- 2 provided for review on the GMP, GNWT is satisfied with
- 3 PPML's commitment to screen for fish presence prior to
- 4 conducting water transfers. Next slide, please.
- 5 GNWT recommends that the water licence
- 6 include a condition that requires fish presence
- 7 determinations in a pit prior to water being
- 8 discharged to it. Next slide, please.

9

10 (BRIEF PAUSE)

- 12 MR. RICK WALBOURNE: GNWT recommended
- 13 in our intervention that source water from discharge
- 14 to pits confirmed to have fish present must have
- 15 parameter concentrations equal to or lower than
- 16 concentrations in the receiving pit or concentrations
- 17 below CCME quidelines.
- 18 We also recommend that existing pits be
- 19 considered a receiving environment and that PPML be
- 20 responsible for protecting that environment.
- 21 Given PPML's commitment to conduct
- 22 screening for fish and to add acute toxicity testings
- 23 prior to water transfers, GNWT feels that our
- 24 recommendations 5 and 6 have been addressed
- 25 adequately. These recommendations will be updated in

- 1 our closing arguments. Next slide, please.
- 2 Madam Chair, we would now like to
- 3 discuss our recommendations on the proposed water
- 4 quality compatibility criteria.
- 5 GNWT believes that the water transfer
- 6 criteria should be adjusted to achieve conditions that
- 7 protect the receiving environment and aim to not
- 8 degrade receptor water quality.
- 9 GNWT accepts PPML's proposed 30 percent
- 10 difference between source and receptor water quality,
- 11 provided the following recommendations are also
- 12 implemented.
- 13 Additional precautionary elements in
- 14 these recommendations for water transfer are to
- 15 account for the aforementioned uncertainties, the
- 16 potential for water quality to change during pumping
- 17 as groundwater recharges, and a primary objective of
- 18 protecting the receiving environment. Next slide,
- 19 please.
- 20 Madam Chair, our recommendations on
- 21 this topic are as follows: GNWT recommends that water
- 22 transfers from pit to pit, well to well, and pit to
- 23 well be conducted in accordance with the GMP and
- 24 subject to the following additional conditions.
- Regarding 7(a) on the screen, as

- 1 mentioned previously, this recommendation will be
- 2 updated in our closing arguments.
- 3 7 (b), water transfers shall not result
- 4 in temporary flooding or drawing up of nearby water
- 5 bodies as confirmed through visual monitoring.
- 6 PPML has agreed to this recommendation
- 7 in their response to Interventions. Next slide,
- 8 please.
- 9 Continuing on with transfer conditions.
- 10 7(c), there's less than 30 percent difference in total
- 11 dissolved solids concentration between the source and
- 12 receiving water locations. As discussed, this refers
- 13 to data from samples collected prior to groundwater
- 14 testing, rather than the historical data set.
- 15 GNWT and PPML discussed this on June
- 16 1st regarding which data set would be most appropriate
- 17 to use. As noted, PPML agreed to consider GNWT's
- 18 position when updating the GMP.
- 7 (d), source water quality for
- 20 individual parameters have less than 30 percent
- 21 difference in source water and receptor water quality
- 22 concentrations for all parameters that have a CCME
- 23 water quality guideline.
- In their response to Interventions,
- 25 PPML agreed with recommendation 7(d). Next slide,

- 1 please.
- 2 GNWT recommends that if these
- 3 conditions cannot be met, PPML may submit a request
- 4 for review and Board approval that describes, with
- 5 supporting analysis, how the water transfer will be
- 6 conducted in a manner that mitigates against potential
- 7 impacts to surface water.
- 8 GNWT recommends that PPML describe how
- 9 water quality will be monitored during testing to
- 10 ensure that poor quality water is not -- is not
- 11 discharged as a result of changing water conditions
- 12 during recharge of the source water pit.
- In their response to Interventions,
- 14 PPML agreed to recommendation 8, as well as described
- 15 their plan for monitoring water quality during
- 16 testing. GNWT will update these recommendations in
- 17 our closing arguments to factor in those responses.
- 18 Next slide, please.
- 19 Madam Chair, we'll now move on to a
- 20 discussion on wastewater treatment.
- 21 Please note that PPML has not yet
- 22 identified their proposed options for the management
- 23 of sewage. The following recommendations are based on
- 24 the information provided by PPML to date. Next slide,
- 25 please.

- 1 GNWT recommends that the water licence
- 2 include conditions for a modular wastewater treatment
- 3 plant for the treatment of camp sewage.
- 4 GNWT recommends that the maximum grab
- 5 effluent quality criteria for this discharge from the
- 6 wastewater treatment plant be set as follows.
- 7 Fecal coliforms, 20 CFU per 100 mL;
- 8 CBOD, 25 mg per litre; total suspended solids, 25 mg
- 9 per litre; and a pH between 6 and 9. GNWT notes that,
- 10 in their response to Interventions, PPML agreed to
- 11 these recommendations. Next slide, please.
- 12 Madam Chair, we'll now discuss
- 13 recommendations related to offsite waste disposal.
- 14 At the technical session, PPML stated
- 15 that a landfarm was a contingency option and explained
- 16 that, if they were to build one, they would amend the
- 17 water licence and include effluent quality criteria
- 18 for any contact water that may need to be discharged
- 19 from the facility.
- 20 GNWT notes that PPML has not provided
- 21 any additional information on plans for the management
- 22 of hydrocarbon contaminated soil or associated contact
- 23 water. It remains unclear how this waste would be
- 24 handled. Next slide, please.
- Therefore, Madam Chair, GNWT recommends

- 1 that the Board not include authorization for a
- 2 landfarm in the water licence at this time.
- 3 GNWT recommends that the water licence
- 4 require submission of a revised Waste Management Plan
- 5 thirty (30) days after issuance, and PPML revise the
- 6 plan to specify that hydrocarbon impacted material and
- 7 its associated contact water will be shipped to an
- 8 offsite facility for appropriate disposal. PPML
- 9 agreed to both of these recommendations. Next slide,
- 10 please.
- 11 Regarding vehicle wash station runoff,
- 12 PPML initially stated that it would be captured,
- 13 treated, and disposed of in a sump. It was later
- 14 stated that the first option would be to send it
- 15 offsite. Next slide, please.
- As such, GNWT recommends that the water
- 17 licence require submission of a revised Waste
- 18 Management Plan thirty (30) days after issuance, and
- 19 the plan be revised to state that the runoff water
- 20 from the vehicle wash station be shipped offsite to an
- 21 appropriate disposal facility. PPML agreed to this
- 22 recommendation. Next slide, please.
- 23 Madam Chair, we'd like to move on to
- 24 our recommendations for a Surveillance Network
- 25 Program, or SNP.

- 1 Throughout this process, GNWT has
- 2 recommended that PPML consider an SNP to monitor water
- 3 quality during groundwater testing. PPML has
- 4 maintained their position that such monitoring be
- 5 included as part of the Groundwater Management Plan.
- 6 GNWT notes that due to the fact that
- 7 the volumes of water required for groundwater testing
- 8 were the trigger for a Type 'A' Water Licence, the
- 9 water quality compliance monitoring for this testing
- 10 should be included in the licence itself, and not in a
- 11 management plan.
- 12 Compliance monitoring should be
- 13 conducted for potential increases in toxicity and to
- 14 ensure source water transfers remain compatible with
- 15 receiver water. Next slide, please.
- As such, GNWT has the following
- 17 recommendation. GNWT had recommended that the list of
- 18 proposed locations for groundwater testing be provided
- 19 for review and approval to the Board sixty (60) days
- 20 before testing begins.
- 21 And also, that PPML provide an SNP
- 22 containing water quality monitoring stations,
- 23 locations, sampling parameters, and sampling frequency
- 24 for review and approval for inclusion in the water
- 25 licence.

- 1 The -- and that the SNP should include
- 2 both the source and receiving water bodies involved in
- 3 groundwater testing, as well as nearby water bodies
- 4 that could be hydrologically connected.
- 5 Madam Chair, GNWT has had additional
- 6 discussion with PPML in regards to time lines for
- 7 provision of proposed locations for groundwater
- 8 testing. It is now our understanding that all
- 9 locations have already been provided with a water
- 10 withdrawal plan. As such, GNWT will consider this
- 11 information and reassess our recommendations in our
- 12 closing arguments.
- 13 Similarity, there was a discussion with
- 14 PPML regarding which monitoring components would be
- 15 more appropriate in an SNP or in the water licence
- 16 versus the Groundwater Management Plan, such as the
- 17 compatibility criteria and sampling frequency.
- The GNWT commits to refining our
- 19 recommendation in this regard through the draft water
- 20 licence and/or within our closing arguments. Next
- 21 slide, please.
- 22 Madam Chair, we'd now like to discuss
- 23 reclamation security. Of note, GNWT and our
- 24 consultant, Brodie Consultant Limited, had extensive
- 25 dialogue with PPML on reclamation security during this

- 1 process. GNWT thanks PPML for the additional detail
- 2 provided in their response to interventions regarding
- 3 the restorations of drill sites.
- 4 Through these discussions we found the
- 5 PPML security estimate to be reasonable for the
- 6 proposed scope of exploration work. The estimate
- 7 included acceptable closure costs for the current
- 8 stage of the project.
- 9 GNWT did provide some areas of
- 10 adjustment: PPML's inflation adjustment, updated total
- 11 waste fuel volumes, inclusion of a temporary water
- 12 pipeline, adjustment of revegetation based on PPML's
- 13 IR Number 8 response, and updated cost to grade
- 14 previously undisturbed areas. Next slide, please?
- 15 GNWT agrees with PPML's revised
- 16 estimate as the rationale provided allows an adequate
- 17 base cost for restoration of the drill sites. GNWT
- 18 has, therefore, modified the recommendation for
- 19 reclamation security to match the estimate provided by
- 20 PPML.
- 21 GNWT recommends that the total security
- 22 estimate for the project be set to one-million sixty-
- 23 thousand seven-hundred and fifty-five dollars
- 24 (\$1,060,755.00) with land and water liability set at
- 25 seven-hundred and forty-three thousand four-hundred

- 1 and fifty-seven dollars (\$743,457.00) and three-
- 2 hundred and seventeen-thousand two-hundred and ninety-
- 3 eight dollars (\$317,298.00) respectively. Next slide,
- 4 please?
- 5 Madam Chair, our final topic will be a
- 6 brief update on the Wildlife Management and Monitoring
- 7 Plan for the information of the parties.
- 8 The Minister of ENR has determined that
- 9 an approved tier 1 Wildlife Management and Monitoring
- 10 Plan will be required.
- GNWT recognizes PPML's commitments to
- 12 include additional mitigation and monitoring
- 13 approaches to minimize impacts to boreal caribou from
- 14 sensory disturbance during sensitive periods and
- 15 habitat loss. And an approved WMMP will allow ENR to
- 16 ensure that PPML implements those commitments. Next
- 17 slide, please?
- 18 It is expected that the WMMP submitted
- 19 by PPML for approval by the minister of ENR will
- 20 address all comments made on the Wildlife Protection
- 21 Plan verison 1, received throughout the process to
- 22 date.
- 23 After the public hearing, the submitted
- 24 WMMP will be made available on the Board's online
- 25 review system for a thirty (30) day period for public

- 1 review. Reviewers are encouraged to submit written
- 2 comments on whether the updated plan addresses their
- 3 concerns identified in the process to date.
- 4 PPML will have an opportunity to
- 5 respond to those comments and make adjustments, as
- 6 necessary. The Minister of ENR will use this
- 7 information in making an approval decision on the
- 8 final WMMP. Next slide.
- 9 Thank you, Madam Chair, that brings us
- 10 to the conclusion of our presentation and we'd be
- 11 happy to take any questions at this time. Thank you
- 12 very much.
- 13
- 14 QUESTION PERIOD:
- 15 THE CHAIRPERSON: Thank you, the
- 16 Government of the Northwest Territories, for your
- 17 presentation.
- 18 I will now turn it over to the Pine
- 19 Point Mining Limited and other Interveners for their
- 20 opportunity to ask questions of the Government of the
- 21 Northwest Territories.
- I would like to remind all parties to
- 23 please state your name prior to speaking and questions
- 24 should be addressed through the Chair. And be mind --
- 25 please pace yourself as you're speaking, so we do have

- 1 interpreters.
- 2 And for those in -- of you in the
- 3 hearing room, please ensure your cell phones are in
- 4 silent mode and that your computers are on mute. This
- 5 will limit interruptions during our meeting.
- 6 Furthermore, please be reminded that
- 7 all questions should be focused on seeking clarity on
- 8 issues that will assist the Board in their decisions
- 9 relating to the land use permit and water licence
- 10 applications.
- 11 Out of respect for all others, this
- 12 opportunity to ask questions should not be used to
- 13 advocate positions or to express opinions.
- 14 Pine Point Mining Limited, do you have
- 15 any questions of the Government of the Northwest
- 16 Territories. Pine Point Mining....?
- 17 MR. ANDREW WILLIAMS: Andrew Williams,
- 18 Pine Point Mining Limited.
- 19 Thank you, Madam Chair. We'd like to
- 20 thank the GNWT for their presentation and we are
- 21 especially pleased where they have acknowledged that
- 22 PPML and the GNWT have agreement on recommendations.
- There is one (1) area that we -- we
- 24 think, perhaps, the GNWT could further clarify and
- 25 this would be about including conditions for the water

- 1 monitoring in an SNP versus a Groundwater Management
- 2 Plan. Perhaps they could just expand on the reasoning
- 3 there for us. Thank you.
- 4 THE CHAIRPERSON: Government of the
- 5 Northwest Territories...?
- 6 MR. RICK WALBOURNE: Rick Walbourne,
- 7 ENR. Thanks, Andrew, for your question.
- 8 Yes, so our position is that conditions
- 9 specifically related to water use waste management,
- 10 under the scope of the water licence, should be
- 11 specified as conditions of the water licence or SNP.
- 12 And that reflects the GNWT's position that the major
- 13 conditions or points of a water licence that's
- 14 approved by the Minister of ENR remain in the body of
- 15 the water licence.
- 16 Specifically, and again we'll -- we'll
- 17 try to clarify this more in our -- maybe in the draft
- 18 water licence or closing arguments. But we feel that
- 19 items like the compatibility criteria, which is in
- 20 essence a type of effluent quality criteria, should be
- 21 a condition of the licence.
- The monitoring frequency during
- 23 discharge could also be placed either as water licence
- 24 condition or a -- or in an SNP. Granted, we
- 25 acknowledge that the locations have not yet been

- 1 finalized but we still think there's ways to make a
- 2 SNP that can accommodate that.
- For instance, in some municipal
- 4 licences for groundwater well locations, those SNP
- 5 locations are often determined later with the
- 6 assistance of the inspector or the Proponent.
- 7 So, on a high level that's kind of
- 8 where we're thinking with that, Andrew, if that helps?
- 9 And, again, we'll -- we'll try to make much -- provide
- 10 much more clarity on the draft water licence, for
- 11 example, as -- as a good start but if you'd like any
- 12 information right now I'll -- I'll try to provide
- 13 more.
- 14 THE CHAIRPERSON: Pine Point
- 15 Mining...?
- 16 MR. ANDREW WILLIAMS: Madam Chair.
- 17 Andrew Williams, with Pine Point Mining.
- 18 Thanks very much, Rick, I think that
- 19 helps understand the -- the logic behind what you're
- 20 proposing. Thank you.
- 21 THE CHAIRPERSON: Is that all the
- 22 questions you have, Pine Point Mining?
- MR. ANDREW WILLIAMS: Madam Chair.
- 24 Andrew Williams, Pine Point Mining. No further
- 25 questions.

- 1 THE CHAIRPERSON: Thank you. Now I'd
- 2 like to offer Deninu Kue First Nations, DKFN, do you
- 3 have any questions to ask the Government of the
- 4 Northwest Territories? DKFN...?
- 5 MR. MARC D'ENTREMONT (by Zoom): Thank
- 6 you, Madam Chair, it's Marc D'Entremont, for the DKFN.
- 7 Thanks, Rick, for that presentation.
- 3 Just one (1) question in regards to the
- 9 information you provided on the WMMP. I appreciate
- 10 that you've asked the Board to include it on the ORS
- 11 with a thirty (30) day review period.
- I just want to clarify whether it's the
- 13 GNWT's expectation that that review period, plus the
- 14 comments back from PPML would occur within the time
- 15 line of this -- this hearing, i.e., have that
- 16 information back before closing arguments are
- 17 submitted? Thank you.
- 18 THE CHAIRPERSON: Government of the
- 19 Northwest Territories...?
- 20 MR. RICK WALBOURNE: Rick Walbourne,
- 21 ENR. I just wanted to check to see if Andrea
- 22 Patenaude was on the line and if she had any response
- 23 to DKFN on that question regarding time lines for the
- 24 WMMP. Thank you.
- MS. ANDREA PATENAUDE (by Zoom):

- 1 Andrea Patenaude, Government of the Northwest
- 2 Territories.
- MR. RICK WALBOURNE: Yeah, we can hear
- 4 you, Andrea.
- 5 MS. ANDREA PATENAUDE (by Zoom):
- 6 Great. I'll wait to be addressed.
- 7 THE CHAIRPERSON: Okay. We can -- I
- 8 can barely hear you, so if you would... Okay. So, go
- 9 ahead.
- 10 MS. ANDREA PATENAUDE (by Zoom): Okay.
- 11 Can you hear me better now?
- 12 THE CHAIRPERSON: Yes, a lot better.
- 13 Thank you.
- 14 MS. ANDREA PATENAUDE (by Zoom): Okay.
- 15 THE CHAIRPERSON: Go ahead.
- 16 MS. ANDREA PATENAUDE (by Zoom): Okay.
- 17 Andrea Patenaude, GNWT. So, the timing for this --
- 18 for the WEMP, it is expected to be approved before the
- 19 issuance of the water licence.
- 20 At the end of the thirty (30) days --
- 21 so, once the Developer provides their WEMP to be
- 22 posted on the ORS, there's thirty (30) days there.
- 23 And then the Developer will have the opportunity to
- 24 make responses to the comments and revisions to the
- 25 WEMP.

- 1 And they can take as long as they want
- 2 in this phase. And then once they've submitted -- if
- 3 they submit -- if they make changes and submit a final
- 4 draft for the Minister's decision, there's a thirty
- 5 (30) period -- the guidelines allow a thirty (30) day
- 6 period for the Minister to provide a written notice of
- 7 approval -- provisional approval or rejection of the
- 8 WEMP.
- 9 So, with -- depending on how long PPML
- 10 takes to respond and revise the WEMP, we do see a
- 11 decision about approval being made around mid-
- 12 September, give or take.
- Does that answer the question?
- 14 THE CHAIRPERSON: DKFN...?
- MR. MARC D'ENTREMONT (by Zoom): Thank
- 16 you, Madam Chair. Marc d'Entremont, for DKFN. Thank
- 17 you, Andrea, for that response.
- I have no further questions in this
- 19 regard. I'll just confirm that my colleagues in Fort
- 20 Resolution have any questions. Thank you.
- 21 MR. PATRICK SIMON (by Zoom): Madam
- 22 Chair, no questions. Thank you.
- THE CHAIRPERSON: Thank you, DKFN.
- 24 I'll now ask Environment and Climate Change Canada if
- 25 they have any questions of the Government of the

- 1 Northwest Territories.
- 2 Environment and Climate Change
- 3 Canada...?
- 4 MS. JENNIFER SABOURIN: Good morning,
- 5 and thank you, Madam Chair. Thank you, Government of
- 6 the Northwest Territories for your presentation. I do
- 7 not have any questions at this time.
- 8 Your -- your last comments there about
- 9 the WMMP, it did actually clarify some of the
- 10 questions and concerns that we had in regards to ECCC-
- 11 7. So, thank you very much for your clarification and
- 12 thank you for your presentation.
- 13 THE CHAIRPERSON: Thank you. I'll now
- 14 ask the Fort Resolution Metis Government if they have
- 15 any questions to ask of the Government of the
- 16 Northwest Territories.
- 17 Fort Resolution Metis Government...?
- 18 MS. KATY DIMMER (by Zoom): Thank you,
- 19 Madam Chair. Katy Dimmer, Fort Resolution Metis
- 20 Government. We do have one (1) question.
- 21 Government of the Northwest Territories
- 22 we're asking other Interveners for their input on the
- 23 time frame for the Groundwater Management Plan,
- 24 whether thirty (30) days was adequate.
- We saw today in their presentation that

- 1 they are recommending sixty (60) days. I'm just
- 2 wondering if they could provide further clarity and a
- 3 little bit more of a description of the rationale, so
- 4 why they think it should be sixty (60) days?
- 5 THE CHAIRPERSON: Government of the
- 6 Northwest Territories...?
- 7 MR. RICK WALBOURNE: Rick -- Rick
- 8 Walbourne, ENR. Thanks, Katy, very much. It's a --
- 9 I'll try to talk through this, because I'm still
- 10 trying to figure it out myself. This -- this will be
- 11 helpful.
- 12 So, based on yesterday there was a --
- 13 initially some, I would say, confusion between
- 14 ourselves, PPML, and the Board regarding timing of
- 15 planned submissions as they related to the startup of
- 16 the Project.
- So, my understanding -- this is my
- 18 understanding of -- of how this will work moving
- 19 forward. So, the water licence is anticipated to be
- 20 issued, I think, in the fall or winter. PPML has
- 21 stated that they are going to submit the plan
- 22 basically on day 1 of issuance.
- Our concern was that there would -- our
- 24 interpretation of their responses was that they were
- 25 hoping to begin work within thirty (30) days of the

- 1 commencement -- or within thirty (30) days of the
- 2 submission of that Plan.
- 3 Based on additional conversations
- 4 yesterday, we understand that not to be the case, as
- 5 well as talking to the Board, and that that plan will
- 6 actually be circulated to all parties through the
- 7 online review system for a sixty (60) to ninety (90)
- 8 day period. Not for the review, but by the time the
- 9 Board makes a decision. So, it'll be on the ORS for
- 10 whatever time line that the Board deems appropriate.
- So, I think through that process we're
- 12 satisfied. Our concern was that there would not be
- 13 sufficient time for parties to review that document
- 14 and for the Board to approve it prior to the Company
- 15 beginning the Groundwater Program.
- But under the time lines provided and
- 17 with the assurance from the Board that this plan will
- 18 be circulated for review, we maintained our sixty (60)
- 19 day minimum that they not start work within sixty (60)
- 20 days of submitting their Plan.
- 21 But our expectation is that there'll
- 22 actually be an even longer period between submission
- 23 of the plan and by the time the Company starts work.
- 24 So, we were -- we were under the impression that there
- 25 were some operational constraints with the Company

- 1 wanting to start work immediately. But our
- 2 understanding now is that's not the case.
- 3 So, I hope that helps, Katy, and there
- 4 may be others that have a different interpretation of
- 5 that process, but that's my understanding based on
- 6 conversations yesterday.
- 7 THE CHAIRPERSON: Fort Resolution
- 8 Metis Government...?
- 9 MS. KATY DIMMER (by Zoom): I thank
- 10 you, Rick, for that clarification and thank you to the
- 11 GNWT for your presentation today.
- 12 I have no further questions, but I'll
- 13 just check that -- to see if Shawn has any questions.
- 14 Thank you.
- 15 MR. SHAWN MCKAY: Hi. Good morning.
- 16 Thank you, Katy. Madam Chair, I have no other
- 17 questions. Thank you.
- 18 THE CHAIRPERSON: Thank you. Thank
- 19 you, Fort Resolution Metis Government.
- 20 I'll now ask Katl'odeeche First --
- 21 First Nations, KFN, if they have any questions to ask
- 22 the Government of the Northwest Territories. KFN...?
- MR. PATRICK RILEY (by Zoom): Hi, this
- 24 is Patrick Riley, from Katl'odeeche First Nation.
- 25 Thank you, Rick, for that presentation.

- 1 It confirmed for us the information
- 2 about the movement between the groundwater and surface
- 3 water. And -- and so -- but -- it helps with that
- 4 information but I have no further questions. Thank
- 5 you.
- 6 THE CHAIRPERSON: Thank you. At this
- 7 time we will move on to any members of the public and
- 8 give them an opportunity to ask questions to the
- 9 Government of the Northwest Territories.
- 10 Do we have any members of the
- 11 public...?
- 12 MR. CHRIS HOTSON: Thank you, Madam
- 13 Chair. Chris, with Board Staff. There's no public
- 14 queue questions either on the Zoom chat or on the
- 15 Facebook live stream.
- 16 THE CHAIRPERSON: Thank you. The
- 17 agenda provides an opportunity now for questions from
- 18 Board staff, Board technical advisor, and legal
- 19 counsel. Board staff...?
- 20 MS. JACQUELINE HO: Thank you, Madam
- 21 Chair. This is Jacqueline, with Board staff. Board
- 22 staff have a couple of questions. The first two (2)
- 23 are on dust control.
- 24 On day 1 of the hearing, Board staff
- 25 fol -- followed up with Pine Point Mining regarding

- 1 GNWT's recommendation in review comment ID number 15
- 2 for the technical session Information Request
- 3 responses.
- And GNWT indicated it wasn't sure if
- 5 using the pit water for dust control is protective of
- 6 the environment and recommended Pine Point Mining
- 7 describe mitigation to limit the use -- using pit
- 8 water with parameters exceeding CCME guidelines.
- 9 Pine Point Mining responded that it
- 10 would follow the GNWT's guidelines for dust
- 11 suppression, and also use the groundwater testing
- 12 samples to look at the water quality.
- 13 Board staff would like to ask if GNWT
- 14 could comment on its position on this matter. Thank
- 15 you.
- 16 THE CHAIRPERSON: Government of the
- 17 Northwest Territories...?
- 18
- 19 (BRIEF PAUSE)
- 20
- 21 MR. RICK WALBOURNE: Rick Walbourne,
- 22 ENR. Thanks, Jacqueline, for that question.
- 23 Yeah, I think, based on the response
- 24 from PPML regarding use of the guidelines and that
- 25 water will be sampled through the groundwater program

- 1 so we will know that, we have no issue with that --
- 2 that process moving forward or that -- those methods.
- 3 Thank you.
- 4 THE CHAIRPERSON: Board staff...?
- 5 MS. JACQUELINE HO: Thank you, Madam
- 6 Chair. Board staff have a follow-up question on the
- 7 dust control.
- 8 So in the GNWT's guideline for the dust
- 9 suppression, it states that projects that have not
- 10 been approved by the Environment division must undergo
- 11 an assessment before being approved for use as dust
- 12 suppressant.
- Board staff would like to confirm with
- 14 GNWT if Pine Point Mining is required to seek approval
- 15 from the Environment division for using pit water for
- 16 dust suppression, and if GNWT could describe that
- 17 approval process. Thank you.
- 18 THE CHAIRPERSON: Government of the
- 19 Northwest Territories...?
- 20 MR. RICK WALBOURNE: Rick Walbourne,
- 21 ENR. Thanks, Jacqueline.
- 22 Unfortunately, we don't have any
- 23 representation from that division with us, so we -- if
- 24 possible, we'd like to take that as an undertaking to
- 25 -- to take back to those staff who deal with those

- 1 approvals and provide a response back through that
- 2 process, if that's possible. Thank you.
- 3 THE CHAIRPERSON: Thank you. It'll be
- 4 Undertaking number 1.

5

- 6 --- UNDERTAKING NO. 1: The Government of the
- 7 Northwest Territories has agreed to
- 8 clarify whether Pine Point Mining
- 9 Limited is required to seek approval
- 10 from the Environment Protection
- 11 Division of ENR for the use of pit
- 12 water for dust suppression.
- 13 If approval is required, GNWT will
- 14 describe that approval's process,
- including time lines, and indicate what
- 16 implications such approval requirements
- 17 might have for water licence conditions
- 18 related to dust suppression.

- THE CHAIRPERSON: Board staff...?
- 21 MS. JACQUELINE HO: Thank you, Madam
- 22 Chair. We'll -- we'll draft some working and read it
- 23 out into the record.
- 24 Board staff have a couple more
- 25 questions on the groundwater testing.

- 1 THE CHAIRPERSON: Go ahead.
- MS. JACQUELINE HO: So this is in
- 3 regards with the Recommendation Number 5 for the
- 4 groundwater testing in response to GNWT's
- 5 intervention.
- I believe Pine Point Mining had
- 7 disagreed with GNWT's Recommendation Number 5, that
- 8 the concentration must be below the Canadian Council
- 9 of the Minister of the Environment Guidelines for the
- 10 protection of aquatic life if transferring to a fish-
- 11 bearing pit.
- 12 Pine Point Mining claimed that the
- 13 compatibility assessment and the proposed two-step
- 14 screening approach has been designed so that the water
- 15 transfer to pits limits the extent of change to the
- 16 pit waters. However, Pine Point Mining did commit to
- 17 conducting aquatic toxicity test for fish-bearing
- 18 pits.
- 19 I believe GNWT -- GNWT might have
- 20 clarified this in your presentation, but Board staff
- 21 would just like to double-check.
- 22 Can GNWT just reiterate its position on
- 23 the matter if the acute toxicity test is sufficient or
- 24 if GNWT believes that the concentration must be below
- 25 CCME Guidelines? Thank you.

- 1 THE CHAIRPERSON: Government of the
- 2 Northwest Territories...?
- MR. RICK WALBOURNE: Rick Walbourne,
- 4 ENR. Thanks, Jacqueline, for that question.
- 5 Yeah, so originally those
- 6 recommendations in our intervention, when those were
- 7 made, there were a lot of uncertainty regarding what
- 8 was -- whether or not the receiving environment --
- 9 there was a discussion about receiving environment.
- 10 We weren't sure if that meant they were
- 11 proposing less protections to those pit lakes, so we
- 12 had made those recommendations to ensure that those
- 13 areas were protected.
- 14 Since that time, PPML did provide
- 15 additional recommendations, so they clarified that
- 16 they would be doing fisheries assessments, and that
- 17 where there were fish present, they would be adding an
- 18 additional layer of screening of toxicity testing
- 19 prior to discharge.
- 20 So based on those responses, and taking
- 21 into account site-specific considerations of pit lakes
- 22 and the type of species that might be present
- 23 regarding, you know, just small-bodied fish in
- 24 isolated areas, we felt that the mitigations proposed
- 25 by PPML were sufficient.

- 1 And as stated in our speaking notes
- 2 that you mentioned, we did revise or walk back our
- 3 Recommendations 5 and 6, and we will provide
- 4 additional clarification on them in our closing
- 5 arguments.
- But the short answer is we don't feel
- 7 it necessary to -- for those discharge waters to meet
- 8 CCME based on the mitigations that PPML have proposed.
- 9 THE CHAIRPERSON: Board staff...?
- 10 MS. JACQUELINE HO: Thank you, Madam
- 11 Chair. Thank you, Rick, for that clarification. So
- 12 my next question is still on groundwater testing.
- In GNWT's presentation, Recommendation
- 14 Number 8 indicated that Pine Point Mining should
- 15 submit a request for Board approval if Pine Point
- 16 Mining could not meet their compatibility criteria
- 17 during their assessment. And Pine Point Mining had
- 18 agreed to this recommendation.
- 19 Board staff are trying to determine the
- 20 regulatory mechanism for seeking Board approval, and
- 21 Board staff would like to ask GNWT if they could
- 22 comment on how they envision the approval process
- 23 occur, if this should be a re-submission of the
- 24 Groundwater Management Plan or could it be a
- 25 contingency described in the Groundwater Management

- 1 Plan? Thank you.
- THE CHAIRPERSON: Government of the
- 3 Northwest Territories...?
- 4 MR. RICK WALBOURNE: Thanks,
- 5 Jacqueline. Rick Walbourne, ENR. Maybe I'll just
- 6 provide -- I'd like to provide just a little bit more
- 7 context to where we're coming from to.
- 8 So our -- our initial intent of that
- 9 was -- and we actually had a conversation about this
- 10 with PPML yesterday as well -- that there may be
- 11 circumstances where, for instance, you may meet that
- 12 first criteria of the 30 percent. We've asked for an
- 13 additional screening of 30 percent of the specific
- 14 parameters.
- 15 What happens if lead is -- if
- 16 everything else is fine and lead is 32 percent, or it
- 17 may be a very small pit that's not connected and --
- 18 and we may not be concerned.
- 19 So, the intend was to give a little bit
- 20 of operational flexibility to the Company if things
- 21 were very borderline, that we should be able to apply
- 22 some more site-specific or -- or a common-sense
- 23 approach as request -- if requested by the Proponent.
- 24 So that's just to give some context.
- I think what we were envisioning would

- 1 be more of a one-off approval that the groundwater
- 2 management plan would have all the criteria and the
- 3 frequencies, and then the locations would come in
- 4 after that we know are happening.
- 5 And once they were taking the water
- 6 testing and getting ready to seek approvals, there was
- 7 already I think -- there would already be some Board
- 8 or inspector mechanism to approve the actual discharge
- 9 from sites based on the water quality.
- 10 So my assumption would be that PPML are
- 11 actually providing those to the Board or inspector,
- 12 whichever way that goes, for a certain period of time.
- 13 That could be discussed in a draft water licence, ten
- 14 (10) or fourteen (14) days, I don't know, something in
- 15 that range.
- 16 So I'm envisioning that these as well
- 17 would be identified in those requests for discharge
- 18 'cause how I would envision those discharge to -- or
- 19 those requests to look would be, here's a table with
- 20 your source water, here's a table with your receiving
- 21 water, and here's our differences in the far right
- 22 column. Everything is good.
- 23 And if there was something that was not
- 24 within that criteria, it would be flagged with a
- 25 request to say we still think this is -- should be

- 1 discharged. Although it doesn't meet the criteria,
- 2 here's why we think.
- 3 So I -- we think it would be more in
- 4 those specific -- those discharge requests for
- 5 specific locations would fall into the same -- just as
- 6 any other discharges would be approved, but they'd
- 7 just be noted that it might be slightly outside their
- 8 criteria with a specific request that it still be
- 9 allowed.
- 10 And then the inspector or the Board can
- 11 make a final decision based on the rationale provided
- 12 by the Company. Thank you.
- THE CHAIRPERSON: Board staff...?
- 14 MR. JACQUELINE HO: Thank you, Madam
- 15 Chair. Just one (1) moment.

16

17 (BRIEF PAUSE)

- 19 MS. HEATHER SCOTT: Thank you, Madam
- 20 Chair. It's Heather Scott, with Board staff.
- 21 I think we'd just like some clarify
- 22 from the GNWT. I think we heard in some of your -- I
- 23 think in your presentation that -- that GNWT feels
- 24 it's important that the compatibility criteria be a
- 25 condition of the licence.

1 And then I think, if we understand what

- 2 you're saying, you would like some operational
- 3 flexibility applied to that compatibility criteria
- 4 based on the results that the inspector would be
- 5 analyzing in order for approval.
- 6 So, I think we're trying to -- to
- 7 decipher how to manage both of those requests because
- 8 it seems that because the -- the ability for
- 9 operational request seems like it would be a
- 10 contingency that would be within a management plan
- 11 rather than a conditional water licence. Thank you.
- 12 THE CHAIRPERSON: The Government of
- 13 the Northwest Territories...?
- 14 MR. RICK WALBOURNE: Rick Walbourne,
- 15 GNWT. Thank you, Madam Chair. Thank you, Heather,
- 16 for that question.
- I don't see it being an issue. I -- I
- 18 would envision that the -- those compatibility
- 19 criteria, with that clause, could be inserted as a
- 20 condition of the licence.
- The PPML would need to meet the
- 22 following requirements: The 30 percent TDS, the 30
- 23 percent parameters. C) If those cannot be met, the
- 24 Company can request authorization to discharge upon
- 25 inspector or Board approval.

I don't know why -- why you don't think

- 2 that can be a condition of the water licence. It
- 3 seems fairly straightforward to me. Thank you.
- 4 THE CHAIRPERSON: Board staff...?
- 5 MS. HEATHER SCOTT: Thank you, Madam
- 6 Chair. Heather Scott, with Board staff. Thanks for
- 7 that response, Rick. We just have a couple of quick
- 8 questions with respect to the sewage treatment plant.
- 9 So, in your intervention, GNWT
- 10 recommended that PPML construct a modular sewage
- 11 treatment plant, and PPML agreed with that.
- We're wondering, in terms of the
- 13 licence, would limiting the definition of the sewage
- 14 treatment plant to a modular mechanical plant suffice?
- 15 THE CHAIRPERSON: Government of the
- 16 Northwest Territories...?
- 17 MR. RICK WALBOURNE: Rick Walbourne,
- 18 GNWT. Thanks for that, Heather.
- 19 Yeah, I think our concern at the time
- 20 was that there was very little certainty about how
- 21 sewage would be managed, so we were trying to add some
- 22 type of definition so we could understand.
- 23 So, it's mostly about meeting the EQC
- 24 and that they've -- that they've agreed to put in the
- 25 treatment plant. I don't think we need to be overly

- 1 specific with -- with that in the licence. I think it
- 2 -- I think that'll be fine, that just -- we -- we
- 3 really wanted to kind of nail down some option moving
- 4 forward and to have some certainty in the licence, if
- 5 -- if that helps.
- THE CHAIRPERSON: Board staff...?
- 7 MS. HEATHER SCOTT: Thank you, Madam
- 8 Chair. Heather Scott, with Board staff.
- 9 And along that same line, does GNWT
- 10 have a particular activity or camp size that would
- 11 require the implementation of the sewage treatment
- 12 plant from current practices? Thanks.
- 13 THE CHAIRPERSON: The Government of
- 14 the Northwest Territories...?

15

16 (BRIEF PAUSE)

- 18 MR. RICK WALBOURNE: Rick Walbourne,
- 19 ENR. Thanks, Heather, for that question. I -- I
- 20 don't have an easy answer for that. It's our
- 21 assumption that once the water licence is issued, that
- 22 triggers the new project.
- So, once the camp -- or once that
- 24 licence is triggered and those activities start, that
- 25 that would be the treatment method moving forward, but

- 1 I don't know that we can assign a numeric value to
- 2 that.
- I believe that's more related to the
- 4 project commencement of -- of PPML running their
- 5 project. And once that camp starts off -- and that's
- 6 the treatment plant that they've proposed.
- 7 So, I'm not sure if that's helpful, but
- 8 I don't think I can quantify a camp size that would
- 9 trigger their treatment plant.
- 10 THE CHAIRPERSON: Board staff...?
- MR. JACQUELINE HO: Thank you, Madam
- 12 Chair. Jacqueline, with Board staff. I'm going to
- 13 pass it on to Shelagh.
- 14 MS. SHELAGH MONTGOMERY: Thank you,
- 15 Jacqueline. It's Shelagh Montgomery, with Board
- 16 staff. Thank you, Madam Chair.
- 17 We have some final questions. It's a
- 18 series of questions related to the process around the
- 19 Wildlife Management and Monitoring Plan. This is to
- 20 provide sort of clarify for the Board, as well as
- 21 Interveners, about that process.
- So, if GNWT could please provide a
- 23 step-by-step description of the process through which
- 24 the review of the proposed Pine Point WMMP will occur.
- 25 We're interested in a description of what will happen

- 1 at each step and the proposed timing for each step.
- THE CHAIRPERSON: Government of the
- 3 Northwest Territories...?
- 4 MR. RICK WALBOURNE: Thank you, Madam
- 5 Chair. Rick Walbourne, ENR. I'll pass this over to
- 6 Andrea Patenaude, who -- who's on the line, for -- for
- 7 this series of questions. Thank you.

8

9 (BRIEF PAUSE)

- MS. ANDREA PATENAUDE (by Zoom):
- 12 Andrea Patenaude, ENR. Thank you for the question.
- 13 So, the WEMP process was designed to align as much as
- 14 possible with this regulatory process.
- So, in fact, at this point, we are
- 16 actually partway through the review process. That
- 17 began when PPML submitted their application for
- 18 authorizations to the Board for this Confirmation and
- 19 Exploration Program
- So, that first step, submission. And
- 21 then, as part of the preliminary screening, PPML's
- 22 application went out for public review on the Board's
- 23 ORS system, Online Review System. And reviewers
- 24 provided comments about potential impacts to wildlife
- 25 and wildlife habitat.

- So, because PPML provided -- or they
- 2 followed the best practice that was outlined in the
- 3 Wildlife Management and Monitoring Plan guidelines,
- 4 they submitted a proposed Wildlife Protection Plan
- 5 with their application.
- 6 So, because they did that, the
- 7 reviewers were also able to comment on what PPML was
- 8 proposing for mitigation and monitoring of impacts.
- 9 And ENR also provided comments at that stage.
- 10 So, based on ENR's review of the ORS
- 11 comments, the technical session discussions, as well
- 12 as the memo that PPML provided, and that is on the
- 13 record, that information was used for the minister to
- 14 determine that a WEMP was required.
- As we know, a letter went out to PPML
- 16 on the -- on the record. And in that letter the
- 17 minister provided specific instructions on additional
- 18 mitigation and monitoring actions required in the
- 19 WMMP.
- 20 And it also instructed that the WMMP
- 21 submitted for approval needed to demonstrate how
- 22 concerns raised throughout this process, including the
- 23 intervention reports, and at this Hearing have been
- 24 addressed in that -- I keep going back and forth
- 25 between WMMP and WEMP. We all know that's the same

- 1 thing -- how that would be addressed in the WEMP.
- So, here we are at the public hearing.
- 3 We've heard that the next step for that process will
- 4 be for PPML to submit their draft WEMP. And I believe
- 5 they will be calling it WEMP, as opposed to a Wildlife
- 6 Protection Plan, to be consistent with the idea that
- 7 it will be approved under Section 95. They can
- 8 correct -- well, anyway.
- 9 Now the Board has agreed to post the
- 10 WEMP on the ORS for thirty (30) days and, during that
- 11 time, participants will have the opportunity to
- 12 comment on the extent to which they believe the WEMP
- 13 addresses the concerns they have raised in the process
- 14 to date.
- I do want to note -- I just want to
- 16 address one (1) point of possible confusion about this
- 17 process that may have arose due to the WEMP
- 18 determination letter, saying that there would be no
- 19 further public review.
- 20 At the time that the -- the WEMP
- 21 determination letter -- I believe that came out May
- 22 3rd -- and, the next day, the Interventions came out,
- 23 on May 4th.
- 24 In the Interventions, due to the nature
- 25 of the comments and recommendations, it was decided

- 1 that a further round of public review would assist the
- 2 Minister in making a decision about whether to
- 3 approve, provisionally approve, or reject the WEMP.
- 4 So that -- that was added to the
- 5 process. And by "added," I'm referring to the process
- 6 that is outlined in the WEMP guidelines.
- 7 That additional review would not --
- 8 does not follow the guidelines, but, because they're
- 9 quidelines and the situation called for it, that
- 10 additional review was added.
- So, at the end of the thirty (30) days,
- 12 the developer can respond to the comments, make any
- 13 last revisions to the WEMP, and, once they have
- 14 submitted -- we'll call it -- the final draft WEMP to
- 15 the Minister for the decision, the Minister is allowed
- 16 thirty (30) calendar days, in the WEMP guidelines, to
- 17 provide written notice of approval, provisional
- 18 approval, or rejection of the WEMP. If there is a
- 19 rejection, reasons must be given; that is in the
- 20 regulations.
- 21 And the decision notice would be posted
- 22 -- provided to the Board to post to the public
- 23 registry.
- 24 And, as I mentioned earlier, depending
- 25 on how long PPML takes to respond and revise their

- 1 WEMP, we think a decision can be made around mid-
- 2 September, give or take.
- 3 THE CHAIRPERSON: Thank you. Board
- 4 staff...?
- 5 MS. SHELAGH MONTGOMERY: Thank you,
- 6 Madam Chair. Shelagh Montgomery, with Board staff.
- 7 How will ENR ensure that communities,
- 8 Indigenous governments, and wildlife harvesters have
- 9 the opportunity to participate in the development and
- 10 approval of the Wildlife Monitoring and Management
- 11 Plan?
- 12 THE CHAIRPERSON: Government of the
- 13 Northwest Territories...?
- MS. ANDREA PATENAUDE: Andrea
- 15 Patenaude, ENR GNWT. Thank you for the question.
- So, as I mentioned earlier, the process
- 17 for the development and approval of the WEMP was meant
- 18 to align as much as possible with this -- with the
- 19 regulatory process of the Board.
- 20 And so, I would say that there's
- 21 probably about as much opportunity for communities,
- 22 Indigenous governments, and wildlife harvesters to
- 23 participate in the WEMP process as there is for them
- 24 to participate in the water licence -- in the
- 25 permitting and -- and licencing process.

- 1 So they've contributed comments
- 2 regarding the impacts of the development to wildlife
- 3 and wildlife habitat and the Developer's proposed
- 4 approach to mitigation and monitoring. ENR's used
- 5 this input to help the Minister make a determination
- 6 about the need for a Section 95 approved WEMP, as well
- 7 as what additional information will be -- need to be
- 8 included in the WEMP to minimize those impacts.
- 9 And in this case, once PPML has
- 10 submitted that WEMP, there is this additional thirty
- 11 (30) day public comment period to share views on
- 12 whether the submitted WEMP will -- addresses the
- 13 concerns that have been raised.
- 14 And the Minister will then use that
- 15 information to make a decision whether to approve,
- 16 provisionally approve, or reject the WEMP.
- 17 With respect to any participation in
- 18 the approval decision, the Wildlife Act gives WEMP
- 19 decision-making powers to -- or authority to the
- 20 Minister of ENR.
- The legislation does not provide any
- 22 kind of allowances for co-approvals or participation
- 23 in the actual decision itself. However, the Minister
- 24 does carefully consider the input received,
- 25 particularly with respect to any asserted or

- 1 established Aboriginal and/or Treaty rights when
- 2 making an approval decision.
- 3 THE CHAIRPERSON: Are you finished?
- 4 Yes. Board staff...?
- 5 MS. SHELAGH MONTGOMERY: Thank you,
- 6 Madam Chair. Shelagh Montgomery, with Board staff.
- 7 The next question relates to
- 8 provisions. Does ENR anticipate that the WMMP will
- 9 include provisions addressing boreal caribou
- 10 population and habitat concerns?
- 11 THE CHAIRPERSON: Government of the
- 12 Northwest Territories...?
- MS. ANDREA PATENAUDE: Andrea
- 14 Patenaude, ENR GNWT.
- 15 Yes, we do. Based on the Developer's
- 16 responses to concerns raised so far and on ENR's
- 17 instructions to the Developer provided in the WEMP
- 18 determination letter, we anticipate that it will.
- 19 THE CHAIRPERSON: Board staff...?
- MS. SHELAGH MONTGOMERY: Thank you,
- 21 Madam Chair. Shelagh Montgomery, with Board staff.
- Upon the potential approval by the
- 23 Minister of the WMMP, what kind of monitoring will ENR
- 24 do to ensure that the WMMP is actually implemented by
- 25 Pine Point Mining Limited?

- 1 THE CHAIRPERSON: Government of the
- 2 Northwest Territories...?
- 3 MS. ANDREA PATENAUDE: Andrea
- 4 Patenaude, ENR GNWT. Thank you for the question.
- 5 So, first of all, in the WEMP
- 6 determination letter, ENR's asked PPML to be providing
- 7 weekly reports to ENR during the late winter and
- 8 calving period for boreal caribou. And monthly
- 9 reports at other times of the year.
- 10 So these reports are meant to include
- 11 things such as when and where exploration activities
- 12 are occurring, the results of any pre-clearing surveys
- 13 or pre-activity surveys they're conducting, incidental
- 14 observations of -- of caribou, as well as any
- 15 mitigations that might be applied based on results of
- 16 the collar data maps or ground-based surveys.
- 17 And so, we'll be looking at these
- 18 reports when they come in and engaging with the
- 19 Developer as needed.
- 20 And, in addition, ENR's renewable
- 21 resource officers will conduct periodic inspections of
- 22 the work sites to verify that measures outlined in the
- 23 WEMP are being followed.
- 24 THE CHAIRPERSON: Board staff...?
- 25 MS. SHELAGH MONTGOMERY: Thank you,

- 1 Madam Chair. Shelagh Montgomery, with Board staff.
- 2 There are two (2) remaining questions related to this
- 3 topic.
- 4 If it was found during inspections that
- were just noted that there were provisions not being
- 6 complied with, what would ENR do? And if prosecution
- 7 was to be undertaken, what are the possible penalties
- 8 under the Wildlife Act?
- 9 THE CHAIRPERSON: Government of the
- 10 Northwest Territories...?
- MS. ANDREA PATENAUDE: Andrew
- 12 Patenaude, ENR, GNWT. Thank you for the question.
- So, I get -- ENR follows kind of a
- 14 three (3) pronged approach -- or three (3) pronged
- 15 compliance model. And so, the first step is
- 16 prevention, right, and we already in answering the
- 17 last question I -- I just addressed a little bit of
- 18 what we're doing in terms of inspections and what we
- 19 plan to do in terms of inspections and monitoring.
- The second kind of prong to that is
- 21 education and -- and making sure there's a common
- 22 understanding about what the provisions means.
- 23 And third is enforcement. And so, the
- 24 approach to this really depends on the type of
- 25 violation and the severity of the violation. Every

- 1 situation's different.
- 2 And so, for something like first time
- 3 offences or something relatively minor, the approach
- 4 could be as simple as education, engagement with the
- 5 developer about any barriers to compliance, do some
- 6 troubleshooting, and then perhaps some subsequent
- 7 follow-up visits.
- For a more serious offence, like some
- 9 kind of blatant violation that results in wildlife
- 10 mortality, for instance, prosecution could be
- 11 considered. And if it ever got to that point, the
- 12 developer could face penalties of up to a hundred
- 13 thousand dollars (\$100,000.00) for offences related to
- 14 general wildlife, and up to one million dollars
- 15 (\$1,000,000.00) that involve a species at risk.
- 16 THE CHAIRPERSON: Board Staff...?
- 17 MS. SHELAGH MONTGOMERY: Thank you,
- 18 Madam Chair. Shelagh Montgomery.
- 19 The last question here related to the
- 20 WMMP and given that boreal caribou and a listed
- 21 species under the GNWT Species At Risk Act, what
- 22 additional powers does the Minister of ENR have to
- 23 ensure protection of this species?
- 24 THE CHAIRPERSON: Government of the
- 25 Northwest Territories...?

- 1 MS. ANDREA PATENAUDE: Andrew
- 2 Patenaude, ENR, GNWT. Thank you.
- 3 So, the Species At Risk NWT Act does
- 4 not actually contain any -- any automatic prohibitions
- 5 or protections associated with the listing of a
- 6 species under the Act. But there are other tools in
- 7 the Act that GNWT can use to conserve boreal caribou
- 8 habitat.
- 9 For instance, they can -- we can
- 10 establish regulations designating habitat -- habitat
- 11 that is essential for the survival or recovery of the
- 12 species or for the conservation of the species or its
- 13 habitat.
- We could establish regulations
- 15 respecting conservation of the habitat or the species.
- 16 There's a range of possibilities there. And the
- 17 Minister may also enter into agreements with owners of
- 18 private lands for the purposes of habitat
- 19 conservation.
- So, some of these sections of the
- 21 Species At Risk NWT Act are being considered as tools
- 22 to be implemented in the boreal caribou range plan.
- 23 So, but for the purposes of -- of managing project-
- 24 specific impacts of a particular development we --
- 25 we're relying on the -- the powers of the -- in the

```
Wildlife Act with respect to WEMPs at this time.
 2
                  THE CHAIRPERSON: Thank you. Board
  Staff...?
 3
                 MS. SHELAGH MONTGOMERY:
                                            Thank you,
   Madam Chair. Shelagh Montgomery, with Board Staff.
 6
                  We have no further questions.
                  THE CHAIRPERSON: Thank you. I'd like
 7
   to take a -- a health break right now and be back at
   10:30 and continuing on with our questioning.
10
11
   --- Upon recessing at 10:23 a.m.
12
   --- Upon resuming at 10:39 a.m.
13
14
15
                  THE CHAIRPERSON: If we can all get
   seated again, we'll start once again. We will
   continue with the questioning with the Government of
17
18 the Northwest Territories.
19
20
                          (BRIEF PAUSE)
21
22
                  THE CHAIRPERSON: The agenda provides
23
   an opportunity for -- now for questions from members
24 of the -- the Board Panel.
25
                  And do you have any questions you would
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- 1 like to ask the Government of Northwest Territories?
- 2 Mason...?
- BOARD MEMBER MANTLA: Thank you, Madam
- 4 Chair. Mason Mantla. I have no questions.
- 5 THE CHAIRPERSON: Camilla...?
- 6 BOARD MEMBER ZOE-CHOCOLATE: Thank
- 7 you. Camilla Zoe-Chocolate. I have no questions.
- 8 THE CHAIRPERSON: Rachel...?
- 9 BOARD MEMBER CRAPEAU: Rachel Crapeau.
- 10 No questions.
- 11 THE CHAIRPERSON: Philippe on Zoom...?
- BOARD MEMBER (by Zoom): Thank you,
- 13 Madam Chair. This is Philippe Di Pizzo. No
- 14 questions, thank you.
- 15 THE CHAIRPERSON: Thank you,
- 16 Government of the Northwest Territories for your
- 17 presentation.
- I would now turn it over to
- 19 Katl'odeeche First Nations, KFN, for their
- 20 presentation.
- 21
- 22 (BRIEF PAUSE)
- 23
- 24 PRESENTATION BY KATL'ODEECHE FIRST NATION:
- MR. PATRICK RILEY (by Zoom): Okay.

Transcript Date June 17, 2021 64 If you don't mind, I would like to share my screen so that I can be using the pointer during the presentation. 3 5 (BRIEF PAUSE) 6 7 MR. PATRICK RILEY (by Zoom): Now, is everyone able to see that? 9 THE CHAIRPERSON: Just one (1) moment. 10 We're going to take about a two (2) minute break. 11 Thank you. 12 13 (BRIEF PAUSE) 14 15 THE CHAIRPERSON: Thank you. KFN, 16 we're ready for your presentation. 17 18 (BRIEF PAUSE) 19 20 MR. PATRICK RILEY (by Zoom): Good morning. This is Patrick Riley, of Katl'odeeche First 21 22 Nation. As mentioned, I'm the Environmental Program 23 Manager. I'm the lead on this project here. 24 Everyone can see my screen? Chair...?

THE CHAIRPERSON: Yes, we can see your

2.5

- 1 presentation.
- 2 MR. PATRICK RILEY (by Zoom): Thank
- 3 you. Okay. So, Katl'odeeche First Nation has over
- 4 six hundred (600) members on the east side of the Hay
- 5 River, with traditional territory, which you can see
- 6 on this slide here, it spans south to the Alberta
- 7 border and north into Great Slave Lake, west to the
- 8 Cameron Hills Nitkesa (phonetic) and east to Sulfur
- 9 Point and down into Buffalo National Park.
- 10 And so Katl'odeeche -- Katl'odeeche
- 11 First Nation's perspective, as mentioned, the western
- 12 portion of the Pine Point Mining Limited leases and
- 13 claims area is within the Katl'odeeche First Nation
- 14 traditional territory, which is important habitat for
- 15 boreal caribou, which is also listed as a threatened -
- 16 as threatened under the Species at Risk Act.
- 17 KFN also has serious concerns about
- 18 contaminants emanating from PPML mining operations and
- 19 damaging water quality and fish stocks on the Buffalo
- 20 River and Great Slave Lake, thereby infringing KFN's
- 21 inherent Aboriginal and treaty rights.
- 22 KFN's ultimate goal for participating
- 23 in this process is to ensure that the water quality
- 24 and overall ecological health of the Katl'odeeche
- 25 First Nation traditional territory is maintained.

- 1 Now, I should note that KFN is
- 2 supportive of responsible use of the resources in the
- 3 KFN traditional territory. So, the importance and
- 4 sensitivity of boreal -- boreal caribou, this is a
- 5 very important topic for KFN members.
- 6 Boreal caribou are very important to
- 7 Katl'odeeche Dene, from a spiritual, cultural, and
- 8 traditional harvest perspective. Katl'odeeche Dene
- 9 highly respect and value boreal caribou; their meat is
- 10 eaten, and the hide is highly valued for making
- 11 clothing and drums.
- 12 This respect and value carry with it
- 13 certain obligations not to unduly harm or disrespect
- 14 this animal. Respecting rules about the use of meat
- 15 and hide, including sharing harvests and not wasting
- 16 meat, are also considered essential to this approach.
- 17 In 2012, boreal caribou were assessed
- 18 by the NWT Species at Risk Committee as threatened in
- 19 the NWT. Boreal caribou were subsequently listed as a
- 20 threatened species under the territorial Species at
- 21 Risk Act in 2014.
- This means boreal caribou are likely to
- 23 become endangered in the NWT if nothing is done to
- 24 reverse the factors leading to its extirpation or
- 25 extinction.

- 1 THE CHAIRPERSON: Excuse me, can you
- 2 slow down, because we do have interpreters and we like
- 3 you to pace yourself. Thank you.
- 4 MR. PATRICK RILEY (by Zoom): Okay.
- 5 Caribou -- caribou has traditionally -- KFN has
- 6 traditionally harvested caribou since time immemorial
- 7 and continues to harvest caribou in the southern
- 8 portion of the traditional territory. Their
- 9 populations tend to be more sustainable.
- 10 Harvesters are required by KFN's
- 11 Hunters and Trappers Committee to adhere to quotas and
- 12 harvest management practices. Whoops, I don't want to
- 13 go too fast here.
- 14 KFN believe strongly in the ecological
- 15 health of this area and is taking part in multiple
- 16 research projects, both traditional knowledge and
- 17 western science base studies.
- 18 Specifically, accumulative impact
- 19 monitoring traditional harvest study of Buffalo River,
- 20 incoming spawning run, DFO lab research project and
- 21 traditional knowledge and western science in canoe
- 22 over wintering habitat study on the Buffalo River and
- 23 Buffalo lake. This was completely led by KFN.
- 24 Harvest monitoring studies and the species-at-risk
- 25 study based on a traditional knowledge study of boreal

- 1 caribou habitat, using Dene language and GIS markers.
- 2 Moving on, this slide here, it shows a
- 3 map of the mineral leases and claims, as well as
- 4 Environment and Climate Change Canada linear
- 5 disturbances.
- 6 It is all related with boreal caribou
- 7 collar data up to June 2020. These PowerPoints are
- 8 separated by colour and seasonal dispersal and cabin
- 9 areas. And it can be seen, though, there's limited
- 10 collaring data in the eastern portion, there's
- 11 significant collaring data in the western portion of
- 12 the claims area within KFN's traditional territory.
- 13 I'd like to note by collar data only
- 14 shows the movement of collared animals and not all
- 15 caribou if in the area.
- 16 This is a similar slide showing the
- 17 claims and leases, as well as linear disturbances.
- 18 And then it shows individual movement paths by season.
- 19 Once again, it can be seen that the movement in the
- 20 eastern portion is minimal. But in the western
- 21 portion, it is significant, especially in the Buffalo
- 22 River Region and adjacent to Great Slave Lake. So, in
- 23 this region up here and through the Buffalo River
- 24 area.
- This is a map of the KFN traditional

- 1 territory overlayed with the DNR boreal caribou
- 2 habitat selection. It can be seen at the red
- 3 portions, red and yellow -- orange and yellow portions
- 4 are those most likely to be selected by boreal
- 5 caribou, whereas the green areas are those less likely
- 6 to be selected by boreal caribou.
- 7 By looking in the top right corner, up
- 8 here, that is the western portion of the claims and
- 9 lease area, and it is int -- almost entirely composed
- 10 of areas that are more likely to be selected by boreal
- 11 caribou.
- 12 So, these three (3) slides can show the
- 13 prevalence of -- of boreal caribou within the claims
- 14 and lease area and within KFN's traditional territory.
- 15 As there's no baseline data of boreal
- 16 caribou prior to 2015, it is challenging to understand
- 17 what boreal caribou extent and population in the Pine
- 18 Point area looked like prior to the former Pine Point
- 19 Mining.
- As a result, it is impossible to
- 21 determine pre-development caribou population size and
- 22 extent. The lack of boreal caribou in the heavily
- 23 disturbed, eastern portion of the study area further
- 24 demonstrates the vulnerability of boreal caribou in
- 25 the Pine Point study area to development and

- 1 disturbance.
- 2 So KFN's recommendation: KFN supports
- 3 the GNWT's recommendation that PPML work with the GNWT
- 4 to conduct a population survey to determine how many
- 5 boreal caribou occur within the project area. PPML
- 6 has indicated that they will work with -- sorry -- KFN
- 7 on this issue.
- 8 KFN recommends that a KFN member take
- 9 part in these population surveys as they take part in
- 10 any population survey that occurs within the KFN
- 11 Traditional Territory. PPML has already mentioned
- 12 that they do support this recommendation.
- During the spring and over the summer,
- 14 predator avoidance becomes a priority. At this time,
- 15 boreal caribou space themselves out throughout the
- 16 range, often where access is difficult for predators.
- 17 They also seek out open, elevated areas exposed to the
- 18 wind to avoid insects. In the fall, during and after
- 19 the rut, they move through various habitats.
- 20 And the recommendation from KFN: PPML
- 21 has not characterized the potential habitat loss from
- 22 the Project. In particular, the effects to winter and
- 23 calving habitat are not sufficiently characterized.
- 24 The effects of impacts to seasonal movement corridors
- 25 are not included, and the thresholds of significance

- 1 for habitat loss and other pathways of impact are not
- 2 sufficient.
- 3 The proposed monitoring and mitigation
- 4 measures are not adequate to address the project
- 5 effects with respect to the potential impacts of the
- 6 CEP on boreal caribou. KFN recommends that PPML
- 7 complete a Wildlife Mitigation and Monitoring Plan
- 8 that includes information on potential habitat loss
- 9 from the project and effects to winter and calving
- 10 habitat.
- The plan should include a Dene-centric
- 12 perspective of the potential significance of habitat
- 13 loss, fragmentation, and mortality from the project on
- 14 boreal caribou. The plan should further identify
- 15 mitigation measures, program monitoring to assess if
- 16 the mitigation measure are working, and adaptive
- 17 management.
- 18 Now, this recommendation has been
- 19 discussed throughout the proceedings and appears to be
- 20 moving forward and appears to be resolved.
- 21 THE CHAIRPERSON: Just a moment.
- 22 We've lost you.
- 23 MR. PATRICK RILEY (by Zoom): Can you
- 24 hear me? Hello?
- THE CHAIRPERSON: Yeah, we now hear

- 1 you, KFN.
- 2 MR. PATRICK RILEY (by Zoom): How much
- 3 did you miss?
- 4 THE CHAIRPERSON: We were on your
- 5 recommendation slide, I believe, I'd say about your
- 6 fifth line down.
- 7 MR. PATRICK RILEY (by Zoom): Okay.
- 8 Maybe I'll just take off my video quickly here to
- 9 improve the --
- 10 THE CHAIRPERSON: If you want to just
- 11 re-read the recommendations again.
- MR. PATRICK RILEY (by Zoom): Okay.
- 13 THE CHAIRPERSON: Okay. Thank you.
- 14 MR. PATRICK RILEY (by Zoom): So PPML
- 15 has not characterized the potential habitat loss from
- 16 the Project. In particular, the effects to winter and
- 17 calving habitats are not sufficiently characterized.
- 18 The effects of impacts to seasonal movement corridors
- 19 are not included, and the thresholds of significance
- 20 for habitat loss and other pathways of impact are not
- 21 sufficient.
- The proposed monitoring and mitigation
- 23 measures are not adequate to address the project
- 24 effects with respect to the potential impacts of the
- 25 CEP on boreal caribou. KFN recommends that PPML

- 1 complete a Wildlife Mitigation and Monitoring Plan
- 2 that includes information on potential habitat loss
- 3 from the project and effects to winter and calving
- 4 habitat.
- 5 The plan should include a Dene-centric
- 6 perspective of the potential significance of habitat
- 7 loss, fragmentation, and mortality from the project on
- 8 boreal caribou. The plan should further identify
- 9 mitigation measures, program monitoring to assess if
- 10 the mitigation measures are working, and adaptive
- 11 management.
- 12 I think this recommendation has been
- 13 discussed throughout the proceedings and appears to be
- 14 moving forward and will be resolved.
- So I think I've been putting everyone
- 16 to sleep with all the tiny text on my slide, so I
- 17 figured I'd break it up with some relevant photos
- 18 here. This is a photo taken from one of KFN's
- 19 wildlife cameras.
- This is a collaboration project between
- 21 KFN, Wood Buffalo National Park, and Canadian Wildlife
- 22 Services where we deployed twenty-five (25) wildlife
- 23 cameras in Wood Buffalo National Park to monitor
- 24 boreal caribou population dynamics.
- This is also part of the Canadian

- 1 Wildlife Services collaboration piloted by KFN and a
- 2 CWS researcher who happens to be on the call today,
- 3 Rhiannon Pankratz, where automated recording units are
- 4 deployed in the field to monitor migratory bird
- 5 movements.
- 6 The relevance of this photo is that
- 7 this photo was taken just last year, in September --
- 8 or, sorry, August, just 40 kilometres straight south
- 9 of the PPML claims in this area, well within the
- 10 movement range of caribou. And it's also just a
- 11 beautiful photo, I think, and an incredible rack on
- 12 that caribou. Back to the text.
- So boreal caribou are also impacted by
- 14 linear corridors, i.e., roads by increasing predator
- 15 access and hunting efficiency. Habitat disturbance
- 16 increases -- tends to increase alternative vegetation
- 17 which supports more alternative prey.
- This results in a higher number of
- 19 predators in boreal caribou habitat. Roads also
- 20 increase predator hunting efficiency by increasing
- 21 predator access, line of sight, travel speed, search
- 22 efficiency, and encounter rates.
- 23 Roads and development sites also impact
- 24 caribou through avoidance, displacement, and habitat
- 25 fragmentation, and caribou avoid new well sites by up

- 1 to 1 kilometre during calving and avoid old well sites
- 2 up to 500 metres during both calving and late winter.
- 3 So KFN's recommendation: PPL (sic)
- 4 provided KFN with information on where the drill
- 5 sites/boreholes will be -- drill sites and boreholes
- 6 will be located. However, there is currently no
- 7 information on where the road network to access the
- 8 sites will be located.
- 9 KFN further recommends that PPML
- 10 indicate road location and if roads will be sited on
- 11 linear disturbances that have not been revegetated.
- 12 If roads will be sited on linear disturbance, KFN
- 13 further recommends that PPML indicate how many
- 14 kilometres will be sited on previous linear
- 15 disturbances versus new access.
- 16 PPML has noted in their presentation
- 17 that new linear disturbances should be measured in
- 18 tens of metres rather than kilometres.
- 19 Another KFN recommendation: KFN
- 20 recommends support for KFN and KFN community members
- 21 to engage in ongoing collaboration with the Proponent
- 22 to further develop the monitoring plan and develop
- 23 standards and conditions for minimizing project
- 24 activities.
- 25 PPML has engaged with KFN to a small

- 1 extent already, and we look forward to more engagement
- 2 in the future. PPML has also been collaborating with
- 3 Golder and KFN to perform site testing within the KFN
- 4 Traditional Territory.
- 5 Though the organization and
- 6 communication efficiency has certainly been lacking
- 7 throughout this process, PPML has made the effort to
- 8 include KFN in the studies.
- 9 And of course here is another
- 10 interesting photo of a caribou feeding in a berm area.
- 11 So KFN recommends that the first method
- 12 for the protection of boreal caribou is avoiding
- 13 damage and disturbance to boreal caribou habitat to
- 14 the greatest extent possible. Recover -- recovery of
- 15 usable habitat is questionable and can take a
- 16 significant period of time.
- 17 In the case of the reclamation of
- 18 roads, PPML currently does not have any definitive
- 19 plans on when or if roads will be reclaimed. KFN
- 20 considers that the roads will be on the landscape for
- 21 at least twenty (20) years or potentially in
- 22 perpetuity.
- 23 Golder Associates has developed a
- 24 Boreal Caribou Habitat Restoration Toolkit for address
- 25 -- to address restoration of boreal caribou habitat.

- 1 It can be found on this link here.
- 2 This toolkit contains a summary of the
- 3 habitat restoration treatments that area specific to
- 4 disturbance features within boreal caribou habitat,
- 5 designed to limit humans/predators/primary prey
- 6 access, and to allow for regeneration to native
- 7 species.
- 8 KFN recommends that Golder's approach
- 9 be used for roads that are developed but are not going
- 10 to be used in the future.
- 11 PPML has stated that they will
- 12 incorporate the Boreal Caribou Habitat Restoration
- 13 Toolkit and the updated Wildlife Protection Plan in
- 14 the next version of the Reclamation Plan.
- 15 Recommendations: KFN recommends that
- 16 the Annual Report provide an update on the drill
- 17 sites, roads and trails, boreholes and sumps, or any
- 18 other disturbance that has been developed over the
- 19 last year.
- 20 KFN further recommends that PPML
- 21 provide an update on the amount of reclamation that
- 22 has occurred onsite compared to the total amount of
- 23 disturbance, which includes photos of the sites and
- 24 their recovery.
- 25 PPML noted in their presentation that

- 1 these -- or sorry, in -- in their intervention
- 2 response that these requests are a requirement of the
- 3 water licence annual report.
- 4 We can see another boreal caribou photo
- 5 here. And I'd like to point out over the last few
- 6 photos that I've shown the diversity of the habitat
- 7 used by the boreal caribou in all of these photos.
- 8 KFN continues to recommend that no
- 9 disturbance areas occur within 500 metres of the Ejie
- 10 Tue Dehe, or Buffalo River, as per Condition 52 of the
- 11 draft land use permit. There's at least one (1) drill
- 12 site within 500 metres of the Buffalo River. KFN
- 13 recommends that this site be removed from
- 14 consideration.
- These photos here all taken within
- 16 close proximity of the Buffalo River, and show the
- 17 diversity of wildlife in this area. PPML has
- 18 discussed in their presentation and in the
- 19 intervention responses that they will adhere to this
- 20 condition.
- 21 You can see even from here with a few
- 22 more photos gathered from these wildlife cameras in
- 23 the Wood Buffalo National Park as mentioned just 30 to
- 24 40 kilometres south of the lands and land claim --
- 25 lands -- sorry, claims and lease areas. Thank you for

- 1 your time.
- THE CHAIRPERSON: Thank you, KFN, for
- 3 your presentation.

4

5 (BRIEF PAUSE)

- 7 QUESTION PERIOD:
- 8 THE CHAIRPERSON: Before moving on, I
- 9 just want to remind -- just a reminder that the
- 10 presentations -- the Board would like to -- to remind
- 11 the parties that there's a separate process in place
- 12 by the Government of the Northwest Territories to
- 13 address broad wildlife issues that will be done
- 14 through the Wildlife Monitoring and Management Plan
- 15 and is not part of the Board's process.
- The Board's jurisdiction is limited to
- 17 wildlife habitat. Therefore, any issues or questions
- 18 parties may have about wildlife population, health
- 19 example are to be addressed through the Government of
- 20 the Northwest Territories process.
- 21 Furthermore, please be reminded that
- 22 all questions should be focussed on seeking clarity on
- 23 issues to assist the Board in their decision relating
- 24 to the land use permit and water licence application.
- Out of respect for others, this

- 1 opportunity to ask questions should not be used to
- 2 advocate positions or express opinions.
- 3 We will ask -- I'll ask Pine Point
- 4 Mining Limited if they have any questions of KFN.
- 5 Pine Point Mining...?
- 6 MR. ANDREW WILLIAMS: Andrew Williams,
- 7 Pine Point Mining Limited. I would like to thank KFN
- 8 for a very interesting presentation and certainly some
- 9 brilliant wildlife shots, so kudos on those.
- As we've mentioned earlier, we're more
- 11 than happy to work with KFN. In fact, we want to work
- 12 with KFN to incorporate their knowledge into our
- 13 Wildlife Monitoring and Management Plan. And we'll be
- 14 hopefully sending them a draft of the plan that we can
- 15 discuss with them and receive their input before we
- 16 submit it on to the Board for additional comment.
- 17 So, thank you very much once again for
- 18 a great presentation.
- THE CHAIRPERSON: KFN, any comments?
- 20 MR. PATRICK RILEY (by Zoom): Yes. We
- 21 -- as -- as mentioned, we -- we hope to seek further
- 22 engagement moving forward and -- and to collaborate
- 23 with PPML to follow up with our Traditional Knowledge
- 24 and any of our research that we've developed
- 25 throughout this process. Thank you.

- 1 THE CHAIRPERSON: Thank you.
- 2 Environment and Climate Change Canada, do you have any
- 3 questions to ask of KFL (sic)?
- 4 Environment and Climate Change
- 5 Canada...?
- 6 MS. JENNIFER SABOURIN (by Zoom):
- 7 Thank you, Madam Chair. Jennifer Sabourin, with
- 8 Environment and Climate Change Canada.
- 9 Thank you, KFN, for your lovely
- 10 presentation, but we do not have any questions at this
- 11 time. Thank you.
- 12 THE CHAIRPERSON: Okay. KFN...?
- 13 MR. PATRICK RILEY (by Zoom): Patrick
- 14 Riley, with KFN. Thank you for your comments.
- 15 THE CHAIRPERSON: Okay. Fort
- 16 Resolution Metis Government, do you have any questions
- 17 to ask of KFN?
- 18 MS. KATY DIMMER (by phone): Thank
- 19 you, Madam Chair. It's Katy Dimmer, Fort Resolution
- 20 Metis Government.
- 21 We would like to thank Katl'odeeche
- 22 First Nation for their presentation today and their
- 23 beautiful photos. Fort Resolution Metis Government
- 24 does not have questions at this time. Thank you.
- THE CHAIRPERSON: Oh, sorry, Deninu

- 1 Kue First Nations, DKFN, do you have any questions to
- 2 ask, sorry?
- DR. MARC D'ENTREMONT (by Zoom): Thank
- 4 you, Madam Chair. It's Marc d'Entremont, for the
- 5 DKFN.
- 6 We'd just like to thank Katl'odeeche
- 7 First Nation for its presentation. And we do not have
- 8 any questions. Thank you.
- 9 THE CHAIRPERSON: The Government of
- 10 the Northwest Territories, do you have any questions
- 11 to ask KFN?
- MR. RICK WALBOURNE: Thank you, Madam
- 13 Chair. Rick Walbourne, GNWT.
- 14 Thank you to the KFN for their
- 15 presentation. I just have one (1) -- one (1) short
- 16 question similar to some previous questions to other
- 17 parties.
- 18 So, I was just wondering if the KFN
- 19 could speak very briefly to what their expectations
- 20 for reclamation at the site would be. I asked similar
- 21 questions to Deninu Kue First Nation and Fort Res
- 22 Metis Government yesterday, as well.
- 23 So, I was just curious if Katl'odeeche
- 24 First Nation had any conversations with PPML or what
- 25 their expectations would be about level of remediation

- 1 from PPML. Thank you.
- THE CHAIRPERSON: KFN...?
- 3 MR. PATRICK RILEY (by Zoom): Patrick
- 4 Riley, KFN. I -- I think KFN is obviously looking for
- 5 a high level of reclamation from any sites that PPML
- 6 uses.
- 7 As for some of the previous sites, from
- 8 Cominco, et cetera, I understand that it's hard to
- 9 hold PPML at stake for -- for those -- for those
- 10 areas. But I think it would be a good show of faith
- 11 that any of those areas within close proximity to the
- 12 PPML claims and leases areas where exploration is
- 13 occurring, they could, as I mentioned, just show good
- 14 faith, work on some of that, and -- and try to reclaim
- 15 that. Thank you.
- 16 THE CHAIRPERSON: Government of the
- 17 Northwest Territories...?
- 18 MR. RICK WALBOURNE: Rick Walbourne,
- 19 ENR. Thank you very much, Patrick, for that response.
- 20 And thanks again for your presentation.
- 21 We have no further questions for
- 22 Katl'odeeche First Nation. Thank you.
- THE CHAIRPERSON: Thank you. At this
- 24 time, we'd move on to members of the public, if they
- 25 have any -- give them an opportunity to ask any

- 1 questions of KFN.
- 2 Do we have any members of the public,
- 3 staff?
- 4 MR. CHRIS HOTSON: Thank you, Madam
- 5 Chair. Chris, with Board staff.
- No members of the public either on Zoom
- 7 or through the Facebook live stream have asked any
- 8 questions.
- 9 THE CHAIRPERSON: Thank you. The
- 10 agenda provides an opportunity now for questions from
- 11 Board staff, Board technical advisor, and legal
- 12 counsel.
- Do we have any questions from the Board
- 14 staff?
- MR. JACQUELINE HO: Thank you, Madam
- 16 Chair. This is Jacqueline, with Board staff. We
- 17 don't have any questions at this time. Thank you.
- 18 THE CHAIRPERSON: Thank you. Do we
- 19 have any questions from Board legal counsel?
- MR. JOHN DONIHEE (by Zoom): Madam
- 21 Chair, John Donihee, Board counsel. I have no
- 22 questions for Katl'odeeche First Nation.
- THE CHAIRPERSON: Thank you. Do any
- 24 members of the Board panel have questions they would
- 25 like to ask Katl'odeeche First Nations, KFN?

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1 Mason...?
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- BOARD MEMBER MANTLA: Thank you, Madam
- 3 Chair. Mason Mantla. I have no questions.
- 4 THE CHAIRPERSON: Camilla...?
- 5 BOARD MEMBER ZOE-CHOCOLATE: Camilla
- 6 Zoe-Chocolate. I have no questions. Thank you for
- 7 your presentation.
- THE CHAIRPERSON: Rachel...?
- 9 BOARD MEMBER RACHEL CRAPEAU: Masi
- 10 cho, Madam Chair. Daldi (phonetic). No questions at
- 11 this time. Thank you.
- THE CHAIRPERSON: Philippe...?
- BOARD MEMBER DI PIZZO (by Zoom):
- 14 Philippe Di Pizzo. No question. Thank you, Madam
- 15 Chair.
- 16 THE CHAIRPERSON: Thanks, Philippe.
- 17 Just give me about a two (2) minute pause here.
- 18
- 19 (BRIEF PAUSE)
- 20
- 21 THE CHAIRPERSON: We will just take a
- 22 ten (10) minute break and resume in ten (10) minutes.
- 23
- 24 --- Upon recessing at 11:12 a.m.
- 25 --- Upon resuming at 11:28 a.m.

- 1 THE CHAIRPERSON: Thank you, everyone.
- 2 If -- if we can all get seated, we'll start once
- 3 again. We are ahead of schedule on our agenda and
- 4 we've decided to continue with the agenda and finish
- 5 early today.
- So -- so now I'm -- at this time, I'd
- 7 like to -- to ask the Board staff and the Board
- 8 technical advisors or legal counsel if they have any
- 9 final questions of clarification for any party before
- 10 moving forward. Board staff...?
- MR. CHRIS HOTSON: Thank you, Madam
- 12 Chair. Chris, with Board staff. No questions from
- 13 Board staff.
- 14 THE CHAIRPERSON: Thank you. Board
- 15 legal counsel...?
- MR. JOHN DONIHEE (by Zoom): Thank
- 17 you, Madam Chair. John Donihee, for the Board. I
- 18 have no questions of clarification for any of the
- 19 parties.
- THE CHAIRPERSON: Thank you. Do any
- 21 of the -- the Board members have any additional
- 22 questions before moving forward? Mason...?
- 23 BOARD MEMBER MANTLA: Thank you, Madam
- 24 Chair. Mason Mantla. I have no questions.
- 25 THE CHAIRPERSON: Camilia...?

1 BOARD MEMBER ZOE-CHOCOLATE: Thank

- 2 you. I have no questions.
- THE CHAIRPERSON: Rachel...?
- 4 BOARD MEMBER CRAPEAU: Rachel Crapeau.
- 5 Masi cho. Madam Chair, I have no questions.
- THE CHAIRPERSON: Phillipe...?
- 7 BOARD MEMBER DI PIZZO (by Zoom):
- 8 Thank you, Madam Chair. I have no question.
- 9 THE CHAIRPERSON: Thank you. At this
- 10 stage of the Hearing, I would like to call on the
- 11 Board's legal counsel to read through the list -- the
- 12 -- the one (1) undertaking that we have that will
- 13 require follow-up in the upcoming weeks.
- Board legal counsel...?
- MR. JOHN DONIHEE (by Zoom): Thank
- 16 you, Madam Chair. John Donihee, for the Board.
- 17 There's only one (1) undertaking
- 18 resulting from the Hearing and that undertaking was
- 19 provided by the Government of the Northwest
- 20 Territories.
- 21 And the wording, which will show in the
- 22 transcripts, is as follows:
- 23 "The Government of the Northwest
- 24 Territories has agreed to clarify
- 25 whether Pine Point Mining Limited is

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required to seek approval from the
 1
                      Environment -- Environment
 2
                      Protection Division of ENR for the
 3
                      use of pit water for dust
 5
                      suppression.
 6
                      If approval is required, GNWT will
 7
                      describe that approval's process,
                      including time lines, and indicate
 9
                      what implications such approval
10
                      requirements might have for water
11
                      licence conditions related to dust
                      suppression."
12
13
                   So that's the -- that -- that's the
14
   wording for the only undertaking from the Hearing,
  Madam Chair.
15
16
                   THE CHAIRPERSON: Thank you.
                                                    So
   before moving on to the parties' closing remarks, I
17
18
   would like our executive director, Shelagh Montgomery,
19
   to review the next steps in this process for the
20
   record.
                   MS. SHELAGH MONTGOMERY:
21
                                             Thank you,
  Madam Chair. Shelagh Montgomery, Board staff.
22
23
                   So the work plan had been circulated to
24
   all parties and is available on our public registry.
25 But at the close of this Hearing, the -- the following
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- 1 dates are anticipated and are the next steps. So by
- 2 next week, June 22nd, the undertaking that was just
- 3 read out, that will be sent out. The response to that
- 4 undertaking will be due July 12th.
- 5 The staff will be drafting water
- 6 licence conditions and land use permit conditions.
- 7 Those will go out for review by July 26th.
- 8 Reviewer comments will be due on those
- 9 draft conditions by the 10th of August.
- The Proponent will have an opportunity
- 11 to provide their responses to those reviewer comments
- 12 by August 17th.
- Deadline for written closing arguments
- 14 from Interveners to this proceeding will be due August
- 15 31st.
- The deadline then for the written
- 17 closing arguments from the Proponent will be due on
- 18 September 9th.
- 19 At this time, it's anticipated that
- 20 Board decision on the applications will be made in
- 21 mid-October.
- The water licence will be sent to the
- 23 Minister of ENR -- the GNWT Minister of Environment
- 24 and Natural Resources; that's expected to occur in
- 25 late October.

- 1 The Minister has up to ninety (90) days
- 2 to make a final decision on that water licence. And
- 3 so, that would take us to mid-January of 2022.
- 4 And that would conclude the -- our work
- 5 plan at the moment.

6

7 (BRIEF PAUSE)

8

- 9 THE CHAIRPERSON: Thank you. The
- 10 Interveners now have an opportunity to provide us with
- 11 your -- your brief closing remarks. And we're
- 12 beginning with DKFN. Deninu Kue First Nation...?

13

14 (BRIEF PAUSE)

15

THE CHAIRPERSON: DKFN...?

- 18 CLOSING COMMENTS BY DENINU KUE FIRST NATION:
- 19 MR. PATRICK SIMON (by Zoom): Hi.
- 20 Patrick Simon, Deninu Kue First Nation.
- 21 Madam Chair, I -- I'm not sure if Marc
- 22 was going to say a few closing remarks. He might have
- 23 -- he might have gone offline and is having trouble
- 24 coming back. But could you hear me?
- THE CHAIRPERSON: Yes, we can hear

- 1 you.
- 2 MR. PATRICK SIMON (by Zoom): Maybe I
- 3 could provide a little bit of closing remarks, and if
- 4 he comes back online, he could finish it off.
- 5 The Deninu Kue First Nation would like
- 6 to thank you, Madam Chair, as well as your Board and
- 7 the Board staff for all the assistance they have
- 8 provided us and for giving us this opportunity to
- 9 participate. It's a very important project to us. No
- 10 matter how big or how small, anything done in the Pine
- 11 Point area, we have real feelings for and a real need
- 12 for us to be involved.
- 13 And the need for us to ensure that
- 14 whatever's done there continues to respect the land,
- 15 respect the First Nation land users and cabin owners
- 16 of that area, and that the -- the contributions that
- 17 we make to the project is equal to the science.
- 18 We also feel that -- that our
- 19 participation has to be in a way that benefits our
- 20 community, as well as our First Nation. We feel that
- 21 Pine Point has -- is making a reasonable effort and
- 22 are hoping to continue to work with them to ensure
- 23 that we feel good about the project moving forward.
- We are confident that whatever's going
- 25 to be done in that area is going to fully include us,

- 1 so that we can ensure that the past is never repeated
- 2 again.
- 3 I'd like to thank the land users here
- 4 with me -- Greg, Eddie, and Gabby -- for assisting me.
- 5 Of course, I'd like to thank Marc, who brings the
- 6 science for our community, enables us to balance
- 7 science and traditional knowledge-based facts to
- 8 ensure that this project is done in a proper manner,
- 9 that we can feel good about any type of legacy they
- 10 leave behind.
- 11 I'd like to also thank the Fort
- 12 Resolution Metis Government, as well as the
- 13 Katl'odeeche First Nation for their participation.
- 14 And all the other conveners that are within that room.
- 15 I'm not sure if Marc wants to add a
- 16 comment.
- MR. MARC D'ENTREMONT (by Zoom):
- 18 Thanks, Patrick. It's Marc d'Entremont here.
- 19 Again, I'd just like to echo some of
- 20 Patrick's sentiments as well. Thank the participants
- 21 for what -- what I feel was a very productive hearing.
- 22 Granted, there's still much more work to occur and
- 23 we're looking forward to continuing with the process
- 24 to see this one through.
- 25 I'd like to thank the Board for, again,

- 1 its patience with -- as we work our way through the
- 2 various means of communication here which, for the
- 3 most part, seem to go off without a hitch.
- 4 And again, thanks to all the
- 5 participants and Pine Point Mining Limited for the
- 6 information they've been sharing. Thank you.
- 7 THE CHAIRPERSON: Thank you, DKFN, for
- 8 your closing remarks. We now ask for Environment and
- 9 Climate Change Canada for your opportunity to provide
- 10 your closing remarks.

- 12 CLOSING REMARKS BY ECCC:
- MS. JENNIFER SABOURIN (by Zoom):
- 14 Thank you, Madam Chair. Jennifer Sabourin, with
- 15 Environment and -- Environment and Climate Change
- 16 Canada.
- We would like to thank the Board for
- 18 giving us this opportunity to present and participate
- 19 in this hearing for the water licence and land use
- 20 permit applications for the Pine Point Mining
- 21 Confirmation and Exploration Program.
- We would like to thank the Board staff
- 23 and counsel for their hard work this week, and the
- 24 translators and technical support for their
- 25 exceptional work.

- 1 We would like to extend our gratitude
- 2 to the Elders, community members and members of the
- 3 public who attended the hearing, addressed the Board,
- 4 and shared their concerns, insights, and knowledge.
- 5 We thank the other Interveners and parties who have
- 6 participated in this hearing as well.
- 7 Environment and Climate Change Canada
- 8 would like to acknowledge the hard work of the project
- 9 team leading up to and during the hearing, and
- 10 continuing to engage and work with us to address the
- 11 outstanding concerns and issues.
- 12 Our recommendations have been
- 13 substantially addressed. In additional to the
- 14 recommendations that ECCC noted were resolved prior to
- 15 the hearings, the discussions we have heard from PPML
- 16 have also resolved ECCC Recommendations 2 and 7 and
- 17 partially addressed number 6.
- 18 ECCC reiterates that the receiving
- 19 environment be clearly defined to encompass all waters
- 20 that are frequented by fish or connected to fish
- 21 frequented waters as the Fisheries Act does not
- 22 differentiate between receiving environments that are
- 23 natural or that -- or those that were formed by
- 24 previous alterations to the site. Receiving
- 25 environments for the purpose of the Fisheries Act are

- 1 any water bodies that fish use.
- 2 The outstanding recommendation
- 3 regarding the creation of a specific Management and
- 4 Monitoring Plan for the whooping cranes and their
- 5 habitat, in consultation with ECCC, will be discussed
- 6 with the Proponent after the hearing. And ECCC is
- 7 also looking forward to reviewing the WMMP following
- 8 the public hearing allowing for sufficient time to
- 9 address the concerns prior to the licence decision.
- 10 Environment and Climate Change Canada
- 11 will continue our participation by reviewing updated
- 12 Monitoring and Management Plans in relation to our
- 13 mandate. Thank you.
- 14 THE CHAIRPERSON: Thank you,
- 15 Environment and Climate Change Canada.
- 16 Now as -- for an opportunity to provide
- 17 us with your brief closing remarks, Fort Resolution
- 18 Metis Government?
- 19
- 20 CLOSING REMARKS BY FORT RESOLUTION METIS GOVERNMENT:
- 21 MR. SHAWN MCKAY: Thank you, Madam
- 22 Chair. Shawn Mckay, with the Fort Resolution Metis
- 23 Government.
- 24 Just want to say a few things. First
- 25 of all, I want to thank the Board, the Board Staff,

- 1 Madam Chair. We want to thank Pine Point Mining
- 2 Limited for their presentation and we look forward to
- 3 working together with them. As well as we want to
- 4 thank Environment Climate Change Canada, the GNWT, the
- 5 Katl'odeeche First Nation, as well as the Deninu Kue
- 6 First Nation.
- 7 I just want to reiterate that when we
- 8 do -- as we do move forward, Fort Resolution Metis
- 9 Government looks forward to working closely with the
- 10 Pine Point Mining Limited company project. It's only
- 11 the Fort Resolution Metis Government can speak for its
- 12 people and its membership solely.
- So that, we just want to thank you for
- 14 the -- for everybody's presentations and -- and for
- 15 the opportunity to participate within this program.
- 16 And I'll just pass it off to Katy if she has any --
- 17 any -- anything extra she wants to add. Thank you.
- 18 MS. KATY DIMMER (by Zoom): Thank you.
- 19 Katy Dimmer, Fort Resolution Metis Government.
- 20 Yes, thank you, Madam Chair, and to the
- 21 Board for the opportunity to participate in this
- 22 hearing. As you've heard through this hearing from
- 23 Fort Resolution Metis Government's President Arthur
- 24 Beck, Pine Point is a significant area for Fort
- 25 Resolution Metis Government members and member culture

- 1 and way of life.
- 2 As we heard yesterday from President
- 3 Beck, Fort Resolution Metis Government cultural
- 4 survival is intimately and closely connected to the
- 5 caribou and to this land. Fort Resolution Metis
- 6 Government wishes to ensure that robust protections
- 7 are to be in place to prevent any harm and to monitor
- 8 and prevent impacts to water -- water, wildlife, and
- 9 way of life for Fort Resolution Metis Government
- 10 members at Pine Point.
- 11 Recognizing that engagement has been an
- 12 issue, Fort Resolution Metis Government is hopeful
- 13 that going forward Pine Point Mining Limited will take
- 14 the steps with us to develop a positive relationship
- 15 and seek resolution as indicated in this hearing
- 16 process to the remaining concerns prior to our closing
- 17 arguments.
- 18 Thank you to the Board and Board staff,
- 19 and all of the other Interveners, as well as Pine
- 20 Point Mining Limited. Thank you.
- 21 THE CHAIRPERSON: Thank you, Fort
- 22 Resolution Metis Government.
- Now I ask for -- an opportunity for the
- 24 Government of the Northwest Territories to give their
- 25 closing remarks.

- 1 The Government of the Northwest
- 2 Territories...?

- 4 CLOSING REMARKS BY GNWT:
- 5 MR. RICK WALBOURNE: Thank you, Madam
- 6 Chair. Rick Walbourne, ENR.
- 7 Yeah, I'd like to echo some of the
- 8 comments from the other parties, just to thank you to
- 9 the Board and Board Staff for your prep work in -- in
- 10 hosting this hearing as -- as well as Pido and the
- 11 translators. We know that a lot of work goes into --
- 12 to these meetings.
- 13 We'd also like to thank Deninu Kue
- 14 First Nation, Fort Resolution Metis Government,
- 15 Katl'odeeche First Nation, and Environment and Climate
- 16 Change Canada for their presentations and for their
- 17 questions. And we thought it was very productive.
- 18 We'd also like to thank PPML. We had
- 19 many productive discussions through the hearing, as
- 20 well as some sidebars where we came to resolution on a
- 21 lot of GNWT's recommendations which, I think, was
- 22 apparent today with the questioning from Pine Point
- 23 that we -- we did get to -- get to a lot of resolution
- 24 through those meetings.
- So, we will provide updated

- 1 recommendations in our comments on the draft water
- 2 licence and the closing arguments.
- 3 We're also agreeable to further
- 4 discussion, as necessary, with PPML and Board Staff or
- 5 any other parties throughout that process to help
- 6 refine our comments to assist the final decision from
- 7 the Board.
- 8 Thank you again, Madam Chair, and no
- 9 further comments from us. Thank you.
- 10 THE CHAIRPERSON: Thank you, the
- 11 Government of the Northwest Territories.
- 12 I'll now ask for KFN to do their
- 13 closing remarks. KFN...?
- 14
- 15 CLOSING REMARKS BY KATL'ODEECHE FIRST NATION:
- 16 MR. PATRICK RILEY (by Zoom): Patrick
- 17 Riley, Katl'odeeche First Nation.
- I guess I'll just mirror a lot of the
- 19 remarks made by everyone else here. Thanks to the
- 20 Board for everything that they've done here to
- 21 organize this session. And thanks to all the
- 22 Interveners, Environment Climate Change Canada, GNWT,
- 23 Fort Res Metis Government, Deninu Kue First Nation for
- 24 everything they've added to this process.
- 25 And, of course, thank you to Pine Point

- 1 Mining Limited for all the work that they've put to
- 2 this and we hope the time looking forward and that
- 3 this is a great first step towards this process.
- 4 Thank you.
- 5 THE CHAIRPERSON: Thank you KFN. I
- 6 will turn it over to the Pine Point Mining Limited for
- 7 their closing remarks. Pine Point Mining...?

- 9 CLOSING REMARKS BY PINE POINT MINING LIMITED:
- 10 MR. ANDREW WILLIAMS: Thank you, Madam
- 11 Chair. Andrew Williams, from Pine Point Mining. I
- 12 just have a few comments I'd like to read from if you
- 13 don't mind. Actually, I don't. I've got a very short
- 14 statement.
- 15 I'd like to thank the Chair and the
- 16 Board for hearing us through these three (3) days and
- 17 -- and managing us, and keeping us on track.
- 18 I'd also like to thank the Board Staff,
- 19 the technical support, and I'd like to thank the
- 20 interpreters, Bertha and Jim, very much. They have a
- 21 tough job I reckon trying to understand what I say.
- 22 Also -- I got to put my glasses on,
- 23 sorry, one second. So, we -- we've had a number of --
- 24 of resolutions that we came to on -- on various
- 25 recommendations. There's still some that need some

1 follow up and we look forward to that follow up and

- 2 resolving what remains.
- And, you know, finally, I'd like to
- 4 thank all the presenters. We had some excellent
- 5 presentations from all the Interveners, although, if
- 6 there was an award for the presentation with the best
- 7 visual interest, it would probably have to go to the
- 8 KFN presentation with those great wildlife photos.
- 9 Thank you, Madam Chair.
- 10 THE CHAIRPERSON: Thank you. Thank
- 11 you to all for your closing remarks. On behalf of the
- 12 Board, I'd like to thank all of you for participating
- 13 in this hearing process in a very respectful manner.
- 14 We must remind you that there is still
- 15 a lot of work to be completed before the Board can
- 16 make a decision on the land use permit and
- 17 recommendation on the water licence to the Minister of
- 18 Environment and Natural Resources.
- 19 We ask you to be diligent in reviewing
- 20 the record, commenting on the draft permit and
- 21 licence, and assisting the Board to make a very good
- 22 decision.
- 23 The work plan for this proceeding was
- 24 distributed to all parties and is available on the
- 25 public registry or from Board staff. The work plan

- 1 outlines important dates for the remainder of this
- 2 proceeding.
- 3 The Board will review the record and
- 4 will make a decision on the water licence which will
- 5 be sent, along with reasons for decision, to the
- 6 Minister of Environment and Natural Resources for
- 7 final decision. All parties will be provided with a
- 8 copy of the licence and the Board's reasons at that
- 9 time.
- 10 The Board encourages ongoing engagement
- 11 between Pine Point Mining Limited and the parties as
- 12 this is a key component of the Board's process.
- In closing, we'd like to thank all of
- 14 the presenters and participants. The Board
- 15 appreciates the efforts made by Pine Point Mining
- 16 Limited and the Interveners for their -- the process
- 17 including the evidence provided to help us make a
- 18 decision.
- 19 We would also like to thank our
- 20 interpreters, Bertha Catholique and Jim Hope. I would
- 21 also like to thank our transcriber, Wendy Woodworth,
- 22 and Pido technician Chris Coomber and Stephan -- and I
- 23 might say this wrong by Hereux -- Hereux (phonetic).
- 24 All their work for this hearing is very much
- 25 appreciated. And of course, many thanks to our staff

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103
   and legal counsel.
                   And of all of you, thank you for your
 2
   courtesy and for respect for all and for each other.
   And in particular, I'd like to thank the Board here
   for their dedication and hard work that makes
   everyone's job, especially mine, a little easier.
 7
                   And I've asked Camilla Zoe-Chocolate,
   our Board member, to say our closing prayer, so if we
   all stand, please.
10
11
                        (CLOSING PRAYER)
12
                   THE CHAIRPERSON: I'm just going to
13
14
   ask everyone if they'd stay put since the Board would
15
   like to say thank you to everyone.
16
   --- Upon adjourning at 11:54 a.m.
17
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