

De Beers – Gahcho Kue – Pre-hearing Conference

Introductions

In Person:

Rebecca Chouinard – MVLWB
Angela Love – MVLWB
John Faithful – Golder Associates with De Beers
Veronica Chisholm – De Beers
Leah Russell – De Beers
Sarah McLean – De Beers
Craig Blackie – De Beers
Marie Adams – NPMO (CANNOR)
Nathen Richea – AANDC-WRD
Sean Whitaker – GNWT-ENR

On the Phone:

Terri-Lee Oleniuk – De Beers
Todd Slack – YKDFN
Matt Hoover – NSMA
John Donihee – Counsel for MVLWB

Update of Work Plan (dates and location of Public Hearing)

- Dates and Locations are set
 - May 6, 7, and 8, 2014 – Tree of Peace, Yellowknife
- Number of Participants
 - De Beers ~20
 - CANNOR ~2
 - AANDC (will not be there under AANDC, but GNWT)
 - GNWT (TBD) but at least 5 or 6
 - YKDFN ~1
 - NSMA ~1

Q. If ENR is going to be the water manager, will there be someone present for lands?

- To ensure security is addressed appropriately
- AANDC/GNWT ensured there will be someone there who will be able to answer the various questions that arise relating to security and leasing
- Post-April 1st, GNWT will confirm for the Board who will be attending to ensure all issues will be covered
- Meeting post- April 1st to work out any logistical issues associated with devolution

Q. Anyone expect to be phoning in?

- Too early to tell (AANDC/GNWT)
- If expecting anyone to phone in, please contact Angela
- A phone line will be made available

Q. How much time is required for presentations?

- De Beers – presentations to focus on interventions with a brief general project description
 - Will have a better sense of timing once interventions are received but anticipating about an hour

De Beers – Gahcho Kue – Pre-hearing Conference

- Know some areas of concern already which (EQC, wildlife, Water Management, Waste, Project Description, etc.)
- CANNOR – No Presentations
- GNWT – Estimating ~45 minutes, but may be longer to discuss new departments
 - Probably be 2-3 people presenting
 - Strictly for ENR (not for any other GNWT departments)
- YKDFN – about 45 minutes (1 presenter)
- NSMA – about 15-20 minutes (1 presenter)

Q. Layout of Hearing (format of presenters)

- The company will present first, followed by a questioning period by all parties
- Interveners will then present, followed by a questioning period by all parties
- A reminder that the questioning period is an opportunity to ask questions – not for commentary
 - De Beers would like to be the last party to ask each intervener questions (before Board staff and Board) to have the opportunity to address any questions that may arise during the questioning period, and feel that this order will be more efficient
 - Board Legal Counsel – No objection to De Beers' request from a legal standpoint, notes that the proponent is typically the first party to question interveners
 - YKDFN – Would prefer to keep the typical order, stating that they do not see any advantage to changing the order
 - AANDC – Happy with current sequence...but do not have a strong preference either way. Risk that there may be more comments at the end rather than questions
 - Thinking of the purpose of the hearing...application is submitted by company and reviewers are intervening in their application (procedurally it makes sense to keep the order as is)
 - De Beers – This sequence was changed in Fortune
- **Action Item - Board staff will take the request, and share the opinions expressed, to the Board for a determination on sequencing of the question periods**

Legal Details

- Reminder to review the Board's Rules of Procedures
- Agenda will be fluid until interventions are received and Legal discussions take place to account for devolution considerations
 - Legal/procedural issues should be brought up to the Board staff as soon as possible (GNWT legal to contact Board with the new department setup) – Changes due to devolution
- If any interveners have preference in presentation order they need to let the Board know as soon as possible
- Work Plan identifies the next steps

Q. YKDFN – To clarify who the Ministers are

- MVLWB will communicate relevant changes related to Devolution to the distribution list for this project
- AANDC – Minister responsible for the Licence will be from the GNWT (might be the Minister of Environment)

De Beers – Gahcho Kue – Pre-hearing Conference

- Board Counsel – Draft legislation is out there. Similar to what AANDC is saying. At the end of the day, the GNWT will make a decision on the Licence and integrate all that is legislated under the Act

Q. De Beers – Jurisdiction

- Have the Board issue a statement that speaks to this so jurisdiction is not a huge topic during the Public Hearing
 - o Board Counsel – Jurisdiction should not be a huge topic at the Public Hearing as it stands...not the place for this type of discussion

Q. De Beers – AANDC/GNWT Comments

- Will GNWT accept AANDC comments as they were submitted throughout the review period?
 - o Board Counsel – All evidence is on the record and the Board will refer to it as and when needed. Whether or not GNWT adopts this is a question to the GNWT. As it is on the record, the Board may use/rely on this information
 - AANDC – Will try to do their best to ensure the process is clear and transparent (if anything is missed, they will bring it to the Board for the public registry). If there is something explicit in AANDC's previous comments that the GNWT is not happy with, they will make that clear in their interventions

Q. De Beers – Will closing statements be included in the Public Hearing Agenda (closing arguments from Interveners are due June 19, 2014 and from De Beers on June 26, 2014)

- **Action Item - Board staff will seek direction from the Board on their preference, and ensure the process is clear on the Public Hearing Agenda that is circulated**

Discuss dates from Work Plan

- o Note that new timelines will apply (45-90 days for Ministerial decision)
- o **Action Item - The Work Plan will be updated to reflect the new timelines**