

1 applicant. Thank you.

2 BILL TILLEMAN: Thank you,  
3 Mr. Chairman. And the independent consultants have  
4 filed a document which we will mark and leave, it  
5 is a short summary of their closing. And, of  
6 course, Tahera being the proponent, as you have  
7 indicated, will get the last opportunity, and they  
8 would likely take a few more minutes to make their  
9 closings.

10 CHAIRMAN: Thank you,  
11 Mr. Tillemann. If I can ask DIAND if they wish to  
12 make closing remarks.

13 GLEN STEPHENS: Mr. Chairperson, Glen  
14 Stephens. If we can request ten minutes, we are  
15 just trying to put the last touches on our comments  
16 and having a couple of technical problems.

17 CHAIRMAN: Environment Canada, would  
18 you like to make your closing statements? Thank  
19 you.

20 CLOSING STATEMENTS BY ENVIRONMENT CANADA:

21 ANNE WILSON: Thank you. It is Anne  
22 Wilson with Environment Canada. I'm just going to  
23 summarize our intervention comments and further  
24 highlights.

25 Environment Canada would like to see the  
26 requirement for an AEMP as an early condition of

1 the water license in hopes that it would include  
2 the full statistical design for the program.

3 We have already provided specific comments on  
4 what we feel to be appropriate effluent quality  
5 criteria, and we would like to note that the  
6 addition for a second limit for dissolved aluminium  
7 would address our concerns with seasonal increases  
8 in concentrations.

9 Environment Canada recommends using 1.0 and  
10 2.0 milligrams per litre for dissolved aluminum as  
11 the respective maximum average concentration and  
12 grab limits. And the proposed limits of 1.5 and  
13 3.0 would be acceptable for total aluminum  
14 concentrations. Effluent should be non-acutely  
15 toxic at the end of pipe, and we recommend the use  
16 of rainbow trout and Daphnia tests to establish  
17 that. They should be done twice annually as a  
18 regulatory condition, and chronic toxicity testing  
19 should be used as a monitoring tool at the edge of  
20 the mixing zone and to be done at the end of the  
21 open water season.

22 And those are just the highlights I wanted to  
23 reiterate of our presentation, and thank you very  
24 much for this opportunity.

25 CHAIRMAN: Thank you. DFO, would  
26 you like to make your closing remarks?

1 DERRIK MOGGY: Can I have five  
2 minutes?

3 CHAIRMAN: NTI and KIA, would you  
4 like to make your closing remarks?

5 CLOSING STATEMENTS BY NTI:

6 JEANNIE EHALOAK: Thank you, Mr. Chair  
7 Jeanie Ehaloak, NTI.

8 NTI's main role is implementation of the  
9 Nunavut Land Claims Agreement. We are not an  
10 authorizing agency. This role is done by Kitikmeot  
11 Inuit Association in land administration, water  
12 rights and IIBA negotiations, but lends its support  
13 to KIA.

14 NTI will act as an intervenor in the  
15 regulatory process to ensure that Inuit rights are  
16 addressed in the process. Again, thank you for  
17 inviting us to the hearings.

18 CLOSING STATEMENTS BY KIA:

19 MR. CLARK: Thank you. This is Geoff  
20 Clark from KIA.

21 KIA is pleased for the opportunity to make a  
22 presentation to the Nunavut Water Board yesterday  
23 and today. The outcome of this hearing and the  
24 Nunavut Water Board decision is very important to  
25 Inuit and to KIA. This is the first new mine in  
26 Nunavut since the Nunavut Land Claim Agreement was

1 settled.

2 We respectfully remind the Board that you are  
3 also aware that you are making a decision for the  
4 first water licensing decision for a mine developed  
5 on Inuit-owned land as well.

6 On behalf of the Inuit of the Kitikmeot, we  
7 ask you to be conservative in setting out the terms  
8 of the license. KIA is in support of the issuance  
9 of the license to Benachee Resources Inc. on the  
10 following terms. Firstly, the term of the license.  
11 We request that the license be no longer than six  
12 years, at which point it can be renewed. Our  
13 reasons on page 7 of our intervention have not been  
14 challenged by others and are valid.

15 For water use and quantity, the total annual  
16 water use should be no more than 350,000 cubic  
17 metres of water that was reviewed by the Nunavut  
18 Impact Review Board and applied for by Benachee  
19 Resources. We would also like to see a limit set  
20 for the draw down of Carat Lake. As well, no water  
21 from Contwoyto or Lynne Lakes should be used for  
22 winter road construction if it comes from critical  
23 areas of fish habitat that may be affected by water  
24 withdrawal.

25 In terms of water quality discharge limits,  
26 Table 2.1 -- sorry, in our documents, we proposed

1 four changes to the discharge limits, and of those  
2 four that we asked to be changed, other intervenors  
3 supported all of those change discharge limits,  
4 except no one else intervened on the issue of the  
5 nickel discharge limit. And KIA suggested  
6 discharge limits for nickel we believe are fair,  
7 and they are also achievable by the company.

8 In terms of reclamation security, KIA has  
9 developed a security model that is different from  
10 all other security estimates presented because it  
11 includes Inuit values, specific reclamation  
12 objectives and Inuit consultation.

13 Any major difference between KIA's and other  
14 parties' estimates is due to the fact that KIA's  
15 model reflects Inuit values. Inuit want to ensure  
16 that the land affected by the mine after closure  
17 will not have any impact on wildlife or people or  
18 harvesting by Inuit.

19 KIA has presented a security estimate for the  
20 entire site. As Inuit use the area around the  
21 Jericho project, regardless of whether it is Crown  
22 land or Inuit-owned land, and thus their opinions  
23 regarding overall reclamation are valid.

24 And with that, I would like to thank the  
25 Nunavut Water Board for arranging this hearing, and  
26 we appreciate the effort that was made to have this

1 work flawlessly. And I thank you on behalf of KIA.

2 CHAIRMAN: Thank you.

3 GEOFF CLARK: Sorry, Mr. Chairman,  
4 one more addition. I will file my closing comments  
5 with the Nunavut Water Board as an exhibit, if you  
6 wish.

7 BILL TILLEMAN: Thank you, Mr. Chair.  
8 And thank you to the KIA and NTI. While the other  
9 intervenors, or I should say parties, are coming  
10 forward, perhaps the staff can just read a very  
11 brief closing statement by Mr. Ramli Halim, which  
12 we have marked as an exhibit, and give the few  
13 other parties just a few other moments.

14 What he states is that, if that's okay with  
15 the Chair? Thank you. What he states, and I  
16 quote,

17 "Acres International and Dillon Consulting  
18 provided reviews on a number of selected  
19 technical documents that were submitted by  
20 Tahera Diamond Corporation in connection  
21 with the proposed diamond mine project.

22 Our team consists of Dr. Leece, Dr.  
23 Klee, Dr. Bennett, Paul Holmes and Ramli  
24 Halim of Acres International.

25 Our review has identified a number of  
26 issues that Tahera has agreed to address.

1 None of these issues should prevent the  
2 Water Board from granting the necessary  
3 license. Based on our review, and based on  
4 what we have heard here during this public  
5 hearing, we believe that through their  
6 submissions, Tahera has made a commitment  
7 to delivering a mining project that would  
8 minimize the disturbance to the natural  
9 environment and maximize the social and  
10 economic benefits to the people of Nunavut  
11 and the Nunavut mining industry in general.

12 Finally, on behalf of Acres  
13 International and Dillon, I would like to  
14 thank the Board for the opportunity to  
15 participate in the public hearing. We hope  
16 that our intervention in this hearing, as  
17 well as from other intervenors will provide  
18 the members of the Nunavut Water Board with  
19 adequate information to make their decision  
20 with regards to Tahera's application for  
21 the water license."

22 And that's their final statement, Mr. Chair.

23 EXHIBIT NO. 19:

24 CLOSING COMMENTS OF INDEPENDENT  
25 CONSULTANTS

26 CHAIRMAN: Thank you, Mr. Tilleman.

1 Hamlet of Kugluktuk, any final statements or  
2 closing remarks? Closing remarks from DFO?

3 CLOSING STATEMENTS BY DFO:

4 DERRIK MOGGY: Thank you, Mr. Chair. DFO  
5 appreciates the opportunity to present our  
6 intervention comments at the final hearings for the  
7 Jericho diamond project.

8 DFO's participation was intended to provide  
9 comments and recommendations to the Board on the  
10 protection of fish and fish habitat.

11 For the C1 diversion channel, we again  
12 recommend that adequate monitoring be implemented  
13 to detect any erosion concerns and channel  
14 stability due to permafrost.

15 For the development of the fish salvage  
16 program, we again recommend the community interests  
17 be taken into consideration. And with respect to  
18 the erosion concerns along Stream C3 due to  
19 increased flows from the PKCA, we encourage the  
20 Board to include adequate monitoring to detect  
21 early detection of erosion and the mitigation plan  
22 consider and maintain the value of fish habitat at  
23 the mouth.

24 With respect to the completion of the no net  
25 loss plan, which will be required prior to issuing  
26 our Section 35 Fisheries Act authorization, DFO is



1 confident that the necessary next steps can be  
2 achieved in a timely fashion by continuing to work  
3 with Tahera.

4 Thank you, Mr. Chair.

5 CHAIRMAN: Thank you. DIAND,  
6 closing remarks?

7 CLOSING STATEMENTS BY DIAND:

8 GLEN STEPHENS: Thank you, Mr.  
9 Chairperson. Glen Stephens.

10 INAC would like to thank the Board and the  
11 community for allowing us to intervene on such an  
12 important project. INAC is proud to play a role in  
13 this historic milestone project for Nunavut. We  
14 take very seriously our responsibilities to provide  
15 the Board with the best possible advice. This is  
16 why we have fully participated in the Water Board  
17 process and prepared a thorough intervention for  
18 the Board to consider.

19 We have been engaged with all parties  
20 involved in this process, particularly since the  
21 technical meetings and prehearings in October where  
22 the Board encouraged all parties to work together  
23 to resolve any outstanding issues. Since that  
24 time, we have actively worked with Tahera and their  
25 consultants to address technical issues with the  
26 application, and have also shared information with

1 the Kitikmeot Inuit Association to improve both  
2 parties' understanding of how total security  
3 estimates were determined.

4 This is an ongoing process that has been  
5 productive and we look forward to continued  
6 discussions.

7 We would like to take a moment to highlight  
8 some components we view as key to our intervention,  
9 areas that we feel the Board should consider when  
10 preparing a license for this project.

11 We would like to emphasize that these are not  
12 issues that cannot be resolved, and the process  
13 undertaken in the past few days has already  
14 initiated some steps towards addressing these  
15 concerns.

16 Summary point number one, discharge criteria.  
17 INAC recommends that the Board not allow excessive  
18 leeway in the discharge limit simply to ensure that  
19 the applicant remains in compliance, especially  
20 considering that the applicant has expressed that  
21 discharges are unlikely to approach such limits.  
22 In the interest of environmental stewardship, INAC  
23 suggests that lower, more considerable discharge  
24 limits be selected.

25 Summary point number 2, secure issues. In  
26 determining security, INAC has provided

1 recommendations based on the mine site reclamation  
2 policy for Nunavut. This policy stipulates the  
3 total estimated costs must incorporate both land  
4 and water-related activities.

5 Since this project lies on Inuit-owned land  
6 and Crown land, it is recommended that land and  
7 water security be divided.

8 In response to questions raised by the Board  
9 staff regarding the possible duplication of  
10 security amounts, it should be clearly understood  
11 that INAC's total estimated cost does not take into  
12 account any activities associated with the no net  
13 loss plans, nor the current exploration license.  
14 To reiterate, there is no duplication of security  
15 costs.

16 Water security is held for purposes outlined  
17 in the Nunavut Water and Nunavut Surface Rights  
18 Tribunal Act, and may only being assessed through  
19 the provisions of that act. The act stipulates  
20 that only the Crown can initiate a site cleanup in  
21 the event that the applicant abandons the site.

22 Land security is negotiated through the land  
23 lease. It appears, based on other interventions  
24 presented at these hearings, several parties are  
25 also recommending that the Board separate land and  
26 water-related liabilities.

1           Regarding Tahera's current exploration  
2   licence, INAC currently does not have a mechanism  
3   to transfer security from one license to the other,  
4   as Tahera is proposing. Tahera must meet their  
5   abandonment and reclamation objectives for the  
6   current exploration and water license. The  
7   application under review is for new and separate  
8   license that would require security to be set by  
9   the Board, independent of the current exploration  
10   license.

11           Furthermore, INAC encourages Tahera to  
12   address any outstanding issues related to their  
13   existing exploration license.

14           Summary point number 3, name concerns. There  
15   is a great deal of confusion with respect to the  
16   company name which is to appear on the license.  
17   Although Tahera has recently indicated the license  
18   should be issued to Benachee Resources Inc., a  
19   wholly owned subsidiary of Tahera, INAC's position  
20   is that a water license cannot be issued under this  
21   name. Tahera Corporation holds the NIRB project  
22   certificate for the project we are discussing here  
23   today. Issuing a water license in the name of  
24   another separate entity may have significant and  
25   adverse legal consequences. Therefore, INAC  
26   respectfully requests that the Board and the

1 applicant resolve this issue before issuance of a  
2 water license.

3 Summary point number 4, water volume use. At  
4 these hearings, Tahera has requested a water use  
5 allowance of 500,000 cubic metres per year. INAC's  
6 intervention for this project used the amounts  
7 provided by Tahera in both the final environmental  
8 impact statement and the water license application.  
9 The water use volume requirements in these  
10 documents states being 30 to 31 cubic metres per  
11 hour, which amounts to approximately 272,000 cubic  
12 metres per year. INAC suggests that the Board only  
13 consider the original and requested volume.

14 Summary point number 5, term of license.  
15 INAC recommends that the water license be valid for  
16 a period of not more than six years.

17 Summary point number 6, adjustments to  
18 intervention. INAC's intervention submitted to the  
19 Board offered a number of recommendations. In the  
20 course of the past few days, we have made several  
21 adjustments to our original intervention based on  
22 the discussions at these hearings.

23 For the record, these adjustments include  
24 fish sampling, fish tissue sampling for cadmium.  
25 INAC suggested a frequency of every two years.  
26 Tahera suggested four years. INAC accepts this,

1 particularly owing to their intention to analyze  
2 metal in livers for lake trout, burbot and  
3 whitefish. This is referenced in page 18 of INAC's  
4 intervention.

5 The location of benthos sampling. INAC  
6 accepts Tahera's contention that it will be  
7 difficult to sample at SNP2, Stream C3, due to the  
8 ephemeral nature of this stream. Therefore, INAC  
9 has agreed to remove this from our requirements.  
10 We are pleased with their agreement to add benthos  
11 in the vicinity of SNP5. This is a reference to  
12 page 25 of the INAC intervention.

13 Blast analysis. In our intervention, INAC  
14 had incorrectly stated daily, this should be  
15 changed to weekly. And reference is page 24.

16 Surface water management. INAC referred to  
17 continuous monitoring of pond and sump levels.  
18 Tahera suggested spot measurements. INAC agrees,  
19 provided that this is done at appropriate time and  
20 levels, and the reference is page 9 of the INAC  
21 intervention.

22 Aquatic threshold discharge limits. With the  
23 exception of aluminum, INAC agrees with Tahera that  
24 aquatic thresholds for all parameters are expected  
25 to be safe for aquatic life. This is based on the  
26 application of CCME guidelines for many of the

1 parameters and the commitment by Tahera to conduct  
2 monitoring of zooplankton or fish for cadmium,  
3 copper and uranium. Reference is on page 15 of the  
4 INAC intervention.

5 With regard to closing, INAC would like to  
6 commend Tahera for their cooperation throughout  
7 this process. INAC is encouraged by the progress  
8 made to date by all parties involved to move this  
9 project through the regulatory phase.

10 We have a positive working relationship with  
11 both the Board and the applicant, and looking  
12 forward to moving ahead on this milestone project  
13 with them. Koana. Thank you.

14 CHAIRMAN: Bill, should we file  
15 that closing remarks as an exhibit?

16 BILL TILLEMAN: Yes, sir. I think  
17 they will make a copies. Mr. Stephens, can we have  
18 a copy of those remarks?

19 GLEN STEPHENS: We will make a copy  
20 available both in paper and electronic.

21 BILL TILLEMAN: Yes, sir, we will add  
22 those as the next two numbers. Thank you.

23 EXHIBIT NO. 20:

24 DIAND CLOSING REMARKS - HARD COPY

25 EXHIBIT NO. 21:

26 DIAND CLOSING REMARKS - ELECTRONIC COPY

1 CHAIRMAN: Tahera, are you ready  
2 to make your closing remarks? Thank you.

3 GREG MISSAL: Thank you very much,  
4 Mr. Chair.

5 I have a number of papers to read from for my  
6 closing remarks, so I will be shuffling them around  
7 a little bit and probably having to take the odd  
8 pause, but I will make my way through this.

9 I was just thinking that it was almost six  
10 years ago now when I first appeared in front of the  
11 Nunavut Water Board, and it was for the exploration  
12 water permit that I made reference to earlier. And  
13 it is amazing to think the things that we talked  
14 about six years ago with this permit, and here we  
15 are today talking about turning it into a mine.  
16 And I think that's evidence that the system works,  
17 it is working. Obviously it is a new system for  
18 Nunavut, for NIRB, the process we went through. As  
19 has been pointed out in some of the other closing  
20 remarks, this is a monumental occasion.

21 And we completed an IIBA for this project,  
22 and now here we are in front of you. We are  
23 getting very close for this project to become a  
24 reality, and I think that's a compliment to  
25 everyone in this room that has been involved in  
26 this process to date.



1           However, that being said, there is a number  
2 of items that we would like to address in our  
3 closing comments that we feel are significantly  
4 important to the company and will be vital to the  
5 success or failure of this project as we move  
6 forward.

7           I think, first of all, I would like to start  
8 off with talking very briefly about the term of the  
9 license. It is our position that the term should  
10 be a ten-year term. I believe this provides  
11 significant certainty to the project and for the  
12 company. That is extremely important. I believe  
13 that there is many other mechanisms that the  
14 monitoring work will be looking at throughout the  
15 operation of the project so that if anything -- if  
16 there was a need to adjust or amend the license in  
17 any way, that there would be mechanisms, I'm sure,  
18 to do that. I'm sure that will be something that  
19 will be addressed with the Board through the  
20 writing of the license, but it is very -- it will  
21 be very important for us to have the certainty of  
22 the ten-year term.

23           In terms of the required water quantity, we  
24 did request the slightly elevated amount of the  
25 500,000 cubic metres per year. Obviously most of  
26 the calculations that were done throughout our

1 submission were based on an amount of 350,000 cubic  
2 metres per year, and that's an amount that we are  
3 certainly willing to live with in the license,  
4 should the Board choose to use that number.

5 I think in terms of discharge limits, it is  
6 another item that's extremely important to us. As  
7 you heard in our presentation and saw in our slides  
8 given in our presentation, we believe that the  
9 discharge criteria presented by Tahera are criteria  
10 that some of the intervenors have described here as  
11 being some of the most well set out and most well  
12 developed set of discharge criteria that they have  
13 ever seen. I think that is something that the  
14 Board has to keep in mind.

15 We obviously have a team of people here with  
16 us today that have spent many, many years working  
17 on this. And I know in my mind, I believe that  
18 they are the experts on this project and for this  
19 site. So I would request that the Board accept the  
20 discharge limits that have been presented in the  
21 Tahera submission, and also accept the particular  
22 items that we have considered as items that should  
23 be regulated, and those that should also -- others,  
24 there were six others that should only be  
25 monitored.

26 I would like to talk about a number of

1 aspects related to the security or abandonment and  
2 reclamation plan. I think just in very general  
3 terms, that it represents a significant financial  
4 cost to this project. As you have heard throughout  
5 these hearings, Tahera agrees with the estimate  
6 that's been prepared by INAC and through their  
7 consultant. And we believe that the model that  
8 they have used is a tried model that obviously has  
9 proven to work, which is also very important.

10 Obviously Tahera's estimate was basically  
11 almost the same as the INAC estimate, and I think  
12 another important point to emphasize here on the  
13 Tahera estimate is that it was prepared by Nuna  
14 Logistics, who is a company that does this work for  
15 a living, they do it in this part of the world, in  
16 the North in particular. They understand the  
17 costs, they understand some of the challenges that  
18 exist in operating in the North. And as all of you  
19 know living here, there are challenges. And so I  
20 believe that Nuna has done a very good job in  
21 putting together a very accurate and concise  
22 estimate for us.

23 If I could briefly address the estimate  
24 that's been given by KIA for the land lease  
25 component. Tahera views that component as a value  
26 or a dollar amount, if you will, that will be

1 discussed with the KIA while -- when we are in  
2 negotiating those land leases for the project. We  
3 are not anticipating the Board making any decisions  
4 on the reclamation amount for security related to  
5 Inuit-owned lands. I can say in general terms that  
6 Tahera does not agree with the total amount that's  
7 been suggested by KIA in their estimate. We  
8 believe that the security estimate has to reflect  
9 not only industry standards, but achievable work  
10 that is known and that we can actually commit to  
11 doing. We cannot commit to things that we are not  
12 convinced will work, that is not good business or a  
13 good practice for any company to do.

14 But that being said, we are certainly more  
15 than willing to work with KIA in achieving and  
16 completing the land lease portion, and we will be  
17 doing that in the very near future.

18 I think in terms of the abandonment and  
19 reclamation plan itself, the timing of reviewing  
20 that document is also very important to us. And we  
21 would like to make the point that we believe the  
22 next issuance and revision to the reclamation  
23 estimate should be tied with the updated submittal  
24 of the A&R submission on a three-year term or a  
25 three-year cycle, if you will, not annually.

26 And in that plan, we believe that Tahera

1       should have the ability to address a number of  
2       reclamation items, which it includes such things as  
3       revegetation tests, which at even the most advanced  
4       diamond mining projects in the North are only at a  
5       trial basis. It is not a proven practice that  
6       revegetation studies will work. And we have  
7       committed to undertaking similar studies or tests,  
8       and we will obviously be reporting on that  
9       throughout the life of our project.

10           One other item which is going to be important  
11       for us as well is something that -- or one example  
12       is appropriate cover materials for the site. I  
13       think you heard here in our presentation that there  
14       are -- there will be tests that will be done,  
15       onsite tests that will show us what the best cover  
16       materials are for this project and for the  
17       particular uses.

18           In terms of the monitoring programs, I  
19       believe that -- or we believe that Tahera has  
20       proposed monitoring programs that will ensure that  
21       impacts to the mine can properly be monitored and  
22       protect against any significant impacts to the  
23       site.

24           Just in relation to the monitoring program, I  
25       believe it was pointed out in the question period  
26       by the Board's consultants, Acres, that they felt