

Environmental Monitoring Advisory Board

Minutes – August 14-15, 2018

EMAB Boardroom, Yellowknife, NT

Present:

Napoleon Mackenzie, *Chair*

Arnold Enge, *Director*

Doris Enzoe, *Alternate*

Laurie McGregor, *Alternate*

Jack Kaniak, *Director*

Yellowknives Dene First Nation

North Slave Metis Alliance

Lutsel K'e Dene First Nation

Government of the Northwest Territories

Kitikmeot Inuit Association

Absent:

Sean Richardson, *Director*

Gord Macdonald, *Director*

Tlicho Government

Diavik Diamond Mine

Staff:

John McCullum, *Executive Director*

(minutes)

Allison Rodvang, *Environmental Specialist*

(minutes)

Environmental Monitoring Advisory Board

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Guests:

Celestino Oh, Crowe MacKay LLP (Day 1)

Ryan Fequet, WLWB (Day 1)

Kassandra DeFrancis, WLWB (Day 1)

Petr Komers, MSES (Day 1, by phone)

1. Call to Order

Chair gave an opening prayer at 9:10 am to begin the meeting.

2. Approval of Agenda

ED requested to add two items to the agenda

- Review North-South proposal to review 2017 AEMP
- 2017 EAAR letter

Motion: *To approve the agenda, as amended.*

Moved: Arnold Enge

Seconded: Laurie McGregor

Motion carried

3. Conflict of Interest

No conflicts were declared.

4. Minutes of Previous Meetings

Motion: *To approve the Minutes of June 4-6, 2018 with the amendments from GNWT*

Moved: Arnold Enge

Seconded: Laurie McGregor

Motion carried.

Motion: *To approve the Minutes of July 17, 2018 conference call.*

Moved: Arnold Enge

Seconded: Laurie McGregor

Motion carried.

Motion: *To approve the Minutes of July 30, 2018 conference call.*

Moved: Laurie McGregor

Seconded: Arnold Enge

Motion carried.

Chair read email motions into the record.

Action Item Review

- ES to draft a letter to GNWT with comments on the 2017 EAAR before the end of the meeting. All comments to Diavik should be noted; this includes comments made to Diavik at public meetings.
- ED went through completed action items.

Motion: *To approve North-South's estimate to review the 2017 AEMP Report.*

Moved: Arnold Enge

Seconded: Jack Kaniak

Motion carried.

Action Item: follow up on alternate for YKDFN now that Alex Power has left.

BREAK 9:55am - 10:10 am

5. Financial Report – May 2018

Celestino Oh from Crowe-Mackay joined meeting to present financial statement.

This is an unqualified audit. No issues.

Discussion:

- Next year Celestino would like to meet with the Board, or Chair prior to the audit to see if there are any items they would like to review in particular.
- Q: When does the audit start? A: Start preparing the audit at the beginning of March. Can offer a discount if there is flexibility to start the audit later, say in August to move work out of busy season (May and June).

Motion: *To approve the audit report as presented.*

Moved: Jack Kaniak

Seconded: Arnold Enge

Motion carried.

ED presented Variance Report up to August 2018. **Discussion:**

- Already overspent on Water Licence amendment application
- Stopped doing approval of financial statement unless a change is made.

Policy on Support for Board Member Internet and Computer Equipment

ED presented the proposal for EMAB support for board member access to technology: computers, software and internet costs.

Action Item: Revise policy to include that board members can purchase computer after two years at 30%. The computer will not be replaced until 5 years have gone by.

6. WLWB Discussion

Ryan Fequet and Cassandra DeFrancis joined meeting to discuss upcoming Diavik submissions.

Discussion:

- Four of five WLWB member positions filled. Joseph Mackenzie is in the process of being appointed Chair.
- Senior Regulatory Policy Manager is a new position that Sarah Elsasser will be taking.
- Will be finding someone to take Cassandra's position while she is on mat. leave.
- PK Dam 7 raise is on ORS right now to raise dam of PKC Facility. Submitted drawings and design report. Comments are due August 23. Diavik has external expert panel that provide advice for projects related to tailings facility.
- Q: Has the dam been adjusted to account for moving PK? A: If all of the tailings aren't moved, they will have to do another raise.
- The Technical Session for PK Underground will be in October if the preliminary screening goes through.
- Comment – it would be helpful if Diavik provides documents EMAB would like prior to the technical sessions. A: Isn't a lot of room to move dates around but there are other avenues, such as information requests, that EMAB could take. Diavik's responses to reviewers are due next week.
- The WLWB has many submissions from Diavik but are putting the most important items on the ORS to not overwhelm reviewers and make sure the process is as effective as possible.
- Amendments to MVRMA will be going to Parliament in the spring. The proposal to consolidate the LWB's was removed. LWBs have a wish list of changes to legislation that they would also like to see.
- Helpful when EMAB can send letters to push for public policy changes, such as DFO issue.

LUNCH 12:00 pm – 1:00 pm

7. Waste Rock Instrumentation Request update

ED presented item from kit.

Motion: *To approve Randy Knapp's review and submit comments and recommendations to the WLWB.*

Moved: Laurie McGregor

Seconded: Doris Enzo

Motion carried.

8. Engagement Plan 2.1 Review

ED presented item from kit.

Discussion:

Q: Do the communities have their own engagement protocols with Diavik? A: There is a section in the Engagement Plan that addresses this.

Motion: *To approve the submission to the WLWB on Diavik's Engagement Plan.*

Moved: Jack Kaniak

Seconded: Doris Enzoe

Motion carried.

9. Water Licence Amendment Update

ED provided update to Board.

Gord was not present to speak to this item.

Action Item follow-up: EAAR review

Noted that EMAB was not able to review the public concern information because it was not included in the draft report.

Motion: *To approve the letter with comments on the 2017 EAAR and submit to GNWT.*

Moved: Laurie McGregor

Seconded: Doris Enzoe

Motion carried.

11. Draft two-year budget discussion (moved forward)

Item presented from kit. Approve at next meeting, when Diavik is present.

12. Draft Annual Report Text Review (moved forward)

Noted that Zhong Liu is leaving SLEMA to work for B.C. Gov't.

Annual Report Review

- Chairs message – include WLWB's role in closure planning at Diavik
- AEMP Summary – EMAB should follow up on mercury issue; WLWB has made its decision but this does not limit EMAB.
- EMAB should do an internal review of the status of mercury in lake trout; community members need a greater level of assurance
- Staff should propose an approach and present at next meeting.

Discussion will continue tomorrow morning.

BREAK

13. WMP Discussion

Petr Komers joined the meeting via phone.

ES presented item from kit. EMAB has received MSES' review, participated in conference call on caribou behavior monitoring and Diavik's response to EMAB's letter from April, including updated behaviour analysis. MSES' report has been updated to reflect this new information.

Discussion:

- Petr identified the big picture items from MSES' review and discussed whether predictions are being met. Dust – dust deposition is higher than what was predicted. ZOI – more than two times larger than predicted. Migration – not following predicted pattern. Behavioural data – have more specific information, so are able to ask more specific questions.
 - Diavik has not provided responses to predictions that were exceeded or incorrect in terms of adaptive management.
- Discussion on the summary of caribou behavioural data Diavik provided in response to EMAB's April 10th letter – Diavik gave information on time spent feeding at different distances from mine. Results indicate there is not much of a difference inside or outside ZOI. In 2011 there was an analysis that indicated some change in caribou behaviour close to the mine. Now new analysis is presented differently and shows this isn't the case. MSES would like Diavik to provide a more detailed breakdown of behavior types and address why there is a difference between the two analyses. For example, Diavik only showed time spent feeding; they should examine all behaviour types. Diavik should look at behaviour closer to the mine than 15 km, eg. within five or two km to mine.
- Ekati uses focal sampling. This can be an advantage because you can measure how long an individual stays alert after a disturbance. Briefly looked at an analysis from Ekati that found an animal would become alert for a matter of seconds. The behaviour before and after disturbance was statistically significant which demonstrates human activity does disturb caribou. A better analysis needs to take place.
- Better behavior data will come in now that Ekati and Diavik will use the same methods.
- Comment - Good to see collaboration between industry and government.
- Comment – there is a difference between fall and spring migrations due to the fact caribou are more sensitive in the fall time, harder to approach, spring they are focused on getting to the calving grounds and are more tired due to winter hardships and therefore less alert. This helps to identify reasons for changes in behaviour
- Q: could we look at differences in behavior by comparing spring and fall? Could influence what Diavik does for mitigation.
- Noted that Diavik has been asked to consider TK in assessing changes in behavior and migration, and for possible mitigation.
- Dust - Diavik agreed with EMAB's request to change the trigger to determine when vegetation and lichen studies would resume. The proposed trigger was higher than the level where effects will occur, so this change is positive.
- High levels of dust result in loss of habitat. Diavik has not proposed any adaptive management for dust.
- Q: Dust deposition monitoring requirements appear to be a regulatory responsibility? A: Regulatory requirements result in compliance monitoring. Effects monitoring will give a better picture of how dust is impacting landscape and wildlife.
- Satisfied with falcons and shorebird information in the report.
- Vegetation – Diavik has stated in the past that impacts to vegetation are reversible. MSES finds this problematic as you almost never find post-disturbance vegetation communities that are the same as natural conditions. Vegetation composition will be different which could mean wildlife could be different. Highlighted this for Diavik to discuss. Dust can change composition of species.
- Q: Is this a permanent change? A: Yes, change will be permanent. It could be decades or centuries until vegetation returns to natural conditions.

Abbie will be contact person on Monday.

ES provided an update on the June 14 conference call on caribou behavior. Ekati has agreed to put more emphasis on group scans so data are compatible.

Noted that EMAB should take some credit for this.

Motion: *To approve MSES' report and submit comments and recommendations to Diavik*

Moved: Arnold Enge

Seconded: Doris Enzoe

Motion carried.

Action Item: EMAB to send letter to Aileen Stevens requesting update on dust regulations in relation to effects of dust on wildlife.

Adjourned for the day at 3:30pm.

**Wednesday, August 15, 2018 – Yellowknife
Meeting Reconvened at 9:05 am**

14. Draft Annual Report Review

- Discussion continued on safe mercury levels in fish. This is a public concern; EMAB should do something more about this issue. Suggestion to start with an internal review of all data available and then have North-South review. Community members and Board need another level of assurance regarding levels of mercury in fish. People in Lutsel K'e aren't allowed to eat big fish. Lac de Gras currently isn't being used as a subsistence fishery.
- EMAB can make recommendation directly to Diavik, regardless of WLWB decision.
- Fish are going up and down rivers, should put markers on fish to see how far they are travelling.
- Spill database - Possible to say if the spills are closed?
- Carnivores are attracted to noises (bears can be attracted by noises which could be a reason they are coming on site more). Noted five grizzlies at site during the TK Camp, plus a cub.
- Wolverine – change 2019 to 2018.
- Encourage gov't and industry to continue working together on DNA studies.
- Highlight recommendation in vegetation and lichen surveys section ie. bold
- Report card on environment - change Inspector to Lands. Add how many site visits were completed this year and that they come to EMAB meetings to report on inspections.
- EMAB should find out from Lands how they approach submissions from Diavik that come in. Lands may not have the expertise to be commenting on reports related to the Water Licence.
- Add to wildlife monitoring that ENR should keep commenting on the wildlife reports
- Add in that we also want ENR to comment on the ICRP as it relates to wildlife
- ENR should also comment on EAQMP reporting

Motion: *To approve the Annual Report with agreed amendments and discussion.*

Moved: Arnold Enge

Seconded: Laurie McGregor

Motion carried.

Action Item: EMAB initiate a review of all Lake Trout-mercury data. Possibly have North-South do a

review as well to determine human health concern. Once this is complete, EMAB can consider sending a recommendation to Diavik to resume the Lake Trout-mercury surveys.

15. TK Panel meeting update and TK Recommendations follow-up

ED presented item from kit.

Discussion:

- EMAB should continue to attend TK Panel meetings on a regular basis
- Suggestion that EMAB does own assessment of Diavik's responses and follow-up to TK recommendations seemed to be supported
- Next TK Panel session will likely be in March
- EMAB raised issue about NI hydrocarbon contamination. Adaptive management actions were required as a result. PK is another example of this. Note that it was EMAB's suggestion to have TK Panel underground at the next session. And increased TK Panel's understanding of the facility.

Action Item: EMAB look at how it could conduct own assessment of how Diavik has responded to and incorporated the TK Panel recommendations. This may require contracting external expertise.

16. Closure Monitoring Training

ED presented item from kit.

Discussion:

- Board member raised this issue – what qualifications do community members need to work at the site after it closes? Would be helpful to know in advance so they can prepare.
- Diavik has HR working on this and will let us know. Do this in a timely way to make sure people have the proper qualifications.
- Would they actually be hiring new people?
- Want a yearly update on where Diavik stands with this issue to make sure they are continuing to develop it.

Action Item: ED to draft letter and send to Diavik requesting a yearly update on this issue.

17. DFO/ECCC letter response

ED presented item from kit.

Discussion:

- Might be worth waiting to see what comes out of the WLWB process with DFO. Could send a letter supporting what WLWB said.
- Fish coming from Diavik go down the Coppermine and end up being part of Aboriginal fisheries - DFO should be involved in this.

Action Item: Follow-up with WLWB to make sure they send a letter to DFO and ECCC. Could invite WLWB to next meeting to provide an update.

Motion: EMAB to purchase a new fan for boardroom

Moved: Arnold Enge

Seconded: Napoleon Mackenzie
carried

18. MDMER Update

ES presented item from kit

- Might be useful to have Gord update Board on anticipated AEMP changes.

19. Board Member Round Table and Community Concerns

Napoleon Mackenzie – Yellowknives Dene First Nation

- Landfill is a problem
- YKDFN went to Bullmoose mine for a tour
- Gave an update on land claim process; must be settled in the next 16-17 months or process starts over

Arnold Enge – North Slave Metis Alliance

- NSMA has no environmental concerns with Diavik

Jack Kaniak – Kitikmeot Inuit Association

- Alternate was appointed: Willie Aglukak from Gjoa Haven
- Ekati gave presentation to community, however feedback from community was poor as they couldn't hear/understand the presentation.
- Recent TK Panel meeting at Diavik site – in the past there were only ever a few spots on fish but now just about every fish had white spots on them. Recommends DFO should be involved in results of fish from TK Panel meeting.
- Get updated aerial photos from Diavik for EMAB office

Doris Enzoe – Lutsel K'e Dene First Nation

- Went to Diavik for TK meeting to talk about PK and went underground. Frustrating to go in winter because you can't see the ground
- Went to TK fish camp at Diavik for five days with students, all youth were boys. Saw unhealthy fish
- New school in Lutselk'e is just about done
- May be appointed to the Wildlife Committee

Laurie McGregor – GNWT

- No updates from the GNWT

Action Item: send orientation manual to KIA alternate

20. Next Meeting

Next meeting is set for September 11-12, 2018. AGM will be morning of first day.

Meeting adjourned.

Chair did closing prayer.