

WORKING WITH THE PEOPLE FOR THE ENVIRONMENT



Minutes – December 1-2, 2020
Yellowknife Boardroom and by Zoom

Present:

Charlie Catholique, <i>Chair</i> (online)	Lutsel K'e Dene First Nation
Jack Kaniak, <i>Vice-Chair</i> (online)	Kitikmeot Inuit Association
Marc Whitford, <i>Director</i> (in person)	North Slave Metis Alliance
Violet Camsell-Blondin, <i>Secretary Treasurer</i> (in person)	Tlicho Government
Ngeta Kabiri, <i>Director</i> (online)	GNWT
Gord Macdonald, <i>Director</i> (online)	Diavik Diamond Mines

Absent:

Sarah Gillis, <i>Director</i>	Yellowknives Dene First Nation
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Staff:

John McCullum, <i>Executive Director</i> (minutes) (in person)	Environmental Monitoring Advisory Board
Janyne Matthiessen, <i>Environmental Specialist</i> (minutes) (online)	Environmental Monitoring Advisory Board

Guests (all by Zoom):

Ryan Miller, YKDFN (Day 1 & 2)
Brian Kopach, MSES (Day 2)
Abbie Stewart, MSES (Day 2)
Andrea Patenaude, GNWT-ENR (Day 2)
Bryana Matthews, GNWT-ENR (Day 2)
Dan Coulton, Golder (Day 2)
Megan Cooley, NSC (Day 2)
LeeAnn Malley, GNWT-ENR (Day 2)
Wasef Jamil, Arcadis (Day 2)
Kofi Boa-Antwi, Diavik (Day 2)

Tuesday December 1-2, 2020

Meeting at 9:00 am at EMAB Boardroom and by Zoom

1. Call to Order

Meeting called to Order by Vice Chair at 10:00am.

- Meeting start delayed due to technical difficulties

Ryan Miller joined the meeting

2. Approval of Agenda

Motion: to approve agenda:
Moved: Marc Whitford
Seconded: Violet Camsell-Blondin
Motion carried

3. Conflict of Interest

No conflicts declared

4. Minutes of Previous Meeting

Motion to approve October 20-21, 2020 meeting minutes:
Moved: Marc Whitford
Second: Charlie Catholique
Motion carried

ED reviews EMAB action items

Jack noted that KIA paid his honorarium to attend Diavik engagement on cultural criteria for reconnection of the pit lakes with Lac de Gras

Marc was not sure whether EMAB had covered his honorarium. ED will look into this and confirm with Marc.

Action Item: ED to check whether Marc Whitford was paid honorarium for attending Diavik meeting on engagement for development of cultural criteria for reconnection of pit lakes.

ES notes that there are no outstanding recommendations

5. Finance

ST reviews the Variance Report

Noted that highlighted columns are proposed budget changes

- Now need to cover cost of new GNWT member honorarium, travel, and accommodations

Motion: Approve budget amendments (highlighted items)

Moved: Marc Whitford

Second: Ngeta Kabiri

Motion carried

Motion: Add Marc Whitford as an EMAB signing authority.

Moved: Jack Kaniak

Second: Charlie Catholique

Motion carried

Discussion on broadening scope of Community Involvement budget

Q: Can community engagement budgets be redirected to parties to cover participation of their members in preparing for Diavik-related activities, such as the PKMW hearing?

A: Has to be EMAB related. That budget is meant to cover staff/director participation, travel, and accommodation for community updates. We couldn't give money for other community activities not related to EMAB.

Noted that it was helpful to have EMAB member participation in Diavik engagement on PK to Pits Cultural Criteria for Reconnection.

Noted that EMAB authorized one-time use of Community involvement honorarium budget to cover honorariums for Board members who attended Diavik engagement on cultural criteria. In general these funds should be used for updating communities.

Q: Can Board members be paid by EMAB for EMAB-related activities, rather than Tlicho government salary? For example if there was a meeting that included a TK update to elders on EMAB activities could these funds be used to cover a portion of translation, catering, honorariums etc?

A: Board can determine how budget is spent as long as it's for EMAB related purpose. Concern is that these funds are intended to cover community outreach. Since that is difficult right now maybe the funds could be used for a similar purpose.

Discussion

- community updating is important, and expensive. This budget is needed to make sure communities know what's going on at Diavik and what EMAB is doing. This budget shouldn't be used for other activities
- EMAB should focus on the Board members attending community updates
- Should funds be re-profiled, or not?
- With COVID communication has changed. Need to make sure people are involved and updated, as well as leadership. Funds could be used to cover salary for updates. It's costly to travel and stay overnight in small communities.
- Budget should not be redirected permanently
- Suggested to keep budget directed for community updates but allowing for one-time decisions for other activities that are related to EMAB work.
 - Agreed. Board members can request to use community update budget for other EMAB related purposes on a case by case basis. No motion required now, but motions will be required to approve the requests.

Action Item: draft wording for Operations Manual regarding use of community update budget for other EMAB-related purposes.

ED reviews 2021-22 workplan

Q: When does Board approve budget for this?

A: Next meeting. This is to provide opportunity to revise workplan. Budget is based on workplan.

- Might need to add in review of closure plan for PKMW project

Action Item: Board members to send suggestions for additions to workplan to ED.

ED Performance Evaluation

Personnel Committee will meet in the afternoon and make a recommendation to the Board tomorrow.

Discussion on Diavik inquiry to EMAB about implications of a 5% budget cut

ED presents item from kit

Discussion

- ED requests Diavik clarify if this is a request to cut the budget?
 - Answer: no, we just want to know what the implications would be. Many years EMAB has had money to give back. EMABs view would be helpful for Diavik when considering if we should formally request the 5% cut, or another number.
 - Noted that it appears Diavik is asking for a 5% reduction
- 5% is about \$26000.
- EMAB has increased costs associated with new GNWT board member. Also possible there will be a new YKDFN member who is not paid by other salary.
- as we approach closure there are more extensive Diavik reports that require consultant review. EMAB has to pay for consultant reviews.
- Concern about downstream effects
- this would be the third cut in seven years
- this amount of money has less significance to Diavik than to EMAB
- Diavik could have made this request sooner
- the EA says EMAB's budget should increase with inflation.
- Don't see any activities in budget that Board would like to cut.
- EMAB needs to reassure Rio Tinto that the budget is needed as presented.

Q&A

- Q: Does Diavik disagree with EMAB's budget?
- A: Just want to understand implications of reduction before requesting Minister's review. Normally try to avoid getting involved in how EMAB allocates its budget. No specific disagreements
- Q: What is the basis for the 5% amount
- A: No basis; Diavik is facing financial pressures and would like to reduce spending
- Q: Why is this coming so late in the budget review?
- A: Internal Rio Tinto processes took time.
- Q: Can Diavik elaborate on the financial pressures they're facing?
- A: Diavik noted Diamond markets are depressed, and Dominion is still insolvent and not paying bills, production is declining and will continue to decline until closure.
- Q: Any sense the diamond market will recover or will it be depressed for foreseeable future?
- A: Diavik's view is that it seems like it will be flat for the foreseeable future
- Diavik noted that one of the major budget cuts was when the TK Panel transferred to Diavik.
- Board member thinks it is inappropriate for Diavik to ask EMAB to consider this reduction. EMAB's expenses can be hard to predict exactly, especially with COVID. There are lots of technical reviews coming and timing is not always predicted. Trying to be innovative with community updates.
- General consensus among members, except for Diavik representative, that they disagree with budget cuts.
- Diavik noted these are all good points and would be good to include in the response letter. Suggested there are likely areas where EMAB could be more efficient.
- Board members don't see waste in budget.
- Noted that the purpose of the EA was to address dissatisfaction in communities with existing

mining projects. It was not based on how much money the mine has; it's about protecting people and the land from contamination and effects of mining. Technical reviews are very important in this regard, and there should be more of them. This is limited by budget. Diavik has made a lot of money.

- Also noted that Aboriginal groups need to be involved in the cleanup to make sure it's done right. Noted Chapter 26 of Tlicho Agreement.

Gord left the meeting for another call.

Noted meeting ran behind schedule and there is no one present from Diavik to discuss items 6, 7 and 8. Agreed to table those items to Day 2 or another meeting.

Executive Committee and ED have appointment with the Deputy Minister Dec 2 at 1:30pm. Noted that the Board members all seem to be on the same page.

Noted that Personnel Committee is meeting this afternoon (Dec 1) to discuss ED performance review.

Meeting adjourned at 12:15pm

**Wednesday December 1-2, 2020
Meeting at 9:00 am at EMAB Boardroom and by Zoom**

Andrea Patenaude, Dan Coulton, Kofi Boa-Antwi, Ryan Miller, Abbie Stewart, and Brian Kopach joined the meeting

Andrea presents an update on ENR Workshop planning:

- Looking at first week of Feb for workshop
- Will invite Mine representatives, consultants, ENR, and monitoring agency representatives like EMAB.
- Resume discussions on ZOI and carnivore monitoring that have been hanging the past couple years.
- Want to discuss how to use collar data for more effective ZOI analyses, and when/how carnivore monitoring should resume. Noted that there was a 'final' Grizzly report produced for the Ekati/Diavik area in 2017.

Andrea presents updates on the WMMP

- ENR sent letter to Diavik requiring they submit a WMMP under new GNWT regulations
- Diavik recently submitted a WMMP at EMAB's request, but it does not yet satisfy new GNWT WMMP requirements
- Diavik needs to submit a Tier 3 WMMP in April 2021
- There will be a 30-day public review period.
- Public review comments will be considered by ENR when deciding on approval
- Noted this is not a regulatory submission to WLWB. ENR will fully run the public review rather than the land and water boards.

Andrea provides information on caribou collar program:

- Collar Program is part of ENR's core programming and has been running for many years
- Co management process approves collars; currently 70 collars allowed on Bathurst, Beverly and Bluenose East herds. Right now there are 48 collars on Bluenose East, 49 collars on

Bathurst and 19 on Beverly.

- Did not do caribou surveys this year due to COVID. Planning for next year.
- ENR has huge role for herd management
- Noted that herds are mixing right now; ENR has not seen this before.
 - ENR would like to increase collars to maximum allowed by co-management organizations. Particularly want to get more collars on Beverly herd. But with mixing between herds it's hard to be sure which caribou are with each herd, so need to wait until they separate.
- Collar program will continue after Diavik and other mine closures.
- Geofence collars started in 2018.
 - Typically 3 locations per day are recorded per collar.
 - When caribou are in specific zones near infrastructure, the geofence collar recordings increase to 1 time per hour.
 - Some geofence data analysis has started but there is more to do
- Originally 50 collars were allowed per herd. Now 70 are allowed, however none of these herds have 70 collars yet
- Angus Smith did some preliminary analysis at Gahcho Kue. His paper - Why Do Caribou Cross the Road? - will be online at the Geoscience symposium site till the end of January. Ideas for type of work that can be done with herd data.
- Noted that old collars were designed to fall off after a period of time. Are any of those still on caribou.
- All the collars out now are only the light ones, and some geofencing collars.
- No geofence collars on Bluenose, only Bathurst and Beverly; because there is not much infrastructure development in the Bluenose area.
- When collars enter infrastructure zones and increase the rate of recordings, more battery power is used so we program the collars to fall off sooner in those zones. This is beneficial for retrieval efforts.
- Collars have numbers assigned to them so each caribou can be tracked and we know which herd they belong to. Collars normally go on in March, when the herds are separated.

Action Item: Look at Angus Smith Caribou paper by end January.

Action Item: Andrea Patenaude to provide information on collar weight, when they drop off etc.

Discussion on Mine involvement in collar program

- Ekati committed to provide 45 collars during Jay Project Environmental Assessment
- Mining companies provided support for geofence collars starting around 2015.
- Diavik agreed to fund 5 collars per year for three years. In 2016 ENR advised Diavik that they weren't adding anymore collars at that time since they had reached their maximum. Intent was to add more in 2017 and 2018.
- Ekati provide in-kind support for caribou surveys, which is very helpful
- ENR is planning surveys now, so if companies want to contribute, that would be very helpful.
- Need to confirm whether Diavik provided collars in 2017 and 2018 or not.
- Collars program will not stop after mine closure

Discussion on Community access to collar data

- Noted that Lutsel Ke agreed to put on 10 collars many years ago. ENR used to tell us where

the caribou were but, but they don't give us the information anymore. Would like access to this information.

- GNWT noted the info should be available through band offices. ENR also reports to communities after the caribou surveys are done.

Q: Who approves collars on caribou?

A: Wildlife co-management Boards.

- YKDFN also notes that used to get info on the Bathurst herd. The band would get the info and would decide whether or not to release the info to community members based on how the herd is doing that year.

Noted that Diavik stopped funding collars in 2016. ENR should follow up with Diavik regarding its commitment.

Action Item: ENR to contact Diavik regarding caribou collar contributions.

Action Item: ENR to follow up on whether caribou collar location information is being sent to communities.

10. ICRP 4.1. Mixing Zones Update

Bryana Matthews joined the meeting

ED: introduces item

Gord presents for Diavik

Diavik asked the WLWB to pause the ICRP review process to allow discussions about mixing zones with ENR. ENR has indicated it wants to be sure there are no other options that can improve the chemistry of the runoff, re-route the runoff, or possibility of covering the rock with till to reduce the size of the mixing zones and the contamination in the runoff. They also want to know what the chronic effects of the contamination in the mixing zones will be.

Diavik modelled some scenarios and reported back to ENR. Not sure when results will be shared.

For testing possible chronic effects of runoff, by the time discussions started the site was frozen so no runoff. Diavik tried sampling the collection ponds but the chemistry is not as contaminated as the predicted runoff. ENR expressed concern that the samples collected won't provide useful results for the predicted conditions.

Bryana indicated that ENR is trying to get a better understanding of the post-closure conditions with respect to mixing zones, and whether they can be improved.

Q: when will Diavik's results be available to EMAB

A: Diavik wants to reach an understanding with ENR before releasing results. ENR has concerns about the toxicity testing.

Discussion on obtaining water representative of sitewide runoff for testing

- Could Diavik wait till spring when there will be runoff?
 - No, frozen conditions are actually more of a concern because contaminants

concentrate when water freezes

- Diavik doesn't think it can get a sample of runoff that will be like the predicted runoff.
- What about previous samples under SNP or AEMP?
- Not looking for worst quality water; Diavik has that in the PKC. Need water representative of the modelled/predicted water quality for sitewide runoff at closure. None of the water currently on site is representative.

Items 8 and 11 postponed to later meeting

6. DDEC insolvency update

Gord updates board:

- Not much to update on
- Still no buyer for Ekati
- DDEC still insolvent and not paying their share of Diavik expenses
- Diavik won in court to sell the DDEC diamonds that it has been holding since DDEC stopped paying expenses.
 - Diavik is appealing the way the judge valued the diamonds. They would like the value to be based on the market price received, not on the government valuations.

Break 10:40-10:50am

7. PK to Pits Intervention/hearing update

ED presents item:

- DKFN applied to submit an intervention late. WLWB wants to know if other intervening parties take issue with this. EMAB likely doesn't have concerns about that. [note: it was actually FRMG that applied, not DKFN].
- Need to know whether Board is OK with staff preparing presentation or if Board wants to approve by email motion. Presentation is a summary of the intervention so no new recommendations or other information is allowed.
- Agreed that ED will circulate presentation and consider comments from board; no need for motion. This is the process we did for the MVEIRB hearing presentation.
- Plan is for Charlie, Janyne and John to attend hearing

ED noted that Diavik offered to model a reasonable worst-case scenario, as EMAB recommended. After conversation between consultant and Diavik it was felt that EMAB doesn't have enough information to provide the specific details Diavik was asking for.

Diavik noted that they are willing to run any reasonable worst-case scenarios for any party to the proceeding if they can specify the scenario.

11. EAQMP: minister review update, 2019 EAQMP, and Yellow Haze

LeeAnn Malley, Kofi Boa-Antwi and Wasef Jamil joined the meeting
ES introduces item

Minister Review of EAQMP

LeeAnn Malley provides update on process for Minister Review of EAQMP:

Q: Is there a timeline?

A: Can't commit to timeline. Still working on approach for setting up review

- Noted that this is taking a long time. Almost 6 months into the process and it's not set up yet.

Q: Are there any targets, for example to be done in 9 months or a year?

A: can't commit at this time. Process involves many people.

Q: will there be engagement with the parties?

A: Certainly with Diavik. Not certain how EMAB will fit in. Since EMAB initiated the review there will be some type of interaction with them through the process.

Noted that EMAB would like an opportunity to comment on the proposed review process.

Q: can you make a commitment to provide a timeline?

A: Will provide one by end January. Will send by Email.

Action item: LeeAnn to provide timeline for review by end of January.

2019 EAQMP Report

ES introduces item

Kofi presents Diavik's 2019 EAQMP, as well as information on the EAQMMP and Yellow Haze phenomenon

Q: Why did Diavik change from using BC dustfall guidelines, which were more stringent, to Alberta guidelines?

A(Diavik): Alberta climate more similar to NWT

A(Arcadis): reasoning for change should be documented in the report; however Arcadis disagrees with the change and think BC guidelines are more appropriate as they address mining.

Wasef presents Arcadis's review of the 2019 EAQMP

Key Points

- Concerned about removal of TSP from program
- Better evaluation of high dust events is needed

Discussion

- Diavik should assess where dust will likely be highest, then monitor these areas.
- Diavik noted that the sample sites are intended to be at such locations
- Arcadis noted that the 2012 air modelling would need to be updated following changes to mining activities to be sure the dust gauges are in the highest predicted areas for dust

- Report indicated truck traffic on the ice road was a major source of dust; the actual numbers don't show this eg. If this was the case location Dust-7 would have higher numbers.
- Arcadis recommends relocating some dust stations to determine the source of increased dust; they don't believe it's due to winter road truck traffic

- More information is needed to support the calculations of pollutants and greenhouse gases generated.

Yellow Haze

- Arcadis doesn't have specific details, but this is likely due to nitrogen oxides, produced during combustion, being trapped when there is an air inversion
 - Arcadis can provide recommendations on sampling this

Q: would ground conditions be same as those in the sky?

A: should be representative

- Diavik seems to be shopping for standards to follow
- Need more investigation of yellow haze; a photo
- Suggested EMAB recommend Diavik sample yellow haze
- Arcadis can provide direction on how and when to sample
- Noted that EMAB has already recommended Diavik sample the yellow haze and Diavik said it didn't exist
- Board can authorize staff and consultant to advise on whether EMAB is satisfied with respect to yellow haze

Motion: approve Arcadis technical review and recommendations on 2019 EAQMP Report

Moved: Violet Camsell-Blondin

Second: Marc Whitford

Motion carried

Board unsure how to follow up about yellow haze

- Table for discussion at later meeting, or if board wants Technical advice we have to approve a proposal for Arcadis review
- Unsure if Technical report will be useful if Diavik still denies there is a haze
- Hard to get new photos
- At October meeting Inspector noted he can look for Yellow Haze and will take pictures if he sees it
- Item tabled

Was there an action item to request a proposal from Arcadis on how to sample yellow haze?

13. Roundtable

Marc: no concerns no updates

Jack: meetings online due to covid are hard. No other concerns.

Charlie: same as Jack, issues with conference meetings

Kabiri: no updates, but wants to make sure to continue postponed air quality discussions

Action Item: ED to draft response to Diavik letter regarding EMAB's proposed budget for 2021-23

Meeting adjourned at 12:30pm