

WORKING WITH THE PEOPLE FOR THE ENVIRONMENT



Minutes – August 18-19 2020

Yellowknife Boardroom and by teleconference / Zoom

Present:

Charlie Catholique, *Chair*

Violet Camsell-Blondin, *Secretary Treasurer*

Laurie McGregor, *Alternate* (by phone)

Gord Macdonald, *Director* (by phone)

Sarah Gillis, *Director* (by phone)

Marc Whitford, *Director* (by phone)

Lutsel K'e Dene First Nation

Tlicho Government

GNWT

Diavik Diamond Mines

Yellowknives Dene First Nation

North Slave Metis Alliance

Absent:

Jack Kaniak, *Vice-Chair*

Kitikmeot Inuit Association

Staff:

John McCullum, *Executive Director*
(minutes)

Janyne Matthiessen, *Environmental Specialist*
(minutes)

Environmental Monitoring Advisory Board

Guests:

Bill Slater, Slater Consulting (Day 2)

Sean Sinclair, DDMI (Day 1&2)

Alice Legat, TG (Day 1)

Longinus Ekwe, TG (Day 1)

Abbie Stewart, MSES (Day 1)

Brian Kopach, MSES (Day 1)

LeeAnn Malley, GNWT (Day 1&2)

Ryan Miller, YKDFN (Day 1)

Myra Berrub, DDMI (Day 1)

Tuesday August 18, 2020	
Meeting at 9am at EMAB Boardroom and by teleconference	
1. Call to Order	
Meeting called to order at 9:20 am	
2. Approval of Agenda	
Chair reviews agenda	
<ul style="list-style-type: none">Additional item to discuss EA amendment added to end of day 1	

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Motion: *to approve agenda for August 18-19 meeting*

Moved: Violet Camsell-Blondin

Second: Laurie McGregor

Motion carried

3. Conflict of Interest

No conflicts declared

4. Minutes of Previous Meeting

Motion: *to approve July 8-9 meeting minutes:*

Moved: Laurie McGregor

Second: Charlie Catholique

Motion carried.

Executive Director (ED) reviews action items

Tlicho representative notes that TG is working on a Party support letter for EMAB to continue during closure. Request that copy of most recent letter be sent to Violet.

Action Item: send copy of most recent request for Parties to send letters of support to EMAB regarding continuing after operations cease at Diavik to TG.

Secretary Treasurer (ST) notes that ED could have higher signing authority so that he can do more work without having to go to the board for small decisions such as upgrading computers. Wants to make a motion to increase spending authority of the Executive director.

Action Item: ED and ST will discuss this offline and add an item to the September meeting

Diavik Party rep will provide documentation of delegation by Diavik President.

Environmental Specialist (ES) reviews outstanding recommendations. None at present.

5. Finance

ST reviews the 2020-21 budget changes

- Noted that workshops on hold or cancelled due to COVID-19, most workshop funds reallocated.
- ICRP funding increased, funds reallocated from WMP workshop budget

Motion: *To approve budget changes as presented:*

Moved: Charlie Catholique

Second: Violet Camsell-Blondin
carried



Marc Whitford joined the meeting

ST reviews audit updates

- Amortization added as an expense (\$1904)

6. Draft 2-year Budget

ST reviews revisions to the 2021-23 budget.

- Workshop funds deferred.
- Added review of ICRP design plans to budget.

Input from Board welcome. Budget will be finalized at AGM in September.

Noted that it would be good for EMAB to meet in communities. Budget provides for one Board meeting in a community each year. Right now, COVID prevents meeting in communities.

Break 10:25-10:45am

7. TK Water Quality Criteria

Myra Berrub and Sean Sinclair (DDMI) joined the meeting.

Sean and Myra from Diavik present on TK water quality criteria for pit lakes.

DDMI's goal is to align with EMAB before moving on to the next stage

Q: How come criteria 3 session 1 doesn't include TK Panel testing water?

A: We won't be sure if it's safe before session 1. Session 1 is just observations right after pit flooding. At session 2 the water will be more settled and we will have a better idea if the water is safe enough for taste testing.

Q: When does this start?

A: Aim to start filling the pit in 2026. TK monitoring would likely start in summer 2027. Not sure how long it will take to settle.

Q: Are there plans to check pit water quality after pit reconnection?

A: Yes, will be decided during Water License amendment hearing process.

Q: Which pits are filling and when?

A: Planning for PK in A418.

Noted that the water quality monitoring could change after the Water Licence hearing. DDMI only plans to do toxicological studies on pits that have PK in them. All other chemistry testing will occur in the other pits just not toxicological.

Q: On the second slide it says water healthy/unaltered. What does unaltered water mean? Before depositing

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PK, baseline?

A: Interpretation could vary and that is up to the TK panel. We think we would be asking the Panel to compare the pit lake to LdG at closure. Not LdG at baseline.

- Noted that it might be worthwhile for Diavik to clarify that language.

Q: Will you be discussing this with non-PA signatories?

A: Yes, the first meeting is next week

Engagement on Criteria

Noted that Diavik has already met (virtually) with all PA communities and presented summaries of TK panel recommendations. DDMI is proposing to build on those with non-PA communities. Proposing 2 half day virtual workshop sessions with facilitators for each PA community and other intervening communities. Following this Diavik would share the results with EMAB.

- noted that DDMI is currently working with TG to confirm dates and participants for workshop.
- Concern that communities don't have the budget for the meetings.
 - Diavik noted they will provide honoraria for TK elders, and expect that other TG staff could participate.

Discussion on Engagement Protocol:

- Diavik is working on engagement protocols for the workshops
 - YKDFN is also looking at it. Noted that YKDFN does not think the protocol is sufficient for them to participate at the levels they would like. They will make a specific request
 - TG is preparing comments
 - Noted that the MVEIRB measure says that Diavik will 'support' involvement, it doesn't specify that Diavik will fund. Unknown if the vague terminology was used purposefully.

Concern that with COVID it seems like there is less discussion with community, and only EMAB and Diavik are discussing this issue. Clarified that Diavik has met virtually with each PA community.

- Noted that communities do not like the COVID virtual format; it is too restrictive

DDMI would like EMAB recommendations on the 3 criteria

- Members feel it would be good to see what the communities say before making recommendations.
- Concern that community members and TK Panelists do not fully understand the situation
- Some members don't want dike breached
- Board members prefer to wait to see what communities think.
- DDMI suggests EMAB members come to respective community meetings.

8. WMMP Update

Abbie Stewart and Brian Kopach from MSES joined the meeting

Allice Legat from TG joined the meeting

James Hodson and Hamsha Pathmanathan from ENR joined the meeting

Noted that Kofi Boa-Antwi is now Environment Superintendent and Sean Sinclair is working on closure



preparedness.

Diavik presents on the WMMP

- Continuing to meet EA / WMMP requirements
- Table included that shows how Diavik is doing this.
- TK was built in from the beginning; there are no separate programs
- They will focus on TK Protocols during closure

Discussion

- MSES consultants found that DDMI included most of their recommendations.
- 3 topics need more discussion: caribou behaviour, migration/deflections, ZOI.
- Behaviour:
 - One recommendation with respect to data analysis was not fully addressed. However, MSES thinks that may only be able to be addressed through future data DDMI collects. The issue is data quantity and quality
- Migration/deflections
 - Noted that distribution monitoring is absent from table 1.4-1
 - Not clear if all parties came to agreement about removing deflections
 - Clarified that ZOI covers distribution; migration/deflection is different
 - MSES is ok with the removal of E/W deflection monitoring. Doesn't help to test predictions about energetics.
 - Diavik will speak to this more in response to recent EMAB recommendations
 - MSES felt the data was useful
 - Diavik should report on the CSR prediction from time to time
 - Verify whether the prediction is continuing on trend
 - DDMI notes this is not in the WMMP anymore; suggests submitting that as a formal recommendation
- ZOI

Q: how far back will DDMI look at collar data?
A: they won't look at old data. They just did an analysis of the old data and future monitoring will be with new data.

 - Clarified that next re-analysis will be in the 2022 comprehensive analysis.
 - Noted that Boulanger did an analysis with data up to 2017 (presented at 2018 Regional Wildlife Workshop). Diavik would go forward from there.
 - Will Diavik use same methods as Boulanger in 2017
 - Not sure yet.

Q: Under caribou habitat you talk about lichen and vegetation. What types of vegetation?

A: Not sure about specific species but they analyze all vegetation on the vegetation plots. Species can be found in appendix I of 2016 WMP report.

Q: how many comprehensive WMP reports will there be before closure?

A: schedule not worked out but likely 2022 and 2025, then we would shift to a closure wildlife monitoring plan.

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Q: Are we more accepting of Boulangers 2017 analysis, saying the ZOI is 14km, or Diavik's new analysis saying there is no ZOI? What happens if Diavik's analytical method doesn't match Boulanger's?

A: we will have a better idea once we have access to Boulangers new analysis

GNWT notes that they are trying to reconvene the TTG ZOI group this fall. From their perspective the jury is still out on aerial survey vs. collar data.

Agreed to review TK Component of new WMMP at September meeting

Meeting Adjourned for the day at 12:30pm

Wednesday August 19, 2020

Meeting at 9am at EMAB Boardroom and by teleconference

9. ICRP review & discussion

Bill Slater joined the meeting

ED provides background information. Randy, Gord and EMAB staff met to discuss Diavik's responses to Randy's comments on ICRP 4.1. Bill, Gord, Sean and EMAB staff met to discuss Bill's comments.

Noted that Randy Knapp not available to present his comments. He only made about 10 and revised a couple. Diavik said they plan to submit a PKC Design, Revegetation Design and SWRSA Design in March/April of 2021. Randy has noted he will review these when they come in.

Main topics for discussion & clarifying EMAB views:

- Mixing zones: 237 square ha. Huge size reduction since ICRP version 4, but still a big area. Diavik notes that this area represents 0.2% of Lac de Gras.
- PKC: hoping that outstanding questions will be addressed in design plan
- Revegetation: aesthetics and how much EMAB would like to see revegetated.
- Contaminated soils: what to do with them
- TK monitoring: how will programs be designed?

Bill notes that the August 10 call was useful for updating comments and clarifying concerns

ED notes there are additional EMAB comments in this item. At May meeting EMAB directed staff to go through comments on ICRP 4 and see what wasn't addressed in 4.1. Noted that staff have been working on this but it is not finalized.

ED notes he was envisioning consultants' comments would be approved at September meeting, but they could also be approved now.

ED reviews EMAB comments on ICRP 4 vs 4.1.

- Concern whether it includes comments that WLWB has already provided direction on.
- Noted task was challenging and it was difficult to assess which items were part of WLWB direction.

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Discussion to clarify EMAB's position on contaminated soils:

- DDMI is wondering what Ekati is planning to do with the soil once its remediated. If they're using soil for reclamation that makes sense. DDMI has no use for soil at closure so it would be buried. Seems useless to treat soil to agricultural standard just to bury it.
- ED is wondering if Board is comfortable if remediated soil is used for revegetating?
 - o DDMI prefers burying
- Board member agrees it would be a waste of energy to treat it then to bury it.
- ED notes that another option is to ship it off site.
- March 2019 EMAB minutes say treat to agricultural standard OR ship it off site if it doesn't meet the standard.
- ED's recollection is that people want it treated to the Agricultural standard. People from communities don't want anything buried on site, let alone contaminated material.
 - o Board member is wondering if the initial discussion in March 2019 included what they would want done with the soil if it reached agricultural standards.
 - Noted that this was not discussed at that time
- DDMI notes recollection of March 2019 discussion is that EMAB wanted DDMI to put in their best effort to landfarm. A minimum requirement to landfill should not be agricultural standards.
- DDMI notes that if the soil did not meet the requirement for landfilling (industrial standard?) it would have to be shipped off.
- Noted that landfill will be covered in 4.5m of till/rock

Violet left the meeting

Q: where will HDPE go?

A: landfill, unless it has a salvage value. Diavik is still working out what is salvageable. Transport costs need to be included in assessing salvage value

Q: What about copper, pipes, wires?

A: same.

Q: will contaminated soil be replaced?

A: this is material where there have been spills. It will also include any contaminated soil they come across during clean-up. Right now, there is about 1300 cu. M. in a lined containment area.

ED continues review of comments from ICRP 4 that were not addressed in Ver. 4.1

Noted that Bill will recommend a robust TSP monitoring program

Discussion on vegetation palatability

- If wildlife are in the area does that mean the vegetation is palatable?
- Observations don't say caribou are seen eating
- Would have to compare to other vegetation to see if its palatable



Break 10:35-10:45am

Item 12 (added item): EA amendment update

Lee Ann Malley presents status update of EA amendment

Discussion

- GNWT providing monthly status reports
- Currently backed up again. Right now, the French translation is being reviewed. GNWT and Canada are also working out the wording of the cover letter.
- GNWT can't guarantee it will be ready by AGM but are motivated to have it done ASAP.
- Concern that 45 days may not be enough time for review
- The 45-day period is a proposal. People can request extension for reviewing

Q: if it's just the French translation holding it up could we possibly still review the English version at the AGM.

A: it's possible but if a translation is requested and unavailable then it would look disorganized on GNWTS part.

Q: What if there are disagreements among the Parties about the amendment?

A: GNWT would want to discuss that with the parties. There is a requirement by all parties to work in good faith to update that EA in terms of devolution

- Noted that Lutsel k'e didn't agree with devolution so there may be some issue there
- Noted that Canada still remains a Party to the agreement

Item 9: ICRP Review/Discussion con't

ED continues review of comments from ICRP 4 that were not addressed in Ver. 4.1

- Board member wonders if it's the best to keep reviewing each individual comment or if Board should discuss the major issues listed in the item summary.
- Noted it may be better to finish this review when the table is complete.

ED reviews outstanding items for discussion on ICRP background summary

Board Discussion

Mixing zones:

- Does EMAB see 237ha (10X smaller than ICRP 4.0, 0.2% of LDG) as acceptable
- DDMI notes that if mixing zones are not allowed the alternative is water treatment for perpetuity, which means people and infrastructure on East Island forever.

Q: What about further reducing the size of the mixing zones?

A: Possibility of rerouting water to LDG at different locations, it wouldn't change the total area but would reduce the size of each area.

- Noted it's a requirement that mixing zones are not acutely toxic

ED notes it would be good to have board input on this.

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Revegetation:

DDMI says revegetation of the NWRSA and SWRSA is an open question. Would like board thoughts on if PKC should be revegetated.

- Current options are for wet or dry cover, but revegetating could be a different plan.
- Ekati is vegetating directly on PK

Q: what will be used for vegetation

A: mix of native grasses, spread on roughed up ground

- Noted it will take a very long time for natural revegetation to occur on rock surfaces like the waste rock piles.
- Areas targeted for revegetation will not be enhanced with peat.
- Noted that EMAB should make a collective opinion on recommendations related to this.

Board would prefer to wait to discuss this at the next meeting, and after the table is finished.

PKC closure, contaminated soils, TK/community monitoring not discussed.

Same key points should be discussed at the next meeting.

Noted board will review information and discuss these issues at Sept 9-10 meeting. Recommendations need to be finalized by September 15.

ED will circulate table when complete. Diavik can respond and any corrections can be made. The table and key points will be included on the September meeting agenda.

Item 10: Annual report review

ED: I am hoping to get some comments for revisions on the report so it can be ready by the AGM.

Many board members have not had an opportunity to review the report.

Board members will send in comments by Friday August 21. The text can be approved by email motion or conference call.

- Board member notes they will not have time to review the whole report by then. He has been through the report card and is concerned about negative bias and need for fact-checking.
- Noted that ICRP section in the Report Card seems overly harsh considering consultants have said the ICRP is greatly improved and overall a pretty good plan.
- Noted it would be good to highlight Diavik's AEMP action level scale in the Report Card

Concern about if Board members are meant to be fact checking the material?

- Do consultants fact check the material?
- Usually the process is that Staff write the report as we are most familiar with the issues, and the board reviews and makes comments for revisions.

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Q: can we provide comments and review at the AGM?

A: We're trying to have it finalized by then.

Board will provide comments by end of day Friday.

Item 11: Roundtable

Marc/NSMA

- New to the board
- NSMA has had interactions with territory and federal governments
- COVID has slowed things down
- Community got some caribou meat
- Fish fry was cancelled but community already had the fish so we've all been eating lots of fish
- We're working closely with Diavik and other mines

Charlie/Lutsel k'e

- Not much happening in Lutsel k'e
- A lot of people were out on the land but more people back in town now
- Soon will update chief/council on EMAB; waiting for them to schedule something

Sarah/YKDFN

- Lost a staff over summer so it's been difficult to keep up with things
- Tomorrow presenting to chief/council about Diavik PK to pits project
- Working on engagement protocol
- Figuring out how to engage more with community during COVID
- Will not be able to attend AGM, YKDFN moved all their field work to early September.

Meeting Adjourned at 12pm