

WORKING WITH THE PEOPLE FOR THE ENVIRONMENT



Minutes – October 16-18 2024

Yellowknife Boardroom and by teleconference / Zoom

Present:

Charlie Catholique, <i>Chair</i>	Łutselk'e Dene First Nation
Marc Whitford, <i>Vice-Chair</i>	North Slave Métis Alliance
Violet Camsell-Blondin, <i>Secretary-Treasurer</i>	Tłı̨chǫ Government
Sean Erasmus, <i>Director</i>	Yellowknives Dene First Nation
Baba Pedersen, <i>Director</i>	Kitikmeot Inuit Association
Tara Marchiori, <i>Director</i>	Diavik Diamond Mines
Laurie McGregor, <i>Alternate</i>	GNWT-ECC

Absent:

Kelly Fischer, <i>Director</i>	GNWT-ECC
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Staff:

John McCullum, <i>Executive Director</i>	EMAB (minutes)
Allison McCabe, <i>Environmental Specialist</i>	EMAB (minutes)

Guests:

Sean Sinclair, DDMI (Day 1, in person)
Jennifer Kirk, Arcadis Canada (Day 1, by phone)
Megan Cooley, North-South Consultants (Day 1, by phone)
Bill Slater, Slater Environmental (Day 1, by phone)
Wasef Jamil, Arcadis Canada (Day 2, by phone)
Imran Maqsood, GNWT-ECC (Day 2, by phone)
Brian Kopach, Roam Ecology (Day 2, by phone)
Nicole Goodman, Diavik (Day 2, by phone)
Nicki Barbour, State University of New York (SUNY) (Day 2, by phone)
Elie Gurarie, SUNY (Day 2, by phone)
Megan Perra, SUNY (Day 2, by phone)
Nancy Njerere, ECC (Day 2 & 3).
Ryan Fequet, WLWB (Day 3)
Anneli Jokela, WLWB (Day 3)

October 16, 2024

Meeting started at 1:42 pm at EMAB Boardroom

Chair opens meeting at 1:42 pm

Item 1: Approval of Agenda

Chair reviews agenda.

- Item 4 - cancelled
- Comments on draft EAAR review due by Oct 30; ES may give short update if there's time



Motion: To approve the agenda for October 16-18'24 as amended

Moved: Marc Whitford

Seconded: Baba Pedersen

All in favour, motion carried

Item 2: Conflict of Interest

No conflicts declared

Item 3: Minutes of Previous Meeting

ED presents draft minutes from Aug 22-23'24 meeting

Motion: to approve the Aug 22-23'24 Board meeting minutes as presented

Moved: Marc Whitford

Seconded: Tara Marchiori

All in favour, motion carried.

Action Items

ED presents Action Items

- DDMI - Have had 9-10 applicants for Jack Kaniak scholarship. Selection Panel still needs to choose recipient.

Outstanding Recommendations

ES presents outstanding recommendations:

Yellow Haze

- Yellow haze letter - does Ekati monitor for NO₂ and SO₂?
 - Set up a remote camera instead of having someone go out every day to take photos every day of yellow haze. Mines may already have cameras.
 - Edit letters to reflect specific wording in GNWT decision letter e.g. "ECC has directed DDMI to monitor for NO₂ and are encouraged to monitor for SO₂"; they did not specify DDMI sample for yellow haze.
 - No sampling evidence that yellow haze is from NO₂ or SO₂; that's why monitoring is needed.
- Q. Is yellow haze unique to DDMI?
- A. No, can happen anywhere cold; sometimes observed in Yellowknife.
- Concerns that Indigenous people have on-site are important
 - EMAB should revisit this item once letters re-drafted. ES to go back and look at original letter EMAB sent to ECC and maybe re-frame letter (e.g., ask ECC to provide a rationale for why they didn't address yellow haze directly), check if EMAB mentioned yellow haze in first letter requesting investigation
- Does Diavik collaborate with Ekati?
- A. Yes
- Some disagreement on whether Ekati and DDMI collaborate on their air quality monitoring programs; DDMI believes they do collaborate. EMAB notes collaboration hasn't been the same since COVID.
 - EMAB could ask Ekati/IEMA if yellow haze an issue at Ekati

Action Item: ES to revise yellow haze letter as per Board discussion and send to Board for review.

Action Item: Look into Ekati monitoring of yellow haze.



Fish Camp Recommendations

- Letter was drafted and sent to Chair
- Hold off on letter until after Fish Camp verification session; results may affect letter

Action Item: Hold off sending Fish Camp Recommendations letter pending possible revisions after verification session.

5. Water Quality Workshop

ES introduces item

Sean Sinclair from DDMI presents pre-workshop materials

- Q. Where does water flowing from Diavik meet drinking water standards in LdG?
- A. Water flowing from mine site won't meet all requirements until edge of mixing zone.
- Big question is whether drinking 32-38 liters in a year would be safe.
 - DDMI is moving ahead with monitoring to get water quality data; Pond 2 and 7 being breached
 - Catchment-specific criteria was calculated for each pond
 - Mixing zones will likely be much smaller than Arc 1 from model. Will re-draw after plume study shows real mixing zone.
 - Where back-calculation was higher than acute toxicity benchmark, criteria was capped at benchmark
 - This is DDMI's understanding of what WLWB wanted. Where we've capped at acute benchmarks, there is greater risk of exceeding, especially uranium. DDMI thinks uranium benchmark is lower than it needs to be; have way higher levels that don't show acute toxicity. Acute toxicity should be verified by acute toxicity tests, not numerical guidelines. If not, we could be exceeding our benchmarks even though there is no toxicity to aquatic life.
 - Most criteria would be reasonably achievable except uranium
 - Canada provided all their uranium toxicity data; many instances of exceedances without evidence of toxicity to aquatic life. Note that Canada doesn't have uranium discharge limits, they use acute toxicity tests
- Q. Are Boron and Barium a concern?
- A. Not identified as a concern at DDMI; was screened out
- Ponds 2 & 7 – Next year will be first year of discharge. Weekly sampling of discharge, monthly sampling at mixing zone boundary starting in 2025.
 - Also, DDMI has proposed a plume study method, which is in review
- Q. When employees change, will the same things always be looked at?
- A. Yes, these criteria all go through regulatory process; it's included in licence/closure plan. There will be a written methodology in place; same procedures will be used even if staff change.
- Q. How will this fit into water licence? EQCs or SWALF?
- A. These would be closure criteria. Issue of EQC – if we want to change a single number, process takes a year; don't want to get stuck in amendment loops. Main difference between "EQC" and "discharge criteria" – is administrative. E.g., EQC cannot be exceeded; EQC is more logical to apply to an operating mine that can "turn taps on and off". At closure, idea is that source controls manage risks so that runoff will be safe; so, we don't have to collect and treat water forever – perpetual treatment would not be a success in DDMI's view.
- Q. Is Diavik confident these source controls will work?

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- A. Yes, but understand people won't trust DDMI until we have performance data; that's why Ponds 2 and 7 were breached and monitored.
- Q. Are discharge criteria as enforceable as EQCs? What are the different enforcement aspects?
- A. Would have to ask inspector. SWALF includes action levels, which Diavik thinks are equally enforceable.
- Q. What kind of actions could you take if runoff exceeds criteria?
- A. Re-build dam; could take a while. Then we'd be evaluating, and consider reverting back to water treatment in perpetuity contingency
- Q. Are concentrations expected to decrease over time?
- A. Have modeled the same over time to be conservative, but logically concentrations will decrease over time. Lots of conservatism layers in model; have 100-year climate change scenario modelling
- Recommend increasing looking at worst case scenarios due to climate change
- Q. What if we have 5 bad climate events? Can designs stand up?
- A. DDMI developed PKC spillway in 95th percentile 2120's climate change and 1/10,000-year storm event scenario
- Recommend going above and beyond, over-engineer
- Q. After WLWB re-defined the mixing zone to either 100 m or 5 m depth – did you need to re-evaluate dilution factors?
- A. No, we can't. All we have is what model gave us, but key purpose of special effects studies is to verify what the model says for dilution.
- Q. During DDMI's selection process, predicted concentrations are based off the models? How confident is DDMI in screened-in POPCS? Until DDMI has data, would it not be better to have criteria for all parameters based on what's present in the mine, rather than prematurely screen out POPCS?
- A. DDMI provided achievability tool dataset of all historical data of ponds (20 years data) and range of predictions. We're continuing acute toxicity tests, so if things start dying, but criteria are normal, we'd re-visit our criteria and investigate the cause. Also, DDMI only did first 2 screening steps. If we added steps 3 and 4 to DDMI discharges, no parameters of concern would screen through.

ES reviews EMAB positions on Water Quality Workshop topics

Thursday, October 17, 2024

Meeting started at 9:00 am at EMAB boardroom and by teleconference

Meeting opened at 9:00 am
Roundtable introductions

Item 7. Updated Wildlife Monitoring and Management Plan (WMMP) Review

Nicole Goodman from Diavik and Brian Kopach from ROAM Ecology join meeting by phone. Nancy Njerere from ECC also joins.

ES introduces item

Nicole presents overview of revised WMMP. Main change is to remove Zone of Influence (ZOI) monitoring and analysis.

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- Q. Could DDMI describe ZOI? Is it a certain size and shape around mine site?
- A. ZOI is measured based on caribou collar data, measure of extent of area around mine that caribou would avoid, potentially due to mine presence. The closer caribou come to mine, the smaller ZOI is and vice-versa. Varies a lot year to year (e.g., 0-14 km). Because it varies so much without changes to mine activity, DDMI is saying it's not a helpful number for how we interact with caribou.
- Q. Does DDMI use trail cams and to what extent. Could this help monitor ZOI?
- A. No, DDMI is a compact site; staff have good visibility of any caribou on site and there are field sheets with observations Diavik can provide. TG recommended using trail cams/drones for caribou trails on top of NCRP to see where caribou are going.
- Trail cams/photos would be helpful in explaining to people
- Q. Is there much drone technology involved at this point or is this a future idea?
- A. Drones not currently used for this program. Community members are concerned about possible disturbance to caribou. However, if caribou trails are present, the drone could be used to see where trails are going.
- Snowmobiles and helicopters also disturb caribou. Quiet drones? May be better tech now, less intrusive and quieter, that could be used to monitor
 - Drone battery life is very limited in winter (only 15 mins)
 - May be some new drone models with longer range (looks like airplane) with wings that can support itself flying longer
- Q. Do we know what percent of caribou have collars?
- A. Not sure, it's small though. Less than 50 caribou (less than 1%), there are community concerns about disturbance, collar weight. Collars are put out by GNWT, Diavik accesses the data.
- Q: How did DDMI measure ZOI before collars?
- A: Historically, aerial surveys
- Q: Are collars only option?
- A: Aerials are an option, but were discontinued long ago due to small size of herd and potential disturbance.
- Q: Does DDMI still do caribou monitoring regardless of ZOI info
- A: Yes, we still do large scale behavioural analysis, but we don't calculate ZOI. Still log and track all interactions; have blast exclusion, stop vehicles/close roads; gently deter caribou if in dangerous area
- Q. Maybe a question for GNWT: does everyone just get raw caribou data?
- A. DDMI not sure (e.g. filters, anomalies); the data share agreements will state
- Noted that a lot of Indigenous people don't like the collars.
 - DDMI gets map once per week of caribou location
- Q. Wolf tracking data is also useful to locate caribou?
- A. Have not seen any wolf collar data. But can't say for sure wolf presence = caribou. Don't think we could incorporate it into statistical analyses.
- Could be useful info, especially for TK monitoring group going forward.
 - LKDFN Wildlife and Lands didn't support more collars on caribou. Now we have parks (East Arm) and land guardians. Want to see what kind of animals are there. Set up trail cams all around. Quiet, not disturbing. We could go that route (cameras), that won't scare caribou.
 - DDMI doesn't think trail cams add value; staff are out there 24/7 driving and report caribou sightings.
- Q. Do staff take pictures of caribou seen on-site?



- A. When staff see a caribou, they radio environment team. Then env't team goes out and does near-field scan and takes photos, but photos aren't a requirement. But we do take coordinates. And we report on this in a map in the annual report.
- Would be good to see this map, photographic proof is beneficial for all involved
 - DDMI can send compilation of photos taken this year
 - Want to see all info; how many caribou are seen each year?
 - This is all included in DDMI's annual wildlife report

Action Item: Send 2023 WMMR to KIA member.

Roam Ecology presents review

- Have some preliminary questions for DDMI; still developing formal comments
 - DDMI presented a new method for ZOI analysis last year; then dropped it entirely
 - DDMI stated for most of ten years that there was no ZOI; and is now stating ZOI is variable based on Boulanger analysis
 - DDMI suggesting that ZOI is not a monitoring requirement under Wildlife Act; however, Act requires monitoring for indirect effects e.g. sensory disturbance. ZOI is an indirect effect, not clear how else they're monitoring indirect effects.
 - Aerial surveys were used in 2012 paper and DDMI was collecting this data but the sampling was inadequate for the study area. Then Diavik went to collar data, and said there is no ZOI.
 - Same with near-field and far-field behavioural monitoring debate: what about audiloggers, accelerometers that provide fine-scale data? No mention in WMMP. Since it's hard to get far-field data, its been insufficient to collect data for analysis from year to year. Haven't seen any methods on how to improve the far-field data.
- Q. What analyses will be used for the near-field data? In Appendix A it says data will not be used in any DDMI analysis?
- A. Not proposing to look at near-field data in operations. This current WMMP is for operations. We will address/compare at closure.
- DDMI may have an over-reliance on incidental observations. Can accept during operations this is appropriate. But at closure remote cams will need serious consideration due to low staff presence.
 - DDMI: Ultimately, ZOI monitoring does come back to GNWT. Diavik found no ZOI, Boulanger found a variable ZOI. Diavik proposed a methodology to GNWT, but they did not accept it. If there were guidelines on how to do it, we would, but GNWT hasn't provided any. The last ZOI Committee meeting was in 2021. The problem is lack of GNWT direction.
 - Note that Boulanger analysis was published but Diavik's was not. DDMI never responded to published data
 - DDMI – hard to see how ZOI ties into any form of mitigation
- Q. Do any diamond mines have ZOI methodology that's acceptable?
- A. DDMI – understanding is neither Gahcho Kue nor Ekati have set methodology. GK has an approved WMMP but Ekati does not. Ekati also in approval process with GNWT.
- Ekati-DDMI complex complicates analysis; would assume they are directed to do same thing
 - What is point of both mines calculating same thing in a different way?
- Q. Did DDMI see any difference when Ekati was mostly shut down during COVID?
- A. DDMI – didn't calculate.

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- Boulanger paper is 2021 – shows variable ZOI; based on collar data till 2017
 - Have been working on this for a long time, by now we should be able to say definitively what the ZOI is.
 - With the need to apportion impact to individual mines, it's challenging because the effect is cumulative, and maybe more effective at that scale. Individual proponents vs. regional effects – tricky
 - When Brian finishes review, maybe we can propose that ZOI Committee meet and get this sorted. Maybe not entirely GNWT's fault. There are two companies on committee who deny ZOI exists. Mining companies fighting tooth and nail to say it doesn't exist or doesn't matter. Committee should still get together and GNWT should make a decision.
 - DDMI: if there was a clear straightforward methodology, this work would have been done a long time ago. Don't know what we could do to mitigate ZOI, since it varies year to year. Already have speed limits, suppress dust, etc.
 - Maybe finer-scale data on caribou and sensory disturbance could be tied in real time to caribou location e.g. "is blasting at the mine affect caribou 7 km away" – this is getting harder to do as mine shuts down. Maybe we could put acoustic recorders around. But this would be for a future mine down the road.
 - EMAB has an intern Megan Perra – her field is acoustic monitoring and audilogger to attach to collar that measure movement and sound. Will be interesting to see what they say. Will be at 2:45 today if anyone wants to sit in.
- Q. Why isn't there trail cams around boundary of property?
- A. We have lots of people on site to report sightings
- Doesn't that argument only work if caribou are near?
 - Can't see 7 km away from trail cam
- Q. For geofenced collars, how close to site do caribou have to be for increased locations?
- A. 3 km – location every hour
- A. 30 km – location every 8 hours
- Don't understand reluctance to put out trail cams; a picture is worth a thousand words, it makes a big difference; they're not expensive
 - DDMI – heard loud and clear; we will look at trail cams in future
 - Charlie – was on muskox survey in March. Saw caribou moving towards Snap Lake and Gahcho Kue, very little near Diavik. Caribou seem to have changed their route. Good to have methods that don't disturb caribou; BOTG uses best method – Elders do direct observation on the ground TK Monitoring could do this at Diavik.
 - Noted that the TK Working Group has discussed that approach.
 - Good to monitor caribou onsite with Elders. We should do caribou tasting in Sept. when they are around; need to focus on caribou.
 - Could do both, TK and science are both EMAB's mandate
 - Winter road should be just used for mining (closed to public), that will help with caribou
 - DDMI doesn't have jurisdiction over road
 - EMAB could make a recommendation

BREAK

Item 8 – 2023 EAQMP Report

Wasef Jamil from Arcadis and Imran Maqsood from ECC join meeting by phone.

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ES introduces item

Nicole from DDMI presents 2023 report

- 2023 dust lower than 2022, due to less activity (e.g., A21 surface mining stopped)
 - Solar farm expected to save 1 million liters diesel per year
- Q. Very first sentence in report - says air quality data was collected since 2001? EAQMP started in 2013. What was monitored between 2001-2012?
- A. Dustfall under AEMP, NPRI, GHG
- Q. Report also states "EAQMP not part of regulatory instrument" - Can you explain statement?
- A. There were no guidelines in 2023. The programs under air quality were through other instruments like AEMP. We have this statement in the report every year. If this is getting into legal stuff I can't comment.
- Should mention Environmental Agreement.
- Q. 2023 compared to 2022 but if we look, you're required to provide a rolling summary and analysis of data of life of mine to show trends; I don't see this in report. Can you please explain that?
- A. That's included in annual EA report which go to EMAB and GNWT, not in this report.

Wasef presents review of 2023 EAQMP report

- Q. How many liters per year of diesel are used for blasting?
- A. Will circle back and follow up with EMAB
- Q. Since you're ramping down, can you project how much diesel you'll use till closure?
- A. In terms of power consumption, there will be approx. 85% decrease after closure; biggest use is dewatering underground mines (which will stop after closure).
- Q. Which dustfall guidelines were used?
- A. Alberta
- Noted that the report says GNWT Guidelines were used
- Q. EMAB has been asking for a copy of the calculation spreadsheet for NPRI and GHG calcs. Is there an issue with EMAB getting these? How can we resolve?
- A. It's complicated, the way we calculate is on federal published instructions
- Q. So, DDMI doesn't have the spreadsheet?
- A. We do, but it's complicated
- Q. We just want to make sure the numbers being used are correct, to validate results and see how the figures are arrived at by reviewing the spreadsheet.
- A. Diavik uses most up-to-date calculations every year. Doesn't seem like a good use of time to have someone watch while we do calculations
- The request is for the data
 - Wasef would like spreadsheet
 - DDMI can discuss and get back to EMAB

Wasef will send report by Oct 25.

Action Item: Board to review Arcadis report when it is submitted and approve by email motion.



Item 6. Water Licence Inspection Update ES presents item.
Item 12. Annual Report Update ED presents item
Lunch
9. Finance Secretary-treasurer presents item. Proposed budget revision Q. For Board accommodations – can we budget to have a suite instead of a room (for kitchen) to save on per diems? A. Policy is EMAB pays for room, and provides a per diem for meals. <ul style="list-style-type: none">• Chair – we can consider Q. Professional fees – what is that? A. It's legal advice. Higher because we asked lawyer about WLWB issue (EMAB/DDMI working relationship cited in RFD). Expecting lawyer to have recommendation for Board tomorrow, its up to Board if they want to pursue or not. Q. No line for Board to participate in conferences, we should have this, even just for local ones (e.g., Geoscience). A. There's a line for it, but it's \$0. EMAB has a policy, but Board members need to apply with justification and funds would have to be allocated from another budget line. <ul style="list-style-type: none">• Would be beneficial to promote EMAB, go network, lobby, ask questions, have one-on-one conversations. Entire Board should attend.• Might be good to promote EMAB after TK Monitoring Plan is in place.• ED will cost out attending a conference by December meeting<ul style="list-style-type: none">• Good to present at PDAC as well; maybe next year.• Annual Water Stewardship Conference also noted. Q. Request for business cards? Provides exposure for Board. Charlie, Sean, Violet, and Baba like one. A. Put a line item for registration, meals, fees etc. for Board members to attend forums and conferences. Probably won't have too much trouble from Diavik to add that in. <ul style="list-style-type: none">• Maybe we can collaborate with Diavik, and they could help fund• There is a clause to ask DDMI for more funding, but until we have more numbers we can't apply Action Item: ED to look into costs for whole Board or one Board member to attend PDAC or Geoscience by December meeting. <ul style="list-style-type: none">• We could re-allocate or request funding Q. All the money in our current envelope of funds are accounted for up to march 31, 2024? A. Yes; but could pull money from another item or request/seek additional funding if Board decides



Motion: To accept the proposed revisions to the 2024-25 budget as presented

Moved: Marc Whitford

Seconded: Tara Marchiori

All in favour, motion passed

10. Recommended two-year budget

ED presents item

Q. What can be done with unspent FCRP review funds?

A. Waiting for Diavik to submit revised FCRP documents; right now, costs for WQ and Revegetation workshops are only definite expenses.

- When EMAB applies for a 2-year budget, anything unspent at end of 1st year rolls over to 2nd year
- Business rules also say we can roll over unspent funds for reviews expected to be done in year 2 that aren't done till following year.
- What is honoraria for party reps? Who decides on who comes? Didn't know that was allowed.
- Yes, there are per diems, honoraria for party reps; Party leadership decides who comes
- Can KIA get an alternate?

Action Item: Draft letter requesting KIA appoint Board alternate.

- ES specialist retention – Personnel Committee consider whether to recommend increasing salary range

Q. Does 2024-25 budget need to reflect ES salary increase?

A. ES receives salary increases based on performance and for inflation. The increase would be for the salary range for the position

- Support increasing salaries for retention

Q. What about inflation?

A. EA allows increasing budget by rate of inflation for previous budget period. EMAB can also request additional funds.

Q. Should EMAB discuss EMAB winding down in budget description?

A. Premature to discuss now; it's Minister's decision

- Could conceivably happen in 2026-2027; but not sure
- There's an opportunity with the TK Monitoring for EMAB to continue on, if EMAB is on Board with that

Q. Should EMAB have backup budget plan when commercial production ceases?

A. Advise against; budget is based on existing information.

11. Caribou Behaviour Monitoring Intern

Megan Perra, Elie Gurarie and Nicki Barbour joint meeting

ED introduces item

- Elie and Nicki present slides "Fate of the Caribou Project": Presented animation of caribou crossing roads at different times of year. They try to put numbers (permeability) on each road from 0-1 based on movement data. Roads tend to not be permeable at all when busy (winter)

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- How does permeability impact arrival time to calving grounds? If permeability = 0, that means there is a 26-day delay to get to calving grounds, and only 21% would make it there. If permeability is 0.5, that would mean a 3-day delay, but all caribou make it to calving grounds.
- Trying to look at mines to develop scenarios to inform design/impact mitigation
 - Q. Who does Elie work for?
 - A. independent researchers, trying to benefit local people, Indigenous groups from up north.
- Tlicho govt (BOTG) has a program involving youth and elders monitoring caribou; would be good to get comments from Petter
- They are familiar with BOTG. The first animation is one that Petter and Stephanie asked Elie to make., Megan has worked with Tlicho gov't; trying to rely on Elders, core mission of work; will be in Yellowknife in November and can discuss more then.

EMAB intern Megan shares presentation

- Audiologgers and accelerometers provide data on sounds and fine-scale movement so can tell if caribou are feeding, moving, vigilant etc. Could replace visual behaviour scans. These are attached to GPS collars that are being put on caribou. Collars dropped off much earlier than expected in 2024, so didn't get a chance to collect them and download data.
- Q. What color are audiologgers?
- A. Neon green last year and this year
 - Bright orange is easiest to see against tundra
- Q. Any alternative method to collars? Like ear tag?
- A. Possible, but the main issue is getting the audiologgers to drop off from an ear tag.
- Q. How heavy are collars?
- A. 800 grams total
- Q. When is data expected to come back from next round?
- A. Mid to late August; we will think about what makes most sense
 - The shorter the period of time the caribou have to wear logger is better
 - So early drop off would be better
- Q. Female antlers fall off, could you put loggers on females' antlers?
 - Would that change the sound, since recorder is farther from mouth?
- A. Tradeoffs, could be better at picking up sound disturbances from environment
- Q. It placed on the antler, would that increase budget?
- A. we would likely have to negotiate with GNWT, they have all the handling permits, nothing is impossible, might require more paperwork.
- A lot of Inuit don't like caribou having to wear collars. Good to look at other options for getting info from caribou
- Dene Elders have same concerns

Item 10 cont'd Two-year budget

- Q. Where is mercury in lake trout being tested?

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A. History - DDMI wanted to drop lake trout sampling unless mercury shows up in slimy sculpin. EMAB's point was trout have huge bioaccumulation potential, so trout should also be looked at. WLWB agreed with Diavik; so, EMAB decided to do our own study. NSC did first 2 phases and EMAB staff are looking at advising on whether to do phase 3.

- Mercury in fish is an important issue to EMAB
- Sometimes fish in LdG are over Health Canada guidelines for mercury

Action Item: ES to follow up on status of Mercury in Lake Trout study

ED presents table of community update costs

Q. What is this based on? Staff going to communities?

A. Yes; includes ED and ES to travel to community (hotel, meals, airfare) and hold update with Board member. Includes hall rental, translation and equipment and feast

- Winter road travel would be cheaper
- Could travel by winter road, these are fly-in rates to ensure all options are available

Q. What are preparation days?

A. Aboriginal party reps get 2 days a month to read over material, vote on motions, etc.

Q. Have any summary recs from future of EMAB have been incorporated into a new budget now that its completed?

A. Not sure how to do that, they aren't concrete, we haven't discussed.

Q. What is the point of "Future of EMAB" findings?

A. To feed into discussions about EMAB's future – These are EMAB's recommendations on what should happen. The first step in the process of deciding on EMAB's future

- Re: Budget- deficit for conference attendance, \$10-40,000, we should put a placeholder, because it sounds like everyone agrees that Board members should attend
- Also need to think about where those funds would come from
- EMAB is not restricted, can propose a conference budget, new line item, so increases the requested amount from Diavik
- Last budget dispute was because FCRP and water licence review was coming up, and EMAB was not able to hold budget for reviews within inflation
- DDMI said if recommended budget goes over inflation, we have a dispute
- Ended up agreeing to remove some items with agreement that Diavik would provide additional funds if EMAB could show they were needed.
- There's seed funding, there's other funding besides DDMI; EMAB should put in an item and discuss later

Q. Is there any money for hearings?

A. Yes, but there's no special additional cost for hearings, already built-into water licence renewal.

- Should look into participant funding; Could get consultants to write a proposal
- If anyone needs help with grants, proposals, Tara's team (DDMI) can help out
- Put conference \$ line in "involving and supporting communities"; call it "Outreach on EMAB activities"
- Opportunities for reductions – like with EAQMP consultant's presentation, it was just repeating Diavik's report, then what's the value? Like Allison could do, or GNWT could present, and then we could summarize

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- Disagree – EMAB doesn't have the expertise. The review wasn't a waste of time, but the presentation repeated Diavik's report; we can't rely on in-house expertise for everything
- Time pressure – need to submit budget tomorrow

Motion: To approve the recommended 2025-27 two-year budget and description as amended

Moved: Baba Pedersen

Seconded: Sean Erasmus

All in favour, motion carried.

Friday, October 18, 2024

Meeting started at 9:00 am at EMAB Boardroom

Chair opened meeting at 9:05am

Reviews agenda

Item 13: TK Monitoring Plan

ED introduced item from kit. Need to discuss draft Terms of Reference prepared by Diavik. A revised draft prepared by EMAB staff is in the meeting kit.

Diavik rep spoke to draft ToR

- All agree that EMAB should develop the TK MP
- Diavik wants the Parties to the EA to endorse the approach. If the Parties don't endorse it, Diavik may have to re-think the approach
- Draft ToR is based on EMAB's August 1 letter and input from the TK WG, as well as the draft Framework
- Diavik started with the EOI approach to developing TK MP
 - Parties preferred to work together. They formed the TK WG
 - TK WG felt EMAB was the natural place to develop the TK MP
- Presented the draft ToR

Q: who would set up the Monitoring Plan? This would be a lot of work. Could send the ToR to a consultant with EMAB providing support.

A: Diavik intends the ToR could be used as a work package to a consultant, or another organization such as EMAB, the TK Panel. They are not stuck on who would carry this out.

- Good to get a consultant involved.

Presentation of ToR continued

- What about the original EOI?
- **Governance section** – may need some changes. They were trying not to be prescriptive
- Would the TK Coordinator be an employee or a consultant? It would be better for this to be done by a firm to ensure continuity.
- Any consultant would need to have TK experience.

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- Noted that the skillset may change over time. One set of skills to develop the TK MP. Another set to carry out the monitoring. A contractor might be more likely to have all these skills.
- TK Steering Committee – intent is that some group that includes Party representatives will come together to advise on the TK MP

Q: so EMAB could be the Steering Committee?

A: the members should have TK expertise

- Proposing the WLWB would address any unresolved issues
- Use of “feasible” and “reasonable” must be defined
- Once closure is demonstrated, monitoring would ramp down
- Would adjust ToR once Parties agree

Q: is budget for TK MP outside the EA budgeting requirements? The EA includes a budget dispute mechanism. Would the Minister be involved if there is a dispute about budget?

A: the budget will be separate from EMAB’s regular budget. Minister could still have a role.

Q: how does the ToR affect the EMAB wind-down as described in the EA?

A: might affect the monitoring ramp-down schedule

- it is unlikely the Minister would wind-down EMAB if EMAB is running the monitoring.
- EMAB was not involved in the TK WG and TK Panels. It will take time to set up a monitoring program. There will be a lot of environmental change over time. There will need to be something like the Environmental Agreement in place to run TK MP. Need to assess membership in TK WG – do they have TK experience?

Q: is EMAB ED expected to run the TK MP project?

A: EMAB has experience running a TK Monitoring Camp; this is a good time for EMAB to get involved.

- that TK Camp is only focused on fish. EMAB doesn’t know what happened at the TK WG meetings.
- the TK MP is a Diavik project. This process is unique; need to do it right. Don’t set timelines that are unrealistic. EMAB’s legacy will be tied to this project.
- Showcase EMAB and TK MP at conferences
- Don’t want Diavik to be another mine that was badly closed.
- TK management approach to clean-up old mines; need a dispute resolution process
- Contract consultants to develop TK MP; Diavik should provide a budget that allows for this.

Q: where does the EA refer to an Expression of Interest approach like Diavik proposed?

A: EOI approach was abandoned

Noted that TG uses Firelight Group as TK Consultants. They have experts on many topics all over Canada. They provide top quality deliverables.

- Concern noted about Steering Committee. EMAB had said it wanted to be in charge of this project.
- The TK Panel would be the Steering Committee.
- ED reviews concerns with draft ToR: ToR seems to imply that with EMAB being involved, the submitted Plan would be approved/endorsed by EMAB; EMAB would want to be able to comment.
 - Endorsement - may take a long time to get each Community to sign off on the ToR – requirement to get each Community’s sign-on may need to be removed, given how later we are in the process
- Noted that the TK Panel will have people from communities. They would need to be selected by leadership. Each community would need to set up a selection process: compare criteria to resumes.
- Noted that if Diavik changes the TK MP that EMAB submits then EMAB can make comments.

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- Concern about timelines – EMAB workplan requires about a year. The deadline to submit the TK MP is less than a year away and we are still negotiating ToR, budget and workplan.
- Must ensure communities are involved.
- TK Framework needs to be completed.
- Results of meeting between EMAB and TK WG on April 23 – notes were distributed to Board.
- Concern there is not enough time to get this done right.
- Noted the TK MP submission deadline was set by WLWB
- If EMAB can't do it right and meet the deadline it shouldn't be involved
- Diavik could develop the TK MP and EMAB could implement
- Elders should develop the TK MP
- Could request an extension from WLWB

Q: Will DKFN and FRMG be involved?

A: Don't think they need to be

- Community members have visited the mine. TG does pre-briefings with Elders
- EMAB technical experts could be involved in TK MP development if needed

Discussion postponed for other scheduled items.

BREAK

Item 14. EAQMP Investigation

Nancy Njerere and Nathalie Oldfield from ECC join meeting

ES introduces item.

Nancy presents update

Q: what is the enforcement mechanism if Diavik doesn't accept the Minister's direction

A: the EA is not enforceable; could access security as a last resort. Only recourse is to find DDMI non-compliant, but we're not there yet.

Q: recap status of issues?

A: TSP – not resolved

PM 2.5 – not resolved

Dustfall – resolved; increase frequency of collection for on-island gauges

Use of Scentinal – not resolved

Meteorological Data – resolved; Diavik will improve

Reporting – resolved; Diavik agrees with Minister

Dispersion Model – resolved; Diavik will not update dispersion model

Q: do other mines have any issues complying with the GNWT Guidelines?

A: no

Q: how will this be enforced?

A: GNWT Guidelines

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Noted that Diavik made predictions about certain parameters in the Environmental Assessment but did not monitor them, as agreed in the EA.

Deadline for Diavik to provide revised EAQMP has been pushed back to November 15.

Item 13: TK Monitoring Plan (continued)

Discussion

- WLWB deadline is an issue
- Request extension from WLWB
- TK work should stay with EMAB
- Proposed budget may need to be beefed up
- Not ready to make a decision on this today
- Seems like TK MP process has been designed to fail.
- Diavik is committed to make this work
- Need to get TK Coordinator in place ASAP
- Diavik had planned to hire a TK Coordinator; TK WG said EMAB should do it.

Q: how long will it take Diavik to decide on the revised ToR?

A: Diavik would like endorsement from all communities.

- Maybe Diavik would be willing to skip the endorsement to save time
- Framework should be addressed in ToR.

Outstanding issues:

- Duration of monitoring
- Budget
- Number of participants; should be one per community
- Need to develop TK Panel
- Deadlines for monitoring
- Get 2 reps / community
- Workplan
- Communities get together to ratify monitoring plan
- Going to all communities will take a long time
- Diavik wants communities to be engaged – some communities may want more involvement
- If some groups don't agree with entire plan, WLWB can sort out
- Can't make a decision today. Need to consider hiring a consultant to develop the Plan.
- Big opportunity for communities to participate in closing the mine
- YKDFN wants each Party to have the same number of people
- Keep specific TK expertise of individuals in mind; don't want to lose that.

LUNCH

Item 16. WLWB Update

Ryan Fequet and Anneli Jokela join meeting



Ryan updates Board on WLWB activities:

- Board membership – Rachel Crapeau has been re-appointed; Mike Nitsiza’s term has expired but no appointment yet; Jocelyn Zoe and Alec Nitsiza’s terms expire in December 2024
- Staff have expanded to 14: Katherine Harris has joined; Kassandra DeFrancis is a Technical Advisor
- Diavik Water Licence Renewal is coming; circulating Northern Participant Funding documents
- Diavik Water Quality workshop will be less technical than previous ones; Revegetation workshop in December will be similar
- Strategic planning tracking will be publicly available
- Seeking a new legal advisor
- Engagement guidelines are being updated
- Mine Closure guidelines will be updated starting in 2025

Q: how is Board appointed?

A: 2 government (1 federal, 1 GNWT); 2 TG. Chair appointed by all members

Q: procedure to request extension of TK Monitoring Plan submission deadline?

A: licensee can request; might be difficult to consider given how soon closure will start – provide a strong rationale. If deadline is not met Diavik would technically be non-compliant.

Discussion on structure of WLWB and MVLWB

Q: how does Board take Nunavut interests into account?

A: Nunavut organizations can participate in technical sessions and proceedings and provide evidence; WLWB has broad distribution lists. There are also proponent requirements for early consultation that recommend early consultation with downstream users (e.g., KIA is listed as a downstream user for all would-be proponents of the eastern Wek’eezhii region); there are also transboundary watershed agreements.

Q: decisions can have economic effects. How can Nunavut have input?

A: There would need to be an agreement in place between the jurisdictions

Ryan will be on leave from January to June 2025. Anneli will be acting.

Item 13: TK Monitoring Plan (continued)

Discussion continues:

- Concern about too much workload being place on ED
- Ratio of participants on TK Panel needs to be addressed
- Ratio should be equal
- Noted that KIA and NSMA have endorsed the draft ToR; Diavik would be uncomfortable not have Party endorsement

Action Item: ED to redraft ToR based on comments and provide to Board by Oct 25 for consideration

Next steps: communities need to provide input on number of Panel members; consider requesting an extension from WLWB with rationale (wait until later in the process); revise the budget based on discussions and final ToR.

BREAK

Item 17. EMAB / Diavik Working Relationship

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ED presents item in kit

Discussion

- Agree with IEMA approach of identifying agreements with company in comments to WLWB
- If EMAB sends a letter about the WLWB comments in the RFD on the FCRP it should go to the federal Minister.
- Should send letter to WLWB; include positive comments
- it's not the participants' job to make the WLWB's job easier.
- Suggest informal discussions requesting that in future WLWB talk to EMAB rather than make such comments in RFD's.
- WLWB should respect EMAB's comments
- EMAB is trying to work with Diavik; trying to improve working relationship
- Keep any response verbal, not in writing
- We all have to work together

Action Item: ED to speak to WLWB ED informally about EMAB's preference for future WLWB comments to be informal.

Action Item: Implement proposed improvements to EMAB comment/recommendation review for technical water licence reports

Item 18. Round Table

Marc Whitford (NSMA)

- Wrapping up overhaul of Old Fort Rae before winter.
- Guardianship program continuing.
- Environment group is building; working on providing services to industry
- Have made a land claim submission

Condolences to Marc on his brother's passing away.

Baba Pedersen (KIA)

- People in Kugluktuk becoming aware he is on EMAB
- Hopes people will come to him with concerns.

Laurie McGregor (GNWT)

- Thanks everyone for a good meeting
- Kelly Fischer's term on EMAB ended yesterday. Laurie remains as the alternate
- ECC will have staff at WLWB workshop next week
- GNWT always willing to help if requested.

Tara Marchiori (Diavik)

- thanks everyone
- Diavik will be at WLWB workshop

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- TK Fish Camp verification Oct 31-Nov 1
- Her staff can assist with proposal writing
- Notes Diavik Community Contribution Program

Sean Erasmus (YKDFN)

- YKDFN acquired winter road monitoring equipment and a boat.
- Did some training in Vancouver
- Guardian Program is continuing

Violet Camsell-Blondin (TG)

- Held a meeting on abandoned mine cleanup.
- Was in Edmonton taking care of Ted
- Did site visits at Diavik and Ekati
- Were preparing for Ekati public hearing, then Ekati withdrew application
- Looking to hire a geologist and a hydrologist – developing capacity. Working with Aurora Geoscience.
- Continuing reporting to CEC

Charlie Catholique (LKDFN)

- 60 people went to a camp at Artillery Lake for 10 days.
- Went to Ottawa with Chief and Council
- Elder has 3-4 months to live
- SAO leaving Oct 23
- Lots of meetings: Talston, winter road
- Attending WLWB workshop as EMAB Chair
- Thanks to Board and staff

Chair confirmed next meeting will be December 10-11'24.

Closing Prayer – Violet Camsell-Blondin

Meeting Adjourned