

**Summary of Discussion from the Annual General Meeting**  
of the Society of the  
**Independent Environmental Monitoring Agency**  
Held on  
December 10, 2015  
at IEMA Boardroom, Yellowknife, NT

Revised: February 1, 2016 (DRAFT until approved at the 2016 AGM)

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**PARTICIPANTS**

**Government of the Northwest Territories:**  
Kate Witherly – ENR

**Agency Directors:**

Bill Ross  
Tim Byers  
Emery Paquin  
Kim Poole  
Jaida Ohokannoak  
Arnold Enge  
Doug Doan

**Akaiicho Treaty 8 – Łutsël K'e Dene First Nation (LKDFN):**  
Not in Attendance

**Akaiicho Treaty 8 – Yellowknives Dene First Nation:**  
Lawrence Goulet  
Mary Black

**Agency Staff:**

Jessica Simpson

**Kitikmeot Inuit Association (KIA):**  
Jared Ottenhoffer

**Dominion Diamond Ekati Corporation (DDEC):**

Claudine Lee

**North Slave Métis Alliance (NSMA):**  
Ed Jones  
Wayne Laginhand

**Aboriginal Affairs and Northern Development Canada (AANDC):**

James Lawrence

**Tłı̨chǫ Government (TG):**  
Peter Husky  
Zabey Nevitt

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**Meeting opened at 9:15 am**

An opening prayer was given by Peter Huskey.

**WELCOME AND AGENDA REVIEW**

Bill Ross (Chairperson) welcomed everyone to the annual general meeting (AGM) and gave an overview of the agenda. No additions or changes were suggested. There was a round of introductions by all participants.

**CHAIRPERSON'S ADDRESS**

Bill noted that this meeting is for the Agency's Society Members and that the Agency has offered the Aboriginal Society Members time to meet separately with the Agency after the AGM, if they wish.

**APPROVAL OF THE SUMMARY OF THE 2014 AGM**

Minutes were circulated by e-mail and were included in the participants' package.

*Motion to approve the Summary of Discussion from the 2014 AGM.  
Moved by Claudine Lee (DDEC), Seconded by Peter Husky (Tlicho Government).  
Carried without objection.*

## **PRESENTATION OF ANNUAL REPORT**

Jaida Ohokannoak (Vice-Chairperson) provided a summary of the Agency's 2014-15 Annual Report. The presentation was included as a handout in the participants' folders and is available on the Agency's website.

The main activities of the Agency have been the community visit to Lutselk'e, the Jay Project environmental assessment, Inter-Agency Coordinating Team (IACT), Environmental Agreement Implementation Meeting, the review of financial security under the Environmental Agreement and the Agency-hosted workshop on wildlife monitoring, reclamation and dust suppression.

The Wildlife Act came into force November 2014. GNWT sponsored additional meetings on development of a Bathurst Caribou Range Plan – the Agency, mainly Kim, participated. DDEC continues to try to improve its waste management practices by reducing attractants at the landfill, reducing wildlife incidents and to exclude wildlife from areas of danger. However, getting the employees to do proper waste disposal has been an ongoing challenge.

In the past, the mines have conducted aerial surveys to monitor trends in the caribou Zone of Influence, but none have been conducted since 2012. The 2012 survey was led and reported by Diavik Diamond Mine, not DDEC. A major thrust of the caribou monitoring program has shifted to use of remote cameras to document caribou numbers, movement and behaviours. A 3 year report was released in fall of 2014. DDEC and Diavik conducted an extensive grizzly bear DNA study in 2011 and 2012, the results of which were released in summer 2014.

A question was asked about the roads, which do not function as full barriers to wildlife movement, but do act as partial barriers. DDEC claims that roads do not act as barriers, but the Agency believes camera monitoring does not provide an unbiased picture because of the limited field of view from the cameras. The Agency commends DDEC for their senior management taking part in community visits.

There are 3 water sheds that could be affected by the mining operations and are sampled each year under the AEMP as per the Class A Water Licence. Water quality results from the north arm of Lac de Gras provide evidence of the need for additional permanent monitoring sites. Some major ions, nutrients and metals remain elevated downstream of the Ekati LLCF in the Koala watershed, especially potassium which is of particular concern. While the trends in chemical concentrations continue to be elevated, they are not yet at levels that would cause harm to aquatic life.

DDEC funded a M.Sc thesis to investigate possible sources of hydrocarbon contaminants at Ekati, and determined that DL-10 dust suppressant is likely the main contributor to hydrocarbons in the water system, possibly leaching in from areas around the road.

Wayne Laginhand (NSMA) asked if the DL-10 can be changed to something else. Claudine explained that it is difficult to switch to a different dust suppressant because DL-10 is approved and it is a challenge to get a new dust suppressant approved.

For years, the Agency has been tracking a decline in Cladocera (a class of zooplankton) in Moose Lake. This trend is continuing, but with an additional taxa – Rotifers – also disappearing in the zooplankton community. In 2014, the Agency recommended to the Wekeezhii Land and Water Board (WLWB) a workshop be held to address the Aquatic Response Framework. In June 2015, the WLWB lead a workshop. Pigeon Stream Diversion is working really well. There is a lot of fish moving through the stream. The stability of the bank was a concern, but it seems to be going very well.

2014 was the 3<sup>rd</sup> year of the 3 year Air Quality Monitoring Report. Air quality was an ongoing concern for the Agency, but in this reporting period, the company has made some significant improvements such as updating its Standard Operating Procedures, ensuring staff and operators undertake adequate quality assurance and quality control checks of the equipment, and that there is regular maintenance schedules for recalibration.

For incorporating Traditional Knowledge (TK) into monitoring, DDEC had Aboriginal people watch for and help displace raptors trying to build nests close to the Misery Pit Expansion Project. Tlicho elders also contributed their knowledge about eskers for planning, construction and reclamation of waste rock piles. YKDFN elders learned how archaeological baseline work has been done around Lac du Sauvage.

The Agency also recommends that the company continue to fund community based projects, especially if they focus on reclamation planning and closure.

For Processed Kimberlite and Waste Rock Management, the mining has been completed at Fox Pit, but the waste rock pile is not freezing, which is a concern for closure because the heat can build up and the sulfite will oxidate. The WLWB is doing a review on waste rock and seepage management at Ekati. DDEC has submitted risk assessment, thermal modelling, geochemistry evaluation for operation phase at Ekati Mine.

Regarding closure and reclamation, the Agency feels that the finalization of the security deposit and the beginning of work on Old Camp is a good start. The largest concern is slippage in the research schedule and the tasks associated with them, like the literature review and field monitoring.

The GNWT has made some progress on cumulative effects assessment (Regional Monitoring) by coordinating a Zone of Influence task group for the Bathurst Caribou Range Plan. Kim Poole, Agency director, was a participant. GNWT made progress on caribou population modeling. The Agency also encourages DDEC, Diavik Diamond Mine and DeBeers to collaborate on an overall analysis of the grizzly bear DNA study and analysis of the combined Lac de Gras and southern study areas. This would help to clarify grizzly bear distribution and abundance at the broader scale, and therefore lead to better management.

Overall, the Agency thinks that the regulators have been working well together even with the major changes that came with Devolution (April 1, 2014). Because of legislative changes, Department of Fisheries and Ocean's involvement has been reduced. The Agency looks forward to having stronger input from Environment Canada. The GNWT inspectors continue to provide high quality and calibre work and participation in reviews.

The security deposit under the Environmental Agreement was under review. Near the end of the process, the Agency was excluded from work on the security deposit. There was no further work on proposed changes to the Environmental Agreement.

The Jay Project is currently being reviewed by the Mackenzie Valley Environmental Impact Review Board (MVEIRB). The WLWB is licencing Lynx. The move to eliminate the regulatory boards and merge them into a single board is delayed by a court challenge from the Tlicho Government.

DDEC continues to operate Ekati Mine in an environmentally sound manner and the Agency continues to have a good working relationship with the company. Last year, the company won an award for their grizzly bear monitoring with Diavik. The Agency is also pleased with the progress made on old Camp, however, the Agency is concerned with the lack of progress on dust mitigation. The Agency is concerned about mine effects on caribou. Dust was the subject of the Agency's 2014 Environmental Workshop.

Over the course of the last year, there have been some Director and staff changes. Laura Johnston and Kim Poole were replaced by Emery Paquin and Doug Doan. Tony Pearce the Tlicho appointed director retired and was replaced by Kim Poole. Bill Ross's term is complete at the end of the AGM. A

replacement has not yet been decided on by GNWT and DDEC. Jessica Simpson the Agency's Communications and Environmental Analyst was out on maternity leave for the year and Tee Lim filled her position for the year. Jessica Simpson returned to work in October and is Acting Executive Director while the Agency works to fill the Executive Director position, after former ED Kevin O'Reilly was successful in being elected to the Legislative Assembly.

### **Questions and Discussion**

Zabey Nevitt (Tlicho Government) was surprised that the Agency was not involved in the setting the security under the Environmental Agreement. He wonders if the process was legally correct?

Bill explained that originally there was a process that was agreed to in which IEMA would be involved on a greater scale, and then it was announced that IEMA would no longer be involved. In the Agency's view, the process was not procedurally fair, but it was legally permissible. Kate Witherly (GNWT) added that DDEC and GNWT decided it was a decision that they had to make together. Claudine Lee (DDEC) added that the company and GNWT did take into consideration the view and the concerns of the Agency.

### **TREASURER'S REPORT**

Arnold Enge (Secretary-Treasurer) presented the Auditors Financial Statement 2014-2015 and the 2015-17 work plan and budget.

Arnold reviewed the financial statements, the key areas for expenditures, and the core budget items.

### **Questions and Discussion**

Bill Ross (Chairperson) wanted to advise the Society Members about the separate fund. The Separate Fund is allocated to things like regulatory hearing and matters. Any remaining money from this fund has to be given back to DDEC, and there is a process to request additional funds in the event of over expenditure. This year, the Agency is projecting a deficit, the most substantial part of this money has been driven by participation in the Jay Project environmental review process. The Agency will be making a request for additional funds for the Separate Fund.

The Agency met with other signatories in May 2015 and, anticipating over expenditure in the Separate Fund, said we may request funds in accordance with the Environmental Agreement.

Claudine Lee (DDEC) has no comment and agreed that we will also see how the process will unfold.

*Motion to appoint Crowe-Mackay LLP as the Agency's auditor for 2014-15.  
Moved by Kate Witherly (GNWT) and seconded by Claudine Lee (KIA).  
Carried without objection.*

### **MEMBERS' PRESENTATIONS AND DISCUSSION**

Kate Witherly (GNWT): The GNWT and DDEC will jointly appoint someone to replace Bill. A couple of people have been contacted, but right now the GNWT is in a transitional government, so in January there will be consultation with the Agency's Society Member and will definitely have the new appointment by March, 2016.

Kate also talked briefly about amendments to the Environmental Agreement. In June, the GNWT will re-engage with parties to the EA.

Kate stated that ENR will be moving to adopt a single Wildlife Effects Monitoring Plan with tiers and levels, and that new guidelines are in the works. It might be a large review, but Kate is expecting an update soon. Bill offered the Agency's support.

James Lawrence (AANDC): Although Canada is present at the AGM and are still parties to the Environmental Agreement, they really do not have a lot to do with Ekati Mine anymore. Bill replied that having the presence of Canada today is still valued, even if the government is still in transition.

Claudine Lee (DDEC): DDEC has been putting a lot of focus on the Jay Project, maintenance and continuing operations. She thanked the Agency for participating in these processes. In the new year, we are expecting the Ministers decision in the Jay Project Report of Environmental Assessment (REA), and the company will be busy with licencing and the EIR. In terms of changes to the DDEC operations, the company has some new socio-economic agreements; the mine will be hiring 65% Northern, and 30% Aboriginal hires. The company canceled the Edmonton jet. The company feels this was the right decision because they have employees to take care of, and are focusing on growing the business in the North via contracts and staffing.

On behalf of DDEC, Claudine also thanked Bill for his many years of work.

Kate discussed a bit about the REA for the Jay Project. Depending on which section of the Act, the decision could be made either by the Minister of Lands or the Minister of ENR. The GNWT has 5 months to make a decision – it could, however, be done in a shorter amount of time.

Claudine Lee (DDEC) feels that it could be shorter because a lot of issues have already been discussed and worked on throughout the EA, and so the REA should be very straightforward.

The EIR is getting started. Originally, it was due in April 2015. But because of the Jay Project, and the line up of the monitoring programs, the company received a 1 year extension from the WLWB. The EIR requires a lot of engagement and it will be challenging.

Peter Huskey (Tlicho Government), thanked the Agency for all of their good work. Last June, he graduated from the Environmental Management Program at Aurora College and is the reason that Tlicho Government asked him to attend these meetings. He is also happy that YKDFN also sent a graduate from the program (Mary Black).

Zabey Nevitt (Tlicho Government) inquired about the coordination and cooperation with the other monitoring boards.

Claudine talked about how the mines will often share resources (e.g., grizzly bear monitoring), and there is the CIMP to coordinate some of the cumulative effect monitoring.

Bill explained that the Agency encourages greater collaboration always, to make sure the results are compatible. The Agency will often give updates to both EMAB and SLEMA and will make joint requests when needed.

Zabey Nevitt also shared that Kwe Be Working Group will be meeting in February and the Agency will be invited.

## **OTHER BUSINESS**

Jessica Simpson (IEMA) made a presentation on the Agency's Communications. There were no questions or comments.

At last year's AGM (2014), the Agency made a commitment to look at the Society By-Laws. The Agency has proposed making some cosmetic changes updating the names; BHPB to DDEC and Dogrib Treaty 11 to Tlicho Government and Diamond Project to Ekati Diamond Mine. These changes need to be approved by the Agency's Society Members before they can be adopted

*Motion to approve the changes to the Society By-Laws. Moved by Peter Huskey and seconded by Kate Witherly. Carried without objection.*

## **CLOSING REMARKS**

Bill Ross (IEMA) gave his closing remarks. After this board meeting, he will no longer be Chairperson or a Director. Bill said that he leaves the Agency with great pride in the accomplishments of the Agency. He is pleased with how the Agency is pushing for an environmentally sound operation of Ekati Mine. It has been a great pleasure to work with so many excellent people.

The Agency would also like to thank Tee Lim, Laura Johnston, Tony Pearse and Kevin O'Reilly for all of their hard work over the years.

Lawrence Goulet (YKDFN) gave the closing prayer.

*Meeting adjourned at 12:00 pm.*