

**15th Environmental Agreement Implementation Meeting
Yellowknife, NT
Summary of Discussion
May 23, 2013**

Participants

Charles Klengenber – Dominion Diamond Ekati Corporation (DDEC)
Lionel Marcinkoski – Aboriginal Affairs and Northern Development Canada (AANDC)
Patrick Clancy – Government of the NWT, Environment and Natural Resources (ENR)
Eric Denholm - DDEC
Bill Ross – Independent Environmental Monitoring Agency (IEMA)
Kevin O'Reilly – IEMA
Jessica Simpson - IEMA

Meeting commenced at 1:15 pm.

INTRODUCTIONS AND SELECTION OF CHAIRPERSON

Round-table introductions were made. Eric was selected to serve as the chairperson for the meeting.

REVIEW AND APPROVAL OF PREVIOUS MINUTES

There were still a few track changes to be removed on page 5.

Motion to accept the minutes of February 8, 2013 with the removal of the remaining tracked changes.

Moved by Patrick Clancy. Seconded by Lionel Marcinkoski. Carried without objection.

REVIEW OF PURPOSE AND AGENDA

Eric gave a brief overview of the purpose of the meeting. It was stated that these meetings date back to the Resolution Agreement of 2006 and that this is the second of two implementation meetings held each year. The purpose of this meeting is to discuss the communications under the Environmental Agreement and review the preliminary content of the Agency's annual report, especially the recommendations.

IEMA PRESENTATION ON COMMUNICATIONS

Bill made the presentation for the Agency on its communications responsibilities and plans. He highlighted the Communications Protocol where the Agency expects the regulators and company will provide all copies of information generated for parties or the public, related to the Environmental Agreement. This information will be placed on the public registry – unless requested to be held confidential and the Agency agrees before receiving the material.

Bill noted that the Agency's concerns regarding AANDC's inspection capacity will be mentioned in the forthcoming Annual Report. Lionel informed the participants that there is a new inspector for Ekati, Marty Sanderson. Eric said that the new inspector has already conducted an inspection and will be on the IACT site visit June 12.

Eric reminded us that the last year has been quite busy. The activities that were listed in the presentation highlight the main activities. These included the three-year review of the Aquatic Effects Monitoring Program (AEMP), the Environmental Impact Report (EIR), and the water licence renewal.

In 2012-13, IEMA has produced posters, brochures and sound files in the Aboriginal language. These are also available on the Agency's website. Charles noted the difficulty in arranging good interpreters and acknowledged the Agency's efforts on this work.

In 2013-14, the Agency will be working on:

- A video, which will also be translated into the Aboriginal languages and posted to the website;
- Having a formal meeting with the NSMA. In the past, the Agency has met with other communities, but never a Board meeting with the NSMA. The Agency meets with NSMA regularly, but not as a Board. We will know for sure next week if this meeting will take place;
- An Environmental Workshop with a wildlife theme.

Eric thought that having a specific focus would help for planning and the audience for the Agency's Environmental Workshops. Otherwise it is a lot of information for everybody to cover if all the monitoring programs are covered.

An IACT site visit has been planned for June 12, 2013. There has been a request for EMAB staff to attend as well. Eric noted that should there be a confidential discussion that might not be appropriate for them to participate in (which is unlikely), the EMAB staff may be asked to temporarily leave the IACT meeting.

Lionel noted the importance of wildlife monitoring and management for the communities as witnessed by the Consult-to-Modify process being invoked for the NICO environmental assessment based on the caribou monitoring management plans. This is also an important issue for GNWT as it could not accept the Review Board's binding measure on this matter.

DDEC PRESENTATION ON COMMUNITY ENGAGEMENT

Eric and Charles made a presentation on DDEC's community engagement and upcoming activities. The DDEC sponsored TK projects are to be completed by December of this year.

- *Tlicho Digitizing Tapes and Database Project*: This project focuses on digitizing data including elder stories and upgrading the existing database system. There were some delays and staff changes, but the project is now back on track and scheduled to be completed this summer.
- *NSMA Community Heritage Project*: There were some initial delays, but things are back on track with a projected end date of November. This project is a genealogy to assist with determining membership.
- *Lutsel K'e Dene First Nation Traditional Knowledge Archive Project*: Phase 1 was digitizing tapes, maps, and videos that were stored because there was a concern that some of it would be lost due to degradation. It was a big job, there were full-time staff dedicated to this project. The next phase is to make the database available to the community. The University of Alberta supplied a lot of software and some of it is already being accessed by the school in Lutselk'e. Diavik also contributed using some fisheries compensation funding.

- *Kitikmeot Inuit Association, Content development for the Naonayaotit Traditional Knowledge Project (NTKP) Publication:* This project is very close to being completed. Currently KIA is finding photos within the community that can be matched with the interviews and stories for a publication.
- *Goyatiko Language Society Proposal for Digitization of Elders Stories:* This Yellowknives Dene project will digitize tapes and interviews, getting a feel for the information that they have. They are looking at a similar database to what Lutselk'e is working on. Some summer students may be hired to assist.

Charles also reviewed the community site visits that are to take place this summer and fall as follows:

Ekati Air Quality Community Engagement Program June 24-26, 2013: The company chose Air Quality for the community engagement project because it gets a lot of questions on this topic. This will be a good opportunity to have community members on site to get a better understanding of what actually happens. They can then take this information back with them to their communities. A stack test is planned for June. Representatives of Maxxam (stack testing consultants) and Westland (incinerator manufacturer) are now on site to assist.

Grizzly Bear DNA Community Engagement Program, June 19–August 12, 2013: This project involves community members in assisting with the location of the hair snagging posts by identifying areas that bears might be expected to frequent. This year the company is bringing an elder and a youth from each IBA (Impact and Benefit Agreement) group to give them the experience. Sites have already been identified by the communities. Youth between the ages of 17 and 25 will assist with the hair collection. The first group will go in June 19th for a week.

Community Vegetation Advisor Workshop July 15–17, 2013: DDEC is looking for community members who are knowledgeable about plants. The company would like at least one member from each IBA groups. The information will be used for closure research, but only with permission from the community. A workshop at the mine site on vegetation is also being planned for August 2013.

Ekati (KIA) Diavik (Tlicho) Caribou Monitoring Community Engagement Program July 17-24, 2013: DDEC would like to identify and classify caribou behaviour using community members paired up with the wildlife technicians so that they can share information and learn from each other. July is the post-calving period when caribou tend to stay in the general area of the mines before moving below treeline in September.

Ekati Reclamation Vegetation Workshop August 19-28, 2013: DDEC is looking for people who have done work on vegetation to form a small advisory group. The Tlicho have done an ecological land classification and KIA had a university student working with communities on identifying plants and berries. Plans on how to document the identity and stories of plants is still in development. DDEC will not use the data unless it has specific permission from the community that the knowledge belongs to.

Lionel acknowledged that DDEC is quite busy, but noted that there is nothing in regards to fish. Eric and Charles of DDEC responded that 2012 was the year for fish sampling and that community members were involved. The topics for the site visits reflect the interests that the company hears from the communities. Lionel also notes that there is vegetation that exists in the water, but according to Eric, that topic has been noted by DDEC as something to address in the future as part of pit closure planning.

Eric moved on to discuss Pigeon Pit waste rock management. DDEC is required by the water licence to provide a plan for the waste rock management. The company is conducting humidity cell tests on Pigeon rock samples to determine the potential for acid generation. As there is no

clean break between much of the granite and meta-sediment rock in Pigeon, a revised management plan will be required. DDEC is looking at various options and expects to be in a better position to present these to interested parties and to submit a revised plan in the fall of 2013.

The Pigeon Stream Diversion is fully constructed but it is not connected. Some flushing of residual sediments will be done this summer and then the PSD will be connected in time for the 2014 freshet. The earliest stripping at Pigeon Pit will be in late winter 2013-14.

Lionel asked if there is any work planned for the extra fine processed kimberlite (EFPK). According to Eric, it does not seem to be a critical issue for closure at this point. A lot of work was done this past winter on Cell C including ground-penetrating radar and drilling to determine how the processed kimberlite is settling. Freeze consolidation appears to be working well in settling of EFPK. Eric noted that it will be interesting to see what happens with the EFPK in Beartooth Pit now that it is being used for deposition.

IEMA PRESENTATION ON 2012-13 ANNUAL REPORT

Bill presented an overview of the Agency's 2012-13 Annual Report. The Agency is still not entirely happy with DDEC's 2012 Annual ICRP (Interim Closure and Reclamation Plan) Progress Report. When the Agency and others met with DDEC this morning there was some agreement on how to improve the Report. In particular, the Agency would like to see an explanation as to what work was done, what remains to be done and what was learned.

Bill mentioned that water management at the site is generally a positive story. The Agency has some concerns but nothing of great consequence. It was frustrating for the Agency to get the wildlife camera report late, after the Agency had completed its annual report writing session.

The Agency is anxious about caribou monitoring for several reasons. For caribou adaptive management, the Agency is interesting in seeing if a reduction in dust deposition from the Mine has any effect on the extent of the Zone of Influence (ZOI) for caribou. If so, management of dust would reduce the effect of Ekati on caribou and possibly overall cumulative effects from other operations too.

The Agency also noted that, in April, it had received a copy of a letter from ENR where it appears there is some agreement between ENR and the mine operators to drop caribou monitoring related to the ZOI without consultation with other interested parties. The Agency believes that there are some good reasons to keep the aerial surveys, so a letter addressing from the Agency on this issue will be coming forth. Bill noted that the March 2013 wildlife monitoring workshop reached a consensus on the need for better guidance on monitoring methods, standardization and use of results for cumulative effects management. Patrick mentioned that the *Wildlife Act* will be introduced again in the fall and should provide an improved regulatory framework for wildlife monitoring.

Bill noted that the Agency has made two recommendations in its 2012-13 Annual Report as follows:

1. *The WLWB should issue a directive to the company to conduct and complete reclamation and closure of Phase 1 tailings pond and Old Camp in accordance with a prescribed deadline determined by the WLWB.*

Old Camp is an area that has not been used for some time. Progressive reclamation is a requirement of the water licence and in the Agency's views, there has been no reclamation done at this location.

Eric noted the long history of this site. The company is focused now on running a mine. The area presents no known immediate risks. Progressive reclamation of the Old Camp area should be approached on a reasonable basis. DDEC has no disagreement with the principle of progressive reclamation but there is some question as to who decides and when progressive reclamation should take place. There may be good reasons to leave Old Camp reclamation until later. Eric was of the view that further discussion of the meaning of progressive reclamation is necessary.

Bill questioned the company's commitment to progressive reclamation and noted that there is a clear definition in the water licence, a term in the water licence that requires it and the same is in the Environmental Agreement. There can also be valuable lessons learned and experience gained from carrying out progressive reclamation that can then be applied to the rest of the Mine.

Patrick said that the Wek'eezhii Land and Water Board (WLWB) should be provided reasons as to why Old Camp is not being progressively reclaimed. At the end of the day, government does not and should not assume any liability.

It was also noted that in the morning meeting on the ICRP Progress Report, the WLWB staff had indicated that the Agency's comments, including a request for direction on progressive reclamation of the Old Camp, would be brought to the WLWB meeting to be held on June 17, 2013.

2. *GNWT ENR establish guidelines for when and how carnivore and caribou monitoring programs should be conducted. The guidelines should focus on standardizing methods and the use of monitoring data by October 1, 2013.*

Eric noted that it will be up to Claudine Lee and Harry O'Keefe with DDEC as to whether the company would like to comment on this recommendation.

Patrick said that he had forwarded this recommendation to Nicole McCutcheon in the Wildlife Division to hopefully respond in time for the Agency's annual report.

DATE OF NEXT MEETING

The date for the next meeting will be in January 2014. The exact time will be set at a later date.

Meeting concluded 3:15 pm.