

**Independent Environmental Monitoring Agency
90th Meeting of the Board of Directors
Yellowknife, NT
June 22-24, 2015
Summary of Discussion**

Directors

Bill Ross
Tim Byers
Jaida Ohokannoak (by teleconference)
Arnold Enge
Emery Paquin
Tony Pearce (by teleconference)

Staff

Kevin O'Reilly, Executive Director
Tee Lim, Communications
and Environmental Specialist

Meeting commenced at 9:00 am on June 24.

AGENCY BUSINESS

Information Updates

Bill: Participated in the June 12 Environmental Agreement implementation meeting, reviewed the notes on potential bylaw changes and reviewed some materials on the Jay Project. Also worked on the Agency's 2014-15 Annual Report.

Jaida: Reviewed the 2014 Air Quality Monitoring Report and provided notes for a draft letter to Dominion Diamond Ekati Corp. (DDEC). She wrote and edited chapters for the Agency's Annual Report, and also edited the plain language version. Jaida participated in the Agency teleconference call held on June 18 to discuss the Jay Project management plan workshops.

Tim: Worked on the Agency's Annual Report by preparing the Aquatics section, reviewing all of the other chapters and the plain language version. Attended the Aquatic Response Framework workshop. Provided some technical support to Peter Unger from the Łutsel K'e Dene First Nation.

Tim attended the Department of Fisheries and Oceans Canada (DFO) *Fisheries Act* training session in Winnipeg. He reported that the day and a half session was very well done. DFO would deem any and all lakes (regardless of how frequently or not they are fished) as potential fisheries (Aboriginal or recreational) as long as they contain recreationally valued fish. Such species would all have *Fisheries Act* protection. Also forage fish species would be protected, as they support the fishery. Tim also described

a new delegation component to the new *Fisheries Act* which enables non-DFO federal departments and provincial and territorial departments to issue Fisheries Authorizations. Does not apply to Aboriginal governments. Tim got clarification that Dominion Diamond Ekati Corporation (DDEC) would not be able to bank excess fish habitat created in offsetting work for Lynx compensation towards other future loss of habitat, such as might be caused by Jay.

Emery: Worked on the Agency Annual Report. Attended the Aquatic Response Framework Workshop.

Kevin: Worked on the Agency Annual Report. Drafted and coordinated Agency responses to the Potassium Response Framework, comments on the Fisheries Authorization for Lynx for DFO, second round of Information Requests (IRs) for the Jay Project. Also attended the Wildlife Road Mitigation Plan Workshop with Kim Poole and Tee Lim, the Bathurst Caribou Range Management Plan meeting, the Environmental Agreement Implementation meeting, and Aquatic Response Framework workshop. Organized contracts for Kim Poole for work on Agency Annual Report, Wildlife Road Mitigation Plan and second round of Jay Project IRs. Worked with auditors on 2014-15 financial statements.

Bill asked about the Bathurst Caribou Range Management Plan timing in relation to the Jay Project. Kevin responded that Don Russel's tool for habitat suitability mapping seemed promising, but would not come in time for Jay. He suggested that the Agency may want to turn its mind to what measures the Agency may wish to recommend to the Review Board (and company) in connection with the caribou management.

Financial and Variance Report and Audit

The draft financial statements for 2014-15 were reviewed. A number of items were noted for clarification with the auditor including the Separate Fund revenues and audit fees, and how the Annual Report accrual might be reduced.

Action Item #1: Kevin to seek clarification of some items in the 2014-15 draft financial statements and then send out revised financial statements electronically for approval.

Current expenditures for 2015-16 were reviewed with particular attention to possible over-expenditures related to the Agency's participation in the Jay Project environmental assessment and parental leave benefits. Expenditures will be carefully monitored and a request for additional funds may be necessary during 2015-16.

NEW BUSINESS

Agency Society Bylaw Review

Directors discussed potential changes and issues with regards to the Agency's bylaws as a result of the change that was made at the 2014 Annual General Meeting and the expressed desire by GNWT and DDEC to update the bylaws. The following types of changes were discussed:

- changes that were committed to by the Agency at the last AGM, non-controversial changes to the bylaws;
- other potential changes that would reflect current practices, serve the interests of all parties in implementing the Environmental Agreement, or improve the Agency's ability to fulfill its mandate (e.g., notice of bylaw changes or Director changes);
- other possible changes or additions to the bylaws based on what exists in other bylaws under development for another oversight body;
- options for a process to review the bylaws; and
- considerations in any review of the Agency's bylaws.

It was noted that the Agency itself did not have any powers to initiate changes to the bylaws. Directors agreed to have the Agency suggest the cosmetic changes to Society Members well in advance of the 2015 Annual General Meeting.

Although there is currently no appointment term specified in the bylaws, it was agreed that shorter terms are not particularly helpful as there is a lot of learning required on the part of new Directors. Directors were also of the view that all Society Members should be invited to take part in any process to review or update the bylaws.

Action Item #2: Agency to include a short report on bylaw changes to the Society members in advance of the 2015 Annual General Meeting.

Participation in the Jay Project Environmental Assessment

The Directors discussed Agency participation in the June 25-26 Jay Project Environmental Management Plan Workshops.

Tony agreed to review the Wastewater and Processed Kimberlite Management Plan update and Waste Rock Ore Storage Management Plan update and to send any comments to Bill.

Emery agreed to review the Air Quality and Emission Monitoring Plan and send any comments to Jaida.

The deadline for the filing of Technical Reports for the Jay Project environmental assessment is July 31. The major issues for the Agency will likely be cumulative effects on the Bathurst caribou herd and water management including contingencies in the

event that meromixis is not established in some pits receiving tailings and/or wastewater.

There was some discussion of how the Agency should approach its Technical Report and which Directors would contribute.

Action Item #3: Kevin to send around examples of effective Technical Reports.

The Directors discussed participation in Jay Project Public Hearing

- Jaida indicated she would like to be at the Kugluktuk community hearing, based on input she had received from the Kitikmeot Inuit Association. She said she could make herself available for the Yellowknife hearings if required.
- Tim indicated he would like to be at the relevant Yellowknife hearing sessions (water quality and fish).
- Emery indicated he would like to be at the relevant Yellowknife hearing sessions (water quality and air quality).
- Bill said that he was willing to contribute as best he could (Agency presentation and cumulative effects).

Financial Security Review Update

Kate Witherly had stated that the GNWT had come to agreement on the Environmental Agreement security deposit amount with DDEC at the June 12 Environmental Agreement Implementation meeting. GNWT is currently preparing its decision, and Kate said that the GNWT would be setting up a meeting with the Agency to discuss their rationale for the amount and other related issues.

Aquatic Response Framework Workshop

Tim, Emery and Kevin attended this session on June 19 for the Agency. Tim noted that DDEC's Action Levels are not as prescriptive as they might be and do not have as many levels as Diavik's (five stages for biota, 8-9 for water and sediment quality). Kathy Racher facilitated the session and suggested that because Diavik sits on a bigger water body, more levels may be necessary to prevent significant effects.

Tim noted that DDEC is sticking to a use-protection approach as it believes this is consistent with the original panel review of the project. The Agency prefers a more balanced approach that includes strong waste minimization, which is consistent with the Mackenzie Valley Land and Water Board approved Water and Effluent Quality Policy.

Emery added that the summary of the meeting provided by the WLWB was reflective and accurate. Kevin raised a concern about lead time for Action Levels, which continues to be identified by the Agency as an issue.

It was noted that the dust trigger issue was raised at the workshop, and will apparently be taken into account by DDEC in updating its Air Quality Management Plan.

Site Visit Debriefing

The Agency visited the Ekati Mine on June 22-24. Areas visited included:

- the incinerator building;
- Beartooth pit;
- Panda Diversion Channel;
- Jay Project and Lac de Gras-Lac du Sauvage narrows (by helicopter);
- Pigeon Stream Diversion;
- Misery Road and power line;
- Lynx Lake; and
- Old Camp.

The Directors noted that little sampling had been done to date on Beartooth pit in terms of water quality and settling of tailings. Five thermistors have now been installed in the Fox waste rock pile, something that the Agency has recommended for some time. No thermistors are planned for the Misery waste rock pile until active mining is completed in 2018 or 2019. A special Aboriginal-led ceremony was scheduled for the day after the Agency site visit to bless Lynx Lake before the fish-out commences. Reclamation of the south pond at Old Camp is about 80% complete. An environmental site assessment is to be done on the North Pond to assist in determining whether the buried processed kimberlite will be removed or not, depending on outflow water quality and other factors. The composter at the incinerator was visited and should prove to be a useful and cost-saving measure. The cover on the Long Lake Containment Facility appears to be moving towards rock placements to control erosion and to assist with revegetation rather than rock cover.

OTHER BUSINESS

Future Meetings

Wekweètì has been proposed as the location for the Agency community visit this year in September or possibly March 2016. Directors discussed their availability in September, but a date was not set.

Action Item #4: Kevin to send out Doodle poll of proposed September dates for the next Board meeting and possibly a community visit.

Environmental Workshop

Jaida proposed an Environmental Workshop in December 2015 on water quality. Possible topics could include the current monitoring program (what is monitored or sampled, where and how often), effluent quality criteria, what happens at closure and cumulative effects. An Environmental Workshop will be further discussed at the next Board meeting in September.

Meeting adjourned at 1:00 pm on June 24, 2015.



**Summary of Discussion Approved by
Arnold Enge, Secretary Treasurer.**
