

Summary of Discussion from the Annual General Meeting
of the Society of the
Independent Environmental Monitoring Agency
Held on
December 6, 2013
at IEMA Boardroom, Yellowknife, NT

Revised: April 14, 2012 (DRAFT until approved at the 2014 AGM)

PARTICIPANTS

Agency Directors:

Bill Ross
Tim Byers
Tony Pearce
Kim Poole
Jaida Ohokannoak
Arnold Enge

Agency Staff:

Kevin O'Reilly
Jessica Simpson

Dominion Diamond Ekati Corporation?? (DDEC):

Eric Denholm
Claudine Lee

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

Lionel Marcinkoski
Paul Mercredi
Lindsay Armer

Government of the Northwest Territories:

Joel Holder

**Akaiicho Treaty 8 – Łutsël K'e Dene First Nation
(LKDFN):**

George Marlow
Doris Catholique

**Akaiicho Treaty 8 – Yellowknives Dene First
Nation:**

Peter Sangris

Kitikmeot Inuit Association (KIA):

Wynter Kuliktana

North Slave Métis Alliance (NSMA):

Eric Binion
Matt Hoover

Tłįchq Government (TG):

Sean Richardson

Interpreter:

Berna Martin (*Yellowknives Dene First Nation*)

Meeting opened at 9:30 am.

Meeting opened at 9:30 am. An opening prayer was given by Peter Sangris, Elder from YKDFN.

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 after the AGM, if they wish.

APPROVAL OF THE SUMMARY OF THE 2012 AGM

Motion to approve the Summary of Discussion from the 2012 AGM.

Moved by KIA (Wynter Kuliktana). Seconded by Lutsel K'e Dene First Nation (Doris Catholique). Carried without objection.

PRESENTATION OF ANNUAL REPORT

Tim Byers (Vice-Chairperson) welcomed all of the participants and introduced Jessica Simpson as the new Communications and Environmental Specialist.

Tim presented a summary of the Agency's 2012-13 Annual Report. The presentation was included as a handout in the participants' folders and is available on the Agency's website.

There was a good discussion on fish health. Participants talked about the methods used to fish-out Desperation Pond and its impact on fish health. Matt Hoover (NSMA) expressed concern that netting can have negative effects on the gills of a fish. George Marlowe explained further that gill nets affect fish species in different ways. For instance, gill nets hurt the gills of a trout whereas whitefish are usually fine. Because some fish are hurt in this process, it is important to be careful when releasing them.

Claudine Lee (DDEC) explained that this is the first year that the company has used non-lethal fish sampling. In previous years, the fish had to be killed to gather tissue samples. The new method simply extracts a "plug" of tissue. George was concerned that this method of testing fish for contaminants is not adequate because the sample is only from the meat of the fish. It is also important to test their organs, like their livers, for contaminants. Tim also pointed out that Traditional Knowledge is used in fish health assessment. Aboriginal fishermen assess the health of a fish looking for deformities, eroded fins, lesions and tumours. Generally, the fish have been found to be in good condition.

In regards to the dioxin and furans, while fish were tested for indicators of dioxins and furans, only one fish was sampled from Kodiak Lake, the most likely lake where fish should be tested given high levels of these contaminants in sediments as previously studied. The results were inconclusive. Sean Richardson (TG) asked about the type of incinerators at Ekati. Claudine explained that there are two two-chamber incinerators operating at site. The company has also replaced plastics used in the kitchen and cafeteria with products made from bamboo, palm pulp and corn, which will further reduce the amount of dioxins and furans.

Joel Holder (GNWT) asked whether AANDC has more resources to carry out inspections. Tim replied that the Agency was aware that the number of inspections had declined when the previous inspector was reassigned to other work.

George Marlowe (LKDFN) was concerned about the impact that the power generators at the mine have on air quality. From his own experience, he knows that generators can be smelled far away, and that there is a lot of air that is used in the underground and released as exhaust. George indicated that there was a lot of black smoke from the generators during the start-up. He asked whether there is a type of filter that could be added to the generators to reduce the smell and improve the air quality. Sean Richardson (TG) inquired about whether the company has used breathing masks to determine what people are breathing in. Claudine replied that these masks have been used, but for the purpose of hygiene, but said she would check into it.

George Marlowe does not agree with the burying of garbage at Ekati and the other diamond mines. Nothing should be buried at the mine. It should all be brought back to Yellowknife for sorting and cleaning because we don't know how the buried garbage will affect the land 50 years from now. The goal after closure is to have clean land and water. Tim said that he has also heard this same concern from the YKDFN and explained that there are not supposed to be any contaminated materials in the buried garbage. Part of the issue of bringing unused materials back to Yellowknife is that then it becomes a problem for the city of Yellowknife.

Sean Richardson (Tlicho) mentioned that De Beers had some unused sea-cans or shipping containers near Behchok'o that were auctioned off. This could be an idea for the Ekati Mine.

There were no other comments or questions from the participants.

TREASURER'S REPORT

Jaida Ohokannoak (Secretary-Treasurer) presented the Auditors Financial Statement 2012-2013. The presentation was included as a handout in the participants' folders and is available on the Agency's website. Details on the Agency's finances can be found in the technical annual report. Jaida explained that each year, the Agency hires an independent auditor to review Agency finances and for the last few years the Agency has hired MacKay LLP.

Jaida also explained the purpose and use of the Separate Fund, which is for expenses related to matters going to a public hearing, such as the new Jay-Cardinal and Lynx projects.

There were no questions from the participants.

*Motion to appoint Mackay LLP as the Agency's auditor for 2013-14.
Moved by Wynter Kuliktana (KIA) and seconded by Doris Catholique (Akaitcho Treaty 8 - LKDFN).
Carried without objection.*

2013-2015 WORK PLAN AND BUDGET

Bill presented the Agency's work plan and budget for 2013-2015. The presentation was included as a handout in the participants' folders and is available on the Agency's website.

It was noted that there was some overlap with the previous presentation so Bill focused on the 2013-2015 Work Plan for the Agency.

A lot of the work for 2013-2015 will be directed towards the Lynx and Jay-Cardinal Projects, which are currently under review by the Wek'eezhii Land and Water Board and the Mackenzie Valley Environmental Impact Review Board, respectively.

George Marlowe commented that he had not heard before about the Lynx Project.

MEMBERS' PRESENTATIONS AND DISCUSSION

Bill mentioned that the three mine monitoring bodies (IEMA, EMAB and SLEMA) wrote a joint letter to AANDC and GNWT on November 20, 2013 to ask about what kind of changes can be anticipated in the Environmental Agreements as brought about by Devolution.

Lindsay Armer (AANDC) was present and provided a briefing on the impact of devolution on the Environmental Agreements. She said that letters addressed to the three monitoring bodies and their Society members will be released next week. The letters will outline the administrative changes to be made. For example, AANDC now coordinates the review and approval of the company's annual report but that function will move to GNWT. The same roles will be maintained with regard to dispute resolution. A copy of the Environmental Agreement with highlighting where the changes are to occur will also be sent but likely not until January 2014, with the hope of signing an amended version by April 1, 2014. Lindsay also stated that there is a clause about devolution in each Agreement and that negotiations will happen in good faith.

Bill mentioned that the Agency is working to understand exactly what changes will occur and how this will influence the Agency's work.

Eric Denholm stated that the company was aware of some plans for changes but has not been given anything concrete yet. He noted that Bob Overvold would be the company's spokesperson but the

company does not really have any control or say. DDEC would like for there to be a smooth transition. The company does not see any problems with devolution and is trying to be prepared.

Joe Holder said that GNWT's intention is that the transition will be a smooth one.

George Marlowe noted that devolution will probably be good for resource developers and their projects. He talked about how the original Agreements were made with the federal government, and now those Agreements will be with the territorial government. Everyone needs to be thinking ahead, including what will happen to the land after the closure of the mine. He also talked about how there is interest in making a national park near Lutsel K'e. If Lutsel K'e were to sign an agreement for the park, it would be like devolution in the sense that the responsibility of the land is transferred from one government to another. And although devolution sounds good now, it's not clear how long it could last. We need to be thinking of the future and the future generations.

Bill Ross said that the Agency's mandate should not change because of devolution. The goal of the Agency will remain, and that is to ensure the people will have the opportunity for a land-based way of life after closure of the Mine, in a manner that it is enjoyed now. The Agency is working with our Society Members to ensure this mandate is fulfilled.

Wynter Kuliktana thanked the Agency for inviting KIA. KIA is very busy with a lot of work on its own lands. KIA appreciates the work done by the Agency on water.

Bill Ross noted that the total amount for financial security to carry out the Interim Closure and Reclamation Plan had been set by the Wek'eezhii Land and Water Board. The Agency was concerned that the promised collaborative approach for the review of financial security did not happen. The Agency continues to want to be able to tell its Society members and the public that sufficient financial security has been set aside. He asked Lindsay if the financial security amount held today is adequate.

Lindsay explained that the Minister does not want the mine to be under-secured and the Regional office of AANDC is working with headquarters (Ottawa) to make sure that the security held is enough. The last thing that the Minister wants is another Giant Mine.

Eric Denholm (DDEC) said that the discussions to put financial security in place are ongoing. It is the company's intention to provide sufficient security for reclamation.

Tony Pearse (Agency) asked what the timeline was setting an adequate amount of security, and Lindsay replied that they are no such requirements in legislation but AANDC would like to finalize arrangements as soon as possible.

Jessica Simpson (Agency) gave a brief presentation on the Agency's Communications Plan and Communications Projects. Participants did not have any questions.

George Marlowe spoke about the change in ownership of the mine and wondered what that would mean. Claudine Lee (DDEC) said that the mine has been owned and operated by DDEC since April 2013. The staff is mainly the same, the same monitoring programs are in place. There are some new mining projects being proposed. Some of these will happen over the next year and some will be longer term. Eric Denholm stated that DDEC is a much smaller company than BHPB, it is northern-based and most of the management now live in Yellowknife. Bill Ross remarked that the Agency is still adjusting as shown by our last annual report which still uses "BHPB" but DDEC will be used in the next one. Bill noted that the Agency has observed that the DDEC appears to be using the same people and programs to meet its environmental commitments. Bill and Tim also mentioned that Agency Directors and staff are available for community visits upon request.

Matt Hoover thought the format of the Agency's annual report is very helpful. He will be in touch with the Agency regarding a possible community visit.

OTHER BUSINESS

George Marlowe attended a meeting with DDEC about the new Jay-Cardinal and Lynx Projects. He wondered if there will be some kind of contracts with the First Nations communities for drivers, because he understands there is a long road between the pits and the processing plant at Ekati Mine.

Eric Denholm said that there will be new employment opportunities with the Jay-Cardinal projects. DDEC is very interested in providing opportunities for contract and employment and he indicated he would take this interest back to Bob Overvold.

CLOSING REMARKS

Bill Ross thanked everyone for their participation, especially the interpreter Berna Martin, and for the advice received.

George Marlowe gave a closing prayer.

Meeting adjourned at 12:00 pm.