

## Summary of Discussion

*Held at the Champagne Room (Suite 201, 5006 Franklin Ave, Yellowknife, NT)  
Wednesday, December 5, 2018*

Final Revision:

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### **PARTICIPANTS**

#### **Agency Directors:**

Jaida Ohokannoak (*Chair*)

Ron Allen

Tim Byers

Emery Paquin

Kim Poole

#### **Agency Staff:**

Marc Casas, Executive Director

Shannon Moore, Communications & Admin.

Specialist

#### **Dominion:**

Lynn Boettger – Super Intendent Permitting

Dustin Chaffey – Permitting

#### **GNWT – Environment & Natural Resources:**

Laurie McGregor

#### **Łutsël K'e Dene First Nation (LKDFN):**

*Not in attendance*

#### **Kitikmeot Inuit Association (KIA):**

*Not in attendance*

#### **North Slave Métis Alliance (NSMA):**

Wayne Langenhan

#### **Tłı̨chǫ Government:**

Violet Camsell-Blondin

#### **Yellowknives Dene First Nation (YKDFN):**

*Not in attendance*

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*Meeting opened at 9:25am.*

**Quorum is not met** – motions and votes deferred to special meeting at an undetermined later date.

### **WELCOME AND AGENDA REVIEW**

Chairperson Jaida Ohokannoak welcomed everyone to the AGM and gave an overview of the agenda, explaining the way forward as quorum was not met. No additions or changes were suggested. There was a round of introductions by the Agency and attendees.

### **CHAIRPERSON'S ADDRESS**

Jaida thanked participants for their attendance, and reminded attendees that the Annual General Meeting is not just for the Agency to provide updates and report reviews, but for Society members to ask questions, and to make comments and recommendations to the Agency. This meeting provides a good opportunity for the company to hear Society member's suggestions and questions as well.

### **APPROVAL OF THE SUMMARY OF THE 2017 AGM**

As quorum is not met, this will happen at a later date.

## PRESENTATION OF IEMA's ANNUAL REPORT

Presentation given by Board Vice-Chair, Emery Paquin. *For further detail, please see the presentation.*

### Agency Activities

#### *Meetings and Visits*

- 3 Board meetings
- AGM and workshop in waste rock management
- Community Visit – Kugluktuk (May, 2017)
- Annual site visit to Ekati (September, 2017)

#### *Water Licence Amendments*

- Misery Underground
- Potassium Effluent Quality Criteria

#### *Technical Reviews and Input*

- Waste rock management
- Water and fish
- Caribou
- Closure and reclamation

### Recommendations for 2017-2018

*Background:* The Agency made four formal recommendations this year regarding waste rock storage, management of both land and water reclamation securities within a single regulatory instrument, and the involvement of the Department of Fisheries and Oceans Canada. These were:

- *Recommendation No. 1:* Dominion Diamond use 'Effective Neutralizing Potential' for determining the availability of neutralizing potential in waste rock.
- *Recommendation No. 2:* Dominion Diamond initiate and enhance monitoring programs needed to support development and verification of Waste Rock Storage Area water balance and thermal models.
- *Recommendation No. 3:* The Government of the Northwest Territories, Department of Lands work with the Department of Environment and Natural Resources to develop a legal or policy framework which enables land and water-related reclamation securities to be managed under a single regulatory instrument.
- *Recommendation No. 4:* Department of Fisheries and Oceans Canada improve the level and rigor of their participation in the assessment, review and monitoring of activities, programs and management plans related to fish and fish habitat at the Ekati mine.

### Wildlife

*Overall:* A satisfactory rating when it comes to wildlife monitoring and management.

Though mitigation efforts have been made to avoid wildlife attractants, including removing organics from the waste stream (close to 180 tonnes), wildlife attractants persist and the number of wildlife incidents has remained the same as last year (12 incidents reported – 8 grizzly bear incidents, 10 wildlife deaths from vehicles).

It is recognized that substantial work has been done to aid caribou crossing on the Jay Road, but the Agency is concerned about the small number of caribou crossings along and the apparent poor permeability of the Sable road.

## **Water & Fish**

*Overall:* The Agency found no new major water quality problems to report, although there are several issues that need to be watched. A positive aspect to report is that the Response Plans designed to deal with early warnings of changes in the water environment are getting better.

Though we're happy with current results, the Agency is concerned with the observed longer-term trends and will be continuing to watch them closely along with Dominion's efforts to address them.

The Agency is increasingly concerned with a decreasing trend in water and sediment quality in the lakes downstream of the LLCF, especially Leslie Lake. Selenium levels are the biggest concern while concern over future levels of potassium have also been identified.

## **Regional Monitoring & Cumulative Effects**

*Overall:* Positive efforts have been made towards regional and cumulative effects monitoring.

Dominion committed half a million dollars over three years toward research regarding the Bathurst caribou herd.

Also, Dominion and Diavik jointly ran a grizzly bear DNA hair snagging program in 2017 to research their population status and identify long-term trends. This was a follow-up to a similar study jointly conducted in 2012/2013.

## **Traditional Knowledge & Community Engagement**

*Overall:* The Agency is pleased by the establishment of the TK Elders Group, as it denotes a step forward in the overall management of the Ekati mine project. Despite several requests to Dominion to connect with the Elders Group, we have yet to meet and discuss topics of mutual interest. The Agency could benefit from contact with the TK Elders Group.

Last year the Agency expressed concern over the lack of clarity around how TK is incorporated into Dominion's monitoring programs and closure and reclamation planning. This concern still exists – the TK Framework is unclear on how TK is being accessed and used in environmental management at Ekati.

## **Air Quality**

*Overall:* With the exception of dust, the air quality in the area around the Ekati mine continues to meet the standards established by the GNWT. The Agency notes that though there are still instances of air quality monitoring equipment not working properly, repairs to the equipment are happening more quickly than previous years.

While Dominion's efforts are deserving of a rating of "Good" for their air quality monitoring programs, there are still two areas where the Agency has concerns: dust-fall levels, and greenhouse gas emissions. The Agency recommends an expanded use of the dust suppressant Envirokleen for dust-fall issues. Unfortunately, it looks as though greenhouse gas emissions will continue on an upward trend as development at the Sable Pit and future development of the Jay Pit continue.

## **Waste Rock & Processed Kimberlite**

*Overall:* The management of waste rock was the most significant area of disagreement between the Agency and Dominion in 2017. The Agency firmly believes the correct way to look at rocks' ability to deal with potential acidification is by using the [Effective Neutralization Potential Method](#) – Dominion disagrees. The Agency continues to be committed to working with Dominion, the regulatory agencies, and the Land and Water Board to resolve this matter so that operational, closure and reclamation planning of the waste rock storage areas can move forward.

Related to this topic is the need to know the internal conditions of the storage areas. The Agency acknowledges Dominion's positive measure of initiating a geotechnical investigation of the Misery rock pile in 2017. However in early 2018, Dominion proposed reducing the number of temperature monitoring cables in the Sable storage area from 5 to none. The Agency expressed strong concerns with this revision and encouraged Dominion to reconsider its proposal.

## Expansion Projects

*Overall:* This section of the Annual Report was changed in 2017 to focus on the areas of Ekati that are not yet in operation. Expansion projects in 2017 included the Jay and Misery Underground Projects. The Jay Project has been deferred until an optimization study is complete – the study is looking into ways the ore body can be developed more efficiently. The results of the study have yet to be released.

The planning for the operation of the Misery Underground Project is ongoing. The WLWB completed the amendment application process review of Misery Underground in February, 2018.

Of note, there seems to be a greater emphasis being placed on exploratory work for new and yet unknown kimberlite pipes by the mine's new owners, the Washington Group.

## Closure & Reclamation

*Overall:* The Agency would like to recognize the WLWB's commitment to ensuring effective closure and reclamation planning at Ekati remains strong. At the same time, the Agency recognizes Dominion's efforts to reclaim the unused Old Camp site, and look forward to the final Reclamation Completion Report.

The lack of a single, updated closure and reclamation plan for the property in 2017 was troubling to the Agency. A timeline for a new closure plan of July 2018 was subsequently established by the WLWB as part of the Jay Project water licencing process. The Agency considers the updating of this plan and other reclamation research as being critical for moving forward with effective closure planning, and would like to acknowledge Dominion's considerable efforts to comply with the WLWB's instruction. A draft plan was submitted for review in August of 2018.

## Assessment of Regulators

- **GNWT**
  - **ENR:** Made valuable contributions to the regulatory process on Misery Underground and Potassium Effluent Quality Criteria applications.  
Progress with the Bathurst Caribou Range Plan, Environmental Protection Act, Wildlife Management Act, and Waters Act.  
Also pleased they are working on Air Quality Regulations
  - **Department of Lands:** Inspections were done well and regularly throughout 2017-2018.
  - **Water Resources Division:** Made good use of consultants and staff expertise and important contributions to the reviews of applications and plans.  
Their input improved everyone's understanding of review topics, and ultimately benefitted decision-making as a whole.
  - **Conservation, Assessment, and Monitoring Division:** Administers Ekati's Environmental Agreement. Being updated since 2015 – expect a finished Agreement in summer 2018.
  - Wildlife Division: Moved forward with important work on caribou, the Bathurst herd in particular. Made changes to the Wildlife Management Act (Phase 2), and the Bathurst Caribou Range Plan.
  - Environment Division: Worked on air quality regulatory process for the NWT, and provided an Interim Dustfall Objective in May 2017.
  
- **Crown Indigenous Relations & Northern Affairs Canada (CIRNAC):** Continues to play a lesser role with Ekati regulation – devolved its land and water responsibilities to the GNWT. The GNWT and INAC are working on the Environmental Agreement to accommodate these changes. CIRNAC will stay a signatory to the Agreement. The Agency encourages CIRNAC to stay informed of our work on Ekati (however, CIRNAC missed two important meetings: Annual General Meeting and Environmental Agreement Implementation meeting).

- **DFO:** Though they were present at important hearings, DFO has given little input. The Agency feels DFO's contribution to the regulatory process in 2017-2018 was poor. We hope that with changes to the Fisheries Act, we can once again see more thorough participation by DFO.
- **ECCC:** Participation has improved. ECCC commented on most review items related to its mandate. They have also been working on changes to the federal Metal Mining Effluent Regulations, which include diamond mining regulations. Regulations are planned to be published the summer of 2018.
- **WLWB:** Continued into 2017-2018 with sound management of Dominion's permits and licences. The Agency's only concern is that some of the proponent's submissions and reports were held for weeks or months before sending them out for review. This resulted in a rush in the review process, which is not ideal.

### Assessment of Dominion Diamond Ekati Corporation, ULC (unchanged from last year)

Environmental Indicator	Agency Rating
Closure and Reclamation	Satisfactory
Financial Security	Satisfactory
Water and Aquatic Life	Satisfactory
Air Quality	Good
Wildlife	Satisfactory
Traditional Knowledge	Satisfactory

### TREASURER'S REPORT

Presentation given by Kim Poole, IEMA Secretary Treasurer – Agency's 2017-2018 Financial Statements, Expenditures, Core Budget, and the 2018-2019 Work Plan & Budget. (See presentation for more information.)

#### Work Plan – Technical Focus for 2018-2019:

- Aquatics
  - 2017 Aquatic Effects Monitoring Program- Response Framework
  - Aquatic Response Framework – Various Response Plans
- Closure & Reclamation
  - Interim Closure and Reclamation Plan Version 3.0
- Wildlife Effects Monitoring Program
- Waste Rock
  - Wastewater Processed Kimberlite Management Plan and Panda/Koala Deposition Plan
  - WROMP 9.0 – Sable Waste Rock Storage Areas
- Air Quality
  - Air Quality and Emission Monitoring and Management Plan for Ekati site
  - Dust management trials: EnviroKleen

#### Appointment of Auditor – *vote postponed*

Marc presented an overview of 5 auditor proposals

- Ashton (Paul Fleury) quote not included in the presented chart, but has been received.

**Comment:** *Tłıchq Government:* Use some of the budget to increase TK interactions.

## MEMBERS' PRESENTATIONS AND DISCUSSION

**Dominion Diamond Ekati ULC:** Presentation by Lynn Boettger – *Superintendent of Permitting*, Presenting on Phone: *Claudine Lee – Head of Environment, Lukas Novy – Acting Superintendent*

### **Sable Diffuser Plume Study Report**

- Work around the plume – plume delineation, etc

### **Caribou Camera Report** – Deferred until 2020

- Q: Why is the report being deferred?
  - o A: don't have enough information to put a full report together. The amount of data they have collected thus far isn't sufficient for a full report. Getting more data to create a better product.

### **Grizzly Bear DNA Program** – This program has ended.

- Q: Has report been distributed?
  - o A: Imminently going out. Should be any day now.
  - o Plan was to go out before Geoscience, wasn't quite ready.

### **Wolverine DNA Program** – This program has ended.

### **ICRP Workshop**

- Q: Will technical Consultants be available to answer questions?
  - o A: Yes.

### **General Discussion:**

Q: Unclear where the process is for funding on caribou research proposals that were submitted in summer or fall?

A: Dominion – Meetings and workshops were held. It was discussed what kind of proposals they wanted to be included. Have not received any proposals as of yet. There has been no deadline for proposals. Timeline would be in line with other research proposals.

Q: Can IEMA be placed on the agenda for the TK Elders Group meeting?

A: Dominion – When they decide when they're meeting, it will be discussed with them.

Q: NSMA: Could there be a few monitoring stations on the Coppermine River to monitor water? Fish are unfit for human consumption in Kugluktuk.

A: Dominion – There are a number of stations available which Dominion uses info from. Dominion has monitoring stations right at Jay, nearby in Lac de Sauvage, and at the Coppermine River. GNWT and Water Survey of Canada have water quantity and quality monitoring stations on the Coppermine River at the outlet of Lac de Gras and at Kugluktuk. DDEC provides funding to the community for other monitoring, such as the Hunters and Trappers Association (*Note: unable to clarify what this funding entailed at time of publishing*). Diavik also has monitoring right up to the mouth of the Coppermine River.

Q: IEMA – Optimization Studies (Jay and Fox). Timeframe for completion of studies and possible release of the results?

A: Dominion – A lot of the work is close to being done. Enviro department isn't really involved right now. It is all depending on diamond prices.

Q: Tłıchq Gov't – Jay project: there are concerns about the cumulative impacts on water.

A: Dominion – Through regular Ekati aquatics program, cumulative impacts are looked at. But they don't do the full cumulative impacts – this is a GNWT responsibility.

Q: IEMA – ICRP 3.0 discusses reclamation of roads – esker areas are important to Agency – refers to Tlicho Whata esker's project. Was there a report out of that? And is it available?

A: Dominion – Tłıchq report, not Dominion. Only have a draft of it. Will follow up to see where it is, but they did not write it or generated it.

### **GNWT: Presentation by Laurie McGregor - *Environmental Assessment Analyst***

Ekati Environmental Agreement: It is now signed off – IEMA will get a copy.

- Original Environmental Agreement is the legal foundational document.

Q: Amended changes were administrative in nature?

A: Yes

Only other update: Land and Water Boards took initiative to meet to talk about closure security. GNWT has a number of action items to work on, but nothing to report yet. Just moving forward.

Q: DDEC ULC's Environmental Impact Report will be late again – has GNWT granted that extension?

A: No. What will probably happen is Dominion will be asked to send a letter confirming extension and reasons to be consistent with agreement.

Q: Financial Securities – A number of recommendations have been made over the years. In 2016, it was recommended that consistency should be brought to relinquishment. Last year, it was asked whether securities could be combined under one authorization. Your discussions – are they broad enough in scope to include our recommendations over the last few years.

A: Not specific to holding security under one instrument. Misery IR Comments are due Friday, and that will get into the question of securities. Meeting with Land and Water Boards to inform the process.

### **Invite to Society Members to Present Ideas or Thoughts**

- o Send copies of meeting minutes to Aboriginal Society Members
- o NSMA: Turn over at NSMA office makes it hard to keep track of these things. **MAIL copy to Wayne directly**. Or when sending to NSMA, make a note to pass it on to Wayne.

## **AGENCY COMMUNICATIONS**

Presentation given by Shannon Moore, *Communications and Admin Specialist of IEMA*

**Summary:** The Communications and Admin Specialist of IEMA gave a presentation updating Society Members and attendees about outreach and communications the Agency has accomplished in 2017-2018. This includes publications such as our bi-annual newsletter and our Annual Report. The Agency website is continually updated, and online communications were covered – including signing up for the digital version of our newsletter on the website.

### **Suggestions?**

- o Add a note to the bottom of "About" section to explain terms and appointments of directors.
- o Update the News section.

## **OTHER BUSINESS**

No other business was raised.

## **CLOSING REMARKS**

As we did not meet quorum for the AGM, motions could not be made.

Everyone will be contacted again to organize a special meeting of Society Members on teleconference (to vote for meeting minutes, auditor, and close meeting).

Jaida thanked everyone for their attendance and participation.

*Motion to adjourn (deferred for quorum).*

*Meeting over at 12:05pm.*