

Summary of Discussion from the Annual General Meeting
of the Society of the
Independent Environmental Monitoring Agency
Held on **January 17, 2018**
at the **Champagne Room** (Suite 201, 506 Franklin Ave, Yellowknife, NT)

Final Revision: May 31, 2018

PARTICIPANTS

Agency Directors:

Jaida Ohokannoak (*Chair*)
Ron Allen
Tim Byers
Emery Paquin

Agency Staff:

Marc Casas, Executive Director
Shannon Moore, Communications & Admin.
Specialist

Dominion:

April Hayward – Superintendent Environment
Lynn Boettger – Team Lead – Enviro. Permitting

GNWT – Environment & Natural Resources:
Laurie McGregor

Łutsël K'e Dene First Nation (LKDFN):
Not in attendance

Kitikmeot Inuit Association (KIA):
Monica Angohiatok

North Slave Métis Alliance (NSMA):
Wayne Langenhan

Yellowknives Dene First Nation (YKDFN):
Alex Power

Meeting opened at 9:25am.

WELCOME AND AGENDA REVIEW

Chairperson Jaida Ohokannoak welcomed everyone to the AGM and gave an overview of the agenda. No additions or changes were suggested. There was a round of introductions by the Agency.

Motion to approve agenda of the 2017 AGM

Moved by Laurie McGregor. Seconded by April Hayward. Motion carried – agenda approved.

CHAIRPERSON'S ADDRESS

Jaida addressed participants to remind everyone that the Annual General Meeting is not just for updates and report reviews, but for Society members to ask questions, and to make comments and recommendations to the agency. It is important to do so in this setting, as the company can also hear Society member's suggestions and questions as well.

APPROVAL OF THE SUMMARY OF THE 2016 AGM

Motion to approve the Summary of Discussion from the 2016 AGM.

Moved by April Hayward. Seconded by Laurie McGregor. Carried without objection.

PRESENTATION OF IEMA'S ANNUAL REPORT

Presentation given by Board Vice-Chair, Emery Paquin. Presentation is available on our website: monitoringagency.net.

Agency Activities

Meetings and Visits

- Four Board meetings and the AGM
- Community Information Session for North Slave Métis Alliance and the public (March 2017)
- On-site visit to Ekati mine

Reviews and Workshops

- Major effort towards Jay Project water licence application
- Significant reviews
- Environmental Impact Report
- Aquatic Effects Monitoring Program Re-evaluation
- WRSA Ecological Risk Assessment
- Agency video

Recommendations for 2016-2017

Background: The Agency made two formal recommendations after significant discussion around Dominion's 2016 request to phase posting of financial security for Sable project, the suggestion of returning financial securities after the completion of reclamation work at Panda Diversion Channel, and the Agency requesting clarification from the GNWT regarding these requests. These were:

- *Recommendation No. 1:* The GNWT, in cooperation with the Wek'èezhii Land and Water Board standardize whether, and what portion of, security be held back upon completion of reclamation activities.
- *Recommendation No. 2:* The GNWT, in cooperation with the Wek'èezhii Land and Water Board standardize the application, consideration and approval of staged closure and reclamation securities.

GNWT expects to begin a review of its regulatory and policy framework for land and water securities in 2017, and that it will consult and engage organizations as this review proceeds.

While GNWT's response does not provide the certainty that the Agency was hoping for, we look forward to engaging with the GNWT on this work and receiving updates on the review in the coming months.

Waste Rock & Processed Kimberlite

Highlights

- WRSA Closure Ecological Risk Assessment completed
- Permafrost in Panda/Koala/Beartooth (P/K/B) WRSA being established
- Fox and Coarse Kimberlite storage areas remain largely unfrozen

Agency Assessment

- ✓ Closure Seepage Ecological Risk Assessment completed
- X Ecological Risk Assessment results questionable
- ✓ Continued seepage monitoring
- ✓ Thermal monitoring of P/K/B and Fox storage areas
- X Lack of thermal monitoring for Misery and CKR storage areas

Notes: The Agency recommended additional efforts be taken to collect site-specific data in order to reduce uncertainties in temperature and water quality predictions, and, that an experts' workshop be conducted to discuss methodologies and data needs. The Agency recognizes Dominion for taking waste rock concerns seriously, and for their upcoming workshop next month (February) to discuss these concerns.

Closure & Reclamation

Highlights

- A timeline for updating the Interim Closure & Reclamation Plan (ICRP) has now been established
- A process for staging and handing back financial securities is needed
- Delays in reclamation research remain a serious concern

Agency Assessment

- ✓ WLWB remains watchful over reclamation planning and security
- ✓ Overall closure and reclamation performance has been satisfactory
- X DDEC response to WLWB directive for updated reclamation schedule was unsatisfactory
- X Reclamation work at Old Camp was postponed

Notes: During Public Hearings held for licensing of Jay Project, the Agency and other interveners argued that Ekati's 2011 ICRP requires updating. As a result, in June 2017 the NWT Minister of ENR directed that an updated Plan be submitted for approval by summer 2018. Dominion confirmed that an updated Reclamation Research Plan will be prepared along with the revised ICRP.

Water & Fish

Highlights

- Aquatic Response Plans in place
- Aquatic Effects Monitoring Plan Re-evaluation complete
- Progress made in assessing changes in aquatic communities

Agency Assessment

- ✓ Aquatic Response Framework (ARF) in place
- ✓ Parameter-specific response plans initiated under ARF
- ✓ AEMP improved through the Re-evaluation
- X Agency review of Sable AEMP identified deficiencies

Notes: Monitoring data still suggests that changes in water quality are due to mining operations. Generally, changes decrease with downstream distance from the Long Lake Containment and King Pond Settlement facilities, eventually returning to normal levels.

When measured concentrations of a pollutant approach pre-set levels, or site-specific water quality objectives, the ARF requires Dominion to develop plans to address the pollutant before it reaches a harmful level. In 2016, Dominion submitted or revised 8 response plans to address potential threats to local water quality and aquatic life.

Every three years the AEMP is evaluated to ensure the program is accomplishing what it is designed to do. An evaluation was undertaken in 2016 and resulted in Dominion requesting 33 changes to the Program and Response Plans, most of which were approved by the WLWB.

In September 2016, Dominion submitted a revision to its proposed Sable Project AEMP. During its review, additional concerns were expressed regarding gaps in baseline data and uncertainty on how TK (beyond the large-bodied fish program) was incorporated in the Program's design.

Air Quality

Highlights

- EnviroKleen proving effective at reducing dust from roads
- Initiation of work towards an Air Regulatory Framework
- One-time incinerator emissions test below Canadian standards

Agency Assessment

- ✓ Expanded trials of the dust suppressant EnviroKleen
- ✓ Jay Project Air Quality Emissions Monitoring and Mitigation Plan (AQEMMP)
- ✓ Continued monitoring of ambient air quality and dustfall
- X Study into inline incinerator continuous emissions monitoring
- X Overall limited progress towards an Air Regulatory Framework (NWT-wide)

Notes: Dominion continued testing of the dust suppressant EnviroKleen in 2016, after initial results showed that this suppressant is more effective on roads than the petroleum-based DL-10, or applying water.

An AQEMMP for Jay Project was released by Dominion in December 2016, and approved by ENR in May 2017. Under the Plan, thresholds and triggers for several air pollutants were developed as part of an adaptive management framework. Dominion committed to include thresholds and triggers for an interim dustfall objective, which the GNWT released in May of 2017. The Agency commends both Dominion and the GNWT for these actions.

As part of its report on the Jay Project, it was suggested that Dominion consult with GNWT and ECCC to determine whether additional stack monitoring of waste incinerators is feasible, and to report their findings by May 2017. The Agency is disappointed that this deadline passed without the review being undertaken and encourages Dominion, the GNWT, and ECCC to complete the assessment.

Wildlife

Highlights

- Observed caribou numbers at the minesite highest in recent years
- Wildlife Effects Monitoring and Caribou Road Mitigation plans
- Sable Road constructed through previously undisturbed habitat

Agency Assessment

- ✓ Occurrence of misdirected wildlife attractants declined
- ✓ Jay Caribou Road Mitigation Plan implemented site-wide
- ✓ Partnership with the TK Elders Group
- X Updates to Wildlife Effects Monitoring Plan (WEMP) & Caribou Road Mitigation Plan (CRMP)

Notes: Caribou sightings at Ekati have generally decreased since 2009, but the number increased in 2016 to more than 25,000 animals – it is not understood why. ~ 6250 Bathurst caribou were seen during the spring, summer and fall. Unusually, 19,000 caribou were observed in November and December, primarily from the Beverly/Ahiak herd. This indicates that a greater consideration of the Beverly/Ahiak herd by Dominion may be warranted.

The CRMP developed for the Jay Project has been integrated into a site-wide plan for Ekati. In 2016, there were 24 reports of caribou within 100 meters of the Misery or Sable roads that resulted in speed reductions or halting of mine traffic. Dominion estimates these measures resulted in a loss of 200-300 person-hours of work.

A revised site-wide WEMP plan was approved by ENR in June 2017.

The Agency recognizes Dominion's continued efforts to make roads more accessible to caribou through installing caribou crossings. Mine officials continue to work in partnership with the TK Elders Group. Continuation of this collaboration on road crossings and in other areas, such as the design of WRSAs, is encouraged.

Jay and Sable Project Development

Highlights

- Jay Project Report on Environmental Assessment approved
- Water Licence and LUP Public Hearings
- Minister's decision on WL received July 6, 2017
- Development of Sable Project initiated

Agency Assessment

- ✓ Thorough and efficient water licence regulatory process
- ✓ Dominion cooperative and responsive to inquiries
- X Application to extend existing water licence term
- ✓ Final WL conditions largely reflective of input and discussion

Notes:

Jay Project: The Agency participated in several rounds of Information Requests, a Technical Session in Behchoko and public hearings in Yellowknife. Our intervention at the hearings focused on four major areas: (1) mine water; (2) waste rock storage; (3) Lac de Sauvage water quality; and (4) closure reclamation planning and research. An amended water licence was issued in July 2016 – details to be included in the Agency's next Annual Report. The Agency believes the Jay Project environmental assessment and regulatory processes were rigorous, thorough and efficient.

Sable Project: Located ~ 27 kilometers north of Ekati's main camp. Work undertaken in 2016 included construction of the 19 km Sable road and fishout of Sable Lake by community members. Dominion requested that financial security for the Sable Project be staged rather than posting all the required security prior to commencement of the project.

* Both the Jay and Sable Projects are located in areas that have previously only been lightly impacted by mine operations, including esker areas highly used by caribou.

Regional Monitoring & Cumulative Impacts

Highlights

- Bathurst Caribou Range Plan discussion document released for public review
- Caribou Zone-of-Influence task group achieved limited progress
- Potential for increased phosphorous in Lac de Gras from Jay Project effluent

Notes: The Agency provided comments to an ENR discussion document about the Bathurst Caribou Range Plan released in Feb. 2017. Comments focused on: 1) changes in seasonal caribou range distribution; 2) disturbance thresholds; 3) location of developments; and 4) how the Mobile Caribou Conservation zone would work in practice.

Other cumulative impacts the Agency examined in 2016 include Lac de Gras water quality. A study by the GNWT Cumulative Impacts Monitoring Program identified two areas of the lake that are being impacted by mines: the northeast arm near Ekati, and the eastern portion of the lake near Diavik.

Traditional Knowledge & Community Engagement

Highlights

- Traditional Knowledge Elders Group established
- Ekati Mine Engagement Plan updated

Agency Assessment

- ✓ Improvement in the use and reporting of Traditional Knowledge (TK)
- ✓ Several fish-offsetting projects initiated
- ✓ Traditional Knowledge Elders Group
- ✓ Cultural camp
- X Clarity around Incorporation of TK into management decisions

Notes: The Agency notes that Dominion hosted several community youth, adult and elder groups on-site during 2016.

The Agency is pleased to report that we have seen improvements by the company in the use and reporting of TK. However, it remains unclear to us how TK is actually incorporated into the mine's decision-making processes. The Agency remains optimistic that clarity in this area will be provided over the coming years.

Assessment of Regulators

- ENR: Robust and focussed technical participation
Limited progress on management plan for Bathurst caribou
- INAC: Continue to play less of a role in environmental management
- DFO: Narrowing scope and mandate affecting input
- ECCC: Participation in regulatory processes inconsistent
- WLWB: Sound management of DDEC permits and licences

Assessment of Dominion Diamond Ekati Corporation, ULC

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 Marc Casas, IEMA Executive Director – Agency's 2016-2017 Financial Statements, Expenditures, Core Budget, and the 2017-2018 Workplan & Budget.

Questions:

- Is there a reason the Agency chooses Crowe MacKay as their auditor/accountant?
 - We have simply gone with them as they have been consistent and reliable in their work over the years.

The Agency has committed to providing quotes from other local auditors for the next AGM to keep the process transparent and fair. EPR Accounting was suggested as another local option.

*Formal appointing of Crowe MacKay as next year's auditor by society member:
Moved by Monica Angohiatok. Seconded by Alex Power. Carried without objection.*

MEMBERS' PRESENTATIONS AND DISCUSSION

Presentation by Lynn Boettger, Team Lead – Enviro. Permitting – an update on Dominion Diamond's year, and what is to come. Available on our website

Corporate Changes

- Head office moved to Calgary. Enviro dept. staff are mostly in Calgary Permitting team members Lynn Boettger and Dustin Chaffee still in YK.
- Washington Companies Acquisition.
- **New name: Dominion Diamond Ekati ULC**

Jay Project

- Water license issued July 6, 2017.
- Working on submissions to the WLWB Co placement design study, site wide WPKMP. Next submission of Jay AEMP and ARG – extension granted to March 9, 2018.
- TKEG – last meeting in YK Dec. 5-6 '17. Next meeting in spring.
- LU permit for culture camp (Measure 7-2)
 - Have submitted the amendment
 - The original site chosen wasn't viable, so looked for a better location not too far away. Should come out shortly.
- AEMP baseline data collection – winter, summer sampling, LDS LDG, Thonokied and Afridi lakes
- EA reporting submitted June 30, 2017
- Fisheries submission of offsetting plan in first quarter of 2018.
- CRMP implemented mid 2016 – 50 collars purchased
- Community mitigation planning workshops held in December 2017
- Update: main access road to south dike abutment and spur road to north dike abutment, pipeline road around King Pond.

Sable Project

- Filter dike completed
- Site infrastructure constructed (generators, fuel farm, maintenance shelter.
- Pre-stripping has started.
- Two rock outflow design report – reviewer comments due Jan 17, 2018 (TODAY)

Misery Underground

- Submitted application to WLWB in August 2017

- Public Hearing February 7, 2018
- Water Licence anticipated from Minister in August/September 2018

Fox Underground (Fox Deep)

- Completing Preliminary Economic Assessment
- Pre-Feasibility Study next year
- Some investigative drilling early next year to inform the Pre-Feasibility Study

Q: Alex Power: Fox Deep recap

A: exploring a profitable resource under Fox open pit – preliminary research says there is a good resource. There is a prefeasibility study released early 2017.

Q: Emery: ZOI – bundled together with community-based TK research? Or are they separate?

A: There are a couple of different initiatives. Emery referring to GNWT research, DDE is also doing their own. On top of that, also community-based research and monitoring programs that might occur, as well as TK-based ZOI monitoring program.

Programs:

- Sediment year for AEMP – issues with core sampling. These issues were encountered with separate consultants – inadequate samples from core are the justification for using an Ekman dredge. Memorandum to WLWB to address this, will send it out for review.

Pigeon Stream

- Successful year – diversion channel is functioning well. It is reflective of original Pigeon Stream. Dominion is happy with progress. Monitoring report will be coming out late spring/early summer.

Wildlife

- Caribou & roads – working with NRCAN on drivers of ZOI.
- Grizzly DNA – lab results expected in early February, 2018. Report will follow in Summer. It has been an issue getting DNA results from lab – delays.
- Wolverine DNA – GNWT is reassessing, so the program has been put on hold.

Q: Alex Power – Why are they reassessing?

A: April – Super low sample sizes (hair snags), value of the program is being reconsidered, as the results may not be worth the effort of data collection and reporting. Waiting on outcome of report that was done several years ago. Until that report comes out, won't know if it is worth it.

Q: Monica Angohiatok – Do animals get cut from the wire on the hair snag trap?

A: Ron – No, skin doesn't get cut, sometimes hair doesn't even snag.

Air & Land

- Conducted lichen sampling, three-year report will be released March 31 2018
- Expanded application zone of EnviroKleenn to include entire Misery Road – in consultation with GNWT inspector. Late winter early spring of 2018 – will cover last two years of monitoring.

Closure & Reclamation

- LLCF - Continued on with progressive reclamation of Cell B. Starting to see natural regeneration. Happy to see that's starting to happen exponentially, and naturally.
- Old Camp – Excavated areas of hydrocarbon contamination, resurfaced and re-sloped the area to encourage natural revegetation of the area. Have to go back to one remaining area that requires more excavation. There are plans for this summer. May have to wait until 2019.

Q: Tim – How deep into the substrate is the oil found?

A: April – Testing is done at 1-2m depths. In every case except for one, that depth was sufficient. More about surface area and not about depth.

Q: Wayne – Is tonnage kept track of?

A: Yes, it is.

Q: Wayne – Is contaminated substrate shipped out?

A: There is a land farm on site, and all materials are shipped there. Soil piles are turned to allow hydrocarbons to escape. In cases where it's highly contaminated, then yes, it is shipped through KBL offsite. Dominion is looking into bioremediation this year. The process applies a bacterium that would digest hydrocarbons. There is a concern about temperatures in the north affecting the process. Trying a pilot project this year.

** Wayne suggests that this could be a joint effort for both Diavik and Ekati.*

Q: Monica – How long would it take?

A: not sure, 1-2 years, but depends on temperatures up here. Haven't committed to doing this, but if it does work, it would be a great way to address the hydro carbon contamination.

Q: Alex – Re: hydrocarbon remediation: turning the soil, some fraction evaporates, what proportion gets off-gassed? Not a solution really.

A: Emery – Would depend on mixture of hydrocarbons and many variables, including temperature, shape of the pile, etc.

- ICRP – hosting a workshop in February 2018, document to be submitted July 2018 as condition for water license.

Q: Emery – When will materials be distributed in advance?

A: It's scheduled for 27th-28th of Feb, so ahead of time.

** Suggestion: this is a very important workshop, getting the information in advance greatly assists participants.*

Traditional Knowledge

- Four meetings over the last year, 2 at site, 2 in YK. Hopefully TKEG will be at the culture camp at some point this coming year.
- Elders tour of Jay Crusher. Sable baseline large bodied fish, caribou mitigation plan (ZOI), seed collection project with student tour. Culture camp to be built and used in 2018.
- LKDFN moccasins on the ground and Tlicho boots on the ground

Q: Tim – Sable large bodied program – will the DELT be done (looks at physical abnormalities of sampled fish)?

A: full large bodied fish sampling program. A couple of folks with them on the ground during sampling. Refer to it for placement of nets, etc.

Q: Monica – Fish sampling from Coppermine?

A: Hydrology is monitored, and Diavik also monitors water quality. Have been in discussions with Kugluktuk to support community-based monitoring programs.

Q: Monica – Are previous year results available?

A: Previous results from Coppermine and LDG AEMP can be found through Diavik, water quality. The rest will be through Jay project materials (baseline).

Q: Tim- Rejigging to organizational chart?

A: Yes!

Environment Department.

Claudine Lee Head of Environment – April Hayward (Superintendent Environment) reports to her
There are three branches:

- 1) Execution Branch - Site-based: David Bruce, Richard _____
- 2) Advisory Branch: Harry O’Keefe (wildlife), Lukas Novy
- 3) Permitting Branch – Lynn Boettger Environment Coordinator (works between all groups) – Kendra McGreish

Q: Monica – Have you done any berry studies?

A: Historically there have been berry studies. * Clarification by Jaida: maybe during the EA, but otherwise, no.

64% northern, 38% Indigenous for staffing statistics – will provide an update at next meeting.

Q: Wayne – Hydrocarbons... in the past, were any of these things trucked out? A: Land Farm Remediation Plan – where able to rehabilitate the soils, they can be used as cover on site. If cannot get hydrocarbon levels out below CCME guidelines (parkland), consider shipping it out. Material goes with KBL generally to Alberta.

GNWT: Laurie

- They are really close to finishing amendments to closure agreements re: devolution. It was put on hold until Dominion changed their name. Should be done by end of fiscal.
- GNWT has one outstanding measure: evaluate the comp plans, so have to put out a document this May
- IEMA recommendations: no deliverables to present for closure and remediation. Not just for Ekati but for other mines. Will share more once there’s concrete information.
- Working on legislative proposal changes – specific to Agency recommendations. Proposal to change Environmental Protection Act – it was changed and passed in Oct. 2017
- Air regulatory framework: feedback about the framework steered it in another direction. Working at fitting air quality into a land use permit or water license.
- What we heard document – comments and responses: Was supposed to be out in September but should be out end of January. Will be posted on ENR website.

Q: Emery: will notice be given to parties participated in EA? A: good question, will check to make sure those who commented will hear from them

HR structure: Currently don’t have a manager, will be getting new manager in September from Enviro Canada. Laurie remains operational level support. Laretta or Joel are management.

* Annual Reports – Enviro agreement, annual reports. Requires plain language summary to be submitted at the same time. Has been submitted after tech report. Logistical issues getting plain language simultaneously. Want to be sure all parties are okay with receiving the plain language report after the tech report. Jaida: Agency submitted formal comments that they were okay with it.

Q: Emery: Review board suggestion of looking into inline monitoring of incineration emissions?

A: ENR is working on it. More than happy to work with Dominion.

AGENCY COMMUNICATIONS

Presentation given by Marc Casas, IEMA Executive Director presentation available on our website

Publications

- We are going to get the Ekati monitor out twice a year from now on.
- Will continue publishing plain language and technical annual reports, also with a summary Brochure. These are always available on the website.

Web-Based Initiatives

- We'll be updating social media more often now.
- The online timeline will be updated as well. The timeline is separated into three categories for ease of use: regulatory, operation, and environmental change.

New website:

- Same information, but newer platform, and much easier to use – for both site visitors and administrators.

Video

- New overview video – this came from community member input. Not many community members have been or can go to the mine, so it's important to capture that. Thank you to Dominion for video clips.

Environmental workshops

- The Agency hosts these in the years when there isn't an Environmental Impact Review report.
- Workshops focus on the topic at hand (this year, waste rock).

Community Visits

- This past year, our community focus was on Yellowknife – specifically for the NSMA.

Suggestions?

Nothing specific suggested.

OTHER BUSINESS

No other business was raised.

CLOSING REMARKS

Jaida thanked everyone for their participation and advice. This is your AGM, your opportunity to speak to us and provide feedback.

Reminder to Society Members that Agency directors are available at any time to discuss issues with the community.

Motion to adjourn.

Moved by Wayne Langenhan, Seconded by Alex Power. Motion carries with no objections.

Meeting adjourned at 12:21pm, followed by lunch, and the opportunity for Aboriginal Society Members to meet with Directors.