

Independent Environmental Monitoring Agency

101st Meeting of the Board of Directors

Yellowknife, NT – September 19-20, 2018

Summary of Discussion

Directors

Jaida Ohokannoak

Emery Paquin

Tim Byers

Ron Allen

Jesse Jasper

Absent: Bill Slater, Kim Poole

Staff

Marc Casas, Executive Director

Shannon Moore, Communications and Admin
Specialist

Meeting chaired by Jaida.

Wednesday, Sept. 19, 2018. Start time: 9:05am

Agency Business

Chair/Director and Staff Updates

Since March, Directors have been continually reviewing Agency letters and providing comments to projects and requests for comment from the Wek'èezhìi Land and Water Board (WLWB). These included Air Quality Emission and Monitoring Management Report, 2017 Closure and Reclamation Progress Report and Security Estimate, MVLWB Rules of Procedure, Guidelines for Hydrocarbon Contaminated Soil Treatment Facilities in the Northwest Territories, Dust suppression Pilot Study, 2017 Annual EA and WL Report,

Jaida and Emery attended Ekati Mine's 20th Anniversary Celebration in August, which included a site visit and a celebratory event in Yellowknife.

The Agency hosted the Implementation Meeting on July 10, 2018. As part of the Resolution Agreement (2006) the Agency is required to have an implementation meeting. The intent of this meeting is to discuss the findings and content of the Agency's Annual Report and update the Agency on items that are coming up and general minesite update. The Agency was disappointed that the Dominion Diamond representative was not able to directly speak to some of the questions the Agency had regarding their responses to our Annual Report recommendations. One of the main purposes of this implementation meeting, which was included at the request of BHP Billiton (Ekati Mine owners at the time), was to allow for clarification of recommendation and responses. The

Agency believes this was a missed opportunity, and worries that with the company's move to Calgary that this may continue.

After some discussion, Directors decided on a new standard for reviewing Agency comments or letters; even if a particular director does not have comments to add, but they've read the document, to acknowledge they have reviewed the document by either commenting within the file, or saving the document with their initials on it.

Staff

- Request for Clarifications (during reviews)
 - List comments in order of priority (key comments will be up front, and any clarifications, errors, or omissions should be at the end).
 - The Agency will also make an effort to contact them before comments are due to reduce clarification comments made.
- Agency annual report:
 - This year's annual report included many mapping updates to incorporate new Ekati expansions, as well as the creation of new figures to more clearly communicate some of the concepts we discuss (such as design of waste rock storage piles).
 - Staff helped draft and edit comments submitted by directors.

Communications

The Communications and Admin. Specialist reviewed the numerous actions and updates that have happened since March, 2018. This includes a revamping of the Ekati Monitor (Agency newsletter) template, major upgrades to the Ekati Timeline, constant updating of links and structure of the Agency website, and the completion of the translated version of the Agency video (Wiilideh, Chipewyan, Tłchq, and Inuinnaqtun). The videos have been uploaded to the Agency website, and will be loaded onto thumb drives for distribution to communities.

The creation of infographics was also discussed, as it has been an idea for some time. The Agency staff and directors will brainstorm themes for these to determine what can be done in-house by Shannon.

The Agency will also soon have a digital monthly newsletter! There has been an option to sign up to the newsletter on the website for a long time, and it is linked to a MailChimp account the Agency has. A template is being made so that the next Ekati Monitor will be both mailed out and e-mailed to subscribers.

> Annual Report – Plain Language

- Terminology that is easy for translators

- Check on Indigenous terminology for climate change/development
- Plain language translating
- Check with translators to see how our plain language is?

NOTE from Tim: When discussing measurements of height in our written materials, included both meters and feet for clarity.

> Agency Terminology Discussion: Aboriginal or Indigenous

- Do we need a policy on this?
- Traditional Knowledge and Local Knowledge – both are being taken into account (local being non-traditional, but still highly relevant).

The discussion that ensued concluded that we will not create an official policy on this terminology – no action is required. However, if a preferred term is identified by communities or Society Members, then we will use the terminology requested.

Action Item 1: Set up a chart for infographic ideas for Directors to add to (should include topics and concepts that may be difficult for the Agency to communicate to communities/the public).

Action Item 2: Create template for digital version of the Ekati Monitor newsletter.

Action Item 3: Send plain language text to Peter Huskey or other translator to rate our readability re: translation-wise.

Action Item 4: Put out a request for plain language writers for next year’s Annual Report.

Financial Report

2018- 2019 Year-to-Date Expenditures and Variance Report – an updated Variance Report and our YTD Expenditures were presented. Items that were not on our radar until Dominion’s Quarterly Update was sent to us by email and in the Dominion Diamond Boarding Meeting presentation.

Annual Report Payments: It was agreed to pay for the Annual Report the year it’s produced – until now, we have been staggering the payment between years. Quorum for this decision was met, and the budget plan will be adjusted. Also discussed – seeking other quotes for the design and production of next year’s Annual Report.

Review of Audited Financial Statements Report: The report was summarized for directors. If money is not spent, it must be returned. The Separate Fund is a separate pot of money that can only be used for undertaking reviews that require a public hearing. This Fund cannot be used for any other work. The Expense Repayable is below.

- Expense Repayable = 10K from core funding, 17K from separate funding

NOTE: Continue to use strike-out functions when presenting on review items that are finished and accounted for.

Action Item 5: Send out a request for proposals to design and produce next year's Annual Report.

Correspondence

Incoming correspondence since the last board meeting was reviewed. The importance of tracking our correspondence was also discussed, and staff will be utilizing the tracking worksheet on an ongoing basis (instead of catching up toward board meetings).

The set-up of how we track correspondence was also reviewed, and it was decided that a few topic columns should be switched (Action Taken/Date Distributed to Directors).

Review of Previous Action Items

Action Items from our last board meeting were reviewed and discussed. Actions were either completed, or determined to be unnecessary (purchasing a new external hard drive for back up – we already have one).

See Action Items file in the 101st Board Meeting folder for further details.

Current Items/Out for Review

- Aquatic Response Framework Version 3.0 – Deadline for Comments: October 4th
 - Adding fluoride – question becomes, what's the benchmark?
 - Provided this information in V 3.0
 - Number they gave in Diavik study was lower (they quoted 2.7mg/L original from Diavik study was 0.27mg/L)
 - Working on wording a letter to get clarification and point out the discrepancy.
- Selenium is also increasing, in sediment and fish tissues (Sourced at LLCF – in the ore). Concern is that the Aquatic Response Framework does not have any sediment based benchmarks only water based. This may need to be reconsidered if there is a connection with fish and sediment levels but not water levels.
- Waste Rock Ore Management Plan 9/10
 - Just submitted – not out yet.
 - Remove Version 10 from Dropbox
- Waste water and Processed Kimberlite Management Plan
- Response Plan – Phosphorus
 - Coming out soon.
 - DO memo – based on reasons for decision from last Response Plan.
 - This is more of a conformity check.

- DO memo – from RfD DO response plan v1.2
- Potassium Toxicity study – 90 days of Effective date of amendment (July 11, 2018)
- New Exploration Permit of lease (October 4)
 - Seems to be for an option to build a camp and fuel storage.
- ICRP Process (upcoming) – See discussion document in Dropbox
 - Land and Water Boards won't be doing any specific workshops for ICRP right at the start, before they know how many issues or concerns people have.
 - Once we see the work plan we can see if we would like to submit any comments on it
 - How to communicate Closure and Reclamation ideas to communities?
 - Take a presentation based on the ICRP that we present to community members and allow time for discussion and conversation.
 - To explain concepts and answer questions.
 - Hear concerns and questions and do our best to answer based on the submission.
 - Build relationships and understanding.
 - Financial and logistical considerations to deal with first.

Action Item 6: Touch base with WLWB to see if they have tech sessions or workshops planned (in the context of joining in on them).

Action Item 7: Suggest workshops be held in each community.

Other Business

Dropbox

- Review Documents – becoming difficult to navigate
 - Divide into subdirectories based on topic
 - Example: 6 directories for Jay project (umbrella)

AGM Dates

- Board meeting and AGM can happen in December 11-13 or December 3-7/4-6
- Not going to do a workshop associated with this meeting.

Dominion Diamond Communications

- Communications between the Agency and Dominion Diamond will be streamlined through Lynn Boettger (Superintendent, Permitting). If Agency directors or staff have questions to direct to others at Dominion Diamond that they are sending by e-mail, Lynn is to be copied on the e-mail.

Tlicho Resource Management Working Group (Sept 25)

- Formerly known as the Kwe Beh Working Group
- Invited to give half hour presentation to learn about the Agency

- Take Agency video along
- Talk about ICRP and some reviews
- Marc is approved to go

Future Meetings

- AGM in December – notices 60 days before meeting, reminder 30 days prior
 - Notice in the paper and free local advertising
 - Wrap up date for AGM next week (September 25, 2018)
- Board Meeting (fiscal planning) – Tentatively March 4th-8th, 2019

ICRP Workshop (WLWB)

- Having an info session with all interested groups would be a good idea, but middle of December is likely not best time.
- Best if we hold info sessions before workshop.

Action Item 8: Reorganize and consolidate folders in Dropbox for easier navigation.

Action Item 9: Create a Poll to decide dates for AGM and board meeting.

Presentations

Day 1 Presentations

❖ **Dominion Diamond Presentation**

(Lynn Boettger, Ada Mackle; Claudine Lee – on phone)

- ICRP v 3.0
 - Meeting for this tomorrow
- Jay Project Optimization Study
 - Is it an internal document? Or will it be released?
 - Claudine: internal only – like a feasibility study
 - If there are any changes required if and when project goes ahead. If everything stays the same, nothing will be released. If it doesn't move forward, nothing will be released. If permitting changes are required, yes, will have to be released.
 - When will a decision be made?
 - Claudine: not sure, this fall? Depends on what the report says.
 - Cultural camp – measure out of Jay – any possibility of the camp going on regardless?
 - Claudine: They are linked, until something from the board, not sure if it will go ahead.

- Exploration Work
 - Point Lake – is it in the sampling phase?
 - Claudine: some bulk sampling done at Point Lake last winter
- Caribou Winter Observations
 - Pursuing different options for monitoring because they're showing up more in the winter? Just highlighting it as a concern.
 - Questions for Harry or Christine. Techs do behavioural surveys, and you can't see what's in the dark. So we assume their methodology will reflect that. (e.g., larger observation area under full moon vs roadside sightings in vehicle headlights)
 - Project was not extended to low visibility due to darkness – will extend this trial to include low light conditions in 2018?
 - Will have to check with Harry
 - Clarifying a point on the slide: When visibility is limited, not when dark.
 - Caribou and Roads Engagement Session (Sept 11 – 12)
 - We were in the meeting on the 12th, and it was about measure 6.5 – incorporating traditional knowledge and community input into the determination of zone of influence.
 - Not specifically about roads, but about ZOI and TK.
 - Okay
- Photos/Photo Policy
 - Any photos used from Dominion in any social media context MUST be approved.
- Upcoming Submissions/Reviews
 - AQEMMP – is this the one we received in spring? Yes, but that is for Jay we are waiting for the updated site wide AQEMMP.
 - Estimated time frame for decision – no, not yet. Ongoing.
- Dominion Environment Department Org Chart will be changing soon with April's departure on a one year sabbatical. We will be updated as soon as possible.

Questions from Site Visit:

- Communications with Company
 - If we have tech related questions regarding a particular topic, we would like to contact someone directly – is this okay?
 Claudine: Lynn will get us in touch with someone who knows something. The team is all over the place, and this way, will be tracked by someone and followed up.
 - **Conclusion:** Yes. But Lynn will be the common thread – if you send an email to someone directly, copy Lynn on the message so that if follow up is required, she can do it for us, and is in the loop.

- TK Elders Group
 - The Agency would like to meet with them when they're in town.
 - Claudine: Will put in that request to the TKEG, they can decide if they want to have that as a component of their next meeting.
 - Timing for next meeting?
 - Lynn and Claudine agree they will follow up on that.
- Caribou Crossings
 - The Agency feels there is an insufficient number of caribou crossings on Sable road/not as substantial as Misery Road.
 - Why were they built to a different standard?
 - Claudine: Before Sable was built, engagement group flew out there, and identified the locations. After they were built, the group came back to see them (2 additional crossings and changes to current ones), and Dominion has taken that direction in building them.
 - Interested in seeing usage of those crossings compared to them trying to cross elsewhere, and discussing with Elders about their recommendations.
 - Claudine: Last year, the Elders got a chance to see the caribou crossing wherever they wanted on the road.
- Core Sampling
 - Rescinding the requirement to use corers for sediment sampling. Sent our comments in to the board, but still have some outstanding questions after reading the report (including ERM and Golder's comments). Who can we talk to in the company to help us understand the challenges in Lac du Sauvage?
 - Claudine: Speak with someone within Dominion. Lynn can arrange a call with Laura Pacholski because she did all of the sampling.

❖ GNWT Inspector Update – Jamie Steele

Marty is primary inspector for Ekati – off on leave right now. Steele does inspections under the Exploration Permit, and helps with Lease Inspections. After devolution, the team now consists of a manager and team of inspectors.

Exploration

- Bulk sampling is happening at Point Lake.
- Drilling a bit on Lac du Sauvage – geotech stuff (for dyke) and maybe some contact drilling
- Flying in to areas for geophysical surveys, and doing heli-drilling on smaller targets. Want to do small scale reverse circulation (RC) drilling on some of those targets
 - Smaller scale – 6" holes, air drilling until they reach kimberlite. Then fluids to bring kimberlite up

- Where are the targets?
 - Inspector has the locations, but they are around unnamed lakes
 - Scattered all over the place – no specific area. Looking for new targets

The inspector went over leases, underground works (including Fox and Misery), and securities. He was happy with how things are going in these areas. The topic of the truck roll over (200L spill on Sable Road) came up, and the inspector said he would check with another inspector (Marty) to see if the cleanup was signed off by an inspector.

❖ GNWT – Laurie McGregor

Securities

- See: Department of Lands website – [What We Heard](#) – regarding securities
- [Administration of Securities](#): evaluating options regarding the process for relinquishment of securities for progressive reclamation.
- LWBs wrote to Gwich'in Tribal Council, Delene Gotne Sahtu Secretariat, Tlicho, GNWT, Crown-Indigenous Relations and Northern Affairs Canada
 - Want to kick off joint initiatives for determining process for relinquishment of securities for progressive reclamation.
 - Date not set, yet.
 - Request that IEMA be included in 'public' stakeholder meetings.
 - Inuvialuit must be included.

GNWT ENR Reorganization

- Enviro Protection and Waste Management
- Enviro Stewardship and Climate Change
 - **NOTE:** Karin Clark on a year leave of absence– Andrea Patenaude is filling in.

Day 2 Presentations

❖ Environmental Monitoring Advisory Board Update (EMAB)

Executive Director John McCullum

John gave us an overview of activities that EMAB is involved with in monitoring the Diavik mine.

EMAB had their AGM mid-September.

They are currently awaiting the fourth version of Diavik's ICRP, and are also looking at a Water Licence Amendment regarding putting processed kimberlite into pits or underground.

Diavik's AEMP includes discussions about types of fish they will sample for mercury, and as it stands, they are only sampling slimy sculpin. If they find mercury in sculpin, they will then consider sampling lake trout.

EMAB is concerned about air quality monitoring standards at Diavik, and we had a discussion about how Ekati is monitoring air quality. Diavik's air quality monitoring equipment has been out of service for a year, and it is being proposed to stop monitoring altogether.

In terms of wildlife, EMAB has noted that caribou movement at the Diavik site has changed over time.

❖ **WLWB Update**

Ryan Fequet (ED) and Meghan Schnurr (reg. Specialist)

- Joe Mackenzie appointed Chair (Tlicho government appointment)
- AEMP Guidelines
 - Initial public review – lots of feedback
 - Revisions have been made
 - Two key changes
 - Low action level was resulting in a lot of administration – don't have the medium and high levels set.
 - Steering committee with ENR – Developed [Guidelines for Baseline Water Quality Monitoring Programs](#)
 - These were prepared by GNWT-ENR in collaboration with the LWBs of and the Mackenzie Valley Environmental Impact Review Board
- Updated Rules of Procedure
 - Every public review will be a Proceeding now
- Encourages calling applicant/proponent to clarify or gather information.
 - Include conditional recommendation (example, this one question needs to be answered before our recommendation can happen (?))
 - Explain the “why” behind your questions

Q: What is the most effective way we can provide our information to the Board?

- Observation: Agency's comments are often very thorough
- Request for clarifications can happen before we make our recommendations

Current Submissions (Out for Review)

- AEMP – comments have closed, getting Dominion Responses – October 12, 2018
- ARFW V3 – proposing changes to one benchmark – October 4, 2018

- Exploration LUP – not quite a renewal – October 4, 2018

Received (Not out for Review)

- ICRP V3 – undergoing staff conformity checks
- Jay – AEMP as well as Response Framework (ready in next couple of weeks)
- Wastewater PK MGMT Plan V8 – also requirement of Jay – Panda and Koala pits – update has been received.
- Panda/Koala Deposition Study
- 3 response plans undergoing conformity
 - o Total PK
 - o Chloride
 - o Fish
- Revised WROMP
- Memo – September 30, 2018
- Potassium Toxicity Study – October 9, 2018
- Updated Response Plan (high action level for potassium exceedance under ice) – October 9, 2018

Interim Closure and Reclamation Plan

- Anticipate generous public review.
- Looking to early 2019 for public comments

Q: Is there an opportunity for the Board, Agency, and Dominion to decide to have a workshop before the comment deadline?

- Workshop in later part of process would be beneficial so that comments for clarification can come up then.
- ❖ 12-13th of December for workshop?

Q: Any concern over status of Jay?

A: No. Like at Diavik, Dominion Diamond is dealing with final closure of some components of the Ekati mine. Still have an ICRP. They have to do a lot of their closure work soon (in next year or two). Jay is not going to delay them.

Closure criteria was proposed in the first ICRP, but none were approved.

Meeting Adjourned by Jaida – 3:20pm, September 20, 2018

Summary of Discussion Approved by:

A handwritten signature in black ink that reads "Kim Poole". The signature is written in a cursive style with a large, looped 'K' and 'P'.

Kim Poole, Secretary Treasurer