

Independent Environmental Monitoring Agency
105th Meeting of the Board of Directors
Yellowknife, NT – December 3-4, 2019

Summary of Discussion

Directors

Jaida Ohokannoak
Emery Paquin
Tim Byers
Ron Allen
Jesse Jasper
Kim Poole

Staff

Marc Casas, *Executive Director*
Shannon Moore, *Communications*

Regrets

Bill Slater (*joined for part of second day*)

*Meeting chaired by Jaida.
December 3, 2019. Start time: 9:07am*

Tuesday, December 3, 2019 – Day 1

Agency Business

Chair/Director Updates

The Chair and Directors started the meeting with updates about their work since the last board meeting in September. Work on reviews and submissions to the WLWB continued, although the past few months have been quiet in terms of requests for comments. With recent confirmation regarding the Jay Project moving ahead, as well as potential new developments at Point Lake, directors are getting ready for a busy new year.

Directors appointed by Dominion, the GNWT, and the Federal Government have been notified that their terms will be expiring in March of 2020. All three affected Directors have submitted expressions of interest in continuing their tenure on the board of the Agency.

Staff Updates

Staff participated in document reviews and drafting and sending of outgoing correspondence since the last board meeting. Progress is being made in terms of digitizing the Agency's resource library, including discussions with staff and the WLWB regarding using their registry server framework to host our digitized library. The Agency's Executive Director has also communicated with facilitators and members of communities to coordinate the Agency's February workshop.

Financial Report

An updated variance report and year to date expenditures as of November 14, 2019 were presented by the Executive Director.

The discussion after the presentation included costs and planning for the Agency's upcoming workshop in February of 2020 and the proposed community visit/board meeting to Wek'weeti.

Correspondence

Incoming and outgoing correspondence since the last board meeting was reviewed.

Review of Previous Action Items

Action Items from our last board meeting were reviewed and discussed. Actions were either completed, or carried forward.

Communications Presentation

The Agency's Communication's Specialist gave a presentation about communications and outreach work completed since the last Board meeting. This included celebrating going over 100 page likes on the Agency's Facebook page by holding a draw and giving away an Agency prize pack (mug, hat, and first aid kit). The latest Ekati Monitor newsletter has also been printed, posted on the website, and is ready to be mailed out to our subscribers list.

Action Item 1: Update the timeline: Determine common thread of past points on timeline to decide what reviews/new items are relevant to post.

Current Items/Out for Review

- Waste Rock and Ore Management Plan (WROMP) Version 10.1
- Jay Project Aquatic Effects Monitoring Program (AEMP) Design Plan
- Water Licence and Environmental Agreement Annual Report – April 2020
- Phosphorous Response Plan extension request
 - Dominion requesting extension of one year
 - Dominion wants to use next year's sampling data to better inform their response plan

Other:

- Caribou data analysis update
- Misery Security Return
 - Comment Response Summary
- WRSA Seepage EQC Development – Follow up discussion regarding meeting with Dominion, November 20, 2019

Action Item 2: Draft and circulate a letter of general approval/endorsement of the concept of effluent quality criteria (EQC) framework for seepage, including some of our broad suggestions to include in the framework (i.e., inclusion of terrestrial ecosystems and wetlands to be part of the “receiving environment”).

Action Item 3: Agency to draft a letter to recommend a piece of information that should go into the Water License Annual Report plain language version (explain in text form that the mercury benchmark for fish is the Health Canada consumption guidelines). Explain why it is important to the Agency.

GNWT

Representatives: Lorraine Seale (Director, Securities and Project Assessment – Dept. of Lands), Nathen Richea (Director, Water Resources – ENR)

Ms. Seale and Mr. Richea updated the Agency on current work their respective GNWT departments are doing in regard to the Ekati mine.

The discussion moved to issues about securities, including the recent consensus decision between the GNWT and Dominion regarding returning securities based on progressive reclamation for the Misery project. The Agency asked if there would be a more streamlined process in the future, as reaching consensus for each project’s progressive reclamation would be time-consuming and therefore not feasible for all development projects requiring security. GNWT agreed the process recently used is too onerous, but so far there is no other method for determining the returning securities. Since Ekati mine security represents a large proportion of total security and potential liability held by the GNWT, more time and resources are devoted to ensuring the security held is appropriate.

As the Agency has been advocating for a single instrument for holding securities (between land and water), GNWT addressed their current position in terms of what is legally possible in terms of holding securities. They cited the Mackenzie Valley Resource Management Act (MVRMA), which is a federally mandated Act. The MVRMA mandates the Minister of Lands to administer security related to land/terrestrial effects of industry, and the GNWT cannot change the Act or its regulations. At this time, the GNWT has no remedy for the Agency’s concerns regarding a single instrument for holding securities for Ekati. The Agency raised the question of how securities would be accessed and used if they were to be required due to proponent insolvency. The GNWT indicated that they would provide the required funds for reclamation work in a timely manner while they worked on accessing the security funds.

Wednesday, December 4, 2019 – Day 2

Recap of Annual General Meeting (morning of December 4th)

The Agency discussed issues around meeting quorum at the AGM, as this is the second year in a row that quorum was not met. Lack of quorum means motions from the 2019 AGM are postponed until a Special Meeting of Society Members can be held via conference-call in the coming weeks.

From this discussion, the Agency's Travel Policy came up. It was agreed by Agency Directors that the Travel Policy should state that the Agency will cover travel associated cancellation fees for emergencies for both Society Members and Directors.

Action Item 4: Update Travel Policy to make clear that travel cancellation fees (for Society Members and Agency Directors) will be covered by the Agency for emergencies only (illness, family emergency, injury, etc).

Wildlife & Mine Closure Workshop – February 12-13, 2020

Directors and Staff continue to plan the Agency's upcoming workshop in February. Ongoing planning for the event will include continued discussions with the facilitators that will be running the workshop to ensure the Agency's purpose and goals for the workshop are met.

Key items that came up during the discussion included:

- Ensure at least two translators are in attendance
- Do not rely too heavily on presentations because the focus is on discussions between participants
- Visual aids are very important
 - Creating infographics specifically for this workshop is an option.
 - Pictures or related mine infrastructure such as roads and waste rock piles (work with Dominion)
 - Giant Mine Oversight Board has excellent mine infrastructure models and can provide the name of the company they went through (potential for creating a waste rock storage area model).

Waste Rock and Ore Management Plan Version 10.1 – Misery Diabase in Misery Cover

Note: Bill Slater joined the meeting via teleconference ~2pm for this meeting topic.

The Agency had a thorough conversation about Dominion's WROMP Version 10.1 regarding determination of potentially acid-generating (PAG) rock, and concerns over Misery diabase being used in the cover for the Misery Waste Rock Storage Area (WRSA).

Concerns persist regarding how Dominion determines PAG rock. Dominion continues to use Total Neutralizing Potential instead of Effective Neutralizing Potential (ENP), which is contrary to Agency

recommendations. This fact is key when considering the use of diabase as construction material and cover for WRSAs.

The WLWB has only permitted Lynx diabase to be used as a construction material. Misery diabase in particular was not to be used. The use of Misery diabase in the cover of the Misery waste rock pile is contrary to the approved ICRP 2.4. Granite has been long accepted as the only rock to be used as a non-PAG construction material for layering and capping on the Misery WRSA.

The Agency would like to see in-field testing (field bins) to discover how local climate affects the waste rock acid generation and metal leaching. Dominion should demonstrate materials are non-PAG by implementing kinetic testing and/or field tests.

It was also mentioned that the Jay Co-Placement Study Design acknowledges ENP.

Election of the Executive

- Emery nominated Jaida as Chair
 - Tim seconded
- Kim nominated Emery as Vice Chair
 - Ron seconded
- Tim nominated Kim as Treasurer
 - Jesse seconded

All nominees accepted their nominations, and all Directors voted in favour of nominations.

Other Business

- **Review of Upcoming Submissions**
 - AEMP Re-evaluation –December 15, 2019
 - Closure and Reclamation Progress Report – December 31, 2019
 - Cujo Outflow Special Study Results – January 31, 2020
 - Old Camp Refund Request – January-February 2020
 - 3 Year Seepage Interpretation Report – March 31, 2020
 - WROMP V11 – March 31, 2020
 - EA/WL Annual Report – April 2020
 - LUP Amendments to incorporate Jay Phasing and MUG Securities are possible in 2020
 - Various other submissions related to Jay Project are possible
 - WL Renewal Application – August 2020
 - EIR: Workshop date to be determined
- **Next Board Meeting**

The Agency will meet in March 2020 for their 106th Board Meeting. This should coincide with the Agency's community visit to Wekweètì – planning is ongoing.