

Summary of Discussion from the Annual General Meeting
of the Society of the
Independent Environmental Monitoring Agency
Held on
December 4, 2014
at IEMA Boardroom, Yellowknife, NT

Revised: January 5, 2015 (DRAFT until approved at the 2015 AGM)

PARTICIPANTS

Agency Directors:

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

Agency Staff:

Kevin O'Reilly
Tee Lim

Dominion Diamond Ekati Corporation (DDEC):

Bob Overvold

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

James Lawrance

Government of the Northwest Territories:

Kate Witherly – ENR
Joel Holder - ENR
Melissa Pink - Lands

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

Ernest Boucher
Berna Catholique

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

Not present

Kitikmeot Inuit Association (KIA):

Tannis Bolt

North Slave Métis Alliance (NSMA):

Tony Whitford
Adrian D'Hont

Tłı̨chǫ Government (TG):

Sean Richardson

Meeting opened at 9:15 am

An opening prayer was given by Tony Whitford, Elder from NSMA.

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 2013 AGM

Wording at top of page 1 amended to read "Revised: April 14, 2014."

Two question marks removed from DDEC participant listing after Bob Overvold pointed out this error.

Motion to approve the Summary of Discussion from the 2013 AGM.

Moved by Tony Whitford (NSMA). Seconded by Sean Richardson (Tl̥ichq Government).

Carried without objection.

PRESENTATION OF ANNUAL REPORT

Tim Byers (Vice-Chairperson) provided a summary of the Agency's 2013-14 Annual Report. The presentation was included as a handout in the participants' folders and is available on the Agency's website.

The two main things heard from YKDFN during Agency visits to Dettah and N'dilo were concerns about Jay Project and how it will proceed, as well as how Traditional Knowledge (TK) is being used onsite.

The Agency has been looking at possibilities of problem conditions for wildlife, e.g. landfill waste streams.

The highest number of vehicle-related wildlife deaths in the last nine years occurred in 2013, though all small animals, no large mammals.

The Agency questions DDEC's 8% figure for caribou deflections because it is based on faulty methods. It is also concerned about the Zone of Influence and what the cause of it is.

One of the things the Agency commends DDEC for is that Senior Management has been taking part in community visits.

Bob Overvold (DDEC) noted that the company has been trying to work with communities interested in the Jay Project, and doing TK projects related to that development. One project with the Tl̥ichq Government has been completed and there are ongoing discussions with KIA. YKDFN has one project going on now and there are offers out to LKDFN.

The Agency commented that it is important to document what kind of TK is collected and how it is used. It was suggested that further research could be done on reclamation planning.

Bob Overvold asked what period was covered by the Annual Report presentation. Bill Ross replied that it is only for the Agency's financial year up to March 31, 2014 and that some progress had been made on some issues, including posting of financial security. Bob thanked Bill for the clarification.

Following a brief discussion about continuity amongst BHPB staff and the transition to the new owner DDEC, Bob Overvold noted that while the staff that the Agency deals with have stayed on, others have left.

Questions and Discussion

Bill Ross made a clarification on financial security, noting that it is held under the water licence and is now posted, and is in the process of being resolved under the Environmental Agreement.

Tannis Bolt (KIA) asked a question about what happened to the Lynx project? Bob Overvold replied that it has been approved, and that the Wek'eezhii Land and Water Board held a hearing and issued the water licence and land use permit for the project to go ahead. Bill Ross added that it is fair to say that Lynx did not create significant new environmental effects, and went through the review process fairly quickly. He contrasted this with the Jay Project, which involves some major new additions.

Bob Overvold explained that since DDEC bought out Ekati, new management was put in place, and that the new owners did not buy Ekati just to close it down. He detailed that in order to access both Jay and Cardinal, significant activity on Lac du Sauvage would be required, with a need to fish out significant

portions and an environmental footprint that would be a lot larger than it is now. Following some real community concerns expressed, DDEC decided to abandon Cardinal for a variety of reasons. The current Jay Project requires a much smaller portion of Lac du Sauvage to be dammed and dewatered. This means a significantly smaller fish-out, and an environmental footprint that is much smaller than it would have been for the previously proposed Jay-Cardinal project. Following some drilling and sampling, DDEC decided that developing Cardinal would not be that profitable, so the project was abandoned. Bob added that dewatering on Lynx will start next summer.

Tony Whitford (NSMA) described the Agency's Annual Report as interesting, and asked about the overall assessment of the company. Tim replied that there were no non-compliance issues regarding the water licence. Bill also pointed to his Message from the Chair, in which he mentions that the Agency is pleased with DDEC's environmental performance and their ongoing efforts at working to improve environmental management at Ekati. Tony asked if this meant that there is a good working relationship. Bill said that was indeed the opinion of the Agency and added that the Agency is also working with all interested parties and especially the Society Members.

TREASURER'S REPORT

Jaida Ohokannoak (Secretary-Treasurer) presented the Auditors Financial Statement 2013-14 and the 2014-16 work plan and budget.

Questions

James Lawrence (AANDC) wished to know what the components were of the \$16K figure for the community visit. Jaida replied that this consisted of travel to and from the community, translation, an open house and dinner, hall rental, and other expenses. James went on to ask whether the Agency provides money to YKDFN to provide the services themselves, and Jaida responded that the Agency almost always hires services within the community.

Jaida further explained that the Agency won't go to a community unless it is invited. She noted that the Agency has now visited all of the communities. Tony Whitford asked why there was less expended on community visits in 2013-14 than there was in 2012-13, and Jaida explained that this was due to location with Gamèti in 2012-13 being more expensive to get to versus N'Dilo and Dettah In 2013-14. Bill noted that this important principle of only going to communities if invited arose from an AGM held a number of years ago in Yellowknife. The Directors were told by Aboriginal Society Members at that AGM that we could in fact approach communities and discuss with them whether they would like to invite us. Bill highlighted this as a good example of direction received at an AGM, noting that almost every year after this suggestion, the Agency has conducted a community visit.

Motion to appoint Crowe-Mackay LLP as the Agency's auditor for 2014-15.

Moved by Tony Whitford (NSMA) and seconded by Tannis Bolt (KIA).

Carried without objection.

MEMBERS' PRESENTATIONS AND DISCUSSION

Bill Ross noted that the Agency would like to know the status of the proposed changes to the Environmental Agreement as a result of devolution.

Tannis Bolt raised a question around cumulative effects and water monitoring in Lac de Gras, asking whether there was any collaboration on water quality assessment between Ekati and Diavik. Bill Ross replied that Diavik has a monitoring station at the mouth of the Coppermine River, which is in effect a cumulative effects monitoring station. Tim Byers added that AANDC also has a station farther down into the Coppermine River. There does not appear to be any contaminants at levels of concern flowing into the Coppermine.

Bob Overvold noted that Dominion owns 40% of Diavik and are therefore keen on knowing what it is happening at Diavik, as well as talking about how both mines can better collaborate on environmental and water programs.

Bill responded that this was good to hear, and that the Agency has previously urged consistent water quality monitoring protocols between the mines.

Sean Richardson asked whether it was known when there will be more information on the blue-green plankton. Tim responded that there are ongoing studies on that, and that the Agency has been pushing for several years for some analysis correlating changes in water quality and plankton to fish.

Tannis Bolt asked about the dyke required for the proposed Jay Pipe, and whether the Agency had or would be hiring experts to look at this. Bill replied that if the Agency determines that to meet its mandate, it needs to hire outside expertise, then yes it will. Bill noted that Director Tony Pearce has some of this background, but is not an engineer. Tony Pearce expanded that Diavik has retained an independent board of engineers who do an independent review of initial design, construction and completion of projects. He assumed something like this will be used for Jay, as this is becoming a more common practice in industry.

Bob Overvold encouraged interested parties to look at Jay Project Developer's Assessment Report regarding how the dam is going to be built. He noted it probably would not be like the Diavik dam, but more like the Meadowbank gold mine near Baker Lake. Lac du Sauvage is generally shallow, compared to Lac de Gras, with an average water depth of 7 m, unlike the 30 m depth at Diavik. DDEC have proposed a ring dyke for Jay but it is wide, primarily using gravel with some cement.

Bill noted that other engineering input is being provided by the Mackenzie Valley Review Board, which has hired a consultant. Kate Witherly (ENR) added that ENR may also hire technical experts to review the dyke design.

Joel Holder (ENR) noted that Kate Witherly would be the GNWT's representative for the Agency going forward. He provided updates that the GNWT has been working on guidelines for wildlife and wildlife habitat protection plans and wildlife effects monitoring programs. Joel identified a need to provide companies more specific advice. Joel expressed that GNWT looks forward to Agency's comments on the draft guidelines. He went on to explain that Environment and Natural Resources (ENR) are participating in the Jay Project as a Responsible Minister, and also providing technical advice. Joel added that ENR are undertaking a financial security review under the Environmental Agreement. He noted there was good progress and hoped to have a decision early in the new year.

Joel went on to discuss the proposed changes to the Environmental Agreement. GNWT is operating with the intention that it has the lead responsibility for lands and resources, assumed from the federal government through the Environmental Agreement. GNWT is also discussing with AANDC what the consultation process and amendments to the Environmental Agreement will look like. Joel mentioned that the GNWT will be contacting communities in the new year about the proposed changes. Joel noted that ENR had received DDEC's Annual Report, and circulated it to interested parties for comment.

James Lawrence noted that the federal government had anticipated the need to consult interested parties on changes to the Environmental Agreement. He acknowledged that the Agency believes more discussion needs to be had. Now that devolution transfer is complete, James noted that someone of his position was in attendance at the AGM, as opposed to program staff. With the GNWT now assuming AANDC's former responsibilities, James described a transition of working with the Regional Director General and colleagues to make sure AANDC has the people who can work with GNWT on how agreements will work, and what they will look like. While James couldn't give more details on the who and when yet, he said AANDC were working on it, and observed that it was a complex legal and technical process to reflect all the changes.

Bill replied that it would be fair to say that Agency has been disappointed with the level of engagement from the Government of Canada, but wished to thank James at this point for being here and for the update. He noted that before devolution a set of proposed changes to the Environmental Agreement was given to Agency, but the Agency decided it needed to consult with all of our Society Members. The Agency received feedback from its Aboriginal Society Members, and conveyed those concerns and its own views to the federal and territorial governments.

James acknowledged the previous meetings that had taken place, and mentioned he had requested the relevant files. He provided assurance that he is keeping the Regional Office on top of this issue, noting that all of the people who would normally work on this issue have gone over to the GNWT. James thanked Kevin for providing him with some helpful background.

James concluded his comments by saying he was pleased to see that the Agency was happy with the AANDC inspector up until March 31, 2014. He noted that the decision-making roles and other responsibilities of the AANDC Minister were now with the GNWT, and that AANDC's intent is for the GNWT to take the lead on these matters and exercise their jurisdiction. However, he assured those present that AANDC will take the necessary steps as and when needed to support GNWT decisions, and that that federal government would not simply turn its back in the interim, working closely with the GNWT to provide all necessary assurances and support.

Bill noted the Agency fully accepts devolution and the necessary transfer of responsibilities but there are still some residual federal roles that were not transferred. The Agency continues to support the need for more consultation and the need for some continuing federal role, concerns shared with the Aboriginal governments

Ernest Boucher (Lutsel K'e Wildlife and Environment Management Committee) commented that we should be moving forward, not backwards. He mentioned that he still goes up the ice road, every couple of years, and that everything was changing now, including the water levels being too low. He noted then when you go to the bush right now, there's no snow. Last year, there was about 5 feet of snow, while this year there is almost nothing.

Tony Whitford noted that it appears things are working well and that NSMA is satisfied.

Bob Overvold acknowledged the work the Agency does and that it takes its mandate seriously. He noted that the Agency was particularly effective in keeping communities informed, which is an important role. He concluded that while DDEC and the Agency may not always see eye to eye, they do appreciate the work the Agency does.

Bill mentioned that the Agency communications update has been of some importance to Society Members, and that these have been implemented over the last few years. Bill then asked Kevin to provide a brief communications update.

Kevin discussed recent communications materials including newsletters, post-community visit brochures, and changes to the Agency website. He noted that the Agency will be reviewing its Communications Plan. He noted the goal of better organizing and making the Agency's resource library more accessible. He concluded that the Agency is always open to suggestions on how to communicate better.

Jaida added that one communications priority has been trying to get key documents and materials translated, noting an Agency goal to produce an introductory video in all appropriate languages too.

James asked whether the Agency distributes materials to schools. Jaida responded that the Agency does have a general distribution list that includes schools for some materials, as well as to key organizations like community and government offices. The Agency also tries to visit and make presentations at schools during its community visits, which are generally well-received.

OTHER BUSINESS

Joel Holder mentioned that as part of the GNWT's new responsibilities, his office has been reviewing background information associated with the Agency. He noted that there seems to be an inconsistency between the bylaws and actual practices around how and when Directors are appointed to the Agency. On behalf of the GNWT, Joel proposed a bylaw change that Directors can be appointed at any time, instead of at an AGM only, suggesting that this would give everyone flexibility that may be needed in the future. Bill replied that the Agency appreciates and supports this proposed change to the bylaws.

Motion to permit the appointment of Agency Directors at any time by striking the words "at the annual general meeting" from section 5.1 of the Agency's by-laws.

Moved by Joel Holder (GNWT) and seconded by Tannis Bolt (KIA).

Carried without objection.

Kim Poole asked whether it would also be worth changing the company name in the bylaws from BHP Billiton to DDEC, also noting that the Dogrib Treaty 11 name needed changing to the Tlicho Government.

James related this back to the amendment process, suggesting that once the Environmental Agreement is amended, it will be worth making the name changes also. Bill offered for the Agency to review the by-laws before the 2015 AGM and bring forward any suggestions for further changes at that meeting.

Kate Witherly asked whether the bylaws had ever been amended, and Bill and Kevin replied that this was the first time.

CLOSING REMARKS

Bill Ross thanked everyone for their participation and for the advice received. He noted that Aboriginal Society Members are invited to a separate meeting with Agency Directors and staff in the afternoon.

Ernest Boucher gave a closing prayer.

Meeting adjourned at 11:30 am.