

**Independent Environmental Monitoring Agency
93rd Meeting of the Board of Directors
Yellowknife, NT
March 1-3, 2016
Summary of Discussion**

Directors

Jaida Ohokannoak
Emery Paquin
Kim Poole
Tim Byers
Arnold Enge
Doug Doan

Staff

Marc Casas, Executive Director
Jessica Simpson, Communications
and Environmental Specialist

Note: Jesse Jasper attended the meeting as an observer after the Work Plan discussion. Confirmation of his appointment was not received until April 1, 2016.

Meeting commenced at 9:00 am

AGENCY BUSINESS

Information Updates

Jaida: Was involved in the hiring and recruitment process. She helped get Marc oriented and up to speed on Agency activities. Jaida drafted and sent a letter to DDEC requesting additional funds. She later drafted and sent a retraction letter. DDEC replied that the Agency needs to give ample warning when requesting additional funds. Directors noted that the Agency provided DDEC with 3 months notice prior to fiscal year-end. Jaida also did an interview with CBC about the Jay Project Report of Environmental Assessment (REA).

Kim: Wrote a summary of wildlife discussion and measures contained in the Jay REA. It was noted each Director would now update the summary table with REA discussions and measures respecting their specific area of contribution. Kim also mentioned that Environment and Natural Resources has an initiative to quantify caribou behaviour monitoring and Kim was involved in the initial conference call a couple of weeks ago.

Arnold: Kept up to speed on all of the Agency work. In December he also helped with recruitment.

Doug: Similar to Arnold, recruitment and kept up to speed with the Agency activities.

Emery: Following the Annual General Meeting and Environmental Workshop in December, Emery attended the Jay AEMP Design Plan workshop put on by DDEC. He also reviewed the Closure and Reclamation Progress Report with Tim and prepared comments to submit to the Wekeezhii Land and Water Board. Tomorrow, March 2, Emery will be attending the Ni Hadi Xa workshop on closure as an observer.

Tim: Attended the Jay AEMP Design Plan Workshop with Emery, and contributed to comments on the Sable AEMP Design Plan and the ICRP Progress Report. For the March Community Visit, Tim reviewed the presentations for the school visit and community information session (Open House).

Tim talked about how he is in the process of consolidating his old (2001-2003) Agency binders. In doing so, he had the opportunity to look at old Sable documents from the Agency and regulators, and found it educational now that Sable is in development. One of the issues that stood out was how traffic on the Sable road was also an issue in the original licencing process and how it was dealt with. Tim shared this document via e-mail a few weeks ago. Tim will look through these binders to see what else there is that could be helpful as we move forward with Sable monitoring.

This lead to Directors having a discussion on the impacts of roads on caribou health.

- Arnold asked about big boulders. Tim mentioned that in 2001 there was considerable discussion with Lutselk'e Dene First Nation (LKDFN) and Anne Gunn about hunters seeing crippled, limping caribou. Hunters thought it was because of the boulders on the sides of the roads that caribou have to cross. Anne Gunn thought it was because those years were rainy years, and for whatever reason, the caribou were spending more time standing in watery/marshy areas and therefore there was more opportunity for the caribou to get infected with foot rot - the foot rot causing crippling. Tim brought that idea to LKDFN and they did not agree with that explanation. Kim thinks the two conditions can cause a bad synergy, but it is impossible to quantify and he does not know of a way to substantiate.
- Tim mentioned that when Francois Messier was the Agency's wildlife specialist, over 10 years ago, he pushed to have BHPB use traffic counters on the road to quantify the number of vehicles on the Misery Road. When the company finally installed them, they claimed it was too cold for the equipment to work, so the project never took off.
- For the Jay Project, there is traffic management in relation to caribou. DDEC has a team of Elders to help them design the road. The Agency wonders if this same concept could be applied to the Sable road. Once the road is in, required changes can be made to the road edges to facilitate crossings. It is difficult to do it before the road is in because it is difficult to imagine a road in when it is not there.

Marc: Has been busy getting up to speed on Agency business. He has been busy with several items: the additional funds request; the variance report; the work plan and budget; and preparing for this board meeting. Marc has also been involved in some of the reviews for the AEMP Design Plans and the ICRP Progress Report. Marc has also been working with the bank to set up Scotia Connect (which includes direct deposit), and signing authority. Marc explained to the Directors how Scotia Connect would work.

Marc has also organized for an Environmental Agreement Implementation Meeting to occur on March 3, 2016.

Marc also gave Directors an update on the new Director appointment. The Agency received an e-mail from the GNWT that they have made their choice for the new director, but there has been no official letter yet. The Agency requires the letter to begin working with the new Director. The Agency expects a letter from the Minister to make the appointment official by the end of March.

Incoming Correspondence

Jessica briefly reviewed the Incoming Correspondence. Jaida requested that we add the Outgoing Correspondence to the correspondence list.

Action Item #1: Jessica will add Outgoing Correspondence to the correspondence list.
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Action Items

There were three Action Items from the last board meeting: 1 – get estimate for locations in and around Yellowknife for the next Annual Report Writing Session. 2 – Send Tony his parting gift from the Agency Directors. 3 – Send Directors a Doodle poll to choose the date for the March Board Meeting. All action items were completed by Jessica.

Financial Items

In October/November, the Agency projected a significant deficit. Now the Agency is projecting a surplus! Some contributing factors are that most Directors now live in Yellowknife, reducing travel costs, some projects were not started, such as the video, and the time spent on review of documents was low.

How the Separate Fund might be used in 2016-17 was discussed. Due to the Licensing process for the Jay Project, during 2016-17 the Agency could again exceed the \$40,000 allotted to the Separate Fund, but likely to a lesser degree than during 2015-16 due to fewer supporting documents to review.

A discussion occurred on the production of the annual report booklets. Directors agreed to produce a 2015 annual report pamphlet this year, but with slightly fewer copies than in previous years.

Community visit/Board Meeting.

Outside contracts – Kim did a couple as a contractor to IEMA coded to separate fund – in May. Marc will ensure the work was coded properly.

Work Plan/Core-budget for the next 2 years

Marc reviewed the Work Plan and Core Budget. The Core Budget for 2016-17 will increase by 1.1% (2015 CPI whole year average provided by Stats Can) to \$675,045. For the purpose of developing the Work Plan the Core Budget for 2017-18 was projected to be \$685,170 based on an estimated CPI increase of 1.5% from the previous year.

The AEMP report is excluded in the Work Plan because, when Marc talked to WLWB, they said DDEC was asking to not submit an annual AEMP summary in 2016 because it is also a EIR submission year. Directors noted an annual AEMP summary is still needed because the EIR does not reflect the past 3 year AEMP.

Action Item #2: Marc will adjust the work plan to accommodate the AEMP report.
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Jaida: Jay Project water licencing process: everyone should review this, even though there will be 3 leads on this.

Jay licencing should all be done by end of this calendar year, which is being pushed by the proponent; it will be a busy year.

A budget needs to be allocated for communications and website improvements. Last year, the Agency allotted money for website improvements and maintenance. The draft budget did not account for these items. Directors requested it be added to the 2016-17 budget and work plan .

Add communications cost: website maintenance, website hosting.

Video – Maintain in 2016-17 budget, and the Agency will reassess it at a later date to see if the funds allow. Maybe get a contract drafted to get a general costing (with translation, and not in depth, an addition to our Posters for people who can't read). The idea came from a meeting in Gameti where people were using community computers, for people who cannot read (e.g. elders).

Marc talked about contracting an aquatic ecologist to review the AEMP Re-evaluation report – refer to New Business.

Jaida, mentioned that there is a budget to hire an outside contract, but there is also a fund for a director to hire someone to inform their own director work to use at their own discretion (up to \$1000.00), such as, for example, to hire an Elder to inform their work, etc.

Motion to approve the 2016-17 Work Plan and Budget. Moved by Tim Byers. Seconded by Kim Poole. Carried without objection.

Directors also discussed how to invoice the Agency for smaller item dealt with each month. Agency Directors are able to claim 2 hours per month to read e-mails keeping up with Agency activities. Jaida explained that you can allot that amount of time to just reading e-mails. For instance, if the e-mail pertaining to one of the monitoring programs, you can claim the amount of time reading the e-mail to the subject.

Action Item #3: At the next meeting, Jessica and Marc will demonstrate how to fill out a Directors' Expense Claim Form.

NEW BUSINESS

AEMP consultant for 2016-17

For examining the AEMP Re-Evaluation, Marc suggests the Agency consider hiring an aquatic ecologist. This led to a discussion on the work that CIMP is doing, which is taking all of the data from Diavik and Ekati and putting it together to do a cumulative effects analysis. The Agency is especially interested in changes to plankton communities and the impacts on fish.

Action Item #4: Marc has agreed to keep the Agency directors updated on CIMP initiatives and have a discussion with CIMP on what issues their work will be covering.

Action Item #5: Tim and Marc will work out the details, draft a contract, and see if there is someone that the Agency wants to go forward with.

FOLLOW-UP ITEMS

Waste Rock Seepage Risk Assessment:

Emery briefed the Directors about the Waste Rock Seepage Risk Assessment. It is to be determined whether the seepage off the waste rock pile is a concern now, or a concern in the future. The first assessment, which was approved last year (December) looked at current existing conditions and putting together a risk assessment for that. There were no major pressing issues in that assessment. There were a couple of seeps identified with acidic drainage, which were not a huge concern but could be because the piles were not freezing completely and permanently in perpetuity. This could put DDEC in conflict with their closure plans.

Currently, the main issue is to figure out why these waste rock piles are not freezing. Arnold thinks that one factor that has not yet been taken into the account is that when the rock comes out of the ground, it has ambient heat and the rock has not cooled enough before it is put into the waste rock pile.

Another issue is that there are data missing because of some broken thermistors. DDEC is supposed to be installing more.

Jaida will forward a memo from Tony regarding all of the initial studies and his notes on the reports.

Action Item #6: Jaida will put in Dropbox a memo from Tony Pearse regarding all of the initial studies and his notes on the waste rock seepage reports.

2015 Closure and Reclamation Progress Report

Emery and Tim put together comments that were submitted to the WLWB. In this report, DDEC requested the relinquishment of \$1 million for post-closure monitoring of pit related waters. The Agency's response is that it is too early to begin relinquishing security (this term infers the removal of liability in addition to funds) for post-closure monitoring materials because we do not yet know the level of monitoring that will be required and what the water will be monitored for.

In respect to the Panda Diversion Channel, in the 2015 ICRP Progress Report DDEC requested \$2.7 million for PDC slope stabilization. The DDEC was claiming that since the stabilization work has been completed, an engineering review of the channel has indicated that it is structurally stable, and so there should be a corresponding relinquishment from the current security deposit. The Agency argued the relinquishment is premature and should not be recommended by the WLWB.

DDEC has stated that the Panda Diversion Channel has been deemed stable by a geotechnical engineer, however, the ICRP states that the geotechnical stability monitoring of dams, dikes, and channels will be done bi-annually for 10 years. Therefore, the PDC cannot categorically be ensured to be geo-technically stable for another few years.

The Agency wonders if this is the beginning of the company requesting the return of security for various mine components. This led to a discussion on how the Agency should address the issue of relinquishing security in the future. This also led to a discussion on the gaps and gray areas of progressive reclamation and RECLAIM. The Agency needs to develop a position on this subject. The agency has been consistent over the years in saying that any relinquishment should be tied to monitoring and all closure criteria must be met before relinquishment or return of funds can occur.

EIR Report Process and Discussion

Marc and Jessica attended DDEC's EIR planning meeting in January. Jaida said the key thing from the 2011 Building Consensus: Towards a Shared Understanding of the Ekati Environmental Impact Report (EIR) report is that a plain language version should be released before the technical session for everyone to be able to review.

It has been 4 years since the last EIR. The EIR was supposed to be in 2015, but DDEC had it postponed to 2016 to accommodate some of the AEMP monitoring. The Directors had a discussion on when the next EIR should happen. It will need to be clarified if the next EIR will be based on 3 or 4 years of data.

At the June Board Meeting, Directors will discuss their approach for the technical sessions in August.

GNWT lead Caribou Behavioural Protocol

Kim gave Directors an overview of the ENR initiative to standardize the caribou behaviour monitoring program. A lot of the monitoring is done by the diamond mines, and all of the diamond mines are basically on the same page, so Kim does not think that it will take very

much to standardize the monitoring. Once the standardizing is done, it will fit into regional monitoring.

One problem with the monitoring program is that the sample sizes are low. The mines are continually trying to increase sample sizes.

Behaviour monitoring is done to establish a behaviour zone of influence. Within this area, there are fewer caribou (the distribution zone of influence). If nothing is bothering them, they are in a normal pattern of behaviour, but closer to a mine there are disturbance factors such as the quality of the vegetation, aircrafts, etc, which affect how much feeding they do, how alert they are, whether they are running more, etc. Within a certain number of kilometers of the mine, there appear to be energetic costs, which can be factored into pregnancy, eating, etc.

Jay Project

The Report of Environmental Assessment was submitted to the Minister of ENR (GNWT) in January. Jaida provided a summary of the questions that were asked. Before the Minister can approve the recommendations, he has to consult with the Aboriginal parties to the Environmental Assessment. The time that the Aboriginal parties have to provide their input has just been extended to April 4, 2016. After April 4, the Minister has 5 or 6 months to decide if the project should be approved, approved with changes, or sent to consult to modify. The Agency will be an intervenor throughout the licencing process.

The Directors discussed the contents of the Report of Environmental Assessment. Overall, Directors were pleased with the report and got a sense that the Mackenzie Valley Environmental Impact Review Board listened to the parties that attended the workshops and hearings.

Action Items #7: Each Director will go through the Jay REA and will put their comments in a table in Dropbox.

Wildlife Effect Monitoring Program and Caribou Roads Management Plan

Going forward, developments will have one wildlife monitoring program instead of 2 – the Wildlife and Wildlife Habitat Impact Monitoring Program and the Wildlife Effects Monitoring Program. We do not yet know what the new monitoring program will be called.

Marc has talked with Kim Poole (IEMA) and Harry O’Keefe (DDEC) about the process that went into the creation of the Wildlife Effects Management Plan for the Jay Project, which eventually shifted into the Caribou Road Management Plan (CRMP). The CRMP had several versions. The final version included compensatory measures which were the result of a meeting with GNWT, DDEC, Aboriginal Parties and IEMA. Next step is to finalize the CRMP, which will likely become an appendix to the actual WEM Plan.

COMMUNICATIONS UPDATE

Jessica provided a brief communications update. Since the last board meeting, Jessica organized the upcoming community visit for March 2, 2016 to Behchoko, organized for Jaida to do an interview with CBC (and provided key messages to Jaida, based on the Agency’s communications plan). Jessica also mentioned some of the tasks that she will be working on, such as updating the Timeline, organizing the Annual Report Writing Session and working on the next issues of the Ekati Monitor, the Agency’s bi-annual newsletter.

UPDATES

Dominion Diamond Ekati Corporation

DDEC’s Claudine Lee and April Hayward were introduced to the Agency’s new Directors.

Several items were discussed including the Agency’s upcoming site visit. Claudine will look into whether or not Security Checks are required this year.

Action item #8: Marc will put together a list for Claudine of areas the Directors would like to see while at site.
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Claudine gave a presentation, an overview of the projects that DDEC will be doing this year, including the Environmental Impact Review. Technical sessions for the EIR are expected to occur in July and subsequent workshops in August.

- In regards to the Jay Project, DDEC will not know the schedule for licencing until the Minister makes his final decision, which is likely in October.

- The Sable AEMP Design Plan is sitting with the WLWB right now for review. Road construction from Pigeon to the Sable area (17 kilometer all season road) is happening this month (March). There will be 6 culverts along the road, which require DFO authorization but do not need to be approved by the WLWB; the licence just needs to be updated.
- This year, DDEC will do a fish salvage in Sable Lake, where the pit will be. The lake was originally fished out in 2002. The salvage will include Aboriginal fishermen. This is also a good opportunity for DDEC to set up their cultural camp, where people doing the fish salvage will work directly from. This is also more of an opportunity for the mine to have a cultural component, rather than always using the cafeteria for cultural activities.
- The licences for the Sable haul road and pit expire this year, so the renewal applications will be starting soon. Directors asked for some more detail about the fish salvage and the dike. Claudine explained that the fish salvage will remove the fish and some water might be moved out of Two Rock Lake to a downstream lake or Horseshoe Lake. Some water was previously removed for construction, but Sable Lake will be completely dewatered and a dewatering plan submitted to the Board 90 days in advance, which will happen later. The dike will act similarly to the Cell C dike.
- The Wildlife Camera Report will be ready for June. The caribou and road mitigation plan will be applied to the entire site.
- DDEC is using the new composter to its full capacity. DDEC is now only running one incinerator at a time. Due to the success of the compost program and possibility for other groups to use this technology, DDEC will be inviting people to tour the composting facility. The finished compost will be tested to see if it can be used in reclamation. If not, the soil can be packed up and sent south for donation.
- Internally, DDEC is working on updating their Traditional Knowledge framework as per environmental assessment measures.
- DDEC is funding 3 community based projects.
- Claudine gave an update on the major tailings spill into Beartooth Pit that happened January 26, 2016. The line gets inspected four times each day by the Environment Team. As soon as it was found, the line was shut down and an internal spill report was filed. The repairs were done right away. GNWT inspector Marty Sanderson was there the next day and he had no issue or concern. The pipe runs along the side of a pit. Claudine claims that the spill emptied into the pit, and did not go into the natural environment. This has not been confirmed by the Agency. It is estimated that between 500 and 3000 cubes was released, but that cannot be confirmed until the snow melts. The Agency requested to Kate Mansfield (GNWT-ENR) that we be added to the spill line distribution system so that the Agency is informed and can relay this information back to our Society Members.

Environmental Monitoring Advisory Board (EMAB) Briefing

John McCullum, EMAB's Executive Director, explained that he started back with the EMAB in November and was introduced to the Agency's Directors. He also gave an overview of EMAB's activities:

- Regarding a security deposit for Diavik, they have been back and forth with the GNWT.
- Diavik's water licence renewal had no major changes other than extending its term from 8 years to end of mine operations (Diavik had requested 15 years).
- Diavik applied to make its first amendment to the renewed water licence. The company would like to change the TSS levels. The company would like a 30-day average rather than a single day sample, which seems to be the industry standard.
- Dike construction will continue.
- There was some discussion on the North Inlet sludge. It is not known where the hydrocarbons in the sludge are coming from and what to do with long term handling.
- Regarding the AEMP, the 2016 AEMP will not change a whole lot. The Diavik AEMP has no reference lakes. Instead, Lac de Gras has far-field stations at the outlet to the Coppermine River. They are in the last year of the 3 year AEMP. A summary of the review is expected for July.
- Diavik is in discussions with Ekati about water testing sites in Lac de Gras– there may be opportunities to cooperate and coordinate.
- The ICRP is in version 3.2. Version 4 is expected to be released in the summer. To date, there has been no criteria approved by the WLWB and many areas need more research to provide or inform closure criteria values. Diavik is requesting permission to use PAG rock as aggregate for a raise to a portion of the wall near the North Pit. Not sure where all PAG is right now. EMAB needs to figure out where all of the PAG rock has been placed.
- There have been changes to the EMAB directorship: Arnold Enge is the new Chair, Charlie Catholique is the new Vice-Chair, and Julian Kanigan is the new Secretary/Treasurer.
- Annual Report for 2015/16 is expected to be released at the end of March.
- 2 year budget submitted.
- Traditional Knowledge Panel process, Diavik took over this EMAB initiative. Diavik contracted consultants to work with youth and the 5 aboriginal parties. EMAB is still trying to figure out what the process is.

- Allison Rodvang, EMAB's new Environmental Specialist, was introduced.
- There was a small discussion on the use of silt curtains on lessons learned from constructing the new dike.

Ni Hadi Xa (Gahcho Kue Governance Committee) Briefing

Todd Slack, the Technical Coordinator for Ni Hadi Xa, came and gave the Agency an overview of how Nihadixa works. The organization is just getting into operations and still figuring much of it out.

- Staff are working as contractors to the Aboriginal Governments, like Tlicho government and the North Slave Metis Alliance.
- The TK monitoring is based on having TK monitors out on the land. This year there will be the Family Travel Program, just being on the land doing what Dene have always done.
- Michelle of Ni Hadi Xa is based at the mine. She works as an employee of NSMA, on behalf of Ni Hadi Xa. Michelle produces shift reports. They have noticed that when she is on site there are fewer spills and that wildlife attractants have been less of a problem.
- Ni Hadi Xa does not have society status.
- They have an ICRP that is currently under review by the WLWB. The company does not want to re-vegetate the land after closure. They would like to fill the pits with rock and water and leave gravel pads over other areas. They will also leave behind 2 very large waste rock piles.
- The agency will be tight on money this year. There is a lot of work that was not budgeted for, therefore it will be interesting to see what choices are made going forward.
- Ni Hadi Xa can make recommendations only to the company. The company then has to reply with the reason why they can or cannot go forward with a recommendation.
- They are funded by the company. The annual budget is set at \$500,000, which they are finding is tight for all of their activities and staff.
- They will need to hire out for the AEMP review. Committee is concerned about dike stability.
- Audit in 5 years, and can possibly have an opportunity to re-negotiate a few things.

- The Yellowknives Dene First Nation are not a part of the agreement. YKDFN Chief and Council decided that they did not want to proceed. However, the agreement is built to be able to add YKDFN at a later date.

OTHER BUSINESS

Future Meetings

Annual Report Writing Session: May 4-6, at the Northern Frontier Visitor Centre. Directors spent time putting together a table of chapters and their contents based on 2014-15 Agency Annual Report. A preliminary table of key issues and topics for the Annual Report, and the assignment of sections were prepared by the Directors.

Site Visit: Will be coordinated with the June board meeting. Staff will look into whether or not Directors require a security clearance.

Community Visit: The Directors expressed interest in visiting North Slave Metis Alliance and/or Cambridge Bay in this fiscal year. This will be discussed further at the June board meeting.

Meeting adjourned at 4:00 pm on March 3, 2015.



**Summary of Discussion Approved by
Kim Poole, Secretary Treasurer**
