***Inter-Agency Coordinating Team (IACT) for the Ekati Diamond Mine***

***Summary of Discussion***

***May 6, 2014***

In Attendance

Bob Overvold (DDEC) Nicole Spencer (DDEC)

Eric Denholm (DDEC) Patrick Clancy (GNWT-ENR)

François Larouche (DFO) Paul Mercredi (GNWT - Lands)

Laurie McGregor (GNWT – ENR) Rick Bargery (DDEC)

Lionel Marcinkoski (GNWT - ENR) Véronique D’Amours-Gauthier (DFO)

Marty Sanderson (GNWT)

*Meeting commenced 9:40 am*

**INTRODUCTIONS AND SELECTION OF CHAIRPERSON**

Round-table introductions were made. Lionel Marcinkoski served as chairperson for the meeting. The last meeting was on January 24, 2014 and there were no issues raised with the minutes of the last meeting.

**BHPB UPDATE ON EKATI ENVIRONMENT AND PERMITTING PROJECTS**

* **Jay/Cardinal Pipes**

DDEC has been working on the Developer’s Assessment Report for the environmental assessment of the Jay/Cardinal project, as well as stakeholder and community engagement regarding the Jay/Cardinal project. Communities have generally been supportive of the Jay/Cardinal project due to the continued benefits (employment, Impact and Benefit Agreements (IBA)) that extending the mine will bring but concerns regarding the fish-out of approximately 300000 fish, caribou migration, caribou crossing at the narrows of Lac du Sauvage and the increased water level at Dutchess Lake have been raised.

There has not been any outright opposition to the original project but DDEC has decided to eliminate the mining of the Cardinal pipe from the project in order to address concerns raised by communities and to avoid any delays in the regulatory process. DDEC requires that the project be approved and fully licenced before the current scheduled Ekati shut down in 2019.DDEC believes that removing the Cardinal pipe will minimize community concerns, which will help ensure that their timelines can be met. The project will still be financially viable, although the economics will be more difficult because the Cardinal pipe was expected to have diamonds near the surface that would have generated revenue while mining the Jay pipe to further depths occurred.

DDEC is planning on filing an addendum to the project description in early June to remove the mining of the Cardinal kimberlite pipe from the project. Mining of the Jay pipe is still being proposed, with open pit mining for the first ten years and then underground mining for the remaining eight to nine years. The Mackenzie Valley Environmental Impact Review Board has been notified of the proposed changes. Discussions with IEMA will take place this afternoon (May 6) and aboriginal communities have been notified of the proposed changes. Communities will receive more information in mid to late May as DDEC plans on making presentations in IBA communities regarding the project. DDEC should have more detailed information available in the coming weeks.

Key changes include:

* A horseshoe dike will be built around the Jay pipe, as opposed to drawing down a significant portion of Lac du Sauvage. The dike will have a footprint of 4.2 km2.
* The amount of roads that will need to be constructed will be significantly reduced, from 40 km to 10-15 km of road. There will be no need to build access roads to the dike locations on the east side of Lac du Sauvage under the new project proposal.
* Fewer fish will need to be fished out. DDEC will need to discuss the issue with DFO.
* The north arm settling area will not be needed for the Jay pipe. The Misery and Lynx pits will be used for water management of the Jay pipe. The closure plan for the Misery pit involved flooding the pit and will be adapted to act as water storage for the Jay pipe.
* Reduced impact to the outlet area of Lac du Sauvage, which is an important site for aboriginal communities and caribou.
* Reduction in the number of times roads will need to cross the main esker on the west side of Lac du Sauvage.
* The Developer’s Assessment Report (DAR) will be delayed by 45-60 days. DDEC is planning on submitting the DAR by late September. Changes to the project should not negatively impact DDEC’s internal timelines for the project.

The drill program for Jay and Cardinal has wrapped up but only the initial findings are available thus far.

* **General Update**

DDEC has submitted a number of reports to the Wek’èezhìi Land and Water Board (WLWB), including:

* Ekati Diamond Mine Waste Rock and Ore Storage Management Plan (v. 4.1)
* 2013 Aquatic Effects Monitoring Program (AEMP)
* 2013 Wildlife Effects Monitoring Program
* 2013 Seepage Survey Report
* 2013 Water Licence and Environmental Agreement Annual Report - (GNWT is waiting for the plain language report to be submitted before requesting comments from reviewers).
* **Misery Area**

Bird nesting in the Misery pit caused production issues in the summer of 2013. DDEC is currently trying to deter birds from nesting on the walls of the Misery Pit to avoid similar production delays this summer. A contractor who conducts pit wall scaling to remove rocks and debris that could act as safety hazards is also removing any potential nesting material. Two community monitors have been hired to scan for nesting birds.

* **Panda Diversion Channel**

The work on the Panda Diversion Channel has been completed.

* **Pigeon Area**

The Pigeon Stream Diversion is completed. Pre-stripping and mining work is beginning and construction of the rock pile base is scheduled to start this year using rock from the Panda area.

* **Lynx Project**

The Wek’èezhìi Land and Water Board (WLWB) issued a land use permit for the Lynx project in April, 2014 and issued a water license for the Lynx project for the GNWT ENR Minister to sign off. A DFO authorization is required before the scheduled fish out in 2015.

* **Fox Pit**

Mining is being wrapped up at the Fox Pit.

* **Koala Pit**

Underground mining will continue at the Koala Pit until 2019.

* **Community Engagement and Traditional Knowledge Summary**

DDEC has been meeting quarterly with IBA communities as part of Ekati’s ongoing engagement plan. The next series of meetings will be in May and DDEC will discuss their proposed changes to the Jay/Cardinal project as well as current operations and will listen to any issues and concerns that the communities may have.

The Yellowknives Dene First Nation (YKDFN) have requested and will take part in further archaeological surveys on the west side of Lac du Sauvage.

DDEC has proposed that an elder council be established. The elder council would meet quarterly to discuss plans for the Ekati mine and share baseline information. The terms of reference have been distributed to IBA communities and DDEC is waiting for formal replies. Initial responses have been mainly positive with a few concerns raised by two communities.

A site visit has been arranged in June for IBA community leaders, elders and youth to visit the mine site. Workshops on linking traditional knowledge and Western science are also scheduled for June.

* **Incinerators**

It was noted that the incinerators are working well.

**ROUND TABLE UPDATES AND DISCUSSION**

***Government of the Northwest Territories (GNWT):*** The GNWT will send out a letter asking reviewers for comments on the 2013 Environmental Agreement Annual Report once DDEC has distributed the plain language version of the report.

In response to a question from DDEC it was explained that the Addendum and Release Agreement for Ekati Environmental Agreement has not been signed by all Parties involved. The Addendum and Release Agreements outlines the changes proposed by the GNWT and the federal government to transfer the Agreement to the GNWT as a result of devolution. YKDFN, IEMA and Lutsel K’e Dene First Nation have submitted letters stating their opposition to the proposed changes. Until the Addendum and Release Agreement the GNWT and Canada have a Deferral Agreement that allows the GNWT to assume Canada’s rights and obligations under the Environmental Agreement. The GNWT is working towards having the Addendum and Release Agreement signed but details and a timeline are not available.

The Minister of Lands has delegated authority to make final decisions on Reports of EA and Reports of EIA documents for projects that are not on federal crown land. The Mackenzie Valley Environmental Impact Review Board has a reference document posted that explains some of the recent changes to the *Mackenzie Valley Resource Management Act*, including delegated authority (<http://www.reviewboard.ca/upload/news/MVRMA%20Amendments%20Reference%20Bulletin%20-%20April%2030_2014.pdf>).

Marty Sanderson conducted site inspections in the last month. Inspections under the land use permit did not reveal any concerns. The water licence inspection raised concerns regarding the lay down area and these concerns were discussed with Ekati. There are currently three vacant positions in Operations and the GNWT is working on staffing the vacancies.

***Department of Fisheries and Oceans (DFO):*** DFO and Environment Canada (EC) are working on a memorandum of understanding that will allow EC to take the lead on sedimentation issues. The timeframe and details are not known at this time but DFO will provide an update when more information is available.

**NEXT MEETING**

A site visit is tentatively scheduled for June 10, 2014 (GNWT to provide additional details). An implementation mediation meeting is to be scheduled for June by IEMA.

*Meeting concluded 11:30 am*