

# Environmental Monitoring Advisory Board

Annual General Meeting – September 10, 2019

EMAB Boardroom – 50/50 Mini Mall, Yellowknife, NT – 9:00 a.m.

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## DRAFT Minutes

### Present:

Charlie Catholique, *Vice Chair*  
Laurie McGregor, *Alternate*  
Adrian D’hont, *Alternate*  
Gord Macdonald, *Director* (by phone)  
Jack Kaniak, *Director*

Lutsel K’e Dene First Nation  
Government of the Northwest Territories  
North Slave Metis Alliance  
Diavik Diamond Mines Incorporated  
Kitikmeot Inuit Association

### Absent:

Violet Camsell-Blondin, *Director*  
Machel Thomas, *Director*

Tlicho Government  
Yellowknives Dene First Nation

### Staff:

John McCullum, *Executive Director*  
Janyne Matthiessen, *Env. Specialist*

Environmental Monitoring Advisory Board  
Environmental Monitoring Advisory Board

### Guests:

Sean Sinclair, *Alternate*  
Ethan Oatman, *Auditor*

Diavik Diamond Mines Incorporated

**1) The Interim Chairman called the meeting to order at 9:03 a.m.**

**2) Remarks from the Chair**

Draft 2018/2019 Annual Report Circulated

**3) Comments from the Parties**

Chair asked if there were any comments from the Parties. Only Party present is DDMI.

Gord MacDonald, DDMI

- Lack of Parties present at this years’ AGM is disappointing
- Appreciates EMAB’s fiscal responsibility
- EMAB’s comments and reviews are useful and helpful to Diavik and communities
- Believes EMAB may be able to do more in terms of community involvement. Noted that during the MVEIRB hearing last week many communities just want to work together and there may be more opportunity for that in smaller scale settings.

Discussion about remark that EMAB can do more working with the Parties going forward

- Can be a challenge when the people sitting on EMAB are not in a position to make decisions on behalf of their Party. Seems like this creates challenge in informing Parties about what is happening with EMAB.
- EMAB is supposed to operate independently of the Parties
- May be worthwhile to discuss EMAB having a larger role in terms of Party engagement
- Would need to discuss how EMAB can engage more with the Parties within the current mandate/structure of the Environmental Agreement

Q: How often do all the Parties meet together?

A: The EMAB AGM is the opportunity for this

- Concern that aboriginal Parties are often not at the AGM

Discussion about amendment of the Environmental Agreement

- Issue first came up around the 2015 AGM
- Ekati's Environmental Agreement amended in fall 2018
- GNWT also working on amending Snap Lake agreement. This was related to securities, not devolution.

Q: How does EMAB provide advice and feedback to the Parties?

A: Policy is that all reviews done by EMAB go to all the Parties and Land-Environment managers. It is not as direct a link as some EMAB board members think it is. As stated in the agreement we are independent of the Parties, and EMAB can make recommendations to any Party.

Comment/example: for example a GNWT board member does not need to be a GNWT employee; and board members do not have to consult with other Party members before voting in EMAB meetings. It is independent.

#### 4) Adoption of Agenda

The 2019 AGM Agenda was presented.

**Motion:** *To approve the agenda for the 2019 AGM as presented.*

**Moved:** Laurie McGregor

**Seconded:** Jack Kaniak

Motion carried.

#### 5) Conflict of Interest

No conflicts declared.

#### 6) Approval of Minutes

The minutes for the September 11, 2018 Annual General Meeting were presented.

**Motion:** *To approve the September 11, 2018 Annual General Meeting minutes as presented.*

**Moved:** Jack Kaniak

**Seconded:** Adrian D'hont

Motion carried.

#### 7) March 31, 2019 – Audited Financial Statements

ED began review of audit report. Noted that \$41,228 is to be returned to Diavik.

Discussion about action item from previous meeting to request to use surplus funds to host a workshop:

- Agreement should be followed and funds returned to Diavik
- Diavik wants EMAB to return unexpended funds from 2017-19 budget period
- EMAB can apply to Diavik for special funding if EMAB wants to host a workshop

Auditor arrived and presented audited financial statements for 2018-19 and answered questions.

- Clean audit; this is the best assessment an auditor can give
- No management letter; no recommendations for changes to financial management procedures

**Motion:** *To approve 2018/19 audit*

**Moved:** Gord Macdonald

**Second:** Jack Kaniak

Motion carried.

**Motion:** to re-appoint EPR as EMAB auditor for 2019-20

**Moved:** Laurie McGregor

**Second:** Adrian D’hont

Motion carried.

### Break

### 8) Election of Officers

Executive Director assumed the Chair for this item.

**Motion:** to open nominations for position of Chair of EMAB

**Moved:** Laurie McGregor

**Seconded:** Adrian D’hont

Motion carried

Nominations:

Violet self-nominated prior to the meeting

Jack nominated Charlie. Charlie accepted the nomination.

**Motion:** to close nominations for position of Chair of EMAB

**Moved:** Adrian D’hont

**Seconded:** Jack Kaniak

Motion carried

Following voting, Charlie Catholique was elected as Chair

**Motion:** to open nominations for position of Vice-Chair of EMAB

**Moved:** Laurie McGregor

**Seconded:** Jack Kaniak

Motion carried

Adrian and Gord nominated Jack. Jack accepted.

**Motion:** to close nominations for position of Vice-Chair of EMAB

**Moved:** Charlie Catholique

**Seconded:** Laurie McGregor

Motion carried

Jack Kaniak acclaimed as Vice-Chair

**Motion:** to open nominations for position of Secretary-Treasurer of EMAB

**Moved:** Jack Kaniak

**Seconded:** Charlie Catholique

Motion carried

No one remaining at the meeting can be nominated. Tried to contact other Board members by phone to ask if they would agree to be nominated for Secretary-Treasurer.

Machel agreed to accept nomination for Secretary-Treasurer.

**Motion:** to close nominations for position of Secretary-Treasurer of EMAB

**Moved:** Adrien D'hont

**Seconded:** Charlie Catholique

Motion carried

Machel Thomas acclaimed as Secretary-Treasurer.

#### **9) Environmental Agreement Amendment/Review**

GNWT Party representative was not present for the AGM. EMAB will follow up with GNWT on the process and timeline for the EA amendment and draft a letter to the Party Representative.

**Action item: send a letter to the GNWT Party representative requesting an update on the status and timeline of the EMAB EA Amendment and commitments from previous EMAB AGM's. Encourage GNWT to meet with all the Parties together.**

Noted that GNWT did not meet in person with all the Parties to the IEMA Environmental Agreement together before the amendment to that agreement.

Discussion:

- The more Parties that write in about this the more chance the EMAB EA amendment will be completed in a reasonable amount of time.
- Diavik hopes that if the agreement changes that there will be a gathering of the Parties
- Noted that EA 17.2(a) says the EA may be reviewed every 5 years. EMAB's EA has never been reviewed.
  - Noted that this is an opportunity, not a requirement, and updates must be initiated by the Parties
- EMAB contacted the Parties after the first five-year anniversary to remind them of the opportunity but there was little interest. Diavik was interested, GNWT was prepared to participate if other Parties were, but no other Parties responded.

#### **10) Five-year Action Plan**

ED reviews the 5-year action plan

Discussion

Q: what is the due date for the 1-page board member roles?

A: it's ongoing, no specific due date

Q: what defines closure period?

A: the period of time after operations; not a set period

Q: has EMAB asked the Parties about their position on EMAB continuing past closure?

A: we've asked board members and Land-Environment managers. Verbally Land-Environment Managers have said they think EMAB should continue but Party support has not been formally confirmed through writing.

Noted it might be useful to bring the Parties together to discuss EMAB's role during closure.

Discussion on what the EA says happens to EMAB at closure

- Has been discussed at the last few meetings
- EA says minister 'may' make a decision on whether EMAB is to continue during closure, it is not a requirement

On TK Criteria: Diavik plans to consult TK Panel, then ask EMAB to collaborate. This is on tomorrow's agenda.

Discussion about community updates

- Noted that the intention is to visit every Party once a year.
- Noted that KIA has indicated they are happy with a visit every 3 years.
- Different communities have concerns about different things. Most are concerned with closure considering where the project is at. KIA is particularly concerned about water.

Discussion on tracking recommendations

- Numbers of recommendations have built up over the years
- Diavik is happy to collaborate in tracking recommendations

Parties indicated the AGM was the best way for Parties to provide feedback to EMAB. Noted again that the AGM is a great opportunity for Party engagement and to provide them with updates, but the only Party at this year's AGM is Diavik. Getting feedback from the Parties is key, if there's no feedback there's no way to know if they're even aware of what is going on with Diavik/EMAB. Party feedback is useful to Diavik and EMAB staff.

Q: Has anything been done since the June meeting where we discussed community involvement in post-closure monitoring, and qualifications required for closure/environmental monitoring work at Diavik.

A: Right now Diavik doesn't have specific qualifications for monitoring staff. They have hired people from Aurora College. We're still 6 years out from the start of closure. Nothing is confirmed about hiring qualifications yet.

Discussion about website:

- Board member concerned about accessing documents. Hard to find document and unable to open link.

**Action Item: Contact outcrop about the issue and brainstorm ways that the EMAB website and online library could be more user-friendly.**

## **11) Adjournment**

**Motion:** *To adjourn the 2019 AGM*

**Moved:** Laurie McGregor

Motion carried.

Meeting adjourned at 11:55 am.