

WORKING WITH THE PEOPLE FOR THE ENVIRONMENT



Minutes – April 16-17, 2024

Yellowknife Boardroom and by teleconference / Zoom

Present:

Charlie Catholique, *Chair*

Marc Whitford, *Vice-Chair*

Violet Camsell-Blondin, *Secretary-Treasurer*

Sean Erasmus, *Director*

Laurie McGregor, *Alternate (day 2)*

Łutselk'e Dene First Nation

North Slave Métis Alliance

Tłı̨chǫ Government

Yellowknives Dene First Nation

GNWT-ECC

Absent:

William Aglukkaq, *Alternate*

Kitikmeot Inuit Association

Staff:

John McCullum, *Executive Director*

Allison McCabe, *Environmental Specialist*

EMAB (minutes)

EMAB (minutes)

Guests:

Nancy Njerere, GNWT (Day 1)

Sean Sinclair, Diavik (Day 2, by phone)

Brett Wheler, TG (Day 2)

Orna Phelan, NSMA (Day 2, by phone)

Tannis Bolt, KIA (Day 2, by phone)

Tas-Tsi Catholique, LKDFN (Day 2, by phone)

Tuesday, April 16, 2024

Meeting started at 9:05 am at EMAB Boardroom and by teleconference

Chair opens meeting at 9:05 am
Opening Prayer – Marc Whitford

Introductions

Action Item: ED to draft invitation to new Diavik President to meet Board at next meeting.

Item 1: Approval of Agenda

Chair reviews agenda.

Add new item - ED Performance Review to afternoon of April 17th

Adjust next Board Meeting date to June 11-13

Motion: to approve agenda for April 16-17 as amended

Moved: Marc Whitford



Seconded: Charlie Catholique
Motion carried.

Item 2: Conflict of Interest
No conflicts declared

Item 3: Minutes of Previous Meeting

Motion: to approve February 6-7, 2024 meeting minutes as presented

Moved: Violet Camsell-Blondin

Seconded: Sean Erasmus
Motion carried.

Email motions read into minutes

Review of action items

- Nancy Njerere provided update on status of EAQMP revisions following EMAB decision not to continue collaboration with Diavik, and said the investigation report is currently with senior management and will be out shortly.
- Violet will provide Rayrock community update costs
- Concern about ramp on SWRSA – entire pile needs to be smoothed and re-sloped
 - Noted that the WLWB will be making a decision on the FCRP soon
 - Elders say caribou don't use ramps; herds avoid bouldery areas.

Outstanding Recommendations

ES presents outstanding recommendations

- No recommendations outstanding, but several responses from Diavik are due in the next few weeks.
- EMAB needs to make sure Diavik responds; lots of concerns about closing of mines and responsiveness of mines. Diavik signed Environmental Agreement.
 - Do a performance review of Diavik

Item 4: Finance

ED and Treasurer present item.

- a) Variance Report – to April '24 & April '23 to March'24**
- '24-'25 budget needs to be updated once all invoices are in – next meeting.
- Expecting about \$108K to roll over from last year to current

- b) Response to roll over request from 2022-23**
- Community updates – need to find a way to do these. Communities don't have time.
- Can we put extra funds into community visits?

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- Yes; John will update community visit budget numbers.
- Include an update package at EMAB AGM for Party delegates.
- Response to roll over request from 2022-23 - still awaiting response from Diavik to our March 5th letter
 - Raise Diavik deduction from 24-25 payment with auditor

Q: can EMAB use interest earned?

A: yes, these are discretionary

c) Exit interview results

- Not actioned yet

d) Wildlife Consultant approval

- EMAB has not received any proposals

ACTION ITEM: ED to try to find replacement wildlife consultant. Touch base with Brian Kopach

Break 10:30-10:45am

Item 5: Jan 16'24 Fuel Spill

ED reviews item and presents most recent letter from Diavik.

Q: Should Board discuss now, or wait until Inspector can be present at the meeting?

A: Discuss now

- Diavik has not been forthcoming with information on the spill
- EMAB should contact MLAs and Minister and cc WLWB about the spill
- Concern that fuel will enter LdG in spring
- The spill, and uranium, affects traditional hunting rights; the federal government do have a place in this
- Either it's a complete lack of attention or Diavik is hiding something
- 50,000 l is a lot, that's a large tanker load, that fuel can get into the Coppermine river; there shouldn't be a fish camp this summer
- The spill area did not seem to be bermed or lined

Q: How did this area pass inspection in the first place?

A: Not sure, that's why it would be good to have Inspector here to give an update

- Look at terms and conditions of land use permit / water licence to see if this met requirements
- Since Diavik hasn't responded adequately to either of the 2 letters EMAB sent, John to ask Ryan (WLWB) for update on the spill
- Diavik is no longer taking care of the land as they said they would; getting more and more sloppy with environment
- Look at what happened with oil sands spill in N. Alberta into the river
- Inspector should provide a thorough update and answer questions.
- Touch base with Kevin O'Reilly

ACTION ITEM: ED to do follow up with Ryan Fequet (WLWB) and CC inspector Joe Heron

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Item 6: Annual Report

ED distributes finalized 2022-23 Annual Reports

Q: Should we hire someone from community to do a written or oral translation for communities?

A: In past years we translated the “What we did this year” section into Chipewyan, Tlicho and Inuvialuktun. Also had a recording of oral translation uploaded to website.

Q: What does it cost?

A: About \$8,000 not counting staff time

Q: Are parasites healthy to eat?

A: Depends on parasite, important to cook fish to high enough temperature to kill any parasite.

ACTION ITEM: ES to contact CKLB re: oral translation of sections of AR

ACTION ITEM: ES to upload finalized PDF version of Annual Report to website

ACTION ITEM: ED to call Violet about EMAB community update before Tlicho AGM

ACTION ITEM: ES to look into getting a QR code that open to EMAB’s AR PDF

LUNCH

Item 7: Water Licence Amendment-Status Update

ED presents item

Q: what happens if Diavik exceeds aquatic or drinking water guidelines?

A: WLWB requirement is to record this if it happens. A small exceedance for a short time is likely not a big concern.

Item 8: FCRP Status Update

ES presents item

Discussion on next steps for WLA and FCRP. ED expects that FCRP will be sent back for revisions, with an opportunity for further EMAB input.

Q: Did Diavik accept any EMAB recommendations on the FCRP?

A: No

- High dust levels noted during BOTG visit to Lac de Gras.

Q: What about EMAB recommendations to make sure SCRP slopes are safe for caribou travel?

A: Diavik said they will ensure safe landscape for caribou following “routes and ramps”

Item 9: Board Member Update and Community Concerns

Marc Whitford (NSMA)

- Busy time for NSMA, hired more new staff, still beefing up environment department and reorganizing into more appropriate departments that cover a wide spectrum of activities.

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- Held Annual General Assembly, first one in a few years.
- Looking forward to a very busy summer, turning attention toward new fire season, held chainsaw courses at Old Fort Rae for community; “fire smarting” Old Fort Rae (ENR did a back burn, going to get tin roofs, good sprinkler system, new docks going in, new barge, to handle 2-3 tons of equipment)
- Had a meeting with Matthew Breen, new head of Diavik who was hired for closure.
- Doing lots of community engagement via Zoom

Q: Could EMAB give a update to NSMA via Zoom since community uptake is so good?

A: Maybe, but you will have to pay honorarium (\$175/person)

- EMAB’s policy is that we don’t pay people to attend updates
- Good for EMAB to go to annual gatherings / assemblies

Charlie Catholique (LKDFN)

- Had community hunt for caribou, got enough for a plane load, caribou to every household (100 households)
- Also did muskox aerial survey, couldn’t complete whole survey due to weather. Lots of musk-ox within the tree-line.
- Wildlife Manager still getting organized; junior mining companies want to do work in the area and hire local people
- Held spring carnival over the weekend, people enjoyed themselves

Sean Erasmus (YKDFN)

- Also held a community hunt; first one was successful, second one wasn’t.
- Had a spring carnival as well.
- Also seeing junior mining companies wanting to work in the area
- Having some staffing issues due to high workload, one moved away to Edmonton.
- One band member went out and got a muskox and 3 caribou.

Violet Camsell-Blondin (TG)

- Reports to CEC monthly, on how many people working in management, or if any issues with people being laid off or training
- Midas Minerals seeking Joint Ventures on Tlicho lands, getting lawyers to look at this, still deciding whether to work with them.
- Also involved in Slave Geological Province all-season road. Interviewing elders to help on TK for SGP.
- Also got money from CIRNAC to participate in SGP. This month, there’s a western contaminated sites conference. Elders went to one in Toronto in November. Will be planning annual report for TG AGM.
- Going to Ireland on Friday for Environmental Assessment conference. Violet will present for 12 mins. Good to learn what’s happening on an international level.
- Met with Fortune Minerals, still struggling to find interest in the project. Wants to know if Kelly can get her mineral map for SGP. Good to get out of office and learn.

Unscheduled Item - Site Visit

Diavik proposed June 13th for site visit

- ED proposes changing Board meeting from June 10-12 to June 11-13 so EMAB can do mine visit on June 13th
- Agreed



Adjourn for the day

Wednesday, April 17, 2024

Meeting started at 9:15 am at EMAB Boardroom and by teleconference

Item 10. TK Working Group Discussion

TKWG members in attendance:

Sean Sinclair – DDMI (by phone)

Nicole Goodman – DDMI (by phone)

Brett Wheler – TG (left at 10:00 am)

Orna Phelan – NSMA (by phone)

Tannis Bolt – KIA (by phone)

Tas-Tsi Catholique – LKDFN (by phone)

Noted Ryan Miller from YKDFN not available, but Sean Erasmus has been attending TK WG meetings.

EMAB Chair opens meeting with comments and reviews agenda

- TK Working Group advises Diavik on TK Closure Monitoring.
- Elders have done lots of work on this in the past

Roundtable introductions

Agenda looks good, as long as item on expectations has room for flexibility

Discussion

(noted that Brett has to leave by 10, so provide him an opportunity to present comments.

- TG thinks TK discussions have been good so far, TK WG has general consensus on draft framework from meeting in the fall, with a couple of exceptions. Everyone's busy and its hard to get together. It is something new, and takes time. In terms of collaboration with EMAB, we want to have a strong role for EMAB.
- Two parts: There's a big picture - long term, community based TK Monitoring Program. We want EMAB to facilitate. Seems reasonable that EMAB's scientific role will diminish after active closure, and TK could become the main focus of EMAB (notes "future role of EMAB" report). Facilitating TK WG could be answer to question "what is future of EMAB" after technical reviews ramp down. Thinks "if there's a will there's a way" – if Parties all agree to do this, we can figure out logistics.
- EMAB wants to hear more about what the TK Working Group wants to do. How to work with EMAB: office space, staff etc. Diavik's going to closure and we need to monitor. EMAB used to work with TK Panel and then Diavik took over. And Diavik doesn't share information with EMAB board.
- When the mine shuts down, the role of EMAB will change. The TK Panel may become a more prominent part of EMAB. Maybe would make transition for EMAB more seamless.

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- Just wanted to also note that Sean Sinclair shared a summary note with TK group prior to meeting that touched on these items for decision and summarized what Sean understood to be the state of discussions with TK working group; would like to hear from Sean S. at some point on Diavik's point of view
- Diavik already has TK verification as part of FCRP, and we're accountable to develop TK monitoring plan for closure. Were initially going to do RFP, then Parties set up TK WG. Had a lot of meetings and developed a final draft framework. In talks on how 5 parties could drive this, EMAB came up, and everyone recognized that the EA and mandate of EMAB covers this topic already, other big piece was synergies with science reviews, and connection between science and TK reviews. Now we hash out how this could work through EMAB. At the end of the day Diavik is accountable, we will fulfill that, but this would be great under EMAB since closure will happen in the next 2 years. Could be natural transition for EMAB.
- What we need to do is mesh EMAB and TK WG; maybe we need to work more on organizational chart; we need to know our reporting relationship and representation, and some finance issues. Originally the TK Panel had to determine TOR and reporting. Need to help one another. We want TK in closure as much as possible. Science is already well-covered. Everyone seems supportive of this.
- Diavik sent notes on TK WG meeting #11. It feels like EMAB sees a disconnect between TK WG and EMAB. The TK WG is expecting that this becomes a focus of EMAB. It seems like EMAB wants it to be accountable to EMAB, but separate. Will need oversight and support of EMAB ED.
- There's a feeling that this should not be a separate organization but become a part of EMAB. Marc says in EA - states there should be 1 panel for TK. May become good for EMAB.

Q: Is the TK Monitoring Plan something the WLWB has to approve? What happens with input from groups that are interested in TK Monitoring but are not on TK WG, such as DKFN or FRMG?

A: DDMI would develop the program and submit to WLWB for decision. Prior to submitting Diavik would engage with DKFN similar to any process. Everyone should have input on how TK monitoring proceeds.

Q: Does this approach mean all monitoring ends up with EMAB?

A: Right now Diavik does scientific monitoring. TK monitoring would be parallel.

- Money is key; Diavik will have to fund this. EMAB would submit a proposal to Diavik. Need to have representation from communities to sit on TK Panel – Elders need to participate throughout. Current EMAB funds are for operation of Board.
- EMAB budget for current operations must stay within rate of inflation. TK WG will need its own budget process, and dispute resolution mechanism.
- Two phases; first is developing TK Plan, then there's TK monitoring. The WG sees EMAB's role taking on that role of administering the monitoring. The WG's vision of EMAB is much larger than what we thought we were discussing. The 2 phases are very different and will require different budgets. If this goes ahead, the EMAB budget and TK budget will need to be separated, at least at the beginning. Still struggling to understand this, only was considering developing the plan, not running the monitoring itself.
- EMAB would just add a program.
- Concerned we might lose track of first part (development of TK Plan) if we talk too much about EMAB taking over monitoring program. Plan is first priority, the program will come out of the plan (e.g., What/how/how often will monitoring will occur).
- Note current monitoring, such as BOTG, is expensive. In the range of \$1M/year
- TK Panel should meet and advise on the form of the Plan

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- If we don't know what the creature looks like, it's difficult to determine logistics that will be needed to move this thing along. Before anything happens, we need to know what the plan looks like. Then we can determine the budget and other items. All of this takes effort right now. We need interim money to start us on a road here.
- We're going to need a meeting of the Board here and request each community to appoint someone to TK panel. Might need to do some research – get funding from Diavik for this. EMAB can seek funds from various sources.
- When this TK Panel gets going, this will have to go in front of the WLWB. There will have to be funding. Who could prepare a proposal? Consider hiring a consultant for this eg. Kevin O'Reilly.
- EMAB's role would include TK Panel. Panel will need a staff person and a good Terms of Reference; this will be lots of extra work for ED and the Board. In other words, our Agenda for meetings will grow. This is all part of the Environmental Agreement.

BREAK: 10:20-10:35 am

Chair reconvenes meeting

ED asks to work through the agenda; asks TK WG for update on development of TK Monitoring Plan (Item B)

- (DDMI) group has met 12 times, there is a framework final draft (fall 2023), identifies vision, purpose, principles, scope, monitoring priorities, methods, ends with knowledge sharing and deliverables. It's 3 pages. More detailed discussions on the Framework led to the idea of working with EMAB.
- Board requests a copy of the Framework – TK WG agrees to circulate to EMAB.
- EMAB needs a description of the monitoring plan; framework document will help. EMAB will look at framework, give comments/questions to TK WG, Panel will adjust/answer, and EMAB will respond with decision
- Key purpose of meeting was next steps to collaborate with EMAB. Can we try to make a list of next steps on how we will work with EMAB? Are we aligned with EMAB on this approach.
- We are trying to decide on that. Next step is meet with community leadership to get support for this approach. Need a workshop with Elders, funded by Diavik. TK WG notes could provide an agenda. Need to make a proposal to Diavik.
- Is EMAB on the bus? Send framework, so ED can look at it and review, and develop questions and advice for Board to consider
- There is a lot of new information and it's hard to understand fully. Better to do business in person – bring everyone together.
- Yes, but fundamentally, we still don't know if EMAB wants to join, we need to know if they want to join then we can do next steps
- EMAB doesn't have answers yet, so can't agree to get on the bus. Not sure what EMAB would be agreeing to.
- Do we need facilitators(?); having a hard time right now; too many things, we shouldn't do business on the phone, it makes it hard to talk, we should bring everyone around a table in-person to talk. Need support from leadership.
- Need to go through EMAB Expectations first. No one on Board really objects, but we don't have enough information to buy in.

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- Because we're on an advisory Board to our community, make a recommendation to leadership.
- lots of questions, is it reasonable for us to ask these questions now, or can we push this back, and ask for the information from TK WG so we know where this bus is going. Everything follows the monitoring plan, which we haven't seen yet. We need to clarify all these questions. E.g., what is "limited support" from the ED? What does EMAB independence mean?
- EMAB members are independent. Are people on TK panel independent of people who appoint them, or are they speaking for their community? Because EMAB is supposed to be independent, how can we give direction to a panel who represents each of the communities? Not sure how this would work.
- TK WG members are appointed by Parties, so have similar status to EMAB members. Would the TK Panel members have the same status as Board members? The members on the TK panel, wouldn't they be same status as EMAB members?
- We need to go through the points on the agenda (EMAB expectations/TK WG expectations).
- This cannot go forward without money. EMAB needs to submit a budget. We need a commitment from Diavik.
- If Diavik doesn't fund, EMAB doesn't do it?
- EMAB to send a letter, with a budget.. Set a role for ED in this process, but need a TK staff We have limited office space. It makes economic sense to share space though. Need to define authorities of TK Panel. We need to work on TOR. Also we need meeting notes from Panel, and a good working relationship with everyone. We will listen to recommendations from Diavik. That's why we have consultant panel and TK panel. And every Board meeting the science and TK should all participate. Some things may need to go to leadership. Board needs to make an informed decision, but there is a time crunch with closure approaching.
- TK Monitoring Plan will set a precedent – ensure Elders are decision-makers.
- Could Sean (DDMI) and TK WG speak to list of EMAB expectations?
- In order for us to have better response, we need to hear from TK WG. Or ask John and Sean to get together as representatives of both groups? And then bring a summary report back to both groups? We're speeding towards closure. We have to know whether we're going to go ahead in unison, or separately? Can anyone from TK WG speak to EMAB expectations?
- DDMI recognizes this will cost money. There is money. We would work through those details later.
- Diavik saw three options to develop the Plan:
 - Competitive – Expression of Interest
 - TK WG sets up an organization – this would be a replica of EMAB. The group recognized the inefficiencies in this, and report released last month indicated like EMAB could take this on.
 - Mesh with EMAB - one of the benefits is that EMAB already exists, already has governance, a board, office, etc.
- In term of list of EMAB expectations, I think there's room for 1 more person at EMAB whose full time job would be TK coordinator, Diavik would give more money for this. What does limited support from ED mean? This will be an important priority for EMAB.
- Sean can meet with John to have more detailed discussions. Need to know if EMAB wants to do this. How can TK WG mesh with EMAB?
- Diavik needs to have a TK Monitoring Plan.
- Orna: Exciting opportunity for everyone working together. Support for IGO's working together. Better to spend money on monitoring instead of paying for setting up a separate office.
- Can Sean and John get together and come back to the group, with a couple of Board members participating as well?

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- EMAB needs something in writing to consider, so we know what we're agreeing to.
- Develop some form of draft agreement.
- Sean Sinclair – can meet next week; would like a TK WG member to come as well – maybe Brett.

Sean Erasmus – Invite EMAB staff to attend next TK WG meeting.

Action Item: ED to organize meeting with DDMI (Sean Sinclair) and 1 representative from each group (EMAB and TK WG) next week to discuss TK WG agenda items.

ED Performance Review

Motion: Approve ED performance review for 2022-23 and salary increase.

Moved: Marc Whitford

Seconded: Sean Erasmus

Carried

One abstention

Next Meeting – June 11 – 13 with site visit on June 13

Meeting adjourned

Closing prayer – Violet Camsell-Blondin