

# Environmental Monitoring Advisory Board

Minutes – August 13, 2019

EMAB Boardroom, Yellowknife, NT

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## Present:

Charlie Catholique, *Vice Chair*  
Violet Camsell-Blondin, *Director*  
Arnold Enge, *Director*  
Jack Kaniak, *Director*

Lutsel K'e Dene First Nation  
Tlicho Government  
North Slave Metis Alliance  
Kitikmeot Inuit Association

## Absent:

Machel Thomas, *Director*  
Gord Macdonald, *Director*  
Julian Kanigan, *Secretary Treasurer*

Yellowknives Dene First Nation  
Diavik Diamond Mines  
Government of Northwest Territories

## Staff:

John McCullum, *Executive Director*  
(minutes)  
Janyne Matthiessen, *Environmental Specialist*  
(minutes)

Environmental Monitoring Advisory Board  
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Tuesday, August 13, 2019 Meeting at 9:00am in Yellowknife	
<b>1. Call to Order</b>	Vice Chair opened meeting at 9:03 am.  Moment of silence
<b>2. Approval of Agenda</b>	Vice chair reviews agenda  <b>Motion:</b> to approve agenda for Aug 13 meeting <b>Moved:</b> Jack Kaniak <b>Seconded:</b> Violet Camsell- Blondin Motion carried
<b>3. Conflicts</b>	No conflicts declared
<b>4. Minutes of Previous Meetings</b>	Question if we need to further discuss Napoleon's honorarium to his estate <ul style="list-style-type: none"><li>• Has already been done</li></ul>

Email motions:

*June 11'19 – approve NSC and SEC cost estimates to review Diavik's Summary Impact Statement*

*July 03'19 – approve draft EMAB response to Information Request from MVEIRB*

*July 04'19 – approve EMAB response to 2018 draft EAAR for submission to Diavik*

*July 18'19 – approve Arcadis cost estimate to review the 2018 EAQMP*

*July 31'19 – approve EMAB intervention for PKMW Project*

*Aug 2'19 – approve EMAB letter to Diavik comment on request to extend submission date of final CRP*

Motion to approve June 17-19 meeting minutes

**Moved:** Jack Kaniak

**Second:** Arnold Enge

Motion carried

ED reviewed action items

Comments on wildlife around the mines:

- There seem to be a lot of wildlife around Ekati right now, including caribou
- Board member has seen the caribou eating dusty plants on road side at Ekati

Progress on wildlife monitoring seeming to be at a stand still

- With ENR's staffing issues we are still waiting for direction from them on some key issues
- We need to get this going, but a lot of it is in GNWT's court

Discussion whether EMAB should be involved in socioeconomics (regarding action item to request yearly updates on Diavik's development of policies what would inform community members about qualifications needed to work at the mine post-closure). This was DCAB's role

- Noted EMAB's mandate includes recommendations on participation of Aboriginal People and Affected Communities in monitoring at the mine
- There is some overlap between socioeconomic and environmental on this item
- Concern as to who actually oversees this now that DCAB is gone, would have to ask Diavik

Discussion on EMAB website and Facebook linkage

- Outcrop advised staff to not link the pages. Not cost effective to set up and Facebook always changing their API which removes the linkage which then has to be re set up. Facebook is also under data violation scrutiny.
- Environmental specialist will make sure to cross post everything between website and Facebook in lieu of the linkage.

Discussion on action item to send letters to parties to confirm if they support EMAB continuing into closure

- EA says it's up to the Minister whether EMAB continues to operate through closure
- EMAB has done a survey and all Parties agreed that EMAB should continue through closure
- Suggestion to make a motion at the AGM (Sept 10-11 2019) for Parties to request EMAB continues through closure
- Keep in mind that GNWT-ENR are the ones responsible for monitoring the reclamation. EMAB's role is to monitor the government monitoring the mine.
- EMAB needs to convince the Minister

- EMAB's mandate and operations would remain the same, but more focus would be on closure and reclamation
- Check with Diavik representative regarding support for EMAB continuing

Question about sending draft minutes to LKDFN and WLEC. Should these be approved first?

- Purpose was to keep LKDFN informed of EMAB activities. Minutes are not approved until the following meeting so a lot of time could go by. Have been sending draft minutes in the past. Draft minutes are sent to all members and alternates so are available to members of LKDFN.

Reminder to follow up with Mike Lowing for TCWR for maps

#### BREAK 9:57-10:15

### 5. Financial report

ED reviewed financial statement to Aug 7, 2019.

Query regarding billing EMAB for computer programs used to participate in EMAB business. Board members to submit receipts; ED will have to review policy to be sure what is covered.

Discussion on TK panel workshop

- Would be good if Diavik's TK panel had their own workshop about how well Diavik is doing with the TK recommendations
- The Panel had six other topics they also want to discuss; it's not a high priority for them.
- They only meet 1-2 times per year, so this wouldn't happen for a while, possibly 2-3 years
- ED working to finish table of how well Diavik is addressing TK recommendations, will hopefully be done for the next meeting

ED reviewed draft audited financial statements to March 31, 2019.

Suggested that EMAB re-visit Board honorariums

- Check Operations Manual
- Suggested \$50 increase plus CPI
- This was discussed a few years ago. ED will put background together for Sept mtg.
- Discuss with Parties – they can be notified at the AGM
- IEMA is a technical Board – what is their honorarium

**Action Item: ED to put together background on Board honorariums for September meeting. Note Treasury Board and GNWT rates for Boards.**

Discussion on returning funds to Diavik

- EMAB returns \$41,228 to Diavik this year (end of budget period surplus)
- End of second year surplus always goes back. Was decided at a mediation a while ago.
- ED used internal figures for surplus from 2017-18; audit figures were higher. This resulted in a higher amount being returned to Diavik than estimated.

Discussion on Board Training item

- We have budget for this. It hasn't been used in at least three years.

- Board training budget is \$1000
- Discussion on possible request to use surplus for Board training as we move towards reclamation
- ED can put something together if anyone has specific ideas.

**Action Item: ED to request that Diavik allow surplus to be used for Board training on closure rather than being returned to Diavik.**

## 6. Response to EAQMP

ED presents item

Discussion on TSP monitoring

- EMAB recommended that Diavik not suspend TSP monitoring in July 2018
  - Diavik submitted plan to discontinue TSP monitoring in January 2019
  - EMAB's plan was to hold a workshop on EAQMP with Diavik and GNWT
  - Should EMAB respond to Diavik's January letter in the meantime
- Diavik says they've shown they don't exceed guidelines so they shouldn't have to monitor
  - Issue is that the program is not working well as currently designed and implemented
  - Arcadis has identified several problems
- Need guidance and regulations put in place by GNWT
  - Suggestion to have a workshop with GNWT and Diavik
  - Not clear who should be responsible for funding it
- Questions as to how much of this falls on to the GNWT – no consensus
- Agreed that a workshop should be held. EMAB could request that the funds to be returned be used for the air quality workshop

**Action item: Draft letter to GNWT and Diavik conveying Arcadis report on EAQMP.**

**Action item: Draft letter to Diavik stating EMAB's previous recommendation on TSP monitoring continues pending workshop with GNWT and Diavik.**

## 7. ICRP Engagement Status

ED presents item

Had hoped that Diavik could provide an update.

Discussion about Diavik going to communities to engage on closure criteria

- Board had requested that ED attend these, but didn't work out.
- ED is working on getting notes from the meetings or interviews with Party reps who attended
- Note that Diavik gave presentation to TG on PK to pits, but not for the ICRP. ICRP is a big item they should be engaging on. Not aware of any other meetings on ICRP.
- No meetings have occurred with KIA.
  - Should push Diavik to come to KIA, especially to discuss water quality issues related to the Coppermine.
- EMAB may need to present its findings during review of ICRP Ver 4.1

**Action item: request an update from Winter Bailey (Diavik) ICRP engagement.**

**8. EMAB Intervention**

ED presented item from kit.

- Noted that scheduling for this hearing is tight. 3 days for the technical hearing may have been a better approach.

Discussion on community hearings

- KIA did not submit an intervention; they are happy with EMAB looking out for them
- Question about who's presenting in Dettah (not yet confirmed)
- Agreed that scheduling is very tight; EMAB could comment on this.

ED reviewed summary of intervention

Discussion on summary

- Concern that it is a mixed message to say that EMAB does not want A21 considered for disposal in the summary, but that recommendations in main intervention say it might also be ok with certain restrictions (i.e. limited amount of PK disposed, deeper water cap). EMAB should be consistent in its message.
- Confirmed that board voted to approve intervention as last presented.
- Noted that intervention presentation will include full recommendations
- Noted that this is just the review board hearing, and there is still a water licence hearing for EMAB to intervene on.

Question if EMAB staff are attending community hearings

- ED is planning to attend in Dettah, wasn't planning to attend Behchoko

**11. 2018 EAAR**

ES presented item from kit.

Noted that GNWT regulates wildlife monitoring including caribou behaviour monitoring protocol

Discussion on GNWT regulation of caribou behaviour monitoring

- GNWT needs to enforce their regulations
- Still waiting for GNWT-ENR to provide direction
- EMAB should be sending the comments to GNWT as well
- Noted that ENR said it does not have staff position filled that would address these issues

Suggestion to have all advisory boards (IEMA, SLEMA, EMAB) hold a workshop on resolving issues about caribou behaviour monitoring

- Noted that Diavik is supposed to be working with Ekati, but it is not going as planned due to lack of direction from GNWT
- Could get all the boards and GNWT together to discuss; share cost among all participants

Question: Is there a board like EMAB in Nunavut?

- NIRB, but it is a co-management board so not really the same thing

Noted that EMAB cannot make recommendations to Ekati

- Needs to be through GNWT.

### **Lunch Break: 12:00pm – 1:30pm**

#### **9. Draft Annual Report Review**

Noted that we should not approve the annual report at this meeting since a number of Board members aren't here. Request board comments by next week followed by email motion to approve so we can have a final copy ready for the AGM

ED reviewed the Draft 2018/19 Annual Report

#### Report Card Section

Note need to revise first line of Fish section of Report Card

Q: Is phosphorus in dust specific to Diavik or does all dust contain it?

A: This is a recent finding about the dust at Diavik. They're still trying to figure it out and EMAB has been raising the issue in AEMP report responses

Q: Did they change the preparation methods for fish at TK camp?

A: They've talked about it. The issue is that everyone prepares it differently and they felt it was important to allow participants to prepare the fish to their preferences

- ED will check AEMP report and add this

Q: Where does the mercury come from if it is not in the effluent?

A: It is released from the sediment. Not certain about the chemistry of it but it has been detected in many lakes in the NWT, but not all.

- Noted that the concern with mercury is that it bioaccumulates and reaches high concentrations in older/larger fish.

Noted that the report card should be clear that GNWT has not given direction for ZOI monitoring

Question about not having enough data for caribou behaviour analysis

- There was enough up until about 2012. Since then there has been issue after issue as to why sufficient data cannot be collected.

Suggested by ED that the Report Card section (with a bit of work) could serve as a summary of the annual report (which was suggested as an action item at a previous meeting)

Discussion about North Inlet

- EMAB agreed with the decision to isolate it from fish while still allowing water flow between the inlet and LDG
- It is still an open ended decision for the WLWB to determine.

Q: Is Diavik planning to use local seed for revegetation?

A: Need to check; EMAB has recommended this. Will add a note on this

### What Do We Do Section

Discussion on how to list board member changes

- Changes that took place in May'19 technically should not be in this report
- Board feels it is appropriate to mention Napoleon's passing and that Machel is the new member, as an exception (since this happened in May'19)
- Sean will still remain as the listed board member for this reporting period. Violet will be listed next year.
- Charlie should be shown as interim chair/vice chair, rather than just vice-chair

### Oversight and Monitoring Section

Discussion on WLWB seeming to not respond to some of EMAB's recommendations:

- Checking with WLWB; will update after they respond
- Question if EMAB has legal counsel
  - A: No, but we have \$1000 for legal consultation in the budget

Q: Did we make any recommendations on sediment?

A: We did not have a major recommendation on that to report. We made over 100 recommendations so only report on the key issues in the Annual Report.

Comment that Diavik is always behind on their reporting and it makes sense to report on the 2017 AEMP this year rather than next, which would be a year out of date.

Discussion on including intervention section in Annual Report, since it happened outside the year's reporting period.

- It is appropriate to include the water licence amendment and the initial IR's as they occurred before April. Unsure if intervention should be included as this was submitted in August.
- Explain that intervention summary follows up the issues EMAB raised during 2018-19

Question on how Diavik is engaging with communities on revegetation

A: ED believes Diavik does not seem to be engaging with communities on this. He has tables of notes from the parties and it seems like these questions are not being asked

Discussion on how the WLWB ensures Diavik engages with reviewers, and accuracy of reporting:

- Diavik is required to report on community engagement
- For reviewers like EMAB and GNWT they can check any Diavik report on engagement.
- Communities would have to do the same.

Discussion on contaminated soils

- If there is a minor spill, Diavik collects the soil and puts it in the contaminated soil area in the WTA. A lined area that they now also use barrels for storage.
- Diavik should start treating contaminated soils now instead of waiting until closure.
  - Already made this recommendation on a previous review
  - Possible that Diavik will have an answer in ICRP 4.1.
- Question if we should be holding the regulator (GNWT) to account
  - A: not sure what the regulations are about this
- Should identify if GNWT needs to drive this

- Elders don't want anything buried
- Decision has already been made by WLWB to approve burial of inert material on site

Concern that we keep revisiting the same issues. EMAB cannot resolve issues, we can only comment. Regulators can resolve issues.

**BREAK 3:10-3:20**

**9. Draft Annual Report Con't**

Regulator's Report Card

Discussion about when Diavik plans to finish monitoring at the site

- They've said they want to be done all monitoring by 2032
- If closure objectives aren't performing as expected, then they will keep monitoring
- WLWB has required Diavik provide an estimate with rationale for when monitoring is expected to be done for each objective. Currently they're giving a broad answer that they expect to be done when active closure is done

Note that 2018 EAQMP section will be pulled from this years report because report was received in July 2019 and EMAB has not reviewed the report

Question: Where in the North is DFO involved after devolution?

A: They have an office in YK, and maybe in Inuvik and/or Hay River

Q: What did DFO intervene on?

A: Not too much. A couple recommendations about fish/habitat monitoring.

Noted that EMAB should keep track of the various outstanding directions from ENR for wildlife monitoring.

Discussion about Geoscience Forum

- EMAB attended a few years ago under Brenda
- They used to do a joint booth between EMAB, IEMA and SLEMA
- Could look into doing this again

Discussion about EMAB budget

- To raise the budget we have to request that from Diavik
- EMAB controls and allocates the budget once received
- Q: Can we negotiate a higher budget?
- A: It is possible under the EA but has not been successful in the past.

Board comments that the Annual Report is long

- It is longer than staff would like
- But it should also be a place where people can find any information they want

**10. 2017 WMP Recommendation Response**

ES presents item from kit



Discussion about SGP

- Diavik says EMAB said we would give them adaptive management suggestions
- MSES thought they had some ideas for them, but nothing relevant
- Idea to have a workshop to discuss adaptive management options for wildlife issues
  - Probably could not afford if EMAB was the only group funding it

**Action Item: draft letters to Diavik and ENR re: follow-up on 2017 WMP recommendations for board's approval**

**12. Community updates and roundtable discussion**

Jack Kaniak:

- Made a presentation July 11 to KIA covering what EMAB has done this year
  - No concerns from KIA about what EMAB is doing
  - Presentation was a bit rushed
- Concerned that we need quorum for the meetings. Board members are frequently not attending and its concerning. This is why we have alternates.
- Concerned about the slimes. By not moving the slimes from PKC to pits they are seeming to create 2 issues.
- Notes that board members are also working and sometimes it takes a while to review documents

Arnold Enge:

- Nothing to report

Violet Camsell-Blondin:

- Has a presentation coming up by consultants to inform the chiefs what is happening with the EA process.
- Communities are concerned about how closing mines will effect employment.
- She is thinking about talking on Tliche CKLB radio to inform the public about the EA. Radio os a good way to raise awareness

Charlie Catholique:

- Last month they had a meeting with young people that sign up for summer work with Ni Hat Ni. Hired some students and elders to go out on the land. It's going good.
- Lutsel ke wildlife manager didn't know what was going on with the PK to pits. Should have a community meeting to get everyone updated.

Next Board meeting (AGM) is Sept 10-11

**Action Item: ED to confirm availability of quorum in advance of meetings**

Moment of silence

Meeting adjourned (4:15pm)