

Environmental Monitoring Advisory Board

DRAFT Minutes – Dec 5-6, 2017

EMAB Boardroom, Yellowknife, NT

Dec 5, 2017

Present:

Napoleon Mackenzie, *Chair*

Charlie Catholique, *Vice-Chair*

Julian Kanigan, *Secretary-Treasurer*

Gord Macdonald, *Director* (by phone)

Arnold Enge, *Director*

Sean Richardson, *Director*

Jack Kaniak, *Director*

Yellowknives Dene First Nation

Lutsel K'e Dene First Nation

Government of the Northwest Territories

Diavik Diamond Mines

North Slave Metis Alliance

Tlicho Government

Kitikmeot Inuit Association

Staff:

John McCullum, *Executive Director*

(minutes)

Environmental Monitoring Advisory Board

Allison Rodvang, *Environmental Specialist*

(minutes)

Environmental Monitoring Advisory Board

Guests:

Patrick Boitumelo, President, Diavik Diamond Mines (Day 1)

Rebecca Alty, Diavik Diamond Mines (Day 1)

Jamie Steele, Lands Inspector (Day 1)

Kelly Fischer, ENR Air Quality (Day 1)

Petter Jacobsen, Tlicho Government (Day 1)

Bill Slater, SEC (by phone, Day 2)

Randy Knapp (by phone, Day 2)

Jennifer Kirk, Arcadis (by phone, Day 2)

Paul Green, ENR Waters (Day 2)

Nathen Richea, ENR Waters (by phone, Day 2)

1) Call to Order Meeting called to order at 9:05. Chair opened the meeting with a prayer.
2) Approval of Agenda No changes to agenda. Chair, Napoleon Mackenzie, noted he has a commitment on December 5 at 1:00 pm; Charlie will Chair
3) Conflict of Interest No conflicts were declared.

4) Approval of Minutes

Minutes of Sep 11-13, 2017 meeting:

- Jack asked if the re-evaluation of the EAQMP was initiated by Diavik yet. Staff noted this is on the agenda for Diavik to update the Board.
- Q: What do they do with the hydrocarbons in the sediment? A: If they are in the soil, Diavik can landfarm. Hydrocarbons in the sediment may self-remediate, or they may have to dredge it out of the North Inlet.

Motion: *to approve the September 11-13, 2017 meeting minutes, as presented.*

Moved: Jack Kaniak

Seconded: Julian Kanigan

Motion carried.

Email motions:

Oct 16 – approve revised Arcadis SSRBCC proposal

Oct 30 – approve NSC review of AEMP RCR Supplement to WLWB

Nov 3 – approve Randy Knapp review of Diavik responses to WLWB Directives to WLWB

Nov 9 – approve costs for Knapp, SEC and Arcadis Canada to participate in WLWB workshop

Nov 15 – approve TK recommendations to Diavik

Review of Action Items:

ZOI Working Group update

- ES updated Board on meeting; consider recommending Diavik initiate ZOI monitoring now that A21 is ramping up
- Chair noted that Chiefs spent time at Colville Lake and ate caribou; doesn't feel caribou are declining, they are just moving other places. Colville Lake did its own survey.
- Q: Would the ZOI surveys be done using aerial surveys? Yes, considering possibility of using drones.

Action Item: Send ZOI meeting notes to MSES.

Action Item: Board to consider a recommendation to Diavik on re-starting ZOI monitoring

NSMA Update – with CIMP?

- ED wanted to check if there were any objections from the Board on hosting an EMAB public update with CIMP.
- Arnold noted he doesn't have a problem with this.
- More likely to get more people out if it is a combined event.
- CIMP has been working with Shin to organize it. January 24 is set as tentative date.
- ED noted that if there are other Parties that would like to have an update, let staff know.

Action Item: EMAB to work with NSMA to organize NSMA/Public update

Action Item – Have Outcrop link our website with Facebook.

ENR Legislative Initiatives meeting

- ED and ES presented item from kit. This was to consult on priority areas for legislation

MMER Amendment meeting

- ES presented item from kit. Diamond mines would like to be exempt from MMER.

Break 15 minutes

5) Introduction to new Diavik President Patrick Boitumelo

Rebecca Alty brought Diavik's President, Patrick Boitumelo to meet EMAB.

- Patrick introduced himself to the Board and gave a brief history of his previous work experience. He has met most of the Aboriginal leadership. Noted that he appreciates all the work EMAB does for the environment and Affected Communities.
- EMAB Chair asked for round table introductions.

6) Financial Report

ED presented item from kit. No concerns about financial statement.

Q: Could NSMA and YKDFN update be combined?

A: Ideally would hold updates separately.

Q: When could we do YKDFN update?

A: Sometime in February and March. Doing the meeting in Dettah would make more sense.

Action Item: ED to speak to Chair about setting up meeting.

7) Inspector's Report

Inspector, Jamie Steele updated the Board.

Gord joined meeting by phone.

Discussion:

- Inspect larger mines once per month
- Main issues at Diavik that he has been inspecting include: fuel handling, A21 dewatering, and the waste rock misclassification.
- Waste Management – showed photo of oily rags being transported offsite, food waste incinerated at Diavik, burn pit in waste management facility. No concerns with waste management at Diavik. Access to WTA is controlled. Follow best practices.

Q: Seen any wildlife in the WTA? A: No.

- Landfill – found an aerosol can in the landfill which was picked up.
- Fuel Handling – showed picture of fueling station where light vehicles fuel up. Didn't see any stains on the snow. Spill kit in photo was being used as waste receptacle. Working with Darcy Bourassa and swapped it out right away.

Q: Are fuel stations contained? A: They are in a berm as far as he can tell.

- Drip tray was full of snow – called mining supervisor to have it emptied.

Q: Is there any concern that this was only found because Inspector was there? A: Only an issue if it was repeated. Fueling stations are very clean so obviously being maintained.

- Completed dewatering of A21 to Lac de Gras and water is now being moved to North Inlet. Stopped pumping to lake a bit early as Diavik was starting to see increases in turbidity (not above licence limits). Diavik stopped pumps slightly above target depth and began pumping exclusively to the North Inlet so as not to worry about discharges to environment.

- Shut off discharge to Lac de Gras on November 24. The North Inlet was pumped down prior to dewatering and has a lot of capacity.
- Getting ready to mine A21 till.

Q: Estimated completion date for dewatering? A: A few months before it is dry in the pit area. Deep area in pit that will take longer to draw down. They will begin stripping in the dry areas before all the water is out.

Comment: Not sure what mortality rate of fish-out was. They weren't getting a lot of fish.

- Waste rock misclassification - Inspector showed Board map of areas at the mine that have misclassified rock. 424,100 tonnes of rock used for different projects on site. Inspector is working with David Wells on solutions. Berm on light vehicle road (going to A21) has been cleaned up. Type III rock used as berm at NCRP will be removed before pile is re-sloped and put with rest of Type III rock
- Looks like entire A21 pad is made of Type III rock. There are no containment sumps in this area if rock were to start acid drainage. Trying to figure out exactly where Type III rock went. Might be easy to move it or dig a sump. Focus has been on A21 pad and getting Diavik back into compliance with WL.
- Noted a letter from David Wells with compliance action plan which should meet notice of non-compliance.
- Actions to remediate non-compliance – removing light vehicle road, safety berm on NCRP, review of construction reports and daily haul records to A21. Moving forward, all waste rock from original pits is being classified as Type III rock so there should be no more room for error.
- Inspector will respond to Diavik in a letter which will go on public record. EMAB will be included on response as well.

Q: What is in burn pit? A: Wood, paper, not burning plastics or anything oily. Q: Burning treated wood? A: Don't think they use treated wood, but if so, it should be shipped offsite or put in landfill.

Q: How does classifying all rock as Type III change calculations for storage etc.? A: Don't know answer but can say there isn't a huge volume of rock left. Finish development of D ramp and put it all in Type III pile.

8) Air Quality discussion

Kelly Fischer joined meeting to give update to Board.

Gord gave an update on Diavik's Air Quality Re-assessment

- Looking at draft report from their consultants now.
- Expect it to be ready early in next year.

Action Item: Update at next meeting on status of EAQMP re-assessment.

Kelly gave an update on Air Regulations:

- Will be posting "what we heard" document soon with responses to questions / comments
- Starting to draft the actual regulations before Christmas; expected to take 3-4 months.
- Once regulation is drafted, it will go out for 90-day consultation period via NWT Gazette.
- Finalized regulation by late 2018.

Work on amendments to MVRMA are still undecided.

Q: Working with LWBs on the regulations? A: GNWT is going ahead with drafting the regulation. Discussions on how it will be implemented can happen later.

Currently, LWBs have no role in drafting the regulations. They reviewed it during gazetting period, and submitted comments. Ultimately GNWT is drafting regulations, and LWBs will become involved with implementation and how it will function when it is a law.

Comment: Air regulations may be under Waters Act, the EPA, Environmental Rights Act, or Forestry and Wildlife Acts. If under the Waters Act it comes under the LWB's.

Q: Will they include Carbon pricing? A: No, that is part of the climate change strategic framework. Emissions pricing will not be included in the Air Regulations.

Comment: EMAB's biggest concern is being able to review the EAQMP and provide comments.

Action Item: forward comments to Kelly Fischer on Air Regulatory Framework.

Comment: Should be a process for reviewers to know when GNWT document is out website.

Q: Is GNWT planning to comment on Diavik's EAQMP report? A: Kelly will check on this.

Action Item: Kelly Fischer will check on comments on Diavik's EAQMP report.

LUNCH 11:45

9) Boots on the Ground Presentation

Charlie chairs meeting

Petter Jacobsen joined the meeting to present the results of Tlicho research on the summer 2017 Boots on the Ground project.

Discussion:

- Petter runs Boots on the Ground through the Tlicho Government research and training institute.
- Completed two years, three-year funding agreement with CIMP. Tlicho Government and Dominion fund as well.
- Project is based on TK and includes a small group of hunters and elders who travel land and monitor caribou.
- Tlicho Website has story map
- Two teams travelled land for three weeks each. July 15 - August 14. Noted this is a long time to monitor compared to other caribou monitoring programs.
- Used InReach which is satellite communicator to track movement of teams. Travelled 1186 km around Contwoyto Lake due to its massive size and summer range for caribou. The teams received collar updates from ENR every four days to track the caribou. Used traditional ways of travel – walking and boating, which is much cheaper and afforded the team to spend more time on the land.
- Q: Use same people? A: Tried, but ended up with quite a few new people. Hope to start using the same people every year.
- Set the project up to look for indicators that hunters would look for. Traditional knowledge considers animals as sentient beings; important to understand this.
- Methodology – do as hunters do – photo of tent circles on top of esker, found hunting blinds-big rocks to force caribou to cross and found arrow heads.
- This year, expanded from four to six weeks.
- Didn't see caribou 14 of 40 days.
- No'oke – water crossing

Discussion of Results:

- Habitat and Environment - Noticed effects of climate change in the early spring melt. Ice was gone by end of June instead of July. Disappearance of snow patches on the ground sooner in the season which led to dry vegetation (this also has to do with amount of rain and heat). Caribou will go to snow patches to avoid insects. Without snow patches, caribou have to use more energy to avoid insects and heat, which can mean they spend warm days continuously running. This year there were a few cold periods (last year nine days of really warm weather). Research found out how climate change affects caribou behaviour, health and ability to keep calves.
- Vegetation and caribou food – this summer there was lots of rain leading to good or normal conditions.
- Caribou overall health seemed strong or normal, calves looked healthy, last year there were a high number of injuries due to foot rot, didn't see too many injuries this year. Did see some cows without calves, but this again is normal. Didn't see skinny animals. But something they need to monitor overtime.
- Studying water crossings becomes important when looking at potential effects of development.
- Predators - saw 17 wolves, and a high number were in key post-calving areas. Grizzly bears don't seem to attack the caribou based on what they saw. With climate change, there are more wildlife species that didn't used to live here; bald eagles are hunting calves.
- Industrial Development - blocks caribou migration. Wolves can take advantage of this, which could increase predation. Caribou can hear noise and smell different scents from operations.
- Took weather measurements three times a day, and looked at insects and behaviour at that time too.
- Q: Stay at Contwoyto Lake next year or move? A: Not sure yet. That lake provides many transportation options.
- Saw 3-4 eagles and juveniles, but didn't see where they nested.
- Q: Use behavioural checklist that mines use? A: Not compatible with what they are doing as elders and hunters. Doesn't work with Traditional Knowledge framework.
- Comment: Mines need to come up with better way to watch the caribou that involves constant observation.

15-minute break

10) Workplanning for 2017-18

Gord and Julian join by phone.

ED presented Strategic Plan from kit.

Discussion:

Q: is the Board member training in town? A: Mostly to help people who want to upgrade their computer skills. Up to board members to take this up.

Q: How do you think email motions are going? A: Not everyone votes on the motions, and it is slower. Not able to have discussion. Should be used as a last resort as there tends to be not enough discussion on some topics. Board members should let staff know if they would like to have a conference call instead of email motion if things need more discussion.

Comment: Need to get better information from Diavik about participation of aboriginal people in training and monitoring and review this information.

Q: What type of education and training would be required for an Aboriginal person to get a job in the closure and reclamation work at the mine? A: If it is specifically on monitoring work, then EMAB could send a letter to Diavik enquiring about this.

Comment: Will be going through a re-write of the strategic plan next year.

ES presented Communications Plan from kit. No one raised any questions or comments.

Action Item: EMAB to send letter to Diavik requesting qualifications for working on post-closure monitoring.

Discussion on budget:

Q: possibility of having board meetings in communities? A: tried to do this in Behchoko last year but didn't work out. Could try to do this in one community per year.

Q: The annual report budget was over by \$1200 – why? A: Report was very long this year.

Q: Has EMAB attended annual gatherings of the signing parties? A: Have in the past, tends to be a busy time, but a good idea. Behchokq is driving distance, could go to Tlichon one year, KIA another, etc.

Q: Does Diavik attend annual gatherings? A: Rebecca Alty attends. EMAB could touch base with her.

Comment: Need to figure out a way to build in EMAB's review of TK recommendations into the current structure of the Panel meetings. Would be easier to do this way than have a separate meeting to review all recommendations.

Comment: The meetings are very busy, would need more than the last day to do this.

Comment: WLWB has put out AEMP Guidance Document. EMAB should review and comment on this. Largely description of way things work right now. Comments are due in February.

- Could ask board for extension on this, so that we can review at Feb 27 meeting. Staff will look at document and propose an approach. May or may not be costs associated.

Action Item: EMAB staff review AEMP Guidance Document and propose review approach for Board.

ED included proposed budget revisions for items that were out by more than \$1K. Changes don't warrant re-budgeting.

Diavik site visit – Board would like to be at site during freshet. Move to June meeting.

Motion: *To approve the draft EMAB calendar.*

Moved: Sean Richardson

Second: Charlie Catholique

Motion carried.

December 6, 2017

Chair called the meeting to order at 9:10 am.

11) ICRP Version 4 Review

Joined by phone: Randy Knapp, Jennifer Kirk, Bill Slater, and Gord Macdonald

Joined in person: Paul Green

ED presented item from kit and explained different components of the Closure and Reclamation Plan (CRP) review.

- WLWB have extended deadline from Dec 13 to Dec 22.
- Reviewers have opportunity to adjust comments on the WRSA Closure and Reclamation Plan V1.1.
- Staff would like to have comments out to the Board for review by the end of the week or early next week.

ED gave summary of WLWB Closure Workshop on Nov 20-21.

Q: Community or science thought to monitor the PKC for ten years? A: Came from John Brody, would need to look at stability. PKC needs to freeze for plan to work.

Gord made two clarifications:

1. Moving fines from PKC to underground is scoped into CRP V4.0. It is not in very much detail but Diavik would like some comments.
2. EMAB noted the TK Panel view on revegetation is different from community wishes. However, Diavik has only heard YKDFN say they would like to revegetate the WRSA. It would be good for EMAB to have a discussion on this. John noted that he heard Colleen English say that community views for revegetation are different than the TK Panel at the Closure Workshop.

ED asked if there were any other points from the workshop worth mentioning.

- Randy – security and long-term funding should be allowed for in some way or another. Needs to be provided for all mining operations; everyone at the workshop seemed on board with this. Did not come to resolution on future of airstrip; communities and TK Panel would like it to remain. The question is who will maintain it.
- Jen – didn't have anything to add at this point.

Bill Slater joined call.

Q: What are some of the changes between different ICRP versions?

- CRP V4.0 proposed the first revegetation plan in response to requests.
- Diavik proposed annual long-term costs for monitoring and maintenance of the site post-closure. Question remains of who is responsible for this cost.
- Objective to reconnect the North Inlet was removed. Originally it was a sedimentation pond. The discovery of hydrocarbons in sediment was a surprise.
- Changes to PKC facility; V4.0 proposed different closure options. Definitely some concerns.
 - Noted that PKC design concept was approved by WLWB through the 2013 Progress Report
- Updated water quality predictions.
- Results of uptake of metals in vegetation were presented.
- Updated project information- used 2015-2016 climate and air quality data
- 3D figures to see what the site would look like at closure

Q: Is there anything in Diavik's fishery authorization about North Inlet reconnection?

A: The plan was to reconnect it with Lac de Gras. The Water Licence says this, but Diavik did a compensation project anyway because the DFO fishery authorization assumed it wouldn't be reconnected.

Q: Can this closure plan be approved with so many uncertainties about how the PKC will be closed?

A: PKC Facility closure plan was approved in an annual ICRP between V3.2 and V4. Approved design involves freezing beaches and dams, with a ROM rock cover. Diavik demonstrated that a dome cover wasn't feasible. Diavik would like to look at option of dredging slimes and putting them in A418.

Noted that AMEC's report to Diavik identified a number of uncertainties that need to be addressed to show the design for PKC closure is viable. Research for PKC is going to be done by 2020, which is when the final closure plan is supposed to be approved. Working within this timeframe may be difficult.

- Raised the possibility of accelerating the PKC research.

Q: Having a pond in the middle of the PKC seems counter to having frozen beaches and dams?

A: Idea is to have frozen beaches and dams so that seepage paths freeze meaning a pond can be retained. If they don't freeze, then a pond can't be retained. Diavik wouldn't need a pond if they remove slimes so they could have a dry cover.

Q: Danger of exposing slimes?

A: Surface isn't stable for wildlife or people.

Comment from Diavik: 2020 date for submission of closure plan – WLWB noted those dates could be changed, two years prior to end of commercial production or three years before end of this existing license (2020 with this licence). However, the end of commercial production isn't until 2025. WLWB has ability to change dates in licence without amending the WL. Randy noted that would be reasonable. Gord feels 2020 is too soon to be putting in a final plan and they wouldn't be ready.

Q: Does Diavik have permission to discharge PK into 418?

A: No, they require an amendment to WL. Diavik will be proceeding with this in Feb 2018.

Q: Diavik has estimated slimes are 38 m deep; how long will it take to move the slimes underground?

A: It would take several years. Might be able to start moving materials in 2022, depending on use of PKC for production.

Q: Would this affect closure timing?

A: Could start this work before end of commercial production. Dry option would bring closure of the PKC sooner than the wet option.

Q: Concerns without the PKC pond?

A: Minor runoff and seepage quality. Issues would be reduced.

Randy is still concerned about maintaining the required level of saturation for the till on the WRSA. It will likely drain. Depth of cover may have to increase. Gord asked if he had reviewed the updated data Diavik provided.

Action Item: Randy and Bill to look at additional data Diavik provided on the test piles.

Jen provided overview on Arcadis' review:

- For the most part Diavik addressed comments. Some issues with Appendix 5 and Appendix 10 - values are not consistent (likely a transcription issue, not necessarily with actual numbers).
- In some cases, there are more than one SSRBCC for each objective for humans, birds and mammals. Diavik should summarize all this in one table and show final closure criteria for each parameter based on the most sensitive receptor to meet the closure objective.
- Diavik addressed one of Jen's concerns regarding selection of COPCs by defaulting to CCME if there is no SSRBCC derived. Jen noted situations where this may not be protective; CCME do not consider nutrient transfer. Jen asked Diavik what they will default to where no SSRBCC are derived.
- For parameters that do not have CCME and were not identified as a COPC, how is Diavik going to address these? An example is criteria for antimony for protection of aquatic life.
- Parameters within the NI that do not have closure criteria - do criteria need to be developed for petroleum compounds? Should they be monitored as part of closure criteria?
- Burial of waste isn't something they considered.
- Don't believe Diavik's proposed criteria for the protection of aquatic life will be protective.
- The main issue is with water and these are not being based on SSRBCC

Bill provided an overview of his review:

- Criteria for protection of aquatic life - modelling work that was done in 1998 was based on conceptual model and does not reflect current understanding of site conditions at closure. Performance could be better than predicted.
- Should be looking at a 100m mixing zone using AEMP benchmarks without 20% increase.
- May want to consider a different re-vegetation objective that would aim towards greatest amount of revegetation possible. Need a more specific target. Proposed revegetation will not be neutral to wildlife – the area would be largely barren compared to pre-development.

- Different site components will have varying timing of achievement of criteria. Some may take decades.
- Predicting an exceedance of human health criteria for uranium in LDG – how will Diavik restrict this? Bill noted predictions could change if Diavik used an updated model.
- Many of Bill's comments are still valid because the criteria were carried over from the WRSA to the CRP.
- The current modeling relies on 85:1 dilution factor at 1 km around East Island based on a continuous flow rate. Bill does not feel this is an accurate representation of seepage and runoff at closure. Most of the discharges from site may occur for a very short period of time after freshet. A more realistic model would be to Diavik's advantage to show that these flows wouldn't contribute the level of contamination they are predicting. This could also mean a much smaller mixing zone.

15-minute break

Discussion:

- ED suggested Board can have a conference call to approve comments, or an email motion. Staff are still preparing comments based on the workshop, and waiting for comment tables from some consultants.
- Gord noted Board could discuss some items at the meeting.
- ED noted EMAB staff are preparing additional supporting information for comments on mixing zone – looked at commitments that were made in CSR and applicability of using significant effects determination as closure criteria. Staff plan to quote passages from the CSR more clearly as there was some confusion that things were being taken out of context in the WRSA V1.1 review.
- Q: Recommendations on this? A: purpose of an Environmental Assessment is to determine significant adverse effects. A review that allowed project to proceed shouldn't determine what can happen during operations or closure.
- Comments are not significantly different from what EMAB said during the review of WRSA V1.1.
- Revegetation – EMAB noted communities would like to see more revegetation rather than less. EMAB will also talk about map from TK panel and the need for a clearer map. Will be recommending that Diavik return site, as much as possible, to pre-development vegetation conditions.
- Contaminated soil – EMAB has heard from communities that they don't like Diavik's proposal to bury inert materials, but definitely don't want any contamination left underground. If materials don't meet quality standards, it would be EMAB's recommendation to have these materials taken off-site.

Action Item: Board agreed to tentatively set the conference call for Wednesday, December 13 at 11:00 am.
Charlie and Gord will not be available Wednesday.

12) Environmental Agreement Assessment discussion

ED presented item from kit.

Q: What would the Boards' role be in this, given it is an assessment by the parties?

A: Leave it to the parties.

Sean- New staff in the Lands Department at Tlicho Government does not have a lot of information on EMAB. Put together a package for TG to know how they could deal with this.

Consensus from Board to write a letter to the Parties, notifying them that an assessment of the Environmental Agreement is set to take place every five years. EMAB would like to be involved, but will not lead the assessment.

Action Item: EMAB staff put an orientation package together for new Manager of Lands at Tlicho Government.

Action Item: ED will draft a letter and send it out to be approved by email motion. This will happen after the CRP review is submitted. Inform Parties of the date the EA was signed and that a review can take place every five years. EMAB would like to be involved in event of assessment, but will not initiate assessment.

13) WLWB Conflict Question (moved to before lunch)

ED presented item from kit.

Discussion:

- Fully functioning WLWB is in EMAB's best interest.
- Conflict of Interest guidelines have been established for the WLWB.
- Noted that there are no monetary benefits.
- Board did not have any objections to the Chair being reinstated.
- EMAB will write a letter leaving out the focus on their current Chair. Will note WLWB should follow the procedures they have in place to deal with this.

Action Item: Draft letter for Chair's signature by December 11.

Motion: ED to draft and send letter to WLWB RE conflict question based on board direction.

Moved: Charlie Catholique

Seconded: Jack Kaniak

Motion carried.

LUNCH 12:00 pm – 1:00 pm

14) Long-term liability, monitoring, maintenance update

Nathen Richea joined the meeting by phone to give a presentation.

ED presented item from kit. Nathen reviewed the status of the GNWT discussions

- Lorraine Seale is tasked with developing policies to deal with security and long-term liability.
- Upon devolution, GNWT adopted mine site reclamation policy from INAC to deal with closure and return of security. Because INAC policy is from 2002, GNWT is reviewing to develop a GNWT specific policy.
- Department of Lands is tasked with working on policy.
- It is in the early stages.
- LWBs released security costing guidelines which speak to what Boards would consider when setting security, and explains what Boards do currently. WLWB has requested to be involved in discussions.
- Ministers of Lands and ENR both have responsibility.

Q: Approach on how to do this?

A: RECLAIM doesn't consider worst case scenario. Assumes site would be operated and maintained according to WL and approved management plans. Current thinking is that anything unexpected would be the company's responsibility. It might be possible for GNWT to take on long-term monitoring and maintenance on behalf of the company, but the company would ultimately be responsible.

Q: What is the possible scope of unexpected changes? What would happen if there is an unforeseen seepage quality issue impacting aquatic life?

A: Don't have a direct answer for this now. That would need to be part of an arrangement with the company regarding post-closure environment. If it was an issue with a cover, or performance of cover, GNWT may have to go back to company and ask if they can fix it or treat the poor-quality water. Closure plans are critical. Taxpayers should not be responsible to closure should minimize long-term care.

Q: How would guidance address duration of post-closure monitoring and maintenance?

A: Current guidance doesn't address this. Need sufficient time to assess performance. Monitoring continues until criterion is achieved.

Q: Would INAC be a partner on this new policy?

A: At this point, GNWT is not sure. They will contact INAC but are unsure what their response will be. INAC is responsible for MVRMA and contaminated sites.

Q: What would GNWT's/Proponent's response be to a computer model failure (meromixis failure in pits)?

A: Issue with water quality would have to be addressed. Ability to respond would be limited in the sense of what you could do. Best thing to do is make sure models are as accurate as possible.

Q: Are criteria seen as the "sign-off" on closure objectives?

A: If a company completes closure activity they are entitled to get a substantial portion of the money back, subject to a hold-back. How much is what the GNWT is working on. GNWT initiated a hold back for the Panda diversion channel at Ekati. The holdback was an arbitrary percentage. GNWT is working on a process to come up with a rational procedure to determine holdback based on actual costs. Diavik has provided an estimate of long-term costs. Active remediation is only one part of the full remediation process.

Q: There would be an agreement between the GNWT and company?

A: At this point GNWT doesn't know. Likely there would have to be some type of arrangement. Would reduce the amount of responsibility the company has as they won't be there forever. Realistically, the GNWT will have to take it over eventually, but this is not part of the current policy. Note that none of this eliminates the company's responsibility.

Q: Timeframe for draft policy, and plans for consultation?

A: Don't have idea as far as timelines – difficult policy to develop. Would likely be a consultation process.

Comment: GNWT made presentations on this topic three years ago; it seems like it is taking a long time. Noted there has been a change-over in staff at Lands.

Q: Who would EMAB address a letter to?

A: Would go to GNWT Lands.

Comment: Not unreasonable to ask for a timeline and for public consultation.

Action Item: Write letter to GNWT Lands and recommend this policy be a priority, ask for timeframe on this policy and have participation from organizations, including EMAB. Frame as recommendation so GNWT must respond.

Comment: WLWB has indicated it will not provide direct responses to comments on the AEMP Guidance document ie. why a comment was used or not. Gord – please confirm this comment is correct.

15) Board Member update and Community Concerns (Roundtable)

Jack Kaniak – KIA

- Emailed KIA ED and KIA Lands to confirm their Alternate in spring. Still does not have response. Not sure where this process is at.
- ED noted he has action item to follow up with Paul on progress for finding an alternate.

Sean Richardson – Tlicho Government

- Has been off work for a while, so will have more of an update next meeting.

Napoleon Mackenzie – YKDFN

- Was in Deninu Kue for Akaitcho Treaty 8 meetings
- Went to Lutsel K'e last week with ten youth, two Chiefs and five councillors. Spent time at culture camp.

- Planning to build hotel in N'dilo, and Dettah for tourists.
- Interesting things happening in community, but no concerns.

Arnold Enge – NSMA

- No environmental concerns with Diavik.

Charlie Catholique – LKDFN

- Lots of work being done at EMAB.
- Good meeting in Lutsel K'e.

Action Item: ED to follow up with KIA ED regarding KIA alternate.

Next Meeting: February 27-28 2018

Charlie closed the meeting with a prayer. Meeting adjourned at 2:05 pm.