

WORKING WITH THE PEOPLE FOR THE ENVIRONMENT



Annual General Meeting – October 5, 2022
EMAB Boardroom – 50/50 Mini Mall, Yellowknife, NT – 9:00 a.m.

Approved Minutes

Present:

Charlie Catholique, <i>Chair</i>	Łutselk'e Dene First Nation
Jack Kaniak, <i>Vice-Chair</i>	Kitikmeot Inuit Association
Violet Camsell-Blondin, <i>Secretary-Treasurer</i>	Tłı̨chǫ Government
Ngeta Kabiri, <i>Director</i> (by phone)	Government of the Northwest Territories
Marc Whitford, <i>Director</i> (by phone)	North Slave Metis Alliance
Ryan Miller, <i>Director</i> (by phone)	Yellowknives Dene First Nation
Gord Macdonald, <i>Director</i> (by phone)	Diavik Diamond Mines Incorporated

Absent:

Staff:

John McCullum, <i>Executive Director</i> (minutes)	Environmental Monitoring Advisory Board
Mohannad Elsalhy, <i>Environmental Specialist</i> (minutes)	Environmental Monitoring Advisory Board

Guests:

Jeffrey Cederwall	GNWT
Doris Enzoe	Łutselk'e Dene First Nation
Ethan Oatman, Auditor (by phone)	EPR Accounting

1) Call to Order
The Chair called the meeting to order at 9:05 a.m.
Moment of silence
2) Adoption of Agenda
Review of 2022 AGM Agenda
Motion: <i>To approve the agenda for the 2022 AGM as presented.</i>
Moved: Marc Whitford
Seconded: Ryan Miller
Motion carried.

WORKING WITH THE PEOPLE FOR THE ENVIRONMENT



<p>3) Conflict of Interest</p> <p>No conflicts declared.</p>
<p>4) Chair's Remarks</p> <p>Chair asked about status of annual report</p> <ul style="list-style-type: none">• The report is 95% ready for review by Board. It may be circulated during the meeting; if not it will be sent out after the draft minutes are finished. <p>Chair notes that LKDFN has a representative at the AGM. Things are getting back to normal and meetings are being held in person. Target to have a community update in Lutselk'e by end of October.</p> <p>Chair asked if there were any comments from the Parties.</p>
<p>5) Comments from the Parties</p> <ul style="list-style-type: none">• Jeffrey Cederwall acknowledged EMAB's work on behalf of GNWT. He noted GNWT is happy with the FCRP updates.• No other comments.
<p>6) Approval of Minutes</p> <p>Review of November 9, 2021 Annual General Meeting minutes.</p> <p>Motion: <i>To approve the November 9, 2021 Annual General Meeting minutes as presented.</i></p> <p>Moved: Ryan Miller</p> <p>Seconded: Violet Camsell-Blondin</p> <p>Motion carried.</p>
<p>7) March 31, 2022 – Audited Financial Statements</p> <p>Move to next item until auditor calls in.</p>
<p>8) Environmental Agreement Amendment Update</p> <p>Jeffrey Cederwall from GNWT provided an update.</p> <ul style="list-style-type: none">• Last correspondence on the update was in 2021<ul style="list-style-type: none">○ Received an inquiry from Diavik and a request for extension from YKDFN• GNWT would still like to update the Environmental Agreement; will reach out to Parties asking them to sign the amendment, or ask any questions they have, or request support for their review <p>Discussion:</p> <ul style="list-style-type: none">• Confirm number of Parties to EA – there are eight

WORKING WITH THE PEOPLE FOR THE ENVIRONMENT



- EMAB could encourage the Parties to decide on whether they support the amendment
- With Diavik closing in about two years it seems late to try to amend the EA. GNWT rep noted they have been working on this since devolution.
- The only change would be that GNWT would replace Canada as the main player. In the EA, “the Minister” referred to the Minister of DIAND. The amendment would change that so “the Minister” refers to the Minister of ENR. There is already an agreement that the GNWT assumes Canada’s rights and obligations for the EA. The agreement still functions even if it is not updated.
- Diavik rep noted that when the Minister of ENR makes a decision the GNWT confirms it with the federal Minister. Parties can ask the federal Minister to confirm GNWT authority.
- GNWT position is that the deferral agreement gives the GNWT the authority
- Noted that some communities that did not agree with devolution don’t want to respond to the EA amendment; it would be helpful to GNWT if they would respond with either a yes or no.
- Need to update communities on closure plan
- Will GNWT provide resources for legal review of amendment?
- When was the last letter from GNWT?
 - Last letter was in 2021. They plan to send another letter at the end of 2022.

Q: whose responsibility is it to accommodate individual organizations on this

A: GNWT can’t commit to providing funds, and will not provide legal fees.

Q: can EMAB support legal fees?

A: only by re-allocating the budget.

Q: will Diavik provide funds for legal services to communities? TG would like participant funding.

GNWT rep notes that he can answer questions, and could come to a future meeting to do this.

7) March 31, 2022 – Audited Financial Statements (cont.)

Ethan Oatman from EPR presented the audited financial statements

- Clean audit; this is the best assessment an auditor can give
- Underexpended in 2021-22, likely due to COVID
- No contribution repayable this year.

Discussion on effect of COVID on all organizations’ spending. Any financial statement must be read with this in mind.

Ethan reviewed the management letter. Diavik reduced its contribution to EMAB for 2022 by \$111,000; the amount of the contribution repayable. There should be a proper paper trail to show this, but Diavik did not provide any.

Discussion:

- 2020-21 was an unusual year with events beyond EMAB’s control; Diavik should consider this and waive the contribution repayable.
- EMAB should request Diavik repay the contribution repayable to assist with participation in closure. TK is needed as part of closure
- Noted it is very difficult for LKDFN to participate remotely. Poor internet and cell coverage. They had to walk out on one meeting due to poor connection.
- Auditor notes there should be a signed letter between Diavik and EMAB agreeing to the deduction. The current



paper trail is not adequate.

- The EA did not anticipate COVID
- Auditor notes the EA is not clear on this, but there should be current year communication on the contribution repayable.
 - There are no other issues with the accounting.
 - Diavik's approach is inconsistent with previous years where the contribution repayable was paid by EMAB cheque.

Motion: *To approve 2021/22 audit as presented*

Moved: Marc Whitford

Second: Violet Camsell-Blondin

Motion carried.

Motion: *to re-appoint EPR as EMAB auditor for 2022-23*

Moved: Marc Whitford

Second: Ngeta Kabiri

Motion carried.

9) Request for Consultation on EA After Closure

Diavik requested GNWT start consultation on EA section 18.3 regarding operation of the Environmental Agreement and EMAB after Operations end at Diavik. This concerns a number of issues, including security, as well as EMAB's future activities.

Discussion:

- Communities would like EMAB to continue after closure
- What will EMAB's role be?
- The Minister needs to consult with the Parties on the future role of EMAB

Q: how are EMAB assets disposed of?

A: not sure, will check

This would mostly be dealt with in the wind-down section of the EA.

Q: what would EMAB's funding be?

A: to be determined

Q: is Diavik finished in 2025?

A: to be determined. Diavik expects active closure to 2028/29. The last winter road will be in 2028/29.

- Meetings between Aboriginal organizations and GNWT should include Diavik closure
- Diavik's request was sent to all Parties to the EA
- GNWT rep said they want a collaborative approach to closure planning. They would prefer a proposal from one or more Parties.
 - If a Party makes a proposal it would be good if they engage with other Parties
- Good for EMAB to observe closure at other mines eg. Snap Lake

Q: status of letters from Parties regarding continuation of EMAB after Operations?

A: still waiting for responses from 3 Parties: TG, LKDFN, YKDFN



Diavik rep noted that GNWT letter implies there is a plan for the EA and EMAB after Operations, but there isn't.

Q: What happens if no Party makes a proposal?

A: GNWT rep will respond in writing to question. GNWT does not want to dictate a closure process; it wants a collaborative process. They would like a proposal approved by the Parties before making a decision.

This is the Minister's responsibility.

Diavik rep said GNWT will engage with all the Parties.

- GNWT rep notes that GNWT has stated support for EMAB continuing during active closure. If level of activity changes then budget would change.
- Noted that GNWT's letter of support was not a determination by the Minister.

Q: who will decide who will pay for consultation on EA Section 18.3? There is a need for consultation. Who is responsible to accommodate consultation? It appears GNWT is putting the onus for consultation on Diavik.

A: GNWT would prefer a proposal be made before they start their consultation.

- EMAB could ask who is responsible to accommodate consultation to decide how to address section 18.3.
- Accommodation means costs in this situation? Yes.
- The EA says it's up to the Minister to consult, but doesn't say when to start. That is the Minister's decision.
- There is no requirement for any Party to make a proposal. GNWT would welcome a proposal.

BREAK

9) Request for Consultation on EA After Closure (cont.)

Chair proposes deferring item to next meeting.

Q: what are we deferring? Minister has opened a window.

Item deferred to Nov 29-30 meeting.

- Duty to consult is under Minister of ENR.
- Some communities didn't support devolution; don't want to imply support by agreeing Minister of ENR has authority (rather than CIRNAC). Table item to Nov 29 to allow discussion at community level. Need to allow time to think about this.

10) Adjournment

Motion: *To adjourn the 2022 AGM*

Moved: Violet Camsell-Blondin

Seconded: Jack Kaniak

carried

Meeting adjourned at noon.