

WORKING WITH THE PEOPLE FOR THE ENVIRONMENT



DRAFT Minutes – February 6-7, 2024
Yellowknife Boardroom and by teleconference / Zoom

Present:

Charlie Catholique, *Chair*
Violet Camsell-Blondin, *Secretary-Treasurer*
Marc Whitford, *Vice-Chair*
Sean Erasmus, *Director*
Kelly Fischer, *Director* (by phone and in person Day 1, in person Day 2)
William Aglukkaq, *Alternate* (in person Day 1, absent Day 2)

Łutselk'e Dene First Nation
Tłı̨chǫ Government
North Slave Métis Alliance
Yellowknives Dene First Nation
GNWT
Kitikmeot Inuit Association

Absent:

Staff:

John McCullum, *Executive Director* EMAB (minutes)
Allison McCabe, *Environmental Specialist* EMAB (minutes)

Guests:

Mark Nelson, Diavik (by phone, Day 2)
Ryan Fequet, WLWB (Day 2)
Anneli Jokela, WLWB (Day 2)
Lorraine Seale, GNWT (Day 2)

Tuesday February 6, 2024 Meeting started at 9:25 am at EMAB Boardroom	
Chair opens meeting. Opening Prayer – Violet Camsell-Blondin	
Item 1: Approval of Agenda	
Chair reviews agenda. Item 10: Inspector's Report cancelled.	
Motion: to approve agenda for February 6-7 meeting as amended Moved: Marc Whitford Seconded: Violet Camsell-Blondin Motion carried.	
Item 2: Conflict of Interest	
No conflicts declared	



Item 3: Minutes of Previous Meeting

Board reviewed minutes of previous meeting.

Motion: to approve December 5-6 meeting minutes as presented

Moved: Marc Whitford

Seconded: Violet Camsell-Blondin

Motion carried.

Email motions read into minutes

Review of Action Items

- Boulders at bottom of NCRP slope – noted there should not be boulders at the base of the NCRP. Needs to be easy for caribou to get on and off the pile. Board will wait until next FCRP review to address.
- Jack Kaniak scholarship – ED will follow up with Diavik
- NPRI/GHG calculations used by Diavik – DDMI responded a few weeks ago declining to provide these details;
- ED - not an outstanding action item, but ED brings up issue of DDMI not sharing information as readily as they used to (e.g., recent diesel spill, trout parasite study); asks Board if they want to discuss now or during Item 11.

ACTION ITEM: ED to draft letter to Diavik re: Jack Kaniak scholarship

Outstanding recommendations

- Discuss observer status on TK Panel under Item 5.

Action Item: Staff to follow up on recommendation for Future TK Panels

BREAK

Item 4: Finance

Kelly Fischer left meeting for rest of morning.

ED and Treasurer present item

a) Variance report –

Q: can funds be used for items other than what they were originally allocated for;

A: yes, unless they were rolled over from a specific project. Any changes must be approved by the Board.

Motion: to approve revised budget for 2023-2024 as presented

Moved: Marc Whitford

Seconded: William Aglukkaq

Motion carried.



b) Proposed budget for 2024-2025

Motion: to approve 2024-2025 budget as presented.

Moved: Marc Whitford

Seconded: Charlie Catholique

Motion carried.

c) Rollover request from 2022-2023

Action Item: ED will draft letter to request response to request to roll over community update funds from 2022-23 to 2023-24

d) Draft Board calendar for 2024-2025 – Marc notes he is not available on April 10th; Board agrees to move proposed April Board meeting to one week later.

Motion: to approve Board calendar for 2024-2025 as amended

Moved: Marc Whitford

Seconded: Violet Camsell-Blondin

Motion carried.

e) Exit interview results – ED has not actioned yet

BREAK

Item 5: Update on Traditional Knowledge Working Group

ED presents item

Discussion

- EMAB doesn't have funds to contribute to TK WG, and limited resources. Can't contribute half of ED's time. Limited available office space.
- Who is steering the TK WG? Why the secrecy?
- Fish Camp video is a concern. Participants should take their own videos at the next camp.
 - Participants felt important statements were left out of video
 - Noted different perspectives on why the fish appeared as they did
 - Noted that these were not all old fish.
- EMAB would need additional resources to accommodate TK WG
- Need a TK Monitoring Plan for Closure. Diavik has to meet terms of Water Licence
- Don't like the way the TK WG is operating in relation to EMAB
- Discussion on TK Panel and Science Panel. Science Panel exists through the various EMAB technical experts.
- Elders want to monitor environment. Elders should decide who sits on TK WG.
- Cooperation and collaboration with Diavik on TK monitoring plan to date has been unsatisfactory (e.g., not sharing meeting minutes with EMAB; not granting EMAB observer status); raises questions about working alongside/under EMAB
- EMAB should stay independent, this issue has been going on for long enough

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LUNCH

Item 5: TK Working Group (cont.)

Discussion

- If we agree to work together with TK Panel, there needs to be accountability. EMAB should have terms and conditions for the Panel, and the Panel will have to play by EMAB's rules
- We could provide outline to TK WG outlining EMAB's expectations
 - must have its own funding and administration, ED can only provide limited support,
 - need a Terms of Reference and organizational chart, and
 - EMAB staff should be allowed to sit in on meetings.
 - TK Panel would report to EMAB; not independent of EMAB
- Good to have a meeting with EMAB Board and entire TK WG; discuss expectations and develop understanding.

ACTION ITEM: ED to draft letter to TK WG setting out conditions and inviting them to a meeting, for Board to review and approve.

Item 6: Annual Report 2022-2023 Review

ED presents draft Annual Report text

- Some inconsistencies in the way things are referred to and the use of acronyms (e.g. LDG, ZOI)
- Agreement that memoriam to Jack should be included in this AR
- Agreement that text noting the WLWB's shortening of review periods be left in report

Motion: to approve draft Annual Report text as presented and amended.

Moved: William Aglukkaq

Seconded: Marc Whitford

Motion carried.

Item 7: Discussion to finalize workshop report on future role of EMAB

Motion: to approve text as amended to include footnote noting one dissenter for specific sentence)

Moved: Marc Whitford

Seconded: Kelly Fischer

carried

Action item: Finalize report text as per Board direction.

Item 8: Election of Vice Chair

William nominated Marc. Marc accepted.

Motion: To close nominations

Moved: William Aglukkaq

Seconded: Kelly Fischer

carried

Meeting adjourned for the day.



Wednesday, February 7 2024 Meeting started at 9:00 am at EMAB Boardroom and by teleconference
Chair opens meeting at 9:00 am (EMAB Boardroom and by teleconference) Chair reviews the agenda. Move Item 9 to 1:45 pm; Move Item 15 to 9 am. As mentioned yesterday, Inspector's Update is cancelled.
Item 15. Board Member Updates and Community Concerns Marc Whitford, NSMA – Environment staff are all at Master's level now, so better able to address issues. <ul style="list-style-type: none">• Need to plan for time when mines have closed• Evacuation impacted NSMA members – provided payments to members• Fire was stopped just before reaching Old Fort Rae – now have firebreak and sprinkler set-up with high capacity pumps• Lots of meetings with Industry Violet Camsell-Blondin, TG – she and Brett are on the Diavik file, as well as several others <ul style="list-style-type: none">• Provide regular updates to Regulatory Managers, and to Chief Executive Council• Lots of remediation activity: Rayrock, Colomac, Giant, smaller mine in Sahtu/TG area• Attended several conferences and workshops• Noted Tlichon Apprenticeship program to advise companies on available trades• Getting ready for SGP Road development Kelly Fischer, GNWT – nothing to report Sean Erasmus, YKDFN – nothing to report Charlie Catholique, LKDFN – lots of meeting with mining companies and on Taltson expansion <ul style="list-style-type: none">• Concern about route for proposed Taltson power line; still waiting for compensation for Nonacho Lake flooding, many years ago• Attended CIMP meeting in Ft. Smith• Lots of students studying wildlife in the area
BREAK
11. Diavik Participation on EMAB Board ED presents item from kit Discussion: <ul style="list-style-type: none">• Concern about lack of participation from Canada• Not clear why Diavik no longer participating



- Diavik gave their word through EA – should participate
- Should encourage Diavik to participate
- Don't want Diavik to say they weren't present for decisions
- Send all Board materials to Diavik

Action Item: ED to draft letter to Diavik for Board review and approval.

Action Item: ED to draft letter to Canada about participation for Board review and approval.

Action Item: ED to draft letter on recent spill to Diavik.

12. Diavik Collaboration with EMAB on EAQMP Revisions

Mark Nelson from Diavik joined the meeting.

Mark made a short presentation on how Diavik would like to collaborate with EMAB on revising EAQMP (in file). Would like to clarify intent of EMAB's letter. Diavik wants face-to-face sessions.

ES presents item from kit

Discussion:

- Yellow haze issue – member has experienced it at the mines; sometimes high and sometimes low to the ground. Animals don't like yellow haze – they are eating vegetation that may have yellow haze.
- Yellow haze should be monitored
- Diavik is proposing Scentinal monitors which can monitor NOx and SOx – would that meet concern?
- Not comfortable with yellow haze; workers at mines have concerns
- Workers at mine can taste yellow haze, can't really smell it; affects humans and wildlife
- Noted that EMAB and Diavik don't seem to be on the same page on the collaboration. Diavik didn't provide any response to EMAB's recommendations. Technical advisors think that if EAQMP is revised to comply with GNWT Guideline it would satisfy EMAB's concerns. Current process is taking a long time.
- Seems reasonable that Diavik should comply with GNWT Guideline; this is going on too long.
- Concern about having a clean environment; Elders say East Island has been killed by the mine.
- Diavik committed to monitoring.

LUNCH

12. (cont.)

EMAB is recommending that Diavik follow the GNWT Guideline as per recommendation in meeting kit. No further collaboration with Diavik.

Action Item: ES to draft a letter to Diavik for Board review and approval

13. Update on Dec. '23 RCR and Request to Adjust Security



Mark Nelson presented on the 2022 Reclamation Completion Report (RCR) and Request to Adjust Security (presentation on file)

- NWRSA re-sloping was about 6.9% complete in 2022; current completed area estimate by QA Manager is 78.6% complete
- PKC Cover was 2.5% complete in 2022; current unverified estimate is 59.5%
- Diavik has also decommissioned A418 underground
- They are preparing for a large backhaul once the winter road opens
- The security reduction request was made in the FCRP; there hasn't been any change to that.
- Diavik will be submitting additional RCR's later this year; mostly NWRSA and PKC

Discussion:

- Would like to know amount of requested security reduction

Q: what is being backhauled?

A: some heavy equipment; Diavik is downsizing its inventory. Not sure about drums, tires etc.

Q: any deflection of PKC cover at edge of Zone 2

A: PK is frozen right now; will need to wait for spring to see deflection.

- Noted that Elders don't agree with burying any mine materials in the landfill, or anywhere in the ground.

14. WLWB Update

Ryan Fequet and Anneli Jokela from WLWB joined the meeting

Ryan made a verbal presentation:

- Land and Water Board's work together under one strategic plan
- Focus on relationship-building and increasing participation
- Taking new Engagement Guidelines to regions
- Will be updating Closure Guidelines; currently from 2013
 - Likely starting later this year
 - Will build on the LUP estimator tool
 - Expect security numbers will be much higher (3-20 times)
- Have a new staff, and have specialists for regulatory, aquatics and closure

Q: What will the updated Closure Guidelines require? What about monitoring?

A: Update will set expectations for Closure. Noted that dams need to be monitored in perpetuity.

- Expecting less submissions from Diavik as closure approaches, but the submissions they do get will be more complex
- WLWB advocating for GNWT to make decisions on relinquishment of liability.
 - WLWB doesn't have a direct role
 - Industry wants to know how this will work
- Good to have update from WLWB; co-management provides an open forum for everyone to express their views.



9. Update on Long-term Liability Progress

Lorraine Seale from ECC joined the meeting and made a verbal presentation.

- Title is now Director of Impact Assessment and Security Management
- Aware of EMAB's interest in long-term liability, working on with Indigenous governments and proponents
- Noted Information Request from FCRP workshop last year
 - GNWT has a site-specific process for relinquishment
 - GNWT is working on an overall process that will apply to all sites
 - Have had ongoing discussions with Diavik, nothing substantive yet, and will keep EMAB informed
- Public Lands Act regulations are in development. EMAB received a presentation.
 - The Intergovernmental Council has a Working Group that is developing draft regulations; these are confidential at this time, and there is no timeline for completion.
 - Once the draft regulations are ready there will be a public review
 - still figuring out what should happen when land is handed back by developers

Q: is there a penalty if a company is late completing closure?

A: No. But until the LWB directs that security be returned to the company, it is held by GNWT

- each mine has its own relinquishment process
- No substantive discussion with Diavik on relinquishment yet; discussions have been on the process

Closing Prayer – Charlie Catholique

Next meeting April 16-17, 2024.