

February 26-27, 2020 EMAB Meeting Summary

Election of Secretary Treasurer

- Violet Camsell-Blondin was acclaimed as Secretary Treasurer for EMAB.

Action Item Review:

- Concern that YKDFN is not attending meetings or responding to emails/phone calls.
- **Action item:** Draft letter to YKDFN chiefs addressing lack of participation from board member and alternate.

Outstanding Recommendations:

- Concern that GNWT has been unresponsive to EMAB wildlife recommendations. It's been almost a year since recommendations were sent.
- **Action item:** Draft letter to GNWT about their unresponsiveness to EMAB WMP recommendations from March 2019 for board approval. CC it to all of the communities. Note lack of WMP Program Description at PK to Pits Water Licence Amendment hearing

Financial Report & Board calendar:

- ICRP 4.1 has not been circulated by WLWB. EMAB has funds to review ICRP 4.1, but some of those funds are due to be returned to Diavik at the end of March. Diavik seemed reluctant to roll over the funds and recommended EMAB review the existing ICRP prior to completion of the WLWB conformity check. Approved proposals from Randy Knapp and Bill Slater to do technical reviews of ICRP 4.1.
- Concern that funds may not be completely used before the end of March.
- **Action item:** Plan EMAB meeting for March 27 to go over Randy Knapp's ICRP 4.1 review. Consider tacking securities workshop with Diavik, GNWT & WLWB, onto the meeting. ICRP review funds can cover cost.
- Concern that March 27 meeting might be inefficient since Bill Slater's review will not be complete
- WLWB deadline for comments will determine when to hold this meeting. Board Calendar will stay in draft until ICRP review deadline is set. March 27 meeting may be changed.
- **Action item:** Finalize draft letter regarding roll-over of remaining 2019/20 ICRP review funds.
- Workplan and budget for 2020-21 approved.

Inspectors Report

- Tom Bradbury is the new Diavik inspector as of November 2019.
- No major concerns.

WMP Updates

- ENR has drafted a response to EMAB's recommendations. Hopefully it will be approved and sent soon.
- Staff are having trouble moving forward with WMP concerns.
 - No responses from GNWT.
 - Diavik is struggling to do caribou monitoring due to decreased numbers and lack of direction from GNWT. Diavik is waiting for direction from GNWT on wolverine and grizzly bear monitoring
 - A workshop might be useful for collaboration with GNWT and Diavik.
- Diavik agreed to implement program description for the WMP as recommended by EMAB.
- **Action item:** recommend that Diavik hold a workshop with the TK panel, ENR, and EMAB to collaborate on the development of the WMP Program Description.

NSC Proposal to assess Mercury in Lake Trout

- EMAB discussed the proposal to conduct our own study on mercury in lake trout because Diavik does not sample it anymore.
 - Important to communities to be reassured that fish are safe to eat.
- **Action item:** Authorize consultant to conduct Task 1 of the mercury in lake trout proposal.

Follow-up on EMAB expectations for responses to recommendations

- EMAB has started a new numbering system to make it easier to track and reference recommendations and responses.

Report on MVRMA Workshop on Engagement

- **Action item:** Re-send letters requesting support for EMAB to stay open after Operations are finished to all Parties that have not responded.

A21 Deep Application update

- Bill Slater presented review of Diavik's application to mine underground at A21. No concerns; some questions.
- EMAB staff will attend the March 3 technical session.
- Unsure if EMAB will need to intervene at May hearing.

EMAB Procedures: Conflict of Interest

- Ed Gullberg (Lawyer) from McLennan Ross joined the meeting to discuss Conflict of Interest laws for EMAB.
- It is a conflict of interest if a Board Member uses their position on the board for direct or indirect personal benefit, including benefitting their employer.
- Representing community concerns is not a conflict of interest.
- Board cannot prevent a member from participating or voting. A member can challenge another member if they think there is a conflict.
- **Action item:** Develop EMAB policies on Conflict of Interest.

Status of Diavik Security Estimate

- GNWT lands staff updated EMAB on the status of Diavik's securities held by the GNWT.
- ENR-Waters leads security estimate discussions with Diavik.
- Diavik and GNWT disagree on the security estimates for the following closure components:
 - Contingencies: the amount of contingency for each closure component shows the level of uncertainty in its security estimate.
 - PKC facility
 - Building demolition
 - Interim care and maintenance
- No disagreement between GNWT and Diavik on WRSA security.
- Suggested that EMAB should hear from WLWB staff on the setting of security amounts that they oversee.

EAQMP Recommendations and Responses

- Recommendations/responses will be discussed at the upcoming air quality workshop.
- Send recommendation to Diavik to sample the yellow haze at the mine.

EAQMP Workshop

- Diavik wants to wait for special AEMP study results to be in before the workshop.
- Planning workshop for May/June 2020
- Suggested that workshop should be independently facilitated
- Workshop should be semi-technical

Environmental Agreement Amendment Update

- GNWT says EA amendment is completed but it is with the Legal Department. Likely another month or 2 before it's circulated.
- EMAB can request that GNWT hold a meeting with all Parties once EA amendments are circulated.
- Changes to EA are only to reflect devolution and transfer of Government of Canada duties to the GNWT.
- **Action item:** Draft letter to GNWT expressing concern about how long the Amendment is taking.

MVEIRB PK to Pits EA Follow-up

- EMAB staff attended January presentation of MVEIRB's Reasons for Decision on the PK to Pits EA.
- Minister has not released decision.
- WLWB to release workplan for next phase of hearings after the minister makes their decision.

Discussion on suggestion for SLEMA staff to move into EMAB office

- EMAB Director is Chair for SLEMA board and suggested that SLEMA staff could move into EMAB office.
- Benefit does not outweigh the hassles
- EMAB doesn't support this suggestion