

Environmental Monitoring Advisory Board

FINAL Minutes – March 14 & 15, 2017

EMAB Boardroom, Yellowknife, NT

9:00 am - 5:00 pm March 14

Present:

Napoleon Mackenzie, <i>Chair</i> (absent first part of morning of Day 2)	Yellowknives Dene First Nation
Julian Kanigan (by phone), <i>Secretary-Treasurer</i>	Government of the Northwest Territories
Jack Kaniak, <i>Director</i>	Kitikmeot Inuit Association
Sean Richardson, <i>Director</i>	Tlicho Government
Gord Macdonald, <i>Director</i> (absent morning of Day 2)	Diavik Diamond Mines
Arnold Enge, <i>Director</i>	North Slave Metis Alliance
Doris Enzoe, <i>Alternate Director</i>	Lutsel K'e Dene First Nation

Absent:

Charlie Catholique, <i>Vice-Chair</i>	Lutsel K'e Dene First Nation
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Staff:

John McCullum, <i>Executive Director</i> (also minutes)	Environmental Monitoring Advisory Board
Allison Rodvang, <i>Environmental Specialist</i> (also minutes)	Environmental Monitoring Advisory Board

Guests:

Robert Jenkins, ENR Waters (TSS amendment item)
Nathen Richea, ENR Waters (TSS amendment item)
Karin Clark, ENR-Wildlife (BCRMP presentation)
Dan Ohlson, ENR consultant (BCRMP presentation)
Marc Casas, IEMA Executive Director (BCRMP presentation)
Tracy Covey, GNWT Lands (Inspector's Report)
Bill Slater, SEC (by phone, closure criteria item)
Todd Slack, Ni Hadi Xa (updated)

1) Call to Order

Opening prayer - Napoleon

Meeting called to order at 9:10 am.

Napoleon notified Board of possible change to YKDFN Director. He has been informed that Alex Power will be appointed as the regular member, with Napoleon as alternate. Not sure when this will happen.

Discussion replacing the Chair; requires a Special Meeting.

2) Approval of Agenda

The Chair opened the floor for amendments to the agenda.

Motion: *To approve the March 14 & 15 agenda as presented*

Moved: Jack Kaniak

Seconded: Arnold Enge

Motion carried.

3) Conflict of Interest

No conflicts were declared.

4) Approval of Minutes

Motion: *To approve January 10 & 11 Meeting Minutes as presented*

Moved: Arnold Enge

Second: Gord Macdonald

Motion carried.

Motion: *To approve January 23 Conference Call Minutes as presented*

Moved: Arnold Enge

Seconded: Sean Richardson

Motion carried.

ED Actions Follow-up

ED presented item from kit regarding follow-up to performance appraisal. Most have been undertaken – the main question is about any specific direction regarding risk management. Board generally feels that risk management is being done well: Society is in good standing, finances are well-managed, deadlines are being met, reputation is good. Continue with current approach.

Discussion

- Keep operations manual updated

Action Item List

- TK Panel – want the facilitators there to guide process and give history, Colleen English could be contacted if Joanne and Natasha are not available
 - Consider having staff observe panel meeting
- IEMA had meeting at NUP with NSMA and Yellowknife Public; EMAB could consider this approach.
- Noted that EMAB had not heard back from Diavik on letter regarding March 2015 elders meeting recommendations.

Q: Was Diavik going to give presentation on DFO offsets?

A: Next meeting presentation on fish habitat compensation inside dikes; mainland compensation is complete.

- Get response from Diavik on EMAB's request to carry over funds, and roll over the TK Panel Discussion cost
- Perhaps Board members can make recommendations on who alternates should be
 - EMAB to make request by letter
- Sean will get back to John with contact information for Tammy Steinwand, the new Lands and Culture Manager with Tlicho Government – add her to mailing list

Action: Send request to Diavik to roll over funds for TK Panel Discussion

Action: continue to request appointments for vacant alternate positions

Action: Sean to provide contact information for Tammy Steinwand

5) Financial Report

Secretary-Treasurer presented variance report from kit.

Discussion

Q: was this budget approved at a previous meeting?

A: Approved on October 26, 2016

Q: Do we need to approve the financial statement?

A: Common practice not to approve the statement unless changes were made to budget. This is just an update and no changes were made.

Update on Direct Deposit

- Brief demonstration of logging in and approving staff pay for Mar 17
- Need to get people set up for payment approval authority

Insurance Briefing – from kit

Action: look at different quotes for travel/accident insurance for Board members and ask what other Boards do for insurance for their Board members

Operations manual update

Motion: *To approve change to Section 5.5 of operations manual as presented*

Moved: Gord Macdonald

Second: Arnold Enge

Motion carried.

Break 15 minutes.

Item 13 - Discussion on Closure Workshop (moved from Mar 15)

ED opened floor for any comments on the workshop.

Discussion

- Facilitator was familiar with material, demeanor was friendly and open, responded well to last-minute flight changes
- Board members commented on the amount of dust on snow/ice
- Good to see so many caribou
- It would have been better if participants had seen site during snow free season.
- Harvesters have told Sean they would like to go to the site once the closure work is done
- For future tours EMAB / Diavik should be prepared to supply participants with adequate supply of water and food, bathroom breaks etc.

Noted that draft report has just been received. It will be reviewed by staff and then circulated to workshop participants, including Board members, for verification.

Item 16 – WLWB Reasons for Decision on AEMP Re-design – summary (moved from Mar 15)

ES presented Item from kit.

Discussion

- Gord Macdonald noted the WLWB is very behind on reviews; 2015 AEMP Report has not been approved.
- Federal Government is proposing that Diamond Mines be included in MMER. EEM could supersede or duplicate AEMP. This will undoubtedly have an impact on AEMPs.
 - Diavik is trying to have ECCC accept the AEMP as fulfilling the requirements for EEM.

Q: What is the timeline for Diamond Mines being included in MMER?

A: The first Gazetting is in May with the second later in year. It can then be turned into legislation immediately, and come into force very early in 2018.

Noted that Diavik requests federal government ratification of any decisions by GNWT Minister

LUNCH 12:00-1:00

6) Update on issues related to TSS

Robert Jenkins, Director and Nathen Richea, Manager Water Regulatory from ENR Waters attended for this item.

ED provided a short background. Noted that WLWB declined invitation and GNWT Lands was not available for the meeting dates.

Gord Macdonald presented the chronology of events and Diavik's responses (see powerpoint)

- Inspector's Directive
- The Inspector's directive from August 2015 was the most significant letter Diavik had ever received from an Inspector.
 - Diavik's team were all in Lutsel K'e for meetings and there was little communication
 - Inspector did not address Waters Act 67(2) at all in the letter

ENR noted that there was a letter from the Minister to the Inspector (April 8, 2016) providing direction. This is not in the Registry; ENR will request a copy for EMAB.

Discussion

- Questions about whether Diavik's arguments undermine the EQC's set by the WLWB in the Licence.
- Diavik noted that some EQC's are set based on achievability, not environmental protection – makes them potentially challengeable.
- The main issue is the need to demonstrate reasonable expectation of environmental damage
- ENR noted that there are other parts of the Waters Act that could have been used eg. Section 70
- ENR also noted that there are many factors that would be taken into account in determining whether a directive met the requirements of Section 67; not as simple as referencing a study with different numbers as the basis for a challenge.

TSS Amendment

In general Diavik thinks the WLWB made a mistake by recommending a limit not entered into evidence, and should have recalled the recommendation. They also believe the Minister could have considered the new evidence Diavik submitted to him. Noted that the Minister's letter sending the recommendation back to the WLWB due to procedural fairness concerns was sent the same day as the letter saying the Minister would not consider any other information. Diavik does not feel they did anything improper by writing to the Minister, and made sure this was transparent.

Discussion

Q: Could the WLWB have recalled its recommendation?

A (ENR): There does not seem to be an avenue or process for them to do this. Once WLWB issue a recommendation to the Minister they cannot withdraw it. And the Minister will not consider additional evidence after the public record is closed as a matter of fairness and to respect the authority of the LWB's.

The Minister responded within 45 days, as required. He sent the recommendation back due to a procedural fairness problem: the recommended limit (5 mg/l) was never submitted through evidence to the WLWB. He can only approve or not approve the recommendation.

Comment: Minister should respond to YKDFN

A(ENR): Minister did write letter back to YKDFN and LKDFN. EMAB will request copies of these.

Comment(Diavik): Reliance on Judicial Review should be a last resort; there ought to be an appeal process to the Minister

Regulatory processes could benefit from an appeal process.

Q: Can the Minister get more information during his decision?

A(ENR): The Minister has to make sure that process was fair during his decision. He also needs to respect the authority of the LWB's.

Q: But if he needs more information to do that?

A(DDMI): There is nothing saying he can't ask for more information.

Comment(ENR): Law does not prohibit people writing to the Minister, but once recommendation goes in from LWB then no other information is considered.

Q: Can Board retract their recommendation?

A(ENR): Board's process is well laid out, and this has never been tested.

Q: Recommending something that wasn't proposed by any reviewers is a procedural concern?

A(ENR): Board has to base decision based on the evidence, and evidence on the 5 mg/l value was not there. Board has to introduce their evidence into the record and not just put it into the Reasons for Decision. There are many avenues the Board could have used to introduce that limit.

Q: was there any consideration of issuing policy direction to the WLWB?

A(ENR): no. Authority to issue policy direction rests with the federal Minister.

Q: Is there an appeal process?

A(ENR): MVRMA and Waters Act are being updated, so in the future there may be. There will be engagement and consultation with aboriginal governments, board, industry and other stakeholders.

EMAB Discussion

- EMAB should hold off on making anything final until we hear from GNWT Lands.
- Could ask for the WLWB to attend in writing. Would have to respond to a recommendation.
- Ask WLWB about how an EQC based on achievability can be enforced under the Waters Act
- Could write letter to ENR expressing interest in commenting on modernization of Waters Act and MVRMA

Actions

- **Request copy of Minister's response letters to YKDFN and LKDFN and letter to Inspector**
- **Ask for WLWB response to EMAB invitation in writing**

- **Contact Lands to attend next meeting; hold off on making any decisions on EMAB actions until Lands has presented to EMAB.**
- **Express interest in commenting on modernization of Waters Act and MVRMA to ENR**

Item 10 - Website Update:

ES presented item from kit.

Action: Find out more about GNWT portal.

Action: Include direct links to reports on WLWB public registry.

BREAK

7) ENR Wildlife Update – BCRMP

Julian arrives.

Dan Ohlson and Karin Clark presented on BCRMP. Marc Casas attended as an observer

- Released Discussion Document
- Comments by March 31, 2017
- Powerpoint presentation
- The Plan will be a guide to regulatory authorities and others. It will not be binding.

Q: How was the planning boundary decided?

A: The Working Group agreed on it.

Noted that the Ahiak herd also uses the Diavik area.

Q: How do you identify former exploration sites? Example Hottah Lake which was a former uranium site.

A: Went through CIMP permit data, but some permits might be pre-registry. It is possible things fell through the cracks.

Comment: The plans for Denison Ice Road proposal includes this data, so it is available. It could be scoped into the map.

Noted that ENR would welcome comments on the boundaries, the assessment, data etc.

Q: Why do you have to have the five areas and what is the basis? Smaller polygons would be better as larger areas seem arbitrary. Why would a geopolitical boundary make a difference on caribou range? How many areas you have can impact management decisions.

Q: Why does the management area have to be so large? Setting lines is a very important management consideration.

Q: Is there a monitor on the ice road?

A: Done through North Slave Region office

Q: How were the areas drawn?

A: Areas are based on biology, biomes, and level of current development as well as jurisdiction/political.

Comment: Would have been better to look at habitat quality as the primary threshold instead of level of disturbance.

Timelines:

- Draft range plan by summer 2017
- Engagement in fall / early winter

- Final plan by March 2018

Comment: this information does not distinguish between different time periods. It would be helpful to show pre-diamond mines and post-diamond mines differently to see changes.

EMAB Discussion

Q: Is this within EMAB's mandate?

A: Falls within the EA Purpose and Guiding Principles. Make sure comments are related to the EA and EMAB's interests.

Action: send link for discussion document to Board members

Action: Board members to provide comments by March 24, staff will compile comments along with their own, prepare a draft letter and send to Board for review and approval. Try to provide back to ENR by March 31.

8) Inspector's Report

Inspector presented on most recent site tour at Diavik (see powerpoint). Included: ammonia storage, burn pit, sewage treatment, chemical storage, lube storage, snow dump, underground. All good.

Q: what things do you notice in winter that you can't see in summer.

A: dust

5:00 - Adjourn for the day

March 15, 2017

Meeting Reconvened at 9:10 am

Chair was absent the early part of the morning; Sean Richardson chaired the meeting until he returned.

Item 9) Strategic Plan Update

ED presented item from kit. Plan goes back to 2012. The updates were based on changes made in 2013 and recommendations from the 2014 Strategic Planning Workshop. Direction of Board has changed so wanted to run changes by the Board and update plan.

Strategic Plan

Leadership and Governance

1.1 - changes accepted as presented. Previous ED brought this up. Wanted description of Diavik's role on the Board; felt Diavik member was working against Board and making comments as staff member for company. Hasn't been an issue lately. Happy with this for now, until the strategic plan is updated again.

1.1.1 – completed to satisfaction of board

1.1.2 – noted staff restructuring which affects workplan

1.1.3 - board member orientation package for new Board members and alternates has been developed. Make sure alternates also receive the package.

1.2 - suggested that there be a way for community members to comment on items on the website

- Suggested EMAB consider including Reasons for Decision as done by WLWB; this would be a form of accountability

1.2.1 – report does not appear to have been done – Program Manager and Executive Director both left before the target date. There are no notes on file. EMAB responded to Party concerns by focusing on technical reviews of Diavik documents and informing Parties and Land-Env managers of results.

- Noted there is a need for more community visits to keep in touch with community-level needs
- Parties generally seem supportive of EMAB now; needs are being better met.

1.2.2 - no longer required

1.2.3 – changes accepted as presented

1.2.4 - changes accepted as presented

1.2.5 - changes accepted as presented

1.2.6 - changes accepted as presented

Oversight and Monitoring

2.1 – OK as is

2.1.1 - changes accepted as presented

2.1.2 - changes accepted as presented

2.1.3 – not needed; system is working

2.1.4 – this is a low priority

2.2 – Noted that these objectives need to be revised to reflect that the TK Panel now resides with Diavik. EMAB needs to meet with the TK Panel, then decide on how to interact. Board is not clear how Panel gets information or makes decisions. How can EMAB assess the work of the Panel? How is information used after it is collected. How has Diavik incorporated recommendations from the TK panel, where in the plans did the TK go? Noted there is little TK in the AEMP reports and none in the WMP or EAQMP reports. Also noted that best practice is to use TK in all aspects of monitoring, including methodology and analysis of results.

Consider sending ES to a TK Panel meeting.

2.2.1 – see above

2.2.2 – Does Diavik sufficiently incorporate TK into its monitoring programs? Several Board members indicate this is done well. ED notes some inclusion of TK in AEMP, none in WMP or EAQMP. Noted there is a compilation

of TK done by Diavik. Also noted that best practice is to use TK in all aspects of monitoring, including methodology and analysis of results.

2.2.3 – staff to include review for TK in report review. Request Diavik provide an annual update on use of TK

2.3 – changes accepted as presented

3.1 – this section is no longer relevant, so was removed – TK Panel resides with Diavik

3.2 – renumbered to 3.1; changes accepted as presented

3.2.1 (3.1.1) - changes accepted as presented

3.2.2 (3.1.2) – needed; note community consultation honorarium has been largely eliminated

3.2.3 (3.1.3) - changes accepted as presented

3.2.4 (3.1.4) – community presentations including schools;

- suggested more planning is needed for community meetings; have meeting with local hosts to give objectives and make them clear, partnering with Board and community members to make it a success
- consider bringing a high school group to a meeting
- Doris can help with arranging a meeting in Lutsel K'e school
- Useful to have other resource people at meetings: ENR (Wildlife), CIMP, ECCC, Diavik

4.1 – would be useful for EMAB to request to make a presentation to TG CEC

4.1.1 – changes accepted as presented

4.1.2 - changes accepted as presented

4.1.3 – no change

4.2 – no change

4.2.1 - changes accepted as presented; noted that Nunavut communities that have a co-op have a TV channel where announcement can be posted, such as community meetings.

4.2.2 - changes accepted as presented

4.3 - changes accepted as presented

4.3.1 - changes accepted as presented

4.3.2 - changes accepted as presented

Action: update strategic plan as per board direction

Action: Find Diavik report that incorporated all the TK

Action: Ask Diavik to give annual update on what TK information was collected and how it was used

Action: consider requesting an opportunity to present to TG government CEC; contact Laura Duncan

Action: consider providing a way for community members to comment on items on the website

Action: consider sending ES to a TK Panel meeting

BREAK

Item 9 Strategic Plan Update (cont.)

Communications Plan

ES presented communications plan from kit

Mainly looked at the activities, whether they were being achieved and any recommendations.

A number of objectives include EMAB newsletters. These have not been produced for years and are beyond the available resources. Recommended to remove these from the plan. Agreed

Noted that since the Communications Plan was prepared the staff have been restructured and there is no longer a Communications Coordinator.

Surveys at community meetings

- provide useful information. They have not been done recently, but should be kept in the plan.

Provide information on board member contact information at community meetings.

Develop individual communications plans for specific initiatives.

- Remove this requirement

Reporting back to communities

- need to make sure community members know that board member activities are noted in the minutes.

Community meetings / updates

- These are important

Staff attending Aboriginal AGM's

- Not required every year, but useful from time to time
- Tlicho Assembly usually late summer / early fall
- KIA Assembly usually around October

Translation

- Need to try audio translation for annual report
- Try CKLB

Website

- Could be useful to provide a short bio for each board member

Media Outreach

- Not being done; not a priority (change in staff structure)

Update Schools

- Can be done via a public update in Yellowknife
- Others through community meetings.

Open House

- Being done

Invite Regulators to community meetings

- Being done

Action: Update communications plan as per Board direction

Board Calendar

Change from June 21-22 to June 15-16

Motion: to approve Board calendar for 2017-18 as amended

Moved: Sean Richardson

Second: Jack Kaniak

Motion carried.

Action: circulate approved board calendar to Board members

2017-18 Budget

Need to formally approve the budget for 2017-2018 – put off until Julian is back. Schedule for after lunch

Item 11) Update on responses to comments on WMP and EAQMP

ES presented item from kit.

WMP

Noted that Diavik still needs to provide some responses:

- Trigger for a mine-related response for caribou migration
- Propose an adaptive response to try to decrease the larger-than-expected ZOI

EMAB to submit MSES response to Diavik – they can address the issue in the three-year summary report

EAQMP

See item in kit

Motion: *to send review of responses on the 2015 WMP and 2014 & 2015 Combined EAQMP to Diavik*

Moved: Jack Kaniak

Second: Sean Richardson

Motion carried.

Action: Staff will draft a letter to Diavik requesting response to comments on WMP and EAQMP for Chair.

LUNCH

Item 12 Closure criteria report finalization

Bill Slater presented the report by phone (see powerpoint).

Motion: *To approve SEC Report on Diavik Diamond Mine Closure Criteria*

Moved: Doris Enzo

Second: Jack Kaniak

Motion carried.

Abstention: Gord Macdonald

DDMI Proposed Closure Criteria – V2 presented by Gord Macdonald (see powerpoint)

- Purpose of presentation is to introduce everyone to proposed closure criteria
- Following workshop in December, Diavik developed proposed closure criteria for the NCRP specific to water quality and protection of aquatic life – most difficult and biggest issue with the cover
- Does not address criteria for drinking water and protection of wildlife
- Content is draft and subject to change
- Based on Smith (2013)
- Using significant adverse effect definition as per CSR – high magnitude, regional extent, long duration
- Measure at outlet of runoff streams; back-calculate to 1 km from shore (assumes dilution factor of 85).
- Weekly monitoring when runoff is expected; monthly in winter.
- Main concerns are silver and copper – achievable number is higher than back-calculated amount.
- Expect to be required to meet MMER
- Will send formula for calculations

Q: how do loadings factor in?

A: for CCME, concentration is the issue

Q: How long is freshet? Could monitoring frequency be increased then?

A: Could be days or weeks, but it is variable and timing is hard to predict.

Q: What is the Smith (2013) model based on?

A: Smith (2013) are predictions for the full scale pile based on results from test piles

Q: what would be the effects on fish within the 1 km. boundary

A: there would be sub-lethal effects.

Comment: CCME Silver guideline updated in 2015 - 2.5x higher, but not updated in AEMP

Note: where back-calculated amount is higher than MMER they are proposing MMER

Q: ammonia?

A: only from blasting residue

Q: Do MMER have a pH criteria?

A: Might be 6-9 but LDG has lower pH than this. Tundra runoff is naturally below 6.

Q: No limit being put on sulphate, but being monitored?

A: Good trend to monitor oxidation process but would have to be very high concentration to cause environmental effects

Q: chloride – effect from Jay pit?

A: it will be monitored

Comment from Bill Slater: First impression is reasonable, though not sure basis for 85 times dilution.

Diavik notes this is the critical piece that needs to be approved before the cover goes on the NCRP

Bill: Will need to see how a response plan is linked to this.

Reply: Not going to see that level of detail in this closure plan.

Comment: need to confirm calculations are correct and not missing sources.

Still not clear how post-closure AEMP will work.

Item 14 IEMA Update

Reschedule to future meeting.

Item 5 Financial Update (cont.)

2017-18 Budget

Gord not comfortable with passing a deficit budget. Noted that this was agreed to during discussions for developing the two-year budget, and by Diavik in its agreement with the two-year budget.

Budget adjusted to balance. Add in the \$35K carry-over and adjust ICRP review amount.

Motion: to approve the 2017-18 budget as amended.

Moved: Arnold Enge

Second: Sean Richardson

Motion carried.

Item 15 Ni Hadi Xa update

Todd Slack presented to Board.

- western based science review, community monitor, TK knowledge monitoring is the biggest area of development right now.
- Began in 2015
- No direct funding for an organization – each member of the governance committee contributes: TG (Michael Birlea), LKDFN (Lauren King), NSMA (Shin Shiga), NWTMN (Tom Unka - NWT Metis Nation) and DKFN (Robert Sayine - Deninu Kue First Nation), as well as De Beers (Sarah McLean). YKDFN chose not to be a partner.
- Infrastructure built in 2016 for TK / on-the-land monitoring program (skidoos, cabin). Cabin provides base of operations for TK monitors when monitoring area around mine (family cultural region). Also, provides accommodations for Family Travel Program where they can live and trap. People who stay in the cabin provide observations back to organization. Five families will participate in summer 2017 for one week each.
- This area is fairly remote from surrounding communities and people that used this area intensively in the past are no longer around.
- Looking at land and how it reacts with the mine, from a traditional use perspective
- Developing a TK Framework in 2017. This will guide how information is collected and recorded. Will be based on observations. Originally this was survey-style with a lot of numeric questions – how many fish...
- A Ni Hadi Xa Environmental Monitor is on site with environment staff – put a lot of thought into chain of reporting. He is an employee of NSMA
- Todd provides secretariat support and technical comments – he is contracted by TG. He is able to contract expertise as needed.
- No policies in place yet
- First ICRP is being approved – this is a big focus for 2017. Starting to develop closure criteria.
- Emphasis on progressive reclamation
- Ahiak herd is resident in the mine area, so this may become an issue. There are caribou in the area right now, but not sure whether they are Ahiak
- De Beers has applied to expand the fine kimberlite containment area.
- First operational audit is this year

Q: Talk about caribou there?

A: They are hunting caribou, would have to be a Ahiak not Bathurst. Don't have data on numbers.

Q: What happens when a Representative leaves?

A: Term is three years. LKDFN can appoint another person once term is over.

Comment: Traditional Knowledge collected through this program isn't public information

Q: When are the family travel camps being arranged?

A: Call for interest in first half of March, with decision in April. Each community can decide on a family, or they can put names forward to the committee for selection.

Item 17 Update on Air Quality Regulations

ED presented item from kit.

Q: Have LWBs agreed to jointly managing air quality?

A: Don't know where LWBs stand on this.

Q: What is take on co-management approach?

A: There should be an air act that is administered by LWB but with Ministerial approval.

Comment: This process will utilize the people and resources at the LWBs, but how will they manage all this extra work when there is no additional funding.

Amendments to EPA are expected to proceed in summer 2017, with further public consultation on the draft air regulations in fall of 2017.

Item 18 Board Member Update and Community Concerns (Roundtable)

Jack Kaniak– KIA

- Discussion in early February with Lands people in Kugluktuk about 2015 ICRP Report, NCRP, TSS amendment process, mercury levels in Lake Trout and extent of chlorophyll *a* in LDG
- NCRP – proposed seven year term for monitoring is not acceptable for KIA. 20-50 years after closure is more appropriate.
- TSS amendment – Would like more information on process and future implications of the decisions.
- Mercury levels in fish – why switching from large bodied fish to slimy sculpin – concern about small-body fish trigger?
- Chlorophyll *a* in LDG – concerns about future extent. Noted that it decreased in 2015, will keep an eye on this.
- Staff at KIA are very busy and it is hard to look at all documents. Happy with EMAB looking after the mine site

Sean Richardson – Tlicho Government

- Community members are interested in what they can do to help in reclamation work/landscape at Diavik.
- Gord noted this is interesting that people want to be involved in this. Will pass this on

Doris Enzoe – LKDFN

- First meeting at EMAB. Has not received updates in past
- Would be better if Doris got minutes of previous meetings.

Napoleon Mackenzie – YKDFN

- Chief and Council have said they plan to make him the alternate for EMAB – was told six years is too long to be on the Board
- Would like to stay on as Chair until June
- Will notify Chief on March 23

Arnold Enge – NSMA

- NSMA and members are aware EMAB is monitoring the environmental management plans and are content with activity so far.

Julian Kanigan – GNWT

- Budgeting process at GNWT is wrapping up - nothing major to ENR like wildlife and air
- Wrapping up year end and planning for next

Gord Macdonald – Diavik

- According to collar data the caribou seen at site were Beverly – have seen caribou every day for 17 straight days
- Have seen groups up to 2300, most outside the local study area

Gord updates on ECCC discussion of the MMER guidelines from the morning

- Many organizations participated

- Regulations will be Gazetted in mid-May, 60 days for comment, then make revisions and do second Gazetting. They can then be passed by Parliament and come into effect in early 2018.
- Diavik has not had to follow MMER
- Water Licence gives ability to discharge waste into LDG. ECCC claims diamond mines may be at risk of not having authority to release deleterious substances or destroy fish habitat. Participation in MMER will give Diavik regulatory certainty and eliminate risk of being charged.
- Negative impact is on AEMP. Would like legislation but would like to keep AEMP because it is more stringent and comprehensive than the very focused and prescriptive EEM eg. Specific numbers of samples or specific toxicity test that may not be appropriate in the North.
- ECCC will be here again in June to see how AEMP will/will not comply with EEM.

Q: Who is reporting to?

A: Both LWBs and ECCC; tailor report to both. An EEM report would be quite different.

Q: How do other metal mines do their AEMPs?

A: They were built in alignment with EEM.

Gord recommends EMAB participate in the MMER review.

Action: EMAB to participate in MMER review [board to confirm]

Next Meeting

May 23-24

Moment of silent reflection

Meeting adjourned