

WORKING WITH THE PEOPLE FOR THE ENVIRONMENT



Minutes – April 23-24, 2025

Yellowknife Boardroom and by teleconference / Zoom

Present:

Charlie Catholique, *Chair*

Marc Whitford, *Vice-Chair*

Ryan Arta, *Director*

Baba Pedersen, *Director* (by phone)

Tara Marchiori, *Director*

Sarah Elsasser, *Director* (by phone)

Łutselk'e Dene First Nation

North Slave Métis Alliance

Yellowknives Dene First Nation

Kitikmeot Inuit Association

Diavik Diamond Mines

GNWT-ECC

Staff:

John McCullum, *Executive Director*

Allison McCabe, *Environmental Specialist*

EMAB (minutes)

EMAB (minutes)

Absent:

Violet Camsell-Blondin, *Secretary-Treasurer*

Tłı̨chq̓ Government

Guests:

Jennifer Kirk, Arcadis (Day 1 & 2, by phone)

Bill Slater, SEC (Day 1, by phone)

Mark Nelson, Diavik (Day 1, by phone)

Kyla Gray, Diavik (Day 1, by phone)

Amanda Annand, Diavik (Day 1, in person)

Pete Cott, GNWT-ECC (Day 1, in person)

Greg Look, GNWT-ECC (Day 1, in person)

Heather Sayine-Crawford, GNWT-ECC (Day 1, in person)

Sean Sinclair, Diavik (Day 2, by phone)

Imran Maqsood, GNWT-ECC (Day 2, in person)

Nathalie Oldfield, GNWT-ECC (Day 2, in person)

Lorraine Seale, GNWT-EC (Day 2, in person)

Petter Jacobsen, TG (Day 2, in person)

Wednesday, April 23, 2025

Meeting started at 9:15 am at EMAB Boardroom and by teleconference

Chair opens meeting at 9:15

Opening Prayer – Charlie Catholique

Ryan Arta introduced himself as the new YKDFN member – second day on the job.

Item 1: Approval of Agenda

Q: Add a discussion about diamond mine relief?

A: Yes, have publicly available information to share

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- Agenda adjusted to discuss diamond mine relief (Item 15)
- Site visit (Item 14)
- Coppermine River sampling update – discuss under Item 16

Motion: Approve agenda as amended

Moved: Marc Whitford

Seconded: Tara Marchiori

Motion passed

Item 2: Conflict of Interest

No conflicts declared

Item 3: Minutes of Previous Meeting

ED presents item from kit

- One edit needed - fix incorrectly spelled name to Taletok

Motion: Approve Feb 18-19'25 meeting minutes as presented

Moved: Baba Pedersen

Seconded: Tara Marchiori

Motion: to approve Jan 2025 conference call meeting notes as presented

Moved: Sarah Elsasser

Seconded: Baba Pedersen

Email Motions

ED presents email motions

Action Items

ED presents Action Items

Outstanding Recommendations

- ES presents outstanding recommendations

TK Fish Camp

- Concern that Diavik is not responding adequately on EMAB's Fish Camp recommendations
- How can EMAB get adequate responses?
- Send a letter to Diavik indicating response is unsatisfactory
- Communities are concerned about the 2021 fish camp video; haven't seen the video, don't know what's going on with it
- There was no video of the 2024 camp. DDMI can't release 2021 video publicly, but communities have a copy – Panel members said it doesn't represent the discussions.
- Former Diavik member said raw footage of video would be released; community would have to sign an NDA first

Q. Was there a TK Panel meeting about this?

A: Yes there was, with minutes

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- Maybe revisit it one last time; may never get unanimity; but everyone has to go away in good faith
- Not possible – the TK Panel won't be reconvening, so no way to finalize video.
- Can follow up with an NDA, but we cannot have a video that represents everyone's view. There is an option to give raw footage to communities.
- Leave with ED and DDMI-appointed Board member to discuss
- Discussion shifted from DDMI not providing adequate responses, to this video – EMAB needs to follow up

Action Item – ED and Diavik rep to figure something out re: raw footage

ACTION ITEM: staff to draft letter for Board review on Diavik not providing adequate responses to EMAB recommendations for Board review and approval via email motion.

BREAK

Item 4: Finance

ED presents item from kit

Variance Report

Q. In March, revision of WL Amendment Review was budgeted at \$73k, now Expense is \$37k, with \$36k carried over?

A. Yes

Response to GNWT Minister decision

- Unreasonable for GNWT to say EMAB should have forecasted costs associated with appointee before she was appointed. Previous member had no costs.
- There is clause in the letter that we could request GNWT cover travel on a case-by-case basis
- Important to treat all members equally; GNWT appointee should be able to participate in-person and have her expenses covered like all other Board members.
- Need to check with GNWT re: Diavik's requirements for EMAB additional funding.

GNWT Appointee recuses herself

Q. Are we trying to change minister's decision? Or are we asking for GNWT to fund Sarah's participation, or have GNWT let us ask DDMI for more funds based on this piece?

A. If Diavik's proposed requirements are followed, it would be very difficult for EMAB to request additional funding. We should check in with GNWT to see if they agree. However, if GNWT accepts Diavik's rules, we likely won't get extra funding.

- Two options: could go to GNWT, or go to DDMI and ask if they could help us.
- Don't feel comfortable going back and asking for funding again.
- As an EMAB member, need to make sure we meet all our obligations under the EA; have to follow up with this.

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ACTION ITEM: staff to draft letter to GNWT responding to decision on 2025-27 budget for Board review and approval

GNWT appointee returns

Revised 2025-2026 Budget

- ED presents revised budget

Q. Regarding AGM attendance, does every Party have ability to invite a guest, and EMAB will cover cost?

A. Yes, had very low uptake until honoraria and travel costs implemented to encourage Party participation; still fairly low uptake (about \$3,000/year).

- KIA intends to bring someone to AGM next year so budgeted amount might increase.
- Suggest approving number as-is to balance budget, and re-assess budget when time comes.

Q. Can AEMP amount be decreased?

A. This amount is for closure AEMP, it's an important program and based on previous reviews.

- Would like to have an EMAB Christmas meal, even if it's having a lunch brought in

Motion: to approve revised budget as presented

Moved: Marc Whitford

Seconded: Baba Pedersen

Carried

Lunch 11:50am – 1pm

Item 6: Diavik Water Licence Renewal

Bill Slater (SEC), Jennifer Kirk (Arcadis) and Kyla Gray and Mark Nelson from Diavik join the meeting by phone.

ES introduces item

Bill Slater presents his review of the Application

- Issue of whether or not to include EQC's for collection pond discharge.
- Value of EQC's for protecting LdG; defining limits.
- Diavik concerned that EQC's might lead to perpetual water treatment; there are other options
- Important to have good monitoring data.

Discussion

- Communities very concerned about mixing zones, low water levels, contaminants, effects on Coppermine River (drinking water, effects on fish like deformities and disease). Need to consider TK in return of security.
- First Nations want to be involved in all aspects of closure
- Annex 1 proposes toxicity testing for discharge in ops and closure but excluded from closure criteria.
- 20 years of monitoring is too short. Need monitoring 50, 100, 150 years into the future because no problems will be seen right after mine closes.
- Any reductions in monitoring will require Board approval.
- Monitoring will be difficult once Diavik leaves the site.

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- Diavik should figure out a different way to do monitoring, or use a different analysis method that doesn't rely on the 95th percentile.

Jennifer Kirk presents her review of the Application

- EQC's are enforceable; discharge criteria may not be.
- Monitoring schedule should not be determined by Diavik's closure schedule. Need adequate amount of data. Do plume studies for each discharge.

Discussion

- Has remote monitoring been discussed as an option for Diavik before? Is it practical?
- No, but Arcadis has done for different clients. Could be a solution for "worst-case" ponds – would provide a lot of data under different conditions (e.g., low water, freshet, dry year, storm event). Increase confidence
- Are there any applicable case studies? Arcadis can look into it if EMAB approves.
- Why is uranium drinking water guideline lower than AEMP benchmark? This is the most recent guidance.
- After site presence ends, Diavik plans to sample at freshet and in the fall when concentration is likely highest.
- Noted that application of cultural criteria needs to be addressed by Diavik.

Action Item: Staff plan to send intervention to Board and Diavik by May 5th for review and to correct any errors of fact. Board will then review and approve on May 13th via Board conference call.

Item 4: Finance (cont'd)

ED continues presentation

2025-2026 Calendar

- Could reduce # of in-person meetings to reduce budget
- Understand budget constraints, but in-person meetings are better wherever possible
- Can do site visit end of June; ED to discuss with Tara. DDMI only does overnight trips now.

Action Item: ED to look into options for travel for site visit.

EMAB Office Space

- Could ED talk to landlord to negotiate lease, lower costs?
 - Ask Range Lake Developments to cover costs of move
- Q. Does their other building also have roof issues?
- A. No sign of leaks when we viewed

Action Item: ED to contact Range Lake Developments regarding lease options etc for office space.

Item 7: Traditional Knowledge Monitoring Plan Update/Discussion

Amanda Annand from Diavik arrives
ES introduces item

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Amanda presents update on TKMP

- Presents Diavik response to EMAB letter.
- If EMAB wants to follow up response from Diavik, best to send to Tara or Sean for a more detailed follow-up. Likely most questions can be answered at this meeting.
- Diavik not planning on a workshop report; they will send around a revised indicator list.
- Diavik is proposing to match TK Indicators with closure objectives. Elders don't see monitoring in terms of indicators, criteria or objectives, so better for Diavik/WSP to do this.
- Communities will have to decide how they want to approach this.
- Diavik not sure how to have TKMP monitoring link with closure criteria.

Discussion

Q: How many community people attended the workshop?

A: Four per party. Workshop was done as one big group.

- Diavik thinks the process may take longer than planned. May need two workshops at site.
- Pilot project in 2026 with monitoring starting in 2027.
- Petter Jacobsen has been helpful; lots of practical feedback from BOTG.

Q: how long will monitoring go on for? And how many times per year?

A: not decided yet.

Q: timeline for development of TKMP?

A: will get back to EMAB.

- Diavik will send a summary of the project scope and qualifications of consultants to EMAB.
- Diavik will provide written updates to EMAB – these will be progress reports.
- The WSP report on indicators is the most comprehensive document.

Action Item: Review revised TK Indicators and report back to Board at May or June Meeting.

Action Item: DDMI to provide high-level scopes of work for consultants working on plan and detail TK expertise of consultants involved.

Action Item: DDMI to provide monthly written progress report on TKMP development.

Item 15: Diamond Mine Relief

Marc Whitford opens discussion

- Diamond prices are low; mines are losing money.
- Diamond mines struggling – infrequent valuation schedule, costs of winter road, large emitters program, property tax relief
- IGO corporations met with GNWT and increased valuation schedule; Federal gov't will provide support for winter road costs for 1 year (\$25 million); mines given property tax relief. Hoping to help the mines continue operating.

Item 8: Winter Road

GNWT staff Heather Sayine-Crawford, Pete Cott, and Greg Look arrive

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ES presents item

- Tough issue to deal with because of S35 constitutional rights
- GNWT received EMAB's and IEMA's letters
- Response is coming, just needs to be approved by DM
- GNWT received a draft WMMP from the JV in August; GNWT made 12 comments on it, including the JV must record and report all stoppages that allow for wildlife; asked for clarification on what numbers constitute "major" migratory movement (more than 20); JV must update habitat suitability rankings, etc.
 - Food waste (JV will append waste management plan to WMMP)
 - Wildlife mortality stats; wildlife-vehicle collisions
 - Reporting protocols: annual report, including traffic volume. Consider adding traffic cameras.
- It's a Tier 1 WMMP, so does not need to be approved by Minister

Q. Was staff aware of WMMP at February meeting with EMAB?

A. No, it came in via email in August but staff missed it

Q. Did JV have a wildlife protection plan?

A. Yes, in 2009-2010 they had a plan (since?) around COVID time GNWT asked them to create a WMMP

Q. Did JV do any reporting on the winter road?

A. No, it wasn't required. This is the first year it would be required.

- GWNT trying to promote healthy, respectful harvest; most of the harvesting, and wastage, are Beverly caribou, which are wintering in the area.
- Beverly herd increasing; have mobile zone to protect Bathurst caribou, while also dealing with wastage and disrespectful acts.
- Always a few bad apples but don't want to infringe on constitutional rights. Because road is so long, we can't close it off to people who have rights. Road is also used to harvest wolves, muskox, or go fishing.
- IGOs count their own caribou harvest and we compare numbers to wastage – it's a small percentage of total harvest.
- Had a "respected harvester" meeting in 2021 with 7 IGOs. Have a media campaign every winter (Facebook posts, radio ads). Have 3 separate ECC officer stations (2 fixed at Gordon and Mackay Lakes, one mobile).

Discussion

- Caribou are declining. Something needs to be changed, regardless of treaty rights. Like showing your gun licence before you access the road.
- Government has ultimate right to control harvesting in order to protect the species and ensure healthy growth. Unsafe practices like shooting across the road, being intoxicated, shooting into herds indiscriminately. Not right. We used to have caribou herds with 150,000 caribou. Now people go out and get truckloads of caribou... have to do something.
- Need to involve police and courts. People are encouraged to report immediately and be willing to testify; some people with truckloads of caribou might be sharing with community.
- Guardian programs help a lot.
- Noted that gut piles are not wastage; even leaving a foetus. Avoid assumptions.
- Lack of harvest data makes government management difficult.

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- Caribou will be gone in 10 years if we don't act now. People hunting by truck on the ice road is a huge issue, biggest road related impact.
- Mobile zone not working for us. Treaty rights are good but we also have to uphold the herds and resource. So future generations have something to harvest. Real hunters don't waste anything.

Q. Curious where opinion closing road would infringe on S35 rights came from?

A. GNWT legal opinion

- An all-season road will create a much greater threat to caribou.
- if GNWT overrides S35 it would have to be for a threat to species e.g., Bathurst caribou. GNWT works in a co-management context – work together with IGO's.
- If there's legislation in place that prevents us from doing something, change or amend the legislation.
- GNWT should not be doing things collaboratively; they have the authority.

Adjourn for the day

Thursday, April 24, 2025

Meeting started at 9:05 am at EMAB Boardroom and by teleconference

Chair opens meeting at 9:05am

Item 9 – Presentation on Revised Closure Plan

Jennifer Kirk from Arcadis joins by Zoom

Sean Sinclair from Diavik makes presentation by phone/Zoom

- Planning to submit revised FCRP by May 2
- Notes video link for closure summary: <https://vimeo.com/1049827157/ecd74e24ad?share=copy>
- No major changes from previous version; addresses WLWB direction
- Presents summary of updates to main plan and appendices

Q: How is the cover progressing on Zone 2 of the PKC, where PK is soft.

A: Challenging area of Zone 2 is smaller than expected. Drilled and installed thermistors in March. Started pushing PK onto edge of Zone 2. Planning on 0.5 m of PK and 1 m of rock. Will continue dewatering PKC in summer; cover in winter. No changes to PKC design. Diavik did some re-sloping on the SE corner of the PKC as a buttress and caribou ramp.

Q: what are closure plans for summer 2025?

A: May cover Life of Mine area of NWRSA. Will monitor Pond 2 & 7 discharge. Building PKC channel and spillway. Diavik is also working on asset disposal: inventory, identify surplus, sell or re-use items with value.

Q: changes to workforce?

A: slight decline; check SEMA report.

Q: is Diavik updating the communities on this?

A: Diavik continues its regular community updates. They were in Lutselk'e last week.

Q: Any changes resulting from Technical Session last week?

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A: No changes to dike breach plans. Changes are:

- Use of flow-through concept for North Inlet, not a full breach
- No updated engineered designs
- Revised Appendix X-27 on Parameters of Potential Concern
- Some updated closure criteria
- Closure AEMP
- TKMP
- Updated remedial strategy including revegetation; approach hasn't changed much except shallower ripping of roads etc.

Q: what kind of seeds for revegetation?

A: 10 species of northern grasses and forbs

Q: what are communities saying about when they want to be able to use the area again?

A: it will take time for people to be comfortable. TKMP will help. The main concerns are about safe water for wildlife consumption.

Item 10: EAQMP Investigation update

Imran Maqsood and Nathalie Oldfield arrive from GNWT-ECC.

Imran presented an update on the Minister's investigation of the EAQMP.

Q: what is the source of the emissions data?

A: Based on calculations.

Q: is satellite imagery use to identify hotspots?

A: Diavik measures ambient levels, not actual emissions.

- Concern about yellow haze possibly being from NO₂ emissions.
- Measure NO₂ at a standard height

Q: how high can the yellow haze be above the mine?

A: could be up to 2 km; depends on boundary layer

Q: what is the cause?

A: likely from burning fuel; NO₂ is one of the sources

- Noted that Yellowknife sometimes gets haze in winter
- Caused by combustion – chain of complex chemical reactions

Q: are there any impacts at Ekati's remote dust monitoring stations?

A: a few show elevated dust

- Noted that if background dust levels are high this affects Diavik's analysis

Q: does GNWT do its own air modelling, and monitoring?

A: GNWT does not have its own model; compliance models are used by industry, federal government does regional modelling. GNWT doesn't have capacity for this.

- Noted that ECCC will assign an intern to do monitoring if requested.

ES presents on yellow haze

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- Revising yellow haze letters to ECC and Diavik following ECC decision on EAQMP

ES presents on 2023 EAQMP report

- ECC made same recommendation as EMAB

Noted that the federal government has access to satellites to monitor air quality. GNWT could contact ECC and request this.

BREAK

Item 11 – Long-term Liability

Lorraine Seale from ECC joins meeting to present

ED introduces item

Lorraine makes presentation

- Currently \$213.4 million held; this has decreased as progressive reclamation takes place
- FCRP is being reviewed
- Two main issues: return of security and relinquishment of mine
 - Proponent relinquishes responsibility for site once the show it is stable; then GNWT takes responsibility.
 - Relinquishment includes negotiation of agreement between GNWT and company
 - Done on a site-specific basis

Q: does EMAB have a role in security release?

A: WLWB decides when security is released; EMAB will have a chance to comment before the decision.

Public Lands Act (PLA) regulations

- Planned to be in place during 2025-26
- Currently planning engagement on these
- Land and Water Boards are updating their Closure Guidelines; ECC will participate
- ECC still hoping to amend the Waters Act
 - Current legislation doesn't have a process to close a Water Licence
- Noted that GNWT took over public lands through devolution. LKDFN did not sign on to the Devolution Agreement.
- The Water Licence sets out the requirements, then inspectors enforce. EMAB plays a role in co-management process.

Q: what happens in the case of a catastrophic failure?

A: there needs to be a good closure plan to prevent this. Until the site is relinquished, the company is responsible; after relinquishment the responsibility would be part of relinquishment agreement.

Q: is security adequate?

A: GNWT estimates security

- GNWT needs a process for relinquishment

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- Noted that Con Mine is going through a relinquishment process – this will take 100's of years

EMAB to consider sending a follow-up letter on long-term liability to get everything in writing.

Noted that the PLA likely won't change the current situation of site-specific relinquishment

Q: what are the pros and cons of site-specific approach compared to an overall policy

A: ends up in the same place; in the end it will always be site-specific. Legal documents set up the rules for each situation.

Q: any plans to follow the Saskatchewan model where companies pay into a fund that can be used for clean-up or catastrophic failures?

A: GNWT is not considering this.

LUNCH

Item 12 – Boots on the Ground Update

Petter Jacobsen from TG Boots on the Ground joins meeting and presents update

- Background
 - Update on BOTG, winter monitoring and Lac du Sauvage camp
 - BOTG hires 50 people each summer, usually from July to September
 - BOTG has camps at Contwoyto Lake to monitor the Bathurst caribou herd, at Point Lake to monitor the Bluenose East herd, and at Lac du Sauvage to monitor the Beverly herd.
 - While monitoring, participants learn about the TG land, culture and language
- Lac du Sauvage camp allows for independent on-the-land monitoring – research station
 - The camp could become a base for TK Monitoring at Diavik
 - Sampling in August/September
 - Lichen
 - Fish
 - Sound – Acoustical Recording Units; quite noisy
 - May expand to include another cabin and a dock.
- Winter monitoring: 2024 – 3 people for 9 days; 2023 – 3 people for 16 days
 - Saw 7753 caribou in 2024; 9 wolves; 4 wolf attacks; 1 calf killed by wolves.
 - Habitat – snow crust not too thick for caribou to dig; no ice on vegetation
 - Body condition – generally good; no skinny caribou; no injured animals
 - 86% of bulls – good; 71% of cows – good
 - Most animals staying on the tundra; not many in trees
 - Effect of Road – road / traffic blocks caribou from crossing
 - All caribou on west side of road
 - Caribou walking parallel to road, about 1-2 km from road
 - Caribou appeared obstructed on migration east
 - Caribou don't seem disturbed by trucks, just waiting for trucks to stop
 - Never saw a caribou cross, even when no traffic
 - Lights very visible at night; might be another disturbance
 - Noted that caribou don't like exhaust so that might also block them

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Q: any harmful effects of road?

A: depletion of food where the caribou congregate

- Noted that an all-season road would cause much more problems
- Noted that wolves will go to areas where caribou congregate due to the winter road
- Wolves were observed hunting caribou; wolves are attracted to gut piles on the side of the road left by hunters.
 - TG do wolf harvesting in this area
- BOTG Recommendations
 - Create moveable wildlife crossing areas; stop traffic for, say, 24 hours to allow caribou to cross
- Would like to stop hunting from trucks
- Great to have a no-hunting area around the road
 - Chiefs/leadership would need to agree to restricting access, no hunting zone etc.
- Diavik Mine area
 - Showed pictures of gray smoke from mine moving with wind in long ribbons – in September

Discussion:

- Need a solution to hunting on the winter road
- Involve Guardian programs, possible combined with BOTG
- Set up a cabin to provide information, assistance

Q: has this information been presented to the winter road Joint Venture (JV) people?

A: the Licence of Occupation means the JV can't restrict public use/hunting – there was lots of hunter traffic on the road.

- BOTG will be sending 6 or 7 teams out in July

Item 5 – Inspector's Report (postponed from earlier in the meeting)

ES presents item from kit

- Spill from truck roll-over in December has been cleaned up
- Inspector has gone through A21 prior to decommissioning

Discussion:

- All fuel spills should be reported to EMAB
- All spills of any kind should be reported to EMAB

Q: who should Diavik send the report to?

A: EMAB will respond to Diavik letter

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

Item x – Coppermine River Water Quality – unscheduled item

ED presents item from kit.

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Baba spoke with the HTO in Kugluktuk

- Requested studies done by HTO; need their permission to get them.
- Includes fish studies and water quality studies on the Coppermine R.
- Amanda from the group doing the studies will contact EMAB
- Noted that Diavik will be holding a community meeting in Kugluktuk to discuss water quality monitoring

Item 13 – Round Table

KIA – a number of Elders are sick; worried they will lose them.

NSMA – all Indigenous organizations are affected by the upcoming mine closure

- Focusing on Guardian programs
- Constructing a building; several economic initiatives
- Lost 3 Elders this year already
- Fish fry going ahead on Indigenous Day
- other diamond mines may be closing soon

LKDFN – also losing lots of people to cancer

- lots of work at Thaidene Nene
- concern about hunters disrespecting caribou; considering a tag system and requirement to show gun licence
- community harvest done by skidoo with help from Thaidene Nene guardians
- have an interim SAO

GNWT – productive meeting; useful information

- need to address winter road issues; what role can EMAB play?
 - GNWT could be doing more; regulations can be changed
- Air quality monitoring; could EMAB do more?

YKDFN – new to job (third day)

- Meeting has been very informative
- Agrees on the need to follow up winter road issues

Diavik – doing lots of engagement with IGO's regarding closure. In communities a lot more than previously.

Action Item: send a card with Board condolences to Violet.

Meeting Adjourned

Next meeting by zoom/teleconference on May 13