

WORKING WITH THE PEOPLE FOR THE ENVIRONMENT



Minutes – October 5-6, 2022

Yellowknife Boardroom and by teleconference / Zoom

Present:

Charlie Catholique, *Chair*

Jack Kaniak, *Vice-Chair*

Violet Camsell-Blondin, *Secretary-Treasurer*

Marc Whitford, *Director* (by phone)

Ngeta Kabiri, *Director* (by phone)

Gord Macdonald, *Director* (by phone)

Ryan Miller, *Director* (by phone)

Lutselk'e Dene First Nation

Kitikmeot Inuit Association

Tlicho Government

North Slave Metis Alliance

GNWT

Diavik Diamond Mines

Yellowknives Dene First Nation

Staff:

John McCullum, *Executive Director*

(minutes)

Mohannad Elsalhy, *Environmental Specialist*

(minutes)

Environmental Monitoring Advisory Board

Environmental Monitoring Advisory Board

Guests:

Brian Kopach, *MSES* (Day 1 – by phone)

Dan Coulton, *Golder* (Day 1 – by phone)

Kyla Gray, *Diavik* (Day 1 – by phone)

Kofi Boa-Antwi, *Diavik* (Day 2 – by phone)

Wasef Jamil, *Arcadis* (Day 2 – by phone)

Imran Maqsood, *ENR Air Quality* (Day 2 – by phone)

Sean Sinclair, *Diavik*, (Day 2 – by phone)

Wednesday October 5, 2022

Meeting started at 1:00 pm at EMAB Boardroom and by teleconference

Item 1: Approval of Agenda

Chair reviews agenda.

Add Water Management Plan review.

Inspector item cancelled

Motion: to approve agenda for October 5-6, 2022 meeting as amended

Moved: Marc Whitford

Seconded: Ryan Miller

Motion carried

Item 2: Conflict of Interest

No conflicts declared

Item 3: Minutes of Previous Meeting

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Board reviewed minutes of previous meeting.

Motion: *to approve August 23-24, 2022 meeting minutes as presented:*

Moved: Marc Whitford

Seconded: Jack Kaniak

Motion carried.

ED reviews action items.

Q: why hasn't Frame Lake Rehabilitation Project letter of support been sent?

A: LKDFN Chief didn't want to support the project

Tabled to Item 14.

Arrange ZOI presentation

ES reviews outstanding recommendations; none outstanding.

Item 4: Finance

ED reviews variance report to Sep'22.

Personnel Committee will meet after the meeting, so discussion is deferred.

Letter has not been sent to Diavik requesting more detail on why Diavik rejected EMAB's request to roll over funding from 2020-21 to 2021-22

- Letter should explain EMAB position and Kabiri's analysis.

Action Item: send letter to Diavik requesting justification for Diavik denial of EMAB roll-over request, and explaining EMAB's position and providing Kabiri's analysis.

Item 5: Recommended Two-year Budget

ED presents item

Discussion:

- Regarding interns, noted that TG used summer students to scan documents, help with the Assembly etc.
- Concern that with only 1.5 staff there is not enough time to properly mentor and manage students/interns.
- Regarding reducing EMAB budget to decrease amount of unexpended funds, EMAB can't predict changes to specific items under expenditures.
 - Can't alleviate unspent salary in advance of loss of staff.
 - Current budgeting system is fine

Q: what is the cost of a TK Panel meeting?

A: about \$150 K

Motion: *to approve the Recommended Two-Year Budget for 2023-25 as presented:*



Moved: Violet Camsell-Blondin

Seconded: Ngeta Kabiri

Motion carried.

BREAK

Item 6: Governance of TK Panel

ED presents item

Fish Camp Video

- Noted that ED should have sent a request to Diavik for a status update on the TK Fish Camp video before the meeting. Diavik rep has no information. Send a request to Diavik for more information
- TK Fish Camp participant Jack Kaniak hasn't been contacted about the video revisions.
- Generally agreed to re-send recommendations with revisions to reflect the 2021 TK Fish Camp report was received.
- Check whether Fish Camp report describes how locations for nets and sampling are chosen.
 - Hold off on a motion to resend revised recommendations to Diavik until tomorrow.

Fish Camp Results Workshop

ED presents Draft Proposal for a TK / Science Workshop on Results of 2021 TK Fish Camp at Lac de Gras and Next Steps, as directed at the June 2022 meeting.

- EMAB would invite 30-35 individuals (4 from each Aboriginal Party).
- Estimated budget is 128-146K.

Q: Can EMAB members participate in the workshop?

A: Yes. In 2017 workshop, some of EMAB members participated but facilitator was independent.

- the Board has to decide who can participate; include both TK and scientific information perspective so that the workshop can be effective.
- Workshop should include lots of points of view on causes of fish condition at TK Camp.
- Main objective is to aim for alignment of TK holders and scientists. If no alignment, what happens next?
- Good to include other fish biologists than those who were at the Camp.
- Any recommendations would be determined by the workshop outcome.
- Compare budget estimate to 2017 EMAB Closure Workshop.
- concern that there was weak scientific representation at the camp, and that the facilitator did not address this well – suggestion that this may put Joanne Barnaby and Natasha Thorpe in conflict as possible workshop facilitators.
- Noted that participants were alarmed by the amount of cysts and parasites. TG fish biologist said the reason for the large head and skinny bodies was because the fish were old.
 - Biologist was not at the camp; he watched the video.
- Noted that fish were edible at previous TK Camps. Seem to be more parasites over time. No one wanted to eat the fish at the 2021 Camp.
- Good to review comments from previous TK Fish Camp reports.
- Environmental change could be contributing to the fish condition.

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- Noted that Boots on the Ground program camped at Lac de Gras this summer and did some fishing. Could check on their observations.

- People are seeing changes they haven't seen before.

Q: was there a problem with the way information was conveyed to the participants?

A: might be a factor.

- It would be good to have a fish biologist who was at the camp come to the workshop.
- There seems to be some questioning of what we heard from Elders at the camp. It would be good to hear from them.
- Needs to be a respectful discussion.
- Unfortunately there won't be any fish to examine at the workshop.
- There are some good photos; there is also the video footage.
- Doesn't convey the feel or smell of the fish, which elders were also concerned about.
- Diavik does studies of the fish in the area, but most work is on sculpin. They do have pre-development information.
- **Action Item: EMAB should send a letter to Diavik asking for status of the video and recommending it be completed as soon as possible. EMAB should also request a copy of the raw footage.**

Item tabled to tomorrow.

Item 7: WMMP Addendum Review

ES presents item

Dan Coulton with Golder presents the WMMP Addendum report (Collared Caribou Exploratory Analysis).

- Analyzed geo-fence collar data from 2010 to 2021 as an alternative to group and focal scan methods for caribou movement behavior.
- Analysis includes: Residency time (time in different buffer zones), speed, and number of hard turns ($\geq 60^\circ$).
- Analysis focused on the 3 km zone around Diavik Mine and a reference area beyond 30 km.
- Low sample size of caribou observed in the 3 km zone limited the inferences that could be made about caribou movement patterns
- Often caribou within 3 km of the Mine exhibited similar movement to the reference group.
- Collared caribou are expected to be observed near the Mine during the closure and post-closure phases.

Q: what is the objective of this analysis?

A: lack of group behavior data far from the mine.

Q: limited amount of data on Diavik activity limits ability to make conclusions?

A: yes. Data points are an hour apart so it's difficult to infer what a caribou does in that hour eg. response to blasting.

- Doesn't seem very relevant to whether caribou will return to the area and use their traditional trails.
- Need more data to do that.
- Diavik hopes to use the data to assess changes in the zone of influence over time.

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Brian Kopach from MSES presented their review on the Addendum.

- Analysis did not identify any large differences in behaviour between caribou near the mine and at 30 km.
- Analysis does not include caribou movement between 3 and 30 km from the Mine.
- Further analysis of caribou behaviour at distances of 3 to 14 km could be explored.
- There was insufficient data to relate caribou behaviour to mine-related disturbances.
- Small sample size also limits conclusions.

MSES made five recommendations.

Discussion

- EMAB should consider recommendations regarding methodology.

Q: Not clear what this approach tells us about caribou behaviour beyond movement. Data points are an hour apart; caribou could be doing anything. Doesn't show feeding, resting etc.

A: Movement behavior is related to Behavioural group scan data, Information on Mine activities, and landcover (habitat) data. This is related to energetics.

- This study can't get at questions about caribou feeding.
- Never saw a collared caribou when working at Ekati. Collars are not representative of herd.

Q: what is the correlation between energetics and feeding?

A: Caribou spend energy by walking and consume energy by feeding (i.e. balance).

Q: why is there an insufficiency of data on mining activity? The mine should know when it is creating a disturbance such as blasting.

A: would need caribou position data at more frequent intervals as well as exact timing of blasts to find correlations.

- Ryan will send a draft recommendation(s) by tomorrow regarding development of methodologies.
- Item tabled to tomorrow.
- Debrief on Closure Plan information session also tabled to tomorrow

Thursday October 6, 2022

Chair opens meeting at 9:13 am (EMAB Boardroom and by teleconference)

Chair reviews the agenda. Several items tabled from yesterday to today:

- TK Panel Governance and EMAB Fish Camp recommendations
- Personnel Committee recommendation
- Review and approval of WMMP Addendum recommendations
- Water Management Plan review and comments
- Debrief on Closure Plan Information session

Item 6: Discussion on governance of TK Panel (Continued)

ED presents the remaining elements of item 6.



Q: What is the status of the Fish Camp video? Elders want to see the full video, without any cuts.

A: ED sent an email to Gord yesterday and Gord forwarded the email to the related people in Diavik.

i) Resubmitting revised version of recommendations on Fish Camp report and video.

ED: EMAB sent a letter to Diavik on May 3, 2022 including three recommendations regarding 2021 TK Panel Fish Camp and one regarding the TK Panel independence and transparency. Diavik asked EMAB to review the report when it came out and re-consider the recommendations. ED describes proposed updated recommendations:

- a) **Revised to remove reference to TK Fish Camp report, which has been completed and circulated.**
- b) **Agreed that sampling locations are covered in the TK Fish Camp Report so recommendation can be removed.**
- c) no change
- d) no change

Motion: *to approve submission of Fish Camp recommendations from May 2022 as amended.*

Moved: Marc Whitford

Seconded: Ryan Miller

Motion carried.

None against, no abstentions.

ii) Proposal for TK Fish Camp Results Workshop

- On the Fish Camp Results workshop: Indigenous groups should participate in drafting the proposal.

iii) Draft letter on TK Panel governance (deferred from August meeting)

ED presents EMAB's draft letter to Diavik from August 2022 regarding Governance and Administration of Traditional Knowledge Panel.

Discussion:

- TK panel is a community-driven panel; must be independent of Diavik. Panel should set its own Terms of Reference.

Q: Comment on 1st bullet of letter. Is there room for Diavik to suggest Panel direction? Are the principles in the letter set out in some kind of Terms of Reference?

A: Environmental Agreement section 4.9 sets out how a TK Panel should function.

- Noted that there is a big difference between the way the TK Panel operates now and the way EMAB wants the Panel to operate. If we don't want Diavik to operate the TK Panel then we should say so.
- Panel should be independent. How involved should EMAB be?

Q: Can Diavik fund the panel?

A: Yes.

Q: Does Diavik agree that it should not be directly involved in Panel meetings?

A: Diavik believes that the panel should have a direct relationship with Diavik. The main reason the Panel is managed by Diavik is because the Panel wanted to interact directly with Diavik

Q: What do you mean by direct interaction?

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A: Typical TK meeting starts with Diavik suggesting a topic. The Panel decides if they agree. Most of Diavik's time with the Panel is spent answering questions, and explaining the options. Then, Diavik leaves and the facilitator runs the meeting. Diavik may come back to answer questions. At the end the Panel will make draft recommendations and Diavik responds. This interaction is very helpful. The independent facilitator then prepares the report.

Q: When the panel moved away from EMAB were they concerned that EMAB filtered the recommendations?

A: No. The Panel was concerned about a time lag, and wanted to make recommendations directly to Diavik.

- Diavik prefers to operate the panel in the way as it is right now. The Panel has been successful.
- history of operation of the Panel has varied. This issue of Panel independence came up when Diavik changed the facilitator without Panel consent. Panel needs to be independent, following item 4.9(b) & (c) in the EA.
- Good point about the facilitator being selected by Diavik; should be selected by the panel.
- TK Panel is a creature of EMAB.
- Diavik agrees that the panel is not following the EA, so there is no need for EMAB to send the letter.

Q: Diavik suggests topics for the Panel. Is there room for the Panel to respond? Concern that the Panel is not setting its own direction.

A: The Panel has never pushed back on suggested topics. The Panel is not driving the agenda.

Q: What is the purpose of the panel? Should it be defining its own questions? The Panel doesn't represent the communities, so who does it represent? Is Diavik considering Panel meetings as consulting with the communities?

A: Purpose is to provide TK input into our (Diavik) closure planning i.e. collective traditional knowledge input.

Q: Concern there is not enough tracking of specific Panel recommendations. Should show specifically where Panel recommendations were incorporated in reports, plans, policies etc. Need to track how recommendations are implemented.

A: Diavik compiled the recommendations into a document which will be part of the FCRP. Some recommendations are high level and need time.

Q: What is Diavik's view on who is governing the TK Panel? Is it Diavik or EMAB?

A: Governance of TK Panel is by Diavik. EMAB can create their own panel under the EA.

- The current TK Panel setup leaves room for the developer to do what it wants with each recommendation. There is no assurance that the intent will be preserved.
- It's not clear how the individual Panel members interact with in their community.
- communication would be better if EMAB governed the Panel.
- When EMAB was running the Panel they used independent facilitators.
- Need to identify a desired outcome for this discussion
- This links to the Expression of Interest process for TK Monitoring. Diavik does not want to lose the line of communication they already built with the communities.
- Maybe EMAB will take the panel back. Would need to request funds from Diavik to do that. Community people understand Elders better. We have the knowledge and the experience.
- Concern about time; we are very close to the closure.

Q: What is the status of the panel? Will it continue to operate post-closure?

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A: Diavik informed EMAB that the panel is on pause at the last meeting. The Panel has been providing input on closure and monitoring. Diavik has got what it can from the Panel. The future of the Panel will relate to how TK monitoring is done. If communities want a TK Panel for monitoring then it could continue.

Q: Why is TK Panel on pause; the Panel is critical for closure, which is happening soon?

A: From Diavik's perspective the Panel has finished its mandate of developing closure design and monitoring.

Q: Diavik is reaching out to communities regarding TK monitoring. Could the Panel develop TK Monitoring?

A: Diavik is trying to select a group that can design and implement TK Monitoring. Diavik proposed that EMAB could do this, but EMAB said no.

Q: will Diavik set up a new TK Panel with different members?

A: Diavik doesn't have a proposal for how the Panel might move forward. EMAB can do its own thing.

Discussion postponed since consultants are on line for next item

BREAK

Item 11: 2021 EAQMP Review

Kofi Boa-Antwi, Wasef Jamil, and Imran Maqsood join the meeting by phone.
ES introduces item.

Kofi presents the 2021 EAQMP report.

Q: What is the current status of the Air Quality Guidelines?

Imran: GNWT expects that the final Guideline will be ready by December 2022.

Q: Why were annualized dustfall rates compared to Alberta Guidelines, instead of BC Guidelines as in the past?

Kofi: Diavik thinks that Alberta Guidelines are more applicable to the region.

Q: Will the draft Guideline replace TSP monitoring?

Kofi: TSP was not originally part of AQMP. Diavik added TSP monitoring following discussions with EMAB, on a pilot basis; the results were OK so it was discontinued.

Q: How did Diavik get sampling results when TSP units are not certified below -30oC?

Kofi: The sampling includes over 80% of the period so Diavik is confident in the results.

Q: what is the basis for the statement that TSP is not a good indicator of human health and that there are no human receptors nearby. People are concerned about contaminant loadings.

Gord: the risk occurs when dust is in the air. Monitoring of dust effects on LdG and vegetation are monitored.

Q: Can Diavik explain why it says calibration and maintenance of TSP monitors is not available in the NWT?

Kofi: it's very challenging for Diavik to maintain equipment.

- Noted that this is a cost issue, not a calibration issue;
- Kofi notes vendors take longer to respond since they are not in the NWT;
- Diavik could explore other technologies.

Kofi: Diavik feels it has collected enough data. The rest of the comments in the presentation are additional considerations.

Imran: Teledyne API T640 can measure TSP using different technology. Can you provide a breakdown of the uptime for the TSP collectors by year?

Kofi: can look into this.

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Imran: Can Diavik attach the detailed calculations regarding the NPRI and GHG data presented in the tables in today's presentation as appendixes to the report so that the GNWT can check?

Kofi: Yes.

Imran: Does Diavik have an onsite lab?

Kofi: Yes, but it is not accredited; just for early warning. Analysis was done by vendors.

Imran: Can Diavik include more details of table 4.2.1 regarding NPRI Emissions Reporting for Criteria Air Contaminants? Also include diesel use in liters.

Kofi: Yes, and we will include that in the report.

Imran: What is meant by "small power" when it is mentioned in the Executive Summary that SO₂ emissions increased by 12.3% in 2021 relative to 2020 due to increased diesel usage for small power?

Kofi: Small power includes heavy mobile equipment and some stationary equipment.

Imran: Please provide a summary list of all equipment defined as small power.

Kofi: Yes, and they will be included in the report.

ED mentioned that the Guideline should not replace the TSP monitoring. EMAB hopes to reinstate the TSP monitoring. EMAB disagrees with most of the considerations mentioned under "Proposed Changes to the Environmental Air Quality Monitoring Program" in the presentation.

Wasef Jamil from Arcadis Canada Inc. (Arcadis) presents their review of the 2021 EAQMP. Generally the monitoring program is effective and most locations are adequate. QA is good. Several recommendations. Noted that Diavik did not address any of the recommendations on the 2020 EAQMP report.

Q: Did EMAB provide Arcadis with Diavik's responses on EMAB's recommendations?

Wasef: would expect those to be addressed in the report.

- EMAB did not forward Diavik's responses on the 2020 EAQMP report to Arcadis. ED will follow up.

Q: How can Arcadis conclude the NPRI and GHG calculations are reasonable if they do not have enough information? Are there possible alternative conclusions? What are the implications?

A: Arcadis can't determine whether the calculations were done correctly with the limited information provided.

Q: Can Diavik explain why some recommendations from the last year were not actioned by Diavik?

A: Diavik did respond to all recommendations and provided relevant rationale.

Motion: to adopt Arcadis' recommendations on the 2021 EAQMP report to convey to Diavik.

Moved: Violet Camsell-Blondin

Seconded: Jack Kaniak

Motion carried.

None against; Gord abstained.

Q: Does ENR plan to send their comments/ notes to Diavik?

A: ENR usually does not send their comments, but if Diavik asked for that, then ENR will send them

ED mentioned that it is preferred that EMAB and ENR send their comments to Diavik separately. Imran said that sounds good and he will check.

Action Item: Kofi will provide a breakdown of uptime of TSP collectors.

Action Item: Kofi will provide the detailed calculations regarding the NPRI and GHG data presented.



Action Item: ED to forward Diavik responses to Arcadis recommendations on 2020 EAQMP report to Wasef.

LUNCH

Item 14: Frame Lake Rehabilitation Project Update

Sean Sinclair from Diavik presented on Frame Lake Rehabilitation project.

- Fish Habitat in LDG and two off-site community-based projects, (one in Lutselk'e and one in Kugluktuk).
- Current off-setting option is making shallower habitat for fish in the pits.
- concerned that if A418 is not re-connected to LdG then habitat enhancement in the pit will not count.
- Rehabilitating Frame Lake by installing an aerator so that it can support a fish population. The lake used to have inflow and outflow but these were cut off as the city developed.
- The project has two phases: phase 1 (2022): Install aerator in Frame Lake and monitor response for two winters, and phase 2 (2024): if Phase 1 is successful, reintroduce fish to Frame Lake and continue aerator operation. Once the project is working they would hand over the project to a Partner by 2030.

Discussion:

Q: Is there a fence or some kind of warning on the aerator where it will be above water level? Concern about snow machines hitting it.

A: there will be a light on the top of the aerator to warn people.

Q: Who pays for the power?

A: Diavik.

Q: Where does Diavik take oxygen measurements?

A: All over the lake. Continuous measurements will be logged. Monitoring will happen for the next two years.

Q: Where will the fish be taken from to introduce to Frame lake?

A: Diavik has not decided yet, we need to make sure that it is safe for fish. Diavik would have to apply to DFO to introduce fish to the lake. By the end of next winter Diavik will have a better idea.

- A license is required to buy fish for this purpose.
- Aboriginal people may not agree on that.
- Letter of support may be required from community(s).

Sean: Diavik will look into this.

Q: does Diavik expect the fish will survive?

A: They need to monitor oxygen and water quality to be sure. Fish used to live in Frame Lake.

Q: when did fish last live in Frame Lake?

A: don't have dates but this has been confirmed by YKDFN and DFO.

Q: Does Diavik have an alternative plan in case this doesn't work?

A: If it is not viable, then Diavik will search for other options. Diavik thinks this is the best option.

- Frame Lake is stagnant due to lack of flow, not sure this will work
- Some discussion on pit lakes and possible alternatives for fish habitat enhancement.

Q: how does this link to Lac de Gras?

A: it offsets loss of habitat. Diavik is not building fish habitat on the inner edge of pits anymore. People were concerned that this would attract fish to the pit lakes.

- Noted that DFO has to approve the project before fish will be put into Frame Lake. Diavik has to create fish habitat, so if this doesn't work they will have to go somewhere else.
- Sean requests that EMAB gives Diavik a letter of support to facilitate their work.

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Sean presents the Frame Lake Engagement. They have received support from YKDFN and NSMA. KIA did not provide a letter but indicated no concerns. Diavik had a discussion with TG but did not get a letter. LKDFN responded that Frame Lake is outside their area.

- YKDFN rep requested a copy of the letter of support from YKDFN. This project could affect YKDFN rights so support should go through Chief and Council.
- TG rep sent an email to her community regarding the frame lake update. Once she gets a response, she will forward to the Board.

Action Item: Diavik to provide YKDFN letter of support for Frame Lake Project to Ryan.

Action Item: Chair will sign EMAB letter on the Frame Lake project that was approved by the Board.

Item 7: WMMP Addendum Review (continued)

Ryan presented a draft recommendation on the WMMP addendum.

Discussion

- Who would this recommendation go to?
- Is this recommendation within EMAB's mandate?
- Does this recommendation align with EMAB's long term goals?
- Why is the recommendation limited to caribou? This seems like a government responsibility. What is the most impactful method of making this recommendation to necessary recipient(s)?
- Does the wording of this recommendation capture beyond any reasonable doubt EMAB's intent, so the recommendation may by no reasonable means be misinterpreted?
- Is this recommendation something EMAB may reasonably follow-up on, maintain oversight of, and adaptively manage/use in alignment with its mandate?
- Caribou historical trails intersect with mines.
- This is outside EMAB's mandate. Has ENR studied traditional trails? Not sure if recommendation should be pursued.
- ED suggests he, Ryan and Kabiri discuss the wording offline and bring back to the next Board meeting.
- ED suggests to ask ENR to send somebody to the next meeting to talk about Caribou population, ENR studies in this field, and how they use caribou collar data. What do they know about historical trails?
- Key issue is to figure out how the mines affect caribou. What is the nexus?

Motion: *to approve MSES recommendations on WMMP addendum for submission to Diavik and ENR.*

Moved: Violet Camsell-Blondin

Seconded: Jack Kaniak

Motion carried

None against, no abstentions

Action Item: develop a recommendation on caribou monitoring for Board consideration based on Ryan's proposed wording.



Item 10: TK Monitoring for Closure

ED presents item from meeting kit.

There are a number of shortcomings to the Expression of Interest (EOI) approach Diavik is proposing, and some proposed alternatives and next steps. Hoping the Board can discuss and provide views.

Discussion

- Many discussions about TK Panel, including EMAB taking Panel back. No progress on TK Monitoring.

Q: Is RFP underway?

A: Diavik has sent out an EOI. If there is interest it will lead to an RFP to interested parties.

Q: Did Diavik ask the communities if they have the capacity to develop TK Monitoring?

A: Diavik is asking the communities if they have interest and capacity to develop a TK Watching program.

Q: Is watching considered same as monitoring?

A: Diavik sees them as the same. Noted EMAB does not do monitoring on the ground.

Q Will Diavik go to each community to discuss the EOI and TK Monitoring?

A: Diavik sent the EOI to everyone. Next step is a conversation between Diavik and each community to check on their interest.

- Diavik should go to each community; that is better than a written approach.
- this approach discriminates against communities who do not have the capacity to do such work. Diavik should help provide capacity to participate, and ask communities if they are interested if Diavik helps them.
- Diavik will have further discussions with the communities. The response will not be limited by capacity.
- section 4.9 in the environmental agreement says EMAB can establish a TK Panel to assist it. EMAB does not have resources to do this.
- WLWB directive on ICRP 4.1 requires Diavik to work with the TK panel to develop TK monitoring plan.
- Diavik did all that and got recommendations. The Panel's recommendations are too high level; they couldn't develop a plan. Diavik will tell the WLWB that the plan is not ready yet.

Q: Did Diavik inform the WLWB about the EOI?

A: Diavik will mention that in the final closure plan report which will go to the WLWB next week.

- Will WLWB agree that its directive has been met?
- It would have been good to set up a structure as was used with WKSS to develop and carry out TK monitoring. TG is currently not in favour of the EOI approach. Concerned that Diavik is expressing dissatisfaction with TK Panel.
- Diavik is not dissatisfied with the Panel. They realized they were asking too much from it.
- Communities must support the TK Monitoring Plan. The EOI process won't get that support.
- Build on TK success stories such as WKSS and "We Watch Everything" approach such as Boots on the Ground.
- Diavik needs to assist communities to respond to the EOI. Industry has to do engagement and consultation. There is still time to correct this situation Right now there is potential for a challenge to this approach.
- the EOI is not a desirable method either legally, politically or practically.
- Need to address copyright and intellectual property.

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- Caution to Diavik that the WLWB could reject this approach as Diavik will not get much information as the communities will not support it.
- The EOI is a general contracting process.
- EOI says it's for experienced contractors, not communities.
- Diavik sent the EOI to communities, not the public.
- Communities will say they are not interested due to capacity issues.
- All responses to Diavik so far have been positive.
- Diavik needs a TK Monitoring Plan. Should have gotten community support for this approach. Use a WKSS-style model.
- the scope of work is not clear. Diavik should hold a meeting of all TK players/communities to identify projects and priorities.
- Diavik included the scope of work on page 1 and 2 of our EOI in 15 August 2022 which includes three main components: Seasonal On-Site Observers, Area Closure Watching and Verification Sampling.

Q: Who will fund the process, including the workers?

A: Diavik will fund the whole process, but communities will develop the program and be the contractor.

- the EOI also includes asking the communities about the information they need.

Q: the process will result in one successful bidder?

A: Diavik is encouraging collaboration. One successful bidder could be 8 Indigenous groups working together.

Q: EOI says the project will be managed by one or more Indigenous organizations. What if four indigenous groups have four different interests?

A: Diavik would ask how they would involve other Indigenous organizations. Part of Diavik requirements are to include other Indigenous parties.

- strongly believe that the other indigenous groups will not support this.
- Diavik expressed disappointment that people are concerned that Diavik wants to go to the communities to develop the TK Monitoring Plan.
- Concern is that one bidder will end up developing and implementing the plan
- The bidder could be a community. Diavik will require the bidder to work with each community.
- The WKSS model included everyone and communities developed their own studies that were selected for funding based on criteria. The communities need to set the priorities.
- table this item as Board Members want to discuss it with their communities. There are lots of questions about this approach. TG will want to bring together many different people and projects.
- EMAB has no role in this issue. Diavik will communicate with the communities.
- According to the Environmental Agreement, EMAB is a watchdog for this project: TK, monitoring and involvement of Aboriginal Peoples are included in EMAB's mandate. If EMAB has concerns about this process then it has a role.
- EMAB has already said it didn't want to develop the TK Monitoring Plan.
- Only two years to closure. Don't want to be rushed into development of plan.

Q: Can Diavik expand EOI to include the clarifications mentioned today and send to communities and EMAB, to better understand the EOI.

A: EMAB can write questions in a letter, and Diavik will be happy to respond.

- Diavik understands that EMAB wants to review the TK Monitoring Plan and monitor the outcomes and work as watchdog but he does not understand why EMAB wants to be involved in the process.

WORKING WITH THE PEOPLE FOR THE ENVIRONMENT



Action item: ED to follow up with a draft letter to Diavik with questions about the EOI for Board review.
All other items (6,8,9,12,13) are tabled to the next meeting.
Item 15: Board Member Update and Community Concerns (Roundtable)
Marc Whitford <ul style="list-style-type: none">No concerns.
Charlie Catholique <ul style="list-style-type: none">ENR raid on cultural camp; LKDFN has hired a lawyer.Possible EMAB meeting with Lutselk'e community on October 29.New Chief elected September 29: James Marlowe.
Jack Kaniak <ul style="list-style-type: none">Concern about Climate ChangeWe were able to travel every year by beginning of October by snow machine, even across the ocean. but now we cannot do that because there is no ice. We can only do that by boat.Noted that the mines depend on frozen structures for closure.
Violet Camsell-Blondin <ul style="list-style-type: none">Next TG managers' meeting will be on next Friday, to discuss two issues.<ul style="list-style-type: none">EOI for TK Monitoring proposed by Diavik.Environmental Agreement in regard to closure of mine site.Did a site visit with Elders – TG appreciates this. PKC and NWRSA are so big now. Concerns about Landfill.Will present to Geoscience Forum. EMAB could participate as well.
Ngeta Kabiri <ul style="list-style-type: none">No concerns.
Ryan Miller <ul style="list-style-type: none">No concerns.
Gord Macdonald <ul style="list-style-type: none">Reporting back about status of Fish Camp video. The process is more difficult and expensive than expected. Diavik is considering shelving the project.
Next meeting, November 29-30, 2022
Motion: <i>to adjourn</i> Moved: Jack Kaniak Seconded: Violet Camsell-Blondin carried Meeting Adjourned at 4:45 pm