

**16<sup>th</sup> Environmental Agreement Implementation Meeting  
Yellowknife, NT  
Summary of Discussion  
January 17, 2014**

Participants

Lionel Marcinkoski, Aboriginal Affairs and Northern Development Canada (AANDC)  
Robert Jenkins, AANDC [arrived at 2:15 pm]  
Patrick Clancy, Government of the Northwest Territories (GNWT)  
Eric Denholm, Dominion Diamond Ekati Corp. (DDEC)  
Bill Ross, Independent Environmental Monitoring Agency (IEMA, or the Agency)  
Kevin O'Reilly, IEMA

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*Meeting commenced at 1:30 pm*

**INTRODUCTIONS AND SELECTION OF CHAIRPERSON**

Round-table introductions were made. Lionel was selected to serve as the chairperson for the meeting.

The purpose of the Environmental Agreement implementation meetings, as set out in the 2006 Resolution Agreement, was reviewed (*i.e.*, to provide participants with an opportunity to discuss IEMA's work plans, budgets, findings and recommendations, and BHP Billiton's programs and projections for the next year).

**REVIEW AND APPROVAL OF PREVIOUS MINUTES**

Attendees agreed that no amendments were required to the draft minutes of the May 23, 2013 Environmental Agreement implementation meeting, circulated earlier by e-mail.

**Motion to accept the minutes of May 23, 2013 as prepared.**

**Moved by Bill Ross. Seconded by Eric Denholm. Carried without objection.**

**IEMA PRESENTATION ON RECOMMENDATIONS AND FINDINGS**

Bill reviewed the Agency's recommendations from its 2012-13 Annual Report and other findings by the Agency (see PowerPoint presentation for details, distributed before the meeting and available from the Agency). Outcomes and the current status of these issues were also discussed.

On the 2012 Seepage Report, Bill noted that the consultant recommended replacing some of the thermistor cables. Eric agreed to check into this but also mentioned that the company may be waiting for mining to be completed at Misery.

Action Item #1: Eric to check into when additional thermistors are to be installed in the Misery waste rock pile.
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The Agency is still anxious about financial security as the amount set by the Wek'eezhii Land and Water Board far exceeds what is currently held. The Agency is also concerned about the lack of progress on research and actual reclamation. There is also some uncertainty over how financial security will be dealt with under devolution. The Agency has drafted a letter to send to federal and territorial Ministers around the issue of financial security for the Ekati Mine.

Eric indicated that there had been discussions on financial security amongst DDEC, GNWT and AANDC.

The Agency asked about the status of the discussion paper on alternatives assessment as part of the Jay-Cardinal Environmental Assessment. Eric said that Peter Chapman at Golder was taking the lead and that a draft was almost finished and should be out next week. The discussion paper will be focused on approach and methodology rather than an actual presentation of alternatives and an evaluation.

Eric was asked about dust mitigation and whether there are better ways to monitor the Zone of Influence around the mine for caribou. Eric was not familiar with the Air Quality Monitoring Program but understood that the larger particles from road dust drop out quickly. The Agency remains concerned about the lack of progress on the root causes of the Zone of Influence. When the Agency visits a community, it passes on concerns it hears from community members to BHPB and the governments, which it did following its September visit to Whati. The Agency, and perhaps the community, has not received any substantial responses to date.

#### **DDEC PRESENTATION ON 2014 ENVIRONMENTAL MANAGEMENT AND OPERATIONS**

Eric reviewed current and future operations and projects, permitting, and environmental management topics at Ekati for 2014 (see PowerPoint presentation for details, distributed during the meeting and available from the Agency).

The Agency does not have a 2013 satellite image and requested one.

Action Item #2: Eric to provide the Agency with a 2013 satellite image.
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Eric stated that the Cell A south side road is nearing completion. Fox open pit operations will be finished in the spring of 2014. The Misery pushback is expected to go into the main ore zone in 2014. Pigeon pipe stripping operations will begin in the winter of 2014-15.

The company has made a number of recent submissions to the WLWB including:

- the Waste Rock and Ore Storage Management Plan update related to the Pigeon waste rock pile;
- the Wastewater and Processed Kimberlite Management Plan additions for the Pigeon pipe;
- the Nitrogen Response Plan;
- a Spill Response Plan;
- the Interim Closure and Reclamation Plan Annual Progress Report; and
- the Old Camp Closure and Reclamation Plan.

Upcoming submissions from the company include:

- the Community Engagement Plan (January 21);
- the Aquatic Response Framework (February 15);
- the Waste Management Plan (including an Incinerator Management Plan) (February 15); and
- a revised Wildlife Management Plan (Claudine intends to conduct community engagement).

Action Item #3: Eric to check on the submission date and dates for community engagement around the Wildlife Management Plan.

Bill raised the issue of the gap in financial security for the Ekati Mine under the water licence, the lack of progress on security under the Environmental Agreement and what effect devolution may have on financial security.

Robert indicated that the governments are working with the company to ensure that the gap is filled. A proposal from the company was received before Christmas. A review process is under way. There is no timeframe required but a Ministerial decision is required about the form of the security. It is high on the radar. AANDC understands that this is time sensitive and that there is a current policy on the issue of mine reclamation that includes financial security. GNWT has been included in the discussions to date in anticipation of devolution. A letter has gone out today about the transfer of irrevocable letters of credit as a result of devolution. The options are:

1. Obtain a new letter of credit made out to GNWT on April 1 (the old letter would be returned if the new one is accepted by GNWT);
2. Amend a current letter of credit so it is transferable to GNWT; or
3. Amend a current letter of credit so the beneficiary automatically changes as of April 1.

GNWT reviewed the wording and options presented in the letter. Option 3 above is the preferred one from both governments. A response is being requested from each party by February 7 that was sent the letter, including DDEC.

Robert mentioned that an amended (black-lined and strike-out) version of the Environmental Agreement is being put together with the aim to send it out next week. The amendments are considered administrative in nature. The Agency indicated that it still does not have a copy of the assignment agreement that was used to transfer the obligations under the Environmental Agreement from BHPB to DDEC. This document would be placed on the Agency's website so the public understands what has happened.

Action Item #2: AANDC to check into what kind of letter or document that can be provided to the Agency for posting to its website on the change in ownership and transfer of the Environmental Agreement to DDEC.

When asked, Eric confirmed that no proposal on Environmental Agreement security had been submitted by DDEC. With the details provided during the meeting, the Agency indicated it was less concerned about the hand-off under devolution related to financial security.

Eric reviewed the timelines for the Lynx and Jay-Cardinal Projects. He also noted that 2014 was the year for the Air Quality Monitoring Program snow and lichen sampling with a report to be filed in 2015.

## **IEMA PRESENTATION ON WORK PLANS AND BUDGETS**

Bill reviewed the Agency's current and proposed work plans and budgets for 2013-14 and 2014-15 (see PowerPoint presentation for details, distributed before the meeting and available from the Agency). It was noted that the Jay-Cardinal Project is likely the biggest thing that the Agency has had to deal with since the Ekati Mine began in 1997 and that this may trigger a need for further resources. Eric indicated that DDEC was fine with the use of Agency core funding to cover Separate Fund related activities for 2013-14. He also agreed the Jay-Cardinal Project should be a priority for the Agency.

It was noted that the WLWB has agreed to allow the Agency an extra week to submit a technical review of the Pigeon Waste Rock Pile design by Dr. Chris Burn, Carleton University.

#### **DATE OF NEXT MEETING**

The date for the next meeting was not confirmed but it was noted that the Agency would be meeting May 5-7 for its Annual Report writing session. A meeting at the end of May or early June would work and allow time for discussion of responses to the Agency's Annual Report recommendations.

*Meeting concluded 3:15 pm*