

# DATROC SUBSISTENCE COMMUNITY ADVISORY COMMITTEE CHARTER

Updated – October 6, 2023

**Purpose:** The purpose of the Subsistence Community Advisory Committee (“SCAC”) is to share local knowledge, observations, and perspectives with the Donlin Advisory Technical Review and Oversight Committee (“DATROC”) on subsistence hunting, fishing, gathering and other traditional harvest activities as it relates to the Donlin gold mine project (“Project”) within the Kuskokwim River drainage. The DATROC is composed of representatives of Donlin Gold LLC (“Donlin”), The Kuskokwim Corporation (“TKC”) and Calista Corporation (“Calista”).

**Objectives:** The objectives of the SCAC meetings include:

- (1) Receive and distribute information on Donlin’s plans, operations or monitoring activities.
- (2) Communicate information pertaining to local subsistence activities and traditional knowledge as it relates to information shared by Donlin.
- (3) Provide a forum for stakeholders to discuss concerns related to Donlin’s plans, operations or monitoring activities, on subsistence activities, wildlife, or habitat.
- (4) Make recommendations to DATROC related to subsistence and assist DATROC in developing and periodically updating a subsistence plan for lands and waters affected by the Project and provide ideas and potential solutions to areas where Project operation concerns exist.

**Membership:** SCAC members are appointed by the DATROC, with seats and term length as follows.

Member*	Term Begins	Term Ends	Represents
A: TKC Villages	2023	2027	Aniak, Chuathbaluk, Crooked Creek, Georgetown, Lower Kalskag, Napaimute, Red Devil, Sleetmute, Stony River, Upper Kalskag
B: TKC Villages	2023	2026	Aniak, Chuathbaluk, Crooked Creek, Georgetown, Lower Kalskag, Napaimute, Red Devil, Sleetmute, Stony River, Upper Kalskag
C. Crooked Creek	2023	2027	Crooked Creek
D: Upper Kuskokwim	2023	2026	Lime Village, McGrath, Nikolai, Takotna, Telida
E: Lower Kuskokwim	2023	2027	Akiachak, Akiak, Bethel, Eek, Kwethluk, Napakiak, Napaskiak, Oscarville, Tuluksak
F. Lower Kuskokwim	2023	2026	Atmautluak, Kasigluk, Nunapitchuk, Tuntutuliak, Eek, Goodnews Bay, Quinhagak, Platinum
G: Coastal Communities	2023	2026	Kongiganak, Kwigillingok, Kipnuk, Chefornak, Nightmute, Toksook Bay, Tununak, Mekoryuk, Newtok, Hooper Bay, Chevak, Paimiut, Scammon Bay
H: Upper Yukon, Lower Yukon, and GASH	2023	2025	Kotlik, Bill Moore’s Slough, Hamilton, Emmonak, Chuloonawick, Alakanuk, Nunam Iqua, Mountain Village, St. Mary’s, Pitka’s Point, Pilot Station, Ohogamiut, Marshall, Russian Mission, Holy Cross, Anvik, Grayling, Shageluk
I: Elder Member	2023	2025	Elder member, at-large seat
Staff resource: DATROC Coordinator	N/A	N/A	Non-voting position; meeting support, documentation

*\*NOTE: There will be a primary member, with an alternate for each seat to help ensure consistent representation and participation.*

### Required Qualifications for Membership

- (1) Ties to Region: Has connections (family, subsistence, current or past resident) to the geographic area for the designated seat.
- (2) Subsistence Knowledge: Practices or has practiced subsistence in the region, with knowledge of subsistence tradition, customs, and wildlife resources.
- (3) Commitment: Willingness to serve as an active, productive member of the committee.
- (4) Constructive: Good communication skills, ability to work in a group, listen to other perspectives, and be solution-focused when discussing complex or difficult topics.
- (5) Availability for In-Person Meetings: Willingness to travel to in-person meetings at least twice per year, when it is safe and feasible to do so, with the potential for one or more additional meetings per year. If it is not safe or feasible to meet in person, attend meetings remotely or by phone.
- (6) Background: Has no felony convictions within the past five years, or other legal history that would impede ability to serve.

### Additional Desired Qualifications for Membership

- (1) Leadership: Skills and experience as a leader in the community.
- (2) Committee Experience: Previous experience serving on an advisory committee, council, governing body, or other similar entity. Experience with meeting procedures.

### Ineligibility for Membership

- (1) Currently employed by or serving as a board member of The Kuskokwim Corporation (TKC).
- (2) Currently employed by or serving as a board member of the Calista Corporation.
- (3) Currently employed by, serving as a board member of, or having any ownership interest in the following entities: NovaGold Resources, Barrick Gold Corporation, and any other direct interest in the Donlin Gold project. For purposes of community advisory committee membership, “ownership interest” does not include being a shareholder of Calista or TKC.

### Required Disclosure

- (1) All applicants for membership shall disclose any conflicts of interest, potential conflicts of interest, and other information that may impact their eligibility, as part of their application. This includes current affiliation or direct interest in the organizations listed under “Ineligibility,” past affiliation or direct interest in these organizations, and any affiliation or direct interest of a spouse or immediate family member.
- (2) Disclosures of past affiliations or direct interest, or current affiliation or direct interest by an immediate family member, do not necessarily impact the eligibility of the member or applicant. However, it is important to maintain transparency for all committee members, including disclosing relationships or interests that may be perceived as conflicts of interest. The DATROC may take this information into account when considering an application.
- (3) Committee members shall promptly report any relevant changes to required disclosures to the DATROC Coordinator, throughout their term as a committee member.
- (4) The DATROC will annually review committee members’ disclosures to ensure members remain eligible and do not have conflicts of interest that may impact their ability to serve.
- (5) The DATROC shall make any final determination of whether an applicant or committee member’s disclosures constitute an actual or perceived conflict of interest.

### Committee Member Expectations

- (1) Attend all committee meetings (at least 2 in-person meetings per year). If it is not safe or feasible to meet in person, attend meetings remotely or by phone. Review the agenda and other materials provided to committee members before each meeting.
- (2) Contribute to the SCAC's discussions by sharing Member's knowledge, perspectives, and ideas.
- (3) Share information the Member has learned and heard from other community members about subsistence issues relating to the Project with the committee: questions, concerns, knowledge, and ideas.
- (4) Help recruit new members that would be good candidates from within the seat community or for other seats as vacancies arise on this or another committee.
- (5) Maintain an independent, open mind and stay focused on solutions.
- (6) Disclose any conflicts of interest, potential conflicts of interest and any relationship or other interest that may impact their eligibility.

*Note:* Serving on the SCAC does not mean the candidate must support the Project. Rather, SCAC members serve an independent advisory role and only represent themselves and voices of other community members when sharing feedback on behalf of others.

### **Meeting Procedures:**

- (1) Meeting frequency and timing. The SCAC will meet twice per year, in the spring and fall, during periods that do not conflict with important subsistence activities, with additional meetings scheduled as necessary. Meetings will be held in person when it is safe and feasible to do so. If it is not safe or feasible to meet in person, meetings will be conducted remotely or by phone.
- (2) Location. SCAC meetings will be held in person in Anchorage or in the Region. However, if required by circumstances, SCAC meetings may be held by video or telephone conference.
- (3) Notice, agenda, and related materials. SCAC members shall receive notice of meeting dates, times, locations, and proposed agenda items within 60 business days of the meeting date. SCAC members shall receive the final agenda and related meeting materials in electronic and/or hardcopy format within 14 business days of the meeting date. Members are expected to review the materials before the meeting.
- (4) Meeting-related expenses. SCAC transportation and lodging will be pre-paid. Per diem will be provided for food and other expenses (transportation to/from lodging to meeting location) under Federal travel guidelines unless food is provided at meeting locations.
- (5) Knowledge fee. SCAC members will be compensated for their time, knowledge, and contributions at a rate of \$300/day for full day meetings and \$100/day for travel days if travel is required on a day before and/or after the meeting.
- (6) Facilitation. SCAC meetings will be facilitated and supported by a DATROC Facilitator.
- (7) Quorum. The presence of a majority of SCAC members, at least five (5), shall constitute a quorum. No meeting of the SCAC may be held without a quorum.
- (8) Actions. SCAC actions shall be by consensus to the greatest extent possible. If not possible, decisions of the SCAC shall be by the majority vote of the members present. SCAC actions shall be by resolution or motion and shall be on subjects authorized by this Charter. All SCAC actions shall be recorded and reported to the DATROC. Within 60 days, the DATROC will provide written feedback to the SCAC on all proposed actions.
- (9) Order of Business. The SCAC shall transact business at its meetings in the order it determines. The SCAC may adopt or use a template agenda and work with the DATROC Facilitator to develop and distribute the agenda and related materials to Members.

- (10) No Action Without Meeting. The SCAC may only act at a properly noticed and convened meeting.
- (11) Open Communications. The SCAC will operate in a manner that provides open communication among members and communities.
- (12) DATROC participation. DATROC members may attend SCAC meetings but shall not have a vote on any matter.

### **Vacancies and Removal of a Member**

- (1) Vacancies. The DATROC shall appoint new members to fill any SCAC vacancies. A member appointed to fill a vacancy shall serve the remainder of that seat's existing term.
- (2) Grounds for removal. Some circumstances, listed in (a), require automatic removal. Other circumstances, including but not limited to the examples in (b), will be evaluated on a case-by-case basis. In all cases, DATROC shall make the final determination about removal of a committee member.
  - a. Grounds for automatic removal:
    - i. No longer meeting required qualifications for the seat.
    - ii. Appointment to the board or employment at any of the organizations listed under "Ineligibility for Membership."
    - iii. Conduct in committee meetings, or while serving in the committee member role that poses serious risk to the safety of other members or staff.
  - b. Grounds for possible removal, to be evaluated on a case-by-case basis:
    - i. Participating in or arriving at the meeting under the influence of alcohol or drugs. All official committee functions are substance-free events.
    - ii. Having an actual or perceived conflict of interest, due to the member's other activities or affiliations outside the committee, or other disclosures.
    - iii. Conduct or circumstances that raise concerns about the member's ethics or fitness to serve.
    - iv. Conduct during meetings, or while acting in capacity as a committee member, that is disruptive or impacts the group's ability to conduct business.
    - v. Excessive absences or lack of communication with DATROC coordinator. A member may not miss two consecutive meetings unless a temporary leave of absence is approved. *Note:* this does not include excused absences, medical or emergencies that prevent attending a meeting, or technical difficulties attending a meeting remotely.
- (3) Removal process. If removal of a member becomes necessary, the issue is brought to DATROC by the DATROC Coordinator for consideration. The member may respond to the call for removal by providing DATROC a written statement or appearing at a DATROC meeting. If DATROC determines it is in the interest of the committee to remove this member, the member is first asked to voluntarily resign. If the member does not voluntarily resign, DATROC may remove the member and fill the vacant seat.