

*EMAB Conference Call – July 5, 2005*

***EMAB Boardroom, Yellowknife, NT***

Erik Madsen, Diavik Diamond Mines Incorporated, Secretary-Treasurer  
Florence Catholique, Lutsel K'e Dene First Nation, Vice Chair,  
Sheryl Grieve, North Slave Metis Alliance  
Kathleen Racher, for David Livingstone, alternate, Government of Canada

John McCullum, Executive Director

***Call-in***

Doug Crossley, Kitikmeot Inuit Association, Chair  
John Morrison, Government of Nunavut  
Rachel Crapeau, for Lawrence Goulet, Yellowknives Dene First Nation

***Call-in Guest***

Petr Komers, MSES

***Absent:***

Eddie Erasmus, Dogrib Treaty 11 Council  
Jane McMullen, alternate, Government of the Northwest Territories, RWED

***Minutes:***

Michele LeTourneau, Communications Coordinator

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Meeting starts at 1:38

Opening prayer:  
Doug Crossley

**Item 1 Approval Agenda and Minutes**

**Approval of Agenda**

Defer Item 14 to next meeting

**Motion # 01-05-07-5**

*To accept agenda.*

*Moved:* Erik Madsen

*Seconded:* Sheryl Grieve

*Carried:* Unanimous

**Approval of minutes from May 24-26.**

Questions: Clarification on ZIP Training action item – what is EMAB action? Erik says we should hold off until Diavik gets cost estimates for bringing in trainers. Change action item in last minutes.

Regarding Gord MacDonald clarification on comments regarding evaluation of baseline compilation. Can't add new information to minutes. Provide info as a follow-up to all members.

Back to ZIP – Florence remembers that ED was supposed to look to the EMAB budget to see if money existed for ZIP and if not look elsewhere. SO action item stands.

Clarification of statements in minutes can be noted in minutes, but sent out as information item. If any Board member wants to discuss the follow-up information provided by Gord Macdonald this can be done at the next meeting it can be added to the agenda for the next meeting.

**Motion # 02-05-07-5**

*To accept minutes of May 24-26, 2005*

*Moved:* Florence Catholique

*Seconded:* Erik Madsen

*Carried:* Unanimous

**Approval of minutes from June 23.**

From Tony Pearse, delivered by ED: Motion regarding making the AEMP a “for approval” report.

Rewording: EMAB recommends that Diavik's water licence be revised to require MVLWB approval for the annual AEMP reports at the earliest possible time

**Motion # 03-05-07-5**

*To accept minutes of June 23, with rewording of the recommendation to the MVLWB regarding report approval.*

*Moved:* Sheryl Grieve

*Seconded:* John Morrison

*Carried:* Unanimous

**Item 2 review and approval of final version of MSES review of WEMP Annual Report**

Petr Komers (MSES): Follow-up to May meeting. Komers notes that one of his recommendations, the one related to increasing the number of satellite collars to 50-100, may not be appropriate. He didn't realize at the time that there was a cap set by Aboriginal elders on the total number of collars.

Noted by Lutsel K'e member that the cap of 25 was an agreement between Anne Gunn (ENR's ungulate biologist) and the Aboriginal people. It is not fixed. We could look at increasing collars if additional caribou information is needed.

Komers: 50 to 100 would probably give you sufficient information to gain a good understanding of the herd itself. A statistical “power analysis” should be done before determining the number of collars required. Collars can get information on all types of scale. (Problem now: not enough info on small scale because not enough caribou go near the mine and not enough info about larger scale because caribou range too far.)

Lutsel K'e member suggests that we can get the info that the Aboriginal hold already. The problem is accepting that information as viable data. She knows they have that information and

it's cheaper than satellite collars. Can we recommend that Aboriginal people should be involved in caribou monitoring?

Komers says he is not sure how that would work on large regional scale, the whole cumulative effect on the whole herd. Is there Traditional Knowledge on current state of herd, regional and cumulative?

Lutsel K'e notes this is an opportunity for that idea to be more fleshed out.

Komers says he is surprised to see so little TK in the WEMP.

Discussion on the caribou camp at Diavik in August. Can we add the collar issue into camp discussion? Why the cap? Why that number? Etc. John notes that it's pretty much on the agenda.

Komers is surprised at the waterfowl discussion (whether or not waterfowl should be monitored) that took place during the WEMP presentation at EMAB's last Board meeting. Why are people having that conversation now? That's why he recommends adding control sites to check out if an increase in waterfowl species composition is also happening elsewhere. He would like more clarification on that.

Q: What's happening with the WEMP report timing issue?

A: ED updates. He talked with ENR and Diavik. ENR and Diavik talked and exchanged comments on report timing options in late April. He hasn't heard more on that. They were looking at two possibilities: change the reporting year or provide a draft report on certain important sections earlier.

The Lutsel K'e member notes that EMAB must be more stringent on the issue of the company reporting at the community level. There are requirements for the company to report to the community (in EA). The company expects us to do their reporting; this is not EMAB's role.

ED notes that we are communicating with Diavik on the issues of design, implementation and reporting of monitoring programs.

The NSMA notes that the Elders of NSMA are not worried so much about where the caribou are going but about their health. They believe something in addition to wet ground is causing diseased hooves and injured legs. Can we follow up on that and also discuss this at caribou camp?

Traditional Knowledge is perhaps the only avenue for studying the health of caribou because health is not part of the scientific monitoring and there is no baseline for comparison of changes.

Komers didn't comment on the lack of health study because he based his comments on what is in the program. Goals that are not set out in the program itself are not addressed. The Board asked MSES to review report, not the adequacy of the program.

The Diavik member notes that that's the job of the caribou management group. Caribou go everywhere. A caribou health study is not just a Diavik issue, they could contribute but ENR or Nunavut Wildlife need to take the lead and design a program.

The Lutsel K'e member notes that satellite observation is replacing going out on the land – that has an impact on the community.

Q: How about smaller mammals? Should they be part of that study? They affect what happens with larger animals.

A: Prey abundance and how that might affect nesting etc on falcons is part of MSES recommendations for the WEMP. That sort of thing is difficult to get approved.

Note that prey abundance is part of recommendation 10.

**Motion # 04-05-07-5**

*To accept the report as presented by MSES (with change noted below.).*

*Moved:* Florence Catholique

Q: Are we endorsing the use of more collars?

A: No. We are accepting the MSES review of the 2004 WEMP report.

**Change to review:** Komers is asked to include his new knowledge of the cap on collars in his review. He will do this ASAP.

*Seconded:* Erik Madsen

*Carried:* Unanimous

Bye and thanks Petr Komers.

**ACTION ITEM: Send review of the 2004 WEMP report to Diavik and request comment on each recommendation. CC: ENR. Cover letter: some are program recommendations and these must take into consideration ENR and other mines etc.**

Q: When do we get comments on the WEMP report back from ENR?

**ACTION ITEM: Follow up with ENR: when will they get comments out on 2004 WEMP report.**

**Request for cumulative effects presentation from ENR** – ED refers to last year's presentations from RWED on all their studies related to cumulative effects in the Diavik region. Given that we talk on an ongoing basis about cumulative effects, it might be a good time to get updated and maybe even discuss cumulative effects.

**ACTION:** Request presentation on cumulative effects research from ENR for a fall meeting. Also invite Nunavut's wildlife section to present.

Note from Nunavut member: if there is a meeting of the parties to discuss the EA, Nunavut will address cumulative effects in relation to the EA.

**Next steps: cumulative effects on wildlife.** DIAND said in general they agree but ENR should be lead. DIAND may have some funds if we were to put on our own workshop on this topic.

Diavik member notes that EMAB is for Diavik project and that cumulative effects throughout the Bathurst Caribou Range is outside our mandate. We shouldn't be taking the lead. ENR should be.

EMAB should suggest that this should be done as it is constantly being heard from the communities.

The Lutsel K'e member notes that we need to look to our own agreement – not depend on MPEMA (Multi-Project Environmental Monitoring Agency). We can't wait until the whole caribou herd is extinct. We should be more proactive in helping the company perceive themselves as helping the caribou. (7.4 d of EA)

Send letter to ENR and Nunavut Dept. of Environment and the Bathurst Caribou Management Planning Committee.

RWED did get the letter.

**ACTION: John will prepare a briefing on this matter.**

**Item 3 – Review and approval of text for 2004-05 EMAB annual report - HIGH PRIORITY**

Update on comments from Erik, Doug and Florence. Dogrib are happy with the draft text as is. Government of Canada happy with it as is.

Issue section is the MVLWB section.

NSMA member found it confusing. Didn't have enough time to go over it. Suggest going ahead without her comments. Does note that there are some places where personalities were showing. EMAB's fighting with the Water Board.

Canada member thinks it's just a record of fact.

Doug requests more comments and then staff can do a compilation of predominant comments.

**ACTION: Comments to office from Board members on annual report by Thursday at 5.**

Majority rules. If contention – executive will deal with.

**ACTION: CC to send out reminder emails for bio/quotes.**

**ACTION: CC to get executive summary translated.**

**Item 4 – No Net Loss – disturbance of pristine lakes – NEXT STEPS**

What do we do next? (See briefing note.)

Lutsel K'e member notes that we need to help things along. We could put the issue in the media. Our job is to protect the environment.

Diavik member notes that DFO did not conduct detailed site visits to really determine if Diavik's proposed community fish habitat projects could be done. They just said there's no way the proposed work will reach the right amount of habitat units. Diavik was going out this summer to

## Approved by Motion 02-05-08-16

do a detailed assessment, but called it off. They will not spend more money on off-site habitat restoration than budgeted for the proposal accepted by DFO.

Comments:

- It's noted that DFO is thinking in habitat units and Diavik is thinking in money terms.
- Diavik's taken a stab at finding a resolution, communities spoke now it's time to ask DFO to come up with an alternative.
- Hiring an environmental lawyer/mediator may be the way to go. We're not aggressive enough.
- Monitoring is also a part of community projects – this would also benefit communities through employment.
- We need an expert to provide a scientific opinion: find this many habitat units that will cost this amount of money and be near communities.
- We've gone the route of suggesting an environmental mediator with DFO in the past; this was very helpful in reaching a quick solution

We need to help create a win/win (/win) situation.

**ACTION: ED to set up a meeting with DFO to find out what's really happening, get DFO/DIAVIK/EMAB together. Chair will participate by conference call. Board members that are in town can also attend. Suggest at this meeting an environmental mediator.**

Chair will get a copy of the Golder report on Bernard Harbour fish enhancement project proposals. EMAB has documents showing calculation of habitat units for mainland lakes M1, M2 & M3.

### Item 5 - Caribou TK Camp – media, participants

**ACTION: Send package of forms to Aboriginal members.**

### Item 6 - Diavik site visit during construction

August is best for construction activity. Try to visit TK camp as well – if doing this EMAB should use a float plane to land at the camp.

**ACTION: Send email out –which is better August 11<sup>th</sup> or the 17<sup>th</sup> or 18<sup>th</sup> poll. (And have a one-day meeting prior to or after going to site.)**

### Item 7 – Florence request for support to attend conference

John walks the Board through assessment of Florence's request and refers to policy.

There was an email from GNWT alternate supporting Florence.

Diavik member notes that we need to follow the policy. Florence should provide relevance etc. Then we can consider it.

**Motion # 05-05-07-5**

*Request Florence provide written demonstration of relevance of conference to EMAB/Diavik. Pending a review of statement of relevance by the Executive Committee, reimburse up to \$2500 to support Florence's request to attend the North American Indigenous Mining Summit on submission of invoices,*

*Moved: Sheryl Grieve*

*Seconded: John Morrison*

*Carried: Unanimous*

**Item 8 - Office Manager status update**

Auditor does not yet have a final number or how it will look in audit. Will provide recommendation for controls and draft audit by the end of the week.

Legal action to be considered pending audit report.

How much?

How was it done?

Recommendations moving forward

NSMA asks if community justice exists in Yellowknife? No one knows.

Competition for Administrative Assistant closed June 24. There were 16 applications. The personnel committee will select three names to interview.

**Item 9 - Science studies – more detail**

There was a general allocation of \$80,000 to science studies.

E.D. needs more direction regarding reclamation and dust studies that have been suggested.

We've already done the AEMP and WEMP reviews and we will be doing a workshop on the AEMP in relation to the water licence renewal.

**ACTION: ED to provide draft Terms of Reference for dust study, reclamation study and AEMP workshop for review by Board.**

**Item 10 - Plain Language EA, summary and by-laws**

**ACTION: CC to resend these by email.**

**Item 11 - ZIP Training**

See above.

Erik will know what's happening hopefully in a few weeks.

**ACTION: Follow up at next meeting with cost estimates.**

**Item 12 - Donation of print**

**Motion # 06-05-07-5**

*Approve CC's proposal to donate print (Bulls on the Horizon II by Joyce Majiski) to the Stanton Foundation's Festival of Trees fundraising auction.*

*Moved:* Florence Catholique

*Seconded:* Sheryl Grieve

*Carried:* Unanimous

**Item 13 - Changes to Operations Manual**

**Motion # 07-05-07-5**

*Approve revision of policy regarding EMAB's government representatives' expenses for Board meetings.*

*Moved:* Florence Catholique

*Seconded:*

Vote deferred to next meeting.

**ACTION: ED will identify other issues in policy manual that also need some attention.**

**Item 14 - Intervener funding under MVRMA**

Deferred until David Livingstone's return.

**Motion # 06-05-07-5**

*Nominate Sheryl Grieve (NSMA) to personnel committee.*

*Moved:* Florence Catholique

*Seconded:* Erik Madsen

*Carried:* Unanimous

Meeting ended at 5:10.