

EMAB meeting
Yellowknife, May 23, 2007

Present:

Doug Crossley, KIA, Chair
Florence Catholique, LKDFN, Vice Chair
Eddie Erasmus, TG
Shannon Hayden, NSMA
Lawrence Goulet, YKDFN
Floyd Adlem, Canada
Eric Christensen, Diavik
Joel Holder, GNWT
John Morrison, GN
John McCullum

Guest:

Loretta Ransom, GNWT

Minutes:

Michele LeTourneau

Meeting started at 9:15.

Welcome to everyone from Chair.

Opening Prayer: Lawrence Goulet

Chair welcomes two new members: Eric Christensen as Diavik representative and Shannon Hayden as NSMA representative. Introductions around the table.

ITEM 1: Approval of Agenda and Minutes

Agenda

Two items to be added:

- A motion is needed to have Tom Beaulieu take on the role of a signing authority
- Election of a Secretary-Treasurer
- Approval of performance appraisal of the Executive Director

Minutes

Motion

Approve minutes of February 28-March 1, 2007, with addition that Floyd Adlem arrived at noon the first day.

Moved: Floyd Adlem

Second: John Morrison

Carried

Motion:

Approve minutes of March 16, 2007 teleconference.

Moved: Lawrence Goulet

Second: Floyd Adlem

Carried

ITEM 2: AEMP/Ammonia Update

AEMP

Diavik's revised version of the AEMP was submitted to the Wek'èezhì Land and Water Board (WLWB) May 14. Comments are due June 1. The Board has received copies. North/South is doing some technical review on new issues and to determine if Diavik did all follow up. Diavik must respond by June 11.

Noted that Diavik seems to have addressed most concerns that came up in the technical workshop; there is more detail, new information. However, the information related to Traditional Knowledge is still slim. Regarding dust, the AEMP still does not address EMAB's concerns. Request that Board members who attended the preparatory workshop check to make sure concerns raised there have been addressed, and to review the TK section.

The letter for the WLWB will be sent to Board members next Wednesday evening or Thursday morning. A conference call will be held June 1.

Question: Is there a report for the preparatory workshop held at the Diavik site? [Gord answered when he arrived – no report (not part of contract)]

Ammonia

Update information in meeting binder.

ED will attend hearing June 4-5 and report back to Board. Cut-off for submitting evidence was May 23. EMAB's old evidence will be taken into account.

Water licence

Draft licence will be ready June 6. Comments will be due June 20.

Question: Does EMAB need a lawyer to look it over?

Answer: No.

Question: Will ammonia results get better when Diavik goes underground?

Answer: That's the hope. Mining will be right in the kimberlite so there will be less blasting.

ITEM 4: Reports

Financial

ED walks the Board through the financial statement.

Motion:

Approve financial statement as presented.

Moved: Floyd Adlem

Second: Eddie Erasmus

Carried

Motion:

That Tom Beaulieu be given Board Approval to be a signing authority.

Moved: Florence Catholique

Second: John Morrison

Carried

Break 10:30-1045

Noted that the financial procedures manual, as per our auditor's suggestions, is almost complete.

ITEM 9: Aboriginal Involvement in Environmental Monitoring Workshop – Next Steps

Facilitator Lani Cooke arrives. She thanks the Board for their understanding on the death of her father. (Re: Postponement of workshop.)

Lani circulates the draft agenda and walks the Board through it.

Tlicho member notes that there will be observers from the community and the opportunity and time for their comments should be taken into account.

Suggested that Lani might have an Aboriginal co-facilitator.
Noted that that would be a budget issue.

Noted that EMAB Aboriginal members could help facilitate the small groups.

Discussion on the training and employment section of the agenda. Noted that topic needs to be limited somewhat as it is so large and would require its own workshop.

Concern raised that the agenda is already very tight and allows almost no time for large group discussion of small group reports. May need to keep people a little later than 4pm and/or start a bit earlier.

Noted regarding Aboriginal participation in monitoring that preparation allows for participation.

Discussion on dates. Noted that Diavik environmental staff is too busy during the field season: now until the end of September.

Dates for workshop: June 26-28.

ACTION: Write to Tlicho Chief to let him know about the workshop and invite him to open the workshop.

Lunch 12:30- 1:40

ITEM 5: DFO Update and Discussion

Bruce Hannah with DFO arrives.

Reports submitted by Diavik:

- Annual Dike Monitoring Report
- Blasting Effects (shows that there is not that much effect on eggs)
- Shoal Habitat Study is in review – there are still some problems.

There are still a number of reports to come in. A21 dike monitoring design and year 3 dike monitoring report for A154/year 1 for A418.

Diavik's fisheries authorisation is being revised. Planning to remove fish palatability as a requirement because of various concerns, especially the number of fish being caught vs. number of fish required for the study. DFO does not want effects of the study to be worse than the effects of the mine.

EMAB does not want fish palatability study dropped:

- Fish tainting was a significant concern in the CSR and this is the only regulatory instrument that requires palatability testing
- opportunity for community people to see how things are done
- opportunity for training
- opportunity for having aboriginal people involved in redesign if there are problems with it

There are various solutions to high catch:

- shorter nets
- watching the nets or shorter set times
- angling

DFO will keep study in the fisheries authorisation. There needs to be agreement on the number of fish required.

No Net Loss – the focus will be on the East Island for fish habitat replacement. If this is agreed on it may require a change to the fisheries authorization. The community consultation proposals were evaluated and totalled about 0.1 habitat units. It was requested that documentation of this evaluation be forwarded to EMAB.

The subject of community consultation is raised, because of change from M-lakes to East Island.

Noted that Diavik has already done community consultation. M-Lakes were chosen. EMAB was against the M-lakes. Diavik and DFO only need to know that EMAB is OK with the East Island location.

ACTION ITEM: Request that Diavik/DFO make a presentation to EMAB at EMAB's next meeting regarding using lakes on the East Island to replace habitat units.

ITEM 4 – Reports (cont.)

Operations manual – proposed revision to allow for multi-year tenders. Agreed that this is already allowed for under standing offer section

Review of Outstanding Action Items [see my binder for items to remove; add inviting WRRB to meet the board and discuss WRRB's role in wildlife management.

ITEM 6 – IEMA / SLEMA update

Dave White – SLEMA

- SLEMA took a trip to Snap Lake mine on the ice road in the winter

- Held a wildlife workshop – many good recommendations; the report should be on their website soon; De Beers has already implemented some of the recommendations.
 - Key findings
 - People should be on the ground during the caribou migration period
 - Most of the animals in the vicinity of the mine are thought to be from the Ahiak herd; a small amount of the Bathurst herd passes near the mine
- Held a workshop on fish palatability testing; report should be ready in July; discussed how the camp should be set up and run
- Hired a new analyst – Zhong Liu; previously worked for the Nunavut Water Board and has air quality expertise
- New inspector for Snap Lake is Tracey Covey
 - Was a 20,000 cu. m. fuel spill at the mine; it was contained in the berm
 - Also an uncontained spill of 7,000 cu. m. at Gahcho Kue
- SLEMA will visit the mine on May 29 to tour the wastewater facility and containment system; plant has a 35,000 cu. m./day capacity

ITEM 7 – Annual Report Printing

Motion: to approve the quote from Canarctic Graphics for printing of EMAB's annual report as recommended - \$8,675.98.

Moved: Florence Catholique

Seconded: Eddie Erasmus

ITEM 4 – Reports (cont.)

Report from Florence Catholique on EMAB presentation to the Joint Review Panel for the Mackenzie Valley pipeline. Copy of presentation is available if anyone would like one – contact Michele.

Report from Floyd Adlem on MPEMA meeting at end of March. The meeting was on section 6 of the draft Terms of Reference. A report has been completed and a final meeting is expected on section 6 by July or August.

EMAB meeting
Yellowknife, May 24, 2007

Present:

Doug Crossley, KIA, Chair
Florence Catholique, LKDFN, Vice Chair
Eddie Erasmus, TG
Shannon Hayden, NSMA
Lawrence Goulet, YKDFN
Floyd Adlem, Canada
Eric Christensen, Diavik
Joel Holder, GNWT
John Morrison, GN
John McCullum

Guests:

Gord Macdonald, Diavik
John Virgl, Golder
Steve Matthews, ENR
Colleen English, Diavik
Scott Wytrychowski, Diavik
Robert Mulders, ENR
Dean Cluff, ENR
Petr Komers, MSES
Ray Case, ENR
Charlotte Henry, DIAND
Karin Clark, ENR
Graham Veale, ENR
Raymond Bourget, ENR

Minutes:

Michele LeTourneau

Meeting started at 9:10.

Welcome to all from the Chair.
Introductions.

ITEM 8: Wildlife

WEMP

Colleen English from Diavik presents an overview of the 2006 Wildlife Effect Monitoring Program Annual Report. (Copies of PowerPoint available through EMAB office).

Question and answer period:

- If the mine went over on allowed habitat loss, they would have to apply for a change to the applicable regulator. But the footprint was reduced through design so habitat loss is controlled and within predictions.
- Waste transfer area is being moved to accommodate the new incinerator that has been ordered and its new building. Food waste will be going to that building.
- Meanwhile the gate on the existing waste transfer area has been replaced and repairs have been made to the fence.
- The new fence will go more deeply into the berm. (The berm has sunk in some areas on the current fence so there is a space underneath).
- The new building will also be a recycling shop.
- There are 4-5 new exploration camps on Lac de Gras.
- Aerial surveys (weekly): the boundaries have been extended to 30 km from the mine but unlike Ekati, Diavik has kept the 4 km distance between transects and will survey both spring and summer migration. (Ekati changed to 8 kms. and only surveys the summer migration) Diavik will also be adding cow/calf ratios during caribou surveys.
- Survey has had to be stopped because Diavik does not yet have its wildlife permit for the year. Some discussion. Interim permits do not exist. Diavik does not have to wait to apply for the permit until the full wildlife report is completed; a 2-3 paragraph summary is sufficient. Then there is a 45-day consultation period. Permits are issued for one year maximum.
- Noted that the Ekati and Diavik survey remain compatible.
- The environment department has four term employees from communities.
- Caribou surveys must be done by helicopter; Rio Tinto does not allow the use of fixed-wing aircraft.
- Regarding new vegetation in the mine area that might be brought in from the south: arctic poppies are the only new vegetation noted.
- Regarding wolverine DNA study – Diavik has a report coming out. ENR will have one that brings together all the wolverine data from all three mines and Daring Lake. However, BHPB has insisted that the companies have the report first for a few months, before it is released to the monitoring agencies.
- Based on the data collected ENR is trying to do statistical analysis to find out how often the DNA study should be done to keep track of wolverine.

Dust

Scott Wytrychowski presents on dust monitoring. (Presentation is available at the EMAB office.)

General information:

- There is a decrease in dust in 2006 from 2005.
- The much higher than predicted level of dust is due to the fact that the model did not include construction activities, particularly the crusher.
- Re-doing air quality model; working with ENR and EC. They are bringing a modeller to site and expect to have the new model complete by fall.
- Dust traps are staying. They have added an additional gauge and are adding a fifth transect outward from the A21 pipe area.
- Diavik was going to try EK35 as a dust suppressant but it may not work as it appears to cake. Re: dust camp recommendation to us DL10 – it is NOT a natural product. It is an asphalt emulsion. Diavik is leery of using it because of revegetation plans. (The roads may become sterile.) Diavik is searching for other possibilities. Water is still best, and they will be diminishing fresh water use (using recycled water instead of water straight out of Lac de Gras)
- The high dust sites are 25 metres from the dust source.
- Diavik was asked how much dust is too much; they would need to be seeing changes in vegetation. There is no set threshold. Diavik is already assuming that dust is a problem so they are taking steps now. Example: putting the crusher in a building.
- Can't really reduce speed much more as a dust reducing measure.
- Diavik now has an air quality sampler which it tested in 2006; they will have to have some of the instruments in a building to protect them from the cold. It should be ready to do monitoring by fall. (ENR and EC are in on it.)
- The SENES recommendations on dust monitoring were raised regarding the frequency of dust gauge collection: Standard methods are once a month. Diavik will attempt to increase collection to once a month in the summer; however, their study is designed to take into account the difference in frequency. If Diavik doesn't show that collecting the dust from gauges three times a year instead of monthly, then their data has to be considered unreliable.

ACTION ITEM: Draft EMAB letter to Diavik requesting that they demonstrate that their frequency of dust gauge collection is just as good as the standard monthly collection.

Lichen

Discussion:

- Diavik decided not to continue the lichen study. Actual vegetation plots have more value than the lichen study. Diavik has increased sampling plots and frequency. If they see changes in the plots near the mine compared to far away it would mean the mine caused the change.
- How would Diavik know the changes they were seeing resulted from dust, and not some other effect of the mine, since they are not monitoring dustfall at the vegetation sites?
- The conclusion of the lichen study was that Diavik is affecting lichen. And even though Diavik is putting in an air quality station, the bio-study tells us about whether contaminants in the dust are getting into the plants and the food chain, especially caribou.
- Diavik agreed there is value in repeating the study every five years. Lichen is the best bio-indicator.

Question: is Diavik prepared to tell a community that lichen and caribou are OK?

ACTION ITEM: Diavik will repeat lichen study every five years.

Question: How will Diavik know what is affecting vegetation?

Answer: That's what the control plots are for.

Fencing

Presentation by Scott Wytrychowski. (Presentation is available at the EMAB office.)

Question: Diavik was supposed to prepare a contingency plan, in case a big herd of caribou come running through the site.

Answer: Diavik has put in place Standard Operation Procedures for caribou situations.

These procedures were in place before the elders made recommendations on fencing in September 2004 and Diavik agreed to develop this contingency plan at that time. EMAB to follow up.

Exploration sites are increasing at Lac de Gras; there will be an increase in animal presence.

Chair thanks everyone for participating.

Lunch 12:00- 1:35

ITEM 3: CBM Camps.

Risk assessment actions are in Diavik's court. Diavik has not made any progress on these since the last update in January.

Land use permit for the camp location expires in early 2008.

ACTION ITEM: Identify items that EMAB can get started on in the risk assessment document.

Proposals from communities

Diavik is going to use some of the money from the CBM camp fund, since there are no CBM camps this year, to improve the Traditional Knowledge component of the camps.

Questions: Is it possible to access some funds for a project in an Affected Community?

Answer: The CBM funds are not available except for proposals that follow the established guidelines for the camps.

Additional comments regarding funds: Diavik feels that people may not be applying for the program because they might not know how to put their thoughts together, and the funds could be used to help communities develop proposals. Diavik is looking for good solid proposals focusing on TK by April 2008.

ACTION ITEM – DDMI will provide a date for when they will provide CBM risk info to EMAB.

ITEM 8: Wildlife

Petr Komers (MSES) presents his review of the WEMP. (Review in binder and available at the EMAB office.)

- The report (and the program?) is improved and generally very good. It is getting better and better.
- Diavik is responding to some of the comments and recommendations from the past.
- Issues are quite well in hand.
- Effects are at or below predicted levels.

Vegetation:

- However, we need to get a handle on what will happen when we reach 100% of the predicted vegetation loss and the mine continues to operate. We need to keep an eye on that now.

- There is less lichen closer to the mine – why? How far does that effect go? This could potentially be an issue. DDMI has not really addressed this in the report.
- Petr says if DDMI collects enough data they can probably figure out whether an effect on vegetation density and diversity is caused by dust.

Grizzly: No issues to raise.

Wolverine: As predicted or below predictions. The new tracking survey information will better verify the predictions.

Waste: Great efforts are being made. Diavik is responding. But why can't we get closer to 0%? Landfill doesn't seem to be improving.

Falcons: They are nesting in the pit; there is nothing disconcerting.

Waterfowl: There have been changes in species diversity. But without a control area it's difficult to know what that really means.

Caribou: (See review)

Key points – need more data from inside ZOI. Diavik can manage what happens inside the ZOI, but can't do much at the regional scale. Petr suggests Diavik could do a total count of caribou within the ZOI when the regional aerial survey observes caribou in the ZOI.

At the regional level, Diavik's survey method is providing more data than BHPB's. There is still a big question about why there are seems to be an increase in caribou numbers 26 km from the mines. A "bulge" effect has been seen in other places because animals avoiding an area add to animals that are already far enough away not to be affected. To really understand the effect you might need to count as far away as 100km.

Ultimately, all the caribou data has to be brought together. Diavik is commended for their data collection; however, unless it is combined with the data of the other mines, it doesn't give the big picture. It is possible Diavik is collecting more data than needed in the aerial surveys.

ACTION ITEM: Share MSES review with ENR and DIAND and ask the question again about responsibility regarding standardization of methods and combining data.

Noted that Diavik did not get a copy of the MSES report before EMAB's meeting.

ACTION ITEM: Consider supporting Diavik's application on the WEMP re: their wildlife permit.

WRRB hearing

EMAB did submit a written intervention.

The hearing is adjourned. The hearing was supposed to consider a management plan for the Bathurst caribou herd prepared by ENR. Tliche Government (TG) said that ENR is required to consult with them before submitting a management plan to the WRRB, that ENR had not done this and that ENR should withdraw the plan. ENR would not do this. The WRRB said that ENR and TG needed to get together and resolve this. They have until June 1 to reach a resolution – or WRRB will end the hearing and make their own resolution.

ITEM 10: EMAB Workplan Discussion

Eight-point agenda prepared by Diavik included in binder – all points detailed.

Discussed ensued:

- DDML agrees that the workplan is separate from the budget – budget is fixed so discussion on the budget would only be needed if EMAB asked for an increase.
- Diavik is not telling EMAB what to do.
- Diavik's concept of a workplan is different than what EMAB submitted as a workplan.
- It was suggested that it might be more helpful to view this as a session to jointly and cooperatively prepare workplans to implement the EA. Diavik would indicate how it plans to fulfil its commitments and EMAB would present how it intends to fulfil its mandate. Diavik is prepared to present a workplan to EMAB at a later date, but they are only prepared to discuss EMAB's workplan under this item.
- Perhaps EMAB should also see Diavik's workplan with regard to Environmental Agreement commitments so that EMAB can be aware of what Diavik intends and does not intend to do. This way resources are not placed in areas Diavik has no intention of pursuing.
- Diavik elaborates on expectations (based on the EA clause) for EMAB workplan, which would include the following: task, objective, schedule, measurement, and budget. These will be addressed when EMAB prepares its strategic plan.
- Communication to communities should include: consultation by Board members in their communities; community updates that

would include EMAB's view on the quality of the environment. Noted that communities want Diavik to present the results of its environmental monitoring to them.

- Diavik suggests that EMAB should be benchmarking: comparing themselves with other agencies. The information on various agencies is compiled and available.
- Diavik questions capacity funding: is EMAB getting full value for those dollars; what other ways might those funds be better used; what is the objective. Noted that EMAB has planned and budgeted for a workshop on the capacity funding program in fall 2007
- Discussion on a closer relationship between EMAB and DCAB. This has been raised before and EMAB feels it is more of a Parties issue.
- Noted that the level of involvement that Diavik is seeking regarding the workplan cannot only be offered to them; Diavik is one Party to the EA and EMAB needs to consider how it will give all Parties an opportunity to have input to the workplan.
- This may be more of a packaging or format issue than anything.

ACTION ITEM: Eric Christensen will forward a copy of the SEMA (DCAB) workplan, which Diavik finds acceptable.

ITEM 11: Inspection Report

DIAND inspector presented on his March Inspection. (Report available on CD from EMAB office.)

Responding to question from previous report – liquid hazardous waste is stored in a lined area.

Conducted another inspection May 16 – report coming soon.

Other Business

Executive Director Performance Review

Motion:

To approve the performance review of the executive director, as presented by the executive, applicable from May 1, 2006 to April 30, 2007, as well as a 5% increment to his base salary effective May 23, 2007.

Moved: Floyd Adlem

Second: John Morrison

Carried

Election of Secretary Treasurer

Call for secretary treasurer to replace Sheryl Grieve.

Motion:

Name *Floyd Adlem as secretary treasurer.*

Moved: *John Morrison*

Second: *Eddie Erasmus*

Carried

John Morrison passes around a master's thesis proposal. He requests that we cooperate with the student, Steve Lines if he approaches us.

The Chair thanks Dar for working as Administrative Assistance for EMAB over the past 21 months.

Motion to adjourn: Eddie Erasmus

Meeting adjourned.

Closing prayer: Lawrence.