

***EMAB Board Meeting Minutes
November 16, 2004
Deton Cho Corporation, Boardroom, Ndilo NT***

Floyd Adlem, Government of Canada, Chair
Florence Catholique, Lutsel K'e Dene First Nation, Vice Chair
Doug Crossley, Kitikmeot Inuit Association, Secretary-Treasurer
Lawrence Goulet, Yellowknives Dene First Nation
Tony Pearce (alternate), Dogrib Treaty 11 Council
Erik Madsen, Diavik Diamond Mines Incorporated
Jane McMullen (alternate), Government of the Northwest Territories, RWED
Kris Johnson, North Slave Metis Alliance
Fred LeMouel (alternate), North Slave Metis Alliance
John McCullum, Executive Director

Minutes:

Michele LeTourneau, Communications Coordinator

Meeting started at: 9:17
Opening prayer: Florence Catholique

Chair welcomes Tony Pearce, the alternate member for Dogrib Treaty 11 Council. Notes that Eddie Erasmus, the representative, will join us tomorrow.

Chair also welcomes new North Slave Metis Alliance member and alternate – Kris Johnson and Fred LeMouel respectively.

ITEM 1 – Approval of Agenda

ED notes:

- Carole Mills won't be available Wednesday afternoon – 3:45 may not work. We'll fit her in.
- Received a letter from Dogrib about their new appointee and alternate for EMAB and about community engagement and how they see that working. Will be dealt with under Item 3.
- EMAB approved the Conflict of Interest policy last December – all Board members must sign.

- Add to executive report: office closure for Christmas.

Erik Madsen notes:

- Pertaining to Section 8 of the Environmental Agreement -- Erik has a discussion paper on the possibility of moving forward with DCAB and EMAB joining together. Paper is for discussion purposes. Erik passes them around.
- Diavik has been going to communities to update and inform on what's coming up. Erik has the presentation and would like to give it to the Board.

ED notes:

- We also have an EMAB community presentation.

Motion # 01-04-16-11

Accept agenda as amended.

Moved: Florence Catholique

Seconded: Doug Crossley

Carried: Unanimous

ITEM 2 – Approval of Minutes from Board meeting of Sept. 21-23

- Doug C. wonders, departing from the discussion on the winter road (page 8), if there might be better opportunities to use backhauls. Perhaps we could keep an eye on that or encourage backhauling out and reducing reclamation needs later.
- Q: From page 11 – amendment issue/aboriginal participation/intervener funding – Has that gone anywhere since the last meeting? Can we be more aggressive?
A: A letter was sent to the Minister stating that there is no funding under MVRMA and the issue needs to be looked at again.

Tony notes that Board members are not being Cced on outgoing correspondence. He would like to revisit that decision. Issue added to Item 13.

Motion # 02-04-16-11

Accept minutes as they are.

Moved: Erik Madsen

Seconded: Tony Pearse

Carried: Unanimous

ITEM 3 – Strategic Planning

- ED shows the Board the PowerPoint that communities are seeing during engagement.
- Michele hands out rough notes on community input from Dettah/Ndilo and Kugluktuk.

Discussion on the nature of the information collected from communities so far.

Jane wonders if there isn't parroting going on. People repeating what they've seen in the presentation because people tend to give you back what they've heard.

Erik agrees: if you mention monitoring, then monitoring will be an issue.

ED notes that the two biggest issues that came up, caribou food and dust, as well as reclamation, aren't mentioned in the presentation.

Doug C. notes that in Kugluktuk, we did a lot of one-on-one, without the presentation. The input does not reflect the presentation.

Q: Did you have the impression communities were more informed after meetings?

Doug C. voices impressions:

- Most of our information came from one-on-one meetings with KIA reps, Hunters and Trappers reps and environment reps. We got really good input.
- The number of children at the public meeting may have hampered dialogue.

In addition, ED notes that input from Dettah/Ndilo is similar to input from Kugluktuk.

Lawrence voices his impressions:

The engagement process went pretty good. He felt we might not have introduced ourselves properly. Diavik had made a presentation in the community the previous evening and there was confusion about whether we were also Diavik. The public did not feel EMAB reps had authority to make decisions; they wanted to talk to the people in authority. But by the end they had the information.

Fred notes that it takes a while for people to believe in a Board – they figure what's the use, they'll do what they want anyways. But he's been hearing good things about this Board.

Letter from Dogrib Treaty 11 Council to EMAB and IEMA

The Chair summarizes letter:

- That IEMA and EMAB hold combined meetings in the Dogrib communities to minimize pressures.
- Requesting that representatives from both organizations meet with Tlicho Lands Protection Committee

Tony speaks on behalf of the Dogrib:

- The Dogribs have concerns about the strategic planning process and the community engagement exercise, understanding that this was agreed to by the Board a year ago and that the Dogrib participated in the decision.
- This letter is a suggestion that when the boards go into the communities, it's not so much that the community wants to participate in community engagement and strategic planning. They just want to hear about what's happening at the two mines.

Tony goes back to history of independent bodies to watchdog the mine. IEMA set up with a more technical capacity, not so much with community representatives. That was seen as a weakness, so when EMAB was set up, there was a desire to be much more representative Board with community people sitting on it so there would be more direct communication with communities. Board members would be communication links with community to talk about what's going on at the mines.

The Dogrib view of the strategic planning is that EMAB is reinventing the wheel. The idea was create the board, give the board the ability to understand what was going on at the mine site with respect to technical issues, then community reps would go back to community. That would also be the way for feedback.

All of the issues that Tony thinks EMAB will find through the community engagement process are the same issues that have always been there. Since the 1996 environmental panel hearings into the Ekati mine, and through many public hearings since with the land and water boards, the community representatives have expressed the concerns about these mines.

According to the Dogrib, the thing that needs to happen for this Board is to get a science panel together.

Continuity is key. Diavik is a very complex operation, there are a lot of different twists and angles to it – the board needs to be on top of those, to

understand what's going on at the mine and report back to communities through board members.

The formation of a science panel has been sidelined while EMAB is into these communication processes and strategic planning issues. The ball's been dropped on what's been going on at the mine. The Dogribs are concerned about that. Unfortunately, things have fallen through the cracks with the Dogrib in terms of this process having gone so far along.

Tony suggests that at the meeting with the Lands Protection Committee EMAB will find that they do not want EMAB to come into their communities. They do not want to spend time with the engagement and consultation process. They want hear about what the issues are at the mine – what's going on with the caribou, the fish etc.

What the letter is really saying is when you come, come to talk about the issues. Don't come to talk about strategic planning.

This message comes from the Dogrib executive.

Tony realizes EMAB has been grappling with the scientific panel issue and that it is on the agenda. He says EMAB needs to move forward.

Erik asks why this is the first EMAB hears of the Dogribs' objections?

The Chair notes that the community engagement (and strategic planning) is to find out what we should be doing. EMAB doesn't have the capacity to do everything. That's where direction from communities comes in.

Doug C. agrees. EMAB needs to know where to place our resources because we have limited resources. The process is not served by joint meeting – BHP and Diavik are separate and different mines.

ED notes that we will have input to the strategic plan from four EMAB communities. Does EMAB write the strategic plan without Dogrib input? The Chair expresses concern as to why EMAB needs to go to communities with IEMA. If EMAB doesn't go alone it won't get the feedback on its specific issue.

Tony notes that the issue with the community engagement process is not necessarily that it's wrong but that it is being done at the expense of the scientific panel.

The question is: where will Dogrib input to the EMAB strategic plan come from?

The Chair notes that in the communities EMAB has so far visited EMAB hasn't heard that its needs a scientific panel. Also, EMAB will have to pull back on other efforts to do the scientific panel.

The Dogrib see science panel as a priority. The DTC is not doing its job. EMAB needs to get on top of what is happening at the mine.

ED says he needs to know, as staff that must provide community info for strategic plan, will the Dogrib give input or not, and how?

Erik notes that EMAB has been working on this aspect of the organization for a couple of years now.

Tony notes that EMAB representatives should go to the Lands Protection meeting.

Jane notes that each representative is responsible for communication. We can't say there's a blanket problem with communication.

EMAB budget does show people are involved.

EMAB needs to respond to Dogrib letter. It's EMAB's opportunity to have them let us know what they think we should be doing. We need to go to the meeting.

ACTION ITEM: Respond to Dogrib letter. Tell them this is their opportunity to let us know what they think we should be doing. Ask for a meeting date. Make it a positive letter.

ITEM 4 – Fencing

Chair goes over piece under tab 4 in meeting kit.

Diavik has committed to a workplan.

EMAB's full final report was sent out.

ACTION ITEM: Send a letter to Diavik as follows:

Recommendation: that Diavik provide a workplan by December 17, 2004 to meet their commitment that the temporary test fencing be ready for installation by July 2005. Workplan is to include:

- ***date for completion of draft management plan***
- ***review/consultation on draft management plan from site visit participants (Group) and EMAB***
- ***timing for inspection of completed temporary fence by Group***
- ***date for completion of worst case contingency plan for caribou***

Motion # 03-04-16-11

Provide recommendation to Diavik.

Moved: Doug Crossley

Seconded: Kris Johnson

Carried: Unanimous

Break for lunch at 12:00

Reconvene at 1:30

ITEM 6 – WEMP Update (by Scott Wytrychowski)

This is a preliminary summary of the 2004 WEMP.

Not all data has been compiled.

Some surveys are done in conjunction with BHP.

(CD of the update presentation is available to all Board members via Michele.)

One hundred and sixty caribou observed on site from May 25 to October 13, with 104 observed during post-calving season after June 30.

One caribou mortality – it became entangled in bear fence at TK camp and eaten by grizzly.

Caribou numbers on the island did not exceed 100 at any given time.

This year, higher number of grizzly, but there's reports of that from elsewhere. Nineteen observations in zone of influence (10 km.) One fatality at site, bear G758, who has been around every year. Moved him once with RWED. This year,

he became very aggressive. RWED was going to come and destroy him. Grizzly mortality prediction is 0.12 to 0.24 a year.

Anne Gunn notes that there is a need for a shift to more effective mitigation. Elders said there would be less caribou more bears.

Where the fox hair was found by fencing panel at the waste transfer area, the fence has gone up to 12 feet.

Anne says the figure related to sightings at waste management site are interesting but could be much more informative. What is the wildlife doing there i.e. behaviour? They just happen to be there? Passing through or were they attracted there?

Scott reports on TK camp activities. Camps operated by EMAB with Diavik providing support.

As a result of the fencing workshop, held at Diavik and organized by EMAB, temporary deflection fencing will go up in the NW corner between the clarification pond and the airport and between the NW corner and the PKC and the south ring road.

Statistical evaluation designed by Dr Komers and Dr. Virgl with correspondence with Anne Gunn. 2004 will be evaluated, and then every five years. In the first quarter of 2005, a first draft will be ready.

An RWED analysis shows weak effects on caribou at a greater distance than originally predicted. Caribou are responding at a greater distance. That either an unexpected effect of mine or a stronger effect.

All animal surveys could be redesigned by April, with an agreed upon design. We won't miss a field season. This involves a huge amount of cooperation between both mines, both boards (EMAB and IEMA) and RWED. Particularly important to ensure the aerial caribou survey is re-designed by then.

Florence notes that data is always changing, so design will need to change.

Anne says that that is worked into the design – there is a contingency built in to measure trends over time.

Discussion on change and response to change.

ED reminds everyone that the statistical analysis and resulting redesign of surveys comes from EMAB's expert's point that we needed to analyze data.

Anne speaks on need for flexibility, that it would be prudent to have an evaluation after the season to see how well the new design has met expectations for all people involved.

Florence notes that Diavik is only interested in their site and BHP is only interested in their site – but no one is interested in the whole picture.

Scott notes that Diavik gives all their info to RWED.

Q: How is BHP being included?

A: Diavik is getting BHP data.

Anne says that means a common database.

The key issue is: how do the surveys need to be redesigned?

We want to look at: are we collecting the right info? Is there enough info to assess the impacts?

Q: Is there a commitment on Diavik's part that the statistical analysis will reshape the surveys?

A: Yes.

Working on bringing DeBeers in, too.

Lichens – DDMI is talking to BHP about their study design and has issued an RFP to universities to do a study.

The crusher operation for construction of new dyke will be wet circuit and that should reduce dust 100 fold.

Project update and reclamation research program 2004 (by Scott Wytrychowski.

(This is also on the CD as a PowerPoint presentation.)

Scott went over:

- *The creation of fish habitat within the pit.* This is part of compensation for loss of the North Inlet. This wasn't supposed to be done until 2017. DFO OKed for design in July. There will be three phases. This replaces habitat lost in the North Inlet.

- *Revegetation research* – what will grow where. Using an area similar to roads. Seventy-two plots of 144 plots are located where ammonium nitrate was temporarily stored outdoors. Everything done in triplicate.
- *Characterization of the effluent* produced by the North Inlet water plant. Checking out to see if the north inlet can be breached at closure. Chemical and toxicological characterization.
- *Country rock test piles* – Diavik is redefining type 1, 2 and 3. Now that data is collected Diavik has redefined the sulphur content.

ITEM 5 – DFO Fish Compensation

Chair gives history of EMAB's involvement in this issue.

Original approved plan involved work on:

- the dyke
- a stream on west island
- inland lakes – on the island and on the e14, e17 and m1, m2, m3

EMAB disagreed messing with pristine lakes.

In a letter dated Sept. 14, 2004, DFO told EMAB they would tell Diavik to carry out the original plan.

Diavik position: don't want to do what the people don't want them to do.

Q: Is this an order from DFO.

A: It is a legal responsibility.

EMAB suggested that DFO go to the communities to explore alternate sites that could work.

ED says that EMAB and DFO were still arguing after two years just for the principle of going off-site. As for the DFO consultation: they met with one person from NSMA, Yk Dene, one committee in Lutsel k'e and KIA. Dogrib did not meet with DFO. The consultation did provide some suggestions, but DFO doesn't deal with those in their decision to go ahead with original plan.

Tony notes they should have assessed the ideas they received from the community consultations and given reasons for rejecting them.

Bottom line, DFO:

- Conducted inadequate consultation
- Ignored suggestions

- Gave Diavik go ahead

EMAB is saying don't mess with the pristine lakes. There are areas where man has already messed up, such as crushed culverts, drainage ditches etc. The question is at this point does EMAB modify its position or does it maintain its current or initial position on this issue.

General discussion:

- DFO is pushing this in the interest of science – they want to see how the m1, m2, m3 enhancement will work.
- Point: respect for people in communities who do not want to see pristine lakes touched.
- DFO is being harangued because ultimately the no net loss policy doesn't work anywhere.
- The BHP model of a fund for compensation didn't work.
- Diavik took a bunch of community people to the chosen sites and everyone there agreed on them.
- Given that DFO is pretty insistent EMAB may want to write to the Minister. Unless a meeting would work with them.
- EMAB needs to be realistic – all we can do is recommend. DFO doesn't have to follow a recommendation.
- We could ask them to reconsider some of the community issues and suggestions.
- Reminder of TK panel on No Net Loss.

More discussion on what to do about this.

Meeting breaks at 4:21.

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Kris Johnson, North Slave Metis Alliance
John McCullum, Executive Director
Erik Madsen, Diavik, (arrived late)

Minutes:
Michele LeTourneau, Communications Coordinator

Meeting reconvened at 9:07.

ITEM 5 – DFO fish compensation

Recap on previous afternoon's discussion.

- Everyone agrees that it is EMAB's position has not changed regarding the inland lakes fish habitat compensation
- The Board is not satisfied with the way DFO dealt with the issue.

Discussion on letter:

- letters back and forth accomplish little compared to face to face meetings.
- the letters that we send must have a suggested outcome re: resolving issue.
- EMAB wants to continue to explore the possibilities of not messing with pristine lakes within the no net loss policy. Even within the no net loss framework, there still might be a way to keep pristine, pristine.
- Jane notes that it is RWED policy to keep what is clean, clean.
- Kris notes that she is afraid this will be a precedent.
- Possibility of special modification of no net loss policy for the NWT?
- Things are clean up here.
- Clarify and refute assumptions in their letter. It bothers Doug C. that they would take the trouble to meet with folk, create expectations, and then turf it.
- We need to put this in writing, and deliver the letter in meeting. Invite them to this table, in a shorter letter, using the little doors they've left open.
- We/ they can't ignore everything that's been done since the CSR (referring to Agreement on the enhancements in the CSR).

- Diavik also doesn't want to go ahead with something the communities don't support.

Question: what was the high point with the meetings?

- Florence – Didn't seem to be able to budge from the policies. They tried to bend but couldn't.
- agreed to look at other options.
- ED – Agreement about the lakes, the discussion of which had been going on for a long time (since 2002) don't disturb undisturbed lakes. DFO has a hierarchy of option: Like for like. In June 2003 – agreed to go past like for like. Agreed to off-site projects. Agreed that DFO would go consult.

Q: Where we are?

A: They are ignoring consultation. They need to be held accountable on that.

Two ideas:

- ignore this letter and go to where we were before this letter.
- make letter to DFO shorter and sweeter.

ACTION ITEM: Rewrite letter, change tone, we stick with our position, this position represents all of the parties. List workshops etc where it was reaffirmed that disturbing pristine lakes was out of the question, such as the No Net Loss TK panel. Make letter conciliatory and invite them to the table. Ask them what happened to community suggestions for off-site alternatives – what were they and how were they evaluated.

ITEM 8 – Follow-up on letter of meeting of the parties.

Agreed that the idea raised by Diavik (to join DCAB and EMAB) in their response to our letter is not an EMAB issue. It is a Party issue. The only people who can change the Agreement (s) are the Parties.

Is Diavik's paper the response to EMAB's request regarding follow-up to the April 2002 meeting of the Parties? No, that will come later.

ACTION ITEM: A letter to Diavik and DIAND saying: the joining of this or that are not EMAB issues, but Party issues. Thank Diavik for the opportunity to read the discussion paper, but the discussion paper and 4.11 are not things EMAB can get involved in.

Discussion:

- Agreed that the discussion on a multi-party agency and regional monitoring are two different things.
- Diavik is not on line on multi-project agency, because they feel they have the competitive advantage through EMAB and DCAB – they are ahead.

- EMAB asked Diavik to talk about transition clause in the EA and they chose to talk about DCAB/EMAB.
- The real question is: when is the next meeting of the parties to deal with 4.11?

More discussion on multi-party agency.

DIAND sees the multi-project agency as a short-term thing to get into the regional agency, which is taking longer.

ITEM 9 – Terms of Reference for scientific panel

Q: How often have we used experts?

A: 5 or 6 in the last year or so – \$50-60,000

Discussion:

- EMAB hires an expert to review a report (or something like the ammonia amendment application) and that is passed on to parties.
- In the case of ammonia, Lutsel K'e took Komex and Pearse's reports and had Tim Byers go through the documents with the community.
- Had EMAB known Lutsel K'e would use Pearse report and Byers, perhaps EMAB would not have hired its own expert.
- There's a missing piece with reviewing report and hiring experts to review them: bringing it back to the community so that the community can understand whichever issue.
- The job of EMAB is to ensure that there is adequate review. If regulators do that, then we should be satisfied the process is working.
- The reality is that EMAB has a mandate to do this kind of thing (science panel/review) – it is the only body around that can do a good technical review.
- The Board has discussed this quite a few times and it's a slippery slope, such as with the fencing issue. The CSR says Diavik will fence. We formed a TK panel, held workshops etc. rather than saying to Diavik that it should deal with the fencing or prove it wasn't necessary. It's the same thing with a science panel – the regulators need to do their job instead of us doing it for them. Then everybody sits around waiting for EMAB to hire a scientist.
- Diavik has not had intensive, critical scrutiny since it has existed. That's the fundamental reason aboriginal groups should have info of what's happening on site.
- Dogrib position is that the Science Panel should be set up. If necessary EMAB's budget should be adjusted to allow this.
- Reviews done in the past have been useful, but you need a continuous, independent check; you need continuity. You need the same person to be there through everything. A person who gains knowledge of the mine over time – not one expert shooting off a report – but a review considered by the group of technical people.
- But who's job is it? Is it a Party issue? Should we be paying for it?
- There may be some perception that the panel meets regularly and that's \$3,000 a day or \$4,000 a day – we might as well fold this thing right away.

- Cites example of the science panel for Snap Lake – four people who meet four times a year. The rest of the time they would work independently. Collaboration is an important part.
- If the regulators were doing their job right, EMAB would be unnecessary.

Other issues:

- Bringing technical reviews back to community for their understanding
- Need Aboriginal people) to know what's going on at the site.
- How do we afford a scientific review of all the reports without taking money away from community work? (The Snap Lake science panel costs 62,000 a year.)
- Is EMAB intervener or not????
- EMAB has to be careful not to take the role and responsibility of the Parties away from them.
- EMAB was created so that Aboriginal people could be involved in monitoring – but a body that would do that for them.
- EMAB is a watchdog, make sure those things are being done.
- EMAB's role is not just to inform communities about the mine but to involve them in monitoring
- EMAB's role is not to review documents but to make sure the review is done
- Regulators can't be trusted to do a proper review.

It's a basic principle that EMAB needs to go into communities and keep them informed about what's happening on site. It's the role of the communication coordinator to go into communities once a year and keep them informed. That should be happening.

Erik brings up cost savings of merging DCAB/EMAB – he cites the cost of their annual report (\$80,000) while EMAB did its annual report in-house.

It was suggested that EMAB needs to go back to square one – what are the functions of the science panel? Then the Board can have a thorough discussion of this at the next meeting. Issues to address include: continuity, independence, community link, cost, collaboration, and support for interventions.

Staff can play the role of converting technical reports into plain-language, then presenting the information to communities.

ACTION ITEM: John will write a discussion paper on science panel instead of Terms of Reference based on discussion with the executive. The paper will include options of what could happen. The Board will then discuss (schedule 3-4 hours) this at the next meeting

Discussion on science panel:

- Collaborating with IEMA and Snap Lake Boards
- How have we used the science?

- With Snap Lake: everything in the footprint is a lower priority and what happens outside the footprint is more important.

More talk on Snap Lake and its evolution in two years into a multi-project board.

ITEM 10 – Diavik application to amend ammonia

- Discussion on paper from EMAB on amendment process:
- How was EMAB involved? We observed.
- Jane has comments that she will get to ED.
- Questions about time issues and asking that more time be devoted to the involvement of communities. It took ages already.
- One might take the view that EMAB should do exactly what you're asking these guys to do – ie: fund Aboriginal Parties to intervene
- Make sure section on communities makes it clear that the time problem is for specific deadlines for responses and interventions
- EMAB could have chosen to intervene. That's one way for aboriginal groups to participate.
- EMAB chose not to get involved from a scientific standpoint.
- In the agreement, it does say EMAB can assist the parties. Go to the Party: here's the situation, here's what we've done – how can we assist?
- The position is already taken re: intervener funding. There is an outstanding letter to minister.
- EMAB didn't intervene because the parties intervened.
- Diavik should have gone to the parties to inform them about the amendment and not EMAB.
- IRMA issue – mention that money is put out only once a year. It doesn't address major one-time issues such as the ammonia amendment

ACTION ITEM: John will send in discussion paper.

ACTION ITEM: Board will discuss the conditions under which we intervene or don't.

ITEM 12 – Inspector's Report

(Presentation available on disk via Michele)

- Rock Management Plan

Only type 1 rock to be used on site. The way that the rock is set up, seepage is going into storage ponds. The changed Rock management Plan has gone out for review, comments have been received, Diavik has returned comments. There will not be a DTC recommendation on this. Water Resources is copied on these.

Q: Did anyone respond besides the inspector?

A: No

- Annual Geotechnical Inspections

Dams are all operating as expected. At A154 there have been a few repairs and maintenance. There is less seepage but Diavik must remain vigilant as pit gets deeper – in internal erosion. Rates of seepage through the dike less than predicted.

- October 20th Inspection
- September 23rd Aerial

Note that ammonia levels in the North Inlet are still well under 2mg/l. This is probably due to improved water management in the pit. DDMI expects these will start to increase.

Break at 11:57

Reconvened at 1:13

ITEM 11— Revised Draft Policy for EMAB funding requests

Motion # 04-04-16-11

To adopt Appendix F: Policy on Unsolicited Proposals from Board members or Parties as a policy for the policy manual as written.

Moved: Doug Crossley

Seconded: Lawrence Goulet

Carried: Unanimous

ITEM 13 -- reports

Doug C. takes board through budget to end of September.

Two points of interest:

Public relations is at 95% of its budget

per diem is at 90%

On capacity funding – where there's extra at the end of the fiscal year the money could go elsewhere. However, we prefer to make use of it for what it was intended

Board discusses the purpose of capacity funding and its method.

- old Dogrib money still sitting there.
- is there a way of tracking the performance of these dollars?
- unique to each party's needs. how the party perceives this money being used.
- the board is accountable for the money. "We spent our money wisely." there needs to be an evaluation – that the money was well spent.
- some of the parties have just sat on their money.
- The Party must meet the criteria, then the report is assessed vs proposal.
- In a year's time it may be appropriate to evaluate that program.

EMAB did evaluate the program in 2003. There were a number of recommendations and changes made. It was early in the process. Some of the recommendations he (Dargo) made were good.

On budget: We're likely to be under spent this year. Next year we will be at \$600,000 plus an adjusted cost of living index for our next phase (2 years) budget.

Erik explains the community-based camp – meaning that's an extra fund from Diavik.

ED notes that he is helping out on community engagement so that means an additional \$2,500 to community engagement budget.

Noted that it's also an additional \$1100 every time Tony attends a meeting.

ACTION ITEM: Check policies for any mention of alternate travel.

Notes from the teleconference:

We asked for \$725,000 from Diavik.

In the budget there a partial inclusion of partnership income.

Diavik president said they would only provide funding as stated: \$600,000

Chair notes that if we came up with a proposal to do something with Traditional Knowledge, something new and different that could benefit many, we could go to Diavik. But we can't build that into the budget.

Erik says we need to look ahead and see how DCAB and EMAB could join, which would mean the same total amount of money but we could do more things with it.

Next steps – what do we do with surplus since we don't want to go into a new fiscal year with a surplus?

Dogrib position:

- Dogrib will not likely be asking for capacity funding
- Dogrib will not agree to community engagement process
- Dogrib position is that EMAB needs a scientific panel.

Erik, referring to recent Diavik community visits to Gameti and Rae, says the communities wanted to hear about the project and what was going on. He thinks the people there would want to hear what EMAB is about and express their opinions about what are the issues. Erik adds that it's a shame that the people don't have a say, and that the leadership is acting like a wall between the people and EMAB. The people want to hear. It's also a shame that the leadership would not want to be available for strategic planning.

Science panel/community engagement:

- It will be at least next summer by the time we get around to forming a science panel. It won't happen before March 31.

- But we will continue to seek technical expertise.
- Lutsel k'e will no doubt express the need for technical expertise but it's not for me to say so. It's the community to say so in the community engagement process.
- If the Dogrib want a scientific panel they need to tell us that during the community engagement process.

EMAB wants to see the winter road. Suggested that the next meeting could be at the mine site.

ACTION ITEM: Visit winter road and have meeting at Diavik in Feb-March.

Update on two-year plan

EMAB has yet to receive a letter from Diavik.

ACTION ITEM: Remind Diavik to send a letter approving EMAB's work plan.

The Dogrib are not happy with the two-year work plan.

It was pointed out that the work plan and budget were approved by a unanimous motion at which the previous Dogrib representative was present.

Outstanding items

Anne proposed that a technical group with a few experts (Komers, Virgl) would develop a draft of a revised monitoring program by January. This would then get wider circulation for a more general approval, including both EMAB and IEMA, on how the two companies should adapt their monitoring programs. This refers to the aerial caribou surveys. Other wildlife monitoring programs will also be re-evaluated following the statistical analysis, and may be re-designed as a result.

Report tracking

Chair and ED go over reports.

Correspondence tracking

ED goes through.

AEMP review

Q: Where does EMAB review of DDMI AEMP report for 2003 stand.

A: It's with the MVLWB.

Tony suggests that the board make a recommendation to the MVLWB on this. Pull together the reviews and see what key points are and make a recommendation, rather than just leaving the matter in their hands.

- EMAB has taken action and should have some expectation of action.
- Need to be more proactive.
- That's what we did. We asked them to consider all these materials in their fixing of the AEMP.
- We now need to wait and see if they use the information.
- We have to be careful not to take on the regulatory role. Watchdog them to see if they do what they're supposed to do.
- AEMP is central and fundamental to the entire project.
- If the MVLWB doesn't implement something we think is important, then we jump on them.
- Next step to review what the MVLWB does.
- Need to give them the chance to do their work, not try to take on the regulatory role.
- KIA will come up with their thoughts on this soon.
- EMAB will pass on to the Parties whatever comes in from the MVLWB.

Copying letters

ACTION ITEM : Copy board on all outgoing correspondence.

Board member reports

Florence has several questions:

Wants to know about winter road trip.

Where is the fencing site visit report? It was sent yesterday.

When is the regulatory workshop? In January

What will EMAB do to address 4.11 and 9.1? How are cumulative effects being addressed?

In regards to reclamation and 15.1 g) h) and i) There's reference to the fact that in the second year the Minister could request the reclamation plans. Has that happened?

David Livingstone will be available to update us on status of security.

ACTION ITEM: Get an explanation and update at the next meeting on reclamation and 15.1 g) h) and i).

Diavik's Interim reclamation plan was approved in april 2002.

Lawrence:

Lands and Environment was supposed to meet but community members have passed on so the meeting was delayed. We will discuss winter road. We also want to monitor up towards Snap Lake and see how traffic will increase.

Kris:

Going through another change in leadership. Bill Enge is the interim President and we have to brief him on a couple of years worth of info. That's why community engagement needed to be postponed.

There is discontent with DFO at the NSMA.

Jane:

Update on caribou management plan – they've concluded recommendations. All Aboriginal groups are involved, as well as the GNWT. RWED has to change hats now to look at it from a government perspective. RWED will be looking at recommendations. They will be circulated.

Rumour that there will be an RWED reorganization. In fact, it's being strongly considered.

Q: How will the plan be circulated?

A: Committee's responsibility to get comments back.

Tony:

No report.

Doug C.

Written report in binder. Noted that a number of alternate fish habitat restoration projects came up during the community engagement.

Erik:

- Conducting updates in communities (including other communities where employees live) on things that have changed, the economic aspects, what's coming up next etc.
- Operation is running well. Diavik is on target for carat and tonnage.
- Diavik wants DCAB/EMAB joining..
- Diavik is losing a lot of senior staff, who are moving onto other mines under construction.
- Preparing for winter road. Looking at 7000 loads. 3000 to Diavik 3000 to Ekati and the rest to Snap Lake.
- Next week the A418 plan comes out – Diavik is moving that up a year. They will dredge the footprint this summer.
- Pushing ahead with the underground mining – will be starting the portal and beginning a two-year exploration feasibility study. Should be underground in 2007. A contractor will do the initial 2-year work.

- There will be a need for an additional 500 construction workers during the next phase - to reach a total on site of around 1000-1100 people (operations and construction).

ITEM 15 – Carole Mills’ update for IEMA

Carole presents IEMA Annual Reports.

Reclamation Workshop:

Proposal was approved by DIAND, budget for 2 EMAB board members attending is included, DIAND to contact Diavik and DeBeers, planned for late January or early February

Mine Reclamation Symposium: From Lutsel K' e presentation:

- We don't just want to be informed of industry reclamation plans. Rather, we want to inform them.
- This requires proactive consultation and a commitment to relationship building.
- We need clarity on the real risks of mining so that we can make informed contributions to reclamation design.

Relationship with BHPB:

Has been rough lately; felt our independence was being compromised in budget negotiations; feel we've reached agreement for this year.

Nitrate Toxicity:

IEMA wrote letter to EC strongly encouraging them to be part of peer review of the work done by BHPB on nitrate toxicity. EC has assigned 3 people to the review.

Environmental Workshop:

IEMA will host it again this year in March.

Water Licence Renewal:

Extension will be granted. First draft was sent for review.

Also, regarding Dogrib letter about joint presentations to communities by IEMA and EMAB, IEMA is willing to go whichever route the Dogrib want them to go. Draft of joint IEMA/EMAB letter to DIAND on cumulative effects – IEMA will provide a draft to EMAB soon.

ITEM 14 – Review draft recommendation

Discussion:

- MVLWB has started bypassing DTC and developing their own recommendations by compiling comments of individual DTC members. Concern that we can't rely on process anymore. The MVLWB staff has little technical background
- AEMP report doesn't need approval. Yet there are lots of things Diavik is not doing that it's supposed to do. This may be a flaw in the water licence.
- This might be a recommendation

- DTC is the access point for us and Aboriginal groups. The DTC needs to do its job.
- If we can't rely on that, we have to change our process.

ACTION ITEM: Will deal with draft recommendation through email responses from individual Board members and conference call in early December.

Next meeting:

January 11-12

Regulators workshop on a half day.

Closing prayer: Lawrence Goulet.

Meeting adjourned at 4:30.