

***EMAB Board Meeting Minutes  
September 21, 2004  
Boardroom, Yellowknife NT***

**Present:**

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  
Johnny Weyallon, Dogrib Treaty 11 Council  
Erik Madsen, Diavik Diamond Mines Incorporated  
Doug Doan, Government of the Northwest Territories, RWED  
John Morrison, Government of Nunavut  
Fred LeMouel, North Slave Metis Alliance, alternate  
John McCullum, Executive Director

**Minutes:**

Michele LeTourneau, Communications Coordinator

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Call to order 1:11.

Welcome from the Chair.

**ITEM 1 – Agenda and Minutes**

**Approval of Agenda**

- Budget submission (Item 10 Q) moved from Wednesday to Thursday, right after Item 11.
- DIAND inspector report moved from this afternoon to the next morning at 9 a.m.
- Strategic planning may take longer than scheduled on the agenda.
- Thursday at 2 p.m. the head of Rio Tinto sustainable development – Andrew Vickerman will stop in for ten minutes.
- Two telephone resolutions – approval of the printing of the annual report and approval of the purchase of promotional material for community engagement – must be recorded.
- Florence would like to start discussion on abandonment and reclamation – placed on agenda after Carole Mills of IEMA on day three of Board meeting.
- On Day 2 – Chris Hanks nor the DIAND inspectors can speak to the winter road item. Erik Madsen will present.

**Motion # 01-04-21-09**

*Accept agenda as amended.*

*Moved:* Doug Crossley

*Seconded:* Erik Madsen

*Carried:* Unanimous

**Approval of Minutes of May 18**

**Motion # 02-04-21-09**

*Accept minutes for June 22-24 as presented.*

*Moved:* Erik Madsen

*Seconded:* Florence Catholique

*Carried:* Unanimous

**ITEM 2 – Strategic Planning**

Went over schedule.

Reviewed old community-by-community plan then reviewed revised community-by-community plan drafted after facilitation workshop for Board members.

Yet more discussion on different approaches for specific communities.

Doug Crossley proposes meeting one-on-one because at a group meeting it's possible that dominant and senior voice will be more prominent and others won't be heard.

John McCullum makes the point that we will adapt for each community but the information has to be consistent so when info comes back to Board it can be used comparatively.

Florence: For Lutsel K'e, Council has delegated responsibility to Wildlife Committee. First meet with committee privately then go to the public. She wants the larger public group to be broken up into smaller groups so everyone has the opportunity to speak.

Johnny: Suggests that for Dogrib communities EMAB meets with band councilors, leaders first then hold the public meeting.

Lawrence: Dettah/Ndilo – meet with leaders during the day and hold public meeting that night.

Fred LeMouel: He will talk with Kris Johnson. Possibility of meeting with leaders. NSMA will get back to us.

Yet more discussion on keeping public meeting on track etc:

- Doug Doan suggests setting the stage by being clear on what our mandate does not cover.
- Noted that if community member is the Chair, it will be difficult for them to bring it on track.
- John McCullum says the facilitator takes the heat.
- Some discussion on quality of facilitator being equal to quality of the information gathered and how the quality of the info is also dependant on the equality of the group.
- Query – would Board prefer to contract professional facilitators; EMAB staff can do their best but are not professionals
- Doug C says there's merit in not using people outside EMAB. This is a total EMAB issue and we're looking for the community's buy-in. EMAB staff better than an outsider. Buy-in with the community will be stronger if it's us doing it vs. purchased expertise.

Discussion on second round of meetings: idea of going back to community to explain/justify the use of whichever info in strategic plan.

Suggestion: follow-up in writing to leaders who can disseminate info rather than second community visit. Board members will also communicate the plan through their community work.

**New schedule:**

Oct 11: Wha Ti

Oct 18: Gameti

Nov. 1: Monday (or Tuesday) Dettah/Ndilo

Nov. 8: Kugluktuk/Cam Bay

Nov 15: Wekweti

Nov 22 – Rae/Lutsel K'e

John McCullum goes over budget.

**Motion # 03-04-21-09**

*Approve budget for community engagement as presented at 75,000.*

*Moved:* Florence Catholique

*Seconded:* Johnny Weyallon

Discussions: Has cost for translations been included – approx. \$12,000.  
Motion amended to read 85,000

*Carried: Unanimous*

Board members reviewed paper on *What EMAB does and doesn't do* and agreed to provide comments by the following day.

### **ITEM 3 – Fencing Recommendation**

John McCullum summarizes the three steps EMAB has taken in relation to fencing at Diavik: TK panel in March, TK camp in August, science/TK workshop in September. TK workshop has requested a site visit of workshop participants plus Octavio Melo and Anne Gunn, Cost: about \$40,000 for a site visit and a day.

Who is responsible – EMAB?

Discussion:

- EMAB can recommend and Diavik can follow up on recommendation.
- The board is concerned that if there is fencing required, and communities are expressing concerns, that it be done. Board not interested in the details.
- The Board's concern with how it's done is where local knowledge, traditional fencing etc. is involved. EMAB should pass the info it has collected on to Diavik and Diavik should set up the process.
- Diavik should be the lead – but the recommendation should involve the potential role of the governments of Canada and territory.

More discussion:

- Pass on the recommendation from the fencing workshop, including the necessity and timing of the site visit to industry and government,
- Also, recommend that Diavik is the responsible party, and that EMAB should get a response back within a certain time period.
- Recommend that Diavik arrange a site visit be carried out as recommended by the Sept. fencing workshop, involving the original participants at the Sept. workshop.
- Recommend that Diavik set up a longer-term consultation process to deal with the fencing at Diavik as recommended by the Sept fencing workshop -- Diavik has to run the process, not EMAB.
- If original participants can't make it can we use alternative? Continuity is important? We also need a facilitator.
- Need to think in terms of a short-term recommendation and a long-term recommendation.

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Break at 3:05.

Meeting resumed at 3:25.

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More discussion on fencing:

- Visiting site is a valid request
- Time-line is short – because snow is imminent
- Diavik should take the lead
- Should EMAB carry the ball until it has specific recommendations or should EMAB pass along the information we've gleaned to Diavik

John McCullum reads back original objectives. The intent was to come up with specific recommendations – maybe EMAB should bite the bullet and complete what we set out to do so that we can provide Diavik with a meaningful recommendations.

EMAB has three different set of recommendations from TK panels and workshops. Two said fence, where and how. Third group says wait – they want a consultative process and no decisions should be made until a site visit has taken place when there is no snow on the ground

More discussion:

- TK is part of the equation not whole equation. Science is also part of the equation.
- Mobilization of site visit is complex...
- Question: we've done all these workshops. The elders have spoken – what are we saying...no?
- Question: Is EMAB in a position to take a partnership approach with Diavik to getting people on the ground? What do we want out of this?
- No-one wants to take the responsibility for a promise made in the CSR.

Suggestion: best efforts for a site visit before snowfall. EMAB can mull it over the winter and come up with good recommendations.

**Motion # 04-04-21-09**

*That a Diavik site visit be carried out as recommended by the Sept. fencing workshop, by Diavik in cooperation with EMAB, involving the original participants of the Sept workshop. Costs will be shared 50/50 between EMAB and Diavik.*

*Moved:* Doug Crossley

*Seconded:* John Morrison

*Carried:* Unanimous

EMAB will handle logistics from communities to Yellowknife; Diavik will handle from Yellowknife to site.

**ITEM 4 – WEMP follow-up**Recommendations from MSES and RWED

John McCullum summarizes issues raised by EMAB's consultant (MSES).

Gord MacDonald – **Regarding analytical report:** Have talked to Anne Gunn, but not MSES yet. We want Anne, the Diavik consultant and Petr (MSES) to talk about the analysis and what it will look like. Then we'll complete the analysis. Probably by February – in order to include 2004 data. Then Anne and Petr can review.

Gord MacDonald – **Regarding timing of the report** – Instead of moving the report deadline, Diavik could present information at a greater frequency throughout the year, such as an informal update around Oct. 1. This would not be a presentation of data but of general trends.

Notes:

- If there was something showing up of concern – the review could affect the process in a timely fashion.
- Wouldn't have hard numbers, which is what Anne Gunn would want.
- Pilot presentation in October or November at next EMAB meeting to see if this approach meets everyone's concerns.

Gord MacDonald – Regarding **is east island abandoned by caribou** – Cannot comment today. It will come up at the presentation. It was a predicted outcome

Gord MacDonald –DDMI is providing scats for analysis of what caribou are ingesting on the site due to dust deposition Diavik will fund a grad student to develop a study on lichen. Is dust affecting lichen and is the metal content changing as a result of that dust.

**ACTION ITEM: Send MSES report and RWED comments to Diavik for response.**

Update on joint letter with IEMA on wildlife cumulative effects.

ACTION ITEM: Ask Carole Mills of IEMA to draft that joint letter to DIAND and circulate it to EMAB for comment.

Recessed 4:05.

***EMAB Board Meeting Minutes  
September 22, 2004  
Boardroom, Yellowknife NT***

**Present:**

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  
Johnny Weyallon, Dogrib Treaty 11 Council  
Erik Madsen, Diavik Diamond Mines Incorporated  
Jane McMullen, Government of the Northwest Territories, RWED, alternate  
John Morrison, Government of Nunavut  
Fred LeMouel, North Slave Metis Alliance, alternate  
John McCullum, Executive Director

**Minutes:**

Michele LeTourneau, Communications Coordinator

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Meeting resumed at 9:08.

**ITEM 5 – Winter Road update**

Chris Hanks and DIAND inspector can't make it so Erik Madsen is presenting.

Joint Venture is changing – DeBeers is joining.

**Facts:**

- Road opened Jan. 29<sup>th</sup>.
- 5256 loads, 730 less than 2003. 162,000 tonnes.
- 70% of loads to Diavik are fuel, 25% are explosives. BHP is similar
- Road closed at midnight, March 31.
- 13 speeding infractions – slight decrease from 2003.
- 3 – 5000\$ rewards for truckers with no incidents – spills, speeding etc.

Question: Does private traffic hinder commercial use?

Answer: Security drives up and down. That has reduced speeding. Cars are not heavy enough to cause the wave.

**Breakdown of loads:**

- 2984 – to Ekati

- 1572 – to Diavik
- 295 – to DeBeers
- 288 – to Kinross (Echo Bay)

Other facts:

- 30 year licence of occupation
- eventually all the road camps will be in the name of the companies
- Tahera is looking to haul a lot of stuff up that road. Have had discussion of that company joining joint venture. But they want to pay by the ton instead of having to pay into joint venture.

Loads by company and freight:

RTL – 1117: 755 fuel, 127 freight, 235 explosives

Tlich Landtran: 247 freight

Ventures West: 208 fuel

Backhauls (104 total):

RTL: 31

Tlich: 66

Hazco Environmental: 7

Notable incident in 2004: On Feb. 28 two tanker trucks collided at Portage 13, leaving a diesel spill of 1000 litres. The driver was injured. The spill was cleaned up and the inspector satisfied. Monitoring continues until inspector is satisfied there has not been any contamination.

Ongoing environmental and organizational initiatives:

- A and R plan has been submitted.
- assessment of sites (camps) ongoing and upgrades continue.
- quarries closed out yearly as per quarry permits
- deal with situations as they arise
- environmental committee meets annually
- new joint venture representatives (made up of personnel and companies)

Laurence Goulet notes:

Yellowknives Dene Land and Environment Committee are keeping an eye are keeping an eye on activities happening out in the Ross Lake area. They record what fishers and hunters return with, and pass on the information to RWED. They're still trying to get a monitoring station at Lac de Gras.

Question: Are there minutes of the joint venture environmental committee.

Answer: It will become more formalized.

Florence would like to be informed when committee meetings take place.



Suggestion: It might be a good idea for EMAB members to travel the winter road and check it out. It would add perspective. Something to look into later.

**ITEM 6 – AEMP**

Gartner Lee Report:

Gartner Lee provided a review of the AEMP in June. John McCullum summarizes report.

MVLWB also got Rescan to review the AEMP. Rescan made recommendations and was critical – Diavik responded negatively – it’s going back and forth.

Discussion on what to do:

Send our commissioned review to Diavik and MVLWB?

Taking that approach has resulted in a quicker response because of our good relationship.

ACTION ITEM: Send our report to Diavik and MVLWB saying here’s one we did and also to MVLWB say, thank you very much for following up on our recommendation to independently review the AEMP.

John McCullum will also table our review at the next DTC meeting.

John McCullum can attend future DTC meeting to see if there’s action on these reports.

Florence raises the fact there are more to the Guiding Principles than the “precautionary principle” and “adaptive environmental management.” For example, there is item e), which states promotion of capacity building for the Aboriginal Peoples respecting Project-related environmental matter” and item g), which states “full consideration and use of both traditional knowledge and other scientific information where appropriate.”

This was acknowledged by the Board as a whole.

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Break at 10:15.

Back at 10:35.

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**ITEM 7 – Follow-up: memo on issues arising from recent Diavik mediation from April 13/14 meeting kits**

John McCullum reads out his memo.

Big question: Does EMAB ramp up from observer to more active participant at DTC? or remain observer?

Discussion on this topic moved to the following day.

**ITEM 8 – Intent of EA clause 4.2f – Recommendation on harvest access**

Every fall Lutsel K'e has to look for money to carry on harvesting activities – in recent years, development has meant caribou access is impeded.

Florence notes:

- This clause was added in EA so that the issue not be forgotten.
- Lutsel K'e wrote a letter to Diavik, who said it was an EMAB issue. EMAB has insisted it's not an EMAB issue. GNWT did give some money, but much less than expected.
- Other Aboriginal groups on this Board don't currently have the same problem, may in future.
- Speaks to the well-being of Aboriginal people and of a danger to their continuing lifestyle.

Doug Crossley notes that there is new money from the Health Canada specifically geared to promoting healthy lifestyles and community wellness for Aboriginal people and this program might be the perfect fit for the access issue.

What is EMAB's role?

Jane McMullen notes that investigation is needed as to why the caribou aren't there anymore. GNWT recognizes the national push to pull health and environment together. Also, for the GNWT, programs to support traditional economy is in review with the aim to be better able to do more for communities.

A discussion follows on caribou migration, mine's effect, cumulative effects, with contradictory statements on whether or not there's data supporting the idea that the mines have affected the caribou migration.

The Board decided that when Lutsel K'e applies to Health Canada, EMAB can consider writing a letter of support.

**ITEM 13 – Review of first draft of paper reviewing process for decision on Diavik application to amend ammonia limits in its water licence**

Floyd Adlem gave background on Diavik's ammonia amendment application and the lack of a process to deal with it at the MVLWB. As previously discussed, it's part of EMAB's job to review that regulator.

John McCullum goes through his paper.

### **Executive Summary**

The Environmental Monitoring Advisory Board (EMAB) has examined the review process for the Diavik Diamond Mine Inc. (DDMI) application to amend the ammonia limits in its water licence. The purpose of the review was to make recommendations that might improve similar processes in future. The examination looked at five areas:

- involvement of Aboriginal Peoples
- the application and supporting information
- procedural issues
- mediation
- conditions for temporary water licence amendment

Since the initial application the Mackenzie Valley Land and Water Board (MVLWB) has adopted *Rules of Procedure* and a *Guide for Water Licence Applications*. These will likely assist in addressing some of the issues raised in this paper.

**Involvement of Aboriginal Peoples** – Conditions for participation of Aboriginal peoples in the review of the amendment application were not adequate. Intervenor funding is not in place. Schedules may not have taken the needs of Aboriginal Peoples into account.

**Application and supporting information** – It was unclear whether any guidelines for content of amendment applications were in place.

The application does not appear to have been adequately reviewed for completeness by the MVLWB prior to distribution.

The information request stage was cumbersome and confusing and not well defined; additional information was piecemeal and not easily related to the original application.

**Procedural issues** – Greater familiarity with the DTC *Terms of Reference (ToR)* might have avoided some issues that arose. MVLWB's *Rules of Procedure (RoP)* adopted in January 2004, and *Guide to Completing Water Licence Applications* adopted in October 2003, provide a useful description of the review process and rules and should help to avoid some procedural issues in future; MVLWB should clarify how their *RoP* and *Guide* apply to the amendment application process. In

particular the *RoP* provides guidance on amending a water licence application that would also apply to amending an amendment application, as happened in the case of DDMI's amendment application.

Questions were also raised about the DTC's mandate in relation to the amendment application – the DTC's mandate is spelled out in its *ToR*; however the MVLWB should have provided explicit written instructions to the DTC as to the purpose of their review.

A document provided to the DTC and reviewed by the DTC was not provided to DDMI for review and response – the DTC *ToR* should be revised to ensure that all DTC members have an opportunity to review and respond to any document before any decisions affected by the document are made. Procedures for submission and review of any new information should be addressed. A separate meeting took place between the proponent and three regulators where minutes were not taken – substance of any such meeting should be on the public record.

**Mediation** – Mediation appeared to be successful and an effective way of reaching mutually agreeable solutions. Implications of elements of the mediated agreement going beyond the scope of a water licence should be considered by the MVLWB. MVLWB should also consider the effectiveness of the DTC review process by comparing review comments on specific documents by DTC members and independent reviewers, as agreed in the mediation agreement.

**Conditions for Temporary Water Licence Amendments** – The final mediated agreement relied on providing DDMI with a temporary amendment to its water licence while it carried out research towards an ammonia management plan. One of the major issues throughout the review process could probably have been avoided if the Diavik Technical Committee (DTC) had been aware of this possibility. Any conditions related to temporary amendments should be clarified for future reference.

Discussion on who should and shouldn't see this paper at this point. Agreed the Parties could get a look at it – but John McC would first have the opportunity to remove his "notes" to the Board that are embedded.

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Lunch at 11:52.

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Back at 1:19.

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The Chair suggest we should look at the idea of holding the next board meeting in a community where we might be for community engagement.

### **ITEM 9 – Update on DFO fish-out data analysis**

Julie Dahl of DFO presents.

- Point of fish-out analysis is to help inform for future decisions.
- Program has taken longer and gone way over budget because of data errors: large # of errors can be attributed to huge # of data and different people inputting from field notes.
- In existing database southern systems predominate. We know very little about lake productivity in the north.
- Data is owned by companies. Database and products are DFO. To publish, permission is needed from those who own data.
- Standard sampling underestimates fish population.

EMAB will want to have an update when the database is completed.

Julie circulated notes from DFO community consultations on local habitat enhancement projects.

### **ITEM 10 – Reports**

#### **Financial statement/budget revision**

John McC goes over year-to-date financial figures.

- Total budget underspent although we have areas that are overspent.
- Fixed costs equal Diavik funding. No variable costs after this year unless we get funds elsewhere.

Review John McC's proposed budget changes from kit:  
Strategic planning budget should be increased to reflect additional translation costs identified under item 2.

Ideas were thrown generated by individuals and will be discussed at some point in the future for accessing more funds for EMAB:

- go to GNWT and fed for cash
- look to merge DCAB and EMAB.
- absorb other boards or be absorbed

**Motion # 01-04-22-09**

*Approve budget changes to fixed costs and project costs as presented.*

*Moved:* Florence Catholique

*Seconded:* Doug Crossley

*Carried:* Unanimous

#### Record of outstanding action items

John McC goes through the list of action item.

Executive to discuss meeting with Ron Allen of DFO to discuss a more holistic approach to fish habitat compensation.

ACTION ITEM: Add EA summary to letter to leaders on community engagement.

Reclamation plans are:

1. waste rock piles... four next year... study
2. nitrate storage bags – revegetation testing ...
3. North Inlet sludge – if it's contaminated – sediment sampling.
4. till stability – how the till is stable...
5. --

ACTION ITEM: Gord MacDonald and Scott Wytrychowski will present on reclamation studies.

#### Report tracking

John McC. leads through all reports.

#### **Correspondence**

John McC leads through correspondence.

ACTION ITEM: send letter to new minister re: intervener funding in response to letter from previous minister

ACTION ITEM: Send on letter to Aboriginal board members: Diavik's answer regarding TK camp recommendations.

ACTION ITEM: Include CEAM and CIMP letter with IEMA joint letter.

ACTION ITEM: Follow up on issue of what happens if there's a water crisis in Kugluktuk and who is responsible to fix it. (Also forward to Doug.)

ACTION ITEM: Get all correspondence to members.

### Board member reports

#### Dogrib Treaty 11 Council:

Johnny comments that caribou monitoring TK camp participants were not allowed to go onto the mine site for caribou monitoring, and there were hardly any caribou.

#### Yellowknives Dene First Nation:

Lawrence talked about the land committee. They will be meeting to plan their fall activities

#### Diavik:

Erik noted that Diavik has set aside November for community updates on 2004 and plans for 2005. Erik is switching positions. He will be the new Northern Affairs Manager and will be dealing a lot more with environmental issues, community affairs and strategic developments. With this move, there will once again be an environmental presence in Yellowknife.

#### Lutsel K'e Dene First Nation:

Florence noted that on the capacity funding, she wasn't certain when the accounting would be done. She will be bringing up the issue of reclamation as her party asked her to. She was wondering if Lutsel K'e's WLEC could do a site visit.

#### North Slave Metis Alliance:

Fred plans to sit down with Kris, and Bob.

#### Kitikmeot Inuit Association:

Doug says there have been a few shortfalls in past initiatives and he's really hopeful to use the time in Kugluktuk and being on site with Peter Taptuna and discuss issues of capacity. After the water quality TK camp there were hopes that the folks that were there for KIA would play an active and progressive role in the

water quality initiative in Kugluktuk. Doug still feels that can happen but it will take nurturing. Doug also notes his appreciation for the TK camp cook, Bella Rose, who did an excellent job.

The Northern mine ministers' meeting is an opportunity that shouldn't be missed.

list of things to review for tomorrow:

1. EA summary
2. PowerPoint presentation/does and doesn't
3. memo on issues of mediation
4. EMAB comments on MVLWB ammonia amendment process

Recessed at 4.

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Fred LeMouel, North Slave Metis Alliance, alternate  
John McCullum, Executive Director

**Minutes:**

Michele LeTourneau, Communications Coordinator

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Reconvened at 9:15 a.m.

**ITEM 12 – Inspection report**

Julian Kanigan (DIAND) went through a few areas that he's been looking at:

- Handling of snow and ice
- A418 drill program



- Ammonia numbers are still under the old limit at an average of 1.27 mg/litre. This is because of better pit water management; the blast zone is in a dry area. They are sampling every 6 days.
- There was algae growth in the North Inlet – but nothing to be worried about.
- pH control this month or next
- Small raise to west and east PKC dams
- New road on other side of PKC
- No problem with pond 10 – the till plug worked plus there isn't much water, because of good water management.
- Pond 12 dewatered to Lac de Gras
- Sedimentation and clarification ponds still being dewatered, separated into three basins now. No problems with planned pit enlargement
- A bust pipe was fixed and the scar filled in – still monitoring.

John Morrison noted that he is receiving occasional reports that the fish and the water from the Coppermine River do not taste as good as they used to.

**ITEM 11 – Review Diavik response regarding EA clauses 4.2g and 7.6 regarding participation of Aboriginal people**

John McC is not sure if the list of what Diavik says they are doing is an adequate response to EMAB's request or not – board will have to discuss those.

Fred talks about DCAB experience: Because of privacy act, can't find out who is working at Diavik re: Aboriginal Peoples as defined by the agreement and from which Party an employee might be. DCAB is still trying to find a way to work this out with the mine – Diavik can't release/but DCAB needs to know.

Doug D asks What is the issue? Diavik doesn't have all that data? Or privacy act and sharing information? A possible solution might be data with no names.

Erik says that stats are inaccurate. There are some Aboriginal people who do not identify as Aboriginal. Diavik doesn't know where people come from. Some people live down south now.

Back to the point: community involvement in monitoring. Is it enough?

Question: Do the monitoring programs reflect the wishes of the people?

Erik notes that communities were involved in workshops, in the minutes you can find conversations about issues like wildlife. The questions were asked, like what key animals are you interested in? So that's what the program was based on. It was designed with Aboriginal community involvement. Diavik also presented the

plan/program to communities. He agreed that this was not addressed in DDMI's letter.

Diavik's letter was CCed to parties: have parties responded?

Erik notes that the key words: best efforts. The question is: is Diavik doing best efforts or are there areas they could do a bit more on?

Floyd suggests asking communities during EMAB's planned community engagement.

Floyd suggests a response letter telling Diavik that we will be speaking to communities about this and they need to put more effort into explaining how they have involved communities in design and implementation. Also what is their policy on training – is it a priority? How is it handled?

After speaking with communities, EMAB will have a product that can help Diavik meet these goals.

Doug C notes that we need to measure the compliance factor of clauses in the EA – then you know where you need to improve your performance.

Noted that we have the science part down to the mg and monitored very closely, but with this type of compliance there is a big difference in the degree of clarity. Question: What are the requirements in some of these softer areas?

<p><b>ACTION ITEM:</b> Respond to Diavik letter regarding clauses 4.2g and 7.6 and let them know we will be pursuing these two clauses in community engagement. Also ask them to respond in a more fulsome manner.</p>
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John McC says we need a third step – something more systematic to decide what is needed and how well DDMI is complying with these clauses.

Erik raises the report card idea – saying that if Board members feel it's important then we should be pursuing it.

### **ITEM 10 – Workplan and budget**

John McC explains that there have been slight alterations to the workplan. He's added that EMAB doesn't go into great detail in the projects area because of community engagement process. Projects will arise from community priorities.

Doug D:

- When we started out the workplan was an overviewish document with core responsibilities. The last couple spoke of specific projects. We have focused on a handful of very important projects. The financial statement speaks to our core function and projects are a separate budget. On a consistent basis we set aside surplus for later years. Government money is finished – we are solely funded by Diavik. Because of community engagement, it's time to move into a more rigorous planning phase, but not a month before engaging communities. Community engagement is the foundation for strategic plan. Priorities communities see for this Board are the priorities we follow. Once the strategic plan is developed EMAB will be able to specify projects and we can present this to DDMI.
- Based on historic experience, it's highly unlikely that we'll be able to operate on our fixed budget allocation. We have budgeted that there will be partnership income in the future.
- Important that EMAB is not asking DDMI up front for additional funds and is trying instead to bring in other partners to help fund projects.

Erik suggests that the new executive invite Joe Carraba to sit down and go over the workplan and budget.

Doug Doan agrees.

**ACTION ITEM:** Write letter to go with submission of workplan and budget inviting Joe Carraba to meet and discuss it with the new executive (including Doug D.) Also commit to making presentation on strategic plan when it's ready.

**Motion # 01-04-23-09**

*Accept the workplan and budget as presented, including amendments..*

*Moved:* Doug Doan

*Seconded:* Doug Crossley

*Carried:* Unanimous

**FENCING TRIP – who is doing what?**

Shoot for departure Thursday. Charter out at 10 a.m. on Saturday.

**ACTION ITEM:** EMAB will provide all names and total number of participants

Erik notes that all security forms have to be signed.

Diavik will fly group in and out and accommodate.

ACTION ITEM: Contact Anne Gunn, Octavio Melo, and Louie Azzolini.

ACTION ITEM: Handle logistics of getting participants to Yellowknife and back to their communities. Arrange for Louie Azzolini to facilitate.

ACTION ITEM: Board members need to get names of participants to John McC Friday.

Outcome of site visit should be a report to EMAB.

## **HOMEWORK**

### **EA Summary**

It was suggested that the summary be translated for community engagement.

Go with this draft for letters to leaders (re: community engagement), as it is a work in progress. Some suggestions:

- Remove "article"
- Distinguish between governments as a whole and individual departments
- List affected communities
- List the regulatory instruments

### **Discussion on list of what EMAB does and doesn't do**

Try to present this in a more positive light – what EMAB is doing and what EMAB thinks might be important in the future.

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Lunch at 12:00

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Resume at 1:15

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### **ITEM 7 – Follow-up memo on issues arising from recent Diavik mediation from Diavik mediation**

John McC goes over the issue of whether EMAB's chosen observer role is adequate.

Question: Should we be more hands on with the DTC? The mediation process seems to have shown that some reports were approved that did not meet the requirements of the water licence.

Doug D. asks: What we have been doing is monitoring the process followed. Are you suggesting because we are doing that and some stuff still went wrong, we should reassess what we're doing?

Discussion:

- We are critics of process. If people responsible aren't doing their jobs, it's not up to us to do the job but to tell the people responsible that they have to do the job.
- Why weren't these deficiencies picked up? Maybe they don't have the right experts at EC, MVLWB etc.
- When we hire consultants to review because of a problem, we offer our info and it is used – DFO is an example.
- If Diavik hadn't requested the mediation the stuff that fell through the crack would not have come to light. If the DTC approves the report, EMAB is not triggered.
- We can tell the MVLWB to plug the crack. It doesn't mean we have to plug the crack.
- Like AEMP independent review – we should be proud that they took that recommendation.
- We have to draw the line for EMAB, we don't want to get caught going to far.
- The most recent required plan is an interim reclamation plan. It was approved with conditions. John McC thinks no report has been reviewed and there has been no follow up – so Diavik is not meeting the terms of the water licence.
- EMAB can check documents (reports) against water licence to ensure they meet requirements – but not the science and the technical stuff.
- EMAB needs to address at a much higher level – instead of fixing one issue you fix the way those folks meet all those issues.

Conclusion: John McC should continue observation of DTC and provide the Board updates – where these issues arise and come to light he should be sure to point them out. Also, track such things as “conditional approval,” check things against water licence and EMAB should make a recommendation to the MVLWB.

**ACTION ITEM:** ED to draft a recommendation on the April 6, 2004 memo, destined for the MVLWB for review at the next Board meeting.

Another discussion on who should and shouldn't see this paper at this point. Agreed the Parties could get a look at it – but John McC would first have the opportunity to remove his "notes" to the Board that are embedded.

ACTION ITEM: Clean up document and pass on to Board to circulate.

**Andrew Vickerman and Sean Stewart (of Rio Tinto, London) arrive at 1:59 for a visit.**

Floyd gives talk.

General talking about what we do and what they do.

**ITEM 14 – Draft policy on unsolicited proposals**

Executive to deal with this.

**ITEM 15 – Draft ToR for regulators workshop**

Does EMAB still want to do that? Or do we want to wait?

It is a relationship building effort and would involve two representatives from each regulator.

We'll include a lunch.

ACTION ITEM: Develop agenda for regulators workshop and look for suitable venue and time frame.

**ITEM 16 – IEMA update by Carole Mills**

**Draft water licence – Ekati**

Two issues:

- Review of effluent discharge criteria of 1996. Is it still appropriate? Third party review by MVLWB.
- Study IEMA pushed: nitrate toxicity – effects of elevated levels of nitrates on fish eggs. (CCME guidelines based on tree frogs). Specifically, the build up under ice and the effect on eggs.

**Abandonment and reclamation**

IEMA will be focusing on reclamation for the next couple of years. Ekati is at the point now where it should know what it will do, but remaining open to changes as the mine evolves.

For example, there's no clear plan on what they'll do with roads say. There needs to be objectives for each mine component.

IEMA has been approached by DIAND to host a workshop – to be generic to diamond mines because a lot of the mine components are the same between the mines.

IEMA is willing to have EMAB participate either by co-coordinating or by co-hosting.

Timing: Probably in January, three days. One day as primer – common definitions and terminology.

Budgeted for three people from each organization, but more likely it will be two people. There is no funding for industry participation.

Idea: Get people together to confirm mine component and what is the objective? If it's to restore vegetation, what are the ways to reach objectives, options for each mine, then site-specific discussions.

<b>ACTION ITEM:</b> Send 1-2 EMAB reps to reclamation workshop.
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EMAB does not want to be a joint sponsor.

Erik asked Carol if DDMI had been approached yet to present at this workshop since they, IEMA is already suggesting that each diamond mine come and present their proposed reclamation plans. Carole's response was no they had not approached Diavik yet.

Parties are supportive.

**Cumulative effects**

After a peer review of Chris Johnson's study of cumulative effects and caribou, IEMA's consultant found fairly serious issues. They have passed the review on to Chris for comment and will circulate the review after they hear back. Regardless, IEMA agrees more research needs to be done on cumulative effects.

Carole confirms that a caribou did die in the fence at Ekati.

IEMA AGM is the afternoon of Nov 5.

Florence will be giving a reclamation presentation in Vancouver in November 13-14-15

Florence will look at Ekati, Diavik and Snap Lake, DIAND guidelines, and angle it from the perspective of the community.

The community says that once land is disturbed it cannot be reclaimed. What does that mean. How do the aboriginal people understand reclamation?

Differences: Ekati regrowing (revegetating) their PKC. Diavik will fill with rock.

This is an opportunity for training Lutsel K'e employees to prepare a PowerPoint presentation for this presentation.

### **UPCOMING EVENTS and NEXT MEETING**

ACTION ITEM: The ED will have a conversation with IEMA's Carole Mills saying we're interested in sending two participants to the reclamation workshop but do not want to participate in the proposal.

Regulators workshop in January.

Next board meeting in Wekweti for two days and the 2 days of community engagement to follow.

Closing Prayer: Lawrence Goulet.

Meeting adjourned.