

September 20, 2005
EMAB boardroom, Yellowknife

Present:

Doug Crossley, chair, Kitikmeot Inuit Association
Florence Catholique, Vice-Chair, Lutsel K'e Dene First Nation
Erik Madsen, Secretary –Treasurer, Diavik
Eddie Erasmus, Tlicho Government
Sheryl Grieve, North Slave Metis Alliance
Lawrence Goulet, Yellowknives Dene First Nation
Jane McMullen. Government of the Northwest Territories
John Morrison, Government of Nunavut
David Livingstone, Canada
John McCullum, Executive Director, EMAB

Guests:

Monica Krieger, Wildlife Committee, Lutsel K'e Dene First Nation

Started at 11:00 a.m.

Item 1 – Agenda and minutes

Add to agenda:

- Five-year review
- Community updates and community engagement
- Minutes and minute-taking during minute approval

Discussion on minutes:

- Shouldn't include side conversations not on specific agenda item
- Should be short and terse. They should reflect essence of discussion and decision.
- Anything in the minutes should be clearly described so readers who didn't attend can understand the meaning.
- There should not be attribution if we're only doing the essence and decision and action item.
- If a Party wants an attribution they can request it – otherwise don't attribute.

Motion 01-05-20-09

Accept minutes of August 16-18, with changes.

Moved: Erik Madsen

Seconded: John Morrison

Carried: Unanimous.

Telephone resolutions:

Plain language



Motion 02-05-20-09

That EMAB approves the plain-language version of the bylaws for informational purposes.

Moved: David Livingstone

Seconded: Erik Madsen

Carried

Fact sheet and statement

Motion 03-05-20-09

That EMAB approves the fact sheet and prepared statement for misappropriation of funds.

Moved: David Livingstone

Seconded: Sheryl Grieve

ITEM 2 – No Net Loss

No new information. Letter is in draft and hasn't gone out yet.

Chair reads draft letter.

ACTION ITEM: Add a line to the letter to DFO referencing other projects mentioned at DFO community consultations beside Bernard Harbour. Send letter.

Break for lunch at 12:15.

Back at 1:40

Present:

Doug Crossley, chair, Kitikmeot Inuit Association

Florence Catholique, Vice-Chair, Lutsel K'e Dene First Nation

(late) Erik Madsen, Secretary –Treasurer, Diavik

Eddie Erasmus, Tlicho Government

Sheryl Grieve, North Slave Metis Alliance

Lawrence Goulet, Yellowknives Dene First Nation

(late) Jane McMullen. Government of the Northwest Territories

John Morrison, Government of Nunavut

John McCullum, Executive Director, EMAB

Guests:

Jason McNeil, Environmental Assessment Officer, ENR

Monica Krieger, Wildlife Committee, Lutsel K'e Dene First Nation

ITEM 3 – Water licence renewal application



Update on MVLWB issues. (In binder.)

Status on AEMP baseline statistics. (In binder.)

Update on technical reviews – date for closing for proposals is on Friday, Sept. 23. So far there are two requests for Terms of Reference for air, 2 for reclamation, and 4 for AEMP.

Update on water licence renewal workshop – 3 individuals/companies have requested the Terms of Reference.

MVLW B schedule and timing of EMAB workshop:

Oct 21 is deadline for the final reports from EMAB reviewers

Nov 7 is the earliest EMAB can have a workshop.

Workshop proposed for Nov 8-10 in Rae.

Tlicho member will get back on Rae-Edzo being able to accommodate for approximately 30 participants.

Also our schedule and MVLWB schedule dates don't mesh. Several aboriginal parties have asked to extend deadline for review comments

Question: Extend the process or submit some comments now and more at pre-hearing conference?

Choice:

Leave MVLWB sched as it is

Push it back 3 weeks

Push it back 6 weeks

EMAB wants its workshop to take place before submitting initial comments. Suggested that 6 additional weeks be requested, with rationale. Suggested that EMAB invite a MVLWB representative to workshop.

Action: Send a letter to the MVLWB asking for a 6-week deferral on initial comments for water licence renewal application, with rationale.

There's a sense that the MVLWB is rushing the process.

Discussion on which board will handle licence renewal after the W board begins operation February 4, 2006. (People are being appointed now.)

Suggested that EMAB has a consultant at its workshop that knows how to write in legal water licence jargon so that EMAB can actually offer suggested wording for amendments to the water licence.

EMAB should assume that it will intervene at this point and have the work done. It will be too late to make that decision after the workshop.

ACTION ITEM: When EMAB has hired a consultant, check if any of them can handle the intervention.

Rough budget for workshop – If held in Rae, with one board member, 3 delegates per Aboriginal Party and 3 translators, facilitator etc. It should come to about \$80,000. We could cut down by one delegate then total would be about \$70,000.

ED is applying to DIAND for funds, as well as the GNWT.

EMAB has 20-30,000 available from budgeted science studies. It is suggested that EMAB use that to make a significant contribution to the workshop.

Break at 3:40

Back at 3:55

ITEM 4 – Discussion of EMAB role

ED introduces item. (In binder.)

EMAB's role is similar to the other agencies' roles. Three value-added items that this Board can provide:

- Knowledge transfer to and from communities so that communities better understand what the issues are and proponents/regulators better understand communities.
- To facilitate community involvement, ensure communities are better engaged in activities related to Diavik.
- Knowledge acquisition, hiring expertise and making sure that knowledge is available to communities.

Communities are best at representing themselves. EMAB should make the info available for that. Any EMAB intervention should not claim to speak for communities

For the water hearing focus on two areas: enable the aboriginal parties to be as effective as they can at the hearing and provide scientific expertise to MVLWB. Let the expert speak at the hearing.

Intervener funding: The board needs to think about how the knowledge is transferred to communities and how can communities best use that knowledge.

DTC – Participating rather than observing might be more valuable. EMAB chose to have ED observe. Our ED does have some expertise that he can share.

Community needs to know what EMAB is saying if EMAB is going to speak on behalf of a community.

DTC needs more integration of TK with science.

Will the new (Wek'eezhii Land and Water Board) WLWB board keep the DTC?

Further discussion.

ACTION ITEM: In effect, what has been called observing on the DTC has been participating. Inform MVLWB of change in our role.

There is a problem with technical talk, especially when it comes to translating it into another language. It's very important to always remind the technical people of this.

There has been no response to comments on DTC ToR.

Intervention: Whether EMAB intervenes or not depends on circumstance. Do we have something to say that no one else is saying?

If the community doesn't have the resources to intervene then EMAB has to decide if it will represent the community or if it will support the community to represent itself.

Using the information gathered from our own activities – EMAB can bring that to the table.

Chair requests comments from Aboriginal Board members.

Lutsel K'e: For the BHP water licence renewal, Lutsel K'e relied on IEMA for a technical intervention. If there's any way that EMAB can support the communities in reviewing the documents, supplying the expertise that would be good, as Lutsel K'e relies on EMAB, Environment Canada and GNWT to pick up on some of the things the community might be missing.

EMAB's role is to facilitate the process, only participating not duplicate what others are doing.

Tlicho:

Support an intervention if not duplicating others

Participant over observer status at DTC.

Expertise hired by EMAB can be the technical voice for the regions.

NSMA:

There's a big role for EMAB in supporting Parties in interventions.

There might be a reason for EMAB to intervene on specific issues, where a consensus is more desirable than separate communities with separate interventions or where communities don't have the necessary resources.

It's been six months since we last wrote the Minister on intervener funding. It's not resulted in any action and now we are faced with a critical situation. Time for a new letter?

Canada: Minister said he was personally committed to making sure there was access to these processes. It's linked to the Haida and Taku court decisions. There has been no progress. We've got to keep pushing.

Try to involve IEMA and SLEMA in a joint letter and/or press release. A press conference with the Aboriginal Parties might also be effective.

ACTION ITEM: Write a letter to the Minister with a generic approach, then go into the specific example of the Diavik water licence renewal application.

ACTION ITEM: Write a media strategy on intervener funding.

Noted that EMAB needs to get the personal attention of the Minister.

Community visit timing: Board members will get back to staff on when's good for visiting communities for EMAB annual update.

Draft of PowerPoint presentation will be sent to members when completed for review and comment.

There will be cash prizes at community update meetings.

ACTION ITEM: ED will arrange for cash prizes to be given away at community updates.

Break at 4:30

September 21, 2005

Present:

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John Morrison, Government of Nunavut
John McCullum, Executive Director, EMAB

Guests:

Scott Wytrychowski, Diavik
Eric Yaxley, DIAND
Monica Krieger, Wildlife Committee, Lutsel K'e Dene First Nation

Started at 9:10

ITEM 5 – Involvement of Aboriginal People in Monitoring

Presentation by Scott W. (Available at EMAB office.)

Diavik is working with Aurora college to change the renewable resources programs to meet the needs of environmental employees in the mining industry - water quality, fisheries, reclamation, hydrology. Example: requirements in the water licence and land leases

Environment has four Aboriginal core staff from Affected Communities.

It is suggested that Diavik work with appropriate local people to assist with spreading the word about jobs and training.

Diavik starts recruiting summer students in January or February. They become role models. There are some difficulties

- Summer students must be hired out of a community; some want to come out of Edmonton
- The rotation – 2 weeks in and two weeks out, some can't handle it. They want their weekends.
- Others want to work June, July and take August off
- GNWT won't provide contacts for post-secondary students.

Trying to work on a co-op program.

A scholarship program is in place, the recipient works at Diavik for the summer.



Suggested that at the next Board site visit, members visit labs and meet technicians.

A list of skill sets was requested by EMAB from Diavik.

ACTION ITEM: Diavik to provide EMAB with the job descriptions of environmental staff.

Diavik also has joint venture arrangements with Northern contractors

Beside a general program, other areas for young people are AutoCAD and GIS-ing (geography), aquatic biology, Earth sciences/soil.

To increase TK studies Diavik will have to reassign money from science. Diavik is covering implementation of monitoring, design is a separate thing.

Noted that the subject of Aboriginal involvement is not intended to polarize but to create a group of people working together to implement these Environmental Agreement clauses. We must find a process to discuss it.

Suggested: Bears are a problem, involve communities in dealing with the bears.

It is acknowledged that Diavik is doing a good job of environmental monitoring. Great work, but communities want to be more involved.

Noted that Diavik values training, not tokenism. Diavik likes working with individuals, seeing the individuals' progress, as with technicians moving up to coordinator position. (Progression planning.)

There's a need for people to continue to learn about the land, increasing traditional knowledge, continuing to add to it.

Diavik says cancelling community-based monitoring camps and using that money to hire more technicians might be an option.

Diavik did try to coordinate fish health with fish palatability.

Diavik wants to bring elders in on vegetation studies.

Aboriginal involvement in design not happening, except with fish palatability study.

Don't like the idea of removing TK camps. Also, they make Diavik look good.

Joining water quality camp to AEMP?

EMAB also has the option to request funds for studies from Diavik.

Science is only one tool. Traditional knowledge has to be considered. When will Aboriginal people be involved in monitoring. This is a multi-billion dollar company and it has no money to acknowledge traditional knowledge?

Break: 11:15

Back 11:30

ACTION ITEM: Discuss caribou camp recommendations at future meeting.

EMAB needs a workshop on how to involve Aboriginal people in design and implementation of monitoring.

ACTION ITEM: ED to Draft Terms of Reference for a workshop on aboriginal involvement in design and implementation in monitoring using the EA as a basis.

Party involvement in the workshop: solicit from each Party their thoughts on involvement. Agreed to hold off on this until Board reviews draft ToR.

NSMA – expectation of an environmental observer. Watching learning and reporting back to NSMA. Good way to include TK with training etc.

TK camp is so short. Doesn't address all concerns.

Lunch: 1200

Back: 1:15

Item 6H

Motion 04-05-21-09

Move the meeting to in camera.

Moved: Jane McMullen

Seconded: Erik Madsen

Carried: Unanimous

Motion 05-05-21-09

Move back to regular meeting.

Moved: Jane McMullen

Seconded: John Morrison

Carried: Unanimous

Agreement for restitution of funds with ex-employee will include:

Formal, in-person, apology to Board

Monthly payment

Monthly service

State full amount, and mention the additional costs incurred by EMAB.



If there's a breach, EMAB will pursue civil action.

ACTION ITEM: ED will meet with ex-employee and work out details of restitution agreement. To be ratified by Board and put into legal form by Austin Marshall.

Tlicho presentation

By Zabey Nevitt

Presentation available from EMAB office.

The priority right now is to develop land use plans for Tlicho lands.

Come February 4 it is conceivable that the Diavik licence renewal application would be turned over to the Wek'eezhii Land and Water Board. Once the WLWB members are formally appointed, which is expected very soon, they will meet with MVLWB to discuss these kinds of questions/issues. Right now there is only a working group which has no formal authority.

Tlicho Government or the Dogrib Treaty 11 Council did not ask Diavik to wait to hand in the application for the water licence renewal until after the effective date for the Tlicho Agreement.

Financial statement & Budget Adjustment

Secretary-Treasurer gives overview of financial statement. (In binder.)

Record of Outstanding Action items

(In binder.)

ACTION ITEM: Check to see that schools are on mail out for annual report.

Member reports:

GN – regional biologist willing to come to EMAB meeting to present regional wildlife research results

Lutsel K'e/Florence: Our biggest worry, which comes from the wildlife manager, is the pending water licence. Specifically, Aboriginal involvement in the process. Thanks for electing me vice-chair. Lutsel K'e is still in political upheaval but we would like to host the water licence workshop if Rae-Edzo can't

Yellowknives Dene/Lawrence: Community members who participated in TK camps really enjoyed them.

NSMA/Sheryl: NSMA busy making up policies. Also planning a community survey. Looking at links between socio-economic and environment.

Diavik/Erik: We will visit communities mid to end of October. That will be an update of licence renewal and also a presentation on the Environmental Agreement Annual Report. Will keep EMAB office informed on dates.

GNWT/Jane: Will find out about the actions where ENR was to follow-up.

Tlich/Eddie: Worked myself out of a job as a negotiator. Applied on Lands Protection director job.

ITEM 7 – ZIP

Defer

ITEM 8 CPR Training

See binder.

Motion 06-05-21-09

Provide the tuition fee for staff and Board members who so desire if not covered by another organization and allow staff to take time off for course. (Honorarium for Board members not included.)

Moved: Florence Catholique

Seconded: John Morrison

Carried: Unanimous.

Next Meeting

Following Water Licence workshop Nov 8-10 the Board will meet in the last week of November or first week of December with a half-day meeting with regulators tacked on. Invite rep of WLWB to attend regulators meeting.

IEMA update:

- Annual report printed
- Review of seepage report – would like BHP to incorporate into management plan for waste rock
- Provided comments on mine reclamation guidelines (DIAND)
- Board meeting Sept 23-25
- AGM scheduled for Oct 28th
- Francois Messier resigned in July
- Every couple of years IEMA submits budget and work plan and if company and agency can't agree it triggers a dispute resolution process. Held one meeting of the parties in June and there has not much progress since then. Quarterly instalments are based on last year.
- Water licence: MVLWB signed off three weeks ago. It's now gone to the Minister – staff in Yellowknife are providing advice on whether the Minister should sign it or not.

Common issues:

Not for approval report



Reclamation outline

EMAB requests more EMAB caps of a different style than last year's. Board also requests briefcases.

Closing prayer: Florence Catholique.

