

EMAB meeting, August 23, 2010, Diavik

Doug Crossley, Chair, Kitikmeot Inuit Association

Lawrence Goulet, Yellowknives Dene First Nation

Charlie Catholique, Lutsel K'e Dene First Nation

Danielle De Fields, alternate, North Slave Metis Alliance

Charlene Beanish, alternate, Government of Nunavut

Teresa Joudrie, alternate, Canada

Colleen English, Diavik

Staff:

John McCullum, Executive Director

Michele LeTourneau, Communications Coordinator

The Board toured the Diavik site.

EMAB meeting, August 24, Wekweeti

Present:

Doug Crossley, Chair, Kitikmeot Inuit Association
 Lawrence Goulet, Yellowknives Dene First Nation
 Charlie Catholique, Lutsel K'e Dene First Nation
 Danielle De Fields, alternate, North Slave Metis Alliance
 Charlene Beanish, alternate, Government of Nunavut
 Teresa Joudrie, alternate, Canada
 Colleen English, Diavik (by phone)

Staff:

John McCullum, Executive Director
 Michele LeTourneau, Communications Coordinator (also minutes)

Meeting start at 9:15

Chair welcomes.

Opening prayer: Lawrence Goulet

Item 1 – Agenda and Minutes

Chair goes through the agenda.

Lists additional agenda items.

Motion

Approve agenda, with additions.

Moved: Lawrence Goulet

Second: Teresa Joudrie

Carried

Q: Regarding the Board's use of resource people.

A: EMAB often invites resource people.

Teresa says INAC can also help as a lever with other Government of Canada departments.

Charlene wants to know if INAC still samples on the Coppermine River. Teresa will find out where and what they sample for.

Motion

Approve minutes of May 18-20, 2010.

Moved: Teresa Joudrie

Second: Danielle DeFields

Carried

Chair reviews notes from July 28, 2010 teleconference.

Item 4 – EA Review status

John gives background.

We haven't received the responses that EMAB was looking for – still need responses from TG, YKDFN, GN and LKDFN.

Lawrence and Charlie both say they will get on it. Lawrence will pick up a copy of the report on Thursday. John goes through the responses EMAB has received.

- Doug points out that Diavik has started the process of consulting with communities on best ways to help them participate ie: consultation with issues such as ICRP and Traditional Knowledge.
- Noted: Does seem to be a common desire for a Traditional Knowledge Panel.
- John goes through the SENES conclusions and recommendations with his comments.

3.1 (in the report)

- Noted: The EA clearly states our responsibility regarding TK especially if it's not being implemented. We have a mandate.
- NSMA would like to see another workshop on closure – we would support that.
- Suggested that an independent facilitator be used, based on past experience.
- Suggested we wait until Diavik has done more work on it.
- Based on comments from Colleen during the mine visit – a workshop would be useful for gathering information from anyone.

Colleen (joins by phone): That's part of the questions we asked – how they want to do it – independent facilitator, someone from the community, or some other way.

Q: What kind of response have you received?

A: YKDFN is open to a workshop with a facilitator

Noted:

With closure TK can't be incorporated into the plan and it should be an independent effort.

Q: is Diavik planning a visit to Lutsel K'e?

A: Haven't received a response to invitation – there is a new chief so will send a follow-up invitation

EMAB should encourage Parties who haven't responded to the SENES report to provide feedback.

Why waste resources on a report on Diavik's use of TK if people are saying Diavik is not doing enough? We need to focus on how to move forward.

Agreed. If everybody is saying Diavik is doing a terrible job why look back only to say Diavik is doing a terrible job. Diavik thinks the EAAR would be the best place to report on use of TK.

Leave this topic for now until we get to Item 6 on the agenda.

3.2 Community engagement

Diavik is planning to do consultation in the fall.

Q: Will Diavik share the information with EMAB.

A: We can.

Q: DO we have to ask?

A: I think you just did.

Diavik: We're meeting with Yellowknives Dene today. We've already met with KIA and Tlicho.

EMAB will wait until we hear feedback on consultations that Diavik are doing now before making a recommendation on protocols for communication.

Colleen agrees. Wait until we do it. If it takes too long or is unsatisfactory then EMAB can consider a recommendation.

Cross-cultural awareness: Diavik will be initiating this program in November –December. They already have a cultural awareness program but it doesn't involve going on the land. But they will also have a Rio Tinto person from Montreal come in and work with key employees that have the most interactions with Aboriginal people. The Rio Tinto person is working on a proposal. Nothing is concrete at this time. Planning on end of December. It will be vetted through communities before they finalize it.

Agreed that EMAB should continue to follow up regarding involvement of communities in design, implementation and reporting on monitoring programs.

3.3 Participation of Parties

EMAB should let Parties know about absentee issues.

We might actually want to put that down in writing in Operations manual? We should have a policy

Discussion re: Board members

- Review the Hamlet Act – it has criteria for absenteeism
- Noted that this is part of the bigger issue of Participation as a whole, not just showing up.
- What are the expectations of board members –to read the material and respond, participate, get feedback. We need Board governance workshops addressing what are the roles, what do you need to know, what do you need to do.

- If you can't add value why be here? The sit here nod and smile approach – lots of people can do that. But the board will not move forward , it will hamper moving forward.
- another possible mechanism – a written role description.

ACTION ITEM: Get member orientation CD to: Charlie, Teresa, Charlene , and Colleen.

ACTION ITEM: Review of board member role description in operations manual by ED.

3.4 Role of Board members

Relevant to clarify once again.

More discussion on Board member role:

- What the EA says and what happens – actions that are being done. People treat Colleen as though she does represent Diavik.
- We have to clarify in terms of the board – what is our scope? And make sure the Parties know that scope. Educate both – members and parties.
- Also include this topic in a governance workshop with independent facilitator.

3.5

- Agreed to make recommendations more action-oriented and prescriptive and to report on responses to recommendations at least twice per year – once through annual report and another time, possible as part of a newsletter.
- The recommendation for a summary of minutes is redundant. Members do this by reporting back to the Party.
- It's the Board member's responsibility. Part of roles and expectations.

ACTION: Pull up website stats to include in conversation regarding time spent and what to include.

ACTION: Create a facebook page to announce updates to the website.

ITEM 3 – Two-year budget proposal

Colleen: Total should not be what we want to spend but reflective of confirmed contributions. There should not be any “to be determined” showing under revenue amounts.

DDMI has questions regarding TK, Science and Capacity Building programs. Look at areas of possible overlap.

Basically coming back to TK. Capacity Building Program could be focused on TK for 2011-13 – would the Board support that?. That money can be set aside for TK development. If the community is proposing a TK study the TK panel could review those.

Also #4 on page 13 the definition of capacity building includes building the capacity of the members to represent the Board – where does this fit with the discussions on Board members not representing Parties also how does it differ from other part of the budget that provides for Board member proposals. Is there an overlap there?. Noted that the Board members are intended to be able to represent the Board to the Parties, not to represent the Parties. The Board member proposal budget item is for Board members to attend workshops and conferences and report back to EMAB - it is a very small line item

Q: An application process should be in place, a process to apply for Capacity Funds

A: That is still on the agenda. Waiting for evaluation until we have all the reports.

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Science and TK are on the same page.

Are the technical reviews that EMAB does helpful to the communities? Or would it be more helpful for someone to review the reports from the perspective of the community? Taking a report and summarizing it? Hire a consultant to do that instead of another technical review? A number of members noted that communities often comment on the value of having a technical review from EMAB, especially if it's provided before the deadline for submission of comments, so the community can refer to it when making their own comments.

What would the role of TK panel be? Feedback on that from communities would be important.

TK expertise: Do you mean a TK facilitator vs. TK expertise? TK expertise refers to the methodology for gathering TK in a way that is acceptable to the community and others eg. academics, companies, government.

Wildlife cumulative effects workshop – government should be running this workshop not EMAB money. Noted that Diavik has made predictions about its cumulative effects and that there is a lot of concern about cumulative effects from communities. The workshop could explain technical cumulative effects assessment methods to community participants while getting their feedback on assessment of cumulative effects, including possible TK approaches.

Noted that the numbers for revenue will change once the dispute is resolved.

The way EMAB budgets: The budget should show the shortfall. This is what we have. This is what we want to do. This is the shortfall. There is less emphasis placed on other groups and people than there should be. Example: If someone else was to support the wildlife cumulative effects workshop. You need to demonstrate that what you get from Diavik is not adequate. Show that the activities are included because the communities and the other Parties want them. These deliverables serve our purpose and your purpose.

Opportunities to leverage resources from all the parties at play.

Reviews are technically proficient.

Why would EMAB do technical reviews? What is the value of the report from a community perspective.

Lunch

Personnel committee

Need to get new people on the personnel committee to fill the communication coordinator position:

Steve Ellis

Teresa Joudrie

Including Doug and John who are still on the committee.

Motion

Approve appointing Steve Ellis and Teresa Joudrie for personnel committee.

Moved: Charlene Beanish

Second: Danielle Defields

Carried

Back to Item 3

TK panel can be discussed under item 6.

Repeat of “science program” and justifying EMAB doing technical reviews – especially re: EA. The review EMAB gets is not going to be the same kind of review that others’ might do.

An EMAB review should also be in plain language – emphasize that a bit more in contracts with experts.

The priorities on the various activities should also be shown.

Discussion on focusing capacity funds on TK – Board members note their Parties have not made decisions yet on their own priorities. Capacity funds are important in many areas.

Q: will the TK Panel make proposals? Will it convey proposals? Will it review proposals?

A: Board needs to discuss this – see item 6.

Should clarify Board member proposal fund in budget.

Science program – note this is both part of EMAB’s watchdog role and an important way of supporting communities. Note that the priorities for technical reviews come out of the strategic planning process. Stress the intent to provide plain language reporting.

With TK, clarify that EMAB is talking about the need for TK gathering expertise.

Wildlife cumulative effects – this is where we can look at partnerships – especially Responsible Authorities

ACTION: Try to get a draft of the budget submission to Diavik so they have a chance to look at it prior to the deadline.

ITEM 5 – WMP revisions update.

Info in binder.

A) WMP Workshop – who do we want to send?

The workshop will discuss both – science and incorporating TK or having TK as stand-alone program. There will be translation. The workshop will also discuss the recommendations from the technical workshop in June.

Leave this to the September meeting so that each member can bring the Handley report to their Parties and bring that info back to EMAB. We can designate an EMAB member at the September meeting.

Do we want to recommend to Diavik how many people from each community should be sent? A minimum of two?

Colleen can’t speak to how many people each mine is prepared to cover as she can’t speak for the group of mines.

ACTION: Comments from the Board members by September 10th for the EMAB meeting.

Q: Bring Petr in for the workshop for October workshop?

A: Alice would be better re: TK because we will already have Petr’s comments.

ACTION: ED to identify a TK gathering expert to attend the workshop.

B) Community engagement

Remind Diavik that these recommendations are outstanding – no need to write a letter – Colleen will send that out next week.

ITEM 6 – Traditional Knowledge in monitoring

Noted: Canada might have programs that can be accessed that would add money to EMAB capacity funds that would enable people to do larger projects.

A) Status of TK proposals – in binder

No new information.

EMAB will put in up to \$14,000 to support each Aboriginal Party to review the EMAB proposal and refine it, or develop their own proposal.

ACTION: Board members need to approach their Parties to determine the interest in generating their own TK studies.

B) Possible funding sources - In binder

C) DDMI response to EMAB letter - Diavik's statements in reaction to EMAB's TK proposal have been misconstrued. Diavik never said it "rejected" the proposal – only that it would not be likely to fund in its current form. Diavik did not reject it. Some discussion on this.

Q: so Diavik might consider the proposal in a different form?

A: Diavik has provided comments on the proposal – they will consider any TK proposal.

Conclusion: So much is going on right now regarding the TK issue so no further follow-up at the moment.

D) Draft recommendation on TK

- clarify how the TK expertise would be used in each major component of the recommendation

E) **ACTION:** Reword draft recommendation in binder and look at it through email process.

F) TK panel : must be clear what they will do and will not do

Noted that there's overlap.

Q: Will the TK panel help develop proposals or will a Diavik TK expert help develop proposals.

A: the expert would be available to assist communities to develop proposals if they want

Does it have a short life-span or overseer role? Will it evaluate implementation of TK monitoring commitments?

Going back to the EA – could the Panel offer strategic guidance of the program rather than prepare proposals otherwise we are not helping develop capacity.

ACTION: Develop a scope and cost for a TK panel for next meeting – ED to come up with options.

Go ahead and create options and see what other inputs come in by the September meeting, such as proposals – then we can tweak an option. We don't want a panel to be a figure-head out there.

ITEM 7: Air quality and lichen monitoring update

- 1) Status of dispersion model. DDMI got an invoice from the consultant, so that is a good sign that he's done some work. Added BHP emissions data. The consultant has 100% of the emissions data from DDMI. DDMI will try to have a formal status update by end of September.

ACTION: DDMI to try to have a formal update in time for September meeting

- 2) The Golder consultant just got back to work, so will provide a technical memo. The monitoring will start September 1. A YKDFN representative will participate to identify species eaten by caribou. DDMI will be doing a risk assessment for caribou health once the results are in.

DDMI is developing a standard format and glossary for all DDMI risk assessments. One standardised approach so that all risk assessments look the same and make sense.

The DDMI study is modelled on the Snap lake lichen study methods, which also looked at caribou health – same Golder consultant – Cindy Robinson and a student of Katherine Enns ...DDMI added community input for caribou consumption

Should EMAB contract a technical review? Suggested that we track down the Snap Lake study and see whether it has been critiqued, and what the results were. We should also compare the DDMI and Snap Lake methods. ?

ETA on results is probably February or March, and it will be included in the WMP report.

INAC may also be interested in reviewing the lichen study.

EMAB meeting, August 24, Wekweeti

Present:

Doug Crossley, Chair, Kitikmeot Inuit Association
 Ted Blondin, Vice Chair, Tlicho Government (by phone)
 Lawrence Goulet, Yellowknives Dene First Nation
 Charlie Catholique, Lutsel K'e Dene First Nation
 Danielle De Fields, alternate, North Slave Metis Alliance
 Charlene Beanish, alternate, Government of Nunavut
 Teresa Joudrie, alternate, Canada
 Colleen English, Diavik (by phone)

Staff:

John McCullum, Executive Director
 Michele LeTourneau, Communications Coordinator (also minutes)

INAC alternate Teresa Joudrie, and Diavik member Colleen declared conflict of interest for ITEM 2

Meeting started at 9:00

ITEM 2 – Dispute resolution discussion

Chair introduces the issue

Ted notes that he received an email stating that the mediator will be picked today at 10 am.

- a) Update of budget discussion pre-mediator in binder. (INAC, Diavik, GNWT, and EMAB)
- b) Floyd and Steve would not be in conflict of interest as they are not employees of the Parties that appointed them.

Discussion on proposed EMAB position. Position in binder.

Motion

To go in camera

Moved: Lawrence Goulet

Second: Charlie Catholique

Carried

Motion

to go ex camera.

Moved: Ted Blondin

Second: Lawrence Goulet

Carried

Break

Teresa joins meeting and Colleen joins by phone.

ITEM 9 – Governance Workshop discussion

List of possible topics in binder.

A facilitator is usually engaged.

Possible topics

1) Board member support

There are many technical issues. Board members need support to deal with technical issues and also help to bring it to the leadership. Two issues that could be addressed are support for board members and getting political support from the Parties.

Could have one of the leaders come and address that issue. That might help bring out ideas and bring good discussion – understanding that all the leaders are different.

We talked about getting some improved feedback from our reviewers, such as a plain language summary. It might also be possible to have technical reviewers with community presentation skills to explain complex technical issues at community meetings.

The communication plan includes support for board members – when we look at that we could do some additions and revisions. There may be ways to improve it.

2) Expectations of board members.

Process for email motions

Describe how an “independent” board member functions.

Role of board staff vs board member.

Q: When would we have this workshop? Last quarter?

A: It would be good to do it before the two-year workplan is finalized. It would help the workplanning if the board member roles are better defined.

The workshop should included Board members and alternates. Alternates sometimes have to step in.

Don't have to do all these things in one go.

Timing might depend on getting the budget dispute done – in order to be able to afford this.

Suggestion: Half a day of in house discussion, which we can pass on to facilitator. Suggest a series of foundation activities that would take place so then you could have a meaningful discussion during the upcoming strategic plan review.

Members will also have to check in with their Parties for their expectation so that we can bring them together.

Bring back the community engagement material and check in on that.

Tentative dates? Early November or mid-November.

ACTION: Board members to comment on priority governance issues and provide their schedules to help set dates for the workshop

ITEM 10 – Revised draft closure plan

Info in binder.

Do we want to get another technical review done?

Level of community engagement on last report was an issue – do we want to follow up on this?

Community engagement takes a lot of time.

Can EMAB afford a technical review given the budget constraints caused by the DDMI reduction?
Would we use the same consultants?

ACTION: Check on Randy's availability to review the revised closure plan.

No additional suggestions on community engagement at this point.

Annual report approval.

Noted that the Board reviewed the report without a quorum on July 28, and made a number of changes, but was not able to formally approve the text.

Concerns were expressed about the tone of the report – maybe it should be revised. Other members stated they had reviewed the draft and were comfortable with it. The report outlines DDMI commitments, including where the company has fallen short.

The report needs to get to the printers by the end of the week in order to be ready by the AGM.

Noted that the Board decided to include some information after March 31. Some concern was expressed that some comments weren't noted in the meeting notes and a revised version was not circulated so members haven't had a chance to review the changes.

Chair notes there are divergent approaches here. Changes have been made. Chair requests a motion to approve.

Motion: To approve the annual report text

Moved: Ted Blondin

Seconded: Lawrence Goulet

Approved with two against and two abstentions

Noted that the changes could be made very quickly. Further noted that these changes would then have to be reviewed and approved.

Motion

Adjourn the meeting.

Moved: Ted Blondin