

Approved Motion # 02-04-21-01

**December EMAB Board Meeting
December 11th, 2003 – Day One
EMAB Board Room, Yellowknife**

Present:

Bob Turner, Chair, North Slave Metis Alliance
Floyd Adlem, Vice-Chair, Government of Canada
Doug Doan, Secretary-Treasurer, Government of the NWT
Doug Crossley, Kitikmeot Inuit Association
Florence Catholique, Lutsel K'e Dene First Nation
Johnny Weyallon, Dogrib Treaty 11 Council
Erik Madsen, Diavik Diamond Mines Inc.
Lawrence Goulet, Yellowknives Dene First Nation
John Morrison, Government of Nunavut

John McCullum, Executive Director

Minute Taker: Linda Tourangeau

Welcome from the Chair – 9:35 am.

Opening prayer: Lawrence Goulet

ITEM 1) Approval of Agenda

Erik Madsen said that the Fish Palatability report should be ready in January 2004.

Additional item under Reports/Personnel - add discussion on “cost of living”.

Motion # 01-03-12-11

Motion: Accept agenda as amended.

Moved: Floyd Adlem

Seconded: Lawrence Goulet

Decision: Carried unanimously

ITEM 2) Approval of previous minutes

Approval of minutes from the September 24, 25, & 26th Board meetings

Florence Catholique points out that the format of minutes are different this time and questions the reason, Chair replies that there was a different note taker at that meeting.

Linda Tourangeau took notes on day two, Erica Janes was the note taker on day one and three. Erica also recorded and transcribed notes.

John Morrison, Government of Nunavut apologized to the Board for Nunavut's low attendance at EMAB meetings. Due to staff and budget constraints John is not able to attend each EMAB meeting.

Motion # 02-03-12-11

Motion: To accept the September 24, 25 & 26th EMAB minutes as presented.

Moved: Doug Crossley

Seconded: Doug Doan

Decision: Carried unanimously

Approval of minutes from October 23 Teleconference meeting

Motion # 03-03-12-11

Motion: To accept the October 23 EMAB Teleconference minutes presented.

Moved: Erik Madsen

Seconded: Doug Doan

Decision: Carried unanimously

ITEM 3) Discussion on Harvesting

Intent of Environmental Agreement – clause 4.2f)

Chair indicated that no one involved in the EA negotiations was able to attend the meeting or bring information to the E/D on the Harvesting component in the Environmental Agreement. Chair had brief discussion with some of the staff and Eric Yaxley - everyone seems to think that the main reason that it is in the EA is because of concerns about access being opened up to the caribou herd on the winter road and the harvesting pressure on the caribou. It was pointed out that notes were taken during the EA negotiations.

There was a wide-ranging discussion;

- Lutsel K'e believes community access for harvesting was intended to be in the Environmental Agreement
- EMAB can make recommendations about effects to changes of migration route if it is shown that these were caused by DDMI
- According to the EA it is not the role of EMAB to provide funds for research to communities
- EMAB could make recommendations to RWED/DIAND to provide harvest assistance to communities
- EMAB should write a letter to the new Minister of RWED and present our issues and concerns

- Question about the diminishing Bathurst caribou population, is this a natural fluctuation?
- When writing letter to the Minister make sure EMAB informs him of recommendations
- EMAB needs to get copies of the recommendations from the BCMPC and WAAG that pertain to wildlife
- Invite the new Ministers to the next meeting to come and see what we do, why we are here and address the issues around fish, wildlife, caribou and air quality
- EMAB can only bring up issues in the context of Diavik or some regional impact that includes Diavik
- EMAB should write similar letters to the new Ministers of DIAND & DFO
- People in Kugluktuk are very concerned about the fluctuation in the caribou herd
- Bathurst Caribou herd is the most stressed of any caribou herd
- Biologists say that populations don't go back up as fast as they go down
- Example of the musk-ox numbers in the sixties on Banks Island compared to the current number of musk-ox – we don't really know what causes these changes
- Questions about the methodology of counting the animals, and the QA/QC
- Nunavut only has one regional biologist
- Get BCMPC and WAAG recommendations before the next EMAB meeting
- Include the Government of Nunavut and cc to Doug Crossley, KIA when writing letters to new Ministers
- Keep letter to Minister in general terms
- More money is needed for GNWT to carry on research
- The issue for Aboriginal communities is access to the caribou for harvesting. There are problems getting sufficient funds for this.
- Discussion about intent of participation agreements in relation to support for harvesting.

Action Item: Executive Director to research the harvest support program under the James Bay and Northern Quebec Agreement. RWED will provide information on GNWT Harvest Support programs.

Coffee break: 10:30 am.

Resume: 11:00 am.

ITEM 3) Harvesting (continued)

- Invite David Livingstone and other people familiar with the negotiation of the Environmental Agreement to provide comments – Ted Blondin, Charlie Evalik, Bob McLeod
- EMAB Members involved in the negotiations were Robert Turner and Florence Catholique
- Consider inviting Nunavut Wildlife Officer to negotiations – Allen Niptanatiak; also YDFN elders could be involved, interested and concern in harvesting, could make recommendations

- Develop the agenda for the next meeting based on wildlife and harvesting
- Compile recommendations made by EMAB, BCMPC and WAAG that are specific to caribou
- Could invite people from BCMPC to bring recommendations to Board

Action Item: Executive Director to draft individual letters to new Ministers of RWED/DFO/DIAND and EC introducing EMAB and issues and concerns in general for review by the Executive Committee

- Is it EMAB's mandate to review harvest support programs
- EMAB could review other programs and make a recommendation relevant to Diavik
- Write letter to RWED/Bob McLeod, requesting information on harvesting programs delivered in the NWT, minutes and recommendations from the BCMPC
- Question about effect of sport hunting
- EMAB should make a recommendation as to who should compile all the monitoring data and put it together, as well as ensuring it is collected in a compatible form
- Up to Caribou Management Board to make recommendations to RWED in setting quotas. EMAB could pressure RWED to form a Bathurst Caribou Management Board.
- We don't know whether DDMI is affecting caribou migration. We wanted RWED to make a presentation to help understand this. EMAB must stick to it's mandate.
- Lutsel K'e is concerned about recommendations from the last BCMPC meeting, lack of monitoring on what kind of caribou are being killed (females), causing decline in herd, over-hunting by outfitters, not clear who the community should direct their responses and concerns to.
- Members to send information to the Executive Director on the items of discussion: Doug Crossley will provide the Nunavut Agreement, James Bay Agreement can be accessed on the web site
- Making arrangements for next EMAB meeting, inviting guests including politicians from GNWT

ITEM 4) Development of Wildlife Recommendations

Executive Director provided brief summary of item in kit:

- discussion notes EMAB had with DDMI with the RWED people present in September,
 - letters exchanged between RWED and DDMI,
 - report from EMAB consultants on the 2002 Wildlife Effects Monitoring Report.
- This is all good background information in addition to the stuff you are looking for in harvesting.

ED to summarize MSES report after lunch.

Note DDMI has not received reply from the GNWT to their response. Main issue is regarding the timing in submitting reports

Lunch break: 11:55 am.

Resume: 1:30 pm.

ITEM 4) Wildlife, continued

Executive Director summarizes the review of the 2002 WEMP submitted by MSES;

- Report is very detailed
- Recommendation was to submit report to DDMI for response to each of the points
- Report focuses on concern that a lot of data which has been well collected but not much interpretation

RWED available in January 14/15 or January 21/22 to make presentations

Other areas of discussion:

- RWED has provided comments on 2002 WEMP report
- DDMI has not yet provided a response to MSES review
- EMAB should delay recommendations to DDMI until DDMI responds to the Review of the 2002 WEMP
 - EMAB should schedule meeting in February to discuss Wildlife concerns before DDMI submits 2003 WEMP in April
- RWED has requested the reports be submitted earlier – there are two separate but related issues,
 - earlier discussion with RWED and communities would enable changes to be made in next plan, current time table allows for changes in monitoring 12/14 months after the report instead of 2 months,
 - with the two mines being adjacent to each other there would be some benefits and synergies if both mines could work in the same time lines and opportunities to workshop together on some issues
- DDMI has 60 days to respond to a letter making recommendations

ITEM 5) Water Quality / Ammonia issue

Brief summary given by Executive Director on Water Quality and Water Licence Amendment item. There are 2 parts to this item.

- 1) Water Quality recommendation coming out of the Kugluktuk workshop,
- 2) Water Licence Amendment – will report verbally on this first. DTC met on November 14, 2003 and decide to recommend that the Board reject DDMI's application because they did not want to have an un-ionized ammonia limit but a total

ammonia limit. A draft advisory went out from the DTC to the MVLWB saying this and providing reasons. DDMI responded expressing significant concerns with the whole process with how the amendment application was reviewed. They said the process was flawed and provided reasons – for example a report was presented at the DTC meeting by Tony Pearce from Dogrib Treaty 11 which DDMI had not had a chance to review or respond to. A final version of the Advisory was then sent to the MVLWB. DDMI responded to the actual advisory and requested four things, 1) MVLWB not make a decision on DDMI's original application, 2) give DDMI permission to amend their application to a 20mg/litre limit on total ammonia, 3) prepare amended application and supporting documentation in January 2004, 4) meet with DTC to review proposed application and then a hearing date will be set.

Lutsel K'e Member commented on the MVLWB licence amendment review process that Lutsel K'e which is a party to the Akaitcho Interm Measures Agreement signed by the Territorial and Federal Governments in July 24, 2002. Under the agreement all amendments and renewals of licences pertaining to any activities on our traditional lands LKFN have a right to comment on them also. This is an issue to LKFN and Members would like to see this recorded in the minutes. Right now LDFN does not have resources to participate – who will fund full participation by Lutsel K'e in these reviews?

Questions, from KIA member regarding the presentation to DTC on the proposed amendment to DDMI Water Licence? Has DDMI found or developed additional storage areas so they could carry out the process of dilution so that might meet what is required in the process?

Erik Madsen replied to both questions.

- a) DDMI proposed amendment describes the requested 20 mg. per litre limit, what DDMI is currently doing with water management, what DDMI is doing on site. The amended application will be submitted next Friday. The MVLWB will have to advertise for a public hearing, which should be held early February.
- b) Processed Kimberlite area and sedimentation pond where DDMI spent the last nine months draining that area, the last month we got to a level where this was almost empty. The PKC was down to operational. Because we did not get the amendment we are taking full amount of water out of here we are running the process plant full throttle with fresh water we are not recycling water anymore, all the water that has been drained from the PKC we are filling up again and we are filling up all these ponds and using the water to dilute the North Inlet so they can stay within their limits.

Other concerns regarding the Water Licence Amendment:

- Phosphate problems
- Raw sewage discharge
- Communication lacking: Scientific level to the Community level
- DDMI not visiting communities leaving that up to EMAB
- Is there a way to comply with the existing licence by storing water and diluting it

- On the interim basis is there any down side to the process plant
- Will the amendment solve the problem

EMAB will set this matter aside to a later date upon receiving the amended application.

Recommendations from the Kugluktuk Water Quality Workshop:

Summary presented by Executive Director

Upon the Boards' instructions the recommendations from the Water Quality Monitoring Workshop submitted by Terriplan were pulled out and drafted into the form of recommendations to various organizations. Comments are needed as follows: are these directed to the right people, are they the kind of recommendations the Board wants to put forward and are there any problems with wording?

There was a brief discussion over EMAB funding for the Coppermine River Water Quality Monitoring, noting that the 30K from EMAB is not adequate to make the program operational. It was pointed out that these funds are not intended to be the sole source for the project. These funds are capacity funds provided by EMAB to KIA. KIA supports the Kugluktuk project and has agreed to provide the capacity funds to them as long as they meet the reporting requirements.

The KIA representative said he had spoken with Peter Taptuna that this could be a phased project and if they started on the first 30K at the end of year one they provide a report and justify their use and very likely they would be given strong and full consideration in year two for the next phased in the funding. So it could be a two/three year program. KIA President is looking into accessing other programs for funding from the HTO and Sustainable Development. KIA and Nunavut work together to get them to phase one.

It was agreed to take these recommendations home and can deal with them first thing tomorrow.

Introduce new Communications Coordinator to Board

Executive Director introduced Michele LeTourneau - she will be EMAB Communications Coordinator starting January 12, 2004. She is currently working for the GNWT at Education, Culture and Employment and before that some of you may have read her columns in the newspaper. A round table introduction of the Board Members.

Meeting adjourned for the day

EMAB Open House

**December EMAB Board Meeting
December 12th, 2003 – Day Two
EMAB Board Room, Yellowknife**

Present:

Bob Turner, Chair, North Slave Metis Alliance
Floyd Adlem, Vice-Chair, Government of Canada
Doug Doan, Secretary-Treasurer, Government of the NWT
Doug Crossley, Kitikmeot Inuit Association
Florence Catholique, Lutsel K'e Dene First Nation
Johnny Weyallon, Dogrib Treaty 11 Council
Erik Madsen, Diavik Diamond Mines Inc.
Lawrence Goulet, Yellowknives Dene First Nation
John Morrison, Government of Nunavut

John McCullum, Executive Director

Absent:

John Morrison, Morning

Guests:

David Livingstone, DIAND
Andy Swiderski, Terriplan
Julian Kanigan, DIAND

Minute Taker:

Linda Tourangeau

Meeting resumes: 9:15 am.

**ITEM 5 (cont.) Recommendations from the Kugluktuk Water Quality Workshop,
Continued**

Question from KIA Member on Bullet 2, Who are the potential supporters for the Kugluktuk water quality monitoring program?

Potential supports could be people like DIAND, DDMI or who ever Kugluktuk can identify to EMAB. Diavik would help Kugluktuk set up some kind of *site specific* program and the next one would be larger one in getting more people involved.

Question on letter to DIAND on the Coppermine River Monitoring if EMAB had received a response? Letter was sent out on October 14, 2003 Executive Director is noting all replies received and red flags no response over 60 days.

Motion # 04-03-12-12

Motion: to adopt the Draft Water Quality recommendations as presented.

Moved: Doug Crossley

Seconded: Lawrence Goulet

Decision: Carried unanimously

Action Item: Executive Director to draft letters to appropriate organizations conveying EMAB recommendations on water quality resulting from the Kugluktuk Water Quality Workshop in September 2003.

ITEM 6) Fencing

Yellowknives Dene First Nation Member informs Board that they will be appointing two people from the band to sit on the TK Panel.

Executive Director points out a slight change to the proposal based on the No Net Loss Traditional Knowledge Panel that the facilitation component will need to be increased by at least three thousand bringing the amount to seven thousand and increasing the total anticipated cost to at least \$36,600.00 and it might require slightly more.

Some discussion on the 2 day workshop:

- Workshop could be 1 day on site, day 2 meeting with the facilitator
- Might meet on site with facilitator to save time
- February is a busy month its winter road season for DDMI
- Space availability on site for 10-12 people to over night may be limited (Erik will looking in to it)
- Day trip would be preferable in Feb. or early March with second day in YK
- Workshop should be held before winter road is closed
- EMAB will make recommendations in August based on the Panel's recommendations and those from a larger fencing workshop later in the spring
- Current fencing on DDMI site is only at waste storage areas
- BHP currently uses barbed wire (3 strands) and piling rocks up as methods of fencing – animals sometimes get caught in this
- Objective of the TK Panel is to determine monitoring and methods used to date and whether fencing is required or not
- DIAND should be asked to host a tour of Colomac Mine to see their fencing for keeping the caribou out of the tailings
- TK Panel not EMAB Members will attend tour of Colomac Mine
- TK Panel in March, 2nd workshop of experts and community people in spring or early summer to go through TK Panel and other organizations' recommendations, EMAB will review all results and make its own recommendations by August 2004

Action Item: To revise Terms of Reference according to discussion.

Motion # 05-03-12-12

Motion: To approve the Terms of Reference for the TK Panel on Fencing in principle subject to outcome of request for Colomac Mine tour. Executive Committee to finalize arrangements and budget based on discussion with DIAND to a maximum of \$45,000.00

Moved: Doug Doan

Seconded: Doug Crossley

Decision: Carried unanimously

ITEM 7) No Net Loss – status of TK Panel

Executive Director provides a brief up date on the status of the TK Panel on the No Net Loss Policy. ED drafted Terms of Reference and called three different people to facilitate the No Net Loss based on the original budget of \$4,000.00 No responses were received due to the price or for that timing. Three contacts were Hal Mills, GeoNorth / Andy Swiderski, Terriplan / Craig Thomas, Bathurst Arctic Services. This was discussed by the Executive and they recommended going back to each so EMAB can have three quotes as required in the Operations Manual, but ask them to submit at a price and timing they felt were workable. Two proposals back since then from Terriplan and GeoNorth. The one from GeoNorth is \$6868.22 and from Terriplan \$9640.00 substantial difference in cost.

Decided by the Board that the Executive Committee will oversee proposals.

Concern brought up regarding availability dates for community resource people to attend the workshop – need workshop dates soon

Letter to DFO regarding broadening the range of options for compensation for loss of fish and fish habitat.

Action Item: Send letter to Assistant Deputy Minister – Fisheries Management cc to Minister

Correction to the second last paragraph after fisheries responsibility, insert management to read “ fisheries management responsibility ”.

The back ground on this letter is the discussion EMAB had around Julie Dahl’s letter to the communities about going around and talking to people about suggestions for small-scale rehabilitation projects such as repairing crushed culverts blocking streams. The Board had mentioned at that point that management and habitat not be separated as currently under the policy.

Suggestions were made to shorten header, Executive Director will make necessary changes to read “ Implementation of the No Net Loss guiding principle in relation to the Diavik Diamond Project”. Letter can be finalized for signature.

Floyd Adlem informed Board he has previous commitments to attend at 3:00 pm.

Coffee break: 10:25 am

Resume: 11:50 am.

ITEM 8) Reports

A. Executive Committee Reports

- n) Update on Capacity Funds – approval of YK Dene proposal for 2003-04
- o) Operations Manual
 - i) Review Draft of Board section

Section 3.3.1 to be revised to show that when alternates fill in they do not take over officer positions i.e. if the Chair is not present, the Vice-Chair fills in, not the Chair’s alternate.

Motion # 06-03-12-12

Motion: To adopt the draft of Section 3 of the Operations Manual on Board Operations as amended

Moved: Floyd Adlem

Seconded: Florence Catholique

Carried unanimously

- ii) Review Draft Conflict of Interest policy

It was agreed that based on the Board Effectiveness workshop EMAB needs a Code of Conduct, one part of which would be a Conflict of Interest policy. Work should begin on drafting a Code of Conduct. In the meantime a conflict of interest policy can stand on its own, and then be incorporated into the Code.

Motion # 07-03-12-12

Motion: To adopt the draft Conflict of Interest policy as presented as Part 1 of a Code of Conduct for EMAB.

Moved: Floyd Adlem

Seconded: Erik Madsen

Carried unanimously

- p) Personnel
 - i) Update – hiring for Communications Specialist – hired Michele LeTourneau

ii) Update – Executive Director Performance Evaluation – completed probation successfully; evaluation needed in next 4 months or so.

iii) Cost of Living:

Right now employee contracts provide for a cost of living increase of 2% each year. This is part of the contract package and is separate from the performance evaluation. It is included to make sure the value of the salaries keeps up with the cost of living. In 2002 the cost of living in the NWT rose by 2.9%. The Secretary-Treasurer is proposing to change this part of the contract so that the cost of living increase floats with the change in cost of living in the NWT. He suggests doing it on the 12th month anniversary of each employee they would get their cost of living and figure out the right number and that is what they would get.

There was some discussion about changing contracts and the need for cost of living increases. The NWT cost of living is the highest in Canada, Yellowknife has the lowest unemployment and the highest employability, in practical terms what that means is that if you don't look after your employees you can count on them get offers from other people and you can count on your employees being a revolving door which is not good for EMAB. It should go right into the Operations Manual and take it out of the contract. Both EMAB employees have contracts.

Motion # 08-03-12-12

Motion: Change Operations Manual to reflect “ every employee with six months tenure will receive a cost of living increase on December 31 for the previous year based on the change in the GNWT cost of living index for that year ”.

Moved: Doug Doan

Seconded: Floyd Adlem

Some discussion on contracts; contracts are legal documents, even with this in the Operation Manual the contracts still apply, unless there is a mutually consented agreement, so EMAB would have to do a letter from the Chair to each employee stating you are entitled to this if you accept sign here

Decision: Carried unanimously

q) Financial Reports

Secretary-Treasurer and Executive Director reviewed report together last week, E/D will present the financial report:

- budget on track
- few areas underspent, usually a big ticket item under Capital Cost (portable display case)
- few areas we save money (example the cost to build web site was lower than estimated, researcher is coming on later in the year some savings on that salary, lower on Board travel & accommodations)

Question whether we needed to budget a little more for Capital Cost to possibly do renovations for new staff? Not sure but it can hold off till next fiscal year.

- Executive Committee expenses go up by \$6000.00 based on current trends
- TK panels will cost substantially more then the \$ 40,000.00 budgeted, it will go up by 25,000.00
- Over all we are on track for a 9,000.00 surplus plus the contingency
- Total surplus under \$20,000.00 and that is more likely to go down then up
- Looking good for a balanced budget this year, only uncertainty are the TK panels

Question regarding the high number under Executive Committee expenses, E/D explained that it was evenly distributed between Bob and Floyd. Some expenses were coded incorrectly, a few days were coded to Executive instead of Annual Report and the same for Personnel. It is probably not as over-spent as it looks but it is definitely high. Part of that is the Executive duties taken on by Floyd and Bob early in the year when there was no Executive Director. Most of the expenses happened before the end of June.

Lutsel K'e member inquired about the Capacity Funds for Lutsel K'e. E/D informs that EMAB had sent part of the payment and had not received the signed Contribution Agreement, EMAB has since received the signed C/A and a cheque for the remaining amount was made out which Archie Catholique received on December 11th, 2003.

When will the new budget be developed for the new fiscal year?

We will have a budget for the Board to review before March 31, 2004 so that we have an approved budget in place come April 01, 2004. It will come to the Board as a draft the budget needs to be approved by the Board.

The two-year request for funding from Diavik needs to be submitted by September 2004. The strategic planning process is something we can start to look ahead with the three staff now and all these technical committees, we need to be looking ahead and see how all this is going to fit in to the overall budget of the Board. Looking at the budget we are having meetings every month or two months - when we put that work plan together we might have to look at meeting every two or three months and deal with all the work we are trying to do to stay within our budget line.

This is for information purposes, we were only going to do the formal revision of the budget twice a year once when the budget is approved and six months later.

r) Review of Outstanding Action Items

E.D. reviews action items

- Team building exercise workshop in Wha Ti – done
- Set-up TK panel
- Talk with Carole Mills, IEMA about the board room usage – done

- Capacity funds we received and approved a proposal from the YK Dene First Nation, so that is everything for this year
- Florence's letter to EMAB regarding harvesting and a response that has become a must larger discussion on harvesting in general
- Intent of participation agreements - according to Diavik, participation agreements did include community hunts, they are disagreeing about that
- Board to discuss harvesting sections of the EA with original drafters, we were unable to do that for this meeting, still in the plan
- Meet with Bob Wooley, E.D. did meet with him and made him aware of the 60 day clause, they agreed to try to respond within 60 days
- Letters on the water licence amendment – comments on the application were sent out months ago, the comments on the process will be sent after the process is complete and EMAB will have time to review it before the letter is sent out
- Meeting with the Chair of MVLWB has not happened. Bob Wooley is talking about the possibility of a review that deals with specific issues instead of a complete and total review of the AEMP. EMAB will probably get a letter back suggesting this. The 60 day response period is passed but we expect a letter soon
- Terms of Reference for the TK Panel on No Net Loss – completed
- TK Panel on NNL - working on the facilitator at this point
- Dogrib Treaty 11 Council, discussion with Johnny about capacity funding has not happened yet
- Letter to RWED requesting a presentation on monitoring changes in caribou movement - received a response on Wednesday saying they were available in January. We have not yet received a response to the letter requesting additional information on the Bathurst Caribou census and results
- TK Panel on Fencing - developed draft Terms of Reference following the Process/timeline that was approved
- Draft recommendations based on the W/Q workshop – completed
- Courses on CPR/First Aid - not done
- Community Consultation on the NNL habitat works, for DDMI - postpone till the TK Panel meets
- Send EMAB copy of the dust deposition report – received a copy
- DDMI will speak with RWED wildlife biologists about having WEMP study results released earlier - RWED received a response and we are talking about January before we get the presentation from RWED and can discuss this as a recommendation.
- EMAB will discuss earlier reporting for the WEMP, same as above
- Draft letter to Minister of DFO - just approved with it being sent to ADM and copy to Minister
- Second letter to Minister of DFO - chronology was developed and DFO has agreed to go off site with the habitat compensation, this action item goes back to before I started here and is complete
- Summarized views of aquatic specialists retained to review the AEMP - Elaine Blais will do that
- Summarize the EA in plain language - we are now shooting for February for the workshop, Michele will take on the task of summarizing the agreement

- Update and review brochure/pamphlet and translate it – its done except for the Chipewyan – Michele will follow this up
- Review job description for EMAB Communications Specialist – completed
- Website – publicly available
- Operations Manuals for all Board members – were sent out after last meeting

s) Report Tracking Chart

Item 8s) was presented from kit.

There was some discussion about the value of an annual report on fish monitoring results. When EMAB had those workshops were done by Peter McCart the presentations on fish and water were not one program they were two different programs which was really hard to understand because fish are from the water, but the way they were being monitored are two ways.

One is monitoring water and one is monitoring fish, Fisheries does not have a monitoring program, there are a lot of reports submitted on fisheries authorization and they do all the things required but there is not an annual report. Maybe it is worthwhile to trying to get something more comprehensive annually about the situation because the only thing we do regularly is the fish palatability study. Maybe we would like to have an Annual Fish Authorization Report. It would have to be a recommendation, because right now its not required by any permit.

Executive Director will look into this and report back to the Board.

Another question was whether the Minister must approve reports required by the EA. E.D. to look into this as well.

E.D. thinks it would be a good idea to send DFO and MVLWB a letter asking for the status of the reports shown as outstanding. They were asked informally to report on the status, we are putting this stuff in our Annual Report as outstanding, so we want it to be accurate. If there is an issue where Diavik thinks the report needs an approval and DFO does not see the need to approve it, EMAB needs to straighten it out.

Action Item: Executive Director to draft letters to MVLWB and DFO asking for status of reports shown as outstanding on EMAB chart

Lunch break: 12:00 pm.

Resume: 1:45 pm.

s) Report Tracking, continued

E/D question whether or not EMAB approval is required for the WEMP report or is it submitted for information? Some of these reports have to be accepted by the Minister.

Reading of the E/A the Minister may respond with deficiencies if he wants but does not necessary have to respond. Format Status column into 2, one side could read, “comments required by (date), the other side indicate when comments were received.

Note: Chair has spoken with David Livingstone and he is available to come in today at 2:30 pm. to discussion the BHP issue.

t) Correspondence

Information item the Dogrib Treaty 11 Council has changed their alternate from Ted Blondin to John B. Zoe.

B. Board Member Reports

We will just go around the table and if the Members have anything to say.

Robert Turner: No comment at this time

Florence Catholique: Has the names for the TK Panel: Albert Boucher and J.B. Rabesca with Sara Basil as translator. Didn't get the Terms of Reference for the Panel and wanted to clarify whether the TK people that were to be identified were to assist in changing DFO policy. I understand our TK people are not going there to change DFO policy, I was not clear on that so I thought I would raise it here.

Chair: It's not to change policy but to explain to the elders what the policy means in laymen terms and not have them provide any recommendations towards the policy.

E/D: the main thing to look at was enhancing lakes; is it ever appropriate and under what circumstances.

Florence: There was a question on the Blasting Effects I did touch base with Gord MacDonald yesterday regarding the Blasting Effects.

Erik Madsen: The Blasting Effects is a two year study so this year is the first initial phase, for future we need to get an up-date on the status, the study is two years, the first year is testing in determining how far the blast goes in the water and if in fact it is slowing stuff down, you could ask them to come and make a presentation.

Florence: DFO was to come and visit the communities now I see that it was deferred.

E/D: DFO had sent letter to communities informing them of the cancellation of the community visit.

John Morrison: When the Board refers to the Aboriginal Groups they should not use the term ie: Dogribs and Dene but use The Dogribs and The Dene out of respect.

Doug Doan: Schedule for the briefs on the Bathurst Caribou, I will give you a quick over view so people might want to make a note. The Tli Cho communities have been done:

Wha Ti December 08

Gameti December 08

Wekweti December 09

Rae Edzo December 11

The actual consulting team was set through the Bathurst Caribou Management Planning Committee. It included the regional people from the North Slave Regional of RWED and head quarters, as well as a couple of people from the BCMPC they were Joe Migwi and James Rabesca. Consultations coming up are:

The Prince of Wales Heritage Centre	Thursday December 18
YKDFN, Lands & Environment office	Monday December 15 evening
North Slave Metis Alliance	Between December 16 – 19
Lutsel K'e Dene First Nation	Early January 2004
Sustainable Development/KIA	Early January 2004

Doug Crossley: Every time we have a meeting I try to write a written report for Charlie Evalik to give him an idea as to some of the issues being dealt with by the Board as a whole. KIA are very interested in having strong representation at this TK workshop and have given me three names. Just the matter of pinning down the dates and then we can see which two of the three can come and provide their input. I think they also have some idea of locations and sites for potential enhancement, and they will be prepared to provide all that. The three names provided are knowledgeable people, older but spend a lot of time on the Coppermine River. The other issue is the BHP proposal to replace IEMB with EMAB. Charlie has told me a couple of times he feels that EMAB is serving the purpose for which it's set up to be and he is not interested in seeing that capability of EMAB watered down or reduced. They have replaced their IEMA representative through Red Peterson's resignation and they were well aware of some of the proposed changes that might be coming up including the possible elimination of IEMA. They have made their decision and have identified a new member for this board.

Lawrence Goulet: YKDFN will be holding a Land & Environment meeting. Doug was talking about the caribou and the concerns our elders have, which will be held next week. We have two names for the TK Panel. The winter road monitoring station will start up again – YK Dene will have a tent at the south end of Gordon Lake.

Floyd Adlem: No comment at this time.

Erik Madsen: We should start to think about next year's projects for the Community Based Monitoring camp we set up last year. In addition to the fish palatability study, the guidelines we sent out last year allow for other community based studies such as caribou monitoring in the fall, water quality or dust monitoring. The intent is that there is some money and it's up to the communities to work together to talk about some joint programs. It's December now and April 15 is the deadline to submit proposals. That gives people 3 months to think about it and review it in April. Maybe Michele could assist the communities in putting proposals together.

Johnny Weyallon: I have a question for Erik Madsen The Dogrib Treaty 11 Council would like to know what happened to our recommendations put forward for this fall?

Erik Madsen: it will all be in the report we will submit early in the new year, we are waiting for the final results of this year's test work on the metal analysis on the fish, then we are combining the 2002-03 and 2003-04 reports in January and the recommendations will be in there. Based on that we will determine what we will agree to next summer.

ITEM 9) Follow up to Board Effectiveness Workshop

Executive Director provided a brief verbal update on the workshop. We had 2.5 days with Doug MacNamara from the Banff Centre in Wha Ti, five Board members attended. We went through a lot of stuff, hitting on the highlights a lot of it revolved around doing / developing a kind of strategic planning process, developing a formal mission statement and critical success factors, and foing a better job in community engagement, which is some-thing the Board has been after pretty well since day one. The idea was to combine the two by using the strategic planning as a way of going into communities and consulting with them on draft critical success factors, draft mission statements and try to get feed back from them on what they want us to do and the kind of things needed for EMAB. The last day we came up with a flow chart on what we need to be do, and when it needed to be done, and that is the thing in your kit. It's put together as sort of a draft motion - we could adopt the action plan for implementation of community engagement and strategic planning for EMAB. The main thing people were after was to have a general discussion on this because half of the Board was not available to be there. We want to make sure we cover all the bases here, make sure the timing is workable, and to make sure it is something the Board wants to take on.

Members commented that it was a good and beneficial workshop. One of the key themes for those that were not there is that Doug would break in and say “ what is the best use of the Boards time ” and it always seem to turn the discussion in another direction. At the end of the workshop we talked about a number of different sorts of responsibilities but the one he convinced us was the most important function of the Board was engagement with your communities. In a long range context, visioning what we really want EMAB to be in five years, then how are you going to get there, what do the communities want EMAB to be.

That fits back to that questionnaire we did some time back - one of the questions was what do the parties and people want to see of EMAB.

Executive Director explains the steps in the action plan. One thing is the idea of a planning committee that would be the group I would work with to do the planning.

No motion passed at this time. Members feel that more discussion and direction is needed to set-up the strategic plan. It was suggested that the Board develop a Board Calendar at the next meeting

ITEM 10) BHP Initiative to Replace IEMA with EMAB

David Livingstone from DIAND and Andy Swiderski from Terriplan joined the meeting.

Chair gave brief comment on the suggestion by BHP that they insert themselves into EMAB. We have correspondence from BHP and Diavik's response. From EMAB's perspective at this time we need some general discussion to see where things are going. What sort of steps can we take with the meeting of different parties to our respective Agreements?

The concept of a Single Regional Monitoring Agency came up 5 years ago. A project specific monitoring agency seemed appropriate and the WKSS had been as a response to concerns about the regional effects from the BHP project relating to exploration and range of activities going on the Slave Geological Province. The Diavik project came along and at that time there was a serious discussion about a Regional Agency. The outcome of the discussion was that we were a little premature and really had not had enough discussion about a Regional Agency, the solution was to create another project specific agency for Diavik. But the EA included a clause that left the door open to a Regional Monitoring Agency and the parties agreed at that point to pursue this notion of a RMA. Initially BHP was not comfortable with the idea of a Regional Monitoring Agency and Diavik was. That changed a couple of months later and Diavik and BHP both were receptive to a Regional Monitoring Agency. Now BHP has sort of moved into the concept of a RMA and Diavik is expressing reservations. A year and a half ago this agency agreed that they would sponsor an analysis of the Regional Monitoring Agency concept, DIAND engaged Terriplan to carry out that discussion. We have had a couple of meetings – at the most recent one a range of options was identified for further discussion.

Terriplan was asked to look at the pros and cons of two models not making any decisions about the other options but focusing attention on the short term.

The first approach was a Project Specific Regional Monitoring Agency. There would be a Regional Monitoring Agency that would be responsible for the Project Specific Monitoring, including BHP, Diavik and Snap Lake.

The second option was to roll into that first option the regional study program that the WKSSS is responsible for now. Terriplan is to take a look at the pros and cons of those two options and costing and so on. There are a number of principles that have been laid out in the Regional Monitoring Agency concept, there will be no additional burden to the existing proponents. That cost should be reduced - it wouldn't create additional bureaucratic layers and the attention paid by the agencies to the current projects will in no way be diminished. The relationship will be maintained.

Question from Member regarding a letter from the President of DDMI directly opposed to the concept of a Single Regional Monitoring Agency. Diavik has some problems and is not prepared to move on with the Agency. That is not the end of the discussion there are a lot of other parties and groups that are interested in a Regional Monitoring Agency. Diavik signed the Environmental Agreement that left that discussion open. The previous management of Diavik was really receptive and in fact had recommended at one point this agency (EMAB) expand its mandate to include the Snap Lake project. The Governments, GNWT and Canada have accepted the recommendations of the review board, which includes examining the concept of a Regional Monitoring Agency in more detail.

There is a draft of the options paper but some of the detailed structuring and costing information is not available at this point. These details will help people get a sense of the effectiveness or the possible improved effectiveness of a regional approach. That's where the group has asked that more detailed work be done on the two options.

Diavik uses words like "suggests that both companies would be better served by separate boards" and "looking for assurances that the existing future operations of EMAB will not be affected by any changes to BHPB EA".

Looking at the first option where EMAB takes on the challenge of another company. Do we operate in the same manner when we are dealing with Diavik issues, then move over to BHP in the same manner and deal with all their issues? It's all up for negotiations and talk under the Environmental Agreement that has been negotiated. The Aboriginal groups were very supportive of the concept that EMAB work towards a more regional mandate. At that time all the groups were in support of the concept I know one of the groups may be not in support of the concept as they were once before. We need to get back together.

Industry's concern is that do not want to be tagged with regional cumulative effects responsibilities. Industry would like government to take a lead role. I agree with that. At the same time most people agree that no project is isolated from any other - that there are cumulative effects that we are all responsible for. Nobody is without the responsibility and nobody has the total responsibility - we all share that. So lets get back to the interest of the people concerned and try to find a way to resolve those interests, rather than taking positions.

Question from Member: What are the next steps, where exactly are we in terms of fleshing out a bit more so we can try to come to grips with some of these issues, do we have some proposed steps?

The immediate next step is to get the pros and cons laid out in more detail and another meeting with the working group that was established in the meeting before.

What is the timing for the process? Discussions have started with Snap Lake, and the Federal Government have been very clear that they do not support yet another

Project Specific Monitoring Agency in the NWT. We are all clear that monitoring is still required and there is still a need for some arms length monitoring of the monitors. We have discussions on the Regional Monitoring Agency and the (separate) Snap Lake Environmental Agreement discussions and they have to come together. At the table I expect some decisions will have to be made about how quickly the Regional Monitoring Agency discussions will happen - will they happen within the time frame of Snap Lake. Will there be some sort of interim measures put in place in the Snap Lake agreement? There will be a separate time-table for the Regional Monitoring Agency so the two come together later.

Note: Floyd Adlem and Doug Doan departed meeting at 3:30 pm.

The Lutsel K'e representative said her community has discussed this issue. We have an issue with IEMA and the community gave their direction that IEMA joining EMAB is a positive step. We would not have a problem with Snap Lake also being part of EMAB if all other parties to the other two agreements would be the same parties. But in the Snap Lake there is one party that will not be a party to agreement. The community's question is how will they address that? I suggested a meeting of the aboriginal parties by themselves with a presentation of both Environmental Agreements. The community also asked, "What are the implications of the Treaty 11 Agreement"? I recall at the Territorial Single Regional Monitoring Agency concept that we had difficulties because of some of the requirements under the land claim arrangements. We did not have anyone tell us how this would be addressed. I was directed to strongly state that we should move ahead immediately in organizing the aboriginal peoples to the EA, and the only one concern was that one party would not be involved in the agreement.

The party that is not part of the Snap Lake EA is KIA. They continue to be involved in the Regional Monitoring Agency discussions and there was also a representative of the Government of Nunavut at the last meeting. Nunavut organizations have their own interests that they want protected. It's a work in progress but most people accept that a regional approach like this is better than separate project specific agencies. There are challenges and sufficiency and insufficiencies, but there is a capacity issue, particularly for communities, in creating yet another project specific monitoring agency. There would be three agencies talking with each other. WKSS is still functioning. We are creating all these organizations and we need to start getting them together if it makes sense to do so.

KIA expect will continue to be involve regional monitoring agency discussions but not likely in the Snap Lake discussions. There could still be agreement at the Snap Lake table, in spite of all the positions taken, that the best thing to do is create a project specific agency for Snap Lake. Separate from that whole discussion I think we can continue to put all parties in the regional monitoring agency form.

Lutsel K'e do not want De Beers to have separate agency.

Andy Swiderski, Terriplan added his comments. The next steps are to follow up the direction from the October 22, 2003 meeting to examine these two concepts (for a SRMA) in much more detail. We should be able to provide a draft in January with a much more detailed package in February, and then try to get everyone together.

On the issue of the Nunavut Government we did receive correspondence from DIAND-Nunavut that they are holding their own separate meeting with land claim organizations including KIA, before Christmas. Just to make sure as a Nunavut Territory they are clear with each other what their interests are. They indicated they will inform us as appropriate so we can take that into consideration. So the time line is to really have a detailed credible package to bring back in February or March.

John Morrison comments that he thinks Government of Nunavut has a capacity issue. Nunavut has three mines that are coming on line in the Nunavut and Kitikmeot area in the next 3 or 4 years.

Capacity is a concern for everyone - governments, communities and aboriginal parties. We need to get smarter about doing this thing.

Part of the issue is that until recently BHP was very adamant that they liked their Agency the way it was, and did not want to participate in any kind of regional Board. At the October workshop they turned right around and fast tracked the process by proposing to join into EMAB as a way to resolve problems and concerns raised by aboriginal parties. Fast tracking the process to resolving some of these issues has also caused uncertainty and confusion because everybody was prepared to negotiate for years to get these companies to agree with the transitional clauses in the Environmental Agreements which ultimately were to bring them into one. Now it's a matter of a lot more communication and work. We need to bring the right people into the same room to raise the same concerns and make common recommendations so we can move forward in a more structured process.

Chair expressed thanks to David Livingstone and Andy Swiderski for coming to the meeting and providing this information session.

ITEM 11) Inspection Reports

Julian Kanigan Resource Management Officer, DIAND presented the inspection report of the Diavik Diamond Project conducted on October 22nd, 2003 and November 26, 2003. There was also a site visit on Dec 3.

Some minor issues.

- October 02 there was this spill a pipe burst, water that is pump into the clarification pond into the North Inlet and it released about 1500 cubic meters of water through this escort before it was discovered and immediately shut off
- Some of the water did eventually pond and made it way out to Lac de Gras

- That was monitored since October 6th Diavik sample every day after the spill till freeze up
- Moving on to the November 26th, 2003 inspection there were no concerns identify on the cover sheet, some of the things going on east & west PKC dam raises were completed, small diameter drilling in the A154 platform continued, construction project going on at the processing plant
- Something new happening on site and it's the result of making sure they don't release high ammonia water into Lac de Gras, is taking up more fresh water into the PKC and transferring it into the clarification pond using that for dilution water, that started on November 26th, 2003

Question: On the October 22nd, 2003 presentation you identified some QA issues, is this an issue?

I am waiting to find out the results from Daivik's internal sampling. The first thing to be ruled out is looking at the Envirotest during that critical sampling. The results of the report are in the works right now.

Upcoming Events & Next Meeting

- RWED presentation, January 21 & 22, 2004
- Next EMAB meeting, January 21 & 22, 2004
- Possible joint meeting with IEMA, January 23, 2004

Meeting Adjourned : 4:15 pm.

Closing Prayer: Florence Catholique