

EMAB Meeting, December 3, 2009, Yellowknife

Present:

Doug Crossley, Chair, Kitikmeot Inuit Association
Florence Catholique, Vice Chair, Lutsel K'e Dene First Nation
Floyd Adlem, Secretary Treasurer, Canada
Lawrence Goulet, Yellowknives Dene First Nation
Eddie Erasmus, Tlicho Government
Sheryl Grieve, North Slave Metis Alliance
Danielle De Fields, Alternate, North Slave Metis Alliance
Erik Madsen, Rio Tinto

Guests:

Benn Armstrong, Diavik
Gord Macdonald, Diavik
Colleen English, Diavik
Luigi Torretti, KIA (afternoon only)

Staff:

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

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Meeting started at 9:24

Opening prayer – Florence Catholique

Reminder of Christmas open house with SLEMA and IEMA from 4-6 tonight.

ITEM 1: Agenda and Minutes

Motion

Approve agenda.

Moved: Erik Madsen

Second: Florence Catholique

Add office Christmas closure.

Carried

Motion

Approve minutes from September 24-25, 2009.

Moved: Florence Catholique

Second: Lawrence Goulet

Carried

Read email resolution October 29-09 into the minutes.

Email Resolution – October 29 '09

Approve Budget dispute principles, objectives and approach

Motion: to approve the October '09 EMAB principles and objectives and proposed approach to interpretation of the EA as a basis for further discussion with Diavik to resolving the budget disagreement

Moved: Floyd Adlem (October 28/09 in person)

Seconded: Florence Catholique (October 28/09 in person)

VOTING	For	Against
Florence Catholique		
(in person Oct 28)	X	
Eddie Erasmus	_____	_____
	_____	_____
Lawrence Goulet		
	_____	_____
Doug Crossley	X	
Sheryl Grieve	_____	_____
	X	
Gavin More	_____	_____
	X	
Floyd Adlem	_____	_____
	X	

(in person Oct 28)

Tom Biddulph

ITEM 2: Diavik update

Gord Macdonald provides update.

ICRP consultation to date

Since last meeting, went to Behchoko 19th of October and Kugluktuk tonight. Haven't worked out when to meet with Lutsel K'e and NSMA.

Q: What kind of feedback are you getting?

A: Very limited conversations that usually turn to employment.

Q: Are you getting getting any sense of people's concern?

A: Nothing specific... Mostly: When is it coming, what is the process?

Q: How prepared are they for the consultation?

A: They wouldn't be prepared. This is new to them; it's an ongoing process.

Q: Has EMAB helped?

A: EMAB got the ball rolling with their workshop last January.

The turnout was good in Ndilo/Dettah and Behchoko. Also good in Gameti and Wekweeti for their size.

As for the ICRP document itself, Diavik handed it off to the WLWB this morning.

Q: WLWB approves the plan; who will ensure that everything is done?

A: The INAC inspector.

Noted:

- Is one inspector once a month enough? EMAB needs to keep an eye on that.
- We need participation at a community level. What is the role of the company in communication – maybe we could work together on that/ You can't participate unless you understand.
- EMAB has a role: accessibility of information. Our role is not to explain the information.
- Continuity of participants is something that came up during Colleen's workshop in August. Diavik held a communities workshop yesterday (internal?) – it's important to make sure the principles are communicated.
- Not just a consultation; there is also an education component.

- Important to pick specific topics that matter most.
- One big community concern is the covering of the PKC – it doesn't seem possible.

Diavik feels communication on closure is a shared responsibility –we didn't get agreement to do the closure workshop together. The workshop was not a joint workshop. It was an EMAB workshop. We should revisit cooperation.

Q: Has there been a terminology workshop for closure? This was recommended by participants in Diavik's workshop at site this summer

A: Hasn't happened yet.

PKC status

Colleen English updates.

Water levels are quite low this year. That's why we applied for a temporary increase in water from Lac de Gras. Pond 3 is now providing water to the PKC – this increased our water level. Since October 13 we've had a line installed. Also installed a wet well from North Inlet to supply the process plant through a pipeline. The pipeline runs down the airport road, then along the main road to Pond 5.

From Pond 5 it ties in to the existing reclaim line from PKC to process plant. Work in late December and commissioning the line around January 8. They're considering "twinning" the line from Pond 5.

Q: Who is contact for communication on closure?

A: Cindy Gilday; when she's away it's John Tees. On WMP contact Colleen.

Noted that in some of the communities that have claim arrangements the accessibility of funds is not an issue, while for others it is. Re: community consultation, Lutsel K'e has been battling with Cindy over budgets.

There were four problem spots for seepage being investigated. (Re: PKC dam, which was the cause of seepage.) Three have been repaired. The fourth one: no issues with the liner. (Will deal with that next summer.) Liner was repaired – fill replaced. No seepage into pond 1 anymore. The two sumps that were installed are dry. Planning to put some heat there in spring just in case water does come.

Q: Status of stand pipes in the PKC?

A: We're not there yet.

Q: Any problems with consolidation of PKC material as at Ekati?

A: It takes a long time to settle under water. Ekati plans to leave the tailings covered by water so the situation is different. At Diavik they need to make sure the surface is stable so the underlying material can't be moving. The PKC will not be an aquatic habitat. Diavik doesn't have all the answers on the PKC surface yet.

Q: Any questions on closure during the community consultation?

A: mostly about PKC slimes

Suggested that Diavik bring a bucket of slimes to their meetings so people can see what they look like.

Q: has Wek'èezhii Land and Water Board given Diavik guidelines for the ICRP?

A: there are 2 sets of guidelines. DIAND reclamation guidelines are quite specific; WLWB guidelines say what needs to be in the ICRP.

Q: will consultation continue now that ICRP is submitted?

A: this is not the final plan – there will be updates

Noted that the plan should be good enough that if the mine closes early it can be followed.

WMP revision

Diavik attended the wildlife workshop at the end of September. Met with other mines and ENR re: wolverine DNA studies. We're all on same timeline, including BHP. Also met with BHP to go over caribou program from last September – making sure we're online with data sharing. Grizzly: This summer: we'll be putting in a post in each of the existing plots. The only change is that instead of looking for sign they will do hair snagging from the pyramids. They don't plan to analyze the DNA. There are a fair number of pyramids inside the predicted ZOI so they should be able to test it – there are no pyramids on East Island.

Florence attended the Dene Nation meeting on caribou on behalf of EMAB. There were a lot of different views – treaty right to harvest vs. self-regulation of hunting. ENR attended but did not raise the issue of cooperation with the mines on caribou monitoring. There was some finger-pointing at the mines and ENR should have spoken up.

Suggested that EMAB could invite ENR to our meetings. Noted that EMAB has been working with the mines and ENR – lots of this information is not getting out to communities.

Suggested that Diavik monitoring data should be incorporated into cumulative effects monitoring.

Noted that the work done by Boulanger and others does use mine info, although ENR's work has not.

Q: Regarding Aboriginal involvement: How is that being carried out? Especially Traditional Knowledge?

A: Through the hiring of seasonal people. There are four summer positions dedicated to community participants. Changing to: two full-time techs per rotations instead of one and two of the seasonal people.

There is also some project-specific involvement such as the development of the wolverine program – that was all Traditional Knowledge and that’s still covered off with the existing design. Also, we still bring in a community person to conduct the program. There is not much TK in the wolverine DNA program but Aboriginal People come in to do the field work.

Waterfowl: We don’t have a lot of involvement. For raptors it’s limited to the amount of room in a helicopter, with ENR, BHP and Diavik on board. Having said that, we can usually include the seasonal person. A possible TK component was mentioned at the mines/ENR workshop in September – Diavik has not made a commitment but is interested

RioTinto birdwatch program: People from communities participated in that. We didn’t do that this year because of the production shutdown.

Caribou: seasonal people do the aerial survey and behavior survey.

Q: How are non-staff community members involved?

A: done on a project specific basis. For example people from Kugluktuk are involved in the wolverine surveys.

Q: who decided that?

Noted that there should be a process for Diavik to involve community people – all Aboriginal Parties should have the opportunity to be involved.

Chair suggests this could be discussed as part of the next item on TK monitoring.

Suggested that caribou monitoring could be done in winter. Caribou are rarely seen at Diavik in winter.

Item 4: Traditional Knowledge proposal

A) Review proposal

Proposal is in meeting binder, including the conveyance letter.

Distributed: A cost comparison of TK proposal and scientific studies being carried out.

Q: What is Snap Lake doing for TK?

A: There’s a proposal in – not sure what it is.

Comments:

- We need to know what Snap Lake is doing and compare with EMAB proposal.
- Diavik has the opportunity to play a lead role in Traditional Knowledge studies.

- At the meeting on wildlife between the three mines and boards and ENR: Snap Lake did not want to be standardized with the other two mines, because they are in the boreal forest.

ED gives background on the TK proposal for new members.

Q: Who would we be going to for funding?

A: Diavik, Ekati (which has expressed interest in doing TK), ENR, INAC (which has some interest – particularly in aquatic). Allice has a number of contacts in terms of foundations.

Q: Would we also go to Aboriginal governments?

A: WKSS did in-kind arrangements. Some may have money now. It's a possibility.

- We've had remarkably little feedback on this proposal
- There is a lack of formal awareness. If we get this to the Parties this may generate the interest.

Q: how would Parties be chosen to participate in demonstration project

A: probably wouldn't pick and choose. Board would decide but likely all who expressed interest would be allowed to participate.

Background on the dissenting voice of a former Board member. Concerns included: safety, liability, environmental assessment etc. The Board dealt with most of these and it was agreed that a traditional camp has its own safety requirements, but that these are not likely to meet Diavik's.

- NSMA member: All for collaboration...
- Diavik member would like to note that Diavik had TK camps in the early days of the company. The weather got bad, changed dramatically and we had to rescue them. People better be prepared for these things.
- The good point of circulating this proposal is that there would be something out there for people to comment on.
- Designed to be done at a hunting camp but if people don't want to hunt the caribou, that's ok, because it is a research project. Staff can be trained for safety and work with elders on approaches to safety.
- Project director is ultimately responsible – people are always concerned about safety when they're on the land.
- At least two parties should be going out to have some comparison. Could maybe do it in the post-calving period. Field work is not actually most expensive – it's staff.
- We need to make the proposal formal and get comments.
- Possible further question for conveyance letter: Do you foresee problems or challenges? If so what are they? Is one full-time researcher enough for the trial?

Alice: It's my opinion that if you have one researcher, you will fail. People talk to each other. When they struggle with something, they have somebody else to work it through with. It becomes better, clearer, and more rigorous research. It might be possible to cut back the Project Director's time.

\$70,000 does not pay two researchers. That's one researcher.

Diavik member: Is there enough work for two full-time researchers? Why is there a need for two researchers? One would have thought if a researcher in the community had an issue they could call the overall coordinator?

Alice: We normally have four researchers on our projects, two men and two women. They have to document the stories from elders and harvesters, translate and verify them, then verify with the elders again. Researching is not something just acquired; it's also verifying the information. Also, a researcher has to be someone who has the people's respect.

Lutsel K'e is anxious to do this: We will be asking looking for money, work on linkages with universities.

LKDFN has a Capacity issue re: reporting

Motion:

Approve TK proposal and covering letter as amended.

Moved: Florence Catholique

Second: Sheryl Grieve

ACTION: Send TK proposal to Aboriginal Parties and cc other Parties. Informally speak with funders.

Carried.

Noted that the letter should ask for a response regarding requests for funding from EMAB to support consultation on the proposal by mid-January

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Lunch at 12:00

Resumed at 1:40
.....

Introductions for new NSMA alternate.

Item 3: Wildlife update

ED goes over the joint letter (EMAB/IEMA/SLEMA).

Q: Diavik member wonders if the Board members really understand what is meant in that letter re: all the science.

A: The letter gives an example of how the WMP should be structured.

Q: Why the rush to get it out why could this not have waited for a few days and discussed at this board meeting?

A: An unusual circumstance. Two agencies were writing a letter to the three mines.

Noted: A formal recommendation on consultation on WMP revisions went out to Diavik (August 19) and there has not been a reply.

ACTION: Follow-up letter on August 19 recommendation to Diavik.

ITEM 5: Capacity Funding

Update in binder. Postponed while copies of marked-up plain-language document were made.

ITEM 7: Review and distribution of documents

Discussion document in kit

1) Draft documents distribution:

Draft document will go to each organization member, alternate, one extra person.

2) Review period

- Lots of discussion on acting as a Board.
- Four day turn-around is not sufficient. For known or already discussed material 4 days might be enough.
- For new material, a much longer amount of time is necessary. Also, for teleconferences, one or two days is not enough notice.
- Regarding unusual situations: the executive works with the executive director. That's what the executive is there for: taking things in hand in between meetings as necessary. The executive has the responsibility to ensure the board is kept aware of the issues
- Normal procedure takes concerns into account, but the executive responds in unusual circumstances.

3) Circulation of final documents:

On the public registry. It can go to anyone.

ACTION: Write policy on distribution of draft documents.

A four-day review period is OK for documents that have already been discussed. Otherwise they should be tabled for discussion.

Noted that some items, such as the wildlife letter, must be turned around quickly, but generally EMAB tries to give longer for Board review.

Suggested that these should be discussed by teleconference and that there should be sufficient notice of any teleconference.

ACTION: Draft document review policy with 4-day minimum review period, use of conference calls as appropriate and covering exceptional circumstances.

Noted: NSMA objects to the short (four days) turn-around on wildlife letter.

ITEM 5: Capacity funding con't.

B) Capacity fund communication

CC describes the purpose of the capacity building program summary sheet.

Noted that the issue of review of the document is no longer relevant and that a policy on review of documents will be drafted.

ITEM 6: Budget dispute status

ED updates the Board.

Comments:

- There is commonality – I the Chair feels that if we can get together with Diavik we can work on those. I don't feel that the Minister is going to solve the issue.
- The end of this first year of budget period is nearing and start of the second year.
- What can EMAB and Diavik realistically agree on?
- We have not formally discussed with Diavik their option and our options. Engage Gord in discussion on this tomorrow
- EA review focus is on implementation; interpretation is not the same thing.
- When considering contribution date of Feb 1 the reality is that the last formal message from Diavik is that they will withhold 150,000.
- We have an approved workplan and budget. We should continue to carry out our workplan.
- EMAB has said the dispute resolution processes in the EA should be used Mediation should have happened 8-10 months ago. But we can't make it happen on our own.
- Issue is: should the carry-over funds be used to reduce Diavik's contribution?

- This is taking up too much of EMAB's time. EA gives no opportunity or right to unilaterally withhold funds. This should go to court if EMAB starts to run out of money.
- Work planning is coming up. Whatever workplan we come up with we won't have the money to implement it. There is a growing, urgent need.
- This whole thing is very improper – for industry to withhold funds before any resolution is had re: interpretation. And to have INAC involved with such a clear bias towards Diavik.
- Any party can initiate dispute resolution.
- The position INAC has put themselves in makes it difficult for them to be judge and jury.
- This is between the parties.
- This is between EMAB and Diavik.
- Diavik is not seeing any concessions from EMAB. Diavik will give EMAB its independence but just wanted to EMAB to show some cost reduction. Diavik had to change their workplan because of the economy; you have to change your plan.
- That may be correct in the corporate world but where there is an agreement the agreement has to be honoured. The Parties need to resolve this.
- There are different categories of unexpended funds.
- How do you explain to the parties that you submitted to blackmail? Diavik has to maintain the contribution as laid out in the EA.
- DCAB has unexpended funds from Diavik and GNWT and reports them differently – noted that surplus funds are deducted from following year's payment
- If Diavik had provided its contribution as required, then argued that EMAB should return some funds, EMAB would live with a fair decision. Our concern is that Diavik decided on their own.
- Agreed to listen to what Gord has to say tomorrow
- Noted that staff are spending huge amounts of time on this issue.
- Diavik needs to prove that EMAB owes it money, not the other way around
- Suggested that if there's no progress after meeting with Diavik tomorrow EMAB should table the issue.

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Present:

Doug Crossley, Chair, Kitikmeot Inuit Association

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

Floyd Adlem, Secretary Treasurer, Canada

Sheryl Grieve, North Slave Metis Alliance

Danielle De Fields, alternate, North Slave Metis Alliance

Eddie Erasmus, Tlicho Government

Lawrence Goulet, Yellowknives Dene First Nation

Erik Madsen, Diavik

Guests:

Luigi Torretti , KIA
Benn Armstrong, Diavik

Staff:

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

Meeting started at 9:15.

ITEM 8: Strategic Plan Review

ED leads the Board through the Strategic plan identifying items that have been done, are ongoing, or remain to be done.

Suggestion: Instead of using the word “done,” list the actions that have been taken.

Noted: Board members get all the information, as it happens, by email. They shouldn’t need a list to say if it was done or not.

Action item: In the Strategic Plan review document, under the measures column, add a few examples of actions that have been “done”

Other additions:

For “wildlife” add “especially caribou” to emphasize the current importance of caribou (and also that it is an EMAB priority.)

Add “reclamation plan” in the first measures box.

Noted: SLEMA has a permanent TK panel. The elders always say they like the continuity of that sort of panel, that after a few years their ability to contribute increases, as opposed to sporadic and infrequent panels.

Action item: Put a TK panel discussion on the agenda for the next meeting.

Regarding training: DCAB might be able to provide information on this topic.

Noted that the recent changes to Aurora College’s NRTP program mean the curriculum now meets more of the the current needs in the NWT.

Discussion on “Strategic Initiatives – Support and assist Diavik in integrating TK into environmental monitoring”

Q: Diavik already has an AEMP and WMP. The TK proposal put forth by EMAB is a completely separate effort.

A: The information provided by the TK study would be integrated into the AEMP and WMP report. Noted that the way it’s written in the Strategic plan is unclear.

Suggestion: Invite Diavik to present WMP and AEMP, highlighting Traditional Knowledge.

ITEM 11: INAC update

Lorraine Seale presents. She will send a written update later.

Introductions.

AEMP guidelines – these came out in June 2009. INAC has started to use them. There was a broad distribution. There is a Traditional Knowledge chapter, with a toolbox to come out later. Hoping to have it out before Christmas.

There are quite a few mining projects in the environmental assessment stage so this is a good time to be testing out the guidelines. It will be a living document.

Water quality standards – Letter in kit – DIAND is developing water quality standards. Hoping for a draft for the end of the fiscal year, after which INAC will be open to input from all interested groups. The first document produced will outline the process. Following that they will develop water quality objectives – there is no timeline on this yet.

Q: Is it the goal to develop guidelines that will lead to regulations.

A: Not aware that that is the goal.

Security deposit status – The security is at 191,000,000. There was a small increase in land lease security and shifts in the EA security.

Three security “groups”: land lease, water licence, and Environmental Agreement, and in the EA security there is a fixed amount and a shifting amount.

When the ICRP is handed over to INAC they will reevaluate security.

Q: What would happen if there was a claim on the security, as in EMAB responding to Diavik arbitrarily and illegally holding back a portion of their contribution?

A: Suspect the process outlined in the EA would have to be done before a draw down could happen.

Item 8 – Strategic Plan Review con't

Discussion on communications component of strategic plan – cc is compiling quantitative measures into a table; the newsletter is almost done; community updates are coming up.

Discussion on need for meeting binders to be available further in advance. Suggestions for 5 – 10 days. Noted that this was discussed with the Board a few years ago and most people wanted the binders the day before the meeting. A member would like meeting binders couriered to Board members ten days before the meeting so that all members can be prepared to be active and engaged.

Action Item: Binders will be available a week in advance of Board meetings.

Q: How would the Board like to review the Communication Plan?

A: The same way as the Strategic Plan.

Action item: CC will distribute survey results from community meetings by email.

Sheryl wants a site visit as part of new member orientation.

This discussion on the Strategic Plan is the first step to developing the workplan for 2010-11.

Noted that the Strategic Plan and Communication Plan are living documents. They can be changed anytime. If anything is missing or needs to be changed, it can be.

ITEM 12: Budget Dispute – Discussion with Diavik

Gord Macdonald (as Diavik Party representative) and Marc Lange (INAC) are present.

Chair reviews what was discussed the day before on this matter. Notes that Gord is here to discuss the issue.

Summary of discussion:

Budget and revenue

- DDMI wants budget to only show committed revenue; EMAB develops the budget based on the workplan, then prioritizes depending on whether funds are available. EMAB has done this for years. DDMI does not agree with this approach.
- Interest would not be included as revenue using DDMI's proposed approach
- EMAB is concerned that DDMI wants to re-visit the expenses in the budget that DDMI already agreed to.

- DDMI believes the EA sets a maximum contribution for Diavik. EMAB says the EA requires EMAB to use best efforts to keep budget below the previous budget indexed for inflation, but does not set a maximum.
- Some discussion on whether DDMI's contribution can be less than the previous budget. DDMI feels that if DDMI and EMAB disagree on the budget and the amount is less than the previous budget, then the Minister decides, but if DDMI's contribution is at the "maximum" then EMAB must apply for additional funds under 4.8(f)
- DDMI wants EMAB to include unrestricted net assets as revenue in the next budget period; EMAB says this is EMAB's decision
- If DDMI's contribution is not enough then EMAB can apply for more funds under section 4.8(f)
- Interest component of unrestricted assets needs to be clarified.
- The main issue for DDMI is what should happen to EMAB's unrestricted net assets – if EMAB agreed to spend them in the next two years the issue would be solved. DDMI is not willing to agree that EMAB can spend the unrestricted net assets by the end of 2013. DDMI wants EMAB to use up the unrestricted assets during this budget period; EMAB disagrees and wants a fair solution. Once the unrestricted net assets are used up they are gone no matter what the final resolution is.
- EMAB suggestion that the unrestricted net assets could become a contingency fund.
- DDMI wants EMAB, and all the Parties, to ensure there is never a surplus again

Process for resolution

- DDMI should pay its full contribution for 2010-11 and if a fair process determines an overpayment than EMAB will agree to return that portion. DDMI disagrees with this approach and states EA does not provide a mechanism for returning funds to DDMI. DCAB agreement provides for unexpended funds to reduce DDMI's contribution the following year.
- EMAB believes DDMI is not honoring the EA by unilaterally reducing its contribution. Providing the full amount would show good faith. DDMI says it is trying to honor the EA.
- DDMI believes this issue is about interpretation of the EA, so is an issue for the Parties; EMAB believes it should be dealt with through existing EA mechanisms. The IEMA solved its budget dispute with Ekati using their EA dispute resolution mechanism.
- An independent facilitator/mediator is needed to solve this. We need a new perspective.
- EMAB provided DDMI with principles and objectives for resolving the dispute in October. DDMI will review these.
- DDMI feels Parties are now involved through the letter from DIAND, GNWT and DDMI, so dispute resolution is no longer an option. EMAB disagrees – this approach does not follow the EA. The Aboriginal Parties said they wanted DIAND to initiate the EA dispute resolution mechanism. EMAB feels a solution will be easier if DDMI and EMAB try to work things out, then present a proposed solution to the rest.
- EMAB wants a solution that will ensure non-compliances like DDMI's unilateral reduction of its contribution do not happen in future. EMAB has lost trust in DDMI.

- DDMI says that the first two points of the joint letter are proposing an interpretation of the EA for the other Parties to consider. EMAB expresses concern that DDMI is proposing an approach to resolving the issue that does not follow the EA and excludes EMAB. DDMI says all Parties and EMAB would be involved in any discussion towards a solution.
- DDMI said that if the Parties felt there was no basis for reducing its contribution at least one Party would have stepped in. EMAB said that a number of the Parties did send letters disagreeing with the reductions.

Independence

- DDMI doesn't think workshops that bring people from communities together are effective; communities have told EMAB they prefer this approach
- It is up to EMAB how to spend the unrestricted assets; DDMI disagrees.
- EMAB says it must be able to reallocate funds between budget lines

Lunch at 1

Back at 1:30

ITEM 13: Inspector's Report

Jen Potten presents.

November 30-December 1 site visit

- Diavik received approval from the inspector for an additional SNP site for underground.
- Ice dam in pond 5 – much smaller than last year.
- There has been very little seepage this year and none into Lac de Gras.
- Water management plan to come out on Dec. 31st.
- North Inlet to process plant pipeline being constructed, which will be used instead of fresh water from Lac de Gras. Should be operation by January 2010
- Allowance for more water use from the lake ends Dec 31.
- The pipeline has secondary containment along the whole route
- Volume and frequency of spills in major equipment is going down.
- Glycol spill Friday contained within the truck shop area, contained and cleaned up.
- Reports from summer inspections have been filed with the WLWB
- Land use permits expiring in early 2010 – already did the inspection; it's now with the WLWB.
- Also looking into security deposits
- Test rock piles: doing research on acid rock drainage. Air water and wind all affect the possibility of drainage quality.
- Authorized Diavik to discharge pond 3 into Lac de Gras but it did not discharge.

- Authorization for the SNP for underground water monitoring – 1645-75 & (75b) ideally those two water pieces will match.
- Noted that seepage problems in 2008 were largely due to high precipitation
- Weekly compliance tour takes place – that internal to Rio Tinto.
- Will do another inspection in December

Introduction of Darnell McCurdy – Acting Director of Operations for DIAND.

There was unfortunate attention in the media regarding responses to EMAB's letter about inspection reports. INAC does have dedicated inspectors for each of the mines, but inspectors also have other skills and knowledge.

In the case of Jen Potten, she was asked to inspect a simple spill that turned into prosecution situation.

INAC holds Diavik responsible regardless of whether an inspector is there or not. There is continuous communication between the mine site and the inspector.

McCurdy would like to establish some line of communication about inspections rather than the media and the Regional Director General. He is the contact and he was responsible for assigning Jen to inspect the spill.

Additional item Christmas closing period for EMAB...

Motion

Close the office end of working day of December 23 to the first working day after Jan 1st. This is to be a paid holiday for staff.

Moved: Florence Catholique

Diavik member notes that EMAB should be open just like Diavik. The mine is not closing and the people at the mine site have to use their own holiday time for days off. In the summer EMAB noted that they had to stay open because they felt the mine was still creating wastes/operating. Now EMAB wants to close down when the mine is operating???? Lets vote on it as I know what the answer will be.

Seconded: Floyd Adlem

Carried: 3 for, 1 against, 1 abstention

ITEM: 14: Training Update

ED gives reviews background.

The situation is back to where it was before EMAB organized a meeting among the relevant parties.

Discussion on whether EMAB should take steps to get everyone back together again.

This is another slippery slope issue. We can do our little bit.

Diavik adopted ECE's environmental monitor certification

EMAB needs to remember that the programs we are engaged in benefit Diavik and they need to step up as well. EMAB shouldn't be developing curriculum.

Action item: Write a letter to the people originally involved in the training meeting organized by EMAB to motivate them to continue pursuing the development of better training.

Add training to the agenda for the next meeting.

MTS: There is a lack of clarity on what should be in a training program. The diamond mines are mostly interested in underground mining training.

ED will talk to training staff at Diavik and possibly other mines.

ITEM 9: EA Review Process

Letter and survey sent out and an email motion was circulated, but it was agreed to hold off on the decision until the meeting.

Action item: Make changes to the letter for approval by Chair; send to Parties and Board members.

Action item: Make a slide of the survey.

Discussion on whether EA review should be done by an independent consultant. Agree that this would be better – provides a more objective review.

Action item: Write a scope for the workshop facilitator/report and circulate to Board for comment and email approval

ITEM 10: Annual Report discussion

Information in binder.

Board chooses recommended option 2: WMP- and AEMP-related activities to be included in the current annual report. Any other activities, that for exceptional reason might need to be included will be flagged and discussed by the Board.

ITEM 15: Reports

Financial statement

Floyd presents.

Motion:

To accept the financial statement as presented

Moved: Floyd Adlem

Second: Florence Catholique

Carried

Agreed to make the Wildlife CE workshop the lowest priority project for 2009-10. Noted that the EA review will be more expensive than originally budgeted since the review will be done by a consultant.

Q: What else is on the table re: workplan in light of the budget issue?

Discussion on budget scenarios with different levels of Diavik contribution in 2009-10 (see kit). Noted that this would be useful to provide to Diavik since it addresses their question about what will happen to the \$360K in unrestricted net assets. Also noted that EMAB has always budgeted to spend the unrestricted net assets, just hasn't been completely successful.

The dream draft budget might be the needle in a haystack.

Action item: Divide the action items by Strategic Plan category.

Action item: ED to email recommendations/correspondence chart to Board.

Bump Item 16: Completion of Internal EA Review.

Member reports

Canada – Nothing to report

LKDFN – Interested in having an EMAB update with SLEMA and IEMA. Regarding the EMAB TK proposal – LKDFN have aligned some funders. Meeting with Diavik next week – will raise budget dispute. Capacity

funding not claimed by other Parties – LKDFN is very interested in 20,000. Now have an Acting Wildlife Manager. Requesting MTS funding for tank farm contamination. Regarding caribou and positions taken by WRRB and Tlicho Government – LKDFN has not taken a position yet – there is a boundary agreement between Akaitcho and Tlicho that affects this.

KIA – Attended KIA AGM October 1 - 3 and presented. KIA appreciated the opportunity to engage and discuss issues. Working on a proposal for 2010-2011 capacity funding with KIA culture, elders and youth staff. Met with KIA president last week, as always before a meeting, to go through the EMAB meeting agenda.

Diavik: December production shut down cancelled and working through Christmas. Underground to open in the new year.

YKDFN: Set up a trail-cutting employment opportunity. Shutting down at Christmas.

Tlicho Government: Tlicho have a new government. Land use planning process is nearly completed; it will be done in the new year. Lots of activity happening on Tlicho lands, with many reports for the chiefs. A lot of these meetings conflict with EMAB meetings and will suggest that the Tlicho Government appoint a new Board member.

NSMA: Busy filling staff vacancies. Danielle is the alternate, but Britany may sometimes come to EMAB meetings. A lot of training and orientation going on in the office. Also a lot of planning. At the community level people are talking a lot about caribou. About whether or not they are happy with monitoring? Are the mines affecting caribou? People are in an uproar at Diavik's action, arbitrarily withholding part of its contribution. The lag in preparation of inspector reports also bothers NSMA. It looks like INAC is partnering with Diavik to muzzle an independent watchdog. It's really starting to look quite bad. Letters regarding both were circulated.

Next meeting: January 21-22 tentative. (Dettah?)

Executive will meet to discuss next steps re: budget dispute. Need to define issues and get some agreement with Diavik on interpretation of EA.

Prayer: Lawrence Goulet