# EMAB Board Meeting Minutes Day One – February 18, 2003 Yellowknife, NT

#### **Present:**

Robert Turner, Chair, North Slave Metis Alliance Floyd Adlem, Vice-chair, Government of Canada Doug Doan, Secretary-Treasurer, Government of the Northwest Territories Lawrence Goulet, Yellowknives Dene First Nation Florence Catholique, Lutsel K'e Dene First Nation Johnny Weyallon, Dogrib Treaty 11 Council Erik Madsen, Diavik Diamond Mines Incorporated

#### **Absent:**

Doug Crossley, Kitikmeot Inuit Asssocation – (will be in tomorrow) John Morrison, Government of Nunavut

#### **Resource People:**

David Livingstone, Department of Indian Affairs & Northern Development, DIAND John McCullum, former chair of West Kitikmeot Slave Study (WKSS)

#### **Support Staff:**

Alex Borowiecka, GeoNorth Limited (minute taker)

Opening Prayer – Florence Catholique

Welcome from Chair Commencement by Bob Turner at 9:30 am

Agenda Items	
&	Discussion / Decommendation
Discussion	Discussion / Recommendation
Headings	
Approval of Agenda	Amendments to Agenda: None  Motion #01-03-02-18  Approve agenda Moved: Bob Turner Seconded: Floyd Adlem Carried: Unanimously

#### Amendments to, and discussion of, January 15 &16 minutes:

- An update on CEAMA is needed. There may be possibility of sharing office space and an administrative position. This update should be requested.
- Discussion followed on the minutes from the No-Net-Loss meeting. Do they have to be approved? It is not mentioned in the minutes that they were approved.
- The cumulative effects workshop notes should be attached to the minutes.

**Action Item:** Workshop notes should be put in a binder and labelled.

- Question re. Chris Hank's presentation. Florence wants recorded that she was not there from 1:30-3:00 p.m. She was at a medical appointment (Page 18) and returned at 3:00 p.m.
- Page 19 should note that Chris Hanks gave update on winter road.
- Page 19 "bevel pits" should read "gravel pits".

### As requested by participants review started at the beginning of the minutes.

- Page 4 It should be noted that the spill was reported, even though the breakage was contained within the PKC. The south sewage treatment plant will be discontinued and re-routed to the PKC. There is not currently a regulation for seepage. Levels are currently lower than expected.
- Page 5 New president name correction to "Phillip du Toit".
- Page 6 The name "Charles Brulet" should be changed to "Charles Goulet".
- Page 18 "Brenda Kusak" should be changed to "Brenda Kuzyk".
- Page 19 Chris Hanks presentation indicate that Julian did not do this
- Page 23 EMAB will write a letter regarding the Fisheries Workshop. DFO has to be on board. Clarification is required for this item. Letter has been drafted and won't be sent until the Board hears from DFO.
- Page 16 -Lawrence Goulet—spelling of "checks" should be "cheques". There should be \$ sign for 10,000.

#### Motion #02-03-02-18

Approve minutes from Jan 15 & 16, 2003 as amended. Moved: Erik Madsen

Approval of Minutes January 15 & 16, 2003

	Seconded: Lawrence Goulet Carried: Unanimously
Executive Committee Report -	Nothing to report.
Personnel Committee Report	Resumes for the Executive Director position were evaluated by the Personnel Committee. People will be e-mailed with results.

#### Break - 10:10 am

Erik Madsen joined the group at 10:15 am.

#### Reconvene – 10:30 am

Agenda Items & Discussion Headings	Discussion / Recommendation
Finance Report	<ul> <li>Doug Doan noted that the finances are in good shape.</li> <li>There was a question brought up by Doug Crossley last time regarding a duplication of entries. Accountants have corrected this.</li> <li>The NWT payroll tax has not in the past been collected from employees. Should the board pay for the past and deal with the future? It only affects honoraria and is probably simpler to pay at this time.</li> <li>Motion #03-03-02-18         For EMAB to pay the 1% payroll tax for the year 2002 Moved: Floyd Adlem Seconded: Johnny Weyallon Carried: Unanimously     </li> <li>Discussion regarding a bookkeeper for EMAB: 5-D Management might like to use some EMAB office space. There should not be a</li> </ul>
	service interruption. By doing it here they would be doing a lot of the work done by Linda. Linda could do much of the work. What are the pros and cons? It may be an opportunity to develop with Linda, more responsibility, training and bookkeeping. Decision to sit down with Linda and Don to discuss new approaches.

**Fisheries workshop invoice:** A previous motion said the costs would be shared three ways, but was vague. There needs to be more clarity on who is paying for what (i.e. cost for out of town delegates).

#### Motion #04-03-02-18

To resubmit to DFO invoice for \$2085.81 for workshop; a new invoice to cover the portion of the No Net Loss workshop. This invoice is in place of a previously issued invoice (for 3013.69, January 27, 2003).

Moved: Erik Madsen

Seconded: Florence Catholique

Carried: Unanimously

#### Capacity funding reporting re: reports past due:

Regarding setting up a meeting with Rachel Crapeau, of the Yellowknives Dene First Nation, Doug had not been able to get in touch with her.

#### **Capacity funding:**

There is a desire to continue the summer fish camp. In order to do so a proposal should be completed to ensure adequate funding is available.

Funds should come out of the fisheries workshop.

There are still problems with the permitting of the camp.

The motion passed to support the capacity building fund was not detailed enough.

The Graeme Dargo and Associates Capacity Building Fund report was distributed and will be put on tomorrow's agenda.

#### Review of Outstanding Action Items

The action items were reviewed and changes will be made to the outstanding action item list. The following brief comments were noted:

- EMAB is now hard wired into Arctic Data and therefore the related action item is taken care of.
- If the Dargo and Associates report is approved, this should become an action item.
- Costs for insurance will be dealt with on tomorrow's agenda.
- Diavik has approved the EMAB's latest budget submission.
- Template for area of compensation recommendation: waiting for DFO response to letter.

#### Lunch Break - 12:00 noon

#### Reconvene – 1:30 pm

David Livingstone and John McCullum joined the group at 1:30 pm.

## Discussion with David Livingstone and John McCullum re: WKSS Report:

Summarized notes are as follows:

#### General:

- DIAND explained their direction related to the WKSS Report and will continue to fund projects and raised the notion of collaboration with EMAB. Is there a possibility of sharing funding?
- This is a transitional period with respect to the possibility of the future development of a single monitoring agency. The new research period ended in 2001. This now has to be built on. A partnership agenda is needed with EMAB and other organizations.
- Terriplan is developing a plan for the workings of a regional monitoring agency/committee, or lack of. Nunavut still requires input into a regional monitoring program. Cumulative impacts could be addressed through a regional monitoring program.

#### Budget:

#### West Kitikmeot Slave Study Report

- A budget is being put together for various projects. Various projects, and monitoring systems, and seasonal movements of the Bathurst caribou were mentioned.
- Budget requirements will be around \$400,000. Costs could be split between partners (Lutsel K'e, RWED, DIAND, EMAB).
- Last year much of the funding came from DIAND. Projects are of mutual interest. EMAB would also be credited with projects carried out.
- Who could be designated from EMAB? Can EMAB identify projects of interest? A partnership will help to free up DIAND money. If there is money that can be identified for WKSS this would help.

#### Single Monitoring Agency:

- There could be agreement on the single monitoring agency within a year's time.
- WKSS work would be transferred to the proposed program.
- It is better to have an overall agency rather than project specific ones.
- It is important to keep the projects like WKSS running. If WKSS stops it would be hard to keep up funding.

#### Partnerships:

• With respect to partnerships and collaboration: BHP seems keen; DeBeers is interested but mainly in community projects.

Looking for collaboration, for all those who need data. Collaboration is the important concept for a regional monitoring agency. Process to be used to disperse information: community workshops. EMAB can deal with research at their discretion. EMAB is not in the business of funding research. This could be an opportunity for more community based monitoring, to allow community participation. Diavik obtained a new land use permit for these camps. Community based monitoring regarding mine sites: Communities want to be involved in studies. Some of the site specific studies could fit into the regional ones. The cumulative impact program should be lead by communities. Bob Turner is on the board of WKSS, and could be available as a contact member. Broader study topics: caribou, water quality (regional). John McCullum gave Floyd a CD of projects as well as a final report from Terriplan.

David Livingstone and John McCullum parted the group.

Break - 3:00 pm

#### Reconvene – 3:30 pm

Agenda Items & Discussion Headings	Discussion / Recommendation
Diavik Diamond Mines Presentation – Project Update	<ul> <li>Erik Madsen presented a Project Update for the Diavik Diamond Mines project. Discussion on the following topics was noted.</li> <li>Oil remediation processes.</li> <li>Smaller trucks shipped out on flatbeds.</li> <li>Permanent accommodations – moved in on February 7<sup>th</sup>, 3 floors converting TV lounges. Most are at the north construction camp.</li> <li>Gym, running track, fitness area and medical facilities.</li> <li>E-wing has been moved to main complex allowing the use of one kitchen.</li> <li>Question as to whether north camp should be moved. The south camp could be taken out to allow for this.</li> <li>Mining update:</li> </ul>

- Opening up benches.
- Opening pit while mining kimberlite.
- Mining is progressing.

Question: How deep and wide will this go?

Answer: Engineers are looking at going underground earlier and this would mean not going as deep as originally planned.

- Still batching material at front. Rate expected to run 1500 tons per day, on average and will vary day to day.
- Working on water license report.
- Sent letter to MVEIRB requesting change of date.
- Status DDMI is awaiting comments from DFO for approval. DFO has developed guidelines on blasting. Staff changes have slowed this down. Work may not get done under ice this year.
- On the water intake, fish studies would be better done in July and August with open water.
- Camp is being developed for use in July.
- There has been only one consultation regarding the camp, waiting for DFO.
- There is a need for an annual report for DFO, Diavik.

Meeting adjourned at 4:30 pm.

# DRAFT EMAB Board Meeting Minutes Day Two – February 19, 2003 Yellowknife, NT

#### **Present:**

Robert Turner, Chair, North Slave Metis Alliance
Floyd Adlem, Vice-chair, Government of Canada
Doug Doan, Secretary-Treasurer, Government of the Northwest Territories
Lawrence Goulet, Yellowknives Dene First Nation
Florence Catholique, Lutsel K'e Dene First Nation
Johnny Weyallon, Dogrib Treaty 11 Council
Erik Madsen, Diavik Diamond Mines Incorporated
Doug Crossley, Kitikmeot Inuit Association

#### **Absent:**

John Morrison, Government of Nunavut

#### **Resource People:**

Carole Mills, Independent Environmental Monitoring Agency (IEMA) Sean Kolee, Independent Environmental Monitoring Agency (IEMA) Lisa Best, GeoNorth Limited Scott Wytrychowski, Senior Environmental Coordinator, Diavik John Larsten, Lakeshore Insurance

#### **Support Staff:**

Alex Borowiecka, GeoNorth Limited (minute taker)

Agenda Items & Discussion Headings	Discussion / Recommendation
Cumulative Effects Assessment Monitoring Assessment (CEAMA) Office	<ul> <li>The scheduled presentation of the Inspection Report was cancelled.</li> <li>Cumulative Effects Assessment Monitoring Assessment Office</li> <li>Discussion (CEAMA)discussion as follows: <ul> <li>Eric Christensen suggested use of the EMAB board room.</li> <li>Under the socio-economic agreement, there would be no way of showing that aboriginal employees are advancing to higher levels, or how the mine is affecting the community. Need to know the workload that is available.</li> <li>The Diavik board is accountable to the communities. Diavik is supplying the resources for the office. However socio-economic needs need to be addressed.</li> </ul> </li> </ul>

EMAB's office space could be used for other purposes.
DDMI board needs to write letter formally to see if use of the
board room is worth doing.
Are office resources underutilized? When looking for move to
regional work, go to WKSS, and this would still be under
environmental umbrella.
• There should be an introduction to the president of Diavik, Mr.
Du Toit. Erik will look into this.
Mr. Du Toit will be travelling to various communities.

#### Break - 10:00 am

#### Reconvene – 10:15 am

Scott Wytrychowski joined the group at 10:15 am.

Agenda Items & Discussion Headings	Discussion / Recommendation
Inspection Report	<ul> <li>Diavik Inspection Reports Presented by Scott Wytrychowski:         Site photos were provided of the site over the past few years. Most of the site work has been done, as has the dewatering. Both a CD and a hard copy of this report are available.     </li> <li>Operational Phase Management Plans:         <ul> <li>Plan will be updated in 2003 and will be provided in report to Mackenzie Valley Land and Water Board.</li> <li>Waste drums are colour coded for easier identification – similar to BHP.</li> <li>Spills must be reported on form no matter how small.</li> <li>There is now a permanent inspector at the mine site.</li> <li>Spill not reported: a pipe blew within the containment facility; it was spiggotted within the PKC. The transfer station allows removal back down. The pipes could not handle the pressure.</li> </ul> </li> <li>Question: If it comes from a pipe can it still be considered a spill?         <ul> <li>Answer: It was still an approved spigot point, but was still reported.</li> </ul> </li> <li>Revised 2001 AEM Technical Program:         <ul> <li>Requested by MVLWB.</li> <li>Maps revised.</li> <li>Wanted resubmission of report on invertebrates.</li> <li>Removed phosphorous results from the report. The lab used in</li> </ul> </li> </ul>

Ontario did not give accurate results.

• The report is under review by MVLWB.

#### **As-built PKC Report (Process Kimberlite Containment):**

- Report submitted within time frame.
- Field engineers modify conditions, details.
- Water license application goes to MVLWB.
- 80% of water reclaimed.

#### **Final Report – Habitat Utilization:**

- DFO asked for revisions.
- Report revised for this.
- Still under review by DFO.
- Shock waves go out from the blast. These will be two separate reports, habitat and blasting.

#### 2002 Winter Dissolved Oxygen Report:

- DFO has completed review under the fisheries authorization.
- DDMI is waiting for additional sampling point. There are two treatment points one at the north station and one at the major site. Discharge sites are monitored. Levels of discharge provide for good quality water.

Question: How are oxygen levels measured?

Answer: Organic matter rotting eats the oxygen after the ice.

Everything has been normal. It will be the last year as it will be recycled within the plant.

#### **East Island Seepage Report:**

- With road construction there are spikes of seepage.
- Nitrogen levels were higher due to blasting.
- Natural runoff higher due to blasting but to back to normal.
- Needed amendment for pH, there are monitoring trends in various areas of Lac de Gras, also looking for ammonium nitrate.
- Status due to be reviewed by MVLWB
- The only trend is the low pH.
- Where there was a spike last year, this year there is nothing.
- Use of fabric barriers as preventative measure for seepage.

#### **A-154 Dewatering Summary Report:**

- Summary reports are required under the water license: Pre and post dewatering.
- During dewatering pumps had to be redirected to the on line storage facility to keep it from Lac de Gras and this has continued.
- Report currently under review by MVLWB.

#### As-built Report Dams #1,4 & 5: Also required under water license. Small modifications made in Currently under review by MVLWB. Review of Capacity Funding – Dargo & Associates Report: Capacity funding moved to this morning to go through Dargo report, in order to amend and adopt. Capacity could have other meanings. The report when amended could be inserted into the operations manual. Editing may be required for numbering. Page 14 – remove second paragraph. Language in the constitution or environmental agreement could be dropped in, when put in policy could refer to that language. To be called EMAB Capacity Funding Policy. Take out "community". • Any changes will be made internally as Dargo & Associates has been paid. There will be an internal draft. The first principle needs restating. Capacity funding is to enhance the abilities of aboriginal people to participate in environmental issues. Take it out of the agreement (Floyd will look into this with a review of the Environmental Agreement). Should EMAB be funding studies? There may be some validity Capacity in funding projects/studies in the future. The presentation by Funding Scott noted possible projects. The board goes through the documents - there is no designing of studies. How do we know that the people who will be monitoring are capable? Not sure that there are capacity funds for doing this work. What should the capacity fund be used for? How does the board help the parties with the information, literacy and understanding of scientific terms? Drinking water would be a good example would be a good example of a subject that requires plain language treatment. Research would be undertaken by board. Capacity would be used for better understanding. The board would determine which communities have a greater need. EMAB would develop proposals. DDMI should develop a fund for research. Scientific information and water issues are hard to explain. There is a need for plain language. This could be explained using actual examples such as drinking The executive director could be part of this process of plain

language development.

- The board is a traffic controller amongst various agencies with this in providing information to communities. EMAB could coordinate things within the communities.
- The capacity fund is not for research.
- The annual report goals do not match the agreement. The annual report is broader. Some have been refined. Language in the annual report is extracted.
- There was discussion re redrafting the policy part of the report. Floyd will redraft the policy section of the report (involving discussion with Doug Doan). This will be prepared for the next board meeting.
- This should be examined legally in conjunction with the original agreement.
- The goals in the annual report were the ones agreed on. We don't want to go back and redo them.
- The fund is the focus in the report. Some things in the report are not tied to the report. Reluctant to bring in lawyer perhaps someone like Eric Yaxley could have a look at the report.

#### **WKSS General Discussion Following Day One Presentation:**

- Re projects and partnering: The board has to make a decision about the vision of a regional agency. Do we support that notion and vision? If we do it should be made public. A lot of people think we cannot have separate agencies for projects. We need to be proactive.
- The intent during negotiations for agreement was that there be regional bodies, a regional monitoring agency.
- Does the Board support this? WKSS had a lot of momentum. Can EMAB help to develop a base for the new regional monitoring agency?
- The Lutsel K'e Dene First Nation supports the WKSS idea with continuing research and a regional monitoring agency.
- There needs to be a letter to the Lutsel'Ke party.
- If the board participated we could help to allow their funding to continue
- We need to put together a position on regional monitoring.
- If EMAB says they will work on projects of mutual interest this will be of help to WKSS.
- Generally we support research within the Slave Geological Province and there is a need for research.

# WKSS General Discussion Following Day One Presentation

#### Motion #01-03-02-19

To improve decision-making and environmental assessment EMAB supports the continuing need for environmental baseline data collection and implementation of cumulative effects monitoring to build upon the established programs in the Slave Geological Province and adjacent areas, which are subject to potential environmental impacts from development.

Issues of interest to EMAB may benefit from research and EMAB is committed to identifying projects/initiatives within their work plan, which may lend themselves to a "partnership" approach.

The chairman of EMAB will write a letter to WKSS and copy interested parties.

Moved: Doug Doan Seconded: Doug Crossley Carried: Unanimously

#### **Action item**

• The Chairman will send a letter to WKSS and copy all interested parties.

#### Lunch Break - 12:00 noon

#### Reconvene – 1:15 pm

#### **Operations Manual Discussion:**

There was a review of the notes regarding the operations manual in the January meeting minutes.

Capacity funding will be put into the binder when Floyd revises it.

#### Operations Manual

Finance Section:

#### Motion #02-03-02-19

To accept that section 2 finance amendments with changes as amended be approved.

Moved: Floyd Adlem Seconded: Erik Madsen Carried: Unanimously

Personnel Section:

Additional notes to minutes page 21 – change from Manager to Executive Director throughout.

Sections 6,7,8,9,10 still to be completed. Probably Executive Director will have to complete this. (Termination, leave, relocation, overtime pay and compensatory time)

Action Item:

• Executive Committee will complete this section 5.2.6-5.2.10

Motion #03-03-02-19

Motion to accept section 5.1-5.2.5 as amended.

Moved: Floyd Adlem

Seconded: Doug Doan

Carried: Unanimously

John Larsten Joined the meeting at 1:40 pm.

Agenda Items & Discussion Headings	Discussion / Recommendation
	<ul> <li>Insurance: John Larsten of Lakeshore Insurance attended the meeting to discuss insurance coverage of Board members. The following is a summary of the presentation/discussion:</li> <li>No coverage on life and disability for those who have no</li> </ul>
Insurance	protection from given employers.  Beneficiary of life insurance policy is taxable if paid by employer.  If insurance is paid on individual basis, then it is not taxable.  Not the premium - but the benefit is taxable.  Disability is differently structured – only able to have what was historically earned.  The board could cover a salary replacement coverage and essentially replace the historical income.  The costing issue would not matter for disability.  Best to pay out in a tax free environment.  Disability structures allows payouts of equal nature.  Air travel, mine sites –old, new, proposed could be looked into  Lakeshore has done groups, but not boards.

inflation, and time of return to work. Could have range of coverage. • Lakeshore Insurance needs direction from Board to set parameters of coverage. One serious accident could cost 20 years of premium. Discussion Following Presentation: Board cannot pay 20 years of premium. • The Board suggested looking at it as a group policy. • Board should check with lawyer. • The principle issue-people with interest in board need to be assured. Board would get premium if it had to be returned. • Life insurance could be offered across the board, but not disability. • Premium is based on potential for earned income, and what has been earned. The group's history will be used for pricing of insurance rates. • Not all people are in the same standing, e.g., aboriginal. • Could be capped on historic incomes. • Let's agree what the parties have or are willing to provide. • Consult a lawyer. Do the parties have an obligation to appointed board members? Issue: Do boards require liability insurance, should the parties provide insurance? **Action item:** Identify the issue and ask for Austin Marshall's advice as lawyer for EMAB. The Executive Committee will meet with Austin to discuss insurance issues. **Annual Report Discussion:** Annual • Needs to be filed by August 1. Report • Writing should start by April 1. • Will be noted at future meetings.

#### Break - 3:00 pm

#### Reconvene – 3:15 pm

Carole Mills, Sean Kolee and Lisa Best joined the group at 3:15 pm.

- Plain language will be used and be easier to translate.
- Concern so many past TK workshops. How to make sure this one is useful?
- We need to help to tailor information from these discussions for final recommendations.
- The main objective is to have the aboriginal groups working in a coordinated way, how things can work better at a mine site. They will be involved in the incorporation of TK management.
- Need coordinated approach to mine management. Changing objective 3 would be good.
- Process should be a recommendation, could then be used at BHP, i.e. to give them monitoring camp as well.
- Diavik would like to hear recommendations as to what groups would like the camp to be.
- The agenda should include room for drafting recommendations.
- Could include discussion about past successes and failures.
- Change failures to challenges one of the challenges would be caribou monitoring by individual groups a few months apart.
- Developing and strengthening working relationships amongst groups.
- The resource binder contents were discussed.
- There should be a chronological reference of past TK meetings.
- Linda needs to know translator requirements from EMAB by next Friday.

Carole Mills, Sean Kollee and Lisa Best parted the group at 4:30 pm.

#### **Decision about next meeting summarized as follows:**

- To be confirmed, sometime in mid March.
- Environmental subcommittee is going up in March (?)
- Community visits in April, May, June, July (?)
- Report information provided by Diavik, in binder, not discussed (to be discussed at next meeting)
- Set up meeting with MVLWB regarding review, which has taken a long time.

#### Motion #04-03-02-19

Motion to adjourn. Moved: Bob Turner Seconded: Erik Madsen Carried: Unanimously

#### Meeting adjourned at 4:45 pm.