

EMAB Board Meeting
Thursday, June 13th, 2002
EMAB Office, 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
 Erik Madsen, Diavik Diamond Mines Inc.
 Florence Catholique, Lutsel K'e Dene First Nation
 Doug Crossley, Kitikmeot Inuit Association
 John Morrison, Government of Nunavut (alternate)
 Tony Pearse, Dogrib Treaty 11 Technical Advisor

Staff:

Kirstie Simpson, Executive Director, EMAB
 Ryan Crago, GeoNorth (minutes)

Absent:

Paul Partridge, Government of Nunavut
 Alex (Sandy) Buchan, Kitikmeot Inuit Association
 Angus Martin, Yellowknives Dene First Nation (alternate)
 Lawrence Goulet, Yellowknives Dene First Nation
 Johnny Weyallon, Dogrib Treaty 11 Council

Meeting called to order 9:15am.

Opening by Robert Turner

Agenda Item	Discussion / Recommendation	Action
Today's Agenda	<p>There was some discussion of today's order of business. Erik Madsen would like to solidify a date to review DDMI's WEMP in a joint meeting with RWED. It was decided to review this as part of AGM week in September 2002.</p> <p>Tony Pearse suggests adding follow-up from June 12th DTC meeting to agenda. Agreed by the chairman.</p>	Board to review WEMP in a joint meeting with RWED in September.
Approval of Minutes from previous Board	Comments submitted to Executive Director were incorporated into May 13, 14, 15	

<p>Meetings</p>	<p>minutes.</p> <p>On page 12 of the May 15th minutes, Robert Turner comments that there will be a charge for boating to Old Fort Rae for the TK workshop. Mentions that Rajna Bunden is the NSMA business manager, and a contact for the coordination of the TK workshop.</p> <p>Floyd Adlem suggests removing hourly rate provided to Rosella Stoesz on page 13. Agreed by the Board.</p> <p>It was noted that the DTC are to meet again on June 25th, not June 26th as stated in the May 15 minutes.</p> <p>Motion #1-02-06-13 To accept the minutes of May 13th, 14th and 15th as amended. <i>Moved:</i> Floyd Adlem <i>Seconded:</i> Erik Madsen <i>Carried:</i> Unanimously</p>	
<p>General Discussion of Board Development Workshop</p>	<p>There was some discussion of the potential for conflict of interest as Board members hold dual roles. This issue will be discussed further at the workshop.</p> <p>There was some discussion of logistics for the workshop in Lutsel K'e in July. It was confirmed that there would be a public meeting. Travel logistics have been arranged and confirmed by EMAB staff. Florence Catholique mentions that Rita will serve as contact in Lutsel K'e.</p> <p>Kirstie Simpson mentioned that Mike Bell will be facilitating the workshop, and he requested that the Board members be asked if they were comfortable with him in this role. There were no comments by Board members.</p>	

Julie Dahl and Marc Lange from DFO arrive at 10:00am.

Break at 10:00 am

Reconvene 10:10am

<p>Discussion with DFO regarding the protocol for interaction between EMAB and DFO in context of the Fish Recommendations</p>	<p>There was some discussion as to why there were no comments submitted by DFO on EMAB's Fish Recommendations. EMAB had expected DFO to comment. DFO believed that these were not official Board recommendations because they had been partially developed by the Fish workshop facilitator.</p> <p>DFO agrees to discuss their comments on the recommendations today with the Board.</p> <p>DFO requests the Board clarify its' role with respect to monitoring and the DDMI project. DFO sees EMAB's role as community consultants.</p> <p>EMAB states that they are not a conduit of consultation, and that any responsibility DFO has for consultation, must be carried out by DFO. EMAB is a process of aboriginal involvement, which should not be confused with community consultation.</p> <p>DFO expresses concern about how it should proceed when dealing with the Board, if the Board is untimely with their responses to reports etc that are submitted for their comment. DFO provides Habitat Compensation document submitted in August 2001 as an example.</p> <p>There was some discussion regarding the efficiency and effectiveness of the Board. The Board agrees that they still need to develop a communication plan, and protocol for dealing with documents submitted to the office in a timely manner. It was suggested that an explicit policy be developed, so that any party submitting a report or document to EMAB will know whether or not to expect a response from EMAB.</p> <p>It was noted that this is another issue that will be discussed at the Board development workshop.</p>	<p>EMAB to follow up question from DFO re: consultation.</p>
<p>Discussion with DFO regarding the protocol</p>	<p>DFO believes that this lack of communication has resulted in a delay in developing the Fish</p>	

<p>for interaction between EMAB and DFO in context of the Fish Recommendations cont'd</p>	<p>Palatability studies for 2002, and suggests prioritizing submitted documents by time sensitivity.</p> <p>The Board reiterates its role as providing recommendations only, and that the regulatory authorities should proceed as they wish. The Board also suggests that if RA's would like comments from EMAB, that they follow-up on their request with the Executive Director. It was noted that EMAB welcomes experts to explain and discuss technical documents, if parties believe it crucial that EMAB respond.</p> <p>The Board also expressed concern about the large number of documents it receives for comment. The Board has identified priority areas, but does not have the capacity to evaluate everything that comes in.</p> <p>There was discussion about the approval and/or completion of documents by DFO. The Board cites the Blasting Effects Mitigation Strategy document as an example. How does the Board deal with this, if it has not been approved by DFO? Is it productive to comment on mitigative strategies that have not been approved?</p> <p>DFO believes that all comments are productive, and states that they too, have an overflow of documents for approval and comment, and have recently added staff to address them.</p> <p>DFO led some discussion about the extent of community consultation, and when is enough consultation. The Board commented that for land-related issues, "over-consultation" probably does not exist.</p> <p>There was some concern expressed by Doug Crossley regarding DFO responsibilities in Kugluktuk. He believes that the Western and Eastern Arctic DFO must collaborate in order to respond to issues in Kugluktuk.</p>	
<p>DFO Comments on Fish Recommendations</p>	<p>Recommendation #1 - DFO believes that the Original recommendation, with a few changes, is more</p>	

	<p>appropriate than the revised. They believe that this recommendation should be addressed to MVLWB and DDMI. The Board agrees with this, and agrees to the following wording of the recommendation:</p> <p>There is currently no control lake established against which to compare monitoring measurements at Lac de Gras. EMAB recommends to MVLWB and DDMI that the possibility of identifying another control lake or site be thoroughly examined, and that the rationale and assumptions associated with each method of gathering comparative monitoring data be made explicit in the Aquatic Effects Monitoring Program (AEMP).</p>	
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Lunch Break – 12:15pm

Johnny Weyallon arrives – 12:30pm.

Reconvene – 12:30pm

<p>DFO Comments on Fish Recommendations cont'd</p>	<p>Recommendation #2 – DFO suggests that this discussion does not apply to AEMP, but rather the FA.</p> <p>Recommendation #3 – DFO believes that this recommendation should be developed further and are unsure if the revised recommendation should be included in the fisheries recommendation. DFO thinks that this asks for too much detail, and would be a huge undertaking.</p> <p>Recommendation #4 and #5 – DFO request clarity on the phrase “monitoring research”. DFO believe that the DOE and DIAND should not be included in these recommendations, since they are not responsible for the monitoring of fish.</p> <p>It was noted by Bob Turner that reference to the need for an inspector should remain in the recommendation.</p>	
<p>DFO Comments on Fish Recommendations</p>	<p>Recommendation #6 – DFO again asks for a clarification of</p>	

<p>cont'd</p>	<p>“monitoring research”. DFO comment that they did not commit to developing specific monitoring methodologies at Lac de Gras. Suggest instead that they are “developing consistent sampling methods.”</p> <p>Recommendation #7 – DFO has no comment.</p> <p>Recommendation #8 – DFO believes the study resulting from this recommendation would be too detailed, and would incorporate too many environmental factors to be successful. DFO also notes their hesitation to adjust the FA to account for any inadequacies in the AEMP.</p> <p>Recommendation #9 – DFO comments that the no net loss principle itself is not “inappropriate”, but that the application of no net loss in the North may be.</p> <p>There was some discussion regarding the inclusion of the M1, M2 and M3 lakes. It was agreed by DFO and EMAB that they should not be included.</p> <p>Recommendation #10 – DFO has no comment.</p> <p>Recommendation #11 – There was some discussion regarding EMAB’s letter to DFO requesting them to delay a decision regarding DDMI’s request for a time extension for the palatability and compensation studies.</p> <p>Erik Madsen stated that DDMI is ready to proceed with Fish palatability study, with the cooperation of EMAB and DFO. DDMI would like to present the plan to the Board as soon as possible and suggests before June 25th DTC meeting.</p>	
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Julie Dahl and Marc Lange depart 1:25pm

Rosella Stoesz arrives at 1:25pm

<p>Introduction of Rosella</p>	<p>Rosella Stoesz was introduced to the Board as</p>	
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Stoesz to the Board	the coordinator for this year’s annual report. Rosella also provided a brief update on the status of the report. Board members were then photographed for the report.	
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Rosella Stoesz departs at 1:15pm

Drafting Fish Recommendations	<p>Recommendation #2 – It was agreed that the Board will leave this recommendation in since Blasting Mitigation Strategy has not yet been approved.</p> <p>The Board agrees to review the Blasting Mitigation Strategy.</p> <p>The Board agrees to the following wording for this recommendation:</p> <p>The potential impacts of blasting on fish eggs and benthos are not entirely known. EMAB recommends to DFO and DDMI that the options and methods for minimizing potential impacts be thoroughly examined and that the rationale and assumptions associated with each method be included in the DDMI Blasting Mitigation Strategy.</p> <p>Recommendation #3 – There was some discussion of the frequency of monitoring. It is currently every 5 years from the issuance of the FA. Kirstie Simpson notes that there are triggers in the FA that would result in increased monitoring.</p> <p>There was some discussion of the wording of this recommendation. The following was agreed upon:</p> <p>DDMI has gathered baseline data on fish health in Lac de Gras. EMAB recommends that the occurrence of parasitism and bacterial infection be included in DDMI’s required health studies and that the results of these studies be compared to the baseline.</p>	EMAB to review blasting mitigation strategy.
Drafting Fish Recommendations cont’d	<p>Recommendation #4 and #5 – It was noted that both of these recommendations could be addressed through the Water Quality workshop that could be held in the fall of 2002. The Board agrees.</p>	Recommendations #4 and #5 to be addressed at the Water Quality

<p>Drafting Fish Recommendations cont'd</p>	<p>Floyd Adlem notes EMAB’s concern with the absence of inspection and compliance capacity in DIAND’s South Mackenzie District operations. It was decided by the Board that although recommendations #4 and #5 are being addressed at the WQ workshop, this issue must not be forgotten.</p> <p>Recommendation #6 – Kirstie Simpson notes that HTO in Kugluktuk believe that the baseline data and sampling methodologies for Lac de Gras were incorrect, citing poor placements of fishing nets.</p> <p>There was some discussion of the wording of this recommendation. The following wording was agreed upon by the Board:</p> <p>Inconsistencies in sampling methods and baseline data collection for fish population sampling, including fish out studies, has been identified as a deficiency. DFO has stated that efforts are underway to develop consistent sampling and baseline data collection methods. EMAB encourages DFO to complete sampling method studies and in doing so, develop consistent sampling and baseline data collection methods that include traditional users and to share that information with EMAB.</p> <p>Recommendation #7 – Kirstie Simpson noted that this is recommendation deals with a bigger issue, and may not be DDMI specific. Suggests it be discussed with DFO.</p> <p>Bob Turner noted this recommendation must include a note to DFO to improve their progress in consultation with aboriginal peoples.</p> <p>There was some discussion of the specific wording, and the Board agreed upon the following:</p> <p>The DFO stated that the development of a “master habitat” plan, identifying problem</p>	<p>Workshop.</p> <p>Executive Director to draft letter addressing DIAND inspection.</p>
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<p>Drafting Fish Recommendations cont'd</p>	<p>habitats in the region would be a useful database for identifying regional priorities for fish habitat restoration. EMAB recommends that the DFO continues to gather information towards this end, improve the level of consultation with communities, and that their Slave Geological Province priorities be communicated to the parties and the public.</p> <p>Recommendation #8 – There was some discussion on the goal of this recommendation, and its proper context, being here, or EMAB’s comments on the AEMP.</p> <p>The Board agreed to the following wording of this recommendation:</p> <p>A number of issues have been identified regarding the degree of different fish species’ adaptability to environmental changes in the habitat area. EMAB recommends that DDMI respond to the following:</p> <ul style="list-style-type: none"> • The potential response of different fish species to increased salinity levels; • The potential response of different fish species to changes in nutrient levels, including clarification on whether particular fish species will gravitate towards discharge areas and the potential resulting impacts on distribution of fish species in the Lac de Gras area. • Predicted ability of various fish species to re-adapt to lower levels of nutrients upon mine closure and the potential associated impacts thereof. <p>Recommendation #9 – After some discussion, the Board agreed on the following wording:</p> <p>Clarification was received from DFO respecting the “Policy for the Management of Fish Habitat” (1986), which provides a policy framework that includes the “guiding principles of No Net Loss”. No Net Loss is defined as “a working principle by which the department strives to balance unavoidable habitat losses with habitat replacement on a project-by-project basis so that further</p>	
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<p>Drafting Fish Recommendations cont'd</p>	<p>reductions to Canada’s fisheries resources due to habitat loss or damage may be prevented”. EMAB has concerns respecting the potential negative effect on selected lakes, either on site or off site, where intervention may be proposed. The application of the No Net Loss principle in the North has been identified as inappropriate in dealing with the fish and fish habitat management and monitoring needs in the Lac de Gras area. EMAB recommends that flexibility in the application and procedural steps respected the No Net Loss principle be sought by DFO. Specifically, EMAB recommends that the option for habitat compensation in areas not directly affected by the mine or in the vicinity of the mine, be explored for the purpose of restoring fish habitat and achieving an overall “net gain” in fish production in the Slave Geological Province as a whole.</p> <p>Recommendation #10 – Erik Madsen and Doug Doan suggest removing this recommendation. The Board agrees, noting that this should be included in response to monitoring studies, once they have been developed and submitted.</p> <p>Recommendation #11 – It was suggested by Doug Crossley that this recommendation be addressed at the TK workshop in July. After some discussion, Board members agreed.</p> <p>Recommendation #12 – The following wording of this recommendation was decided upon after some discussion: When DDMI was asked to provide information on the proposed design of fish palatability monitoring studies for Lac de Gras as required by the Fisheries Authorization, DDMI requested input from EMAB members on how to proceed. The need for community input and the use of Traditional Knowledge was identified. Board members also mentioned that they want meaningful involvement of aboriginal people in the palatability tests. Consensus was that</p>	<p>EMAB to include this recommendation in response to monitoring studies once they have been developed and submitted.</p> <p>To be addressed by Board at TK workshop.</p>
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<p>Drafting Fish Recommendations cont'd</p>	<p>the method used must be clear, objective, recognizable and consistent. EMAB recommends that this go ahead as soon as possible with involvement of EMAB, DFO, and DDMI.</p> <p>Erik Madsen suggests that EMAB agree on a date for DDMI to present their strategy for palatability studies. It was decided that June 26th is tentatively set for this presentation, with EMAB, DDMI and DFO.</p> <p>Erik Madsen states that DDMI will draft a letter to EMAB, DFO, and aboriginal groups requesting to have 2 people attend this meeting to aid in developing the details.</p> <p>Recommendation #12 – NEW Floyd Adlem notes that this should not be an EMAB issue. It was agreed by the Board to let regulatory authorities address this issue.</p> <p>Recommendation #13 – NEW – From Sandy Buchan.</p> <p>It was suggested that this is a community concern, and should not be addressed through EMAB. Erik Madsen comments that DDMI would gladly respond to this recommendation.</p> <p>Floyd Adlem agrees that this is a pertinent issue, but that the fisheries recommendations are not the medium for it to be addressed.</p> <p>It was agreed that EMAB will request that DDMI respond to this comment.</p> <p>Motion #2-02-06-13 To accept the fisheries recommendations as amended. <i>Moved:</i> Florence Catholique <i>Seconded:</i> Johnny Weyallon</p>	<p>DDMI to work with EMAB to develop and organize this meeting.</p> <p>DDMI to draft letter to EMAB, DFO, and aboriginal groups requesting to have 2 people attend this meeting to aid in developing the details.</p> <p>EMAB to request a response from DDMI concerning this issue.</p>
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	<i>Carried: Unanimously</i>	
Discussion with Tony Pearse regarding EMAB response to AEMP meetings	Tony Pearse believes that there are enough common concerns about the AEMP that it might be productive for EMAB to hire an expert to complete an independent review of the program.	
Evaluating TK Workshop Proposals	It was suggested by Floyd Adlem that the Board Executive review these and make a decision. Agreed by the Board members.	
Peter McCart's involvement with EMAB	<p>There was some discussion of Peter McCart's status as technical advisor with EMAB. It was noted that Peter McCart was asked by the Executive Director to participate in these meetings because he was already in Yellowknife, and available to advise, without EMAB having to pay for a consultant's flight.</p> <p>It was suggested that EMAB establish a process for hiring/contracting experts and other aid.</p>	Board to develop policy regarding protocol for hiring resources.

Doug Doan and Florence Catholique depart – 5:30pm

List of reports submitted	<p>Kirstie Simpson suggests reviewing the status of reports submitted to EMAB, and whether or not the Board will be reviewing them.</p> <p>1. Habitat Compensation Strategy Kirsite Simpson would like to incorporate Peter McCart's comments, and then bring before the Board for approval.</p> <p>2. Fish Salvage & Fishout Reports 3. Lake Trout Utilization Report 4. Slimy Skulpin Metals Report It was decided that Kirstie Simpson will finalize EMAB response on these documents for the next meeting.</p>	Executive Director to finalize response for first 4 items on list before the next Board Meeting.
List of reports submitted cont'd	5. 2001 Wildlife Effects Monitoring Report -	

<p>List of reports submitted cont'd</p>	<p>Completed.</p> <p>6. Dewatering Plan – Completed and approved.</p> <p>7. Summary Report, North Inlet Drawdown - Completed.</p> <p>8. Dust Deposition Monitoring and Habitat Assessment Kirstie Simpson recommends an internal review of this document. Kirstie Simpson will consult with RWED on the technical aspect of the document and send it to Board members for review after the next meeting.</p> <p>9. 2001 AEMP Report – There was some discussion of whether EMAB should comment on the proceedings of the DTC meeting June 12. It was decided that the Executive Director will draft a letter to the MVLWB, and include portions of recommendation to establish a control/reference site.</p> <p>10. Type A Water License Report – It was decided that there was no need for EMAB to review this.</p> <p>11. DBM Water Collection Ponds 12. Review of Rock Mass Deformation 13. Stratigraphic Delineation Program These documents will be reviewed by the DTC, therefore no need for EMAB to do so.</p> <p>14. DDMI Annual E.A. Report – Completed.</p> <p>15. SNP Reports – It was noted that these reports are distributed on a monthly basis and copied into Board members’ binders. It was decided that there is no need for a formal review.</p> <p>16. Socio-Economic and Environmental Report – Erik Madsen commented that he is aware of EMAB’s concern regarding their</p>	<p>Executive Director to consult with RWED on technical aspects of the Dust Deposition Monitoring and Habitat Assessment document, and provide it to Board members for review.</p> <p>Executive Director to draft letter to MVLWB as comment on AEMP discussions at DTC meeting June 12.</p>
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	<p>description in this report under the “Social and Community Well-Being” section. The Board believed that it belonged in the “Ecological Integrity” section. EMAB submitted this as a comment for next year’s report.</p> <p>17. North Inlet DrawDown Continuation Study Report – Executive Director to review and report to Board at next meeting.</p> <p>18. Study Design a154 Fish Salvage – Erik Madsen noted that he would like to describe this document at the next meeting.</p> <p>19. Sediment Deposition Study – This document was received as an appendix to the AEMP. It was noted that DFO has some concerns about this study. EMAB to wait for comments from DFO before deciding how to proceed.</p> <p>20. Dike Construction Update – It was decided that EMAB will not review this document.</p>	<p>Executive Director to review this document and report back to the Board at next meeting.</p> <p>Erik Madsen to explain Fish Salvage document.</p>
<p>Participation at June 25th DTC meeting / next Board meeting</p>	<p>There was some discussion of EMAB’s participation in the DTC meeting of June 25th, for developing recommendations regarding the AEMP. It was decided that Board would attend if they wish and the board meeting will then start after lunch on the 25th.</p> <p>Summary of EMAB schedule:</p> <p>June 25th – 1pm – Board Meeting</p> <p>June 26th – 9am – DDMI Palatability Presentation.</p> <p>June 27th – 9am – Board Meeting (if required)</p> <p>Motion #3-02-06-13 To adjourn. <i>Moved:</i> Floyd Adlem <i>Seconded:</i> Doug Crossley <i>Carried:</i> Unanimously</p>	

	Meeting adjourned 6:25pm	
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