

EMAB meeting – June 2, 2009 – Yellowknife

Present:

Doug Crossley, Chair, Kitikmeot Inuit Association
Florence Catholique, Vice Chair, Lutsel K'e Dene First Nation
Floyd Adlem, Secretary Treasurer, Canada
Eddie Erasmus, Tlicho Government
Grant Beck, North Slave Metis Alliance
Lawrence Goulet, Yellowknives Dene First Nation
Tom Biddulph, Diavik
Shannon Hayden, alternate, North Slave Metis Alliance

Staff:

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

Guests:

Petr Komers

Meeting started at 9:10

Opening prayer:

Chair notes that over the course of the three-day meeting the Board will address two of the major monitoring programs: AEMP and WMP. Regular business will be taken care of on the third day.

Item 1 – Approval of Minutes and Agenda

Chair reviews agenda.

Motion:

Approve agenda.

Moved: Floyd Adlem

Second: Tom Biddulph

Carried: Unanimously

Motion:

Approve minutes of February 11-12, 2009.

Moved: Grant Beck

Second: Floyd Adlem

Carried: Unanimous

Motion:

Approve minutes of March 18, 2009 teleconference, with changes.

Moved: Floyd Adlem

Second: Grant Beck

Carried: Unanimous

Motion:

Approve minutes of May 4, 2009 teleconference, with change.

Moved: Florence Catholique

Second: Grant Beck

Carried: Unanimous

The following are three email motions that were carried.

Motion:

Approve the Tlicho Government capacity funding proposal for 2008-09 dated April 15, 2008 and amended in the letter dated January 26, 2009.

Moved: Shannon Hayden (Feb 27/09)

Seconded: Gavin More (Feb 27/09)

Carried

Motion:

Approve the draft letter of May 5, 2009 responding to DDMI's request of March 31, 2009 that EMAB fully consider temporarily closing its offices.

Moved: Gavin More (May 11/09)

Seconded: Florence Catholique (May 11/09)

Carried

Motion: Motion: to approve sending the letter on Joint EA implementation planning dated May 15, 2009 to DDMI.

Moved: Gavin More (May 15, 2009)

Seconded: Shannon Hayden (May 18, 2009)

Carried with one against

WMP guests arrive:

Gord Macdonald, Diavik

Colleen English, Diavik

John Virgl, Golder

Robert Mulders, GNWT

Loretta Ransom, GNWT

Myra Robertson, CWS

Karin Clark, WRRB

Dan Coulton, ?

Presentations by Gord Macdonald, Colleen English and John Virgl.

Gord explained the effects classification process from the environmental assessment and the various components: duration, extent, magnitude at both the local study area and regional study area scales. He then talked about Diavik's view of how the WMP monitors at both the local or operational scale and at the regional scale and presented a flow chart.

At the local scale the responsibility is entirely with Diavik through the wildlife management plan although review and revision also includes ENR and EMAB. At the regional scale the monitoring is a joint responsibility of Diavik and ENR. Normally regional monitoring would not affect management actions.

Colleen presented the WMP results for 2008 (presentation is available if requested).

Vegetation – loss has been minimal from previous year.

They added some permanent vegetation plots but have not analyzed the data. EMAB noted that Diavik had said they would use the PVPs to assess the effects of dust on lichen and were to report this year. EMAB can request this analysis be done.

Caribou – John Virgl will also address the zone of influence in his presentation.

They did not see any caribou within 3 km. of Diavik during the aerial surveys.

There are no plans to change operations in relation to the caribou ZOI.

Have the original predictions about caribou movement during migration been borne out? Do the aerial surveys show this? The aerial surveys only capture the southern migration; the northern migration is too far west. The satellite collar data seem to show the caribou are deflected as predicted.

Grizzly – habitat loss was quite small.

They saw 4 grizzlies on the site from the ground, and one offsite.

They watch for grizzlies during the aerial surveys and saw none within 10 km of the mine (the predicted ZOI) and 3 more than 10 km from the mine.

Wolverine – they did the surveys in April only; conditions were no good in December
There were 46 sightings on site, but these were mostly of 2 animals.

One wolverine was destroyed – it had denned under the south camp and they couldn't make it go away.

Waste – found more attractants this year at the waste transfer facility. This was a setback compared to previous years. There were more people on site than ever before and they moved the WTA during the year – they are trying to get more control over this.

Raptors – consistent with previous years

Waterfowl – less observations than previous years; very late spring so waterfowl are using any available open water

Q&A

- How long will kitchen at South Camp keep operating; not during shutdowns,
 - DDMI is evaluating whether to close it.
 - If it stays open it should be screened properly
 - Likely will keep going until construction is complete and while pits and underground are both in operation
 - EMAB could consider a recommendation to screen the kitchen
- If predators increase due to waste the prey birds can be affected
- DDMI has moved or destroyed 10 wolverines – needs to be better waste management

Break

John Virgl from Golder presents a review of environmental assessment predictions about caribou in relation to monitoring data (presentation is available on request). They are doing a similar analysis of all WMP components.

Two scales – Local Study Area within 10 km. of mine; Regional Study Area ranging from 40-50 km from mine

They evaluated the effects at each scale

- 1) Habitat loss – prediction was 3.45% at LSA and 0.14% at RSA. With increased ZOI this becomes 12.3% at LSA and 2.6% at RSA – **this is great than the levels of change predicted** (Level 1 is less than 1% change; Level 2 is greater than 1% change and

short duration ie. only during construction; Level 3 is greater than 1% and mid-term duration ie. through operations; Level 4 is greater than 1% change and long term ie. beyond life of mine

- 2) Behaviour – need more information on differences in behaviour between caribou that are outside the ZOI and those inside
- 3) Movement during migration – as predicted
- 4) Mortality – as predicted

Data assessment – data at regional scale is adequate; data at local scale is not adequate

He noted that the predictions are not all clear

Query – any idea of mechanism that is causing the larger ZOI?

A: Boulanger paper suggests dust. Could also be noise, smells, aircraft activity.

Noted that it the predicted effect was based on studies from other places. The lack of good baseline means that we can't tell whether this ZOI has always been there.

Reference to baseline work showing large numbers of caribou on East Island early on, as well as deep tracks where caribou have passed through.

Noted that TK could be used to provide baseline and this has not been done.

GM - agrees that TK has not been collected yet and states that once there is a program that makes sense they can start collecting TK.

Query regarding the flow chart about the WMP process. Who is responsible to make sure this is working? Is anyone checking? Who has authority to require changes?

A: there is no legislation so no one has authority. EMAB can make recommendations and the EA provides for the Minister to require changes if a program is inadequate.

Lunch break: 12:00

Meeting started at 1:40

Discussion of WMP resumes with EMAB and Diavik only.

Colleen English discusses next steps.

- Revised environmental impact statement based on review of predictions
- WMP summary (of proposed changes) [check this – Colleen?]
- Revised wildlife management plan

DDMI will:

- Keep ENR informed
- Seek community input
- Provide a recommended document for review and take it to the communities

The development of the three key documents, including any consultation, must be done by March at the latest to meet the schedule for submission of the Wildlife Research Permit application.

GNWT and the mining companies are having meetings regarding WMPs, so there will be input from government into DDMI's proposed changes

Q: Will the options document go back to first principles?

EMAB reiterates what it has said in the past. Communities must be consulted.

EMAB underlines its previous statements that when consulting communities there is a need to be specific in asking questions. EMAB has said it would be best to consult after developing options.

Diavik asks the Aboriginal EMAB members: What should we have when we go into your community? Should it be by way of public meeting or open house or something else?

Answer from Lutsel K'e: There is a language issue. Also, an authority needs to be involved, then that authority makes a recommendation to the council. Then the council looks at it. Technical aspects are a barrier. Capacity is an issue. You can't just bring in documents. You can't just come in and present documents; more than one meeting will be needed. Recommend that Diavik contract for the document to be reviewed then at the end of the process Diavik can consult. Florence is asking Diavik to fund review to be done in the community.

YKDFN: Same as Lutsel K'e.

Tlicho: Go through the Chief Executive Council.

WRRB: Not sure where they fit into the process for review of wildlife research permits. Might be good for DDMI to make a presentation to the WRRB. The WRRB will need time, months, to provide good feedback.

NSMA – Have a meeting to discuss it.

Diavik's conclusion: Get more work done then consult.

Diavik noted that the whole process needs to fit together. In September Diavik and the other mines will meet with ENR then in October will consult with communities on WMP. It would be good to have agreement among the technical experts before going to communities.

Q: what is the status of the wolverine DNA study?

A: DDMI has agreed to discuss that soon

Diavik reps leave.

Petr Komers presents his review of the 2008 WMP report. He is confused about the process from here on in. The feedback loop is lacking. DDMI has found something that was not predicted in the environmental assessment – what happens now? What is the adaptive response?

Zone of influence for caribou, bears, raptors, vegetation are becoming clearer – now seem ready to take the next step. The questions he raises in the report are mostly about what Diavik will do in follow up to the results.

Revising impact statement... change prediction because they are something else – so let's them off the hook... or does that cause action...

The program detected wrong predictions so the program seemed to work.

Does EMAB drive the process for updating the WMP? Based on EA.

Noted that there is no regulatory instrument to require changes.

Noted that last year was the first time Diavik provided answers to MSES questions. EMAB has made a number of recommendations over the years, but Diavik didn't respond or make changes. Generally the WMP is good but the feedback loop is the weak point.

DDMI has acknowledged the need for caribou behavioural studies.

Q: how can the environmental impact statement be revised – these are the predictions that the EA is set up to monitor? Agreed that the initial impact statement can't be changed – revised predictions would have to acknowledge original predictions were wrong and present revised predictions.

ED expresses concern about and their myriad changes of direction regarding WMP revisions over the last year – there is a recommended response in the kit.... suggest EMAB take a more active role such as using a technical review or giving very specific clear direction. , EMAB heard really good words today but based on the last year – not prudent for EMAB to let Diavik run with the ball...

EMAB's job is to make sure any changes to the WMP are done right.

Is EMAB proposing running a parallel process? Better to go with Diavik's proposal

Suggested that rather than exchange letters it would be more effective to get the technical experts together and thrash out the issues: John Virgl, Petr Komers, Colleen etc.

Discussion on MSES report

Best to have statements stick to the facts rather than comment on motives – note phrase "swept under the carpet" Response was that recommendations for changes have been made by EMAB for years and they have not been implemented or responded to.

Time to follow up on WEMP report instead of having the one meeting each year.

Keep item on agenda. If we're not seeing satisfactory progress then we can take action.

ACTION ITEM: Set up a meeting with environmental staff sometime in June to identify areas of weakness and possible changes.

Q: What is ENR's role? Should they be brought in on this? Yes.

Q: What to do with the MSES review?

A: It could be a basis for discussion at the meeting.

Request for a visual/graphic representation of a ZOI. This is an area around the mine where caribou are more scared.

One confusing thing is that females with young are going closer to the mine when it would make more sense that they would avoid the risk. It's to be the other way around. Then there's the possible contamination of food.

Q: What should EMAB do when there is an incorrect prediction?

A: try to discover the cause and change the management practices.

Q: how long do caribou spend in the area?

A: during the northern migration a few days; southern migration would be weeks.

Break

Florence Catholique takes over the Chair

Item 3 – CBM program

ED goes over the present situation regarding the program. (Letter in binder.)

Diavik confirms that the Fish Palatability Study will take place, using the camp on the mainland as a day camp. Participants will be accommodated at site. There will also be a workshop on wildlife that will look at how people want wildlife to interact with a closed mine.

Diavik has decided it needs to run the camp.

Q: any link to EMAB with new program?

A: not really, EMAB could attend. Diavik will deal directly with the Parties.

Q: one suggestion was that the program help move EMAB's TK monitoring proposal forward.

A: Diavik won't be doing that - the TK proposal EMAB is working on would not help with closure issues.

Q: - the program is very different from what EMAB agreed to support, and no longer follows the recommendations made by participants. Does EMAB want to sanction this

A: Diavik should deal directly with the communities.

Diavik will speak with EMAB board members for participant names for the summer workshops. They can make sure there is translation if it's needed.

EMAB meeting – June 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
Eddie Erasmus, Tlicho Government
Grant Beck, North Slave Metis Alliance (in the afternoon)
Lawrence Goulet, Yellowknives Dene First Nation
Tom Biddulph, Diavik
Shannon Hayden, alternate, North Slave Metis Alliance

Staff:

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

Guests:

Jen Potten - DIAND
Nathen Richea - DIAND
Gord Macdonald - DDMI
Colleen English - DDMI
Anne Wilson - EC
Jane Fitzgerald - EC
Ryan Fequet - WLWB
Bruce Hanna - DFO
Craig Fazakas, North-South Consultants

Meeting started at 910

Introductions.

Gord Macdonald presents on the 2008 AEMP report.

- Explains inhibition (toxicological) effects vs. enrichment effects. Normally the weight-of-evidence approach DDMI is using is for toxicological effects, but Diavik's main effect is enrichment.
- Phosphorous was a predicted enrichment effect.
- We don't want one benthic species to dominate and exclude others. That would require a higher enrichment effect. We don't want that.

Q: Are benthics that are dominating the Near Field more pollution tolerant?

- Eutrophication indicators are also increased algae and zooplankton
- Bismuth and uranium are showing a “high effect” but this is misleading. There is a relatively large statistical difference in the amount near the mine compared to far away, but no evidence of any toxicological effect or in concentrations that would be expected to have a toxicological effect. These could be from dikes/construction.
- There are lots of low-level water quality effects – these are mostly showing the chemicals in the groundwater.

Q: What is the projected extent of the nutrient enrichment over time?

A: it will eventually include the whole lake; then when the mine closes the nutrients will slowly be used up.

Fish and mercury

- Sculpins not sampled in 2008
- We need to find out where the mercury is coming from; still not seeing any in effluent
- Nutrient enrichment could be making mercury more available
- Samples have already been taken for a study that will look at whether mercury in algae is increasing over time (both long-term and since the mine started).
- The EA predicted no change in mercury levels and that they would not go over the subsistence consumption limit of 0.2 ug/g. Average levels in 2008 were over this.

Discussion on consumption limits/health advisories as set out in the CSR (commercial vs. subsistence limits). GNWT decided not to issue a health advisory but EMAB is not sure if they are aware of their commitment in the CSR to use the subsistence limit. : EMAB should have someone from GNWT Health come and explain their decision.

Diavik will test for mercury in sculpin in 2010. They are trying to understand the mechanism. There is no date set for another trout survey.

In addition to the possibility of nutrient enrichment increasing mercury availability there are other possible mechanisms such as long range transport due to mercury released in burning of fossil fuels, or global climate change.

Noted by DDMI that it is not appropriate to consider the average concentration of mercury because the fish in the 2008 sample were older and larger so would have accumulated more. The median is appropriate.

Query about statement in AEMP report that analysis shows there has been no increase in mercury. Diavik agrees that data from 1996 and 2008 were not comparable with the methods used so it is not clear how this statement can be made. North-South has proposed a different statistical approach to the analysis.

Noted that DDMI has changed the diffuser design in the twinned water treatment plant so that the effluent will mix better whether the flow is high or low. The new jets have rubber openings that expand as flow increases.

Dust monitoring

Q: is there some statistical analysis to support the conclusion that the temporary dust gauges are not necessary?

A: no

New water treatment plant

The new diffuser is installed but not operating; once it's up and running it will be used as the first line of treatment. The old plant will only be used when flow volumes are too high.

Break

Q: what about removal of phosphorus

A: Diavik is going to look at the possibility of improving removal of phosphorus at the treatment plant.

Q: provide more information about the dust gauges

A: the dust is analyzed after each collection. The end point was the annual dust amount at various locations.

Noted that there is clearly a difference between the amount of dust in the temporary gauges compared to the permanent gauges at both locations. In addition the EA predictions for dust are vastly exceeded.

M-lakes update

- Diavik is involved in a five year research program with the University of Alberta. They are doing the m-lakes baseline research now. Could make the changes to the lakes next winter or the following year.
- Traditional Knowledge: Diavik has not received anything from communities but the company hasn't really pursued the issue. They could still provide funding if desired.

- Fish habitat compensation near site: Working on ATV bridges in Kugluktuk. The culvert project in Lutsel K'e is not an easy fix and will cost more than \$50K.

Seepage

Seepage took place last fall but was noted in the Seepage report issued at end of March. Pond 5 is intended to catch any seepage from the PKC. Where any seepage escapes they try to cut it off and monitor its quality.

The seepage that escaped into Lac de Gras was about 120 – 130 cu. M. per day for 2 days. They have upgraded the sumps to a permanent all-season system with heat-traced lines, permanent power and housing for the pump. Noted that it percolates through esker material so much of the sediment is filtered out.

Pond 4 at the west end of the PKC has had an interception trench built to direct any seepage into the pond.

Pond 13 – flow goes through a defect in the liner, through the road and can enter the lake – about 175 cu. M/day.

DDMI may not fix the liners – they are finding it's best to build permanent sumps and pumps instead of dams.

Q: what about the situation after closure. Seepage from PKC could be contaminated and pumping is not a permanent solution.

A: One idea Diavik is studying is to remove the water from the PKC using standpipes and pumps, so it would become largely solids. They had expected a water surplus in the PKC but it's turned out to be a deficit, so they have to bring water into the process plant anyway. The plan would be to run the plant entirely using minewater from the North Inlet and remove water from the PKC.

Q: how much water seeped into Lac de Gras

A: flow figures work out to about 250 cu. M. over the two-day period.

DDMI says there will be runoff and seepage from the PKC after closure but we don't know what the quality of the water will be. Current EQCs are based on treatment capability and are lower than levels that would be harmful. They don't know yet whether the draining option is a go or not – it's an attractive concept though. They will update EMAB at the next meeting.

Q: If eskers filter the seepage, is the material left in the esker contaminated?

Q: can the permanent sumps handle any possible seepage?

A: Diavik think they have everything under control in the short term. No long term solution yet.

- Because of the weather the mine site has had progressive freshet.

Adaptive Management Plan: Waiting on guidelines from the WLWB

Ryan Fequet reported that the WLWB used all the comments passed on to them and creating guidelines. They are almost done. At the end of June or early July they will get it out to companies. Ryan will have to check on whether going out to consultation

- Air Quality: This area is going painfully slowly. The model is heavily data driven and it takes a lot of time to compile this; for example they need to know actual truck hours. Not sure how long that will take. Once the data is compiled the modeling is relatively easy. Modelers are waiting on us. Hope the model is done by end of 2009.
- Ammonia: Levels of ammonia are continuing to drop because here is now more underground water and less pit water. They are studying ammonia in the North Inlet to find out the mechanism that is breaking down ammonia there.
- Hyallela – Conducted acute ten day tests, 12 tests and the researchers are happy with the results. Reducing testing to quarterly.
- Round white fish: Research to be done in conjunction with the Ontario government Toxicity testing will take place in the fall at the University of Guelph. They will determine the sensitivity of whitefish relative to rainbow trout – if whitefish are more sensitive the program may need to be changed.

Lunch: 12:00

Meeting resumed: 1:35

North/South presents their assessment of Diavik's AEMP report.

- Generally the report is better than last year, which was also well done.
- Need to keep an eye on the relationship between mercury and nutrient enrichment

- Transparency has improved but they are still not bringing all the recommendations from the appendices forward into the report
- Diavik has included a summary table of effects for each component.

Dust: Diavik didn't really fully study the comparison of two dust gauge methods before making their recommendation to discontinue the temporary gauges. They agreed to do this but it seems they didn't take it seriously. There is a 50% difference between the numbers from the temporary gauges and the permanent ones. Accurate data is important, for example, dust-carried phosphorus could have an effect on nutrient enrichment. Inaccurate data could affect their models.

Standards – for human health or bug life.... [I don't have any notes on this]

Water: Diavik needs to use low-level detection where the detection limit is above the guideline level, such as cadmium and silver. When the data show non-detects it's not possible to see if there is a trend.

Cost may be an issue – low-level detection tests are more expensive.

May mean different sampling techniques [not sure about this]

It was suggested that EMAB hold a workshop on water chemistry and testing
Are the CCM guidelines adequate for environmental protection in the north?

Noted that the new treatment plant was supposed to provide for improved treatment of water.

DDMI has addressed low-level detection of some parameters but a few remain outstanding.
Non-detects do not provide data.

Q: are background levels of some parameters harmful?

Q: is the approach to impact predictions for aquatics the same as for wildlife?

Available technology not being used.

ACTION: Track recommendations made by consultants in chart form.
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The chart will be handy when reviewing the new report because we would have a list of older recommendations.

Noted that some are suggestions rather than recommendations.

Sediment: A few metals are being found at high-effect levels. May wish to add these to the test list for the SNP samples. This is not a water licence requirement.

DDMI's analytical methods could be the cause of the high detection for Bismuth, Uranium etc. They need to make sure they are only extracting the bio-available portion. EMAB may wish to recommend Diavik investigate this.

If it's a dike construction issue you should see a decreasing trend in the levels

N-S will provide a recommendation on following up the levels of Bismuth and Uranium.

Benthics: Diavik should consider the levels of phosphorus and nitrogen in the sediment as part of their assessment of habitat variation.

Lac du Sauvage has different chemistry, so could influence benthics. Need to study the effect of LdS. Noted that TK knowledge could help benchmarking for example it's known that people used to like fish from LdS better than from Lac de Gras.

Fish -

The mercury report is difficult to read and the concluding statement is misleading Mercury levels are above the 181.5 ug/kg in the CSR.

Diavik should investigate other ways to standardize data for better mercury measurement; this is mentioned in the appendix but not shown in the graphs or tables. The data from 1996 and 2008 could be standardized so it's comparable. This could be an EMAB recommendation. Diavik should also be able to compare the 2005 and 2008 data. Noted that "mean" and "median" are used almost interchangeably in the fish appendix – this is confusing and wrong.

Another issue is the subsistence guideline vs. commercial level – 0.5 vs 0.2. There are also daily consumption guidelines based on the body weight of the person eating fish.

ACTION: Follow-up on fish consumption guidelines guidelines with GNWT Health.

ACTION: Get Florence a depth map of Lac de Gras.
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Dike Monitoring: Diavik should include naturally elevated metals in its discussion of potential toxic effects, rather than just mine-related metals. Some guidelines for the

protection of aquatic life are exceeded, but these are not discussed. N-S will provide a less technical recommendation here.

Plankton: the plankton special effects study was well done.

Eutrophication: Still waiting for the results of the phytoplankton. DDMI was to study the effect of the differences in methodology in 2007 compared to other years.

Weight-of-Evidence Report

This was well done – better than 2007. Based on the results the CSR predictions for nutrient enrichment should be revisited. Are the current levels as predicted? Projecting forward, will the predicted levels be exceeded?

Look at the rate of change so far and extrapolate.

N-S will pull their recommendations into a matrix form at the end of the report.

Noted that a teleconference may be needed to approve EMAB's response to the AEMP report. The comment deadline is June 22.

Item 5: Capacity Fund review

ED is uncomfortable with the elimination of a proposal for funding.

Proposal discussion. Pros and cons. Add office costs to 2.5.11

Reporting (2.5.8) – clarify that the work must be completed during the fiscal year. Concern noted about audits holding up access to funding. Noted that EMAB does not require audited statements.

Roles (2.5.5) remove “representing the Board at the Party and community level” from role of Board members.

Principles (2.5.3) – review goal 5

Reporting discussion.

Motion:

Approve new Capacity Funding Program Guidelines, with changes. There will be no requirement for proposals this year. EMAB will review the issue in a year.

Moved: Florence Catholique

Second: Grant Beck

Carried with one abstention

EMAB meeting – June 4, 2009 – Yellowknife

Present:

Doug Crossley, Chair, Kitikmeot Inuit Association
Florence Catholique, Vice Chair, Lutsel K'e Dene First Nation
Floyd Adlem, Secretary Treasurer, Canada
Eddie Erasmus, Tlicho Government
Grant Beck, North Slave Metis Alliance
Lawrence Goulet, Yellowknives Dene First Nation
Tom Biddulph, Diavik

Staff:

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

Guest:

Allice Legat, WRRB

Started at 9:10

Item 6 – TK Proposal

Allice Legat is present.

ED goes through the workshop report with Board.

Concerns with the proposal are raised: logistics, costs, environmental impact.

Proposal has 150 days of camps (5 camps, 10 days, 3 times per year). How many people per camp?

A: 12

Q: How will logistics be managed?

A: People manage logistics – there have been similar research methods in the past. One Twin Otter will carry the 12 people and gear. When the camp is done the only thing left is the tent poles for future use.

The Board returns to finishing the report.

Motion:

Approve report of EMAB TK workshop in Kugluktuk as presented.

Moved: Floyd Adlem

Second: Eddie Erasmus

Carried with one abstention

Discussion on proposal

Again concerns with the proposal are raised: logistics, costs, environment impact.

Allice explains the camps, based on her experience.

More concerns are raised: logistics, sewage, waste, getting supplies.

Explained: There would be 12 people per camp two or three times a year. The people themselves are experienced with being on the land. It would not be left to Diavik to arrange logistics. And when we leave the camps there are no signs of people having been there except for poles for tents for next time.

Diavik rep noted that he has expressed reservations about this proposal since the beginning. Concerns about safety, logistics, environmental impact, cost, possible effect on the Diavik ZOI, legal issues, liability. Issues related to accountability, regulatory compliance, WCB. This proposal should have an environmental benefit.

It was noted that the Diavik rep was not present at the TK workshop, so he may be missing some pieces of the process.

Discussion:

- Each party would develop a more detailed proposal.
- Noted that in fact TK in monitoring is a Diavik commitment that has not been fulfilled.
- There is proven methodology for TK studies, even academically speaking
- Living on the land (traditional camp) will never meet Diavik's methods of safety.
- If we're employing people for a program funded by Diavik the liability goes right back to Diavik.
- There is a way around the liability. There are camp rules – elders set policies. People do this every year. Aboriginal people have lots of experience running safe hunting camps.
- EMAB needs to move this ahead. Perhaps some issues can't be dealt immediately, but in due time.
- There could be a central location for the money, the community applies, a contribution agreement signed. As for legal questions, the camps, as conceived by

the workshop participants are outside the claim block. Liability is not the funder's responsibility. May be helpful to get legal advice on this.

LKDFN: We've never had a liability issue in the projects we've done. The original intent was for Alice to walk us through the proposal.

YKDFN: If you ever went to a traditional camp it might open your eyes.

Tlicho: We do this annually. Bring in new staff and do cultural orientation. We bring them out on the land. We've done it every year for twenty years. We show them our way of life, how we survive, how we deal with caribou. Everything is taught – how to hunt and travel safely. None of this is new for Aboriginal people.

Other discussion:

- Regarding budget: Some of the items can be in-kind, such as an office donated by the community.
 - Elders Advisory Committee meets a half-day each week.
 - The project director is costed as a part-time consultant; this may not be necessary for all Parties.
 - Researchers are covered by WCB.
 - Rental costs are based on Yellowknife rates
- Need to look at the pros and cons of EMAB participation.
- We need to avoid duplication. (In fact, no other mines are planning anything like this.)
- Need to discuss the acquisition and use of data.
- This is a good proposal.
- The methodology has to be consistent from camp to camp. We have to make sure the data is collected in the same way so it's usable. Everything has to be consistent, including the training of the researchers. It should be a group approach.
- About the security/safety issue – we are hunters on the land. We do it automatically. We live on the land as much as we can. And do it with youth. We have knowledge of the land in its various forms.
- If the groups did it together there would be more support to go ahead.
- On the use of the information gathered: If Diavik doesn't want the information, they won't want to fund it.
- We have to look at other partners. ENR, for example, has an interest in that information. They are also a party to the Environmental Agreement.

Comments from each Board member:

- Lutsel K'e is really happy with this project. We thought this was a go. In Kugluktuk, at the TK workshop, we were a bit on the side. We didn't want this to be hinged on another group participating or not. Agree that methods need to be consistent – some kind of group approach. Information would be held differently from group to group. They never thought of the security/liability issue and she is taken aback by these concerns. They live on the land and pass the knowledge of how to do this to their youth.
- Yellowknives Dene: We do some of our stuff on our own, such as traditional name places. We went around the land with elders, went to grave sites, spiritual places, including where Diavik is now, all over the place. We want to keep going to the old places. EMAB as a central point on this project would be good.
- Tlicho: The proposal is good. We have a lot of TK information collected over the years that is being held in different departments. We're talking about working on bringing it all together within the TG. It is collected on tapes. We have a proposal in to BHP to get all this information onto computers. BHP wants information specifically about caribou and fish. This information belongs to Tlicho people and is not for sale. We want to transfer the information off the tapes before they start deteriorating. We want it properly transcribed and put on paper and on computer. I like the idea of maybe working directly with Diavik. I've been on the land since I was a little kid. We also just came up with a map with place names – thousands of names. They are very important to us. We are working with the Department of Transportation to change names on street signs. The signs will go up next summer. Young people can see their place names.
- Diavik has nothing to add.
- KIA: KIA has a very strong youth and elders department and they get them out together to traditional surroundings. Some research issues involve animals: caribou, musk ox and fish and the trend that each particular animal is taking over time. There has been a lot of success and support from the beneficiaries in participating. There is not an unlimited supply of money – so a limited amount of people can participate. They just can't take the numbers of people that want to go. Normally it's 32 people for eight days. They are looking at climate change and the degradation of the land and permafrost and the impact on fish and caribou crossings. It's very similar work to the proposal that EMAB has. In Kugluktuk, regarding the TK workshop, there was a genuine interest from the community. They were happy to see us in the community, especially doing the kind of work we were doing.
How about doing a test case? That would show this is a benefit to all. Put the onus on EMAB to demonstrate – smaller basis: one camp period with a couple of Parties. Also develop partnerships with other funders.
We don't want to scare everyone away.
Maybe we have to try it and prove this can work.

- Canada: This is actually Diavik's obligation. We must not lose sight of that fact. Diavik has made no real effort to come up with a way of doing this. We're attempting to help them – need to make sure we don't extend beyond our role. It will be of assistance, even the workshop and the proposal. There's no alternative process presented by Diavik. This may spur Diavik to come up with alternatives. This project is quite large, with 2 million dollar budget. That may scare off a lot of people. We must remember government is involved in this. Funding from them is possible. There are some hurdles – all do to with regulation of camps. There are things that need to be dealt with. A test case is a good idea to see if this actually works. With the lack of anything else, we need to go on with this.
- NSMA: Agree with the proposal and agree with the test project. Some of the other parties already have TK info. We don't want to reinvent the wheel if some of the information is already there. We need to get started.

Noted that as for the legal aspects: if we start talking that way now nothing will happen.

Noted that it's not certain that EMAB has any responsibility to develop any of this. It's bit of a slippery slope again where we might be doing somebody else's work.

Allice: Test case is a good idea. It's interesting that this still needs to be proved. The Tlicho have been doing it for ten years and there's interest all over the world. There is information already gathered, but it's mostly baseline. We can use some of that knowledge, going as far back as possible. A test case should use that info. Each group would be in the area they know. There would be small reports then a bigger report for Diavik use.

Discussion:

Perhaps a next step would be a session with a lawyer

Have we had response from communities?

- Lutsel K'e is waiting for the money
- Tlicho have been very busy
- Yellowknives Dene – no response yet
- KIA are looking at elders and youth
- NSMA – no response yet

Next steps:

- Bring the proposal to the communities
- Proceed as a test case
- Provide more detail in proposal

Discussion:

Is this our responsibility? We should put it in the lap of the people who should be doing this.
We could flesh it out and send it out to the Parties
It would be worthwhile to have an organized meeting with people who will be expected to fund the project

Q: Would that be a Diavik-organized meeting or EMAB-organized?

A: Right now it's an EMAB proposal...

Premature to get a legal opinion – hold off until more support for approach.

ACTION: revise proposal to include a demonstration phase and address logistical issues; circulate to Board for review then discuss with possible funders.

Item 7 – Communications Plan

CC walks Board through background to draft communications plan and link back to Outcrop Communication Strategy from 2002.

Suggested the plan reference EA section 14.2.

Q: why doesn't EMAB do updates in each community each year?

A: that's the intent but people are busy. Might be possible for CC to do an update without the Board member. Group update process noted.

Suggested key messages be analyzed as to how they align with the EA.

Presentation of draft communications plan

Objectives and outcomes are from draft strategic plan

Noted there is a need for a follow-up process for questions from community updates.

Also noted that permission should be requested from community if press are going to be invited or plan to attend.

Q: where are the appendices referenced in the table of contents

A: they are in preparation

Chair – this is the first opportunity for Board members to have input on the communications plan. Please review and send any input to Michele. EMAB should aim to approve this at the next meeting.

The plan should include a linkage to the Parties; the EA includes a requirement to inform the Parties.

Suggested that EMAB make staff available to attend the regional AGM's.

Lunch: 12:00

Meeting resumed: 1:40

Item 8 – Aboriginal Involvement

Info in binder.

1. DDMI letter of April 30 regarding its “best efforts” to give priority to each of the Aboriginal Peoples for training and employment for environmental monitoring and providing technical training for youth.

Suggested that the information being sought is in Diavik's Socio-economic Report.

Noted that EMAB doesn't know what Diavik's definition of aboriginal persons is as compared to the definition in the Environmental Agreement. .

Action: ED to call Benn directly about the definition of Aboriginal Persons

Action: Write a letter to DCAB re: how is training being implemented.

2. Aboriginal involvement workshop chart – info only
3. Update on environmental monitoring training initiative
 - Recap of history
 - Proposal for curriculum development was approved but Mine Training Society rejected funding as it was too late in the fiscal year
 - New proposal – contaminated sites training needs to be assessed as to whether it meets the identified environmental monitoring training needs.

Item 9 – Update on EMAB/Diavik meeting on workplan for EA implementation

Invitation has gone to Diavik and there has been no response to date.

Item 10 – ICRP update

From Florence who attended: It was very technical, but it worthwhile to be involved. Florence asked how TK was going to be involved. They were looking for information right there. That's not how it works. On the first day there was some confusion about roles. They need to have some involvement at a Party/community level. They have a duty to consult on the ICRP. Without community involvement, approval of the ICRP may be delayed.

From Executive Director who attended: The draft objectives were issued Friday and the meeting was held on Tuesday so very little time for Diavik or participants to consider them. Diavik provided their proposed closure options at the workshop – no one else had time to develop options. The following day was on criteria – it would have been better if there had been more time to look at the options and pros and cons before trying to decide on criteria.

Next stage of review – Diavik will develop the draft ICRP, including any community consultation it plans to do, then the plan will go out for review. There will be a report based on notes Gord took (he was facilitating).

The meeting with Diavik to review the plan could be done at site.

Diavik responded to EMAB's recommendations that it consult on the draft ICRP before submitting it. Some clarification might be helpful – are they planning for each party to go separately to site. Are they planning to present the draft to communities, or just meet with leadership.

Action: Forward Diavik's letter of May 25 re: Community Consultation to Parties for comment. We'll pass them on to Diavik.
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Will the Parties go separately or together for the site visit? Separate visits mean that all the decision makers can go. If it's just two participants then they won't have the authority and will have to report back to the community.

Suggested that Diavik have a workshop on the plan in the community, then community can decide who would be the most appropriate people to go to the site.

Item 12 – Annual Report

Review of design/print quotes.

Motion

Approve Canarctic Graphics to design and print the 2008-2009 Annual Report.

Moved: Floyd Adlem

Second: Grant Beck

Carried

Item 11 – Reports

Review of financial statement.

Motion

Approve financial statement as presented

Moved: Floyd Adlem

Second: Eddie Erasmus

Carried

Dispute resolution status

INAC requested information from both EMAB and Diavik. Both sent in their information. EMAB received call from the accountant hired by INAC. This seems to be an information gathering phase.

Performance review of the Executive Director.

The performance review of the Executive Director was conducted by the executive.

Motion

Approve executive director's salary increase of 5% as of June 8, 2009 and a \$2000 bonus payable immediately.

Moved: Eddie Erasmus

Second: Lawrence Goulet

Carried

Inspectors report.

Hydraulic oil spills: Diavik has done a lot of work with suppliers to improve the hoses. They had "arctic grade" hoses – but that meant -23C. There will be new ones installed next

winter. There have been fewer spills since February. They will overhaul a main shovel that seems to be a source of many spills.

Q: Why are there no spill reports from underground in two years?

Pre-freshet inspection of all the ponds:

4 – ok

5 – heard about bulge and plan to puncture it by word of mouth; Diavik should have reported this to her directly.

Regarding seepage into Lac de Gras, DDMI will install a berm on the lake side of the road to catch anything that gets past Ray and Barry's sumps.

Pond 13 – they are building a sump across from Pond 13 to catch any seepage as well as enlarging the sump in the pond.

PKC is leaking – not sure what will happen after closure in terms of handling seepage

Pond 1 liner is fixed

10 is good... there is water from the paste plant fire stored here until they are sure it is in compliance.

The accidental leak into Lac de Gras is not a non-compliance issue. Request that inspector inform EMAB right away if there is any seepage into Lac de Gras.

Board member reports

LKDFN: Lutsel K'e still does not have a wildlife manager. There is political upheaval. The procedure now is to go through Florence who will pass info to Charlie Catholique, chair of the Wildlife Committee.

No other reports.

Next meeting: Monday 27th July to the 29th, with a possible underground tour on the first day.

Conference call June 19 to approve AEMP comments.

Motion

Adjourn meeting.

Moved: Eddie Erasmus