

EMAB Conference Meeting Minutes
June 23, 2005

EMAB Boardroom, Yellowknife, NT

Erik Madsen, Diavik Diamond Mines Incorporated, Secretary-Treasurer
Sheryl Grieve, North Slave Metis Alliance
Dean Holman, alternate, North Slave Metis Alliance
Jane McMullen, alternate, Government of the Northwest Territories, RWED
Kathleen Racher for David Livingstone, alternate, Government of Canada
John McCullum, Executive Director

Call-in

Doug Crossley, Kitikmeot Inuit Association, Chair
Tony Pearce, alternate, Dogrib Treaty 11 Council
John Morrison, Government of Nunavut

Call-in Guest

Neil Hutchinson, Gartner Lee

Absent:

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

Minutes:

Michele LeTourneau, Communications Coordinator

Meeting started at 1:36.

Introductions.

Opening prayer: Doug Crossley

Item 1: Agenda and Minutes

Chair goes through the agenda.
No changes or additions.

Motion # 01-05-06-23

To accept agenda.

Moved: Erik Madsen

Seconded: Sheryl Grieve

Carried: Unanimous

Minutes from May 24-26 Board meeting will be approved at next meeting.

Item 2: AEMP Issues

A) Approval of Gartner Lee review

ED's summary went out this morning. Ultimate conclusion: There are no adverse effects on Lac de Gras. There are improvements in the 2004 report over the 2003 report. There are a dozen recommendations.

Neil Hutchinson of Gartner Lee leads the Board through the report section by section.

Section 1:

Comments:

- It's good that we improve AEMP reporting every year.
- AEMP locked in until licence renewal process.
- Diavik is submitting the application renewal in August this year to get it started. August 2007 is the expiry date.

Q: Gartner Lee's main conclusion that there are no significant adverse effects on Lac de Gras. What if baseline data were incorrect, might Gartner Lee's conclusion be different?

Q: If baseline data were incorrect we're still OK going with trends?

A: We aren't approaching triggers. Baseline doesn't affect that. Numbers are well below CCME guidelines. But it is a worry – if we are looking at problems, we need to ensure the baseline is good to ensure that we know if there is a problem or not.

Things are changing in the lake. Diavik has stated so. We do need baseline in place.

Q: In Diavik's four-step process to detect a problem, the first step involves the baseline?

A: Trends are also part of the first step.

Comments:

- Next year will be critical for trends. We have time to deal with the baseline.
- We need to determine the adequacy of the baseline and in fill in gaps. Diavik needs to do this work and we all need to get on the same page.
- The baseline is being reviewed through other processes.
- The baseline accuracy would be more of an issue if we were getting into questions of statistical significance.

Section 2:

Q: What is the status of the AEMP report – is it a final document or can it be revised? Can these recommendations be used to revise the 2004 report or can they only be implemented in 2005 report?

A: It is a final but can be revised. Some recommendations can be directed at 2004 report and some can be directed to improve the 2005 report.

Neil Hutchinson walks everyone through the recommendations (see report).

Under 2.5 Cumulative Effects: water licence requires this in report. Diavik has started the ball rolling in this report. Gartner Lee's problem with it is that they don't see a method on how to separate out Ekati and Diavik data. Diavik didn't want to use a reference lake, they wanted to use far field so long as there were no changes. That's fine until there are changes at far field. Diavik need to address this...

Q: How doable is that?

A: Not sure, but Diavik should address the problem because they wanted to do it this way.

2.7 Seasonal Variability – Mixing open-water and under-ice numbers together would obscure a trend because open-water numbers are much lower than under-ice numbers. A trend would be a cause to move to step two of the four-step process. Under-ice should be treated separately from open water.

Q: How many months are open water vs. ice cover?

A: Ice cover: 8 months. Open water: 4 months.

What's happening under the ice is more important than what's happening in open water. Ammonia levels are higher under-ice but water is colder making ammonia less harmful. Metals are not likely to be mobilized from sediments – this only happens when oxygen is gone and this does not occur in Lac de Gras.

Gartner Lee's concerns about the program relate to its ability to detect change. The current discharge levels are not even close to levels that would cause an ecological effect.

(Aside: Neil has been asked to make the distinction between recommendations for the 2004 report and those for the future 2005 report.

Biomass

BHP and DeBeers both analyze community structure of zooplankton and phytoplankton. Biomass is a very coarse indicator: in Sudbury biomass levels stayed the same but the community structure changed so much that fish were wiped out.

2.12 Sediments – conversation on 5 cm collection vs. 2 cm collection. Board discusses possibility of a sediment collector. The DTC should consider changing the sediment monitoring method.

Flag: Re: Lead – Diavik's explanation is not adequate. Not near significant affect yet, but EMAB should keep an eye on it.

Baseline: This is being reviewed by others. EMAB should also keep an eye on the baseline situation. In the 2003 report Diavik discounted some changes because the baseline was faulty. There's time to settle the baseline issue, but Neil notes that a better baseline will improve the AEMP.

Chair asks if the Board agrees with Gartner Lee's review and its recommendations?

Comments:

EMAB needs to collect some of these high-level comments on the AEMP for the licence review process. Suggestion that EMAB should review the strengths and weaknesses of the AEMP, and general design of AEMP programs through a workshop led by an expert, at a board meeting.

ACTION: Licence review will be on agenda for the next in-person Board meeting.

ACTION: ED will email Neil Hutchinson with the list of changes to the AEMP report review after circulating to Board for review.

C) Water Licence renewal research needs

The Board asks Neil what he considers research needs.

Answer:

- Baseline adequacy
- Changes in phytoplankton and zooplankton communities
- How to assess sediment changes. (The loon shit issue.)
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Chair thanks Gartner Lee.

Neil Hutchinson signs off.

D) MVLWB June 2 letter.

Comments:

- If MVLWB will only consider AEMP report if it's for approval than we need to get them to put it on the "for approval list."
- They can't just say "it's here if you want to look at it." There needs to be a process to review it.
- EMAB needs to continue with a cooperative approach.
- EMAB is not getting any cooperation – EMAB doesn't have to be hostile, but should be strong and assertive.
- Diavik spends a lot of time and money on AEMP and to put out the report. What's the point if it's not reviewed.
- Environmental Agreement clause quoted allowing for changing of monitoring programs over time as needed and as appropriate.

ACTION: Response letter on AEMP, how it's important to the people of the North and should be for approval.

Motion # 02-05-06-23

EMAB recommends that the AEMP report be revised to require MVLWB approval at the earliest possible time.

Moved: Erik Madsen

Seconded: Sheryl Grieve

Carried: Unanimous

B) Baseline Data and next steps

Tony Pearse's email is discussed. He wants two letters as per his email.

Where should EMAB send the Gartner Lee AEMP report review? Is the review for information only or is it an EMAB recommendation? Does it go to Diavik or the MVLWB?

ACTION: Gartner Lee review to go to Diavik as a recommendation. Copy to DTC and MVLWB.

Motion # 03-05-06-23

that Diavik Diamond Mines address each of the recommended revisions and implement all other recommendations in the Gartner Lee review of the 2004 DDMI Aquatic Effects Monitoring Program Report

Moved: Tony Pearse

Seconded: Sheryl Grieve

Carried: Unanimous

Back to baseline.

Q: Is DIAND already addressing Dogrib concerns about baseline data

A: DIAND is doing it in phases. They are looking at data in terms of how it was used – and whether that was appropriate or inappropriate. They will identify deficiencies in how the data was used. They will also look at how it should be rectified. But then Diavik needs to be directed to rectify. DIAND is only looking at the water quality only baseline, not benthics and sediment.

Comments:

Dave Balint of DFO did mention that he's interested in the baseline as well.

Anne Wilson of EC is interested in benthics baseline.

An evaluation of the compilation of data still needs to be done.

EMAB should find out who's looking at what before taking action.

EMAB should wait until DIAND's report comes out in August before taking any further action.

ACTION: Letter to MVLWB indicating that Diavik has said they have not done the evaluation of the baseline compilation. Refer to clause in licence. This is critical for detecting change in Lac de Gras. Run it by the Board.

Discussion on Tony's second letter listed in email:

Comments:

- ED notes that EMAB has a good working relationship with Diavik. They do not have a generally bad track record.
- Erik says he can't speak to this issue.

Q: There has been head butting – but what are we trying to get by writing to the president?

A: Get the AEMP in order, a change in direction? Tony notes that he is restricting his comments to this baseline issue specifically. For everyone, from the beginning, the big issue was/is protection of the lake.

Discussion on the possibility of writing a letter to Diavik requesting all the aquatic baseline data in electronic form, including all the ecological stuff.

Is a letter necessary? Not at this time.

ACTION: Ask Gord McDonald for entire electronic aquatic baseline data. Talk to Anne Wilson and Dave Balint first to see what they have/want,

ITEM 3: Annual Report

The Communication Coordinator explains that comments have come in from two people so far. She notes that Erik has requested a re-write of the “regulator” portion of the annual report. She walks the Board through the schedule: material to be handed over to the designer the week of July 4th, with printing in early August.

ED notes that the annual report is, in effect, the words of the Board.

It is agreed that the Board will take the time it needs to ensure the annual report reflects the Board's positions accurately and in a manner that they are comfortable with. Deadlines can be pushed somewhat to accommodate this.

The text can be approved by telephone motion or conference call.

The CC also notes that she is missing information from several Board members: member bio/background and party leader quotes.

The Board has until the next conference call to make comments.

Office Manager status update - personnel committee (two members have left the Board)

ED explains to the Board that Linda Tourangeau no longer works for EMAB. The position of Administrative Assistant has been advertised. The personnel committee

consists of himself, Florence Catholique and Doug Crossley (as chair); it is missing one member. The office is employing a temporary administrative assistant until someone is hired full-time.

Next conference call: Tuesday, July 5th at 1:30.