

Present:

Doug Crossley, chair, Kitikmeot Inuit Association
Florence Catholique, vice-chair, Lutsel K'e Dene First Nation
Sheryl Grieve, North Slave Metis Alliance
Lawrence Goulet, Yellowknives Dene First Nation
Tom Beaulieu, Government of the Northwest Territories
Floyd Adlem, Canada
Gord MacDonald, alternate, Diavik
John McCullum, Executive Director, EMAB

Minutes:

Michele LeTourneau

Meeting started at 9:15.

Florence chairs while during Doug's temporary absence.

Opening prayer: Florence

Florence welcomes Floyd back as Canada representative. (Floyd was on a year leave while he was on the Mackenzie Valley Land and Water Board. Now that the Wek'èezhìi Land and Water Board (WLWB) has the Diavik file, Floyd is no longer in conflict.)

ITEM 1 – Approval of Agenda and Minutes

Motion

Approve minutes of January 25, 2006 teleconference.

Moved: Tom Beaulieu

Seconded: Lawrence Goulet

Carried: Unanimous

Agenda:

Move items 3-6 and day two's items 7 and 9 to today – with the exception of Linda under item 9.

The DIAND inspector is at the site inspecting so there will be no inspector's report.

Add Community Engagement Preliminary Report to item 10.
Add Bathurst Caribou Workshop to item 9.

Item 2 – Pre-hearing conference

A pre-hearing conference hasn't been scheduled and no agenda has been set. WLWB meeting as we speak.

Tlicho position on compliance enforcement of AEMP, ammonia and AR plan: must be dealt with before the licence is renewed.

ACTION ITEM: Invite the WLWB's Executive Director, Zabey Nevitt, to make a presentation on any changes to Board operations related to the Diavik mine now that they have the file. How they will operate, how they will make decisions etc as a result of change of file. Are there changes that stem from the Tlicho Agreement?

Mackenzie Valley Resource Management Act remains the same; however, there may be changes due to the Tlicho Agreement.

AEMP compliance enforcement – At the Technical Session in December the MVLWB and DIAND agreed that they would go through sections of the AEMP and note who is responsible for what. The MVLWB sent a letter to DIAND noting their areas of responsibility. EMAB has written a letter to DIAND requesting that they also get this done soon. The letter from Executive Director Bob Wooley says that the MVLWB is responsible for ensuring compliance for the AEMP annual reports.

Mr. Wooley was invited to this EMAB meeting to discuss this. He is not coming because the Wek'èezhìi Land and Water Board is meeting at the same time.

Discussion on legal opinion regarding inserting EA clauses into the water licence
Suggestion that EMAB should ask someone from the Wek'èezhìi Land and Water Board to present this at a meeting.

How do we know Diavik is protecting the environment if the AEMP report is not for approval.

Florence: Noted that under the Environmental Agreement (EA) there's monitoring that should be done. It was our understanding that we would be the monitors and that there would be training. It was our understanding that the MVLWB would be the enforcers. The legal opinion says MVLWB is the enforcer. But we're not sure that they will ensure that it's our people monitoring. If the enforcer is removed from us – we can't be sure we will be involved.

If the EA is added to the water licence than, in effect, it's the MVLWB that determines compliance on those EA clauses.

EMAB needs to figure out which is easier and most effective: compliance with the EA or water licence. The water licence is stronger. If EMAB decides to recommend putting all or part of these clauses into the licence they should get professional advice on the best wording.

There is no guarantee that the Wek'èezhìi Land and Water Board will include these clauses even if EMAB recommends them.

EMAB hasn't used its enforcement capabilities. The Board has not written to the Minister about aboriginal involvement. The Board has not tested the EA.

Another Tlicho Government position: The AEMP needs to be redesigned and the DTC is not capable of the redesign. EMAB made the recommendation that the DTC be assigned the task. Unlike the statement in the TG letter, there wasn't consensus on this issue. In fact, the facilitator wasn't seeking consensus.

Discussion on all the various ways the WLWB may approach the water licence renewal.

ACTION ITEM: EMAB will hold a conference call after the WLWB board announces decisions.

EMAB's intervention is $\frac{3}{4}$ drafted. It will have to be reviewed by consultants, the board and a lawyer. EMAB will need four weeks' warning before the renewal hearing.

Florence notes that the intervention has to be internalized by the community. When will that be done?

Discussion on what needs to be done with EMAB's intervention. EMAB supplied the Aboriginal Parties with all the consultants' reports it used for its intervention. Does the intervention need to be approved by all the communities or have they already authorized it through EMAB's workshop, with the understanding that EMAB will say they are not speaking for the Parties.

Break from 11:00 -11:20.

Intervenor funding: The Minister was getting his people to look at it. It does look like that issue is moving forward.

EMAB should work with the people who are working on this issue for DIAND.

Lutsel K'e applied for funding and was refused. More information/documentation is needed so EMAB can respond.

ACTION ITEM: Florence will get her Lands and Wildlife manager to communicate with EMAB's ED on the request from Lutsel K'e for funding for water licence renewal. Will forward the correspondence.

ITEM 3 –

Financial Statement.

In binder.

Motion:

Accept the financial statement as presented.

Moved: Floyd Adlem

Seconded: Florence Catholique

Carried: Unanimous

ACTION ITEM: Track revenues in financial statement in new fiscal year.

Q: What would happen if EMAB applied for pressure funding to go to communities on water licence issue?

Update on financial management

In binder.

Lunch break 12:10
Back at 1:40

Draft Budget

In binder

This is the year our Diavik contribution is less than our fixed costs.

Surplus is spoken for.

Insurance cost may rise because anything “environmental” raises a red flag.

In May – someone is putting on a reclamation workshop. There may be other venues that attain the same goals of our planned workshops that we could attend. Noted that projects will only proceed if EMAB has funds in place to undertake them. EMAB will have to raise almost \$170K to take on all the budgeted projects.

Motion:

Accept draft budget as amended:

\$7,000 for website

\$15,000 for science panel

Discussion: There is concern that there is no money in TK panel. There is a budget line. Reallocation can be done.

Moved: Tom Beaulieu

Seconded: Sheryl Grieve

Carried: Unanimous

Operations Manual (tab r)

Proposed policy change regarding requesting additional days for preparation and/or community consultation beyond the four pre-authorized days per month in binder.

Motion:

Accept policy change: *Additional payments for preparation and/or community consultation are not budgeted for and will only be considered under exceptional circumstances. In such cases, the Board member must request payment for additional days at least two weeks in advance along with detailed reasons. The Executive Committee will have authority to accept or reject the request. Where a request is accepted, Board members will be expected to provide a detailed written report on all activities that month prior to the additional payment being issued.*

Moved: Florence Catholique

Seconded: Sheryl Grieve

Carried: Unanimous

Operations Manual – NSMA request for clarification

Briefing in binder.

Discussion:

- An honorarium is not a wage. Not base on a per hour scale.
- That all delegates are dealt with in the same way. If other delegates discover the difference in payment EMAB will be under pressure to increase honoraria for everyone.
- Consider the person who stayed back – wouldn't they be deserving of extra honoraria.
- Misinterpretation of EMAB policy

EMAB will not provide honorariums for travel days on the same day that a full days honorarium for attending a meeting is paid.

ACTION ITEM: ED to arrange for a written agreement with NSMA on paying delegates, also clarify how EMAB pays for travel days in Operations Manual

Break at 3:05

Back at 3:30

Item 6 (7) Community-Based Camps

Discussion on what to do with caribou camp 2005 recommendation.

Major points:

- EMAB does not want to run a monitoring program involving Aboriginal people. That's not EMAB's job. Our job is to make recommendations.
- Keep Community-Based camps as they are. People like the camps. Don't mess with them. They are still useful and necessary though they don't meet Diavik's obligation to involve Aboriginal People in monitoring
- WEMP caribou scanning and TK are separate issues. One is Aboriginal involvement and the other is the incorporation of knowledge.

ACTION ITEM: ED to craft EMAB recommendations to present the recommendation from the 2005 caribou camp to Diavik for follow up and consideration. (Recommendations 1, 2 and 4.) For the third caribou camp recommendation regarding involvement of Aboriginal People, make it clear that EMAB supports these as a way of Diavik meeting part of its commitment to involve Aboriginal People in monitoring but there is no specific EMAB responsibility involved. EMAB's responsibility was to hold the camp, gather recommendations and pass them on. Note that there has to be a consultation process to involve all the Parties – that the consultation has to be done by Diavik. This is to trigger Diavik to act on consulting/involving aboriginal people in designing aboriginal caribou monitoring. Draft recommendation to be sent to the board as a whole. This is a priority. To be approved by telephone motion.

2006 camps

Lutsel K'e will provide a cook this year, as per the schedule from three years ago. Tlichu will provide cook at end of rotation.

Fish Palatability and Texture Study: to be repeated.

Suggested that there be more criteria involved in fish tasting and that a page of descriptive words be attached.

ACTION ITEM: Each Aboriginal member will email to Communications Coordinator a glossary of words and meanings for fish tasting – which will be an EMAB add-on to the Fish Palatability and Texture Study forms.

Water Quality Monitoring Workshop: add planktons, (hands on?) lab visit and interpretation of data.

Dust and Air Quality Monitoring Workshop: consult ENR

Add site visits to each proposal.

ACTION ITEM: Communications Coordinator to draft camp proposals.

Present:

Doug Crossley, chair, Kitikmeot Inuit Association
Florence Catholique, vice-chair, Lutsel K'e Dene First Nation
Valerie Meeres, alternate, North Slave Metis Alliance
Lawrence Goulet, Yellowknives Dene First Nation
Tom Beaulieu, Government of the Northwest Territories
Floyd Adlem, Canada
Gord MacDonald, alternate, Diavik
John McCullum, Executive Director, EMAB

Minutes:

Michele LeTourneau

Meeting started at 9:10.

Item 5 Aboriginal Involvement

ToR for Aboriginal Involvement Workshop and budget in binder

DIAND and ENR will be approached for funding.

Plan to hold workshop in early June in Gameti.

Motion:

Approve the Terms of Reference for Aboriginal Involvement Workshop.

Moved: Florence Catholique

Seconded: Tom Beaulieu

Carried: Unanimous

ACTION ITEM: Executive to review proposals for workshop facilitation.

Item 4 – Five-year Review of EA

Briefing in binder.

Considering lack of feedback from the Parties, putting money into an EA review at this time is unwarranted. Some of the EA issues could be folded into the Aboriginal Involvement Workshop.

Q: What's the procedure if someone has issues with implementation of the Environmental Agreement?

A: There are measures written into the EA.

GNWT agrees with Tlicho position on waiting to see what happens with Multi-Project Environmental Monitoring Agency (MPEMA). BHP may decide to participate.

NSMA and Lutsel K'e don't want to put things off for MPEMA.

MPEMA Terms of Reference will come out in a couple of months.

MPEMA should be included in the five-year review of the EA.

BOTH MPEMA and a five-year EA review is a Party issue, not an EMAB issue. Any review should be driven by the Parties, not EMAB.

ACTION ITEM: Write a letter to the Parties "strongly" reminding them to try to get us some input on five-year review. Ask them to identify some issues that might be of concern, what kind of review they'd like to see.

Item 3 – Reports

Bathurst Caribou Management Plan Workshop (BCMP)

Executive Director attended the BCMPW and provided a verbal report to the Board. Terriplan will circulate a written report later.

There were representatives from Yk Dene, Lutsel K'e, KIA, TG, NSMA, Dene Nation, NWT Metis Nation, Snap Lake, BHP, IEMA, outfitters, ENR etc.

There are a few monitoring issues relevant to EMAB: census situation – seeing same declines in other herds as in Bathhurst. ENR will do another census this summer.

Monitoring the effects of development does not seem to be getting much attention. Issues include the cumulative effects of the mines and the winter road.

ENR circulated its recently release Barrenground Caribou Management Strategy. Funds for monitoring effects of development on all barrenground caribou herds is \$10K per year.

At some point in the future, ENR will be looking at all the data.

Question about formation of a Bathurst Caribou Management Board. ENR is not planning to do this. They will hold an annual meeting of the workshop participants to update them.

ACTION ITEM: Request ENR make a presentation on Bathurst caribou monitoring at the same meeting where the 2005 WEMP report is reviewed.

Item 7 – Review/approve Water Licence Renewal Workshop Report

Motion:

Approve Water Licence Renewal Workshop Report.

Moved: Florence Catholique

Seconded: Lawrence Goulet

Carried: Unanimous

Note: One of the presenters had a heavy accent and was hard to understand/translate. Must watch out for that in future.

Item 8 – No Net Loss

Briefing in binder.

Discussion on next steps:

- go to Ottawa and see the Minister
- write a letter to the Minister, but noted that a letter to the Minister gets thrown back to the region
- get MP to lobby for us

ACTION ITEM: Write to DFO asking for an update and presentation at our next meeting.

Item 9 update – AEMP revision process & Ammonia Management Plan

Briefing in binder.

Ammonia management: EMAB's executive director is now co-chair of the working group.

Motion:

Move meeting in camera.

Moved: Floyd Adlem

Seconded: Gord MacDonald

Carried: Unanimous

Motion

Move back to regular meeting.

Moved: Tom Beaulieu

Seconded: Lawrence Goulet

Carried: Unanimous

Break for lunch at 11:45
Back at 1:25

AEMP guidelines workshop

Brief in binder

Discussion:

- Communication by email is not a commitment. Also, the email from DIAND is not specific about how it will involve Aboriginal people.
- Communities need to be involved right from the beginning.
- Why is DIAND separating science and TK? They should go hand in hand.
- EMAB's position is that anyone should attend these technical meetings.
- There is merit in participation of community people in previous technical meeting.
- There is value in TK being involved right from the start. EMAB must stress the necessity.

ACTION ITEM: Letter to DIAND to be reviewed by executive: encourage the involvement of Aboriginal people from the outset and ask for more specifics on plan.

ITEM 3 -- Reports

Translation

Brief in binder

Discussion:

- DIAND – possibly pays \$400-800 a day for translation a meetings and workshops.
- Dene Nation – uses two translators spelling each other off each half hour.
- French translators: spell each other off every 20 minutes.
- Specific situations will require different approaches.

ACTION ITEM: Check with DIAND, Legislative Assembly and Dene Nation on number of translators and cost.

For now, EMAB will deal with translators situation by situation.

Text translation

ACTION ITEM: Draft an “up to 50 cents a word” policy for text translation.

The annual insert for the brochure will be translated into the three languages and photocopied.

Other Chipewyan translators from Lutsel K'e
Rosa Lockhart
JC Catholique

Action items

ACTION ITEM: Date action items.

ACTION ITEM: When a recommendation goes longer than 60 days automatically generate a letter saying you're late.

Correspondence

In binder

IEMA update

- IEMA had a successful mediation on their budget and workplan. Part of that money will be in a segregated fund for regulatory hearings (40,000) etc.

- IEMA held an internal workshop on closure and reclamation with four experts.
- BHP submitted draft ToR for closure plans. There will be comments from Aboriginal parties and other. A working group, report to Wek'èzhii Land and Water Board (WLWB). BHP will be going out doing consultation.
- There are still two empty chairs on the IEMA board.
- BHP has to do an environmental impact report every three years. They held three technical sessions: air quality, aquatics, and wildlife. That will be complete towards the end of April. In June, they will take people to the mine site for three-day workshop around the report. Participants will see the different mine components.
- BHP has spoken with Diavik. They will make changes to the caribou monitoring program: double the width of transects; broaden the area; post calving rather than precalving monitoring.
- The BHP file has also been transferred to the WLWB.

Board Member Reports

Lawrence/YKDFN:

- Winter road monitoring station is up and running. Two community members are switching off every two weeks.
- In the summer and fall, there will be monitoring at MacKay Lake.
- YKDFN working with ENR technicians doing caribou surveys.
- There have been several meetings and workshops attended by community members.
- At the community hunt there were no little calves but lots of pregnant females.
- Participating in wolverine surveys.
- Participating in voluntary monitoring.

Doug/KIA

Handout to all members.

Florence/LKDFN

- Wildlife manager is extremely overworked as are the members of the Wildlife, Land and Environment Committee.
- Capacity fund reporting has been requested by administrator.

- Thought DCAB/EMAB meeting was happening in Lutsel K'e.
- The election is happening tomorrow

ACTION ITEM: Communications Coordinator to send CBM camp cook info to Florence.

- Caribou are near the community.
- There is more work as a member on the EMAB executive.

Valerie/NSMA

- We're busy, busy, busy. On the DTC, ammonia working group etc.
- Sheryl and Valerie try to keep each other on top of things
- Hold a community meeting this week.
- Getting frustrated on lack of dates for Diavik's water licence renewal.

Tom/ENR-GNWT

- Caribou – today is the day that the regulation comes into effect: resident hunters are now allowed tags for 2 males only per year, changed from 5 caribou of any sex. It's been decided not to charge people who accidentally shoot a female, but they must turn over the meat to ENR staff.
- Wolf hunting: increase from 1 to 2 wolves.

Approval of Community Engagement report

ACTION ITEM: Put approval of Community Engagement report on the next agenda.

ACTION ITEM: Send CE report to Florence

Next meeting

April 25th - 26th.

Adjourn:
Florence
Lawrence

Closing prayer: Lawrence