

EMAB meeting, November 5, 2008, Yellowknife

Present:

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

Staff:

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

Meeting started at 9:15

Opening prayer: Florence Catholique

Item 1 – Approval of Agenda and Minutes

Review of Agenda

Minutes

Motion to approve the September 24-25, 2008 minutes as presented

Moved: Florence Catholique

Second: Floyd Adlem

Carried: unanimous

Email motions read into minutes:

- **Approve 2008-09 YKDFN capacity funding proposal – Oct 1/08**

Email Resolution – Sept '08

Approval of YKDFN Capacity Funding Proposal

Motion: to approve the Yellowknives Dene First Nation capacity funding proposal for 2008-09 dated

April 15, 2008 and amended in the letter dated September 11, 2008.

Moved: Gavin More (Sept 30/08)

Seconded: Florence Catholique (Sept 30/08)

VOTING	For	Against
Florence Catholique	X	
Eddie Erasmus	_____	_____
Lawrence Goulet (phone Oct 1)	X	
Doug Crossley	X	
Grant Beck	_____	_____
Gavin More	X	
Floyd Adlem (phone Oct 1)	X	
Tom Biddulph	_____	_____

- **Approve 2008-09 NSMA capacity funding proposal – Oct 6/08**

Email Resolution – Oct '08
Approval of NSMA Capacity Funding Proposal

Motion: to approve the North Slave Metis Alliance capacity funding proposal for 2008-09 dated August 1, 2008 with clarification in the email of September 29, 2008.

Moved: Gavin More (Oct 3/08)

Seconded: Florence Catholique (Oct 6/08)

VOTING	For	Against
Florence Catholique	X	
	_____	_____

Eddie Erasmus	_____	_____
Lawrence Goulet (phone Oct 7)	X	_____
Doug Crossley	X	_____
Grant Beck	_____	_____
Gavin More	X	_____
Floyd Adlem (phone Oct 6)	X	_____
Tom Biddulph	_____	_____

- **Approve Northways governance workshop proposal – Oct 13/08**

Email Resolution – Oct ‘08

Approval of Northways Consulting’s Proposal for Governance Workshop

Motion: To accept the October 3, 2008 proposal from Northways Consulting for a Governance Workshop for EMAB at \$2,250.

Moved: Tom Biddulph (Oct 13/08)

Seconded: Florence Catholique (Oct 13/08)

VOTING	For	Against
Florence Catholique	X	_____
Eddie Erasmus	X	_____
Lawrence Goulet	_____	_____

Doug Crossley	<u> </u> X	<u> </u>
Grant Beck	<u> </u>	<u> </u>
Gavin More	<u> </u> X	<u> </u>
Floyd Adlem	<u> </u> X	<u> </u>
Tom Biddulph	<u> </u> X	<u> </u>

Item 2: Group Community Updates

Discussion of updates.

Michele met with Seth Bohnet from Diavik on Oct 31 – draft group update meeting agenda is attached. Regulators support the approach but have not yet confirmed they can attend. There was some discussion on whether the meeting can proceed without the regulators. It was agreed that there should be at least two, covering wildlife and water. It is important to have them there to maintain the perception of EMAB’s independence.

Other updates: NSMA – December; KIA – early February; YKDFN and TG – no response yet.

Suggested that the presentations should include discussions on training for monitoring.

Question: Invite training people also?

Answer: Beyond EMAB’s mandate. Other avenues to do that. They could visit separately after our updates. EMAB presentation will include a brief update on status of this.

Michele has contacted ENR (wildlife, air), WLWB (water licence).

Will DDMI present in the schools? No, only at the public meeting.

Will DDMI present AEMP results? Yes.

Discussion on other possible resource people.

Should have EMAB cups, pens and hoodies ready by the time of the meeting. Caps will take longer.

Noted that this group presentation is an experiment so it will be important to have feedback. This could be done through the survey.

ACTION ITEM: CC to also contact DFO and INAC (water resources) to join us in group update.

ACTION ITEM: Cost out commercial vs charter flight.

Review Draft Survey

Discussion.

Suggestions are made to improve the survey.

ACTION ITEM: Send survey out to Board members, as well as a bullet-point process on how the survey will be administered.

ACTION ITEM: Determine regulators resource people) for group update. Decision regarding whether to proceed or not on group visits to take place Friday – contingent on having regulators on board.

Discussion on door-to-door survey and possibility of translating the survey and sending it out in advance. Such a survey would be different than the one suggested, as that one is meeting-based.

Review Draft Communication Protocol

Motion

Approve communication protocol as presented

Moved: Florence Catholique

Second: Grant Beck

Carried: unanimous

Break

Item 3 – Wildlife Update

WEMP update follow-up responses

In binder

ENR meeting update

Waiting for the meeting between ENR and Diavik – set for November 12 between ENR and Diavik.

ACTION ITEM: Revisit recommendations to Diavik regarding WEMP at next meeting or by Teleconference. Would be best before Lutsel K'e community update.

WEMP monitoring frequency follow-up

MSES and CWS both indicated it's premature to revise the WEMP until evidence is provided.

Plain language statistical report summary

The document is good, concise, and readable.

But it is not a summary of the report. It includes commentary from MSES. Noted that it should not be EMAB's job to summarize Diavik documents. EMAB may still wish to make a recommendation to Diavik to do the summary.

ACTION ITEM: Ask Petr Komers to re-do the document so it is a plain language summary of the actual statistical report – with no commentary. Wait until after meeting with ENR.

ITEM 4 – AEMP Guidelines update

E.D. provides verbal update.

Review of proposals for TK research may provide an opportunity for aboriginal involvement like the WKSS TK steering committee.

TK is not categorized like science.

ACTION ITEM: Draft a response to the guidelines for review by the Board – deadline for submission is December 1.

ITEM 5 – Air quality monitoring update

ACTION ITEM: Put air quality monitoring on agenda for the next meeting

Lunch

ITEM 6 – Capacity Funding update

In binder.

Lutsel K'e – The financial report from the last fiscal year and a proposal are on the way.

KIA – The HTO's Peter Taptuna is now an MLA. He will send the financial report from last year to Doug. But since the HTO is now effectively inoperative, a new organization may have to take over Coppermine River monitoring or a new KIA Capacity Building project/proposal might have to be considered.

ACTION ITEM: Send Northways report on Capacity Funding review to Tom.

Florence notes that for outlying communities to carry out operations, costs are three times of that in Yellowknife. This was raised during the capacity funding review, but it was agreed that each Aboriginal Party should have access to the same amount of funding.

ITEM 7 – Closure workshop update/ discussion

Discussion on Terms of Reference

Noted that Diavik would like the workshop to take place Dec 1-2, before their closure site visit on Dec 3. Is there flexibility in Diavik's timing?

Only KIA has responded to Diavik's invitation. Will EMAB send a representative?

Question: Will EMAB be encouraging their members to go?

Discussion – noted that KIA, LKDFN, and possibly others, would like to send two representatives plus their EMAB member.

Motion

Request of Diavik that Aboriginal EMAB members attend the closure and reclamation site visit, with EMAB covering costs if attendance is approved .

Moved: Florence Catholique

Second: Grant Beck

Discussion.

It's important to try to involve as many people in the learning about closure.

Diavik representative asked why EMAB is seeking to pay for all the costs (flying representative to Yellowknife), and not asking DDMI to contribute. Diavik would have had to fly people to Yellowknife to get them to site if EMAB hadn't run a concurrent workshop. ED and Chair explained this approach has been followed previously (i.e. EMAB funding the all the costs, except for the flights to the DDMI mine site).

It can't guarantee that EMAB workshop can coincide with site visit.

Carried: Unanimous

Diavik reiterated the importance of coinciding site visit and workshop.

EMAB's process, which involves a bidding process, cannot be rushed. Also, specialized consultants are unlikely to be available for Dec 1-2. Could ED check with consultants regarding availability for Dec 1 & 2?

Diavik might consider changing its site visit date. Or they could organize the workshop to coincide with their site visit. Agreed that site visit is a good idea even if EMAB workshop can't be coordinate with it.

Noted that terminology is very important as regards translation. EMAB workshop should pay special attention to this.

Also noted that Diavik's closure will be quite different from other hard rock mines.

ACTION ITEM: Engage Diavik and see if there might be the opportunity to work out dates to align the two events.

Noted that the important thing is that community people see and understand.

ED goes through ToR. A number of changes were suggested.

Motion

Approve ToR for the closure workshop, as amended, with date to be set by Nov 7.

Moved: Floyd Adlem

Second: Tom Biddulph

Carried: Unanimous

Break

ED indicates that Gord Macdonald informed him that December 3 is firm for site visit.

Diavik member stresses that the two events go together to be streamlined and effective. Board members noted that this applies equally to Diavik in terms of flexibility of timing..

Suggested that Diavik should do the workshop, if that's the case.

Noted that next time Diavik should allow for some lead time - EMAB was informed about the Diavik site visit on October 28.

ITEM 8 – Reports

Financial Statement

(3:45 Claudia Haas, ENR alternate arrived.)

ED reviews the financial statement.

Motion

Approve the financial statement as presented.

Moved: Floyd Adlem

Second: Florence Catholique

Carried: Unanimous

Action Item: ED and Secretary-Treasurer will prepare a revised budget for next meeting.

Update on funding submission – letters from Kim Truter and Tom Biddulph

EMAB's priorities do not have to match Diavik's. EMAB is not an arm of Diavik. EMAB watchdogs Diavik.

EMAB is more than a watchdog.

Question: The EA sets out the amounts Diavik contributes to EMAB. What do the expenditures of other advisory boards have to do with EMAB's budget? We don't do the same things.

Noted that the Aboriginal people were proud to be a part of EMAB. They trusted Diavik. Now it seems like that relationship is changing. To say that Diavik wants EMAB to be like IEMA or SLEMA is a shame. not relevant or realistic.

We hear about what the other mines are doing. The agencies have different work plans, different goals, and different activities.

The 1st sentence last paragraph of Kim Truter's letter: "budgeted to spend the money..." Note that with all the work that EMAB puts into work planning that sentence is offensive. The statement is contrary to the spirit of the Environmental Agreement.

EMAB's work benefits Diavik.

The relationship has never been adversarial.

Suggested that EMAB write a letter of response, respectfully noting the reality of what we have done in the past. Promote the value of how we put together the work plan and that all representatives had an opportunity for input, note the strategic plan. EMAB works diligently and responsibly. EMAB would like to maintain a cooperative relationship with Diavik.

Another sentence from the Diavik letter: "As with all of our business activities..." EMAB is not a part of Diavik's business activities.

Is this Diavik trying to get out of the \$600,000 contribution or an effort to get rid of the surplus?

Noted that it's unfortunate if Diavik's costs are now higher -- there is an Environmental Agreement.

The Diavik representative provided background context, that as a Diavik employee, he has been asked to review costs in his area. As an EMAB member, he received this letter for the first time at the same time EMAB did. On receiving this letter, he completed a review of the EA to identify where there may be opportunities for EMAB board consideration. This is within the role of a member. His letter suggested EMAB could reduce its budget by spreading planned activities over a longer timeframe (other options were also identified by direct reference to the Agreement). The Board reviewed EMAB's workplanning and prioritization process and the strategic initiatives associated with the recently approved strategic plan. Noted that the Diavik representative should not be expected to defend letters from the Party and that it would have been a good time for Mr. Truter to attend the Board meeting to explain his intent.

Lutsel K'e rep notes that the conversation has to stop. The Diavik rep is not independent. Diavik rep objects.

Lutsel K'e rep insists that he is speaking as the Party and that all Parties should have equal access to comment on the workplan.

A reference is made to the "the minister clause" in the EA re: resolving budget disagreements and that it should be included in the letter.

ACTION ITEM: The executive will write a letter of response to Kim Truter regarding his letter re: budget submission for Board review.

Member reports

Floyd/Canada: Talking with DFO Bruce Hannah about some of their interesting projects.

ACTION: Invite Bruce Hanna of DFO to talk about all the work DFO is doing.
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Doug/KIA: Reiterates situation re: capacity funding. It will be dealt with. Charlie Evalik is back as the KIA president. KIA have identified participants for the Dec 3 mine site visit – and Doug will look to those participants to also participate in EMAB's closure workshop.

Florence/Lutsel K'e: Lutsel k'e is restructuring. Wildlife department will have more responsibilities. Capacity funding is really helpful – Lutsel K'e report and proposal have now

been submitted. Still looking at training and aboriginal monitoring. Looking forward to community update by EMAB at the end of November.

Diavik: Diavik will be joining EMAB on the visit to Lutsel K'e. Diavik is planning the closure site visit. Diavik will either have a written operations update for meetings or invite someone to do an update.

Question: Last year, Gord Macdonald asked for TK study proposals at a very bad time (Christmas). Is that still an available opportunity? LKDFN is still very keen on being involved in monitoring.

ACTION ITEM: Tom will check with Gord if it is still possible to access that funding opportunity offered last December for TK studies.
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Claudia/ENR: Attended AEMP guidelines workshop and the BHP water licence hearing.

Diavik representative will either provide a written update or bring someone from the Environment Dept. to the next meeting to report on activities at the mine.

Meeting adjourns for the day (5:15).

EMAB meeting, November 6, 2008, Yellowknife

Present:

Doug Crossley, Chair, Kitikmeot Inuit Association

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

Floyd Adlem, Secretary Treasurer, Canada

Grant Beck, North Slave Metis Alliance

Lawrence Goulet, Yellowknives Dene First Nation

Claudia Haas, Environment & Natural Resources, alternate

Tom Biddulph, Diavik

Staff:

John McCullum, Executive Director

Michele LeTourneau, Communications Coordinator (also minutes)

Guests:

Kim Truter, President, Diavik

Gord Macdonald, Diavik

(Governance workshop postponed for one hour to accommodate Diavik's request to speak with the Board.

Chair welcomes Kim Truter.

Introductions are made.

Diavik president:

- Offers professional background – 25 years in the mining industry, involving various types of mining all over the world, involving experience with many different commodities.
- He is aware of the need for EMAB's independence.
- He does not want an adversarial relationship with the Board or with communities.
- Has already met with business leaders to explain Diavik's situation
- Diavik's future finances has to do with the change from open pit to underground. The current financial market crisis has also impacted DDMI operations.
- Major points:
 - Cost structure. 2008-2009: 50% increase. 2009-2010: another 50% increase.

- Energy usage. From 50 million to 90 million litres
 - Every ton of kimberlite has to be replaced with a ton of paste backfill
 - Revenue halved, production rate reduced, lower grade kimberlite pipes. From 12 million carats to a projected 5 million carats in 2010.
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- Meeting with Chiefs tomorrow to give the same message. Also meeting with DCAB and contractors. The message: A passionate plea to please look at your budget.
 - Diavik doesn't want to affect what EMAB does or compromise its independence
 - Diavik will not renege on commitments. It isn't an either /or situation but an "and" situation – what can be done to reduce costs and deliver the outcomes of the EA?
 - Diavik sees EMAB as a partner in their business.

EMAB Chair:

- EMAB has values that are clear, such as independence.
- The relationship between EMAB and Diavik has been cooperative. There are deadlines coming up for agreement on the budget and the Environmental Agreement describes how to deal with those situations.
- EMAB will be writing a letter of response to the Diavik letter from Diavik, respectfully.

Secretary Treasurer:

Took exception to two items in the letter. EMAB is not a Diavik business activity. EMAB's budget is carefully developed to carry out EMAB's priorities.

Diavik president:

Please don't dissect the letter – the main point is the principle . He is comfortable that with activity-related budgets, costs go up and down as activity levels go up and down.

Chair:

Activities and the budget are linked to the strategic plan. The initiatives in the plan are based on expectations that arise from the Environmental Agreement.

Florence: There are rules to follow. We have to report back to the Party.

Diavik president: Not questioning the Board, or the proposed activities. Diavik does not want to interfere with EMAB's work plan. But can it be done in a more cost effective way? Are there opportunities for synergy? Diavik does not want to compromise EMAB's independence.

Secretary Treasurer: Yes. We can cooperate. Such as with the workshop on remediation. EMAB is saving Diavik money; you would have to carry out these activities if EMAB didn't. Diavik is getting quite a bit of value for its money.

Diavik president: If compared to DCAB, yes, agree with that statement. But regarding Diavik's financial situation – everyone is in denial.

Chair: Raises the site visit/workshop issue. It would be great to link the two. EMAB had no input on setting the dates and DDMI did not provide any flexibility on them.

Discussion.

Gord Macdonald notes that despite his statement to the ED yesterday, there is flexibility on the date for the site visit. Potential to have another site visit to coincide with the workshop.

Noted that it would be useful for EMAB and Diavik to discuss time-tabling of activities for the next year so that there is plenty of notice and opportunity to plan and work together where appropriate.

Chair notes that the Board will look at possible solutions re: the budget and unrestricted net assets. No one wants to go to mediation.

Also noted that it is difficult for the Diavik representative to address these issues and remain arms-length. Would be better to have a Diavik Party representative speak to them. Diavik would need an invitation to do this

Kim Truter and Gord Macdonald leave.

10:15 – 4:30: Board Governance Workshop with Allan Twissell of Northways.

ITEM 9 – Review of EAAR

CC leads Board through assessment of the Diavik's final version of 2007 EEAR.

Motion:

Recommend To Diavik that a follow-up meeting take place with EMAB staff and Diavik staff, as well as community representatives, to work out the issues involving level of detail in the

EAAR, as well as what constitutes plain language for use in the community and any other EMAB comments requiring discussion.

Moved: Grant Beck

Second: Tom Biddulph

Carried: Unanimous

Meeting adjourns for the day at 5:00.

EMAB meeting, November 7, 2008, Yellowknife

Present:

Doug Crossley, Chair, Kitikmeot Inuit Association
Florence Catholique, Vice Chair, Lutsel K'e Dene First Nation
Floyd Adlem, Secretary Treasurer, Canada (afternoon only)
Grant Beck, North Slave Metis Alliance
Lawrence Goulet, Yellowknives Dene First Nation
Claudia Haas, Environment & Natural Resources, alternate
Tom Biddulph, Diavik

Staff:

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

Meeting resumes at 9:15.

ITEM 12 – Environmental Agreement Review (in-house)

See attached.

ITEM 7 – Closure workshop resumed.

Of six consultants approached to facilitate the closure workshop, three said December dates were impossible for them, one was in a conflict and won't bid, and two did not respond.

The workshop will take place in January, hopefully 12-14

Query regarding how environmental management plans apply to underground operation. Is there a separate document or is this added to all the existing plans?

ACTION ITEM: ED to put together a budget for the workshop.
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ACTION ITEM: Invite DFO, EC, WLWB, INAC (water resources), ENR (wildlife) to the closure workshop.
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ACTION ITEM: Confirm with Gord Macdonald on his availability for the workshop and also a site tour to fit in with the workshop.

ITEM 13 – Joint work plan process

This process is intended to bring together EMAB and Diavik to better implement the Environmental Agreement.

Possible Diavik presence: Gord Macdonald, Colleen English, Benn Armstrong.

EMAB board and staff would participate.

Possible agenda discussed:

- EMAB strategic planning process
- EMAB presentation of work plan re: EA
- Diavik presentation of work plan to implement EA
- Areas where more effort is needed to implement the EA
- Discussion of efficiencies to be gained by linked efforts

Attach meeting to a Board meeting.

ACTION ITEM: Send a letter to Diavik proposing a date, some areas where EA implementation needs to be enhanced, and an agenda.

ITEM 11 – Strategic measures.

See attached.

Discussion on Geoscience Forum. EMAB withdrew from the forum at the request of the Chamber of Mines. We can still be on the list for next year; however, the executive decided by vote that it was not a priority item for this year.

Next meeting: December 11 -12 in Yellowknife. Open house evening of Dec 11.

Closing prayer: Lawrence Goulet.

Motion:

Adjourn meeting.

Moved: Florence Catholique.