

Approved by motion 01-05-20-09

EMAB Board meeting August 16, 2005

Yellowknife, NT

EMAB Boardroom

Doug Crossley, KIA, Chair
Florence Catholique, LKDFN, Vice-Chair
Erik Madsen, Diavik, Secretary-Treasurer
Lawrence Goulet, YKDFN,
Sheryl Grieve, NSMA
John Morrison, GN
Jane McMullen, GNWT (ENR)

John McCullum, Executive Director (ED, EMAB)

Guest:

Eric Yaxley
Nahum Lee

Minutes:

Michele LeTourneau, Communications Coordinator, EMAB

Meeting started: 9:15

Opening Prayer: Lawrence

Item 1: Approval of Agenda and Minutes

Chair notes the new Wekeezhii (Dogrib) land and water board taking over North Slave files including Diavik in February. Notes that EMAB and new board will work together. Chair acknowledges the past work of Johnny Weyallon, Ted Blondin, Tony Pearce, Eddie Erasmus, and John B. Zoe and wishes them well in their future endeavours and all the work they have to do. Chair acknowledges the achievement they've accomplished with the Tlicho Agreement and congratulates them.

Personnel committee has hired a new Administrative Assistant, Darlene LeBrun. She will come and meet the Board at coffee time.

Ron Allen will come this morning to discuss No Net Loss with the Board.

A new DIAND inspector, Nahum Lee, will provide us with a report. Also, we should acknowledge Julian's work with us.



Agenda:

ADD:

- DDMI EA Annual Report (add to day 3, after MVLWB update))
- Regional monitoring (item 8)

Water licence renewal application has been submitted.

Q: When will we have reports on community-based monitoring camps?

A: It will be a month at least.

Meeting of parties and 5-year review of the EA is under correspondence tracking.

Motion 01-05-08-16

Approve agenda with changes and additions.

Moved: Florence Catholique

Seconded: Sheryl Grieve

Carried: Unanimous.

Introduction of the new DIAND inspector.

Query regarding intention to have an inspector solely for Diavik. Nahum Lee is the new inspector. He is currently responsible for Diavik and Snap Lake. He will be able to dedicate time to Diavik without a gap in inspection/information. It is a temporary position until Julian Kanigan gets back from his Masters program. Nahum will eventually work only on Snap Lake.

Approval of minutes:

ACTION ITEM: Acronyms (such as MSES) should be spelled out.

On page 2 of July 5 conference call minutes, second paragraph: change the word "things" to "new information."

Motion 02-05-08-16

Approve minutes of July 5, 2005 conference call minutes, with changes.

Moved: Erik Madsen

Seconded: Florence Catholique

Carried: Unanimous.



Item 3: Science Studies

This item stems from the \$80,000 the Board dedicated to science studies. It was then agreed that we had five science requirements.

- 1) AEMP report review (10 K)
- 2) WEMP report review (10 K)
- 3) AEMP review workshop (40 K)
- 4) reclamation plan review (10 K)
- 5) dust monitoring program review (10 K).

ED has three draft Terms of Reference (ToR) for the three final items.

ED takes the Board through ToR of AEMP review workshop:

Q: Is this an educational workshop?

A: Yes.

Suggestion for a word change: "review" to "workshop."

ED suggests the Board discuss this in context of the water licence renewal application that was submitted last week.

Query regarding accessing other sources of funds than EMAB's budget.

Q: Will there be a new reclamation plan as part of the water licence renewal?

A: Diavik rep: The existing plan is approved but will be reviewed by people during the renewal process. The three issues Diavik has heard related to the water licence at their community meetings: the term of licence, the AEMP, and closure. Diavik is asking for the same terms and conditions as in the original licence. About closure the question is: is there an adequate plan? The answer is that as operations move forward, the plan will be updated. They are doing lots of research on reclamation options. One can anticipate a clause in the licence might say that every certain number of years it needs to be updated.

DIAND: Reclamation plan gave us our security estimate. If there's a new plan, need to also update security estimate.

Lutsel K'e: Board members need to have an understanding of the water licence – that EMAB's responsibility. Communities need to understand – that's Diavik's job.

Diavik rep noted that they tried to go to Lutsel K'e in the summer but due to some discrepancies the decision was made to delay meeting until later this fall. Were asked not to visit Wha Ti and Rae until after Tlicho government comes into effect. The presentation that provides an update on Diavik's plans as well as the Water licence renewal has been well received by the all communities visited.

ED notes that Bob Wooley (ED for the Mackenzie Valley Land and Water Board) says in terms of water licence changes that if there are any requested changes, the request needs to be supported by highly technical backup.



Lutsel'ke rep: The champion of the ammonia issue was the Dogrib. If they were able to get that much money to put so many resources into that issue then we need to figure out our needs on the water licence renewal and figure out where funds could be accessed.

Q: What is the timing of the process?

A: August 8 Diavik submitted the application. For a year Diavik has been saying this is coming. Timing-wise, it was submitted after the Tlicho Agreement came into effect at the request of the Tlicho.

Mackenzie Valley Land and Water Board is working on a process on how to proceed with it. They will go through the application and decide if it's adequate. The question is: is it complete or do we need more information. That will take a couple of weeks.

Then they will submit it to all the parties and probably provide six to eight weeks – to middle of October/November – to receive comments on the application.

Then there might be pre-hearings to resolve some of the issues. In November the Mackenzie Valley Land and Water Board will probably advertise for a hearing sometime most likely in the first quarter of 2006.

There needs to be technical rationale – otherwise change to the licence will not be considered.

Introduction of new administrative assistant, Darlene Lebrun.

Break: 10:15

Back: 10:30

Issues:

ED facilitates discussion on EMAB approach to the water licence renewal

3	Should EMAB intervene?	<ul style="list-style-type: none"> Decide after workshop
1	Should EMAB do technical review of application?	<ul style="list-style-type: none"> Compare EA and water licence (review of EA – can that be integrated? – no decision yet whether review will proceed) Feed this into workshop Communication (fact sheet)
	Should EMAB support communities to intervene? How?	<ul style="list-style-type: none">
1	Workshop on AEMP (ammonia, phosphorous)	<ul style="list-style-type: none"> Review by expert
2	Workshop on water licence	<ul style="list-style-type: none"> Diavik's water licence – this is specifically a Diavik-related issue – as we move to other



		<p>items the scope becomes larger than Diavik-specific, bigger picture issues (see Jane below.)</p> <ul style="list-style-type: none"> • Prior to hearing • EMAB facilitated/designed • Party involvement in monitoring and role of TK must be a part of this • Workshop components <ul style="list-style-type: none"> ○ Legislative framework ○ Water licence components <ul style="list-style-type: none"> ▪ Issues with each ▪ Possible solutions ○ Focus issues-EMAB's concerns <ul style="list-style-type: none"> ▪ AEMP, ▪ dust, ▪ reclamation • Give participants a chance to identify additional issues at the beginning • Objective is to identify issues and make water licence more effective
1	A&R plan	

Discussion on the need for a workshop on the water licence

- NSMA rep suggested that the water related mitigation and monitoring commitments in the Environmental Agreement and the Comprehensive Study Report should be summarised as background information for the workshop, so we can evaluate how well the water licence addresses each commitment, and discuss whether, and how, the water licence could be improved.
- What's in the EA and CSR should be reflected in the water licence as far as the Water's Act permits.
- ENR rep: We also need to discuss the enforceability of water licence clauses.
- supposed to be more holistic.
- EMAB really needs to focus on the water licence. What is it that EMAB can do around the renewal in the best interest associated with what EMAB's purpose is?
- We need to say to the GNWT and GN: you have a vested interest in this – kick in some funds. Integrated approach has been lost
- What are the priorities? Informing communities, supporting communities.
- Instead of a workshop on the AEMP we need a workshop on the water licence renewal.
- Is such a workshop a “science study”?
- YKDFN: We need to get opinions from community members. We need a workshop on the water licence renewal.
- Whether EMAB intervenes or not should be decided after the workshop.
- What's involved in the technical review of the water licence? What are the issues? It will come down to the same thing: AEMP and closure. But maybe EMAB needs the review to assure itself that those are the issues. The best thing to assure



the members is a technical review. However, the issues that have come up in the last five years, like limits on end of pipe and issues with some of the programs – we can't just ignore that.

- Those issues identified over the past five years need to be dealt with. The EA was holistic and dealt with everything, yet the reality is that the monitoring is fragmented. Another problem: the Mackenzie Valley Land and Water Board will issue the licence and Wekeezhii will enforce and implement it.

Lutsel K'e - We have to report back to the community on what's happening that has an effect on them, and relay their concerns back. Look back to the ammonia process: EMAB did a technical review. Then funding was hard to get to intervene. CANADA does reviews but unfortunately we don't have a sense of trust with them. (IEMA paid for a technical person to explain to Lutsel K'e the Diavik-related ammonia issue – when it wasn't their responsibility.)

- Parties that have funds need to be solicited to share those funds – they have a responsibility. We must communicate at the community level. Yes to a workshop on water licence.
- Our role should be always to make sure that the Parties have been given the information needed to make a decision that is satisfactory to them.
- We were told that the water licence was the only way to deal with changing the AEMP to a for approval report. Diavik applying for a 15-year renewal –
- Q: does that mean there can be no substantive changes in that 15-year period?
- A: The licence can be opened up at any time during the licence term due to public concern or technical concern. Yes to workshop.

There is a consensus to change the proposed AEMP workshop to a water licence renewal workshop.

Process:

**Technical review of focus issues in licence
Workshop and recommendations
Then decide if we intervene.**

Item 2: No Net Loss

Q: What does EMAB want to talk about with Ron Allen?

Where we are now: Diavik has been told by DFO to do their fish habitat replacement work plan for m1, m2, m3.

DFO's mandate does not include access to fish by humans. No Net Loss is for fisheries improvement and fish habitat. Does a pristine lake have anything to do with "fishery"? We need to remind DFO that they are responsible for fishery (use of fish by people), not fish.



The point of EMAB's approach: choose sites that people can use.

Diavik: We've tried to get a win-win situation. There's even job creation after working on a community site because fish habitat needs to be monitored in coming years. DFO told Diavik that even if they did all the projects (11) they wouldn't come near necessary habitat units. DFO insists on habitat units, their mandate is not developing jobs/training opportunities and access to fish. Diavik will not spend more money on habitat replacement projects than is budgeted for m1, m2 & m3. Diavik wants an agreed upon approach so that we can move forward on this issue

Q: What happens if Diavik refuses to do it?

A: They could be shut down.

No Net Loss is policy. It would take ten years to change.

Q: Will there be impact on the land if you work on pristine lakes?

A: Yes. (If the work is done on community projects – there is already impact on the land by human use.)

Ron Allen and Dorothy Majewski arrive. Chair thanks Ron and Dorothy for coming. He notes that EMAB has been dealing with this fish habitat replacement issue for a long time.

Introductions.

Dorothy, who is replacing Julie Dahl for the year, has worked in the prairies and Ottawa. She has a similar work history to Julie.

Chair recaps the past two years.

We are here to update and discuss next steps.

Ron: We've agreed that work could be done off-site but we want the habitat units. The places identified off-site do not appear to fulfill habitat unit requirements and Diavik is not willing to put more money into it. They want to go in, do the work and walk away. We're saying no. We need the habitat units. Since 2002, we've backed off on on-site, lake vs. stream etc. But at the end of the day not looking like we're going to get the habitat units.

Q: How do those community sites not balance the books, habitat unit-wise?

A: Ron: DFO has not seen the sites physically and measured but knowing what they are, we can look at the site on a map, add the pieces up. Even in the most optimistic light they don't provide enough habitat units.

Q: What are the factors considered?

A: There are habitat suitability indices within areas, and with that area we rate the value for a specific species.

Q: Is the human component small or large?

A: That doesn't figure in the equation. It's about the fish and fish habitat. What we are interested in is protecting and increasing habitat for spawning, rearing etc for a particular species.



First choice is like for like.

Next choice is same kind of geography, close to where the impacts were.

If the lost amount of habitat is small enough those are overlooked and DFO tries to get something out of it like research.

Q: So there are other means to compensate?

A: For very small amounts, yes, DFO does consider a study or directing funds from the proponent to another larger project. But generally you want to balance out the loss and gain.

Ron: We THINK we have some idea on how much habitat we'll get from m1, m2 and m3.

Discussion:

- Question of whether proposed off-site projects are less pristine than m1, m2, m3
- An area clogged by vegetation – is that not pristine?
- There may be pristine lakes that are limited in some way.
- Fish habitat work needs to serve some purpose.
- Approaches are evolving, policy is staying the same.

Q: Does Traditional Knowledge come into evaluation?

A: It does in the consultation on what species are of concern, in choosing sites, in discussions of what was at a site and what wasn't there.

Q: m1-m2-m3 seem like they were a throw-in as an addendum to Diavik's No Net Loss plan. How was decision made to choose these over other options? There were other ideas at the beginning that were rejected. Can those be looked at again?

A: If they are suitable candidates.

Q: How would that process proceed – going back and looking at original rejected proposals?

A: Tell DFO which you'd like to do and we can assess them.

Noted that M1, M2 & M3 were introduced by Diavik as an option at a community-based workshop held at site in 1997 or 1998 and were chosen by people from communities before EMAB was formed.

Q: Why are there not enough habitat units at Bernard Harbour near Kugluktuk?

A: Don't recall.

There is confusion between consultation and TK. TK is not just talking to an aboriginal person.

Noted that DFO did not like the Habitat Compensation Fund approach used with BHP.

Q: We need to explain habitat units to communities. Would DFO do this?

A: Yes if requested, though Diavik did do some of that at the time, explaining what they were doing and why.

Q: Can we still talk about options to m1, m2 and m3?

A: Sure we can talk – but we need a commitment that we will get fish habitat.

Q: What might be the ultimate deadline?

A: Last DFO instructions: plans for m1, m2 and m3 by the end of 2005. If we had a proposal on the table that commits to the habitat units, more time may be needed by Diavik and DFO to consider options and reach agreement.

Chair summarizes next steps:

- EMAB will discuss other possible lakes with Diavik
- Need further information on feasibility of Bernard Harbour project
- DFO's deadline may not allow for discussion of other options.

Is deadline flexible?

DFO – it's up to the company to make proposals but DFO will not change unless a viable alternative is proposed.

Lunch: 1:00

Back: 2:05

Discussion:

- To do this work Diavik also has to acquire a land use permit – strictly related to that activity – for off-site habitat replacement.
- Whatever might happen to the land is not being factored into this conversation.
- Bernard Harbour work is being done under BHP compensation money right now – opportunity to cost-share.
- Doing work in the communities was never originally an option.

EMAB should consider a letter to DFO requesting some flexibility in deadlines.

Q: Who would be responsible if the enhancement doesn't work on the mainland lakes?

A: Diavik. They would have to keep monitoring and possibly due further enhancements.

No Net Loss item is deferred until the Board has seen the lakes on day two of Board meeting.

Item 3: Science Studies

Recap of process:

- Technical review of focus issues for water licence renewal application (result: consultant recommendations)
- Workshop on water licence renewal application (result: group recommendations)
- Decide if EMAB should intervene. (ie: advise Parties or make a direct intervention.)

ACTION ITEM: ED to apply to Diand and ENR for funds for the water licence renewal workshop.



Technical review of application should include:

- AEMP
- Water licence reflecting Environmental Assessment and Environmental Agreement.
 - Integration of TK
 - Aboriginal involvement as per EA (involvement from each Party)
- The need for approval of reports
- go through water licence clause by clause – any issues with clauses in current licence

ACTION ITEM: ED will provide background work on water licence issues to workshop consultant.

Q: Who is the target for the workshop?

A: It will be a community-based workshop like the water-quality workshop EMAB held in Kugluktuk.

Need fact sheets on: legislative framework, ammonia, water licence, etc.

These should be Invitational RFPs.

November 16 pre-hearing conference is proposed so we need to hold our workshop by the end of October. Jan 6 is the proposed deadline for submission of interventions.

Motion 03-05-08-16

That the executive be given the authority to approve the RFPs and the Terms of Reference for the technical reviews of the water licence and the facilitator for the water licence workshop. The executive will choose the consultants for both. The draft Terms of Reference will be distributed to the Board before review by the Executive, and Board members will have four days to comment.

Moved: JaneMcMullen

Second: Lawrence Goulet

Sheryl would like to review the Terms of Reference before the contracts are awarded. She thinks everyone should look at the ToRs. She wants to see the wording of how her concerns are being addressed. Is there anything missing in the water licence? Wants to see the wording. Not sure she's being understood.

Motion now reflects this.

Carried: Unanimous

ACTION Item: ED to draft RFPs and ToRs for technical reviews of water licence renewal application and facilitation of water licence renewal workshop.

Terms of Reference A & R plan review

Discussion:

- This should also feed into workshop.
- Including but not limited to TK.
- Add comparison to Environmental Agreement.
- For all ToR – do a gap analysis.

NSMA want to know why its community members are not monitoring the caribou etc. Lutsel K'e also.

Motion 04-05-08-16

Approve the ToR for review of IA&R Plan and Reclamation Research Plan, with changes as discussed.

Moved: Sheryl

Seconded: Jane

Carried: Unanimous

ToR for review of Dust Monitoring Program

Motion5:

Approve ToR for Dust Monitoring Program review, with changes as discussed.

Moved: Florence

Seconded: John

Carried: Unanimous

Item 4: Involvement of Aboriginal People in Monitoring

- There are other agreements that Parties hold that Diavik has to honour, similar to our EA's 4.2 g (training initiatives and monitoring programs).
- We need to link with others, find out who's doing what and who's obliged to do what, specifically with training.
- Work entry requirements are not what they were intended to be, specifically

ACTION ITEMS: Ask Parties (and DCAB) what they do on training initiatives related to environmental monitoring by Aboriginal people from Affected Communities. Consolidate a list of actions.

ACTION ITEM: Diavik presentation on Aboriginal involvement will be in September. Include a request that they come with suggestions on additional aboriginal monitoring.

(At DeBeers site) NSMA notes that they suggested establishing an environmental observer position, from their membership, who could watch the monitoring being done and learn all about it. That person would be a link to elders and community members. Never happened yet.



ITEM 6: ZIP

Diavik met with DIAND representatives, who said ZIP would be useful for a about six people from DIAND. DCAB would contribute 10 -12 people and EMAB about 10 people. ZIP would be held in two three-day sessions. Cost: \$25,000 to get two guys here. Could be half travel cost if they do BHP also. The course is \$40,000 for the 6 days. Three-way split. Plus getting the Board here etc.

Q: Getting very expensive. Is this the course we need?

A: We need to look at what we as a Board require as training. A needs assessment for the Board.

No ZIP training at this time. Diavik rep will have more information next week.

ITEM 5: Cumulative Effects on Wildlife

Update on joint letter from EMAB and IEMA.
ENR has said they'll discuss this with DIAND.

Last quarter of fiscal year might be good timing for a workshop on cumulative effects considering all of EMAB's current activities. It would also be a good time to access DIAND funds. By then we'll know what ENR's plans are. Hold off on follow up until December/January.

Break at 5

EMAB Board Meeting, Community-Based Monitoring (CBM) Camp and Site Tour August 17, 2005

Present:

Doug Crossley, KIA, Chair
Florence Catholique, LKDFN, Vice-Chair
Erik Madsen, Diavik, Secretary-Treasurer
Sheryl Grieve, NSMA
Lawrence Goulet, YKDFN
John Morrison, GN

Staff:

John McCullum
Michele LeTourneau

Guest:

Eric Yaxley



The Board, staff and guest travelled to the CBM Camp. They visited the camp, then proceeded to the m-lakes currently in dispute as fish compensation projects. The Board then made their way by boat to the Diavik site, passing alongside the silt curtain and observing its effectiveness. At site the Board was updated on and viewed new construction: the A418 dike, the underground construction and a tour of the island to view all changes, as well as the fencing that came as a result of EMAB's fencing panel.

**EMAB Meeting, Yellowknife Boardroom
August 18, 2005**

Doug Crossley, KIA, Chair
Florence Catholique, LKDFN, Vice-Chair
Erik Madsen, Diavik, Secretary-Treasurer
Lawrence Goulet, YKDFN
Sheryl Grieve, NSMA
John Morrison, GN
John McCullum, ED, EMAB
David Livingstone, DIAND (pm)

Guests:

Eric Yaxley
Nahum Lee

Minutes:

Michele LeTourneau

Back at 9:00

Chair notes that it was a good trip yesterday. Opportunity to see CBM Camp. EMAB spent a lot of time on putting together the camps. It's good to see it in person. Also good to get a Diavik site update, especially with the dike and underground construction. Thanks to Diavik.

Item 7: Plain language documents.

Motion 01-05-08-18

Approve plain language EA summary and EA.

Moved: Florence Catholique

Seconded: Erik Madsen

Discussion about need to review documents at this meeting.

Q: Is the use of TK included?

A: Yes.

Carried: Unanimous



Plain language by-laws: Deal with them by telephone resolution, a week from today.

ACTION ITEM: Board to email Michele with comments on plain language by-laws.

ACTION ITEM: For next meetings, have documents to be discussed available for people who for some reason can't get them from their past binders.

ITEM 8: Discussion of EMAB role.

Defer to the end of the day.

Item 9: MVLWB update

In binder.

DIAND: The draft study assessment on the AEMP baseline (by DIAND) will influence DIAND's own submission (intervention to the water licence renewal application). This report is only a discussion document until an intervention.

EMAB has almost a unique role of looking at the water licence from many perspectives.

This is also a DIAND objective.

ED recommends that we don't send the letter on baseline data compilation at this time.

ACTION ITEM: Hold letter on baseline data compilation pending more information.

When we have our next regulators workshop Todd Burlingame will be invited. He could attend, but he could not discuss specific projects. It was noted that there may be a conflict of interest with Todd appearing and he may not come. Reason why MVLWB staff have attended in the past.

ACTION ITEM: Invite Todd Burlingame, Chair of the MVLWB, to the next EMAB regulators' workshop.

ITEM 10: Media strategy

Communications Coordinator presents draft strategy from kit.

Discussion:

- Camps are a very positive EMAB activity.
- So is the upcoming AGM and release of annual report.
- Topics outlined in the media strategy are all useful.
- Comment was made that the media can "twist" stories in a negative manner and that EMAB must be careful on the stories we want put out to media.

Other items:

- Workshops
- Board development
- TK reports and participants' input into these reports
- Water licence – intervener status (funds)
- Not for approval reports

Potential to deal with problem issues through media. Explain: this is why this is a problem, and it involves you the public. Then later on get the positive resolution out.

Discussion:

- Process: some of the press releases will have to be reviewed by executive but all the board would see it. Add this to strategy
- CBM Camps, yes. Use that one for the time being, as well as AGM.

ACTION ITEM: Add approval process to media strategy.

Motion 02-05-08-18

Approve the media strategy as amended. Process for approval of media releases will be: sending press pieces to the Board for comments and Executive Committee will approve.

Moved: John Morrison

Seconded: Lawrence Goulet

Carried: Unanimous.

Item 11: Reports

Executive reports

Financial Report:

Erik leads everyone through the financial statement.

Discussion brought forth that a portion of the charter cost of Board visit to CBM camp could be charged to the CBM camp budget.

Q: Letter to Diavik?

A: There's a ToR for the camp, a process in place. A letter with the request would have to go Scott Wytrychowski.

Motion 03-05-08-18

Write a letter to Diavik requesting part of our charter to CBM camp be added to the CBM camp budget, explaining that due to the Tlicho not participating there are some funds remaining.

*Moved: Florence Catholique
Seconded: John Morrison
Carried: Unanimous*

Florence requests that items in the financial statement under main headings to be in alphabetical order.

Motion 04-05-08-18

*To move the meeting in camera.
Moved: Erik Madsen
Seconded: Sheryl Grieve
Carried: Unanimous*

Motion 05-05-08-18

*To move the meeting back to regular Board meeting.
Moved: Sheryl Grieve
Seconded: Erik Madsen
Carried: Unanimous*

Motion 06-05-08-18

*Approve auditor Charles Jeffrey's recommendations of July 14 to improve EMAB's internal financial procedures, except recommendation #6.

Moved: Sheryl Grieve
Seconded: Lawrence Goulet
Carried: Unanimous*

Motion 07-05-08-18

*Change signing authorities to Yellowknife-based Board members Lawrence Goulet and Sheryl Grieve and revoke from Doug Crossley and Florence Catholique.
Moved: Erik Madsen
Seconded: Sheryl Grieve
Carried: Unanimous*

ACTION ITEM: ED to create a document laying out the new financial procedures.

ACTION ITEM: ED to invite legal counsel to next meeting.



Motion 08-05-08-18

Appoint Chair as spokesperson for misappropriation of funds.

Moved: Florence Catholique

Seconded: Lawrence Goulet

Unanimous: Unanimous.

Motion 09-05-08-18

Fact sheet and prepared statement on misappropriation of funds to be approved by the Board.

Moved: Sheryl Grieve

Seconded: John Morrison

Carried: Unanimous

Point four of communication plan for misappropriation deferred to next meeting.

ACTION ITEM: Release annual report at AGM.

Break: 12:15

Back: 1:15

David Livingstone – Attends afternoon meeting

Item 11 con't

Operation manual

Motion 10-05-08-18

Approve the changes to the operations manual as presented:

2.4 Travel/Accommodations/Honoraria

The Board will pay honoraria, travel, per diems and/or accommodations for Aboriginal Party members, other members who do not receive a salary and/or travel expenses while participating, and other invited participants in approved Board activities, in accordance with the Schedule set out in "Appendix A". In exceptional circumstances the Executive Committee may authorize that the Board cover travel costs for government members to attend Board meetings.

Moved: Jane McMullen

Seconded: David Livingstone

Carried: Unanimous



Motion 11-05-08-18

Approve change to operations manual: that a sentence be added at the end of the first paragraph of Appendix 1 – Policy: Board meeting, community consultation, workshops, as follows. “An alternate attending a Board meeting in the absence of the member will be paid at the same rates as a member.”

*Moved: Sheryl Grieve
Seconded: David Livingstone
Carried: Unanimous*

Motion 12-05-08-18

Approve the third change to operations manual: Rationale for change is currently reps that attend for three hours or less charge a 1-day honorarium. that the honorarium schedules in Appendix 1 be revised to allow for half-day payments at the bullets titled “Honorarium” under “Board Meetings” and under “EMAB Workshops/Public Meetings”: “Half the daily honorarium will be provided for attendance of three hours or less.”

*Moved: Erik Madsen
Seconded: David Livingstone
Carried: Unanimous*

Motion 13-05-08-18

*Approve fourth change to operations manual:
Add Clause 2.5.5 to read:
2.5.5 Capacity Funding Budgeting
The Board will reallocate any remaining capacity funding budget not committed by September 30 of each fiscal year.*

*Moved: David Livingstone
Seconded: Erik Madsen
Carried: Unanimous*

Draft Terms of Reference for Personnel Committee

Motion 14-05-08-18

*Approve the Terms of Reference for the personnel committee as amended (4 working days advance notice).
Moved: David Livingstone
Seconded: Sheryl Grieve
Carried: Unanimous*

Annual Report

Final proof Friday. Going to print the following week. To be released at the AGM. Post-it notes as a companion item on the same schedule.

Action Items

ED and Communications coordinator go through their items.

Follow up letter on intervener funding.

Report Tracking

This is an information item.

Correspondence tracking

Handout in meeting kit.

ACTION ITEM: Discuss EA review at AGM if required.

Q: who pays for Parties to attend AGM?

A: Parties

Item 8 – Discussion of EMAB role

a) Regional Monitoring

Multi-Project Environmental Monitoring Agency – steering committee developed draft ToR in April and sent it to working group in mid-July. Chair: Floyd Adlem. Planning a meeting in late September of the parties/groups to discuss terms of reference and where we go from here. No response from anyone yet.

Diand's position: MPEMA is the way to go. The three existing agencies should be replaced by one for efficiencies and not tapping out community resources. DeBeers is supportive and represented on the working group: there are 10 members, which includes all organizations that sit on this board other boards. It is for diamond projects only. We have until June 2006 to meet recommendation in Snap Lake Environmental Assessment. It was noted that it is envisioned that at that time a new agreement would be made up with Snap and other proponents and if others decide not to join that it is hoped that once they see how the new agency works that others will join in. It was noted that Diavik is happy with the way things are

Letter could be sent to steering chair (Floyd Adlem) saying we'd like to see this move forward in a timely way. Also suggested this letter could go to Parties. Reason being is that what ever is formed could effect EMAB.

DIAND made the point that EMAB does not /should not have much say on it's own behalf, (would probably appear biased and should not comment) since it is the Parties who will decide whether or not they want to adopt the new agency instead.

Environmental Agreement Annual Report

Handout.

Board needs to decide if it will comment to Minister or not.

DIAND: EA clause regarding changes to EA report is related to accuracy, not qualitative assessment of the report. The Board should address the minister if the report is untruthful.

Discussion held on what the definition of "comprehensive summary" is– this will be looked at differently from various people reviewing. Diavik gets told sometimes information is too technical for communities and then is told it is not technical enough by others.

ACTION ITEM: Write a letter to Diavik expressing disappointment that its comments were not addressed. Express the wish to work with Diavik to address this lack in report next year. We'll be calling you in January. CC Minister.

There is an issue of adequacy of this report to fulfill its purpose.

DIAND: The EA was written very carefully not to overlap with the water licence.

Rest of item deferred to next meeting. DIAND noted that EMAB's job in situations like the water licence renewal is to support communities so they are able to decide if they want to intervene at hearings. There may be circumstances where EMAB might intervene on behalf of the communities.

Item 12 Inspector's report

This was emailed out before the meeting.

ACTION ITEM: Send letter thanking DIAND inspector Julian Kanigan and wishing him well in his educational endeavours. CC Parties?

Habitat replacement

ACTION: Write a letter to DFO thanking them for meeting with us. We toured the lakes. Sounds like DFO is open to working on an alternate solution that would be acceptable to all parties. Suggest that DFO AND DDMI take the next two-three months and work to come up with a solution. Perhaps it's time that you hire a third-party mediator. Deadline: by the end of 2005 so the work can be done in 2006. Pass letter by executive.

Item 13: IEMA update

Annual report due for delivery on Friday.

Next Board meeting late September @ Dettah and Yellowknife.

Tim will be in Goose Bay, Labrador next week to discuss environmental watchdog agencies at a workshop hosted by the Institute for Environmental Monitoring and Research. Tim also attended the Lutsel K'e youth fish camp.

ACTION ITEM: ED to circulate IEMA's comments on DIAND's reclamation guidelines.

Board member reports:

NSMA: Mostly busy reviewing reports

YKDFN: Will get information on changes to winter road monitoring station from Rachel Crapeau next week.

Diavik:

- Construction is going well.
- A little behind on underground.
- Dike construction is going well – should be enclosed by Oct 10.
- Submitted water licence renewal application in August.
- Going to communities in September and October to update on project and licence renewal.
- Wildlife and aquatics ongoing.
- University of Alberta rock pile and vegetation studies ongoing.
- New president moved to Yellowknife. Erik will try to get him to come to the next meeting.

KIA: Doug Crossley submitted a written report.

ENR – changes... still don't have an EMAB Board member, sometime in sept/oct new North Slave regional superintendent Ernie Campbell. Some plans are in the works on cumulative effects. NWT Centre for Geomatics. New maps. (Contact: Helmut) Are looking for Anne Gunn replacement. Follow-up... working on a tracking system to follow-up after environmental assessment.

Florence: Still political uncertainty. Co-ordinated TK camps. Capacity funding is in place. Youth fish camp organized in a different way – will send in report when it's done. Working on water licence issue... TLE... Need another way to receive documents? Took an Excel course. Thanks to board for support to attend mining summit...report circulated.

GN:

Continue to be very interested in transboundary issue. And very interested in MPEMA. Just completed 10-year data compilation on wolverine. Tracking grizzly bear by family using DNA. Info sadly missing on caribou. Cumulative effects serious... effects of the mines etc.

Upcoming Events

AGM and Board Sept 20-21-22

Peel watershed planning commission – calendar on their website. Might be a good model for EMAB's website.

Jane McMullen to provide copy of DIAND training calendar.

Thanks everybody for coming to the meeting.

Motion: to adjourn the meeting.

Moved: Erik Madsen

Closing prayer Lawrence.