

***EMAB Board Meeting Minutes
May 7th, 2003
EMAB Board Room, Yellowknife, NT***

Present:

Robert Turner, Chair, North Slave Metis Alliance
Floyd Adlem, Vice-chair, Government of Canada
Doug Doan, Secretary-Treasurer, Government of the Northwest Territories
Erik Madsen, Diavik Diamond Mines Incorporated
Doug Crossley, Kitikmeot Inuit Association
Lawrence Goulet, Yellowknives Dene First Nation
Johnny Weyallon, Dogrib Treaty 11 Council
Florence Catholique, Lutsel K'e Dene First Nation (afternoon only)
John McCullum, Executive Director

Absent:

John Morrison, Government of Nunavut
Florence Catholique, Lutsel K'e Dene First Nation (morning only)

Visitors:

Eric Yaxley, Department of Indian Affairs and Northern Development
Joe Carrabba, President of Diavik Diamond Mines Incorporated
Murray Swyripa, Diavik Diamond Mines Incorporated
Gord MacDonald, Diavik Diamond Mines Incorporated
Carole Mills, Independent Environmental Monitoring Agency
Hal Mills, GeoNorth Limited

Minute Taker:

Lisa Best, GeoNorth Limited

9:15 am - Welcome from Chair

Opening Prayer – Lawrence Goulet

Approval of Agenda

It was agreed to add the invitation from DIAND to the Cumulative Effects Assessment Management Framework Workshop to the agenda. The workshop will take place on May 13th and 14th and there is an application to fill out. The agenda was approved as amended.

Approval of February 18th & 19th, 2003 Minutes

A number of corrections were noted and the descriptions of the changes have been included as end notes in the approved minutes.

Motion #01-03-05-08

Accept February 18th & 19th, 2003 minutes as amended.

Moved: Doug Crossley

Seconded: Johnny Weyallon

Carried: Unanimously

Joe Carrabba and Murray Swyripa of DDMI joined the group at 9:40 am.

DDMI President Introduction

Joe Carrabba, the newly appointed president of Diavik Diamond Mines Incorporated (DDMI), was introduced and said a few words about his experiences with environmental management in Australia, and the variation of standards around the world. He noted that the model set out for the diamond mining industry in the NWT is a model striven for around the world. In conclusion, Mr. Carrabba discussed the importance of seeking to minimize ecological footprints while moving forward.

Congratulations were extended to Mr. Carrabba upon his new position. A brief discussion followed about EMAB's work to date. Positive feedback was communicated regarding DDMI's interaction with the communities and further invitations were extended. This led to talk of Mr. Carrabba's goal to visit as many of the communities as possible within the first one hundred days; his visit to Lutsel K'e the following day; and talk regarding the expectation to have managers visit the communities at least once a quarter with the new 'adopt a community' program.

Joe Carrabba and Murray Swyripa of DDMI parted the group at 10:00 am.

*Break – 10:00 am
Reconvene – 10:20 am*

Gord MacDonald of DDMI joined the group at 10:00 am.

Approval of March 12th, 2003 Minutes

A couple of corrections were noted and the descriptions of the changes have been included as end notes in the approved minutes.

Motion #02-03-05-08

Accept March 12th, 2003 minutes as amended.

Moved: Erik Madsen

Seconded: Johnny Weyallon

Carried: Unanimously

New Executive Director - Introduction

John McCullum was introduced as the newly chosen Executive Director for EMAB and will start formally mid-May 2003.

Blasting Effects Study Presentation

Gord MacDonald of DDMI presented information regarding the Blasting Effects Study – the following is a recap of the presentation and conversation stimulated by the presentation.

Background

The Blasting Effects Study was initiated to address concerns identified by DFO and communities that vibrations from blasts could affect fish eggs. Changes in pressure may also have an effect on fish. The study is designed to determine how large the actual blast zone is compared with the authorized zone of 450 m.

Status

So far, there have been two Blasting Effects Study meetings. The first was a scoping meeting, and the second was to review the first draft of the study design. At the second meeting, main changes to the study design draft were logistical and time-related. Originally the study's timeline was completion within one year. It is now phased over three years in order to improve the window of opportunity for collection of results. A study design summary document with an overview of the project budget will be forwarded to EMAB. To date, parties involved in the study are DDMI, DFO, 2 professors from the U of A who are managing a university group, and Florence acting as an observer on behalf of EMAB. It was suggested by the chair of EMAB that Florence's role should be clarified. DDMI's response was that Florence's role on the committee was an option provided by DDMI for the sake of interest. DDMI is waiting to for DFO's approval before starting anything. They are hoping that the approval process will be quick as DFO has been involved in the process to date.

About the Study

Zones surrounding the A154 and A418 pits will be incorporated into the Blasting Effects Study. On average, there are a couple of blasts per week. Control sites will be set outside of the blasting zone. Receiving and recording units will be set to collect vibration data. Lac de Gras trout eggs (a well-known sensitive species) will be collected, fertilized and placed into incubation trays which will be attached to the rock to prevent them from moving. During the first year of the study, 2 chains, each with 12 incubation trays connected, will be placed to test the apparatus. After the first blast, four of the 12 incubation trays will be retrieved. After two weeks following the blast, four more will be retrieved and the last four will be retrieved after the winter, when the eggs will be examined to see if they survived. As part of the U of A students additional research, they will try to hatch live eggs and see if there may be a later effect on development. DDMI is applying for funding for the extra retrievals from DFO. DDMI has agreed to provide additional funding towards the student's thesis studies. During the full-out study, chains will be placed at all presented locations.

Possible Recommendation

Discussion occurred during the presentation regarding a possible recommendation to include aboriginal person(s) within the study. As well as possibly coordinating the fish palatability study around the same time as this work.

Habitat Compensation – Inland Lakes

With respect to the habitat compensation workshop in December 2002, Gord MacDonald noted that DFO is apparently issuing a letter shortly, regarding their position.

DFO Research Projects

Analysis of Fish-out/Transfer Data

Gord MacDonald gave EMAB a brief update regarding other DFO research projects that might be of interest to EMAB. There is a sizeable database regarding fish data that DFO would like to analyze. Since they have not had the resources internally, they've contracted the work out. They have asked DDMI and BHPB for funding and they've agreed to it. Gord MacDonald has reviewed and commented on a proposal for the research project and one of the conditions of the funding from DDMI is that DFO consult with EMAB in case there are different things EMAB wants to see come out of the contract.

Discussion followed on the accuracy and usefulness of lake fish-out data and level of resource effort. In summary, questions included the need to qualify the probability of future predictions given existing methods of fishing out lakes and analyses of data. There was an agreement to disagree and have further discussion with DFO.

DFO Meeting with Potential Funders

On May 7th, DFO invited potential funders (DIAND, EC, BHP, DDMI, and De Beers) to a meeting about their plans to develop a research proposal regarding no-net loss/issues of compensation and the creation of habitat with a 3-5 year timeline. There was no mention of community consultation. Gord MacDonald made EMAB aware of the above mentioned meeting because it may be an opportunity to do some habitat compensation on disturbed sites. DFO will be making a presentation, similar to the above, at the workshop on Sustainable Development for the Diamond Mining Sector in June in Ottawa.

Gord also mentioned about an Ammonia issue and potential concern with exceeding identified criteria (2 ppm) perhaps within the next 16 months unless other current changes could be brought into effect. This is an important and potentially a difficult issue to adequately address.

DDMI Technical Committee (DTC)

There will be a DTC meeting on Tuesday May 13th on the seventh floor of the YK Centre. One of the items of interest to EMAB on the DTC meeting agenda may be the process for reviewing the 2002 AEM. Although EMAB has in the past been verbally invited to all future meetings, EMAB was not on the invitation list. EMAB will attend the meeting and request to be formally invited to future meetings.

Gord MacDonald of DDMI and Eric Yaxley of DIAND parted the group at 11:50 am.

Lunch Break – 11:50 am

Reconvene – 1:40 pm

Florence Catholique of EMAB, Carole Mills of IEMA and Hal Mills of GeoNorth joined the group at 1:30 pm.

TK Panel

Hal Mills of GeoNorth Limited updated EMAB on the status of the draft March 2003 TK workshop report and itemized three items for discussion with EMAB:

1. process for finalizing report;
2. recommendations for establishing a TK panel; and
3. pilot project proposal.

TK Workshop Report

The TK workshop report was distributed to both the IEMA and EMAB offices. So far GeoNorth received feedback from Carole Mills of IEMA and is waiting for the feedback from the IEMA board and EMAB. The layout of the report was discussed and agreement was made to include only the final version (of four versions) of the TK Panel

Recommendations, add the suggested explanatory paragraph, locate the recommendations at the front of the document and add a couple of paragraphs of an executive summary.

There was disagreement concerning the objectives of the workshop and in general whether or not they were met as originally intended. One argument was that the focus of the workshop was meant to be on how monitoring should be done – which was not addressed adequately at the workshop. On the other hand, it was said that the objective of getting the aboriginal groups working together was met (through the recommendations) and provides an option for how the groups may work together.

Recommendations from the Aboriginal Caucus for a Regional TK Panel

It was mentioned that the word ‘regional’ within the TK Panel recommendations may be contentious. Suggestion was made to modify the recommendations accordingly in order to make it more amenable to potential funders. Discussion regarding the value of the regional aspect took place and issues regarding the regional nature of environmental concerns (i.e. caribou impacts etc.) were raised and identified to be of concern to the communities. It was said that the integral regional elements could be developed after the TK Panel was set in place.

It was stated that IEMA would support EMAB’s approach to setting up a TK Panel and will continue to support the goals of the recommendations for the Regional TK Panel and that IEMA is interested in working with EMAB in whatever way possible.

Prior to the passing of a motion (below) to set up a TK Panel as per the EA, in depth conversation took place regarding the steps that would need to be taken in order to

implement a TK Panel. It was clear that a better understanding of the TK Panel needs to be developed and more discussion needs to happen. Eventually, terms of reference will need to be developed detailing the TK Panel logistics, exactly what the TK Panel would be, what else is going on in the outskirts, who would sit on the panel, how panel members would be chosen and/or rotated due to their expertise and what the scope of their duties would involve. There are also options for taking advantage of the momentum created by WKSS. There is currently a TK steering committee under WKSS that may be interested in sharing their expertise with EMAB. It was suggested that WKSS's involvement could be developed after the TK Panel was set in place.

Pilot Project Proposal

Hal Mills presented EMAB with a proposal summary entitled "Understanding the Impacts of the Winter Road on Caribou Movements – A Traditional Knowledge Monitoring Pilot Project" for review by EMAB. Hal described events that led to the development of the summary proposal. Shortly after the TK Workshop, Hal had a phone call from Ted Blondin who mentioned that it would be an idea to get a project started to get everyone working together and suggested that GeoNorth draw up a proposal. The proposal was drafted by Brenda Parlee and Hal Mills and is meant to put forth some ideas and act as a jump start to get a TK panel functioning. GeoNorth is happy to receive feedback on the idea 'if and when' EMAB is ready and would be happy to make any recommended changes.

There were a few comments of support for the idea as well as possible funding options suggested (i.e. facilitated through TK Panel or obtained from the Tibitt to Contwoyto winter road joint venture group). However, due to questions about how the TK Panel would work, it was agreed that the best route would be to wait until the TK Panel was implemented before considering this proposal; it would be something the TK Panel could address, specifically if it should be done and how it should be funded.

Hal Mills of GeoNorth parted the group at 2:25 pm.

IEMA Letters of Support for the Recommended TK Panel

At the March 2003 Traditional Knowledge Monitoring Workshop, it was announced that IEMA would be sending a letter of support, for the recommendations from the workshop, to the Minister of DIAND, BHP and GNWT. The letter encouraged DIAND, BHP and GNWT, as signatories to the EA for Ekati, to work towards the expedient implementation of the Regional TK Panel. Carole reported the responses to date. The Minister of DIAND's response was that the Regional TK Panel was a good idea but that DIAND is working towards it with their intentions of developing a regional monitoring agency. BHP responded that they were not willing to supply funding and stated that they were confused because two days later BHP got a letter from WKSS asking the same thing. RWED has yet to respond.

After a lot of in depth discussion regarding the TK Panel, it was agreed that the most effective and productive option for setting up a TK Panel would be to set it up under the existing mandate of EMAB's EA. In conclusion, the following motion was passed.

Motion #03-03-05-08

Motion to set up a TK Panel as per the Environmental Agreement.

Moved: Florence Catholique

Seconded: Doug Crossley

Carried: Unanimously

Independent Environmental Monitoring Agency (IEMA) Meeting

Carole Mills, Manager of IEMA, invited the Executive Director to an IEMA meeting on June 2nd at which the TK Panel will be discussed.

Carole Mills of IEMA and Erik Madsen of EMAB parted the group at 2:55 pm.

*Break – 2:55 pm
Reconvene – 3:25 pm*

February and March Finance Report

Doug Doan led EMAB through the following three items: 1) financial statement ending February 28th, 2003; 2) financial statement ending March 31, 2003; and 3) comparison of budget to actual for 12 months ending March 31, 2003.

In the February and March Statements, Doug explained that net income is the contributions received and not expended. Doug noted that payroll doesn't actually break at year-end. In the comparison of budget, the total fixed assets were different when compared with the equity; Doug clarified that because it is year-end the auditor will adjust this statement.

Within two meetings, EMAB will have an audited statement which will reflect EMAB's exact financial status. Doug recommended that time be spent on reviewing the coming audited statement in conjunction with working on funding requests.

Insurance & Liability Coverage

Members of the board that are not employed by anyone or who do not work for the government are not covered under liability insurance. In the case of an accident during field trips etc. those members would not be eligible for any kind of disability insurance coverage. It would cost about \$800 a year per person for that type of insurance. Floyd Adlem met with Austin Marshall. Austin is doing some investigations and will get back to EMAB, within a week or two.

Workshop on Sustainable Development for the Diamond Mining Sector

This workshop will be held in Ottawa on June 5th and 6th. After discussion and invitation to EMAB members to attend the workshop, it was motioned (below) that John McCullum and Floyd Adlem will attend on EMAB's behalf. John will take care of the registration for the workshop.

Motion #04-03-05-08

Motion to send John McCullum and Floyd Adlem to Ottawa to attend the Workshop on Sustainable Development for the Diamond Mining Sector.

Moved: Florence Catholique

Seconded: Doug Doan

Carried: Unanimously

Review of Action Items

A review of outstanding action items was conducted, changes were noted and completed and outstanding action items for the month of May were adjusted accordingly.

Next Meeting Date

Action Item: Due to busy times ahead for the Dogrib people of Wha Ti, Johnny Weyallon will get back to EMAB about whether or not the next meeting will be in Wha Ti in June.

Meeting adjourned 4:17 pm.

***EMAB Board Meeting Minutes
May 8th, 2003
EMAB Board Room, Yellowknife, NT***

Present:

Floyd Adlem, Vice-chair, Government of Canada
Doug Doan, Secretary-Treasurer, Government of the Northwest Territories
Erik Madsen, Diavik Diamond Mines Incorporated
Doug Crossley, Kitikmeot Inuit Association
Lawrence Goulet, Yellowknives Dene First Nation
Florence Catholique, Lutsel K'e Dene First Nation
John McCullum, Executive Director

Absent:

Robert Turner, Chair, North Slave Metis Alliance
John Morrison, Government of Nunavut
Johnny Weyallon, Dogrib Treaty 11 Council

Visitors:

Eric Yaxley, Department of Indian Affairs and Northern Development
Julian Kanigan, Department of Indian Affairs and Northern Development

Minute Taker:

Lisa Best, GeoNorth Limited

Commencement by Floyd Adlem at 9:10 am.

Julian Kanigan and Eric Yaxley of DIAND joined the group at 9:00 am.

Inspection Report

Julian Kanigan presented and distributed the Inspections Summary from January 2003 through til April 2003.

January 2003 Summary

DDMI changed the location of the Emergency Response Training - fire training to the lined burn pit area no longer in use. Under the Workers Compensation Board requirements, all employees must be given fire extinguishing training yearly. This change will help minimize impacts to the land.

The A154 refueling station became operational on March 22nd, 2003. The fuel delivery system installed includes a buried line and an HDPE lined refueling pad. The previous temporary refueling station will be removed. The pad material will be scraped up and land farmed and the old liner will be placed in the inert landfill within the quarry.

February 2003 Summary

The inspector commended DDMI for their proactive approach with the creation of a new snow dump area in the Processed Kimberlite Containment (PKC) area. The snow dump area will be used to dump the snow scraped from beneath the coarse PK hopper due to splashes during the transfer (as well as drips during storage) of stored coarse PK from the hopper to the haul trucks.

It was recommended for the storm water collection pond 1 that pipelines and pumps should be in place in preparation for the 2003 spring melting season.

March 2003 Summary

Prior to discharge for the North Inlet Water Treatment Plant (NIWTP), DDMI must provide the inspector with at least five days notice; this ensures that effluent quality requirements set out in the water license are met. Samples are taken every six days at the point of discharge.

The NIWTP ran out of water for adequate water treatment for a short period of time. Consequently, no water was discharged during that time.

The inert landfill upon inspection appeared to be capped adequately to prevent waste materials from being blown within the quarry.

It was requested that a spill kit be made available and accessible at the A154 refueling station offloading area.

The request to keep the overhead doors of the ammonium nitrate (AN) hopper building closed when not in use, and to sweep up AN, to prevent the AN prill (ammonium nitrate is a type of fertilizer) from blowing about and out of the building was met. As a result, minimal amounts of AN prill were observed adjacent to the hopper.

April 2003 Summary

Seepage flow meters were installed and seepage numbers are similar to what was expected. A system of weekly inspections of dams is needed, will be implemented and is in part already occurring.

During spring melt, it will be ensured that the A154 refueling station will be graded to the sump to ensure that all drainage from the refueling pad will be directed to the sump.

Regarding the calibration of flow meters, there are about 30 in operation at the mine. All flow meters on-site will be calibrated once per year.

Calibrations of lab equipment are done separately as part of the Quality Assurance/Quality Control (QA/QC), done by Taiga lab. For every sample duplicates are taken.

Monthly SNP Reports

The orthophosphorous parameter was missed as a testing parameter in the past and changes have been made to avoid this error in the future. Also, a reminder list has been given to the lab for reference to ensure all parameters are tested for in the future.

Samples in January from the North Sewage Treatment Plant had high fecal coliform counts. It was dealt with immediately and the counts returned to acceptable levels right away.

DDMI Water License Annual Report

A copy of the water license annual report, due at the end of March, was provided to EMAB and is available in CD form.

Fencing at DDMI

Discussion took place regarding the lack of fencing in areas like the Processed Kimberlite Containment area, the fuel and pit areas and past commitments (in the CSR) by DDMI to fence the areas. In a past (1998?/1999?) caribou workshop (it was suggested that the minutes for this workshop should be reviewed) with elders, issues of fencing were discussed. At the caribou workshop, it was identified that fencing has its downsides (i.e. caribou have been stuck in fencing at BHP). DDMI's current approach has been to monitor caribou movements through the Wildlife Monitoring Program and have had no problems with caribou deterrence in past years. DDMI plans to take action to improve and fence areas if and when they become problem areas. Until then, DDMI would prefer to leave fencing due to the uncertainties surrounding effectiveness and their potential to do harm. DDMI has a herding procedure in place that has worked to date deterring caribou from the airstrip. Point was raised that fencing used must be designed specifically for the caribou and that BHP or IEMA might have information regarding well designed fencing due to their past experiences/studies. One main concern raised during the discussion, was that if a worst case scenario problem materialized, there would not be enough time to act quickly without the most appropriate fencing supplies on hand.

Motion #01-03-05-09

Bring the CSR section 9.4.1 to DDMI's attention; ask what experiences DDMI has had to date; and what emergency plans are currently in place. EMAB will recommend a study to take place to deal with the issue.

Moved: Florence Catholique

Seconded: Doug Doan

Carried: Unanimously

Eric Yaxley and Julian Kanigan of DIAND parted the group at 10:00 am

Operations Manual

Since the last meeting, Appendix 7 was altered. Principles from the Dargo & Associates report on capacity funding were included.

Positive comments were expressed about the changes and a few suggestions were made for further additions/changes (i.e. add the sample contract from the Dargo and Associates report; under project reporting, add the requirement of 5 project photos for the annual report). For the operations manual, every page will have the approved motion that passed it.

Motion #02-03-05-09

Accept Appendix 7 as amended.

Moved: Doug Doan

Seconded: Florence Catholique

Carried: Unanimously

Break – 10:10 am
Reconvene – 10:23 am

After a brief discussion about the lack of DFO responses, to various EMAB letters and interactions, the following action items were developed.

Action Item: Write to the DFO Minister, copying the DOE and DIAND Ministers to give a chronology of what has happened to date and state that EMAB is disappointed with the lack of responses. Inform the Ministers that EMAB will be working to resolve the problem with the local DFO representative. By the week of May 19th, 2003 send a draft letter to EMAB for response.

Action Item: Set up a meeting with the EMAB Executive and Julie Dahl, the local DFO representative.

EMAB Annual Report

The annual report must be complete 30 days in advance of the AGM in September. Therefore the annual report must be complete by August. Erik, Floyd, Florence and John will be the Annual Report subcommittee for this year. The plan will be to put together a timeline and possibly do the same as last year working back from the due date set.

Action Item: Send a reminder to the Parties that their capacity funding reports are due.

DDMI Community Based Monitoring Camp:

The Community Based Monitoring Camp will be set up in mid-June. In the next couple of weeks, before the next meeting, Erik and Gord will draft guidelines for the communities on how to apply to use the camp and send it to EMAB for review at the next meeting.

Fish Palatability Study

Comment was made that, if EMAB desired, the fish palatability study could be tied in with the blasting effects study but that the fish palatability dates would need to be changed.

Cumulative Effects Assessment Management Framework (CEAMF) Training

Bob is attending on behalf of NSMA, Florence is attending on behalf of LDFN and Floyd will attend the CEAMF Training on EMAB's behalf on May 13th and 14th.

DDMI Technical Committee (DTC) Meeting

John McCullum and Lawrence Goulet will attend DTC meeting on May 13th on behalf of EMAB.

Motion #03-03-05-09

Adjourn meeting at 11:00 am.

Moved: Doug Crossley

Seconded: Laurence Goulet

Carried: Unanimously

Meeting adjourned at 11:00 am.

End notes

Corrections made to the May 7th and 8th draft minutes are as follows:

Correction 1, Page 1 & 2: Changed spelling of 'Carraba' to 'Carrabba'.

Correction 2, Page 3: Added 'As well as possibly coordinating the fish palatability study around the same time as this work.' to paragraph under 'Possible Recommendation'.

Correction 3, Page 4: Under 'Habitat Compensation – Inland Lakes', replaced 'at anytime' with 'shortly' within the following sentence: 'With respect to the habitat compensation workshop in December 2002, Gord MacDonald noted that DFO is apparently issuing a letter shortly regarding their position.'

Correction 4, Page 4: Under 'Analysis of Fish-out/Transfer Data', added 'and BHPB' to the following sentence: 'They have asked DDMI and BHPB for funding and they've agreed to it.'

Correction 5, Page 4: Added the following paragraph under 'DFO Meeting with Potential Funders': 'Gord also mentioned about an Ammonia issue and potential concern with exceeding identified criteria (2 ppm) perhaps within the next 16 months unless other current changes could be brought into effect. This is an important and potentially a difficult issue to adequately address.'

Correction 6, Page 7: Under 'Insurance & Liability Coverage': Austin Marshall is not from Lakeshore Insurance Brokers Ltd.

Correction 7, Page 1: Under 'Approval of Agenda', Cumulative Effects Assessment Management Framework 'Training' changed to 'Workshop'.