

Doug Crossley, Kitikmeot Inuit Association, Chair  
Florence Catholique, Lutsel K'e Dene First Nation, Vice Chair,  
Lawrence Goulet, Yellowknives Dene First Nation  
Tony Pearce, alternate, Dogrib Treaty 11 Council  
Sheryl Grieve, North Slave Metis Alliance  
Jane McMullen, alternate, Government of the Northwest Territories, ENR  
David Livingstone, alternate, Government of Canada  
Erik Madsen, Diavik Diamond Mines Incorporated  
John Morrison, Government of Nunavut

John McCullum, Executive Director

Guests: Anne Gunn (ENR), Dean Holman(NSMA), Scott Wytrychowski (Diavik), Petr Komers (MSES), John Virgl (Golder), Colleen English (Diavik), Robert Mulders (ENR), Dean Cluff (ENR), Steve Matthews (ENR), Julian Kanigan (DIAND), Gord MacDonald (Diavik).

Minutes: Michele LeTourneau, Communications Coordinator

Note: all presentations discussed in the minutes are available from the EMAB office

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Meeting starts at 9:10.

Chair welcomes everyone.

Introductions.

Opening prayer: Lawrence Goulet

### **ITEM 1 – Approval of Agenda and Minutes**

Added to the agenda:

- Inspector's report, Thursday
- Addition material on AEMP
- TK camps – media
- Lutsel K'e request – add to budget discussion Thursday
- Donation of print – Thursday
- Survey on what materials Board members want and don't want. Members to hand in at end of meeting.

Handouts:

- CSR commitments, for information.
- Content of annual report, for later discussion.

**Motion # 01-05-05-24**

*To accept agenda as amended.*

*Moved: Erik Madsen*

*Seconded: Florence Catholique*

*Carried: Unanimous*

Minutes from March 03 – 05 will be approved on final day of meeting.

There were two telephone resolutions:

**Motion # 02-05-05-24**

*That EMAB approves the proposal by Gartner Lee (email of May 16, 2005) to review the 2004 AEMP report.*

*Moved: Erik Madsen*

*Seconded: David Livingstone*

*Carried: Three for, none against*

**Motion # 03-05-05-24**

*That EMAB approves the April 2005 Community-Based Monitoring Camp Proposal: Caribou Workshop*

*Moved: Florence Catholique*

*Seconded: John Morrison*

*Carried: Six for, none against*

**ITEM 2 – Wildlife Effects Monitoring report for 2004**

Colleen English presents the overview of the WEMP report.

Question: How far have bears been relocated from the Diavik site.

Answer: Once at 25 km and a second at 70 km.

Anne Gunn raises the issue of the fence at the TK camp (in which a caribou became entangled and was subsequently eaten by a bear). She notes that fences should not be left unattended. The fence should be taken down when no one is around. This should be a clear recommendation to Diavik. The event will reinforce the likelihood of the bear returning.

Diavik notes that a camp attendant will be present from day one of camps to final day.

There is still barbed wire on the fence at the waste management area.

At the waste management site the incinerator and burn pit are the attractants, specifically, vapours.

Diavik is thinking of option to close off the spaces between fence posts that are next to each other, like additional mesh between posts.

Sea-cans are for short-term storage. It's a flow through system to prevent having exposed bags inside the waste management site.

More to the point – employees are not separating their trash probably.

Inspections take ever second day at landfill and waste transfer area. When staff sees attractants, they remove them.

Question: Is Diavik tracking a change in human (staff/Contractor/visitor) behaviour?  
Answer: It cycles. This is attributed to staff turn-over and new staff for contractors. Sometimes Environment take the problem trash back to the department of origin and they have to resort their garbage.

Paper cups was real bad issue, they tended to get into any pile. Diavik has eliminated them from site, replaced by thermal mug.

Staff was using paper bags for lunches, now they've been issued a canvas bag.

If staff were to feed animals, it would be grounds for immediate dismissal. It's never been seen.

The mine is an attractant no matter what, which is all the more reason to always be diligent and not contribute to habituation. Noted that habituation does occur outside the mine's area of influence.

Addition to dust deposition survey to begin with the University of Alberta. They will look at lichen and will choose one site away from the mine site and several on the mine site. Then they will evaluate to see if there's an increase in concentration of metals, on the surface, as well as what the plant absorbs. Wind dispersion patterns affect amounts of dust collected in different locations that are connected. This year's goal is to have as many dust monitoring sites as possible.

Q: Why are 5 out of 6 raptor nests unproductive?

A: Natural variation and change of methodology. Some of the sites will be low quality sites; so might be abandoned before producing chicks – at Daring lake also low. Diavik is using a different methodology this year – also looking at surveying in July and June.

Question about Diavik previously having an incinerator in the accommodations area but there was a fire and it has been re-located.

Anne brings up (reminding that she did last year also), that using the word “quadrant” for the island portion of the study area is a misnomer - quadrant implies equal areas. Another name might be a further step towards clarity.

Q: Is it possible to achieve 0 attractants?

A: Yes.

There's a drop in attractants in certain years and not in others. That's the difference between operation and construction. Scott thinks Diavik will have an increase this year. Construction involves a 6-month workforce and staff turnaround. However, Scott notes that they are better prepared for this construction period.

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Break 10:30  
Back at 10:50

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John Virgl presents on the statistical analysis.

Much discussion on the multitude of influences on caribou besides Diavik, including other camps, other mines, climate change.

Florence notes that she keeps hearing that something's happening to the caribou but we don't know what's happening – that's not the kind of information she wants. She can't take that back to the community.

Anne explained that the original ZOI was based on studies from Prudhoe Bay in Alaska. GNWT has done its own study of the effects of the mines on caribou and agrees with suggestions to change the aerial survey method. We also need to know whether caribou have stopped using East Island as much as they used to.

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Lunch break 12:00  
Back at 1:20

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John V. continues.

This statistical analysis says what other studies have said. Something is happening to caribou. But we don't know why.

Anne points out that if the area of influence of the mines is 22-26 km, the area covered is about one-tenth of the Bathurst range. If this decreases feeding it could have a measurable effect on caribou populations.

Q: How do we adapt monitoring to answer these questions? Is there some other monitoring that can add to understanding what's happening within that zone of influence?

A: Ground survey data was useful for Ekati.

But during the last few years there are fewer caribou. They just don't come as close to the mine site.

Anne reviews proposed changes to aerial surveys: more monitoring in July/August and less earlier; increased study area by increasing distance between flight lines; stop using helicopters. She emphasized that everyone needs to work together if there are going to be changes made to the surveys.

Petr Komers raises points from the MSES review:

- Accuracy of aerial survey – if distance between flight lines is increased then accuracy of data decreases
- Expansion of study area – don't stop at 25 km – if there is an effect at 25 Km then the study area must be much bigger, say 100 km, so there is a control zone to compare to.
- Some recommendations can cut costs – there's no need to use a helicopter. It doesn't contribute to design but contributes to budget. There must be innovative way to get around using a helicopter.
- There are about 14 recommendations.
- Reduce time-frame of surveys, increase runs during surveys – this will improve accuracy.
- Refers to BHP changes and how both monitoring agencies need to get involved – this was last fall – and here we are at the beginning of the field season and no changes have been made.
- Zone of influence could be 100s of kilometres – another weakness of the WEMP is that it is unable to look at the zone of influence of 4-5 kilometres. We must understand fine, small changes at 4 km and also at 100 km. Increase the regional sampling and increase sampling in the smaller zone.
- Need 50-100 caribou collars at the mine site. (Noted that it is a commitment to elders to keep collaring to a maximum of 20.)
- Aerial surveys are not a substitute for being on the ground.

Q: Are the caribou healthy?

A: That's exactly the kind of thing you learn with on-the-ground monitoring.

Back to statistical presentation.

Discussion on data sets for raptors. Categories: occupancy / productivity and timing: late May or July. These are two different methods of surveying.

It's important to have June monitoring of raptors.  
Noted that late May/early June might be too early.

Comments:

- Waterfowl and shorebirds need a regional control site if monitoring is to be effective – bigger question is there a need for this monitoring? Or maybe check it out every 2 or 3 years? Data is variable, all over the map.
- This shouldn't be set up as a mine condition if all you want is numbers to use later for things like climate change.
- Bird's touch down and fly away – they prefer PKC, diffuser and double bays.
- Species composition – this has changed but the real objective was change in presence of waterfowl due to the mine.

Waste:

- On the incinerator – new air quality regulations might require a housed incinerator. Before the incinerator was moved to the outdoor site, there was a fire and it became a human health and safety issue.
- Human safety comes first.
- Gate management and staff management these are key issues.
- Waste segregation is also a key issue.

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Break at 3:10

Back at 3:20

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Petr Komers summarizes his analysis of the WEMP report.

Some additional points:

- Collars are a much more efficient way of studying caribou movement if there are enough
- Cumulative effects are not being well studied – need to look at all activities
- Notes that the report that found an influence of mines on caribou at 22-25km showed a reduction from 2% to 1% - there might not really be an effect.

Chair thanks Petr Komers.

#### **Item 4: Annual Report Design/Print Quote**

**Motion # 04-05-05-24**

*Accept Canarctic's quote and full-colour option.*

Moved: David Livingstone

Seconded: Tony Pearse

Carried: Unanimous

#### **Format of annual report**

**Motion # 05-05-05-24**

*Accept proposed new format with changes.*

Moved: Sheryl Grieve

Seconded: Erik Madsen

Carried: Unanimous

#### **Item 3: Election of Secretary-Treasurer**

Discussion of role.

**Motion # 06-05-05-24**

*Nominate Erik Madsen as Secretary Treasurer.*

Moved: David Livingstone

Seconded: Jane McMullen

*Carried: Unanimous*

Erik Madsen becomes Secretary Treasurer by acclamation.

Information:

Diavik has a new president: Mark Anderson as of June 1.

Break for the day at 4:20.

Doug Crossley, Kitikmeot Inuit Association, Chair  
Florence Catholique, Lutsel K'e Dene First Nation, Vice Chair,  
Erik Madsen, Diavik Diamond Mines Incorporated, Secretary-Treasurer  
Tony Pearce, alternate, Dogrib Treaty 11 Council  
Lawrence Goulet, Yellowknives Dene First Nation (morning only)  
Sheryl Grieve, North Slave Metis Alliance  
Jane McMullen, alternate, Government of the Northwest Territories, ENR  
John Morrison, Government of Nunavut

John McCullum, Executive Director

Absent:

David Livingstone, alternate, Government of Canada

Guests:

Kelly Cott (DFO), Dave Balint (DFO), Leslie Gomm (Gartner Lee), Scott Wytrychowski (Diavik), Gord MacDonald (Diavik), Anne Wilson (EC), Nathan Richea (DIAND), Bart Blais (DIAND), Kathleen Racher (DIAND), Steve Mathyk (MVLWB), Peter Lennie-Misgeld (MVLWB), Julian Kanigan (DIAND).

Minutes:

Michele LeTourneau

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Meeting resumes at 9:08.

Introductions.

Item 5 – Aquatic Effects Monitoring Program report for 2004.

Gord MacDonald presents on AEMP history, AEMP report, fish, and water licence renewal.

**Action: Diavik to append table EA predictions to future AEMP reports.**

Discussions:

Question: Strange to go through public hearing, Technical Advisory Committee of NWT Water Board was rigorous, intervener could intervene, the MVLWB comes in and Diavik have to go back to square one. What's the point of going through and then start over?  
Answer: Diavik submitted the AEM program before the water licence. Everything had to be resubmitted.

Question: When the AEMP was being approved the understanding was that Diavik was to compile the baseline data, evaluate it and come up with a plan to fill in the gaps. Has that happened? I haven't seen any evidence of evaluation and a plan for complementing/supplementing the baseline data was ever done.

Answer: The 2000 AEM was basically putting all the data together and saying do we have enough to use this as a trigger.

Question: Is there an evaluation of the existing baseline data that says what we've got, here are the holes.

Answer: Not as you've described it, no.

Question: Define conservative triggers. Could Diavik elaborate on the methods used in step two of the analysis (determining if Diavik is the cause)?

Answer: We err on the side of going to step two even if unnecessary.

Question: Noted that there was a two -month period of no discharge. Was the data presented separately to isolate the effect? Increased variability would be affected by this.

Answer: No.

Discussion on method of integrating data using the whole water column. Diavik takes the average.

Discussion on effectiveness of diffusion. Could the plume miss some monitoring stations? Not likely - stations near the lake bottom would not be missed.

Plume delineation study started this winter. The report is not in yet. Issues like: are mid field stations at the right place? Does Diavik need to redesign the diffuser? will be answered by that study.

Question: How long does it take to get water from one side of the lake to the other?

Answer: 11.7 years. We're years away from being able to see changes in the far-field.

Question: What's the difference between BHP and Diavik triggers?

Answer: BHP's are much lower.

Bart notes that he has been trying to recalculate the water quality triggers based on the original data and that he is having troubles. He wants the data in electronic form, specifically the spreadsheet with all data that Diavik uses. He also wants the BHP baseline data. Gord is reluctant to give the database out because there are regulatory issues – reports are still being reviewed.

Gord asks which becomes the legal record: the baseline compilation or the database. He is concerned that there might be transcription errors and that it's highly unlikely that 10,000 data points would all have been entered correctly.

Tony notes that the data is incomprehensible, and that Diavik was supposed to evaluate the baseline data compilation and fill in the gaps.

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Break at 10:30

Back at 10:50

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Back to the topic of getting Diavik's baseline database to regulators without it becoming the baseline of record.

Issue deferred until the end of Gord's presentation.

Diavik has hired an expert to review the entire zooplankton program from field to report in time for this field season.

Site 19 to be included in sediment data analysis.

Diavik might change the sediment collection from 5 cm to 2 cm, but will run in tandem this year. They have to keep in mind the data from the last five years, which uses 5 cm.

Water quality baseline deficiencies are identified in the 2004 report. Diavik recommending trigger values be reconsidered by DTC.

DFO rep requested specifics on any deficiencies in the baseline data. He is concerned about water quality baseline data and other ecological baseline data such as benthics and zooplankton/phytoplankton.

Fisheries presentation.

Blasting effects – no lab results yet

Slimy Sculpin – found high metallothionein in Sculpin in both exposed and control sites

Shoal habitat – need to do more ground-truthing

Regarding No Net Loss issue: DFO requires Diavik to replace the same amount of habitat units if they go off-site. Diavik has suspended any further work until they get further direction from EMAB.

Diavik will continue their efforts for off-site habitat replacement if EMAB continues to support this approach, otherwise they will go ahead as per DFO fisheries authorization.

Reclamation research presentation.

Diavik is trying to stockpile topsoil.

Regarding renewal of water licence: Diavik will begin process in August 2005. The licence expires in 2007. Diavik is requesting no changes to terms and conditions for a 15-year term – to end of operations phase. They want the process complete by January 2007. They want to begin review process dialogue now.

Anne wants nitrate added.

Tony notes that closure plan will have to be specific and uncertainties resolved, based on the experience with BHP, in order to get the 15-year licence.

Discussion on mine life.

Noted that there can be pre-hearing conferences, that the MVLWB accounts for that in their policies.

Resolution of database issue: Gord would like to release database with a letter saying the original compilation is still the record.

MVLWB will double check that this is ok.

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Lunch at 12:00

Back at 1:40

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### **Item 5 – Continued**

Leslie Gomm (Gartner Lee) tables the preliminary document on the review of the AEMP. Walks EMAB and guests through it.

Gartner Lee believes that there are improvements in the 2004 AEMP report.

Requirements:

- Identify the period of no-discharge in table for clarity
- Provide more background, like predictions table, so a reader can follow the steps.
- Include baseline in predictions table.

Discussion on cumulative effects – who's responsibility? Mine or Government?

Mixing zone will be discussed during renewal process. Concentrations are more important than absolute loading.

Separate seasons for ammonia – have separate analysis for open water and under ice to account for seasonal variations. There is an obvious seasonal trend.

Leslie noted that the statement that water takes 11.7 years from one end of the lake to the other is very simplistic and based on lots of assumptions.

The main question is: is the water in Lac de Gras drinkable.

Discussion.

Leslie Gomm (Gartner Lee) will provide a revised report with recommendations separated by this year and future years.

**ACTION: ED to circulate AEMP review to Board members. Board will discuss it in conference call, then get recommendations to Diavik.**

The DTC meeting is on June 27. The review will be given to EMAB June 21.

More comments on the MVLWB:

- Who reviews all these reports? Who should be reviewing the reports?
- What is EMAB's role?
- Whose job is it to review and ensure compliance on AEMP?
- Possibility of sending comments to DTC/MVLWB and Diavik.
- It's up to EMAB to ride herd on MVLWB.
- We have been doing that.
- EMAB did contribute to environmental audit.
- The AEMP is supposed to be an "adaptive" plan.

Discussion on diffuser. Questions can be revisited after plume delineation study.

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Break at 3:40

Back at 3:45

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#### **Item 6: Overview of Diavik's water licence renewal**

Q: What does EMAB have to gain by intervening?

- a closure plan.
- changes to the AEMP
- reference lake (lack of, especially for sediment-related issues... a lake not affected by water or aerial deposition] this is useful to show which changes are project-related and which are from natural processes
- adequate compilation of the baseline. (program cannot serve its needs with an inadequate baseline.)

Comments:

Step one involves both trend and/or three levels above the 75<sup>th</sup> percentile and the baseline is critical to both.

Chair thanks Leslie Gomm of Gartner Lee.

ED goes over summary of AEMP issues (in kit).

Q: What is EMAB's rationale on being an observer on the DTC?

A: Aboriginal Parties want to speak for themselves.

Comments:

- Assistance and/or participation was the point of EMAB.
- EMAB and Parties can all intervene.
- EMAB could totally reflect all Parties.
- Lutsel K'e doesn't even acknowledge the MVLWB. They don't feel EMAB can represent their point of view at a hearing
- Diavik isn't even submitting their application for another 5 or 6 months.

Q: How does Diavik want EMAB involved in licence renewal?

A: EMAB should only intervene if there's a big issue that is not being addressed.

One option is EMAB getting studies done and sharing those with the Parties.

NSMA would be looking for info and intervene themselves.

Q: What studies to do?

Suggestion: At Diavik meetings in communities, EMAB member could point out the opportunity to intervene and EMAB's support, play a role in issue identification.

**ACTION: ED to write a letter to the Parties about the water licence indicating that EMAB has discussed it and would like to know their issues or research needs. Draft to Executive for review.**

Noted that EMAB's role in regards to the water licence is specifically the AEMP, but also a few other things that we've already identified, like approval of reports.

The onus is on people representing the Aboriginal Parties to ensure there's information flowing into the community.

Break for the day at 5:05.

May 26, 2005 start at 8:59

Doug Crossley, Kitikmeot Inuit Association, Chair  
Florence Catholique, Lutsel K'e Dene First Nation, Vice Chair,  
Erik Madsen, Diavik Diamond Mines Incorporated, Secretary-Treasurer  
Lawrence Goulet, Yellowknives Dene First Nation  
Tony Pearce, alternate, Dogrib Treaty 11 Council  
Sheryl Grieve, North Slave Metis Alliance  
Jane McMullen, alternate, Government of the Northwest Territories, RWED  
John Morrison, Government of Nunavut

John McCullum, Executive Director

Absent:

David Livingstone, alternate, Government of Canada

Guests:

Scott Wytrychowski (Diavik)

Jeff Reinson (geotechnical engineer with Diavik)

Minutes: Michele LeTourneau

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Meeting resumed at 8:59.

**Item 8 – Diavik presentation on mine plan and plans for A418 dike construction and underground workings for A418 and A21.**

Short video that explains next steps at the mine site.

Erik shows the PowerPoint he is showing in the communities: building the dike, getting into underground, building the decline to all three pipes. Touched on water licence renewal.

Discussion on why Dewey's Fault wasn't found prior to construction and Diavik can't say if there's a fault or not in the new pit; nature of such faults.

Diavik will increase water treatment plant capacity to keep up with increased mine inflow.

Underground water will go to North Inlet and they are dealing with the possibility of a lot of water in the decline.

Mine life is now at 16-22 years.

Presentation on dust deposition by Scott Wytrychowski.

As indicated by dust gauges, deposition levels are generally higher than measured in 2003 (see 2003 report). However, as indicated by snow core samples, higher dust deposition rates were concentrated within certain zones, especially within the Northwestern vicinity of the A154 pit, Eastern vicinity of haul roads and the North waste rock pile.

Dust chemistry summary:

- Half of the analytes in zone 2 showed a decrease in concentration.
- Ammonia showed the greatest increase.
- Cadmium, lead and zinc showed slight increases and arsenic remained the same.
- All analytes in zone 3 showed a decrease in concentration.
- All analytes in zone 4 showed a decrease in analyte concentrations. However, dust deposition results indicate that dust deposition rates were slightly higher.
- All analytes in zone 5 showed a decrease in concentration with the exceptions of nitrite, which remained the same.

Scott says it is difficult to compare the results with the EA predictions because these specific construction activities (such as the PKC dams and construction of a new, southerly Spigot Road) were not modelled. However, after correcting for background levels, the magnitude and extent of dust deposition predicted around a mining activity is comparable to measured levels. Much less dust dispersion from pit now that it is deeper.

Added discussion:

Snow cores are only capturing one window. Scott has fashioned fiberglass gauges that, instead of capturing snow, catches dust.

Dust is higher when and where there is more activity. Finding aluminum, ammonia, zinc. Need to focus on specific events

Looking at control sites at 80 kms for the lichen study.

#### **Item 10 – Plain language EA, EA Summary and By-laws**

Deferred to teleconference.

#### **Item 9 – Community engagement update.**

DT11: We have been told by DT11 staff that with elections and preparation for the upcoming assembly they don't see any community visits until the fall.

NSMA: We have been in regular contact with NSMA staff but have not yet been told how they would like community engagement to take place with their members.

We can probably get strategic plan done by the end of the fiscal year if we can get community visits done in the fall.

Q: Can we begin work on logistic aspects of strategic plan now before finishing off community engagement?

**Action: Begin work on the logistics of the strategic plan.**

**Item 10 – Five-year review of EA (clause 17.12)**

Discussion of draft letter on five-year review

Question: Is it necessary?

- We have never asked ourselves if we are happy with the agreement.
- We are implementing the EA.

Example, Aboriginal monitoring at the mine site – when is that going to happen?

**Action: Five-year review of EA – send the letter.**

**Item 11 – ZIP Training**

Presentation on what ZIP training is, explaining that many Diavik employees have taken it. Diavik is offering to pay some costs and suggests that DCAB and some DIAND employees could also participate.

The cost of bringing someone from Australia and doing the training: 50K

**Action: Look to see if there is funding available to cover our costs for ZIP training**

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Break for lunch at 12:00

Back at 1:00

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**Item 1 – Approval of minutes**

**Motion # 01-05-05-26**

*That EMAB approves the March 3-5 minutes, with changes.*

*Moved: Jane McMullen*

*Seconded: Lawrence Goulet*

*Carried: Unanimous*

**Item 7 – MVLWB update**

John McCullum updates:

**1. Reasons for decision – changes to AEMP**

MVLWB says that since the consultants who reviewed the AEMP did not give them any new information or show there was an error made in their decision process to approve the AEMP there is no reason to change it.

MVLWB staff have said that the best time to change the AEMP would be during the licence renewal – since this is expected to come up in less than three months, that will likely be the best time to recommend any changes.

EMAB should consider whether it wants to take this issue any further with the MVLWB. It might be of value to put any objections or concerns on the public record. Their decision process to review the AEMP then reject the recommendations seems flawed.

Discussion: decide to pursue or not.

John recommends that EMAB pursue the matter. They asked a question (Is the AEMP doing its job?), got an answer, and then decided based on other criteria (Is there new information?).

AEMP must deliver the goods to the Aboriginal people. That is a very serious issue.

The program is intended as an early warning sign, and if it is not giving the signals, we have a problem.

**Action : Write a letter and pass on to the MVLWB re: They asked a question (Is the AEMP doing its job?), got an answer, and then decided based on other criteria (Is there new information?). CC Minister.**

## **2. Recommendation for review of capacity**

EMAB received a very brief reply to our request simply stating that the MVWLB had the technical capacity to review reports. This issue may be dealt with in the upcoming environmental audit under the MVRMA due to be released in the next few weeks – part of the audit deals with the effectiveness of the boards set up under the MVRMA.

There are a number of options here:

- Let the issue drop
- Request more detailed information, including a commitment to ensure review of all documents required under the water licence
- EMAB could do its own review and/or make recommendations to ensure adequate review

Discussion.

Baseline data is new information.

**Action: Baseline data, let it lie for now – environmental audit, baseline data, and independent reviews of reports by Gartner Lee might deal with the issues. Re-visit after these reviews are completed.**

## **3. Water Licence Reports that are “not for approval”**

EMAB has still not received a response to its recommendation that the MVLWB ensure it has a means to send back inadequate reports. John has discussed this with MVLWB staff and there seem to be at least two conflicting opinions about whether they have authority to send a report back to Diavik if it is inadequate.

There seem to be two concerns:

- What would they do if a company then refused to make the required changes – how can the MVLWB enforce its direction given that most of the compliance enforcement tools are in the hands of the Inspector?
- How much additional resources would be required to review revised reports on top of initial submissions?

The bigger question here is who is taking responsibility for making sure these reports are done properly (similar to a peer review) and then whether any organizations, beside the company, are responsible to assess the results and decide if any action is required. There is a link between this item and 2) *capacity* above.

John has discussed this issue with MVLWB staff and they are treating the recommendation seriously but do not have any answers yet.

Discussion:

- It's a bigger issue than just Diavik...
- In Alberta – none are for approval but they look at it, send it back if it's not acceptable.
- A judicial review can add all sorts of demands but there's no follow-through.

**Action: Not for approval reports – wait until we get a response and go from there.**

#### **4. 2003 AEMP Report**

EMAB pointed out 7 areas where Diavik's response to our comments on the 2003 AEMP report were not adequate and recommended the MVLWB require Diavik to follow up. Response is due May 21.

EMAB was informed that the 2004 AEMP report would be on the agenda for the next DTC meeting. ED requested that the 2003 AEMP report also be put on the agenda and that the revised reports for 2001 and 2002 be put on the agenda so the DTC could determine if all requested changes had been made.

Aside: Darrell Bohnet arrives and presents a plaque to EMAB to acknowledge EMAB's contribution in Diavik winning the Gold PAR Award.

Discussion:

Why send the changes we still want to the report to the MVLWB? Why not send directly to Diavik?

Let's look at the items that are not implemented, try negotiating directly with Diavik, then go to regulator.

We should go to whom we have an issue. We're trying to force the regulator to make Diavik do something. Noted that that *is* the regulator's job.

EMAB could go to the regulator *and* Diavik. Then we might end up with revised report as well as an original report. We have to stay on the right track. The process that is set up is a legal thing.

If the 2003 report is on DTC agenda ED will go and make the case at the meeting. Can't, we are observers.

Why are we simply observing the DTC? What's the point if ED can't push EMAB issues?/We can be members./But then we are not watchdogs...

This discussion on EMAB's status on the DTC should be part of strategic planning.

New board members should be oriented.

#### **5. Ammonia process paper**

EMAB has not received any response to this paper that was submitted to the MVLWB in early December.

**Action: Follow up with letter on lack of responsiveness re: ammonia amendment process paper.**

#### **6. DTC Terms of Reference**

EMAB has not received any response to these comments that were submitted to the MVLWB in late January. MVLWB staff have indicated they are re-drafting the terms of reference and they will be on the agenda for an upcoming DTC meeting.

#### **7. Limnology Report**

On March 8 EMAB recommended the report not be approved until reviewed by the DTC. We have not received a response. To ED's knowledge the report has not been approved; staff have indicated they are giving full consideration to EMAB's recommendation to bring the report to the DTC for a recommendation.

#### **Item 12 -- Reports**

**Financial statement:** EMAB has a \$190 000 surplus.

**Motion # 02-05-05-26**

*That EMAB approves the financial statement.*

*Moved:* John Morrison

*Seconded:* Erik Madsen

*Carried:* Unanimous

**Budget review:** Surplus has increased from \$172K to \$192K – YK Dene Capacity Funding not used. Additional surplus means EMAB has a balanced budget with \$6K more in the contingency fund than originally budgeted - no need to cut any items this year.

A draft budget for the “science studies” line is attached for review/approval.

Science budget talk deferred.

**Lutsel K’e capacity funds:** The band has applied for \$64 000. EMAB policy is \$30 000 available to each Aboriginal party

We would need to address the capacity funds across the board. It's a policy decision.

**Action: Write a letter to Lutsel K’e re: capacity fund request. Note our support for their positive activities – but due to budget and policy we cannot exceed 30 000. Executive will review letter. Send to the band and the Lutsel K’e wildlife committee.**

**Inspector’s report:**

Covers reports of January 26<sup>th</sup>, February 23<sup>rd</sup>, March 14<sup>th</sup>, April 13<sup>th</sup>, and May 18<sup>th</sup> inspections.

Jan 26: DDMI to

- Provide the Inspector with November and December spill summaries.
- Provide the Inspector with stamped engineered drawings for the new fuel tank storage facility in North Camp.
- Ensure that the Hazardous Materials Management Plan and Contingency Plan are updated to reflect the addition of the sulphuric acid dosing system and storage.
- Ensure that close attention is paid to the frozen seepage well along the A154 dike.

Feb 23:

- Close AN Hopper Building doors to prevent AN prill from being blown out of the building.

March 14:

- Minimize liquid sewage disposed of in Sewage Sludge Cell, Waste Transfer Area and contain the liquid to prevent the flow of sewage through the Waste Transfer Area.

April 13:

- New hazardous materials on-site should be recorded in the Hazardous Materials Management Plan (type & location) & provide MSDS sheet
- Fuel drums in un-lined areas should be used first

May 18 report not written yet.

Ammonia:

Current license limits: NIWTP SOPs approved May 19

Total ammonia 20 mg/L – 2 triggers for pH control:  
pH 8.3 or unionized ammonia  $\geq 0.1$  mg/L

Prior to May 19:  $>7$ mg/L Total ammonia must have pH 6-7

January: average 2.49 mg/L, maximum 2.85 mg/L

February: average 2.48 mg/L, maximum 2.87 mg/L

March: average 2.86 mg/L, maximum 3.43 mg/L March 31

Toxicity testing, January to March:

Monthly: (2) Rainbow Trout & Daphnia Magna Acute Tests

Quarterly: (3) Alga (*Selenastrum capricornutum*), Crustacean (*Ceriodaphnia dubia*),

Rainbow trout Chronic Tests

January – monthly toxicity testing: no effects at any conc.

February – monthly toxicity testing: no effects at any conc.

March – quarterly toxicity testing: no effects at any conc.

March – monthly toxicity testing: no effects at any conc.

### **Status of TK Camp (Caribou) proposal**

Can we bring media?

Discussion.

Defer until later. Erik will discuss with Diavik PR people.

**Outstanding actions** – deferred

**Draft letter on fencing workplan:** Comments by Wednesday, June 1.

**Aboriginal involvement in monitoring:** Draft letter. Board feedback by Wednesday, June 1.

**Action: Revise letter and send to Diavik inviting them to send someone to come talk about this issue (Aboriginal involvement in monitoring).**

**Board member reports:** Deferred except John Morrison who says Gladys is no longer the alternate for Nunavut.

**Diavik's Environmental Agreement Report:** The draft report will be delivered next week. Comments will be needed within ten days. Executive will take responsibility, working with John. Board members to send comments to Executive.

### **Item 13 – Request to attend mine waste management workshop (Florence)**

John goes over his assessment.

Discussion and agreement that the whole \$5000 fund should not be used for one workshop.

Need to leave room for another member/conference.

Funds are for Board members only (Florence's request included her alternate.).

**Motion # 03-05-05-26**

*That EMAB will fund up to \$2500 to cover registration fee and partial travel for the member only to attend Best Practices for Mine Waste Management upon turning in receipts.*

Moved: Sheryl Grieve

Seconded: John Morrison

Carried: Unanimous

**No net loss:** Deferred to teleconference.

Teleconference: June 23

**Executive Director's performance appraisal:**

Doug and Florence reviewed their appraisal with John. The document was signed by all three.

Executive Director received raise as discussed at the last Board meeting. But there is also a performance bonus to discuss, which is generally between 2% and 5%.

The Chair notes that the ED has provided strong support for board, strong leadership with staff, and that he is positive representative for EMAB.

Chair requests input. Members indicate ED has done a great job.

**Motion # 04-05-05-26**

*That EMAB will give Executive Director John McCullum a performance bonus of 5% effective May 21 2005. (intended as a one time thing for the year.)*

Moved: Florence Catholique

Seconded: John Morrison

Carried: Unanimous

Closing prayer: Florence Catholique

Meeting adjourned at 4:30.