

APPROVED BY BOARD MOTION # 3-01-09-18

EMAB Board Meeting

**Minutes
July 25, 26, 27, 2001**

**Diavik Diamond Mines Inc. Site Tour
at Lac De Gras July 25, 2001**

**EMAB Boardroom July 26, 27, 2001
YELLOWKNIFE NT**

Day 1

Present:

Robert Turner, North Slave Metis Alliance
Floyd Adlem, Government of Canada
Brett Hudson, Government of the Northwest Territories
Doug Crossley, Kitikmeot Inuit Association
Lawrence Goulet, Yellowknives Dene First Nation
Florence Catholique, Lutsel K'e First Nation
Eric Christensen, Diavik Diamond Mines Inc.

Guests:

Kirstie Simpson, Future Executive Director, EMAB
Craig Broome, Department of Indian and Northern Development
Brenda Kuzyk, Diavik Diamond Mines Inc.
Rick Palmer, North Slave Metis Alliance

Resource People:

Glenna Cayen, GeoNorth

Diavik Diamond Mines Inc. Site Tour

Departure to the Diavik Diamond Mines Inc. project site was delayed and consequently the flight departed Yellowknife at 8:35 AM and arrived at the site at 9:30AM.

The EMAB group was given a brief site orientation of safety precautions at the site. A handout was distributed to each participant.

Arnold Enge, Public Affairs Officer for Diavik Diamond Mines Inc. was the designated tour guide for the day and met up with the EMAB group at 10:50 AM to begin the tour.

The Site tour commenced at the observation deck overlooking the construction of the processing facility. Mr. Enge explained the location of the various buildings being constructed and their eventual function at the mine site.

The EMAB group returned to the bus and went on to view the North Inlet waste transfer Area.

At approximately 12:30 PM the EMAB group broke for lunch and was provided with a complimentary lunch buffet.

At 1:15 PM the participants from EMAB toured the South Construction areas and observed the dike construction in detail.

At 3:40 PM a meeting was held in the Boardroom at the Diavik Diamond Mines Inc. site. In addition to those noted above, the following Diavik Diamond Mines Inc. staff joined the meeting:

1. Arnold Enge, Public Affairs Officer, DDMI
2. Mike Baker, Senior Environmental Coordinator, DDMI
3. Cheryl Wray, Environmental Coordinator, DDMI

The meeting took the format of a question and answer session.

Fishing out North Inlet

Mike Baker indicated that during the fishing out of the North Inlet the mortality in whitefish was high compared to other fish. The whitefish seem to become stressed with gill netting and the fish salvage practices available at the mine site.

There was a question inquiring about what happens to the whitefish carcasses. Mr. Baker indicated that they are placed in a freezer and then sent to Rae Edzo for dog food.

Water Quality Monitoring

Mr. Baker indicated that there are 8 compliance-monitoring stations 50 metres beyond the silt curtain. On a daily basis DDMI monitors TSS (total suspended solids) and turbidity.

Another question asked was in reference to monitoring after the dyke construction is finished. It was noted that the water licence does not require monitoring to continue after dyke construction is completed. However, Mr. Baker indicated that there are conditions of DDMI's Fisheries Act authorizations that require long-term monitoring.

Draw Down of the Pit

On this matter there was a difference of opinion between DDMI employees in regard to the pump down of the water of the dike area.

At 4:30 the EMAB group was provided with a complementary dinner buffet.

The EMAB group departed for Yellowknife at 7:25 PM.

There was some interest in a herd of Caribou that had been spotted by the BHP mine site that day. The EMAB group decided to fly over the misery pit and the panda pit part of the BHP Diamond mine site on route to Yellowknife. However, there were no Caribou spotted from the air.

Day 2 – July 26, 2001

Present:

Robert Turner, North Slave Metis Alliance
Floyd Adlem, Government of Canada
Brett Hudson, Government of the Northwest Territories
Doug Crossley, Kitikmeot Inuit Association
Lawrence Goulet, Yellowknives Dene First Nation
Cindy Gilday, Diavik Diamond Mines Inc.
Florence Catholique, Lutsel k'e Dene First Nation (PM)

Guests:

Kirstie Simpson, Future Executive Director, EMAB
Brenda Kuzyk, Diavik Diamond Mines Inc.

Resource People:

Glenna Cayen, GeoNorth
Holly Newton, GeoNorth (AM)

The meeting was called to order at 9:35 AM.

1. Welcome & Introductions

The Chairperson welcomed all the participants and a special note of thanks to Kirstie Simpson for taking the time to be present at this board meeting.

2. Approval of Agenda

Motion: #1-01-07-26

Moved by: Floyd Adlem
Seconded: Lawrence Goulet
Motion Carried: Unanimously

3. Comments on Diavik Diamond Mines Inc. Site Tour

The general consensus from the board members was that the tour was a success. The Chairperson expressed concern indicating that a Senior Environmental Coordinator should have been present during the entire tour.

The Vice-Chair suggested that a letter be written to DDMI thanking them for their hospitality and all the arrangements which were made to accommodate the EMAB board members at the site on July 25, 2001.

Executive Director Position

The Vice-Chair asked Ms. Simpson to give a brief summary of her employment history. Ms. Simpson spoke briefly about her previous work and indicated that she is looking forward to the challenge and work associated with the position of Executive Director on October 1, 2001.

Diavik Technical Committee (DTC) and Mackenzie Valley Land and Water Board (MVLWB)

There was discussion on DTC, MVLWB, Diavik and their relationship to EMAB.

There was reference to a letter dated May 23, 2001, received from Carl Lauten, of MVLWB to EMAB. It was noted that the content of this letter does not reflect what was discussed and referenced at a meeting/presentation by MVLWB on May 16, 2001, between the EMAB Board and two participants from MVLWB, Carl Lauten and Mardy Semmler. In addition, it was agreed by the EMAB that there is a need to establish a communication relationship with the MVLWB.

It was stated that there is much confusion to date, with regard to who should participate on DTC. In most cases each participant appointed to the EMAB board are not always the appointed representatives to the DTC committee. Robert Turner, Chair mentioned the fact that at the time when the DTC committee was set up many of the parties to the agreement had not signed and this could be the reason why there is no connection with the EMAB. Mr. Turner believes that there is duplication with the set-up of DTC. He also referred to the community meeting in Rae Edzo on June 13, 2001 pointing out that Ted Blondin, indicated that there should be no duplication with the boards set up to monitor the Diavik Diamond Mines Inc. Project.

During this discussion members proposed such questions as:

1. Does the board require DTC members in the same meeting when dealing with environmental monitoring issues?
2. Does the board appoint one EMAB member to attend DTC meetings and report back to the EMAB members as requested in Mr. Lauten's letter of May 23, 2001?
3. Or is it necessary that all EMAB members attend all the DTC meetings?

Robert Turner, Chair, stated that there is an invitation for each of the aboriginal groups and/or EMAB to have representation on DTC. This would definitely be beneficial for EMAB as our representation would be a start in closing the communication gap between the two organizations. He also mentioned that there is value in knowing about the technical aspect of water licensing.

There was a discussion about slurry seepage, at the dike construction area. Mr. Turner stated that EMAB should have been informed about this matter via the Diavik Technical Committee. This was mentioned during the site tour and Craig Broome of DIAND indicated he would forward a copy of the A154 Construction – Slurry Seepage Report. This document was hand delivered on July 27, 2001. The following is the written summary report of the unanticipated turbidity plume in Lac de Gras on Friday June 22, 2001, which states,

"The turbidity plume has extended approximately 500 metres to the south of the 154 dike embankment into Lac de Gras. A series of turbidity curtains have been deployed in an attempt to contain it.

The leakage of bentonite slurry through guide wall joints and its ingress into the adjacent rock fill is presumed to be the source of the turbidity plume. Work has been shut down and this source has been temporarily removed during investigation and clean up. Remedial measures are being taken to modify the construction of the guide walls and the supporting rock fill to ensure bentonite slurry cannot leak from the cut-off wall trench in future, including a review of QC response plans."¹

Floyd Adlem, Vice-Chair, indicated that the Board is mandated to make recommendations, including recommendations to the Minister of Canada. The agreement sets out what the Board is mandated to do but not necessarily on how to go about it. He indicated that there are many concerns and suggestions and EMAB will need to maintain some continuity and positive relations with the various boards associated with Diavik Diamond Mines Inc.

Investigative Summary Report on Wildlife Monitoring

Holly Newton, GeoNorth mentioned that she would not be available this afternoon to present the above noted document, which was slated for 3:30 PM on the agenda. The Board agreed that this item would stay on the agenda as presented and Ms. Newton agreed to leave her reference notes. A copy was given to each of the members for their review.

4. Approval of Minutes June 13, 14, 2001

Motion #2-01-07-26

There was a motion to defer the minutes until the next meeting or until the community notes are completed and attached.

Moved by: Floyd Adlem
Second: Cindy Gilday
Motion Carried: Unanimously

Cindy Gilday indicated that she would forward her notes from the community meeting on June 13, 2001, to EMAB.

5. Business Arising from the Minutes Pamphlet Draft Media Relations & Public Documentation Brochure

The Vice-Chair indicated that he and Eric Yaxley, DIAND discussed the documents housed by DIAND which relate directly to the EMAB organization and that it may be appropriate to file these documents at the EMAB office. These documents are the preliminary documents on the Diavik Diamond Mines Inc. Project, which include studies and reports. Also included, are documents on the structuring of the board, information about the parties to the agreement and all relevant material associated with monitoring and compliance issues related to the mine. These documents could be part of the EMAB library and accessible to

¹ Diavik Diamond Mines Inc. June 25, 2001, Report – A154 Construction – Slurry Seepage

the public. Mr. Adlem indicated that he would contact Eric Yaxley to discuss this issue and inform the board of the outcome at the next meeting.

The board reviewed the pamphlet and brochure presented to them and suggested that Holly Newton, GeoNorth assembly similar documents to form a PowerPoint presentation. It was noted that there might be a future need to make presentations about EMAB.

Mr. Adlem, Vice Chair informed the board that EMAB and the Independent Environmental Monitoring Agency (IEMA) have each paid half to purchase a proxima machine. It is now possible to make presentations on what the Board is all about. Some things to include would be, what is our mandate and whom we represent.

Referring back to the pamphlet and brochure it was suggested that the board consider printing these documents into the various languages that are represented in the North Slave area. It was agreed that this would be considered when planning the work plan and budget.

It was decided to add Bathurst and Bay Chimo to the existing Diavik Diamond Mines Inc. map.

**6. Break/Video Staying Safe in Bear Country
"A behavioural –Based Approach to Reducing Risk"**

A decision was made to view the video on the next day, July 27. However, the board did not return to this item on the agenda. There was a suggestion that a copy of this video be requested from RWED for each board member.

7. Work Plan/Budget Strategy Session

There was some discussion on the Work Plan and it was noted that when the Executive Director assumes her duties items such as the work plan and budget will fall into place.

In viewing the budget presented to the members it was suggested to add "financial management" to include such things as the yearly audit under administration.

It was noted that there should be consideration given to setting aside money for a "communications strategy," especially if there is a decision to go ahead with translating the pamphlet and brochure into the various languages within the North Slave Region. This could also include such items as press releases and advertising for upcoming workshops and conferences. There was no dollar amount suggested at this time.

The meeting adjourned at 12:05 PM for lunch.

The meeting was called to order at 1:20 PM

**8. Department of Fisheries & Oceans – Julie Dahl
Discuss No-net Loss Policy**

Welcome & Introductions

Mr. Robert Turner, Chair, thanked Ms. Dahl for taking the time to attend this meeting and began by informing Ms. Dahl that EMAB board members are confused about DFO's Policy for the Management of Fish Habitat. Ms. Dahl handed out a document titled "Policy for the Management of Fish Habitat," indicating that it was an outline based on her presentation on fish habitat and the no-net loss policy.

The habitat protection provisions of the Fisheries Act provide the Minister of Fisheries and Oceans with certain objectives with one of the main guiding principles for conservation being, "No Net Loss." Some points taken from the Policy for the Management of Fish Habitat on No Net Loss are as follows:

- not a statutory requirement to be met at all costs
- projects evaluated at planning stage – precautionary approach
- considers habitat requirements of fish, site-specific evaluations, and approaches to avoid losses

Ms. Dahl indicated that DFO's aim is to ensure that the various resource users are considered and an attempt is made to balance unavoidable losses with gains in habitat. She indicated that it is not necessarily a statutory loss where there maybe a loss at one location as DFO is committed to compensate and may compensate at another location. There will be some instances where habitat replacement is not required or impossible to replace. Ms. Dahl indicated that Net gain is one up on no-net loss. She also mentioned that projects like the Diavik Diamond Mines Inc. are evaluated at the planning stage and there will be unforeseen changes and adjustments to make as the need arises.

Robert Turner, Chair, presented a scenario, stating that the Diavik Diamond Mines Inc. will ruin lakes. Some lakes will never be a lake again. There will be much loss with regard to fish habitat in those lakes and it will affect the outlying areas of the Diavik Diamond Mines Inc. site, as well.

Mr. Turner suggested that there may be funds available to compensate for fish habitat loss that could be used for other problem areas in the North Slave Region. Ms. Dahl indicated that DFO policy states that compensation efforts be done as close to the Diavik Diamond Mines Inc. site as possible.

There was discussion on issues such as, how long does the monitoring continue after the mine construction is completed? Which is the best practice to follow. The Diavik staff person indicated that it is adaptive management in that Diavik will submit a plan with no limit on the length of monitoring. Ms. Kuzyk indicated that it is not possible to set a time limit. She stated that Diavik has to develop the plans with specific terms as per the compensation section. She mentioned that the decision point will be when fish habitats have become productive.

Robert Turner, Chair, stated that DFO made it a requirement that aboriginal groups are to be involved. He mentioned the difficulty of consulting aboriginal groups using methods by western scientific means such as statistical information obtained from detailed productivity lines. These methods are not always conducive to aboriginal peoples and their knowledge and relationship to their traditional territories.

Ms. Dahl indicated that DFO's policy ensures that all attempts have been made to involve the aboriginal groups, however, there have been times when interest is not there and

people have not responded to DFO's requests. She also believes that Diavik should make the arrangements as to how EMAB should be involved in monitoring and how EMAB should involve the aboriginal communities in monitoring fish habitat.

The Diavik representative indicated that EMAB is key to Diavik's knowledge about what the requirements on all monitoring issues within the aboriginal communities. There was mention that letter went to the EMAB board and cc'd . Diavik did not get a formal request. Had it come from EMAB would have been taken seriously.

Cindy Gilday of Diavik Diamond Mines Inc. asked the DFO representative Julie Dahl if their department was going to wait for a problem to arise or be proactive. Ms. Dahl responded with a "no" and said we are in the process of keeping up-to-date through contact with the Diavik Diamond Mines Inc. on a weekly basis. The DFO representative also indicated that her department would be willing to address any concerns that anyone has.

The meeting with Julie Dahl of the Department of Fisheries and Oceans came to a close at 3:00 PM.

9. Investigative Summary Report on Wildlife Monitoring

It was also noted that Hal Mills and Amanda Epp of GeoNorth were not available to attend this meeting for presentation of this document to the Board.

The board discussed the report submitted by GeoNorth and agreed that it is not what was intended, however, a good learning experience for the Board. The general consensus by the board was that the GeoNorth team were not given explicit details on what was the intended outcome of this document, and resulted in confusion by both parties. Robert Turner, Chair, stated that his expectation was that Hal Mills of GeoNorth would travel to the communities to inform, if need be, on monitoring issues and then get some ideas from the communities what aspects of wildlife monitoring they wish to mitigate. To find out what is important and document possible solutions and ideas to various problems associated with the development of the mine. Mr. Turner suggested that this would be a first step in gauging the level of awareness about wildlife monitoring issues.

Some general comments generated by the board members are listed as follows:

1. The Diavik Diamond Mines Inc. 2000 Wildlife Monitoring Report is not reflected in the Investigative Summary Report on Wildlife Monitoring.
2. Need to consider what has been previously done in the Comprehensive Study Report. For example, there were a series of elders visits documented.
3. Take into consideration timing and the natural cycles of wildlife, although it may be difficult to determine. For example, RWED has requested that the raptors nesting area not be disturbed.
4. The questions are research questions and way too general. Have to consider those people in the communities when designing questions on the wildlife monitoring.
5. What else can be done with regard to the elders visit at the site when the Caribou are moving through or in close proximity to the site?
6. Go through monitoring report to measure whether the requirements are being met.

7. Involve all of the mines including the outfitters. There are approximately 10 outfitters in the North Slave area and are a contributing factor to environmental destruction as well.
8. Facilitate proper communication lines into the communities. EMAB or another entity may have to go in and explain the monitoring program to the communities.

The discussion moved to topics such as what is EMAB all about? What is our purpose? The Investigative Summary Report on Wildlife Monitoring is like putting a solution on the table without knowing what the problem is first. A process must be developed to deal with these issues. The Vice-Chair suggested to choose one specific problem area for now and attempt to offer a sound recommendation based on the EMAB mandate.

Robert Turner, Chair, suggested that all parties should be involved with drafting the wildlife monitoring plans so everyone can sit at the same table to determine options about the issues at hand.

Brenda Kuzyk, DDMI representative indicated that the Diavik Diamond Mines Inc. is committed to minimizing the effects of the mine and ensure that predictions outlined in the Comprehensive Study Report are correct and adhered to. She reminded everyone that this document is a piece of federal legislation that will require compliance.

The Investigative Summary Report on Wildlife Monitoring submitted by GeoNorth is considered part of the learning curve for the EMAB. The Board is in its infancy stage and is in need of its full time staff. As the Executive Director comes aboard these policy and procedure items will fall into place.

The meeting adjourned at 4:45 PM

10. Dinner Norweta Cruise (3 hours)

The following people attended the dinner cruise.

Mary Tapsel for Robert Overvold, DIAND
Robert McLeod, RWED
Murray Swyripa, DDMI
Dr. Stephen Prest, DDMI
Clem Paul, NSMA
Joe Allen Evyagotailak, for Charlie Evalik, KIA
Robert Turner, EMAB
Floyd Adlem, EMAB
Doug Crossley for Alex Buchan, EMAB
Kirstie Simpson, EMAB
Glenna Cayen, GeoNorth

Day 3 – July 27, 2001

Present:

Robert Turner, North Slave Metis Alliance
Floyd Adlem, Government of Canada
Brett Hudson, Government of the Northwest Territories
Doug Crossley, Kitikmeot Inuit Association
Lawrence Goulet, Yellowknives Dene First Nation
Florence Catholique, Lutsel k'e Dene First Nation

Resource People:

Glenna Cayen, GeoNorth
Holly Newton, GeoNorth

The meeting reconvened at 9:34 PM.

11. Board Business

The discussion returned to the apparent problem of lack of communication and dissemination of information between all parties associated with the Diavik Diamond Mines Inc., the communities, Diavik Technical Committee, EMAB and the mine itself.

Once again, the EMAB members referred to a letter dated May 23, 2001, from Karl Lauten of the Mackenzie Valley Land and Water Board. There was discussion with regard to the "make up" of the technical committee panel and its relation to members of the EMAB board. It was decided that a letter be written to Mackenzie Valley Land and Water Board to request a meeting to discuss the members concern about the lack of communication with the various organizations and boards set up on behalf of Diavik Diamond Mines Inc. The letter would go to the Chairperson, Melody McLeod and a copy to Dr. Stephen Prest, President, Diavik Diamond Mines Inc.

It was noted that there are many options to raise during the anticipated meeting between MVLWB, EMAB and Diavik. For example, the technical committee could set up community visits to discuss monitoring issues. Or members of DTC could participate with the EMAB board and its aboriginal representatives to get a sense of what is required in the communities. Another solution may be that the EMAB Board can go to the communities and make presentations. Lastly, the aboriginal representatives of EMAB could invite their technical person to board meetings or meetings with DTC.

Ms. Catholique noted that the Dogrib Treaty #11 Council have their own consultation process and committee set up to deal with monitoring issues.

Floyd Adlem, Vice-Chair stated that it is not the role of EMAB to be the main vehicle for Diavik Diamond Mines Inc. consultation process. He pointed out that EMAB's main objective is to act as a conduit for public concerns about the Diavik Diamond Mines Project.

12. EMAB Policies & Procedures

Decision by the Board

There was discussion on 2.3 Decisions by the Board and with regard to the word "consensus." Change sentence to read, the board will make every effort to reach consensus in the event that consensus cannot be reached.

Decisions by the Executive

The Board changed "2.2 Decisions by the Executive" to read "areas of extraordinary or urgent matters, requiring immediate action."

The Board added in the title of "Representative Attendance as point 3.3 and changed the subsequent numbering.

Motion #3-01-07-27

The EMAB Procedural Rules is accepted and approved with the above noted changes.

Moved by: Doug Crossley

Seconded: Lawrence Goulet

Motion Carried: Unanimously

It was noted that 2 weeks notice has to be given to each member if changes are to be proposed to this document.

Board Appointments

A reminder letter to Joe Rabesca of the Dogrib Treaty 11 Council should be sent requesting a letter appointing Johnny Weyallon as the Dogrib representative.

Now that Chris Nichols is no longer with the Government of Nunavut a reminder letter to be sent out to the Deputy Minister of Sustainable Development requesting a new designate to the EMAB Board.

13. Tradition Knowledge (TK) Workshop

The EMAB members conducted a brain storming session to begin the process of planning a TK workshop in January or February of 2002. The following ideas were put forward.

TK Work Plan

Who should be included?

5 people from each group (recommended only, not firm)

- Community representatives (1 person from each group)
- Technical / Resource people (2 people from each group)
- Elders (2 from each group)

The members and alternates of the Board

Translators

Other Guests

- Diavik Diamond Mines Inc.
- Government Agencies
- Other Resource people

What are the goals of the workshop?

- How do we gain access to TK?
- Need to develop a process for TK to be incorporated into Board decisions and the Diavik Project
- Gain input from all communities in development of process
- Gain advice on forming and structuring the TK Committee
- Ensure that all group's information is included
- Get feedback on how TK should be incorporated and made relevant

Where, When and How?

- Need to hire a facilitator
- Look at accommodation for 35-40 people (20 rooms)
- To be held in Yellowknife
- January – February 2002
- Look at availability of places to hold it
 - o Conference facilities
 - o Government Board rooms
- Require interpreters (prices)
 - o Need interpreting equipment
- Draft Terms of Reference for Facilitator
- Ballpark figure for cost of Workshop

14. Directors Liability Insurance

The following motion was passed to approve directors liability insurance.

Motion: #4-01-07-27

To approve director's liability insurance up to \$5,000,000 totalling \$3,403.00 per year as per document dated July 4, 2001, from Lakeshore Insurance Brokers Ltd.

Moved by: Floyd Adlem

Seconded: Florence Catholique

Motion Carried: Unanimously

15. Budget for Lutsel K'e /EMAB Representative

The Lutsel K'e participant Florence Catholique submitted a budget of \$17,050.00 for office requirements to properly carry out duties with regard to consultations within the community of Lutsel'Ke on the Diavik Diamond Mines Inc. project. Ms. Catholique indicated that the community of Lutsel'Ke has documentation such as reports and studies pertaining to the Diavik Diamond Mines Inc. project and requires office space to house this information. Ms. Catholique also mentioned that there are capacity problems within her community and suggested that this is probably true for all of the communities.

Mr. Adlem, Vice-Chair suggested that there is a capacity issue with all of the aboriginal groups in the North Slave Region. He indicated that the onus is not necessarily on EMAB to provide funding for salaries and office space, however, it becomes an EMAB issue when the board is faced with obtaining the best possible information from the communities in order to make insightful recommendations on the Diavik Diamond Mines Inc. Project.

It was noted that there is difficulty with the board funding this type of request and a solution might be to look for other funding sources. It was agreed that this is a policy issue

with serious consideration due, as the board will be faced with requests of this nature while the board is in existence.

16. Invoice for Translation-Lutsel K'e Public Meeting

Ms. Catholique submitted an invoice in the amount of \$800.00 for translation services at a public meeting on June 7, 2001. The EMAB members agreed to pay this invoice but indicated that this type of request should be placed on the next meeting's agenda to discuss a policy on how to deal with such requests.

17. Norweta Dinner Cruise

There was some discussion on the Norweta Cruise dinner indicating that it was successful with the exception that some members did not participate and the timing was a possible factor in that people are on holidays and not available during the summer months. There was a suggestion to consider inviting the press for future socials. This would give EMAB more exposure. However, if the press are invited participants would be notified in advance.

18. Next Meeting

It was agreed that the next meeting be held in Lutsel k'e during early September. Florence Catholique, the Lutsel k'e representative, stated that she would talk to the Chief and community members to suggest a mutually beneficial date.

19. Adjournment

The meeting was adjourned at 12:15PM.