

EMAB meeting – Yellowknife – June 23, 2010

Present:

Doug Crossley, Chair, Kitikmeot Inuit Association  
Floyd Adlem, Secretary Treasurer, Canada  
Danielle DeFields, (alternate) North Slave Metis Alliance  
Stephen Ellis, Government of the Northwest Territories  
Charlie Catholique, Lutsel K'e Dene First Nation  
Ted Blondin, Tlicho Government  
Lawrence Goulet, Yellowknives Dene First Nation  
Colleen English, DDMI

Guest

Chief Antoine Michel, Lutsel K'e Dene First Nation

Staff

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

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Meeting started at 9:05

Chair welcomes.

Read into minutes – Email motion from April 13, 2010

**Item 1 – Review of agenda.**

Updates:

- Incineration to 3:15 this afternoon
- Inspector not available
- No aquatic update
- Discuss replacement of vice chair

***Motion***

***Accept agenda as amended***

***Moved: Floyd Adlem***

***Second: Stephen Ellis***

***Carried***

## **Item 2: AEMP response letter**

ED walks board through conveyance letter re: AEMP report comments.

Review of TK proposal process for new members. ED is following up with Health Canada on mercury limits re: fish.

Ted raises the issue that the letter goes to his wife, as she is on the WLWB. Not a conflict issue.

Rather than being reactive to a point where we have to take mitigative measures it would be preferable to be proactive to derail some of these effects. What kind of mitigative measures could be taken.

That's supposed to be in the AdMP. We have been gentle with the WLWB. We are trying to be careful with the regulator. Maybe we could be firmer.

No need to be more firm – just say that communities need the information to understand the issues.

Diavik is it is doing adaptive management – it's just not obvious in any of the documents out there.

Should recognize what is being done TK-wise in this letter.... Even though there's so much more that can be done. Add that to the letter.

Bullet on “transparency on TK funding” – clarify this.

We really should get a response from WLWB on AdMP.

Some questions about eutrophication. If phosphorus is limiting then there is a tight relationship between phosphorus and chlorophyll a. DDMI confirms that phosphorus is limiting in Lac de Gras.

Action: Make changes to the letter and send to EMAB for approval. Send North-South report on 2009 AEMP to new board members.
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## **ITEM 3 – Annual Report**

***Motion:***

***Approve proposal from Canarctic to design and print the annual report.***

***Moved: Ted Blondin***

***Second: Steve Ellis***

***Carried***

CC notes that more Parties need to provide quotes. She will send a reminder and an example.

Translation is needed – this was a problem for Chipewyan last year. Request that LKDFN rep suggest a translator.

Get text to Floyd by 3<sup>rd</sup>

Conference call July 23 Friday 1:30

The approach for the AR this year is a ten-year review using photos going back to the beginning of EMAB. There is more focus on the EA commitments

The Executive Summary will be sent out on June 28 to allow for translation.

#### **ITEM 4 – EA review status**

Diavik questions the legitimacy of the report. (In binder.)

ED goes over how the review was done.

There could be a table of answers – what people actually said, but without attribution.

Not much point in going back and doing more interviews, especially since the workshop already happened. DDMI would like clarity on the representativeness of the report.

Q: Is this a gap analysis?

A: No.

The objective is to assess Party satisfaction with implementation of the EA.

Q: What do we do with the report?

DDMI questions: Was an interviewee asked who they represented? Was it their own opinion or did the opinion represent a group? Is it useful to go back and ask “who” is speaking. They’re all just personal opinions. Parties have identified official Party representative and very few of these were interviewed.

Discussion on “representative” comments. Generally when an employee or other agent of a Party responds to an interview they are speaking for the Party, whether they like it or not.

Noted that many of the conclusions and recommendations have been raised before at community meetings or workshops or at EMAB meetings. These are not new.

**ACTION:** Get additional info into report to make it more transparent. Members to go to Party leaders for verification of conclusions and recommendations. To discussed at next teleconference.

There was a strong push for a review of the EA itself. EMAB members should discuss this with the Parties.

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Lunch at 12:00

Back at 1:30

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EA Review (continued)

Review of Recommendations

TK/IQ

- Our job is the independent oversight of environmental monitoring. We should be reviewing and commenting, not be involved in developing research and monitoring plans. The company should do it themselves and then come to us.
- We are not involved on design at the front end.
- We monitor compliance
- TK is not being done. EMAB has gotten involved, including developing a proposal, because of inaction by the company.
- What's the difficulty? De Beers hired a consultant to work with first nations – it's up and running.
- Diavik has been trying to work directly with the communities.
- TK research is almost at the point of routine and most consulting companies have a division for TK.
- TK is not an EMAB commitment. It's Diavik commitment. It's EMAB's job to make sure they do it.
- Diavik: We're going directly to communities. That's the only way to do it.
- Community meetings likely won't be helpful – there is general level support, but specifics take longer and require a different forum.
- The company has to take this up, with solutions not questions.
- Diavik wants to know if the communities want to take the lead or have Diavik contract it out.
- When communities sense people aren't supportive they won't participate.
- Noted that the Tlicho has the capability to do the work, but need funds. Who can they work with at Diavik?
- Diavik stated that they approached LKDFN with funds and didn't get a product.
- Example: Behavioural observations of caribou in the WMP – go into the community with that specific idea. It's important to come in with extremely specific stuff.

- EMAB could get the minister to investigate whether the monitoring programs comply with the TK requirement in the EA.
- A transparent funding structure for funding development and implementation of TK monitoring would be good.
- A review on TK is likely not useful. Rather, it's time to move forward
- Time frame – in conjunction with diavik's community engagement... --
- A plan to incorporate TK into WMP and aempAEMP should be developed by the fall
- Members can report to the leadership and start developing proposals
- Todd Slack of YKDFN arrived at 2 p.m. YKDFN can't do TK like the Tlicho; they don't have the structure or resources. They would collaborate after the purposes and objectives have been developed.
- Yellowknives would like Diavik to come to them with a proposed project. It would be helpful to have a program description from DDMI.

#### Community Engagement

- There are two separate initiatives: Diavik-based vs. community-based.
- DDMI is developing a new cross-cultural awareness program that should be ready by the end of the year

More discussion on independent nature of EMAB members. Taking something back to a leader is not independent – the Board should make decisions independently.

#### **ITEM 6 – WMP revisions**

Info in binder.

There are a lot of different views on the WMP and revisions between all the participants.

Q: Will EMAB be attending the WMP meeting on June 28?

A: The meeting is an opportunity to deliver a message.

Regarding wildlife the GNWT has been very weak, especially in the cumulative effects area. There is no regulatory enforcement mechanism for the WMP.

Discussion on non-compliance.

We will attend the meeting. Need to designate a board member

**ITEM 7 – Air quality and lichen monitoring**

Dave Fox, EC

Aileen from ENR

Dave Fox made a presentation on incineration. Proper incineration is very difficult, and if not done right it creates dioxins and furans, which are extremely toxic contaminants.

Studies at Ekati show build-up of dioxins and furans in Kodiak Lake. Companies don't monitor for this.

EC and ENR are trying to add these to the water licences now that there is a link between incineration and water.

Meeting ended at 4:15

EMAB meeting June 24, 2010, Yellowknife

Present:

Doug Crossley, Chair, Kitikmeot Inuit Association  
Danielle DeFields, (alternate) North Slave Metis Alliance  
Charlie Catholique, Lutsel K'e Dene First Nation  
Ted Blondin, Tlicho Government  
Lawrence Goulet, Yellowknives Dene First Nation

Staff

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

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Started at 9:15

Water quality policy – WLWB provided a draft; do we want to do a review. If we do.... July 5 deadline. If we want to we need an extension. Forwarded in May...

Get expertise?

EMAB will review this internally and check with North-South. Ask for a 30-day extension. Redistribute the document to the Board.

Make sure we identify the gaps

#### **ITEM 6 – WMP Revisions**

Who do we send to WMP meeting?

We should send a member – take advantage of three mines together. Doug would be interested in attending by teleconference.

Ted Blondin will attend for EMAB

#### **ITEM 8 - TK proposals**

Likely been 60 days since the letter was sent to Diavik looking for elaboration re: dismissal of EMAB's TK proposal and the request for a description of the community-based proposals Diavik is looking at. No response yet

Doug notes that KIA may have a proposal. May come through in a capacity funding proposal... and also something similar to Lutselk'e – small and relevant. Proposal straight to Diavik.

LKDFN would like to set up a camp at Diavik, but there is a funding problem.

Diavik has told LKDFN that if anything is going to happen at the CBM camp this year they need to know really soon.

Discussion on developing an EMAB recommendation to move TK monitoring forward based on the EA, the Aboriginal Involvement workshop recommendations and the recent EA Review. Recommendation should be about developing an approach... not specifying the approach. Diavik supports the KIA approach of using capacity funds for TK proposals.

Tlicho doesn't want to replicate what other parties are doing.

The TK panel might be able to coordinate proposals among Parties

Brenda Parlee was in Lutsel K'e last week to help developing a proposal.

ED presents mentions IRDI program, a possible source of funds to support TK monitoring that Brenda had mentioned. He had hoped she would be in town and might explain it to the Board. EMAB might have to administer the funds if this program is used.

John will do the research on the program... but not working at cross purposes with the communities and Diavik.

Discussion on SENES recommendations on TK

The recommendation for Diavik to start working on the TK component of the closure plan seems good. DDMI has sent letters to the leadership requesting a closure workshop – ED requests a copy.

Suggested that ED develop a page of questions that Board members can put to leadership regarding the EA review so that DDMI's concerns are addressed.

ACTION: ED to prepare one-pager
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### **Item 9 budget dispute**

Verbal update on history

There is a new vigour and energy with five new board members. This may increase the activity level in implementing the EA. Everyone needs to live up to the commitments they made in the EA.

The communities expect EMAB to make sure they are informed and understand the issues.

Action: send a history of budget issue to new board members including the letters from the Parties.

There has been a lot of irresponsibility from DIAND in not addressing this issue. EMAB should follow up its earlier letter explaining the situation and our next steps.

Tlicho don't want to get involved in court action but recognize that there is a commitment in the environment agreement. It would also be good to send a letter from our principals to DIAND stating we don't want to be burdened financially and we agree that DIAND is the party that should deal with this issue

The NSMA letter was helpful.

Communities depend on EMAB. They don't have resources to deal with all these issues. They depend on the executive director and the board members.

EMAB may need to go directly to the actual minister.

Item 10 Two-year budget submission

Item presented from kit

Discussion:

- The submission should focus on TK and community engagement
- EMAB has a strategic plan
- Consider trying to focus on all three mines for TK
- Need to make sure EMAB stays within its mandate
- Tlicho may play the political card with the Minister

Board should provide input by July 23 conference call.

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It's important to build awareness in the communities.

- There is lots of concern about caribou.
- It is helpful to keep the agendas focused and maybe have more frequent meetings, say three times a year.
- It helps to go with Diavik.
- Updating is important
- Avoid a confrontational approach.
- A newsletter works well
- Workshops are helpful, on TK for example

- The website may not be very useful

All those activities have to be addressed in the budget.

Q: is there a Finance committee? Ted would be interested in getting into the financial picture.

The communities are aware of the dispute.

Action: send out an email to all members asking for suggestions about activities they would like to see in the budget.

Ted encourages getting a newsletter out. Diavik does this quarterly. EMAB should make it obvious we're the watchdog.

### **Item 11 – ICRP**

In kit.

Question about what ICRP stands for – make sure it's clear this is the closure plan.

Q: will Diavik's annual updates address the closure plan?

A: yes, but briefly

Out for lunch at 11:30

Back at 1:05

### **ITEM 13 - Reports**

Communication update continued

- The annual report is the main task right now
- The website is being updated
- Need to establish a relationship with the new board members, particularly the new Tlicho representative since there have been less updates in those communities
- Will work with other Aboriginal Parties as in previous years.
- The group update process worked well the first year and people in communities liked it but last year we couldn't coordinate with DDMI.

It would be good to re-establish the group update process. DDMI representative said they agreed to try it out. They found the meetings didn't fit their permit application schedule. Now they are

planning community engagement meetings this fall, so they'll discuss the updates with leaders. They will continue to try to participate in updates set up by EMAB, but they want to get their direction from the leadership.

Request that DDMI share the results of their community engagement with leaders. DDMI agrees to do this.

**ACTION:** DDMI to provide results of its community engagement consultation to EMAB.

DDMI has changed its structure for community engagement – different people have responsibility for different communities.

Colleen – YKDFN

Erik – Tlichon, NSMA

John Tees – LKDFN

Seth – Kugluktuk

**ACTION:** EMAB staff to meet with Erik to discuss group update process for the future.

Financial Statement

***Motion:***

***To approve the financial statement as presented***

***Moved: Charlie Catholique***

***Seconded: Ted Blondin***

***Carried***

DDMI representative would like to see the prioritization for the various activities and to see a budget that works with dedicated funds.

**ITEM 14 – Capacity Funding**

***Motion:***

***To rescind the email motion on approving the LKDFN capacity funding report for 2009-10 and approve it through this motion***

***Moved: Ted Blondin***

***Seconded: Lawrence Goulet***

***Carried with one against***

DDMI representative would like to receive the capacity building program description. She would also like a copy of the policy on email motions. EMAB should have a process to handle situations like the one that just happened.

### **Item 13 – Reports**

Replacement of Vice-Chair

***Motion:***

***To open nominations for Vice-Chair***

***Moved: Ted Blondin***

***Seconded: Colleen English***

***Carried***

Ted Blondin is nominated

***Motion:***

***To close nominations for Vice-Chair***

***Moved: Doug Crossley***

***Seconded: Charlie Catholique***

***Carried***

Next meeting will be August 23 to 25, with a site visit on the 23<sup>rd</sup> and the rest, tentatively, in Wekweeti (Ted will check)

Colleen will be the contact for site security clearances.

Q: are there any specific areas the board would like to visit

A: M-lakes, closure elements, A21 area

#### Member Reports

Charlie – LKDFN council appointed him on June 15. He also sits on SLEMA. He is no longer on the WLEC. Suggests a thank you be sent to Florence.

Lawrence – busy. He will try to set something up with the Land & Environment Committee

Doug – still following up on the TK workshop. The main concern is caribou.

Ted – recently met with BHPB about IBA commitments. Will meet with Grand Chief to update him on EMAB issues

Colleen – nothing additional to report

Danielle – very busy, short one staff. Have sent a letter to DIAND on the dispute. Trying to keep up with WMP revision process and will probably go to the fall workshop. Reviewing the water quality policy. Will be at Yamba Lake and Artillery Lake in the summer looking at effects of climate change.

**ACTION:** send a thank-you letter to Florence regarding her service and commitment to EMAB. Invite her to the EMAB AGM dinner if she's in Yellowknife.

Noted that EMAB provides computers to Aboriginal Party representatives who need them.

### **ITEM 15 – IEMA / SLEMA update**

IEMA – Kevin

- Monica Krieger is the new Communications and Environmental Specialist
- Updates on operations at Ekati – underwater mining study has stopped.
- WLWB joined Ekati's two water licences into one
- Ekati will now do one summer sample in August
- Critical effects sizes for AEMP are under review
- Seeing some nitrate build-up in LLCF
- Fish livers show exposure to hydrocarbons – source unknown
- Reviewing functioning of Panda diversion channel
- DIAND issued a Minister's report on Ekati's Environmental Impact Report because some changes were needed. Downstream water quality and caribou ZOI are the main impacts – water quality is being affected all the way to Lac de Gras
- Hearing on closure plan Sept 28 & 29 in Behchoko
- Wildlife monitoring revisions have been slow

***Motion:***

***To adjourn***

***Moved: Charlie Catholique***

***Carried***

Closing prayer – Charlie Catholique