

DAY ONE

Participants (March 14, 2001):

Bob Turner – North Slave Metis Alliance
Lawrence Goulet – Yellowknives Dene First Nation
Henry Zoe – Dogrib Treaty #11
Florence Catholique – Lutsel K'e Dene First Nation
Floyd Adlem - DIAND
David Livingstone - DIAND
Cindy Gilday – Diavik Diamond Mines Inc.
Chris Nichols – Department of Sustainable Development
Doug Crossley - KIA
Gary Singer – GNWT

Afternoon Delegation:

Allice Legat – Dogrib Treaty #11
Erik Madsen – Diavik Diamond Mines Inc.

Opening Prayer: Lawrence Goulet

Introductions

Review of Agenda (Issues)

Incinerator

Chris Nichols raised the issue of the incinerator at the Diavik site as an agenda item. He expressed concern that this be dealt with as quickly as possible in order to avoid problems and unnecessary construction costs. Cindy Gilday commented that Erik Madsen hoped to attend the afternoon session of the meeting and could address that issue. Bob Turner questioned how the Board would deal with the issue and emphasized the need to develop a clear process. Doug Crossley noted that there had been no motion from the Board at the earlier meeting and suggested a motion could be made to give the issue more credibility. There was some question about what information had been shared between Diavik and RWED on the issue. Chris Nichols summarized the letters that had been sent between RWED and Diavik to date and emphasized Diavik had an obligation to follow through on their commitments made during the Comprehensive Study. Floyd Adlem suggested hearing from Erik Madsen before making a formal motion. Bob Turner emphasized the importance of having information available before the meetings.

Cindy Gilday questioned the process that the Board would take during the think-tank session. Bob responded that it was intended to be a brainstorming session however, there may be issues such as that of the incinerator that could be addressed.

Cindy Gilday raised a concern that Diavik had not been given sufficient notice to address the incinerator issue. Erik Yaxley commented that the presentation Diavik had been asked to make dealt only with the construction schedule. He confirmed that Erik Madsen would be making that presentation at 3:30 pm. David Livingstone suggested putting issues on the agenda under "other business".

Regarding the incinerator issue, Cindy commented that RWED had an important role to play. Chris Nichols commented that BHP Diamond Mines Inc. would have information to share regarding their experiences with incinerators at Ekati. Bob suggested inviting someone from BHP Diamond Mines Inc. to share information on the incinerator issue.

Process

Floyd Adlem commented that the think-tank session was an opportunity for the Board to think about process. Doug Crossley added that it was important that information is shared and recommendations are made in a timely manner so as to avoid unnecessary costs.

There was a question about the Technical Advisory Committee to the Mackenzie Valley Land and Water Board that was struck to review license requirements. That Committee reviews the various issues and makes recommendations to the LWB. There is some confusion about the role of the Board relative to the Environmental Monitoring Advisory Board (EMAB). Someone suggested that the technical committee might make recommendations to the EMAB. However, it was recognized that the EMAB has not yet defined its own role and its relationship to the technical committee would have to be worked out.

Cindy Gilday said it would be useful if someone would do an overview of the various Boards and committees that will be dealing with Diavik. She said there are 6-7 groups in place. Floyd Adlem suggested it would be easier to understand these relationships after the EMAB had defined its own role. He said that the technical committee was making very specific recommendations regarding very technical issues related to the water license. That is a regulatory function vrs. the monitoring function of the EMAB.

Bob Turner explained that the mandate of the Land and Water Boards / Technical Committees was supposed to be confidential.

David Livingstone explained that perhaps it was possible for someone from the EMAB to sit on the Land and Water Board Technical Committee. He reiterated Floyd's point that the EMAB had a much broader mandate than the technical committee. He said EMAB could advise on water issues to the regulatory body and that if it is important to have someone sit on that committee, a letter should be sent to the MVLWB. He pointed out that the incinerator issue had come up during the technical meetings. Amendments had been made to the water license already. He added that the mine will evolve and the mandate of the technical committee will also evolve. The precedence is on the regulatory side.

Cindy again requested that there be more information about the other regulatory bodies that are related to the EMAB. Floyd suggested that the members keep this question in mind as they go through the day and keep a list of the other bodies to be reviewed at the end of the day. Hal asked if there was already a list in existence.

David commented that the Mackenzie Valley Impact Review Board and other regulatory bodies have decision-making capacities relevant to the licenses whereas the EMAB have an advisory role. This Board might act as advisory to the ERIB and the LWB as it relates to the water licenses. It is also advisory to Diavik and DIAND as it related to their jurisdictions and mandate.

Mandate

Brenda gave an overview of her interpretation of the EMAB mandate emphasizing the important community capacity-building role that the Board would play, especially in communicating information about the project and facilitating community involvement in monitoring. She added that the Science and Traditional Knowledge sub-committees would play an important role in fulfilling the board's mandate. Cindy emphasized the important role of traditional knowledge.

A schematic of the various boards and agencies relevant to the Diavik project was presented including:

- Mackenzie Valley Environmental Impact Review Board (MVEIRB);
- Mackenzie Valley Land and Water Board (MVLWB) / Technical Committee;
- Cumulative Effects Assessment and Management Framework (CEAMF) / Cumulative Effects Monitoring Program (CEMP)
- West Kitikmeot Slave Study Society (WKSS)
- Bathurst Caribou Management Board
- Affected Communities / Councils, Committees and Organizations
- DIAND – IACT
- Socio-Economic Monitoring Agreement (SEMA)
- Diavik Environmental Agreement (EA)

The group read through the specific components of Section 4.2 and Article 1. There was a discussion about the needs of the Board with respect to information sharing. It was agreed that the minutes and relevant information need to be available in a timely manner.

Community Consultation and Communication

The issues of community consultation relevant to 4.1 d were discussed. Cindy asked what kind of resources were to be provided to the community representatives to carry out their mandate. Florence commented that under the Lutsel K'e IBA there was a proposal for a Diavik liaison person, an office space and have the necessary resources to communicate with the community. She said that Lutsel K'e wants to have this kind of position to deal with this kind of work. Florence commented that Diavik was not willing to fund this kind of position. She said that this mandate could not be carried out without resources due to the language barrier. She said that once the position was funded, it would be easy to deal with information and decisions in a timely fashion.

Bob Turner commented that the Board members were the ones responsible for communication as well as bringing community concerns forward. Brenda added that in the budget itemization done by the Aboriginal caucus during the negotiations, part of the \$800 000 dollar budget was to be allocated to community representatives similar to the project development funds under the West Kitikmeot Slave Study Society.

Floyd commented that the Board members should not be made responsible for communicating Diavik's reports. Florence said that there was a lot of information that needed to be communicated and that something like the WKSS project development funds should be given. Cindy said she understood from the discussion about the negotiations, that there had been a clear intention to ensure that funds were made available to assist the community representatives in communicating the information.

Erik Yaxley added that the role of the Board representatives would be to facilitate information exchange. The representative would ensure that Diavik conduct consultations, translations, and communications. He said that it would be useful to look at the line-by-line budget and ensure there are some monies made available to the communities. Bob Turner added that there was also the intention to have the Board circulate their meetings among the communities.

Floyd suggested that some work be done to define the consultation process. Bob Turner spoke about the document that was drafted regarding NSMA consultation with industry. Chris suggested that even though this document may not be directly relevant it might be useful to learn from it.

Regarding section 4.2 (e) it was suggested that recommendations be made relevant to consultation to ensure that the communities are receiving adequate information. Relevant to 4.2 (f), it was suggested that information be solicited from the communities related to access to wildlife harvesting. Lawrence Goulet said that the communities have a lot of information relevant to this issue.

On the issue of traditional knowledge research 4.2 (h), Chris added that this research and monitoring would be project-specific.

Regulatory Processes, IBA Agreements

There was some discussion about the role of the EMAB as an intervenor in regulatory processes as well as in processes relative to the fisheries authorizations, the navigable waters act, etc. Florence asked if the Board would intervene in the issuance of land use permits and how this would affect how the community would review land use permits. Hal commented that this would give the representatives the right to act as an intervenor. Doug Crossley said it was important to recognize that other parties are involved in these regulatory processes and that the EMAB would need to interact and communicate on these issues. Bob commented that (I) was most specific to regulatory processes.

Florence raised a concern about the wording in the IBA agreement that states that the community cannot go against the project. She questioned whether that would affect the EMAB interventions. Others responded that EMAB was separate from the community IBA agreements.

LUNCH 12 noon

Afternoon Session – 1:15 PM

It was suggested that the group wait to prioritize aspects of the mandate until Diavik presented on the regulatory process. Bob responded by saying that one of the priorities of the Board was to hear about Diavik's schedule. Chris added that a lot of the think-tank issues were contingent upon Diavik's schedule. He suggested moving onto more specific business items such as the executive director position.

Personnel Status for EMAB Executive Director

Hal gave a brief overview of what had been done regarding the position. Seven resumes were received from the request for expressions of interest. He suggested it was important to think about the job description before reviewing the resumes. Florence suggested establishing a personnel committee and deciding on a process for reviewing the resumes. Chris agreed with Florence but suggested it would worthwhile for the larger group to see the job descriptions also. Doug suggested that the people closest to Yellowknife should be involved.

Bob asked the group to consider what the Executive Director should do to which the group suggested the following criteria:

- strong management skills
- community oriented experience
- presentation / communication skills
- experience in EA / regulatory processes
- good in challenging work environment
- excellent communication skills
- good coordinator of information
- ability to interpret technical concepts into "plain language"
- broad technical expertise; and
- sound environmental knowledge.

It was added that someone like Hal would be appropriate however, there would need to be other staff involved. The Executive Director would need to have strong skills in many different areas. Hal suggested that the Board needed someone with enough expertise to recognize what issues need to be dealt with by specific experts.

Alice Legat joined the group.

The group continued to develop criteria for the Executive Director. They added:

- sound experience in a monitoring program
- experience in the North – knowledge of political, economic, social, cultural environment
- computer literacy
- background in traditional knowledge expertise
- understanding and experience with board
- good coordinator; and
- ability to meet timelines.

There was a question about the salary being offered and how the contract would be setup. It was suggested that the Board look at the salary offered to the IEMA Executive Director. The group then suggested establishing the Personnel Committee for reviewing the resumes.

Motion #1 – Doug Crossley motioned for establishing a Personnel committee to develop a process for hiring staff.

Floyd Adlem seconded the motion.

Passed by consensus.

Motion #2 Henry Zoe nominated Florence Catholique to the Committee. Seconded.

There was some discussion about whether Lutsel K'e representatives could sit on the committee and whether alternates were able to be involved. Hal commented that it might not be too important to worry about Lutsel K'e's legal status and added that the Board could appoint anyone they chose to sit on a committee.

Motion #3 Chris Nichols nominated Bob Turner. Seconded.

Motion #4 Bob Turner nominated Floyd Adlem. Seconded.
Passed by Consensus.

There was some question about what would happen once the Executive Director was hired and whether the Board would be involved in hiring other staff. Florence commented that she has seen the hiring process involving the Executive Director and the Personnel Committee, especially if the staff was small. Doug added that the Personnel Committee would also be involved in performance appraisals.

It was agreed that guidelines and procedures for hiring, evaluating and otherwise dealing with staff were required.

Banking

Erik gave a report on the interest rates for the various banks in town. He said that the Royal Bank had the most competitive rates. The decision had been made by the Executive Secretary/Treasurer (Doug Doan) to sign on with Royal Bank.

Motion #5 – Florence moved that the Board use the Royal Bank.
Lawrence Goulet seconded the motion.
Passed by Consensus.

Budget

There was a brief discussion about the budget of the Board. Doug Crossley asked for clarification about the budget for years 1 and 2 from DIAND. Hal explained that \$150 000 / year for two years was DIAND's commitment for 2001-2002. David said he would follow up to see whether the year began on the date of the signing.

Office Space

The Board discussed whether they wanted to share space with the IEMA. Some members suggested that a Board room was not necessary and it might be more usefully converted into an office or resource center.

There was a question about making efficiencies by sharing space with the Socio-Economic Board. Cindy pointed out that EMAB was directed under the agreement to make efficiencies with SEMA where possible. It was pointed out that a discussion had taken place at the previous meeting about the SEMA issue and it had been decided that it was not practical at this time. Hal pointed out that at the same time the Board was thinking of sharing space with the IEMA it could consider sharing with SEMA.

The group agreed to see the space in the morning before making a final decision about the amount of space required.

Diavik Update

Erik Madsen presented an overview of the regulatory schedule for Diavik. He explained that a lot of work began after the land leases were acquired. The earth works program was done and last spring a 450-person camp was established. Quarrying rock in the northwest quarry has started, and they now have a crusher so they could start building roads. They have moved rock from quarry to build a 450-person camp and roads. The northwest quarry work took place up until midsummer. They started building roads towards the northern airstrip and towards the location of the new camp. They are also working on an emulsion plant.

On-Site Operations, Schedules, and Activities

Last July they experienced an increased problem with dust and had to use a lot of water to keep the dust down. They approached the amount of water they were allowed to use under their Type B water license. At one point, they had to shut down the operation. After they received the Type A license, they continued work and watering the roads.

By the end of September they had done quite a lot of work on the airstrip. This year they will add another 400 m on the western side of the airstrip.

At the end of last November, work started on the north dam and the west dam of the on-land sedimentation storage dams. They had to submit a plan for approval to the Land and Water Board. Diavik had a contract with Golder and the HTO of Kugluktuk to fish out the three inland lakes and Lakes E1. This was approved under the Fisheries Authorization. They waited until it was colder to build the frozen core dams. At Christmas, they downsized the camp to 30 people.

Last summer, at the south plant, an area had to be excavated for the future processing plant, maintenance shop, and accommodation building. Fuel storage areas were constructed. There is now 36 million litres of fuel storage capacity at one site and another 10 million litres of capacity at another location. All the seals of the tanks with special equipment have been tested to ensure there will be no leakage.

They are doing some final touches on some of the buildings at the 600-person south construction camp to include electricity and plumbing. They will not be used fully until June. Over the next month they should have 450 – 600 people on site.

Retrofits to the north sewage construction camp should be completed by the end of April. The permanent sewage camp, which will also be used for the south construction camp, is expected to be in operation at the end of July. The north sewage treatment plant has been operational since January. They are now dumping treated sewage directly into the lake. The contingency plan is to pump it into the nearby wetland.

At present, they are primarily involved in bringing equipment to site and getting the camp going. They are hauling approximately 100 loads per day. They are confident that the rest of equipment will be transported to site this season.

Floyd asked about the laydown areas. Erik described the various laydown areas and suggested that he should provide a map describing these areas. He described the equipment and materials that have been brought to site for building the dike walls.

Waste Management

Chris asked about waste management. Erik responded by saying they have a specific waste transfer site. All domestic garbage is held in a specific site with 12 foot walls and barbed wire. Tli Cho has a site service contract. He explained that the waste all goes to the waste transfer area.

Erik said that, last week, RWED expressed concern in a letter about the location of the incinerator. Based on that letter, Diavik altered their plans and are now going to move the incinerator to a building attached to the main camp. Chris asked specifically when the incinerator attachment would be done. Erik said it would be late 2002 before it would be built.

Erik Yaxley requested information about the sewage treatment technology. Erik explained that the sewage goes through a digester, an equalization/aeration tank, clarifier, then through an RBC (rotating biological contactor), another clarifier, filter, then ultra-violet light. The solid component is collected, dried and then incinerated. Erik commented that this sludge might be useful for reclamation.

Construction

Erik commented that construction of the west side dam at the north inlet will commence soon. Dredge contractors are assembling equipment and will commence work as soon as the ice is off. Erik explained how the technology is used. He said that the dike A154 would be built first. The dredge sucks up the fine sand up to 3 m. Before the dredging, they will be building a silt curtain. Dredging will start inside the silt curtain.

On-land sedimentation ponds will be completed by June and another 400 m will be added to the airstrip by June. The North inlet dike will also be finished this summer. As soon as the north inlet is free of ice, they will begin to salvage fish in the inlet.

Fisheries

David asked a question about the migratory pattern of the trout. Erik explained that they were putting tags on 25 trout as a requirement of the Fisheries Authorization. They put 13 transmitters on the fish last year and after 3 hours they were moving toward Lac de Sauvage and others moving south. He explained that the contract was not complete due to a late start last year. Dillon / Lutsel K'e are to return and pick up signals from tags.

The crusher they have on site is big. It will crunch 1800 tonnes per hour. It is the largest crusher in North AmErika.

He said there is a lot of monitoring to be done under the Water License and Fisheries Authorization. Erik said the DIAND inspector is onsite every week.

Reports, Regulatory Requirements, and Communication

Right now Diavik is working on its annual report for the Water License due March 31/01. There is a summary of all the construction activities for last year including how much water has been used. All the reports and plans will be copied to the EMAB. They are making revisions to their 2001 Aquatic Effects Monitoring Program (AEMP) for the Land and Water Board due April 15/01.

Bob requested a regulatory schedule and the various requirements including upcoming plans. He also suggested Diavik be available to make presentations on these items for the Board. Hal said the Board was looking at the big picture and wanting to have a list of all the regulatory requirements.

Erik said that a schedule could be made available. He said they were preparing a dust monitoring plan and doing some vegetation analysis to see if the dust has affected habitat. Chris asked if Diavik was going to use geotechnical monitoring technology in the development of the dikes. Erik said this was being looked after by EBA Engineering.

Bob asked about the site visit. Erik said that the winter road work was scheduled until May and suggested a site visit would probably be best in the second week of May. He suggested talking to Brenda Kuzyck about the exact timing for the visit.

Bob explained that the group was trying to set some priorities and develop a workplan and it would be useful to have a list from Erik regarding regulatory requirements. Erik said he would make sure that something would be available on Monday, on Brenda's return from holidays. She is believed to be the contact person for this board.

Hal commented that all information that was copied would be held in the office as a public repository. He also added that it would be useful to have an annual meeting with Diavik to discuss workplans etc.

Traditional Knowledge

Henry asked about the various reports that will be submitted in the next 3-4 months. He suggested that it would be useful to see Diavik's workplan for the year ahead. He asked about getting the communities involved and how traditional knowledge (TK) would be incorporated in the various programs. Erik responded that Diavik has heard what the communities have said about how to do traditional knowledge over the last few years. These comments have been included in developing the plan. Henry questioned how this was going to happen. Erik gave the example of how the caribou monitoring would include elders watching caribou on-site. Diavik had a different approach to the wildlife monitoring than BHP. The program is being done by Diavik staff including one environmental staff member from Rae (Camilia Zoe-Chocolate) hired from Rae. Henry said it was important to think about doing the traditional knowledge through the Elders committees at the local level. Chris quoted the agreement where it stated the Board would facilitate the development of TK studies.

Erik said that they were doing their best to include traditional knowledge. He suggested that if the Board felt that the incorporation of Traditional Knowledge was inadequate, they could make a recommendation to Diavik. Bob said there is a lot of information that could be collected. Erik warned that Diavik was not interested in doing scientific studies just to collect information about the caribou. He said they would only collect information about caribou on the island. They are not flying transects of the claims block like BHP. He said the area is different because it is on an island.

Lawrence Goulet asked about the exploration programs. Erik said that Diavik has a land use permit for the claim block area. He said that BHP and others are still actively looking for other deposits. Erik said that under the existing permit they are still looking for diamonds near Lac de Sauvage. That camp is run just like the Lac de Gras exploration camp was run.. The same rules apply to that area. He said that the camp is located near an esker. He suggested that camp would be there for 1-2 years. In the summer there is a lot of till sampling that will be done as well as other sampling. Lawrence asked if they had their own geophysical team. Erik said that there was a joint venture with Lutsel K'e regarding this exploration.

Alice asked about some of the different opportunities for traditional knowledge studies. Erik explained how elders from the various communities were brought to site to view and provide recommendations on the trail test embankment in early October. This included viewing some of the water monitoring including water sampling, turbidity, and total suspended sediments (TSS) sampling conducted for a backhoe activity. Erik said that within 75-100 m of the activity they were unable to detect elevated TSS levels.

Alice said the elders were concerned about the ice conditions and how the ice would affect the dikes. Erik said that it was probably difficult for elders to conceptualize how big the dike would be. He said that there would be a lot of sound monitoring to catch any movement whatsoever. He said the outside would be armoured and the dike would be very robust. He acknowledged the concerns the elders had about the ice and suggested that Diavik may need to discuss this with the elders again. He added that there has already been significant discussion on this issue.

Erik suggested that a presentation could be made about these issues. Chris suggested adding more information to the website.

Role of MVLWB and EMAB

Erik commented about the technical committee that had been created under the Mackenzie Valley Land and Water Board to address many of the issues raised during his presentation. Chris responded by saying that the EMAB takes a more holistic approach to the issues and has much different mandate than the regulatory boards. He explained that the scope of the technical committee was limited to the water license requirements. Bob explained that the Board would make recommendations to the regulatory agencies.

Staffing and Setting-Up the EMAB

Hal suggested that the members review the job description. There was an inquiry about letterhead and Hal said a temporary letterhead could be developed using MSWord. Hal also spoke briefly about the address list and asked if there were any changes to be made. He asked briefly about office furniture. Florence said that for WKSS they had someone draw up a list and a budget for the kind of furniture required and the costs. Floyd commented that there were offices closing down and some costs could be cut if the Board could use this furniture. Florence asked about the staff and whether there would be a communications person, a translator, and or a researcher. Hal responded that there had been limited discussion about this save for an interest in the communications person. Floyd said that once the EA was in place, the staffing could be further discussed.

Hal suggested that new computers were easier to manage than second hand computers. He suggested purchasing 2 computers and a laptop for approximately \$10 000. Bob added that these should be large enough to download information. Someone else added that they should be networked to a printer. Doug suggested talking to the different stores for best price and best service. Hal asked how the approval for computers would proceed. Floyd suggested that a computer be purchased as soon as possible so that the Executive Director could use the computer and office. Cindy asked about how much it would cost to maintain the office using GeoNorth versus an Executive Director. Bob said it had been agreed at the last meeting that Hal be involved until an ED is in place, to set up the office. Floyd and Chris said that Hal should get quotes for computers and the executive to approve the best deal.

Cindy asked how long the Board would use GeoNorth and how much this would cost. Hal agreed to put together a quote. Floyd said that it could take a very long time to find someone. Alice said there was a cost of using people other than GeoNorth who do not know what they are doing and are only there to answer the phone. GeoNorth costs per month were not higher than regular staff. Hal said that he was not going to apply for the Executive Director position. There are pros and cons of using GeoNorth versus hiring an Executive Director. An Executive Director would be dedicated to them. Some downsides of hiring staff are added complications associated with the benefits and policies. There was very little difference in costs between hiring staff versus using GeoNorth.

Regarding the honoraria, the rate is \$350/day. Some members get the money directly while others redirect the honoraria to their employers. Erik Yaxley said that the Board was to revisit the rate of \$350. Florence raised a concern about her position as a teacher. She said her rate is lower than wages as a teacher. She asked if the Board had discussed the option of retaining her salary instead of getting the honoraria. Floyd commented that in other cases money was transferred to the employer. Bob suggested that Florence speak to Erik Yaxley to see if something could be done regarding her employer.

There was a question about what would be discussed in the morning. Cindy said she was concerned about the direction of the Board including its relationship to SEMA, IEMA. Everyone agreed that it was important to have this discussion. Chris also commented that more discussion on the priorities of the Board was required. Florence suggested finalizing the job description.

Adjourned 5:00 pm.

DAY TWO

Participants (March 15, 2001):

Bob Turner (Chair) - NSMA
Floyd Adlem (Vice Chair) - DIAND
Lawrence Goulet – Yellowknives Ltd.
Florence Catholique – Lutsel K'e Dene First Nation
Chris Nichols – GN, Department of Sustainable Development
Gary Singer - GNWT
Doug Crossley – Kitikmeot Inuit Association
Sandy Buchan – Kitikmeot Inuit Association
Cindy Gilday – Diavik Diamonds Inc.
David Livingstone – DIAND

Absent – Henry Zoe – Dogrib Treaty#11

Erik Yaxley - DIAND
Hal Mills - GeoNorth
Brenda Parlee – GeoNorth

Morning Delegation:

Juanita Robinson - GNWT

Afternoon Delegation:

Red Pederson – Independent Environmental Monitoring Agency (IEMA)
Marc Stephenson - IEMA
Zabey Nevitt - IEMA

Communication the Role, Purpose and Function of the Board

Bob spoke of the perception that the Board is not important in the context of the Diavik project. Much work had gone into developing the agreement and the Board is very important. He raised a concern about the limited effort Diavik seemed to be putting into caribou monitoring. He suggested it was important that the Board make a recommendation about the importance of caribou monitoring and the need to expand their program.

Bob suggested that a letter go out to all the regulatory authorities and to Diavik to let them know the Board is up and running. Chris suggested that there seemed to be some misunderstanding among Diavik staff about the role of the Board and agreed with Bob that communicating the role of the Board was important.

Floyd said he agreed that Diavik staff did not seem to recognize the importance of the Board. He suggested holding a meeting with Stephen Prest as well as government officials to discuss the issue.

Bob said it was important to have DIAND and GNWT officials on side. David Livingstone said that initially BHP had not taken the Environmental Agreement very seriously either but later recognized their mistake.

Doug Crossley suggested better communication was important. He said that Diavik might just need to get used to receiving input from the Board.

Hal suggested drafting a strongly worded but positive letter encouraging Diavik to follow the terms and conditions of the environmental agreement and adding that the Board was expecting to receive information from Diavik.

Doug questioned what kind of role the Minister played in the Board's mandate and suggested that the letter should be copied to the Minister. He questioned whether David was a representative of the Minister of DIAND.

David quoted the agreement where it said that the representatives are to operate at arms length. He said he was not representing DIAND but instead was looking at protecting the best interest of the environment. He said brains, muscle, teeth and backbone were the characteristics of the Board that were considered in negotiating the agreement.

Hal quoted 4.6 i) which states that the representatives should not be considered in conflict of interest. Each representative can bring the issues of their organization to the table.

Chris argued that this was important that information could come to the table, however, when it came to decision-making, it was important that each representative voted with his conscience.

The group agreed that it was important not to be critical or negative in the letter to Diavik. David recalled the problems that developed early between the IEMA and the Water Board as a result of poor communication.

Floyd suggested inviting the DIAND inspector in to speak to the Board about his work. He added that the inspector might have a role to report at every Board meeting.

There was a suggestion that a letter also go to DFO, highlighting the specific fisheries and aquatic issues that the Board was interested in discussing. Chris asked for more information from the Comprehensive Study Report regarding DFO monitoring programs. It was agreed that Hal would write the letter and it would be approved by Bob and Floyd and then sent to the various parties including the representatives on the Board.

Review of Expressions of Interest and Job Description (In Camera)

Bob reported from the in-camera session that it was important to have the continuity of an Executive Director. GeoNorth would be asked to be involved on a monthly basis to phase in the Executive Director.

Regarding the budget, David reported that contribution of DIAND would be provided for two years beginning on April 1/2001.

Hal summarized the qualifications of the candidates. He suggested it was important to discuss the job description.

The group made amendments to the draft job description. (See Hal's copy)

Sandy Buchan Arrives

Florence suggested it was important that the Executive Director understand the communities and the people. Bob added that the person had to have very good communication skills.

David suggested dealing with the question of whether a scientific panel was required since consensus on the issue had not yet been achieved. Hal suggested that the issue might be an item to add to the agenda for the next meeting.

Floyd suggested that some work was required to develop a communication strategy to deal with issues of "plain language" summaries, Aboriginal language translation, and media releases etc. It was important that the Board develop a Communication Committee. It was suggested to include this on the agenda for the next meeting.

David suggested it was important to strongly focus on communities in the communication strategy to ensure they are very well informed about the project.

Floyd thanked everybody for work on the Job Description.

Socio-Economic Agreement

Juanita Robinson of RWED gave an overview of the Diavik Socio-Economic Agreement. Everyone had signed onto the agreement except for Lutsel K'e. The Board was established to have one person per community as opposed to each Aboriginal group. The components of the agreement include context, outcomes, issues, monitoring/mitigation and additional legal appendices, commitments on employment, business, and community well-being.

She added that there were issues of liability to consider. The role of the Board (2.1.2) is to comment on what is being done regarding employment and business opportunities and to make recommendations and provide advice to Diavik, governments and communities regarding mitigation. She said the Board would monitor and review employment, training and issues which affect employees.

Juanita explained that the community representatives are the link between the Socio-Economic Board and the communities. She said they were responsible for bringing issues to the table and take feedback back to the communities regarding discussion of the Board.

She added that part of their mandate included monitoring the commitments of Diavik and GNWT.

GNWT and Diavik would both do monitoring and report to the Board. The communities also will do monitoring and report to the Board in some way. She said it was important that community representatives bring community experiences and perspectives to the table. The Board would be a forum for community members to discuss their perspectives and that Diavik would be required to respond to the recommendations of the Socio-Economic Board.

Juanita explained the section of the agreement dealing with reporting and added that the communities would not be formally required to report. However, their perspectives and the experiences of their communities are integral.

Socio-Economic and Environmental Agreements, Processes, and Bureaucracies

Cindy presented her concerns about the Environmental Agreement and the direction of the Board. She said that Diavik had regular meetings with the communities. Gameti people raised the issue of community access to caribou. She said this issue related to both the socio-economic and the environmental agreements. Between the communities and Diavik, she said it was important not to develop bureaucracies. She said it was not necessary to develop a super-monitoring agency. She raised concerns that such a model would not be sensitive to the concerns of the communities. She said that the Environmental Board had an \$800 000 budget and the Socio-Economic Board had \$500 000 budget. She said these monies should go where the communities need them the most.

David commented that no one wanted to create bureaucracies at the expense of the communities. He said that the regulatory bodies were dealing with specific issues. He said it was primarily because of the wildlife issues that are a GNWT responsibility that the agreement was developed.

Chris asked Cindy if her concern related to cutting costs. Cindy responded that it was her concern, as an Aboriginal person, not to create bureaucracies that did not serve the communities. Bob said that it was never the intention of the Aboriginal groups to have the Environment and Socio-Economic groups joined together. Sandy added that it was his interest not to see duplication and suggested efficiencies made.

Bob responded to Sandy's concern about having two Boards and commented that his organization had hired two people to deal with the two different Boards. His members knew which individual they would see if the issue was environmental and who to see if the issue was socio-economic.

Chris said that the environmental agreement was meant to be holistic. He said that the work of the two boards related to the example of caribou harvesting was different.

Florence asked about the role of the Socio-Economic Board and how it would be staffed. Juanita responded that there would be a staff person in place. Florence raised a concern about the 3 year limit to the budget. Floyd said he was sure the Socio-Economic Board would have a great deal of work.

Brenda commented that she saw the Boards as having different mandates and different work in addressing the concerns raised by the communities. Sandy agreed that the work would be different but that some efficiencies could be made especially in terms of reporting.

Cindy said she was trying to flesh out the ideas of those involved. She said it was important to think about the direction of the Board including its relationship to SEMA and the potential to expand its mandate to monitoring other projects.

Juanita asked if the concern was about the funding being allocated under the agreement and said that the money under the Socio-Economic Agreement could only go to monitor the impacts of Diavik.

Bob commented that during negotiations the Aboriginal caucus did not have a specific mind about the relationship of EMAB to the Socio-Economic Board except to focus on working with the communities. He said that the IEMA tried to distance themselves from the communities and as a result there was little communication.

Henry commented that the Socio-Economic Board should have a good secretariat that would help the community reps in addressing community concerns. Juanita responded by saying that there was funding for a secretariat allocated under the budget. Bob added that the representatives for the Socio-Economic Board had a big workload. Henry agreed that the representatives would have a full time job.

Sandy commented that Kugluktuk was at a disadvantage given that they were not involved in the Socio-Economic Agreement. Bob said that NSMA was involved in a phase two socio-economic study and that information would be shared at the Socio-Economic Board level. Florence commented that in the agreement it said that "the representatives would dedicate their time as necessary". She said this was very open-ended and would require resources. Juanita commented that resources would have to be made available.

Lunch – 12:00 PM

Afternoon Session (1:14 PM)

Future Meetings

Florence suggested it was important to think about the Personnel Committee and the hiring of the Executive Director. Also, the question of the role of GeoNorth should be discussed. She said that the contract should be clearly defined so that GeoNorth could assist the new Executive Director.

Hal suggested GeoNorth could open the office as of April 1, 2001 and have someone to answer the phones. He added that GeoNorth could also assist with work related to the Executive Director position including finishing the job description, developing an interview guide, contacting candidates, and setting up interview schedule.

Doug Crossley suggested that GeoNorth should stay on to assist the Executive Director for a transition period.

Bob added that Erik would be providing a schedule of Diavik's workplan on Monday and this would have to be dealt with at the next meeting.

IEMA Representatives and Co-operation with EMAB

Red Pederson made a presentation about the potential for the IEMA and EMAB to work together. He added that he could offer some positive and negative comments on their experience. Red suggested there would be many other developments in place in the near future as well as roads, mines, ports etc. that will affect the environment. It was unlikely that each of these developments would have their own independent monitoring agency. The IEMA does not wish to operate in isolation from the EMAB. He said to do monitoring properly, some project-specific issues must be dealt with, but the regional context is also important. It would be worthwhile to start monitoring the other developments earlier, prior to the issuance of licences. There is a lot of exploration garbage all over that would never be monitored under the existing structure. He said we must work towards getting more baseline data also. (See letter from Red Pederson)

Bob agreed with Red's suggestions and said that some groups were more interested in an expanded monitoring Board than others. He said that there was going to have to be a lot of learning take place. It would take a lot of work, but it was important to consider the potential of a larger role as EMAB went ahead with implementing its mandate. He said IEMA and EMAB could learn from each other. He added that it was important to develop an agency with a wider mandate.

Florence requested information about the independence of the agency. Red responded that the independence is defined in the agreement. He said that the IEMA representatives were not to act as advocates of the organizations that appointed them. Red added that the government and industry reps were not to be employees of those agencies.

Cindy asked how the public was involved in their mandate. Red responded that the public was involved during annual general meetings.

Traditional Knowledge and Scientific Panels

Bob commented on what happened when the agency was brought up during the negotiation of the EA. He explained that EMAB would have a TK panel and a Scientific Panel. People also discussed the Board addressing issues related to other developments such as DeBeers so that all the projects would be considered under the same umbrella.

Red commented that the appointees to the IEMA could act as a scientific panel. He said it was difficult for the IEMA to be independent because of the funding structure. Fundamentally there is a problem in the sense that BHP is paying for someone to look over their shoulder. One suggestion is to attach a monitoring fee to each of the developments including exploration, permits, licenses etc. This money could be pulled together into a pot.

Marc said that traditional knowledge was not dealt with adequately either. BHP seems to have tried to incorporate TK into their management however, the IEMA is trying to move away from product-based projects. The IEMA feels that BHP is not respecting process as clearly as they might have. There has been significant discussion in Lutsel K'e and with NSMA about the traditional knowledge steering committee. He said that the IEMA needs to move away from process-based to a product-based approach to the traditional knowledge studies by establishing the process where the communities are involved in the design, development and implementation of studies. He said the TK working group could be a vehicle for this.

Red said that the problem with Traditional Knowledge (TK) and BHP is also that the wording says "relevant and available traditional knowledge". BHP does not consider the TK they have to be relevant. He added that they must consider TK equally to science, however, it seems that TK is always considered less than science. He suggested renaming TK to traditional science. Marc added that there needs to be a change in perception about TK. The Science paradigm informs the management of these projects. To elevate TK to the same level as science, as it is important that Aboriginal people are involved in defining values, and designing processes to sustain those values.

Cindy asked Marc about how the IEMA was going to sell the idea of BHP. Marc responded that the IEMA could only act as a facilitator. Red commented BHP sees TK as necessary but there are problems because the wording is "relevant" and "available". Red said that this is a very good opportunity for BHP to do something right. He said BHP needs to realize that the TK is worthwhile and extremely important.

Communication with Communities

David asked about communication with communities. He said it is also a challenge for government. Red responded that there are difficulties because the make up of the Board is consisted of people who live far away, except for one person. He has agreed to make himself available for up to 100 days per year in Yellowknife and surrounding communities. He is now available to visit communities. They had gone to Lutsel K'e yesterday and had a very good meeting Peter McCart had been requested because of specific questions about water quality issues. Marc went to the community to discuss the "Traditional Science" issues. He said he was not sure what the best approach was however, it is important that communities perceive the agency as working for them.

Technical Expertise: TK and Scientific Issues

David asked about the development of the Board. Red responded that there is a need for a wildlife monitoring board, a water quality board and a socio-economic boards that deals within the region. In order to have the technical expertise available there are different ways to do it. They have been contracting some things out to technical experts. The best advice is to have a scientific panel attached the board, however, some things would have to be farmed out since you can cover everything.

Cindy asked about the how EMAB might best deal with the use of TK and science. Marc responded by saying it would depend on the structure of the Board. He suggested setting up a traditional science panel like that of the IEMA. This body would identify issues, design studies, and facilitate those studies happening in the communities. He said it is still early, but it is important to spend time thinking about the process.

Red suggested that it might be useful to see wildlife monitoring be farmed out to a community and ask them to link traditional knowledge to science.

Marc said there are biases towards science and this prevents TK from adequately being included. He said both groups are managing for different values. Each sees the environment differently. He said there is no process in place to think about these things. He said that BHP is very short on baseline information including traditional land use etc. He said they need to continue to develop baseline information so they can understand the natural changes versus the impacts of the mines.

Doug Crossley commented that there were many similar issues shared by the IEMA and EMAB and they both had a similar goal to preserve the integrity of the environment. He suggested there is a lot of opportunity for sharing information.

Marc added there is also opportunity to set up TK committees in the communities.

Sandy Buchan added that the Nunavut Planning Commission (NPC) is charged with doing monitoring also. He said there is a lot of development and it is hard for NPC to keep up. They need to be doing this kind of work.

David spoke about CEAMF and the Northern Ecosystem Initiative funding that had been received. He said that there was an action plan being developed for the Slave Geological Province (SGP).

Funding Issues

Cindy asked about the independence and the funding issue. Red responded that they only know what is not working now in terms of their negotiations with BHP. He said the various negotiations have been difficult but seem to be getting better. Red said there were two different funding structures but the BHP and Diavik projects are so close together: one Board would do for both projects.

Hal commented that EMAB would have the same problem as the IEMA in terms of negotiating funding in two years.

Red suggested a levy or tax could be charged to land use permits and licenses. He commented that there used to be a tax on fuel oil created to pay for health care in the 1970s. There is nothing to say that these surcharges cannot be put in place for monitoring. David said that idea of a levy on permits etc. has been considered by DIAND. He said there is no real reason why this could not be done. Floyd said that government gets money now and it is up to them to use that money wisely. The problem is that the people here do not see that money now.

Marc said it was useful to interact informally as well as meet formally together.

Cindy said that Diavik has a socio-economic committee. She said that TK and science must be considered equally.

Break

Planning for Next Meeting

Floyd suggests having a meeting in April and then a site visit in mid-May. Floyd said it takes at least one day to do the site visit. The group agreed to have the next meeting on April 23-25, 2001 in Kugluktuk.

The date for the site visit was discussed. Sandy commented that Bob was interested in going during freshet. There was a suggestion of going sometime around May 14-16, 2001. David suggested it would be useful to include the DIAND inspector. Hal suggested some Board members going in at the same time as the inspector. Erik said he is onsite Tuesday-Thursday.

Floyd said that reports would be due at the next meeting from:

- Personnel Committee
- Furniture Committee (DIAND / GNWT reps)
- Office Status

Sandy commented it would be useful to review the Plans detailed under the EA.

Floyd commented that it would be good to have the DIAND inspector to come in and discuss his work. He said this should happen before or during the site visit. Sandy suggested having the DFO inspector come in to discuss his role. Doug Crossley suggested bringing in an elder to the April meeting to give the Board an idea of the traditional knowledge issues. Henry said it would be useful to talk with Stanley LeMer.

Hal added that more work must be done developing the workplan. He suggested that he might develop a draft workplan to present in April. A communications committee and or committees items is another item. David suggested that a press release was necessary. Floyd said that the minutes for both meetings should be reviewed at the next meeting

Meeting Adjourned: 3:04 PM