

# Environmental Monitoring Advisory Board

Minutes – Thursday, April 30, 2015

9:00 am - 5:00 pm

EMAB Boardroom, Yellowknife, NT

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## Present:

Sean Richardson, <i>Chair</i>	Tlicho Government	
Charlie Catholique, <i>Vice-Chair</i>	Lutsel K'e Dene First Nation	
Arnold Enge, <i>Secretary-Treasurer</i>	North Slave Metis Alliance	(teleconference)
Napoleon Mackenzie, <i>Director</i>	Yellowknives Dene First Nation	
Jack Kaniak, <i>Alternate Director</i>	Kitikmeot Inuit Association	(teleconference)
Stephen Ellis, <i>Director</i>	Government of the Northwest Territories	(teleconference)
Gord Macdonald, <i>Director</i>	Diavik Diamond Mine	(teleconference)

## Staff:

Brenda McDonald, <i>Executive Director</i>	Environmental Monitoring Advisory Board
Lynda Comerford, <i>Minute Taker</i>	Creative Communications (contractor)

## Absent:

Robert Eno, <i>Director</i>	Nunavut Government
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### 1) Call to Order

The Chair called the meeting to order at 9:26 am.  
Charlie Catholique gave the opening prayer.

### In Camera Issue

The Chair asked for an in-camera issue to be dealt with first.

**Motion:** *To deal with an in-camera issue before proceeding with the regular agenda.*

**Moved by:** Charlie Catholique

**Seconded by:** not required

Brenda McDonald and Lynda Comerford left the boardroom at 9:30 am.

At 9:59 am, Brenda McDonald and Lynda Comerford came back to the boardroom.

**Motion:** *To move out of the in-camera session.*

**Moved by:** Arnold Enge

**Seconded by:** not required

## 2) Approval of Agenda

The Chair opened the floor for amendments to the agenda. Gord Macdonald asked where discussion and two motions would be included. One to approve the 2015-16 budget and another for the water licence intervention. It was agreed these two items would be reviewed at Item #7. It was also agreed that Item #12 (TK Panel back to EMAB) be deferred to the next meeting.

**Motion:** *To approve the April 30, 2015 agenda as amended.*

**Moved by:** Charlie Catholique

**Seconded by:** Napoleon Mackenzie

**Motion carried.**

## 3) Conflict of Interest

The Chair asked members to declare any conflicts. This allows members to excuse themselves from the discussion and decision making process should they be in conflict with any agenda item. No conflict was declared and Gord Macdonald noted that although he will be representing the interests of Diavik from time to time throughout the meeting, as per Section 4.65 of the Agreement, he is not in conflict.

## 4) Approval of Minutes

The Board reviewed four sets of minutes: December 11, 2014, March 6, 2015 (teleconference), March 26, 2015 (teleconference) and April 17, 2015 (teleconference). Gord Macdonald noted that comments for amendments had been emailed from Dave Wells for the March 6, 2015 minutes. The Executive Director noted the comments have been included.

**Motion:** *To accept the minutes for December 11, 2014 as presented.*

**Moved by:** Charlie Catholique

**Seconded by:** Napoleon Mackenzie

Motion carried.

**Motion:** *To accept the minutes for March 6, 2015 with amendments.*

**Moved by:** Jack Kaniak

**Seconded by:** Charlie Catholique

Motion carried.

**Motion:** *To accept the minutes for March 26, 2015 as presented.*

**Moved by:** Charlie Catholique

**Seconded by:** Napoleon Mackenzie

Motion carried.

**Motion:** *To accept the minutes for April 17, 2015 as presented.*

**Moved by:** Arnold Enge

**Seconded by:** Jack Kaniak

Motion carried.

## 5) Business Arising From the Minutes

The Executive Director provided the following update:

### *December 11, 2014 Minutes*

- the 2013-14 Annual Report is complete
- the Board deferred a decision on banking, noting they would approach the First Nations Bank

### *March 6, 2015 Minutes*

- memo re: legal opinion was sent to all parties
- budget reallocations were completed
- situation on Doug Crossley's payout has been sent to legal counsel
- water license intervention underway

### *March 26, 2015 Minutes*

- letters were drafted but they were not approved, and therefore not sent
- budget line items were amended
- brochure was printed
- website updated

### *April 17, 2015 Minutes*

- Personnel Committee to update

There was discussion surrounding the draft letter to Gord Macdonald noted in the March 26, 2015 minutes. Mr. Macdonald stated that the letter has incorrect information and he doesn't think it should be sent. Charlie Catholique asked for discussion on this item and wanted to know how Mr. Macdonald could appoint himself to the EMAB Board. Sean Richardson explained the process that had been followed and indicated that the Board cannot refuse DDMI participation. Any changes to the process would have to be made by all parties to the Agreement; the Board members alone cannot take action.

BREAK 10:20 - 10:35 am

### **Business Arising From the Minutes (continued)**

Returning to the item of discussion before the break, Sean Richardson noted that the draft letter has not gone out. Gord Macdonald is now the Diavik representative so the letter will not be sent.

Brenda McDonald noted that as of May 1, the website is being revamped.

Gord Macdonald went back to the May 26 minutes and the \$30,000 carry-over to cover the costs for the water license intervention. He asked if the Board has considered the specific rules surrounding carrying forward of funds. Brenda noted that the Board requested a letter be sent to Diavik and Sean noted that Gord's point will be in the letter.

Arnold Enge stated that he took care of all business that was asked of him.

**6) Executive Director's Report**  
**Transition document**  
**ED Performance Appraisal**

Brenda McDonald reviewed her report, which covered items from September 2014:

- the 2013-14 Annual Report is completed
- she attended a PMP training course in February
- she attended the AQMP Workshop in March
- Marilyn Martin was hired to assist with administrative duties related to the AQMP Workshop
- she attended Doug Crossley's memorial
- the Environmental Specialist attended a water mining conference in April
- a successful community consultation was held in Lutselke
- she worked with legal counsel to follow-up on the budget decision
- the development of brochures, posters and the website is underway
- she is getting ready for the audit
- her transition document is in progress

The Chair asked for a motion at 10:47 am to move in-camera.

**Motion:** *To move in-camera to discuss the Executive Director's performance appraisal.*

**Moved:** Charlie Catholique

**Seconded:** not required

Brenda McDonald and Lynda Comerford left the boardroom at 10:48 am.

At 10:55 am, Brenda McDonald and Lynda Comerford came back to the boardroom.

**Motion:** *To move out of the in-camera session.*

**Moved by:** Charlie Catholique

**Seconded by:** not required

**7) Financial Report – YTD**  
**Year End Report – March 31, 2015**

Brenda McDonald reviewed each line item of the report, noting that expenditures are on target for the fourth quarter. Surpluses will be in wages, due to the vacant second support position.

**Motion:** *To accept the Financial Report as presented.*

**Moved:** Steve Ellis

**Seconded:** Jack Kaniak

Motion carried.

**8) Audit**

Brenda McDonald noted that the auditors, Mackay and Company, are coming to the office on Thursday, May 7. Last year the audit took one and a half days. She is confident they will be done before her last day on May 15.

**Request to go back to Item #7:**

**Financial Report – YTD / Year End Report – March 31, 2015**

Gord Macdonald asked if there is a budget for the current timeframe, noting that EMAB seems to be operating without an approved budget. He also queried why there was no budget for water license renewal. Brenda McDonald explained that item is pending approval of carry-over funds. This financial report is a start for the new ED, who can then make appropriate revisions.

**Motion:** *To approve the 2015-16 budget with the addition of \$30,000 for water license renewal, pending a decision from Diavik.*

**Moved:** Arnold Enge

**Seconded:** Charlie Catholique

**One Opposed:** Gord Macdonald was not in favour of the motion, saying EMAB should not be spending unapproved funds.

Motion carried.

**9) Budget Arbitration Process**

The only responses received to date are from the GNWT and Diavik. The deadline was the end of March. Arnold Enge suggested that based on the GNWT response, the Board should rethink the lawyer's advice. Sean Richardson said they will wait for more replies.

This item was deferred to the next meeting, and if any responses are received, they should be forwarded to the Board.

**10) AQMP Workshop**

Brenda McDonald said there was good participation in the workshop, which resulted in a useful list of recommendations and concerns. The draft workshop report was previously sent to directors, resulting in only one submission of written comments from Gord Macdonald. His document was circulated and Brenda systematically went through each of the highlighted notes for consensus on any changes or additions.

Steve Ellis signed off from the teleconference at this point due to other meeting and travel commitments.

**LUNCH 12:00 – 1:30 pm**

**11) Water License Hearing**

Tim Byers joined the meeting by teleconference and reviewed the rough draft of the EMAB intervention submission he is preparing for the Diavik Water License Renewal. He went through each of the 10 pages to clarify information and questions that both he and Board members raised. This item took about 1 ½ hours.

**ACTION:** Tim will send a list of outstanding questions to Brenda McDonald so she can get input from the Board by email. He will have the final submission draft by Monday May 4, as he is busy

after that. Sean Richardson, Brenda and Tim agreed to speak on May 5 to review hearing expectations.

Arnold Enge signed off from the teleconference at 3:20 pm due to other commitments.

**BREAK 4:00 – 4:10 pm**

**Request to go back to Item #7:**

**Financial Report – YTD / Year End Report – March 31, 2015**

Brenda McDonald reviewed the draft letter for additional funding to go to Diavik. After discussion, it was decided that Brenda would forward the letter before noon tomorrow to Gord Macdonald, with a revised request of \$15,000 instead of \$30,000.

**12) TK Panel Back To EMAB**

Brenda McDonald said the TK Panel has expressed an interest in moving back under EMAB. This item was deferred to the next meeting.

**13) Staffing – Executive Director and Environmental Specialist**

Brenda McDonald reported that the Executive Director position has been advertised, with a closing date of May 31, 2015. The Environmental Specialist position has not been advertised and the Personnel Committee will provide an update.

Brenda reviewed three documents that were prepared by the Environmental Specialist before she left:

- a) Environmental Specialist Current Tasks and Projects That Require Follow-Up
- b) Environmental Updates for ~~May 30~~, 2015 Board Meeting (date should read April 30)(task list)
- c) Letter to Diavik Re: 2014 Wildlife Monitoring Annual Report

Brenda noted that May is a critical month for EMAB not to have any staff. As the ED job ad runs until the end of May, the hiring process will likely go on until the end of June. She highly recommends bringing in an interim ED to keep things moving forward. Some of the previous candidates in the Environmental Specialist job search may be available.

Brenda read through the draft letter to Diavik regarding the 2014 Wildlife Monitoring Annual Report.

**Motion:** *To approve the letter regarding the 2014 Wildlife Monitoring Annual Report and send it to Diavik.*

**Moved by:** Charlie Catholique

**Seconded by:** Napoleon Mackenzie

Motion carried.

**14) Open**

No items.

**15) Community Concerns (Roundtable)**

The Chair asked if there were any community concerns. No one had any issues to report.

**16) Other Business (Closing Prayer)**

There was no other business. Brenda McDonald said the closing prayer.

**17) Adjournment**

The meeting was adjourned at 5:08 pm.

**Motion:** *To adjourn the April 30, 2015 meeting.*

**Moved by:** Charlie Catholique

**Seconded by:** not required