

# Environmental Monitoring Advisory Board

Board Meeting Minutes

December 11, 2014 – 9:00 a.m.

EMAB Board Room – Yellowknife, NT

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## Present:

Sean Richardson, *Chair*

Charlie Catholique, *Vice-Chair*

Gabrielle Mackenzie-Scott, *Alternate*

Doug Crossley, *Director*

Napoleon Mackenzie, *Director*

Tlicho Government

LutselK'e Dene First Nation

Government of the Northwest Territories

Kitikmeot Inuit Association

Yellowknives Dene First Nation

## Staff:

Brenda McDonald, *Executive Director*

Environmental Monitoring Advisory Board

## Absent:

Robert Eno, *Director*

Arnold Enge, *Secretary-Treasurer*

Nunavut Government

North Slave Metis Alliance

## Guests:

Sarah Elsasser

Regulatory Specialist, WLWB

### 1) Call to Order

The Chair called the meeting to order at 9:10 a.m.

The Executive Director said the opening prayer.

### 2) Approval of Agenda

The Chair presented the Agenda for approval. The LutselK'e Director added under Other Business: the issue regarding the Environmental Specialist.

**Motion:** *To approve the December 11, 2014 agenda with one addition: Other Business: issue regarding the Environmental Specialist.*

**Moved:** Charlie Catholique

**Seconded:** Doug Crossley

**Motion carried.**

**3) Conflict of Interest**

The Chair asked members if there were any conflicts of interest. No conflict was declared.

**4) Minutes – September 18<sup>th</sup> and 19<sup>th</sup>, 2014 and November 18<sup>th</sup>, 2014  
Notes from October 15<sup>th</sup> and November 17<sup>th</sup>, 2014 and  
Email Motion September 24<sup>th</sup>, 2014.**

**Motion:** *To accept the September 18<sup>th</sup> and 19<sup>th</sup>, 2014 minutes as presented.*

**Moved by:** Doug Crossley  
**Seconded by:** Charlie Catholique  
**Motion Carried**

**Motion:** *To accept the November 18<sup>th</sup>, 2014 minutes as presented.*

**Moved by:** Doug Crossley  
**Seconded by:** Napoleon Mackenzie  
**Motion Carried**

The Board entered into the records, the following meeting notes:  
October 15<sup>th</sup> and November 17<sup>th</sup>, 2014 and  
email motion: September 24, 2014.

**5) Business Arising from the Minutes**

The Executive Director presented the following business arising from the minutes:

*Business Arising from the Minutes – September 18<sup>th</sup>, 2014*

Operations Manual – Revisions as per the September 18<sup>th</sup> meeting have been incorporated. We will need a motion to accept the Operations Manual with the recent revisions. The Board was asked whether they would like to review those sections and then make a motion. Doug Crossley requested that the Directors take another look at the manual prior to approving the document.

Banking Services will be addressed in item#9 in the Agenda

Adding two party representatives: This was previously dismissed, however EMAB has been unable to have quorum for meetings since September. Upon a review of last year's activities, this was the same issue. It may be that this is the busy cycle in the operational calendar; however, the issue will need to be revisited.

Display booth is printed and complete. Outstanding are the two small displays which will be completed in the new year and presented to the Board for approval.

Draft Annual Report to be addressed in Item #11 in the Agenda

Directors Performance to be addressed in Item#10 in the Agenda

Wildlife Management Program/Report/Workshop – There are ongoing discussions between leadership and the GNWT regarding Caribou and therefore a workshop in this regard would not be reasonable. EMAB will continue to monitor the situation.

Traditional Knowledge – The Executive Director attended the last day of the TK workshop held at Diavik. It was interesting to observe the process and it would be beneficial to examine how recommendations are considered and follow up. Gabrielle Mackenzie-Scott asked who puts the TK Report together. The facilitators Joanne Barnaby and Natasha Thorpe are responsible for assembling the report. There are 95 plus recommendations that have been made by the panel. EMAB is planning to host a workshop in February to hear a presentation from the TK Panel, Elders and Diavik and assess whether TK is being implemented as per the EA. The Chair asked whether there is a particular person responsible for TK at Diavik. The Executive Director noted that Colleen English was the contractor hired by Diavik to manage the TK process. At the next TK session, EMAB plus one or two Directors will attend the session.

Doug Crossley noted that the minutes should be reviewed in a timelier manner such as a teleconference in between meetings. The Executive Director responded that it has been an issue for certain directors to be able to dedicate more than one or two hours on any given day, which again, gives rise to the issue of quorum and director availability. It should be noted that October 15<sup>th</sup> was a short meeting and still quorum was an issue and the same for November.

Air Quality Monitoring Plan – A draft letter to Diavik with our recommendations will be sent to Diavik.

*Business Arising from the Minutes – November 18<sup>th</sup>, 2014*

Budget 2015 – 2017 to be discussed in Item #8

## **6) Executive Director's Report**

The following are items worked on since the last ED report in September

The Annual Report for 2013-2014 was developed through a review of all of the emails from each of the previous staff members emails in order to identify the activities for the previous year. This was a very time consuming activity, since all the staff resigned. We will be reviewing the draft annual report in detail later on in the meeting.

There were two teleconferences attempted: October 15<sup>th</sup> and November 17<sup>th</sup> both were unsuccessful due to a lack of quorum. This is inefficient as the time spent to organize the meeting does not result in decisions being made. Both teleconferences required an hour or less of the Directors time. November 18<sup>th</sup> was also a very short teleconference and quorum was available.

Society documents were filed and EMAB is in good standing with registry requirements.

Met with WLWB to discuss training resources and process. The Executive Director will be inviting the WLWB to make presentations on a variety of topics, for example, Engagement Policy and Guidelines this afternoon. This will be an inexpensive means to developing Board capacity and knowledge.

Developed and ran an ad for administrative support. It would be beneficial for EMAB to develop a continual working relationship in this area for minute taking and meeting planning support.

Manage the hiring process for the Environmental Specialist, from the development of the Interview questions, written examination, setting up telephone interviews (we only conducted one in person interview) marking all papers and tabulating results. We are expecting the new staff member to join our team on January 19<sup>th</sup>, 2015.

Bookkeeping activities: Reconcile the financial statements for July to October and prepare the second quarter financial report. File all the invoices and reconcile files to ensure accuracy. Reconciliation of Directors honoraria in preparation for year end is underway.

Attended a conference on Indigenous Women in Leadership hosted by Dene Naho. This was a local conference attended by women across the NWT and Nunavut and had a dynamic line up of speakers.

Set up a trade show booth in partnership with SLEMA and IEMA at the Geoscience Forum 2014 for three days and attended a few select sessions on regulatory issues and mining related items. It was very well attended we had a lot of interest from environmental firms, students and the general public.

All preparations for the November meeting were conducted without administration support. This includes the travel, accommodations, honorarium and per diem preparations and the development and assembling of the meeting materials. It was noted that we have discussed moving into an E format for meeting correspondence.

Worked with IEMA to prepare for the Christmas open house, it should be noted that none of the EMAB Directors were in attendance.

**7) Financial Report  
2<sup>nd</sup> Quarter YTD  
April to September 30, 2014**

The financial report was presented to the Directors.

Summary: We are in the second quarter and have spent \$331,340 to date, we are on target with our spending and work plan.

There are two figures missing: Director's honoraria and office supplies: (The Executive Director was going to break these down into the Executive Committee and teleconference category but

did not have enough time, Office Supplies: Figure left out to break out the janitorial costs.) A revised version that includes these figures will be presented to the Directors at the end of the day for approval.

Financial Statements from Simply Accounting from April to September and for the month of October 2014 was presented to the Directors.

#### **8) Budget for 2015 – 2017**

The request from Diavik to reduce EMAB's budget to 600,000K was discussed. The Directors reviewed the provision in the Environmental Agreement, Diavik's letter of October 6<sup>th</sup>, 2014, the email from Gord Macdonald (Diavik) and the proposed budget.

**Motion:** *To send a letter to Diavik rejecting the request to reduce the budget to \$600,000. It was further recommended that since there has been no follow up with respect to the AANDC withdrawal, that that Diavik and EMAB meet with the AANDC Director, Mr. James Lawrance. Mr. Lawrance attended the EMAB AGM as the AANDC representative and is the point person in this regard.*

**Moved by:** Charlie Catholique

**Seconded by:** Doug Crossley

**Motion Carried**

#### **9) Banking CIBC**

The Executive Director presented the one Banking institution that responded to our request for proposals. Proposals were submitted to TD Bank, Bank of Montreal for financial services.

Directors decided to hold off on making a decision until the new year and would also look at the First Nations Bank for a proposal.

#### **10) Board of Director's performance**

There are two issues of concern with respect to Director's:

- 1) Availability of Director's to meet the needs of EMAB's schedule
- 2) Prepaid Days

The Executive Director noted that this same time last year, there were consistent and continuous issues with a lack of quorum, resulting in a delay in the ability to address issues and respond to time sensitive matters. To compound matters, having only one employee, it is difficult to juggle all the tasks involved with organizing meetings, managing the incoming environmental reports and day to day requirements. EMAB requires Directors that are able to provide the time commitment and availability for the meetings as EMAB requires and not necessarily to the Director's schedules and commitments. Every effort is made to give as much advance notice and considers schedules but when there are eight schedules to consider, it becomes a challenge.

There was discussion with respect to the addition of the two public representatives. The Director's decided that an Expression of Interest would be advertised for three weeks to garner a list of potential Directors. This list could be presented to the parties appointed Directors that have consistently been unavailable for meetings. It was also discussed to penalize those Directors with poor attendance by a reduction in their prepaid honorariums. This will be further discussed at the next meeting.

With respect to prepaid days, there has been consistent issues with claiming the additional days for honorarium without reasonable and justified back up. This has been confirmed with the auditor that the invoices submitted are not justifiable and do not demonstrate what EMAB is getting for the money it is paying out. The Board will further discuss this issue and the possibility of reducing the consultation days to two maximum per month to create fairness and accountability.

**Motion:** *To direct the Executive Director to put forth an expression of interest to develop a list of potential Directors to sit on the EMAB Board.*

**Moved by:** Doug Crossley  
**Seconded by:** Charlie Catholique  
**Motion Carried**

#### **11) Annual Report**

This was deferred to the end of the day to keep the meeting on schedule.

The meeting ended for lunch at 12:15 to reconvene at 1:15

#### **12) Process for Incoming Reports and Office Closure items were deferred to have the Engagement session as presented by the Weekezhii Land Water Board staff member.**

The Chair introduced Sarah Elsasser, Regulatory Specialist who will be making a presentation on the Engagement Policy.

Sarah thanked the Board for the invitation to present the newly approved Engagement Policy. She explained the process undertaken for the development of the policy and its key features.

There were no questions for Sarah with respect to the policy.

#### **13) Financial Report to September 30<sup>th</sup>, 2014**

The Executive Director presented the revised variance report for Director's and went over the previously omitted categories.

**Motion:** *To approve the financial variance report to September 30<sup>th</sup>, 2014 as presented.*

**Moved by:** Doug Crossley  
**Seconded by:** Napoleon Mackenzie  
**Motion Carried**

#### **14) Annual Report -2013- 2014 Draft**

The Executive Director and the Board went over the draft Annual Report and stopped at the ICRP section. Directors will be responsible for reviewing the remainder of the report and point out any errors or omissions. This report is very late and we should be focused on getting the report done.

#### **15) Review Process for Incoming regulatory reports and plans**

The Executive Director requested clarity on the process for sending the reports out for review and recommendations by the scientific panel. The past direction was that all reports would be reviewed by the Board and then direction given to the Executive Director for an independent review by the science panel. The Executive Director noted that the main part of our mandate is to be a public watchdog over the Diavik activities which include these reports and plans, and that due to the time sensitive nature of providing comments and often short turnaround times, combined with the inability to obtain a quorum for direction that the Board allow for the automatic submission of incoming reports to the science panel for review and recommendations. Upon receipt of the report, this will be forwarded to Directors for their review prior to a Board meeting. A policy will be developed to clearly outline this process and Directors were in agreement with this process.

#### **16) Office Closure**

As per previous years, the EMAB office will be closed from Monday, December 22, 2014 to January 2<sup>nd</sup>, 2014.

**Motion:** *To close the office from Monday, December 22, 2014 to January 2<sup>nd</sup>, 2014.*

**Moved by:** Doug Crossley  
**Seconded by:** Charlie Catholique  
**Motion Carried**

#### **17) Wildlife Guidelines – Submission by ENR**

This is for Director's information only. The deadline for comments is January 30<sup>th</sup>, 2015. The paper will be sent to MSES for a quick review and to determine if there are any areas of this paper that are of concern. Directors should conduct their own review of the documents in advance of January 30, 2015. We are proposing to meet on this and other EMAB business in mid- January.

#### **18) ICRP and Engagement Plan – DIAVIK**

The ICRP progress report for 2014 has been received by EMAB. This will be forwarded on to SENES for their review and comments. EMAB Directors will review the report once its received in preparation for the reviewers comment deadline.

The Engagement plan as presented by Diavik was reviewed as well as the comments received thus far from other agencies. Directors would like to submit the following general comments with respect to the document:

- Very generic and general document that looks as though it was drafted to meet the guidelines as set out by the WLWB. It lacks substance, clarity and too general and vague terminology. These comments will be sent to the WLWB from EMAB.

#### **19) Agency Updates**

Due to time limitations, this item will be deferred until the next meeting.

#### **20) A21 Update**

The Board called Gord Macdonald of Diavik via telephone to receive an update on the recently announced A21 pipe. Gord provided a PowerPoint presentation.

The Lutsel k'e Director asked whether there is a smaller footprint due to a smaller pit and dike.

The YKDFN Director asked whether the water is deep in that area. Response was yes, there is no underground and it is a relatively short 5 years of mining.

The Chair asked how many people would be employed with the addition of this project. Response: Approximately 150 during construction and around 30 for operations.

The YKDFN asked if Diavik was doing this project on their own. Response: Yes, mostly the earth movement and will utilize specialists for dredging and cut off of walls.

The Chair noted that besides a smaller footprint, what are improvements made with this project? Response: When A154 was built, there was uncertainty, the distance between the dike and pit below have been shortened. The Chair asked what does Diavik intend to do with the bottom sediment once it's extracted. Response: Put as a cover layer on the North Country Rock Pile and stock pile any remainder for closure.

#### **21) Community Concerns**

There were no community concerns raised.

#### **22) Other Business**

**Move into Camera:** Napoleon Mackenzie



The Board discussed two personnel issues: Environmental Specialist and the Executive Director's Performance Appraisal.

**Move out of Camera:** Napoleon Mackenzie

**23) Next Meeting Date**

The next meeting of Director's is tentatively scheduled for the middle of January, Directors are requested to keep that week open for EMAB business.

The meeting adjourned at 4:45 p.m.