

**Independent Environmental Monitoring Agency  
84th Meeting of the Board of Directors  
Yellowknife, NT  
December 4th, 2013  
Summary of Discussion**

Directors

Bill Ross  
Tim Byers  
Jaida Ohokannoak  
Arnold Enge  
Laura Johnston (by phone)  
Kim Poole  
Tony Pearse

Staff

Kevin O'Reilly, Executive Director  
Jessica Simpson, Communications  
and Environmental Specialist

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*Meeting commenced at 1:00 p.m.*

**AGENCY BUSINESS**

• **Information Updates**

Bill: Attended the November 4 meeting (by phone) on the financial securities review. Notes on the meeting were circulated.

Jaida: Attended the Jay-Cardinal Technical session, hosted by DDEC October 17, 2013. Jaida read the project description for Jay-Cardinal and Lynx expansion projects and also assisted with some communications items, such as the display and banner for the Geoscience Forum. Jaida also happened to be in town and attended a meeting between Agency staff and Tamarack Computers about the office infrastructure and information management upgrade.

Kim: Reviewed the Jay-Cardinal and Lynx expansion project descriptions and attended the Technical Session for the Lynx Project hosted by the WLWB December 3-4, 2013. Throughout the fall, he was also involved in e-mail exchanges about the Bathurst Caribou Herd Range Planning meeting. Kim also reviewed all of the wildlife documents pertaining to the proposed protocols for caribou and carnivore monitoring and the results of the wolverine DNA sampling studies.

Tim: Attended the Technical Session for the Lynx Project hosted by the WLWB December 3-4, 2013. Tim attended the Technical Sessions for Jay-Cardinal hosted by DDEC October 17, 2013 by teleconference. Tim also reviewed all of the Lynx and Jay-

Cardinal project descriptions and was involved in the performance evaluation of the Communications and Environmental Specialist.

Arnold: Attended the first half of the Jay-Cardinal technical session hosted by the DDEC. Arnold has also been busy with keeping the North Slave Métis Alliance leadership (NSMA Board of Directors) up to speed on DDEC's Lynx and Jay-Cardinal Projects.

Laura: Laura has been busy reviewing the Jay-Cardinal and Lynx Projects. She attended the WLWB Lynx project technical session December 3-4, 2013 and has been involved in the financial security review meetings.

Kevin: On November 15, 2013, met with Tamarack Computers about the office infrastructure and information management upgrade. The Agency has received a revised proposal. On November 4, 2013, the Agency met with other parties to talk about the financial security review. Kevin did preparation work for the AGM and Environmental Workshop. He was involved in the discussions with Bill and Tim on the dioxins and furans results for fish sampling issue. He reviewed the Lynx and Jay-Cardinal applications and put together the Agency's comments in the required comment table format. Kevin attended the Lynx technical sessions December 3-4, 2013, the IACT meeting October 24<sup>th</sup>, the wildlife workshops on caribou and wildlife monitoring guidelines; and the Geoscience Forum where he attended both talks and the tradeshow, which was good exposure for the Agency.

Jessica: Organized to have the three monitoring agencies share a booth at the Geoscience Forum. She also worked with Outcrop to have a display and a banner made in time for the Forum. Jessica created the interim Agency Facebook page, which includes a photo album and a timeline. She also attended and wrote the summary for the IACT meeting October 24, 2013. Organized the logistics for the Agency's AGM and Environmental Workshop and attended the two meetings regarding the financial security review. Jessica also organized and attended a meeting with Tamarack Computers to talk about the office infrastructure and information management upgrade.

- **Financial and Variance Report**

Financial Report: The current year's spending is on track with previous years. There are areas where the Agency is under-spent and the separate fund (which covers Jay-Cardinal and Lynx project reviews) will go over budget. Any surplus from under-spent areas will be used to cover over-expenditures in the Separate Fund.

If there are additional funds remaining near year end, Jaida suggests that there is a need for additional communications products, corporate identity materials or a CD with an audio or video presentation, with translation, of the Agency's mandate.

Action Item #1: Kevin will look into how corporate identity materials are treated in financial audits.

## **FOLLOW-UP ITEMS**

- **Annual General Meeting and Environmental Workshop**

The preparations for the meetings were reviewed. AANDC has indicated that it would like some time during the AGM to talk about what would happen to the Environmental Agreement because of Devolution.

Jaida also reminded the Directors that one of the comments from the 2012 AGM was that the Treasurer's Report on the audited financial statements and the Chairperson's presentation on the Agency's workplan and budget are very similar. Bill will reduce the focus of his presentation to the workplan.

- **Lynx and Jay-Cardinal Projects**

Tim, Kim, Laura (by phone) and Kevin attended the Lynx technical session on December 3-4, 2013. Some highlights include:

- Issue likely to go forward into the public hearing include effluent quality criteria (EQCs) to be used, when and how to update relevant management plans to include Lynx, lack of wildlife information and mitigation, dust mitigation and impacts, financial security and closure. Additional information is to be filed by DDEC on December 19.
- The only regulator not present was the Department of Fisheries and Oceans. There were a number of issues that arose around fish and fish habitat.
- DDEC's position is that there is no need for land lease for the Lynx Project as it is a short-term development that can be adequately regulated through a land use permit.
- WLWB staff stated that the scope of issues that can be dealt with through the water licence and land use permit is more limited than during the preliminary screening.
- DDEC is proposing to use at least two watersheds for the disposal of Lynx water during dewatering and mining operations. Some water may go to Desperation Pond and then into the Carrie-Mossing-Lac de Gras watershed for which no EQCs have been developed. The King-Cujo water system may also be used.
- It is clear that there is a lot more information and knowledge gained through the operation of the mine than what has been made available in the project description. The wildlife section in

the project description is three paragraphs. The Technical Session provided some helpful information but there are still some unanswered questions.

- There are 12 information requests that will be sent out very shortly. The Agency will have an opportunity to comment on them by tomorrow morning.
- There was not a lot of discussion on cumulative effects. Although it may not be necessary to address this issue in great detail for the Lynx Project, the cumulative effects issue will really matter for the Jay-Cardinal Project.
  - Some cumulative effects issues discussed were the caribou Zone of Influence and effects of dewatering discharge on any receiving water body.

Laura agreed to prepare a draft intervention for the Lynx Project public hearing on February 6-7, 2014 (now just February 6). This work will begin after the information requests responses are received.

Action Item #2: Laura will prepare a draft intervention for the Agency on the Lynx Project. Kim, Tim and Kevin will assist.

The Mackenzie Valley Environmental Impact Review Board will be hosting scoping sessions in Yellowknife January 8 on the Jay-Cardinal Project. Community scoping sessions in Lutselk'e and Behchoko will be held the following week. The scoping sessions are staff led and less formal than technical sessions. This is an opportunity to advise the Review Board on what should be addressed in the Terms of Reference.

Alternative means of carrying out the project is a key issue in reducing the impacts and is not dealt with very clearly in the company's draft terms of reference. The Agency's work plan and budget for the review of the Jay-Cardinal were also discussed. Directors interested in attending the scoping sessions are Bill, Jaida, Arnold and Tony. Directors will need to have their comments on the draft terms of reference by mid-December. There will be another opportunity to review a draft terms of reference that the Review Board will prepare and distribute following the scoping sessions.

Action Item #3: Kevin will compile the comments from Directors on the draft Terms of Reference before December 13, 2013. Bill and Tony will ensure that the Agency's comments are filed on or before December 22.

- **2012 AEMP Dioxins and Furans for Fish Sampling**

During the 2012 AEMP, there were a number of issues with the fish sampling. Only one whitefish out of 22 that were caught from Kodiak Lake was analyzed for EROD (enzyme

activity related to exposure to organochlorines) instead of three fish as was done for the other lakes. DDEC explained that this was an error but has not committed to do more sampling or to further investigate whether dioxins or furans have entered the aquatic foodchain in Kodiak. The inability to answer key questions with the AEMP is something the Agency would like to avoid in subsequent years.

The Directors noted that the incinerators are operating and there is nothing that can be done about the dioxins and furans in the sediment of Kodiak Lake. However, the fish sampling protocol that was separately approved by the WLWB could be improved by specifying what happens when the specified fish sample size is not achieved. For example, another attempt could be made at sampling late in the season or the following year. The protocol should be improved in time for the 2015 sampling season.

Action Item #4: Tim and Kevin will draft a letter to the WLWB requesting an improvement to the fish sampling protocol for the AEMP 2015 sampling season.

- **Bathurst Caribou Herd Range Planning Meeting (Nov. 12-13) and Regional Wildlife Monitoring Workshop (Nov. 26-28)**

The results of these two meetings were discussed. Although progress has been very slow, these initiatives to improve cumulative effects management and wildlife monitoring appear to be heading in the right direction.

- **Financial Security Review Update**

The Directors discussed the lack of progress in revising the financial security for the Ekati Mine, both for the water licence and the Environmental Agreement. The ICRP was approved in November 2011, which was the starting point. The amount of security necessary to close the mine in accordance with that ICRP was determined by the WLWB July 2013 as \$263 million, and the federal government only holds \$125 million. The process to review the financial security under the Environmental Agreement has been stalled for more than two months as DDEC has not submitted its proposal for financial security. It was agreed that the Agency would revisit this situation early in 2014 and if there is no further progress, a letter to appropriate Ministers would be considered.

Action Item #5: Agency will consider further action on the issue of financial security early in 2014.

- **Modeling Predictions of Water Quality for Pit Lakes**

The long awaited report predicting water quality in the pit lakes for closure planning purposes was recently received. The results are not encouraging as the only pits with a high likelihood of

meromixis (separation of water layers) are Panda and Koala with the remaining pits (Misery, Pigeon, Beartooth, Fox and Sable) likely to have water quality issues. Although the WLWB has not yet set a formal review process for this report, it was agreed that Laura and Tim will review it when it is out for review.

- **Spill Contingency Plan**

Laura agreed to look at the updated version of the Spill Contingency Plan and to pass along any comments.

- **Communications Update**

The Agency staff and Jaida met with Tamarack Computers to talk about revising the proposal to assist the Agency with our networking and information management needs. The priority will be to get the network (server with back-up) set up, then the website moved over to Tamarack, and then to set up Dropbox for business beginning in May, so that the Agency can take advantage of the 30 day trial period to see if it is beneficial for the Annual Report production. A revised proposal was received by the Agency to carry out this work at a cost of about \$10,000. There will be some additional costs for consulting time on designing an information management and filing system for the Agency, depending on available funding and time before the end of the financial year.

Moved by Arnold, seconded by Jaida. That the Agency accept the proposal from Tamarack to carry out the Infrastructure Upgrade Project. Carried unanimously.

Action Item #6: Agency to proceed with the Infrastructure Upgrade proposal from Tamarack with Jessica taking the lead.
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At the last board meeting in September, the Agency decided to create a 6 month interim Facebook page. Jessica has spent minimal time creating the page and we have 21 'likes' and 10 people are 'talking about it'.

## **OTHER BUSINESS**

- **Election of the Officers**

Following the Agency Annual General Meeting, the Directors met again to discuss the election of the Officers. The current Executive (Bill Ross as Chairperson, Tim Byers as Vice-Chairperson, Jaida Ohokannoak as Secretary-Treasurer) were agreeable to staying in those positions

Moved by Tony. Seconded by Kim. That the current Executive for the Agency Board of Directors remain in place until the next Annual General Meeting. Carried unanimously.

- **Future Meetings**

- The Environmental Agreement implementation meeting will be held in January or February 2014.
- Tim will attend the Canadian Conference for Fisheries Research January 3-6, 2014 in Yellowknife on behalf of the Agency, as approved by the Directors.
- The next board meeting March 12 – 14, 2014. The Agency will also try to combine this meeting with a community visit.
- The May 12-16, 2014 North American Caribou Workshop in Whitehorse May 12-16, 2014. Kim will attend on behalf of the Agency, as approved by the Directors.
- The Western Mining Action Network bi-annual conference will be May 8-11, 2014 in Anchorage, Alaska. Kevin may attend as part of professional development for the Agency.
- The Agency's Annual Report Writing Session will be May 5-7, 2014 on Mayne Island, BC with Sydney, BC as an alternate if there is no meeting space.

*Meeting adjourned at 3:00 p.m. on December 6, 2013.*



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**Summary of Discussion Approved by  
Jaida Ohokannoak, Secretary Treasurer.**

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