

**Independent Environmental Monitoring Agency
76th Meeting of the Board of Directors
Yellowknife, NWT
December 6 and 9, 2011
Summary of Discussion**

Revised: January 17, 2012

Directors

Bill Ross
Tim Byers
Laura Johnston
Jaida Ohokannoak
Sheryl Grieve
Tony Pearce (by phone)
Kim Poole (by phone)

Staff

Kevin O'Reilly, Executive Director

AGENCY BUSINESS

➤ **Information Updates**

Bill – Involved in the recruitment process, including interviews for the new Communications and Environmental Specialist with the Agency. There are strong candidates and it was difficult to create a short list. Comments were also prepared on the draft closure guidelines distributed by the Mackenzie Valley Land and Water Board (MVLWB).

Jaida – Busy with new twin babies and general Agency correspondence.

Tim – Reviewed the Fay Bay spill monitoring report and of the view there is still an issue with potential impacts on cisco habitat. Prepared a presentation for the upcoming Traditional Knowledge (TK) workshop. Also involved with the recruitment for the Agency Communications and Environmental Specialist.

Laura – Reviewed the 2011 version of the Wastewater and Processed Kimberlite Management Plan (WPKMP). Attended the first part of the Wek'eezhii Land Water Board risk assessment workshop.

Sheryl – Getting familiar with the Agency's work over the last few years by reviewing documents, website, and meeting with Audrey and being briefed by the North Slave Metis Alliance leadership and Audrey.

Tony—Attended the Mine Closure 2011 conference and found it very helpful. A particularly interesting presentation by Andy Robertson was subsequently circulated to other Directors. The 2011 WPKMP was also reviewed.

Kim—Participated via teleconference from Greenland in the November 2 grizzly bear monitoring workshop. The caribou zone of influence paper is now in press.

Kevin – Attended the Mine Closure 2011 conference and prepared a memo for the Directors. Followed-up on the CCME draft guideline for nitrate, which is not likely to change, with a final guideline expected in the coming months. An e-mail was sent to BHPB offering support for the temporary Pigeon Stream Diversion that would be next to the pit, provided information from the risk assessment would be made available. Worked with BHPB staff on the TK workshop later this week. Compiled and forwarded the Agency comments on the MVLWB closure guidelines.

Attended the November 2 grizzly bear monitoring workshop put on by GNWT Environment and Natural Resources (memo prepared with Kim for the Directors). The Polster report on revegetation sustainability was posted to the Agency's website and circulated to interested parties. A notice for the Agency's Annual General Meeting was circulated. Assisted staff of the WLWB in identifying potential speakers for the risk assessment workshop. Coordinated the recruitment process for a new Communications and Environmental Specialist. Attended the Geoscience Forum November 16-18, and the NWT Water Strategy Update on November 24. Agency comments on the 2011 Wastewater and Processed Kimberlite Management Plan were compiled and submitted.

➤ **Financial Report**

Jaida reviewed the 2011-12 Year-to-Date Expenditures and Variance Report. All spending appears to be on track. Board meeting expenses are less than budgeted because not all Directors have been able to attend all meetings. A community visit to Whati could still occur this year, likely in March 2012.

➤ **Administrative Items**

The potential issue of overtime for Directors was brought to the attention of the Agency. Under the NWT *Employment Standards Act*, the standard work day is eight hours and 40 hours per week, with work in excess of these limits considered overtime at 1.5 times the regular pay. Agency staff track their time on monthly sheets and are given time and half as lieu time earned for work over 40 hours a week. This does not happen very often. Employees in a "managerial capacity" may, by agreement, be exempted from overtime requirements under the *Act*. Following some discussion, Directors saw no reason to change the overtime practices currently followed by staff. It was observed that only very rarely would a Director be required to work over the limits set out in the *Act*. Directors agreed that they do serve in a managerial capacity, and that Directors normally control the timing of their own work. Therefore, no overtime need be paid by the Agency to Directors if they exceed the daily or weekly hours as specified in the *Act*.

Kevin investigated the staff benefits plan available through the Northern Employee Benefits Services (NEBS), a non-profit cooperative based in Yellowknife. The Environmental Monitoring Advisory Board, some of the co-management boards and northern municipalities are served through NEBS. An estimate for the coverage of Agency staff (Executive Director and Communications and Environmental Specialist) was obtained from the NEBS Chief Executive Officer. The benefits offered are either equivalent, and in most cases better, than currently available through the Chambers of Commerce plan, and substantially lower in cost for the basic coverage. NEBS also has the option of a pension plan. An application by the Agency to NEBS is the first step in obtaining coverage.

It was agreed that the Agency should move its employee benefit program from the Chambers of Commerce to NEBS.

The Board of Directors approve moving the Agency staff benefit program from the Chambers of Commerce to NEBS.

Moved by Tim Byers. Seconded by Jaida Ohokannoak. Carried unanimously.

Action Item #1 Kevin to apply to NEBS on behalf of the Agency for the basic coverage for Agency staff members.
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➤ **Interim Closure and Reclamation Plan (ICRP)**

On November 7, 2011 the WLWB approved version 2.4 of the ICRP. BHPB is required to submit the first annual progress report on December 31, 21012. The next version of the ICRP is at the discretion of the WLWB but six months notice will be provided.

The next step in the process is for a reclamation liability estimate based on the ICRP and then for financial security to be revised accordingly. The WLWB has not provided direction on these issues but there was a recent phone call from Ryan Fequet. Kevin suggested to Ryan that it would be helpful if the security requirements of both the water licence and Environmental Agreement could be coordinated through one reclamation liability estimate that covers both land and water, and that a coordinated process would make the most sense. It was clear that WLWB staff were not aware of the security requirements and process laid out in the Environmental Agreement. If there are to be submissions to the WLWB on reclamation liability, it was suggested that all interested parties should have the opportunity to review and comment on such submissions. Some further informal discussion may be in order.

➤ **2011 Wastewater Processed Kimberlite Management Plan (WPKMP)**

Kevin compiled review comments from several Directors and submitted them using the WLWB on-line comment table system. Comments and concerns were also discussed with Aboriginal Affairs and Northern Development Canada (AANDC) staff. A copy of the comment table with the Agency's input was also circulated to the Society members. AANDC submitted its own comments.

BHPB responded to the comments on November 23, 2011. The Agency's main concerns included BHPB submitting a revised Long Lake Containment Facility Water Model used to support the WPKMP, information on what criteria are used to determine how various wastewater streams are handled, and the need for water quality and water column stability monitoring in Beartooth pit as processed kimberlite is now to be deposited there. Although BHPB replied to the Agency's comments, the responses do not provide much detail. BHPB is seeking approval in time to move pipe for the pipeline up during this winter road season to allow for deposition of processed kimberlite into Beartooth in 2012.

No further action to be taken as the Agency awaits the decision of the WLWB.

➤ **Environmental Impact Report (EIR) 2012**

The Discussion Paper released by the Agency in January 2011 was reviewed in preparation for the EIR meeting with BHPB later this week.

➤ **Ekati Water Licence Renewal**

The water licence for the Ekati mine expires in August 2013. The Agency has had some preliminary discussions with BHPB and others about issues and concerns. On June 27, 2011 several Directors met with BHPB staff. Concerns were raised about several elevated water quality parameters downstream of the mine including chloride and nitrate. Recent Surveillance Network Program monitoring results for August and September 2011 show chloride levels ranging between 25 to 140 mg/L in Cell E of the LLCF.

The Agency will also need to consider what the term of any renewal should be and whether a separate closure water licence will be necessary. The Agency was reassured when it heard that the WLWB intends to retain independent technical expertise to review all effluent quality criteria and aquatic monitoring program results. This may result in new parameters being regulated under the water licence, including nitrate and chloride. The CCME recently released a chloride guideline for the protection of aquatic life.

The Agency has not undertaken any further investigations into the issue of mixing zones pending some further input or direction from Environment Canada and Fisheries and Oceans. This information may not be forthcoming until the public hearing.

Action Item #2 Laura to put together a briefing note for the Agency on the issue of mixing zones.

Directors also noted that BHPB has not completed its promised work on critical effects size as part of the adaptive management plan. This issue may be dealt with as part of the renewal as the WLWB intends to have its technical experts propose water quality objectives and EQCs.

➤ **Grizzly Bear Monitoring Workshop**

This session was sponsored by GNWT ENR and attended by the four diamond mines (Ekati, Diavik, Snap Lake and Gahcho K'ue) and others on November 2, 2011. The meeting was a good one and surpassed the Agency's expectations. It was generally agreed that the revised grizzly bear monitoring program objectives from the July 2010 meeting were still sound and should be adopted through a coordinated DNA hair snagging program. BHPB and Rescan proposed a jointly funded (by the diamond mines) hair snagging program that would cover all the mine sites using a graduate student lead and logistical support from the mines. ENR committed to assist with technical advice and to review the monitoring program results for its use in overall grizzly bear management.

BHPB showed leadership in putting forward the proposal at the meeting and has indicated it will proceed alone with a systematic program if necessary, that would at least cover its area of interest. The Agency representatives at the meeting complimented BHPB for its initiative. There may be some cost savings and refinements to the program such as reduction in the sampling frequency and modification to the proposed study area that could help focus the work better. The three other diamond mines indicated that they would respond by mid-December 2011 to indicate their interest and financial support for a joint program.

➤ **Communications**

A draft of a new Agency poster should be available for the AGM later in the week. It was agreed that Laura and Kevin would prepare a few slides as an additional presentation for the AGM to seek direction on a few communications priorities including the poster and whether it should be translated and printed for appropriate Aboriginal languages, community visits, newsletters and fact sheets, and plain language summaries.

➤ **Election of Executive**

Following the AGM, the Directors convened in person and by e-mail to elect the Chair, Vice-Chair and Secretary-Treasurer.

The Board of Directors retain the Executive (Bill Ross as Chair, Tim Byers as Vice-Chair, Jaida Ohokannoak as Secretary-Treasurer) until the next Annual General Meeting.

Moved by Kim Poole. Seconded by Laura Johnston. Carried unanimously.

OTHER BUSINESS

➤ **Future Board Meetings**

The dates of future Agency Board meetings and other activities were agreed upon as follows:

March 20-22, 2012 Possible Board meeting and community visit to Whati

May 7-11, 2012 Possible Annual Report Writing Session

Action Item #3 Staff to check with Whati organizations about an Agency Board meeting and open house in the community for March 2012.

Action Item #4 Tony to check on the availability of the Mayne Island lighthouse and possible meeting locations in the southern Okanagan area.



Summary of Discussion Approved by
Jaida Ohokannoak, Secretary Treasurer.