February 5, 2007

Zabey Nevitt
Executive Director
Wek'eezhii Land and Water Board
c/o Mackenzie Valley Land and Water Board
7th floor, 4910 50th Avenue
PO Box 2130
Yellowknife, NT X1A 2P6

Re: EMAB recommendations

Dear Zabey,

The Environmental Monitoring Advisory Board (EMAB) discussed a number of the recommendations made to the Wek’eezhii Land and Water Board (WLWB) in our intervention to the water licence renewal hearing at our recent meeting January 18-19, 2007. These recommendations (attached) are related to management of the licence rather than the licence itself, so EMAB members have formally adopted them as recommendations under Article 4.3 of the Environmental Agreement and are conveying them to the WLWB through this letter for a formal response.

Please contact John McCullum at the EMAB office if you require further information. I look forward to hearing from you.

Sincerely,

Doug Crossley
Chair

Cc  EMAB members (by email)
    Parties to the Environmental Agreement
EMAB Recommendations related to management of DDMI water licence
MV2005L2-0009

EMAB supports a requirement that annual AEMP reports be rigorously reviewed against clear standards and objectives, and that previous annual AEMP reports be reviewed and revised as necessary to ensure the public record is accurate.

EMAB recommends that:
- the WLWB make recommendations to the Minister regarding the need for intervener funds for water licence proceedings, including renewal hearings.
- The WLWB make recommendations to the Minister to provide authority to the WLWB to award costs from hearings, including advancing of funds.

EMAB recommends that: an independent audit be conducted to assess the degree to which inadequate review and/or lack of technical capacity affected the ability to identify and respond to problems with DDMI’s previous Aquatic Effects Monitoring Program and annual reporting in a timely manner.

EMAB recommends that: the WLWB clearly identify the process by which the water licence can be amended and how this process can be initiated in the public interest by stakeholders and Parties to the Environmental Agreement. EMAB further recommends that: the WLWB develop at the earliest possible time explicit, publicly available criteria that it will use in determining whether an amendment to a water licence, or to a component such as the AEMP, is in the public interest.

EMAB recommends that any exemption to any requirement of DDMI’s water licence should be clearly documented and explicitly approved by the WLWB to ensure clarity, transparency and accountability.

EMAB recommends that the WLWB establish a policy and target of making decisions on all submitted reports (other than those sent back for revision) within three months of the submission date.