

***Independent Environmental Monitoring Agency
42nd Meeting of the Board of Directors
Yellowknife, NWT
November 4th – 8th, 2004
Summary of Discussion***

Revised: February 14th, 2005

Directors

Jaida Ohokannoak	Tim Byers
Bill Ross	Tony Pearse
Dave Osmond	

Staff

Carole Mills	Sean Kollee
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Information Updates

Other than the regular analysis of BHPB reports and plans conducted by staff and Directors:

Bill and Tim participated in the BHPB led LLCF site visit and multiple accounts analysis consultation process. Bill also engaged in discussions about mediation regarding the Agency budget with BHPB and DIAND. Tim attended the annual general assembly in Lutsel K'e where he presented information from the Agency annual report.

Tony has been appointed as an alternate for the EMAB Dogrib-appointed director and to the Snap Lake science panel.

Carole delivered a presentation to Mining Watch Canada on the Agency. She also noted that IACT had a discussion on air quality models at the last meeting. BHPB remains uncommitted to use of the CALPUFF model until suitability of the data is confirmed. The Dogrib have asked IEMA and EMAB to visit the communities together. We've asked us to attend the next Dogrib Lands Protection Committee meeting to discuss further.

Meetings with Others

John McCullum – EMAB

EMAB participated in a community meeting at Dettah as part of its community engagement and strategic planning. EMAB members were asked to confirm EMAB's priorities of wildlife, water and fish, how to involve communities directly in monitoring, how TK can be used better, and whether communications need to be improved. The Dogrib requested a joint presentation in their communities with the Agency. Regarding joint presentations, EMAB is cautious of the time to get through the presentations and does not want an EMAB strategic planning process to be confused with IEMA activities.

EMAB submitted a budget to Diavik for \$610k which was approved and will be provided as a single lump sum 60 days prior to the fiscal year start date.

EMAB's TK panel visited the Diavik mine site. The TK Panel's outstanding concern is fencing the processed kimberlite containment area.

Diavik is providing an update on the WEMP to EMAB as it delivers the report on March 31st, too late in the season to effect change on the program. EMAB recommended MVLWB assess the effectiveness of Diavik's AEMP. Rescan has been contracted by the MVLWB to do this work.

Meeting with the MVLWB (Sarah Baines)

The Directors requested an update on the water licence renewal process. Sarah replied that comments from stakeholders would be circulated with a one-week review period. Some of the blanks in the draft licence will be filled in and another week will be provided to review the second draft.

Sarah also mentioned that the MVLWB has approved a second hearing related to security, the first is on Abandonment and Reclamation.

The Directors discussed the issue of selecting a mixing zone for the receiving environment and if the MVLWB would be adopting an approach of using a mixing zone as shown in the Lorax report on effluent limits. Sarah noted that the Board has not seen the Lorax report, and will not review it until it deliberates. Her inclination is that the MVLWB will continue with the point of compliance being the outlet of the LLCF. An option is to use the numbers generated by the Lorax report to back calculate what the end of pipe limits should be. The Directors noted that they recommended a requirement to hold annual environmental workshops be in the new Ekati water licence. The Directors suggested that the Agency would again be advising this.

Meeting with Anne Gunn (RWED)

Anne suggested that it may be time to consider a technical workshop to revise the study design of caribou survey work. Anne was involved in a study with Belanger, Poole, and others that received funding from DIAND. The study was a good example of the technical approach needed to review large and untidy data sets and was done to address potential cumulative effects on caribou. Anne feels there may be a larger distance effect on caribou than could have been expected but there is uncertainty related to this. Dust may be a signal that the caribou are likely to be influenced by. (Presentation available by request to the Agency)

Meeting with BHPB (Chris Hanks and Jane Howe)

The mediation issue involving BHPB withholding funds from the Agency surplus was discussed. BHPB would like to see an Agency budget tied tightly to the Agency work plan. If additional work is necessary the Environmental Agreement contains provision on how additional funds should be accessed.

Chris stated that if the Agency is under financial strain in the final quarter and comes forth with a reasonable request (of the order of \$30k) then such funds would be made available. An agreement was reached between the Directors and BHPB that while funds from the surplus will not be returned, if an Agency shortfall is encountered, funds will be made available.

Revisiting the work plan on an annual basis was agreed to be a sound exercise. As Agency moves closer to the second year of its approved work plan and budget, BHPB activities are more clear so can then be accurately budgeted for. The BHPB life of mine planning process will also be in place leading to some more predictability as far as pending events and related work.

The Directors requested staff draft a letter to DIAND and RWED containing the resolution between the Agency and BHPB of the outstanding budget issue (the Agency letter is available on the Agency website at www.monitoringagency.net)

Chris also noted that a Grizzly was shot at Ekati and the incident report has yet to be filed.

Water Licence discussion

Chris noted that BHPB is very concerned about the conditions in the draft licence applying to project modifications and prefers the old SNP numbering system to avoid future confusion with data. There appears to be a shift of responsibility to make decisions to MVLWB from the DIAND inspector and BHPB has noted an inability of the MVLWB to make decisions within reasonable timelines. BHPB may be supportive of a technical advisory team to allow creation of licence terms that are workable for a company. The current Ekati draft licence is not workable for the company. BHPB also has an issue with the broad MVLWB distribution list. It feels that its project was assessed and approved and the public does not need to review every management plan and construction plan or change at Ekati as it burdens BHPB with the time allocated for stakeholder review.

LLCF Consultation Process

Jane noted that there are likely to be two remaining meetings, a 1.5 day meeting to review information presented at Ekati and a full day meeting to review the options in detail. A second meeting to conduct the multiple accounts analysis would be held in January 2005. The process plant operators will write the new *processed kimberlite and wastewater management plan* with advice from the environment department. This should obtain greater buy-in from those responsible for implementation.

The Directors requested BHPB deliver the annual field season reports earlier than last year. BHPB stated that it targets December for the *AEMP* and *WEMP* reports (drafts). BHPB noted that final 2003 reports have yet to be distributed.

Bearclaw Lake Draw down.

The Directors requested to be informed by BHPB how the failure to prevent undue draw down of Bearclaw Lake relates to BHPB's ISO 14001 environmental management systems. They also noted that DFO has issued a violation warning of the Fisheries Act and the next similar instance will result in charges. BHPB mentioned that long term environmental effects were avoided but approximately 60 burbot of the year stranded. Phytoplankton in the lake increased and there was a temporary loss of littoral areas. The high water line returned in time for the fall spawners to avoid harm. Rescan was instructed to prepare its report on the drawdown without BHPB review and to distribute the report independently. BHPB feels that human error, the cause of the problem, can be avoided in the future by better training and labelling of pumps and switches, and applying ownership of management of wastewater to employees.

Follow up to the Agency 2004 Annual General Meeting (AGM)

The Directors agreed that the discussions held at the AGM were very informative and helpful. Aboriginal members indicated they would like the company to conduct annual collaborative review of its monitoring programs. While DIAND indicated support for the workshops, it noted that it was not a legal requirement and therefore would support IEMA if it was to host the workshops two out of three years. BHPB noted its original purpose for the workshops was to improve BHPB's monitoring programs and now the programs have evolved to be effective tools for environmental management. The Directors and BHPB also noted compliments from the Aboriginal members on the value of Agency technical assistance.

The Directors felt they received some clear guidance to be more proactive about visiting communities. It was agreed that Agency Board members who are community appointees would be more active in offering to visit the communities. The Directors agreed that to the extent possible it would indicate which months Agency meetings are likely to be held and then make this information available to encourage members to discuss matters related to Ekati.

Agency Draft Water Licence review submission

The Directors engaged in a lengthy review of the draft water licence MV2003L2-0013. In composing a response they highlighted seven areas for comment (Agency letter to MVLWB regarding comments on draft one of MV2003L2-0013 are available by request to the Agency or at the Agency website, www.monitoringagency.net)

Agency hosted Reclamation Workshop

Carole noted that the workshop has been approved in principle by DIAND. The Agency Director contribution has been agreed to be no more than a small number of office days. February 1-3rd, 2005 were suggested as possible dates with the week before or after as alternatives. The event will be jointly hosted by DIAND and the Agency, Directors in attendance would also make suggestions on what they would like to achieve and contribute.

The objectives of the workshop were listed as follows:

- Presentation on DIAND reclamation guidelines
- Attempt to Define common terminologies
- Review objectives and options from existing *A&R plans*
- Identify mine components and objectives
- Highlight reclamation research needs
- Discuss Closure criteria

The Directors discussed the overall need for this workshop to be to initiate development of objectives and criteria for closing Ekati and a process to achieve a diamond mine *A&R plan*. DIAND may also want progress on developing closure criteria for diamond mines.

Directors provided the authority to Carole to plan and make financial arrangements for the workshop along with a steering committee (yet to be formalized).

Follow up to LLCF consultation process

The Directors requested that staff examine the binder provided by BHPB at its LLCF consultation event to review case studies on multiple accounts analysis to see how community input was captured, what the accounts were and what were the key items of importance.

Directors planned to send staff and three Directors to part two of the BHPB led LLCF consultation process.

Action Item #1 – staff review the multiple accounts analyses distributed by BHPB to view the key items of input and importance.

Finance and Administration

The Directors viewed a draft work plan and budget for the Agency from 2005-2007, and will consider its approval over the coming months. Carole was instructed to extract from the draft work plan and budget document something suitable for presentation to the company prior to the next Agency conference call to be held prior to Christmas and to circulate this to the Directors for approval

The Directors requested staff carry out advertising for the Agency manager position. The deadline for applications was set at November 30th, 2004 with potential interviews prior

to Christmas with the suggestion that the future manager could spend some time with Carole to learn the position prior to her term end.

Action Item #2 – Staff immediately advertise in the Yellowknifer, News North, Nunatsiaq News and online for the manager position.

Action Item #3 – Carole modify draft work plan and budget in preparation for Director review and distribution to BHPB.
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Nomination of Officers

Motion: Bill Ross be nominated for the position of Agency Chair.

Moved: Tim Byers

Seconded: Dave Osmond

Carried without Opposition

Motion: Tim Byers be nominated for the position of Agency Vice-Chair

Moved: Dave Osmond

Seconded: Tony Pearse

Carried without Opposition

Motion: Jaida Ohokannoak be nominated as the Agency Secretary-Treasurer

Moved: Bill Ross

Seconded: Tim Byers

Carried without Opposition

The Board supported Jaida Ohokannoak having signing authority in Agency financial matters.

The Directors mentioned their appreciation for the seven years of service as Agency Secretary-Treasurer from François Messier.

Schedule Planning and Next Meeting

Next meeting February 4th – 6th, 2005 following the Agency hosted mine reclamation workshop.

Summary of Discussion Approved By:

-ORIGINAL SIGNED BY-

Jaida Ohokannoak, Secretary Treasurer