

**11th Board of Directors Meeting
December 11th and 12th, 1998**

Summary of Discussion and Decisions

Directors Present:

Red Pedersen	Tony Pearse
Fikret Berkes	Kevin O'Reilly
Peter McCart	Bill Ross
François Messier	

Staff Present:

Hal Mills	Matt Bender
Janice Traynor	Alan Ehrlich

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Friday Dec. 11th, 1998.

The Board convened at 8:30 a.m.

REVIEW OF AGENDA

The Agenda was modified to accommodate the schedules of guests from RWED.

BUSINESS ARISING FROM LAST MEETING

The status of each action item from the last meeting was reviewed. All were accomplished.

INFORMATION UPDATES

The Chair, Directors and Staff all presented updates on recent happenings.

Red Pedersen reported that Diavik has held an open house in Kugluktuk. The KIA has withdrawn from the Diavik steering committee and will be conducting its own study. Red also noted that BHP was in Kugluktuk finalizing an Impact Benefit Agreement.

Kevin O'Reilly presented a talk on the Independent Environmental Monitoring Agency at the environmental management session of the GeoScience Forum on Nov. 26th. Kevin also reported on recent events at the Diavik community discussions in Ndilo.

On December 9th and 10th, Kevin facilitated the Traditional Knowledge workshop with participants from all Aboriginal organizations involved with BHP. (Note: Workshop details are described under their own heading below).

Kevin appeared before the Voisey's Bay review panel. Although he did this as an individual (as opposed to as a Director of the Agency) at the request of the Labrador Inuit Association, he made a presentation on the Independent Environmental Monitoring Agency to the panel. Kevin has donated materials from this review to the Resource Centre of the Agency.

Aboriginal organizations at Voisey's Bay expressed interest in the idea of an independent environmental monitoring agency, and in conducting monitoring in partnership with the mining company. Kevin noted that this idea might be worth applying here.

Tony Pearce has been working on Long Lake tailings issues that involve BHP and the Water Board, and attended the Traditional Knowledge workshop on behalf of the Agency.

François Messier has presented a talk at the GeoScience Forum on behalf of the Agency. The talk was entitled "Monitoring the Impacts of Mining and Road Infrastructure on Caribou Herds: The Need for a Multi-Scale Approach". François also prepared a poster for the Traditional Knowledge workshop in

Ndilo (Dec. 9th and 10th). The poster describes his work involving the collection and incorporation of Traditional Knowledge in caribou research. He also made two related articles available.

Fikret Berkes has identified John Gadsby as a consultant who appears willing and suitable to provide technical geochemical review services to the Agency should the need arise. Fikret is looking at the possibility of setting up an accessible information management system that is suitable for integrating scientific and traditional ecological knowledge relating to the Bathurst caribou herd. Such a system could be extremely helpful in applying existing knowledge as well as monitoring changes.

Bill Ross and **Pete McCart** have reviewed the aspects of the Diavik environmental assessment that are relevant to the cumulative effects of Ekati.

STAFF UPDATES

Hal Mills pointed out that the Agency workload is taking more time than provided for in the GeoNorth contract. Some of the new activities that demand time were reviewed. It was pointed out that the current workload is largely necessary if the Agency is to serve its various functions, but that the initial GeoNorth contract was based on an assumption of workload that is no longer accurate.

Matt Bender and Alan Ehrlich reviewed the new documents that have arrived at the Agency since last meeting, described staff involvement in organizing the recent Traditional Knowledge workshop. They also provided an update of other recent events and correspondence, and described recent feedback to the web-site (which will be updated before the next meeting).

INSPECTION UPDATE WITH DARREN UNRAU, DIAND

Darren Unrau met with the Board and discussed recent developments at the mine. Darren described:

- recent operations and events noted during his inspections;
- a concern relating to the drainage of seepage from coarse ore;
- a 6000 litre fuel spill that occurred due to a faulty shut-off mechanism;
- the plan for two bulk samples (200-500 tons) at Gazelle Lake this winter; and,
- DIAND's plans to increase monitoring of the winter road this year.

MEETING WITH OUTCROP ON ANNUAL REPORT PRODUCTION

Marion LaVigne and Heidi Held described options regarding the production of the next Annual Report of the Agency. Topics discussed included alternatives for covers, colour, paper type, and cost estimates.

It was decided that page limits for each subject will be assigned to individual directors, and length editing will be done in-house by Hal and staff. Following

this, submissions will be sent to Outcrop, who will edit submissions in terms of style and flow, and graphically design the report. The Board agreed that the Annual report will be a full color document with "landscape" page orientation. The report will total 44 pages in length, excluding the cover.

The Board reinforced to Marion and Heidi that while style editing is necessary to "popularize" content and increase readability, it is essential that the intellectual substance of the report is not lost in editing.

Action item: Hal is to negotiate a contract with Outcrop to reflect Board decisions on Annual Report production.

NEWSLETTER

A sample list of potential story lines was presented to the Board by staff. It was decided that rather than send out an eight page newsletter every six months targeted at many different audiences, future newsletters will be two pages long, produced every two months, and aimed primarily at informing Aboriginal communities of recent events that are likely to be of interest to them.

Action Item: Staff to prepare a two-page newsletter describing new developments of interest to Aboriginal communities, to be published in January.

DISCUSSION ON BHP RESPONSE TO AGENCY ANNUAL REPORT

The Board discussed BHP's response to the Annual report of the Agency. There was discussion about the need for BHP and the Agency to meet earlier in the process when BHP's technical documents and plans for regulatory approval are being developed, to reduce the need for critical input later. Since the Agency always receives documents from BHP after they have been submitted to regulatory bodies, it is forced to respond to BHP's plans and proposals after the fact. This situation appears to have given rise to BHP's perception that the Agency is creating obstacles and not being as helpful as it could be.

It was decided that the Agency should discuss this with BHP at the earliest opportunity, so that it can more useful in earlier stages of planning work.

It was also decided that, at future Board meetings, more time is needed for meeting with BHP to focus on substantive issues.

MEETING WITH BHP

The Board met with Scott Williams, Chris Hanks and John Witteman. Scott made a presentation that included descriptions of the current state of mine operations, recent applications and approvals, registration of fuel tanks under the Canadian Environmental Protection Act, and BHP's participation in workshops and conferences. Other items described by Scott included winter water quality monitoring, revegetation studies, waste management, and an upcoming wolverine survey scheduled for early January. Scott also described

the permits that BHP will require in order to develop planned extensions of the project.

Scott also expressed his appreciation for the role that the Agency played in facilitating the Traditional Knowledge workshop.

John Witteman described the current investigations into piping sewage effluent to Long Lake. The Board suggested to him that it would be to BHP's advantage to mention this publicly, because it is an example of good environmental practice at Ekati that would be to BHP's credit.

In response to a question from the Board, BHP described its rationale for discharging treated tailings from Misery into Lac du Sauvage and then into Lac de Gras, as opposed to discharging directly into Lac de Gras. This was decided based on Water Board requirements.

BHP noted that the Annual Report to the Water Board will be released at the end of March, while BHP's Annual Report on the Environmental Agreement will be released at the end of April.

It was noted that groundwater is now appearing in the Panda Pit. It is being radiologically tested according to approval requirements. BHP also agreed to test samples of pit water for salinity and inform the Agency about the results.

Chris Hanks expressed his satisfaction with the Agency's assistance in organizing and facilitating the Ndilo Traditional Knowledge workshop. Chris also described the interest of Lutsel K'e in the geographical information system that BHP has prepared with the KIA. BHP has offered to bring this technology to Lutsel K'e, along with technical assistance, to help build on current Traditional Knowledge studies. This system involves map-based text access that provides the user with the context of Traditional Knowledge information.

The Board mentioned that there had been recent talk of the Agency's mandate relating only to impacts that occur within the BHP claim block. The Board stated that this misconception must be clarified. The Agency stated that it believes its interests include all significant environmental impacts that occur as a result of the Ekati mine. These impacts may not be limited to the BHP claim block.

Scott expressed his willingness to meet for informal discussion on matters between BHP and the Agency whenever the Agency believes that it could be helpful. The Board agreed that this was a productive suggestion.

MEETING WITH DIAND

The Board met with David Livingstone, Stephen Traynor and Marie Adams.

Stephen discussed the Misery and Sable applications for project expansion by BHP. He said that DIAND has accepted the application to change the Misery

land lease, but rejected the proposed amendment of the Sable permit to include pit mining. BHP will have to apply for a new permit for Sable. The two applications are connected; the application to change the Misery lease will only be reviewed after the Sable application has been accepted. The applications will be reviewed as level one screenings, with the possibility of bumping them up a level if warranted by significant concern.

Stephen, David and Marie made the following points in response to questions by the Board:

- DFO will be responsible for providing expert input on the important considerations pertaining to fish populations in the area.
- Although there is no requirement for public hearings for Class B license applications, the Water Board may require public hearings.
- The approval process will probably take a minimum of one year.
- There is no trigger activated to require a comprehensive study under CEAA.
- DIAND holds the opinion that the applications should receive a Level Two Regional Environmental Review Committee screening, but depending on the timing of the submission of Sable, the review could be under the jurisdiction of the Mackenzie Valley Impact Review Board.
- Under the new regulatory regime, BHP will require specific permits for certain activities within a leased area.
- The present security deposit provided by BHP covers one pipe. The security deposit will need to be revisited in light of new applications.
- The BHP review panel did not consider the developments proposed by the new applications. DIAND would appreciate the Agency's advice, particularly in determining if there is sufficient baseline information on the new areas, and in considering cumulative effects of the proposed developments in conjunction with other projects (specifically Diavik).
- One of the Agency's functions is to provide advice and guidance to regulators for changes within the BHP land lease areas.

Action Item: Arrange meeting with David Milburn next Board meeting.

Action item: François and Hal to draft a letter to BHP offering advice from the Agency regarding caribou mitigation measures when planning the Misery road, and suggesting that the subject be included in the Wildlife Workshops.

FINANCIAL REPORT

Secretary-Treasurer François Messier presented a budget update. He pointed out that 72% of the annual budget has been spent.

In the discussion that followed, it was raised that there is a need to reduce expenditures where possible. It was also noted that the project has expanded, as has the role of the Agency, and that Aboriginal organizations have expressed their interest in seeing more Agency involvement and consultation.

Action item: Staff to flag items that were major expenditures for the Agency.

The meeting was adjourned for the day at 5:00 p.m.

Saturday Dec. 12th, 1998.

The Board convened at 8:30 a.m.

DIAVIK AND CUMULATIVE EFFECTS

The Board discussed the Diavik environmental assessment in terms of its potential to contribute to the cumulative effects of Ekati. Potential cumulative effects on Lac de Gras, the Coppermine River and regional lake trout populations were discussed. It was noted that the Agency does not have the resources to conduct a detailed examination of all relevant technical studies in order to fully review these impact predictions. The Agency will therefore decide on an appropriate course of action based on Diavik's response to DIAND's recent request for information.

The Board also discussed recommending in the Annual Report the structure and role of a regional body to look at cumulative effects.

Action item: Staff to get a copy of Diavik's response to DIAND's request for information.

TRADITIONAL KNOWLEDGE WORKSHOP

Kevin O'Reilly described the TK workshop, which the Agency helped to organize and facilitate, held in Ndilo on December 9th and 10th. He mentioned that representatives from KIA, NSMA, Dogrib Treaty 11, Yellowknives and Lutsel K'e participated. Kevin then described BHP's presentation on the Operating Environmental Management Plan and the presentations of Aboriginal organizations on their Traditional Knowledge experiences. He also discussed the results of the caucus held by Aboriginal organizations, which unanimously carried a resolution affirming continuing interest in future meetings on how to best use Traditional Knowledge at Ekati.

Action item: Kevin and Hal to meet with Scott Williams and Chris Hanks to discuss follow-up to the TK resolution.

DISCUSSION ON IMAGE AND STATUS OF THE AGENCY

The Board discussed current perceptions and expectations that Aboriginal organizations, BHP and government have of the Agency. There is interest in more community consultation (see "Newsletter" discussion above), and also in the development of a complete list of all current environmental monitoring programmes.

Action item: *Staff to compile a thorough list of current environmental monitoring programmes dealing with Ekati.*

MEETING WITH RWED

The Board met with Ray Case and Anne Gunn from RWED. Anne described her research on the Bathurst caribou herd. In response to specific questions from the Board, she and Ray raised the following points:

- Due to the many variables that affect caribou, it will be very difficult to identify which changes to the Bathurst herd result from cumulative effects of specific human activities. The best to reasonably hope for in determining the causes of changes is a balancing of probabilities. This does not mean that changes are not due to cumulative effects, but that the presence of many potentially significant variables makes it difficult to prove this by monitoring.
- Lac de Gras is a focal area for caribou migrations.
- The monitoring of the effects on wildlife of Sable and Misery roads is the responsibility of RWED.
- RWED has no regulatory input into road designs, but does request regulators to ensure that developers incorporate suitable mitigation measures.
- RWED is planning to talk with the government of Nunavut about possible co-management of the Bathurst herd.
- Important information that needs to be collected for management of the herd include data on movements and condition as well as on plant phenology and winter conditions.
- It would pose a serious problem if current monitoring funding was cut off.
- An ideal monitoring program for caribou would expand on current programmes and integrate and apply the information being collected. Better habitat monitoring and community monitoring of caribou health would also be valuable.
- Increases in the areas of burns in recent years may affect the herd. There is detailed information on burns, but it has yet to be fully integrated with information on caribou.
- Effects of development on the Porcupine herd at Prudhoe Bay were relatively severe, yet took 15 years to become clear. Caribou appear to learn to avoid a six kilometre zone around human activity.
- Current caribou population surveys are conducted every five years, and are criticized as being expensive and statistically inaccurate with high uncertainties.

FINANCIAL POLICY

The Board discussed financial policy, honoraria and the workplan for the upcoming year. It was noted that Board expenses could be reduced if meetings occur immediately before or after other events that require directors to travel to Yellowknife. Another alternative discussed was the idea of transferring workload from directors to staff, because staff rates are less expensive than

director rates. It was noted that this would require a change in the contract with GeoNorth.

Action item: Financial policy regarding honoraria is to be included in the Agenda of the next meeting.

OTHER BUSINESS

The following items were resolved:

Pete and Bill will attend both the workshops on toxicity and aquatics. François and possibly Kevin will attend the wildlife workshop.

More community consultation should be occurring as a regular part of Board meetings. The Agency will travel to communities if they are not near Yellowknife, and will arrange to include consultations with Aboriginal organizations around Yellowknife as a regular meeting item.

Action item: Pete to send in his work on Sable and Beartooth.

Action Item: Invite Heidi Klein and Dave Milburn to next meeting to discuss lease extensions and water licensing of the new proposed developments.

Action item: Fikret to confirm to John Gadsby the Agency's interest in approaching him for geochemical consulting when needed.

Action Item: Plan community consultation for next meeting.

NEXT MEETING

The next meeting will be held on Saturday the 20th and Sunday the 21st of February in Yellowknife.

ADJOURNMENT

The meeting was adjourned at 4:00 p.m.

APPENDIX: REVIEW OF ACTION ITEMS

- Hal to negotiate a contract with Outcrop to reflect Board decisions on Annual Report production.
- Staff to prepare a two-page newsletter describing new developments of interest to Aboriginal communities, to be published in January.
- François and Hal to draft a letter to BHP offering advice from the Agency regarding caribou mitigation measures when planning the Misery road, and suggesting that the subject be included in the Wildlife Workshops.
- Staff to flag items that were major expenditures for the Agency.
- Staff to compile a thorough list of current environmental monitoring programmes dealing with Ekati.
- Financial policy regarding honoraria to be included in the Agenda of the next meeting.
- Kevin and Hal to meet with Scott Williams and Chris Hanks to discuss follow-up to the new TK resolution.
- Pete to send in his work on Sable and Beartooth.
- Invite Heidi Klein and Dave Milburn to next meeting to discuss lease extensions and water licensing of the new proposed developments.
- Fikret to confirm to John Gadsby the Agency's interest in approaching him for geochemical consulting when needed.
- Arrange community consultation for next meeting.