

**Independent Environmental Monitoring Agency  
Board of Directors Meeting  
Summary of Discussion and Decisions**

**Thursday, August 28<sup>th</sup> and Friday, August 29<sup>th</sup>, 1997**

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***Directors Present***

Red Pedersen	Fikret Berkes
Tony Pearse	Pete McCart
François Messier	Florence Catholique
Bill Ross	

***Staff Present:***

Hal Mills  
Janice Traynor  
Jackie Morris

***Thursday August 28<sup>th</sup>, 1997***

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**1. Review of Agenda, Business Arising from Last Meeting**

The Agenda was found satisfactory. "Other Business" will be discussed at the end of the day.

Action items from previous meeting were reviewed and discussed. On-going projects, for example, the Construction Phase Environmental Management Plan (CPEMP), are summarized later in the meeting notes.

**2. Information Updates**

**Meeting with Gordon Wray of NWT Water Board**

Red met with Gordon Wray on evening of August 27<sup>th</sup>, to discuss the flow of information between the Monitoring Agency and the Water Board. There appeared to be no substantive problems.

**Correspondence**

**Gordon Wray's letter of July 21** invited the Monitoring Agency to join the Technical Advisory Committee (TAC) of the NWT Water Board. The Directors decided not to join TAC. It was generally felt that this would compromise the Agency's mandate to operate independently. However, with the Water Board's approval, the Agency could periodically present their advice to TAC or attend as observers.

***Action Item One***

Office staff will draft a letter for Red's signature, declining the invitation to join the NWT Water Board's TAC.

**David Livingstone dated August 19<sup>th</sup>**, asked if the Agency would like to participate in the federal government's review of the CPEMP or be kept informed of the government's recommendations. The Board discussed the timeframe committed to by the federal government and agreed they would prefer to prepare their own separate response to the CPEMP, and that they would attempt to complete it by September 9<sup>th</sup>. The Agency would also like to be kept informed of the federal government's recommendations.

**Jim Excell's letter of August 19<sup>th</sup>** (attached to Agency copy of CPEMP) asked if the Agency would like to join BHP and government to start changing the CPEMP to the Operating Phase Environmental Plan (OEMP). The Agency agreed they would respond to BHP by agreeing to meet if dates are convenient to the Board.

***Action Item Two*** - Office staff will let BHP know when our next meeting is and request BHP to propose dates.

### **3. Meeting with BHP Diamonds Inc.**

Attending on behalf of BHP Diamonds Inc. were: Jim Excell, John Witteman, Graham Nicholls, and Chris Hanks. Representing Rescan Environmental Services were Dave Tyson, Rick Hoos, and Deborah Muggli.

Jim announced that BHP was bringing in a new staff person to work as manager for both Engineering and Environment groups. His name is Scott Williams and he will report to Jim.

BHP, Rescan Environmental Services and the Directors discussed the revised Construction Phase Environmental Management Plan (CPEMP). Points discussed included:

*a) With respect to the Aquatic Effects Monitoring Program:*

- Number and location of new control sites and particularly the criteria used to select these control sites.
- Interpretation of biological data from past years, including trend analysis and variability between lakes to see if these are adequate control sites.
- Timeliness of data analysis; can problems be picked up in time to correct the problem?

*b) With respect to all management plans and monitoring programs in the CPEMP:*

- Does BHP understand the key impacts that will help them decide what needs to be monitored and where?
- How will BHP use the information provided by these programs to improve environmental decision making?
- Need to ensure understanding acquired from BHP's work can be applied to other northern projects.
- Need to ensure TEK brought into project management as soon as it is available.

- Need to predict impact, monitor for it, do analysis, and adapt management regimes accordingly

*c) With respect to how the Agency works with all parties:*

- Need to clarify what is in the public registry.
- Need to clarify at which stages does the Agency want to have input.
- Need to get together soon to discuss the Information Protocol.

John Witteman said BHP would like to host a workshop to refine the Aquatic Effects Monitoring Program, in early spring. BHP would like to be doing aquatic effects monitoring, not simply water monitoring, and he hopes the NWT Water Board will approve this approach. BHP would also like to host a workshop on wildlife.

#### **4. Construction Phase Environmental Management Plan:**

On August 20<sup>th</sup>, the Agency received one copy of this document (three binders) for review. This three-binder document forms BHP's response to the Minister's Deficiency Report. To facilitate the work, the directors agreed to review different sections, as follows:

- First binder, "umbrella" document": all directors
- Appendix A, Environmental Awareness Plan: Bill Ross
- Appendix B, Environmental Management Procedures Manual: Bill Ross
- Appendix C, Air Quality Monitoring Plan: Tony Pearse
- Appendix D, Transportation Spill Contingency Plan: François Messier
- Appendix I, 1997 Wildlife Monitoring Plan: François Messier
- Appendix M, 1997 Aquatic Effects Monitoring Program: Peter McCart, Tony Pearse

The Directors decided to comment on only the appendices listed above. Comments will be framed as recommendations for improvement for the plan.

The Board will send compiled comments on the CPEMP to DIAND, BHP, GNWT, Also, they will send the comments on the Aquatic Effects Monitoring Program to the NWT Water Board.

##### ***Action Item Three***

Board to have comments on CPEMP to Agency office by noon on September 3.

##### ***Action Item Four***

Office staff to compile Directors' comments and, after approval by Directors, send to DIAND, GNWT, NWT Water Board, and BHP as appropriate.

General discussion on the CPEMP brought out these ideas:

- The Board recognizes that BHP has made major efforts in re-doing the CPEMP, and that it is a major challenge to satisfy differing regulatory requirements in a single, integrated environmental management plan. However, the plan is still substantially lacking in detail, rigour, and logic in many key areas.
- The logic behind the plans is not obvious --
  - Predicted impacts must be identified.
  - Clear objectives should be stated.
  - A description should be provided of what will be monitored and how.
  - Details are needed regarding how management will use the data/results to improve environmental management (adaptive management is the aim, not adaptive monitoring).
- The Agency agreed that a detailed technical discussion held directly with key company personnel would strengthen the plans.

The Board looks forward to the successful transformation of the CPEMP into the Operating Phase Environmental Monitoring Plan.

## **5. Aquatic Effects Monitoring Program**

The Water Effects Monitoring Program required by the Water License has been renamed by BHP, to become the Aquatic Effects Monitoring Program (AEMP). It forms Appendix M of the CPEMP.

The Directors discussed the monitoring of benthic invertebrates. The AEMP needs much more detail for an acceptable benthic macro-invertebrate (BMI) monitoring program.

The use of an expert in the field of BMI monitoring was discussed. Two experts were identified. The Board agreed that we would hire one of these experts at an appropriate time, most likely as part of the proposed aquatic effects monitoring workshop or soon thereafter.

There is an indication, particularly since the biological data have not yet been evaluated, that an adequate baseline for aquatic effects monitoring has not been established. One of the advantages of doing analysis of previous data as soon as possible is to ensure the baseline information is adequate.

The Board recognized that fieldwork is generally over for this year and that the Agency should perhaps concentrate now on ensuring that a good program is in place for next year. The Board will encourage BHP to hold the workshop on the AEMP in late winter, preferably no later than February 1998, in order for the company to have time to prepare for the spring/summer program.

## **6. Protocol for Information Exchange**

The Board reviewed the draft Protocol for Information Exchange, Coordination and Communication. Hal reported that he has been talking to the governments and BHP, and has found common ground in how they think information can be shared. There was consensus that the document ought to be a policy statement adopted by the Agency, rather than a protocol that would have to be agreed to by all parties. It still should have the tacit approval of the parties affected before becoming the official Agency policy. Tony will redraft the document based on this concept and the input given by the directors during the discussion. Once we have a redraft, it should be sent to the affected parties for their review and approval, and then returned to the Board for final adoption.

A major concern of the affected parties is that the Agency's business is public. This might preclude the Agency from receiving all the information it needs to do its work effectively. Tony will address this in the revised Protocol. Reports produced by the Monitoring Agency, that contain comments or recommendations on documents produced by other parties, shall not be on the public registry until five business days after the comments are delivered to the other party.

### ***Action Item Five***

Tony will revise the draft Protocol for Information Exchange, Coordination and Communication.

***Friday, August 28<sup>th</sup>***

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## **7. Treasurer's Report**

François reported that about 28% of the Agency's budget has been spent (includes estimated costs for this meeting and associated honouraria for work done at home). Directors were given a summary of the Agency's financial expenditures to date.

DIAND has approved the Agency's choice of Wowk and Wong as accountants and auditors for the Agency, but the remaining members must still be canvassed for their approval.

### ***Action Item Six***

Office staff will write letters to other Agency members, seeking their approval to hire Wowk and Wong as the Agency's auditors.

Office staff have identified a bookkeeping service.

### ***Action Item Seven***

Office staff will hire a bookkeeper and assist as needed to set up the Agency's financial records.

The Directors expressed concern over the expense of attending a spring workshop (as suggested by BHP for refining the AEMP). It may be necessary to ask BHP to cover the Agency's costs for the workshop, depending on the status of the Agency's finances at the time.

***Action Item Eight***

The office staff, with the bookkeeper, will prepare a review of the budget at the end of the third quarter.

The Agency has an agreement with DIAND to receive the Agency's remaining \$25,000 in funding in the second quarter.

***Action Item Nine***

Office staff will find out if it is necessary to invoice DIAND in order to receive the final payment of \$25,000.

## **8. Office Administration**

The Directors expressed satisfaction with the work done by GeoNorth in administering the Monitoring Agency. Fikret would like to see Hal more involved in acting as a representative of the Agency.

## **9. Presentation by DIAND**

Attending this part of the meeting were David Livingstone, David Milburn, Len Hedburg, and Mary Tapsell. Each gave a presentation to the Directors. Mary distributed a handout summarizing the information presented.

In addition, the following points were discussed:

- It was clarified that DIAND was the transmittal mechanism for assembling comments of other federal departments, e.g. DFO, but does not speak for them.
- The federal government has authority to approve the CPEMP, but regulatory decisions take precedence over the CPEMP.
- The Agency asked if the Agency could receive copies of inspection reports. Len Hedburg explained that these are public unless a company is not in compliance; if an investigation is carried out, the findings may result in a need to go to court. Greg Cook is assigned specifically to the BHP project for the water license. Other departments with "water" responsibilities, such as DFO, do their own inspections.
- TAC meets to give recommendations to the NWT Water Board, which meets on a 4-6 week schedule. TK is included if it helps to provide the best advice to the Water Board.
- When asked why it took so long for the Water Board to review BHP's Water Effects Monitoring Program, DIAND explained that the TAC workload was the main problem. They suggested that the Agency contact the Water Board if they feel an issue needs priority attention.

- David Livingstone suggested a workshop for the Environmental Agreement signatories, to use the EA as a way to set out how the members could interact with each other. Mary requested that the Directors give thought to the spreadsheet she provided, regarding how the EA might be implemented.

DIAND would like to see the Monitoring Agency and the federal government work together to clarify communications issues.

## 10. Traditional Knowledge Session

Chris Hanks from BHP attended this session. Mary Tapsell from DIAND observed.

Fikret Berkes made available a number of documents for the possible interest of the Directors. A copy of each has been placed in the Agency's Resource Centre.

1. Weinstein, Martin. 1996. *Traditional Knowledge, Impact Assessment and Environmental Planning*. Prepared for Canadian Environmental Assessment Agency's BHP Diamond Mine Environmental Assessment Panel.  
(Useful background paper on TEK concepts)
2. Howard, A. and Widdowson, F. 1996. *Traditional Knowledge Threatens Environmental Assessment*. Policy Options, November 1996.  
(This paper started the debate on appropriateness and use of TK. See the package of papers on this debate, includes articles by Berkes and Henley, Stevenson, reply by Howard and Widdowson.)
3. Dogrib Renewable Resources Committee, Dogrib Treaty 11 Council, 1997. *"The Trees All Changed to Wood"*. Principal investigator, Allice Legat. Arctic Environmental Strategy, DIAND. (This is about a uranium mine that operated north of Yellowknife in the 1950's. It is an example of TK work that can be useful for monitoring long-term effects of mining.)
4. Berkes, F., Folke, C., and Gadgil, Madhav. 1996. *Traditional Ecological Knowledge, Biodiversity, Resilience, and Sustainability*. C.A. Perrings et al (eds) Biodiversity Conservation 281-299, Kluwer Academic Publishers.  
(This chapter may be useful to Directors as an example of international work in the area of TEK, and application of TEK in this case for biodiversity conservation.)
5. Northern Perspectives, summer 1997. *"Voices From the Bay"*. Canadian Arctic Resources Committee.  
(The special issue provides the summary of the results of a far-reaching, community-based TEK study carried out in Hudson and James Bay and the surrounding area. It provides an excellent example of the application of TEK to cumulative impact assessment.)

Fikret Berkes also filed a number of documents regarding the Institute for Environmental Monitoring and Research that was set up by the panel on Labrador low-level flights. The mandate of this Institute bears resemblance to our Agency, and the use of TEK is a major part of this mandate. The following documents are available at the Agency's Resource Centre:

Institute for Environmental Monitoring and Research, 1995. A package of articles about this Institute, which is responsible for the scientific investigation of the environmental effects of military training (low-level flight training) in Labrador. Various items, including:

- Backgrounder,
- Fact Sheet
- News Release
- Recommendations on the Establishment of the Institute for Environmental Monitoring and Research
- Constitution

The Directors would like to know how TEK would fit into BHP's environmental management. Chris was asked a number of questions about how the TEK information, gained from the projects that BHP is funding, will be used.

The gathering of information from the Aboriginal groups is proceeding at different rates. Chris indicated that the information would be incorporated into management plans as it arrives; it may not show up in the CPEMP, and instead might be incorporated into the Operating Environmental Management Plan. The OEMP will not be static; new information can be incorporated. The Board agreed it would be useful to talk to the team leaders on each of the projects to ask their opinion on how things were going and how the Agency might best fulfill its mandate with respect to TEK.

***Action Item Ten***

The Agency will contact Chris Hanks to obtain a list of the TEK team leader for each project.

## **11. Communications**

### **Communications Plan**

Jackie handed out a draft Communications Plan. The plan is in initial stages only and meant to give an indication of what shape the plan might take. Board members are to provide comments by September 15.

Points discussed included:

- Plan should include Resource Centre, as a means of providing information to the public
- Should include an open house
- Should include visit to the communities

- Brochure – go with the short form instead of a booklet; Tony has good ideas on this and will work with Jackie. Wait for the appointment of the final Director and logo design before going to print. Other suggestions were to shorten the text and include a map.
- Translation: continues to be difficult to resolve. Full translation of print materials will be costly; questionable how much of it will be read. Ensure the Agency has some non- print media available, possibly work with CBC North or Native Communication Society to produce a video or other programming in native languages. Personal contacts, e.g. community visits, will be of help.

***Action Item Eleven***

Office staff will finalize the brochure for approval by the Board before the October meeting.

***Action Item Twelve***

Directors will check their biographical/credentials details as written on the draft brochure text. Rewrite “at will” but please keep to same number of words.

***Action Item Thirteen***

Office staff will prepare another draft of the Communications Plan, including cost estimates.

**Logo**

The Board agreed that the Agency should have a logo. Initial ideas by Directors are welcome.

***Action Item Fourteen***

Office staff will hire a graphic designer to prepare options for an Agency logo.

**Media Transcriptions**

The Board reviewed a letter from Northword Communications offering to provide transcripts of CBC radio and television programming on content relative to the Agency. The Board decided to hire Northword at the rates noted in the letter, for a trial period. Office staff and Directors will monitor newspapers. François noted that if the service costs more than \$1000 per year, he would like the Agency to consider stopping the service.

***Action Item Fifteen***

Office staff will hire Northword Communications to provide transcripts of CBC radio and television programming on content relative to the Agency.

**Annual Report**

The Directors discussed what should be in the Annual Report. Discussion points included:

- This is a communication tool for the Agency’s members and the public. Translations?

- When will it be due, the Agency's fiscal year is March 31 but no financial statement by then?
- Should it be issued before BHP's annual report?
- How can the Agency assess whether the Agency's monitoring has been effective?
- Should it be tabled at AGM of Society, and when will this be?

***Action Item Sixteen***

Bill will draft an outline for the Agency's Annual Report, for discussion at the October meeting.

**12. Next Meeting**

The next Board meeting will be in Yellowknife, October 26-28<sup>th</sup> subject to confirmation.

## **Appendix One – List of Action Items**

- Action Item One      **Office staff** will draft a letter for Red’s signature, declining the invitation to join the NWT Water Board’s TAC.
- Action Item Two      **Office staff** will let BHP know when our next meeting is and request BHP to propose dates.
- Action Item Three     **Board** to have comments on CPEMP to Agency office by Noon on September 3.
- Action Item Four      **Office staff** to compile Directors’ comments and send to DIAND, GNWT, NWT Water Board, and BHP as appropriate.
- Action Item Five      **Tony** will revise the draft Protocol for Information Exchange, Coordination and Communication.
- Action Item Six       **Office staff** will write letters to other Agency members, seeking their approval to hire Wowk and Wong as the Agency’s auditors.
- Action Item Seven     **Office staff** will hire a bookkeeper and assist as needed to set up the Agency’s financial records.
- Action Item Eight     **Office staff**, with the bookkeeper, will prepare a review of the budget at the end of the third quarter.
- Action Item Nine      **Office staff** will find out if it is necessary to invoice DIAND in order to receive the final payment of \$25,000.
- Action Item Ten       **Office staff** will contact Chris Hanks to obtain a list of the TEK team leader for each project.
- Action Item Eleven    **Office staff** will finalize the brochure for approval by the Board before the October meeting.
- Action Item Twelve   **Directors** to check their biographical/credentials details as noted on the draft brochure text. Rewrite “at will” but please keep to same number of words.
- Action Item Thirteen **Office staff** will prepare another draft of the Communications Plan, including cost estimates.
- Action Item Fourteen **Office staff** will hire a graphic designer to prepare options for an Agency logo.
- Action Item Fifteen   **Office staff** will hire Northword Communications to provide transcripts of CBC radio and television programming on content relative to the Agency.
- Action Item Sixteen   **Bill** will draft an outline for the Agency’s Annual Report, for discussion at the October meeting.