

**Summary of Discussion from the Annual General Meeting
of the Society of the
Independent Environmental Monitoring Agency
held on
November 2, 2006
at the
Agency Boardroom**

November 10, 2006 DRAFT

Participants

Society Members

Lutsel K'e Dene First Nation (Akaitcho Treaty 8):	Dianne Catholique Joyce Isadore
Tlicho Government:	Eddie Erasmus
Kitikmeot Inuit Association:	Geoff Clark Donald Havioyak
North Slave Metis Alliance	Ron Balsillie Grant Beck Nora McSwain Valerie Meeres
Government of Canada:	David Livingstone, DIAND Lionel Marcincoski, DIAND
Government of the NWT	Tom Beaulieu, ENR Joel Holder, ENR
BHP Billiton Diamonds Inc.:	Jane Howe Brent Murphy David Scott

Agency Directors

Tim Byers
Sheryl Grieve
Jaida Ohokonnoak
Tony Pearse
Bill Ross

Agency Staff

Sean Kollee
Kevin O'Reilly

Meeting Commenced at 9:20 am

1. Opening Prayer

Tom Beaulieu delivered the opening prayer.

2. Welcome and Chairperson's Address

Bill Ross (Agency) reminded those present that this is a meeting of the Society of the Independent Environmental Monitoring Agency rather than a meeting of the Agency's Directors. A round of introductions then took place. The Agenda was reviewed and no changes were made.

Bill stated that there were four major points he would speak to in his opening remarks. The first was the concept of dedication to excellence in closure. Although the mine is not set to close any time soon, there is a shared interest and target of ensuring that the mine is closed in the best possible way while involving all affected communities.

Bill next highlighted some of the Agency's efforts towards consultation over the last year including the Agency's Annual Reports in plain language and technical versions, community visits by Directors, a September 2006 Board meeting in Wekweti, and invitations to Aboriginal Society member staff to attend technical meetings on closure and cumulative effects.

The dispute resolution process over the last year on the Agency's work plan and budget was a serious distraction but was successfully resolved through mediation. There is now a stronger commitment to work together. Once the dispute was resolved, the Agency was able to quickly settle down to its usual business and important work on the issue of closure and reclamation was accomplished.

Lastly, Bill made a plea to the two governments and BHPB to appoint two new Directors, in consultation with the Aboriginal Society members, to the Agency Board. The Board has been short Directors now for over a year, resulting in an increased workload for the remaining Board members.

Bill mentioned copies of the minutes of last year's AGM were in the binders and opened the floor to any comments or suggestions.

Motion: To approve the summary of discussion from the 2005 AGM.

Moved: David Livingstone

Seconded: Tom Beaulieu

Carried without opposition

3. Annual Report Summary

Tim Byers (Vice-Chair) summarized the Agency 2005-06 annual report using a PowerPoint presentation.

(copies of the annual report and annual report presentation are available by request to the Agency and on the Agency website at www.monitoringagency.net)

Questions and comments from the audience occurred throughout the presentation. These included:

- **Ron Balsillie (NSMA)** asked about the cause of the decline in the Bathurst caribou herd. Tom Beaulieu (GNWT) replied that the decline appears to be part of a larger trend on barrenground caribou herd decline across the NWT. GNWT continues to study the issue and is holding a workshop in December to bring people together to talk about this matter.
- **Val Meeres (NSMA)** asked what the hold up was with the appointment of replacement Directors. The response was that the two governments and BHPB have been unable to reach agreement on nominees.
- **Ron Balsillie (NSMA)** asked whether there are any other contaminants of potential concern downstream of Long Lake beyond molybdenum. Tim Byers (Agency) replied by stating that other metals such as zinc, arsenic, and copper are increasing but not anywhere close to CCME guidelines at this point. TDS (total dissolved solids) may also become an issue. Jane Howe (BHPB) provided assurance that there is regular monitoring of various parameters and that the data are reported and available publicly. Brent Murphy (BHPB) indicated that the LLCF water quality study should be available before the end of 2006.
- **Donald Havioyak (KIA)** indicated he would be interested in having more water quality data presented in a workshop setting. He also asked how the Agency's consultation efforts were being received. Tim Byers (Agency) mentioned that there was a very high turn out for the Board meeting held in Kugluktuk (2004) but similar meetings in Detah (2005) and Wekweti (2006) were not well attended. However, Bill Ross (Agency) mentioned that good discussions took place at both meetings, particularly at Wekweti where the meeting continued for over two hours.
- **Donald Havioyak (KIA)** expressed interest in knowing how the Coppermine River is being monitored. David Livingstone (DIAND) replied that there is a water quality station at the outlet of Lac de Gras and that there is other sampling that is done further downstream to track water quality. Tim showed on a satellite map where BHPB's monitoring stations in Lac de Gras are in relation to the Coppermine river outlet, and discussed what the water quality was like at those points.
- **Ron Balsillie (NSMA)** wondered whether BHPB could improve its water quality monitoring. Tim Byers (Agency) responded by stating that an independent review of the AEMP (Aquatic Effects Monitoring Program) found it to be good but more and different kinds of analysis might be helpful. Ron stated that self-monitoring might lead to problems. David Scott (BHPB) mentioned that DIAND has an inspector visit the site regularly and that water samples are sometimes taken as a double check. Bill Ross (Agency) said that many of BHPB's monitoring programs are done under contract by third parties and there has been no evidence of any problems with this approach to date.

- **Ron Balsillie (NSMA)** wanted to know whether dissolved oxygen was being monitored in lakes downstream of Ekati. Tim Byers (Agency) noted that this is monitored closely by the company and it has taken remedial actions when and where necessary, for example, the use of aerators in Kodiak Lake. Brent Murphy (BHPB) mentioned that the problem with oxygen at Cujo Lake was likely due to flow from King Pond, and that Kodiak Lake was almost back to normal now. Bill Ross (Agency) noted for the record that this was a successful example of adaptive management.

4. Agency Financial Report

Jaida Ohokonnoak (Agency) reported on the Agency finances for 2005-06. She mentioned that the statements were revised to better present repayments and to accurately show the contributions from government and BHPB towards the Agency's mediation participation. She stressed that there had been no changes to the bottom line, but there was now a clearer and more easily understandable presentation of the relevant numbers. Following some discussion on whether to change auditors or not, the following motion was made.

(copies of the annual general meeting finance presentation are available by request to the Agency and on the Agency website at www.monitoringagency.net)

Motion: To approve MacKay LLP as the auditor for the Agency 2006-07 financial year.

Moved: David Livingstone

Seconded: Eddie Erasmus

Carried without opposition

5. Agency Work Plan and Core Budget 2006-07 and 2007-08

Bill Ross (Agency) presented the proposed Agency work plan and core budget for 2006-08.

(copies of the annual general meeting work plan and core budget presentation are available by request to the Agency and on the Agency website at www.monitoringagency.net)

Bill sought input from those present on whether the Agency should attempt to hold an environmental workshop in 2006-7, probably in March 2007. Several possible options had been suggested within the Board such as the 2005 monitoring program results, 2006 monitoring program results (if available in time), closure and reclamation (without competing against the Interim Closure and Reclamation Plan Working Group process), and wildlife deterrence as suggested at last year's Annual General Meeting. Bill noted that a workshop was not included in the Agency's current work plan and budget for 2006-7.

Val Meeres (NSMA) asked whether there was any training or Board development funds identified to assist the two new Directors that would hopefully be appointed soon. Bill Ross (Agency) noted that it is not the mandate of the Agency to recruit new Directors, but that no orientation budget was part of the Agency's work plan. Geoff Clark (KIA) noted that it has been past practise to appoint professionals or experts to the Agency Board and that there would obviously be some onus on new Directors to get themselves up to speed.

Ron Balsillie (NSMA) asked whether the Agency had any funds identified for contingencies. Bill Ross (Agency) replied that while there is some flexibility to move funds around within any given budget, there is now a process in place for additional funding requests (in part) as a result of the Resolution Agreement. In the past 10 years of the Agency, he could only recall three or four requests for additional funding that had been made of BHPB.

6. Society Member Issues and Concerns

David Livingstone (DIAND) stated that his Department is quite satisfied with the Agency's work. DIAND continues to support the Agency and attaches importance to its assessments. DIAND shares a sense that BHPB's AEMP is a reliable and good program. DIAND was pleased with the mediation outcome and is of the belief that it will set the foundation for better working relationships.

David outlined a number of related initiatives. The Multi-Project Environmental Monitoring Agency (MPEMA) continues to move along. There is agreement amongst a steering committee on issues except the budget. Bill Tilleman has been hired to meet with the various parties and to make recommendation in this regard. There will be a further meeting once his report is completed and then the terms of reference will be off to the various parties for ratification.

DIAND released its NWT mine site reclamation guidelines In January 2006 and will update them on an annual basis. Staff will make a presentation on the guidelines at the upcoming Geoscience Forum. DIAND has been supporting the work of GNWT on caribou. Work continues on the Irrevocable Letter of Credit (ILOC) for the financial security required under the new water licence. David was able to state later in the meeting that a satisfactory ILOC had just been submitted by BHPB and the matter was now resolved. Mediation has been invoked by the two governments over the issue of new Director appointments to the Agency. It is hoped that this issue will be resolved shortly. DIAND hopes to release its AEMP guidelines soon. David acknowledged DIAND's difficulties in recruiting a full-time inspector for Ekati. He encouraged those in attendance to participate in the Geoscience Forum and noted that there would be 16 presentations during the environmental session including four by BHPB.

Val Meeres (NSMA) stated that her organization was quite happy with the Agency's performance. NSMA is pleased to get good technical advice from the Agency. NSMA would like to see any alternatives and options that the Agency may be reviewing

internally. NSMA has appreciated the invitations it has received to technical meetings from the Agency and would like to see agenda for Board meeting in advance, in case there are any technical matters that may be discussed.

NSMA's major concerns with the Ekati mine are around the issues of cumulative effects, caribou, TSS (total suspended solids), nutrient loadings and closure planning. It was stated that it may be time to review the Wildlife Effects Monitoring Program (WEMP). NSMA appreciated the Environmental Impact Review 2006 consultation efforts by the company but was not happy with the consultation to date on closure planning. Not all the closure options were presented and NSMA still has not received a reply to its letter to BHPB seeking clarification on how its views would be used during the process. Finally, it may be useful for the Agency to set aside some training funds for the new Directors.

Geoff Clark (KIA) stated that KIA is satisfied with the Agency's performance. KIA appreciates the work of the Agency as it is not always able to stay on top of developments at Ekati given the other mineral development in the Kitimeot region. In particular, he mentioned that KIA was reassured by the Agency's observations that environmental performance at the Mine was good. He said that it was good to see Directors with technical expertise. He stated that if the Agency was to hold a workshop next year, it would serve as a good orientation for any KIA staff but topical matters might be better to form the agenda. If there are no new monitoring results, it may be best to wait until the results are available.

Tom Beaulieu (GNWT) stated that his Department is working with the company on the EIR 2006 and the 2005 Annual Environmental Report. GNWT has also been responding to concerns regarding the decline in mainland barrenground caribou herds. There is pressure on the Department's budget as a result of this extra work. There are efforts under way to attempt to secure surplus firefighting funds. GNWT intends to consult with caribou user groups in the near future on further initiatives. There is no evidence that bear predation has become a problem but further study of wolves is under way.

There was some discussion regarding potential causes in decline of the herds. There are new trends from the last observed declines, as noted through Traditional Knowledge, such as climate change and increased human activities in most herd ranges. There seems to be some evidence that the decline is across western North America. The George River herd in Quebec and Labrador appears to be on the increase.

Eddie Erasmus (Tlicho Government) indicated that he likes the technical and plain versions of the Agency's annual reports. He agreed with the other comments about satisfaction with the Agency's performance. Generally BHPB is doing well with the Ekati site and there are no big concerns from the Tlicho government. He indicated that the Tlicho government would like to see two new Directors appointed to the Agency Board as soon as possible.

David Scott (BHPB) thanked the Society members and the Agency for the good report card on environmental performance at Ekati. He publicly thanked the Agency for its help

over the last year. He wished to provide reassurances that BHPB remains committed to the environment and that this commitment is not waning. Water quality is BHPB's biggest concerns and he acknowledged that some other matters have slipped over the past year. It is a question of balancing priorities. Environmental performance has reached a good standard at Ekati and it then becomes a question of diminishing returns for the amount of effort and resources that may need to be devoted to improve performance any further. BHPB is now upgrading its air quality monitoring program. BHPB will continue to use its best efforts, and there may be disagreements at times over priorities. Staff turn over at the site has been very high and recruitment has proven difficult. For example, 11 of 14 staff are new in the Environment Department and the company has been unable to fill Jane Howe's old position for more than a year.

7. Closing Comments

Bill Ross (Agency) thanked the Society Members for their valuable input because providing direction to the Agency is helpful in planning the future work and direction of the Agency.

8. Closing Prayer

A closing prayer was offered by Nora McSwain (North Slave Metis Alliance).

9. Adjournment

The meeting as adjourned at 12:55 pm. A presentation on the Naonayaotit Traditional Knowledge Project (NTKP) by KIA and BHPB followed the close of the Annual General Meeting.