

***Independent Environmental Monitoring Agency
52nd Meeting of the Board of Directors
Yellowknife, NWT
November 1st – 3rd, 2006
Summary of Discussion***

Revised: January 9, 2007

Directors

Tim Byers	Tony Pearse
Sheryl Grieve	Bill Ross
Jaida Ohokannoak	

Staff

Sean Kollee
Kevin O'Reilly

Information updates

In addition to ongoing work related to review of BHPB reports and Agency internal communications:

Bill met with BHPB (Jane Howe). He discussed the Agency update of its financial statements, the newly published Agency annual report and the BHPB request for input on closure objectives (Agency view is that the objectives proposed were overly general and should have been mine component-specific). BHPB stated that it views its reporting obligations as excessive and it must focus on priorities. The BHPB Environment Department must increasingly justify its priorities in terms of legal requirements versus 'nice to do or need to do'. New air sampling equipment installed on site has malfunctioned and new equipment will be installed. BHPB believes its Environmental Impact Report 2006 efforts were substantial yet it still received an inordinate amount of criticism. BHPB also stated that progress on director replacement might well be announced soon.

Jaida spent time with the auditors to make the audited statements clearer, with Kevin's assistance.

Tim reviewed SNP information and attempted to get data for water quality inputs into Cell D, the final 2005 AEMP report (winter nitrates and copper appear to be above CCME guideline levels) and the rationale for removal of outlier data. Molybdenum and TDS are parameters showing steep increases, as opposed to other parameters only showing smaller incremental increases, in water downstream of Ekati. He also noted that there was no explanation for the changing zooplankton downstream of the LLCF.

Sheryl is working on a summary review of the Canadian Institute reclamation conference that she attended on mine reclamation in June. She also reviewed the original Ekati water

licence reasons for decision. The NSMA distributed a letter on BHPB closure objective development.

Kevin followed up on action items since the last meeting in Wekweti. He drafted a letter on the BHPB 2005 *Waste Rock Seepage* report and compliance with water licence conditions. The WLWB appreciated the input from the Agency and has a consultant looking into technical concerns related to seepage from the waste rock. The WLWB Board may review the matter of the report's compliance to the licence. Kevin also drafted and distributed the letter on Cell D deposition, the Agency input into the adaptive management plan, BHPB closure objectives and the revised DIAND minesite reclamation guidelines. A lot of effort was put into correcting the presentation of the 2005-6 financial statements in the Annual Report but there were no changes made to the overall bottom line. Repayable amounts to BHPB and DIAND were made clearer as were the community consultation expenditures. The new presentation will be carried on into future years. He also gave two presentations on the Agency at the University of Alberta that included a class that involved Brenda Parlee and David Schindler. Kevin discussed the caribou concerns raised in Wekweti with Ray Case (GNWT) who also serves on the Wek'ezhii Renewable Resources Board. The Board will be visiting the communities to discuss the Bathurst caribou herd. Rob Marshall is the Acting Executive Director and Kevin has invited him to meet with the Directors towards the end of this Board meeting.

FINANCIAL UPDATE

Jaida and Kevin provided a brief financial update to the Board. Of the Agency budget, 37% has been expended and is in line with previous years. Much of the expense of the Agency community visit and Board meeting in Wekweti will be accounted for in the month of October.

MEETINGS WITH OTHERS

DIAND (Lionel Marcinkoski)

Minister's Reports –BHPB has just released its 2005 *Air Quality Monitoring* report as a result of the issues surrounding the acceptance of the EIR 2006. A meeting of the three parties, GNWT (Doris Eggers and Joel Holder), BHPB (Jane Howe and Brent Murphy) and DIAND (David Livingstone and Lionel Marcinkoski) was held to discuss the EIR 2006 and the BHPB Environmental Annual report. GNWT had identified deficiencies and DIAND is responsible for conveying unsatisfactory reviews to BHPB (air quality, wildlife, seepage monitoring were considered unsatisfactory by GNWT). BHPB released its updated air quality report and GNWT and EC will review the report and follow up in another meeting. For the outstanding wildlife matters, BHPB plans to contact GNWT wildlife personnel and work to resolve the differences. The timing of the environmental reports was discussed and BHPB noted that much of its staff was new. BHPB offered to reply to those comments not tied to the Minister's report. BHPB is to respond separately on the 2005 Annual Environmental Report.

Director Replacement – Board appointment of Kim Poole and Laura Johnson continues to be supported by DIAND. No response has been received from BHPB regarding dispute resolution. BHPB intends to have a response this week.

MPEMA – Lionel mentioned that a Terms of Reference for MPEMA has been reviewed and ratified by the majority of the steering committee members. DIAND retained Bill Tilleman as an independent fact-finder on the proposed budget for MPEMA.

Financial Security – The DIAND Water Resources is working with Department of Justice on the issue of an appropriate letter of credit as security under BHPB's new water licence. It is not an issue of BHPB not complying with the security requirements but the form of the security. Lionel will supply the Agency with the relevant correspondence and this was delivered before the end of the Board meeting.

SNAP LAKE ENVIRONMENTAL MONITORING AGENCY (SLEMA) (David White)

David provided an update of his activities since the last meeting with the Agency in the summer.

July reference lake visit – The TK panel, Board Members and Don MacDonald (technical panel) visited the possible lake to be used as the reference site. They looked at the shoreline and had some success in catching fish. An explanation was provided about how reference lakes are selected. There had been debate about whether the reference lake was appropriate. SLEMA will consider the lake selection at a future core group meeting.

Governance workshop – This event was facilitated by Lannie Cook. The workshop was directed towards efficient and effective board operations within the mandate of the SLEMA board. A manual was also developed based on input expressed. The manual was in part based on an EMAB framework.

Fish palatability study – Fish were netted by the participants (two inch mesh caught the fish and was perhaps too small). A report is being produced on this work and will be posted to the SLEMA website.

New website – Many of the approved SLEMA documents will be posted to the website that has been created but is still under construction.

SLEMA Schedule – SLEMA will have a September AGM and an Annual report due January 1st. In its next core group meeting a caribou workshop may take place to discuss sampling techniques and radio collars to help address concerns that collars disturb animals. A winter road tour and inspection is planned for March 1st.

Outgoing correspondence – Lack of DIAND inspections at Snap Lake have been noted by SLEMA. DIAND is in the process of hiring its third inspector since the summer.

Sampling protocol – SLEMA has recommended that sampling take place in a similar manner in various parts of Snap Lake. The Board believes that a TK base camp could be established as there is not enough involvement of Aboriginal groups in monitoring. A Proposal on how to establish a base camp could be used for funding purposes.

DeBeers Annual Environmental Report – SLEMA examined the other two mine company annual reports and it did not believe that DeBeers fulfilled all 13 of the requirements set out in its Environmental Agreement.

ENVIRONMENTAL MONITORING ADVISORY BOARD (EMAB), (John McCullum) and SLEMA (David White)

Consideration of a workshop related to cumulative effects on caribou was discussed in relation to the December meeting to be hosted by ENR (a five-day caribou workshop). It was agreed that it would be helpful to know to what degree cumulative effects will be dealt with at the upcoming workshop.

EMAB and the Agency had considered a workshop on cumulative effects on caribou but the process has not evolved to a firm plan. GNWT has not managed cumulative effects and the EMAB view is that a workshop may be helpful. EMAB has some questions to ask ENR such as whether the caribou biologist position has been filled. The SLEMA Executive Director volunteered to investigate the idea of a joint letter as a follow up to the earlier joint letter send by the Agency and EMAB. This was agreed and the other two monitoring agencies will review the draft.

EMAB (John McCullum)

Water Licence - John mentioned the public hearing next week for the Diavik water licence renewal. Some interveners have requested an adjournment. Diavik's ammonia discussion paper was not viewed as satisfactory, its ammonia management plan has been released (20 mg /L rather than 2 and 4 mg /L suggested as limits), and its AEMP draft was submitted and reviewed (WLWB workshop reviewed it and reviewers felt it was an improved plan to start from and is largely based on MMER and EEM).

New closure and reclamation plan update – Developing a Terms of Reference is key and likely to follow along the template for the Ekati ICRP established in 2006. A review clause every three years was suggested for the plan. A recurring issue is whether the various plans need to be in place before licencing or if just a process needs to be in place.

EMAB budget – A new two year budget plan was submitted to Diavik. Problems with the TK fish camp exist due to safety concerns that must be resolved before the camp can be used again.

Aboriginal involvement in monitoring—EMAB is sponsoring a workshop on Aboriginal involvement in environmental monitoring in Rae in the next few weeks.

Inspections at Diavik—John mentioned that there does not appear to have been any inspections done at Diavik by DIAND in the last six months. There is an issue over who determines compliance with the water licence as the inspector only looks at water effluent quality.

WEK'EEZHII RENEWABLE RESOURCES BOARD (WRRB) (Rob Marshall)

Rob was introduced as interim Executive Director (ED) of the WRRB. Directors mentioned that the previous Agency meeting was held in Wekweti and detailed discussions were heard in the community, mostly related to caribou. Rob mentioned that the WRRB has tentatively scheduled community visits in the near future and the Directors agreed that this would be very helpful.

WRRB board, staff and mandate - The WRRB was established as an institution of public government under the Tlicho Agreement. There are eight Board Members, four appointed by the Tlicho Government, two nominated by the GNWT and two Federal appointees. Alphonz Nitsiza from Whati is the interim Chairperson and has recently been nominated to become permanent Chairperson. That opens a position to be filled by the Tlicho on the board for a total of nine (including Chair). The members are Alphonz Nitsiza, Eddie Erasmus (Behchoko), Frank Arrowmaker (Gameti), Joseph Judas (Wekweti), Ray Case and Ernie Campbell (GNWT) and Bruce Macdonald and Grant Pryzyk (Federal). Joseph and Alphonz are also on the WLWB. While it is good to have some overlap, there may be times when there may be a conflict if the WLWB sends an issue to the WRRB for an opinion.

The WRRB has run competitions for a permanent Executive Director and Rob has accepted a one year contract to serve in an interim capacity. He will be developing policies for the WRRB and maintain an office in Yellowknife (old CJCD office in Roman Empire building). The WRRB intends to have its offices in Wekweti (a new building to be constructed next summer or 2008 that is also to house the WLWB sharing the same administration staff). The WRRB has a budget for three positions, ED, community liaison officer (Dogrib speaker) and management biologist (technical support on wildlife issues, species at risk, wildlife legislation and related matters). The Tlicho Government has legislative powers over wildlife issues and responsibility for wildlife, planning, forest and protected areas management. This authority does not displace federal authorities such as DFO. Any overlap between legislation would have to be resolved. The WRRB can also review and comment on land use permit and water licence applications, and place limits on wildlife harvesting within its area of jurisdiction.

The WRRB is developing a three-year strategic plan that should be completed by March 2007. It would like to listen to the communities, focus its resources on key issues, and organize consultations involving community governments and residents. A round of community visits has been tentatively scheduled for this December and January. ENR is looking at species at risk legislation and the WRRB intends to join the working group. The current budget of the WRRB is about \$500k plus a research budget from a trust fund.

Directors noted that the monitoring agencies and the WRRB have some mutual interests in wildlife monitoring, especially cumulative effects. The Directors are of the view that those who understand caribou should be involved in developing and carrying out monitoring programs. The Agency offered a letter suggesting the need for consultation with communities on caribou in particular, following the recent Board meeting in Wekweti. Rob welcomed the letter as affirmation that the WRRB is operating on the right track in regard to its priorities. The WRRB will be participating in the GNWT community visits on the Bathurst caribou herd management plan in the second half of November. The WRRB will also participate in the December caribou workshop hosted by ENR. The WRRB needs a process to review and approve the actions outlined in the Bathurst Caribou Management Plan.

The Directors mentioned some advice heard from the Aboriginal members, that cumulative effects monitoring of caribou could be assisted through examining lichen. There is also a widely held belief that efforts should be focused on finding out the causes of the decline in the Bathurst herd and taking action, rather than simply continuing the same monitoring surveys counting animals.

Action item #1 – Kevin to draft letter to WRRB, mention issues heard in Wekweti that suggests considerable interest from Wekweti, and perhaps other communities, in a community meeting on caribou.

FOLLOW UP TO AGENCY ANNUAL GENERAL MEETING

Environmental Information - Some participants at the AGM felt it would be helpful to have graphs of water quality indicator trends. That is a level of detail not usually part of an AGM. Another option is to include more graphs in the AEMP chapter of the annual report. AGM discussion might include bulleted highlights of environmental information such as an assessment of field information along with the recommendations. This must be succinct and in plain language.

Possible Environmental Workshop – Not much support for reviewing old monitoring program results from 2005 and DIAND support is based on a ‘need’ basis.

Action Item #2 – Kevin to contact David Livingstone regarding suitable topics for an environmental workshop in March 2007.
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New Directors – Strong support for appointment of new directors was observed.

Summaries of Monitoring Reports – There was a suggestion that the Agency produce a regular review of major monitoring reports like the AEMP.

Board Orientation - This has not been done in the past for new Directors other than extra reading and discussions with staff and fellow directors. The prospective new directors to

the agency were considered to have a good deal of expertise to offer from the start and at least one has extensive experience with Boards.

KIA TK database - If KIA is willing to provide the Naonayaotit Traditional Knowledge Project (NTKP) database and/or reports to the Agency, we would likely acknowledge the generous offer of access and would consider using the information in confidence. The Directors agreed to thank KIA for the presentation on the NTKP.

Action Item #3 – Draft letter of thanks to the KIA and Jane Howe for providing the presentation.
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AEMP REVIEW

Barry Zajdlik is likely to attend the AEMP review meeting as a consultant to DIAND. The issue of the number of participants was discussed. The Agency view is that one seat is not adequate or acceptable. It is our understanding that other agencies had similar concerns.

Changes to AEMP - Rather than focus on more and wider sampling, BHPB might be better advised to focus more attention on the analysis and interpretation. A linkage between changes in water chemistry parameters and declining cladocera downstream of Ekati should be investigated. Linkages between biota and water quality need to be better addressed.

The completion of the LLCF water quality study is key to understanding aquatic consequences for the mine. Analytical techniques are another area most likely to be reviewed. The Directors agreed it is important to not focus on biomass as detailed analysis of community structure is needed. It would be preferable that a full metal suite analysis remain as part of the sampling protocol. Flocculants/coagulants may be an issue to be further considered. The least necessary aspect of the AEMP was considered such that a possible reduction to the winter sampling program might be proposed. This change may not be accepted given the need to monitor oxygen levels and the winter increases in contaminants that have been observed. Less oxygenation, changes in pH and temperature can combine to cause metals in sediments to be released back into the water column. Fish also can be more sensitive under ice to changes.

The Directors agreed to send a letter to the company suggesting an Agency consultant would attend AEMP review meeting, as well as a Tim Byers as the Agency representative. Dave Osmond, if available, was selected as the Agency consultant. It was agreed that additional information from the company is needed to enable a productive discussion and proper direction to the Agency representatives. The Agency may hold a Board teleconference call prior to the AEMP meeting if additional information is made available prior to the meeting

Action Item #4 – Kevin contact BHPB with a request to include an Agency consultant in the AEMP review meeting and to request more information in advance.

CLOSURE and RECLAMATION

The Agency recently submitted a letter to DIAND on its guidelines. The Agency also sent a letter to BHPB on its proposed closure objectives.

LUTSEL K'E ENVIRONMENTAL MONITORING TRAINING PROGRAM

Keith Hartery from Aurora College is delivering a training program in Lutsel K'e on environmental monitor training. The program ends on November 10th. He requested information on the Agency and copies of the annual report were sent. A course outline was provided to the Directors along with an invitation for the Agency to speak with the students.

Action Item #5 – Kevin to review the invitation to speak to the Lutsel K'e Environmental Monitoring Program students and fit it in if possible.

AGENCY ANNUAL REPORT

Following on the Mediator's Report recommendation, responses by mid-May to recommendations in the upcoming Agency Annual Report may allow responses to be included in the report. The first step may be to create a schedule of annual report printing and circulate this to the society members. This would inform them that we would like to include their response in our report, failing that we will write no response.

Action item #6 - Send a letter to the Society members with a proposal on the subject of including responses to recommendations in advance of publication.

ELECTION OF OFFICERS

Moved by Tony Pearse that Bill Ross serve as the Agency Chairperson for 2006-7. Seconded by Sheryl Grieve. Carried unanimously.

Moved by Tony Pearse that Tim Byers to serve as the Agency Vice-Chairperson for 2006-7. Seconded by Jaida Ohokannoak. Carried unanimously.

Moved by Tony Pearse that Jaida Ohokannoak serve as the Agency Secretary-Treasurer for 2006-7. Seconded by Sheryl Grieve. Carried unanimously.

SCHEDULE PLANNING

Jaida, Sheryl and Kevin will represent the Agency at the upcoming GNWT caribou workshop.

Next Board meeting will be held on January 31st to February 2nd following EA implementation meeting. The week of March 19th-23rd, 2007 has been tentatively identified as time for a potential environmental workshop. April 16th-20th, 2007 is also set aside for the Annual Report writing session.

Meeting Adjourned.

Summary of Discussion Approved By

-ORIGINAL SIGNED BY-

Jaida Ohokannoak, Secretary-Treasurer