

Summary of Discussion from the Inter-Agency Coordinating Team September 20th, 2002 Meeting

Participants:

John Witteman	BHP Billiton (BHPB)
Chris Hanks	BHP Billiton (BHPB)
Jane Howe	BHP Billiton (BHPB)
Latisha Heilman	MVLWB
Tamara Hamilton	DIAND Environment Conservation
Marc Lange	DFO
Jane McMullen	RWED
Sean Kollee	Independent Environmental Monitoring Agency (Agency)
Zabey Nevitt	(via speaker phone) (Agency)

Meeting began at 1:15pm

Round Table Updates:

Chair: Tamara

A date for the next IACT meeting was agreed to, this was later changed to suit the availability of numerous parties. The next meeting is set for November 15th at 1:15 pm in the Bellanca Building, 4th floor due to the prior booking of the Agency boardroom.

Latisha

Reporting from the MVLWB board meeting, Latisha informed the group that the Tibbit-Contwoyto Winter Road screening has occurred. The portages will be made permanent and the document is awaiting completion by the lawyers.

The BHPB Exploration licence is going to the board on the 26th of September.

For Fox Lake dewatering; BHPB will be allowed to discharge the 2 million cubic metres of Fox Lake water to Cell D but will have to reapply for a permit to discharge mine water to Cell D of the LLCF.

Marc

On the subject of the AEMP and PDC scope re-evaluation DFO has reviewed and sent comments to BHPB.

DFO has been engaged in permitting discussions regarding the exchange of Leslie Lake as compensation for lakes lost due to the Sable, Pigeon and Beartooth developments, as allowed under Clause 7 of the existing Fisheries Compensation Agreement. A final work

plan will be issued to BHPB and aboriginal groups to deliver on the authorization that will include consultation requirements. DFO will provide time for all to review the authorization and BHPB's no net habitat loss plan. DFO will provide background to the authorization. The projected release date of the document is September 26th with the review period closing on October 17th and DFO making its final decision on October 31st. The distribution list will be the affected aboriginal groups, the Independent Environmental Monitoring Agency, Governments and Regulators. Zabey asked for both electronic and paper format of the DFO document and Marc responded that DFO may provide CD-ROM discs as the file is too large for email distribution.

Jane McMullen

Has no information to report from her department or the North Slave office.

Zabey:

Zabey expressed his regrets at not being in Yellowknife for the meeting. The Agency submitted comments on the Misery Atomization Proposal and appreciated the response from BHPB. The Agency is interested if the report on the Snowfluent™ process in Inuvik and results were considered? The Agency has a copy available of the report for anyone interested.

An Agency site visit occurred on September 10th, 2002. We visited Fox Development, AN storage, Koala and Panda Pits and Pigeon Culvert, thanks to Derek who was our guide and we would like to visit the Misery Pit soon.

The annual report is at the Printers and we hope to have copies in Yellowknife by October 1st. The report will then be distributed which will provide about three weeks from the release date to the Agency AGM on October 24th. The Agency AGM invitations were sent to our members on Thursday September 19th, 2002.

The Agency reviewed BHPB's exploration application and had no comments but does wish to discuss some of the points in the application with BHPB at our next board of directors meeting.

The Agency carried out a preliminary review of the spring seepage survey, and as discussed with Derek Chubb the Agency would like to receive results of seepage data collected around the AN storage area. Also last year BHPB committed to carry out monthly monitoring of a number of sites in Panda and Misery areas yet this data does not appear to have been presented in this report, is any of the monthly data available? John replied that the data will not be shared during an investigation and this follows on an earlier decision made by the inspector. John understood there is a spring and fall sampling season but he was unsure of monthly sampling. He committed to talk to Jim Millard and get back to Zabey.

The Agency is in process of creating a response to an email received from Jim Millard requesting the Agency's position on the SRK/BHPB seepage report for 2001.

Lastly the Agency had a request from Lutsel K'e to provide information on the Misery Surplus Water Atomization Project. Chris asked Zabey what Lutsel K'e's interest was in the project and noted that BHPB would be happy to do a presentation there. Zabey suggested Chris contact Steve Ellis for further details. Jane (RWED) asked to see the presentation as well if possible.

Sean asked when the BHPB plain English Environmental Report would be issued and why it contained a 1999 satellite image. Chris responded that it had been sent out and John mentioned the cloud cover in 2001 and 2002 satellite images covered part of the project thereby making these photos less than ideal for the publication. . In response to a question, Zabey indicated that Agency outgoing correspondence is available on the Agency's website.

Jane Howe

Jane asked Latisha what that status of the Misery Surplus Water Atomization Project was and Latisha said that Melody is going to ask for further information as she feels there is not enough information to process the application as it is. Marc provided DFO's opinion on the Misery project by saying they assessed it based on a fish habitat perspective and he believed monitoring would allow ample opportunity to address any water quality concerns that could arise therefore DFO supports the experiment. Chris mentioned Environment Canada has agreed to develop the monitoring program for Misery and along with a PhD. student are currently designing it independently of BHPB. It was that BHPB could likely not provide more information for the MVLWB without actually doing the experiment. He concluded the discussion of the Misery project by saying that BHPB is taking responsibility for any negative outcomes.

Chris

Indicated that the terms of reference for a "Diamonds TAC" would be coming from the upcoming MVLWB board meeting, BHPB would like to review the TOR's before it is implemented. Latisha said she would talk to Karl Lauten on that subject.

A discussion followed on the role of the TAC and potentially addressing fisheries issues.

John

September has been tour month at EKATI, groups that visited include Wekweti, NSMA, KIA, Lutsel K'e and Rae-Edzo. Many tours are now shared with Diavik and this is working well and will continue.

Reclamation for this season is winding down, seeding occurred at the south end of the airport esker, the Tercon laydown pad and Paul Lake bridge. We owe DFO a letter on

the sable road and indicating that a culvert is not planned for SR6 which is located on a boulder field and has no surface flow.

On site we are currently discharging to Cell B. However next week we will change to the top of Cell C for the winter, but not where we were last year, discharge will be slightly higher this year (farther North). Marc asked why this change occurred and John said it was due to pumping capacity, as BHPB can't go further south due to lack of capacity to push the processed kimberlite effluent. BHPB also set up more spigots on the east side of the LLCF and John said too much ice formation on Cell B occurs during PKE discharge because of the long beach. Chris mentioned PKE submerges rather than glaciates in the deeper Cell C water and the shorter beach.

John indicated August was one of the wettest months ever at EKATI so less road watering was needed. A total of 105 mm of precipitation occurred in August. Air travel into camp has many delays due to fog.

The draft of the air monitoring report is complete and is being reviewed. We hope to finalize it within a month after which it will be distributed for information.

Environmental workshops are coming up in February on wildlife, aquatics, seepage, reclamation, air and one more making six subject areas to address. BHPB will host preliminary technical meetings on wildlife, aquatics and if necessary, on seepage on December 10, 11 and if necessary 12th. Marc asked where the discussion on fish will occur and John replied it would be in aquatics. BHPB will provide the data before the December technical meetings takes place.

There is a need to meet with CWS, RWED and DFO about the mortality of Red Throated Loons. Diavik has had five Red Throated Loon mortalities. Marc said the mines may need to bring in some outside experts on bycatch.

John said there are also many Grizzlies around and helicopters will be gone at the end of the month making watching them more difficult.

Mining Update

Stripping of overburden is taking place at Fox, and the underground mine at Panda/Koala is in kimberlite. Panda pit will close sometime between March and June next year, Misery trucking is ongoing. The road to Fox is still being prepared, and the pipeline is being constructed on the 1:5 slope for the road. It has the added advantage of cutting down on snow removal. The mines act allows 1:5 slope without the use of berms. This will be installed out of coarse rock and crush.

Old camp has a 1 million-litre tank left to be removed. Other than that rubbish is left. The phase 1 containment pond has been pumped down as low as it can go. BHPB will have to carry out a phase 1 – 4 environmental review on the tank farm. The tailings site may be turned into a land farm.

Dogrib chiefs observed that caribou could pass through the Pigeon culvert.

A Bull caribou got caught in electric fence around the airstrip, it collapsed and had to be cut out. Fences have negative effects which is why we don't want to fence the LLCF. Just north of the jetty in cell B of the LLCF caribou are crossing regularly.

Aquatic and wildlife monitoring is winding up, BHPB is trying to keep the reports short and readable with appendices for details.

John mentioned that the pre-hearing technical meetings will be held on December 10th for aquatics, the 11th for wildlife and 12th for seepage, if necessary.

Tamara participated in a course from September 9th-11th on high elevation mine reclamation and may go to Highland Valley Copper mine in mid October. She also will discuss completion criteria with British Columbia Energy and Mines.

John said he would be interested in a joint meeting with Diavik and Debeers on closure criteria because they are now having pieces of land ready for reclamation.

Tamara

Tamara may attend an October 15th to 16th proposed tour to Highland Valley near Kamloops. The large proceedings from the workshop will be available.

The Regional Monitoring Agency meeting will occur on November 13th to 14th in Yellowknife. The WKSS meeting is scheduled for November 14th to 15th and is a wrap up meeting overlapping one day with the RMA workshop. Tamara would like to make a presentation on DIAND's preliminary review of the Agency's annual report at the AGM.

DIAND Lands department has a complete lease map for all leases at EKATI, including Sable, Pigeon and Beartooth.

Tamara mentioned she was organizing a mine tour on September 23rd. Tamara, Jason McNeil, Anne Wilson, Latisha Heilman, Sean Kollee and Jane McMullen were added to the passenger list by John.

Chris said the BHPB Open house went well and Zabey said the agency would like to be on the mailing list for future open houses. John said ten individuals from DIAND came through the open house.

Tamara said there will be a cost variance and program review meeting Oct 1st with MVLWB, Minutes from the five year Environmental Agreement review minutes have been sent out.

Marc

Marc provided a fish out analysis update. The latest last phase of the project was looking at creating the database for error resolution. Diavik was approached to help fund the project and 10k was confirmed from them. DFO may contribute less than 5k and matching funds from BHPB would help. FDO would like to fund a post-doctoral fellowship through an industrial NSERC to do the work plans to create a proposal over the next 3 months.

Meeting Adjourned 2:30 pm.

Next Meeting – November 15th, 2002