

**12th Meeting of the Board of Directors
Independent Environmental Monitoring Agency**

February 20th to 21st, 1999

Summary of Discussions and Decisions

Directors Present:

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

Staff Present:

Hal Mills	Matt Bender
Janice Traynor	Alan Ehrlich

MEETING WITH DIAND	2
MEETING WITH BHP	3
REVIEW OF AGENDA AND BUSINESS ARISING FROM LAST MEETING	5
INFORMATION UPDATES AND CONSULTATIONS	5
BUDGET AND WORKPLAN	6
AGENCY ANNUAL REPORT	6
DIAVIK CUMULATIVE EFFECTS.....	7
CONSULTATION WITH NORTH SLAVE METIS ALLIANCE.....	7
AGENCY STAFFING	8
WORKPLAN AND BUDGET	8
BHP TECHNICAL WORKSHOPS	8
COMMENTS ON 1997-98 ANNUAL REPORT.....	9
TREASURER'S PRESENTATION	9
NEXT MEETING AND ADJOURNMENT	9
LIST OF ACTION ITEMS	10

FRIDAY, FEBRUARY 19TH, 1999

The meeting began at 9:00 a.m. Directors discussed issues they planned to address with DIAND. Issues included project changes at Ekati, particularly with regard to the Misery pipe, and the federal government's response to the Agency's annual report.

Action Item: Staff to flag key points from the federal response to the Agency's annual report and have them distributed to Aboriginal members.

Meeting with DIAND

Darren Unrau and Marie Adams attended on behalf of DIAND. Darren updated the group with news from his recent inspection of the Ekati mine and exploration activities occurring at Gazelle pipe. The following points were raised:

- Drilling of Gazelle and other pipes will be complete by the end of March.
- Six aerators are running in Kodiak Lake and two in Little Lake. New data should be available the week of February 22nd.
- A new sump is being built to collect water from the coarse tailings pile. This water will then be sent to cells C and D of Long Lake.
- Settling of tailings in cell B is difficult to observe at this time because of winter conditions. Observations will be made in spring.
- Plans for spring are to monitor runoff and conduct seepage surveys from the waste rock piles.

The design of the Misery road and the status of construction were discussed. DIAND offered to provide the Agency with information concerning the parameters that are included in leases for roads. It was also suggested that the issue of waste rock storage at Misery be examined in greater detail by DIAND.

Action Item: Staff to find out all information available on leases and permits pertaining to new developments at Ekati.

DIAND summarized the applications for leases and lease amendments received from BHP, and outlined their status. A discussion of the process that the new applications will go through for environmental assessment indicated that the process is uncertain at this time. (More information will be available at the next IACT meeting happening March 19th.)

DIAND and the Agency discussed the information provided at the kimberlite toxicity workshop. The Agency has concerns about the effectiveness of the experiments conducted for the kimberlite toxicity study and also is concerned about the remaining uncertainties. The Agency suggested that an experiment conducted on site under actual field conditions would be more meaningful.

Action Item: Agency to draft an official response regarding recent kimberlite toxicity studies. Copies of the Sprague report should be included and the letter should be sent to BHP and copied to DIAND.

The cumulative effects of BHP and Diavik were discussed. Marie noted that a public registry of information on the Diavik project could be accessed by the Agency at any time.

The Board and DIAND discussed the requirement under the Environmental Agreement for BHP to hold a public meeting regarding their annual report. It was suggested that DIAND review Agency comments on BHP's first Annual Report. BHP is required under the Environmental Agreement to report on a set of topics, including their exploration plan. In their third year BHP will have to submit an environmental impact report.

In addition, every year there is an opportunity to review the Environmental Agreement. If Sable pipe is developed it will require an amendment to the Environmental Agreement.

The issue of cumulative effects on caribou was raised. The Agency inquired whether some progress could be made on bringing together the regulatory authorities and Aboriginal people in order to consider a monitoring and management plan for the Bathurst herd.

Meeting with BHP

Scott Williams and Denise Burlingame from BHP attended and provided a presentation on the status of the project. BHP pointed out that the work on the Misery road is proceeding, and that Misery pipe is likely to come on line next year. BHP is considering the option of limiting the operation of the road to winter only, when the caribou are not migrating.

Other points made by BHP include the following:

- BHP is focussing on project expansions that include pipes at Gazelle and Point Lake.
- BHP believes that the kimberlite toxicity study reports have demonstrated that kimberlite is not toxic and feel that laboratory studies should laid to rest. Steve Harbicht (Environment Canada) is involved in a graduate study to conduct ongoing field studies of kimberlite toxicity.
- BHP stated that the level of Long Lake is being brought down to provide space for tailings and the spring freshet. Water will be released from Long Lake during the spring flood.
- BHP stated that they want to include elders in more site visits so that they gain a better understanding of how monitoring programs are actually done.

The Board raised the following points:

- The Agency is concerned with nutrient effects being seen as far down the system as Slipper Lake.

- The Agency stated that it is crucial that it be provided with all project applications and associated documents directly from BHP. The Agency often finds itself in the difficult position trying to obtain documents that should be directly provided as per the information exchange protocol. The Agency reminded BHP of its desire to be less critical and play more of an advisory role
- The Agency found that the lease amendment concerning Misery is not clear, particularly with respect to the monitoring that will take place for the sedimentation pond, King Pond, and the two or three lakes the discharge will go through before entering Lac du Sauvage. The earlier BHP can devise a plan to monitor aquatic effects the earlier the Agency can play an advisory role. The same thing applies for the Sable pipe.
- The Agency noted that if Diavik has a cadmium problem, or high salinity problems, it might pose a problem for BHP and the Misery pipe.

BHP expressed its wish to define the mining plan for Misery before clarifying monitoring details and commitment not to release discharge without monitoring. BHP also committed to let the Agency know if the processing plant is monitoring any parameter to indicate when Fox-like clays are entering the mill. The company also committed to check its files for a letter from the NWT Water Board suggesting BHP consider sending Misery discharges to Lac du Sauvage.

BHP and the Agency discussed the draft letter to the Aboriginal organizations involved in the traditional knowledge workshop. Scott Williams felt the working group established as an outcome of the workshop should include BHP, the Aboriginal organizations, and the Agency. The Agency, however, did not feel it has to be involved in every step. BHP agreed.

The Board discussed the Agency's draft budget with Scott Williams. Williams said that the costs to support the Board are high and asked the Board to review this. The Board suggested that they do usually take measures to save costs on meetings, but as a working board they are expected to review, understand and comment on documents, and this creates time demands.

It was agreed that both BHP and the Agency want to reach a consensus about the budget within the next three or four weeks. To do this, BHP would require more information, particularly with respect to the workplan.

Action Item: Directors to ensure that the Agency budget accurately reflects the requirements of the environmental agreement.

SATURDAY, FEBRUARY 20TH, 1999

The 12th Board Meeting of the Independent Environmental Monitoring Agency started at 8:30 a.m.

Review of Agenda and Business Arising from last meeting

The Agenda was reviewed and modified accordingly. The status of each action item from the last meeting was reviewed.

Information Updates and Consultations

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

Red Pedersen attended a number of meetings in Kugluktuk, most of which involved Diavik. Red described some of the KIA's concerns and noted that water quality is a major issue. The KIA expressed to him their wish to be kept fully informed of development plans by both Diavik and BHP.

Tony Pearse has been keeping in touch with the Dogrib. He noted the recent completion of John Sprague's report that reviewed the Enviro-Test study on the aquatic toxicity of kimberlite mining.

Kevin O'Reilly recently met with Darrell Beaulieu to update him on Agency activities. Kevin noted that Lila Erasmus has been filling in for Darrell and will soon be taking over his responsibility as the Agency contact for Akaitcho Treaty 8. Kevin also attended the Kimberlite Toxicity and the Wildlife Effects Monitoring workshops sponsored by BHP in early February. In addition, Kevin attended the Diavik technical sessions for water and noted that many of the technical issues involving potential cumulative effects from Ekati were discussed but were not adequately publicly addressed. Finally, Kevin met with Bob Dawe, who was recently hired by DFO to administer their Fish Habitat Compensation Fund.

François Messier recently devoted time to the Agency's 1999-2000 workplan and budget. Since the last board meeting, François attended the BHP wildlife effects workshop where he contributed to discussions dealing with wildlife and esker issues and the possible impacts of the Misery road. François also submitted to BHP his comments on its 1998 Wildlife Effects Monitoring Program.

Pete McCart attended BHP's Kimberlite Toxicity and Aquatic Effects Monitoring workshops. Pete reported on the various shortcomings in the Enviro-Test study that were noted at the workshop and suggested the importance of field studies at Ekati. Pete noted that the six aerators currently in operation at Kodiak Lake are managing to maintain oxygen levels similar to last year and noted their importance. Mention was also made of nitrogen and phosphorous levels now showing up at Slipper Lake.

Hal Mills re-iterated a concern raised in earlier meetings that Agency activities do require high amounts of staff time. Hal stated that GeoNorth remains open to ideas that would enable to staff to provide an effective level of service while still meeting the limits of the current contract.

Environmental Monitoring

Matt Bender, Alan Ehrlich, and Janice Traynor presented updates of recent events related to monitoring and the Agency. Directors were briefed on:

- new incoming documents;
- updates on the permitting and assessment process of new expansions at Ekati under Mackenzie Valley Resource Management Act;
- highlights from the recent meeting of the Inter Agency Coordination Team;
- A recent information request from the Canadian Parks and Wilderness Society; and,
- Discussions regarding the current stage of the Diavik Environmental Assessment process.

Action Item: Staff to record all forms of contact in the Record of Contacts binder.

Budget and Workplan

There was discussion regarding the Agency's draft budget and workplan. The following points were raised:

- If the Agency is not adequately funded, it cannot function independently.
- The Agency is being told to provide more feedback to society members and Aboriginal groups.
- The Agency is committed to achieving its mandate under the Environmental Agreement and wishes to do more community consultation. Given the current operating budget the Agency also recognizes its limitations and does not feel that its mandate should be compromised.
- The Agency has reviewed more documents and has been asked to undertake more activities than were first anticipated at its inception.
- Directors are committed to the independence of the Agency and to fulfilling the expectations of those who appointed them.

Agency Annual Report

There was discussion on the status of the Agency's 1998-1999 Annual Report. Schedules and responsibilities were reviewed.

Diavik Cumulative Effects

Directors discussed appropriate steps for the Agency to take regarding aspects of the Diavik comprehensive study that involve cumulative effects. It was decided that since the Agency has already submitted comments on the cumulative aspects of the Diavik Environmental Effects Reports, it would wait to see how government has considered these points in the final Comprehensive Study Report.

Consultation with North Slave Metis Alliance

The Board of Directors met with Bob Turner and Mike Thoms of the North Slave Metis Alliance. The Board noted that the meeting was a chance to consult with Aboriginal members to gain advice on what their potential concerns might be and what issues are priorities for the North Slave Metis Alliance.

Bob Turner inquired if there were any problems regarding environmental management at Ekati that need to be addressed by the Agency.

In response, the Agency noted that while there were no alarming situations in terms of wildlife effects, construction of the Misery road was a current issue, especially in terms of diverting caribou. François also mentioned BHP's plans to bring elders to the site this summer to discuss options for caribou crossing sites. The Agency noted that cumulative effects of Ekati in conjunction with the proposed Diavik mine might be something on which to focus with regard to caribou.

The Board also described the issue of eutrophication at Kodiak Lake, stating that although BHP has been managing the problem, there is still an interest in possible downstream effects. The possibility of tailings being released from Long Lake is also an issue the Agency is watching for, although no problems have occurred yet.

Bob Turner inquired about the effects of the winter road on caribou. In response, the Board noted that BHP's monitoring programs are limited to the actual claim block, despite what is laid out under the Canadian Environmental Assessment Agency. It was also pointed out that BHP is not solely responsible for monitoring and that more coordination is required among groups.

Mike Thoms observed that at every public consultation meeting with Diavik, caribou are mentioned but the cumulative study parameters exclude major sources of cumulative effects, such as the upcoming Monopros mine.

The Board and the North Slave Metis Alliance representatives also discussed the desirability of setting up a monitoring fee levied for those doing exploration and outfitting, to be given to a regional body for management, so that those contributing to the impact help pay for the management.

The traditional knowledge workshop in N'dilo was discussed and both groups noted their satisfaction with the progress made.

Bob Turner discussed social effects of BHP, and expressed the concern of the North Slave Metis Alliance that BHP's shift work is leading to increased alcoholism and social disruption. It was also noted that cumulative effects issues are major concerns for the North Slave Metis Alliance (NSMA), as are socio-economic aspects of cumulative effects. The NSMA see the Bathurst caribou herd, fish and aquatic issues, and the winter road as key areas of concern.

Agency Staffing

Directors held a closed-door meeting to discuss issues related to staffing the Agency.

SUNDAY, FEBRUARY 21, 1999

Workplan and Budget

There was discussion on how to best organize the Agency's 1999-2000 workplan and budget. It was decided that both should accurately reflect objectives laid out in the environmental agreement, and that cumulative effects involving Ekati will also be dealt with by the Agency and this should be reflected in the workplan. It was also noted that should a regional caribou monitoring board be raised by Aboriginal members as a priority, the Agency would support such a motion. Community consultation, the integration of TK, project expansion and project changes were all raised by board members as key areas on which the Agency should focus.

BHP Technical Workshops

Pete, Bill, and Kevin updated the group on the recent Kimberlite toxicity workshop. At the workshop, BHP's recent studies were described. Directors at the board meeting noted that these studies appear to have left significant uncertainties about aspects of kimberlite toxicity under field conditions.

Action Item – Agency to draft letter to BHP highlighting the Agency's recommendations re kimberlite studies.

Directors commented on the aquatic effects workshop and noted that there is now downstream evidence of nutrification in Slipper Lake. Traces of nitrogen and phosphorous have spread surprisingly quickly to lakes downstream. It was noted that to truly understand the effects on aquatic systems, monitoring will have to continue into the long term – long after the aeration of Kodiak Lake is discontinued.

Action Item: Staff to invite Julie Dahl and Bob Dawe of DFO to next Board Meeting.

Directors summarized their impressions of the wildlife effects monitoring workshop and highlighted the importance of a monitoring plan for new developments at Misery.

Action Item: Staff to find out how DLAND is approaching the Misery developments.

Comments on 1997-98 Annual Report

The board reviewed the federal and BHP's comments on the last Annual Report of the Agency and these recommendations into account.


Action Item: Staff to review the OEMP to flag any changes which may have been made based on Agency recommendations in the 1998-99 Annual Report.

Treasurer's Presentation

The Secretary Treasurer presented a budget update. He pointed out that 93% of the Agency's operating budget has been spent. The Agency expects to finish this fiscal year within the budget presented in the 1997-98 Annual Report.

Next Meeting and Adjournment

It was decided that the next meeting will be held on Saturday April 17th and Sunday April 18th. The meeting adjourned at 3:50 p.m.



List of Action Items

1. *Staff to flag key points from the federal response to the Agency's annual report and have them distributed to Aboriginal members.*
2. *Staff to find out all information available on leases and permits pertaining to new developments at Ekati.*
3. *Agency to draft an official response regarding recent kimberlite toxicity studies. Copies of the Sprague report should be included and the letter should be sent to BHP and copied to DLAND.*
4. *Directors to ensure that the Agency budget accurately reflects the requirements of the environmental agreement.*
5. *Action Item: Staff to record all forms of contact in the Record of Contacts binder.*
6. *Agency to draft letter to BHP highlighting the Agency's recommendations re kimberlite studies.*
7. *Staff to invite Julie Dahl and Bob Dawe of DFO to next Board Meeting.*
8. *Staff to find out how DLAND is approaching the Misery developments.*
9. *Staff to review the OEMP to flag any changes which may have been made based on Agency recommendations in the 1998-99 Annual Report.*