

Summary of Discussion from the Annual General Meeting
of the Society of the
Independent Environmental Monitoring Agency
Held on
December 9, 2011
at the Agency Boardroom

Revised: January 23, 2012 (DRAFT until approved at the 2012 AGM)

PARTICIPANTS

Agency Directors:

Tim Byers
Sheryl Grieve
Laura Johnston
Tony Pearce
Kim Poole
Jaida Ohokannoak
Bill Ross

Agency Staff:

Kevin O'Reilly

BHP Billiton (BHPB):

Eric Denholm

Aboriginal Affairs and Northern Development

Canada (AANDC):

Julian Kanigan

Government of the Northwest Territories

(GNWT):

Patrick Clancy

Akaiicho Treaty 8 - Łutsël K'e First Nation
(LKFN):

Mike Tollis
Jeanette Lockhart

Akaiicho Treaty 8 – Yellowknives Dene First
Nation (YKDFN):

Fred Sangris

Kitikmeot Inuit Association (KIA):

Angut Pedersen

North Slave Métis Alliance (NSMA):

Ed Jones
Hugh McSwain

Tłı̨chǫ Government (TG):

Harry Apples

Interpreter:

Margaret Mackenzie (*Tłı̨chǫ*)

Meeting opened at 9:20 am.

An opening prayer was given by Bill Ross.

WELCOME AND AGENDA REVIEW

Chairperson Bill Ross welcomed everyone to the AGM and gave an overview of the agenda. No additions or changes were suggested. There was a round of introductions by all participants.

CHAIRPERSON'S ADDRESS

Bill noted that this is really a meeting of the Agency Society members, and not of the Board of Directors.

APPROVAL OF THE SUMMARY OF THE 2009 AGM

Motion to approve the Summary of Discussion from the 2010 AGM.

Moved by BHPB (Eric Denholm). Seconded by AANDC (Julian Kanigan). Carried without objection.

PRESENTATION OF ANNUAL REPORT

Vice-Chair Tim Byers presented a summary of the Agency's 2010-11 Annual Report. The presentation was included as a handout in the participants' folders, and is also available on the Agency website.

Eric Denholm advised the group that the new incinerator at site would soon be operational. There has been one test burn so far but there is a need to finalize operating procedures and to do a stack test to make sure it is working efficiently. He also mentioned that there had been a meeting the day before to discuss the 2012 Environmental Impact Report.

Ed Jones said that there should be air pollution control equipment on all vehicles, generators and the incinerator at the Ekati mine site. Ed also indicated that he wanted to talk about closure of the mine and that he had noted Harry Apples concerns about not backfilling the pits with waste rock. He also supports backfilling the pits as that would also reduce the size of the waste rock piles. Eric agreed to discuss these items later in the meeting.

Sheryl Grieve questioned why seven caribou had been killed at Ekati. Kim Poole answered by saying that the Wildlife Effects Monitoring Program (WEMP) report for 2010 indicates that seven caribou were found dead at the site and that they were mostly killed by predators and then found by mine personnel.

Ed Jones asked if fish barriers had been approved as part of the Interim Closure and Reclamation Plan (ICRP). Bill Ross responded by saying that the Wek'eezhii Land and Water Board (WLWB) had recently given its final approval for the ICRP and had earlier directed BHPB to take out any references to permanent fish barriers.

Mike Tollis asked why there are no longer any aerial surveys of caribou around Ekati. Kim Poole said that the Agency, and others, had agreed in 2009 there that there was no further value in continuing the surveys in the short term as a zone of influence had already been calculated for the current level of mine activity. As there was no major changes anticipated at the mine and the caribou herds are in decline, there was no need to disturb caribou any further. With the recently approved expansion of the Misery Pit and work at Pigeon, it would probably be a good idea to restart the aerial surveys in 2012.

Julian Kanigan asked about the new airport fencing to keep caribou out. Kim Poole was able to show a photo of the fence from a photo in the Agency's Annual Report presentation. He noted that it would be difficult for a caribou to get its antlers caught in the orange plastic fencing. Eric Denholm said that BHPB has not seen any incidents of caribou getting caught in the fence. This fencing had already been used around the Beartooth pit with no problems.

Julian Kanigan asked whether the nitrate issue in discharges from the Long Lake Containment Facility (LLCF) had been resolved. He noted that the Agency had sent two letters to BHPB on its use of the Ideal Performance Standard (IPS) which may still cause chronic effects in lake trout. Eric Denholm admitted that BHPB has been slow in responding but there had been a recent discussion with the Agency on this issue. BHPB has also begun work on a site-specific water quality guideline for nitrate as part of the background work for the water licence renewal. An application for the water licence renewal should be submitted in April 2012. Bill Ross said that the Agency had recognized BHPB's efforts on nitrate reduction and that water discharges from the LLCF were below the IPS this last summer.

Harry Apples stated that he would like better monitoring of the mine. He wondered whether caribou could get caught in the fencing when they are trying to get the hair off their antlers. Eric Denholm replied that there are four wildlife technicians at Ekati, with two on site at any one time given the two week work rotations, plus a supervisor. The Environment Department has authority on site to do things in the interest of wildlife, including closing roads.

Fred Sangris asked whether the wildlife mortalities reported in the WEMP reports include the winter road operations. He said that truckers on the winter roads get about \$2,000 per trip and that there are inadequate controls over speeding. He had seen wildlife mortalities caused by the winter road trucks.

Eric Denholm said that there are speed limits on the winter road and there is enforcement as speeding can cause the ice to crack or even break up. He said he would pass these comments on to the Joint Venture that operates the winter road.

Tim Byers asked whether the Joint Venture reports on any wildlife mortalities from its operations. Kim Poole said that he has never been able to find out any annual reports from the winter roads. Eric Denholm said that GNWT does some monitoring on the winter roads for wildlife harvesting. Fred Sangris remarked that the GNWT monitoring does not include wildlife killed by trucks and that he had personally picked up road kills. He does not believe there is any requirement or incentive for truckers to report road kills. He also asked which communities the wildlife technicians are from. Eric Denholm said that Misty Sinclair is from Fort Smith, Gord Arychuk is from Yellowknife and that a former technician, Jimmy Arrowmaker was from Gameti. There are currently no wildlife technicians from Akaitcho Territory communities. Fred thought there should be someone from an Akaitcho community working as a wildlife technician.

Road closures on site for wildlife reasons are documented in the annual WEMP reports. Kim Poole said that the 2009 WEMP reported that the Misery Road was closed three times because of caribou movements and that the Fox Road was closed once due to a grizzly bear in the area.

Julian Kanigan asked whether the waste rock piles are freezing as anticipated. Eric Denholm said that the Fox waste rock pile is cooling more slowly than expected but this may be due to higher moisture content of the waste rock as there is no model or examples on site to compare it to. He noted that the slower freezing is not a concern as other parts of the same waste rock pile are actually colder than the underlying permafrost. Julian asked if there would be any effects on the stability of the waste rock pile if there is a higher moisture content. Eric indicated that increased moisture in the waste rock is not expected to cause any stability issues but will be studied further as part of closure planning and research.

TREASURER'S REPORT

Jaida Ohokannoak (Secretary-Treasurer) presented the Agency financial report. The presentation was included as a handout in the participants' folders, and is also available on the Agency website. She explained the purpose and use of the Separate Fund. There were no questions from the participants.

Motion to appoint MacKay LLP as the Auditor for the 2010-11 fiscal year.

Moved by Akaitcho Treaty 8 (Fred Sangris). Seconded by North Slave Metis Alliance (Ed Jones). Carried without objection.

2010-2012 WORK PLAN AND BUDGET

Chairperson Bill Ross presented the Agency's work plan and budget for 2011-2013. The presentation was included as a handout in the participants' folders, and is also available on the Agency website.

Julian Kanigan said he was surprised that there was no emphasis on working with the other diamond mine monitoring bodies. Bill Ross replied that although this was not specifically mentioned in the presentation, this happens frequently, such as the joint Christmas Open House that was held the previous evening. The Executive Directors of the bodies usually attend each others' Board meetings to provide updates. Bill noted that there have been some joint letters in the past and other work together. He also referred to the Agency's support for a Multi-Party Environmental Monitoring Agency in the past. Kevin O'Reilly mentioned that there is a very good working relationship at the staff level and almost daily contact with the Environmental Monitoring Advisory Board as we share a boardroom and are neighbours.

Eric Denholm mentioned that the Panda Diversion Channel monitoring program reports will soon be submitted and that the company is looking to phase out the program. There may be a meeting at Ekati to discuss this matter. Bill Ross agreed with the importance of having meetings at the mine site.

Harry Apples said that it would be good to be able to visit the mine in the spring when the melt is happening. He would like to see how the water flows through the mine and the pits. The winter would also be a good time to visit to see the winter roads and how they are used. He is concerned about contamination from the winter road. This is the first time he had heard that the pits are going to be filled with water. He reports back to the Chiefs on meetings such as this one. Bill Ross said that the Agency understands the importance of visiting during the freshet but it is hard to catch it. It may be as early as mid-May or as late as mid-June. Bill also noted that BHPB has suggested to the Agency that site visits at different times of the year is a good idea. Some of the Agency Directors and staff have been to the site in winter. The inspector also visits the mine site almost monthly and sees it during different seasons. Bill added that it was helpful to have Harry at meetings about BHPB because he offers good advice.

Julian Kanigan said that he used to be the inspector at Diavik but knows there is one inspector assigned just for the Ekati mine. That inspector does land and water inspections in different seasons and that it is especially important to be there during the spring melt to see what is happening. Another inspector is responsible for the winter road portages. That inspector goes up before the road opens and when it is in operation, and also checks the camps along the way.

Eric Denholm invited Harry Apples to visit the site in the spring and said that Charles Klengenber could help arrange such a trip. Eric mentioned that BHPB has an extensive environmental monitoring program that includes taking samples and analyzing water and air. There is usually a winter road tour once each season and that Charles could help arrange for Harry to participate, but Eric would also pass along this interest directly. Eric said the Interim Closure and Reclamation Plan (ICRP) had just been approved by the WLWB. The plan is to fill the pit lakes with water, except the Beartooth pit into which the company has requested approval to deposit processed kimberlite. Eric is aware of Harry's concerns in this regard.

Ed Jones said that the real issue with pit backfilling is one of costs and that to put the waste rock back into the pits would be very expensive. He agreed with Harry Apples that it may not be a good idea to fill the pits with water. Eric Denholm agreed with Ed on the issue of costs as this could have been a deal-breaker when the mine was originally being planned. Eric said there are other reasons to put water into the pits, including stopping potentially harmful chemical reactions on the pit walls and reconnecting the pits to the surrounding aquatic ecosystem.

Mike Tollis asked what the plans are for the waste rock at the mine. Eric Denholm said that most of the waste rock is already frozen in place and to remove it would essentially involve removing. Ed Jones suggested that the pits could be backfilled with waste rock, water added to fill any voids and then capped using liners or bentonite clay. Eric said that liners can be helpful but they too wear out eventually, and thus require long-term inspections and maintenance.

Harry Apples said that he is very concerned that the pits, once filled, will overflow in the spring with the runoff. Eric said that BHPB will build channels to reconnect the pits with surrounding watersheds if the water in the pits is safe for fish and the environment. There will be a relatively small amount of water flowing in and out of the pits during the spring melt and it will follow the channels that are built by the company. Harry said that he had not heard of this plan before and wondered whether the Chiefs had agreed with it. He did not know before that there would be channels reconnecting the pits to the watersheds. He believes this is a good thing. He was worried about the water in the pits becoming stagnant.

Julian Kanigan said that he could not find anything in the technical version of the Agency's Annual Report about spills at Ekati. He used to pay a lot of attention to spills as an inspector and suggested that the Agency might want to report on spills in its Annual Report.

MEMBERS' PRESENTATIONS AND DISCUSSION

Bill invited the participants to discuss any concerns or issues about Ekati or the Agency but everyone agreed they had done so throughout the meeting.

AGENCY COMMUNICATIONS

Following lunch, Laura Johnston presented a few slides that summarize the Agency's recently completed and approved Communications Plan. Copies of the presentation were provided to the participants. The Agency is also seeking input from participants on a several communications activities and priorities as follows:

- A revised poster on the Agency (available at the meeting for viewing) and a table-top display;
- Community visit (including one Board meeting a year in a community and other visits upon request);
- Newsletter (currently twice a year, by e-mail with some hard copies to the communities) and fact sheets (ideas on topics and format were invited);
- Plain language summaries (Agency does its Annual Report in a plain language version and encourages others to do plain language executive summaries of important documents).

Angut Pedersen suggested that it would be a good idea to get posters on the Agency into schools in the communities. The poster might also be made available in different sizes. Eric Denholm said that the poster could be translated into each community's language if it works, but the company's experience has been that this is not always helpful. It will be important to check with each community on its needs. Fred Sangris said that not very many people with the Yellowknives Dene First Nation can read the Weledeh language, probably only two or three people. It would be better to have the poster translated into a sound file or clip and then get it played on CKLB radio (Native Communications).

Eric Denholm suggested that the draft poster has too many words and asked what the purpose of it was. Laura Johnston responded by saying it is to introduce the Agency and its work and to provide contact on where to get further information. Fred Sangris said that it would be good to get the poster translated and then recorded as a file. It could then be put on a disk and delivered to each house in the community (this is how the YKDFN delivers its own newsletters). A slide show with a voice-over in the Aboriginal languages might be another way to present information.

People agreed that community visits are important and that the Agency should continue this practise. There was also general support for the plain language versions of the Agency's Annual Reports.

OTHER BUSINESS

No other business was raised.

CLOSING REMARKS

Bill Ross thanked everyone for their participation and advice.

Harry Apples gave a closing prayer. He said that it had been a good meeting. It was good that people has raised their concerns and issues so that information can be shared, and people can work together. He emphasized the importance of wildlife and his wishes that nothing adverse should happen to wildlife.

Meeting adjourned at 1:30 pm.