



Independent Environmental Monitoring Agency

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**Summary of Discussion from the
Inter-Agency Coordinating Team (IACT)
Meeting of December 15, 2003**

Participants

Jane Howe	BHPB
Chris Hanks	BHPB
Latisha Heilman	Mackenzie Valley Land and Water Board (MVLWB)
Lionel Marcinkoski	DIAND
Eric Yaxley	DIAND
Francis Jackson	DIAND
Robin Staples	DIAND
Elaine Blais	DFO
Anne Wilson	Environment Canada
Carole Mills	IEMA (Agency)

Chair – Eric Yaxley (DIAND)

Agenda Items

1. IACT Terms of Reference.
2. Cancellation of BHPB environmental workshops.
3. Round table updates.

1. Terms of Reference

A suggestion was made that the IACT chairperson could rotate. Other comments on the ToR included:

- Technical issues lacked a forum which led to IACT's formation.
- Conflicting requirements were observed between different responsible authorities.
- IACT is not intended to have decision-making authority or to provide formal advice but summary notes have proven to be useful.
- IACT is not intended to have formal minutes.
- IACT lacks a regulatory basis other than to enhance communications in an informal venue.
- Participants have been regulators largely to ensure technical questions can be readily discussed.

A comment was made that it is not clear that a company's consultation requirement to regulators for a water licence application could be met by meeting with special sessions of IACT.

Action: IEMA will suggest changes to the IACT ToR and distribute.

2. Cancellation of Workshops

BHPB summarized reasons for its decision to cancel the workshops:

- Aboriginal people did not feel informed during the workshops.
- Meeting communities individually before the programs start may improve communications.
- Workshops were very expensive (\$100,000) and BHPB needs to reduce costs from the environment programs.
- BHPB's intention is to provide the workshops every three years.

The Agency mentioned its option to host the workshops itself. The workshop would be for community resource people, not the general public and be dependent on when plans are delivered. The Agency would appreciate participations of the regulators to interact with community representatives. The Agency hosted workshop would provide a forum for all aboriginal groups to discuss technical issues together. BHPB mentioned it may not be able to bring its consultants in due to the costs involved.

Some regulators commented that it could appear inappropriate for the environmental workshop to be delivered by any party other than the company. Others felt their concerns were being addressed through the technical workshop in December rather than the public workshop. It was agreed the technical workshop was a valuable event that will be missed. BHPB visiting each community individually for a short time will not guarantee the right technical people are available and the input received likely to be less valuable. BHPB replied that people who knew the mine were not necessarily at the workshop Yellowknife either. BHPB can also work with the communities individually to have items of interest on the agenda.

BHPB was asked what process would be used to review and incorporate changes to its upcoming plans. BHPB replied that it would provide the plans directly and provide responses to why comments are not incorporated. The MVLWB will continue to circulate plans on its regular list. BHPB view the workshops as over and above its necessary consultation requirements and now that the mine is fully operational it needs to reduce costs and have processes that reflect the lack of changes at the mine.

The concept of IACT providing a venue for discussion of management plans was considered. It was noted that the MVLWB does not want to host a BHPB TAC. It was suggested that IACT could then discuss management plans on an as needed basis. BHPB stated that it was instructed to base reclamation estimates without assuming progressive reclamation, therefore there is no incentive to conduct progressive reclamation.

BHPB was asked when a new *Wastewater and Processed Kimberlite Management Plan* would be submitted. BHPB responded that it has an updated mine plan and rather than resubmit the *WWPKM* plan it would wait until a new mine plan is ready. BHPB does not feel that a delayed *WWPKM* plan will affect operations as it is operating under the approved 2000 plan. BHPB cannot, however, use the pipe to discharge Fox sump water to cell C of the LLCF because it empties the sump and poses a hazard. Its LLCF Risk assessment will be made available soon.

BHPB mentioned that its management plans might not be ready as early this year due to the cancellation of the December technical workshops.

The MVLWB suggested a new process for reviewing plans. The MVLWB would distribute plans for a five-week review. Prior to the end of the review period a meeting could be hosted (potentially an IACT) to discuss those plans that require approval.

3. Round Table Updates

BHPB:

- Responses are being prepared for MVLWB on *Spill and General Contingency, WWPKMP, A&R* (response due April 9)
- BHPB requested more time to update the *Spill Contingency Plan* and is using EBA as its consultant. The plan will better reflect operations at the mine and incorporate environmental emergency planning promulgated by EC under CEPA
- The *WWPKMP* was submitted in May 2003 and comments received in September 2003. BHPB has changed its base mill-rate to 12,500 tonnes/day from 9,000 tonnes/day. The new water licence application contains details of an increase up to the assessed mill-rate of 18,000 tonnes/day that was originally planned for 2007. This will be in the new *WWPKMP* planned for January 2004. The *WWPKMP* will still change in the following year. Risk assessments will help with preparation of the plan
- The *A&R* plan response to comments is planned for April 2004. No workshop will be held as suggested by the Agency.
- Fox pit toe berms are being built but construction is slower than planned because of wet tills.
- The ring road on the east side of the Fox haul road will be widened to allow passage of larger trucks. This doesn't affect the two small lakes.
- The process plant employees will now look after flocculent plants.
- The underground operation has shut down because of icing below the permafrost.
- Koala pit is providing most of the ore.
- Misery is shut down for the winter and the effect this could have on the atomization project is unknown.
- BHPB has submitted its water licence application. This will be reviewed for completion by the MVLWB (IACT mentioned its appreciation of the electronic linkages on the CD).

MVLWB:

- The MVLWB discussed the process for the water licence application review. The application will be distributed once it is deemed to be complete. 60 days would then be provided to review for comments. The application then is delivered to the Board, a work plan formulated, public hearing and an intervention period set.

The MVLWB was asked if an environmental assessment exemption application was submitted. BHPB responded that Appendix I of its application includes a rationale for the request. The MVLWB legal department will look at consultation requirements for the exemption because the BHPB request is the first ever received.

DIAND:

- DIAND is discussing the securities amount with BHPB and an agreement is likely in January.

Environment Canada

- An updated benthic invertebrate report for Cell E of the LLCF has been sent to BHPB.

Agency:

- The new Director appointed by the KIA is Jaida Ohokannoak. The Agency is waiting to hear from the government and BHPB on Pete McCart's replacement.

Next meeting:

- *February 16th, 2004 at 1:15pm*