

**Independent Environmental Monitoring Agency**  
**77<sup>th</sup> Meeting of the Board of Directors**  
**Yellowknife, NWT**  
**March 21-23, 2012**  
**Summary of Discussion**

Revised: April 27, 2012

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Directors

Bill Ross

Tim Byers

Laura Johnston

Jaida Ohokannoak

Sheryl Grieve

Tony Pearce

Kim Poole

Staff

Kevin O'Reilly, Executive Director

Allison Anderson, Communications and Environmental Specialist

Guests

Jason Brennan, Aboriginal Affairs and Northern Development Canada

Helen Butler, BHP Billiton

Charity Clarkin, BHP Billiton

Mark Fenwick, Environmental Monitoring Advisory Board

Bruce Hanna, Fisheries and Oceans

Robert Jenkins, Aboriginal Affairs and Northern Development Canada

Lisa Lowman, Environment Canada

Lukas Novy, BHP Billiton

Dave White, Snap Lake Environmental Monitoring Agency

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**AGENCY BUSINESS**

➤ **Information Updates**

Bill – Attended the Environmental Agreement (EA) Implementation Meeting, a meeting on financial security review with staff of the Wek'eezhii Land and Water Board (WLWB) and a later meeting with BHPB. Met with Northern Employee Benefits Services (NEBS) to discuss its pension plan. Participated by teleconference in the Agency 2012-14 Work Plan and Budget meeting held on March 1. Collaborated with Jaida and Tim on Kevin's performance evaluation.

Kim – Prepared comments on grizzly bear monitoring program.

Tony – Found a venue for the Annual Report writing workshop in May. Reviewed and prepared comments on the mixing zone briefing document, reviewed the WLWB Reasons for Decision on the Wastewater and Processed Kimberlite Management Plan (WPKMP).

Tim – Attended EA Implementation Meeting and community meetings with the Lutsel K'e Dene First Nation (LKDFN) and North Slave Metis Alliance (NSMA). Reviewed and prepared comments on BHPB's proposed fish sampling program. Participated in the teleconference on the Agency Work Plan and Budget. Reviewed the mixing zone briefing document.

Jaida – Collaborated with Bill and Tim on Kevin's performance evaluation. Assisted with the Agency Work Plan and Budget for 2012-14. Participated in teleconference on the Agency Work Plan and Budget meeting. Worked with Allison and Kevin on communications initiatives.

Laura – Prepared the mixing zones briefing document and reviewed feedback. Responded to the Agency Work Plan and Budget and participated in the meeting by teleconference.

Sheryl – Reviewed and prepared comments on BHPB's proposed fish sampling program. Reviewed correspondence. Attended NSMA community meeting. Participated by teleconference in the Work Plan and Budget meeting.

Kevin – Prepared summaries of the Agency Annual General Meeting, Traditional Knowledge (TK) workshop, Board meeting, financial security meetings, EA Implementation meeting and NSMA meetings. Prepared a follow-up letter to the Traditional Knowledge (TK) workshop. Provided an update to SLEMA. Ensured the Agency's society registration is current. Prepared and compiled comments on BHPB's proposed fish sampling program. Worked with Jaida on the Agency Work Plan and Budget. Attempted to contact Don MacDonald regarding work on water quality for the upcoming license renewal.

Allison – Attended and prepared summaries of discussion for several meetings, including the community meeting in Lutsel K'e, EA Implementation Meeting, and meetings on security review and the Agency Work Plan and Budget. Reviewed and prepared comments on BHPB's proposed fish sampling program. Worked on various communications initiatives. Reviewed correspondence. Organized office and performed various administrative tasks, such as attempting to arrange a community visit to Whatì.

Action Item #1 Kevin to revise minutes for March 1, 2012 teleconference on the budget and workplan to reflect Sheryl's attendance.
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➤ **Financial Report**

Jaida reviewed the year-to-date financial expenditures. The Agency is heading for a surplus both in the Separate Fund and remaining core funds. Ideas for other expenditures before year-end were discussed. Allison will continue to execute various communications initiatives for March 31.

**AGENCY 2011-12 ANNUAL REPORT**

The logistics for the Agency's Annual Report writing session scheduled for May 2012 in Penticton were discussed. Kevin is authorized to proceed with booking the accommodations and meeting facilities. Directors and staff will book their travel immediately and send the details to Allison to allow coordination of travel to and from the airport in Kelowna. The plan is to arrive on the evening of May 7 and leave after lunch on May 10 or during the day on May 11.

Action Item #2 Kevin to proceed with the booking for the meeting space and accommodation for the Annual Report writing session. Directors and staff to book their travel to Penticton or Kelowna and to provide Allison with the details.
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The table containing some initial ideas for the 2011-12 Annual Report was discussed. The section word counts and page numbers for last year's AR from Outcrop will be added. Additional items to be added to the table include section writing assignments and a few other activities and points to consider including examples of good adaptive management.

Action Item #3 Kevin to revise Annual Report table to reflect discussion at March Board Meeting and to distribute updated table in advance of May writing session.
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Action Item #4 Kevin to ask regulators for input on their activities related to Ekati over the last year, in advance of report writing.

Action Item #5 Tony to look for publicly available good adaptive management plans implemented elsewhere.

## **FOLLOW-UP ITEMS**

### ➤ **Mixing Zones Briefing Document**

This document was prepared to serve as an overview on the issue of mixing zones and how jurisdictions define and regulate them. Mixing zones are likely to be raised as an issue in the upcoming water licence renewal for Ekati. It was agreed the paper will serve as a briefing note for internal purposes. There was some discussion about other approaches to mine water quality issues including non-degradation and optimizing environmental protection. Laura will make revisions to the document based on some of the comments received.

### ➤ **2012 Fish Sampling Program**

BHPB appears to have accepted all but one of the Agency's comments on its proposed fish sampling program for 2012 as shown on the WLWB comment table. A final decision from the WLWB is still pending. Tim would like BHPB to investigate the possible discharge of endocrine-disrupting compounds (EDCs) into the Long Lake Containment Facility (LLCF) from camp and to sort out if EDCs are a concern at Ekati.

### ➤ **Financial Security Review**

The Directors discussed the March 5, 2012 version of BHPB's Securities Update and Tasks Schedule, the subject of the security review meeting in February involving the Agency, BHPB, GNWT and Aboriginal Affairs and Northern Development Canada (AANDC). Bill reviewed some of the changes that came out of the Agency's meeting with BHPB. Bill said he asked BHPB and AANDC for enough consultation on the cost comparison analysis that the Agency's Directors are aware of the issues as they evolve, and they can reasonably reassure the Society Members that the final security deposit is adequate for its intended purposes. Bill had informed Helen Butler (BHPB) that it is unlikely the Agency will develop an independent model for calculating security. However, the Agency may still wish to retain an expert at some point should a dispute arise or the Agency requires further independent advice. Laura indicated her interest and experience with the RECLAIM model also may be of some assistance. It was agreed that the Agency should also review the assumptions that BHPB and AANDC and their consultants may use in preparing cost estimates.

Given the complexities of the current financial security held for the Ekati Mine and the various instruments used to hold such security, it was agreed that the Agency should seek a legal opinion about the Agency's role in setting security and its distribution.

Action Item #6 Kevin to seek appropriate legal counsel for advice based on questions agreed upon by the Directors.

### ➤ **Briefing on Agency Visit to Lutsel K'e**

Tim gave an update to members of the LKDFN and made a presentation on environmental monitoring and Ekati to local high school students on February 10-11 (see PowerPoint presentations for details, available from the Agency).

Tim said that some community members confuse Ekati with other mines. For example, community members expressed concern that the AANDC inspector was not allowed to access the underground operations at Ekati. Tim responded that this had been a problem at another diamond mine, not at Ekati, and he later confirmed this with AANDC Inspector Jason Brennan. Community members have asked if they can meet with Jason. The Agency understands that the AANDC inspectors are very busy and an alternative may be to invite the inspector to Agency events when members of the LKDFN are present.

Tim heard from community members they would prefer for their Traditional Knowledge (TK) holders to participate in the research and the design of closure activities rather than to provide TK only when solicited.

Community members want more work done on the wildlife fences used at the mine site. They told Tim the wildlife fences may act as rubbing posts – that is, an attractant – for caribou with antlers covered in velvet. The fences are of particular concern in the winter, when snow drifts form, because caribou can more easily cross over. They suggested BHPB employ a staff member to monitor the area around the airstrip to keep caribou away rather than relying on the fences. There are also concerns that dust settling on the airstrip may act as a salt lick for the animals.

Action Item #7 Agency staff to e-mail Eric Denholm (BHPB), copying Charles Klengenberg (BHPB) and Mike Tollis (Lutsel K'e, Manager, Wildlife Lands and Environment Committee), with Lutsel K'e concerns about fence maintenance and inspection.

➤ **Briefing on Agency Visit with North Slave Metis Alliance (NSMA)**

Tim, Sheryl and Kevin attended an NSMA community meeting on March 12, where Tim presented for the Agency (see PowerPoint presentation for details, available from the Agency). Bill Enge complimented Tim's presentation. The Agency was told that BHPB's presentations were not as detailed as the audience would like. NSMA member would also like BHPB to better explain the Interim Closure and Reclamation Plan (ICRP). Directors and staff discussed what can be done to ensure communities understand important principles relating to the ICRP. Tim pointed out that in order to offer their TK, communities need to understand the components of the ICRP. One suggestion may be for BHPB to hire a communications specialist. The Agency in its 2005-06 Annual Report, recommended improved communications in closure planning and this may be a further observation in the upcoming Annual Report for the Agency.

It was reiterated that, to prevent confusion, it is essential that Agency participants at such meetings are clear about who they represent and that Agency positions are referenced.

## **COMMUNICATIONS DISCUSSION**

Allison provided an update on her work since joining the Agency. She will continue to reformat and update much of the website. The "Resource Centre" pages and "Correspondence" pages require a lot of work and will be an ongoing project. Key documents currently not available online, such as the 1995 Environmental Impact Statement, were posted recently as well as links to other items available elsewhere electronically.

Allison provided copies of the latest issue of *The Ekati Monitor* newsletter and said she would like to find additional outlets for distribution, such as post offices, where people could pick up copies. Directors suggested that the newsletter might be a good way to communicate the concepts around the ICRP to communities.

Allison described her ongoing work on various communications initiatives for March 31. The updated Agency poster was finalized, and translations are underway or completed in Tlicho, Chipewyan, Weledeh, Inuinnaqtun and French. Allison anticipates that several audio recordings will be completed by March 31 and hopes the general brochures will be in production by March 31 as well.

Allison has ordered a refurbished computer for the middle office and plans to meet with an Information Technology professional soon to discuss the costs and benefits of upgrading the office equipment and infrastructure. She has requested a tutorial on the Ekati Timeline from Outcrop.

Allison has begun work on the table top display, including ordering a table cover with the Agency logo and selecting and editing photos. She will ask the Agency's staff and Directors for assistance in preparing thematic posters or text.

Allison will also coordinate a video introduction to the Agency in the six languages. She has requested a quote from Outcrop for the design work and will approach other design companies as well. A similar video presentation produced in French and English by an organization in Vancouver cost about \$4,000 and required two months of dedicated staff time. Allison expects it will be a much more expensive and much longer process to produce the Agency's video presentation due to the interpreting requirements.

Action Item #8 Allison to obtain quotes from several design companies to produce a video presentation for the Agency and to develop the script and content with Kevin and interested Directors.

Allison reminded the Directors and staff about hiring a student to compile and organize the Agency's photos and resource library, including scanning paper documents and backing up electronic documents. It is understood that this will be a significant undertaking, one that would benefit from a summer student hire. Allison will go for a training session on Microsoft Access, which will assist her in setting up a database for Agency photos.

Action Item #9 Agency staff and Jaida to discuss hiring a summer student to organize the Agency's collection of photos and documents.

## **MEETING WITH ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT CANADA (AANDC) STAFF: ROBERT JENKINS**

The Agency met with Robert Jenkins (Water Resources), whose office will lead AANDC's intervention in the upcoming Ekati water licence renewal. AANDC has learned a lot through its work on the security reassessment for Diavik and work on contaminated sites. In Ekati's case, AANDC wants clarity about what amount is being held under each instrument (AANDC will cross reference each of these) as well as the overall security amount. Robert said AANDC is focusing on unit costs. AANDC's principle is the reclamation liability must be based on third party costs, not company costs, and must be kept current. Robert said AANDC would be willing to share its work with the Agency during the initial parts of the security review on the understanding that it is not available for public distribution to avoid confusion as it is subject to changes based on refined unit costs. There may also be a need to keep some of this information confidential for future contracting tenders.

Robert said the timeframe laid out by BHPB in its schedule is reasonable. The site visit is key, as the Water Resources staff at AANDC and its consultant, John Brodie, are not on site very often. The framework for distribution of the financial securities amongst the various instruments does not have to be left until the end of the process. There are ongoing internal discussions at AANDC over who might lead this aspect of the work. In designing the framework, it will be necessary to consider how financial security might be returned to BHPB as a result of progressive reclamation and regular review of the ICRP.

AANDC has refined its approach to calculating reclamation liability over the years. For example, during the recent Snap Lake water licence renewal, regulatory costs related to follow-up monitoring and the water licence renewal process were included. As a result of AANDC's experience with contaminated sites such as Colomac and Tundra, AANDC now has first-hand experience with contracting and unit costs. AANDC has not yet included its internal regulatory costs such as employees' salaries or consultants in calculating reclamation liability. The Agency asked if reclamation research plans should be included in the deposit. Robert said AANDC has begun considering such costs, but John Brodie can clarify this with his cost estimate and assumptions. In the past, the amount of reclamation research and engineering work still required to properly close a mine, has generally been included in the contingency used in the cost estimates. Robert said the contingency has generally been 20-25%, which decreases over time as the end of the mine gets closer and there is more certainty over closure design and implementation. He has not seen contingencies below 15%.

Bill reiterated that participant funding for closure planning has been an issue for the communities.

**MEETING WITH ENVIRONMENT CANADA AND DEPARTMENT OF FISHERIES OF OCEANS  
STAFF: LISA LOWMAN AND BRUCE HANNA**

Lisa and Bruce attended the Agency Board Meeting to discuss mixing zones. Lisa relayed Anne Wilson's comments that it is important not to use chronic toxicity alone as a measure of acceptability. There is no legal definition for "deleterious substance" under the *Fisheries Act* or an accepted method to definitively calculate chronic toxicity. EC has usually pushed for as small a mixing zone as possible. Diavik and Snap Lake have had mixing zones approved, with the expectation that there will be no chronic toxicity at the edge of the mixing zones.

Bill explained that the briefing note the Agency has prepared on mixing zones is intended for internal use only. Lisa said she will continue to work internally on EC's position regarding mixing zones.

**MEETING WITH ENVIRONMENTAL MONITORING ADVISORY BOARD (EMAB) STAFF: MARK  
FENWICK**

Mark Fenwick gave an update on the activities of the Environmental Monitoring Advisory Board (EMAB) for the Diavik mine. EMAB is establishing three TK panels as well as workshops on water quality and possibly air quality, for which reports will be publicly available. Diavik's Aquatic Effects Monitoring Program (AEMP), Wildlife Effects Monitoring Program (WEMP) and Air Quality Monitoring Program (AQMP) reports are expected in the next few weeks. A two-day strategic planning session will be held in conjunction with EMAB's next Board meeting. EMAB staff plan to tour all the communities and to update EMAB's communications materials. EMAB's next Annual Review will be done by an outside firm rather than in-house. EMAB sent a letter on December 26, 2011 regarding waste metal found in a waste rock pile and is waiting to hear back from the WLWB. Wind generator parts are now on site at Diavik, with a plan to assemble them in the spring for use by September for electricity generation.

There has been slow movement on the grizzly bear monitoring program. EMAB wrote to GNWT Environment and Natural Resources (ENR) requesting rationale as to why it is no longer necessary or

desirable to test the original 10 km zone of influence prediction for grizzly bears around Diavik. Diavik is waiting to hear from ENR and EMAB that it is no longer required to test that prediction before it will commit to a regional grizzly bear monitoring program with BHPB. ENR is waiting for a study design from BHPB and/or Diavik. There was concern expressed about the need to sort this out very soon so as not to lose another field season. It was suggested that a joint letter from the Agency and EMAB to Deputy Minister Ernie Campbell (ENR) and both companies may help move this along, and Mark agreed.

**MEETING WITH SNAP LAKE ENVIRONMENTAL MONITORING AGENCY (SLEMA) STAFF: DAVE WHITE**

SLEMA recently received the draft water licence for Snap Lake, and most, if not all, of its comments were incorporated. SLEMA is going through the regulators' responses now. The term has not yet been determined, but SLEMA recommends a 5-year term. A 60-day extension was granted on the water licence, so a final licence is now expected in August. The current levels of total dissolved solids (TDS) discharged into Snap Lake are a concern. TDS is expected to exceed the CCME guideline for the protection of aquatic life by around 2016. DFO has signed off on the habitat compensation.

There have been several sump leaks or spills into Snap Lake from the North Pile where processed kimberlite is stored. The AANDC inspector issued a warning letter. Snap Lake responded by designing further ditches and sumps to contain any spillage. AANDC is continuing to investigate these incidents.

Work has been done on wind farms at Snap Lake. Five towers would replace one of the four diesel generators, thereby reducing fuel consumption and traffic on the ice roads.

SLEMA visited Lutsel K'e in early February and may visit again after the water licence is finalized due to community concerns about impacts on the Lockhart River. SLEMA's website has been updated using Wordpress, and it has moved to cable internet from wireless with Northwestel.

**MEETING WITH BHP BILLITON CANADA INC. (BHPB) STAFF: HELEN BUTLER, CHARITY CLARKIN AND LUKAS NOVY**

BHPB staff met with the Agency to discuss current and future environmental projects, reclamation research plans and engineering studies.

Charity said BHPB is targeting late April for the water licence renewal application, which will include several technical reports. The company has held engagement meetings in Kugluktuk, Yellowknife and Lutsel K'e. BHPB has sent information to the Yellowknives Dene First Nation (YKDFN) for their consideration, and a visit to N'Dilo may be an option. Charles Klengenberg (BHPB) is organizing community site visits for early June to coincide with the spring freshet. Bill said the Agency would appreciate receiving each of BHPB's 2011 Annual Reports in advance of the Agency's Annual Report writing session on May 8-10, 2012.

Charity said the incinerator is being used currently but is still in the hands of the projects team. BHPB is working on standard operating procedures and an operational management plan including an initial stack testing. The incinerator will soon transition to the operations team.

Charity said BHPB is widening the Panda Diversion Channel (PDC) canyon section this winter. EBA Engineering is supervising the project. Work has not yet begun on the east side as equipment is in high demand due to stripping operations at Misery and the Pigeon Stream Diversion. The company would prefer to complete one side first rather than partially complete sections. Charity said more habitat improvement work will be done on the PDC before it is complete. A plan will be developed this summer,

but the intention is to walk the entire PDC and find appropriate places to add more features next summer, perhaps including vegetation. DFO appears to support this approach. BHPB will provide DFO with the plan in 2013. The Agency remarked that BHPB's collaboration with the University of Alberta team and Rescan is commendable.

For the Pigeon Stream Diversion construction, the plan is to do everything except the upstream and downstream tie-ins. BHPB will complete whatever distance it can, doing sections dug up in their entirety rather than leaving some incomplete. The company is using the same blasting techniques used for the PDC. The Agency was reassured that there will be close monitoring of the blasting to ensure that permafrost is protected.

Helen said the deposition of Processed Kimberlite (PK) into the Beartooth Pit the pit may happen this year, but she is uncertain about exactly when. Charity said the updated Wastewater and Processed Kimberlite Management Plan (WPKMP) will include some details that were missing in the last version, such as water quality modeling. Monitoring of PK deposition and pit water quality will be described in the update to the plan to be submitted in the summer of 2012.

The Environmental Impact Report (EIR) is proceeding on schedule, and technical and community workshops will be held. The AEMP Three-Year Review will be submitted to the WLWB in October 2012.

The grizzly bear monitoring program will be expanded this year. Charity said BHPB has a budget for the program, is setting up the logistics and will be coordinating a joint regional BHPB-Diavik program. Kim explained there is confusion around the program and believed Diavik is reluctant to participate until it is released from having to test the original 10 km zone of influence prediction. It was suggested that BHPB should summarize the proposed study design in writing for distribution to interested parties to help move this matter along. Kim advised the study should focus on the Lac de Gras area, and it could coordinate with his own study in the Izok area beginning this summer. Kim offered to look at BHPB's proposal, and Charity agreed that may be a good idea.

Kim raised the issue of the ineffectiveness of some of the wildlife fencing in winter and relayed community concerns and suggestions. Charity said she will take the question back to BHPB for a response.

The Agency raised a concern about the limited monitoring of caribou around Ekati and asked whether and when the aerial surveys would be recommenced. Charity confirmed caribou monitoring at Ekati consists of the use of motion-activated cameras, incident reports and some behavioural observations, and that no aerial work is planned for this summer. She does not know when aerial surveys may recommence, but said it may play into the discussions with Diavik about what the two mines can do together.

Kim asked if there are any salt-based products used by BHPB to deal with dust. Helen said the company is aware of salt as a potential attractant, believes none is used, but she will check into it. Charity said BHPB thinks the dust is, if anything, a deterrent for caribou, and Kim agreed that is likely the result.

Tim raised the issue of potential endocrine disrupting compounds (EDCs) discharges onsite. Charity told the Agency there is a limited source of EDCs at Ekati, possibly from trace amounts of medicines consumed by employees at site. Charity was uncertain of the level of wastewater treatment used. Tim and Allison explained some of the sources of EDCs, such as personal care products, and their harm to fish even in minute amounts.—BHPB staff were not aware of any EDC discharges at site or the risks posed by EDCs.

Action Item #10 Tim to provide literature references on the topic of EDCs in wastewater and their impacts on fish to BHPB, with a suggestion for some initial testing of sewage discharge on site.

Lukas Novy joined BHPB in January. His main focus is engineering studies of landfill volumes relating to the demolition of buildings and infrastructure, and development of a reclamation plan for the Old Camp including the Phase 1 processed kimberlite containment area (PKCA). BHPB needs to plan landfill locations, a major component of which is figuring out the volume that will be generated by the demolition work. Lukas said the Phase 1 PKCA and Old Camp Reclamation Plan is a priority. Four options are being developed. The schedule is to select an option by summer, distribute the reclamation plan and have work underway by next summer.

Lukas is also providing oversight on some of the reclamation research plans found in the ICRP. BHPB recognized that there was some duplication in the revegetation studies in the ICRP. Harvey Martens is preparing vegetation research plans that are organized by ecosystem type and function (riparian, upland, Processed Kimberlite and closure criteria), which should be available by the end of April or May. The study area in the Cell B Pilot Study, the cell's north end, will include rock cover and vegetation.

Bill thanked Helen for revising BHPB's Securities Update and Tasks Schedule to reflect the Agency's concerns. He advised that the Agency does not intend to do its own reclamation liability estimate. However, the Agency may retain experts if it deems it necessary to better inform itself or there are disagreements. The Agency wishes to participate in the information exchange between BHPB and AANDC by being copied on materials during the development of reclamation liability cost estimates (specifically tasks 12, 16 and 17) given the interest and experience within the Agency on these matters. The Agency indicated that where there may be materials BHPB prefers to be kept confidential, the Agency can do that if requested in advance. Helen said BHPB would like to see a process created around the relinquishment of financial security, and BHPB will submit wording changes to the water licence to suggest how this might be done more clearly.

There has been some slowdown on the pit lakes modelling studies due to the work in securing approval of Beartooth Pit backfill with PK. A report on the Pit Lakes Water Quality Model will be distributed around June or July for comment. Helen said that BHPB will have Chris Gamon explain the pit lakes model to the communities, probably in a workshop format. Under the Pit Lakes flooding optimization research, there are two tasks involved: (1) rating the discharge curve at the Lac de Gras outflow to better understand what volumes can be taken; and (2) looking at several other lakes as potential sources.

BHPB is planning to install more ground temperature cables in the waste rock piles as some have been lost over time and the footprint of the piles has expanded.

Helen said BHPB would like to put together a Traditional Knowledge working group with two or three representatives from Impact and Benefit Agreement groups. The first meeting will be held in late May, at which point the group will establish topics and a schedule, and look at where TK would be most valuable (e.g. pit perimeters, access ramps on waste rock piles and revegetation). Helen would like to see the group continue to work through to closure of the mine. BHPB is doing a literature review on the use of TK for ideas, which the company will discuss with the communities. Kevin offered to send Helen an interesting report on use of TK in environmental management of mines that was done for Diavik by Natasha Thorpe.

Action Item #11 Kevin to send Natasha Thorpe's paper on TK use in environmental management to Helen.

Following recent Agency community consultation events including the Agency's Annual General Meeting, Lutsel K'e and North Slave Metis Alliance meetings, the Agency suggested to BHPB staff that the company should make more effort at communicating the concepts of the ICRP simply and directly to the communities. Producing plain language written materials outlining all components of the plan, or developing audiovisuals to explain the concepts, would be helpful. Some communities want TK holders involved directly in the design of the reclamation options and activities. Helen said BHPB hopes that the TK working group can assist in that regard. She said an annual report around the TK Working Group may be produced to ensure ideas are being gathered from and disseminated throughout the communities. The Agency also recommended that BHPB also spend more time in the communities.

#### **MEETING WITH AANDC INSPECTOR: JASON BRENNAN**

Jason conducted a helicopter inspection of the Ekati Mine the day prior to his visit with the Directors. That was his first inspection of Ekati in about six weeks as he was sidetracked with an investigation of incidents at another mine site. AANDC is short-staffed now with one fewer inspector and no manager until those positions are filled. Jason will try for an on-the-ground inspection of Ekati in May 2012.

Some highlights were provided from his aerial inspection. The Misery pushback has begun. Misery camp buildings are in place not yet open. A gyrfalcon nest appears to be on the Misery pit wall and efforts are underway to prevent its reuse. Jason noted that he had just seen the worst snow drifting he had ever seen at the site. Not much work appears to have been done on the PDC canyon widening. Drill pad around the Pigeon site this winter, were to be built using ice but waste rock was used due to stability concerns. Jason secured a commitment from the company that it will reclaim the rock pads if Pigeon development does not proceed. There were two spills at Pigeon this winter including 11,000 litres of chlorinated water and 10,000 litres of mud. The spills took place on Pigeon Pond ice which should make clean-up relatively easy.

The Agency asked whether there had been any analysis done of the spill causes and lessons learned. Jason replied that the spills were the result of contractor work. He noted that BHPB does not report underground spills but is tracking them internally. There has not been elevated levels of hydrocarbons reported in the underground mine water.

Work has started on the Pigeon Stream Diversion. Jason noted that the laydown area near the Truck Shop at Ekati is now gated and much better organized. Deposition of PK continues into Cell B. Jason noted that there was no evidence of inspections done by the company around Cell B as there were no snowmobile tracks to be seen.

Jason mentioned that one building had recently been removed from the Fox refueling station to the Misery pushback area. The Wirtgen surface miners are no longer used at Fox.

Tim thanked Jason for a quick response to concerns raised during a recent Agency visit to Lutsel K'e where community residents erroneously believed that BHPB was blocking access to the underground for the inspector at Ekati.

#### **OTHER BUSINESS**

##### **➤ Lutsel K'e Request for Agency Presence at May Job Fair**

The Agency received a request from Lutsel K'e for the Agency to participate in a Job Fair to be held in the community on May 2, 2012.

Action Item #12 Tim to represent the Agency at the Lutsel K'e Job Fair in May 2012.

➤ **Panda Diversion Channel (PDC) Reports**

The Agency has just received a report from Rescan on the PDC and another from the University of Alberta researchers. The Agency will review the reports with a mind to whether the PDC is functioning as it should and whether BHPB has met the terms of its Fisheries Authorization. It was encouraging to hear from BHPB that it will apply the lessons learned from the PDC to the Pigeon Stream Diversion which is now under construction. It is not clear how the two reports will be reviewed or discussed. It was suggested that a workshop with presentations from the two groups that authored the studies based on the field work last summer would be helpful in reviewing the effectiveness of the PDC with regard to fish habitat.

Action Item #13 Tim to send an e-mail to Bruce Hanna, DFO suggesting a workshop where the two recent PDC reports are presented and discussed, as well as any further monitoring or habitat enhancement requirements.

➤ **Waste Rock and Ore Storage Management Plan**

The WLWB has requested comments on the updated Waste Rock and Ore Storage Management Plan submitted by BHPB in December 2011. Comments are due by March 30. Tony noted that the plan appears to have been well done from his preliminary review.

Action Item #14 Tony and Laura to review the WROMP and forward any comments to Kevin for submission to the WLWB in the required Comment Table format.

➤ **Future Agency Board Meetings**

Future Board meeting dates and locations were discussed. June has also been identified as a good time for a site visit. Possible locations include Yellowknife, Whati or N'dilo depending on availability of meeting space and accommodation.

Action Item #15 Kevin to send out a doodle calendar for planning of June meeting dates. Staff to investigate possible meeting locations.

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Summary of Discussion Approved by  
Jaida Ohokannoak, Secretary Treasurer.