

Independent Environmental Monitoring Agency

Board of Directors Meeting January 10 – 11th, 1998 Summary of Discussion and Decisions

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Directors Present

Red Pedersen, Chairperson
Tony Pearce, Vice-Chairperson
François Messier, Secretary-Treasurer
Fikret Berkes
Bill Ross
Pete McCart
Darrell Beaulieu, representing Akaitcho Treaty 8

Staff Present

Hal Mills
Janice Traynor
Jackie Morris

Saturday, January 10, 1998

1. Review of Agenda, Business Arising from Last Meeting

The Agenda was found satisfactory.
Action items from the meeting of October 26 – 27th were reviewed and discussed.

2. Information Updates

Chair:

The Chair reported that the HTO that looks after the Inuit traditional knowledge project has hired new staff and moved to a new building. All the information is gathered; the project is now at the transcription stage.

A major issue for the Kitikmeot is the closure of the Ulu site and now the Lupin mine. About 70 or so people from Kugluktuk and another 40 or 50 from Cambridge Bay lost their jobs. Although this shouldn't have any bearing on how the Agency conducts its business, the Directors should be aware that there will be public pressure to create jobs without looking at environmental issues as closely.

Directors

Darrell Beaulieu: Progress has been made on the selection of an appointee to the Board. The elders helped in the selection process and it involved three or four meetings in the communities. Several people were identified as potential appointees, including elders to help the Agency do its work with respect to traditional knowledge. It was finally decided to choose a person with more overall expertise. They are waiting to hear formally from the selected person on whether or not they will accept the appointment. Darrell has been asked to continue to attend Agency meetings until the appointee can replace him full time.

The Yellowknives traditional knowledge study is done: it consists of a report plus recommendations. The recommendations have to be approved by council but Darrell believes the report can be released to the public.

Fikret Berkes: He contacted the North Slave Metis Alliance to try to get a copy of their traditional knowledge proposal that was rejected by BHP. He was unable to do so and feels that this may be tied into the ongoing IBA negotiations. He also worked to try to use the Traditional Knowledge Round Table as a forum for the traditional knowledge workshop BHP is holding. BHP was, however, unwilling to do this.

François Messier: He attended a meeting on the wildlife monitoring program held by Golder, BHP's consultant. Some of the material provided at the meeting is in the briefing binder. Golder started with a list of issues, which was built on at the meeting. They are taking the information through a risk assessment process. Before the wildlife workshop Golder still needs to establish the details of the study design.

Peter McCart: DFO is meeting with the Board later today regarding the fish habitat compensation agreement. Peter wrote a memo on this to the Directors and it will be discussed in preparation for the meeting with DFO. He attended a workshop January 9th on the aquatic effects monitoring plan. A working document on the plan was distributed. The Agency will be commenting on it. Bill Ross and Tony Pearse also attended this meeting and can add to the discussion on this later in the meeting.

Tony Pearse: He is concerned about the Wastewater and Tailings Characterization Plan submitted to the Water Board. Although the Agency does not have an official copy of this plan, Tony has heard others express some concerns. He is also concerned about the letters the Water Board wrote to BHP after several of their documents were reviewed. These letters were very brief and although approval was sometimes conditional on revisions, the changes required were not specified in the letters.

Staff

Hal Mills: The Agency has been informed that all correspondence with BHP is to go through Scott Williams.

One concern that has been raised during meetings on the wildlife monitoring plan and during IACT meetings is why BHP is taking a separate approach to the Wildlife and Aquatic Effects plans, particularly as people in the communities often take a holistic view of the environment.

Hal informed the Board that GeoNorth is working on a request for proposals with Golder on Cumulative Effects Program for the Coppermine River. The Board will consider whether they believe it is a conflict with the work GeoNorth is doing for the Agency and inform GeoNorth tomorrow.

Correspondence

Letter of December 12th, 1997 to Hal Mills from François Messier regarding the GeoNorth service contract with the Agency: The Directors and GeoNorth agree this letter and the proposal from GeoNorth will form the basis of the contract GeoNorth has with the Agency.

Letter of December 16th, 1997 to Monitoring Agency from Darren Unrau (DIAND) regarding disclosure of information: The Board expressed their appreciation of DIAND's willingness to provide information to the Agency.

Action Item: Staff will send a response to DIAND's letter commending them for their openness of attitude in providing information to the Agency.

Letter of December 25th, 1997 to Red Pedersen from David Milburn (DIAND) regarding information policy: The Directors reviewed a draft response to this letter and made some changes.

Action Item: The Agency will send a letter to David Livingstone responding to DIAND's comments on the information policy and send a copy to David Milburn.

3. Environmental Monitoring Activities

Water Board Activities

Water Board: The Water Board has responded to the following documents submitted by BHP:

Site Contingency Plan	approval deferred
Quality Assurance/Quality Control Plan	approval deferred
Water Effects Monitoring Program	approval deferred
Groundwater Study Terms of Reference	approved with minor refinements
Tailings Characterization Study Terms of Reference	approved in principle
Kimberlite Toxicity Study Terms of Reference	approved with minor refinements

There are now four more documents from BHP before the Water Board:

- Wastewater and Tailings Management Plan

- Interim Abandonment and Restoration Plan
- Acid Rock Drainage and Geochemical Characterization Plan
- Waste Rock and Ore Storage Management Plan

BHP has not submitted any of these documents to the Monitoring Agency. Staff has brought this issue up at IACT meetings; although the Agency has not received any official response, BHP may be waiting until the issue of communication between the Water Board and the Agency is resolved.

The office has received a revised terms of reference for the Kimberlite Toxicity Study. Tony, Bill and Peter have examined this and found problems with the study terms of reference, but would like further review. During the meeting with BHP tomorrow the Agency will indicate to BHP this review is coming.

Action Item: An expert will be consulted to provide a quick review of the revised terms of reference for the Kimberlite study. Bill, Tony and Peter will work together to review the consultant's report and prepare a response to BHP.

When the Groundwater Study terms of reference were received in the spring, the Agency did a review of this document, but did not act. Now that the terms of reference have been approved, the Agency will revisit this issue and determine if there is a need to take any follow up action.

Action Item: The Agency will review the issue of the Groundwater Study terms of reference and decide if action needs to be taken at this time.

With respect to the Tailings Characterization study and the Wastewater and Tailings Management Plan, concerns have been expressed by a consultant with regards to the ability of the tailings ponds to deal with the high clay content of some of the kimberlite ores.

Action Item: The Agency will review the report from the consultant on the tailings issue and prepare a report for BHP.

Inspection Reports

Reports have been coming into the Agency office regularly concerning spills, land use permit inspections and water licence inspections. There do not appear to be any major outstanding issues at this time.

Upcoming Deadlines

Changes to the Environmental Agreement were to be considered by January 6th. BHP will submit an annual report to the Water Board at the end of March and an annual report as per the Environmental Agreement in early April. The Operating Environmental Management Plan is likely to be in by the end of April.

4. Discussion Prior to DFO Meeting

The Board discussed the questions they would like to ask DFO, specifically about the fish habitat compensation fund. The Directors want more information on the rationale for the amount of money in the fund. They also discussed the points Peter made in his memo to the Board regarding his concerns with the Agency having a role in administering the fund.

5. Meeting with DFO Representatives

Attending: Ron Allen and Maria Healy

Ron presented the administrative structure of DFO. He is the Western Arctic Area manager. He is the one-window contact person for the Agency's inquiries of DFO.

Communications. If DFO hears of an environmental issue at the BHP site they would probably call on a habitat biologist. If the biologist thinks it is warranted, Ron may assign a fisheries officer to assist the biologist with the investigation. DFO does not do regular site inspections but they usually have someone on site a few times a year.

DFO is willing to meet with the Agency occasionally to update the Board on what DFO has been doing. The Agency agreed this would be acceptable. DFO is also willing to pass on to the Agency correspondence DFO generates. If DFO is investigating a complaint, they may not be willing to spread the news too quickly because the complaint may be unfounded. If the subsequent investigation results in DFO being concerned, they would be willing to let the Agency know they have a concern. Currently, the only major open file is the matter of sediment from the diversion channel entering Kodiak Lake. Anyone who sees a problem at the site should feel free to notify DFO.

Action Item: Hal Mills will work with Ron Allen to see that details of DFO's communications with the Agency are resolved.

Stream Habitat Compensation. DFO is talking with BHP about their proposed plan for the Panda diversion channel. It is still in draft form. Discussions are ongoing with the company concerning the schedule of works for the diversion channel improvements. DFO would appreciate the input of the Agency on this issue. The Agency pointed out that this difficult to do without knowing what conversations have already taken place between DFO and BHP and without having a copy of the draft plan. The Agency encouraged DFO to ensure that monitoring of the diversion channel is tied into BHP's overall environmental management system.

Lake Habitat Compensation Fund. With regards to the lake habitat compensation fund, the Agency questioned DFO as to how the fund came to be \$1.5 million. In particular, the Agency questioned whether the additional studies DFO is requiring of

BHP through the fisheries authorization had, or will have, any impact on this amount. DFO answered that the fund was a negotiated amount based on a number of factors such as the value of the fishery in the lost lakes, the amount of habitat lost and a cost-benefit analysis of doing habitat improvement in the region. The cost of the additional studies being done by BHP will not detract from the amount of funds available in the lake habitat compensation program.

A lengthy discussion took place regarding how DFO envisions the role of the Agency in the habitat compensation fund and what are DFO's alternative plans if the Agency does not get involved. The main advantage that DFO sees in the Agency being involved in the fund is to avoid duplication – they see the Agency as representative of the people who would be involved if it was necessary to set up another committee to administer the fund. The money necessary for the consultation and the function of this committee would have to come from the fund, thus reducing dollars spent on habitat projects. As the Agency is already set up, the costs for the Agency to take on this work would be significantly less. DFO has not yet considered other alternatives for administering the fund.

Other questions raised by the Agency included:

- How can the Agency encourage DFO to address cumulative impacts, particularly in the Coppermine basin? DFO suggested the Agency write letters to the Minister and to co-management organizations.
- Does DFO approve the design of studies required under the fisheries authorization? DFO said they usually review and comment on these, but there is no formal approval.
- If the Beartooth pipe comes online, would this be part of the existing habitat compensation agreement? DFO thought this would require a separate compensation agreement.

6. Discussion on Response to DFO

After the departure of the DFO representatives, the Board responded positively to DFO's willingness to brief the Agency on matters pertaining to DFO's responsibilities at Ekati mine. The Directors discussed how they might be involved in administering the habitat compensation fund. It was decided to take the following approach: the Agency will send a letter to Ron Allen reminding DFO of the commitment they made at the Water Board hearings to consult with stakeholders about the administration of the fund. The letter should indicate the Aboriginal groups defined in the Environmental Agreement that the Agency deals with, and what the Agency would be willing to do with respect to administering the fund. This would include preparing guidelines for a request for proposals, assessing proposals, making recommendations to DFO concerning which proposals are acceptable, and assessing the results of the habitat compensation program.

Action Item: A letter will be written to DFO reminding them of their commitment to consult with stakeholders on the administration of the habitat compensation fund, and stating the role the Agency would be willing to play.

7. Discussion of Upcoming Workshops

Traditional Knowledge Workshop

Fikret reported on the outcome of his lunch meeting with Chris Hanks of BHP. Chris confirmed the Agency is invited to both the morning and afternoon sessions of the workshop. All of the Aboriginal groups involved in the Phase II traditional knowledge project have been invited. BHP would like at least two of these groups to confirm attendance before the workshop. Whether or not the workshop will proceed appears to hinge on whether the Yellowknives are willing to release the report on their traditional knowledge project before the workshop. Fikret encouraged Chris to go ahead with the workshop in either case, as there were a number of other related issues to discuss besides the results from traditional knowledge projects. The facilitator of the TK workshop has not yet been finalized. Facilitators of the aquatic and wildlife workshops have been made aware that input from traditional knowledge should be included in these sessions.

Aquatic Effects and Wildlife Workshops

The Directors would like to see some of the other reports regarding aquatic and wildlife work generated by BHP prior to the workshop. Both workshops should have discussion papers that include a draft of the monitoring program sent out before the workshops. The Directors are looking for a clear study plan providing the details of the monitoring programs. The workshops will contribute to fine-tuning these programs. In both workshops, cumulative effects must be considered. The Directors are looking for more details on the agenda, locations and participants for both workshops. These items will be discussed with BHP when they meet with the Board tomorrow.

Sunday, January 11, 1998

8. Treasurer's Report

Third Quarter Report

François Messier reported on the estimated third quarter financial position of the Monitoring Agency's budget. Expenditures for the Agency are within the annual budget and the Agency does not foresee the need for any additional funding for this fiscal year.

Action Item: François will review the contribution agreement with DIAND before the end of the fiscal year to ensure the Agency is meeting its obligations.

Liability Insurance

An estimate for Director's and Officer's Liability Insurance has been received. The Directors debated the need for this insurance. The item was tabled for the next meeting. In the meantime, staff will take the following action:

Action Item: Staff will check on other similar organizations, like the Water Board and WKSS, with respect to Director's insurance and report to the Board at the next meeting.

9. Communications Plan

Revised Plan

Jackie Morris reviewed the major changes made to the communications plan and budget since the previous draft. Further revisions were suggested:

- The item under newsletter should be separated into two: one being a summary of the annual report and the second being an item on newsletters.
- Community visits should be included in the communications plan, even if the Agency only intends to go when invited.
- The "posters" section should be renamed to reflect the purpose of the poster; for instance "community relations".

Action Item: Staff will make the changes to the communications plan, as indicated by the Board.

Action Item: Staff may purchase an overhead projector immediately.

The merits of an Agency web site were discussed, but it was agreed this is not an urgent matter as many northern communities will not be on line for the next year to year and a half.

Action Item: Staff will begin to work on a terms of reference for a web site.

The benefits of the Agency having promotional items such as hats and pins, was discussed and tabled for further discussion at a later meeting.

Wolverine Logo

The wolverine logo created by a Yellowknife graphic artist was reviewed. With minor changes to the shape of the wolverine's front paw and tail, the Board accepted the logo.

Examples of letterhead produced in house, using the wolverine logo, were reviewed. Staff was directed to taking the following action:

Action Item: Staff will take the wolverine logo and the information on the current Agency letterhead to a northern design firm for design of the Agency's

letterhead. The Board will make revisions and give final approval by fax prior to the next Board meeting.

10. Information Policy

The Directors reviewed the revised draft of the information policy, which incorporated comments from other parties who reviewed the policy. The revised policy was approved.

11. Annual Report

The Directors discussed the format of the Monitoring Agency's annual report, when it should be prepared, and the content. Issues discussed included:

- whether or not the annual report should be a discussion of the main issues of concern that the Agency has worked on, or a report card style document, with reviews of the performance of each of the parties to the environmental agreement;
- how much attention should be given to the process behind environmental management and regulatory control at the mine, as well as the process of information flow between the Agency and the other parties;
- the gaps the Agency feels currently exist in environmental management, such as consideration of cumulative impacts;
- the need for the Agency to have evidence to back up any claims made in the annual report;
- whether or not the Agency should touch on the issue of land use and impact and benefit agreements in the annual report; and
- how to address community concerns in the annual report.

It was decided to wait until after the completion of the workshops in the first week of February before work was started on the annual report. Janice, Tony and Fikret will continue to work on deriving community concerns from the public hearings.

12. Meeting with BHP

Attending: Peter Chapman (EVS), John Witteman (BHP), Denise Burlingame (BHP), Scott Williams (BHP), Brian Griffin (Golder).

Administration and Communications

Scott Williams reviewed the administrative structure of the environment and engineering divisions, including recent staff additions. He emphasized that he is the one-window contact person for the Agency. Red asked that everything from BHP go to the Agency office.

Scott provided a status report on some of the recent activities, including the work on the Long Lake dykes, the Grizzly channel, and the Misery road (Paul Lake bridge). Other reports and studies they are working on are the annual reports for the water licence and the environmental agreement (due March and April, respectively), the

tailings characterization study, the kimberlite toxicity study, and the Operating Environmental Management Plan.

Sections of the Operating Environmental Management Plan will be sent out for review, as they are prepared. The workshops will contribute to the aquatic effects and wildlife programs for this plan. The plan will be due in April. If it is approved before this year's field season, the wildlife and aquatic effects programs will be used this year.

Rescan is working on the annual report required by the environmental agreement. There should be a draft by mid February. This will give BHP time to clean it up in house and send it out for others to review.

The Board informed BHP they are examining the revised kimberlite toxicity study terms of reference and will be getting back to BHP with comments.

The Board asked if the next site visit might take place in June. Scott suggested the Agency draft a proposal for what the Agency would like to see on the site visit. He suggested that someone from the Agency might want to accompany DIAND and DFO on a site visit planned for the first or second week of March. BHP will let the Agency know the exact dates.

Action Item: In consultation with the Directors, staff will draft a proposal for BHP for a site visit in June.

BHP will provide the Agency with a list of the documents prepared in 1997. The Agency will take the following action:

Action Item: Upon receiving BHP's list of documents prepared in 1997, staff will prepare a list of documents authored by BHP that the Agency would like to have and request these from BHP.

Action Item: The response the Agency receives from the Water Board concerning information flow will be copied to BHP.

The Agency told BHP it is encouraged by the desire of BHP to take more responsibility in house for work it is having done by contractors. However, it still needs to be clearer how the environmental management system within the company works – this may be based on ISO 14001, but it needs to be explained. BHP agreed to attend the next Board meeting to explain BHP's approach.

Update on Phase II Traditional Knowledge

BHP has asked that each proposal include the following:

- Focus on knowledge of the Lac de Gras region
- Description of methodology

- List of deliverables
- Time table
- Budget

The Agency asked if there was a connection between the deliverables and BHP's environmental management activities. BHP replied that this is not explicit as the communities control the research. Some of the information received from the phase II TK studies will be of use to environmental management and other information may be more difficult to integrate in environmental management plans.

BHP provided the following updates on the phase II TK studies:

- Yellowknives – report is done but not yet released.
- Lutsel'ë – proposal was rejected. BHP has offered to work with them to fund a modest start up project but have not yet heard back.
- Dogrib – discussions on TK work have twice fallen through. BHP accepts the premise of the proposal put forward but needs more in terms of deliverables, methodology and milestones.
- Inuit – the interviews for this project are complete but the transcription still needs to be done. BHP is expecting to have a report some time this year.
- Metis - proposal was rejected. The problem was that it didn't fall within the Lac de Gras region.

The structure and attendance of the workshop is still evolving. BHP hopes that they can encourage most of the Aboriginal groups to participate. If only one Aboriginal group confirms attendance, the workshop will probably not proceed, but if two groups agree to attend the workshop, it will probably go ahead.

Update on the Wildlife Workshop

Brian Griffin from Golder reviewed the work that has been done so far on the wildlife monitoring program. Another stakeholder meeting will be held around January 22nd. This meeting will include the results of the problem formulation step of the risk assessment process. A discussion paper with the proposed monitoring program and the study design will be prepared for the workshop. BHP is trying to keep the numbers at this workshop under 30.

Update on Aquatic Effects Workshop

Peter Chapman from EVS has received comments on the first draft of the aquatic effects monitoring program at the meeting held January 9th. Written comments may also be submitted. A second draft incorporating these comments, and discussions with Rescan and Dillon, will be produced a week before the workshop. Right now, they are concentrating on getting a solid framework for the program; the details can be filled in later.

The agenda for the workshop will probably be as follows:

Day 1:AM: go over version 2 of the plan

PM: Rescan presentations

Day 2: discussion on major issues from Day 1

13. GeoNorth's Proposal for Cumulative Effects Monitoring in the Coppermine Basin:

The Board believed that there might be some potential for conflict of interest, or the perception of it, because GeoNorth will be working with Golder on this project and Golder does work for BHP. The Board, however, has no objections with GeoNorth working on this project, as long as GeoNorth comes forward if it believes it enters a conflict of interest situation.

14. Next Meeting:

The next meeting of the Board will be held March 14th and 15th, on the condition that accommodation is available. If this can not be arranged, the meeting will be April 4th and 5th.

Action Item: Staff will check immediately to see if accommodation can be booked for a meeting on March 14th and 15th and, if so, confirm this date with the Directors. Staff will also book accommodation for the Directors for the week of the workshops.

15. Appendix One – List of Action Items

1. **Action Item:** Staff will send a response to DIAND's letter commending them for their openness of attitude in providing information to the Agency.
2. **Action Item:** The Agency will send a letter to David Livingstone responding to DIAND's comments on the information policy and send a copy to David Milburn.
3. **Action Item:** An expert will be consulted to provide a quick review of the revised terms of reference for the Kimberlite study. Bill, Tony and Peter will work together to review the consultant's report and prepare a response to BHP.
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