

**13th Environmental Agreement Implementation Meeting
Yellowknife, NT
Summary of Discussion
June 8, 2012**

Participants

Lionel Marcinkoski, Aboriginal Affairs and Northern Development Canada (AANDC)
Gavin More, Government of Northwest Territories (GNWT)
Patrick Clancy, GNWT
Eric Denholm, BP Billiton (BHPB)
Bill Ross, Independent Environmental Monitoring Agency (IEMA, or the Agency)
Tim Byers, IEMA
Kevin O'Reilly, IEMA
Allison Anderson, IEMA

Meeting commenced at 1:30 p.m.

INTRODUCTIONS AND SELECTION OF CHAIRPERSON

Round-table introductions were made. Patrick was selected to serve as the chairperson for the meeting. Gavin More became chairperson on Patrick's departure.

REVIEW AND APPROVAL OF PREVIOUS MINUTES

Attendees suggested revisions to the draft minutes of the February 3, 2012 meeting earlier by e-mail. Changes were incorporated into the current version prior to this meeting. Attendees agreed the minutes should be amended to accept the remaining two comments.

Motion to accept the minutes of February 3, 2012 as prepared.

Moved by Bill Ross. Seconded by Lionel Marcinkoski. Carried without objection.

REVIEW OF PURPOSE AND AGENDA

The purpose of the meeting, as set out in the 2006 Resolution Agreement, was reviewed (i.e. to provide participants with an opportunity to discuss IEMA's work plans, budgets, findings and recommendations, and BHPB's programs and projections for the next year).

Patrick and Gavin provided updates on the GNWT's activities. This fall, the Department of Environment and Natural Resources (ENR) will be dealing with the *Wildlife Act* as well as clarifying the GNWT role in the financial security review process for the Ekati Mine.

The timeline for the financial security review was reviewed briefly. BHPB is currently on schedule. BHPB, AANDC, John Brodie, the Agency and GNWT will visit the mine site together in early August (date to be determined).

The possible sale of the Ekati Mine was discussed. At this point, no firm timelines are in place and it is 'business as usual' at Ekati.

Action Item #1 Agency staff to prepare list of action items for future Environmental Agreement implementation meetings, based on the most recent meeting.

IEMA PRESENTATION ON COMMUNICATIONS RESPONSIBILITIES AND PLANS

Bill reviewed the Agency's mandate and communications responsibilities arising from the Environmental Agreement, Resolution Agreement, Agency Society bylaws, and Agency Communications Protocol (see PowerPoint presentation for details, distributed before the meeting and available from the Agency). In the Agency's view, the purposes of the Environmental Agreement implementation meetings remain relevant and current.

The Communications Protocol was created to ensure all parties to the Environmental Agreement are copied on any Ekati-related correspondence. All information received by the Agency is available to the public, unless otherwise agreed to in advance. The Agency summarized its communications activities for 2011-12.

The Agency confirmed it under-spent its 2011-12 funding. The amount to be repaid to BHPB will be reconciled during the Agency's upcoming audit, including the the drawdown on the Agency's Separate Fund.

This year's Agency annual report (a technical report, plain language report and summary brochure) is currently underway and will be distributed in the early fall.

The Agency hopes to arrange a Board meeting and community visit to Whatì for September. Other community visits and meetings may occur if requested by Agency Society Members.

The Agency participates in regular updates with the Environmental Monitoring Advisory Board (for the Diavik Diamond Mine) and Snap Lake Environmental Monitoring Agency (for the Snap Lake Diamond Mine) and collaborates with them as appropriate. Wildlife monitoring has been an area of recent collaboration because of its importance for cumulative effects monitoring for which collaboration is useful.

Lionel noted the concern from Lutsel K'e on the ability of the inspector to go underground and understood that this was not the case for the Ekati Mine. Tim agreed and helped, in his discussions with Lutsel K'e, to clarify this point.

BHPB PRESENTATION ON COMMUNICATIONS RESPONSIBILITIES AND PLANS

Site Visits and Projects

Site Visits. BHPB hosted a freshet community visit in June. All communities except Kugluktuk participated. Most snow has melted, although the mine site is still wet. The point of the visit was to demonstrate and discuss water management at Ekati. The group toured, for example, the Grizzly Lake pump house and Long Lake Containment Facility (LLCF). The visit was reported to be successful.

Community tours have looked at other aspects of the mine as well, such as the Pigeon site. Harry Apples was not able to attend this year for the Tlicho Government, and other representatives were sent in his place. Charles Klengenber and other staff from BHPB's environment department led the tour.

Agency directors and staff will visit the mine site in June. On-site discussions between the Agency and BHPB are very useful and appreciated by both parties. The highlights of the visit will be documented in conjunction with the Board meeting summary.

Wildlife. BHPB would like to hire two community members to help carry out the grizzly bear monitoring program, including moving hair-snagging posts and collecting hair for sampling. The posts will not be moved this year. The monitoring program now has a project coordinator, and BHPB is working on hiring a second staff member.

Aquatics. BHPB provided an update on the Panda Diversion Channel (PDC). The west side of the PDC has been completed. The lower end was done last year. The target this year was to finish the rock walls in the canyon section. However, for weather-related and other reasons (such as equipment availability) BHPB elected to do half the canyon at a time. The west half of the PDC is benched (18 metres). Deferring the east side of the canyon will not put BHPB at much risk that soil will erode into the canyon.

The Aquatic Effects Monitoring Program's (AEMP) fish and DELT (deformities, eroded fins, lesions and tumours) sampling is scheduled for August. BHPB will try to get as many communities involved as possible helping with sampling and performing DELT observations. The AEMP fish sampling and DELT are the focal point of BHPB's communications with communities.

Environmental Impact Report 2012 Community Presentation. The Environmental Impact Report (EIR) community presentation will likely take place onsite in August or September 2012. BHPB feels onsite presentations work well, giving participants an opportunity to go through the EIR, visit the mine site and discuss the environment at Ekati generally.

Project Review Meetings and Processes

Water Licence Renewal. The Wek'èezhì Land and Water Board (WLWB) leads BHPB's water licence renewal process. The process will begin in August with a request for preliminary screening, followed by a request for comments and a technical meeting in the fall.

The parties would benefit from having an IACT meeting this summer to discuss issues like the water licence renewal. An IACT meeting has not taken place in a year.

Action Item #2 Eric to set a date for an IACT meeting and site visit in the coming months.
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EIR/PDC Technical Workshop. Technical workshops on the EIR and PDC are planned for July 9 to 11, 2012. The PDC component will take place on July 9, 2012, and BHPB's consultants (Rescan) will participate. The EIR technical sessions will run from July 10 to 11, 2012. Community members will be invited to send representatives. BHPB staff will present on the framework for the EIR 2012 rather than the report itself. Agency directors and staff will attend.

AEMP 3-Year Review. The AEMP 3-Year Review is also a WLWB-led process that takes place this year.

Agency Annual General Meeting (AGM) Workshop. BHPB considers the Agency's AGM workshop to be a good model for future environmental workshops (i.e. tying the workshops to the Agency's AGM and working together to present on a specific topic). This year's workshop will be hosted by BHPB as part of the EIR process and not necessarily tied to the Agency's AGM.

Community-Based Traditional Knowledge (TK) Projects

Community-based TK projects are still underway. For example, the Yellowknives Dene First Nation are digitizing old tapes of interviews with Elders and the Kitikmeot Inuit Association continues work on its Inuit Traditional Knowledge database and upcoming publication.

Reclamation Research and Design Studies

BHPB said it wants community participation in the design of its reclamation research studies. BHPB has been in contact with the communities about possibly developing a structure to facilitate meaningful community participation, one that allows for continuity and for community members to understand what is happening at Ekati and to disseminate that information throughout their

communities. This is in response to Recommendation 2 of the Agency's upcoming annual report. BHPB believes it could benefit from Carole Mills' (AANDC) advice and leadership.

IEMA PRESENTATION ON PRELIMINARY CONTENT OF 2010-11 ANNUAL REPORT

Bill reviewed the preliminary content and focus of the Agency's *Annual Report 2011-12* (for details, see PowerPoint presentation available from the Agency), as well as the Agency's two recommendations, both directed to BHPB. BHPB provided preliminary responses to the Agency's recommendations. The Agency can expect written responses from BHPB by June 11, 2012.

The Agency noted it did not receive the Air Quality Monitoring Program report from BHPB in time to review it in this year's report.

Recommendation 1

The Agency recommends that BHPB implement in 2013 a monitoring program with the objective to determine the influence of mine-related activities on the relative abundance and distribution of caribou.

BHPB explained that caribou monitoring is underway onsite in various forms, including on-the-ground behavioural surveys using remote cameras, with more time spent and more rigorous methodology used to record observations. Eric stated that BHPB is not conducting caribou monitoring on the basis of distribution and abundance. Its monitoring program focuses on monitoring Ekati's effects on caribou. BHPB is proceeding with a joint caribou monitoring program with Diavik taking the lead.

BHPB asked the Agency for clarification about what it means by "determine the influence of mine-related activities on the relative abundance and distribution of caribou". The Agency is of the view that BHPB is responsible for its contribution to cumulative effects on valued components of the ecosystem such as caribou, even if the effects or components extend beyond its mineral claims. In the past, BHPB's aerial work provided useful information. Since the aerial surveys ceased in 2009 (with the Agency's support), the Agency has been under the impression that BHPB had no plans to recommence caribou monitoring. The Agency only very recently became aware of the possibility that BHPB might restart its caribou aerial monitoring survey (by reviewing BHPB's wildlife permit application). The Agency's recommendation was formed in May.

The Agency pointed out that the terms "relative abundance" and "distribution" were adopted during a technical meeting as part of the Diamond Mine Wildlife Monitoring Program Review in which BHPB participated. The Agency recognizes that aerial surveys are not the only way to monitor the relative abundance and distribution of caribou and that BHPB is not responsible for monitoring the entire Bathurst caribou herd. However, BHPB should determine what level of mine activity should lead to a recommencement of caribou aerial surveys. The Agency commended BHPB for its leadership on wildlife monitoring.

Nicole McCutcheon (ENR), who brought the parties together at the GNWT Grizzly Bear Monitoring Workshop, has expressed interest in organizing something similar for caribou. The Agency suggests ENR ask her for input on Recommendation 1.

Recommendation 2

BHPB should undertake more effective community consultation regarding closure in order to:

- *Achieve better community understanding of the closure plan;*
- *Gain a better understanding of the views of communities regarding closure; and*

- *Facilitate the incorporation of TK into closure planning.*

The Agency has been surprised and disappointed that communities do not seem to have a good understanding about the closure process and what the plans are for Ekati. BHPB said Recommendation 2 is agreeable and that it is working on its community participation process.

DISCUSSION

Other Business

Wildlife Research Permit Application. The Agency may comment on BHPB's wildlife research permit application for Ekati. The Agency is happy to hear BHPB is reconsidering caribou aerial surveys. However it does not, but would like to, understand the objective of the remote cameras because it is not discussed in BHPB's Wildlife Effects Monitoring Program report, nor is it sure what real benefit BHPB can derive from the cameras. The Agency suggests BHPB focus on determining the causes or effects leading to the zone of avoidance around the mine for some caribou. The Agency agrees with BHPB that the wildlife research permit application should not be the process used to discuss changes to the Wildlife Effects Monitoring Program.

DATE OF NEXT MEETING

The date for the next meeting will be around January 2013.

Meeting concluded at 3 p.m.