

***4<sup>th</sup> Environmental Agreement Implementation Meeting  
Yellowknife, NWT  
February 6, 2008  
Summary of Discussion***

Revised: March 11, 2008

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Participants

Tim Byers, Independent Environmental Monitoring Agency  
Chandra Venables, Government of the Northwest Territories  
Eric Denholm, BHP Billiton Diamonds  
David Livingstone, Department of Indian Affairs and Northern Development  
Lionel Marcincoski, Department of Indian Affairs and Northern Development  
Gavin More, Government of the Northwest Territories  
Kevin O'Reilly, Independent Environmental Monitoring Agency  
Bill Ross, Independent Environmental Monitoring Agency  
Lorraine Seale, Department of Indian Affairs and Northern Development  
Laura Tyler, BHP Billiton Diamonds

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*1. Selection of Chairperson*

Chandra Venables was selected to serve as the chairperson for the meeting. The purpose of the meeting as set out in the Resolution Agreement was reviewed. It was agreed that BHPB should make its presentation first, followed by the Agency.

*2. Minutes*

The minutes of the May 24, 2007 were reviewed and accepted by consensus.

*3. BHPB Presentation on Environmental Management programs and operational projections for 2007*

Laura Tyler reviewed operational highlights, closure and reclamation planning, reports under review, status of the 2007 and 2008 monitoring programs, Traditional Knowledge work, and upcoming issues.

The Misery ore haul is finished and the company will control any incidental use of the road. The small diamond recovery operation did not work as expected but better recovery has been achieved through a smaller screen size. The Cell B road was completed and the new incinerator is now in use. A new wing on the accommodation complex is finished and will be occupied soon. The Nero-Nema fisheries habitat work has been completed and the Panda-Koala waste rock storage area will be expanded to accommodate Beartooth pit materials.

Regarding closure and reclamation, the Cell B revegetation plot fences have been removed as the area will be covered with more processed kimberlite. In 2008, the phase I processed kimberlite containment area will be reclaimed, including some sites along Airport Esker and the Old Camp. Seed harvesting for revegetation on site continues.

The winter road is on schedule. Misery underground and Beartooth underground feasibility work continues, along with examination of the Jay pipe. A Health, Safety, Environment and Community internal BHPB audit and an ISO audit are to be completed in 2008.

DL-10 was approved for use on the Misery road. Additional information on the Tundra Soil Study has been requested by the Wek'eezhii Land and Water Board (WLWB). A number of other reports are under review including the 2006 Annual Environmental Report, the proposed chloride effluent discharge criterion, the Watershed Adaptive Management Plan, the updated Wastewater Processed Kimberlite Management Plan, ICRP Section 3, changes to the sampling for the Sable, Pigeon and Beartooth licence.

BHPB continues to work on the LLCF modeling study and the Sable, Pigeon and Beartooth water licence renewal application. The 2007 monitoring program reports should be available in March and April 2008. The regular monitoring programs will be carried out in 2008. No further baseline work is anticipated in 2008. Environment Canada is planning a sediment sampling study on site with the cooperation of BHPB. The air quality program will be carried out in 2008 with snow and vegetation sampling.

BHPB is reviewing the Traditional Knowledge studies to date to develop a longer term strategy. A consultant will be hired and BHPB's community specialists will assist.

Upcoming issues include nitrate management options for the LLCF. This may involve better management of ANFO. Hydrocarbon metabolites were detected in Leslie Lake fish during 2007 and additional studies will be undertaken. Further work will be undertaken on LLCF chloride management options.

The Agency was asked to distribute the PowerPoint presentation given by Laura.

#### *4. Agency Presentation on Findings and Recommendations; and Work Plan and Budget for 2006-7 and 2007-8*

Bill Ross presented a compilation of Agency findings and recommendations from the 2006-7 Annual Report and outgoing correspondence, including outcomes where appropriate and known. Bill noted that there was some further progress on issues even since the presentation had been put together. The Agency was pleased to see that industry had been invited to the caribou workshop that GNWT is planning. He also indicated that the Agency would be sending a letter on the five-year review of the Environmental Agreement reiterating the Agency recommendation on the need for a delivery date to be incorporated for the delivery of annual monitoring program reports from the company.

Laura Tyler mentioned that the NWT and Nunavut Chamber of Mines project on compiling caribou monitoring data has been put on hold as Diavik has declined to participate. BHPB will attempt to get this project going again.

It was noted that when the Agency makes recommendations regarding caribou, that the Wek'eezhii Renewable Resource Board should also be considered a recipient of such recommendations.

Bill Ross made a further presentation on the Agency's expenditures to date for 2007-8 and a budget and work plan outline for 2008-9 and 2009-10. There were no questions of comments.

#### *5. DIAND Remarks*

David Livingstone remarked that there was an impressive amount of work underway from both the Agency and BHPB. He hopes that there is a good outcome soon on the mediation regarding the Separate Fund. David expressed confidence in the work of the WLWB. He also indicated that there was a noticeable improvement in BHPB's communications and approach over the last several months.

Laura Tyler mentioned that BHPB is working with the Chamber of Mines on the regulatory review by Neil McCrank but will also submit its own comments, including support for the work of the WLWB.

#### *6. GNWT Remarks*

Gavin More indicated that GNWT is supportive of the working group approach underway for the ICRP. He mentioned that GNWT would like to work on simplifying reporting from BHPB. The annual report content could be reduced by focusing on analysis and trends rather than repeating program and data details.

#### *7. Next Meeting*

It was proposed to hold the next meeting either on May 26 or June 2, 2008.