

**Independent Environmental Monitoring Agency
74th Meeting of the Board of Directors
Yellowknife and Ekati, NWT
June 14-16, 2011
Summary of Discussion**

Revised: August 2, 2011

Directors

Tim Byers
Audrey Enge
Laura Johnston
Jaida Ohokannoak
Tony Pearse
Kim Poole

Guests

Marc Lange, Indian and Northern Affairs Canada (INAC)

Zhong Liu, Snap Lake Environmental Monitoring Agency (SLEMA)

John McCullum, Environmental Monitoring Advisory Board (EMAB)

Staff

Kevin O'Reilly, Executive Director
Monica Krieger, Communications and Environmental Specialist

JUNE 14TH

Meeting commenced at 9:00 am. Tim Byers served as Chairperson as Bill Ross was unable to attend.

AGENCY BUSINESS

➤ **Information Updates**

Tim – Worked on Agency annual report preparation and review of plain language chapters. Participated in conference calls re: Panda Diversion Channel (PDC) with Bill Tonn and staff from BHP Billiton (BHPB), Rescan, and Department of Fisheries and Oceans (DFO). June 3 conference call was very productive, and BHPB agreed to have Rescan and Tonn's team work together to address issues raised in Tonn's review of the 10-year PDC monitoring report. Attended Arctic Grayling Symposium June 7-9 in Grande Prairie. This conference provided interesting information on grayling habitat requirements such as temperature, substrate, and water flows. The work Rescan is doing at the PDC is unique as recruitment rates for young-of-the-year grayling are not known. The University of Guelph is also doing toxicity testing on cold water fish species, and preliminary results show grayling appear to be more sensitive than rainbow trout (the standard test species) to heavy metals and chloride salts.

Kim – Worked on Agency responses to Diamond Mine Wildlife Monitoring Program Review and BHPB's 2011 wildlife research permit application. Discussed Diavik's response to the review and Wildlife Effects Monitoring Program (WEMP) revisions with John McCullum (EMAB).

Tony – Participated in BHPB human rights impact assessment interview.

Laura – Worked on Agency annual report preparation. Reviewed Aquatic Effects Monitoring Program (AEMP) and snow sampling information in preparation for site visit.

Audrey – Provided input on Traditional Knowledge chapter for annual report. Will soon be appointed to De Beers socio-economic monitoring board, covering Snap Lake and Gahcho Kué mines.

Jaida – Worked with Kevin on financial statements and preparation for audit. Worked on Agency annual report, including review of plain language chapters.

Monica – Focused mostly on Agency annual report preparation, both technical and plain language, and working with Outcrop to review and edit. Did some additional work on Agency Communications Plan. Attended Inter-Agency Coordinating Team (IACT) meetings March 31 and June 6 and prepared summaries of discussion.

Kevin – Worked with Monica on Agency annual report and with Jaida on financial matters in preparation for audit. Wrote thank-you letters to Kugluktuk mayor and Kitikmeot Inuit Association staff for March community visit. Prepared letters to Government of the Northwest Territories (GNWT) on new *Wildlife Act* and to BHPB on wildlife monitoring. Met April 15 with Charles Klengenber, BHPB Traditional Knowledge advisor (Monica, Tim, and Audrey also attended). Gave update to Snap Lake Environmental Monitoring Agency meeting May 18. Participated in June 3 interview on the BHPB human rights impact assessment, IACT meetings March 31 and June 6, and April 19 site visit with Bruce Hanna (DFO) and Jason Brennan (INAC) to view PDC slope enhancement work. Completed scope of work for revegetation sustainability contracts and commissioned two reports (one now completed).

➤ **Financial Report**

Jaida reviewed the 2010-11 Year-to-Date (YTD) Expenditures and Variance Report, as well as the draft Financial Statements ending March 31, 2011. A different staff person from MacKay LLP worked on the audit this year, and the process went very smoothly with a fast turnaround on changes. There was no management letter this year. In comparison to last year, revenue was higher because it included a \$15,000 untied contribution from BHPB for the timeline website. Audit fees were less because the Agency bookkeepers did most of the adjustments. Board support was less as there was one less meeting and not all Directors were able to attend all meetings. The Kugluktuk visit was approximately \$10,000 more than usually budgeted for community updates due to higher costs for airline tickets. BHPB paid the equipment lease, office rent, and office cleaning until December 31 (costs later deducted from payments to the Agency) and the Agency has paid directly for these services as of January 1, 2011. Wages and benefits were higher reflecting a full staff complement. There is a surplus of \$59 to be returned to BHPB. Some clarification is still needed from the auditors on capital assets.

The Board of Directors approve the 2010-11 Agency Financial Statements as drafted.

Moved by Tony Pearse. Seconded by Kim Poole. Carried unanimously.

AGENCY 2010-11 ANNUAL REPORT

Monica and Kevin provided an update on progress of the annual report. Proof 2 of the technical version is ready for Directors to review this week. Charlotte Babicki completed text for the plain language version, staff edited the drafts, and Tim and Jaida will review all chapters this week. Staff will do final edits on both versions with Outcrop as well as work on the summary brochure. Printing and distribution should be complete by August. Kevin noted it was extremely helpful that Directors had initial drafts of text prepared prior to the writing workshop this year, which has resulted in being slightly ahead of schedule.

Directors and staff agreed to discuss the plain language writing process prior to next year's annual report. This would include options for writing (staff, Directors and/or external contracts) as well as clarification of targeted reading level.

AGENCY COMMUNICATIONS PLAN

Monica provided an update on revisions to the Communications Plan following discussions at the Falcon Lake writing workshop in May. Objectives and outcomes have been finalized, implementation tables have been improved, and Kevin provided helpful suggestions on evaluation measures and tools.

Directors suggested that the Communications Plan should be a stand-alone document available to the public, separate from internal working documents (e.g. implementation and evaluation tables). Potential new communications initiatives should also be presented separately for discussion, with cost estimates attached where possible.

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| Action Item #1 Monica to make suggested revisions to Communications Plan and send final draft to Directors for review. |
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DISCUSSION OF COMMUNICATIONS AND ENVIRONMENTAL SPECIALIST POSITION

No action was necessary to recruit a new Communications and Environmental Specialist as Monica will remain with the Agency.

FOLLOW-UP ITEMS

➤ BHPB Human Rights Impact Assessment

Gary Tait (BHPB communications) contacted the Agency to request participation in a Human Rights Impact Assessment (HRIA). This process is being undertaken by BHPB at all its operations worldwide, to assess risks and liabilities and proactively address potential human rights issues. An independent third party, On Common Ground Consultants Inc. (OCG), is undertaking the work in Canada and will provide recommendations for improvement to BHPB.

HRIA is a fairly new but evolving field, part of the corporate social responsibility movement. Companies are increasingly expected to be more transparent and accountable by shareholders and financial institutions. According to the information provided by BHPB, the HRIA “is intended to identify impacts, if any, that BHP Billiton may have on the human rights of people through its activities, and whether the Company is aware of and taking action to address them.”

Directors had initially questioned how HRIA relates to the Agency's mandate. Kevin explained that human rights include the right to clean water, access to information about project impacts, and free, prior and informed consent. Anything that affects people's lives has human rights implications so BHPB's environmental protection measures, closure and reclamation plans, and other obligations under the Environmental Agreement are relevant. Jaida noted that an effective legal and regulatory framework for environmental protection is also an important issue because it is a human right to have decision-making power over your own lands. However, it was agreed that BHPB should have made Aboriginal governments and community organizations such as wellness committees a priority for consultation, as well as other organizations with more of a socio-economic focus.

Kevin (and Tony via phone) met with two OCG consultants in Yellowknife on June 3rd. The consultants shared that they had been given a very short time frame to complete the work (before end of June). They had already met with government regulators including INAC and GNWT, and were also trying to meet with some Aboriginal governments. They were not meeting with Public Service Alliance of Canada (union representing BHPB employees) because they are currently in negotiations with the company.

BHPB has agreed to make a summary of findings and recommendations available to participants within four months of completion. However, OCG was unable to answer whether BHPB would

prepare the summary itself and whether the full report would also be released. They agreed these are obvious transparency and accountability issues, and they will recommend that BHPB release the full report as well as any response that BHPB may make.

➤ **Responses to Annual Report Recommendations**

Directors reviewed responses to the 2010-11 Annual Report recommendations from BHPB and GNWT. The BHPB responses are final but there may be further revisions to the GNWT responses.

➤ **Revegetation Sustainability Contract Reports**

A Statement of Work was sent to both David Polster and David Walker with a deadline of March 31st. Polster completed his report in March. It was reviewed by Kevin, Tony and Bill and an e-mail was sent to Polster with suggestions for improvement and requests for additional information.

David Walker has still not submitted his report or provided an estimated completion date. Jaida noted that the contract is already in the 2010-11 financial statements as an expenditure, and if not completed soon would have to be adjusted with the auditors next year.

It was agreed that a decision on whether to release the reports will be made once both have been received or at the next Board meeting.

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| Action Item #2 Kevin to contact David Walker and request an estimated date for submission of the report, noting urgency as the work was supposed to be completed by March 31. |
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➤ **2010 Aquatic Effects Monitoring Program (AEMP) Comments**

Comments on the 2010 AEMP report are due to the Wek'èezhì Land and Water Board (WLWB) by June 24th. Laura stated she has no other comments other than what is raised in the Agency annual report. Tim added the Agency has typically commented on methodology, but since BHPB will be implementing several improvements (e.g. additional parameters monitored and investigation of phytoplankton/zooplankton communities) there are no major issues this year.

Kevin noted the advantage of submitting comments to the WLWB is that BHPB must respond and it becomes part of the public record. Comments from the Agency annual report could become recommendations or suggestions for the WLWB.

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| Action Item #3 Tim and Laura to review DFO comments on 2010 AEMP and submit any further Agency comments to Kevin by June 22 nd . Kevin to compile comments and send to WLWB by June 24, or otherwise note the Agency has reviewed the report and has no concerns. |
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Laura mentioned that Anne Wilson (Environment Canada) will be leaving Yellowknife to work in the Edmonton office. She will not be dealing with any northern projects, and there has been no further work planned as follow-up to the dioxins and furans sediment sampling at Kodiak Lake.

Tim also noted that the INAC inspector for Diavik is leaving, so until the position is filled inspection responsibilities will be shared by Jason Brennan (Ekati inspector) and the Snap Lake inspector.

MEETING WITH MARC LANGE, INDIAN AND NORTHERN AFFAIRS CANADA (INAC)

Marc Lange gave a PowerPoint presentation on the Cumulative Impact Monitoring Program (CIMP). CIMP is a requirement of several land claim agreements and the *Mackenzie Valley*

Resource Management Act. Its goal is to coordinate environmental monitoring to better inform decision makers (regulators, land use planning boards, Aboriginal organizations, and industry) on sustainable resource development.

CIMP funded more than 200 projects since 1999 through an annual call for proposals, but the program was sporadically funded over the years. New funding was first announced in the May 2010 federal budget and a Treasury Board submission prepared. Seven new full-time positions were approved (in addition to the two existing positions), as well as \$12.5 million over five years. Seven of nine positions are now staffed, including Marc as the Acting Manager of CIMP for one year. A Performance Management System was designed to assess whether the program is achieving its goals. If after five years the program is deemed successful, CIMP will continue to receive \$2.5 million per year in ongoing funding.

CIMP's mandate is to conduct and facilitate environmental monitoring of 24 Valued Components (biophysical), ensure monitoring information is accessible and relevant to decision makers, and ensure a strong community-based approach. Past funding supported mostly monitoring but focus will now turn more towards analysis and reporting to identify trends and linkages, adaptive management, and other current issues. CIMP's mandate may also expand in the future to include socio-economic components.

Proposals are initially reviewed by the CIMP Secretariat, as well as by "experts" such as biologists who assess the relative merits of the work. Those recommendations go to the CIMP Working Group which currently includes Aboriginal partners, INAC and GNWT but may expand to include regulators, scientists, and possibly industry as advisors. Proposals are assessed based on specific criteria, including meaningful involvement of communities (i.e. local people are not just hired but help design the study and research questions). This year \$1.5 million in funding was approved. The Request for Proposals will be modified to better describe the criteria and process.

Many incoming proposals are from government agencies. The Working Group has decided it will not fund something that is a regular government responsibility or activity. However, other projects may be considered if they add value and meet other criteria for community projects.

Starting next year, the Working Group will be looking for projects which address multiple Valued Components and/or promote partnerships between multiple researchers working in the same region. The Working Group will also no longer fund capacity building activities unless proposals demonstrate how it contributes to cumulative impact monitoring. Peer review of results will also be introduced (related to whether science or Traditional Knowledge is sound and objectives met) and tied to future funding.

It is anticipated CIMP will take ten years to fully achieve its mandate of integrated environmental monitoring. Priorities for 2010-2015 include enhancing program partnerships, developing standardized protocols, and consolidating baseline data already collected. An NWT Discovery Portal will be created as a clearinghouse for monitoring information in the north. Research licenses will specify that proponents must provide information to the Portal.

The work plan for 2010-11 includes development of a five-year plan, CIMP results workshop (fall 2011), and a decision-makers needs assessment to find out what different groups need out of CIMP. A Decision-Makers Toolset will be created with agreement on a common monitoring approach (Pathway 1.0) and development of protocols for in-field methods, analysis and reporting. The "Atlas Concept" would be a short "so what?" analysis for decision makers, as results of monitoring or research are often presented without noting how it impacts decision makers or links to permitting and licensing. An inventory of developments and natural disturbances on the landscape will be conducted as a beginning step for cumulative impact assessments. Memorandums of Understanding with decision makers (e.g. government regulatory agencies, land and water boards) will be completed, with goals of collaboration and shared allocation of resources.

The NWT Environmental Audit (first in 2005) is conducted every five years in association with the State of the Environment (SoE) report. The 2010 audit conducted by SENES Consultants contains 13 recommendations, including addressing the recommendations from the previous audit. It is currently being translated and should be released by July. INAC is targeting fall 2011 for its response, and encouraging other parties to take a similar approach. In 2015, INAC would like the SoE to be separate from the audit so that technical and TK experts can be engaged directly.

Marc mentioned the federal action plan for regulatory reform, with possible changes to the NWT *Waters Act* and *Mackenzie Valley Resource Management Act*. Kevin noted that Lorraine Seale (INAC) would be going to Ottawa to work on this for one year.

Audrey asked how other federal programs such as INAC's Interim Resource Management Assistance and Northern Contaminants Program and DFO's Aboriginal Aquatic Resource and Oceans Management would be integrated with CIMP. Marc replied they are hoping to have the flexibility to do multi-year funding, as well as help communities do one project proposal which would be "shopped around" for the best place to fund it. This would cut down on proposal writing time and reporting requirements. Community support for this approach is being sought.

The Agency will be able to provide advice during consultation on monitoring protocols and approaches, as well as encourage BHPB to use the new tools. Tim noted BHPB has often said they will provide its data but it is government's responsibility to undertake cumulative effects assessment, not individual companies. (This is not the position of the Agency.)

MEETING WITH ZHONG LIU, SNAP LAKE ENVIRONMENTAL MONITORING AGENCY (SLEMA)

Zhong Liu (Environmental Analyst) gave a PowerPoint presentation with an update on the Snap Lake diamond mine operated by De Beers Canada and SLEMA's activities. The Snap Lake mine is currently at about 50% of production capacity.

Large amounts of water are being encountered at the mine and treated for Total Dissolved Solids (TDS). TDS levels in the main body of Snap Lake continue to rise due to effluent discharge.

Zhong showed graphs comparing the frequency of hydrocarbon spills at Ekati, Diavik and Snap Lake mines. There were very high numbers of spills at Ekati from 2002-05, likely related to underground development. Snap Lake spill numbers were high in 2007 during the construction phase but have decreased substantially since then, except for March to May 2011 when spills occurred on the ice during drilling programs. The ammonium nitrate pad is also being remediated on direction of the INAC inspector, to be completed by October.

In 2007, air trapped in the minewater outfall pipeline caused the pipe to float up from its original location on the bottom of Snap Lake. SLEMA raised this as a concern numerous times and De Beers is now installing a new pipeline and diffuser, but only after direction from the INAC inspector.

The Type A Land Use Permit was renewed in February 2011 for five years. New conditions were added relating to posting of security deposits and a deadline for submission of the Wildlife Effects Monitoring Program (WEMP) report. A water quality workshop was held in April 2011 as part of the water license renewal process. Three water models were presented by De Beers. The Agency noted that BHPB has proposed a chloride discharge criterion at Ekati.

A mine closure workshop was held in May 2010, with discussion on reclamation research plans and updates to the Interim Closure and Reclamation Plan (ICRP). In 2008 De Beers did not submit a Mine Reclamation Status Report, and in 2009 the INAC inspector had to direct the company to provide one. Progressive reclamation planned for 2011 includes decommissioning

the temporary camp, remediation of the ammonium nitrate pad, and removal of potentially acid-generating waste rock.

SLEMA recently reviewed the latest ICRP submission and provided numerous recommendations for improvement. In particular, the closure process for the North Pile requires changes since slurry has been deposited to date and not paste backfill. The height of the North Pile is currently about 35-40 m (this was the maximum design level).

SLEMA is also concerned that the East Cell (future development) of the North Pile is very close to the shoreline of Snap Lake. The ICRP states that the water treatment plant will be decommissioned, but there is no contingency plan if water quality doesn't meet license criteria. Traditional Knowledge (TK) is mentioned in the ICRP but there is no solid content. SLEMA has provided a number of suggestions on how TK could be incorporated into the development and implementation of the ICRP.

Zhong talked about the SLEMA TK Panel, consisting of eight elders (two each appointed by Yellowknives Dene First Nation, Łutsel K'e Dene First Nation, Tłı̄chǫ Government and North Slave Métis Alliance). Two to four workshops per year are held. The main SLEMA Board also consists of community members who can gather additional ideas from elders. Tim mentioned that Diavik's ICRP discusses establishment of a TK Panel which would cover all the diamond mines. It would be a one-stop shop for regulators, companies, and others to access TK expertise. Zhong said there are no concrete examples of TK recommendations being used to make improvements or changes to operations at Snap Lake. This is partly because it is difficult to take elders' information (more generic) and create recommendations specific to the Snap Lake mine.

SLEMA's Science Panel has no official appointees. Anne Gunn and Barry Zajdlik are contracted for their expertise on an ad hoc basis. Most reviews of environmental monitoring reports are completed by SLEMA staff since financial constraints prevent hiring additional consultants. SLEMA has been reviewing several reports submitted by De Beers, including the 2010 Aquatic Effects Monitoring Program (AEMP) Report and 2010 Water License Annual Report. Vegetation monitoring is only completed every five years (most recently in 2009) since there is "minimal" impact on the landscape from underground mining.

Zhong showed various graphs comparing actual monitoring results to predictions made during the 2002-03 environmental assessment. Water elevations in Snap Lake fluctuate but are not a concern. Minewater inflow rates were higher than predicted in the first few years but below since 2006-07. TDS in minewater has been generally lower than predictions, but the cumulative TDS load (whole lake average concentration) in Snap Lake is much higher than predicted. Further downstream there seems to be no change in TDS relative to background levels, and De Beers might increase the number of monitoring stations midstream to get further information.

One Surveillance Network Program (SNP) station, located on the eastern perimeter of the Waste Rock Pile, was designed to monitor runoff to the Water Management Pond. Monitoring was suspended here in 2009 due to the proximity of kimberlite ore stockpiles. These stockpiles have since been removed, and SLEMA has recommended that monitoring should resume. SLEMA has also recommended improvements to the Adaptive Management Plan, including setting action levels.

MEETING WITH JOHN McCULLUM, ENVIRONMENTAL MONITORING ADVISORY BOARD (EMAB)

John McCullum (Executive Director) provided an update on Diavik Diamond Mines Inc. (DDMI) and EMAB's activities. The 2010 AEMP report was received at the end of March. Nutrients are still the major impact on Lac de Gras. Mercury was found in slimy sculpin near the discharge in 2007, but levels are now equivalent to reference at near-field. Reasons for this are unclear, and

baseline sampling for mercury in trout used composite samples so they cannot be compared to current results. The water license renewed in 2007 required that DDMI do more intensive sampling for three years, then revert to basic monitoring with additional depending on results. DDMI has suggested that 2010 is therefore a “gap year” where less sampling should occur. In John’s view, the Wek’èezhìi Land and Water Board (WLWB) will not likely agree to this.

The fish habitat compensation project continues on the mainland just south of Diavik. Baseline studies were completed the last couple of years, and this summer the company is building fish ladders and connecting lakes.

The revised Waste Rock Management Plan shows no plans to advance sub-aqueous storage of Type 3 (acid-generating) rock at this time for A21 pit. Diavik currently has only a fugitive dust monitoring program. A Minister’s report was issued on this matter and Diavik is expected to submit a new Air Quality Monitoring Program (AQMP) this month, including the use of CALPUFF computer modeling. An incinerator pad and building are under construction and should be completed this summer.

EMAB reviewed the 2010 Wildlife Effects Monitoring Program (WEMP) annual report and three-year analysis. DDMI looked at its own caribou data as well as data from Ekati, and concluded a 14 to 40 km Zone of Influence (ZOI). The broad range of numbers may be because the analysis did not incorporate the Ekati footprint (only distance to DDMI is measured). DDMI says they will not pay for the analysis of BHPB’s data. The Agency noted that BHPB uses DDMI data and incorporates the entire Diavik footprint, and results show estimates of 20 km ZOI. Behavioural analysis suggested a 5 km ZOI for nursery groups, but reasons and possible mitigation measures are not clear. Diavik tried to investigate relationships between ZOI and level of activity (measured as maximum average number of workers on site, which translates to plane flights and vehicle traffic) but found no correlation. John said that DDMI is proposing two years of aerial caribou surveys, followed by two years without. Kim noted the Agency’s recommendation that BHPB start aerial surveys again next year due to increasing activity on the Misery road, likely stabilization of Bathurst herd numbers, and a three year break since the last surveys. He added that monitoring gives us a snapshot and aerial surveys are useful for this, but there are different ways of looking at mechanisms behind changes.

John discussed DDMI’s grizzly bear monitoring. Recent results suggest avoidance of the mine site but ZOI cannot be determined using current methods. Last year hair snagging posts were placed in various cells (e.g. wetlands, sedgelands) but the hit rate was not very high. Also, any hair snagged was assumed to be grizzly hair but no attempts were made to determine for certain (although samples are being archived). This was a two-year pilot project and DDMI has no plans to continue with the second year. DDMI claims that BHPB is not doing enough on its claim block north of Lac de Gras, and only eight posts were set on the Misery road last year. BHPB is also using different post set-ups and different lures. GNWT-Environment and Natural Resources (ENR) is apparently waiting for the results of Mathieu Dumond (Government of Nunavut Regional Biologist)’s studies to be published.

Kevin suggested there are opportunities for EMAB and IEMA to cooperate on this issue. A grizzly bear monitoring workshop could be held to agree on monitoring protocols. Mathieu Dumond could be invited along with ENR and the companies. It would need to happen this fall in order to benefit next year’s monitoring.

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| Action Item #4 Kevin to contact ENR to discuss the possibility of a grizzly bear monitoring workshop. |
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DDMI will continue track surveys for wolverine (although none last year due to difficulty finding Aboriginal workers). DNA hair snagging will be done this year but it is unclear what will happen after that. Waterfowl and falcon monitoring will continue as before. Analysis of vegetation plots shows a definite change in plant composition closer to the mine (less lichen and more forbs and

grasses), presumably related to dust. It is unclear how this residual impact and loss of suitable caribou habitat will be remediated at closure. Contaminants in lichen were also analyzed with aluminum, nickel and lead showing the highest levels. DDMI's risk assessment concluded there would be no major impacts to wildlife, but EMAB is considering an independent review.

EMAB raised technical issues with the latest ICRP, and there is still no TK or community engagement by DDMI. The WLWB has directed further revisions with a new draft expected by August 1st. DDMI's estimate for the security deposit was much lower than calculated by John Brodie. Security is currently at \$180 million but will be lowered because the A21 pipe is no longer included in the mine plan.

DDMI is developing Community Engagement Protocols which would detail how each community wants to discuss different topics or issues. These are still not finished despite over a year of work, and DDMI says it cannot develop a TK Research Plan until the protocols are completed. DDMI would like EMAB to set up a TK Panel under the *Environmental Agreement*. A TK Panel workshop was held May 20th with the SLEMA TK Panel sharing their experience. A report will be available soon. Parties agreed on many things conceptually, but questions were raised as to funding. DDMI would like the TK Panel to review proposals, while communities would prefer to deal with DDMI directly. DDMI has agreed to partially fund a TK monitoring proposal submitted by Tłı̄chq̓ Government, and North Slave Métis Alliance is expected to submit a proposal soon. DDMI has hired a TK consultant (Natasha Thorpe) to interview both industry and communities, and make recommendations on how to incorporate TK into monitoring programs.

The budget dispute between EMAB and DDMI resulted in an arbitration decision. DDMI was allowed to keep the \$300,000 they had taken back but EMAB can reallocate funds somewhat independently and carry funding forward. There is another dispute over this year's funding. The INAC Minister chose DDMI's budget that did not include capacity funding for the Aboriginal parties. EMAB now has to either reallocate funding from other programs or try to raise funds from other sources.

John has resigned as EMAB Executive Director effective July 8th and recruitment for a replacement has already begun.

OTHER BUSINESS

➤ Future Board Meetings

The dates of future Agency Board meetings and other activities were agreed upon as follows:

August 22-26, 2011 13th Arctic Ungulate Conference, Yellowknife

Kim is registered as a presenter (not on behalf of the Agency). Audrey and staff should also register and attend if available.

September 12-14, 2011 Community Visit to Whati? (alternatively week of September 5th)

Date is still being finalized with Tłı̄chq̓ Government staff.

September 17-21, 2011 International Mine Closure Conference, Lake Louise

Kevin, Monica and Tony are registered to attend.

December 7-9, 2011 Agency Board Meeting, Environmental Workshop and AGM

Also try to hold Christmas open house during this time (contact EMAB and SLEMA).

➤ **Personal Protective Equipment**

It was agreed that a one-time allowance of maximum \$200 per staff member and Director would be authorized for the purchase of personal protective equipment (e.g. steel-toed boots, safety glasses) to be used for Ekati site visits.

Meeting concluded at 5:00pm.

JUNE 15TH-16TH

EKATI SITE VISIT

Directors and staff visited the Ekati mine site and met with BHPB staff. The following areas were visited:

- Panda Diversion Channel (widening project area and the fish box);
- Beartooth Pit; and
- Long Lake Containment Facility (LLCF) including the Fay Bay spill, Cell A high road and processed kimberlite (PK) discharge point.

A number of issues were discussed informally during the site visit as follows:

- LLCF Discharges - BHPB will continue to use the nitrate Ideal Performance Standard as a discharge criterion for waters from the LLCF. Rescan did a technical memo on that which BHPB will send out.
- LLCF Deposition Planning - BHPB is looking at some adjustments to the LLCF to keep PK out of Cell D. Options include a road on the south side of Cell A to allow for more efficient use of that area and possible use of Beartooth pit. BHPB will hold a workshop in July with interested parties. A full submission will be made later to the WLWB in the fall (should include some information based on the revised LLCF water model) with a decision made before closure of the 2011-12 winter road.
- Incinerator - There are no technical obstacles to getting the new incinerator operational. BHPB has set aside funding to get the work done this year.
- Interim Closure and Reclamation Plan (ICRP) Revisions - BHPB is still aiming for an August submission date for the revisions to the ICRP. Harvey Martens was to site looking into the Cell B pilot study. Issues include how, when and what types of machinery will be needed, how to keep grazing down, uptake by new plants, snow deposition for moisture, wind erosion, clean rock sources, and testing of engineered water channels through the tailings.
- Bear Monitoring - BHPB will conduct further pilot testing of hair snagging tripods at the site. About 35 sites will be used with 4-5 sampling intervals and DNA analysis. The objectives of the program are not clear (zone of influence vs. regional abundance and distribution).

- Wildlife Monitoring Plan - Rescan is reworking the wildlife management plan so it reflects current program design. This should be distributed in the fall. It is not clear whether this is a full management plan that includes mitigation, adaptive management and links to other management plans.
 - Water Licence Renewal - BHPB's current water licence expires in August 2013 with a submission likely about 18 months before then. The Agency was asked if there were any preliminary issues. It was suggested that there were some lessons from the Sable Pigeon Beartooth licence renewal including a clear understanding of where the Effluent Quality Criteria apply, and the need for a full rationale for any changes. There has been little progress on defining water quality objectives for the NWT. Adaptive management for unregulated contaminants including nitrate, chloride, selenium and others will likely be an issue. BHPB indicated that it would be submitting site-specific risk assessment work for molybdenum to the WLWB separate from the water licence renewal.
 - Snow Sampling - BHPB staff carried out snow sampling in April 2011. Jamie Steele will prepare a note on changes to the Standard Operating Procedures and the comparative study of frozen vs. unfrozen samples.
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**Summary of Discussion Approved by
Jaida Ohokannoak, Secretary Treasurer.**