

INDEPENDENT ENVIRONMENTAL MONITORING AGENCY SOCIETY

ANNUAL GENERAL MEETING

WEDNESDAY, JUNE 24TH 1998, 7:30 PM

Participants

Society Members

Akaiicho Treaty 8:

North Slave Metis Alliance:

Dogrib Treaty 11 Council:

Govt. of the Northwest Territories:

Govt. of Canada:

BHP Diamonds:

Darrell Beaulieu

Lila Erasmus

Bob Turner

Jim Edmondson

Joe Handley

Kelly Robertson

David Livingstone

Mary Tapsell

Jim Excell

Scott Williams

Graham Nicholls

Chris Hanks

Shelley Thibaudeau

Derek Chubb

Directors

Fikret Berkes

François Messier

Peter McCart

Red Pedersen

Kevin O'Reilly

Bill Ross

Tony Pearse

Staff

Hal Mills

Jackie Morris

Alan Ehrlich

Lisa Hurley

Other

Dionne Filiatrault

Welcome

Red Pedersen, chair of the meeting, gave welcoming remarks.

Agenda

The attached Agenda was reviewed and approved.

Opening Prayer

Darrell Beaulieu offered the Opening Prayer.

Roundtable of Introductions

All Members, Directors and attendees introduced themselves.

Chairperson's Address

Red Pedersen delivered the opening remarks, pointing out that this was the first Annual General Meeting of the Independent Environmental Monitoring Agency Society for the Ekati Mine. The meeting was called by the Directors but consists of a meeting of the Members of the Society. Pedersen then introduced the agenda, followed by a brief introduction of the Agency. He noted that no representative for the Kitikmeot Inuit Association was able to attend the meeting.

Presentation of the Annual Report

Tony Pearce presented a summary of the first Annual Report of the Agency, focussing on key issues. (The presentation is attached as Appendix A).

Treasurer's Report

François Messier presented a report on the financial situation of the Agency, summarizing the costs of the previous year and the proposed budget for the upcoming year. (This presentation is attached as Appendix B).

It was recommended that Wowk, Wong & Co. continue as the Agency's auditor next year. This motion was put forth and passed.

Members Presentations

Various Members of the Society made their presentations, summarized as follows:

David Livingstone (Government of Canada) described the DIAND perspective and roles, identifying the roles of Mary Tapsell and Darren Unrau with respect to Ekati. Overall, the federal government is pleased with the Agency, and particularly with its input on reports that have been submitted, as well as with the guidance it provided on the Panda Diversion Channel and the Kodiak Lake oxygen problem. The importance of the Inter-Agency Coordinating Team (IACT) was stressed, and Mary Tapsell was commended for this initiative.

Livingstone expressed concern about the lack of communications between the Agency and aboriginal communities, the late arrival of the Annual Report, and the technical nature of the report. DIAND will provide feedback to the Agency about the Annual Report soon.

He said that, in DIAND's opinion, the Agency should focus on its core mandate which excludes participation of the Agency in the formal review process of the Diavik diamond mine.

Joe Handley (GNWT) said that the GNWT was proud to be involved in the negotiations that led to an innovative management tool (the Agency). GNWT was pleased with the production of the Construction and Operating Environmental Management plans, and felt that the Agency provided very good reviews of reports. Future diamond projects will benefit from the current experiences of the Agency.

Handley stated that the GNWT feels that communications (particularly with Aboriginal groups) should be a major initiative of the Agency, and is glad to see money allotted for the communications in the budget. Handley felt that the Agency can play an important role in facilitating a public understanding of the Environmental Agreement. Handley also said that the Annual Report is too technical for individuals without technical backgrounds. This comment was supported by other members.

Scott Williams (BHP) described the last year as a learning experience, and expressed BHP's wish to contribute in a positive manner to the Agency. Williams stated that communications between BHP and the Agency are improving. He noted that BHP has a good working relationship with Agency, and that IACT has proven helpful.

Williams invited the Agency to assist BHP with their TK work, and to accompany them on community visits. Williams also pointed out that BHP is changing and growing, and that an administrative assistant with a clear mandate to manage documents and paperwork in the environmental area will soon be joining BHP. BHP is committed to constant improvement in their management systems.

Darrell Beaulieu (Akaitcho Treaty 8) emphasized the need for communities to see more evidence of community consultation by the Agency and a lack of community communication with the Agency. Beaulieu recommended that more Agency meetings be held in communities.

It was suggested by Beaulieu that the Agency strengthens its role in clarifying the regulatory complexity surrounding the Ekati project. He also suggested that further work is required regarding the application of TK to management, and that a committee of elders working in conjunction with the Agency might be helpful in resolving some of these issues.

Beaulieu voiced concern over translating the technical aspects of the Annual Report into a form that is useful to Aboriginal communities. Feedback on the Annual Report will be passed to the Agency as it arises.

Bob Turner (North Slave Metis Alliance) said that he believes that the Agency is fulfilling its mandate, and is pleased with the work it is doing and has done. More comments will arise after there has been more time to review the Annual Report.

Turner invited the Agency to the North Slave Metis Alliance Assembly from August 7th to 9th in Old Fort Rae.

Jim Edmondson (Dogrib Treaty 11 Council) attended the meeting on behalf of Dogrib Treaty 11.

Jim Excell (BHP) said that the Annual Report read like an intervenor report. He also identified an opportunity to add statistics to the Annual Report regarding the number of Aboriginal people who visited the office.

It was emphasized by Excell that BHP will be providing all Agency funding after the next year, and is concerned about the practice of carrying surplus funds over to the next year. In the future, if more money is needed, Excell expects the Agency to ask BHP for it as necessary, and to return any surplus to BHP.

Discussion of Issues

The Secretary-Treasurer voiced concern about any surplus leading to a reduced future budget, and suggested a \$75,000 contingency fund if surpluses were not to be carried over.

It was pointed out that the Agency newsletter in production will describe the Annual Report contents in non-technical terms. This will be useful for communities.

Red Pedersen said that the Agency has not been communicating with communities because there has been nothing substantial yet to say, and wanted to avoid conducting community consultation as a mere token gesture.

Pedersen also voiced the Agency's concerns about comments contained in a letter from the federal and territorial governments and BHP regarding the Agency's core mandate. Directors were unable to find any reference to the core mandate in the Environmental Agreement, which lists many aspects of the Agency mandate with equal emphasis.

It was stated by Pedersen that he received a telephone call from David Searle, BHP's lawyer, who expressed concern over the Agency overstepping its "core mandate" with respect to its interest in the Diavik assessment. Both the call and the letter mentioned funding sources while suggesting directions for the Agency. Between these two occurrences, serious concern arises over the independence of the Agency. One Member organization feels so strongly about this issue that it is considering no longer participating in the Society if the Agency is unable to function independently.

A lengthy discussion ensued about the involvement of the Agency in the Diavik assessment process. DIAND's position is that the Agency should focus strictly on issues relating only to the Ekati mine, focus on improving communications, and have no involvement in the Diavik assessment. The Agency's directors feel that their legal mandate of reviewing, reporting, or making recommendations concerning cumulative effects requires the Agency to consider the effects of Ekati in conjunction with all past, present and imminent projects, since that is the meaning of the term "cumulative effects". The Diavik project is imminent and has the potential to affect some of the same ecosystem components as the Ekati project (such as wildlife and water). It is therefore impossible to consider the cumulative effects of Ekati separately from those of the Diavik project.

Jim Excell said that it was decided during the implementation protocol of the Environmental Agreement that the Agency would not be regional, but would be project specific.

Bob Turner stated that the Metis Alliance would like assistance from the Agency in identifying and managing the cumulative effects of the diamond projects on wildlife in general and caribou in particular.

Red Pedersen reported that the Kitikmeot Inuit Association, at a recent Diavik meeting, stated that Lac de Gras fulfills the role of a water reservoir for Kugluktuk. People in Kugluktuk don't care which project causes which environmental effects. They want to know what is happening to their water.

Darrell Beaulieu voiced concern that cumulative effects be addressed, and suggested that there should be a recommendation from the Agency to DIAND regarding cumulative effects and Diavik. One possible role for the Agency is to provide comments on DIAND's regulatory processes.

Joe Handley stated that many of communities are interested in cumulative effects, and that it is within the mandate of the Agency to comment on the effects of development on caribou. The Agency should therefore be commenting on cumulative effects.

It was raised as an issue that the three Members (Canada, GNWT and BHP) who drafted the letter suggesting that the Agency ignores the cumulative effects of Diavik in conjunction with Ekati did not consult any of the Aboriginal Members.

David Livingstone suggested that the Agency considers preparing a paper describing a methodology for cumulative effects assessment, instead of getting directly involved.

On a separate issue, the Board requested direction from Members as to whether future AGMs should be open to the public. The issue was unresolved.

Closing Remarks

In closing, Chairperson Pedersen noted that many of the issues raised at this AGM are substantial and will require further consideration before they are fully resolved.

Adjournment

Chairperson Pedersen adjourned the meeting at 21:50h.