

**Summary of Discussion from the Annual General Meeting**  
of the Society of the  
**Independent Environmental Monitoring Agency**  
Held on  
**December 3, 2009**  
at the  
**Agency Boardroom**

January 11, 2010 DRAFT (until approved at the 2010 AGM)

## **Participants**

### **Society Members**

Akaiicho Treaty 8 (Lutsel K'e First Nation)

Joseph Catholique  
Antoine Michel

Tlicho Government

Joline Huskey  
Harry Apples  
Marvin Apples  
Mark Fenwick

Kitikmeot Inuit Association

Luigi Torretti

North Slave Metis Alliance

Ed Jones  
Frank Camsell  
Brittany Schuwera  
Sheryl Grieve

Government of Canada

Lionel Marcinkowski, DIAND  
Teresa Joudrie, DIAND

Government of the NWT

Loretta Ransom

BHP Billiton Diamonds Inc.

Eric Denholm  
Dave Abernathy

### **Agency Directors**

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

### **Agency Staff**

Kevin O'Reilly  
John Morrison

### **Interpreters**

Bertha Catholique (Chipewyan)  
Peter Huskey (Tlicho)

## OPENING PRAYER

Tlicho elder Harry Apples from Bechoko gave the opening prayer

## REVIEW OF THE AGENDA

There were no additions or deletions to the agenda for the meeting.

## CHAIRPERSON'S ADDRESS

There was a round of introductions. There were no objections to Morgan Boyco, a University of Guelph graduate student, observing the meeting.

Bill Ross, Agency Chairperson, gave an opening address and explained that the meeting was really for the Society meeting and not for the Agency Directors, although Directors were there to present the finances and the Agency's activities over the past year.

## SUMMARY FROM 2008 ANNUAL GENERAL MEETING

*Motion:* To approve the summary of discussion from the 2008 AGM

*Moved by:* Lionel Marcinkoski (DIAND)

*Seconded by:* Eric Denholm (BHPB)

*Motion carried without opposition.*

## PRESENTATION OF THE 2008-09 ANNUAL REPORT

Tim Byers (Agency Vice-Chairperson) presented highlights from the Agency's 2008-09 Annual Report and activities since April 2009. The presentation was included as a handout in the kits for all the participants. The full report is available on the Agency's website ([www.monitoringagency.net](http://www.monitoringagency.net)). He welcomed questions throughout the presentation from the Society Members.

The following is a summary of the questions and combined responses of BHPB and the Agency Directors.

### Wildlife Concerns

Joseph Catholique asked what is being done at the mine in terms of wolf and wolverine monitoring. Kim Poole replied that wolf den surveys are conducted by GNWT and some information is gathered from the site by incidental observations. Dave Abernethy added details about the wolverine track surveys that had been done in the past and that DNA sampling was done in 2005 and 2006 and has proven to be a better monitoring method. He confirmed that BHPB would do further DNA sampling for a couple of years starting in 2010, in cooperation with the other diamond mines and GNWT. Some wolverines are observed at site but over the past few years, they do not stay around the mine. Joseph Catholique remarked that there seems to be fewer wolverines in the Lac de Gras area. Kim Poole mentioned that to better understand

regional trends, DNA sampling is necessary. Wolverines are also scavengers and a smaller population may relate to lower numbers of caribou.

Luigi Torretti asked whether there is a buffer or zone of influence around the mine in terms of wildlife avoidance and whether the Long Lake Containment Facility might be a cause. Kim Poole replied that a recent study based on aerial surveys and collaring results showed a 75% reduction in abundance of caribou cows and calves within a 14 km zone around the combined footprint of Ekati and Diavik. There is evidence that caribou cross the LLCF so this does not in itself appear to be the cause of the zone of influence.

Loretta Ransom mentioned that GNWT had recently hired a new Air Quality Specialist, Aileen Stevens. Luigi Torretti asked for a reason the incinerators were not being used. Dave Abernethy said changes were made to the equipment when it was being installed and that it does not work properly. Work is to be done this winter that will hopefully allow the incinerators to be used.

On the 2009 Environmental Impact Report (EIR), Lionel Marcinkoski, mentioned that there should be a letter out shortly from DIAND indicating whether the report is satisfactory or not. Eric Denholm, BHPB said that a meeting to discuss the concerns raised in submissions on the EIR was now scheduled for December 16, 2009.

#### Fay Lake Spill and Monitoring

Luigi Toretta asked whether a cause had been determined for the Fay Lake spill. Dave Abernethy said that the cause of the spill was still unclear and that the matter was still being reviewed by BHPB's legal counsel. No further deposition of processed kimberlite is to take place at the north end of Cell B. Runoff from the spring melt may have caused the processed kimberlite to flow out of Cell B. BHPB continues to monitor the area of the spill including the water quality in Fay Lake.

Antoine Michel stated changes have occurred around Artillery Lake and the area to the north. He has seen changes since the diamond mines went in, including more caribou with injured legs. He expressed concern about the effect of the spill on animals that drink nearby water and for the fish in Fay Lake. Spills should be reported immediately to communities. Bill Ross stated that BHPB contacted the Agency and Chiefs very quickly after the Fay Lake spill was noticed, within a day or two. Eric Denholm added that BHPB got out on to the ice of Fay Lake quickly and picked up most of the processed kimberlite. Monitoring of Fay Lake was done this past summer and the results will be reported in the coming months.

Antoine Michel suggested that people from the communities should be invited to the site to look at spills. Eric Denholm replied that Ernest Boucher from Lutsel K'e was up at the mine in the fall and saw the area of the spill. Vegetation is now starting to grow around the spill site and right through the spilled processed kimberlite.

Joseph Catholique asked whether BHPB has any Aboriginal monitors at the mine site.

Dave Abernethy replied that the Environment Department at Ekati employs one Metis from Inuvik and another from Fort Smith, a person from Gameti, and an Inuvialuit worker originally from Tuktoyaktuk. They have a diverse number of people on the team. BHPB also has a job shadowing program where communities are invited to send a person in for a week to work at the mine site with the Environment Department.

Joseph Catholique would like to see the monthly water sampling reports from the mine and Dave Abernethy replied that these documents are submitted to the Wek'eezhii Land and Water Board and are on the public registry.

## PRESENTATION OF FINANCIAL REPORT

Jaida Ohokannoak (Secretary-Treasurer) presented the Agency 2008-09 Audited Financial Statement. An error in note 8 of the Financial Statements as found on page 49 of the technical version of the Agency's 2008-09 Annual Report was noted. The amounts repayable to DIAND and BHPB were reversed and the Agency has taken the appropriate corrective action.

Lionel Marcinkoski noted that GNWT also contributed towards the external review of the Agency by paying for a share of the cost of the report without a contribution agreement.

Brittany Schuwera, NSMA asked what part of the budget is related to Traditional Knowledge (TK). Jaida Ohokannoak replied that some of the Agency's involvement with TK would be found in the work undertaken as part of "Document Review" and "Board Support".

Joseph Catholique asked if Agency does any training. Jaida replied that training is not part of the Agency's mandate.

Teresa Joudrie, DIAND asked whether the Agency was satisfied with the current auditor. Jaida Ohokannoak replied on behalf of the Agency by stating that MacKay LLP has been very thorough in its audit and provided helpful advice when called upon during the year.

*Motion:* A motion was made to appoint MacKay LLP as the auditor for the Agency for 2009-10

*Moved:* Teresa Jourdie (DIAND)

*Seconded:* Eric Denhom (BHPB)

*Motion carried without opposition.*

## PRESENTATION OF AGENCY BUDGET AND WORK PLAN FOR 2009-11

Bill Ross made a presentation to summarize the Agency's budget and work plan for 2009-11.

Lionel Marcinkoski asked for clarity on the approval process for the Agency's core budget. Bill Ross replied that the Agency discusses its budget and work plan with the Environmental Agreement signatories as part of the biannual Resolution Agreement meetings arising from the first mediation. He noted that Agency's budget and work plan are not 'approved' as the Agency retained its independence within its mandate.

Teresa Joudrie asked when the Agency intends to complete its involvement with the Environmental Impact Review. Bill Ross replied that the Agency has already submitted its comments and that there may still be a meeting to try to resolve outstanding concerns but most of this should be completed during the current financial year.

Teresa Joudrie also asked what the Agency's expenses are under the Separate Fund. Jaida Ohokannoak replied by saying that the Agency's expenses to date for 2009-10 already exceed the \$40k Separate Fund and are related to the Agency's participation in the review of the Interim Closure and Reclamation Plan, including the WLWB public hearing on BHPB's request for a ruling on jurisdiction and BHPB's application for judicial review of that decision by the WLWB.

Harry Apples asked why BHPB needed a new water licence and whether it would be used to fill the pits with water. He said that he had been to the mine site in August of this year and expressed concerns but these have not yet been addressed, including the clean-up of the Fay Lake spill.

Bill Ross said that the Agency has been involved in two water licence processes this year. The first being a renewal of the water licence covering the Sable, Pigeon and Beartooth pipes, which was eventually rolled together into an amalgamate licence that include the main mine operations. The second water licence process where the Agency has been involved, is the review of the Interim Closure and Reclamation Plan for Ekati.

Eric Denholm also replied by stating that he remembered Harry Apples raising these concerns at the EIR session at Ekati in August 2009 and that BHPB committed to visit communities to review the closure plan, including what it intends to do with the pits.

Harry Apples recommended that BHPB build a fence around the Long Lake Containment Facility and monitor it on a daily basis. Eric Denholm said BHPB is doing monitoring once every shift of the LLCF to help prevent any further spills.

Ed Jones, NSMA elder, asked what could be done to limit the number of mines and exploration as the resource development is clearly having a negative effect on our environment. He suggested that the *Canada Mining Regulations* should be amended to better control development. The current level of development has already contributed towards the decline of the caribou herds. Bill Ross said the Agency mandate on cumulative effects is quite limited but that the Agency has suggested that there be greater consistency in monitoring programs amongst the diamond mines and the contribution of Ekati to cumulative effects needs to be better understood. Bill Ross invited the DIAND representatives to comment on the issue of cumulative effects but DIAND participants declined to respond.

#### SENES EXTERNAL REVIEW PRESENTATION

Shelagh Montgomery with SENES Consultants gave a presentation on the external review carried out on the Agency in late 2008-09. The Agency advertised the work through a request for proposal process and SENES was hired to carry out the work. The external review focused

on the performance of the Agency given its mandate under the Environmental Agreement. SENES interviewed 26 people as part of the methodology.

The general findings were that the Society members and other parties are generally happy with the performance of the Agency. There was a positive view of the technical strength of the Agency but that the community outreach and work on TK could be improved.

Of the six recommendations from the SENES external review, the first four dealt with communications and the last two related to recommendations and follow-up. Shelagh Montgomery mentioned that there was already a preliminary response from the Agency and that it had already started to follow-up on at least a couple of the specific recommendations.

There was a general discussion regarding the six recommendations.

**Recommendation #1:** Renew the preparation of an Agency newsletter similar to the “Ekati Monitor”.

Antoine Michel indicated that he would like regular reports back to the communities. Bill Ross then asked the best way to do this. Antoine Michel replied that the best way to communicate with the communities is to go and visit them. Bill Ross stated that the Agency has budget limitations but does its best to comply with any request to send a Director or staff to assist a community.

Eric Denholm suggested that if a newsletter is prepared, it should also be posted to the Agency’s website. Peter Huskey mentioned that if an e-mail newsletter is distributed, elders will not likely receive it or read it. Marvin Apples suggested community radio as a good method to reach elders in communities. Ed Jones noted that proper interpreting and translation is a difficult thing to do well.

**Recommendation #2:** Prepare a “Reporting Back to Communities” pamphlet following community visits.

Luigi Torretti said not everyone in a community is available for meetings but suggested the Agency use key community people as contacts and that community bulletin boards work well for information distribution. Bill Ross stated that the Agency has produced two brochures for its visits to Kugluktuk and Gameti and would likely continue this practice.

Teresa Joudrie asked whether the Agency visits schools when it is in a community and was pleased to hear that the Agency makes extra efforts to make sure this happens.

**Recommendation #3:** Organise more community meetings.

Ed Jones suggested that video presentations might be a good idea and could help replace the need for community meetings as people could watch a video at a time of their own choosing.

Bill Ross mentioned that the Agency generally meets once a year in a community outside of Yellowknife and that he could recall meetings recently in Kugluktuk, Detah, Wekweki, Lutsel K'e and Gameti. He mentioned that the Agency will continue this practice and is also open to sending Directors and staff to communities upon request and within our budget.

Recommendation #4: Prepare summary notes / highlights from Board of Directors' meetings.

Bill Ross noted that the Agency has already begun to distribute meeting highlights and will continue to do so. Positive verbal and e-mail feedback on this practise had already been received by the Agency.

Recommendation #5: Where appropriate, make action-oriented, prescriptive recommendations in Annual Reports.

Bill Ross stated that the Agency had attempted to address this recommendation during the drafting of its most recent Annual Report and would continue to pay attention to making more focused recommendations. No specific comments or suggestions were offered by the Society members.

Recommendation #6: Follow-up on recommendations made in Annual Reports to ensure they have been, or are being, acted upon, and report back to Society members.

No specific comments or suggestions were offered by the Society members. Bill Ross mentioned that the Agency will address this recommendation in the course of its ongoing work.

Bill Ross thanked everyone for their participation and advice, particularly on the recommendations from the SENES external review. He noted that the Agency will continue to follow-up to improve its communications.

CLOSING PRAYER

Harry Apples, Tlicho elder provided a closing prayer.

MEETING ADJOURNED at 12:05 pm