

Independent Environmental Monitoring Agency
56th Meeting of the Board of Directors
Yellowknife, NWT
October 2nd – 4th, 2007
Summary of Discussion

Revised: October 31th, 2007

Directors

Tim Byers	Tony Pearse
Sheryl Grieve (by phone)	Kim Poole
Laura Johnston	Bill Ross
Jaida Ohokannoak	

Staff

Sean Kollee
Kevin O'Reilly

Additions to the agenda – outcome of a WLWB questionnaire, Lutsel K'e community visit, possible SLEMA/EMAB update.

Information updates

Bill – Met with Laura Tyler and attended the ICRP section two meeting. Laura had the following observations:

- The Sable, Pigeon and Beartooth water licence is due for renewal and BHPB will provide a briefing (125 changes to be proposed and are related to consistency with the main licence, for example, nitrate concentrations at Sable and the definition of receiving environment).
- Laura is responsible for long range planning (Jay pipe baseline environmental studies not proceeding, Sable is also marginal).
- More small diamonds are being recovered due to finer screening at the process plant.

Tim – attended a conference in Wemindji, Quebec (located up the James Bay Coast – used to be called Nouveau Comptoir). He described the area as a Cree village with years of hydro development and the possibility of gold mining. They were interested in the Agency oversight role. Most questions were from people with mining companies regarding the nature and mandate of the Agency and why was there a need for a watchdog.

Tim also reviewed the AEMP and PDC, and was twice in Lutsel K'e to discuss the ICRP. The intent of BHPB to not create pit lake fish habitat was a surprise to the people there. The community noted the inconsistency between its desire that the pit lakes contain fish after closure and that the company does not share this view yet it wants to use TK to help prevent fish accessing the lake.

Don Macdonald was hired by DIAND to develop AEMP guidelines and Tim provided comments to him. Linking biological changes to water quality changes and cumulative effects on the same water body by multiple sources were areas of interest to the Agency not found in the draft guidelines.

Laura – reviewed the LLCF pore water quality assessment among other reports.

Jaida – assisted in developing the plain language annual report, finalized the financial statements with auditors and assisted with other financial issues. She reviewed the WEMP and the annual report from BHPB.

Sheryl – reviewed the AEMP, WEMP and BHPB annual report. She reviewed correspondence over the summer and met with NSMA staff and directors. She attended BHPB’s presentation on its upcoming water licence application as a NSMA staff person. Some highlights included archaeology studies and partnership opportunities with NSMA and the issue of wildlife permits. The NSMA would like IEMA to assist with a review of wildlife permits and applications. The IEMA were featured in a column in the NSMA newspaper and Sheryl dealt with administrative matters.

Kevin – mentioned that the finalized audited statements and published annual report were inserted into the board meeting binder. Effort was made to ensure the clearest and most transparent possible presentation of CPP payment and the repayment issue and this resulted in a good final product. Kevin attended two one-day visits to Ekati (June 28th ICRP tour and September 14th IACT tour). He responded (negatively but constructively) to two requests for funding from Lutsel K’e. He approached DIAND about possible funding but Lutsel K’e is on DIAND’s suspended funding list and must resolve that before any further funds can be made available. The staff distributed the SENES review of BHPB’s air quality reports. A draft annual report brochure was circulated to the Directors for comment. An IACT meeting took place where a presentation was made by BHPB on its water licence renewal activities. He attended the ICRP working group and distributed a summary of that meeting. A letter was also sent by the Agency to BHPB on changing the AEMP sampling frequency (the change was not supported due to lack of thorough analysis).

Sean – mentioned a presentation for Directors based on the Britannia Mine Tour attended as part of the 31st Annual Reclamation Symposium in Squamish B.C.

AGENCY INTERNAL MEETING

FINANCE

An expenditure chart was presented to the Directors. A variance report on how money was spent to date and what was budgeted was also reviewed. The Agency has currently spent 27% of the budget to date (the reason for this reduced level of expenditure is late reports from BHPB and no claims for review time of late documents have been submitted yet). BHPB recently agreed to the CPI payment increase of 2.6% for the Agency budget

as of April 1st, 2007. It was observed that with three board meetings planned to take place before the end of March 2008 it would be beneficial to plan these dates and decide on a possible environmental workshop in the approved work plan and to be funded by the Agency.

ADMINISTRATIVE MATTERS

The Directors agreed to ask the Manager to draft a policy on decision-making between meetings based on current practices, for review at the next Board meeting. An example was discussed (Agency letter development). If a letter is due and there is no response to a query regarding such a letter from all Directors then the Manager must act and send the letter, copied to all Directors, based on comments received. For minor decisions, emails are sufficient and the outcome would depend on responses received. For major decisions a conference call might be required.

Action Item #1 – Kevin to draft a policy on decision-making between Board meetings. It should be based on current practices while recognizing the need for some responses with little turn-around time.

Director Travel and Honoraria Claims

The secretary-treasurer discussed the newly drafted travel and honoraria policy and a rationale behind the policy was discussed. A new addition is a requirement for claims to be submitted within 30 days of an activity or travel. Approval for work outside of the Agency workplan and budget must be made by a decision among the Directors.

There was some discussion of how to deal with the reality of work that is not in the budget such as review of agency board meeting notes, informal meetings between the chair and BHPB, etc. Directors should be claiming this time and providing details of dates and time spent doing general administration activities. If an e-mail or informal discussion relates to a specific document or report (i.e. WPKMP, AEMP, WEMP, Air Quality etc.) the date and time spent should be document and claimed for that subject. It was noted that an Aboriginal society member may request travel on short notice for a Director visit. It was agreed that this is already covered in the current work plan and in the Community Consultation Policy.

The Directors discussed changes to the policy regarding priorities of relevant rules and procedures, safety of travel and work outside of the scope of the approved workplan.

Motion – To approve the amended Director Travel and Honoraria Policy

Moved – Jaida

Seconded – Kim

Carried unanimously

AGM planning

The Directors mentioned the requirement to ensure that 30 days notice are provided for the Agency AGM. Dates and a draft agenda was circulated and offered for comment. Dates have been circulated and have been found acceptable to the society members, as no negative comments were received. The Directors also discussed the potential to have staff organize a half-day environmental workshop prior to the AGM (the afternoon of November 14th) to review the 2006 environmental monitoring program results with all Society members.

The Directors decided to add a half-day environmental workshop just prior to the AGM (the afternoon of November 14th), to review the 2006 environmental monitoring program results. BHPB is to be first offered the chance to make the presentations. If BHPB chooses not to make the presentations, then the Directors will do it.

A half day session after the AGM will also be scheduled for the directors to have a discussion with the Aboriginal Society members in order to provide enhanced environmental information

Action Item #2 – Staff to find a location for the workshop. Bill to contact Laura Tyler with an offer to make the presentations.

Lutsel K'e Administrative Issue – Two details related to a request for the Directors considered capacity funding and an invoice from Lutsel K'e. It was agreed that for future Agency meetings in Lutsel K'e costs must be agreed upon in advance. Directors discussed possibly having a community meeting in Lutsel K'e in the new calendar year.

Action Item #3 – Tim to contact Florence and look into a date and a budget for a Board meeting to take place in Lutsel K'e in the new calendar year.

GNWT Cumulative Effects Workshop – Board authorize Kevin to become a part of a group to assist GNWT in organizing the proposed cumulative effects caribou workshop. Kevin can also contact Directors for further advice on individual matters.

Action Item #4 - Kevin contact GNWT to offer assistance with the upcoming cumulative effects workshop.

2006-7 Expense Report - The 2006-7 expense report was developed due to a request from BHPB for a different presentation of funds used by expense type. It was agreed to provide this information to BHPB.

Action Item #5 – Provide the 2006-7 Expense Report to BHPB.

REPORTS AND STUDIES

WLWB questionnaire

The Directors agreed to review the report that is under preparation by SENES for the WLWB on proposed rules of procedure when it is released. There is no further need to contact SENES.

ICRP working group update

DFO and BHPB are meeting to attempt to resolve their differing views on fish habitat in pit lakes. BHPB is concerned that it may be required to commit to a great deal to create fish habitat, something it is not required to do under its fisheries authorisation. The Agency representatives attending the meeting observed a general consensus amongst those present, except the company, that a sustainable ecosystem is the desired outcome that includes fish in the pit lakes. The pit lake study terms of reference were raised at the meeting, where fish habitat is to be researched as part of the scope of the project (this suggests the intent may have been for fish to be introduced into pit lakes at the outset of the project). It was also mentioned that community support exists for fish habitat creation and fish access to pit lakes. DFO offered the remaining funds in the fish habitat compensation fund to partner with BHPB on pit lake habitat development.

Pit lake water quality criteria were discussed; it is BHPB's position that the future licence renewal is the place and process to set final pit water quality criteria. The Beartooth Pit was seen as a special case and studies will be needed to make decisions about Beartooth due to the likelihood that it will close prior to the next revision to the ICRP. Laura Tyler agreed to report back to the ICRP working group regarding Beartooth studies and changes after discussions with the WLWB staff.

A summary of pit lake studies work is to be provided prior to Section 4 of the ICRP being discussed. In order to monitor pit lake water quality during filling, an access ramp must remain and this could pose a safety issue.

On the subject of climate change BHPB has asserted that if melting in the area occurred, the waste rock piles would be the last frozen structures on the landscape due to their design and freezing to date. North Panda Dam is the only engineered structure to be left on site without modification upon closure according to BHPB.

The format of ICRP review work was discussed. BHPB had to undertake a lengthy process to insert all of the comments into a spreadsheet format. A meeting may take place to introduce a standardized format for reviewers, in order to facilitate combining and managing the comments received more efficiently.

BHPB has adjusted the post-closure monitoring program for wildlife contained in the ICRP, in effect, extending the WEMP. This was seen as a very positive development. BHPB does not appear willing to seek any further input into the closure objectives and design of waste rock piles and ramps in relation to wildlife use, but is willing to revise the ICRP later if that seems appropriate.

LLCF water quality study

Bill reported that BHPB has committed to delivery of the LLCF water quality study prior to Christmas.

AEMP 2006 Review

The Directors discussed the recently released AEMP report. Areas of interest include the level of nitrate (approaching CCME in Leslie, in winter, and Moose Lakes). It appears that this nitrate would not affect adult fish but could affect young fish growth rates. Changes in Kodiak Lake water quality may be attributed to Seep 19 from the waste rock pile (sulphate increase) as water enters Bearclaw Lake and exits through the PDC into Kodiak Lake. Directors expressed interest in the water quality of Bearclaw Lake. It was also noted that water in the PDC might be discharging water above the CCME water quality guideline for copper into Kodiak Lake (Kodiak Lake water quality in summer approaches CCME limits). Molybdenum levels are rising but are expected to have peaked in summer and winter. Reporting historical trends for each parameter that is measured is a positive addition to the report.

Change in zooplankton Cladocera in Moose Lake is attributed to mine effects. This was largely discussed in earlier years but now is stated in AEMP.

Chloride – The methods for development of a chloride discharge criterion for the Sable, Pigeon and Beartooth pits is not clear.

Molybdenum and Nickel – The amount of these metals contained in the kimberlite does not explain what may be causing increases in lakes downstream of the LLCF. The upcoming LLCF water quality study may shed some light on this issue.

PDC 2006 Review

Grayling were more common this year than last but that may largely have been due to poor recapture rates last year. Condition analysis of fry from PDC versus the control streams suggests that PDC fish are healthy. The recurring question of winter survival of grayling hatched in the PDC is partially answered by the fact that 8-9 year old fish entering PDC would most likely have been produced in the PDC. Fin clipping of grayling four to six years ago should result in a return of fin clipped fish in 2006. Unfortunately the PDC report did not note any such recaptures last year, even though Brent Murphy had indicated as much in March.

WEMP 2006 Review

The Director review of the WEMP 2006 suggested a large amount of data was collected by BHPB and the statistics were well presented. A Peregrine falcon nest that raised young last year in the Beartooth Pit was not discovered until July 18th; nesting at this site would have begun in late May. This suggests that pit wall monitoring may not be done well. There was an unfortunate electrocution of a peregrine fledgling.

Waste seems to be managed well and there were few wolverine incidents.

Gyr Falcon population decreases – this appears not to be an issue of peregrines offsetting gyrfalcons across the north although peregrine numbers are recovering from historic lows.

Bathurst caribou herd – according to Rescan the herd is split into two; that is, the WEMP claims that what was once considered the Bathurst herd is now the Bathurst and Ahiak herd. This is simply false. ENR must address this inaccuracy with BHPB. Also distance to disturbance analysis (for both caribou and grizzly bear) appears to ignore the Diavik mine. From the edge of the Misery Pit it is only 7 km to the Diavik mine.

At the scale of the caribou work one cannot look at one mine without looking at the other. The expanded BHPB survey area does include Diavik but Diavik did not expand its survey area to what was suggested in a comprehensive review of the aerial ungulate monitoring program for the Ekati and Diavik mines.

Grizzly use – wetland use by grizzly bears in the text does not match with the figures in the report.

Wolverine – no track counts have been done since DNA work started. The regulators should explicitly determine what information should be collected.

Power analysis – could be conducted in the WEMP to look at the strength of the analysis of road crossing by caribou.

Wolf mortality – found under building – did not report it for a year to the communities. ENR however did a necropsy.

NSMA comments – Sheryl reported NSMA community concern that doors (residences and shops) are left propped open and that this probably contributed to wildlife incidents. It is also a safety concern (especially when rabies is around). This may require additional attention from BHP. She mentioned that wildlife incident reports are not shared with NSMA, and that opportunities to use TK are therefore lost. She asked if IEMA does or can obtain, and review wildlife incident reports. There was a suggestion that NSMA get an information sharing arrangement with BHPB and/or GNWT if it wishes to receive wildlife incident reports directly from the company as the Agency does not always get such reports.

Action Item #6 – Staff to draft a letter to BHPB on its 2006 environmental monitoring program reports (WEMP, AEMP, PDC). Directors should submit comments by October 19 th .

The 2007 BHPB Wastewater and Processed Kimberlite Management Plan

The Director review of the WPKMP was discussed. The main issues revolve around closure concerns and the engineered structures to remain after mining ceases. Detail of

unknowns and uncertainties are mentioned but not in detail in the Plan. The research and management linkages remain as a key concern to the Agency.

Action item #7 – Tony to work with staff on developing a letter on the Wastewater and Processed Kimberlite Management Plan.

Changes to the SNP station in LLCF

The WLWB has requested comments by the end of the week on the proposed move of the SNP station from Cell A to Cell C. This is a reasonable proposal given that Cell A is being filled with tailings.

Action Item #8 – Staff to send an e-mail to the WLWB indicating that there are no concerns with the relocation of the SNP station with the LLCF.

2007 Spring Freshet Survey Report

As the fall survey report provides the spring results with better analysis and management responses, the Directors decided it was not necessary to submit comments at this time.

Agency Annual Report Review - Minor comments included a correction on page 24 (Figure 7, 2004 column for Polar-Vulture should read “0.04” and under the column 2005, the numbers should be as follows; 0.004, 0.002 and 0.099).

Action Item #9 – Sean to review and summarize key issues in newly arrived management plans that have yet to have director review such as the tundra soil study.

MEETINGS WITH OTHERS

MEETING WITH GNWT

Ray Case, Jan Adamczewski, Rob Mulders

Jan Adamczewski (new GNWT wildlife ungulate biologist) was introduced to the Directors. The GNWT also provided a presentation on wolverine monitoring. GNWT is in the early stages of planning a cumulative effects workshop for February 2008. It has established an internal working group to move forward on the workshop. The GNWT noted that it has been difficult to tease out annual variation and an impact mechanism to account for fluctuating caribou numbers. The GNWT is looking into energetic and demographic models as well as habitat-based approaches. Its intent is to weave these together into a realistic combined model. To understand the models, what they do and what their limitations are is a task for the right people to be involved at an advanced technical level. Jan is taking the lead on determining the data points that fit with historical data (he has experience with woodland caribou). Trends since the 1970s suggest cycling over time so assessing effects of development has to be in context of other influences over caribou numbers that we don't understand. The data suggest that modelling is needed to distinguish development impacts from natural variability. Various

researchers with experience in the NWT/Nunavut and with other northern caribou herds were mentioned as key participants.

The GNWT was asked to comment on the responsibility of each mine for cumulative effects management. The GNWT agreed that the mining companies have a hard time acknowledging they are part of the regional picture. The Directors suggested that industry (BHPB in particular) should be part of the upcoming cumulative effects workshop. The Directors mentioned that having a balanced set of speakers also could help with industry participation. GNWT offered to contact Kevin for advice and suggestions. The Agency also suggested that TK incorporation should come through community buy-in as well.

The Directors mentioned that the BHPB WEMP contains a sentence that says the Bathurst herd has now been divided into Ahiak and Bathurst herds. Rescan has this perception and it has implications for BHPB actions. The Directors believe that this error should be clarified. GNWT acknowledged this was a problem and that it would be followed up with BHPB.

The Directors asked GNWT if it had a position on the closure objectives and design of the waste rock piles and wildlife ramps at Ekati. The GNWT representatives replied that it would be preferable if caribou would treat any feature that remains after mining as they would any other habitat feature that is natural.

The results of the wolverine DNA sampling have been written up and should be submitted shortly for publication in Wildlife Biology. The draft has been sent around to the mining companies with a deadline for responses that would be consistent with a presentation at the upcoming GeoScience Forum. It was suggested that this work on wolverine can help to determine if there is a cumulative impact of harvesting or from relocating animals that are habituated to the mines. The two years of data that will be available provide the companies with opportunities to demonstrate its EIS hypothesis of no effect on wolverine (GNWT considers that an untested hypothesis and a sensitive technique such as DNA monitoring can provide evidence). It was also noted that six mortalities have occurred due to harvesting and sport hunting (the returned carcasses assist the GNWT in providing age information about the population).

MEETING WITH BHPB

(Laura Tyler, Charity Clarkin, Eric Denholm)

BHPB prepared an archaeological presentation and agreed to provide it to the Agency at a later date. An operations update presentation was also provided (BHPB agreed to send a copy of the presentation to the Agency at a later time). It also provided a brief presentation to the Agency on the upcoming Sable, Pigeon and Beartooth water licence renewal.

On the operations side, BHPB just completed its 2007 field season. Nothing unusual was noted. A few highlights from the presentation are listed below:

- Caribou largely passed to the south side of Lac de Gras.
- Community presentations are planned for the fall of 2007 on the 2006 Annual Environmental Report.
- The archaeological field work located the 200th site on the claim block this fall.
- An injured grizzly bear was relocated.
- The Environment Department is now reporting directly to the BHPB Diamonds president rather than through the Vice-President of Operations.
- Waste management has been handed off to the Operations people on site.
- The wind turbine project is under review by BHPB headquarters.
- The Misery ore haul is now complete.

BHPB will submit a habitat compensation and monitoring plan to DFO for the Sable area. The company intends to create more fish habitat than it will remove. BHPB has no plans for Sable closure (of Two Rock sedimentation facility) beyond that in the ICRP. There are some changes BHPB would like to make to the SBP water licence. Some examples suggested include modifying the exclusion of BHPB's ability to release water from under ice from Two Rock Sedimentation Pond. Another proposed change is the definition for receiving environment – the current SPB licence defines it as 'aquatic and terrestrial' and BHPB believes that a water licence should not regulate protection of land. It proposes the same definition as is currently used in the main licence.

Discussion with BHPB

The Directors mentioned a Lutsel K'e elder's question on pit infilling using waste rock by taking rock from the thaw zone (active layer) of the rock pile every summer so as not to require blasting into frozen rock. BHPB replied that it had heard this comment from its own meetings with Lutsel K'e. The primary reason BHPB cannot infill pits with waste rock is that excavating piles would be contrary to developing a frozen core dam to contain waste materials that are better off not exposed to the air.

The Directors also mentioned that the GNWT is eager to have wolverine DNA monitoring data available for publication so it could be presented at the 2007 Geoscience Forum. Laura indicated that the company had received the draft report from GNWT and would be reviewing it shortly.

Following on the Agency's letter regarding Fox pit water disposal into Cell D of the LLCF, BHPB explained that this was done only once under an emergency situation (a period of very high rainfall) and that it is unlikely to happen again. Laura Tyler offered to provide to the Agency a draft scope for the LLCF water quality report.

BHPB is finalizing its response to the SENES review of the air quality reports commissioned by the Agency. The Agency offered to have SENES consultants made available if it would be helpful. An updated air quality management plan and monitoring program will be circulated by year end to ensure that an improved program is in place in time for the 2008 sampling season. A second hi-vol sampler was recently installed at Cell B. Dust fall monitoring along haul roads has begun.

The Directors noted that during the site visit in May 2007, BHPB staff indicated that fin-clipped fish had been seen in the PDC the previous year, but this was not reported in the PDC monitoring report. Laura acknowledged this and stated that BHPB had been told by its consultants that fin-clipped fish had been detected. She agreed to check into this matter and to report back to the Agency.

The Directors asked about the status of the five-year review of the Environmental Agreement. Laura replied that during a meeting on the 2005 Annual Environmental Report, GNWT had expressed some interest in revisions to the Environmental Agreement. Eric Denholm has begun reviewing the Environmental Agreement for BHPB and will get assistance from Chris Hanks. Laura agreed to further discuss the review process with GNWT and DIAND.

The Directors mentioned that the Agency would be submitting some comments on BHPB's 2006 Annual Environmental Report to DIAND but that it was generally satisfactory. Some minor corrections and editorial comments would be sent directly to BHPB for its consideration.

Action Item #10 – Submit a letter to DIAND containing major comments on BHPB's environmental annual report and a second letter to BHPB containing minor corrections it may consider for next year.

ICRP discussion

The Directors mentioned that the EBA reports recently received appeared acceptable. The issue of allowing berms placed around pits to naturally degrade was discussed. BHPB replied that inactive granite will be used and there would be a set back of 20 m+ between berm and pit edge. The Agency mentioned that it would be preferable to have some breaks in the berms to allow access to the pit lakes after refilling.

The issue of how to measure revegetation success was discussed in relation to when the effects of intervention might dissipate. It was suggested that the overall goal is sustainability of new vegetation and that Harvey Martens may be able to offer some meaningful revegetation closure criteria. Indicators of nutrient cycling within the system might be a good criterion.

Laura mentioned that Eric is now the main contact point for the Agency and for the Agency to contact BHPB prior to making inquiries to any of its consultants.

MEETING WITH WLWB

(Zabey Nevitt and Ryan Fequet)

Ryan Fequet was introduced to the Directors as the new regulatory specialist that deals with both Diavik and BHPB. Directors mentioned some key issues related to the ICRP process such as fish habitat creation in pit lakes and how Beartooth pit would require a decision earlier than other mine components. The Directors mentioned the Agency has

found that the recent EBA engineering studies raise no new issues and BHPB appears to be agreeable to the development of improved revegetation closure criteria.

WLWB Update – Zabey mentioned new staff have been hired to replace those on maternity leave and lost to other employers. A restructuring is underway to ensure corporate memory is not lost among regulatory specialists by having employees become familiar with major mine files, and a senior manager who will oversee the regulatory staff. Shannon Ward is currently leading the Diavik file with Zabey on BHPB and Ryan on both. Zabey is looking to have a more consistent approach by staff to managing the files. There is a third position in Wekweti to manage the numerous other files that are less substantial.

Zabey mentioned that he is pleased that BHPB and DFO are meeting to discuss the pit lake habitat and fish access issue. He is concerned about declining Aboriginal participation in the ICRP working group process and will review the recent e-mails from Aboriginal organizations on this issue. Zabey also was pleased to note that BHPB appears to be addressing the backlog of environmental reports such as the pore water study, tundra soil study and LLCF water quality study.

WLWB meetings – the majority of decisions of the WLWB are related to the diamond files. The WLWB met 22 times in the 2006-07 fiscal year and delivered 60 diamond-file related decisions.

Agency Annual report – Zabey requested clarification on a comment in the Agency annual report regarding expertise involved in review of reports. The Agency replied that it hopes that WLWB continues to have the right financing in place to access technical expertise. Zabey replied that the Tlicho Agreement requires that DIAND provide funding that is reasonable for the WLWB to do the job and that DIAND has done so for the current year. Zabey also suggested that the Agency comment relating to the closure problems at Colomac mine were not comparable to Ekati. Directors replied that lack of attention to closure issues when approving plans is the same flaw that was made by other boards in relation to Colomac and that it would be best to avoid this problem through design for closure. The Agency stressed that it was not intending to compare the Ekati Mine with the Colomac Mine, but rather was intending to observe that too little attention to closure issues at Ekati was similar to too little attention to closure issues at Colomac.

SENES report on WLWB operations – interviews occurred in May and some participants were not available in the summer. An interim report will be provided to the WLWB that will lead to rules of procedure. There will be further opportunities for comment and consultations on these procedures before adoption.

Chloride risk assessment – two consultants are working on this project for the WLWB and it should be circulated shortly. BHPB will be requested to respond to this technical review and the other comments received to date.

MEETING WITH DIAND

(David Livingstone and Lionel Marcinkoski)

Mediation status – DIAND noted that although Bill Tilleman was appointed as the Chair of the Alberta Energy Utilities Board, he has indicated an interest in continuing to serve (on the mediation issue) and is ensuring there is no conflict of interest. BHPB has not yet responded to the proposed budget. Alternative mediators were considered.

MPEMA update – a budget was proposed and the MPEMA steering committee has not yet met to discuss it. There is no certainty that all of the parties will agree to what has been proposed. A consensus document will be prepared as best as possible for distribution to the parties for review. A decision will then be reached regarding next steps.

GNWT Caribou Cumulative Effects Workshop – DIAND has offered the assistance of its staff and some funding to help organize this effort. DIAND has suggested that an outside consultant be hired to organize the workshop.

EA signatories meeting – January 31st, 2008 was tentatively scheduled as a meeting date possibility

Five-year review of EA – Directors asked about the status of the five-year review of the Environmental Agreement. The Directors noted that the Agency annual report recommended firm delivery dates for monitoring reports be incorporated into the Environmental Agreement and that BHPB has recently committed to delivery of AEMP and WEMP prior to its annual report. DIAND noted that it would meet with GNWT and send a joint letter to BHPB on the five-year review.

MEETING WITH DFO

(Bruce Hanna)

DFO and BHPB have met but there is a commitment in place not to share details at this point. An agreement would not likely involve a change to the fisheries authorization.

The Habitat Compensation Fund was briefly reviewed. DFO does not have any other projects at this time that are viable for the creation of fish habitat. Projects have been selected in consultation with Aboriginal groups. Bruce also has information on pit lake establishment at other mines in Canada and has shared this with the Agency. Bruce has received a general lake fishout protocol developed through Bill Tonn and will pass this on to the Agency.

DFO is pleased with the commitment from BHPB to look at the issue of pit filling with waste. There has been an agreement to look into bathymetric studies for lakes from which water will be extracted to fill the pits.

PDC issue – the Directors commented that the Agency is looking for further information on detection of fin-clipped fish in the PDC.

DATES FOR NEXT MEETING

57th Board Meeting to take place on November 13th, and the morning of November 14 and 15 with an Environmental Workshop to take place on the afternoon of November 14th and the 2007 AGM to take place on the 15th with an afternoon session planned with the Aboriginal Society members.

The 58th Board Meeting was tentatively scheduled for January 30-February 1, 2008 and a further meeting for March 3-7 or March 25-27, 2008 to be confirmed by e-mail.

Summary of Discussion Approved by

-ORIGINAL SIGNED BY-

Jaida Ohokannoak – Secretary-Treasurer.