

***Independent Environmental Monitoring Agency
24th Meeting of the Board of Directors
Yellowknife, Northwest Territories
June 27th – 28th, 2001***

Summary of Discussion

Directors

Red Pedersen	Marc Stevenson
Peter McCart	Bill Ross
Tony Pearse	François Messier

Staff

Zabey Nevitt	Robin Staples
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June 27th, 2001

Meeting called to order by chair at 8:30 am

Agenda reviewed and accepted.

François noted that he was interested in a more complete update on the recent Acid Rock Drainage (ARD) workshop, but would wait until it is addressed later in the meeting.

Information updates:

Chair: Red noted that he attended Diavik's Environmental Monitoring Advisory Board (EMAB) board meeting in late April that was held in Kugluktuk. The EMAB did have a public meeting, and Red noted that the Board's structure and mandate differ significantly from that of the Agency in that they are set up to be more community oriented and representative than the Agency board. Red also attended a joint public hearing held by the Nunavut Impact Review Board (NIRB) and Nunavut Water Board (NWB) on the Tahera Jericho diamond project. In addition, the Chair attended the Mackenzie Valley Land and Water Board (MVLWB) public hearing on the water licence amendment for the Fox pipe. Red also met with lands and traditional knowledge (TK) staff of the Kitikmeot Inuit Association (KIA) in Kugluktuk and among other things discussed the wolverine problems that the diamond mines have been facing. Red concluded his update by noting that he has already spent 111 days in Yellowknife so far this year.

Following Red's update, the Directors had a general discussion regarding ongoing wolverine problems at the mine site.

Marc: noted that he has met with the North Slave Metis Alliance a number of times. He has also spent a few days working on the Agency Annual report and has started reviewing the caribou chapter from the KIA TK study. This Inuit TK study is a phase II study out of Kugluktuk that is documenting wildlife and land use baseline information for the most part.

Tony: began by mentioning that he attended the waste rock seepage meeting on April 23rd that was held with BHP and other government agencies. He also noted that he has been active in reviewing BHP's annual report in addition to preparing supporting documentation for the Fox pipe water licence amendment public hearing. He has also provided edits to staff on the Agency's annual report.

Pete: indicated that he recently met with Tracy Williams from Lutsel K'e to discuss the Stark Lake study which is being funded by the BHP fish habitat compensation fund. He reviewed her data and committed to visit Lutsel K'e near the time of the next board of directors meeting in September, to help the community researchers manage and review their data. Pete noted that Tracy still has not received the funding even though the project has been approved by the department of fisheries and oceans (DFO). She will have to defend the project proposal before department of public works who is administrating the compensation fund money for DFO. Pete noted that although this project is not really enhancing habitat it offers a good opportunity to collect baseline data and train people in the community. In addition to the Stark Lake project, Pete also noted that he has been reviewing water quality parameters in selected AEMP lakes and has reviewed BHP's annual report.

François: noted that he attended a meeting on April 30 with BHP, RWED, the Canadian Wildlife Service and Golder Associates regarding the Wildlife Effects Monitoring Program (WEMP). He noted that BHP was receptive to recommendations that modified certain aspects of the WEMP. He presented the other board of directors with a summary of the meeting. *This summary is available in the Agency's resource centre.* François noted that overall it was an excellent meeting and that the meeting participants were pleased with the changes made to the WEMP. It was also mentioned that there would be a meeting in early December with the same participants to discuss the WEMP before the annual workshops in an attempt to promote effective participation at the workshops. It was noted that during the meeting there was some discussion on the topic of elder participation in the WEMP and the documentation of elder input.

In addition to the meeting on the WEMP, François gave an update to the board on BHP's response to the Agency's request for information on the data missing from 2000 WEMP report. The information regarding signs of wildlife habituation at the land fills was adequate, but essentially no monitoring had taken place along the Misery road on traffic volumes, or caribou movements on the proposed Sable road in 1999. This information is important in determining if either road could potentially pose a barrier to caribou movement. Therefore, it appears that BHP has not collected adequate caribou baseline information along the misery or sable roads. François

proposed that the original letter and BHP's response be passed on to the rest of the Agency's society members to keep them informed on issue.

Action Item #1

Zabey to distribute to society members the original information request for wildlife data that was missing in last year's wildlife effects monitoring program report and BHP's response to the Agency's information request.

Bill: noted that he participated in the review of both BHP's and the Agency's annual reports. He also presented on behalf of the Agency at the water licence amendment public hearing for the Fox pipe in May and attended the waste rock seepage meeting on April 23rd with BHP and various government agencies. Bill mentioned that he met with Ann Kendrick from Lutsel K'e following the Agency's AGM and discussed the TK research that is ongoing out of Lutsel K'e. As well, Bill mentioned that he agreed to write a chapter in a book titled 'EIA Follow-up: Beyond the Decision' regarding his work with the Agency.

Following Bill's update, there was a general discussion on the Lutsel K'e wildlife and lands committee and it was noted that it is well organized and in a position to effectively use the Agency's available technical expertise.

Staff Update

Zabey: Briefly summarized the detailed staff activity report that was provided to the Directors, which described the activities of the staff since the last board meeting. Zabey went into further detail on some of the items on the report including: the completion and mail out of the Agency Annual report, waste rock seepage meeting and follow-up, Agency Audit, Fox submission and hearing presentation, Agency annual general meeting (AGM), BHP's annual report, website upgrade, and historic water quality analysis of selected AEMP lakes. Zabey also briefly discussed the status of the vacant Akaitcho Treaty 8 seat on the board.

Action Item #2

Robin to notify the society members of the Agency when the website update has been completed.

In response to a question posed by François asking if the Agency will be attending any of the general assemblies of our aboriginal society members, Zabey noted that he would be present for the Dogrib Treaty 11 general assembly in Snare Lake and Marc had indicated he would be available to represent the Agency at the NSMA assembly.

Treasurers Report:

François noted that 12% of budget has been spent so far this financial year and spending is matching predictions fairly closely. He noted that the Agency and EMAB would be sharing the cost of a proxima projector. Consulting costs and the office expenditures were also

discussed. François also mentioned that the Agency has invested money from the annual budget and discussed with BHP the over contributions it made in previous year's in order to ensure that the Agency remains transparent in regards to its funds.

Selection of Chair, Vice – Chair and Treasurer:

Motion: Red to continue on as the chair of the Agency.

General discussion on Red's move to Yellowknife for a portion of the year. It was noted that this appears to have been well received by our society members.

Motion: Bill to remain as vice-chair.

Motion: François to continue on as secretary treasurer.

Motions unanimously passed on the 27th day of June 2001.

Fox pipe amendment update:

Zabey gave a brief update on the Fox pipe water licence amendment and noted the following:

- The Agency presented at the MVLWB public hearing in May.
- The MVLWB approved the dewatering phase of the Fox development, but not the mining phase until further information is received. Upon review of the MVLWB staff report it was noted that the Agency is having an effective voice as the MVLWB are taking notice of Agency recommendations.
- The MVLWB has requested further information to the public hearing from BHP in regards to fox pit mine water and the Long Lake containment facility. Unfortunately, an updated waste rock management plan was not requested by the MVLWB, but BHP indicated that one would be coming out in the near future.
- The MVLWB stance on land treatment appeared to be that it would not be accepted.

Bill added that BHP's presentation on waste rock management at the Fox public hearing was fairly detailed and BHP indicated that they would follow the findings of their consultant. Therefore, less active rock types (i.e. granite) will be placed on the outside of the rock piles and the more active rock types (i.e. kimberlite, shist, diabase) would be put in the middle of the waste rock piles away from the active zone.

Discussion then took place on the nutrient and metal loadings out of Long Lake and the available information from the surveillance network program. Directors noted that BHP has not done an adequate detailed review of this data. Overall mineralization and increases in some metals appear to be occurring and this will most likely have a biological effect.

Action Item #3

Robin to review the levels of turbidity and total suspended solids (TSS) among other aquatic parameters of the water being decanted from Long Lake.

Sable, Pigeon & Beartooth update:

Zabey discussed the Sable road application and referred to the email that the Agency sent to the MVLWB noting that the Agency would not be commenting on the application until the Minister's response to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) environmental assessment report had been received and it is determined which recommendations would be accepted by the Minister (i.e. attached conditions). It was also noted that DFO, RWED and the DIAND inspector all provided minor comments on the application. In addition, it was learned at the Agency AGM from Mary Tapsell of DIAND that the MVEIRB and DIAND have consulted on the environmental assessment report and a follow-up ministerial letter would be completed shortly.

The Agency's previous recommendations regarding the Sable road aspect of the Sable, Pigeon & Beartooth application and outstanding issues on the current Sable road application were then discussed.

Action Item #4

Zabey to closely monitor if the DIAND Minister and the Mackenzie Valley Land and Water Board (MVLWB) accept the recommendations made by the Agency on the Sable road development.

Enhanced Monitoring Plan update:

Zabey gave a brief update on the enhanced monitoring plan for monitoring waste rock seepage at Ekati™ and noted the following:

- The waste rock seepage and acid rock drainage (ARD) workshop took place April 23rd, and participants from the Agency, BHP and various government agencies were present.
- BHP submitted their proposal of this year's seepage monitoring program to the MVLWB and the Agency submitted recommendations on the pre-existing monitoring program.
- The MVLWB approved the request by BHP for continuation of the enhanced monitoring plan with additional conditions, many of those the recommendations made by the Agency.

François noted that he would have appreciated a debriefing summary of the seepage meeting held on April 23rd.

The directors who attended the meeting apologized and Bill then gave a quick update on the workshop and noted that overall, the Agency's consistent discussion of seepage appears to have proven to be beneficial. It appears that BHP is now in agreement with many others that there is a need for further information to adequately manage the waste rock plans. Bill also mentioned that instead of lowering the pH limits in BHP's water licence, the Agency suggested using pH combined with sulphate measurements to set a regulatory level for control of ARD. This suggestion was not well received by BHP, but was not outright rejected by any others at the meeting and thus, it may still have merit. As well, it was mentioned that the mineralogy of kimberlite and other rock types at the mine site still require further study.

Action Item #5

Tony to review British Columbia's guidelines on acceptable limits of sulphate in aquatic systems.

OEMP update:

Zabey gave a brief update on the five environmental management plans required under BHP's water licence (i.e. spill and contingency, interim A&R, QA / QC, Waste Rock and Ore Storage, and Wastewater and Tailings management plans) and noted the following:

- The MVLWB initially rejected BHP's initial updates to the five management plans due to a lack of continuity and consistency among the various reports and notified BHP that the plans needed to be reviewed and made consistent with the current mine plan and with the other plans.
- BHP then submitted four of the five updated plans in their entirety including tables with reviewer comments and BHP's responses.
- The fifth plan, a waste rock and ore storage plan, will be resubmitted to the Board in the near future. It will cover the Fox pipe and potentially the Sable, Pigeon and Beartooth developments.
- The updated wastewater and tailings management plan submitted by BHP contains not only current operational practices at the mine, but also includes a description of the proposed land treatment at the Misery.

Action Item #6

Staff to confirm when the revised OEMP CD's will be distributed by BHP and when the revised Waste Rock and Ore Storage Management Plan is to be expected.

The Directors briefly discussed the interim abandonment and restoration (A&R) management plan and assessed the 'Monte Carlo' simulation model used by BHP instead of DIAND's 'Reclaim' model to calculate its reclamation liability estimate. Directors also discussed the role of the Agency in the cost variance and progress review for reclamation and cost estimates.

Action Item #7

Zabey to initiate communication with personnel from DIAND, GNWT & BHP and determine the appropriate timing to discuss BHP's cost variance report on reclamation liability.

Staff Workplan:

Zabey briefly summarized the detailed staff work-plan that was provided to the Directors, describing proposed activities and professional development opportunities for staff over the coming months.

- Major activities to be preformed by the Environmental Analyst in the near future included completion of the website upgrade, preparation of data analysis of water

quality related data, and collection and review of current management plans of BHP and Diavik to look at areas of compatibility.

- Major activities of the Manager include drafting the 6th issue of the Agency newsletter, development of a series of “plainspeak” papers and presentations that can be made available to communities on aspects of environmental management at Ekati™, completion of an office based tracking system, and development of presentations for society member’s assemblies as requested.

Professional development:

Zabey proposed a the following profession development options for staff in the 2001-2002 year for directors consideration:

- Basic first aid and CPR
- Management accounting
- Introduction to metal leaching and acid rock drainage
- Mining reclamation and aquatic toxicity workshops

Directors noted that they support and approve these courses and workshops as proposed by the Agency staff.

Action Item #8

Staff to address and complete activities detailed in the staff activity report.

Annual General Meeting (AGM) Follow-up:

The Directors discussed the AGM held the previous day and noted any issues that were raised during the meeting:

- Overall, it was felt that the meeting went well, but many indicated that the low attendance was unfortunate. Although, it was noted that low attendance does not necessarily indicate that people are disinterested, but rather that they are pleased with how things are going at the Agency.
- Requests and concerns noted by Scott Williams of BHP during the AGM were discussed. These specifically related to the Agency exercising caution in the use statements such as “significant adverse impact”, which we believe we have done, and advising BHP prior to Agency board meetings, which issues the Agency would like to discuss.
- Scott’s expression of thanks towards Director Pete McCart for his input into the review of Lupin winter road activities was also discussed. Pete further commented that much of the impacts arising from the winter road were from public use after the road had been closed to mine traffic.
- Lorraine Catholique’s request to have the three signatories of the Environmental Agreement agree to open up the agreement to change Section 4 to read “the aboriginal peoples shall each appoint a member for a total of five (5) members” was discussed. The offer the Chair made at the AGM to the Agency’s society members making the Agency’s facilities available for meetings to discuss this issue was re-iterated.

- Chris Hanks' comment during the Agency AGM regarding the monitoring agency for the Island Copper mine in British Columbia was also discussed.
- Directors commented that Trappers' Lake Spirituality Centre was a good location for a meeting and that they were pleased with how it went, but thought that the timing of the AGM may need to be changed. Moving the AGM to a later date may improve attendance and give members a chance to review the Agency's annual report and provide their comments at the AGM.

Action Item #9

Staff to acquire a book produced by BHP's scientific advisory panel for the BHP's Island Copper mine in British Columbia.

Action Item #10

Red, Marc and Zabey to discuss the timing of the AGM with the various aboriginal society members of the Agency, to determine what would best fit their needs.

Action Item #11

Zabey to notify BHP personnel before the next board of directors meeting as to which specific developments at the mine are of interest or concern.

Summer Schedule:

Zabey updated directors on the staff's summer schedule and noted times when both staff would be away.

The Directors discussed if the Agency office should be closed during the time both staff are away or if a temp should be hired for that period of time. It was decided that the office would be closed.

Any Other Business:

Preliminary screening and technical review:

Pete gave a brief description on the information BHP provided in regards to the Desperation and Carrie Pond development and noted that if grayling habitat is removed from the drainage then it should be replaced within the same drainage. He noted that the existing project proposal is very unclear in respect to fish habitat compensation and further information is required to adequately review this project proposal.

Action Item #12

Pete will review BHP's project description on the Desperation and Carrie pond development and draft a response to the department of Fisheries and Oceans (DFO) regarding the Agency's concerns.

Donald Andre letter:

Directors briefly discussed Marc's first draft of the response letter to Donald Andre of the Gwich'in Renewable Resource Board, regarding the incorporation of Traditional knowledge into environmental monitoring and assessment.

Action Item #13

Zabey to consolidate director's comments on Marc's draft response to Donald Andre's letter on monitoring and assessment of cumulative effects in the NWT.

Other:

- General discussion took place on pit lakes not being accepted as compensation. It was noted that this might lead to BHP having to have an alternate compensation plan if pit lakes aren't accepted.
- Phase II of the Long Lake studies were also discussed by Directors and it was noted that the second phase would focus on the recolonization potential of invertebrates on various substrates, including processed kimberlite.
- Environmental Agreements and Acts were discussed in the context of a regional monitoring agency. Directors were uncertain on the applicability of current forms of these agreements and acts in setting up such a body.
- The Sable, Pigeon and Beartooth expansion regulatory process was talked about and the Agency's remaining concerns on the Sable road application were noted.

Action Item #14

François to review the Sable road application and draft a letter regarding the deficient information on the physical nature of the road and its potential impacts on the caribou. This letter is to be submitted to the MVLWB following the Minister's response to the MVEIRB's environmental assessment report.

Date of next board of directors meeting: September 21st to 23rd, 2001

Meeting adjourned at 3:30.

June 28th, 2001

Directors had their annual site visit to Ekati™.

Minutes Approved by

Red Pedersen, Chair