

# 9<sup>th</sup> Board of Directors Meeting and Retreat Summary of Discussion and Decisions

August 9<sup>th</sup> to 11<sup>th</sup>, 1998

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## ***Directors Present:***

Red Pedersen	Tony Pearse
Kevin O'Reilly	Peter McCart
François Messier	Fikret Berkes
Bill Ross	

## ***Staff Present:***

Hal Mills  
Alan Ehrlich  
Lisa Hurley

## **August 9<sup>th</sup>, 1998, Sah Naji Kwe**

### ***Review of Agenda***

The Agenda was changed to include a meeting with Brenda Parlee, a researcher working with Lutsel K'e, on August 11<sup>th</sup>.

### ***Retreat Items***

Directors and staff had a retreat at Sah Naji Kwe, a camp and meeting place near Rae. At the retreat Directors and staff discussed internal issues including:

- status of the Agency
- roles of Directors, Executive Officers and staff
- style and format of Agency documents and correspondence
- community consultation strategy, and
- Annual Report production.

### ***Business Arising from the Last Meeting and AGM***

Regarding action items from the previous meeting:

*Action Item: Staff to find out what new exploration is occurring within the BHP claim block.*

- It has since been determined that preliminary sampling is occurring at sixteen new sites within the BHP claims block.

*Action Item: Staff to review documents received in terms of reequest list sent to BHP.*

- Airstrip and Koala lakes fish-out reports have not yet been received by the Agency.
- The ResCan document entitled *BHP Ekati Mine Development Long-Term Aquatic Effects Monitoring Plan* was never accepted by BHP, but some of the ideas contained in it are incorporated into the *Aquatic Effects Monitoring Plan*.

Draft minutes of the AGM were discussed and specific points clarified.

### ***Information Updates***

The Chair, Directors and Staff all presented updates on recent happenings. (These are described under separate topic headings below.)

## **Community Consultations: General**

### **Kitikmeot Inuit Association**

Red Pedersen met with Charlie Evalik, President of KIA, who voiced interest in TK workshop, and with Stanley Anablak, Mayor of Kugluktuk. Red also attended the Kugluktuk community consultation meeting held by Diavik and DIAND for the purposes of discussing the proposed Diavik mine.

Red Pedersen will speak at the AGM of the Kitikmeot Inuit Association. The Kitikmeot Inuit Association has not yet had the chance to review the Agency's Annual Report or Aboriginal Issues documents.

### **Dogrib Treaty 11 Council**

Tony Pearce will address the Dogrib Treaty 11 Council at their assembly on August 17<sup>th</sup>. He will make a presentation on recent Agency activities and discuss approaches to follow-up on the Aboriginal Issues report.

### **Akaiicho Treaty 8**

Kevin O'Reilly met with Chief Fred Sangris of the Yellowknives Dene in early July. Chief Sangris supported Agency involvement in cumulative effects aspects of the Diavik Comprehensive Study. Chief Sangris expressed an interest in receiving regular reports of wildlife problems at Ekati. He also inquired into possible sources of funding to better enable Aboriginal organizations to interact with the Agency.

*Action Item: François to talk to Ray Case regarding GNWT's circulation of information on wildlife problems to Aboriginal organizations. François also to send to Sangris a copy of the letter about the recent wolverine incident at Ekati.*

Kevin also met with Chief Florence Catholique of the Lutsel K'e First Nation. Chief Catholique has invited the Agency to hold a board meeting in Lutsel K'e. She is interested in seeing the Agency produce an audio translation of a summary of the Agency's Annual Report into Chipewyan.

At the suggestions of Chief Sangris and Chief Catholique, Kevin attended the Akaiicho Territory Tribal Council Annual General Assembly.

### **North Slave Metis Alliance**

Fikret Berkes and Hal Mills attended the North Slave Metis Alliance general assembly on August 8<sup>th</sup>. The Alliance expressed support for Agency involvement in Diavik cumulative effects issues. At the Assembly, both Hal and Fikret made presentations about the Agency's

role and activities. Fikret also pointed out inaccurate material circulated in the Diavik newsletter.

*Action Item: Staff to compile list of key dates of relevant community events for next few months, including BHP's visit plans.*

### ***Incoming Document Circulation***

To ensure that incoming documents are received in a timely manner by the Directors that need them, and to avoid sending out unnecessary copies, the following method will be adopted:

When it is unclear from the nature of a document whether or not Directors will want a copy of an incoming document, Agency staff will provide enough information to serve as a basis for directors to decide this for themselves. Staff will provide information including the title, subject, and purpose of the document, along with a brief description of contents, and any important deadlines associated with the document.

### ***Standardized Agency Formats***

Decisions were made to adopt the following formats in Agency documents:

- Bookman Old Style font
- Default Word 97 bullets and bullet margins
- Default Word 97 "Formal" template tables of contents
- Letter layouts and language usage to follow *The Canadian Style: A Guide to Writing and Editing*, Government of Canada, 1997.

## **August 10<sup>th</sup>, 1998, Sa Naji Kwe and Yellowknife**

### ***Community Consultations: TK Workshop Planning***

The Kitikmeot Inuit Association, the North Slave Metis Alliance and Akaitcho Treaty 8 have all expressed interest in the Agency helping to organize a TK workshop. These Aboriginal organizations would like to be involved in setting the Agenda of the workshop. The Dogrib Treaty 11 Counsel will be consulted for their opinions at their upcoming Assembly. When planning the workshop, the Agency will ask each Aboriginal organization for a representative to participate in planning the workshop and Agenda.

To avoid any perception that this workshop will be a repeat of BHP's earlier TK efforts that met with limited success, Aboriginal organizations

have requested that the Agency plan an initial meeting directly with their representatives, keeping BHP informed but not directly involved in planning. However, since Chris Hanks of BHP first approached an agency Director requesting that we play such a role, BHP would be the logical funding source (as beneficiaries), and should be included in the workshop itself.

The workshop is intended to encourage the use of TK in the environmental management of the Ekati mine. Its objectives are to identify and raise awareness of best available practice in conducting TK research, and to promote the usefulness of the product in management. It is also hoped that the workshop will promote information sharing and coordination amongst the Aboriginal organizations with regard to their TK projects, and provide a forum in which to begin discussions on a process to use TK in BHP's environmental management plan for the Ekati mine.

Workshop content could include a review of what work related to Ekati has and is being done, and case studies of successful application of TK in management (such as Gary Kofinas' study of the Porcupine caribou herd and François Messier's use of TK in grizzly bear research).

Hal Mills will take the lead in organizing the initial planning meeting.

*Action Item: Following Tony's visit to Dogrib Treaty 11 Council (and their support), Hal to meet with representatives of Aboriginal organizations and plan Agenda.*

### ***Exploration Updates***

Confidentiality issues limit the ability of the Agency to stay abreast of details of new explorations. The lack of information in BHP's Annual Report on the Environmental Agreement was identified as a shortcoming in the Agency review of that document. DIAND produces reports describing exploration activities. Agency staff will obtain these reports regularly and mark new explorations on a map of the BHP claim block. Special attention will be paid to bulk sampling. Press releases by junior companies are useful information sources on regional exploration.

*Action Item: Staff to check land use permits, water license amendments and DIAND exploration reports to investigate where BHP may be conducting exploratory activities within their claims block.*

*Action Item: Staff to get information on regional mining exploration from NWT Chamber of Mines.*

## ***Annual Report Production***

To facilitate production of future Annual reports, the following decisions were made:

- Instead of including detailed descriptions of technical issues in annual reports, the Agency will release occasional subject specific reports throughout the year, and reference these during the annual report.
- Non-technical summaries will accompany future Annual Reports as separate companion documents.
- While Director's input on report content is essential, the responsibility for managing the production of the report is delegated to Hal Mills.
- Hal will hire, on contract, a professional editor to deal with copy editing, formatting and layout.
- Directors and staff will meet early in the production process to assign issue priorities, which will be reflected in Annual Report content by the number of pages allotted to a given issue.
- The process for review and discussion of drafts by directors is to be defined in later discussions.

*Action Item: Staff will work with Directors to prepare a comprehensive distribution list for the first annual report to federal parliamentarians, MLAs and others.*

## ***Diavik Cumulative Effects Assessment***

It was noted that the section of the draft Diavik comprehensive study guidelines dealing with cumulative effects has been reviewed by the Agency. A letter suggesting some significant changes and additions has been sent to DIAND.

Diavik's approach to community consultation was discussed. Diavik conducts information sessions hand-in-hand with DIAND, which appears to result in communities perceiving proponent and regulator as a team. Diavik has conducted much more community consultation than has BHP, and is trusted in communities. Because of this, the accuracy of technical information is generally not questioned as rigorously as the Agency believes it should be. This is of concern to the Agency because it may lead to the risk of underestimating community concerns about cumulative effects of developments in the area.

## ***Meeting with DIAND***

The Board met with Mary Tapsell and Marie Adams. Subjects of discussions included the process for responses by the federal

government to the Annual report of the Agency, the involvement of the Agency with Diavik, and the application of Interim Resource Management Assistance funding in supporting community activities regarding the Environmental Agreement. Tapsell noted that Aboriginal organizations were free to apply to the IRMA Pressures Fund for support they may require to become more fully involved in the BHP Environmental Agreement. Tapsell pointed out that the Agency comments on cumulative effects assessment in the Diavik guidelines were very valuable, and welcomed Agency involvement in reviewing cumulative effects aspects of the Diavik environmental assessment. She also invited Agency input in compiling the list of experts for the Diavik assessment technical advisory group.

Tapsell noted that she will be replaced by Marie Adams as the federal government contact person for the Agency and the new DIAND representative on the Inter-Agency Coordinating Team (IACT).

## ***August 11<sup>th</sup>, 1998, Yellowknife***

### ***Meeting with Brenda Parlee***

The Board met with Brenda Parlee, a researcher working with Lutsel K'e, to discuss her traditional knowledge research. She described her work dealing with increasing community involvement in analysis and interpretation of the results of TK studies. Parlee believes that community elders are extremely concerned with cumulative effects of development, such as altered caribou migration routes and the risk of pollution or degradation of sacred sites.

### ***Meeting with BHP***

Scott Williams and Chris Hanks met with the Board. Two Diamet personnel, April Silverstein and Gerrard Prosaendis, also attended. Williams presented an overview of the mine's status, environmental projects and programmes, and Hanks presented an update of Traditional Knowledge programmes. (Overhead material from these presentations is included in Appendix A). Subjects of the following discussion included TK studies and TK workshop planning, BHP's early studies of water flow in Lac de Gras, and possible funding sources to enable member Aboriginal organizations to better interact with the Agency.

Other noteworthy points that arose are as follows:

- BHP's Operating Environmental Management Plan is being continually updated.

- BHP is able to provide forums for the transfer of information, and can pay for travel, accommodation and presenters not covered by Impact Benefit Agreements.
- Williams will try to get us copies of field reports from wildlife monitoring programmes.
- BHP will hold wildlife and aquatic effects workshops next February.
- Williams indicated that he will consider running transects to see if water level has changed significantly since historical levels in Lac de Gras.
- In response to inquiries from Directors, Williams indicated that he would check to see what exploration information BHP could release to the Agency to assist with the consideration of both the combined effects of separate exploration disturbances, and possible directions of future developments.
- Williams confirmed that BHP's fiscal year begins in June, and that January would be a budget and work plan proposal from the Agency.
- Williams stated that BHP's response to the Agency's Annual Report should be prepared by mid-September.

### ***Meeting with the Department of Fisheries and Oceans***

Board members met with Jeff Stein of DFO for clarification of details regarding the creation and application of the Fish Habitat Compensation Fund, criteria for attaching studies to Fisheries authorizations, DFO views on Diavik, and the enforceable jurisdiction of DFO. Stein said that while there has not yet been any further progress on administering and implementing the Fish Habitat Compensation Fund, DFO is still planning to approach the Agency for assistance regarding the Fund.

### ***Treasurer's Report***

The Treasurer reported that:

- 36% of the 1998-99 budget has now been spent
- Annual Report production was a noteworthy expense
- Agency operations costs are as expected
- Board support costs are higher than expected

The Treasurer suggested that Directors be more careful about the number of hours they spend, and that community consultation be more clearly separated from other expenses to enable the accurate tracking and reporting of community consultation expenses.



## ***Communications***

The Board provided feedback on the new Agency web site and draft newsletter. The web site was well received, and will be posted soon with only minor changes. Substantial revisions and additions will be required for the newsletter. The next draft will go to Directors once more no later than August 21<sup>st</sup>, and staff will make changes based on feedback. Authority was delegated to Hal to make judgement calls in the event of conflicting input from Directors.

## ***Other Items***

1. BHP Tailings Characterization Study is being reviewed by the Agency.
2. The dissolved oxygen sampling methods of BHP were discussed.
3. Questions were raised about current monitoring of the environmental effects of the winter road to Ekati.
4. Lisa Hurley is leaving the Agency on August 14<sup>th</sup> to return to school, and Matt Bender will resume duties at the Agency in September.

## ***Review of Action Items***

The following action items arose during the Board Meeting:

1. Staff to compile list of key dates of relevant community events for next few months, including Diavik's visit plans.
2. Staff will obtain DIAND exploration reports regularly and mark new explorations on a map of the BHP claim block.
3. Staff to get information on regional mining exploration from the Chamber of Mines.
4. Staff to obtain DiaMet's Annual Report.
5. Appointees of Aboriginal organizations to get names of representatives for planning TK workshop.
6. Hal to meet with representatives of Aboriginal organizations and plan TK Workshop Agenda
7. François to talk to Ray Case regarding their circulation of information on wildlife problems to Aboriginal organizations. François also to send to Sangris a copy of the letter about the recent wolverine incident.
8. Agency staff to collect existing information on the winter road to Ekati and current monitoring efforts.
9. If no funds have arrived from GNWT by mid-September, staff should remind GNWT of its commitment.