

**13<sup>th</sup> Meeting of the Board of Directors  
Independent Environmental Monitoring Agency**

**April 16<sup>th</sup> to April 18<sup>th</sup>, 1999**

**Directors Present:**

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

**Staff Present:**

Hal Mills	Matt Bender
Alan Ehrlich	

<b>Preliminary Discussions.....</b>	<b>2</b>
<b>Meeting with DIAND.....</b>	<b>2</b>
<b>Environment Canada Meeting.....</b>	<b>3</b>
<b>DFO Meeting.....</b>	<b>3</b>
<b>Business Arising from Minutes.....</b>	<b>4</b>
<b>Information Updates and Consultations.....</b>	<b>4</b>
<b>Budget Issues.....</b>	<b>5</b>
<b>Strategies To Involve Society Members.....</b>	<b>5</b>
<b>David Milburn, DIAND, Meeting.....</b>	<b>5</b>
<b>Meeting With BHP.....</b>	<b>6</b>
<b>Other Business.....</b>	<b>7</b>
<b>Preparation for Meeting with Heidi Klein, MVEIRB.....</b>	<b>8</b>
<b>Meeting with Heidi Klein, MVEIRB.....</b>	<b>8</b>
<b>Treasurer's Report.....</b>	<b>8</b>
<b>Monitoring Agency's Annual Report.....</b>	<b>8</b>
<b>Ekati Monitor Newsletter.....</b>	<b>9</b>
<b>Other Business.....</b>	<b>9</b>
<b>Summary of Action Items.....</b>	<b>9</b>

**Friday, 16 April 1999**

## **Preliminary Discussions**

### ***Budget***

Directors began by discussing issues related to Agency budget negotiations. It was decided that a budget sub-committee should meet with Scott Williams of BHP to discuss these issues in greater detail.

Directors noted that many Aboriginal organizations feel the Agency needs to spend more time in communities. It was suggested that the Agency establish a structured way of meeting with its members more often than once a year at the Annual General Meeting (AGM).

### ***Kimberlite Toxicity***

The Directors discussed the upcoming work to be conducted with Environment Canada, University of Saskatchewan, and BHP on kimberlite toxicity. This fieldwork is the priority on this issue at the moment. The Agency may be able to follow up on this information through Steve Harbicht at Environment Canada.

### ***Tailings Management***

The Directors are concerned about differences in opinion expressed by different consultants regarding the capacity of Long Lake to deal with fine tailings. The Directors will discuss this with BHP – one possibility is to have a round table with experts in order to resolve this issue.

## **Meeting with DIAND**

Darren Unrau and Marie Adams attended on behalf of DIAND. Darren updated the group with news of his recent inspection of the Ekati mine and exploration activities. The following points were raised:

- Mining at Panda pit is ongoing.
- Water is being pumped to Koala sump before being moved to Long Lake.
- The waste rock dump north of Panda is continuing to be used; some of this rock is going to the Misery Road.
- Land use permit for exploration work is expiring and a new one will have to be applied for in the near future.
- Ice build up in tailings discharged to Cell B in Long Lake; there was some discussion on the implications of this for capacity of Long Lake if the ice does not melt during the summer.
- Bulk sample drilling for Gazelle, Piranha and Phoenix is completed and will be inspected soon to ensure clean-up has been done. Processing of the samples will be done at the old camp at Ekati, using the small lake next to the old camp for tailings discharge.
- Exploration drilling is ongoing on ice.

Directors discussed how the Mackenzie Valley Resource Management Act (MVRMA) recognizes the Agency as an intervenor in the environmental impact assessment process, particularly for the new lease applications. The Mackenzie Valley Environmental Impact Review Board (MVEIRB) does not have a formal agreement with the Agency through the Environmental Agreement, as the federal government does.

The Directors also discussed with DIAND what the federal government process was likely to be *if* the Agency formally requested their intervention in the negotiation of the Agency's budget with

BHP. Marie responded that the government would prefer that BHP and the Agency work it out, but if requested would probably organize a mediator.

It was pointed out that leases for roads, such as the Misery Road, don't allow for public comment on the design of the road. Marie mentioned that under MVRMA, both leases and land use permits are required, so there will be more opportunity for public involvement.

## **Environment Canada Meeting**

Steve Harbicht attended, specifically to discuss the Long Lake Study Proposal. He explained that when the opportunity arose to evaluate onsite what impact tailings would have on the local aquatic environment, Environment Canada (EC) devised, with BHP, DFO and University of Saskatchewan, a flexible, adaptive research program based on ongoing findings. A University of Saskatchewan graduate student obtained baseline information (although it is recognized these are somewhat influenced by the project) on Long Lake last summer from each cell except cell B; these were evaluated for a full parameter of nutrients and metals. Winter water and sediments were sampled and a chemical analysis was done. Environment Canada hopes to maintain this research indefinitely. BHP was asked to leave some fish in the lake for testing, but Aboriginal groups will take the larger fish during fish outs. BHP will also provide logistical support on site, plus some manpower, but not actual dollars. EC is contributing a stipend for the graduate student and DIAND is contributing an equal part. DIAND has also provided funds for laboratory work. DFO will contribute for lab costs, plus a lump sum.

Concerning the kimberlite toxicity issue, the Board asked if some of the previous issues identified by testing would be resolved with this study. Steve Harbicht explained that BHP feels they have done all they can regarding this issue; EC will pursue these issues as much as they can through the field study.

The Board provided advice concerning the field study and asked EC to send a copy of the detailed description of the graduate student's study, so further comments could be made.

## **DFO Meeting**

Julie Dahl and Bob Dawe attended to discuss the fish habitat compensation plan.

Bob explained that an application package has been compiled and distributed. With the package was a request for organizations to provide the name of a representative for the assessment committee. The committee should also have a member from the Mackenzie Valley Land and Water Board, since any project will be subject to environmental assessment under the Mackenzie Valley Resource Management Act.

The committee will meet by the middle of May. An advertisement will be going into the newspaper notifying the public of the possibility of accessing the fund. DFO went to Lustel K'e and felt there was a good discussion and generally positive feeling. The consultation with communities has just started.

DFO informed the Agency that the habitat compensation money has been turned over to general revenue and the department assumes they will have access to the fund when needed.

The Directors made several suggestions including:

- have the committee establish an agreed upon terms of reference as soon as possible,
- keep aside money for assessing the effectiveness of the projects that receive funding,
- add to the evaluation criteria that the main requirement is to create fish habitat, and
- have each proposal include a timeline for the project and the portion of funds to be spent in each year.

The Directors repeated the offer made in January 1998 to help develop terms of reference and guidelines for proposals, as well as participating in monitoring the success and benefits of the program. DFO asked if the Monitoring Agency would like to be a member of the advisory committee. The Agency expressed its reluctance to be part of evaluating, accepting or rejecting proposals.

DFO wants all the feedback they can get to improve the process and will hold a meeting in early May to begin working on the terms of reference. In addition to retaining Bob Dawe, DFO will also have somebody come on for a half-time position.

**Saturday April 17th, 1999**

### **Business Arising from Minutes**

When reviewing the minutes from the last meeting, concern was again raised regarding information sharing problems between the Agency and BHP.

Action Item: Staff will write to Scott Williams regarding the difficulties that the Agency is continuing to have with obtaining information from BHP.

### **Information Updates and Consultations**

**Red Pedersen** noted that he had recently met with Charlie Evalik, President of the KIA. Red noted that while the KIA did not have much to say regarding the Agency, they did feel it was doing an acceptable job. It was noted that the KIA is setting up an in-house group for monitoring the Kitikmeot region. The monitoring would not be project specific and would only cover KIA's area within Nunavut.

**Tony Pearse** has been maintaining close contact with the Dogrib since the last Board meeting, and spent a week in Rae doing work on Diavik. He had a brief opportunity to update people on the increased productivity of Slipper Lake.

**François Messier** noted that a workplan and budget has been submitted to BHP. BHP wants changes to our budget. He also corresponded with DIAND on the budget and workplan.

**Fikret Berkes** went to Lutsel K'e, where the comments from Elders were generally negative concerning the Beartooth, Sable and Pigeon extension. Fikret also did a bit of work with the Dogrib and Alice Legat. He reported that Mark Stevenson is now working with the Metis. He also reviewed some material on the kimberlite toxicity issue.

**Bill Ross** did some writing on the Agency's annual report, and corresponded on the budget and mandate.

**Peter McCart** also did some writing for the Agency's annual report. He was assisting Lutsel K'e with the Diavik project.

**Kevin O'Reilly** had talks with Fred Sangris from the Yellowknives and mentioned the Agency's budget issue. Kevin also established that the Agency's contacts are Darrel, Fred, Jonas and Florence. Kevin also mentioned negative comments made at the Diavik technical sessions concerning the Agency.

The Board discussed some of the issues being raised by Aboriginal organizations and suggested the following action items:

Action Item: Staff will look into distributing the Ekati Monitor as an insert in news north.

Action Item: Staff will send copies of the Ekati Monitor directly to Aboriginal organizations.

Action Item: Staff will compile a list of all things being monitored at Ekati and put it on the web site.

Action Item: For future meetings, incoming letters will be discussed as a separate item.

## **Budget Issues**

The proposed budget submitted to BHP was discussed. It was decided that if an agreement is reached with BHP concerning the budget, this will be included in the Agency's annual report.

The financial compensation provided to Directors was discussed. Concerning budget negotiations, it was agreed the next step will be to meet with Scott Williams. A negotiating sub-committee was struck; members are Red Pedersen, a Director and a staff person.

## **Strategies To Involve Society Members**

The Directors discussed the need for a special meeting with Members of the Monitoring Agency Society to review the mandate of the Agency and the related expectations that Members have of the Agency. This also could involve an evaluation of the Agency, reviewing terms of the Environmental Agreement with a view to recommending revisions and a possible role for the Government of Nunavut. It might be combined with the Annual General Meetings, perhaps during the afternoon of the AGM.

Action Item: Directors are to speak with Members to brief them on the importance of a special meeting to review the mandate of the Agency, and to try to get their commitment to attend.

## **David Milburn, DIAND, Meeting**

David Milburn attended specifically to discuss the Coppermine Cumulative Effects study. He noted that there are four stations on the Coppermine River measuring both water quality and quantity.

Don Macdonald will be running the program. A steering committee will be formed with government, the Water Board, Nunavut Planning Commission and others. First, a literature review was done and found very little on aquatic water monitoring case studies. The next step is to understand the hydrology and chemistry of the river.

David described the monitoring program as focussing on the aquatic ecosystem, being adaptive and indicator based. There is a list of potential indicators and the committee will set priorities of candidate indicators. Two reports are being prepared and should be ready in mid May: a review of ambient conditions in the Coppermine River basin, and an assessment of cumulative effects in the Coppermine River basin. The BHP and Diavik environmental impact assessments have been a good information source. The aim is to have the monitoring program in place by October this year

DIAND wants to put a continuous hydrolab at the outlet of Lac de Gras; research should be focussed on the lake region because that is where development will be. If some of the parameters tested pass a set threshold DIAND would recommend changes be made to upstream operators. However, in many instances it is difficult to set thresholds. Changes to conditions of the water

licences may come during licence renewal or the Water Board could make changes before renewal, if they really have to in the public interest.

The Directors encouraged DIAND to implement the monitoring soon and complemented David on the initiative.

Action Item: Staff to try to obtain copies of notes from Coppermine study group.

Other discussion focussed on the expansion of the Ekati project. The Directors asked about the process for dealing with the proposed changes at Misery. David said that he had not hear of BHP's plan to redirect Misery drainage to Lac du Sauvage and that it was unknown at this time if it is an amendment or a new license. The NWT Water Board never approved a dam on King Pond, nor did it encourage changing the wastewater plan to divert it to Lac du Sauvage.

Regarding the Sable, Pigeon and Beartooth pipes, David said that Beartooth is already in a land lease. Sable and Pigeon are not and preliminary screening by the Water Board began after the applications were resubmitted Feb 19<sup>th</sup>. They recommend it be referred to MVEIRB. Land leases will not be referred to MVEIRB; only the water license was because it is in a new basin, and of public concern.

With regards to the Agency's communications with the Water Board, David thinks that the Water Board doesn't understand what the Agency's role is and that it would be best if Red spoke with the Chairperson, Gordon Wray. David believed the Water Board would be open to presentations by the Agency.

Directors asked if it was a concern that the water regulations required only a B licence for Sable. David said that DIAND is revising the Inland Waters Act to incorporate dewatering lakes, oil and gas, and drilling on ice.

The Agency offered to show its support of these changes by making a recommendation to DIAND to include de-watering in class A license.

## **Meeting With BHP**

John Witteman and Chris Hanks attended on behalf of BHP. They made a presentation to the Board (overheads attached).

Several reports are being issued by BHP; the Annual Report for the Water License, Aquatic Effects Monitoring Plan and Wildlife Effects Monitoring Plan (as part of OEMP), and the Annual Report for the Environmental Agreement.

Concerning changes to Misery, an application for modification of a lake to be used for settling pond will be made.

BHP, in partnership with Diavik, has invited Aboriginal organizations to come up over summer to see the Misery Road during spring migration. The Agency believes this is a good idea, particularly if BHP prepares people for the visit before hand. The Agency also reminded BHP of its commitment to consult with Aboriginal organizations concerning the design of the road and how to mitigate its impact on caribou.

Concerning the Long Lake tailings pond, at an adjacent lake, White Lake BHP will build a berm at the exit point, raising water levels 1.2 m, so it will drain into cell E, dilute water in cell E, and keep water out of cell D.

Oxygen levels in Kodiak Lake look good this year, but the Board noted that some of the readings are obvious errors, likely the result of a faulty probe, and recommended checking the readings against some other method.

Regarding the applications for expansion of the project, the Directors brought up again the problem of not receiving documentation directly from BHP. John Witteman stated that this problem would not be continuing and agreed to provide the Agency with the required documents.

The issues of dealing with fine tailings and acid neutralization were discussed. John feels that the company's management of fine tailings is working efficiently. The Directors pointed out the discrepancies between the tailings characterization study and the tailings management plan. The Agency feels that issues raised by consultants EBA and Chris Mills are unresolved and that BHP has not yet responded to the Agency's last letter. The Agency suggested a technical session with the consultants to try to resolve some of those issues. John said this is unnecessary as the system is working well and, if there are problems, they have 4-9 years to figure out how to deal with these issues.

Chris Hanks presented an update on the Phase II Traditional Knowledge projects. Although the first draft of the Yellowknives Dene report is complete, the Elders are concerned with how their information was used in the report. They don't feel that the recommendations of the report correctly reflect their input. He also updated the status of other projects.

BHP and the Directors discussed the follow up to the Traditional Knowledge Workshop. BHP was interested in knowing if there was any response to the follow up letter sent out by the Agency. Chris also suggested that the Agency should work with BHP to more effectively disseminate information about the project. Also, when there are elder groups going up to the site, some of the Directors could participate as well.

Action Item: Directors should follow up on the letter sent by the Agency regarding the outcome of the Traditional Knowledge workshop.

Chris Hanks said that Jim Excel had requested he ask that when Tony Pearse recommended to the Dogrib that the Diavik project go to a panel review was he speaking as a Director of the Agency or as a consultant to the Dogrib. Tony replied he had never made such a recommendation to the Dogrib and he explained that the Dogrib had formed a working group to assess the project and that it would not be until mid-May that the working group develops a response on the project. Further, the work Tony did with the Dogrib on Diavik was done as a consultant to the Dogrib and not as a Director of the Agency.

**Sunday, 18 April 1999**

## **Other Business**

### **Follow up to Meeting with BHP**

Action Item: Staff to draft a letter to BHP reminding the company of the information exchange protocol, and noting the Agency's recent difficulty in obtaining documents.

The Directors discussed the need to have more information on the project expansion and to let BHP know that we have some meaningful advice to provide. Several options were discussed for achieving this.

Action Item: Hal will contact Scott Williams to discuss ways that the Agency can learn more and contribute advice to the proposed expansion of the Ekati project.

### **Cumulative Impacts**

Action Item: Staff will search for information on cumulative environmental effects from Meredith Seabrook, DIAND.

**Preparation for Meeting with Heidi Klein, MVEIRB** The Directors reviewed the process that has led to the referral of the Ekati project expansion to MVEIRB, and the environmental impact assessment process. Under the MVRMA, a land use permit is required on a new lease.

There are some issues that the Directors are concerned about with respect to the project expansion and would like to contribute to the environmental assessment.

### **Meeting with Heidi Klein, MVEIRB**

Heidi outlined the environmental impact assessment process under the MVEIRB.

There was discussion on how the Agency can assist in the EIA as provided under its mandate. Several points were made:

- the Agency would be included on an expert list prepared for the MVEIRB
- the Agency may be involved in defining the guidelines for an environmental assessment report
- the Agency could participate in public hearings on the environmental assessment report, once it is produced
- concerns of the Agency, such as in regards to cumulative impacts, can be formally made known to the MVEIRB

A discussion took place on what the process would be in terms of the Agency's involvement with MVEIRB on this EIA.

### **Treasurer's Report**

The treasurer reviewed the budget and the Agency was on target. The Board thanked both the Treasurer and Alan Ehrlich for their efforts in managing the Agency's finances.

Action Item: Staff to make inquiries into rental rates for office space in Yellowknife.

### **Monitoring Agency's Annual Report**

#### **Review and Discuss Outcrop's Early Draft**

The layout and content of the annual report was discussed. There was also discussion on the timing and overall editing work required for the Agency's 1998-99 Annual Report. It was noted that once all the material was accepted, staff would provide an initial edit before sending it to Outcrop for final editing and layout. The middle of June is the target for having it finalized.

Once the draft is ready, the Board will have a round table discussion to pinpoint and agree on the recommendations.

Action Item: Staff to search for statement in EIS regarding predictions of impacts and the significance of environmental effects on Lac de Gras.



## **Ekati Monitor Newsletter**

The Directors agreed that the Agency's next newsletter would come out in late May with a target publication date of June 1<sup>st</sup>, 1999. Newsletters will be produced every two or three months.

Action Item: Staff should begin work on storylines for the next newsletter.

## **Other Business**

### **Date for next meeting/AGM**

Proposed date is July 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> with the AGM occurring on the evening of July 8<sup>th</sup>.

Action Item: Staff should find out what activities are happening with Aboriginal organizations in late part of June or early part of July.

### **Staffing**

Action Item: Staff was directed to propose to the Board staffing requirements for the Agency office, with the purpose of recruiting permanent staff.

## **Summary of Action Items**

Action Item: Staff will write to Scott Williams regarding the difficulties that the Agency is continuing to have with obtaining information from BHP.

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Action Item: Directors should follow up on the letter sent by the Agency regarding the outcome of the Traditional Knowledge workshop.

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