

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

July 8<sup>th</sup> to July 11<sup>th</sup>, 1999

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**Directors**

Fikret Berkes

Peter McCart

François Messier

Tony Pearce

Kevin O'Reilly

Bill Ross

**Staff**

Hal Mills

Matt Bender

Lisa Hurley

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**Thursday, July 8<sup>th</sup> 1999**

## **Preliminary Discussions**

### ***Agenda***

Directors began by reviewing the agenda for the meeting. This also included a discussion of things they were interested in seeing on the site visit.

Tony Pearse chaired the meeting, since Red Pedersen was not able to attend for medical reasons. The Agenda was approved, and several items were arranged so that discussions with Red by phone could take place as needed.

Red Pedersen was contacted by conference call at 8:45.

The issue of the Agency responding to the Diavik Comprehensive Study Report in regard to the cumulative effects assessment and interactions with the BHP project was added as an agenda item.

Red Pedersen met with Charlie Evalik yesterday and noted that Kitikmeot Inuit Association (KIA) does not feel a separate agency is necessary for each new project. The KIA is considering regional monitoring groups so that different resources could be monitored as opposed to individual projects.

Traditional knowledge workshop follow-up was added to the agenda.

## **Information Updates**

**Red Pedersen** updated the board regarding the ongoing budget negotiations. Hal Mills, Bill Ross and he had met with BHP and felt the meeting went well. Since that time, the lack of response from BHP with regards to letters and phone calls has been frustrating.

**Hal Mills** informed the board that he had been talking to Scott Williams, who said BHP would have something in writing for us.

Correspondence pertaining to the budget negotiations between Red Pedersen and Scott Williams was copied and distributed to Directors. This included: copies of the letter Red sent to BHP, the memo from Scott

Williams dated June 15<sup>th</sup>, 1999 and the follow-up letter from the Agency dated June 18<sup>th</sup>, 1999.

**Tony Pearse** has been doing mostly housekeeping work with Agency.

**Fikret Berkes** was in Australia and came across a newspaper article regarding \$400 million the clean up costs of the OK Tedi BHP mine in Papua New Guinea. He brought it along to show BHP that the Agency could actually be a cost saving measure because, more careful environmental management early could avoid the large cleanup costs at the end of the project. He went to Lutsel K'e on Wednesday, July 7<sup>th</sup> 1999 to meet with people about traditional knowledge work.

**Bill Ross** has been doing regular duties associated with the Agency in addition to the meeting with BHP regarding the budget as noted above.

**François Messier** has also been doing regular duties associated with the Agency.

**Kevin O'Reilly** met with people on the National Round Table in his capacity as Research Director for CARC. Regarding cumulative effects the following projects should be considered: Tahera (i.e. Jericho) has applied for water licences, Winspear at Snap Lake, and Monopros at Kennedy Lake. This was followed by a short discussion on the cumulative effects workshop planned by DIAND for November 1999.

**Action Item:** *The Agency will write to DIAND requesting they keep the Agency informed about the Cumulative Effects Workshop being planned for the fall/winter of 1999, and whether Board members will be allowed to attend.*

## **Preparation for Annual General Meeting**

The Directors discussed their roles at the AGM, including the Chair's address and the written material that should be available for Members.

Bill Ross will present the Annual Report of the Agency at the AGM.

## **Preparation for Members Meeting**

There was a general discussion on roles of Directors at this meeting. Kevin O'Reilly will lead the discussion on our mandate. The goal of this

meeting is to gain feedback from the Members as to the performance of the Agency.

### **Members Meeting, 1:30-4:30 p.m., Thursday, July 8<sup>th</sup>, 1999**

The minutes of this meeting are attached as Appendix B.

### **Friday, July 9<sup>th</sup> 1999**

#### **Site Visit**

The Directors of the Agency visited the Ekati Mine Site.

While on site, the Directors saw the tailings in Cell B of Long Lake, the Panda Diversion Channel outlet at Kodiak Lake, the Waste Rock Pile, the revegetation experiments in the laboratory, Misery Road and the Panda Pit.

### **Saturday, July 10<sup>th</sup> 1999**

*Conference Call planned with Red Pedersen at 11:00 am, items where Red's input was required were delayed.*

**Action Item:** *Include an erratum with Fikret's changes to the minutes of the last Director's Meeting. (see Appendix A)*

### **Business Arising from last meeting**

Matt Bender reviewed the action items from last meeting.

Action Item 1. Information exchange: Julie Dahl of the Department of Fisheries and Oceans (DFO) wrote a letter to BHP regarding this matter. Hal Mills will follow up on this letter and attempt to get a response to the May 4<sup>th</sup>, 1999 letter sent by the Agency to BHP on information sharing.

**Action Item:** *Hal Mills to get monitoring list information to Directors.*

**Action Item:** *Regarding traditional knowledge, Kevin O'Reilly will follow-up with BHP on the lack of progress towards a working group.*

**Action Item:** *Kevin O'Reilly will look into EIS, TAC Transcripts and the Water Technical sessions from BHP for information regarding BHP's predictions to water quality impacts on Lac de Gras from Koala watershed.*

## **Correspondence**

North Slave Metis Alliance letter inviting the Agency to attend their annual assembly was discussed. It was agreed that the Agency would attempt to send someone, and contribute to the meeting if someone attends. Hal Mills and Kevin O'Reilly will look into their availability to attend.

**Action Item:** *Hal Mills will respond to North Slave Metis Alliance with a letter stating that the Agency hopes to have a representative attend the Assembly and that a contribution of \$1,000 will be made in such event.*

## **Follow-up to Annual General Meeting**

The Directors discussed the favorable comments made by all members at the AGM. The members felt that the work of the Agency, particularly with regards to its community consultations and the preparation of the annual report, had greatly improved. Distribution of the annual report was also discussed, and the need for an updated distribution list was stressed.

**Action Item:** *Hal and Kevin are to formulate a distribution list of relevant Federal and Territorial people (i.e. ministers, MPs and other key people) and send Annual Reports to these people. François Messier would like to ensure that WKSS gets a copy.*

Formal congratulations to Hal Mills for his work on the Annual Report.

**Action Item:** *Annual Report will be put on the Agency website.*

## **Treasurer's Presentation**

The treasurer, François Messier, presented the financial update.

The Directors also discussed the proposed budget. Major issues were the upcoming change in staff and issues related to the costs of hiring and

salaries. Kelly Robertson had inquired at the AGM about how the monies allocated for outside experts had been spent.

**Action Item:** *Staff to send a short e-mail to Kelly Robertson with a breakdown of how the budget for outside experts was spent, as a followup to her query at the AGM.*

A conference call was placed to Red Pedersen at 1:45 p.m.

The Directors gave Red a short summary of the Annual General Meeting.

The Directors discussed how the Government of Nunavut might be involved in the Environmental Agreement and the work of the Agency. The question was raised as to whether we should send a copy of our Annual Report and a short note to someone in Nunavut suggesting they discuss their involvement, if any, with the Environmental Agreement.

**Action Item:** *Send twenty copies of the Annual Report to Red Pedersen for distribution.*

**Action Item:** *Send copies of the Annual Report to the Nunavut Minister of Sustainable Development with a covering letter suggesting that the Nunavut Government may wish to discuss its involvement with the signatories to the Environmental Agreement.*

## **Election of Officers**

On the basis of motions put forth by Directors, the Executive of the Agency was elected as follows:

Chairperson:	Red Pedersen
Vice-Chairperson:	Bill Ross
Secretary-Treasurer:	François Messier

## **Agency response to Diavik CSR – cumulative effects section.**

The Directors decided against submitting comments at this time.

## **BHP Project Expansion**

The Directors discussed the information received regarding the proposed project expansion to date. The lack of baseline data for the receiving waters affected by the project, Two Rock Lake was noted as an example.

**Action Item:** *The Agency will send a letter to BHP stating that the company's environmental baseline studies for the proposed expansion should include the collection of data for all receiving waters potentially affected by the developments including Two Rock Lake, Ulu Lake, Little Reynolds Pond and related streams.*

**Action Item:** *Staff to follow-up with the Mackenzie Valley Environmental Impact Review Board as to the status of the environmental assessment of the project expansion.*

## **Other Business**

### ***Discussion of Field Trip***

The Directors discussed the visit to the mine. It was suggested that a helicopter inspection of the site would be worthwhile in the future. The desirability of spending more days on site, especially by individual Directors was discussed. This would enable Directors to gain a more in-depth understanding of the issues they were particularly interested in. Visits should be more inspection related and less visitor-like.

The Board noted that the settling of tailings in cell B seems to be satisfactory. It was difficult to determine if there is any turbidity without seeing the cell from the air.

The Directors discussed BHP's revegetation research utilizing kimberlite tailings as a substrate for plant restocking. It was noted that more technical documentation of the program and its results would be desirable. It was also noted that the results of the experiments should inform the next revision of BHP's Abandonment & Restoration Plan.

**Action Item:** *Contact BHP to get more information regarding A&R revegetation work at Ekati (especially work done by Janet Kidd from ABR consultants) particularly regarding using kimberlite as a substrate in reclamation. The letter should state that the Agency expects to see results of 1999 reclamation research work in the next A&R plan.*

Directors noted that there are no reclamation standards (regulatory) in the NWT other than some guidelines developed by the NWT Water Board.

Tony Pearse discussed the results of July seep surveys from the various waste piles on site. In particular, it was noted that the two samples for the coarse kimberlite tailings piles were generating acid drainage; that sulphate levels were high; and that zinc levels appear to be elevated. Acid drainage could have significant implications for water quality on site, particularly if the company continues to use kimberlite tailings for road surfacing and reclamation work.

**Action Item:** *The Agency will notify BHP stating that there appears to be acid runoff from the coarse kimberlite stockpile, and the company may want to review the available data to determine if there is a potential problem.*

Fikret Berkes expressed concern regarding the road berms. He was unsure whether caribou would be able to cross roads with them. He suggested that we begin to keep track of two types of roads: those with berms and those without. Wildlife monitoring observations should take road design into consideration when crossings occur as this may allow better design in the future.

**Action Item:** *Hal Mills will write a letter summarizing our impressions from site visit, including a thank-you.*

**Action Item:** *Ask BHP for a map showing the roads that have berms, and whether the wildlife monitoring program is able to discern differences in animal behaviour in reaction to the two types of road.*

**Sunday, July 11<sup>th</sup> 1999**

### **Staffing of the Agency**

The Directors discussed a process for reviewing and selecting applicants for the Manager Position. The applications, which had been received at this point, were handed out to Directors. Any additional applications received by the July 15<sup>th</sup> deadline will be sent to Directors for screening.



## **BHP Reporting Procedures**

Directors reviewed the Environmental Agreement with regards to BHP's reporting procedures for the annual environmental report and the 3-year environmental impact assessment. BHP's letter dated July 2<sup>nd</sup>, 1999 regarding the Environmental Impact Report required for Year 2000 was discussed. The Directors noted that while there was considerable overlap in the required content of both reports, the Environmental Agreement was clear that the 3-year impact assessment should focus on the long term picture and show how well the predicted impacts described in the original EIS matched the current situation. The Board agreed that there was no objection to BHP's proposed outline for the 3-year report, but that the difference in focus envisioned in the Environmental Agreement should be noted in responding to the company's letter. The Board felt in addition it would be useful for BHP's 3-year impact report to include a discussion of unpredicted impacts, and how the lessons learned from dealing with these had been incorporated into the environmental management system.

Also discussed was BHP's letter to the Water Board dated June 22<sup>nd</sup>, 1999 seeking the Water Board's approval for combining the Environmental Agreement Annual Report and the Water License N7L2-1616 Annual Report into a single document. While the Board agreed that this would likely be advantageous for readers of both documents, as well as helpful to BHP, this decision is up to the Water Board.

**Action Item:** *The Agency will write BHP to inform the company of its views on the content of the 3-year environmental impact report, and on the desirability of combining the annual Environmental Agreement report and the Water Board report.*

It was suggested that David Millburn (DIAND) be contacted to get Water Resources' thoughts about combining the Water Board and Environmental Agreement annual reports.

**Action Item:** *Hal Mills will call David Millburn to obtain his thoughts on the combination of the Annual Reports.*

The Board agreed that the Agency's response to BHP about combining the Annual Reports will include comment about the Water License and Environmental Agreement annual reports combination.

## **Community Consultations**

Fikret Berkes informed the Agency on some work he would like to help Lutsel K'e with, regarding community-based monitoring. He also noted that he has contacted the Dogrib about a proposal he would like to help with regarding monitoring at Lac de Gras (fish studies).

With respect to the Lutsel K'e project, some concern was raised about the possible perception of conflict of interest between Fikret's role as a Director of the Agency and his research role as a faculty member of the University of Manitoba.

It was decided that, if he does this work, Fikret should clearly state that he is doing so as a researcher with the University of Manitoba not as a Director of the Agency. If this work comes before the Agency, any possible conflict of interest would be evaluated at that time.

## **Next Newsletter**

Storylines for the upcoming Newsletter were discussed. Directors provided some feedback on the stories already written.

## **Next Meeting**

Conference Call to Red Pedersen at 11:45 a.m.

Directors feel the next meeting should be in a Dogrib community. September 11, 12, 13 are target dates for the next meeting.

**Action Item:** *The Agency will contact the Dogrib Treaty 11 council seeking their advice on where and when to hold a meeting.*

## **Other Business**

### ***Diavik Involvement***

Directors discussed the Agency's involvement in the Diavik process. The Agency will not take an official position.

## **Minutes of Meetings**

**Action Items:** *Minutes of Board meetings will be posted on web site as soon as they are approved.*

### **Traditional knowledge followup and BHP's response**

Directors would like BHP to write Members supporting a follow-up to the TK workshop.

Kevin O'Reilly will take the lead on working with BHP and Aboriginal Members on the followup.

### **Fall Cumulative Effects Workshop**

DIAND will be sponsoring a workshop on cumulative effects, tentatively scheduled for November 1999. Perhaps a Director's meeting could be scheduled around this time so that the Directors would have a less costly opportunity to attend.

François Messier is very interested in this workshop. He will probably write a discussion paper regarding caribou, and would like to attend as a Director of the Agency. Fikret Berkes would also like to make a presentation, perhaps on how to combine traditional and scientific knowledge. Kevin O'Reilly will probably participate in the workshop for CARC, but feels a presentation should be done about what the Agency is, and what it does.

The Directors discussed how they wanted to express interest in being involved, determined it is still early, but will discuss it at a later date.

### **Budget Process**

The Directors discussed the core budget negotiations that have been on-going with BHP for the last 6 months. It was agreed that process for negotiation the Core Budget, as spelled out in the Environmental Agreement, was not satisfactory for the Agency or for BHP. Board would like to explore an alternative approach to setting the Agency's core budget.

**Action Item:** *Directors to think about possible suggestions for changes to the budget negotiation process and to discuss at the next meeting. Bill Ross agreed to put together some ideas for the next meeting.*

## **Summary of Action Items**

**Action Item:** *The Agency will write to DIAND requesting they keep the Agency informed about the Cumulative Effects Workshop being planned for the fall/winter of 1999, and whether Board members will be allowed to attend.*

**Action Item:** *Include an erratum with Fikret's changes to the minutes of the last Director's Meeting. (see Appendix A)*

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**Action Item:** *Directors to think about possible suggestions for changes to the budget negotiation process and to discuss at the next meeting. Bill Ross agreed to put together some ideas for the next meeting.*

**APPENDIX A:                    Addendum to Minutes of Previous Meeting**

Please consider the following as an addendum to the minutes of the April 16<sup>th</sup> – 18<sup>th</sup>, 1999 Board of Directors Meeting.

**Information Updates and Consultations:**

**Fikret Berkes** went to Lutsel K'e and attended an elders meeting. traditional knowledge issues were discussed but no comments were forthcoming from Elders.