

**Independent Environmental Monitoring Agency  
16<sup>th</sup> Meeting of the Board of Directors  
Yellowknife, Northwest Territories**

**December 5<sup>th</sup> & 6<sup>th</sup> 1999**

**Summary of Discussion**

---

**Directors**

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

**Staff**

Alex Thomson	John Holman
--------------	-------------

---

**Sunday December 5th 1999**

The Chair opened the meeting by introducing and welcoming the new Administrative Assistant, John Holman, to the Agency's team.

**Review of Agenda**

*Discussion of additions to the Agenda:*

- Tony Pearse's water licence amendments briefing note, Nov. 3/99
- Cumulative effects concerns due to activities of developers in the region
- Staff's equipment needs

**Information Updates**

The **Chair** expressed concern over cumulative effects in the Slave Geological Province. The advent of potential new mines may lead to the establishment of separate monitoring agencies and programs for each new diamond mine.

**Pete McCart** mentioned that he has been examining the KingPond issue and water quality management.

**Kevin O'Reilly** attended a BHP community consultation in Lutsel K'e on November 12<sup>th</sup>, 1999. In attendance were Chris Hanks, Tina Markovic, Rescan representatives, Louie Azzolini from the Mackenzie Valley Environmental Impact Review Board (MVEIRB), and other representatives from the Department of Indian Affairs and Northern Development (DIAND). BHP reported the performance of its socioeconomic and environmental agreements. Concerns were raised over the proposed Misery road and potential effects on caribou. Nutrient loading into Kodiak Lake was not mentioned. BHP reported on its Annual Report and adaptive management process quite superficially. Louie Azzolini, gave a

presentation on the environmental assessment process under the Mackenzie Valley Resource Management Act (MVRMA).

There was news in the last week about Winspear wanting to be in production by summer 2000. The company bought Tahera's mill and plans to move it from Lupin to Snap Lake.

He also met with Lorraine Catholique, the Akaitcho Treaty 8 Impact Benefit Agreement Coordinator, in October. Peter Liske is the new Chief in N'dilo, and Richard Edjericon is Dettah's new Chief.

**Pete McCart** felt the Agency should look at the winter road more closely, especially since the mineral industry's goods and supplies are being stockpiled on shore until the Mackenzie River can be crossed. Construction materials associated with developments at Diavik, Ekati, Lupin and Tahera will mean heavier traffic and loads, possibly affecting winter road maintenance.

**Alexandra Thomson** informed the board of a record of conversation found on the Mackenzie Valley Environmental Impact Review Board's public registry regarding the Lupin winter road (Tab 6).

**Bill Ross** reiterated the point that if a number of diamond mines develop in the NWT and Nunavut, it would be worrisome to see different monitoring agencies established for each one. He reported that he had made a presentation about the Agency to a conference in Thailand. The Agency model received considerable interest from the Thai Government.

**François Messier** has yet to review the study design and data report for BHP's carnivore and esker studies since it still has not been produced. He asked BHP for the information both in July and September. He has questions on monitoring grizzly bear and wolverine within the claim block. He is disappointed about not receiving the information by now since this request resulted from a recommendation made at the workshop about the Wildlife Effects Monitoring Program back in February 1999.

**Fikret Berkes** reviewed the *Impact 2000 Framework* and provided comments. He has been researching material on cumulative assessment with respect to communities. Fikret has been in contact with Lutsel K'e and trying to keep up with the Lutselk'e and Metis Traditional Knowledge (TK) studies.

**Alex Thomson** expressed gratitude for having John Holman as the Administrative Assistant. He began working with the Agency on November 24<sup>th</sup>. In addition to drafting comment letters for both *Impact 2000* and the *Terms of Reference* for the Environmental Assessment of the proposed BHP extension, Alex has been getting information from the Northwest Territories Water Board and the MVEIRB public registries regularly. The water board and BHP conducted consultations with community groups, and the final reports were entered in the public registry. Alex attended BHP's Yellowknife public meeting on BHP's proposed Sable, Beartooth and Pigeon projects, as well as the socio-economic agreement and BHP's Annual Report.

Alex also met with Chris Hanks on Nov. 2<sup>nd</sup> regarding the Traditional Knowledge working

group. Letters from Chief Felix Lockhart of Lutselk'e First Nation and Chris Hanks of BHP explain some of the problems that inhibit the creation of a TK working group. Alex also met with Gerry MacGuire and Scott Williams of BHP, as well as Richard Walker of Scotiabank, in order to discuss establishing a contingency fund for the Agency.

Human resource policies are in the process of being drafted for the directors' review. Kevin reviewed a draft distribution list for the Agency's 1998 annual report and newsletter.

### **Business Arising From Last Meeting**

All items were complete, except the following outstanding items:

- *Release of information to Agency:* Formal responses from all departments have been received (Tab 4), except from the Northwest Territories Water Board. The NWT Water Board has been compiling a package for the Agency to pick up.
- *Distribution of Annual Report and Newsletter:* Now that the Agency has received the amended version of the Newsletter, an information package consisting of the Annual Report and Newsletter will be sent out to the distribution list.

**Action Item: Send out newsletter and annual report as soon as possible according to the distribution list.**

- *Poster Display:* GeoNorth was unable to develop contents for a permanent poster display as a part of its contract

**Action Item: John Holman will develop a permanent poster display that can be transported easily to conferences.**

- *Evaluation of Agency:* Discussion occurred as to the need for and purpose of conducting an evaluation of the Agency's performance, and how we ought to carry out this task. Directors agreed that an evaluation was overdue and would help us develop more effective means to fulfill our mandate. Three approaches were discussed:
  1. Set aside a one-day retreat for our own discussion, and perhaps meet our members, to examine their perceptions of the Agency.
  2. Reserve a substantial section of the Agency's upcoming third annual report to report on the evaluation.
  3. Hire an evaluator and get the benefit of an independent evaluation.

After discussion of timing and cost, it was decided that this matter could wait until further thought was given to the resources available for the evaluation.

**Action Item: Alex Thomson to follow-up by email on the method that should be used to evaluate Agency performance.**

### **Treasurer's Presentation**

The **Treasurer** presented the financial report. About 50% of the annual budget has been spent to December 1<sup>st</sup>. It is anticipated that many costs will be incurred in the last quarter.

The Annual report will cost approximately \$25,000, not including Directors' time to produce the document.

The directors discussed John's potential role with respect to community consultation. Alex noted that public relations and developing communications material is consistent with the Administrative Assistant job description. John was considered the top candidate based on his media experience, his interest in environmental management, and his administrative skills. Suggested titles may be Communication/Administrative Assistant, or Communications Officer.

**Fikret Berkes** suggested that John's title and the public relations work is more a division of labour. Alex would handle liaison duties related to the environmental role and management of the Agency and John would handle community and public affairs, as well as, office administration, not precluding shared work in both areas.

### **Budget Issues and Negotiations with BHP**

The **Treasurer** reported that the issue of having a \$20,000 Agency contingency fund is the only unresolved issue remaining with respect to the negotiation of the Core Budget and Work Plan. There is a need for last minute access to funding to avoid financial crisis.

And the Agency has yet to receive payment from BHP on two items:

1. The expenses that the Agency incurred as a part of the move.
2. The funding for each quarter, as per the Core Budget, which exceed \$100,000.00

**Action Item: Send BHP a letter requesting the outstanding payment of \$13,988.51 for the office move and staffing, as well as the \$95,800 owed on the installments for the first three quarters of 1999, as per the Core budget.**

The **Treasurer** referred to BHP assuming the lease expenses for the office equipment. BHP's current policy is to provide surplus equipment to the Agency when necessary, or to purchase other items, as needed. The Agency requires a printer, scanner, blinds, two office desk chairs and desks, as per the list presented to BHP in October. Additional items required at this time include a digital camera, Proxima projector, small fridge, microwave, and a water fountain.

**Action Item: Manager to purchase appropriate non-capital items which are not available from BHP, including the installation of a second phone line.**

### **Communications & Agency's Role with Respect to Liaising with Aboriginal Organizations**

Marie Adams (DIAND) has asked the Agency to sign a letter outlining the IACT terms of reference, and to distribute the meeting notes to Aboriginal organisations. This is in order to address their requests for IACT participation. Alex has informed IACT that the Agency supports the notion of Aboriginal participation and is agreeable to including Aboriginal participants via teleconferencing. Alex has also offered to be official note-taker at IACT meetings and to distribute the meeting notes to Aboriginal organisations once the

participation issue is resolved.

**The directors** agreed that the Agency's role includes distributing information to its members. The Agency will provide final IACT minutes to its members, including the Aboriginal partners, and sign a cover letter for general distribution.

**Kevin O'Reilly** stated that the distribution of IACT minutes to Aboriginal organisations does not address the issue of direct participation on IACT. Bob Turner of the North Slave Metis Alliance is still not being invited to IACT meetings, and IACT refuses to deal with it.

**The directors** decided that a draft letter should be circulated for the Directors' review. This letter should not contain reference to participation, as it not within the Agency's mandate to negotiate, but will offer to communicate Aboriginal concerns about Ekati's environmental management. The Agency should also notify IACT about the Agency's intentions to distribute the minutes under the Agency's cover letter. The Agency's response on the Aboriginal participation is contained within both the IACT and agency board meeting minutes.

**Action Item: Alex Thomson draft a general covering letter to be distributed with the IACT meeting notes and circulate it to the Directors for approval, as well as a letter to IACT to notify them of the Agency's intentions.**

- LUNCH -

#### **Sable, Pigeon, Beartooth Projects & Compliance Report**

The directors discussed the MVEIRB's requirement that BHP include a compliance report from the Agency in BHP's Environmental Impact Assessment for the Beartooth, Pigeon & Sable Projects.

**Action Item: A sub-committee should be formed to deal with Environmental Impact Statement for the proposed development of the Beartooth, Pigeon and Sable kimberlite pipes.**

#### **DFO No Net Loss Policy, Fish Compensation Fund & King Pond issue**

**Pete McCart** informed the Board that BHP does not believe King Pond is a fishery (commercial, recreational or subsistence) since only seven grayling were found in the pond. BHP has asked DFO to exempt King Pond from requiring a destruction of fish habitat authorization under the *Fisheries Act*. Tab 7 contains information on a similar case in B.C. between *Regina vs. McMillan-Bloedel*, known as the "Tsitika Judgement", and a table about the distribution of fish from BHP's EIS. DFO will not release BHP's request until its legal counsel and headquarters has investigated the situation thoroughly and formulated a position.

Pete was a witness at the Tsitika decision and reported that the situation at King Pond is quite different. He believes a dangerous precedent may be set if the exemption is given for fish species in the Arctic, especially if the precedent is used widely by the mining industry. Peter will review the Rescan study on King Pond's fish habitat, as well as the BHP request,

once it is available.

He is aware that BHP has forwarded a document to DFO requiring that King Pond should be exempt from the authorization under the Fisheries Act. The Department of Fisheries and Oceans may face a precedent setting decision in this case, and the Agency should remain informed about the issue.

**Action Item: Alex will request that DFO provide the Agency with ongoing updates on BHP's request to have King Pond declared not a fish habitat.**

**Action Item: Pete McCart will review the Rescan study on King Pond's fish habitat and BHP's request for input, and report his results when his review is complete.**

#### **Fish Habitat Compensation Fund:**

The Directors reviewed Christa Domchek's email, dated Dec. 2, which asks the Agency to clarify whether it would like to be involved in DFO's Advisory Committee, and how they plan to assist DFO with the Fish Habitat Compensation Fund (FHCF). The Terms of Reference for the Advisory Committee were reviewed, along with the correspondence between DFO and the Agency.

The Agency has been consistent in its standing offer to provide technical expertise associated with the review of projects in order to forward the goal of the No Net Loss Policy. The Directors agreed that the fund should be spent on the habitat and not on the process of administering the fund. If DFO wants to establish the Advisory Committee as such, the Committee can request advice from the Agency if they so wish.

**Action Item: Alex Thomson to draft a letter to DFO, for the Directors approval, reiterating the Jan. 20<sup>th</sup> 1998 position that the Agency is prepared to offer technical advice regarding projects proposed for the fund.**

#### **Preparation for the meeting with BHP:**

**Tony Pearce** suggested that the Agency ask BHP for an update on the joint study on the effects of tailings on Long Lake. Data could also be requested from Environment Canada since they have stated in a letter from Anne Wilson, dated Sept 29<sup>th</sup> 1999, that "the raw data are available for examination upon request, but will not be routinely circulated."

#### **Impact 2000 Framework:**

**Alex Thomson** asked whether the Directors wanted to question BHP about how it will incorporate the Agency's comments on the *Impact 2000* Framework. John Witteman had informed reviewers that positive comments will be added to the Impact 2000 report, and that BHP will circulate a copy of the Value Ecosystem Component (VEC) table. To better assist BHP in the completion of their Impact 2000 report, the Agency has asked BHP to review a draft copy before the report was finalized. No additional Agency input is necessary, unless specifically requested.

**Presentation of Lorraine Catholique, Impact Benefit Agreement (IBA)  
Representative from Akaitcho Treaty 8**

**Lorraine Catholique** is the Impact Benefits Agreement (IBA) representative to BHP on behalf of Akaitcho Treaty 8. The IBA has been in place for approximately one year and the office opened on September 8, 1999. She is the point of contact for the Agency with Akaitcho Treaty 8. A different IBA and Environmental Agreement will be signed as a part of the Diavik project approval.

**Tony Pearce** asked whether Akaitcho Treaty 8 would be attempting to negotiate any environmental protection provisions in the IBA, or would they be relying on the Environmental Agreement and regulatory means to achieve proper environmental protection at the site.

**Lorraine Catholique** replied that the BHP Impact Benefits Agreement has four parts, one of which focuses on the environment. Furthermore, each participating community has its own lands and environment committee. The committees will not change through the Diavik project approval, although Diavik conducts its own research. The communities depend upon the Agency's expertise in relation to Ekati.

**Tony Pearce** asked whether the IBA will provide for any monitoring.

**Lorraine Catholique** responded that the BHP environmental department serves as their contact. She would like closer contact with the Agency in order to assess the monitoring.

**Bill Ross** asked whether Treaty 8 have any priority issues.

**Lorraine Catholique** responded that she has met with the Chiefs and has been given instructions to acquire Agency information for consideration in the Diavik negotiations. The Chiefs also want to be a signatory to BHP's Environmental Agreement.

**François Messier** explained that the Agency made the new proposed BHP project a priority and will be a participant in the environmental review.

**Lorraine Catholique** asked about the extent of the Elders' involvement in the Agency.

**Fikret Berkes** replied that Aboriginal parties appointed the directors, and that the Agency keeps in touch with these parties in various ways. However, there is no formal mechanism for the Agency to interact directly with Elders, except through meetings.

**Bill Ross** stated that the Elders' wisdom and knowledge is not an explicit component of BHP's environmental programs under the Environmental Agreement, except where captured by the Phase II Traditional Knowledge (TK) Studies. In an attempt to advance the goal of the TK studies the Agency and BHP hosted a workshop with the Aboriginal society members in December of 1998. The workshop was an important first step, but more work is needed. The Agency would appreciate any advice that Ms. Catholique may contribute to these goals.

**Kevin O'Reilly** mentioned that the idea of a TK Working Group was brought up at the workshop in N'Dilo. It was the first time that the Aboriginal peoples collectively considered how to develop a TK framework for project management and monitoring. The group examined the creation of an Elders committee in order to enhance communication between Aboriginal groups and BHP. The Agency is supportive of the TK Working Group concept, as per Felix Lockhart's letter to BHP on the issue.

**Bill Ross** asked whether TK was incorporated into the IBA.

**Lorraine Catholique** replied that this issue is outstanding for the Elders, and may be brought up in the next phase of negotiations with BHP.

**Bill Ross** said that the Elders provided much advice for shaping the monitoring program at the BHP workshops last February, and would like similar interaction in the workshops to be held in February 2000.

**Lorraine Catholique** stated that two translators are needed for the February workshops for the Dogrib and Chipewyan languages, but the budget only allows for only three people to attend.

There was some discussion about whether BHP should be requested to fund another translator for the February workshops. It was recommended that Lutselk'e should ask BHP for this funding, and if this is unsuccessful then the Agency could consider how they could help in this regard.

**Lorraine Catholique** reported that the Chiefs are looking at the proposed Sable project and that negotiations have begun on the Impact Benefit Agreement. She reported that she is going to update the Treaty 8 Chiefs of her meeting with the Agency the next day. She was not aware of the letter from Felix Lockhart to BHP on TK Working Group, but the IBA office will centralize a lot of the information.

*Alison Armstrong of Dene Nation was invited to the meeting but was unable to attend.*

### **Jericho Project:**

The Agency has been asked by the Nunavut Water Board to comment on its draft guidelines for the Jericho Project Environmental Assessment. The directors noted that the proponent is being asked to consider cumulative impacts of past, present and future activities, including the proposed transportation corridor to Kugluktuk and Bathurst Inlet, other mineral development and the NWT Power Corporation's proposed hydroelectric projects.

**Action Item: Send thank-you letter to the Nunavut Water Board for considering the Agency's possible role as a reviewer of the guidelines, but state that the Jericho project environmental assessment falls outside our mandate.**

DAY 2: Monday December 6<sup>th</sup> 1999



**Meeting with Scott Williams, Tina Markovic, Chris Hanks and Denise Burlingame of BHP.**

**Scott Williams** gave an update on the Misery Road and bridge. A snowstorm blew the roads in and the plant was completely shut down on November 30<sup>th</sup> and December 1<sup>st</sup>. The kimberlite is not shoveled but blasted because it goes through the crusher better. The coarse kimberlite stockpile's moisture content is at 13-14% and freezes. As a result, it is ejected from the cone crusher. BHP hopes to solve the problem. In terms of depth, the pit is at the initial sampling level. He presented the bulk sample results from Gazelle, Piranha and Phoenix pipe, which are posted on the Web.

**Kevin O'Reilly** asked about the value of the new pipes compared to the existing ones.

**Scott Williams** replied that the Piranha pipe is a resource. Phoenix is marginal, and Gazelle is considered uneconomic.

**Kevin O'Reilly** asked how the development cost and project feasibility is determined.

**Scott Williams** replied that development criteria depend upon the cost of production per carat, as well as diamond quality. BHP will attempt to develop the pipes by groups, hopefully within five to eight kilometres of the processing plant. The geophysics technology has become better and new finds are being discovered, even among previously assessed areas. The geologists have reported that some pipes appear to be better than the existing ones. Eight of 121 pipes are viable, so far. There are four targets to be examined this winter.

**Pete McCart** asked about the location of the Box Car Camp.

**Scott Williams** replied that the Boxcar Camp is a movable camp that is currently near the Gazelle pipe, but will move with the winter program. The channel culverts are closed and snow fencing is being utilized. A snow blower is being brought in to clear the canyon. Snow blowing into the culverts is a big issue for BHP and DIAND. The culverts will eventually be removed as part of the mine reclamation. The creek is expected to refill the pit.

All mine operators in the Slave Geological Province will experience difficulties this overland shipping season because of increased traffic and heavy loads due to the late start of the winter road. The transport of equipment for Diavik and the restart of Lupin will cause difficulties for all operators. BHP is looking at 3,000 truckloads. BHP will monitor the traffic, as well as, the twin lake highways through out the duration of their use and mitigate any problems as necessary.

BHP has about 20 million litres of fuel on site. The waste management building has been completed and two people have been hired to staff it, with one full-time person on site. Key issues are training and getting the data programs up in place so staff can operate the facility.

BHP will concentrate on completing studies and reports over the winter, such as; the EIS for the proposed Sable, Beartooth and Pigeon projects; the final revisions to the:

- Operating Environmental Management Program;

- The Water License/EA Annual report, which is due at the end of March, and;
- The *Impact 2000* report.

BHP is also revising the Environmental Handbook.

The company wants to combine the plain English summaries for the Annual Report and the Impact 2000 Report in order to facilitate production and increase readership in the communities. He asked why is the Agency the only organisation requesting that BHP provide two separate plain English summaries.

**The directors** agreed it is important that the integrity of each report, as a separate document, is maintained. The Agency is comfortable with BHP attaching the plain summaries together as a package, as long as, each can be viewed independently of the other and their discrete function is explained in the introduction.

**Chris Hanks** reported that he has finally seen a draft of the Dogrib Phase II research study. Their researcher quit on them halfway through the draft, but the Dogrib are near completion. The vegetation data and species use information is useful. He is looking forward to a meeting between BHP reclamation staff and the Dogrib people to outline vegetation and replanting zones. The Dogrib terminology is complete and now the Latin names are being assigned.

The Dogrib people have also completed a short nine-minute video on their relationship with the caribou that was quite well received. BHP has asked to use it for its employee orientation packages and would like to add narration to the video. The Dogrib people are trying to develop a land use atlas for their territory. It is the continuation of a Lands and Environment Committee project, which occurred two years ago but was unsatisfactory. The Dogrib people have hired Barney Masazumi to finalize the Atlas. He has since been nominated to the MVEIRB and has declared conflict for the proposed Sable project.

The Kitikmeot Inuit Association (KIA) is near completion of its digitized Project. The KIA database in Kugluktuk is being worked on in order to make it more useful to industry.

The North Slave Metis Alliance's study is complete although it does not address BHP's environmental management goals. BHP would be happy to fund a GIS land use database that is compatible with other systems in the region.

Felix Lockhart has raised the issue of creating a TK Working Group. BHP will only create the group if all Aboriginal groups participate. Currently, the Yellowknives Dene have been reluctant to participate. BHP wants to host a workshop at Ekati in January 2000 to foster Elders' cooperation through site visits. He is meeting Chief Lockhart and the Yellowknife Chiefs later in the day to discuss this.

Discussion occurred about the statement in the letter from BHP to Chief Felix Lockhart (copied to the Agency), which reads "a lot of the impetus for the working group seemed to come from outside advisors to the Aboriginal groups."

BHP felt that it was asked to leave at the TK workshop as a result of non-Aboriginal interests. Full and equal participation of all TK Working Group members is needed to accomplish the goals of forming the Group.

BHP is working directly with Elders by fostering one-on-one dialogue in order to meet the interest. These Elders will be available for the January workshop. For the record, BHP truly appreciates the Agency's input, advice and support, by co-hosting the TK Workshop.

**Fikret Berkes** reported that he and Francois talked about the TK Working Group issue and agreed that everyone around the table must be involved. Although one-on-one dialogue with Elders brought to the BHP site is great, there must be other TK studies undertaken as a part of Phase II.

**Chris Hanks & Scott Williams** accepted the point. The problem BHP is trying to overcome is that most representatives of the Lands and Environment Committees are not always the same as those dealing with BHP and have a different understanding of the project than the Elders who are becoming increasingly more familiar with Ekati.

**Kevin O'Reilly** felt that it is appropriate for Aboriginal people to meet without BHP and the Agency in attendance, such as during the December TK Working Group meeting. He was glad that Chief Lockhart wrote letter because the intention was not to create a Working Group to shadow the Agency. The intent was simply to advise BHP. He would be glad to help move the idea forward. He asked whether BHP has a GIS system on site.

BHP does have a Geographic Information System (GIS) at Ekati but does not have the KIA material. The information will be readily available for the January meeting.

**François Messier** asked about the Grizzly bear monitoring and esker studies. He reserves his comments on the value of the monitoring but would like to know about process, and whether Aboriginal people are to be involved. The draft study design has not been provided to the Agency. He has emailed Rescan and would like the information circulated when it is available as per the recommendation at the wildlife workshop last year.

**Chris Hanks** agreed to provide the study design.

**Tina Markovic** updated the Agency on the Sable, Beartooth and Pigeon kimberlite pipes. The Mackenzie Valley Environmental Impact Review Board (MVEIRB) directed BHP to redo the project description, which has gone to the communities, IBA representatives, and other people. The Review Board received 10 submissions on the draft Terms of Reference. Common concerns were:

- The narrow scope of the Environmental Assessment (EA);
- Addressing cumulative effects, and;
- More definition on the project context.

BHP believes that the physical changes may not affect the socioeconomic environment. BHP intends to submit the Environmental Assessment in January or early February to the

Review Board, before the Wildlife and Aquatic Monitoring workshops in February 2000. Tina Markovic noted that she and Chris have visited the communities to discuss it, and will continue this work in January. The Environmental Assessment report will include the same Value Ecosystem Component tables, and approach to impacts as the *Impact 2000* report. A plain English summary report will be made and translated into different Aboriginal languages.

The Agency noted that BHP did a satisfactory job of revising the project description. For the Environmental Impact Assessment, Bill Ross felt that the two areas of focus should be caribou and aquatic effects.

**Tina Markovic** responded that those areas were a common concern heard in BHP's community consultations as part of the scoping exercise.

The Agency offered to meet with BHP on the Environmental Assessment document.

**Tina Markovic** asked what areas could be improved in the Environmental Impact Assessment.

**The directors** identified the winter road, esker studies, and waste rock piles.

**François Messier** recommended that the Directors review appropriate draft sections. He suggested BHP analyze caribou use *vis a vis* the Sable road. He also commented that BHP should consider changing the operation schedule of the Sable pipe from December to May and stockpile kimberlite at Ekati in order to avoid peak caribou calving and post-calving periods. Francois also asked why is the Sable road is 26 metres wide, 5 metres more than the Misery road, as well as why big trucks are excluded from Misery?

**Tina Markovic** replied that the slope of the Misery pit is going to be different than that of Sable because of the softness of the rock. Sable will be able to accommodate larger trucks.

**Kevin O'Reilly** asked about the cumulative effects of an all-weather road, as well as why an all-weather road is needed as opposed to a seasonal one. He also asked who hosted the public meeting in Rae with the Dogrib Treaty 11.

**Tina Markovic** replied that it was a two-day workshop:

- The Mackenzie Valley Environmental Impact Working Group and the Mackenzie Valley Environmental Impact Review Board hosted Day 1.
- The Department of Indian Affairs and Northern Development and BHP hosted Day 2 to examine the Interim Resource Management Act.

The **Treasurer** presented the Agency invoice for staffing and moving the office, and pointed out that office items on the list are still outstanding.

**Scott Williams** replied that the outstanding funds should be sent immediately.

The **Treasurer** expressed the need for a contingency fund. The directors saw the \$1,000.00

fee for a \$20,000 overdraft protection, per the letter from Gerrie MacGuire, as unacceptable. A proper contingency funding arrangement must be arranged through the bank.

**Scott Williams** said that he will ensure that Alex and Gerrie MacGuire meet on this issue.

**Bill Ross** recommended that a third party be involved in the negotiation of a core budget so that this awkward situation does not occur again.

**Pete McCart** asked why the King Pond habitat survey was not provided to the Agency.

**Scott Williams** replied that he did not know the report had not been given to the Agency. The Department of Fisheries and Oceans has requested that the certain items be restricted until permission is granted to distribute the information. BHP will comply with the regulatory agency's information distribution policies.

**Pete McCart** pointed out that this is not an investigation, but DFO may have a broader interpretation of what information it should suppress.

**Scott Williams** replied that the Department of Fisheries and Oceans would like to restrict items if they are being reviewed for authorization purposes.

**Pete** requested the report for Ulu and Two Rock Lakes, as soon as it is available.

**Scott Williams** replied that the reports are to be sent later in the week.

The meeting with BHP was adjourned.

### **Cumulative Effects Framework:**

The **Chair** urged the directors to recognize that there are many developments in area, such as Tahera's Jericho project and Monopros' Winspear Project. In lieu of these developments, cumulative effects must be addressed.

**Kevin O'Reilly** stated that the negotiations regarding the Diavik Environmental Agreement are not public, and the outcome may determine if the Agency has a role in the cumulative effects framework.

### **Perceived Conflict of Interest:**

**Alex Thomson** informed the Board that she has been approached on occasion about the perceived conflict of interest in individual directors being involved in the Diavik review process. She asked the Board whether there is an issue here that should be dealt with.

The directors discussed the matter, particularly what constitutes a "conflict of interest". Government of the Northwest Territories legislation is primarily geared towards investment and capital interests and does not cover "moral" conflict of interest. Each individual director has a responsibility to declare conflict, if one exists. To date, directors have acknowledged the roles they play with respect to other projects or with respect to the aboriginal groups. No

true conflict of interest has been identified. Directors have been very clear about their other roles. The Directors unanimously agree that the Agency's positions and recommendations regarding the Ekati project are made through consensus, and are not influenced by work undertaken by any individual director on other projects.

It was suggested that the Agency develop a Director Code of Conduct/Conflict of Interest Policy. The Directors had differences of opinion on the usefulness of such a policy, but it was decided as an initial step to investigate the codes of conduct of other, similar boards and administrative tribunals.

**Action item: Alex Thomson to present research at the next board meeting on the effectiveness of conflict of interest policies and compile examples of what other boards and tribunals, which have a similar mandate, have adopted.**

### **Human Resources**

John Holman presented a training plan to enhance his job-related skills, based on funding available through the *On-The-Job Training Program*.

**Alex Thomson** has reviewed the training plan and believes it is manageable with the Agency's work plan. She assured the Board that staff training will enhance their abilities to fulfill the Agency's mandate. The directors fully supported the training plan as long as the office duties do not suffer.

**Action Item: John Holman to begin training under the approved training plan once funding is secured in the form of a contribution Agreement with the Canada/NWT Service Centre's *On the Job Training Program*.**

### **Presentation by Aalice Legat, Dogrib Traditional Knowledge Study:**

The meeting began by getting an idea of the items that interest the Agency. Aquatic issues and the Dogrib TK Study relationship with BHP were mentioned.

**Aalice Legat** reported that the Dogrib Treaty 11 Phase II Traditional Knowledge project is not yet complete. A researcher has been hired and will be validating the information already collected and collecting additional information on the diversity of resources downwind and down water of Ekati. BHP has been supportive of this work.

There is a water quality specialist working with the Dogrib TK team who will be doing a study of the TK results compare with conventional water quality sampling. In the future, the Dogrib TK research will focus on water and fish. While the focus of this research for BHP is on documenting biodiversity or resource variations as the elders know in specific cultural areas, the overall goal is to explain to young Dogrib people about traditional land uses.

In one of the WKSS projects the Dogrib team will be comparing the habitat types identified through TK with RWED's interpretation of satellite images of vegetation communities. The Dogribs would like to use common classifications for plant communities, however, they do not want to have an ethnobotanist conduct a complete statistical analysis as part of this field

work, as suggested by BHP. The reason is that they have found that researchers get more information by working directly with elders. Once researchers know the name of the plant/fish habitat in Dogrib and understand its significance, the Dogribs will work with the botanist at RWED to identify the plant, and will do the same with fish and other animals. The Dogribs have found that if they bring in an ethnobotanist too early in the research, they do not get the same quality of information.

BHP wants more control over the Dogrib projects than is comfortable for the Elders. For example, the Dogrib produced a video on caribou that was well received at an anthropology conference in Calgary. Many agencies want to use it for teaching purposes, including BHP. BHP would like to add narration and use it as part of staff orientation. However, the Dogrib feel that the video was too short (10 minutes) to add narrative, and that there would be too much information in too short a period of time. The Elders want to maintain the integrity of the visuals and felt that the addition of narration or sub-titles would detract from the images shown. The Dogrib will produce a pamphlet to accompany the video.

In the bigger picture, the Dogrib continue to research habitat types and interpret place names to determine how many are indicators of biogeographical knowledge. So far, 3,000 names have been identified and satellite overlays of vegetation areas are complete.

Plants are being photographed and information on the plants documented in a Dogrib language plant book that will match Dogrib names with Latin equivalents. They are working on an atlas focusing on the environment and Dogrib place names. The caribou study is ongoing, although funding ends in March. About 50 Elders are being interviewed. Part of the research is to compare location of roads, fires, and other human land uses with places where the elders have said caribou have been disrespected. The Dogrib maps go back to 1915 and include information on caribou, fires and other indicators. The original maps are in colour.

**Tony Pearse** asked what BHP's response has been to the Dogrib's Phase II project.

**Alice Legat** replied that BHP has indicated that they do not seem to know if the information is relevant to monitoring and managerial decisions.

**Fikret Berkes** suggested that the Dogribs retain a botanist to match the Dogrib names to scientific names in order to address Chris's concerns.

**Alice Legat** explained that Chris Hanks would like to see more of the area's ethnohistory, which she thought would be interesting but beyond the scope of the present work. Alice emphasized that overall there are no big problems with the BHP-funded work and that the small issues will be resolved.

**Bill Ross** replied that he doesn't think that the Latin and Dogrib names for vegetation will be sufficient. Common English words must be used for the plants in cases where they don't know the Latin or Dogrib names.

**Tony Pearse** asked why BHP is not allowed use the video with narration, since it probably would be useful to them.

**Alice Legat** replied that it is a home video produced with surplus money. The video is meant for fund-raising and for use in schools, and now BHP wants to own it. She explained that it was expensive to make the video, and the funds it generates will be used to shoot a longer video. However, the Phase II projects and commitments must be complete before proceeding into this project. The narration requires non-existent resources and personnel during a time of looming deadlines.

**François Messier** asked whether Alice has heard anything about the water report on the BHP claim block. It was his understanding that the Dogrib Phase II report dealt with aquatic resources.

**Alice Legat** replied that two people are completing the report, but it is not just about aquatic resources. It's a Phase II report on all resource use in the claim block, resources which are important to the Dogrib people downwind and downstream from the mine.

**François Messier** said that the Agency understands the difficulty of how to use TK in conjunction with the environmental management of the project. He asked whether anyone is working with the Elders on water turbidity, changes in fish and other such issues.

**Alice Legat** replied no, but that they want to work more on fish and water and hope to start this year.

**Pete McCart** asked whether any air photos are available from the 1940s for comparative analysis to the Dogrib mapping work.

**Alice Legat** replied that there is no comparative analysis. A 1995 study on caribou fences reported that hunters said that flutters on trees from survey workers were confusing the caribou in the winter; this was during the staking rush of 1992-93. Some work was done on caribou fences in 1995 to examine the relationship between flutters and the caribou. Lupin had a caribou fence of pink flutters and yellow rope; BHP did the same thing around their airport. It didn't work so the rope was doubled.

There was some discussion of how the Dogrib used snares in the fall, and fences in the spring for hunting. There is a problem of how the scientists were observing the flutters. The flutters worked in the summer during grazing time but not during the migration period. The Dogrib people have decided to bring together some elders and hunters to design a new fence that works.

Possible mitigation measures for caribou accessing the BHP airport were discussed. Large caribou movement is virtually unstoppable. It was felt that Dogrib traditional knowledge could be very useful in this context. As depicted by the traditional legend depicts, the cooperation of large groups of people and respect of the caribou, in addition to deterrents, are what allows the Dogrib people to drive caribou herds.

Although it is difficult for scientists to come to terms with where belief ends and knowledge begins, patterns are developing in the mapping of TK sites and existing land use.

BHP's involvement in the TK Working group was discussed. At the TK workshop, the



Aboriginal groups wanted to meet first without BHP in attendance. BHP has raised concern over being excluded and became upset when the Aboriginal members held a caucus in Lutselk'e.

Although the Dogrib people want the group, inter-Aboriginal issues may need to be resolved and some members may want to run independently, much like the Agency, but more negotiation is required with BHP and the Aboriginal parties.

### **West Kitikmeot Slave Study (WKSS)**

**John McCullum** updated the Directors on the WKSS research within the North Slave Geological Province, including data on biological and socioeconomic figures, for example, and other baseline information.

The WKSS Board makes decisions on funding research that meets their review criteria, and communicates the results of those studies to its partners, public, and other audiences. Board members include the Metis Nation – Northwest Territories, Designated Inuit Organizations, Nunavut Co-Management Organizations, Dogrib Treaty 11, Akaitcho Treaty 8, an environmental representative (World Wildlife Fund), the governments of the Northwest Territories and Canada, specifically at the funding level, and others. The Nunavut Government has not declared itself as a partner yet, which is a developing issue.

WKSS Board has reviewed 44 proposals, funded 24, and the projects are in various states of completion. None of the reports are considered complete until the WKSS Board signs them off, and this requires an independent peer review. Biological studies include:

- TK knowledge of caribou
- Bathurst Caribou movement
- Caribou reaction to tailings
- Bathurst Caribou calving grounds
- Grizzly bear ecology
- Wolverine Ecology
- Esker wildlife habitat
- Habitat classification
- TK knowledge of habitat
- Tuktu and Nogak
- Kache Kue

As for the Wolverine ecology project, the radio collars are lasting as little as half an hour. From the research that is in it's been determined the wolverine have small territories. Right now wolverine harvests are being tracked in Kugluktuk.

On wolf movement, the main thrust was to determine den fidelity. It's been determined that wolves follow the caribou pretty closely, except during the pupping season.

In Treaty 11, habitat zones have been identified and approximately 100,000 square kilometres have been mapped according to their vegetation classification. The rest of the work remains in contiguous areas of the geological province.

Physical projects:

- Aquatic Impact of drilling on ice
- Water turbidity

Research has shown that there may be more toxicity in kimberlite drilling targets, compared to non-kimberlite targets. The researcher will take pre-drilling samples, post-drilling samples, and then samples a year later. One-metre sediment samples have revealed diatoms. The samples also showed that there were more open water periods in the late 1800s than currently experienced.

The esker study showed wolf dens were in esker-related formations adjacent to the eskers, not in the esker themselves. Archeological sites, drainage of the area and proximity to water source were examined, as well.

Socioeconomic research:

- Community based monitoring – indicators
- TK on Community Health
- Community Based monitoring

WKSS has received \$430,000 from industry this year, \$93,000 from the Aboriginal organizations, and \$10,000 from environmental organizations. \$83,000 is still required to meet the current budget.

The value of WKSS lies in:

- Building partnerships
- Sharing resources – research information, funds, knowledge, in-kind contributions
- Accessing information

Any final report is publicly accessible once the board has signed it off, but the data belong to the researcher. If the researcher releases it before that time, there is no conflict. WKSS can have access to the data, though, in that case. WKSS also can make the data public 18 months after it is received, giving the researcher enough time to publish it.

**– Meeting Concludes –**