



Independent Environmental Monitoring Agency

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**Summary of Discussion from the
Inter-Agency Coordinating Team (IACT)
Meeting of September 5th, 2003**

Participants:

Jane Howe	BHPB
Eric Yaxley	Dept. of Indian and Northern Affairs (DIAND)
Lionel Marcinkoski	DIAND
Andrea Cole	DIAND
Rebecca Choinard	DIAND
Anne Wilson	Environment Canada
Stephen Harbicht	Environment Canada
Darnell McCurdy	DIAND
Bart Blais	DIAND
Gavin More	RWED
Jason McNeil	RWED
Latisha Heilman	MVLWB
Dave Balint	DFO
Elaine Blais	DFO (via speaker phone)
Sean Kollee	Agency

Chair: Eric Yaxley (DIAND)

Chair of Water Licence Renewal Discussion: Jane Howe (BHPB)

Darnell provided the IACT group with an update on his most recent inspection that occurred in parallel with the IACT site visit. He conducted an annual cleanup inspection of all Leases, Land Use Permits and Water Licences. He mentioned that Lease inspections are confidential between BHPB and the Canadian Government. Leases provide the right to be on the land from the Federal Government.

Darnell mentioned that he also inspected Norms Camp and Boxcar Camp (as part of an exploration inspection). His only concerns are empty drums remaining at the camps. The drill site evidence was difficult to view due to its small footprint.

Some of Darnell's past concerns such as the cement berm at the Misery refueling facility are being addressed by BHPB. The landfill was found to be clean and covered at Misery. BHPB has requested permission to commence toe berm construction at Fox pit. Zone S is now at the point where it must be filled in (at Zone S contaminated rock from the pits is deposited and is frozen into the waste rock pile). The main landfill is ready for another lift (the landfill perimeter is raised along with the incoming garbage to ensure it is

sealed). The Klemke crusher is closed, it is a mobile rock-crushing machine that caused many spills. It will be salvaged or buried in the landfill. BHPB has plans to develop Cell A (of the LLCF) and Darnell is investigating the process surrounding this. Seep 18b and 19 out of the waste rock pile are a concern. Seep 19 has exhibited lower pH and elevated aluminum. The area will be sandbagged to contain flow and flow taken elsewhere for disposal. BHPB's initial theory is the water is not mine-caused because the flow out of the toe berm is clean. The seeps flow into the Bearclaw Lake area.

Darnell was asked to relay the status of the spill clean up at the Fox tank farm. No further progress was reported, other than a commitment from the company for placement of sump pumps in all tank farms for water retrieval if necessary. Natural attenuation, snowmelt and rain are potential natural inputs of water into a bermed area containing fuel tanks. It is important that no heavy machinery is used in the lined area due to the likelihood of damage and eventual leakage from it.

Jane delivered a presentation to assist the IACT group reviewing the N7L2-1616 Water Licence:

The definitions section was first discussed for terms such as waste, and acid rock drainage. There was substantial discussion on the definition of dewatering, because is not a comprehensive enough definition for activities that are more likely to be called decanting, such as pumping from Cell E to Leslie Lake. It was mentioned that the Sable, Pigeon and Beartooth water licence has a definition for 'discharge' that could be incorporated into the renewal licence.

According to Latisha, convergence of the Type A water licences could occur in 2009 by combining both expiring water licences; therefore the new licence would be granted a five-year term. BHPB mentioned that a possible consequence of this is that any change to the licence may require a public hearing to modify it. Some of the same issues that were resolved at the previous hearing may not need to be opened again. Others felt the simplification of having both Type A water licences together would be very useful to regulators and the affected communities.

Mine development plans were discussed; BHPB feels the plans are living documents that change regularly based on new data. Referencing 1996 documents in this definition may cause confusion of other more relevant and current documents that supercede old management plans. The reference dates in the licence should be changed to reflect the new revision date.

Mine water – the definition should be updated because it is not all used in mining, often it just flows in through precipitation and settles in the sump.

Mine water-settling pond – change to reflect the temporary and fluctuating position of these structures within pits as the depth of the pit increases as apposed to the LLCF, a permanent structure.

Phase 1 tailings containment area – this will no longer exist in the future so is not needed to be defined in the licence.

Tailings – BHPB prefers to define tailings as processed kimberlite.

WEMP and AEMP – these need to be redefined or included (i.e. WEMP is not water effects monitoring program, it is wildlife effects monitoring program).

Part B - General Conditions

Security amounts have not been discussed by the MVLWB. A reclamation trust fund is an option for securities that is currently unused that was mentioned. All of part 5 was agreed to need updating.

The process for proposing changes was discussed by the group. It was agreed that there are a variety of approaches to suggesting changes. It may or may not be appropriate for the proponent to deliver a first draft of recommended changes. Generally the renewal is viewed by the MVLWB as an entirely new application. It is seen as useful for the proponent to provide a rationale for any changes because the company has different perspectives than the regulators. BHPB would like to see any working group that is formed ensure that the individuals involved stay the same throughout the process. New people may need to be brought up to speed outside the working group by their own agency.

Darnell suggested a change to Part B so that monthly and annual quantities in mine water pumped are included in the licence. He would also like changes to the SNP to be made easier by adding the inspector to be added to article #7. This would allow changes to be made by the inspector as well as the MVLWB. Any field change made by the inspector could then be approved or modified by the board at a later date, taking care of the immediate need at the site.

Part C – conditions applying to water usage

Mesh size on fish should be calculated by DFO. BHPB has a change request for the amount of freshwater to be withdrawn from Grizzly Lake to increase it slightly above the current maximum, while reducing the withdrawal limit from water bodies it does not use. DFO has a protocol for water draw down from water bodies set up for oil and gas developments it can use for guidance.

Part D – conditions applying to dewatering

BHPB plans for no further dewatering of new lakes for N7L2-1616 licence so this part of the licence is no longer necessary. However, the decanting aspect of ongoing activity remains relevant. Dropping water levels in cell E for example is ongoing by BHPB.

The definition of minimizing erosion is a very qualitative judgment. A way around this measurement would be language such as 'erosion prevention structures' must be incorporated into the design.

Item 7, instruction to avoid exceeding 2.55 m³/sec of pumping and 0.52 m³/sec during other months is based on Panda watershed only, and should not be applied to all other areas. New item should be more flexible and recognize differences between various watersheds.

Part E

The IACT group considered the merits of adding ephemeral water bodies to the scope of the water licence. This is related to the Fox development where the Fox waste rock pile footprint was reduced and two ephemeral bodies that were planned to be covered began to flow into Fox pit. Action is needed to ensure the water can be managed. Some scope in the water licence needs to be added to deal with the water. It was also mentioned that during construction of the Fox portal (that was designed to avoid groundwater), some water of uncertain origin was encountered and potentially could be harmful to the aquatic environment.

Next meeting at October 6th at the Agency boardroom, 1:00 pm.