

***Independent Environmental Monitoring Agency
32nd Meeting of the Board of Directors
Yellowknife, Northwest Territories
February 1st, 2nd and 5th, 2003
Summary of Discussion***

Directors

Red Pedersen	Tim Byers
Peter McCart	Bill Ross
Tony Pearse	François Messier
Bob Turner	

Staff

Carole Mills
Sean Kollee

Saturday February 1st, 2003

Meeting called to order by chair at 8:30.

Agenda reviewed and accepted.

Information Updates:

Red, Bill, Bob and Tony: No information update to report.

François: Reviewed the Wildlife Effects Monitoring Program (WEMP) and organized the 2003-2005 work plan and budget.

Tim: Plans to meet the Lutsel'k'e Lands and Wildlife Committee on Friday.

Pete: Reviewed the Stark lake fisheries component of a report from DFO. Mentioned that Marc Lange from DFO will be taking over Carole's position at DIAND, and Elaine Blais will be taking over Marc's position. He examined the AEMP 2002 report and AEMP re-evaluation and refinement report (2003-2007). He met Marc prior to the Board meeting and discussed the PDC synthesis document. He suggested BHPB might need to do a 5-year review of the PDC.

Carole: DIAND's Northern Contaminants division went on tour to present 5 years of research to the communities. Comments from the elders were heard regarding problems with BHPB and Diavik. These comments were later removed from the record at the request of the Dene Nation for internal clarification.

Carole clarified the makeup and mandate of the Dene Nation, a political organization that represents the five Dene Nations (Dogrib, Gwich' in, Sahtu, Deh Cho and Akaitcho). The Dene Nation is becoming increasingly cohesive on environment issues.

Sean: Delivered the staff update including a discussion of current events and logistics of the BHPB environmental workshops and the Agency Board meeting.

Traditional Knowledge (TK) Workshop (March 12-14, 2003):

Hal Mills (GeoNorth), who is coordinating the TK workshop, made a short presentation to Directors about the recent events leading up to the Agency meeting.

GeoNorth TK Proposal:

GeoNorth was the successful bidder to manage the TK workshop as described in our June 2002 RFP. There was concern from EMAB that too many TK experts were invited and the workshop was delayed at that time for scheduling reasons. In January the proposal was re-submitted and the TK experts were removed from the work plan. At the last EMAB meeting Brenda Parlee was re-inserted into the proposal and the associated cost has risen to \$19.5k (GeoNorth's component of the total cost is shared between EMAB and the Agency).

Focus of the Workshop:

The workshop will not be an exchange of TK; instead it will focus on process and procedures on how to get TK worked into adaptive management of the mines. The Directors emphasized this focus. Discussions with EMAB have clarified four main 'How' related topics for the workshop. These are how will TK be gathered, accessed, used in managing the mines (this last is the overarching purpose that all others relate to), and be monitored by communities.

Concern about participant distribution among EMAB society members:

Hal had understood that each party to the EMAB environmental agreement could invite 2-3 participants. EMAB had determined only its five aboriginal members could invite participants. The EMAB strategy for participant invitation was agreed to by all parties at the meeting.

EMAB Update:

Bob delivered an update from EMAB on the TK workshop. Florence Catholique had requested a one-page description of what the Boards are trying to accomplish to take back to her community. The priority of the workshop remains to provide aboriginal groups an opportunity to develop a mechanism to incorporate community involvement in environmental management of the diamond mines. This priority has not changed since the possibility of the monitoring agencies hosting another TK workshop was raised in the

summer of 2002. A note from EMAB was distributed by Bob and provides a further breakdown of numbers of participants. EMAB is in agreement with the Agency that it must be the aboriginal members that meet, not a large group with various employees of other agencies and governments. Bob's first step was writing to aboriginal leaders to see if they were on side with this idea, and he determined they were supportive. It was agreed EMAB and Agency non-aboriginal members may attend the TK workshop but not distribute invitations.

Director Comments:

The Directors re-iterated that this workshop concept resulted from the outcome of the previous IEMA sponsored TK workshop in 1998 and annual report recommendations where the Agency suggested aboriginal members should meet alone as a group to determine whether or not there is a basis for a common approach to dealing with the issue of having TK used in environmental management at the mines. Once that question has been answered, the question of how to do this can be addressed. The urgency to determine this, before setting up a structure to do this, remains and the workshop should not diverge from that focus.

The Directors also noted there is an enhanced Agency obligation to be involved in this matter as an outcome of the 2002 AGM. After 5 years of operation, BHPB and aboriginal members still want to use TK to aid in environmental management. This should create an ideal opportunity for the workshop to produce meaningful results towards this goal.

The aboriginal participants at the workshop will be assigned two important tasks: to come up with uses for TK themselves rather than have professional TK experts attempt to do it; and, to decide if they can work together or if each community should work on TK separately.

Bob Turner noted that the fish palatability event hosted by Diavik was a useful exercise and is something to build on. Diavik is building a camp to facilitate annual fish sampling events and for other purposes of monitoring by the communities. A camp north of the mine set up by BHPB for caribou monitoring could demonstrate further progress in the use of TK.

Bob also mentioned EMAB Directors are responsible for selecting participants from their communities directly. Hal mentioned he is working on a draft agenda for the workshop.

Budget:

The Directors discussed a budget for the workshop and agreed the Agency is fully committed to it. The following motion was unanimously passed to formalize the commitment.

Motion: Agency will fund 50% of the TK workshop.

Some costs were discussed for the workshop such as the consultant fee (\$20k), travel (\$15k), honoraria for participants (\$9k), translation (\$8k), sound equipment rental and set up (\$8k), catering (\$3-5k), other costs (\$5k), and the total was estimated at around \$60k, of which the Agency cost would be \$30k plus Agency Director costs. IEMA's next Board meeting was rescheduled to coincide with the workshop to reduce travel costs.

2002 BHPB Aquatic Effects Monitoring Program (AEMP) Report, 2003-2007 Synthesis and 2002 Panda Diversion Channel (PDC) Report:

Pete discussed his overall impression of the 2002 fish data and the elevated zinc levels observed in fish in Kodiak Lake. He theorized that water in the PDC that flows through culverts could be the source of this zinc. The current levels were estimated to be at one third of CCME guidelines for water quality although it could be much higher in winter. The Agency will continue to monitor this but no action was recommended at this time.

Cell E is a possible indicator of worst-case effects on fish and the Agency may suggest that BHPB test fish from LLCF. Zooplankton is also a possible topic to study for Cell D and E.

Dwarf Lake Cisco exists in LLCF. These are the main food for lake trouts when they are found in the same lake. The Directors mentioned that Environment Canada is studying Cell E already (benthic invertebrate re-colonization study). Apparently zooplankton is the food source of lake trout (rather than benthos) in these lakes. Marc Lange (DFO) will review his notes to locate a BHPB statement that Cell E should be saved as a future study area to monitor the effects of mine effluent on fish.

Geoff Clark from the KIA has requested Agency technical assistance on a proposal for monitoring water on the Coppermine drainage. Pete will meet with him on Monday to discuss the details. Red mentioned this is a reflection of the Agency's offer to our members to provide expertise they require from Directors.

Nick Jones' research papers on grayling size in the PDC were discussed, and Directors would like to know when they would be published by asking at the upcoming BHPB workshops.

Action Item #1: Determine when research papers on grayling size in the PDC will be available to the.
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Purpose of BHPB Annual Environmental Workshop:

The Directors discussed the purpose and history of the workshops for the benefit of the two new staff members. In 1997 when the Agency was created, the Board met with BHPB and Rescan to discuss the company's proposed aquatic monitoring program. The program needed significant changes, and the Agency suggested a workshop with all stakeholders to help improve the monitoring program. This process has occurred

annually since 1997. The purpose of the workshop is to review the results of the previous monitoring year, and to improve what will happen the following year. The Agency believes this general approach has benefited the monitoring programs substantially and allowed them to evolve into their current status. The meeting occurs at both a technical and community level of scientific language. Some of the more technical content has been moved into a December pre-meeting so as to allow more meaningful community involvement in February. In the last four years there has been a seepage workshop in early May, another initiative of the Agency from past years.

Preparation for BHPB Environmental Workshops:

Directors mentioned the need to study the dust monitoring results to prepare for the workshop since this is new material.

During the WEMP workshop last year a motion was passed that BHPB report on the cause of all wildlife mortality they observe around mine infrastructure. Interpretation of mortality needs to be correct because when there is more encompassing reporting more issues will potentially be identified. It was speculated by Directors that a wolf pack has likely learned to use mine infrastructure around Misery camp to prey on caribou.

BHPB Three-Year Impact Assessment Review:

The Directors discussed the procedure for BHPB's mandatory consultation on the three-year review and looked back at the previous three-year review to discuss potential improvements.

Action Item #2: Staff should determine what BHPB's consultation plan is for the Impact 2003 three-year review report.

Directors wanted more trends and reliance on the impact statement for the three-year review, with a priority given to more recent and more significant effects.

The qualifiers attached to effects and the definition of 'effect' is important in the report. An effect is detected if a measurable change has been measured. BHPB should be aware of this definition while writing the report. The stakeholders can determine the significance of the effect later.

Directors discussed reporting all changes vs. just those that are of significant concern. It was agreed that environmental effects caused by the mine must be reported in their entirety as well as prioritized. Three-year reports must include trend analysis, in contrast to annual report that just contains current-year data.

Action Item #3: Directors to provide Impact 2003 discussion points for staff to discuss at BHPB's upcoming consultation meeting.

Fish Habitat Compensation:

Directors discussed compensation for Pigeon stream habitat losses. DFO has the authority to determine if improved habitat meets the 2:1 habitat gain to loss ratio.

Aboriginal groups are not inclined to attempt to improve undisturbed areas to compensate for lake and stream losses at mines. They would rather have remediation projects funded for previously affected habitat on their own lands. Measuring the amount of habitat creation from these improvement projects is not necessarily possible. The improvement projects also would not likely compensate for the precise quantity or type of habitat units lost at developments such as stream habitat at diamond mines.

The Pigeon mine development schedule was discussed in relation to the recent DFO fisheries authorization for Sable, Pigeon and Beartooth.

Air Quality Monitoring Program:

The Directors discussed the BHPB air quality-monitoring program. They observed that nitrates and sulphates (gases not associated with particulates) are being distributed broadly (at least 20 km). The source of the nitrates and sulphates is thought to be fuel combustion according to BHPB. Ammonia particles have more time to react in transport to form nitrate

Zooplankton Sampling:

Pete discussed the results of zooplankton sampling for 2002. He mentioned that the data are highly suggestive of a downward trend (declining Cladoceran abundance) although not definitive. He recommended that the interested parties wait for an additional year of data so the trends are better established. BHPB agreed to do an additional year of work and add sites on the remnant of the LLCF (Cell D, E and Leslie Lake). This should be sufficient action at this time.

Part of the Director discussion related to zooplankton importance to the ecosystem and the energetics of feeding in fish. All species of fish eat zooplankton at some stage of their life. Every zooplankton that appears in a stomach is the result of an individual effort to capture it.

The Directors would appreciate information on fish that remain in the LLCF such as what they are feeding on. However zooplankton sampling is more informative. The Directors want to find out what is happening in a lake that is supposedly unaffected (such as Moose Lake), if declines in zooplankton are a result of natural variation or as a result of water coming down from LLCF.

Preparation for AEMP Workshop:

The threshold used by BHPB for human ingestion of fish containing mercury levels is 0.50 ppm. However, a threshold of 0.25 ppm may be preferred for heavy consumers of

fish as stated by the Health Canada guideline. According to the 2002 AEMP technical report 11 lake trout liver and 7 muscle samples exceeded the Health Canada guideline of 0.5 ppm. One average mercury concentration in lake trout liver exceeded the guideline (Slipper Lake). Mercury levels exceeding the Health Canada guideline were not attributed to the mine. High mercury concentrations are often found in large lake trout in undisturbed northern lakes, this is considered to be the case at Ekati. Pete decided to investigate mercury levels in fish by studying the AEMP report further and presenting his findings to the Board later in March.

Directors felt AEMP report was better written this year and reflected better efforts to respond to deficiencies than in the past years. A major question is the fate of the PDC at the end of the mine life.

Adjourned at 17:00

Sunday February 2nd, 2003

Preparation for BHPB Environmental Workshops:

Directors discussed the issue of whether suitable growth and survival rates of fish born in the Panda Diversion Channel (PDC) were being achieved. There was discussion about the techniques being used to determine ages and growth rates of Arctic Grayling in the PDC and what routine fish testing occurs. The oldest fish hatched in the PDC were assumed to have returned last year if they had survived to spawn. Survival is related to size in this species. Ephemeral streams were discussed due to the high water year in 2000, as young of the year may have been produced in those streams (draining to Kodiak Lake).

Directors discussed the issue of growth and survival rates of fish spawned in the PDC

Directors may want to recommend a special effects monitoring program (SEMP) for arctic grayling in the PDC depending on results of research soon to be released.

2003-2005 Work plan and Budget:

The Treasurer reviewed the draft work plan for 2003-2005 which increases the agency's focus on TK integration, new work relative to the mine expansion, dust, reclamation, and refining monitoring programs for 2003-2007. Issues that required a large amount of effort from Directors in the past such as Kodiak Lake are no longer necessary and allow room for the new focus.

At the last Board meeting, Directors discussed additional initiatives to consider for the work plan. Depending upon what comes out of the March TK workshop, the TK/community knowledge section may need to be a special funding request over and above the core budget; we cannot estimate this right now, but it should be carried out as a cost-sharing initiative with EMAB.

The core budget has a 3% inflation rate. Staffing has exact costs, not just costs plus inflation; the accommodation allowance for the Chair has been removed since it is not needed. Honorarium includes 14 extra days for Chair community consultations.

Directors discussed the work plan and modified it slightly to reflect the Agency commitment to increased aboriginal involvement. They also wanted to include a provision attached to the statement about increased funding for a partnership program with EMAB related to TK coming later in 2003. An Agency newsletter will be published if it will be useful, informative and non-repetitive.

Agency Finances:

Up to Jan 1st, 2003, the Agency has spent approximately 62% of its budget and it is not expected that we will experience a shortfall in this fiscal year. The Agency has spent \$27k more than last year at this time but the month of January is lower in 2003 than 2002. Expenditures for the TK workshop should be made in March, so as a matter of proper accounting we must ensure the invoices are paid prior to financial year-end.

Directors discussed sharing electronic equipment with EMAB such as EMAB's digital camera to reduce expenditures on depreciating equipment and Bob Turner supported this.

Agency Annual Report:

A number of issues were discussed for the Agency annual report. Carole is to initiate work on some of the topics and prepare them for comments from the Board over the next few months.

Action Item #3: Contact Outcrop Communications regarding annual report deadlines and budget.
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Directors agreed to plan the 2003 AGM for October as it was done successfully last year. This will set the printing and distribution date for the annual report to more than one month prior to the AGM. The budget for the annual report will be based on last year because the cost included a plain language version.

Preparation for Wildlife Effects Monitoring Program 2003 Workshop:

François noted that the 2002 WEMP report included no surprises and the data are well summarized. Separation of data between caribou northern migration and the rest of the year, as was recommended to BHPB last year, was an improvement to the report.

Golder is revamping the protocol for wolverine monitoring (right now it is based on snow surveys only when there is adequate snow conditions). Scent station monitoring has been suggested and would be an improvement that we support, but the Agency has not had a chance to review a detailed proposal yet.

Directors discussed caribou killed by wolves along the road and the problem of caribou carcasses. Carcasses could be removed so that predators do not associate roads with food. Within 2 km of building infrastructure, removal may be the best choice. Roads must be easy to cross for caribou so that wolves will not be tempted to use them as aids in taking caribou.

Preparation for Reclamation 2003 Workshop:

The Directors discussed the following reports which have been prepared in advance of the workshop:

1. Ekati Revegetation Research Project, 2002 Annual Report
2. Ekati Processed Kimberlite Tailings Reclamation Research Program, 2002
3. LLCF Vegetation Research graduate student's thesis, 2002

The currently approved interim reclamation plan stipulates that LLCF will be covered with rock cover at closure to allow permafrost to accumulate. Alternatively, the area may be revegetated.

How BHPB obtains credit for progressive reclamation is an issue. Future progressive reclamation should not be assumed in advance. Only credit for reclamation that has already taken place is appropriate. For roads, the plan is simply scarification of the surface. The waste rock pile has little reclamation planned. A revised A & R plan will allow the Agency to contribute meaningfully when the time comes. The security deposit is derived from the existing A&R plan. If BHPB commits to more substantial reclamation activities, it could have to increase the security deposit. In ten years, the reclamation issues will become a major focus of IEMA's work.

DIAND lacks objective criteria for what constitutes reclamation and revegetation--all parties agree this is necessary. It was noted that our recommendations regarding security deposit for the Sable, Pigeon and Beartooth expansion were accepted last year.

Human Resources:

The Directors agreed to appoint Carole as a signing authority for agency funds

Motion: Directors approve Carole Mills of having signing authority for the Agency.

The motion was unanimously approved.

15:00 Adjourned to read and prepare for environmental workshops.

Wednesday February 5th, 2003

Discussion of BHPB 2003 Environmental Workshops:

Carole discussed commitments BHPB verbally agreed to at the environmental workshops.

AEMP:

- Zooplankton will be done in Cells D and E, Moose and Leslie (JW)
- BHPB will do summer and winter sampling at Grizzly for more than water quality

PDC:

- Once stakeholders have reviewed the Tyson report used in the court case. BHPB will consider a Special Effects Monitoring Program (SEMP) for the PDC if there are still concerns identified.

Revegetation:

- BHPB will do a risk-assessment for wildlife consuming vegetation with elevated metals from kimberlite tailings (JW).

WEMP:

- Kugluktuk and Lutsel k'e have participated in a pilot study to observe caribou and caribou injuries. BHPB welcomes the addition of other communities as this study continues. (AA)
- BHPB could have a future meeting to discuss contaminant levels in wildlife (AA).

Directors discussed the need for BHPB to show how TK and the WEMP work together. It was observed that some elders do not want their TK work to be used by Golder in the WEMP. BHPB is also not allowed, or able, to carry out some of the requests of the elders (e.g. testing dead animals or determining causes of death is RWED jurisdiction, or mitigating global climate change). Carole mentioned the elders do not feel they are involved in changes to the wildlife program; instead they are just informed about changes that are going to happen. A TK advisory group was her suggestion to improve this. Red mentioned elder comments about poor taste and leaner animals, possibly part of a larger problem the mine cannot be responsible for or address properly.

Meeting with BHPB:

Red welcomed BHPB and initiated introductions between the Agency and BHPB (Rich Rein, Rob Didur, Denise Burlingame, Chris Hanks, John Witteman and Jane Howe). Jane announced her now permanent role as permitting co-ordinator (replacing Derek Chubb).

Koala North Underground Mine:

Rich Rein was introduced as project manager for Koala underground operation, the first underground kimberlite mine in Canada. Rich presented slides on his role and details about the underground mine:

- In his previous assignment he managed BHPB's Hope Bay project
- Panda open pit is near exhaustion as a surface mine
- Koala north was discovered after mine operations had begun
- A tunnel entrance has been dug (trench).
- Exhaust from the mine will come up through the open pipe
- The contractor is KeTe Whii in a joint venture with Procon
- BHPB manages the mine and provides safety services
- Procon supplies all equipment for the duration of their contract
- At 1200 tonnes of ore per day there is approximately a 5-year life of the mine (including preparation)
- The first underground mine will answer many questions involved in underground mining of panda and koala mines
- Koala north infrastructure will be used to access Panda and Koala underground operations when they start. Panda pit currently produces 8000 tonnes per day, and the total mill has a capacity of 9000.
- Right now BHPB is at the seventh level of the underground access ramp
- Bottom of Koala North is at 125 m above sea level. The top of Panda pit is at 165 m, Koala is 225 m. It is not known how far Panda will go down
- All underground equipment is diesel
- No ground water flow to date due to permafrost. Panda will become the hydrologic deep point and will have a pumping system
- Koala north was under Koala Lake and the kimberlite is not frozen although the granite surrounding it is. Pumped water will go into the mine dewatering system then into long lake. TDS may rise as depth increases. However rain will be the source of the highest volume of possible water flow
- Panda underground approval from BHPB is expected later this year. Construction could also start this year. Regulatory approval was secured during initial project review
- Expertise from the Island Copper mireimictic lake team will aid BHPB to create models for flooding the empty pits. One objective is to prevent the lakes from becoming overly oligotrophic (through the downward leaching of nutrients annually)

Directors thanked Rich Rein for his interesting presentation and requested information concerning the water chemistry within the pit lakes. BHPB was also asked about filling pit lakes with kimberlite tailings.

Action Item #4: Discuss water chemistry modelling of major ions in pit lakes with BHPB.

Sable, Pigeon and Beartooth:

Rob Didur presented slides on the Sable, Pigeon and Beartooth mine plan:

- A 25 km road to Sable pit will be completed following the development of the Beartooth pit
- Project status: engineering studies and design for the project are nearing completion. The permitting process has been difficult and caused delays. Beartooth was delayed two months but construction was started January 29th, 2003. Sable was delayed in order to conduct further environment baseline studies and an opportunity to use Beartooth waste rock in road construction. Pigeon is delayed and the fisheries authorization expires at the end of 2007
- A discussion ensued related to the uncertainty of the 2007 deadline for the Fisheries Authorization. Leslie Lake will not be available to use for the next Fisheries authorization. This fisheries authorization is the first that has an expiry date other than 'life of mine'
- Beartooth is the last pipe to be developed within the original footprint
- The critical path of development for the Bearclaw dam construction and pipeline diversion system around the Beartooth pipe and dewatering of Beartooth Lake requires its completion by the end of April 2003. Ore production is estimated to begin in early 2005 (after 1.5 years pre-stripping). Waters not meeting discharge criteria will go into Beartooth Lake and then LLCF for clarification
- Two pumps will be used to divert water from Bearclaw into north Panda Lake.
- Sable road construction from Aug 2003 to April 2004 (next 9 km), install sable culverts, October 2003 to April 2004
- Two Rock Lake sedimentation pond dam and dyke design will feature a semi-pervious filter dike in middle
- Sable will be dewatered to Horseshoe Lake

Directors noted that juvenile fish in North Panda Lake could potentially get trapped at the outlet of the diversion pipe from Bearclaw, because fish are attracted to the incoming flow.

Pigeon Culvert:

The Directors and BHPB discussed the wisdom of installing a large culvert at the Pigeon stream crossing instead of a bridge. The main concern with the culvert has to do with the increased waste rock volumes and heights of the approaches, which might act as barriers to caribou migration. A bridge would have eliminated or greatly reduced such effects to caribou. BHPB stated that due to stream meandering the structure had to be quite wide and it had to be strong enough to support the heavy equipment above. Support abutments required for a bridge would cause more damage to the tundra than the culvert. Also, cost was thought to be much higher. BHPB stated that culvert was necessary to avoid impact on the stream. Directors queried their claims and, again, requested more information.

Alternatives to the multiplate culvert selected by BHPB were discussed, including a standard culvert, multiple culverts and a bridge. Directors agreed to invite BHPB back along with its engineer's rationale to discuss the culvert issue at the next Board meeting.

BHPB 2003 Environmental Workshops:

Directors commended BHPB for the quality of its workshops, and supported elders' comments made there about working together and sharing knowledge. BHPB responded that it aware of the concern about lack of community involvement in mine management and the company not working with communities, but that it feels it provides ample invitations to participate, and will continue to offer more in the future.

Chris Hanks mentioned a bridge building project with the Lands and Environment committee of the Yellowknives Dene. The Yellowknives Dene is also participating in winter road monitoring and the possible development of an environmental management plan of the winter road in a joint venture with EBA.

Denise declared the official company name as BHP Billiton Diamonds Inc., but the Agency could continue to use BHPB. She also mentioned confidential IBA agreement annual meetings are scheduled to occur between BHPB and aboriginal representatives.

BHPB mentioned the release of the table of contents for its 2003 three-year review document; the Agency will provide comments when it sees the draft. BHPB offered to bring in further guest speakers in the future as needed.

The Directors thanked BHPB for its attendance and requested recent aerial shots and the esker map displayed at the workshops.

Meeting with DFO:

Red welcomed Joe Acorn, the DFO person in charge of administering the fish habitat compensation program created by payments from BHPB. He is currently creating an inventory of impacted sites that could be improved as compensation for lost fish habitat.

Directors mentioned the Slave Geological Province (SGP) is the appropriate place for habitat improvement projects because most of the mining benefits come from the SGP (although Kugluktuk is not part of the SGP). Joe mentioned that it could be widened eventually to include other areas.

Joe provided a fish habitat compensation fund update for the Board. This included a description of the three rounds of proposals including the two projects that have received funding (Prelude Lake Fish Habitat Enhancement Project and Stark Lake Fisheries Habitat Assessment Study). The Agency had said earlier it only wanted to provide technical input. The Directors agreed to keep the information provided confidential if necessary. Public Works Canada and DFO will be negotiating contracts with consultants. Joe mentioned the complicated process of releasing funds through DFO to Public Works and eventually to the proponent.

Bob mentioned that the aboriginal groups want to see a new process for compensation that is not subject to such restrictions. Joe suggested a new process may be a system of grants and contributions vs. the old contract-based approach.

The Agency was requested to fulfill its original commitment made to DFO, which is to provide expertise on technical evaluations only. Three proposals exist that have yet to be delivered to DFO. The \$1.3 million covers the first proposal and the remaining three proposals. The Agency would be asked to evaluate the three new proposals that would account for the remaining \$600k. Pete mentioned he would prefer to provide technical comments that DFO could use in its own rankings.

The Agency agreed to write a letter stating its confidentiality agreement. Joe was thanked for his attendance.

Action Item #5: Write a letter to DFO (Joe Acorn) agreeing to confidentiality of projects related to the Fish Habitat Compensation Fund evaluation.

Meeting with RWED:

Red welcomed Raymond Bourget to the meeting.

The Directors asked three main questions:

1. Misery has improved waste management, as has Nuna for the winter road camp, is Diavik at that level of performance yet?
2. What were the details of the robin's nest incident?
3. What is the protocol for reporting wildlife deaths at Ekati?

1. Raymond suggested Diavik has not had problems in the past year due to improved management. While their incinerator is in a fenced compound, chain link fences do not prevent wolverine and foxes from climbing it even if it has three rows of barbed wire. One wolverine was caught inside the fence last year. Now all garbage is being stored inside a C-can and a second incinerator is burning garbage much quicker than before. Misery demonstrated large improvement by using a trailer to store garbage in and installed skirting to prevent access to the sewage pipe. Because many caribou were in the area last year, there might have been more calves and wolf kills, so the lack of wolverine incidents is not necessarily due to improved management.

2. RWED was informed about the relocated robin's nest after the fact, as well as the falcon nest in the open pit after it had been lost. Disturbance of the nest without approval may be an offence under the Migratory Birds Convention. Earlier, a redpoll nest move had been approved. RWED was told that the nest didn't need to be moved quickly because the work was not urgent. It appeared to Raymond they were using a one-time permit to move a nest as blanket permission to do so in the future at BHBP's discretion. Raymond feels that this is not a precedent RWED can accept, so requires zero movement of a nest until RWED is contacted for permission (or the Canadian Wildlife Service).

3. Guidelines for reporting wildlife deaths have been circulated. Reports are mandatory for certain species, or numbers of individuals of non-VEC species. Muskox, bear, wolf, caribou and raptor incidents must be reported. Ptarmigan and ground squirrel do not

require reporting unless there is a pattern of deaths. BHPB wants a precise list of what it has to report. RWED is hesitant due to exceptional circumstances that cannot be predicted that could provide an excuse for a proponent not to report. A rabid animal reporting procedure has also been developed.

Summary:

Raymond prefers diagnosis of mortality to be left off of incident reports. It is acceptable for their assumptions to be labelled as inferences, not firm conclusions. If the environment department at BHPB makes a conclusion incorrectly, then RWED is in a position to later refute a conclusion that has been generally viewed as factual.

Discussion:

Carole asked if it would be possible for community expert hunters who work on site to contribute to a necropsy. Raymond responded that this could pose logistical difficulties for the company; also it is not BHPB's responsibility to do this. Carole mentioned the elders' comments on contaminant levels in dead animals. Raymond said BHPB could submit a research permit to collect samples of liver and kidney. For migratory animals this is not extremely valuable information. For road kills you may not be able to collect the necessary organ samples. Road kills are supposed to be picked up by security or environment. Raymond agreed to send the Agency a copy of the wildlife reporting protocol.

Hunting:

The Agency asked about hunting regulations on the Ekati claim block. Raymond explained that BHPB couldn't tell non-employees they cannot hunt on the claim block. BHPB has a land use permit on the haul road, not exclusive rights to it. RWED can say a hunter cannot hunt from the road for safety reasons but BHPB cannot enforce that either.

The Directors thanked Raymond for his attendance.

Meeting with DIAND:

Red welcomed Tamara Hamilton from DIAND

Directors thanked Tamara for her work on improving BHPB's waste management plan (WMP). Directors mentioned the WMP needs to be made consistent with the A&R plan. For example, if BHPB is currently disposing of scrap metal on site then that should be compatible with what it is planning to do with scrap metal during reclamation of the mine after closure.

Directors looked at some modest efforts BHPB has planned for A&R such as simple scarification of roads. Tamara expected a revised A&R plan for 2004 rather than 2003. However Helen Butler (BHPB) stated at the BHPB workshop it would be ready this year.

Some aboriginal parties that are concerned about landfill practices of the company have recommended an inventory of waste. Carole mentioned green engineering tactics such as rating the salvage quality of materials. Directors mentioned this could be linked to ISO 14001 accreditation to continuously improve its waste sorting and recovery.

DIAND is recommending burning of wood waste rather than land filling it. Treated wood is a different issue however and may need to be separated. Old camp was estimated to be the largest source of old wood. Painted wood is another issue for disposal because it cannot be burned. Carole mentioned she was approached about a traditional cook out for employees to boost morale at the site and this could use surplus wood if there was a supply large enough that was unpainted.

The Directors thanked Tamara for her attendance.

Next Meeting:

Some of the Directors agreed to attend the March 12th –14th, 2003 EMAB-Agency TK workshop and the next Board meeting was rescheduled to follow the TK workshop to reduce travel costs. *The 33rd Board meeting is scheduled for March 15th –16th and possibly the 17th depending on the necessity of a weekday meeting with DFO.*

Meeting adjourned at 16:30.

Minutes approved by

-ORIGINAL SIGNED BY-

François Messier, Treasurer.