

*5<sup>th</sup> Environmental Agreement Implementation Meeting  
Yellowknife, NWT  
June 2, 2008  
Summary of Discussion*

Revised: June 12, 2008

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Participants

Jason McNeill, Government of the Northwest Territories  
Lionel Marcinkoski, Department of Indian Affairs and Northern Development  
Kevin O'Reilly, Independent Environmental Monitoring Agency  
Bill Ross, Independent Environmental Monitoring Agency  
Laura Tyler, BHP Billiton Diamonds

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*1. Selection of Chairperson and Introductory Remarks*

Lionel Marcinkoski was selected to serve as the chairperson for the meeting. The purpose of the meeting as set out in the Resolution Agreement was reviewed. It was agreed that the Agency should make its presentation first, followed by BHP Billiton.

Bill Ross indicated that the Agency financial audit for 2007-8 was almost complete and that there appeared to be a surplus of over \$20,000 to be returned to BHPB, including an amount from the previous year. The North Slave Metis Alliance has indicated to the Agency that it intends to replace its current Director.

Jason McNeill mentioned that Chandra Venables has moved over to the Wildlife Division to replace Karin Clarke (now working for the Wek'eezhii Renewable Resources Board). He noted that Gavin More was unavailable for the meeting today.

*2. Minutes*

The minutes of the February 6, 2008 were reviewed and accepted by consensus.

*3. Agency Presentation on Communications Responsibilities and Plans*

Bill Ross gave a presentation on the Agency's communications responsibilities and plans for 2008-9. Agency findings and recommendations were reviewed from outgoing correspondence, including outcomes where appropriate and known. The communications protocol negotiated by the Agency several years ago was noted. Laura Tyler indicated she would follow-up on the protocol with Eric Denholm and David Abernathy of her staff to ensure that documents are conveyed to the Agency in a timely manner.

*4. BHPB Presentation on Communications Responsibilities and Plans*

Laura Tyler gave a presentation on work completed in 2007-8, work in progress and community visits in 2008. The winter road was completed without any major incidents and the regular monitoring program reports were delivered by the deadlines. The plain language version of the 2007-8 Annual Report will be delivered by the end of June and the supporting reports will also be made available soon.

Work in progress included BHPB's seeking approval for a dust suppressant for the underground (working with the DIAND inspector and trials are underway), regular summer monitoring programs, and planning for special monitoring programs. It was noted that BHPB would like to reduce or eliminate SNP (surveillance network program) monitoring at remote sites such as Sable as there is no development or need for further baseline data and there is a safety risk associated with the helicopter trips. Air quality monitoring will continue and the renewal application for the Sable, Pigeon and Beartooth (SPB) licence was submitted. It was noted that there will not be any discharges from the LLCF in 2008 due to concerns with nitrate concentrations exceeding CCME guidelines. BHPB will continue to monitor nitrate levels, investigate sources and evaluate treatment methods, and hopes to report progress by September 2008. A special monitoring program will be undertaken to confirm and investigate hydrocarbon metabolites found in fish sampled last summer in Moose and Little lakes. BHPB is working with Environment Canada, Fisheries and Oceans and DIAND to design and carry out a study to follow-up on the Fay Lake kimberlite spill that will compare baseline to current conditions. The location of the continuous air quality monitoring station is being discussed with interested parties and the new program will be reported on. The SPB licence application was just exempted from environmental assessment by the WLWB and the subject of amalgamation with the other main water licence is being reviewed by the WLWB. Traditional Knowledge workshops have been held with the Tlicho and Kitikmeot Inuit Association with others in the planning stage. A renewed approach for TK in environmental management at Ekati is expected to evolve from these meetings and workshops.

Work planned for the remainder of 2008 include construction of the upper road for Cell A, and completion of the ICRP. No other infrastructure changes are proposed and the current mining operations will continue.

BHPB expects to hold meetings in the communities over the summer to discuss the Annual Environmental Agreement and Water Licences Report. Feedback sessions will also be held in August on the Socio-Economic Agreement where GNWT will likely attend. TK workshops will be scheduled for each of the NSMA, Lutsel K'e First Nation, and Yellowknives Dene First Nation. Archaeology tours will be held in September while BHPB's consultant does some work around the Lac du Sauvage outlet narrows.

##### *5. Agency Presentation on Preliminary Content of the 2007-8 Annual Report*

Bill Ross gave a presentation on the preliminary content of the 2007-08 Annual Report that is in preparation by the Agency. The focus will largely be on closure and reclamation planning, water management, and the potential improvements to the air

quality monitoring program. The draft recommendations were also presented at the meeting. It was suggested that the two governments and BHPB should try to respond in writing by June 15 to allow for the responses to be inserted into the Agency's Annual Report in time for printing. The other parties agreed to meet this deadline.

Lionel Marcinkoski noted that KIA apparently turned down financial assistance from DIAND to participate in the ICRP review and working group.

Laura Tyler noted that BHPB prefers not to use terminology such as "tailings" or "tailings ponds" as the translation of these words and phrases often refers to poison or toxic materials, due to past practices and experiences people have had with metal mines. Bill Ross undertook to discuss this with the Agency but noted that many others, including some of BHPB's consultants, also referred to the mill waste as tailings.

## *6. Other Business*

Jason McNeill noted that GNWT is pleased with the recent meetings and work to improve air quality monitoring at Ekati. He also mentioned that GNWT is developing a final response to the Minister's Report issued to BHPB for the 2006 Environmental Impact Review. It will likely note that the report cannot be fixed (because air quality monitoring can no longer be done for that year) but should be considered a closed matter subject to the improvements BHPB has committed to make to air quality monitoring. GNWT is also looking for the latest versions of all current management plans prepared pursuant to the Environmental Agreement. Laura Tyler remarked that most of the plans have been submitted to the WLWB and are found on its website but that BHPB would provide such plans to GNWT.

Lionel Marcinkoski noted that the mediation report and agreement related to the Agency's Separate Fund had been successfully concluded. DIAND is waiting for the plain language summary of the 2007-8 Annual Environmental Report from BHPB before beginning its formal review. He also stated that DIAND would be sending out a response letter to the Agency and NSMA with regard to issues raised about the five-year review of the Environmental Agreement. The terms of reference for the Multi-Project Environmental Monitoring Agency (MPEMA) have been drafted and are now out for consultation.

## *7. Next Meeting*

It was proposed to hold the next meeting either on January 26 or 30, 2009.