

**Independent Environmental Monitoring Agency
8th Board of Directors Meeting
Summary of Discussion and Decisions**

June 24th to 26th, 1998

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Directors Present:

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

Staff Present:

Hal Mills	Jackie Morris
Lisa Hurley	Alan Ehrlich

Wednesday June 24th, 1998

Review of Agenda

The Agenda was changed so that the Treasurer's Report precedes the Election of Officers. The Agenda was otherwise deemed satisfactory.

Business Arising from Last Meeting

Some specific changes to the minutes of the May 9-10 Director's Meeting are described in the Appendix following these minutes.

Regarding Action Items from the last meeting:

Incoming and outgoing correspondence binders have been created and will be regularly updated.

An informal meeting between Alan and Darren Unrau revealed that no further assessment is required by BHP for exploration activities within the land lease area, but permission is required from agencies issuing land use permits. Such permission has been granted at Pigeon Pipe.

A letter reviewing the Ekati Operating Environmental Management Plan has been sent to BHP.

Action Item: Staff to find out what new exploration is occurring within the BHP claim block.

Action Item: Staff to review documents received in terms of request list sent to BHP.

Discussion of Annual Report

Difficulties arose during the production of the Annual Report that need to be addressed before the next one is produced. Some issues that arose were a lack of content balance, scheduling challenges, inconsistency of style, and a lack of integration during the early writing process. This was further complicated by conflicting schedules of Directors and by a lack of procedure for staff to follow when receiving input from individual Directors. Annual Report production issues will be more thoroughly resolved by Directors at a short retreat in the near future, where Hal Mills is to present a proposal for the process to be followed for the production of future Annual Reports.

Action Item: Staff to organize Agency retreat.

Action Item: Hal will identify options for the production of future annual reports and possible protocols for Hal and Directors re: day to day decision making.

Information Updates

The Chair, Directors and Staff all presented updates on recent happenings. (These are described under separate topic headings below.)

Preparation for the Annual General Meeting

Roles of Directors during the meeting were established, and there was a review of issues relevant to the AGM.

The need to be accessible to the public was discussed, and it was agreed to invite Yellowknife non-government organizations to the Media Briefing. It was suggested that the Agency hold public meetings later in Yellowknife and other communities to introduce the general public to the issues raised at the Annual General Meeting.

Agency Involvement with Diavik

Red met with the President of the Kitikmeot Inuit Association (KIA) to discuss a letter from David Livingstone at DIAND. The letter suggested that the Agency not involve itself with the Diavik environmental assessment, and that cumulative effects (presumably including effects on water quality and caribou) are outside of the Agency's "core mandate".

On April 27th, Red received a phone call from BHP's lawyer suggesting that the Agency not involve itself in the Diavik assessment process because BHP provides Agency funding and therefore should be the sole focus of the Agency.

The letter and telephone call are perceived threats to the independence of the Agency. Since independence is fundamental to operation of the Agency, it is unacceptable to have funding sources instructing the Agency on which environmental effects to pay attention to and which ones to ignore.

Tony spoke with Ted Blondin about the Diavik issue. It was decided that all Aboriginal members will be contacted regarding their positions on this issue. (Note: This is described as an Action Item below, under the heading *Aboriginal Community Consultations*).

A memo has been prepared about the Diavik meeting of June 18th, which Hal and Alan attended. A memo regarding David Livingstone's letter was sent to the Aboriginal organization members of the Agency.

Action Item: Hal and Alan are to follow the progress of the Diavik assessment.

Action Item: Red will write a letter describing Agency stance on Diavik and cumulative effects.

Environmental Monitoring

The Agency's review of BHP's Annual Report on the Environmental Agreement described suggestions for future reports. Some minor changes to the letter were suggested. The letter has since been sent to BHP. BHP has also received the Agency's letter reviewing the OEMP.

Treasurer's Report

The Treasurer reported that:
the first instalment of funding has been received from BHP;

as of May 31st, 21% of the Agency's budget for this year has been spent; and, the GNWT Contribution Agreement has been signed and will be returned to GNWT.

Upon their receipt, the GNWT will provide the Agency with a lump sum of money.

To avoid unnecessary expense, the Treasurer suggests that a budget be prepared for next year's Annual Report before production begins.

Financial Policy Issues: Travel Reimbursements and Hiring Consultants

Some confusion has occurred about travel reimbursements for outside people visiting for Agency meetings. To avoid future confusion, the Agency has drafted a Travel Claim Form. The only costs that will be covered are those that are pre-authorized by the Agency. These will cover costs of accommodation, travel and honoraria according to Agency policy. Living expenses and honoraria (\$100 per day for those who require it) will be paid. A maximum of three representatives per member will be reimbursed for attending the Annual General Meeting.

Directors may hire outside consultants if the cost of service will be less than \$1000, provided that the director is prepared to defend the need for the service. If this occurs between meetings, the Director initiating the action should seek approval from other Directors.

Thursday June 25th, 1998

Site Visit

Friday June 26th, 1998

Budget Issues Arising from AGM

On June 25th the Agency Directors and Staff visited the site of the Ekati mine. The staff of Ekati led a tour of many parts of the mine, including the Panda Pit, the Panda Diversion Channel, the mouth of channel at Kodiak Lake, one frozen core dam, the soil remediation farm, the waste dump, and one of the Long Lake dykes. Scott Williams, Chris Hanks, Derek Chubb and other BHP staff members were very informative and helpful in updating Agency Directors and staff about new developments at Ekati.

Action Item: Staff to write thank-you letter to BHP, including commendation for new development of the Panda Diversion Channel.

At the AGM it was raised by Jim Excell of BHP that the Agency would not be permitted to carry over remaining funds from one year to the next, and that left-over money should be returned instead of applied to the following year's activities. To operate effectively the Agency needs a flexible budget. As an independent agency, the Agency's budget must be driven by the tasks that it is undertaking. This may require a contingency section in the Agency budget in upcoming years.

Election of Officers

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

Chairperson: Red Pedersen
 Vice-Chairperson: Tony Pearse
 Secretary-Treasurer: François Messier

Discussion of AGM: Diavik and Cumulative Effects Issues

Directors discussed the potential involvement of the Agency in the Diavik environmental assessment, and felt that public concerns regarding the environmental effects of BHP related to cumulative effects, such as the effects of development on caribou, as opposed to relatively localized site-specific issues. Since communities are concerned with the cumulative environmental effects of mining, and the Agency is mandated to act as a watchdog for the environmental interests of communities, then the Agency should participate in the Diavik review.

It was pointed out that there are many levels of participation in a Comprehensive Study, the assessment stream applied to the Diavik project. It will be possible to select an appropriate level of involvement for the Agency that reflects the Agency's mandate without placing an unnecessary financial burden on our budget. Comprehensive Study processes are open procedures, and no approvals are required to make presentations in them.

A letter describing the Agency position on this will be drafted, and staff will keep track of the Diavik review.

Discussion of Site Visit

The site visit was discussed, with particular emphasis on the improvements on the Panda Diversion Channel that were evident. A thank-you letter to BHP will be drafted as a follow-up.

DFO Fisheries Authorization

A number of questions arose regarding DFO Fisheries Authorization and the Fish Habitat Compensation Agreement, and whether certain studies should or should not be considered suitable for coverage by the Fisheries Authorization. It was decided that Jeff Stein be invited to the next Director's meeting to help resolve some unanswered questions.

Action Item: Staff invite Jeff Stein to next Director's Meeting

Budget 1998 – 1999

It was suggested that the monthly Treasurer's Reports will be broken into four categories:

Office operations
Community Consultation
Board Support
Outside Contracts

Directors should identify work related to community consultations in their travel claims.

New Business: Aboriginal Community Consultations

Some alternatives were discussed regarding an appropriate way to get back to Aboriginal communities for feedback about *the Aboriginal and Community Issues at Ekati Diamond Mine* document. It was decided that appointees of Aboriginal organizations would consult their respective organizations to see if they would like the Agency at their assemblies. Appointees would coordinate the communications from the area responsible for their appointment.

It was raised that BHP has invited the Agency to assist with the North Slave Metis and Treaty 11 TK studies. The complexities of conducting TK research (and of selecting a suitable framework in which to conduct it) were discussed. It was decided that, if the four Aboriginal member organizations are interested, a workshop could be held to investigate possible mechanisms for incorporating TK with the management of Ekati. The Aboriginal organizations would have to be involved in workshop planning if it is likely to meet its goals. Again, appointees will check this with their respective Aboriginal member groups.

One option identified for the first workshop is to invite Gary Kofinas, a researcher from UBC who has developed, jointly with Alaskans and hunter community representatives, a system of integrating hunters' TK into caribou management in the Yukon and Alaska (the Porcupine Herd). He presented this system in PowerPoint format at a conference in June in Vancouver. An adapted version of this system is probably applicable in our area, and is likely to be of great interest to the Aboriginal parties currently working on TK and looking for ways to use their knowledge for management.

[It was noted after the meeting that information on this is available at www.taiga.net, a web-based information system that provides a means for monitoring environmental change, reporting local observations, and for communities and resource managers to interact.]

Action Item: Directors appointed by Aboriginal member organizations to consult organizations re: possible TK workshop, AGM issues, Aboriginal Issues report follow-up, and possible Agency attendance at assemblies.

Action Item: Staff to compile list of key dates for relevant community events for next few months, including BHP's visit plans.

Next Meeting

It was decided that the next meeting would be held from August 9th to 11th.

Adjournment

The Meeting was adjourned at approximately 16:00h.

Appendix 1: Action Items

- Action Item One: Staff to find out what new exploration is occurring within the BHP claim block
- Action Item Two: Staff to review documents received in terms of request list sent to BHP
- Action Item Three: Staff to organize Agency retreat
- Action Item Four: Hal will identify options for the production of future annual reports and possible protocols for Hal and Directors re: day to day decision making
- Action Item Five: Hal and Alan are to follow the progress of the Diavik assessment
- Action Item Six: Red will write a letter describing Agency stance on Diavik and cumulative effects
- Action Item Seven: Staff to write thank-you letter to BHP, including commendation for new development of the Panda Diversion Channel
- Action Item Eight: Staff invite Jeff Stein to next Director's Meeting
- Action Item Nine: Directors appointed by Aboriginal member organizations to consult organizations re: possible TK workshop, AGM issues, Aboriginal Issues report follow-up, and possible Agency attendance at assemblies
- Action Item Ten: Staff to compile list of key dates for relevant community events for next few months, including BHP's visit plans

Appendix 2: Addendum to Minutes of Previous Meeting

The following changes to the minutes of the May 9th-10th Director's Meeting were accidentally excluded and are to be considered as an addendum to those minutes.

- 3.2 Directors updates of meetings attended are not exhaustive.
- 5.0 A new proposal for the Dogrib Treaty 11 Traditional Knowledge Project was submitted. There appears to be some progress, thanks in part to BHP clarifying its expectations.
- 6.0 The third paragraph of this section should read "François will approach GNWT to immediately set up the Agency Contribution Agreement for 1998-1999.
- 6.3 The decision about whether the Diavik project is subject to a Comprehensive Study or Panel Review is up to DIAND.
- 10.0 It was suggested to Scott Williams that BHP develop and implement better document control measures.