

**Inter-Agency Coordinating Team (IACT)
EKATI Diamond Project**

**July 30, 1999
DFO Boardroom - 1st Floor Diamond Plaza
Meeting # 18**

Attendance:

Julie Dahl	DFO
Anne Wilson	DOE
Marie Adams	DIAND - E&C
Shannon Pagotto	DIAND - Waters
Darren Unrau	absent (at mine site)
John Witteman	BHP
Chris Hanks	BHP
Hal Mills	Independent Environmental Monitoring Agency
Kelly Robertson	GNWT - RWED

John Witteman discussed requirements for the Year 2000 Environmental Impact Report. Need to let a contract for report prep. By Sept. Need direction on content. Scientific language or not? Ie, write it as a technical report and possibly publish.

The general consensus was that the 3 year EIR would be most useful as a technical report which outlines changes to baseline over the last 3 years.

Marie: Annual report - public meetings? When are these going to be held?

John: Yes will be held in Kugluktuk, Ndilo/Dettah, Yk and Lutsel Ke. The format will be a 3 part discussion. 1) Socio Economic (GNWT) agreement 2) the EA report, 3) project description of the expansion. Note. Some communities do not want BHP to talk to them. Not much they can do in those cases.

Marie; Want to discuss issue of IACT membership. It was unfortunate that the Agency made the strong point that IACT voted to not include aboriginal members without giving the context for that position. Which was, that 2 groups will have unfair advantage (increased access) to IACT as they are in town. No funding for expenses, and that the decision was to utilize the Agency (as part of their mandate was informing the aboriginal community) to inform aboriginal groups of key issues. There is now the perception certain people are being excluded. The suggestion from DIAND is to issue invitations to all the aboriginal groups to attend when they are in town. If the discussion strays away from technical issues to the political, the Chair will take on the responsibility of bringing this back to topic. Reaction?

Hal: Directors do not agree that their job is to communicate info from these meetings. Bob Turner (NSMA) is not happy he cannot attend these meetings.

John: Communication to the aboriginal community is part of the Agency's role. It is essential that the technical content of IACT meetings be maintained or if not the value is lost.

Marie: Will draft letter of invitation. Letter will state that there is no funding available for participation, that discussions are in English, no translation provided and that strictly technical issues related to compliance and Environmental agreement are discussed. Letter will encourage bringing up issues they want raised (if unable to attend) to the Agency Directors.

Marie: Question on the A&R combined (Waters and EA) plan. I know Lands has indicated they are reviewing.

Shannon: Water board has signified their acceptance, will provide Marie a copy of letter..
Marie: Issue of King Pond. Modification or Amendment to water licence?

Shannon: Issue became clear when explained by John. It is being looked at by Water Board. Their decision is expected in the next week.

Hal: Clarification of Minutes for meetings associated with AGM and AGM. AGM minutes approved next AGM. Agency moving to 50/50 mini mall. Communications policy. Referenced Scott's letter on this. DFO has replied. Water Board issues still outstanding.

Shannon; Agency was invited to sit in on Water Board TAC committee but signified they did not feel that was appropriate.

Darren; Louie Azzolini (MVEIRB) and Darren took trip up to the Misery area and the proposed new pipes locations. BHP conducting their exploration program - 13 hole dd operation now complete. Long lake still being decanted. Misery haul road, effort to get the bridge in by October. Processing bulk samples at the old camp mill. Decant from this to Larry lake this summer.

Julie: DFO received application from BHP for authorization for expansion. Referred to letter from Agency Director - McCart indicating Two Rock lake would not be included. DFO stipulations are that all lakes to be impacted would be included in studies being conducted. One of the lakes being impacted is 'White Lake' which is being included because water levels have to be raised. Why raised?

John: Water level being raised to change discharge point for lake to move freshwater into cell E. Today it goes into Cell D which will be re-routed to cell E.

Darren: Do you need to build infrastructureL

John: Hopefully not. Winter operation if possible. Hope not to build road.

Julie: Christa Domchek hired for Fish Compensation Fund Study. She is going to get an advisory committee together. Planning on meeting with the Agency for discussing ToR for the committee.

Chris; Bringing in additional pipes required consultation. MVEIRB and BHP have discussed applicability of Delgamuukw legal decision. Need clarification from DIAND.

Marie: Will set up meeting for BHP to hear Canada's position on Delgamuukw and consultation in general.

John: Summer programs going well. Lots of fish in diversion channel. Vegetation studies - north end of cell B on kimberlite are proceeding. Greenhouse study is midway. (N2 deficient). Will analyze plants for metals uptake. Next year propose to get grad.student to work on re-vegetating this area. Referring back to the A&R plan. Initially the proposal was to cover with 2m of rock over kimberlite. Very little impacts have been seen so far so the cover is not being carried out.

On Panda. After Sept 10. 35% of kimberlites will have been mined which is in line with predictions. Major work will take place on the channel. Construction modification to compensate when high water flow resulted in overflow. Work on channel walls is necessary to prevent this happening.

Anne Gunn visited site. Wildlife mgmt. Permit still needed for accidental dispatching of caribou. Mill operating at full capacity. (9,000 tons /day dry kimberlite). Zoey Wagner leaving to go back to school. Helen Bitter to take her place.

Next pipe. Koala N. Hope to mine next winter. May be underground. Couple of caribou got stuck in rope fence near airport.

Chris: Fencing can be used but important it be in area which can be monitored (as evidenced here).

Kelly: EIRB workplan for expansion being reviewed by GNWT. Also review of annual report almost complete. Working on response back to Scott on GNWT communication protocol on using written material. Note to everyone, Kelly is changing jobs. Will be in policy rather than EA. But will continue with BHP file. (Cheers from all)!

Hal: Day after the AGM election of new officers. Chair Red Pedersen, Bill Ross Vice-Chair. Francois Messier - Sec. Treasurer. Budget discussions virtually complete. Budget may have to be amended to account for new space and new managers salary.

Next meeting - October 1, 1999.

Draft to be sent to NSMA, KIA, Treaty 8 (Lutsel Ke and Yellowknives?), Dogrib.

Dear -----

RE: Inter-Agency Coordinating Team - IACT - BHP Project - Aboriginal Participation

You may be aware that the federal and territorial regulatory agencies responsible for regulating the BHP project, hold regular meetings to resolve technical issues relating to compliance requirements under existing permits and licences for the Project. The requirements under the BHP Environmental Agreement are also discussed at these meetings. The company (BHP) and the BHP Independent Environmental Monitoring Agency (the Agency) are also present at these discussions in addition to government. (Terms of reference for the IACT are attached).

This Inter-Agency Coordinating Team (IACT) evolved during the first year of operation of the mine in response to a need for a forum where all team members could share information on the project and receive answers or derive solutions to on-going, technical, compliance-related issues. It should be noted that the discussions of the IACT relate to already approved compliance or monitoring programs which are discussed in detail at the BHP annual workshops in February of each year with Aboriginal groups, government and the Agency. All members share the view that the greatest value of the IACT discussions has been the deliberate focusing of the IACT agenda to matters restricted to compliance issues and other technical aspects of the project.

Up to this point, the government regulatory members of IACT have relied on the Agency to communicate key issues raised in these meetings to the Aboriginal community. (Since part of the Agency's mandate is the communication back to the Aboriginal community, it was considered that information could more appropriately be passed on through the Directors who were nominated by these groups). In addition, individual government departments (both federal and territorial) have also provided direct information on the project to communities where opportunities arise for the sharing of such information. BHP as well has its own communication plans which involve the Aboriginal community.

Over the last year, some of the Aboriginal members under the Environmental Agreement have expressed a concern that they seem to be 'excluded' from participating in the IACT meetings. It has to be emphasized that there has been no intention to exclude the Aboriginal community from these meetings at any time. The reasoning for not expanding membership to include Aboriginal groups was that meetings are held in Yellowknife and therefore certain groups may have an unfair advantage as they would be able to attend meetings without cost. (There is no funding available for participation in these on-going technical sessions). The meetings are highly technical in nature and are carried out in English with no translation available. As well, given the opportunities (noted above) where this information is communicated back to the Aboriginal community, government regulators were reasonably satisfied that the information flow was taking place and that nothing of significance was being withheld from communities.

At this point however, given the perceptions noted, and the interest expressed by some Aboriginal groups in participating in the IACT technical sessions, I would like to extend an invitation to to join us in these meetings if you feel it would contribute to your understanding of the BHP project. (Similar invitations have gone out to).

As noted, there is no funding available to attend and meetings are carried out in the English language in Yellowknife approximately every six weeks and last for about 1.5 to 2 hours in duration. They are usually held on Friday afternoons. It is important to note that the focus of these sessions will be on the compliance aspects of regulatory and environmental instruments used to manage the project. Minutes of all the IACT meetings have been provided to the Agency and are available through their public registry.

Please let me know if you are interested in attending the next meeting or in receiving minutes of meetings as they are held. (I have attached minutes of the last meeting for your information). I encourage you to call either the Agency or individual regulators if you have specific questions related to monitoring or other compliance related issues.

I can be reached at 867-669-2597 , fax 867-669-2701 should you have any questions about this invitation to join the IACT.

