

Summary of Discussion from the Annual General Meeting
of the Society of the
Independent Environmental Monitoring Agency
Held on
December 6, 2012
at The Champagne Room, Yellowknife, NT

Revised: January 30, 2013 (DRAFT until approved at the 2013 AGM)

PARTICIPANTS

Agency Directors:

Bill Ross
Tim Byers
Tony Pearce
Laura Johnston
Kim Poole
Jaida Ohokannoak
Arnold Enge

Agency Staff:

Kevin O'Reilly
Allison Anderson

BHP Billiton Canada Inc. (BHP Billiton):

Eric Denholm
Rob MacLean
Claudine Lee

Aboriginal Affairs and Northern Development

Canada (AANDC):
Lionel Marcinkoski

Government of the Northwest Territories:
Patrick Clancy

Akaiicho Treaty 8 – Łutsël K'e Dene First Nation
(LKDFN):

Roy Desjarlais
Terri Enzoe

Akaiicho Treaty 8 – Yellowknives Dene First Nation:
Not present

Kitikmeot Inuit Association (KIA):

Luigi Torretti
Sammy Angnaluaq

North Slave Métis Alliance (NSMA):

Not present

Tłı̄chǫ Government (TG):

Harry Apples
Marvin Apples
Lawrence Mantla Jr.

Interpreter:

Madelaine Pasquayak (*Tłı̄chǫ*)

Meeting opened at 9:30 am.

An opening prayer was given by Harry Apples.

WELCOME AND AGENDA REVIEW

Bill Ross (Chairperson) welcomed everyone to the annual general meeting (AGM) and gave an overview of the agenda. No additions or changes were suggested. There was a round of introductions by all participants.

CHAIRPERSON'S ADDRESS

Bill noted that this is really a meeting of the Agency Society members, and not of the Board of Directors.

APPROVAL OF THE SUMMARY OF THE 2011 AGM

Motion to approve the Summary of Discussion from the 2011 AGM.

Moved by AANDC (Lionel Marcinkoski). Seconded by Tlicho Government (Marvin Apples). Carried without objection.

PRESENTATION OF ANNUAL REPORT

Tim Byers (Vice-Chairperson) welcomed Arnold Enge as a new director (appointed by the NSMA) and Allison Anderson as the new Communications and Environmental Specialist.

Tim presented a summary of the Agency's 2011-12 Annual Report. The presentation was included as a handout in the participants' folders and is available on the Agency's website.

Luigi Torretti (KIA) said that the most concerning issue for KIA is water quality. The community of Kugluktuk depends on Coppermine River for drinking water, hunting and fishing. Luigi asked if any mitigative measures are under consideration with respect to chloride and molybdenum, as there are for nitrate.

Tim said that water from the underground mine at Ekati is a source of chloride. BHP Billiton diverts water from underground to Beartooth Pit rather than sending it to the Long Lake Containment Facility (LLCF) for discharge downstream. However, it is not known how much this will reduce chloride downstream.

Eric Denholm (BHP Billiton) said the water licence renewal process will involve a full review of water quality data downstream of the LLCF. The Aquatic Effects Monitoring Program (AEMP) has shown that mine effluent has caused changes downstream. However, BHP Billiton believes the changes are very small and not representative of a negative impact on the environment. In the 3-Year AEMP review, BHP Billiton proposes to conduct additional sampling this summer in the northern bay of Lac de Gras, which connects with Coppermine River. Eric said the diversion of water from the underground mine to Beartooth Pit was a major step in minimizing chloride. An experiment was performed in cell D of the LLCF to address nitrate. For the first couple of seasons, there was some reduction in nitrate levels in cell D, but similar fertilizer treatments in subsequent years did not get the same result.

Luigi asked about why some waste rock piles at Ekati are not freezing internally.

Tony Pearse said the Panda-Koala pile appears to be freezing, but parts of the Fox and Misery piles are not. The explanation may be that the addition of fresh waste rock brings in enough heat that the pile is not freezing. The company will add thermistors to the Fox pile to understand why the piles are not freezing.

Eric added that, although the Fox piles are not freezing as quickly as other piles, BHP Billiton believes the piles will eventually freeze. There may be excess water in the piles slowing the process. The company will monitor the piles more closely.

Tim mentioned that, during the 2012 EIR public meeting, another resident from Kugluktuk expressed concern about the Coppermine River's water quality. Tim pointed on a map to where BHP Billiton currently conducts water quality testing in Lac de Gras relevant to Coppermine River. Diavik also does sampling at the outlet of Lac de Gras.

Luigi said KIA has been involved in some water quality monitoring near Kugluktuk in coordination with the Environmental Monitory Advisory Board (EMAB) for the Diavik Mine. AANDC is no longer involved in the monitoring.

Lionel Marcinkoski (AANDC) asked what the Agency means when it says more resources are needed for AANDC mine inspections. Tim replied that the quality of the AANDC inspector's work is excellent. The Agency is concerned about the declining frequency of inspections, as the inspector has had to devote more time to work on other mines. Eric agreed the AANDC inspector does a good job but has many demands on his time.

Bill noted that there had been some progress by BHP Billiton on improving its community consultation since the Annual Report was written in May and June 2012. Likewise, there are indications that the company is improving its air quality monitoring program.

TREASURER'S REPORT

Jaida Ohokannoak (Secretary-Treasurer) presented the Agency financial report. The presentation was included as a handout in the participants' folders and is available on the Agency's website. Details on our financials can be found in our technical annual report. Jaida explained the purpose and use of the Separate Fund (anything that will involve a hearing, such as the water licence renewal proceedings).

There were no questions from the participants.

2012-2014 WORK PLAN AND BUDGET

Bill presented the Agency's work plan and budget for 2012-2014. The presentation was included as a handout in the participants' folders and is available on the Agency's website.

Roy Desjarlais (LKDFN) asked why surplus funds are returned to BHP Billiton and not rolled over into next year's budget as is done at EMAB.

Bill explained that the Agency and BHP Billiton had a dispute a few years ago about the Agency's budget. The outcome was an agreement stating that the Agency's budget will increase with the Consumer Price Index and any surplus will be returned to the company. If the Agency requires additional funds, there is now a process for resolving such a request.

Jaida noted that the Agency returned about \$35,000 to BHP Billiton at the end of 2011-12, but about \$24,000 (out of the \$40,000 Separate Fund) was from the Separate Fund for public hearings. The Agency has rarely, if ever, requested additional funds.

DISCUSSION

Marvin Apples (TG) asked if the Agency has funds to hire local youth for summer employment. Bill said that, unlike EMAB, the Agency does not have funds for spending in the communities. At a future Board meeting, the Agency will discuss the possibility of hiring a student to meet some Agency needs (e.g., organizing the resource library, cataloguing photos).

Terri Enzoe (LKDFN) said that not many of her people are working in the mines. She would be very happy to see students pursuing their education and working at the Agency to help watch over the animals, fish and land.

Tim clarified that the Agency is not actively involved in monitoring at the mine. If over time the Agency could develop jobs, it would be in the office, and not on the land. Bill noted that the company does hire students.

Marvin said many youths today have technological backgrounds that may be of assistance to the Agency. Tlicho Government is encouraging its people to study office and business administration.

Rob MacLean (BHP Billiton) said there have been great success stories at BHP Billiton of people from the communities working their way to high level positions. BHP Billiton wants to educate and train people and maintain them as staff. Eric encouraged the audience to contact BHP Billiton, specifically Robert Beaulieu, if they are interested in working at the mine.

Luigi said KIA develops pamphlets about career options in the environmental field and suggested there may be an opportunity for collaboration with the Agency and other communities.

Allison Anderson noted that the Agency makes a point of visiting local schools during visits to communities to discuss the mine, our work and the potential for employment in the environmental field. The Agency has also produced posters and brochures in six languages, four of them Aboriginal, to raise awareness about the Agency and to serve as a learning tool.

Luigi thanked the Agency for its visit in March 2011 to Kugluktuk. He went with Agency representatives to the local schools. KIA is very busy and appreciates the work and oversight by the Agency, especially on water. Sammy Angnaluak should be able to spend more time on BHP Billiton matters in the future.

Eric said BHP Billiton is currently meeting all of its Aboriginal partner communities to discuss what is in the closure and reclamation plan and to find out what questions it still needs to answer. BHP Billiton would like to create a single community advisory group focused on closure and reclamation projects. He gave the Kwe Beh Working Group as an example. BHP Billiton met with the Working Group to discuss eskers and rock piles, which may become a Traditional Knowledge project.

Kevin O'Reilly said BHP Billiton may want to approach Diavik and EMAB to see if it can collaborate or coordinate with what is coming out of EMAB's Traditional Knowledge Working Group on closure planning.

Lionel thanked the Agency for the meeting and its helpful comments on the 2012 EIR and BHP Billiton's annual report. He said that AANDC now has two contractors involved in the financial security review for Ekati. John Brodie is calculating reclamation liability in relation to the closure plan. Stratos Consulting is looking at the closure components of the Environmental Agreement.

Arnold Enge asked BHP Billiton to explain how the potential sale of Ekati to Harry Winston Diamonds may impact environmental monitoring programs at Ekati.

Eric said the review period for the purchase took much longer than expected because BHP Billiton wanted to ensure that the company that buys Ekati will assume all of its environmental obligations. Rob noted that Diavik is still a separate entity, and he could not speculate what might happen if Harry Winston buys out Diavik.

Harry Apples (TG) commended BHP Billiton for doing a good job of working on the mine. But with mining, he said, comes the destruction of land. Harry said it is important to come together like this to listen to each other's concerns and suggestions and to learn. He said he appreciates the Agency and its work on issues that are important to him and his people. He would like to talk more with the Agency about wildlife, which is a concern for him.

Bill replied that it is very helpful to listen to the wisdom and understanding of Elders.

Bill invited the participants to discuss any other concerns or issues about Ekati or the Agency.

OTHER BUSINESS

No other business was raised.

CLOSING REMARKS

Bill Ross thanked everyone for their participation and advice.

Harry gave a closing prayer.

Meeting adjourned at 12:00 pm.