

***Independent Environmental Monitoring Agency  
53<sup>rd</sup> Meeting of the Board of Directors  
Yellowknife, NWT  
January 31<sup>st</sup> - February 2<sup>nd</sup>, 2007  
Summary of Discussion***

Revised: March 26<sup>th</sup>, 2007

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Directors

Tim Byers	Tony Pearse (via conference call)
Sheryl Grieve	Kim Poole
Laura Johnston	Bill Ross
Jaida Ohokannoak	

Staff

Sean Kollee  
Kevin O'Reilly

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Information updates

In addition to ongoing Agency work including review of Ekati related correspondence and internal communications:

Bill – welcomed the two new Directors to the Agency Board. He also welcomed Lawrence Goulet from the Yellowknives Dene First Nation (attending as an observer). Bill was interviewed by a contractor regarding the experience of the Agency on financial management for lessons learned that may be relevant for the Multi-Project Environmental Monitoring Agency (MPEMA). Bill and Kevin participated in an interview with Catherine Emerick, Bill Tilleman's associate. Bill also participated in the *Resolution Agreement* signatories bi-annual implementation meeting held on the morning of January 31, 2007.

Kim – He attended a December 2006 Bathurst Caribou meeting as a consultant for the Agency and provided a report.

Tim – attended the Inuvik Caribou Summit in January 2007 and brought back copies of the material provided (and also a written summary of the meeting highlighting caribou mortality and reproductive success issues and information needs). Much of the discussion focused on mortality and harvest rather than habitat. He attended the Ekati AEMP re-evaluation meeting in Yellowknife on November 21-22, 2006 where the company showed willingness to consider studying within-lake sample variability and effect size. The AEMP plan for the next three years has been released by BHPB. Multivariate analysis has shown cladocera zooplankton in Moose Lake have declined and this effect is likely due to water quality changes. This test could not have been done until sufficient samples over time had been taken. BHPB has committed to doing multivariate analysis every three years at a minimum.

Sheryl – reported back on the December 2006 Bathurst Caribou Workshop where she participated as an Agency representative. She also attended the Inuvik Caribou Summit in January 2007 for the North Slave Metis Alliance.

Jaida – also attended the Bathurst Caribou Workshop in Yellowknife and noted participants from Nunavut. She also reviewed finances while passing through Yellowknife and reviewed the Ekati air quality monitoring program report.

Kevin – was able to renew the Agency insurance policy for the office content and general liability at better rates and the annual Society's filing was completed. Sean has returned to work following a parental leave. The 2006 AGM draft summary was distributed. Kevin visited Lutsel K'e in November 9-10, 2006 for the Agency to make a presentation to students in an environmental monitor training program offered through Aurora College. A teleconference on the AEMP re-evaluation took place on November 20 and a letter was subsequently sent to the WLWB. He attended the Geoscience Forum (BHPB presented on consultation during ICPR process) and Bathurst Caribou Workshop. BHPB complained to DIAND about Kim Poole attending caribou workshop. Kevin clarified these arrangements with BHPB as appropriate Agency activities. The joint monitoring organization Christmas open house was well attended. Much office time was spent working on Agency finances and forecasting. MPEMA interview work and preparation for meeting of Resolution Agreement signatories was also completed.

Sean – provided a web update and submitted an initial ICRP review and mentioned the IACT meeting that took place and summary to be circulated soon.

## *AGENCY INTERNAL DISCUSSIONS*

### *Administration and Finance*

Agency Finances were discussed for the purpose of clarification of process for the new Directors. Kevin provided the financial spreadsheet detailing expenditures to date.

### *Director expense claim overview:*

For southern-based Directors attending meetings in Yellowknife, actual travel time has been used on travel claims. Directors must describe the nature and detail of the work claimed (e.g. office time, review of specific reports) on expense claim forms. The daily rate of \$600/day was set in 1997 by the Board and has remained unchanged since that time. Other northern Boards may have lower honouraria rates than the Agency but the current daily rate is still well below what professional consultants charge and below what several of the Directors charge for work for other clients. Canadian Treasury Board directives are used for reimbursement of meals, incidentals, private accommodation and use of a private vehicle.

Directors have observed a trend of declining time on review of documents as shown in the financial information presented by the Manager. Agency participation in some reviews and events has been restricted by BHPB's practice of limiting Agency participation. The Agency receives a Separate Fund for activities related to regulatory processes as a result of the Resolution Agreement reached last year. The Agency and BHPB have disagreed as to the interpretation on the use of the Separate Fund. The

mediator will likely be involved in the settlement of this dispute. Until the matter is resolved, the Board decided to continue the current practice of allocating activities and time spent on review and interventions to the WLWB to the Separate Fund.

*Director and Other Agency Expenses for remainder of 2006-07 fiscal year*

- 2006 AEMP and WEMP reports are not likely to be available for review prior to fiscal year end. Thus no funds will likely be required for these reviews.
- ICRP review time for Directors was increased to allow for a more thorough review and to assemble Agency comments, including those made over the last year on closure and reclamation. Five days was allocated to each Director to conduct this review.
- A conference call to discuss the outcome of review.
- Tier II chloride risk assessment – Tim and Laura are likely to review the document.
- Waste Rock Area and Ore Storage Seepage report review – Bill Price is unavailable to review this document, although comments are due by February 28.
- Geochemical Characterization and Metal Leaching – Tony and Laura reviewed the report.
- LLCF water quality report likely to be arriving soon. All Directors are advised to review this important document.
- Contractor evaluation of Agency performance – this was done in 2000 and could be beneficial to revisit prior to Agency being absorbed into MPEDA but it would be difficult to complete this work before the end of the financial year.
- Meeting with NSMA – could be Director time involved.
- One further Board meeting in March.

*Ekati Site Visit Discussion*

The subject of a site visit was discussed in regard to a favourable date for all involved. The next Agency board meeting will be March 26th-28<sup>th</sup>. Another option would be in May (could occur around the May 24<sup>th</sup> *Resolution Agreement* implementation meeting) or in the summer.

*Follow-up to Bi-annual Resolution Agreement meeting*

Bill and Tim reported that the use of the separate fund became an issue (\$40k for use by the Agency as an intervenor in regulatory and other legal proceedings). The Agency interpretation of the fund is that water licence related activities including review and submission of comments on any report, study or plan for approval by the WLWB are all proper use of the Fund. The company's view is that Fund is for public hearings only thus the Agency will have to rebate \$40k to BHPB as a public hearing is unlikely to take place in 2006-07. The parties at the meeting agreed to ask the mediator for an interpretation of these matters. Kevin will draft materials for the Agency Directors to consider as a submission to the mediator, leaving space for BHPB to put in its position.

A second dispute at the meeting relates to what authority the Agency has in terms of soliciting and accepting funds from organizations other than BHPB. The BHPB view is that no authority exists for the Agency to solicit or receive funding for any purpose, even

within its mandate, from outside BHPB. BHPB believes that the Resolution Agreement lays out the process for the Agency to solicit any funds and that if a request is rejected by BHPB and then the Environmental Agreement signatories, then the activity or request is outside the Agency's mandate. An example of this could be the letter from the Joint Review Panel for the Mackenzie Gas Project requesting Agency appearance. The Agency view is that there is nothing in the Environmental Agreement, the Resolution Agreement, or elsewhere that prevents the Agency from seeking or receiving outside funding. Indeed, the by-laws of the Society clearly authorize the acceptance of outside funding. Again, the parties at the meeting agreed to request the mediator's interpretation on the issue of authority to solicit and accept outside funding.

#### *Agency Review of the Ekati Interim Closure and Reclamation Plan Draft*

The Directors agreed that the immediate task facing the Agency is to prepare high-level comments on the components of the Draft Plan grouped by the WLWB as 'section 1 items' for written submission (deadline is March 18<sup>th</sup>). The Directors decided to review the ICRP and have a conference call in order to prepare comments for submission. Individual Director comments are due for March 2<sup>nd</sup> with a conference call planned for later in the following week (March 7<sup>th</sup> at 4pm MST). The aim would be to have comments developed by the March 9<sup>th</sup>-12<sup>th</sup> that could possibly assist the Aboriginal Society members in their preparation for the March 18<sup>th</sup> WLWB deadline.

Initial comments on the ICRP included:

- Vagueness or confusion of what is an objective and/or criteria
- Roads not part of consultation, but roads are in the plan
- Criteria and objectives – are there comments that point to and link with research to better define criteria? If not, it will be unclear how the plan will evolve and change as a result of any research or studies. Appears that this linkage not made.
- TK section – area cannot be returned to original condition. Agree on end use of area; then shared expectations can guide closure.

#### *Conflict of Interest*

The Directors engaged in a discussion related to Agency Directors accepting contracts with outside organizations that could have some bearing on Agency activities. Disclosure was highlighted as a key requirement for Directors.

#### *Letter from Yellowknives Dene regarding Transboundary Issues*

The Directors reviewed a letter from the Yellowknives Dene First Nation suggesting that the decision to transfer the Ekati water licences to the WLWB may not have been undertaken in a procedurally fair manner, in consultation with the Yellowknives. The Directors noted that the correspondence was sent to the Agency afterwards rather than copied to or directed to the Agency. Tim agreed to contact the Yellowknives Dene to inquire if they would like to appear at the next Board meeting. The Directors agreed that issues of potential procedural unfairness on the part of a regulator, if identified, are within the Agency's mandate to review and comment on.

Action Item #1 – Tim to contact the Yellowknives Dene First Nation regarding any interest in appearing at the next Board meeting to discuss the decision to transfer the Ekati water licences to the Wek'eezhii Land and Water Board.
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### *Discussion of Potential Monitoring Agency Workshop*

It was noted that there have been a number of workshops on caribou without final reports having been distributed. The GNWT Caribou Summit did not deal with cumulative effects issues in any substantive way. A focus on 'dust' may be interpreted as too narrow and not a proper theme for a cumulative effect workshop though dust on lichen is a way to start looking at a regional perspective and avoidance effect of dust. Depending on the availability of contractors to do this work a project could be broken down into the following phases:

- Phase 1 – data gathering with focus on caribou including species that have the closest effect on caribou (e.g. predators like grizzly bears and wolves) and what methods are used at the diamond mines.
- Phase 2 and 3 – collection of data on other monitoring programs conducted by governments and communities (including Traditional Knowledge), development of an evaluation framework substance for the analysis including aspects of best practices and identification of gaps. A workshop, in collaboration with multiple parties, to discuss the study findings and implementation may also be undertaken. Ensure that the work is within our mandate and undertaken jointly with EMAB and SLEMA. There may be an opportunity to update the cumulative effects work using more recent caribou collar data.

The Directors suggested there is good evidence that the mines are having an effect on caribou at a regional scale not being captured by individual monitoring programs. A workshop could improve the monitoring programs so that those who are using the information are better equipped to manage the Bathurst caribou herd more effectively and the mines can reduce their effects even further.

Action Item #2 – Kevin and Kim to develop a proposal or terms of reference for a review of Bathurst Caribou herd monitoring programs, for distribution to the other monitoring bodies to determine if there is an interest in collaborating.

### *Annual Report*

The Directors discussed the schedule for the preparation of the Agency annual report. The March board meeting is planned to include further expansion of the issues to be covered in the report and, at the April meeting, the substance and recommendations (and reasons for recommendations) are to be fleshed out with a target date for completion by May 24<sup>th</sup> (EA meeting). Essentially complete text of the full report would be available in early June. The plain language summary and technical version should then be sent for printing and distributed in September.

Initial comments on some annual report content:

- Challenges have occurred between GNWT and BHPB related to the *EA* annual report and *EIR* 2006. These were largely related to air quality and wildlife issues.
- ICRP developments – this is the main issue for the annual report.
- AEMP re-evaluation and new plan improvements.
- Cumulative effects on caribou need to be examined.
- Recommendations from past year (response from BHPB needed).

- Tailings and Wastewater Management – LLCF water quality study, tier II chloride risk assessment, adaptive management plan are all related and delayed submissions. The delayed LLCF water quality study prevents the Agency from adequately reviewing the AEMP re-evaluation that is underway.
- Ground water impact on LLCF discharge – Ekati is transitioning from open pit to underground mining.
- Development of cell B road and delay in use of cell D (though mine water is being discharged into cell D).
- Waste rock management and seepage – technical issues left on the table by BHPB and the WLWB when plan was approved.
- Assessment of regulators – handling of the seepage report technical issues may be worthy of comment
- AEMP report timeliness. Progress made on cladocera and re-evaluation process particularly in multi-variate statistical analysis. BHPB responded to the Agency recommendations in this regard.
- Grayling survival – past fin clipping efforts in the PDC could result in some return this year providing evidence of success of over-wintering.
- WEMP – confusion with wolverine issue reporting of results from DNA sampling study (it was suggested that an ENR representative be invited to the next Board meeting to clarify the status of this research program).
- WEMP improvements to caribou survey methods could be commented on.
- Agency offered advice on implementation of MPEMA based on our experiences.
- Communications and Consultation – a request was received to increase Director attendance in Lutsel K'e. Although the Agency offered to assist, this request could not be fulfilled as the community was exceptionally busy this year with several nearby new resource development projects.
- TK – include fish palatability comment linked to AEMP review
- Air quality – fecal pellet sampling as one way of monitoring dust impacts.

Action Item #3 – Kevin to invite an ENR representative to the next Board meeting to clarify the status of the wolverine DNA sampling program.

*DFO letter to the Agency regarding environmental monitoring*

DFO suggested in an e-mail to the Agency that there could be some benefit from oversight of on site environmental monitoring.

Action item #4 – Kevin to contact DFO to attend the next Board meeting to further discuss the e-mail received regarding oversight of environmental monitoring.

*Aquatic Effects Monitoring Program Re-evaluation 2007-09*

The Agency is supportive of content of much of the AEMP re-evaluation report. The Agency also views that the evaluated parameter list may also require expansion to include analysis of barium, magnesium, antimony and calcium as these were four of the 12 parameters shown through PCA multivariate analysis to contribute the most to changes in water quality (this could be causing a decline in cladocera in Moose Lake). Antimony is currently at ten times the reference value in Leslie Lake. Other parameters may also be added based on the LLCF water quality studies and thus the Agency should again mention the need for this critical work. A less important issue is time of travel for

discharge water through the downstream system and this was not addressed. A comment on palatability and reference to the Agency comments made in December could also be minor points in the letter to the WLWB.

Action item #5 – Kevin to draft letter for the WLWB on the Ekati proposed 2007-9 AEMP.

*Air Quality Monitoring Program*

The Directors discussed their internal reviews of the *AQMP*. Results from 2002-05 were summarized in the report. CALPUFF air dispersion modelling was presented in a separate report and was used to pick the sample plots for snow and lichen sampling which were conducted in 2005. Environment Canada data were used for modelling. Another change to their monitoring program is that BHPB is analyzing one rather than three species of lichen as it had in previous years. Approximately half of the snow survey plots from previous years were used again for sampling and lichen and vegetation samples were taken from a subset of these snow sampling stations. Results indicate that metals and dust are detected to approximately 18 km from the main mine site sources but the company only looked out 20 km from these sources. The conclusion is generally that pollutants dissipate as movement from site occurs. A suggestion for future Air Quality Monitoring programs would be for BHPB to monitor at distances greater than 20 km, and to collect fecal pellets from wildlife and analyze for dust content. The Directors considered a proposal from a contractor (SENES) to review the *AQMP* and *CALPUFF* reports and instructed Kevin to accept it.

Action Item #6 – Kevin develop a service contract for SENES to review the *AQMP*.

*Joint Review Panel (Mackenzie Gas Project) hearing invitation*

Both Bill (contracted by DFO to provide advice on cumulative effects) and Kevin (as an individual intervenor and assisting another intervenor) disclosed that they are involved in the Mackenzie Gas Project review and the Directors agreed that they should remain for the discussion of the invitation to the Agency to present at the upcoming March hearings. The JRP is requesting Agency participation in the hearing on environmental monitoring. The meeting is to take place March 20-21<sup>st</sup> in Yellowknife. The Agency has both an obligation to provide public information regarding the Ekati mine and its work but funding is also restricted to matters related to the mine. The Directors agreed to offer to provide a written reply to the questions posed in the invitation letter and any available documentation that may be of interest to the JRP.

Action Item #7 – Bill draft memo to JRP stating Agency willingness to respond in writing to the questions posed in the invitation letter and to provide documentation to JRP.

*Geochemical Characterization and Metal Leaching Management Plan (GCMLP)*

The Agency internal review of the *GCMLP* was discussed. It was noted that a discussion of management consequences of the information developed must be considered in the final report. BHPB has indicated that it views development of management actions as an internal process. If this is the approach taken by BHPB then it will not be clear whether adaptive management is taking place. As far as the Agency submission, it was suggested

that the background history on the issue be attached as an appendix following the main recommendations. This would be more useful to other stakeholders who do not have the capacity to review the plan. A long-term issue is BHPB's approach of freezing of coarse kimberlite as long-term containment (poor quality drainage is being found that may be due to the coarse kimberlite piles not freezing). A draft letter was presented and approved for distribution by the Directors.

Action Item #8 – Kevin distribute review of <i>Geochemical Characterization and Metal Leaching Management Plan</i> to WLWB and Society Members.
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### *MEETINGS WITH OTHERS*

#### ***Meeting with BHPB – David Scott, Charity Clarkin, Jane Howe, Laura Tyler.***

Introductions were made of new Agency Directors and BHPB staff. The Directors requested BHPB respond to the following issues:

*Timing of 2006 WEMP and release of wolverine data* – BHPB requested an opportunity to review the data before it is released by ENR. BHPB views the wolverine DNA survey as a GNWT project but would prefer incomplete research to not be released. Brent is BHPB's key BHPB staff person on this issue. BHPB agreed to provide further information on the status of this work to the Agency.

*AEMP re-evaluation plan* – The Agency commended BHPB for the good quality work on multivariate analysis and correlation of water quality and biota changes undertaken as part of the AEMP re-evaluation and a commitment to continue this work at least every three years. The Directors commented that AEMP 2007-09 shows that increasing water quality parameters, barium, antimony, and ions are responsible for much of the water quality changes. BHPB agreed to look into why these are not included in the list of evaluated parameters.

*Meeting participation limits* – Directors requested the rationale from BHPB for having only one individual attend a BHPB meeting on behalf of the Agency. BHPB believes that this was done during the closure workshop and EIR to manage the number of people involved. BHPB noted that space is a concern as well as ensuring communities could have sufficient representation and involvement. Regulators were also requested to limit participants. The Directors noted the Agency need to develop a well-informed consensus and that having more than one representative also assists with capacity building within the Board so Directors other than those who have direct experience or knowledge can get exposed to new areas. BHPB took the latter point and agreed to consider Agency needs in planning future events and meetings.

*Site visit* – The Directors suggested a site visit in the last half of March but BHPB has some internal visit and audits taking place at that time. BHPB agreed to discuss the date of a site visit with Brent.

*New BHPB President and COO* – BHPB explained its leadership changes over the years in terms of normal business planning for the project. Jim Excel was in charge of building

the project during a 3-4 year posting, Wayne Isaacs left due to a family matter, Sean Brennan has been 5 years at Ekati (some time as president) and is leaving prior to new phase of project when it shifts to an underground operation. Ricus Greenbreek from South Africa will be taking over as the new president on April 1, 2007. Ekati earnings before interest and tax were stated to be \$498 million.

*Other Issues* - Potential emergence of diesel shortfall in coming years due to the oil sands growth is a concern for mining companies. The Ekati 2005 socioeconomic agreement report is out but the 2006 report not yet available. BHPB will send this to Agency. There have been 154 pipes identified within the claims block but there are only 8 in the mine plan. Fox ore has a grade of 0.3 carat per tonne (a low figure in the PPB). As far as the valuation of diamonds about 80% of the value is in 20% of the stones.

### ***Meeting with WLWB – Sarah Baines***

Sarah discussed the WLWB the ICRP Working Group process that is expected to take 12-15 months. Sarah will say a few words at BHPB's ICRP presentation to outline the Working Group process. The WLWB intends that the Working Group terms of reference will be followed closely and all parties must adhere to deadlines. Working Group meetings will be scheduled well in advance (the first meeting set for May). Stakeholder comments on the first section (as identified by the WLWB staff) will be filed in a submission due March 18<sup>th</sup>. The Working Group discussion will focus on those issues raised in the written submissions and responses. Additional issues should not be raised at meetings. BHPB will then have an opportunity to respond and stakeholders can comment on if they feel BHPB has adequately addressed their concerns.

The Directors commented that road closure and reclamation was not part of BHPB's consultation process yet the ICRP does contain information on roads. Sarah replied that the WLWB left BHPB in charge of designing its own consultation program. The risk to BHPB is that the closure planning process will take longer if issues were not dealt with during the consultation process. The Working Group will also have an opportunity to deal with roads.

The Directors raised the unavailability of Bill Price to conduct a review of the 2006 seepage report and that the Agency could thus not meet the February 28, 2007 deadline for comments. Sarah stated that an extension was unlikely.

Sarah mentioned that an advertisement for a public hearing, for the road watering licence amalgamation issue, by way of paper submission would be posted in the newspaper soon. The revised Hydrocarbon Impacted Materials Management Plan and Tier II Chloride Risk Assessment are both about to be submitted to the WLWB.

### ***Meeting with DIAND – Lionel Marcinkoski and Lorraine Seale***

Directors requested Lionel update the Agency on MPEMA and to discuss any observations on the recent Resolution Agreement meeting.

*MPEMA* – this organization would replace the three independent oversight agencies and possibly include future mining projects. Negotiations began a number of years ago and

MPEMA will build on respective strengths and provide efficiencies. MPEMA will have a technical working group and a forum for senior policy discussions. The Directors mentioned they had provided advice on MPEMA upon request of DIAND's contractor but the Agency had been requested to keep the draft terms of reference confidential. Lionel offered to check on the status of the draft to determine whether the document can be shared with the Agency for distribution to all the Directors. The steering committee has yet to ratify MPEMA. DIAND expects a meeting to occur by April for the Aboriginal caucus to review findings. The next phase would be for the various parties to ratify the document. Diavik has participated in the funding process and DIAND views this as an indicator of progress.

*DIAND staff update* – Jason Brennan is the new inspector for Ekati. Gary Potts has taken over from Malcolm Robb. Caroline Relf is the new Director of the Minerals Division. Nathan Richea is the Water Resources lead contact on Ekati now that Rebecca Chouinard has returned to school. Rebecca may still continue to do some work on Ekati, particularly the ICRP. John Brodie remains involved as lead contractor on security for the Ekati mine.

*EIR and Annual Environmental report* – DIAND is attempting to resolve issues that GNWT had with the BHPB reports and hosted a meeting in October. Air quality monitoring deficiencies remain outstanding and wildlife issues have yet to be discussed fully. ENR is recommending that the 2005 *EA* report is acceptable with an attachment table (as per the December 22<sup>nd</sup> letter from GNWT) and the 2006 version of the WEMP report can further address issues of concern. GNWT also commented favourably on the usefulness of draft reports that BHPB is not intending to write any further.

*Director Appointments* - DIAND will be sending a letter thanking Francois Messier for his long service as a Director.

*Resolution Agreement Signatory meeting* - Lorraine will be meeting with David Livingstone to discuss what happened at the meeting particularly in regard to the ongoing use of funds disagreement. The Agency view is that BHPB could have objected to the Agency's use of the Separate Fund much earlier. The Agency may have to hold back \$40k as 'insurance' in case an eventual decision is not in the Agency's favour. If the decision is favourable then the \$40k would be stranded as a surplus that BHPB would receive. The Agency would like to know what the DIAND and GNWT view is on the use of the Separate Fund. DIAND replied that it needs additional time to formulate a position. DIAND viewed the summary of outgoing agency correspondence, presented at the meeting, to be helpful. Both presentations at the *Resolution Agreement* meeting were deemed to be of sufficient detail by DIAND.

*Cumulative Effects Monitoring* – DIAND's understanding is that GNWT has modelling work underway on cumulative effects monitoring of caribou. DIAND is seeking cumulative effects monitoring funding through the CEAMF (Cumulative Effects Assessment and Management Framework) but has not been successful to date.

***Meeting with SLEMA – David White and EMAB – John McCullum***

At a recent SLEMA Core group meeting, a policy manual was discussed. Another core group meeting and winter road trip are planned for end of February. SLEMA intends to fly to Snap Lake and drive back on the winter road. This trip will be followed by a one-day workshop to with Anne Gunn and the TK panel around the 20<sup>th</sup>-22<sup>nd</sup> of February. De Beers is providing results of the baseline monitoring programs and there is the potential for a fish palatability workshop to bring De Beers and the TK panel together.

EMAB did not have an opportunity to discuss a number of wildlife issues at its last meeting, including possible joint work on cumulative effects on the Bathurst caribou herd. EMAB has been generally reluctant to take over responsibility of these types of analysis due to governments having well recognized responsibilities in these areas. Revisiting satellite collar data and adding three years more data to the Boulanger et al. report could be beneficial. It was noted that communities are more interested in detailed analysis of animals rather than aerial survey work.

John mentioned the EMAB participation in the Diavik water licence renewal hearing in Rae (WLWB). He felt that the interveners did a credible job and many believed the WLWB should adjourn until AEMP and ammonia management and the closure and reclamation plan were addressed. The WLWB agreed that the first two issues were sufficient to adjourn proceedings. The WLWB wants a revised AEMP by March 23<sup>rd</sup> and a new Ammonia management plan by May 25<sup>th</sup>. This would allow a draft licence to be produced by the time the licence is set to expire. It looks technically feasible, and if Diavik can fulfill its obligations, it looks very positive. EMAB also views that the WLWB is reluctant to go beyond the water licence regarding TK, training and Aboriginal involvement in monitoring.

#### ***MEETING with DIAND Inspector – Jason Brennan***

Jason Brennan was introduced to the Agency and he stated that he is taking over the Ekati inspections from Scott Stewart who was filling in the position in addition to his other responsibilities. Directors mentioned good working relations with former inspectors. Jason felt reassured that there is another organisation (the Agency) acting in a watchdog role over the large project. He was also interested in hearing from the Agency what are the key issues at the site and how he can help.

The Directors mentioned the ammonium nitrate storage building has been repaired multiple times to attempt to prevent spills of the explosive and leaching into Kodiak Lake. Jason toured the facility and noted its location is not ideal.

Spills have been an issue and warrant oversight though the company has made efforts to reduce spills. Jason has already observed a backlog of spills files that require formal closure. Many of these are in the pits and these are less of an issue. Directors also mentioned that food waste and improper garbage getting into dump is an area that was improved with juice boxes banned from site and a new incinerator could be running soon. A key issue will be incinerator operation and installation of wet scrubbers and the Directors suggested that Jason be in contact with EC and GNWT on this issue. He replied that he would attempt to tour the incinerator with EC and GNWT.

The Inspector provided comments on his preliminary site tour of the area on top of the waste rock storage area for chemical storage and management. This new area is to be used for chemical storage of materials that are shipped in on the winter road (called laydown 6).

The Inspector asked the Directors about revegetation success on processed kimberlite. The Directors replied that in the current ICRP a substantial portion of LLCF is proposed to be re-vegetated rather than rock capped and BHPB has had relatively good research success with re-vegetation. BHPB has yet to make a substantiated case that a large area of the LLCF could be re-vegetated without risk to caribou or of long-term failure of the vegetated cover.

The Agency has recommended that Cell D not be used for any type of deposition to protect water quality. However Fox mine water is pumped to Cell D. The Agency is interested in knowing more about the quality of this water.

Another issue has been having flagging tape strung over the area where hydrocarbon contaminated materials are stored to prevent ducks from accessing the early open water area that forms. This and frequent skimming of the pool surface to keep water down was viewed to be important to prevent wildlife impacts.

Directors offered use of the Agency resource library to the Inspector if necessary. The Inspector replied that Feb 22<sup>nd</sup>-23<sup>rd</sup> will be a detailed site orientation to be followed by a winter exploratory drilling inspection. Ekati is his exclusive project and he will only be inspecting that site.

#### *SCHEDULE PLANNING*

The Directors will participate in an ICRP process conference to be held March 7<sup>th</sup> at 4 pm to be hosted by Tim. Internal comments are due March 2<sup>nd</sup>. On March 11<sup>th</sup> the Agency will attempt to share its comments with society members and submit comments on March 18<sup>th</sup> to the WLWB.

Next Board Meeting – 54<sup>th</sup> Board Meeting to be held March 26<sup>th</sup> – 28<sup>th</sup>.  
Meeting Adjourned

*Summary of Discussion Approved by*

*-ORIGINAL SIGNED BY-*

*Jaida Ohokannoak, Secretary Treasurer*