

DeBeers Snap Lake meeting

In person

Rick Schryer, Golder	RS
Florence Catholique, Lutselk'e	FC
Kevin O'Reilly, CARS	KO
Marc Lange, DFO	ML
Steven Herbicht, EC	SH
? Paula Pascholik, EC	PP
? Tamara Hammett, INAC	TH
Mary Tapscott, INAC	MT
Brett Hudson, RWED	BH
? Darren Campbell, MVLWB	DC
Lionel Marciniowski, RWED	LM
? Buddy Williams, INAC	BW
? Robin Johnstone, De Beers	RJ
Louis Azzolini, MVEIRB	LA

~~9-7-30~~

On Conf. Call

Tim Byers,	TB
John Ramsey, NREan	JR

FC - concern of the lack of FN organizations

LA - communicated by fax + phone. ~~Does not~~ Did not want to attend

MT - Dobson Treaty II

LA - no interest

KO - interested in funding for FN?

MT - yes, will be calling around to see who ~~gets the~~ wants money

FC - Ahaltcho Treaty II AIP - developing a process on land use permits and water licenses around their communities. Not sure how yet to cooperate with the MVRMA as they are not a party to the MVRMA

RT - we, Lutselke or Treaty II

FC - 3 communities, consultation process for the process. De Beers will describe how their consultation secured - financing required

DC - how the ~~APP~~ Interim Measures Agreements & AIPs. The MVEIB try to live up to these agreements.

LA - there is a funding issue.
- interim measures agreements must be complied with

SH - who ensures that the right consultation is being done?

LA - we coordinate to the Board. Not obligated to the govt of Canada.

MT - not responsible to consult?

LA - not responsible for living up to AIPs and IMA's.

FC - ~~is~~ who is going to do it?
- part of the IMA was to ensure that consultation occur

MT - IRMA funding available for the communities to gather their own info but R.B. responsible for ~~doing~~ doing the consultation.
MVEIB responsible for these

costs

DC - MVE/RB ^{+ MVE/WB} has an obligation to consult
with the communities. Everyone
not just one group has to consult.

LA - everyone's job. INAC provides money
to the communities. The Board
must do good EA and respect to
EAs.

FC - EA to be translated?

LA - Board's decision. If you want it,
ask for it.

TB - INAC - resources for communities
R.B. - responsible for meeting, translation
costs

~~LA~~

LA - no, the R.B. doesn't have the money.
Should be intervenor funding.
- Intervenors should have the money
to participate

KO - where is the money?

LA - R.B. does not ^{have} the money.

KO - will INAC provide the money
to NGOs.

MT - No

KO - bill in Parliament now to provide
interim funding for CEAA comp.
studies. They would be same for
this RA.

LA - an issue that has not been resolved.

MT - to FC, IMA is still preliminary
not sure how it is going to apply.

FC, - yes, something that needs to be sorted
out but they need the funding to
do it.

DC - each comm. having its own process
is not in the IMA. How does EC
see the ^{under} comm. getting the funding
when the umbrella group needs to
get it.

FC - MVRBM is not their act and they
will have to see how it applies.

KO - will INAC provide IMA copies to everyone?

DC - Muzubhusit

EC - what about Treaty II?

LA - they will sit on the R.B. and participate
any other issues?

SH - explain the footnote to the agenda?
Legal reasons why we cannot sit on

LA - R.B. is an independent body. As a
R.B. staff member, we cannot participate
in limited discussions that exclude
people. Either put discussions on
the Public Register, or widely advertise
a meeting.

MT - but are we not the eyes + ears for
the R.B.

LA - we have to have the evidence presented
in a public manner.

MT - then should take minutes or
record meetings so that it can

to proceed of the P.R.

LA - the R.B. is not partisan. Mandate is to be objective and impartial on these discussions of evidence tables on the Public Registry

- Is it fair or legal to have closed meetings? No

- If anyone has comments place them on the P.R.

KO - sounds like a legal opinion has been obtained. See this as a scoping session to look for comments on the draft. Good opportunity to provide feedback to staff. Otherwise RB needs to have a scoping session in all the communities. Can't get the same thing ~~in~~ by submission to the P.R.

- would suggest formal drawings to do proper scoping.

MT - agree with KO. Want an iterative process.

KO. - agrees that it would be improper for Board members to be here.

LA - RB. knows the benefits of sitting around a table.

- We have to work with what framework we have.

- ~~Everyone~~ Everyone else can get together to discuss those things. We do ~~not~~ not influence the Board.

MT - ~~don't~~ expect the information to be presented as we heard it. As the eyes and ears of the Board, how is the information being presented to the Board?

LA - need to be legally rigorous until such time as the MVRBA develops.

MT - what about the communitarian traditions. Now a step back to a closed Board without discussion or deliberative process.

BH - but how can the ~~the~~ submissions
be of value when we don't
know arguments? How does
the Board make their decision?

LA - they will weigh the evidence?

JA - provide detailed submissions?

LA - will be requesting who authored
submissions. Accountability
must be there.

- what will go on the R.R.

LA - the ruling rules

MT - suggest taping meetings in order
the proceedings don't get down the
road of what was said.

SH - we are stepping back in time
- need to be able to sit around and
discuss things. ~~to~~ R.B. staff
should participate

TB - the ~~the~~ submissions do not
always have to be unanimous!

SH - mostly opinions are still expressed

LA -

SH - dumping the coordination job on
someone else

LA - fine, but we are working as
we can. If you come together
and work something, let the R.B. know.

KO - well if we can't talk informally,
then hold formal scoping sessions
- thinks this should have gone to
a panel. Should hold scoping
sessions on the WP + TOR.
- For the R.B. to make an informed
decision, they need to be able to
collect information

LA - please put that on paper and
submitted

SH - new Act, new procedures. Start
changing procedures now with
this EA.

LA - the new guidelines are ~~to~~ on
the web site.

SH - real way not the best way
to communicate with everyone.

LA - write to the Board and state why
~~to~~ you feel how ~~to~~ you do.

Draft guidelines and rules of
procedure are available now.

Procedures - legal structure

Guidelines - serving to a panel

MT - comments over the year on these
documents. Can't see how the
comments submitted have been
incorporated into the documents.
People getting frustrated by not
knowing how their comments are used.
Process to track comments and how
they are used.

KO - 10:40. Lots get to De Beers

LA - any action items? Who to follow up?

KO - CARE should work on intercom
funding. Will be meeting the
Board directly.

LA - Tim, any courses on the IMA

TB - not a participant. Will talk to Rachel
Crapeau.

LA - can Tim be a point of contact?

TB - yes

LA - break, then De Beers.

10:45 - presentation ~~of~~ on the project

- Robin Johnstone

KD - what salvage looked out? R5 - anything that
could be recovered?

TB - what if the liability compensation doesn't work?

R5 - must reevaluate value. If so, will have
to look at other options to fulfill the
agreement with DFO.

What was wrong with the RBC?

RT - just wouldn't work properly.

JH - RBC can be effective, just things plan
wasn't.

RT - yes, pulses would allow it to operate
properly.

LA - any linkage ever between Snap Lake
and Kennedy Lake?

RT - No

KO - where is ~~Snap~~^{Snap Ex} relative to the mine camp?

RT - showed slide. Couple of hundred meters

KO - will future exploration result in
additional mining? Would like to see
the claim block.

RT - doesn't have that slide.

11:30 - Rob DeBruin took over

comment by LA - De Beers is not being asked
to comment on significance because the
R.B. wants the reviewers to focus on the
residual impacts

KO - what will be submitted? ~~at~~

RT - attached to the EA

~~KO~~ - LA - everything but some may be
submitted in confidence

KO - doesn't think anything should be submitted in confidence. Everyone should have access to anything the RB considers.

RJ - doesn't foresee anything being submitted in confidence.

KO - will the under road and access road be included in the EA

RJ - yes

Corporate commitments

MT - good and necessary process for allowing additional mitigations to come forward during the process.

KO - what is the difference between this and the environmental ~~agreements~~ agreements that are actually made. Interesting but how will it be enforced?

LA - ~~is~~ new ground. The Board wants a document available on which it is basing its decision.

KO - would this trigger a new screening if the commitment is not followed?

LA - yes

1200 presentation over

JR - identifying expert reviewers

- they do not act on their own behalf

they act on behalf of the department

- problems with misquoting

- do people see that there are doubts

about the internal qualifications

- don't want to name their civil servants

- a problem if so

- in public hearings, these scientists

would be there and no problem

- don't want media taking things out

of context or contacting their

scientists

TB - from their perspective, they don't

know the qualifications of

govt experts

ML - how will the qualifications be used?

will it be used to assess the quality

of evidence?

LA - question to me or the Board

MT - not a bit concern. Resumes are personal info. Would deal all of the areas of expertise. Not a problem for outside experts. Would put in their contracts.

Submissions are from INAC, not from Mary Japsell.

KO - ~~the~~ during BHP, the govt employees told the NGOs that they were told what to say.

- Concern with govt staffing levels. Only ^{govt} reviewers looking at EAs. Opinions filtered through govt policy.

Board needs to know the qualifications of these govt "experts".

LA - talked to legal counsel

- know members, and titles at a minimum
- the Board could get more detailed info if required.
- balance privacy vs. need to know.

JR - inability to provide labels then
is a merging and matching
- how do they control their own window?
- responses in through the window and
out

MT - ~~about~~ the NR Can employees
names and titles are publicly
available. Just list everyone who
works on it

LA - list everyone but if you can't
then quality control questions

BH - technical submission from the
GNWT ~~is~~ not from individuals.
Would list everyone involved.

JR - concerns alleviated somewhat

KO - need to know how to weigh evidence
which helps them decide

BH - must assume the govt has the
~~the~~ technical expert

KO - ~~not~~ have the right to know
qualifications. They can subpoena

BH - They can subpoena and the BNWT would respond accordingly.

LA - the Board would get the info if it works it or someone else works it mechanisms in the Rules of Procedure to secure additional info if required.

DC - so the subpoena route is possible

LA - yes, but not the desired route

JR - basically requests for info that come into the department. Why need this info?

LA - John Roney is the only ~~any~~ person in so NR can. Others would be contacted.

JR - concerned with media contacting employees

TB - any problems with individuals contacting them to talk to individuals?

JR - would accommodate that kind of meeting.

LA - 12:30, Mel back at 1:30pm

1:30 meeting getting together

Steve ? , Latsel, K.

Andy Swiderski, Terriplan AS

Mario Adams, INAC MA

conf. call operator - John Ramsey will not
be coming back

TB - To Robin

① Dashed length? Not expanded

② STP? Up and running or later

A: Existing not finalized but will
be expanded as camp size
increases.

③ Temporary exposures magazine

On map for
advanced
exp program.

→ ed tip of peninsula? Still there.

A: Not a tip. To west of camp.
Not sure about the adv. exp. exp.

④ Emergency exits?

A: Two ventilation shafts on the north
shore. ~~Building with~~ Ventilation
equipment underground.

Safety features moved out would be good
as they are ^{YDFN} nervous about underground
mining.

RT - about half the jobs will be
underground so safety is a priority.

LA - Back to agenda.
Any other items to discuss.

RT - Comment on this morning's discussion
Looks good to De Beers.

KO - ~~Board expects~~ what are De Beers
consultation plans during the EA process?

RT - Consultations for what?

KO - Refer to letter from Louie de Beers.
any plans for consultation outside the
EA process.

RT - on-going activity. Various types.
TK, ^{stakeholder} benefits agreements, community
information sessions in YK, technical
review sessions with NGOs.
Follow-up technical sessions (for ex.
water quality) with regulators in
group and individually.

KO - is this ^{plan} documented and available

RT - no, but could be. Developing
issues matrix based on consultations
for use in the EA.

KO - suggests summarizing plans into a document to get feedback.

LA - To RT. Convention this morning's discussion.

RT - clear message from the MVEIRB
Would like to be in a position to move forward on the ToR. Based on experience and will probably agree on most of it.

Discussion over smaller things like definitions rather than the document as a whole.

DeBeers would facilitate discussion somehow if the P. B. staff can't.

All reviewers will have opportunity to provide ^{to provide} comments, even those outside of YK.

LA - you would organize a meeting to bring everyone together

RT - doesn't see it as their role but will do what they can.

KO - suggests formal scoping.
Does De Roos not think this is
necessary.

RJ - Thorough scoping also necessary
to do a good job but need to
determine the best way to do
it are formal hearings the best
way? Don't know. People
can express this desire to the
R.B. if they wish.

KO - DB suggesting one on one or group
sessions. Substitute or supplement
any Board activities with DB
organized meetings?

RJ - haven't seen the R.B. suggest formal
hearings as necessary. They are
focused on written submissions.
However, if there are ways of
getting together to discuss TOR,
that's fine.

LA - page 10 of the WP.

- Renew Board will determine if public
hearings are warranted.

- Option available for the Board to
do this if felt necessary to

require more info.

Info ~~to~~ on the P.R. is what the
R.B. will base their decision on
R.B. encourages discussion

KO - Just wondering what DB would ~~be~~
prefer. seem to be open.

R&T - They are.

MTT - Where are we on the agenda? Workshop?

LA - Let's go through the WP.

- discussed section 1.0 Introduction

- 2 Development Description

- looked at ^{Scoping Document} maps to determine solution

KO - why have both Dev. Desc. and
Proj. Desc.? Are they the same?
If so, why have them both?

LA -

SH - prescriptions. Would be better
~~to~~ generalized to make it easier
to understand.

LA - look at it as actively used

SH - what if things changed? How would
it be ~~developed~~ dealt with if not
on the list?

MP - why is documentation being
repeated? ~~that's~~ a credit-to-space
approach. Does need to be so
repetitive.

Buddy Williams - agree with SH. Potential
to miss things by being so prescriptive.

KO - are you looking for comments?

LA - Yes

KO - O.K. No use of winter road is
mentioned. Continuing exploration
should be included. Potential to
expand the mine as a result of
continued exploration.

BHP was asked to include areas
of high ^{significance} ~~interest~~ that are on their
black house since been added to
played.

LA - Summary

- less pre., more dev.

- less regulation

- other activities to include

Just a quick shot of getting things
down for a starting point.

BW - Necessary developments.

Think the adv. exp. comp. was already
reviewed and permitted. Will this be
reviewed again.

LA - modifications may cause an impact so
we are going to include it

MT - why would you split it?

BW - they are continuing with existing
activities under existing permit/licenses

LA - put your view on the public
registry

MA - dates will be changed?

LA - depends on comments received.

SH - in reviewing the whole document,
half deals with procedure. Why
put them in here.

- Roles + resp. are available elsewhere
doesn't need to be in here.

- a lot of stuff not related to the
ToR of the EA.

LA - should we split them out?

KO - R.B. staff will discuss section 1-4
but not 5. Is that correct?

LA - yes.

KO - include metrics.

MT - def. of FN includes metrics.

KO - state clearly that the R.B. consultants
reports will be on the P.R.

LA - Section 3 lays out general activities

BH - Section 3.1. Consider pulling in that
the EA will include s. 115

RS - what does suitable mean? Any particular format?

LA - No

RB has looked at resources and where they will go. Budgetary considerations of the R.B. will be changing based on work plan

MA - decide on meeting dates as early as possible to allow for budgeting and scheduling

LA - agree ~~that~~ we will do what we can as the EA evolves and advance notice will change

MT - concern with things not being done that are in the EA process.
for example, no gap analysis. If we know it will not occur, don't put it in.

LA - move through section 4?

KB - who has identified as an RA?

LA - not sure

SH - should be RM not an RA

MT - a line ~~to~~ needs to be clarified

DC - DFO was RM for the pre-screening

RS - more detailed schedule available?

LA - yes, available but just showing
beginning and end dates

SH - milestone dates fixed. If it doesn't
~~happen~~ why not just say how long
it will take as opposed to a fixed
date.

LA - will bring it to the Board

SH - would like to identify a block of time

RJ - ~~can't~~ would recommend both

MT - comfortable with this present ^{not every}
approach. Dates should be set ^{little step}
in a consultative process with ^{is defined}
the reviewer.

LA - trying to present something to
walk towards. But comment on

The P.R. will have to balance
people's comments.

MT - Deferred deficiency statement period.
Reasonable time allowed for new
info added during the process.
Should be built into the schedule.

LA - what is a reasonable amount of time
to close the registry.

MT - needs to be open long enough to
allow clarifications.

TB - that is a point he wants to raise.
~~That~~ Problem with the BHP expansion
allow DB to clarify things after the
registry closes, not present new info.

LA - Mar. 21st draft ROP.
- allows the Board to receive clarifications
after the P.R. is closed.

MT - will that be added to the P.R.

LA - Yes.

MA - but that does not allow govt or
others to provide clarification.

LA - see Line 56 of the draft RoP.
~~- allow~~

- additional info can be added through
a request of the Board.

DC - section 3.3 of the WP

- section 1.4 - purpose is to.....

(c) to ensure the concerns of....

- at least 4 sections in the IMA to be
considered.

- will the Board consider IMAs in
their decisions.

LA - thanks Mo, but will look into it

- Board is impartial, not ~~for~~ political

DC - answer as expected

- at least two IMAs affected by the
process

LA - they can put forward their point of
view with the IMA as back-up.

MA - but the Board has asked for
clarifications in the past.

LA - yes

KO - Table 1 was confusing
- lay out more detail times but
not fixed dates
- date change on EA submission
- lay out how much time is
required
"much more helpful than the way
it is."

RS - that would help DB as well

LA - didn't want to lay everything out

KO - lay out blocks

MT - agree need to allow for slippage
in the schedule

LA - rework ^{schedule} for 27th to do this? Good idea?

MT - do staff members tag along on cancellator
sessions between the dev and the contractors?
Why can we but not talk about T&R?

LA - not sure

?? - why not just list the 5 milestone
dates? The details can feed
into procedure

LA - wanted to provide enough info
to feed discussion. Wasn't sure
what could be removed.

?? - who are experts?

LA - R.B. can use expertise of govt departments.
First Nations - are they deemed to be experts.
Is their knowledge recognized? Yes.

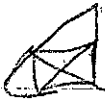
MT - Clarify conformity? Just a checklist
Identify data gaps during conformity
IRs can be done as early as a gap
is identified.
- If see something missing, send in an IR?

- What is the R.B. process for reviewing
IRs?

LA - R.B. has authorized staff to send
out IRs. If contentious EAs, take
it to the E.D. and possibly the R.B.

MT - the need of an IR can be eliminated by
talking to the developers right away.
This is missing right now.

LA - We can co-ordinate meeting but not
participate ourselves.



KO - What is meant by conformity?
Simply presence/absence?

LA - yes

KO - what if the info is not suitable

LA - is the presence of ~~see~~ info suitable?
Most of the time but the R.B. must feel
that sufficient info is provided.

KO - so there is some degree of judgement?

LA - yes. Would be happy to get rid
of it. ~~but~~ because not entirely
~~is~~ necessary.

KO - wouldn't it be better if the
Board had ~~the~~ comments on the
adequacy of info.

LA - that's the technical analysis

KO - why not combine conformity/technical
analysis?

LA - too confusing. Conformity is presence/
absence not technical analysis.

KO - what if after a family, there is insufficient data.

MA - why not just do the conformity internally and send out the report? Then let the reviewers go at it.

LA - We can do that. If anyone disagrees, they can ask the R.B. to make a ruling.

MT - should have a chart or table that identifies who is analyzing what - identify gaps that are not being covered.

JA - that's already being done

LA - will be doing it on a line-by-line basis. We will fill in the table and ask people if they agree.

KO - will that be on the P.R.?

LA - yes

MT - when will that item be circulated?

LA - soon.

KO - gaps analysis then to see where
no experts are available
- will they be identifying external
consultants?

LA - yes. Only GIL is currently engaged.

KO - how will companies be retained?

LA - BHP wasn't public.

JA - GIL was retained through a standing
offer.

BW - mid-to late August for final
Terms of Reference?

LA - Yes.

BW - will other dates change given
we are already behind schedule?
- How will this affect DB?

~~LA -~~

RT - other steps that are included that
were not in DB schedule.
Missing the winter road in 2003
would be a serious concern for
DB. PB will react in a timely fashion.

to allow the EA to proceed in a
lively fashion.

MT - still confused by the consultation
process ~~and~~ on guidelines. Would
like to see how comments were
considered.

LA - leave that aside for now.
- ~~at~~ the meeting on the 27th, the
schedule will be more defined.

KO - so will revise the schedule and bring
it back.

LA - yes, time blocks as opposed to
firm dates

MT - can hearings be built into the
schedule to allow advance notice
for budgeting and scheduling?
What is the Board's timing for hearings?

LA - when do you think we need them?

MT - talk to the communities

FC - poor line for them. Haven't had line

not a problem because of IRMA
but capacity is a problem

- Have to prepare translators through
terminology sessions.

- They view consultation differently:

- July 27th not good. Probably not until
September.

MT - the community should let the Board
know their concerns.

~~noted that they will~~

FC - noted that they will

LA - ~~Section 4~~ Section 4 fairly standard.

KO - only need the table once

LA - 5-10 minutes to briefly go over
the RoP. Provides a level of certainty.
Forces problems to be addressed.

~~all per~~

all procedural stuff is falling over
Can be clarified by adopting RoP.

KO - draft RoP back in December

LA - there are the revised RoP.
- less legal language

- more instructive about the EA process
- significant changes can be made
- Will assume same number of hard copies as BHP.

KO - CARC would like one, preferably two.

SH - what will De Beers be submitting?

RJ - prefer electronic but will provide hard copies

SH - make a better electronic file than what has already been submitted.

BH - 12 hard copies

LA - this meeting was not laid out exactly as we weren't sure what people wanted to talk about.

- ~~None~~
- Bounced around a bit
- New ideas - commitments table by DB

KO - what will this ^{include} ~~entail~~?

LA - to be developed. Trying to track

The process as it evolves. Respects
the iterative process
- Board wants a technically rigorous
process?

TB - To MT
~~will submit~~ corporate history and
~~performance history~~ environmental
record requested by INAC for
Tahara. Will talk about this next week

July 23/01

- meeting with LA, RS, VC re: Camera Hole pipeline
- Tom Alkman called Louis
- they are doing a screening of the project's
transboundary pipeline
- Level I CEAA screening
- allows assessment of the NWT portion of the
project
- equivalent to an EA by the Review Board