

January 23, 2007

Dr. Bill Ross, Chair
Independent Environmental Monitoring Agency
P.O. Box 1192
Yellowknife, NT
XIA 2N8

Dear Dr. Ross,

RE: Participation in Yellowknife Hearing (March 19-20, 2007)

The Joint Review Panel (the Panel) that is conducting the environmental review of the Mackenzie Gas Project (MGP) is requesting participation of the Independent Environmental Monitoring Agency at a forthcoming hearing session on *Environmental Management Plans, Monitoring and Follow-Up Programs* scheduled for March 19 and 20, 2007 in Inuvik.

As stated in the Panel's *Update on Guidance for Inuvik and Yellowknife Topic-Specific General Hearing* (January 19, 2007, see attached), this hearing will focus on the following types of plans and programs:

- Socio-economic agreements and related ancillary agreements, and the socio-economic management plan and socio-economic impact management arrangements
- Effects monitoring
- Follow-up

Matters for discussion at this hearing session should include:

- Review of current commitments to biophysical environmental management and protection
- Review of current commitments to socio-economic and socio-cultural management and protection
- Consideration of liability and financial security, with respect to all phases of the project including decommissioning and abandonment
- Consideration of reclamation, rehabilitation and restoration plans and programs
- Compliance with commitments pertaining to decommissioning and abandonment, including transfers
- Consideration of the effectiveness of existing socio-economic and biophysical environmental monitoring and follow-up regimes in the Northwest Territories, including the NWT Cumulative Impacts Monitoring Program, the NWT Cumulative Effects Assessment and Management Strategy and Framework, and of lessons learned from existing independent monitoring agencies in the NWT as they may apply to the MGP
- Evaluation of the implementation and effectiveness of management plans, monitoring

programs, and follow-up programs

The Panel is aware that your agency has been established for the purpose of monitoring environmental impacts associated with the Ekati Diamond Mine, a significant resource development project in the Northwest Territories (NWT).

In this regard the Panel seeks to understand the following with regard to the Independent Environmental Monitoring Agency's participation in the monitoring of the Ekati Diamond Mine:

- The history, role, mandate and funding arrangements of the Independent Environmental Monitoring Agency in relation to the Ekati Diamond Mine, including provisions in the Environmental Agreement and any environmental impact management arrangements that affect or govern your agency
- The manner in which the Independent Environmental Monitoring Agency has implemented its mandate, including consideration of the following:
 - processes utilized to determine monitoring indicators
 - a description of the selected indicators and supporting data type
 - sources and processes utilized to compile data
 - processes for reviewing and approving monitoring reports
 - processes for communicating the findings of monitoring programs and reports
 - processes for evaluating the quality and reliability of collected data, and the effectiveness of selected indicators and monitoring processes
 - processes for incorporating the findings of monitoring programs into project management and mitigation and any established adaptive management regimes
- The relationship of the Independent Environmental Monitoring Agency to the regulatory bodies that have legislated responsibility for issuance and oversight of the licenses and permits issued to the Ekati Diamond Mine, including inspections, enforcement, and recommending changes to the terms and conditions of permits and licenses
- The level of active participation by aboriginal communities in the operations of the Independent Environmental Monitoring Agency
- The roles of the federal and territorial governments and aboriginal governments and organizations in providing data
- Relationships between NWT monitoring agencies and any information-sharing arrangements that have been established
- The Project-related activities-to-date that the Independent Environmental Monitoring Agency has carried out, and planning activities that it intends to carry out, associated with Project's operations
- Important lessons learned with respect to any of the matters listed above

The Panel would also welcome your views on whether the model used to establish the Independent Environmental Monitoring Agency would be appropriate for the proposed MGP.

The participation of the Independent Environmental Monitoring Agency at the Panel's hearing in Inuvik on March 19 and 20, 2007 would be of assistance in addressing these above-mentioned matters.

Please contact the Panel Manager, Paula Pacholek, to arrange for your attendance. Ms. Pacholek can be contacted by telephone at (867) 678-8604 or by e-mail at pacholekp@jointreviewpanel.ca.

Note that, in light of recent litigation in the courts, the Panel will not consider during this hearing session evidence on matters related to the Connecting Facilities or the territory in which the Dene Tha' First Nation have or have asserted aboriginal or treaty rights.

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Robert Hornal".

Robert Hornal
Joint Review Panel Chair

Attachment: Update on Guidance for Inuvik and Yellowknife Topic-Specific General Hearing
– Topic 14, Environmental (Biophysical, Socio-Cultural and Economic)
Management Plans, Monitoring and Follow-Up Programs – March 15-16 and 19-
20, 2007