



INDEPENDENT ENVIRONMENTAL MONITORING AGENCY

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January 25, 2011

Honourable John Duncan
Minister of Indian Affairs and Northern Development
House of Commons
Ottawa ON K1A 0H4

Honourable Michael Miltenberger
Minister of Environment and Natural Resources
Government of the Northwest Territories
PO Box 1320
Yellowknife NT X1A 2L9

Violet Camsell-Blondin
Chairperson
Wek'eezhii Land and Water Board
#1-4905 48th Street
Yellowknife NT X1A 3S3

Paul Harvey
President
EKATI Diamond Mine
BHP Billiton Canada
#1102 4920-52nd Street
Yellowknife NT X1A 3T1

Dear Sirs/Madam

Re: Capacity for Community Participation in EKATI Mine Closure Planning

The Agency has completed its direct involvement in the review and approval of the 2007 Interim Closure and Reclamation Plan (ICRP) for the EKATI diamond mine. We firmly believe that our participation has helped improve the ICRP substantially and that it is now one of the best mine closure plans for the Northwest Territories.

While we are generally happy with the Ekati ICRP process and outcome, it is not clear whether the Plan has the support of those who will have to live with the results of the mine closure, the surrounding Aboriginal communities. Those communities clearly did not have the capacity and resources to properly engage in the review and approval of the ICRP. As we understand it, the Department of Indian Affairs and Northern Development provided some funding during the review but when that ran out, no more funding was available. The



involvement of those Aboriginal governments that were funded was helpful and effective, while it lasted.

The Agency has raised the issue of community capacity and participant funding in relation to the regulatory processes in the Mackenzie Valley on numerous occasions in the past. The Agency met with Ministerial Special Representative Mr. McCrank in February 2008 and discussed these matters. In a December 16, 2008 letter to Minister Chuck Strahl, we noted that Mr. McCrank's report did not include the Agency concerns with regard to community capacity and participant funding (see attachment). We have not received a response to this letter.

The Agency made a recommendation in our 2007-08 Annual Report on the need for the Department of Indian Affairs and Northern Development to increase the amount of resources available to Aboriginal communities to engage in regulatory processes, particularly as they related to closure planning for the Ekati Mine. We await progress on this important matter.

While we recognize that the issue of community capacity is complex, there has been little in the way of leadership from governments. We urge you all to work together to help develop a concrete plan of action within the next six months. The Agency is willing and ready to assist if called upon.

Sincerely,

A handwritten signature in black ink, appearing to read "W.A. Ross". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Bill Ross
Chairperson

cc. Society Members
Mark Cliffe-Phillips, Executive Director, WLWB

Attachment