

# Towards a Single Regional Monitoring Agency for the Slave Geological Province

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**Workshop:  
November  
13-14, 2002**

***Workshop Report***

***January 2003***

*Terriplan Consultants*

## TABLE OF CONTENTS

<b>ACRONYMS</b> .....	<b>II</b>
<b>1. BACKGROUND</b> .....	<b>1</b>
1.1 Introduction .....	1
1.2 Organization of Workshop Report .....	2
1.3 Workshop Purpose and Objectives .....	2
1.4 Key Working Assumptions and Understanding .....	3
1.5 Workshop Preparation .....	4
1.6 Workshop Structure .....	5
1.7 Workshop Background Materials .....	6
<b>2. SUMMARY OF KEY FINDINGS</b> .....	<b>6</b>
2.1 Presentations – Day 1 .....	6
2.1.1 A Range of Perspectives .....	7
2.1.2 Common Themes – Day 1 .....	8
2.2 Working Session 1: Potential Options and Directions .....	9
2.2.1 Introduction .....	9
2.2.2 Existing Jurisdictions, Mandates, Legislation and Agreements .....	9
2.2.3 Defining and Agreeing Upon the Priority Gaps and Needs/Key Objectives .....	9
2.2.4 Options for Addressing Priority Needs/Key Objectives .....	10
2.2.5 Comments on the Three Options .....	11
2.2.6 Geographic Scope .....	11
2.2.7 Authority and Accountability .....	11
2.2.8 Transboundary Environmental and Cumulative Effects .....	12
2.2.9 Traditional Knowledge/Community-Based Approach .....	12
2.2.10 Funding .....	12
2.2.11 Range of Factors Contributing to Change .....	12
2.3 Working Session 2: Next Steps .....	12
<b>3. WORKSHOP CONCLUSIONS</b> .....	<b>14</b>
3.1 General Observations .....	14
3.2 Next Steps .....	14
<b>REFERENCES</b> .....	<b>15</b>
<b>APPENDIX A: WORKSHOP PURPOSE/OBJECTIVES AND AGENDA</b> .....	<b>A-1</b>
<b>APPENDIX B: STAKEHOLDER INTERVIEW QUESTIONS / LIST OF COMPLETED INTERVIEWS</b> .....	<b>B-1</b>
<b>APPENDIX C: WORKSHEETS</b> .....	<b>C-1</b>
<b>APPENDIX D: PARTICIPANTS RESOURCE BINDER TABLE OF CONTENTS</b> .....	<b>D-1</b>
<b>APPENDIX E: PARTICIPANTS LIST</b> .....	<b>E-1</b>
<b>APPENDIX F: PARTIES PROVIDING PRESENTATIONS – DAY 1 (AGENDA ITEM 3)</b> .....	<b>F-1</b>
<b>APPENDIX G: FLIP-CHART NOTES – WORKING GROUP SESSIONS</b> .....	<b>G-1</b>
G.1 Working Session 1: Possible Scenarios .....	G-1
G.1.1 Group A .....	G-1
G.1.2 Group B .....	G-3
G.1.3 Group C .....	G-7
G.2 Working Session 2: Next Steps .....	G-8
G.2.1 Group A .....	G-8
G.2.2 Group B .....	G-9
G.2.3 Group C .....	G-10

## ACRONYMS

BCMB	Bathurst Caribou Management Board
CARC	Canadian Arctic Resources Committee
CEAM	Cumulative Effects Assessment and Management
CIMP	Cumulative Impact Monitoring Program
CIRL	Canadian Institute of Resources Law
DIAND	Department of Indian Affairs and Northern Development
EMAB	Environmental Monitoring Advisory Board
ENGOS	Environmental Non-Government Organizations
IEMA	Independent Environmental Monitoring Agency
<i>MVRMA</i>	<i>Mackenzie Valley Resource Management Act</i>
NGMP	Nunavut General Monitoring Program
<i>NLCA</i>	<i>Nunavut Land Claims Agreement</i>
NWT	Northwest Territories
RWED	Resources, Wildlife and Economic Development (GNWT)
SGP	Slave Geological Province
TK	Traditional Knowledge
WKSS	West Kitikmeot / Slave Study

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## ***WORKSHOP: TOWARDS A SINGLE REGIONAL MONITORING AGENCY FOR THE SLAVE GEOLOGICAL PROVINCE***

**November 13 - 14, 2002  
Yellowknife, Northwest Territories**

### ***DRAFT SUMMARY REPORT***

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## **1. BACKGROUND**

### **1.1 Introduction**

There is continued growth in natural resource-based development activities in the Slave Geological Province (SGP; located in the Northwest Territories [NWT] and Nunavut). As development activities increase, there is a real possibility of project-specific monitoring agencies proliferating. This situation would strain the capacity of communities, Aboriginal organizations and government in participating in monitoring development in any meaningful way. Many organizations have noted the need to compare the relative efficiency and economy of having numerous project-specific organizations versus a more coordinated approach. In addition, there is a need for regional environmental and cumulative effects monitoring to establish both baseline conditions and to identify ongoing changes or trends in environmental quality in the SGP and the probable causes of the changes. This information would be useful for land use planning, assessment and regulation of development, and other environmental management activities.

Project-specific monitoring agencies have been formed for both the BHP Billiton Ekati™ ('Independent Environmental Monitoring Agency' - IEMA) and Diavik ('Environmental Monitoring Advisory Board' – EMAB) diamond mines. The mandates of these organizations are outlined in the individual environmental agreements for the projects (Government of Canada et. al, 1997, 2000), but three common principal functions can be identified:

- Community/company liaison (communication and issue identification/resolution);
- Review of monitoring plans, programs and findings; and
- A monitoring function related to assessing compliance with regulatory obligations and the overall effectiveness of environmental management.

There has been preliminary discussion in a number of forums about the merits of having a single regional agency perform at least some of these functions, rather than a proliferation of project-specific entities (e.g., IEMA, 2002, 2001a and b; Kennett, 2001; West Kitikmeot Slave Study Society [WKSS] 2001a). During the preparation of the Diavik Environmental Agreement in 2000, it was recognized that there are advantages to a regional approach, but determined that more discussion was necessary.

Under the umbrella of the NWT Cumulative Effects Assessment and Management (CEAM) Strategy and Framework, a Regional Plan of Action for the SGP is being developed (SGP Project Group 2002). The Plan examines the current context, gaps and challenges with respect to cumulative effects assessment and management in the region, and makes a number of

recommendations for actions in both the short and longer-term<sup>1</sup>. One of the short-term actions identified in the December 2002 Plan of Action is to “A review of the options with respect to:

- combining the two project-specific monitoring agencies (Ekati and Diavik diamond mines) into a single regional monitoring agency for these and future projects;
- the development and implementation of a regional environmental/cumulative effects monitoring (and research) framework for the SGP (e.g., as a successor to the West Kitikmeot Slave Study, an approach strongly endorsed by the West Kitikmeot / Slave Study Board) (see also recommendations 9 and 20); and
- how the plans and activities of the Bathurst Caribou Management Planning Committee might relate to the preceding, given that caribou management and related issues are a continuing priority.” (Specific Action 7.3).

Another is to “Reach agreement on the preferred approach for project-specific oversight and regional environmental/ cumulative effects monitoring in the SGP, recognizing there may be a staged process.” (Specific Action 20.1).

The Department of Indian Affairs and Northern Development (DIAND)<sup>2</sup>, in cooperation with a number of partners and stakeholders, has initiated discussions to explore the possible development of a Single Regional Monitoring Agency for the SGP. The November 13-14 workshop “*Towards a Single Regional Monitoring Agency for the SGP*” was an outcome of earlier meetings between the parties to the Diavik and BHP Environmental Agreements and exploratory discussions with other stakeholders.

## 1.2 Organization of Workshop Report

This report documents the key findings of the November 13-14 2002 workshop:

- Section 1: Background (context for the workshop, purpose and objectives, key working assumptions, workshop preparation, structure of the workshop, background materials)
- Section 2: Summary of Key Findings (main discussion points from plenary discussions and two working group sessions)
- Section 3: Workshop Conclusions (general observations and ‘next steps’)

A number of appendices have also been prepared:

- Appendix A: Workshop Purpose/Objectives and Agenda
- Appendix B: Stakeholder Interview Questions/List of Completed Interviews
- Appendix C: Worksheets
- Appendix D: Participants Resource Binder Table of Contents
- Appendix E: Participants List
- Appendix F: Parties Providing Presentations – Day 1 (Agenda Item 3)
- Appendix G: Flip-Chart Notes – Working Group Sessions

## 1.3 Workshop Purpose and Objectives<sup>3</sup>

The purpose of the workshop was to bring together the parties to the Diavik and BHP Environmental Agreements, as well as Aboriginal organizations, government agencies and other

<sup>1</sup> The wording of these two recommendations was changed in the December 2002 revision of the Plan, based on the discussions at the workshop. The revised wording is used here.

<sup>2</sup> Both the Nunavut and NWT Regional Offices of DIAND.

<sup>3</sup> The complete workshop Purpose, Objectives, and Outcomes document is included as part of Appendix A.

stakeholders with an interest in environmental research and monitoring in the SGP, to explore the options and outline the 'potential next steps' with respect to a regional approach to monitoring in the SGP. Five specific objectives were identified for the workshop:

1. To provide participants with a brief overview and context for the movement towards a possible Single Regional Monitoring Agency, and the rationale for it.
2. To review the findings of the interviews with the parties to the Environmental Agreements and with other stakeholders (as documented in a Discussion Paper prepared for the workshop -Terriplan Consultants, 2001).
3. To provide participants with an understanding of various parties'/ interests' needs and expectations with respect to a Single Regional Monitoring Agency (through a series of brief presentations).
4. Through working group sessions, to seek feedback from participants on:
  - The need for, and potential value of, a Single Regional Monitoring Agency
  - Possible mandate/terms of reference of a Single Agency
  - Potential structure/membership
  - Authority and accountability
  - Funding considerations and resource needs
5. Should there be general agreement to examine options further, discussion of potential 'next steps' – both shorter-and longer-term – including a transition process.

#### **1.4 Key Working Assumptions and Understanding**

A number of key working assumptions and understandings were identified during the preparation for the workshop<sup>4</sup>. Participants were asked to keep these in mind when exploring the possibility of a Single Regional Monitoring Agency and in considering the workshop purpose and objectives.

These working assumptions are as follows:

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<sup>4</sup> From *Exploration of a Potential Single Regional Monitoring Agency for the Slave Geological Province: Discussion Paper* (Terriplan Consultants, Nov 1, 2002. Prepared for DIAND.)

1. *The workshop is exploratory in nature* - the concept of a Single Regional Monitoring Agency, and the geographic area it may cover, have been discussed in various forums in recent years. However, additional input from many parties in Nunavut and the NWT at the community, territorial and federal levels, and from industry, Environmental Non-Government Organizations (ENGOS) and others is needed prior to any decision to move ahead with its development.
2. *Preliminary indications are that the mandate of a Single Regional Monitoring Agency would involve the areas of (a) monitoring and (b) research and on a regional scale.*
3. The general area of interest includes the mainland West Kitikmeot area of Nunavut, the portion of the Northwest Territories north of Great Slave Lake to the Coronation Gulf coast, and surrounding communities. *Political jurisdictional boundaries do not coincide directly with those of the SGP.* In addition, administrative or political boundaries are not the only frame of reference for cumulative effects issues; others include watersheds, ecological units, and species populations or ranges. As such the area of interest is not strictly limited to the geologically defined boundaries of the SGP. The area covers approximately 300,000 km<sup>2</sup> and includes both the Taiga Shield and Southern Arctic ecozones, as well as most of the range of the 350,000 member Bathurst caribou herd.
4. *The workshop is not a venue for the renegotiation of the project-specific environmental agreements.* Should the decision be made to move ahead with the development of a Single Regional Monitoring Agency, it is likely that amendments to the existing environmental agreements would be needed at some point – but that too is beyond the scope of this workshop.
5. *The concept of a Single Regional Monitoring Agency is not intended to in any way diminish or reduce the project-specific reporting or monitoring requirements that are currently in place.*
6. Should there be general agreement to examine the options further, the process must reflect the following *principles*:
  - Any efforts towards the development of a Single Regional Monitoring Agency *cannot supersede Aboriginal/inherent and treaty rights, existing or future land claims and self-government agreements (including implementation obligations and commitments), federal or territorial legislation.* In addition, they must *respect existing institutional structures, policies, legislation, initiatives and tools.*
  - The approach must be an *inclusive, community-based partnership.*
  - The outcome of the process must be *administratively efficient* for all parties.
  - Generally, the Single Regional Monitoring Agency *cannot impose additional financial burdens on BHP Billiton or Diavik Diamond Mines Inc.* Government will likely be largely responsible for funding such an agency. However, the contributions from the proponents of future industrial projects, and the relative responsibilities of different levels of government, would have to be negotiated. Resourcing may be accomplished through a reallocation of existing resources.
  - There will have to be a *staged period of transition* away from existing commitments, structures and obligations, toward the Single Regional Monitoring Agency.

## 1.5 Workshop Preparation

In preparation for the workshop, some 20 interviews were conducted with a range of stakeholders<sup>5</sup>. The purpose of the interviews was two-fold: (1) to identify views and concerns with regards to regional cumulative effects monitoring in the SGP and, specifically, the potential role of a Single Regional Monitoring Agency in this regard; and (2) to gather ideas on considerations for the workshop approach, in order to meet participants' expectations.

<sup>5</sup> The interview questions and a list of those interviewed are provided in Appendix B. The completed interviews can be broken down as follows: representatives from four Nunavut organizations; four NWT organizations; four industry organizations; six 'other (e.g., ENGOS, WKSS, project-specific agencies); one federal government.

The interview results and the findings of a literature/document review, were incorporated into a discussion paper "*Exploration of a Potential Single Regional Monitoring Agency for the Slave Geological Province*" (Terriplan Consultants, November 1, 2002), which was distributed to participants in advance of the workshop.

Two key points were emphasized by the interviewees with regards to the workshop approach: First, that workshop participants would have different levels of involvement in the discussions that have already taken place regarding a potential Single Regional Monitoring Agency and as such, there was a need to ensure that the workshop would allow sufficient information on the context and on the views of the various parties and stakeholders. Second, it would be necessary to emphasize that the idea of a potential Single Regional Monitoring Agency is not 'a done deal' and as such, the workshop discussions would have to allow for the consideration of a wide range of options for dealing with project-specific and regional environmental/ cumulative effects monitoring.

## 1.6 Workshop Structure

The workshop agenda was structured so as to meet the workshop goals and objectives, and to reflect the key concerns identified through the interview process. Adjustments to the workshop agenda were made prior to and during the workshop to accommodate the needs of the participants and the issues that were identified through the workshop discussions<sup>6</sup>.

During the morning of the first day, a presentation was provided by DIAND to review the findings of research conducted by the Canadian Institute of Resources Law (CIRL, 2001) on environmental agreements as they relate to project-specific and regional monitoring, followed by a presentation on the findings of the interviews (as presented in the Discussion Paper). The intent of these presentations was to ensure general understanding among the participants of the background relating to the exploration of a possible Single Regional Monitoring Agency. During the remainder of first day, representatives of various parties provided a series of brief presentations which addressed their experiences with the current project-specific approach to monitoring and considerations regarding a 'Single Regional Agency' approach, as well as their needs and expectations in this regard (a summary of the presentations is provided in Section 2.1).

Given the large number of presentations provided, and the engaging plenary discussions that took place between the presentations, it was decided that the working session originally planned for the first day be moved to the following day. The original agenda for the second day was revised, based on the first day's discussions. To begin, the facilitator provided a recap of the first day of the workshop. Participants were divided into three working groups. A one-and-a-half hour working session was held, in which participants explored factors for consideration, and potential options for addressing future regional monitoring in the NWT and Nunavut. The results of the three groups' discussions were reported back to the plenary (a summary of comments and key themes is provided in Section 2.2). In the afternoon of the second day, a shorter working session was held in which participants discussed key steps needed to advance the dialogue about regional monitoring in the NWT and Nunavut (a summary of the discussions is provided in Section 2.3). The results of the working groups' discussions were again reported back to the larger plenary.

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<sup>6</sup> The original working agenda, and the revised agenda for Day Two, are both included as part of Appendix A.



Participants' comments during the working sessions were documented on flipcharts. The plenary discussions were also recorded. In addition, participants were asked to provide their detailed comments and ideas on individual worksheets, to be submitted to the workshop facilitators<sup>7</sup>. However, only three participants did so.

The workshop concluded with an open plenary discussion and a facilitator's summary of what was heard during the two workshop days.

## 1.7 Workshop Background Materials

In preparation for the workshop, a discussion paper "*Exploration of a Potential Single Regional Monitoring Agency for the Slave Geological Province*" (Terriplan Consultants, November 1, 2002), was produced and provided to participants in advance of the workshop. A resource binder was prepared and distributed to participants at the workshop<sup>8</sup>. Additional reference materials were distributed during the workshop (including copies of participants' presentations).

## 2. SUMMARY OF KEY FINDINGS

The workshop was attended by approximately 70 participants<sup>9</sup> representing Aboriginal organizations, co-management bodies/institutions of public government, federal and territorial governments, industry, ENGOs, project-specific agencies, research organizations from Nunavut and the NWT. It should be noted that some Nunavut organizations stated at the outset of the workshop that they were attending as 'observers' only, and that their participation should not be construed as support for a 'Single Regional Monitoring Agency'. Several Nunavut organizations also expressed concern about the lack of formal consultations with them (that is, face-to-face, in Nunavut) by DIAND prior to the workshop.

The participants' presentations and plenary discussion during the first day of the workshop, as well as the discussions that took place in each of the three working groups during the two working sessions of the second day, are summarized below. It should be noted that the points presented in this section in no way represents consensus or general agreement among the workshop participants but, simply, the range of views and ideas put forth during the course of the two days.

### 2.1 Presentations – Day 1

At the outset of the morning of the first day, a presentation was provided by DIAND to review the findings of research conducted by the Canadian Institute of Resources Law (Kennett, 2001) on environmental agreements as they relate to project-specific and regional monitoring, followed by a presentation on the findings of the interviews (as presented in the Discussion Paper). The intent of these presentations was to ensure general understanding among the participants of the background relating to the exploration of a possible Single Regional Monitoring Agency.

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<sup>7</sup> Copies of the blank worksheets are included in Appendix C.

<sup>8</sup> The Table of Contents of the Participant Resource Binder is included in Appendix D.

<sup>9</sup> A list of workshop participants is included in Appendix E.

A series of brief presentations were then provided by parties from Nunavut and the NWT. The presenters represented Federal and Territorial governments, Aboriginal organizations, institutions of public government, project-specific monitoring agencies, industry, environmental non-government organizations, and research organizations<sup>10</sup>. While all organizations had been invited to provide a presentation, not all chose to do so. Some organizations chose to provide informal comments rather than a formal presentation.

The presenters had been asked to address the following topics:

- Summary of 'lessons learned' with the current 'project-specific agency' approach
- Opportunities and/or challenges for their organization with respect to a 'Single Regional Agency' approach
- Important elements of the mandate of a Single Regional Agency, its authority and accountability
- Key issues and challenges in developing and implementing a Single Regional Agency

Many of the presentations were followed by questions from the workshop participants and facilitated discussion in plenary.

### 2.1.1 A Range of Perspectives

The presentations provided a wide range of perspectives and insights on both the current approach to environmental monitoring and the implications associated with a potential 'Single Regional Monitoring Agency'. Suggestions for alternative approaches to monitoring environmental, cumulative and/or regional effects were also discussed. Some of the recurring issues and perspectives included the following (note that these are not representative of the views of all participants):

- Many participants noted that the idea of a Single Regional Agency is only one option of many which should be considered in determining a future approach to regional environmental / cumulative effects monitoring and project-specific oversight.
- Some Nunavut organizations stated that they were attending the workshop as observers only, and that their participation should not be construed as support for a 'Single Regional Monitoring Agency'. The overriding nature of the land claims and legislation was pointed out in this regard. Some Nunavut representatives also noted that the pre-workshop consultation had not been adequate from their perspective. There is a need to meet directly with organizations in Nunavut.
- While geological formations, wildlife species and ecosystems may not respect jurisdictional boundaries, the boundary between the NWT and Nunavut does result in a multi-jurisdictional situation. Many participants noted that this will have significant implications for any approach that will be taken towards regional cumulative effects monitoring.
- Many participants emphasized that full implementation of the related land claims provisions, i.e. the NWT Cumulative Impact Monitoring Program (CIMP; Part 6 of the *Mackenzie Valley Resource Management Act [MVRMA]*) and the Nunavut General Monitoring Program (NGMP: Section 12.7 of the *Nunavut Land Claims Agreement [NLCA]*) would greatly enhance the regional cumulative effects monitoring capability, and expressed frustration at the slow pace of implementation of these programs.

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<sup>10</sup> A list of the parties/ interests providing presentations is provided in Appendix F. Copies of the presentations are available on CD upon request from DIAND. Please contact Eric Yaxley, Environment and Conservation Division, DIAND, at (867) 669 – 2569, or e-mail [yaxleye@inac.gc.ca](mailto:yaxleye@inac.gc.ca).

- A broad definition of environment, including the social, cultural and economic aspects, as well as the biophysical, was seen as needed by some participants.
- Some felt that the experiences to date with inclusive, community-based approaches have contributed to the success of other related initiatives in the region.
- It was pointed out that the potential contributions to cumulative effects from not only industry (both large and small projects), but also other activities and factors must be considered (e.g. climate change, forest fires, recreational hunting/fishing, subsistence / traditional activities, tourism, outfitting, community expansion, infrastructure development [e.g., roads, ports, power generation], long-range transport of atmospheric pollutants, natural variability etc.).
- It was stated that workable formulas and approaches for long-term funding for a cumulative effects monitoring framework must be developed. In this regard, the relative contributions of a number of organizations must be determined. Government will likely be responsible for funding regional cumulative effects monitoring initiatives. However, the contributions from the proponents of existing/future industrial projects, and the relative responsibilities of different levels of government, will have to be considered further.

### 2.1.2 Common Themes – Day 1

Some common themes – or common ground -- were also shared between the participants. These focused on the need to ‘do things better’ in order to move toward a more integrated environmental management regime, including:

- Addressing the need for a ‘regional’ approach to environmental and cumulative effects monitoring, assessment and management. It was acknowledged that the term ‘region’ needs to be defined – if a ‘regional’ approach is taken, what are the factors that must be considered in defining the geographical scope?
- Legal and other statutory obligations need to be complied with fully, recognizing that gaps remain in this regard, e.g., the NWT and Nunavut monitoring programs.
- The reality of legal and/or political institutions must be recognized and respected, including the authority and mandates of existing governments, institutions and legislation.
- Many organizations, especially communities, face capacity issues. Measures must be taken to ensure that community involvement in environmental management activities, including monitoring initiatives, is effective and meaningful.
- There is a need for better coordination of the activities of existing organizations to minimize duplication and overlap and address identified gaps relating to environmental monitoring and cumulative effects monitoring in particular. Linkages and relationships between organizations must be strengthened. There are several working models already in the SGP to learn from (for example, WKSS, IEMA and EMAB).
- Information generated from research and monitoring must be focused on meeting the needs of decision-makers at all levels (communities, co-management bodies, government, companies). A well-structured and targeted research and monitoring framework, using the expertise of a wide range of partners, can make a major contribution in this regard.
- Regional cumulative effects monitoring is a long-term process, and will require stable funding if it is to be done effectively.
- Transboundary environmental effects are an issue that must be addressed.
- The draft Regional Plan of Action for the SGP has identified many of the same gaps and has proposed some recommendations and actions for further consideration and discussion with all parties in both Nunavut and the NWT.

## 2.2 Working Session 1: Potential Options and Directions

### 2.2.1 Introduction

During the first working session, participants were asked to provide ideas as to what factors should be considered in assessing the future possibilities for regional monitoring in the NWT and Nunavut. They were also asked to consider the implications of each of three potential options<sup>11</sup> for addressing regional monitoring in Nunavut and the NWT. These were identified as:

- Option A – Status Quo/ Enhancements to the Existing Framework<sup>12</sup>;
- Option B – Territorial Monitoring/ Environmental Management Systems<sup>13</sup>; and
- Option C – Regional Monitoring Agency<sup>14</sup>.

While the discussions took the potential options into consideration, the discussions in all groups were more wide-ranging in nature, reflecting differences in views on key considerations, most appropriate approaches, and the conceptualization of what 'regional cumulative effects monitoring' should entail. The worksheets that guided the working session discussions, including a more detailed description of the potential options, are included in Appendix C. The key comments and themes identified by the participants are summarized below; many reinforce the ideas raised during the Day 1 discussions (see S. 2.1 above)<sup>15</sup>.

### 2.2.2 Existing Jurisdictions, Mandates, Legislation and Agreements

- The two different jurisdictions of Nunavut and the NWT present very real challenges in terms of regional monitoring in the SGP. Participants repeatedly referred to the different legislative and land claim provisions that must be respected when considering options and next steps for a regional approach to monitoring.
- It was acknowledged that the current systems in both the NWT and Nunavut are not as effective as they need to be, and/or not implemented as originally envisioned. Improvements can be made in terms of implementing regional monitoring provisions for both the NWT CIMP and the NGMP. Some argued that there should be a focus on 'getting our respective houses in order' and then on collaboration between the NWT and Nunavut. Others suggested that these initiatives could proceed in parallel.
- It was also acknowledged that the current Environmental Agreements must be respected, but may need to be amended over time to reflect a changing approach in the SGP, as reflected in the Diavik Environmental Agreement (S. 4.11).

### 2.2.3 Defining and Agreeing Upon the Priority Gaps and Needs/Key Objectives

- Better information is needed by decision-makers at all levels to contribute to impact prediction, mitigation, and adaptive management. Not only must the information be collected, it must be communicated or reported and in turn used if it is to be effective.

<sup>11</sup> At the workshop and in the worksheets, these options were described as 'scenarios'.

<sup>12</sup> This option would focus on making improvements to the current system, including the fulfillment of regulatory and legal requirements, and improving linkages between existing organizations.

<sup>13</sup> This option would focus on implementing comprehensive environmental monitoring and management systems in each of NWT and Nunavut, as well as improved linkages, relationships and information sharing between the two territories to deal with transboundary issues in particular.

<sup>14</sup> This option would focus on establishing a transboundary, multi-jurisdictional and multi-representative regional monitoring agency for the Slave Geological Province.

<sup>15</sup> The flipchart notes for each of the three working groups are reproduced in Appendix G.

- There is a need to determine the needs and identify gaps that need to be addressed. Priorities and needs will vary by organization. 'Form follows function', and as such, the identification and prioritization of needs and gaps will determine which option (or combination of options) is appropriate.
- Two key objectives were identified at the workshop:
  - Project-specific monitoring/oversight (that is, the 'watchdog' function over proponents and regulators, as currently carried out by IEMA and EMAB), and
  - Regional-scale environmental and cumulative effects monitoring and research (as was done in part by WKSS). There is a need for prioritized acquisition of information (conventional science and Traditional Knowledge [TK]) in the context of a focused research and monitoring framework that addresses key gaps and needs.
- Other needs or possible functions identified at the workshop include:
  - The coordination of transboundary effects assessment, monitoring and research
  - Information management, coordination and communication
  - Liaison between companies and communities
  - Possible home for the Bathurst Caribou Management Plan activities
  - Capacity-building, particularly at the community level – but also other organizations – to ensure that there is meaningful involvement of Aboriginal communities/ organizations
  - Addressing the project-specific socio-economic agreements
  - Resolution of compensation issues
- Potential benefits of a regional approach that were identified at the workshop included:
  - Avoiding the proliferation of project-specific monitoring agencies and the associated demands on organizations (particularly communities) and potential duplication of effort
  - Efficient use of resources (human, financial, time, and information)
  - Alleviating demands on community resources to participate in various monitoring and research-related initiatives in the SGP. From a community perspective, it is not only a question of just one project, but all projects and other environmental issues. Therefore, there is a need for a regional approach.

#### 2.2.4 Options for Addressing Priority Needs/Key Objectives

- Many workshop participants noted that 'form follows function'; there is a need to identify priority needs and key objectives. It was recognized that there would likely be a staged approach over time, focusing on priority gaps/needs first. Both the interim and long-term periods must be considered.
- While there were some specific suggestions regarding organizational options for addressing key objectives, there was a range of opinions as to their suitability. The suggestions ranged from 'the status quo' (with some improvements) to a new transboundary, multi-jurisdictional regional monitoring agency organization with representatives from various parties in the NWT and Nunavut. For example, some felt that 'full implementation' of existing mandates, legislation and agreements (in particular, the NWT CIMP through Part 6 of the MVRMA and the NGMP as per Section 12.7 of the NLCA) would be the best approach. Others questioned whether even with full implementation of NGMP and NWT CIMP, would transboundary issues be adequately addressed?
- It was noted that there are many 'lessons learned' from the two project-specific agencies, as well as from other initiatives (e.g., WKSS, the CEAM Strategy and Framework, the Regional Plan of Action for the SGP), to be considered in the evaluation of options for addressing the priority needs and key objectives.
- The need to balance project-specific oversight with the larger regional 'big picture' was noted.

- The focus of project-specific monitoring to date has been on the large diamond mines. Some participants noted that there are other types and sizes of mine, and other types of development activity, that contribute to regional change. In addition, the smaller development proponents do not have the same resources as the large companies in terms of participation in monitoring activities at a project-specific or regional level.
- Some tools for moving ahead are suggested in the Cumulative Effects Assessment and Management (CEAM) Regional Plan of Action for the SGP<sup>16</sup>.
- The linkages among regional monitoring options and other initiatives (e.g., NWT CIMP, NGMP; SGP Regional Plan of Action; the two existing project-specific agencies [IEMA, EMAB]; Bathurst Caribou Management Plan etc.) need to be clarified and understood.

### 2.2.5 *Comments on the Three Options*

- At the workshop, participants had different perceptions as to the differences between options, where the 'current situation' actually sits with respect to the options, or how specific options suggested by some participants relate to the identified options. The options may not be mutually exclusive. While some felt that a 'single agency' approach would be a radical departure, others felt it was not a fundamental shift from the current situation.
- It was noted that the options could proceed in parallel, not at all, or be sequential. It may be that Option B needs to be achieved before moving to Option C.
- Certain things need to be achieved before moving along the continuum (of the options). For example, a participant noted that Nunavut has not yet done yet large-scale project-specific monitoring, the NGMP is yet to be fully implemented, and there has been very little involvement with the NWT monitoring activities. Since Nunavut has not achieved Option B yet, it cannot move to Option C at this stage. However, focusing on accomplishing Option B may 'open eyes'. For example, while a project may trigger monitoring, it can also advise the research and monitoring agenda. Others felt that Option B could be skipped entirely.

### 2.2.6 *Geographic Scope*

- Some of the discussion at the workshop noted the need to define 'region' in this context. The term has many connotations and meanings. Political jurisdictional boundaries do not coincide directly with those of the SGP. In addition, administrative or political boundaries are not the only frame of reference for cumulative effects issues; others include watersheds, ecological units, and species populations or ranges.
- The point was made that the geographic scope for regional monitoring may start as the SGP, but this could be expanded (if and when appropriate). That is, there are other areas of both the NWT and Nunavut that are experiencing development pressure, and may benefit from a similar regional monitoring approach.

### 2.2.7 *Authority and Accountability*

- It was recognized that authority and accountability may be based in either legislation or land-claim agreements.
- There seemed to be general agreement that *if* a Regional Monitoring Agency was formed, it would *not* serve as a "governance body", (i.e., it would not have decision-making power). It would be advisory to decision-making bodies in both the NWT and Nunavut.

<sup>16</sup> The CEAM Regional Plan of Action for the SGP can be accessed through the CEAM website, at website [http://www.ceamf.ca/03\\_reference/03\\_references.htm](http://www.ceamf.ca/03_reference/03_references.htm).

- Workshop participants also raised the issue of accountability, in terms of a Regional Monitoring Agency being 'representative' of various interests versus 'independent' or 'arms-length'. How can the right balance be achieved in this regard?

### 2.2.8 *Transboundary Environmental and Cumulative Effects*

- Many participants noted the need to facilitate the discussion of transboundary issues, their management and coordination. The reality of transboundary impacts must be considered – not only between NWT and Nunavut, but also within territories/provinces -- in spite of administrative/jurisdictional boundaries. However, the initial focus should be on data collection and coordination between the NWT and Nunavut. This step need not have legal implications. It could work through less formal partnerships (in a manner similar to the work of the WKKS).
- A Memorandum of Understanding between the NWT and Nunavut was suggested as one approach that might be used to strengthen collaboration between the two jurisdictions.

### 2.2.9 *Traditional Knowledge/Community-Based Approach*

- Both western science and Traditional Knowledge can and must contribute to regional monitoring.
- There is a need to adequately value traditional knowledge and to look to a community-based approach.
- Partnerships – with communities and others – will assist with the understanding of impacts and issues.

### 2.2.10 *Funding*

- Regional monitoring is a long-term process and requires long-term, stable funding at adequate levels.

### 2.2.11 *Range of Factors Contributing to Change*

- As noted on Day 1, potential contributions to cumulative effects stem not only from industry (both large and small projects), but also from other activities and factors (e.g. climate change, forest fires, recreational hunting/fishing, subsistence/traditional activities, tourism, outfitting, community expansion, infrastructure development [e.g., roads, ports, power generation], long-range transport of atmospheric pollutants, natural variability etc.). How would effects that are beyond regional control (such as climate change) be addressed?
- The need to broadly define 'development' to include more than just mining was noted. All uses of the land and water should be considered.

## 2.3 **Working Session 2: Next Steps**

During the second working session, participants were asked to consider next steps for advancing the dialogue and discussions about future approaches to regional monitoring in the NWT and Nunavut. Where possible, participants also identified who should take the lead on the steps/

actions identified, and the timeframe in which the steps need to be implemented. The key points are summarized below<sup>17</sup>.

- In general, there was agreement that further discussion is required amongst various parties with respect to project-specific and regional monitoring over the short- and long-term in both the NWT and Nunavut. It was agreed that DIAND (both NWT and Nunavut regions) would lead these discussions in partnership with other organizations.
- Topics to be addressed in a discussion paper to be developed early in 2003 include the identification of:
  - common definitions for key terms
  - relevant roles and responsibilities, jurisdictions
  - gaps and priority needs of various stakeholders (these may differ somewhat and need to be clarified)
  - options (organizations, temporal) for addressing various gaps and needs, and evaluation of their strengths and weaknesses in terms of a number of factors or criteria
- It was noted that a phased approach over a transition period will likely be required.
- A small advisory group can provide input to the initial work, with consultations at a broader level later in the year. Input from communities, in particular, will be essential.
- The advisory group will include representatives from the parties to the Diavik Agreement (the Federal Government [DIAND], Government of the Northwest Territories [Resources, Wildlife and Economic Development], Diavik Diamond Mines Inc., Dogrib Treaty 11 Council, the Lutsel K'e Dene Band, the Yellowknives Dene First Nation, the North Slave Metis Alliance, and the Kitikmeot Inuit Association) BHP Billiton, De Beers, and the Government of Nunavut.
- It was acknowledged that the draft Regional Plan of Action (December 2002) that has been prepared for the SGP is another tool/process that can be used to further the discussions with respect to regional monitoring and research.
- The governments in both the NWT and Nunavut must be engaged in the discussions regarding regional monitoring and research in the SGP.
- By the spring of 2003 (April / May), a work plan describing the key activities to be conducted over the next year or two will be developed, including an implementation or transition plan if there is general agreement on the direction to be taken. DIAND (NWT and Nunavut Regions) will take the lead in developing the work plan, working closely with the advisory group and in consultation with a range of other stakeholders in Nunavut and the NWT. At the workshop, participants made the need for formal and strengthened consultations clear.

As noted by the facilitator on Day 2, a regional approach to monitoring in the SGP would be an innovation. Four criteria for the acceptance of such an innovation can be identified:

- Individuals and organizations must recognize the need for change that has resulted in the innovation;
- The benefits or value must outweigh the costs or potential losses;
- The innovation must be compatible with existing institutions and values; and
- The concept must be easily communicated through both formal and informal means.

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<sup>17</sup> The flipchart notes for each of the three working groups are reproduced in Appendix G.



## **3. WORKSHOP CONCLUSIONS**

### **3.1 General Observations**

- The workshop provided an opportunity for a better overall understanding of the needs, perceptions, and concerns of various parties with respect to regional and project-specific monitoring in the SGP. The two different jurisdictions of Nunavut and the NWT present very real challenges in terms of regional monitoring in the SGP. Participants repeatedly referred to the different legislative and land claim provisions that must be respected when considering options and next steps for a regional approach to monitoring.
- Two key objectives were identified at the workshop:
  - Project-specific monitoring/oversight (that is, the 'watchdog' function, as currently carried out by IEMA and EMAB), and
  - Regional-scale environmental and cumulative effects monitoring and research (as was done in part by WKSS). There is a need for prioritized acquisition of information (science and TK) in the context of a focused research and monitoring framework that addresses key gaps and needs.Other objectives were also identified by workshop participants.
- There was no general agreement on the specific approach to be taken with respect to regional monitoring in the SGP. While there were some specific suggestions regarding organizational options for addressing key objectives, there was a range of opinions as to their suitability. The suggestions ranged from 'the status quo' (with some improvements) to a new transboundary, multi-jurisdictional regional monitoring agency organization with representatives from various parties in the NWT and Nunavut. Additional thought, discussion and consultation is required with respect to the advantages and disadvantages of various options that might address regional monitoring needs in the SGP.

### **3.2 Next Steps**

- There was agreement to have a small advisory group provide direction on the development of a discussion paper that would evaluate options with respect to project-specific oversight and regional monitoring and research (see Section 2.3, above), and the approach for consultation on the discussion paper. By the spring of 2003 (April / May), a work plan describing the key activities to be conducted over the next year or two will be developed, including an implementation or transition plan if there is general agreement on the direction to be taken. DIAND (NWT and Nunavut Regions) will take the lead in developing the work plan, working closely with the advisory group and in consultation with a range of other stakeholders in Nunavut and the NWT.

## REFERENCES

- Government of Canada, Government of the Northwest Territories, and BHP Diamonds Inc. January 1997. *Environmental Agreement*.
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## **Appendix A**

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***Workshop Purpose, Objectives, Outcomes***

***Workshop Agenda (Working Draft  
November 1, 2002)***

***Revised Workshop Agenda for Day 2  
(November 14, 2002)***

## **APPENDIX A: WORKSHOP PURPOSE/OBJECTIVES AND AGENDA**

### ***TOWARDS A SINGLE REGIONAL MONITORING AGENCY FOR THE SLAVE GEOLOGICAL PROVINCE***

*November 13 & 14, 2002*  
Explorer Hotel  
Yellowknife, Northwest Territories

## ***WORKSHOP PURPOSE, OBJECTIVES, OUTCOMES***

(Working Draft November 1, 2002)

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### **WORKSHOP PURPOSE**

DIAND, in cooperation with a number of partners and stakeholders, is exploring the possible development of a Single Regional Monitoring Agency for the Slave Geological Province (SGP) (both the NWT and Nunavut). This workshop is an outcome of earlier meetings between the parties to the Diavik and BHP Environmental Agreements, and exploratory discussions with other stakeholders. The purpose of the workshop is to bring together those parties, as well as government agencies and stakeholders with an interest in environmental research and monitoring in the SGP, to explore the options and to outline the 'potential next steps' in this regard.

### **WORKSHOP OBJECTIVES**

A number of objectives have been identified for the workshop:

1. To provide participants with a brief overview and context for the movement towards a possible Single Regional Monitoring Agency, and the rationale for it.
2. To review the findings of interviews with the parties to the Environmental Agreements and with other stakeholders (as documented in a Discussion Paper prepared for the workshop):
  - 'Lessons learned'
  - Advantages and disadvantages of a Single Regional Monitoring Agency approach
  - Possible mandate of a Single Regional Monitoring Agency
  - Potential structure/membership
  - Authority of a Single Regional Monitoring Agency
  - Accountability of a Single Regional Monitoring Agency
  - Funding considerations and resource needs
  - Other issues/ challenges to be overcome

3. To provide participants with an understanding of various parties' / interests' needs and expectations with respect to a Single Regional Monitoring Agency (through a series of brief presentations by representatives of key parties/interests). Presenters have been asked to address the following four items:
  - Summary of 'lessons learned' from your experience with the current 'project-specific agency' approach
  - Opportunities and/or challenges for your organization with respect to a 'Single Regional Monitoring Agency' approach
  - Important elements of the mandate of a Single Regional Monitoring Agency, its authority and accountability
  - Key issues and challenges in developing and implementing a Single Regional Monitoring Agency
4. Through working group sessions, to seek feedback from participants on:
  - The need for, and potential value of, a Single Regional Monitoring Agency
  - Possible mandate /terms of reference of a Single Agency
  - Potential structure/membership
  - Authority and accountability
  - Funding considerations and resource needs
5. Should there be general agreement to examine the options further, discussion of potential 'next steps' – both shorter- and longer-term – including a transition process

## WORKSHOP OUTCOMES

The intended focus of the workshop is discussion of the need for, and potential value of, a Single Regional Monitoring Agency. General agreement and direction on the possibility and feasibility of such an Agency will be sought. Should there be general agreement to examine the options further, the workshop will strive to outline a preliminary framework that would address the nature of its mandate, accountability, structure/membership, and the short-term and long-term next steps in the process (including a 'transition plan' from the current situation to a Single Regional Monitoring Agency model). If there is not general support for the further exploration of the Single Regional Monitoring Agency model, there remain a number of issues and challenges that must be addressed, particularly with respect to cumulative effects monitoring and research, and capacity issues. What are the other options for addressing these challenges?

**TOWARDS A SINGLE REGIONAL MONITORING AGENCY FOR THE SLAVE  
GEOLOGICAL PROVINCE  
November 13 & 14, 2002  
Explorer Hotel  
Yellowknife, Northwest Territories**

**WORKSHOP AGENDA**  
(Working Draft November 1, 2002)

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**DAY 1 – WEDNESDAY, NOVEMBER 13**

8:30 – 9:00 a.m. **Arrival and Registration**

9:00 – 9:20 a.m. **Agenda Item No. 1: Welcome and Opening Remarks**

- Welcome *Andy Swiderski, Facilitator*
- Introduction of Participants *All*
- Purpose, Objectives, Outcomes *Facilitator*
- Roles and Responsibilities *Facilitator*
- Agenda Review *Facilitator*
- Resource Binder<sup>18</sup>/Worksheets<sup>19</sup> *Facilitator*
- Questions/Discussion *All*

9:20 – 10:30 a.m. **Agenda Item No. 2: Review of Context and Interview/Research Findings (Workshop Objectives #1 & 2) (Eric Yaxley / Vicki McCulloch)**

*Purpose/Approach:* A presentation will provide the context for the workshop including:

- An overview of relevant findings of the draft December 2001 report by the Canadian Institute of Resources Law - *Project-Specific Environmental Agreements in the NWT: Review of Issues and Options*<sup>20</sup>
- Review of the findings of background research and interviews conducted with stakeholders, as summarized in the workshop Discussion Paper

The presentation will be followed by a brief plenary discussion session.

*Resource Material:*

- Government of Canada, Government of the Northwest Territories, and BHP Diamonds Inc. January 1997. *Environmental Agreement – Article IV.* (Tab

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<sup>18</sup> The Discussion Paper has been provided in advance to participants. Any other reference materials are listed in approximate order of priority, and will be included in the participant resource binders provided at the workshop.

<sup>19</sup> A worksheet has been developed for each of the working group sessions (see Tab 4 of the Participants Resource Binder). Intended to provide participants with some key points for consideration and questions to focus discussion, participants may use them during the working group sessions. Completed worksheets may also be submitted with detailed comments to the consultants at or following the workshop.

<sup>20</sup> Available on request from DIAND.

- 3)
- Government of Canada, Government of the Northwest Territories, Diavik Diamond Mines Inc., Dogrib Treaty 11 Council, Lutsel K'e Dene Band, Yellowknives Dene First Nation, North Slave Metis Alliance and Kitikmeot Inuit Association. March 2000. *Environmental Agreement – Article IV*. (Tab 3)
  - Exploration of A Potential Single Regional Monitoring Agency for the Slave Geological Province - Discussion Paper. October 2002. (Tab 2)

*Outcome:* General understanding of the background relating to the exploration of a possible Single Regional Agency for discussion at the workshop.

10:30 – 10:45 a.m.      **Refreshment Break**

10:45 – noon      **Agenda Item No. 3:      Series of Presentations – Needs and Expectations (Workshop Objective #3) (Various speakers)**

*Purpose/Approach:* To provide participants with an understanding of various parties' / interests' needs and expectations with respect to a Single Regional Agency. Representatives of key parties/interests will provide brief presentations (10 to 15 minutes in length). Partnership initiatives such as the SGP Regional Plan of Action and Bathurst Caribou management planning will be addressed by one or more of the organizations making a presentation. Presenters have been asked to address the following four items:

- Summary of 'lessons learned' from your experience with the current 'project-specific agency' approach
- Opportunities and/or challenges for your organization with respect to a 'Single Regional Agency' approach
- Important elements of the mandate of a Single Regional Agency, its authority and accountability
- Key issues and challenges in developing and implementing a Single Regional Agency

*Resource Material:*

- Not applicable, but speakers have been asked to provide copies of their presentations for distribution to participants.

*Outcome:* General understanding of perspectives of various organizations.

12:00 – 1:15 p.m.      **Lunch (not provided)**

1:15 – 3:15 p.m.      **Agenda Item No. 3:      Continued: Series of Presentations – Needs and Expectations (Workshop Objective #3) (Various speakers)**

The presentations that began before lunch will continue, concluding with a facilitator's summary report on 'what we've heard' so far.

3:15 – 3:30 p.m.      **Refreshment Break**

3:30 – 4:30 p.m.      **Agenda Item No. 4:      Working Group Session #1 – Possible Mandate of a Single Regional Agency (Workshop Objective #4) (Andy Swiderski)**

*Purpose/Approach:* Working in three groups, participants will provide feedback on the possible mandate of a Single Regional Agency. Items for consideration include:

- NWT only, or NWT and Nunavut?
- Regional cumulative effects research and monitoring
- Advice / recommendations to decision makers regarding assessment and management of regional cumulative effects
- Oversight/review of proponents' and regulators' environmental management and monitoring activities
- Information management

*Resource Material:*

- Worksheet – Working Group Session #1 (Tab 4)
- Workshop Discussion Paper (Tab 2)

*Outcome:* Feedback from groups on the possible mandate of a Single Regional Agency

4:30 – 5:00 p.m.      **Agenda Item No. 5:      Plenary Session – Reporting from Working Groups**

5:00 – 5:10 p.m.      **Agenda Item No. 6:      Review of Day One and General Discussions (Facilitator)**

5:10 p.m.              **Adjourn**

## **DAY 2 – THURSDAY, NOVEMBER 14**

*(Note: the agenda for Day 2 was modified at the workshop, and is shown in the 'revised agenda' following this document)*

8:30 – 9:00 a.m.      **Arrival/Registration**

9:00 – 9:15 a.m.      **Review Agenda/Recap of Day 1**

9:15 – 10:30 a.m.      **Agenda Item No. 7:      Working Group Session #2 – Potential Structure/ Membership of a Single Regional Agency (Workshop Objective #4) (Andy Swiderski)**

*Purpose/Approach:* Returning to the three groups, participants will provide comments on the potential structure or membership of a Single Regional Monitoring Agency, considering items such as:

- 'Lessons learned' elsewhere
- The range of stakeholders that need to be involved (dependent on mandate)
- 'Representatives of organizations' vs. independent appointees

*Resource Material:*

- Worksheet – Working Group Session #2 (Tab 4)
- Workshop Discussion Paper (Tab 2)



*Outcome:* Feedback from groups on the potential structure/membership of a Single Regional Agency

10:30 – 10:45 a.m.

**Refreshment Break**

10:45 – 11:15

**Agenda Item No. 8: Plenary Session - Report from Working Groups**

11:15 – 12:15 p.m.

**Agenda Item No.9: Working Group Session #3 – Authority and Accountability / Funding and Resource Considerations (Workshop Objective #4) (Andy Swiderski)**

*Purpose/Approach:* Working in three groups, participants will provide feedback on:

a) the authority and accountability of a Single Regional Agency. Topics to be discussed include:

- Consistency with Aboriginal/inherent and treaty rights, existing or future land claims and self-government agreements, federal or territorial legislation
- Relationship to existing institutional structures, policies, legislation, initiatives and tools
- Advisory, or more ‘teeth’?
- Mechanisms to ensure accountability

b) participants will be asked to provide additional advice on funding considerations and resource needs. Items for consideration include:

- Who will pay?
- Which parties have primary responsibilities for funding?
- Timeframes

*Resource Material:*

- Worksheet – Working Group Session #3 (Tab 4)
- Workshop Discussion Paper (Tab 2)

*Outcome:* Feedback from workshop participants with respect to authority/accountability, and funding and resource considerations.

12:15 – 1:30 p.m.

**Lunch (not provided)**

1:30 – 2:00 p.m.

**Agenda Item No. 10: Plenary Session - Report from Working Groups**

2:00 – 3:00 p.m.

**Agenda Item No. 11: Working Group Session #4 – ‘Next Steps’ (Workshop Objective #4) (Andy Swiderski)**

*Purpose/Approach:* Should there be general agreement to examine the options further, participants will return to their working groups for discussion of potential ‘next steps’ – both shorter- and longer-term – including a transition process.

*Resource Material:*

- Worksheet – Working Group Session #4 (Tab 4)

*Outcome:* Commentary and advice on the next steps for the shorter and longer-term.

3:00 – 3:15 p.m.

***Refreshment Break***

3:15 – 3:30 p.m.

***Agenda Item No. 12: Plenary Session – Reports from the Working Groups***

3:30 – 4:00 p.m.

***Agenda Item No. 13: Concluding Remarks and Discussion (Andy Swiderski)***

- Comments and Response                      *Workshop Participants*
- Next steps    *Facilitator*

4:00 p.m.

***Adjourn***

**TOWARDS A SINGLE REGIONAL MONITORING AGENCY FOR THE SLAVE  
GEOLOGICAL PROVINCE**  
November 13 & 14, 2002  
Explorer Hotel, Yellowknife, Northwest Territories

**REVISED WORKSHOP AGENDA**

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**DAY 2 – THURSDAY, NOVEMBER 14**

09:00 – 9:30 a.m.      **Welcome and Opening Remarks**

- Agenda Review      *Facilitator*
- Recap Key messages from Day 1      *Facilitator*
- Questions/Discussion
- Process for Break Out Sessions:      *Facilitator*
  - Working Group participant list
  - Session Objectives

09:30– 11:30      **Agenda Item No. 1: Break Out Session #1 - Scenarios**

11:30– 12:00      **Agenda Item No. 2: Plenary Session - Report from Break Out Groups**

12:00 – 1:15      **Lunch (not provided)**

1:15 – 1:30      **Agenda Item No. 3: Plenary - Session #2 Process**

1:30 – 2:30      **Agenda Item No. 4: Break Out Session #2 – Next Steps**

2:30 – 3:00      **Agenda Item No. 5: Plenary Session - Report from Break Out Groups**

3:00 – 3:30      **Agenda Item No. 6: Open Plenary Discussion  
Closing Comments**

**Adjourn**

## **Appendix B**

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### ***Stakeholder Interview Questions***

### ***List of Interviewees***

## **APPENDIX B: STAKEHOLDER INTERVIEW QUESTIONS / LIST OF COMPLETED INTERVIEWS**

### ***TOWARDS A SINGLE REGIONAL ENVIRONMENTAL MONITORING AND RESEARCH AGENCY FOR THE SLAVE GEOLOGICAL PROVINCE***

November 13 & 14, 2002  
Explorer Hotel  
Yellowknife, Northwest Territories

### **STAKEHOLDER INTERVIEW QUESTIONS**

(October 10, 2002)

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#### **NOTES TO INTERVIEWEES:**

*These questions are being provided in advance of your interview to assist you in formulating your thoughts, or for consultation with others in your organization. You may wish to arrange a group interview with several members of your organization if this would better meet your needs.*

*Your responses are confidential, and will not be attributed to you or your organization. They will be used to refine the workshop agenda, and to develop a discussion paper for participants.*

*You may also wish to refer to other documents provided as part of the interview package:*

- *A 2-3 page Context Paper that provides some background (October 10, 2002)*
- *Draft Workshop Purpose/Objectives and Agenda Outline (October 10, 2002)*
- *Key sections of the Diavik Environmental Agreement (2000), particularly Article 4 relating to the Environmental Monitoring Advisory Board, and 4.11, dealing with the transitional period.*
- *Key sections of the BHP Environmental Agreement (1997), particularly Article 4 relating to the Independent Environmental Monitoring Agency*

*If you are involved in multiple organizations/initiatives, we would ask that you be clear from which perspective you are answering questions.*

#### **QUESTIONS**

1. What would you say are the most important 'lessons learned' from your organization's experience to date with the existing project-specific monitoring agencies (both positive and negative)
  - a) Environmental Monitoring Advisory Board (EMAB; Diavik)
  - b) Independent Environmental Monitoring Agency (IEMA; BHP Billiton Ekati)
  
2. What are the most significant impacts of the current project-specific monitoring agency approach on your organization/community?

3. a) Do you generally support the movement toward a Single Regional Agency? Why? i.e., what would be the benefits of such an approach?
- b) Alternatively, what do you see as the potential disadvantages of such an approach?
- c) Has your organization prepared any formal statements/reports/discussion papers with respect to this topic (i.e., that we should review for the workshop/discussion paper)
4. From your organization's perspective, what should the mandate(s) of a Single Regional Agency be?

Function	Timeframe ( <b>'Shorter-term'</b> [first 2 years] vs. <b>'Longer-term'</b> [3+ years])
a) multi-project 'watch-dog'	
b) regional cumulative effects research	
c) regional cumulative effects monitoring	
d) advice on regional cumulative effects assessment and management	
e) information management/ clearinghouse (accessible to all)	
f) Forum for meaningful community participation	
g) Other....	

5. If a Single Regional Monitoring Agency is developed, which organizations should be represented on it, and what form/structure should it take?
6. What authority should such an Agency have? For example, is it 'advisory' or 'decision-making', or just a clearinghouse for information?
7. To whom would it be accountable? That is, whom would it report to/take direction from?
8. If development of a Single Regional Agency goes ahead, what impact or effect would that have on your organization/community?
9. What are the key issues /challenges you foresee with respect to implementing a potential Single Regional Agency?
10. Do you have any comments with respect to funding considerations and resource needs for a Single Regional Agency?
11. What are the most important items that you think should be discussed at the November 13-14 workshop: (rate on a scale of high, medium, low)

Item	Importance (H, M, L)
a) Legal requirements of existing environmental agreements – which functions best done by Single Agency; which should not be done by Single Agency?	
b) Other functions not addressed in environmental agreements, but that have been identified as needs/gaps, that could be addressed by Single Regional Agency e.g., Bathurst Caribou management plan; regional cumulative impact assessment and management; transboundary cumulative/environmental effects?	
c) Possible function or mandate of a Single Regional Agency (geographic scope; project-specific environmental vs. cumulative effects monitoring; reviewing/coordinating monitoring vs. 'doing it'; cumulative effects assessment and / or management; advisory only? Information coordination and management; forum for meaningful community participation, reporting to...? Etc. )	
d) Potential structure/membership of a Single Regional Agency	
e) Potential authority of the Single Regional Agency	
f) Accountability of the Single Regional Agency	
g) Accountability/authority, relationships/linkages, communications	
h) Funding considerations and resource needs	
i) Communications and consultation principles	
j) Other, e.g.,	

12. You have been provided with a copy of the draft workshop purpose/objectives and an outline of the draft agenda (October 9, 2002). Do you have any comments or suggestions?

13. Can you suggest any additional resources that we should review, or individuals we should contact, in preparation for the workshop?

14. Do you have any other comments?

***LIST OF COMPLETED INTERVIEWS<sup>21</sup>***

<b>LAST NAME</b>	<b>FIRST NAME</b>	<b>AFFILIATION</b>
Baddaloo	Earle	Government of Nunavut (Department of Sustainable Development)
Blondin	Ted	West Kitikmeot/Slave Study Society
Christensen	Vern	Mackenzie Valley Environmental Impact Review Board
Crapeau	Rachel	Yellowknives Dene First Nation
Doan	Doug	Government of the Northwest Territories (Resources, Wildlife and Economic Development)
Evalik	Charlie	Kitikmeot Inuit Association
Filiatrault	Dionne	Nunavut Water Board
Hanks	Chris	BHP Billiton
Johnston	Laura	Environment Canada
Johnstone	Robin	De Beers Canada Inc.
Kuzyk	Brenda	Diavik Diamond Mines Inc.
McCullum	John	West Kitikmeot/Slave Study Society
Montgomery	Shelagh	Canadian Arctic Resources Committee
Noble	Jim	Nunavut Wildlife Management Board
O'Reilly	Kevin	Canadian Arctic Resources Committee
Pearse	Tony	Independent Environmental Monitoring Agency
Ross	Bill	Independent Environmental Monitoring Agency
Turner	Bob	Environmental Monitoring Advisory Board
Vaydik	Mike	NWT and Nunavut Chamber of Mines

<sup>21</sup> A number of other organizations / individuals were also contacted, but interviews were not completed for a variety of reasons (e.g., inability to contact an individual; unable to arrange an interview in the time available, or lack of interest).



## **Appendix C**

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### ***Participant Worksheets***

## **APPENDIX C: WORKSHEETS**

### **INTRODUCTION**

*On the following pages, you will find a set of questions that will serve as the foundation for the working group sessions at the workshop. If your time is limited, you may wish to focus your efforts on those topics of particular interest to you. In order for you to provide a contribution to this process, we are asking you to submit your completed worksheet at the workshop. If you require time for additional consultation within your community or organization, you may also send your comments (by November 29, 2002) to:*

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## **WORKING GROUP SESSION #1: POSSIBLE SCENARIOS**

**Name:** \_\_\_\_\_ **Organization:** \_\_\_\_\_

1.1. The discussions during Day One of the workshop included comments on important factors to consider when discussing different options for addressing regional monitoring in the NWT and Nunavut. Some of the possible factors for consideration are listed below. Please take a few moments to review the list. Is the list of factors complete? If not, what factors are missing? Do any of the suggested factors not apply?

*Possible factors for consideration in assessing future possibilities for regional monitoring in the NWT and Nunavut:*

<b>Factors for consideration</b>	<b>Check those that apply</b>
Fulfilling land claim and other legal requirements and obligations	
Contributing to a comprehensive environmental management system	
Addressing transboundary issues, management and coordination	
Ensuring efficient use of resources (human, financial, time, and information)	
Building linkages and relationships	
Acquiring, managing and sharing information	
Ensuring coordination between various organizations and agencies	
Supporting community/ organizational capacity development	
Providing meaningful involvement of Aboriginal communities/ organizations	
Other? (please specify)	

1.2 The discussions during Day One of the workshop presented a range of possibilities and options for addressing regional monitoring in the NWT and Nunavut. For the purpose of moving the discussions ahead, these possibilities may be summarized into three broad scenarios. These scenarios may be thought of as being on a continuum and may not be mutually exclusive.

**Scenario A: Status Quo/ Enhancements to the Existing Framework.** This scenario would focus on making improvements to the current system, including the fulfillment of regulatory and legal requirements, and improving linkages between existing organizations.

**Scenario B: Territorial Monitoring/ Environmental Management Systems.** This scenario would focus on implementing comprehensive environmental monitoring and management systems in each of NWT and Nunavut, as well as improved linkages, relationships and information sharing between the two territories to deal with transboundary issues in particular.

**Scenario C: Regional Monitoring Agency.** This scenario would focus on establishing a transboundary, multi-jurisdictional and multi-representative regional monitoring agency for the Slave Geological Province.

From your organization's/ community's perspective, what would be the implications (positive and negative) of each of these three scenarios, in terms of the factors for consideration defined in the previous question?

*Please provide your comments in the table on the next page.*

**Name:** \_\_\_\_\_ **Organization:** \_\_\_\_\_

*Response to Question 1.2: Consideration of broad future scenarios for addressing regional monitoring in the NWT and Nunavut.*

<b>Factors for Consideration</b>	<b>Scenario A: Status Quo/ Enhancements to the Existing Framework</b>	<b>Scenario B: Territorial Monitoring/ Environmental Management Systems</b>	<b>Scenario C: Regional Monitoring Agency</b>
Fulfilling land claim and other legal requirements and obligations			
Contributing to a comprehensive environmental management system			
Addressing transboundary issues, management and coordination			
Ensuring efficient use of resources (human, financial, time, and information)			
Building linkages and relationships			
Acquiring, managing and sharing information			

<b><i>Factors for Consideration</i></b>	<b><i>Scenario A: Status Quo/ Enhancements to the Existing Framework</i></b>	<b><i>Scenario B: Territorial Monitoring/ Environmental Management Systems</i></b>	<b><i>Scenario C: Regional Monitoring Agency</i></b>
Ensuring coordination between various organizations and agencies			
Supporting community/ organizational capacity development			
Providing meaningful involvement of Aboriginal communities/ organizations			
Other? (please specify)			







## **Appendix D**

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### ***Participant Resource Binder Table of Contents***

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## **APPENDIX D: PARTICIPANTS RESOURCE BINDER TABLE OF CONTENTS**

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### **TAB #**

- 1            Workshop Agenda / Workshop Purpose & Objectives**
- 2            Exploration of a Potential Single Regional Monitoring Agency for the Slave Geological Province: A Discussion Paper – November 2002 (Agenda Items 2, 4, 7, 9)**
- 3            Excerpts – Article IV - from the BHP Billiton and Diavik Environmental Agreements (Agenda Item 2)**
- 4            Worksheets for Working Group Sessions**
- 5            Presentation Materials - Agenda Item No. 2: Review of Context and Interview/Research Findings (*to be provided at workshop*)**
- 6            Presentation Materials Agenda Item No. 3: Needs and Expectations (*to be provided at workshop*)**
- 7            List of Participants (*to be provided at workshop*)**
- 8            Other Materials/Reserved**

## **Appendix E**

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### ***Workshop Participants***

## APPENDIX E: PARTICIPANTS LIST

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## **Appendix F**

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### ***Parties Providing Presentations on Day 1 – Agenda Item 3***

## **APPENDIX F: PARTIES PROVIDING PRESENTATIONS – DAY 1 (AGENDA ITEM 3)<sup>22</sup>**

DIAND (David Livingstone)

Department of Fisheries and Oceans (Marc Lange - informal remarks only)

Government of the Northwest Territories (RWED) (Doug Doan)

North Slave Metis Alliance (Bob Turner – informal remarks only)

Kitikmeot Inuit Association (Jack Kaniak)

Nunavut Impact Review Board (Stephanie Briscoe)

Nunavut Planning Commission (Peter Wilson)

Nunavut Tunngavik Inc. (Stefan Lopatka)

Nunavut Water Board (Philippe de Pizzo) informal remarks only)

Mackenzie Environmental Impact Review Board (Todd Burlingame)

BHP Billiton Inc. (Chris Hanks)

De Beers Canada Inc. (Robin Johnstone)

Diavik Diamond Mines Inc. (Brenda Kuzyk)

Canadian Arctic Resources Council (Kevin O'Reilly)

Macleod Institute (an evaluation of the West Kitikmeot / Slave Study) (Thom Stubbs)

West Kitikmeot / Slave Study Society (Ted Blondin)

Environmental Monitoring Advisory Board (Floyd Adlem)

Independent Environmental Monitoring Agency (Bill Ross)

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<sup>22</sup> Copies of the presentations are available on CD upon request from DIAND. Please contact Eric Yaxley, Environment and Conservation Division, DIAND, at (867) 669 – 2569, or e-mail [yaxleye@inac.gc.ca](mailto:yaxleye@inac.gc.ca).

## **Appendix G**

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### ***Flip-chart Notes – Working Group Sessions***

## **APPENDIX G: FLIP-CHART NOTES – WORKING GROUP SESSIONS**

### **G.1 Working Session 1: Possible Scenarios**

During the first working session, participants were asked to provide ideas as to what factors should be considered in assessing the future possibilities for regional monitoring in the NWT and Nunavut. They were also asked to consider the implications of each of three potential scenarios for addressing regional monitoring in Nunavut and the NWT. These were identified as:

- Scenario A – Status Quo/ Enhancements to the Existing Framework;
- Scenario B – Territorial Monitoring/ Environmental Management Systems; and
- Scenario C – Regional Monitoring Agency.

While the discussions took the potential scenarios into consideration, the discussions in all groups were more wide-ranging in nature, reflecting differences in views on key considerations, most appropriate approaches, and the conceptualization of what 'regional cumulative effects monitoring' should entail. The worksheets that guided the working session discussions, including a more detailed description of the potential scenarios, are included in Appendix C. The following are transcripts of the flip-chart notes for the two working sessions; they have been edited for clarity in some cases.

#### *G.1.1 Group A*

##### **Factors for Consideration**

- Need to define 'region'.
- Need to make explicit that improvements are needed in the assessment of cumulative effects.
- Need to identify the goals and expectations for any emerging institutions, to avoid overlaps in regulations and agencies.
- Acknowledge the current mistrust between landowners or stakeholders.
- The timing of any of the potential scenarios for addressing regional monitoring is key.
- Acknowledge that, in an "ideal" world, independent monitoring agencies would not be required.
- It is important to recognize differences in scale and size of different projects.
- A balance should be achieved between values/perceptions and science/key indicators.

##### **Discussion on the Scenarios**

- The current systems are not as effective as they need to be. To start, improvements can be made in terms of implementing both Part 6 of the *MVRMA* and the *NGMP*. In this manner, focus on first 'getting our respective houses in order' and then on collaboration between the NWT and Nunavut.
- It is important to clearly identify the jurisdictional relationships (including geographical boundaries and descriptions).
- Recognize the need for stability and predictability of the regulatory system.
- A Memorandum of Understanding can potentially be worked out between the NWT and Nunavut to strengthen collaboration between the two jurisdictions.

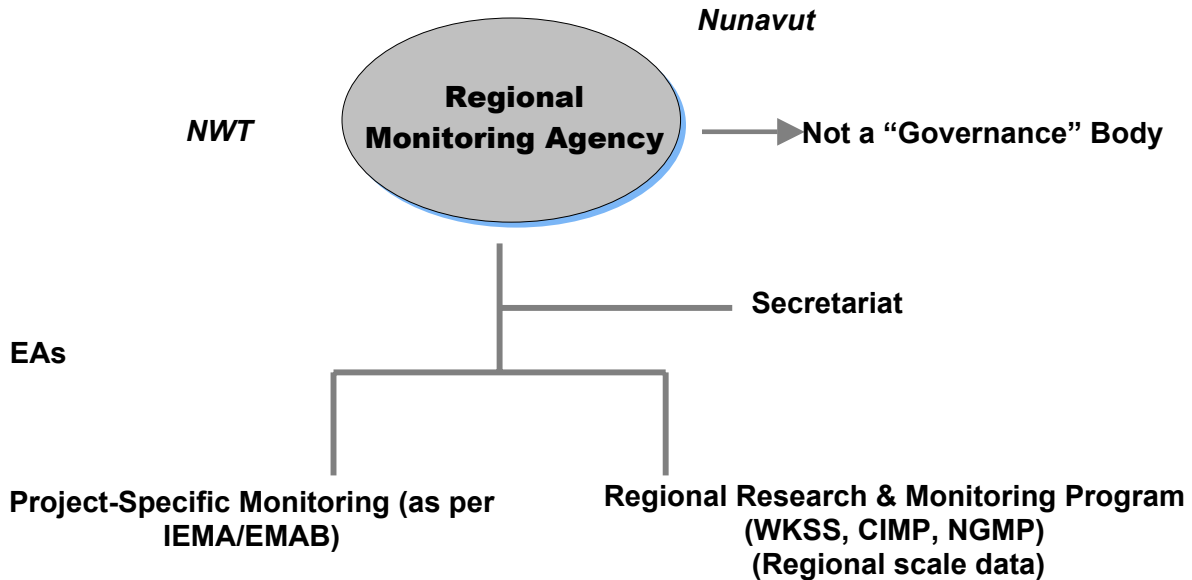
- It may be desirable to build a shared vision by the two jurisdictions for addressing regional monitoring.
- How may “regional” approaches outside the SGP be addressed (i.e., elsewhere in NWT and elsewhere in Nunavut)?
- If a single regional agency is created, its membership needs to reflect two functions: project-specific monitoring and regional scale environmental and cumulative effects monitoring. Therefore, members need to include communities, the general public, industry, and technical expertise.

**Suggested Organizational Approaches**

Participants in Group A put forth a couple of initial suggestions for organizational approaches to addressing regional monitoring in the NWT and Nunavut. The first of these approaches fit with ‘Scenario C’ presented in the worksheets and comprises the following characteristics:

- A Regional Monitoring Agency would be created, rooted in the legal regime that is already in place (specifically, Part 6 of the *MVRMA* and Section 12.7 of the *NLCA*)
- The mandate of the Regional Monitoring Agency should include research, monitoring and information management. To begin, its geographical scope will be the Slave Geological Province, but this could be expanded (if and when appropriate).
- The Regional Monitoring Agency would *not* serve as a “governance body”, (i.e., it would not have decision-making power). It would be administratively supported by a secretariat.
- The Agency would consist of two ‘branches’ or ‘functions’– ‘Project-specific Monitoring’ (as currently carried out by IEMA and EMAB), and ‘Regional Research and Monitoring’ (as currently carried out by WKSS).

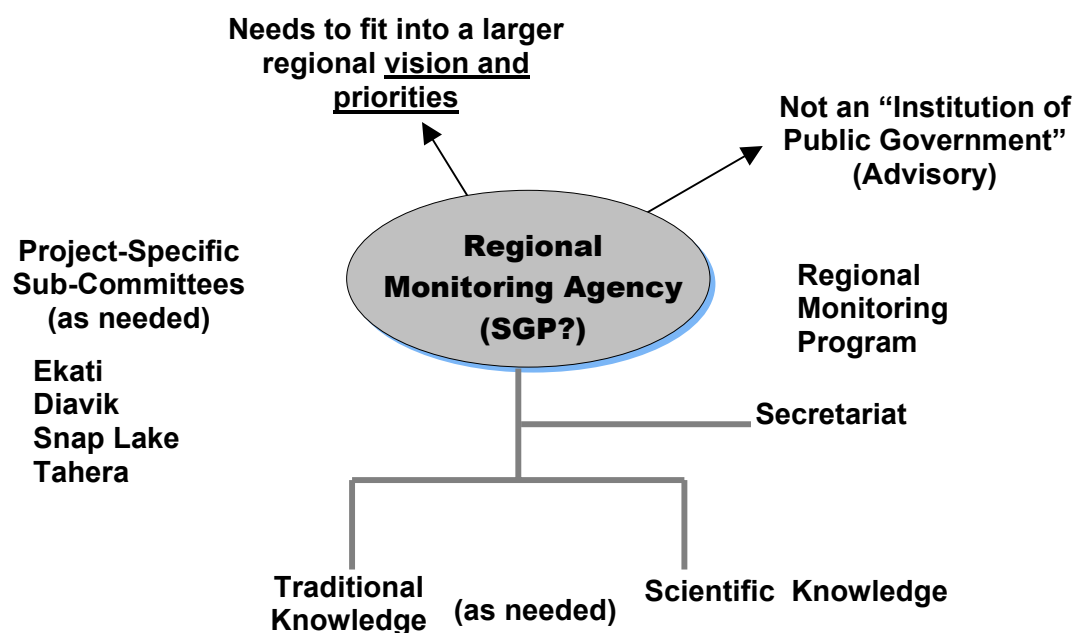
An illustration of this organizational approach, as suggested by some members of Group A at the workshop, is shown below:



Participants in Group A also put forth a second organizational approach for how regional monitoring in the NWT and Nunavut may be addressed. This approach, which also would fall under ‘Scenario C’ presented in the worksheets, included the following characteristics:



- A Regional Monitoring Agency would be created, possibly for the Slave Geological Province, fitting into a larger vision for cumulative effects monitoring in the NWT and Nunavut
- The Agency would not be an Institution of Public Government, but serve mainly in an advisory capacity. It would be administratively supported by a secretariat.
- The Agency would monitor cumulative effects of a range of development projects, in the NWT and Nunavut, such as the Ekati, Diavik and (potential) Snap Lake and Tahera mining projects.
- The Agency would address both project-specific monitoring and a regional monitoring program.
- To carry out its mandate, the Agency would be supported by sub-committees (as needed), and by both Traditional Knowledge and Scientific knowledge.

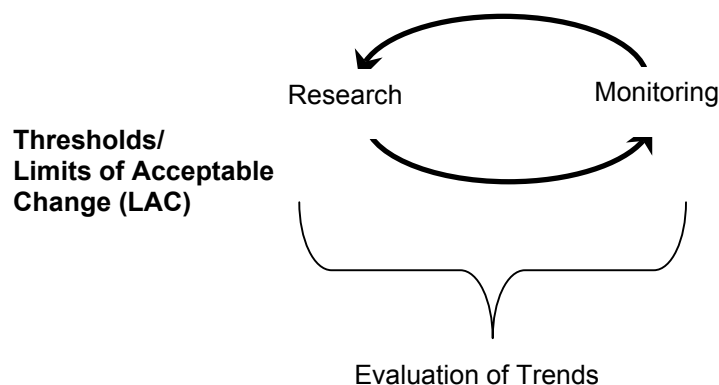


### G.1.2 Group B

#### Factors for Consideration

- Focus on determining needs and identifying what gaps need to be addressed. Given that 'form follows function', the identification of gaps will determine what scenario (or combination of scenarios) is appropriate, and what any potential agency would do.
- Focus on baseline gaps and on identifying thresholds.
- The two key gaps are: 1) approaches for addressing transboundary impacts, and 2) information management, coordination and communication.
- Acknowledge the need for funding. Also recognize that 'fair and equitable funding' is different than 'efficient funding'.
- Maintain integrity of the project-specific monitoring agencies and the current Environmental Agreements.
- The term 'region' needs to be defined.

- Take into consideration that each of the ‘scenarios’ may result in a different focus on cumulative effects. (For example, a single agency may deal with 13 specific projects and yet not consider “the larger picture”).
- Consider issues of accountability of any possible monitoring agency, in terms of it being ‘representative’ versus ‘independent’.
- How would Governmental / Aboriginal involvement be dealt with in developing an agency with a representative oversight role? (In other words, how to balance the interests that a future agency would represent?)
- Important that information is not only generated/coordinated, but also *used*.
- How would impacts be considered that are beyond regional control (such as climate change)?
- We need to understand our goals and objectives in order to evaluate future options for addressing cumulative effects monitoring.
- The reality of transboundary impacts must be considered – not only between NWT and Nunavut, but also within territories/provinces.
- Partnerships – with communities and others – help understanding of impacts/issues
- At the same time, while linkages between organizations are good, the proliferation of bodies may cause fractures or gaps. When the numbers of “hats” increase, so does the level of complexity.
- Regional monitoring through land claim provisions is currently not fully implemented. What should be done in the interim to resolve this deficiency?
- Increased capacity is needed, whether through a Single Regional Monitoring Agency or through some other approach
- Need to adequately value Traditional Knowledge and look to a community-based approach.
- From a community perspective, it is not only a question of just one project, but all projects and other environmental issues. Therefore, there is a need for a regional approach.



- As shown in the figure above, drawn by a member of Group B, research and monitoring are linked activities. Both are required to evaluate trends (changes in the environment over time). The focus needs to be on baseline studies and monitoring, as well as research, from which predictions can be made. Predictions, in turn, will determine the management actions or responses needed. Because the system is always changing, an “adaptive management” approach is needed.

Group B’s changes to the factors identified in the worksheet are summarized as follows:

The factors need to be considered in terms of explicit goal (sustainable development) and objectives (to be articulated). Gaps and possible solutions have been identified in the draft Regional Plan of Action for the SGP (don't rehash them...). There may be specific options associated with each identified gap.

'Form follows function', and there are divergent needs and expectations. Interim, as well as long-term, options need to be considered.

<b>Factors for consideration</b>
Support land claim and other legal requirements and obligations
Contributing to effective environmental and cumulative effects management – provide needed information and predictive tools used for action and management response – in a coordinated fashion
Evaluating and facilitating the discussion of transboundary issues, management and coordination
Sufficient resourcing, and ensuring efficient use of resources (human, financial, time, and information)
Building and strengthening linkages and relationships to ensure coordination between various organizations and agencies
Focused/prioritized acquisition of information (science and TK) in the context of a research and monitoring framework – with effective reporting
Supporting community/ organizational capacity development (including TK, and community-based approaches to monitoring) so that meaningful involvement of Aboriginal communities/ organizations can occur (this may not be a responsibility of a Regional Monitoring Agency)
Other? <i>(please specify)</i> <ul style="list-style-type: none"> <li>▪ <i>Accountability – representation vs. independence</i></li> <li>▪ <i>Providing value to decision-makers – getting information – providing information</i></li> <li>▪ <i>Scope – socio-economic vs. biophysical</i></li> <li>▪ <i>Ability to understand cumulative effects – narrow and broad definitions</i></li> </ul>

### Discussion on the Scenarios<sup>23</sup>

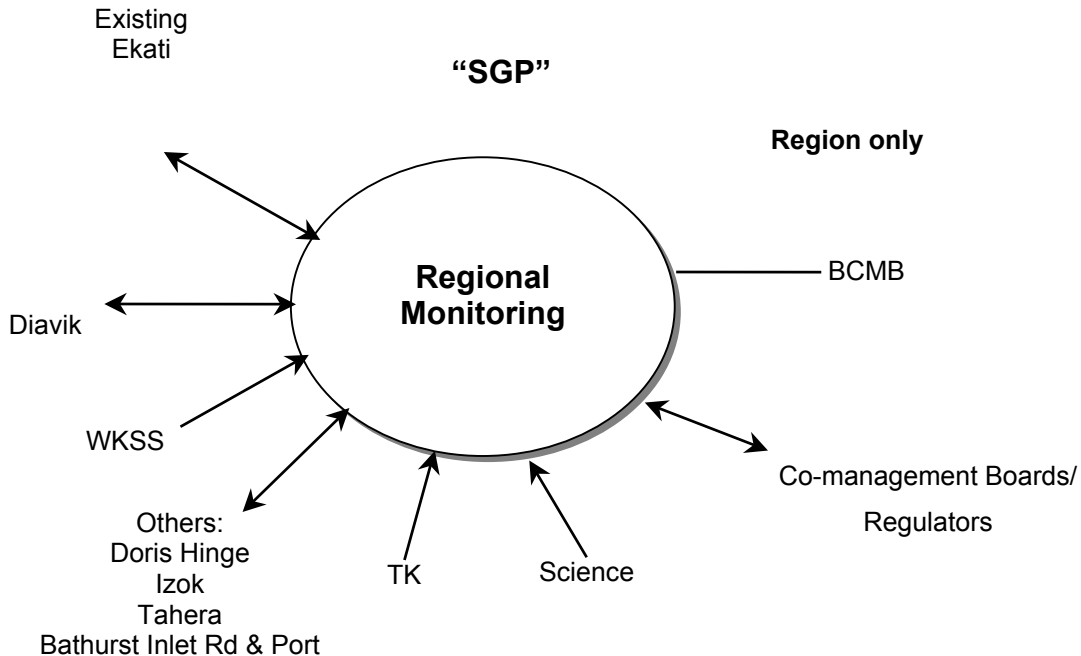
- Regarding *Scenario A* (Status Quo/ Enhancements to the Existing Framework), it should be recognized that implementation of the existing framework may never happen. As such, it is preferable to 'move ahead'.
- There have been some successes with the current approach in terms of addressing project-specific impacts, but not 'regional' impacts.
- Some time and effort should be put to strengthening the existing boards (EMAB and IEMA). While these are not perfect, they should also not just be 'thrown out'.
- Organizations in the current approach may not see the 'big picture' benefits. They need to communicate better. The difference between the two first scenarios (Status Quo/

<sup>23</sup> Group B did not address Scenario C, due to time constraints.

Enhancements to the Existing Framework and Territorial Monitoring/ Environmental Management Systems) is that of “effective” relationships versus “formal” relationships.

- Scenario B (Territorial Monitoring/ Environmental Management Systems) is more ‘global’ in its approach than Scenario A (Status Quo/ Enhancements to the Existing Framework) and includes better synergies.
- Does Scenario B imply a “Board of Boards”? This scenario *could* have some sort of regional body/agency.
- Scenario B would focus on the implementation of the NWT CIMP and the NGMP, and to increase relationships between the two.
- The scenarios appear sequential. It may be that Scenario B needs to be achieved before moving to Scenario C.
- Certain things need to be achieved before moving along the continuum (of the scenarios). For example, Nunavut has not yet done yet monitoring, and there has been very little involvement with the NWT. Since Nunavut has not achieved Scenario B yet, it cannot move to Scenario C at this stage. However, focusing on accomplishing Scenario B may ‘open eyes’. For example, while a project may trigger monitoring, it can also advise the research and monitoring agenda.
- Scenario B is ideal for today, but we are not there yet.
- Some tools for moving ahead are suggested in the CEAM Regional Plan of Action for the SGP<sup>24</sup>.

One participant in Group B produced an illustration of how regional monitoring fits into the current context of project-specific monitoring and monitoring research, as shown below.



<sup>24</sup> The CEAM Regional Plan of Action for the SGP can be accessed through the CEAM website, at website [http://www.ceamf.ca/03\\_reference/03\\_references.htm](http://www.ceamf.ca/03_reference/03_references.htm).

### G.1.3 Group C

#### Factors for Consideration

- Important to consider broad development – not only mining. This would include all land-users.
- Transboundary issues need to be considered.
- Should note that, in accordance with the *MVRMA*, ‘environment’ includes socio-economic aspects.
- There are very different legal systems in Nunavut and the NWT. In light of this, it is not possible to discuss a Single Regional Agency at this time.
- The basic question is that of data collection and management. We should consider a regional data collection and management agency. If so, we need to ask if it makes sense to combine this role with a watchdog role. Also, how does it fit with CEAM, NWT CIMP, etc?
- With regards to data management, where would information gathered be coordinated?
- It is important to determine who needs the cumulative effects information: who are the users of information?
- Would it make sense to combine a data collection agency with a watchdog role? Is there a need for a “single watchdog agency” apart from a research agency?
- We need to start from the question of “what are we monitoring?”. For example, EMAB “monitors the monitors”; IEMA has more of a watchdog function. Who would monitor the regional monitors?
- We need to distinguish between the two roles associated with “doers” (e.g. governmental departments) and “watchdogs”.
  - The “*doer*” function implies information and data collection and planning and would include the functions currently addressed through CEAM, NWT CIMP and the WKSS.
  - The “*watchdog*” function implies monitoring compliance and ensuring interactive/adaptive project management through feedback mechanisms.
- Given a distinction between the “doer” role and the “watchdog” role, the scenarios could be thought of as A1 and A2, B1 and B2, and so on. (In other words, for each of the scenarios, both the “doer” function and the “watchdog” function would need to be considered.)

#### Discussion on the Scenarios

- The basis for any of the scenarios is the implementation of the *MVRMA* and the improvement of regional monitoring.
- There needs to be a step-wise approach.
- Regarding *Scenario A* (Status Quo/ Enhancements to the Existing Framework), how do we improve what we currently have?
- There should be a focus on the watchdog function.
- There needs to be recognition of issues of trust with new agencies.
- There should also be consideration of socio-economic agreements. The reason that these are currently not functioning is the lack of funding.
- The first step should be that of fulfilling land claims and agreements and legal requirements.
- First, the focus should be on data collection and coordination between the NWT and Nunavut. This step has no legal implications. It would work through informal partnerships (in a manner similar to the work of the WKKS).
- Regarding *Scenario B*, discussion is needed on how to work better transboundary between the NWT and Nunavut. Suggested that a cooperation framework be established in this regard.

- Regarding *Scenario C*, it needs to be determined if a third monitoring agency is desirable (given the potentially upcoming third environmental agreement associated with the Snap Lake Diamond project). What other organizational models would be possible?
- If the signatories of a third environmental agreement were essentially the same as for the two first ones, would it be possible to amalgamate the three? Would De Beers prefer the Diavik Environmental Agreement as a “model”?
- There is a concern that IEMA/ EMAB do not deal with cumulative effects. The only option would be a single agency.
- If consolidating the two current agencies, the make-up of these agencies needs to be taken into consideration.

## G.2 Working Session 2: Next Steps

During the second working sessions, participants were asked to consider next steps for advancing the dialogue and discussions about future approaches to regional monitoring in the NWT and Nunavut. Where possible, participants also identified who should take the lead on the steps/ actions identified, and the timeframe in which the steps need to be implemented.

### G.2.1 Group A

#### Next Steps

- Seek consensus on the best approach to project-specific and regional monitoring over the short- and long-term, respecting (NWT and Nunavut) jurisdictions and authorities while providing for the needs of existing developers and future proponents.
- Focus on implementing related (Territorial wide) initiatives (Part 6 of *MVRMA* – the CIMP, and S.12.7 of *NLCA* – the NGMP).
- By April 03, sort out some of the most obvious questions...general agreement on coordination/direction at regional level on monitoring, with transition afterward... Consider the Regional Action Plan for the SGP. This includes broad based involvement and community involvement.
- Clearly define legal and jurisdictional responsibilities, including an understanding of who are the players and what are their (current) roles.
  - Aboriginal groups need to define their jurisdictional responsibilities among each other, as it relates to community-based monitoring.
  - Governments need to clarify their mandates and obligations on key commitments related to monitoring.
  - Clarify linkages between the institutions created subsequent to the existing land claim agreements (in Nunavut and the NWT), as well as the interim agreements.
- Clarify the range of expectations and understanding of “monitoring” among different stakeholders.
- Take basic ideas and consult on options, gaps and needs – not just in the SGP, but across the NWT and Nunavut.
- Engage the government of Nunavut. DIAND in Nunavut could play a role in facilitating this.
- Provide more specific details on short-term steps and longer-term links. Then provide clarification on mandate and membership of a potential single regional monitoring agency.
- Develop a proposal. The proposal should address the following:
  - Jurisdictional / legal mandates
  - Transboundary issues/ management
  - Short-term (practical) steps
  - Longer-term (broader) obligations

- Sunset provision (should a better approach emerge in the future)
  - Options for membership and community based participation
- Determine what can be done in this regard by April 2003. For now, the proposal should focus on the SGP. (Meanwhile, the rest of the two territories need to be kept in mind.)
- Also consider the following factors in developing the proposal:
  - The importance of monitoring to traditional activities
  - The cost (e.g., financial; administrative burden) of an additional monitoring agency
  - The role and impact of municipalities
  - The need for consultation.

### Summary of Recommended Steps:

1. Form a small working group to develop a detailed proposal to respond to the issues and needs.
2. Prepare a short (draft) proposal to address both shorter and longer-term needs and options.
  - DIAND will provide support to this task.
  - Membership of the working group should be parties to the Government of Nunavut, Government of the NWT Diavik and BHP Environmental Agreements, and De Beers.
3. Consult with key stakeholders (including outfitters, transportation agencies, and power corporations)
4. Finalize the proposal and direction by April 2003.

### G.2.2 Group B

#### Next Steps

- Focus on two fundamental issues:
  - How to address project-specific monitoring (and whether roll-up of the current two agencies is a feasible option)
  - How to address regional research and monitoring.
- In the short term, the parties to the three diamond mining projects need to examine 'roll-up' in more detail, including an evaluation of organizational options and –maybe – possibilities to expand the scope of project-specific monitoring over time (to include regional monitoring and inclusive of other projects)
- Determine how to relate regional research and monitoring to project-specific monitoring. In this regard, frameworks and priorities need to be established, and the implementation of Part 6 of the *MVRMA* and the *NGMP* needs to be taken into account.
- The needs of regulators and institutions of public governance need to be determined, as well as the relationships between these parties.
- The role of the public and communities needs to be defined, both as it relates to project-specific monitoring and regional monitoring.
- Because there are many means by which to achieve the desired ends, an options paper should be developed. DIAND should carry the responsibility of leading discussions with affected parties. A working group could be established for this task. However, the review of options needs to be undertaken in a focused manner.
- A critical path for the timing of new projects in the NWT and Nunavut should be developed.
- The Mackenzie Valley Land and Water Board organizational model – that is, one umbrella body with regional panels – could be considered as an option for a regional monitoring agency.
- Identify research needs and a research framework.
- Focus on implementing the NWT CIMP and the NGMP.

- Consider how the WKSS may be continued and/or built upon.
- This process MUST seek and obtain input from Aboriginal people / the communities.

### G.2.3 Group C

#### Next Steps

- Develop an options/ discussion paper, so that there is better opportunity to review and critique visions and options for addressing regional monitoring. The scope of the discussion paper needs to be broader than only considering impacts of mining. It should include (but not be limited to) the following:
  - A discussion and/or distinction between the “doer” (actually doing monitoring) vs. “watchdog” (watching those who do monitoring) roles.
  - Implications of maintaining the current project-specific agencies
  - Implications of the transition from current agencies to an amalgamation of agencies into one.
  - How to address trust issues among stakeholder groups.
  - Implications of a new agency – an “EMAB roll-up”
  - Implications of a new agency an “IEMA/ EMAB/ WKSS roll-up”
  - Implications of relying on watchdog organization(s) not tied to Environmental Agreements (such as ENGOs)
- The options paper should be followed up with small and focused group discussions with affected parties.
- Ensure a consultation process occurs. Aboriginal groups need to be consulted.
- Clarify that DIAND is the lead agency for implementing Section 146 of the *MVRMA* (as the Responsible Authority) in collaboration with the Environmental Agreement signatories.
- Ensure discussion amongst the Environmental Agreement signatories about the implications of rolling up IEMA and EMAB into a single agency.
- Establish a (longer term) mechanism for measuring, or “taking stock”, of the need for watchdog agencies.
- Continue to build on CEAM, NWT CIMP, WKSS etc.
- Lastly, “go slow... and with care”.