

What We Heard:
Documenting Interviews Evaluating
IEMA's Performance

February 3rd, 2021

Prepared For:
Independent Environmental Monitoring Agency

Prepared By:
Northern Environmental Research &
Development Services



NERDS
NORTHERN ENVIRONMENTAL
RESEARCH & DEVELOPMENT SERVICES

Table of Contents

1.0	Introduction & methods	3
	Table 1. Likert-scale evaluation with themes.	3
2.0	Evaluation Framework Themes	4
2.1	Awareness.....	4
2.2	Environmental.....	5
2.3	Process	6
2.4	Information	6
2.5	Communications	7
2.6	Indigenous perspectives	8
2.7	Working Relationship.....	9
	Appendix A: Summary of participant & reviewer recommendations	10

1.0 Introduction & methods

This document summarizes the views of the 17 participants who were interviewed between December 2020 and January 2021. With the exception of the Executive Director, the participants were external to the Agency and included people from the land and water boards, the GNWT, and IGOs. The interview results were reviewed using a Likert-scale evaluation framework featuring 7 themes (see Table 1 below).

These rankings were established through conversations and where necessary, direct questions and answers. Each interview was analyzed, coded into themes, and summarized below to form the final review findings. Specific recommendations and suggestions were noted to be passed on. These findings will identify areas where improvements can be made, with the review preparing recommendations as part of the final document.

As noted below in Table 1, there were two themes that had several “non-applicable” answers. These themes covered the Agency’s library (information) and Indigenous perspectives. The library was non-applicable for many participants who had existing information management systems at their workplace and did not need to access the Agency’s. Indigenous perspectives were also marked non-applicable by all participants who were not working or involved with an IGO. These are both summarized more below in the findings.

Overall, the participants felt that the Agency was doing a good job responding to its duties and mandate. No interview featured a negative thematic review.

Table 1. Likert-scale evaluation with themes.

	<i>Excellent</i>	<i>Good</i>	<i>Satisfactory</i>	<i>Unsatisfactory</i>	<i>Deficient</i>	<i>N/A</i>
<i>Awareness</i>	11	3	0	0	0	0
<i>Environmental</i>	12	2	0	0	0	0
<i>Process</i>	2	6	4	0	0	2
<i>Information</i>	4	2	1	0	0	7
<i>Communication</i>	2	9	2	0	0	1
<i>Indigenous Perspectives</i>	3	3	1	0	0	7
<i>Working Relationship</i>	2	7	3	0	0	2

Note: One interview featured two participants. Another participant provided a written response.

2.0 Evaluation Framework Themes

2.1 Awareness

Awareness refers to perceived public perception and recognition.

The participant's rating of awareness of the Agency was uniformly excellent. This was unsurprising given the selection bias for the interviews. That said it was a clear statement of the good groundwork that the Agency was doing in engaging the primary point people within organizations whose mandate intersects IEMA's.

While participant awareness of the Agency was excellent, some participants held split opinions on what constituted good community awareness. Some noted that it was sufficient for them to know that the Agency existed, but perhaps not necessarily important for them to be following the day-to-day procedures. They noted that they were pleased receiving the annual report but did not feel the need to stay apprised unless there was something of importance. Alternately, other participants felt that it was important that community members knew not just of the Agency's existence, but also their mandate and activities.

The split opinion is tricky for the Agency when considering when and how to use their future resources in raising awareness. As we completed the review, it became clear that there were three target audiences for the Agency to consider when approaching communication and outreach. By breaking down the audiences, the Agency can decide where to focus.

1. *Regulatory staff*: Participants had an informed and high level of faith and trust in the Agency's work. These participants would be actively involved in the regulatory proceedings and would seek out information when needed.
2. *Leadership* (including Leadership & Executive committee members): These participants had an uneven and limited awareness of the Agency. The awareness raised with regulatory events and upset conditions and ebbed in the interim. The Agency has an opportunity to focus on this audience during periods outside of regulatory focus.
3. *Community members*: Generally, community members were unaware of the oversight boards. This is not uncommon, as one participant noted, and can be applied to the average community members' knowledge of the regulatory regime. There is no targeted time that the agency can focus on for community members. Continued general engagements shaped by staff interaction seem the most appropriate if the Agency determines that this is a key target audience.

The conclusion was straight forward – if you interact or work within the northern regulatory regime then you will be aware of the Agency. However, with most interviews, there was conversation around first principles – asking if it was important to reach other audiences, and if so, why.

Reviewer recommendations for awareness:

- Create and annually update an Agency staff onboarding package (operational/procedural).
- Consider targeted briefing material for newly elected leadership members and/or decision makers, new non-Agency staff, etc. (e.g., boards, IGOs, etc.), with a focus on providing the

Agency's history/context, mandate, roles, and responsibilities, and the support that the Agency provides (e.g., availability of the library; historical context and resources, etc.).

- The Agency should consider if they need to improve their general community awareness. If so, the Agency will need to determine the appropriate target audience, address the importance of reaching that audience, establish what plain language material is necessary for communication (i.e., the plain language summary of the Annual Report), and apply the proper resources to undertake the task. The Agency should then follow up with select members to measure success of the awareness campaign.

2.2 Environmental

Environmental refers to the public perception of the Agency's monitoring, involvement, and regulatory recommendations.

Most participants noted that the regulatory regime had undergone significant changes in the last two decades. The Agency was created due to the state of the regulatory system in the mid-1990s. Although the current regulatory system (under the Mackenzie Valley Resource Management Act) is often viewed as incomplete, most reviewers noted that it is far more thorough and transparent than what existed when the Ekati Mine was initially approved.

An important role of the Agency is to provide recommendations for the mitigation of environmental impacts. This is still seen as the Agency's defining role by most, but some participants felt that the changing nature of the regulatory regime had lessened the need for the Agency to exist. Regardless, most participants provided positive assessments of the Agency's role in assessing impacts and provided recommendation on improving environmental monitoring and management at Ekati.

In addition, participants spoke very highly of the informational products produced, with some regulatory staff stating that they used the Agency's submissions as a reference for structure and overall quality in their own work. However, some noted that some recommendations focused on what they perceived to be fringe issues. They felt that these issues diverted away from other work with higher returns. Some participants hoped that the Agency could provide more follow up on their recommendations.

There was consensus that the Agency's advice and recommendations to the company, land and water boards, and governments did result in better environmental outcomes and conditions than would have occurred otherwise, with the understanding that this was a collective achievement of all parties. While this is recognized, reviewers still noted the environmental concerns and future consequences of the mine.

Last, participants hold a high degree of trust and faith in the Agency's ability and diligence. This level of trust supported external parties, such as IGOs, allowing them to focus on other issues as well as providing an 'on-ramp' for their participation in Ekati-related regulatory proceedings.

Reviewer recommendations for environmental:

- The Agency could establish indicators to track success of their recommendations. Whether a part of annual reports or something offset. This would provide a means to report back on outcomes is desired.

2.3 Process

Process refers to the public perception of the Agency's role within the regulatory regime.

All the participants provided a generally positive evaluation to the Agency's role in supporting their involvement in regulatory procedures. Unlike the other themes, this evaluation was often qualified with more nuanced considerations.

There was significant concern raised around ensuring that the Agency provide explicit clarity that they are presenting the Agency's opinion and not presenting the company's documents. This seems to be a known issue and it was raised by more than one participant. Participants noted that if non-Agency staff had a clearer understanding of the Agency, mandate, and process procedures, it would be less of an issue. The concern also links back to the awareness theme and further suggests that the Agency can work more to communicate its mandate and processes. The number of participants who noted the concern suggests that there is an opportunity for the Agency to establish guidance or policy to remedy the matter.

As mentioned above in *Environmental*, some participants raised a concern that the Agency would often focus on recommendations that were exceedingly difficult in terms of feasibility and capacity. The participants noted that they felt there is no issue with the Agency's discretion; however, they suggested that when responses are provided by the Agency, that the Agency give considerations around balance.

Multiple participants noted that there is an opportunity for the directors to build relationships with the communities, using Tim Byers work as an example. Most participants did not suggest there was a duty or responsibility (the agreement is explicit on this), rather that this would be an advantage to improving the process.

In the themes of environmental, process, and communications, participants noted that there was an opportunity for the Agency to liaise with the Boards, the company, IGOs, and the GNWT to provide further information on timelines and dates to provide a common reference point for upcoming Ekati issues.

Reviewer recommendations for process:

- The Agency should develop a public facing calendar to aid interested groups in tracking key deadlines and preparing their responses.
- The Agency should be more cognizant about repeated recommendations to Parties that have responded. Participants noted that this would be less of an issue if there was an opportunity for dialogue before the recommendations are released. They also suggested that pursuing the interest is fine, but repeatedly stating the same thing makes it seem as though parties are not being listened to, thus impacting the cooperative nature of the process.

2.4 Information

Information refers to the perception of the knowledge assets (physical & human) that the Agency has accessible.

Many participants did not make use of the information resources that IEMA maintains. However, those who did access the resources spoke very highly of the help from Agency staff and the information provided. As summarized in Table 1, half of the participants noted that the library was 'not-applicable'. These responses came from non-IGO staff and demonstrated that they had never accessed the information resources held by the Agency. This was because they had their own internal information management systems and there was little need. It is worth noting that the library may be of more service to staff of IGOs. Staff in those organizations used the library and spoke of the high value it held during their onboarding. It is clear the Agency provides significant value to new staff. This was repeated across organizations and is important to those who come onto the file. The lack of use from the other participants was certainly to do with their relative long service.

Reviewer recommendations for information:

- The Agency should continue to fund and maintain the library and facilitate being a central contextual depository for the file.
- Providing a source for easy access to plain language and translated documents would be a beneficial tool for IGOs and community members.

2.5 Communications

Communications refers to the perceived efforts of the Agency to communicate with the public.

Participants recognized the effort made by the Agency to communicate with the public and generally awarded it high marks on the efforts. Regulatory staff spoke well of the annual reporting as well as the community brochure.

There were participants that held a variety of positions about plain language reporting, the utility, and the preferences. Some consensus emerged, with most (but not all) parties believed that plain language efforts had better uptake when they are shorter, with links (ideally through their respective community organizations, then back to the Board or the Agency) to learn more. Everyone agreed that for each issue there is a broad range of information; however, occasionally the complexity and depth of detail can reduce the number of reads.

Participants mentioned clear opportunities for greater communication, both in a general and specific sense. Generally, there was a chance to provide occasional informational presentations and activities updates to interested parties. In addition, the Agency could specifically engage with stakeholders to discuss upcoming issues, planned activities, and reviews that are key Agency positions.

Though not unanimous, and not through the same mechanisms, IGOs sought further communication and information transfer from the Agency. The responses suggest these are across a spectrum, from no efforts to reach out to leadership or community presentations, to the point where there was a desire for tailored products for the different audiences. Almost every IGO was using or developing variants of a Land and Environment Committee to track and triage issues. This seems the most likely means for the Agency to reach out to communities and engage with interested members. Ultimately, the communications effort will be unique for each of the parties, necessitating a case-by-case design.

One note of concern was that the Agency occasionally adopted positional tones, without focusing on the interests they sought to achieve, rather than one of collaboration.

Reviewer recommendations for communications:

- The Agency should look to use their social media to raise awareness of other related processes and efforts. This will help raise their own profile.
- The Agency should continue to use their website and social media to provide plain language summary documents.
- The Agency should continue to request feedback from IGOs regarding what sort of communication methods (i.e., scope of plain language documents) are most helpful for staff and members (similar to Awareness recommendation).

2.6 Indigenous perspectives

Indigenous perspectives are the perceptions of the Agency from IGOs.

Most of the reviewers refrained from commenting on the inclusion of Indigenous perspectives in IEMA's work. The Agreement's requirements were acknowledged, but non-IGO participants felt that the matter should be answered by those representatives. It seemed that every participant acknowledged that the context that existed when the Agreement was signed no longer exists; in other words, every IGO is further advanced (including with settled final agreements) and the regulatory system is more robust than before.

When discussed, particularly by IGO staff, the answers were positive, with outright agreement that the Agency works to include Indigenous views. One participant noted the overlap between the issues the Agency is active on and the type of matters that the IGOs are most interested in. However, greater engagement with IGOs will provide further contextual information on their interests, provide opportunities for contextual knowledge transfer, and generate awareness of specific issues (e.g., food security).

Half the respondents did not feel that it was their place to provide an opinion on whether IEMA's work included or represented the views of the IGOs. The participants noted that this was analogous to the rationale applied to the role of the Agency at large and that IGOs do not need anyone to speak on their behalf.

A key observation and distinction from some of the IGO staff is that the Agency's work does not consider community members. One participant noted that this is where the sole responsibility of the IGOs began and represented an important point of entry for Traditional Knowledge. There is a desire that the Agency further develop Traditional Knowledge concepts to use as part of their work.

Reviewer recommendations for Indigenous perspectives:

- The Agency should develop policy that addresses portions of the Environmental Agreement that are based on a political context that is no longer appropriate (e.g., *Section 4.2c or 4.2g*).
- The Agency should continue to work closely with IGOs to match needs, understand their interests, and refine areas of concern.

2.7 Working Relationship

Working relationship is defined as the perception of the Agency's ability to work with external parties.

The history of the Agency and the parties is an asset. It is not an untested structure and there is proven resilience over the decades of operation. Low points in the relationship are known and lessons can be drawn from those times. Participants made comparisons to other boards and noted that the mediations of the past with the Agency were more successful. They mentioned that the Agency's process facilitated that the parties of the dispute are more inclined to want to work together, which was not always the case for other boards.

All participants felt that the working relationship between the Agency and its parties and/or stakeholders was quite strong. Some of the most involved participants identified that this was a matter of pride for them and that they actively worked toward maintaining strong working relationships with the Agency and external parties.

However, parties noted that there have been areas where they felt the Agency was not listening. As mentioned above, participants noted that responses to (sometimes repeated) recommendations were not received. These did not seem to be areas of interpretation or of critique being provided, but rather that the Agency had adopted positions which could not be satisfied or remedied.

Participants recognized that disagreements between parties would continue due to the nature of the regulatory process. They were also clear that the process had identified 'decision-makers' to resolve disagreements (e.g., the Land and Water Board). During those times, participants noted that the Agency and the parties can sometimes do nothing more than make their best cases.

Equally important is the need for IEMA to listen to others and their responses, working to ensure that differences in interests and positions do not threaten the lines of communication and understanding. One overriding sentiment from every interview was the desire to work together as much as possible, which is something that the Agency can actively encourage.

Last, some of the participants wanted to flag areas of concern for the Agency, these being funding levels, Ekati's ownership resolution, waste rock/water chemistry, and longer-term uncertainty.

Reviewer recommendations for working relationship:

- Work to establish regular communications with parties and society members. This is already underway, but the new operational tempo at the mine may require modifications to the effort. Ideally these would be short standing events, with as much focus on work as on the interpersonal.
- When conflict (regardless of nature) occurs IEMA should be active to help moderate the severity. This moderation can take many forms, but most important is that they are active.

Appendix A: Summary of participant & reviewer recommendations

1. Create and annually update an Agency staff onboarding package (operational/procedural).
2. Consider targeted briefing material for newly elected leadership members and/or decision makers, new non-Agency staff, etc. (e.g., boards, IGOs, etc.), with a focus on providing the Agency's history/context, mandate, roles, and responsibilities, and the support that the Agency provides (e.g., availability of the library; historical context and resources, etc.).
3. The Agency should consider if they need to improve their general community awareness. If so, the Agency will need to determine the appropriate target audience, address the importance of reaching that audience, establish what plain language material is necessary for communication (i.e., the plain language summary of the Annual Report), and apply the proper resources to undertake the task. The Agency should then follow up with select members to measure success of the awareness campaign.
4. The Agency could establish indicators to track success of their recommendations. Whether a part of annual reports or something offset. This would provide a means to report back on outcomes is desired.
5. The Agency should develop a public facing calendar to aid interested groups in tracking key deadlines and preparing their responses.
6. The Agency should be more cognizant about repeated recommendations to Parties that have responded. Participants noted that this would be less of an issue if there was an opportunity for dialogue before the recommendations are released. They also suggested that pursuing the interest is fine, but repeatedly stating the same thing makes it seem as though parties are not being listened to, thus impacting the cooperative nature of the process.
7. The Agency should continue to fund and maintain the library and facilitate being a central contextual depository for the file.
8. Providing a source for easy access to plain language and translated documents would be a beneficial tool for IGOs and community members.
9. The Agency should look to use their social media to raise awareness of other related processes and efforts. This will help raise their own profile.
10. The Agency should continue to use their website and social media to provide plain language summary documents.

11. The Agency should continue to request feedback from IGOs regarding what sort of communication methods (i.e., scope of plain language documents) are most helpful for staff and members (similar to Awareness recommendation).
12. The Agency should develop policy that addresses portions of the Environmental Agreement that are based on a political context that is no longer appropriate (e.g., *Section 4.2c or 4.2g*).
13. The Agency should continue to work closely with IGOs to match needs, understand their interests, and refine areas of concern.
14. Work to establish regular communications with parties and society members. This is already underway, but the new operational tempo at the mine may require modifications to the effort. Ideally these would be short standing events, with as much focus on work as on the interpersonal.
15. When conflict (regardless of nature) occurs IEMA should be active to help moderate the severity. This moderation can take many forms, but most important is that they are active.