

IEMA External Review Findings & Conclusions

March 12th, 2021

Prepared For:

Independent Environmental Monitoring Agency



NERDS
NORTHERN ENVIRONMENTAL
RESEARCH & DEVELOPMENT SERVICES

Prepared By:

*Northern Environmental Research &
Development Service*

Table of Contents

| | |
|---|----|
| Executive Summary..... | 3 |
| 1.0 Introduction | 4 |
| 1.1 Background | 4 |
| 1.1.1 Creation..... | 4 |
| 1.1.2 Mandate..... | 4 |
| 1.1.3 Organization Structure..... | 4 |
| 1.2 Scope of Review | 5 |
| 1.3 Review Methodology | 6 |
| 2.0 Review of Past Recommendations..... | 7 |
| 3.0 Communication Materials..... | 8 |
| 4.0 Findings and Recommendations..... | 9 |
| 4.1 Awareness | 9 |
| 4.2 Environmental..... | 10 |
| 4.3 Process | 11 |
| 4.4 Information | 12 |
| 4.5 Communications | 12 |
| 4.6 Indigenous Perspectives | 14 |
| 4.7 Working Relationships | 15 |
| 5.0 Conclusions | 16 |
| Appendix A: Summary of Recommendations..... | 17 |
| Appendix B: What We Heard report..... | 19 |

Letter of Transmittal



NERDS
NORTHERN ENVIRONMENTAL
RESEARCH & DEVELOPMENT SERVICES

March 10th, 2021

Marc Casas, Executive Director
Independent Environmental Monitoring Agency
PO Box 1192
Yellowknife, NT X1A 2N8

Dear Mr. Casas,

RE: External Review

Please find enclosed the results of our external review of the Independent Environmental Monitoring Agency (IEMA) conducted between December 2020 and February 2021.

Our review focused on three aspects of the Agency: first, the relationships between IEMA's external partners and other organizations; second, a review of communications materials focusing on the last three years; lastly, past external reviews and the links to the issues of today. The review team interviewed 17 subjects from organizations across the NWT, each of whom has worked with IEMA in recent years. A summary of these interviews, organized by theme is found in the *What We Heard* report attached as Appendix B.

The review found that IEMA is a productive organization that generally works well with its Parties and the Indigenous Society Members, and the regulatory bodies. That said, as with any organization, there are areas of IEMA's operations that can be streamlined and improved. Our recommendations include optimizing communication materials, working to support Society Members better, and working on the relationships with other Parties. This is found in part 5 of this report.

Thank you again for the opportunity to review your organization and conduct this external review. We would be pleased to meet with you and your management team to review these recommendations.

Regards,

Todd Slack
Proprietor, Northern Environmental Research & Development Services

Executive Summary

The Independent Environmental Monitoring Agency (IEMA) contracted Northern Environmental Research and Development Services to conduct a review of its operations and evaluate how satisfied the organizations it serves and interacts with. This review has a special focus on the views of the Indigenous Society Members.

To do this review we developed scorecard that considered the work IEMA was required to do and we talked to the people who were involved – the company, governments, Indigenous Society Members, regulators and others. The review showed that there was a positive evaluation across the scorecard, but generally that there was a high level of satisfaction with the performance of IEMA.

The Indigenous Society Members particularly accessed and used the resources provided by IEMA. A summary of the interviews, according to evaluation themes developed with IEMA, can be found in the 'What We Heard' document provided as Appendix B.

This report builds from the interviews in that appendix and the review teams findings, making 17 recommendations where IEMA can make incremental improvements. A summary of the recommendations is provided in Appendix A.

1.0 Introduction

This report is the third external review of the Independent Environmental Monitoring Agency (IEMA) undertaken since it was created in 1997. The reviews have measured IEMA's performance in meeting its duties and responsibilities under the Environmental Agreement that governs its operations. Each review has had a particular area of focus, with the current review taking a deeper look at communications from the perspective of external organizations and people that interact with IEMA.

The report features five sections. The first discusses the history, the scope of the review, and the methods we used to complete it. The second considers previous reviews, the recommendations made, and the validity of those recommendations today. The third section discusses our high-level review of the communications efforts IEMA currently undertakes. The fourth section summarizes the findings from our interviews. Finally, the fifth and final section provides our recommendations to remedy identified issues and aid IEMA's continuous improvement.

1.1 Background

1.1.1 Creation

IEMA is a non-profit organization that was created to serve as a public watchdog for environmental management at the Ekati diamond mine. Formed in 1997 after the completion of the federal Environmental Assessment Review Process (EARP) Panel, IEMA came into existence through the negotiation of an Environmental Agreement between the Governments of Canada, the Northwest Territories (GNWT) and BHP Diamonds Inc. (BHP).

IEMA was formed to help ensure that the recommendations arising from that process were implemented so that the impacts to the environment and the affected people were minimized. Creating IEMA also helped to meet the needs of Indigenous communities (whose traditional lands would be affected by the diamond mine) as an impartial, independent, and knowledgeable third party to monitor the environmental management of the mine.

1.1.2 Mandate

IEMA primarily works to review Ekati's environmental monitoring and management plans. It relies on its own expertise as well as commissioning independent expert peer reviews. These reviews, as well as the recommendations and comments from IEMA, are provided to the regulatory authorities, governments, Arctic Canadian Diamonds Corporation (The current mine owners), and the Indigenous society members.

IEMA works to inform its members through regular communications with each of these organizations, groups, and members. These range from informal but common exchanges; open houses, annual general meetings, and environmental workshops; technical submissions, reports, and substantial annual documents; as well as simpler tools such as brochures, newsletters, and their website.

1.1.3 Organization Structure

IEMA is governed by a board of directors appointed by the three parties to the agreement (the Governments of Canada and the Northwest Territories, and Arctic Canadian Diamonds Corporation) and

the four Indigenous Society Member - Kitikmeot Inuit Association (KIA), Akaitcho Treaty 8 First Nation, Tłı̨chǫ Government, and the North Slave Metis Nation.

Canada, GNWT, and the company work together to jointly appoint three of the directors. While the Indigenous Society Members each nominate one member to the board. The appointed directors do not represent the nominating organizations, but rather serve the board. Generally, individuals appointed to the board possess significant technical expertise in fields that are relevant to IEMA’s mandate.

1.2 Scope of Review

This review builds on previous external reviews undertaken in 2000¹ and 2009², with a focus on the working relationship between IEMA and outside organizations. Problem formulation boils down to the question “How is IEMA doing?” from the perspectives of the interviewees.

Understanding that the questions could generate a broad range of answers, a review framework and evaluation matrix was developed and approved by IEMA management. This framework was used to rate discussions, and question responses from each interviewee. The matrix, included below, includes a response key, the relevant question area, and a reference to the section of the agreement that relates to the question.

The review framework featured examination of seven areas:

| Evaluation Theme | Positive | | | Negative | | Interviewees Lens | Agreement Basis |
|-------------------------|-----------|------|--------------|----------------|-----------|--|--------------------------------|
| | Excellent | Good | Satisfactory | Unsatisfactory | Deficient | | |
| Awareness | | | | | | Are they aware of IEMA? Do they know what IEMA does? | 4.2b, 1.1f |
| Environmental | | | | | | Do they believe IEMA effectively advocates for ecosystem health? | Recitals F, 1.2c, 4.3c |
| Process | | | | | | Are they aware of how IEMA works internally and with regulators? | Recitals F, 4.2b, 4.2d |
| Information | | | | | | Do they rely on information held by IEMA? If they were looking is IEMA starting pt.? | 4.2e |
| Communication | | | | | | How do they view the communications between their organization and IEMA? | 4.2f, 4.5 |
| Indigenous Perspectives | | | | | | Do they think that IEMA takes into account Indigenous views/concerns? | 1.1b, 1.2(a), 4.2c(vi), 4.2(f) |
| Working Relationship | | | | | | How do they see the relationship between the Parties and the Agency? | 1.1d, 1.1e, 4.5b, 4.8 |

¹ [https://monitoringagency.net/wp-content/uploads/legacy/EIR%20Discussion%20Paper%20\(FINAL\)%20January%202011.pdf](https://monitoringagency.net/wp-content/uploads/legacy/EIR%20Discussion%20Paper%20(FINAL)%20January%202011.pdf)

² <https://monitoringagency.net/wp-content/uploads/legacy/SENE%20External%20Review%20Mar%202009.pdf>

The primary lens to be used to identify appropriate interviewees was to consider all those that interacted with IEMA, especially the Indigenous parties. The only addition to this core group was to include conversations with IEMA’s peers as they faced similar tasks and challenges. Our initial set of contacts included a minimum of two representatives from each of the Parties or the Indigenous Society Members.

1.3 Review Methodology

To undertake the review, the team focused on three main areas:

- Recommendations from the most recent external review
- Communication materials (newsletters, annual reports, website, etc.)
- Direct Interviews

As part of the review, there was an examination of the 2009 external review report recommendations to consider whether any of the same issues remained at present.

The review of communication materials included a detailed review of the public facing information and recent communication products, including newsletters, the technical and plain language annual reports, and a review of IEMA’s website.

After completing the document review, an extensive interview and information gathering effort was undertaken with representatives of the Indigenous society members, Government of the Northwest Territories, industry, and oversight peers.

During the review planning, 22 contacts were identified for interviews, including two from each of the Indigenous society members and interviews were planned from December 2020 - January 2021. Of those, 17 interviews were completed, or comments collected. Of those who did not participate, one person declined, two were identified as incorrect points of contact, one did not respond, and one scheduled interview had to be rearranged and could not be completed prior to the January 22nd deadline. The list of contacts who provided input into the review:

| | | |
|------------------------|--|-----------|
| Sarah Gillis | Yellowknives Dene First Nation | Interview |
| Glen Guthrie | łutsel K’e Dene First Nation | Interview |
| Violet Camsell-Blondin | Tlicho Government | Interview |
| Brett Wheeler | Tlicho Government | Interview |
| Adelaide Mufandaedza | North Slave Metis Alliance Staff | Interview |
| Rick Walbourne | GNWT Waters Staff | Interview |
| Lorraine Seale | GNWT Lands Staff | Interview |
| Laurie McGregor | GNWT - Environment and Natural Resources | Interview |
| Ryan Fequet | Wek’èezhii Land and Water Board | Interview |

| | | |
|---------------|--|-----------|
| Chuck Hubert | Mackenzie Valley Environmental Impact Review Board | Interview |
| John McCullum | Environmental Monitoring Advisory Board | Interview |
| Shin Shiga | Snap Lake Environmental Monitoring Agency | Interview |
| Geoff Clarke | Kitikmeot Inuit Association | Comments |
| Claudine Lee | Arctic Canadian Diamonds Corporation | Interview |
| Harry O'Keefe | Arctic Canadian Diamonds Corporation | Interview |
| Marc Casas | Independent Environmental Monitoring Agency | Interview |
| Laura Meinert | Wek'èezhii Renewable Resources Board | Interview |

Working within the framework, a series of open-ended questions were developed to guide the interviews, which facilitated engagement and discussion. Interview results were summarized on an individual basis, and then summarized again in the “What We Heard” document presented as Appendix B. This was used as the basis for the findings and conclusions presented in this report. Given the commonality of the themes heard during the interviews, we feel that this is an excellent sample for the core issues.

2.0 Review of Past Recommendations

The first step of our review was to collect and examine background materials, including the findings and recommendations of the 2009 external review, which were as follows:

- 1) Agency newsletter
- 2) Reporting back to communities
- 3) Organize more community visits
- 4) Prepare summary notes/highlights from Board of Directors meetings
- 5) Make action-oriented, prescriptive recommendations in annual reports
- 6) Follow up on recommendations made in Annual Report to ensure that they have been, or are being, acted upon, and report back to Society members

Our review found that several of these recommendations remain outstanding in one form or another. We considered three of the recommendations to be resolved:

- The Agency newsletter (*the Ekati Monitor*) is currently being regularly produced and circulated;
- Board Meeting summaries are available on the website; and,
- the issues behind the recommendation #5 – prescriptive recommendations – were unclear, with no concerns or residual issues identified.

However, this leaves three recommendations unresolved. Aspects of these are present in the latest recommendations as well. Based on our review, the following are outstanding:

- Reporting back to communities: After a community meeting, providing public communications back to the community may be an opportunity to extend the heightened awareness and achievement from hosting the meeting. The effectiveness of these communications is unknown but given the significant cost and staff effort associated with going to the community, a small effort to capitalize on that work seems reasonable. We acknowledge that this has been done on an intermittent basis over the years, noting that there may be some lessons learned.
- Community visits: Face to Face meetings remain preferred by most communities. Working with community staff there may be opportunities to improve the meeting frequency in communities, through logistics sharing with similar organizations, reducing the staff/director numbers required for the visit and taking advantage of the new all-season road.
- Follow up on recommendations: This remains an issue and our review echoes the 2009 report. The Agency puts a great deal of effort into its recommendations. It seems reasonable to track outcomes and report back to Parties and the Indigenous Society Members.

3.0 Communication Materials

As part of the review the team examined IEMA’s existing communication products, including newsletters, annual reports, home mailings, website, and other published documents.

Information was generally found to be well organized, current, and informative. The review team did note that the website should have its organization and structure reviewed on a regular basis and a survey of users done to determine if material is easy to find by the site’s primary users. With so much information on the site, finding specific materials can pose challenges. While out of scope for this review, IEMA could conduct informal user conversations/surveys of website users to understand the user flow across the website. Impressions from new community staff may be particularly useful given their high level of technical skills and motivation.

The review team also noted that the “plain language” summary documents, including home mailers, can be quite densely packed with detail and information. This can make the documents feel less accessible to the varied audiences. Regardless of the nature of language used within, documents such as the brochure need to be inclusive to all readers. We understand the desire to provide a thorough explanation, but the purpose of the communication is not achieved if the audience is not inclined to review the materials.

The review team did note that IEMA clearly places importance on communications and informing the public. There is no question on the level of effort. IEMA produces a large variety of communications products each year that can provide many opportunities to connect with their audiences. Staff should regularly re-examine materials to ensure that the time spent to produce these materials is designed to achieve the desired results.

4.0 Findings and Recommendations

Within the scope of our review, the Agency received high marks for the work that it does, with some commenting that the work they do represents a case study in how to provide interventions in the regulatory system. None of the interviewees provided a negative evaluation in any area. This is a strong and positive response. This overwhelmingly positive evaluation was not without some nuance or qualified statements and it was not without suggestions, recommendations, or concerns, but it is something that IEMA should be quite proud of.

Based on the findings of each stage of the review, the following recommendations have been developed. Most are founded on the recommendations from interviewees, as found in the *What We Heard* document – though they have been collated, modified or adjusted as appropriate. A number of additional recommendations were provided by the review team based on the comments and observations that were provided. The recommendations are organized according to the review framework subject areas for consistency, though there will be clear linkages between the themes.

4.1 Awareness

The interviews made it clear that the staff members whose responsibility includes Ekati were very aware of the work of IEMA. Two other audiences were identified over which the awareness dropped progressively:

- Leadership and/or senior staff: which we have defined as elected leaders, Land and Environment committee participants/members). Two primary triggers of awareness were identified – active regulatory proceedings and recent direct interactions with the Agency.
- Public at large: generally speaking, the community level of awareness ranged from none to a level where residents knew that there was someone who watched the mines, but not much beyond that.

The reviewers noted that there is a paradox with awareness. The impetus for residents and community members to make themselves aware is not pressing when there is a high level of trust in the regulatory and oversight bodies and the perception that issues are being appropriately addressed. This feels particularly so when looked at in comparison to the many pressing issues that face communities, never mind the fact that most people would rather be pursuing their own interests (family, hobbies, etc.) rather than worrying about potential harms. The fact that many who might be interested in IEMA or Ekati do not act on this interest could be perceived as an indirect endorsement. As one interviewee noted, “most people would rather go fishing”.

4.1.1 Recommendations

1. **Community Staff Package** - Given the strong awareness and pivotal role of staff in the awareness and utility of IEMA to the Parties and the Indigenous Governments, providing information to new hires in community governments is critical. This package would be made available to any new staff as part of an introduction from IEMA. This recommendation is made to reinforce the strong level of awareness, not to remedy a gap.

This package would be a concise introduction to the Agency’s mandate and structure, with critical links to further information (WLWB registry and contacts at the board), and examples of previous IEMA and community submissions.

- 2. Consider Leadership Communications** – It was noted that leadership attention is often focused during regulatory events, with awareness of IEMA and the core issues being much higher in the time proceeding these events. We recommend that IEMA work with community staff to develop and deliver short plain language communications materials following these types of events to help prolong the awareness. This would occur after any decisions or key events and should include follow up on the recommendations and suggestions provided by IEMA (see recommendation 4)

Separately, IEMA should work with the community staff to develop a short background document speaking to key interests of that community, which could be presented to leadership following elections. This may provide value to the agency, staff and to the respective leaderships, helping provide foundation when larger issues arise.

- 3. Community Outreach** – If community awareness is a core principle for IEMA, they should dedicate a budget/staff resources to improve this. In addition to the historic types of efforts, they should consider whether an advertising budget would aide the efforts. This effort could include sponsorships, promotional equipment (high quality gear with IEMA branding), donations, providing an information booth-style venue during assemblies or other events, and more frequent mailouts to the desired audiences.

Prior to employing this across the region, a pilot could be commenced with a willing community, with effectiveness to be assessed at a date in the future.

Part of the community outreach effort should include a community meeting follow up. As noted in the 2009 review, this type follow up may provide value, building connections with attendees and communities. The intent of this effort should be to extend and build off any awareness from the community meeting, with the content being less of a focus. Content suggestions include revisiting specific issues that were raised, thanking participants, and providing a link to future activities.

4.2 Environmental

IEMA is perceived in a positive light when considering its efficacy in minimizing impacts and promoting ecosystem health. Beyond the work itself, participants hold a high degree of trust and faith in IEMA's ability and diligence. This level of trust allowed external parties, such as Indigenous governments and organizations, to focus on other issues. They also had confidence that there was a resource or an "on-ramp" for key issues, such as participation in Ekati-related regulatory proceedings.

Our review noted that there was a lack of issue tracking and public reporting after a recommendation had been made. We note that there are potential means to do this through existing structures, it places the responsibility to do so on the party. Given that IEMA is likely doing this work already, it makes little sense to place this onus on capacity limited organizations.

4.2.1 Recommendations

4. **Recommendation Follow-up** – Each year in IEMA’s annual report a number of recommendations are made; however, from year to year there is no follow-up on these recommendations. In some cases, the same recommendation is repeated without reference to previous recommendations or recipient responses. Tracking any follow-up or action from the recommendations would improve the accountability of the process and recognize the effort that goes into developing and responding to them. Reporting back on the results of previous years’ recommendations would better tie together annual reports and the arc of IEMA’s efforts and give readers additional context and an idea of the efficacy of the process.

A similar recommendation was made in the 2009 external review.

4.3 Process

Most interviewees spoke very highly of IEMA’s work. However, this theme saw several suggestions and identified opportunities for improvement. Participants felt that there were steps that could improve communications and information flow. There were repeated suggestions that this included a greater role from IEMA directors to the governments, industry or Indigenous Society Members, or participate in regular engagements/liaison with regulators and Parties.

In another theme, some interviewees hoped that IEMA could offer better deadline/issue tracking for all involved.

Several interviewees thought that IEMA could pursue a more complete understanding of the implications that their recommendations would have, encouraging additional discussions during the development of recommendations.

4.3.1 Recommendations

5. **Regulatory event calendar** – IEMA should develop and publish (online) a simple, publicly accessible calendar that tracks Ekati and related process dates, both in the short and medium term. This type of calendar would assist Indigenous Society Members in participating in responding to the regulatory deadlines and longer-term organizational planning. When exact dates are unknown (medium and long-term issues), even rough timelines would assist capacity challenged organizations make arrangements to ensure they are able to take part in the process. IEMA’s efforts would provide an important support to community environment departments awareness and aide their ability to respond in periods of multiple challenges.
6. **Collaboration** – IEMA should look for opportunities to work together and collaborate with other similar organizations. Interviewees noted other organizations have similar goals or undertake similar efforts which creates potential for working together. Whether through shared logistical arrangements, media efforts, or matters not yet identified, utilizing these opportunities could lead to cost savings, and enhanced community outreach.
7. **Review Timing** – Interviewees noted the challenges with circulating review documents and noted IEMA’s efforts, particularly against GNWT who are also representing the public. However,

several suggested that it would be advantageous to receive the documents earlier. The exact time required varied by community and should form part of the conversation around community engagement (see recommendation 3).

4.4 Information

Those interviewees who had made use of the library or sought specific information from IEMA spoke very highly of the resources and assistance to find what they were after. These users were almost all from organizations with lower levels of internal capacity and information management. IEMA is ideally positioned to aide in supporting community organizations.

Interviewees noted that accessing plain language and translated documents could be improved with a centralized spot where these materials were available.

4.4.1 Recommendations

8. **Plain language/Indigenous languages website section** – Within the Resources section of its website, IEMA should create a plain language/indigenous languages menu item. This would host those documents already being produced by IEMA, the company, or other organizations, making it much easier for residents to either be directed or to find documents that they may be more inclined to review.

Several commenters noted that these materials were being produced by were not easier to find. This effort will work in conjunction with the awareness recommendations, aimed at those audiences which are less aware of IEMA and activities involving Ekati.

This item should provide links back to their host documents (if they are simply a part of a larger submission), contacts to the company, the Land and Water Board and the Agency as well as staff contacts in the Indigenous Government Organizations (IGO).

9. **Plain language working group** – Development of a working group to review plain language and translation principles and how they are targeted at particular audiences. A cross section of interviewees noted that some of the plain language documents that are being produced are rather long and detailed, undercutting their intended simplicity and desired readership. While explaining complex issues easily always involves trade-offs between simplicity and completeness, further consideration of the target audience and intent of the plain language document is warranted.

4.5 Communications

The interview results show that IEMA does a good job at communicating with the governments, the company, Indigenous Governments, and makes good efforts to reach the public at large. IEMA's assistance was particularly important to new staff looking to become better versed on IEMA's role and the issues around Ekati.

Without taking away from these acknowledged efforts, most of the interviews highlighted areas where minor improvements could be made. These suggestions were diverse and occasionally contradictory, but each highlighted areas where communications could be improved. Each of the organizations with whom IEMA wants to communicate with has distinct and varied needs – potentially requiring more targeted approaches to communications. For example, the Yellowknives Dene First Nation (YKDFN) and Łutsel K'e Dene First Nation (LKDFN) would have quite different communications plans. As an example, community meetings are generally desired by LKDFN, and would be very occasional by YKDFN.

Most interviewees felt that if IEMA wants to expand the general public's awareness of IEMA, the greatest "bang for buck" was through community meetings. It was generally felt that this provided the best impression and opportunity to present information. As previously mentioned, there was also a general sentiment that IEMA Directors could play a greater role in reaching the desired audiences.

With regards to general information sharing engagements amongst regulatory and other higher capacity organizations, there was a desire to have information exchange opportunities to help promote understanding. Regular engagements and/or early scheduling was identified as an important aspect of this effort.

It was also felt that the social media reach could be expanded through other organizations and networks, with the intent of reaching each others' audiences. Positive examples can be drawn from the Tłı̨chǫ Government and Ni Hadi Xa's social media accounts that are more active with posting and each have more followers.

4.5.1 Recommendations

10. **Community-focused communication plans** – IEMA should work to develop clear engagement expectations and methods with each community. Each community is different and requires different efforts and these plans will provide a rough blueprint on how, when and why particular engagement options should be considered. As an example, YKDFN and LKDFN would likely have different desires when it comes to communications plans. The outcome of this effort would take the form of an informal guide, discussing methods and frequency, providing issues of particular concern, and other related materials developed through experience.
11. **Board Communications Policy** – The Board should consider developing guidance for its own efforts. There have been past documents to this effect, which we are not provided with (a rough 2012 presentation³ on the board website, and a mention in the 2000 MacLeod Institute Review). The contents and direction of these documents are not particularly relevant given their age, but the genesis of their creation is. As they were felt necessary then, IEMA should consider if there is a need for an update and greater implementation.

With this as the basis for the question, we recommend that IEMA consider creating a communications blueprint for itself, laying out the objectives, the audiences that it sees, the methods it wants to use and any other details that will help implementation of its

³ <https://monitoringagency.net/wp-content/uploads/legacy/2011%20AGM%20-%20Communications%20Presentation.pdf>

communications effort. This would help guide the expenditures under any budget item created through Recommendation 3, and the community engagement plans mentioned above in Recommendation 10 would fit within this.

12. **Expanding community engagement** – As noted in the 2000 and 2009 reviews, in *most* cases, there was a strong encouragement for further direct engagements in the community. Face to face engagements were felt to reach further than any other efforts – with the money and resources thought to provide more value than publications or other communications efforts.

Notwithstanding the outcomes of recommendation 10 if IEMA wishes to raise its community profile, community visits will be a part of that effort. To reach more communities, two simple recommendations are provided:

- i. In the past the whole IEMA Board travelled to the communities to speak. While ideal, working around the schedules of seven board members presents challenges. None of the interviewees recognized attendance of the full board as a requirement for community meetings. Travelling with a smaller footprint should reduce costs and greatly simplify arrangements.
 - ii. As the new Tlichó All Season Road should make accessing certain communities cheaper and more convenient, IEMA should consider if this provides new opportunities to reach communities, including multi-community trips. Travelling by car, perhaps with smaller groups, allows for easier and more frequent engagements.
13. **Engagement with regulatory bodies** – IEMA should resume engaging with regulatory bodies at both the staff and the board level. These types of engagement have been irregular in recent years although interviewees thought they provided real value. Staff level conversations can be informal and irregular, aimed at ensuring that there's clarity on upcoming issues and processes. Engagements with other boards and/or leadership figures within those organizations need to be done well in advance to allow maximum scheduling flexibility.
14. **Social Media** – A number of interviewees suggested ways to broaden IEMA's social media footprint. Building IEMA's number of followers would greatly improve their presence. One way of doing this is to better engage (through replies, retweets, shares, etc) with other organizations on social media to highlight their similar efforts. Interviewees pointed to organizations such as Tłıchǫ Government and Ni Hadi Xa, who seem to do this – noting that they seem to have a larger online presence.

4.6 Indigenous Perspectives

Interviewees were supportive of IEMA and its efforts to understand and support participation of the Indigenous governments. However, there were few issues identified relative to the Environmental Agreement.

In our current context, it seems self evident that the Indigenous Governments (as Indigenous Society Members) should speak for themselves, but when the Environmental Agreement was completed, this

was a harder proposition as resources were virtually non-existent. These aspects of the agreement have been rightly overtaken by events and are no longer relevant. To close this off, IEMA can make their views plain through policy or some other type of guidance document.

The closing of this obligation does not mean that IEMA cannot or should not continue to work with the Indigenous Society members to improve interactions and continue to develop their understanding of needs, interests, and areas of concern. While not experts in Traditional Knowledge collection or use, the expertise within IEMA's directors could provide value for communities' efforts in this arena.

4.6.1 Recommendations

15. **Policy development** – IEMA should develop policy or other guidance to address aspects of the Environmental Agreement where they are charged to do specific things which made sense when the agreement was originally signed, but for which the responsibility has passed to Indigenous Society Members.

For example, section 4.2(g) where IEMA shall “provide an effective means to bring to Dominion [now Arctic Canadian Diamonds Corporation] and governments the concerns of Aboriginal Peoples and the general public about the Project and the monitoring and regulation of the Project”, is unnecessary as Indigenous Governments can speak for themselves.

4.7 Working Relationships

The relationship between agreement parties and Indigenous Society Member is important to all involved. While there are not particular areas or issues of concern, our observation is that there are residual stresses. Our most significant concern is that there does not seem to be collaborative conflict resolution efforts when significant disputes occur. Interviewees raised issues where they felt that there was space for IEMA to better understand the interests of the government and industry.

The system IEMA resides in means that disagreements are a fact of life, but it is important to ensure that these do not grow beyond good faith differences in opinion. It is important that IEMA understand the interests of the governments and industry and hear the responses – working to resolve situations.

4.7.1 Recommendations

16. **Establish regular, standing communications** – All Parties expressed their desire to have a collaborative working relationship and our understanding is that there are/were frequent, recurring meetings during the recent shutdown that were productive.

Recognizing that the current operational tempo is much higher at the mine, IEMA should still pursue continued staff level engagements at a frequency which works for all involved. The nature and content of these communications should not be prescriptive and work-related outcomes are only one of the objectives. For example, hosting short, focused exchanges looking at minor issues will help provide a venue to strengthen the underlying relationship between the parties.

17. **Dispute resolution** – It was clear that there have been significant issues between IEMA and its parties. These include ‘dark’ periods in the early IEMA years where interviewees noted some

very difficult times as well as some recent tensions. Despite this, all parties spoke to the strength and importance of working together. Our recommendation to IEMA is to prioritize the relationship with the Parties, work to understand the nature of the conflicts, the interests behind them, and collaboratively work to remedy them.

All parties acknowledged that there are, and will continue to be, genuine differences of opinion on specific matters. This should not lead to conflict. Our observation is that identification and resolution of conflicts is not being pursued, with issues being avoided. In a collaborative sense, resolution can come in various forms: from working to find agreement on the matter to the development of a shared understanding to even agreeing to disagree. Resolution of the conflict is not necessarily resolving the disagreement over ideas – in the observed issues that we see, the details are not material the heart of the conflict. Other interests are at the core.

IEMA can do better to reach out, understand the concerns raised, and remedy conflicts. This isn't a something that IEMA can do alone. Given that the express desire from the Parties to continue in a collaborative working relationship, improved conflict resolution is readily possible.

5.0 Conclusions

Overall, based on the scope of this external review, IEMA seems well-positioned going forward. Since the previous evaluation, IEMA's operations continue to meet the duty and responsibility expected of them.

Partner organizations are pleased to work with IEMA and generally want to expand and strengthen the working relationship. The comments received from stakeholders were positive and the areas needing improvement were incremental rather than transformational. Our recommendations will allow IEMA to tweak and improve the services they offer.

Appendix A: Summary of Recommendations

1. **Community Staff Package** – Prepare an introductory package for new staff hired by Indigenous Government Organizations.
2. **Consider Leadership Communications** – Produce leadership engagement materials for periods after key events.
3. **Community Outreach** – Provide the means and work with community governments to raise awareness.
4. **Recommendation Follow-up** – Develop a method to track and report on recommendation outcomes.
5. **Regulatory event calendar** – IEMA should develop and publish (online) a simple, publicly accessible calendar that tracks Ekati and related process dates.
6. **Collaboration** – IEMA should look for opportunities to work together and collaborate with other similar organizations.
7. **Review Timing** – Work with communities to ensure that IEMA’s releases are done with sufficient time to be utilized by the Indigenous Society Members.
8. **Plain language/Indigenous languages website section** – IEMA should create a plain language/indigenous languages section on its website to host documents.
9. **Plain language working group** – Consider how to reach different audiences with different materials.
10. **Community-focused communication plans** – IEMA should work to develop clear engagement expectations and methods with each community.
11. **Board Communications Policy** – The Board should consider developing guidance for its own communication efforts.
12. **Expanding community engagement** – Look for ways to provide for additional Face to face engagements
13. **Engagement with regulatory bodies** – IEMA should resume engaging with regulatory bodies at both the staff and the board level.
14. **Social Media** – A number of interviewees suggested that IEMA should seek to develop a larger social media footprint.

15. **Policy development** – IEMA should develop policy or other guidance to address aspects of the Environmental Agreement where they are charged to do specific things which made sense when the agreement was originally signed, but for which the responsibility has passed to Indigenous Society Members.
16. **Establish regular, standing communications** – All Parties expressed their desire to have a collaborative working relationship and our understanding is that there are/were frequent, recurring meetings during the recent shutdown that were productive.
17. **Dispute resolution** – IEMA can do better to reach out, understand the concerns raised, and remedy conflicts. If the desire for collaborative approaches is real, then there is an opportunity to improve the working relationships.

What We Heard:
Documenting Interviews Evaluating
IEMA's Performance

February 9th, 2021

Prepared For:
Independent Environmental Monitoring Agency

Prepared By:
Northern Environmental Research &
Development Services



NERDS
NORTHERN ENVIRONMENTAL
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Table of Contents

| | | |
|------------|--|----|
| 1.0 | Introduction & methods | 21 |
| | Table 1. Likert-scale evaluation with themes. | 21 |
| 2.0 | Evaluation Framework Themes | 22 |
| 2.1 | Awareness..... | 22 |
| 2.2 | Environmental..... | 23 |
| 2.3 | Process | 24 |
| 2.4 | Information | 24 |
| 2.5 | Communications | 25 |
| 2.6 | Indigenous perspectives | 26 |
| 2.7 | Working Relationship..... | 26 |
| | Appendix A: Summary of participant & reviewer recommendations | 28 |

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 Independent Environmental Monitoring Agency (IEMA) and included people from the land and water boards, the Government of the Northwest Territories (GNWT), and Indigenous Government Organizations (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 from interviewees 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 IEMA’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 IEMA’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 IEMA 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 IEMA 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 IEMA was doing in engaging the primary point people within organizations whose mandate intersects IEMA's.

While participant awareness of IEMA was excellent, some participants held split opinions on what constituted good community awareness. Some noted that it was sufficient for them to know that IEMA 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 IEMA's existence, but also their mandate and activities.

The split opinion is tricky for IEMA 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 IEMA to consider when approaching communication and outreach. By breaking down the audiences, IEMA can decide where to focus.

- *Regulatory staff*: Participants had an informed and high level of faith and trust in IEMA's work. These participants would be actively involved in the regulatory proceedings and would seek out information when needed.
- *Leadership* (including Leadership & Executive committee members): These participants had an uneven and limited awareness of IEMA. The awareness raised with regulatory events and/or environmental incidents at the mine and ebbed in the interim. IEMA has an opportunity to focus on this audience during periods outside of regulatory focus.
- *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 IEMA can focus on for community members. Continued general engagements shaped by staff interaction seem the most appropriate if IEMA 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 IEMA. However, with most interviews, there was conversation around first principles – or going back to the assumptions that are commonly accepted – and asking if it was important to reach other audiences, and if so, why.

Interviewee recommendations for awareness:

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

3. IEMA should consider if they need to improve their general community awareness. If so, IEMA 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. IEMA should then follow up with select members to measure success of the awareness campaign.

2.2 Environmental

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

Most participants noted that the regulatory regime had undergone significant changes in the last two decades. IEMA 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 IEMA is to provide recommendations for the mitigation of environmental impacts. This is still seen as IEMA's defining role by most, but some participants felt that the changing nature of the regulatory regime had lessened the need for IEMA to exist. Regardless, most participants provided positive assessments of IEMA'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 IEMA'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 (i.e. not particularly important to the core purpose). They felt that these issues diverted away from other work with higher returns. Some participants hoped that IEMA could provide more follow up on their recommendations.

There was consensus that IEMA'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 IEMA'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.

Interviewee recommendations for environmental:

4. IEMA 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 IEMA's role within the regulatory regime.

All the participants provided a generally positive evaluation to IEMA'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 IEMA provide explicit clarity that they are presenting IEMA'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 IEMA, mandate, and process procedures, it would be less of an issue. The concern also links back to the awareness theme and further suggests that IEMA can work more to communicate its mandate and processes. The number of participants who noted the concern suggests that there is an opportunity for IEMA to establish guidance or policy to remedy the matter.

As mentioned above in *Environmental*, some participants raised a concern that IEMA 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 IEMA's discretion; however, they suggested that when responses are provided by IEMA, that IEMA 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 IEMA 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.

Interviewee recommendations for process:

5. IEMA should develop a public facing calendar to aid interested groups in tracking key deadlines and preparing their responses.
6. IEMA 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 IEMA 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 IEMA. 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 IEMA 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.

Interviewee recommendations for information:

7. IEMA 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.

2.5 Communications

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

Participants recognized the effort made by IEMA 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 to their respective community organizations/L&E department as the primary contact, then back to the Board or IEMA as secondary contacts) 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, IEMA 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 IEMA. 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 IEMA 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 theme of concern raised in some of the interviews was that IEMA occasionally adopted positional tones, without focusing on the interests they sought to achieve. Positional approaches feature advocating for a particular outcome rather than being open to other methods that get at the interest – the real issue.

Interviewee recommendations for communications:

9. IEMA should look to use their social media to raise awareness of other related processes and efforts. This will help raise their own profile.

10. IEMA should continue to use their website and social media to provide plain language summary documents.
11. IEMA 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 recommendation 3 [under Awareness]).

2.6 Indigenous Perspectives

Indigenous perspectives are the perceptions of IEMA 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 IEMA works to include Indigenous views. One participant noted the overlap between the issues IEMA 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 IEMA 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 IEMA'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 IEMA further develop Traditional Knowledge concepts to use as part of their work. This theme was not expanded on, but generally speaking, some of the interviewees would like to see TK work being included as part of the work process.

Interviewee recommendations for Indigenous perspectives:

12. IEMA 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. IEMA 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 IEMA's ability to work with external parties.

The history of IEMA 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 IEMA were more successful. They mentioned that IEMA'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 IEMA 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 IEMA and external parties.

However, parties noted that there have been areas where they felt IEMA 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 IEMA 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 IEMA 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 IEMA can actively encourage.

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

Interviewee recommendations for working relationship:

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.

Appendix A: Summary of participant 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 IEMA's history/context, mandate, roles, and responsibilities, and the support that IEMA provides (e.g., availability of the library; historical context and resources, etc.).
3. IEMA should consider if they need to improve their general community awareness. If so, IEMA 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. IEMA should then follow up with select members to measure success of the awareness campaign.
4. IEMA 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. IEMA should develop a public facing calendar to aid interested groups in tracking key deadlines and preparing their responses.
6. IEMA 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. IEMA 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. IEMA should look to use their social media to raise awareness of other related processes and efforts. This will help raise their own profile.
10. IEMA should continue to use their website and social media to provide plain language summary documents.
11. IEMA 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 recommendation 3 [under Awareness]).

12. IEMA 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*).
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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.