



***Independent Environmental Monitoring Agency***

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May 5, 2003

Jane Howe  
Permitting Coordinator  
BHP Billiton Diamonds Inc.  
1102 – 4920 52<sup>nd</sup> Street  
Yellowknife, NT X1A 3T1

Dear Ms. Howe,

**RE: Consultation and Communications Activities**

The Independent Environmental Monitoring Agency (IEMA) has a mandate to ensure that Aboriginal Peoples and the general public have a good understanding of BHPB's activities and an opportunity to explain to the company their information needs and concerns. Over the last few years we have seen good progress in how the company provides information to its partners. In the interest of continuing to improve the company's effectiveness the Agency offers the following comments and recommendations on recent activities:

Public Environmental Workshops – February 3-4, 2003:

The workshop continues to be an effective mechanism for relaying environmental information to Aboriginal Peoples and the general public who attend. The workshop is less effective as a mechanism for consulting and receiving input into the proposed monitoring programs. The sessions on aquatics and wildlife were well presented; many graphics and photos were used, the language was easy to understand, the presenters spoke slowly and the slides were not crowded. Another appreciated aspect was that the aquatic session provided hand-outs in advance, minimizing the amount of notes that participants had to take and allowing them to concentrate on the message being delivered. As well, interpreters rely on hand-outs to ensure participants receive accurate interpretations. The sessions on reclamation, air quality and revegetation activities were not as successful; they were delivered during the public sessions for the first time without the benefit of being presented during the technical sessions in December 2002. Therefore the presentation and the questions that followed were overly technical. In February, John Witteman committed to providing a CD with all the presentations from the workshop.

We are still waiting for the CD. A timely provision of this information would help us to contribute to the monitoring programs for the upcoming year.

Specific suggestions for future public environmental workshops are as follows:

- Keep technical presentations separate from the general public presentations. It is preferred that all technical data be presented in December. If this is not possible, a separate, small technical session should be held immediately prior to the public sessions. The new technical data should still be presented in a plain English format during the general public sessions.
- Provide workshop participants and interpreters with hand-outs prior to the presentation. Although technical reports are usually distributed prior to the workshops not all participants, particularly community members, have the opportunity to review them.
- Provide a CD containing all the presentations to interested parties immediately after the workshop.
- Have someone review presentations prior to their delivery to ensure plain English is being used, that the presentations are not too complicated and that clear messages are being delivered.
- Provide communications training to consultants and employees especially with respect to communicating in cross-cultural environments. In a meeting with the Environment Team in February, Carole Mills offered to provide such a course prior to next year's environmental workshops.
- Offer more time for workshop participants to review and discuss the data, perhaps in smaller working groups near the end of the workshop. It is not possible to ask for acceptance of monitoring program changes when a participant has heard the suggestions and the monitoring information for the first time. Participants need time to digest the information and talk to their peers. Generally, participants are more comfortable offering their input on the second and subsequent days of a workshop.

Consultation Activities:

The consultation processes used by BHPB require improvement. The Environmental Agreement Article III.1(j) specifically interprets "consultation" as *a minimum*:

- (i) *the provision, to the party to be consulted, of notice of a matter to be decided in sufficient form and detail to allow that party to prepare its views on the matter;*
- (ii) *the provision of a reasonable period of time in which the party to be consulted may prepare its views on the matter, and provision of an opportunity to present such views to the party obliged to consult; and*
- (iii) *full and fair consideration by the party obliged to consult of any views presented.*

Although a review period is provided after the reports are released, the Agency believes that full consultation prior to the preparation of the reports would not only be more effective but more consistent with what is required under the EA. Articles V.1(b) and V.2(b) specifically outline consultation requirements for the preparation of the Annual Report and the Impact Report. Generally they state that to provide for early disclosure

and discussion of problems, the company will consult with federal, territorial and Agency representatives.

The consultation process for the development of the Impact 2003 Report was inadequate. At the 31<sup>st</sup> Board of Directors meeting December 9, 2002 the Directors asked BHPB to provide them with an outline of their consultation process. A Table of Contents was provided by BHPB two months later on February 6, 2003. BHPB indicated that it did not require comments until March 5 when staff returned from holidays. On March 3<sup>rd</sup> the Agency recommended that a scoping session should be conducted with territorial and federal representatives. On March 17<sup>th</sup> a very productive meeting was held and we were given two days to provide additional comments. On March 20<sup>th</sup> the Agency provided one last comment on format of air quality presentations. We received a response on March 25<sup>th</sup> from the company that earlier notice of the desired format was needed and our comment could not be incorporated. This was not a productive response. An earlier and fuller consultation process would have provided all parties concerned with the opportunity to provide meaningful comments before the bulk of the report had been completed.

For future reports we recommend:

- A consultation process be outlined well in advance of preparation of reports.
- Scoping sessions be held where necessary to gather the main concerns on content and format.
- Summaries of main points or highlights, plus recommendations, be circulated in the initial stages instead of tables of content which are not particularly informative.
- Data and summary reports be distributed well in advance of monitoring plans.
- Technical advice on revisions to the monitoring plans be based in part on the information collected previously.

The EA states that public meetings will be arranged by BHPB to discuss each Annual Report and Impact Report. We are encouraged by BHPB's agreement to have IEMA staff accompany them on community visits. Please provide us with an itinerary for upcoming community visits with the understanding that community visits may be rescheduled on short notice.

Plain English Summary of Annual Report:

Article V.1(a) states that each Annual Report will be accompanied by a plain English summary. Last year the plain English summary for 2001 was distributed on September 27, 2002, five months after the Annual Report was distributed in early May. Because the review of the Annual Report, a requirement of the EA, can not occur until the plain English summary has been released, the entire review process was delayed. The Agency understands the complexity of producing a plain English summary at the same time as a technical report, but this can be done.

For the future we recommend:

- The plain English summary be distributed at the same time as the Annual Report, due April 30<sup>th</sup> of each year.

Specific Communication Requests:

As per Article VII.3, which states that BHPB will provide data and information in timeframes and formats developed in consultation with the Monitoring Agency, we recommend the following:

- Air quality data be presented in the future in the isopleth format, as it was produced in the EIS. This allows for accurate comparisons in an easily understood format.
- Zooplankton and benthic data be presented by abundance histograms, similar to those produced by Rescan this year. This allows the changes in populations to be easily identified.
- Data be provided to us in non-PDF format (i.e. database or spreadsheet files) to allow us to review and process the data as we see fit. Given the volume of data, it simply becomes unreviewable if delivered as PDF files.
- At least one hard copy of every report normally provided to us by BHPB is required. It is our understanding that the company plans to produce future reports in CD format only. This, while understandable from a cost perspective, seems very undesirable in terms of effectiveness; we find it less than acceptable. Many people, particularly community members, do not have access to high quality or colour printers. The costs to produce reports should not rest with the people who the company has the responsibility to communicate with.

We look forward to your response to our recommendations and to continuing our productive relationship with BHPB.

Sincerely,

- ORIGINAL SIGNED BY -

Red Pedersen  
Chairperson

Cc: IACT members  
Society members