



LandKeepers

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Independent Environmental Monitoring Agency at the Ekati Mine, NWT

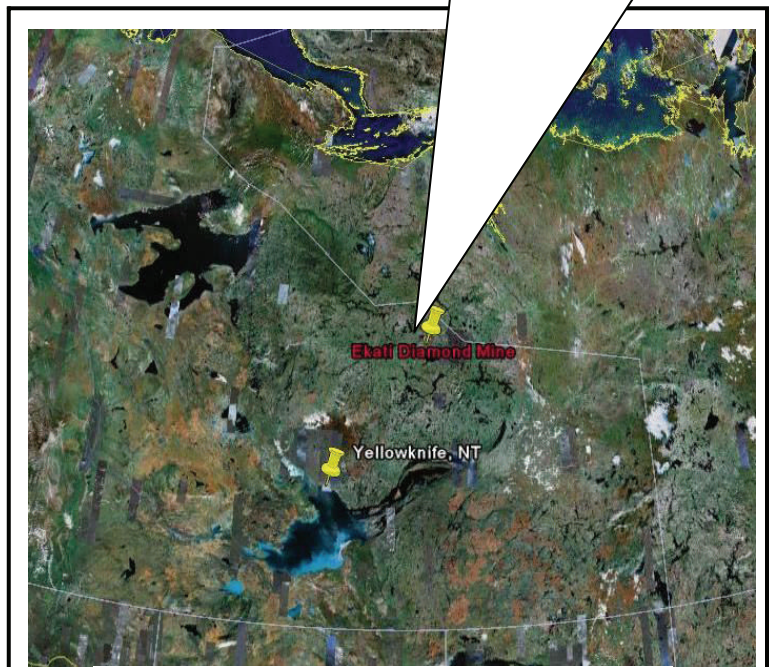
The purpose of this case study is to provide an overview of the Independent Environmental Monitoring Agency (www.monitoringagency.net) that was established to monitor BHP Billiton's environmental management of Ekati Diamond Mine.

Background

In 1991, kimberlite pipes, a type of volcanic rock known to contain diamonds, were discovered in Canada's Northwest Territories sparking the largest staking rush in North American history¹. 18 months after the discovery, 40 million acres were staked in adjoining lands.

After the initial discovery, BHP (now BHP Billiton) proposed to develop the Ekati Diamond Mine in Lac de Gras and submitted an Environmental Impact Statement to the federally appointed Environmental Assessment Review Panel. In 1996, following feasibility studies, environmental assessments and community consultations, development of Ekati Diamond Mine received approval subject to 29 recommendations from the review panel. These recommendations covered socio-economic and environmental issues ranging from settlement of Aboriginal land claims to joint monitoring of environmental effects posed by the project, including effects to aquatic resources, wildlife (especially caribou, and air quality).

BHP Billiton (BHPB) negotiated a number of agreements with various parties including, Impact Benefit agreements with four different Aboriginal organizations, a Socio-economic Agreement with the Government of Northwest Territories; and an Environmental Agreement with both the federal and territorial governments. The 1997 Environmental Agreement also led to the development of the **Independent Environmental Monitoring Agency (IEMA)**.



Location of the Ekati Mine, Northwest Territories

Mandate

The IEMA, created as a non-profit society in the Northwest Territories, acts as a public watchdog for the Ekati mine. It reviews and evaluates both BHP Billiton's and government regulatory agencies' performance in the environmental management of the mine. It makes recommendations to improve the mine's environmental practices, brings forward concerns from impacted Aboriginal communities, and also serves as a public repository for environment related information. The mandate of the monitoring agency was set out in the Environmental Agreement as follows²:

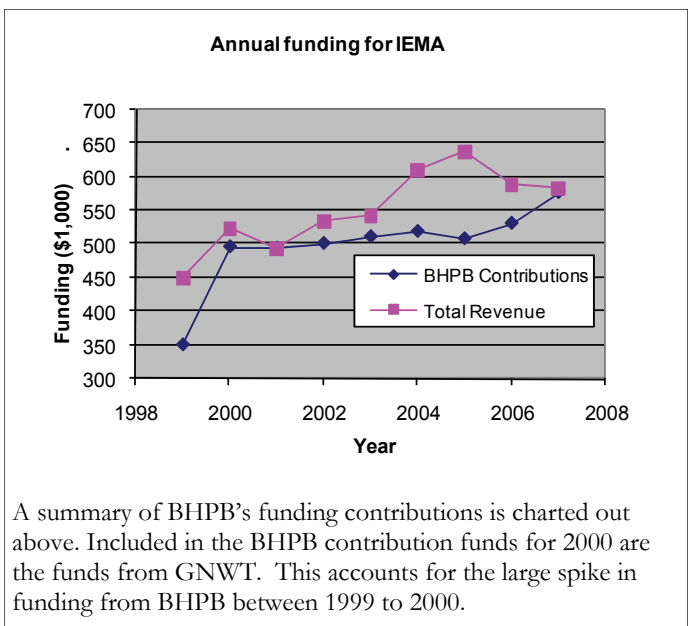
- a) to provide an integrated approach to achieve the purposes in Article I (of the Environmental Agreement);
- b) to serve as a public watchdog of the regulatory process and the implementation of this Agreement;
- c) to compile and analyze available relevant Environmental Quality data, in order to review, report, or make recommendations concerning...monitoring, regulations, cumulative impacts, etc...
- d) to participate as an intervenor in regulatory and other legal processes respecting environmental matters;
- e) to provide an accessible and public repository of environmental data, studies and reports relevant to the Monitoring Agency's responsibilities;
- f) to provide programs for the effective dissemination of information to the Aboriginal Peoples and the general public on matters pertaining to the Monitoring Agency's mandate;
- g) to provide an effective means to bring to BHP and governments the concerns of Aboriginal Peoples and the general public about the Project and the monitoring and regulation of the Project; and
- h) to participate as an intervenor, as appropriate, in the dispute resolution process under this Agreement.

Directors

The agency is made up of four Aboriginal Society members, both federal and territorial governments, and BHPB. The agency itself acts independently of the appointing bodies. There are seven members on the board of directors where each Aboriginal Society Member directly appoints one director and the two governments and BHPB jointly appoint the other three in consultation with the aboriginal members.

Funding

The IEMA's core funding is provided by BHPB and the agency has the ability to seek funding from other organizations to carry out activities in accordance with their mandate. For the first two years, the Environmental Agreement established a core funding of \$450,000; BHPB contributed \$350,000 and the Government of Canada contributed \$100,000 the first year and GNWT contributed \$100,000 the second year³. The IEMA can also submit proposals to BHPB to supplement their core budget to carry out further research and monitoring activities. As set out in the agreement, every couple of years, BHPB and the monitoring agency are required to review the funding and establish work plans and budgets.



In 2005, a dispute arose between the monitoring agency and BHPB over the work plan and budget for the IEMA. The dispute required formal mediation and in January 2006, was resolved by establishing a core budget that increases according to the Consumers Price Index for Canada with any surplus funds being returned to BHPB at the end of each fiscal year⁴.

Activities

The development of an impartial and independent monitoring agency to oversee the environmental management of a mine set a precedent for mineral development and operation in Canada's north. Although the chief function of the IEMA is not to monitor the environment itself but rather the performance of the company and government regulatory agencies engaged in environmental management, its work helps to minimize the impacts of the mine.

Activities continued...

The Independent Environmental Monitoring Agency is concerned with several key issues facing development at the mine site including:

- *Traditional Knowledge.* The agency attempts to ensure that BHPB adheres to its commitment, as set out in the Environmental Agreement, to incorporate Traditional Knowledge into environmental planning and programs at Ekati.
- *Wildlife.* Seven species are being monitored by BHPB. The agency reviews BHPB's wildlife monitoring and also impacts to wildlife noted by Aboriginal Society members. IEMA also identifies risks to wildlife in order to recommend new techniques to BHPB to minimize the impacts of the diamond mine.
- *Aquatic Effects.* BHPB has an aquatic effects monitoring program. All data and reports from this monitoring initiative are reviewed by IEMA and recommendations are made to improve the program where possible.
- *Cumulative Effects.* The agency works to encourage BHPB to consider potential cumulative effects of the Ekati mine which act in concert with effects of some of the other diamond mines, such as impacts to the Bathurst caribou herd.
- *Reclamation.* With 314 hectares of tundra habitat having already been used for construction of the mine⁵ it is important to ensure that proper closure and reclamation plans are developed and effectively implemented by BHPB.

The IEMA monitors Ekati mine's environmental programs and practices, and reports its findings through a variety of communication tools including:

- *Annual Reports.* Each year the agency develops a comprehensive report that assesses Ekati mine's environmental practices and also provides a set of recommendations to BHPB that range from documenting more Traditional Knowledge to expanding several of BHPB's monitoring programs. Since 2001, IEMA has produced two annual reports per year: a technical report and a plain language report.
- *Community presentations.* In addition to providing general information and addressing communities' concerns, the agency also facilitates mine closure and reclamation workshops and offers environmental workshops to community members.
- *Newsletters.* Although publications ended in 2001, the newsletters were a great source of information on current activities from Ekati mine.

The agency makes all information publicly accessible and, consistent with its mandate, the agency has become an interface between BHPB and Aboriginal communities. By bringing forward community concerns and intervening in BHPB's regulatory process, the agency works as a voice for many of the small communities impacted by the mine.



Photos: (top) Independent Environmental Monitoring Agency and BHP Billiton at the Ekati mine site. (bottom) Elders at TK workshop.

Source:
<http://www.monitoringagency.net/PhotoGallery/tabid/93/Default.aspx>



Footnotes:

- 1 BHP Billiton, September 21, 2008. <http://bhpbilliton.com/bb/ourBusinesses/diamondsSpecialtyProducts/ekatiDiamondMine/history.jsp>
- 2 Environmental Agreement. January 1997. Article V, Sec. 5.2.
- 3 Environmental Agreement. 1997.
- 4 Mediation Report and Resolution Agreement. January 2006.
- 5 Mining-Technology. Com. <http://www.mining-technology.com/projects/ekati/>

Fulfilling its Mandate

It's been over 10 years since the IEMA has been overseeing the environmental performance of the Ekati mine. The agency has proved itself very effective at fulfilling its mandate and has been used as a model to develop somewhat similar agencies such as: the Environmental Monitoring Advisory Board (EMAB) for Diavik Diamond mine and the Snap Lake Environmental Monitoring Agency (SLEMA). These other agencies, however, have different structures and operations.

Since inception of the IEMA, several recommendations have been accepted to improve the environmental monitoring and management practices at Ekati. Highlights from the agency include:

- Building trust from Aboriginal communities to identify issues relevant to members.
- Helping to develop capacity in Aboriginal communities.
- Advising BHPB to provide technical support and funding for mapping work of Lutsel K'e Dene First Nation, Kitikmeot Inuit Association, and North Slave Metis Association.
- Raising the issue of waste disposal at Ekati camp to minimize human-wildlife interactions.
- Continue to persuade BHPB and governments to develop a cumulative effects monitoring program of the Bathurst Caribou herd.

Future Activities

As set out in the Environmental Agreement, the IEMA will be monitoring the practices and activities of Ekati diamond mine until "full and final reclamation of the Project site is completed in accordance with the requirements of all Regulatory Instruments". As BHPB is developing its *Interim Closure and Reclamation Plan*, the highest priority for the IEMA in the coming years will be to watchdog the preparation of BHPB's closure plan.



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- Mining Technology <http://www.mining-technology.com/projects/ekati/>
- Natural Resources Canada www.nrcan-rncan.gc.ca/mms/diam/index_e.htm
- Natural Resources Canada http://www.ceaa.gc.ca/010/0001/0001/0015/0001/summary_e.htm
- Northern Perspectives <http://www.carc.org/pubs/v24no1-4/index.html>