



Independent Environmental Monitoring Agency

P.O. Box 1192, Yellowknife, NT X1A 2N8 • Phone (867) 669 9141 • Fax (867) 669 9145
Website: www.monitoringagency.net • Email: monitor1@yk.com

December 16, 2008

Honourable Chuck Strahl
Minister of Indian Affairs and Northern Development
House of Commons
Ottawa ON
K1A 0H4

Re: Report on Regulatory Improvement by Special Representative Neil McCrank

Thank you for your letter dated September 17, 2008 inviting our comments on the report by your Special Representative for the Northern Regulatory Improvement Initiative.

We met with Mr. McCrank on February 5, 2008 and highlighted the following issues for his consideration:

- A greater capacity for communities to be heard in the regulatory process that goes beyond participant funding is needed. The Agency is concerned that diminished participation is creating a barrier to effective regulation and environmental management.
- Air quality in the NWT lacks enforceable regulation. The voluntary program in place is improving slowly but regulation would provide more incentives and guidance.
- The Wek'eezhii Land and Water Board (WLWB) is responsible for licencing for Ekati. The Agency wants to ensure the Board continues to have access to resources to enable it to get the technical expertise it needs. The agreed funding for the WLWB is inadequate because at its time of establishment it was not known it would manage diamond files in addition to smaller projects. DIAND has provided outside funding so that the WLWB can hire consultants to provide expertise. It would be preferable for the Board to have its own secure core funding and was not reliant on other special requests for funding.
- The Agency believes that independent environmental oversight is sound as it creates reassurance that Ekati is being protective of the environment. This is due to the independence factor. There has been some progress in creating a Multi-Project Environmental Monitoring Agency and our Agency has supported this since 2000. Cooperation and coordination happens now with the existing environmental monitoring agencies.

Mr McCrank's report did not address any of the above issues, most importantly the need for building capacity in Aboriginal communities and governments towards effective environmental management.

One of our major recommendations for 2007-8 was about the need to address capacity-building and participant funding in the context of the closure planning for the Ekati mine. There is no mention in Mr. McCrank's report of the role that participant funding should play in building such capacity and improved implementation of the *Mackenzie Valley Resource Management Act*. Without capacity building for Aboriginal communities in the North and without participant funding to enable affected communities to contribute their valuable and necessary input to development decision making, the regulatory system in the North will not be effective.

We would be pleased to discuss our concerns with the McCrank report with your officials at a convenient time and look forward to your reply.

Sincerely,

A handwritten signature in black ink, appearing to read "W.A. Ross". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Bill Ross
Chairperson

cc. Society Members
Zabey Nevitt, Executive Director, WLWB