

# **Normative Principles for EIA follow-up: An Evaluation of the NWT Ekati Diamond Project**

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# Introduction

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## Follow-up state-of-practice

- research has focused on the need for follow-up
- much less attention on 'best practices'
- '...follow-up is yet to be recognized as an integral part of the EIA process.'

## No single methodology for follow-up applies to all cases

- but, literature and experiences illustrate a number of 'principles' necessary to facilitate good follow-up design and implementation



# Normative Principles: Preliminary Criteria

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Legislation and guidance



requirements, scope, guidelines

Results oriented



objectives, timing, data, hypotheses

Learning oriented



reporting, accessibility,  
knowledge

Integrative



variables, ecosystems

Commitment and accountability

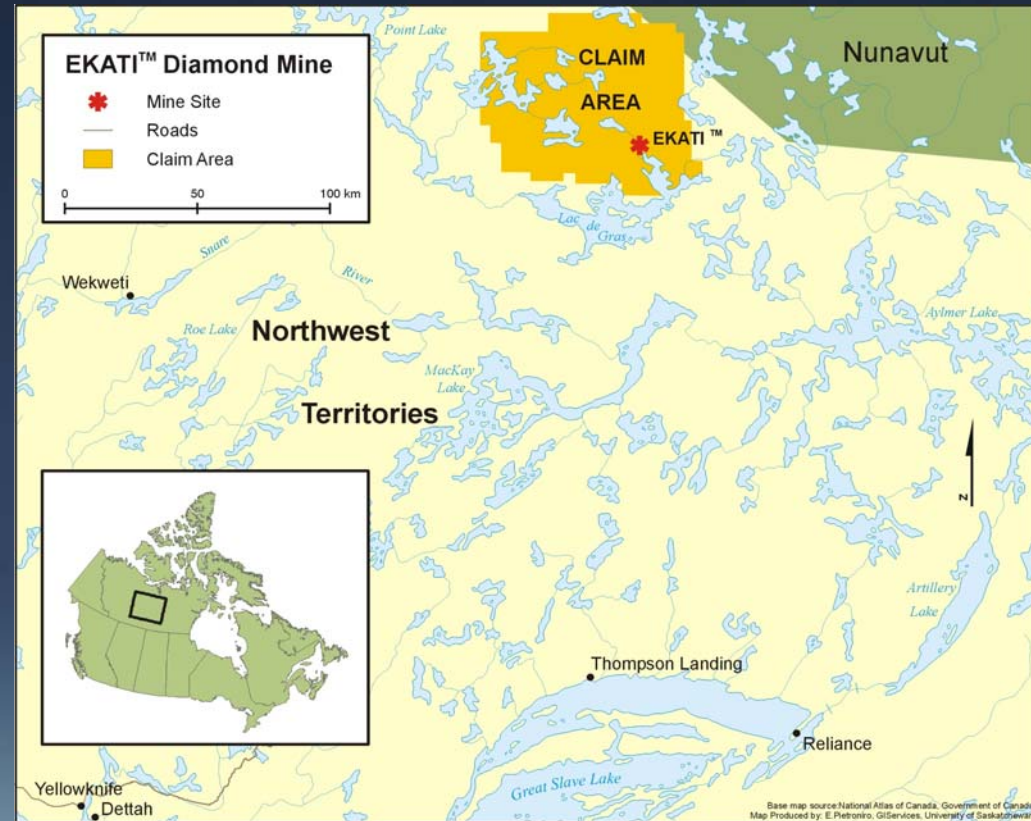


responsibilities, roles, balance,  
concerns

# BHPB Ekati Case Study

## First Diamond mine in Canada

- in terms of scale of operations revenue and wages to be paid out, mega-project
- unprecedented Independent Environmental Checker
- follow-up regulated by Federal and Territorial instruments
- sensitive socioeconomic and physical environments





# Preliminary Case Study Findings: Normative Principles

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**Legislation and guidance → lays obligation, delineates scope and acts as a beacon for necessary actions**

- **BHPB Ekati's follow-up is regulated by MVLWB, DFO, Environment Canada, GNWT's RWED and the DIAND**
- **scope is defined by the BHPB Environmental Assessment Panel, the Environmental Agreement, the Fish Habitat Compensation Agreement, self-regulatory initiatives**

**'All stages of impact assessments should be based in law , and this is legislation that is not only specific, but also mandatory and enforceable'**



# Case Study Observations: Normative Principles

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Results oriented → focus on the achievement of program ends

**‘...the provision of high quality, consistent scientific information is the single greatest contribution to follow-up and monitoring processes’**

- goals and objectives have been stated succinctly  
...Environmental Agreement was broad and vague
- determining follow-up program design: timing was balanced
- hypotheses / MAELs were used to predict impacts
- data are continuously and consistently collected



# Case Study Observations: Normative Principles

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Learning oriented → implementation yields information about the project

- strengthening practice through production and dissemination of up-to-date, state-of-the-art information

## Adaptive management

- continuous testing to keep data current and accurate

‘...results of an assessment should be made available in a central location and be presented in a non-technical uncompressed discourse.’

- accessibility of information: public February meetings (IEMA); annual reports



# Case Study Observations: Normative Principles

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**Integrative → multiple spatial scales and interconnections across biophysical and socioeconomic environments**

- **key ‘indicator’ variables at Ekati identified and monitored**
- **‘ecosystems approach’**

**‘An Ecosystems approach to follow-up would ensure that hypotheses are developed that take into consideration all sources of potential effects, pathways and key receptors (i.e. Valued Ecosystem Components); direct, indirect and cumulative effects’**





# Case Study Observations: Normative Principles

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## Commitment and accountability

- financial responsibility declared by BHPB at the outset
- Independent Environmental Monitoring Agency
- BHPB roles were defined and responsible RAs identified

**‘The first step with the Environmental Agreement for the BHPB Ekati Mine was to provide greater clarity about roles and responsibilities than was witnessed in any previous developments’**

## Attempts to address the public stakeholder concerns

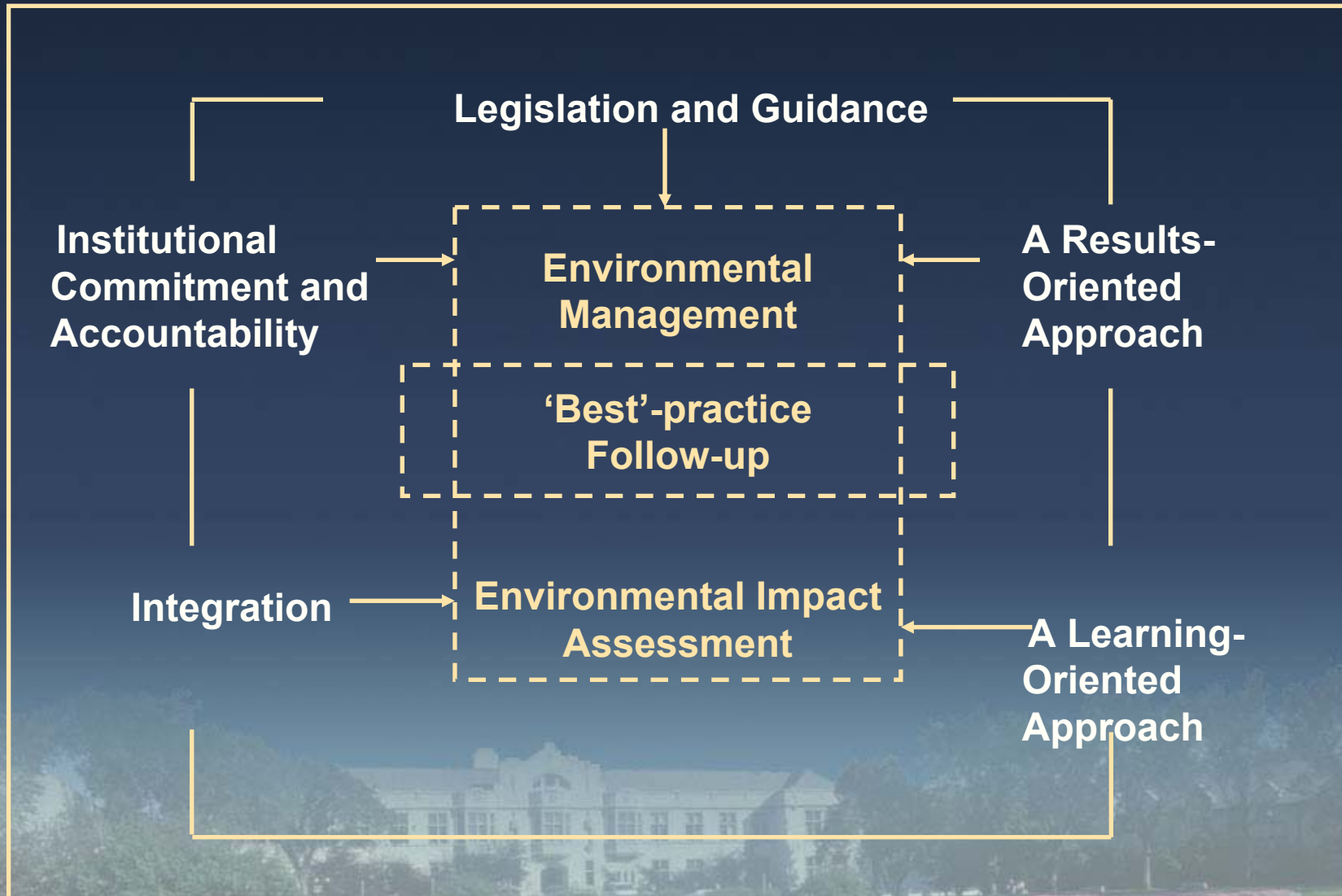
- ‘A lot of people are not happy with the public involvement process’



# Observations and Conclusions

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graph TD; LG[Legislation and Guidance] --> EM[Environmental Management]; ICA[Institutional Commitment and Accountability] --> EM; Int[Integration] --> EIA[Environmental Impact Assessment]; ROA[A Results-Oriented Approach] --> EM; LOA[A Learning-Oriented Approach] --> EIA; EM -.-> BPF[Best-practice Follow-up]; BPF -.-> EIA;
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The diagram illustrates the relationship between various factors in environmental management. At the top is **Legislation and Guidance**. Below it are three boxes: **Environmental Management** (top), **'Best'-practice Follow-up** (middle), and **Environmental Impact Assessment** (bottom). To the left of these boxes are **Institutional Commitment and Accountability** and **Integration**. To the right are **A Results-Oriented Approach** and **A Learning-Oriented Approach**. Arrows indicate interactions: **Legislation and Guidance** points down to **Environmental Management**. **Institutional Commitment and Accountability** points right to **Environmental Management**. **Integration** points right to **Environmental Impact Assessment**. **A Results-Oriented Approach** points left to **Environmental Management**. **A Learning-Oriented Approach** points left to **Environmental Impact Assessment**. Dashed boxes group **Environmental Management** and **'Best'-practice Follow-up**, and **'Best'-practice Follow-up** and **Environmental Impact Assessment**.



# Observations and Conclusions

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**BHPB's follow-up program lives up to requirements set out by standards and regulations**

- In *principle* BHPB seems to 'measure up' against the normative criteria
- In *practice* it seems to fall short

## **Directions:**

- '...the question is whether a consolidated piece of legislation is necessary' or even too broad to be effective
- '...Environmental Agreements seem to be working well...the issue is not legislation but effective legal mechanisms' to ensure sufficient practice
- 'It is recommended all follow-up and monitoring...be described at a conceptual level within the EA documents' and mechanisms be in place to ensure they are operationalized

