

September 2, 2015

EA1314-01

Jay Project
Dominion Diamond Ekati Corporation

Notice of Proceeding for Hearings

Re: Procedures for community and formal public hearings, dates for the filing of materials and other hearing matters.

This notice of proceedings provides guidance and information to the developer, parties and members of the public on hearing procedures and dates for the filing of post-hearing materials.

1. Hearings

The Review Board holds two types of hearings: community hearings and formal public hearings. Formal public hearings are more structured and are intended and to hear arguments from intervenors and the developer concerning the project along with the opportunity for questioning. Community hearings are informal and are held in potentially impacted communities where the Review Board can listen to the views and opinions of community members.

Members of the public are welcome to attend and speak at an allotted time during either type of hearing and may submit comments in writing to the Review Board up until the closure of the public record is closed.

An agenda for the hearings will be provided under separate cover. This agenda will be finalized, and may be changed, at the discretion of the Chair.

A plain language handout explaining the final public hearing phase of an environmental assessment can be found on the Review Board's website [here](#).



2. Formal Public Hearings – Yellowknife, September 14-16th 2015.

2.1 Overview

The Review Board holds formal public hearings in order to hear the views and opinions of the developer and parties on whether or not a development may potentially have significant adverse impacts on the environment or people, or both.

The final agenda for the Yellowknife public hearing will be provided separately. Briefly, however, each day of the formal public hearing will focus on different key lines of inquiry and subjects of note. An overview of the process on each day of the formal public hearing is as follows:

- The developer will present its position on potential impacts of the proposed project on the biophysical environment, including on cultural, social and economic values.
- Parties will provide a presentation which is a summary of their technical report.
- The opportunity for questioning after each presentation is granted to all parties, the developer, Review Board staff, and Review Board members. Questioning after presentations will occur within the timelines described on the agenda.

2.2 Parties to the Environmental Assessment

At the formal hearings in Yellowknife, parties will be required to make a presentation (or presentations) of the information presented in their technical reports.

The order of presentations from parties will be as follows:

- | | |
|--|---|
| 1. Dominion Diamond Ekati Corporation | 8. Fisheries and Oceans Canada |
| 2. Independent Environmental Monitoring Agency | 9. North Slave Metis Alliance |
| 3. Government of the Northwest Territories | 10. Deninu Kue First Nation |
| 4. Yellowknives Dene First Nation | 11. Fort Resolution Metis Council (no presentation, questioning only) |
| 5. Lutsel K'e Dene First Nation | 12. Transport Canada |
| 6. Tlicho Government | 13. Review Board staff and counsel |
| 7. Environment Canada | 14. Review Board members |

Although the Fort Resolution Métis Council is a party to this Environmental Assessment, they will not make presentations at the formal hearings in Yellowknife. They will, however, be able to participate in the questioning of the developer or other parties, and are free to offer comments to the board either by submitting a formal written submission, speaking during the time allotted to the public, or both.



2.3 Presentations

Presentations are a summary of material already submitted to the Review Board in parties' technical reports, or otherwise as discussed in the pre-hearing conference. **Presentations should identify only the points and recommendations that parties feel will assist the Review Board in making environmental assessment decisions on the proposed project.** The Review Board strongly encourages parties' presentations to be brief and focused in order to allow sufficient time for questioning of each party. More information on [hearing presentations](#) can be found on the Review Board's website.

2.4 Question Periods

Following the developer and parties' presentations, other parties will have the opportunity to ask questions regarding the presentations. The order of questioning will follow the order of presentations listed above with the exception of the Developer. The Developer will ask its questions to other parties last. Please note that due to the large number of parties to this EA, questions should be as succinct as possible. If your line of questioning requires the examination of graphs, figures or documents, please come prepared with copies of these items for distribution to the developer, other parties and the Review Board.

The Chair may decide to allow parties to question one another directly, rather than directing all questions and responses through the Chair. This decision will be up to the final discretion of the Chair and will be clarified during the opening statement of the Chair.

2.5 Undertakings and Commitments

Undertakings refer to questions or issues that the Developer or other parties are unable to answer immediately during the course of the hearing. Undertakings will be clarified during the hearing, numbered for consistency and recorded by Review Board staff. While some undertakings may be responded to within a day or two, others may require more time. Responses to all undertakings must be submitted to the Review Board by October 9th, 2015.

Any commitments made by the developer during the hearing will be recorded, added to the existing [commitment table](#), and included in the final Report of Environmental Assessment for the Jay Project.

2.6 Written final arguments

Parties will be asked to submit final written arguments to the Review Board for consideration and inclusion on the public record. These final arguments should summarize the parties' views on significance and may include a discussion of issues that are not directly related to the Project's potential impacts on valued components (for example, participant funding or the management of traditional knowledge). Importantly, **written final arguments may not contain any new evidence** and must be based entirely on evidence already included on the



public registry. More [information on final written submissions](#) can be found on the Review Board's website.

2.7 Teleconference capability

Teleconference capability will be available in Yellowknife for the formal public hearing for parties. Please inform Review Board staff in advance of the hearing if you wish to participate via teleconference. If you are a party and wish to ask questions during the hearing but are unable to attend in person, you must have a representative of your party in the hearing room who can ask your questions on your behalf. The number and participant code is:

Dial-in: 1.877.215.4724

Participant code: 3501684

2.8 Public Participation

The Review Board welcomes contributions from the public during the hearing phase. In Yellowknife, time has been allocated on all three hearing days for public commentary as follows:

Monday September 14th: 6:00pm

Tuesday September 15th: 4:30 pm

Wednesday September 16th: 4:30 pm

The public will have an opportunity to present their views to the Board, but will not ask questions to the developer or to other parties at the Yellowknife hearings.

3. Community Hearings – Behchoko, September 17; Lutsel K'e, September 19; Kugluktuk, September 21, 2015.

3.1 Overview

The Review Board holds community hearings in order to hear directly from members of the public about their views of the Project. These hearings are informal.

The final agenda for the Community Hearings will be provided separately. An overview of the process during the hearing is as follows:

- Opening Remarks from the Chairperson of the Review Board
- Opening welcome from Chief of the community
- The developer briefly describes the Project
- Local government gives a brief presentation (this is not the intervention)
- Community members are encouraged to make statements to the Board and ask the developer questions



Community hearings will have simultaneous translation and transcription services.

3.2 Government representation at Community Hearings

The Review Board has heard from parties that participation of government representatives at community hearings is helpful in answering questions and explaining initiatives or policies. Towards this end, the Review Board has requested that the Government of the Northwest Territories and the Government of Canada send representatives to the community hearings in order to answer any questions that are directed to them and relevant to their mandates. Information regarding this request has been posted to the Review Board's public registry [here](#).

4. Filing dates and closure of the public record

4.1 Temporary closure of the public record

The public record will be temporarily closed from September 1-14th, inclusive. This closure occurs in order to ensure that no new information is submitted prior to the hearings that other parties have not had adequate opportunity to review. The Review Board may post some proceeding directives or other pieces of information concerning hearing logistics during this time.

Meetings between parties and the developer (if they happen) should occur before September 1st. If they occur after this date, the record of them will not be posted on the registry until it re-opens.

4.2 Re-opening of the Public Record and final submission dates

The public record will be re-opened at the start of the public hearings. The registry will be updated with items including hearing transcripts, homework, commitment and undertakings lists and final written submissions. **No new evidence may be submitted to the public registry by any party during this time.** Unless otherwise specified during the public hearings, these are the potential filing dates after the hearing:

- **October 9th** – hearing undertakings
- **October 23rd** – written closing argument from parties
- **October 30th** – written closing argument from Dominion
- **October 30th** – closure of public record



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