

EA1314-01 - Jay Project

August 27, 2015

Honourable Johnny Mike
Minister of Environment
Department of Environment
Government of the Nunavut
P.O. Box 1000, Stn. 1300
Iqaluit, NU X0A 0H0

Re: Community Hearing in Kugluktuk - Dominion Diamond Ekati Corporation's Jay Project

Dear Minister Mike,

Please be advised that the Mackenzie Valley Environmental Impact Review Board (the Review Board) will host a community hearing for Dominion Diamond's Jay Project in Kugluktuk on September 21st, 2015. Although the Jay Project is entirely within the Northwest Territories, the Review Board recognizes that the proposed development might have the potential for transboundary impacts in Nunavut. As Kugluktuk is the only community downstream of the project, the Review Board is interested in hearing the communities' views on whether the Jay Project is likely to have significant impacts outside of the Northwest Territories.

Additionally, the Review Board is required to consider "the importance of conservation to the well-being and way of life of the aboriginal peoples of Canada to whom section 35 of the *Constitution Act* applies, and who use an area of the Mackenzie Valley" under section 115 (c) of the *Mackenzie Valley Resource Management Act*. This includes considering the potential for impacts to Inuit rights to traditionally use the area of the Mackenzie Valley described by section 40.3.2 of the *Nunavut Land Claim Agreement*.

The Review Board has advised the NIRB and has requested its cooperation and assistance in the conduct of the assessment, in accordance with s. 140(1) of the *MVRMA* and the Review Board's Memorandum of Understanding with the NIRB.

More details regarding the community hearing in Kugluktuk can be found in the attached Notice of Proceedings.

A draft agenda will be posted on the Review Board's website at www.reviewboard.ca. Please feel free to contact the Review Board's Executive Director, Mark Cliffe-Phillips, at 867-766-7055 or by email at mcliffephillips@reviewboard.ca with any questions or for further information.



Sincerely,

JoAnne Deneron
Chairperson
Mackenzie Valley Environmental Impact Review Board

Attachment:

Notice of Proceeding - Community Hearing in Kugluktuk - Dominion Diamond Ekati Corporation's
Jay Project, August 21, 2015

Notice of Proceeding

August 21, 2015
EA1314-01

To Distribution List

Community Hearing in Kugluktuk - Dominion Diamond Ekati Corporation's Jay Project

On May 12, 2015, the Review Board received a copy of a letter to the Honourable Bernard Valcourt, Minister of Aboriginal Affairs and Northern Development Canada (AANDC) from the Nunavut Impact Review Board (NIRB) regarding a request from the Kitikmeot Inuit Association (KIA) and the Hamlet of Kugluktuk for the NIRB to undertake a transboundary review of Dominion Diamond Ekati Corporation's Jay Project. The NIRB letter notes that, because the Jay Project is located wholly within the Northwest Territories, the Minister's consent would be required in order for the NIRB to consider conducting a review of the Jay Project.¹

To hear the concerns of the KIA and the residents of Kugluktuk, the Review Board will be holding a community hearing in Kugluktuk on September 21st, 2015 as part of the environmental assessment of Dominion Diamond Ekati Corporation's Jay Project (EA1314-01). The Review Board has advised the NIRB and has requested its cooperation and assistance in the conduct of the assessment, in accordance with s. 140(1) of the *MVRMA* and the Review Board's Memorandum of Understanding with the NIRB. This Notice of Proceeding provides clarification of the purpose and intent of this community hearing.

Purpose of Review Board's community hearing in Kugluktuk

One of the key purposes of the environmental assessment process set out under section 114 of the *Mackenzie Resource Management Act* (*MVRMA*) is, "to ensure that the concerns of Aboriginal people and the general public are taken into account in that process." The act also requires the Review Board to consider:

- 115(1)(c): "the importance of conservation to the well-being and way of life of the aboriginal peoples of Canada to whom section 35 of the Constitution Act applies, and who use an area of the Mackenzie Valley.." and
- 115.1: any traditional knowledge and scientific information that is made available to [the Review Board]".

¹ The NIRB's letter to Minister Valcourt and the KIA's letter to the NIRB are accessible through the Review Board's Public Registry.



In the letter of April 28, 2015 from the KIA and the Hamlet of Kugluktuk to the NIRB, the KIA states that, "the land around the [Jay Project] was traditionally occupied by Inuit.... Inuit have a strong and irrefutable connection to the land and wildlife of the Jay Project area" and there is "potential for impact on the KIA and [Hamlet of Kugluktuk] due to historic and current land use and to the direction of flow of the Coppermine River." Additionally, the Review Board must consider the potential for impacts to Inuit rights in the area of the Mackenzie Valley described by section 40.3.2 of the Nunavut Land Claims Agreement (NLCA).

In order to hear these concerns about potential impacts directly from residents of Kugluktuk and other Kitikmeot Inuit, the Review Board is hosting a community hearing in the Hamlet of Kugluktuk. In particular, the Review Board seeks to hear about potential impacts on the environment at the Jay Project site and in the surrounding area, including effects on water, wildlife harvesting, heritage resources, and the cultural environment.

On July 20, 2015, the Review Board received a letter from the Minister of AANDC, dated July 13, 2015², stating that the Minister does not consent to the KIA's request for the NIRB to review the Jay Project. With regard to the Mackenzie Valley Environmental Impact Review Board (the Review Board), the Minister refers to the responsibility for the Review Board "to ensure that the concerns of Aboriginal people and the general public are taken into account", as per s. 114(c) of the *MVRMA*. The Minister also indicates his support for a Review Board hearing in Kugluktuk to listen to the concerns of the Kitikmeot Inuit and residents of Kugluktuk directly.

A draft agenda for the community hearing in Kugluktuk will be posted on the Review Board's website at www.reviewboard.ca. Please contact Senior Environmental Assessment Officer Chuck Hubert at (867)766-7055 or at chubert@reviewboard.ca with any questions or for further information.

JoAnne Deneron
Chairperson
Mackenzie Valley Environmental Impact Review Board

² The Letter from the Minister of AANDC is available on the Review Board's Public Registry