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November 4, 2019

Mark Cliffe-Phillips, Executive Director
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre, P.O. Box 938
Yellowknife, NT, X1A 2N7

Dear Mark Cliffe Philips,

RE: Reporting Requirement of Environmental Assessment 1314-01

The Wek'èezhii Land and Water Board (WLWB or Board) appreciates the Review Board's desire to ensure Measures included within Reports of Environmental Assessment (EA) are both effective and appropriate. The Board agrees that it is important for the linkages between the environmental assessment and the permitting and licensing processes to be clear in the integrated co-management system in which we operate.

The Board issued the Jay Early Works Permit on July 19, 2016, and the Jay Water licence and Land Use Permit on May 29, 2017. In response to Measure 13-4(a), the Board notes that its public registry contains a compilation of all actions the Board has taken following the issuance of permits and licences. These materials provide a comprehensive view of the Board's oversight of the project, including the consideration of management plans, monitoring programs, applications, and compliance. The Board believes the public registry provides the Review Board with the information necessary to evaluate the effectiveness of the Measures.

In response to Measure 13-4(b), the Board's Reasons for Decision^{1,2} outline how the Board satisfied its obligations under s. 62 of the *Mackenzie Valley Resource Management Act* before regulatory approvals were granted. Further, it is the Board's view that its ongoing actions in relation to the Jay Project have been in conformity with the Ministerial decisions on the Report of Environmental Assessment.

As an administrative tribunal with final decision-making authority on many aspects of the administration of Dominion's authorizations, it is imperative the Board remains independent and impartial about the effectiveness of the conditions of WLWB authorizations. In our view reporting on the "effectiveness" of the Jay Report of EA's Measures would call for a subjective evaluation of the performance of the proponent, government departments and the Board itself outside of the context of the evidence provided within a specific proceeding. For this reason, the Board has refrained from commenting further in response to Measure 13-4(b).

1 [W2016F0007 - Ekati - Jay Early Works - Reasons for Decision - Jul 19 16.pdf](#)

2 [W2012L2-0001 - Ekati - Water Licence - Amendment - Jay Development - RFD and Recommendation to Minister - May 29 17.pdf](#)

Sincerely,

A handwritten signature in blue ink, appearing to be 'Ryan Fequet', with a stylized, cursive script.

Ryan Fequet, Executive Director
Wek'eezhii Land and Water Board