



February 17, 2014

**Mr. Richard Edjericon - Chairperson**

Mackenzie Valley Environmental Impact Review Board  
 200 Scotia Centre  
 Box 938, 5102-50<sup>th</sup> Ave  
 Yellowknife, NT X1Z 2N7

Dear Mr. Edjericon

**Re: Draft Terms of Reference Responses- Jay- Cardinal Project EA (1314-01)**

This letter is provided in response to the Deninu Kue First Nation’s review comments on the draft Terms of Reference for the Jay-Cardinal Project, which were submitted on February 14, 2014.

Please see Table 1 provided below, which outlines our responses to the information provided by the Deninu Kue First Nation.

**Table 1:** Proponent’s Response to Comments in the Deninu Kue First Nation’s Submission Letter

<b>Topic</b>	<b>Excerpt From Submission Letter</b>	<b>Proponent’s Response</b>
Section 3.2.1 Valued ecosystem components	We request that wildlife and wildlife habitat, particularly furbearing animals be included in the preliminary listing of valued ecosystem components on page 9. This will maintain consistency in the document under section 5.1.1 <i>Biophysical environment</i> and section 7.4.3 <i>Impacts to wildlife and wildlife habitat from project components</i> , where information is required.	The proponent has also requested changes to the valued component list provided in the TOR. The proponent believes that the reviewer’s comments are adequately addressed in the draft TOR with the adjustments the Proponent has put forward.
Section 3.4 Geographic Scope, specifically item #7 on page 11	The DKFN of Fort Resolution must also be included as a “potentially-affected community” as our members have and currently use the environmental assessment	While the Proponent is not aware of any traditional or current land usage of the DKFN in this area, traditional harvesting and current hunting activities in the area will be assessed to the extent

	<p>study area for traditional activities including hunting by Band members from our community.</p>	<p>possible from available information. The proponent does not believe that any further changes to the TOR are required.</p>
<p>Section 4 Assessment methodology</p>	<p>In identifying valued components and potential effects on valued components, we recommend that the Terms of Reference identify the use of a Before-After-Control-Impact study design. Establishing this type of study design will become particularly relevant when the developer addresses the requirement of Section 7.5 Biophysical environmental monitoring programs and management plans.</p>	<p>The proponent disagrees that a Before-After-Control-Impact design needs to be included in the TOR as it is not an approach used in predicting potential effects to valued components.</p> <p>The proponent agrees with the reviewer that a Before-After-Control-Impact design can be a useful addition to monitoring programs designed to detect change. Such a design is not, however, applicable to all monitoring that may be required and cannot be applied as a blanket principle for all valued components, particularly given natural changes that occur and that are best assessed by comparisons to reference (unaffected) conditions that change over time.</p> <p>The detailed design of the monitoring program will be developed for this project during the licensing process. Conceptual monitoring plans will be included in the DAR.</p> <p>The proponent believes that no changes are required in the draft TOR to address the development of appropriate monitoring program designs</p>

		for inclusion in the DAR.
Section 5.1.1 Biophysical environment, item #10 on page 17	We recommend that wildlife at risk also include any species assessed and species that are currently scheduled to be assessed by the Species at Risk Committee that was established under the NWT Species at Risk Act.	Due to the degree of uncertainty associated with the list of species to be assessed, we do not feel this inclusion as a requirement (i.e., valued component) of the Terms of Reference is appropriate. Wildlife at risk will include species assessed as such by the Species at Risk Committee.
Section 5.1.2 Human environment, item #22 on page 18	The developer must include traditional harvesting activities carried out by the DKFN in the environmental assessment study area. We are the original Yellowknife/Copper Indians (members of the Chipewyan linguistic group) who used and occupied the area prior to contact and continuing to the present hunting activities exercised by our Band members.	While the Proponent is not aware of any traditional or current land usage of the DKFN in this area, traditional harvesting and current hunting activities in the area will be assessed to the extent possible from available information. The proponent does not believe that any further changes to the TOR are required.



Thank you for the opportunity to provide comments. Please feel free to contact me (867-446-1636) or Eric Denholm, Superintendent - Traditional Knowledge & Permitting, Ekati (867-669-6116) if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Bargery', is written over a large, loopy blue scribble.

Richard Bargery  
Manager, Permitting Jay/Cardinal