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Chuck Hubert  
Senior Environmental Assessment Officer  
Mackenzie Valley Environmental Impact Review Board  
200 Scotia Centre  
Box 938, 5102-50th Ave  
Yellowknife, NT  
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February 13, 2014

**Re: Request for Comments on the Draft Terms of Reference for the Dominion Diamond Ekati Corporation Jay-Cardinal Project (EA1314-01)**

Dear Mr. Hubert,

On behalf of the Deninu Kue First Nation (DKFN), I would like to thank you for the opportunity to comment on the draft Terms of Reference for the Jay-Cardinal Project being proposed by Dominion Diamond Ekati Corporation. We are pleased to provide the following comments for consideration by the Review Board.

***Section 3.2.1 Valued ecosystem components***

We request that wildlife and wildlife habitat, particularly for 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 *Biophysical environment* and section 7.4.3 *Impacts to wildlife and wildlife habitat from project components*, where information is required.

***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 study area for traditional activities including hunting by Band members from our community.

***Section 4 Assessment methodology***

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.*

**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.

**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. Baseline information must be supported by a traditional use study. 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.

Should you require any clarification on our comments, please contact me at your convenience.

Sincerely,



Chief Louis Balsillie

Cc: Deninu Kue First Nation Council  
Mr. Richard Edjericon, Chair Mackenzie Valley Environmental Impact Review Board  
Mr. Willard Hagan, Chair Mackenzie Valley Land and Water Board  
NWT Treaty 8 Tribal Corporation