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April 28, 2015

Kugluktuk  
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Ryan Barry  
 Executive Director  
 Nunavut Impact Review Board

Bathurst Inlet  
 Kingaok  
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**Re: Request for Transboundary Review of the Jay Project Proposal as per Section 12.11.1 of the Nunavut Land Claim Agreement**

Bay Chimo  
 Umingmaktok  
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Dear Mr. Barry,

Cambridge Bay  
 Ikaluktutiak  
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The Kitikmeot Inuit Association (KIA), as a Designated Inuit Organization (DIO) under the Nunavut Land Claim Agreement (NLCA) is requesting the Nunavut Impact Review Board (NIRB) review the Jay Project Proposal (JPP). This request is made on behalf of KIA and the Hamlet of Kugluktuk (HoK). The JPP is proposed by Dominion Diamond Ekati Corporation (DDEC) and it is outside the Nunavut Settlement Area. This Project may have significant adverse ecosystemic or socio-economic effects on Inuit of the Kitikmeot Region, and Inuit of the HoK.

**Background**

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 Okhoktok  
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The JPP is a large kimberlite pipe approximately in the middle of Lac du Sauvage, which is a large lake on the Coppermine River drainage basin. Lac du Sauvage is proposed to be significantly dewatered in order to access the JPP for development.

Taloyoak  
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The Coppermine River is one of the largest rivers in Nunavut and its headwaters are in the Northwest Territories (NWT). The Coppermine River is the source for drinking water for the HoK and for Inuit living in the Hamlet. Also, there is a large and critical aboriginal fishery (including but not limited to Arctic Char, Lake Trout, several species of Whitefish, and Arctic Grayling) on the Coppermine River which is a major source of the food supply for Inuit in Kugluktuk. Having full confidence in water quality and the quality of the aboriginal fishery of the Coppermine River is an important health and food security issue for the people of Kugluktuk.

Kugaaruk  
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The KIA is in a special situation with regard to the JPP based on traditional and current use. We acknowledge the land around JPP is within the NWT. However, the land around the JPP was traditionally occupied by Inuit, and it was included as part of the original proposed Nunavut Settlement Area during the NLCA negotiations, but it was disputed with the Dogrib Dene. As part of the resolution of this dispute, Inuit rights to this area were ultimately acknowledged when Inuit were provided fee simple lands in the NWT are part of Article 41 of the NLCA. Thus Inuit have a strong and irrefutable connection to the land and wildlife of the JPP area.

The KIA and the HoK are the only parties outside of the NWT to have a signed Impact and Benefit Agreement with BHP-Billington (the original owner/developer of the Ekati Diamond Mine). This is due to the irrefutable acknowledgement of the potential for impact on KIA and HoK due to historic and current land use and to the direction of flow of the Coppermine River. Residents and Inuit of Kugluktuk are the only people that drink the water and eat the



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fish daily from the waters that will be influenced by the JPP. This is an important concern relative to other interested parties in the review, and even relative all other parties in the NWT. Inuit and residents of Kugluktuk deserve the opportunity to have the JPP reviewed from a Nunavut perspective to assure that food and water security issues are addressed to our satisfaction.

### **Justification for Requesting a Transboundary Review**

In Nunavut, the KIA regularly reviews major development projects, comparable to the JPP, in a professional manner, with the adequate resources, and without requiring government funding. The KIA always focusses on the technical issues at hand in environment and regulatory matters. We are staffed with professionals who address the issues to be resolved within the established systems and/or processes. Due to our experience and involvement in regulatory processes, the KIA and the HoK have agreed that KIA will lead any review with the JPP, and KIA will keep the HoK informed.

At the Ekati Project generally, we have relied on the Independent Environment Monitoring Agency (IEMA) to provide unbiased monitoring advice about the Ekati Project, in the face of the lack of KIA resources to monitor all aspects of the Ekati Project. The JPP is a new proposed major development, and as such, we feel KIA's involvement is required in the review in addition to the IEMA. Also, the IEMA does not necessarily have the budget or capacity for monitoring *and* full review functions. The recent changes to the IEMA board members by the NWT also reduces KIA's confidence in the short term ability of this Agency. We hope that it will regain the level of quality and capacity as in the past, but such changes in the middle of a major project review at Ekati is most unfortunate.

Because the JPP is in the NWT, the KIA's ability to fund a professional review is significantly impacted. KIA staff participated in the JPP Developer's Assessment Report technical sessions in Yellowknife (April 20-24, 2015), and we internally funded specialist reviews as part of this NWT regulatory process. Unfortunately, the KIA is now out of resources to continue our participation in these processes. We have also spent considerable time and effort seeking assistance from the Government of Canada so we could continue representing Inuit concerns as the JPP proceeds through the regulatory processes, but these efforts have resulted in multiple dead ends.

In summary, based on the traditional and current Inuit land use, based on the current water and food security concerns of KIA and HoK, and based on our inability to access the capacity to conduct an independent review of the JPP, we request that the NIRB initiates a review as per 12.11.1 of the NLCA.

Thank you for your time, Mr. Barry. The KIA would like to thank the NIRB in advance for its consideration of this KIA request for a transboundary review. If you have any questions, please do not hesitate to contact Luigi Torretti of the Kitikmeot Inuit Association either by email ([ltorretti@qiniq.com](mailto:ltorretti@qiniq.com)) or by phone at 867-982-3310.



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Best regards,

Stanley Anablak  
President, Kitikmeot Inuit Association

Ryan Nivingalok  
Mayor, Hamlet of Kugluktuk

