

EA1314-01 - Jay Project

August 21, 2015

Ryan Barry
Executive Director
Nunavut Impact Review Board
29 Mitik Street, PO Box 1360
Cambridge Bay, NU X0B 0C0

Dear Mr. Barry,

Re: Request for NIRB Cooperation – Environmental Assessment of Dominion Diamond Ekati Corporation's Jay Project

In a letter dated April 28, 2015 from the Kitikmeot Inuit Association (KIA) and the Hamlet of Kugluktuk to the Nunavut Impact Review Board (NIRB) requesting a transboundary review of the Jay Project, 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." The NIRB subsequently requested direction from the Minister of Aboriginal Affairs and Northern Development regarding the KIA request for a transboundary review.

In part, to determine if there is likely to be significant adverse impacts to areas outside the Mackenzie Valley, as per s. 140(2) of the *Mackenzie Valley Resource Management Act*, the Mackenzie Valley Review Board (Review Board) will host a community hearing for Dominion Diamond Ekati Corporation's Jay Project in Kugluktuk on September 21st, 2015. Kugluktuk is the only community downstream of the project area, and the Review Board is interested in hearing the communities' views on whether the Jay Project is likely to have significant impacts outside of the Mackenzie Valley. 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).

The Review Board and NIRB received a letter from the Minister of AANDC, dated July 13, 2015, 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.

We respectfully request the Nunavut Impact Review Board's cooperation for the conduct of the environmental assessment, particularly with the Review Board's community hearing in Kugluktuk, pursuant to s. 140(1) of the *Mackenzie Valley Resource Management Act* and to fulfill the measures outlined in the Memorandum of Understanding between the NIRB and the Review Board. We invite staff of the NIRB to attend the community hearing and would greatly appreciate any assistance your organization can provide with the Review Board with logistics and planning.

A draft agenda has been posted on the Review Board's website at www.reviewboard.ca. Please feel free to contact me with any questions or for further information.

Sincerely,

Mark Cliffe-Phillips
Executive Director
Mackenzie Valley Environmental Impact Review Board
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