



MVEIRB File No.: EA1314-01

May 12, 2015

The Honourable Bernard Valcourt
Minister of Aboriginal Affairs and Northern Development
10 rue Wellington
Gatineau, QC K1A 0H3

Sent via email, fax and regular mail: minister@anndc.gc.ca; bernard.valcourt@parl.gc.ca

Re: Kitikmeot Inuit Association Request for NIRB Transboundary Review of Project Proposal Under Article 12, Section 12.11.1 of the Nunavut Land Claims Agreement

Dear Mr. Bernard Valcourt:

Please find enclosed for your consideration and response the request of the Kitikmeot Inuit Association (KIA) dated April 28, 2015 (and received May 5, 2015) for the Nunavut Impact Review Board (NIRB or Board) to conduct a review of a project proposal outside of the Nunavut Settlement Area pursuant to Article 12, Part 11, Section 12.11.1 of the Nunavut Land Claims Agreement (NLCA).

LEGAL FRAMEWORK

As established under Article 12, Part 11, Section 12.11.1 (set out below), where there is the potential for significant adverse ecosystemic or socio-economic effects on the Nunavut Settlement Area, and there is a request by a Designated Inuit Organization that is consented to by the Federal Government, the NIRB may conduct a review of a project proposal located outside the Nunavut Settlement Area.

12.11.1 NIRB may upon request by Government or, with the consent of Government, upon request by a DIO, review a project proposal located outside of the Nunavut Settlement Area which may have significant adverse ecosystemic or socio-economic effects on the Nunavut Settlement Area

PROJECT PROPOSAL UNDER ASSESSMENT BY THE MVEIRB

As set out in the Background section of the KIA's correspondence to the NIRB, the KIA is requesting that the NIRB review Dominion Diamond Ekati Corporation's Jay Pipe Project Proposal (the Project). Based on the project location in the Northwest Territories, the Project it is currently subject to review by the Mackenzie Valley Environmental Impact Review Board (MVEIRB).

Based on the plain language summary of the project proposal filed with the MVEIRB in October 2014, the proposed development of the Jay kimberlite pipe or “Jay Pipe” would extend the life of the existing Ekati Diamond Mine (located 300 kilometres northeast of Yellowknife) by at least 10 years. The Jay Pipe is located about 25 kilometres southeast of the current Ekati Diamond Mine’s main facilities under Lac du Sauvage.¹

As set out in the most recent post by the MVEIRB for the file,² the next step in the MVEIRB’s assessment of the Jay Pipe Project Proposal is “a second round of information requests”. The due dates established by the MVEIRB are June 5, 2015 to receive the information requests from parties and July 3, 2015 for the responses to information requests to be provided to the MVEIRB from the proponent, Dominion Diamond Ekati Corporation.

REQUEST FOR THE MINISTER’S RESPONSE REGARDING THE KIA’S REQUEST

As noted above, under Article 12, Section 12.11.1 of the NLCA, in order for the NIRB to consider conducting a review of a project proposal outside the Nunavut Settlement Area the Board must, when receiving a request by a Designated Inuit Association, also receive the consent of the Government (Minister). In accord with these requirements, the Board forwards the KIA’s request letter to the Minister’s attention and seeks direction as to whether the Minister consents to the NIRB considering the KIA’s request for review under 12.11.1 of the NLCA.

In closing, the Board also notes that if the Minister were to consent to the KIA’s request for this review, and the NIRB were to determine that a review of the project proposal is warranted, the NIRB has a current Memorandum of Agreement (MOU) with the MVEIRB intended to support the cooperative exercise of each Board’s respective duties associated with projects having potential transboundary effects. On this basis, in any subsequent review conducted by the NIRB, the Board would expect to implement the measures outlined in the MOU to coordinate, streamline and limit duplication between the NIRB and MVEIRB processes. For your reference, the text of the MOU is available from the NIRB registry at the following link:

<ftp://ftp.nirb.ca/07-GENERAL/COOPERATION%20AGREEMENTS/130312-NIRB%20and%20MVEIRB%20Memorandum%20Of%20Understanding-IEDE.pdf>

The Board looks forward to receiving the Minister’s direction regarding the KIA’s request. In the interim, if the Minister requires any additional information to respond to this request, please contact the NIRB’s Executive Director, Ryan Barry, directly at (867) 983-4608 or via email at rbarry@nirb.ca.

¹ Golder Associates Ltd, Prepared for: Dominion Diamond Ekati Corporation, Plain Language Summary of the Developer’s Assessment Report for the Jay Project, October 2014, available on-line:

http://www.reviewboard.ca/upload/project_document/EA1314-01_00_PlainLanguageSummary_1_English.PDF.

² Mackenzie Valley Environmental Impact Review Board, Note to File, May 11, 2015, MVEIRB File No.: EA1314-01, available on-line: http://www.reviewboard.ca/upload/project_document/EA1314-01_Note_to_file_-_second_round_information_requests_.PDF.

Sincerely,



Elizabeth Copland
Chairperson
Nunavut Impact Review Board

cc: Stanley Anablak, President, Kitikmeot Inuit Association
Ryan Nivingalok, Mayor, Hamlet of Kugluktuk
Cathy Towtongie, President, Nunavut Tunngavik Incorporated
Honourable Peter Taptuna, Premier of Nunavut
JoAnne Deneron, Chairperson, Mackenzie Valley Environmental Impact Review Board
Richard Bargery, Manager Permitting Jay Project, Dominion Diamond Ekati Corporation

Enclosed: KIA Letter to NIRB Re Request for Transboundary Review (May 5, 2015)