

Notice of Proceeding

August 27, 2015

EA1314-01

To Distribution List

Re: Submission of new evidence between the submission of technical reports and the closure of the public record - Dominion Diamond Ekati Corporation's Jay Project

The Review Board has received recent requests to add evidence to the public record for the Jay Project. At this time, the Review Board would like to clarify how these requests will be handled given the existing work plan¹ and the Rules and Procedures².

Requests have been received by the Review Board from parties since the submission of parties' technical reports. The deadline for technical reports was July 31st, 2015 (this was extended to August 3rd, 2015 after a formal request for extension). After this, the public record has remained open to allow for parties to submit hearing presentations and for Dominion Diamond Ekati Corporation (Dominion) to respond to parties' technical reports and presentations. The deadline for Dominion's responses is September 1, 2015.

As described at the pre-hearing conference³, on September 1st the public record will be temporarily closed until September 14th, when it will re-open at the commencement of the public hearings. The record has only remained open until September 1st to allow time for Dominion's responses. No additional evidence should be submitted for the record by parties between the submission of technical reports and September 1st. This is to allow for a fair and reasonable process whereby all parties are given the opportunity to comment on and respond to evidence.

Evidence that parties want to be placed on the record during this interim period (between the technical report submissions and the temporary closure on September 1st) will follow a formal process. This was completed for the YKDFN Traditional Knowledge report. The process when the Review Board receives a request for a late submission is as follows:

¹ http://www.reviewboard.ca/upload/project_document/EA1314-01_Work_Plan_-_Jay_Project_-_revised_July_22_2015.PDF

² http://www.reviewboard.ca/upload/ref_library/MVEIRB_RulesofProcedure_0505.pdf

³ http://www.reviewboard.ca/upload/project_document/EA1314-01_Jay_Project_Pre-hearing_conference_summary.PDF



1. The Review Board will ask all parties if they have any concerns with the additional information being placed on the record.
2. If parties and the developer have no concerns, the document will be placed on the record and will be open for review by all parties. A deadline for party comments will be set by the Review Board. The deadline for developer's comments will also be set by the Review Board and will be after the deadline for parties.
3. If parties or the developer do have concerns about the submission, they must state this to the Review Board and the Review Board will make a formal ruling as to if the evidence can be included.

The Review Board has also made requests for additional information. According to item 15 of the Rules of Procedure, "the Review Board may require additional information from any party to a proceeding at any time during a proceeding." In addition, as stated in item 22 of the Rules of Procedure, "the Review Board may, upon notice to the parties, make appropriate arrangements to seek clarification of any evidence or information on the public record without causing the record to be re-opened." The specific requests made by the Review Board were for clarification on the current status of the Bathurst caribou herd⁴ and the Bathurst caribou management plan⁵. These were made in public letters posted to the registry.

At this time, parties are reminded that no new evidence may be submitted to the public record. The public record will re-open on September 14th, 2015, when the hearings for the Jay Project commence. The anticipated final closure of the public record is October 30th, 2015.

Please contact Senior Environmental Assessment Officer Chuck Hubert at (867)766-7055 or at chubert@reviewboard.ca with any questions or for further information.

Chuck Hubert
Senior Environmental Assessment Officer
Mackenzie Valley Environmental Impact Review Board

⁴ http://www.reviewboard.ca/upload/project_document/EA1314-01_Letter_to_GNWT_re_2015_Bathurst_caribou_calving_survey_-_Final_Draft.PDF

⁵ http://www.reviewboard.ca/upload/project_document/EA1314-01_Review_Board_letter_requesting_current_Bathurst_caribou_Management_Plan_and_schedule_for_updates.PDF