

Our File: EA1314-01

September 14, 2015

Review Board Ruling

To: Parties

Re: EA1314-01 – Jay Project – Review Board response to IEMA’s request for ruling

The Board met on Sunday September 13, 2015 to consider a request for ruling filed by the Independent Environmental Monitoring Agency (IEMA).

The purpose of IEMA’s request for ruling was to ask the Board to allow IEMA to submit new information late in the Jay Project Environmental Assessment (EA) Proceeding, after the deadline for technical reports. The request for ruling was posted to the Review Board’s public registry and the Board requested input from other parties to the Proceeding. The GNWT and DDEC provided submissions to the Board. No other parties participated in this matter. All related documents have been posted to the Review Board’s public registry accessible through www.reviewboard.ca. In the interests of expediency and clarity for the hearings which begin September 14, 2015 the Board is issuing its ruling in this letter format.

After considering the rationale provided by IEMA in its request for ruling, and the submissions from Dominion Diamond Ekati Corporation (DDEC) and the Government of the Northwest Territories (GNWT), the Board has decided not to accept IEMA’s late submission.

Deadlines and the timing of information submitted to the Board are an important part of the Review Board’s environmental assessment process and important constituents of a fair process. The Review Board considered all submissions in order to determine whether the prejudice which might result from accepting this new evidence was outweighed by the benefit that the new information might provide.

Having carefully considered the IEMA submission it is the Board’s view, that the rationale provided by IEMA for the late filing of the evidence is not sufficient to warrant an exception to the Board’s established work plan, deadlines, and procedures already established for the Ekati Jay Project EA Proceeding. In the Board’s opinion acceptance of IEMA’s late submission would prejudice DDEC and the IEMA submissions do not clearly indicate any real benefit that would result from admission of this new evidence.

The Board thanks the parties for their submissions related to this matter.

Sincerely,



JoAnne Deneron
Chairperson