

EA1819-01

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Via email: Thomas.Hoggarth@dfo-mpo.gc.ca

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RE: Participation in EA1819-01

The Mackenzie Valley Environmental Impact Review Board (the Review Board) is conducting an environmental assessment of Diavik Diamond Mine Incorporated's proposal to deposit and store processed kimberlite in pits and underground mine workings. The Review Board ordered an environmental assessment (EA) of this proposed development under subsection 126(3) of the *Mackenzie Valley Resource Management Act* (MVRMA).

The scope of assessment for this EA includes topics that directly relate to the mandate and expertise of Fisheries and Oceans Canada (DFO). DFO's expertise is relevant and important to the Review Board to inform its EA decision and the Board is requesting DFO's fulsome participation in this proceeding.

DFO has issued a fisheries authorization for the Diavik Diamond Mine. As a result, the Review Board understands that DFO is a regulatory authority and the Minister of Fisheries and Oceans is a responsible minister for this EA. However, the Review Board notes that DFO's mandate and expertise is also relevant to broader issues in this EA, beyond the fisheries authorization.

These issues are identified in the scope of assessment for EA1819-01, including impacts on water, fish and fish habitat, an Indigenous¹ fishery, and cultural use of the project area. The Review Board is requesting DFO's assistance with these aspects of the EA, in accordance with s. 22 of the MVRMA. Section 22 is not limited by regulatory roles; it enables the Review Board to obtain any information from government departments that the Board requires to perform its functions.

The Review Board is also required to consider impacts on the well-being and way of life of Indigenous people, including in relation to impacts on fish and fish habitat in this EA. The Federal and Territorial Governments have encouraged Indigenous Government Organizations to participate in the EA process to help evaluate potential impacts on their s. 35 rights. Given

¹ Or Aboriginal.



the scope of the EA, DFO's participation is also relevant to the broader consideration of impacts on Indigenous rights.

The Review Board is part of an integrated resource management system and operates in a coordinated manner with other boards, governments, and regulatory authorities. The Review Board encourages DFO's full participation in the EA, including the public hearing, and values its knowledge and expertise to help inform the assessment of potential impacts within the scope of assessment.

Please direct questions to Catherine Fairbairn at 867-766-7054 or cfairbairn@reviewboard.ca or Kate Mansfield at 867-766-7062 or kmansfield@reviewboard.ca.

Sincerely,

Mark Cliffe-Phillips
Executive Director

cc Adrian Paradis
Northern Projects Management Office