



Canadian Northern Economic  
Development Agency

Agence canadienne de développement  
économique du Nord

**VIA EMAIL**

Chuck Hubert  
Senior Environmental Assessment Officer  
Mackenzie Valley Environmental  
Impact Review Board  
P.O. Box 938  
Yellowknife, NT X1A 2N7

Dear Mr. Hubert:

**RE: Response to Jay Project Technical Hearing Undertaking No. 23 (EA1314-01)**

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On behalf of the Government of Canada, the Northern Projects Management Office ("NPMO") is pleased to provide the following as a response to undertaking number 23 from the Jay Pipe Technical Hearings. As such, NPMO is conveying the responsibilities of the Government of Canada ("Canada") with regard to consultation obligations in relation to the environmental assessment ("EA") of Dominion Diamonds Ekati Corporation's Jay Project.

The Crown has a duty to consult and, where appropriate, to accommodate Aboriginal groups when Canada contemplates conduct that might adversely impact asserted or established Aboriginal or treaty rights. For those matters within its jurisdiction, Canada relies on the consultative processes of the Mackenzie Valley Environmental Impact Review Board (the "Review Board"), associated regulators and the engagement conducted by a developer, as the primary means for discharging this consultation obligation.

Accordingly, Canada notifies and encourages participation in the EA by potentially affected Aboriginal groups, closely monitors and considers the proceedings and then evaluates at the end of the process whether the concerns raised by Aboriginal groups have been adequately addressed and, if not, whether further consultation or accommodation by Canada is required. Additionally, in some instances, where appropriate to their mandates and jurisdictions, federal departments or agencies may participate as parties or interveners during the EA process.

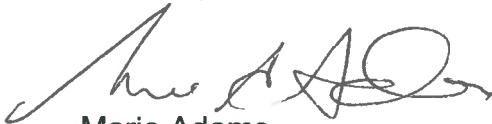
During an EA process, a variety of opportunities are available for an Aboriginal group to communicate to the Review Board its concerns related to the project as well as any potential adverse impacts to its asserted or established Aboriginal or treaty rights that may result from the proposed project.

**Canada** 

With respect to the Jay Project, the specific federal regulatory authorizations that are anticipated to be required for the project to proceed – the conduct triggering the duty consult - include a Navigational Protection Authorization from Transport Canada and a *Fisheries Act* Authorization from Fisheries and Oceans Canada. These are in addition to the decision by ministers concerning the disposition of the report of environmental assessment, per section 130 of the *Mackenzie Valley Resource Management Act*, where Canada will work with the Government of the Northwest Territories to ensure consultation obligations are met.

Canada will rely on the EA process as the primary means of discharging consultation obligations; however, should additional consultation requirements be identified, Canada will undertake further consultative processes as appropriate. If you have questions regarding this letter, please contact me by phone or by email at 867-669-2595; Marie.Adams@CanNor.gc.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marie Adams', with a stylized flourish at the end.

Marie Adams  
Senior Project Officer  
Northern Projects Management Office  
Canadian Northern Economic Development  
Agency

cc: Catherine Conrad, Director, Environment and Renewable Resources  
Directorate, Aboriginal Affairs and Northern Development Canada  
Veronique D'Amours-Gauthier, Fisheries Protection Biologist, Fisheries  
and Oceans Canada  
Michele Taylor, Regional Director General, Prairie and Northern Region,  
Transport Canada  
Lorraine Seale, Manager, Project Assessment, Government of the  
Northwest Territories – Department of Lands  
Todd Slack, Research and Regulatory Specialist, Land and Environment,  
Yellowknives Dene First Nation  
Richard Bargery, Manager, Permitting, Dominion Diamonds Ekati  
Corporation