



October 9, 2012

Chief Nora Enzoë
Lutsel K'e Dene First Nation
Post Office Box 28
Lutsel K'e, NT
X0E 1A0

Via email at lkdfnlands@gmail.com and lkdfnwled@gmail.com

Dear Chief Enzoë:

RE: EIR 0607-001 Gahcho Kué Diamond Project – public hearing locations

The Gahcho Kué Panel (Panel) thanks you for your letter of September 17, 2012 and acknowledges your request to hold the formal portion of the public hearing in Lutsel K'e. The Panel met on October 5 to fully consider this request.

In a letter from the Panel dated September 11, 2012, the Panel responded to correspondence from the Lutsel K'e Dene First Nation and agreed to hold one day of the public hearing for the Gahcho Kué project in Lutsel K'e on December 3rd, 2012. There are a number of important factors that assist the Panel in its consideration of where and when to hold public hearings. Rationale for the Panel's determination of hearing locations for the Gahcho Kué diamond project follows.

The Panel wishes to clarify possible misconceptions regarding the nature and purpose of public hearings conducted by this Panel of the Mackenzie Valley Environmental Impact Review Board. Public hearings and the difference between formal and community hearings are described in the Rules of Procedure for Environmental Assessment and Environmental Impact Review Proceedings 2005.

The purpose in distinguishing between formal and community hearings is to stress that when holding community hearings the Panel wants to hear directly from members of the community in their own community. This grants community members the opportunity to speak freely without the constraints and strictures of a more court-like proceeding typical of formal hearings. The evidence provided to the Panel by community members at the hearing in Lutsel K'e is given equal weight with evidence given by parties during a formal hearing.

During community hearings, any community member may speak to the Panel on any subject relevant to the scope of the Gahcho Kué diamond project. This is not the



case during formal hearings where parties must adhere to specified agenda topics. During the community hearing in Lutsel K'e on December 3rd, 2012, only the developer and Lutsel K'e Dene First Nation will have the opportunity to present evidence to the Panel. Parties, including government regulators, will be invited to attend the Lutsel K'e public hearing, but only in an advisory capacity in order to answer questions from community members.

The Panel has decided that a formal hearing in Lutsel K'e is not appropriate because it would not allow for community members to give evidence to the Panel directly. Procedures during a formal hearing would focus on submissions from other parties and could exclude direct participation from community members.

In its determination of where to hold public hearing locations, the Panel is also mindful of the logistical and technical difficulties and cost implications of holding a hearing in a small community in December.

In addition to providing a hearing specifically for the people of Lutsel K'e on December 3, the Panel encourages the presence of members of the Lutsel K'e Dene First Nation at the hearing locations in Dettah and Yellowknife. The Panel notes that Lutsel K'e Dene First Nation was awarded participant funding from the federal government specifically for the Gahcho Kué project and that one of the activities eligible for that funding is participating in public hearings (letters from Aboriginal Affairs and Northern Development Canada June 27, 2011 and September 21, 2011).

The Panel is mindful that Lutsel K'e is the closest community to the proposed Gahcho Kué diamond project and believes it is important hear the views of the Lutsel K'e Dene First Nation during the up-coming public hearings.

For the reasons stated above the Panel has now set the Gahcho Kué public hearings as follows:

- November 30 – Dettah
- December 3 – Lutsel K'
- December 5-7 – Yellowknife
- December 8 – Yellowknife (contingency date)

The Panel looks forward to hearing directly from members of the community of Lutsel K'e on December 3rd, 2012 and believes that the evidence will assist the Panel in its deliberations on the Environmental Impact Review of the Gahcho Kué project.

If you have any questions, please contact Panel Manager, Chuck Hubert at 867 766-7052 or chubert@reviewboard.ca.



Sincerely,

Vern Christensen
Executive Director
Mackenzie Valley Environmental Impact Review Board