



November 14, 2003

To: Distribution List (see attached)

Dear Parties:

RE: Jericho Diamond Project Final Hearing Conference

This letter details procedures that will be used with respect to the Final Hearing Conference (FHC) of Tahera Corporation's proposed Jericho Diamond Project. Please note, the Nunavut Impact Review Board (NIRB) may modify this procedure depending on events that transpire between today's letter and the beginning of the Hearing, which is December 1, 2003.

1. As indicated previously, the Hearing Dates are December 1-5, 2003 inclusive. The venues and times are:
 - **Cambridge Bay** (*all issues*), December 1st & 2nd (9am – 4pm), December 3rd (9am - 12pm)
 - **Kugluktuk** (*primarily water, wildlife, and socio-economic issues*), December 3rd (7pm – 10pm), December 4th (9am – 3pm)
 - **Gjoa Haven** (*primarily socio-economic issues*), December 4th (7pm – 10pm), December 5th (9am – 12pm)

As stated in a letter sent by NIRB, October 21st, 2003, the Board would like to hear from citizens and elders at the Hearings of all three communities. All technical interventions are to be filed in Cambridge Bay and presented to the Board. The Hearings in Kugluktuk and Gjoa Haven are intended to be less formal than Cambridge Bay. If Parties, other than Tahera Corporation, wish to repeat their former presentations of Cambridge Bay, in Kugluktuk and Gjoa Haven, then the Board requests an abbreviated presentation. Tahera Corporation should be prepared to provide their presentation in full at all venues.

2. On each day, there will be a lunch break of approximately 1 hour. Parties are responsible for obtaining their own lunches. The Board will also recess the hearing for breaks from time to time, as it deems appropriate. This will likely happen once in the morning and once in the afternoon. The Board asks all parties to be punctual throughout the Hearing.

3. At the hearing, the Board will consider the social, economic, and environmental issues raised in Tahera's application. These issues will then be reviewed by NIRB whose function in this hearing and afterwards according to the Nunavut Land Claims Agreement (NLCA) is:
- To review the ecosystemic and socio-economic impacts of the Jericho Diamond Project;
 - To gauge and define the extent of the local and regional impacts of a project, such definition to be taken into account by the Minister in making his or her determination as to the regional interest;
 - To determine, on the basis of its review, whether the Jericho Diamond Project should proceed, and if so, under what terms and conditions, and then report its determination to the Minister. In addition, NIRB's determination with respect to socio-economic impacts, unrelated to ecosystemic impacts, are to be treated as recommendations to the Minister; and
 - To monitor the Jericho Diamond Project in accordance with the provisions of Part 7 of the NLCA.
4. In carrying out the Jericho Diamond Project review, NIRB's Main Objectives are to protect, at all times, and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area (NSA) and to protect the ecosystemic integrity of the NSA. In making this determination, NIRB will also take into account the well being of Canadian residents outside the NSA.
5. For the purposes of this hearing, the Parties to this Hearing appeal (based on written submissions received) are:
- A) Tahera Corporation
 - B) Indian & Northern Affairs Canada (INAC)
 - C) Department of Fisheries & Oceans (DFO)
 - D) Environment Canada (EC)
 - E) Health Canada (HC)
 - F) Natural Resources Canada (NRCAN)
 - G) Government of Nunavut (GN)
 - H) Nunavut Tunngavik Incorporated (NTI)
 - I) Kitikmeot Inuit Association (KIA)
 - J) Yellowknife Dene First Nations
 - K) Hamlet of Gjoa Haven
 - L) Local Governments, Interest Groups, and Citizens.
6. During the hearing, reasonable time limits will be enforced by the Board. The parties should prepare their presentations and questioning with these time limits in mind. Please do not read written submissions into the record.

7. The Board will commence the Hearing with an Opening Prayer. This will be followed with a brief presentation outlining the procedures for the hearing. As part of the Chair's opening comments, there will be an:
 - Introduction of Members and Staff
 - Introduction of Elders
 - Introduction of Mayor
 - Introduction of Parties
8. Tahera Corporation will then present their project proposal (direct evidence) for up to 5 hours followed by 30 minutes of cross-examination by each of the other parties in the order listed above. The parties listed in item 5 (J) do not have to share their time.
9. The Board anticipates that Tahera Corporation's direct evidence presentation and cross-examination by all parties will take the majority of Monday, and perhaps, Monday evening.
10. Beginning Tuesday, other parties will present their evidence for up to 30 minutes each, followed by 30 minutes of cross-examination by Tahera Corporation. If parties combine presentations (Federal Departments, for example) additional time will be allocated to finish their combined comments.
11. Parties presenting to the Board, should provide NIRB staff (Jorgen Komak) with CD copies of their presentation first thing Monday morning. All presentations will then be presented from the laptop computer provided by NIRB. Presentations should be in Microsoft Power Point (Windows 2000).
12. With the consent of the Board, Tahera Corporation may be permitted to present rebuttal comments. If this occurs, each of the other parties will be permitted to cross-examine in the order listed above. In the event rebuttal evidence is permitted, strict time limits will be imposed on both the presentation and on the cross-examinations.
13. Following the completion of each round of presentations and cross-examinations, the public, and ultimately, the Board, will also ask questions. Where possible, the Board will attempt to hold their questions until the end of each presentation. However, where necessary, the Board may ask questions during any presentation.
14. You will note that only Tahera Corporation is permitted to cross-examine each of the other parties. This is because cross-examination is only permitted where parties are adverse in interest to each other and most other submissions are similar in interest as they all raise questions with Tahera Corporation's application. However, all other parties can individually cross-examine Tahera Corporation.

15. The Board will make a determination whether it will receive oral closing arguments at the end of the Hearing. If oral closing comments are not possible due to time constraints, written closing comments (and at least 10 days after the hearing to file them) will be allowed.
16. As the burden of proof is on Tahera Corporation in this review, the Board will permit them to make a final brief statement at the end of each venue.
17. For the presentation of direct evidence, the parties should call witnesses as a panel (if there is more than one witness). All direct evidence from all witnesses should be presented before the panel is turned over for cross-examination.
18. The testimony of witnesses will be sworn or affirmed. Please notify the Board at the beginning of the hearing if any of the witnesses would prefer to be affirmed.
19. The Public record, including any affidavits by the parties plus attachments, letters, EIS, Supp FEIS, and written submissions of the parties, already form part of the Board's file and therefore will not be entered again as exhibits. The Board will file as exhibits any other documents (such as maps, articles, photos, etc.) provided during the hearing, and we expect parties who bring such supporting materials to have copies for all other parties and 4 copies for the Board.
20. Each venue will end with closing remarks by the Chairperson and a closing prayer.
21. Elders may speak at anytime during the hearing.
22. Transcripts are prepared for the Board only.
23. Translation will be available in all communities.
24. In making its final decision after the Hearing, and all procedural decisions during the hearing, NIRB will give due regard and weight to the tradition of Inuit culture, communications and decision-making.

Please note, all documents for this project are available on NIRB's website (under Documents)

<http://nirb.nunavut.ca> and ftp site <http://ftp.nunavut.ca/nirb/> in the folder "*Reviews/00MN059 – Jericho Diamond Mine*". If you have any questions or concerns about the above, please do not hesitate to contact me. We look forward to seeing all of you at the Hearings.

Yours truly,

A handwritten signature in black ink, appearing to read "Stephanie Briscoe". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

S. Briscoe
Executive Director

cc: Honorable Robert D. Nault, P.C. M.P.