



MAR 22 2019

Ms. Stephanie Poole
Interim Measures Agreement Coordinator
Akaitcho Pre-Screening Board
PO BOX 28
ŁUTSELK'E, NT X0E 1A0

Dear Ms. Poole:

Notice of environmental assessment for Diavik Diamond Mines Inc.'s kimberlite deposit proposal and the initiation of governments' Aboriginal consultation on the project EA1819-01

Please find attached a copy of a letter from the governments of the Northwest Territories and Canada to the Akaitcho Dene First Nation chiefs initiating consultation on the environmental assessment of the proposal by Diavik Diamond Mines Inc. to deposit processed kimberlite into its mine workings.

If you have any questions, please contact Melissa Pink, Manager, Project Assessment Branch, at Melissa_Pink@gov.nt.ca or 867-767-9180 ext. 24021, or Katie Rozestraten, Project Assessment Analyst at Katie_Rozestraten@gov.nt.ca or 867-767-9180 ext. 24022.

Sincerely,

Kate Hearn
Assistant Deputy Minister
Planning and Coordination
Lands

Attachment

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c Ms. JoAnne Deneron
Chairperson
Mackenzie Valley Environmental Impact Review Board

Mr. Mark Hopkins
Director General
Crown Indigenous Relations and Northern Affairs Canada

Ms. Lisa Dyer
Director General
Northern Projects Management Office

MAR 15 2019

Chief Louis Balsillie and Band Council
Denínu Kúé First Nation
PO BOX 279
FORT RESOLUTION, NT X0E 0M0

Chief Darryl Marlowe and Band Council
Łutselk'e Dene First Nation
PO BOX 28
ŁUTSELK'E, NT X0E 1A0

Chief Edward Sangris and Band Council
Yellowknives Dene First Nation (Detah)
PO BOX 2514
YELLOWKNIFE, NT X1A 2P8

Chief Ernest Betsina and Band Council
Yellowknives Dene First Nation (Ndlıq)
PO BOX 2514
YELLOWKNIFE, NT X1A 2P8

Dear Chiefs:

Notice of environmental assessment for Diavik Diamond Mines Inc.'s kimberlite deposit proposal and the initiation of governments' Aboriginal consultation on the project EA1819-01

Please be advised that on February 19, 2019, the Mackenzie Valley Environmental Impact Review Board (the Review Board) decided on its own motion to conduct an environmental assessment on a proposal by Diavik Diamond Mines Inc. (DDMI) to deposit processed kimberlite into its mine workings. On February 26, 2019, the Review Board and the Wek'èezhì Land and Water Board (WLWB) issued a notice of intention to coordinate the environmental assessment and water licence review process. Comments on the proposed coordinated environmental assessment and water licence process and associated workplan are due to the WLWB and Review Board on March 22, 2019. The joint process as currently proposed by the Boards is a marked change from previous Board processes; we are currently reviewing the proposed process and recommend that you do too. We anticipate more information being available at the scoping session scheduled for Monday, March 18, 2019.

The purpose of this letter is to notify and encourage you to participate in the upcoming environmental assessment process and proposed coordinated

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information gathering stages of the water licence amendment WLWB process, as well as any related engagement efforts of the Developer. This letter also initiates the formal consultation by the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) with the Akaitcho First Nations on the Project.

In 1999, the Diavik Diamond Mine was issued a water licence which requires them to fill the mine workings with freshwater and breach the dikes so that the pits become part of Lac de Gras at closure and place the processed kimberlite, a mine waste, into a separate dammed kimberlite containment facility. DDMI's current proposal is to put processed kimberlite into the mine workings and cover the processed kimberlite with water before breaching the dikes to reconnect Lac de Gras. For more information regarding the Project, I encourage you to review the public registries for the environmental assessment and water licence amendment review at:

<http://reviewboard.ca/registry/ea1819-01>

and

<https://wlwb.ca/registry/W2015L2-0001>

If you decide to participate in the process, there will be opportunities for you to communicate any concerns you may have regarding potential impacts from the Project on your asserted Aboriginal and Treaty rights, to both the Governments and the Boards. We encourage you to:

- clearly indicate whether you anticipate adverse impacts on your asserted Aboriginal and Treaty rights as a result of the Project, and if so, clearly indicate the specific right(s) that may be affected, the specific impact(s) on those right(s), and how those impacts can be mitigated.

To do this, please provide testimony and other evidence, including traditional knowledge to assist the Boards' and governments' understanding of both potential impacts and mitigations.

The opportunity to participate in the environmental assessment of the Project, and proposed coordinated water licence amendment process, begins with the scoping session that will be hosted by the Review Board at the Nova Hotel on March 18, 2019 from 9 am to noon. Written comments on the scope of the assessment can also be provided to the Review Board through their online review system prior to March 22, 2019.

Participant funding will be available through the Northern Participant Funding Program, administered by Crown-Indigenous Relations and Northern Affairs Canada. Details on how to apply for this program will be available on the Review Board's public registry shortly.

The GNWT and Canada each bear the duty to consult regarding any potential adverse impacts to asserted or established Aboriginal and/or Treaty rights resulting from the Project. For those matters within their mandates, the GNWT and Canada will rely both on the consultative processes of the Review Board and the WLWB, as well as the engagement conducted by the Developer, as the primary means for discharging any potential consultation obligations.

Throughout the environmental assessment process, governments carefully monitor and track all Indigenous governments and organizations' statements of any potential adverse impacts on asserted or established Aboriginal and/or Treaty rights. We will send you a letter to consult with you on whether any potential adverse impact(s) on your asserted Aboriginal and Treaty rights remain at the conclusion of the Review Board process, which is when the Review Board releases its Report of Environmental Assessment. We will assess, with input from you, whether any potential adverse impact(s) on these rights have been meaningfully accommodated. We do this to ensure that we have met our duty to consult before any decision under section 130 of the *Mackenzie Valley Resource Management Act* is made regarding the Project.


If the recommendation from the Review Board is approval of the Project, and if the responsible ministers adopt the Review Board's recommendation, the licensing

process will continue until a water licence amendment decision is rendered and we will continue to ensure our consultation obligations are met under that process.

If you have any questions regarding the role of the GNWT in the process, or would like to know how to participate, please contact Melissa Pink, Manager, Project Assessment Branch, at Melissa_Pink@gov.nt.ca or 867-767-9180 ext. 24021, or Katie Rozestraten, Project Assessment Analyst at Katie_Rozestraten@gov.nt.ca or 867-767-9180 ext. 24022.

The Northern Projects Management Office of the Canadian Northern Economic Development Agency will act as the federal Crown consultation coordinator in relation to the Project for the duration of the process. If you have any questions for Canada, please contact Adrian Paradis, Senior Project Manager at Adrian.Paradis@cannor.gc.ca or 867-669-2595. Both Governments will share any information received with each other.

Sincerely,



Kate Hearn
Assistant Deputy Minister
Planning and Coordination
Lands



Lisa Dyer
Director General
Northern Projects Management Office

c . Honourable Robert R. McLeod
Premier

Mr. Gary Bohnet
Principal Secretary

Mr. Mike Aumond
Secretary to Cabinet/Deputy Minister
Executive and Indigenous Affairs

Mr. Willard Hagen
Deputy Minister
Lands

Dr. Joe Dragon
Deputy Minister
Environment and Natural Resources

Ms. Ethel Liske
ADFN Negotiations Coordinator
Akaitcho Dene First Nation

Ms. JoAnne Deneron
Chairperson
Mackenzie Valley Environmental Impact Review Board

Mr. Joe Mackenzie
Chairperson
Wek'èezhì Land and Water Board

Mr. Sean Sinclair
Superintendent, Environment
Diavik Diamond Mines Inc.

Mr. John McCullum
Executive Director
Environmental Monitoring Advisory Board

Mr. Mark Hopkins
Director General
Crown Indigenous Relations and Northern Affairs Canada

