

JUN 04 2020

President Allan Heron
Fort Smith Métis Council
P.O. BOX 1107
FORT SMITH NT X0E 0P0

By Email

Dear President Heron:

Responsible Ministers' Decision to Adopt the Recommendation of the Mackenzie Valley Environmental Impact Review Board and Allow the Diavik Diamond Mines Inc.'s Kimberlite Deposition Proposal to Resume the Regulatory Process

The responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) have recently concluded the decision phase for the environmental assessment of Diavik Diamond Mines Inc.'s (Diavik) proposal to store processed kimberlite in pits and underground (the Project). Their decision was to approve the Project subject to the implementation of six measures and the commitments from Diavik.

Previous communication with the Fort Smith Métis Council

On February 19, 2019, the Mackenzie Valley Environmental Impact Review Board (Review Board) referred the Project to environmental assessment. The GNWT and Canada wrote to the Fort Smith Métis Council (FSMC) on March 15, 2019 to advise you of potential government decisions relating to this Project. The letter also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project. Both governments also encouraged the FSMC to participate in the Review Board's process.

Responsible ministers also wrote to FSMC after the Review Board released its recommendation. In concluding its environmental assessment process, the Review Board released its *Report of Environmental Assessment and Reasons for Decision* (REA) on January 6, 2020. The GNWT and Canada wrote to you at that time to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the REA. Responsible ministers also asked the FSMC if the REA addressed concerns as they relate to potential adverse Project impacts on your members' asserted Aboriginal rights.

Consideration of concerns raised by Indigenous governments and organizations

In making the decision to adopt the Review Board's recommendation, responsible ministers considered comments made by Indigenous governments and organizations (IGOs). Responsible ministers did not hear from the FSMC during the environmental assessment and after the REA was issued. Responsible ministers respectfully believe the duty to consult and accommodate the FSMC for the purposes of EA1819-01 have been fulfilled.

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Next steps for Diavik's Project

Responsible ministers emphasize that consultation and accommodation with respect to your asserted Aboriginal rights do not end with the responsible ministers' decision on the environmental assessment of the Project. The Project will now resume the regulatory process and any other post-environmental assessment processes. These processes will include opportunities for IGOs to offer input on authorizations and management plans and help ensure that potential adverse impacts to Aboriginal and Treaty rights are accommodated, as necessary. The responsible ministers encourage the FSMC to participate in the Wek'èezhì Land and Water Board's water licensing process and any other post-environmental assessment processes relating to this Project.

If you have any questions about the decision, please contact Melissa Pink, Manager, Project Assessment Branch, at Melissa_Pink@gov.nt.ca or by telephone at 867-767-9180 ext. 24021.

Sincerely,



Kate Hearn
Assistant Deputy Minister
Planning and Coordination
Lands



Lisa Dyer
Director General
Northern Projects Management Office

c. President Lloyd Cardinal
Fort Resolution Métis Government

President Trevor Beck
Hay River Métis Government Council

President Garry Bailey
Northwest Territory Métis Nation

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Principal Secretary

Mr. Martin Goldney
Secretary to Cabinet/Deputy Minister
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Mr. Mark Hopkins
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Ms. Shawn McCann
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Mr. Joseph Mackenzie
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Wek'èezhì Land and Water Board

Mr. Charlie Catholique
Chairperson
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