

February 25, 2019

Draft Scoping Document

Depositing Processed Kimberlite in Pits and Underground, Diavik Diamond Mines Inc.

1 Introduction

This document describes the Mackenzie Valley Environmental Impact Review Board's (the Review Board) proposed scope of assessment for an environmental assessment (EA) of activities¹ proposed by Diavik Diamond Mines Incorporated (Diavik). On June 4, 2018, Diavik submitted an application to the Wek'èezhì Land and Water Board (WLWB) to amend the Diavik Water Licence (W2015L2-0001). The proposed amendments would allow for:

- the deposition of processed kimberlite into mine workings (open pit(s) and underground);
- a change to the term of the licence from October 18, 2023 to October 18, 2025; and
- several proposed administrative changes to the licence.

The Board seeks input from the public and interested parties on the proposed scope of assessment described in this document and will issue a final Scope of Assessment after the public comment period. Subsequent EA steps are outlined in a draft workplan and will be finalized after public review.

The Board is tailoring its process in this EA to make the most efficient use of time and available evidence without compromising the quality of the assessment. To the extent possible, the Review Board's EA process will be coordinated with the WLWB's water licence amendment process. The Review Board will also, to the extent possible, use the information on the WLWB public registry for the water licence amendment application.

¹ The Diavik mine is already mostly developed, and the proposal is for certain activities at the mine. To avoid confusion, for this EA, the phrase "proposed activities" is used to mean the proposed "development" as defined by s.111 of the Act.



Parties and the general public will have ample opportunity to provide comments or evidence to the Board throughout the EA process. The Board will conduct this EA in accordance with sections 114, 117 (1), and 117 (2) of the *Mackenzie Valley Resource Management Act* (the *Act*).

2 Scope of Development

Under subsection 117(1) of the *Act*, the Board determines the scope of development for every environmental assessment that it conducts. The scope of development consists of all physical works and activities required for a development to proceed and includes all phases of the development. For the activities currently proposed by Diavik in its water license amendment (the development), the scope of development is based on information from the WLWB public registry for this amendment application.

Specifically, the scope of development for this EA includes:

- transporting, depositing and storing processed kimberlite into mine workings, and
- closure and reclamation of any mine infrastructure related to the transport, deposition and storage of processed kimberlite into mine workings.

3 Scope of Assessment

The scope of assessment identifies and prioritizes the issues and potential impacts of the development that will be examined in the EA. It also includes potential impacts of the development on valued components of the biophysical and human environment, as defined by the Review Board through the scoping process.

3.1 Scope of assessment considerations required by the Act

Subsection 117(2) of the *Act* outlines standard considerations to be included in the scope of every environmental assessment. These considerations include:

- impacts of the development on the environment;
- impacts associated with malfunctions or accidents; and
- any cumulative impact that is likely to result from the development in combination with other developments.



3.2 Scope of assessment considerations required by the Review Board

Subsection 117(2) of the *Act* also gives the Review Board discretion to include other relevant issues in the scope of assessment on a project-by-project basis. The Review Board has considered the evidence on the public record for the water licence amendment application as well as the 1999 Diavik Diamond Mine *Comprehensive Study Report* (CSR). Based on this information, the Board observes that the following valued components may be affected by the proposed development and have therefore included them in the scope of assessment:

- cultural use of the area post closure
- water quality
- fish and fish habitat
- wildlife

This EA will consider the potential for cumulative effects of activities from other components of the Diavik mine and from the Ekati mine, in combination with the potential effects of the proposed activities, on cultural use of the area post closure, water quality, wildlife and fish and fish habitat. Other sources of cumulative effects on the valued components affected by the proposed activities may also be considered as appropriate and with consideration of their geographic scopes of assessment. The cumulative effects assessment will also examine the effects of the proposed activity on the closure of the existing Diavik mine, and on the ability of the Diavik mine to meet its existing closure objectives with the proposed activities.

3.3 Geographic scope of assessment

The geographic scope of assessment will be adapted to reflect the characteristics of the valued component being assessed. For impacts on fish and fish habitat, as well as water quality, it will include the pits and Lac de Gras. For wildlife, it will include the range of the wildlife encountering the mine and will include relevant sources of cumulative effects. For impacts to cultural use, the geographical scope will include the communities of traditional users of the area.

3.4 Temporal scope of assessment

The Board notes that Diavik has conducted extensive water quality modelling through the course of the WLWB process to date. Much of this modeling has focused on a 100-year timeframe post closure. For this reason, the Board is also proposing a 100-year time frame of the temporal scope of assessment for all valued components identified in section 3.2.



Please direct any questions to Kate Mansfield, Senior Environmental Assessment Officer at 867-766-7062 or kmansfield@reviewboard.ca or Catherine Fairbairn, Environmental Assessment Officer at 867-766-7054 or cfairbairn@reviewboard.ca.

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Draft Workplan

This table describes process steps for the environmental assessment and water licence amendment process for EA1819-01.

Process Stage	Process Step	Duration (calendar days)	Date
EA scoping	Notice of referral, reasons, and draft scope	6	26-Feb
	In person scoping meeting	14	12-Mar
	Party comments on scoping	7	19-Mar
	Company response/comments on scoping	6	25-Mar
EA IRs	MVEIRB issues final Scoping document and Board Information Requests (IRs)	11	5-Apr
	Party IRs	14	19-Apr
	Company response	14	3-May
Joint hearings	Pre-hearing conference	5	8-May
	Party interventions	21	29-May
	Company response to interventions	9	7-Jun
	Parties submit hearing presentations	5	12-Jun
	Company submits hearing presentation	2	14-Jun
	Joint Public hearing	4	18-Jun
	Joint hearing undertakings deadline	10	28-Jun
	Parties submit closing EA arguments	7	5-Jul
	Developer submits closing EA arguments	5	10-Jul
EA decision	Review Board deliberations and decision, report of EA released	47	26-Aug
	Ministers' EA decision and LWB draft WL comment period	45	10-Oct
Finish WL process	Closing WL arguments 1 week after minister decision (if approved)	7	17-Oct
	Closing WL argument developer	5	22-Oct
WL decision	WLWB deliberations, WL to minister	45	6-Dec
	Minister's WL decision, WL issuance (if approved)	31	6-Jan

The overall timeline is dependent on adequate information being provided by Diavik in a timely manner and is subject to change. The overall timeline is also dependent on the duration of the Ministerial decision phase.