



February 26, 2019

MVEIRB File: EA1819-01
WLWB File: WL2015L2-0001

Sean Sinclair
Superintendent, Environment
Diavik Diamond Mines (2012) Inc.
P.O. Box 2498
Suite 300, 5201-50th Avenue
Yellowknife, NT X1A 2P8

Dear Mr. Sinclair,

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

Re: Notice of intention to coordinate EA and Licensing processes

On February 19, 2019, the Mackenzie Valley Environmental Impact Review Board (the Review Board) decided on its own motion, under subsection 126 (3) of the Mackenzie Valley Resource Management Act (MVRMA), to conduct an environmental assessment (EA) on a proposal by Diavik Diamond Mines Inc. (Diavik) to deposit processed kimberlite into its mine workings.

In its decision to conduct an EA, the Review Board acknowledged the public review process that has been undertaken by the Wek'èezhì Land and Water Board (WLWB). The Review Board will use all relevant material that is on the WLWB record for the Diavik water licence amendment application review process to inform the EA; the EA will not start from scratch.

The WLWB and the Review Board are committed to working together

The resource management system under the land claim agreements and the MVRMA is fundamentally intended to be "integrated and coordinated".¹ Beyond that, section 24.1 of the MVRMA specifically states that: "A board shall coordinate its activities, including hearings, with the activities of (a) other boards..."

¹ Preamble to MVRMA.



The Review Board and the WLWB take very seriously this vision of an integrated system and the requirement to coordinate their activities. The context of the current Diavik water licence amendment process presents an opportunity for a higher degree of coordination than is normally taken in EA and licensing proceedings, for the reasons listed below.

- Diavik's proposal to deposit processed kimberlite in to its mine workings represents a change to a project that previously underwent an environmental assessment process.²
- The proposal has not been fully assessed, including:
 - what the related effects and their significance may be;
 - what the acceptable level of risk to Lac de Gras and other valued components are;
 - whether doing this is acceptable; and
 - how to mitigate potential impacts.
- The proposal has implications for the *Interim Closure and Reclamation Plan*, which is continuing to undergo a thorough review and approval process by the WLWB, as well as for other aspects of the Diavik Mine that are regulated by the WLWB.
- Although additional, targeted information will be needed, the WLWB and parties have worked with Diavik over the past several months to establish a body of information that will inform the EA and licensing processes.

In this context, the Review Board and the WLWB are committed to working closely in a coordinated manner to carry out timely, efficient, and effective processes that fulfill the intent and purpose of the MVRMA.

Coordination of the EA and licensing processes

By recognizing the information already on the record, focusing on issues that remain, and moving the EA and licensing processes forward together, the overall timeline the Boards can achieve through coordination can be much shorter than fully separate processes. This will allow the Boards to complete both the EA and licensing in only a few months more than what was previously planned for the licensing alone. To some extent, the duration of the process will also depend on Diavik's ability to provide information in a timely manner, and the duration of ministerial decision-making.

² 1999 Comprehensive Study Report for the Diavik Diamond Project prepared under the Canadian Environmental Assessment Act (CEAA) - https://www.ceaa-acee.gc.ca/A4FE86CA-docs/diavik_csr_e.pdf



The Review Board and WLWB are preparing a joint work plan for EA and licensing. The processes are expected to be finished by the end of 2019. Parties and Diavik will have the opportunity to comment on the joint work plan. Additionally, the Review Board will be issuing a draft Scoping Document for comment that will propose the scope of the assessment. This will try clearly to describe which of the issues included in the WLWB's water licensing process will be the focus of the EA.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Mackenzie".

Joe Mackenzie
Wek'èezhì Land and Water Board
Chairperson

A handwritten signature in blue ink, appearing to read "JoAnne Deneron".

JoAnne Deneron
Mackenzie Valley Review Board
Chairperson