



June 5, 2023

Mark Cliffe-Phillips
Executive Director
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
PO BOX 938
YELLOWKNIFE NT X1A 2N7

by E-MAIL

Dear Mark Cliffe-Phillips:

Government of the Northwest Territories' 2022 Annual Environmental Assessment Measures Report for the Diavik Diamond Mines (2012) Inc.'s depositing processed kimberlite into pit(s) and underground project (EA1819-01).

On behalf of the Government of the Northwest Territories (GNWT), I would like to share the 2022 Annual Environmental Assessment Measures Report (the Annual Report) for the Diavik Diamond Mines (2012) Inc.'s depositing processed kimberlite into pit(s) and underground project. The 2022 Annual Report (attached) describes the implementation of measures directed to the GNWT, as required by the EA1819-01 follow-up program, and summarizes GNWT actions to implement the measures that were completed between April 1, 2022, and March 31, 2023.

Should the Mackenzie Valley Environmental Impact Review Board or any parties have any questions about the 2022 Annual Report, please contact Aswathy Mary (Ash) Varghese, Project Assessment Analyst, at 867-767-9180 ext.24024 or by email at Ash_Varghese@gov.nt.ca.

Sincerely,

Marie-Christine Belair
Acting Director
Impact Assessment & Securities Management
Environment and Climate Change

Attachment

c. Nathen Richea
Assistant Deputy Minister
Regulatory Assessment and Authorizations
Environment and Climate Change

Lorraine Seale
Director
Impact Assessment & Securities Management
Environment and Climate Change



Government of the Northwest Territories

Diavik Diamond Mines (2012) Inc.
Depositing processed kimberlite into pit(s) and underground.
2022 Annual Environmental Assessment
Measures Report

(as required by Follow-up Program)

EA 1819-01

SUBMITTED TO

Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre, P.O. Box 938
YELLOWKNIFE, NT X1A 2N7

June 5, 2023

Depositing Processed Kimberlite in Pits and Underground EA1819-01:
GNWT Annual Environmental Assessment Measures Report 2022

The Government of the Northwest Territories (GNWT) is only responsible for Measure 6; as such, it is the only measure captured in this report. Content covers April 1, 2022, to March 31, 2023 activities.

Follow-up Program: Reporting on implementation of environmental assessment measures

To demonstrate how measures are being implemented and to help evaluate their effectiveness, Diavik, government, and any regulatory authority that is wholly or partly responsible for implementation of any measure in this Report of Environmental Assessment will communicate to the Review Board on the implementation of measures.

Part A: Diavik and governments will provide annual reports to the Review Board beginning one year after the date of the final approval of this Report of Environmental Assessment, and annually afterwards. These reports will:

- i. describe the actions, including actions carried out through adaptive management, being undertaken (by the organization submitting the report) to implement the measures; and
- ii. based on available information, comment on how effective these actions have been in reducing or avoiding impacts on the environment (for example, considering the results of monitoring programs or adaptive management frameworks) from the Project.

Part B: Regulatory authorities will report as described in Part A, above, or will clearly and explicitly include details about implementation of environmental assessment measures in Reasons for Decision documents whenever a regulatory decision (including future changes to a licence, permit, or management plan) relates to a Project environmental assessment measure. If relying on Reasons for Decision, regulatory authorities will provide a summary of how they are implementing each measure directly to the Review Board in a reasonable time after the Reasons for Decision are published.

MEASURE 6

Adaptive management of cultural impacts

DESCRIPTION OF THE MEASURE:

To mitigate significant cumulative adverse cultural impacts of the Project, the Government of the Northwest Territories will engage and work with Indigenous intervenors, and the communities they represent, to **monitor and adaptively manage** adverse impacts on cultural well-being from the Project, in combination with the Diavik Mine and other diamond mining projects.

The Government of the Northwest Territories will support the Indigenous intervenors to **develop community-specific cultural well-being indicators** to monitor and evaluate cultural well-being impacts associated with the Project, in combination with other diamond mining projects.

The Government of the Northwest Territories will meet with potentially affected Indigenous communities¹ within one year of Ministerial approval of this Report of Environmental Assessment, and annually afterwards (or as agreed to by the Indigenous intervenors), to:

- a) prioritize cultural well-being impacts related to the Project and other diamond mines, as identified by communities and by the Government of the Northwest Territories,
- b) evaluate the effectiveness of Government of the Northwest Territories programs or other programs to address these identified impacts, and
- c) discuss improvements to existing Government of the Northwest Territories programs to mitigate identified impacts, new Government of Northwest Territories programs, or support for new community-based programs.

The Government of the Northwest Territories will **submit an annual progress report** on the three items above to the Indigenous intervenors², describing its engagement on and adaptive management of cultural impacts, and the Government of the Northwest Territories' plans to help address identified impacts.

Where feasible, the Government of the Northwest Territories should coordinate and collaborate with Diavik and the other diamond mining operators in the Northwest Territories when carrying out this measure.

Outcomes of this measure should be used, where relevant and available, to inform work on other measures.

¹ In this measure, the Review Board uses the term "potentially affected Indigenous communities" to mean communities represented by Indigenous intervenors in this environmental assessment and the Kitikmeot Inuit Association.

² "intervenors" refers [to] intervenors to this environmental assessment process

2022 GNWT FOLLOW-UP PROGRAM RESPONSE:

This measure is directed to the Government of the Northwest Territories (GNWT).

For background, the GNWT secured an independent, third-party evaluator (MNP) in early 2021 to support the first phase of the work under Measure 6, including: supporting Indigenous Intervenors working to identify definitions that meet their unique cultures, knowledge and communities and coordinating engagement to ensure that this engagement meets the preferences of the Indigenous Governments (IGs). A second contract was secured with MNP to proceed with the second phase of the work focused on connecting prioritized indicators to specific measures of data collected by the GNWT and Diavik.

MEASURE 6

Adaptive management of cultural impacts

DESCRIPTION OF THE MEASURE:

Part A (i) Actions undertaken between April 1, 2022, and March 31, 2023:

- The Cultural Well-being Indicators Final Report (the Final Report) was completed in May 2022¹. This project involved direct collaboration with Indigenous Intervenors, and specifically, with representatives of Indigenous governments on a Technical Advisory Panel (TAP).
- The Final Report includes the following information:
 - how Diavik Measure 6 and the GNWT's work with MNP came about;
 - the project design and methods;
 - a description of each community's process for defining cultural well-being;
 - cultural well-being definitions and indicators of cultural well-being for each group;
 - key thematic groupings of those indicators;
 - TAP Prioritized indicators (i.e. as prioritized by a consensus of Indigenous Intervenors referred to in Measure 6);
 - a data assessment framework and monitoring recommendations; and
 - conclusions.
- In addition, the Final Report includes a series of appendices containing the individual reporting from each Indigenous government that submitted a report, as well as the final project work plan and a jurisdictional scan.
- Reports were completed by the following Indigenous governments: Tłıchǫ Government, North Slave Métis Alliance, Northwest Territories Métis Nation, Łutsël K'édene First Nation, and Deninu Kų́ę First Nation.
- Three Indigenous governments did not complete reports, either before March 2022 or before March 2023.
 1. Kitikmeot Inuit Association did not wish to participate and asked to be excluded from the process.
 2. Fort Resolution Metis Government (FRMG) completed a draft report, but it had not been finalized to include it alongside other reports.
 3. Yellowknives Dene First Nation (YKDFN) initially accepted funding, but returned it, due to pressure from COVID-19 and capacity issues.The GNWT has continued discussions with FRMG and YKDFN to see their reports completed. Both reports are anticipated to be complete and included in a revised (Phase 1) version of the Final Report from May 2022.
- The Final Report was shared with the TAP to review and discuss a path forward towards implementation, monitoring and adaptive management of the developed indicators.
- In August 2022, ITI secured a second contract with MNP to initiate Phase 2 of the work. This phase connects the prioritized indicators selected in Phase 1 to existing lines of reporting collected by the GNWT (i.e. GNWT programs and services that support harvesting) and Diavik, and compiled in a document known as a 'Monitoring Framework'. This will ensure each prioritized indicator is reported on with the appropriate information.
- In Phase 1, the TAP met between April 2021 and December 2021. In Phase 2, the TAP began meeting in February 2022, with many of the same members, and continues to hold regular meetings. The TAP has been reviewing drafts of the Monitoring Framework, as lines of reporting are identified and analyzed.

¹ The Cultural Well-being Indicators Final Report was submitted along with the [2021 Diavik EA1819-01 Annual Measures Report for GNWT](#).

MEASURE 6
Adaptive management of cultural impacts

DESCRIPTION OF THE MEASURE:

- The goal of this project is to have an implementation-ready monitoring strategy that can be used to report on cultural well-being consistently, along with a flexible process to meet with Indigenous Intervenors and update monitoring over time.

NEXT STEPS:

- The GNWT continues to work towards finalizing a monitoring plan for cultural well-being, based on the indicators prioritized by participating Indigenous Intervenors. This monitoring plan would assist the GNWT to proactively measure impacts through monitoring, and through a process yet to be determined, address impacts by taking steps to mitigate them after internal GNWT discussion.
- The GNWT's efforts to address Measure 6 will also be reported through the annual GNWT reporting on socio-economic agreements (SEAs), which will include the indicators prioritized by Indigenous Intervenors, once the monitoring plan is completed and approved.

Part A (ii) Comments on effectiveness

- The effectiveness of Measure 6 efforts could not be measured during this reporting period. The prioritized indicators of community well-being, agreed to by a consensus, are currently being connected to different sources of data (produced by the GNWT and Diavik) to build a monitoring plan, and have yet to be monitored, meaning effectiveness has yet to be determined.
- The GNWT is pleased with the ongoing participation of Indigenous Intervenors, regardless of challenges related to capacity issues, and believes the level of participation to be an indication that this work is supported by and meaningful to the communities Indigenous Intervenors represent.