

July 18, 2019

The Honourable Carolyn Bennett
Minister of Crown-Indigenous Relations
On Behalf of The Honourable Dominic Leblanc
Minister of Intergovernmental and Northern Affairs and Internal Trade
Terrasses de la Chaudière
10 Wellington St., North Tower
Gatineau, Québec K1A 0H4

Dear Minister Bennett,

Re: Board member Joe Handley participation in Diavik Public Hearing and EA proceeding – Request under section 113.1 of the MVRMA

As the chairperson of the Mackenzie Valley Environmental Impact Review Board (the Review Board), I am writing to you under section 113.1 of the *Mackenzie Valley Resource Management Act* (MVRMA). In my opinion, it is necessary for former Board member, Joe Handley, to continue to act as a Board member for the environmental assessment of Diavik Diamond Mines Inc.'s Processed Kimberlite into Pits and Underground project (EA1819-01, the Diavik Project), notwithstanding that Mr. Handley's term as a Board member expired on June 2, 2019.

I therefore request that you authorize Mr. Handley to act in relation to EA1819-01 until the environmental assessment (EA) has been completed.

In my opinion, Mr. Handley's continued participation as a Board Member solely for the purposes EA1819-01 is necessary because Mr. Handley is seized of the matter, having reviewed the documents on the public record and participated in the Board's other decisions (to order this EA, and to set and clarify its scope). Mr. Handley has been an important part of this EA process so far and the Board would benefit from his presence in the hearing and decision-making. In addition, Mr. Handley's replacement on the Board is not available for the public hearing and cannot act in relation to EA1819-01.

In accordance with subsection 113.1(3) of the MVRMA, it is the Board's intention to have Mr. Handley continue to act as a Board member¹ for EA1819-01, unless you notify us otherwise.

I would also like to give notice that we are still waiting to receive a replacement appointment for former Board Member, James Wah-Shee, who was a nominee of the Tłı̨chq̄ Government. Because the Diavik Project is wholly within the Wek'èezhìi Management Area, the Board feels that having a Tłı̨chq̄ Government nominated Board member is important for the public hearing and decision-making process for this EA and

¹ During Mr. Handley's participation in the remainder of the EA1819-01, he will continue to be bound by and adhere to all applicable Review Board By-laws and policies (including, but not limited to the Board's Rules of Procedure, Board Governance Policies and Board Operational & Administrative Policies). Mr. Handley's participation with the Board will cease for all purposes when the Review Board has fully discharged its duties in respect of EA1819-01.



would be consistent with the intent of the representational decision-making set out in the Tłıchǫ Agreement.

If you would like to contact the Review Board regarding this matter, please contact Executive Director, Mark Cliffe-Phillips, at (867) 766-7055 or via email at mcliffephillips@reviewboard.ca.

Sincerely,

JoAnne Deneron
Chairperson
Mackenzie Valley Environmental Impact Review Board

cc: Matthew Spence, Regional Director General – INAC
Minister Louis Sebert – GNWT-Department of Lands
Grand Chief George Mackenzie - Tłıchǫ Government