



Tłı̨chǫ Government

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March 22, 2019

VIA EMAIL

JoAnne Deneron
Chairperson
Mackenzie Valley Environmental Impact
Review Board
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Joseph Mackenzie
Chairperson
Wek'èezhii Land and Water Board
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Dear Chairpersons Deneron and Mackenzie:

Re: EA1819-01 MVEIRB and WLWB Review Process

I write to you on behalf of the Tłı̨chǫ Government concerning the proposed environmental assessment and water license amendment process for EA1819-01, *Depositing Processed Kimberlite in Pits and Underground, Diavik Diamond Mines Inc.*, being undertaken by the Mackenzie Valley Environmental Review Board (“MVEIRB” or the “Review Board”) and the Wek'èezhii Land and Water Board (“WLWB”).

The Tłı̨chǫ Government is very concerned by the process that has been proposed, particularly the extent to which “Review Board’s EA process will be coordinated with the WLWB’s water license amendment process.”¹ The Tłı̨chǫ Government is cognizant of the value in coordinated and expeditious review of this water license amendment application. Nevertheless, the work of the MVEIRB and the WLWB must occur in a manner that allows for robust engagement with Tłı̨chǫ Government and other stakeholders and allows for the opportunity to submit and thoroughly test evidence at the appropriate stage(s) in the process. The process must be conducted in a way that is respectful of the important—and distinct—roles played by the MVEIRB and WLWB. Unfortunately, the process that has been proposed by the MVEIRB and the WLWB fails to do this.

The Tłı̨chǫ Government is concerned that, with the process as proposed, there is no opportunity for the submission of any additional evidence to the WLWB after the MVEIRB decision on EA. The final measures of EA may require new, original or revised evidence to be submitted. Given there may be a range of measures that are identified by the MVEIRB, the opportunity to submit evidence for the water licensing stage should not be foreshortened. The Tłı̨chǫ Government

¹ Mackenzie Valley Environmental Impact Review Board, Draft Scoping Document for EA1819-01, February 25, 2019 at page 1.

strongly urges the WLWB to adhere to its regular procedures and to extend the period of time available for the opportunity to submit evidence, through technical submissions, information requests, interventions and if required a water license hearing, following the conclusion of the EA. Quite simply, the WLWB—and the parties that participate in the WLWB process—must have the time and opportunity to effectively do the work required. The proposed process does not adequately allow for that to occur.

Further, it must be recognized that the MVEIRB and the WLWB both have important—and distinct—roles to play in the approval of developments and the management of lands and waters in Wek'èezhii. These institutions of public governance are integral aspects of the co-management regime that is established under the Tł̓chq Agreement and operationalized through the *Mackenzie Valley Resource Management Act*. The unique roles and responsibilities of these two co-management boards are enshrined both in statute and in a modern land claim agreement protected by section 35 of the *Constitution Act, 1982*. It would be improper—both in this instance and as precedent going forward—for the unique roles, responsibilities and processes of these co-management bodies to be eroded in the interests of expediency or “coordination.” While neither delay nor duplication is in the interest of any party, the maintenance of a robust and effective co-management regime is of paramount importance.

In Tł̓chq Unity,



Violet Camsell-Blondin
Acting Director
Department of Culture and Lands Protection