

September 10, 2019

Note to file – summary of undertakings and commitments from Public Hearings

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

Review Board staff recorded undertakings and commitments from both Diavik Diamond Mines Inc. (Diavik) and intervenors during the public hearing. This note to file summarizes those undertakings and provides links to where responses for each undertaking can be found on the public registry. Diavik will provide a complete, updated table of commitments by September 20, 2019.

Undertakings

Undertaking #1 (from TG, to Diavik) – “Follow-up to advantages/disadvantages slide 7 from Dettah hearing. Diavik to provide speaking notes along with slide 7 to the TG (p. 7 of transcript from [September 5, 2019](#)).”

Status: Complete. See Diavik’s response [here](#) (PR160).

Undertaking #2 (from FRMC, to Diavik) – “Diavik will respond to the following requests from Fort Resolution Métis Council (FRMC) (pp 7-8 of transcript from [September 5, 2019](#)):

- a) Through an undertaking, Diavik to commit to reviewing a scope of work document produced by FRMC which would provide information on the scope and timing of a Project-specific FRMC Traditional Knowledge and Land Use Occupancy Study. Diavik to provide its response in writing on this document to FRMC prior to the submission of closing arguments.
- b) Through an undertaking, Diavik to commit to reviewing a scope of work document produced by FRMC which would provide information on the scope and timing of a Project-specific FRMC Traditional Knowledge Study for Caribou. Diavik to provide their response in writing on this document to FRMC prior to the submission of closing arguments.”

Status: Diavik to submit response prior to the submission of intervener closing arguments.

Undertaking #3 (from Review Board, to Diavik) – “[P]rovide a more expanded and detailed written response on advantages and disadvantages of the no project alternative, and a [contrast] of the pros and cons placing PK in pit vs PKC (p. 8 of transcript from [September 5, 2019](#)).”

Status: Complete. See Diavik’s response [here](#) (PR163).

Undertaking #4 (from Review Board, to Diavik) – “Respond to question from Board member - David Krutko regarding shortfall in storage capacity in the PKCF in tonnes (p. 8 of transcript from [September 5, 2019](#)).”



Status: Complete. See Diavik's response [here](#) (PR166).

Undertaking #5 (from [Review Board, to NSMA](#)) – “To NSMA: Would NSMA still approve of in-pit disposal if water quality was safe or aquatic life and wildlife, even if it does not return to pre-development conditions (p. 9 of transcript from [September 6, 2019](#)).”

Status: Response required by undertakings deadline (September 20th, 2019).

Commitments¹

Commitment #1: If pre-deposition modelling shows that Diavik cannot meet AEMP benchmarks in the top 40 m of the pit lakes, Diavik will not put processed kimberlite in the pit. (see pp 98-99 of September 5 transcript [here](#)).

Commitment #2: Diavik commits to developing an engagement plan with Deninu Kue First Nation and the Fort Resolution Métis Council, building on the commitment to meet annually (as described in cover letter to response to interventions). (See pp 234 and 245 of the September 5 transcript [here](#)).

If you have any questions, please contact Catherine Fairbairn at 867-766-7054 or cfairbairn@reviewboard.ca and Kate Mansfield at 867-766-7062 or kmansfield@reviewboard.ca.

¹ Diavik staff reviewed and approved the wording of these commitments during the public hearing.