

JUN 04 2020

Grand Chief George Mackenzie
Tłı̨ch̨ Government
P.O. BOX 412
BEHCHOKQ NT X0E 0Y0

By Email

Dear Grand Chief Mackenzie:

Responsible Ministers' decision to Adopt the Recommendation of the Mackenzie Valley Environmental Impact Review Board and Allow the Diavik Diamond Mines Inc.'s Kimberlite Deposition Proposal to Resume the Regulatory Process

The responsible ministers from the Government of the Northwest Territories (GNWT) and the Government of Canada (Canada) have recently concluded the decision phase for the environmental assessment of Diavik Diamond Mines Inc.'s (Diavik) proposal to store processed kimberlite in pits and underground (the Project). Their decision was to approve the Project subject to the implementation of six measures and the commitments from Diavik.

Previous communication with the Tłı̨ch̨ Government

On February 19, 2019, the Mackenzie Valley Environmental Impact Review Board (Review Board) referred the Project to environmental assessment. The GNWT and Canada wrote to the Tłı̨ch̨ Government on March 15, 2019 to advise you of potential government decisions relating to this Project. The letter also noted that both governments would be relying on the Review Board's process to assist in fulfilling Aboriginal consultation requirements in relation to the Project. Both governments also encouraged the Tłı̨ch̨ Government to participate in the Review Board's process.

Responsible ministers also wrote to the Tłı̨ch̨ Government after the Review Board released its recommendation. In concluding its environmental assessment process, the Review Board released its *Report of Environmental Assessment and Reasons for Decision* (REA) on January 6, 2020. The GNWT and Canada wrote to you at that time to continue dialogue regarding potential responsible ministers' decisions relating to the Review Board's findings in the REA. Responsible ministers also asked the Tłı̨ch̨ Government if the REA addressed concerns as they relate to potential adverse Project impacts on your members' established Treaty rights.

Consideration of concerns raised by Indigenous governments and organizations

In making the decision to adopt the Review Board's recommendation, responsible ministers considered comments made by Indigenous governments and organizations (IGOs). This included what responsible ministers heard from the Tłı̨ch̨ Government during the environmental assessment and after the REA was issued.

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Your letter of February 7, 2020 expressed support for the measures in the REA and confidence that the Wek'èezhì Land and Water Board "will develop a process and approach that effectively implements the REA measures". You stated the "uncertainty and Tłıchǰ concerns may be substantially alleviated through the water licensing process..." Responsible ministers agree that the regulatory process is an avenue in which uncertainty may be addressed and responsible ministers anticipate that Tłıchǰ concerns will be meaningfully addressed through future regulatory processes. Based on the analysis above, responsible ministers respectfully believe the duty to consult and accommodate the Tłıchǰ Government for the purposes of EA1819-01 has been fulfilled.

Next steps for Diavik's Project

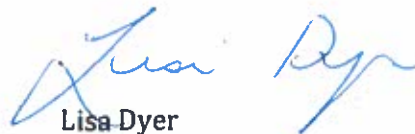
Responsible ministers emphasize that consultation and accommodation with respect to your established Treaty rights do not end with the responsible ministers' decision on the environmental assessment of the Project. The Project will now resume the regulatory process and any other post-environmental assessment processes. These processes will include opportunities for IGOs to offer input on authorizations and management plans and help ensure that potential adverse impacts to Aboriginal and Treaty rights are accommodated, as necessary. The responsible ministers encourage the Tłıchǰ Government to participate in the Wek'èezhì Land and Water Board's water licensing process and any other post-environmental assessment processes relating to this Project.

If you have any questions about the decision, please contact Ms. Melissa Pink, Manager, Project Assessment Branch, at Melissa_Pink@gov.nt.ca or by telephone at 867-767-9180 ext. 24021.

Sincerely,



Kate Hearn
Assistant Deputy Minister
Planning and Coordination
Lands



Lisa Dyer
Director General
Northern Projects Management Office

- c. Honourable Caroline Cochrane
Premier
- Ms. Shaleen Woodward
Principal Secretary
- Mr. Martin Goldney
Secretary to Cabinet/Deputy Minister
Executive and Indigenous Affairs

Mr. Mark Hopkins
Director General
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Ms. Shawn McCann
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Ms. Sylvia Haener
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Ms. JoAnne Deneron
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Chairperson
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Mr. Charlie Catholique
Chairperson
Environmental Monitoring Advisory Board

Mr. Sean Sinclair
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