



FEB 12 2019

Mr. Ryan Fequet
Executive Director
Wek'èezhìi Land and Water Board
1-4905 48TH STREET
YELLOWKNIFE NT X1A 3S3

Dear Mr. Fequet:

Information Requests Resulting from Diavik Diamond Mines (2012) Inc. Technical Session - PK to Mine Workings Amendment Application for W2015L2-0001

The Government of the Northwest Territories (GNWT) has received and reviewed the information requests (IRs) requested by the Wek'èezhìi Land and Water Board (the Board) following the technical sessions held on January 16-17, 2019. The GNWT responds to the IRs directed to it as follows:

IR #13 for GNWT:

To confirm if it is a position or view of the GNWT that it believes proposed activities that can be assessed and regulated by a single regulatory authority can be done without a referral to Environmental Assessment.

The Department of Lands has contributed to this response given its responsibility under the Lands Establishment Policy for coordinating GNWT participation in environmental assessment processes.

This statement does not reflect a position or view of the GNWT. Under the *Mackenzie Valley Resource Management Act*, the need for an environmental assessment (EA) is not linked to whether a proposed development can be assessed and regulated by a single regulatory authority.

Under sub-section 125(1) of the MVRMA, a preliminary screener must refer a development outside local government territory to the Mackenzie Valley Environmental Impact Review Board (MVEIRB) for EA if the screener determines that the development might have a significant adverse impact on the environment or might be a cause of public concern.

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Section 126 provides for a number of other entities, including the GNWT, to refer a development to MVEIRB for EA.

IR #15 for All Parties:

To identify what additional information, if any, is necessary to inform the preliminary screening determination of the Amendment Application. If any, please provide rationale for why this information is needed.

During the initial review of the DDMI amendment application, several parties indicated to the Board that there was insufficient information to assess potential impacts to the environment, including water quality in the pit lakes, which led to a subsequent IR from the Board to DDMI on August 31, 2018. In that correspondence, the Board noted that it had determined that “insufficient information is available on the record to inform a preliminary screening determination.” This information should have been required as part of the application package and should have informed the completeness check undertaken by the Board.

As per sub-paragraph 5(2)(f)(iv) of the Water Regulations, information required under an application for deposit of waste includes “an assessment of the qualitative and quantitative effects on the waters into which the waste is to be deposited.” While the pits are currently empty, the impacts on post-closure conditions of the pit lakes could be addressed through this clause. Additionally, Schedule C of the Water Regulations outlines the information required within the water licence application which includes “Predicted Environmental Impacts of Undertaking and Proposed Mitigation” which should include detailed information on impacts of the waste to the receiving environment.

The GNWT has no additional comment at this time regarding the information necessary to inform this determination. In addition to the two IRs being responded to by GNWT within this submission, twelve IRs have been directed to the proponent with responses due by February 11, 2019. The GNWT will conduct a review of this information once it is received.



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If you require further information about the response to IR#13, please contact Ms. Lorraine Seale, Director, Securities and Project Assessment, at Lorraine_Seale@gov.nt.ca. If you require further information about the response to IR#15, please contact Mr. Nathen Richea, Director, Water Resources, at Nathen_Richea@gov.nt.ca if you require further information.

Sincerely,

Robert Jenkins
Assistant Deputy Minister
Environment and Climate Change
Environment and Natural Resources

- c. Ms. Kate Hearn
Assistant Deputy Minister, Planning and Coordination
Department of Lands