

EA1819-01

January 6, 2020

The Honourable Shane Thompson
Minister of Lands
Government of the Northwest Territories
P.O. Box 1320
Yellowknife, NT, X1A 2L9

Via email: Shane.Thompson@gov.nt.ca

Dear Minister Thompson,

Re: EA1819-01 Report of Environmental Assessment and Reasons for Decision for Diavik Diamond Mines Inc's proposal to deposit processed kimberlite into pit(s) and underground

The Mackenzie Valley Environmental Impact Review Board (Review Board) is pleased to submit the attached *Report of Environmental Assessment and Reasons for Decision* for Diavik Diamond Mines Inc.'s (Diavik) proposal to deposit processed kimberlite into pit(s) and underground (the Project) at the Diavik Diamond Mine.

The Review Board recommends, under sub-paragraph 128(1)(b)(ii) of the *Mackenzie Valley Resource Management Act*, that the Project be approved subject to implementation of the measures described in the *Report of Environmental Assessment*. These measures are necessary to prevent significant adverse impacts on the environment. This recommendation also depends on Diavik implementing its commitments to mitigate impacts to the environment as described in the *Report of Environmental Assessment*.

The measures recommended by the Review Board include requirements for Diavik to:

- ensure that water in the pit lake(s) meets new water quality objectives
- collaboratively develop criteria for judging if water will be good for cultural use
- update its water quality modelling
- establish an independent review panel to improve updated modelling
- conduct additional and more effective engagement with potentially affected Indigenous communities

The Review Board also recommends a measure to the Government of the Northwest Territories (GNWT) to develop community-specific indicators of cultural well-being and adaptively manage project-specific and cumulative impacts on cultural use of the Lac de Gras area.



The Review Board requires a follow-up program, under subsection 111(1) of the *Mackenzie Valley Resource Management Act*, including annual reporting from Diavik, the GNWT, and regulatory authorities on the implementation of the measures.

This environmental assessment was completed using approximately 7.5 months of Review Board time, in accordance with the timeline amendments to the *Mackenzie Valley Resource Management Act* of April 1, 2015. This is within the legislated timeline of 16 months for an environmental assessment with a hearing.

On a separate but related note, a pressing issue that was discussed during this environmental assessment, and in other recent environmental assessments, is the drastic decline of the Bathurst caribou herd. The Review Board believes this concern is reflective of the real and important impacts that this decline has had on Indigenous people who rely on the herd. The Review Board believes the Project will not lead to impacts on caribou, and therefore will not contribute to the decline. Nonetheless, the Review Board continues to encourage swift, comprehensive, and meaningful action by the GNWT and other responsible authorities to manage these impacts and support the recovery of the herd.

If you have questions regarding this Report of Environmental Assessment please contact the Review Board's Executive Director, Mark Cliffe-Phillips, at 867-766-7055 or at mcliffephillips@reviewboard.ca.

Sincerely,

JoAnne Deneron
Chairperson

Cc. Sylvia Haener, Deputy Minister, Department of Lands
Lorraine Seale, Director, Securities and Project Assessment, Department of Lands