

**Environmental Assessment 1819-01
Updated Workplan**

**Depositing Processed Kimberlite in Pits and
Underground**

Diavik Diamond Mines Inc.

April 18, 2019
Mackenzie Valley Review Board
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1 INTRODUCTION

This is the *Updated Workplan* for EA1819-01, the environmental assessment on putting processed kimberlite in the pits and underground (mine workings) at Diavik Mine (the Project), as proposed by Diavik Diamond Mines Inc. (Diavik). This *Updated Workplan* provides a brief description of the phases of the environmental assessment and an estimated schedule for the environmental assessment.

This environmental assessment is subject to the requirements of Part 5 of the *Mackenzie Valley Resource Management Act*. The Review Board has published *Environmental Impact Assessment Guidelines*¹ and *Rules of Procedure*² that describe the environmental assessment process and rules for its proceedings. All documents related to this environmental assessment are accessible on the Review Board's public registry at www.reviewboard.ca.

2 PHASES OF THE ENVIRONMENTAL ASSESSMENT

The phases of this environmental assessment include the start-up, scoping, analytical, hearing, and decision phases. Each phase is described briefly below. The Review Board has completed the start-up and scoping phases of the environmental assessment and the environmental assessment is now entering the analytical phase.

2.1 Start-up phase

The Review Board ordered the Project to environmental assessment on February 19, 2019.³ This date marks the start of this environmental assessment process. During the start-up phase, the Review Board notified the developer and the public about the referral and Review Board staff contacts for the environmental assessment. A project-specific environmental assessment file was opened on the public registry.

¹ Environmental Impact Assessment Guidelines can be found on our website here:

http://www.reviewboard.ca/process_information/guidance_documentation/guidelines.php

² Rules of Procedure can be found on our website here: <http://reviewboard.ca/file/616/download?token=zOgqV2XM>

³ See the Review Board's [Reasons for Decision to order an Environmental Assessment](#) (PR#2) for specifics.

2.2 Scoping phase

The Review Board released a *Draft Scoping Document and Workplan* on February 26th, 2019 for discussion during the Scoping phase.⁴ The Review Board held a scoping meeting in Yellowknife on March 18, 2019 and posted a summary of that meeting to the public registry.⁵ Parties and the developer were asked to comment on the draft scope and draft workplan through the online review system.⁶ The Review Board considered the comments and concerns raised at the scoping meeting and during the online review, and released the final *Scope of Environmental Assessment and Reasons for Decision* (PR#40) and this *Updated Workplan* (PR#42) on April 18, 2019.

2.3 Analytical phase

The analytical phase of the environmental assessment is when the developer presents its predictions of impacts for the project and parties and the Review Board have opportunities to ask questions through information requests and technical sessions. The goal of the analytical phase is to understand the impacts of the project and to help identify which concerns are outstanding and need to be addressed during the remainder of the environmental assessment process.

Since parties discussed some issues extensively during the land and water board process for Diavik's water licence amendment request, there is a great deal of information already on the public record for this Project. As a result, the Review Board is not requiring the developer to produce a Developer's Assessment Report. Instead, the Review Board issued initial information requests on April 18, 2019. These include a requirement for Diavik to produce a *Summary Impact Statement* that will address information gaps and refocus and organize the information on the record for environmental assessment.

Once Diavik has responded to the Review Board's initial information requests, including producing its Summary Impact Statement, parties will have time to review the information and issue their own information requests. The Review Board may also choose to ask additional information requests at this time. More information on information requests can be found in the Review Board's April 18, 2019 *Notice of Proceeding on Information Requests* (PR#41).

⁴ See the Review Board's [Draft Scoping Document and Draft Updated Workplan](#) (PR#4).

⁵ See the [Scoping Meeting Summary](#) (PR#34).

⁶ See the [Scoping ORS Summary](#) (PR#37)

2.4 Hearing phase

Hearings provide an opportunity for the developer, parties, and the public to directly address the Review Board members with evidence regarding the potential impacts of the proposed project and the adequacy of mitigations, and to share their views and recommendations on how to proceed. The Board will give public notice a minimum of 30 days before the hearing and will host a pre-hearing conference to provide parties with information on the hearing format, clarify expectations, and encourage effective and efficient participation.

Parties that wish to intervene in the hearing will submit interventions which clearly state their conclusions and recommendations based on evidence on the public record. Diavik will provide responses to interventions prior to the hearing, including any proposed amendments, additions, or refinements to the development description, its own prediction of impacts, or mitigation commitments. The Review Board will provide guidance on how to prepare an intervention before parties start working on their interventions.

At the hearing, parties can question the developer and other parties. The Review Board may identify undertakings that parties or the developer commit to during the public hearing. After responses to those undertakings are submitted, parties and the developer will submit written closing arguments to the Review Board.

The Review Board will issue Notices of Proceeding as needed during the hearing phase to provide more guidance on specific stages (for example, interventions, public hearings, closing arguments).⁷

2.5 Decision phase

After the hearing phase, the Review Board will close the public record for the environmental assessment and begins its final deliberations. Upon thoroughly considering the material on the public record, the Review Board will release a *Report of Environmental Assessment and Reasons for Decision*. The Review Board will provide the Minister with its *Report of Environmental Assessment* in accordance with subsection 128(2) of the MVRMA.

⁷ Notices of Proceeding provide detailed descriptions of environmental assessment process steps including roles, responsibilities, links to relevant documents and deadlines. For example, see *Notice of Proceeding on Information Requests* on the public registry (PR#41).

3 ESTIMATED SCHEDULE

This section describes the process steps and estimated time requirements for each phase in the environmental assessment since its initial referral. The *Updated Workplan* does not provide detailed information on each process step. This information will instead be provided through Notices of Proceeding, issued throughout the EA process.

The Review Board considered feedback received from parties and Diavik on the draft workplan during the scoping phase of the environmental assessment when it developed this *Updated Workplan*.⁸ The *Updated Workplan* has been developed to reflect reasonable predictions about how long each process step will take. Specific dates have been included for the analytical phase of the environmental assessment. Dates for the hearing and decision phases are not specified, though the estimated month in which activities will take place has been included. Parties will be canvassed soon regarding the hearing phase schedule, particularly related to potential hearing dates.

The predictions for the length of each process step include the assumption that the information received from Diavik at each process step will be of good quality and does not require time for additional clarification or other improvement. The *Rules of Procedure* specify that the Review Board may revise this *Updated Workplan* as necessary to ensure a fair and efficient environmental assessment process.

As of April 18, 2019, the Review Board and parties had used 50 days, or just under two months, of its allotted 16 months, as legislated under the *Mackenzie Valley Resource Management Act*. The 16-month legislated timeline includes both party and Review Board time but excludes the developer's time. The estimated total Review Board and party time for this environmental assessment is 5.5 months (See Table 1).

4 CONTACT INFORMATION

For questions or more information on this environmental assessment, please contact Kate Mansfield (867-766-7062, kmansfield@reviewboard.ca) or Catherine Fairbairn (867-766-7054, cfairbairn@reviewboard.ca).

⁸ The Review Board received numerous comments from parties and the developer about the draft workplan. Parties were concerned about the proposed joint Wek'èezhì Land and Water Board and Review Board hearings, the legislated timelines, and the time that parties have to prepare for various environmental assessment steps. For more information see the [Scoping ORS Summary](#) (PR#37) and the [March 22, 2019 Letter from the Tlicho Government](#) (PR#36).

Table 1. Workplan for EA1819-01 with estimated schedule and timelines

| Process Phase | Process Step | Duration (calendar days) | Date |
|---|--|---|--------|
| Start-up | Referral to environmental assessment | - | 19-Feb |
| | Notice of referral, reasons, and draft scope | 6 | 26-Feb |
| Scoping | In-person scoping meeting | 20 | 18-Mar |
| | Party comments on scoping | 4 | 22-Mar |
| | Developer response/comments on scoping | 7 | 29-Mar |
| Analytical | MVEIRB issues final scoping document, updated workplan, Review Board information requests | 20 | 18-Apr |
| | Developer response to Review Board information requests | 21 | 9-May |
| | Party (and additional Review Board) information requests | 21 | 30-May |
| | Developer response to party and Review Board information requests | 14 | 13-Jun |
| Hearing | Pre-hearing conference | June and July 2019 | |
| | Party interventions | | |
| | Developer response to interventions | | |
| | Parties submit hearing presentations | | |
| | Developer submits hearing presentation | | |
| | Review Board public hearing | End of July 2019 (parties will be canvassed for availability) | |
| | Undertakings deadline | Fall 2019 | |
| | Parties submit closing arguments | | |
| | Developer submits closing arguments | | |
| Decision | Review Board deliberations and decision, report of environmental assessment released | | |
| | Ministers' environmental assessment decision | --- | --- |
| Recommence Land and Water Board process | | | |