



JUN 04 2021

BY EMAIL

Mr. Mark Cliffe-Phillips
Executive Director
Mackenzie Valley Environmental Impact Review Board
200 Scotia Centre
PO BOX 938
YELLOWKNIFE NT X1A 2N7

Dear Mr. Cliffe-Phillips:

Government of the Northwest Territories' 2020 annual environmental assessment measures report for the Diavik Diamond Mines Inc.'s depositing processed kimberlite into pit(s) and underground project (EA1819-01)

On behalf of the Government of the Northwest Territories (GNWT), I would like to share our first annual environmental assessment measures report (the Annual Report) for the Diavik Diamond Mines Inc.'s depositing processed kimberlite into pit(s) and underground project. The 2020 Annual Report describes the implementation of measures directed to the GNWT, as required by the EA1819-01 follow-up program and captures the activities completed between June 5, 2020 and March 31, 2021.

The attached Annual Report lists all measures directed to the GNWT and summarizes GNWT actions. Suggestions from EA1819-01 directed to the GNWT are being considered as appropriate. These suggestions are not captured in the attached 2020 Annual Report.

In order to facilitate a thorough internal review process, the initial reporting period ended March 31, 2021. All following annual reports will then cover activities completed between April 1 and March 31, and will be submitted by June 5 each year.

Upcoming Fall 2021 update to Measure 6-1

While measures reporting is only required on an annual basis, in an effort to mitigate the COVID-19 delays experienced in trying to implement Measure 6, the GNWT intends to submit a separate update in the Fall of 2021 with additional information on the implementation of Measure 6. This update is a one-time event directly related to COVID-19 and the GNWT will resume its regularly scheduled annual reporting in 2022. As COVID-19 has had varying impacts

.../2

on communities, as well as other varying types of COVID-19 related delays, a significant amount of the collaborative work with the applicable Indigenous governments and organizations could only be completed in 2021. Formal engagement began in February 2021 and, despite delays, the GNWT will ensure that this work is completed respectfully and addresses the needs of Indigenous governments and organizations. A separate report summarizing the outcomes from the Measure 6-1 work is expected from the GNWT's contractor in Summer 2021. The GNWT will continue to work closely with the Indigenous governments and organizations throughout this period and will provide an update on the progress of the measure and next steps in the Fall of 2021.

Should the Mackenzie Valley Environmental Impact Review Board or any parties have any questions about the 2020 Annual Report, please contact Katie Rozestraten, Project Assessment Analyst, by email at Katie_Rozestraten@gov.nt.ca.

Sincerely,



Lorraine Seale
Director, Securities and Project Assessment
Lands

Attachment



Government of the Northwest Territories'

Diavik Diamond Mines Inc.
Depositing processed kimberlite into pit(s) and underground
2020 Annual Environmental Assessment Measures
Report

(as required by Follow-up Program)

EA11819-01

SUBMITTED TO

Mackenzie Valley Environmental Impact Review Board

200 Scotia Centre, P.O. Box 938

YELLOWKNIFE, NT X1A 2N7

June 4, 2021

Diavik’s depositing processed kimberlite into pit(s) and underground project
EA1819-01:
GNWT Annual Environmental Assessment Measures Report 2020

Following the Diavik Diamond Mine environmental assessment EA1819-01, the GNWT was responsible for follow-up reporting on Measure 6. As such, it is the only measure captured in this report. The report content covers activities undertaken from June 5, 2020 to March 31, 2021.

Follow-up Program: Reporting on implementation of environmental assessment measures
To demonstrate how measures are being implemented and to help evaluate their effectiveness, Diavik, government, and any regulatory authority that is wholly or partly responsible for implementation of any measure in this Report of Environmental Assessment will communicate to the Review Board on the implementation of measures.

Part A: Diavik and governments will provide annual reports to the Review Board beginning one year after the date of the final approval of this Report of Environmental Assessment, and annually afterwards. These reports will:

- i. describe the actions, including actions carried out through adaptive management, being undertaken (by the organization submitting the report) to implement the measures; and
- ii. based on available information, comment on how effective these actions have been in reducing or avoiding impacts on the environment (for example, considering the results of monitoring programs or adaptive management frameworks) from the Project.

Part B: Regulatory authorities will report as described in Part A, above, or will clearly and explicitly include details about implementation of environmental assessment measures in Reasons for Decision documents whenever a regulatory decision (including future changes to a licence, permit, or management plan) relates to a Project environmental assessment measure. If relying on Reasons for Decision, regulatory authorities will provide a summary of how they are implementing each measure directly to the Review Board in a reasonable time after the Reasons for Decision are published.

MEASURE 6
Adaptive management of cultural impacts

DESCRIPTION OF THE MEASURE:

To mitigate significant cumulative adverse cultural impacts of the Project, the Government of the Northwest Territories will engage and work with Indigenous intervenors, and the communities they represent, to **monitor and adaptively manage** adverse impacts on cultural well-being from the Project, in combination with the Diavik Mine and other diamond mining projects.

The Government of the Northwest Territories will support the Indigenous intervenors to **develop community-specific cultural well-being indicators** to monitor and evaluate cultural well-being impacts associated with the Project, in combination with other diamond mining projects.

The Government of the Northwest Territories will meet with potentially affected Indigenous communities¹ within one year of Ministerial approval of this Report of Environmental Assessment, and annually afterwards (or as agreed to by the Indigenous intervenors), to:

- a) prioritize cultural well-being impacts related to the Project and other diamond mines, as identified by communities and by the Government of the Northwest Territories,
- b) evaluate the effectiveness of Government of the Northwest Territories programs or other programs to address these identified impacts, and
- c) discuss improvements to existing Government of the Northwest Territories programs to mitigate identified impacts, new Government of Northwest Territories programs, or support for new community-based programs.

The Government of the Northwest Territories will **submit an annual progress report** on the three items above to the Indigenous intervenors², describing its engagement on and adaptive management of cultural impacts, and the Government of the Northwest Territories' plans to help address identified impacts.

Where feasible, the Government of the Northwest Territories should coordinate and collaborate with Diavik and the other diamond mining operators in the Northwest Territories when carrying out this measure.

Outcomes of this measure should be used, where relevant and available, to inform work on other measures.

¹ In this measure, the Review Board uses the term "potentially affected Indigenous communities" to mean communities represented by Indigenous intervenors in this environmental assessment and the Kitikmeot Inuit Association.

² "intervenors" refers [to] intervenors to this environmental assessment process

Note: red text has been added by the GNWT as a qualifier to improve comprehension

2020 GNWT FOLLOW-UP PROGRAM RESPONSE:

To demonstrate the GNWT's implementation actions for Measure 6, and to evaluate effectiveness, the following summary is provided:

Part A

Item i:

Actions undertaken between June 5, 2020 and March 31, 2021:

- As a result of the global COVID-19 pandemic, there were delays establishing an implementation plan for Measure 6.
- As the GNWT considered the feasibility of different implementation options, there was limited engagement with the potentially affected Indigenous communities (as defined by Measure 6) but regular communication with these groups was established in early 2021.
- As the pandemic is still ongoing, the GNWT expects further delays. The GNWT anticipates that the contract may have to be amended to allow for in-depth engagement, which would cause some delays in achieving core

MEASURE 6

Adaptive management of cultural impacts

DESCRIPTION OF THE MEASURE:

activities. However, the GNWT anticipates that the core project activities will be achieved by late Summer 2021. Finalizing implementation will occur only after the core activities are completed.

- The GNWT formed an interdepartmental joint implementation team to fulfill the measure composed of the departments of Health and Social Services; Education, Culture and Employment; Industry, Tourism and Investment; Lands; and the Bureau of Statistics.
- The GNWT secured an independent, third-party evaluator (MNP) to support this work, including: identifying definitions of cultural wellbeing and working with IGOs to identify definitions that meet their unique cultures, knowledge and communities; coordinate engagement with IGOs, stakeholders and interested parties and ensure that this engagement meets the preferences of the IGOs; and, identify cultural wellbeing indicators. This work will reflect the perspectives of each community in the identification and development of indicators that can measure cultural well-being. Work will also be undertaken with the potentially affected Indigenous communities to make recommendations on monitoring the indicators that are developed.
- Part of the GNWT's implementation plan was to establish a Technical Advisory Panel (TAP), consisting of representatives from the potentially affected Indigenous communities. Panel members will represent and provide input on what culture means to each community. The TAP will help guide the implementation of the measure by informing and supporting the development of definitions of cultural well-being and community specific cultural well-being indicators.
- In early 2021, the GNWT invited all potentially affected Indigenous communities (i.e. Fort Resolution Métis Government, Kitikmeot Inuit Association, Yellowknives Dene First Nation, Łutsel K'e Dene First Nation, Deninu Kų́ę First Nation, North Slave Métis Alliance, Northwest Territories Métis Government, and Tłı̨chų Government) to identify their preferred representatives for the panel.
- As of March 31st, the first TAP meeting was scheduled for April 8th, 2021 and all but one group had confirmed their representatives for the TAP. The exception was Deninu Kų́ę First Nation, where an election had delayed the leadership from selecting a representative. The Tłı̨chų Government identified representatives, but requested to be engaged in a parallel process, rather than participating in the TAP meetings.
- The GNWT has begun initial conversations with Indigenous intervenors on the funding required to support capacity for this project.
- The GNWT recognizes that this work needs to be holistic, community-based and culturally relevant and as such, we are working with the IGOs to ensure that our approach and cultural well-being impacts can be captured in a manner that best supports the values, way of life, and needs of these potentially affected Indigenous communities.

Part A

Item ii:

Comments on effectiveness:

- The effectiveness of Measure 6 efforts cannot be measured at this point in time as the project is only just beginning. The preliminary work of the contractor, MNP, is currently on schedule to be completed by late Summer 2021.