

April 18, 2019

Notice of Proceeding – Information Requests

EA1819-01 Depositing kimberlite into pits and underground- Diavik Diamond Mines Inc.

Re: Information Requests

The Review Board issued its final *Scope of Environmental Assessment and Reasons for Decision* (PR#40)¹ for EA1819-01 on April 18th, 2019. The next step of the environmental assessment (EA) process is now entering the analytical phase, which will begin with information requests.

The purpose of information requests is to give parties and the Review Board the opportunity to request additional information or seek clarification in order to better understand the project and its potential effects. The Review Board may decide that additional round(s) of information requests or technical review are necessary before entering the hearing phase.

As outlined in the *Updated Workplan* (PR#42), the analytical phase of this environmental assessment will proceed as follows:

Step	Description	Deadline
Step 1	Review Board issues <i>Scope of Environmental Assessment and Reasons for Decision</i> and initial information requests, including a request for a Summary Impact Statement	18-Apr
Step 2	Developer response to initial Review Board information requests	9-May
Step 3	Parties (including the Review Board) issue information requests	30-May
Step 4	Developer and party responses to information requests	13-Jun

Step 1: Review Board issues *Scope of Environmental Assessment and Reasons for Decision* and initial information requests

The first step of the analytical phase involves the Review Board asking initial information requests to the developer, including a requirement for a Summary Impact Statement. This

¹ PR refers to “public registry” number.



requirement, along with other initial information requests to Diavik, can be found on the online review system [here](#).

The Review Board will also issue information requests to parties that can be answered at any point before June 13th, 2019, as described in Step 4 below.

Step 2: Diavik responds to initial information requests

Under the *Updated Workplan* (PR#42), Diavik will provide the Summary Impact Statement and responses to the Review Board's initial information requests by **May 9th, 2019**.

Step 3: Parties, including the Review Board, issue information requests

The due date for party information requests to the developer is **May 30th, 2019**. The Review Board may ask additional information requests at this time as well.

All information requests are subject to the Review Board's [Late Submission Policy](#) and late submissions will not be accepted unless a written request for extension has been received and approved by the Review Board prior to the deadline above.

Step 4: Response to information requests

Responses to information requests, from both parties and the developer, are due **by June 13th, 2019**.

Preparing Information Requests

As described in Step 3 above, the Review Board encourages parties to review all relevant sources of evidence for this environmental assessment when preparing information requests. These include:

- Diavik's [Water Licence Amendment Request](#),
- the [Comprehensive Study Report](#) from the original Diavik Mine environmental assessment,
- Diavik's Summary Impact Statement and responses to the Review Board's initial IRs,² and
- all other relevant information available on the Review Board's [public registry](#) for this file.

The Review Board encourages parties to meet with each other and the developer directly to discuss and resolve issues during the information request stage and at any time during this environmental assessment. The Review Board requires that any and all such meetings are documented and reported to the Review Board for inclusion on the public registry.³

² The Review Board's initial information requests can be found here: http://lwbors.yk.com/LWB_IMS/ReviewComment.aspx?appid=12715.

³ Please see the Review Board's template for meeting report online here: <http://reviewboard.ca/file/821/download?token=VtQ0Pnkd>



Review Board approval of information requests

Rules 37-41 of the Review Board's [Rules of Procedure](#) describe the procedure for information requests during a Review Board proceeding. Under Rule 8, the Review Board may dispense with, vary, or supplement the Rules.

With this Notice, the Review Board is modifying the procedure for information requests. As a result, **the information requests (IR) process for this EA will be as follows:**

1. Parties may seek information within the scope of assessment for this EA from any other party, within the time set out by the Review Board. The scope of assessment is set out in the *Scoping Document and Reasons for Decision*.
2. Information requests must be submitted to the Review Board using the Online Review System, or other means set out by the Review Board, and will thus be accessible to all parties and the public. If a party experiences technical or other difficulty, they can contact Review Board staff for assistance.
3. The Review Board has the authority to reject any IR that is outside the scope of the environmental assessment, is offensive, or for other reasons determined by the Review Board. If the Review Board rejects an IR, the Board would notify parties and no IR response would be required.
4. Unless the Review Board gives such notice, parties from whom information is requested are responsible for providing a response within the time set out by the Board.
5. If the party from whom information is requested objects to providing the information, that party may request a ruling from the Review Board in accordance with Rules 46-50, and should do so as soon as possible. The IR does not need to be answered until the Review Board's ruling is released.
6. If the party requesting information believes the IR response does not provide the requested information and does not provide adequate rationale explaining why the information is not provided, then that party may request a ruling from the Review Board, in accordance with Rules 46-50.

As part of the process set out above, Review Board staff review all new IRs as they are posted to the Online Review System and advise the Review Board if any IRs appear to be offensive or clearly outside the scope of assessment. In such a case, the Review Board may seek clarification from parties before ultimately deciding whether to reject the IR in question. IRs



that are clearly offensive may be removed immediately by Review Board staff, pending the Review Board's review and decision.

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).

