DIAVIK DIAMOND MINES INC. (DDMI) WATER LICENCE RENEWAL
POST-HEARING WORK PLAN

A. Introduction

Purpose:
- To provide a work plan and schedule to implement the Board’s decision from the November 7-10 Public hearing that requires additional work on the Aquatic Effects Monitoring Program (AEMP) and Ammonia Management Plan (AMP) prior to renewal of the water licence.

Approach:
- This work plan and schedule have been developed and approved by the Board with the intent that they are not to be altered. This is to provide certainty to all parties on the dates of certain work and deadlines.
- Any amendments to the work plan or schedule that may be deemed helpful to the process can be made only by the Board.
- The Board recognizes that this work plan requires substantial effort from all parties: interveners, DDMI and Board staff, and asks that all parties make every reasonable effort to provide strong input into the work for the larger benefit of ensuring the best protection to Lac de Gras.
- The Board is to remain actively involved in this work through key decision-making milestones and regular updates from staff.
- The Board will retain objective technical peer reviewers for each of the AEMP and AMP to advise the Board on key technical issues. The peer reviewers must not have had any previous involvement with the Diavik project. The Board will solicit suggestions for candidate peer reviewers from all parties, including DDMI, but will not be bound by those suggestions for their selections.
- This work plan is to be implemented by staff in a transparent and fair manner that provides opportunity for involvement by all parties who are interveners to the licence renewal process.
- The evidence provided at the public hearing for the water licence renewal will provide the basis for work performed under this work plan.
B. Aquatic Effects Monitoring Program (AEMP)

Goals:

- To provide the opportunity for a revised AEMP to be implemented by DDMI for the late-winter, April field program.
- To continue to provide for input from interveners to the licence renewal proceeding.
- To use an objective, technical peer reviewer to provide advice to the Board on key technical issues.
- To develop, as the first phase of the work plan, a Terms of Reference for the AEMP study design that will be approved by the Board and that will then be provided to DDMI as firm guidance for preparation of the AEMP study design.

Phase 1, Terms of Reference:

- The Board will solicit suggestions for candidate peer reviewers from all of the parties, including DDMI.
- The Board will select the peer reviewer based on the candidates suggested by the parties, DDMI or Board staff and consultants.
- The Board’s technical consultant (Gartner Lee Limited) will prepare a preliminary AEMP Terms of Reference that will be reviewed by the peer reviewer.
- The Draft AEMP Terms of Reference will then be circulated to all parties, including DDMI, for comment.
- The Board will issue the Final AEMP Terms of Reference to DDMI based on input from DDMI, the reviewers, Board staff, Gartner Lee and if necessary, the peer reviewer.

Phase 2, Revised AEMP:

- DDMI will prepare a Revised AEMP based on the Terms of Reference issued by the Board.
- The Revised AEMP will be circulated to all parties for comment.
- A Technical Workshop will be organized by Board staff to provide a forum for interaction between parties and DDMI to resolve outstanding issues.
- The revised AEMP and review comments will be forwarded to the peer reviewer for comment.
- The Board will review all of the information and provide further direction to DDMI and the parties; at that time, it is possible that the Board may approve the revised AEMP for implementation in the late-winter, April field program.

Phase 3, Implementation:

- DDMI will continue to implement the current (“2001”) AEMP until a revised AEMP is approved by the Board; DDMI will subsequently implement the approved revised AEMP.
The following schedule has been developed and approved by the Board and can be changed only by the Board; also refer to the bar chart schedule attached.

<table>
<thead>
<tr>
<th>Task</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Aquatic Effects Monitoring Program (AEMP)</strong></td>
<td></td>
</tr>
<tr>
<td>Phase 1, Terms of Reference</td>
<td></td>
</tr>
<tr>
<td>a) Board request for candidate peer reviewers</td>
<td>Dec 4.</td>
</tr>
<tr>
<td>b) Parties/DDMI suggest candidate peer reviewers</td>
<td>Dec 8.</td>
</tr>
<tr>
<td>c) Board selects peer reviewer</td>
<td>Dec 15.</td>
</tr>
<tr>
<td>d) Board/GLL prepares Preliminary ToR</td>
<td>Dec 15.</td>
</tr>
<tr>
<td>e) Peer review of Preliminary ToR</td>
<td>Dec 21.</td>
</tr>
<tr>
<td>f) Board prepares/circulates Draft ToR to Parties/DDMI</td>
<td>Dec 22.</td>
</tr>
<tr>
<td>g) Parties/DDMI review Draft ToR</td>
<td>Jan 12.</td>
</tr>
<tr>
<td>h) Board/GLL prepare Final ToR</td>
<td>Week of Jan 15.</td>
</tr>
<tr>
<td>i) Peer review of Final ToR and final revisions</td>
<td>Week of Jan 15.</td>
</tr>
<tr>
<td>j) Board reviews Final ToR and directive to DDMI</td>
<td>Jan 22.</td>
</tr>
<tr>
<td>possible additional work on ToR if directed by Board</td>
<td>To be determined.</td>
</tr>
<tr>
<td>Phase 2, Revised AEMP</td>
<td></td>
</tr>
<tr>
<td>k) DDMI prepares Draft AEMP</td>
<td>Feb 16 (4 weeks).</td>
</tr>
<tr>
<td>l) Board circulate Draft AEMP to Parties</td>
<td>Feb 16.</td>
</tr>
<tr>
<td>m) Parties review Draft AEMP</td>
<td>Mar 2 (2 weeks).</td>
</tr>
<tr>
<td>n) Board facilitated Technical Workshop</td>
<td>Week of Mar 5.</td>
</tr>
<tr>
<td>o) Board consolidation of comments</td>
<td>Mar 9.</td>
</tr>
<tr>
<td>p) Peer review of comments and consolidation</td>
<td>Mar 16.</td>
</tr>
<tr>
<td>q) Board review of information</td>
<td>Weeks of Mar 12 and 19.</td>
</tr>
<tr>
<td>r) Board directive to DDMI - possible approval of AEMP</td>
<td>Mar 23.</td>
</tr>
<tr>
<td>possible additional work on AEMP if directed by Board</td>
<td>To be determined.</td>
</tr>
<tr>
<td>Phase 3, Implementation</td>
<td></td>
</tr>
<tr>
<td>s) DDMI winter field program</td>
<td>Mar 23 onwards or as directed by the Board.</td>
</tr>
<tr>
<td>t) DDMI ongoing implementation</td>
<td>Mar 23 onwards or as directed by the Board.</td>
</tr>
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</table>

**Colour Key:**
- Red, Board or Board/Staff tasks.
- Blue, DDMI Tasks.
- Green, Expert/Peer Review Tasks.
- Brown, Reviewer Tasks (may include DDMI in some cases)

**C. Ammonia Management Plan (AMP)**

**Goals:**
- To provide the opportunity for DDMI to develop an AMP that is satisfactory to the Board for renewal of the water licence.
- To continue to provide for input from interveners to the licence renewal proceeding.
- To use an objective expert panel to provide advice to the Board on key technical issues.
To conduct, as the first phase of the work plan, an objective expert peer review of the current information.

**Phase 1, Peer Review:**

- The Board will solicit suggestions for the expert panel from all of the parties, including DDMI.
- The Board will circulate a draft Statement of Work for the expert panel to all of the Parties, including DDMI, for comment.
- The Board will select the expert panel and finalize the Statement of Work based on the suggestions from the parties, DDMI or Board staff and consultants.
- The expert panel will review the current information and provide a report to the Board.
- The Board will circulate the peer review report to all of the parties, including DDMI, for comment.
- The expert panel will provide a brief response to the review comments.
- The Board will then review all of the information and provide a directive to DDMI regarding further work on the AMP.

**Phase 2, AMP:**

- DDMI will prepare an AMP according to the Board’s directive.
- The AMP will be circulated to all parties for comment.
- A Technical Workshop may be organized by Board staff to provide a forum for interaction between parties and DDMI to resolve outstanding issues.
- The AMP and review comments will be forwarded to the expert panel for comment.
- The Board will review all of the information and provide further direction to DDMI and the parties; at that time, it is possible that the Board may approve the AMP.

**Schedule:**

- The following schedule has been developed and approved by the Board and can be changed only by the Board; also refer to the bar chart schedule attached.
## Ammonia Management Plan (AMP)

### Phase 1, Peer Review

<table>
<thead>
<tr>
<th>Task</th>
<th>Deadline</th>
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<tbody>
<tr>
<td>a) Board request for expert panel candidates</td>
<td>Dec 4.</td>
</tr>
<tr>
<td>b) Parties/DDMI suggest candidates for expert panel</td>
<td>Dec 8.</td>
</tr>
<tr>
<td>c) Board circulates draft SoW for expert panel</td>
<td>Dec 4.</td>
</tr>
<tr>
<td>d) Parties/DDMI comment on draft statement of work</td>
<td>Dec 8.</td>
</tr>
<tr>
<td>e) Board selects expert panel and finalizes SoW</td>
<td>Dec 15.</td>
</tr>
<tr>
<td>f) Board information transfer to expert panel</td>
<td>Jan 5 (possible briefing meeting involved).</td>
</tr>
<tr>
<td>g) Interim peer review of information; update to Board</td>
<td>Jan 19 (2 weeks).</td>
</tr>
<tr>
<td>h) Final peer review of information</td>
<td>Feb 2 (2 weeks).</td>
</tr>
<tr>
<td>i) Board receives and circulates peer review report</td>
<td>Feb 9.</td>
</tr>
<tr>
<td>j) Parties/DDMI comment on peer review report</td>
<td>Feb 23 (2 weeks).</td>
</tr>
<tr>
<td>k) Expert panel response to review comments</td>
<td>Mar 2.</td>
</tr>
<tr>
<td>l) Board consolidation of comments</td>
<td>Mar 9.</td>
</tr>
<tr>
<td>m) Board review of information and directive to DDMI</td>
<td>Mar 16.</td>
</tr>
</tbody>
</table>

### Phase 2, Ammonia Management Plan (may possibly be dropped in lieu of Public hearing)

<table>
<thead>
<tr>
<th>Task</th>
<th>Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>n) DDMI prepares AMP</td>
<td>Apr 13 (4 weeks).</td>
</tr>
<tr>
<td>o) Board circulates AMP to Parties/technical panel</td>
<td>Apr 13.</td>
</tr>
<tr>
<td>p) Parties/expert panel review AMP</td>
<td>Apr 27 (2 weeks).</td>
</tr>
<tr>
<td>q) Board facilitated technical workshop, if needed</td>
<td>Week of Apr 30.</td>
</tr>
<tr>
<td>r) Board consolidation of comments</td>
<td>May 11.</td>
</tr>
<tr>
<td>s) Peer review of comments and consolidation</td>
<td>May 18.</td>
</tr>
<tr>
<td>t) Board review of information</td>
<td>Week of May 21.</td>
</tr>
<tr>
<td>u) Board directive to DDMI - possible approval of AMP</td>
<td>May 25.</td>
</tr>
</tbody>
</table>

**Possible additional work on AMP if directed by Board**

To be determined.

**Colour Key:** Red, Board or Board/Staff tasks. Blue, DDMI Tasks. Green, Expert/Peer Review Tasks. Brown, Reviewer Tasks (may include DDMI in some cases)

## D. Renewal Licence

### Goals:

- To provide a renewal water licence for approval of the Minister prior to expiry of the current water licence in August 2007.
- To provide an opportunity for all Parties and DDMI to comment on a draft renewal water licence.

### Work Plan:

- The Board and staff will develop a draft renewal water licence and circulate to all parties, including DDMI, for comment.
- The Board and staff will consider the review comments and will issue a final renewal water licence for approval of the Minster.
Schedule:

- The following schedule has been developed and approved by the Board and can be changed only by the Board; also refer to the bar chart schedule attached.
- If the Board determines that a Public hearing is to be held, then a process and schedule for the Hearing will be circulated.

<table>
<thead>
<tr>
<th>Renewal Licence</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Board prepares draft renewal licence</td>
<td>Jun 1.</td>
</tr>
<tr>
<td>b) Board circulates draft renewal licence to Parties/DDMI</td>
<td>Jun 1.</td>
</tr>
<tr>
<td>c) Parties/DDMI review draft renewal licence</td>
<td>Jun 15 (2 weeks).</td>
</tr>
<tr>
<td>d) Board finalizes renewal licence</td>
<td>Week of Jun 25.</td>
</tr>
<tr>
<td>g) Board issues Renewal Licence to Minister</td>
<td>Jun 29.</td>
</tr>
<tr>
<td>h) Minister’s review and (assumed) signature (60 days)</td>
<td>August 31.</td>
</tr>
</tbody>
</table>

Colour Key: Red, Board or Board/Staff tasks. Brown, Reviewer Tasks (may include DDMI in some cases)
October 4, 2006

Mr. Zabey Nevitt  
Wek’eezhii Land and Water Board  
c/o Mackenzie Valley Land and Water Board  
7th Floor – 4910 50th Avenue,  
PO Box 2130  
Yellowknife, NT X1A 2P6

Re: Post Hearing Process - Water License Renewal

Your letter of October 2, 2006 asked that interested parties make submissions to the Board outlining suggestions on the post-hearing process. The following is DDMI’s initial submission. We may provide additional comment in response to any suggestions from other parties.

DDMI submits that there are two post-hearing processes that should be clarified by the WLWB:

1. A process for incorporating changes to terms and conditions of the License, brought forward as evidence at the public hearing, into the renewed License. DDMI supports the post-hearing process already defined for this purpose, by the WLWB, in the Renewal Work Plan. We understand the steps in this process to be:
   • WLWB prepares a Draft Water License with revised terms and conditions based on the evidence presented at the public hearing,
   • The Draft Water License is then sent to all parties for comment,
   • DDMI is provided opportunity to respond to comments on the Draft Water License.
   • The WLWB finalizes the Water License.

2. A process for providing technical recommendations to the WLWB regarding management and monitoring plans, discussed at the hearing, that are a part of the ongoing administration of both the existing and renewed Water License. DDMI submits that this can be completed within the scope and mandate of the Diavik Technical Committee (DTC) as suggested by the WLWB in their letter of February 22, 2006.

   The AEMP is expected to be one of the plans to be considered further by the DTC, post-hearing. We understand that within Environment Canada there are people with specific expert knowledge of aquatic effects monitoring and particularly the review and approval of monitoring plans for mining operations. DDMI suggests that this knowledge and experience could be of considerable assistance to the DTC and the WLWB.
Thank you for considering these suggestions.

Regards,

[Signature]

Gord Macdonald

cc: Anne Wilson – Environment Canada (email)
October 17, 2006

Mr. Zabey Nevitt
Executive Director
Wek’èezhii Land and Water Board
Box 32
WEKWEETI, NT X0E 1W0

Dear Mr. Nevitt:

Re: Diavik Post-Hearing Process

Thank you for the October 2, 2006 correspondence in which comments were solicited on a post-hearing process for the Diavik Diamond Mines Inc. Water Licence Renewal.

A post-hearing process may be needed if issues germane to the Water Licence Renewal are not addressed at the Public Hearing scheduled for November 7-10th. For instance, in the case of the Aquatic Effects Monitoring Program (AEMP), further workshops may be needed if the AEMP is to be finalized prior to expiry and renewal of the Water Licence. It is INAC’s position that all major issues, including the AEMP, Ammonia Management Plan, and Closure and Reclamation Plan (CRP), be resolved prior to the renewal of Diavik’s Water Licence.

With respect to the Public Hearing, INAC would like to inform the Wek’èezhii Land and Water Board that a comprehensive review of the CRP and estimate of reclamation security will not be completed before the October 23, 2006 intervention deadline. The late date of release of the CRP has precluded an appropriate technical review by INAC’s consultant. However, while the review will not be provided in INAC’s intervener submission, INAC will be prepared to present and discuss this topic at the Public Hearing. INAC will distribute the information to the Parties as soon as it is available, possibly before November 7, 2006.
If you have any questions regarding this letter, please contact me at (867) 669-2647.

Sincerely,

<original signed by>

David Livingstone
Director, Renewable Resources and Environment
Date: October 18, 2006

To: Distribution List – Attached

Organization: Various

Fax Number: Various

Copied To:

From: Janna for Peter Lennie-Misgeld, Senior Regulatory Officer

Number of pages including cover 9

Remarks:

RE: Post Hearing Process – Water License Renewal

☐ Enclosures
☐ As requested
☐ For your information
☐ For your comment
☐ For your action
☐ For your approval

Delivered by Fax Date Oct 18/06

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October 16, 2006

Zabey Nevitt  
Executive Director  
Wek’èzhii Land and Water Board  
c/o Mackenzie Valley Land and Water Board  
7th floor, 4910 50th Avenue  
PO Box 2130  
Yellowknife, NT X1A 2P6

Re: Post-hearing process

Dear Zabey,

Further to your letter of October 2 asking for input into the "post-hearing " process, the Environmental Monitoring Advisory Board (EMAB) would respectfully suggest that brief summations be allowed at the conclusion of the hearing. The Board would then indicate a timeline of approximately two weeks for all the interested parties to make their written submissions. Following that, each of the parties could submit their written reply to the submissions. This allows parties the opportunity to analyze and discern the evidence given and, in turn, perhaps formulate their final position.

The Ammonia Management Plan and revised Aquatic Effects Monitoring Program will take several months following the hearing to reach the point where an approval decision can be made. The same may be true of the Interim Closure and Reclamation Plan. The documents submitted for final approval should be subject to public scrutiny since they are the key issues of public concern in the renewal. EMAB will recommend options to achieve this in our intervention.

Thank you for the opportunity to comment on this. Please contact John McCullum at the EMAB office if you require further information.

Sincerely

Doug Crossley  
Chair

Cc EMAB members (by email)  
Parties to the Environmental Agreement
Hi Zabey, et al

I am afraid I will not get the time to find out what “NSMA” thinks of the possibilities of post-hearing processes, however, I am willing to offer some personal comment, based on personal experience. I am no lawyer, and willing to take correction/comments on any of this from anyone with more experience or knowledge. In particular, I’d like to hear John Donihee’s opinion….. (since I know he provided legal opinion/advice to the Yukon Water Board on the compensation topic).

I see that there are a number of issues that remain contentious at this late date, despite the very early application from DDMI and much effort at resolving some of the issues. I suspect that the four days of hearing will not get us much closer to a consensus. I expect that the Board will use the hearing process to question participants and evaluate their information. If the Board is satisfied that they have enough good quality information to do so, they will make a decision.

If there is not enough information for a decision at the end of the scheduled hearings, think there are a number of options for post-hearing processes. The public hearing can be adjourned to a later date, and parties can be directed by the Board to provide specific information in a specific format prior to re-convening the hearing. I think it is also sometimes possible to re-convene the hearing as a written hearing instead of a public hearing.

If needed information is going to take a long time to develop or evaluate, and the project is already in progress (as too often is the case) the Board is in an uncomfortable spot…. To help minimize the likelihood of judicial review, they might want to establish an ad hoc working group to deal with specified issues and try to develop a consensus recommendation to the Board. I believe this is what has been done with the Diavik Technical Committee, the BHP Interim Closure and Reclamation Plan Working Group, the Miramar Con Mine closure working group, etc.

While these working groups can, with proper guidance (mandate, roles and responsibilities, scope) and facilitation, be of substantial assistance to the participants and the Board I do not think this process meets the statutory requirements of the Waters Act, the MVRMA, or the Consultation obligations of Canada. I think it is very risky, and arguably illegal, for the Board to issue “contingent” licenses before they have the information they need to meet their statutory obligations. The Board is specifically prohibited, by section 14 of the NWTWA from issuing a license before they “satisfied” that waste will be disposed of properly, satisfactory compensation will be paid, and the applicant has the financial backing to complete the project, mitigate environmental (biophysical and socio-cultural) impacts, and RESTORE the site (so that means the closure objectives and criteria must be known, and accepted….. right?). It is difficult to see how the Board can be satisfied of something when it is admittedly lacking adequate information. I also don’t see how the information can be made available without intervener funding…… I am quite certain that the NWTWA was NOT intended to be founded on Board Members’ level of trust, faith or optimism level, but rather intended to be based on their well informed and critical evaluation and satisfaction with the validity, reliability, and credibility of the information provided during the proceedings.

It is obviously unfair to an intervener to have a statutory time limit on their ability to make a compensation claim which ends before they have the information on which they would have based the claim (ie: closure objectives, size of project, life of project, location, duration and magnitude of effects, etc.). It is also patently unfair for a project to be changed after an IBA. Environmental, or Socio-economic agreements have been signed, unless the agreements are also updated to match the change in the project. So, no matter which post-hearing process is used, there needs to be a functional mechanism in place by which the Board (or the Minister?) can satisfy itself
that adequate consultation, accommodation and compensation have in fact occurred (NWTWA 144). Whatever process is used to approve environmental management plans, monitoring programs, waste discharge criteria, or reports must be considered a "proceeding", and be "for approval of the Board", subject to the requirements of public notice and a realistic opportunity for interventions. Funding would be nice, too. Alternatively, costs could be claimed against the proponent, as part of a compensation claim (costs are provable damages) under NWTWA section 144(4) and 14(5). If the board did not allow an Aboriginal intervener to claim damages (ie: expenses to prevent, mitigate, or obtain compensation) for interference with their Aboriginal or Treaty rights, then that would mean that constitutionally protected Aboriginal Rights to lands and waters are not protected under the NWTWA, and if that was true, that would render the Act constitutionally invalid, and put every license issued under it at risk of judicial review and nullification.

Sheryl Grieve B.Sc.
Environment and Resource Manager
North Slave Metis Alliance
Box 2301, Yellowknife. X1A 2P7
lands@nsma.net

-----Original Message-----
From: Peter Lennie-Misgeld [mailto:peter@mvlwb.com]
Sent: Tuesday, September 12, 2006 3:56 PM
To: Zabey Nevitt; donihee@telusplanet.net; Anne Wilson; Bart Blais; Charlotte Henry; Chris Heron; 'Dave Balint'; 'Dora Enzoe'; Doug Crossley; Eric Denholm; 'Gord MacDonald'; Jason McNeill; John McCullum; Kathleen Racher; 'Kelly Cott'; Loretta_Ransom@gov.nt.ca; Lorne Napier - Rae Edzo Metis Local; Monica Krieger; MVLWB Permit Email (MVLWB Permit); Nathan Richea; Patty Ewashchuk; Rachel Crapeau; 'Sheryl Grieve'; Stanley Anablak; Tli Cho Lands Protection Department; 'Tony Pearse'; Valerie Meeres; 'Stephen Ellis'; 'Don MacDonald'; 'Ed Hornby'; 'Geoff Clarke'; 'Georgina Biscaye - Deninu K'ue First Nation'; 'Louie Azzolini-YKDFN'; 'Orissa Forest'; 'patric simon'
Subject: WLWB Diavik pre-hearing conference- September 29, 2006
Importance: High

Pre-hearing conference letter attached.

Peter Lennie-Misgeld
Senior Regulatory Officer
Mackenzie Valley Land and Water Board
Phone (867) 766-7469
Fax (867) 873-6610
Date: October 18, 2006

Application MV2005L2-0009 (N7L2-1645)

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### Diavik Distribution List

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<thead>
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<th>Name</th>
<th>Organization</th>
<th>Contact Number</th>
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<tbody>
<tr>
<td>Monica Kreiger</td>
<td>Lutselk’e Dene First Nation</td>
<td>867-370-3143</td>
</tr>
<tr>
<td>Rachael Crapeau</td>
<td>Yellowknives Dene First Nation</td>
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<td>President North Douglas</td>
<td>Behchoko Metis Local #64</td>
<td>867-371-5406</td>
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<tr>
<td>President Robert Tordiff</td>
<td>Northwest Territory Metis Nation</td>
<td>867-872-3586</td>
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<tr>
<td>Chairperson Robert Sayine</td>
<td>Akaitcho Territory Government</td>
<td>867-394-3413</td>
</tr>
<tr>
<td>Dora Enzoe</td>
<td>Akaitcho Pre-screening Board</td>
<td>867-370-3209</td>
</tr>
<tr>
<td>Georgina Biscaye</td>
<td>Akaitcho Pre-screening Board</td>
<td>867-394-5122</td>
</tr>
<tr>
<td>Stephen Ellis</td>
<td>NWT Treaty 8 Tribal Corporation – Akaitcho IMA Implementation Office</td>
<td>867-370-3209</td>
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#### GOVERNMENT - TLICHO

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<thead>
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<th>Name</th>
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<tbody>
<tr>
<td>Chief Leon Lafferty</td>
<td>Behchoko Community Government</td>
<td>867-392-6139</td>
</tr>
<tr>
<td>Chief Henry Gon</td>
<td>Gameti Community Government</td>
<td>867-997-3411</td>
</tr>
<tr>
<td>Chief Charlie Football</td>
<td>Wekweeti Community Government</td>
<td>867-713-2030</td>
</tr>
<tr>
<td>Chief Charlie J. Nitsiza</td>
<td>Whati Community Government</td>
<td>867-573-3018</td>
</tr>
<tr>
<td>Director</td>
<td>Tli Cho Lands Protection Department</td>
<td>392-6406</td>
</tr>
<tr>
<td>Don MacDonald</td>
<td>Tli Cho Lands Protection Department</td>
<td>250 729-9628</td>
</tr>
<tr>
<td>Tony Pearse</td>
<td>Tli Cho Lands Protection Department</td>
<td>250 539-3025</td>
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#### GOVERNMENT - GNWT

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<td>Gregory Empson</td>
<td>YKDFN counsel</td>
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If there is an error in our contact, please notify our office.
**FILE NUMBER:** MV2005L2-0009  
(N7L2-1645)

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<td>From:</td>
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**Remarks:**

- Enclosures
- As requested
- For your information
- For your comment
- For your action
- For your approval

**RE:**

Post Hearing Process – Water License Renewal

Delivered by:  
- Mail  
- Courier  
- Hand  
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- Fax  

Date: Oct 15/05

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Group Send Report

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Line 2 : 
Machine ID : MVLWB

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Start time : 18-Oct 13:09
End time : 18-Oct 14:20

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Unsuccessful nbrs.

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Date & Time: 18-Oct-2006 14:20
Line 1 : +8678736610
Line 2 :
Machine ID : MVLWB

Unsuccessful nbrs. 26

Resent Cut 20/10/06
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Line 2:
Machine ID: MVLWB

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To: 81673715408
Number of pages: 009
Start time: 20-Oct 07:53
End time: 20-Oct 07:56
Pages sent: 000
Status: NG 80

*** SEND FAILED ***

Mackenzie Valley Land and Water Board
7th Floor - 4910 50th Avenue
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0596
FAX (867) 873-6610

FILE NUMBER: MV2006L2-0009
(N7L2-1645)

Date: October 16, 2006
To: Distribution List - Attached
Organization: Various
Fax Number: Various
Copied To: Janna for Peter Lennie-Misiged, Senior Regulatory Officer

Number of pages including cover 9

Remarks:

RE: Post Hearing Process - Water License Renewal

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Pearl Liske

From: Peter Lennie-Misgeld [peter@mvlwb.com]
Sent: Monday, October 02, 2006 3:07 PM
To: Zabye Nevitt; donihee@telusplanet.net; Anne Wilson; Bart Blais; Charlotte Henry; Chris Heron; Dave Balint; 'Dora Enzoe'; Doug Crossley; Eric Denholm; 'Gord MacDonald'; GREGORY C. EMPSON; Jason McNeill; John McCullum; Kathleen Racher; 'Kelly Cott'; Ken Dahl; Loretta Ransom@gov.nt.ca; Lorne Napier - Rae Edzo Metis Local; Monica Krieger; MVLWB Permit Email (MVLWB Permit); Nathen Richea; Patty Ewashchuk; Rachel Crapeau; 'Sheryl Grieve'; Stanley Anablak; Tli Cho Lands Protection Department; 'Tony Pearse'; Valerie Meeres; 'Steve Harbicht'; 'Don MacDonald'; 'Geoff Clarke'; 'Georgina Biscaye - Deninu K'ue First Nation'; 'Louie Azzolini-YKDFN'; 'Orissa Forest'; 'patric simon'; 'Rosy Bjornson - DKFN IMA coordinator'; 'Stephen Ellis'

Subject: WLWB letter post hearing process comments Oct 2006.pdf

letter attached, faxed version to follow.

Peter Lennie-Misgeld
Senior Regulatory Officer
Mackenzie Valley Land and Water Board
Phone (867) 766-7469
Fax (867) 873-6610
October 2, 2006

To: Diavik Distribution List via Fax

Dear Sir/Madame:

**Diavik Post-Hearing Process**

The Wek’éezhii Land and Water Board’s (‘The Board’) held a pre-hearing conference on September 29, 2006. Board staff noted that several participants stated that a ‘post-hearing’ process might be required after the Public Hearing and that the Board should give some consideration on this issue before the Public Hearing is held in November 2006.

The Board agrees that this is an important issue and asks that interested parties make submissions to the Board outlining their suggestions on the post-hearing process. The Board will take your submissions into consideration but does not intend to make any decisions on this matter until the hearing is completed. Please submit your comments by **October 16th, 2006**.

If you have any questions regarding this letter, contact Peter Lennie-Misgeld at (867) 669-0506 or email peter@mvlwb.com.

Yours sincerely,

Zabey Nevitt
Executive Director
Date: October 2, 2006

**Application MV2005L2-0009 (N7L2-1645)**

**Diavik Distribution List**

<table>
<thead>
<tr>
<th>FIRST NATIONS/ABORIGINAL ORGANIZATIONS</th>
<th>Contact Information</th>
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<tbody>
<tr>
<td>Monica Kreiger</td>
<td>Lutselk’e Dene First Nation, 867-370-3143</td>
</tr>
<tr>
<td>Rachael Crapeau</td>
<td>Yellowknives Dene First Nation, 669-9003</td>
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<tr>
<td>Chief Robert Sayine</td>
<td>Deninu K’ue First Nation, 867-394-5122</td>
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<tr>
<td>President Lloyd Cardinal</td>
<td>Fort Resolution Metis Council, 867-394-3322</td>
</tr>
<tr>
<td>Sheryl Grieve</td>
<td>North Slave Metis Alliance, 669-7442</td>
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<td>President North Douglas</td>
<td>Behchoko Metis Local #64, 867-371-5406</td>
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<tr>
<td>Chairperson Robert Sayine</td>
<td>Akaitcho Territory Government, 867-394-3413</td>
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<tr>
<td>Dora Enzoe</td>
<td>Akaitcho Pre-screening Board, 867-370-3209</td>
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<tr>
<td>Georgina Biscaye</td>
<td>Akaitcho Pre-screening Board, 867-394-5122</td>
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<tr>
<td>Stephen Ellis</td>
<td>NWT Treaty 8 Tribal Corporation – Akaitcho IMA Implementation Office, 867-370-3209</td>
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<td>Chief Leon Lafferty</td>
<td>Behchoko Community Government, 867-392-6139</td>
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<tr>
<td>Chief Henry Gon</td>
<td>Gameti Community Government, 867-997-3411</td>
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<tr>
<td>Chief Charlie Football</td>
<td>Wekweeti Community Government, 867-713-2030</td>
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<tr>
<td>Chief Charlie J. Nitsiza</td>
<td>Whati Community Government, 867-573-3018</td>
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<td>Director</td>
<td>Tli Cho Lands Protection Department, 392-6389</td>
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<tr>
<td>Don MacDonald</td>
<td>Tli Cho Lands Protection Department, 250 729-9628</td>
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● Comments:

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End time : 02-Oct 16:22

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- **To:** Diavik Distribution List
- **From:** Jenna fer Zabey Nevitt, Executive Director
- **Fax:** Various
- **Pages:** 3 (including cover page)
- **Date:** 10/3/2006
- **Phone:**
- **Fax:** Diavik Post-Hearing Process
- **CC:** Diavik Distribution List - attached

- **Comments:**

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**Box 32, Wekweel, NT X0E 1W0**
**Tel:** 867-713-2500 • **Fax:** 867-713-2502 • **www.wiwb.ca**
Facsimile Coversheet

File: MV2005L2-0009/N1L2-164S

To: Diavik Distribution List
From: Janna Feit, Zabey Nevitt, Executive Director

Fax: Various
Pages: 3 (including cover page)

Date: 10/2/2006

Re: Diavik Post-Hearing Process
CC: Diavik Distribution List - attached

Comments:

Box 32, Wekweèli, NT X0E 1W0
Tel: 867-713-2500 • Fax: 867-713-2302 • www.wlwb.ca
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Fax: Various Pages: 3 (including cover page)

Phone: Date: 10/2/2006
Ref: Dicvik Post-Hearing Process CC: Dicvik Distribution List - attached

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Comments:

Box 32, Wekwełî, NT X0E 1W0
Tel: 867-713-2500 * Fax: 867-713-2502 * www.wiwb.ca
October 16, 2006

Zabey Nevitt
Executive Director
Wek’eezhii Land and Water Board
c/o Mackenzie Valley Land and Water Board
7th floor, 4910 50th Avenue
PO Box 2130
Yellowknife, NT X1A 2P6

Re: Post-hearing process

Dear Zabey,

Further to your letter of October 2 asking for input into the "post-hearing " process, the Environmental Monitoring Advisory Board (EMAB) would respectfully suggest that brief summations be allowed at the conclusion of the hearing. The Board would then indicate a timeline of approximately two weeks for all the interested parties to make their written submissions. Following that, each of the parties could submit their written reply to the submissions. This allows parties the opportunity to analyze and discern the evidence given and, in turn, perhaps formulate their final position.

The Ammonia Management Plan and revised Aquatic Effects Monitoring Program will take several months following the hearing to reach the point where an approval decision can be made. The same may be true of the Interim Closure and Reclamation Plan. The documents submitted for final approval should be subject to public scrutiny since they are the key issues of public concern in the renewal. EMAB will recommend options to achieve this in our intervention.

Thank you for the opportunity to comment on this. Please contact John McCullum at the EMAB office if you require further information.

Sincerely

Doug Crossley
Chair

Cc: EMAB members (by email)
Parties to the Environmental Agreement

Environmental Monitoring Advisory Board
PO BOX 2577, YELLOWKNIFE, NT X1A 2P9
Ph (867) 766 - 3682 Fax: (867) 766 - 3693 E-mail: emab3@arcticdata.ca