



Dominion Diamond Mines ULC
900-606 4 Street SW (403) 910-1933
Calgary, Alberta T2P 1T1 (403) 910-1934 fax
www.ddmines.com

10 April 2019

Joseph Mackenzie
Chair
Wek'èezhii Land and Water Board
#1, 4905-48th Street
Yellowknife, NT X1A 3S3

Re: W2012L2-0001/W2017D0004 - Misery Underground Project Request for Ruling – Reply to Arguments

Dear Mr. Mackenzie:

Dominion Diamond Mines ULC (Dominion) would like to take this opportunity to thank the Government of the Northwest Territories (GNWT) and the Independent Environmental Monitoring Agency (IEMA) for providing the submissions related to the Misery Request for Ruling on April 5, 2019. The supportive comments are appreciated. Specifically, Dominion notes that the GNWT's interpretation of the camp expansion at Misery presented in the correspondence dated April 5, 2019 is correct; expansion of the camp is solely to support work at the Misery pit area and therefore subject to the terms and conditions of surface lease 76D/9-4-2 (or the Misery Facilities lease).

On October 15, 2018, Dominion brought a motion to the Wek'èezhii Land and Water Board (the Board) to reconsider certain issues arising from the Board's decision of July 12, 2018 related to the Misery Underground Mining Project (the MUG Project) at the Ekati Mine¹. A Request for Ruling process has been ongoing since this time.

Dominion maintains that in rendering its decision on the Misery Underground Land Use Permit W2017D0004 (the Issued LUP) that the Board committed errors that give rise to the need to reconsider the Reasons for Decision and the Issued LUP. The result of these errors is that the Issued LUP is broader than the activities that Dominion applied for, was reviewed for, and infringes on its pre-existing rights under the Misery Mining and Road Lease and the Misery Facilities Lease. With the scope of the Issued LUP, the Board has created a "double permitting" situation for aspects of the Misery development. Similarly, the Board has created a situation where Dominion cannot post the necessary reclamation security.

¹ See this document in full on the WLWB public registry at [W2012L2-0001-Ekati-WL Amendment-Misery UG-WLWB Decision-Dominion Request for Ruling-Oct 15 18.pdf](#).



**Dominion
Diamond Mines**

Dominion Diamond Mines ULC

900-606 4 Street SW (403) 910-1933
Calgary, Alberta T2P 1T1 (403) 910-1934 fax

www.ddmines.com

Dominion looks forward to the timely conclusion of this process and being able to proceed with confidence and certainty for the development of the MUG Project as well as future projects at the Ekati mine. If you have any questions please do not hesitate to contact me at (403)910-1933 ext. 2401 email claudine.lee@ddcorp.ca or Lynn Boettger at (867)766-6914 email lynn.boetter@ddcorp.ca.

Sincerely,

Claudine Lee
Head of Environment