Dear Mr. Mackenzie:

Subject: DDMI Response Re Major Project Status for the A21 Below Pit Mining Project

On December 13, 2019, the Wek’èezhii Land and Water Board (WLWB or ‘the Board’) provided Diavik Diamond Mines (2012) Inc. (DDMI) and the Tłı̨chǫ Government with “Notice of Major Project Application wholly or partly in Mówhi Gogha Dè Niîtäëè – Diavik, Lac de Gras, NT” (the Notice) in accordance with the Mackenzie Valley Resource Management Act (MVRMA) for a “Major Mining Project”. It is unclear if the WLWB Notice implied that the A21 Below Pit Mining Project meets the “Major Mining Project” thresholds as defined in Chapter 23 of the Tłı̨chǫ Land Claims and Self-Government Agreement (Tłı̨chǫ Agreement) or if that was a question left to DDMI and the Tłı̨chǫ Government.

DDMI notes that Section 23.1 of the Tłı̨chǫ Agreement defines a “Major Mining Project” as:

“a project, wholly or partly in Mówhi Gogha Dè Niîtäëè (NWT), related to the development or production of minerals, other than specified substances, oil or gas, that will employ an average of at least 50 persons annually for the first five years in Mówhi Gogha Dè Niîtäëè (NWT) and for which more than $50 million (1998$) will be expended in capital costs.”

As the operator of the Diavik Mine and proponent of the A21 Below Pit Project (the Project), DDMI would like to advise the WLWB that the Project, which is the subject of the Diavik Water License (W2015L2-0001) Amendment Process, does not meet either the employment or capital expenditure thresholds for a “Major Mining Project” as specified in Section 23 of the Tłı̨chǫ Agreement.

We appreciate the WLWB providing awareness of the September 10, 2019 Policy Direction from the Minister of Crown-Indigenous Relations regarding Chapter 23.4 of the Tłı̨chǫ Agreement as it relates to the MVRMA.
Please do not hesitate to contact the undersigned or Kofi Boa-Antwi (867 447 3001 or kofi.boa-antwi@riotinto.com) if you have any questions related to this submission.

Sincerely,

Sean Sinclair
Principal Advisor, Environment and Closure Readiness

cc: Kassandra DeFrancis, WLWB
    Anneli Jokela, WLWB
    Chris Hotson, WLWB