December 13, 2019

Dear Sean Sinclair and Laura Duncan,

Re: Diavik – Notice of Major Project Application wholly or partly in Mòwhì Gogha Dè Nïîtåèè – Diavik, Lac de Gras, NT

The Wek’ëezhii Land and Water Board (Board) has received a Water Licence Amendment Application from Diavik Diamond Mines (2012) Inc. (DDMI) for Licence W2015L2-0001. This Application is for Underground Mining of the A21 Kimberlite Pipe at the Diavik Diamond Mine (Project). The Board is providing notice of this Application in accordance with the Mackenzie Valley Resource Management Act (MVRMA) for a “major mining project”, as defined in Chapter 23 of the Tlïchô Land Claims and Self-Government Agreement.

Before the Minister of Environment and Natural Resources for the Government of the Northwest Territories (Minister) considers a licence recommended for issuance by the Board in response to this Application, both DDMI and the Tlïchô Government must submit evidence to the Board for the Minister’s consideration that:

1. DDMI and the Tlïchô Government have entered into an agreement contemplated under section 23.4.1 of the Tlïchô Land Claims and Self-Government Agreement for the Project; or

2. Pursuant to section 23.4.2 of the Tlïchô Land Claims and Self-Government Agreement, DDMI and the Tlïchô Government have agreed that negotiation of an agreement is not required, or, if required, it will be negotiated after a Minister’s approval of the Licence; or

Sent by e-mail
3. Best efforts were made in good faith to conclude a negotiated agreement as contemplated under section 23.4.1 of the Tłîchô Land Claims and Self-Government Agreement, as well as any evidence of why an agreement was not concluded.

This evidence shall be submitted to the Board on or before May 27, 2020. If you have any questions or concerns regarding this letter, please contact me at (867) 765-4589 or email rfequet@wlwb.com.

Yours sincerely,

[Signature]

Ryan Fequet
Executive Director, Wek’eezhii Land and Water Board

Copied to: Zabey Nevitt, Senior Advisor, Sustainability & Resource Management

Diavik Distribution List