January 24, 2018

Mr. David Wells
P.O. Box 2498, 300-5201, 50th Avenue
Yellowknife, NT X1A 2P8

Dear Mr. Wells,

Re: 2016 AEMP Annual Report, Version 1.1

The Wek’èezhìi Land and Water Board (WLWB or the Board) met on January 24, 2018 to consider Version 1.1 of Diavik Diamond Mines (2012) Inc.’s (DDMI) 2016 Aquatic Effects Monitoring Program (AEMP) Annual Report.1 Version 1.1 of the 2016 AEMP Annual Report was submitted to address the Board’s Directive and Reasons for Decision for the 2016 AEMP Annual Report.2

The Board has determined that Version 1.1 includes revisions to address the Board’s direction, and that with the exception of the response to DDMI’s conclusions on metal concentrations in fish tissue being below those known to cause toxicity in fish, the revisions provided meet the intent of the Board’s direction.

Regarding the directive requesting a revision to the conclusions on metal concentrations in fish tissue being below those known to cause toxicity in fish, the Board believes that DDMI’s response did not meet the expectation of the Board’s direction. Although DDMI provided text to be inserted in Version 1.1, a revision to this conclusion was absent from the response in Version 1.1. The Board believes that, as written, the provided text does not provide clarification of the original conclusion and Board direction, and would like to emphasize that it does not support the conclusion on fish tissue chemistry as presented in Version 1.1.

The Board does not, however, require resubmission based solely on this point as the explanations provided during the public review and follow-up correspondence with Board staff,3 serve as adequate record in this case. The Board has, therefore, approved Version 1.1 of the 2016 AEMP Annual Report, however, requires that in any future reference to fish results from the 2016 AEMP Annual Report, DDMI be clear about conclusions related to metal concentrations in fish tissue and avoid suggesting that they were below those known to be of toxicological concern.

1 See WLWB (www.wlwb.ca) Online Registry for Diavik - AEMP Annual Report - 2016 - Version 1.1 - Nov 10_17
2 See WLWB Online Registry for Diavik - 2016 AEMP and Schedule 8 Update - Board Directive and Reasons for Decision - Aug 28_17
3 See WLWB Online Registry for Diavik - AEMP Annual Report - 2016 - Review Summary and Attachments - Jul 31_17, see page 191/197
The Board thanks Diavik for their ongoing efforts with regards to its Aquatic Effects Monitoring Program.

Sincerely,

[Signature]

Joseph Mackenzie
Acting Chair, Wek’èezhii Land and Water Board

Copied: Diavik Distribution List