JUN 24 2016

Ms. Rita Mueller  
Chair of Proceeding  
Wek’ëezhli Land and Water Board  
PO BOX 32  
WEKWEETÌ, NT X0E 1W0

Dear Ms. Mueller:

Ministerial Decision - Proposed Amendments to Diavik Diamond Mines (2012) Inc.’s Type “A” Water Licence W2015L2-0001-Diavik Mine

Thank you for your letter of May 11, 2016 (received May 12, 2016), regarding the proposed amendment of Diavik Diamond Mines (2012) Incorporated’s (DDMI) Type “A” Water Licence W2015L2-0001. Proposed amendments relate to limits for Total Suspended Solids (TSS) for in-lake construction activities associated with the A21 development.

Upon review of the proposed amended water licence, the associated Board’s Reasons for Decision, as well as the public record for this application, I have identified procedural fairness concerns.

Specifically, I am concerned that the proponent and interveners did not have fair opportunity to provide evidence relating to the potential application of the Canadian Council of the Ministers of the Environment (CCME) Guideline for TSS (30-day). While I acknowledge that the Wek’ëezhli Land and Water Board (Board) has the authority to recommend limits in a Type “A” Water Licence that do not align with that recommended to it during its proceedings, the Board must also provide fair opportunity for the proponent and interveners to provide evidence during the process. The 30 day TSS limit proposed by the Board in the amended licence did not fall within the range of limits recommended by parties and was not discussed in any level of detail during the public hearing, bringing into question the procedural fairness of the process undertaken by the Board.
To this end, I am writing to inform you that I have decided not to approve the water licence amendment as recommended by the Board. Should DDMI determine that they wish to continue to pursue amendment of their Type “A” Water Licence, relating to existing TSS limits for the A21 development, I urge the Board to undertake an efficient process in this regard. I recommend that this process ensure fair opportunity for parties to provide submissions to the Board on the application of the CCME Guideline for TSS (30 day average).

Sincerely,

Wally Schumann
Minister
Environment and Natural Resources

c. Mr. Ryan Fequet
Executive Director, Wek'ezhii Land and Water Board