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November 19, 2020

File: W2015L2-0001

Gord Macdonald
Diavik Diamond Mines (2012) Inc.
P.O Box 2498
Suite 300, 5201-50th Avenue
Yellowknife, NT X1A 2P8

Sent via email

Dear Gord Macdonald,

Re: Diavik CRP Version 4.1 – Extension Request for Proponent Responses to Comments

The Wek'èezhìi Land and Water Board (the Board) met on November 19, 2020 to consider a request from Diavik Diamond Mines (2012) Inc. (DDMI) to extend the submission date for proponent responses to parties' comments on interim Closure and Reclamation Plan (CRP) Version 4.1.¹ This is the second request to extend this deadline; on September 29, 2020, the proponent deadline was extended from October 15 to November 16, 2020 to allow time for DDMI to engage with the GNWT on the comments and recommendations received during the public review.² In its November 6, 2020 letter, DDMI requested the proponent response deadline be further extended until January 31, 2021. DDMI explained that this additional time would allow DDMI to complete additional work to address issues raised by the GNWT regarding mixing zones during the public review and recent engagement. The Board notes that it has not yet made a determination on whether regulated mixing zones are appropriate for closure at the Diavik Mine.³

In response to follow-up correspondence with Board staff, DDMI noted that the "outcome of discussions on the mixing zone predictions have the potential to impact essentially all Diavik closure designs and closure execution schedules which is why we are trying to advance this [as soon as possible]".⁴ Because

¹ See WLWB Online Registry at www.wlwb.ca for [Diavik - Closure and Reclamation Plan - Version 4.1 - Proponent Response Extension Request - Nov 6 20.pdf](#)

² See WLWB Online Registry for [Diavik - Closure and Reclamation Plan - Version 4.1 - Proponent Response Extension Request - Sep 29 20.pdf](#)

³ See WLWB Online Registry for [Diavik - Closure and Reclamation Plan Version 4.0 - Board Decision Letter and Reasons for Decision - Dec 17 18.pdf](#)

⁴ See WLWB Online Registry for [Diavik - Closure and Reclamation Plan - Version 4.1 - Proponent Response Extension Request - Correspondence - Nov 12 20](#)

of the potential implications to many aspects of the closure plan, the Board accepts that it is most efficient for DDMI to complete the additional work before the company submits its responses to comments, and has granted the requested extension.

Although the Board recognizes the benefits of the extension, the onus is on DDMI to ensure that this delay does not impact its closure planning progress and applicable submissions. For example, it is not clear whether the extension would negatively affect DDMI's closure planning for the Processed Kimberlite Containment (PKC) Facility. The interim CRP Version 4.1 states that DDMI will submit "either confirmation of the currently approved closure concept (wet-cover) or [a] decision to advance an alternative (dry-cover) concept as the preferred closure design" in the first quarter of 2021 for approval.⁵ DDMI should carefully consider the timing of this submission and any other upcoming closure-related submissions (e.g., submissions related to decommissioning of underground) given the ongoing review of the interim CRP Version 4.1 and/or DDMI's Amendment Application to allow deposition of Processed Kimberlite to Mine Workings. Board staff are available as a resource to DDMI when it is determining the timing of Licence submissions.

The Board also wishes to address the nature of DDMI's planned submission regarding the PKC Facility. In follow-up correspondence with Board staff, DDMI clarified that it intends to submit its determination (on a wet vs dry PKC Facility cover) in the form of a PKC design report. There is no Licence requirement for such a report, and it is imperative that the design is fully supported by DDMI's reclamation research and engagement and that it is framed in the context of the closure objectives, closure criteria, options analysis, and other key elements of a closure plan, in accordance with the MVLWB (2013) *Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the NT*.⁶ This has previously been communicated to DDMI, as it relates to the WRSA closure plan.⁷ To be clear, the Board cannot accept a stand-alone PKC Facility design report. However, if DDMI wishes to update the interim CRP based on its determination of a wet vs dry cover for the PKC Facility, it can submit a component-specific CRP for the PKC Facility under Part K, Condition 2 of the Licence.

Sincerely,



Joseph Mackenzie
Chair, Wek'èezhìi Land and Water Board

Copied: Diavik Distribution List

⁵ See WLWB Online Registry for [Diavik - Closure and Reclamation Plan - Version 4.1 - Dec 17 19.pdf](#).

⁶ [MVLWB Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories \(2013\)](#)

⁷ See WLWB Online Registry for [Diavik - Annual CRP Progress Report - 2015 - Non-Conformities - Feb 26 16.pdf](#)