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17 July 2015

Subject: Closing Argument Submission - EMAB

Diavik Diamond Mines (2012) Inc. (DDMI) has reviewed the submission by the Environmental Monitoring Advisory Board (EMAB) posted today on the public registry for W2015L2-0001. The EMAB submission is not consistent with Land and Water Board or fair process.

1. The EMAB submission introduces what is clearly new evidence around sulphate EQC (Section 4.0). References and data cited are not on record for this renewal. If this information had been provided previously, it would have been questioned by DDMI during the public hearing.

2. The EMAB submission introduces a new recommendation, supported again by new evidence, around a Special Effects Study for plankton monitoring (Section 2.0). The referenced Ekati data were not included with EMAB’s intervention. The recommendation for a Special Effects Study was not included in the EMAB intervention, hearing or comments on draft water license. If this recommendation and the new information cited in support of the recommendation had been on the record previously, it would have been questioned by DDMI during the public hearing.

3. EMAB advised the Board and all Parties at the Public Hearing that they would defer their concern of inadequate consultation on Financial Security to a process outside of the water license renewal. (see Hearing Transcript pg. 90.) On that basis DDMI did not question EMAB further on this issue. EMAB now wants to re-introduce this issue in closing arguments. Clearly accepting this approach would be unfair to all Parties to this process.

If the EMAB submission is accepted to be on the record as part of this renewal process it would be unfair to DDMI. It is unfair and unreasonable to require DDMI to respond to this new information at this point in the process. Leaving this submission on the record would necessitate a response from DDMI. Additionally, no other Intervener would have opportunity to question or respond to EMAB or DDMI’s response. The only fair option we see is for the entire submission be removed from the record; with explanation.

Please contact the undersigned if you have any questions.

Yours sincerely

[Signature]

Gord Macdonald