Ms. Sarah Elsasser, Regulatory Specialist  
Wek'eezh1i Land and Water Board  
#1-4905 48th Street  
Yellowknife NT X1A 3S3

Dear Ms. Elsasser:

Diavik Diamond Mines Incorporated (DDMI)  
Water Licence Renewal Application - W2015L2-0001  
Closing Arguments and Comments on Draft Water Licence

As requested by the Wek'eezh1i Land and Water Board (the Board), the Government of the Northwest Territories – Environment and Natural Resources Division (ENR) is pleased to provide its closing arguments in relation to the Water Licence (WL) renewal process for Diavik Diamond Mine. ENR has participated in the process to date including attending technical sessions, submission of a technical intervention and presenting its intervention to the Board during the Public Hearing held in Behchoko May 28th, 2015. ENR provided its intervention and this submission for the Board’s consideration in its decision making process.

ENR has spent considerable time thinking about the request from Diavik Diamond Mines Inc. (DDMI) for a WL term that would include closure and reclamation of the mine site. During the original mine approval process, the mine was assessed and approved based on its entire operation which would include the closure phase.

With regard to the above, ENR considered the transition from operations to closure of the mine. It is apparent that the renewed WL will require an amendment to revise and add specific terms and conditions relating to closure. ENR notes that the type of terms and conditions are evident in other closure Licences in the Northwest Territories (see Tundra Mine MV2009L8-0008).

**Water Licence Renewal Term**

DDMI requested a term of 15 years for its renewal. As stated previously, ENR is not opposed to the term requested by DDMI. However, ENR has noted that this term length would include activities related to both active operation and closure activities at the Diavik Diamond Mine.
In its written intervention ENR identified a number of existing clauses in the existing WL that could require amendment once the operation transitioned into closure (see Table one).

**Draft Water Licence**

On July 2, 2015 ENR provided comments to the Board on the draft WL. ENR noted that terms and conditions within the existing Licence were not adjusted and new conditions were not added within the draft Licence for the regulation of closure activities at the Diavik Diamond Mine. Consistent with ENR’s position at the recent public hearings, it is apparent that the renewed Licence will require amendment upon approval of the Final Closure Plan.

Further, in its comments on the draft WL, ENR also questioned the increasing use of schedules to detail the requirements of the WL. ENR had specific concern with the inclusion of water use within a schedule to the WL. ENR notes that the water use restrictions are included in the cover page of the WL because of its regulatory prominence. Under the Waters Act and Regulations the use of water is one of the main triggers for a WL. As such, the use of water must be specified within the body of the Licence. In accordance with the legislation, any change to the water use must be approved by the Minister of ENR (i.e. in the case of a Type “A” WL). ENR believes the inclusion of the water use in a schedule to the WL could inadvertently cause regulatory confusion regarding approval of amendments.

In closing, ENR would like to thank the Wek’eezhli Land and Water Board for providing the opportunity to provide its closing comments for the Diavik Diamond Mine WL renewal. If you have any questions or concerns, please do not hesitate to contact Mr. Nathen Richea at 867-765-6775 or Mr Patrick Clancy at 867-920-6118.

Sincerely,

Joel Holder, Director
Conservation, Assessment and Monitoring