To All Parties,


The Wek’èezhìi Land and Water Board (WLWB) would like to thank all parties who participated in the May 28th public hearing in Behchokǫ, NT, to discuss the Diavik Diamond Mines (2012) Inc. (DDMI) Water Licence renewal application. The public hearing was beneficial in helping to identify and clarify several issues raised by interveners and the public, all of which contributes to a better understanding of the information on the record as well as each party’s position.

There were several undertakings requested in order to ensure additional evidence is on the record for this proceeding, which will allow parties to refine their positions within their closing arguments, and to allow the Board to make an informed decision. The WLWB is expecting responses to the following undertakings from the named parties by 5:00pm MST on June 2, 2015:

**Undertaking #1**

Diavik Diamond Mines (2012) Inc. (DDMI) will investigate and report their position on the change of the following text from W2007L2-0003 Part C, Item 5, from “There shall be no accumulation of water against the containment dam structures of the Processed Kimberlite Containment Facility until such time as the results of the thermal monitoring program have demonstrated the integrity of the frozen base of the dams” to “There shall be no accumulation of water against the containment dam structures of the Processed Kimberlite Containment Facility.”

**Undertaking #2**

The Environmental Monitoring Advisory Board (EMAB) will review transcripts from the W2015L2-0001 Technical Session, March 23, 2015, to indicate the source of the following statement in Section 9.0, third bullet, of their Intervention:

“EMAB strongly agrees with the WLWB that if an end-of-mine-life license granted, then a final Closure & Reclamation Plan must be prepared rather than the next ICRP version.”

If EMAB cannot substantiate the statement, it should confirm in writing that EMAB retracts the statement from their Intervention.
Undertaking #3
The Government of Northwest Territories – Environment and Natural Resources (GNWT-ENR) will answer the following questions in writing:

i. Did the GNWT participate in any review process or provide advice to the Land and Water Board during the development of the Guidelines for Developing a Waste Management Plan?

ii. Did the GNWT recommend at that time that ash and scrubber monitoring be required?

iii. The GNWT provided responses in IR#1 and IR#2 and these are specifically ENR’s responses of April 9th related to standards and guidelines for incinerator ash and incinerator scrubber water testing. Was this information provided to the Land and Water Boards’ when they were developing the Waste Management Guidelines?

iv. In the GNWT’s response to IR#2, the GNWT indicated a table of leachate thresholds that are recommended that the WLWB use as acceptance criteria for ash and scrubber water. What is the basis for each of the values in the table, how were they determined, and how were volumes or mass of material and disposal locations factored into these values?

Given the tight timeframes for responses to these undertakings GNWT is encouraged to consult directly with DDMI in preparing answers to these questions.

DDMI may follow up with questions of clarification once it receives the GNWT answers.

All undertakings must be submitted to the WLWB electronically by 5:00pm MST on June 2, 2015. All information regarding this proceeding will be posted on the WLWB’s online registry as soon as possible. If you have any questions please contact Patty Ewaschuk at pewaschuk@wlwb.ca or at 905-852-1519.

Sincerely,

Ryan Fequet,
Executive Director, WLWB