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January 5, 2021

File: W2020L2-0004

Claudine Lee  
Dominion Diamond Mines ULC  
900-606 4 Street SW  
Calgary, AB T2P 1T1

Laura Duncan, Tłıchq Executive Officer  
Tłıchq Government  
P.O. Box 412, 127 Donda Tili  
Behchokq, NT X0E 0Y0

Sent by e-mail

Dear Claudine Lee and Laura Duncan,

**Re: Ekati Diamond Mine – Notice of Application for a Major Mining Project wholly or partly in Mqwhi Gogha Dè Njıttèè**

The Wek'èezhii Land and Water Board (Board) has received a Renewal Application (i.e., W2020L2-0004) from Dominion Diamond Mines ULC (Dominion). This Renewal Application is for a twenty-six (26) month renewal to the term of its existing Water Licence for the Ekati Diamond Mine (i.e., W2012L2-0001) with no other proposed changes to the existing Licence. Pursuant to Policy Direction from the Minister of Crown-Indigenous Relations and Northern Affairs<sup>1</sup> regarding Chapter 23.4 of the Tłıchq Land Claims and Self-Government Agreement (Tłıchq Agreement), the Board is to provide notice of an Application for a “major mining project”, as defined in Chapter 23 of the Tłıchq Agreement.

Based on available information, it has been determined that this Application is for a “major mining project”. Should Dominion disagree with this determination, Dominion must submit evidence on or before **January 12, 2021** to explain why. If Dominion requires more time to provide this evidence, submit a status update by this deadline.

Before the Minister of Environment and Natural Resources for the Government of the Northwest Territories (Minister) considers a licence recommended for issuance by the Board in response to this Application, both Dominion and the Tłıchq Government must submit evidence to the Board for the Minister's consideration that:

<sup>1</sup> [Policy Direction of the Minister of Indian Affairs and Northern Development](#)

1. Dominion and the Tłıchq Government have entered into an agreement for the Project as contemplated under 23.4.1 of the Tłıchq Agreement; or
2. Pursuant to 23.4.2 of the Tłıchq Agreement, Dominion and the Tłıchq Government have agreed that negotiation of an agreement is not required, or, if required, it will be negotiated after the Minister's approval of the Licence; or
3. Best efforts were made in good faith to conclude a negotiated agreement as contemplated under 23.4.1 of the Tłıchq Agreement, as well as any evidence of why an agreement was not concluded.

This evidence shall be submitted to the Board on or before **February 1, 2021**. Should the Tłıchq Government and Dominion require more time to provide evidence that demonstrates that requirement #2 or #3 above has been satisfied, a status update including anticipated timelines must be provided to the Board on or before this deadline.

Please contact me at (867) 765-4589 with any questions or concerns regarding this letter.

Yours sincerely,



Ryan Fequet  
Wek'èezhii Land and Water Board, Executive Director

Copied to: Zabey Nevitt, Director, Planning and Partnerships, Tłıchq Government  
Ekati Distribution List