

# DE BEERS GROUP

December 5, 2018

Chris Hotson  
Regulatory Manager  
Mackenzie Valley Land and Water Board  
4922 - 48th Street  
Yellowknife, NT. X1A 2P6

Via Email: [chotson@mvlwb.com](mailto:chotson@mvlwb.com)

Dear Mr. Hotson:

**RE: Request for Extension to Submit the Gahcho Kue Interim Closure and Reclamation Plan Version 4.1 (MV2005L2-0015)**

De Beers Canada Inc. (De Beers) submitted the Interim Closure and Reclamation Plan (ICRP) Version 4 to the Mackenzie Valley Land and Water Board (MVLWB) on May 14, 2018. This version of the ICRP was prepared to incorporate the comments that were received and discussed in previous multiple rounds of reviews. In addition, several components of this plan were approved on an interim basis in 2017 (e.g. Objectives, Closure Options and RRP).

The ICRP V.4 was again posted on the ORS portal for public review from June 5 to August 7, 2018, a 2-month review period. The intent of this review was not to re-visit all aspects of the plan, several of which had been previously reviewed and approved, but rather to ensure a holistic plan was provided incorporating all changes. When the comments from Environment and Climate Change Canada, Government of Northwest Territories, Lutsel K'e Dene First Nation, and Ni Hadi Xa were received, De Beers along with our consultant diligently addressed all comments, and provided the updated ICRP report on August 21, 2018. However, it appears once the revised plan, which addressed all review comments, was submitted, another round of internal review took place within the MVLWB. A decision not to approve the ICRP Ver. 4 was issued to De Beers on November 9, 2018.

De Beers welcomes reviews and inputs from all stakeholders, as those review comments generally have helped De Beers to improve our environmental planning and performance. De Beers always diligently engages stakeholders during the review process, and extends our best efforts to address comments and incorporate suggestions. During this most recent ICRP review, we thought we had done exactly that.

It is De Beers's understanding that, in a standard submission review process administered by the MVLWB, all stakeholders are given the opportunity to provide comments during an open public review period. Board staff or contracted technical experts, with experience and knowledge of the subject matter, are also participants in this process, providing their own comments in the same forum. Once the comments are received, the proponent is expected to respond to all comments. The MVLWB staff then conducts a conformance review to ensure the proponent adequately addressed all comments, and that where

**De Beers Canada inc.**

1601 Airport Road NE Suite 300 Calgary Alberta T2E 6Z8  
Tel + 1 403 930 0991 | [www.debeersgroup.com/canada](http://www.debeersgroup.com/canada) | [info.canada@debeersgroup.com](mailto:info.canada@debeersgroup.com)  
Incorporated in Canada | Registration number 889569596

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applicable, the responses are consistent with published guidelines or policies. Board staff then provide a summary package to the Board members for decision.

However, for the ICRP Ver. 4 submission, this is not the process that was followed. Another round of internal review was undertaken after De Beers addressed all comments during the public review process. During that additional internal review between August and October 2018, De Beers was not informed that an additional review was taking place. De Beers was not engaged for clarification and was not provided any opportunity to respond to the additional comments prior to Board decision. Instead, a recommendation not to approve the plan was delivered to the Board members by staff.

Over 120 additional comments and/or board directives were issued as part of the decision letter. These comments referenced communications back to 2016 that had already been addressed by previous Board decisions. Through an initial review of the comments, De Beers expects a significant amount of effort will be required to understand and subsequently address those comments and directives.

Concurrently, De Beers is considering further adjustments to the mine plan, which if implemented, could result in a need to update the ICRP accordingly. These mine plan adjustments are expected to be understood internally in the second half of 2019. We anticipate that if any formal adjustment to any aspect of the mine plan is required, we would submit an appropriate application in early 2020 and that an update to the ICRP would follow.

De Beers therefore requests an extension to at least January 31, 2020 to update the ICRP Ver. 4.1 to address comments and directives and to align with future mine plan adjustments. During the upcoming year, we would continue to work with Board staff and stakeholders to ensure we fully understand expectations for the next version of the ICRP.

We'd like to kindly thank you for your consideration of this request. Should you have any further questions or require further discussions, I can be reached at [sarah.mclean@debeersgroup.com](mailto:sarah.mclean@debeersgroup.com) or at (867) 688-9227.

Yours truly,



Sarah McLean  
Environment and Permitting Manager  
De Beers Canada Inc.