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October 1, 2021

File: W2015L2-0001

Arthur Beck
President
Fort Resolution Metis Government
PO Box 137
Fort Resolution, NT X0E 0M0

Sent by email

Dear President Arthur Beck,

Re: Information Request - Engagement Protocol for the Diavik Diamond Mine (2012) Inc. (DDMI) Processed Kimberlite to Mine Workings (PKMW) Project (W2015L2-0001)

On June 8, 2021, the Board issued an amended Water Licence (W2015L2-0001) to Diavik Diamond Mine (2012) Inc. (DDMI) to allow the deposition of Processed Kimberlite in the Mine Workings (the PKMW Project). Based on the proceeding and measures from the associated Environmental Assessment (EA1819-01), the Board included conditions related to engagement, including Part B, Condition 11 which requires DDMI submit an Engagement Plan for the PKMW Project in accordance with Schedule 2. DDMI submitted its Engagement Plan for the PKMW Project on September 17, 2021.¹

Measure 5 from the Report of Environmental Assessment (REA) requires Diavik to “conduct additional and more effective engagement with potentially affected Indigenous communities”.² Schedule 2, Condition 1(c) was added to the Licence to reflect Measure 5 and requires DDMI to include within the Engagement Plan for the PKMW Project “A description of the culturally appropriate engagement protocols developed in collaboration with each potentially affected Indigenous community which were intervenors in the Environmental Assessment for the PKMW Project”. In the Engagement Plan submitted by DDMI on

¹ See WLWB Online Registry (www.wlwb.ca) for [Diavik - Engagement Plan for the PKMW Project - Version 1 - Sep 17 21](#)

² See Mackenzie Valley Review Board Online Registry for [6 Mitigation and follow-up | EA1819-01 - Report of EA and Reasons for Decision - Diavik PK to Pits and Underground | Mackenzie Valley Review Board](#)

September 17, DDMI indicated that it has either drafted or finalized engagement protocols with all potentially affected Indigenous communities, except with the Fort Resolution Métis Government (FRMG).

DDMI was required to submit the Engagement Plan three months after issuance of the Licence (as per Part B, Condition 11), and did so. Before DDMI can move forward with the PKMW Project (i.e., submitting proposed cultural use criteria for Board approval), the engagement protocols must be in place with Indigenous communities. Therefore, there are timing implications for the PKMW Project if the engagement protocols are not in place. At this time, it is unclear when an engagement protocol will be finalized between the FRMG and DDMI. DDMI indicated in the Engagement Plan that it “continues to attempt to engage with Fort Resolution Métis Government (FRMG) to understand how they would like to be engaged”. The Board understands from a letter sent to DDMI, which the Board was copied on, that there have been internal changes within FRMG that may have delayed the process of finalizing an engagement protocol; however, the Board has not yet heard directly from the FRMG on the status of the engagement protocol.

At this time, the Board is requesting the following information:

- What steps is the FRMG taking to work towards collaborating with DDMI specifically on the engagement protocol;
- What challenges is the FRMG experiencing in working towards developing these protocols; and
- Please provide a timeline on when FRMG anticipates being able to prepare an engagement protocol with DDMI.

Please submit this information on or before 5:00 pm MST on October 25, 2021. If you have any questions or concerns regarding this information request, please feel free to contact Ryan Fequet via email or at 867-765-4589

Sincerely,



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

BCC'd to: Diavik Distribution List
Shawn McKay, Environmental Coordinator, FRMG