
Record of Recipients

Board: Wek'eezhi Land and Water Board

Project: Diavik Engagement Plan for the Processed Kimberlite to Mine Workings Project, Version 1.0

File(s): W2015L2-0001

Proponent: Diavik Diamond Mines (2012) Inc.

Item Description:

Diavik Diamond Mines (2012) Inc. (DDMI) submitted Version 1.0 of its Engagement Plan for the Processed Kimberlite to Mine Workings Project (the Plan) on September 17, 2021. The Plan is required by Licence W2015L2-0001, Part B, Condition 11 and Schedule 2, Condition 1.

As per Schedule 2, Condition 1(c), the Plan is to include 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 (EA1819-01), as well as the Kitikmeot Inuit Association". In the Plan, DDMI has indicated that it has either drafted or finalized engagement protocols with all intervenors but the Fort Resolution Métis Government (FRMG). An Information Request has been sent to the FRMG for additional information on the progress of developing an engagement protocol with DDMI.

Using the Online Review System (ORS), reviewers are invited to submit comments and recommendations on the documents linked below by the review comment deadline specified. Reviewers may also wish to consider providing an overarching recommendation regarding whether the Board should approve the submission, to provide context for the comments and recommendations and assist the Board with its decision. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.

All documents that have been uploaded to this review are also available on our public Registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.

Comments Due Date: October 25, 2021

Response Due Date: November 1, 2021

Documents:

Diavik - Engagement Plan for the PKMW Project - Version 1 - Sep 17_21

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Reviewer Comments and Proponent Responses

Project: Diavik

Board: Wek'eezhi Land and Water Board

Organization: Diavik Diamond Mines (2012) Inc.

| No | Topic | Reviewer Comment | Reviewer Recommendation | Proponent Response |
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| Environmental Monitoring Advisory Board - Mr. Dylan Price | | | | |
| 1 | Section 4.1 Engagement Protocols Overview | In this section, Diavik explains that the engagement protocols have been developed with potentially affected communities or Indigenous Government Organizations (IGO). However, Engagement Protocols are still in working draft with the Yellowknives Dene First Nation. | Diavik should do its best to complete the engagement with all communities. | DDMI is working with each of the potentially affected Indigenous groups to complete the engagement protocols. |
| 2 | Section 4.3.1 Key Milestones and Triggers | The table within this section includes a column explaining the frequency of engagements. However, in some rows, frequency is vague (e.g. as required). How will it be determined how frequent engagement is required? | Diavik should do its best to define what "as required" means in terms of frequency of engagement, and how they will determine whether engagement should take place when it is listed as "as required". EMAB suggests a minimum frequency of once a year. | The "as required" frequency is used for Measure 4: Water models need independent review. Engagement will depend on when models are updated (next scheduled for 2025). |
| 3 | Section 4.3.1 Key Milestones and Triggers | In the table included within this section, under the column "Participants", there are several instances where Diavik lists the participants as "Same". It is not clear if that means Diavik is referring to the same participants listed in the previous row. | It should be more clear as to who the participants will be within each listed engagement. Diavik should list all participants for each proposed/planned engagement activity, regardless of whether the proposed activity will have the same participants as the previously proposed/planned engagement activity. | DDMI is referring to the same participants listed in the previous row. DDMI recommends this clarification be provided in the next version of the Plan (Version 1.1) following Board approval of Version 1. |
| 4 | Section 4.4 Engagement Process | It is stated within the Engagement Process that "where possible, the Community will have at least one week to review drafts/documents in advance of any meeting". | Communities often have numerous projects on the go at once, with limited staff. Diavik should commit to giving Communities at least two weeks to review any necessary drafts/documents in advance of any meeting. | This timeline defines the minimum; it has been approved by potentially affected communities in their respective engagement protocols. |

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| 5 | Section 4.4 Engagement Process | In Appendix B of the MVLWB Engagement Guidelines for Applicants or Holders of Water Licenses and Land Use Permits, under "Workshops", there are specific things Diavik should consider when conducting a workshop that should be included in their Engagement Plan for the PKMW Project. | More detail should be provided by Diavik as to how they will conduct Engagement Processes (e.g., Diavik will ensure, if necessary, to have translators present at workshops if required, have technical consultants or staff present who can provide answers, or use plain language methods in communications (summary of technical information, visuals, etc.)) | Engagement details, such as the presence and number of translators required for meetings, are developed with each potentially affected community in their respective engagement protocols. |
| 6 | Section 4.6 Engagement for Traditional Knowledge | In section 4.6, Diavik explains the process of how they incorporate TK into their environmental management and monitoring plans. EMAB is pleased that Diavik respects the value of TK, and the individual TK holders that share their knowledge. However, Diavik states that "should TK be shared during other engagement activities, including engagement for the PKMW project, this information would not be shared publicly unless explicit permission was provided." | Diavik should give more detail on the consent form and verification process employed for the TK Panel and TK Monitoring programs. Specifically, are consent forms filled out before TK Panel Sessions/TK Monitoring, and do TK holders request the forms, or does Diavik automatically distribute consent forms before sessions? EMAB believes the onus should be on Diavik to get permission to share TK publicly, rather than the TK holders to give their permission without being asked. | Where the intent of an engagement is to gather TK information, Diavik distributes and reviews consent forms from TK holders in advance of the engagement. Copies of these consent forms are included in the appendices of public reports. |
| 7 | Section 4.7 Compensation and Capacity Funding | It is clear what compensations communities can expect (honorarium, meeting costs, translators etc.), however, this section lacks clarity on what is to be expected with respect to capacity on funding (i.e. technical consultants) | Specify examples/types of capacities that communities can expect to be funded to enable them to participate meaningfully in the process. If communities receive a document/report from DDMI that they find difficult to comprehend, what course/s of action/s are open to them? For example, if a community receives a particularly complex document and need to hire a technical consultant, Diavik should facilitate the process. | Details of capacity funding are developed with each potentially affected community in their respective engagement protocols. DDMI notes that EMAB (with funding from DDMI) typically retains expert consultants to review more complex submissions and along with EMAB Staff prepares summaries which are shared with communities. |
| 8 | Section 4.8 Dispute Resolution | In section 4.8, Diavik states that it has a Communities Complaints and Grievances Process that is appended to the | Diavik should provide the Communities Complaints and Grievances Process in an | The WLWB-approved DDMI Engagement Plan (Version 3.1) includes DDMI's complaints and grievances process (4.7 Dispute Resolution). DDMI recommends this be added to |

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| | | Engagement Plan. EMAB could not locate the appended document. | updated version of the Engagement Plan for the PKMW Project. | the next version of the Plan (Version 1.1) following Board approval of Version 1. |
| No | Topic | Reviewer Comment | Reviewer Recommendation | Proponent Response |
| Wek' eezhii Renewable Resources Board - Mrs. Randi Jennings | | | | |
| 1 | Engagement Plan for the Processed Kimberlite to Mine Workings Project, Version 1.0 | The WRRB have no comments at this time. | The WRRB have no recommendations at this time. | DDMI thanks WRRB for their review. |
| No | Topic | Reviewer Comment | Reviewer Recommendation | Proponent Response |
| GNWT-ENR - EAM (Environmental Assessment and Monitoring) - GNWT ENR | | | | |
| 1 | General | ENR does not have comments to provide to the Board at this time. | N/A | DDMI thanks ENR for their review. |
| No | Topic | Reviewer Comment | Reviewer Recommendation | Proponent Response |
| Tlicho Government - Jessica Pacunayen | | | | |
| 1 | Engagement Guidelines Reference | The Tłıchq Ndek'àowo (TG) will continue to work with DDMI as per the Engagement Protocol for the Processed Kimberlite to Mines Working Project referenced in Version 1.0 of the Engagement Plan. This protocol is based on the Tłıchq Weghàà Eleyatıts'eedı (consultation and engagement guidelines, previously known as the 'Tłıchq Elexe Gots'eedo'). | The TG recommend that the name of the guidelines be updated to reflect the new name (i.e., Tłıchq Weghàà Eleyatıts'eedı) in the next version of the Engagement Plan. The TG has no further comments or recommendations at this time. | Accepted; DDMI recommends this be updated in the next version of the Plan (Version 1.1) following Board approval of Version 1. |
| No | Topic | Reviewer Comment | Reviewer Recommendation | Proponent Response |
| Yellowknives Dene First Nation (YKDFN) - Femi Baiyewun | | | | |
| 1 | Diavik Engagement Plan for the PKMW Project. Page 7 of 8, PKMW | Engagement Protocols are currently in working draft with- Yellowknives Dene First Nation | Diavik should complete the Engagaement as soon as possible. However, the draft document has not been reviewed by YKDFN. Diavik should send a copy of the written draft to YKDFN | DDMI is committed to advancing the draft Engagement Protocol to completion with the YKDFN. |

| | Engagement Protocols (REA Measure 5) | | | |
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| No | Topic | Reviewer Comment | Reviewer Recommendation | Proponent Response |
| Diavik Diamond Mines (2012) Inc. - Kyla Gray | | | | |
| 1 | | See attached DDMI Cover Letter | N/A | |



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Joseph Mackenzie, Chair
Wek'èezhii Land and Water Board
PO Box 32
Wekweètì, NT X1A 3S3
Canada

1 November 2021

Dear Mr. Mackenzie:

Subject: DDMI Response to Reviewer Comments PKMW Engagement Plan V1

Diavik Diamond Mines (2012) Inc. (DDMI) is pleased to submit its response to Reviewer comments on Engagement Plan Version 1 for the Processed Kimberlite to Mine Workings (PKMW) Project. DDMI's response to Reviewer comments has been uploaded to the Board's Online Review System.

DDMI acknowledges parties' recommendations to inform improvements to the PKMW Engagement Plan V1. DDMI requests that it be allowed to submit an updated PKMW Engagement Plan as Version 1.1 to revise or clarify specific text, as committed to in DDMI's response to comments, on conclusion of the Board's current review process.

DDMI is encouraged by progress made to date in establishing a framework for its engagement with the potentially affected Indigenous Groups on the PKMW Project. DDMI looks forward to collaborating with the potentially affected Indigenous Groups and other interested parties in progressing and implementing the PKMW Engagement Plan and engagement protocols during all phases of the PKMW Project.

If you have any questions regarding the attached submission, please contact the undersigned or Kyla Gray (Kyla.Gray@riotinto.com).

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Kofi Boa-Antwi', with a large, sweeping flourish at the end.

Kofi Boa-Antwi
Superintendent, Environment

cc: Anneli Jokela, WLWB
Kassandra DeFrancis, WLWB



October 25, 2021

Ms. Anneli Jokela
Regulatory Manager
Wek'èezhì Land and Water Board
#1-4905 48TH STREET
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Dear Ms. Jokela,

**Re: Diavik Diamond Mine (2012) Inc.
Engagement Plan for the Processed Kimberlite to Mine Workings
Project
W2015L2-0001
Request for Comment**

The Department of Environment and Natural Resources, Government of the Northwest Territories has no comments or recommendations at this time on Diavik Diamond Mine (2012) Inc.'s Engagement Plan for the Processed Kimberlite to Mine Workings Project.

Should you have any questions or concerns, please do not hesitate to contact Laurie McGregor, Environmental Assessment Analyst at (867) 767-9233 extension 53097 or email GNWT_EA@gov.nt.ca.

Sincerely,

Laurie McGregor
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Government of the Northwest Territories