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October 26, 2020

File: W2015L2-0001

Kofi Boa-Antwi
Superintendent, Environment
Diavik Diamond Mines (2012) Inc.
P.O. Box 2498, 300-5201, 50th Avenue
Yellowknife, NT X1A 2P8

Sent via email

Dear Kofi Boa-Antwi,

RE: Modification – Processed Kimberlite Containment Spillway

The Wek'èezhì Land and Water Board (WLWB or the Board) met on October 22, 2020 and considered Diavik Diamond Mines (2012) Inc.'s (DDMI) notification of a Modification to the Processed Kimberlite Containment (PKC) Facility, submitted October 6, 2020.¹

DDMI submitted the notification under Part G, Condition 1 of the Water Licence (W2015L2-0001),² which allows for a Modification to an Engineered Structure related to water use and Waste disposal without written approval from the Board, if certain criteria are met. Among these criteria is Part G, Condition 1(a), which requires that DDMI notify the Board in writing at least 45 days prior to Construction. As noted in the recent letter from the Government of the Northwest Territories (GNWT) Department of Lands Inspector to DDMI,³ DDMI had already started Construction of the spillway when it notified the Board and the Inspector. Since the requirements of Part G, Condition 1(a) were not met, the Board cannot consider the Modification under Part G, Condition 1. Also, since DDMI has already completed most or all of the spillway Construction, and that Construction would almost certainly be complete before the Board could carry out its review and approval process,⁴ the Board will not be reviewing the Modification for approval under Part G, Condition 2.

In the period before the Board's October 22, 2020 meeting, the Board did not have enough time to consider whether additional steps are necessary to address the unapproved Modification to the PKC Facility. The Board will consider this matter at a future Board meeting and inform DDMI if additional steps are necessary.

¹ See WLWB Online Registry (www.wlwb.ca) for [Diavik - Modification - PKC - Spillway - Oct 7 20.pdf](#).

² See WLWB Online Registry for [Diavik - WL Amendment - A21 Underground - Updated Licence - Oct 15 20.pdf](#).

³ See WLWB Online Registry for [Diavik - Modification - PKC - Spillway - Warning Letter from Inspector - Oct 13 20.pdf](#).

⁴ It is understood that Construction must be complete before freeze-up, which is imminent.

Sincerely,

A handwritten signature in blue ink, appearing to read "J Mackenzie". The signature is fluid and cursive, with a large initial "J" and a trailing flourish.

Joseph Mackenzie
Chair, Wek'èezhii Land and Water Board

Copied to: Diavik Distribution List