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

6 July 2021

Dear Mr. Mackenzie:

**Subject: Reporting of AEMP Action Level Exceedances**

Diavik Diamond Mines (2012) Inc. (DDMI) is pleased to submit this letter regarding the timing of reporting Action Level exceedances, per the Wek'èezhìi Land and Water Board (WLWB or Board) Reasons for Decision related to the Board's June 8, 2021 issuance of an Amended Diavik Water Licence (W2015L2-0001) for the Processed Kimberlite to Mine Workings Project, in which a Directive was issued for DDMI to submit a letter that confirmed details regarding the reporting of Action Level exceedances with the Aquatic Effects Monitoring Program (AEMP) Annual Report. The directive specifically indicated DDMI was to confirm that reporting of Action Level exceedances at the time of issuing the AEMP Annual Report represented the earliest time practically possible, and if not, then to outline the earliest time by which Action Level exceedances for each monitoring component could be reported.

As stated in the aforementioned Reasons for Decision, DDMI acknowledges the Board's understanding that the assessment of an exceedance for certain Action Levels requires more time than others, because statistical analyses of the data are required to determine an Action Level exceedance. However, some components or Action Levels do not require a detailed analysis to determine an Action Level exceedance, and these exceedances may be reported earlier than in the AEMP Annual Report.

DDMI has reassessed the timing for reporting Action Level exceedances for all components. The determination of earliest time practically possible for Action Level reporting was made for each component based on the following information:

- Timing of data collection (e.g., ice-cover and open-water data collections versus once per year data collections during the open-water season).  
Timing of initial data receipt from analytical laboratories following sample submission.
- Schedule for data screening and any necessary laboratory reanalyses following initial data review.
- Timing of final data receipt from analytical laboratories and confirmation of acceptable data quality (i.e., final data set is validated).
- Schedule for subsequent data management and analyses, interpretation (including statistical analyses and consideration of data collected by related monitoring components, as necessary) and confirmation of the results within the specific context of the Response Framework, including senior review.

After all these activities are completed, it is possible to determine an Action Level exceedance. Therefore, the following proposed dates, by component (Table 1), are provided as the earliest possible timing to report Action Level exceedances.

**Table 1: Reporting of Action Level Exceedance – Timing and Rationale**

Component	Proposed Timing	Rationale
Water Quality	<p>31 August of the same year for ice-cover sampling <i>(e.g., data collected under ice in April 2021 would be eligible for Action Level reporting in Aug 2021)</i></p> <p>20 December of the same year for open-water sampling <i>(e.g., data collected in July or August 2021 would be eligible for Action Level reporting in December 2021)</i></p>	<ul style="list-style-type: none"> <li>- Data must be received from the analytical laboratory, undergo initial quality screening, after which some samples may need to be reanalyzed.</li> <li>- Upon receipt of the final dataset (i.e., screened and determined to be of acceptable quality), the AEMP team must proceed with analyses, interpretation and confirmation of the results within the Response Framework context (including senior review).</li> </ul>
Sediment Quality	<p>20 December of the same year for open-water sampling <i>(e.g., data collected in August 2022 would be eligible for Action Level reporting in December 2022)</i></p>	<ul style="list-style-type: none"> <li>- Samples are collected during open-water, and analytical results are typically received in the fall.</li> <li>- Data must be received from the analytical laboratory, undergo initial quality screening, after which some samples may need to be reanalyzed.</li> <li>- Upon receipt of the final dataset (i.e., screened and determined to be of acceptable quality), the AEMP team must</li> </ul>

<b>Component</b>	<b>Proposed Timing</b>	<b>Rationale</b>
		proceed with analyses, interpretation and confirmation of the results within the Response Framework context (including senior review).

Component	Proposed Timing	Rationale
Biological (Eutrophication, Plankton, Benthic Invertebrate Community, Fish Health and Fish Tissue)	March 31 with AEMP Annual Report <i>(i.e., no change from existing            Action Level reporting            schedule)</i>	<ul style="list-style-type: none"> <li>- Samples are only collected in the open-water season, and analytical results are typically received in the fall and winter (e.g., plankton results are not typically received until December).</li> <li>- Data must be received from the analytical laboratories, undergo initial quality screening after which some samples may need to be reanalyzed.</li> <li>- Upon receipt of the final dataset (i.e., screened and determined to be of acceptable quality), the AEMP team must proceed with analyses, interpretation and confirmation of the results within the Response Framework context (including senior review).</li> </ul>

Please also note that DDMI acknowledges the Board's response regarding the use of the words "medium" and "high" Action Levels with respect to the Mine's numerical Action Level system and will continue to endeavour to only propose changes through the appropriate process, as has been the standard to date. It was not DDMI's intent to suggest changes to the classification system; rather, the recommendation made by DDMI was that the equivalent of a "Low" Action Level exceedance (per the Board's specific guidance [MVLWB 2019] terminology) would not require notification to the Board. If this recommendation were accepted, Action Level exceedance notifications would be limited to Biological Action Levels 3 to 5, and Water Quality Action Levels 4 to 9 for the Mine. Notification outside of the AEMP Annual Report would not be provided for Biological Action Levels 1 and 2 and Water Quality Action Levels 1, 2 and 3 under the existing Response Framework.

Please do not hesitate to contact the undersigned if you have any questions related to this submission.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'Kofi Boa-Antwi', written in a cursive style.

Kofi Boa-Antwi  
Superintendent, Environment

cc:    Kassandra DeFrancis, WLWB  
      Anneli Jokela, WLWB