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October 1, 2021

File: W2015L2-0001

Gord Macdonald  
Diavik Diamond Mines (2012) Inc.  
P.O. Box 2498, Suite 300, 5201-50<sup>th</sup> Avenue  
Yellowknife, NT X1A 2P8

Sent by e-mail

Dear Gord Macdonald,

**Re: Diavik – Water Licence Amendment Application – Incomplete**

On September 22, 2021, the Wek'èezhì Land and Water Board (Board) staff received the Amendment Application for Water Licence (Licence) W2015L2-0001<sup>1</sup> from Diavik Diamond Mines (2012) Inc.

The Application has been reviewed and found to be lacking information required under section 5 of the Waters Regulations. For the Application to be considered complete, refer to the MVLWB *Guide to Completing Water Licence Applications to the Mackenzie Valley Land and Water Board*<sup>2</sup> (Guide) and submit the following information:

1. **Engagement Record:** The Application included an Engagement Record, however, it was determined to be incomplete. Diavik is to submit a revised Engagement Record prepared in accordance with the MVLWB *Engagement and Consultation Policy*<sup>3</sup> and *Engagement Guidelines for Applicants and Holders of Land Use Permits and Water Licences*<sup>4</sup> including the following:
  - a) The Engagement Log (the Log) indicates that staff at KIA, YKDFN, and LKDFN were emailed on August 20, 2021. The Log indicates “No response on invitation to discuss” for these Parties. No follow-up by DDMI is indicated. It is unknown if KIA, YKDFN, and LKDFN representatives received the emails. Despite that KIA, YKDFN, and LKDFN appear to not have responded to DDMI’s email, the Log notes “no concern” for each of these Parties. This appears to be inaccurate given that the Log indicates that no response was received to the email sent by DDMI. DDMI is to update the Log to indicate when and how DDMI followed up with Parties to ensure the application was received.

<sup>1</sup> See WLWB Online Registry for W2015L2-0001.

<sup>2</sup> MVLWB (2020) [Guide to the Water Licensing Process](#).

<sup>3</sup> MVLWB (2018) [Engagement and Consultation Policy](#).

<sup>4</sup> MVLWB (2018) [Engagement Guidelines for Applicants and Holders of Land Use Permits and Water Licences](#).

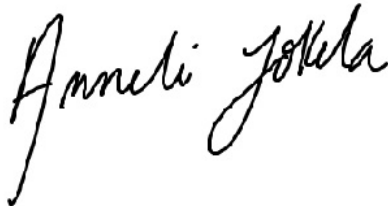
Follow-up to ensure receipt of written notification is best practice and is required for this application (a phone call, at minimum, is recommended in this case).

- b) The Engagement Log indicates several instances where Parties “Provided input on Options”. No details about the nature of the input are provided. Recommendations from affected parties is to be detailed in the Engagement Record (see s.2.1.1 of the Boards’ [Engagement Policy](#)<sup>5</sup>). Engagement summaries for each Party detailing the necessary information must be included. Please see Appendix E of the Boards’ [Engagement Guidelines](#) for an example template that could be used.
- c) NWT Treaty 8 Tribal Corporation – Akaitcho Interim Measures Agreement Implementation Office and Deninu Kue First Nation (DKFN) have not been included in pre-submission engagement. These parties must be engaged (as per WLWB East Pre-Submission Engagement List). Please contact Board staff if you require an additional copy of this contact list.
- d) Further review and confirmation of the engagement with TG is required to ensure its accuracy given the chronology does not appear to be correct.<sup>6</sup>

Upon receipt of this information, the Application will be reviewed as per the Waters Regulations. If this information is not provided within 90 days of the date of this letter, staff will return the Application.

Please contact Anneli Jokela at (867) 765-4588 with any questions or concerns regarding this letter.

Sincerely,



Anneli Jokela  
Regulatory Manager

BCC'd to: Sean Sinclair, Diavik  
Tom Bradbury - Inspector, GNWT Department of Lands  
Rick Walbourne – Manager, Water Regulatory and Assessment, GNWT-ENR

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<sup>5</sup> Section 2.1.1 states: “The record must be comprehensive and provide the Board with evidence of which Engagement activities took place prior to an application, a summary of key issues, resulting changes to the proposed Project, and which issues remain unresolved”.

<sup>6</sup> Email letter sent on August 20, 2021, to V. Camsell-Blondin and B. Wheler for meeting invitation when several meetings with TG had already occurred.