



February 18, 2010

Violet Camsell Blondin
Chair
Wek'èezhìi Land and Water Board
1 - 4905 48 st.
Yellowknife, NT X1A 3S3

Mark Cliffe-Phillips
Executive Director
Wek'èezhìi Land and Water Board
1 - 4905 48 st.
Yellowknife, NT X1A 3S3

Re: Review of DDMI Draft ICRP

Dear Violet and Mark

On behalf of the Environmental Monitoring Advisory Board (EMAB) I want to thank the Wek'èezhìi Land and Water Board (WLWB) for the opportunity to review the draft Interim Closure and Reclamation Plan (ICRP) submitted by Diavik Diamond Mines (DDMI) on December 4, 2009.

In general we believe the draft is an improvement over the Abandonment and Reclamation Plan approved conditionally in 2001, and it is clear that DDMI has done a great deal of work in fulfilling the direction of the WLWB.

As part of EMAB's review of the draft ICRP we commissioned SENES Consultants to do a technical review as well as to review the TK Research Plan. These reviews are attached. EMAB has also done our own review focusing on: CSR commitments, community engagement, TK Research, Objectives/Criteria and reclamation research. We have put our review in the format requested by the WLWB and attempted to summarize the SENES reviews in the same format; however we recommend thorough scrutiny of the SENES reviews to ensure all comments are taken into consideration.

EMAB has concluded that there are a number of gaps that need to be filled in the plan - some in the short term, others over a longer period - so that we do not feel it is appropriate to comment on acceptance of the plan at this time. The WLWB work plan for review of the ICRP indicated the possibility of holding a Board workshop to resolve outstanding issues and provide further clarity, following comments and responses on the draft - EMAB supports such a workshop.

Next steps

EMAB is unclear as to the next steps. We have found some critical areas of the draft ICRP that should be addressed very soon, including the need for clear linkages between the closure objectives, closure options and closure criteria, which form the foundation of the plan. It is EMAB's opinion that the plan requires significant modifications in the near term. **We also hope to have an opportunity to review a revised ICRP following meaningful community engagement within two years - we**

have recommended an initial round of community engagement that provides for a two-way conversation with Aboriginal Parties within six months. We would appreciate clarification from the Board as to when it expects another full review of a revised ICRP to take place ie. involving communities, regulators and EMAB.

A21 Preferred Mining Method

DDMI's decision that its previous plans for mining the A21 pipe were not economical so will not proceed is a change from the previous closure plan. **However we feel it is inappropriate to include DDMI's conceptual preferred mining method and reclamation plan for A21 in the ICRP before it has been formally proposed and approved.** Similarly, we understand the reasons for DDMI to study the settling of A21 kimberlite as part of the development of a detailed proposal for mining the A21 pipe, but this should not be part of the Reclamation Research Plan.

Security deposit

DDMI has presented what is expected to be a lower cost approach to closure than in previous closure plans, but has proposed some preferred options based on insufficient data - in particular grading and covering of Type 2 and 3 wasterock, revegetation and stability of frozen structures in relation to climate change. Contingency plans and associated costs to address issues that may arise if DDMI's assumptions are wrong, should be included in the ICRP.

We trust these comments will be helpful in your review. If you would like further information, please contact John McCullum at the EMAB office.

Sincerely

Doug Crossley
Chair

Cc EMAB members (by email)
Parties to the Environmental Agreement