RioTinto | Diavik

Closing responsibly, Closing with care

Diavik Diamond Mines (2012) Inc.
P.O. Box 2498
Suite 300, 5201-50th Avenue
Yellowknife, NT X1A 2P8 Canada
T +1-867-669-6500 F +1-866-313-2754

Mason Mantla, Chair
Wek'èezhìı Land and Water Board
PO Box 32
Wekweètì, NT X0E 1W0
Canada

27 May 2025

Dear Mr. Mantla,

Subject: DDMI Response to Interventions

Diavik Diamond Mines (2012) Inc. (DDMI) is pleased to provide the attached detailed Responses to Intervenor Submissions for the Wek'èezhìi Land and Water Board (WLWB or the Board)'s consideration with regards to the Diavik Type A Water Licence Renewal (W2025L2-0001). In no particular order, DDMI provides the following overview of positions in response to common topics received from Intervenors.

Discharge Criteria for Surface Runoff and Seepage

Importantly the Government of Northwest Territories (GNWT) has recommended that the Board approve the discharge criteria derivation approach and resulting criteria proposed by DDMI. At the same time some other Intervenors continue to make recommendations for different ways to develop or set discharge criteria. Despite the reasons for these differences, all Parties, including DDMI, appear to recognize that the WLWB has the responsibility and authority to determine these criteria.

DDMI appreciates the Board's challenges with determining acceptance criteria for closure surface seepage and runoff. DDMI has frequently heard the view that criteria must be "as low as possible" because if they are set too high, DDMI may treat these as "pollute up to limits" and not make sufficient closure efforts. Conversely, if criteria are set too low and they cannot be achieved, the closure of the Diavik site may be viewed as a failure, when in fact there may still be very good environmental protection and very good closure performance.

DDMI emphasizes, as confirmed by the GNWT, that lowering criteria does not add environmental protection as there are no additional mitigation strategies or technologies that would be deployed by DDMI in response to this criterion change. Similarly, raising criteria would not result in DDMI doing any less work during closure, as the closure plan and designs are already in a final state and in many cases, closure construction is nearly complete or substantially in progress. Even in the case where work has not begun, closure designs are at an issued for construction level of engineered detail.

In DDMI's opinion, runoff and seepage discharge criteria should be determined based on what is objectively required to ensure an appropriate level of environmental protection. Further pursuits of

lowering criteria to “as low as possible” levels are not worth the corresponding risk of negative outcomes that are known to result from any exceedance regardless of environmental effect. It is DDMI’s view that the WLWB, with consideration of the attached DDMI responses, has the required information to make final criteria determinations.

Making a Determination on Specific Discharge Streams as No Longer Being a Waste

DDMI understands that for the Board to determine whether or not the Diavik Closure Discharges are a Waste, DDMI needs to provide additional supporting evidence based on actual post-closure monitoring results. With the support of the GNWT, DDMI has proposed inclusion of a Licence Condition that will permit this Board determination without the need for a Water Licence Amendment. DDMI has described potential evidence[1] the Board may consider when deciding whether seepage and runoff is no longer waste; however, and as identified by the Tłı̨chǫ Government (TG), it is not clear whether an overly prescriptive Licence Condition setting out all requirements is necessary or whether this may limit the Board’s future discretion. It is DDMI’s view that the WLWB, with consideration of the attached DDMI responses, has all of the information necessary to recommend a final Condition that will allow the Board to make a determination on specific discharge streams as no longer being a Waste.

Specific Effects Studies and the Size of Mixing Zones

The WLWB has approved DDMI’s proposed Specific Effects Studies (SES) for Pond 2 and Pond 7 mixing zones to obtain additional information regarding the spatial and temporal extents of actual mixing zone sizes. These studies were required for Pond 2 and Pond 7 because at the time, the only information available regarding these mixing zone sizes was from mathematical models. DDMI expects that field measurements in 2025 will determine if actual mixing zone sizes are substantially different (larger or smaller) than predicted by the model. DDMI appreciates that all Parties want to know, with more confidence, if remaining mixing zones are substantially smaller or larger than 100m, as clearly articulated in the TG Intervention. However, with the information currently available, it is too soon to know what, if any, further SESs should be required to better understand the mixing zones at future discharge locations. DDMI recommends that the Surveillance Network Program and SES results from Ponds 2 and 7 need to be fully considered before a determination on the requirement for additional SESs is made. DDMI understands that the WLWB has the authority to direct a SES in the future, if warranted. DDMI recommends that the Board consider if the current Licence Conditions are already sufficient to allow the Board to direct a SES in the future if deemed necessary or if a modification to Licence Conditions is required. This approach will ensure any such additional studies are based on necessity and informed by all available evidence which is aligned with the principles of adaptive management.

Discharge Criteria for Sewage Treatment Facility (STF)

Discharge of treated sewage to a receiving environment is not new or a unique regulatory requirement for the Diavik site or the Northwest Territories in general. Standard treatment technologies are known as are common effluent characteristics. All required information has been compiled and summarized by DDMI to

[1] DDMI Response to Type A Water Licence Renewal Technical Session Information Request #3 April 29, 25

assist the WLWB in determining appropriate STF Effluent Quality Criteria and DDMI has provided reasonable assurance that all benchmarks will be met at the mixing zone boundary. It is DDMI's view that the WLWB, with consideration of the attached DDMI responses, has the information necessary to make final criteria determinations to re-authorize direct discharge of treated sewage effluent to Lac De Gras (LDG) during Closure as was authorized during Construction of the Diavik mine site.

Cultural Use Criteria for Closure Performance Assessment

DDMI is required to develop a Closure Traditional Knowledge (TK) Monitoring Program that we expect will enable communities to determine from their perspectives if closure objectives have been achieved. While DDMI and Partner Indigenous Communities have been working for several years on the development of the Closure TK Monitoring Program, a Program has not yet been defined. On completion, the Program will be submitted to the WLWB for approval. DDMI acknowledges that multiple parties have suggested through their Intervention that the Processed Kimberlite to Mine Workings (PKMW)[2] Cultural Use Criteria be applied to other areas of Diavik's mine closure, or that additional Cultural Use Criteria be developed.

Given the absence of any GNWT or WLWB standards, guidance, or policy on Cultural Use Criteria, or on the use of Traditional Knowledge monitoring results in evaluating whether Cultural Use Criteria have been met, as well as uncertainty on how this type of monitoring information would be interpreted and enforced for regulatory compliance, it remains unclear to DDMI how the Board could address these recommendations in relation to the Water Licence Renewal. DDMI does not recommend the WLWB include any new License requirements related to TK Monitoring or Cultural Use Criteria and recommends this discussion is better placed to continue through the Final Closure and Reclamation (FCRP) review processes.

Overlap Between Water Licence Renewal and Final Closure and Reclamation Plan

From DDMI's perspective, many Intervention topics appear to be related to the FCRP and not the Water Licence Renewal. DDMI continues to recommend these be brought forward through ongoing reviews of the FCRP and other Plans to the extent practical. This approach will avoid unnecessary complication of this Licence proceeding, which is focussed on renewing the Licence for the period required to complete active closure and initial post-closure monitoring. Additionally, DDMI does not support the duplication of requirements that already exist in and are managed through the FCRP as Licence Conditions. Duplication of closure requirements or criteria between the Licence and FCRP may cause confusion, restrict adaptive management of the closure plan and complicate enforcement. In particular, if any uncertainty around an aspect of the FCRP remains, as is the case for reconnection of the North Inlet, DDMI strongly recommends that flexibility should be maintained with closure requirements and timelines adaptively managed through the FCRP and not through fixed Licence Conditions.

[2] Depositing Processed Kimberlite in Pits and Underground - EA1819-01

The Future of Successful Mine Closure in the Northwest Territories

DDMI looks forward to discussing these topics at the Public Hearing so we can close out this essential step in the development of a clear path through closure and towards eventual relinquishment of the Diavik mine site. A renewed Licence with approved discharge criteria for closure runoff will enable all Parties to work towards the same definition of successful closure and meaningfully advance the Diavik project into the Closure phase. Beyond this proceeding, we are hopeful that collaboration on implementation of closure work at Diavik will result in a story of a mine in the Northwest Territories that was constructed, operated, closed and relinquished successfully. We hope this meaningful stakeholder input helps build a roadmap that can be used to set up future mines with a pathway towards similar success.

Please contact the undersigned if you have any questions regarding this submission.

Yours sincerely,

Sean Sinclair, Closure Manager

CC: Marie-Eve Cyr, WLWB
Kassandra DeFrancis, WLWB

Attachment A: DDMI Responses to Interventions

Attachment A DDMI Responses to Interventions

No.	Reviewer Recommendation	Proponent Response
EMAB		
1	To meet the requirements of the WLWB Engagement and Consultation Policy, Diavik must ensure it makes best efforts to arrange and carry out in-person, community-level public meetings in each Affected Community to discuss the proposed water licence renewal, and the upcoming revised Final Closure Plan. These efforts must go beyond a single email offer to engage, and include follow-up telephone calls and/or in person contact to arrange for community meetings. EMAB recognizes that it is too late to undertake pre-engagement on Diavik's water licence renewal application for closure, however Diavik must make every effort to inform communities about its intended approach through community-level public meetings.	DDMI's pre-submission engagement efforts on the Water Licence Renewal are documented in Attachment J of the renewal application. Engagement efforts for the FCRP will be included in v1.1 of the FCRP.
2	Require Diavik to submit a detailed plan for engaging Parties on application of CUC to collection pond discharges and on the concerns it has raised regarding human consumption of water, as well as lack of guidelines and questions of enforcement, and to propose how to apply the CUC to all areas with water quality objectives, as a licence condition. CUC should be included in the SWALF.	DDMI will consider this recommendation during ongoing development of the Closure TK Monitoring Program. The development of the Closure TK Monitoring Program has been ongoing for several years and has not been finalized or included for WLWB consideration as part of the Water Licence Renewal process.
3	Hold Diavik responsible to make best efforts to ensure that all water discharging from East Island meets Drinking Water Guidelines, as stated in the Comprehensive Study Report for the Diavik Diamond Project (p. 36). If this is not possible Diavik must propose a design to prevent access to any water source that does not meet DWG, including intermittent streams and mixing zones.	Under the FCRP, DDMI has a final plan that applies best reasonable efforts to minimize residual risk associated with the closure site. The risk associated with intermittent runoff and mixing zones is low and acceptable or negligible, therefore, additional structures to prevent access are not recommended.
4	Apply Cultural Use Criteria to all areas of mine closure. Affected Communities who participated in development of the currently approved CUC must address any question of how to apply CUC to areas beyond the A418 pit . Require Diavik to work with Affected Communities and other Indigenous users to broaden CUC to apply to cultural use of the closed minesite area beyond water.	See EMAB #2.
5	Include Cultural Use Criteria with Closure Criteria in assessing the success of closure of the mine, and include them in the Water Licence. Inclusion as a component of the TK Monitoring Plan is not enough on its own.	See EMAB #2 and TG #7.
6	Require Diavik to conduct detailed monitoring of the discharges from each pond and in Lac de Gras to demonstrate the discharges are not a waste,	The Renewal Application outlines the proposed detailed monitoring plans for each pond. DDMI emphasizes that plans may be further adapted based on monitoring results and as described in the SWALF.
7	Set and apply EQC for all pond discharges through the Water Licence Amendment process until there is sufficient evidence to demonstrate on a pond-by-pond basis that the discharges are not a waste.	DDMI has proposed discharge criteria in the Licence for all pond discharges and DDMI has requested the WLWB make a determination on specific discharge streams as no longer being a Waste or set out clear Conditions in the body of the Licence with criteria that runoff would need to meet to not be a Waste and therefore not be regulated under the Licence.
8	Revise proposed wording of licence condition setting submissions/requirement for the Board to make a determination on specific discharge streams as no longer being a waste as follows: • The condition shall be included in Part G of the licence, possibly as paragraph 36. • The condition shall specify that the determination would be made for each individual discharge.	DDMI has described potential evidence the Board may consider when deciding whether seepage and runoff is no longer a Waste. However, and as identified by TG, it is not clear whether an overly prescriptive Licence condition setting out all requirements is necessary or whether this may limit the Board's future discretion.

	• The condition shall specify the evidence that must be submitted to make the determination, to the degree possible.	
9	Remove the words “or as approved by the Board” from Part G (35) of the draft licence	DDMI has proposed these words to allow the Board’s future discretion on discharge limit changes. The Board can decide if allowing this discretion is appropriate and if not provide rationale.
10	Do not approve release of discharges from additional ponds (e.g., Ponds 1 and 13) until sufficient data have been collected from the Ponds 2 and 7 discharges to validate model predictions for these two ponds. At a minimum, this would include completion of the specific effects study and one year of SNP monitoring (two years would be strongly preferred). While it is understood that Diavik would prefer to follow its proposed schedule for decommissioning ponds, and associated reduction in monitoring frequency and extent, the company’s schedule cannot be allowed to dictate data collection requirements for assessing the quality and effects of the discharges.	DDMI is requesting Licence conditions including protective discharge criteria with adaptive management through the SWALF that will allow remaining breaching without additional Amendments. DDMI expects this approach is fully robust in consideration of the low and acceptable or negligible risks associated with these activities. It is unclear to DDMI why EMAB seems to believe this approach is not adequately protective or what environmental benefit deferring or delaying these approvals into the future would provide. Please also see previous DDMI response to IR #5 for an explanation of the potential changes that a delayed approach may have in terms of increasing environmental risks, liabilities, and effects.
11	Regardless of whether Effluent Quality Criteria (EQCs) or Closure Surface Runoff and Seepage Criteria are used, EMAB recommends the criteria be included in both the Licence and FCRP for clarity and enforceability.	DDMI suggests that duplication of criteria in the Licence and FCRP may cause confusion rather than clarity. DDMI expects the WLWB is best suited to make this decision. From DDMI’s perspective requirements under the Licence or FCRP are equally enforceable as long as they are clear.
12	Establish stringent numeric water quality criteria for post-closure surface runoff and seepage to protect Lac de Gras and to be consistent with the Waste and Wastewater Management Policy.	DDMI has proposed discharge criteria and adaptive management consistent with the stated Policy. The WLWB has all of the information required to determine final discharge criteria and closure criteria for post closure surface seepage and runoff.
13	Revise and clearly link the various monitoring plans (e.g., SES to determine MZ size and SNP sample location; SNP to assess achievement of EQC and SW2-1, and feed into the SWALF) for increased data and analysis methods.	DDMI believes the various monitoring plans are already adequately linked and emphasizes that the proposed approach is fully robust in consideration of the low and acceptable or negligible risks associated with these activities.
14	The Board must approve any reduction in SNP monitoring based on data and results as set out in the Licence. For example, for Diavik to be permitted to ramp down from weekly to monthly monitoring, a Condition in the Licence would require Diavik to collect at least x (e.g., 10) number of samples y (e.g., 30) days apart with no exceedances.	The Board has already established that any reduction to SNP monitoring will need to be approved. DDMI does not support prescriptive Licence conditions setting out all requirements for making this decision as it would not be informed by actual data/evidence and it would limit the Board’s future discretion.
15	Require Diavik to take more than 2 samples per year when no site presence. EMAB recommends at least monthly sampling during open water when discharge can flow.	As stated above, the SNP monitoring frequency will need to be approved by the WLWB, and it will be based on evidence. Over 20 years of current data suggests that 2 samples per year during post-closure is adequate given the lack of significant seasonal variability.
16	Diavik to undertake remote sampling for select “worst-case” ponds (e.g., Pond 2 & 3 combined catchment) to obtain continuous real-time data for SNP MZB stations when sampling decreases after site presence is discontinued. This would increase the amount of useful data collected and provide early indication of any water quality issues.	DDMI understands this recommendation for remote sampling comes from EMABs opinion that a decrease in sampling would not support early detection of water quality issues and that the reduced monitoring would not provide reliable results. As already established, any SNP monitoring frequency change will need to be approved by the WLWB, and it will be based on evidence. DDMI expects based on over 20 years of operational data that the evidence will support a reduction in monitoring and there are no indicators to date that would predict a decrease in water quality (runoff or in mixing zones) after the mine closure. In fact, overall water quality conditions in LDG are expected to improve in closure and as was the case during operations, during post-closure the AEMP will provide early warning of any potentially problematic water quality trends broadly in LDG and may trigger upstream investigations as needed.

17	Require detailed monitoring under the Licence: physical monitoring (i.e., plume/mixing surveys, pond discharge timing and rates), chemical monitoring (pond discharges and receiving environment), and biological monitoring (acute and full-suite chronic toxicity testing). The results of this monitoring will be used to confirm model predictions for each pond to reduce uncertainties with respect to long-term effects.	DDMI's proposed monitoring and management approach meets this recommendation.
18	Going forward, ensure that specific effects studies explore the fate of contaminants from surface discharges. If the contaminant concentrations at mixing zone boundaries cannot be explained by dilution alone (based on comparison with results from conservative parameters) effects studies need to explore the fate and potential effects of contaminants along the flow path.	It is unclear from this Intervention what other mechanisms EMAB is considering. DDMI recommends this can be considered during review of SES reports and changes to the Licence are not required.
19	SNP mixing zone boundary sampling locations, which are designed to measure whether the EQC for discharge to Lac de Gras are being met, should be set at the end of the actual mixing zone, which will be established during the SES program for Ponds 2 and 7. Discharge dispersion and dilution may not align with a fixed 100 m distance or predicted calculations in models. A more adaptive sampling strategy, where both shallow and deeper water sampling takes place at varying distances from the discharge point, would provide a more comprehensive assessment of water quality across different seasons. Without shallow water sampling, potential near-surface exposure pathways for aquatic organisms may be overlooked.	Mixing zone boundary stations are not designed to measure whether or not discharge criteria are met. Discharge criteria are directly measured for compliance at the point of discharge. One objective of the SES is to determine if a relocation of mixing zone SNP stations is appropriate. DDMI suggests that any decision to change the sampling methods or locations are better made once SNP and SES results and reporting from the Collection Ponds 2 & 7 are available to ensure such changes are in fact necessary and based on evidence.
20	Specify the wording for location of mixing zone boundary stations in Annex 1 of the Licence to ensure that locations are 100 m from the discharge point into Lac de Gras, or less if determined by SES results.	DDMI maintains that proposed wording is appropriate and aligns with previous Board decisions. Regardless, DDMI expects this recommendation is already met as one objective of the SES is to determine if a relocation of mixing zone SNP stations is appropriate.
21	Require Diavik to include long-term monitoring of potential seepage, for example, walking the toe of the NCRP-WRSA during twice annual visits for collection pond monitoring.	Seepage will be captured under SNP sampling of the breached ponds with further investigation to occur if triggered under the SWALF.
22	For ponds and sumps intercepting potential seepage from the NCRP-WRSA (e.g., Ponds 2 and 3, the south side of the pile), continue monitoring until there is no risk of climate change causing potential thawing and associated acid rock drainage entering the receiving environment.	Climate change assessments have been undertaken (FCRP v1.1 X-24) and indicate that the NCRP-WRSA cover will continue to perform even under climate change scenarios. DDMI recommends this can be reconsidered as part of future CRP processes such as future Performance Assessment Reports when more information on climate change trends and cover performance will be understood.
23	Require Diavik to complete a Specific Effects Study for each pond. At a minimum, an SES should be required for Ponds 2 & 7, 1 & 13, and 3, plus one or two representative or "worst-case" ponds (e.g., based on similar dilution requirements, geologic and/or mixing conditions) that can serve to verify the accuracy of the model for a range of conditions.	DDMI continues to recommend that the decision on the need for additional SESs is better made once SNP and SES results and reporting from the Collection Ponds 2 & 7 are available to ensure such additional studies are in fact necessary and based on evidence. This approach is more aligned with the principles of adaptive management. Part I, Condition 5 is clear that Specific Effects Studies are not limited to those listed in Schedule 7, Condition 2 "These studies shall include, but not necessarily be limited to, those listed in Schedule 7, Condition 2". DDMI understands this to mean that the WLWB can direct additional SESs if the results of the SES for Ponds 2 and 7 indicate they are warranted. Additional field investigations which may include SESs are also already defined as responses under the SWALF.
24	Regularly analyze and summarize results from the Ponds 2 and 7 Specific Effects Studies, and future SES studies, and SNP stations relating to mixing zones, to confirm the accuracy of model predictions. For example, when samples are taken weekly or monthly, require Diavik to provide a monthly report to the WLWB for review including a concise **summary** of the data comparisons to predictions and benchmarks, and basic figures clearly explaining the results for verification and early indication of problems with the model or water quality concerns.	The Licence already requires DDMI to provide a monthly comparison of the data collected from "Stations Applying to Collection Ponds" with the thresholds described in the approved Surface Water Action Level Framework and the applicable discharge criteria. DDMI considers this recommendation fulfilled.

25	Require Diavik to revise its proposed Closure Surface Runoff and Seepage Criteria to address the issues raised by EMAB regarding the Parameters of Potential Concern.	EMAB's five main issues with the POPC screening process are addressed below (EMAB #26-32). No updates to the proposed numeric criteria are necessary.
26	Include parameters highlighted for exceeding baseline levels or lacking baseline comparisons in Tables 2 and 3 for their respective breach locations. Where parameters were screened out despite exceeding or lacking baseline comparisons, provide a clear rationale.	The POPC memo provides clear rationale for the screening process and has been accepted by the Board.
27	For parameters with potential toxicity but no existing benchmarks or guidelines, Diavik should be required to make best efforts to derive or justify appropriate criteria.	Operational AEMP Action Level 2 is already set to establish effects benchmark if none already exist. After over 20 years of the AEMP Diavik anticipates that most effects benchmarks that are likely needed during closure have already been created. Deriving additional benchmarks outside this established process is not supported.
28	DDMI to provide clarification on whether temperature, hardness and TOC will continue to be monitored post-closure.	As per Annex 1 Part C Temperature will be collected in the field. Likewise, hardness is included in Annex 1 Part C and will continue to be collected. DDMI notes that DOC is used to calculate some AEMP benchmarks, therefore it may be more appropriate to collect DOC in place of TOC. DOC is already included in closure AEMP design.
29	As Diavik's entire POPC screening process relies on predicted modeled concentrations, once real-pond data is available, require Diavik to repeat the POPC screening process to validate the selected parameters and identify whether additional parameters should be considered for EQC development.	If actual conditions are substantially different and worse than predicted a Licence Amendment may be required. DDMI notes that SWALF triggers in the mixing zone are in place for all parameters and not only parameters with discharge criteria and DDMI expects this response framework would be the primary mechanism to inform a decision to request initiation of an Amendment.
30	Require Diavik to propose EQCs for all metals/inorganics, or the Licence should default to the most stringent of the AEMP or updated DWQG for each parameter. EMAB recommends Diavik be required to clarify what guidelines or benchmarks the results of the metals scan will be compared to (e.g., AEMP benchmarks) and how an exceedance will be responded to or used to validate the existing POPC or inform an updated POPC screening.	It is DDMI's understanding that discharge criteria's should only be placed in a Water Licence if the parameter is of potential concern. DDMI completed a POPC screening to inform the current suite of discharge criteria and this POPC has been accepted by the Board and the current suite of criteria are supported by the GNWT. The WLWB has all of the information required to determine final discharge criteria.
31	Diavik to provide clarification on this Metal Scan modification, including any resulting changes to EQC development, should be provided.	The list of parameters presented in Annex 1: Part C, Note 1 has been used for SNP analyses and will continue to be used in the renewed water licence. The list of parameters assessed through POPC screening is inclusive of these parameters therefore there is no change to discharge criteria development. Note: bismuth and zirconium are in the ICP-MS list but not explicitly in the POPC screening because they are not in Table 1 (LWB 2023 – how to set EQC). They also don't have AEMP benchmarks and therefore would not be included in POPC.
32	Diavik to clarify what guidelines or benchmarks the results of the metals scan will be compared to (e.g., AEMP benchmarks) and how an exceedance will be responded to or used to validate the existing POPC or inform an updated POPC screening.	See EMAB #29 and 30.
33	Diavik to undertake community engagement on questions related to the closure of the North Inlet, including whether or not it should be re-connected to Lac de Gras, and whether that re-connection should allow fish passage, and how CUC should apply to it. This engagement could take place as part of engagement on the upcoming FCRP revision.	DDMI notes that this recommendation is for the FCRP review process and not the Licence Renewal process. Further, the closure of the North Inlet was a topic of discussion during the FCRP Workshops held in late 2024 so DDMI considers this recommendation fulfilled.
34	Include a requirement for water quality in the North Inlet to **meet AEMP benchmarks and cultural use criteria** as well as currently proposed sediment quality standards prior to reconnection with Lac de Gras.	DDMI understands this recommendation is related to FCRP v1.1 and not the Water Licence Renewal. DDMI expects this EMAB recommendation to be resolved in review of FCRP v1.1 which includes both new and updated closure criteria for the North Inlet.
35	Locate at least one (1) SNP station for water quality in the North Inlet. Water quality monitoring within this area will be required to ascertain if the dike can be breached and the location of the station(s) should be identified in advance for Parties to review.	DDMI understands that this recommendation is already part of the draft Water Licence, as Annex 1 includes SNP station 1645-13 which represents water in the North Inlet. Location of a SNP station requires approval by the GNWT-ECC Lands Inspector and DDMI will seek their approval before moving the sample location.

36	Include a requirement in the licence for a process that will use sediment monitoring results to evaluate progression towards achievement of conditions that support reconnection of the North Inlet. If the sediment quality is not improving as expected, then include a requirement for further evaluation of contingency measures (e.g., covering, dredging) aimed at supporting the establishment of conditions that are protective of the aquatic environment.	Sediment quality failing to meet the closure criteria does not mean that the North Inlet (NI) cannot be hydraulically reconnected, the criteria would be more important to meet if the plan was full reconnection. A hydraulic reconnection will prevent fish from entering the NI and interacting with the sediment and this is DDMI's preferred Closure option as put forth in FCRP v1.1. Meeting sediment guidelines is still a long-term performance criteria. Additional Licence Conditions are not required as the FCRP and existing regulatory mechanisms account for these requirements and DDMI strongly prefers to maintain flexibility to adapt the CRP for the NI without triggering additional Licence processes.
37	Include post-closure (i.e., after breaching of the East Dam) sampling of North Inlet sediment to confirm that sediment conditions remain stable in the post-closure conditions.	DDMI notes that this recommendation is for the FCRP review process and not the Water Licence Renewal process. DDMI maintains that sampling should be risk-based. Once backwash from the NIWTP is no longer deposited into the NI there will not be a pathway to introduce new hydrocarbons, consequently concentrations are only expected to decline.
38	Add a sampling station of the west side of the NI dike for monitoring water quality post-breach.	DDMI has already proposed to maintain SNP 1645-13 into post-closure.
39	Establish one SNP station per breach location perpendicular to the dike at a distance of 50 meters.	The location of the dike breach SNP stations was proposed to match the Board approved dike construction SNP stations. EMAB has not provided any evidence to explain this significant change in approach from established methods.
40	Add an additional reference site for the dike breach monitoring sites or provide a rationale for the suitability and adequacy of using this single reference station.	DDMI chose a methodology similar to that used in previous in-lake work. The risk to the receiving environment of the dike breaches is orders of magnitude lower than the previous and successfully managed risk from full dike construction. Out of an abundance of caution DDMI has proposed a program that is very similar to the full dike construction programs despite the low risk. Increasing the program complexity is not supported.
41	Include a condition in the licence that requires the full CCME guidelines for TSS limits for in-lake activities, as required by the WLWB in its decision on the amendment for TSS for the A21 dike: Maximum increase of 25 mg/L from background levels for any short-term exposure (e.g., 24-h period), and maximum average increase of 5 mg/L from background levels for longer term exposures (e.g., inputs lasting between 24 h and 30 d). Diavik should also be required to revisit its proposed mixing zone sizes for TSS are sufficient to protect the aquatic receiving environment during dam and dike decommissioning activities based on current best practices and knowledge.	The 25 mg/L max average criteria were set by the WLWB for dike construction. Dike breaches activities will be orders of magnitude smaller in scale than full dike construction activities thus maintaining the 25 mg/L and 200 m distance remains protective and achievable. Lowering criteria is not supported and could cause delays to the closure project without significantly improved protection of aquatic life.
42	Diavik to conduct and provide an updated assimilative capacity assessment for the discharge area based on current and predicted water quality conditions.	The assessment conducted as part of the EA, backed up by 4 years of monitoring as directed by DFO, and over 20 years of AEMP monitoring have indicated no long-term harm to LDG. This indicates that the assimilative capacity of LDG was sufficient for a construction camp of up to 1000 people, therefore LDG has sufficient assimilative capacity for a deconstruction camp of up to 200 people. Redoing this assessment would only be potentially supported if conditions were expected to be worse, not better.
43	Include a condition that Diavik submit the design and performance criteria of its proposed STF, and full specifications, for review and approval prior to beginning operation of the STF.	Diavik shall comply with an approved Sewage Treatment Facility Operation Plan (Part G, Condition 6). As with other management plans required through the Water Licence, DDMI must submit to the WLWB an updated sewage plan for approval at least 90 days before the requested change/implementation (Part G, Condition 10a). DDMI understands the new closure STF cannot be commissioned until DDMI has received approval.
44	Require monitoring of nitrate, nitrite and ammonia as they are potentially toxic to aquatic life. Require development of a technology-based EQC framework in tandem with the review of the STF operating system to align both environmental protection goals and evolving sewage treatment technologies.	See GNWT #5 and previous DDMI response to IR #6.
45	Confirm the applicability of the proposed EQCs using current treatment technologies, site-specific ecological conditions, and up-to-date best practices. EQCs should be based on current data and technology. Applying EQCs from a water licence that is over 20 years old is not appropriate or defensible.	When proposing STF EQC DDMI looked at issued water licenses for multiple communities and projects in the NWT, some with recent renewals, and considered the proposed EQC parameters and concentrations for the Closure STF discharge to be appropriate. See GNWT #5 and previous DDMI response to IR #6.
46	Provide details on anticipated concentrations for nutrients (total phosphorus, ammonia, total nitrogen, nitrate, and nitrite; i.e., design criteria) for the treated sewage effluent.	DDMI has previously provided a summary of effluent concentrations from the STF operated between 2000-2024. DDMI considers this recommendation fulfilled.

47	Describe the anticipated effects of the sewage effluent discharge on the receiving environment.	As identified in the EA and CSR there will be a short duration nutrient enrichment effect in the immediate vicinity of the deposition site. As LDG is oligotrophic the slight, local N and P enrichment will be rapidly taken up by phytoplankton. When the discharge is turned off the effect will rapidly self-correct as phytoplankton take up the excess nutrients. Given the low volume of discharge DDMI expects very rapid mixing and no issue meeting benchmarks at the edge of the proposed mixing zone. Also see previous DDMI response to IR #6.
48	Expand procurement criterion to include Best Available Technology that can meet the other criteria listed in IR #6. Add AEMP Benchmarks for ammonia and nitrite to the EQCs for the Treated Sewage Effluent Facility or provide a rationale for their exclusion based on inability of technology to meet them.	DDMI will be procuring technology that can meet the proposed criterion and DDMI has not proposed criterion for ammonia and nitrite as explained in response to IR #6. The WLWB has all of the information required to determine EQC for the Closure STF.
49	Re-calculate EQC's and maximum loadings for phosphorus in the effluent and revise Part G (33) and G (41) to reflect the new calculations.	The current maximum loadings for total phosphorus (Part G, Condition 41 of proposed licence) was amended into the Licence in 2002 during construction (1000 + people) and is already protective of LDG. It is unclear why further reduction would be necessary given the closure camp will be significantly smaller maximum 200 people with much less STF discharge. Current load limits are expected to be protective of LDG and this is supported by AEMP evidence over the last 20 years.
50	Monitor metals and E. coli monthly in both effluent and the receiving environment.	Total ICP-MS Scan and *Escherichia coli* will be monitored at station 1645-11 once a year and are monitored for information rather than for compliance with an EQC. This has been the past practice as determined by the WLWB. Total and dissolved metals and feacal coliforms will be monitored in the mixing zone for 1645-11 per proposed Annex 1.
51	Include DOC and DO in the list of water quality monitoring parameters. DOC should be monitored at minimum at the SNP station in Lac de Gras; DO should be monitored in both effluent and receiving waters.	DDMI undertook a 4-year study to confirm that the treated sewage effluent did not have an impact on oxygen content in LDG. BOD is proposed as an EQC and maintaining this criteria is protective of the receiving environment, adding DO does not add any additional protection.
52	Include original TSS limits of 10 mg/L average and 20 mg/L maximum or provide a stronger justification for the proposed increase in TSS limits, especially considering the differences between the new sewage treatment facility and the NIWTP.	If surface runoff and seepage or the NIWTP effluent at up to 90,000 m^3 per day are permitted to discharge at a maximum TSS of 25 mg/L then the near 2000 times smaller discharge of up to 50 m^3 per day for treated sewage with the same TSS criteria is considered robustly protective of the receiving environment. DDMI does not support lowering the criteria without evidence of why this is necessary to protect LDG.
53	Clarify how model predictions (e.g., dilution at the mixing zone SNP site) for the Pond 11 discharge will be verified if there are interactions with the treated sewage effluent discharge in this area.	As shown in the Technical Workshop presentation the overlap in the 100 m buffer around the discharge locations is limited to approximately 10 m and the proposed SNP locations are not within the 10 m overlap, therefore the likelihood of interactions are minimal. Also, Pond 11 decommissioning is not scheduled until late in the closure period which will limit overlap and at that point model verification will not be necessary and focus will be on the SWALF.
54	Provide a description of potential cumulative effects of these two discharges on water quality conditions in Lac de Gras (including consideration of interactions related to toxicity modifying factors such as pH).	Based on the limited overlap and high dilution expected for both discharges cumulative effects resulting in toxicity is not considered credible. For the STF pH and temperature are expected to transition from end-of-pipe to LDG values rapidly and well before the mixing zone boundary which may alleviate this concern.
55	Defer review of proposed closure criteria SW2-1 to the review of the FCRP.	DDMI does not support this deferral in particular given this is the primary focus and request under the Renewal.
56	Revise the numeric closure criteria for closure objective SW2 to include passing chronic sublethal toxicity testing at 12.5% strength with *Ceriodaphnia dubia* and for an early life stage fish species such as Rainbow trout or Fathead minnow.	Toxicity sampling is being covered as part of Water Licence Annex 1 and will be reported as supporting information similar to during Operations. Including this as an additional closure criteria is not necessary.
57	Maintain weekly sampling frequency until all parameter concentrations are demonstrably decreasing and no exceedance of EQC or other discharge criteria are observed. Any reduction in sampling frequency should require WLWB approval.	It is not clear why all parameter concentrations need to be decreasing before sampling frequency can decrease or what would be required to achieve this. DDMI does not anticipate concentrations will decrease over time, rather DDMI expects they will remain stable and at levels that meet closure objectives and criteria. Reduction in sampling frequency already requires Board approval as has been established in previous decisions.
58	Revise the monitoring plan and analysis methods for evaluating ongoing achievement of closure criteria to ensure that the monitoring program is sufficiently robust to support the proposed analyses.	Using the maximum of the twice-annual (spring and fall) sampling events is likely to capture flow that is representative of the 95th percentile. Conducting monthly sampling in post-closure when there is no permanent site-presence is not a reasonable request, in particular, considering the low and acceptable or negligible risk associated with these discharges. DDMI will not necessarily include Operational results in the trend analysis. The text specifies 'consider' it does not specify 'must. When interpreting results it will be important to consider if operations data was trending downward but closure data was trending up, or visa versa. In the future DDMI may consider using just the spring and fall SNP data to evaluate operations and closure trends, this should allow comparison of flow and climatic regimes during post closure that are similar

		and reduce bias in the analysis. DDMI expects this type of discussion is better placed during review of Performance Assessment Reports when there are specific results to be considered and not continue to debate theoretic scenarios.
59	Clarify when the proposed two sampling events during post-closure following completion of site closure would be undertaken and the rationale for selection of the timing.	These events are scheduled in the spring and fall. Operational experience indicates that there is often water in the collection ponds May through September and DDMI will aim to sample accordingly.
60	Provide details on what methods will be used to assess temporal trends in the data.	DDMI anticipates using a linear best fit line and visual assessment. However, methodology may vary based on best fit of future results. The need for more complex statistical assessment will be considered if these methods are deemed insufficient.
61	Analyse monitoring results for seasonality and use appropriate statistical methods for trend analysis if seasonality is observed (e.g., Seasonal Kendall test).	DDMI is not proposing seasonal analysis as data density will be low during post-closure.
62	Conduct trend analysis using all data points (in addition to trend analysis using annual statistics) to first determine if a trend is evident.	Trend analysis using all points would weigh the trend line toward periods with more samples, which EMAB has identified as undesirable, therefore DDMI's proposal of using the average and 95th should be more appropriate with the 95th capturing worst conditions.
63	Conduct trend analysis without operation monitoring data (or conduct both with and without these data).	Operational data will be considered in the trend analysis and not *a priori* included. See EMAB #58.
64	Project conditions (i.e., water quality conditions) for seepage and pond discharge over a longer period (e.g., 50 years).	The SNP dataset is designed to identify if the closure activities have been successful. Extending trends by an additional 30 years is not realistic as it may become unlikely that the natural environment will maintain a steady trend. Longer term monitoring is part of the AEMP and will extend for a much longer period of time with assessment trends projected further into the future. If AEMP results indicate that there is an effect on LDG then the AEMP Action Level investigations may include options to restart monitoring on East Island and require additional projection of results.
65	Clearly define performance requirements for trend analysis, such as statistical power and acceptable decision error rates, in advance of performance reporting, along with the specific type of trend analysis to be used (e.g., non-parametric methods like Mann-Kendall). Pre-define the trend analysis methodology with all parties, base the analysis solely on post-closure monitoring data to ensure that conclusions accurately reflect actual closure performance	DDMI maintains the position that performance reporting should not be overly prescribed ahead of time and that it is up to DDMI to present an argument, as part of a PAR, that objectives and criteria have been met based on detailed evaluation of all information available at that future date. Despite this position, DDMI has proposed additional detail on expected assessment of stability to address stakeholder requests to predefine this. Further prescription is not supported and it is unclear what advantage this would provide and may limit future Board discretion.
66	Diavik, the Inspector and other interested Parties undertake a conceptual exercise to work through a conceptual exceedance under the SWALF, including an assessment of the point at which Diavik would be considered out of compliance with the Water Licence and the Inspector would take enforcement action.	The SWALF already includes clear and unambiguous triggers and responses with associated timelines. DDMI does not believe this conceptual exercise is necessary given the current state and approval of the SWALF.
67	Provide additional analysis to consider whether the variability in turbidity/TSS relationships is related to differences between sample locations. If differences in locations are important, different SWALF thresholds for turbidity may be needed for different discharge locations.	DDMI considers the current TSS/turbidity relationship to be based on the best available data. Updates to this relationship may be considered if new data suggests the relationship is changing.
68	Add an Action Level 2 trigger to the SWALF as follows "Runoff at 12.5% dilution chronically toxic to aquatic life as determined by Annex 1, Part C, note 10."	The SWALF has been intensely reviewed and is approved. DDMI does not see the need to add additional triggers at this time. Toxicity sampling is planned and will be used as supporting information.
69	Require Diavik to link the SWALF with the AEMP to provide an integrated action level framework in the event that water quality in Lac de Gras does not stabilize or improve post closure. At a minimum, provide a conceptual monitoring response framework for the AEMP and describe how it will be linked to the SWALF for consideration and discussion.	The AEMP design has action levels with connection to the SWALF. This document is included in FCRP v1.1. DDMI expects these linkages can be discussed during the FCRP review process and not as part of this Renewal.
70	Recommend that Schedule 5, Condition 11 require Diavik to explicitly link the SWALF to the Closure AEMP as set out in our recommendation above. This might be achieved through Schedule 5 Condition 11(i) or as the WLWB assesses the best way to achieve it. If necessary the WLWB could direct	See EMAB #69

	Diavik to revise the SWALF to achieve this linkage through Part B17, which states “The Licencee shall revise any submission and resubmit it as directed by the Board.”	
71	Diavik’s proposal to drop chronic toxicity testing at Stations #1645-18/18B should not be accepted. Require Diavik to continue to conduct chronic toxicity testing on the full complement of test organisms at Stations #1645-18/18b.	Chronic toxicity tests show that, historically, *C. dubia* is the most sensitive species. As DDMI ramps down processing and dewatering of the underground mine the risk to the receiving environment decreases. As there has never been a significant acute or chronic toxicity test failure for the 1645-18/18B stations decreasing testing protocols to the most sensitive organism is aligned with the principles of adaptive management.
72	Update the water licence conditions related to the Independent Review Panel to specify the process that must be followed to update the Terms of Reference and complete the two additional phases of review associated with the implementation of closure measures for the A418 Pit that contains processed kimberlite.	The current Licence Conditions are adequate and meet the intent of EA Measures.
73	Include a requirement in the licence to re-engage the Independent Tailings Review Panel to consider the proposed closure design and implementation for the PKCF. Revise the water licence to require review and acceptance of the closure design by the Panel.	The ITRP was engaged as part of the PKCF Closure Design process and the ITRP provided a letter of support. The PKCF design has not changed and a requirement to re-engage the ITRP is not necessary.
74	Incorporate appropriate conditions in the water licence requiring submission of designs and plans related to closure activities.	The Licence already contains the Conditions to provide designs and plans related to closure activities. All designs and plans to date were included in the FCRP v1.0 in 2022.
75	Continue monitoring of groundwater chemistry in the post closure phase, either by maintaining existing monitoring wells or establishing new ones that are focused on identifying changes in water quality along expected or potential flow paths.	DDMI suggests that EMAB provide this comment, with details on areas of groundwater concern, during the FCRP review. DDMI has had very limited success with groundwater sampling due to the presence of very shallow permafrost under the mine site.
76	In Diavik draft licence Schedule 5, item 11 refers to Part G, Condition 42 – this should refer to Condition 43 in Diavik’s draft.	DDMI confirms this is an error. Schedule 5, Condition 11 should refer to Part G, Condition 43.

No.	Reviewer Recommendation	Proponent Response
TG		
1	The Water Licence should not authorize permanent post-closure mixing zones or finalize closure criteria for Lac de Gras until Diavik reports the results of the Specific Effects Study and completes additional engagement with Tłı̨chǫ Government. The Licence should, however, include conditions to allow breaching in the future, if approved by the Board through the Final CRP.	DDMI understand that any authorization under this Licence would end at the expiry date. DDMI expects that discussion on the continued need for authorization of post-closure mixing zones can be revisited during the next renewal process anticipated around 2035. By 2035, DDMI expects to have a robust understanding of the temporal and spatial extent of each mixing zone which will inform discussions on permanence of mixing zones. DDMI appreciates TG support for the current Licence to allow breaching of remaining ponds if approved by the Board through the FRCP.
2	In order to inform final decision-making about permanent mixing zones and setting closure criteria, Diavik should more precisely determine the size of the mixing zones.	DDMI expects that the current monitoring programs will fulfill this recommendation. DDMI expects the definition of more exhaustive monitoring to be informed by the SES results from Pond 2 & 7.
3	We recommend that Diavik be required to use post-closure monitoring data to report mixing zone sizes and characteristics as precisely as possible, in different precipitation conditions and times of year, before walking away.	DDMI already understands this as a requirement of the FCRP with communication through Performance Assessment Reporting. DDMI will also continue to engage TG directly to support and improve communication of results and in particular prior to any proposed cessation of monitoring.
4	Consistent with the Boards’ Standard Process for Setting Effluent Quality Criteria (2023), Water Licence criteria for each parameter should be set at the lower of the protective and achievable (technology-based) values.	DDMI has proposed discharge criteria at protective values and separately identified the lowest values considered achievable. The GNWT has provided confirmation that discharge criteria derivation and results are appropriate and concluded that producing more stringent criteria would not appear to provide additional protections to the aquatic environment and users of Lac de Gras. While DDMI acknowledges that lower criteria may reduce perceived risk DDMI does not believe the intent of discharge criteria in a Licence includes managing perceptions. DDMI is also concerned that lowering criteria to lowest achievable levels will increase the likelihood of exceedances which could result in the perception of a failure to protect the aquatic environment and users of Lac de Gras without corresponding actual harm. The WLWB has all of the information required to determine a final set of discharge criteria.

5	The Board should not use double the modeled predictions to determine what water quality can be achieved, unless Diavik can provide a better rationale.	Model predictions are considered the best estimate of long term conditions. These predictions were built up from a decade of laboratory and field scale waste rock research. SNP data represent Operational conditions and provide useful information to test achievability but in the case where operational results are lower than closure predictions criteria should not default to the lower value. Producing more stringent criteria would not appear to provide additional protections to the aquatic environment and users of Lac de Gras and only increases the risk of exceedances which could result in the perception of a failure to protect the aquatic environment and users of Lac de Gras. DDMI expects it would prove very challenging to come back from this perceived negative outcome and that the perceived benefit of lower criteria does not outweigh this risk. The WLWB has all of the information required to determine a final set of discharge criteria.
6	If any chemicals have SNP concentrations (95th percentile) above benchmarks, they should have EQC in the Water Licence.	DDMI understands this would deviate from the accepted outcome of the previous parameters of potential concern screening process and subsequent WLWB discharge criteria decisions related to Pond 2 & 7. The WLWB has all of the information required to determine a final set of discharge criteria.
7	The Board should set cultural use criteria for Lac de Gras and ensure they have regulatory status that is equivalent to scientific criteria.	DDMI has previously stated that further development of CUC may be considered through the development of the Closure TK Monitoring Program. As outlined in EMAB #2, the development of the Closure TK Monitoring Program has been ongoing for several years and has not been finalized or included for WLWB consideration as part of the Water Licence Renewal process. Given the absence of any GNWT or WLWB standards, guidance, or policy on the use of Traditional Knowledge monitoring results in evaluating whether CUC have been met, as well as uncertainty on how this type of monitoring information would be interpreted and enforced by the GNWT Inspector for regulatory compliance, it remains unclear to DDMI how the Board could address this recommendation in relation to the Water Licence Renewal. DDMI suggests this discussion is better placed to continue through the FCRP review processes.
8	The Water Licence should include a requirement that before breaching the north inlet dam, a) water quality criteria should be met and b) water quality should not be trending towards benchmarks.	Water quality and sediment criteria are both already required in the FCRP. Overall, it is unclear to DDMI what this Licence requirement adds above the requirements that already exist in and are managed through the FCRP except to eliminate flexibility. Due to the present uncertainty on a final CRP for the North Inlet DDMI strongly believe flexibility should be maintained with requirements through the FCRP rather than the Licence. DDMI does not support any requirement stating that water quality should not be trending towards benchmarks prior to reconnection. If the North Inlet reconnection is delayed water quality is expected to degrade over time which would potentially make this type of criterion unachievable. To be clear it is favored to reconnect the North Inlet as soon as practical to allow for fresh water exchange and equalization with LDG.
9	The Water Licence should include a requirement to develop and meet applicable cultural use criteria before breaching or replacing the north inlet dam.	See TG #7. Further development of CUC may be considered through the development of the Closure TK Monitoring Program. As outlined in EMAB #2, the development of the Closure TK Monitoring Program has been ongoing for several years and has not been finalized or included for WLWB consideration as part of the Water Licence Renewal process. DDMI suggests this discussion is better placed to continue through the FCRP review processes. DDMI also notes that the original requirement for CUC came out of the EA process for the PKMW Project in order to mitigate the MVEIRB's finding that the Project would likely result in a significant adverse impact on the cultural use of Lac de Gras. DDMI maintains that the requirement for CUC is only applicable in the context of the PKMW Project.
10	Finally, based on the information generated during this proceeding, we make the following additional recommendations: a. The SWALF should be updated once the results of the Specific Effects Study and additional engagement are known. This could happen when closure criteria are finalized. b. Any reductions in post-closure monitoring frequency under the SNP should be approved by the Board and not predetermined in the Water Licence. This is consistent with the Board's previous decision.6 c. All reports submitted after operations stop should have plain language sections, with maps and visual representations. This includes the annual WL report, Reclamation Completion Reports, Progress Reports, Performance Assessment Reports, etc. The Licence has requirements for plain language sections for some submissions but not all. Good communication is even	a) The Licence already requires an annual review of the SWALF and resubmission either 90 days prior to any change or upon request of the Board. DDMI suggests no Licence changes are required as this recommendation is already fulfilled under the Licence. b) As stated by TG, this recommendation has already been established in a Board decision. DDMI suggests no changes are required as this recommendation is already fulfilled under the Licence. c) The WLWB are best placed to determine where plain language summaries should be required under the Licence and in line with the Standard Conditions. Regardless DDMI endeavors to fulfil the intent of this recommendation through current engagement and reporting processes and DDMI would be pleased to directly discuss specific improvements or ideas with TG. d) Under the proposed Licence, DDMI does not believe there is a significant change or gap in reporting during the closure period. Currently required reporting through Annual Water Licence Reports, Annual Closure and Reclamation Plan Progress Reports, Reclamation Completion Reports, Performance Assessment Reports, and AEMP Reports will be robust. DDMI may consider opportunities to streamline these submissions in the future.

	more important in during closure, to inform Tłı̨chǫ citizens now and in the future. Ideally this would include pictures and short videos. d. Annual reporting during active closure and the post-closure period will play an important role in updating the Board and all parties. Annual reporting will also support Traditional Knowledge Monitoring. The Licence requirements for the Annual Water Licence Report and the Annual Closure and Reclamation Plan Progress Report (Schedule 8, Condition 2) are focused on operations. During active closure, Diavik should be reporting on progress implementing the closure plan. During and after active closure, Diavik should be reporting on monitoring, maintenance, and other post-closure issues. The requirements in the Water Licence Schedules for these two annual reports should be updated and potentially reduced to one combined report. e. If Diavik repeats the Human Health and Ecological Risk Assessment, Diavik should be required to engage with parties on the problem formulation. This will help the risk assessment to better reflect culturally significant land uses and species. This engagement requirement could be achieved with an update to the Engagement Plan, a Water Licence condition, through the Final CRP, or other means. f. Similarly, Diavik should be required to describe how it will communicate risks after closure. Again, the Board has a number of tools it could use to require this.	e) The HHERA was included with the FCRP and was considered as supporting information by the WLWB and not for approval or as a requirement under the License. DDMI does not support this as a Board requirement, but DDMI will consider this recommendation if an update to the HHERA is planned. f) It is DDMI's responsibility and opportunity to manage risk communication after closure and DDMI recommends that these methods should not be prescribed. DDMI agrees with TG that risk communication will be an important component of communication about the closed site. This may be included in Performance Assessment Reports and related closure engagements.

No.	Reviewer Recommendation	Proponent Response
LKDFN		
1	That the WLWB include a condition in the WL that Diavik is required to receive approval from the TK Panel or the TK Monitoring Program that closure objectives are successfully met. Approval should be included in the Closure and Reclamation Completion Reports or Performance Assessment Reports.	See EMAB #2. The TK Monitoring Program is still being developed and has not been included for approval as part of this Water Licence process. Part of the development of the TK Monitoring Program will be discussing how the TK Monitoring Program may be used to evaluate whether DDMI has met its closure objectives. DDMI anticipates that the TK Monitoring Program will be used to evaluate some, but not all of DDMI's closure objectives, in tandem with the scientific monitoring through the FCRP. DDMI suggests this discussion is better placed to continue through the FCRP review processes.
2	Diavik should engage with LKDFN and other communities to talk about what would be required for approval of closure objectives from a TK perspective. Further, how we can collaboratively address the issues Diavik sees with TK Guidelines and Enforceability	DDMI's closure objectives have already been approved by WLWB over a decade ago. DDMI will request approval of new or slightly modified objectives through the public review process of FCRP V1.1 and will continue to engage with LKDFN and other communities through that process. Engagement with LKDFN and communities on the development of the TK Monitoring Program is also ongoing. DDMI welcomes further feedback from LKDFN on how the WLWB might address gaps in existing guidelines or enforcement processes in regards to TK monitoring.
3	That real data from Ponds 2 and 7 are understood and accepted by the parties prior to further breaches, i.e. that the SES is complete before moving forward with other pond breaches.	The quantitative environmental risk associated with reconnection of natural drainages is low and acceptable or negligible. Therefor DDMI does not support new Licence requirements that will restrict and/or delay reconnection timelines.
4	LKDFN recommends that the board allow for the possibility of requiring further SESs for future pond breaches if the parties agree it is warranted.	DDMI understands that under the current Licence the WLWB can already direct additional SESs if they are warranted. Additional field investigations which may include SESs are also already defined as responses under the SWALF. Therefor further changes to the Licence are not needed to address this recommendation.

No.	Reviewer Recommendation	Proponent Response
DKFN		
1	We recommend including the application of Cultural Use Criteria in any Water Licence condition that would be used to determine that surface runoff and seepage is not a waste.	See EMAB #2 and TG #7&9. The existing Cultural Use Criteria was created in consultation with communities to evaluate the water quality of pit lake A418 as a result of the PKMW EA. DDMI has previously stated and maintains that it is not appropriate to apply the Cultural Use Criteria developed specifically for the PKMW to other areas of the mine site. While the development of additional Cultural Use Criteria (or expanded application of the existing ones) may be considered through the development of the Closure TK Monitoring Program, the TK Monitoring Program is still being developed and has not been finalized or included for WLWB consideration as part of the Water Licence Renewal process. DDMI does not support a Licence condition requiring that cultural use criteria be used to determine if water is not a Waste. See DKFN #8 for information on why this concept is not currently supported.
2	We agree with the lowering of the Closure Surface Runoff and Seepage Criteria to the 95th percentile SNP data as they would be more protective and trigger further investigations at lower levels of constituents of concern. We also expect that the inspector will be able to compare the values of constituents measured in the surface runoff to these Closure Surface Runoff and Seepage Criteria and be able to determine if a Surface Water Action Level Framework (SWALF) Action Level has been triggered.	See TG #4 regarding DDMI position on use of SNP data to further lower discharge criteria. DDMI appreciated DKFN confirmation that the numeric criteria proposed by DDMI should be straightforward to enforce.
3	Regarding Closure Criteria SW2-1, as other parties have suggested, we recommend the trend analysis used to establish stability in surface runoff conditions be extended to 50 years to align with the approach taken with SW2- 3. Considering there will be more monitoring of the runoff and hence more datapoints, it is unclear why a longer time frame to assess stability could not be used, as it is proposed for SW2-3. We also trust that any reduction in sampling frequency for the runoff, the mixing zone stations or the AEMP stations will be approved by the Board based on the frequency of exceedances of Closure Surface Runoff and Seepage Criteria and temporal trend analysis.	The 20-year SW2-1 stability timeframe is considered reasonable given current expectations are that the WLWB will be recommending discharge criteria that are very low, or near the current minimum achievable level. Projecting these very low limits out to 50+ years may be problematic where background environmental conditions could also change enough to require a full re-evaluation of criteria. It is already DDMI's understanding based on previous Board direction that a reduction in sampling will need to be approved by the WLWB and as such, will be evidence based.
4	We recommend that the results of this monitoring be presented in the Aquatic Effect Monitoring Program Annual reports for all parties to comment and review.	The reporting of SW2-1 runoff and seepage results is not within the scope/reporting requirements of the AEMP. This SNP data will be presented in monthly SNP reports submitted to the WLWB. DDMI encourages DKFN, or any Parties, to contact DDMI directly with comments or to discuss results from programs outside of WLWB processes
5	Our recommendation would be to wait until the results of the SES are shared for review before breaching additional ponds. If this is not possible due to equipment or personnel constraints, the DKFN would prefer that low-risk ponds be decommissioned first, leaving the higher risk ponds to be decommissioned after the predictions of runoff and mixing zone constituent concentrations have been confirmed by the monitoring conducted on ponds 2 and 7.	The quantitative environmental risk associated with reconnection of all natural drainages is low and acceptable or negligible. DDMI is not aware of "higher risk" ponds from a quantitative risk assessment perspective that would be deferred under this proposed concept. Therefor DDMI does not support new Licence requirements that will restrict and/or delay any reconnection timelines.
6	DDMI also stated that if a full SES is not completed in year 1, they would include a summary of results from year 1 SES monitoring in the 2025 Water Licence Annual Report due to the WLWB by March 31, 2026. We recommend including the results of the SES monitoring in the 2025 Aquatic Effect Monitoring Program Annual Report as well for the reviewers to provide comments.	If partial SES results are already provided in the Water Licence Annual Report it is unclear what benefit would be provided by also including partial SES results in the AEMP Annual Report where incomplete results would also not be for approval. DDMI encourages DKFN, or any Parties, to contact DDMI directly with comments or to discuss results from programs such as the SES outside of WLWB processes.
7	We recommend that water quality criteria should also apply to the North Inlet water quality before reconnection with Lac de Gras.	See TG #9
8	We recommend Cultural Use Criteria be included in the water licence and that GNWT inspectors and Indigenous guardians work together to enforce both numeric and cultural criteria.	As outlined in EMAB #2, the development of the Closure TK Monitoring Program has been ongoing for several years and has not been finalized or included for WLWB consideration as part of the Water Licence Renewal process. Given the absence of any GNWT or WLWB standards, guidance, or policy on the use of Traditional Knowledge monitoring results in evaluating whether CUC have been met, as well as uncertainty on how this type of monitoring information would be

		interpreted and enforced by the GNWT Inspector for regulatory compliance, it remains unclear to DDMI how the Board could address this recommendation in relation to the Water Licence Renewal. DDMI expects this discussion is better placed to continue through the FCRP review processes.
9	To address the cumulative effects observed in Lac de Gras and the concerns raised by the DKFN and other Indigenous groups, it is recommended that the WLWB utilize these guiding principles to ensure the Diavik Diamond Mine is regulated to the fullest extent practical regarding substances entering the water.	DDMI understands this is addressed to the WLWB.

No.	Reviewer Recommendation	Proponent Response
ECCC		
1	ECCC recommends that Closure Criteria SW2-3 is not approved as part of these Water Licence proceedings and is instead evaluated with the Closure AEMP as part of the Final Closure and Reclamation Plan.	DDMI accepts deferred consideration of SW2-3 if deemed beneficial by the WLWB.
2	ECCC recommends including a water licence condition requiring confirmation of water quality prior to reconnection of the North Inlet to Lac de Gras to increase overall clarity and provide consistency with similar licence conditions.	The information requested by ECCC is included in the FCRP. DDMI does not see the benefit of duplicating these in the Water Licence and in fact sees potential complications. DDMI suggests that the need to include these criteria in the Licence be determined by the WLWB.

No.	Reviewer Recommendation	Proponent Response
YKDFN		
1	YKDFN does not support site-wide reconnection of sumps until the Specific Effects Study (SES) is complete and all parties can review the matter as part of a proceeding culminating in a Board determination.	DDMI expects that field measurements in 2025 will very quickly determine if actual mixing zone sizes are substantially different (larger or smaller) than predicted by the model and that reconnection of future ponds should not be contingent on a Board determination on the Pond 2 and 7 SES. Regulation as proposed through discharge criteria and the SWALF is protective of LDG.
2	The Board implements Cultural Use Criteria as Closure Criteria, allowing their achievement to be tied to the return of financial security.	Due to the absence of any GNWT or WLWB standards, guidance, or policy on the use of Traditional Knowledge monitoring results, as well as uncertainty on how this type of monitoring information would be interpreted and enforced by the GNWT Inspector for regulatory compliance or in connection with financial securities, DDMI does not recommend they be established as Licence Conditions during this Renewal. DDMI expects this discussion is better placed to continue through the FCRP review processes.
3	The Board add a condition to the WL that requires Cultural Use Criteria be added as a component of SW2 and SW3, including a way to assess stability that will allow for an assessment of successful closure.	See YKDFN #2.
4	The Board limits the use of Mixing Zones post-operations, both in terms of the number of mixing zones and the area allowed.	Safe mixing zones are required to passively manage post-closure runoff and seepage. The use of mixing zones is not optional under any known closure scenario including water treatment in-perpetuity. As noted in previous proceedings mixing zones also exist around some natural drainages to LDG. DDMI expected the areas proposed in the Licence are as small as practical based on current knowledge. Monitoring results may indicate mixing zones are in fact smaller than proposed.
5	The Board add conditions to the licence requiring Diavik to provide a rationale explaining why the SES results would not provide further data and improve modelling outcomes (including validating model prediction for the other mixing zones)	This Condition is not necessary as the Licence already requires this under the current SESs planned for Pond 2 & 7. Beyond this DDMI continues to recommend that the decision on the need for additional SESs is better made once SNP and SES results and reporting from the Collection Ponds 2 & 7 are available to ensure such additional studies are in fact necessary and based on evidence.
6	Seepage and surface runoff should continue to be considered a waste, until Diavik has provided evidence to the Board that it will not impact the aquatic environment or the cultural uses of water	While the WLWB had not decided if these waters constitute a “Waste”, the WLWB has decided to regulate all closure runoff and seepage as a “Waste” in the immediate term. DDMI supports language added to the Renewed Licence that would allow the WLWB to make a future determination of a “non-Waste” based on available data. The approach is supported by the GNWT.
7	If the Board determines that surface runoff and seepage water are no longer a waste, YKDFN request that the Board require closure criteria that can be	DDMI has already proposed closure criteria for surface runoff and seepage water. These criteria may be amended in the future at the recommendation of DDMI or any Party.

	developed and approved as a stand-alone submission or as part of the Final Closure and Reclamation Plan (FCRP).	
8	The Board review closure criteria (and any other appropriate matters) during the FCRP proceeding rather than using this licence renewal.	DDMI is requesting approval of SW2-1 criteria as part of this renewal. If the WLWB decides to apply SW2-1 criteria as EQC DDMI still requests they also be approved as the equivalent closure criteria noting that these criteria can be amended.
9	The Board includes a condition in the Water Licence that any planned or scheduled reduction in sampling effort and or frequency must be approved by the Board prior to implementation.	This has already been established in a Board decision and is not necessary as an added Licence Condition.

No.	Reviewer Recommendation	Proponent Response
GNWT-ECC		
1	The GNWT recommends that the Water Licence require DDMI to complete a Specific Effects Study for each pond as they are reconnected to Lac de Gras to confirm the shape, size, extent, and effects associated with their respective site-specific mixing zones.	DDMI continues to recommend that the decision on the need for additional SESs is better made once SNP and SES results and reporting from the Collection Ponds 2 & 7 are available to ensure such additional studies are in fact necessary and based on evidence. This approach is more aligned with the principles of adaptive management. Part I, Condition 5 is clear that Specific Effects Studies are not limited to those listed in Schedule 7, Condition 2 “These studies shall include, but not necessarily be limited to, those listed in Schedule 7, Condition 2”. DDMI understands this to mean that the WLWB can direct additional SESs if the results of the SES for Ponds 2 and 7 indicate they are warranted. Additional field investigations which may include SESs are also already defined as responses under the SWALF.
2	The GNWT recommends that, to permit the opportunity for mixing and dilution consistent with that proposed in the application to achieve AEMP benchmarks at the edge of the mixing zone under most circumstances while remaining consistent with the Board’s Guidelines for Effluent Mixing Zones, monitoring of a regulatory mixing zone as outlined for stations in Annex 1, Applying to Mixing Zone Boundaries in the application be constrained to 100 m OR 5 m depth, whichever is closer.	The Board’s Guidelines do not constrain mixing zones to 100 m. As confirmed by WLWB staff at the Technical Session many NWT closure projects including Snap Lake, Giant Mine, and Con Mine have 200 m authorized mixing zones (Technical Session Day 1 Transcript, page 167). A minimum 100 m from discharge and first occurrence of 5 m depth is already a WLWB established SNP station requirement under the Licence for Pond 2 & 7 and DDMI continues to recommend this is similarly applied to other ponds. DDMI is not aware of different evidence to digress from this previous WLWB decision. DDMI acknowledges the GNWT preference to limit any mixing zone at 100 m which has been a consistent position including during the Snap Lake Mine Closure Licence Proceeding[1] where the LWB authorized a 200 m mixing zone. DDMI notes that SNP mixing zone boundary stations can be relocated as required based on results including learnings from Pond 2 & 7 SESs or based on results from SNP data. DDMI further notes that under a passive closure scenario reducing the size of authorized mixing zones would not appear to provide additional protections to the aquatic environment and users of Lac de Gras. DDMI acknowledges that smaller authorized mixing zones may reduce perceived risk, however, DDMI is concerned that shrinking mixing zones will increase the likelihood of boundary exceedances which could result in the perception of a failure to protect the aquatic environment and users of Lac de Gras. It is unclear to DDMI if the GNWT recommendation to limit any mixing zone size “at the first occurrence of 5 m” is in error. This concept has never been discussed in any detail. The 5 m water depth restriction was introduced by DDMI in addition to 100 m to ensure there is enough water at 100 m to sample the mixing zone without influences from the lakebed or surface disturbances including ice or boats. If mixing zones were set at the first occurrence of 5 m depth the location could be very close to the shoreline in some areas and potentially much less than 100 m. This has not been considered in the modelling or assessments to date. DDMI aims to seek confirmation from GNWT on this position prior to closing arguments.
3	The GNWT recommends that dissolved organic carbon (DOC) be included in the standard monitoring suite for samples collected at the edge of the mixing zone.	As there is currently no field evidence that closure runoff will fail toxicity tests and DDMI suggests it is premature to add additional analysis to further the understanding of toxic effects or gather data with an aim to modify toxicity benchmarks. Should runoff fail toxicity tests response actions under the SWALF include investigating the cause and this could include adding DOC analysis.
4	The GNWT recommends that breach criteria, similar to that applied to the pit lakes, should be established for the North Inlet in the Final Closure and Reclamation Plan such as water quality in the North Inlet should meet AEMP benchmarks prior to reconnection with Lac de Gras.	As acknowledged by the GNWT, DDMI understands this recommendation is related to the Final Closure and Reclamation Plan Version 1.1 and not the Water Licence Renewal. DDMI expects this GNWT recommendation will be resolved in review of the FCRP v1.1 which includes both new and updated closure criteria for the North Inlet.
5	The GNWT recommends that effluent quality criteria should be set for the new closure sewage treatment plant to constrain acute and chronic effects. The GNWT does not recommend specific values, but suggests that the Board consider concentrations that are below acute water quality objectives and permits AEMP benchmarks to be met 100 m from the point of discharge. A value in line with the 95th percentile of 2004-2024 water chemistry from the existing sewage treatment plant, as presented by DDMI in response to IR#6, could be considered.	The GNWT has not provided new evidence to support the inclusion of additional technology-based EQC as recommended. While applying the 95th percentiles of 2004-2024 water chemistry as additional EQC are considered generally achievable by DDMI it would not be a technology-based EQC and it would not provide new or different environmental protections. As stated in response to IR#6 DDMI is unable to recommend additional technology-based EQC beyond those drafted in the Application. Response to this IR also indicated that concentrations will almost unequivocally be below benchmarks at the 100 m mixing zone boundary due to high anticipated dilution from the low volume treated sewage discharge which may address GNWT concerns.

[1] GOVERNMENT OF THE NORTHWEST TERRITORIES CLOSING ARGUMENTS FOR DE BEERS CANADA MINING INC. SNAP LAKE DIAMOND MINE WATER LICENCE RENEWAL MV2019L2-0004

6	The GNWT recommends that the Board approve the EQC derivation approach and resulting EQC proposed in the existing water licence application. Additional constraints on EQC derivation as outlined in the requirements of IR#4 are acceptable, but the more stringent EQC do not appear to provide additional protections to the aquatic environment and users of Lac de Gras.	DDMI appreciates GNWT confirmation discharge criteria derivation and results are appropriate. DDMI also agrees with the GNWT that producing more stringent criteria would not appear to provide additional protections to the aquatic environment and users of Lac de Gras.
7	The GNWT recommends and supports the Board include licence conditions that will permit the effluent from the collection ponds to potentially no longer be regulated as waste if effluent quality improves sufficiently. The “potential lines of evidence” provided by DDMI in response to IR#3 is considered acceptable, but highlights the need for temporal stability criteria associated with closure criteria as currently proposed under SW2-1. GNWT’s response to IR#2 provides further information regarding our position.	DDMI appreciates GNWT support for the Board to include licence conditions that will permit the effluent from the collection ponds to potentially no longer be regulated as a Waste without the need for an Amendment. DDMI has described potential evidence the Board may consider when deciding whether seepage and runoff is no longer a Waste. However, and as identified by TG, it is not clear whether an overly prescriptive Licence condition setting out all requirements is necessary or whether this may limit the Board’s future discretion.
8	The GNWT recommends and supports deferring the approval of SW2-3 to the Final Closure and Reclamation Plan given its reliance on the closure AEMP which will be submitted concurrently at a future date by DDMI for public review.	DDMI accepts deferred consideration of SW2-3 if deemed beneficial by the WLWB.