GENERAL INSTRUCTIONS FOR EXCEL TEMPLATE:

1. Do not leave blank rows above or between comments.
2. Do not modify or delete the instructions or the column headings (*i.e.* the grey areas).
3. Each comment must have an associated topic and recommendation.
4. All formatting (*i.e.* bullets) will be lost when this file is uploaded to the Online Comment Table.
5. If necessary, adjust the cell width and height in order to view all text.
6. Cutting and pasting comments from WORD documents cannot include hard returns (spaces between paragraphs).
7. If you would like to create paragraphs within a single cell, please use a proper carriage return (ALT & ENTER).

TOPIC *Be as specific as you think is appropriate; for example a section or page of the document, a recommendation #, general comment, etc.*	**COMMENT** *Comments should contain all the information needed for the proponent and the Board to understand the rationale for the accompanying recommendation.*	**RECOMMENDATION** *Recommendations can be for the proponent or for the Board. Recommendations should be as specific as possible, relating the issues raised in the "comment" column to an action that you believe is necessary.*
Inclusion of Standard Water Licence Conditions in draft licence that are not related to the PKMW project	Over 90 insertions to the draft water licence are not related to the PKMW project. The draft water licence review timeframe does not allow a full review of these conditions.	Only water licence conditions related to the PKMW proceedings should be included in the licence. Note: some comments on individual conditions not related to PKMW are included below.
EMAB Intervention Recommendation 1.1 to 1.3 Water quality thresholds and definition of significance	The draft ICRP does not address closure related to the PKMW project.	EMAB recommends the WLWB add a requirement to Schedule 9 requiring Diavik to address EMAB Intervention Recommendations 1.1 to 1.3. EMAB also recommends the WLWB give direction to Diavik to address EMAB Recommendations 1.1 to 1.3 in its next Annual Closure and Reclamation Progress Report, or in its revisions to ICRP 4.1.
EMAB Intervention Recommendation 1.4 Water quality thresholds and definition of significance	Addressed through Part F(22), but only after closure. Note that F(22) specifies the condition must be met after closure. Since filling of the pit and breaching of the dike will take place during closure as well as after, wording should address the period during closure as well. This issue might be addressed through Action Levels applicable to PKMW as identified in Schedule 6, Item 2(b)(viii).	Recommend WLWB require PKMW Action Levels include exceedance of AEMP Benchmarks from the time the freshwater cap has been placed until after closure and reclamation as identified in Part F(22).

EMAB Intervention Recommendations 2.1 to 2.7; 2.12 to 2.15; and 2.17 to 2.20 Reliability of predictions	Part F(23) identifies the requirement for a PKMW Modelling Plan in accordance with Schedule 6(10). The scope of the PKMW Modelling Plan includes both the description of the model (selected model, input data, assumptions and processes) and description of the results. A two-step process would be more consistent with the roles defined for the IRP: an initial review of the model planning, followed by a review of the results of the modelling after the planning stage is complete and the model has been run. This approach also provides an opportunity for other reviewers to provide input on model planning, such as adequacy of data on inputs, and proposed outputs.	Revise Part F(23) and Schedule 6(10) to incorporate a two-step process for modelling at each stage. Step 1 would require submission of a modelling plan for that stage, while Step 2 would require submission of a description of a modelling report detailing work, interpretation and results. Alternatively, a single modelling plan could be developed to address all stages of the modelling, followed by separate modelling reports (execution and results) for each stage of modelling.
EMAB Intervention Recommendations 2.1 to 2.7; 2.12 to 2.15; and 2.17 to 2.20 Reliability of predictions	EMAB has commented on gaps and future modelling needs in its Intervention to this Proceeding. Part F(23) and Schedule 6(10) do not specify matters that must be addressed in future modelling.	Revise Schedule 6, Condition 10 of the WL so that it establishes requirements to address specific gaps in the current modelling, including those identified in previously submitted EMAB recommendations.
EMAB Intervention Recommendation 2.1 Reliability of predictions	The conditions in the Draft WL do not address the recommendation from the IRP and interveners for additional testing to confirm porewater quality assumptions and model results before deposit of PK.	Revise Schedule 6(2)(b) to require additional characterization and modelling of porewater quality prior to deposition of PK into mine working. The characterization should include additional testing as recommended by the IRP and/or consideration of other relevant, available data sources.
EMAB Intervention Recommendation 2.16 Reliability of predictions	Addressed in Schedule 6, Item 2(b)(vii)(4), 2(b)(ix), 10(g) and 10(h)	n/a
EMAB Intervention Recommendation 3.1 Fresh water cap filling design	Addressed in Schedule 9(1)(m). See comment on EMAB Recommendation 1.4	See recommendation for EMAB Recommendation 1.4
EMAB Intervention Recommendation 4.1 Benchmarks for unanticipated mixing	Addressed in Schedule 9(1)(m) See comment on EMAB Recommendation 1.4	n/a
EMAB Intervention Recommendations Sections 5, 6 & 8.	Some EMAB monitoring recommendations, may best be achieved through Special Studies under the AEMP	Retain Part H(5) providing for Specific Effects Studies, as these may be required from time to time in situations that are not addressed by the AEMP Response Framework.

EMAB Intervention Recommendation 5.1 Decision to reconnect pit lake to Lac de Gras	EMAB's view is that there will be sediment on the upper area inside the dike, and possibly on the benches. PK may also be deposited during filling and settling following placement of the freshwater cap. It would be precautionary to develop sediment criteria and if sediment is not found then sampling would not be required.	Define a Specific Effects Study in Schedule 8 (deleted section 2, new sub-section j, or as appropriate) to understand spatial and temporal variability in aquatic conditions in the pit prior to reconnection with Lac de Gras. This SES would include development of sediment criteria for the pit lake as well as several other EMAB Intervention Recommendations on monitoring the pit lake prior to breaching (see below).
EMAB Intervention Recommendation 5.2 Decision to reconnect pit lake to Lac de Gras		See recommendation for EMAB Recommendation 5.1
EMAB Intervention Recommendation 5.3 Decision to reconnect pit lake to Lac de Gras	Diavik must demonstrate that communities Diavik engaged with accept the proposed cultural criteria for reconnection and use of the pit lake.	Part F(21) – require Diavik to provide evidence demonstrating that the communities engaged with are in agreement with the proposed cultural use criteria. Schedule 2, new section (g) (p. 42) – require Diavik to report on each community's agreement or disagreement with each of the cultural criteria proposed by Diavik, and Diavik's plan to address areas of disagreement.
EMAB Intervention Recommendation 5.4 Decision to reconnect pit lake to Lac de Gras	Addressed. Diavik's proposed wording is not included in draft water licence.	n/a
EMAB Intervention Recommendations 6.1, 6.2 & 6.6 Effects on fish/habitat	EMAB's view is that a number of critical assumptions about aquatic health and fish use of the pit lake must be verified through monitoring, as well as the effects of reconnection on Lac de Gras.	Define a Specific Effects Study in Schedule 8 (deleted section 2, new sub-section k, or as appropriate) to evaluate aquatic ecosystem conditions within the pit lake, and effects on Lac de Gras, after reconnection.
EMAB Intervention Recommendations 6.3 - 6.5 & 6.7 Effects on fish/habitat	EMAB Intervention Recommendations on monitoring of the pit lake prior to breaching should be addressed through a Specific Effects Study.	See recommendation for EMAB Recommendation 5.1
EMAB Intervention Recommendation 7.1 Effects on wildlife		If a mechanism exists, EMAB recommends WLWB make a recommendation to GNWT to require specific wildlife monitoring and response protocols as outlined in EMAB Recommendation 7.1.

EMAB Intervention Recommendations 8.1 & 8.3-8.7 Monitoring (pre dike breach)		See recommendation for EMAB Recommendation 5.1
EMAB Intervention Recommendation 8.2 Monitoring (pre and post dike breach)	Schedule 1 (1)(bb)(iii) describes requirements for annual reporting, including a requirement to report on "comparison of predictions made about concentrations of water quality variables in the Decant Water or porewater compared to actual sampling results from SNP 1645-88" [underline added]. Decant water (the water overlying the PK in the pit) is not the same as porewater. The proposed monitoring for SNP 1645-88 does not include any monitoring for porewater, and the licence does not include any monitoring of porewater. Also, the sampling proposed for SNP 1645-88 during operations only includes sampling at the end of the pipe. This water likely is not representative of the Decant Water that will be stored in the pit. Additional sampling will likely be required to achieve the objectives described in Schedule 1 (1)(bb) Condition (iii).	The WL should be revised to include monitoring that will provide representative data about Decant Water and porewater quality for the in-pit PK storage facilities.
EMAB Intervention Recommendations 8.8 - 8.16 Monitoring (post dike breach)		See recommendation for EMAB Recommendations 6.1, 6.2 & 6.6
EMAB Intervention Recommendations 9.1 - 9.3	Schedule 7, Item 1(b)(xiii) (p. 64). In its project description and responses to MVEIRB IR's Diavik identified the need for contingency plans in the event of unacceptable water quality in the pit lake before or after breaching the dikes.	The wording of Schedule 7, Item 1(b)(xiii) should be expanded to include the case of unacceptable water quality in the pit lakes, and the contingency of not breaching the dikes, or closing the breaches. EMAB accepts Diavik's proposal to submit the updated Contingency Plan by the end of 2021, as identified on page 33 of the track-change draft water licence.
EMAB Intervention Recommendation 10.1 Revised closure objectives	Changes or additions to closure objectives and criteria for this water licence amendment application have not been identified.	Schedule 9(2) of the draft water licence should be revised to require any revisions to closure objectives or criteria resulting from this project.
EMAB Intervention Recommendation 11.1 Cumulative effects on water quality	Recommendation relates to prediction of cumulative effects of the project so is likely not applicable to the draft water licence. EMAB can address this issue in closing arguments.	n/a

EMAB Intervention Recommendation 12.1 Feasibility of moving PKC slimes	EMAB has stated from the outset of this amendment application that the most important benefit of this project would be the relocation of Extra-fine Processed Kimberlite to the pit, if feasible, to reduce closure risks for the PKC.	EMAB recommends the water licence should require completion of the Feasibility Assessment for re-mining of PK from the PKC Facility, and reporting of the results of the Feasibility Assessment. The results should be reported as part of Annual Closure and Reclamation Plan Progress Reports (Part I, Condition 5), including recommendations for how the results will be incorporated in the Closure and Reclamation Plan.
List of schedules	Schedule 2 not included in list of schedules	Add Schedule 2 to list of schedules
Definitions - Traditional Knowledge	Definition of Traditional Knowledge may not be reflective of Affected Communities' understanding of Traditional Knowledge. We note that there is no definition of scientific knowledge and it is not clear why a definition of TK is required at this time.	Remove definition of Traditional Knowledge
Definitions - Waste Rock Storage Area	It would be helpful to have a standard method for referring to the waste rock piles.	EMAB is comfortable with the terms North Waste Rock Storage Area and South Waste Rock Storage Area, but regardless there should be a consistently used name.
WLWB Query - Part H track change (5) and (6)		As indicated in previous comments on the PKMW Application, EMAB prefers to retain the requirement to notify the Board within thirty (30) days of when an exceedance is detected.
PK Water Management	The Draft WL does not include any specific conditions requiring description of water management plans for PK storage in mine workings. PK will flow to the pit as a slurry, with a very high water content and there will be associated water management activities. For example, pumping of Decant Water to treatment or for other uses on site.	The draft WL should be revised to include specific requirements for DDMI to revise management plans (e.g., Water Management Plan, Processed Kimberlite Management Plan) to address water management for the PK storage in mine workings.
Scope of Water Licence	The WLWB provides options for defining the scope of the licence. One option includes reference to three documents: The Environmental Impact Statement, the CEAA Comprehensive Study Report, and the Report of EA for the PKMW Project. Given that the project was initially assessed in 1999 and has undergone a series of modifications and changes as the mine developed, these three documents are likely not sufficient to define the scope of the project that is currently licensed.	Revise scope to include either a more comprehensive listing of scope defining documents, or a more general description of document categories to accurately define the scope of the project that is currently licensed.

Dam Safety Guidelines Definition	The proposed revision to the definition of the Dam Safety Guidelines refers to the "CDA Dam Safety Guidelines Technical Bulletin." It is not clear what specific technical bulletin this refers to, or if it refers to all of the CDA's dam safety technical bulletins. The CDA currently has 10 dam safety technical bulletins, 8 published in 2007 and 2 additional ones published more recently (Application of Dam Safety Guidelines to Mining Dams, and Dam Safety Reviews.) Some or all of these may be relevant to dams at Diavik.	The definition of Dam Safety Guidelines should be revised to provide additional clarity about which technical bulletins apply.
Decant Water Definition	The proposed definition of Decant Water refers specifically to water that pools above the PK in the mine workings. It is unclear why there would be a distinction of decant water for PK in the mine working or the PKC. Both could be referred to as Decant Water.	Revise definition of decant water to include the PKC.
Security: Part C(5)	Part C(5) requires that the WLWB receive confirmation of adequate security before construction associated with the PKMW Project. The PKMW Project is largely an operational change rather than a construction project, so the wording should be revised to clarify this.	Revise Part C(5) to confirm adequate security must be in place before deposit of PK into mine workings begins.
Water Use: Part D	The conditions in Part D related to water use do not appear to consider the use of water for pit filling as part of implementation of the closure measures. It is possible that this is intentional and that such approval would be addressed through approval of a final closure and reclamation plan.	Review Part D with respect to water use for pit filling and revise as appropriate.

Structure Description and Construction Plans	Proposed conditions Part E, Conditions 7 and 8 establish requirements for submission and approval of Structure Description and Construction Plans for all structures intended to contain, withhold, divert or retain water or wastes. In its January 2021 response to undertakings DDMI expressed concern that "all structures, no matter the scale, [will] be subjected to regulatory approval." However, the requirement is restricted to structures that contain and convey water and waste. This does not seem unreasonable for structures with these containment and conveyance purposes, provided that there is a mechanism for carrying out maintenance activities in the absence of approvals.	n/a
Independent Tailings Review Panel	Part E, Conditions 19-22 provide options related to independent review of designs for the PKC Facility. The Conditions include requirements for submission of Letters of Acceptance from the independent panel. Senior review panels for these types of designs would typically provide review comments and recommendations, but would not usually provide letters of acceptance since they are not the designers. Following the Mt. Polley dam failure in British Columbia, the Health, Safety and Reclamation Code for Mines in British Columbia was revised to incorporate requirements for establishing independent review "boards." These boards are to operate according to terms of reference, and proponents are required to annually report on the work and findings of the review boards, including signed acknowledgements from board members that the reporting accurately represents the findings of their reviews.	Review Part E(19-22) to reconsider requiring Letters of Acceptance from the independent panel. It would likely be more practical for the board to operate according to terms of reference, with Diavik required to annually report on the work and findings of the review boards, including signed acknowledgements from board members that the reporting accurately represents the findings of their reviews.
Reclamation Research Reporting	Part I(11) proposes a requirement for reporting on reclamation research every three years. Given the current remaining mine life for the Diavik Mine, the progress on reclamation planning needs to accelerate towards preparation of a final closure and reclamation plan. This must be supported by reclamation research and more frequent reporting is warranted at this stage of mine life.	Consider changing frequency of reporting on reclamation research to Annual reporting in Part I(11).

Post-Closure and Reclamation Monitoring and Maintenance Plan	Part I(12) proposes submission of a Post-Closure and Reclamation Monitoring and Maintenance Plan "within 90 days of completing Closure and Reclamation of the Project." The post-closure monitoring and maintenance is a critical component of any closure and reclamation plan. The monitoring and maintenance plan should be part of a final closure and reclamation plan so that the long-term requirements can be understood and considered as part of approval for implementing a closure and reclamation plan. Otherwise, there will be uncertainty about the long-term implications of any approval, including the long-term level of effort and financial implications that will be an inevitable outcome of implementing the plan.	Consider requiring the Post-Closure and Reclamation Monitoring and Maintenance Plans as part of the Final CRP.
