

# DE BEERS

GROUP OF COMPANIES

April 14, 2014

File: L020-01-09

Angela Love  
Regulatory Officer  
Mackenzie Valley Land & Water Board  
Box 2130  
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Yellowknife NT X1A 2P6

Dear Ms. Love:

**Gahcho Kué Responses to Interventions to  
Water Licence Application MV2005L2-0015 & Land Use Permit Application MV2005C0032**

De Beers is pleased to submit responses to interventions from the following parties:

- Deninu Kué First Nation
- Yellowknives Dene First Nation
- Environment & Natural Resources, Government of the NWT
- North Slave Métis Alliance

In addition, included with this submission are De Beers' comments on the March 10, 2014 Draft Water Licence MV2005L2-0015.

Should you have any questions, please contact me at 867-688-8701.

Sincerely,



Veronica Chisholm  
Permitting Manager, Gahcho Kué Project

Attachment

c: Chief Louis Balsillie, Deninu Kué First Nation  
Linda Vanden Berg, LVB Strategic Negotiations & Research  
Marc d'Entremont, LGL Limited  
Shannon Gault, Yellowknives Dene First Nation  
Todd Slack, Yellowknives Dene First Nation  
Matt Hoover, North Slave Métis Alliance  
Patrick Clancy, Environment & Natural Resources, Government of the NWT  
Joel Holder, Environment & Natural Resources, Government of the NWT  
Nathan Richea, Environment & Natural Resources, Government of the NWT

Aboriginal Party/Regulatory Agency	ID	Topic	Recommendation	De Beers Response
GNWT ENR	ENR_1	Dyke Construction Management Plan	ENR recommends that a Dyke Construction and Management Plan be submitted to the Board for approval 90 days prior to the commencement of dyke construction activities. This plan would outline the construction methods, mitigation methods, action levels, monitoring and reporting requirements related to the activities associated with each proposed dyke.	De Beers agrees to submit a Dyke Construction Plan and Management Plan sixty (60) days prior to commencement of the dyke construction activities. The Dyke A Detailed Design Technical Memo has previously been submitted to the MVLWB. An amendment to this document will be submitted to the MVLWB prior to the public hearing, which includes the components of the Dyke Construction Plan for Dyke A, such as construction plan and operating procedures, mitigation strategies, action levels, monitoring, and reporting requirements, requested by ENR.
GNWT ENR	ENR_2	Construction Water Management Plan	ENR recommends that a Construction Water Management Plan be submitted to the Board for approval 60 days prior to the commencement of de-watering activities.	De Beers agrees to separate the previously submitted Water Management Plan into three components, including a Construction Water Management Plan, an Operational Water Management Plan, and a Closure Water Management Plan. The Construction Water Management Plan will be submitted sixty (60) days prior to discharge; it will be submitted prior to Ministerial Water Licence approval, such that the dewatering activities can begin once the Water Licence is issued. The Operational Water Management Plan will be submitted to the Board 60 days prior to Year 1 operations. The Closure Water Management Plan will be submitted 60 days prior to closure and refilling of Kennady Lake.
GNWT ENR	ENR_3	Construction Water Management Plan	ENR recommends that an Operational Water Management Plan be submitted to the Board for approval prior to Year 1 of operations that covers aspects of Water Management during operations including the Water Management Pond.	Please refer to the response in ENR_2
GNWT ENR	ENR_4	Construction Water Management Plan	ENR recommends that a Closure Water Management Plan be submitted to the Board for approval prior to Year 11 of operations that covers aspects of Water Management and the refilling of Kennady Lake.	Please refer to the response in ENR_2
GNWT ENR	ENR_5	Construction Water Management Plan	Alternatively, ENR recommends that a Water Management Plan be submitted to the Board for approval each year prior to proposed Water Management activities for the upcoming year. This annual plan would then clearly capture and detail Water Management activities and mitigations proposed for the upcoming year.	Please refer to the response in ENR_2
GNWT ENR	ENR_6	Construction Erosion and Sediment Management Plan: Flooded/De-watered Areas and Erosion	ENR recommends that a Construction Erosion and Sediment Management Plan be submitted to the Board for approval 60 days after issuance of the water licence. This Plan should contain information on specific erosion sensitive areas, measures to prevent and/or control erosion, details on linking monitoring results and mitigation, and assessment of erosion and sedimentation mitigation measures.	De Beers agrees to separate the previously submitted Erosion and Sediment Management Plan into three specific plans for the different phases of the Project: Construction, Operations, and Closure. The Construction Erosion and Sediment Management Plan will be submitted sixty (60) days after issuance of the Water Licence. The previously submitted Erosion and Sediment Management Plan will be effective until the updated plan is submitted and approved. The Operational Erosion and Sediment Management Plan will be submitted sixty (60) days prior to Year 1 of Operations. The Closure Erosion and Sediment Management Plan will be submitted sixty (60) days prior to mine closure and refilling of Kennady Lake.  De Beers agrees that the Annual Report will include a description of erosion susceptible areas encountered during the previous year and mitigation measures applied.  De Beers agrees that the Erosion and Sediment Management Plans will include the approach to correlate turbidity to TSS measurements, and will include a procedure to calibrate the field instrumentation and present or develop the detection limits for all instruments used for field measurements.
GNWT ENR	ENR_7	Construction Erosion and Sediment Management Plan: Flooded/De-watered Areas and Erosion	ENR recommends that an Operational Erosion and Sediment Management Plan be submitted to the Board for approval prior to Year 1 of operations that covers aspects of Water Management during operations including the WMP. This Plan should contain information on specific erosion sensitive areas, measures to prevent and/or control erosion, details on linking monitoring results and mitigation, and assessment of erosion and sedimentation mitigation measures.	Please refer to the response in ENR_6
GNWT ENR	ENR_8	Construction Erosion and Sediment Management Plan: Flooded/De-watered Areas and Erosion	ENR recommends that a Closure Erosion and Sediment Management Plan be submitted to the Board for approval prior to Year 11 of operations that covers aspects of Water Management and the refilling of Kennady Lake. This Plan should contain information on specific erosion sensitive areas, measures to prevent and/or control erosion, details on linking monitoring results and mitigation, and assessment of erosion and sedimentation mitigation measures.	Please refer to the response in ENR_6
GNWT ENR	ENR_9	Construction Erosion and Sediment Management Plan: Flooded/De-watered Areas and Erosion	Alternatively, ENR recommends that an Erosion and Sediment Management Plan be submitted to the Board for approval each year prior to proposed Water Management activities for the upcoming year. This annual plan would then clearly capture and detail proposed mitigations, monitoring frequencies and performance assessment activities associated with each mitigation strategy.	Please refer to the response in ENR_6
GNWT ENR	ENR_10	Construction Erosion and Sediment Management Plan: Flooded/De-watered Areas and Erosion	ENR recommends that De Beers submit, as part of an Annual Report, lists of erosion susceptible areas encountered the previous year, a summary of mitigation applied at erosion sensitive areas, and a report of the performance of mitigation applied to these areas.	De Beers agrees that the Annual Report will include a description of erosion susceptible areas encountered during the previous year and any mitigation applied.
GNWT ENR	ENR_11	Construction Erosion and Sediment Management Plan: Flooded/De-watered Areas and Erosion	ENR recommends that the proponent conduct a correlation survey to verify the positive relationship between turbidity and TSS. This survey must be completed prior to the discharge of water to ensure that the receiving environment is protected.	De Beers agrees to undertake a survey to develop a site-specific relationship between turbidity and TSS. This information will be provided within the Erosion and Sediment Management Plan, and will include the method to correlate turbidity to TSS measurements and will include a procedure to calibrate the field instrumentation and present or develop the detection limits for all instruments used for field measurements.
GNWT ENR	ENR_12	Construction Erosion and Sediment Management Plan: Flooded/De-watered Areas and Erosion	ENR recommends that the proponent develop method detection limits for all instruments used for field measurements. ENR notes that each instrument will have individual variability potentially affecting the correlation to TSS.	Please refer to the response in ENR_11
GNWT ENR	ENR_13	Construction Erosion and Sediment Management Plan: Flooded/De-watered Areas and Erosion	ENR recommends that the proponent develop a robust Standard Operating Procedure (SOP) that includes the frequency of verifying the correlation survey, and the frequency that instrumentation will be re-calibrated against National Institute of Science and Technology (NIST) traceable standards. This SOP should be included as part of a management plan that governs the discharge of water to the environment (i.e. construction water management plan).	Please refer to the response in ENR_11
GNWT ENR	ENR_14	Waste and Incineration Management Plans	ENR suggests that the proponent submit for Board approval an updated IMP within 30 days of the issuance of a LUP/WL. All technical comments should be addressed by the proponent to reduce the potential for environmental impacts from incineration. If there are any significant alterations to incinerator operations during the life of the project (i.e. design and storage of materials, alternative means of disposal etc.), ENR recommends that the Waste Management Plan and Incineration Management Plan be submitted a minimum of 60 days prior to any changes in operations for approval by the Board.	De Beers will update the Incinerator Management Plan (IMP) based on comments received, and commitments made, during the permitting process. De Beers requests that the revised IMP, as well as other Monitoring Programs and Management Plans that have been updated, be accepted for early submission by the MVLWB prior to the issuance of the licence so that they can be available to Parties for review/comments, and approval can be considered at the time of WL and LUP issuance. As stated during the Technical Sessions, De Beers is proposing to commence with dewatering activities once the Water Licence is issued and would like to advance the regulatory submissions such that dewatering can commence as early as possible.
GNWT ENR	ENR_15	Waste and Incineration Management Plans	ENR recommends that the MVLWB include a requirement for stack testing for the projects incinerator to ensure that its operation is compliant with the CCME CWS standards for dioxins, furans and mercury emissions. ENR notes that the Board authorizes the WMP, thus the board is authorizing the incineration of waste in the NWT. Thus compliance testing should be incorporated into the licence as a regulatory tool at an established frequency.	De Beers agreed to stack testing in the draft Air Quality Emissions Management and Monitoring Plan (AQEMMP) and IMP submitted for review in May 2013, and during the MVLWB Type A Water Licence Technical Sessions in February 2014. De Beers proposes that as this commitment is stated in the AQEMMP and IMP, a separate condition for stack testing would not be required in the Water Licence and Land Use Permit.  De Beers request that all revised Monitoring and Management Plans be accepted for early submission by the MVLWB prior to the issuance of the licence so that they can be available to Parties for review/comments, and approval can be considered at the time of WL and LUP issuance. As stated during the Technical Sessions, De Beers is proposing to commence with dewatering activities once the WL is issued and would like to advance the regulatory submissions such that this activity can commence.
GNWT ENR	ENR_16	Waste and Incineration Management Plans	ENR suggests that the MVLWB include a testing requirement for waste oil and residual ash, including analytical criteria, in the proponent's water licence for the appropriate management of potentially hazardous waste.	De Beers developed a draft Hazardous Waste Management Plan that reflects the commitment that all hazardous material will be collected and disposed to appropriate facilities off site. De Beers agreed to test ash collected from the incinerator for toxicity as per the Toxicity Characteristic Leaching Procedure (TCLP: USEPA 1992) and to dispose of it based on the test results in accordance with waste management practices as defined in the Hazardous Materials and Waste Management Plan and the Non-hazardous Solid Waste Management Plan. De Beers agreed in the Hazardous Materials and Waste Management Plan that waste oil generated at the Mine site during construction and operation phases shall be properly handled, stored, and disposed of according to Used Oil and Waste Fuel Management Regulations (GNWT legislation). Additionally it was stated that, if required, waste oil may be used as an alternate fuel source to offset diesel oil consumption for heating some of the ancillary buildings. If waste oil is to be recycled for this use, De Beers will comply with the requirements of NWT Used and Waste Oil regulations, which includes evaluation of testing data for various constituents (which may include halogens, trace metals, flash point) using standard analytical practices to determine its potential for use; this detail will be incorporated into the Hazardous Materials and Waste Management Plan. De Beers does not agree that separate conditions for testing of residual ash or waste oil should be required in the Gahcho Kué Water Licence.

Aboriginal Party/Regulatory Agency	ID	Topic	Recommendation	De Beers Response
GNWT ENR	ENR_17	Site Specific Water Quality Objectives	ENR recommends the Board use the narrative statements established by the MVEIRB in Suggestion #1 and #2 when deriving SSWQOs for Lake N11, Area 8 and Kennady Lake post-closure.	The narrative statements in referred to by GNWT ENR are located with Suggestion #1 of MVEIRB's Reason for Decision Report. They state:  (a) Traditional water uses in Lake N11 (outside of the initial dilution zone) and in all waters downstream of Kennady Lake should not be affected by Gahcho Kué mining activities throughout construction, operation and reclamation of the mine. Post-closure conditions in all waters in the region, including the refilled Kennady Lake, shall support all traditional water uses. Traditional water uses include:  • drinking the water • harvesting and consuming fish  This means that:  (b) Throughout all project stages (construction, operations, closure and post-closure) the Gahcho Kué Project should be designed and managed by De Beers so that the following water quality objectives in Lake N11 or any waters downstream of Kennady Lake are met:  • water quality changes due to Project activities will not substantially alter the suitability of waterbodies to support viable aquatic ecosystems; and  • water quality changes due to Project activities will not substantially alter fish health, abundance or diversity or impact the ability of traditional users to harvest or consume fish.  De Beers agrees with the intent of narrative statements to articulate the water quality objectives goals for the Project, and acknowledges the statements provided by MVEIRB. The narrative statements are consistent with the narrative statements developed by De Beers and used as a basis for determining the significance of effects of the Project on the receiving environment and to Kennady Lake in post closure, and in the development of water quality objectives.
GNWT ENR	ENR_18	Site Specific Water Quality Objectives	ENR recommends that specific baseline values, as opposed to regional baseline values, should be used when deriving SSWQOs for Lake N11, Area 8 and Kennady Lake post-closure.	In the derivation of water quality objectives (WQOs) for Lake N11 and Area 8, baseline concentrations were represented by the water quality dataset of the Kirk Lake watershed. Data for the Kirk Lake watershed were used because of the much larger dataset that captures the potential local scale variability, compared to Lake N11 or Area 8 alone; the Kirk Lake watershed data includes, but are not limited to, values from both Lake N11 and Area 8.
GNWT ENR	ENR_19	Site Specific Water Quality Objectives	ENR recommends that the SSWQO for mercury should be set to concentrations that are within the range of naturally occurring background concentrations in Lake N11, Area 8 and Kennady Lake post-closure.	De Beers does not support this recommendation. As indicated in the previous response, De Beers will reference the local scale data set (i.e., Kirk Lake watershed) for the setting of site specific water quality objectives (SSWQOs) because they capture the better representation of the local scale variability.
GNWT ENR	ENR_20	Site Specific Water Quality Objectives	ENR recommends that the hardness concentration used for calculating hardness dependent SSWQOs should reflect the baseline hardness concentration and not the altered conditions predicted as a result of mining activities (anthropogenic sources).	De Beers does not support this recommendation because Canadian Council of Ministers of the Environment (CCME 2007) states that the derivation of SSWQOs needs to account for key effluent toxicity modifying factors (ETMFs), such as hardness, which may influence the bioavailability, and thus the toxicity, of substances of potential concern to aquatic receptors. Hardness and pH are ETMFs that have been considered in the development of the SSWQOs for Lake N11 and Area 8. Increased water hardness will reduce the possibility of toxic effects from inorganic substances such as metals.
GNWT ENR	ENR_21	Effluent Discharge: Effluent Quality Criteria (EQC)	ENR recommends the Board take the approach of minimizing changes to the receiving environment as a means of minimizing environmental impacts to Lake N11, Area 8 and the downstream aquatic ecosystem when setting Effluent Quality Criteria.	The basic tenet of De Beers water management plan is to minimize impacts to the receiving environment during all phases of the mine. As a result, the mine footprint is relatively small, and focused on isolating a portion of Kennady Lake to allow mining to be undertaken safely, but to also contain mine water for eight or nine years of the mine operational period. The mine water management plan has been designed so that planned discharges are limited to the period of mine construction and the first three years of operations. EQCs have been developed such that significant adverse effects in the receiving environment will be avoided.
GNWT ENR	ENR_22	Effluent Discharge: Effluent Quality Criteria (EQC)	ENR recommends that the Board include Effluent Quality Criteria for TDS, Chloride, Fluoride, Arsenic, and Chromium as well as Nitrate – N, Total Ammonia – N, Total Phosphorous, Total Suspended Solids (TSS), and pH for discharges to Lake N11 and Area 8.	De Beers does not consider that any additional water quality parameters are necessary to be included for EQC development. As described in the Draft EQC Report Version 2 (submitted to the MVLWB registry in April 2014), a comprehensive screening process identified water quality parameters that would require regulatory limits. To do this, a comprehensive list of parameters was considered, which was refined based on comparison of predicted concentrations of the parameters in the water management pond (WMP; source of discharge) and in the receiving environment (at the edge of the mixing zone in Lake N11 and Area 8) to relevant baseline concentrations and proposed WQOs. Those parameters that had concentrations that would exceed baseline or WQOs at the edge of the mixing zone in the receiving waterbodies, were carried further through the process to develop EQCs.  The draft EQC Report Version 2 includes the following EQCs for Lake N11 and Area 8:  For Lake N11: Nitrate – N, Total Ammonia – N, Total Phosphorus, Total Aluminum, Total Suspended Solids (TSS), pH, and Total Petroleum Hydrocarbons (narrative EQC).  For Area 8: TDS; Total Ammonia – N, TSS, pH, and Total Petroleum Hydrocarbons (narrative EQC).
GNWT ENR	ENR_23	Effluent Discharge: Effluent Quality Criteria (EQC)	ENR recommends that the Board use a dilution factor of 5 times when calculating Effluent Quality Criteria, to account for contaminant loading in Lake N11. At this time, ENR does not have a recommendation for Area 8.	De Beers completed a thorough assessment to derive the mixing ratios presented in the draft EQC Report (Version 2) submitted to the MVLWB registry on April 4, 2014 (refer to Appendices E and F of the report). An appropriate model framework and conservative assumptions were used in that assessment and transferred to the EQC derivation process. Therefore, De Beers stands by the process used to develop dilution factors (DF) and EQCs for Lake N11 and Area 8; the EQCs for these receiving waterbodies were developed assuming discharge would be to one or the other during open water conditions between Year 1 and Year 3. The mixing ratios at their respective mixing zones for both receiving environments was based on the efficiency of the diffuser in dispersing discharge from the WMP (for Lake N11 this is 40 [the DF is 39; i.e., DF = mixing ratio - 1], and for Area 8, the mixing ratio is 37; refer the draft EQC Report Version 2). The EQC development also accounted for the concentration of the water quality parameters in the WMP during the period of planned operational discharge (the chemistry changes in the WMP between Year 1 and Year 3), and the proportion of effluent in Lake N11 and Area 8. The largest driver in the EQC derivation process is the proportion of effluent in the receiving environment (i.e., the available assimilative capacity) under reasonable worst-case mixing conditions; therefore, minor changes in mixing ratios would not be expected to substantially affect the derived EQC values. That said, De Beers considers the assessment conservative and robust and sees no reason to change to a DF of 5.
GNWT ENR	ENR_24	Effluent Discharge: Effluent Quality Criteria (EQC)	ENR recommends that the water discharge period during operations be restricted to three years as proposed by De Beers. If any additional water is discharge later in the mine life, it must meet all EQCs and established WQOs for the immediate receiving waters.	De Beers does not agree with this recommendation. Although the water management plan indicates that De Beers plans to discharge during the first three years of operations as long as discharge regulatory limits are met, De Beers understands that if water in the WMP continues to meet regulatory limits, De Beers can continue to discharge beyond Year 3. This is consistent with the position De Beers has articulated in its Project Description, Water Management Plan, and through the EIR and permitting processes.
GNWT ENR	ENR_25	Effluent Discharge: Effluent Quality Criteria (EQC)	ENR recommends the utilization of both the early life stage (ELS) rainbow trout and larval fathead minnow toxicity tests for at least one year of mine effluent discharge during operations, to determine which species would be more sensitive to TDS originating from the mine. These results would assist the Board in making a final decision with respect to this issue, in addition to input from the proponent and other stakeholders.	De Beers has reviewed AANDC's (GNWT) Intervention recommending toxicity testing of both Fathead Minnow and Rainbow Trout (Section 2.4.3 and Appendix A of the Intervention). De Beers' Response to IR2 was that: the Larval Fathead Minnow test may be more sensitive than the Early Life Stage Rainbow Trout test and is not likely to be less sensitive; and, that there are more aquatic toxicity testing laboratories accredited nationally to conduct the Fathead Minnow test than the Rainbow Trout Test. The latter point is not insignificant given the problems that Snap Lake has had in finding an aquatic toxicity testing laboratory that can successfully undertake the Rainbow Trout test for them. The review by De Beers considered appropriate toxicity test data for both species. Two publications cited by the Intervention (Dew et al. 2012; Dew and Pyle 2014) were not considered because the endpoint of these studies, olfactory response, is not relevant to the two Environment Canada tests with either fish species. All other relevant publications were considered, including Birge et al. (1985) and Beak (1999). More importantly, TDS concentrations predicted for release by the Gahcho Kué Mine to the receiving environment are not sufficiently elevated to result in toxicity during testing to either fish species (c.f. Snap Lake Water Licence Amendment submission regarding TDS, including literature review and site-specific toxicity testing). Given that samples are not expected to be toxic and the fact that De Beers' Response to IR2 was not deficient, the Intervention recommendation "to utilize both toxicity tests to evaluate toxicity for several years to provide the data needed to determine which species would be more sensitive to TDS originating from the mine" is unnecessary. De Beers has proposed to undertake the Early Life Stage Rainbow Trout test in the SNP monitoring.
GNWT ENR	ENR_26	Aquatic Effects Monitoring Program (AEMP): AEMP Framework	ENR recommends that De Beers Canada be required to follow the "Guidelines for Designing and Implementing Aquatic Effects Monitoring Programs for Development Projects in the Northwest Territories, June 2009" in the development of its Aquatic Effects Monitoring Program, action levels, and related Management Response Framework for the Gahcho Kue Project.	The <i>Guidelines for Designing and Implementing Aquatic Effects Monitoring Programs for Development Projects in the Northwest Territories, June 2009</i> was reviewed and incorporated into the development of the Conceptual AEMP Design Plan.
GNWT ENR	ENR_27	Aquatic Effects Monitoring Program (AEMP): AEMP Framework	The AEMP should be submitted to the Board for review and approval 12 months following approval of the water licence or prior to discharge of mine water to the receiving environment.	De Beers disagrees with the timeline proposed for review and approval of the AEMP. De Beers has incorporated feedback from the recent workshops into the second version of the document. The AEMP Design Plan encompasses only the first three years of the Mine (2 years of construction and 1 year of operations), thus allowing for a redesign of the plan in three years based on feedback and knowledge gained during the initial years of monitoring. As a result, De Beers proposes that the initial plan be approved by the Board with the Water Licence.
GNWT ENR	ENR_28	Aquatic Effects Monitoring Program (AEMP): AEMP Framework	ENR recommends that the recently formed AEMP Working Group continue to help develop an AEMP for the Gahcho Kue Project.	De Beers is committed to continuing to participate in a working group on the AEMP to allow for ongoing feedback and refinement, which may be a group under Ni Hadi Yati. However, at this point, De Beers believes that the AEMP Design Plan is robust and scientifically defensible for the first three years of the Mine.
GNWT ENR	ENR_29	Aquatic Effects Monitoring Program (AEMP): AEMP Framework	ENR recommends that Action Levels be set in the AEMP for aquatic effects based upon the findings from the EIR.	As per Section 6.1 of the Conceptual AEMP Design Plan, the conceptual site model, the stressors, pathways, and receptors were identified based on the EIS and subsequent documents. As such, the Action Levels and Response Framework were designed to respond to environmental change based on the three impact hypothesis identified (i.e., toxicological impairment, nutrient enrichment, physical habitat alteration).

Aboriginal Party/Regulatory Agency	ID	Topic	Recommendation	De Beers Response
GNWT ENR	ENR_30	Aquatic Effects Monitoring Program (AEMP): AEMP Framework	ENR recommends that the De Beers AEMP be redesigned based upon the BACI framework in conjunction with the AEMP working group. This will ensure that effects from the project are clearly identified through the program and management actions can be appropriately implemented to mitigate potential effects to the aquatic environment.	The proposed study design presented in the draft Conceptual AEMP Design Plan submitted as part of the Type A Water Licence application was a simplified BACI design where the interaction between lake and year in a two-way ANOVA was proposed for assessing effects. Based on De Beers on-going evaluation of the design plan, and feedback from the AEMP design workshops, De Beers has modified the design to be an asymmetric before-after control-impact (BACI) design (Underwood 1994). This study design is fully explained in the revised AEMP Design Plan. De Beers proposes to use the BACI design in the first year of monitoring in the AEMP and then re-evaluate the effectiveness of the design after completing one year of monitoring.
GNWT ENR	ENR_31	Aquatic Effects Monitoring Program (AEMP): AEMP Framework	ENR recommends that the proponent address the deficiencies associated with the Plankton baseline data. Specifically ENR recommends that De Beers modify its AEMP and other sampling programs to provide weekly/biweekly sampling for a minimum of one ice-free season. ENR's position is that this will create an understanding of: <ul style="list-style-type: none"> <li>Seasonal plankton community dynamics, including any bloom formation.</li> <li>Annual productivity estimates.</li> <li>Trophic status, and its vulnerability to project-related impacts.</li> </ul>	De Beers will address the deficiencies associated with the quantity of baseline data by collecting additional data to support the new BACI study design proposed for the AEMP. Baseline data have only been collected during the August sampling period (2011 or 2013) for each proposed monitoring lake. De Beers proposes to conduct baseline plankton sampling for June, July, and August to support the proposed study design.  Additional baseline data (e.g., weekly or biweekly sampling) would not be used in the BACI study design as they would not be comparable to the "After" mine operation data due to differences in sampling period. De Beers, therefore, does not propose to conduct weekly or biweekly baseline plankton sampling.  The ten years of plankton data from De Beers' Snap Lake mine can be used to characterize the seasonal plankton community dynamics in a northern lake. The three plankton sampling periods proposed in the AEMP will be consistent throughout the program and will provide productivity estimates at three points in time and will be sufficient to identify the trophic status of the lakes and potential Mine effects.
GNWT ENR	ENR_32	Aquatic Effects Monitoring Program (AEMP): AEMP Framework	ENR recommends that De Beers should modify its AEMP to provide for a more intensive plankton-sampling effort (e.g., three campaigns), with a shorter sampling interval (e.g., four weeks).	There may have been some confusion regarding the duration of the open-water season in the study area. Stantec (2014) state "The number [three] of scheduled field trips will result in a sample collection approximately six to eight weeks if the samples are evenly spaced" and suggest that the frequency of sampling be around four weeks. Plankton sampling in the proposed study design is proposed in June, July, and August (once every four weeks). This sampling frequency is consistent with the plankton sampling for De Beers Snap Lake mine which has been shown (data from 2004 to 2013) to be sufficient in characterizing the seasonal variability in the plankton communities.
GNWT ENR	ENR_33	Site-wide Adaptive Management / Management Response Plan	ENR recommends that the Board require a stand-alone site-wide Adaptive Management / Management Response Plan for approval 90 days following issuance of the water licence.	A standalone Adaptive Management Plan (AdMP) was submitted as a supporting document for the Water Licence application. The AdMP is a framework document that describes the process through which the Mine will practice adaptive management. The Plan describes the Monitoring Program Framework and an Adaptive Management Framework, which identify linkages between other management plans and monitoring programs, and define how results from annual environmental monitoring programs will contribute to the adaptive management process. However, the AdMP was not developed to be a standalone document that would incorporate Action Levels and Response Plans from other management plans and monitoring programs; these details are provided in their applicable management plans and monitoring programs. De Beers request that the AdMP be accepted for early submission by the MVLWB prior to the issuance of the licence.
GNWT ENR	ENR_34	Site-wide Adaptive Management / Management Response Plan	ENR recommends that the Board provide clear definitions of Adaptive Management terms such as "action level", "management response framework", etc. and use consistent wording within the licence when referring to the Adaptive Management Plan, Management Response Framework, etc.	Definitions for Action Level and Response Framework are included in the Draft Water Licence.
GNWT ENR	ENR_35	Site-wide Adaptive Management / Management Response Plan	ENR recommends that the Board explicitly require an Adaptive Management/ Management Response Plan for the mine. The plan should include overarching framework as well as action levels from other specific management plans, such as: Geochemistry Monitoring Plan, Dewatering Monitoring Plan, Groundwater Monitoring Plan, Air Quality Monitoring Plan, Wildlife Effects Monitoring Plan, Wildlife and Wildlife Habitat Protection Plan, Explosive Management Plan, Erosion and Sediment Management Plan, etc.	As described in the response above (ENR_33), the AdMP is a standalone document that describes the process through which the Mine will practice adaptive management. However, the AdMP was not developed to be a standalone document that would incorporate Action Levels and Response Plans from other management plans and monitoring programs; these details are provided in their applicable management plans and monitoring programs. De Beers believe the AdMP to be acceptable for early submission by the MVLWB prior to the issuance of the licence.
GNWT ENR	ENR_36	Closure and Reclamation	ENR recommends that a working group be established to assist De Beers in the Closure and Reclamation Planning process to help define closure options, goals, objectives and criteria.	On Day 2 (February 12, 2014) of the Technical Session, De Beers committed to participating in a Closure and Reclamation working group (Commitment #9), as previously indicated in the response to Review Comment AANDC #46. It may be appropriate to have this as a sub-group of Ni Hadi Yati once ratified and approved by parties.
GNWT ENR	ENR_37	Closure and Reclamation	ENR recommends that the Board require that an Interim Closure and Reclamation Plan be submitted for review and approval within one (1) year of issuance of the water licence.	De Beers disagrees with this suggestion. De Beers suggests that the Interim Closure and Reclamation Plan be submitted for review and approval within three (3) years of issuance of the water licence, which is consistent with the <i>Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories November 2013</i> , which states the "The proponents of advanced mineral exploration or mine sites requiring a type A or type B water licence (for both operating and abandoned mine sites) must submit CRPs at various stages of the development (e.g., approximately every three years or at major milestones such as the transition from construction to operations) as a condition of their water licence".
GNWT ENR	ENR_38	Closure and Reclamation	ENR recommends that a key element of the closure planning process, during operations, should be to identify and develop methods to reduce the period of time required for recovery of the WMP. This should include pumping the entire contents of the WMP to Tuzo pit to reduce the time to close Kennady Lake and return it to a sustainable ecosystem.	De Beers agrees that one of the key objectives of the closure planning process is to identify and develop methods to reduce the period of time for recovery of the WMP and the refilled Kennady Lake at closure. SNP monitoring throughout operations within the controlled area will allow for tracking of the water quality of the WMP and other areas (e.g., Area 6) and help inform management decisions for closure. Based on the results of the SNP monitoring, De Beers will determine the overall volume of the WMP to be placed in the Tuzo Pit; in response to the MVLWB Comment 59, De Beers stated that there is the added contingency to pump a greater volume of the WMP or water from Area 6/Hearne Pit to Tuzo Pit, if necessary, which would be determined through SNP monitoring results.  Additionally, as per De Beers response to Environment Canada's Intervention (EC_3.9) and the Suggestion 2 in the MVEIRB's Reason for Decision Report, ongoing investigation and research will be undertaken through the life of mine on mechanisms to enhance meromixis in the Tuzo Pit during the refilling of Kennady Lake.
GNWT ENR	ENR_39	Closure and Reclamation	ENR recommends that closure goals, objectives and criteria be developed for the WMP that must be met prior to, and following reconnection, with the downstream environment. These closure goals, objectives, and criteria should be developed in consultation with Aboriginal groups, interested parties, and regulators.	De Beers agrees with this recommendation. De Beers is committed to working with Aboriginal Parties and regulatory agencies on the development of closure goals, objectives, and criteria as part of their Interim Closure and Reclamation planning process.
GNWT ENR	ENR_40	Reclamation Security	ENR recommends that the Board set the total amount of security for the Gahcho Kue Project at \$84,471,700. This is comprised of a water related liability of \$67,608,611 and a land related liability of \$16,863,088. The water related liability should be placed within the water licence and the land related liability within the land use permit or other appropriate authorizations.  ENR recommends that the Board set the total liability associated with the Gahcho Kue Project prior to construction at \$19,043,323. This is comprised of a water related liability of \$7,226,931 and a land related liability of \$11,816,392. This security could be scheduled over the construction period.  ENR recommends that the Board set the total liability associated with the Gahcho Kue Project prior to mining and milling (assumed to be YR 1 of operations) at \$37,594,133. This is comprised of a water related liability of \$23,776,270 and a land related liability of \$13,817,863. The water related liability should be placed within the water licence and the land related liability within the land use permit or other appropriate authorizations.	#1 De Beers does not agree with the total amount of liability. De Beers worked with ENR (formerly AANDC) and their consultants and is in general agreement with the method and estimating processes, with some relatively minor differences. However, the ENR estimate includes over \$25M of liability estimates for 'optional items' not included in the proposed development plans. These costs include: the placement of 0.5 m of overburden material on all disturbed areas and revegetation; alternative PAG material strategy (stockpiling and rehandling in lieu of encapsulation within mine rock piles); as well as the associated overheads and contingencies related to these items.  #2 De Beers agrees the construction phase liability can be split over the construction phase (2014/2015) and suggests a 50/50 split for each year. In the next iteration of the CRP in three years, the reclamation liability will be revisited.  #3 De Beers disagrees with the liability amount based on the listed reasons provided in #1 above. The estimate is \$11M higher than the De Beers submitted estimate. ENR's estimate includes approximately \$8M of optional items and associated overhead allocations  #4 De Beers does not agree to the liability estimate for Year 4 based on similar points raised above. The liability estimate includes optional items such as: Alternative PAG strategy; overburden cover replacement and revegetation; and associated overheads.
Environment Canada	EC_3.1	Issue 3.1: Effluent Quality Criteria (EQCs)	Recommendation EC-3.1: EC recommends that: <ul style="list-style-type: none"> <li>Total Petroleum Hydrocarbons be included in the list of regulated criteria;</li> <li>Discharge criteria be applied to all releases of effluent to the aquatic receiving environment;</li> <li>Additional parameters which may be considered for inclusion with regulated limits could include sulphate, chloride, cadmium, chromium, arsenic, copper, lead, molybdenum, nickel, and zinc.</li> </ul>	<ul style="list-style-type: none"> <li>De Beers accepts this recommendation, and will include Total Petroleum Hydrocarbons (TPH) as an EQC for discharge to Lake N11 and Area 8. De Beers propose a maximum daily limit of 5 mg/L.</li> <li>De Beers has developed EQCs for all releases of effluent to the receiving environment, namely Lake N11 and Area 8. These are presented in the Draft EQC Report (Version 2) submitted to the MVLWB registry on April 4, 2014.</li> <li>De Beers do not consider that any additional water quality parameters are necessary to be included for EQC development. As described in the Draft EQC Report, a comprehensive screening process identified water quality parameters that would require regulatory limits. To do this, a comprehensive list of parameters was considered, which was refined based on comparison of predicted concentrations of the parameters in the WMP (source of discharge) and in the receiving environment (at the edge of the mixing zone in Lake N11 and Area 8) to relevant baseline concentrations and proposed WQOs. Those parameters that had concentrations that would exceed baseline or WQOs at the edge of the mixing zone in the receiving waterbodies, were carried further through the process to develop EQCs.</li> </ul>
Environment Canada	EC_3.2	Issue 3.2: Toxicity Testing	Recommendation EC-3.2: EC recommends that: <ul style="list-style-type: none"> <li>All sublethal toxicity testing should be conducted using samples collected from end-of-pipe.</li> <li>If results from these tests indicate cause for concern, a tiered approach could be used in which samples from within and at the edge of the mixing zone are also evaluated.</li> </ul>	On Day 1 (February 11, 2014) of the MVLWB Technical Sessions for the Type A Water Licence, De Beers committed to conducting chronic toxicity testing at the end-of-pipe, and using a tiered approach where samples from the edge of the mixing zone if the end-of-pipe sample indicated a concern.

Aboriginal Party/Regulatory Agency	ID	Topic	Recommendation	De Beers Response
Environment Canada	EC_3.3	Issue 3.3: Pre-defined Action Levels / Triggers and Management Responses – Adaptive Management Plan	<p>Recommendation EC-3.3: With respect to water quality, EC recommends the establishment of (1) pre-defined action levels or triggers and (2) pre-defined preliminary alternative monitoring, mitigation or management actions. EC agrees with AANDC's response to Commitment 20 and recommends the adoption of AANDC's recommendations. Specifically, EC recommends the establishment of monitoring and action levels / triggers as for the following management plans or subsections within management plans:</p> <ul style="list-style-type: none"> <li>• Aquatic Effects Monitoring Plan</li> <li>• Groundwater Monitoring Plan (notably flow levels)</li> <li>• Seepage from Waste Rock Piles Seepage quality from PKC Facility</li> <li>• Sediment and Erosion Management Plan</li> <li>• Dyke Construction and Management Plan</li> </ul> <p>• Kennady Lake Reconnection EC concurs with the Gahcho Kué Panel that the information provided in the monitoring and adaptive management plans should demonstrate how the monitoring results will inform management actions such as changes in mitigation designs, policies and practices; in particular, when such changes will be required and how they will be implemented in a timely manner. EC recommends that these details are established during the licensing process.</p>	<p>• AEMP - Monitoring details and action levels as they apply to the AEMP have been provided in the draft AEMP Design Plan. De Beers has undertaken a series of workshops on the AEMP design and has updated the draft design plan based on feedback received from Aboriginal Parties and Regulatory Agencies.</p> <p>• Groundwater Monitoring - Low action levels or triggers were not developed for groundwater quality (e.g., TDS) or quantity (e.g., daily sump pumping volumes to the WMP) in the initial draft Groundwater Monitoring Plan. The Plan did identify that, as part of the SNP monitoring in the pits, parameters such as pumping rates, conductivity/TDS, and TSS/turbidity, will be monitored on a high frequency basis during pumping to the WMP or Area 6. De Beers response to AANDC Comment 21 following their review of the Type A Water Licence application, suggested monitoring trigger values based on daily pumping rates from the active mined pits (an indicator of groundwater inflows during mining) that will be incorporated into the revised Groundwater Monitoring Plan. Groundwater inflow quantity is the more sensitive parameter for the Water Management Plan.</p> <p>Through mining of the pits, it is expected that there will be some scatter (variability) in the measured groundwater inflow quantity and quality data due to local variations in hydraulic conductivity, operational changes, and weather conditions (rainfall and freshet in particular), as examples. Therefore, it is recommended that trends in groundwater inflow measurements rather than individual measurements will be the basis for monitoring during mining; these trends will be compared to plots of predicted groundwater quality and quantity trends.</p> <p>Although conservatism was applied in the groundwater quantity estimation in the EIS, greater rates of inflows beyond will put at risk one of the primary benefits of the mine plan, which is that following the operational discharge requirement to Year 3, the controlled area will have sufficient storage capacity for all mine water generated until Kennedy Lake is refilled (i.e., a further 20+ years). Accordingly, it is suggested as an early warning indicator, that trends in inflow quantity (as daily pumping rate volumes) greater than 10% higher than predicted daily rates from consecutive measurements over a two month interval will trigger a detailed examination of the data to assess potential causes of these trends (what are the sources? e.g., surface water inflows, groundwater inflows). Individual open pit plots will be examined to assess if the deviation from expected conditions is collectively influenced by all pits under mining or the result of inflows from an individual open pit. Additionally, if it is discernible that the trend is a long-term effect, then the numerical hydrogeological model will be re-calibrated and future inflows predicted. These revised predictions would inform adaptive management strategies.</p> <p>• Seepage Monitoring - As per De Beers response to AANDC Comment 21 following their review of the Type A Water Licence application, De Beers does not agree that low action levels are required for seepage quality monitoring from the mine rock piles, the Coarse PK Pile, and the Fine PKC Facility. As well as ongoing visual observations and inspections around the mine site (e.g., construction material, mine roads, rock pads, water management structures, mine rock piles, the Coarse PK Pile, and the Fine PKC Facility) for evidence of seepages, surface staining, or mineralization, which will be routinely completed by Mine Environment team, monitoring locations within the controlled area of the Mine have been proposed in downstream drainages from mine waste storage facilities (e.g., proposed SNP stations SNP 01-09, SNP 01-10, SNP 01-11, and SNP 01-12; refer to the proposed SNP monitoring locations in the draft WL submission to the MVLWB, submitted November 2013) that will be routinely monitored as a component of the SNP. The data from these SNP monitoring stations will also be supplemented with water quality monitoring data from locations within the Mine area if seepages are identified during the seepage and runoff survey components of the bi-annual geochemical audit. The results of water quality monitoring from the SNP and bi-annual geochemistry audits will be compiled in advance of the completion of the annual geochemistry report, and evaluated for indications of acid generation and metal leaching. The results will be considered in the context of existing baseline conditions, with respect to changes in concentration trends over time, and be used to inform management decisions.</p> <p>• Sediment and Erosion - The Erosion and Sediment Management Plan documents potential sediment and erosion risks and provides mitigation solutions. Areas where erosion is anticipated or where erosion protection has been applied will be monitored visually for signs of erosion and sediment release. Mitigation will be applied accordingly. Sediment control at locations where in-water construction is occurring outside of the Controlled Area will have a specific monitoring plan for TSS and turbidity. Transects away from the construction area will be monitored and specific low level action levels will be established. Details will be developed in the updated Erosion and Sediment Management Plans and Dyke Construction and Management Plans.</p> <p>• Kennady Lake reconnection - Monitoring details and action levels as they apply to the reconnection of the refilled Kennady Lake to Area 8 and the downstream watershed will be provided in future iterations of the Water Management Plan, the AEMP Design Plan, and the CRP, as they pertain to the closure phase of the Project. De Beers believe that these details will be developed during operations through the CRP Working Group, which may be a group under Ni Hadi Yati; information that is necessary for consideration in these discussions will include outcomes of SNP monitoring throughout operations, and on-going investigation and research that De Beers has committed to as part of their Closure commitments.</p>
Environment Canada	EC_3.4	Issue 3.4: Phosphorus Action Levels and Preliminary Management Responses	<p>Recommendation EC-3.4: EC recommends tracking of eutrophication indicators should include monitoring of winter oxygen levels in receiving environment lakes, as well as proposed primary productivity endpoints.</p>	<p>The AEMP is designed to test for the nutrient enrichment hypothesis, and as such, tracks eutrophication indicators. As shown in Table 9.2-1 of the Conceptual AEMP, late winter (April/May) dissolved oxygen profiles will be measured in receiving environment lakes. As described in Section 9.4, plankton monitoring will monitor chlorophyll a, b, and c as an indicator of trophic status, as well as the abundance, biomass and composition of the phytoplankton and zooplankton communities. Nutrient data (e.g., nitrogen, phosphorus, carbon, and silica nutrient forms) will also be collected to support the plankton data.</p>
Environment Canada	EC_3.5	Issue 3.5: Proponent Management Response Actions in Relation to Mercury Levels	<p>Recommendation EC-3.5: EC recommends that:</p> <ul style="list-style-type: none"> <li>• In addition to fish tissue levels, data for water and sediment mercury should be reviewed on an ongoing basis, and mercury levels tracked for increasing trends.</li> <li>• Sediment samples should be collected in areas that are most likely to reflect the effects of impoundment (e.g. any areas of sediment focusing in the lakes).</li> <li>• Prior to observing any upward trends in mercury in sediment or fish, EC recommends that the Proponent identify specific, feasible management response actions which could be taken, and any limitations to what can be practically implemented.</li> </ul>	<p>As shown in Tables 9.2-1 and 9.3-1 of the Conceptual AEMP Design Plan, water and sediment quality samples will be tested for mercury. Mercury concentrations will be tracked for increasing trends. For Lakes D2 and D3, the sampling design and site selection will be conducted to evaluate effects from impoundment.</p> <p>As described in IR responses during the EIR process, although the possibility for increased mercury methylation rates exists from the raising of the diversion lakes, it would not be expected to increase high enough to impair the health of the fish or any wildlife that may eat these fish. As previously indicated, specific management response actions to any upward trend of mercury concentrations (adjusted for fish age, which is a major modifying factor) following water level increases would be determined, if and when necessary, through engagement with regulatory agencies, including Environment Canada, and Aboriginal Parties. Specific management option(s) that may be employed could include liming, but could also include fish barriers, or selenium additions. De Beers does not allow fishing on site, so fish consumption advisories for these lakes would not be required. It should also be noted that mercury concentrations typically peak in the few years after the land is flooded and then return to pre-impoundment concentrations over time; furthermore, the lakes are only raised during operations. As such, the need to implement management actions may not be necessary and may be more detrimental than continuing to track for a downward trend. However, De Beers will continue to engage with regulatory agencies and Aboriginal Parties.</p>
Environment Canada	EC_3.6	Issue 3.6: Interpretation of "Significance Threshold"	<p>Recommendation EC-3.6: EC recommends the Proponent's interpretation of "significance threshold" is revisited to ensure that the significance threshold represents the initial boundary at which significant adverse effects occur, not a more adversely affected state.</p>	<p>De Beers disagrees that the Significance Thresholds need to be revisited. As described in Section 8.3 of the Conceptual AEMP, Significance Thresholds are the levels of change that, if exceeded, would result in significant adverse effects to VCs of the environment. They define a "no-go condition" for the Mine, such that management actions and adaptive management would be used to prevent a significance threshold from ever being reached.</p> <p>Action Levels and the associated Response Framework are designed to respond to environmental change, effectively providing an early warning indication, and avoid the occurrence of significant adverse mine-related changes to the aquatic ecosystem. The delineation of Significance Thresholds at the "no-go" condition does not indicate that the level of change up to that point is expected or acceptable.</p>
Environment Canada	EC_3.7	Issue 3.7: Airstrip Runoff Management for the Area 8 Sub-Watershed	<p>Recommendation EC-3.7: EC recommends Part H of the Water Licence "Conditions Applying to Contingency Planning" require contingency planning for any potential spills of deleterious substances within the Area 8 watershed, including from the airstrip.</p>	<p>De Beers does not agree with this recommendation that singles out the Area 8 watershed for contingency planning. The draft Spill Contingency Plan is applicable to the entire mine site, which includes the airstrip and areas of Area 8 that are outside of the Controlled Area. De Beers will review the draft Spill Contingency Plan to make sure that this position is clearly stated.</p>
Environment Canada	EC_3.8	Issue 3.8: Sewage Treatment Plant (STP) Failure Contingency Measures	<p>Recommendation EC-3.8: EC recommends contingency plans should be further developed for retention or alternative management of camp wastewater in the event of treatment plant issues.</p>	<p>De Beers accepts this recommendation and will update the draft Spill Contingency Plan accordingly.</p>
Environment Canada	EC_3.9	Issue 3.9: Chemocline Stability	<p>Recommendation EC-3.9: EC recommends the Water Licence Part J "Conditions Applying to Closure and Reclamation" should include the requirement that the Proponent provide a periodic update on the progress any related monitoring (e.g. groundwater monitoring through operations) or research on mechanisms affecting meromixis that may be relevant to closure predictions of water quality.</p>	<p>De Beers accepts the intent of this recommendation, and recognizes its link to Suggestion 2 of the MVEIRB's Reason for Decision Report (MVEIRB 2013). Over the course of operations, De Beers will continue to investigate and undertake research into measures that can be considered and applied to enhance the potential chemocline stability in the partially backfilled Hearne pit and the refilled Tuzo pit. Additionally, De Beers will, on an ongoing basis as per the SNP monitoring during operations and closure, monitor the water quality in the WMP and in Area 6 during operations, and in the Hearne and Tuzo pits and Kennady Lake during refilling to monitor the success of chemocline development in these pits.</p> <p>De Beers suggests that this recommendation be captured in the schedule associated with Part J of the Water Licence. De Beers propose that an update of the ongoing investigations and research be provided back to the MVLWB on a three-yearly basis.</p>
Environment Canada	EC_3.10	Issue 3.10: Geochemical criterion for management and placement of mine material and proposed mine rock monitoring and testing plan	<p>Recommendation EC-3.10: EC recommends the proponent include other methods of characterization for the classification of mine rocks in the proposed mine rock monitoring and testing plan.</p>	<p>De Beers do not agree that additional methods are required to classify mine waste material. Total sulphur analyses is considered an appropriate method for classification of PAG or Non-PAG material in many instances and can be used on-site, or off-site with rapid turnaround times, when used in conjunction with periodic additional testing to confirm material characteristics. The acid production potential is directly proportional to the total sulphur content; as such, this testing is recommended for use in operational monitoring at this site, and is supported by the geochemical data collected and analyzed to date (see 2012 EIS Update and 2013 ML/ARD Update report provided to the board in January 2014). Also of note, is that total sulphur is used routinely on other mine sites for the very same purpose of operational classification of mine rock (e.g., Diavik).</p> <p>It is recognized that other factors influence overall acid generation potential and release of acidity from a site. For these reasons, supplemental samples and additional geochemical test methods (including ABA, NAG testing, Shake Flask Extraction, and mineralogy) will be conducted on test samples at regular intervals as defined in the draft Geochemical Characterization Plan to confirm the results of operational monitoring. These data will be reported in the annual ML/ARD report to the MVLWB. As part of the ongoing data review of results of the supplemental sample analyses and annual ML/ARD reporting, the operational total sulphur criteria will be reviewed and adjusted, if necessary.</p>

Aboriginal Party/Regulatory Agency	ID	Topic	Recommendation	De Beers Response
Environment Canada	EC_4.1	Issue 4.1: Incineration of Sewage	<ul style="list-style-type: none"> <li>Recommendation EC-4.1: EC recommends that the Proponent include its commitment to not incinerate sewage or sewage sludge in the revised Incineration Management Plan.</li> <li>EC recommends that if the Proponent plans to incinerate sewage sludge that it provides the Board a letter from the manufacturer stating that the incinerator is designed to incinerate sewage sludge. The letter should include previous stack testing results demonstrating that the incinerator can achieve the CWS for Dioxins and Furans while incinerating sewage sludge</li> <li>EC recommends that Proponent complete stack emission testing for all incinerators to ensure achievement of the CWS for Dioxins and Furans and the CWS for Mercury. The stack tests should be completed using the waste streams proposed by the Proponent. The stack test report should include quantities and types of waste burned and incinerator operating conditions during the stack tests.</li> </ul>	<ul style="list-style-type: none"> <li>De Beers supports this recommendation.</li> <li>As a result of the response to the first bullet, no response is required.</li> <li>De Beers supports this recommendation.</li> </ul>
DKFN	DKFN_1	General Comments - Updated Management and Monitoring Plans	In Part G there are several items where revised management plans are to be submitted to the Board after the issuance of the water licence, but a specific deadline for this is not provided in the draft license. It seems typically with other water licenses issued by the MVLWB that a 90 day period is provided to the Licensee to re-submit these plans once the water license is issued by the Board. It is reasonable that a 90 day period be consistently applied for this licence; however, the license should also stipulate that commencement of construction activities permitted under this license cannot commence until these plans are re-submitted.	De Beers submits that a sixty (60) day approval time should be sufficient time for an informed decision on Monitoring Programs and Management Plans. De Beers would like to commence with dewatering activities as soon as a LUP and WL are issued. De Beers maintains that the AEMP, Sediment and Erosion Plan, Dyke A Construction Plan should be considered final as part of this regulatory process. Updates to the Water and Waste Management Plans will be submitted prior to Ministerial approval of the WL. De Beers also plans to submit revised Wildlife Plans during this regulatory process.
DKFN	DKFN_2	General Comments - Response Framework	The way the draft water license is currently outlined, the Response Framework appears to only be a component of the Aquatic Effects Monitoring Program (AEMP). To address levels of uncertainty and to ensure impacts of the Project on the Receiving Environment are minimized, the Response Framework must be applied to all management and monitoring plans that are required as conditions of the license, as well as the Surveillance Network Program. Adhering to this requirement will limit unnecessary delays in implementing appropriate management response actions and potentially harming the environment.	Action Levels and the Response Framework are not just applied to the AEMP; they will be incorporated into applicable Monitoring Programs and Management Plans, which will include the Processed Kimberlite and Mine Rock Management Plan, the Water Management Plan, the Erosion and Sediment Management Plan, the Groundwater Monitoring Plan, and the Incinerator Management Plan. Action Levels and a Response Plan for monitoring programs, such as the SNP, are not typically developed for management plans. This is consistent with Water Licences approved for other northern operating mines.
DKFN	DKFN_3	General Comments - Ni Hadi Yati	Ni Hadi Yati is intended to be a forum for Indigenous Parties to increase their technical capacity to assist with the development and implementation of monitoring and management plans for the Project. As many of these plans are conditions of the water license, reference to Ni Hadi Yati is warranted to facilitate full transparency and accountability throughout the regulatory process. That being said, the water license should not be issued until after the Ni Hadi Yati agreement is in place as this remains an outstanding commitment from the Report of the Environmental Impact Review (EIR0607-001).	De Beers committed during the EIR process to work with Aboriginal Parties to develop a binding agreement to support and fund Ni Hadi Yati; this commitment was acknowledged in the Panel's Reason for Decision Report. Negotiation of that agreement has progressed to the stage where it is currently under ratification by Aboriginal Parties. Should the agreement be ratified and accepted by Aboriginal Parties, then the group will form and scope will be implemented as defined in the Agreement; the Agreement is between De Beers and the Aboriginal Parties. De Beers does not agree that the wording as recommended by DKFN should be included in the WL and LUP because of the scope and progress on the Ni Hadi Yati Agreement, and the fact that agreement is between De Beers and Aboriginal Parties.
DKFN	DKFN_4	General Comments - Cumulative Effects	Cumulative effects is not specifically mentioned in the draft license despite this being a major issue throughout the environmental review process. The specific conditions for the various management and monitoring plans must include provisions for measuring potential cumulative effects and to ensure these are addressed in the Response Framework.	<p>De Beers has participated in cumulative effects and regional initiatives including meetings, workshops, and monitoring. Specifically, De Beers participated, and for some of workshops provided financial support, in the following GNWT-hosted workshops relating to cumulative effects and regional wildlife monitoring programs:</p> <ul style="list-style-type: none"> <li>Cumulative Effects Assessment and Management Workshop: Advancing a Framework for Managing Cumulative Effects in the NWT (February 5-7, 2013)</li> <li>Carnivore Technical Workshop (March 5-6, 2013)</li> <li>Bathurst Caribou Monitoring and Cumulative Effects Workshop (March 7-8, 2013)</li> <li>Regional Wildlife Monitoring Workshop (November 26-28, 2013)</li> <li>Bathurst Range Plan Workshop (November 12-13, 2013 and February 20-21, 2014).</li> </ul> <p>In addition to the above, De Beers has also provided funding support for the Bathurst Caribou Harvesters Gathering, hosted by the Tlicho Government (January 29-31, 2013).</p> <p>Moreover, De Beers support for a cumulative effects program for the Bathurst caribou herd has included:</p> <ul style="list-style-type: none"> <li>Providing support to current GNWT regional monitoring program for the Bathurst herd (i.e., funding and in-kind support for aerial surveys and GNWT monitoring initiatives).</li> <li>Working with the GNWT and its partners to understand how wolf predation affects herd size and trend (i.e., DBCI contributed to the GNWT wolf predation study in 2012, and has committed to do so again in 2013).</li> <li>Working with the GNWT to develop and operate check stations along the Project winter access road, as well as developing programs emphasizing respect for caribou and hunter excellence (including posting signage indicating hunting areas as well as hunting information during the 2014 Winter Road).</li> </ul> <p>In 2013, De Beers initiated a joint grizzly bear and wolverine DNA hair-snagging study. De Beers has also made the commitment to supporting the North American Peregrine Falcon Survey to be conducted every five years. De Beers supports GNWT assertion for these programs in past workshops because they provide for standardized regional monitoring data and can be used to assess, monitor, and mitigate cumulative effects on these species.</p>
DKFN	DKFN_5	Part A: Scope and Definitions, Item 1b.	We recommend that the following words be added to the end of the requirement: "and the Ni Hadi Yati agreement made between De Beers Canada inc. and Indigenous Parties"	De Beers disagrees with the recommendation as noted in response to DKFN_3
DKFN	DKFN_6	Section 2. Definitions	Update the definitions to reflect the recent changes in devolution if these are to be addressed in the license.	De Beers support this recommendation and would like to make sure there is clarity in the WL and LUP that reflect the current regulatory environment in the NWT.
DKFN	DKFN_7	Part 8: General Conditions. Item 9	We recommend that the following be added to this item: "The calibration and status of the meters and devices used shall be included in the Annual Water License Report."	Meters and devices used for measuring volumes of water are originally calibrated by the manufacturer. The meters will be validated periodically on site and recalibrated if necessary.
DKFN	DKFN_8	Part B: General Conditions. Item 11	To ensure ample time for review and comment on the results presented in this report, we recommend that the report be submitted by March 31st of the year following the calendar year reported. This will provide time to comment on the Response Framework.	De Beers is requesting that the date for submission of the Annual Water Licence Report be May 1st of the year following the calendar year reported. This reporting date will provide sufficient time for Aboriginal Parties and Regulatory Agencies to review and comment on the results presented in this report.
DKFN	DKFN_9	Part B: General Conditions. Item 11	The annual report should include provisions for the Response Framework.	De Beers understands that within Schedule 1 of the Water Licence, an outline of the requirements of the applicable Management Plans and Activities associated with the Water Licence as they pertain to the Response Framework is provided. Included in these requirements is the reporting of any exceedances to Action Levels and a description of response actions undertaken to address any action level exceedances, as applicable to the Management Plan or Activity.

Aboriginal Party/Regulatory Agency	ID	Topic	Recommendation	De Beers Response
DKFN	DKFN_10	Part B: General Conditions. Item 19	First there is no Measure 3a identified in report EIR0607-001. There are measures 1, 2, and 3, which refer to minimizing impacts to caribou, particular in regard to the winter access road. Measure 3 addresses the issue of cumulative effects on caribou.	<p>The EIR Panel Reports Measures includes the following:</p> <p>MEASURE 1: De Beers will:</p> <ul style="list-style-type: none"> <li>Minimize impacts to caribou and the extent of the zone of influence around the mine site to the extent that is technically feasible.</li> <li>Prior to construction, develop a caribou protection plan that ensures protection of caribou and caribou habitat. The caribou protection plan should include an adaptive management framework demonstrating how the Wildlife Effects Monitoring Program and the Wildlife and Wildlife Habitat Protection Plan are linked.</li> </ul> <p>Governments, land managers, and regulatory agencies will:</p> <ul style="list-style-type: none"> <li>Include conditions for habitat protection in the Land Use Permit and any land tenures issued for the Project.</li> </ul> <p>MEASURE 2 De Beers will:</p> <ul style="list-style-type: none"> <li>Construct and operate the winter access road in a way that minimizes its adverse effects as a partial barrier to caribou movement and migration;</li> <li>Monitor to determine the presence and behaviour of caribou along the winter access road using different methods in addition to satellite collar data, such as track counts and visual observations; and</li> <li>Ensure that the caribou protection plan, the Wildlife Effects Monitoring Program and the Wildlife and Wildlife Habitat Protection Plan address the effects on caribou movement and behaviour along the winter access road.</li> </ul> <p>MEASURE 3 The GNWT and AANDC:</p> <ul style="list-style-type: none"> <li>Develop and implement a cumulative effects framework that links project specific monitoring and mitigation (project specific Wildlife Effects Monitoring Program and Wildlife and Wildlife Habitat Protection Plan) to cumulative effects monitoring and mitigation and ensure there is two-way feedback between the project and cumulative scales;</li> <li>The implementation of the cumulative effects framework should lead to effective management including best management practices that can be applied at the Project scale;</li> <li>Report annually on the development, implementation and results of the framework in a publically accessible manner</li> </ul> <p>It should be noted that Wildlife Management and Monitoring falls under the jurisdiction of the Government of Northwest Territories, and more specifically under the NWT Wildlife Act (2013). The GNWT, through the Department of Environment and Natural Resources, has developed a memorandum of understanding (MOU) with De Beers regarding the development and implementation of the wildlife and wildlife habitat protection plan and wildlife effects monitoring program. These two plans describe De Beers' approach to monitoring both project specific effects and contributions to cumulative effects consistent with Measure 3. As stated in the MOU, once the new Wildlife Act is fully in effect, the mutually acceptable WWHPP and WEMP will be considered as wildlife management and monitoring plans for the purpose of fulfilling Section 96 of the new Act.</p> <p>De Beers efforts to meet Measure 3 are being managed through these mechanisms and should not also be managed through the Water Licence.</p>
DKFN	DKFN_11	Part D: Conditions Applying to Water Use, Item 5.	To be clear, should this item read "Area 8" instead of "from a single waterbody outside of the Controlled Area"?  If the Licensee is allowed to withdraw water from more than one water body is the threshold calculated as 10% from individual water bodies or 10% from all available waterbodies as a whole?	As per Part D, Item 1, De Beers can only obtain fresh water from Area 8, unless otherwise approved by the Board. For Item 5, De Beers suggests that the current wording is appropriate, as it allows for flexibility to identify additional waterbodies if required, and with Board approval (e.g., dust suppression on roads). The "single waterbody" would refer to Area 8 currently, or another waterbody if one is identified and approved for use in the future. The 10% in Item 5 refers to 10% of the available volume of each individual waterbody, as this is based on the <i>DFO Protocol for Winter Water Withdrawal from Ice-covered Waterbodies in the Northwest Territories and Nunavut</i> .
DKFN	DKFN_12	Part E: Conditions Applying to Construction Items 5 and 6.	Why is there a discrepancy between two and six months for the various project components?	De Beers would like to construct Dyke A upon issuance of the WL. The design for Dyke A was submitted to MVLWB in March 2014 and De Beers is seeking approval as part of the regulatory process. Other dykes will be constructed later during the construction period, and therefore, De Beers is proposing a longer approval period (i.e., 60 days).
DKFN	DKFN_13	Part E: Conditions Applying to Construction, Item 10.	We recommend that this revision include that the As built Report with drawings and specifications be stamped by a Professional Engineer.	De Beers agrees with this recommendation. All final drawings in the As-built report will be stamped by a Professional Engineer.
DKFN	DKFN_14	Part G: Conditions Applying to Water and Waste Management, item 1.	We recommend that this item be re-written as: "The Licensee shall manage Water and Waste in with the objective of minimizing the impacts of the Project on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring and follow-up actions as outlined in the Water management plan and waste Management Plan"	De Beers suggests the revised wording: "The Licensee shall manage Water and Waste with the objective of minimizing the impacts of the Project on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation, monitoring, and follow-up actions as outlined in the draft Water Management Plan and Waste Management Plan. Circumstances and situations not specifically outlined in the draft Water Management Plan and Waste Management Plan shall use appropriate mitigation, monitoring, and follow-up actions minimizing the impacts of the Project on the quantity and quality of Water in the Receiving Environment."
DKFN	DKFN_15	Part G: Conditions applying to Water and Waste Management, Item 11	The timing of water discharge should be detailed in the Water Management Plan.	De Beers disagrees that the timing of discharge should be added to Part G, Item 11. This item refers to discharge rates at the outlets of Lake N11 and Area 8. The overall schedule for discharge will be included in the Water Management Plan, along with the methods and criteria for discharge. The precise timing of the discharge will depend on many factors that cannot be foreseen with certainty; De Beers requires flexibility on the discharge schedule and rates.
DKFN	DKFN_16	Erosion and Sediment Management, Item 14	The only objective identified in Part G: Item 1, is to minimize the impacts of the Project on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions. As stated previously, the specific mitigation measures, monitoring and follow-up actions should be detailed in the Plan	The details for managing the project will be presented in the applicable management plans, including the Erosion and Sediment Management Plan as referred to in the Water Licence.
DKFN	DKFN_17	Explosive Management, Item 19	As per other Plans, the mitigation measures, monitoring, and follow-up actions should be identified within the Plan.	The Explosives Management Plan includes sections on mitigation and monitoring. The monitoring includes references to the SNP monitoring of nitrates in the WMP, as well as seepages from the mine rock piles. Standard Operating Procedures will be developed for all blasting exercises. Mitigation includes the use of water resistant explosives (70/30 emulsion/ANFO) blend to minimize misfires/bootlegs resulting from wet holes. All mining activities including the AN storage facilities and the emulsion plant are located within the controlled area to ensure that no uncontrolled release reaches the receiving environment.
DKFN	DKFN_18	Geochemical Characterization, Item 22	As per other Plans, the mitigation measures, monitoring, and follow-up actions should be identified within the Plan.	De Beers submitted a draft Geochemical Characterization Plan with the Type A Water Licence application in November 2013, which was developed in accordance with applicable geochemical guidance documents. This plan describes the geochemical characteristics of mine materials that will be encountered in the Mine area during construction and operations, including mine rock, kimberlite, and processed kimberlite. The Plan describes site geology and details the anticipated quantity and distribution of the various mine waste materials. The acid rock drainage and metal leaching potential of kimberlite, processed kimberlite, and mine rock are also described, as are geochemical classification criteria for identification of potential acid-generating (PAG) material, and its management and placement on site. Mine rock and overburden monitoring and testing plans are also presented.  The Plan provides information that will allow De Beers to assess and manage acid/alkaline rock drainage (ARD) and potential metal leaching at the Mine during operations. The information collected as part of the Plan will be compiled on an annual basis and compared to the geochemical dataset for the Mine, including the results of geochemical testing presented in the Metal Leach and Acid Rock Drainage Update Report submitted to the MVLWB registry in February 2014. The results of geochemical monitoring will be evaluated to confirm that mine rock and processed kimberlite management follows the protocols in the draft Processed Kimberlite and Mine Rock Management Plan submitted to the MVLWB in November 2013, which states that non-PAG rock will be used for construction of roads and site infrastructure and construction of a closure cover for the Fine PKC Facility, and PAG rock must be sequestered in designated areas of the mine rock pile or deposited in the mined-out pits. Depending on the results of monitoring, mitigation would be possible, with the primary mitigation strategy being to adjust material placement strategies and/or locations. More active mitigation, if necessary, might include adjusting the closure plan to reduce mass loading from locations where monitoring indicates the most benefit could be attained.
DKFN	DKFN_19	Dykes, Item 23	As per other plans, the mitigation measures, monitoring, and follow-up should be identified within the Plan.	De Beers understands the "Dyke Management Plan" referred to in item 23 is equivalent to Dyke Construction and Management Plan referred to by GNWT ENR. The plan will include mitigation measures and monitoring.
DKFN	DKFN_20	Processed Kimberlite and Mine Rock Management, Item 24	As per other Plans, the mitigation measures, monitoring, and follow-up actions should be identified within the Plan.	The draft Processed Kimberlite and Mine Rock Management Plan includes sections on mitigation and monitoring. For example, contingencies are presented for varying slopes to be obtained in the Fine PK Facility. The monitoring includes references to the geochemical monitoring for the mine rock. Specific action plans are in place for dealing with PAG material. A monitoring plan is also in place for the structures retaining the fine PK. Some of the monitoring (i.e., standpipes, and ground temperature cables) are just to collect information about the facility. No set criteria for ground temperatures or piezometric levels are established for these parameters.
DKFN	DKFN_21	Processed Kimberlite and Mine Rock Management, Item 27	This item should stipulate that the inspection is to be conducted by a Professional Engineer.	De Beers disagrees with this recommendation. As per Part G, Item 27, a weekly inspection will be carried out by on-site personnel. The personnel will be trained by Professional Engineers and follow detailed procedures developed by a Professional Engineer. The procedures will include reporting requirements. As indicated in Item 28, a Professional Engineer will perform an annual inspection during the summer months, with a full geotechnical inspection report being prepared.
DKFN	DKFN_22	Processed Kimberlite and Mine Rock Management, item 30	This item needs to be updated to refer to Part G, items 28 and 29, not Items 19 and 20.	De Beers agrees with the correction.

Aboriginal Party/Regulatory Agency	ID	Topic	Recommendation	De Beers Response
DKFN	DKFN_23	Processed Kimberlite and Mine Rock Management, Item 31	A Dam Safety Review should be completed on all dykes regardless of being identified of low consequence or not.	The Canadian Dam Guidelines require Dam Safety Reviews of structures of "Significant" dam classification within a 10 year period. All of the dykes listed in the water licence fall into the this category and will have dam safety reviews. The collection ponds are in a "Low" dam class, and do not require dam safety reviews at the 10 year period; however, De Beers agrees to re-evaluate the classification and need for a dam safety review throughout the Project.
DKFN	DKFN_24	Processed Kimberlite and Mine Rock Management, Item 32	This item should stipulate that weekly inspections are to be conducted by a professional Engineer	De Beers disagrees with this recommendation. De Beers will perform weekly inspections of structures designed to withhold, retain, or divert Water or Waste, which will be carried out on-site personnel, as directed by a Professional Engineer. Additional inspections will be carried out by a Professional Engineer based on the outcome of the weekly inspections, or as requested by the Inspector.
DKFN	DKFN_25	Seepage Surveys, Item 36	This item should stipulate that the report for the Seepage surveys be submitted within 90 days of the completion of the surveys.	De Beers does not support this recommendation, as it is understood that the results of the bi-annual seepage surveys are reported in the Annual Water Licence Report (this is expected to be documented in Schedule 1).
DKFN	DKFN_26	Effluent Quality Criteria (EQC), Item 43	The text "Item 33" needs to be updated to the appropriate items. Under the current draft of the license these are items 38, 41, and 42.	De Beers agrees with the correction.
DKFN	DKFN_27	Effluent Quality Criteria (EQC), Item 44	An additional item should be added here of this provision should include the requirement for measuring pH levels of any water or waste from the Project entering the Receiving Environment.	The measurement of pH is included in the SNP and AEMP monitoring plans. As such, it is not necessary to reference it in Item 44.
DKFN	DKFN_28	Part I: Conditions Applying to Aquatic Effects Monitoring, Item 5	We recommend that this report be submitted by March 31, 2017 and every 5 years thereafter.	De Beers suggests that the date for submission be May 1, 2017, and every five (5) years thereafter.
DKFN	DKFN_29	Part I: Conditions Applying to Aquatic Effects Monitoring, Item 6	We recommend that this be on or before March 31st each year.	De Beers disagrees with this recommendation. De Beers suggests that the date for submission of the AEMP Annual report be May 1st each year.
YKDFN	YKDFN_1	Outstanding Measures:	YKDFN ask the Board to write to the Minister to ask that this Measure be acted on under s.136(2) where the "responsible ministers shall carry out a decision under section 135 to the extent of their respective authorities" [emphasis added]. Meaningful progress must be made on behalf of government, not only to satisfy their regulatory obligations, but to enable independent developers to do the same. The status quo must be changed for the protection of YKDFN's most precious resources.	<p>De Beers believes that initiatives completed to date currently support YKDFN's proposed approach, "YKDFN would be willing to partner with De Beers and other parties to take on some leg work and propose guidelines for government consideration and approval". De Beers is of the opinion that regional wildlife monitoring and cumulative effects has commenced and looks forward to continued participation in these regional initiatives. Specifically, the initiatives De Beers has participated in, and provided financial support relating to cumulative effects and regional wildlife monitoring programs, include:</p> <ul style="list-style-type: none"> <li>• Cumulative Effects Assessment and Management Workshop: Advancing a Framework for Managing Cumulative Effects in the NWT (February 5-7, 2013)</li> <li>• Carnivore Technical Workshop (March 5-6, 2013)</li> <li>• Bathurst Caribou Monitoring and Cumulative Effects Workshop (March 7-8, 2013)</li> <li>• Regional Wildlife Monitoring Workshop (November 26-28, 2013)</li> <li>• Bathurst Range Plan Workshop (November 12-13, 2013 &amp; February 20-21, 2014).</li> </ul> <p>In addition to the above, De Beers also provided funding support for the Bathurst Caribou Harvesters Gathering, hosted by the Tlicho Government (January 29-31, 2013).</p> <p>Moreover, De Beers support for a cumulative effects program for the Bathurst caribou herd has included:</p> <ul style="list-style-type: none"> <li>• Providing support to current GNWT regional monitoring program for the Bathurst herd (funding and in-kind support for aerial surveys and GNWT monitoring initiatives).</li> <li>• Working with the GNWT and its partners to understand how wolf predation affects herd size and trend (De Beers contributed to the GNWT wolf predation study in 2012 and has committed to do so again in 2013).</li> <li>• Working with the GNWT to develop and operate check stations along the Project winter access road, as well as developing programs emphasizing respect for caribou and hunter excellence (including posting signage indicating hunting areas as well as hunting information during the 2014 Winter Road).</li> </ul> <p>In 2013, De Beers initiated a joint regional grizzly bear and wolverine DNA hair-snagging study. De Beers has also made the commitment to supporting the North American Peregrine Falcon Survey to be conducted every five years. De Beers supports GNWT assertion for these programs in past workshops because they will provide standardized regional monitoring data and can be used to assess, monitor, and mitigate cumulative effects on these species.</p>
YKDFN	YKDFN_2	Wildlife Monitoring and Management • Wildlife Effects Monitoring Plan (WEMP) • Wildlife and Wildlife Habitat Protection Plan (WWHPP)	<p>The Board should require the immediate formation of a working group to improve the design of the WWHPP such that it provides useful monitoring data for the short and long term. This working group should hold its first meeting within 90 days of licence issuance.</p> <p>- This working group should be charged to improve the habitat protection plan, to be submitted for approval, particularly the monitoring aspects with the following:</p> <ul style="list-style-type: none"> <li>o Clarify language and decision processes – A review of the project documents will reveal an abundance of optional actions and imprecise language. This must be clarified so that the action(s) is tied to the observations and not a decision for the company to make based on costs. This requires clarity of language for all parties, meaning that precise language must replace discretionary language wherever possible.</li> <li>o Identify meaningful and clear mitigation/action levels – as presently written, the monitoring actions are at best, weakly linked to management insofar as they occasionally slow vehicles down. The project's approach to behaviour and avoidance monitoring is not linked to adaptive management nor can it produce meaningful results to adjust operations and lower impacts.</li> <li>o Improve monitoring of the road beyond visual range – The zone of influence (as defined by the project) for the winter road extends between 1.5 and 3.5 km, which is the area which must be monitored for changes in behaviour, avoidance, deflection (i.e. refusal to cross the road). This must include distribution monitoring as well.</li> <li>o Develop timelines for mobilization and deployment of monitoring efforts and resources. Caribou can quickly enter and leave an area – we cannot have three plus weeks to develop a monitoring program.</li> </ul> <p>- The project must develop a program that seeks to address potential barrier/permeable filter effect of the winter road. The current proposal does not include even simple mitigations to minimize this effect (road bank height &lt; 1m, road back push outs to encourage crossing, or other known mitigation by design efforts established through operations at other mines). There is no method to utilize the beyond visual range monitoring and observations or actual crossing efforts to determine if the road acts as a barrier or what local mitigations were utilized.</p> <p>- To establish a community perspective with regards to roads and impacts to Caribou, a special study should be initiated that requires the project to work with YKDFN TK division to develop research study scope for impacts of roads on caribou behaviour and health.</p>	<p>De Beers has engaged Aboriginal Parties, including the YKDFN, and government agencies and boards in the development of the WWHPP on multiple occasions over the past two years. Meetings and workshops have been held to share information, to develop plans, and to discuss challenges. De Beers is pleased to work with these parties and values their input. Many of the suggestions made during this engagement have been incorporated into the WWHPP including: involving community members in the monitoring (Aboriginal Community Monitors have been hired), involving community representatives in adaptive management (Ni Hadi Yati in development), providing updates to communities as the Project progresses (update provided February 5, 2014, April 10, 2014); initiating a survey by community-based monitors if caribou are present near the Project Winter Access Road while the winter road is active (February 14-March 9, 2014); and using public education materials and signage on conservation and hunting from the Project Winter Access Road (signage erected along winter road February 2014). De Beers will be pleased to continue this engagement through Ni Hadi Yati. However, it is critical to our daily operations, management of risks, and fulfillment of regulatory obligations that we maintain discretionary authority over our own project management.</p> <ul style="list-style-type: none"> <li>• Some discretionary language is necessary to accommodate the myriad of factors that may be present at a future date, and which are difficult, if not impossible to predict ahead of time. However, De Beers will limit the use of discretionary language in the WWHPP to those situations that require it. Where it is required, De Beers will provide an explanation as to why.</li> <li>• Action levels were incorporated into the draft version of the WWHPP. These action levels describe how De Beers will respond to information received from the various monitoring programs. For example, in the draft WWHPP, De Beers stated that if surveillance monitoring identifies potential or actual availability of wildlife attractants, immediate corrective action will be taken. In the next version of WWHPP, De Beers will articulate the range of management responses associated with escalating levels of a waste management problem. This approach will be used throughout the WWHPP.</li> <li>• The priority for De Beers has been, and will continue to be, protection of caribou in the vicinity of the road. To that end, De Beers will continue to monitor vehicular traffic and wildlife occurrence in the immediate vicinity of the road. De Beers will use the information obtained to refine and improve mitigation measures along the road. In addition, De Beers will work collaboratively with ENR to design and implement a regional program that examines project contribution to cumulative effects, including but not limited to, zone of influence of winter roads.</li> <li>• During the winter of 2013/2014, caribou were first detected along the Gahcho Kué winter road on January 29, 2014. On February 1, 2014, opening day of the winter road, De Beers initiated daily monitoring as described in the WWHPP (Section 5.5). Additionally, on February 1, De Beers conducted an aerial survey of the road to determine the number of caribou in the area. Behavioural monitoring of caribou along the road began on February 14 and continued until March 9. Daily monitoring of the road continued until March 31 when the road was closed for the season. De Beers plans to continue the daily surveillance monitoring of the road in future years of winter road operation and anticipates that if 20 or more groups of caribou are detected along the road, we will be able to launch additional monitoring efforts within two weeks as we did during the 2014 winter road season.</li> <li>• The behavioural monitoring program implemented in 2014 did seek to identify potential barriers to movement for caribou along the winter road. Snow berm height was measured every 2 km along the entire length of the road. Road and landscape characteristics were noted at every observation site including all locations where caribou were observed crossing the road. Caribou were most often observed on the portages, rather than on the lakes. Caribou were also observed crossing the road more often on the portages, rather than the lakes. De Beers will develop additional mitigation measures as needed to address any barrier effects described by the data following analysis. These mitigation options will be included in the next version of the WWHPP.</li> </ul>



Aboriginal Party/Regulatory Agency	ID	Topic	Recommendation	De Beers Response
YKDFN	YKDFN_3	Water Quality	The project should be required to meet more stringent limits for the level of contamination that it releases, which will ensure conservation and protect the Dene way of life.	<p>The Gahcho Kué Mine will be operated in a safe and sustainable manner to be protective of the environment. One of the main design elements to minimize effects on the environment is the use of the controlled area. The WMP allows for water containment and storage, such that the discharge of water to the receiving environment is expected to be limited to the first three years of operations only.</p> <p>De Beers has developed EQCs for all releases of effluent to the receiving environment (i.e., Lake N11 and Area 8) and water quality objectives for the downstream environment. Although levels of some parameters will increase compared to pre-development conditions, the discharge limits have been set to be protective of the aquatic environment. Water quality changes will not alter the suitability of these waterbodies to support viable aquatic ecosystems. As such, De Beers believes that the EQCs are appropriate for the Mine.</p> <p>The EQCs and water quality objectives also allow for ongoing traditional use of the water and fish (i.e., drinking water and harvesting and consuming fish). For example, waters in Lake N11 (outside of the initial dilution zone) and in all waters downstream of Kennedy Lake should not be affected by mining activities throughout construction, operation, and reclamation of the mine. SNP monitoring will be performed to confirm compliance with the EQCs set out in the Water Licence and AEMP monitoring will be conducted to confirm effect predictions. These monitoring programs will allow for response planning and adaptive management to be carried out, where necessary, to be protective of the environment.</p> <p>At closure, pumping will be conducted from Lake N11 to speed up refilling of Kennedy Lake and allow for a self-sustaining aquatic ecosystem to form more quickly in Kennedy Lake. The post-closure Kennedy Lake will allow for traditional water uses within the refilled Kennedy Lake, such as, drinking water and harvesting and consuming fish.</p>
YKDFN	YKDFN_4	Water Quality - SSWQO	The license must require toxicity testing similar to that at Snap Lake	<p>De Beers will be undertaking sublethal (chronic) toxicity testing of water to be discharged as part of the SNP monitoring, i.e., at the end of pipe (refer to the response to EC_3.2, bullet 1). This is slightly different to the toxicity testing that is undertaken at Snap Lake as part of their SNP monitoring, which includes acute and chronic toxicity testing at their combined water treatment plant and sewage treatment plant effluent source, and chronic toxicity tests at the edge of the mixing zone at sites adjacent to the diffuser.</p> <p>Also, the periodicity of testing will be different. For the Gahcho Kué Project, De Beers will be discharging only during open water conditions during operations, not year-round like the Snap Lake Mine, so testing will be conducted twice annually (i.e., at the commencement of discharge and when discharge is ceased).</p>
YKDFN	YKDFN_5	Water Quality - EQC	Include appropriate license monitoring requirements for hydrocarbons	De Beers has agreed to include total petroleum hydrocarbons as a parameter with regulatory limits. Please refer to the response to EC_3.1, bullet 1.
YKDFN	YKDFN_6	Water Quality - EQC	Any EQCs for Area 8 should be similar to the baseline quality	De Beers has developed EQCs for discharge to Area 8 during operational discharge in Year 1. These EQCs are presented in the draft EQC Report (Version 2) that was submitted to the MVLWB on April 4, 2014
YKDFN	YKDFN_7	Closure Planning	<p>The Board should require the company to prepare a draft reclamation research plan to be completed within 6 months of the issuance of this license. This will allow the long term research items (particularly vegetation trials) to be commenced immediately and inform the closure planning process prior to the project being required to finalize sections of that plan.</p> <p>- The Board should require a Closure Working Group to be initiated immediately after the submission of the reclamation research plan</p> <p>- The Board should provide direction to parties that establishment of closure components and objectives should be collaboratively completed within 1 year of the license/permit being issued. These objectives should be aimed at ensuring that the current land use – wildlife habitat – can be continued.</p> <p>- The closure plan for the Fine PK storage does not reflect any vegetation or medium for vegetative growth. As a large gravel pad is not reflective of the surrounding environment and provides little benefit to the wildlife who will depend on this area post closure, the Board should reject this portion of the closure plan.</p> <p>- An interim closure and reclamation plan, conforming to the Board's published guidelines, should be submitted for approval prior to mill processing.</p>	<p>De Beers agrees to submit a reclamation research plan within six (6) months of the issuance of the Type A Water Licence and Land Use Permit. De Beers agreed in a response to a Reviewer's comment (i.e., AANDC 46) following a review of the draft Water Licence and during the MVLWB Water Licence Technical Sessions in February 2014 (Commitment #9), to participate in Closure Working Group and believes this would be appropriate under Ni Hadi Yati.</p> <p>De Beers agrees to continue engagement with Aboriginal Parties and regulatory agencies on closure planning and to this end has agreed to host a closure workshop at the Gahcho Kué site in 2014. As De Beers advances engagement on closure planning and accumulates learnings from the outcomes of reclamation research trials, applicable and relevant information will be incorporated into future iterations of the closure plan.</p> <p>De Beers will follow the Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories November 2013 (CRP Guideline), which states the "The proponents of advanced mineral exploration or mine sites requiring a type A or type B water licence (for both operating and abandoned mine sites) must submit CRPs at various stages of the development (e.g., approximately every three years or at major milestones such as the transition from construction to operations) as a condition of their water licence." De Beers believes that a meaningful Interim CRP can be developed after Year 1 (Operations) that follows the intent of the (CRP Guidelines), as engagement (i.e., Closure Working Group) and materials (i.e., reclamation research report), will be sufficiently advanced to provide appropriate information for the next iteration of the CRP.</p>
YKDFN	YKDFN_8	Post Closure Water Quality	The projects post closure water quality plan must be improved. A permanent doubling of the baseline concentrations after this operation has ceased is an excessive alteration of the environment and improvements must be sought. This places the recovery and health of Kennady Lake and the health of the aquatic ecosystem at risk.	De Beers has committed to working with Aboriginal Parties and regulatory agencies on the development of closure goals, objectives, and criteria as part of their Interim Closure and Reclamation planning process. However, although levels of some parameters will increase in the post-closure environment compared to pre-development conditions, the water quality objectives for closure will be developed to be protective of the environment in the refilled Kennedy Lake and downstream. Water quality changes will not alter the suitability of these waterbodies to support viable aquatic ecosystems and allow for traditional water uses, such as, drinking water and harvesting and consuming fish.
NSMA	NSMA_1	Surface Water Quality	The NSMA wants the waters in and around Kennady Lake to remain clean and potable as it is an important life force for the environment	<p>De Beers has designed the Gahcho Kué Project so that throughout all project stages (construction, operations, closure, and post-closure) water quality in the receiving environment, and in Kennady Lake once it has been refilled will meet the following water quality objectives:</p> <ul style="list-style-type: none"> <li>• water quality changes due to Project activities will not substantially alter the suitability of waterbodies to support viable aquatic ecosystems; and</li> <li>• water quality changes due to Project activities will not substantially alter fish health, abundance, or diversity, or impact the ability of traditional users to harvest or consume fish.</li> </ul>
NSMA	NSMA_2	Water Treatment Plant	The NSMA recommends that DeBeers be required to install a water treatment plant at its proposed Gahcho Kué mine site	De Beers does not support this recommendation. The water management plan that has been designed by De Beers does not require a water treatment plant to achieve its objectives. Water treatment was considered during the EIR process and the Panel report has concluded [pg. 66] that a water management contingency plan be completed that includes "contingent water treatment, in the event that water quality is not suitable for discharge during the operations and closure phase". De Beers has included the option for active water treatment as a defined contingency in the Water Management Plan. Moreover, despite having a small footprint, De Beers will dewater a portion of Kennady Lake to the maximum extent possible to safely access and mine the ore bodies; through this and limited early operational discharge, sufficient storage capacity is afforded in the controlled area to contain all minewater generated on site until closure. The basic tenet of this plan is to utilize passive treatment in the controlled area (the WMP) for the early operations, and discharge water only when water quality meets regulatory discharge requirements. For the remainder of operations, drawn down areas within the controlled area, and mined-out pits as they become available, can be utilized for water storage. After closure, Hearne and Tuzo pits will be permanent repositories for the bulk of the water contained in the controlled area (e.g., WMP, Area 6); the volume of these pits is much greater than the volume of water contained within the controlled area. Therefore, after this water has been directed to the pits, and the refilling of Kennady Lake with natural inflows and supplemental water from Lake N11 has begun, a chemocline will develop between the deeper pit water and the overlying lake water. The much higher salinity (high TDS) of the deposited pit water compared to the refilling water means that a very stable chemocline will develop in the pits so that the higher salinity deeper pit water does not mix with the overlying Kennady Lake. As such, potential for environmental impacts to adjacent and downstream waters during construction, operations, and closure phases of the Project due to water quality issues is minimized.
NSMA	NSMA_3	Waste and Incineration Management Plans	The NSMA wants proper waste incineration to be implemented at the Gahcho Kué mine site, as its members want to be assured that toxins will not contaminate the environment to the extent that animals become inedible	De Beers have developed a draft Incinerator Management Plan, which describes the use, proposed mitigation, and monitoring associated with incinerator use. Following review by Aboriginal parties, regulatory agencies, and the MVLWB, this plan is being finalized. Please also refer to the response to EC_4.1.
NSMA	NSMA_4	Wildlife (caribou)	The NSMA wants all steps available to be taken to ensure that the low number of Bathurst caribou does not experience additional impacts, further prolonging harvest restrictions. As traditional harvesters of caribou in the region, NSMA members are concerned about the well-being of caribou that migrate through and around the Project area	De Beers has prepared and submitted a Wildlife and Wildlife Habitat Protection Plan (WWHPP), which describes the proposed mitigation and monitoring intended to protect both caribou and other wildlife that come in contact the Project. This document includes mitigation to reduce caribou habitat loss and disturbance, monitoring to identify caribou presence near site, adaptive management to manage hazards as they arise, and reporting to inform regulatory agencies and communities of the observations, actions taken, and improvements implemented each year. De Beers welcomes comments from the NSMA on this document.
NSMA	NSMA_5	General	The NSMA wants DeBeers to undertake the construction and operation of its proposed Gahcho Kué mine in a sustainable way.	De Beers agrees with this statement. De Beers plans to construct and operate the Mine in a safe and sustainable manner. Monitoring programs and management plans have been developed to monitor for environmental change and to provide a framework to respond with adaptive management where required. Reclamation and closure planning will allow for the recovery and sustainability of the ecosystem after closure.

**MV2005L2-0015 Water License Conditions Conformity Table**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
<b>Part A: Scope and Definitions</b>			
<p><b>1. Scope</b> This Licence entitles the Licensee to use Water and dispose of Waste for the purpose of constructing, operating, closing, and reclaiming the Gahcho Kue Diamond Mine Project (the Project), a diamond mine located within the Kennady Lake watershed of the Kirk Lake basin, approximately 280 kilometres (km) northeast of Yellowknife, Northwest Territories (NWT). The scope of the Project is described in the Updated Project Description submitted on November 28, 2013, and the additional information submitted during the regulatory process, and includes the following:</p> <ul style="list-style-type: none"> <li>• dykes and berms to facilitate the dewatering of Kennady Lake;</li> <li>• withdrawal and use of water from Lake N11;</li> <li>• open pit mining of the Hearne, 5034 and Tuzo kimberlite pipes;</li> <li>• milling facilities and infrastructure;</li> <li>• ore and low grade ore stockpiles;</li> <li>• a Fine Processed Kimberlite Containment Facility;</li> <li>• a Coarse Processed Kimberlite Containment Facility;</li> <li>• a West Mine Rock Pile;</li> <li>• a South Mine Rock Pile;</li> <li>• deposition of kimberlite and waste rock into the Hearne and 5034 open pits;</li> <li>• refilling of Kennady Lake;</li> <li>• a Water Management Pond;</li> <li>• controlled and regulated discharge of effluent to Area 8 of Kennady Lake;</li> <li>• quarrying of materials from specified locations;</li> <li>• the existing exploration camp, a mining camp, and truck shop;</li> <li>• bulk fuel, lubricant, and glycol storage facilities and laydown areas;</li> <li>• ammonium nitrate storage facilities and explosives mixing;</li> <li>• landfarm;</li> <li>• winter access spur road; and</li> <li>• site services infrastructure such as Water Supply Facility, water lines, electrical distribution, site roads, power plant, Sewage Treatment Plant, incinerator, and material storage and sorting facilities.</li> </ul>	<p>Update scope:</p> <ul style="list-style-type: none"> <li>- withdrawal and use of water from Area 8</li> <li>- controlled and regulated dewatering and operational discharge of effluent to Lake N11 and Area 8 of Kennady Lake</li> </ul>	<p>Including additional activities not included in draft Scope.</p>	
<p>a) This Licence is issued subject to the conditions contained herein with respect to the taking of water and the depositing of Waste of any type in any waters or in any place under any conditions where such Waste or any other Waste that results from the deposit of such Waste may enter any waters. Whenever new Regulations are made or existing Regulations are amended by the Northwest Territories Waters Act under the Northwest Territories Waters Act, or other statutes imposing more stringent conditions relating to the quantity or type of Waste that may be so deposited or under which any such Waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be automatically amended to conform with such Regulations.</p>			DKFN_6
<p>b) Compliance with the terms and conditions of this Licence does not relieve the Licensee from responsibility for compliance with the requirements of all applicable, Federal, Territorial, and Municipal legislation.</p>			DKFN_3 and DKFN_5
<b>2. Definitions</b>			
<p>“<b>Acid Rock Drainage (ARD)</b>” means acidic water resulting from the oxidation of sulphide minerals in rock exposed as a result of natural processes, construction or mining activities.</p>			
<p>“<b>Act</b>” means the <i>Northwest Territories Waters Act</i>.</p>			DKFN_6

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
<p>“<b>Action Level</b>” means a level of change in a monitored parameter or other qualitative or quantitative measure beyond a predetermined value which triggers a requirement for the Licensee to take appropriate actions including, but that are not limited to: further investigations, changes to operations, or enhanced mitigation measures.</p>			
<p>“<b>Analyst</b>” means an Analyst designated by the Minister under section 35(1) of the Act.</p>			
<p>“<b>Aquatic Effects Monitoring Program</b>” means a monitoring program designed to determine the short- and long- term effects in the Receiving Environment resulting from the Project; to evaluate the accuracy of impact predictions; to assess the effectiveness of planned impact mitigation measures; and to identify additional impact mitigation measures to reduce or eliminate environmental effects.</p>			
<p>“<b>Area 8</b>” as defined in the Updated Project Description submitted November 28, 2013.</p>	<p>“<b>Area 8</b>” represents the eastern section of Kennady Lake where no mining activities will occur. Area 8 is outside the controlled area boundary.</p>	<p>No previous definition was provided</p>	
<p>“<b>Best Available Technology</b>” means the most effective and economically achievable technology.</p>			
<p>“<b>Board</b>” means the Mackenzie Valley Land and Water Board established under Part 4, Item 99 of the <i>Mackenzie Valley Resource Management Act</i>.</p>			
<p>“<b>Coarse Processed Kimberlite</b>” means the material that is generally 0.25 mm to 6 mm in diameter, rejected from the process plant after the recoverable diamonds have been extracted.</p>			
<p>“<b>Coarse Processed Kimberlite Containment Facility</b>” means the constructed facility designed to store Coarse Processed Kimberlite.</p>			
<p>“<b>Collection and Settling Pond(s)</b>” means containment structures used to collect water and/or to settle solids suspended in Minewater in the controlled area of Kennady Lake that collect site runoff.</p>			
<p>“<b>Construction</b>” means any activities undertaken to construct or build any components of, or associated with, the development of the Project, including any construction activities undertaken during operations and closure phases of the project.</p>			
<p>“<b>Controlled Area</b>” means the isolated subwatersheds within Kennady Lake watershed where mining activities will be undertaken and water associated with mining activities will be managed. Specifically Areas 1 to 7.</p>			
<p></p>	<p>Add “<b>Daily Maximum Limit</b>” means a concentration of a parameter that cannot be exceeded in any one (1) grab sample.</p>	<p>Aligns with the terminology used in the EQC report, and relevant to the SNP monitoring program</p>	
<p>“<b>Dam Safety Guidelines</b>” means the Canadian Dam Association’s (CDA) <i>Dam Safety Guidelines (DSG)</i>, 2007 or subsequent editions. The scope and applicability of the DSG referred to in this Licence, is presented in Section 1 of the DSG.</p>			
<p>“<b>Discharge</b>” means the direct or indirect release of any Water or Waste to the Receiving Environment.</p>			
<p>“<b>Drawdown</b>” means the removal of Water from a Water body.</p>			
<p>“<b>Domestic Waste</b>” means all solid Waste generated from the accommodations, kitchen facilities, and other site facilities where nonindustrial Waste is generated.</p>			
<p>“<b>Engineered Structure</b>” means the internal and external dykes, Fine Processed Kimberlite Containment Facility, Coarse Kimberlite Containment Facility, West Mine Rock Pile, South Mine Rock Pile, the processing plant, the sewage and effluent treatment facilities, and the Landfarm.</p>	<p>Change: “<b>Engineered Structure</b>” means Engineered Earth Structure and includes the internal and external dykes, Fine Processed Kimberlite Containment Facility, Coarse Kimberlite Containment Facility, West Mine Rock Pile, South Mine Rock Pile, and the Landfarm.</p>	<p>The processing plant and STP have been excluded as they are mine treatment facilities as opposed to engineered on-land earth structures</p>	

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
<p>“<b>Environmental Impact Review</b>” means, for the purpose of this Licence, the totality of the Mackenzie Valley Environmental Impact Review Board (MVEIRB) Public Registry as established under the authority of Part 5 of the <i>Mackenzie Valley Resource Management Act</i> for this Licence application. This includes without limiting the foregoing, all documents, records, and materials of any kind submitted to the MVEIRB Public Registry established in accordance with Part 5 of the <i>Mackenzie Valley Resource Management Act</i> which are relevant to Water Licence Application MV2005L2-0015 made by De Beers Canada Inc.</p>			
<p>“<b>Fine Processed Kimberlite</b>” means the material that is generally less than 0.25 mm in diameter, rejected from the process plant after the recoverable diamonds have been extracted.</p>			
<p>“<b>Fine Processed Kimberlite Containment Facility</b>” means the constructed facility designated to store Fine Processed Kimberlite.</p>			
<p>“<b>Freeboard</b>” means the vertical distance between the Water line and the effective Water containment crest on the upstream slope of a dam or dyke.</p>			
<p>“<b>Fuel Tank Storage Facility</b>” means the lined area set aside for the placement of fuel tanks for the storage of fuel, as well as the collection and storage of petroleum products and waste petroleum products.</p>			
<p>“<b>Groundwater</b>” means all Water below the ground surface.</p>			
<p>“<b>Inspector</b>” means an Inspector designated by the Minister under section 35(1) of the Act.</p>			
<p>“<b>Landfarm</b>” comprises the lined, engineered facility designed to contain and treat hydrocarbon contaminated materials.</p>			
<p>“<b>Licensee</b>” means the holder of this Licence.</p>			
<p>“<b>Management Plans</b>” means the specific plans required by the Board under this Water Licence.</p>			
<p>“<b>Maximum Average Concentration</b>” means the running average of any <u>&lt;to be determined&gt;</u> consecutive analytical results submitted to the Board in accordance with the sampling and analysis requirements specified in the “Surveillance Network Program”.</p>	<p>“<b>Average Monthly Limit</b>” means a concentration that cannot be exceeded, which is the running average concentration of any parameter over four consecutive analytical results collected in a given thirty (30) day period submitted to the Board in accordance with the sampling and analysis requirements specified in the “Surveillance Network Program”.</p>	<p>Aligns with the terminology used in the EQC report, and relevant to the SNP monitoring program</p>	
<p>“<b>Metal Leaching</b>” or “<b>ML</b>” means the release of metals into water that is in contact with rock associated with the development of site infrastructure or mining activities during construction, operations, or after closure of the Project.</p>			
<p>“<b>Mine Plan</b>” means life of mine plan as updated by the Licensee, as required, for sequencing of the development of the Project.</p>			
	<p>Add “<b>Mine Rock</b>” means all unprocessed rock materials that are produced as a result of mining operations.</p>	<p>This term is preferred to “<b>Waste Rock</b>”, and has been used consistently throughout the EIR process and in the Updated Project Description and Management Plans.</p>	
<p>“<b>Minewater</b>” means Groundwater or any Water generated within the Controlled Area for the life of the mine, including runoff from facilities associated with the project and all Water or Waste pumped or flowing out of any mine workings.</p>			
<p>“<b>Minister</b>” means the Minister of Indian Affairs and Northern Development.</p>			
<p>“<b>Modification</b>” in respect of a structure, means a change, other than an expansion, that does not alter the purpose or function of a structure.</p>	<p>Add ‘substantially’ before ‘..alter the purpose or function of a structure.’</p>	<p>This is to avoid that potential for a minor change (e.g. changing door lock) to be considered as a modification</p>	

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
<p>“<b>Non-Potentially Acid Generating (non-PAG) Rock</b>” means any rock that does not have the capability to produce acidic leachate, seepage, or drainage, but may still be capable of producing near neutral pH metal leaching.</p>			
<p>“<b>Open Pit(s)</b>” means the pit(s) created by the extraction of overburden and mine rock to mine the kimberlite ore.</p>			
<p>“<b>Operations</b>” means the activities which occur following the commencement of milling in the process plant.</p>			
<p>“<b>Overburden</b>” means the materials (i.e., lake-bottom sediments and till) that overlie the kimberlite deposit.</p>	<p>“<b>Overburden</b>” means the materials (i.e., lake-bottom sediments and till) that overlie mine rock and the kimberlite deposit.</p>	<p>Includes the surface material that overlies mine rock</p>	
<p>“<b>Potentially Acid Generating (PAG) Rock</b>” means any rock that has the capability to produce acidic leachate, seepage, or drainage.</p>			
<p>“<b>Professional Engineer</b>” means a person who is registered with the Northwest Territories and Nunavut Association of Professional Engineers and Geoscientists in accordance with the <i>Engineering and Geoscience Professions Act</i>, S.N.W.T. 2006, V.16, or subsequent editions, as a Professional Engineer, and whose principal field of specialization is appropriate to address the components of the Project at hand.</p>			
<p>“<b>Project</b>” means the Gahcho Kue operation in its entirety as described in the Report of Environmental Impact Review EIR0607-001, dated October 22, 2013 and in the Updated Project Description and supporting materials submitted (insert dates or date range).</p>	<p>Change “<b>Project</b>” means the Gahcho Kue operation in its entirety as described in the Report of Environmental Impact Review EIR0607-001, dated October 22, 2013 and in the Updated Project Description and supporting materials submitted (November 28, 2013 to June 26, 2014).</p>	<p>Included date range that refers to the Water Licence and Land Use Permit regulatory permitting process</p>	
<p>“<b>Receiving Environment</b>” means, for the purpose of this Licence, the natural aquatic environment that receives any deposit or Discharge of Waste, including Seepage or Minewater, from the Project.</p>	<p>“<b>Receiving Environment</b>” means, for the purpose of this Licence, the natural aquatic environment outside the Controlled Area boundary that receives any deposit or Discharge of Waste, including Seepage or Minewater, from the Project.</p>	<p>Defined the receiving environment as that outside of the Controlled Area</p>	
<p>“<b>Reclamation</b>” means activities which facilitate the return of affected areas to viable and, wherever practicable, self-sustaining ecosystems that are compatible with a healthy environment, human activities, and the surrounding environment.</p>			
<p>“<b>Regulations</b>” are those Regulations promulgated pursuant to section 33 of the Act.</p>			
<p>“<b>Response Framework</b>” is a systematic approach to responding when the results of a monitoring program indicate that an Action Level has been reached.</p>			
<p>“<b>Response Plan</b>” is a part of the Response Framework that describes the specific actions to be taken by the Licensee in response to reaching or exceeding an Action Level.</p>			
<p>“<b>Seepage</b>” includes water or Waste that drains through or escapes from any structure designed to contain, withhold, divert or retain Water or Waste.</p>			
<p>“<b>Sewage</b>” means all toilet Waste and greywater.</p>			
<p>“<b>Sewage Treatment Plant</b>” means the engineered structures that are designed to contain and treat Sewage.</p>	<p>“<b>Sewage Treatment Plant</b>” means the mechanical/biological treatment plant that is designed to treat Sewage.</p>	<p>This is a specific mine facility for the receipt, storage and treatment of sewage; it is not an engineered on land earth structure</p>	
<p>“<b>Significance Threshold</b>” means a level of environmental change in any monitored parameter which, if reached, would result in a significant adverse impact.</p>			<p>EC_3.6</p>
<p>“<b>Sump</b>” means a storage facility constructed to temporarily collect, hold, or transfer Water, and or Waste within the project.</p>			
<p>“<b>Surveillance Network Program (SNP)</b>” means the monitoring requirements detailed in Annex A of this License.</p>			

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
<p>“<b>Traditional Knowledge</b>” means the cumulative collective body of knowledge, experience and values built up by a group of people through generations of living in close contact with nature. It builds upon the historic experiences of a people, and adapts to social, economic, environmental, spiritual and political change.</p>			
<p>“<b>Unauthorized Discharge</b>” is a release or Discharge of any Water or Waste not authorized under this Licence.</p>			
<p>“<b>Waste</b>” means any substance defined as Waste by section 2 of the Act.</p>			
<p>“<b>Wastewater</b>” means the Water that is generated by site activities that requires management or treatment.</p>			
<p>“<b>Waste Rock</b>” means all unprocessed rock materials that are produced as a result of mining operations.</p>	<p>“<b>Mine Rock</b>” means all unprocessed rock materials that are produced as a result of mining operations.</p>	<p>This term is preferred to “<b>Waste Rock</b>”, and has been used consistently throughout the EIR process and in the Updated Project Description and Management Plans.</p>	
<p>“<b>Water(s)</b>” means any Waters as defined by Section 2 of the Act.</p>			
<p>“<b>Water Management Pond</b>” means Areas three and five of Kennady Lake, where Wastewater will be collected and stored from various locations and sources within the Controlled Area.</p>	<p>“<b>Water Management Pond</b>” means Areas 3 and 5 of Kennady Lake, where Wastewater will be collected and stored from various locations and sources within the Controlled Area.</p>	<p>Changed to refer to terminology for Kennady Lake Areas</p>	
<p>“<b>Water Supply Facilities</b>” means the Water intake and associated infrastructure for the supply of Water for the Project.</p>			
<p>“<b>Water Use Fee</b>” means a fee for the use of Water as defined by Section 33 the Northwest Territories Waters Act.</p>			
<p>“<b>Zone of Influence</b>” means an area within which there are positive or negative effects as a result of the Project.</p>			
<p><b>Part B: General Conditions</b></p>			
<p>1. The Licensee shall ensure a copy of this Licence is maintained on site at all times.</p>			
<p>2. The water use fee shall be paid annually in advance of any water use, in accordance with the Mackenzie Valley Land and Water Board’s <i>Water Use Fee Policy</i>.</p>			
<p>3. The Licensee shall operate in accordance with any plans approved pursuant to the conditions of this Licence and with any revisions to the plans as may be made from time to time pursuant to the conditions of this Licence and as approved by the Board. If any plan is not approved by the Board, the Licensee shall revise the plan according to the Board’s direction and re-submit it to the Board for approval.</p>			
<p>4. The Licensee shall annually review the plans referred to in Part B, Item 12, Part G, Items 3, 6, 9, 15, 20, 22 and Part H Item 1 and shall submit updates to these Plans to the Board for approval at the following times:  <b>a)</b> If the Licensee seeks changes to this Plan; and  <b>b)</b> Upon the request of the Board.</p>			
<p>5. The Licensee shall annually review the plans referred to in Part G, Item 24 and Part J, Item 2 and shall submit updates to these Plans to the Board for approval at the following times:  <b>a)</b> If the Licensee seeks changes to this Plan;  <b>b)</b> Upon the request of the Board; and  <b>c)</b> Every three (3) years from the date upon which the Board last approved this Plan.</p>			
<p>6. The Licensee shall comply with the Schedules, which are annexed to and form part of this Licence, and any amendments to the Schedules as may be made from time to time by the Board.</p>			

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
7. The Licensee shall comply with the Surveillance Network Program, which is annexed to and forms part of this Licence, and any amendment to the Surveillance Network Program as may be made from time to time by the Board.			
8. The Schedules, the Surveillance Network Program, and any compliance dates specified in this Licence may be amended at the discretion of the Board.			
9. Meters, devices, or other such methods used for measuring the volumes of water used and Waste Discharged shall be installed, operated, and maintained by the Licensee to the satisfaction of an Inspector.			ENR_12 and DKFN_7
10. The Licensee shall post and maintain signs necessary to identify the stations of the Surveillance Network Program to the satisfaction of an Inspector.			
11. The Licensee shall submit an <b>Annual Water Licence Report</b> with the Board no later than May 1st of the year following the calendar year reported. The report shall contain the information set out in Schedule 1, Item 1.			DKFN_8 and DKFN_9
12. The Licensee shall adhere to the <b>Engagement Plan</b> submitted on November 28, 2013, until a revised Plan is approved by the Board.			
13. The Licensee shall submit a revised Engagement Plan to the Board for approval, in accordance with the Mackenzie Valley Land and Water Board's June 2013, or subsequent editions, " <i>Engagement Guidelines for Applicants and Holders of Land Use Permits and Water Licences</i> " within XX days of the issuance date of this Licence.	Change to '...within sixty (60) days of the issuance.....'	Provided a timeline consistent with other plan submission timelines	
14. The Licensee shall adhere to the Engagement Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.			
15. The Licensee shall annually review the Engagement Plan referred to in Part B, Item 10, and shall submit updates to this Plan to the Board for approval at the following times: a) If the Licensee seeks changes to this Plan; and b) Upon the request of the Board.			
16. If any Plan is not approved by the Board, the Permittee shall revise the plan according to the Board's direction and re-submit it to the Board for approval.			
17. The Licensee shall take every reasonable precaution to protect the environment from the effects of its licensed activities.			
18. In conducting its activities under this Licence, the Licensee shall make best efforts to consider and incorporate any scientific and Traditional Knowledge that is made available to the licensee.			
19. The Licensee shall implement Measure 3a, as approved by the Minister in the Report of Environmental Impact	Change to 'The Licence shall implement Measures 1 and 2,.....'	These are the Measures assigned to De Beers	YKDFN_1 and DKFN_10
<b>Part C: Conditions Applying to Security Deposits</b>			
1. The Licensee shall post and maintain a security deposit in accordance with Schedule 2, Item X.			ENR_40
2. Upon request of the Board, the Licensee shall submit an updated mine Reclamation liability estimate utilizing the current version of RECLAIM or another method acceptable to the Board.			ENR_40
3. The amount of the security deposit required by Part C, Item 1 and Schedule 2, Item X may be revised by the Board based on estimates of the current mine Reclamation liability referred to in Part C, Item 2 of this Licence or based on such other information as may be available to the Board.			ENR_40
4. The Licensee may submit to the Board, for approval, a request for reduction to the amount of security. The submission shall include supporting evidence to justify the request.			ENR_40

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
5. The security referred to in Part C, Item 1 shall be maintained until such time as it is fully or in part refunded by the Minister, pursuant to Section 17 of the Act. This clause shall survive the expiry of this License and renewals thereof, and until full and final reclamation has been completed to the satisfaction of the Minister.			ENR_40
<b>Part D: Conditions Applying to Water Use</b>			
1. The Licensee may only obtain fresh Water from Area 8, unless otherwise approved by the Board. Water will be withdrawn using the Water Supply Facilities, unless otherwise authorized in writing by an Inspector.			
2. The annual quantity of fresh Water withdrawn shall not exceed the limit set out in Schedule 3, Item X.			
3. The Licensee may obtain Water for road watering from the Water Management Pond only if the Water meets the effluent quality criteria established in Part G, Item X of this Water Licence, or as otherwise approved by the Board.	Change 3. The Licensee may obtain Water for road watering inside the controlled environment from the Water Management Pond. Water for road watering outside the controlled environment may be obtained from the Water Management Pond only if the Water meets the effluent quality criteria established in Part G, Item X of this Water Licence, or as otherwise approved by the Board.	All roads that will be watered are located within the Controlled Area. Therefore, there is no risk of this water making its way to the receiving environment.	
4. The Licensee shall construct and maintain the water intake(s) with a fish screen designed to prevent impingement and/or entrainment of fish. The fish screen shall be in accordance with the detailed guidance referred to in Schedule 3, Item X.			
5. In one ice-covered season, total Water withdrawal from a single waterbody, outside the Controlled Area, shall not exceed 10% of the available water volume calculated using the appropriate maximum expected ice thickness in accordance with the detailed guidance referred to in Schedule 3, Item X.			DKFN_11
<b>Part E: Conditions Applying to Construction</b>			
1. The Licensee shall ensure that all Engineered Structures are designed, constructed, and maintained to prevent escape of Waste to the Receiving Environment.			
2. The Licensee shall ensure that all Engineered Structures intended to contain, withhold, divert, or retain Water or Wastes are designed, constructed, and maintained to meet or exceed the Dam Safety Guidelines.			
3. The Licensee shall maintain Construction records and geochemical records of Construction materials, of Engineered Structures and make them available at the request of the Board or an Inspector.			
4. The Licensee shall submit an update to the schedule for Construction and mine development upon request from the Board.			
5. A minimum of two months prior to the start of Construction of Dyke A the Licensee shall submit to the Board, the Final Detailed Construction Plan, and the standard operating procedures for the geochemical identification and sorting of non-PAG construction rock , in accordance with Schedule 4, Item X.			ENR_1
6. A minimum of six months prior to the start of Construction of the South Mine Rock Pile, the West Mine Rock Pile, the Fine Kimberlite Containment Facility, the Coarse Kimberlite Containment Facility, Dykes A1, B, D, E, F, G, H, I, J, K, L, M, and N, Collection Pond berms 3, 4, 5, and 6, the Process Plant, the Sewage Treatment Plant, and the potable Water Treatment Plant, the Licensee shall submit to the Board, the Final Detailed Construction Plans, in accordance with Schedule 4, Item X.	Change to, 'A minimum of sixty (60) days prior to.....'  Also, delete Process Plant, Sewage Treatment Plant and Potable Water Treatment Plant	The sewage treatment and water treatment plant are already designed purchased and on-site; they will be installed prior to the issuance of the WL.	
7. A minimum of six months prior to the start of Construction of the South Mine Rock Pile, the West Mine Rock Pile, the Fine Kimberlite Containment Facility, the Coarse Kimberlite Containment Facility, Dykes A1, B, D, E, F, G, H, I, J, K, L, M, and N, Collection Pond berms 3, 4, 5, and 6, the Process Plant, the Sewage Treatment Plant, and the potable Water Treatment Plant, the Licensee shall submit to the Board, the Standard Operating Procedures for the geochemical identification and sorting of non-PAG construction rock, in accordance with Schedule 4, Item X.	Change to, 'A minimum of sixty (60) days prior to.....'  Also, delete Process Plant, Sewage Treatment Plant and Potable Water Treatment Plant		



**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
8. The Licensee shall ensure that the Engineered Structures identified in Part E, Items 5, 6 and 7 are constructed in accordance with the Final Detailed Construction Plan submitted to the Board.	With exclusions as noted above		
9. Other conditions relating construction of the (Facilities/Structures).			
10. Within 90 days of completion of Construction of the Engineered Structures identified in Part E, items 5, 6 and 7, the Licensee shall submit to the Board an As-built Report, including final drawings and specifications, documentation of field decisions that deviate from the Final Detailed Construction Plans, geochemical specifications of construction materials, and any data used to support these decisions.	Change to, 'Within sixty (60) days of completion.....'	Provided a timeline consistent with other plan submission timelines	
11. A minimum of 10 days prior to commencement of Construction of Engineered Structures identified in Part E, items 5, 6 and 7, the Licensee shall provide written notification to the Board and an Inspector.			
<b>PART F: Conditions Applying to Modifications</b>			
1. The Licensee may, without written approval from the Board, carry out Modifications to the water management ponds, the sewage and effluent treatment facilities, and the processing plant facilities provided the following requirements are met: a) The Licensee has notified the Board and Inspector in writing of such proposed Modifications at least 60 days prior to beginning the Modifications; b) The Modifications do not place the Licensee in contravention of either the Licence or the Act; c) The Board has not, during the 60 days following notification of the proposed Modifications, informed the d) An Inspector has authorized the proposed Modifications and provided a letter of notification to the Board; e) The Board has not rejected the proposed Modifications.	Change to c) The Board has not, during the sixty (60) days following notification of the proposed Modifications, informed the licensee that the modifications are unacceptable;	Provided additional supporting text to complete sentence	
2. Within 90 days of the completion of Modifications referred to in Part G, Item 1, the Licensee shall provide as- built drawings stamped by a Professional Engineer to the Board.			
3. Modifications for which all of the conditions referred to in Part G, Item 1, have not been met, may be carried out only with written approval from the Board.			
<b>Part G: Conditions Applying to Water and Waste Management</b>			
1. The Licensee shall manage Water and Waste with the objective of minimizing the impacts of the Project on the quantity and quality of Water in the Receiving Environment through the use of appropriate mitigation measures, monitoring, and follow-up actions.			
2. The Licensee shall adhere to the <b>Waste Management Plan</b> submitted on November 28, 2013, until a revised Plan is approved by the Board.			
3. The Licensee shall submit a revised Waste Management Plan to the Board for approval, in accordance with the Mackenzie Valley Land and Water Board's March 2011, or subsequent editions, "Guidelines for the Development of a Waste Management Plan" within XX days of the issuance date of this Licence.	Change to '...within sixty (60) days of the issuance..'	Provided a timeline consistent with other plan submission timelines	
4. The Licensee shall adhere to the Water Management Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.			
5. The Licensee shall adhere to the <b>Water Management Plan</b> submitted on November 28, 2013, until a revised Plan is approved by the Board.			

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS												
<p>6. The Licensee shall submit a revised Water Management Plan to the Board meeting the objectives listed in Part G, Item 1, and satisfy the requirements of Schedule 5, Item X for approval within XX days of the issuance date of this Licence.</p>	<p>Change to '...within sixty (60) days prior to discharge.'</p>	<p>Follows ENR recommendations and opts to develop a phased water management plan. The initial being the Construction Water Management Plan. This means the plan can be submitted prior to WL approval so that dewatering activities can commence once the WL is issued</p>	<p>ENR_2</p>												
<p>7. The Licensee shall adhere to the Water Management Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.</p>															
<p>8. The Licensee shall adhere to the <b>Groundwater Monitoring Program</b> submitted on November 28, 2013, until a revised Plan is approved by the Board.</p>															
<p>9. The Licensee shall submit a revised Groundwater Monitoring Program, which shall monitor the volumes and quality of groundwater moving into the pits and to isolate the influences of mine activity on groundwater quality from the characteristics of the groundwater itself, to the Board for approval within XX days of the issuance date of this Licence.</p>															
<p>10. The Licensee shall adhere to the Groundwater Monitoring Program, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.</p>															
<p>11. During Discharge, the Licensee shall ensure that the Discharge rate does not cause the total (pumped and natural) flow rate at the outlets of Lake N11 and Area 8 to exceed the two-year (median) maximum daily flow rate. During Discharge to Lake N11, the total flow rate at the outlet of Lake N11 shall not exceed XXX cubic metres per day (m<sup>3</sup>/d). During Discharge to Area 8, the total flow rate at the outlet of Area 8 (Stream K5) shall not exceed XXX cubic metres per day (m<sup>3</sup>/d).</p>	<p>Change to 'During discharge, the Licensee shall ensure that the Discharge not cause the total (pumped and natural) flow rate at the outlets of Lake N11 and Area 8 to exceed the two-year (median) maximum daily flow rate. During Discharge to Area 8, the total flow rate at the outlet of Area 8 (Stream K5) shall not exceed 135,000 cubic metres per day (m<sup>3</sup>/d). During discharge to Lake N11, the total flow at the outlet of Lake N11 shall not exceed 500,000 cubic metres per day (m<sup>3</sup>/d). No pumping to these lakes/areas will occur when natural flows exceed these outlet rates.'</p>	<p>Brings in the flow rate conditions as specified in the EIS.</p>													
<p><b>Drawdown</b> 12. During Drawdown of Kennady Lake, Water Discharged to Lake N11 and Area 8 shall meet the following criteria at SNP Station X:</p> <table border="1" data-bbox="198 1312 1059 1387"> <thead> <tr> <th>Parameter</th> <th>Average Monthly Limit</th> <th>Daily Maximum Limit</th> </tr> </thead> <tbody> <tr> <td></td> <td>XX mg/L</td> <td>XX mg/L</td> </tr> </tbody> </table> <p>mg/L = milligrams per litre. The Licensee shall stop discharging and notify an Inspector within 24 hours if these levels are exceeded. Further necessary corrective actions to mitigate the issue shall be taken, as outlined in the Water Management Plan.</p>	Parameter	Average Monthly Limit	Daily Maximum Limit		XX mg/L	XX mg/L	<p><b>Drawdown</b> 12. During Drawdown of Kennady Lake, Water Discharged to Lake N11 and Area 8 shall meet the following criteria at SNP Station X:</p> <table border="1" data-bbox="1255 1312 2029 1387"> <thead> <tr> <th>Parameter</th> <th>Average Monthly</th> <th>Daily Maximum Limit</th> </tr> </thead> <tbody> <tr> <td>TSS</td> <td>15</td> <td>25</td> </tr> </tbody> </table> <p>mg/L = milligrams per litre. The Licensee shall stop discharging and notify an Inspector within 24 hours if these levels are exceeded. Further necessary corrective actions to mitigate the issue shall be taken, as outlined in the Water Management Plan.</p>	Parameter	Average Monthly	Daily Maximum Limit	TSS	15	25	<p>Aligns with EQC report</p>	
Parameter	Average Monthly Limit	Daily Maximum Limit													
	XX mg/L	XX mg/L													
Parameter	Average Monthly	Daily Maximum Limit													
TSS	15	25													
<p>13. A minimum of 120 days following the completion of Drawdown of Kennady Lake, the Licensee shall submit a <b>Drawdown Summary Report</b>, to the Board and an Inspector, in accordance with Schedule 5, Item X.</p>															
<p><b>Erosion and Sediment Management</b> 14. The Licensee shall adhere to the <b>Erosion and Sediment Management Plan</b> submitted on November 28, 2013, until a revised Plan is approved by the Board. The Plan must meet the objectives listed in Part G, Item 1, and satisfy the requirements of Schedule 5, Item X.</p>															

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
<p>15. The Licensee shall submit a revised Erosion and Sediment Management Plan to the Board for approval within XX days of the issuance date of this Licence.</p>	<p>Change to '...within sixty (60) days of issuance....'</p>	<p>Follows ENR recommendations and opts to develop a phased erosion and sediment management plan. The initial being the Construction Erosion and Sediment Management Plan. The previous plan submitted with the WL application will be effective until the updated plan is submitted and approved</p>	<p>ENR_6</p>
<p>16. The Licensee shall adhere to the Erosion and Sediment Management Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.</p>			<p>ENR-6</p>
<p>17. All Discharge outflow structures shall be located so as to minimize erosion.</p>			
<p>18. During Discharge, daily erosion inspections of the Discharge points shall be carried out and records of these inspections shall be kept for review upon the request of an Inspector. If any erosion is observed, the Licensee shall notify an Inspector within 48 hours and shall take the necessary corrective action to mitigate the erosion/sedimentation problem, operating in accordance with the Erosion and Sediment Management Plan, to the satisfaction of an Inspector</p>			
<p><b>Explosives Management</b> 19. The Licensee shall adhere to the Explosives Management Plan submitted on November 28, 2013, until a revised Plan is approved by the Board. The Plan must meet the objectives listed in Part G, Item 1, minimize nitrogen species loading to the Receiving Environment and satisfy the requirements of Schedule 5, Item X.</p>			
<p>20. The Licensee shall submit a revised Explosives Management Plan to the Board for approval within XX days of the issuance date of this Licence.</p>	<p>Change to '...within sixty (60) days of issuance....'</p>	<p>Provided a timeline consistent with other plan submission timelines</p>	
<p>21. The Licensee shall adhere to the Explosives Management Plan, once approved, and shall annually review the plan and make any necessary revisions to reflect changes in operations or as directed by the Board. Revisions to the plan shall be submitted to the Board for approval.</p>			
<p><b>Geochemical Characterization</b> 22. Six months prior to construction, the Licensee shall submit to the Board for approval, a <b>Geochemical Characterization Plan</b> which meets the objectives listed in Part G, Item 1 and describes in detail how the Licensee will geochemically classify and manage mine rock, coarse and fine processed kimberlite, ore, and other materials such as construction rock in order to minimize acid rock drainage (ARD) and metal leaching. The plan shall satisfy the requirements of Schedule G, Item X.</p>	<p>These clauses should be modified to reflect that a plan has already been submitted and should be adhered to until a revised plan is in place.</p>		
<p><b>Dykes</b> 23. The Licensee shall submit to the Board for approval, a <b>Dyke Management Plan</b> which meets the objectives listed in Part G, Item 1, and satisfies the requirements of Schedule 5, Item X.</p>	<p>Change to 23. The Licensee shall submit to the Board for approval, a <b>Dyke Construction Plan</b> which meets the objectives listed in Part G, Item 1, and satisfies the requirements of Schedule 5, Item X.</p>		
<p><b>Processed Kimberlite and Mine Rock Management</b> 24. Six (6) months prior to the commencement of construction of the South Mine Rock Pile, West Mine Rock Pile, the Fine Kimberlite Containment Facility and the Coarse Kimberlite Containment Facility, the Licensee shall submit to the Board for approval, a <b>Processed Kimberlite and Mine Rock Management Plan</b> which describes how the Licensee will meet the objectives in Part G, Item 1. The plan shall satisfy the requirements of Schedule X.</p>	<p>These clauses should be modified to reflect that a plan has already been submitted and should be adhered to until a revised plan is in place.</p>		
<p>25. The Licensee shall submit to the Board, for approval, any changes or updates to the Processed Kimberlite and Mine Rock Management Plan. Updates to the Processed Kimberlite and Mine Rock Management Plan shall describe how the Licensee is meeting the objectives listed in Part E, Item 2 and satisfy the requirements of Schedule 5, Item X.</p>			

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
<p><b>26.</b> The Licensee shall construct, operate, and maintain the South Mine Rock Pile, West Mine Rock Pile, the Fine Kimberlite Containment Facility, and the Coarse Kimberlite Containment Facility, and all other waste storage facilities, to design specifications/engineering standards such that:</p> <p><b>a)</b> A minimum Freeboard limit of 1.0 metre, or other Freeboard limit as recommended by a Professional Engineer, shall be maintained at all times;</p> <p><b>b)</b> Seepage from the Waste storage facilities are minimized at all times;</p> <p><b>c)</b> Any Seepage from the waste storage facilities that occurs and does not meet effluent quality requirements, as specified in Part G, Item X, shall be prevented from entering the Receiving Environment;</p> <p><b>d)</b> Any constructed facilities that are eroded are repaired immediately;</p> <p><b>e)</b> Monitoring of the waste storage facilities is sufficient to ensure that:</p> <p>i. Performance design criteria, as described in the Final Detailed Construction Plan documents described in Part E, Item X, are being met;</p> <p>ii. Changes in management of the waste storage facilities, including any necessary additional mitigations are identified; and</p> <p>iii. Material will be handled and stored within the Controlled Area based on its PAG or non-PAG status, as characterized by geochemical testing as defined in the <i>Geochemical Characterization Plan</i>.</p> <p><b>f)</b> Conditions for eventual closure and reclamation of the waste storage facilities are optimized;</p> <p><b>g)</b> A Response Framework is in place to ensure that the Licensee will take appropriate actions if defined Action Levels are exceeded.</p>	<p>Change:</p> <p><b>b)</b> Seepage from the Waste storage facilities to outside the Controlled Area are minimized at all times;</p> <p><b>c)</b> Any Seepage from the waste storage facilities that occurs outside the Controlled Area and does not meet effluent quality requirements, as specified in Part G, Item X, shall be prevented from entering the Receiving Environment;</p>	<p>Additional context; site is designed within a controlled area, and all drainage within the controlled area will be inwards, and not directed to the receiving environment</p>	
<p><b>27.</b> Inspections of South Mine Rock Pile, the West Mine Rock Pile, the Fine Kimberlite Containment Facility, the Coarse Kimberlite Containment Facility, Dykes A, A1, B, D, E, F, G, H, I, J, K, L, M, and N, Collection Ponds 3, 4, 5, and 6, ore stockpile areas, road fill, pits and pipelines shall be carried out weekly when operating or more frequently as directed by the Inspector and records of these inspections shall be kept for review.</p>			
<p><b>28.</b> An inspection of South Mine Rock Pile, the West Mine Rock Pile, the Fine Kimberlite Containment Facility, the Coarse Kimberlite Containment Facility, Dykes A, A1, B, D, E, F, G, H, I, J, K, L, M, and N, Collection Ponds 3, 4, 5, and 6, ore stockpile areas, road fill, and pits shall be carried out annually during the summer months by a Professional Engineer. The Professional Engineer's full geotechnical inspection report shall be submitted to the Board within 90 days of the inspection, including a covering letter from the Licensee outlining an implementation plan to respond to the Professional Engineer's recommendations.</p>			
<p><b>29.</b> An inspection of South Mine Rock Pile, the West Mine Rock Pile, the Fine Kimberlite Containment Facility, the Coarse Kimberlite Containment Facility, Dykes A, A1, B, D, E, F, G, H, I, J, K, L, M, and N ore stockpile areas, and road fill shall be carried out bi-annually during the spring freshet and late summer prior to freeze-up as detailed in the Geochemical Characterization Plan by a Professional Geoscientist (geochemist). The Professional Geoscientist's full geochemical inspection report shall be submitted to the Board within 90 days of the inspection, including a covering letter from the Licensee outlining an implementation plan to respond to the Professional Geoscientist's recommendations.</p>			
<p><b>30.</b> The Licensee shall provide written notification to an Inspector a minimum of two weeks prior to the annual inspections conducted as per Part G, Item 19 and 20.</p>			
<p><b>31.</b> The Licensee shall conduct a Dam Safety Review of the X X X within the X years after commencing construction of the X, and every X years thereafter or unless otherwise approved by the Board. The Dam Safety Review shall be conducted in accordance with the Dam Safety Guidelines by Professional Engineer. The Dam Safety Review inspection will be conducted during the year at the discretion of a Professional Engineer. Within ninety 90 days, the Licensee shall submit to the Board:</p> <p><b>a)</b> The review engineer's Dam Safety Review report; and</p> <p><b>b)</b> An implementation plan outlining how the Licensee will respond to each recommendation in the review engineer's Dam Safety Review report, including a rationale for any decisions that deviate from the review engineer's recommendations.</p>	<p>Change to <b>31.</b> The Licensee shall conduct a Dam Safety Review of Dykes A, A1, B, D, E, F, G, H, I, J, K, L, M, and N within the 10 years after commencing construction of the dyke, and every 10 years thereafter or unless otherwise approved by the Board.</p>	<p>10 years is the requirement in Dam Safety Guidelines for Dykes of "Significant" classification. Dykes of "Low" consequence do not require dam safety reviews according to the Dam Safety Guidelines.</p>	<p>ENR_1</p>

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS																		
<p><b>32.</b> The Licensee shall maintain all structures designed to contain, withhold, retain or divert Water or Waste in a manner consistent with the Final Detailed Construction Plan and As-built Reports, so as to prevent the escape of Water or Waste. Weekly inspections shall be kept for review upon the request of the Inspector. The Licensee shall perform more frequent inspections at the request of an Inspector.</p>																					
<p><b>Water Management Pond</b>  <b>33.</b> The Licensee shall construct, operate, and maintain the Water Management Pond to specifications such that:  <b>a)</b> A minimum Freeboard limit of 1.0 metre, or other Freeboard limit as recommended by a Professional Engineer, shall be maintained at all times;  <b>b)</b> Seepage from the Water Management Pond is minimized at all times; and c) Any constructed facilities that are eroded are repaired immediately.</p>																					
<p><b>34.</b> Other conditions relating the Waste Rock Piles or Processed Kimberlite Facilities, if necessary.</p>																					
<p><b>35.</b> Conditions related to acid rock drainage</p>																					
<p><b>Seepage Surveys</b>  <b>36.</b> The Licensee shall conduct bi-annual <b>Seepage surveys</b> during spring freshet and late summer months prior, to freeze-up of South Mine Rock Pile, the West Mine Rock Pile, the Fine Kimberlite Containment Facility, the Coarse Kimberlite Containment Facility, dam faces of Dykes A, A1, B, D, E, F, G, H, I, J, K, L, M, and N, Collection Ponds 3, 4, 5, and 6, ore stockpile areas, road fill, rock pads, in accordance with Schedule 5, Item X.</p>	<p>This seems consistent to item 29. Possibly remove.</p>	<p>Redundancy</p>																			
<p><b>Effluent Quality Criteria (EQC)</b>  <b>37.</b> The Licensee shall provide water sampling results from SNP XXX to an Inspector no later than five days prior to any planned Discharge of Water or Waste to the Receiving Environment. Discharge shall not commence until authorized in writing by an Inspector.</p>																					
<p><b>38.</b> Effluent from the Sewage Treatment Plant shall be tested prior to mixing with other Waters or Fine Processed Kimberlite Tailings and will meet the following effluent quality criteria at SNP Station X:</p> <table border="1" data-bbox="202 1185 1059 1260"> <thead> <tr> <th>Parameter</th> <th>Average Monthly Limit</th> <th>Daily Maximum Limit</th> </tr> </thead> <tbody> <tr> <td></td> <td>XX mg/L</td> <td>XX mg/L</td> </tr> </tbody> </table> <p>mg/L = milligrams per litre.</p>	Parameter	Average Monthly Limit	Daily Maximum Limit		XX mg/L	XX mg/L	<p><b>38.</b> Effluent from the Sewage Treatment Plant shall be tested prior to mixing with other Waters or Fine Processed Kimberlite Tailings and will meet the following effluent quality criteria at SNP Station X:</p> <table border="1" data-bbox="1258 1211 2116 1403"> <thead> <tr> <th>Parameter</th> <th>Average Monthly Limit</th> <th>Daily Maximum Limit</th> </tr> </thead> <tbody> <tr> <td>TSS</td> <td>15</td> <td>25</td> </tr> <tr> <td>pH</td> <td colspan="2">Between 6 and 9</td> </tr> <tr> <td>TPH</td> <td colspan="2">Discharge from the WMP shall be less than 5 mg/L.</td> </tr> </tbody> </table> <p>mg/L = milligrams per litre.</p>	Parameter	Average Monthly Limit	Daily Maximum Limit	TSS	15	25	pH	Between 6 and 9		TPH	Discharge from the WMP shall be less than 5 mg/L.		<p>Updated to reflect expected effluent quality report</p>	<p>YKDFN_5</p>
Parameter	Average Monthly Limit	Daily Maximum Limit																			
	XX mg/L	XX mg/L																			
Parameter	Average Monthly Limit	Daily Maximum Limit																			
TSS	15	25																			
pH	Between 6 and 9																				
TPH	Discharge from the WMP shall be less than 5 mg/L.																				
<p><b>39.</b> The Licensee shall direct all piped and pumped Sewage to the Sewage Treatment Facilities, or as otherwise approved by the Board.</p>																					

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS																								
<p><b>40.</b> The Licensee shall direct all Discharge of Wastewater from the Project to the Water Management Pond.</p>	<p>Change to '... to the Water Management Pond or the mined-out pits, or to other water storage facilities within the Controlled Area as required.'</p>	<p>As per the Water Management Plan, flexibility exists with thin the Controlled Area to direct water to storage areas other than the WMP.</p>																									
<p><b>41.</b> Discharges from the Water Management Pond to Lake N11 during operations, shall meet the following EQC at SNP Station X:</p> <table border="1" data-bbox="198 560 1059 633"> <thead> <tr> <th>Parameter</th> <th>Average Monthly Limit</th> <th>Daily Maximum Limit</th> </tr> </thead> <tbody> <tr> <td></td> <td>XX mg/L</td> <td>XX mg/L</td> </tr> </tbody> </table> <p>mg/L = milligrams per litre.</p>	Parameter	Average Monthly Limit	Daily Maximum Limit		XX mg/L	XX mg/L	<p><b>41.</b> Discharges from the Water Management Pond to Lake N11 during operations, shall meet the following EQC at SNP Station X:</p> <table border="1" data-bbox="1255 560 2116 812"> <thead> <tr> <th>Parameter</th> <th>Average Monthly Limit</th> <th>Daily Maximum Limit</th> </tr> </thead> <tbody> <tr> <td>Nitrate</td> <td>14</td> <td>27</td> </tr> <tr> <td>Ammonia</td> <td>10</td> <td>21</td> </tr> <tr> <td>TP</td> <td>0.02</td> <td>0.04</td> </tr> <tr> <td>Aluminum</td> <td>0.07</td> <td>0.14</td> </tr> <tr> <td>TPH</td> <td colspan="2">Discharge from the WMP shall be less than 5 mg/L</td> </tr> </tbody> </table> <p>mg/L = milligrams per litre.</p>	Parameter	Average Monthly Limit	Daily Maximum Limit	Nitrate	14	27	Ammonia	10	21	TP	0.02	0.04	Aluminum	0.07	0.14	TPH	Discharge from the WMP shall be less than 5 mg/L		<p>Include information as specified in the EQC report</p>	<p>ENR_22, EC3.1, and YKDFN_5</p>
Parameter	Average Monthly Limit	Daily Maximum Limit																									
	XX mg/L	XX mg/L																									
Parameter	Average Monthly Limit	Daily Maximum Limit																									
Nitrate	14	27																									
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Aluminum	0.07	0.14																									
TPH	Discharge from the WMP shall be less than 5 mg/L																										
<p><b>42.</b> Discharges from the Water Management Pond to Area 8 during operations, shall meet the following EQC at SNP Station X:</p> <table border="1" data-bbox="198 909 1059 981"> <thead> <tr> <th>Parameter</th> <th>Average Monthly Limit</th> <th>Daily Maximum Limit</th> </tr> </thead> <tbody> <tr> <td></td> <td>XX mg/L</td> <td>XX mg/L</td> </tr> </tbody> </table> <p>mg/L = milligrams per litre.</p>	Parameter	Average Monthly Limit	Daily Maximum Limit		XX mg/L	XX mg/L	<p><b>42.</b> Discharges from the Water Management Pond to Lake N11 during operations, shall meet the following EQC at SNP Station X:</p> <table border="1" data-bbox="1255 909 1886 1094"> <thead> <tr> <th>Parameter</th> <th>Average Monthly</th> <th>Daily Maximum</th> </tr> </thead> <tbody> <tr> <td>TDS</td> <td>25</td> <td>500</td> </tr> <tr> <td>Ammonia</td> <td>10</td> <td>19</td> </tr> <tr> <td>TPH</td> <td colspan="2">Discharge from the WMP shall be less than 5 mg/L</td> </tr> </tbody> </table> <p>mg/L = milligrams per litre.</p>	Parameter	Average Monthly	Daily Maximum	TDS	25	500	Ammonia	10	19	TPH	Discharge from the WMP shall be less than 5 mg/L		<p>Include information as specified in the EQC report</p>	<p>ENR_22 and YKDFN_5</p>						
Parameter	Average Monthly Limit	Daily Maximum Limit																									
	XX mg/L	XX mg/L																									
Parameter	Average Monthly	Daily Maximum																									
TDS	25	500																									
Ammonia	10	19																									
TPH	Discharge from the WMP shall be less than 5 mg/L																										
<p><b>43.</b> If the EQCs as listed in Part G, Item 33 are exceeded, the Licensee shall cease all Discharge from the Water Management Pond to Lake N11, shall notify an Inspector, and shall take the necessary corrective action to mitigate, as outlined in the Water Management Plan, to the satisfaction of an Inspector.</p>	<p>Change to <b>43.</b> If the EQCs as listed in Part G, Item 33 are exceeded, the Licensee shall cease all Discharge from the Water Management Pond to Lake N11 and/or Area 8 as necessary, shall notify an Inspector, and shall take the necessary corrective action to mitigate, as outlined in the Water Management Plan, to the satisfaction of an Inspector.</p>	<p>Included Area 8</p>																									
<p><b>44.</b> Water or Waste from the Project that enters the Receiving Environment, including Discharges from Surveillance Network Program Station XX, shall not be acutely toxic as determined by the acute toxicity tests described in Part A in the attached Surveillance Network Program.</p>	<p>Delete</p>	<p>We only mention acute toxicity in the AEMP in reference to expected acute toxicity testing being initiated (at the edge of the mixing zone at SNP 01-01 and SNP 01-02) in response to a low action level trigger. Chronic (sublethal) toxicity testing will be conducted at the end-of-pipe</p>	<p>EC_3.2 and YKDFN_4</p>																								
<p><b>PART H: Conditions Applying to Contingency Planning</b></p>																											
<p><b>1.</b> The Licensee shall operate in accordance with the <b>Spill Contingency Plan</b>, once approved by the Board. The Plan must be in accordance with Indian and Northern Affairs Canada's <i>Guidelines for Spill Contingency Planning</i>, 2007, or subsequent editions.</p>	<p>Change to '...shall operate in accordance with plan submitted on November 28, until a revised Plan is approved by the Board.</p>	<p>Provided a timeline consistent with other plan submission timelines</p>																									
<p><b>2.</b> The Licensee shall annually review the plans referred to in Part I, Item 1 and shall submit updates to these Plans to the Board for approval at the following times:  <b>a)</b> If the Licensee seeks changes to this Plan; and  <b>b)</b> Upon the request of the Board.</p>																											

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
<p>3. If, during the period of this Licence, an Unauthorized Discharge occurs or is foreseeable, the Licensee shall:</p> <p>a) Implement the Spill Contingency Plan;</p> <p>b) Report the incident immediately via the 24 Hour Spill Reporting Line (867) 920-8130 in accordance with the instructions contained in the Spill Report Form NWT 1752/0593 or subsequent editions;</p> <p>c) Report each spill to an Inspector within 24 hours; and</p> <p>d) Submit, to the Board and an Inspector, a detailed report on each spill within 30 days.</p>			
<p>4. All Unauthorized Discharges of water or Waste shall be reclaimed to the satisfaction of an Inspector.</p>			
<b>PART I: Conditions Applying to Aquatic Effects Monitoring</b>			
<p>1. The Licensee shall design and implement an <b>Aquatic Effects Monitoring Program (AEMP)</b> that meets the following objectives:</p> <p>a) To determine the short- and long-term effects of the Project on the Receiving Environment;</p> <p>b) To test the predictions made in the Environmental Impact Review and in other submissions to the Board regarding the impacts of the Project on the Receiving Environment;</p> <p>c) To evaluate whether traditional water uses in Lake N11 (outside of the initial dilution zone) and in all waters downstream of Kennady Lake are affected by the Project's activities throughout Construction, Operation and Reclamation of the mine;</p> <p>d) To assess the effectiveness of mitigation measures that are used to minimize the effects of the Project on the Receiving Environment;</p> <p>e) To identify whether there is any need for additional mitigation measures to reduce or eliminate Project-related effects; and</p> <p>f) To provide an early warning system where the results of aquatic monitoring are used to prevent or avoid adverse environmental effects through a Response Framework and regular evaluation of the AEMP.</p>	<p>Change 1. The Licensee shall design and implement an <b>Aquatic Effects Monitoring Program (AEMP)</b> that meets the following objectives:</p> <p>a) To determine the short- and long-term effects of the Project on the Receiving Environment;</p> <p>b) To test the predictions made in the Environmental Impact Statement (EIS) and in other submissions to the Board regarding the impacts of the Project on the Receiving Environment;</p> <p>c) To evaluate whether traditional water uses in Lake N11 (outside of the initial dilution zone) and in all waters downstream of Kennady Lake are affected by the Project's activities throughout Construction, Operation and Reclamation of the mine;</p> <p>d) To assess the effectiveness of mitigation that are used to minimize the effects of the Project on the Receiving Environment;</p> <p>e) To identify whether there is any need for additional mitigation to reduce or eliminate Project-related effects; and</p> <p>f) To provide an early warning system where the results of aquatic monitoring are used to prevent or avoid adverse environmental effects through a Response Framework and regular evaluation of the AEMP.</p>	<p>Removed 'measures'; change EIR to EIS</p>	<p>ENR_26 and ENR_27</p>
<p>2. The Licensee shall submit to the Board, for approval, an <b>AEMP Design Plan</b> within XX months of Water Licence issuance and every years thereafter. The AEMP Design Plan shall satisfy the requirements of Schedule 6, Item X.</p>	<p>Change 2. The Licensee shall operate in accordance with the <b>AEMP Design Plan</b> submitted on April 15 and every five (5) years thereafter. The AEMP Design Plan shall satisfy the requirements of Schedule 6, Item X.</p>	<p>Inserted timeframe that reflects submission of updated version of the design plan, and links to a 5 year update cycle</p>	<p>DKFN_28</p>
<p>3. The Licensee shall implement the AEMP Design Plan and subsequent updates as and when approved by the Board.</p>			
<p>4. The Licensee may at any time propose revisions to the AEMP Design Plan, and shall review and revise the AEMP Design Plan as necessary to reflect directives from the Board. All revised plans shall be submitted to the Board for approval.</p>			
<p>5. The Licensee shall submit an <b>Aquatic Effects Re-evaluation Report</b> for Board approval by XXXX, 2017 and every XX years thereafter that meets the following objectives and satisfies the requirements of Schedule 6, Item X:</p> <p>a) To describe the Project-related effects on the Receiving Environment as measured from Project inception and compared against predictions and Measures made in the EIR0607-001 and in other submissions to the Board;</p> <p>b) To update predictions of Project-related effects on the Receiving Environment based on monitoring results obtained since Project inception; and</p> <p>c) To provide supporting evidence, if necessary, for proposed revisions to the AEMP Design Plan.</p>	<p>Change 5. The Licensee shall submit an <b>Aquatic Effects Re-evaluation Report</b> for Board approval by October 31, 2017 and every five (5) years thereafter that meets the following objectives and satisfies the requirements of Schedule 6, Item X:</p> <p>a) To describe the Project-related effects on the Receiving Environment as measured from Project inception and compared against predictions and Measures made in the EIR0607-001 and in other submissions to the Board;</p> <p>b) To update predictions of Project-related effects on the Receiving Environment based on monitoring results obtained since Project inception; and</p> <p>c) To provide supporting evidence, if necessary, for proposed revisions to the AEMP Design Plan.</p>	<p>Inserted timeframe</p>	

**MV2005L2-0015 Water License Conditions Conformity Table (continued)**

MVLWB DRAFT CONDITION / ITEM	PROPOSED CHANGE	RATIONALE	LINK TO INTERVENTION RECOMMENDATIONS
<p><b>6.</b> On or before XX each year, the Licensee shall submit an <b>AEMP Annual Report</b> to the Board for approval. This report shall include information relating to data collected in the preceding calendar year and which satisfies the requirements of Schedule 6, Item X. If any Action Level as defined in the approved Response Framework is exceeded, the Licensee shall;</p> <p><b>a)</b> Notify the Board within 30 days of when the exceedance is detected, and;</p> <p><b>b)</b> Within 90 days of when the exceedance is detected, submit an AEMP Response Plan that satisfies the requirements of Schedule 6, Item X to the Board for approval.</p>	<p>Change <b>6.</b> On or before May 1 each year, the Licensee shall submit an <b>AEMP Annual Report</b> to the Board for approval. This report shall include information relating to data collected in the preceding calendar year and which satisfies the requirements of Schedule 6, Item X. If any Action Level as defined in the approved Response Framework is exceeded, the Licensee shall;</p> <p><b>a)</b> Notify the Board within 30 days of when the exceedance is detected, and;</p> <p><b>b)</b> Within 90 days of when the exceedance is detected, submit an AEMP Response Plan that satisfies the requirements of Schedule 6, Item X to the Board for approval.</p>	<p>Inserted timeframe</p>	
<p><b>7.</b> The Licensee shall implement AEMP Response Plans as and when approved by the Board.</p>			
<p><b>8.</b> The Licensee shall update AEMP Response Plans as directed by the Board.</p>			
<p><b>9.</b> If not approved by the Board, the plans and reports referred to in Part I, Items 2, 5 and 6 shall be revised and resubmitted in accordance with directives from the Board.</p>			
<p><b>PART J: Conditions Applying to Closure and Reclamation</b></p>			
<p><b>1.</b> The Licensee will operate in accordance with the Conceptual Closure and Reclamation Plan developed in accordance with the Mackenzie Valley Land and Water Board and Aboriginal Affairs and Northern Development's <i>Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories</i> and within one year of the effective date of this Licence, and every X years afterwards submit an update of the Closure and Reclamation Plan as necessary.</p>	<p>Change to '....every three (3) years.....'</p>	<p>Changed timeline to align with the Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the Northwest Territories November 2013.</p>	<p>ENR_37 and YKDFN_7</p>
<p><b>2.</b> The Licensee shall implement the Closure and Reclamation Plan as approved by the Board and shall endeavor to carry out progressive reclamation of areas as soon as is reasonably practicable.</p>			
<p><b>3.</b> The Licensee shall annually review the plans referred to in Part J, Item X and shall submit updates to these Plans to the Board for approval at the following times:</p> <p><b>a)</b> If the Licensee seeks changes to this Plan;</p> <p><b>b)</b> Upon the request of the Board; and</p> <p><b>c)</b> Every three (3) years from the date upon which the Board last approved this Plan.</p>			
<p><b>4.</b> Prior to May 1st of each year, the Licensee shall submit an annual Closure and Reclamation Plan Progress Report which shall be in accordance with Schedule 8.</p>			
<p><b>5.</b> A minimum of 24 months prior to the end of Operations, the Licensee shall submit a Final Closure and Reclamation Plan to the Board for approval.</p>			

AEMP = Aquatic Effects Monitoring Program; ARD = acid rock drainage; CDA = Canadian Dam Association; DSG = Dam Safety Guidelines; EQC = Effluent Quality Criteria; i.e. = that is; ML = metal leaching; MVEIRB = Mackenzie Valley Environmental Impact Review Board; non-PAG = non-potentially acid generating; PAG = potentially acid generating; SNP = surveillance network program; NWT = Northwest Territories.

mm = millimetre; km = kilometre; m<sup>3</sup>/d = cubic metres per day.