



# De Beers Gahcho Kue Amendment – Additional Ore

DFO File No.: 03-HCAA-CA6-00057

MVLWB File No.: MV2005L2-0015 and MV2005C0032

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**Presentation to the  
Mackenzie Valley Land and Water Board**  
Public Hearing, Yellowknife, NT  
September 30-October 1, 2020

# Presentation Overview

1. Fisheries and Oceans Canada (DFO) – Fish and Fish Habitat Protection Program (FFHPP)
  - Mandate and Legislation
2. Comments and Recommendations
3. Conclusion
4. Questions or Comments

# DFO – FFHPP– Mandate

- Amended Fisheries Act came into force on **August 28, 2019**
- The **mandate** of the Fish and Fish Habitat Protection Program is to maintain the sustainability and ongoing productivity of **all fish and fish habitat** in Canada

# DFO – FFHPP– Legislation

- **Fisheries Act**

- Sections 34.4 and 35

- Prohibit “death of fish” and “harmful alteration, disruption or destruction” of fish habitat (HADD)
- Allow for authorization of impacts with conditions
- Allow authorization amendments under HADD

# Comments and Recommendations

- DFO-FFHPP comments are focused on the following areas:
  - Project Offsetting
  - Increase in Water Withdrawal
  - Water Usage – Restoration of Kennady Lake

# 1. Project Offsetting - Issue

- The proposed increase in the CPKMRP will reduce the area of Kennady Lake available as fish habitat at closure (compared to area under the current approved plan). These changes will impact the existing *Fisheries Act* Authorization and associated accounting of harmful alteration, disruption and destruction to fish habitat that requires offsetting.

# 1. Project Offsetting – Recommendation

- DFO recommends that De Beers continue to work with DFO-FFHPP to review updates to the offsetting to determine if additional losses are adequately accounted for and offset, which may subsequently require DeBeers to apply for an amendment to their *Fisheries Act* Authorization.

## 2. Water Withdrawal - Issue

- De Beers has requested an increase in water withdrawal allowance from Lake N11 from 1.555 Mm<sup>3</sup>/year to 2.0 Mm<sup>3</sup>/year.
- Are there potential impacts to shoreline habitats within the withdrawal waterbodies?

## 2. Water Withdrawal

- Request for increased water withdrawal comes from conflicting requirements between the DFO *Fisheries Act* Authorization and the MVLWB Water Licence
  - To ensure De Beers remains in compliance with the various regulatory requirements and to accommodate operational flexibility
- Downstream Flow Mitigation Plan required as part of the DFO *Fisheries Act* Authorization to ensure sufficient flows are maintained in Area 8 to allow for continual habitat use by Arctic Grayling
  - Augmentation assessment completed following 2018 Amendment recommended new pumping targets that would achieve minimum target Area 8 outflows and provide the flows required for free passage of Arctic Grayling between Area 8 and Lake 410
  - Increase in water withdrawal from Lake N11 remains in line with conditions

## 2. Water Withdrawal – Recommendation

- DFO-FFHPP recommends De Beers confirm that the additional water withdrawal for operational flexibility will remain within *DFO Protocol for Winter Water Withdrawal from Ice-covered Waterbodies in the Northwest Territories and Nunavut (2010)*.
  - To ensure water withdrawal does not exceed limits which will impact shoreline habitat and dissolved oxygen levels in ice covered waterbodies

### 3. Water Usage – Restoration of Kennady Lake - Issue

- “The total annual diversion from Lake N11 will be in the order of 3.7 million cubic metres per year (Mm<sup>3</sup>/y), which represents no more than 20% of the normal annual flow to Lake N11. The 20% cut-off will be used to ensure that sufficient water remains in Lake N11 to support downstream aquatic systems in the N watershed.”
- Further detail regarding N11 water balance and supplemental flows are required to understand affects to littoral habitats and the existing fish populations

### 3. Water Usage – Restoration of Kennady Lake – Recommendation

- DFO-FFHPP recommends that DeBeers continue to engage with DFO on the Gahcho Kue Closure and Reclamation Plan to ensure that any potential impacts to fish and fish habitat are effectively avoided, mitigated, and offset.
- De Beers has noted that water balance information and detail regarding supplemental flows will be provided during further discussions of the Gahcho Kue Closure and Reclamation Plan

# Conclusion

- Fisheries and Oceans Canada will continue to work with the Proponent to ensure:
  - That the proponent continues to work with DFO to finalize the Offsetting Plan
  - That the proponent continues to reach Downstream Flow Mitigation targets as required in the Fisheries Act Authorization
  - Ongoing discussions regarding the Closure and Reclamation Plan

Thank You  
Mahsi

Questions or Comments?