



Mackenzie Valley Land and Water Board
7th Floor - 4922 48th Street
P.O. Box 2130
YELLOWKNIFE NT X1A 2P6
Phone (867) 669-0506
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April 6, 2017

File: MV2005L2-0015

Ms. Sarah McLean
Regulatory Specialist
De Beers Canada Inc.
Suite 300, 5120 - 49th St.
YELLOWKNIFE NT X1A 1P8

Email: Sarah.McLean@debeersgroup.com

Dear Ms. McLean:

**Dyke Construction and Management Plan for Water Collection Ponds – Interim Approval
De Beers Canada Inc. – Diamond Mining, Kennady Lake, NT**

The Mackenzie Valley Land and Water Board (MVLWB or the Board) met on April 6, 2017 and reviewed the Dyke Construction and Management Plan for Water Collection Ponds (Version 3), which was submitted to fulfill Part G, item 16 of Water Licence MV2005L2-0015 on March 1, 2017.

The Board hereby approves this Dyke Construction and Management Plan for Water Collection Ponds (Version 3) as an interim plan and **requires the resubmission of a revised Plan by April 21, 2017**. This revised Plan shall include the updates identified during the review period; specifically, the additional information pertaining to the Site Specific Total Suspended Solids-Turbidity Correlation discussed in Section 8.2 of the Plan. This revised Dyke Construction and Management Plan for Water Collection Ponds will be considered to be approved following written confirmation of conformity from Board staff.

The Board hereby grants the request to modify the compliance date for the commencement of construction as it relates to the submission of the Final Detailed Construction Plan and the Dyke Construction and Management Plan required by Part E, item 11 and Part G, item 16, respectively, of the Water Licence MV2005L2-0015 from 60 days to 30 days. The Board understands this will allow De Beers sufficient time to ensure the collection ponds are established prior to spring freshet which is expected to begin as early as late April/early May.

The full cooperation of De Beers is anticipated and appreciated. If you have any questions or concerns, please contact Angela Love at (867) 766-7456 or email angela.love@mvlwb.com.

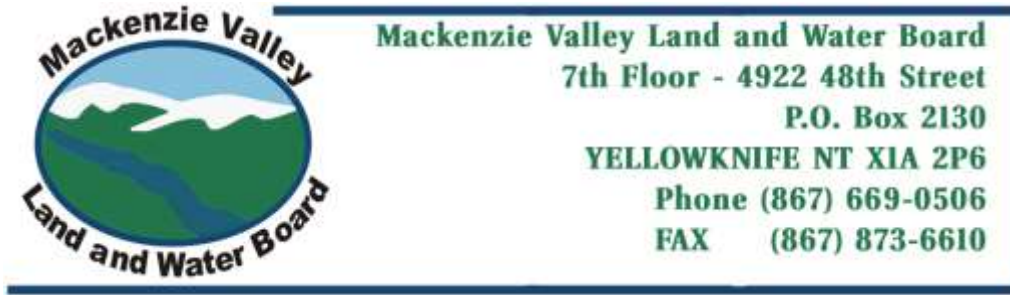
Yours sincerely,

A handwritten signature in blue ink, appearing to read "Mavis Cli-Michaud".

Mavis Cli-Michaud
MVLWB Chair

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Attached: Reasons for Decision



Reasons for Decision

Issued pursuant to section 72.25 of the *Mackenzie Valley Resource Management Act* (MVRMA) and section 54 of the *Waters Act*

Management Plan	
Reference/File Number	MV2005L2-0015
Applicant	De Beers Canada Inc. (De Beers)
Project	Gahcho Kué Dyke Construction and Management Plan – Water Collection Ponds (Version 3)

Decision from Mackenzie Valley Land and Water Board Meeting of

April 6, 2017

1.0 Background

On August 11, 2014, the Board included conditions in Water Licence (Licence) MV2005L2-0015 relating to the Dyke Construction and Management Plan (the Plan) for Water Collection Ponds at the De Beers Canada Inc. (De Beers) Gahcho Kué Project. Part G, item 16 of Licence MV2005L2-0015 states that:

*All other dykes shall be addressed under the **Dyke Construction and Management Plan**, which shall be submitted to the Board for approval sixty (60) days prior to commencement of Construction of any dykes other than Dyke A. This Plan shall meet the objectives listed in Part G, item 1, and satisfy the requirements of Schedule 5, item 8. This Plan shall address the Construction and Operation phases of the Project. The Licensee shall not commence Construction of these remaining dykes until the Board has approved the Plan.*

De Beers requires the construction of nine water collection ponds in order to manage the runoff water and dyke seepage inside the Project's controlled area.

On March 1, 2017, De Beers submitted the Plan (V.3). Included with this was the Final Detailed Construction Plan as per Part E, item 11, which does not require Board approval.

The Plan (V.3) has been updated to include revisions to:

1. The water Collection Pond (CP) 2 berm alignment; and
2. Final detailed design and construction plan for the Hearne CP and berm.

The updates are to address the changes needed to adequately control spring freshet flows within the Controlled Area (defined in Licence MV2005L2-0015 as, “*the isolated subwatersheds within Kennady Lake watershed after dewatering and Drawdown, where mining activities will be undertaken and Water associated with mining activities will be managed. Specifically, areas 1 through 7.*”). The Hearne CP is new and will be constructed to collect runoff water from the west portion of Area 6 prior to mining from the Hearne Pit. The berm of the Hearne CP will be part of the future Dyke N and will serve as a service/haul road if required

Part E, item 11 and Part G, item 16 of Licence MV2005L2-0015 require the Final Detailed Construction Plan and the Dyke Construction and Management Plan, respectively, to be submitted 60 days prior to the commencement of Construction. De Beers has requested to reduce this to 30 days to ensure the collection ponds are established prior to spring freshet which is expected to begin as early as late April/early May.

The Board can change this compliance date as per Part B, item 7 of the Licence:

The Schedules, the Surveillance Network Program, and any compliance dates specified in this Licence may be amended at the discretion of the Board. If any compliance dates for the submission of a plan, report, or program falls on a weekend or holiday, the plan, report, or program shall be submitted on the following business day.

2.0 Public Review

By March 22, 2017, comments and recommendations on the Plan were received from 4 reviewers:

- Environment and Climate Change Canada;
- Government of the Northwest Territories (GNWT) – Environment and Natural Resources (ENR); and
- Fisheries and Oceans Canada; and
- Board Staff.

According to the Online Review System, Fisheries and Oceans Canada submitted comments after the review deadline (on March 24, 2017).

De Beers responded “internally” on March 24, 2017 and formally published their responses on March 27, 2017.

3.0 Decision

After reviewing the submissions of De Beers, the written comments received by the Board, and the Staff Report prepared for the Board, the Board, having due regard to the facts and circumstances, the merits of the submissions made to it, and to the purpose, scope, and intent of the MVRMA and the *Waters Act* and Regulations made thereunder, has determined the Plan meets most of the requirements of the Licence; however, some additional information not currently in the Plan was provided by De Beers during the review period. Therefore, the Board has decided to approve the Dyke Construction and Management Plan for Water Collection Ponds as an interim Plan, and require the submission of a revised version to include the new information. The revised Plan will be considered approved upon written confirmation of conformity by Board staff.

The Board has also approved the request to modify the compliance date for the submission of the Dyke Construction and Management Plan – Water Collection Ponds (Version 3), which includes the Final Detailed Construction Plan, from 60 days to 30 days prior to commencement of Construction, as required by Part G, item 16 and Part E, item 11 respectively, of the Water Licence MV2005L2-0015, in order for De Beers to ensure the collection ponds are established prior to spring freshet.

SIGNATURE

Mackenzie Valley Land and Water Board



April 6, 2017

Mavis Cli-Michaud, Chair

Date



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7th Floor - 4922 48th Street
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FILE NUMBER MV2005L2-0015

Date: April 12, 2017

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Amanda Gauthier

From: Amanda Gauthier
Sent: Tuesday, April 11, 2017 4:54 PM
To: 'Sarah.McLean@debeersgroup.com'
Cc: Angela Love; 'admin_dkfn@northwestel.net'; 'Alexandra.Hood@debeersgroup.com'; 'Amanda_Gonari@golder.com'; 'andrew_howton@gov.nt.ca'; 'anusa_sivalingam@gov.nt.ca'; 'arnoldenge@gmail.com'; 'Carolc.lands@gmail.com'; 'Charity_Beres@golder.com'; 'Charlene_Coe@gov.nt.ca'; 'chief.lkdfn@gmail.com'; 'Clayton_Lloyd@gov.nt.ca'; 'Colin_merz@gov.nt.ca'; 'david.alexander@cannor.gc.ca'; 'doug_carr@gov.nt.ca'; 'ec.ea.nwt.ec@canada.ca'; 'fisheriesprotection@dfo-mpo.gc.ca'; 'fortsmithmetiscouncil@northwestel.net'; 'frmcenvironment@northwestel.net'; 'ginger.gibson@thefirelightgroup.com'; 'gnwt_ea@gov.nt.ca'; 'gracemackenzie@tlicho.com'; 'ima_dkfn@northwestel.net'; 'Iqbal_Arshad@gov.nt.ca'; 'jhood@fortsmith.ca'; 'joe_heron@gov.nt.ca'; 'john_faithful@golder.com'; 'Jon_Posynick@gov.nt.ca'; 'Jen Potten (jpotten@mvlwb.com)'; 'Kate_Witherly@gov.nt.ca'; 'katie_rozestraten@gov.nt.ca'; Kierney Leach; 'land@wpfn.ca'; 'landsnresources@katlodeeche.com'; 'lauraduncan@tlicho.com'; 'Lindsay_Armer@gov.nt.ca'; 'Mark.D'Aguiar@dfo-mpo.gc.ca'; 'Melanie.Murphy@wscc.nt.ca'; 'melissa.pinto@canada.ca'; 'monica_wendt@gov.nt.ca'; 'NTCard@aandc.gc.ca'; 'pat_knutson@gov.nt.ca'; 'patrick_clancy@gov.nt.ca'; 'Paul_Green@gov.nt.ca'; 'president.nwtmn@northwestel.net'; 'rcc.nwtmn@northwestel.net'; Shannon Allerston; 'shin.shiga@nsma.net'; 'Tracy_Covey@gov.nt.ca'; 'tyannasteinwand@tlicho.com'; 'veronique.damours-gauthier@dfo-mpo.gc.ca'; 'Andrew.Williams@debeersgroup.com'; Angela Love; 'apower@ykdene.com'; 'chief.srfn@northwestel.net'; 'Clayton_Lloyd@gov.nt.ca'; 'Erik.Madsen@debeersgroup.com'; 'esangris@ykdene.com'; 'fieldworker.frmc53@northwestel.net'; 'frmc@northwestel.net'; 'frmcenvironment@northwestel.net'; 'Glen_Mackay@gov.nt.ca'; 'hrmc@northwestel.net'; 'jblack@ykdene.com'; 'Jeremy_Roberts@gov.nt.ca'; 'joe_heron@gov.nt.ca'; 'johnny_lennie@gov.nt.ca'; 'Kate_Witherly@gov.nt.ca'; 'katie_rozestraten@gov.nt.ca'; 'kserben@golder.com'; 'lands@denation.com'; 'laurie_mcgregor@gov.nt.ca'; 'Leah.Russell@debeersgroup.com'; 'lkdfnlands@gmail.com'; 'loretta.ransom@canada.ca'; 'Matthew.Spence@cannor.gc.ca'; 'monica_wendt@gov.nt.ca'; 'Nathen_Richea@gov.nt.ca'; 'Olivia_Lee@gov.nt.ca'; 'Patrick.Kramers@debeersgroup.com'; 'Permits'; 'preliminaryscreening@reviewboard.ca'; 'Rick_Walbourne@gov.nt.ca'; 'Robert_Jenkins@gov.nt.ca'; 'Russell_Teed@gov.nt.ca'; 'Sarah.McLean@debeersgroup.com'; 'Scott_Stewart@gov.nt.ca'; 'screeningofficer@eastarm.com'; 'seanrichardson@tlicho.com'; 'SjoerdvanderWielen@tlicho.com'; 'Steven_Shen@gov.nt.ca'; 'Tara_Naugler@gov.nt.ca'; 'tslack@nihadixa.ca'
Subject: MV2005L2-0015 - De Beers Canada Inc. - Gahcho Kue - Interim Approval - Dyke Construction and Management Plan
Attachments: MV2005L2-0015 - De Beers Canada Inc. - Gahcho Kue - Interim Approval - Dyke Construction and Management Plan - Apr6-17.pdf

Good day,

Please see the attached document. if you have any questions, please contact Angela Love at (867) 766-7456 or email angela.love@mvlwb.com.

Regards,
Amanda Gauthier
Executive Coordinator
Mackenzie Valley Land and Water Board
7th Floor, 4922 48th St, PO Box 2130 | Yellowknife, NT | X1A 2P6