

**Mackenzie Valley Land and Water Board**

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September 25, 2013

File: MV2011L2-0004

Mr. Maxwell Morapeli  
Mine General Manager  
De Beers Canada Inc.  
Suite 300, 5102 50th Ave.  
Yellowknife NT X1A 3S8

Fax: (867) 766-7347

Dear Mr. Morapeli:

**Phase IV Starter Cell Embankment Raise – Follow Up to Modification Notification**

The Mackenzie Valley Land and Water Board (the Board) met on September 24, 2013 and reviewed De Beers Canada Inc. (DBCI)'s August 30, 2013 follow up request for the modification of the Phase IV Starter Cell Embankment Raise (the Phase IV Raise).

In light of the follow up information provided to the Board by De Beers, the Board has approved the modification request for the Phase IV Raise. The proposed raise request to bring the maximum height of the Starter Cell to 21 m (489.5 masl) is hereby approved by the Board. Please note that this height does not take into consideration the required placement of four meters of non-acid generating cover material.


Also, in accordance with Part E, Item 8 of the Water Licence, the Board requires that De Beers submit an updated *North Pile Management Plan* for approval. The details and deadline for the submission of this updated plan are to be set by the Board following a meeting with De Beers and interested parties.

The Board recognizes De Beers' engagement efforts by proposing Quarterly Update Meetings on the paste research and other regulatory related activities. In light of the concerns received by the Board on the North Pile, the Board has decided to formalize this proposal and take the lead on organizing regular meetings with the interested parties. The Board will be sending out for review, a draft Terms of Reference for these meetings, including the date and agenda for the first meeting. The first meeting will be set in early October to discuss the details and deadline for updates to the *North Pile Management Plan* as discussed above.

.../2

If you have any questions or concerns, please contact Rebecca Chouinard at [rchouinard@mvlwb.com](mailto:rchouinard@mvlwb.com).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'W. Hagen', written in a cursive style.

Willard Hagen  
MVLWB Chair

Attachment: Review Comment Summary Table

Copied to: Distribution List  
Alexandra Hood, DBCI

## Review Comment Table

<b>Board:</b>	MVLWB
<b>Review Item:</b>	MV2011L2-0004 - De Beers - Snap Lake - Follow up to Starter Cell Raise Request
<b>File(s):</b>	<u>MV2011L2-0004</u>
<b>Proponent:</b>	De Beers Canada Inc. - Snap Lake
<b>Document(s):</b>	<u>MV2011L2-0004 - De Beers - Snap Lake - Follow up to Starter Cell Raise Request (7)</u> <u>MV2011L2-0004 - De Beers - Snap Lake - Revised interim asbuilts for Aug 30 starter cell raise request (1)</u>
<b>Item For Review Distributed On:</b>	Sep 3 at 15:38 <u>Distribution List</u>
<b>Reviewer Comments Due By:</b>	Sep 13, 2013
<b>Proponent Responses Due By:</b>	Sep 17, 2013
<b>Item Description:</b>	<p>On August 30, 2013, De Beers Canada Inc. submitted a "Follow up to Starter Cell Raise Request" to the Mackenzie Valley Land and Water Board (the Board). This is a follow-up to the letter from the MVLWB on July 18, 2013 informing De Beers that an amendment was required for the Phase IV Starter Cell Embankment Raise.</p> <p>This document is now available online for review and comment. Please submit comments using the Online Review System by downloading the excel comment table or using the "add comment" button by <b>5:00 pm MST on September 13, 2013.</b></p> <p>If you have any questions or concerns regarding this review, please contact me at (867) 766-7468 or email <a href="mailto:jpotten@mvlwb.com">jpotten@mvlwb.com</a>.</p>
<b>General Reviewer Information:</b>	This request was also distributed by fax to the following organizations:

<b>Organization</b>	<b>Contact Name</b>	<b>Contact Position/Title</b>	<b>Email/Fax</b>
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Hay River Metis Council	Wally Shuman	President	<a href="mailto:hrrmc@northwestel.net">hrrmc@northwestel.net</a> ; (867)872-2772;
NWT Metis Nation	Tim Heron	NWTMN IMA Coordinator	<a href="mailto:rcc.nwtmn@northwestel.net">rcc.nwtmn@northwestel.net</a> ; (867)872-5154;
Smith Landing First Nation	Andrew Wanderingspirit	Chief	<a href="mailto:chief@slfn196.com">chief@slfn196.com</a> ;
<b>Contact Information:</b> Jen Potten 867-766-7468 Lindsey Cymbalisky 867-766-7471 Rebecca Chouinard 867-766-7459			

## Comment Summary

<b>Proponent General File(s)</b>	
<b>ID</b>	<b>Proponent General File Comment</b>
1 (doc)	De Beers response to SLEMA presentation
2 (doc)	Clarity map on raise elevations
3 (doc)	Comment table in case they did not properly upload.
1 (doc)	SLEMA submission regarding Starter Cell Raise Request.
<b>AANDC: Paul Green</b>	

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	<p><b>Comment (doc) Cover Letter Recommendation</b></p>		
2	Height Requirement	<p><b>Comment</b> DeBeer's provides information from the MVEIRB Report of Environmental Assessment and Reasons for Decision which identifies the height of the Starter Cell as 35m. The topographic elevation resulting from a 35 m starter cell height is at odds with statements in DeBeer's Environmental Assessment Report which identifies the final height of the North Pile at an elevation of 484 m, which is similar in elevation to the highest point of ground in the immediate area.</p> <p><b>Recommendation</b> AANDC recommends that DeBeers clearly communicate the difference in height between that identified in the EA with Aboriginal groups and interested parties. DeBeers should clearly indicate what the exact elevation above sea level will be if the starter cell is raised to a height of 35 m.</p>	<p><b>Sep 17:</b> On page 61, section 2.3 of the MVEIRB Decision report states "De Beers proposes to place the potentially acid generating metavolcanic rock within a confined area that is much smaller than the footprint of the North Pile and thereby encapsulate the metavolcanic rock in processed kimberlite. The maximum height of the North Pile is designed to be approximately 35 m. This maximum pile height will be reached primarily on the north side of the North Pile." No mention exists in this report of a height of 484 as a final elevation. There is no identified change between the EA stated height for the Phase IV lift of the Starter Cell as the 35 m height indicated in EA refers to the North well of the North Pile which relates to the East cell North facing external berm. Any further raising of the East Cell beyond original design may have an impact on this height, and the proposed continuation of development. The attached map in the raise package identified the proposed starter cell elevation.</p>	<p>As noted by De Beers, the MVEIRB EA Report specifies a maximum height of 35m, and not a maximum elevation of 484masl. The maximum elevation of 484 masl was provided by De Beers in an EA submitted to MVEIRB and in the CPD. This has created a lack of clarity regarding the scope of the MVEIRB EA. In its August 30, 2013 submission, De Beers noted that the base elevation of the North Pile was taken uniformly as 450 masl during the MVEIRB EA, and it has since been surveyed as 460-476 masl.</p> <p>The map referenced by De Beers illustrates the elevation of the Starter Cell after the proposed Phase IV Raise. It does</p>

				<p>not indicate what the elevation of the Starter Cell would be if raised to 35m, which was the information requested by AANDC.</p>
3	<p>Short Plan for the North Pile, Appendix B: Technical Memorandum on Paste Activities on Site.</p>	<p><b>Comment</b> Table 1 indicates that, as of August 21, there are 6 months of capacity remaining in the North Pile. Given the shortness of the construction season, DeBeer's has not left themselves much time to complete the regulatory process required to raise the North Pile. Information in the Technical Memorandum identifies significant challenges to the deposition of paste underground. This may cause a significant increase in the volume of material to be stored in the North Pile, which would require an increase in the capacity of the North Pile. Any increase to the height or footprint of the North Pile beyond what was considered during the EA will require a consultative process, and sufficient time must be allowed for the proper regulatory course to occur (i.e. potential regulatory amendment). <b>Recommendation</b> AANDC recommends the Board require DeBeers to provide a timeline and targets for the upcoming paste studies and trials and quarterly updates on the</p>	<p><b>Sep 17:</b> As De Beers Snap Lake Mine has outlined in the supporting documentation to this application many successes and challenges have been identified during the extensive trials and investigations into paste disposal. While SLM continues to investigate and determine potential solutions to these challenges it is acknowledged that obtaining 50% disposal of paste underground remains a risk. Various alternatives are being considered, which include raising North Pile heights, widening the current footprint of the North Pile or a fourth phase of the North Pile facility (in addition to Starter, East and West), or alternative disposal methods underground. SLM would want to limit the environmental impact on surface if the 50% disposal underground was not achievable and thus would preferably raise the height of the North Pile if it was environmentally, safely and geotechnically feasible. Designs and plans going forward, until a paste disposal system underground solution</p>	<p>Board staff suggests that the Alternative LoM Processed Kimberlite Deposition Strategy proposed by De Beers should be incorporated into an updated North Pile Management Plan.</p>

	<p>progress of the paste studies and trials. These quarterly reports must identify and evaluate the significance of any missed paste backfill targets for the size of the North Pile. Further, AANDC recommends that the Board require DeBeers to develop appropriate alternatives for PK storage in the event that underground paste deposition proves not to be feasible. These alternative should be developed soon, so as to provide sufficient time for any significant changes to go through the required consultative and review processes. AANDC understands that the Phase 4 raise will provide DeBeers with 16 months of containment. AANDC suggests that a draft concept of the alternatives should be presented to the Board within 4 months. The draft submissions should include conceptual design drawings and identification of affected plans and how the plans would need to be modified (deposition, water management/quality alterations, ICRP, etc.).</p>	<p>is proven will be based on the "worst case" scenario of no paste disposal underground and that all PK will be disposed of on surface. Snap Lake Mine is currently carrying out sampling and testwork (e.g. cone penetration tests (cpt)) to determine the requirements to build North Pile berms on previously deposited PK in an environmentally, safe, geotechnically acceptable way. Snap Lake Mine will be using these results (estimated end Nov 2013) together with the Life of Mine (LoM) production plans and other information to draft an Alternative LoM Processed Kimberlite deposition strategy. It is anticipated that this report would be available for circulation in approximately 6 months time.</p>	
<b>Environment Canada: Sarah-Lacey McMillan</b>			
<b>ID</b>	<b>Reviewer Comment/Recommendation</b>	<b>Proponent Response</b>	<b>Board Staff Response</b>
1	General File <b>Comment (doc) MV2011L2-0004</b> DeBeers Snap Lake - Starter Cell Raise Request - EC Letter		No comments were provided in EC's letter.



		Recommendation		
GNWT - Environment and Natural Resources: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
2	General File	<b>Comment (doc) ENR Comments Recommendation</b>		No additional comments were included in the letter that were not already included in the comment table.
1	Topic 1: Long Term Plan for the North Pile (Phase IV Implementation)	<b>Comment Comment(s):</b> The proponent has requested a modification to its processed kimberlite (PK) tailings management method. It is stated in the application provided by DeBeers, that due to difficulties with the underground tailings management option, the North Pile is currently being used for both above ground and underground tailings management. This is resulting in the exceedance of the North Pile designed holding capacity. ENR understands that the tailings management method was initially designed and authorized for the life of the mine. The management method was to include 50% tailings disposal in the "North Pile", with the remaining 50% of tailings being disposed of in the underground as a stabilized PK paste (similar to concrete). Due to this alteration from the initial design, the following concerns are identified: . The original	<b>Sep 17:</b> The aesthetic objective was established based on information available for the design during the EA. Available at the time of EA was topographical maps to provide an estimation of height to be 484m and estimation of height to the surrounding areas equalling this to be similar to the highest height. However in the MVEIRB decision report, the only height that was stated was approximately 35 meters as per the response to AANDC comment 1. The 35m of space required for waste deposition is the factor used for deposition calculations and any conceptual designs at the time of the EA submittal. De Beers realizes it did not apply the changes or inform of what these elevations would be updated once survey data was available. De Beers has already started to discuss with stakeholders the current	Please see Board staff comments above regarding the maximum height of the North Pile.  The special paste report proposed by De Beers includes information that should already be included in the Water Licence Annual Report under Schedule 1, item 1 (r) (iv). Board staff suggests that this does not need to be submitted a special report, but should be addressed in the WL Annual Report as required.  The information in the WL Annual Report would be supplemented, as

	<p>tailings management plan, for the life of the mine, as provided by the proponent in both the initial and current applications, is dependent upon a stabilized PK paste. The paste does not meet the design requirements as stated in the memorandum provided by DeBeers in the application. . In the event that a PK paste is eventually developed, it is not explained how this will alter the rates between underground versus above ground tailings disposal. For example, will this result in a reduction of surface deposition, and/or how will this affect total volume of PK in the North Cell, will there still be a requirement for a capacity increase? . The proposed modification is a temporary measure for (PK) paste/slurry (tailings) management, and while this ensures continued production of the Mine, it does not provide a long term waste management option. If approved by the Board, the proposed Phase IV raise will only provide 16 months additional deposition of process kimberlitic (PK) paste/slurry (tailings). . There are no descriptions or alternate options provided in the event that the "paste" cannot be optimized for underground/surface deposition. . This Phase IV raise of the North Pile will be</p>	<p>constraints and issues with paste. De Beers has committed to a quarterly regulatory update which would include updates on paste trials and other aspects with respect to pk disposal. The pile in design will meet all engineering requirements for longterm stability. The pile will still remain with the same intent and be consistent with ICRP. De Beers proposes to put a detailed deposition plan, paste update and mitigative measures taken as a component of the Water License Annual Report as a special study as long as deemed necessary. This annual report would be supplemented by the proposed quarterly paste and regulatory update meetings. For additional details on point 2, please see AANDC comment in line 5 for a response to point 2. De Beers agrees with the statement that the cell will be "constructed as per industry best practices to ensure slope stability, and also consistent with Interim Closure and Reclamation Plans..."</p>	<p>suggested by De Beers, with quarterly update meetings; however, Board staff suggests that the Board take the lead on these meetings.</p>
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in excess of the aesthetic objective identified and agreed to in the Environmental Assessment (EA) for total embankment height of 484 masl.

**Recommendation**

Recommendation(s): 1) More rationale should be provided, with evidence of consultation and agreement with stakeholders, of changes to the aesthetic objectives which was initially defined in the EA. While this is an aesthetic objective (484 masl), the cell should still be constructed as per industry best practices to ensure slope stability, and also consistent with Interim Closure and Reclamation Plan commitments agreed to in the EA. 2) In the event that the Board approves the raise, the proponent should provide a refined long-term disposal Plan for all kimberlite tailings that includes a timeline marking definitive milestones on the development of a successful PK slurry/paste, and alternate plans/contingencies if optimization for slurry/paste stabilization (tailings stabilization) is not achieved. The Plan must provide the new estimated life span of the North Pile, and rationale on how the current footprint of the surface cells will be maintained, or not, and demonstrate the North Pile footprint is minimized.

**MVLWB: Lindsey Cymbalisky**

ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Covering Letter - Height Requirements	<p><b>Comment</b> As per the reference provided, the MVEIRB Report of EA identifies the maximum design height of the North Pile as 35 m; however, this maximum height is expected to be reached on the north side of the North Pile. The embankments of the North Pile were clearly not expected to be constructed uniformly to a height of 35 m. This is consistent with Board Staff's understanding that the ground elevation under the North Pile varies, and that the North Pile is designed to drain to the northeast corner. The current height of the Starter Cell is shown as 9-18m in the Snap Lake Mine North Pile Phase IV presentation. With the proposed 3.5m raise, the height of the Starter Cell could then be expected to the 12.5-21.5 m. It is unclear whether this height is consistent with the maximum height that was predicted for the south side of the North Pile.</p> <p><b>Recommendation</b> Please indicate where the maximum height of 35m could be expected to be reached in the North Pile. Also, given that the Starter Cell is located on the south side of the North Pile, and the maximum elevation</p>	<p><b>Sep 17:</b> The current proposed height as submitted to the Board for the Starter cell is 20.82 at the western side, with a maximum height 9.15m on the North Eastern side and on the South side of 18.18m. A diagram with interim heights was included in the initial package to the Board and revised and resubmitted on August 31, 2013. A map of the proposed elevations for the Phase IV lift is provided on page 39 of the De Beers resubmission package and was made available during the Board presentation. The height at the South side of the starter cell is still within the intent of the EAR and is lower than the height on the North side of the starter cell. These heights are only to be achieved to the starter cell heights. However, in light of current research, the North Pile elevation is expected to change as research and understanding of paste progresses. This is due to the fact that De Beers has not successfully been able to deposit paste in the planned quantities from the EA, leading to a shortage of deposition area. The intent of the Phase IV raise application is to continue with the</p>	<p>Although De Beers has specified what the maximum heights of the Starter Cell would be after the proposed Phase IV Raise, De Beers has not clarified how this relates to a maximum height of 35m on the north side of the North Pile, in what will be the East Cell.</p>

		<p>of the 35m was predicted to be reached on the north side, please indicate what the maximum height on the south side was expected to be, or could be expected to be if the maximum height of 35m is reached at some point on the north side of the pile. If available, diagrams would be helpful to illustrate the relative heights of the various parts of the North Pile. Please describe how the height of the Starter Cell after the proposed Phase IV Raise compares to the expected maximum height of the south side of the North Pile.</p>	<p>design that is within the 35m requirement, in order to allow operational flexibility while De Beers creates an engineered design based on lessons learned at Snap Lake. De Beers agrees to continue to socialize paste challenges through quarterly updates and annual reporting in order to facilitate an understanding of the deviations. De Beers also recognizes that further increases above the 35 meters could result in additional regulatory actions. However at this time De Beers cannot commit to a defined overall height of the Northpile until the previously mentioned work is concluded.</p>	
2	<p>Table 2 - North Pile Construction Timeline</p>	<p><b>Comment</b> This timeline shows two construction phases for both the East Cell and the West Cell, first to the "original design," followed by a "2nd Raise" on each. It is unclear what is meant by "original design," but this suggests that De Beers intends to build each of these two cells higher than what was originally intended, and therefore, possibly beyond what was contemplated in the MVEIRB EA. <b>Recommendation</b> Please provide clarification on what is meant by "original design" and "2nd raise" for the East and West Cells, and indicate whether the final heights of these two</p>	<p><b>Sep 17:</b> In order to construct stable embankments with processed kimberlite, final heights of embankments cannot be carried out immediately. An initial raise is carried out, followed by deposition and the placement of the second lift (or phase). Therefore original design is the first phase, and the 2nd raise is the second phase, both of which are within the design intent of the North Pile. This is also due to the way the operation generates PK. We could not build external berms to final height prior to fill as the coarse and grit PK (which is placed by trucking and dozer) is</p>	<p>Board staff believes that De Beers' response is sufficient at this time. The Board will need to determine whether the final heights of the cells in within what was contemplated in the MVEIRB EA.</p>

		cells will be within what was contemplated during the MVEIRB EA.	generally produced in a fixed ratio to the the fine pk which is pumped.	
3	Paste Update - Section 2	<p><b>Comment</b> In the third paragraph of Section 2, the replacement of 90 degree elbows is discussed in relation to efforts to reduce excessive movement of the paste distribution pipeline. The paragraph states that the 90 degree elbows were replaced with "either 45 degree bends, dependent on location." The alternative to 45 degree bends is not provided.</p> <p><b>Recommendation</b> Please clarify.</p>	<p><b>Sep 17:</b> Uncertainty in section 2 was due to a typing error. The sharp 90 degree bends were revised to either 45 degree bends or bends with a longer sweep (radius) in an attempt to limit pipe movement and water hammer on the 90 degree bend.</p>	Board staff believes that De Beers' response is adequate.

**Snap Lake Environmental Monitoring Agency - SLEMA: Zhong Liu**

<b>ID</b>	<b>Topic</b>	<b>Reviewer Comment/Recommendation</b>	<b>Proponent Response</b>	<b>Board Staff Response</b>
1	General File	<p><b>Comment</b> (doc) SLEMA submission regarding Starter Cell Raise Request.</p> <p><b>Recommendation</b></p>	(Provided response letter to SLEMA, dated September 17, 2013.)	<p>SLEMA's submission illustrates that 460-476 masl is the base elevation under the Starter Cell specifically, and base elevations of 450 masl do exist under the north side of the East Cell. The East Cell is located on the north side of the North Pile, where the MVEIRB EA Report specifies that the maximum height of 35m would be reached. If embankments in the East Cell are built to 35 m, the</p>

				<p>maximum elevation there could be expected to be about 485 masl, which is consistent with what was presented in the CPD.</p> <p>De Beers has not clarified how this relates to the expected or proposed height of the Starter Cell, which is currently built to approximately 485 masl at its highest point, nor have they clarified how this relates to the natural topography in the immediate area.</p>
<b>Yellowknives Dene First Nation: shannon gault</b>				
<b>ID</b>	<b>Topic</b>	<b>Reviewer Comment/Recommendation</b>	<b>Proponent Response</b>	<b>Board Staff Response</b>
1	General File	<p><b>Comment (doc) YKDFN's comments on Starter Cell raise request.</b></p> <p><b>Recommendation</b></p>	<p>Please see responses in Row 5 above in response to AANDC Paul Green.</p>	<p>The Alternative LoM Processed Kimberlite Deposition Strategy, whether provided separately or as part of the North Pile Management Plan, and the recommended update meetings should address YKDFN's concerns regarding the consequences of failure</p>

				<p>of the paste backfill system and long-term planning for the North Pile.</p> <p>The Board's decision regarding the proposed raise will provide clarity on the scope of the project with regard to the height of the North Pile.</p>
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