Staff Report

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Dominion Diamond Mines ULC</th>
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</thead>
<tbody>
<tr>
<td>Location:</td>
<td>Glowworm Lake, NT</td>
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<tr>
<td>Date Prepared:</td>
<td>January 29, 2020</td>
</tr>
<tr>
<td>Date of Board Meeting:</td>
<td>February 13, 2020</td>
</tr>
<tr>
<td>Subject:</td>
<td>New Land Use Permit</td>
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1. **Purpose**

The purpose of this Report is to present to the Mackenzie Valley Land and Water Board (MVLWB/the Board):

a) A new Land Use Permit (Permit) Application submitted by Dominion Diamond Mines ULC (Dominion);
b) Seek a transboundary determination;
c) Seek confirmation on preliminary screening exemption;
d) Consider the preliminary screening;
e) Consider the Waste Management Plan;
f) Consider the Spill Contingency Plan; and
g) Consider the Engagement Plan.

2. **Background**

- July 6, 2017 – Issuance of Permit MV2017C0022;
- December 24, 2019 – Application received;
- January 2, 2020 – Application deemed complete and review commenced;
- January 21, 2020 – Reviewer comments and recommendations due and received;
- January 28, 2020 – Responses due and received;
- **February 13, 2020** – Application presented to the Board for decision, and end of the 42-day timeline; and

3. **Discussion**

**Project History and Description of Application**

Dominion Diamond Mines ULC (Dominion) is a partner in the currently operating Diavik Diamond Mine and owner of the Ekati Diamond Mine in the Northwest Territories. Dominion holds mineral claim titles in the Glowworm Lake Project (Project) area as well as having an existing Land Use Permit (Permit) MV2017C0022 which was issued to the Dominion in July 2017. In the interests of continuing to advance
the work being conducted on this property, Dominion is seeking to expand upon the activities allowed under this current permit as well as to add additional land on which these activities can be conducted.

The project area is located 380 km east-northeast of Yellowknife, NT adjacent to the Northwest Territories and Nunavut boundary. The seasonal Tibbitt-Contwoyto Ice Road passes along the Lac de Gras and Lac du Sauvage corridor to the west. At this time, access to the area is by float or ski-equipped fixed-wing aircraft or by helicopter only. Yellowknife, NT is the nearest supply and logistics center.

Exploration activities will consist of sampling for Kimberlite Indicator Minerals (KIM’s) in glacial sediments, the results from which are used to define areas which may host potential kimberlite clusters, the source rock for diamonds. This often requires stratigraphic drill testing of glacially derived sediments usually using a helicopter-portable light weight reverse circulation (RC) drill rig. Once discovered, existing kimberlites require further diamond drilling for their delineation. Bulk sampling follows for grading and process testing, using Large Diameter RC drilling.

During the operation of the exploration program, progressive restoration of field sample and drill sites will occur on an ongoing basis.

Diamond drill programs may consist of up to 250 holes per year. Large diameter drilling and/or trenching would collect up to 1,200 tonnes of bulk sample material per year. Small diameter reverse circulation (RC) drilling is be used to test and sample the glacial stratigraphy down to bed-rock and will consist of an approximate total of 500 such RC holes per year. Geotechnical drilling for country rock characterization and baseline characterization of environment will also occur.

The bulk samples will be collected with the use of large diameter reverse circulation (RC) drills or trenching. RC drilling breaks up the rock to produce rock chips that are flushed to the surface by compressed air and lake water. At surface the rapidly moving rock cuttings are passed through a cyclone which vents most of the compressed air and drops the drill cuttings onto a dewatering and sizing table and then into an ore bag for processing. Bulk samples collected through large diameter RC holes may produce up to 1,200 tonne samples of kimberlite cuttings obtained from drill holes distributed systematically through the kimberlite pipe. These samples are collected in ore bags and removed by helicopter or other means.

Water source(s) for drilling will be the nearest source to drill targets, which remain to be determined. Small diameter RC drilling typically uses no water, though is anticipated to use approximately 0.5 m³ per drill hole. Diamond drilling is expected to use an average of 20-40 m³ per day per drill. Large diameter RC drilling is anticipated to use 30-70 m³ per day depending on diameter of the rig. Should a camp be constructed, the water source would be determined at that time, and anticipated water use would be 0.2-0.5 m³ per person per day.

The Project’s remote location associates with very high mobilization costs, which can be reduced by positioning equipment in winter months by ice road. Dominion will monitor and manage water use beneath 99 m³ per day and will apply for a Type B water license should the intensity of contemplated operations rise above the 100m³ per day trigger.

It is possible that during the timeframe of this permit there will be the need to construct and maintain winter road access onto the property. It is anticipated that any such access would spur off the Tibbit to Contwoyto Winter Road onto the relevant location(s) on the Project property. Any winter roads constructed would be primarily for logistical support of the operation. Until further exploration work is
done on the Project it is not known at the time of this application where such access routes would need to go. The placement of routes would be guided by an Archaeological Impact Study (AIA). The field portion of which was conducted in the Fall of 2019.

At the end of the program, if a renewal of the permit is not sought, all unnecessary equipment will be removed. Any potential spill sites will be inspected and cleaned up. All camp infrastructure (tents/shacks) will be completely removed and the land returned to a stable condition. All fuel storage sites (caches) will be removed at the end of the project. Any contamination will be cleaned up as per the Spill Contingency Plan.

**Management Plans**

A Waste Management Plan and Spill Contingency Plan were included with the Application. Board staff suggest that these Plans meet applicable guidelines and sufficiently reflect the scope of the proposed activities.

**Engagement**

An Engagement Record and Engagement Plan were included in the Application. Dominion noted they engaged with the following parties:

- Akaitcho IMA Implementation Office
- City of Yellowknife
- Community Government of Behchoko
- Community Government of Gameti
- Community Government of Whati
- Dene Nation
- Deninu K’ue First Nation
- De’ton Cho Corporation
- Fort Resolution Metis Council
- Forward Mining
- Hamlet of Fort Resolution
- Katlodeeche First Nation
- Kitikmeot Inuit Association
- Lutsel K’e Dene First Nation
- Manitoba Denesuline
- New Nadia – Explorations Limited
- North Slave Metis Alliance
- Northwest Territories Metis Nation
- Salt River First Nation
- Smith Landing First Nation
- Snap Lake Environmental Monitoring Agency
- Tłı̨chǫ Government
- Tłı̨chǫ Lands Protection Department
- Town of Fort Smith
- Town of Hay River
- Wek’eezhii Renewable Resources Board
- Wekweeti Community Government
- West Point First Nation
- Yellowknives Dene First Nation

Engagement commenced on October 7, 2019 and again on October 25, 2019. There was email distribution of the application to the above organizations.

**Eligibility**

Dominion holds various mineral claims and is therefore eligible for a permit as per subsection 18(a)(i) of the Mackenzie Valley Land Use Regulations:

18) A person is eligible for a permit who
(a) Where the proposed land-use operation is in the exercise of a right to search for, win or exploit minerals or natural resources,
(i) holds the right
This Project is located in a non-federal area.

Transboundary Project

As outlined in the MVRMA as well as the Board Governance Policy, a transboundary development is one that:

a) is proposed in more than one area, either a management area or outside any management area, and is sufficiently connected to proposed or existing development activities in a different area, through interdependence or linkage, to be considered as one entity; or

b) is proposed for one area, either a management area or outside of any management area, is likely to have an impact in a different area.

When considering if a project is transboundary, decisions are required relating to the interdependence as well as the linkage that the project has to the different management areas.

Interdependence is defined as a development that is located, or is to be located, either within a management area or outside of a management area, but the development could not proceed without the use of land or water located in a different area or a deposit of waste is to happen in a different area.

Linkage is determined if the development is to use land or waters or deposit of waste within one management area, or outside a management area where the undertaking is to use land or water within a different area is inevitable or a deposit of waste within a different area is inevitable.

It is Board staff opinion that this application is transboundary (application attached). The interdependence is that the activities cannot be completed without crossing from the Akaitcho into the Wek’èezhii Management Area.

Fees

The required Application Fee of $150.00 was included with the Application (attached).

Term

Dominion has applied for a term of five years.

Board staff note that permits can be granted for a period of five years, plus a two-year extension (for a total of seven years).

4. Comments

Triggers

The activities as described trigger a Type A permit as per paragraph 4(a) of the Mackenzie Valley Land Use Regulations:

(4) No person shall, without a Type A permit, carry on any activity that involves
(a) on land outside the boundaries of a local government,
   (i) the use of a quantity of explosives equal to or exceeding 150 kg in any 30-day period,
   (iii) the use of a single container for the storage of petroleum fuel that has a capacity equal to or exceeding 4 000L.
(v) the leveling, grading, clearing, cutting or snowploughing of a line, trail or right-of-way, other than a road or existing trail to a building, that exceeds 1.5 m in width or 4 ha in area, for the purpose other than the grooming of recreational trails; or

(b) On land within or outside the boundaries of a local government,

(i) The use of motorized earth-drilling machinery the operating weight of which, excluding the weight of drill rods, stems, bits, pumps and other ancillary equipment, equals or exceeds 2.5 t, for a purpose other than the drilling of holes for building piles or utility poles or the setting of explosives within the boundaries of the local government,

(ii) The use of a campsite outside a territorial park for a duration of or exceeding 400 person-days,

5. Public Review

By January 21, 2020, comments and recommendations on the Application were received from eight reviewers:

- Dominion Diamond Mines ULC;
- Fisheries and Oceans Canada;
- GNWT – Environment and Natural Resources;
- GNWT – Lands (North Slave Region);
- GNWT – Lands (Inspector);
- GNWT – Prince of Wales Northern Heritage Centre;
- Independent Environmental Monitoring Agency; and
- Wek’eezhii Renewable Resources Board.

Dominion responded by January 28, 2020. The Review Summary and Attachments (attached) presents the concerns identified through this review.

There were no concerns identified during the review of this Application. No significant concerns were raised during review, and Board staff suggest Dominion responded appropriately and completely to all comments.

GNWT-Inspector submitted recommendations to the Board on the draft conditions. These recommendations are outlined in the draft Permit.

Preliminary Screening

Dominion was issued MV2017C0022 by the Board in July of 2017 at the same time the Board conducted a preliminary screening (attached). MV2017C0022 allows for Dominion to conduct the following activities at Glowworm Lake:

- Mineral exploration, including diamond drilling and large diameter drilling;
- Use of equipment, vehicles and machines;
- Use and storage of fuel; and
- Construction, operation and maintenance of a temporary camp.

Dominion wishes to continue with the existing activities as well as to apply for the following activities:

- Large diameter drilling and/or Trenching to achieve up to 1,200 tonnes annually of bulk sample material;
- Use and storage of explosives;
- Winter roads for access to and within the property;
- Establishment of additional exploration camp(s) on the property; and
- Add 4 claims to the permitted area.

Board staff have reviewed the 2017 application and the 2017 preliminary screening against the current Application before the Board. Board staff have found differences between the activities in the current Application and the application that was submitted in 2017, Table 1: Comparison of Project Activities permitted under MV2017C0022 and activities requested under MV2019C0030 outlines and highlights the difference that Board staff have identified and notes explaining the differences.

**Table 1: Comparison of Project Activities permitted under MV2017C0022 and activities requested under MV2019C0030**

<table>
<thead>
<tr>
<th>Activities</th>
<th>Subject to Preliminary Screening or Not – Board staff Analysis</th>
<th>Notes</th>
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<tbody>
<tr>
<td>Mineral exploration, including diamond drilling and large diameter drilling</td>
<td>In the scope of MV2017C0022</td>
<td>Dominion is requesting to increase the tonnage of sample collected to 1,200 tonnes per year. The methods for extraction of this sample will be the same as outlined in the permit application for MV0217C0022.</td>
</tr>
<tr>
<td>Use of equipment, vehicles and machines</td>
<td>In the scope of MV2017C0022</td>
<td>Some of the equipment to be used will be different. Updated equipment list has been submitted.</td>
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</table>
| Use and storage of fuel                         | In the scope of MV2017C0022                                   | As per section 13 in the Permit application the amounts being requested are:  
  - 250,000 L Diesel Fuel  
  - 20,000 L Gasoline  
  - 500 X 205 L Aviation Fuel (102,500 L)  
  - 2,250 kg Propane  
  - 2,000 L Lubricants Non pressurized fuels are typically stored in 20-205 litre containers such as “jerry cans” or drums, or larger tanks satisfying the applicable Transport Canada and/or Environment and Climate Change Canada regulations  
  Propane is typically stored in 45 kg tanks. Lubricants are typically |
Construction, operation and maintenance of a temporary camp

In the scope of MV2017C0022

A base camp is required for this operation however as the project progresses there may be a need to have the flexibility to establish additional temporary exploration camp(s) on the property.

Geophysical Surveys and Geochemical Sampling

In the scope of MV2017C0022

Dominion would like this wording, “geophysical survey and geochemical sampling”, to be added to the scope for clarity.

Use and storage of explosives

No

Addition to activities for the Project.

Trenching

No

Addition of this activity for the Project.

Winter Road Access

No

Addition to activities for the Project. Required for logistical support.

Addition of 4 claims to the permitted area

No

Addition of land to the Project area

Board staff are of the opinion that activities that were permitted under MV2017C0022 fall under the Exemption List Regulations, Part 1, Schedule 1, Section 2 which states:

A development or a part thereof, for which renewal of a permit licence or authorization is requested that:

(a) Has not been modified; and
(b) Has fulfilled the requirements of the environmental assessment process, established by the Mackenzie Valley Resources Management Act, the Canadian Environmental Assessment Act or the Environmental Assessment Review Process Guidelines Order.

The draft Preliminary Screening (attached) contains information from the Application and public review regarding environmental and socio-economic concerns, along with mitigations, and is for the Board’s consideration.

Draft Permit

The draft Permit (attached) contains recommended conditions based on the standard Permit conditions list and reflects concerns and recommendations raised during the public review.
6. Security

Legislative Requirements

The Board may require security as per section 32 of the Mackenzie Valley Land Use Regulations, which state:

32(1) The Board may require security to be posted in an amount not exceeding the aggregate of the costs of
   (a) Abandonment of the land-use operation;
   (b) Restoration of the site of the land-use operation; and
   (c) Any measures that may be necessary after the abandonment of the land-use operation.

32(2) In setting the amount of security pursuant to subsection (1), the Board may consider
   (a) The ability of the applicant or prospective assignee to pay the costs referred to in that subsection;
   (b) The past performance of the applicant or prospective assignee in respect of any other permit;
   (c) The prior posting of security by the applicant pursuant to other federal legislation in relation to the land-use operation; and
   (d) The probability of environmental damage or significance of any environmental damage.

Security Estimate Calculations

Dominion completed the Board’s reclamation security worksheet submitted similar information in the Application and determined a total reclamation cost of $178,191.21. The GNWT-Inspector did not recommend security during the public review. Board staff have completed the reclamation security worksheet and have calculated that the cost to remediate the site would be $178,191.21. The previous Permit MV2017C0022 did require security to be posted ($89,000.00).

7. Conclusion

The draft Permit conditions are based upon the standard condition list, public review, and Board staff recommendations. Board staff concludes that the conditions contained within this draft Permit should mitigate the potential environmental impacts this development may have on the land and water.

Board staff conclude there are no outstanding issues or concerns with this Application.

8. Recommendation

Board staff recommend the Board:

a) Make a motion to declare the Application for Land Use Permit MV2019C0030 from Dominion Diamond Mines ULC is transboundary.

b) Confirm that parts of the Application for Land Use Permit MV2019C0030 from Dominion Diamond Mines ULC is exempt from preliminary screening as per the Exemption List Regulations.

c) Make a motion to approve the preliminary screening of the new activities in the Application for Land Use Permit MV2019C0030 from Dominion Diamond Mines ULC.

d) Make a motion to approve the Type A Land Use Permit MV2019C0030 for a term of 5 years and associated Reasons for Decision.

e) Make a motion to approve the Waste Management Plan as required by Land Use Permit MV2019C0030.
f) Make a motion to approve the Spill Contingency Plan as required by Land Use Permit MV2019C0030.

g) Make a motion to approve the Engagement Plan as required by Land Use Permit MV2019C0030.

A draft decision letter is attached.

9. Attachments

• Application
• Waste Management Plan
• Spill Contingency Plan
• Engagement Plan
• Engagement Log
• Security Estimate
• 2017 Preliminary Screening
• Fees
• Review Summary and Attachments
• Draft Preliminary Screening
  o Draft Notification of Preliminary Screening Determination Letter
• Security Estimate
• Draft Land Use Permit Cover Page
• Draft Land Use Permit Conditions
• Draft Reasons for Decision
• Draft Decision Letter from the Board

Respectfully submitted,

Tyree Mullaney
Regulatory Specialist
Review Comment Table

Board: MVLWB
Review Item: Dominion Diamond Mines ULC - New Land Use Permit Application - MV2019C0030
File(s): MV2019C0030
Proponent: Dominion Diamond Mines ULC

Document(s):
- Land Use Permit Application (2.99 MB)
- Waste Management Plan (346.62 KB)
- Spill Contingency Plan (346.62 KB)
- Engagement Plan (742.5 KB)
- Engagement Log (1008.97 KB)
- Security Estimate (66 KB)
- Draft Land Use Permit Conditions (256 kb)

Item For Review Distributed On: Jan 2 at 11:18 Distribution List
Reviewer Comments Due By: Jan 21, 2020
Proponent Responses Due By: Jan 28, 2020

Item Description:
Dominion Diamond Mines ULC (DDM) has submitted a complete application for a type A land use permit (permit). The purpose of this Application is to conduct the following activities:

a) Mineral exploration, including diamond drilling and large diameter drilling;
b) Large diameter drilling and/or trenching;
c) Use and storage of explosives;
d) Use of equipment, vehicles and machines;
e) Construction, operation and maintenance of winter roads;
f) Use and storage of fuel;
g) Construction, operation and maintenance of a temporary camps; and
h) Associated closure and reclamation of the above activities.

The above noted activities will take place on the Glowlworm Lake Property. DDM is requesting a term of five year.

Reviewers are invited to submit comments and recommendations using the Online Review System (ORS) by the review comment deadline specified below. If reviewers seek clarification on the submission, they are encouraged to correspond directly with the Applicant prior to submitting comments and recommendations.

Please provide comments and recommendations on the documents linked below. Reviewers may also wish to consider providing an overarching recommendation regarding whether they are in support of the submission, to provide context for comments and recommendations and to assist the Board with its decision.

Please note that the draft Permit has been developed using the MVLWB’s current Standard Land Use Permit Conditions Template. The purpose of this draft Permit is to allow reviewers to comment on possible conditions. These draft materials
are not intended to limit in any way the scope of reviewers’ comments. The Board is not bound by the contents of the draft Permit and will make its decision at the close of the proceeding on the basis of all the evidence and arguments filed by all reviewers.

Under the Preliminary Screening Requirement Regulations of the Mackenzie Valley Resource Management Act (MVRMA), the Board must conduct a preliminary screening for an application for a proposed development that requires a land use permit, unless it is exempt from preliminary screening in accordance with the Exemption List Regulations. Reviewers are encouraged to provide comments and recommendations (e.g. on impacts and mitigation measures) to assist with the completion of the preliminary screening.

Please be advised that comments made by reviewers regarding impacts of this project to wildlife and wildlife habitat in this preliminary screening will inform the GNWT Minister of Environment and Natural Resources’ determination regarding whether a Wildlife Management and Monitoring Plan will be required for this project as per Section 95 of the Wildlife Act.

All documents that have been uploaded to this review are also available on our public Registry. If you have any questions or comments about the ORS or this review, please contact Board staff identified below.

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**General Reviewer Information:**

This review was distributed via fax to the following organization:

NWT Metis Nation
Tim Heron NWMTN IMA Coordinator (867)872-3586;

**Contact Information:**

Jen Potten 867-766-7468
Tyree Mullaney 867-766-7464

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**Comment Summary**

<table>
<thead>
<tr>
<th>Dominion Diamond Mines ULC (Proponent)</th>
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<tr>
<td><strong>ID</strong></td>
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without requirement to set back a camp from the water by 100 meters
**Recommendation** Dominion requests that condition number 3 be adjusted to remove the requirement to setback a camp from Ordinary High Water Mark, or to include unless otherwise authorized in writing by an Inspector

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<tr>
<th>Draft Condition 52</th>
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<tr>
<td><strong>Comment</strong> Submitted after Due Date) None <strong>Recommendation</strong> Dominion requests that the word place; be removed and replaced with store; in this condition. This will reflect that operations will require the proponent to temporarily place fuel within 100 meters from the Ordinary High Water Mark of a Watercourse when receiving fuel from a conveyance on the water, such as a floatplane, to storage areas on land.</td>
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<p>| Fisheries and Oceans Canada: Tatiana Leclerc-Beaulieu |</p>
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<thead>
<tr>
<th>ID</th>
<th>Topic</th>
<th>Reviewer Comment/Recommendation</th>
<th>Proponent Response</th>
<th>Board Staff Analysis</th>
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<tr>
<td>1</td>
<td>Impacts to Fish and Fish Habitat</td>
<td><strong>Comment</strong> (<a href="#">doc</a>) Impacts to fish and fish habitat can occur during mineral exploration activities through loss of riparian habitat during site clearing, erosion and sedimentation, release of drilling fluids and cuttings into aquatic environments, disturbance to fish and fish habitat during sensitive life stages, and water withdrawals, particularly during low water periods, associated with drilling, surface stripping and camp operations. Direct fish mortality can occur as a result of the use of explosives in or near water and during pumping activities either through dewatering or entrainment/impingement. <strong>Recommendation</strong> In order to comply with the Fisheries Act, it is recommended that the proponent follow DFO protective measures for fish and fish habitat and standard codes of practice which can be found on DFO In addition, the Proponent should follow the DFO Protocol for Winter Water Withdrawal in the NWT.; NWT in-water works restricted activity timing windows for fish will be respected Additionally, Dominion will adhere to best practices to minimize disturbance.</td>
<td>Jan 28: Dominion is familiar with and commits to following DFO protective measures for fish and fish habitat and standard codes of practice as well as the DFO Protocol for Winter Water Withdrawal in the NWT.; NWT in-water works restricted activity timing windows for fish will be respected Additionally, Dominion will adhere to best practices to minimize disturbance.</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
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municipal agencies. Should the plans change or if the Proponent omitted some information in the proposal such that the proposal meets the criteria for a site specific review, as described on DFO website.

### Use of Explosives

**Comment** (doc) The use of explosives in aquatic environments can cause harm to fish by rupturing the swim bladder and/or damaging other internal organs, and damaging incubating eggs. It could also result in physical and/or chemical alterations to fish habitat. It is unknown if the use of explosives will occur in or near waterbodies.


**Proponent Response**

**Board Staff Analysis**

### GNWT - ENR - EAM (Environmental Assessment and Monitoring): Central Email GNWT

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<tr>
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<tbody>
<tr>
<td>24</td>
<td>General File</td>
<td>Comment (doc) ENR Letter with Comments and Recommendations Recommendation</td>
<td>Dominion will follow the Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters (Wright and Hopky, 1998) and use a blasting threshold limit of 50 kPa for instantaneous pressure change in order to appropriately mitigate effects of blasting on fish as recommended.</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
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<tr>
<td>1</td>
<td>Topic: Industrial and Solid, Liquid or Sewage Waste Disposal</td>
<td>Comment If the Proponents Waste Management Plan or methods of waste disposal indicate that project waste, or industrial waste, will be transported to community infrastructure for disposal, the Proponent should not assume they may deposit industrial wastes, generated outside of community boundaries, in Northwest Territories community Solid and Liquid Waste Disposal Facilities.</td>
<td>Jan 28: Dominion will adhere to the submitted Waste Management Plan; The Ekati Diamond Mine is a facility which can receive wastes generated by the Project; The Ekati Diamond mine is</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
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**Recommendation 1)** Should the Proponent intend to deposit waste in an NWT community Solid and Liquid Waste Disposal Facility, ENR requests that the Proponent demonstrate in the Waste Management Plan, and to the Board, that the receiving communities Solid and Liquid Waste Disposal Facility holds a Water Licence that authorizes the disposal of any industrial waste streams originating from outside municipal boundaries. The Proponent should also demonstrate to the Board that the community has been consulted, and has consented in writing, regarding the use of its infrastructure for disposal of the waste streams and quantities in question, and the disposal of such wastes will not contravene the Waters Act or the Environmental Protection Act and related Regulations and Guidelines.

### Topic: Incineration and Open Burning

**Comment** The proponent is planning on using an incineration for this project.

**Recommendation 1)** If open burning will be utilized during project activities, only those waste streams identified in the Municipal Solid Wastes Suitable for Open Burning document located on the GNWT ENR website may be open burned without the use of an approved incinerator. The document can be found at the following site.


**Jan 28:** Acknowledged and reflected in Section 5 of the Waste Management Plan.

Board staff feel that the response provided by the proponent is satisfactory.

**Recommendation 2)** At any time, or in the event that the Proponent intends to incinerate any waste streams, the Proponent should provide to the Board Incineration Management Strategies that demonstrate that the device and procedures selected are suitable to the waste stream intended for incineration. Otherwise, harmful releases of toxic compounds, will result. Incineration strategies should meet the emissions limits established under the Canada-Wide Standards (CWS) for Dioxins and Furans (CCME 2001), CWS for Mercury Emissions owned/operated by Dominion and has a Type A Water Licence held with the WLWB (W2012L2-0001). Should waste streams not be sent to Ekati or Yellowknife for disposal, confirmation regarding the use of a different disposal facilities; infrastructure will be provided to the Board and the Inspector.

**Jan 28:** The waste streams intended for incineration are identified in the Waste Management Plan. Adherence to best practices, including use of a dual chamber incinerator fit for processing the intended waste streams, provides assurance that

Board staff feel that the response provided by the proponent is satisfactory.
(CCME 2000) and the NWT Ambient Air Quality Guidelines. The Incineration Management Strategies should also include: a) A description of waste streams intended for incineration; b) Selected incineration technology and rationale for selection (the minimum requirement to accommodate complex waste streams should be a dual-chamber, controlled-air incinerator); c) A description of recycling and waste segregation plans that control waste entering the incinerator; d) Operator training and qualifications, and the use of trained and designated operators; e) Procedures for operation and maintenance, including record-keeping (i.e. completion of burn cycle and maintenance logs, and recording of the weight of each waste load charged to the incinerator); f) A reporting requirement to summarize the tracking and record-keeping component; and, g) Weigh scales to record the weight of each load charged to the incinerator; h) Details of emission measurement methods, where applicable.

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<tr>
<th>Comment</th>
<th>Recommendation</th>
<th>Jan 28:</th>
<th>Board staff feel that the response provided by the proponent is satisfactory.</th>
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<tbody>
<tr>
<td>None</td>
<td>3) Residual ash from the incineration of non-segregated waste must be tested prior to disposal to ensure that it meets the criteria specified in the NWT Environmental Guideline for Industrial Waste Discharges. Incineration ash can be contaminated with toxic compounds and by-products such as dioxins and furans and should therefore be tested to ensure that it is disposed of in an appropriate and approved manner.</td>
<td>Residual ash produced from incineration on site is treated as a non-regulated hazardous waste. Pursuant to the Waste Management Plan, it will be removed from site for transfer to an appropriate treatment facility. As outlined in the Waste Management Plan, KBL Environmental in Yellowknife is a facility capable and ready to accept such waste.</td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>All Proponents that generate hazardous wastes must be registered as a</td>
<td>Acknowledged.</td>
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</table>

Jan 28: Residual ash produced from incineration on site is treated as a non-regulated hazardous waste. Pursuant to the Waste Management Plan, it will be removed from site for transfer to an appropriate treatment facility. As outlined in the Waste Management Plan, KBL Environmental in Yellowknife is a facility capable and ready to accept such waste.
<p>| Waste Management | generator of hazardous waste in the NWT. The Guideline for the General Management of Hazardous Waste in the NWT defines hazardous waste and outlines the roles and responsibilities of generators, carriers, and receivers of hazardous waste in the NWT. The ENR, Environment Division (ED) registers generators, carriers, receivers, and tracks the disposal of hazardous waste generated in the NWT to registered receiving facilities on hazardous waste movement documents (manifest). The definition of hazardous waste includes all waste materials that are 'dangerous goods' according to the Transportation of Dangerous Goods Regulations, and any additional waste of special concern that the ED has determined hazardous until proven otherwise, including but not limited to: a) incinerator waste and/or residuals (including bottom ash and fly ash); b) any liquid or solid wastes contaminated with refined petroleum products; c) bilge wastes; d) vehicle or vessel servicing wastes e) drilling wastes; f) produced fluids (Glycol / Hydrocarbon / Inorganic Mixtures); g) tailings; and h) any hydrocarbon, lead, mercury or other forms of contaminated soils. The Guideline for the General Management of Hazardous Waste in the NWT and the Transportation of Dangerous Good Regulations may be found at the following sites: <a href="http://www.enr.gov.nt.ca/sites/enr/files/guidelines/general_management.pdf">http://www.enr.gov.nt.ca/sites/enr/files/guidelines/general_management.pdf</a> <a href="http://www.tc.gc.ca/eng/tdg/clear-menu-497.htm">http://www.tc.gc.ca/eng/tdg/clear-menu-497.htm</a> <strong>Recommendation</strong> 1) If the Proponent is using or generating hazardous waste, they must register as a generator of hazardous waste in the NWT and track the disposal of hazardous waste from the site activities to registered receivers on hazardous waste movement documents provided by ENR. Please contact the Environment Division, ENR to register or for more information contact Mr. Lee Ross, Hazardous Waste Management Specialist, Environmental Protection and Waste Management | Dominion Diamond Mines ULC is a registered hazardous waste generator in the NWT. The draft permit conditions and the submitted Waste Management Plan will ensure proper disposal of all Project waste streams. |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Topic: Fuel Storage and Spill Contingency Planning and Reporting</th>
<th>Comment</th>
<th>ENR acknowledges the proponent’s Spill Contingency Plan. In addition, the Proponent should also follow best practices for fuel storage and spill containment during project activities which may include the following recommendations. <strong>Recommendation 1)</strong> To assist in spill contingency planning, information is provided in EPA Spill Contingency Planning and Reporting Regulations found here: <a href="https://www.justice.gov.nt.ca/en/files/legislation/environmental-protection/environmental-protection.r2.pdf">https://www.justice.gov.nt.ca/en/files/legislation/environmental-protection/environmental-protection.r2.pdf</a> If clarification or further information is needed please contact the Environment Division, ENR directly to aid in the development of the Plan.</th>
<th>Jan 28: Acknowledged.</th>
<th>Board staff feel that the response provided by the proponent is satisfactory.</th>
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<td>7</td>
<td>None</td>
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<td>10</td>
<td>None</td>
<td>None</td>
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<td>None</td>
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<tr>
<td>Topic: Wildlife: NWT Listed and Pre-listed Species at Risk</td>
<td>Comment</td>
<td>Sections 76 and 77 of the Species at Risk (NWT) Act require the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a Land Use Permit or Water Licence application, respecting the potential impacts of the proposed development, Permit or Licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee (SARC) but have not yet been added to the NWT List of Species at Risk. The Proponent should be</td>
<td>Jan 28: Acknowledged. The Wildlife Act will be complied with at all times during the land use operation and Dominion submits that adequate measures to ensure this are included within submitted plans and draft permit conditions.</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
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<td>11</td>
<td>None</td>
<td><strong>Comment</strong> None</td>
<td><strong>Recommendation</strong> 6) It is recommended spill kits be provided. Personnel should be trained to ensure that in the event of a spill it is contained and remediated appropriately to industry-accepted best practices and regulatory approval. In case refuelling takes place near water, in water spill planning should be considered to prevent inadvertent releases.</td>
<td><strong>Jan 28:</strong> As per the Spill Contingency Plan, spill kits with appropriate materials will be available at fuel storage locations.; Additionally, there are conditions included the draft LUP under section 26(1) Fuel Storage that address this recommendation.</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
</tr>
<tr>
<td>12</td>
<td>None</td>
<td><strong>Comment</strong> None</td>
<td><strong>Recommendation</strong> 7) ENR recommends, for the operator convenience and increased environmental protection, that all heavy equipment and refuelling vehicles carry portable spill kits that include items such as absorbent pads, containment booms, and spill pool catchment receptacles. Readily available and fully stocked spill kits can effectively mitigate potential spills.</td>
<td><strong>Jan 28:</strong> Acknowledged.&amp; Dominion will ensure that adequate spill response materials are available throughout the land use area during land use activities.</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
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</table>
aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the NWT Wildlife Act. As a best practice, ENR encourages the Proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal Species at Risk Act, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may apply to these species under federal legislation. The project area overlaps with the ranges of the following NWT-listed and/or pre-listed species: Barren-ground Caribou - Threatened in the NWT. Grizzly Bear - Special Concern in NWT

**Recommendation** 1) Although the project overlaps with the range(s) of the species listed above, ENR is of the opinion that the nature, scope, scale and/or timing of the proposed project are such that the likelihood of impacts to NWT-listed or pre-listed species listed above can be avoided or minimized if ENR wildlife recommendations in this letter are implemented as necessary, including the application of any wildlife mitigation and monitoring measures imposed by the regulator, and the application of any wildlife mitigation and monitoring measures outlined in the Proponent authorization, application and supporting documents.

### Topic: Cumulative Effects Tracking

**Comment**
Keeping track of the disturbance footprint of development activities is an important component of tracking and informing the management of cumulative effects on wildlife and wildlife habitat.

**Recommendation** 1) The Proponent should submit the bounding coordinates or geospatial data for the proposed project footprint and for the completed project footprint to the Land and Water Board for placement on the public registry. The Mackenzie Valley Land and Water Board Standards for Geographic Information

**Jan 28:** Project area GIS data was submitted with the application package and it is available for download from the public registry under the relevant permit number.

Board staff feel that the response provided by the proponent is satisfactory.
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| 15 | **Topic:** Wildlife Abodes | **Comment** Subject to sub-section 51(2) of the Wildlife Act, it is illegal to break into, destroy, or damage a den, beaver dam or lodge, muskrat push-up or hibernaculum unless you have an Aboriginal or treaty right or a Permit to do so. Protection of dens, beaver lodges, muskrat push-ups, and hibernacula is essential to ensuring reproductive success and survival of both adults and young.  
**Recommendation** 1) The Proponent should conduct pre-activity surveys within 800m of the project footprint to identify active bear dens if project activities will occur between September 30 and March 30. Surveys should be conducted in the fall to detect freshly dug dens.  
Jan 28: Section 51(2) and other provisions of the Wildlife Act will be complied with at all times and Dominion believes that adequate measures to ensure this are included within he submitted plans and draft permit conditions.  
Board staff feel that the response provided by the proponent is satisfactory. |
| 16 | None | **Comment** None  
**Recommendation** 2) If an active bear den is detected, or suspected, the Proponent should implement and maintain an 800 m exclusion zone until the bear emerges in spring.  
Jan 28: Acknowledged.  
Board staff feel that the response provided by the proponent is satisfactory. |
| 17 | None | **Comment** None  
**Recommendation** 3) If a bear den and exclusion zone would result in the halt of part or the entire program, the Proponent should contact ENR to discuss alternative mitigation options. The location of active bear dens should be kept confidential between the developer and ENR until after emergence in the spring.  
Jan 28: Acknowledged  
Dominion will share with GNWT-ENR the location of any bear dens discovered during this land use operation and would welcome GNWT ENR sharing information on the locations of known bear dens in the area of activity.  
Board staff feel that the response provided by the proponent is satisfactory. |
| 18 | None | **Comment** None  
**Recommendation** 4) It is recommended that, if encountered, beaver lodges, muskrat push-ups, and hibernacula are not disturbed or damaged.  
Jan 28: Acknowledged.  
Board staff feel that the response provided by the proponent is satisfactory. |
| 19 | **Topic:** Wildlife Attractants | **Comment** Subject to sub-section 66(1) of the Wildlife Act no person shall store food, waste, or other substances in a manner  
Jan 28: Adherence to the submitted Waste  
Board staff feel that the response |
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Action Taken</th>
<th>Comment</th>
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<tbody>
<tr>
<td>1) The Proponent should utilize food and garbage handling and storage procedures that will minimize the attraction of wildlife.</td>
<td>Jan 28: Adherence to the submitted Waste Management Plan, Spill Contingency Plan and conditions within the draft Land Use Permit will ensure compliance with the Wildlife Act</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
</tr>
<tr>
<td>2) The Proponent should store all food, waste, washed recyclables and debris that may attract wildlife within sealed animal proof containers until final disposal.</td>
<td>Jan 28: Acknowledged.</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
</tr>
<tr>
<td>3) The Proponent should ensure that sealed animal proof containers are cleaned once emptied to minimize the attraction of wildlife.</td>
<td>Jan 28: Acknowledged.</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
</tr>
<tr>
<td>4) The Proponent should ensure that all grey water (dishwater, showers, laundry, etc.) and black water (sewage) are treated and disposed of in a manner that will minimize the attraction of wildlife.</td>
<td>Jan 28: Acknowledged. See the attached Waste Management Plan and Spill Contingency Plan.</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
</tr>
<tr>
<td>5) The Proponent should remove all waste petroleum products including used oil filters, rags, scrap metal, discarded machinery, parts,</td>
<td>Jan 28: Acknowledged.; See the attached Waste Management Plan.</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
</tr>
<tr>
<td>ID</td>
<td>Topic</td>
<td>Reviewer Comment/Recommendation</td>
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<tr>
<td>1</td>
<td>Formal Letter</td>
<td><strong>Comment</strong> (doc) General Recommendation recommend issuance</td>
</tr>
<tr>
<td>1</td>
<td>Part A: Scope of Permit</td>
<td><strong>Comment</strong> Please change item 1a) of the permit scope to read the following. <strong>Recommendation</strong> 1a) Mineral exploration, including geophysical geochemical sampling, diamond drilling and reverse circulation drilling;</td>
</tr>
<tr>
<td>2</td>
<td>Part A: Scope of Permit</td>
<td><strong>Comment</strong> Please remove from 1g) of the permit scope. <strong>Recommendation</strong> 1g) should read as follows; Construction, operation and maintenance of temporary camps; and</td>
</tr>
<tr>
<td>3</td>
<td>Part B: Definitions</td>
<td><strong>Comment</strong> The definition for Spring Break-up should read as follows. <strong>Recommendation</strong> Spring Break-up April 15 each year, for the purpose of this operation.</td>
</tr>
<tr>
<td>4</td>
<td>Draft Land Use Permit - 26(1)(a) Location and</td>
<td><strong>Comment</strong> Section 10(a) of the Mackenzie Valley Land Use Regulations already restricts a Permittee from constructing a right-of-way that is wider than 10 metres. <strong>Recommendation</strong> Please remove</td>
</tr>
<tr>
<td>Area - Condition #7</td>
<td>Condition #7 (Width Right-Of-Way) from the land use permit.</td>
<td>the Board for decision</td>
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<tr>
<td>5 Draft Land Use Permit - 26(1)(a) Location and Area - Condition #8</td>
<td><strong>Comment</strong> This condition is not possible for this type of land use operation and other operating conditions will mitigate potential environmental concerns from arising. <strong>Recommendation</strong> Please remove Condition #8 (Inspect Locations) from the land use permit.</td>
<td><strong>Jan 28:</strong> Dominion is in agreement with this recommendation Draft conditions have been updated and will be presented to the Board for decision</td>
</tr>
<tr>
<td>6 Draft Land Use Permit - 26(1)(b) Time - Condition #12</td>
<td><strong>Comment</strong> Condition #12 (Reports Before Seasonal Removal) can remain as written. <strong>Recommendation</strong> At least ten days prior to the shut down period or spring break-up</td>
<td><strong>Jan 28:</strong> Acknowledged. Draft conditions have been updated and will be presented to the Board for decision</td>
</tr>
<tr>
<td>7 Draft Land Use Permit - 26(1)(b) Time - Condition #14</td>
<td><strong>Comment</strong> This condition (Seasonal Shutdown) is not required for the proposed land use operations since Spring Breakup and operating conditions will mitigate potential environmental concerns from arising. <strong>Recommendation</strong> Please remove this condition from the land use permit.</td>
<td><strong>Jan 28:</strong> Dominion is in agreement with this recommendation Draft conditions have been updated and will be presented to the Board for decision</td>
</tr>
<tr>
<td>8 Draft Land Use Permit - 26(1)(d) Methods and Techniques - Condition #16</td>
<td><strong>Comment</strong> The land use operation will occur on the Barrens (Tundra), No trees are present and therefore this condition (Dogleg Approaches) is not applicable. <strong>Recommendation</strong> Please remove this condition from the land use permit.</td>
<td><strong>Jan 28:</strong> Dominion is in agreement with this recommendation Draft conditions have been updated and will be presented to the Board for decision</td>
</tr>
<tr>
<td>9 Draft Land Use Permit - 26(1)(d) Methods and Techniques - Condition #17</td>
<td><strong>Comment</strong> The land use operation will occur on the Barrens (Tundra) and no trees are present. Therefore this condition (Meander Lines) is not applicable to proposed land use operations. <strong>Recommendation</strong> Please remove this condition from the land use permit.</td>
<td><strong>Jan 28:</strong> Dominion is in agreement with this recommendation Draft conditions have been updated and will be presented to the Board for decision</td>
</tr>
<tr>
<td>10 Draft Land Use Permit - 26(1)(f) Control or Prevention of Ponding of Water, Flooding, Erosion,</td>
<td><strong>Comment</strong> Overland movement of vehicles, equipment and machines is proposed during winter conditions and therefore this permit condition (Dry Fording) is not applicable to proposed land use operations. <strong>Recommendation</strong> Please remove this condition from the land use permit.</td>
<td><strong>Jan 28:</strong> Dominion is in agreement with this recommendation Draft conditions have been updated and will be presented to the Board for decision</td>
</tr>
<tr>
<td>Slides, and Subsidence of Land - Condition #31</td>
<td>Comment Please add the following standard condition (Excavation and Embankments) to the land use permit. <strong>Recommendation</strong> The Permittee shall slope the sides of Waste material piles, excavations, and embankments except in solid rock; to a minimum ratio of 2:1 vertical, unless otherwise authorized in writing by an Inspector.</td>
<td>Jan 28: Dominion is in agreement with this recommendation.</td>
</tr>
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</table>

**GNWT - PWNHC (Prince of Wales Northern Heritage Centre (w/in ECE)): Naomi Smethurst**

<table>
<thead>
<tr>
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<th>Proponent Response</th>
<th>Board Staff Analysis</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Protection of Historical, Archaeological, and Burial Sites</td>
<td><strong>Comment</strong> The Culture and Heritage Division (ECE) has reviewed the draft conditions in Section 26(1)(j). Conditions 44-48 are sufficient for the protection of archaeological sites for this project. <strong>Recommendation</strong> Retain conditions 44-48 on the final land use permit.</td>
<td><strong>Jan 28:</strong> Dominion is in agreement with this recommendation. As indicated in the application package, Dominion has an Archaeological Impact Assessment in 2018 (MV2017C0022-Dominion Diamond Holdings ULC-Archaeological Impact Assessment Acceptance by PWNHC-Feb21-19.pdf) and there was another study undertaken in the Fall of 2019 for which a final report is anticipated in the near future.</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
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**Independent Environmental Monitoring Agency: Marc Casas**

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<tr>
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<tr>
<td></td>
<td>General File</td>
<td>Comment (<a href="#">doc</a>) IEMA comment on Glowworm LUP applicationsplash</td>
<td>Recommendation</td>
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<td>1</td>
<td>Exemption from Preliminary Screening</td>
<td>Dominion has requested in both the Glowworm and Lac de Gras LUP applications that the activities within the current scope of the permits be exempt from Preliminary Screening citing Schedule 1, Part 1 Section 2 of the Exemption List Regulations pursuant to subsection 143(1) of the MVRMA which states that: A development, or a part thereof, for which renewal of a permit, licence or authorization is requested that (a) has not been modified; and (b) has fulfilled the requirements of the environmental assessment process established by the Mackenzie Valley Resource Management Act, the Canadian Environmental Assessment Act or the Environmental Assessment Review Process Guidelines Order; Dominion notes that the applications are exempt because the scope of activities previously permitted have not been modified and have previously been screened. The Agency agrees that the portions of the applications that have not been modified may be exempted. However, the other activities that were not previously permitted, or those activities that have been significantly modified, have not been screened and therefore would require a preliminary screening. The preliminary screening is an important aspect of the regulatory process that needs to be followed. While the Agency does not object to these additional activities, they do need to be screened in order to update the previous impact assessment work, determine mitigation measures, evaluate significance of effects, and comply with the regulatory process.</td>
<td>Jan 28: Agree</td>
<td>Board staff feel that the response provided by the proponent is satisfactory.</td>
</tr>
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</table>

**Recommendation** Additional and significantly modified activities included in the applications need to undergo preliminary screening.
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</table>
| 1  | Dominion Diamond Mines ULC - New Land Use Permit Application - MV2019C0030 | **Comment** As MV2019C0030; is a new LUP, the WRRB expects to see a Wildlife Management and Monitoring Plan (WMMP) to be associated with this project  

**Recommendation** The WRRB recommends that a WMMP be developed.  

**Jan 28:** This permit application is new but many of the activities are currently permitted under MV2017C0022. There is no water licence application associated with this Project at this time. Dominion submits that the activities permitted under MV2017C0022 and the additional ones requested to be permitted under this application do not trigger the requirement for a WMMP.  

The conditions proposed in the draft permit, along with the mitigations proposed in section 4.0 of the Project Description related to wildlife, and the submitted management plans will adequately address wildlife management and concerns for this project. | Board staff feel that the response provided by the proponent is satisfactory. |
January 21, 2020

Jen Potten
Regulatory Officer
Mackenzie Valley Land and Water Board
7th Floor – 4910 50th Avenue
P.O. Box 2130
Yellowknife, NT
X1A 2P6

Dear Ms. Potten,

Re: Dominion Diamond Mines ULC
Land Use Permit Applications – MV2019C0030 and MV2019C0031
Mineral Exploration, Diamond Drilling and Associated Activities
Request for Comment

The Department of Environment and Natural Resources (ENR), Government of the Northwest Territories (GNWT) has reviewed the applications at reference based on its mandated responsibilities under the Environmental Protection Act, the Forest Management Act, the Forest Protection Act, the Species at Risk (NWT) Act, the Waters Act and the Wildlife Act and provides the following comments and recommendations for the consideration of the Board and the Proponent.

Topic 1: Industrial and Solid, Liquid or Sewage Waste Disposal

Comment(s):

If the Proponents Waste Management Plan or methods of waste disposal indicate that project waste, or industrial waste, will be transported to community infrastructure for disposal, the Proponent should not assume they may deposit industrial wastes, generated outside of community boundaries, in Northwest Territories community Solid and Liquid Waste Disposal Facilities.

Recommendation(s):

1) Should the Proponent intend to deposit waste in an NWT community Solid and Liquid Waste Disposal Facility, ENR requests that the Proponent demonstrate in the Waste Management Plan, and to the Board, that the receiving communities’ Solid and Liquid Waste Disposal Facility holds a Water Licence that authorizes
the disposal of any industrial waste streams originating from outside municipal boundaries. The Proponent should also demonstrate to the Board that the community has been consulted, and has consented in writing, regarding the use of its infrastructure for disposal of the waste streams and quantities in question, and the disposal of such wastes will not contravene the Waters Act or the Environmental Protection Act and related Regulations and Guidelines.

**Topic 2: Incineration and Open Burning**

**Comment(s):**

The proponent is planning on using an incineration for this project.

**Recommendation(s):**

1) If open burning will be utilized during project activities, only those waste streams identified in the *Municipal Solid Wastes Suitable for Open Burning* document located on the GNWT ENR website may be open burned without the use of an approved incinerator. The document can be found at the following site.


2) At any time, or in the event that the Proponent intends to incinerate any waste streams, the Proponent should provide to the Board *Incineration Management Strategies* that demonstrate that the device and procedures selected are suitable to the waste stream intended for incineration. Otherwise, harmful releases of toxic compounds, will result. Incineration strategies should meet the emissions limits established under the Canada-Wide Standards (CWS) for Dioxins and Furans (CCME 2001), CWS for Mercury Emissions (CCME 2000) and the NWT Ambient Air Quality Guidelines. The *Incineration Management Strategies* should also include:

   a) A description of waste streams intended for incineration;
   b) Selected incineration technology and rationale for selection (the minimum requirement to accommodate complex waste streams should be a dual-chamber, controlled-air incinerator);
   c) A description of recycling and waste segregation plans that control waste entering the incinerator;
   d) Operator training and qualifications, and the use of trained and designated operators;
   e) Procedures for operation and maintenance, including record-keeping (i.e. completion of burn cycle and maintenance logs, and recording of the weight of each waste load charged to the incinerator);
f) A reporting requirement to summarize the tracking and record-keeping component; and,
g) Weigh scales to record the weight of each load charged to the incinerator;
h) Details of emission measurement methods, where applicable.

3) Residual ash from the incineration of non-segregated waste must be tested prior to disposal to ensure that it meets the criteria specified in the *NWT Environmental Guideline for Industrial Waste Discharges*. Incineration ash can be contaminated with toxic compounds and by-products such as dioxins and furans and should therefore be tested to ensure that it is disposed of in an appropriate and approved manner.

**Topic 3: Hazardous Waste Management**

**Comment(s):**

All Proponents that generate hazardous wastes must be registered as a generator of hazardous waste in the NWT.

The Guideline for the General Management of Hazardous Waste in the NWT defines hazardous waste and outlines the roles and responsibilities of generators, carriers, and receivers of hazardous waste in the NWT. The ENR, Environment Division (ED) registers generators, carriers, receivers, and tracks the disposal of hazardous waste generated in the NWT to registered receiving facilities on hazardous waste movement documents (manifest). The definition of hazardous waste includes all waste materials that are ‘dangerous goods’ according to the Transportation of Dangerous Goods Regulations, and any additional waste of special concern that the ED has determined hazardous until proven otherwise, including but not limited to:

- a) incinerator waste and/or residuals (including bottom ash and fly ash);
- b) any liquid or solid wastes contaminated with refined petroleum products;
- c) bilge wastes;
- d) vehicle or vessel servicing wastes
- e) drilling wastes;
- f) produced fluids (Glycol / Hydrocarbon / Inorganic Mixtures);
- g) tailings; and
- h) any hydrocarbon, lead, mercury or other forms of contaminated soils.

The Guideline for the General Management of Hazardous Waste in the NWT and the Transportation of Dangerous Good Regulations may be found at the following sites:

Recommendation(s):

1) If the Proponent is using or generating hazardous waste, they must register as a generator of hazardous waste in the NWT and track the disposal of hazardous waste from the site activities to registered receivers on hazardous waste movement documents provided by ENR. Please contact the Environment Division, ENR to register or for more information contact Mr. Lee Ross, Hazardous Waste Management Specialist, Environmental Protection and Waste Management Division by email (Lee.Ross@gov.nt.ca) or by phone (867) 767-9236 extension 53187.

Topic 4: Fuel Storage and Spill Contingency Planning and Reporting

Comment(s):

ENR acknowledges the proponent’s Spill Contingency Plan.

In addition, the Proponent should also follow best practices for fuel storage and spill containment during project activities which may include the following recommendations.

Recommendation(s):

1) To assist in spill contingency planning, information is provided in EPA Spill Contingency Planning and Reporting Regulations found here:


If clarification or further information is needed please contact the Environment Division, ENR directly to aid in the development of the Plan.

2) In accordance with the Spill Contingency Planning and Reporting Regulations Section 10, all spills in accordance with Schedule B must be reported immediately to the 24-hour Spill Report Line (867) 920-8130.

3) With respect to the Environmental Protection Act Section 5 (1b) all spills, regardless of amount, must be cleaned up, and contaminated materials disposed of at an approved facility, or in an approved manner. Additionally, as indicated in Section 5(1c) all reasonable efforts must be made to notify any parties affected or potentially affected by the spill.

4) Fuel storage areas should be greater than 100m distance from the ordinary high water mark of a water body and not located in a drainage channel.
5) All fuel or storage vessels containing hazardous substances left for extended periods of time (including overnight in vehicles), should be stationed in an area that contains sufficient secondary containment (i.e. Drip pans, lined bermed areas, double walled enviro-tanks etc.).

6) It is recommended spill kits be provided. Personnel should be trained to ensure that in the event of a spill it is contained and remediated appropriately to industry-accepted best practices and regulatory approval. In case refuelling takes place near water, in water spill planning should be considered to prevent inadvertent releases.

7) ENR recommends, for the operator’s convenience and increased environmental protection, that all heavy equipment and refuelling vehicles carry portable spill kits that include items such as absorbent pads, containment booms, and spill pool catchment receptacles. Readily available and fully stocked spill kits can effectively mitigate potential spills.

**Topic 5: Wildlife: NWT Listed and Pre-listed Species at Risk**

**Comment(s):**

Sections 76 and 77 of the *Species at Risk (NWT) Act* require the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a Land Use Permit or Water Licence application, respecting the potential impacts of the proposed development, Permit or Licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee (SARC) but have not yet been added to the NWT List of Species at Risk.

The Proponent should be aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the NWT *Wildlife Act*.

As a best practice, ENR encourages the Proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal *Species at Risk Act*, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may apply to these species under federal legislation.

The project area overlaps with the ranges of the following NWT-listed and/or pre-listed species:
• Barren-ground Caribou - Threatened in the NWT
• Grizzly Bear – Special Concern in NWT

Recommendation(s):

1) Although the project overlaps with the range(s) of the species listed above, ENR is of the opinion that the nature, scope, scale and/or timing of the proposed project are such that the likelihood of impacts to NWT-listed or pre-listed species listed above can be avoided or minimized if ENR’s wildlife recommendations in this letter are implemented as necessary, including the application of any wildlife mitigation and monitoring measures imposed by the regulator, and the application of any wildlife mitigation and monitoring measures outlined in the Proponent’s authorization, application and supporting documents.

Topic 6: Cumulative Effects Tracking

Comment(s):

Keeping track of the disturbance footprint of development activities is an important component of tracking and informing the management of cumulative effects on wildlife and wildlife habitat.

Recommendation(s):

1) The Proponent should submit the bounding coordinates or geospatial data for the proposed project footprint and for the completed project footprint to the Land and Water Board for placement on the public registry. The Mackenzie Valley Land and Water Board’s “Standards for Geographic Information Systems (GIS) Submissions” should be followed when submitting spatial data.

Topic 7: Wildlife Abodes

Comment(s):

Subject to sub-section 51(2) of the Wildlife Act, it is illegal to break into, destroy, or damage a den, beaver dam or lodge, muskrat push-up or hibernaculum unless you have an Aboriginal or treaty right or a Permit to do so.

Protection of dens, beaver lodges, muskrat push-ups, and hibernacula is essential to ensuring reproductive success and survival of both adults and young.
**Recommendation(s):**

1) The Proponent should conduct pre-activity surveys within 800m of the project footprint to identify active bear dens if project activities will occur between September 30 and March 30. Surveys should be conducted in the fall to detect freshly dug dens.

2) If an active bear den is detected, or suspected, the Proponent should implement and maintain an 800 m exclusion zone until the bear emerges in spring.

3) If a bear den and exclusion zone would result in the halt of part or the entire program, the Proponent should contact ENR to discuss alternative mitigation options. The location of active bear dens should be kept confidential between the developer and ENR until after emergence in the spring.

4) It is recommended that, if encountered, beaver lodges, muskrat push-ups, and hibernacula are not disturbed or damaged.

**Topic 8: Wildlife Attractants and Waste Management**

**Comment(s):**

Subject to sub-section 66(1) of the *Wildlife Act* no person shall store food, waste, or other substances in a manner that may attract big game or other prescribed wildlife and put people, domestic animals, or wildlife in danger.

Subject to sub-section 65(1) of the *Wildlife Act*, it is illegal to intentionally feed big game, furbearers or other prescribed wildlife. Schedule A – Part 2 of the *Wildlife General Regulations* sets out the species prescribed as fur-bearers.

**Recommendation(s):**

1) The Proponent should utilize food and garbage handling and storage procedures that will minimize the attraction of wildlife.

2) The Proponent should store all food, waste, washed recyclables and debris that may attract wildlife within sealed animal proof containers until final disposal.

3) The Proponent should ensure that sealed animal proof containers are cleaned once emptied to minimize the attraction of wildlife.

4) The Proponent should ensure that all grey water (dishwater, showers, laundry, etc.) and black water (sewage) are treated and disposed of in a manner that will minimize the attraction of wildlife.
5) The Proponent should remove all waste petroleum products including used oil filters, rags, scrap metal, discarded machinery, parts, drums, barrels, or plastics to an approved waste disposal facility.

**Comments and Recommendations Directed to the Proponent**

The following comments are directed to the applicant of the Land Use Permit and are provided based on ENR’s mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Forest Protection Act*, the *Species at Risk (NWT) Act*, the *Waters Act* and the *Wildlife Act*. The following comments and recommendations are for the information, consideration, and appropriate action of the Proponent and as they are applicable to project activities.

**Legislative and Regulatory Requirements**

**Topic 1: Forest Management**

**Recommendation(s):**

1) In order to comply with the *Forest Protection Act* (Sections 10 and 19(1)), the Proponent should adhere to the *Forest Fire Prevention and Suppression Guidelines*. The intent of the Guidelines is threefold. First, industrial operations must be conducted so that they do not contribute to the fire load. Second, industrial operations must be able to control and extinguish any fires that occur as a result of their operations. Finally, industrial operations must be able to respond to wildfires that may affect human life and other property as a result of their operations. The guidelines may be accessed at the following website:


2) The *Forest Management Act* and Regulations prohibits anyone from cutting, using or transporting timber, or damaging standing timber unless:

   - Authorized with a Timber Permit;
   - Authorized by license; or
   - Exempted from holding a Permit or license.

   The Proponent is requested to contact the local/regional ENR office for further information on obtaining a Forest Management Authorization, if required.

3) If the Proponent plans to burn brush or other materials during the official fire season (May 01 – September 30), they will require a Permit to Burn from ENR, as per the *Forest Protection Act* (Section 10(1) and 21).
4) The Proponent should be aware of Part 1 Clause 18 of the *Exemption List Regulations* under the *Mackenzie Valley Resource Management Act* in which a burn authorized under a Permit to Burn is exempt from Preliminary Screening if it is not greater than an area of 25 m².

5) If the site brush and tree cover is not merchantable then it should be piled up accordingly (and not mixed with soil) so that it can be burned or spread out at a later date. If merchantable wood is involved, either merchantable firewood or saw timber, it should be cleanly set to one side of the operation and made available for recovery. The Proponent should contact the local ENR office to determine what forest management authorization will be required, if any.

**Topic 2: Wildlife Abodes**

**Comment(s):**

Subject to sub-section 51(2) of the *Wildlife Act*, it is illegal to break into, destroy or damage a den, beaver dam or lodge, muskrat push-up or hibernaculum unless you have an Aboriginal or treaty right or a Permit to do so.

Protection of dens, beaver lodges, muskrat push-ups, and hibernacula is essential to ensuring reproductive success and survival of both adults and young.

**Recommendation(s):**

1) Contact ENR prior to start-up of project activities to determine if there are any known dens, push-ups, lodges, beaver dams or hibernacula within the project area.

2) Prior to start-up of project activities, conduct surveys of lakes or other water bodies proposed to be used for water withdrawal or winter access roads to determine the presence of muskrat push-ups, beaver lodges or beaver dams. If one or more of these features is found contact ENR to discuss mitigation options.

3) Further guidance on different setback distances and timing windows for wildlife abodes are provided in Table 6 of the Northern Land Use Guidelines: Northwest Territories Seismic Operations Vol.9 (a) at:

Proponents should also check whether there are setback distances and timing restrictions for wildlife abodes within the regional land use plan for their project area.

**Topic 3: Advice for NWT Listed and Pre-listed Species at Risk**

**Comment(s):**

Sections 76 and 77 of the *Species at Risk (NWT) Act* requires the Minister of Environment and Natural Resources to make a submission to the body responsible for assessing the potential impacts of a proposed development, or for considering a Land Use Permit or Water Licence application, respecting the potential impacts of the proposed development, Permit or Licence application on a NWT-listed or pre-listed species or its habitat. NWT-listed species are those that are on the NWT List of Species at Risk. Pre-listed species are those that have been assessed by the NWT Species at Risk Committee (SARC) but have not yet been added to the NWT List of Species at Risk.

The Proponent should be aware that NWT-listed or pre-listed species at risk and their habitat may also be subject to protection under existing sections of the *NWT Wildlife Act*.

As a best practice, ENR encourages the Proponent to consider potential impacts, mitigation measures and monitoring requirements for species at risk listed under the federal *Species at Risk Act*, as well as those designated as at risk by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) that may occur in the project area, and the prohibitions that may apply to these species under federal legislation.

The project area overlaps with the ranges of the following NWT-listed and/or pre-listed species:

- **Boreal Caribou** – Threatened in the NWT
- **Barren-ground Caribou** - Threatened in the NWT

**Recommendation(s):**

1) For information on NWT species at risk in the project area please consult:

- [http://www.nwtspeciesatrisk.ca/SpeciesAtRisk](http://www.nwtspeciesatrisk.ca/SpeciesAtRisk)
- [http://www.nwtspeciesatrisk.ca/ToolsForDevelopers](http://www.nwtspeciesatrisk.ca/ToolsForDevelopers)
- **Species at Risk in the NWT - 2016 Edition**
The Proponent should be aware of the prohibitions that may apply to the species that occur in your area. Check the *Species at Risk (NWT) Act* regulations webpage ([http://www.nwtspeciesatrisk.ca/ToolsForDevelopers](http://www.nwtspeciesatrisk.ca/ToolsForDevelopers)) to see if there are any applicable regulations or agreements with land owners that must be followed for NWT-listed or pre-listed species at risk.

2) For information and legislative requirements related to federally-listed species at risk, consult the Species at Risk Public Registry ([www.sararegistry.gc.ca](http://www.sararegistry.gc.ca)) or contact Environment and Climate Change Canada or the Department of Fisheries and Oceans.

3) Ensure that employees and contractors are aware of the species at risk that might occur in the project area. This includes species that are pre-listed or listed under the *Species at Risk (NWT) Act*, species listed under the federal *Species at Risk Act*, and species designated as at risk by COSEWIC.

4) If species at risk are encountered during project undertakings, the primary mitigation measure should be avoidance. The Proponent should avoid contact with or disturbance to each species, its habitat and/or its residence.

5) Monitoring should be undertaken by the Proponent to determine the effectiveness of mitigation and/or identify where further mitigation is required. As a minimum, monitoring should include recording the locations and dates of any observations of species at risk, behaviour or actions taken by the animals when project activities were encountered, and any actions taken by the Proponent to avoid contact with or disturbance to the species, its habitat, and/or its residence.

6) Submit sightings of species at risk and monitoring information to ENR's Wildlife Management Information System (WMIS) and to other appropriate regulators and organizations with management responsibility for the species as may be necessary at:


Further information on the WMIS can be found at:

Topic 4: Cumulative Effects Tracking

Comment(s):

Keeping track of the disturbance footprint of development activities is an important component of tracking and informing the management of cumulative effects on wildlife and wildlife habitat.

Recommendation(s):

1) The Proponent should submit the bounding coordinates, or geospatial data for the proposed project footprint and for the completed project footprint to the Land and Water Board for placement on the public registry. The MVLWB’s “Standards for Geographic Information Systems (GIS) Submissions” should be followed when submitting spatial data.

Topic 5: Nesting Birds

Comment(s):

• Conducting activities involving vegetation clearing, ground disturbance or demolition of buildings and other structures during the nesting season increases the risk of contravening paragraph 51(1)(a) of the Wildlife Act which prohibits destroying, disturbing, or taking the eggs of a bird or a nest when it is occupied by a bird or its eggs, or destroying, disturbing, or taking the nest of a prescribed bird at any time.

• Protection of nests is essential to ensuring reproductive success and survival of both adults and young.

• The Canadian Wildlife Service of Environment and Climate Change Canada (ECCC) is the responsible management authority for migratory birds protected under the Migratory Birds Convention Act, 1994.

https://ec.gc.ca/nature/default.asp?lang=En&n=496E2702-1

• GNWT is responsible for the management of non-migratory birds including raptors.

• Critical breeding periods for NWT raptors can start as early as the 1st week of April and last up until 3rd week of September, depending on the species and location.
Recommendation(s):

1) Follow ECCC's Avoidance Guidelines related to incidental take of migratory birds in Canada available at:


2) Consult ECCC’s *General Nesting Periods of Migratory Birds in Canada* for current information on general nesting periods of federally protected migratory birds that occur within the NWT. Available at:


3) Contact ENR, Wildlife Division for information on critical breeding periods for raptors and/or known raptor nest sites in the project area.

4) Conduct vegetation clearing and any new ground disturbance outside of the nesting season for birds in the project area.

5) If active nests are encountered during project activities implement protective buffer zones described in the regional land use plan, Table 6 of the Northern Land Use Guidelines – Seismic) or ECCC’s Recommended *Buffer Zones and Setback Distance* available at:

   http://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=8D910CAC-1#_03_1_1

Topic 6: Wildlife Disturbance and Harassment

Comment(s):

Unless authorized by a Licence or Permit, paragraphs 52(a) and (b) of the *Wildlife Act* prohibit engaging in an activity that is likely to result in significant disturbance to big game or other prescribed wildlife, or to unnecessarily chase, fatigue, disturb, torment or otherwise harass game or other prescribed wildlife.

Schedule A – Part 1 of the *Wildlife General Regulations*, sets out the species prescribed as big game, and Schedule B sets out prescribed wildlife for the purpose of paragraphs 52(a) and (b) of the *Wildlife Act*.

Disturbance to wildlife from sources such as noise, light, vibrations, and human presence can result in energetic stress, avoidance of key habitat, loss of reproductive fitness, injury or mortality of wildlife. Activities that may cause sensory disturbance to wildlife include vehicle traffic, stationary machinery, noise
from blasting, excavation, crushing, seismic testing, vegetation clearing, and lighting or flaring.

**Recommendation(s):**

1) The Proponent should be aware that no wildlife should be disturbed, chased, or harassed by human beings on foot, in a motorized vehicle, or by aircraft. Unless authorized by a Licence or Permit, paragraphs 52(a) and (b) of the *Wildlife Act* prohibit engaging in an activity that is likely to result in significant disturbance to big game or other prescribed wildlife, or to unnecessarily chase, fatigue, disturb, torment or otherwise harass game or other prescribed wildlife. However, subject to section 55 of the *Wildlife Act* a person may chase wildlife away from a camp or work site if doing so is necessary to prevent injury or death to a person or damage to property.

2) Consult the setback distances, flight altitude guidelines and timing windows for wildlife provided in Tables 6 and 7 of the Northern Land Use Guidelines: Northwest Territories Seismic Operations Vol.9 (a) as they are applicable to variety of land use activities:


3) Consult the approved Land Use Plan, if applicable, that applies to the project area for further guidance on setback distances and timing windows to minimize disturbance to wildlife.

4) Wildlife shall be given the right of way at all times.

5) Suspend activities temporarily if one or more individuals of a big game species are spotted within five hundred (500) metres of the work site.

**Topic 7: Reporting Wildlife Sighting**

**Comment(s):**

Proponents are encouraged to record wildlife sightings and to submit these records to ENR’s WMIS. Wildlife sightings data provides useful information for assessing changes in species distribution and the timing and location of different life history events such as migration, denning, nesting, calving, etc.
Recommendation(s):

1) Submit information about wildlife sightings (species, date, time, location, number of individuals, sex, behaviour, etc.) to WMIS at WMISTeam@gov.nt.ca. For further information on the WMIS consult:

   http://www.enr.gov.nt.ca/programs/wildlife-research/wildlife-management-information-services

2) Contact the regional ENR office to obtain blank wildlife sightings forms.

Topic 8: Reporting Wildlife Defence/Property Kills and Wildlife Incidents

Comment(s):

Subject to paragraph 57(a) of the Wildlife Act, any big game or other prescribed wildlife that is killed to prevent injury or death to a person or damage to property must be reported to ENR as soon as is practicable. Section 7 of the Wildlife General Regulations describes what information must be included in the report.

Subject to section 58 of the Wildlife Act and sub-section 8(1) of the Wildlife General Regulations, any person who accidentally kills or seriously wounds big game or other prescribed wildlife with a motorized vehicle on a highway must report the event to an officer within 24 hours after the incident.

Recommendation(s):

1) Report all sightings of bears in and around the project location to your local ENR office. Any defence of life and property kills must be reported to the appropriate ENR office immediately. Please contact the following Regional Office as required:

   - North Slave Region Wildlife Emergency Line at (867) 873-7181

2) Ensure all field personnel have completed a bear safety training course to decrease the risk of attracting bears to work sites and threats to human safety, learn how to respond to bear encounters, and decrease the risk of wildlife mortality resulting from kills in defence of life and property.

3) Consult the “Safety in Grizzly Bear and Black Bear Country” brochure, available at:

   http://www.enr.gov.nt.ca/sites/enr/files/resources/safety_in_grizzly_and_black_bear_country_english.pdf
4) Report to an ENR officer as soon as is practicable any wildlife that is killed to prevent injury or death to a person or damage to property.

5) Report to an ENR officer any big game or other prescribed wildlife that is killed or seriously wounded by a motorized vehicle on a highway within 24 hours after the incident.

6) Reports must include at minimum the name of the person who killed or injured the wildlife, an explanation of the incident, the time, date and location of the incident, the species or quantity involved, and any other information requested by the wildlife officer.

7) Contact the regional ENR office to obtain blank wildlife incident forms.

**Topic 9: Wildlife Attractants and Waste Management**

**Comment(s):**

Subject to sub-section 66(1) of the *Wildlife Act* no person shall store food, waste, or other substances in a manner that may attract big game or other prescribed wildlife and put people, domestic animals or wildlife in danger.

Subject to sub-section 65(1) of the *Wildlife Act*, it is illegal to intentionally feed big game, furbearers or other prescribed wildlife. Schedule A – Part 2 of the *Wildlife General Regulations* sets out the species prescribed as fur-bearers.

**Recommendation(s):**

1) Waste being stored on site prior to being transported to a municipal landfill site, or disposed by other methods, must be stored in a manner that minimizes the attraction of wildlife, as it is a violation of Section 66(1) of the *Wildlife Act*. An animal proof, sealed container must be used for storing waste onsite to minimize wildlife being attracted to odours. For reference please refer to the following guidance document “Safety in Grizzly and Black Bear Country”

   [http://www.enr.gov.nt.ca/sites/enr/files/resources/safety_in_grizzly_and_black_bear_country_english.pdf](http://www.enr.gov.nt.ca/sites/enr/files/resources/safety_in_grizzly_and_black_bear_country_english.pdf)

2) Project personnel should not intentionally feed wildlife or purposefully encourage wildlife to habituate to human presence.
**Topic 10: Spill Contingency Planning**

**Recommendation(s):**

1) In accordance with the *Spill Contingency Planning and Reporting Regulations Section 10*, all spills in accordance with Schedule B must be reported immediately to the 24-hour Spill Report Line (867) 920-8130.

2) With respect to the *Environmental Protection Act Section 5 (1b)* all spills regardless of amount must be cleaned up, and contaminated materials disposed of at an approved facility, and as per *Section 5(1c)* all reasonable efforts must be made to notify any parties affected or potentially affected by the spill.

3) ENR recommends, for increased environmental protection, that all heavy equipment and refuelling vehicles carry portable spill kits that include items such as absorbent pads, containment booms and spill pool catchment receptacles. Readily available and fully stocked spill kits can effectively mitigate potential spills.

ENR reminds the Proponent that references to applicable statutes and regulations are to be considered as advice only, and should not be construed as permission to contravene any other applicable statutes and regulations not mentioned in this letter.

Comments and recommendations were provided by ENR technical experts in the Environmental Protection and Waste Management Division, the Wildlife Management Division and the North Slave Region and were coordinated and collated by the Environmental Assessment and Monitoring Section (EAM), Environmental Stewardship and Climate Change Division.

Should you have any questions or concerns, please do not hesitate to contact Patrick Clancy, Environmental Regulatory Analyst at (867) 767-9233 Ext: 53096 or email patrick_clancy@gov.nt.ca.

Sincerely,

[Signature]

Patrick Clancy  
Environmental Regulatory Analyst  
Environmental Assessment and Monitoring Section  
Environmental Stewardship and Climate Change Division  
Department of Environment and Natural Resources  
Government of the Northwest Territories
January 16, 2020

Tyree Mullaney  
Mackenzie Valley Land and Water Board (MVLWB)  
7th Floor, 4922-48th Street  
YELLOWKNIFE, NT X1A 2P6

Dear Ms. Mullaney:

**LUPA:** MV2019C0030 – Dominion Diamond Mines ULC  
**Type of Operation:** Mineral Exploration  
**Location:** Glowworm Lake Property, NT

The Government of the Northwest Territories (GNWT) reviewed Land Use Permit Application MV2019C0030 and recommends that the permit be granted.

On January 6, 2020, our Inspector Clint Ambrose, provided his comments and recommendations for your consideration via the LWB Online Review System.

Comments received from Territorial Lands Administration indicate they have no concerns as the applicant has the right to occupy the lands under their mineral rights.

Comments received from the Mining Recorder’s Office indicate that there are 136 active mineral tenures (claims/leases) within the proposed area of the land use permit application for Dominion Diamonds.

Thank you for the opportunity to comment on this application. Should you have any questions or concerns regarding our comments, please contact our Inspector, Clint Ambrose, at (867) 767-9188.

Sincerely,

Scott Stewart  
Regional Superintendent  
North Slave Region
c. North Slave Region (Yellowknife), Department of Lands, GNWT

Land Administration (Yellowknife), Department of Lands, GNWT

Mining Recorder’s Office (Yellowknife), Department of Industry, Tourism & Investment, GNWT

cc
January 21, 2020

Mavis Cli-Michaud
Chair, Mackenzie Valley Land and Water Board
4922 - 48th Street
7th Floor YK Centre Mall
Yellowknife, NT. X1A 2P6

Re: New Land Use Permit Application - MV2019C0030 (MVLWB)

Dear Ms. Cli-Michaud,

The Independent Environmental Monitoring Agency (Agency) has reviewed the following Land Use Permit (LUP) applications; LUP application MV2019C0030 Glowworm (Glowworm) and LUP Application MV2019C0031 Lac de Gras (Lac de Gras) submitted by Dominion Diamond Mines ULC (Dominion). The Agency provides the following comment for your consideration.

The Agency does not have any concerns with the Glowworm and Lac de Gras applications that would merit refusal of the permits.

Request for Exemption

Dominion has requested in both the Glowworm and Lac de Gras LUP applications that the activities within the current scope of the permits be exempt from Preliminary Screening citing Schedule 1, Part 1 Section 2 of the Exemption List Regulations pursuant to subsection 143(1) of the MVRMA which states that:

A development, or a part thereof, for which renewal of a permit, licence or authorization is requested that
(a) has not been modified; and
(b) has fulfilled the requirements of the environmental assessment process established by the Mackenzie Valley Resource Management Act, the Canadian Environmental Assessment Act or the Environmental Assessment Review Process Guidelines Order.

Dominion notes that the applications are exempt because the scope of activities previously permitted have not been modified and have previously been screened. The Agency agrees that the portions of the applications that have not been modified may be exempted. However, the other activities that were not previously permitted, or those activities that have been significantly modified, have not been screened and therefore would require a preliminary screening.

The preliminary screening is an important aspect of the regulatory process that needs to be followed. While the Agency does not object to these additional activities, they do need to be screened in order to update the previous impact assessment work, determine mitigation measures, evaluate significance of effects, and comply with the regulatory process.
**Recommendation:** Additional and significantly modified activities included in the applications need to undergo preliminary screening.

Should you have any questions concerning these comments, the Agency is pleased to discuss these at your convenience.

Sincerely,

Jaida Ohokannoak
Chairperson

Cc:   Dominion Diamond – Claudine Lee, Lynn Boettger  
      Tłı̨chǫ Government – Violet Camsell-Blondin
      Yellowknives Dene First Nation – Sarah Gillis, Machel Thomas
      Łutsel K’e Dene First Nation – Glen Guthrie
      North Slave Metis Alliance – Adelaide Mufandaedza, Jessica Hurtubise
      Kitikmeot Inuit Association – Geoff Clark
      Government of the Northwest Territories – Loretta Ransom, Laurie McGregor
      Crown-Indigenous Relations and Northern Affairs Canada – Dinah Elliott
## Land Use Permit Security Worksheet

### Application Number: MV2019C0030 - Dominion Diamond Mines ULC - Security Worksheet

### Page 1 of 2

#### Camp (C1)

**Temporary Structures**
- Input number of tent frames or weatherhaven (3.5m x 4.2m):
  - 50: $200.00 $10,000.00
- Input number of trailers (3.5m x 15.2m):
  - 0: $300.00 $0.00
- Input total square metres of other temporary structures (i.e. core shacks):
  - 150: $2.50 $375.00

**Fixed Structures**
- Input total square metres of fixed structures:
  - 0: $25.00 $0.00

**Solid Waste**
- For non-burnable material, input # of person days per season:
  - 14700: $1.00 $14,700.00
- For burnable material, input # of person days per season:
  - 14700: $0.50 $7,350.00

**Total C1**: $32,425.00

#### Regulated / Hazardous Materials (R1)

**Based upon on site volume**

- Explosives; up to 500 kg (~pallet) dry explosives input 1, if none, input 0:
  - 1: $500.00 $500.00
- Additional Explosives; input total kg >500:
  - 0: $0.50 $0.00
- Drilling Muds (oil based); enter number of 63 m$^3$ (or equivalent) containers:
  - 0: $1,000.00 $0.00
- Used Oil, Lubes and Antifreeze: enter number of pieces of heavy equipment:
  - 7: $500.00 $3,500.00

**Other:**

**Total R1**: $4,000.00

#### Hydrocarbon Storage and Transfer (H1)

**Based upon on site volume**

**Gasoline and Diesel**
- Enter total volume of gasoline&diesel <25,000 L:
  - 27000: $0.50 $135,000.00
- Enter total volume of gasoline&fuel > 25,000 L:
  - 0: $0.25 $0.00

**Total Gasoline and Diesel**: $135,000.00

- When fuel is within bermed site or has other safety feature, enter 1, otherwise enter 0:
  - 1: 25% -$33,750.00

**Aviation Fuel**
- Enter total volume of aviation fuel < 25,000 L:
  - 0: $0.50 $0.00
- Enter total volume of aviation fuel > 25,000 L:
  - 102500: $0.25 $25,625.00

**Total Aviation Fuel**: $25,625.00

- When fuel is within bermed site or has other safety feature, enter 1, otherwise enter 0:
  - 1: 25% -$6,406.25

**Total H1**: $120,468.75

#### Land Disturbance (L1)

**Disturbed Surface Area**

(Developed surface area that may require restoration through the use of scarification, reseeding, fertilizing or other similar techniques)
- Enter number of hectares disturbed:
  - 2: $1,000.00 $2,000.00

**Other Land Disturbances**
- Creek Crossings; enter number of creek crossings:
  - 0: $500.00 $0.00
- Off-Road Activities; if any activities are likely, enter 1:
  - 1: $500.00 $500.00
- Sump Factor; enter total area occupied by sumps in m$^2$:
  - 60: $10.00 $600.00
- Well Factor; enter number of wells:
  - 0: $25,000.00 $0.00

**Total L1**: $3,100.00

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*Total*: $232,495.00
## Equipment (E1)

<table>
<thead>
<tr>
<th>Description</th>
<th>Input</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enter number of pieces of heavy equipment (i.e. dozer, forklift, large gensets)</td>
<td>12</td>
</tr>
<tr>
<td>Enter number of drills</td>
<td>6</td>
</tr>
<tr>
<td>Enter number of light vehicles (trucks, atvs, snowmobiles, boats)</td>
<td>27</td>
</tr>
<tr>
<td>Enter number of small generators or pumps</td>
<td>16</td>
</tr>
<tr>
<td>Enter number of empty fuel storage tanks</td>
<td>0</td>
</tr>
</tbody>
</table>

**Total E1** $26,350.00

## Security Calculation

### Preliminary Calculation

- Enter amount from C1 $32,425.00
- Enter amount from R1 $4,000.00
- Enter amount from H1 $120,468.75
- Enter amount from L1 $3,100.00
- Enter amount from E1 $26,350.00

**Preliminary Calculation, total of above** A $186,343.75

### Multipliers

- **Site Access Multiplier.** If the project has all weather road access enter 1, if ice road access enter 1.5, if air access enter 2. **B** 1.5
- **Performance Multiplier.** If applicant has successfully completed the terms of a LUP enter 0.85, otherwise enter 1. **C** 0.85
- **Environmental Risk Factor.** If location has high environmental value or unusual environmental risk enter 2. If location is previously disturbed enter 0.75. Otherwise enter 1. **D** 0.75

### Calculated Security

- **Multiply preliminary calculation (A) by performance multipliers (B, C and D)** E $178,191.21

### Existing Securities

- **List existing associated permits and amount of overlapping security**
  - Permit: MV2017C0022 $89,000.00
  - Permit:
  - Permit:

**Overlapping Securities, total of above** F $89,000.00

### Final Security Determination

- **Subtract overlapping securities (F) from calculated security (E)** $89,191.21

## Comments

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