

16 November 2020

Joseph Mackenzie, Chair  
Wek'èezhii Land and Water Board  
#1, 4905 – 48th Street  
Yellowknife, NT, X1A 3S3

Dear Mr. Mackenzie:

**Re: Request for Decision on Aquatic Effects Monitoring Program Report Format**

Dominion Diamond Mines ULC (Dominion) provided the 2019 Aquatic Effects Monitoring Program (AEMP) Re-evaluation on 13 December 2019. The Re-evaluation report was submitted in accordance with Part J, Condition 5 of Water Licence W2012L2-0001, and was posted for review and comment on 19 December 2019. A technical workshop was held in Yellowknife on 11-12 February 2020 to discuss the 2019 Re-evaluation. Additional information was provided by Dominion on a conference call on 20 February 2020 and supplementary information was posted to the Board's online registry on 4 March 2020. The deadline for reviewers to submit comments was 12 March 2020. A response to comments on the 2019 Re-evaluation report was provided by Dominion on 10 August 2020. These responses were deferred from the original deadline of 9 April 2020.

The 2019 AEMP Re-evaluation provided a total of 26 recommendations to be implemented in the 2020 to 2022 AEMP Design Plan and for the next AEMP Re-evaluation. Dominion looks forward to receiving the Board's Decision on the complete 2019 AEMP Re-evaluation, 2020 to 2022 AEMP Design Plan, and the Aquatic Response Framework.

In the meantime, Dominion and their technical consultants are working to complete the 2020 Annual AEMP Report, which is directly related to recommendation 22 in the Re-evaluation. Recommendation 22 of the 2019 AEMP Re-evaluation specifies;

*"The 2020 to 2022 AEMP Report structure should be streamlined to follow the structure outlined in Table 5.1-1."*

Table 5.1-1 has been provided as an attachment to this letter.

Dominion requests that a decision be provided on recommendation 22 in advance of the Reasons for Decision on the entire 2019 Re-evaluation. This request is being submitted for the following reasons:

- Receipt of a decision on the AEMP Report structure would allow the 2020 annual AEMP Report to be submitted in the preferred format, consistent with the timeline for AEMP activity within the 2020 to 2022 timeframe.



- Work on the annual AEMP Report begins following receipt of data from the open-water season (i.e., approximately October). Given that the report takes up to six months to prepare and finalize, Dominion would appreciate the Board's decision as soon as possible so that effort is not duplicated towards report production.
- Although comprehensive, the current AEMP report format is more onerous than necessary for project stakeholders to review. Updating the AEMP Report structure as per Table 5.1-1 would streamline the content to improve the stakeholder review process.
- The extenuating circumstances related to the global COVID-19 pandemic in 2020 should be considered. Specifically, a Decision on the complete 2019 Re-evaluation may already have been issued, had it not been for delays due to the unexpected transition of Ekati Diamond Mine into Care and Maintenance and the subsequent filing for insolvency protection under the Companies' Creditors Arrangement Act (CCAA).

In addition, clarification is provided below relating to Dominion's response to recommendation 15 from the Independent Environmental Monitoring Agency (IEMA), following IEMA's review of the 2019 AEMP Re-evaluation:

#### **IEMA#15**

The re-evaluation states that "The need for graphical presentation of [current year AEMP] data will be determined on a case-by-case basis." (Table 5.1-1). This seems to indicate that not all water quality variables will be graphed in the report. The Agency does not support this proposed change. These graphs have been useful to the Agency to track non-evaluated variables that are trending to a level of concern that may be reached by the next monitoring year.

*Recommendation:* Dominion continue to include the graphs for all water quality variables.

#### **Dominion's Response**

The Historical Lake Water Quality figures documenting historical results for all AEMP water quality variables will continue to be included as an appendix to Part 1 – Annual Report.

#### **Dominion's Clarification**

Dominion confirms that the "historical data" to be included in the water quality figures will include the current year's data (i.e., 2020 data will be included in the 2020 AEMP Report), in addition to previous data collected (i.e., prior to 2020).



**Dominion  
Diamond Mines**

**Dominion Diamond Mines ULC**  
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Dominion trusts that you will find this information to be clear and informative. Should you have any questions, please contact Laura Pacholski, Environment Advisor – Fisheries and Aquatics, at [Laura.Pacholski@ddcorp.ca](mailto:Laura.Pacholski@ddcorp.ca) or 403 910-1933 ext 2404 or the undersigned at [Harry.O'Keefe@ddcorp.ca](mailto:Harry.O'Keefe@ddcorp.ca) or 403 910-1933 ext 2408.

Sincerely,

Harry O'Keefe  
Superintendent – Environment

**Attachment 1: Table 5.1-1 from the 2019 Aquatic Effects Monitoring Program Re-evaluation**

**Table 5.1-1 Current and Proposed AEMP Report Structure**

Current Structure and Content	Proposed Structure and Content
<p><b>Part 1 - Evaluation of Effects</b>            Provides a brief description of the methods used to assess change in the aquatic environment and details the results of the effects assessments.</p> <p><b>Part 2 – Data Report</b>            Provides a summary of the current year’s monitoring program, including sampling methods, and presents the current year’s monitoring data in both tabular and graphical formats. The Data Report also presents the current year’s meteorology data because it can provide context for interpretation of the AEMP data, but meteorology is not a component of the AEMP.</p>	<p><b>Part 1 – Annual Report</b>            The Annual Report will replace Part 1 – Evaluation of Effects, Part 2 – Data Report, and the Summary Report. The majority of content will remain the same but the material will be condensed into one volume and duplicative material will be removed.</p> <p>The presentation of the Evaluation of Effects will remain largely unchanged (see Section 5.2 for proposed changes). Rather than a Data Report, a data appendix will be provided. The field methods appropriate to the 2020 to 2022 AEMP period will be detailed in the AEMP Design Plan rather than the AEMP Report and any deviations will be documented in the Annual Report. In addition, presentation of the current year’s AEMP data will be provided in tabular format only. Presentation of the data in tabular format aligns with the requirements of the Water Licence W2012L2-0001 (Schedule 8, Condition 3(b)). In special cases graphical presentation of the current year’s data could be warranted if it would provide context required for the interpretation of mine-related effects. The need for graphical presentation of these data will be determined on a case by case basis. Meteorological data will no longer be presented in the AEMP Report, if meteorology data are important to the interpretation of the AEMP results in a given year, other information sources will be referenced (e.g., the AQMP reports).            An executive summary will be provided in the Annual Report that will replace the Summary Report. Reporting under the ARF will be provided as an appendix to the Annual Report.</p>
<p><b>Summary Report</b>            Provides a high-level summary of the AEMP monitoring program, the Evaluation of Effects methods, and the effects identified in Part 1 - Evaluation of Effects for each watershed. It also provides a summary of reporting under the ARF.</p>	<p><b>Part 2 – Statistical Report</b>            No changes to the structure and content are recommended.</p>
<p><b>Part 3 – Statistical Report</b>            Details the statistical methods used in the Evaluation of Effects and provides outputs of the statistical results for each variable in each watershed.</p>	<p><b>Excel File</b>            No changes to the structure and content are recommended.</p>
<p><b>Excel File</b>            Presents the current year’s AEMP data in tabular format.</p>	

Current Structure and Content	Proposed Structure and Content
<p><b>HTML File</b>            Not provided</p>	<p><b>HTML File</b>            HTML files will be provided to complement the time-series figures (Evaluation of Effects figures) presented in the Annual Report. Some stakeholders have commented that some of the AEMP figures are becoming increasingly difficult to interpret because of the long-time series of data and the large number of monitoring sites. Legibility of the report figures has improved in recent years (e.g., each evaluated water quality variable is now presented over a series of three figures rather than one); however, in some cases it can still be difficult to interpret changes where data are overlapping. The HTML figures will duplicate the Evaluation of Effects figures but allow for manipulation of the data to increase clarity. For example, data for different sites can be toggled on and off. An example has been provided accompanying this report (see Appendix D).</p>