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April 2, 2019

W2012L2-0001

Harry O'Keefe
Dominion Diamond Mines ULC
900-606 4 Street SW
Calgary, Alberta T2P 1T1

Dear Harry O'Keefe,

Re: AEMP Response Plans – Chloride and Phosphorus

The Wek'èezhìi Land and Water Board (WLWB) met on February 28, 2019 to consider Dominion Diamond Mines ULC's (Dominion) Ekati Aquatic Effects Monitoring Program (AEMP) Response Plans for Chloride (Version 1.2), and Phosphorus (Version 1.3). These were submitted for approval under Part J, Conditions 9(b) and 13, respectively, of Dominion's Water Licence W2012L2-0001.

As described in the attached Reasons for Decision, the Board has not approved Version 1.2 of the Chloride Response Plan and has provided direction for Version 2.1 of the Chloride Response Plan.

The Board has approved the Phosphorus Response Plan Version 1.3 and has provided direction for the next version of the Phosphorous Response Plan. The Board recognizes that prior to this decision being communicated, Dominion has not had an approved High Action Level to compare phosphorus water quality results to. In accordance with the Part J, Condition 9 Dominion is required to:

- a) Notify the Board within 60 days of when the exceedance is detected; and
- b) Within 90 days of when the exceedance is detected, submit a Response Plan that satisfies the requirements of Schedule 8, Condition 4 to the Board for approval.

If the High Action Level has been exceeded, the Board requires Dominion to provide notification within 60 days of the date of this communication and to describe the timing by which Dominion will address requirement Part J, Condition 9(b) within that notification.

Please review the attached Reasons for Decision for further information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Mackenzie". The signature is fluid and cursive, with a small mark at the end.

Joe Mackenzie
Chair, Wek'èezhii Land and Water Board

Copied: Ekati Distribution List



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Reasons for Decision

Reference/File Number:	W2012L2-00001
Licensee:	Dominion Diamond Mines ULC (Dominion)
Subject:	Ekati AEMP Response Plans – Chloride Version 1.2 and Phosphorus Version 1.3

Decision from the Wek'èezhìi Land and Water Board Meeting of February 28, 2019

1.0 Decision

On February 28, 2019, the Wek'èezhìi Land and Water Board (the Board) met to consider Dominion Diamond Mines ULC's (Dominion) Ekati Aquatic Effects Monitoring Program (AEMP) Response Plans for Chloride (Version 1.2)¹ and Phosphorus (Version 1.3)². Response Plans are required under Part J, Condition 9(b) of Dominion's Water Licence W2012L2-0001 (the Licence).³ Version 1.3 of the Phosphorus Response Plan was submitted in accordance with Part J, Condition 13 of the Licence. In consideration of the two submissions, reviewer comments, and proponent responses, the Board has decided the following:

Chloride Response Plan, Version 1.2:

1. Not to approve Version 1.2 of the Chloride Response Plan;
2. Dominion is to resubmit the Chloride Response Plan Version 2.1 within 90 days of the communication of this decision;
3. Dominion is to provide the following in Version 2.1 of the Chloride Response Plan:
 - a) A discussion of sources of chloride loadings;

¹ See WLWB Online Registry at www.wlwb.ca for [W2012L2-0001 - Ekati - AEMP - Chloride Response Plan - Version 1.2 - Aug 28 18.pdf](#)

² See WLWB Online Registry for [W2012L2-0001 - Ekati - AEMP - Phosphorus Response Plan - Version 1.3 - Aug 28 18.pdf](#)

³ See WLWB Online Registry for [W2012L2-0001 - Ekati - Water Licence - Amendment - Misery UG - Aug 24 18.pdf](#)

- b) A loading time-series (including current and predicted chloride loadings from the LLCF); and
- c) A discussion of potential mitigative options to reduce loadings to ensure that the chloride benchmark is not exceeded.

Phosphorus Response Plan Version 1.3:

- 4. Approve Version 1.3 of the Phosphorus Response Plan;
- 5. Approve the proposed High Action Level at this time; and
- 6. Require the next version of the Phosphorus Response Plan to include a discussion of the probability of a seasonal average (i.e., instead of an August average) exceeding H1 naturally.

2.0 Background

The Response Framework required by Part J, Condition 7 of the Licence links the results of the AEMP to specific management actions. It requires Dominion to undertake a response should pre-defined levels of environmental change (i.e., action levels), be reached for water quality and biological variables. Action levels are defined to ensure that environmental change does not reach a “significance threshold,” a level of environmental change that should never occur.

Dominion’s approved Response Framework Version 3.0 outlines low action levels and benchmarks.⁴ Benchmarks use existing guidelines or site-specific information to determine a concentration above, or at which, biological effects could potentially occur in sensitive organisms. Action levels are often set based on a percentage of the approved benchmark. If an action level is exceeded, Dominion is required to develop a Response Plan for that variable as per Part J, Condition 9(b) of the Licence. Dominion’s Response Framework requires that medium and high action levels for each variable be developed as part of the Response Plan when a low action level is exceeded.

On June 29, 2018 and in accordance with Part J, Condition 9(b), Dominion submitted its Chloride Response Plan Version 1.2 to the Board for approval in response to the reported 2018 under-ice chloride action level exceedance.⁵ Dominion submitted Version 1.3 of the Phosphorus Response Plan on August 28, 2018 to address the Board’s April 30, 2018 Reasons for Decision.⁶ Both Response Plans, along with the Fish Response Plan Version 1.2, were distributed for public review on November 23, 2018. Reviewers were asked to provide comments by January 17, 2019. Comments were received from Environment and Climate Change Canada (ECCC), the Government of Northwest Territories – Environment and Natural Resources (GNWT-ENR), and the Independent Environmental Monitoring Agency (IEMA). Board staff also submitted questions. Fisheries and Oceans Canada (DFO) stated it had no comments.

⁴ See WLWB Online Registry for [W2012L2-0001 - Ekati - AEMP - Response Framework - Version 3.0 - Jun 29 18.pdf](#)

⁵ See WLWB Online Registry for [W2012L2-0001 - Ekati - AEMP - 2018 Under-ice Action Level Exceedance Notification - Jun 29 18.pdf](#)

⁶ See WLWB Online Registry for [W2012L2-0001 - Ekati - AEMP - TP and DO Response Plans - Version 1.2 - Directive and Reasons for Decision - Apr 30 18.pdf](#)

Proponent responses were due January 31, 2019. On January 30, 2019, the proponent response deadline was extended until February 7, 2019 in response to a request made by Dominion. Dominion submitted all responses by the updated deadline of February 7, 2019. Reviewer comments and recommendations, as well as proponent responses are available on the WLWB Online Registry.⁷

3.0 Reasons for Decision

The Chloride and Phosphorus Response Plans were reviewed for both conformity to the requirements set out in Schedule 8, Condition 4 of the Licence and to previous Board direction. All reviewer comments and proponent responses submitted during the public review period were also reviewed.

3.1 Chloride Response Plan

Version 1.0 of the Chloride Response Plan was submitted in response to a 2015 Low Action Level exceedance during the under-ice season in Leslie Lake. The Low Action Level was not exceeded during the open-water season of 2015, or the under-ice or open-water season of 2016. In 2017, the Low Action Level was exceeded again during the under-ice season in Leslie Lake. Chloride concentrations in near-field lakes downstream of the Long Lake Containment Facility (LLCF) were also found to increase between the under-ice seasons of 2017 and 2018, resulting in the recent Medium Action Level exceedance in Leslie Lake, and a Low Action Level exceedance in Moose Lake in April 2018. The Chloride Response Plan Version 1.1 was approved by the Board in July 2017; Version 1.2 of the Response Plan for Chloride was submitted in response to the 2018 under-ice exceedances.

Comments and recommendations on the Chloride Response Plan, Version 1.2 were received from GNWT-ENR and IEMA.

In review of Version 1.2 of Chloride Response Plan, reviewer comments, and the proponent responses received during the public review, the Board has decided not to approve Version 1.2. As discussed in section 3.1.1 below, the Board believes additional discussion on loadings is required prior to the approval of a medium action response plan. The Board notes that because the response plan was submitted in response to a new exceedance (i.e., Medium Action Level), it should have been submitted as Version 2.0; however, for simplicity it will be referred to as submitted (i.e., Version 1.2) throughout these Reasons for Decision. However, the Board requests the revised Plan be submitted as Version 2.1.

- ***Decision #1: The Board has not approved the Chloride Response Plan, Version 1.2.***
- ***Decision #2: Dominion is to resubmit the Chloride Response Plan Version 2.1 within 90 days of the communication of this decision.***

⁷ See WLWB Online Registry for [W2012L2-0001 - Ekati - AEMP - Fish-Phosphorus-Chloride Response Plans - Review Summary and Attachments - Feb 7 19](#)

3.1.1 Chloride Loadings

Using data from the 2016 and 2017 Surveillance Network Program (SNP) reports, chloride loadings to Leslie Lake were estimated and plotted by GNWT-ENR's consultant Zajdlík and Associates.⁸ The estimated chloride loads were found to be three times higher in 2017 than 2016 and suggested that increased chloride loads were the likely cause of Low and Medium Action Level exceedances observed in April of 2018. The GNWT-ENR noted that it was unclear why exceedances did not occur in the open water season of 2017, unless dilution played a role (GNWT-ENR comment 2). The GNWT-ENR recommended:

- Dominion provide loading estimates for chloride for additional years to show how loads are changing over time (GNWT-ENR comment 2);
- The Response Plan be modified to include a requirement to plot a loadings time series when a Low Action Level is exceeded in near field lakes (GNWT-ENR comment 3); and
- Dominion provide additional rationale supporting the argument that the action level exceedances are due to historical loadings of chloride unless it can be shown that turnover rates coupled with the chloride loading time series more accurately explains the observed chloride concentrations than increased chloride loading (GNWT-ENR comment 4).

In response to GNWT-ENR's recommendation (comment 2), Dominion did not provide the loadings information requested by the GNWT-ENR and stated:

...examining chloride loadings to the [LLCF] or the Receiving Environment in isolation of other inputs (e.g., precipitation) and Discharges will not accurately describe the likely cause of an action level exceedance in downstream lakes. Annual variation in other inputs and Discharge volume and timing also relate to the likelihood of an action level exceedance.

Dominion refers to the Ekati Diamond Mine 2017 Koala Watershed Water Quality Model to predict water quality in the downstream Receiving Environment stating that the model "is a significantly better approach to predict concentrations of chloride in lakes downstream of the LLCF, than simply using predicted loadings, which do not give any information about chloride export or dilution (Dominion Response to GNWT-ENR Comment 2)." The model incorporates historical hydrological inputs, LLCF inputs and Discharges from the LLCF to Leslie Lake to predict concentrations of chloride in lakes downstream of the LLCF. Dominion also notes that, 2017 was a drier than normal year.

The Board recognizes that there are factors in addition to loadings that affect model predictions. As noted by both GNWT-ENR and Dominion, differences between predicted and observed discharge volumes (and consequently loadings) were likely the largest contributor to differences between observed and predicted chloride concentrations in Leslie and Moose Lakes in April 2018. The Board understands that the predicted

⁸ See WLWB Online Registry for [W2012L2-0001 - Ekati - AEMP - Fish-Phosphorus-Chloride Response Plans - Review Summary and Attachments - Feb 7 19](#), see the GNWT-ENR Memo

increasing trend of chloride concentrations in Leslie Lake through 2020 (as shown in Figure 3.1-1 of the Chloride Response Plan Version 1.2) is due largely to increasing loadings through that period.

The WLWB's Draft Guidelines for Adaptive Management (Draft Guidelines)⁹ reference the *Water and Effluent Quality Management Policy*¹⁰ objective to ensure that the amount of Waste to be deposited to the Receiving Environment is minimized; identifying that the Response Framework is meant to achieve the same objective. In addition, the Draft Guidelines outline what should be done in response to a medium action level, stating that upon exceedance of a medium action level a "mitigation plan will include current loadings of contaminants to the receiving environment, the reductions in loadings that are anticipated as a result of the mitigative action(s), a projection of environmental response, and monitoring plans to track that response." Since the chloride Medium Action Level has been exceeded, the Board believes loadings and respective mitigative actions should be outlined in this Response Plan.

Dominion did not provide the loadings information requested by the GNWT-ENR and the proposed Plan does not discuss the potential to reduce chloride loading to the Receiving Environment. The Board believes that Version 1.2 of the Plan identifies opportunities for mitigation through operational water management, however further understanding of the current and future loadings, and potential to mitigate source loadings is required. Therefore, the Board has decided that Dominion is to provide the current and predicted loadings and explain how reductions in loadings will be achieved in the near future to ensure that the chloride benchmark is not exceeded. Without further evaluation of potential to reduce chloride loadings to the Receiving Environment, it is not clear whether the Chloride Response Plan Version 1.2 is reflective of the intent of a medium action level response plan.

- ***Decision #3: Dominion is to provide the following in Version 2.1 of the Chloride Response Plan:***
 - a) A discussion of sources of chloride loadings;***
 - b) A loading time-series (including current and predicted chloride loadings from the LLCF);***
and
 - c) A discussion of potential mitigative options to reduce loadings to ensure that the chloride benchmark is not exceeded.***

3.1.2 Consideration of Biological Communities

The GNWT-ENR recommended that Dominion evaluate the biological communities during and subsequent to the action level exceedances when discussing associated ecological implications (GNWT-ENR comment 5). In response, Dominion identified that the biological communities are monitored annually in August in lakes downstream of LLCF as part of the AEMP. Dominion notes that the AEMP is practical such that it does not need to wait for changes in abiotic variables to be observed before biological monitoring is conducted. Dominion acknowledged that the "2018 AEMP report (to be submitted March 31, 2019) will provide a discussion of any mine-related biological changes that have been observed to date (Dominion

⁹ [DRAFT: Guidelines for Adaptive Management – A Response Framework for Aquatic Effects Monitoring.](#) (pg. 15)

¹⁰ [MVLWB Water and Effluent Quality Management Policy \(2011\)](#)

Response to GNWT-ENR Comment 5).” The Board does not believe the GNWT-ENR has demonstrated a need for monitoring beyond that required by the existing AEMP. Therefore, no changes to the Chloride Response Plan are required at this time for biological communities.

The GNWT-ENR also recommended that Dominion discuss the potential for effects to sensitive species when a species sensitivity derived benchmark is approached (GNWT-ENR comment 6). In response, Dominion described that the chloride benchmark is based on the chloride site-specific water quality objective (SSWQO), which was derived following the recommended approach by the Canadian Council of Ministers for the Environment (CCME). The Board accepts that the approved SSWQO is adequately protective of sensitive species at the Ekati site. Discussion of potential for effects on sensitive species below the SSWQO would likely be speculative in the absence of evidence for effects at such levels and should not be required in the Response Plan.

3.1.3 Consideration of Historical Action Level Exceedances

The GNWT-ENR recommended that “Dominion provide a history of action level exceedances if more than one exceedance occurs when presenting Response Plans” (GNWT-ENR comment 7). The Board agrees with Dominion’s response to the GWNT-ENR that the requested information has been provided in the Response Plan (e.g., Table 3.1-1).

3.1.4 Consideration of the Operational Water Management Model

IEMA notes that both the Phosphorous and Chloride Response plans mention and reference the operational water management model (OWMM); however, the OWMM is not available for reviewers (IEMA comment 2). IEMA recommended that the OWMM be made available to reviewers.

In response to IEMA’s request, Dominion stated that the model was designed as an operational tool used for active seasonal management of the LLCF water levels and volumes Discharged to the downstream environment. Dominion explained that the OWMM does not provide inputs for the Koala Watershed water quality model. Dominion stated that because operational (day to day) water management is the responsibility of Dominion, and because the OWMM supports the operational water management, the OWMM will not be available to reviewers.

At this time, the Board accepts that the OWMM supports Dominion's day to day water management and agree that this operational tool does not need to be subject to public review. The onus is on the Company to ensure that day-to-day water management is in accordance with Licence requirements.

3.2 Phosphorus Response Plan

In its April 30, 2018 Reasons for Decision,¹¹ the Board did not approve Version 1.2 of the Phosphorus Response Plan and required several revisions. Comments and recommendations on the Total Phosphorus

¹¹ See WLWB Online Registry for [W2012L2-0001 - Ekati - AEMP - TP and DO Response Plans - Version 1.2 - Directive and Reasons for Decision - Apr 30 18.pdf](#)

Response Plan, Version 1.3, were received from the GNWT-ENR and IEMA. Board staff also submitted questions.

Based on the review of the Phosphorus Response Plan, reviewer comments, and proponent responses, the Board has decided to approve Version 1.3 of the Phosphorus Response Plan.

➤ **Decision #4: The Board has approved the Total Phosphorus Response Plan, Version 1.3.**

3.2.1 Consideration of the Action Levels

In review of Version 1.2, the Board approved the proposed Medium Action Level but did not approve the proposed High Action Level.

Medium Action Level

In review of Version 1.2, the Board identified a benefit to having a medium action level in place prior to approval of the Phosphorus Response Plan in order to have a point of comparison for the 2018 monitoring data. The Board approved the proposed Medium Action Level, stating that there was a lack of clarity to support changes to the proposed Medium Action Level. However, the Board identified an opportunity to address concerns raised in submission of Version 1.3 and directed Dominion to include additional information to support the Medium Action Level in Version 1.3.

In Version 1.3, Dominion did not propose any changes to the approved Medium Action Level for total phosphorus, which is exceeded when the Low Action Level is exceeded and one of the following conditions is met:

- M1. The Low Action Level was met at the same near-field location(s) in three consecutive sampling periods; or
- M2. The Low Action Level was met at the same near-field location(s) in three consecutive open-water sampling periods.

Section 3.2 and 3.3. of Version 1.3 provides additional information to support the approved Medium Action Level. The Response Plan identified that additional (i.e., monthly) monitoring would occur in response to the Medium Action Level exceedance. In its review of the Phosphorus Response Plan, Version 1.3, the GNWT-ENR recommended a revision to the approved Medium Action Level (M2) as follows (GNWT-ENR comment 19):

M2 The Low Action Level was met at the same near-field location(s) in two consecutive open water sampling periods.

In response, Dominion described the natural exceedances of the benchmark that have been observed in reference lakes and stated that “changing the M2 conditions from three to two consecutive Low Action Level exceedances during the open-water sampling period would lead to a high probability for spurious Medium Action Level exceedances because of the high degree of natural variability.” The Board agrees

with Dominion that a change of M2 to two consecutive years would represent a condition with a reasonable probability of occurring under natural conditions and are not requiring any changes to the approved Medium Action Level.

Section 3.2 of the Phosphorus Response Plan Version 1.3 states that, “if the Medium Action Level is exceeded an investigation of cause may be warranted to confirm that the exceedance was related to a mine-effect” and explains that the investigation of cause would evaluate the need for mitigation. During the public review, Dominion was asked to clarify the following (WLWB staff comment 3):

- 1) If an investigation of cause is not determined to be necessary, whether mitigative action would be taken.
- 2) If an investigation of cause concluded the exceedance was a result of a mine effect, whether mitigative action would be required.

In response, Dominion clarified that every response plan includes a discussion on the most likely cause(s) of an action level exceedance, the more in-depth investigation of cause identified would be “to confirm that the exceedance was related to a mine-effect and to confirm the key source(s) and mechanism(s) of change for total phosphorus such that effective mitigation may be planned and implemented, if necessary.” The Board accepts that elevated phosphorus concentrations have been observed naturally and the decision on mitigative action may depend on the outcome of the Investigation of Cause. The Board understands that the results of the Investigation of Cause and the need for mitigative action would be evaluated with submission of the revised Phosphorus Response Plan. The Board expects that if the Investigation determined a mine-effect, then mitigations to reduce the source would be proposed/discussed for the Board’s consideration.

High Action Level

The proposed High Action Level for phosphorus is exceeded when the Medium Action Level is exceeded, and the following condition is met:

- H1. The average concentration of total phosphorus at any near-field location is greater than 100% of the total phosphorus benchmark in three consecutive open-water seasons based on additional monitoring.

The Response Plan identifies that the mean of all open-water samples will be used to assess whether 100% of the benchmark (the proposed H1) has been exceeded during that year. During the public review, Dominion was asked to provide rationale for the proposed three consecutive years of an open-season average above benchmark before recognizing a High Action Level exceedance (WLWB staff comment 4). In addition to this rationale, Dominion was asked to discuss the following:

- 1) The likelihood of this occurring under natural conditions;
- 2) The risk due to three consecutive years with under-ice averages above the benchmark, which would not trigger the High Action Level; and

- 3) The risk due to multiple non-consecutive years with seasonal averages above the benchmark, which would not trigger the High Action Level.

The requested natural likelihood of three consecutive years of open-water benchmark exceedances was not provided as a season average, as requested. Dominion provided the 1-yr (10-30%), 2-yr (1-9%), and 3-yr (0.1 to 2.7%) probabilities for a benchmark exceedance in August (see response to WLWB staff comment 4) and stated that these likelihoods assume the same likelihood of a seasonal average above benchmark as an August value above benchmark. The Board anticipates the probabilities for an open-water season average would be lower than August averages; however, this was not discussed in Dominion's response. Dominion states that the proposed High Action Level had been exceeded in Nanuq Lake, using July-August-September as the open-water season, but the number of monitored years when the condition did not occur is unclear (see response to WLWB staff comment 4). Without the likelihood based on a seasonal average, the Board is unable to specifically evaluate whether "three consecutive years" is necessary in Condition H1.

Dominion indicated there was little risk due to an exceedance occurring only in the under-ice season, since there would be no phytoplankton growth at this time in response to the increased phosphorus level (see Dominion response to WLWB staff comment 4). The Board accepts the response regarding risk due to under-ice averages exceeding in consecutive years.

The question of potential for risk due to multiple non-consecutive years of open-water season averages being above benchmark was not directly addressed in Dominion's response. For example, what is the ecological status of a lake where the open-water season average is above benchmark one year and below benchmark the next? Dominion identified that exceedances in non-consecutive years would still trigger a Low Action Level exceedance and stated that exceedance of a Low Action Level would bring about an appropriate response. However, no discussion of why the potential effects would be considered in line with a Low Action Level exceedance was provided. The Board understands that non-consecutive benchmark exceedances have occurred in reference lakes and therefore may not be a necessary consideration for a High Action Level (see Dominion response to WLWB staff comment 4).

The GWNT-ENR indicated that they support the proposed High Action Level, stating: "the development of seasonal mean concentrations for evaluation against the total phosphorus benchmark. Exceedances of this benchmark in three consecutive open-water periods could be used as the High Action Level as proposed in the Response Plan (Version 1.3)" (GNWT-ENR comment 19). However, the GNWT-ENR proposed the following wording:

- High H1 Seasonal average concentration at any near-field location exceeds the benchmark in three consecutive open-water seasons (based on monthly monitoring throughout the open-water period).

Dominion provided no response to the GWNT-ENR recommended High Action Level. The Board understands the revision GNWT-ENR has proposed to be a clarification of intent, consistent with other

wording in the Response Plan. The Board does not believe this recommendation to reflect a material change and do not require a revision to the Phosphorus Plan at this time.

Although Dominion did not directly address all questions raised by WLWB staff during the public review, the Board notes that no concerns were raised regarding the proposed High Action Level in review of the Phosphorus Response Plan Version 1.3. If necessary, the Board may reconsider the High Action Level based on new information provided at any time. Phosphorus concentrations have only exceeded the Low Action Level to-date, and it is likely that a Medium Action Level exceedance would occur prior to a High Action Level exceedance. Exceedance of M1 or M2 and the required submission of an updated Response Plan would provide an opportunity to revisit the appropriateness of the approved High Action Level, if necessary.

The Board has thus decided to approve the proposed High Action Level, with the following condition: that the probability of a seasonal average exceeding H1 naturally should be discussed in the next version of the Response Plan, following an exceedance of M1 or M2.

- ***Decision #5: The Board has approved the proposed High Action Level at this time.***
- ***Decision #6: The next version of the Phosphorus Response Plan is to include a discussion of the probability of a seasonal average (i.e., instead of an August average) exceeding H1 naturally.***

The Board recognizes that prior to this decision being communicated, Dominion has not had an approved High Action Level to compare phosphorus water quality results to. In accordance with the Part J, Condition 9 Dominion is required to:

- c) Notify the Board within 60 days of when the exceedance is detected; and
- d) Within 90 days of when the exceedance is detected, submit a Response Plan that satisfies the requirements of Schedule 8, Condition 4 to the Board for approval.

If the High Action Level has been exceeded, the Board requires Dominion to provide notification within 60 days of the date of this communication and to describe the timing by which Dominion will address requirement Part J, Condition 9(b) within that notification.

3.2.2 Clarifications of Benchmark Value and Discharge Timing

During the public review, Dominion was asked to provide some clarification on why Kodiak Lake was assigned a benchmark above the upper trigger range for oligotrophic lakes (WLWB staff comment 1). The Board accepts the explanation that Kodiak Lake is naturally in the mesotrophic range with respect to phosphorus.

In addition, Dominion was asked whether the AEMP open-water sampling in August typically occurs before or after Discharge, in order to determine whether the timing of Discharge may be a factor contributing to under-ice total phosphorus concentrations in Leslie and Moose lakes (WLWB staff

comment 2). Dominion described that there is not a clear linkage between the timing of Discharge and the occurrence of under-ice exceedance of the 50% of benchmark value.

Signed the 2nd Day of April 2019, on behalf of the Wek'èezhìi Land and Water Board



Witness



Joe Mackenzie
Chair, Wek'èezhìi Land and Water Board