

Review Comment Table

Board:	WLWB
Review Item:	Ekati - Sable Pit Land Use Permit - Renewal (W2016D0003)
File(s):	W2016D0003
Proponent:	Dominion Diamond Ekati Corporation
Document(s):	Sable Pit Land Use Permit Application (1 MB) Application Complete - Letter from WLWB (0.5 MB) Draft Land Use Permit (0.5 MB) Sable Pit GIS data (0.5 MB)
Item For Review Distributed On:	Apr 1 at 18:28 Distribution List
Reviewer Comments Due By:	Apr 22, 2016
Proponent Responses Due By:	Apr 29, 2016
Item Description:	<p>On March 30, 2016, DDEC submitted a land use permit application for renewal of Sable Land Use Permit W2008D0007. The activities applied for within this application include:</p> <ul style="list-style-type: none"> • extraction of waste rock and kimberlite ore from Sable Pit; • construction of waste rock storage areas and an ore storage pad; • construction activities associated with the water sedimentation pond and the water containment dam; • storage of fuel • use of machinery and equipment; • construction of supporting infrastructure; • construction of site roads and lay down areas; and, • establishment of a temporary camp. <p>DDEC has referenced its Waste Management, Spill Contingency, and Engagement Plans within the application, which have been approved under the Ekati Water Licence W2012L2-0001.</p>

A draft Land Use Permit has been included with this item for review. All standard land use permit conditions have been updated to reflect the current MVLWB's Standard Land Use Permit Conditions Template. The purpose of this draft Land Use Permit is to allow parties to comment on Board staff's suggested conditions. These draft materials are not intended to limit in any way the scope of parties' 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 parties.

For renewal applications to be exempt from preliminary screening, the development must not have been modified and must have previously undergone the screening/assessment process as required by Part 5 of the MVRMA. WLWB staff believe all activities in this application, except the temporary camp, are exempt from preliminary screening as the listed activities are the same as those [screened in 2001](#). The temporary camp will undergo preliminary screening as required by Part 5 of the MVRMA as part of this application review process.

Reviewers are encouraged to ask questions and provide comments and recommendations on the content of the Land Use Permit application and the Draft Land Use Permit conditions prior to the reviewer comment deadline.

Contact Information:

Elissa Berrill 867-765-4581
 Meghan Schnurr 867-765-4590

Comment Summary

GNWT - ENR: Central Email GNWT				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	General File	<p>Comment (doc) ENR Letter - No Comments or Recommendations at this time</p> <p>Recommendation</p>		

2	General File	Comment (doc) ENR Letter - No Comment or Recommendations at this time Recommendation		
GNWT - Lands: Pat Knutson				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	LUPA comments	Comment (doc) Lands and Mining have reviewed LUPA. Recommendation Please see attached letter for specific comments.		
Independent Environmental Monitoring Agency: Marc Casas				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
2	Engagement	Comment The Engagement Log is not specific to the Sable Pit Project, it highlights conversations regarding Sable that were discussed at other meetings. The log should also include the date the notification letters that were sent, any follow up, confirmation of receipt and any comments received. Recommendation DDEC update the log book to include the letters sent to the Aboriginal Parties with follow up, confirmation of receipt and any comments received.	Apr 29: DDEC's engagement log conforms to the MVLWB Guidelines and is adequate as submitted. Communities have often expressed concern over their capacity to address the many up-coming and on-going projects from proponents in general. DDEC is sensitive to this concern and is committed to reducing the burden on communities whenever possible. Often times community members raise issues and comment on projects not specific to that particular engagement session. DDEC will continue to answer any concerns related to any project as they arise and document accordingly. The Sable project has received adequate attention through DDEC's engagement activities. Pre-application engagement letters to communities dated February 19, 2016, were all submitted with the application. These items were not included as a line	

			<p>item in the engagement log. DDEC has added this information to the main engagement log for Ekati and will include pre-application engagement letters in the engagement log going forward. To date, DDEC has not received any comments from affected parties relating to the Sable Pit permit.</p>	
3	Fuel Storage	<p>Comment The application states that there will be 4 - 500,000 L tanks totalling 2 million L of fuel stored at Sable Pit. The application does not describe the specific location or type of facility that will contain this fuel cache. Presumably, it will be a proper lined and bermed structure designed by an engineer, as such design drawings and as built should be submitted pre and post construction respectively.</p> <p>Recommendation DDEC to confirm the location of the Sable fuel cache and describe the type of containment system to be used. As part of an 'Engineered Structure' related to waste disposal (ensuring 'waste' i.e. fuel does not escape) Any design drawings and as-builts should be submitted in accordance with relevant sections of both the LUP and Part F of WL W2012L2-0001.</p>	<p>Apr 29: As stated in the Land Use Permit application, the tank farm will be located on the Sable infrastructure pad adjacent to the maintenance building. It will contain 4 tanks, each with a capacity of approximately 467,000 L. The tanks and thier containment will be in compliance with the Federal Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations (SOR/2008-197), as is the case with all hydrocrabon storage at Ekait. The approximate center of the tank farm is 522 540 E and 7 192 000 N. The design is still being optimized and minor changes in center point could occur; DDEC will communicate any required updates to the board.</p>	
4	Fuel Storage/Security	<p>Comment The current LUP (W2008D0007) has \$860,000 listed for security. DDEC are proposing to move all security held under LUP's to the WL so all securities are held under one instrument.</p>	<p>Apr 29: IEMA is correct that DDEC is proposing to move all security held under this LUP to the WL so that all securities are held under one instrument. This request has been made in this application.</p>	

		<p>The Agency will conduct a complete review and comments on this under the Phasing of Security item for review due May 9, 2016. However, there are aspects of the LUP security that are more appropriately dealt with as part of this renewal. They are listed below. One of the main components of the LUP security was to address the potential cost of reclamation of fuel cache's/facilities. In reviewing the RECLAIM estimate submitted by DDEC for the phasing of security, there does not appear to be any security held for the Sable Fuel Facility. In RECALIM-Chemicals and Soil Contamination there is a heading for Tank Decontamination, under this heading Main Camp, Fox and Koala sites are listed. Sable Pit is not. Considering the large amount of work required to construct and maintain the Sable operation there is likely to be spills of fuel and hydraulics as lines can burst on occasion. Therefore these additional volumes and costs should be clearly detailed and added the security for Sable.</p> <p>Recommendation 1. Add Sable Fuel Facility to the Chemicals and Soil Contamination-Tank Decontamination section of RECLAIM. 2. Detail and include the additional volumes of contaminated soil expected for the Sable construction and operation to the Chemical and Soil Contamination Section of RECLAIM.</p>	<p>1. The overall development of the Buildings and Equipment estimate was based on the in place infrastructure at Ekati mine in 2012. The completed estimate has been updated for any new Ekati developments as required. DDEC acknowledges that cost for reclamation of a fuel storage facility were not included as part of the Sable Phasing Proposal. DDEC estimates that the costs for the reclamation of the Sable fuel storage facility will be similar to the RELCAIM decontamination costs for the Koala underground fuel tank (approximately \$36k). Given the relatively small additional reclamation costs for this item DDEC will defer to the Board on how they wish to account for this item in the Sable Phasing Review Process. 2. The preliminary estimate amounts for contaminated soil included the potential disturbance at the Sable site. The requested level of detail can only be provided at the end of operations and after the completion of investigation work such as Phase (I,II,III) Environmental Site Assessments (ESA). This has been included in the RECLAIM estimate, which has been reviewed annually as part of the Closure and Reclamation Progress Reports since 2012.</p>	
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5	Spill equipment	<p>Comment Considering the distance of the Sable Pit to the main camp a spill could cause considerable damage if the proper spill control equipment is not readily available. The spill contingency plan states that the main camp and Misery Pit have ERT Spill trailers.</p> <p>Recommendation DDEC clarify what spill control equipment will be kept at the Sable site and a general description of what type/volume of spill they will be able to handle. Verify that a ERT Spill Trailer will be stationed at Sable.</p>	<p>Apr 29: As stated in the Land Use Permit application, mobile equipment will refuel at a dispensing station associated with the bulk diesel storage tanks. Equipment that is less mobile such as drills, large loaders, and the hydraulic shovel will be refueled from a mobile fuelling truck. All mobile equipment carries dedicated spill response equipment and larger spill response kits are stored at all re-fueling locations. All mobile equipment spill kits are designed to manage significant spills and therefore are appropriate for interim management of any spills at Sable. The nearest spill response trailer, which is mobile, is located outside the Emergency Response Team (ERT) bay at the Ekati main camp. All emergency situations at the Ekati Diamond Mine involve dispatching the ERT. If the emergency situation involves a spill, the ERT has immediate access to all of the equipment required to respond to the spill on hand at their muster location, in the spill response trailer. The most appropriate location for all emergency response equipment is the ERT bay as this allows for easy access for immediate response to any emergency regardless of its location and regular inspections of the operational status of all equipment in the trailer. A second mobile spill response trailer is positioned with the Misery ERT, where they can access the equipment quickly</p>	
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			and inspect it regularly. This allows the Misery ERT to respond to a spill in the most timely manner, regardless of location. Storage of an Emergency Response Spill Trailer other than the ERT bays would result in a delayed response as the team would have to travel to the trailer before they could respond to the spill.	
6	Closure and Reclamation Planning	<p>Comment Section 7 of the LUP application makes reference to the Ekati Diamond Mine Interim Closure and Reclamation Plan Version 2.4 while clause 42 of the draft LUP refers to the "approved Closure and Reclamation Plan". While one may reasonably assume clause 42 is referring to ICRP Version 2.4, the reference is not sufficiently explicit.</p> <p>Recommendation Either define "approved Closure and Reclamation Plan" or specifically reference Ekati's ICRP Version 2.4 in draft LUP clause 42.</p>	<p>Apr 29: DDEC will defer to the Board on this comment.</p>	
WLWB: Elissa Berrill				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Engagement Log	<p>Comment The Boards' Engagement Guidelines identify that prior to submitting applications for previously permitted LUPs (including renewals) the proponent is to provide written notification to all affected parties, confirm receipt, and follow-up with each affected party. DDEC submitted an Engagement Log with its application and copies of the</p>	<p>Apr 29: DDEC will update the engagement log to include follow-up communication of receipt of letters.</p>	

		<p>letters that were sent to affected parties. Board staff identify that the log does not indicate whether DDEC followed-up with each party to confirm receipt of written notification.</p> <p>Recommendation Update DDEC's Engagement Log for the Sable Pit LUP to identify when DDEC followed-up with affected parties to confirm receipt of notification letters for this LUP application.</p>		
2	Temporary Camp - water withdrawals	<p>Comment DDEC has indicated that a temporary camp will be set up for the summer of 2016 (mid-June to mid-August) in support of Sable Pit LUP activities. For industrial undertakings, use of less than 100 m3 of water can be used daily without a Water Licence, as defined by the Waters Act. In addition, Part D, Item 2 of DDEC's Water Licence W2012L2-0001 specifies the amount of water DDEC is able to withdraw from Two Rock Lake.</p> <p>Recommendation Indicate the source lake and anticipated volume of water to be used by the Sable Pit temporary camp.</p>	<p>Apr 29: The camp at Sable will use no more than 1 cubic metre of water per day. The water will be taken from Two Rock Lake. Schedule 3, Part D (1) of Water Licence W2012L2-0001 specifies that a total of 143,500 m3 is allowed annually.</p>	
Yellowknives Dene First Nation: Alex Power				
ID	Topic	Reviewer Comment/Recommendation	Proponent Response	Board Staff Response
1	Time Since Environmental Assessment	<p>Comment YKDFN is very concerned that this project is going forward based on an environmental assessment performed sixteen years ago. The development landscape was very different when the initial assessment was undertaken; the</p>	<p>Apr 29: This question is not for Dominion to answer as it is outside of the scope of the review for the Sable Land Use Permit application. Dominion's application is a request for a permit for a development that has fulfilled the requirements of the</p>	

		<p>Jay Project was considered, Diavik was just breaking ground and the Bathurst Herd had not yet collapsed. YKDFN sees this as a clear regulatory gap. There does not seem to be any limit on how long a developer can wait after the completion of environmental assessment to project commencement.</p> <p>Recommendation YKDFN would like to know how long from when the decision following an environmental assessment is long enough for the assessment to no longer apply. For example: 20 years? 50 years? 100 years?</p>	<p>environmental assessment process established by the Mackenzie Valley Resource Management Act, and such development has not been modified since the environmental assessment process was fulfilled.</p>	
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**Northwest
Territories** Environment and Natural Resources

April 22, 2016

Violet Camsell-Blondin
Chair
Wekeezhii Land and Water Board
#1-4905 48th Street
Yellowknife, NT
X1A 3S3

Dear Ms. Camsell-Blondin,

**Re: Dominion Diamond Ekati Corporation
 Land Use Permit Renewal – W2016D0003
 Sable Pit – Mining and Milling
 Request for Comment**

The Department of Environment and Natural Resources, Government of the Northwest Territories, has reviewed the renewal application at reference based on its mandated responsibilities under the *Environmental Protection Act*, the *Forest Management Act*, the *Waters Act*, the *Forest Protection Act* and the *Wildlife Act* and has no comments or recommendations for the consideration of the Board at this time.

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,

Patrick Clancy
Environmental Regulatory Analyst
Environmental Impact Assessment
Conservation, Assessment and Monitoring Division
Department of Environment and Natural Resources
Government of the Northwest Territories



April 14, 2016

Elissa Berrill
Wek'èezhii Land and Water Board
1 - 4905 - 48th Street
YELLOWKNIFE, NT X1A 3S3

Dear Ms. Berrill:

Land Use Permit Application: W2016D0003, Dominion Diamond
Type of Operation: Mining
Location: Sable Pit, Ekati Diamond Mine

The Government of the Northwest Territories (GNWT) reviewed Land Use Permit Application W2016D0003 and recommends that the permit be granted.

Our Inspector, Marty Sanderson, will provide any comments he has directly to the ORS for your consideration.

Comments received from Territorial Lands Administration and the Mining Recorder's Office indicate no concerns.

Thank you for the opportunity to comment on this amendment. Should you have any questions or concerns, please contact our Inspector, Marty Sanderson, at (867) 767-9187, ext. 24186.

Sincerely,

Scott Stewart
Regional Superintendent
North Slave Region

c. North Slave Region (Yellowknife), Department of Lands, GNWT

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