



March 27, 2020

Joseph Mackenzie
Chair
Wek'èezhii Land and Water Board
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Yellowknife, NT
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Jamie Steele
Manager Diamond Resource Management
North Slave Regional Office
Department of Lands Government of the Northwest Territories
#16 Yellowknife Airport Yellowknife, NT X1A 3T2

Re: Temporary Suspension of Activities at the Ekati Diamond Mine During COVID-19 Pandemic – Information on Regulatory Impacts, Update 1

Dominion Diamond Mines ULC (Dominion) has long been committed to the health, safety and well-being of its employees and to establishing strong, lasting and respectful relationships with the people and communities with whom it works. In response to the unprecedented rapidly evolving global COVID-19 pandemic and following the advice and direction from the Public Health Agency of Canada and the Alberta and Northwest Territories governments, effective on Friday March 20, 2020, Dominion temporarily suspended all mining and production activities at the Ekati Diamond Mine (Ekati). As a result of this decision, and until the Coronavirus pandemic is under control, a minimal care and maintenance crew will remain at Ekati¹.

Although Dominion would like to resume activities as soon as possible, there is currently no timeframe established for this period of suspended operations at Ekati. Additionally, to establish one is extremely difficult given the quickness and uncertainty of the unfolding pandemic situation.² However, Dominion will not begin activities at Ekati until it is safe and will focus on minimizing risk and potential spread of COVID-19 to the care and maintenance staff by maintaining small teams, making changes in the kitchen to ensure we follow cleaning guidelines and safe handling and consumption of food, moving to longer rotations (3 weeks on/off), implementing social/physical distancing at Ekati and on flights, and pre-flight screening of

¹ A minimal crew which includes approximately 60 employees for each rotation (total of 120) is in place to maintain the site in such a way that to resume operations once it is safe to do so will happen as smoothly as possible. Additionally, this crew will help to maintain compliance with Ekati's various authorizations provided it is reasonable and safe to do so.

² Some of the information circulating regarding the temporary suspension of activities at Ekati indicates a timeframe of up to four (4) months. Under applicable employment standards legislation, Dominion is required to provide a date in which employees will be brought back to work. Four (4) months was the timeframe that seemed reasonable when this decision regarding the temporary suspension of activities at Ekati was made.



employees. The re-commencement of operations will be determined in collaboration with the appropriate health authorities and governments.

On March 20, 2020 Dominion personnel spoke with the Wek'èezhii Land and Water Board (the Board) Executive Director Ryan Fequet to discuss the temporary suspension of mining activities of Ekati. This correspondence with some initial information regarding changes to our operations and work comes in part from this conversation with Mr. Fequet. Dominion understands that more conversations on these matters will be necessary as we move forward.

Dominion is committed to continuing to meet our regulatory and compliance requirements to the extent that is possible and safe for our remaining staff, contractors, consultants, vendors, and inspectors. We understand that "During a period of temporary closure, all environmental monitoring and administrative duties continue as part of licensing and permitting agreements, which continue to be in force."³ However, there is no question that there will be impacts to some of Dominion's compliance and regulatory efforts as we move through these next few months.⁴ Of course, some impacts cannot be reasonably predicted at this time given the nature of the COVID-19 pandemic.⁵

Upcoming Submissions

Dominion has requested, and was quickly granted, a four week extension to the proponent response deadline for The Fish Response Plan Version 2.0 and the 2019 AEMP Re-evaluation and Design Plan Version 7.0. The quick turn-around time from Board staff in dealing with this request was greatly appreciated and allows the team to focus on the necessary redirection of resources within Dominion in response to the COVID-19 pandemic.

Currently, Dominion anticipates being able to complete the submissions as shown in the table below that are a requirement of Water Licence W2012L2-0001 by the due date. These submissions can be managed through remote work arrangements with Dominion staff from our Ekati, Calgary and Yellowknife teams. Additionally, Dominion will continue to report spills as per the condition(s) of our various Land Use Permits⁶. Note this list is not meant to be exhaustive

³ ICRP Version 3.0, Section 7.0 Temporary Closure, 7.1 page 272. [W2012L2-0001-Ekati-ICRP-Version 3.0-Part 2-Aug 15 18.pdf](#)

⁴ It is important to note that current regulatory and compliance obligations are related to an operating mine. The environmental risks associated with the suspension of operations at Ekati are different than in operations. Dominion will focus compliance efforts within that context being mindful of the safety of our employees or other personnel.

⁵ COVID-19 is an unprecedented situation that has global impacts and right now is affecting every individual in Canada. It is rapidly evolving as people, health care professionals, and governments at all levels work to combat the spread of this disease. To foresee all situations that could arise in terms of Ekati's regulatory and compliance aspects is an impossible task.

⁶ Those timelines are found in this condition which occurs in all permits: For all reportable spills, in accordance with the GNWT Spill Contingency Planning and Reporting Regulations, the Permittee shall: a) immediately report each spill to the 24-hour Spill Report Line (867) 920- 8130; b) report each spill to an Inspector within 24 hours; and c) submit, to the Board and an Inspector, a detailed report on each spill within 30 days.



but to give an idea of the major submissions or activities in the coming months that will move forward uninterrupted so as to help Board staff plan workloads and resourcing.

Item	Authorization	Due Date
2019 Waste Rock and Waste Rock Storage Area Seepage Survey Report	Water Licence W2012L2-0001, Part H Condition 5	March 31, 2020 (3-year report)
2019 Water Licence and Environmental Agreement Annual Report	Water Licence W2012L2-0001, Part B Condition 10	April 30, 2020
2019 Aquatic Effects Management Plan Annual Report	Water Licence W2012L2-0001, Part J Condition 6	April 30, 2020
SNP Reporting	Water Licence W2012L2-0001 SNP	Monthly
Submission of any Response Plans following review of under-ice AEMP results	Water Licence W2012L2-0001 Part J	As required
Notifications	Water Licence W2012L2-0001 Various Conditions	As required

Impacts to Ekati Programs

At this time, Dominion is evaluating how the COVID-19 pandemic and subsequent necessary swiftly implemented temporary suspension of activities at Ekati will impact our programs going forward. Over the next few weeks Dominion commits to review Ekati’s management plans to understand any potential changes to monitoring and management activities. As well, we will review the requirements related to ICRP Version 3.0 work to understand how those efforts may be impacted. Follow up correspondence on this topic will be forthcoming.

Compliance

On March 20, 2020 Dominion was in contact with our Inspector Mr. Jamie Steele, Manager Diamond Resource Management, Government of the Northwest Territories Department of Lands (GNWT-Lands) to inform of the temporary suspension of activities at Ekati. Correspondence was also received from the GNWT dated March 21, 2020 regarding the GNWT’s compliance and enforcement strategy during the pandemic (attached). Dominion acknowledges that we are to “...notify relevant inspectors as soon as possible if there are unforeseen or predicted limitations to availability of industry personnel related to COVID-19 that



may affect the ability to remain in compliance with relevant authorizations, legislation, or required management and monitoring plans.” As mentioned, Dominion is committed to continuing to meet our regulatory and compliance requirements to the extent that is possible and safe for our remaining staff.

In keeping with a request from the Business Council of Canada (on behalf of the Mining Association of Canada) to The Honourable Jean-Yves Duclos President of the Treasury Board dated March 20, 2020 (attached) we ask that the Board and the Inspector:

...on an interim basis, take a flexible approach on regulatory compliance where there is no adverse health or safety impact by simplifying the requirement, eliminating the requirement, or extending by 6 months (and revisiting further extensions as needed)...

Communication

As per the GNWT’s March 21, 2020 letter Dominion agrees with the statement that communication will be critical during this time. Dominion remains dedicated to continuing the open and honest communication that has been a central component of our approach and relationship to date. Dominion has a plan to work with the affected parties for the Ekati Mine and will continue to follow the approved Ekati Mine Engagement Plan Version 4.1⁷ to help determine how best to keep communities and Indigenous governments informed.

Undoubtedly, during this unforeseen and unprecedented time, there will be a requirement to adjust how we work with one another. It is likely that we will all be looking at new and innovative ways to keep information flowing. Dominion commits to remain in contact with both the Inspector and Board staff on a regular, ongoing, and as-needed basis until such time as operations resume and production is again underway at Ekati. We would like to take this opportunity to request a call with Board staff and the Inspector to determine the proper frequency and nature of our communications.

Dominion looks forward to the continuation of working with Board staff and the Board cooperatively during this difficult time. If there are any questions or concerns, please feel free to contact any of the undersigned personnel.

Sincerely,

Claudine Lee

Head of Health, Safety, Environment, Communities (HSEC) and Training

Phone: 867-446-3719, email: claudine.lee@ddcorp.ca

⁷ See the WLWB online public registry at: [W2012L2-0001-Ekati-Engagement Plan-Version 4.1-Jul 27_18.pdf](#)



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Superintendent – Environment Operations
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Lynn Boettger
Superintendent – Permitting
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Attachments:

- Government of the Northwest Territories Compliance and Enforcement Strategy COVID-19 March 2020 dated March 21, 2020
- Business Council of Canada Re: Federal, Provincial and Territorial Regulatory Compliance Challenges Presented by COVID-19 dated March 20, 2020

cc

Marc Casas, Executive Director, Independent Environmental Monitoring Agency

Lorraine Seale, Director, Securities and Project Assessment, Government of the Northwest Territories Department of Lands

Melissa Pink, Manager, Project Assessment, Government of the Northwest Territories Department of Lands

Laurie McGregor, Climate Change and Air Quality, Government of the Northwest Territories Department of Environment and Natural Resources

Loretta Ransom, Manager, Environmental Assessment and Monitoring, Government of the Northwest Territories Department of Environment and Natural Resources

Rick Walbourne, A/Director Water Management and Monitoring Division, Government of the Northwest Territories Department of Environment and Natural Resources

Adrian Paradis, Senior Project Manager, Canadian Northern Economic Development Agency



March 21, 2020

Ms. Colleen Hughes
Environmental Superintendent
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The DeBeers Group of Companies
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Ms. Claudine Lee
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Mr. Sean Sinclair
Principal Advisor
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5210 50TH AVENUE
YELLOWKNIFE NT X1A 2P8

Ms. Michelle Peters
Superintendent, Asset and Environment
Snap Lake
The DeBeers Group of Companies
300 5210 49th STREET
YELLOWKNIFE NT X1A 1P8

Dear Ms. Hughes, Mr. Sinclair, Ms. Lee, Ms. Peters:

**Government of the
Northwest Territories Compliance and Enforcement Strategy COVID-19 March 2020**

The Covid-19 outbreak is impacting people in the Northwest Territories (NWT), Canada and the rest of the world. The first priority of the Government of the Northwest Territories (GNWT) is the health and safety of our Inspectors, the Public and protection of the environment.

Compliance with relevant authorizations, legislation, and associated management and monitoring plans is still required even in the midst of a global pandemic, but the tools we use to maintain and monitor compliance will be adapted to minimize human contact while at the very least maintaining our current levels of communication with companies operating in the NWT.

The need for social distancing and potentially self-isolation and quarantine are affecting our approach to compliance and enforcement of Water Licenses, Land Use Permits, Leases and required management and monitoring plans (e.g. Wildlife Management and Monitoring Plans) in the NWT.

The GNWT has moved to have all staff work from home and this includes inspectors monitoring compliance at industrial sites throughout the NWT.

.../2

Although inspectors may be working from home on a day to day basis, on-site inspections will still be required so that companies operating can demonstrate compliance and inspectors can verify and report on the status of active operations. Every effort will be made to maintain social distancing and minimize the risk to both the people working at site and the inspector who will be returning home at the end of the day.

Communication between inspectors and site personnel will be critical during this time. The GNWT will be using government vehicles and aircraft charters for any remote site inspections required. No use of industry charters is being contemplated to minimize the risk of exposure to inspectors or people working at industrial sites. Wherever possible we will rely on industry personnel to demonstrate compliance through photographs, providing weekly updates and in general demonstrating a commitment to compliance. We expect proponents to notify relevant inspectors as soon as possible if there are unforeseen or predicted limitations to availability of industry personnel related to Covid-19 that may affect the ability to remain in compliance with relevant authorizations, legislation, or required management and monitoring plans.

Thank you for your continued commitment to compliance and cooperation during this difficult time. If you have any concerns, please contact Scott_Stewart@gov.nt.ca or at 867-767-9187 EXT. 24185.

Sincerely,



Scott Stewart
Regional Superintendent
North Slave Region
Lands



Rick Walbourne
A/Director
Water Management &
Monitoring Division
Environment and Natural Resources

c. Mr. Conrad Baetz
Assistant Deputy Minister, Operations
Lands

Mr. Ryan Fequet
Executive Director
Wek'eezhii Land and Water Board

Ms. Shelagh Montgomery
Executive Director
Mackenzie Valley Land and Water Board

March 20, 2020

The Honourable Jean-Yves Duclos
President of the Treasury Board

**Re: Federal, Provincial and Territorial Regulatory Compliance Challenges
Presented by COVID 19**

Dear Minister Duclos,

I am writing on behalf of the below-mentioned industry associations to highlight that the elevated social mobility limitations essential to combatting the COVID 19 pandemic are presenting challenges to our member companies' ability to comply with various regulatory requirements at all levels of government. We represent a substantial cross-section of industrial businesses that operate in every province and territory and collectively employ millions of Canadians. Their top priority is the health and safety of those employees, their contractors and the communities in which they do business.

To be clear, we support the collaborative and measured approach that governments at all levels have taken to prioritize the well-being of Canadians in the face of this unprecedented public health challenge. We recognize that extraordinary measures are required to flatten the contagion curve, including social distancing, physical isolation and quarantine. Our member companies are following the guidance of public health authorities, with measures including encouraging employees to work from home where possible, cancelling all non-essential travel, and limiting site-access for all non-essential personnel. In short, we are fully committed to these new protocols which will help keep our employees, our communities and Canadians healthy.

While we acknowledge these are the right actions at this time, in so practicing them our members are quickly becoming aware of certain implications to their legal obligations that are unlikely to change until the spread of the virus abates. To meet regulatory requirements companies are frequently required to sample, test, use external laboratories, report and verify/audit a host of information, ranging from GHG and air emissions to fuel regulations, effluent quality and fish habitat, among others. These activities often are undertaken by 3rd party specialized

service providers, many of whom have also severely limited their operations and the social mobility of their employees in response to the COVID 19 pandemic.

In short, the prioritization of the public health response to COVID 19 by our members and their service providers works against their ability to achieve regulatory compliance in many instances. Failure to comply also can result in penalties, and potentially reputational damage.

In light of the exceptional circumstances now facing Canada, and the scale of the public and private sector response needed to address this pandemic, we respectfully request the following:

Governments at all levels, on an interim basis, take a flexible approach on regulatory compliance where there is no adverse health or safety impact by simplifying the requirement, eliminating the requirement, or extending by 6 months (and revisiting further extensions as needed) and committing to waiving administrative or other penalties for the same period.

Our members' limited capacity at this time has been completely re-focused on efforts to mitigate the spread of COVID 19 and protect both their employees and the public. Having regulatory certainty in accordance with the above recommendation will enable a sustained maximum focus on this critical task, without diverting resources or inadvertently elevating public health risks.

Sincerely,

John Dillon
Senior Vice President, Policy and Corporate Counsel



On behalf of:

Mining Association of Canada
Forest Products Association of Canada
Chemistry Industry Association of Canada
Cement Association of Canada
Canadian Nuclear Association
Canadian Electricity Association
Aluminum Association of Canada
Federal Co-operatives Limited
Fertilizer Canada

Canadian Gas Association
Responsible Distribution Canada
Canadian Steel Producers Association
Business Council of British Columbia
Global Automakers of Canada
Canadian Manufacturers & Exporters
Canadian Fuels Association
Canadian Vehicle Manufacturers' Association
Canadian Energy Pipeline Association
Canadian Paint and Coatings Association
Canadian Association of Petroleum Producers

c.c.

The Honourable Travis Toews, President of Treasury Board and Minister of Finance – tbf.minister@gov.ab.ca

The Honourable Carole James, Minister of Finance and Deputy Premier – FIN.Minister@gov.bc.ca

The Honourable Scott Fielding, Minister of Finance – minfin@leg.gov.mb.ca

The Honourable Ernie Steeves, Minister of Finance and Treasury Board – Ernie.Steeves@gnb.ca

The Honourable Karen Lynn Casey, Minister of Finance – FinanceMinister@novascotia.ca

The Honourable Tom Osborn, Minister of Finance and President of Treasury Board – financeminister@gov.nl.ca

The Honourable George Hicks, Minister of Finance and Chairman of the Financial Management Board – ghickes@gov.nu.ca

The Honourable Caroline Wawzonek, Minister of Finance – Caroline_wawzonek@gov.nt.ca

The Honourable Peter Bethlenfalvy, President of the Treasury Board – Peter.Bethlenfalvy@Ontario.ca

The Honourable Darlene Compton, Minister of Finance – dcomptonminister@gov.pe.ca

The Honourable Christian Dube, Minister Responsible for Government Administration – cabinet@sct.gouv.gc.ca

The Honourable Donna Harpaeur, Minister of Finance – fin.minister@gov.sk.ca

Premier Sandy Silver, Minister of Finance – sandy.silver@gov.yk.ca